

The New Jersey Juvenile Detention Alternatives Initiative (JDAI)

Report to The Administrative Office of the Courts Regarding the Development of a Detention Screening Tool and Its Potential Impact on Current Practice

INTRODUCTION & BACKGROUND: JDAI CORE STRATEGIES

In 2004 the Annie E. Casey Foundation selected New Jersey as a replication site for the nationally recognized Juvenile Detention Alternatives Initiative (JDAI). The JDAI was developed in response to national trends reflecting a drastic increase in the use of secure detention for juveniles, despite decreases in juvenile arrests, and the resulting overcrowding of youth detention centers nationwide. The goal of this systems-change initiative is to create more effective and efficient processes surrounding the use of detention. To that end, the JDAI works to reduce the number of youth unnecessarily or inappropriately held in secure detention, while maintaining public safety and ensuring youth appear for scheduled court dates. The JDAI also works to redirect resources toward successful reform strategies and to improve conditions of confinement in detention facilities for those youth who require this most secure level of supervision.

To help jurisdictions accomplish this goal, the JDAI provides a framework for conducting a thorough, data-driven examination of the use of secure detention, and for using that information to develop and implement strategies for system improvement. This proven approach to systems-change has demonstrated across multiple jurisdictions that reliance on secure detention can be safely reduced, and outcomes for youth improved, via implementation of the JDAI's eight core strategies. These eight core strategies include:

- (1) Recognizing the importance of *collaboration and leadership* in effective detention systems
- (2) Reliance on *data* to inform policy and program development
- (3) Implementing effective, objective *admissions policies* and practices
- (4) Enhancing available *alternatives* to secure detention
- (5) Reducing unnecessary *delays in case processing* and corresponding length of stay in detention
- (6) Focusing on challenges presented by “*special populations*,” including youth admitted for violations of probation and warrants, and youth awaiting dispositional placement
- (7) Establishing a process for detention facility self-inspection to address *conditions of confinement*
- (8) Identifying strategies to reduce *racial disparities* in the use of secure detention¹

The third core strategy above – implementing effective, objective admissions policies – is the focus of this report. The report summarizes the work of the Screening Subcommittee – a subgroup of New Jersey's JDAI State Steering Committee – which was charged with developing a

¹ Each of these core strategies is described in detail in *Pathways to Juvenile Detention Reform*, a series of publications available through the Annie E. Casey Foundation.

screening tool for detention admission. After describing the development and initial testing of the draft instrument, the report outlines recommended next steps for review and approval.

PURPOSE OF DETENTION SCREENING TOOLS

The purpose of secure detention is to ensure alleged delinquents appear at scheduled court hearings and to minimize the risk of serious reoffending while youth await the disposition of their cases. This purpose is reflected in New Jersey statute, which states the “objective of detention is to provide secure custody for those juveniles who are deemed a threat to the physical safety of the community and/or whose confinement is necessary to insure their presence at the next court hearing” (N.J.A.C. 13:92-1.3).

The most effective detention admissions practices are those that help ensure secure detention is utilized in a manner consistent with this stated purpose. Implementing a detention screening tool is one practice that effectively helps jurisdictions meet this goal. Detention screening tools are objective, standardized instruments that evaluate a youth’s immediate risk to public safety and risk of flight. They take the form of additive scales where legally relevant factors are assigned point values and sum to a final score that guides the detention admission decision. Given the purpose of detention, the most relevant factors are those empirically related to risk of rearrest or risk of flight. However, screening tools often include additional, select factors that are not correlated with risk, but that nevertheless represent serious public safety concerns (e.g., severity of offense). Finally, screening tools usually contain an override mechanism that allows decision-makers to rule against the placement recommended by the instrument in the event aggravating or mitigating factors exist. Overrides, however, are reserved for exceptional and extraordinary circumstances, since the body of the tool should already reflect the commonly occurring, agreed upon detention criteria.

In addition to helping jurisdictions meet the goal of using detention consistent with its stated purpose, a structured screening tool also promotes consistency, equity, and transparency in decision-making. Decisions are guided by explicitly stated, rational, and objectively measured criteria that are applied uniformly across cases, which results in similar outcomes for similarly situated youth. This consistent use of clearly stated and accepted criteria also provides a buffer against criticism, in the event a particular individual decision is scrutinized. Finally, using a structured detention screening tool also helps jurisdictions allocate limited system resources more efficiently by directing the most intensive interventions to those offenders at highest risk, while using less costly and less restrictive alternatives for lower-risk juveniles.

