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**Juvenile Detention
in Arizona
1989**



Arizona Supreme Court
Administrative Office of the Courts

**JUVENILE
DETENTION
IN
ARIZONA
1989**

126378

U.S. Department of Justice
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Mr. James Bell, attorney for The Youth Law Center in San Francisco, California, contributed information on acceptable detention conditions and explained the basic language in lawsuits that a facility might encounter.

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Their efforts are recognized and greatly appreciated.

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FOREWARD

To determine the status of detention facilities in the State of Arizona, a Subcommittee on Detention was established. The members of the subcommittee met numerous times to discuss the issues paramount to detaining juveniles. To gain information on the issues involved, the members received input from "experts" and reviewed survey data. After reviewing the information from these sources, the subcommittee identified and prioritized their concerns about detention centers. Their concerns are stated in the pages that follow, along with recommendations to solve these concerns.

To establish what is occurring in detention centers around the state, the subcommittee members utilized the 1988 Semiannual Juvenile Detention Inspection Reports. These reports identified some of the deficiencies in detention facilities around the state. The subcommittee also obtained information from Jan Christian, the Criminal Justice Specialist from the Governor's Office for Children. Jan provided the members of the subcommittee with monitoring information for the reporting period of January 1 through June 30, 1988. This data indicated the compliance level of jails, lockups and juvenile detention facilities with the Juvenile Justice and Delinquency Prevention Act (see Appendix A).

The subcommittee members also reviewed the Self Assessment Surveys that were completed by Juvenile Court staff in each county. Juvenile Court staff were asked in the surveys to compare their facility with the nationally accepted standards of the American Corrections Association (ACA). Mr. James Bell, an attorney with The Youth Law Center in San Francisco, California was also contacted by the subcommittee. He provided the members of the subcommittee with a "checklist" which his office utilizes to assess common practices and procedures used in detention facilities. This list was utilized to compare detention facilities in Arizona with an "ideal" model (see page 11).

INTRODUCTION

The juvenile justice system in America is predicated on a philosophy which presumes that there are fundamental differences between adult criminal behavior and the criminal behavior of juveniles. The growth of the juvenile court system in this country is in fact, related to society's effort to distinguish between the behavior of juveniles and the dynamics of adult criminality. It also recognizes that conditions beyond the control of the juveniles, such as abuse and neglect, and many non-criminal behaviors, (i.e. alcohol use, curfew violation, and truancy), may precipitate involvement in the juvenile justice system. However, the commission of an unlawful act is the sole determinant in initiating contact with the adult criminal justice system.

Juveniles are not adults, regardless of the act or behavior which brings them into contact with the juvenile justice system. They are different psychologically, socially, and developmentally. As a result, different standards and laws govern their care.

The State of Arizona recognizes that youth are its most valued asset. In reviewing programs for youth, the Arizona Supreme Court's Committee on Probation has been greatly concerned about the operation and status of detention centers in the state. For this reason, funding was approved under the Juvenile Crime Reduction Fund to create a Subcommittee on Detention in fiscal year 1988-89. The subcommittee was charged with the responsibility of reviewing existing detention conditions and preparing a plan to improve current conditions.

In order to address the issues raised by the Committee on Probation, the Subcommittee on Detention found it necessary to identify a model detention program and facility. Once this was accomplished and reviewed, the subcommittee adopted a mission statement specifying the purpose of detention. This mission statement and the philosophy underlying it was used by the subcommittee to make program and facility recommendations.

MISSION STATEMENT

Adopted February 24, 1989

The purpose of juvenile detention in Arizona is to provide secure short term care for juveniles pending disposition or other appropriate statutory actions. Juveniles will be served in the least restrictive setting in a manner consistent with public safety and the welfare of children.

Detention will operate within the following framework to accomplish this mission:

1. Provide for the juvenile's basic needs to include: nutritional, physical, emotional, educational, medical, religious, and social needs.
2. Assure that the juvenile's legal rights are protected.
3. Provide a safe and humane living environment which, whenever possible and appropriate, shall be in close proximity to the youth's community and family while maintaining an adequate level of security and supervision for the juvenile in detention.
4. Provide a sufficient number of qualified staff and promote staff professionalism through education and training.
5. Provide effective and innovative programs in coordination with available community resources.

EXECUTIVE SUMMARY

OVERVIEW: The Subcommittee on Detention was responsible for reviewing conditions in Arizona's detention facilities and preparing a written plan recommending improvements.

MAJOR ISSUES:

- Unsafe conditions exist in many detention facilities for children and staff. This has resulted in liability risks, threats to public safety and ill-treatment of juveniles.
- Funding to hire a sufficient number of qualified detention personnel, enhance training opportunities, or upgrade detention facilities is unavailable.
- A set of adopted and enforceable standards for detention facilities is needed.
- A lack of facilities and/or services for children requiring shelter care has resulted in status offenders and non-offenders being detained when they shouldn't be.
- Children are warehoused rather than having the opportunity to participate in educational, psychological and recreational programs.
- Inadequate or nonexistent policy and procedural manuals have resulted in detention staff not knowing the proper policies and procedures for their facility.
- The State of Arizona has a unique character. The locations of facilities, the special needs of border towns (to Indian reservations, Mexico and other states), the expansive and isolated distances between populated areas, inclement weather and poor road conditions must be considered when providing services.

SOLUTIONS:

A. To improve the detention facilities in the state, the following alternatives should be explored:

- * The Legislature may need to appropriate funds to the Arizona Supreme Court to assist counties in operating their detention centers.

- * Obtain statutory authority for detention facilities to be funded, partially or completely, by the state.
- * Apply for financial assistance from Foundations.
- B. Direct a technical advisory group to establish enforceable and progressive standards of policies and procedures for detention facilities.
- C. Obtain an adequate number of qualified personnel, (including 24 hour awake staff), to operate detention facilities.
- D. Implement initial and on going training for detention personnel to include a statewide training academy.
- E. Review the multi-use facility concept for components which can be utilized to provide detention and shelter care services for juveniles in Arizona.
- F. Utilize the planning approach demonstrated by Community Research Associates in their assessments of Graham and Santa Cruz Counties.
- G. Additional money may need to be allocated by individual counties to maintain and/or enhance detention facilities.

PREAMBLE

Failure to address the juvenile detention center situation in Arizona may subject the staff of detention facilities, the court system, and the State of Arizona to a number of liability issues and extreme public, private, and legislative criticism. Unless significant changes are made in the current system, the children we serve and the personnel responsible for these children will be subjected to unsafe, and at times, life threatening circumstances.

Facilities in Arizona need to change their method of operation to incorporate the changes in legislation and juvenile law which are taking place around the country. Arizona's detention centers must also modify their operations to accommodate increased referrals to the juvenile justice system and the higher standards being established for detention centers on a national level.

Many detention centers around the state are poorly designed and maintained. Some are unsafe and over crowded. Others are understaffed and/or managed by inadequately trained personnel. Because of these problems and many others, the detention facilities in Arizona have put juveniles, detention personnel and the public at risk.

According to the Office of Juvenile Justice and Delinquency Prevention ("Children in Custody", 1988), the number of juveniles admitted to and discharged from secure facilities in this country is at the highest point since 1977. The information provided on page 26 supports this by showing that since 1985, the total number of delinquents detained in Arizona continues to increase.

In Arizona during the fiscal year 1987-1988, more than 46,000 juveniles were referred to juvenile courts. During this time, more than 15,000 were detained in detention facilities. In addition, 4,500 juveniles were supervised on formal probation while thousands more were supervised by probation departments through the PIC (Progressively Increasing Consequences) ACT program.

When youth are detained they are kept in juvenile or adult facilities. Some of these facilities are not safe for children. Since 1985, four children have died in detention centers and numerous others have escaped. Due to liability issues, the detention facility in Apache County is no longer utilized and, until April, 1989 (prior to closure) Graham County would only detain a child under extreme circumstances. Although it is a violation of the Juvenile Justice and Delinquency Prevention Act, State Statute and the Arizona Constitution (JJDP ACT, Section 223 (a) (14), A.R.S. §8-226 and Article 22, Section 16, see Appendices A and C), children are still being

detained in adult facilities according to the monitoring information provided by the Governor's Office for Children. Staff in these facilities are ill-equipped to deal with the special problems inherent in incarcerating children. As a direct result, research (1983, Community Research Center, University of Illinois) has found that children are 7.7 times more likely to commit suicide in an adult facility than in a detention center.

For a facility to operate competently, sufficient staff must be available to provide quality care and supervision for children in a safe and stable environment. Also, the facility needs to offer programs to the detainees which will assist them with their problems. Programs of this sort, if offered in detention, will maximize the effectiveness of the detention experience. Additionally, the facility should employ staff who possess good supervisory skills and who know how to identify and manage security risks. Many facilities in Arizona currently do not meet these conditions or requirements.

It is the subcommittee's opinion that the Juvenile Court System in Arizona is treatment oriented. It is believed that children in this state deserve to have the same services, programs and conditions of detention made available to them, no matter where they are apprehended and detained. It is felt that the people responsible for the care and custody of children should try to correct the inadequacies that currently exist in detention facilities around the state.

This subcommittee realizes that the counties across the state have diverse needs and that these needs pose problems when the counties are trying to establish detention facilities. It also recognizes that many facilities are attempting to provide appropriate services to children in spite of limited resources. Managing detention populations consisting of cross-jurisdictional peculiarities (e.g. Native Americans and Mexican Nationals) and transporting juveniles to isolated areas on poorly built roads in inclement weather are only a few of these problems. It is believed that these problems can be addressed and overcome. However, everyone at the state and local level must agree to develop and operate the best detention facilities possible. Working together to identify and address these problems is the only way to resolve them. Resolution of these problems will result in facilities that offer a safe and secure environment for juveniles in confinement.

DETENTION FACILITIES



FACILITY INFORMATION

Before the Subcommittee on Detention could formulate suggestions for improvement, they needed to know the problems facing detention facilities in Arizona. To identify these problems, statistical information on the facilities was compiled. The chart below identifies each county's detention facility, as well as, when it opened, its size and its level of activity for fiscal year 1987-88.

| COUNTY | AVERAGE DAILY COST | TOTAL NO. ADMISSIONS | BED CAPACITY | AVERAGE DAILY POPULATION | STAFF | AVERAGE STAY (DAYS) |
|---|-----------------------|-------------------------|-----------------|-----------------------------|------------------|------------------------|
| Apache <i>Built in 1917 (Closed)</i> | \$45.27 | 197 | 4 | 1.7 | 4 FT 1 PT | 3.09 |
| Cochise <i>Built in 1971</i> | \$49.96 | 312 | 10 | 8.0 | 6 FT 6 PT | 8.66 |
| Coconino <i>Built in 1972</i> | \$24.91 | 1,369 | 24 | 19.6 | 6 FT 6 PT | 6.31 |
| Gila <i>Built in 1963</i> | \$79.97 | 314 | 13 | 4.2 | 6 FT 2 PT | 4.9 |
| Graham <i>Built in 1975</i> <i>Remodeled in 1980 (Jail)</i> | N/A | 81 | 8 5 | .76 | None | 3.44 |
| Greenlee <i>Built in 1979 (Jail)</i> | N/A | 68 | 6 | .18 | None | 2.66 |
| La Paz N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| Maricopa <i>Built in 1974</i> <i>Remodeled in 1988</i> | \$72.39 | 4,508 | 101 48 | 133.5 | 96 FT 50 PT | 10.6 |
| Mohave <i>Built in 1968</i> | \$59.21 | 389 | 15 | 8.6 | 8 FT | 8.61 |
| Navajo <i>Built in 1976</i> | \$59.42 | 522 | 17 | 10.66 | 11 FT | 7.45 |
| Pima <i>Built in 1967</i> <i>Remodeled in 1986</i> | \$76.26 | 2,435 | 60 12 | 61.0 | 52.5 FT 40 PT | 9.0 |
| Pinal <i>Built in 1964</i> | \$62.15 | 346 | 24 | 6.86 | 9 FT 4 PT | 7.24 |
| Santa Cruz <i>Built in 1974</i> | \$44.60 | 330 | 12 | 9.39 | 7 FT | 10.39 |
| Yavapai <i>Built in 1974</i> | \$52.67 | 487 | 24 | 9.33 | 6 FT 5 PT | 6.99 |
| Yuma <i>Built in 1970</i> | \$90.01 | 984 | 25 | 12.62 | 15.5 FT | 4.1 |

As noted on the state map, La Paz and Apache Counties have no detention facilities. Children arrested in Apache County must be transported to Navajo County and juveniles arrested in La Paz are taken to Yuma or Mohave County.

The average daily cost on the preceding chart was calculated through a formula that Community Research Associates, Champagne, Illinois, provided. One of the factors used in the formula was the operating budget for the detention facility.

Since Graham and Greenlee County have no budget line item for detention, there are no figures for these counties. Both of the detention facilities are located in a county jail and the sheriff's office absorbs all costs for detaining children. Additionally, no detention employees are listed on the chart for these counties since the deputies supervise detainees.

It is important to note that in many counties the budget for detention is an estimate. This is because very few counties in the state itemize their detention budget. Therefore, detention facility budgets are typically included in the juvenile probation department's budget.

CONDITIONS OF CONFINEMENT

Subcommittee members thought it important to review the conditions that exist in detention facilities around the state and compare these conditions to "model" detention standards. To get assistance with this task, the subcommittee contacted The Youth Law Center in San Francisco, California. The Law Center was approached because it provides nationwide services to plaintiffs involved in detention related litigation.

When The Law Center is contacted, it takes a list of "minimum acceptable standards of confinement" and compares these standards to the conditions existing in the facility. Mr. James Bell, an attorney for the Center, told the subcommittee that administrators of a detention facility must be able to justify their practices in detention and show accurate documentation of daily activities. Mr. Bell recognized that although some facilities lack sufficient operating funds, the "lack of funds" defense will not hold up in court. (See Wyatt vs. Aderholt, 502 F.2d 1305 (5th Cir., 1974)).

After talking to James Bell, the subcommittee decided to use the checklist from The Youth Law Center to survey detention facilities in Arizona. The subcommittee members decided this because the Center's checklist was more concise than the list established by the American Corrections Association. Prior to utilizing the Center's checklist however, the subcommittee reviewed the minimum standards on it. When they did this, they discovered that the checklist was missing two conditions which they thought that it should include. The subcommittee thought that psychological/psychiatric services and health education should be added to the checklist. With these additional conditions, the list now contained all of the components necessary for an "ideal" detention facility.

The following is the checklist utilized in the subcommittee's survey of detention facilities in Arizona. It is important to note that the standards on this checklist are not required by law and by utilizing this list in their survey, the subcommittee was not indicating that detention centers in Arizona should have to abide by these standards. What the subcommittee was indicating however, is that the conditions on this checklist are ones which detention facilities around the state should strive to attain.

- (1) a classification system
- (2) health/medical screening
- (3) sick call (access to medical personnel)
- (4) psychological screening
- (5) phone calls (minimum of two a week)
- (6) mail (may open incoming mail for security concerns or contraband)
- (7) visitation (minimum of once a week)
- (8) education (to begin no later than three days after admission)



Supreme Court

FRANK X. GORDON, JR.
CHIEF JUSTICE

1800 WEST WASHINGTON
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TELEPHONE: (602) 255-4531

April 20, 1988

The Hon. John L. Claborne
Apache County Superior Court
P.O. Box 667
Saint Johns, Arizona 85936-0000

Dear Judge Claborne:

I am glad to hear that you are progressing in your plans to relocate and update your juvenile detention facility. As you recall, when I visited your county in January of this year with Senator Sossaman, Representatives Rockwell and McLendon, and Joint Legislative Budget Committee Analyst Steve Miller, I commented that of all those that I had seen in Arizona, the two worst juvenile detention facilities were those in Apache and Santa Cruz counties. I think I also told you at that time that of these two, I considered yours the worst. The Apache County facility does not comply with the law or guidelines in design or supervision, and has the potential of subjecting both Apache County and the State of Arizona to significant financial liability in the event of an injury to a child kept in that facility. When you're in violation of the law, you are prima facie negligent.

Being from a small county, I understand the constraints under which you are working. But there comes a time when saving money could cost much more. I encourage you to do all within your power to either redo the present facility to bring it into compliance with law, or to relocate it and redesign it so that this is accomplished. I don't know which would be the most cost-efficient. I leave that to the judgment of yourself and the Apache County Board of Supervisors. But I will say that I consider these changes essential, not only to protect the county and state from liability, but to protect the children that you must deal with.

Please keep me advised as to your progress.

Sincerely,

A handwritten signature in dark ink, appearing to read "Frank X. Gordon, Jr.", written over a horizontal line.

Frank X. Gordon, Jr.
Chief Justice

FXG:eh

Tragedy feared from youth-detention woes

BY STEVE RYAN

Sun Staff Reporter

The Coconino County Board of Supervisors should hire adequate staff to protect children locked up at the Coconino County Juvenile Detention Facility, says the manager of a local business.

Budgetary constraints are a poor excuse for apparent understaffing at the detention facility, says grocery-store manager Joe Donaldson, who is active in civic issues in Flagstaff.

"If someone dies out there, what is it going to take to bring them back to life — \$4.5 million?" Donaldson asked.

The supervisors did not comment or act on Donaldson's comments, which were made during time set aside for citizens to voice concerns Monday evening. Generally, officials legally are prohibited from acting on matters which are not included on a regular agenda for discussion.

The 24-bed detention facility, which houses runaways and criminal suspects whose ages range from 8 to 18, is staffed only by two sleeping "houseparents" between 1 a.m. and 6 a.m. daily, Stephen M. Crnkovich, Coconino County chief juvenile probation officer, has said. Children believed to be dangerous are locked in isolation, larger children are segregated from smaller ones and boys and girls are separated, Crnkovich has said.

Additionally, lock-up cells are equipped with microphones to monitor audible activity and guards have hand-held alarm devices to signal distress, Crnkovich has said.

However, the number of detention officers at the facility must be increased to protect children and employees at the detention center, Donaldson told the supervisors.

The staffing ratio at the detention facility sometimes exceeds 18 children to each employee, said Donaldson.

Some of the "houseparents" have notified the county in writing that they will not be responsible for any liability which could arise if someone is hurt due to understaffing, Donaldson said.

"What will it take to make you act?" asked Donaldson.

"I pray that it is not one of your or my kids that gets killed out there because you have decided to ignore their rights."

Georgia Vancza, executive director of the Arizona Advocate for Children organization, also has voiced strong concerns about the situation at the Coconino County detention facility.

Donaldson called on the supervisors to hire an outside consulting firm to study the situation at the detention facility and to recommend appropriate changes.

Other action at the supervisors' meeting Monday included approving an agreement calling for

Stone Forest Industries to clear trees from about 40 acres for construction of evaporative tanks which will be used for a \$9.63 million sewage-treatment facility for the Kachinas Village subdivision.

No money will be exchanged for the work on the parcel, which is located just north of the Forest Highlands wastewater-treatment facility, about a quarter-mile west of Interstate 17, said Jody Melkie, manager of special districts for Coconino County.

Stone agreed to perform the work in exchange for rights to the wood it clears, Melkie said.

About 24,000 board-feet of timber and about 400 cords of slash and stumpage will be gleaned from the parcel, which is covered mostly by ponderosa pine, said Melkie.

Many of the larger trees on the parcel were cut down about a year ago as part of a program to prevent spread of fungi, she said.

Trees will be left around the perimeter of the site to screen view of the evaporative ponds, said Melkie.

The 40 acres which will be cleared represent less than a third of the 162-acre parcel set aside for the ponds, she noted.

In related matters Monday the supervisors approved Melkie's recommendation to postpone until April 18 consideration of awarding bids for construction of the treatment facility.

SITUATIONS

- ☞ The detainees have been fed their evening meal and are returned to their cells. The houseparents have completed their duties in the kitchen and have retired to their apartment for the evening.

The lone male detention officer on duty supplies toilet paper to the boys' dormitory. The door is opened and the toilet paper is tossed in. One of the four detainees requests the officer to "check out" a picture in a magazine that he is holding. Unable to clearly see it, the officer steps into the room. Two boys, sitting on their beds at the front of the room, jump up, push the detention officer to the back of the room, and close the door behind them. They gain access to a button that electrically controls the outside entrance, break through a steel-mesh window and escape. The houseparents on duty are in their living quarters and do not hear the commotion.

- ☞ A child is detained for a shoplifting offense. Standard booking procedures are followed and the required paper work is completed. Detention personnel explain to the child what will take place until he is released the following day.

In the morning, the child eats breakfast and returns to his room. Prior to his scheduled court hearing, he takes his bed sheet and hangs himself from a grate in the ceiling.

In less than 24 hours of his arrest, the child commits suicide.

- ☞ It is 7:15 p.m. on a Saturday night. The detention facility is 75% full. One detention officer is on duty.

The detainees call for the lone detention officer to come back to the day room where they are watching television. The detention officer responds and is jumped by three males who assault him. They take his keys and escape.

