

# Developing and Validating a Consensus-Based, Objective Detention Intake Screening Instrument

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# Goals

- Protect public safety
- Provide objective decision making
- Limit inappropriate use of secure detention
- Identify those for whom detention alternatives are appropriate
- Reduce over-representation of children of color in secure detention

# Development Process

1. Assembled relevant stakeholders
2. Achieved agreement on purposes of detention
3. Examined current detention trends
4. Reviewed examples of Detention Risk Assessment Instruments (RAIs) from other sites
5. Achieved consensus on who should be securely detained

# Development Process (continued)

6. Drafted an instrument to reflect that consensus
7. Tested the instrument on a set of retrospective cases – examined discrepancies – revised as needed
8. Field tested in real time, parallel to existing process – revised as needed
9. Implemented the instrument
10. Collected and analyzed validation data

# Key stakeholders

- Judge/Magistrate
- Prosecutor
- Public Defender
- Probation
- Intake Supervisor
- Indianapolis Metropolitan Police
- IPS School Police
- Service Providers
- City-County Council
- Corrections Consultant

# Agreement on Purposes of Detention

To use secure detention only to protect the public from youths who:

1. Have a high probability of committing additional offenses during the period between intake and disposition/case closing, or
2. Have a high probability of failing to appear for their court hearing(s)

# Achieving Consensus

1. Created three groups of offenses:
  - a. Those that should almost NEVER result in secure detention (e.g., status offenses, etc.) – Category 3
  - b. Those that should almost ALWAYS result in secure detention (e.g., violent felonies, etc.) – Category 1
  - c. Those that may result in secure detention if other risk factors are present – Category 2
2. Further sorted Category 2 offenses into two or three groups (2a, 2b, 2c)

# Marion County JDAI Admissions Subcommittee: RAI Offense Groupings

Offense Seriousness									
Less Serious			→						More Serious
Category 3 UNCONDITIONAL RELEASE			Category 2 CONDITIONAL RELEASE (Detention Alternatives)			Category 1 SECURE DETENTION			
Status Offenses	Misdemeanors (exc. handgun; recklessness)	D Felonies (exc. fleeing; vehicle theft)	Vehicle Theft  C Felonies (property)	C Felonies (drug)	Sexual Battery  Criminal Recklessness against a person  Fleeing (Felony D)  C Felonies (person)	Battery (Felony C)  Sex Offenses (exc. Sexual Battery)  Criminal Recklessness w/injury or endangerment  Escape (Felony C)  All cases involving serious injury or death	All Felony A  All Felony B	Direct File Charges (if underage)	

# Achieving Consensus (continued)

3. For each of the Category 2 groups, determined the additional risk factors that could warrant secure detention
4. Developed a concise way to score prior offense history/pending offense characteristics
5. Developed a balanced list of aggravating and mitigating factors that could “tip” the decision in borderline cases

# Achieving Consensus (continued)

6. Created two scoring thresholds such that:
  - a. Category 1 offenses score at or above the threshold for secure detention
  - b. Category 3 offenses score below the threshold for detention alternatives
  - c. Category 2 offenses are arrayed between the two thresholds
7. There are thus 3 basic recommendations:  
secure detention, detention  
alternatives, unconditional release

# Achieving Consensus (concluded)

8. Scored the other RAI factors such that they can “tip” cases from one recommendation class to another as appropriate.
9. Allowed screener overrides with supervisory approval and written justification
10. Tested the rough draft by discussing a few hypothetical case scenarios – adjusted as needed.
11. Conducted retrospective and field tests
12. Analyzed results, adjusted, implemented  
5/01/2007

