
ARKANSAS AND ARIZONA

REFORMING TROUBLED YOUTH

CORRECTIONS SYSTEMS



CENTER FOR THE STUDY OF
Youth Policy

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**ARKANSAS AND ARIZONA:
REFORMING TROUBLED YOUTH
CORRECTIONS SYSTEMS**

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This publication was made possible by a gift from the Annie E. Casey Foundation.

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*Center for the Study of Youth Policy
School of Social Work
The University of Michigan
1015 East Huron Street
Ann Arbor, Michigan 48104-1689
(313) 747-2556*

Cover Design By: First Impression Printing Co.
4109 Jackson Road
Ann Arbor, Michigan 48103

Printed: June, 1992

The University of Michigan Regents:

Deane Baker, Paul W. Brown, Shirley M. McFee, Neal D. Nielsen, Philip H. Power, Veronica Latta Smith, Nellie M. Varner, James L. Waters, James J. Duderstadt, President, ex officio

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FOREWORD

Arkansas and Arizona are recent entrants into the juvenile justice and youth corrections reform arena. In Arkansas, the juvenile courts were declared unconstitutional. An amendment needed to be passed to the Arkansas Constitution so that a new juvenile court system could be created. Also, largely stimulated by federal class action lawsuits targeted at their juvenile correction and child welfare systems, officials in Arkansas developed plans to overhaul their children's services and have appropriated the funds to develop and upgrade programs.

Arizona's youth correction system was in danger of becoming a junior prison system. Arizona's youth correction system was housed in the adult Department of Corrections. Under a mandate from the legislature, the Director of the Department of Corrections was trying to operate Arizona's juvenile institutions the same way he operated Arizona's adult prisons.

This disastrous policy course ultimately led to a bitterly fought class action suit. Fortunately, the outcome of the litigation is resulting in enlightened changes. With support by Governors Mofford and Symington, an aggressive and conscientious Select Commission on Juvenile Corrections and an able new youth corrections director, Arizona's youth correction system is being reformed.

It is too early to tell where the reforms in Arkansas and Arizona may lead or, for that matter, if they will be allowed to continue. However, the policy changes that have been made in these states should be instructive to elected public officials and juvenile justice officials in other states with troubled youth correction systems.

Ira M. Schwartz
Professor and Director
Center for the Study of Youth Policy

June, 1992

ARKANSAS: NEW BEGINNINGS

Russell K. Van Vleet

Center for the Study of Youth Policy

and

Donna Gay

Administrative Office of the Courts

ARKANSAS: NEW BEGINNINGS

Visiting the campus at Alexander Youth Services Center (just outside of Little Rock, Arkansas) is not very different from being at Adobe Mountain Juvenile Institute in Phoenix, Arizona. What they have in common, besides their beautiful pastoral settings, is a propensity to grow until by size and volume of service they overtake the system. What they *should* share is a common purpose: amelioration of childhood problems; reduction/cessation of delinquency; preparation of youths in state custody for return to their communities; public protection from dangerous youths; and adoption of self-help skills allowing youth at least marginal adaptation to the outside world.

Almost without exception, our training school systems include these goals as part of a common mission statement, but the reality is that few of these goals are achieved. What is achieved is a place of employment for hundreds of staff -- most of whom possess an interest in helping youth -- but also a resistance to change. This reality coupled with the economic and cultural climates of small-town rural America (the location of most training schools), makes reform a difficult, discouraging political adventure.

Some institutions become almost cancerous in nature, feeding on the limited resources of child care systems. The crisis, not properly identified nationwide, fails to respond to the band-aid approaches of most systemic responses, and, in most instances, defies change much less reform. We have learned that, like cancer, these institutions require "cutting out" if new growth is to occur. Attempts to reform such institutions have been met with resistance of such a nature that its only positive result is to convince reformers that closure is no more fraught with hazard than attempts at institutional change.

This is not to suggest the vast majority of training school staff are uncaring or lack commitment to youth. Their interest is genuine in most cases, and some youths benefit from training school placement. What overrides this caring custodial concern, however, is concern about such things as staff security, future,

and life disruptions that will most certainly accompany attempts at reform.

The Arkansas General Assembly ventured into the realm of juvenile law in 1905 -- six years after the first juvenile court was established in Cook County, Illinois. That year, Arkansas' legislature established, *not* a juvenile court, but their first reform school. Thereafter, juveniles charged with crimes were tried in adult court, and, if convicted, were sent with judicial discretion to reform school or adult prison. The legislative session of 1907 enacted a law authorizing judges to place children who met certain criteria either in reform school or foster homes. Neither neglect nor delinquency was a basis for separate placement, so a great deal of mixing occurred.

With Act 215 of 1911, the General Assembly established "the juvenile court," placed it within the jurisdiction of county court, and provided for the county judge to be juvenile judge. Arkansas' 75 counties developed their own juvenile court "systems," although a few never established juvenile courts. Arkansas' "county courts" are not courts of law. County judges are elected officials who oversee a county's business (including maintenance of county properties, roads, bridges, employees, and funds). They are administrators and not required to be lawyers or law-trained.

CONSTITUTIONAL CHALLENGES

In 1919, the juvenile court survived its first constitutional challenge. In *Ex Parte King*, 141 Ark. 213, 217 S.W. 2d 465 (1919), the Arkansas Supreme Court ruled in a 3 to 2 decision that placement of juvenile jurisdiction in county courts was appropriate because they had jurisdiction, under the Arkansas Constitution, of matters involving vagrants, orphans, bastardy, and "matters of local concern."

From 1919 until 1987, juvenile courts functioned within county courts. They were inferior courts -- not courts of record. "Appeals" were *de novo* to circuit court. Juvenile court cases that made it to appellate level were scarce, nearly as scarce as lawyers practicing in juvenile courts. The "judges" were county judges or their appointed, usually part-time, referees. The 1975

Arkansas Juvenile Code mandated, for the first time, that referees appointed thereafter be lawyers.

The court structure did not survive a second challenge. In *Walker v. Arkansas Department of Human Services*, 291 Ark. 43, 722 S.W. 2d 558 (1987), the Arkansas Supreme Court considered virtually the same arguments as in 1919, but reached the opposite conclusion. Overruling the *King* decision, the court determined that in placing juvenile courts in county courts in 1911, the legislature impermissibly had vested those courts with jurisdiction *not* provided them by the Arkansas Constitution, and that in adopting the Juvenile Code of 1975, impermissibly had continued that jurisdiction. The Supreme Court refuted the *King* court's opinion that Act 215 of 1911 did not "create a court" but merely enlarged the subject matter jurisdiction of county courts to include juvenile matters. The court in *Walker* left "the matter of achieving a constitutional system to the legislature, the body equipped and designed to perform that function" (*Id.* at 51, 722 S.W. 2d at 562).

STATE CRISIS

The *Walker* decision created a crisis. Juvenile courts statewide ceased operation having no authority to continue. Children were in foster care, delinquents on probation, juveniles in treatment programs, and families in counseling, but the juvenile courts were not functioning. The Supreme Court made it clear in *Walker* that the legislature does not have authority to "create a court" -- that authority lies within the Constitution -- and made it equally clear that jurisdiction over juveniles could not, under any circumstances, be placed in county courts. The legislative conundrum was to design a juvenile court system within the confines of Arkansas' Constitution of 1874, adopted 25 years before juvenile courts were "invented," the identical dilemma the legislature faced in 1911.

The Governor responded to the crisis by appointing a commission to conduct a study and draft proposed legislation for a juvenile court system and changes to Arkansas' juvenile code.