One detainee eventually turns himself in. One has subsequently reached adulthood and one has never been apprehended.

Injuries sustained by the detention officer required a two-week recuperation period before being allowed to return to work.

☞ A Mexican National is detained for a drug related offense. The night before his court appearance, the full-time detention officers are asleep and an assistant detention officer is the only awake employee. As the assistant detention officer is conducting a health and welfare cell check at around 1:00 a.m., the Mexican juvenile (who had just escaped from his cell) pulls a wooden brace off of a set of bookshelves and assaults the staff member. The commotion awakens the sleeping detention officers, but they are not able to arrive on the scene soon enough to prevent the juvenile from inflicting severe facial and bodily wounds upon the assistant detention officer.

THE PROBLEMS

The following is a list of the problems found in detention facilities around the state and the subcommittee's recommendations to rectify these problems.

THE PROBLEM: UNIFORM STANDARDS ARE LACKING IN DETENTION FACILITIES THROUGHOUT THE STATE OF ARIZONA. ADDITIONALLY, THOSE STANDARDS THAT DO EXIST ARE SELDOM ENFORCED.

In 1982 the Arizona Juvenile Detention Standards were formulated. Since 1985, these standards have been used as guidelines by the Arizona Department of Corrections during their biannual inspection of detention facilities (A.R.S. §8-227). However, these standards are not mandatory and compliance is not mandatory.

Litigation involving detention centers is growing nationwide. Pima County (1985), Mohave County (1987), and Yuma County (1988), have seen significant litigation. The need to adopt the most up-to-date nationally accepted standards and policies is paramount. This will reduce liability exposure and improve detention services. State and county liability increases substantially when no standards or guidelines are in effect. The existing state standards have been useful only to the extent that each department is able or willing to comply; which varies according to interpretation.

IT IS RECOMMENDED that minimum standards for detention facilities be developed and that they incorporate up-to-date national standards and policy guidelines. *IT IS FURTHER RECOMMENDED* that these standards be adopted statewide and that they be enforced by a licensing board that issues a certificate (or license) for operation, and sanctions for non-compliance.

THE PROBLEM: A NUMBER OF COUNTIES IN THE STATE OPERATE DETENTION FACILITIES WITHOUT A WRITTEN POLICY AND PROCEDURE MANUAL.

Inspections by the Arizona Department of Corrections continue to indicate that there are detention facilities operating without a procedural manual, without a completed manual or with one that has not been updated in more than one year.

The policies, procedures and rules of a facility will assist the staff in performing their duties consistently and effectively. Without a written manual to refer to, staff may not understand how the facility is to operate. For example, if a

juvenile requires psychiatric hospitalization and the staff are unaware of the proper procedures regarding this, both the juvenile and the staff are in danger. In addition, not having a written policy manual amplifies the state's and counties' risk.

After the manual is written, all staff should be trained on its contents. This is essential if the facility is to operate safely and efficiently. When training is completed, administrators and supervisors will need to insure that policies in the manual are utilized on a daily basis. Actual implementation of the written policy, not the common practice, will alleviate liability.

IT IS RECOMMENDED that every detention facility in the state operate from a written policy and procedural manual. *IT IS ALSO RECOMMENDED* that detention facilities' manuals be reviewed and updated annually.

THE PROBLEM: DETENTION CENTERS ARE UNDERSTAFFED AND LACK QUALIFIED PERSONNEL.

Many counties are experiencing financial difficulties. For this reason, they often do not have enough staff to operate a facility with personnel who are awake for the 24 hours of operation. Many rural counties operate with only one awake staff during the night and there is one facility with no awake staff.

Because they are lacking personnel, the staff to child ratio is dangerously out of proportion in some counties. The Department of Corrections' inspection reports do not necessarily cite this as an area of concern. However, subcommittee members believed it was a major concern for many facilities and should be addressed. With an insufficient number of staff on duty, the risk of detainee suicides, assaults and escapes increases dramatically.

In order for a facility to operate competently, sufficient qualified staff must be hired. Many counties do not have the funds to pay qualified personnel a fair wage.

IT IS RECOMMENDED that funding be made available to the counties to enable them to hire sufficient, qualified personnel. This will ensure the safe operation of detention facilities.

THE PROBLEM: MOST COUNTIES LACK THE FUNDS NECESSARY TO IMPROVE THE CONDITIONS IN THEIR DETENTION FACILITIES.

Because of budget restraints, counties do not have the funds to increase staff in detention, provide necessary training, upgrade existing facilities, or to enhance

programming. State funds have been provided for the hiring of probation staff, support staff, and equipment to implement such programs as the intensive probation program and the PIC-ACT. These funds permitted the local courts to operate programs that otherwise would not exist. Without financial assistance such as this, the counties have little or no money to improve and maintain their facilities.

IT IS RECOMMENDED that funding be made available to enhance the operations of detention facilities.

THE PROBLEM: THERE IS INSUFFICIENT TRAINING AVAILABLE FOR DETENTION STAFF.

The American Correctional Association's standards on training require that detention personnel obtain 40 hours of training prior to assuming supervision responsibilities and an additional 40 hours per year thereafter. It is recognized nationally that detention personnel need this training in order to perform their duties with expertise. The Arizona Juvenile Detention Standards proposed in 1982 concurred with these requirements. However, the Council on Judicial Education and Training (COJET), through the Administrative Office of the Arizona Supreme Court, only requires detention staff to obtain 16 hours of accredited training each year. Any additional training received is the responsibility of each individual county.

Since there are no state funds available for training detention staff, many facilities train their personnel on-the-job. However, state funding is available for the Department of Corrections' personnel who are required to attend a 280 hour academy. Without sufficient funds, detention facilities are unable to provide their staff with quality training. With limited instruction, it is difficult for detention personnel to function effectively.

IT IS RECOMMENDED that an annual training academy be created and implemented to facilitate on going training for detention personnel.

THE PROBLEM: MOST DETENTION CENTERS ARE POORLY DESIGNED, POORLY MAINTAINED, AND/OR ARE OVERCROWDED.

Detention facilities in Arizona are operating at a high occupancy rate or are overcrowded. For example: Maricopa County with a 101 bed capacity, averaged 134 children in detention in 1987, and Pima County with a capacity of 72 beds, averaged 61 children during the same period. A number of rural counties are experiencing similar problems. Cochise County with a 10 bed facility, averaged 8 children in 1987, and Coconino County with a capacity of 24 children, averaged 20 children a day during this time.

Heavy use of detention facilities and having to share maintenance personnel with other departments has taken its toll on the physical structures where juveniles are detained. Department of Corrections' inspection reports continue to report the physical structure of some facilities and their maintenance as a concern. In addition to being in poor condition, some facilities do not meet with ACA nationally established standards in regards to room size, toilet facilities and accommodations for the physically handicapped. The issue of a cell being too small was significant in the lawsuit against Yuma County. Children detained in Navajo County cannot access toilet facilities without staff assistance. There is also a concern that there is limited access available for the physically handicapped child in any detention facility that now exists.

IT IS RECOMMENDED that funding be made available to correct, maintain and/or enhance detention facilities so they will comply with the nationally accepted standards for detention centers.

THE PROBLEM: MANY DETENTION FACILITIES ARE LACKING ADEQUATE SECURITY AND SAFETY PRACTICES.

According to Department of Corrections' inspection reports, some of the detention facilities in this state do not have adequate fire alarms, notifier systems or alarms that work (e.g. audio and video surveillance, internal alarms, etc.). In several facilities, space is very limited and emergency exits are blocked with storage items. In other centers, staff do not have the keys to the emergency exits.

Requests to Board of Supervisors to improve conditions in detention facilities are constantly being refused because of budgetary restraints. The funds for improvement are denied even though many detention facilities are in violation of safety and fire codes.

IT IS RECOMMENDED that every detention facility operate within the safety and fire codes of the state. *IT IS FURTHER RECOMMENDED* that surveillance equipment and notifier systems be installed in detention facilities and that these systems be in working condition.

THE PROBLEM: THERE IS A LACK OF EDUCATIONAL, MENTAL HEALTH, MEDICAL OR RECREATIONAL PROGRAMS AVAILABLE TO CHILDREN IN DETENTION.

Simply warehousing children does not rehabilitate them nor does it promote the safe and efficient operation of detention centers. Research has shown that when effective rehabilitative programs are offered in detention facilities, the rate of assaults

and escapes decrease. Additionally, juveniles will change their behavior, if their basic needs are met and an opportunity to better themselves is offered. Offering well structured, treatment oriented programs in detention not only promotes a healthier living situation for juveniles and staff, but also decreases the likelihood of litigation.

It is believed that juveniles in custody should be allowed to participate in programs like the ones listed below:

EDUCATIONAL SERVICES: The majority of detention facilities in the state do not offer formal educational programs. As a result, juveniles are at a disadvantage in obtaining and/or maintaining their educational credits while in detention.

MENTAL HEALTH SERVICES: Counseling and psychological/psychiatric services should be available to children in detention. Identification of seriously disturbed or suicidal juveniles is particularly critical for providing treatment to youth and their families. If started soon enough, treatment could make the difference in young people's lives. Counseling begun in detention could be used as a basis for treatment upon release.

MEDICAL SERVICES: A medical screening should be conducted at intake to prevent juveniles, who pose a threat to themselves or others, from being admitted to the general detention population. This would also enable troubled youth to receive prompt medical attention by qualified personnel. The screening should be done by health care professionals or detention staff trained in the health screening process.

The American Correctional Association has established national standards in regards to the health screening process. These standards state that detention staff should be able to: recognize and handle emergencies, know the signs of chemical dependency and mental illness, and be able to administer cardiopulmonary resuscitation. It is imperative that detention staff know how to manage all kinds of medical situations. Failure of detention personnel to recognize and act swiftly during crises can place juveniles in life threatening situations.

HEALTH EDUCATION: Since the adolescent population faces an increasing risk of exposure to AIDS and other serious diseases, they need information concerning proper hygiene, nutrition, communicable diseases, sexually transmitted diseases, drug education and sex education. Youth in custody are not likely to receive education on these issues, unless detention facilities offer this information.

RECREATION: The American Correctional Association requires detention facilities to provide detainees with a minimum of one hour a day of large muscle activity, one hour planned free time and an additional hour of energetic, physical exercise on weekends and holidays. A significant number of detention facilities

however, do not meet these ACA standards. They fail to provide recreation due to the lack of: 1) secure outside accommodations, 2) inside space for activities, 3) funding for equipment, and 4) trained personnel to supervise recreational activities.

IT IS RECOMMENDED that all juvenile facilities in the state provide education, mental health services, medical services, recreation and health education to their detainees.

THE PROBLEM: STATUS OFFENDERS AND NON-OFFENDERS ARE BEING DETAINED IN VIOLATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT AND A.R.S. §8-226 .

Because some of the counties lack foster homes and crisis shelters, children who need these services are sometimes detained. When counties detain these children, they may be violating the Juvenile Justice and Delinquency Prevention Act (see Appendix A) or state statute (see Appendix C).

Per state statute, non-offenders should not be detained and according to the Juvenile Justice and Delinquency Prevention Act, status offenders should not be incarcerated, except in exceptional circumstances. Despite these regulations however, juvenile and adult facilities around the state continue to confine children, who do not need to be incarcerated.

IT IS RECOMMENDED that all detention facilities (adult and juvenile) have a policy that prohibits the confinement of status offenders and non-offenders when their detention violates state and/or federal law. *IT IS FURTHER RECOMMENDED* that some of the counties consider the concept of a multi-use facility for providing both secure and non-secure care for detainees.

THE PROBLEM: DETENTION CENTERS ARE BEING INAPPROPRIATELY USED TO DETAIN JUVENILES WHO REQUIRE DETOXIFICATION SERVICES, DRUG ABUSE TREATMENT, AND PSYCHIATRIC CARE.

More and more children are being admitted to detention who are under the influence of drugs or have a history of substance abuse. Despite drugs and alcohol being a major problem for youth, there are no detoxification centers available for treating children with these problems. Children who use or abuse substances possess special needs which cannot be met in a detention facility. Additionally, intoxicated juveniles pose a danger to detention staff, other detainees, and themselves. Juveniles, under the influence of illegal drugs and/or alcohol, exhibit behavior that detention staff should not be required to handle.

Some children in detention are in need of on going psychiatric care. Although the metropolitan areas of the state can provide such services to juveniles, rural areas lack the resources to do so. Because it is costly, juvenile courts seldom place children in psychiatric hospitals. Subsequently these children are being placed in detention facilities for observation, evaluation and control. While in detention, some of these youths require medication. However, unless staff is adequately trained in the dispensing of psychotropic medication and its side effects, proper care and treatment may be in jeopardy. It is the opinion of the subcommittee that detention personnel should not be responsible for children in need of special care due to substance abuse and psychological/psychiatric disorders.

IT IS RECOMMENDED that substance abuse treatment and psychological/psychiatric services be developed, locally and statewide, for juveniles.

THE PROBLEM: DETENTION STAFF LACK RELEVANT INFORMATION ON DETAINEES.

Immediate access to up-to-date information on juveniles in custody is imperative for the operation of detention centers. Without accurate information, detention personnel do not know if they are dealing with violent youth or youth with special needs. Staff require information on juveniles' medical, social, out-of-home placement, delinquent history and behavior from previous intakes. Detention personnel need this information to make appropriate decisions about the children they are supervising. Some staff do not have access to their own court records let alone to a computerized system linking them to detention centers statewide. If such a system was available, staff could communicate with other state agencies, as well as with each other.

IT IS RECOMMENDED that a computerized information system be developed and utilized to provide up-to-date information on children brought to detention.

DETENTION STATISTICS

The charts that follow are taken from two reports prepared by the Court Services Division of the Administrative Office of the Arizona Supreme Court. The statistics in these charts are important if we are to understand what is occurring in detention facilities in Arizona. Although informative, the data outlined in the next two pages probably is not sufficient for major planning. Also, the data may not be very reliable due to differences in how the information is collected and processed by individual counties. The figures presented, however, are indicative of the number and classification of juveniles being detained in detention facilities in Arizona.

In Charts A and B, per the instructions for completing the Superior Court, Juvenile Probation Monthly Statistical Report, "detention commences when (in accordance with Rule 3, Supreme Court Rules of Procedure for a Juvenile Court) probable cause to detain has been established and upon admission to detention the notice required by Rule 3 (c), (1 & 2) is given".

Chart A :

**JUVENILE DETENTION PERIODS
1985 - 1988**

| | Total 1985 | Total 1986 | Total 1987 | Total 1988 |
|----------------------------------|---------------|---------------|---------------|---------------|
| ** ALL YOUTHS ** | | | | |
| (A) 1 Day or Less | 1,985 | 2,324 | 2,194 | 2,845 |
| (B) 2 Days | 1,989 | 2,172 | 2,459 | 2,719 |
| (C) 3 - 10 Days | 4,393 | 4,810 | 5,283 | 5,657 |
| (D) 11 - 20 Days | 1,469 | 1,426 | 1,666 | 1,724 |
| (E) 21 - 60 Days | 2,048 | 2,084 | 2,274 | 2,267 |
| (F) 61 Days or Over | 746 | 473 | 414 | 378 |
| TOTAL | 12,630 | 13,289 | 14,290 | 15,590 |
| ** DELINQUENT YOUTHS ** | | | | |
| (A) 1 Day or Less | 1,519 | 1,828 | 1,753 | 2,375 |
| (B) 2 Days | 1,675 | 1,843 | 2,151 | 2,425 |
| (C) 3 - 10 Days | 3,939 | 4,394 | 4,924 | 5,365 |
| (D) 11 - 20 Days | 1,409 | 1,383 | 1,603 | 1,692 |
| (E) 21 - 60 Days | 2,012 | 2,050 | 2,223 | 2,243 |
| (F) 61 Days or Over | 728 | 466 | 404 | 377 |
| TOTAL | 11,282 | 11,964 | 13,058 | 14,477 |
| ** INCORRIGIBLE YOUTHS ** | | | | |
| (A) 1 Day or Less | 466 | 496 | 441 | 470 |
| (B) 2 Days | 314 | 329 | 308 | 294 |
| (C) 3 - 10 Days | 454 | 416 | 359 | 292 |
| (D) 11 - 20 Days | 60 | 43 | 63 | 32 |
| (E) 21 - 60 Days | 36 | 34 | 51 | 24 |
| (F) 61 Days or Over | 18 | 7 | 10 | 1 |
| TOTAL | 1,348 | 1,325 | 1,232 | 1,113 |

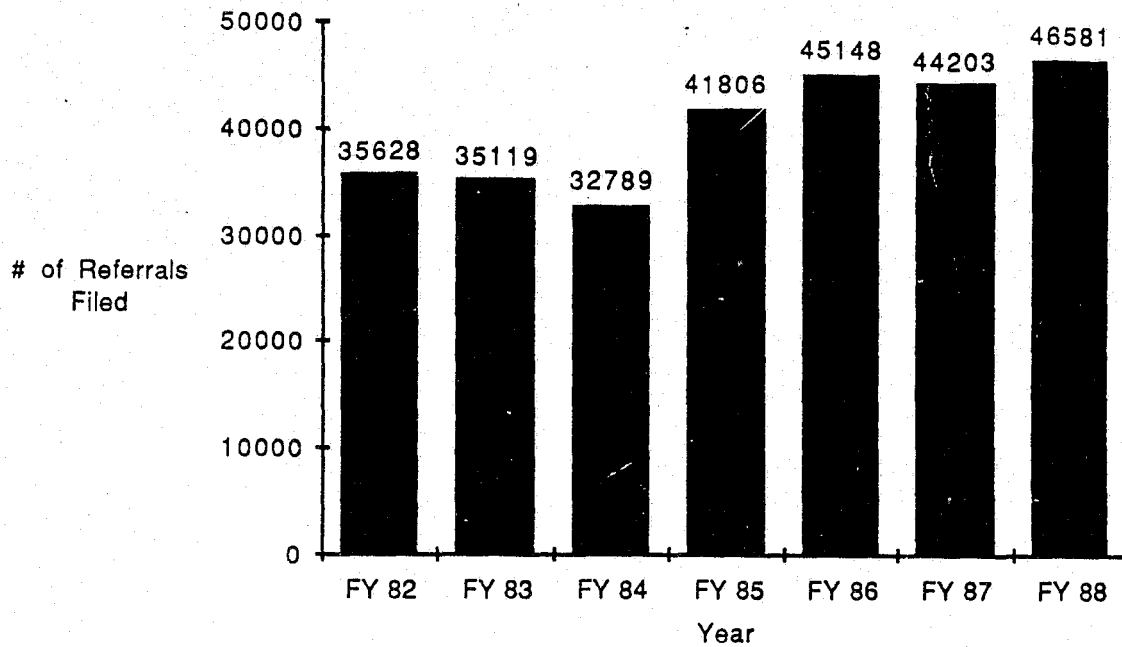
The information displayed in Chart A indicates the number of children held in detention for delinquent and incorrigible offenses. These figures depict the number of continuous days, including present and previous months, that minors have been detained. NOTE: If juveniles are detained for delinquent and incorrigible offenses, they are counted only in the delinquent report.