1. MOST SERIOUS INSTANT OFFENSE: \_\_\_\_\_  
 (Only choose one item indicating the most serious charge)

(I-A) <i>Murder, Kidnapping, Rape, Criminal Deviant Conduct, Robbery (armed or with bodily injury), Car Jacking, Criminal Gang Activity, Criminal Gang Intimidation, Carrying Handgun w/o Lic., Children &amp; Firearms, Dealing Sawed-Off Shotgun</i> (charges in italics reflect direct file charges for those over 16) .....	15	
(I-B) All A and B Felonies, Criminal Recklessness w/ serious injury or endangerment, Handgun/ Firearm Violation, Child Molest, Escape (from a secure facility or due to unauthorized removal of Electronic Monitoring device), Confinement w/ serious endangerment, cases resulting in death .....	13	
(II-A) Battery C Felony .....	11	
(II-B) Other C Felony against a person, Criminal Recklessness against a person, Sexual battery, Fleeing (Felony D) .....	8	
(II-C) C Felony (Drugs) .....	7	
(II-D) C Felony (Property), Vehicle Theft, Detention Order based on FTA or violation .....	6	
(III-A) D Felonies (except fleeing, vehicle theft), Misdemeanor battery .....	4	<input style="width: 40px; height: 20px;" type="text" value="+"/>
(III-B) All other Misdemeanors (except battery, handgun, criminal recklessness) .....	3	
(III-C) Status Offense .....	0	

NOTE: All probable cause detention orders should be scored based on the original, underlying offense.

2. PRIOR OFFENSE HISTORY (Only choose the highest item)

Juvenile or adult charge pending on any A or B Felony, C Felony (person only), or handgun offense .....	6	
Past Finding of Delinquency or conviction on any A or B Felony or a C Felony (person only) or handgun offense .....	6	
Documented Escape from a secure facility within the last 18 months .....	4	<input style="width: 40px; height: 20px;" type="text" value="+"/>
Currently on Suspended Commitment for any Felony or Misdemeanor .....	3	
Past Finding of Delinquency on any C felony (non-person) or any D felony .....	3	
Documented Court FTA within the last 12 months .....	3	
Past Finding of Delinquency on a Misdemeanor .....	2	

3. AGGRAVATING FACTORS (Check and Add all that apply, up to 3 points)

<input type="checkbox"/> Currently on pre-adjudication release conditions .....	3	
<input type="checkbox"/> 2 or more arrests within the past 30 days or 4 or more arrests within the last 6 months .....	2	
<input type="checkbox"/> Multiple incidents/victims alleged in this referral .....	2	<input style="width: 40px; height: 20px;" type="text" value="+"/>
<input type="checkbox"/> Offense or behavior was particularly severe or violent .....	1	
<input type="checkbox"/> Minor is under the influence of drugs/alcohol at arrest .....	1	
<input type="checkbox"/> Victim is a witness in a pending case or repeat victim .....	1	
<input type="checkbox"/> Large age differential between perpetrator/victim (child molest) .....	1	

4. MITIGATING FACTORS (Check and Subtract all that apply, up to 3 points)

<input type="checkbox"/> Involvement in offense was remote, indirect or otherwise mitigated .....	1	
<input type="checkbox"/> No arrests or citations within the last year .....	1	<input style="width: 40px; height: 20px;" type="text" value="-"/>
<input type="checkbox"/> Minor demonstrates stability in school or employment .....	1	
<input type="checkbox"/> Age of offender (very young) .....	1	
<input type="checkbox"/> Youth has a disability (mental illness, addiction, developmental disability, low IQ, special education needs) .....	1	
<input type="checkbox"/> Small age differential between perpetrator/victim (child molest) .....	1	
<input type="checkbox"/> History of successfully completing prior pre-adjudication release conditions .....	1	

DECISION SCALE

Score 0-5..... RELEASE  
 Score 6-11 ..... RELEASE WITH CONDITIONS  
 Score 12 +.....DETAIN

TOTAL SCORE

\*\* No youth 12 years old or younger may be detained without specific permission from the Juvenile Court Judge or Chief Juvenile Probation Officer. Those that score 12 or more on the Risk Assessment Instrument may be overridden and the youth may be released with conditions.\*\*

