

## **Wellbeing of Juvenile Justice-involved Youth in Arizona**

Making Action Possible in Southern Arizona (MAP Dashboard)

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## EXECUTIVE SUMMARY

Juvenile courts in the U.S. were created to provide a separate systematized legal course for minors given that youths' capacity for criminal action and responsibility is thought to be different, and not as liable, as that of adults. Youth are typically viewed as more amenable to rehabilitation compared to their adult counterparts and thus should be given opportunities to become successful adults. Jurisdiction over juvenile courts varies across U.S. states and territories with some juvenile courts under the jurisdiction of another court. Arizona's juvenile court is part of Superior Court, a court that is situated in each of Arizona's 15 counties. As in most states, the mission of Arizona's juvenile court is to achieve public safety along with youth rehabilitation. However, at both the state and county level, some Arizona juvenile court laws, policies, and practices are not aligned with the rehabilitative aspect of its mission, and instead place undue burden on youth and their families. Two such burdens include (1) open juvenile record laws, and (2) court-related fines and fees policies. These burdens can keep youth from becoming successful adults and impede their economic livelihood, physical and mental health, and social wellbeing.

Arizona is one of seven states in which juvenile delinquency records are available to the public. To be able to have one's juvenile record expunged or destroyed, a youth must complete probation successfully including paying restitution and all court-related fines and fees. A sizable proportion of Arizona's court revenue comes from fines, sanctions, and forfeitures, as well as court-related fees; including from Arizona's juvenile courts. However, such costs can be excessive and burdensome and particularly difficult for youth and families from lower socio-economic households.

Fortunately, five-year trend data of Arizona's justice-involved youth indicates decreases in the number of juveniles (1) referred to juvenile court, (2) having petitions filed, (3) detained, (4) referred to diversion, (5) placed on standard probation, and (6) placed on intensive probation. Along with this good news, Arizona House Bill 2055, enacted in 2019, addresses some of the burdens and other court complexities placed on youth and their families. Moreover, data from Pima County Juvenile Court (PCJC) is encouraging and shows that the majority of PCJC-involved youth successfully complete juvenile probation.

A closer look at Pima County data indicates that some disparities exist with regard to youth who complete juvenile probation successfully. Overall, females were more successful than males, and youth who were not involved in the child welfare system were more successful than youth who were dually-involved (juvenile court and child welfare). Success based on youths' ethnicity, age, and zip code residence varied across the five years.

Qualitative interviews with 32 court personnel across Arizona's 15 counties addressed Arizona's open record laws, fines and fees, and promising practices. Findings regarding Arizona's open records law resulted in three common themes (1) the myth that juvenile records are confidential and destroyed once the youth turns 18 years of age, (2) inconsistent policies and practices within and across Arizona's 15 counties, and (3) issues with police reports. Common burdens with regard to juvenile court fines and fees included (1) the high monetary and time-related costs of fines and fees, (2) inconsistent policies and practices within and across Arizona's 15 counties, and (3) the encumbrances of these policies well into the youth's adulthood. Finally, several promising practices were articulated, and included, for example, providing a destruction of juvenile record clinic, reducing detention facilities and increasing supportive youth centers, and coordinating between juvenile court and law enforcement. Across all Arizona counties, interviewees expressed the need for juvenile courts to better support youth and voiced their commitment to helping youth succeed.

## INTRODUCTION

In the United States (U.S.) the juvenile justice system has primary oversight of youth who come in contact with legal authorities. Some youth become involved with the juvenile justice system because they are accused of committing a delinquent or criminal act. Others come into contact with the system for status offenses - actions that are illegal only because of a youth's age - such as underage drinking, truancy, and running away from home.

While arrests of juveniles have trended downward since 2009, the number of youth arrested remains significant with an estimated 728,280 juvenile arrest in 2018 (Office of Juvenile Justice and Delinquency Prevention (OJJDC), 2019). Given this, efforts to address crime and related issues among youth in the juvenile justice system continues to be a critical health and social issue (Stevens, 2016). Along with improving treatment for adolescents, recent efforts have also been made to address juvenile justice policies that cause harm to youth and their families and keep youth from becoming successful adults. Two issues that are particularly burdensome and harmful to youth include (1) open juvenile record laws, and (2) the high costs of court-related fines and fees imposed on youth and their families involved in the juvenile justice system (Freierman, Goldstein, Haney-Caron, and Columbo, 2016; U.S. Department of Justice, 2017).

In addition, inequities in the juvenile justice system have long been noted – particularly concerning disproportionate race/ethnic minority contact in the system. For example, in 2018 black youth were 2.6 times more likely than their white peers to be arrested (OJJDC, 2019), and black youth were more than five times as likely to be detained or committed (The Sentencing Project, 2017). The percent of males involved in the juvenile justice system is much higher than females – with 70% of all 2018 juvenile arrests being male (OJJDP, 2019). While there little national data on youth who are dually involved (i.e. youth involved in both the child welfare system and the juvenile justice system), research indicates that they are more likely to be detained by law enforcement, more likely to face harsher consequences when they encounter the juvenile justice system, and twice as likely to recidivate compared to youth not involved in the child welfare system (see Criminal Law & Policy, 2019). Youth ages 15 to 17 are accountable for 70.2% of all juvenile offences (OJJDP 2019). Moreover, a higher percent of youth from lower socio-economic status families are involved in the juvenile justice system (Connolly, Lewis, and Boisvert, 2017). In 2018, 16.2% of youth lived at or below the poverty threshold (OJJDP, 2019) – a sizable percent of the youth population. For youth from financially-challenged families (which more often than not includes ethnic/race minority youth and dually-involved youth) unfair burdens placed on them by juvenile courts keep them from being successful. Not surprisingly, open juvenile record laws and court-imposed fines and fees are two such burdens.

Questions emerge with regard to whether juvenile court laws and policies support the rehabilitative intent of the juvenile justice system, who comes into contact with the juvenile justice system, and which youth are more or less successful when discharged from the system. The *Wellbeing of Juvenile Justice-involved Youth in Pima County Arizona* white paper addresses these issues.

This white paper begins with a brief history of the juvenile justice system in the U.S. including reasons for having a juvenile court that is separate from an adult court. Despite having a separate court for juveniles that is focused on rehabilitation, burdensome and harmful juvenile court laws and policies are still in place. We discuss open record laws and court-imposed fines and fees, and describe how these burdens impact justice-involved youth. Arizona state level data describing youth involved in Arizona's juvenile justice system is presented along with detailed data from Pima County Juvenile Court showing disparities related to which youth successfully complete juvenile probation. Finally, we highlight how having a "successful discharge status" is related to court-imposed fines and fees policies and subsequent record destruction or record expungement along with qualitative data on best practices for working with justice-involved youth and their families.

### **History of Juvenile Justice in the U.S.**

Juvenile courts in the U.S. were created over a century ago to recognize that children should be treated differently than adults. The origin of a systematized legal course for minors can be traced back to the Illinois Act of 1899 (Bilchik, 1999; House, 2013). This Act created the first U.S. Juvenile Court in Chicago, Illinois. The Act and its subsequent model of juvenile justice posited that minors' capacity for criminal action and criminal responsibility is different than that of adults. The spirit of this legal reform changed the role of the court and judge from one of punitive social control to a rehabilitative social welfare model (House, 2013). The judge, assisted by social welfare workers, was to meet each child's individualized needs. This ideology of nuanced levels of criminal responsibility focused less on the discreet criminal offense and more intently on the background of the offender as

well as the youth's capacity for rehabilitation. In essence, juveniles were viewed as being more amenable to rehabilitation compared to adults (Coupet, 2000). For the most part this concept still holds true today.

As with most social movements, pendulums swing - including the views and approaches to juvenile justice (Stevens, 2016). In the 1950s concerns emerged regarding juvenile courts' abilities to rehabilitate youth. The length of time and number of juveniles who were institutionalized as well as the overall lack of rehabilitative effectiveness was underscored (Bilchik, 1999). However, despite these negative perspectives, support for justice-involved juveniles increased again in the late 1960s. In 1968 Congress passed the Juvenile Delinquency Prevention and Control Act recommending that juveniles charged with status offenses (due to minor status) be handled outside of juvenile court. And, in 1974 Congress passed the Juvenile Justice and Delinquency Prevention Act that tied grant funding to the deinstitutionalization of status offenders and the separation of juvenile offenders from adult offenders (Bilchik, 1999).

During the 1980s the direction of the pendulum changed again. The juvenile justice system was criticized for being ineffective and costly. This criticism dovetailed with the public's unfounded perception that violent juvenile crime was on the rise and the system was too lenient (Coupet, 2000). This period, colloquially known as "get tough on crime" resulted in more punitive consequences for juvenile offenders, resulting in movement away from rehabilitation and towards incarceration. This trend accelerated in the 1990s contributing to tougher laws (e.g., mandatory sentencing) and incarceration for minor offenses, which resulted in greater numbers of juveniles being confined and overcrowded in juvenile correctional facilities (Center on Juvenile and Criminal Justice, 2016). Arrests for juveniles peaked in 1996 with nearly 2.7 million arrests (U.S. Department of Justice, 2019).

More recently there has been return toward rehabilitation as a deterrent to recidivism and a concerted effort to reduce the number of youth held in detention centers (Stevens, 2016). This shift in approach towards juvenile offenders comes, in part, as a result of new studies on brain development showing that youth are developmentally different from adults. The malleability and rapid growth of the adolescent brain offers substantial potential for rehabilitation (House, 2013; Soler, Shoenberg, & Schindler, 2009).

Most states have acknowledged that some juvenile court laws, policies, and practices do not align with the unique mission of juvenile courts, and most states are moving away from punitive actions given the negative impact they have on youth and their family's current and future wellbeing. These negative impacts are broad and include (1) reduced economic stability and advancement, (2) diminished physical and mental health, and (3) abated social wellbeing.

### **Open Juvenile Court Records**

Arizona is one of just seven states that deem all juvenile delinquency records available to the public (Shah and Strout, 2016). Since there are limited record expungement opportunities, the status quo results in juvenile dispositions appearing on background checks for employers (including the military), landlords, and even colleges and universities (Shah, Fine, and Gullen, 2014). Moreover, there is a common misconception that that juvenile records are confidential which contributes to justice-involved youth and their families not understanding the need for the expungement or destruction of juvenile records. Most states do not keep track of when or how juvenile records are accessed. When states make records available online or to the public, they also do not keep track of who gains access to juvenile record information. One study found that 66% of colleges collect record information; 33% consider misdemeanor offences negatively, and 20% deny admissions based on the offence (Shah and Strout, 2016). The protection of juvenile records needs to be strengthened – particularly given of the fact that the vast majority of youth in the juvenile justice system have committed non-violent offences.