Chart B
JUVENILE DETENTION PERIODS
1985 - 1988

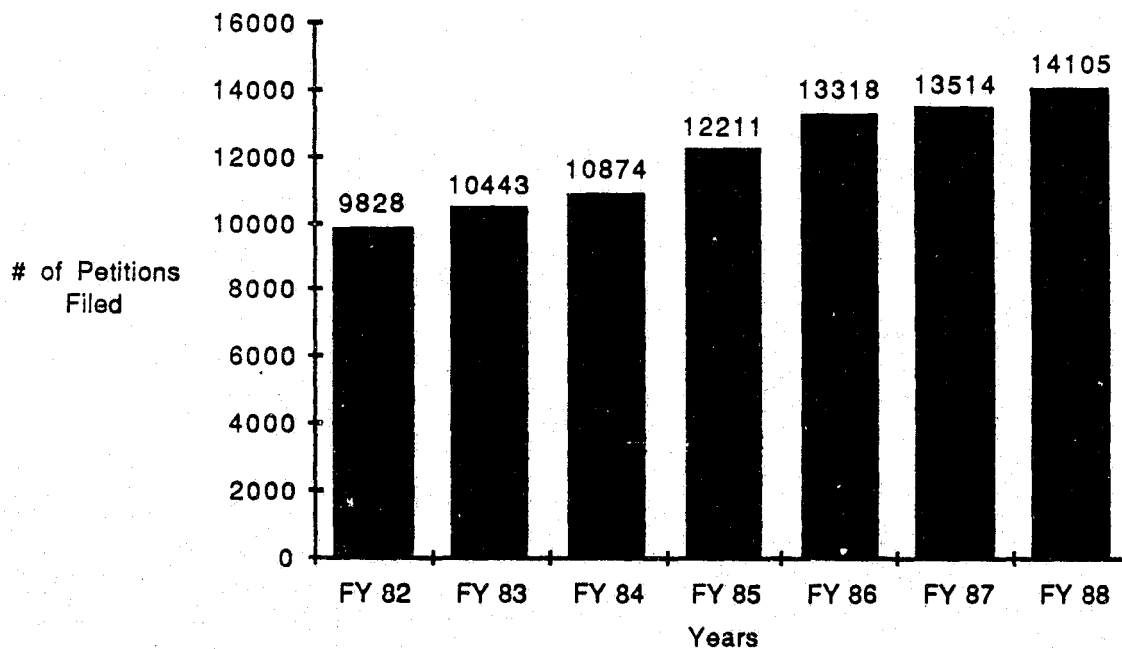
| | Total 1985 | Total 1986 | Total 1987 | Total 1988 |
|---------------------------------|---------------|---------------|---------------|---------------|
| ** DELINQUENT BOYS ** | | | | |
| (A) 1 Day or Less | 1,212 | 1,470 | 1,389 | 1,850 |
| (B) 2 Days | 1,349 | 1,459 | 1,745 | 1,904 |
| (C) 3 - 10 Days | 3,233 | 3,574 | 4,095 | 4,447 |
| (D) 11 - 20 Days | 1,137 | 1,104 | 1,313 | 1,396 |
| (E) 21 - 60 Days | 1,662 | 1,704 | 1,793 | 1,851 |
| (F) 61 Days or Over | 606 | 397 | 337 | 325 |
| TOTAL | 9,199 | 9,708 | 10,672 | 11,773 |
| ** DELINQUENT GIRLS ** | | | | |
| (A) 1 Day or Less | 307 | 358 | 364 | 525 |
| (B) 2 Days | 326 | 384 | 406 | 521 |
| (C) 3 - 10 Days | 706 | 820 | 829 | 918 |
| (D) 11 - 20 Days | 272 | 279 | 290 | 296 |
| (E) 21 - 60 Days | 350 | 346 | 430 | 392 |
| (F) 61 Days or Over | 122 | 69 | 67 | 52 |
| TOTAL | 2,083 | 2,256 | 2,386 | 2,704 |
| ** INCORRIGIBLE BOYS ** | | | | |
| (A) 1 Day or Less | 250 | 254 | 197 | 241 |
| (B) 2 Days | 149 | 163 | 153 | 130 |
| (C) 3 - 10 Days | 203 | 206 | 170 | 142 |
| (D) 11 - 20 Days | 31 | 24 | 32 | 20 |
| (E) 21 - 60 Days | 17 | 18 | 28 | 14 |
| (F) 61 Days or Over | 11 | 3 | 6 | 1 |
| TOTAL | 661 | 668 | 586 | 548 |
| ** INCORRIGIBLE GIRLS ** | | | | |
| (A) 1 Day or Less | 216 | 242 | 244 | 229 |
| (B) 2 Days | 165 | 166 | 155 | 164 |
| (C) 3 - 10 Days | 251 | 210 | 189 | 150 |
| (D) 11 - 20 Days | 29 | 19 | 31 | 12 |
| (E) 21 - 60 Days | 19 | 16 | 23 | 10 |
| (F) 61 Days or Over | 7 | 4 | 4 | 0 |
| TOTAL | 687 | 657 | 646 | 565 |

Chart B separates delinquent and incorrigible detainees into male and female categories, which was not done in Chart A.

Referrals Filed for FY 82 - FY 88



Petitions Filed for FY 82 - FY 88



As indicated in these bar graphs, referrals to juvenile court and the number of petitions filed, continue to steadily increase.

FACILITY CONCEPTS

The present deficiencies in detention facilities in Arizona are not going to be solved quickly or easily, primarily due to the unique characteristics of the counties. The following narrative discusses possible solutions to the various problems facing detention facilities across the state. These solutions are not being suggested for every county, but rather in counties where they are appropriate and most applicable.

It is important to recognize that there is more to establishing a detention facility than just choosing a building for the confinement of juveniles. Extensive assessment of the needs and problems of an area (including a projection for future requirements) is required before a detention facility is selected. Other issues to consider are: the needs of children and families in the region, distances involved in transporting children, road conditions, weather peculiarities, and available community services. Before a facility is decided upon, there is also a need to have a defined purpose for the facility, clear goals and a method for accomplishing those goals.

It is suggested that the multi-use and regional facility concept used in the rural areas of Utah be considered as an alternative to some of the detention facilities presently operating in Arizona. This concept combines a short term, locked facility with a shelter home. It has introduced an ideal way to keep children close to home while treating them in a controlled environment. Additionally, full and part-time personnel provide the staffing flexibility necessary for the efficient operation of the facility. Several existing detention centers could be remodeled to encompass these functions. However, the multi-use concept goes beyond structural and programmatic issues and would necessitate a revamping of the present interfacing, or lack thereof, between Juvenile Probation and Department of Economic Security.

As noted earlier, many rural counties in Arizona lack sufficient shelter care for children who are considered not to be a threat to the community. The multi-use facility can provide this care. In addition, it can also provide secure beds for those children who are in need of a locked facility.

The term regional refers to a particular geographic area of the state to include several counties (example: northeast region could include Navajo and Apache Counties). A region may have several facilities offering a variety of services (i.e. vocational training, home detention, transportation assistance). Regional facilities would allow counties to share their resources while keeping the child in close proximity to his/her home.

The multi-use facilities and regional centers, together with residential treatment centers, might be utilized to provide a continuum of services for juveniles residing in the State of Arizona. This continuum of services could result in more accessible long-term and/or in-depth treatment throughout the state. Presently, a vast majority of residential treatment centers are located in the Phoenix and Tucson metropolitan areas. Subsequently, children from rural areas are often placed in long-term centers which are many miles from their community. Regional facilities could reduce this problem and enhance the impact of their programs.

The subcommittee recognizes that children and their families can benefit from treatment that is available in close proximity to their home. Presently, families must overcome obstacles such as lack of transportation, poor road conditions, time off from work, and inclement weather in order to work with their child in a residential treatment center. Families will become more involved in their children's treatment programs if children are placed in treatment close to their homes. Additionally, separation from the home and family only makes it more difficult for the child to return to a normal living environment.

THE UTAH MODEL

Some of the members of the subcommittee traveled to Utah in September, 1988, to visit several types of facilities. These facilities included Central Utah Youth Home (detention and shelter care) in Richfield, the Moweda Youth Home (detention) located in Roy, the Cache Attention/Detention Center (shelter care and detention) in Logan, the Southwest Utah Youth Center (detention and long-term secure) in Cedar City, and the Decker Lake Youth Center (secure institution) in West Valley City .

The State of Utah decided to close the doors of its Youth Development Training School (350 beds) in the fall of 1983. Several factors were considered previous to making this decision. They included:

- 1) The 1974 Juvenile Justice Delinquency Prevention Act which required that all status offenders be removed from secure detention facilities.
- 2) The Training School's use of isolation and lack of treatment which resulted in a class action suit being filed against the Youth Development School.
- 3) The dissatisfaction expressed by the juvenile judges as to the low success rate of the school.
- 4) The age of the school and its need for major repairs.

After the Youth Development Training School was closed, correction officials came together to evaluate the juvenile justice system. Their evaluation resulted in the policies and procedures managing detention and the philosophy governing detention facilities being revamped. The following is an overview of the changes that were made. It includes definitions of detention and multi-use facilities, yearly statistical data and floor plans of the Moweda Youth Home, the Cache Attention/Detention Center and the multi-use facility in Richfield.

1988 STATISTICAL INFORMATION FOR THE STATE OF UTAH

DETENTION: Provides temporary secure confinement for apprehended youth awaiting adjudication or placement.

Number of facilities 8

Total statewide capacity 151
(includes multi-use facility
detention beds)

Average cost per youth \$68.62/Day

Total admissions 5,245
(includes multi-use
detention admissions)

MULTI-USE FACILITIES: Combines a short-term detention with shelter home care. Full-time and part-time backup staff provide supervision.

Number of facilities 2

Total capacity 20

Average cost per youth \$65.25/Day

Total youth admitted 694

(Information provided by the Utah Department of Social Services, Division of Youth Corrections, Annual Report 1988.)

LEGEND

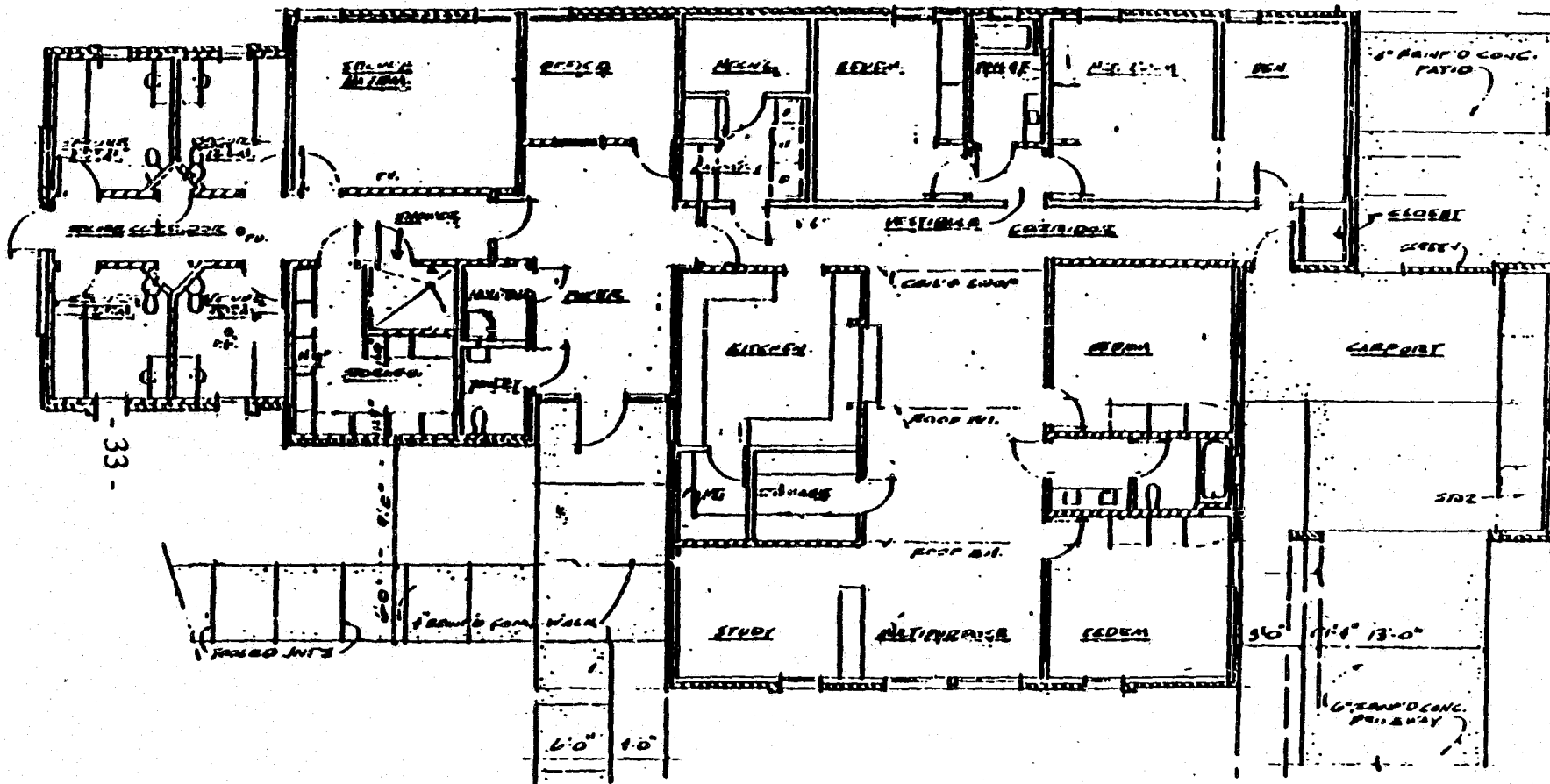
- EXISTING WALL
- EXISTING WALL TO BE REMOVED
- NEW METAL STUD WALL
- NEW CMU WALL

YOUTH DETENTION SHELTER CARE

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| OPERATING COST | AVG. DAILY COST | TOTAL NUMBER ADMISSIONS | BED CAPACITY | AVG. DAILY POP. | FTE | COST TO REMODEL (YEAR) | SQ. FOOTAGE |
|-------------------|-----------------------|-------------------------------|---------------------|-----------------------|-----|------------------------------|-------------|
| \$183,800 | \$87.00 | 183 80 | 8 det. 4 shelter | 4 | 7 | \$133,045 (1987) | 2,900 |

CENTRAL UTAH YOUTH CENTER
Richfield, Utah



| OPERATING COST | AVG. DAILY COST | TOTAL NUMBER ADMISSIONS | BED CAPACITY | AVG. DAILY POP. | FTE | COST TO BUILD (YEAR) | SQ. FOOTAGE |
|-------------------|-----------------------|-------------------------------|---------------------|-----------------------|-----|----------------------------|-------------|
| \$195,000 | \$65.63 | 240 | 4 det. 6 shelter | 2.4 2.0 | 9 | \$570,000 (1983) | 4,425 |

A hand-drawn floor plan of a building complex. The plan shows several interconnected rooms and corridors. On the left side, there is a large room with a complex internal structure, possibly a kitchen or a workshop, with various fixtures and equipment indicated. Below this is a smaller room, possibly a bathroom or a storage area. In the center, there is a long, narrow corridor or hallway. To the right of the central corridor, there are two long, rectangular rooms, possibly classrooms or lecture halls, each with rows of desks or seats indicated. Below these rooms is a large, open area, possibly a gymnasium or a large hall, with a central structure that could be a stage or a large table. The drawing is done in a simple, sketchy style with lines and some text labels. The overall layout suggests a functional building with multiple purposes.

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| OPERATING COST | AVG. DAILY COST | TOTAL NUMBER ADMISSIONS | BED CAPACITY | AVG. DAILY POP. | FTE | COST TO BUILD (YEAR) | SQ. FOOTAGE |
|----------------|-----------------|-------------------------|--------------|-----------------|-----|----------------------|-------------|
| \$830,000 | \$70.00 | 1,435 | 34 det. | 26.5 | 22 | \$630,000 (1971) | 40,501 |

The subcommittee believes the multi-use facility in a local or regional concept, as well as regionalizing services in some areas of the state, can be adapted to serve Arizona's needs. However, the multi-use facility concept should be carefully analyzed. The cost effectiveness of this approach depends on the population served, the level of activity in specific areas, and the needs of children.

FACILITY PLANNING

Planning a juvenile facility is a challenging endeavor. Factors such as existing needs, future needs, and the best way to utilize space must be considered. In addition, extensive cooperation and interaction between the following parties is imperative if the facility is to succeed.

- 1) Facility staff
- 2) Administrative/management staff
- 3) Funding/monitoring agencies
- 4) Service providers
- 5) Court and legal agencies
- 6) Law enforcement agencies
- 7) Community interest groups

The proper design of a facility should reflect the needs of these groups. Local or regional planning committees need to be established to devise workable detention models. The planning approach used by the Office of Juvenile Justice and Delinquency Prevention (through Community Research Associates) should be considered for statewide application.

RECOMMENDATIONS AND CONCLUSIONS

The following list of recommendations reiterates what was stated in the problem section (page 17). This list is not all inclusive. The number of issues, their complexity, and the underlying circumstances in each facility prevent us from covering all problem areas in this report. Nevertheless, these recommendations offer initial solutions to current detention problems.

IT IS RECOMMENDED that minimum standards reflecting nationally accepted standards be developed for detention centers in Arizona. A method of enforcing these standards should also be established, to include issuing of certificates (or licenses) and returning of sanctions for non-compliance. *IT IS FURTHER RECOMMENDED* that a board be created to perform these functions.

IT IS RECOMMENDED that an advisory group review existing standards for detention facilities in Arizona and improve them so that they will comply with nationally established standards.

IT IS RECOMMENDED that juvenile courts manage detention facilities and that these facilities always be totally separate from adult facilities.

IT IS RECOMMENDED that detention facilities in Arizona operate from written policy and procedural manuals and that these manuals be reviewed and updated annually.

IT IS RECOMMENDED that funding be provided by counties and/or the state so that juvenile courts may hire sufficient qualified personnel to operate their detention facilities safely. *IT IS FURTHER RECOMMENDED* that additional funds be made available to provide ample training to detention personnel and improve detention facilities.

IT IS RECOMMENDED that an annual training academy be implemented to facilitate on going training opportunities for detention personnel.

IT IS RECOMMENDED that all detention facilities in the state provide education, mental health services, medical services, recreation and health education to their detainees.

IT IS RECOMMENDED that a computerized information system be developed for detention personnel to provide them with up-to-date information on children being detained.

IT IS RECOMMENDED that multi-use facilities be considered in appropriate areas of the state to provide secure and non-secure care for children.

IT IS RECOMMENDED that services (e.g. detoxification centers, psychiatric care) be developed to care for the special needs of children.

The subcommittee believes that extensive coordination, cooperation and planning will be required to accomplish the goals and implement the recommendations outlined in this report. If detention facilities in Arizona are to be improved, county, state and local officials will have to set aside "turf" issues and work together. These officials will need to determine whether their facility is meeting the needs of the community and the juveniles detained there. They will also need to compare the conditions in their facility with national standards of detention. If their facility is not complying with national standards and/or is not meeting the expectations of the community, then; a plan will have to be developed to either improve the facility or build a facility that truly meets their needs. Additionally, a source of funds will have to be located to finance the project.

Detention issues were addressed in the Mission Statement (page 2). Necessary conditions recognized were:

- 1) Providing for the juvenile's basic needs.
- 2) The existence of a safe and humane environment, close to home whenever possible.
- 3) A sufficient number of qualified employees should be on staff at all times.
- 4) Effective and innovative programs should exist for children in detention.

The schedule below provides some time frames for establishing safe and effective detention facilities in Arizona:

SHORT TERM GOALS: (To be acted upon within one year)

A. A STATEWIDE ADVISORY GROUP WILL WORK TOWARD THE DEVELOPMENT OF STATEWIDE DETENTION STANDARDS.

In order to achieve this goal, several things need to take place within a relatively short period of time. Even though directors of detention facilities have their every day agenda to keep, if corrections are to be made in a timely manner, then high expectations must prevail. Therefore, within six months the following steps should occur:

- 1) An advisory group should be established to review and recommend minimum acceptable standards of detention in Arizona. This will also include a certification/licensing process and enforcement guidelines for said standards.
- 2) The advisory group will draft revised inspection guidelines and monitoring procedures of detention facilities.
- 3) The advisory group may possibly visit model detention facilities in other states to review programs, facilities' designs, staff training, etc.
- 4) The advisory group will draft recommendations for any statutory changes that may be needed to further possible achievement of this goal.

B. A DETENTION ENHANCEMENT FUND WILL BE CREATED.

The creation of a detention enhancement fund will assist counties in improving conditions that currently exist in detention facilities that otherwise would not be immediately addressed due to other defined priorities. Four issues must be addressed beginning July, 1989 and remain on-going throughout the fiscal year:

- 1) Juvenile courts shall make a formal written request to their board of supervisors for detention funding and receive a written response.
- 2) The A.O.C. will develop the application process for juvenile courts to access state funds for their detention programs and will train staff in said process.
- 3) All juvenile court funding applications should include a comprehensive detention plan, including programs and services for juveniles detained in the facilities.
- 4) The A.O.C. will create an emergency funding process for counties, whose detention facilities pose the greatest risk to staff and children.

LONG TERM GOALS: (To be acted upon within two years)

As a result of a solid planning process involving participants (see page 35), a quality detention program will emerge. Needs of the children and families must be recognized along with a purpose for the detention facility - to include clear goals and how to obtain and measure them. To achieve this, the following is suggested:

A. JUVENILE COURTS WILL IMPLEMENT COMPREHENSIVE DETENTION PLANS, INCLUDING PROGRAMS AND SERVICES.

- B. THE COUNTIES WILL BEGIN CONSTRUCTION, RENOVATION OR REMODELING OF DETENTION FACILITIES OR ALTERNATIVES, WHERE POSSIBLE.
- C. THE COUNTIES WILL COMPLETE AND IMPLEMENT AN OPERATIONS MANUAL FOR THEIR DETENTION FACILITIES.
- D. THE A.O.C. WILL IMPLEMENT A STATEWIDE TRAINING ACADEMY AND ON-GOING TRAINING FOR DETENTION PERSONNEL.

The detention subcommittee, realizing its responsibility and obligation toward juveniles in detention, as well as the entire juvenile services system, believes that an evaluation process should occur at the end of two years. This would provide sufficient time for completion of some goals. Before more time, energy and money is contributed, everything that has evolved to date must be scrutinized and a determination made whether or not the desired results have occurred.

