

JUVENILE DETENTION RISK ASSESSMENT:

Principles, Practice & The Pennsylvania Experience

Presented by:
Carrie L. Maloney, Ph.D.
East Stroudsburg University

Introduction: David Mueller, Director
Lancaster County Office of Juvenile Probation



A SNAPSHOT OF THE JOURNEY...

- *Introduction*
 - *Significant milestones in the development of the PaDRAI*
- *Juvenile Detention Risk Assessment*
 - *Principles & Practice*
- *The Pennsylvania Experience*
 - *Implementation pilot*
 - *Pilot results: key findings*
 - *Revised PaDRAI*
 - *Validation*



PENNSYLVANIA'S JUVENILE JUSTICE SYSTEM ENHANCEMENT STRATEGY

Statement of Purpose

We dedicate ourselves to working in partnership to enhance the capacity of Pennsylvania's juvenile justice system to achieve its balanced and restorative justice mission by:

Employing evidence-based practices, with fidelity, at every stage of the juvenile justice process;

Collecting and analyzing the data necessary to measure the results of these efforts; and, with this knowledge,

Striving to continuously improve the quality of our decisions, services and programs.



A WORD FROM OUR SPONSOR...

**Significant milestones
in Pennsylvania with regard
to the development of the
PaDRAI**



SIGNIFICANT MILESTONES IN PENNSYLVANIA FOR DEVELOPMENT OF THE PADRAI

- Berks County begins use of DRAI as part of their DMC work under *Models for Change (2006)*
- PCCJPO *Strategic Planning Retreat considers state-wide use of DRAI (2009). Work assigned to the Detention Committee*
- DRAI is required for PCCD grant funding for Evening Reporting Centers (2010)
- *JCJC endorses the use of DRAI based on JDAI model (2010)*
- Use of DRAI recommended in Report of the Interbranch Commission on Juvenile Justice (2010)



SIGNIFICANT MILESTONES IN PENNSYLVANIA FOR DEVELOPMENT OF THE PADRAI

- *DRAI included as element of JJSES (2010)*
- PCCJPO's Detention Committee expands to include any County using a DRAI of any form, 2011
- *Work begins to meld County instruments into one single State-wide tool, develop policy and procedures, 2012*
- Draft of the newly named PaDRAI is completed along with policy statements, procedure and training module, 2013
- *Implementation Study begins, November 2013*
- Implementation Study is concluded (February 2014) and published (May 2014)



SIGNIFICANT MILESTONES IN PENNSYLVANIA FOR USE OF A DRAI

- Implementation Study analyzed and changes made to the instrument
- *Validation/Implementation Study begins, July 2014*
- Policy manual, Procedures, Instructions and Training manual all updated, 2014
- *PaDRAI becomes part of the Pa Juvenile Case Management System (PaJCMS), late 2014 into 2015*
- Instrument available for County use, 2015
- *Training and technical assistance available, 2015*



WHAT IS 'HIGH-STAKES' DECISION-MAKING?

- Those that “weigh the use of powerful interventions aimed at the prevention of physical harm or criminal behavior.”
 - Schwalbe, 2004

Is Juvenile Detention High Stakes?

- Harm to the community
- Harm to the juvenile



PREDICTION VS. CLASSIFICATION

- Is the prediction of human behavior possible?
- What about classification?
 - Categorical risk levels
 - Based upon aggregate data
 - Actuarial approach – outperforms human judgment



'PREDICTORS' OF RISK

- Static vs. Dynamic Predictors
 - Which approach yields 'better' results?
- Cottle, Lee & Heilbrun (2001)
 - Age 1st commit, age 1st contact, nonsevere pathology, family problems, use of leisure time, peer associations, # out-of-home placements, #prior commits
- Andrews, Bonta & Wormith (2006)
 - 'Central 8'
 - Age first referral/adjudication
 - # prior referrals/arrests
 - #out-of-home placements/commits
 - Academic achievement
 - School behavior
 - Substance abuse
 - Family stability
 - Peer relationships
- Schwalbe (2007)
 - Meta-Analysis-28 studies
 - Yielded similar results



THE SPECIFIC CASE OF JUVENILE DETENTION

- Represents a deviation from best-practice
- Consensus model design
 - Statutory guidelines
 - Actuarial predictors
 - Stakeholder concerns
- Recall to the purpose of detention screening as high-stakes



PURPOSE & BENEFITS OF DETENTION SCREENING

PURPOSE OF DETENTION: To ensure youth appear in court and to minimize the risk to public safety (serious reoffending), for the specific, short period of time while youth are awaiting final case disposition

EFFECTIVE ADMISSIONS POLICIES: Ensure detention is utilized consistent with its intended purpose; following the principle of using the least restrictive alternative necessary.



