

**BERKS COUNTY, PENNSYLVANIA
JUVENILE DETENTION
RISK ASSESSMENT INSTRUMENT TEST**

May 1 through December 31, 2007

**TEST RESULTS
AND RECOMMENDATIONS**

**Prepared for the Berks County
Juvenile Probation Office**

by David Steinhart

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Study Notes

This study and report are supported by funding from the John D. and Catherine T. MacArthur Foundation, through the Center for Children's Law and Policy (CCLP). CCLP provides technical assistance to Berks County to support the county's participation in the "Models for Change" juvenile justice initiative of the MacArthur Foundation. Based in Washington, D.C., CCLP is a public interest law and policy organization focused on reform of juvenile justice and other systems that affect troubled and at-risk children.

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**BERKS COUNTY JUVENILE DETENTION
RISK ASSESSMENT INSTRUMENT TEST
May 1 – December 31, 2007**

EXECUTIVE SUMMARY

In 2006, the Berks County Juvenile Probation Office (JPO) undertook the development of a state-of-the-art juvenile detention risk assessment instrument. Detention assessment instruments are written criteria used by probation staff to make the critical decision about whether an arrested youth should be detained, released or referred to a detention alternative program. The instrument assigns points for specific risk factors (such as offense severity), producing a total risk score and a recommended detention outcome. These instruments are national best-practice tools that meet public safety goals while promoting objectivity and fairness in juvenile justice decision-making

The Berks County detention assessment instrument (DAI) was modeled on validated instruments used successfully in other jurisdictions, including sites participating in the Juvenile Detention Alternatives Initiative (JDAI) of the Annie E. Casey Foundation. Following JDAI protocols, the Berks County instrument was tested on a sample of youth referred to the JPO over an eight month period (May-December, 2007). The test was supported by a grant from the John D. and Catherine T. MacArthur Foundation to the Center on Children's Law and Policy (CCLP), which serves as a technical assistance provider to Berks County under the foundation's "Models for Change" Initiative.

Over the eight month test period, each minor referred to the probation department for a detention decision was screened using the DAI. The study tracked multiple DAI data points including personal characteristics (such as gender, age and race/ethnicity) as well as risk scores, detention outcomes, factors in aggravation or mitigation and overrides. CCLP retained juvenile detention expert David Steinhart to analyze test results and to compile a final report. This Executive Summary describes the results and recommendations contained in that final report.

Summary of test results

Test sample. The test sample consisted of 323 screened minors, including those with new offenses and those with post-adjudication referral reasons such as a probation violation or bench warrant. Three fourths of referrals were 15, 16 or 17 years old. 81 percent were males and 19 percent were females.

1. Detention rate—overall and by offense

The overall detention rate measured for the sample was 80 percent of referrals. In other words, 258 of all 323 children in the referral sample were placed in secure confinement. Ten percent (31 youth) went to a detention alternative (e.g., shelter, electronic monitoring). Another ten percent (34 youth) were released outright, usually to their parents. The overall detention rate is considered high when compared to other jurisdictions using state-of-the art juvenile detention risk instruments.

The report identifies detention rates for specific offenses and referral reasons. Mandatory holds (offenses or referral reasons for which detention is mandatory) accounted for more than half of all secure detention outcomes (138 of 258 total detentions). Examples of mandatory holds listed on the DAI are referrals for bench warrants, for placement and program failures and "zero tolerance" arrests for auto theft. For non-mandatory referrals, detention rates were high (exceeding two thirds of those referred) for all offense groups except misdemeanors (46% detained), probation violations (49% detained) and consent decrees (27% detained).

2. Detention outcomes by risk score; overrides of scores

On the Berks County instrument “decision scale”, the threshold score for secure detention is 15 points. Minors scoring between 10 and 14 points are eligible for a detention alternative, while those scoring 9 or below are recommended for release. (Children referred for a mandatory hold reason are detained regardless of their score). Probation screeners are advised to honor the minor’s risk score by choosing the appropriate outcome on the decision scale, unless the screener elects to override the score. Screeners may override the score by checking an aggravation reason listed on the DAI, triggering a more restrictive outcome than the one suggested by the score. For youth with 15+ points, screeners may override down to a less restrictive result by checking a mitigation reason. For the 185 sample members who did not have mandatory holds, the results were:

| Scoring Group | Total | Detained-- Number (Pct) | Detention Alternative-- Number (Pct) | Released-- Number (Pct) |
|---------------------------------------|-------|----------------------------|--|----------------------------|
| Score 0-9 points | 57 | 18 (32%) | 8 (14%) | 31 (54%) |
| Score 10-14 points | 40 | 21 (53%) | 16 (40%) | 3 (7%) |
| Total scoring 0-14 points | 97 | 39 (40%) | 24(25%) | 34(35%) |
| Score 15 + points (no mandatory hold) | 88 | 81 (92%) | 7 (8%) | 0 (0%) |

The total detain override rate was 40 percent. In other words, 40 percent of all youth whose scores qualified them for release or for an alternative (0-14 points) were nevertheless detained. The maximum override rate recommended by the National Council on Crime & Delinquency (and adopted by the Casey Foundation/ JDAI) is not more than 15-20% of release-eligible youth. The present result exceeds that standard by a wide margin. The most frequent override (aggravation) reason cited by screeners in the test was the unwillingness or unavailability of parents to provide supervision to their child. The recommendations address the need for improved override control.

3. Collateral risk factors—probation status, adjudication history, etc.

The DAI assigns risk points for delinquent history factors such as current probation status, prior adjudications or prior failures to appear in court. In view of the test results, the collateral factors as deployed in the instrument appeared to be well designed. About one fourth of minors with offense scores below 15 were “boosted” over the detention threshold by additional points for historical risk factors. The DAI did a reasonable job of differentiating outcomes for probation violators; 27 of 33 children referred as probation violators scored less than 15 points (qualifying for release or an alternative). However, 10 of these 27 release-eligible violators were detained as overrides.

4. Mandatory holds

Mandatory holds were the strongest driver of the total detention rate documented by this test. The largest group of mandatory holds consisted of minors referred on bench warrants (72 of 323 referrals). The next largest “must detain” group was made up of zero tolerance auto theft arrests (32 of 323 total referrals) Recommendations to adjust mandatory holds in each of these categories are offered below.

5. Disproportionate Minority Contacts (DMC) and race/ethnicity results

The study tracked all members of the sample by race and ethnicity, cross-referenced to referral reasons and detention outcomes. Youth were classified first by ethnicity as Hispanic/Latino or Non-Hispanic Latino, then were sub-classified by race as White, Black, Asian, American Indian/Alaskan Native, Hawaiian/Pacific Islander, or Other. There were no referrals of Asians, America Indian/Alaskan Native or Hawaiian/PI youth. In summary form the key results were:

- **Detention rates.** Detention rates were high for all race-ethnic groups. Whites were detained at 75% of all White referrals, Blacks at 77% of all Black referrals, and Hispanics at 84% of all Hispanic referrals. There is little evidence here of disproportionate minority confinement, as confinement rates are high across the board. The higher Hispanic detention rate can be attributed to the zero tolerance auto theft policy. Of the 32 zero tolerance arrests and detentions for auto theft, 22 were Hispanic youth. If half of these 22 Hispanic Latino youth had been risk-screened and directed to a detention alternative, the overall detain rate for Hispanic Youth would have dropped to 77 percent—on a par with results for other race/ethnic groups.
- **Referral rates.** There was strong evidence of race and ethnic disproportionality in the rates at which children were referred for detention decisions, compared to the race-ethnic distribution of youth age 10-17 in the Berks County population. These disparities are summarized below and are discussed at greater length in the text of the full report.

| Group | Percent of Berks County population Age 10-17 | Percent of referrals in this sample | Over / under representation In this sample |
|---------------------|--|-------------------------------------|--|
| White-Non Hispanic | 74 | 30 | 1 to 2.4 (under) |
| Black- Non Hispanic | 6 | 21 | 3.5 to 1 (over) |
| All Hispanic | 18 | 49 | 2.7 to 1 (over) |
| All others | 2 | 0 | Under |

Recommendations

A. *The overall detention rate of 80 percent is high—high enough to indicate that the Berks County detention screening process, including the application of the DAI, is not as effective as it could be. It is recommended that an interim target detention rate of 65 percent of referrals be adopted—15 percent below the currently measured rate of 80 percent. This target can be met if the detain rates for auto theft and abscond home cases are cut from the current 100 percent to 50 percent and if detain overrides are reduced for youth who qualify for a detention alternative based on their score.*

Specific sub-recommendations are:

1. **Discontinue the zero tolerance/ mandatory detention policy for auto theft arrests.** It is recommended that children arrested for auto theft be screened, scored and detained or released in the same manner as children referred for other new offenses. Zero tolerance mandates are expressions of policy that bypass risk assessment. They usually involve higher system (detention) costs. In this case, the zero tolerance policy also raises DMC concerns due to the extremely high percentage of Hispanic youth arrested and automatically detained for auto theft. The target goal would be to screen these cases and thus cut the detention rate in auto theft cases by 50 percent.
2. **Devise more flexible methods for detention screening in “abscond from home” bench warrant cases.** Berks County has a high volume of bench warrants for “abscond from home” reasons. These are, by and large, youth on probation who leave home without permission. The alleged probation violation becomes a mandatory detention event via the warrant process. Many JDAI jurisdictions have reduced high warrant detention rates by adopting new warrant policies, such as allowing probation screeners the discretion to score and release children with certain types of warrants. It is recommended that the Court and Probation Office review these best-practice

warrant models and that they devise some method allowing for more flexible screening results in these “abscond from home” warrant cases.

B. The risk instrument is generally sound. Better detention control (reduction in the overall rate) will be achieved mainly by changes in practice and procedure (e.g., changing the zero tolerance policy for auto theft) rather than by altering the risk instrument itself. Nevertheless, some minor adjustments of the risk instrument may be advisable as discussed in the report. The DAI should ultimately be validated by tracking an appropriate release sample to determine rates of success and failure on release; validation results may then indicate a need to adjust DAI points or decision scale values (as described in the full report).