The creation of the Detention Enhancement Fund must be closely evaluated in order to assess its effectiveness. An honest look must be taken at the standards that were created and implemented. Did the implementation of said standards achieve the desired results? Did the certification/licensing procedure provide the quality of conditions as intended? A critique must be conducted on the facilities that were built, remodeled or somehow enhanced and a determination made whether they have met the needs of the children and families they were designed to provide service to. This evaluation process should clearly define the effectiveness of any plan and allow for the improvement or correction of any problem area.

APPENDIX A

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT JAIL REMOVAL OVERVIEW

In 1974, Congress passed the Juvenile Justice and Delinquency Prevention Act (JJDP Act) as a national initiative designed to bring fairness and consistency to the ways juveniles were handled in our justice system and to promote awareness of effective strategies to prevent juvenile crime.

The JJDP Act initially only required juveniles who were held in adult facilities to be "sight and sound" separated from adults. As states began to work towards compliance, it became apparent that simply separating juveniles was not enough to protect them. The isolation, the environment, and staff ill-equipped to handle the special problems inherent in detaining juveniles, are all conditions which work together to make adult jails and lock-ups unsafe for juveniles.

As a result, the JJDP Act was amended to call for the removal of all juveniles from adult facilities by December, 1988. The Act prohibits the incarceration of status offenders and non-offenders in an adult jail or lock-up. Juveniles accused of a crime may be incarcerated for up to 6 hours, but must be "sight and sound" separated during that time. Data collected in 1988 indicates that Arizona is out of compliance with this mandate - Section 223(a)(14) of the Act.

A number of conditions contribute to Arizona's lack of compliance with the jail removal mandate. In 1988, three of Arizona's juvenile detention centers were considered to be adult jails under the federal definition. The facilities in Graham, Greenlee and Apache Counties housed juveniles in sections of the adult facilities and staffed these areas with the same staff assigned to the adult population.

In addition, many towns in Arizona are well over 100 miles from the nearest juvenile detention facility. Municipal law enforcement agencies are short staffed and face great hardships in attempting to transport juveniles or in attempting to supervise the youth in a non-secure manner. As a result, delinquent youth are sometimes detained longer than the six hours allowed by the Act. Also, the children are not always "sight and sound" separated from adults during their incarceration. This failure to separate violates the Act as well as Arizona Statute and the Arizona Constitution.

Across the state, law enforcement agencies are also incarcerating status offenders and non-offenders in violation of the Act based upon JJDP monitoring information. Frequently, in some areas, this has been due to philosophical differences with or ignorance of the Act. In other areas, the lack of appropriate alternatives contributes to the problem.

DEINSTITUTIONALIZATION OF STATUS OFFENDERS MANDATE

The Juvenile Justice and Delinquency Prevention Act, Section 223(a)(12)(A), prohibits the detention of accused status offenders for longer than 24 hours (excluding weekends and holidays). Exceptions are juveniles in violation of a valid court order, out of state runaways with an outstanding warrant, Native Americans with an outstanding warrant or a request for a hold from B.I.A. or tribal police and Mexican Nationals. There are no federal limitations on the detention of these youth. The Act further prohibits the detention of adjudicated status offenders for any length of time unless they are in violation of a valid court order.

The following two charts were provided by Jan Christian, Juvenile Justice Consultant with the Governor's Office for Children. They include the monitoring information collected from jails, lockups, and juvenile detention centers for the period January 1 through June 30, 1988.

MONITORING INFORMATION FOR JAILS AND LOCK-UPS

January 1 - June 30, 1988

Although record keeping is required by the Juvenile Justice and Delinquency Prevention Act, state statute does not require law enforcement agencies to maintain the records necessary for monitoring Arizona's compliance with the Juvenile Justice and Delinquency Prevention Act. As a result, when proper records were not maintained, estimates were made by the responding agency.

During the reporting period, there were three facilities which were viewed by the state as detention centers, but because they are located within adult jails and staffed by sheriff's department personnel they are considered "jails" for purposes of monitoring. These facilities are in Apache County, Graham County and Greenlee County. In July, the facility in Apache County, which represented the greatest number of violations, closed its doors to juveniles and arrangements are currently being made to remove all juveniles from the Graham County Jail. These facilities present unique barriers to Arizona's attempt to comply with the Act, and as a result, are presented separately.

Combined, they represent the following violations:

| | | | Number of Delinquent Offenders detained over 6 hours | Status Offenders detained for any length of time | Non-Offenders detained for any length of time |
|---|-----------------|--|--|--|---|
| 3 "County Jails/Detention Centers" | | | 133 | 78 | 3 |
| | | | | | |
| Number of Facilities/ Percentage Reporting | | | Number of Delinquent Offenders detained over 6 hours | Status Offenders detained for any length of time | Non-Offenders detained for any length of time |
| 27 / 97% | County Jails | | 9 | 9 | 0 |
| 19 / 100% | County Lock-ups | | 0 | 14 | 0 |
| 14 / 92% | City Jails | | 42 | 61 | 5 |
| 36 / 100% | City Lock-ups | | 113 | 370 | 43 |

All of these instances are violations of the Act. Adult facilities are allowed to incarcerate juveniles accused of a crime for up to six hours only. Status offenders (juveniles who have done something that wouldn't be against the law for an adult) and non-offenders (abused, neglected, dependent children) are not allowed to be incarcerated for any length of time.

Revised January 31, 1989

MONITORING INFORMATION FOR JUVENILE DETENTION CENTERS
January 1 - June 30, 1988

| <u>County</u> | <u>1. Status Offense Referrals</u> | <u>2. Status Offenders and Non- Offenders Detained</u> | <u>3. Accused Status Offenders and Non- Offenders held over 24 hours</u> | <u>3a. In violation of a valid court order</u> | <u>3b. Out-of-State Runaways</u> | <u>3c. Native Americans on a "hold"</u> | <u>3d. Mexican Nationals</u> | <u>4. Adjudicated Status Offenders and Non- Offenders held</u> | <u>4a. In violation of a valid court order</u> | <u>Number of DSO Violations</u> |
|--|--|--|--|--|--------------------------------------|---|----------------------------------|--|--|---|
| Cochise | 144 | 14 | 6 | 0 | 1 | 0 | 1 | 0 | 0 | 4 |
| Coconino | 342 | 191 | 46 | 0 | 22 | 7 | 0 | included under 3 | | 17 |
| Gila | 180 | 17 | 6 | 1 | 1 | 4 | 0 | 0 | 0 | 0 |
| Maricopa | 3031 | 43 | 3 | 0 | 0 | 0 | 0 | 3 | 3 | 3 |
| Mohave | 109 | 18 | 10 | 0 | 7 | 0 | 0 | 0 | 0 | 3 |
| Navajo | 158 | 86 | 33 | 0 | 7 | 0 | 0 | 7 | 4 | 29 |
| Pima | 1420 | 56 | 22 | 0 | 7 | 0 | 0 | 0 | 0 | 15 |
| Pinal | 463 | 17 | 11 | 0 | 5 | 0 | 0 | 0 | 0 | 6 |
| Santa Cruz (all numbers are estimates) | 31 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Yavapai | 170 | 14 | 1 | 0 | 0 | | 0 | 0 | 0 | 1 |
| Yuma | 317 | 22 | 9 | 0 | 1 | 4 | 1 | 0 | 0 | 3 |

| <u>"Jails"</u> | <u>Accused Delinquents held over 6 hours</u> | <u>Status Offenders held for any length of time</u> | <u>Non-Offenders held for any length of time</u> | <u>Status Offenders and Non-Offenders held over 24 hours</u> | <u>Number of "Jail Removal" Violations</u> | <u>Number of DSO Violations</u> |
|----------------|--|---|--|--|--|---|
| Apache | 75 | 35 | 2 | 37 | 112 | 37 |
| Graham | 30 | 34 | 1 | 13 | 65 | 13 |
| Greenlee | 28 | 9 | 0 | 3 | 37 | 3 |

Revised January 31, 1989

APPENDIX B

A.R.S. §8-201 Definitions (1988 Supplement)

"Child, youth or juvenile" means an individual who is under the age of eighteen years.

"Delinquency hearing" means a proceeding in the juvenile court to determine whether a child has committed a specific delinquent act as set forth in a petition.

"Delinquent act" includes an act by a child, which if committed by an adult would be a criminal offense except a violation of §4-244, paragraph 9, including violation of any law of this state, or of another state if the act occurred in that state, or of the United States, or any ordinance of a city, county or political subdivision of this state defining crime, except that any child remanded for prosecution as an adult shall not be adjudicated as a delinquent child for that same offense for which he was remanded.

"Delinquent child" means a child who is adjudicated to have committed a delinquent act.

"Dependent child" means a child who is adjudicated to be:

(a) In need of proper and effective parental care and control and has no parent or guardian, or one who has no parent or guardian willing to exercise or capable of exercising such care and control.

(b) Destitute or who is not provided with the necessities of life, or who is not provided with a home or suitable place of abode, or whose home is unfit for him by reasons of abuse, neglect, cruelty or depravity by either of his parents, his guardian, or other person having his custody or care.

(c) Under the age of eight years who is found to have committed an act that would result in adjudication as a delinquent or incorrigible child if committed by an older child.

"Detention" means the temporary care of a child who requires secure custody in physically restricting facilities for the protection of the child or the community pending court disposition.

"Incorrigible child" means a child adjudicated as one who refuses to obey the reasonable and proper orders or directions of his parent, guardian or custodian, and who is beyond the control of such person, or any child who is habitually truant from school, or who is a runaway from his home or parent, guardian or custodian, or who habitually so deports himself as to injure or endanger the morals or health of himself or others, or who commits any act constituting an offense which can only be committed by a minor, or who violates §4-244, paragraph 9, or who fails to obey any lawful order of the juvenile court given in a noncriminal action.

"Juvenile court" means the juvenile division of the superior court when exercising its jurisdiction over children in any proceeding relating to delinquency, dependency or incorrigibility.

"Shelter care" means the temporary care of a child in any public or private facility or home licensed by this state offering a physically non-secure environment, which is characterized by the absence of physically restricting construction or hardware and provides the child access to the surrounding community.

ARIZONA RULES OF PROCEDURE FOR THE JUVENILE COURT

Rule 3. Detention

- (a) Any person who brings a child to a detention or shelter facility shall make a report to the juvenile probation officer in the manner required by local rules setting forth the reasons why the child should be detained.
- (b) A child shall be detained only if there is probable cause to believe that the child committed the acts alleged in the petition, and there is reasonable cause to believe:
 - (1) That otherwise he will not be present at any hearing; or
 - (2) That he is likely to commit an offense injurious to himself or others; or
 - (3) That he must be held for another jurisdiction; or
 - (4) That the interests of the child or the public require custodial protection.
- (c) Upon admission to detention, the probation officer shall:
 - (1) Notify the child of the cause of admission, and
 - (2) Notify the parents, guardian or custodian of the child of the cause of admission and, further, inform such persons of the time and place the detention hearing shall be held, and a written record shall be made of the time and manner of notification.
- (d) No child shall be held in detention for more than 24 hours, excluding Saturdays, Sundays and holidays, unless a petition alleging his delinquent conduct has been filed; and no child shall be held longer than 24 hours, excluding Saturdays, Sundays and holidays, after the filing of said petition unless so ordered by the court after hearing.
- (e) If the detention hearing is not held within the time specified, the child shall be released from detention to the custody of his parents or other suitable persons.
- (f) The probable cause determination in the hearing referred to above may be based upon the allegations in a verified petition, an affidavit properly executed or sworn testimony.
- (g) The detention hearing may be held without the presence of the child's parents, guardian or custodian, if they cannot be found or fail to appear.
- (h) A child may telephone his parents, guardian or custodian and counsel immediately after being admitted to a detention or shelter care facility.
- (i) Upon being admitted, such child may be visited in private by the parents, guardian or custodian and counsel. After the initial visit, the child may be visited by them at normal visiting hours or by special appointment if required for preparation for the hearing.

Amended Feb. 22, 1978, effective April 24, 1978

APPENDIX C

Arizona Constitution, Art. 22 §16 Confinement of minor offenders

Section 16. It shall be unlawful to confine any minor under the age of eighteen years, accused or convicted of crime, in the same section of any jail or prison in which adult prisoners are confined. Suitable quarters shall be prepared for the confinement of such minors.

A.R.S. §8-203 Court employees; appointment; certification; qualifications; salary; bond

A. The presiding judge of the juvenile court shall appoint a director of juvenile court services who shall serve at the pleasure of the presiding juvenile judge.

B. The director of juvenile court services may recommend the appointment of such additional deputy probation officers, not to exceed one for each thirty-five children under protective supervision or on probation to the juvenile court, detention personnel, other personnel and office assistants as the director deems necessary. Such deputy probation officers, detention personnel, other personnel and office assistants shall not have authority to act or draw salary for their services until their appointments have been approved and ordered by the presiding judge of the juvenile court.

C. Probation department personnel shall qualify under minimum standards of experience and education established by the supreme court. Notwithstanding §12-265, any additional salary costs that might be required as a result of the adoption of minimum salary standards by the supreme court, may be paid by funds made available to the probation department pursuant to §§12-267 and 12-268 or by the supreme court.

D. The presiding judge of the juvenile court may contract with the juvenile court and the board of supervisors in one or more adjoining counties jointly to employ one or more juvenile probation officers who meet the minimum standards, with the salaries and expenses for such personnel divided equally among the counties involved. The presiding judge of the juvenile court may contract with the state department of corrections for the juvenile court to provide parole services in the county.

E. The presiding judge of the juvenile court shall fix the salaries of the director of juvenile court services, deputy probation officers, detention officers and other juvenile probation department personnel subject to the rules and procedures approved by the supreme court.

F. Each director of juvenile court services and deputy juvenile probation officer receiving an official salary shall furnish a bond in the sum of not less than two thousand dollars which is approved by the judge of the juvenile court and conditioned for the faithful discharge of the duties of his office. If such bonds are furnished by a surety company licensed to transact business in the state, the premiums on such bonds shall be a county charge. In the event the employees are included in a master bond pursuant to county regulations or covered by state risk management, the individual bonds prescribed shall not be required.

A.R.S. §8-226 Detention center; separate custody

A. The board of supervisors shall maintain a detention center separate and apart from a jail or lock-up in which adults are confined where children alleged to be delinquent or incorrigible and within the provisions of this article shall, when necessary before or after hearing, be detained.

B. A child, pending a hearing, shall not be placed in an apartment, cell or place of confinement with adults charged with or convicted of crime.

C. Any detained child who, by his conduct, endangers or evidences that he may endanger the safety of other detained children shall not be allowed to intermingle with any other child in the detention center.

Notes of Decisions

1.5. Dependent children

Dependent child may be placed in a juvenile detention center or jail facility only if he is an alleged or an adjudicated delinquent or an alleged incorrigible.

4. Sufficiency of detention center

Detention of minor delinquent in single cell in trustee's section of women's section of county jail was illegal; his mere isolation in cell did not insulate him from exposure to adults convicted of crime. Anonymous Juvenile in Pima County v. Collins (1973) 21 Ariz.App. 140, 517 P.2d 98.

A juvenile may be detained within the same building in which adult prisoners are detained but may not have any sight or sound contact with adult prisoners. Op.Atty.Gen. No. 179-40.

A.R.S. §8-227 Supervision and inspection of detention center and shelter care facilities

A. The juvenile court shall supervise the detention center and may appoint a person of good moral character to have charge thereof.

B. The state department of corrections shall inspect the detention centers of each county semiannually and within ten working days after each inspection shall make a written report to the presiding judge of the juvenile court of the condition and operation of the detention center, together with such recommendations as it deems advisable, and a copy of such report shall be filed with the county board of supervisors.

A.R.S. §8-241 Disposition and commitment.

A. After receiving and considering the evidence on the proper disposition of the case, the court may enter judgment as follows:

1. It may award a dependent child:
 - (a) To the care of his parents, subject to the supervision of the state department of economic security.
 - (b) To a suitable institution.
 - (c) To an association willing to receive him.
 - (d) To a reputable citizen of good moral character.
 - (e) To an appropriate public or private agency licensed to care for children.
 - (f) To a suitable school.
 - (g) To maternal or paternal relatives, as guardian of the person, provided they are physically and financially able to provide proper care.
 - (h) To the protective supervision of a probation department subject to such conditions as the court may impose.
 - (i) To supervision under the independent living program established pursuant to §8-521.
2. It may award a delinquent child:
 - (a) To the care of his parents, subject to supervision of a probation department.
 - (b) To a probation department, subject to such conditions as the court may impose.
 - (c) To a reputable citizen of good moral character, subject to the supervision of a probation department.
 - (d) To a private agency or institution, subject to the supervision of a probation officer.
 - (e) To the state department of corrections without further directions as to placement by that department.
 - (f) To maternal or paternal relatives, subject to the supervision of a probation department.
3. It may award an incorrigible child:
 - (a) To the care of his parents, subject to the supervision of a probation department.
 - (b) To the protective supervision of a probation department, subject to such conditions as the court may impose.
 - (c) To a reputable citizen of good moral character, subject to the supervision of a probation department.
 - (d) To a public or private agency, subject to the supervision of a probation department.
 - (e) To maternal or paternal relatives, subject to the supervision of a probation department.

Historical Note

"Section 1. Legislative findings; policy

"A. The legislature finds that:

- "1. The incidence of juvenile crime is a matter of serious concern to the people of this state.
- "2. The deterrence of juvenile crime can be best achieved by instituting strict rules and policies in the system of juvenile justice.
- "3. The loss of freedom of juvenile offenders must be meaningful in order to achieve respect for the juvenile justice system and respect for the rights of others in society.
- "4. The establishment of juvenile offender work programs will help to provide:
 - “(a) Respect for the juvenile justice system.
 - “(b) A work ethic to the juvenile offender.
 - “(c) Restitution to the victims for the wrong committed by juvenile offenders.

Notes of Decisions

2.5 Discretion

Where juvenile had been in juvenile justice system since 1979, had been in several residential and nonresidential programs, was on parole from department of corrections at time of disposition, and had been making some progress in structured setting in which he had benefit of counseling, requirement as condition of probation that juvenile spend six weekends at detention center was not abuse of discretion. Matter of Appeal in Pima County Juvenile Action No. J-20705-3 (App.1982) 133 Ariz. 296, 650 P.2d 1278.

Disposition of juvenile who has been adjudicated delinquent is within discretion of juvenile court and will not be disturbed absent a clear abuse of discretion. Matter of Maricopa County Juvenile Action No. J-86715 (App.1979) 122 Ariz. 300, 594 P.2d 554.

Trial court's determination as to disposition of a juvenile who has been adjudicated delinquent will not be interfered with in absence of a showing of a clear abuse of discretion. In re Appeal in Maricopa County, Juvenile Action No. J-78070 (1975) 24 Ariz.App. 248, 537 P.2d 976.

Disposition of a juvenile who has been adjudicated delinquent is within discretion of trial court. Id.

A.R.S. §31-124 Segregation of prisoners; males and females; minors and adults

- A. Male and female prisoners, except husband and wife, shall not be kept or placed in the same room.
- B. A person under the age of eighteen years shall not be confined in any apartment, cell or room in company with adults charged with crime.

APPENDIX D

COUNTY SPECIFIC DEPARTMENT OF CORRECTIONS' INSPECTIONS

Pursuant to A.R.S. §8-227, the Department of Corrections inspects detention centers of each county semiannually and prepares a written report summarizing the condition and operation of each facility. These reports may contain recommendations for improvement. However, corrections of deficiencies are difficult to follow since they are not always addressed in subsequent inspection reports. The reports only address structural problems, not programmatic problems. Once again, this emphasizes the need for an effective certifying authority. The issues highlighted support the problem statements listed earlier. The information listed below is drawn from inspection reports completed during the last quarter of 1988.

APACHE COUNTY

DATE BUILT: 1917

NUMBER OF BEDS: 4

SQ. FOOTAGE: 2 jail cells
8 ft. x 8 ft.

OPERATED IN A JAIL

STAFF: No full-time staff
specifically assigned to detention.
Sheriff deputies manage the population;
weekend/ on call part-time detention officers.

CLOSED: July, 1988

AREAS OF DEFICIENCIES:

- inadequate staff training
- no audio communication system
- inoperative or unsatisfactory wash basins
- no security-style plumbing

COCHISE COUNTY

DATE BUILT: 1971

NUMBER OF BEDS: 10

SQ. FOOTAGE: 2,915.5

STAFF: At least one awake staff at all
times. One set (male and female) detention
officers sleep at night.

AREAS OF DEFICIENCIES:

- no emergency power provisions
- no security-style plumbing
- only battery operated smoke/fire alarm system

COCONINO COUNTY

DATE BUILT: 1972

NUMBER OF BEDS: 24

SQ. FOOTAGE: 4,601

STAFF: At least one awake staff at all times. Houseparents sleep at night.

AREAS OF DEFICIENCIES:

- revised written manual not complete
- cell construction potentially hazardous to emotional detainee
- inadequate outside secure area

GILA COUNTY

DATE BUILT: 1963

NUMBER OF BEDS: 13

SQ. FOOTAGE: 1,350

STAFF: At least one awake staff at all times. Houseparents sleep at night.

