ARIZONA JUVENILE TRANSFER STUDY:

JUVENILES TRANSFERRED TO ADULT COURT 1994

Arizona Supreme Court
Administrative Office of the Courts
Adult Services Division, Suite 344
Juvenile Justice Services Division, Suite 337
1501 West Washington
Phoenix, Arizona 85007

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Elizabeth W. McNulty, Ph.D.

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Executive Summary

This report of the Arizona Juvenile Transfer Study documents findings from a comprehensive study of the 530 juveniles transferred to adult court in 1994. The study examines the transfer process and its impact. The report provides descriptive information obtained from juvenile court records and examines the results of adult court sentencing and the performance of juvenile offenders while under the supervision of adult probation.

Descriptive information on 1994 transferred juveniles includes:

- Predominately male and over age 16;
- Minority youth over-represented--more evident in some offense categories;
- Fifty-six percent with more than 5 prior referrals to juvenile court;
- More than 8 out of 10 with prior use of at least one juvenile court-related service (PIC-ACT, juvenile probation, JIPS, ADJC);
- Few with full use of the continuum of juvenile court-related services;
- High percentage of females with no prior use of any service.

The sentences received in adult court include:

33% Standard probation;

32% Department of Corrections (DOC);

16% Intensive Probation Supervision (IPS);

8% Dismissal, acquittal or deferred prosecution;

7% Shock incarceration;

5% Jail.

Analysis of adult court sentencing:

- Points to criminal history, offense-related and demographic characteristics that impact sentencing decisions;
- Further research recommended to examine underlying dimensions of identified variables.

Transferred juveniles placed under the supervision of adult probation:

- Similar percentages of juveniles on standard probation (59%) and IPS (62%) still currently under supervision at least 8 months after sentencing;
- Smaller percentage of juveniles sentenced to shock (48.4%) still currently under supervision in a similar time period.
- 68% of transferred juveniles placed on adult probation had treatment ordered at time of sentencing;
- Half of these juveniles received treatment.

Of those with treatment ordered:

- A higher percentage of transferred juveniles on standard probation who received treatment were still currently under supervision than those who did not receive treatment;
- An even larger difference seen between the status of IPS transferred juveniles who received treatment and those who did not.

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Introduction

This study examines 530 Arizona juveniles transferred to adult (criminal) court for sentencing in 1994. The study incorporates information from juvenile court and adult court to describe and analyze various aspects of the process. The report centers on three topics:

- *Comparative profiles of juvenile offenders transferred to adult court;*
- *Adult court sentencing of juvenile offenders*;
- *Progress of transferred juveniles placed on adult probation.*

The report begins with an overview of the transfer process in general, followed by a description of Arizona procedures. This is followed by information on juveniles transferred to adult court in 1994 drawn from selected demographic, offense, criminal history and court history data from the juvenile court. Included in this section are comparisons of offense and history information by gender, age and ethnicity. The next section focuses on information subsequent to transfer, beginning with sentences received in adult court. Incorporated into this section are the results of an analysis of characteristics more likely to result in an incarcerative sentence. The next section addresses issues related to juveniles placed under the supervision of Adult Probation Departments. Here, the analysis looks at how well juveniles on adult probation fare. Specifically, consideration is given to the relationship between treatment and probation.

Background

The Transfer of Juveniles to Adult Court

Criteria used to qualify juveniles for transfer and the available mechanisms for transfer vary from state to state, although the scope of both has expanded in recent years (Chanen 1995). Currently, the criteria of age, offense and criminal history, alone or in combination, legitimate the transfer of juvenile offenders to adult court. Traditionally, age 18 marked the dividing line between juvenile and adult jurisdiction in most states. In recent years, eleven states have moved this dividing line back--eight states to age 17 and three states to age 16. Similar variation exists in the range of qualifying offenses.

Judicial waivers, permitted in 47 states and the District of Columbia, continue to be the most common mechanism for transfer (Feld 1987; Snyder and Sickmund 1995). In *Kent* v. *United States* (1966), the U.S. Supreme Court held that judicial waivers carry with them certain procedural safeguards. These include "the right to a hearing, representation by counsel, access to information considered in reaching the decision to waive jurisdiction, and a statement of reasons for the waiver" (Bishop and Frazier 1991, p. 284). Additional criteria, such as, the seriousness of the offense, maturity, rehabilitative potential of the juvenile and community safety, are meant to be considered as well.

Additional mechanisms by which a juvenile can be transferred to criminal court include legislative waiver and prosecutorial waiver. Thirty-seven states currently permit legislative waiver. This vehicle establishes age and offense parameters by statute that

are excluded from juvenile court jurisdiction. However, critics argue that legislative waiver merely shifts discretion from juvenile justice officials to criminal justice officials (Singer 1993; Zimring 1991).

Prosecutorial waiver, also called "direct file", is permitted in 10 states, where the juvenile and adult courts have concurrent jurisdiction. As such, prosecutors decide the venue for filing. Feld (1987) notes that prosecutors are more likely to "emphasize retributive considerations over rehabilitative ones, and, as adversaries, less likely to consider the welfare of the accused" (p. 514).

Transfer in Arizona

The *Arizona Rules of Procedure for the Juvenile Court* (Rules 12, 13, 14) prescribe the process for transfer. Accordingly, although the juvenile court normally retains jurisdiction until age 18, county attorneys may request that the juvenile court transfer selected juveniles to adult (criminal) court. The resulting transfer hearing involves both the determination of probable cause and the determination of transfer. Following the establishment of probable cause, the juvenile court considers selected criteria related to the offense, the juvenile's delinquent history and the potential for rehabilitation within the juvenile system, in light of public safety.[1]

A recent amendment to the Rules of Procedure establishes "presumptive" transfer for juveniles ages 16 or older who commit violent, serious or repetitive offenses (*Arizona Supreme Court Rules of Procedure for the Juvenile Court*, Rule 14, effective December 1, 1994). Offenses which qualify for presumptive transfer include: first and

second degree murder, aggravated assault involving a deadly weapon causing serious physical harm, sexual assault involving a deadly weapon or a felony following four or more delinquency adjudications. In addition, "transfer deferral" allows for the delay of the transfer *decision* while probation or treatment are attempted within the juvenile court (Rule 14.1).

Increases in Juveniles Transferred

A recent report by the Office of Juvenile Justice and Delinquency Prevention found a sixty-eight percent increase nationwide in the number of juveniles transferred to adult court through judicial waivers between 1988 and 1992 (Snyder and Sickmund, 1995). In Arizona, the number of juveniles transferred in the two largest counties (Maricopa and Pima, containing 73% of the ages 8-17 year old population) between 1989 and 1993 increased substantially.[2] However, as with the national data, it is not known whether these increases reflect a similar increase in transfer *requests* or merely an increase in the proportion of requests for transfer that are *granted*. Similarly, it is not known to what extent increases in the at-risk juvenile population have affected this increase.

Research Design

Juvenile court records indicate that 530 Arizona juveniles were transferred to adult court during fiscal year 1994 (July 1, 1993-June 30, 1994). Data on these juveniles were obtained from both the juvenile courts and adult probation departments.

Criminal history, demographic and offense information was obtained from each county's Juvenile On-Line Tracking System (JOLTS), an automated juvenile court information management system, operational statewide since 1994.

In February 1995, all fifteen county Adult Probation Departments were sent a letter requesting their participation in a research project on transferred youth (See Appendix). Each department was asked to provide selected information on the transferred juveniles from their county. In order to facilitate the process, each department was provided with a worksheet that identified all county juveniles who were transferred to adult court during 1994 (See Appendix). Each department was asked to supply the following information on each listed juvenile: adult court sentence(s), current status of juvenile[3], treatment services ordered at time of sentencing and treatment services received at the time of data collection. This information was provided by all departments within 60 days, entered into a database and merged with the existing juvenile court database.

At the time of this subsequent data collection from adult court, the sentences of 10.9% (N=58) of these cases were unknown, because the cases were still pending prosecution in adult court. Thus, descriptive information is provided on all 530 transferred youth, while analysis following adult court sentencing is limited to the 472 juveniles for whom the sentence in adult court was known.

Limitations

Previous research indicates that not all cases *considered* for transfer actually result in a transfer to adult court. Some requests for transfer are later withdrawn, while other requests are denied by the juvenile court judge. In Arizona, Bortner (1992) found that the majority of youth (approximately 65%) considered for transfer during 1990 were not, in fact, transferred. Currently, the statewide juvenile court automated data system does not allow for the identification of transfer requests with their subsequent results. Thus, there is no attempt in this report to consider the differences between the two groups.