C. Better override controls are advised. The total detain override rate was 40 percent of minors whose scores qualified them for less restrictive alternatives or release at intake. The detain override rate was highest for children with mid range-scores (10-14) points who qualified for a detention alternative but were instead securely detained. The recommended maximum detain override rate is 15-20 percent of children who qualify for less restrictive outcomes (Annie E. Casey Foundation, National Council on Crime & Delinquency). Berks County can make progress toward this standard by implementing better override controls. This can be done by reducing the number of aggravation overrides for parental reasons and by increasing the utilization of detention alternatives for minors who qualify for alternatives based on their risk scores.

The most frequent aggravation reason cited in support of these overrides was parental unavailability or unwillingness to care for the child. This override pattern is a familiar one among JDAI sites conducting similar risk assessment tests. Remedies for this problem (such as charging parents for the costs of delayed pickup) are described in several of the subject-matter volumes published by the Annie E. Casey Foundation in its “Pathways to Juvenile Detention Reform” series.

Another common factor contributing to high override rates is a lack of detention alternative programs or program slots for children with mid range scores. There is strong evidence that detention alternatives are either under-utilized or under-developed in Berks County, since more than half of those qualifying for alternatives were overridden “up” into secure confinement. The recommendation is that Berks County adopt a target detain override rate of not more than 20 percent of children whose scores qualify them for a detention alternative or release. Based on referral volume and these study results, overrides to secure detention would need to be reduced by only 30 youth per year to achieve this override reduction target.

D. Disproportionate Minority Contacts (DMC). While there is little evidence of disproportionality in Berks County detention rates as measured for children in different race/ethnic groups, there is strong evidence of disproportionality in the rates at which these children are initially referred to the Berks County Juvenile Probation Office for detention screening. Hispanic and Black (Non Hispanic) youth are apprehended and referred at rates well in excess of their rates of representation in the Berks County youth population age 10 through 17. Conversely, White (Non Hispanic) youth are referred at a rate that is less than half of their county youth population rate. These disparities in referral rates deserve further review.

The disparities documented in the test results raise questions about community juvenile justice operations that are well beyond the scope of this report. There are many possible explanations for disparities in juvenile probation referral rates—including law enforcement practices and priorities (affecting which minors are presented for detention screening) and broader social and economic

factors such as poverty and unemployment that may correlate with higher rates of minority youth involvement with the justice system. The goal of this report is simply to document referral and detention facts, so that others may consider their relevance for future action or change.

E. Form completion process. Berks County probation personnel did a commendable job of completing risk instruments and following test protocols. For the future, Berks County officials should consider whether the screening process can or should be more fully automated, particularly with regard to monitoring of DAI scores and detention outcomes.

Risk screeners showed excellent compliance with test protocols for completing DAIs. We note that the Berks County DAI forms are completed by hand, rather than by computer or automated program. In the long run, this makes it more difficult (than in a fully automated system) to monitor risk scores and detention results. Thus, while recognizing the cost issues involved, it is recommended that Berks County examine the possibilities for integrating risk instrument scores and outcomes into its juvenile justice information management system.

F. Continued monitoring is necessary to document the on-going effectiveness and success of the detention screening instrument.

Good monitoring is an essential requirement for any successful detention screening system. Without adequate monitoring, compliance with risk screening guidelines, and risk screening results as a whole, tend to deteriorate over time. This deterioration is usually manifested by rising overall detention rates. It is strongly recommended that the JPO take steps to ensure that DAI scores and outcomes are tracked according to a consistent monitoring framework. More detailed monitoring recommendations are offered in the full report.

G. A validation test of the Berks County DAI should be conducted to determine rates of success and failure for minors released or referred to detention alternatives based on their risk scores. Depending on the validation results, it may be advisable in the future to adjust points for individual risk factors or decision scale values in order to assure optimum performance for the Berks County juvenile detention process as a whole.

The present study is an implementation test of the Berks County DAI rather than a formal validation study. An implementation test documents the effects of the DAI as applied to the entire referral population. A validation study documents the performance of children who are not securely detained—i.e., those who are released or referred to a detention alternative program based on their risk scores. The goal of validation is to confirm the effectiveness of the DAI in relation to two specific risks: the risk that a minor will re-offend prior to his court adjudication date, and the risk that the minor will fail to appear at a court hearing. Validation tests are sometimes called “public safety tests” because they measure re-offense rates for released youth.

If and when the current DAI and associated detention policies are adjusted, based on these test results, Berks County will be in a good position to follow with a validation study. A validation study does not require as large a sample as the implementation study, and it is conducted over a shorter time frame (tracking individual at-risk periods that are usually between 30 and 45 days after release at intake). Protocols for conducting validation studies of detention risk instruments are summarized in the 2006 Annie E. Casey “Practice Guide to Juvenile Detention Risk Assessment”. That publication, as well as recent validation study examples, can be downloaded from JDAI help desk (www.jdaihelpdesk.org). Depending on validation results, there may be a subsequent need to adjust the DAI to narrow or to widen the class of youth who are released, as explained in the full report. □

**BERKS COUNTY JUVENILE DETENTION
RISK ASSESSMENT INSTRUMENT TEST
Conducted May 1 - December 31, 2007**

RESULTS AND RECOMMENDATIONS

Prepared by David Steinhart

BACKGROUND AND TEST METHODOLOGY

Risk screening at intake is widely acknowledged as a “best practice” for juvenile detention decision-makers. Risk screening is accomplished by use of a Detention Assessment Instrument or “DAI” which is used to help probation staff decide whether an arrested child should be detained in a secure facility or referred to a less restrictive alternative. The detention assessment instrument assigns points to each referred minor based on objective risk factors—such as the nature of the offense and the minor’s offense history. The minor’s total score indicates the level of risk presented and serves as a guide to the detention decision. DAIs, as validated in follow up tests, have been shown to be effective in reducing unnecessary admissions to secure detention and in meeting other juvenile justice goals, including the goal of public protection.

Early in 2006, the Berks County, Pennsylvania Juvenile Probation Office (JPO) moved forward with the development of a state-of-the-art juvenile detention risk assessment instrument. This was a voluntary effort, stemming from a desire to ensure that detention decisions made by probation staff were fair, objective and unbiased. It was not compelled (as in some jurisdictions) by litigation or by the need to reduce facility overcrowding. Over several months, a JPO administrative team reviewed the research literature and examined model risk instruments from other sites. After several drafts, the team settled on a version that was approved by the Juvenile Court and was implemented provisionally in July of 2006.

Team leaders in the JPO then reviewed options for testing the effectiveness of the new DAI. They wanted to know in specific terms how the risk factors and points they had deployed on the DAI were affecting detain-release decisions and rates. In 2006, Berks was one of three Pennsylvania counties participating in the John D. and Catherine T. MacArthur Foundation “Models for Change” juvenile justice initiative, focused on reducing racial and ethnic disparities in the juvenile justice system. The Center for Children’s Law and Policy (CCLP) —a technical assistance provider under the MacArthur initiative—agreed to support an implementation test of the Berks County DAI. Detention risk assessment expert David Steinhart was retained by CCLP to help design testing protocols and to analyze and report the test results. The test was launched on May 1, 2007 and lasted through the end of the year; it took eight months to accumulate the minimum number of 300 cases necessary for the analysis. During the test period, each minor referred to the JPO for a detention decision on any arrest or violation, including probation violations, was screened using the DAI. Copies of each individual screening form, along with other case documents (warrants, law enforcement reports) were transmitted to the analyst for review and tabulation. This report presents the findings and

results of the study, along with conclusions and recommendations based on those results. Tables and charts following the text display the test results in detail.

It should be noted that this report describes the results of a DAI implementation test. This test is to be distinguished from a formal validation study of the DAI. A formal validation study tracks performance outcomes for children who are released at intake based on their risk scores. Sometimes called a “public safety” test, the validation test documents rates of failure (re-offending pending adjudication, failure to appear in court) for released youth. Validation studies are normally done after the DAI has undergone a general implementation test (like this one). The report includes a recommendation that Berks County conduct a validation study at some future time, after the results of this study have been digested and incorporated into local practice.

The report is divided into three sections: a narrative summary of test results, risk assessment conclusions and recommendations by the analyst and test data tables. Immediately below, as context and background for the findings and recommendations of this report, is a snapshot of recent Berks County juvenile justice population, arrest and detention data.

**Berks County, Pennsylvania
Juvenile Justice Data Snapshot**

| | |
|--|---------|
| Berks County population age 10 through 17 (2006) | 44,850 |
| Juveniles referred to the Berks County Probation Office (2007) | 1,571 |
| Total admissions to secure detention, Berks County Youth Center (2007) | 642 |
| Average daily detention population Berks County Youth Center (2007) | 48 |
| Detention center rated capacity Berks County Youth Center (2007) | 78 |
| Average length of stay in detention (2007) (includes pre- and post- adjudication youth) | 28 days |

Sources: National Center for Juvenile Justice (US Census Bureau, National Center for Health Statistics); Pennsylvania State Police Uniform Crime Reports; Berks County Juvenile Probation Office, Berks County Youth Center; Center on Children’s Law & Policy.

PART I: SUMMARY OF TEST RESULTS

Sample tested

The sample consisted of 323 minors referred for detention screening and decision during the 8 month test period. The sample included minors arrested and referred for new offenses as well as minors referred for post-adjudication reasons such as a bench warrant or a probation violation. Not included in the sample were minors whose detention was ordered directly by the Juvenile Court, as an interim or final disposition of the case. These “judicial order” cases were excluded because the DAI is not utilized by the court; its use is limited to probation staff making detention decisions.

Detention outcomes overall

Table 1 shows the number and percent of youth in the sample who were detained, referred to a detention alternative or released. 258 of the 323 minors in the screening sample were securely detained, for an overall detention rate of 80 percent. More than half of these detainees were held for one of the mandatory detention reasons listed on the risk instrument (138 of the 258 total secure detentions). Ten percent of the sample (31 youth) went to a detention alternative, and another ten percent of the sample (34 youth) was released at intake. The overall detention rate of 80 percent is considered high by comparison with other jurisdictions using state-of-the-art detention risk instruments.

Age by gender of referrals

Table 2 shows the age and gender of all 323 youth in the test sample. Males constituted 81 percent of the sample and females were 19 percent—a normal juvenile detention gender spread. Five percent of referrals were minors aged 13 or younger, including two 11 year old boys at the youngest end of the sample. Nine percent were age 18 or 19, at the oldest end of the sample. The bulk of referrals (241 or 75 percent) were clustered in the 15 through 17 age group.