In Arizona, people are often denied jobs, housing, and higher education opportunities due to the stigma of having been involved in juvenile court proceedings (Stevens and Sargus, 2019). While exceptions are appropriate for public safety purposes that consider the nature of offenses, making juvenile records public is a direct harm to social justice, economic and educational opportunity, ability to live in safe housing, and having the opportunity to

be gainfully employed with access to health insurance (Stevens and Sargus, 2019).

Fortunately, in 2018, an Arizona working group, the Juvenile Adjudication Set Aside Workgroup, was formed to address Arizona's open juvenile court record laws. This Workgroup reviewed the burdensome legislation and proposed new legislation to restructure procedures and requirements for setting aside adjudications and for juvenile record destruction. While the new proposed legislation does not go far enough, Arizona House Bill 2055 was enacted on August 27, 2019. This legislation provides for youth-affirming changes including automatic sealing of juvenile records that are classified as "diversion" - low level juvenile offenses such as status offenses. HB 2055 removes numerous requirements and adds helpful requirements along with clarifying responsibilities (see Attachment 1 and 2). In addition, the Workgroup streamlined court procedures. While youth must still apply separately for record expungement or record destruction in each Arizona county in which they were court-involved, the Workgroup developed simplified forms that can be used across all 15 Arizona counties along with instructions for completing the forms (see Attachment 3 destruction of record forms).

### **Juvenile Court Fines and Fees**

Fines and fees are routinely imposed in juvenile court in excess of a youth or their family's ability to pay. The U.S. Department of Justice (2017) addresses the nation's juvenile courts on this topic noting that "Families burden by these obligations may face a difficult choice, either paying juvenile justice debts or paying for food, clothing, shelter, or other necessities. The costs of fines/fees may foreclose educational opportunities for system involved youth and their families." A national report released on juvenile fines/fees states "the inability to pay pushes the youth further into the juvenile justice system and increases the family's economic distress" (Feierman, Goldstein, Haney-Caron, and Columbo, 2016).

In Arizona, unpaid fines and fees may keep youth from successfully completing juvenile probation. Without a "successful" or in some cases "neutral" designation, youth are often denied their request for record expungement or record destruction. Additionally, unpaid fines and fees can turn into a civil judgement which can then follow the youth into adulthood - sometimes resulting in the garnishing of earned wages. These fines and fees reduce the ability of youth to attain economic stability and advancement as adults, create tough choices for families who need to decide whether to buy groceries, pay rent, or instead pay juvenile court fines and fees. This also causes other hardships such as mental and emotional stress (Sargus and Stevens, 2019).

A report by the National Juvenile Defender Center (2018), estimates that 90 to 99% of Arizona's youth and families involved in delinquency cases meet indigence standards, yet "nothing in juvenile court is free" placing heavy burden on impoverished families. For example, probation monetary assessment for child adjudicated incorrigible can be up to \$150; a DUI traffic fine ranges between \$250 to \$500, and a fine for criminal damage by drawing or inscribing on any public/private building/structure/surface without owner's permission is \$300 to \$1,000. A list of court-related fines and fees, the amount, whether a reduction is possible and/or waivable, and who is responsible for the fee (e.g., parent or child) is included in Attachment 4. These fine and fees keep court-involved youth and families tethered to the juvenile justice system and oftentimes this burden follows youth well into their adulthoods.

Arizona state-level and county-level data on the number of applications for juvenile record expungement and record destruction and the number of juvenile records expunged/destroyed was not made available to the researchers by Arizona Office of the Court (AOC) or juvenile courts within each of Arizona's 15 counties. It appears that these data are not concisely collected or tracked and/or is difficult to retrieve. Additionally, while data are available on the costs of various fines and fees, family and youth-level analyses were not possible, as it was not clear which youth and families were assessed fines and fees and which youth and families paid or did not pay their fines and fees. Paying one's fines and fees is necessary to complete juvenile probation successfully; and expungement and destruction of one's juvenile records is dependent on having completed juvenile probation successfully. Thus, there is a need for a closer look at who successfully completes juvenile probation along with

innovative strategies that increase youth success. Data collected for this white paper addresses these critical issues.

## **METHODS**

Our preliminary attempts to retrieve and analyze data on Arizona Juvenile Court fines and fees indicate that some data are not available, are stored in different systems, and are entangled within Superior Court data, making analysis difficult. Moreover, attempts to collect information on the number of requests for juvenile record destruction or expungement and the number/percent of requests that were approved by the Court is not available. Given the lack of data to inform on these burdens, the research team accessed:

- Publicly available Arizona Office of the Court data on youth involved in Arizona's juvenile justice system,
- Publicly available Arizona Superior Court data on fines and fees assessed and collected along with data on Arizona Court revenue,
- Pima County Juvenile Court (PCJC) data provided by Pima County to the research team. This data set includes data across four fiscal years (2014-2015; 2015-2016; 2016-2017; 2017-2018) on the number of successful and unsuccessful juvenile court cases by ethnicity, gender, dependency status (single or dually-involved), age, and zip code. These data were further stratified by (1) juvenile standard probation, (2) juvenile intensive probation, and (3) juvenile diversion cases.

In addition to the quantitative data, in 2018 the research team conducted 32 qualitative interviews with juvenile court professionals including judges, probation officers, clerks, attorneys, research staff, Court Appointed Special Advocates, and administrators across all 15 Arizona counties. Interviews focused on (1) open record laws, court-imposed fines and fees, and other burdens placed on youth and families, and (2) promising practices for working with youth and their families to mitigate such burdens and provide opportunities for youth to be successful.

For the purposes of this white paper, the research team utilized publicly available state-level data from the 2017-2018 fiscal year; PJCC standard probation data for the 2017-2018 fiscal year; PCJC standard probation four-year trend data (2014-2015 through 2017-2018); and findings from the qualitative interviews.

## **FINDINGS:**

### **Youth Involved in Arizona's Juvenile Courts**

During the fiscal year of 2017-2018, there were approximately 975,729 youth ages 8 to 17 years of age living in Arizona. During this same time period, 2.2% of these youth (n= 21,659) were referred to the juvenile courts in Arizona. Given that some of these youth were referred more than once, the total number of referrals was considerably higher (n= 31,387). The majority of referred youth were male (67.3%) and almost half (48.6%) were either 17 or 18 years of age. White youth accounted for 44.1% of referred youth, Hispanic youth 35.5%, and African American youth accounted for 11.7% of referred youth. Not surprisingly, given the large population in Maricopa County, almost half (47.0%) of referred youth resided in Maricopa County. Notably, a relatively small percent of youth were referred for the most serious offences. Only 9.8% of males and 4.3% of females were referred for a felony offense against persons. And, only 9.6% of males and 3.7% of females were referred for a felony offence against property (Kelroy, Jones, and Rhudy, 2019). A higher percent of dually-involved youth are entangled in Arizona's juvenile justice system. And, while precise data on socioeconomic status of youth involved in Arizona's courts is not known, one report estimates that 90 to 99% of Arizona's youth and families in delinquency cases meet indigent standards (National Juvenile Defender Center, 2018).

Five-year trend data regarding justice-involved youth in Arizona is good news as it shows substantial decreases in multiple areas. For example, as detailed in the chart below, decreases were evidenced in the number of youth referred (-19.8%), the number of youth who had petitions filed (-16.2%), the number of youth detained/held in a detention facility (-38.1%), the number of youth with diversion referrals (-30.2%), the number of youth on

standard probation (-26.4%), and the number of youth on intensive probation (-17.9%) (Kelroy, Jones, and Rhudy, 2019). These numbers are lower than the actual number of referrals, petitions, and detainments given that some youth are referred, petitioned, and detained more than once in any given year.

#### Arizona Office of the Courts: Juvenile Court Five Year Data Comparison (2014 to 2018).

# of Youth Referred	Decreased from 26,991 to 21,659	19.8% decrease
# of Youth with Petitions Filed	Decreased from 9,032 to 7,570	16.2% decrease
# of Youth Detained	Decreased from 5,952 to 3,684	38.1% decrease
# of Youth with Diversion Referrals	Decreased from 12,286 to 8,571	30.2% decrease
# of Youth on Standard Probation	Decreased from 4,929 to 3,629	26.4% decrease
# of Youth on Intensive Probation	Decreased from 1,089 to 894	17.9% decrease

#### Arizona Court Revenue

In Arizona, Juvenile Court is part of the Superior Court – the state’s general jurisdiction court. Among other responsibilities, Superior Court has jurisdiction over a number of different types of cases, serves as the Appellate Court for justice and municipal courts, includes Juvenile Court and Tax Court, provides adult and juvenile probation services, and provides for arbitration (Arizona Judicial Branch, 2020).

In 2017, Arizona courts collected a total of \$344,491,690 in revenue. Of this total, 32.4% was from the fines, sanctions, and forfeitures category while 47.2% was from court fees (Arizona Court Revenue, 2018). In 2017, Arizona’s Superior Court revenue totaled \$87,806,412. Revenue specific to Juvenile Court is somewhat difficult to untangle within Superior Court data since it is unclear whether some revenue categories (e.g., administrative/screening fee, general fund fees, electronic monitoring fee) include only adults or adults and juveniles. However, the Annual Court Revenue (2018) states that in 2017 revenue from “Probation-Juvenile Assessment Fee” was \$675,248, revenue from “Probation-Juvenile Diversion Assessment Fee” was \$437,471, revenue from “County Juvenile Detention Reimbursement Fund” was \$524,260, and revenue from “Juvenile Victim’s Rights Fee” was \$110,303. These four categories alone total \$1,747,282 or 2.0% of Superior Court’s 2017 revenue.

As noted earlier, paying court-related fines and fees including restitution must be completed to be given a successful discharge status – a designation given when one completes all requirements of juvenile probation including these payments. Given the lack of data on who does/does not pay their fines and fees and the number/percent of youth who apply for and are granted juvenile record expungement or record destruction, a closer look at which youth leave juvenile court with as “successful” will help illuminate disparities in youth success and potential for record expungement and record destruction.

#### Pima County Juvenile Court Data: Youth Success

The research team requested and received Pima County Juvenile Court (PCJC) data on youth discharge status across four years with regard to ethnicity, gender, dependency status, age, and zip code (see Attachment 5). These data were provided by the court and organized by the research team. Discharge status for youth on Standard Probation (SP) was examined and included the following discharge status terms:

- Successful: Youth completed all juvenile probation requirements.
- Unsuccessful: Youth did not complete all juvenile probation requirements.
- Juvenile Intensive Probation Services (JIPS): Youth was moved to JIPS. This is not a case closure and it is not necessarily a negative outcome.
- No Judgement: Considered to be a neutral outcome, which may allow for youth to have their case viewed as successful.
- Turned 18: Youth who aged out of the juvenile justice system. Not indicative of a successful or unsuccessful outcome.

