



CHILDREN'S ACTION ALLIANCE

A Voice for Arizona's Children since 1988

Racial Disproportionality in the Juvenile Justice System in Maricopa County

May 2008

As Americans, we share a belief in equal justice for all. The juvenile justice system is based on the historical premise of *parens patriae*, where the court treats the youth in the entirety of their family and social system, and decisions about youth offenders are made on a case by case basis. But in most juvenile justice systems across the country, youth of color are overrepresented.

This paper explores racial disproportionality in the juvenile justice system in Maricopa County. The data show a disproportionately high percent of youth in the county's juvenile justice system are youth of color¹. Latino, African American, and Native American youth are more likely to be referred to juvenile court than Anglo youth. But this higher referral rate does not fully account for the overrepresentation of minority youth at every stage of the juvenile justice system. As one gets further into the juvenile justice system and examines the more restrictive consequences, the gap between Anglo youth and youth of color becomes much greater. Even when looking only at referrals for felony offenses, youth of color are significantly more likely to be committed to the Department of Juvenile Corrections or prosecuted as adults than Anglo youth.

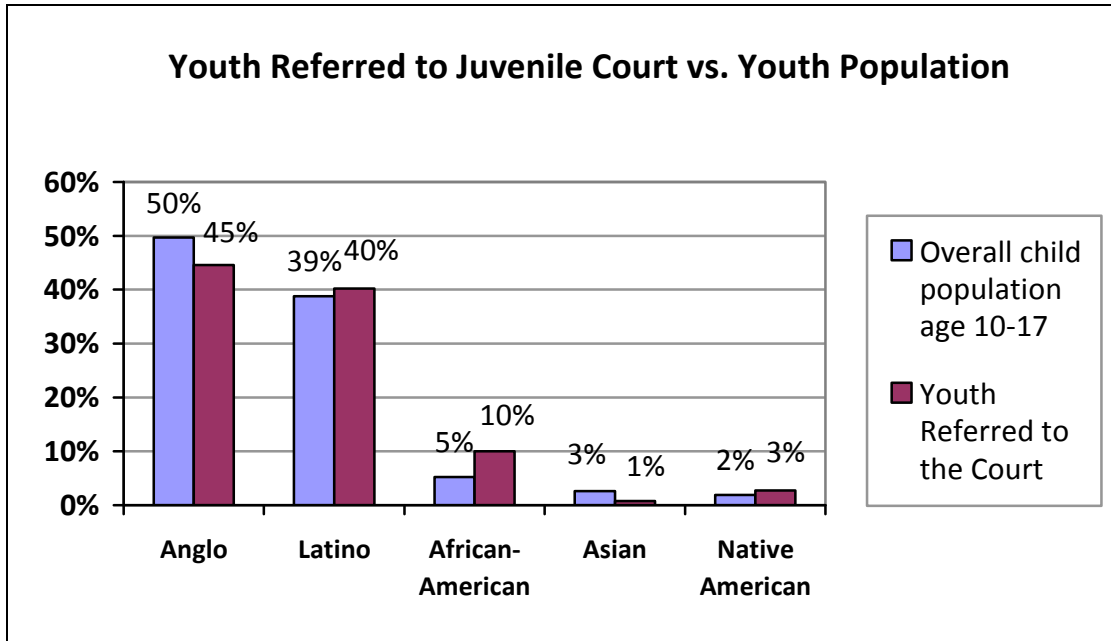
The data raise important questions.

- Why are youth of color overrepresented in each stage of the system?
- Are there characteristics of the youth or circumstances of the offense that vary by race and ethnicity?
- What are the other factors decision-makers are considering?
- Are there differences in the availability of family support or community support that influence assessments about the likelihood of rehabilitation?
- What are the systemic or institutional factors that are placing more youth of color in more restrictive consequences?
- How are racial and ethnic stereotypes or assumptions influencing the outcomes of juvenile cases?
- How can juvenile court judges and other decisionmakers confront these factors to give each youth the best opportunity for rehabilitation?

We hope this presentation of the data will help stimulate answers to these questions and help identify achievable action steps to address the disproportionality.

¹ Analysis by Children's Action Alliance for Casey Family Programs. Unless otherwise noted, all juvenile justice statistics are from "Fiscal Year 2007 Data Book – Abridged," published by the Superior Court in Maricopa County, Juvenile Probation Department. Population is from the 2006 American Community Survey of the U.S. Census Bureau. It is important to note that some youth prosecutions or commitments to the Department of Juvenile Corrections in Fiscal Year 2007 may result from court referrals from the previous fiscal year.