In some juvenile justice systems, younger children tend to be diverted from secure detention due to classification and management issues related to contacts with older adolescents in the same unit or facility. For the 15 youngest members of this referral sample (children 11 through 13 years of age) the detention outcomes were as follows: detained (9), detention alternative (1) and released (5). Of the 9 who were detained, one was 11 (aggravated assault, risk score 26) and the rest were 13 years of age.

Detention outcomes by offense

Table 3 shows detention outcomes by referral reason or offense. Detention rates were high (exceeding 75 percent) or fairly high (exceeding 40 percent) for all referral reasons except consent decree violations. Youth with misdemeanor offenses (all types)—where the expectation is that detention rates will be low—were detained at a fairly high rate of 46 percent of those referred. Assignments to detention alternatives were infrequent. Only 31 youth (of all 323 referred) went to a detention alternative; of these, the largest share consisted of probation violators.

Detention outcomes by risk score

Table 4 shows the spread of risk scores accumulated by children in the sample, as well as the number and percent of minors detained, referred to a detention alternative or released by risk score group. Overrides of scores—up to a more restrictive outcome and down to a less restrictive one—are also highlighted on this table. (Overrides are examined in greater detail below).

On the Berks County instrument, the threshold score for secure detention is 15 points—i.e., minors scoring 15 or more points qualify for secure custody. In addition, minors having a listed “mandatory override” reason are routinely detained. Minors with mid-range scores (10 - 14 points) are considered eligible for referral to a detention alternative, such as electronic monitoring. Minors scoring 9 or fewer points are considered low risk and are to be released, usually to the custody of their parents, unless the probation screener decides to “override” the risk score in favor of a more restrictive outcome.

Only 57 of all 323 referrals in the sample scored 9 or fewer points on this DAI (18 percent of referrals). Of these 57 low scoring youth, about half (31 or 54 percent) were released outright. The others were overridden to a more restrictive status—either to a detention alternative or to secure detention.

Forty of the 323 referrals had mid-range scores between 10 and 14 points, thus qualifying for a detention alternative. However, most of these middle scoring youth (53 percent) were securely detained anyway as overrides. This suggests a need to review and broaden the availability of detention alternative programs so that a greater share of children qualifying for alternatives can in fact be directed to those alternatives. This is discussed further in the recommendations that follow.

In all, 97 youth scored between 0 and 14 points, qualifying for a non secure option or outright release based on their risk scores. Nearly half of these youth were overridden “up” to more restrictive outcomes, as discussed under “overrides” below.

A total of 216 referrals (67 percent of all) crossed the threshold for secure detention, either because they scored 15 or more points or were classified as mandatory detention cases. None of these 216 children was released outright, though 7 were overridden down to a detention alternative in lieu of secure confinement. These results were heavily influenced by the current county policy of “zero tolerance” in auto theft cases—i.e., by the mandatory detention of minors who would otherwise be candidates for detention alternatives or release home. This court policy is discussed at greater length in the recommendations that follow.

Overrides

An override is a decision to detain or release a referred youth in contravention of the detention outcome recommended by his or her total risk score. On the Berks County DAI, mandatory detention reasons are characterized as “overrides”, but these are not overrides in the usual sense of a discretionary decision made by the intake officer to impose a detention outcome that is more restrictive than the minor’s risk score indicates.

Discretionary overrides are accomplished in the Berks County process by selecting an aggravation or mitigation reason, from those listed on page two of the form, as grounds for directing the minor to a detention result that is more or less restrictive than the outcome suggested by the risk score. Tables 5-8 show how these aggravations and mitigations were selected by screeners to support discretionary overrides.

a) Overrides up to more restrictive outcomes

A total of 97 minors earned 14 or fewer points on the DAI, without a mandatory detention reason. These were all candidates for outright release or for a detention alternative. Nevertheless, 39 of these youth (40 percent) were securely detained. This is a high detain override rate, when measured against the detain override standards adopted within the Juvenile Detention Alternatives Initiative (JDAI) of the Annie E. Casey Foundation. In addition, seven additional youth who scored fewer than 9 points (qualifying for release) were moved to the more restrictive option of a detention alternative. The total “override up” rate for this study was thus 48 percent (47 of 97 youth going to outcomes that were more restrictive than the one indicated by their score). Recommendations for achieving better control of overrides are presented later in this report.

The aggravations selected to support overrides to more restrictive outcomes are summarized in Table 6. The most frequent override reason was the unavailability or unwillingness of parents to provide appropriate supervision. This is consistent with the test results of JDAI sites in which lack of parental cooperation is the reason most frequently cited in support of overrides to detain. In this study, the other most frequently selected aggravations were “significant risk to community safety” (N = 8) and “significant substance abuse problem” (N=6). Screeners demonstrated good compliance with test protocols by checking an aggravation reason in almost every detain override case (45 of 47 override up cases), by avoiding overrides based on non-specific “other” reasons and by documenting supervisor approval. In situations where more than one aggravating circumstance applied, screeners were instructed (for purposes of the test) to select only the most dominant aggravating circumstance as the basis for the override.

b) Overrides down to less restrictive outcomes

Of all 323 youth in the sample, only ten were assigned to a less restrictive result than the one indicated by their risk score. The candidate pool for “down” overrides consisted of 128 youth with risk scores of 10 or more points and without a mandatory detention reason. Out of 40 youth scoring between 10 and 14 points (qualifying for a detention alternative), three were overridden down to a straight release. Out of all youth scoring 15 or more points (qualifying for secure detention), seven were moved down to a detention alternative and none were released. The total override down rate for the sample was 8 percent of all youth with scores exceeding 10 points whose detention was not mandatory.

The mitigations selected by screeners to support overrides to less restrictive outcomes are shown in Table 8. The most frequent reason given for a less restrictive outcome was the availability and willingness of parents to provide appropriate supervision (three cases). The other 6 mitigation reasons selected were scattered throughout the list. What

is most notable about these results is that mitigations (and overrides down) were selected in so few cases overall.

Collateral (non-offense) factors contributing to 15+ scores and secure detention

Collateral risk factors capture the minor's probation status and delinquent history. In the design of the risk instrument there was extensive discussion about the collateral (non-offense) factors that would be included on the DAI, and about the point values to be assigned to these collateral factors. As tested, the Berks County DAI includes, as collateral risk factors, the following (a copy of the DAI is attached to this report):

- Prior findings (0-6 points for prior adjudications based on number and severity, without time limits as when the prior adjudication occurred)
- Current supervision status (0-4 points for supervision and probation status)
- History of failure to appear within the last 12 months (1 point for a single failure to appear and three points for two or more failures to appear).
- History of escape/runaway within the past 12 months (0-4 points based on the number of events).

Probation history factors are (generally) reliable predictors of success or failure on release. Stakeholders designing the Berks County DAI sought to include an array of probation history factors that were both appropriate to the test population and non-redundant. Redundancy occurs where minors earn points at two or more places on the DAI for same or linked events, such as "on probation" and "recent adjudication".

One of the objectives of this DAI test is to determine whether these collateral factors, as deployed on the test DAI, worked in an even manner or operated to over-promote secure detention. Table 9 examines this question by looking at selected referrals to determine the extent to which collateral factors may have pushed total risk scores beyond the detention threshold of 15 points. Specifically, Table 9 considers three classes of referrals: a) minors with new offenses and offense scores totaling less than 15 points¹, b) minors referred for electronic monitoring violations (10 offense points) and c) minors referred for probation violations (5 offense points).

a) Minors with new offenses and offense scores totaling less than 15 points

There were 87 referrals of minors with new offenses where the offense factor score (present offense points plus additional offense points) was 14 or fewer points. Thus, without any additional points for collateral factors, these minors would not qualify for secure detention unless handled as an override of the score. However, in 24 of these 87 cases (28 percent), children accumulated enough additional points on collateral risk factors to generate a score of 15 or higher and thus to qualify for secure detention. These collateral points were earned for concurrent probation violations, prior findings and/or current supervision status. No special pattern in the distribution of these additional or collateral points could be identified. No recommendation for adjustment of collateral factors and points is recommended, based on these specific results.

¹ For this part of the analysis, the offense score was calculated as the points earned for the instant offense plus points earned for "additional non-related charges or pending charges".

b) Minors referred for multiple electronic monitoring (EM) violations

On the Berks County risk instrument, minors with electronic monitoring (EM) violations can be treated in two ways. If the violation involves removal of the EM device, detention is mandatory. Other “multiple” EM violations are scored on the face of the form, garnering 10 points for the EM violations, with the final detention outcome depending on the total risk score. An artifact of this DAI is that three fourths of the youth referred for non-mandatory EM violations accumulated more than 15 points and qualified for secure custody (16 of 21 such referrals for a 76% detain rate). This is because 10 points are awarded for EM violations (those not involving removal) and, in addition, points are nearly always awarded for linked priors and supervision status. The effect in these cases is de facto mandatory detention. This may suggest a need to review how EM violations (non removal/ non mandatory) are handled in the future.

c) Minors referred for probation violations

Jurisdictions developing detention risk instruments often encounter difficulty in the classification and handling of minors who are referred for a technical violation of probation (not involving a new criminal offense). In emerging JDAI sites, stakeholders devising new risk instruments frequently lack consistent guidelines or policies for responding to probation violations. The best-practice scenario is a set of graduated sanctions for probation violations, with secure detention as the most restrictive sanction. Some sites use separate probation risk instruments, and/or probation violator sanction matrices or grids, to direct probation violators to appropriate sanctions. We understand that the JPO is presently exploring additional options for probation violators, including the possible use of a probation violator sanction grid.

In this DAI test, juveniles with technical violations of probation were scored on the DAI. The result was that 49 percent of youth having a probation violation as the primary referral reason were securely detained. This is not, in itself, excessive when compared to sites that have experienced much higher detain rates in these cases. Nevertheless, we did note some redundancy in the scoring of probation violation cases. These youth started with 5 points for the probation violation and invariably earned 3 or 4 additional points for the supervision status of being on probation or aftercare. While this scoring array does involve some redundancy (points for a probation violation plus points for being on probation), probation violators reached the detention threshold of 15 points in only six cases. At the same time, the override rate for probation violators scoring less than 15 points was fairly high: of the 16 probation violation youth who were detained, ten were detained as overrides of their scores.