- Transfer: Youth transferred to another jurisdiction. Not indicative of a successful or unsuccessful outcome.
- Department of Juvenile Corrections (ADJC): Youth transferred from county-level juvenile court to an Arizona state facility. Not necessarily a negative outcome.

For the purposes of this report, we highlight the data on youth who were successful and unsuccessful given that the other discharge status categories do not adequately inform on a youth's final court standing.

#### Ethnicity:

In FY 2017-2018, there were 225 successful youth and 46 unsuccessful youth. African American youth had the highest percent of successful completions (68.4%), followed by White youth (63.5%). Asian/NHPI/Other evidenced the highest percent of youth who were unsuccessful (18.2%) - although this only included two youth. Native Americans followed with 13.6% of youth being unsuccessful.

The 2017-2018 data did not follow the same pattern as data from previous three years in which the highest percent of successful youth across the three years was Asian/Other followed by White youth, and in which the percent of unsuccessful youth across the previous three years was highest among Native American youth.

Many reasons may account for the range in successfulness with regard ethnicity such as discrimination, stereotyping, family income and support, intergenerational trauma, fear of the court, as well as PCJC strategies to increase success. Given that Native American youth comprised, on average, the highest percent of unsuccessful youth across all four years, PCJC should consider strategies for working with Native American youth and families to achieve a high success rate.

#### Gender:

In FY 2017-2018, there were 225 successful youth and 46 unsuccessful youth. Females had the highest percent of successful youth (74.4%) compared to males (55.1%). Males evidenced a higher percent of unsuccessful youth (12.6%) compared to females (10.1%).

The 2017-2018 data generally follow the data from previous three years in which the highest percent of successful youth was females across the three years. Males had a higher percent of unsuccessful youth in two of the three years.

The higher percent of females being successful may be due to females committing less severe crimes, being less visible for re-arrest, and being more receptive to interventions or treatment. Moreover, gender-responsive programming for girls has been highlighted in recent years and even more recently for those who identify as LGBTQ. These data may highlight the call for more gender specific programming for males.

#### Dependency:

In FY 2017-2018, there were 225 successful youth and 46 unsuccessful youth. Youth without a dependency status (e.g., not involved in the child welfare system) had a higher percent of successful youth (59.9%) compared to youth with a dependency status (52.6%). Youth without a dependency status also had a higher percent of unsuccessful youth (12.3%) compared to youth with a dependency status (10.5%).

The 2017-2018 data generally follow data from the previous three years in which the highest percent of successful youth was youth without a dependency status across the previous three years. Youth without a dependency status had a higher percent of unsuccessful youth in two of the three years.

The literature suggests that dually-involved youth are more likely to be detained, face harsher consequences, and have higher rates of recidivation. While family support may be lacking for many of these youth, they may also face stereotyping, greater surveillance, and may have different treatment needs.



#### Age:

In FY 2017-2018, there were 252 successful youth and 56 unsuccessful youth. Youth who were 18 years of age had the highest percent of successful youth (84.0%) followed by youth 15 years of age (64.2%). Youth who were 17 years of age evidenced the highest percent of youth who were unsuccessful (23.6%).

The 2017-2018 data generally follow data from the previous three years in which the highest percent of successful youth were youth who were 18 years of age. However, contrary to the 2017-2018 data, in the previous three years the highest percent of unsuccessful youth were youth who were 17 years of age.

Options for youth who turn 18 years and are still involved in juvenile court are limited as they can not be placed on JIPS, transferred to another jurisdiction, or placed in DOJC. It may be that the majority these youth are permitted a benefit of aging out and discharged as successful so that they enter adulthood with less juvenile court involvement complexities. Given that youth who were 17 years of age evidenced the highest percent of being unsuccessful for three of the four years, great emphasis might be placed on intervening with these youth to increase the number of successful discharges.

#### Zip Code:

In FY 2017-2018, there were 82 successful youth and 16 unsuccessful youth living in Pima County's five zip codes with the highest number of court-involved youth. Because the research team was unable to gain access to data on the socio-economic status of youth and families involved in PCJC, we used zip code as a proxy for socio-economic status. In FY 2017-2018 youth living in the 85706 zip code had the highest percent of successful youth (83.3%). Youth living in the 85705 zip code evidenced the highest percent of youth who were unsuccessful (18.2%).

The 2017-2018 data did not follow data from the previous years. Zip codes with the highest percent of successful youth varied each year including the previous three years (85705, 85710, and 85713). Similarly, zip codes with the highest number of youth who were unsuccessful also varied including the previous three years (85711, 85710/85711; 85730).

Looking at the 2017-2018 data, youth from the 85706 zip code had the highest percent of successful youth. This zip code is predominately Hispanic (82.5%), has a median household income of \$32,518, and 74.2% of students qualify for free or reduced school lunch program. The 2018 zip code that had the highest percent of unsuccessful youth was 85705. This zip code is evenly split Hispanic (43.9%) and White (43.8%), has a median household income of \$29,705, and 63.4% income of students qualify for free or reduced school lunch program.

A consistent pattern of success and unsuccessfulness was not evidenced; variations occurred across the four years and across zip codes. Success may be more related to police surveillance, opportunities to engage in treatment and community service, and access to court-supported services. When looking at zip code data, zip codes closer to PCJC may have somewhat higher success rates. Given the large size of Pima County of 9,189 square miles, youth and families may have difficulty with getting to juvenile court for hearings and other appointments or accessing community service opportunities. Juvenile court may want to consider providing court-related services throughout the local community making it easier for youth and families to comply with court-related mandates.

#### **Juvenile Court Burdens**

Findings from the 32 qualitative interviews across Arizona's 15 counties uncovered a number of challenges with regard to Arizona's open juvenile record laws and court-imposed fines and fee policies. Common themes relating to these two burdens are presented below.

#### Open Record Laws

Findings from the 32 interviews revealed three major themes (1) the myth that juvenile records are confidential and destroyed once the youth turns 18 years of age, (2) inconsistent policies and practices within and across Arizona's 15 counties, and (3) police reports.

Many youth and families assume that juvenile records are kept confidential and are automatically destroyed or sealed when the youth ages out of the juvenile justice system. Moreover, many youth-serving professionals (e.g. case managers, recovery coaches) hold this false assumption as well. Often times youth do not realize that their juvenile record exists and is open to the public until years later - after they turn 18 - when applying to an educational program, for a job opening, or for housing.

Lack of consistent policies and practices regarding records destruction within and across counties was identified as one of the most significant burdens for youth and families navigating the system. This burden is amplified because youth must apply for expungement or destruction of their juvenile record in every county in which they have a juvenile court case. Notification of the right to apply for record expungement varied widely from county to county. For example, in La Paz County, families were verbally notified at the time of first contact with the juvenile justice system while in Pinal County a probation officer informed youth on their 18<sup>th</sup> birthday. Several interviewees explained that the process to apply for record expungement or record destruction is confusing and the majority of counties do not provide legal assistance. Pima County is one of the few counties that provides legal assistance, although contract attorneys (versus public defenders) may not view this assistance as part of their contract. Interviewees from the Pima Juvenile Division Public Defenders offices explained that prior to applying for expungement or destruction of the juvenile record, juvenile public defenders will run background checks for pending charges, unpaid fines and fees, and other barriers that could result in a denial. Unfortunately, the majority of Arizona youth are at a disadvantage as this service is not provided in most counties.

*Notification of the right to apply for record expungement varied widely from county to county. The process to apply for expungement or destruction is confusing and the majority of counties do not provide legal assistance.*

Police reports was a third prominent barrier identified by almost all of the interviewees. Even if youth are successful in obtaining expungement or destruction of their juvenile record, police reports are not expunged/destroyed and may still be available to the public. This presents two major problems for youth (1) charges on the police report are often different than the charges pursued by juvenile court which can be misleading for individuals and agencies accessing records, and (2) if youth do not save their records from juvenile court, there is no available documentation of the case outcome and the police report stands alone. For youth applying to the military or other agencies, which do more extensive background checks this can be particularly problematic.

### Fines and Fees Policies

With regard to court-imposed fines and fees, the research team discussed the lack quantitative data with many of the interviewees (e.g., clerk's office personnel; probation officers) who noted that fines and fees data was generally not tracked. While probation officers often assisted with reduction or waiver requests they did not keep data on how many families were granted a reduction or waiver for juvenile court fines or fees.

Findings from the 32 interviews revealed three major burdens (1) the high monetary and time-related costs of fines and fees, (2) inconsistent policies and practices within and across Arizona's 15 counties, and (3) the encumbrances of these policies well into the youth's adulthood.

Findings from the interviews highlighted the burdensome monetary and time-related costs associated with court-imposed fines and fees. Youth and families accumulated fines and fees for a number of court related expenses including fees for probation, detention, counseling, residential treatment, and administrative fees. In many counties, additional fees were applied for families who could not pay all the fines/fees at once and needed to be

put on payment plans. Often times families were faced with the difficult decision of paying bills or paying court-related fines and fees. While interviewees noted that fee waivers or reductions are possible, they mentioned that many family members did not have time off from work or home duties nor the resources (e.g. transportation, childcare) to go to court to provide information to apply for waivers and/or reduction in fees. When asked what the changes could be made to mitigate burdens for families, most interviewees indicated that fines and fees (with the exception of restitution) should be eliminated.

*Many family members did not have time off from work or home duties nor the resources (e.g. transportation, childcare) to go to court to provide information to apply for waivers and/or reduction in fees.*

As with open record laws, findings from the interviews revealed a lack of consistency in policies and practices within and across Arizona's counties with regard to court-imposed fines and fees. Various practices for notifying families of the option to apply for fee waivers and reductions were present across the counties. Some youth and families were notified by probation officers and others by a judge. The process to apply for these waivers and reductions also varied widely. Some counties only verbally asked about the family and youth's ability to pay while other counties required extensive documentation such as paycheck stubs and tax returns. Interviewees noted that documentation requirements can pose a problem for families hesitant to provide personal information to government agencies. This might be particularly true for immigrant families or others families fearful of the legal system. Furthermore, findings from the interviews revealed that outcomes of requests for fee waivers and reductions vary widely from judge to judge. Interviewees reported that some judges have a reputation for fairly granting waivers and reductions while others had a reputation for almost always denying these requests.

Fines and fees can and often will follow youth and families long after the youth turns eighteen. Findings from the interviews reveal that all Arizona counties participate in the tax intercept program which allows the court to intercept state income tax refunds. Additionally, wages can be garnished. And, as noted previously, unpaid fines and fees can result in a denial of the expungement or destruction of juvenile records. This creates a spiral of negative outcomes - from the inability to enroll in educational and vocational programs, to obtaining employment, to accessing housing. This, in turn, may affect the youth's ability to have employment that provides a living wage with associated health and retirement benefits, safe and affordable housing, and access to health and educational opportunities for themselves and their future families.