The variable "offense severity" references the severity of the most serious offense that the juvenile was charged with in juvenile court. Although a juvenile may be charged with more than one offense, charges for less serious offenses are not represented here. A complete list of all offenses (and the number of juveniles with each offense) included in each of the four severity categories used in these analyses can be found at the end of the text.[4] It is important to note that the offense severity category of "violent, crimes against persons" used in these analyses likely includes more offenses than categories of "violent" used in other research.

Finally, while information is included on the *number* of prior referrals to juvenile court that transferred juveniles received, information was not available on the *severity* of these prior referrals.

Juvenile Court Information: Juveniles Transferred to Adult Court 1994

This section describes the population of juveniles transferred to adult court, beginning with **demographics**–*age, gender, ethnicity* and *county*. Next, the distribution of the **severity of offense** categories is listed, along with information on any differences observed in these categories by gender, age and ethnicity. This is followed by distributions of **criminal and court history** for this group of juvenile offenders. Specifically displayed are the number of *prior referrals* to the juvenile court, and, for those juveniles with prior referrals, the number of *prior court diversions to PIC-ACT*[5] (Progressively Increasing Consequence Act), as well as, prior *court dispositions to: juvenile probation, JIPS* (Juvenile Intensive Probation Supervision) and *ADJC*[6] (Arizona Department of Juvenile Corrections). Information is also provided on the utilization of the continuum of these court-related services, looking at the *number of different services* that were utilized by each previously referred juvenile prior to transfer. Differences in these distributions by gender, ethnicity and age are reported to illustrate dissimilar patterns within these groups.

Profiles of Transferred Juveniles: Demographics

Table 1: *Age*

AGE	NUMBER	PERCENT
14[7]	4	.8
15	33	6.2
16	104	19.6
17	381	71.9
18	8	1.5
TOTAL	530	100

Table 2: *Gender*

GENDER	NUMBER	PERCENT
MALE	506	95.5
FEMALE	24	4.5
TOTAL	530	100

Table 3: *Ethnicity*

ETHNICITY	NUMBER	PERCENT
ANGLO	197	37.2
HISPANIC	235	44.3
AFRICAN-AMERICAN	75	14.2
NATIVE AMERICAN	22	4.2
ASIAN	1	.2
TOTAL	530	100

Table 4: *County*

COUNTY	NUMBER	PERCENT
APACHE	4	.8
COCHISE	9	1.7
COCONINO	7	1.3
GILA	7	1.3
GRAHAM	2	.4
GREENLEE	1	.2
LA PAZ	4	.8
MARICOPA	339	63.9
MOHAVE	42	7.9
NAVAJO	5	.9
PIMA	74	13.9
PINAL	15	2.8
SANTA CRUZ	4	.8
YAVAPAI	7	1.3
YUMA	10	1.9
TOTAL	530	100

The demographics of the juveniles transferred in Arizona are consistent with those found in a recent study by the U.S. General Accounting Office (1995). Table 1 shows that the majority of transferred juveniles were older--almost three-quarters of them were 17. Table 2 demonstrates that the population was overwhelmingly male.

Table 3 displays the ethnic distribution, which varies considerably from the ethnic distribution of Arizona's juvenile (ages 8-17) population: Hispanic 29%; Anglo 58%; African American 4%; Native American 8%; Asian/Pacific Islander 2%; Other <1% (Arizona Supreme Court, Administrative Office of the Courts 1994) .

Finally, Table 4 provides the county distribution of the transferred population. This varies somewhat from the general juvenile (ages 8-17) population county distribution[8]. A variety of county policies and procedures could contribute to this variation.

Profiles of Transferred Juveniles: Offense Severity

Table 5: *Offense Severity*

OFFENSE SEVERITY	NUMBER	PERCENT
VIOLENT Crimes Against Persons	255	48.1
GRAND THEFT Crimes Against Property	195	36.8
DRUGS	52	9.8
OTHER	28	5.3
TOTAL	530	100

Analyses were conducted to determine whether males and females, different age groups and different ethnic groups had similar distributions within these offense severity categories. There were only slight differences in the offense severities of males and females and these differences were not statistically significant.

The following two charts display statistically significant differences in the four severity categories for different age groups and ethnic groups. As shown in Figure 1: *Offense Severity by Age,* three out of the four young offenders (age 14) had offenses in the category "violent, crimes against persons", compared to less than half (44%) of the older offenders (age 17) with offenses in this category. Also, a higher percentage of older offenders was seen in the category of property crime offenses ($p<.05$).

Figure 2: *Offense Severity by Ethnicity* shows distinct differences in the distribution of the offense severity categories attributed to each ethnic group ($p<.005$). For example, the percentage of Anglo youth with property crimes was highest when compared to other ethnic groups. The percentage of African-American juveniles with offenses in the category of "violent, crimes against persons" was highest when compared to other ethnic groups. Finally, the percentage of Hispanic youth with "drug" offenses was highest when compared to the other ethnic groups.

