



## DETENTION OVERCROWDING REACHES ALL TIME HIGH

It was touch and go, but the Arizona Legislature, with Governor Jane Hull's signature, authorized the Maricopa County Board of Supervisors to propose to the voters a jail and juvenile detention capital improvement project funded by increasing the county sales tax one-fifth of one cent for nine years. If the voters approve **Propositions 400 and 401**, the detention facilities of the Juvenile Court could expand with 500 additional beds and space for detention programming and court hearings, over the next 15 years.

The proposed tax comes just in time. The Juvenile Court detention facilities, which are generally 25 - 30% over physical capacity, recently swelled to almost 45% over capacity, even though 70% of all first time offenders never return and recidivism dropped in 1997, the first time in five years. Recent legislative changes requiring kids convicted of DUI to spend 24 hours in detention has exacerbated the detention overcrowding and frustrated city judges and justices of the peace who cannot impose immediate detention. The passage of the automatic transfer provisions of Proposition 102 has not reduced the detention count.

Additionally, the county and the juvenile population continue to grow by leaps and bounds. More than 900 police officers have been hired over the past three years and are arresting more juveniles. The Court continues to aggressively increase its capacity to deliver programs that produce positive results, like the Juvenile Drug Court, but has no capacity to expand to meet the needs of the future.

Hopefully, Maricopa County voters will get all the information about the capital improvement program. Here are some important factors affecting Juvenile detention overcrowding:

- Juvenile detention is different from adult jails and any juvenile beds planned for it. The adult jail beds are for kids in the adult court system because they are accused of a violent offense (Proposition 102) or are a chronic offender (SB 1446). Those youngsters are not jailed or supervised by the Juvenile Court.
- The Southeast Juvenile Court Center has 125 detention beds, but there is no land surrounding the facility to increase the juvenile detention bed space at that location.

*Continued on page 2*



### LEGISLATIVE UPDATE

The 1998 legislative session did not seek to abolish the Juvenile Court or blame it for society's ills. Instead, Governor Jane Hull and the Arizona Legislature passed legislation that will benefit Arizona's children, such as Kids Care, continued funding for Healthy Families and Family Literacy and allowing low income families to have access to more services for the benefit of their children.

Legislation that impacts the Juvenile Court includes:

HB 2645, the Pima County **Model Court** Project which requires that the Court hold a preliminary protective hearing on the emergency removal of a child from the home within five to seven days of removal. A mandatory conference will occur before the hearing with the parents, their attorneys, relatives and other interested parties to discuss and attempt to reach an agreement on the child's placement, visitation and services to the child and family. In Maricopa County we will be able to fully implement it before January 1, 2000.

*Continued on page 2*

# OVERCROWDING

Continued from page 1



Overcrowding of detention facilities can force juveniles out of programs before it's safe for them to return to the community.

- The number of juvenile referrals has increased more than 44% over the last five years.
- In 1997, there were 40,000 juveniles referrals.
- The number of juveniles detained for first offenses or probation violations has increased by 45% over the last five years
- The number of juveniles detained for probation violations has increased an average of 70 % over the last three years.
- The average daily detention population increased 51% over the last five years. Capacity is 277 juveniles. Last year the average daily population was 352.

When the average daily population exceeds 30% of capacity, judicial officers have to find ways to release detained kids, with home detention, electronic monitoring and detention alternative programs, even though some of those youngsters should remain detained. Some need to remain for their safety, when there is no family to take them. Others would benefit by remaining in custody to complete detention services.

The Citizens Advisory Committee on Jail Planning is leading the campaign for passage of **Propositions 400 and 401**. The Juvenile Court will be providing factual information to the Committee, the media, citizen groups or anyone requesting it so that the voters can make informed decisions about the propositions. The children of this county deserve nothing less. ↙

# LEGISLATIVE UPDATE

Continued from page 1

The legislation also modifies Arizona law to conform to the federal **Adoptions and Safe Family Act of 1997**. For example, it requires the court, at every point in the dependency process, take into consideration the child's health and safety. Additionally, the court must consider the availability of services to the parent or guardian and the efforts the parent or guardian makes to obtain and participate in the services.



HB 2218 redefines **truant** as a child who has an unexcused absence for at least one class period during the day, and an "habitually truant" as a youngster who has at least five (instead of the previous ten) trancies within a school year.



SB 1395 requires the court to notify a school district if a juvenile has been adjudicated delinquent or convicted and placed on probation for a dangerous offense or certain sex crimes. The district must transmit the information to the school the juvenile attends and, upon request, can be made available to teachers, parents and others.



SB 1258 removes youngsters charged with a DUI offense from participating in a diversion program. It also reenacts a provision to provide for the **destruction of juvenile records**. A person can have the records destroyed at age 19 for diversion and misdemeanor matters or age 25 for felonies under certain circumstances. It also allows a youngster to have a delinquency adjudication set aside, but it could be later used in adult court to establish that the person is a chronic felony offender for increased penalties.