### **Arizona House Bill 2055**

Arizona House Bill 2055 was enacted August 27, 2019. While the new legislation does not address all of the burdens placed on juvenile court-involved youth and families, it does provide some relief. For example, the new legislation:

- Prohibits the clerk of the court from charging filing fees for an application to destroy juvenile records,
- Allows the court, on a showing of good cause, to modify any monetary obligation (except for restitution),
- Requires the court to inform a juvenile, in writing, of the juvenile's right to the destruction of the juvenile's court and Arizona Department of Juvenile Corrections records at the juvenile's disposition hearing, and
- Requires the juvenile court, the clerk of the superior court and the juvenile probation department, on notification by the probation department, to destroy the records that concern a referral or citation that did not result in further action or that resulted in a successful completion of diversion within 90 days after the person who was the subject of the referral or citation reaches 18 years of age.

### **Successful Strategies for Working with Court-involved Youth**

In addition to Arizona's new legislation that advances supportive policies and streamlines complicated procedures, findings from the 32 qualitative interviews revealed that across all Arizona counties, juvenile court personnel advocated for youth and articulated their commitment to the success of all youth. They provided

examples of a number of innovative and supportive strategies for working with juvenile court-involved youth and families. Four strategies are highlighted below.

Pima County Destruction of Records Clinic:

The Pima County Destruction of Records Clinic was established in January 2018 by the Pima Juvenile Division Public Defenders office. The clinic provides “one stop shopping” for previously court-involved youth. Clinic attorneys and volunteers provide assistance with completing applications for record expungement and record destruction as well providing information on immigration, voting registration, and higher education grants and scholarships. Presently, the clinic is temporarily closed while volunteers are being recruited and training on the new legislation is completed. However, individuals can make appointments to meet with attorneys privately who will assist with the expungement or destruction of record process.

Apache County LOFT Legacy Teen Center:

Apache County closed its detention facility which averaged 1.7 youth per day and contracted with Pinal County when there is a need for a youth be retained in a detention center. In September 2017 Apache County converted its detention facility to a youth drop in center. If police are called to a home for domestic disturbance and the family meets certain criteria, the youth can stay in

one of two respite rooms. These rooms are set up like a bedroom and the stay is completely voluntary. Staff assess the youth’s needs and make appropriate referrals for youth and family. This process

provides respite for families and keeps youth out of the juvenile justice system The LOFT has begun to track the feasibility and success of program activities. They reported that referrals to juvenile court went down over 55% between 2017-2018. Moving forward, the LOFT may produce an annual report to outline their efforts and progress.

*“Police know they can bring youth to the LOFT any time just to cool off...especially if leaving youth in a situation will result in them being charged”* Quote from Apache County Interview

Navajo County Hope, Unity, and Belief (HUB) Youth Center:

Similar to the LOFT, the HUB was set up due to the low number of youth in juvenile detention. It provides a place for respite while diverting youth from the juvenile justice system before a situation escalates to the point where youth would be referred. Additionally, the Juvenile Probation Department partnered with Navajo County Instruction for Success (NCIS) to provide staff including two full-time teachers to assist with school credit recovery and obtaining a high school diploma. Additional services provided include pro-social activities (e.g., music instruction, hiking, life skills classes) for youth. The HUB reported that the community response has been very positive. Feedback from the community noted that efforts to work with youth rather than incarcerate youth are appreciated.

Graham County Juvenile Court and Sheriff’s Department Agreement:

Graham County Juvenile Court created a form letter for youth applying to the military to explain that the court automatically dismisses diversion cases. Diversion cases include low level offenses, such as status offenses or first-time misdemeanor offenses. These diversion cases avert formal court proceedings and instead use informal means such as community service to resolve cases. This, in effect, addresses the youth behaviors without drawing them further into the juvenile justice system.

The Graham County form letter explains that while the youth may have an arrest record, there is no record of the case in juvenile court. Graham County also provides statute that explains that if a youth successfully completes

the consequences, the program’s resolution shall not be used against the juvenile in any further proceeding and is not an adjudication of incorrigibility or delinquency. The resolution of the program is not a conviction of crime, does

not impose any civil disabilities ordinarily resulting from a conviction and does not disqualify the juvenile in any

*“The court and Sheriff’s Department have a mutual commitment to work together to eliminate barriers for youth”* Quote from Graham County Interview

civil service application or appointment. In addition, a probation supervisor sends the Destruction of Record order to the Sheriff. The Sheriff then flags the record noting that it is not to be disseminated.

## CONCLUSION

U.S. juvenile courts were created to provide a separate legal course for minors aimed at supporting youth success. Yet, juvenile court laws, policies, and practices can be burdensome to court-involved youth and their families and impede youth from becoming successful adults. In Arizona, open records laws and juvenile court fines and fees are two such burdens that need to be addressed. Based on the research conducted for this white paper, recommendations with regard to these burdens include:

- Arizona's juvenile courts need to create uniform policies and practices in relation to expungement and destruction of juvenile records including, for example, how and when youth are informed of the process along with providing aid in completing required paperwork.
- The number of requests for destruction and expungement of juvenile records and the number granted and denied needs to be collected by county and year; and by youth demographics including race/ethnicity, gender, dual participation, age, and family economic status. In addition, this data should include type of crime and other relevant information.
- New legislation that moves beyond HB 2055 needs to be proposed so that additional protections with regard to juvenile records can be put in place.
- Juvenile court fines and fees should be abolished.
- If juvenile fines and fees are not abolished, greater data specificity regarding revenue gained through court-imposed juvenile fines and fees, who is unable to pay, and the consequences for non-payment should be collected by county and year; and by youth demographics including race/ethnicity, gender, dual participation, age, and family economic status. In addition, this data should include type of crime and other relevant information.
- Alternatives to juvenile court involvement including alternatives to detention should be implemented to support youth and increase their success. In addition, evaluation activities that track the feasibility and success of these alternatives need to be employed.

The authors hope that this report can be used as a resource with regard to burdens placed on court-involved youth and their families what can be done at the legislative, policy, and practice levels for promoting the success of Arizona's justice-involved youth.

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## GLOSSARY OF TERMS

**Adjudication (Delinquency):** The court process that determines if the juvenile committed the act for which he or she is charged. The term "adjudicated" is analogous to "convicted" and indicates that the court concluded that the juvenile committed the act.

**Adjudication (Dependency):** The court process that determines if a child is a victim of abuse or neglect and is in need of proper and effective parental care.

**Delinquent:** Refers to a child who commits an act that if committed by an adult would be a criminal offense or a petty offense or a violation of any law that can only be violated by a minor (e.g. truancy).

**Delinquency Records/Cases:** Refer to records or cases involving a child who is adjudicated to have committed a delinquent act.

**Dependent:** Refers to a child who is adjudicated to be in need of proper and effective parental care and control and who has no parent or guardian, or one who has no parent or guardian willing or able to exercise such care and control.

**Diversion:** A community based alternative program or diversion program administered by the court. Before a petition is filed or an admission or adjudication hearing is held, the county attorney may divert the prosecution of a juvenile who is accused of committing a delinquent act or a child who is accused of committing an incorrigible act to such programs.

**Incorrigible:** Refers to a child who has been adjudicated as refusing to obey reasonable orders from their guardian, a danger to self or others, is a runaway, or fails to obey court orders in a noncriminal action.

**Juvenile Detention Center:** A facility separate and apart from a jail or lockup, in which adults are confined and where juveniles who are alleged to be delinquent or children who are incorrigible can be placed.

**Juvenile Intensive Probation Services (JIPS):** Highly structured and closely supervised juvenile probation which emphasizes surveillance, treatment, work, education and home detention.

**Juvenile Records:** Records maintained by Juvenile Court that include arrest records, notations of referrals involving delinquent acts, delinquency hearings, disposition hearings, probation hearings, appellate review, and diversion proceedings.

**LGBTQ:** Refers to Lesbian, Gay, Bisexual, Transgender, Queer/Questioning individuals.

**Petition:** A written statement of facts that allege delinquency, incorrigibility or dependency.

**Record Destruction:** In Arizona “record destruction” occurs when the juvenile court, the clerk of the superior court and the juvenile probation department, destroy the records that concern a referral or citation that did not result in further action or that resulted in a successful completion of diversion within ninety days after the person who was the subject of the referral or citation reaches eighteen years of age. The original is no longer available.

**Record Expungement:** In Arizona “record expungement” means the same “record set aside”. Record expungement means to cancel or revoke a judgement or order. Usually the record is modified or changed. The original is still available.

**Reduction:** When the court determines that the applicant is not required to pay the full amount of court fees originally assessed.

**Referral:** A report that submitted to the juvenile court and that alleges that a child is dependent or incorrigible or that a juvenile has committed a delinquent or criminal act.

**Restitution:** Payment ordered delinquency cases where there is a victim. Payments are related to out-of-pocket costs to the victim including property loss, damage, or personal injury. In Arizona, payments can be in the form of money or community service. Restitution payments may not be waived or reduced.

**Standard Juvenile Probation:** Supervision ordered by the juvenile court of children who are found to be delinquent.

**Status Offense:** Refers to offenses that would not necessarily be considered crimes if they were committed by adults. Examples include curfew violations, running away from home, and truancy.

**Waiver:** When the court determines that the applicant is not required to pay juvenile court fees unless the applicant’s financial circumstances change during the case.

## **ACKNOWLEDEMENTS**

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**Attachment 1: Arizona State Senate: Fact Sheet for H.B. 2055**



**ARIZONA STATE SENATE**  
*Fifty-Fourth Legislature, First Regular Session*

**AMENDED**  
**FACT SHEET FOR H.B. 2055**

juvenile court; jurisdiction; undesignated felony

Purpose

Expands juvenile court jurisdiction for the purpose of designating undesignated felonies. Restructures procedures and requirements for setting aside adjudications. Restructures procedures and requirements for destruction of juvenile records.

Background

A person who is at least 18 years of age, who has been adjudicated delinquent or incorrigible and who has fulfilled the conditions of probation and discharge ordered by the court or who is discharged from the Arizona Department of Juvenile Corrections (ADJC) on successful completion of the individual treatment plan may apply to the juvenile court to set aside the adjudication. The court or the ADJC must inform the person of this right at the time the person is discharged.

A person may not apply to set aside an adjudication if the person: 1) has been convicted of a criminal offense; 2) has a criminal charge pending; 3) has not completed the terms and conditions of probation or been discharged from the ADJC on completion of the individual treatment plan; or 4) has not paid all restitution and monetary assessments. Setting aside adjudication does not apply to a person who was adjudicated delinquent for: 1) an offense involving the infliction of a serious physical injury; 2) an offense involving the use or exhibition of a deadly weapon or dangerous instrument; 3) a sexual offense; 4) a violation of a revoked or suspended license, aggravated driving or driving under the influence; or 5) a civil traffic violation (A.R.S. § 8-348).

