

Montana Juvenile Detention Alternatives Initiative (JDAI)
Policy and Procedures for the Detention Risk Assessment Instrument (RAI)
Policy & Procedures Manual

For more information please contact:

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Policy and Procedures for the Detention Risk Assessment Instrument (RAI)

POLICY

Montana jurisdictions participating in JDAI have agreed to implement a Risk Assessment Instrument (RAI) to guide detention admission/release decisions to ensure:

1. Uniformity and consistency
2. Youth who are risks to public safety or who are flight risks are detained
3. Youth who are not risks to public safety or a flight risk are released

There are two documents to guide detention/release decisions:

1. Law Enforcement Check List used by law enforcement to ensure statutory criteria has been met, and parents properly notified.
2. Detention Risk Assessment Instrument (RAI) used by probation officers and court in deciding to hold or release youth from detention.

DEFINITIONS

RAI: Detention Risk Assessment Instrument

MCA: Montana Code Annotated

Primary Offense: The first or highest in rank or importance: a crime or punishable violation of law of any type or magnitude.

Re-Arrest: To seize (a person) by legal authority or warrant while they are on probation or release status pending court.

Warrant: An order (writ) of a court which directs a law enforcement officer to arrest and bring a person before the judge, such as a person who is charged with a crime, convicted of a crime but failed to appear for sentencing, owes a fine or is in contempt of court.

Pick Up Order: An order signed by the probation officer, which directs a law enforcement officer to arrest and bring a person before the judge, such as a person who is charged with a crime, convicted of a crime but failed to appear for sentencing, owes a fine or is in contempt of court.

Felony: A crime punishable by 12 months or more in confinement.

Misdemeanor: A crime punishable by less than 12 months in confinement.

Pending Adjudication: A charge scheduled to go to court for adjudication.

Probation: A period of court ordered formal probation or informal probation supervised by a probation officer requiring a youth to comply with specified conditions.

Parole: A supervised period of release from a state juvenile institution supervised by a parole officer requiring a youth to comply with specified conditions.

PROCEDURES

The probation officer completing the form will complete it in its entirety. All areas of question (1-7) will be answered with a numerical number in the corresponding box. A total will be at the bottom in the corresponding box. The final decision will be circled and an explanation if necessary written on the corresponding lines below.

DETENTION OVER-RIDES

The police/sheriff/judge/probation officer retains discretion to detain a minor, even though the minor scores less than 15 points (the detention cutoff) on the risk assessment instrument. Over-rides should be limited to exceptional situations in which the judge or probation officer reasonably believes that the minor presents some risk of criminality or flight that can justify secure detention in spite of the low risk score.

Reasons for an override of the RAI for youth scoring less than 15 points may include:

- *Parents cannot be located.*
- *Parents refuse to take custody.*
- *Youth refuses to return home.*
- *Home supervision not available.*
- *Other.* The RAI is a basic triage device that cannot capture every situation presented. The "other" category gives the intake officer a means of justifying secure detention in unusual and high-risk situations. THEN THE "OTHER" CATEGORY IS USED, YOU SHOULD DESCRIBE SUCCINCTLY YOUR REASON FOR OVER-RIDE, USING ADDITIONAL SPACE AS NEEDED.

RELEASE OVERRIDES

A detention score of 15 or higher can be over-ridden in favor of release, if there are reasonable grounds for release despite the higher score. Examples might include:

1. Minors whose parents demonstrate and immediate ability to supervise and protect the minor,
2. Minors whose involvement in the offense was extremely remote
3. Or cases where the probation officer learns that the arrest is a case of mistaken identity.

THE REASONS FOR A RELEASE OVER-RIDE MUST BE STATED IN THE SPACE PROVIDED.

SUPERVISOR APPROVAL

The signature of a supervising probation officer is required to confirm any over-ride of suggestions to detain or release.

SIGNING THE FORM

The intake officer completing the risk assessment form must sign it at intake.

YOUTH DETENTION ASSESSMENT CHECKLIST

Date:	Time:	Gender:	Race:
Name of Juvenile			
Arresting officer			
Shift Supervisor			

Please answer each of the questions below by placing your initials in the appropriate YES or NO box.

ASSESSMENT CRITERIA		YES	NO
1	Is there Probable Cause to believe that the juvenile has committed a crime?		
2	Is the juvenile being held for a criminal offense?		
3	Is there an arrest warrant issued by the Judge? (If yes, skip to #8)		
4	Does the criminal offense committed necessitate the incarceration of this juvenile?		
5	Is it in the best interest of the juvenile or the general public that the juvenile be incarcerated due to safety and welfare and/or non-appearance or flight concerns?		
6	Based upon the information of this crime, the juvenile should not be released to a parent, guardian or other care giver in lieu of incarceration?		
7	Has a Notice to Appear and Complaint Form been completed pertaining to the criminal offense for which the juvenile is charged?		
8	Has the parent, guardian or another responsible family member been contacted and informed of the incarceration of this juvenile?		

If any of your answers with the exception of #3 above are No, incarceration is not an acceptable option to resolve this incident.

