



9135. Detention Assessment Instrument

I. Statutory Reference:

§ 16.1-248.1. Criteria for detention or shelter care.

§ 16.1-250. Procedure for detention hearing

§ 16.1-255. Limitation on issuance of detention orders for juveniles.

Chapter 978 (Acts of Assembly, 2000) as amended by Chapter 648, Acts of Assembly, 2002.

2. That the Department of Juvenile Justice shall establish a uniform risk assessment instrument for use when making a detention decision pursuant to § [16.1-248.1](#) and when making recommendations to the court at a detention hearing pursuant to § [16.1-250](#). The uniform risk assessment instrument and related procedure shall be implemented by each court service unit and distributed to each juvenile court judge no later than October 1, 2002.

II. General:

- A. The Detention Assessment Instrument indicates whether juveniles eligible for pre-dispositional detention should be released to parents or other appropriate persons, placed in a detention alternative, or detained.
- B. The Detention Assessment Instrument was developed through a consensus approach and allows for mandatory and discretionary overrides.

III. Procedures:

- A. The Department has a standardized instrument for conducting pre-dispositional detention assessments. (DJJ Form 9135).
- B. Prior to completion of a Detention Assessment Instrument, the intake officer shall make a determination that the juvenile meets criteria for secure detention or shelter care as established in § 16.1-248.1, COV.
- C. DJJ staff shall complete a Detention Assessment Instrument:
 - 1. Whenever detention is requested *during regular office hours* by law enforcement, another complainant, a CSU staff, or when the staff performing the intake feels detention may be warranted.



- a. ***In such instances, the Detention Assessment Instrument shall be completed prior to making the decision regarding whether the juvenile should be detained, released to a responsible adult, or placed in a detention alternative program/service.***
2. Whenever detention is requested *after regular office hours* by law enforcement, another complainant, a CSU staff, or when the staff performing the intake feels detention may be warranted.
 - a. In these instances, if the on-call intake staff does not have access to all information necessary to complete the Detention Assessment Instrument, it need not be completed at the time of the on-call intake.
 - b. If the Detention Assessment Instrument cannot be completed at the time of an on-call intake as described in Section a. above, it shall be completed on the next business day following the on-call intake. If the on-call intake resulted in the juvenile's being detained, the instrument shall be completed prior to the detention hearing.
3. ***Whenever a petition is filed for a juvenile alleged to have committed a felony against a person, as defined by the Category A offenses on the Detention Assessment Instrument.***
4. The Detention Assessment Instrument shall not be required when considering detention of juveniles pursuant to the Interstate Compact on Juveniles (ICJ). (See Procedure 9420).
- D. During detention hearings, if the judge asks for a recommendation regarding detention from the intake officer/other CSU staff, the results of the Detention Assessment Instrument should be considered by the staff when making their detention recommendation.
- E. When completing the Detention Assessment Instrument, staff shall:
 1. Complete the identifying information on the top of the form.
 2. Select the most appropriate response for each of the identified seven (7) items on the form, based on the definitions, and enter the numerical value on the blank adjacent to each indicator.
 3. Determine the total score and indicated detention decision.



4. Consider mandatory and discretionary overrides before making a final detention decision. If a discretionary override is selected, staff shall note the specific aggravating or mitigating factors that support their decision.
 5. Indicate actual detention decision or recommendation.
- F. Information regarding most items on the instrument requires access to the Juvenile Tracking System's (JTS) Intake and Workload modules. Staff completing the instrument should research information using JTS and other available automated and non-automated sources of information. Staff are expected to make a good faith effort in researching available information.
- G. ***Use of Overrides to the Indicated Decision on the Detention Assessment Instrument***
1. ***While it is expected that the Indicated Decision on the DAI will be followed in the majority of decisions, it is recognized that there will be occasions which require the Indicated Decision to be overridden, to either a more or less secure/restrictive outcome.***
 - a. ***All discretionary overrides processed during regular court service unit business hours shall require the approval of a supervisor. This includes both aggravating and mitigating discretionary overrides.***
 - b. ***All discretionary overrides processed in an on-call situation, outside of regular court service unit business hours, shall be reviewed by the appropriate supervisor. This includes both aggravating and mitigating discretionary overrides.***
 - c. ***If the discretionary override results in a juvenile's being detained, it is expected that the detaining intake officer will have explored and ruled out all reasonable alternatives to secure detention prior to the final decision to override and will document such activities in the JTS intake record.***
 2. If placement in a detention alternative is the decision indicated by the instrument, but no alternative is currently available, staff shall use their discretion in placing the juvenile in detention or releasing the juvenile, with due consideration for public safety and the safety of the juvenile.



- H. Detention Assessment Instrument data shall be entered into the Detention Assessment module of the Juvenile Tracking System (JTS) not later than five (5) working days after completion.
- a. *If a discretionary override has been utilized, and the “Other” factor has been selected as one of the items, the staff shall enter a brief narrative explaining the nature of this “Other” factor.*