

ACT NOW TRUANCY PROGRAM

Gene Bertie ^a

^a Pima County Attorney's Office, Tucson, AZ

Abstract

The ACT Now Truancy Program provides truancy enforcement and early intervention with the mission to return the habitually truant student to school. This requires case assessment, case management, and the implementation of early intervention strategies, truancy laws enforcement and prosecution. This program collaborates between eight participating schools districts, the Center for Juvenile Alternatives, The Pima County Attorney's Office, and law enforcement agencies throughout the City of Tucson and Pima County. A strong collaborative effort from the above partners is essential to maintain program success. Since 1997, the program has served over 5000 truancy cases with a 70 percent compliance rate.

Introduction

Pursuant to Arizona Revised Statutes, the Arizona Criminal Justice Commission is charged with preparing an analysis and review of the criminal justice system, including crime prevention. On behalf of the Arizona Criminal Justice Commission, the Youth and Crime Task Force was formed in 1993 to provide to the Governor and legislature recommendations for statutory, legal, and administrative revisions on a criminal justice issue of special timeliness and the issue of youth and crime. The Schools and Crime Working Group, participated as volunteers from July, 1993, through July, 1994, to address the problem of ever-increasing school violence. The working group was charged with recommending workable and comprehensive solutions to making our schools safe and secure educational environments where learning is the primary focus.

The recommendations of the Working Group focused on prevention and meaningful intervention. From the data presented, the Working Group determined that one risk factor and early warning sign of a troubled and potentially criminally involved youth is **poor attendance in school**. Youth who possess a propensity for crime, aggressive behavior, substance abuse, school dropout, and other dysfunctional behaviors are often significantly truant during their life.

Research shows that chronic truancy is a predictor of future criminal behavior. Nine out of 10 felons were chronic truants during their school years. Poor school attendance is often a direct consequence of lack of familial stability, lack of parental control due to insufficient parenting skills, and child abuse or neglect in the home. Preventing youth crime and violence must begin early with intervention to correct and reverse the known root causes of truancy. Recognizing this, the Pima County Attorney's Office works to get truant students back in school to prevent a life of crime and increase the potential for a life of success.

In 1995, then Assistant County Attorney Barbara LaWall focused efforts on truancy in the Pima County Attorney's Office. She formed a collaboration with eight of the superintendents in Pima County and from her office, using one assistant, and in line with Arizona Revised Statutes §15-802 and §13-3613, developed a truancy intervention program with the purpose to get truant children back in school through effective early intervention.

In 1997, Pima County Attorney Barbara LaWall formed the Community Justice Unit, which worked to enhance the program and appointed an ACT Now Truancy Director. The collaboration with the Center for Juvenile Alternatives was enhanced to provide better case assessment and early intervention. Now, The Pima County Attorney's Office works in partnership with the Center for Juvenile Alternatives (CJA) which provides the case management, law enforcement, eight school district administrators, teachers, parents **and** students to intervene at the very beginning of the truancy cycle. The program ensures that a truant student, instead of being prosecuted, is first offered a diversion program. The County Attorney cites and prosecutes parents as a last resort. Since 1997, the ACT Now Truancy Program has handled over 3,300 cases performing at a 70 percent compliance rate.

Program Summary

The Laws that Sanction

A.R.S. §15-802 requires that a person having custody of a child between six (6) and sixteen (16) years of age must send the child to school full-time when the school is in session, unless statutorily excused. Failure to ensure that a child attends school is a criminal offense and subject to a fine of up to \$500, plus surcharges, and a possible jail sentence of up to thirty (30) days.

A.R.S. §§13-3613 and 13-3612 also require parents to not commit any act which causes, encourages, or contributes to a child's dependency. A dependent child is one who, among other acts, refuses to attend school. Contributing to the Dependency of a Minor is a criminal offense which carries a fine of up to \$2,500 and a possible jail sentence of up to six (6) months in the Pima County jail.

ACT Now Truancy Program Procedures

Phase One

Schools

Step 1 Schools will also place an ACT Now Program summary in school's parent/student handbook.

Step 2. Advisory letters are sent to parent(s) after the first unexcused absence.