Figure 1: Offense Severity by Age

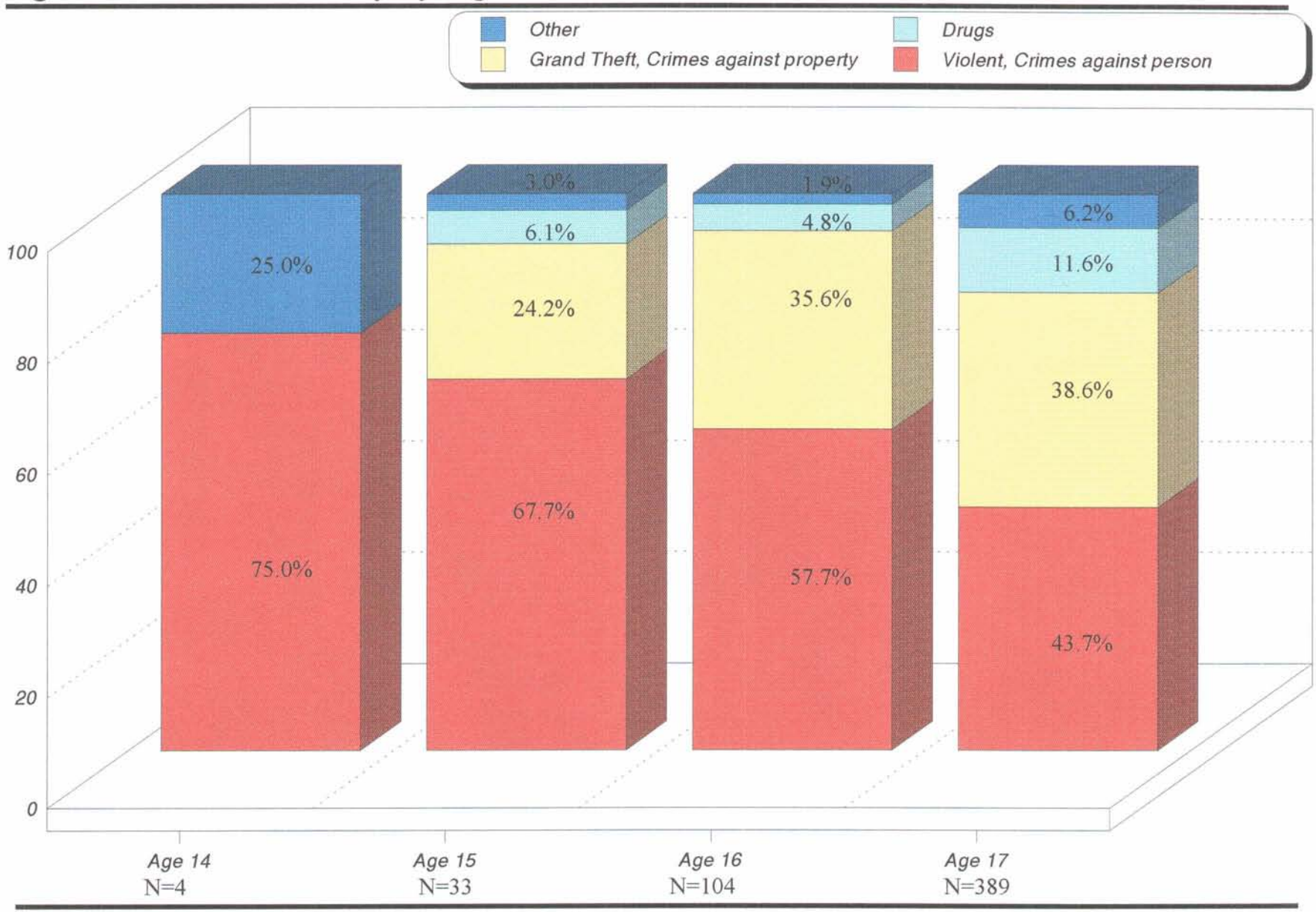
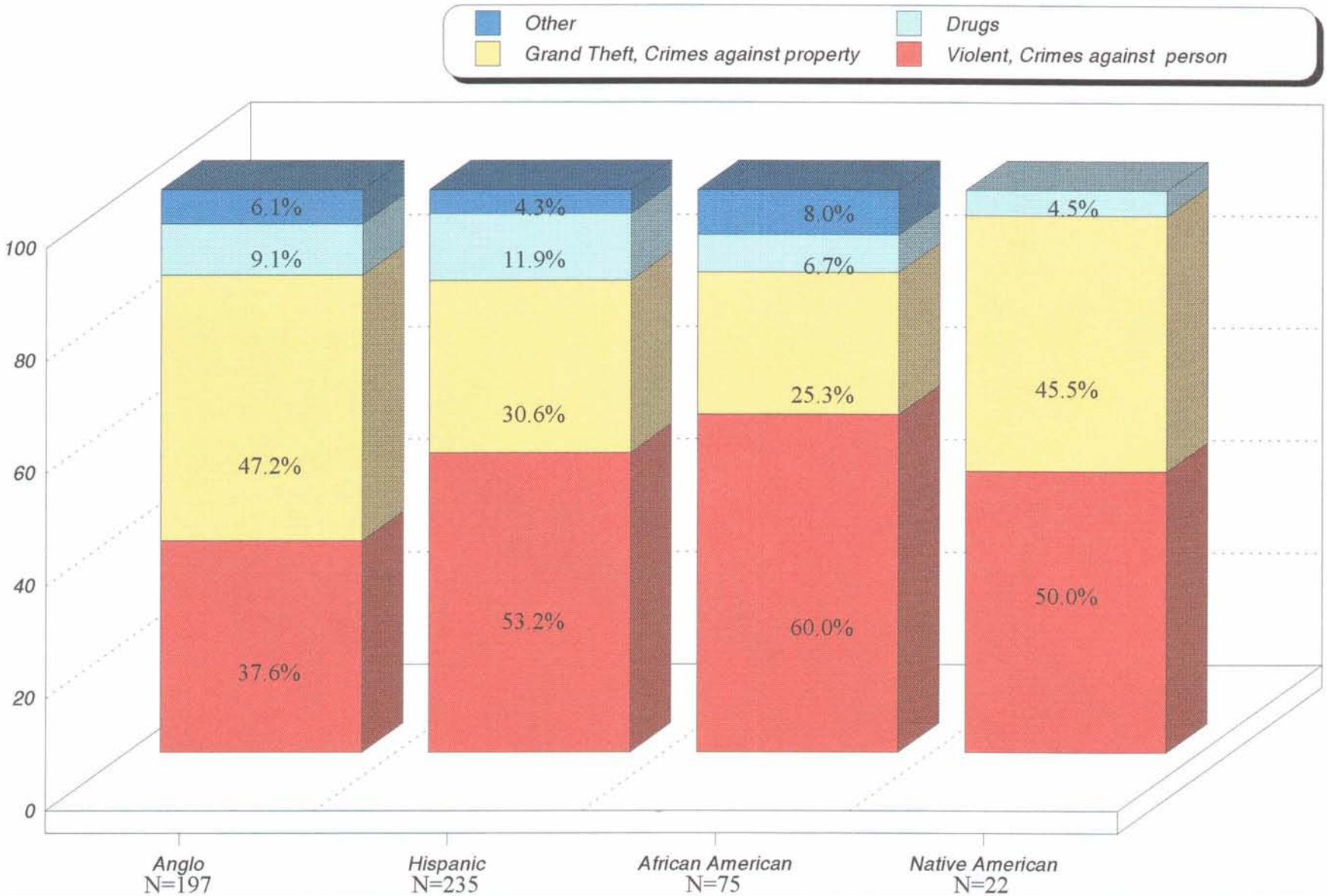


Figure 2: Offense Severity by Ethnicity



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Profiles of Transferred Juveniles: Criminal and Court History

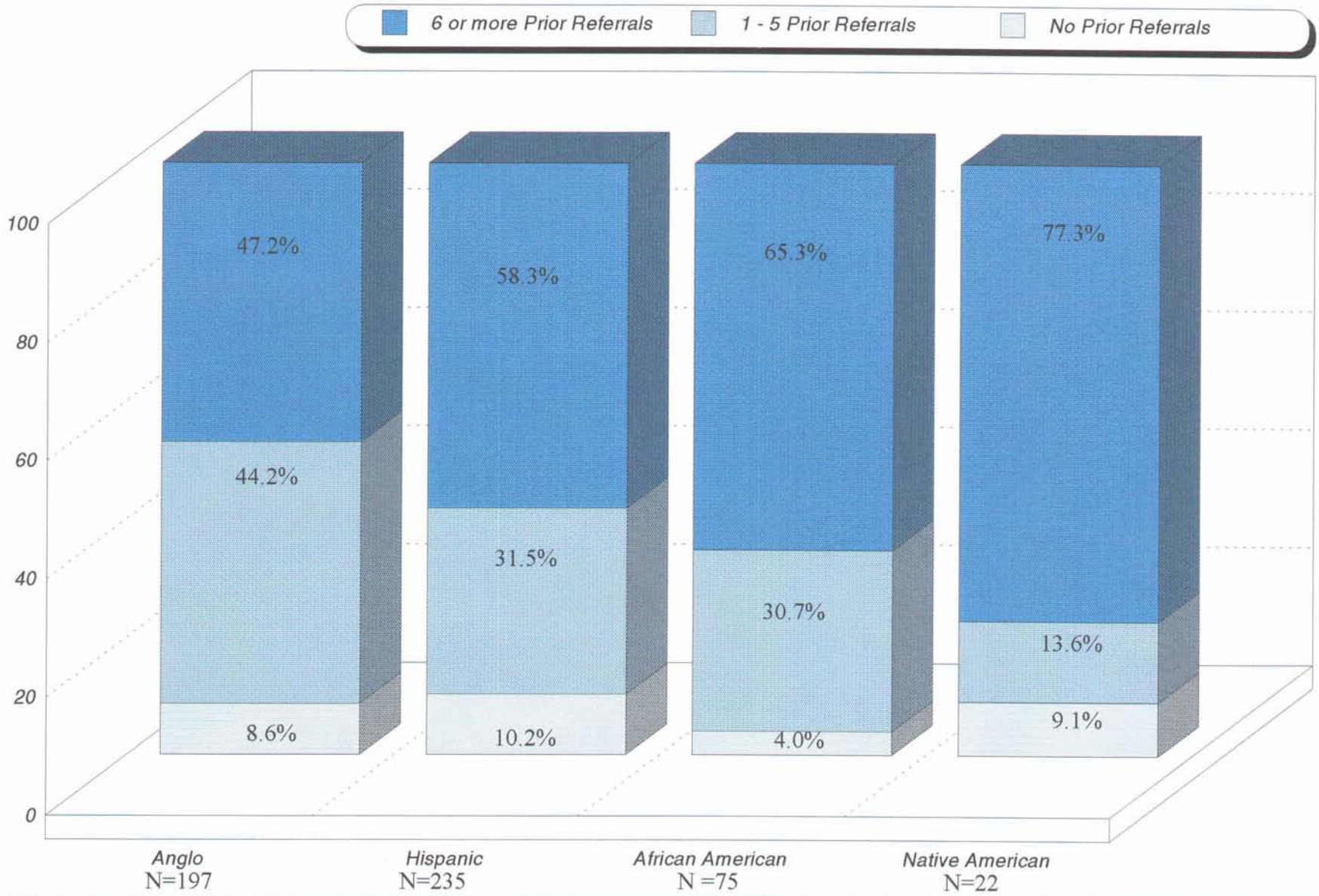
The distribution of prior referrals in Table 6 below shows that the majority of transferred juveniles had numerous prior referrals. Less than one out of ten (8.7%, N=46) had no previous history with the juvenile court (almost half of these (44%) were charged within the offense severity category "violent, crimes against persons"). More than half (56%, N=297) of the transferred juveniles had six or more prior referrals. .