Moreover, a good many of the bench warrants for “absconding from home” (resulting in mandatory detention) appeared to be for probation violations—issued because the minor had left home without permission or had been absent from home for some period of time. There were 39 of these “abscond home” bench warrant referrals. If these are viewed as de-facto probation violation cases, then the total number of probation violator referrals in the sample rises from 33 to 72, or nearly a fourth of all referrals. These observations, taken together, may be grounds for a broader review of policies on the secure detention of children referred for violations of probation. If a probation violator sanction grid is

developed, it may make sense to include “abscond home” cases among those that are handled using the sanction grid.

Consent decree cases

Minors referred for consent decree violations earned two points for this referral reason. In addition, the DAI includes a checklist under “Supervision Status” for children who were on official probation for a non-crime or “other” reason (probation other, consent decree or deferred disposition). Minors qualifying for one of these supervision status reasons earned two additional points. On the final tally, there were 27 youth who earned two points for “official probation/other” supervision status, broken out as follows: “probation other” (5), consent decree (16), deferred disposition (5) and not specified (1). Eleven of the 16 youth who received two points for consent decree status under this factor had been referred for a violation of the consent decree itself as the primary referral reason. Collecting two points for this status rarely drove total scores over the 15 point detention threshold. Moreover, consent decree violators as a group had the lowest detention rate (27 percent) and highest release rate (55 percent) of any referral group.

Minors referred on warrants

By far the largest class of referrals in this sample consisted of minors referred on warrants of various types. Seventy two minors (22 percent of the sample) were referred on warrants, with a 100 percent detention rate. Table 10 displays these warrant referrals by type of warrant and detention outcome. There were 18 failure-to-appear warrants, 15 warrants for absconding from a placement and 39 warrants for absconding from home. Of these, the latter group, constituting more than half of all mandatory warrant referrals, deserves additional analysis. In almost every warrant case, a hard copy of the warrant was attached to the DAI test form. From a review of these warrants, it is clear that “abscond from home” warrants are not being issued for initial status offense (runaway) behaviors; rather, these warrants are being issued in cases where the minor has allegedly violated a condition of probation after a prior delinquency finding. Thus it appears, as noted above, that these are essentially probation violation cases being processed as bench warrants and subject to mandatory detention. Alternatives for handling “abscond from home” warrant cases are discussed further in the recommendations of this report.

Race/ ethnicity (DMC) results

Table 11 shows the number of referred youth falling into the race-ethnicity classifications utilized for this DAI test sample. These classifications are for the most part consistent with the classifications used by the U.S. Census Bureau in its demographic data reports. This sample was classified by Hispanic/Latino and Non Hispanic/Latino ethnicity (plus “unknown”) and further by five main race groups: White, Black, Asian, American Indian/Alaskan Native, and Hawaiian/ Pacific Islander (plus “unknown”). As Table 11 shows, Hispanic/Latino referrals (black and white together) constituted 49 percent of all referrals; Non-Hispanic Whites were 30 percent of all referrals; and Non-Hispanic Blacks were 21 percent of all referrals. Interestingly, during this study there were no referrals of any Asian, American Indian/Alaskan Native, or Hawaiian/Pacific Islander youth.

Table 12 (two parts) reports detailed referral and detention numbers and rates for each of the ethnic and race groups tracked in the sample. For convenience of display, Hispanic/Latino referrals and detentions are treated as a single group in Table 12, under the label “Hispanic”, without a breakout by sub-race (Black, White) within the Hispanic group. Also for convenience of display, the three race categories for which there were no representatives in the sample (Asian, Am-Alaskan Native, Hawaiian-PI) are collapsed into a single group with zeroes entered in the appropriate columns and rows of Table 12. The result is a table which offers clear comparisons between the major groups actually represented in the study sample: Hispanics (black and white), Non-Hispanic Whites and Non-Hispanic Blacks. This treatment also makes it possible to compare the Berks County race-ethnicity results with the general population data collected and reported by the U.S. Census Bureau for equivalent demographic groups (Table 13).

Table 12 shows, for each offense and for each race-ethnic group, the number of youth referred and the referral rate for that offense, as well as the number detained and the detention rate for that offense. The “detain rate” is the percent of referred youth in each race-ethnic group who were securely detained (not including those assigned to a detention alternative).

The key results distilled from Table 12 are:

- Referral rates. Whites constituted 30 percent of all referrals, Blacks constituted 21 percent of all referrals and Hispanics constituted 49 percent of all referrals. The importance of these distributions becomes clear when compared with the distributions of youth by race-ethnicity in the general county population (see below).
- Detention rates. White and Black youth were detained at nearly identical rates overall: 75 percent of all White youth referrals were securely detained and 77 percent of all Black youth referrals were securely detained. Hispanic youth had a higher overall detention rate (84 percent). Asian/other youth had no representation in the sample, so no detention rate can be calculated for these youth.

These results offer only moderate evidence of disproportionate minority confinement. The moderate evidence is the slightly higher overall detention rate for Hispanic youth (84 percent) over the detention rates measured for White and Black youth (75 and 77 percent). The higher detain rate for Hispanic youth is almost fully attributable to the zero tolerance policy of mandatory detention in auto theft cases. Of the 32 youth detained under this zero tolerance policy, 22 were Hispanic/Latino youth. If half of these 22 Hispanic/ Latino “zero tolerance” youth had been scored and redirected to a non-detention alternative, the overall detention rate for Hispanic youth would drop to 77 percent, thus achieving parity with the detain rates measured for Black and White Non Hispanic youth.

The other conclusion worth noting is that detain rates for all race-ethnic groups are uniformly quite high, exceeding 75 percent. While not demonstrating disproportionality, these results do indicate a need to achieve better control over detention rates for youth in all race and ethnic groups.

Comparison to general population. Test evidence of disproportionality is greatest—not for secure confinement—but for referrals to probation for detention screening. Once referred, minors are detained at equivalent rates with the exception noted for Hispanics in zero tolerance cases. But initial referrals to probation are made at rates that are inconsistent with the race-ethnicity distribution of youth in the general Berks County population. Table 13 shows the 2006 population of Berks County individuals age 10 through 17. The source of this population data is the National Center for Juvenile Justice data base, which in turn is based on United States county population estimates derived from the year 2000 U.S. Census. Reproduced immediately below are the key comparisons between the Berks County youth population, by race/ ethnicity, and the referral population for this risk instrument test.

| Group | Percent of Berks County population Age 10-17 | Percent of referrals in this sample | Over/ under representation In this sample |
|---------------------|--|-------------------------------------|---|
| White-Non Hispanic | 74 | 30 | 1 to 2.4 (under) |
| Black- Non Hispanic | 6 | 21 | 3.5 to 1 (over) |
| All Hispanic | 18 | 49 | 2.7 to 1 (over) |
| All others | 2 | 0 | Under |

Clearly, Black-Non Hispanic and Hispanic youth are strongly over-represented in the referral sample, compared to their rates of representation in the general Berks County youth population. By contrast, White Non Hispanic are significantly under-represented in the referral population, compared to their rate of representation in the Berks County youth population. A close examination of referral rates by offense provides some insight into these disparities—but not much. The high referral rate for Hispanics is explained to some extent by their frequency of referral for zero tolerance auto theft, bench warrants and electronic monitoring violations. Black youth have referral rates exceeding population share for nearly all offenses. White youth are referred at rates nearing their population rate for misdemeanors, but much less frequently for all other offenses and reasons. Referrals are affected by many factors, including the actual behavior of the youth as well as law enforcement and other justice system agency priorities and practices. Additional comments on these race/ethnicity results are offered in the recommendations.

Form completion

Overall, compliance with study protocols by risk screeners and administrators was excellent. DAI forms were completed by hand, and there were few errors or omissions in forms submitted for analysis. In rare instances where information on an individual form was missing, it was swiftly retrieved and supplied to the analyst. Overrides were, in particular, well documented with reasons for overrides checked and with supervisory approval for the overrides clearly indicated, as required, on the face of the risk instrument.

PART II: CONCLUSIONS AND RECOMMENDATIONS

A. The overall detention rate of 80 percent is high—high enough to indicate that the Berks County detention screening process, including the application of the DAI, is not as effective as it could be. It is recommended that an interim target detention rate of 65 percent of referrals be adopted—15 percent below the currently measured rate of 80 percent. This target can be met if the detain rates for auto theft and abscond home cases are cut from the current 100 percent to 50 percent, and if detain overrides are reduced for youth who qualify for a detention alternative based on their risk score.

In the absence of exceptional circumstances, an 80 percent overall detain rate is a not a particularly good outcome for a jurisdiction applying best-practice detention risk assessment tools and procedures. Such a high detention rate might be acceptable in a jurisdiction where law enforcement referrals to probation were limited to only the most serious and violent offenders. But this does not appear to be the case in Berks County, where the referral sample was composed of youth with a wide spectrum of referral offenses and reasons. Under these circumstances, an 80 percent overall detention rate indicates that the detention screening process is not working at full efficiency.

The test results are helpful in this regard. They isolate several classes of referrals that contribute significantly to the high detain rate. These are zero tolerance auto theft cases, cases involving “abscond from home” bench warrants and cases involving overrides of mid-range scores (youth qualifying for detention alternatives) into secure detention. Together, these cases accounted for 36 percent of all detention outcomes recorded for this test sample. Modest adjustments in detention practice for each of these case types would reduce the overall detain rate and would demonstrate that the DAI is functioning more effectively as an intake screening tool.

Overall, it is recommended that county juvenile justice policymakers adopt an interim target of reducing the total detention rate from 80 to 65 percent or less within six months. This can be readily achieved by making recommended changes in detention policy and practice for the three referral groups identified above. These would be changes in policy and practice rather than changes in the risk instrument itself—as described below.