ADMINISTRATIVE OVERRIDE:      YES      NO      REASON: \_\_\_\_\_

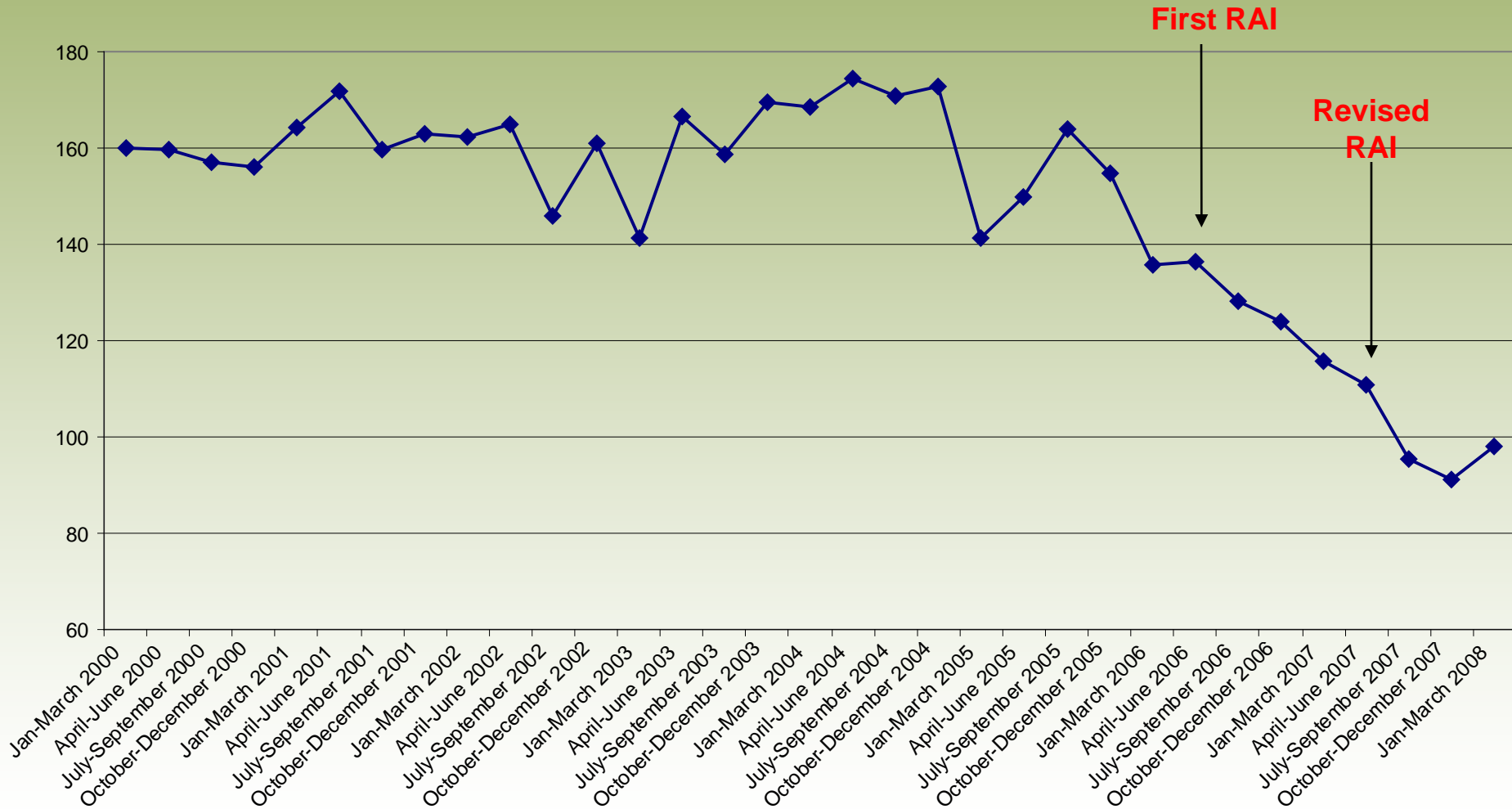
FINAL DECISION:                      DETAIN                      RELEASE                      RELEASE WITH CONDITIONS