The Arkansas General Assembly, which meets in regular session for 60 days every other year, was in session when

Walker was decided, and acted quickly to provide legislation for a temporary juvenile court system. Act 14 of 1987 placed jurisdiction for delinquents in circuit court and dependent-neglected juveniles and juveniles in need of supervision (status offenders) in probate court. They also proposed a constitutional amendment (on November, 1988's ballot) to provide juvenile courts.

THE ARKANSAS COMMISSION ON JUVENILE JUSTICE

The Arkansas Commission on Juvenile Justice, chaired by Senator Wayne Dowd of Texarkana, was comprised of 21 individuals with longstanding interest or experience in juvenile law and courts, or who represented groups involved in the juvenile justice system.

The Commission began working in Spring, 1987. For over two years they collected state juvenile court data, looked at juvenile court systems in other states, and consulted various national- and state-recognized experts in juvenile law and juvenile courts. They researched juvenile court acts and juvenile codes from around the country in an attempt to avoid mistakes other states have made and benefit from their experiences. The Commission encouraged the participation of anyone interested in appearing before them or providing written input about the juvenile system.

Commission meetings in the form of public hearings were held on a monthly basis from December, 1987 to January, 1989. Many people testified, and separate committees, including one on court structure and one on the juvenile code, researched and drafted proposed legislation for specific areas.

PUBLIC EDUCATION CAMPAIGN

Although the Commission's primary charge was to recommend a court structure and juvenile code changes, ancillary matters arose in the course of their work. In Fall, 1988, the Commission was active in a public education campaign for the proposed constitutional amendment to authorize the legislature to "create" a juvenile court. Commission members and staff

worked with a committee chaired by Hillary Rodham Clinton and Donna McLarty to work for passage of the amendment. The Committee met weekly, conducted a press conference, solicited speaking engagements for Committee and Commission members and staff, mailed information throughout the state, and paid for newspaper and radio advertising about the amendment. The campaign was successful; the amendment passed with 62% of the vote.

THE JUVENILE JUSTICE TASK FORCE

In Spring, 1988, a task force was established to study detention. Arkansas had four secure detention facilities for holding juveniles prior to adjudication for alleged delinquent acts, three on the western border, one in Little Rock, and a fifth under construction in Helena. The Task Force assessed how many beds were needed and where they should be located. They prepared a report and drafted proposed legislation that included appropriation bills to fund additional detention facilities. The Juvenile Justice Commission incorporated some of the Committee's recommendations into its proposed legislation. The Task Force assisted in drafting the juvenile code section on detention criteria as well as sections governing jailing juveniles in adult facilities. The Committee also created and secured an appropriation for a "revolving fund" from which communities could borrow funds to construct juvenile detention facilities.

SERVICES ISSUES

Another ancillary issue of concern to the Commission involved the services component of juvenile courts. The Commission acknowledged early in its deliberations that having the best court structure was futile without an adequate system of services. The *Walker* case record indicated about six counties with a great deal of services while others had virtually no services. A justice by geography system had evolved in Arkansas based upon the quality of the juvenile court and services available in a given area. The issue of services was particularly frustrating because the Commission had neither time nor resources for such a massive undertaking, yet it was inextricably linked to the juvenile court system and juvenile code.

THE CENTER FOR THE STUDY OF YOUTH POLICY

In Spring, 1988, Ira M. Schwartz, Director, Center for the Study of Youth Policy (CSYP), University of Michigan, contacted the Commission. He was aware of the *Walker* decision and the Commission's work. He viewed the state's "dilemma" as an opportunity to write on a clean slate. That attitude paralleled the attitude of many Commission members.

Schwartz offered Arkansas his services and those of the Center. He attended a Commission meeting in March, 1988 and encouraged them to look at the entire juvenile justice system in making policy decisions about the court and juvenile code. Specifically, he suggested: (1) considering alternatives to incarcerating youth; and (2) using small, regional facilities versus large, multi-bed facilities if confinement were necessary. He described the success of other states and suggested that Commission representatives visit some programs that work. He recommended Utah as a good example, and he offered the Center's help to arrange a visit. In May, 1988, the Arkansas Commission on Juvenile Justice visited Utah to view their juvenile court and youth corrections system.

Utah was of particular interest to the Arkansans for reasons other than its community-based services. Research highlighted Utah as the only state to have a system of separate, trial-level juvenile courts statewide, a structure many Commission members favored.

The Arkansans were impressed not only with the wide array of services available to youth and families, but also with what is considered the best juvenile court recordkeeping system in the country. They were impressed with the court system and the people working there.

The visit to Utah had a significant impact on the Commission. It gave visitors an opportunity to see what can happen when a state sets juvenile justice reform as a priority; it gave them something tangible to work toward. They brought back ideas to share and used the Utah experience as a basis for formulating their recommendations.

LEGISLATION

Policy decisions along the way and final decisions of the Commission were made by majority vote. Once the constitutional amendment was adopted by voters in November, 1988, the Commission could finalize proposed legislation to attach to its final report to the governor, due before the legislative session began in January, 1989. The Commission's legislative proposals were in four bills:

(1) A "court structure bill" placed jurisdiction for juvenile matters in "juvenile division of chancery court." Arkansas still splits jurisdiction between courts of law (circuit courts) and courts of equity (chancery courts). Placing juvenile jurisdiction in an existing trial level court meant immediately achieving: courts of record, full-fledged judges, direct appeals to appellate courts, and rules of procedure.

(2) A "juvenile code bill" was a redraft of the entire juvenile code. Many changes were organizational only. Substantive changes were made to sections that provide for concurrent jurisdiction between juvenile and adult courts to give the "new" juvenile court expanded jurisdiction. For example, juvenile court was given exclusive jurisdiction of all misdemeanors committed by those under 18, a drastic change from the former practice of running juvenile misdemeanants through municipal courts. Other changes included: giving adult courts jurisdiction over 14- and 15-year-old juveniles for six specific felonies only; putting federal regulations for jailing juveniles into Arkansas law; making 10 years the minimum age for proceeding against a juvenile as a delinquent; giving indigent parents a right to appointed counsel when facing termination of parental rights or loss of custody of a child; and changing the category "Juveniles in Need of Supervision" to "Families in Need of Services."

(3) A "court personnel bill" mandated that each juvenile division judge have a minimum of one intake and one probation officer, and provided reimbursement to counties for half the salaries of full-time, certified personnel beginning August 1, 1990 -- one year from the effective date of the new system.

(4) A "judgeship bill" provided 17 new juvenile division judges. The Commission requested 19 with "optimism" -- perhaps "wishful thinking" -- but by the end of the year, after a special session, the legislature had created 20 new judgeships to handle juvenile cases.

The legislative session ended in March, 1989. The Juvenile Justice Commission saw all of its proposals become law, although the adopted judgeship bill was the Senate Judiciary Committee's and not the Commission's. Although some proposals were changed slightly prior to passage, none changed without input from the Commission. The implementation date for the new system and juvenile code was August 1, 1989.

LAWSUIT

During the summer of 1989 and just before implementation of the new system, a "services" issue became of paramount concern for Arkansas, particularly for the Division of Children and Family Services which has authority over Arkansas' Youth Services Division. A class action lawsuit was threatened against the Youth Services Facility in Pine Bluff by the National for Youth Law (an advocacy organization based in San Francisco) and the Arkansas Legal Services Corporation. Lawyers for the two groups had several plaintiffs, youth formerly committed to the Pine Bluff facility, alleging they had suffered physical and sexual abuses in Pine Bluff by other committed youth or staff.

REVIEWING CONDITIONS OF CONFINEMENT

Through negotiations between the lawyers and state officials, the lawsuit was delayed to give Arkansas an opportunity to respond with remedial measures. It appeared the lawsuit could be averted if the problems could be remedied.