1. Zero tolerance auto theft cases

As noted in the preceding analysis, 10 percent of all referrals (32 youth) were referred and detained at a 100 percent rate on vehicle theft charges, per a judicially ordered policy of mandatory detention in these cases. Without a zero tolerance policy, these youth would be risk scored and their detention outcomes would vary according to their risk scores. The temporary adoption of restrictive detention policies, as a way of responding to citizen concerns and “sending a message” to at-risk youth, is not an uncommon practice. However, these zero tolerance mandates are expressions of policy that have no foundation in risk assessment technology. Any mandatory detention policy represents a bypass of risk assessment. There is a cost tied to maintaining mandatory detain policies, measured in higher bed utilization rates and higher system expenses. Given study

results that confirm the disproportionately high number of Hispanic youth detained in zero tolerance auto cases, the Berks County zero tolerance policy also raises DMC concerns. It is up to Berks County policymakers to decide if and when it should re-evaluate its zero tolerance detention rule for auto theft arrests. Our recommendation is that the current zero tolerance policy be discontinued and replaced by subjecting youth arrested for auto theft to the same rigorous risk screening procedures that are applied to children arrested for other felony level behaviors. If auto theft referrals are restored to parity with other referrals, we would expect the detention rate in these cases to decline to perhaps 50 percent of those referred, rather than the present 100 percent. Many of these referred youth might find their way into detention alternatives, such as electronic monitoring, rather than secure confinement. This would be an important change that could enhance the overall efficacy of the risk screening process.

2. “Abscond from home” bench warrants

Bench warrants accounted for more than one fourth of all secure detention outcomes in the test sample, and more than half of the bench warrants in the sample were issued on the basis that the minor had “absconded from home”. Copies of the warrants, appended to each risk instrument, were reviewed to confirm that in each “abscond from home” case, the minor had been on probation for a prior delinquency finding. There was no evidence that these were pure status offenses cases—i.e. warrants issued for initial runaway or other non-criminal behaviors. Nevertheless, the bench warrants in these cases did serve as mandatory detention devices to guarantee secure custody for children with probation violations. To meet overall detention control objectives, it is recommended that steps be taken to diversify system responses in “abscond home” warrant cases, with a goal of reducing secure detention outcomes in these situations by 50 percent. Getting to such a result will require discussion and negotiation between judicial and probation decision makers in Berks County. A good many sites in the Annie Casey Foundation detention initiative, facing similar issues in warrant cases, have successfully adjusted warrant policies and procedures to meet detention reform goals. Some of the methods developed were: having the court designate individual youth in warrant cases as “eligible for risk screening” by probation screeners, based on guidelines accepted by the court; granting probation officers discretion to score and release youth with certain types of warrants (e.g., warrants based on prior misdemeanor offenses); and adding new classes of juvenile warrants pre-designated as non-mandatory (score for detention) warrants. The Annie Casey Foundation series entitled “Pathways to Juvenile Detention Reform”—particularly Volume 9, “Special Detention Cases”—describes how some of these warrant policy changes were designed and implemented at JDAI sites.

3. Overrides

A 50 percent reduction in the number of detain overrides is recommended as discussed under recommendation “C” below.

B. The risk instrument is generally sound. Better detention control (reduction in the overall rate) will be achieved mainly by changes in practice and procedure (e.g., changing the zero tolerance policy for auto theft) rather than by altering the risk instrument itself. Nevertheless, some minor adjustments of the risk instrument may be advisable as discussed below. Furthermore, the DAI should ultimately be validated by tracking an appropriate release sample to determine rates of success and failure on release; validation results may indicate a further, later need to adjust DAI points or decision scale values to underwrite the efficiency of the detention screening process.

The risk assessment instrument (DAI), standing alone, appears to be well constructed and competent to meet the Berks County need for an objective, best-practice juvenile detention screening tool. The changes needed to optimize the county's juvenile detention screening system are mainly changes in policy and procedure, as noted above, rather than changes in the risk instrument itself. If all the policy recommendations described above were to be adopted, Berks County could expect to lower its secure detention rate to 65 percent of referrals, rather than the 80 percent measured in this study. In addition, we would expect to see a somewhat higher percentage of youth with mid range scores qualifying for detention alternatives in lieu of secure custody.

The analysis of this sample included a search for redundant scoring results—i.e., for detentions resulting from compounding of scores for duplicate or overlapping collateral risk factors. As reported above, there was little evidence that redundant scoring made any significant contribution to overall detention rate. Nevertheless, one scoring anomaly is noted, with regard to children referred for “multiple violations of electronic monitoring”. These children earned 10 “offense” points at the start. Then, because they were already in the probation system, they almost always earned collateral points for prior adjudications and current supervision status, pushing them over the detention threshold score of 15 points. In these cases, the practical effect of this scoring array is to make detention mandatory in the vast majority of electronic monitoring referrals. The DAI presently classifies only those EM violations that involve removal of the device as a mandatory hold, allowing other (multiple) EM violations to be scored. Though no specific recommendation for changing the DAI in this respect is recommended at this time, we do note that the effect of the present scoring array is to produce a secure detention result in all but a fraction of EM violation cases. Local detention stakeholders may wish to reconsider their policies, and the points awarded, for EM referrals after they have reviewed all of the results and recommendations of this report.

If and when Berks County performs a validation study to document the performance of children released at intake (or referred to detention alternatives), it may be necessary to consider additional, downstream adjustments in the DAI. Validation results documenting extremely low failure rates usually mean that the DAI is too restrictive and that its point values (or the decision scale) need adjustment to widen the class of children eligible for release and to avoid the unnecessary secure detention of children who do not pose a significant release risk. High failure rates on release would generate a review of options for narrowing the release class. See Recommendation “G” below.

C. Better override controls are advised. The total detain override rate was 40 percent of minors whose scores qualified them for less restrictive alternatives or release at intake. The detain override rate was highest for children with mid range scores (10-14) points who qualified for a detention alternative but were instead securely detained. The recommended maximum detain override rate is 15-20 percent of children who qualify for less restrictive outcomes (Annie E. Casey Foundation, National Council on Crime & Delinquency). Berks County can make progress toward this standard by implementing better override controls. This can be done by a reducing the number of aggravation overrides for parental reasons and by increasing the utilization of detention alternatives for minors who qualify for alternatives based on their risk scores.

The detain override rate of 40 percent (Table 5) exceeds the override maximums recommended by nationally recognized detention study groups. Specifically, both the National Council on Crime and Delinquency and the Annie E. Casey Foundation (through its Juvenile Detention Alternatives Initiative) have endorsed a standard that overrides leading to secure juvenile detention should not exceed 15-20 percent of children who qualify for a less restrictive outcome based on their score. In the Berks County sample, 53 percent of the youth with scores between 10-14 (qualifying for an alternative-to-detention result) were overridden into secure custody, and in addition a third of the youth with scores of 9 or fewer points (qualifying for release) were overridden into secure detention. The most frequent aggravation reason cited in support of these overrides was parental unavailability or unwillingness to care for the child. This override pattern is a familiar one among JDAI sites conducting similar risk assessment tests. The solution usually recommended is a more assertive set of policies and practices to induce parental cooperation, including more aggressive efforts to contact parents that are proving difficult to find. According to Berks County JPO administrators, there is no slack in the efforts presently made to contact the parents of arrested children. Thus, the focus here may be on other solutions used in JDAI sites, such as notifying parents that they may be charged for the costs of detaining a child who is scheduled for release, or arranging supplementary transportation to help parents get to the detention facility. These remedies are described and discussed in several of the subject-matter volumes published by the Annie E. Casey Foundation in its “Pathways to Juvenile Detention Reform” series.

Another common factor contributing to high override rates is a lack of local detention alternative programs or program slots for children with mid range scores. If the detention alternative program capacity is low, then children who qualify for a detention alternative may be routinely defaulted into the more restrictive outcome of secure detention. There is strong evidence that detention alternatives are underutilized in Berks County, since more than half of those qualifying for an alternative were overridden “up” into secure confinement. The problem in Berks County may be less under-utilization than under-development of detention alternatives like temporary shelter care or release supervision contracts with youth service providers in the community. Again, the Casey Foundation has faced this concern in nearly all of its participating JDAI sites and has developed a number of useful recommendations on alternatives to detention, covered in the “Pathways” series of reports referenced above.

The current recommendation is that Berks County establish a target detain override rate of not more than 20 percent of children whose scores qualify them for a detention alternative or release. Intensified efforts to obtain parental cooperation and to augment referrals to detention alternatives are recommended as productive steps toward meeting this override target goal. Based on Berks County Juvenile Probation Office referral volume and these study results, overrides to secure detention would need to be reduced by only 30 youth per year to achieve this override reduction target.²

Finally in this regard, override controls are nearly impossible to achieve without adequate monitoring of DAI scores, detention outcomes and override rates. It is strongly recommended that Berks County continue to track DAI scores against outcomes while monitoring detain override rates in the months ahead. In doing so, it will be important to measure override rates correctly. The detain override rate for any given period is properly calculated as follows (for a risk instrument with a 15 point cutoff for secure detention):

Detain Override Rate = Detain Overrides (Number of youth securely detained with scores under 15 and without a mandatory detention reason) divided by the Total Number of Youth Not Qualifying for Detention based on their risk score (Total number of youth with scores under 15 and without a mandatory detain reason)

Monitors need to avoid the error, observed among some JDAI sites reporting overrides, of using all referrals as the denominator in the calculation, thus producing a false-low override rate.

D. Disproportionate Minority Contacts (DMC). While there is little evidence of disproportionality in Berks County detention rates measured for children in different race/ethnic groups, there is strong evidence of disproportionality in the rates at which these children are initially referred to the Berks County Juvenile Probation Office for detention screening. Hispanic and Black (Non Hispanic) youth are apprehended and referred at rates well in excess of their rates of representation the Berks County youth population age 10 through 17. Conversely, White (Non Hispanic) youth are referred at a rate that is less than half of their county youth population rate. These disparities in referral rates deserve further review.

As indicated in the discussion above and in the tables below, there is little evidence of disparity in the rates at which children in major race/ethnic groups were securely detained. The detain rate measured in this test is the number of youth detained as a percent of the number of youth referred in each race/ethnic group. The test results demonstrate all major race/ethnic groups were treated alike—with high detain rates. Black Non-Hispanic youth were detained at a 77 percent rate; White Non Hispanic youth were detained at a 75 percent rate; and Hispanic youth (all races) were detained at an 84 percent rate. As noted previously, the detain rate disparity for Hispanics would likely evaporate (reduce to 77 percent) if the zero tolerance policy in auto theft cases were to

² The study covered eight months of referrals in which 39 youth were overridden into secure detention. Annualized, this is equivalent to about 60 detain overrides per year. Cutting this annual number of 60 detain overrides in half would mean assigning 30 additional youth per year to non-secure detention outcomes that are consistent with their risk scores.

be discontinued. While this move would tend to create parity among all race/ethnic groups as to the detention rate, it would not resolve the remaining concern that the detention rate in Berks County is simply too high for all racial and ethnic groups.