SCREENING TOOL DEVELOPMENT

Role of the Screening Subcommittee

The structure of the JDAI in New Jersey is multi-level. In each of the five JDAI pilot counties (Atlantic, Camden, Essex, Hudson, and Monmouth), Local Steering Committees comprised of juvenile justice stakeholders from the local jurisdiction are actively engaged in the solutions-oriented work of the JDAI. These Local Steering Committees and their subcommittees are indeed conducting ongoing systems-analysis, identifying where there is room for improvement, and successfully effecting change.

New Jersey’s JDAI is also guided by a State Steering Committee, comprised primarily of juvenile justice stakeholders from state agencies, and representatives from each Local Steering Committee. With multiple local JDAI sites, multiple levels of government, and agencies with multi-tiered organizational structures, the State Steering Committee serves as an information-

sharing and cross-site coordinating body. The State Committee is also engaged in the strategic work of the JDAI, charged with addressing any state-level policy that surfaces as a potential barrier to local reform efforts.

Additionally, since the purpose of secure detention is defined by state statute, the goal is to adopt one screening tool that uniformly guides the use of detention statewide. Given the statewide nature of this work, the development of New Jersey's screening tool has been the responsibility of the State Steering Committee, via its Screening Subcommittee, which convened in the summer of 2004. The subcommittee was charged with developing a screening tool that Family Court Intake Services would use upon receiving a request for detention from law enforcement. The screening tool would recommend one of three possible outcomes – release, placement in alternative custody, or admit to detention – and this recommendation would guide intake's decision. Note that the subcommittee determined the tool in development would not apply in cases where a warrant was active at the time of the call to intake services. While the subcommittee reached this decision during the course of its work, it is important to mention at the outset, as it has a bearing on the discussion of screening tool components, and the nature of the retrospective and prospective studies.

Stakeholders represented on the Screening Subcommittee include the state Administrative Office of the Courts (Family Division and Probation), local judiciary, state Office of the Attorney General, county prosecutors, state Office of the Public Defender, county public defenders, local law enforcement, state Office of the Child Advocate, NJ Institute for Social Justice, consultative support from the Annie E. Casey Foundation, and the state Juvenile Justice Commission (which both convened and staffed the subcommittee). Over the past two years, this diverse group has come to consensus regarding the purpose and benefits of a detention screening tool, agreed on the appropriate screening tool components, drafted and weighted the instrument, conducted retrospective and prospective studies of the instrument, reviewed and processed the study results, finalized a draft tool based on those results, and considered a number of implementation issues.

Approach to Screening Tool Development

The Screening Subcommittee worked to develop a strong knowledge-base regarding screening tools, their development, purpose, and use. Subcommittee members received, reviewed, and discussed a number of written materials, including the publication *Pathways to Juvenile Detention Reform: Controlling the Front Gates-Effective Admissions Policies and Practices*, an analysis prepared by staff regarding the factors most commonly included in detention screening tools, and copies of multiple screening tools/risk assessment instruments used by other JDAI sites around the country. Additionally, attendance at a New Jersey or national JDAI conference, and/or participation as part of a site-visit delegation to a national JDAI "model-site," provided subcommittee members additional training and information-sharing opportunities regarding screening tool development and implementation.

After reviewing this information, the subcommittee agreed to craft a screening tool specific to New Jersey, in lieu of adopting and overlaying an existing instrument onto our detention system. This approach allowed the subcommittee to create an instrument that is consistent with state statute, and responsive to the needs and operations of New Jersey's juvenile justice system. Moreover, by design, the juvenile justice system is comprised of multiple agencies with varied, and often divergent, objectives and philosophies; the full development process allowed for the competing views of the varied stakeholders to be carefully considered and thoughtfully balanced. Finally, because of their direct, active, and hands-on involvement in its conceptualization and construction, subcommittee members have a comprehensive understanding of the screening instrument, its

purpose, rationale, and fundamental components. While starting from scratch is of course a longer process, the result is a screening tool that has the confidence of a diverse group of key actors who are invested in its success and well-versed in its utility. This type of broader-based investment and comprehensive understanding is especially important in light of the challenges faced when working to implement any statewide policy with cross-agency implications.

Identifying Primary Components of the Screening Tool

The subcommittee worked to identify the primary components of the detention screening tool, using New Jersey statute as a frame of reference. As discussed, state statute identifies two purposes of detention – detaining youth who pose a serious threat to public safety, and detaining youth whose confinement is necessary to secure appearance at the next court hearing. State statute then sets forth a set of factors appropriate to consider in assessing whether either of these conditions exist – nature and circumstances of the offense charged, record of prior adjudications, record of appearance or nonappearance at prior court proceedings, age, and ties to the community. When proposing and discussing possible screening tool components, the subcommittee considered whether each related to the statutory purpose of detention and/or to the corresponding factors.