In August of 1989, Ira Schwartz, Judge Frank Orlando and Russell Van Vleet (CSYP), were invited by the Administrative Office of the Courts to be faculty in a training seminar for the newly appointed judges of the Arkansas Juvenile Courts.

While attending this training session, Governor Bill Clinton and Walter Patterson (former Director of the Department of

Human Services), requested the Center's assistance in a review of conditions of confinement at the Alexander and Pine Bluff Youth Services Centers. This request followed a visit by National Center for Youth Law attorneys David Lambert and Teresa Demchak to five youth alleging mistreatment while confined at the two Arkansas centers.

OBSERVATIONS, FINDINGS, AND RECOMMENDATIONS

The National Center for Youth Law made several observations following their visit. They found: (1) a significant number of very young children incarcerated; (2) a significant number of assaults; (3) minority over-representation; (4) excessive use of restraints; (5) a too restrictive visitation policy; (6) lack of educational programming; and (7) questionable rehabilitative programming.

Following a review of the Alexander and Pine Bluff facilities, files, youth and staff, CSYP issued a report with the following findings and recommendations:

Findings

- (1) The five incidents initiating review of conditions of confinement warrant concern and require changes in current practice to prevent future incidents.
- (2) There is no evidence of widespread abuse among the majority of residents. However, an atmosphere of intimidation and fear exists at the centers.
- (3) A very young (under 15) population is securely confined contrary to currently accepted youth correction practices.
- (4) Placement of females in secure care is rarely necessary. With few exceptions, the female youth population can be handled in community programs.
- (5) There is a disproportionate number of minority youth at both campuses.

- (6) Populations on both campuses are troublesome because generally accepted practice suggests that minor offenders should not be mixed with serious delinquent offenders.
- (7) There is serious cause for concern about use of physical restraints, use of a discipline cottage, and the denial of education to some residents.
- (8) The inter-institutional transferring of some youth between less to more restrictive settings should be reviewed.
- (9) Arkansas' Youth Services budget for community-based care is low because of dollars already committed to secure care. This suggests a system out of balance in program development and needs resource reallocation (Van Vleet & Steketee, Nov. 1989).

Recommendations

- (1) Hire a client advocate for the Division of Children and Family Services to act as a pro-active force within the Division on behalf of clients as well as to monitor conditions of care at institutions and community programs.
- (2) Continue the ACA accreditation process already begun to improve physical plants and programmatic aspects of both facilities.
- (3) Revise/monitor policy and procedures with respect to the five incidents, use of restraints, disciplinary inter-institutional transfers, discipline cottage, and night-time and weekend staff coverage.
- (4) Review compensation and training for cottage staff.
- (5) Develop commitment guidelines.

- (6) Review Juvenile Court charging practices so that placement decisions are consistent with offenses committed and placement options are utilized most efficiently.
- (7) Review the waived youth population currently in the adult system for possible future retention and placement within the youth system.
- (8) Develop community-based alternatives for younger committed and female populations, reallocating existing resources to community-based care.
- (9) Explore consolidation of secure care to one campus and/or regionalize this function.
- (10) Do not spend additional dollars on secure care until administration examines the present budget with the purpose of a system-wide reallocation of resources (*ibid.*).

Following the release of this report to the Youth Services Board, CSYP was asked to conduct a risk assessment of the current confined population at Alexander and Pine Bluff Youth Services Centers.

COMMITMENT CRITERIA REVIEW COMMITTEE

In 1989 the Arkansas General Assembly, through Senate Concurrent Resolution No. 5, recommended the establishment of a committee to review commitment criteria to the Youth Services Centers. The Senate, with full concurrence of the House of Representatives, found the Youth Services Centers were experiencing increasing populations, often involving juveniles not necessarily needing commitment to the Youth Services Centers. It was recommended that the Governor appoint a committee to develop commitment guideline objectives -- standard commitment criteria to ensure more consistency in decision-making by the court (Van Vleet & Steketee, 1990).

Using these objective commitment criteria, CSYP analyzed case file information collected by staff from the Arkansas

Division of Children and Family Services, Department of Corrections (DOC) and additional information produced by the Systems Division of the Administrative Office of the Courts. Cases examined include 365 male and 38 female youth admissions to the Youth Service Centers, and 106 youth admissions under 18 (including 1 female) to the DOC during the first nine months of 1989 (*ibid*).

Data was used to rank the admissions, or admissions decisions, according to the seriousness of the youths' past behavior and the potential risk they presented to the community: low, medium or high risk. The Center found that 44% of males and 73% of females placed during the study period had low or medium risk scores. This suggests that substantial numbers of youth in Arkansas' Youth Service Centers could be best served in non-institutional programs -- provided such programs were adequately supported and managed (*ibid*).

Fifteen percent of Pine Bluff youth and 34% of Alexander female youth were scored "low" risk in the risk assessment. Consistent with program intentions, no youth at the ITU were "low" risks, and almost 50% of youth released from intake were "low" risks (*ibid*).

About 40% of male youth and 33% of female youth admitted to the youth service centers were Caucasian; most other youth were African American. Over 80% of females and 62% of males were under 16, with an overall median of 15.5 years. Seventy percent of the DOC admissions were 17 or 18.

Almost 75% of males and 67% of females in the Youth Service Centers were enrolled in school at the time of commitment. Overall, over 75% had been on probation before their current placement. Slightly more than half of both boys and girls in the Youth Services Centers evidenced drug use in their official record; very few cases reported evidence that drugs were in some way related to current commitment offense (*ibid*).

Arkansas was advised to continue its exploration of reductions in current Youth Services Center capacity to free resources for the development of alternatives to training school

commitment and to plan regionalized secure care into small facilities of 40 beds or less (*ibid*).

This report was presented to the Governor. He subsequently appointed the Arkansas Juvenile Justice Task Force, responsible for review of the report with the intent to:

...determine the feasibility of each recommendation contained in the report, identify actions required to implement each of the recommendations, describe the resources required to implement each recommendation, develop recommendations for time-phasing implementation, and prepare and forward a report to the Governor (Arkansas Juvenile Justice Task Force to the Office of the Governor, Feb. 4, 1991).

The report of the Arkansas Juvenile Justice Task Force "prescribes a viable work plan for use by the State of Arkansas. The plan proposes an effective continuum of care for adjudicated juvenile offenders" (*ibid*). Summarized briefly are Task Force recommendations:

- Legislate the Risk Assessment System for Arkansas Juvenile Offenders (or objective commitment criteria). Provide adequate funding for basic community-based services (estimated additional state funds of \$1,331,886 for SFY 92).
- Provide state funding and access other funding sources for new, additional community-based services (estimated new funds of \$7,558,235 for SFY 92). Design new and additional community-based programs, assure a comprehensive, coordinated approach for all troubled youth, avoiding duplicity among interrelated programs and programming.
- Provide required legislation and funding to consolidate the present Youth Service Centers as a first step. Eventually develop a statewide system of regional Youth Services Centers.

- Provide funding for the architectural study of Regional Service Centers (estimated additional state funds of \$50,000 for SFY 92).
- Develop a statewide clearinghouse for resource allocation and availability.
- Develop comprehensive training/ education programs for all juvenile justice system components" (*Ibid*, p.4).