# Monitoring Implementation

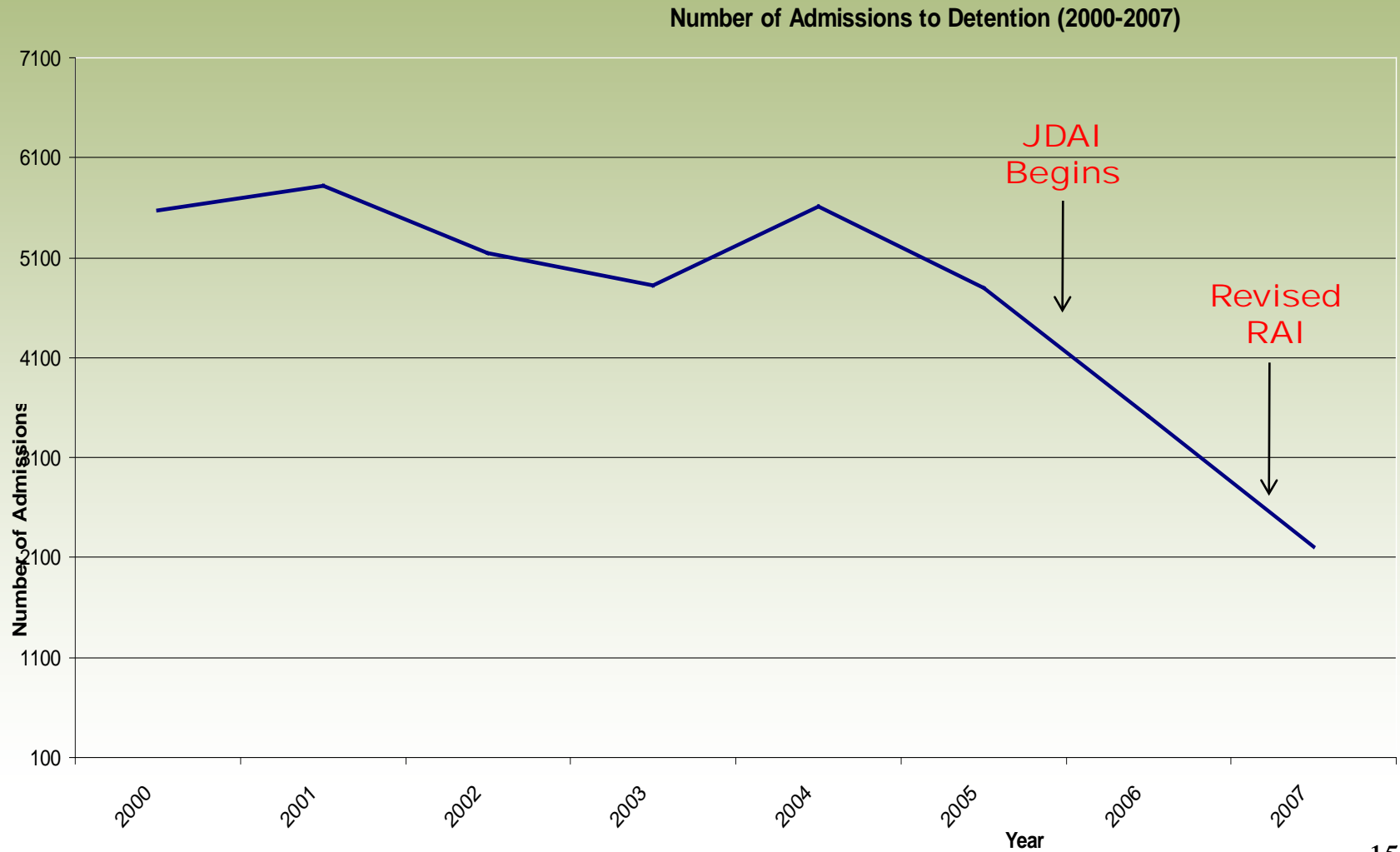
- Review quarterly reports of screening decisions
  - Overall, by race/ethnicity, gender & age
  - Keep track of reasons for overrides
  - Overrides may reflect screener discomfort with the instrument, inadequacies of the instrument or a lack of appropriate alternatives

