

Appendix A

February 5, 1974

Honorable Jack D. H. Hays
Chief Justice
Arizona Supreme Court
State House
Phoenix, Arizona

Dear Chief Justice Hays:

The investigation of the Pima County Juvenile Court Center operations as directed by your letter of December 7, 1973, has been completed and this report is now made as required.

The investigation and this report cover only those operations concerning which questions had been asked, complaints made or which arose during the study. This report does not attempt to evaluate current or prospective programs at the Juvenile Court or changes in procedure and policy except where relevant. In the report, some comparisons are made to prior years. This has been done to make the report more meaningful and not to infer that any year's operation was superior to another. Simultaneous with this study, the State Auditor General is conducting an independent audit of the financial operations of the Court Center. That audit will be released in the same manner as like audits made by that Department.

A brief explanation of the structure of the Juvenile Court and Center in Pima County is believed necessary at this point in the report.

The Court Center, including the detention facilities and courtrooms, is all located in one physical plant at 2225 E. Ajo Way. The Court consists of the following departments:

1. *Screening and crisis intervention.* This consists of the former receiving (intake) and court investigation units. These were combined in 1973 in order that more immediate attention could be given to referrals and the professional expertise of those persons in court investigation could be utilized at the point of intake. As combined, this department still performs the same functions as the former two units. All referrals, physical or by written report only (a paper referral), come to this department and initial determinations regarding detention are made here. After referral, the department then has the responsibility for investigation of each referral, except that some referrals are directed to the field probation officers or the voluntary intensive probation department. The department further

directs all referrals which appear to involve the commission of a criminal offense which would be a felony if committed by an adult to the County Attorney. The department has the authority to adjust all other referrals retained by it. Adjustments are made for any one of three reasons, as set forth in Rule 2 of the Rules of Procedure for the Juvenile Court. Briefly, these are: (1) That there is insufficient evidence; (2) that the complaint is not serious enough to warrant court action; and (3) that the juvenile admits his responsibility, but the investigation of the juvenile's total circumstances shows that court action is not necessary.

2. *Detention.* This department has supervision over the detention center. The detention facility is separated from the remainder of the Juvenile Court Center by locked doors. There is a large central area which includes the dining room and off of which is a girls' area on one side, boys' on the other and kitchen at the end. Both the girls' and boys' areas include living units, with bunks for eighteen each and individual two-person security units which will accommodate twelve additional persons on either side. There is a small outdoor fenced recreational area from each living unit.

3. *Field probation.* This department consists of the field probation officers who are divided into teams of three each and their supervisors. The case workload for each probation officer is generally within the standard of thirty-five juveniles.

4. *Voluntary intensive probation.* This unit began with an LEAA grant in 1970 and has now become a regular department of the Juvenile Court. Its purpose is prevention of delinquency prior to any formal court referral. The probation officers in this department provide intensive short-term counseling and treatment programs for juveniles with pre-delinquency tendencies. The caseload for these officers is even smaller than the standard thirty-five, permitting the more intensive work. Actually, some formal referrals to the Court are now directed to this department.

In addition to the foregoing departments, the Court has the usual other services found in the Juvenile Court, that is, referees, traffic department, administrative, clerical, custodial, transportation and other personnel. The Court Center provides facilities for the Clerk of the Juvenile Court, the County Attorney, Public Defender and the Division of the Superior Court of the Judge serving as Juvenile Court Judge. The Juvenile Court Judge became a full-time assignment effective January, 1972.

The areas studied in the investigation are generally as follows:

1. The detention center.
2. The processing and disposition of referrals.

Detention. There was a major disturbance involving both girls and boys on September 24, 1973, which received considerable public attention. In addition, other complaints concerning the operation of that department were made, including the following: that juveniles were being de-

tained for longer periods of time to the detriment of the juvenile and security in the Center; that policy change permitting the boys and girls to eat together and to participate together in certain recreational activities had created problems resulting in sexual misbehaviour; that narcotics and/or drugs and/or liquor had been used by juveniles in the detention center; that there had been a number of escapes from detention custody; that a lack of security had created a dangerous condition for some juveniles with respect to receiving physical harm from other juveniles.