Table 6: *Prior Referrals to Juvenile Court*

PRIOR REFERRALS	NUMBER	PERCENT
NONE	46	8.7
1-5	187	35.3
6 OR MORE	297	56.0
TOTAL	530	100

There was little variation in the gender distribution and the age distribution within the categories of number of prior juvenile court referrals. However, there were statistically significant differences by ethnicity ($p<.01$). In Figure 3: *Prior Juvenile Court Referrals by Ethnicity*, a different pattern of prior referral distributions can be seen between ethnic group. Anglo youth have the lowest percentage of numerous prior referrals (6 or more), while the percentage of Native American youth with numerous prior referrals is the highest. Also notable is the finding that a very small percentage of African-American youth had no prior referrals--less than half the percentage of Anglo youth, the group with the next highest percentage.

Figure 3: Prior Juvenile Court Referrals by Ethnicity



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Tables 7-10 display use of court-related services by juveniles *with prior referrals (N=484)*. These include: PIC-ACT, juvenile probation, JIPS and ADJC. It is not known to what extent eligibility requirements precluded the diversion or disposition of some of these juveniles to these services following prior referrals. For a description of these eligibility requirements, see *Juveniles Processed in the Arizona Court System FY 95.*

In particular, most of the transferred juveniles (73%, N=354) had no prior dispositions to JIPS. Similarly, more than half (54%, N=262) had not received a prior disposition to ADJC. Table 11 summarizes prior use of the continuum of juvenile court-related services by displaying the number of previously referred juveniles with prior dispositions to "none", "some", or "all" of these services[9]. While most of these juveniles with prior referrals to the juvenile court had received at least one of the above services, some (13%, N=65) had received no services and only approximately one out of ten had received all services. Together the tables show that, despite the perception that transferred juveniles have exhausted the continuum of services of the juvenile court, the data do not confirm this.

Table 7: *Prior Diversions to PIC-ACT*

PRIOR PIC-ACT	NUMBER	PERCENT
NONE	212	43.8
ONE	164	33.9
TWO	78	16.1
THREE OR MORE	30	6.2
TOTAL	484	100

Table 8: *Prior Dispositions to Juvenile Probation*

PRIOR PROBATION	NUMBER	PERCENT
NONE	172	35.5
ONE	145	30.0
TWO	92	19.0
THREE OR MORE	75	15.5
TOTAL	484	100

Table 9: *Prior Dispositions to Juvenile Intensive Probation Supervision (JIPS)*

PRIOR JIPS	NUMBER	PERCENT
NONE	354	73.1
ONE	88	18.2
TWO	33	6.8
THREE OR MORE	9	1.9
TOTAL	484	100

Table 10: *Prior Dispositions to Arizona Department of Juvenile Corrections (ADJC)*

PRIOR ADJC	NUMBER	PERCENT
NONE	262	54.1
ONE	148	30.6
TWO	55	11.4
THREE OR MORE	19	3.9
TOTAL	484	100

Table 11: *Use of Continuum of Juvenile Court-related Services (PIC-ACT, Juvenile Probation, JIPS, ADJC)*

PRIOR SERVICES	NUMBER	PERCENT
NONE	65	13.4
ONE, TWO OR THREE	365	75.4
ALL SERVICES	54	11.2
TOTAL	484	100

With one exception, there were little differences by gender in each of the prior court-related services for those with prior referrals. In each case, a slightly higher percentage of males had prior use of PIC-ACT, juvenile probation and ADJC, than the percentage of females, although these differences were not statistically significant. However, the differences in prior use of JIPS by males and females was significant. Less than 5% of the females had a previous disposition to JIPS, compared to 28% of the males ($p<.05$).

There were no statistically significant differences between age groups in the prior use of each of the court-related services. However, the expected pattern of older offenders having more prior use was not apparent.

There were no significant differences by ethnicity in the prior usage of PIC-ACT, juvenile probation or JIPS. However, there was a difference for prior commitments to ADJC. The percentage of each ethnic group with prior commitments to ADJC were: Anglo 38%; Hispanic 48%; African-American 50%; Native American 70% ($p<.05$).

When examining the use of the continuum of prior court-related services, there

were no statistically significant differences by age or ethnicity. However, the difference in usage by gender was significant ($p<.05$). Almost one out of three females (29%) had no prior services (compared to 13% of the males), and none of the females (0%) had used all of the prior services (compared to 12% of the males).

Summary of Juvenile Court Information

The preceding descriptive information on the demographics, offense severity and criminal and court history of Arizona's transferred juveniles is consistent with past research, local and nationwide. Demographics of the transferred population identify this as an overwhelmingly male population. Not surprisingly, a high percentage of juveniles transferred were 17 years old. While this could suggest that the perception of limited time for rehabilitation and/or punishment plays a major role in constituting the transfer population, previous research in Arizona suggests otherwise. Specifically, Bortner (1992) found that although 84% of those transferred were 17, slightly more than half of the 17 year olds who were *considered* for transfer were *not* transferred.

Similar to earlier research in Arizona, these data show that minority youth are over-represented in the transfer population (Bortner et al, 1990). In addition, this over-representation is more evident within selected offense categories.

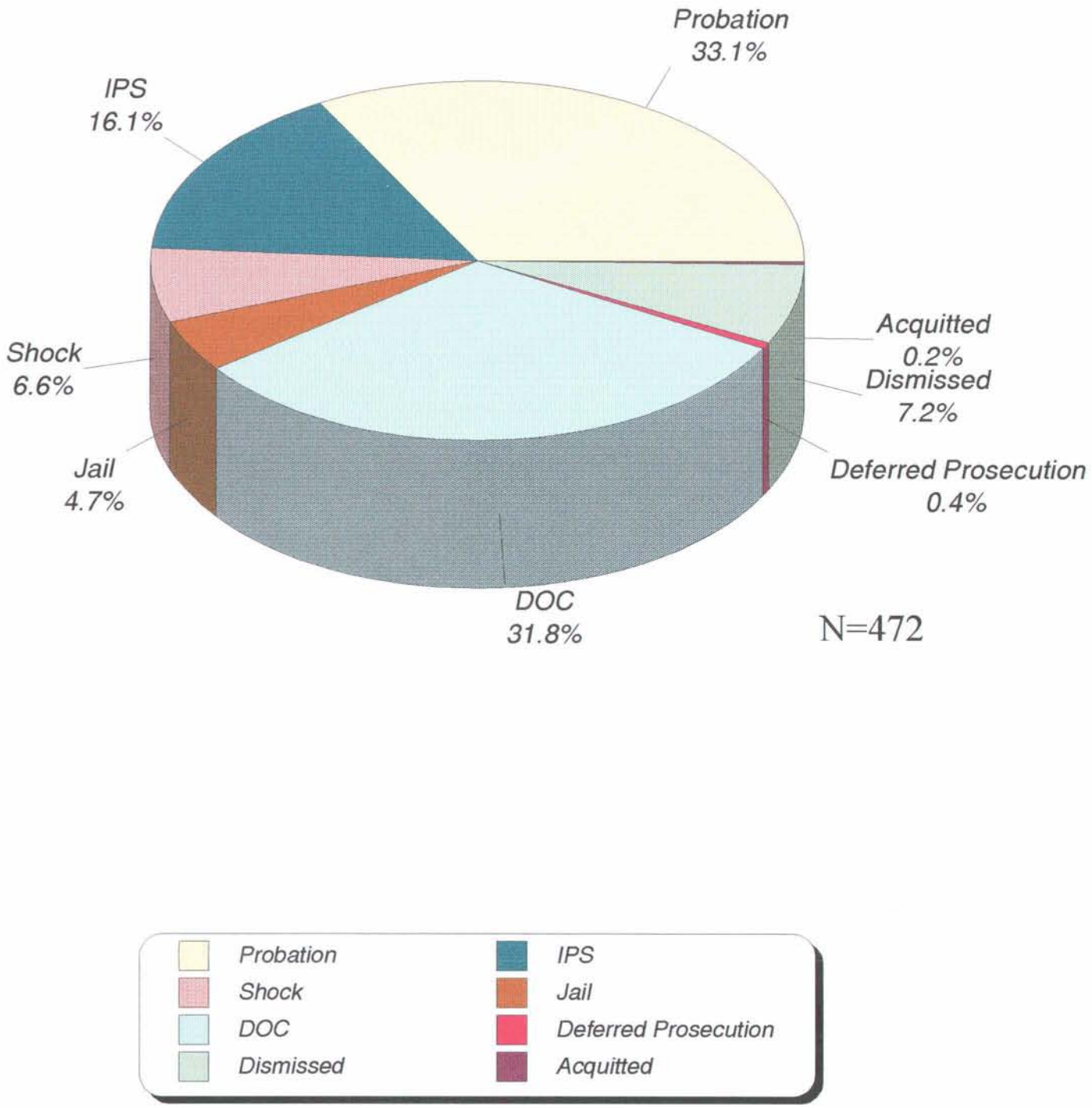
While many transferred juveniles had utilized one or more prior services through the juvenile court, analysis suggests that, despite the perception that transferred juveniles have exhausted the continuum of services of the juvenile court, the data do not confirm this. This is particularly evident in the small female cohort.