*The number of youth in secure detention has dropped.*

## Secure Detention: Average Daily Population by Quarter

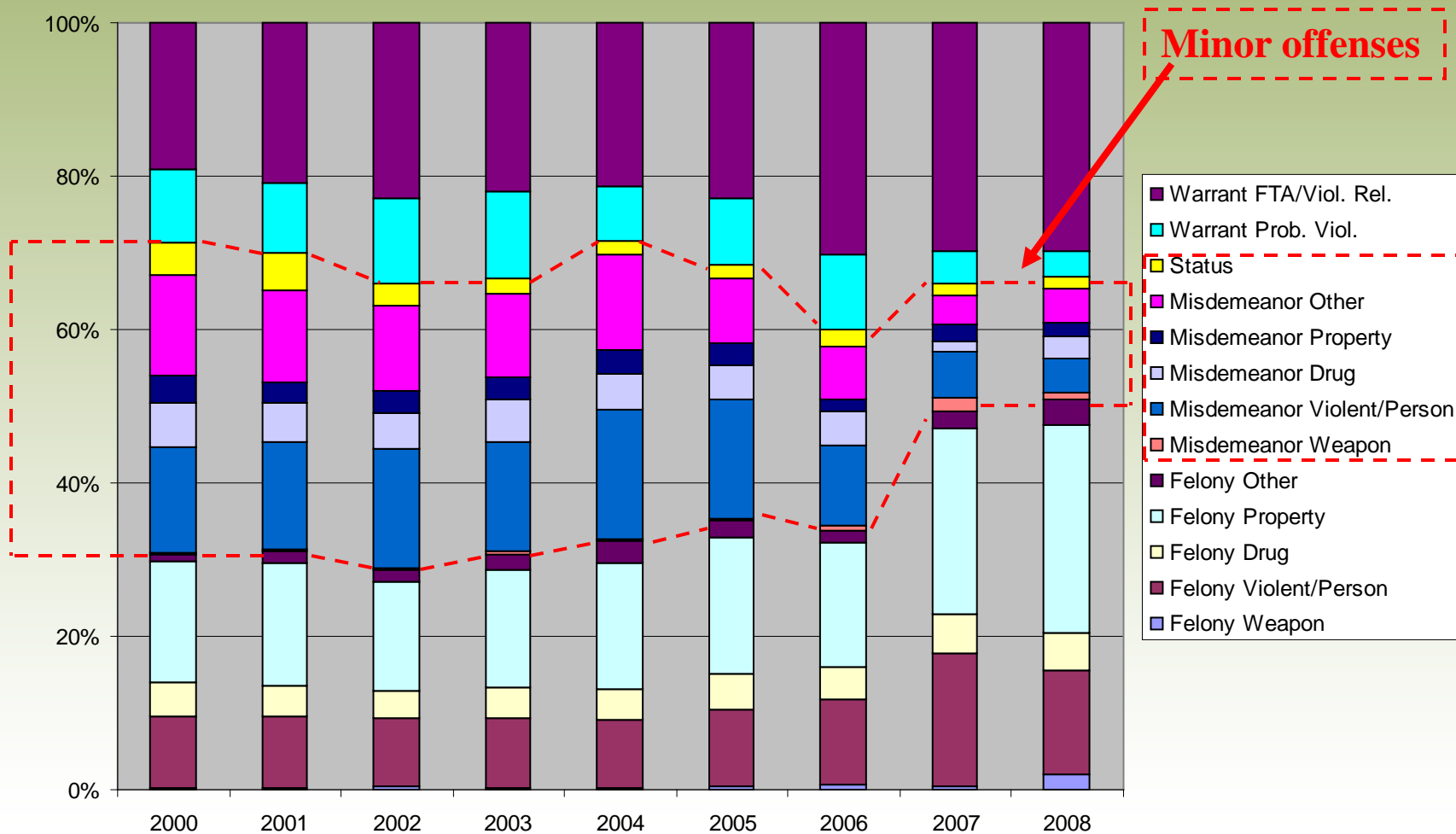