In order to investigate these charges, detention center employees and other supervisory and administrative personnel, including the Juvenile Court physician, volunteers, parents and members of the public, were interviewed; the daily log maintained by the Juvenile Court Center for all of 1973 was studied; the detention center incident reports for 1973 were studied and these incident reports for part of 1970 and all of the years 1971 and 1972 were reviewed; the Juvenile Court Center records with regard to juveniles detained, including total number of days of each period of detention, were examined; almost daily physical observation of the operation of the detention center on a periodic basis, including the nighttime hours, was made; the rules and regulations for the operation of the Center were reviewed; as indicated, specific court files and other records pertaining to individual juveniles detained were read; and the police reports concerning the May and September disturbances were read.

With regard to the length of time that juveniles were detained in 1973, the investigation disclosed that the director of the Juvenile Court Center recognized this as a problem some time following the September disturbance. As a result, a written directive establishing procedures for hearings on juveniles in detention was made November 30, 1973, which basically requires that the detention of any juvenile longer than 15 days must be cleared through the executive committee of the Juvenile Court. This has provided a control over the length of detention and is a corrective action which, if enforced, may alleviate this problem. This problem and other problem areas noted later in this report show the need for the adoption of local rules of procedure pursuant to Rule 23 of the Juvenile Rules. Some time in 1970 or 1971, a draft of local rules was prepared by the then Juvenile Court Judge which were intended to be experimental only and after a sufficient time these were to be reviewed with the Juvenile Court staff, County Attorney, Public Defender and Judges in order that local rules, subject to the approval of the Supreme Court, could be adopted by the Superior Court Judges. It is recommended that a committee consisting of the former Juvenile Court Judges in Pima County be appointed and prepare such local rules for approval by all of the Superior Court Judges and that these be submitted to the Supreme Court for approval. These rules would include a provision regarding the time periods within which petitions on juveniles in detention must be heard.

A study was made of the individual cases of all juveniles in detention

for twenty days or more on December 31, 1973 in order that necessary action could be directed to dispose of the petitions involving those juveniles. On that date, there were nine juveniles detained for twenty days or longer, the longest being eighty-two days. Necessary hearings were scheduled for all of these juveniles and as of January 16, 1974, none of these juveniles remained in detention.

A study was also made of the juvenile detention population and length of stay at the time of each of the two major disturbances. On May 1, there was a total population of forty-seven, including twenty-one juveniles who had been detained twenty days or more. On September 24, there was a total of sixty-one in detention, including nineteen detained for twenty days or more. The foregoing figures, except for total population, do not include juveniles detained pursuant to a contract with the Federal Government. On or about May 15, 1972, Pima County agreed to provide temporary detention of juveniles under such federal jurisdiction. The Juvenile Court Center has no control over the length of time these juveniles are detained. The length of time is much longer than originally contemplated. There is attached to this report and marked Exhibit A, a record showing the time in detention for federal detainees for 1972 and 1973. There is also attached hereto, marked Exhibit B, the same information with regard to other juveniles in 1971, 1972 and 1973. This problem has been presented to the United States District Court and every effort will be made working cooperatively to reduce these detention periods. It is recommended that this question also be referred to the committee of Juvenile Court Judges to which previous reference has been made for further discussion.

Neither average days in detention nor mean days in detention are very meaningful in analyzing the information on Exhibit B because of the large number of juveniles who are detained only one through five days in each of the years. It does appear that in 1973, more juveniles were detained and for longer periods of time. To illustrate, the exhibit shows the following:

	<u>1971</u>	<u>1972</u>	<u>1973</u>
Number of juveniles detained			
30 days or more	144	109	171
40 days or more	62	45	95
50 days or more	23	18	54
Total juveniles detained	1724	1811	1999

However, in 1973, the number of physical referrals increased as shown on Exhibit C attached which would account for the larger number detained, but not for the longer periods.

There was speculation prior to the investigation that juveniles may have been kept in detention in 1973 in order that they could be involved in treatment programs. The staff denies that this was ever official policy. It may well have been done, however, by individual juvenile officers. The

staff recognizes that, whereas such treatment as can be effected is surely desirable during detention, the lawful purpose of detention is only to keep the juvenile for necessary Court hearings and delivery to placement.