A much larger disparity is observed when sample referral rates (rates at which children are apprehended and presented for detention screening) are compared to rates of representation on the Berks County youth population by race and ethnic group. As noted in the results section of this report and in the data tables, White Non Hispanic youth are significantly under-represented in the referral population while Black Non Hispanic and Hispanic youth are heavily over-represented. These disparities are highlighted in the bar chart (Chart 1) following the data tables, and they are not small disparities. Whites are referred at a rate that is less than half their rate of representation in the county youth population, while others are referred at rates that are 2.7 times (Hispanics) and 3.5 times (Black Non Hispanics) their respective shares of the county youth population. Notable as well is the complete lack of any referrals in this sample of Asian, Hawaiian/Pacific Island or Native American/Alaskan youth.

The disparities noted here raise questions about community juvenile justice operations that are well beyond the scope of this report. We previously suggested that there are many possible explanations for disparities in juvenile probation referral rates—including law enforcement practices and priorities (affecting which minors are presented for detention screening) and broader social and economic factors such as poverty and unemployment that may correlate with higher rates of minority youth involvement with the justice system. Our role in this report is simply to document referral and detention facts, so that others may consider their relevance for future action or change.

E. Form completion process. Berks County probation personnel did a commendable job of completing risk instruments and following test protocols. For the future, Berks County should consider whether the screening process can or should be more fully automated, particularly with regard to monitoring of DAI scores and detention outcomes.

Risk screeners showed excellent compliance with the protocols for completing DAIs and submitting them with supporting documentation to the analyst. Instances of missing information were rare and, when they did occur, were quickly rectified. Supervisor approval of overrides was consistently documented on DAI forms, and override (aggravation) reasons were clearly indicated in almost every case. Berks County probation personnel are to be commended for their consistency and attention to detail in this regard. We do note that the Berks County RAI forms are completed by hand, rather than by computer or automated program. In the long run, this makes it more difficult (than in a fully automated system) to monitor risk scores and detention results. Thus, while recognizing the cost issues involved, it is recommended that Berks County examine the possibilities for integrating risk instrument scores and outcomes into its juvenile justice information management system.

F. Continued monitoring is necessary to document the on-going effectiveness and success of the detention screening instrument.

Good monitoring is an essential requirement for any successful detention screening system. Without adequate monitoring, compliance with risk screening guidelines, and risk screening results as a whole, tend to deteriorate over time. This deterioration is usually manifested by rising overall detention rates. It is strongly recommended that the JPO take steps to ensure that DAI scores and outcomes are tracked according to a consistent monitoring framework. This means that data should be collected on a sufficient number of risk assessment data points and with sufficient frequency to support monthly or quarterly detention reports. This analyst has not surveyed the data or reports presently collected or produced by the JPO, and no specific recommendation is made as to the method or cost of integrating DAI data into its current information management system. In general, however, it is recommended that the detention risk assessment monitoring system be able to track at least the following: overall detention rate and detain rate by referral reason or offense; risk scores by detention result (including releases and referrals to detention alternatives), and overrides of scores, preferably by reasons for overrides. In addition, given the results of this study on wide disparities in referral rates for major race/ethnic groups, it is further recommended that the JPO continue to monitor referrals and detention rates by race and ethnicity.

G. A validation test of the Berks County DAI should be conducted to determine rates of success and failure for minors released or referred to detention alternatives based on their risk scores. Depending on the validation results, it may be advisable in the future to adjust points for individual risk factors or decision scale values in order to assure optimum performance for the Berks County juvenile detention process.

As noted in the introduction to this report, the present study is an implementation test of the Berks County DAI rather than a formal validation study. An implementation test documents the effects of the DAI as applied to the entire detention referral population. A validation study documents the performance of children who are not securely detained—i.e., those who are released or referred to a detention alternative program based on their risk scores. The goal of validation is to confirm the effectiveness of the DAI in relation to two specific risks: the risk that a minor will re-offend prior to his court appearance date (for adjudication or disposition of the case), and the risk that the minor will fail to appear in a scheduled court hearing. Validation tests are sometimes called “public safety tests” because they measure re-offense rates for released youth.

If and when the current DAI and associated detention policies are adjusted, based on these study results, Berks County will be in a good position to follow with a validation study. A validation study is generally easier to perform because it does not require as large a sample as the implementation study, and also because it is conducted over a shorter time frame (tracking individual at-risk periods that are usually between 30 and 45 days after release at intake). Protocols for conducting validation studies of detention risk instruments are summarized in the 2006 Annie E. Casey “Practice Guide to Juvenile Detention Risk Assessment”. This publication, as well as recent validation study

examples from JDAI sites, can be downloaded on line from JDAI help desk (www.jdaihelpdesk.org).

Validation test results will serve as a guide to future changes that may be needed to assure the fully effective operation of the DAI. Validation results showing extremely low failure (high success) rates for released minors indicate that the DAI is most likely over-restrictive, operating to over-detain youth and preventing the release of some youth who could safely be released or referred to a detention alternative. In practical terms, this would suggest a need to raise the detention threshold score on the decision scale (now at 15 points) and/or to reduce the number of mandatory detention reasons or the points awarded for offense and collateral risk factors. Conversely, high failure rates in a validation study might suggest a need to narrow the release class by lowering the detention threshold score or making other changes in the risk instrument. The present guideline applied within the Casey Foundation detention reform initiative is that re-offense or failure rates not exceeding 10 percent constitute good risk instrument performance.

Validation tests for detention risk instruments can be conducted at varying levels of intensity and cost. Recently, Multnomah County (Portland), Oregon—a JDAI “pioneer” site—performed a validation of each individual risk factor on its DAI, using a sophisticated statistical model, leading to a complete overhaul of the risk factors and points on its risk instrument. In 2006, the state of Virginia completed a large (and more traditional) validation study; this too is an instructive validation example.

For present purposes, it is recommended that once Berks County has settled on any adjustments of detention practice that may derive from review of these test results and recommendations, it should then go forward with a validation study of the DAI. The results of the validation study will indicate what further changes in the DAI, if any, are then appropriate.

PART III: DATA TABLES

Table 1
Detention outcomes—total sample
 (N = 323 referrals)

| Total referred | Number Detained | Percent Detained | Number to Detention Alternative | Percent to Detention Alternative | Number Released | Percent Released |
|-----------------------|------------------------|-------------------------|--|---|------------------------|-------------------------|
| 323 | 258 | 80% | 31 | 10% | 34 | 10% |

Table 2
Age by gender of referrals
 (N= 323 Referrals)

| | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 or more | Total | Pct. |
|---------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-------------------|--------------|-------------|
| <i>Male</i> | 2 | 3 | 9 | 28 | 40 | 84 | 73 | 23 | 262 | 81% |
| <i>Female</i> | 0 | 0 | 1 | 11 | 16 | 19 | 9 | 5 | 61 | 19% |
| <i>Total</i> | 2 | 3 | 10 | 39 | 56 | 103 | 82 | 28 | 323 | 100% |

Table 3
Referral offense by detention outcome (detain, detention alternative or release)
 (N= 323 referrals)

| Points | Offense Category | Number Referred | Pct. of all referrals | Number Detained | Detain rate | Number to Detention Alternative | Detention Alternative rate | Number Released | Release rate |
|---|--|-----------------|-----------------------|-----------------|-------------|---------------------------------|----------------------------|-----------------|--------------|
| 15 | <i>Cat. A—Felony against person or firearm felony charge</i> | 33 | 10% | 33 | 100% | -- | -- | -- | -- |
| 12 | <i>Cat. B.—Felony drug</i> | 14 | 4% | 11 | 79% | 2 | 14% | 1 | 7% |
| 7 | <i>Cat. C—Other felonies</i> | 25 | 8% | 17 | 68% | 2 | 8% | 6 | 24% |
| 5 | <i>Cat. D—Misdemeanor against person or involving weapon</i> | 32 | 10% | 15 | 47% | 4 | 13% | 13 | 40% |
| 3 | <i>Cat. E—Other misdemeanors</i> | 16 | 5% | 7 | 44% | 5 | 31% | 4 | 25% |
| 10 | <i>Electronic Monitoring violation</i> | 21 | 7% | 18 | 86% | 3 | 14% | -- | -- |
| 5 | <i>Probation violation</i> | 33 | 10% | 16 | 49% | 13 | 39% | 4 | 12% |
| 2 | <i>Consent decree violation</i> | 11 | 3% | 3 | 27% | 2 | 18% | 6 | 55% |
| M A N D A T O R Y | <i>Zero tolerance auto theft</i> | 32 | 10% | 32 | 100% | -- | -- | -- | -- |
| | <i>Firearm offense</i> | 9 | 3% | 9 | 100% | -- | -- | -- | -- |
| | <i>Bench warrant</i> | 72 | 22% | 72 | 100% | -- | -- | -- | -- |
| | <i>Placement failure</i> | 18 | 6% | 18 | 100% | -- | -- | -- | -- |
| | <i>Program failure (EM or weekend)</i> | 7 | 2% | 7 | 100% | -- | -- | -- | -- |
| | Total | 323 | 100% | 258 | 80% | 31 | 10% | 34 | 10% |

Table 4
Screening scores by detain/release outcomes
 (N= 323 referrals)

Override up (more restrictive result)

Override down (less restrictive result)

| Score or mandatory hold status | No. Screened | No. Detained | Pct. Detained | No. to Detention Alternative | Pct. to Alternative | No. Released | Pct. Released |
|---|---------------------|---------------------|----------------------|-------------------------------------|----------------------------|---------------------|----------------------|
| <i>0 – 9 points</i> | 57 | 18 | 32% | 8 | 14% | 31 | 54% |
| <i>10 – 14 points</i> | 40 | 21 | 53% | 16 | 40% | 3 | 7% |
| <i>15 or more points (and not a mandatory hold)</i> | 88 | 81 | 92% | 7 | 8% | 0 | -- |
| <i>Mandatory holds</i> | 138 | 138 | 100% | 0 | -- | 0 | -- |
| <i>Totals</i> | 323 | 258 | 80% | 31 | 10% | 34 | 10% |

Table 5
Overrides to more restrictive outcomes (overrides “up”) by RAI scoring group
 (N = 97 youth qualifying for release or for a detention alternative based on their score)

| RAI Score Group | Number Referred | Number Detained | Detain override (up) Rate | Number to Detention Alternative | Alternative override (up) Rate | Total overrides up | Total override up rate |
|--|-----------------|-----------------|---------------------------|---------------------------------|--------------------------------|--------------------|------------------------|
| 0 – 9 points | 57 | 18 | 32% | 8 | 14% | 26 | 46% |
| 10 – 14 points | 40 | 21 | 53% | 16 | N.A. | 21 | 53% |
| <i>Total youth scoring less than 15 points & with no mandatory hold reason</i> | <i>97</i> | <i>39</i> | <i>40%</i> | <i>24</i> | <i>N.A.</i> | <i>47*</i> | <i>48%</i> |

* 47 total overrides calculated as 39 overrides up to secure detention, for those scoring 0-14, plus 8 overrides up to a detention alternative, for those scoring 0-9.