Consistent with a best-practice approach to risk assessment, the subcommittee sought to achieve parsimony and avoid redundancy in the screening tool. In the event subcommittee members proposed components that seemed to overlap, the most legally relevant measure and/or the measure more directly related to the statutory detention criteria was selected. Table 1 lists the components ultimately included in the screening tool, and illustrates the relationship between these components, the two statutory purposes of detention, and the five related statutory criteria.

Table 1. Components Included in the Screening Tool and their Relationship to Detention Statute

<u>Screening Tool Component</u>	<u>Component Type</u>	<u>Statutory Purpose</u>		<u>Related Statutory Factors</u>
		Public Safety Risk	Flight Risk	
# of Current Counts/Charges	Additive/Weighted	4		Nature & Circumstances of Offense
Most Severe Current Offense	Additive/Weighted			
# of Delinquency Adjudications	Additive/Weighted	4		Prior Record of Adjudications
Most Severe Prior Adjudication	Additive/Weighted			
Warrants for FTA in Court	Additive/Weighted		4	Record of Non-Appearance in Court
Current Detention Alternative Status	Additive/Weighted	4	4	
AWOL from Residential Delinquency Placement	Additive/Weighted		4	
Is there an adult to whom the youth can be released?	Possible Override (If tool = release, but answer = No)		4	Ties to the Community
Age < 12 and charge is not 1 st /2 nd degree or arson	Decision Tree or Override (If tool = detain, but answer = Yes)			Age

Categorizing and Weighting the Primary Components

After achieving consensus regarding the primary screening tool components, the subcommittee set out to categorize and weight the additive factors. So, for example, while the subcommittee had agreed that ‘most severe current offense’ should be a component of the screening tool, it now had to determine how to rank offenses in terms of severity, and how many points to assign to the ranking. Should ‘most severe current offense’ be categorized/ranked according to

degree; if so, do first, second, third, and fourth degree offenses fall into four separate categories? Or, should offenses be categorized by type, for example, violent vs. non-violent? Then, how many points should be assigned to each component, and to each category within those components?

Faced with numerous possibilities and combinations, the subcommittee used several development strategies, including reviewing existing screening tools and bringing proposing new ideas for consideration. Discussion, debate, and consensus-building yielded a draft of component categories. This draft was then used to survey subcommittee members as to the relative importance of each component. The survey asked the subcommittee to assume a given scoring scale – zero to seven points corresponds to release, eight to fifteen points equals alternative custody, and sixteen or more points results in detention. Members then assigned a weight to each component, stating the maximum number of points that should be given to the top (i.e., most serious) category of each component. For example, if the top category for ‘number of delinquency adjudications’ was ‘7 or more,’ members were asked to state how many points a youth falling into that category should receive on that component. The results of this survey were examined and used to create an initial draft weighting system that served as a starting point for further discussion.

Ensuing debate led to give-and-take regarding various aspects of both the draft categorization and the weighting system. The goal was to come up with a preliminary draft screening instrument that could be used in a retrospective study, with the expectation that the results of the retrospective study would lead to additional refinement of the draft tool. Ultimately, the subcommittee agreed to study six scoring schemes in the retrospective application.

SUMMARY OF RETROSPECTIVE SCREENING TOOL STUDY

Purpose

The primary purpose of conducting a retrospective screening tool study was to obtain a solid understanding of the potential impact of its use – to determine the extent to which using the tool as designed would change current practice, and conversely, the extent to which screening tool recommendations comport with current decision-making. Additionally, since data collection got underway while the subcommittee was consensus-building regarding screening tool components, the content of the screening tool was not known when the data collection instruments were developed. As such, retrospective data collection was not limited to factors included in the screening tool, but was instead more comprehensive. Retrospective data therefore provided a wealth of insight into the characteristics of youth referred to detention, whether and how youth detained differed from those released, and in turn, the factors considered by intake services when making a detention decision.²

Sample & Methods

The retrospective study involved collecting data on a sample of detention referrals made to intake services in all five JDAI pilot sites. The goal was to obtain approximately an equal number of cases across sites, with a target of between 130 and 150 referrals per site. Beginning November 1, 2004, all referrals made to intake services for a detention decision became part of the sample until the target sample size was reached, resulting in a final sample of 725 youth.³ Given differences in volume across counties, data collection timeframes ranged from approximately one to six months.