Prior to 1973, an educational program through cooperation with Tucson School District No. 1 was the major activity for most detainees. Many juveniles detained were still in school prior to their detention. The school district furnished a teacher—without cost prior to 1972—at cost later—who held regular classes in the center five days a week for most detainees. The detainees regular school furnished the necessary information for the teacher to try to keep the individual detainee current with his class. In 1973 this program was discontinued and, although the center has a teacher selected and hired by the staff on its payroll, there is no educational program. There has been discussion proposing the reinstatement of the program or developing a remedial reading program or both, but neither has been done. Consideration of this matter should be an immediate concern and responsibility of the Juvenile Court Judge and staff.

There is no evidence that there was any sexual misbehaviour between boys and girls in the detention center in 1973, except for misconduct not amounting to actual intercourse during the September riot when there was momentarily no supervision at all and all detainees were together. There is also no evidence that there was any use of narcotics, including marijuana, drugs or alcohol permitted in the center during the same period. Regarding the boy-girl matter, there were changes made in the detention policy and procedures during 1973 as already indicated in regard to eating and recreational activities. There was also a change with regard to dress. Juveniles in detention prior to mid-1973 had worn red jumper suits provided by the center. This practice was abandoned and the juveniles are now permitted to wear their own clothing and in the absence of proper clothing, some donated clothing and the former uniforms are available. In the beginning, the change produced some undesirable results in that the clothing or lack of clothing worn was too revealing. Consequently, in the fall of 1973, following the major disturbance, a dress code was adopted pursuant to which the boys and girls are required to wear apparel that meets with the approval of the center. In addition, certain physical changes were made. The detention center had dining tables and chairs which were fixed to the floor. These were detached in order that the area previously used only for dining space could be used for certain recreational activities including, initially, dances. The arts and crafts continue. The dancing has been discontinued since it was concluded that this was a sexually stimulating activity that was undesirable in this setting.

The only other incident when any juveniles under the detention jurisdiction of the Court may have been involved in sexual misbehaviour occurred on July 1 and 2, 1973, when one of the Juvenile Court employees took eleven juveniles from detention on a temporary release to go to a swimming party, returning at 10:30 at night. One of the detained girls

was intoxicated upon their return and the others, except one boy, may have been drinking. The party was given by a detention officer, who was immediately discharged. There was one other detention officer, one clerk from the Juvenile Court and a volunteer in attendance. The record, based upon interviews with the juveniles by Court personnel, indicates that the beer and liquor at the party was furnished by the detention officer and there may have been some pairing off of the boys and the girls at the party. Whether there was actually any sexual intercourse was undetermined. The volunteer was terminated. The clerk and the other detention officer were found to have had little involvement in the incident.

With regard to drugs, there is evidence that marijuana and some pills have been smuggled into detention by juveniles. The juveniles detained are almost always searched by law enforcement officers prior to their physical referral. They are then strip-searched upon their admission to detention. In fact, the juveniles are required to shower, their clothes are taken away and laundered and other clothes are temporarily provided. Nevertheless, there are at least five instances in which marijuana, and one instance in which pills were found in the detention center in the possession of juveniles during the year. There are two instances where juveniles were smoking marijuana. In both instances, detention officers were alerted by the odor and in every instance, the marijuana was confiscated. There were two boys involved in one of these instances and three boys involved in the other. The incident involving the pills was a girl detainee who took the pills and was taken to the Pima County Hospital for treatment. The detention staff, particularly the shift supervisors, say they are constantly on the lookout for any type of conduct involving the use of narcotics, drugs, alcohol or sexual misbehaviour. None of such conduct is supposed to be tolerated and efforts are made to reduce the possibility. For a period of time in 1973, juveniles in detention were permitted to smoke tobacco cigarettes in the Court Center outside of the detention area. In fact, Juvenile Court officers furnished cigarettes to juveniles. This practice was discontinued and is not now permitted. At that time a new practice permitted detainees to leave the detention area for other than Court hearings and they were apparently in many other parts of the building. Not being in any uniform, this led to some of the escapes noted hereafter.