Figure 1

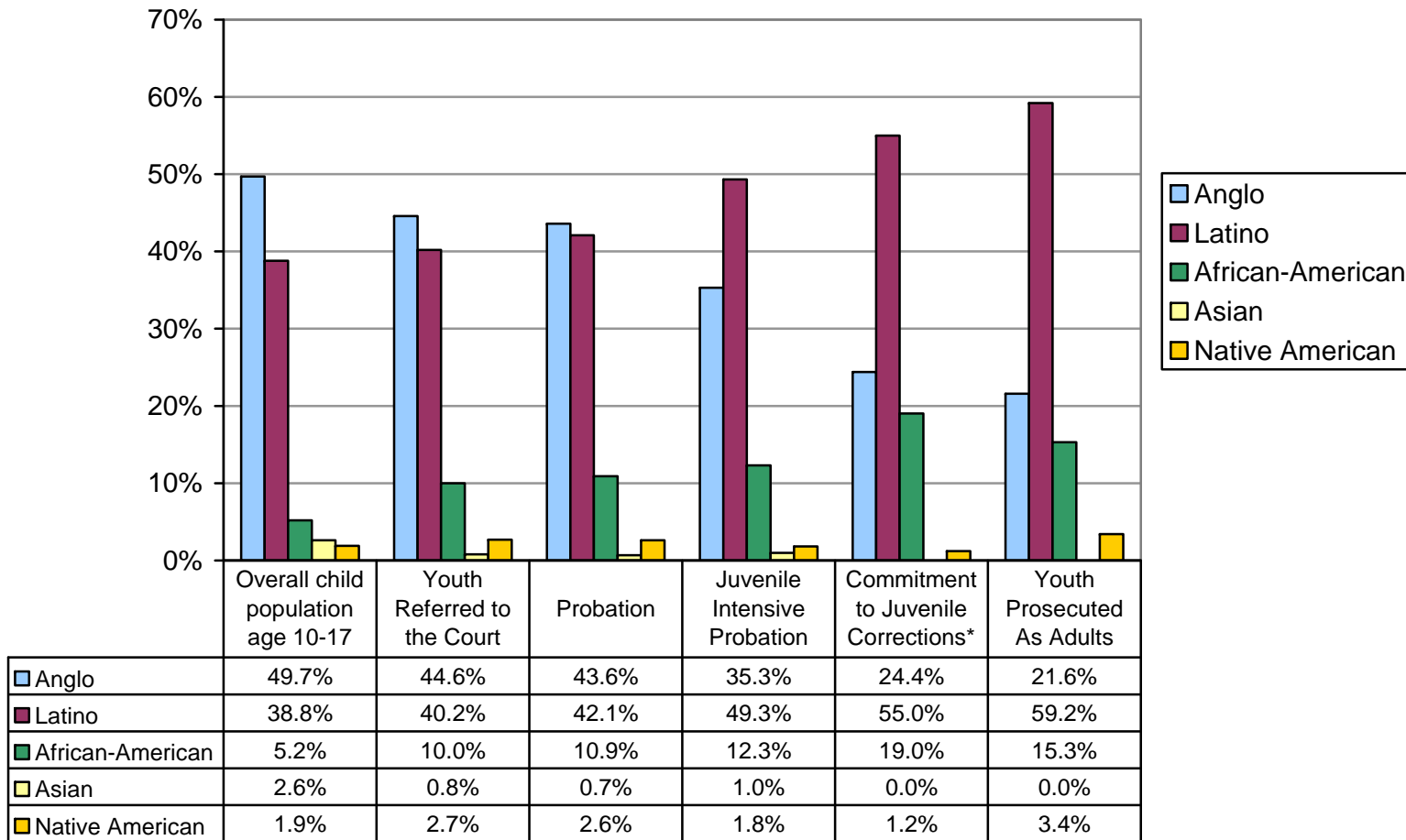


- Figure 1 represents the percent that each racial/ethnic group makes up of the total population age 10-17² in Maricopa County compared to the percent that each group makes up of the total referrals received by the juvenile court.
- Anglo youth and Asian/Pacific Islander youth are underrepresented among referrals to juvenile court. African American, Latino, and Native American youth are overrepresented.
- Higher referrals to the juvenile court do not by themselves explain the high percentages of youth of color in juvenile and adult correctional facilities.

² Overall child population is for children ages 10-17 in Maricopa County, according to the 2006 American Community Survey of the U.S. Census Bureau. The Juvenile Court and Probation Department serve youth ages 8 to 17, although few are age 8 or 9.

Figure 2

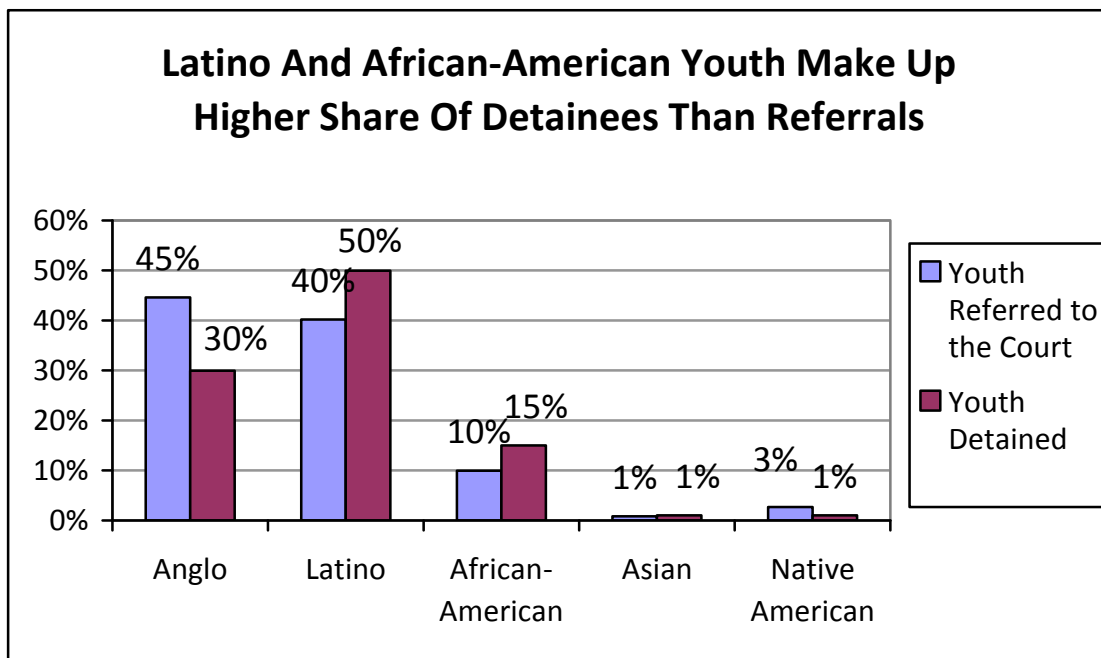
Racial Disproportionality Grows Further Into The System



* Commitments to the Department of Juvenile Corrections exclude those for probation violations.
 While data for the child population was available for ages 10-17, the Juvenile Court and Probation Department serve youth ages 8-17.