² While these data and multiple related analyses were reviewed at length by the subcommittee in the course of its work, the findings reported herein focus solely on the screening tool’s projected impact on detention decision-making.

³ At the time of sample selection, Atlantic recorded limited information for business hours calls to intake services; the youth’s name/other identifying information was not recorded. As such, while Atlantic’s portion of the sample includes

As noted earlier, the subcommittee was drafting the screening tool while data collection was underway. During development discussions, the subcommittee agreed this screening tool was not designed for warrant cases – the tool, as constructed, was focused on detention referrals where a warrant was not active at the time of the detention request. As such, the sample excludes active warrant cases; it also excludes cases where intake services directed the youth to court.⁴ The final sample used in the retrospective screening tool application was therefore 548 (see Table 2).

Table 2. Retrospective Study Sample, by County

	Atl	Cam	Esx	Hud	Monm	TOTAL
Total Referrals to Intake Services Included in Data Collection	129	150	149	145	152	725
Active Warrant at Time of Referral and/or Directed to Court	49	46	31	16	35	177
FINAL RETROSPECTIVE APPLICATION SAMPLE	80	104	118	129	117	548

Data analysis first involved running basic descriptive statistics on this sample of cases. The analyses considered the detention decision, including whether youth were released or detained by intake services, and for those detained, the circumstances of subsequent release from detention. Detained and released youth were then compared along a number of measures, including, for example, number and type of current offenses, number and type of prior offenses, supervision status, detention alternative history, and failures to appear. Analyses also examined the circumstances of the detention referral, including, for example, the time of day of the detention request and whether a parent/guardian was contacted. Finally, all cases were scored using each of the six screening tools, and the results were compared to actual detention referral outcomes and subsequent release decisions.

The subcommittee spent substantial time reviewing and discussing the results in order to determine those factors that emerged as most important to detention decision-makers around the state. The results and related discussion informed the selection of one of the six screening tools, with some minor modifications. Once again, the agreed-upon tool was applied to each case in the sample; the results of this final application appear below.

Results

Table 3 describes the actual results of the referrals to intake services, and Table 4 describes referral results upon applying the screening tool to these same cases. Of the 548 cases included in the sample, intake services released 30.3% of the youth; the screening tool released 36.3%. So, while the screening tool released slightly more youth, the percentages are roughly similar.⁵

For the balance of cases, the only other option for intake services is detention (69.7%). For the screening tool, however, two options exist. As such, while the balance of cases is similar in size

all after hours calls to intake services (i.e., released youth and detained youth), for business hours calls, only detained youth could be included in the sample, as these cases could be identified via detention center admission records.

⁴ Camden and Essex were the only two counties where youth were temporarily held/directed to court, with six cases each. Four of the Camden youth and one of the Essex youth also had active warrants.

⁵ In the interest of conciseness, narrative results focus on overall results, though county-specific information can be found in the tables.

(63.7%), upon applying the screening tool, 30.5% of all youth score for assignment to alternative custody and 33.2% score for admission to detention.

Table 3. Actual Results of Referrals to Intake Services, by County

	Atl ⁶	Cam	Esx	Hud	Monm	TOTAL
Released by Intake Services	18.8% (15)	46.2% (48)	36.4% (43)	41.1% (53)	6.0% (7)	30.3% (166)
Detained by Intake Services	81.3% (65)	53.8% (56)	63.6% (75)	58.9% (76)	94.0% (110)	69.7% (382)

Table 4. Projected Results of Referrals Using Screening Tool, by County

	Atl	Cam	Esx	Hud	Monm	TOTAL
Screening Tool Projects Release	22.5% (18)	50.0% (52)	47.5% (56)	40.3% (52)	17.9% (21)	36.3% (199)
Screening Tool Projects Alternative Custody	32.5% (26)	33.7% (35)	25.4% (30)	29.5% (38)	32.5% (38)	30.5% (167)
Screening Tool Projects Detain	45.0% (36)	16.3% (17)	27.1% (32)	30.2% (39)	49.6% (58)	33.2% (182)

In order to draw a better comparison between current practice and the screening tool with regard to the balance of non-released cases, Table 5 again presents actual referral outcomes, but further specifies whether youth detained by intake services were subsequently released at the first court hearing and/or within 24 hours, or detained for a longer period of time. This allows for an estimate of the pool of youth key decision-makers might consider appropriate for alternative custody at the point of referral to intake services, were this option available. Comparing Table 5 with Table 4, then, indicates results for the screening tool and current practice are not too dissimilar in terms of the volume of cases assigned to this “middle” category between release and detain (current practice vs. screening tool is 30.3% vs. 36.3% for release, 27.9% vs. 30.5% for the “middle” category, and 41.8% vs. 33.2% for detain).