At least twenty-two juveniles escaped from detention custody in 1973. The detention incident reports indicate that juveniles planned a number of other escapes which were discovered and prevented. There were also a number of incidents in the detention center in which one juvenile was injured by another. No injuries were serious. In most instances, the record indicates that the incident was spontaneous and could not have been prevented. The major disturbance on May 1 and 2 occurred near midnight in the girls' living unit. It resulted in the girls eventually getting completely out of hand and necessitated calling law enforcement to establish control. None of the boys in detention were involved. Windows and

furniture were broken. There were no serious injuries. The major disturbance on September 24 also occurred about midnight and involved both boys and girls. Again, there were no serious injuries. The evidence indicates that prior to the September incident, the detention officers had lost control of the detention center to the juveniles. In July, there are several entries such as, "no discipline"; "need more security". On September 13, an entry by a detention officer reads "Under the present situation all available programs within our knowledge are exhausted. We need help to formulate other programs." An entry on September 16 reads "The men have no control at all." This was made with regard to a fight between two boys.

After the September disturbance, there was still a lack of control. The very day after, a boy detainee was injured by other boys, resulting in his hospitalization. On October 29, a detention officer was attacked with a metal bar broken off one of the beds. On November 3, a worker was tied to a chair while meeting with some boys in the library at the detention center. The boys planned to escape, but did not go through with the plan. There were other incidents. Then in October, the staff developed a classification system for detention which generally places all detainees in certain phases and gives each a security classification. Depending on their behaviour in detention, the juveniles are given that amount of supervision and permitted to participate in those activities which appear to be appropriate to their individual case. This restored many previous controls over the detainees. These controls removed in 1973 included the authority to discipline a detainee who refused to obey an order given to him or was otherwise misbehaving. Under former rules, a detainee who refused to follow directions was, in aggravated instances, removed from the living unit and placed in a security unit until he was ready to return to the group living. These disciplinary controls were reinstated. The "troublemaker" can now be controlled without limiting the worthwhile activities of all the other detainees.

Another 1973 change permitted detainees to have temporary leaves without supervision. On two occasions, juveniles given "temporary outs" returned to the center, one under the influence of marijuana and one under the influence of alcohol. These incidents were in November and September respectively. Both of these boys had been in detention a long period of time and a review of their detention file indicates that they had been real problems.

The review of the detention incident records for the prior years disclosed no major disturbances except for an incident in April of 1971, which was stopped before it got out of hand. The escapes were rare. The prior years appear to contain more incidents of homosexual conduct and of self-inflicted injuries. Interviews with detention officers and supervisors indicate that since October of 1973 they have been given more authority to control the juveniles in detention and feel that they understand better what

is permitted of them and what procedures should be followed. Each person interviewed believes that he is now able to control any situation which may arise.

Processing and disposition of referrals. At the beginning of the investigation, a problem was encountered concerning the placement of juveniles with a local new child placement agency. This organization began providing family counseling services and group home placements for juveniles from the Juvenile Court in July, 1973. The organization was given a provisional six-month license from the Department of Economic Security as a child-placing agency. However, the group homes used for the placement of juveniles in Pima County were not licensed. Because the Department of Economic Security had listed this agency and indicated an approved monthly payment for the placement of juveniles with it, the Juvenile Court was placing juveniles in these group homes and ordering payment out of funds provided for this purpose by the Department. In December, the Department notified this agency and the Juvenile Court that they would no longer honor payment orders from the Juvenile Court for that month and future months because the group homes were not licensed. Since there were then thirty-one juveniles in physical placement with this agency and since the staff at the Juvenile Court believed that this agency had been a satisfactory placement facility, an inquiry was made to determine the reasons for this complication. It was found that two of the group homes had not been licensed because of a failure to comply with a City Ordinance requiring a sprinkling system. The City Council had indicated from time to time that they might waive this requirement since it was felt that the sprinkling system was not necessary in a group home providing for the care of no more than ten juveniles. Consequently, the Department was contacted and asked if they would reconsider and authorize the December, 1973, payment to this agency. A conference was had with the agency's personnel, who indicated that they still hoped to get the waiver from the City Council. The Department did reconsider and authorized the December payment. The City Council did, in January, waive the sprinkler system requirement, other health requirements were also satisfied in a third home, and the group homes have now been licensed. As a result, it was not necessary to move the juveniles who were placed there. However, this problem gave rise to another.

The Juvenile Court had, in 1973, placed juveniles in these group homes, other family foster homes or institutions without Court adjudication of delinquency or incorrigibility. Since the statutory authorization for the Department providing this cost, A.R.S. 46-134, provides that such Department of Economic Security responsibility is for juveniles adjudicated by the Court as delinquents (or incorrigibles), these payments appeared to be improper. In addition to the statute, the contract between Pima County and the Department of Economic Security provides for the use of the funds provided by the Department only in cases where the juvenile has been adjudicated and so placed. Consequently, these cases were reviewed in

January and hearings held and individual dispositions made. In the future, no placements will be made where payment is ordered unless the facility is currently licensed and the juvenile has been adjudicated.