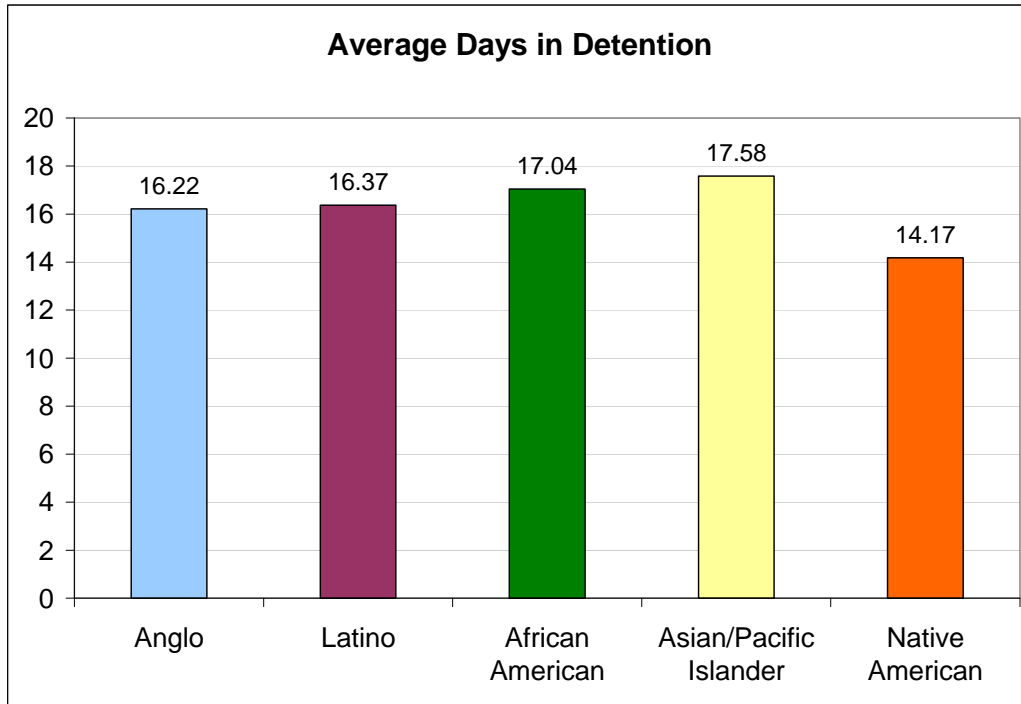
- Figure 2 (preceding page) represents the percent that each racial/ethnic group makes up of the county's age 10-17 population compared to the percent that each group makes up of referrals to the juvenile court, probation, Juvenile Intensive Probation Services (JIPS), Commitments to the Department of Juvenile Corrections (for offenses other than probation violations), and youth prosecuted as adults.
- The overrepresentation of Latino and African-American youth grows as youth get deeper into the system and experience harsher penalties.
- Anglo youth are more and more underrepresented at each successive stage of the juvenile justice system.

Figure 3



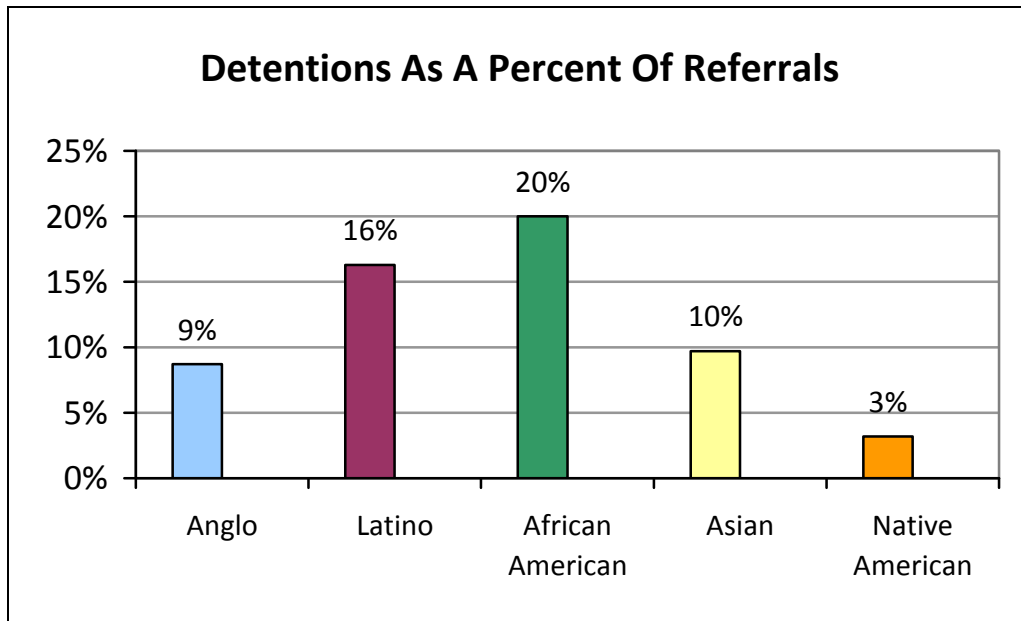
- Figure 3 represents the percentage share that each racial/ethnic group makes up of juveniles referred to the court and of juveniles who are detained based on a referral.
- African-American and Latino youth are overrepresented, while Anglo and Native American youth are underrepresented in detention compared to their share of referrals to the juvenile court.