The Arkansas Juvenile Justice Task Force, chaired by Representative Larry Goodwin, Vice-Chair Amy Rossi, completed and submitted its report to Governor Clinton in February, 1991. This report was transformed into legislation in the form of House Bill 1915. This legislation, in addition to other provisions, made the following important and historic amendment to the statutes governing commitment to the Arkansas Youth System:

The Court may commit a juvenile found delinquent to a Youth Services Center operated by the Youth Services Board, using the Risk Assessment System for Arkansas Juvenile Offenders developed by the 1990 Youth Services Center Commitment Criteria Review Committee, to be distributed and administered by the Administrative Office of the Courts (Act 273 of 1991 (codified as Ark. Code Ann. sec. 9-27-330(3), Sup. 1991).

In an order of commitment the court may recommend that a juvenile be placed in a community-based program instead of a Youth Service Center and shall make specific findings in the order in support of such a placement. Upon receiving an order of commitment with recommendations for placement in a community-based program, the Youth Services Board shall consider the recommendations of the committing court in making its placement to a Youth Services Center or to a community-based alternative. When an order of commitment includes recommendations that a juvenile be placed in a community-based program instead of a Youth Service Facility, the Board shall consider those recommendations in making a placement. The Board has the authority to move a youth at any time within its

system of Youth Services Facilities and community-based programs. Although legislation was adopted to provide use of community-based services, funds were not appropriated to develop new services or increase existing services.

ARKANSAS PLAN

Adherence to the Risk Assessment Criteria adopted by the Governor's Juvenile Justice Task Force and statutorily mandated to the judiciary indicates that Arkansas can reduce its training school population to approximately 180 beds. Only high risk youth should be placed in secure care, assuming an average six-to nine-month lengths of stay.

A reduction to 180 beds enables the state to close one training school or downsize Alexander and Pine Bluff to accommodate a regional concept of secure care. Alexander, which houses the most serious of Arkansas' committed youth in the ITU, also houses a girls' program and an intake cottage.

Economic considerations suggest that consolidating Alexander into the Pine Bluff campus is the easiest and most economically feasible option at this time. It should be possible to transfer the intake and girls' program functions to the community and replace the old and dilapidated ITU with a new structure at Pine Bluff, allowing the closure of Alexander or providing for an alternative use of this facility and growth.

This action is, of course, contingent upon the development of viable community-based programs that will: (1) provide the Court acceptable options to training school placement, and (2) employ enough staff to ensure proper supervision of troubled youth in community settings.

CONSOLIDATIONS VERSUS REGIONALIZATION

Consolidation allows the state to move forward with an improved system through a transfer of some of the fiscal and staff resources from Alexander to Pine Bluff. Such a transfer allows Pine Bluff to achieve the student/staff ratio required to ensure residents a non-threatening environment conducive to healthy adolescent development. It also provides an opportunity

to utilize some state resources for the community-based system of care vital to realizing the 180 bed cap at Pine Bluff.

Consolidation should be viewed as a step toward regionalization. The ideal system for Arkansas would include small (30-40 bed) facilities spread across the state with Pine Bluff being the hub of this secure care system housing the first ITU from which other regional facilities would branch. Each region would develop its own network of community programs keeping youth in small, close-to-home programs that, due to size, reduce threat to public safety and maximize rehabilitative potential.

A fairly detailed review of costs for both systems suggests that costs of consolidation and regionalization are very similar. Capital construction costs for regionalization are appreciably higher due to additional buildings. Since these facilities are small, they require fewer staff than one or two very large campus training schools (i.e., the current Pine Bluff facility), therefore creating an operational budget savings that will offset the initial building costs and result in long-term savings in the future.

SUMMARY

Institutional care begets institutional care. In addition, it carries the concomitant dilemma of fiscal resource erosion and a lack of community resources that preclude placement outside of the institution.

Arkansas has to decide whether it can consolidate its training school system into one large facility with the "hope" of regionalizing its secure care system during the next three to five years. Such action, while offering system improvement, presents the real danger of Pine Bluff enhancement. While important in the short run, such enhancement presents additional obstacles to regionalization of the entire system in years to come.

Most of our social work/corrections colleagues in these institutions cannot recall that Dr. Jerome Miller in Massachusetts spent several years attempting to introduce a therapeutic community into that training school system before he began the radical reform that profoundly affected youth correction systems

nationally. Utah's reform experience was almost identical. There, too, downsizing failed to produce the desired therapeutic milieu, and closure was the only sensible alternative.

Arkansas is faced with much of the same dilemma that existed in these states. It is a state that contains two training schools. One is in very rural Arkansas that will offer the stiffest of challenges if that state is to convert its system into one that is both cost- and programmatically-effective.

Still, Arkansas has an opportunity to reform this most difficult system. The reason for this opportunity is an unusual combination of strong leadership from the Executive, Judicial and Legislative branches of government. Governor Clinton shares an unusual opportunity as a long-term, yet young chief executive who has publicly expressed his intention to provide not only adequate but exemplary care for Arkansas' troubled youth. Legislative leadership is well-informed and willing to take the risks inherent in such institutional change. The Judiciary has a unique opportunity with the election of a new group of judges anxious to learn and not overly burdened with the cynicism that comes from experience.

Most important, the leadership of the Executive branch agencies directly responsible for these changes have shown a willingness to improve this system while understanding the trauma that such action will certainly provide for themselves and staff who rely on these institutions for their livelihood.

Everything we know about the "treatment" of juveniles involved in the juvenile justice system tells us that the more akin a placement is to a "normal" environment the more successful it will be. There is very little normal about the environment we currently find in training schools. Regardless of how well-meaning and dedicated staff might be, youth and the public are better served within a system that provides strong home-based care coupled with an array of community-based, out-of-home placements and secure care reserved for those few (5 to 6%, or about 180 youths in Arkansas) who, based on their delinquency history, have demonstrated their need for locked doors and razor wire fences.

On July 8, 1991, the National Center for Youth Law filed suit against the state of Arkansas for alleged abuses within their child welfare system (*Angela R. et al v. Bill Clinton et al.*). Governor Clinton appointed an expert panel comprised of Charles Bruner (Iowa), Pat Schene (Colorado), Elizabeth Cole (Washington, D.C.), Beverly Jones (Washington, D.C.), and Susan Yelton (Georgia). Russell Van Vleet was also added to the panel to assist with the review. Governor Clinton called a special session of the Arkansas legislature which met to consider the entire child welfare reform package developed by the expert panel. This package with little change was adopted by the Arkansas legislature (see Appendix A).

The expert panel will be issuing detailed reports over the next several months that will merge with juvenile justice recommendations and offer the policymakers in Arkansas a detailed blueprint for action.

CONCLUSION

Arkansas has the ingredients necessary to create a system that will provide the best possible for care troubled youth as well as enhancing public safety for its citizens.

The CSYP has spent many years assisting states in reform/improvement of their juvenile systems. The identified components of such successful reform are present in Arkansas: a strong, committed Governor assisted by very capable staff in his office and in leadership positions in the Executive branch; legislative leadership/action; judicial reorganization; client advocacy through strong citizen organizations; and substantial support from outside sources that certainly will allow Arkansas to achieve its much-needed system-wide reformation.

What is left is for these forces to continue working together to achieve this common goal. The only thing that stands in the way is the fear that envelopes staff when such change is suggested. This fear immobilizes executive leadership. It thwarts attempts to instill a system philosophy that would lead to improved life conditions. Most youth are not in state custody of their choosing but as a result of life situations that render

them unable to compete or develop a stake in commonly accepted community mores and practices.

The Youth Services Board in Arkansas has shown unusual resolve and strength in addressing this issue. Dr. Clyde Reese, former Board Chair, has met with staff at Alexander to assure them that every effort will be made to assist in job retention/relocation. If such efforts are continued it is certainly possible to achieve this reform with minimal disruption to the lives of institutional staff. At the same time, it is certainly appropriate for state leadership to expect line staff to submit to such disruption since such action will, without question, enhance the lives of the youth they serve. The Youth Services Board has met and unanimously voted to consolidate the Youth Services Center. This will begin the juvenile justice reformation process.