Step 3. The school makes every effort to resolve the truancy issue with the offending student and parent(s)

Step 4. After 3 and no more than 10 unexcused absences the school will:

- Complete Truancy Referral Form, including documentation of efforts made to keep the student in school.
- Provide a copy of the student's official attendance record.
- Provide documentation of all parent and juvenile contacts.
- Provide a notarized affidavit completed by a custodian of records for each referred student. The affidavit and the attendance record must be stapled together. (No photocopies can be accepted).
- Provide a copy of the student's emergency contact information.
- Create a package of the above information and mail or fax to CJA. Mailing address: 630 East 19th, Tucson, Arizona 85705, Fax 520-670-1753.
- Schools will provide to the Pima County Attorney's Office semi-annual statistical data, which includes:

- average daily membership
- unexcused absences
- excused absences
- number of notification letters sent

Phase Two

Center for Juvenile Alternatives

The Center for Juvenile Alternatives Case Manager will focus on identifying core issues and providing effective case management. The attendance issue may be a manifestation of other issues occurring within the family infrastructure. The Case Manager will implement early intervention strategies. Upon receipt of the case, the CJA Case Manager will do the following:

Step 1. Review the referral package received from the school to support the interview process and schedule an Intake interview with the juvenile and parent(s).

Step 2. Conduct a Psychosocial Assessment at the intake interview. This interview will explore the following areas of influence to determine the “core issue(s).”

- Individual issues and assets
- Family/Home situation and relationships
- School academic status and behavior
- Community support
- Peer group relationships
- Potential psychological issues
- Determine the risk/needs level of the case

Step 3. After analysis of the assessment interview, the case manager will initiate the intervention strategies. The following are examples of mandatory and potential strategies:

- Juvenile must obey all laws
- Juvenile must attend school as required
- Individual or family counseling
- Academic planning
- Career planning
- Independent living classes
- Educational success classes
- Parenting programs
- Tutoring
- Mentoring
- Community Justice Board Program
- Triumph Program

Step 4. The case manager will provide case supervision dependent on the age level of the juvenile. The following is the supervision breakdown:

- Intensive supervision will be provided for juveniles 6 to 11 years of age and will involve the following mandatory and potential intervention strategies:
 - Periodic school attendance/behavioral records checks

- Periodic one on one contacts with the juvenile and parents
 - Parent(s) may be made to attend parenting programs
 - Parent(s) and juvenile may be made to attend Family Counseling
 - Educational Success Programs
 - Tutoring programs
 - Mentoring programs
- Moderate supervision will be provided for juveniles 12 to 14 years of age and will involve the following mandatory and potential intervention strategies:
 - Periodic school attendance/behavioral records checks
 - Juvenile must contact the case manager once a week
 - Parent(s) and juvenile may be made to attend Family Counseling
 - Educational Success Programs
 - Tutoring programs
 - Mentoring programs
- Minimal supervision will be provided for juveniles 15 to 16 years of age and will involve the following:
 - Juvenile must attend the Triumph program
 - Parent(s) and juvenile may be made to attend Family Counseling
 - Educational Success Programs
 - Tutoring programs
 - Mentoring programs

Step 5. Case closure

- Successful completion of all terms and requirements of the CJA contract by parent(s) and minor will result in the case being closed.
- CJA will submit a termination report to the referring school.
- Failure to participate or complete the CJA contract will require the filing of a criminal complaint against the parent(s) and prosecution of the parent(s) in Justice Court. CJA will package the case and hand carry it to the ACT Now Truancy Director providing the following information:
 - School information/referral
 - Affidavit with attendance profile
 - CJA psychosocial report and updates
 - Psychosocial report

Phase Three

Pima County Attorney's Office

The main priority of the ACT Now Truancy Program is to get truant students back to school. Prosecution is a last resort. However, in the event that parents or the juveniles fail to comply, the Pima County Attorney's Office is prepared to prosecute the parent(s) based on the following procedure:

Step 1. Case is referred to the ACT Now Truancy Director who will:

- Log case into the PCAO truancy database.

- Assign case to PCAO Detective.

Step 2. PCAO Detective will:

- Locate family
- Interview parent and document
- Make a determination if the case will be referred back to CJA depending on mitigating circumstances or will be cited into Justice Court. The detective also has the option to close the case again based on mitigating circumstances.

Step 3. If cited the parent must attend the following Court proceedings:

- Arraignment
- Case Management Consultation
- Trial/Plea Agreement
- Disposition
- After each court appearance, school will be notified of case outcome.

Step 4. In the event that the parent fails to appear for any Court process, a warrant for their arrest will be issued.

Phase Four

Court Dispositions

1st Offense

1. Plead to 1 count §15-802 C3M
Dismiss 1 count §13-3613 C1M
2. \$200 fine and surcharges
3. (Within 48 hours) Parent must contact the Truancy Center to set an appointment for evaluation and referral.
4. Parent to serve 10 hours Community Service (not in school).
5. Parent must ensure that their child regularly attends school.
6. Parent will be on unsupervised probation for a minimum of 6 months.