Figure 4



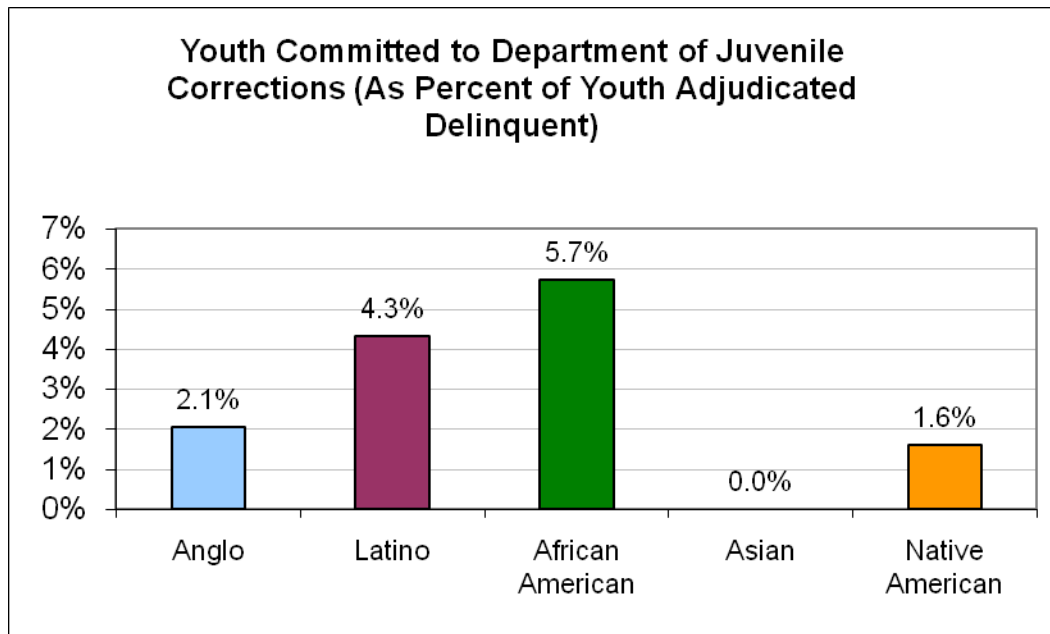
- Very little difference exists between racial/ethnic groups in the average length of stay in detention.
- The above figure represents the average length of stay in detention regardless of whether the detention was related to a court referral. In this figure, youth detained includes youth from other jurisdictions, picked up on warrants, serving deferred detention time, or being committed to juvenile corrections.

Figure 5



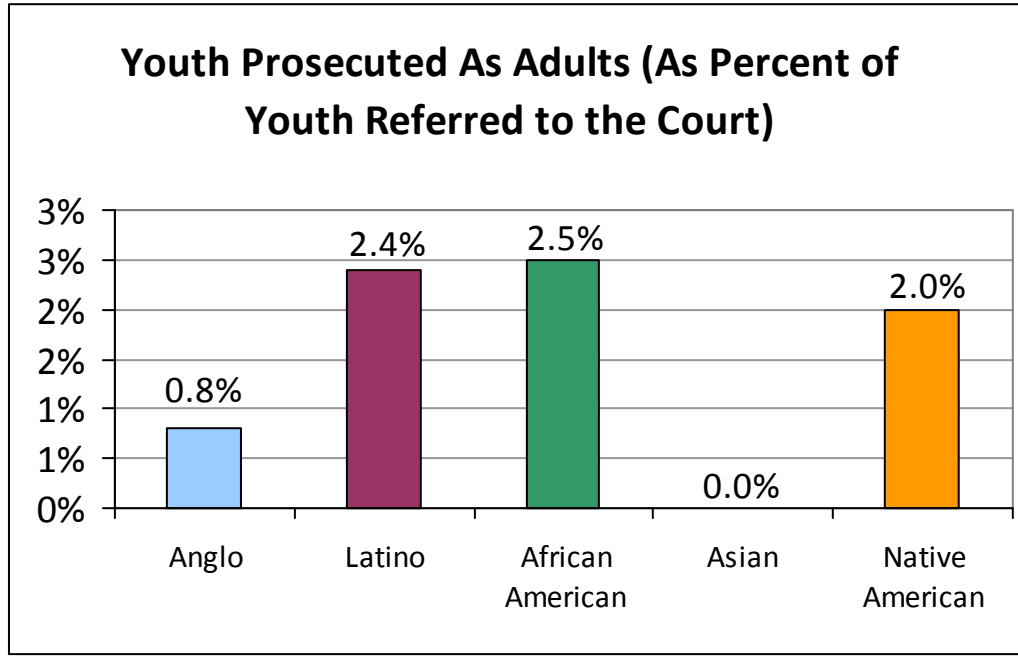
- Data represent detentions that result from referrals, divided by the number of referrals.
- African-American and Latino youth have a much higher rate of detention as a percent of referrals than do Anglo youth, and the rate is slightly higher for children of Asian descent. Native American youth have a lower rate of detention as a percent of referrals than Anglo youth.

Figure 6



- Figure 6 represents the number of youth by racial/ethnic group committed to the Department of Juvenile Corrections, excluding those who were committed for a probation violation, divided by the number of youth of the same racial/ethnic group who were adjudicated delinquent in the same fiscal year.
- Latino youth who are adjudicated delinquent are more than twice as likely to be committed to the Arizona Department of Juvenile Corrections (DJC) than are Anglo youth who are adjudicated delinquent.
- African-American youth adjudicated delinquent are more than two-and-a-half times as likely to be committed to DJC as Anglo youth who are adjudicated delinquent.
- Native American youth adjudicated delinquent are 24% less likely to be committed to DJC than Anglo youth who are adjudicated delinquent.
- No Asian/Pacific Islander youth were committed to DJC in FY2007, other than for probation violations.

Figure 7



- Figure 7 represents the total number of youth prosecuted as adults by racial/ethnic group, divided by the number of youth of the same racial/ethnic group who were referred to the juvenile court in Maricopa County.
- African-American and Latino youth are three times as likely to be prosecuted as adults compared to Anglo youth who are referred to juvenile court.
- Native American youth are two-and-a-half times as likely as Anglo youth referred to the court to be tried as adults.
- In Fiscal Year 2007, no Asian/Pacific Islander youth were tried as adults.