# *The number of youth in secure detention has dropped. (2)*



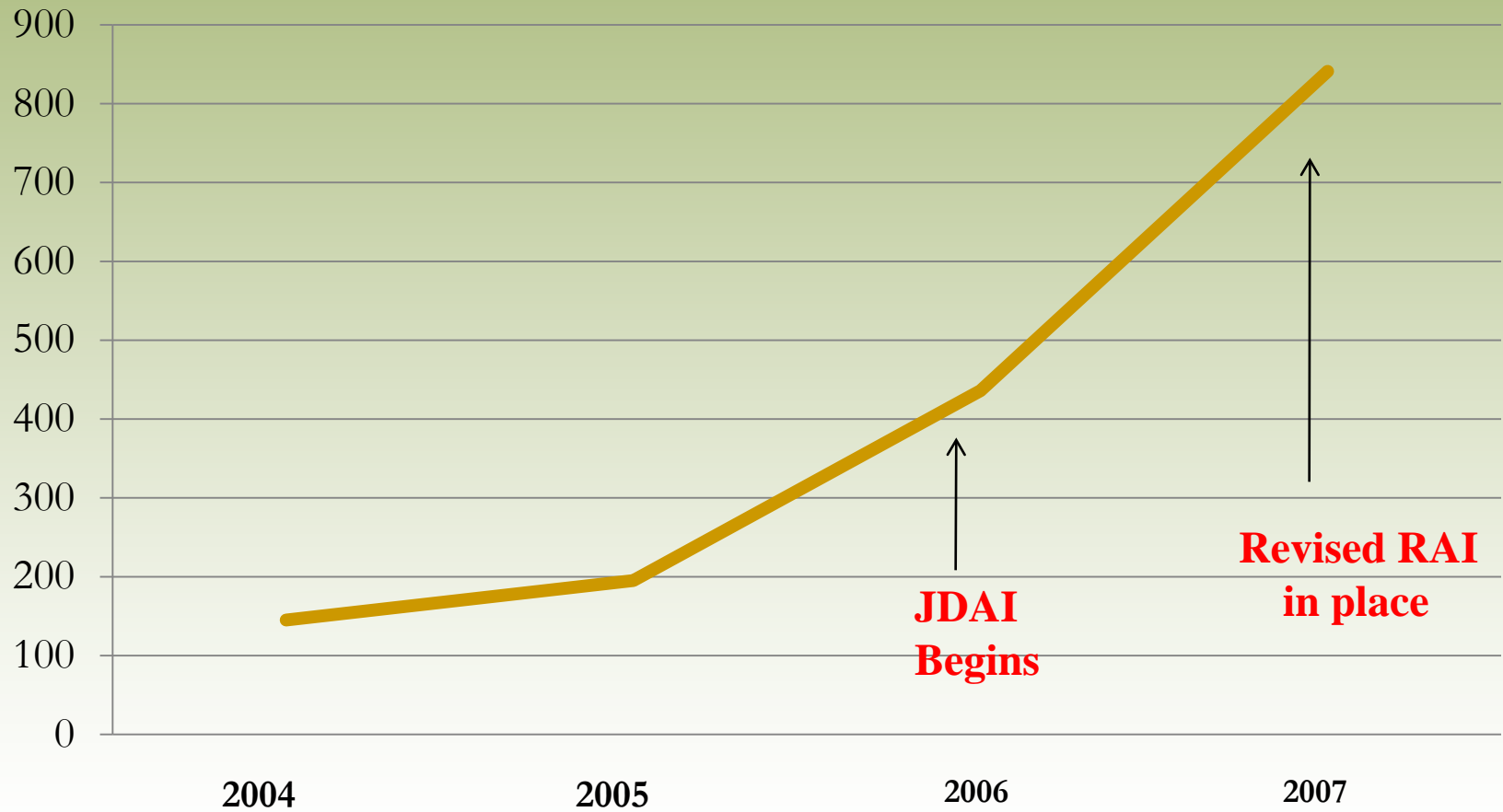
*The proportion of detained youths with minor offenses has shrunk.*