CONTACT INFORMATION

A	Name of parent, guardian, or other responsible family member that has been contacted	
B	How was contact made?	(Telephone, person, written notice, etc...)
C	Name of Juvenile Probation Officer who has been contacted?	(If offense occurred at night, next calendar day)
D	Date and Time Juvenile Probation Officer contacted.	(If offense occurred at night, next calendar day)
E	Name of person who contacted Juvenile Probation Officer.	(Officer or staff member)

Arresting Officer's Signature	
Shift Supervisor's Signature	
Transporting Officer's Name	

DETENTION RISK ASSESSMENT INSTRUMENT – JPO (2010)

Youth's Name: _____ DOB: ____/____/____ Date: ____/____/____

Officer Completing Assessment: _____ Race: _____ Gender: M / F

Does youth meet statutory criteria for detention? _____ No _____ Yes	MCA: _____
Primary Offense: _____	RE-ARREST: _____ No _____ Yes

If the youth does not fall into the numbered category please respond with a -0- for the categories point totals.

1. The youth was taken into custody on a valid warrant or pick up order.....	15	<input style="width: 30px; height: 20px; border: 1px solid black;" type="text" value="+"/>
2. Most Serious Offense Alleged in Current Referral		
Felonies against Persons.....	15	
Other Felonies.....	10	<input style="width: 30px; height: 20px; border: 1px solid black;" type="text" value="+"/>
Misdemeanors against Persons.....	7	
Other Misdemeanors.....	5	
3. Additional Offenses Alleged in Current Referral		
One or More Additional Current Felony Offenses.....	5	<input style="width: 30px; height: 20px; border: 1px solid black;" type="text" value="+"/>
One or More Additional Misdemeanor or Violation of Probation/Parole Offenses.....	3	
4. Prior Admissions of Guilt		
Two or more prior admissions of guilt for felony offenses.....	6	
One prior admission of guilt for a felony offense.....	4	
Two or more prior admissions of guilt for misdemeanor or status offenses.....	3	
Two or more prior admissions of guilt for probation/parole violations.....	2	<input style="width: 30px; height: 20px; border: 1px solid black;" type="text" value="+"/>
1 prior admission of guilt for any misdemeanor or status.....	1	
5. Referrals Pending Adjudication		
One or more pending referrals for a felony offense.....	8	
Two or more pending referrals for other offenses.....	5	<input style="width: 30px; height: 20px; border: 1px solid black;" type="text" value="+"/>
One pending referral for other offense/offenses.....	2	
6. Supervision Status		
Intensive or Close Supervision (Drug/Treatment Court, House Arrest, Group Home, Etc).....	10	
Formal Release Conditions.....	5	
On Probation.....	5	<input style="width: 30px; height: 20px; border: 1px solid black;" type="text" value="+"/>
On Parole.....	5	
7. Warrant History		
Two or More Warrants.....	3	
One Warrant.....	1	<input style="width: 30px; height: 20px; border: 1px solid black;" type="text" value="+"/>
Total Score		<input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/>

Indicated Decision: _____ 0-9 Release _____ 10-14 Detention Alternative _____ 15+ Secure Detention

Final Decision: **Detain** **Release** **Release with conditions**

Override Justification:

Override Approved: _____ Date: _____

Alternative Recommendation: _____ No Recommendation:

Probation Officer: _____ Date: _____ Time: _____

Jurisdiction/Dates

Point Value	15+			10- 14			0-9			Totals
	D	R	RC	D	R	RC	D	R	RC	
MALE										
FEMALE										
TOTAL										
TOTAL % MALE										
TOTAL % FEMALE										
WHITE										
NATIVE AMERICAN										
HISPANIC										
BLACK										
OTHER MIXED										
TOTAL										
TOTAL % WHITE										
TOTAL % NATIVE AM.										
TOTAL % HISPANIC										
TOTAL % BLACK										
TOTAL % OTHER MIXED										
TOTAL										
Offense Against Person - F (45-5)										
Offense Against Person - M (45-5)										
Offense Against Property - F (45-6)										
Offense Against Property - M (45-6)										
Offense Against Public Administration - F (45-7)										
Offense Against Public Administration - M (45-7)										
Offense Against Public Order - F (45-8)										
Offense Against Public Order - Mr (45-8)										
Dangerous Drug/Drug Paraphernalia Offense - F (45-9, 45-10)										
Dangerous Drug/Drug Paraphernalia Offense - M (45-9, 45-10)										
Probation Violations/Conditions of Release (52)										
Statutory Registration as Violent or Sex Offender Offenses (46)										
Total										
(%)										
Offense Against Person - F (45-5)										
Offense Against Person - M (45-5)										
Offense Against Property - F (45-6)										
Offense Against Property - M (45-6)										
Offense Against Public Administration - F (45-7)										
Offense Against Public Administration - M (45-7)										
Offense Against Public Order - F (45-8)										
Offense Against Public Order - Mr (45-8)										
Dangerous Drug/Drug Paraphernalia Offense - F (45-9, 45-10)										
Dangerous Drug/Drug Paraphernalia Offense - M (45-9, 45-10)										
Probation Violations/Conditions of Release (52)										
Statutory Registration as Violent or Sex Offender Offenses (46)										
Total										

Override Down	#	%
Override Up	#	%
No Override	#	%
Total	#	%

D = DETAIN
R = RELEASE
RC= RELEASE W/CONDITIONS
F = FELONY
M = MISDEMEANOUR

Override Down = Juveniles that were released or released with conditions with 15+ points
Override Up = Juveniles that were detained with 0-14 points