Adult Court Information: Sentencing

Sentences Received

At the time of data collection, the sentences received by 472 transferred juveniles were known. As can be seen in Figure 4: *Adult Court Sentences of Transferred Juveniles 1994,* thirty-three percent (N=156) were placed on standard probation, thirty-two percent (N=150) were sentenced to the Department of Corrections (DOC), sixteen percent (N=76) were placed on Intensive Probation Supervision (IPS), seven percent (N=31) received shock incarceration[10] and five percent (N=22) were sentenced to jail. The outcome for the remaining 7.8% (N=37) included dismissal (N=34), acquittal (N=1) and deferred prosecution (N=2).

Figure 4: Adult Court Sentences of Transferred Juveniles-1994



Who Receives Incarcerative Sentences?

This section considers the question of which juveniles were more likely to receive an incarcerative sentence following transfer. The analysis focuses on the relationship of selected demographic, criminal history and offense variables to sentencing patterns of juveniles in adult court. For this analysis, a distinction was made between "incarcerative sentences", which included DOC or jail, and a "probation sentence", which included standard probation, IPS and shock.[11] Using this distinction, the majority of transferred juveniles received either an incarcerative sentence (43%, N=203), or a probation sentence (49.2%, N=232).

The purpose of the analysis was to identify elements that affected the likelihood of receiving an incarcerative sentence in adult court, while simultaneously controlling for all other included independent variables. Logistic regression was employed to determine the likelihood of receiving an incarcerative sentence, compared to any other sentence.[12] This statistical procedure considers the effects of various elements together, by essentially "controlling for" the combined effects of other variables. The results consider changes in the "odds" of a transferred juvenile receiving an incarcerative sentence in adult court associated with each variable, while *controlling for the simultaneous effects of the additional independent variables included in the analysis.*

Five variables significantly altered the likelihood of similarly situated transferred youth receiving an incarcerative sentence in adult court. The results of logistic regression analysis show that, when the listed variables were considered together, the

likelihood of receiving an incarcerative sentence *increased* when a juvenile: was charged with a **"violent, crimes against persons"** offense; had a **previous transfer** to adult court; was a **minority**; and had **more prior referrals** to the juvenile court. On the other hand, **age** *decreased* the likelihood of receiving an incarcerative sentence (with older juveniles *less* likely). Although prior services through the juvenile court (PIC-ACT, juvenile probation, JIPS and ADJC) were also considered, they *did not significantly change* the odds of receiving an incarcerative sentence. Because the transfer population was overwhelmingly male (95.5%, N=527), gender was not included as an independent variable in this analysis. Specific information follows on the predicted change associated with each variable.

While controlling for the other included variables, the **single most important predictor was the severity of the offense**. Juveniles who were charged with "violent, crimes against persons" offenses were almost three times as likely to receive an incarcerative sentence as those not charged within this offense category.

A small percentage (8.5%, N=40) of these juveniles had previously been transferred to adult court, although the results of these previous transfers are not known. Not surprisingly, juveniles with a previous transfer were 2.7 times more likely to receive an incarcerative sentence as those with no previous transfer.

Although data limitations preclude further expansion of this finding (as discussed below), African-American transferred juveniles were approximately three times more likely to receive incarcerative sentences than Anglo juveniles. Similarly, Hispanic youth were almost twice as likely to receive an incarcerative sentence as Anglo youth.

Prior referrals to juvenile court slightly increased the odds of receiving an incarcerative sentence--the odds were multiplied by a factor of 1.07 when prior referrals to the juvenile court were included. Finally, the odds of receiving an incarcerative sentence were decreased somewhat with age. Specifically, each additional age increment decreased the odds by a factor of .6681.[12]

While this analysis identifies the importance of these selected variables, much information remains unknown regarding adult court sentencing of transferred juveniles. Most importantly, limitations in both the availability of seemingly important variables and the scope of several included variables suggest the need for caution in interpretation. For example (as noted in the earlier section on *Limitations)*, the category of "violent, crimes against persons" encompasses a wide range of offenses. Likely the analysis would be enhanced by a more narrow definition, one that could distinguish dimensions, such as, weapons use. Similarly, the relatively slight impact that the number of prior referrals had on adult court sentencing likely speaks to the *range* of seriousness of these referrals, a dimension not captured in the variable. Again, further research would benefit from a variable that considered the seriousness as well as the number of prior referrals to the juvenile court.

Several important variables missing in the analysis limit our understanding of the unsettling role that ethnicity plays in the process. For example, it is likely that socioeconomic dimensions *correlated with ethnicity* are, in large part, responsible for this finding. However, the significance of socioeconomic variables, such as, types of representation in adult court, can not be examined with these data. In general,

additional research incorporating social history information is strongly recommended to discern the underlying components of this variable.

Summary of Sentencing Information

Consistent with research around other aspects of the transfer process, the results of this analysis point to criminal history, offense-related and demographic characteristics that impact sentencing decisions. Although data limitations precluded the examination of several important variables, being charged with a "violent, crimes against persons" offense, a previous transfer to adult court, ethnicity, prior referrals in juvenile court, and age changed the likelihood of a similarly situated juvenile receiving an incarcerative sentence in adult court. The use of prior juvenile court-related services did not significantly change the likelihood of receiving this sentence in adult court.

Possible explanations for the differences in adult court sentencing are speculative at best. Data limitations preclude the addition of potentially important variables and important distinctions within the variables employed. Continued research is recommended to address additional dimensions of these variables.

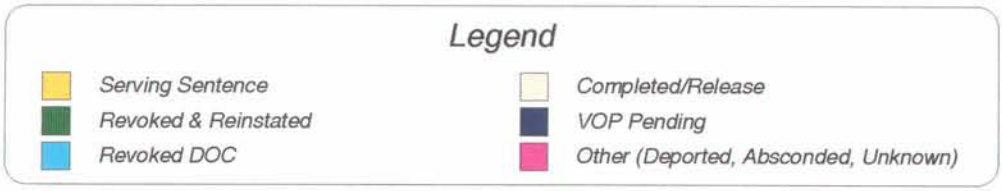
Adult Court Information: Juveniles Placed on Adult Probation

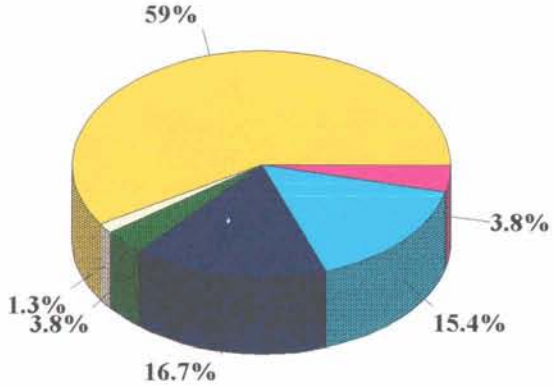
How Effective is Adult Probation for Transferred Juveniles?

Of the 472 juveniles transferred to adult court in 1994, for whom a sentence was known, 47.6% (N=263) were placed on adult probation, IPS or shock incarceration. This section presents information on how well transferred juveniles do on adult probation. Utilizing information provided by each county's Adult Probation Department, the following chart displays the status of transferred juveniles at least 8 months after sentencing. Figure 5: *Status of Juveniles Sentenced to Probation, IPS and Shock* shows that a similar percentage of juveniles on standard probation (59%) and IPS (62%) were still currently under supervision at the time of data collection.

