

FY 2019 Title II Category 2

Plan for Compliance with Disproportionate Minority Contact (DMC) Core Requirement

I. Data Collection

The Arizona DMC data report (submitted separately) contains five data collection points. Definitions of the decision points may differ slightly from definitions used within the Title II solicitation guidelines. To clarify any differences, the definition of each data point used within this report is provided below.

Arrest/Referral: Referral statistics have been traditionally used in Arizona's DMC planning reports. Juveniles can enter the court system via other avenues in addition to law enforcement contact. Schools and caregivers are also permitted to submit a referral to juvenile court to allege a delinquent or incorrigible act. Therefore, restricting referrals to only those initiated by an arrest does not accurately capture the entire scope of the target population.

Diversion: In Arizona, diversion is a process that allows a juvenile to avoid the formal court process and instead receive a referral alleging an adjusted offense if the juvenile complies with one or more condition(s). To adjust means to dispose of a case without the juvenile being required to appear in court. If a referral is adjusted, a petition is not filed.

Detention: Juvenile detention centers provide the temporary confinement of juveniles. A juvenile may be detained pending a court hearing or as a dispositional option as ordered by the court. The main difference between the state and federal definitions is that in Arizona detention can be issued to a juvenile as a court-ordered consequence for committing a delinquent act or violating the terms of probation in addition to pre-trial circumstances.

Secure Confinement: In Arizona, data related to secure confinement pertains to long-term confinement, or commitment, to juvenile corrections. Youth are typically committed to juvenile corrections due to their high risk status that requires more restrictive supervision and programming than can be offered in the county system by way of juvenile probation. Over the past several years, Arizona statutes have put limits on youth eligible for commitment, including prohibition of youth under 14 years of age and those who have not been adjudicated of a felony offense.

Transfer to Adult Court: Juveniles who meet certain criteria may be transferred to the adult system. The state may transfer felony offenders under the age of majority, age 18 in Arizona to be tried by the criminal court and detained in an adult jail or prison. Many factors are used to determine transfer, including but not limited to the severity of the offense, the juvenile's criminal history, and the juvenile court's ability to provide adequate services to rehabilitate the offender.

II. Action Plan

1) The state's action plan designates Pinal County as the target jurisdiction. Pinal County is located in south-central Arizona between the two most populated counties in the state, Maricopa and Pima, which border to the north and south, respectively. The area is mainly considered rural with several urban population centers spread throughout a large geographic region. The county is a Juvenile Detention

Alternatives Initiative (JDAI) site and has been working over the last several years on the JDAI core principles, including addressing racial and ethnic disparities.

In Pinal County, there are noteworthy disparities between African-American children and white youth within the referral and detention data points. Upon further exploration, the data demonstrated that African-American youth had significantly longer lengths of stay in detention on average, which contributes to the disparities demonstrated for these youth at the detention decision point.

2) The overarching goal for the targeted jurisdiction is to reduce disparities involving the overrepresentation of African-American youth held in juvenile detention. Successful intervention would be demonstrated by observing rates of detained African-American youth achieving closer parity to rates of detained white and other minority youth.

3) Racial and ethnic disproportionality within the juvenile justice system is a very complex problem with many possible contributing factors such as bias, resource inequities, cultural and language differences, and other variables, which may even include those that have not yet been discovered. The process for identification, assessment, intervention, and evaluation can take a substantial amount of time before witnessing tangible outcomes. While any movement toward the desired outcome over the course of one year would be considered successful, using the data included in this report as a baseline, the state expects to see a rate reduction of at least .02% for African-American youth held in detention.

4) The target outcome is considered reasonable based on the understanding that racial and ethnic inequality within the system is an extremely complicated issue that can take years, if not decades, to unravel and distinguish which factors contribute to causation, and which of those, if any, can be addressed through policy or statutory reforms. Therefore, the DMC plan targets a rate of disparity reduction that will indicate a step towards progress.

5) The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is respectively asked to provide support that will assist the state in determining reasonable objectives within the DMC plan. As the administrative body designated to interpret and administer the core requirements of the Juvenile Justice and Delinquency Prevention Act, it is incumbent on OJJDP to provide clarity to states to help achieve compliance with the Act, including the requirements associated with DMC. Assistance in the form of published research and/or policy that demonstrates best practice interventions and reasonable outcomes would provide a standard by which states could evaluate their own efforts. Without some type of objective uniformity on recommended practices, states may have difficulty collaborating towards a shared goal.

6) Collaboration across systems that impact juvenile justice is key for ensuring that efforts to reduce disproportionality are conducted in a manner that addresses the target population's needs while simultaneously focusing on the delinquent behaviors and maintaining public safety. In addition to the juvenile court, which is this initiative, Pinal County will conduct regular stakeholder meetings that also include law enforcement, mental health professionals, and community members. The diverse makeup of this group will ensure appropriate considerations are made throughout the planning process and subsequent action steps to achieve outcomes that do not lead to an increased risk to the community. Communication between systems and inclusion of representation from institutions tasked with protecting

the public and advocating for victims will lead to interventions that are limited to addressing systemic inequality and achieving fairness for all within the juvenile justice system.