

Juvenile Hall Warrant Study: Impact and Implications on Detention in Juvenile Hall

Introduction:

Juvenile Bookings related to arrest warrants have an impact on the juvenile hall population. In order to examine the true impact of these warrants on detention and how DMC issues are impacted by internal and external practices, this study will look specifically at two types of juvenile bookings:

1. Juvenile booking for an arrest warrant for Failure to Appear at a court hearing and;
2. Juvenile bookings for arrest warrants issued for absconding from out-of-home court placement.

This study examined booking data for the 8-month period of August 1, 2003 to March 31, 2004. All bookings related to FTA warrants and Placement AWOL warrants were examined with close attention paid to ethnicity and custody time after the booking. Several other variables were analyzed as well.

The over all goal or purpose of this study is to determine if there are existing practices that are inherent to the juvenile justice system that impact the issuing of arrest warrants and custody time in juvenile hall subsequent to the booking. Once the data is analyzed the findings will be summarized and if necessary, suggested modifications to existing policies and procedures will be made.

Summary of data collected:

The study examined 600 bookings for an 8-month period. Of the 600 bookings, 64 were for warrants for FTA's and 30 were for warrants for absconding from out-of-home placement

A Failure to Appear (FTA) Arrest Warrant is typically issued after a juvenile misses a scheduled court appearance. The types of court hearings may include an arraignment on a probation violation, arraignment on new law violation, a court review, a pre trial hearing or disposition.

As is practice, once a youth absconds from court ordered placement a Bench Warrant for his/her arrest is requested. In most cases that youth is apprehended and brought into juvenile hall. Youth abscond for a number of reasons: they miss their family and friends, they might crave drugs/alcohol, have poor impulse control and/or they do not feel comfortable in their placement.

I. Failure to Appear (FTA's)

- There were a total of 64 FTA's

An analysis of the FTA's will hopefully provide answers to the following questions:

- 1) What type of court hearing did youth fail to appear at?
- 2) Was one ethnicity disproportionately represented over the other?
- 3) How much custody time was served following the arrest for FTA warrant?
- 4) Did one ethnicity spend more time in custody than the other after booking?
- 5) Out of the 64 FTA cases, how many of those cases were unique, non-repeated?
- 6) Are there practices within the system that perpetuate DMC issues?

** As each question was answered, several other questions arose. These can be addressed in the findings sections of the study.*

Table 1: FTA by type

FTA Review	FTA Arr for PV	FTA-Dispo	FTA-EMP Viol	FTA-Home Sup Vio	FTA-Arr New Charge	FTA-Pre Trial
15	28	3	3	3	5	7

Table 2: FTA by ethnicity

Ethnicity	FTA Arr for PV	FTA Review
Latino	14	9
Anglo	13	4
Black	1	1
<i>Total</i>	28	<i>14</i>

Table 3: FTA's Unduplicated Count

<i>Ethnicity</i>	<i>Total #</i>	<i>Total %</i>	<i>Total Days Custody</i>	<i>Total % of custody days</i>	<i>Avg. # days in Custody</i>	<i>Mode</i>	<i>Median</i>
Latino	35	55%	290	50%	8.2	2	3
Anglo	26	40%	275	48%	10.5	4	7
Black	3	5%	12	2%	4		
Totals	64	100.00%	577	100.00%			

- Unduplicated Count-FTA's
 - There were 52 unique cases
 - 7 individuals had 2 or more FTA's
 - The 7 individuals who had repeat FTA's accounted for a total of 18 FTA's or 28% of all FTA's

Table 4: Profile of repeat FTA's

<i>Ethnicity</i>	<i>Total #</i>	<i>FTA-Review</i>	<i>FTA-ARR on PV</i>	<i>FTA-Pre Trial</i>	<i>FTA-EMP Violation</i>	<i>FTA-HS Violation</i>	<i>Total FTA's</i>
Latino	5	3	6	1	1	1	12
Anglo	2	2	4				6
Totals	7	5	10	1	1	1	18

II. FTA findings (all cases):

We do not currently have data on the ethnicity of all cases that had scheduled court appearances during this time. This would be very useful because a comparison could be made between the ethnicity of FTA's and ethnic composition of **all youth who had court appearances.*

- Consistent with the Juvenile Hall population in terms of ethnic composition, more Latinos (55%) had FTA's than did Anglos (40%). This finding was predictable and similar to the Juvenile Hall Population for 3rd quarter 2003-2004: Latinos made up 56% of population and Anglos were 35.1% of population.
 - *This information would be more useful if a baseline existed which documented ethnicity of all cases with scheduled court hearings.*
- For the time period analyzed, Latinos served on average less time in custody after arrest than did Anglos (8.2 days vs. 10.5 days).