Table 5. Actual Results of Referrals to Intake Services, By County - Estimating the Proportion of Youth who Might be Considered Appropriate for Alternative Custody

	Atl	Cam	Esx	Hud	Monm	TOTAL	
Released by Intake Services	18.8% (15)	46.2% (48)	36.4% (43)	41.1% (53)	6.0% (7)	30.3% (166)	
Detained by Intake Services	Released at 1 st Hearing or within 24 Hrs	28.8% (23)	21.2% (22)	39.8% (47)	31.0% (40)	17.9% (21)	27.9% (153)
	Detained Longer	52.5% (42)	32.7% (34)	23.7% (28)	27.9% (36)	76.1% (89)	41.8% (229)

The tables above provide important information regarding the impact of the draft screening tool on the current detention system in terms of overall shifts in case volume. However, results thus

⁶ Note that Atlantic’s results are skewed heavily toward “detain” because of the manner in which the sample had to be identified, as described in footnote 3.

far do not provide a complete picture of the screening tool’s potential impact, because they do not compare outcomes for *individual* cases. In other words, while intake services and the screening tool both released roughly a third of all youth referred, the results above do not indicate whether the specific youth that comprise the third released by intake are the same youth that comprise the third released by the screening tool.

However, Table 6 does in fact describe this case-specific aspect of the screening tool’s potential impact. The figures in italicized bold represent the individual cases where the decision made by intake services matches the screening tool outcome, while the shaded figures represent cases where intake’s decision and the screening tool outcome do not match. Table 6 therefore indicates that for the 548 cases in the retrospective sample, intake and screening tool decisions matched in 50.9% of all cases (112+167), and were contrary in only 18.6% (15+87).

The remaining figures in Table 6 are cases where the tool projects alternative custody, so a current-practice equivalent does not exist for direct comparison. However, following the estimating procedure described earlier, the 128 youth detained by intake services, yet scoring for alternative custody on the screening tool, can be split into those released at the first court hearing/within 24 hours (53 youth), and those detained longer (75 youth). It is reasonable to consider the 53 released cases “likely alternative matches” and the 75 detained cases non-matches. It is also reasonable to consider the 39 cases released by intake, yet scoring for alternative custody on the screening tool, as more similar than dissimilar. Categorizing these cases in this way results in a match (or close match) between current practice and the screening tool outcome in 67.7% (112+167+53+39) of all cases, and a non-match in 32.3% (87+15+75) of the cases. In other words, it seems detention decision-making after screening tool implementation will approximate current decision-making in about two-thirds of future cases. For the 32.3% of cases where the actual decision and the screening tool result were at-odds, some portion represent future decisions that will divert from current practice, and some portion represent likely “override” cases.⁷

Table 6. Comparing Decisions Made by Intake Services to Screening Tool Projections in Individual Cases

	Released by Intake Services	Detained by Intake Services
Screening Tool Projects Release	<i>112</i>	*87
Screening Tool Projects Alternative Custody	39	^128
Screening Tool Projects Detain	15	<i>167</i>

* 41 were released at first hearing/within 24 hours, 46 were not.

^ 53 were released at first hearing/within 24 hours, 75 were not.

Summary

To summarize, the retrospective application indicates fewer youth would be detained at the point of referral to intake services following screening tool implementation. This result is expected,

⁷ The subcommittee reviewed case details for a portion of the non-matching cases to determine if a common denominator existed among the cases, reflecting a factor that had not been accounted for in the screening tool. The subcommittee concluded this did not seem to be the case. Additionally, based on available information, in many of the non-matching cases the subcommittee generally felt confident in/comfortable with the future outcome projected by the screening tool.

given the expansion of decision-making options available to intake to include alternative custody, and given the purpose of alternative custody is to serve youth who would otherwise be detained. Importantly, however, the cases accounting for this shift are in large part those youth who, while detained by intake, were released quickly by a judge. This is true not only for those youth scoring for alternative custody on the tool, yet detained by intake (as described above), but also for those scoring for release, with 41 of these 87 detained youth released at the first hearing or within 24 hours. As such, of the 215 youth detained by intake, but scoring for *either* release or alternative custody on the screening tool, close to half were released from detention by a judge at the next possible decision-making point. The youth detained longer account for only 22.1% of all cases referred to intake services in the retrospective sample (121 youth). These findings suggest the shift in decision-making toward fewer detained youth is more a matter of when, and not whether, youth are released.