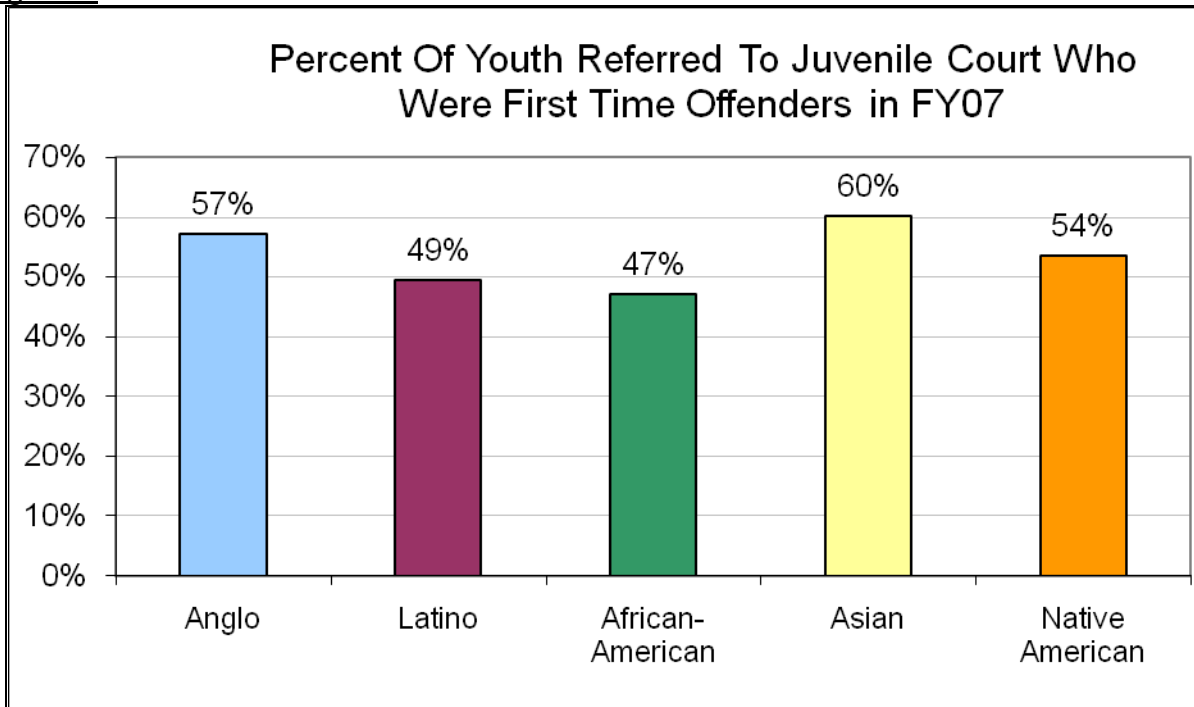
Figure 8

Types of Referral for Each Racial/Ethnic Group

	Felony Person	Felony Property	Misdemeanor Person	Drugs	Status	Other	Total	Total # Referred
Anglo	3.2%	7.6%	7.5%	10.5%	16.4%	65.3%	100.0%	11,346
Latino	3.6%	10.8%	5.7%	7.3%	32.5%	47.5%	100.0%	10,216
African-American	6.9%	10.0%	10.3%	6.7%	20.8%	52.0%	100.0%	2,554
Asian	3.1%	7.1%	11.7%	8.7%	27.6%	50.5%	100.0%	196
Native American	5.2%	8.4%	7.4%	12.1%	21.7%	57.4%	100.0%	692

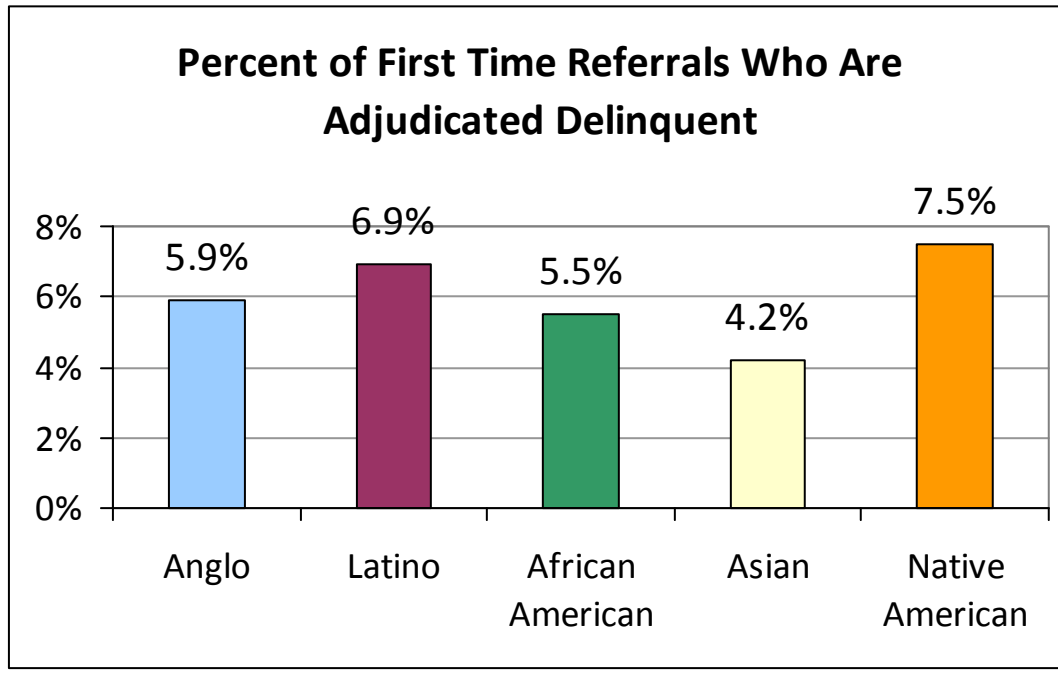
- The make-up of total referrals by type of offense varies by racial/ethnic group.
- The “Other” category includes misdemeanor property offenses, peace violations, and obstruction, which is mostly probation violations.
- Status offenses are offenses, such as truancy, that would not be an offense if committed by an adult.
- A higher percentage of Anglo youth are referred for drug offenses and a lower percent are referred for status offenses compared to referrals for youth of color.
- Latino youth referred are much more likely to be referred for status offenses and somewhat more likely to be referred for property felonies compared to other youth.
- African American youth referred are more likely to be referred for felonies against persons, felonies against property, and misdemeanors against persons compared to Anglo youth who are referred.
- Native American youth referred are more likely to be referred for drug offenses than youth in any other racial/ethnic group.
- Numbers displayed are for unduplicated youth in Fiscal Year 2007. If a youth was referred more than one time in the fiscal year, they are counted as their most serious offense.