AREAS OF DEFICIENCIES:

- inadequate staff training
- inadequate outside secure area

GRAHAM COUNTY

DATE BUILT: 1972 remodeled

NUMBER OF BEDS: 5

SQ. FOOTAGE: 880

OPERATED IN A JAIL

STAFF: Sheriff deputies supervise.

CLOSED: April, 1989

AREAS OF DEFICIENCIES:

- only extreme detention cases held
- no security-style plumbing
- no automatic fire detection
- no outside secure area
- inadequate staff training

GREENLEE COUNTY

DATE BUILT: 1977

NUMBER OF BEDS: 6

SQ. FOOTAGE: 1,544

OPERATED IN A JAIL

STAFF: Sheriff deputies supervise.

AREAS OF DEFICIENCIES:

- no written policy/procedural manual
- inadequate staff training
- inadequate visual surveillance

MARICOPA COUNTY

DATE BUILT: 1974

NUMBER OF BEDS: 101

SQ. FOOTAGE: 83,000

STAFF: Around the clock awake
detention staff.

AREAS OF DEFICIENCIES:
none

MOHAVE COUNTY

DATE BUILT: 1968

NUMBER OF BEDS: 15

SQ. FOOTAGE: 3,670

STAFF: Around the clock awake
staff as of February, 1989.

AREAS OF DEFICIENCIES:
- only battery operated smoke/fire alarm

NAVAJO COUNTY

DATE BUILT: 1976

NUMBER OF BEDS: 17

SQ. FOOTAGE: 3,200

STAFF: Around the clock awake
detention staff.

AREAS OF DEFICIENCIES:
- inadequate staff training
- inadequate outside secure area

PIMA COUNTY

DATE BUILT: 1967

NUMBER OF BEDS: 72

SQ. FOOTAGE: 30,600

STAFF: Around the clock awake
detention staff.

AREAS OF DEFICIENCIES:
none

PINAL COUNTY

DATE BUILT: 1964

NUMBER OF BEDS: 24

SQ. FOOTAGE: 5,365

STAFF: No around the clock
awake staff.

AREAS OF DEFICIENCIES:

- inadequate staff training
- marginally operable audio surveillance
- no smoke/fire alarms
- insufficient number of staff

SANTA CRUZ COUNTY

DATE BUILT: 1974

NUMBER OF BEDS: 12

SQ. FOOTAGE: 1,053

OPERATED IN A JAIL ANNEX

STAFF: Around the clock awake
staff; only one staff on duty at
night.

AREAS OF DEFICIENCIES:

- accommodations cannot be segregated
- inadequate staff training
- detention staff do not have access to fire exit

YAVAPAI COUNTY

DATE BUILT: 1974

NUMBER OF BEDS: 24

SQ. FOOTAGE: 6,480

STAFF: At least one awake staff
at all times. Houseparents sleep at night.

AREAS OF DEFICIENCIES:

- no automatic smoke/fire alarms in living quarters
- no keys to awake staff at night

YUMA COUNTY

DATE BUILT: 1970

NUMBER OF BEDS: 25

SQ. FOOTAGE: 4,364

STAFF: Around the clock awake
detention staff.

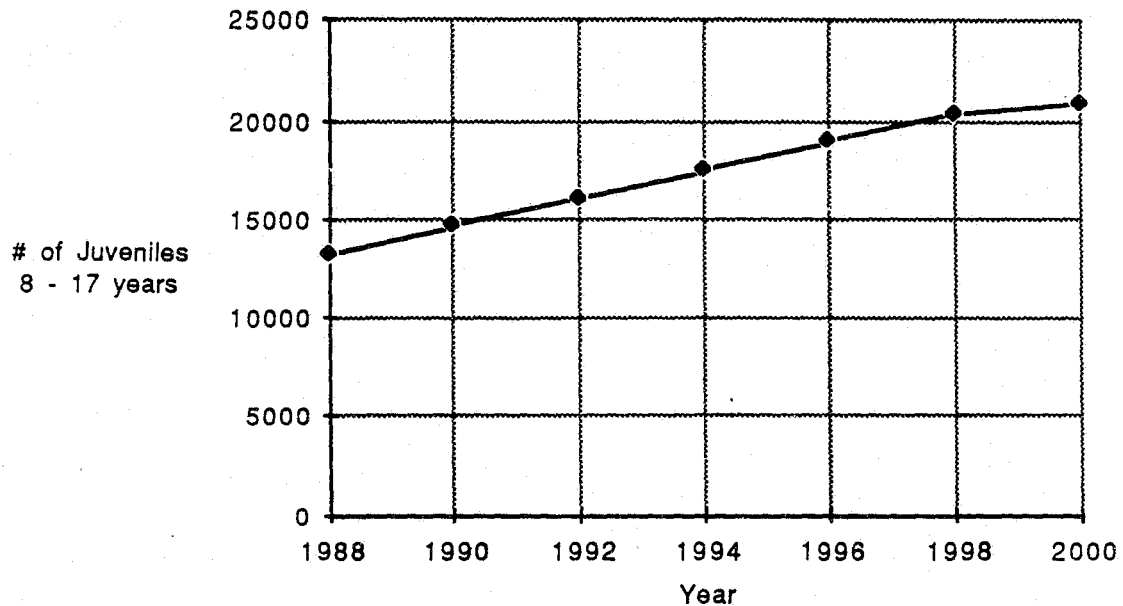
AREAS OF DEFICIENCIES:

- defective lighting fixtures
- inadequate storage
- plumbing deficiencies

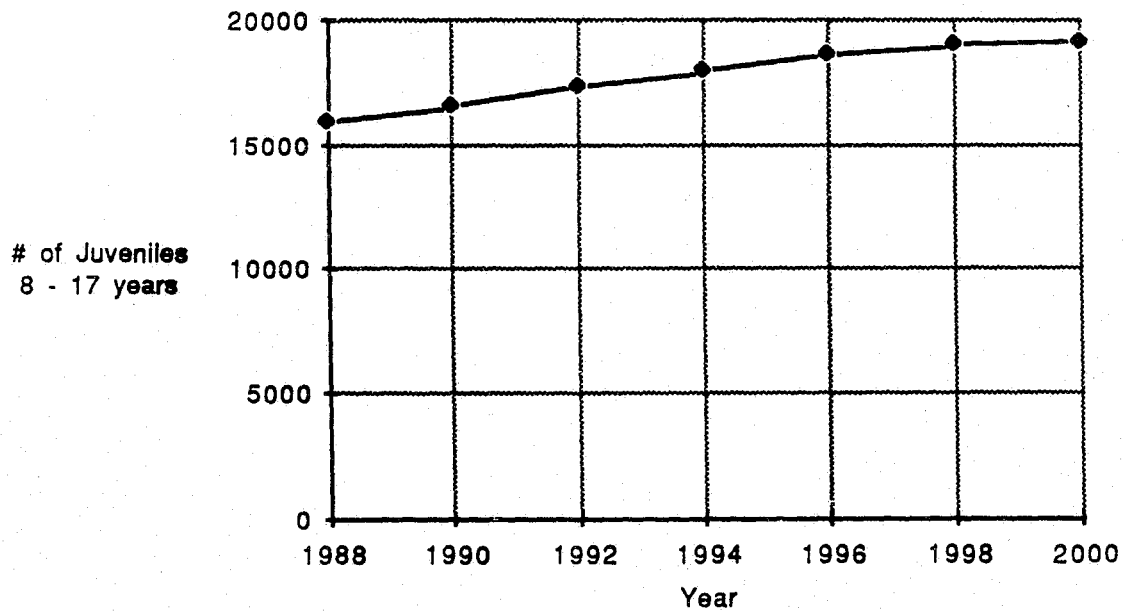
APPENDIX E

These population projections (pages 8 - 17 years) for each county were furnished by:
Arizona Department of Economic Security
Population Statistics Unit
Office of Data Administration

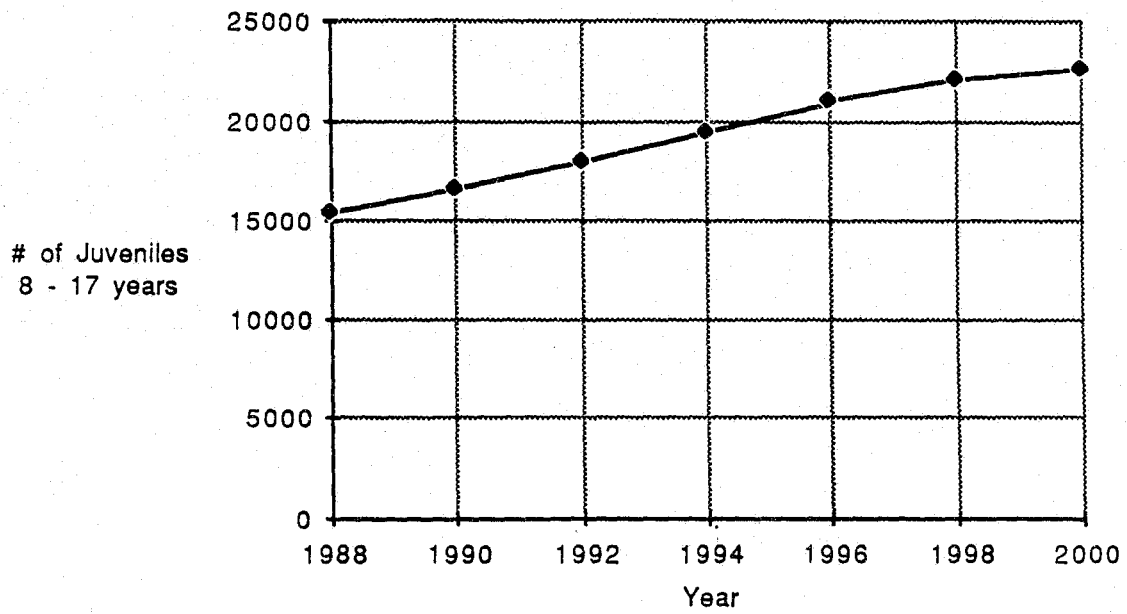
Projected Juvenile Population - Apache
County



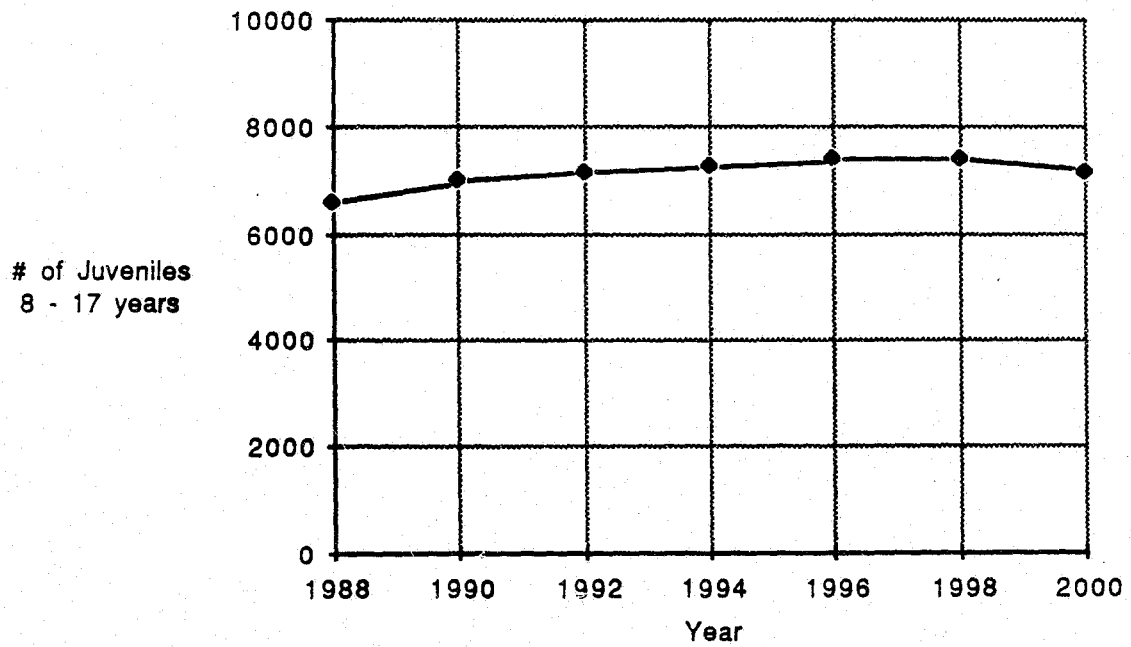
Projected Juvenile Population - Cochise
County



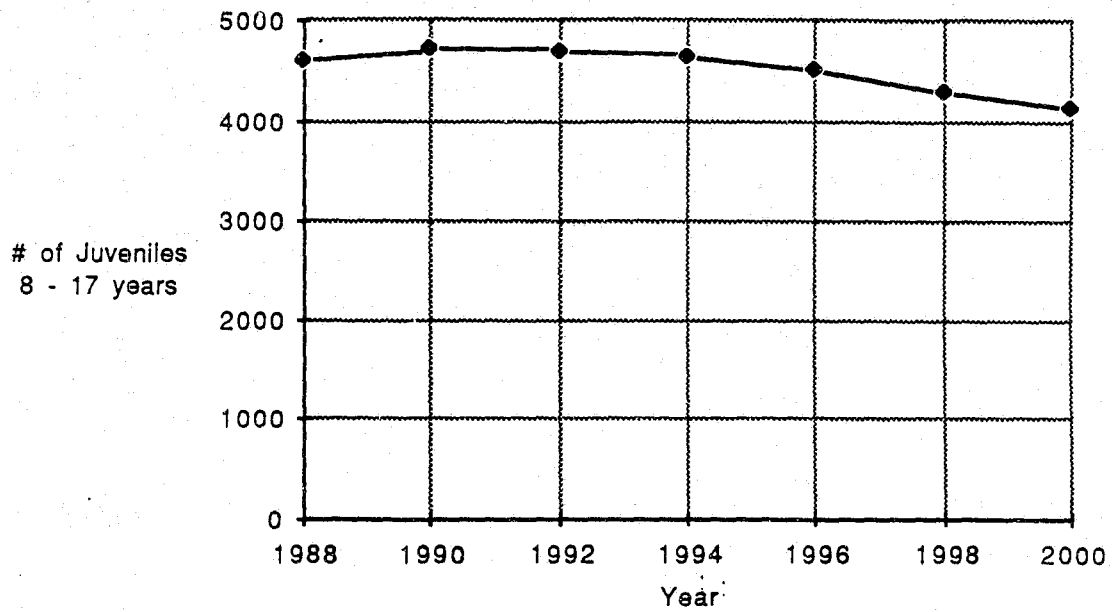
Projected Juvenile Population - Coconino
County



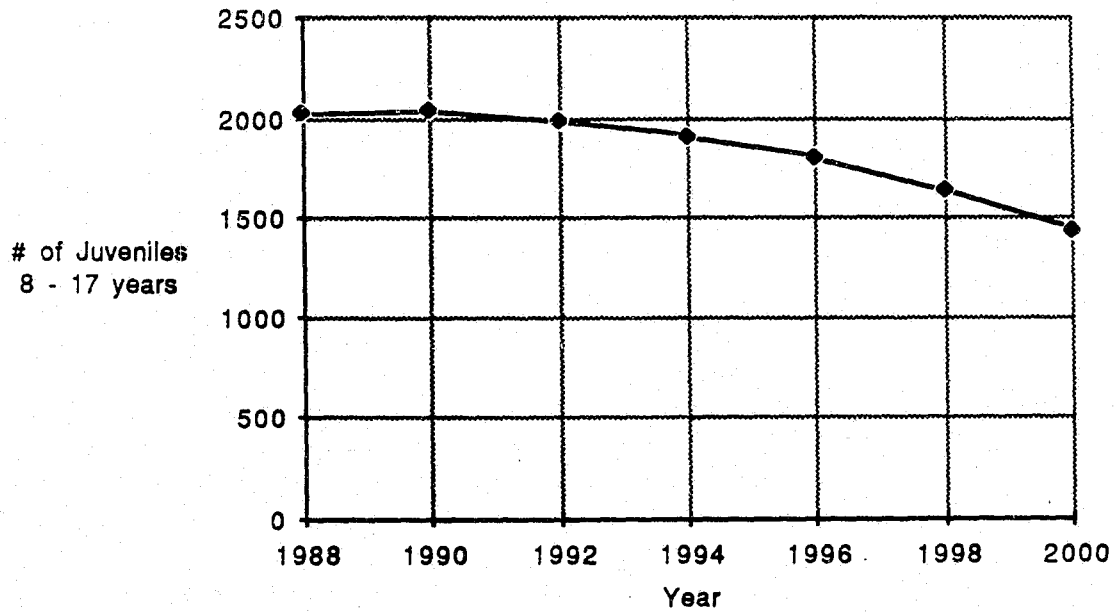
Projected Juvenile Population - Gila County



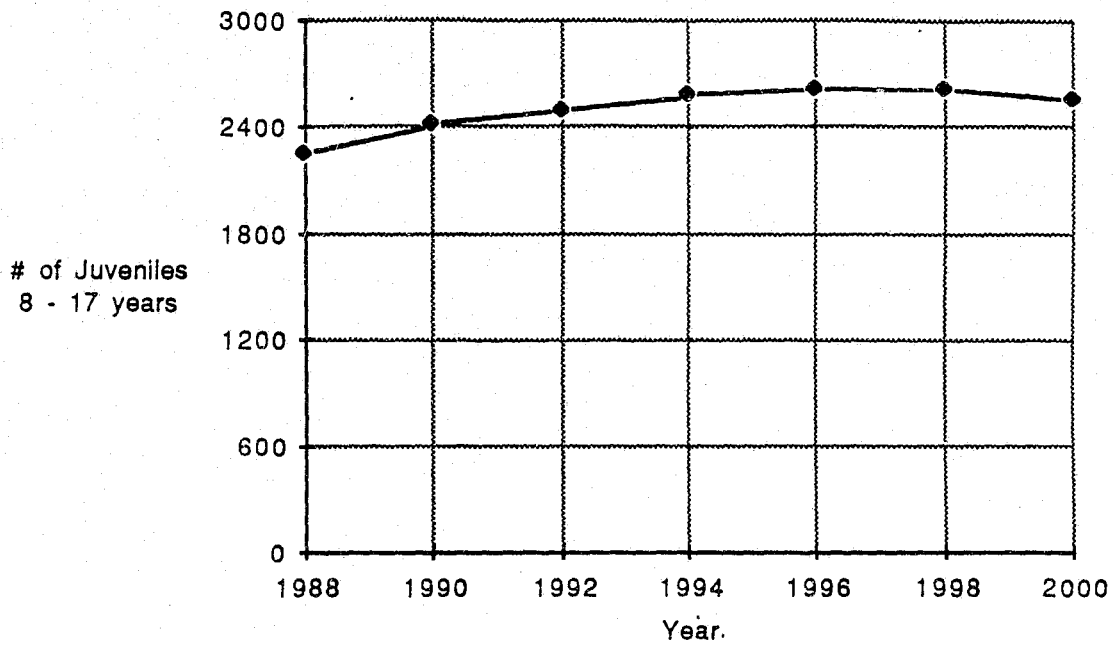
Projected Juvenile Population - Graham
County



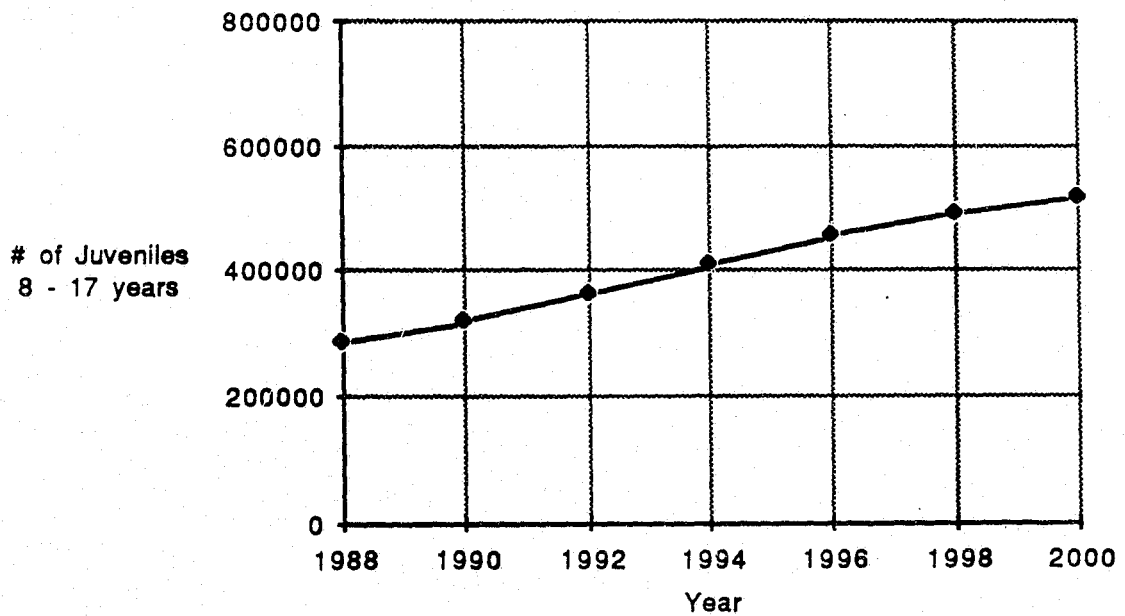
Projected Juvenile Population - Greenlee
County