- Further analysis of individual cases indicated that one particular youth had 4 FTA's and his time in custody after being arrested for an FTA was far outside the median. This skewed results for Anglos.
- 44% of FTA's were for arraignments on probation violations.
 - The number of Latinos and Anglos was nearly identical
- 22% of FTA's were for court reviews
 - Nearly 2x as many Latinos as Anglos FTA for court reviews

III. Repeat FTA's Findings:

- More Latino's (n=5) were repeat FTA's than were Anglos (n=2) and accounted for 50% more of the FTA's than Anglos.
- The most missed court appearances were arraignments for probation violations (n=10) and court reviews (n=5)

IV. Placement AWOLS

- There were a total of 30 bookings for warrant arrests related to youth who absconded from out-of home placement.
- 22 of the 30 bookings were unique cases.
- 4 youth were booked in 2 or more times for warrants
 - Youth who had repeat bookings accounted for 12 bookings

Table 5: Placement AWOLS-all cases

Ethnicity	Total #	Total %	Total custody days	Total % custody days	Avg. custody time
Latino	19	63%	342	59%	18
Anglo	9	31%	216	37%	24
Asian	1	3%	12	2%	12
Black	1	3%	12	2%	12
Totals	30	100.00%	582	100%	19.4

Table 6: Repeat AWOL's-Unduplicated Count

Ethnicity	Total #	Total %	Total custody days	Total % custody days	Avg. custody time
Latino	14	63%	342	59%	24.42
Anglo	6	27%	216	37%	36
Asian	1	5%	12	2%	12
Black	1	5%	12	2%	12
Totals	22	100%	582	100%	26.45

V. Placement AWOL Findings (all cases):

- The ethnicity for **all** youth placed during the time period studied was:
 - Anglo 46.7%
 - Latino 52.81%
 - Black 1.12%
- While the rates of placement by ethnicity between Latinos and Anglos were nearly equal, rates of youth who went AWOL is not proportionate.
 - Of those who went AWOL, 63% were Latino and only 31% were Anglo. Latinos were 2x more likely to go AWOL from placement.
- Latinos averaged less time in custody following arrest than did Anglos. Latinos=18 days custody, Anglos=24 days.

Summary of findings

An analysis of data shows commonalities across the two categories that were examined: 1) Latinos Fail to Appear (FTA) for court in higher numbers and; 2) Latinos more likely to abscond from court ordered placement. This impacts juvenile hall and perpetuates a situation where Latinos are over represented in the daily average population.

As previously mentioned, more data must be collected to demonstrate if Latinos are more likely to FTA than are Anglos. The data that must be collected includes tracking ethnicity of all cases that have court hearings.

A majority of the FTA's were for arraignments on probation violations. It appears that the probation officer practice of calendaring a youth for out-of-custody violations often ended inadvertently with incarceration.

Recommendation: Ethnicity of all cases on the court calendar should be tracked. This can be followed up with a comparison of FTA rates by ethnicity. It is yet to be

determined if the number of Latinos who FTA is disproportionate to the number who have actual court dates. It may be hypothesized that this would be the case.

One can conclude that FTA's have an impact on detention regardless of ethnicity. As is evidence, most of the repeat FTA's are for arraignments on probation violations and court reviews.

Recommendation: A process should be implemented which aims to reduce FTA's. For example, juvenile hall staff could call youth and remind them of court appearances. Probation officers should be fully aware of the implications of calendaring a youth for a court hearing on probation violations. They may not realize that the unintended consequence is detention when a youth Fails To Appear.

In addition to this, it is imperative that probation officers be diligent in reminding their probationers of court hearings for violations. Calls to families and youth regarding court dates should be made in the language that the family is most comfortable with.

Reducing FTA would reduce juvenile hall bed days and probably address DMC issues as well.

Youth who abscond from court ordered placement and are subsequently arrested have a significant impact on juvenile hall population and DMC. The rate of placement for Anglos and Latinos was similar, however, Latinos were 2x as likely to be apprehended for warrants related to absconding from placement than were Anglos. Higher rates of Latinos absconding from placement would logically mean higher numbers of Latinos arrested and detained for running from placement.

While Latinos were over-represented as far as AWOL rates and subsequent arrests on a warrant, as a whole they spent on average fewer days in custody. This can be misleading however. Upon closer inspection of cases who absconded from placement there was one youth in particular who spent far more time in custody after going AWOL than did he others. This youth was Anglo and because of his special needs he was very difficult to place. As a whole all cases spent 19.4 days in custody after arrest on warrant. This average is higher than that of those cases who are waiting placement without having been arrested first for a warrant. Their average is 9-10 days. The longer average length of stay is likely related to the fact that youth apprehended for running from their placement are harder to place and may be repeat offenders.

Why are Latinos absconding from placement at higher rates than Anglos? This is a question that must be answered if DMC issues are to be addressed. It could be hypothesized that some programs are better at serving Latinos than others. This cannot be proven until a rigid study is completed.

Recommendation: It is recommended that a further study be completed that uses a valid instrument which measure how successful programs are at working with Latinos. Are

programs culturally competent? Youth and families can be interviewed regarding their experiences with the programs.

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