A person who has been referred to juvenile court may apply for destruction of the person's juvenile court and ADJC records. If the records concern a referral or citation that did not result in further action or that resulted in diversion, placement in a community based alternative program or an adjudication for an offense other than a specified felony offense or driving under the influence offense, the person must certify under oath that the person: 1) is at least 18 years of age; 2) has not been convicted of a felony offense or adjudicated delinquent for an offense that would be a specified felony offense or driving under the influence offense; 3) does not have a criminal charge pending; 4) has successfully completed all of the terms and conditions of court ordered probation or been discharged from the ADJC; and 5) has paid all restitution and monetary assessments in full. If the records concern a referral that resulted in an adjudication of delinquency for an offense not provided for, the person must also certify under oath that the person is 25 years of age and the juvenile court must find that the destruction of the records would be in the interests of justice (A.R.S. § 8-349).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

*Setting Aside Adjudication*

1. Removes the ADJC as a party required to inform a person of the right to apply to the juvenile court to set aside an adjudication.
2. Requires the juvenile court to inform a person of the right to apply to set aside an adjudication at the time of the disposition of a case rather than after a person is discharged.
3. Removes the requirement that a person's attorney, probation officer or parole officer be authorized in writing to apply to set aside an adjudication.
4. Removes the requirement that a copy of an application to set aside an adjudication be served on the prosecutor.
5. Prohibits the clerk of the court from charging a filing fee for an application to set aside an adjudication.
6. Requires the clerk of the court to transmit a copy of an application to set aside an adjudication to the county attorney in the county where the referral was made.
7. Allows the court, when determining whether to set aside an adjudication, to consider:
  - a) the nature and circumstances of the offense on which the adjudication is based;
  - b) whether the person has been convicted of a felony offense;
  - c) whether the person has any pending criminal charges;
  - d) the victim's input; and
  - e) any other factor that is relevant to the application.
8. Requires the court to dismiss a petition if the court grants an application.
9. Adds a certified ignition interlock device and suspended or revoked license to the list of penalties and disabilities excluded from release after a set aside adjudication is granted by the court.
10. Removes the following criteria that would prevent a person from applying to set aside an adjudication:
  - a) the person has been convicted of any criminal offense;
  - b) the person has a criminal charge pending;
  - c) the person has not successfully completed all of the terms and conditions of probation or been discharged from the ADJC on successful completion of the individual treatment plan; and
  - d) the person has not paid all restitution and monetary assessments.

11. Allows the court, on a showing of good cause, to modify any monetary obligation that is owed by the person except for victim restitution.
12. Stipulates that if the court grants an application, any remaining unpaid monetary obligation continues to be owed and is subject to remedies until the monetary obligation is paid.
13. Requires the court to state its reasons for denial in writing if the court denies an application.
14. Establishes that, if a victim has made a request for post adjudication notice, the victim has the right to be present and heard at any hearing on the application.
15. Requires the state to provide the victim with notice of the application and of the rights provided to the victim.
16. Removes from the list of offenses excluded from set aside eligibility:
  - a) an offense in violation of driving with a suspended or revoked license; and
  - b) a civil traffic violation.
17. Specifies that a person may not apply to set aside an adjudication for:
  - a) an offense for which there has been a finding of sexual motivation;
  - b) an offense for which the person is required or ordered by the court to register for a sex offense; and
  - c) the condition that if the offense can be alleged as a prior violation of driving under the influence for an offense in violation of driving under the influence.

#### ***Destruction of Juvenile Records***

18. Specifies that a person who is at least 18 years of age may apply for destruction of juvenile records if the person was adjudicated delinquent or incorrigible, with exceptions.
19. Removes the requirement that juvenile records to be destroyed must concern a referral or citation that did not result in further action or that resulted in diversion or placement in a community based alternative program.
20. Removes the requirement that a person must file an application to destroy juvenile records with the juvenile court and serve a copy of the application on the county attorney in the county in which the referral was made.
21. Adds to the required attestations in an application for destruction of juvenile court and ADJC records that the applicant:
  - a) is not under the jurisdiction of the juvenile court or the ADJC; and
  - b) is not currently required to register for a sex offense.
22. Removes the requirements that a juvenile court must find the destruction of records:
  - a) are in the interests of justice; and
  - b) further the rehabilitative process of the applicant.

23. Adds to the requirements in order for a juvenile court to order the destruction of records that:
  - a) all monetary obligations are paid in full or have been modified;
  - b) the person is not under the jurisdiction of the juvenile court or the ADJC; and
  - c) the person is not currently required to register for a sex offense.
24. Removes the requirement that a person must certify that the person has successfully completed all the terms and conditions of court ordered probation or has been discharged from the ADJC on successful completion of the individualized treatment plan in order to:
  - a) apply for the destruction of records that concern a referral that resulted in an adjudication of delinquency; and
  - b) destroy records that concern a referral that resulted in an adjudication of delinquency.
25. Requires a person who is not eligible to have the person's records destroyed until turning 25 years of age to attest that the person:
  - a) has either paid all monetary obligations in full or has requested the court to modify the outstanding monetary obligations; and
  - b) is not currently required to register for a sex offense.
26. Requires the court to inform a juvenile, in writing, of the juvenile's right to the destruction of the juvenile's court and ADJC records at the juvenile's disposition hearing.
27. Prohibits the clerk of the court from charging a filing fee for an application to destroy juvenile records.
28. Requires the clerk of the court to transmit a copy of a submitted application to destroy juvenile records to the county attorney.
29. Allows the county attorney to file an objection to an application for the destruction of juvenile records.
30. Allows the court, on a showing of good cause, to modify any monetary obligation except for victim restitution.
31. Requires the juvenile court, the clerk of the superior court and the juvenile probation department, on notification by the probation department, to destroy the records that concern a referral or citation that did not result in further action or that resulted in a successful completion of diversion within 90 days after the person who was the subject of the referral or citation reaches 18 years of age.
32. Requires the probation department to send a copy of the notice to the Department of Public Safety Central State Repository.
33. Requires the Department of Child Safety to destroy all court, juvenile probation and ADJC records that are in the Department of Child Safety's possession and that were produced in the delinquency or incorrigibility matter within six months after receiving a notification from the superior court that a person's juvenile delinquency or incorrigibility records were destroyed.

*Miscellaneous*

34. Requires the juvenile court to retain jurisdiction after a juvenile's 18th birthday for the purpose of designating an undesignated felony offense as a misdemeanor or felony, including after the adjudication is set aside.
35. Makes technical and conforming changes.
36. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Removes the provision allowing the juvenile court to designate a class 6 undesignated felony as a class 1 misdemeanor at any time.
2. Removes the provision that an undesignated felony must be treated as a felony for all purposes until the court enters an order designating the offense as a misdemeanor.
3. Restores the provision that states a person who was adjudicated delinquent for any sexual offense cannot apply for adjudication to be set aside.
4. Prohibits a person who has not paid victim restitution from applying to set aside an adjudication.

House Action

JUD            1/30/19    DP    10-0-0-0  
3<sup>rd</sup> Read       2/27/19            57-1-2

Senate Action

JUD            3/28/19    DPA    6-0-1

Prepared by Senate Research

March 29, 2019

JA/gs

**Attachment 2: Legal Requirements for the Destruction of Juvenile  
Records, Set Aside Adjudication, and Restoration of Right to  
Possess A Firearm**

# LEGAL REQUIREMENTS FOR THE DESTRUCTION OF JUVENILE RECORDS, SET ASIDE ADJUDICATION, AND RESTORATION OF RIGHT TO POSSESS A FIREARM

## LEGAL REQUIREMENTS FOR DESTRUCTION OF JUVENILE RECORDS

A.R.S. § 8-349(A) and (E)

### Eligibility at age 18.

You are eligible to have your juvenile court and Department of Juvenile Corrections delinquency records destroyed under A.R.S. § 8-349(A) **IF**:

- You are at least **18** years of age and not under the jurisdiction of the juvenile court (A.R.S. § 8-202).
- You have not been convicted of a felony offense in **adult** court.
- A criminal charge is not pending against you in **adult** court.
- You have completed the conditions of your juvenile court-ordered probation or received a discharge from the Department of Juvenile Corrections and successfully completed the individual treatment plan under A.R.S. § 41-2820(B).
- All victim restitution has been **paid in full**.
- All court-ordered monetary obligations have been paid in full. If not, you may request a modification.
- You have **not** been adjudicated delinquent in **juvenile** court for an offense listed in A.R.S. § 13-501 subsection A or B (*see below*) or title 28, chapter 4, (driving offenses involving drugs or alcohol).
- You are **not** required to register pursuant to A.R.S. § 13-3821 (*see below*).

Offenses included in A.R.S. § 13-501(A)		Offenses included in A.R.S. § 13-501(B)
13-1105	First degree murder	<ul style="list-style-type: none"> <li>• Any class 1 felony</li> <li>• Any class 2 felony</li> <li>• A class 3 felony in violation of any offense in chapters 10-17, 19, or 23 of title 13 (Includes most crimes <i>except</i> theft, forgery, and fraud.)</li> <li>• A class 3, 4, 5, or 6 felony involving the intentional or knowing infliction of serious physical injury or the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument</li> <li>• Any felony offense committed by a chronic felony offender as defined in A.R.S. § 13-501(H)(2)</li> </ul>
13-1104	Second degree murder	
13-1406	Forcible sexual assault	
13-1904	Armed robbery	
13-1204(A)(1)	Aggravated assault: serious injury	
13-1204(A)(2)	Aggravated assault: deadly weapon	
13-1209	Drive by shooting	
13-1211	Discharging a firearm at a structure	
Any felony offense committed by a chronic felony offender as defined in A.R.S. § 13-501(H)(2)		

Offenses requiring registration pursuant to A.R.S. § 13-3821			
13-1303	Unlawful imprisonment (victim under age 18, not committed by victim's parent)	13-3552	Commercial sexual exploitation of a minor



Offenses requiring registration pursuant to A.R.S. § 13-3821			
13-1304	Kidnapping (victim under age 18, not committed by victim's parent)	13-3553	Sexual exploitation of a minor
13-1404	Sexual abuse (victim under age 18)	13-3554	Luring a minor for sexual exploitation
13-1405	Sexual conduct with a minor	13-1402	Indecent exposure (second or subsequent exposure to a person under age 15)
13-1406	Sexual assault	13-1403(B)	Public sexual indecency to a minor under age 15
	Sexual assault of a spouse (committed before 8/12/2005)	13-1402	Indecent exposure (third or subsequent violation)
13-1410	Molestation of a child	13-1403	Public sexual indecency (third or subsequent violation)
13-1417	Continuous sexual abuse of a child	13-3822	Violation of notice of moving place of residence or name change
13-3206	Taking child for the purpose of prostitution	13-3824	Violation of registration requirements
13-3212	Child prostitution (subsection A or B paragraph 1 or 2, before 8/19/2017)		Unlawful age misrepresentation
13-3212	Child sex trafficking (subsection A or B, paragraph 1 or 2, after 8/19/2017)	13-3560	Aggravated luring a minor for sexual exploitation
		13-1428	Sexual extortion (victim under age 15)

### Eligibility at age 25.

If you were not eligible at age 18, you may be eligible at age 25. You are eligible to have your juvenile court and Department of Juvenile Corrections delinquency records destroyed under A.R.S. § 8-349(E) **IF**:

- You are at least 25 years of age.
- A criminal charge is not pending against you in an adult court.
- You have not been convicted of a criminal offense in an adult court.
- You are not required to register pursuant to A.R.S. § 13-3821 (see offenses listed in table).
- All victim restitution has been paid in full.
- All court-ordered monetary obligations have been paid in full. If not, you may request a modification.