Also at the beginning of the investigation, statistics on referrals and processing and their subsequent disposition were requested from the Juvenile Court staff. A problem was encountered. The Court is in the process of getting all records into a computer. In the interim, some records are computerized, some are still maintained by hand and other records which would have been helpful in this study are not maintained. Consequently, personnel from the Court and the office of the Clerk of Court have assisted in compiling statistics from original records. The information which has finally been developed showing the number of referrals, adjustments, petitions, court hearings and dispositions is attached hereto marked Exhibit C. As appears from the exhibit, an attempt was made to compare with prior years. A study of this information raised at least two questions which were then studied further: (1) The significant reduction in court hearings; and (2) the large number of petitions pending at the end of the year.

The reduction in court hearings is at least partially accounted for by the policy expanded in 1973 which attempts to divert the juvenile out of the formal court process.

Exhibit C shows 614 petitions pending December 31, 1973. The number pending at the end of any other year is not available. However, it is believed the number would be much smaller. The 614 can be reduced by 69 since the juvenile involved has become 18 and the Court has lost jurisdiction. However, it must be increased by 107, being petitions heard in part and continued to be reset. Therefore, there are 652 petitions that need some form of Court action. (Although an effort was made to eliminate such cases, a few of these petitions included as pending may have been superseded by a supplemental petition which has been heard and the only necessary action is the formal dismissal of the original petition.) This is at least partially accounted for by reason of a change in procedure with regard to the filing of petitions. Prior to October, 1972, petitions were prepared and filed by Juvenile Court personnel. Beginning in about that month, the petitions were prepared and filed by the County Attorney assigned to the Juvenile Court. Further, commencing about the middle of 1973, the County Attorney began to file petitions in almost all cases in which the alleged act of delinquency could amount to a felony under the adult criminal law. However, even though the petition is prepared and filed by the County Attorney, the responsibility for setting the petition for hearing remained with the Juvenile Court officer to whom the particular referral was assigned. This might be an officer from the screening and crisis intervention department, voluntary intensive probation department or field probation. This officer would, from the time of the referral, work with the juvenile, family, school and others indicated and would request a hearing in the case only if it appeared that further court action was neces-

sary. This was the same procedure that was previously followed, except that the Juvenile Court officer also controlled the filing of the petition. Consequently, if present policies and procedures are followed and based upon the Court's experience, many of the pending petitions will be dismissed by adjustment and no hearing will ever be requested. In the past, a hearing was held in almost every case in which a petition was filed. The known reasons for the change in procedure involved the County Attorney's position that A.R.S. 8-233 mandated the petitions to be drafted and filed by the County Attorney; that the petition, being a legal instrument, should be prepared by an attorney; and that it was the County Attorney's responsibility to see that referrals to the Juvenile Court were properly handled with regard to the public's interest and protection. It is recommended that in the local rules for the Juvenile Court, consideration be given to this question of the preparation and filing of petitions and the scheduling of court hearings. In that regard, it is recommended that the rules also cover the matter of the handling of adjustments under Rule 2 of the Juvenile Rules of Procedure.

It was found that in those cases where the Juvenile Court officer determined from his investigation of the juvenile's total circumstances that the case should be adjusted, this was then presented to the County Attorney, who prepared a court document entitled "Petition and Order to Dismiss". This is a printed form in which the County Attorney moves that the petition be dismissed for the following reasons: "Case adjusted, no further services of the court needed"; or "Insufficient evidence". A proposed order on the form reads, "Based upon the foregoing petition and good cause appearing, IT IS HEREBY ORDERED that the petition be and the same is hereby dismissed". This petition and order was then presented to the Judge, who signed the same. This procedure has been changed during this interim period and the Juvenile Court officer who requests the adjustment is required to present his reasons in writing. This, together with the file, the petition and order, are now given to the Judge in order that there be a judicial review of all dismissals which are proposed to be made in this manner. Whether this will be a permanent change in procedure will probably depend upon the rules adopted by the Judges as recommended herein.