SUMMARY OF PROSPECTIVE SCREENING TOOL STUDY

Purpose

The retrospective study examined the extent to which screening tool projections align with actual decisions made by intake services. However, the Screening Subcommittee developed a tool with three possible outcomes (release, detain, alternative custody), while historically only two possible options have been available to intake (release or detain).⁸ While the retrospective analyses allowed for a preliminary assessment of the pool of youth who might be considered appropriate for alternative custody at the point of referral to intake, it was an estimate based on certain assumptions. The impact of adding “alternative custody” as a third option for youth referred to intake services and screened using the draft tool was therefore not fully apparent via the retrospective application, as there was not a comparable “real-life” outcome to which this projection could be compared.

As such, obtaining a more thorough understanding of the impact of this third, alternative custody option was a primary purpose of the prospective study. The prospective study also sought to obtain equally important insight into implementation feasibility, including site and staff readiness, potential challenges and barriers that must be addressed prior to moving forward, training needs, and the like. Finally, the retrospective screening tool study yielded a wealth of data regarding the various factors that influence detention decision-making and the relative importance of each of those factors; the prospective study provided even more concrete information regarding these factors, as it involved direct observation of the decision-making process and direct discussion with intake officers about decisions, as those decisions were being made.

Sample & Methods

The prospective study involved JDAI staff on-site during regular business hours to observe detention request calls handled by intake services. These observations occurred between the end of May and the middle of July 2006. All calls placed to intake on a study day were included as part of the data collection. JDAI staff observed intake officers as calls came in, and once the call was complete, discussed a series of questions regarding the call with the intake officer using a structured interview/data collection form. These questions assessed the nature and quality of current offense information provided by law enforcement; whether a parent/guardian was contacted and reached; the factors that most affected the officer’s decision to release or detain; and for detained youth, whether the intake officer may have considered alternative custody for the youth if this option were available. JDAI staff then independently recorded additional observations and collected the remaining data needed to complete the screening tool for each case.

⁸ Though occasionally intake services arranges for/authorizes shelter placement or directs the youth to court.

Study logistics called for JDAI staff to conduct on-site observations approximately three to four days per week for up to six weeks. Note that while during the study such observations occurred for all detention calls handled by intake services, of primary interest were non-warrant calls that resulted in detention. The target sample size for this call type was a minimum of 25 per county. Midway through the prospective study, a progress review determined that call volume during business hours – and specifically call volume for non-warrant, detained cases – was too low to reach this target sample size in six weeks. As such, the study methodology expanded to include after hours calls. In such instances, JDAI staff followed-up first thing in the morning to process the call with the on-duty after hours intake officer.

As a result of this sampling procedure, data were recorded for a total of 229 cases handled by intake services. As with the retrospective study, the sample to which the screening tool was applied excluded active warrant cases and cases where intake services directed the youth to court, yielding a final prospective application sample of 174 youth (see Table 7).⁹ Staff directly observed intake services process calls in 79 cases and conducted a follow-up for 95 cases.

Table 7. Prospective Study Sample, by County

	Atl	Cam	Esx	Hud	Monm	TOTAL
Total Referrals to Intake Services Included in Data Collection	34	72	47	40	36	229
Active Warrant at Time of Referral and/or Directed to Court	8	27	9	3	8	55
FINAL PROSPECTIVE APPLICATION SAMPLE	26	45	38	37	28	174

Results

Table 8 describes the actual results of the referrals to intake services, and Table 9 describes referral outcomes upon applying the screening tool to these same cases. Of the 174 cases included in the prospective sample, intake services released 40.8% of the youth, and the screening tool released 43.1%. So, while the screening tool released slightly more youth, the percentages are again roughly similar.¹⁰

For the balance of cases, the only other option for intake services is detention (59.2%). For the screening tool, however, two options exist. As such, while the balance of cases is similar in size (56.9%), upon applying the screening tool, 27.0% of all youth score for assignment to alternative custody and 29.9% score for admission to detention.

Table 8. Actual Results of Referrals to Intake Services, by County

	Atl	Cam	Esx	Hud	Monm	TOTAL
Released by Intake Services	76.9% (20)	46.7% (21)	26.3% (10)	45.9% (17)	10.7% (3)	40.8% (71)
Detained by Intake Services	23.1% (6)	53.3% (24)	73.7% (28)	54.1% (20)	89.3% (25)	59.2% (103)

⁹ Camden and Essex were again the only counties where youth were held/directed to court, with eleven cases in Camden and three in Essex. All eleven of the Camden youth and three of the Essex youth also had active warrants.