Table 6
Reasons (aggravations) selected for overrides up to more restrictive outcomes
 (N= 47 overrides up)

| Override Reasons (Aggravations) | Frequency to Secure Detention | Frequency to Detention Alternative |
|--|-------------------------------|------------------------------------|
| Parent unable/unwilling to provide appropriate supervision | 16 | 1 |
| Significant risk to community safety | 8 | 0 |
| Significant substance abuse problem, positive drug tests | 6 | 3 |
| Juvenile has history of violence in the home | 1 | 0 |
| Significant threat to abscond | 5 | 1 |
| FTA risk based on out-of-county residence | 1 | 0 |
| Other | 3 | 0 |
| <i>Total override reasons supporting more restrictive outcome</i> | <i>40</i> | <i>5</i> |
| <i>Overrides to more restrictive outcome with no reason checked on the DAI</i> | <i>0</i> | <i>2</i> |

Table 7
Overrides to less restrictive outcomes (overrides “down”) by RAI scoring group
 (N = 266 referrals of youth qualifying for detention alternative or secure detention based on score)

| RAI Score Group | Number Referred | Number Released | Release override (down) rate | Number to Det. Alternative | Alternative override (down) rate | Total overrides down | Total override down rate |
|---|-----------------|-----------------|------------------------------|----------------------------|----------------------------------|----------------------|--------------------------|
| 10-14 points | 40 | 3 | 8% | 16 | N.A. | 3 | 8% |
| 15 or more points (and not a mandatory hold) | 88 | 0 | 0% | 7 | 8% | 7 | 8% |
| Total youth qualifying for secure detention or detention alternative based on score | 128 | 3 | 2% | 23 | 6% | 10* | 8% |

*10 total overrides down calculated as 3 overrides to release plus 7 overrides to detention alternative, out of all youth who qualified either for secure detention or for a detention alternative.

Table 8
Reasons (mitigations) selected for overrides down to less restrictive outcomes
 (N= 10 overrides down)

| Override Reasons (Mitigations) | Frequency to Release | Frequency to Det. Alternative |
|--|----------------------|-------------------------------|
| Parent able/willing to provide appropriate supervision | 1 | 3 |
| Juvenile has no prior record | 0 | 0 |
| Juvenile marginally involved in the offense | 0 | 0 |
| Offense less serious than indicated by the charge | 0 | 0 |
| New charge is not recent | 0 | 1 |
| Adjudicated dependent or BCCYS has placement custody | 0 | 0 |
| Juvenile has significant MH/ MR problem | 0 | 1 |
| Juvenile regularly attends school or work | 0 | 1 |
| Other | 0 | 1 |
| <i>Total override reasons supporting less restrictive outcome</i> | <i>1</i> | <i>7</i> |
| <i>Overrides to less restrictive outcome with no reason checked on the DAI</i> | <i>2</i> | <i>0</i> |

Table 9
Selected cases in which points for collateral (non-offense) factors pushed final scores to or above the detention threshold of 15 points
 (Table excludes all minors with offense scores of 15+ or with mandatory detention reasons)

| Main referral offense or reason | Total number of cases | Number of these cases in which scores were augmented for collateral (non-offense) reasons to 15+ points | Main “drivers” (collateral factors) pushing score to 15 or more points |
|---|------------------------------|--|---|
| New offense(s)—total offense points less than 15 (and no mandatory detain reason) | 87 | 24 | Priors, supervision status, also a probation violation |
| Violation electronic monitoring | 21 | 16 | Points for priors, supervision status |
| Probation violation | 33 | 6 | Priors, supervision status |

Table 10
Warrant referrals by type of warrant and detention outcome
 (N= 72 warrant referrals)

| Warrant type | Number Referred | Number Detained | Pct. detained |
|----------------------------------|------------------------|------------------------|----------------------|
| Bench Warrant- failure to appear | 18 | 18 | 100% |
| Bench warrant- abscond from home | 39 | 39 | 100% |
| Bench warrant- abscond placement | 15 | 15 | 100% |
| <i>Total</i> | <i>72</i> | <i>72</i> | <i>100%</i> |

Table 11
Referrals for detention screening by race and ethnicity
 (N = 323 total referrals)

| RACE | ETHNICITY Non Hispanic/Latino | ETHNICITY Hispanic/Latino | TOTAL |
|--|--|--------------------------------------|--------------|
| White | 97 | 125 | 222 |
| Black/ African American | 69 | 32 | 101 |
| Asian | 0 | 0 | 0 |
| American Indian/ Alaskan Native | 0 | 0 | 0 |
| Hawaiian/ Pacific Islander | 0 | 0 | 0 |
| Unknown | 0 | 0 | 0 |
| TOTAL | 166 | 157 | 323 |

Table 12, part 1
Referrals and detentions (number and rate) by offense and race/ ethnicity
 (N = 323 total referrals)

| Points | Offense Category | Total Referred | WHITE Non Hispanic Referrals | Pct. of referrals for this offense | WHITE Non Hispanic Detained for this offense | WHITE Non Hispanic Detain Rate- this offense | BLACK Non Hispanic Referrals | Pct. of referrals for this offense | BLACK Non Hispanic Detained for this offense | BLACK Non Hispanic Detain Rate- this offense |
|--|--|----------------|------------------------------|------------------------------------|--|--|------------------------------|------------------------------------|--|--|
| 15 | <i>Cat. A—Felony against person or firearm felony charge</i> | 33 | 12 | 36% | 12 | 100% | 10 | 30 | 10 | 100% |
| 12 | <i>Cat. B.—Felony drug</i> | 14 | 1 | 7% | 1 | 100% | 4 | 29% | 3 | 75% |
| 7 | <i>Cat. C—Other felonies</i> | 25 | 8 | 32% | 7 | 88% | 4 | 16% | 2 | 50% |
| 5 | <i>Cat. D—Misdemeanor against person or involving weapon</i> | 32 | 16 | 63% | 8 | 50% | 7 | 22% | 2 | 29% |
| 3 | <i>Cat. E—Other misdemeanors</i> | 16 | 10 | 63% | 3 | 30% | 0 | 0% | 0 | -- |
| 10 | <i>Electronic Monitoring violation</i> | 21 | 5 | 24% | 5 | 100% | 4 | 19% | 4 | 100% |
| 5 | <i>Probation violation</i> | 33 | 12 | 36% | 7 | 58% | 6 | 18% | 1 | 17% |
| 2 | <i>Consent decree violation</i> | 11 | 3 | 27% | 0 | 0% | 4 | 36% | 1 | 25% |
| M A N H D O A L T D O S R Y | <i>Zero tolerance auto theft</i> | 32 | 4 | 25% | 4 | 100% | 6 | 19% | 6 | 100% |
| | <i>Firearm offense</i> | 9 | 0 | 0% | 0 | -- | 3 | 33% | 3 | 100% |
| | <i>Bench warrant</i> | 72 | 18 | 25% | 18 | 100% | 16 | 22% | 16 | 100% |
| | <i>Placement failure</i> | 18 | 6 | 33% | 6 | 100% | 5 | 28% | 5 | 100% |
| | <i>Program failure (EM or weekend)</i> | 7 | 2 | 29% | 2 | 100% | 0 | 0% | 0 | -- |
| | Total | 323 | 97 | 30% | 73 | 75% | 69 | 21% | 53 | 77% |

Understanding Table 12: Referral percentages (columns 5 and 9) show the percent of White, Black, Hispanic or Other youth referred for detention screening for each offense as a percent of all referrals (all race/ethnic groups) for that offense. Detain rates (columns 7 and 11) show—for each offense and each race/ethnic group—the rate at which members of each race/ethnic group were securely detained after being referred for that offense (for example, Table 12, Part 1, Column 11, second row below the heading shows that the detain rate for Blacks referred for felony drug offenses was 75%, because 3 of a total of 4 Black youth referred for that offense were securely detained).