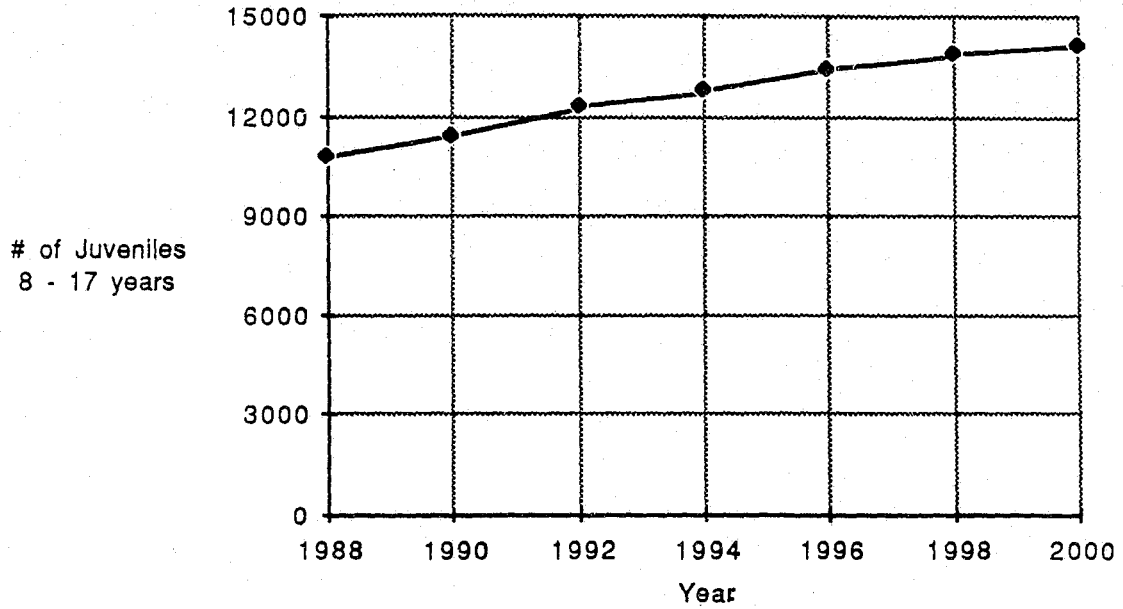
Projected Juvenile Population - La Paz County



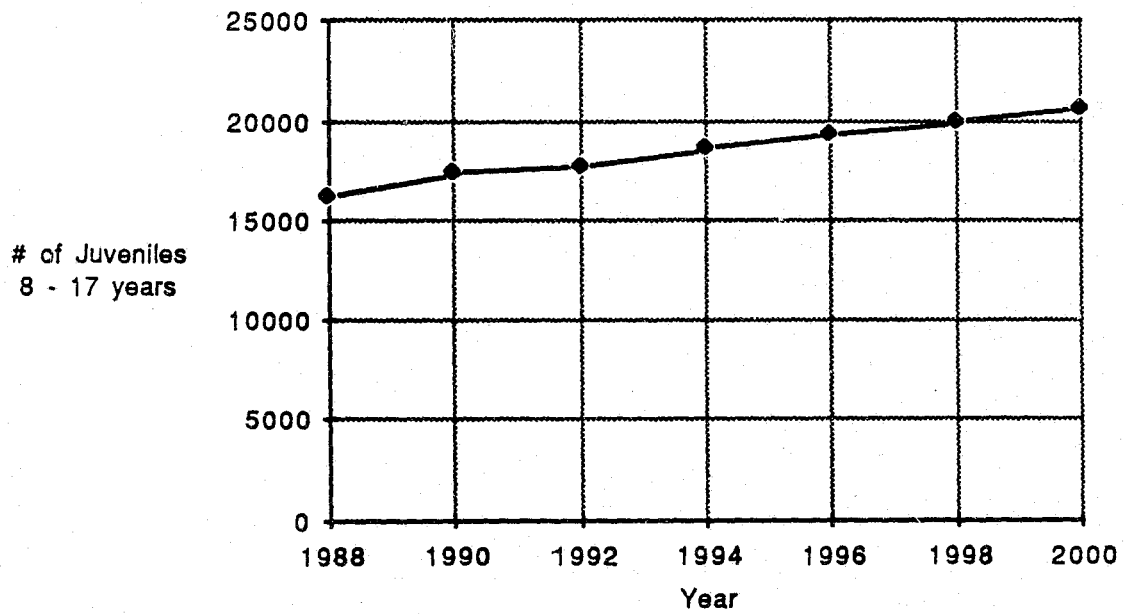
Projected Juvenile Population - Maricopa County



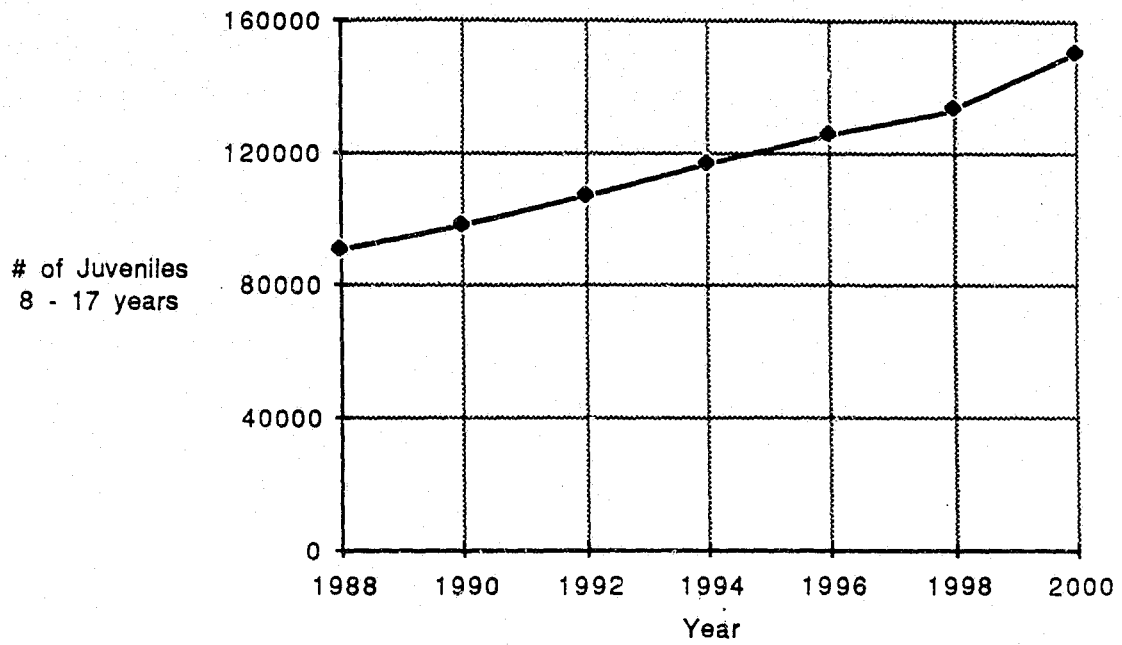
Projected Juvenile Population - Mohave
County



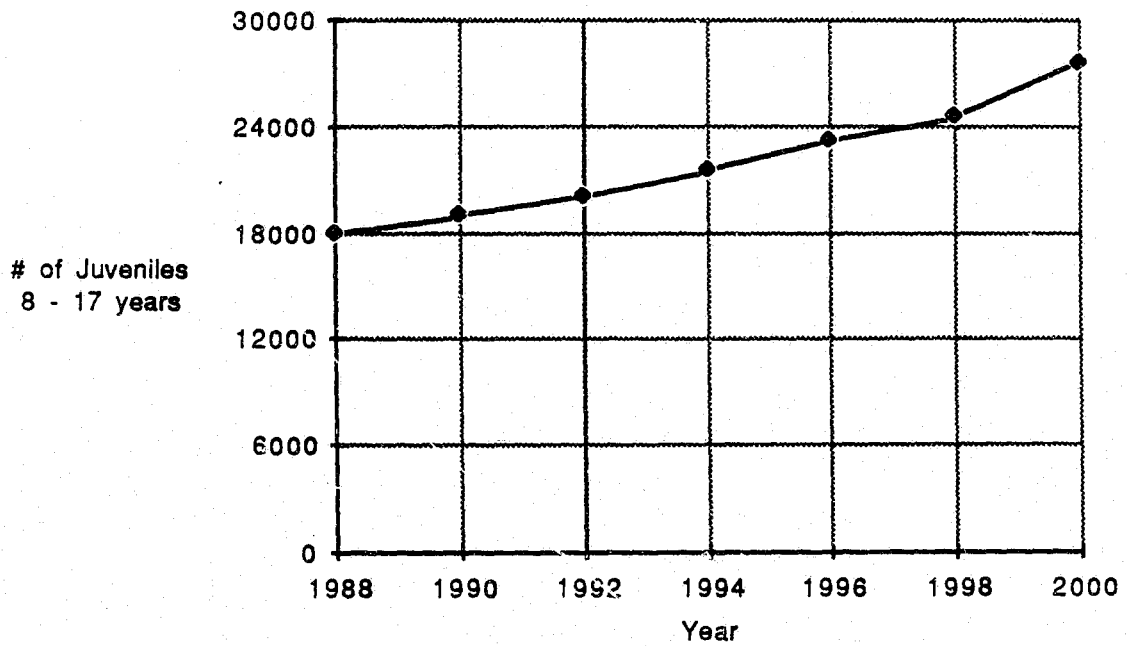
Projected Juvenile Population - Navajo
County



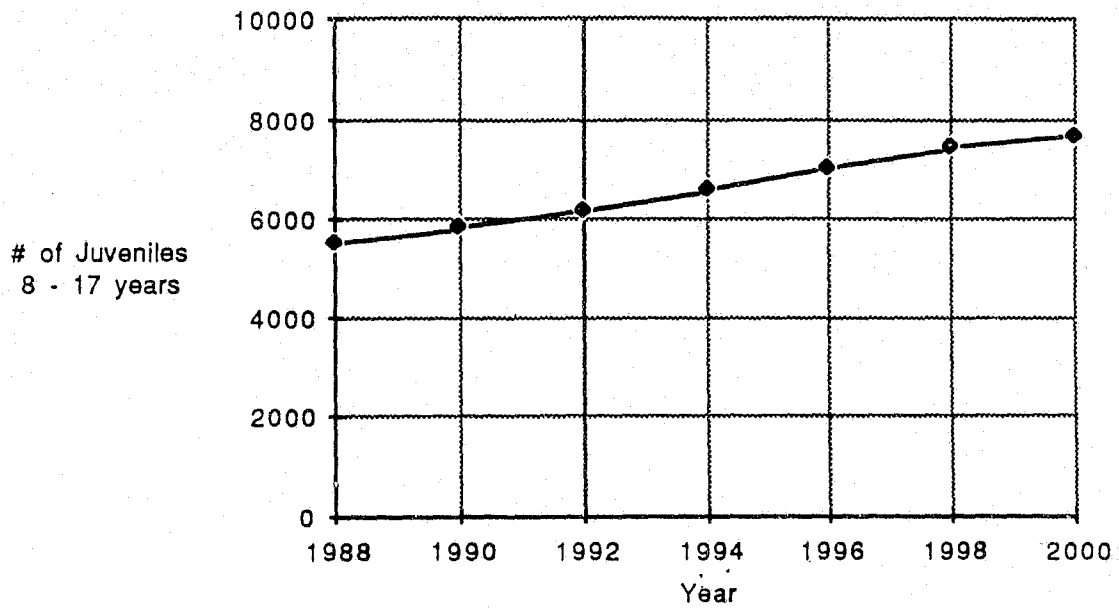
Projected Juvenile Population - Pima County



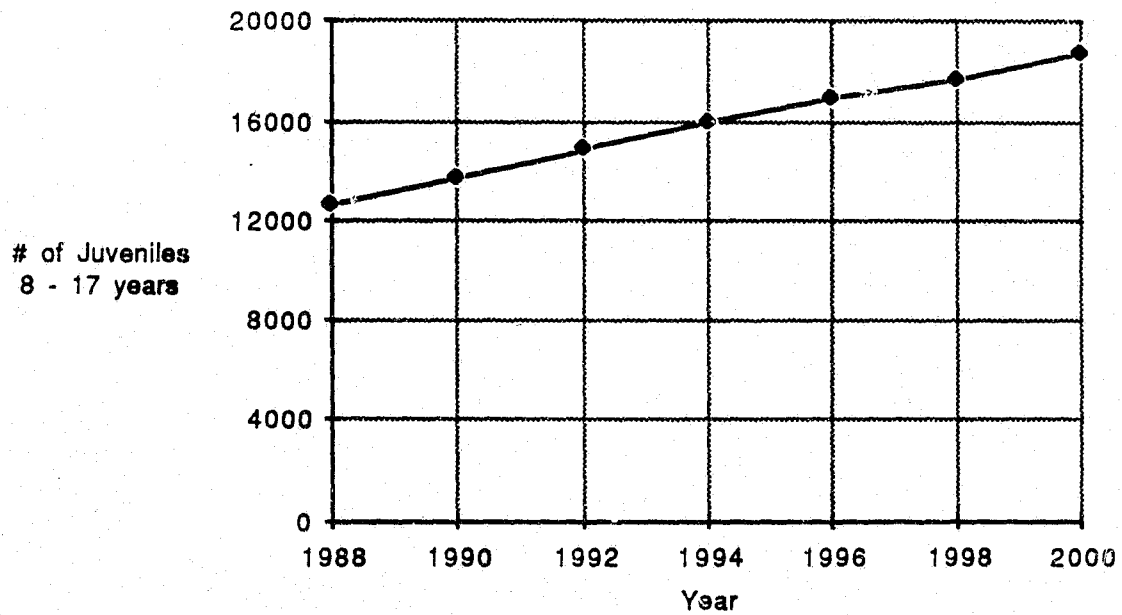
Projected Juvenile Population - Pinal County



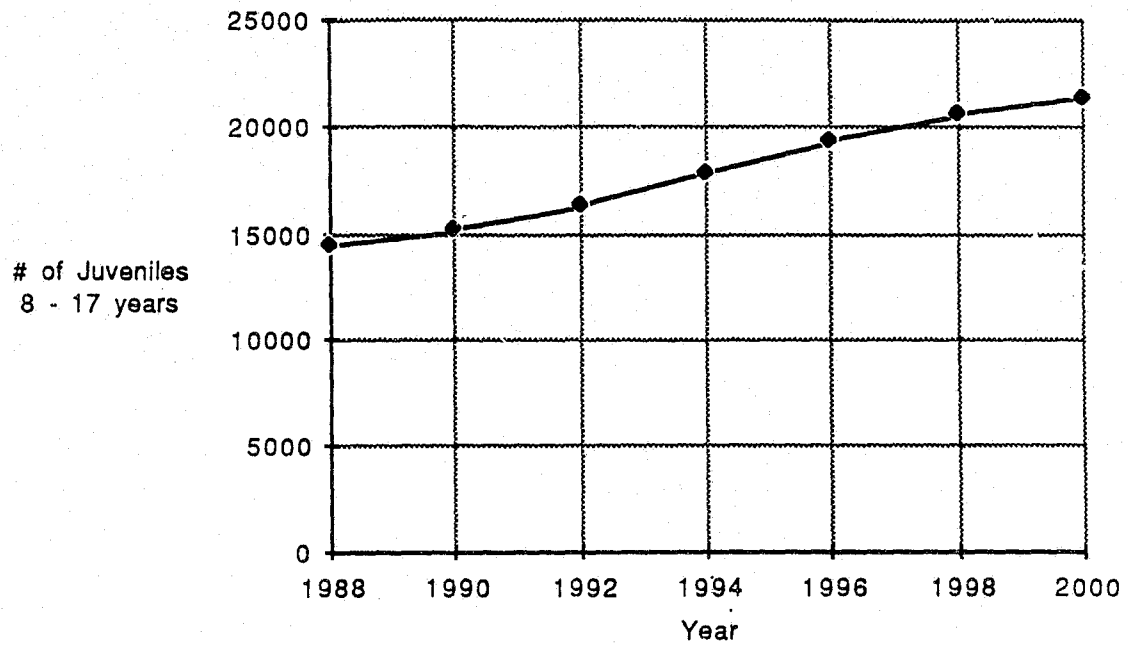
Projected Juvenile Population - Santa Cruz
County



Projected Juvenile Population - Yavapai
County



Projected Juvenile Population - Yuma County



APPENDIX F

State of Arizona
House of Representatives
Thirty-ninth Legislature
First Regular Session
1989

ISSUED BY
JIM SHUMWAY
SECRETARY OF STATE

Chapter 291
HOUSE BILL 2556

AN ACT

RELATING TO SPECIAL TAXING DISTRICTS; PRESCRIBING POWERS AND DUTIES OF A COUNTY SHERIFF; PRESCRIBING THE USE OF COUNTY JAILS AND COSTS OF CONFINEMENT; PRESCRIBING CERTAIN REIMBURSEMENT OF COSTS; PRESCRIBING PAYMENT OF COSTS FOR PRISONER TRANSFER AND SPECIAL PROGRAMS; PRESCRIBING WRITTEN NOTICE BY SHERIFF TO DEPARTMENT OF CORRECTIONS FOR NONPAYMENT OF COSTS OF CONFINEMENT; PROVIDING FOR RETURN OF PRISONERS; PROVIDING FOR APPOINTMENT AND DEPUTIZATION OF A MATRON OF THE COUNTY JAIL IF COUNTY JAIL DISTRICT IS ESTABLISHED; PROVIDING FOR THE EMPLOYMENT OF TEMPORARY GUARDS; PRESCRIBING THAT CERTAIN COSTS ARE A CHARGE OF THE COUNTY JAIL DISTRICT; PROVIDING FOR THE HOUSING OF PRISONERS; PRESCRIBING COSTS OF INCARCERATION; PROVIDING FOR CERTAIN AGREEMENTS; PRESCRIBING ALLOCATION OF CRIMINAL JUSTICE ENHANCEMENT FUND MONIES TO COUNTY JAILS UNDER JURISDICTION OF COUNTY JAIL DISTRICTS; PRESCRIBING REQUIREMENTS AND PROCEDURES FOR ESTABLISHING A COUNTY JAIL DISTRICT; PRESCRIBING PAYMENT OF CERTAIN COSTS; PRESCRIBING AREA OF COUNTY JAIL DISTRICT; PROVIDING FOR BOARD OF DIRECTORS AND REIMBURSEMENT OF EXPENSES; PROVIDING FOR DISTRICT POWERS, PRIVILEGES AND IMMUNITIES; PROVIDING POWERS AND DUTIES OF BOARD OF DIRECTORS; PROVIDING FOR DISTRICT ADMINISTRATION; PROVIDING LEVY OF CERTAIN TAX IF APPROVED AT AN ELECTION; PRESCRIBING ELECTION PROCEDURES; PRESCRIBING MAXIMUM TAX RATE OF TRANSACTION PRIVILEGE TAX TO BE COLLECTED IN CERTAIN COUNTIES; PRESCRIBING SECONDARY TAX LEVY; PRESCRIBING MAXIMUM AMOUNT OF TAX RATE; PRESCRIBING COUNTY MAINTENANCE OF EFFORT; PRESCRIBING CERTAIN MONTHLY INSTALLMENT PAYMENTS; ESTABLISHING A COUNTY JAIL DISTRICT FUND; PRESCRIBING A SEPARATE ACCOUNT FOR MONIES RECEIVED AS COUNTY MAINTENANCE OF EFFORT PAYMENTS AND FOR CERTAIN EXPENDITURES; PRESCRIBING CERTAIN PAYMENTS TO REDUCE THE COUNTY PRIMARY PROPERTY TAX LEVY; PRESCRIBING AN ANNUAL AUDIT; PRESCRIBING ADJUSTMENT OF MUNICIPAL EXPENDITURE LIMITATION; AMENDING SECTIONS 11-441, 11-456, 31-101, 31-102, 31-104, 31-105, 31-121, 31-234 AND 41-2401, ARIZONA REVISED STATUTES, AND AMENDING TITLE 48, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 25.

- 1 Be it enacted by the Legislature of the State of Arizona:
- 2 Section 1. Section 11-441, Arizona Revised Statutes, is amended to
- 3 read:

11-441. Powers and duties

A. The sheriff shall:

1. Preserve the peace.

2. Arrest and take before the nearest magistrate for examination all persons who attempt to commit or who have committed a public offense.