Figure 9



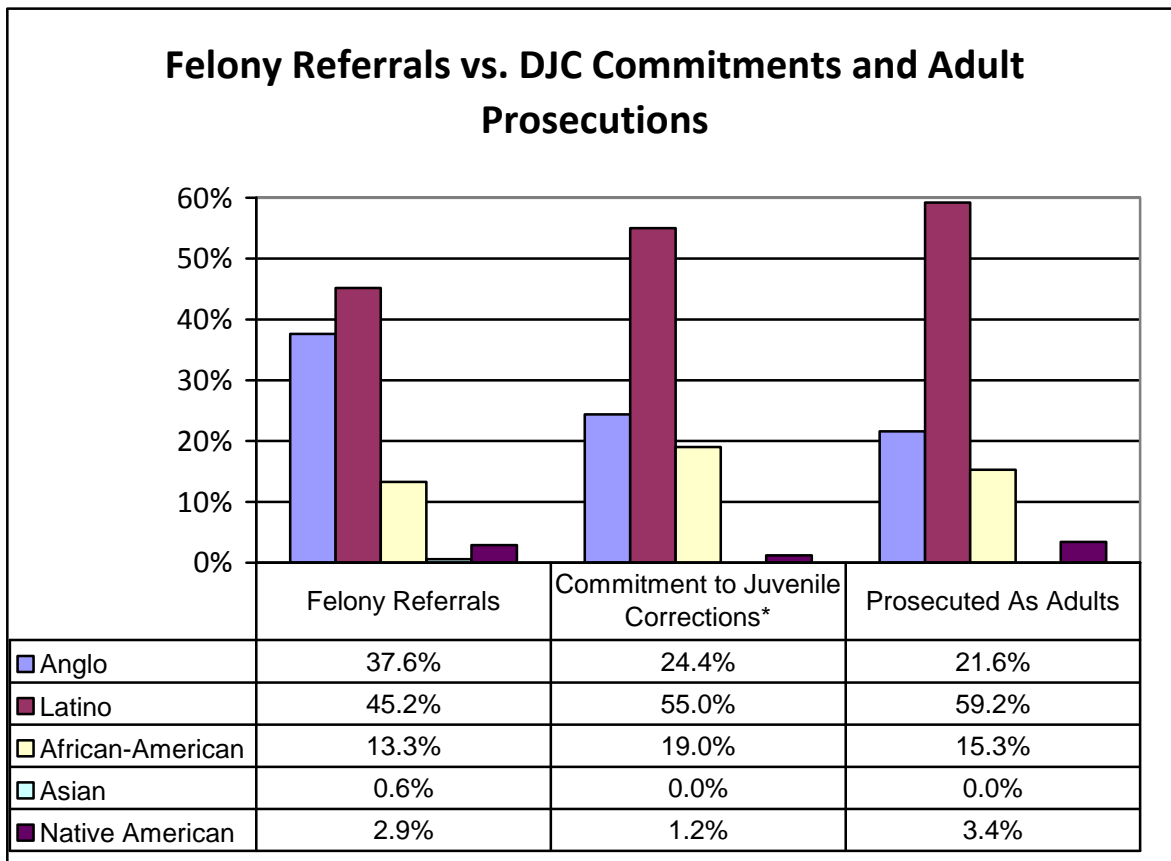
- Figure 9 represents the number of first time referrals to the juvenile court by racial/ethnic group, divided by the total number of referrals to the juvenile court for the same racial/ethnic group in State Fiscal Year 2007.
- Latino youth who are referred to juvenile court are 14% less likely to be first time offenders than Anglo youth.
- African-American youth are 18% less likely to be first time offenders and Native American youth are 5% less likely to be first time offenders compared to Anglo youth who are referred to juvenile court.

Figure 10



- Figure 10 represents the total number of adjudications for youth referred for the first time in Fiscal Year 2007 for each racial/ethnic group divided by the total number of first time referrals for each group.
- The adjudication rates for first time offenders is higher for Latino and Native American youth than for Anglo youth, but African-American and Asian/Pacific Islander youth have the lowest adjudication rate for first time offenses.