With the introduction of the expert panel, Governor Clinton also added Jayme Dissly, Betty Guhman, and Don Beebe to his staff. The new staff will help policymakers implement recommendations from the Youth Services Board and expert panel. In addition, they will staff the Implementation Oversight Committee (a recommendation of the expert panel) who will provide the ongoing mechanism utilized to ensure that executive leadership capably carries out the plan.

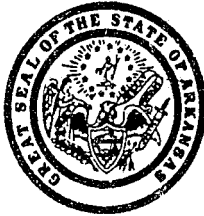
The state has accomplished a great deal since the Supreme Court decided the *Walker* case, but much remains to be done. The once "clean slate" is only partially filled. The new juvenile courts began operating on August 1, 1989; the first elected judges took the bench January 1, 1991; the system is taking shape. The need for expanded and additional services and better delivery of existing services is now the focus of juvenile judges and others who work within the system. The day may come when motivation to act is supplied -- not by court decisions or threatened lawsuits -- but by a determination to provide the kind of juvenile "justice" system that the name implies.

REFERENCES

- Arkansas Juvenile Justice Task Force to the Office of the Governor. (1991, February 4). *Toward Comprehensive Juvenile Justice: A Continuum of Care*.
- Van Vleet, R. K., & M. Steketee (1990, May). *Alternatives for Arkansas Juvenile Justice: Report and Risk Assessment Committed Delinquent and Youthful Offenders, Arkansas Youth Services Center and Tucker Unit, Department of Corrections*. Ann Arbor, MI: Center for the Study of Youth Policy.
- Van Vleet, R.K., & M. Steketee. (1989, November). *Report: Conditions of Confinement at the Arkansas Youth Services Center*. Ann Arbor, MI: Center for the Study of Youth Policy.

APPENDIX A

**ARKANSAS CODE
OF 1987
ANNOTATED**



**1991 SUPPLEMENT
VOLUME 6**

Place in pocket of bound volume

Prepared by the Editorial Staff of the Publisher

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CHARLOTTESVILLE, VIRGINIA

1991

9-27-328. Removal and placement of juvenile.**CASE NOTES****Family Services.**

Juvenile court's order compelling department of human services to provide transportation benefits to family in the form of bus tokens and to provide family

remainder of the full entitlement of preventive funds was permissible under this section. Arkansas Dep't of Human Servs. v. Clark, 304 Ark. 403, 802 S.W.2d 461 (1991).

9-27-330. Disposition — Generally — Alternatives.

If a juvenile is found to be delinquent, the court may enter an order making any of the following dispositions:

(1) Transfer legal custody of the juvenile to the Department of Human Services, or to another licensed agency responsible for the care of juveniles, or to a relative or other individual;

(2) Order the juvenile or members of the juvenile's family to submit to physical, psychiatric, or psychological evaluations;

(3) Commit the juvenile to a youth services center operated by the Youth Services Board, using the Risk Assessment System for Arkansas Juvenile Offenders developed by the 1990 Youth Services Center Commitment Criteria Review Committee to be distributed and administered by the Administrative Office of the Courts;

(A) In an order of commitment, the court may recommend that a juvenile be placed in a community-based program instead of a youth services center, and shall make specific findings in support of such a placement in the order;

(B) Upon receiving an order of commitment with recommendations for placement in a community-based program, the Youth Services Board shall consider the recommendations of the committing court in making its placement to a youth services center or to a community-based alternative;

(4) Place the juvenile on probation under those conditions and limitations that the court may prescribe pursuant to § 9-27-339(a);

(5) Assess a court cost of no more than thirty-five dollars (\$35.00) to be paid by the juvenile or his parent, guardian, or custodian;

(6) Order restitution to be paid by the juvenile or his parent, guardian, or custodian;

(7) Order a fine of not more than five hundred dollars (\$500) to be paid by the juvenile or his parent, guardian, or custodian;

(8) Order that the juvenile participate in court-approved public service not to exceed one hundred sixty (160) hours.

History. Acts 1989, No. 273, § 29; 1991, No. 763, § 1.

Amendments. The 1991 amendment

added "using the Risk Assessment System for Administrative Office of the Courts" in (3); and added (3)(A) and (B).

**ARIZONA: A TRADITIONAL SYSTEM IN
TRANSFORMATION**

Jan Christian
Executive Director
Governor's Task Force on
Juvenile Corrections

Russell K. Van Vleet
Center for the Study of Youth Policy

and

John R. Arredondo
Director
Department of Youth Treatment
and Rehabilitation

ARIZONA: A TRADITIONAL SYSTEM IN TRANSFORMATION

BRIEF HISTORY OF JUVENILE JUSTICE IN ARIZONA

In 1968, Arizona's juvenile justice institutions (previously managed by a Board of Control) were assigned to a newly-created Department of Corrections (DOC). In 1970 there were approximately 900 institutional beds in Arizona; by 1980 that number had dropped to roughly 350. Bed reduction was attributed to the Juvenile Justice and Delinquency Prevention Act of 1974 (JJJPA), which excluded status offenders from correctional institutions, and the Hoover decision in 1979 (ARS 41-1608 Amended), which lowered Arizona's juvenile jurisdiction from 21 to 18 years of age.

The early 1980s were watershed years. In 1983, the Arizona legislature issued findings and policy guidelines with a punitive tone. They found that:

deterrence of juvenile crime can be best achieved by instituting strict rules and policies...[and suggested that] loss of freedom...must be meaningful in order to achieve respect for the juvenile justice system and respect for the rights of others... *Arizona: Laws 1983, Ch. 257, Sec. 1 Supplementary Pamphlet, Title 8, p. 503.*

The legislature said Arizona would require physical labor and mandated length of confinement based on the adult criminal code.

Reflecting this changing public policy, Arizona's institutionalized population began to rise dramatically. From 1981 until 1987 the training school population rose 99% (*Arizona Department of Correction Data Handbook, 1988*). The adult prison population experienced similar growth. Both systems saw an increase in the numbers of less serious and less violent offenders being incarcerated (*ibid*).

Separating Juvenile Justice from Adult Corrections

Along with increases in incarceration rates, advocates feared the juvenile system was falling victim to the ever-increasing needs of the adult system. Most juvenile justice experts suggest different missions for adult and juvenile corrections. Administrative responsibility for both adult and juvenile systems being vested in a single department rendered Arizona's juvenile system fiscally, philosophically, and programmatically subservient to the adult system. Private providers, for example, were able to have "Purchase of Care" funds assigned to a separate line item in an attempt to protect funding for community-based options, but it was clear that adult corrections was often funded at the expense of juvenile corrections.

Advocates were also concerned about increasing operational and philosophical similarities between adult and juvenile corrections in Arizona. To solidify Arizona's established legislative direction, steps were taken to make the juvenile system more like adult corrections.

Administrative, security, and program staff were encouraged to transfer back and forth between adult and juvenile institutions. Hiring and training processes were identical for adult and juvenile institutions. New employees went through a 240-hour academy where they were exposed to 40 hours of weapons training and only four (4) hours of information on adolescents. Uniformed security guards were placed in juvenile institutions, and residents were required to wear institutional uniforms.

JOHNSON V. UPCHURCH

On September 10, 1985 Matthew Davey Johnson was committed to Arizona's Department of Corrections and incarcerated in Catalina Mountain Juvenile Institution (CMJI). Much of his incarceration was spent in cottage isolation, including 50 consecutive days on "motivational hold," a program developed by Superintendent James Upchurch. On August 22, 1986, Johnson filed a civil rights lawsuit in U.S. District Court naming then Superintendent Upchurch as defendant. The suit alleged that Johnson's constitutional rights had been violated.