Table 9. Projected Results of Referral Using Screening Tool, by County

	Atl	Cam	Esx	Hud	Monm	TOTAL
Screening Tool Projects Release	46.2% (12)	53.3% (24)	52.6% (20)	37.8% (14)	17.9% (5)	43.1% (75)
Screening Tool Projects Alternative Custody	15.4% (4)	28.9% (13)	21.1% (8)	27.0% (10)	42.9% (12)	27.0% (47)
Screening Tool Projects Detain	38.5% (10)	17.8% (8)	26.3% (10)	35.1% (13)	39.3% (11)	29.9% (52)

During the prospective study, when a referral to intake services resulted in admission to detention, JDAI staff asked several follow-up questions regarding whether the intake officer might have considered the youth for alternative custody. Table 10 again presents decisions made by intake services, but removes from the detained category those cases where intake might have considered alternative custody.¹¹ Comparing Table 10 with Table 9 indicates results for the screening tool and current practice are quite similar in terms of the volume of cases in each decision category. Intake released 40.8% of the youth, and the screening tool would release 43.1%; intake would continue to detain 32.2%, and the tool would detain 29.9%; and intake would consider alternative custody for 27.0% of the youth, which is equal to the proportion assigned to alternative custody by the screening tool.

Table 10. Actual Results of Referrals to Intake Services, By County - Estimating the Proportion of Youth who Might be Considered Appropriate for Alternative Custody

	Atl	Cam	Esx	Hud	Monm	TOTAL
Released by Intake Services	76.9% (20)	46.7% (21)	26.3% (10)	45.9% (17)	10.7% (3)	40.8% (71)
Considered for Alternative Custody by Intake Services	15.4% (4)	26.7% (12)	31.6% (12)	29.7% (11)	28.6% (8)	27.0% (47)
Detained by Intake Services	7.7% (2)	26.7% (12)	42.1% (16)	24.3% (9)	60.7% (17)	32.2% (56)

As with the retrospective results, again the tables above do not provide a complete picture of the screening tool's potential impact, because they do not compare outcomes for *individual* cases. While the proportion of cases assigned to each of the three decision categories is roughly equal for both the screening tool and intake services, whether the specific youth who comprise each category is the same for the tool and for intake is not yet known.

Table 11 does in fact describe this case-specific aspect of the screening tool's potential impact; note this table reports actual release/detain decisions made by intake (i.e., it does not include answers to the follow-up question regarding alternative custody). The figures in italicized bold represent the individual cases where the decision made by intake services matches the

¹⁰ For conciseness, the narrative again focuses on overall results, though the tables report county-specific results.

¹¹ If the officer answered *no* to the first, direct question regarding whether he/she might consider alternative custody for this youth, follow-up questions asked whether the officer might consider alternative custody if a screening tool determined the youth was eligible and/or if specific types of alternative placements were available. If the intake officer's answer remained *no* after the follow-ups, the case is included as *detained* in the table. If the answer at some point shifted to indicate they might consider alternative custody, the case is included as *considered for alternative custody* in the table.

screening tool outcome, while the shaded figures represent cases where intake’s decision and the screening tool outcome do not match. Table 11 therefore indicates that for the 174 cases in the prospective study, intake and screening tool decisions matched in 56.3% of all cases (51+47), and were contrary in only 16.7% (5+24) of the cases.

The remaining figures in Table 11 are cases where the tool projects alternative custody. As seen in the table, 32 youth detained by intake services scored for alternative custody on the screening tool. Of these cases, answers to the prospective study follow-up questions indicated intake officers might have considered 17 youth for alternative custody (alternative matches), but would have maintained detention for 15 (non-matches). Again, it is reasonable to consider the final figure in Table 11, the 15 youth released by intake yet projected for alternative custody by the screening tool, as more similar than dissimilar. Categorizing these cases in this way results in a close match between current practice and the screening tool outcome in 74.7% (51+47+17+15) of all cases, and a non-match in 25.3% (5+24+15). In other words, detention decision-making after screening tool implementation would be reasonably in line with current decision-making practice in almost three-quarters of future cases; youth released, detained, or considered for alternative custody by decision-makers and by the screening tool are similar in a large majority of cases. For the one-quarter of cases where the intake decision and the screening tool result are at-odds, some portion represent future decisions that will in fact divert from current practice, and some portion represent likely override cases.

Table 11. Comparing Decisions Made by Intake Services to Screening Tool Projections in Individual Cases

	Released by Intake Services	Detained by Intake Services
Screening Tool Projects Release	51	24
Screening Tool Projects Alternative Custody	15	*32
Screening Tool Projects Detain	5	47

* 17 would be considered by intake for alternative custody, 15 would not.