### Secure Detention: Offense Types

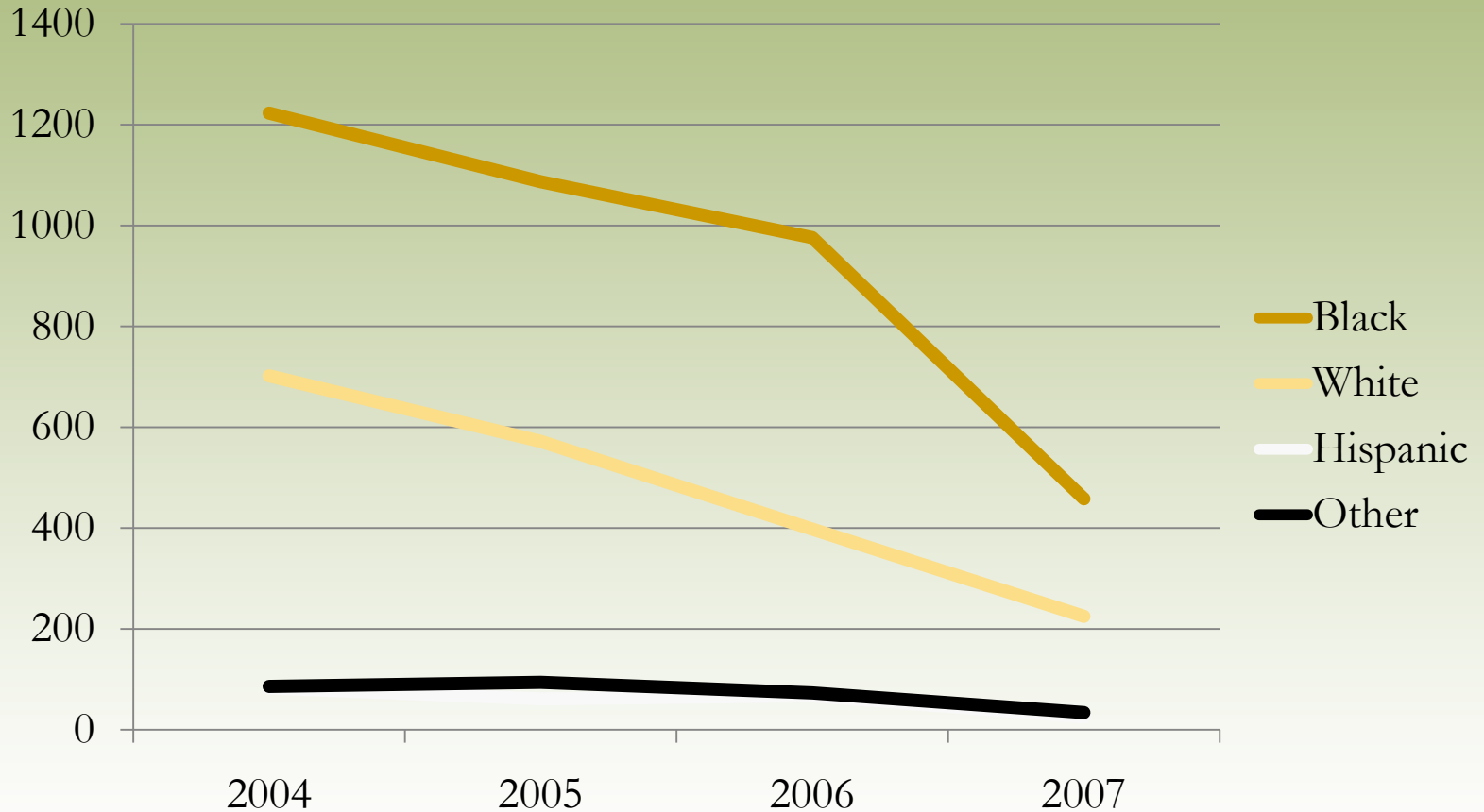


Note: 2007 data are for May-December; 2008 data are for January-March. RAI implemented May 2007