Grace McIlvain, Johnson's appointed attorney, arranged for the National Center for Youth Law (an advocacy organization based in San Francisco) to participate in his case. Shortly thereafter, Johnson's complaint was amended to include a class action for injunctive relief on behalf of all CMJI residents. The class action sought a court order that DOC eliminate a number of practices alleged to be unconstitutional. Named as defendants were the Director of DOC, Assistant Director for Juvenile/Community Services, and Superintendent of CMJI.

Class Action

On July 27, 1987, the court certified a class in *Johnson v. Upchurch*, consisting of all juveniles incarcerated in CMJI on or after the class certification date, except juveniles who elected not to participate. Certification allowed the action to go forward.

The plaintiff class alleged that DOC violated the constitutional rights of juveniles in:

- disciplinary practices, particularly use of isolation and isolation unit conditions;
- use of handcuffs and shackles;
- rehabilitative care and treatment;
- medical care;
- educational programming;
- inappropriate placement, evaluation, and classification;
- visitation, correspondence and access to counsel;
- parole revocation procedures.

Court-Related Investigations

Throughout 1987 and 1988, plaintiffs engaged in extensive pre-trial discovery. Expert witnesses for the plaintiffs toured

CMJI. Counsel took over 40 DOC employee depositions, reviewed thousands of pages of CMJI logs and journals, and over 15,000 pages of other documents.

At the court's direction, plaintiffs' counsel submitted a 268-page document with additional extensive appendices (*CMJI Proof of Facts*). The document described Arizona's juvenile justice system as a system run amuck, and it attacked virtually every aspect of institutional life at CMJI. Disciplinary practices and procedures were described as arbitrary and cruel. According to the document, the heart of the problem was that the same agency ran both the adult prisons and juvenile institutions. Many advocates in Arizona agreed.¹

Arizona retained private attorneys Ronald Lebowitz and Louis Goodman to defend the state in *Johnson v. Upchurch*. The defendants then began to re-examine Arizona's entire juvenile corrections system in light of applicable case law.

REFORMING JUVENILE CORRECTIONS IN ARIZONA: TREATMENT OR PUNISHMENT?

The question of whether an incarcerated youth had a constitutional right to treatment had been addressed by a number of the circuit courts of appeal, including the 9th Circuit, whose jurisdiction includes Arizona. In every jurisdiction that has considered the issue, the court's analysis begins with the notion that juvenile court proceedings are civil, not criminal. Juveniles are not convicted of crimes in juvenile courts; rather, they are found delinquent, and delinquency is considered a condition.

1 In 1966, Justice Abe Fortas had written in *Kent v. United States* that "...there is evidence, in fact, that the child receives the worst of both worlds in the Juvenile Court; that he gets neither the protection afforded to adults nor the solicitous care and regenerative treatment postulated for children" (1966, p. 556). This assessment was consistent with the decision issued not long after in the landmark due process case, *In re Gault*, which had its roots in Gila County, Arizona. It appeared that not much progress had been made in the 20 years between the words of Abe Fortas and the lawsuit filed by Matthew Davey Johnson.

Various circuit courts have concluded that delinquency, like mental illness or retardation, must be treated when it is the basis for incarceration.

In April, 1988, the lawsuit was amended to compel compliance with federal law mandating special education for handicapped youth, and the State Board of Education and State Superintendent of Public Instruction were added as defendants. Litigation was to help accomplish in Arizona what advocates alone had been unable to do.

Senate Bill 1034

Governor Mofford also expressed her administration's support of Senate Bill 1034 to Judge Bilby. Senate Bill 1034 created a school system and independent juvenile corrections agency called the Arizona Department of Juvenile Corrections (ADJC).

Senate Bill 1034 was signed into law on June 23, 1989. It mandated a school system board consisting of the Superintendent of Public Instruction, Director of ADJC, and three citizens to be appointed by the Governor. It specified that, other than for capital improvements and similar expenditures, the school system would be funded through an equalization formula similar to that used by public school districts. The new school system was to be accredited by the North Central Association by 1995.

Appointing the Select Commission on Juvenile Corrections

During the early months of 1989, private counsel met with the defendants, legislative leaders, and Governor Rose Mofford. On May 17, 1989, Governor Mofford wrote Judge Richard Bilby of the U. S. District Court to inform him of her intent to appoint a commission to review the juvenile correctional system in Arizona, and develop a plan that is in accordance with presently recognized law.

Governor Mofford subsequently issued Executive Order 89-22 on September 22, 1989 creating a Select Commission on

Juvenile Corrections. In recognition of these efforts, the Court postponed the *Johnson v. Upchurch* trial to give Arizona the opportunity to establish a new direction and plan for juvenile corrections.

Bill Jameson, former director of the Department of Administration and the Department of Economic Security, was selected to chair the 23-member Commission.

By the first Commission meeting on November 6, 1989 Commission staff had begun researching similar efforts in other states. They contacted juvenile justice professionals in Alabama, Oklahoma, Oregon, Texas, Utah, and Virginia as well as over a dozen consultants, associations, and foundations. Everyone contacted was willing to share research, information, and suggestions related to process and direction.

The Commission was given just over six months to issue its report. During the first two months, members heard from national juvenile justice professionals regarding trends in juvenile justice, reviewed case law and details of *Johnson v. Upchurch*, and learned about Arizona's current programs, policies, and private provider programs and facilities. A delegation toured facilities and learned about the reform process in Utah.

At the third meeting, Richard Gable, from the National Center for Juvenile Justice, facilitated a discussion regarding the mission of juvenile corrections. Commission members identified areas needing further study. In February and March, 1990 public hearings were held around the state for members to hear regional concerns and solicit recommendations. Over 145 people attended the hearings, and 54 people gave formal testimony. Many others submitted written testimony. Members were given an executive summary and recommendations from the hearings, legal findings presented over the last few months, and Commission findings at the March meeting. They approved a mission statement and began to formulate recommendations.

It was clear that the Commission was moving in the direction of a "least restrictive environment" philosophy. Research findings, presented in April, verified information that

Commission members had been hearing over the last few months.

Research Findings

Arizona's 15 counties had very different commitment philosophies and practices and varying levels of resources. Most committed youth were seriously in need of services; many did not pose a serious threat to public safety. Although only 15.1% of the 961 youths committed in 1989 had ever been adjudicated for a violent offense, most had experienced problems in school and at home. Females were much less likely than males to be incarcerated for a serious offense (see Tables 1 and 2). As can be seen in Tables 3, 4, and 5, services provided to youth prior to commitment varied significantly based on geographic location, ethnicity, and gender, respectively. Arizona had no commitment guidelines other than to restrict commitment to youth who had been deemed delinquent. In spite of youth diversity, state law required all committed youths to be incarcerated.

By the time the Commission had been formed, Arizona had 844 secure correctional beds in five facilities. Adobe Mountain Juvenile Institution (AMJI), with 376 beds for males, and Black Canyon Juvenile Institution (BCJI), with 120 beds for females, were north of Phoenix. CMJI (the litigation site) with 168 beds for males was north of Tucson. The Pinal Mountain Juvenile Institution (PMJI), approximately 100 miles west of Phoenix, had 140 beds for males, and the Alamo Juvenile Institution (AJI), located on the grounds of Arizona State Hospital, had 40 beds for emotionally disturbed males.