Summary

Taken together, the retrospective and prospective results indicate overall, fewer youth would be detained at the point of referral to intake services following screening tool implementation. At the same time, it is important to note that a small group of youth not currently detained upon referral to detention, in fact would be admitted to detention or to alternative custody using the screening tool. The shift from both ends suggests the tool would help achieve the balanced goal of using the least restrictive alternative possible, but doing so consistent with public safety. Some youth who perhaps should be more closely supervised or even detained will be, and some currently detained youth who do not represent a serious public safety risk, many of whom are in-and-out of detention in only one day, will avoid walking through the doors of detention in the first place.

Again, overall results suggest the general nature of detention decision-making would not divert sharply from current practice; as discussed earlier, it seems the shift toward detaining fewer youth is more a matter of when, and not whether, youth are released. This is not surprising, since the process for developing the screening tool was guided by detention statute, and relied on both

consensus-building and data analysis to determine the factors most important to detention decision-makers, and therefore essential for inclusion in a detention screening tool.

RECOMMENDED NEXT STEP: SCREENING TOOL PILOT

Purpose of a Pilot

Given the promising results described herein, the Screening Subcommittee recommends proceeding with a pilot of the draft screening tool in a limited number of counties. While the retrospective and prospective studies were surely informative, certain aspects of the studies, by necessity, were based on hypotheticals. As such, projections regarding the potential impact of the screening tool, while informed and data-driven, are indeed just that: projections.

The purpose of piloting the screening tool, therefore, would be to further ensure the instrument, as currently designed, meets the needs and goals of the courts and the detention system. As its name implies, the screening tool is indeed a tool – if working properly, it should help key actors achieve the goals and objectives of the juvenile justice system. Ongoing monitoring and review is essential, in order to determine whether the screening tool is helping the system realize its goals, or whether it may need adjustment. Piloting the screening tool would represent the first step in this monitoring and review process, and would reveal any up-front modifications needed prior to broader implementation. Use of the screening tool on a trial-basis would provide an additional level of confidence in its utility. A pilot would also help to further identify implementation issues, allowing any such issues to be resolved prior to broader screening tool use.

Pilot Preparation & Logistics

The subcommittee recommends the screening tool pilot occur in the five original JDAI counties – Atlantic, Camden, Essex, Hudson, and Monmouth. Via participation as a JDAI site, key actors in these counties have received basic training in the use of such instruments, and in the development of New Jersey’s draft tool; some have expressed direct interest in being a screening tool pilot site.

The subcommittee recommends a staggered phase-in of the five sites. This would help to ensure sufficient JDAI resources are available to adequately assist each site as it commences with the pilot. Additionally, the order of the phase-in should be based upon site readiness. As noted earlier, an additional purpose of the prospective study was to obtain insight into screening tool implementation feasibility, including site and staff readiness, potential challenges that require attention prior to moving forward, and training needs. While not fully described herein, the results indicated the five counties vary in terms of this readiness (e.g., the number and rotation of intake officers varies greatly which affects training needs, access to information needed to complete the screening tool varies, knowledge of detention alternatives among intake officers currently varies). The pilot would phase-in each JDAI site upon completing basic readiness tasks, some of which will be informed by additional subcommittee planning, and some of which both the subcommittee and Local Steering Committees have started to discuss and plan for already. These tasks include:

- Ensure all intake officers have access to complete and accurate information needed to complete the screening tool, during and after business hours
- Identify which alternative custody options within the county can and should be made accessible to intake services; establish a process for accessing those options; train intake officers in same

- Identify training/education needs required for law enforcement with regard to screening tool and related processes
- Identify related procedures for alternative custody cases (e.g., parameters for subsequent detention hearings)

There are also a number of additional tasks the Screening Subcommittee and JDAI staff will work on in preparation for the pilot. These next steps include:

- Identify all information that needs to be recorded in order to sufficiently track and monitor the progress of the pilot
- Establish a means for tracking this information during the pilot
- Prepare a manual to accompany the use of the screening tool and related training materials for completing the instrument
- Develop plan for conducting all relevant training
- Conduct training as sites are prepared to enter the screening tool pilot

The subcommittee recommends a six-month timeframe for the pilot. If the Administrative Office of the Courts approves the proposed screening tool pilot, the subcommittee will prepare a plan outlining more specific timelines for rolling it out to the five JDAI sites. Once the pilot is complete, the subcommittee will again report back to the AOC regarding results and recommendations.

New Jersey JDAI
State Screening Subcommittee

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