3. Prevent and suppress all affrays, breaches of the peace, riots and insurrections which may come to the knowledge of the sheriff.

4. Attend all courts, except justice and police courts, when an element of danger is anticipated and attendance is requested by the presiding judge, and obey lawful orders and directions issued by the judge.

5. Take charge of and keep the county jail, INCLUDING A COUNTY JAIL UNDER THE JURISDICTION OF A COUNTY JAIL DISTRICT, and the prisoners therein.

6. Endorse upon all process and notices the year, month, day, hour and minute of reception, and issue to the person delivering it, on payment of fees, a certificate showing the names of the parties, title of paper and time of reception.

7. Serve process and notices in the manner prescribed by law and certify under the sheriff's hand upon the process or notices the manner and time of service, or if the sheriff fails to make service, the reasons for failure, and return them without delay. When returnable to another county, the sheriff may enclose such process or notices in an envelope, addressed to the officer from whom received, and deposit it postage prepaid in the post office. The return of the sheriff is prima facie evidence of the facts stated in the return.

8. Secure, as soon as possible, the home of a deceased person located outside the boundaries of an incorporated city or town if the sheriff is unable to determine or locate the heirs or executor of the deceased person.

B. The sheriff may in the execution of the duties prescribed in subsection A, paragraphs 1 through 4 command the aid of as many inhabitants of the county as the sheriff deems necessary.

C. The sheriff shall conduct or coordinate within the county search or rescue operations involving the life or health of any person, or may assist in such operations in another county at the request of that county's sheriff, and may request assistance from any persons or agencies in the fulfillment of duties under this subsection.

D. The sheriff may, in the execution of the duties prescribed in this section, request the aid of volunteer posse and reserve organizations located in the county.

E. The sheriff may assist in the execution of the duties prescribed in this section in another county at the request of that county's sheriff.

Sec. 2. Section 11-456, Arizona Revised Statutes, is amended to read:

11-456. Delivery of property and papers to successor;
return of executed process

A. The sheriff shall deliver to his successor in office:

1. The jail of the county, OR OF A COUNTY JAIL DISTRICT, with all its appurtenances, and all the property of the county therein.

2. All prisoners then confined in the jail.

3. All process, commitments or other papers or documents in his custody authorizing or relating to the confinement of the prisoners, and if any process has been returned, a statement in writing of the contents thereof and when returned.

4. All writs and other original process, and all documents for the summoning of a grand or petit jury, then in his hands which have not been fully executed by him.

5. All executions, attachments and final process, and all property in his hands or possession by virtue of the levy of any writ.

B. Upon such delivery, the former sheriff shall execute in duplicate an instrument reciting the property, process, documents and prisoners delivered, specifying particularly the process or other authority by which each prisoner was committed and is detained, and whether such process or authority is returned or delivered to the new sheriff. The instrument shall be delivered to the new sheriff, who shall in writing upon the duplicate copy, acknowledge receipt of the property, process, documents and prisoners therein specified, and shall deliver the duplicate and acknowledgment to the former sheriff.

C. The former sheriff shall return in his own name all original process, attachments and executions which he has fully executed.

Sec. 3. Section 31-101, Arizona Revised Statutes, is amended to read:

31-101. Common jails; duty of sheriff; use of jails

The common jails in the several counties AND COUNTY JAILS UNDER THE JURISDICTION OF COUNTY JAIL DISTRICTS shall be kept by the sheriffs of the counties in which they are respectively located. The jails shall be used for detention of persons committed to them IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN THIS CHAPTER. THE COST OF HOUSING THE PERSONS COMMITTED TO COMMON JAILS BY THE CITY OR COUNTY SHALL BE PAID PURSUANT TO SECTION 31-121, SUBSECTION C OR D.

Sec. 4. Section 31-102, Arizona Revised Statutes, is amended to read:

31-102. Jail matron; appointment; salary; qualifications;
term; powers and duties

A. In first and second class counties, the sheriff, with the consent of the board of supervisors, and in cities and towns having a population of five thousand or more, the chief of police or town marshal, with the consent of the governing body of the city or town, may appoint and deputize at a salary approved by the governing body, a matron of the county, city or town jail.

B. In counties other than first and second class, and in cities or towns, the sheriff, chief of police or town marshal may, when authorized

by the governing body, appoint and deputize a matron of the county, city or town jail, at a salary approved by the governing body.

C. IF A COUNTY JAIL DISTRICT IS ESTABLISHED IN A COUNTY, THE SHERIFF MAY APPOINT AND DEPUTIZE A MATRON OF THE COUNTY JAIL AT A SALARY APPROVED BY THE BOARD OF DIRECTORS PAYABLE FROM THE DISTRICT GENERAL FUND.

D. The matron shall be a woman of good moral character. Her term of office shall be two years in counties and one year in cities or towns.

E. In any county, city or town not having a regularly appointed matron, when a female is in custody in jail, the officer in charge shall appoint and deputize, temporarily, a matron for the period of imprisonment of the female prisoner, at a salary approved by the governing body.

F. The matron shall have free access, at all reasonable times, to the immediate presence of all female prisoners in the jail, including the right of personal visitation and conversation with them. Searching the person of a female prisoner in the jail shall be done by the matron only. The matron shall endeavor to secure and promote the health, welfare and reformation of all female prisoners.

Sec. 5. Section 31-104, Arizona Revised Statutes, is amended to read:

31-104. Employment of temporary guards

The sheriff may, when necessary, with the written consent of the ~~judge of the superior court or the mayor in a city or town,~~ COUNTY BOARD OF SUPERVISORS, employ temporary guards for protection of the county jail or safekeeping of prisoners, the expenses of which shall be a county charge OR, IF A COUNTY JAIL DISTRICT HAS BEEN ESTABLISHED, A CHARGE OF THE DISTRICT.

Sec. 6. Section 31-105, Arizona Revised Statutes, is amended to read:

31-105. Designation of jail in contiguous county; revocation of designation

A. If there is no jail in the county, or when a jail becomes unfit or unsafe for confinement of prisoners, the judge of the superior court may, by written order filed with the clerk of the court, designate the jail of a contiguous county for confinement of prisoners at the expense of the county OR THE COUNTY JAIL DISTRICT from which they are transferred, and may at any time modify or annul the order.

B. A copy of the order, certified by the clerk of the court, shall be served on the sheriff or keeper of the jail designated, who shall receive all prisoners authorized to be confined in such jail, and who shall have the same responsibility for safekeeping the prisoners transferred as if he were sheriff of the county for whose use the jail is designated, and with respect to the prisoners so committed, he shall be deemed sheriff of the county from which they were removed.

C. When the jail in the county is made fit and safe for confinement of prisoners, the judge of the superior court of IN that county shall, by written order of revocation filed with the clerk of the court, declare that the necessity for the designation of another jail is terminated and

1 that the prior order is revoked. The clerk of the superior court shall
 2 immediately serve a copy of the order of revocation upon the sheriff of
 3 the county where the prisoners are confined, who shall thereupon remove
 4 the prisoners to the jail of the county OR COUNTY JAIL DISTRICT from which
 5 they were removed. THE COST OF CONFINING A PRISONER FROM ANOTHER COUNTY
 6 SHALL BE THE SAME AS THE AVERAGE RATE ESTABLISHED BY THE CONFINING COUNTY
 7 FOR PRISONERS HELD PURSUANT TO SECTION 31-121.

8 Sec. 7. Section 31-121, Arizona Revised Statutes, is amended to
 9 read:

10 31-121. Duty of sheriff to receive and provide for
 11 prisoners; contracts for furnishing food; city
 12 or town prisoners; employment; canteens;
 13 insurance; special services fund

14 A. The sheriff shall receive all persons committed to jail by
 15 competent authority and provide them with necessary food, clothing and
 16 bedding, the cost of which shall be a county charge OR, IF A COUNTY JAIL
 17 DISTRICT HAS BEEN ESTABLISHED, A CHARGE OF THE DISTRICT, EXCEPT AS
 18 OTHERWISE PROVIDED BY LAW.

19 B. The COUNTY board of supervisors OR BOARD OF DIRECTORS OF A
 20 COUNTY JAIL DISTRICT may enter into contracts for furnishing food for
 21 persons confined in the county jail, but such contract shall not be made
 22 for a period longer than one year.

23 ~~C. A person who is arrested or charged with a violation of a city~~
 24 ~~or town ordinance may be housed in a city or town jail, or in a county~~
 25 ~~jail if the city or town makes contractual arrangements with the board of~~
 26 ~~supervisors of that county to house prisoners. A county board of~~
 27 ~~supervisors shall arrange to house a person who is arrested or charged~~
 28 ~~with a violation of a state statute in a county jail or may arrange to~~
 29 ~~house such a person in a city or town jail if the board contracts with the~~
 30 ~~city or town to house such prisoners.~~

31 C. A PERSON WHO IS ARRESTED BY A PEACE OFFICER EMPLOYED BY A CITY
 32 OR TOWN AND THEREAFTER CHARGED IN A POLICE COURT AS DEFINED IN SECTION
 33 22-401, MAY BE HOUSED IN A COUNTY JAIL. THE COSTS OF THIS INCARCERATION
 34 SHALL BE PAID BY THE CITY OR TOWN WHICH ESTABLISHED THE POLICE COURT IN
 35 WHICH THE CHARGES ARE TO BE FILED. A PERSON WHO IS CONVICTED IN A POLICE
 36 COURT MAY BE SENTENCED TO A COUNTY JAIL. THE COSTS OF THIS INCARCERATION
 37 SHALL BE PAID BY THE CITY OR TOWN WHICH ESTABLISHED THE POLICE COURT IN
 38 WHICH THE SENTENCE WAS RENDERED. A PERSON ARRESTED BY A PEACE OFFICER
 39 EMPLOYED BY A CITY OR TOWN AND THEREAFTER CHARGED IN THE SUPERIOR COURT OR
 40 A JUSTICE OF THE PEACE COURT MAY BE HOUSED IN A COUNTY JAIL. THE COSTS OF
 41 THIS INCARCERATION ARE A COUNTY EXPENSE. TWO OR MORE CITIES, TOWNS OR
 42 COUNTIES MAY ENTER INTO AGREEMENTS WITH ONE ANOTHER FOR JOINT OR
 43 COOPERATIVE ACTION PURSUANT TO SECTION 11-952.

44 D. NOTWITHSTANDING THE PROVISIONS OF SUBSECTION C OF THIS SECTION,
 45 THE COST FOR PROVIDING FOR PRISONERS COMMITTED TO THE COUNTY JAIL BY
 46 COMPETENT AUTHORITY OF THE COUNTY OR ANY POLITICAL SUBDIVISION IN THE
 47 COUNTY SHALL BE BORNE BY THE COUNTY JAIL DISTRICT IN ANY COUNTY IN WHICH

1 SUCH DISTRICT, PURSUANT TO TITLE 48, CHAPTER 25, IS ESTABLISHED AND
2 OPERATING.

3 ~~B-~~ E. Any prisoner accepted by the county jail may be employed as
4 provided by section 31-141.

5 ~~E-~~ F. At the discretion of the board of supervisors OR BOARD OF
6 DIRECTORS OF A COUNTY JAIL DISTRICT, the sheriff may maintain a canteen
7 pursuant to this subsection at any jail facility under his jurisdiction to
8 sell to confined persons toilet articles, candy, tobacco products, notions
9 and other sundries and may provide the necessary facilities, equipment,
10 personnel and merchandise. The sheriff shall specify the commodities to
11 be sold in the canteen. The sheriff shall fix the prices of the
12 commodities at such amounts as will, as far as possible, render each
13 canteen self-supporting.

14 ~~F-~~ G. A special services fund is established in the office of the
15 county treasurer. The sheriff shall deposit any canteen and charge-a-call
16 telephone profits, if such become available, in the special services fund.
17 All profits resulting from inmate services shall also be deposited in the
18 special services fund. The board of supervisors may insure against the
19 damage or loss of canteen materials, supplies and equipment owned by the
20 county jail facility.

21 ~~G-~~ H. The sheriff shall hold in trust all special services fund
22 monies for the benefit and welfare of inmates. These monies may be used
23 for the education and welfare of inmates, including the establishment,
24 maintenance and purchase of items for resale and other necessary expenses
25 incurred in operating the canteens.

26 ~~H-~~ I. The county board of supervisors OR BOARD OF DIRECTORS OF A
27 COUNTY JAIL DISTRICT may authorize a biennial audit of the canteen
28 operations at any jail facility referred to in this section. At the end
29 of each intervening fiscal year, the jail administration shall prepare a
30 statement of operations. At least one copy of any audit report or
31 statement of operations shall be posted both at the canteen and for
32 inmates at designated areas.

33 Sec. 8. Section 31-234, Arizona Revised Statutes, is amended to
34 read:

35 31-234. Agreements with cities and counties; costs;
36 transfer; participation in programs; custody of
37 director

38 A. The director of THE STATE DEPARTMENT OF corrections may enter
39 into an agreement with a city, COUNTY JAIL DISTRICT, county, or city and
40 county, to permit transfer of prisoners in the custody of the director of
41 THE STATE DEPARTMENT OF corrections to a jail or other adult correctional
42 facility of such city, COUNTY JAIL DISTRICT, county, or city and county,
43 if the sheriff or corresponding official having jurisdiction over such
44 facility has consented thereto. ~~Such THE agreement shall provide for~~
45 ~~contributions to such city, county, or city and county toward payment of~~
46 ~~costs incurred with reference to such transferred prisoners~~ PAYMENTS TO
47 THE CITY, COUNTY JAIL DISTRICT OR COUNTY IN AN AMOUNT DETERMINED BY THE
48 CITY, COUNTY JAIL DISTRICT OR COUNTY TO BE SUFFICIENT TO REIMBURSE THE

FULL COSTS ATTACHED TO HOUSING A PRISONER OTHERWISE SENTENCED TO THE STATE DEPARTMENT OF CORRECTIONS.

B. When an agreement entered into pursuant to subsection A is in effect with respect to a particular local facility, the director of THE STATE DEPARTMENT OF corrections may transfer prisoners whose terms of imprisonment have been fixed to such facility IF EACH TRANSFER RECEIVES WRITTEN APPROVAL FROM THE SHERIFF OR CHIEF OF POLICE.

C. Prisoners so transferred to a local facility may, with approval of the ~~director of corrections~~ SHERIFF, participate in programs of the facility, including work furlough rehabilitation programs. Prisoners so transferred remain in the constructive custody of the director but are subject to the rules and regulations of the facility in which they are confined. THE STATE DEPARTMENT OF CORRECTIONS SHALL BEAR THE EXPENSE OF ANY SPECIAL PROGRAM WHICH IS A REQUIRED CONDITION OF CONFINEMENT. IF THE STATE DEPARTMENT OF CORRECTIONS DOES NOT PAY THESE COSTS OF CONFINEMENT WITHIN FIFTEEN DAYS AFTER RECEIVING WRITTEN NOTICE FROM THE SHERIFF OR AS MAY BE OTHERWISE PROVIDED IN THE TERMS OF A WRITTEN AGREEMENT BETWEEN THE DEPARTMENT OF CORRECTIONS AND THE SHERIFF, THE SHERIFF MAY RETURN THE PRISONER TO THE STATE DEPARTMENT OF CORRECTIONS BY DELIVERING THE PRISONER TO THE NEAREST STATE CORRECTIONAL FACILITY.

Sec. 9. Section 41-2401, Arizona Revised Statutes, is amended to read:

41-2401. Criminal justice enhancement fund

A. There is established a criminal justice enhancement fund consisting of the monies collected pursuant to section 41-2403. The state treasurer shall administer the fund.

B. On the first day of each month the state treasurer shall distribute or deposit as a continuing appropriation:

1. Twenty-six per cent of the fund monies in the peace officers' training fund established pursuant to section 41-1825.

2. Eight per cent of the fund monies in the prosecuting attorneys' advisory council training fund established pursuant to section 41-1830.03.

3. Four per cent of the fund monies in the same account in which is deposited funds appropriated to the department of health services for use in administering the provisions of section 36-141.

4. Twelve per cent of the fund monies to the supreme court for the purpose of reducing juvenile crime.

5. Twelve per cent of the fund monies to the department of public safety for the purposes provided for in subsection D of this section.

6. Twelve per cent of the fund monies to the department of law for the purposes provided for in subsection E of this section.

7. Nine per cent of the fund monies to the supreme court for the purposes provided for in subsection F of this section.

8. Fifteen per cent of the fund monies to the department of corrections for the purposes provided for in subsection G of this section.

C. On the first day of each month, the state treasurer shall distribute two per cent of the fund monies collected to the Arizona criminal justice commission. Expenditure of the monies shall be subject

1 to annual legislative appropriation. Any monies unexpended or
2 unencumbered on June 30 of each year shall not be subsequently expended or
3 encumbered unless reappropriated.

4 D. The department of public safety shall allocate the monies
5 received pursuant to subsection 8, paragraph 5 of this section to state
6 and local law enforcement authorities for the purpose of enhancing
7 projects designed to prevent residential and commercial burglaries,
8 control street crime and locate missing children.

9 E. The department of law shall allocate monies received pursuant to
10 subsection 8, paragraph 6 of this section to county attorneys for the
11 purpose of enhancing prosecutorial efforts.

12 F. The supreme court shall expend the monies received pursuant to
13 subsection 8, paragraph 7 of this section for the purpose of enhancing the
14 ability of the courts to process criminal and delinquency cases.
15 Notwithstanding section 12-143, subsection A, the salary of superior court
16 judges pro tempore appointed for the purpose provided in this subsection
17 shall, and the salary of other superior court judges pro tempore appointed
18 pursuant to section 12-141 for the purposes provided in this subsection
19 may, be paid in full by the monies received pursuant to subsection 8,
20 paragraph 7 of this section.

21 G. The department of corrections shall allocate the monies received
22 pursuant to subsection 8, paragraph 8 of this section to county sheriffs
23 for the purpose of enhancing county jail facilities and operations
24 INCLUDING COUNTY JAILS UNDER THE JURISDICTION OF COUNTY JAIL DISTRICTS.

25 H. The allocation of monies pursuant to subsections D, E, F and G
26 of this section shall be made in accordance with rules adopted by the
27 Arizona criminal justice commission pursuant to section 41-2405.

28 Sec. 10. Title 48, Arizona Revised Statutes, is amended by adding
29 chapter 25, to read:

30 CHAPTER 25

31 COUNTY JAIL DISTRICTS

32 ARTICLE 1. GENERAL PROVISIONS

33 48-4001. Establishment of district

34 A. THE BOARD OF SUPERVISORS OF A COUNTY MAY ADOPT A RESOLUTION TO
35 ESTABLISH A COUNTY JAIL DISTRICT IN THE COUNTY FOR THE PURPOSE OF
36 ACQUIRING, CONSTRUCTING, OPERATING, MAINTAINING AND FINANCING COUNTY JAILS
37 AND JAIL SYSTEMS AS PROVIDED BY THIS CHAPTER.

38 B. THE RESOLUTION SHALL SET A DATE FOR A HEARING ON THE RESOLUTION,
39 NOT LESS THAN TWENTY-ONE NOR MORE THAN FORTY DAYS FROM THE DATE OF THE
40 RESOLUTION. THE NOTICE OF THE HEARING SHALL BE PUBLISHED ONCE EACH WEEK
41 FOR AT LEAST THREE CONSECUTIVE WEEKS BEFORE THE HEARING IN A NEWSPAPER OF
42 GENERAL CIRCULATION IN THE COUNTY AND SHALL BE POSTED AT LEAST THREE WEEKS
43 BEFORE THE HEARING IN AT LEAST THREE PUBLIC PLACES IN THE COUNTY. THE
44 BOARD SHALL MEET AT THE TIME AND PLACE FIXED FOR THE HEARING. AT THE
45 HEARING THE BOARD SHALL HEAR ALL PERSONS WHO WISH TO APPEAR IN FAVOR OF OR
46 AGAINST ESTABLISHMENT OF THE DISTRICT.

47 C. IF, AFTER THE HEARING, IT APPEARS TO THE BOARD THAT THE PUBLIC
48 INTEREST, CONVENIENCE AND NECESSITY WILL BE SERVED BY ESTABLISHING THE

1 DISTRICT, THE BOARD SHALL DECLARE ITS FINDINGS AND ORDER THE FORMATION OF
2 THE COUNTY JAIL DISTRICT UNDER A DESIGNATED CORPORATE NAME. THE BOARD
3 SHALL FILE A CERTIFIED COPY OF THE PROCEEDINGS WITH THE COUNTY RECORDER.

4 D. THE BOARD OF SUPERVISORS MAY PAY THE NECESSARY COSTS INCURRED IN
5 CONNECTION WITH THE FORMATION OF THE DISTRICT FROM ANY MONIES AVAILABLE
6 FOR THAT PURPOSE.