Fluctuations in the number of secure beds for committed youth in Arizona was not related to crime rates or population size, but rather to public policy. Arizona's public policy, similar to that developed in many states, was based on political and economic considerations, but not designed for long-term benefits.

The Commission Report

The Commission's report condemned overlapping the roles of child welfare and juvenile corrections:

Children who are neglected, abused, dependent, and mentally or emotionally handicapped need services, but they should not be committed to the correctional system unless their behavior puts their communities at risk. They should not have to wait for meaningful intervention until their needs become so overwhelming and complex that they are dropped at the doorstep of juvenile corrections out of sheer frustration or because they have, in fact, finally become a danger to their communities (p. 4).

The report emphasized the importance of reclaiming the vision of the juvenile court system in America:

In Arizona, the juvenile correctional system is based on the adult correctional model, emphasizing control and de-emphasizing rehabilitative treatment. This emphasis on punishment and control is inconsistent with the mission of the Arizona juvenile justice system. The creation of the new Department of Juvenile Corrections is an excellent first step in reversing this trend (p. 6).

The Commission's report emphasized Arizona's responsibility to objectively assess the effectiveness of existing institutional programs and placement policies and criticized size, structure, and overall design of those institutions (p. 10). There was never any doubt that some youth would require secure care. The Commission recommended small, treatment-oriented, regionally-based institutions for youth who demonstrate a threat to public safety. A continuum of community-based services was recommended to serve the diverse needs of committed youth. The 42 recommendations also addressed issues such as minority overrepresentation, family involvement, and staff training. The final recommendation was to create a task force to ensure implementation of the Commission's recommendations.

Using Outside Resources: The Center for the Study of Youth Policy

Prior to the Commission's report being issued to the governor, Bill Jamieson and Jan Christian had discussed Arizona's efforts with the Center for the Study of Youth Policy

(CSYP). Jamieson and Christian agreed that Arizona needed the opportunity to establish its own direction without what might be perceived by some as the undue influence of outsiders. Once Arizona had clearly articulated a direction, however, it appeared that CSYP would have valuable resources to offer the state. CYSYP began playing an active role in developing a plan for Arizona's juvenile corrections system.

Task Force Activities

The Arizona Department of Juvenile Corrections (ADJC) was formed on July 1, 1990, and Carol Hurtt was appointed Director. Over three years after the court certified a class in *Johnson v. Upchurch*, the Task Force held its first meeting on July 31, 1990. Michael Hawkins, an attorney in private practice chaired the meeting.

The Task Force formed a Secure Care Committee to determine the number of secure beds needed in Arizona.

CSYP staff and researcher Gregg Harembe assisted the Secure Care Committee to identify factors that would be taken into account. Age of onset (age youth first entered the system), severity (seriousness of offense), recency (number of offenses in the past year), and chronicity (number of offenses on record) were major factors. The scoring procedure also considered substance abuse, school attendance, and probation history.

By weighting factors and assigning scores to individuals, the Committee was able to look at the 1989 database in a new way. Of the 889 newly-committed youth automatically incarcerated in 1989, only 204 fell into what the Committee identified as the "high risk" category of their Secure Care Criteria Index. The Committee then recommended an initial cap of 450 secure beds for Arizona with the understanding that the number could be further reduced by developing an array of alternatives for youth, an evaluation system not requiring secure care, and a system for conditional release revocation to better protect constitutional rights of youth. Members agreed that successfully reducing reliance on secure care would only occur if community-based programs proved effective in retaining and treating the types of youth formerly placed in the institutions.

Task Force members were assigned to committees to look at all facets of the current system in order to develop a plan to implement Commission recommendations. The Legislative Committee drafted an Omnibus Bill to change the direction of juvenile corrections. Among the legislators who introduced House Bill 2326, which enjoyed great bipartisan support, was Representative David McCarroll, who attended a Key Decision Maker Seminar sponsored by CSYP in October, 1990.

On February 26, 1991, following a run-off election, Fife Symington became Arizona's new Governor. Despite taking over in the midst of the legislative session, Governor Symington's staff placed high priority on the task force. By assigning his Executive Assistant for Human Resources as liaison to ADJC and to the Task Force, Governor Symington indicated clearly that youth in the correctional system are viewed as troubled children in need of services.

In May 1991, Governor Symington issued a new executive order continuing the Task Force and clarifying its role. He appointed Alice Snell as Task Force Chair. In June 1991 he signed House Bill 2326. When the new law went into effect, ADJC became the Department of Youth Treatment and Rehabilitation (DYTR). The name change reflected a renewed commitment to providing youth with opportunities they need to become successful adults. The new law also gave DYTR the flexibility to treat committed youth as individuals. In July 1991, Governor Symington asked the Task Force to conduct a national search for a director for DYTR. On December 3, 1991, John Arredondo became that new director.

ARIZONA'S FIVE-YEAR PLAN

Arizona has developed a 5 year plan, *Building A Solid Foundation, A Blueprint For Accountability*, that emphasizes administrative re-structuring and mandates accountability within DYTR. The actions presented in this blueprint will help build a solid organizational structure and policy framework for long-range reforms necessary to put youth corrections in Arizona on the right course. With the support and contributions of the Governor, legislators, juvenile justice system professionals, and

citizens, these actions can be accomplished for the betterment of DYTR youth and the juvenile justice system.

A new era in Arizona youth corrections will bring:

- credibility
- integrated decision-making
- total quality management
- partnerships with the private and public sectors
- responsible management
- safe institutions
- cost-effective programs and services
- accountability

The plan is based upon certain assumptions:

- the development of a consensus among policymakers regarding the role of DYTR and the use of secure care;
- the allocation of resources to match clearly demonstrated needs;
- the continuation of a political climate that supports a rehabilitative approach to DYTR youth.

Arizona will deliver a system to:

- meet the individual needs of DYTR youth.
- protect the community.
- balance service needs with cost-effective programming.
- serve as a model for other states.

Elements of the Plan

Assess, right-size and realign the agency organizational structure

- design organizational structure based upon "Quality Teams"
- reduce top- and mid-management layers
- develop a master staffing schedule at secure institutions to ensure line staff and teacher to youth ratios of 1:12

Implement systems for integrated decision-making

- complete detailed job descriptions for all positions
- adopt Guidelines for Use of Secure Care
- publish new policy and procedure manuals consistent with national standards
- implement due process protections as required by *Johnson v. Upchurch* consent decree
- design, fund, and implement a Management Information System (MIS)

Revise youth assessment and evaluation process

- design prototype youth assessment and evaluation program
- reduce process from 30-60 days to 15 days
- consolidate three assessment and evaluation centers into one; locate at Black Canyon Juvenile Institution (BCJI)
- implement mobile youth assessment and evaluation programs with selected courts
- develop capability to complete youth assessment and evaluation in or near youth's home
- operate decentralized community/ home/ detention-based assessment and evaluation process (long-term plan)

Develop strong partnerships with private and public sectors

- explore standardized pre-commitment assessments with courts
- initiate dialogue with courts regarding funding system
- coordination for community care
- involve providers in the development and implementation of prototype programs
- explore coordination of case classification and commitment alternatives with private and public sectors
- complete Volunteer Manual; implement Volunteer Services Council; involve public and private sectors in agency planning

- involve public and private sector in DYTR annual audits
- host a symposium on juvenile corrections

Ensure a culturally diverse, professionally trained staff

- revise hiring structures so supervisors conduct hiring
- implement a competency-based, job-relevant, pre-service training academy
- implement a plan, involving public and private sectors, to target the recruitment of minority staff
- conduct ethics, Management by Objectives (MBO), cultural awareness/sensitivity, and Total Quality Management (TQM) training for all staff
- raise minimum qualifications and annual training requirements for direct care staff