With regard to dispositional hearings, it was found that following an adjudicatory hearing, many dispositions were continued subject to call. Other dispositions were continued until the juvenile's eighteenth birthday. The latter involved cases in which it was felt that no formal disposition was necessary in view of the juvenile's circumstances. However, the policy of continuing dispositions subject to call has been temporarily changed during the investigation and the cases are now set for dispositional hearing within thirty days from the adjudication. This keeps the case on the calendar and makes the Juvenile Court officer work on a proper dispositional recommendation within a reasonable period of time.

It also appears that there has been a noticeable reduction in con-

tested cases heard by the Juvenile Court Judge. This results in part from "plea bargaining" between attorneys. As a result of such negotiations, the juvenile admits to some law violation that is less onerous than that shown on the petition. It is also probable that admissions are made in consideration of the knowledge that a commitment will probably not be the disposition of the case.

Petitions remain unadjusted and not scheduled for hearing for as long as six months. Obviously, a court hearing that long after a referral would be difficult and unfair to others concerned. The rules should provide for adjustment or hearing within a much shorter time period. Under the present system, the case gets judicial review too long after the referral. Adjustments are approved, in part, because of the passage of time. During the investigation, largely because files were reviewed, a number of pending 1972 petitions were discovered and dismissed on the Court's motion.

Many more of the juveniles adjudicated delinquent or incorrigible and other juveniles previously so adjudicated were, in 1973, placed in foster homes and institutions with a provision for payment of the cost of their care from the State Welfare funds to which previous reference has been made. Funds available for payment of foster home care by Pima County are also used for such placements.

The amounts expended for such placements during the last four years are:

	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>
State Welfare Funds				
In state placements	89,785.	161,133.	367,805.	483,363.
Out of state placements	None	1,045.	18,548.	117,854.
County Funds	6,718.	7,477.	11,124.	14,412.
Totals	<u>\$96,503.</u>	<u>\$169,655.</u>	<u>\$397,744.</u>	<u>\$615,629.</u>

During the investigation the Department of Economic Security has contacted the Court with regard to the payments ordered for out of state placements. They report that they have evaluated one out of state institution being used by the Court and found it offers no more treatment than in state institutions at twice the cost and have requested that the Court review its placement policies. The Department is currently paying for twenty-seven juveniles placed out of state by Arizona Juvenile Courts, twenty-four of whom are from Pima County. The average cost is \$822 per child per month. This request has been referred to the Director of Court Services. There is probably a relationship between these figures and the reduction in commitments of juveniles to the State Department of Corrections, from a high of 280 in 1969 to 20 in 1973.

The investigation indicates that, in fact, a complete evaluation of all placement facilities should probably be made. Written information concerning some of the rules and regulations, or lack thereof, of some of these agencies raise questions. There were several escapes from local placements with related law violations. The subject would unduly lengthen the time of

this investigation and it is believed this should also be a priority for the Juvenile Court Judge and staff.

The statistics which have been used herein are believed to be the most accurate available. In some instances, the numbers shown on Exhibit C may contain errors since they have been manually computed for the most part. The Court needs a master list accurately showing active referrals. The records should indicate to which department the referral is currently assigned, whether there has been a petition filed, and the status of that petition. Since the Court has computer facilities, this should be done by the computer and steps have been taken to develop such a program. There is a present input of referrals into the computer, but the dispositional information has not been accurately handled. As a result, for example, the computer shows approximately 1700 pending referrals. This is proven inaccurate by manual check.

The matter of destruction of records pursuant to A.R.S. 8-247 should also be considered by the Judges' committee. Since the adoption of that statute until the fall of 1973, records at the center have been destroyed automatically upon the juvenile's attaining age eighteen. In the fall of 1973, the Juvenile Court Judge and Presiding Judge conferred on this subject and since then no records have been destroyed. This may be a desirable subject for local rules or regulations.

The former practice of making current chronological entries in each juvenile's social file was discontinued some time in 1973. As a result, neither the Judge nor anyone else needing such information can now turn to a file and be up-to-date. This is probably an age old problem. Probation officers should be supervising juveniles and not dictating. Nevertheless, the lack of a current record which is at all times available necessitates going to the individual officer in order to find out what has happened. The matter deserves further study.