7 E. THE DISTRICT INCLUDES THE INCORPORATED AND UNINCORPORATED AREAS
8 OF THE COUNTY.

9 48-4002. Board of directors; administrative powers, duties and
10 immunities

11 A. THE COUNTY BOARD OF SUPERVISORS SHALL SERVE AS THE BOARD OF
12 DIRECTORS OF THE DISTRICT. THE DIRECTORS ARE NOT ELIGIBLE TO RECEIVE
13 COMPENSATION FOR THEIR SERVICES AS SUCH BUT ARE ELIGIBLE FOR REIMBURSEMENT
14 FOR THEIR NECESSARY EXPENSES IN ATTENDING DISTRICT MEETINGS AND TRAVELING
15 IN AND OUT OF STATE WHEN NECESSARY TO CARRY ON THE AFFAIRS OF THE
16 DISTRICT.

17 B. A COUNTY JAIL DISTRICT ORGANIZED UNDER THIS CHAPTER IS A
18 POLITICAL TAXING SUBDIVISION OF THIS STATE AND HAS ALL THE POWERS,
19 PRIVILEGES AND IMMUNITIES GRANTED GENERALLY TO MUNICIPAL CORPORATIONS BY
20 THE CONSTITUTION AND LAWS OF THIS STATE INCLUDING IMMUNITY OF ITS PROPERTY
21 FROM TAXATION.

22 C. THE BOARD OF DIRECTORS SHALL EXERCISE ALL POWERS AND DUTIES IN
23 ACQUIRING THE PROPERTIES OF THE DISTRICT AND IN CARRYING OUT ITS FUNCTIONS
24 UNDER THIS CHAPTER, AND AS OTHERWISE PROVIDED BY LAW, AS ARE ORDINARILY
25 EXERCISED BY THE GOVERNING BODY OF A MUNICIPAL CORPORATION.

26 D. A DISTRICT ORGANIZED UNDER THIS ARTICLE, ACTING THROUGH ITS
27 BOARD OF DIRECTORS AND THE SHERIFF, MAY:

28 1. ACQUIRE BY EMINENT DOMAIN, PURCHASE, DONATION, DEDICATION,
29 EXCHANGE, LEASE, LEASE-PURCHASE OR OTHER LAWFUL MEANS AND DISPOSE OF BY
30 SALE, EXCHANGE OR OTHER LAWFUL MEANS REAL AND PERSONAL PROPERTY.

31 2. ACQUIRE AND MAINTAIN EXISTING CORRECTIONAL FACILITIES WITHIN THE
32 DISTRICT FOR THE BENEFIT OF THE DISTRICT IF MUTUALLY AGREEABLE TO THE
33 OWNERS OF SUCH FACILITIES.

34 3. ENTER INTO INTERGOVERNMENTAL AGREEMENTS WITH OTHER PUBLIC
35 AGENCIES PURSUANT TO TITLE 11, CHAPTER 7, ARTICLE 3 TO CARRY OUT THE
36 OBJECTS AND PURPOSES OF THE DISTRICT.

37 4. SUE AND BE SUED, ENTER INTO CONTRACTS AND GENERALLY DO ALL
38 THINGS WHICH MAY BE NECESSARY TO CONSTRUCT, ACQUIRE AND MAINTAIN
39 FACILITIES, OPERATE THE DISTRICT AND PERFORM ITS FUNCTIONS WHICH ARE IN
40 THE INTERESTS OF THE DISTRICT.

41 5. ADOPT SUCH RULES AND BYLAWS FOR ITS ORDERLY OPERATION AS IT SEES
42 FIT.

43 6. APPLY FOR, OBTAIN AND EXPEND FINANCIAL ASSISTANCE FROM THIS
44 STATE AND FROM ANY OTHER AVAILABLE SOURCE AND COMPLY WITH THE TERMS AND
45 CONDITIONS OF THE ASSISTANCE, INCLUDING REPAYMENT OF LOANS.

46 E. THE BOARD SHALL KEEP A PROPER WRITTEN RECORD OF ALL OF ITS
47 PROCEEDINGS, WHICH SHALL BE OPEN TO PUBLIC INSPECTION.

F. THE COUNTY SHERIFF SHALL EXERCISE ALL POWERS AND DUTIES IN OPERATING AND MANAGING THE PROPERTIES OF THE DISTRICT UNDER THIS CHAPTER AND AS OTHERWISE PROVIDED BY LAW, THE COUNTY TREASURER SHALL SERVE AS THE DISTRICT TREASURER AND THE COUNTY ATTORNEY SHALL SERVE AS THE ATTORNEY FOR THE DISTRICT. THE SHERIFF MAY EMPLOY OTHER EMPLOYEES THE SHERIFF CONSIDERS DESIRABLE AND NECESSARY TO CARRY OUT THE PURPOSES OF THE DISTRICT. ANY OTHER WORK REQUIRED BY THE DISTRICT MAY BE PERFORMED BY REGULAR EMPLOYEES OF THE COUNTY ON ASSIGNMENT BY THE COUNTY BOARD OF SUPERVISORS, EXCEPT THAT REGULAR COUNTY EMPLOYEES SHALL NOT UNDERTAKE CONSTRUCTION PROJECTS WITH AN ESTIMATED COST OF FIVE THOUSAND DOLLARS OR MORE.

G. THE ACCOUNTS, FUNDS AND MONIES OF THE DISTRICT SHALL BE MAINTAINED SEPARATE FROM COUNTY ACCOUNTS, FUNDS AND MONIES AND ARE SUBJECT TO ANNUAL AND OTHER AUDITS AS PROVIDED BY LAW.

48-4003. Functional powers and duties

A. A COUNTY JAIL DISTRICT WITH THE CONCURRENCE OF THE SHERIFF MAY ENTER INTO INTERGOVERNMENTAL AGREEMENTS WITH THE UNITED STATES, THIS STATE, ANY COUNTY, INCORPORATED CITIES AND TOWNS AND ANY OTHER GOVERNMENTAL ENTITY TO MAINTAIN AND OPERATE JAILS FOR THE GOVERNMENTAL ENTITY OR ANOTHER COUNTY OR COUNTY JAIL DISTRICT FOR JOINT OR COOPERATIVE CONSTRUCTION, MAINTENANCE AND OPERATION OF JAIL FACILITIES.

B. NOTWITHSTANDING SECTION 31-121 OR ANY OTHER PROVISION OF LAW, THE DISTRICT SHALL RECEIVE ALL PERSONS COMMITTED TO JAIL BY COMPETENT AUTHORITY OF THE COUNTY OR ANY POLITICAL SUBDIVISION IN THE DISTRICT. THE COST OF PROVIDING FOR SUCH PRISONERS IS A CHARGE OF THE DISTRICT.

ARTICLE 2. FINANCIAL PROVISIONS

48-4021. Community corrections taxes; election

A. IF APPROVED AT AN ELECTION PURSUANT TO THIS SECTION, THE DISTRICT BOARD OF DIRECTORS MAY LEVY EITHER A TRANSACTION PRIVILEGE TAX IN THE DISTRICT AS PROVIDED BY SECTION 48-4022 OR AN AD VALOREM TAX ON THE TAXABLE PROPERTY IN THE DISTRICT AS PROVIDED BY SECTION 48-4023. A DISTRICT MAY NOT LEVY BOTH A TRANSACTION PRIVILEGE TAX AND AN AD VALOREM PROPERTY TAX.

B. IF THE BOARD OF DIRECTORS PROPOSES SUCH A TAX LEVY, THE BOARD, BY RESOLUTION, SHALL EITHER ORDER AND CALL A DISTRICT-WIDE SPECIAL ELECTION OR PLACE THE ISSUE ON THE BALLOT OF A REGULAR GENERAL ELECTION HELD IN THE DISTRICT. THE BOARD SHALL SPECIFY ON THE BALLOT THE PURPOSE OF THE TAX, THE MAXIMUM RATE OF TAX, THE NUMBER OF YEARS FOR WHICH THE TAX WILL BE AUTHORIZED AND THE ESTIMATED FUTURE REVENUE NEEDS INCLUDING THE MAINTENANCE OF EFFORT REQUIREMENTS IMPOSED ON THE COUNTY BY THIS ARTICLE. THE RATE OF TAX SHALL NOT EXCEED THE LIMITS PRESCRIBED BY THIS ARTICLE. TO BE VALID THE TAX AUTHORIZATION MUST BE APPROVED BY A MAJORITY OF THE QUALIFIED ELECTORS VOTING AT THE ELECTION.

C. IN ADDITION TO ANY OTHER REQUIREMENTS PRESCRIBED BY LAW, THE BOARD SHALL PREPARE, PRINT AND DISTRIBUTE PUBLICITY PAMPHLETS CONCERNING THE TAX ISSUE PROPOSED. THE BOARD SHALL DISTRIBUTE ONE COPY OF THE PUBLICITY PAMPHLET TO EACH HOUSEHOLD CONTAINING A REGISTERED VOTER IN THE

1 DISTRICT AT LEAST TEN BUT NOT MORE THAN THIRTY DAYS BEFORE THE ELECTION.
2 THE PUBLICITY PAMPHLET SHALL CONTAIN ALL OF THE FOLLOWING:
3 1. THE DATE OF THE ELECTION.
4 2. POLLING PLACES AND THE TIMES THE POLLING PLACES WILL BE OPEN.
5 3. A TRUE COPY OF THE TITLE AND TEXT OF THE RESOLUTION PROPOSING
6 THE TAX.
7 4. A SUMMARY OF THE PURPOSES FOR WHICH THE TAX IS PROPOSED TO BE
8 LEVIED.
9 5. THE ESTIMATED REVENUE NEEDS, INCLUDING THE MAINTENANCE OF EFFORT
10 REQUIREMENTS IMPOSED ON THE COUNTY BY THIS ARTICLE, FOR THE DESCRIBED
11 PURPOSES.
12 6. AN ESTIMATE OF THE ANNUAL AMOUNT OF REVENUES TO BE RAISED FROM
13 THE PROPOSED TAX LEVY.
14 7. ARGUMENTS FOR AND AGAINST THE PROPOSED TAX LEVY.
15 48-4022. Transaction privilege tax
16 A. THE BOARD OF DIRECTORS OF A DISTRICT IN A COUNTY HAVING A
17 POPULATION OF LESS THAN FIVE HUNDRED THOUSAND PERSONS ACCORDING TO THE
18 MOST RECENT UNITED STATES DECENMIAL OR SPECIAL CENSUS MAY BY RESOLUTION
19 ORDER THE APPROVAL OF A DISTRICT TRANSACTION PRIVILEGE TAX TO BE PLACED ON
20 THE BALLOT OF AN ELECTION PURSUANT TO SECTION 48-4021. IF A MAJORITY OF
21 THE QUALIFIED ELECTORS VOTING AT THE ELECTION APPROVES THE COUNTY JAIL
22 DISTRICT TRANSACTION PRIVILEGE TAX, THE BOARD OF DIRECTORS MAY BY
23 RESOLUTION LEVY, AND IF LEVIED, THE DEPARTMENT OF REVENUE SHALL COLLECT, A
24 TAX AT A RATE OF NOT MORE THAN TEN PER CENT OF THE TRANSACTION PRIVILEGE
25 TAX RATE APPLYING TO EACH PERSON ENGAGING OR CONTINUING IN THE DISTRICT IN
26 A BUSINESS TAXED UNDER TITLE 42, CHAPTER 8, ARTICLE 1, BEGINNING JANUARY 1
27 OR JULY 1, WHICHEVER DATE FIRST OCCURS AT LEAST THREE MONTHS AFTER THE
28 DISTRICT RESOLUTION APPROVING THE TAX LEVY.
29 B. THE TAX APPLIES IN BOTH INCORPORATED AND UNINCORPORATED AREAS OF
30 THE COUNTY.
31 C. AT THE END OF EACH MONTH THE STATE TREASURER SHALL TRANSMIT THE
32 NET REVENUES COLLECTED PURSUANT TO THIS SECTION TO THE DISTRICT TREASURER
33 WHO SHALL DEPOSIT THE REVENUES IN THE COUNTY JAIL DISTRICT GENERAL FUND.
34 D. UNLESS THE CONTEXT OTHERWISE REQUIRES, SECTION 42-1485 GOVERNS
35 THE ADMINISTRATION OF THE TAX IMPOSED PURSUANT TO THIS SECTION.
36 48-4023. Property tax levy
37 A. IF A MAJORITY OF THE QUALIFIED ELECTORS VOTING AT AN ELECTION
38 HELD PURSUANT TO SECTION 48-4021 APPROVES A COUNTY JAIL DISTRICT AD
39 VALOREM PROPERTY TAX, ON OR BEFORE THE THIRD MONDAY IN AUGUST EACH YEAR
40 THE DISTRICT SHALL CERTIFY TO THE COUNTY BOARD OF SUPERVISORS THE AMOUNT
41 OF TAXES TO BE LEVIED FOR THE TAXABLE YEAR ON THE TAXABLE PROPERTY IN THE
42 DISTRICT WHICH, TOGETHER WITH UNEXPENDED BALANCES CARRIED FORWARD FROM THE
43 PREVIOUS FISCAL YEAR AND REVENUES FROM ALL OTHER SOURCES, IS NECESSARY TO
44 PAY THE MAINTENANCE AND OPERATION EXPENSES OF THE DISTRICT IN CARRYING OUT
45 THE OBJECTS AND PURPOSES OF THIS CHAPTER.
46 B. THE BOARD OF SUPERVISORS SHALL LEVY A SECONDARY PROPERTY TAX ON
47 THE TAXABLE PROPERTY IN THE DISTRICT, AT THE SAME TIME AND IN THE SAME
48 MANNER AS COUNTY TAXES ARE LEVIED, SUFFICIENT TO PROVIDE THE AMOUNT

CERTIFIED UNDER SUBSECTION A OF THIS SECTION, BUT THE TAX RATE IS LIMITED TO, AND SHALL NOT EXCEED IN ANY EVENT, TWENTY CENTS PER ONE HUNDRED DOLLARS OF ASSESSED VALUATION. THE TAX REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE PAID TO THE DISTRICT TREASURER AND DEPOSITED IN THE COUNTY JAIL DISTRICT GENERAL FUND AND USED SOLELY FOR THE PURPOSES FOR WHICH THEY WERE COLLECTED.

C. THE TAX SHALL BE LEVIED ON ALL OF THE TAXABLE PROPERTY IN THE DISTRICT.

48-4024. County maintenance of effort

A. THE COUNTY IN WHICH A COUNTY JAIL DISTRICT IS ESTABLISHED SHALL MAINTAIN ITS SUPPORT OF CORRECTIONS FACILITIES AND SERVICES OPERATED, MAINTAINED AND PERFORMED BY THE DISTRICT. EACH FISCAL YEAR THE COUNTY SHALL PAY THE AMOUNT DETERMINED UNDER SUBSECTION B TO THE DISTRICT TREASURER IN TWELVE EQUAL MONTHLY INSTALLMENTS FOR DEPOSIT IN THE COUNTY JAIL DISTRICT GENERAL FUND.

B. THE AUDITOR GENERAL SHALL DETERMINE THE AMOUNT EXPENDED BY THE COUNTY FOR MAINTENANCE AND OPERATION OF CORRECTIONAL FACILITIES AND PROGRAMS IN THE FISCAL YEAR IMMEDIATELY PRECEDING THE FIRST FISCAL YEAR IN WHICH A COUNTY JAIL DISTRICT TAX LEVY IS EFFECTIVE UNDER THIS ARTICLE. ANY OUTSTANDING, LEGALLY COLLECTIBLE BUT UNPAID DEBTS DUE FROM A CITY, THE STATE OR THE UNITED STATES FOR THE COUNTY HOUSING PRISONERS PURSUANT TO AN INTERGOVERNMENTAL AGREEMENT SHALL BE EXCLUDED FROM THE BASE EXPENDITURE CALCULATION. THIS AMOUNT IS THE BASE EXPENDITURE. AS PART OF THE ANNUAL COUNTY AUDIT THE AUDITOR GENERAL SHALL DETERMINE THE AMOUNT TO BE PAID BY THE COUNTY TO THE DISTRICT TREASURER FOR THE FISCAL YEAR BY INCREASING THE AMOUNT THE COUNTY PAID TO THE DISTRICT TREASURER IN THE PRECEDING FISCAL YEAR, OR THE BASE EXPENDITURE, BY THE PERCENTAGE CHANGE IN THE COUNTY'S PRIMARY PROPERTY TAX LEVY LIMITATION FROM THE PRECEDING YEAR PURSUANT TO SECTION 42-301.

48-4025. County jail district general fund; annual audit

A. THE BOARD OF DIRECTORS SHALL ESTABLISH A COUNTY JAIL DISTRICT GENERAL FUND ADMINISTERED BY THE DISTRICT TREASURER CONSISTING OF REVENUES FROM APPROVED TAXES UNDER THIS ARTICLE, COUNTY MAINTENANCE OF EFFORT PAYMENTS UNDER SECTION 48-4024 AND ANY OTHER AVAILABLE REVENUES FOR THAT PURPOSE FROM FEDERAL, STATE, LOCAL AND PRIVATE SOURCES.

B. THE DISTRICT TREASURER SHALL SEPARATELY ACCOUNT FOR MONIES RECEIVED AS COUNTY MAINTENANCE OF EFFORT PAYMENTS AND MAY EXPEND OTHER MONIES IN THE FUND ONLY AFTER THE EXPENDITURE OF ALL COUNTY MAINTENANCE OF EFFORT MONIES CURRENTLY DEPOSITED IN THE FUND.

C. THE DISTRICT TREASURER SHALL PAY ANY MONIES REMAINING UNEXPENDED OR UNENCUMBERED IN THE FUND AT THE END OF THE FISCAL YEAR TO THE COUNTY FOR DEPOSIT IN THE COUNTY GENERAL FUND TO REDUCE THE COUNTY PRIMARY PROPERTY TAX LEVY UNDER SECTION 42-304 FOR THE SUBSEQUENT TAX YEAR. IF THE AMOUNT PAID BY THE DISTRICT TREASURER TO THE COUNTY UNDER THIS SUBSECTION EXCEEDS THE ANNUAL ESTIMATE OF COUNTY EXPENSES DETERMINED UNDER SECTION 42-302, THE STATE TREASURER SHALL WITHHOLD FROM DISTRIBUTION TO THE COUNTY AN AMOUNT OF STATE TRANSACTION PRIVILEGE TAX REVENUES UNDER

1 SECTION 42-1341 EQUAL TO THE EXCESS AMOUNT AND DEPOSIT THAT AMOUNT IN THE
2 STATE GENERAL FUND.

3 D. THE BOARD OF DIRECTORS SHALL CAUSE AN AUDIT TO BE MADE OF THE
4 FUND BY A CERTIFIED PUBLIC ACCOUNTANT WITHIN NINETY DAYS AFTER THE CLOSE
5 OF EACH FISCAL YEAR. THE BOARD SHALL IMMEDIATELY FILE A CERTIFIED COPY OF
6 THE AUDIT WITH THE AUDITOR GENERAL. THE AUDITOR GENERAL MAY MAKE SUCH
7 FURTHER AUDITS OF THE FUND AS HE DEEMS NECESSARY AND TAKE APPROPRIATE
8 ACTION RELATING TO THE AUDIT PURSUANT TO TITLE 41, CHAPTER 7, ARTICLE
9 10.1. IF THE AUDITOR GENERAL TAKES NO OFFICIAL ACTION WITHIN THIRTY DAYS
10 AFTER THE AUDIT IS FILED, THE AUDIT IS DEEMED SUFFICIENT. THE BOARD OF
11 DIRECTORS SHALL PAY THE COSTS OF THE CERTIFIED PUBLIC ACCOUNTANT AND THE
12 AUDITOR GENERAL UNDER THIS SECTION FROM THE FUND.

13 48-4026. Adjustment of municipal expenditure limitation

14 PURSUANT TO ARTICLE IX, SECTION 20, SUBSECTION (4), CONSTITUTION OF
15 ARIZONA, IF A CITY OR TOWN ENTERS INTO AN INTERGOVERNMENTAL AGREEMENT FOR
16 THE DISTRICT TO MAINTAIN AND OPERATE A JAIL FOR THE MUNICIPALITY UNDER
17 SECTION 48-4003, THE ECONOMIC ESTIMATES COMMISSION SHALL ADJUST THE CITY'S
18 OR TOWN'S EXPENDITURE LIMITATION BY DECREASING THE BASE LIMIT BY THE JAIL
19 COSTS TRANSFERRED TO THE DISTRICT.

Approved by the Governor June 28, 1989.

Filed in the Office of Secretary of State June 28, 1989

LEGISLATIVE UPDATE

SUMMARY:

Counties should investigate the possibility of utilizing this Act as a resource for financial assistance for a variety of juvenile justice detention needs (construction, remodeling, staffing needs, etc.). However, it is not clear if the provisions of this Act can provide any assistance in pretrial detention or post adjudicatory detention of juveniles.

While the Act does not specifically exclude the use of any generated funds pursuant to the formation of the special taxing districts for juvenile detention purposes, the language of the Act is clearly more compatible with matters pertaining to adult jails. This matter should be investigated with your local legal counsel.