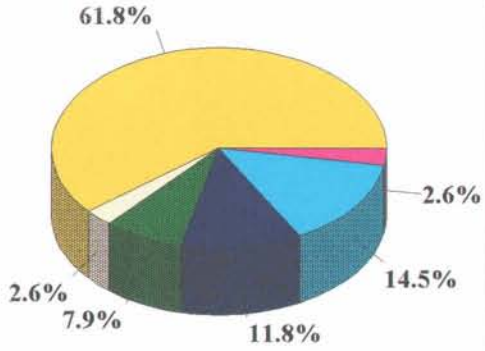
In contrast, a smaller percentage of juveniles sentenced to shock (48%) were still "current" in a similar time period. Several possible explanations exist. It is possible that program differences between standard probation and IPS vs. shock account for some of these differences. It is also possible that the selection of juveniles for the three programs reflects an increase in the risk level, although this argument would be strengthened by an *incremental* difference in the status of juveniles in the three programs. However, this is not the case--the highest percentage of juveniles still "current" are in IPS. Finally, because the statutorial requirement sets the minimum age for shock at 18, it is possible that the interim time that the juvenile spends in *no* program negates any benefit that shock could offer.

Figure 5: Status of Transferred Juveniles Sentenced to Probation, IPS and Shock

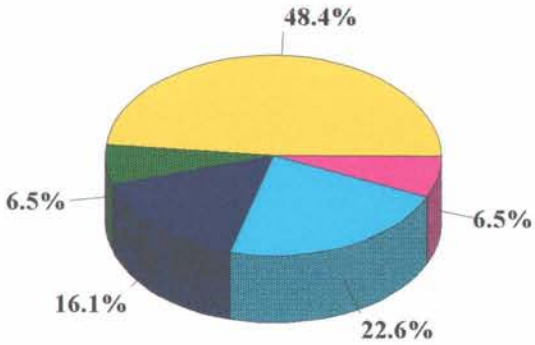




Probation
N = 156



IPS
N = 76



Shock
N = 31

Treatment Ordered and Received

Information on treatment services was incorporated into the analysis to explore factors related to the supervision of juveniles on adult probation. Figure 6: *Treatment Ordered and Received by Juveniles Sentenced to Probation, IPS and Shock 1994* shows that treatment services are ordered for the majority (68%) of juveniles placed on adult probation, but only half received treatment at the time of data collection. Possible reasons for not receiving treatment include: early revocation of juvenile to DOC before treatment can be initiated, lack of sufficient funding for treatment services, difficulty accessing state and federally funded services[13] or unavailability of treatment services.

The following section looks at how well transferred juveniles placed on standard probation and IPS do when treatment is received. It is important to note that it cannot be determined if *receiving treatment affected the status.*

Figure 7: *Comparison of Status of Transferred Juveniles Sentenced to Probation* shows that a higher percentage of those who had treatment ordered and who had received treatment were "current" at the time of data collection than those who had treatment ordered, but had not received it, although this difference is not statistically significant.

An even larger difference can be seen in the status of juveniles placed on IPS, when receiving ordered treatment services is considered. Figure 8: *Comparison of Status of Transferred Juveniles Sentenced to IPS* shows that almost twice the percentage of those receiving treatment were still "current" compared to those not receiving treatment. This difference was statistically significant ($p<.05$).

Figure 6: Treatment Ordered and Received by Juveniles Sentenced to Probation, IPS or Shock 1994

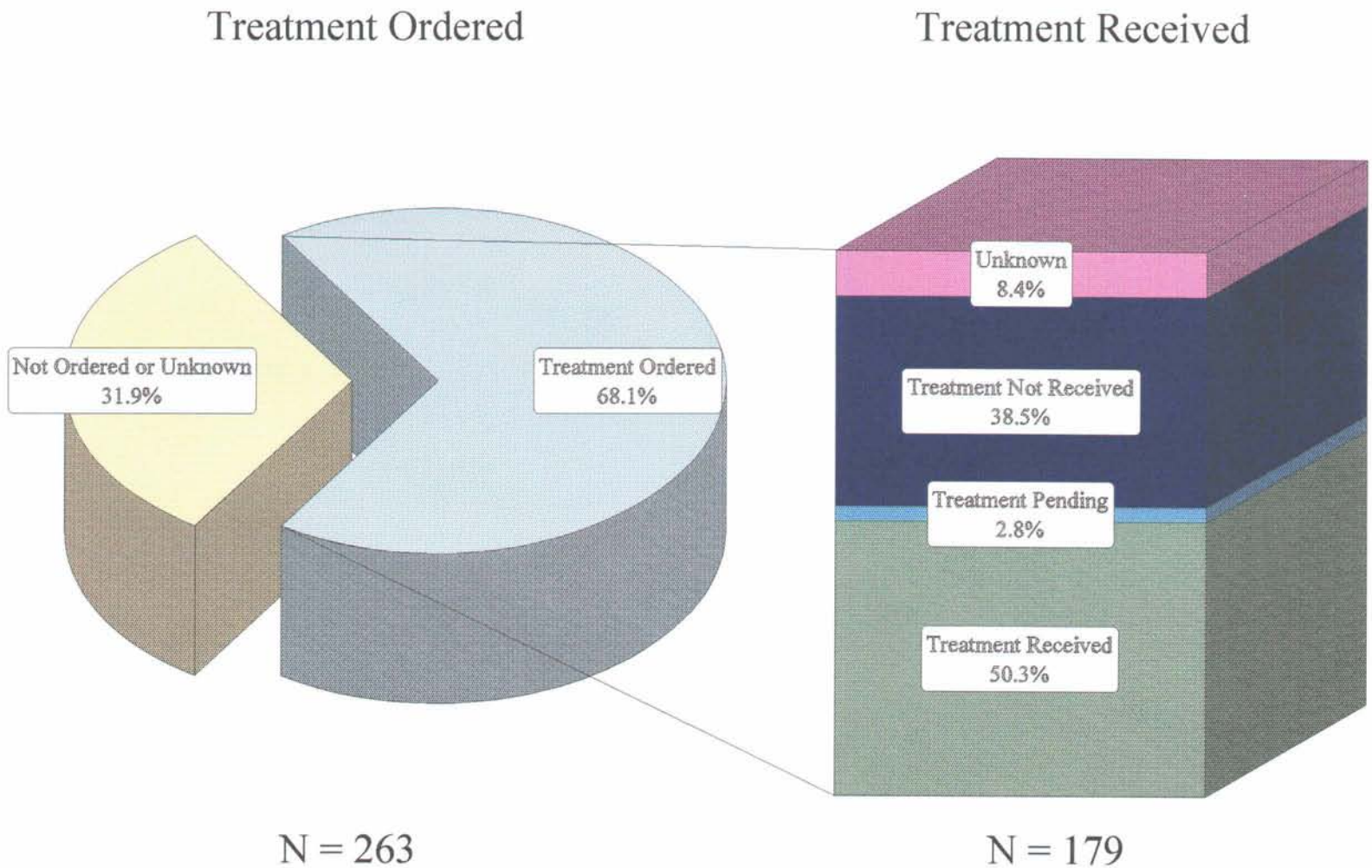
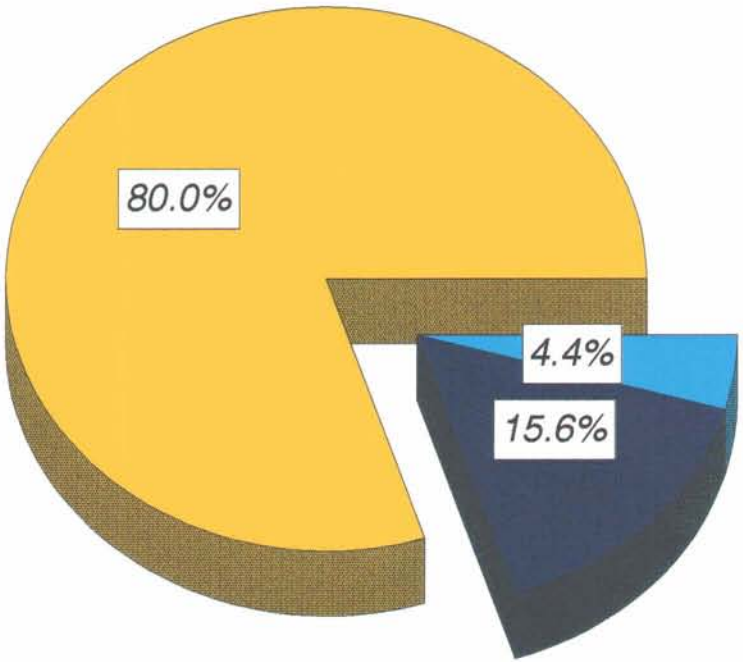
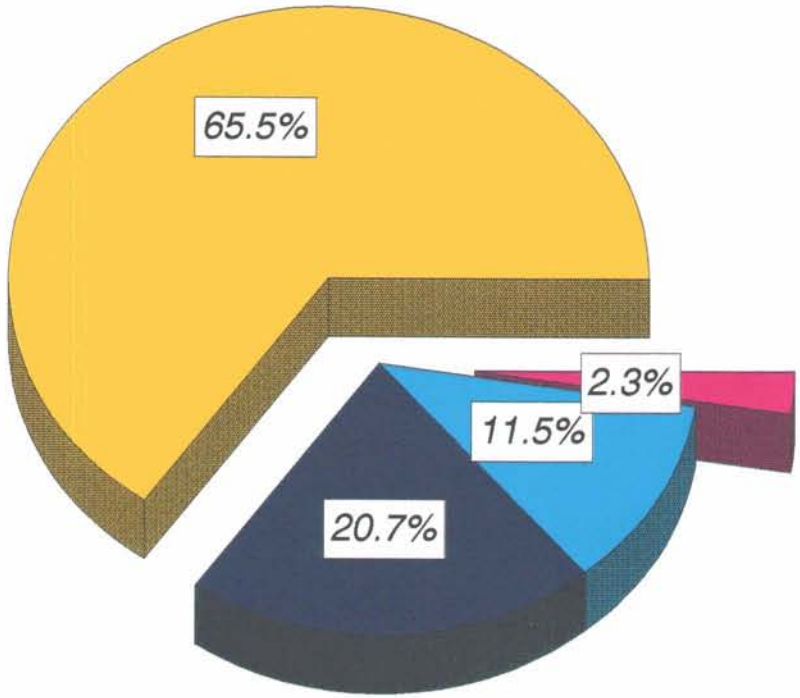