PURPOSE & BENEFITS OF DETENTION SCREENING

PRINCIPLES OF EFFECTIVE ADMISSIONS POLICIES

- Based on a clear understanding of the purpose of detention
 - Based on objective, standardized criteria
 - Rely on the routine use of data
 - Rely on continuous monitoring and quality assurance
- 

PURPOSE & BENEFITS OF DETENTION SCREENING

- Promotes:
 - Fairness
 - Consistency
 - Equity
 - Ensures:
 - Transparency
 - Enhances:
 - Accountability
 - Effective resource allocation
 - Creates:
 - Defensible, rational system
- 

DETENTION RISK-SCREENING: BEST PRACTICE

TOOLS TYPICALLY INCLUDE...

- *Relevant* measures related to reoffense or flight risk
- Offense severity
- Mandatory/prohibitory factors
- Override mechanism

TOOLS SHOULD...

- Avoid duplicative measures
- Rely on most objective measure
- Aim for conciseness



JUVENILE DETENTION & RISK

- OJJDP (1995); DeComo et al. (1993)
 - Less than ¼ of youth placed in secure detention *alleged* to have committed a violent offense
 - Is immediate threat always driving decisions?
- PA Statistics on Juvenile Detention has also shown that...
 - 70% of the juveniles detained in PA in 2012 were there for nonviolent offenses.
 - The detention population of youth of color far exceeds their proportion in the general population.
 - In 2012, African American youth were detained at a rate 3 (2.98) times higher than whites; Latino youth at twice the rate of whites.



JUVENILE DETENTION & RISK

- Key principles
 - Remember charges are *alleged*
 - Most dynamic factors both *inappropriate* and *impractical*
 - Average follow-up period for actuarial studies = 12-60 months
 - Few youth not-detained re-offend during this short time-period (Wiebush et al., 1995).



JUVENILE DETENTION & RISK

- Key principles
 - Detention decisions are high-stakes for society *and for these youth*
 - Least restrictive alternative is key – *do not want to cause behaviors we are trying to predict*
 - Past behavior, not current alleged behavior, is the best predictor of risk
 - Goal is also a just and equitable system
 - System legitimacy relies also on transparency & defensibility
 - **Cannot create policy with the aim of remedying real or perceived flaws in other parts of the system**



IMPLEMENTATION PILOT

- November 1, 2013
 - 9 Pennsylvania Counties
 - 3 additional Counties collecting baseline scoring data
 - Three-month pilot period (11/1/13-1/31/14)



IMPLEMENTATION PILOT

- Data Collected:
 - PaDRAI scoring data & youth demographics
 - Youth placements
 - Youth pre-dispositional events & outcomes



IMPLEMENTATION PILOT

- Data Collected: PaDRAI scoring data & youth demographics
 - Youth race, ethnicity, gender, age
 - PaDRAI scoring data
 - Primary referral reason
 - Most serious new alleged offense
 - Most serious alleged violation
 - Most serious additional non-related or pending allegations
 - Current status
 - Prior adjudications
 - History of failure to appear (warrants)
 - History of escape/AWOL/runaway



IMPLEMENTATION PILOT

- Data Collected: Youth Placements
 - Release, ATD, Detention
 - Overrides & Justification
 - Mandatory State: bench warrant, judicial order
 - Mandatory Local
 - Discretionary Mitigating
 - Discretionary Aggravating



IMPLEMENTATION PILOT

- Data Collected: Youth pre-dispositional events & outcomes
 - Outcome of first hearing
 - Pre-dispositional outcome
 - Successfully reached disposition
 - Failed to appear for court
 - Other ATD or conditional release violation
 - Obtained new delinquency allegation(s)



IMPLEMENTATION STUDY: KEY FINDINGS

Study Sample

Table 1. Distribution of PaDRAI pilot sample cases by county

	County								Total
	Philadelphia	Allegheny	Lehigh	Lancaster	Chester	Berks	Franklin	Lebanon	
Total Cases	194	282	75	138	56	73	31	69	918



IMPLEMENTATION STUDY: KEY FINDINGS

Nature of Referrals

- 62.7% New delinquency allegations
- 19.4% Violations
- 6.7% New delinquency allegation(s) & violation(s)
- 5.1% Open Warrant/Detainer/Judicial Order
- 1.1% Viol. Consent Decree
- 0.4% Failure to Adjust
- Little-to-no variation by race



IMPLEMENTATION STUDY: KEY FINDINGS

Most Serious New Alleged Offense

- 42.7% Felony level
- 30% Misdemeanor level



IMPLEMENTATION STUDY: KEY FINDINGS

PaDRAI RECOMMENDATION VS. ACTUAL PLACEMENT

Table 14. Comparison of PaDRAI recommendation & final detention decision, all counties (N=813*)

Actual Decision		Indicated PaDRAI Decision/Recommendation			Total
		Release	ATD	Detain	
Release	N	200	56	21	277
	%	66.90%	22.40%	8.00%	34.10%
ATD	N	13	54	11	78
	%	4.30%	21.60%	4.20%	9.60%
Detain	N	86	140	232	458
	%	28.80%	56.00%	87.90%	56.30%
Total	N	299	250	264	813
	%	100.00%	100.00%	100.00%	100.00%

*A total of 1 case was missing the PaDRAI recommendation as the score was not completed. This was from Philadelphia. Case was a decertification.