2nd Offense

1. Plead to §13-3613 C1M
Dismiss §15-802 C3M
2. \$1,000 fine and surcharges, \$750 waived if successful on diversion
3. (Within 48 hours) Parent must contact the Truancy Center to set an appointment for evaluation and referral.
4. (Within 10 days) Meet with school truancy administrator and complete a written plan (to be submitted to the court and prosecutor) re: what steps they will be taking to ensure their child's attendance in the future.
5. Parent to serve 50 hours Community Service (not in school)
6. Parent must ensure that their child regularly attends school.
7. Parent will be on supervised probation for a period of six months.

3rd Offense

1. Plead to §13-3613 C1M
Dismiss §15-802 C3M

2. \$1,000 fine and surcharges, \$250 waived if successful on diversion
3. (Within 48 hours) Parent must contact the Truancy Center to set an appointment for Evaluation and referral.
4. (Within 10 days) meet with school truancy administrator and complete a written plan (to be submitted to the court and prosecutor) re: what steps they will be taking to ensure their child's attendance in the future.
5. Parent to serve 50 hours Community Service (not in school)
6. Serve 24 hours in jail
7. Parent must ensure that their child regularly attends school.
8. Parent will be on supervised probation for a period of one year.

Failure to comply with a judgment or a plea could result in:

- a class three misdemeanor
- 30 days in Pima County Jail
- \$200 fine
- 6 months unsupervised probation
- 20 hrs. community service

or up to

- a class one misdemeanor
- up to 6 months in the Pima County Jail
- \$2,500 fine

Truancy Sweeps

According to the Arizona Department of Education, there are over 1,200 truant students daily in Pima County. The commitment of the Pima County Attorney's is to enforce the laws and to work to get truant students back to school. When students are truant, there is the potential that they will get in trouble. They also miss out on the education they will need to enhance their future. In this endeavor, The Pima County Attorney's Office conducts an average of three county wide truancy sweeps per year. The truancy sweeps are a collaborative effort between County Attorney's Office, all of the Law Enforcement Agencies in Pima County, County Superintendent's Office, and The Pima County Juvenile Court and various school districts.

Since 1996, over 1,200 truant juveniles were arrested and processed by the Center for Juvenile Alternatives originating from the sweeps. Over that same period, 120 parents were cited for failure to send because of excessive truancy and faced court action. The sweep sends a message that the Pima County Attorney's Office and the participating agencies are serious about combating truancy. When a sweep is initiated, truancy is not the only thing that surfaces. The sweeps have exposed home environments in need of social services, abused children, children acting out risky behavior and criminal activity.

The cases that did not comply with the CJA case management were referred to the Pima County Attorney's Office for citation and prosecution. As noted, out of the 5,180 case referred to CJA, 1,554 were referred to the Pima County Attorney's Office and were deemed noncompliant by CJA (Table 1, next page). Therefore, the ACT Now Truancy Program / CJA case management is performing at a 70 percent compliance rate.

In reference to success rates after court dispositions, due to the limited resources, we are unable to track the success rates of the parents cited and prosecuted. The program focuses the effort on the case management provided by CJA.

Table 1. Program outcomes, FY 1997 to FY 2006

Total number of cases referred to CJA: 5,180	5,180
Total number of cases referred for prosecution: 1,554	1,554
Total number of citations: 1,061	1,061
Total number of trials (Parents): 449	449
Total number of guilty at trial: 185	185
Total number of not guilty at trial: 35	35
Total number of guilty pleas: 540	540
Total number of administrative close: 649	649
Total number of bench warrants: 408	408

Program Challenges

Funding has been the biggest challenge. The program is dependant on grant funds, namely the Juvenile Accountability Block Grant, which in 2000/2001 was funding six case managers. However, over time the grant monies have dwindled to now when only one case manager is funded. The case management portion of the program is now prioritizing case supervision to provide intense supervision for elementary students and less intense supervision for high school students.

Another challenge involves school participation. There are schools that participate to the fullest. However, other schools fail to provide statistics in a timely manner or at all. This can skew our statistics. There are schools that fail to follow program procedures like accruing too many unexcused absences before sending a case to CJB. In an effort to keep the schools on board, the ACT Now Truancy Director provides training for all of the school districts at the beginning of every school year.

Discussion

Truancy is a symptom of internal issues that we call “core issues” such as poor parenting, poor health, substance abuse, domestic violence, mental illness, etc. The case management is essential to identify the core issues and provide effective intervention. There is little difference in the juvenile characteristic of a truant as opposed to a delinquent. The arrest of a truant opens up the potential to identify high-risk juveniles and intervene before they enter into the system. It is important that we remain proactive in this endeavor despite the opposition of those who do not see truancy as a priority.

References

- U.S Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. (2001, September). *Office of Justice Programs*. Washington, DC: Author.
- U.S Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. (2005). *Office of Juvenile Justice and Delinquency Prevention: News @ A Glance: Partnerships for Safer Communities*. January/February (2005). Washington, DC: Author.