Figure 7: Comparison of Status of Transferred Juveniles Sentenced to Probation: Treatment Ordered & Received vs. Treatment Ordered & Not Received



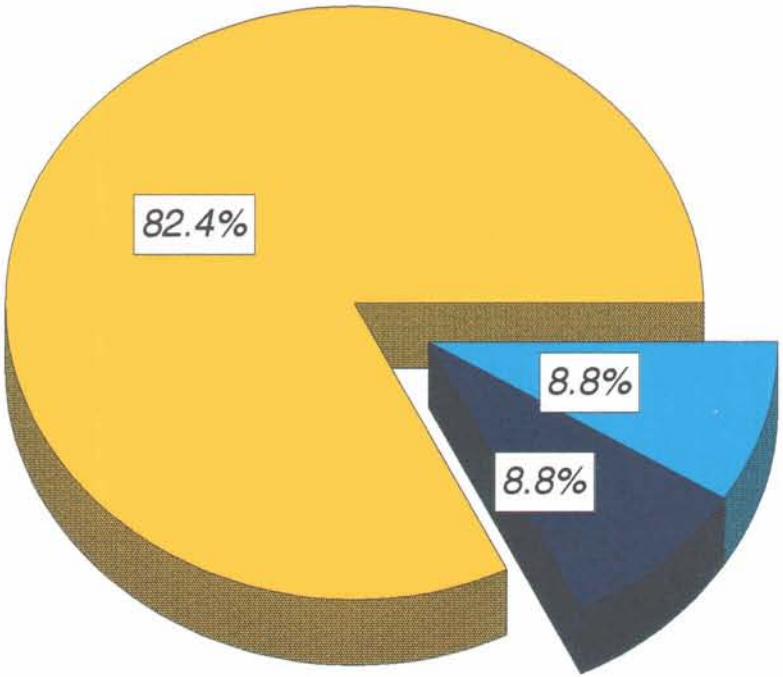
Treatment Ordered & Received
N=45



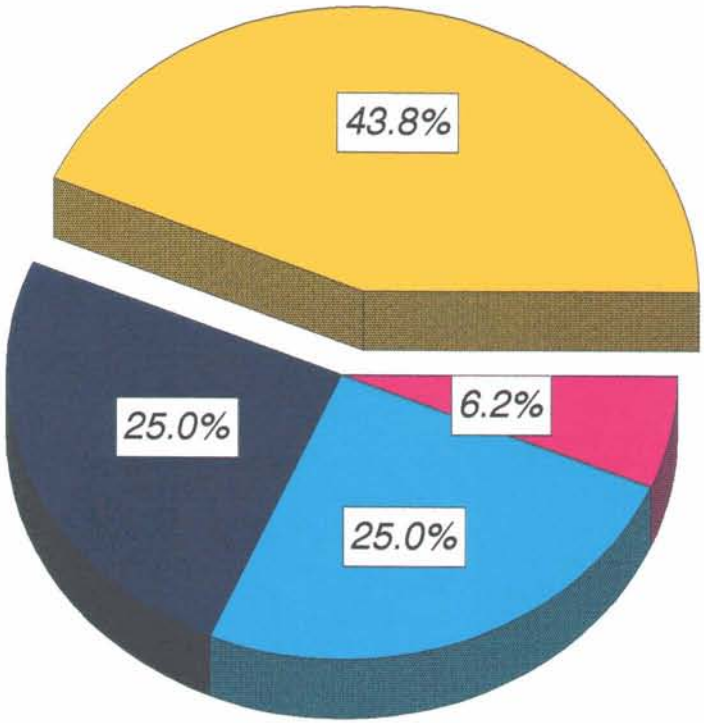
Treatment Ordered &Not Received
N=44

- Serving Sentence, Revoked & Reinstated or Completed & Released
- VOP Pending
- Revoked DOC
- Other (Deported, Absconded, Unknown)

Figure 8: Comparison of Status of Transferred Juveniles Sentenced to IPS:
Treatment Ordered & Received vs. Treatment Ordered & Not Received



Treatment Ordered & Received
N=34



Treatment Ordered & Not Received
N=16

- Serving Sentence, Revoked & Reinstated or Completed & Released
- VOP Pending
- Revoked DOC
- Other (Deported, Absconded, Unknown)

Summary of Adult Probation Information

More than half of the transferred juveniles placed on standard probation and IPS were still on probation or IPS at least 8 months following sentencing in adult court. However, the percentage of those sentenced to shock was somewhat lower. Several possible explanations address these results.

Treatment services were ordered at the time of sentencing for the majority of transferred juveniles placed on probation. However, many transferred juveniles did not receive this treatment following adult court sentencing. The data suggest that treatment services are one possible factor related to success on standard probation and IPS. In particular for IPS, there is a notable difference in outcome when ordered treatment is received and when it is not.

Conclusions

Descriptive information on the demographics, offense severity and criminal and court history of Arizona's transferred juveniles is consistent with past research, local and nationwide. While no attempt is made to depict a profile of the "average" transferred juvenile, further empirical evidence is offered of several important details. The over-representation of minority youth was evident, and particularly so in selected offense categories. While not surprising, most, but not all, transferred juveniles had extensive prior contact with the juvenile court. While many of these juveniles had previously either been through a diversion program or received one or another disposition through the juvenile court (PIC-ACT, juvenile probation, JIPS, ADJC), very

few had utilized this full continuum of services through the juvenile court.

The distribution of sentences received in adult court shows that transferred juveniles receive a range of sentences. Consistent with research around other aspects of the transfer process, analysis of adult court sentencing points to criminal history, offense-related and demographic characteristics that impact sentencing decisions.

Previous research has demonstrated that younger offenders are least likely to successfully complete adult probation (Arizona Supreme Court, Administrative Office of the Courts 1995). Analysis of the status of transferred juveniles who have been placed on standard probation or IPS suggests that treatment services may play a key role in their success while on probation. This relationship appears to be particularly meaningful for transferred juveniles placed on IPS.