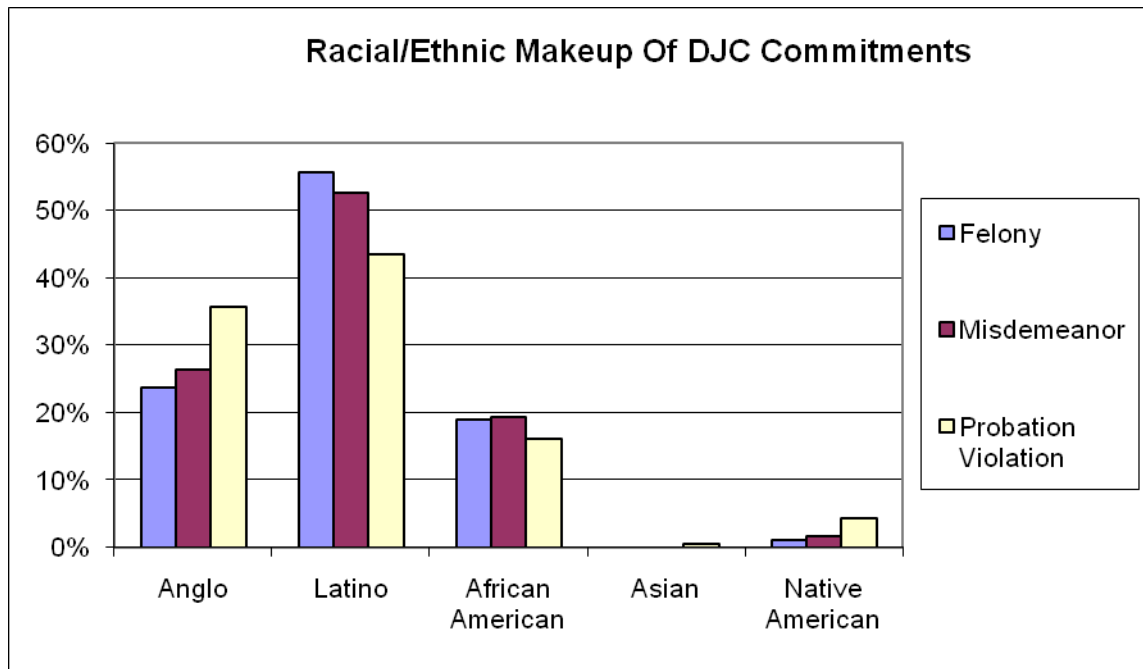
Figure 11



*Commitments to the Department of Juvenile Corrections exclude those for probation violations.

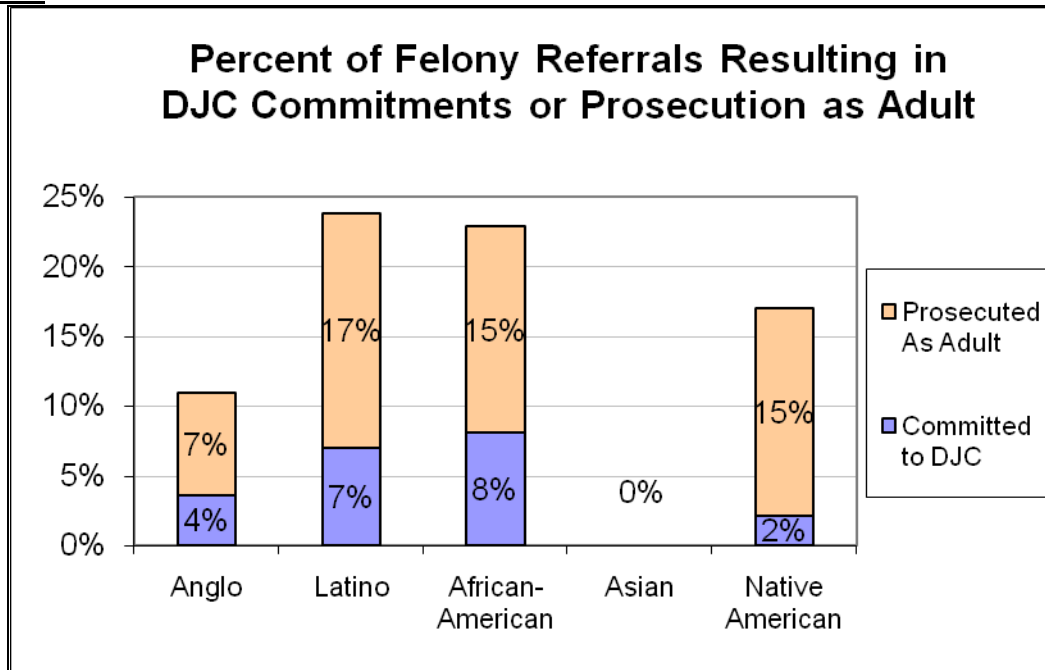
- Figure 11 shows the percent that each racial/ethnic group makes up of felony referrals, commitments to the Department of Juvenile Corrections (excluding probation violations), and prosecutions as adult.
- Compared to referrals for felony offenses, Anglo youth are underrepresented in commitments to the Department of Juvenile Corrections and prosecution as adults.
- Compared to referrals for felony offenses, Latino and African American youth are overrepresented in commitments to the Department of Juvenile Corrections and prosecution as adults.
- Note that this is not cohort data, so not all youth committed to the Department of Juvenile Corrections are committed due to a felony referral. Many youth are committed to DJC for probation violations and a few for misdemeanors.

Figure 12



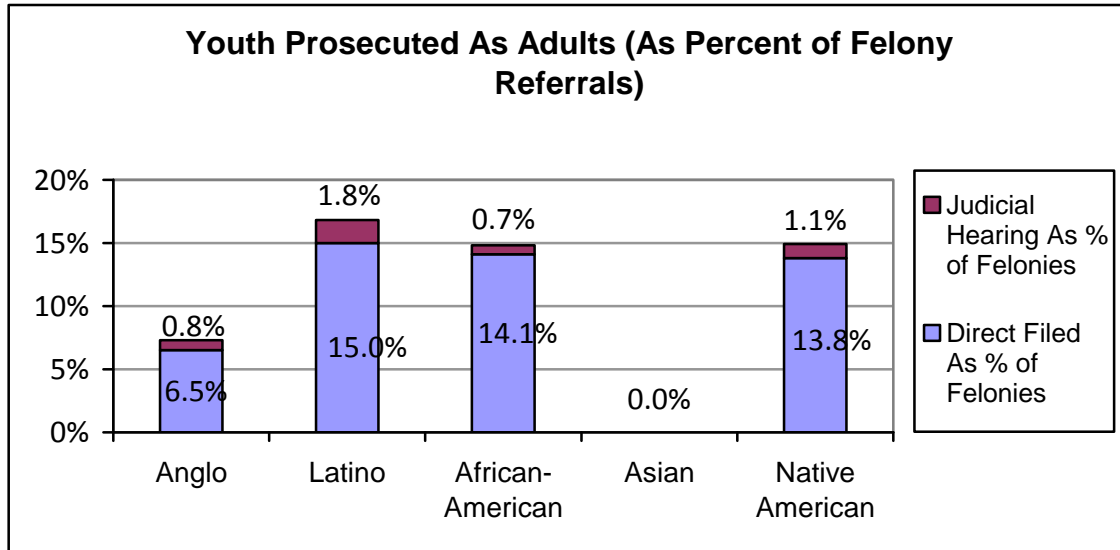
- Anglo youth make up a larger share of DJC commitments for probation violations than they do for misdemeanor or felony referrals. The same trend exists for Native Americans.
- African-American and Latino youth make up larger share of DJC commitments for felonies and misdemeanors than they do for probation violations.
- In State Fiscal Year 2007, only one Asian/Pacific Islander youth was committed to DJC, and it was for a probation violation.