During the investigation, many letters and other communications have been received supporting the publicized changes and policies which occurred at the Juvenile Court in 1973. For the most part, these were of a very general nature, although certainly very sincere and well-intentioned. In addition, there have been several specific complaints made concerning the failure of the Court to take appropriate action with regard to certain juveniles referred to it. These complaints appear to have substance and the policies and practices of the Juvenile Court Center should be reviewed by the regular Juvenile Court Judge next appointed to the Court. It was not, and is not, the purpose of this investigation to make any kind of an evaluation concerning decisions made as to the supervision or disposition of either individual cases or the overall philosophy of the Court Center in this regard.

The investigation also included a very limited review of the new volunteer program at the Court. Approximately one hundred persons from the community are currently serving the Court as volunteers under agreement to serve three hours per week for one year. In the beginning, some problems were encountered in the screening of these volunteers and some volunteers

were permitted to commence work before this screening was actually completed. Although each volunteer was fingerprinted and an F.B.I. check made, there was not a local police and sheriff's check on each volunteer. In the future, this will be done.

There has also been some concern expressed concerning the attitude, performance and on-duty conduct and manners of certain individual personnel employed at the Court Center. In this regard, the investigation included a review of each of the files containing individual personnel records. Except for one or two oversights, which have now been corrected, the files contained all necessary data as to each employee including inquiries and reports from the sheriff, police and F.B.I. With regard to attitude and conduct, the Director of Court Services has been informed and agrees completely that the appearance, manners and language of all Court employees should at all times be respectful to the Court, other employees and the public.

Although dependency matters were not a subject of the study, it was noted that there were more and longer hearings than in prior years. At the excellent suggestion of the officer assigned this investigative duty by the Court, a system for the utilization of the pre-trial conference was adopted. Although the experience, in January, 1974, is admittedly very limited, it appears that it will be most successful.

The personnel at the Court Center were most cooperative in this investigation. The attitude of detention officers and supervisors is excellent. The detention personnel hired both prior to and during 1973 all appear to have great concern for the welfare of the juveniles in detention. At the same time, they understand the need for a safe, secure detention center. There is no evidence of any mistreatment or oppressive conduct toward detainees. There is necessary discipline. The Director of Court Services has stated that the investigation has been beneficial to the Juvenile Court in that the various employees have been required to examine their practices and procedures. The changes made during the investigation were by mutual agreement of all concerned.

I will be pleased to answer any questions which you have with regard to this report or to secure any other information which you believe would be of benefit. As you know, the Judges of the Superior Court of Pima County did defer the appointment of a Juvenile Court Judge for 1974 pending this investigation and report. The Honorable Alice Truman, Judge, was appointed as Juvenile Court Judge in the interim and she has actually heard all of the juvenile cases during this period of time and has made many helpful suggestions regarding the investigation.

Respectfully yours,
Ben C. Birdsall
Presiding Judge
Superior Court
Pima County
Tucson, Arizona

EXHIBIT "A"

PIMA COUNTY JUVENILE COURT CENTER

FEDERAL JUVENILES IN DETENTION

DAYS IN DETENTION	NUMBER OF JUVENILES	
	<u>Aug.-Dec. 1972</u>	<u>1973</u>
1 to 2 days	2	6
2 to 10 days	19	10
10 to 20 days	5	12
20 to 30 days	4	16
30 to 39 days	5	6
40		2
42		1
43		1
44		2
45		2
48	1	
49		2
50		2
51		1
52		1
53	2	
54		2
56	1	1
57	1	1
58		2
59		1
60		1
63	1	
65		1
68		1
69		1
76		1
79	1	
88		1
93	1	
109		1

EXHIBIT "B"

PIMA COUNTY JUVENILE COURT CENTER

DETENTION DAYS

DAYS IN DETENTION	NUMBER OF JUVENILES		
	<u>1971</u>	<u>1972</u>	<u>1973</u>
1	235	242	272
2	311	395	500
3	256	265	256
4	131	182	172
5	95	124	118