In your Application, you must state that **ALL** of the above are true.

**IMPORTANT ADVISEMENT:** Following an order granting destruction, your entire file will be destroyed including the court's destruction order. After destruction, the court will no longer have any information regarding your juvenile case. You **SHOULD** keep the court's order destroying your record as you may need this order in the future for job applications, security clearances, entry into the military, further education, occupational licensing, or other reasons.

## LEGAL REQUIREMENTS FOR SETTING ASIDE ADJUDICATIONS

### A.R.S. § 8-348

If you are at least 18 years of age, and no longer under the jurisdiction of juvenile court or the Department of Juvenile Corrections, have been adjudicated delinquent or incorrigible, and have fulfilled the conditions of probation or received a discharge from the Department of Juvenile Corrections under A.R.S. § 41-2820, you may apply to set aside the adjudication.

The court **CANNOT** grant the application to set aside the adjudication if you were adjudicated delinquent for any of the following offenses:

- A dangerous offense as defined in A.R.S. § 13-105 means “an offense involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury on another person.”
- An offense for which there has been a finding of sexual motivation pursuant to A.R.S. § 13-118.
- An offense in violation of title 13, chapter 14 (sexual offenses).
- An offense in violation of A.R.S. §§ 28-1381, 28-1382, or 28-1383 if the offense can be alleged as a prior violation pursuant to title 28, chapter 4 (DUI).

In the Application, you must state:

- You are at least 18 years of age and no longer under the jurisdiction of juvenile court or the Department of Juvenile Corrections.
- You have completed the conditions of your court-ordered probation or received a discharge from the Department of Juvenile Corrections upon successful completion of the individual treatment plan under A.R.S. § 41-2820(B).
- You were not adjudicated for an offense listed above.
- Whether you have been convicted of a criminal offense in an adult court.
- Whether you have a criminal charge pending in an adult court.
- All victim restitution has been paid in full.
- All monetary obligations have been paid in full or good cause exists for modification of any unpaid monetary obligations. In this application you may request the court modify the monetary obligations.

**NOTE:** If an application to set aside an adjudication is granted, all remaining unpaid monetary obligations continue to be owed.

## LEGAL REQUIREMENTS FOR RESTORATION OF RIGHT TO POSSESS A FIREARM

### A.R.S. § 8-249

If you have been adjudicated for a felony offense or an offense that remains undesignated as a class 6 open-ended offense, you have lost your right to possess a firearm. You **MUST** apply with the court to have that legal right returned to you, even after you turn 18 years of age. If your undesignated offense has been designated a misdemeanor, your right to possess a firearm is automatically restored at age 18.

You may apply for restoration of your right to possess a firearm as set forth below.

In the Application, you must state that **ONE** of the following is true:

1. You were adjudicated delinquent for a dangerous offense under A.R.S. § 13-704, a serious offense as defined in A.R.S. § 13-706, burglary in the first degree, burglary in the second degree, or arson, and you are at least 30 years of age.
  - A dangerous offense under A.R.S. § 13-704 means “an offense involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury on another person” (see A.R.S. § 13-105(13)).
  - Serious offense under A.R.S. § 13-706 includes: first degree murder; second degree murder; manslaughter; aggravated assault resulting in serious physical injury or involving the discharge, use, or threatening exhibition of a deadly weapon or dangerous instrument, sexual assault, any dangerous crime against children; arson of an occupied structure; armed robbery; burglary in the first degree; kidnapping; or sexual conduct with a minor under 15 years of age; and child sex trafficking.
2. You were adjudicated delinquent for any other felony offense and it has been **two years** since you were discharged from probation.

**IMPORTANT ADVISEMENT:** Even if you are granted the right to possess a firearm by the juvenile court in this case, you may still be prohibited from possessing a firearm under other state and federal laws.

**Attachment 3: Instructions and Order for the Destruction of  
Juvenile Court Records**

## DESTRUCTION OF JUVENILE COURT RECORDS

### INSTRUCTIONS: HOW TO COMPLETE THE APPLICATION FORM

1. Determine if you meet the requirements for the request you are making. (See *Legal Requirements for Destruction of Juvenile Records* document.)
2. Complete the Application form **legibly**.
3. Sign the Application.
4. **You must file the original and two (2) copies** of the Application with the superior court clerk (clerk). The clerk will not charge a fee.
5. **The clerk will transmit a copy of the Application to the county attorney.** The county attorney may file a response to the Application regarding your juvenile records.
6. The clerk will return one copy of the Application for **your records**.
7. In **BLACK OR BLUE INK**, please complete the form following the instructions below.

If you have been adjudicated in more than one county, you must file a separate Application with the clerk in each county in which you were adjudicated.

You may obtain your case number from the clerk in the county in which you were adjudicated.

**Heading:** At the top of the form, please fill in your name; mailing address (if address is not protected), city, state, zip code, telephone number and email address. If you are an attorney filing on behalf of the applicant fill in your State Bar Number.

Fill in your first and last name on the line above "Applicant."

Fill in your date of birth on the line above "Applicant's Date of Birth."

Fill in your case number(s) on the line after "JV."

If you are requesting that the court modify your monetary obligations, check the box before "Request to Modify Monetary Obligations."

### STATEMENTS TO AND REQUEST(S) OF THE COURT

To determine whether you should complete Item A or Item B, refer to the *Legal Requirements for Destruction of Juvenile Records* document.

- A.** Complete this section if you are at least **18 years of age** and no longer under the jurisdiction of Juvenile Court (not on probation or under community supervision of Department of Juvenile Corrections).

Check all boxes that are **true**.

If the monetary obligations are not paid in full, you may explain to the court the reasons for requesting that the monetary obligations (except victim restitution) be modified in this section.

**B.** Complete this section if you are at least **25 years of age**.

Check all boxes that are **true**.

If the monetary obligations are not paid in full, you may explain to the court the reasons for requesting that the monetary obligations (except victim restitution) be modified in this section.

**Date and sign the form.**

***IMPORTANT ADVISEMENT:*** Following an order granting destruction, your entire file will be destroyed including the court's destruction order. After destruction, the court will no longer have any information regarding your juvenile case. You **SHOULD** keep the court's order destroying your record as you may need this order in the future for job applications, security clearances, entry into the military, further education, occupational licensing, or other reasons.

For Clerk's Use Only

**SUPERIOR COURT OF ARIZONA**  
**IN \_\_\_\_\_ COUNTY**

**In the Matter of:**

**Case Number(s): JV \_\_\_\_\_**

\_\_\_\_\_  
(Applicant's Name)

**ORDER REGARDING  
APPLICATION**

\_\_\_\_\_  
(Applicant's Date of Birth)

- ☐ Modify Monetary Obligations
- ☐ Destruction of Juvenile Records
- ☐ Set Aside Juvenile Adjudication
- ☐ Restoration of Firearm Rights

**THE COURT FINDS:**

**1. Destruction of Juvenile Records (A.R.S. § 8-349)**

- a. The County Attorney ☐ **objects** ☐ **does not object** to the granting of the application and the County Attorney's position has been considered by the court.
- b. Victim restitution ☐ **has** ☐ **has not** been paid in full.
- c. Monetary obligations ☐ **are paid in full.**  
☐ **remain unpaid** in the amount of \$ \_\_\_\_\_.
- d. Good cause to modify unpaid monetary obligations ☐ **exists** ☐ **does not exist.**
- e. The applicant ☐ **has** ☐ **has not** met all statutory requirements for the application.
- f. The **destruction of records** ☐ **is** ☐ **is not** in the interest of justice and would further the rehabilitative process of the applicant.

**2. Set Aside Juvenile Adjudication (A.R.S. § 8-348)**

- a. The County Attorney ☐ **objects** ☐ **does not object** to the granting of the application and the County Attorney's position has been considered by the court.

- ☐ Within six months after receiving a notification from the superior court that a person's juvenile delinquency or incorrigibility records were destroyed, the Department of Child Safety shall destroy all court, juvenile probation and Department of Juvenile Corrections records concerning this or these case numbers for this applicant that are in the Department of Child Safety's possession and that were produced in the delinquency or incorrigibility matter.

**C. Set Aside Juvenile Adjudication:**

- ☐ Based on the findings listed above, the request for set aside is  
☐ **granted** ☐ **denied.**
- ☐ The applicant is released from all penalties and disabilities resulting from the adjudication, except those imposed by the Department of Transportation pursuant to A.R.S. §§ 28-3304, 28-3306, 28-3307, 28-3308, or 28-3319.