HB 2185 increases the penalties for **auto theft**. Most car thefts will be Class 3 felonies. Joy riding, statutorily known as the unauthorized control over another's use of transportation without the intent to permanently deprive, is now a Class 5 felony, and it's a Class 6 felony for any passenger. ↙

# JUVENILE COURT



# NEWS BRIEFS

The Juvenile Court won a National Association of County Organizations (NACO) award for its Citation Court truancy program. The Citation Court, formerly called the Truancy Court, is a program designed to quickly intervene in a youngster's life before the truant activity becomes delinquent activity. A probation officer, serving as a juvenile hearing officer, meets with the truant youngster and the parents and imposes a consequence that is geared toward helping the youngster stop being truant and resolve any family problems which may be at the root of the behavior.



The Juvenile Court recently worked with a team of experts from the National Conference of Juvenile and Family Court Judges and the U.S. Department of Justice's Office for Victims of Crime to review and comment on a national training program entitled "The Juvenile Court Response to Victims of Juvenile Offenders." The program, which was held from July 8-10, 1998, at the Supreme Court, was, according to Jim Toner, Associate Director for Continuing Legal Education of the National Council, a success and will help improve the curriculum in order to improve the response of juvenile courts throughout the nation to juvenile crime victims.



The Maricopa County Juvenile Drug Court, which began as a pilot project at the Durango facility on November, 7, 1997, received a federal grant of \$390,000 from the federal government. The grant will make it possible for the Drug Court to help more juveniles overcome substance abuse problems and related criminal activity by expanding the program and setting one up at the Southeast Juvenile Court Center. Maricopa County is a potential site for a national juvenile drug court conference during January 2000 sponsored by the National Conference of Juvenile and Family Court Judges and the National Association of Drug Court Professionals.




Maricopa County citizens volunteered more than 153,000 hours to Juvenile Court in 1997. Their generosity represents thousands of dollars of work with the Community Advisory Board, Community Justice Centers, the Court Appointed Special Advocate (CASA) program and the Foster Care Review Boards. If you are interested in volunteering to help the Court help children and families, please call Patti Gilbert at 506-4282.



Congratulations to Carolyn Mungo, a Channel 12 (KPNX) news reporter, who received an Emmy for Best Feature and Best Writing for her news story entitled "The Littlest Suspects," which examined the plight of youngsters ages 8-10 in detention. It was a wonderful piece....and I understand that she may be doing a follow-up in the near future.



The Juvenile Court's Teen Court program is expanding to Frank Borman Middle School, Buckeye High School, Desert Vista High School, Deer Valley High School, South Mountain High School, and Teen Choice Charter School beginning this school year. WELCOME to the Teen Court family. 

# CITIZEN ADVISORS

The Maricopa County Community Advisory Board is a diverse group of community volunteers dedicated to ensuring that the children of Maricopa County become productive and responsible members of the community.

The Board's mission is to facilitate and enhance the functional relationship between the community and the Juvenile Court in providing improved services to youth and families.

The 1998 Co-Chairs are Dr. Sue Enright, and Martin Whalen. Ron Ruelas is the historian. The others members are Lin Adams, Cami Cooper, Mark Fleisher, Raymond Garcia, Robert Khaler, Donna McBride, Rose Mofford, Cynthia Peters, Lawrence Quihuis, Marguerite Werts and Paula Wright.

If you are interested in having a voice, please call 506-4282.

## JUDICIAL ROTATION

The Juvenile Court in Maricopa County has undergone many changes recently. With change comes opportunity and the newly assigned judicial officers will help us meet the challenges of tomorrow and continue the fine tradition of Superior Court's Juvenile Department. The following is a list of Judicial Officers and their locations:

### Southeast Court Center

Judge Rebecca Albrecht	506-3727
Judge Kenneth Fields	506-2060
Presiding Judge Maurice Portley	506-2306
Commissioner Elizabeth Arriola	506-1117
Commissioner Bethany Hicks	506-2139
Commissioner Thomas Jacobs	506-4203
Presiding Commissioner Penny Willrich	506-2502
Commissioner Elizabeth Yancey	506-2040

### Durango Court Center

Judge Larry Anderson	506-3555
Judge Armando De Leon	506-3435
Associate Presiding Judge Pam Franks	506-3528
Commissioner Aubuchon	506-4556
Commissioner Margaret Downie	506-5015
Commissioner Alfred Fenzel	506-7080
Commissioner Jesse Filkins	506-2501
Associate Presiding Commissioner John Trombino	506-3151
Commissioner Eileen Willett	506-3343

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**Superior Court of Arizona  
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