Ensure equal access to services for all committed youth

- design objective prototype youth assessment and evaluation process
- expand DYTR school availability to 12 hours per weekday
- implement youth training in cultural awareness/sensitivity
- adopt Guidelines for Use of Secure Care
- expand array of programs and services operated by culturally diverse staff
- site new programs and services in partnership with minority business, religious, and community leaders
- explore coordination of case classification, commitment alternatives, and equal access issues within juvenile justice system

Develop a full array of community-based services

- relocate parole officers to the community and assign according to school districts
- implement case management standards
- implement intensive parole supervision statewide
- contract for family-based services, tracking, shelter care, and other specialized services designed to maintain youth in the community

Develop safe, secure, competency-based institutional programs

- implement prototype institutional program within continuum of care system
- increase line staff-to-youth and teacher-to-youth ratios to 1:12 through reorganization and master scheduling
- implement capital offender treatment program, sex offender program, and substance abuse/chemical dependency program
- schedule availability of school and/or vocational programs on a 12-hour-per-day basis

Ensure a competency-based, responsive, accredited DYTR educational system

- require teacher certification
- phase in educator salary parity
- implement vocational education labs
- meet requirements for North Central Association accreditation
- design alternative education programs
- implement transition and advocacy teams to provide linkages between DYTR school system and community school systems

Design systems to encourage family involvement

- distribute family handbooks regarding DYTR structures and programs
- facilitate family visitation and involve volunteer staff in reducing barriers
- schedule "family days" in DYTR-operated residential and non-residential programs
- develop capability to complete youth assessment and evaluation process in or near youth's home
- expand services designed to maintain/re-integrate youth in their homes

Create Management Information System (MIS) capability within DYTR

- hire MIS administrator
- develop, refine, redesign programs/software to meet informational requirements
- implement hardware and user support systems

Maintain compliance with national, state, and local standards

- achieve North Central Association accreditation
- complete physical plant life-safety repairs to meet federal, state, and local standards
- develop internal auditing capability
- achieve substantial compliance with *Johnson v. Upchurch* consent decree
- meet or exceed national standards for juvenile corrections agencies

Change has been necessary in Arizona. The conditions at Catalina Mountain Juvenile Institution that led to federal court involvement in Arizona's juvenile justice system have brought an opportunity to Arizona.

Those Arizonans called on to respond to this crisis have shown unusual resolve, and the outcome promises to be a much improved system for Arizona's troubled youth.

REFERENCES

- Arizona Department of Corrections (1988, October). *Data handbook*. Arizona: Arizona Department of Corrections, Human Resources/Development Division Planning Bureau.
- Arizona Laws 1983, Ch. 257, Sec. 1 Supplementary Pamphlet, Title 8, p. 503).
- Governor's Select Commission on Juvenile Corrections (1990, May 17). *Report to the Governor*. Phoenix, AZ: Author.
- Halemba, G. J. (1990, September). *Profile study of juveniles committed to the Arizona DOC during 1989*. Meza, AZ: Research and Information Specialists, Inc.
- Johnson v. Upchurch* Civ. No. 195 TUC-RMB (Arizona 1986).
- National Center for Youth Law (undated). *CMJI Proof of Facts*. Submitted to the United States District Court on behalf of plaintiff in Johnson v. Upchurch case. San Francisco, CA: Author.

Table 1
Number of Delinquent Adjudications by Gender

Delinquency Adjudication	Males		Females		Totals	
0-2*	57.8%	(267)	86.0%	(43)	60.5%	(310)
3	21.9	(101)	10.0	(5)	20.7	(106)
4 Or More	20.3	(94)	4.0	(2)	18.8	(96)
Totals	100.0%	(462)	100.0%	(50)	100.0%	(512)

Chi Square = 15.425 Gamma = -.621 p < .001

One youth in the 1989 commitment population was committed to Adult Department of Corrections on a violation of probation originating from a status offense adjudication. According to court records contained in the central office field file, this youth had never been adjudicated for a delinquent offense.

Source: Halemba, G. J. (Sept. 1990). *Profile Study of Juveniles Committed to the Arizona DOC During 1989.*

Table 2
Prior Regular Probation or Intensive Probation (JIPS) by Gender

Probation Experience	Males		Females		Totals	
No Prior Probation	21.1%	(98)	27.1%	(13)	21.7%	(111)
Reg. Probation Only	44.2	(205)	56.3	(27)	45.3	(232)
Placed On JIPS*	34.7	(161)	16.7	(8)	33.0	(169)
Totals	100.0%	(464)	100.0%	(48)**	100.0%	(512)

Chi Square = 6.397 Gamma = -.285 p = .041

* Includes prior times on JIPS if youth was terminated or returned to regular probation prior to commission of offense(s) resulting in Adult Department of Corrections commitment.

** Discrepancy due to rounding error.

Source: Halemba, G. J. (Sept. 1990). *Profile Study of Juveniles Committed to the Arizona DOC During 1989.*

Table 3
Treatment Services Received By County

Type Of Service Received	Maricopa County	Pima County	Other Counties	Totals
Counseling Services	63.0%	65.4%	36.2%*	55.8%
Day Support Services	7.0	57.0	3.3**	21.4
Psychological Evaluations	70.5	72.3	42.1***	62.6
Residential Treatment	8.0****	24.5	19.7	16.6
Hospitalization	20.0	19.5	12.5	17.6

- * Chi square = 33.865; p < .001
- ** Chi square = 173.251; p < .001
- *** Chi square = 39.036; p < .001
- **** Chi square = 18.952; p < .001

Source: Halemba, G. J. (Sept. 1990). *Profile Study of Juveniles Committed to the Arizona DOC During 1989.*

Table 4
Treatment Services Received By Race

Type Of Service Received	Anglo	Minority	Totals
Counseling Services	65.1%	46.7%*	55.8%
Day Support Services	17.1	25.6**	21.4
Psychological Evaluations	71.8	53.7***	62.6
Residential Treatment	21.8	11.6****	16.6
Hospitalization	27.5	7.9*****	17.6

- * Chi square = 16.721; Gamma = -.360; p < .001
- ** Chi square = 5.009; Gamma = .251; p = .025
- *** Chi square = 17.223; Gamma = -.375; p < .001
- **** Chi square = 8.938; Gamma = -.361; p = .003
- ***** Chi square = 32.071; Gamma = -.633; p < .001

Source: Halemba, G. J. (Sept. 1990). *Profile Study of Juveniles Committed to the Arizona DOC During 1989.*

Table 5

Treatment Services Received By Gender

<u>Type Of Service Received</u>	<u>Males</u>	<u>Females</u>	<u>Totals</u>
Counseling Services	55.0%	63.8%	55.8%
Day Support Services	21.2	23.4	21.4
Psychological Evaluations	61.2	76.6	62.5
Residential Treatment	15.5	27.7	16.6
Hospitalization	16.4	28.9	17.6

Source: Halemba, G. J. (Sept. 1990). *Profile Study of Juveniles Committed to the Arizona DOC During 1989.*

CENTER FOR THE STUDY OF *Youth Policy*



THE UNIVERSITY OF MICHIGAN
DEPARTMENT OF EDUCATION
1000 TAPSCOTT DRIVE
ANN ARBOR, MICHIGAN 48106-1300

UNIVERSITY OF MICHIGAN
DEPARTMENT OF EDUCATION
1000 TAPSCOTT DRIVE
ANN ARBOR, MICHIGAN 48106-1300



UNIVERSITY OF UTAH
DEPARTMENT OF EDUCATION
150 EAST 200 SOUTH
SALT LAKE CITY, UTAH 84142