6	48	50	71
7	56	49	56
8	56	40	45
9	33	27	56
10	26	29	23
11	27	25	25
12	25	23	26
13	28	16	24
14	28	20	21
15	38	20	14
16	21	15	19
17	19	9	17
18	20	13	12
19	12	16	10
20	13	20	9
21	13	19	14
22	19	18	9
23	12	13	11
24	17	14	4
25	13	12	7
26	6	12	11
27	5	4	5
28	9	17	14
29	8	13	7
30	10	9	10
31	11	11	16
32	9	8	4
33	6	7	7
34	8	8	4
35	14	3	14
36	7	7	4
37	4	1	6
38	7	6	6
39	6	4	5
40	8	6	5
41	4	1	5
42	5	6	9
43	2	1	4
44	2	5	1
45	2	1	5
46	7	3	2
47	3		2
48	5	4	3
49	1		5
50	2	1	3
51	1	2	3
52			6
53	1	2	3
54	2	1	2
55	2	2	
56	2		2
57	2	1	3
58			1
59	1	1	1
61	1		1

62			1
63	1	1	
64		2	1
66			1
67		1	
68	1	2	1
69			1
70			1
71	2		1
72	3		
73	1		
75			1
76			1
77		1	2
78			2
79			1
80			1
82			3
85			1
88			1
89			1
90			1
99			3
100			1
103		1	
105			1
111			1
112			1
168	1		

EXHIBIT "C"

REFERRAL AND DISPOSITION STATISTICS
PIMA COUNTY JUVENILE COURT
DELINQUENT AND INCORRIGIBLE ONLY

	1970	1971	1972	1973
1. Physical Referrals			3742	4491
2. Paper Referrals			3311	3292
3. Total Referrals	4935	5737	7053	7783
4. Adjusted-Insufficient Evidence				
a) Receiving			182	300
b) Other Units			66	23
5. Adjusted-Not Serious				
a) Receiving			252	477
b) Other Units			296	135
6. Adjusted-Admits-Court Action Unnecessary				
a) Receiving			1756	2464
b) Other Units			341	242

7. Other Jurisdiction or Information Only			694	1229
8. Total Adjustments			<u>3587</u>	<u>4870</u>
9. Remaining Referrals			3466	2913
10. Petitions Filed ¹	1811	1924	2139	2049
11. Petitions Dismissed— (No Hearing)— Insufficient Evidence	59	36	130	132
12. Petitions Dismissed— (No Hearing)— Adjusted	<u>184</u>	<u>333</u>	<u>336</u>	<u>546</u>
13. Total Dismissals	<u>243</u>	<u>369</u>	<u>466</u>	<u>678</u>
14. Remaining Petitions	1568	1555	1673	1371
15. Referee Hearings				
a) Adjudication Only			69	64
b) Dispositional Only			52	34
c) Review ²			106	
d) Adjudication and Dispositional			802	272
e) Probation Revocation ³				<u>132</u>
16. Total Referee Hearings	1890	1063	<u>1029</u>	<u>502</u>
17. Judge Hearings				
a) Adjudication Only			222	71
b) Dispositional Only			153	51
c) Review			None	None
d) Adjudication and Dispositional			61	25
e) Probation Revocation ³				<u>108</u>
18. Total Judge Hearings	476	609	<u>436</u>	<u>255</u>
19. Total Judge and Referee Hearings	<u>2366</u>	<u>1672</u>	<u>1465</u>	<u>757</u>
20. Dispositions (Judge and Referee)				
a) Probation		642	599	382
b) Commitment ⁴	218	176	72	20
c) Continued Probation				138
d) Continued Subject to Call				66

1. Petitions filed do not agree with remaining referrals because many petitions include multiple referrals. A petition always involves at least one juvenile, but often several referrals of that juvenile. This difference for 1973 has been further verified in three ways: (a) A complete record of all juvenile referrals has been obtained from the Tucson Police Department. A representative sampling of these referrals has been checked with the Juvenile Court records. In almost every instance, the referral has been adjusted or is included in a petition. (b) The total referrals, 7783, is known to include only 4920 individual juveniles (many juveniles having been referred more than once). (c) The review of 1973 petitions shows that the total petitions filed, 2049, contained 2704 counts. Each count is actually the equivalent of a referral.

2. Reviews in 1973 included in other hearings.

3. Probation revocation in 1972 included in other hearings.

4. In 1969 there were 280 commitments.

e) Continued-To Be Set	
Later	107
f) Dismissed	44
	<hr/>
21. Total Dispositions	757
22. Petitions Pending End	
of Year ⁵	614

5. Of 614 pending petitions, 69 juveniles were over 18 at the end of the year and the Court has lost jurisdiction.