**D. Restoration of Firearm Rights:**

- ☐ Based on the findings listed above, the request for the right to possess a firearm is  
☐ **granted** ☐ **denied.**

***IMPORTANT ADVISEMENT:*** Even if you are granted the right to possess a firearm by the juvenile court in this case, you may still be prohibited from possessing a firearm under other state and federal laws.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judicial Officer

Copies sent to:

Applicant  
County Attorney  
Juvenile Probation Office  
Department of Juvenile Corrections

☐ Department of Child Safety



## **Attachment 4: Arizona Diversion and Probation Fee Assessments**

**Diversion and Probation Fee Assessments**  
**Not Applicable to Extended Jurisdiction Cases [Pursuant to A.R.S. § 8-202(H)]**

Fee	Diversion and/or Probation Related Fee?	Arizona Revised Statute (A.R.S.)	Amount	Reduction?	Waivable?	Parent or Child Responsible for Fee?
Diversion Fee	Diversion	A.R.S. § 8-321(N)	\$50	Yes	Yes	Parent
Diversion Restitution	Diversion	A.R.S. § 8-321(F)	To be determined	No	No	Child
Diversion Surcharge for Civil or Traffic Offenses	Diversion	A.R.S. § 12-114	\$9 but effective 9/1/19 reduced to \$5	No	No	Child
Diversion Monetary Assessment	Diversion	A.R.S. § 8-321(F)	Determined by County Attorney or the Court	Yes	Yes	Child
Diversion Counseling, Treatment or Education program	Diversion	A.R.S. § 8-234(D) and -243(A); See also § ACJA 6-309	Determined by Court	Yes	Yes	Parent
Victim's Fee	Diversion and Probation	A.R.S. § 8-418(A)	\$25	Yes	Yes	Parent
Foster Care, Treatment, Education Program, or Court Ordered Program	Diversion and Probation	A.R.S. § 8-243(A); See also § ACJA 6-309	Determined by Court/ Administrative sector of the juvenile division of the superior court in each county	Yes	Yes	Child or parent
Monthly Probation Service Fee	Probation	A.R.S. § 8-241(A)	\$50	Yes	Yes	Parent
Restitution	Probation	A.R.S. §§ 8-344(A) and 13-809	Determined by Court	N/A	No	Child
Restitution	Probation	A.R.S. § 8-344(C)	Determined by Court	N/A	No	Parent(s) if court ordered
Time Payment Fee	Probation	A.R.S. §12-116(A)	\$20	No	No	Each person who pays on a time payment basis
Reasonable Probation Monetary Assessment	Probation	A.R.S. § 8-341(G)	Determined by Court	Yes	Yes	Child
Probation Monetary Assessment for Child Adjudicated Incurable	Probation	A.R.S. § 8-341(H)	Up to \$150	Yes	Yes	Child
Probation Monetary Assessment for Conviction of Unlawful Purchase, Possession or Consumption of Spirituous Liquor	Probation	A.R.S. § 8-341(I)	Up to \$500	Yes	Yes	Child

**Diversion and Probation Fee Assessments**  
**Not Applicable to Extended Jurisdiction Cases [Pursuant to A.R.S. § 8-202(H)]**

Fee	Diversion and/or Probation Related Fee?	Arizona Revised Statute (A.R.S.)	Amount	Reduction?	Waivable?	Parent or Child Responsible for Fee?
Administrative Assessment Fee	Probation	A.R.S. §11-584(C)(2)	Up to \$25	Yes	Yes	Child or parent
Attorney Fee	Probation	A.R.S. §§ 11-584(C)(3) and 8-221(F-G)	Determined by Court  (Based on operational reviews, fee up to \$400 in some counties)	Yes	Yes	Child or parent
DUI - Traffic Fine	Probation [if juvenile court retains jurisdiction pursuant to A.R.S. 8-202(E)]	A.R.S. § 8-343(J) and if adjudicated on §§ 28-1381, 28-1382, 28-1383	\$250-\$500	No	No	Child
Traffic Fine	Probation [if juvenile court retains jurisdiction pursuant to A.R.S. 8-202(E)]	A.R.S. §§ 8-202(E) and -323(F)(5)	Determined by Court  (Up to \$500 plus lawful surcharges and assessments OR up to \$150 if monetary assessment is not specified)	N/A	N/A	Child
Traffic Fine Surcharge	Probation [if juvenile court retains jurisdiction pursuant to A.R.S. 8-202(E)]	A.R.S. §§ 12-116.01, -116.02, and -116.04	Determined by Court	No	May be waived except on mandated fines	Child
Detention Fee	Probation	A.R.S. §§ 8-243(C) and 8-343(M)	No set amount, determined by the Court	Yes	Yes	Child, parent, or child's estate
Assessments for Dangerous Crimes Against Children	Probation	A.R.S. § 12-116.07	\$500	No	No	Child
Gang & Immigration Intelligence Team Enforcement Mission-GIITEM	Probation	A.R.S. § 12.116.04	\$13	No	No	Child
Fine for Criminal Damage by Drawing or Inscribing on Any Public/Private Building/Structure/ Surface Without Owner's Permission	Probation	A.R.S. §§ 8-341(S) and 13-1602(A)(5)	\$300-\$1,000 (Court may order community restitution in lieu of part/full payment, if in the best interest of juvenile)	No	No	Child

*Please note this chart may not list all juvenile fee assessments*

**Attachment 5: Pima County Juvenile Court: Standard Probation  
Discharge Status Over Time**

### Ethnicity: Discharge Status Over Time

**PCJCC Standard Probation 7/1/14 - 6/30/15**

**Ethnicity (Total N = 549; Total Valid N =530)**

Ethnicity	Hispanic	Hispanic	White	White	African American	African American	Native American	Native American	Other	Other
	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid
Successful	193	69.2	117	71.8	32	56.1	12	44.4	3	75.0
Unsuccessful	30	10.8	13	8.0	9	15.8	5	18.5	0	0.0
JIPS	30	10.8	16	9.8	7	2.6	4	14.8	1	25.0
No Judgement	21	7.5	7	4.3	6	10.5	3	11.1	0	0.0
Turned 18	1	0.3	1	0.6	1	1.8	0	0.0	0	0.0
Transfer	3	1.1	6	3.7	1	1.8	1	3.7	0	0.0
DOJC	1	0.3	3	1.8	1	1.8	1	1	3.7	0.0
No data/ Missing	11		5		1		2		0	
Total	290	(279 valid)	168	(163 valid)	58	(57 valid)	29	(27 valid)	4	(4 valid)

**PCJCC Standard Probation 7/1/15 - 6/30/16**

**Ethnicity (Total N = 428; Total Valid N =408)**

Ethnicity	Hispanic	Hispanic	White	White	African American	African American	Native American	Native American	Other	Other
	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid
Successful	128	59.0	80	65.6	27	55.1	10	55.6	2	100.0
Unsuccessful	19	8.8	11	9.0	6	12.2	3	16.7	0	0.0
JIPS	43	19.8	13	10.7	10	20.4	3	16.7	0	0.0
No Judgement	13	6.0	11	9.0	3	6.1	2	11.1	0	0.0
Turned 18	1	0.5	0	0.0	0	0.0	0	0.0	0	0.0
Transfer	11	5.1	6	4.9	1	2.0	0	0.0	0	0.0
DOJC	2	0.9	1	0.8	2	4.1	0	0.0	0	0.0
No data/ Missing	13		2		3		2		0	
Total	230	(217 valid)	124	(122 valid)	52	(49 valid)	20	(18 valid)	2	(2 valid)

### Ethnicity: Discharge Status Over Time

**PCJCC Standard Probation 7/1/16 - 6/30/17**

**Ethnicity (Total N = 437; Total Valid N = 412)**

Ethnicity	Hispanic	Hispanic	White	White	African American	African American	Native American	Native American	Asian Other	Asian Other
	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid
Successful	142	62.6	72	64.3	23	53.5	10	41.7	5	83.3
Unsuccessful	33	14.5	13	11.6	6	14.0	4	16.7	0	0.0
JIPS	27	11.9	15	13.4	11	25.6	7	29.2	0	0.0
No Judgement	10	4.4	4	3.6	3	7.0	2	8.3	0	0.0
Turned 18	4	1.8	3	2.7	0	0.0	0	0.0	0	0.0
Transfer	10	4.4	5	4.5	0	0.0	1	4.2	1	16.7
DOJC	1	0.4	0	0.0	0	0.0	0	0.0	0	0.0
No data/ Missing	11		4		5		5		0	
Total	238	(227 valid)	116	(112 valid)	48	(43 valid)	29	(24 valid)	6	(6 valid)

**PCJCC Standard Probation 7/1/17 - 6/30/18**

**Ethnicity (Total N = 392; Total Valid =380)**

Ethnicity	Hispanic	Hispanic	White	White	African American	African American	Native American	Native American	Asian/NHPI /Other*	Asian/NHPI /Other
	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid
Successful	124	58.2	61	63.5	26	68.4	9	41.0	5	45.5
Unsuccessful	30	14.1	7	7.3	4	10.5	3	13.6	2	18.2
JIPS	32	15.0	19	19.8	7	18.4	8	36.4	1	9.1
No Judgement	13	6.1	5	5.2	1	2.6	1	4.5	1	9.1
Turned 18	5	2.3	1	1.0	0	0.0	0	0.0	0	0.0
Transfer	7	3.3	3	3.1	0	0.0	1	4.5	0	0.0
DOJC	2	0.9	0	0.0	0	0.0	0	0.0	2	18.2
No data/ Missing	4		4		2		1		1	
Total	217	(213 valid)	100	(96 valid)	40	(38 valid)	23	(22 valid)	12	(11 valid)

### Gender: Discharge Status Over Time

**PCJCC Standard Probation 7/1/14 - 6/30/15**

**Gender (Total N = 549; Valid Cases N = 530)**

Gender	Female	Female	Male	Male
	Total	% of valid	Total	% of valid
Successful	107	80.5	250	63.0
Unsuccessful	6	4.5	51	12.8
JIPS	9	6.8	49	12.3
No Judgement	6	4.5	31	7.8
Turned 18	2	1.5	1	0.3
Transfer	2	1.5	9	2.3
DOJC	0	0	6	1.5
No data/ Missing	1		18	
Total	134	(133 valid)	415	(397 valid)

**PCJCC Standard Probation 7/1/15 - 6/30/16**

**Gender (Total N = 428; Valid Cases N = 408)**

Gender	Female	Female	Male	Male
	Total	% of valid	Total	% of valid
Successful	63	76.8	184	56.4
Unsuccessful	5	6.1	34	10.4
JIPS	4	4.9	65	19.9
No Judgement	8	9.8	21	6.4
Turned 18	0	0.0	1	0.3
Transfer	2	2.4	16	4.9
DOJC	0	0.0	5	1.5
No data/ Missing	5		15	
Total	87	(82 valid)	341	(326 valid)

### Gender: Discharge Status Over Time

**PCJCC Standard Probation 7/1/16 - 6/30/17**

**Gender (Total N = 434; Valid Cases N = 412)**

Gender	Female	Female	Male	Male
	Total	% of valid	Total	% of valid
Successful	45	63.4	207	60.7
Unsuccessful	14	19.7	42	12.3
JIPS	5	7.0	55	16.1
No Judgement	6	8.5	13	3.8
Turned 18	1	1.4	6	1.8
Transfer	0	0.0	17	5.0
DOJC	0	0.0	1	0.3
No data/ Missing	3		19	
Total	74	71 valid	360	341 valid

**PCJCC Standard Probation 7/1/17 - 6/30/18**

**Gender (Total N = 392; Valid Cases N = 380)**

Gender	Female	Female	Male	Male
	Total	% of valid	Total	% of valid
Successful	59	74.7	166	55.1
Unsuccessful	8	10.1	38	12.6
JIPS	6	7.6	61	20.3
No Judgement	3	3.8	18	6.0
Turned 18	1	1.3	5	1.7
Transfer	2	2.5	9	3.0
DOJC	0	0.0	4	1.3
No data/ Missing	4		8	
Total	83	79 valid	309	301 valid