Table 12. part 2
 Referrals and detentions (number and rate) by offense and race/ ethnicity

| Points | Offense Category | Total Referred | ALL HISPANIC Referrals | Pct. of referrals for this offense | All HISPANIC Detained for this offense | All HISPANIC Detain Rate- this offense | All Asian/PI/ Native Am./ Other Referrals | Pct. of referrals for this offense | All Asian/PI/Native Am./Others Detained for this offense | All Asian/PI/Native Am./ Other Detain Rate- this offense |
|--|--|----------------|------------------------|------------------------------------|--|--|---|------------------------------------|--|--|
| 15 | <i>Cat. A—Felony against person or firearm felony charge</i> | 33 | 11 | 33% | 11 | 100% | 0 | 0% | 0 | -- |
| 12 | <i>Cat. B.—Felony drug</i> | 14 | 9 | 64% | 7 | 78% | 0 | 0% | 0 | -- |
| 7 | <i>Cat. C—Other felonies</i> | 25 | 13 | 52% | 8 | 62% | 0 | 0% | 0 | -- |
| 5 | <i>Cat. D—Misdemeanor against person or involving weapon</i> | 32 | 9 | 28% | 5 | 56% | 0 | 0% | 0 | -- |
| 3 | <i>Cat. E—Other misdemeanors</i> | 16 | 6 | 27% | 4 | 67% | 0 | 0% | 0 | -- |
| 10 | <i>Electronic Monitoring violation</i> | 21 | 12 | 57% | 9 | 75% | 0 | 0% | 0 | -- |
| 5 | <i>Probation violation</i> | 33 | 15 | 46% | 8 | 53% | 0 | 0% | 0 | -- |
| 2 | <i>Consent decree violation</i> | 11 | 4 | 36% | 2 | 50% | 0 | 0% | 0 | -- |
| M A N H D O A L T D O S R Y | <i>Zero tolerance auto theft</i> | 32 | 22 | 69% | 22 | 100% | 0 | 0% | 0 | -- |
| | <i>Firearm offense</i> | 9 | 6 | 67% | 6 | 100% | 0 | 0% | 0 | -- |
| | <i>Bench warrant</i> | 72 | 38 | 53% | 38 | 100% | 0 | 0% | 0 | -- |
| | <i>Placement failure</i> | 18 | 7 | 39% | 7 | 100% | 0 | 0% | 0 | -- |
| | <i>Program failure (EM or weekend)</i> | 7 | 5 | 71% | 5 | 100% | 0 | 0% | 0 | -- |
| | Total | 323 | 157 | 49% | 132 | 84% | 0 | 0% | 0 | -- |

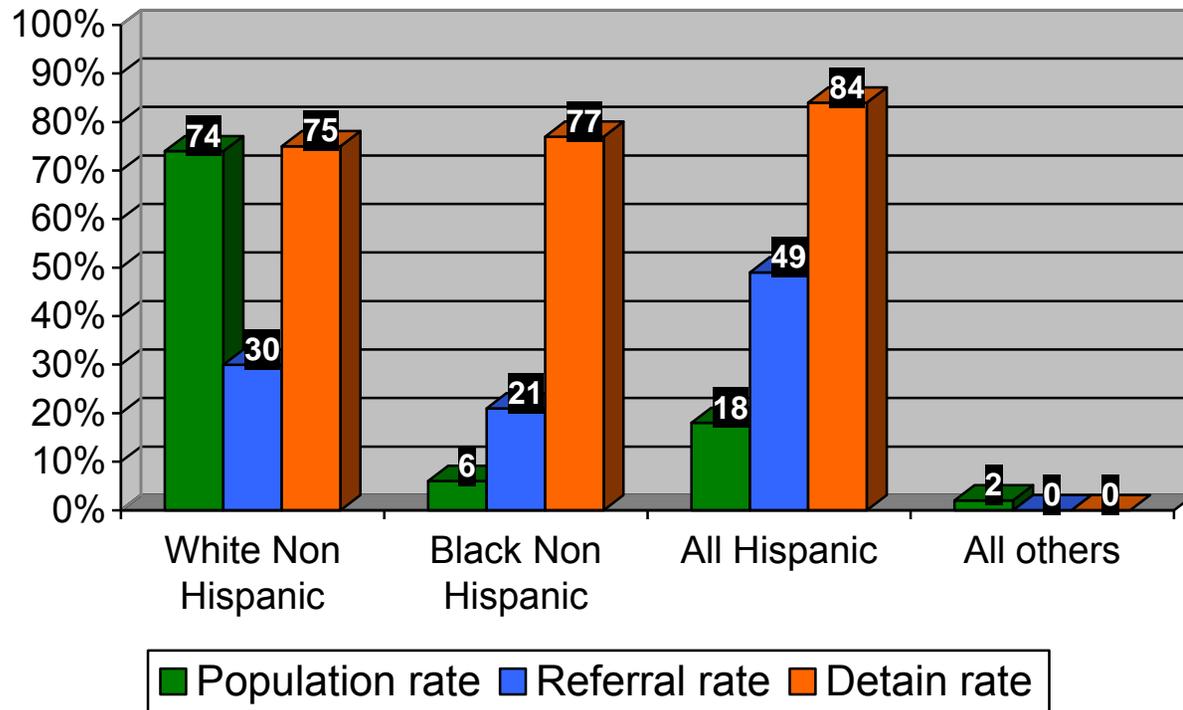
Table 13
2006 population of Berks County, PA
Race/ethnicity of individuals age 10 through 17

| Race/ethnicity | Number | Percent |
|--|---------------|-------------|
| White- non Hispanic | 33,155 | 74% |
| Black- non Hispanic | 2,607 | 6% |
| Hispanic | 8,249 | 18% |
| Asian/ Native Am./ Other Non Hispanic | 836 | 2% |
| <i>Total Population Age 0-17</i> | <i>44,847</i> | <i>100%</i> |

Sources: National Center for Juvenile Justice, 2006, Juvenile Population Characteristics, web data sets at www.ncjj.org, based on data from the US Census Bureau and the National Center for Health Statistics

Chart 1

Berks County PA population rate (age 10-17), referral-for-screening rate and detention rate for four major race/ethnic groups (White Non Hispanic, Black Non Hispanic, All Hispanic, All Others)



Population rate: Youth in this race-ethnic group shown as a percent of all youth age 10-17 in Berks County population.

Example: Hispanic youth constitute 18 percent of the Berks County youth population.

Referral rate: Referrals-for-screening of youth in this race-ethnic group as a percent of all youth referred in the test sample.

Example: Hispanic youth constituted 49 percent of all youth referred in this test sample.

Detain rate: Detentions of youth in this race-ethnic group as a percent of all referrals of youth belonging to this race-ethnic group.

Example: 84 percent of all Hispanic youth referred for screening in this sample were securely detained.

BERKS COUNTY JUVENILE PROBATION -- DETENTION ASSESSMENT TEST INSTRUMENT

Juvenile's Name: _____ DOB: _____ File #: _____

Gender: M F **Ethnicity:** Hispanic/Latino Non Hispanic/Latino
Race: White Black/Af. American Asian Am Indian/Alaskan Native Hawaiian/Pac. Islander
 Other (_____)

Screening Date: _____ PO completing form: _____

FACTOR (CHOOSE ONLY ONE ITEM PER FACTOR) SCORE

1. **Most Serious Alleged Offense (see instruction sheet for examples)**
 - Category A: Felonies against persons or felony firearm charge..... 15
 - Category B: Felony drug charge..... 12
 - Category C: Other felonies..... 7
 - Category D: Misdemeanors against persons or involving weapon..... 5
 - Category E: Other misdemeanors..... 3
 - No new charge... .. 0
 - Specify charge: _____

2. **Additional non-related charges (this referral) or pending charges (see instructions)**
 - Two or more additional felonies... .. 10
 - One additional felony 7
 - One or more additional misdemeanors 5
 - No additional current or other pending charges..... 0
 - Specify charge(s) and whether new or pending: _____

3. **Current Alleged Violations**
 - Multiple violations of electronic monitoring 10
 - Violations of Official Probation 5
 - Violations of Consent Decree 2
 - No current violations... .. 0

4. **Prior Findings**
 - Two or more prior findings for felonies..... 6
 - One prior finding for a felony..... 4
 - Two or more prior findings for misdemeanors 3
 - Two or more prior findings for probation violations 2
 - One prior finding for a misdemeanor..... 1
 - No prior findings 0

5. **Current Supervision Status**
 - Aftercare (2 months following JPO placement release) 4
 - Official probation based on (mark one) felony or misdemeanor 1 3
 - Official probation on other offenses; Consent Decree; deferred disposition/supervision... 2
 (Specify whether: Probation other Consent Decree Deferred disposition)
 - Informal supervision or Intake supervision 1
 - None of above 0

6. **History of Failure to Appear (within past 12 months)**
 - Two or more warrants for failure to appear in past 12 months..... 3
 - One warrant for failure to appear in past 12 months..... 1
 - No warrants for failure to appear in past 12 months..... 0

7. **History of Escape/Runaway (within the past 12 months)**
 - One or more instance of run from secure confinement or custody 4
 - One or more instance of run from non secure, court-ordered placement..... 3
 - One or more runaways from home or voluntary placement..... 1
 - No escapes/runaways in past 12 months..... 0

TOTAL SCORE _____

INDICATED DECISION: 0-9 Release 10-14 Detention alternative 15 + Secure detention

File # _____

Date: _____

Mandatory Overrides (must be detained):

- Request for detention for any firearm offense
- Bench Warrant issued for failure to appear at a Juvenile Court Delinquency Hearing
- Bench Warrant issued for absconding from home
- Bench Warrant issued for absconding from a Juvenile Court ordered placement
- Failure to report to the ACT Weekend Program without appropriate cause
- Removal from Juvenile Court ordered placement for failure to adjust
- New offense committed while on a home pass from a Juvenile Court ordered placement
- Juvenile removes self from electronic monitoring
- Judicial order (must specify type/nature of order _____)

Discretionary Override (with Supervisory Approval only):

- Override to detain for aggravating factors (override to more restrictive placement than indicated by guidelines)
- Override to release for mitigating factors (override to less restrictive placement than indicated by guidelines)
- Approved by: _____

When applying aggravating or mitigating factors, please check the primary factor below that impacted your decision.

Common Aggravating/Mitigating Factors

Aggravating

- Parent unable/unwilling to provide appropriate supervision
- Juvenile poses a significant risk to community safety
- Juvenile has significant substance abuse problem or tested positive for multiple drugs
- Juvenile has a history of violence in the home or against family members
- Juvenile poses a significant threat to abscond
- Juvenile poses a significant threat of failure to appear based on out of county residence
- Other (specify) _____

Mitigating

- Parent willing/able to provide appropriate supervision
- Juvenile has no prior record
- Juvenile marginally involved in the offense
- Offense less serious than indicated by the charge
- New charge referred is not recent
- Juvenile is adjudicated dependent or BCCYS has placement custody
- Juvenile has a significant MH/MR problem
- Juvenile regularly attends school/ work
- Other (specify) _____

Regardless of score or override status, if a detention alternative is selected as the actual outcome, specify the alternative:

Detention Alternative Selected

- Electronic monitoring
- Expedited court scheduling
- Intensive Supervision
- Shelter care
- Expedited Intake
- Home arrest
- Alternative living arrangement
- Other (specify) _____

ACTUAL DECISION: **RELEASE** **DETENTION ALTERNATIVE** **SECURE DETENTION**

Screener comments (if any):