Notes

1. Juvenile court judges consider the following factors per *Arizona Supreme Court Rules of Procedure for the Juvenile Court*, Rule 14:
   1) The seriousness of the alleged offense and whether it was committed in an aggressive, violent, premeditated or willful manner;

   2) Whether the alleged offense was against person or against property;

   3) Whether the child used a deadly weapon or dangerous instrument in the commission of the alleged offense;

   4) Whether another person sustained serious physical injury as the result of the actions of the child;

   5) Whether the child committed the alleged offense while participating in, assisting, promoting or furthering the interests of a criminal street gang, a criminal syndicate or a racketeering enterprise;

   6) The sophistication and maturity of the child as determined by consideration of the child's age, intelligence, education, environment, emotional attitude, and pattern of living;

   7) The child's physical, mental, and emotional condition;

   8) The record and previous history of the child, including previous contacts with juvenile courts and law enforcement agencies in this and other jurisdictions, prior periods of probation in any court and their results, and any prior commitments to juvenile residential placements and secure institutions;

   9) Whether the child has been previously committed to the Arizona Department of Juvenile Corrections for a felony offense and has committed another felony offense while a ward of that department;

   10) Whether the child has previously been transferred for criminal prosecution in this or other state;

   11) The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child by the use of services and facilities currently available to juvenile court, and;

   12) Any other factors which appear to be relevant to the determination of the transfer issue.

2. Although the number of juveniles in Maricopa County transferred to adult court remained small from 1989 (N=102) to 1993 (N=281), this represents a 175% increase. A similar pattern occurred in Pima County, where there has been a 157% increase in the number of juveniles transferred to adult court from 1989 (N=28) to 1993 (N=72).

3. The juveniles in this cohort were all transferred to adult court in fiscal year 1994 (July 1, 1993-June 30, 1994). Each county Adult Probation Department provided subsequent information on the transferred juveniles in their county between March 1, 1995 and April 30, 1995. Thus, the variable "status" refers to the status of each of the transferred juveniles on probation at least 8 months (for a juvenile transferred on the last day of the fiscal year) and, potentially, up to 20 months (for a juvenile transferred on the first day of the fiscal year) following transfer. It is not known to what extent *length* of time on probation affected "status".

4. The following offenses are included in each severity category (number of transferred juveniles with this offense):

   Violent (Crimes against person) - Homicide (4), murder (30), attempted murder (10), manslaughter (1), negligent homicide (1), armed robbery (55), aggravated robbery (5), strong arm robbery (5), aggravated assault (72), assault (1), aggravated assault disfigurement (3), aggravated assault with a deadly weapon (27), kidnaping (7), sex with minor (4), child molestation (4), sexual abuse (1), sexual assault (10), endangerment (5), arson occupied structure (4), leaving accident with death/injury (2), child abuse (1), gang/syndicate (2), possession of firearm (1).

   Grand Theft (Crimes against property) - Burglary (79), aggravated criminal damage (1), criminal damage (5), vehicle theft (58), fraud (1), attempted burglary (1), forgery (6), stolen property (9), attempted theft (2), theft (29), criminal syndicate (1), fraudulent schemes (1), unauthorized use of vehicle (1).

   Drugs - Possession (22), selling (16), transporting (3), trafficking (8), sniffing (4) any illegal drug-dangerous or narcotic.

   Other - Escape (2), liquor violation (1), unlawful flight (6), theft (3), false report (1), trespass (2), assault (3), probation violation (1), minor consuming (1), weapons misconduct (1), conspiracy (3), runaway (1), intimidation (1), possession of prohibited weapon (2).

5. The "PIC-ACT" program began July 1, 1984 pursuant to ARS §8-230, as revised. As such, the program provides a diversion from juvenile court activity or the adjudication process. PIC-ACT provides for first and second time misdemeanor complaints received on juveniles to be *adjusted* if the juvenile completes one or more *conditions*, such as, community service, counseling, education, restitution.

6. Formerly, the Department of Youth Treatment and Rehabilitation. Renamed July 1995.

7. One juvenile was transferred 9 days before his 14th birthday

8. The distribution of the juvenile (ages 8-17) population by county is: Apache (2.5%); Cochise (2.7%); Coconino (3.0%); Gila (1.0%); Graham (.9%); Greenlee (.3%); La Paz (.4%); Maricopa (56.6%); Mohave (2.4%); Navajo (2.9%); Pima (16.8%); Pinal (3.5%); Santa Cruz (1.1%); Yavapai (2.7%); Yuma (3.2%).

9. This variable considers the degree to which the continuum of court-related services were received. It identifies whether a juvenile received **none** of these services, **one, two or three**, or **all four** of these different services. It does not reflect the number of times they received the *same* service.

10. Shock incarceration: 90 days of incarceration while undergoing intensive, regimented military-style programming, followed by intensive probation.

11. A jail sentence could be defined as either "incarcerative" or "probation" because of the frequent combination of time in jail followed by probation supervision. Similarly, a sentence to shock incarceration could be defined as either "incarcerative" or "probation", because it also includes both. For purposes of this analysis, the decision was made to define a sentence to jail as "incarcerative" and a sentence to shock as "probation". It is possible that a change in definition of these two sentences could alter the results, although only a small percentage of offenders received either of these sentences

12. The following table displays the results of the analysis. The logistic coefficient (B) displays the log of the odds of receiving an incarcerative sentence. The anti-log (Exp (B)) displays how many more times likely the event is to occur.

Logistic Regression of Incarcerative Sentence in Adult Court for Transferred Juveniles

Variables	B	Sig	Exp(B)
Age	-.4033	.0085**	.6681
Arizona Department of Juvenile Corrections	-.0366	.8959	.9641
Ethnicity[a]		.0008***	
Hispanic	.6717	.0033**	1.9574
African American	1.0978	.0008***	2.9976
Previous JIPS	-.1493	.5845	.8613
Previous PIC ACT	-.3866	.0935+	.6794
Previous Probation	-.3116	.2399	.7323
Previous Transfer	.9896	.0099**	2.6903
Violent Offense	1.0971	.0000***	2.9955
Prior Referrals	.0682	.0147*	1.0706
Constant	5.5346	.0389	

[a] White juveniles are the reference group

+ $p < .10$

* $p < .05$

** $p < .01$

*** $p < .001$

Using the stated variables to explore the predictability of an incarcerative sentence, 67.85% of the juveniles were correctly classified. For a full description of the procedures involved, see McNulty (1995).

13. There are a variety of state and federal programs that fund various treatment services for juveniles. Each program has specific eligibility criteria. For example, youth under age 21 years are eligible for Title 19 funding for treatment services if they meet both financial and medical eligibility. The fact that a youth is on Adult Probation does not prohibit them from entitlement, as long as they are in the community and not in jail.

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Supreme Court

STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

Stanley G. Feldman
Chief Justice

David K. Byers
Administrative Director
of the Courts

February 24, 1995

County Adult Probation Department

Dear Chief:

At the recent Adult Manager's Meeting on February 10, 1995, the importance of gathering information on juveniles transferred to the adult system was again discussed. This information is critical for several reasons:

The availability and accessibility of treatment dollars for remanded youth is unclear.
The impact of current juvenile transfer policy on the adult system is unknown.
The impact of the proposed automatic transfer legislation is unknown.

While some of you may have responded to an earlier request for information on juveniles transferred to the adult system, we are again asking your help. At this time, we request that you provide some *very specific information* on the juveniles transferred to the adult system in your county during FY94. I have enclosed worksheets that identify the names of these juveniles. Also listed on these worksheets are the DOB and their juvenile court disposition date (transfer date). We need the following information from you on each of the cases listed*:

- **Sentence** (For example, Standard Probation, IPS, Shock, DOC, pending).
- **Status** at this time (For example, current, VOP pending, direct sentence to DOC, revoked to DOC).
- **Was treatment ordered** at the time of sentence? (Answer yes or no).
- **Was treatment ordered?** (For example, drug treatment, residential treatment, counseling).
- **Was treatment received?** (Answer yes or no).

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**In some cases, a juvenile is remanded more than one time during FY94. We have listed each disposition to adult court separately and need the above information on each transfer.*

Please return the completed worksheet to Betsie McNulty, Administrative Office of the Courts, 1501 W. Washington, Suite 337, Phoenix, AZ 85007 at your earliest convenience.

Thank you again for your continuing assistance in our research efforts. If you have any questions regarding this request, please call me at 542-9553.

Sincerely,

Betsie McNulty

Betsie McNulty, Ph.D.

enclosure

cc: Bob Levy

WORKSHEET FOR INFORMATION ON JUVENILES REMANDED TO ADULT COURT FY 95

COUNTY NAME

JUVENILE NAME	DOB	TRANSFER DATE	SENTENCE [Probation, IPS, Shock DOC, Pending, Dismissed]	STATUS [Current, Direct Sentence to DOC, VOP Pending, Revoke to DOC]	WAS TREATMENT ORDERED [Y or N]	WHAT TREATMENT WAS ORDERED?	WAS TREATMENT RECEIVED? [Y or N]