Figure 13



- Figure 13 represents the number of commitments to the Department of Juvenile Corrections for a felony offense and the number of prosecutions as adults for each racial/ethnic group in Maricopa County, divided by the number of felony referrals for youth of each racial/ethnic group. Both data are from State Fiscal Year 2007, but it is not an exact cohort group, as a youth referred for a felony offense in SFY 2006 could have been committed to DJC or tried as an adult in SFY 2007.
- Other than Asian/Pacific Islanders, youth of color are significantly overrepresented in the percent of felony referrals resulting in trials as adults.
- Other than Asian/Pacific Islanders and Native Americans, youth of color are overrepresented in the percent of felony referrals resulting in commitments to DJC.
- Latino youth referred to the court are 75% more likely than Anglo youth referred to the court to be committed to DJC, and are more than twice as likely to be prosecuted as an adult.
- African-American youth referred for a felony offense are twice as likely as Anglo youth referred to the court to be committed to DJC, and are more than twice as likely to be prosecuted as adults.
- Native American youth referred for a felony offense are only half as likely as Anglo youth referred to the court to be committed to DJC, but are more than twice as likely to be prosecuted as adults.
- There were no Asian/Pacific Islander youth committed to DJC for a felony referral nor tried as adults in FY2007.

Figure 14



- Prosecuting youth as adults occurs through different paths. Youth may be prosecuted as adults due to a direct file by the County Attorney or as a result of a juvenile court transfer hearing.
- Latino, African-American, and Native American youth who are referred to juvenile court for felony offenses are all more than twice as likely as Anglo youth charged with felonies to have their cases directly filed in adult court.
- Latinos who were referred for felonies were more than twice as likely as their Anglo counterparts to be transferred to the adult court through a judicial hearing.
- There were no Asian/Pacific Islander youth prosecuted as adults in FY2007.
- As a cautionary note, the numbers for transfer to adult court via judicial hearing are very small as there were only 40 total judicial remands to adult court.
- There is no data available on race or ethnicity for the 50 juveniles in cases where the petition for transfer to adult court was denied at the judicial hearing.
- Some transfers and direct files during State Fiscal Year 2007 may have resulted from felony referrals from a previous year, so this is not an exact cohort group.

Appendix (Note: All data are for youth in Maricopa County)

Referrals:

- Anglos are 50 % of the overall population age 10-17 in Maricopa County and 45% of referrals to the court. Anglos are disproportionately represented in referrals to the juvenile court at a rate of 0.9:1 (44.6/49.7).
- Latinos are 39% of the overall population age 10-17 in Maricopa County and 40% of referrals to the court. Latinos are disproportionately represented in referrals to the juvenile court at a rate of 1.04:1 (40.0/38.8).
- African-Americans are 5% of the overall population age 10-17 in Maricopa County and 10% of referrals to the court. African-Americans are disproportionately represented in referrals to the juvenile court at a rate of 1.92:1 (10.0/5.2)
- Asian/Pacific Islander-Americans are 3% of the overall population age 10-17 in Maricopa County and 1% of referrals to the court. Asian/Pacific Islander-Americans are disproportionately represented in referrals to the juvenile court at a rate of 0.31:1 (0.8/2.6).
- Native Americans are 2% of the overall population age 10-17 in Maricopa County and 3% of referrals to the court. Native Americans are disproportionately represented in referrals to the juvenile court at a rate of 1.42:1 (2.7/1.9)

Commitments to Department of Juvenile Corrections (DJC):³

- Anglos are 50 % of the overall population age 10-17 in Maricopa County and 29% of commitments to DJC. Anglos are disproportionately represented in commitments to DJC at a rate of 0.59:1 (29.4/49.7).
- Latinos are 39% of the overall population age 10-17 in Maricopa County and 50% of commitments to DJC. Latinos are disproportionately represented in commitments to DJC at a rate of 1.29:1 (49.9/38.8).
- African-Americans are 5% of the overall population age 10-17 in Maricopa County and 18% of commitments to DJC. African-Americans are disproportionately represented in commitments to DJC at a rate of 3.38:1 (17.6/5.2)
- Native Americans are 2% of the overall population age 10-17 in Maricopa County and 3% of commitments to DJC. Native Americans are disproportionately represented in commitments to DJC at a rate of 1.42:1 (2.7/1.9)

Youth Prosecuted As Adults:⁴

- Anglos are 50 % of the overall population age 10-17 in Maricopa County and 22% of youth prosecuted as adults. Anglos are disproportionately represented in youth prosecuted as adults at a rate of 0.43:1 (21.6/49.7).
- Latinos are 39% of the overall population age 10-17 in Maricopa County and 59% of youth prosecuted as adults. Latinos are disproportionately represented in youth prosecuted as adults at a rate of 1.53:1 (59.2/38.8).
- African-Americans are 5% of the overall population age 10-17 in Maricopa County and 15% of youth prosecuted as adults. African-Americans are disproportionately represented in youth prosecuted as adults at a rate of 2.94:1 (15.3/5.2)
- Native Americans are 2% of the overall population age 10-17 in Maricopa County and 3% of youth prosecuted as adults. Native Americans are disproportionately represented in youth prosecuted as adults at a rate of 1.79:1 (3.4/1.9)

³ No youth of Asian/Pacific Islander descent were committed to the Department of Juvenile Corrections in Fiscal Year 2007.

⁴ No youth of Asian/Pacific Islander descent were tried as adults in Fiscal Year 2007.