*The use of alternatives (release with conditions) has increased*

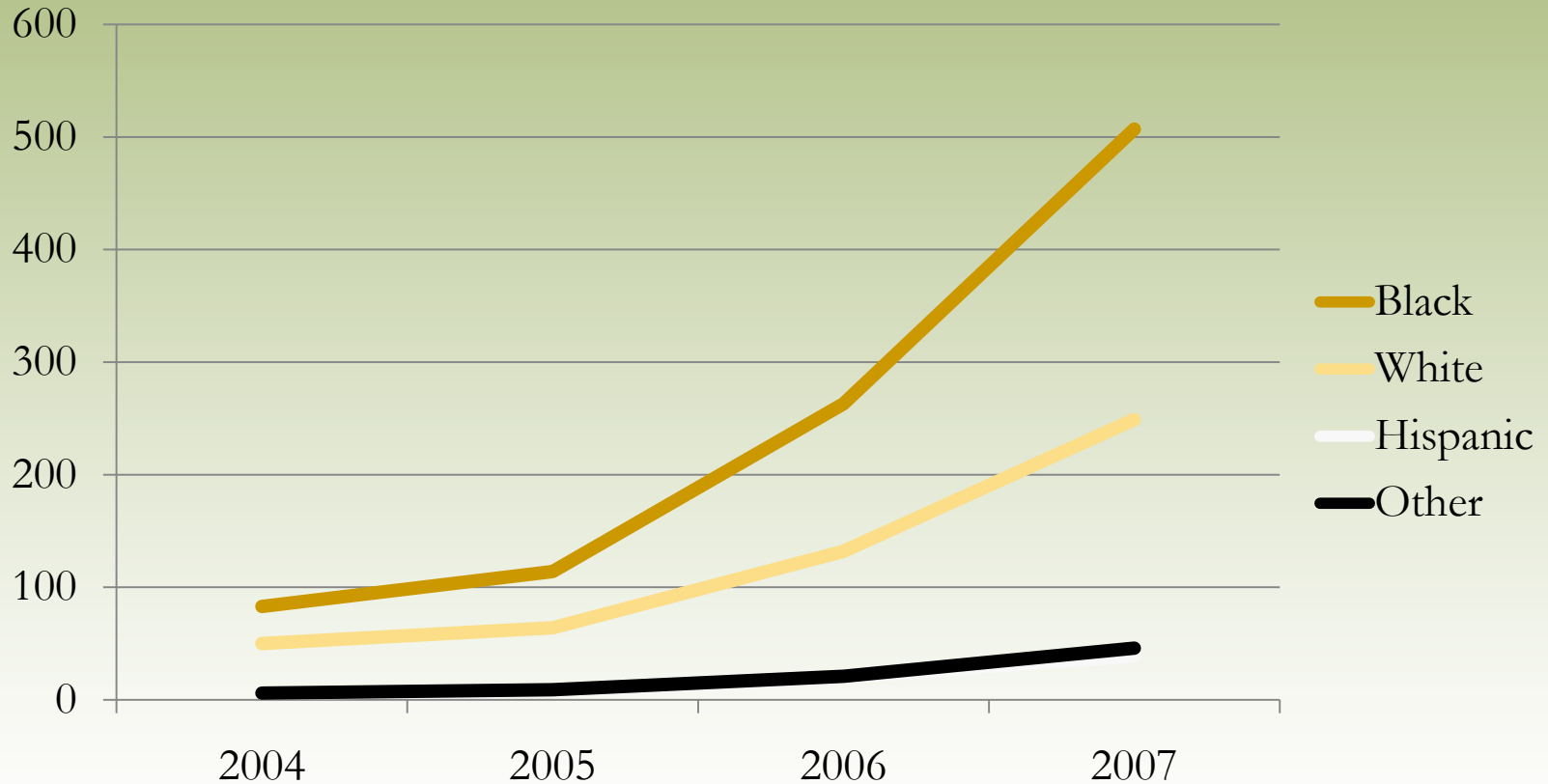


*Racial disproportionality has not been exacerbated*



Detained at Intake

*Racial disproportionality has not been exacerbated*



Released with Conditions

# Validation

Question: Does the use of the revised RAI pose a risk to public safety in terms of:

- New offenses (recidivism)
- Failure to appear at court hearings (FTA)

Method:

- Examined 4315 cases screened with the revised RAI between 5/1/2007 and 11/30/2007.
- Looked for record of new offense or FTA between time of screening and case closure (adjudication, dismissal, no motion taken, or diversion)

# Preliminary Validation Results

- New offenses between screening and case closure:
  - 09.5% of all cases screened
  - 09.1% of cases not securely detained
- Failure to Appear:
  - 03.7% of all cases screened
  - 03.9% of cases not securely detained

# Continuing Issues

- Overrides – still too many
- Disproportionality
- Look more closely at new arrests; modify instrument if necessary
- Maintaining outside stakeholder involvement
- Need for more alternative programs