### Dependency: Discharge Status Over Time

**PCJCC Standard Probation 7/1/14 - 6/30/15**

**Dependency (Total N = 548; Total Valid N =529)**

Dependency	No Dependency	No Dependency	Dependency	Dependency
	Total	% of valid	Total	% of valid
Successful	329	69.3	28	51.9
Unsuccessful	53	11.2	4	7.4
JIPS	46	9.7	12	22.2
No Judgement	30	6.3	7	13.0
Turned 18	3	0.6	0	0.0
Transfer	10	2.1	1	1.9
DOJC	4	0.8	2	3.7
No data/ Missing	18		1	
Total	493	(475 valid)	55	(54 valid)

**PCJCC Standard Probation 7/1/15 - 6/30/16**

**Dependency (Total N = 428; Valid Cases N = 408)**

Dependency	No Dependency	No Dependency	Dependency	Dependency
	Total	% of valid	Total	% of valid
Successful	230	62.2	17	44.7
Unsuccessful	35	9.5	4	10.5
JIPS	59	15.9	10	26.3
No Judgement	25	6.8	4	10.5
Turned 18	1	0.3	0	0.0
Transfer	16	4.3	2	5.3
DOJC	4	1.1	1	2.6
No data/ Missing	15		5	
Total	385	370	43	38

### Dependency: Discharge Status Over Time

**PCJCC Standard Probation 7/1/16 - 6/30/17**

**Dependency (Total N = 434; Valid Cases N = 412)**

Dependency	No Dependency	No Dependency	Dependency	Dependency
	Total	% of valid	Total	% of valid
Successful	236	62.6	16	45.7
Unsuccessful	53	14.1	3	8.6
JIPS	49	13.0	11	3.1
No Judgement	15	4.0	4	11.4
Turned 18	7	1.9	0	0.0
Transfer	16	4.2	1	0.3
DOJC	1	0.3	0	0.0
No data/ Missing	21		1	
Total	398	(377 valid)	36	(35 valid)

**PCJCC Standard Probation 7/1/17 - 6/30/18**

**Dependency (Total N =392; Valid Cases N =380)**

Dependency	No Dependency	No Dependency	Dependency	Dependency
	Total	% of valid	Total	% of valid
Successful	205	59.9	20	52.6
Unsuccessful	42	12.3	4	10.5
JIPS	57	16.7	10	26.3
No Judgement	18	5.3	3	7.9
Turned 18	6	1.6	0	0.0
Transfer	10	2.9	1	2.6
DOJC	4	1.2	0	0.0
No data/ Missing	8		4	
Total	350	(342 valid)	42	(38 valid)

## Age: Discharge Status Over Time

**PCJCC Standard Probation 7/1/14 - 6/30/15**

**Age (Total N = 548; Total Valid N =529)**

Age	12-13	12-13	14	14	15	15	16	16	17	17	18	18
	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid
Successful	17	70.8	32	66.7	61	70.9	73	62.9	146	66.1	28	82.4
Unsuccessful	0	0.0	5	10.4	11	12.8	8	6.9	32	14.5	1	2.9
JIPS	4	16.7	7	14.6	9	10.5	21	18.1	17	7.7	0	0.0
No Judgement	1	4.2	2	4.2	1	1.2	9	7.8	22	10.0	2	5.9
Turned 18	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	3	8.8
Transfer	1	4.2	1	2.1	3	3.5	3	2.6	3	1.4	0	0.0
DOJC	1	4.2	1	2.1	1	1.2	2	1.7	1	0.5	0	0.0
No data/ Missing	0		2		0		3		10		4	
Total	24	(24 valid)	50	(48 valid)	86	(86 valid)	119	(116 valid)	231	(221 valid)	38	(34 valid)

**PCJCC Standard Probation 7/1/15 - 6/30/16**

**Age (Total N = 428; Total Valid N = 408)**

Age	11-13	12-13	14	14	15	15	16	16	17	17	18	18
	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid
Successful	11	78.6	18	56.3	30	52.6	68	61.8	93	56.4	27	90.0
Unsuccessful	0	0.0	1	3.1	6	10.5	7	6.4	24	14.5	1	3.3
JIPS	1	7.1	7	21.9	14	24.6	24	21.8	23	13.9	0	0.0
No Judgement	1	7.1	2	6.3	4	7.0	5	4.5	16	9.7	1	3.3
Turned 18	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	3.3
Transfer	0	0.0	3	9.4	2	3.5	4	3.6	9	5.5	0	0.0
DOJC	1	7.1	1	3.1	1	1.8	2	1.8	0	0.0	0	0.0
No data/ Missing	0		3		5		2		10		0	
Total	14	(14 valid)	35	(32 valid)	62	(57 valid)	112	(110 valid)	175	(165 valid)	30	(30 valid)

### Age: Discharge Status Over Time

**PCJCC Standard Probation 7/1/16 - 6/30/17**

**Age (Total N = 434; Total Valid N = 411)**

Age	12-13	12-13	14	14	15	15	16	16	17	17	18	18
	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid
Successful	8	61.5	18	62.1	32	59.3	57	57.0	73	51.4	37	88.1
Unsuccessful	1	7.7	2	6.9	1	1.9	11	11.0	31	21.8	0	0.0
JIPS	1	7.7	8	27.6	14	25.9	21	21.0	23	16.2	0	0.0
No Judgement	2	15.4	0	0.0	2	3.7	6	6.0	11	7.7	0	0.0
Turned 18	0	0.0	0	0.0	0	0.0	0	0.0	1	0.7	5	11.9
Transfer	1	7.7	0	0.0	2	3.7	5	5.0	3	2.1	0	0.0
DOJC	0	0.0	1	3.4	3	5.6	0	0.0	0	0.0	0	0.0
No data/ Missing	0		2		6		1		3		0	
Total	13	(13 valid)	31	(29 valid)	40	(38 valid)	101	(100 valid)	145	(142 valid)	42	(42 valid)

**PCJCC Standard Probation 7/1/17 - 6/30/18**

**Age (Total N = 392; Total Valid N = 380)**

Age	12-13	12-13	14	14	15	15	16	16	17	17	18	18
	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid
Successful	7	63.6	17	73.9	43	64.2	54	56.8	89	53.9	42	84.0
Unsuccessful	1	9.1	0	0.0	6	9.0	8	8.4	39	23.6	2	4.0
JIPS	1	9.1	5	21.7	11	16.4	23	24.2	20	12.1	0	0.0
No Judgement	1	9.1	0	0.0	2	3.0	3	3.2	13	7.9	0	0.0
Turned 18	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	6	12.0
Transfer	1	9.1	1	4.3	5	7.5	7	7.4	3	1.8	0	0.0
DOJC	0	0.0	0	0.0	0	0.0	0	0.0	1	0.6	0	0.0
No data/ Missing	1		5		6		3		6		2	
Total	12	(11 valid)	28	(23 valid)	73	(67 valid)	98	(95 valid)	171	(165 valid)	52	(50 valid)

### Top Five Zip Codes: Discharge Status Over Time

**PCJCC Standard Probation 7/1/14 - 6/30/15**

**Top Five Zip Code by Success (Total N = 228; Valid Cases N =219)**

Zip Code	85706	85706	85713	85713	85711	85711	85705	85705	85746	85746
	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid
Successful	38	65.5	29	65.9	21	56.8	35	70.0	16	53.3
Unsuccessful	9	15.5	7	15.9	8	21.6	4	8.0	1	3.3
JIPS	7	12.1	4	9.1	3	8.1	6	12.0	9	30.0
No Judgement	3	5.2	3	6.8	4	10.8	5	10.0	3	10.0
Turned 18	0	0.0	1	2.3	0	0.0	0	0.0	0	0.0
Transfer	1	1.7	0	0.0	0	0.0	0	0.0	0	0.0
DOJC	0	0.0	0	0.0	1	2.7	0	0.0	1	3.3
No data/ Missing	4		2		1		0		2	
Total	62	(58 valid)	46	(44 valid)	38	(37 valid)	50	(50 valid)	32	(30 valid)

**PCJCC Standard Probation 7/1/15 - 6/30/16**

**Top Five Zip Code by Success (Total N = 159; Valid Cases N =152)**

Zip Code	85706	85706	85713	85713	85711	85711	85705	85705	85710	85710
	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid
Successful	27	71.1	20	62.5	13	59.1	21	55.3	16	72.7
Unsuccessful	2	5.3	2	6.3	3	13.6	4	10.5	3	13.6
JIPS	8	21.1	8	25.0	2	9.1	6	15.8	1	4.5
No Judgement	0	0.0	1	3.1	3	13.6	4	10.5	1	4.5
Turned 18	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Transfer	0	0.0	1	3.1	0	0.0	1	2.6	0	0.0
DOJC	1	2.6	3	9.4	1	4.5	1	2.6	1	4.5
No data/ Missing	1		3		1		1		1	
Total	39	(38 valid)	35	(32 valid)	23	(22 valid)	39	(38 valid)	23	(22 valid)

## Top Five Zip Codes: Discharge Status Over Time

**PCJCC Standard Probation 7/1/16 - 6/30/17**

**Top Five Zip Code by Success (Total N = 170; Valid Cases N =161)**

	85706	85706	85713	85713	85711	85711	85705	85705	85730	85730
	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid
Successful	33	64.7	26	76.5	16	51.6	11	50.0	10	43.5
Unsuccessful	8	15.7	3	8.9	7	22.6	4	18.2	6	26.1
JIPS	7	13.7	1	2.3	5	16.1	6	27.3	4	17.4
No Judgement	1	2.0	2	5.9	2	6.5	0	0.0	3	13.0
Turned 18	1	2.0	0.0	0.0	0	0.0	0	0.0	0	0.0
Transfer	1	2.0	1	2.3	1	3.2	0	0.0	0	0.0
DOJC	0	0.0	0	0.0	0	0.0	1	4.5	0	0.0
No data/ Missing	2		1		3		2		1	
Total	53	(51 valid)	35	(34 valid)	34	(31 valid)	24	(22 valid)	24	(23 valid)

**PCJCC Standard Probation 7/1/17 - 6/30/18**

**Top Five Zip Code by Success (Total N = 143; Valid Cases N = 141)**

Zip Code	85705	85705	85713	85713	85706	85706	85711	85711	85710	85710
	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid	Total	% of valid
Successful	16	48.5	19	59.4	25	83.3	12	52.2	10	43.5
Unsuccessful	6	18.2	2	6.3	2	6.7	2	8.7	3	13.0
JIPS	9	27.3	5	15.6	2	6.7	3	13.0	8	34.8
No Judgement	1	3.0	2	6.3	0	0.0	4	17.4	2	8.7
Turned 18	0	0.0	1	3.1	0	0.0	2	8.7	0	0.0
Transfer	1	3.0	1	3.1	1	3.3	0	0.0	0	0.0
DOJC	0	0.0	2	6.3	0	0.0	0	0.0	0	0.0
No data/ Missing	0		0		1		1		0	
Total	33	(33 valid)	32	(32 valid)	31	(30 valid)	24	(23 valid)	23	(23 valid)