IMPLEMENTATION STUDY: KEY FINDINGS

Table 10. Primary override reason, by county (N=295*)

Primary OR Reason		County						Total
		Philadelphia	Allegheny	Lehigh	Lancaster	Chester	Lebanon	
Mandatory-Bench Warrant	N	2	56	0	1	11	0	70
	%	3.30%	43.40%	0.00%	2.60%	35.50%	0.00%	23.70%
Mandatory-Judicial Order	N	1	8	0	4	11	1	25
	%	1.70%	6.20%	0.00%	10.50%	35.50%	14.30%	8.50%
OR Subtotal: State Mandatory	N	3	64	0	5	22	1	95
	%	5.0%	49.6%	0.0%	13.2%	71.0%	14.3%	32.2%
Mandatory-Local	N	3	21	5	5	0	0	34
	%	5.00%	16.30%	16.70%	13.20%	0.00%	0.00%	11.50%
Discretionary-Aggravating	N	24	36	18	18	9	1	106
	%	40.00%	27.90%	60.00%	47.40%	29.00%	14.30%	35.90%
Discretionary-Mitigating	N	30	6	7	10	0	5	58
	%	50.00%	4.70%	23.30%	26.30%	0.00%	71.40%	19.70%
OR Subtotal: Discretionary	N	54	42	25	28	9	6	164
	%	90.0%	32.6%	83.3%	73.7%	29.0%	85.8%	55.6%
OR info missing	N	0	2	0	0	0	0	2
	%	0.00%	1.60%	0.00%	0.00%	0.00%	0.00%	0.70%
Total	N	60	129	30	38	31	7	295
% of total cases		30.9%	45.7%	40.0%	27.5%	55.4%	10.1%	36.2%

*Total N reflects only overrides indicated for cases scoring below the threshold for detention on the PaDRAI (15 points).



IMPLEMENTATION STUDY: KEY FINDINGS

- **Overrides**
 - Overall override rate across counties = 40.3%
 - Of all detained youth, 49.5% detained due to override
 - County variation from 17.4% to 55.4% of cases
 - Of all overrides, 55.6% were for discretionary reasons
 - 11.5% for local mandatory reasons
 - High rate of discretionary overrides for parent refusal/unavailability, other home related issues



IMPLEMENTATION STUDY: KEY FINDINGS

- **Overrides Continued**
 - Highest rates of overrides for youth recommended for ATD via the PaDRAI (56% detained, 22% released)
 - Of PaDRAI ATD recommendation discretionary overrides to detention:
 - 79.4% Male
 - 66.7% Black
 - Of PaDRAI Release recommendation discretionary overrides to detention:
 - 90.6% Male
 - 53.1% Black



IMPLEMENTATION STUDY: KEY FINDINGS

Decision-Making Consistency

Comparison of PaDRAI-based placement and results of first hearing

- Of youth detained, 23.1% were placed on an ATD at the first hearing
 - 8.6% were released
- Of youth placed on an ATD, 13% were released
 - 4.3% were detained
- Of youth released, 15.2% were placed on an ATD
 - 2.7% were detained



IMPLEMENTATION STUDY: KEY FINDINGS

Youth and Public Safety Outcomes



90.6% of youth released or placed on an ATD successfully reached disposition without incident!

- 4.7% obtained new delinquency allegations
- 0.8% FTA'd
- 0.8% AWOL
- 3.1% returned to detention for other violation



REVISING THE PADRAI

- Implementation study, and a subsequent supplemental report reviewed over the course of several stakeholder meetings
- Based upon the findings of the report, as well as the stakeholder discussions, modifications were made to the PaDRAI
 - Removal of referral reason/points for violation(s) only
 - Removal of bench warrants/judicial orders as 'overrides'
 - Current status section to include 'pre-adjudication detention alternative'
 - Prior Adjudications/consent decrees section to include both open and closed cases
- New Draft PaDRAI adopted for next stage: Validation study



VALIDATION STUDY

- "Validation refers to the process of confirming the predictive value of the RAI in relation to specific outcomes." (Steinhart, 2006, 18)
 - Goal: Evaluate the PaDRAI's success in accurately placing youth into the community pending adjudication – either by release to a parent/guardian or to an ATD.
 - Success = youth who do not fail to appear for court, or obtain new delinquency allegation pending adjudication/disposition.
 - Mirror the goals of detention 'the building'



VALIDATION STUDY

- Study commenced on July 15, 2014
- Projected timeframe: 3-4 months
 - Data collection focused on youth recommended for AND placed on an ATD or Release
 - Validation study does not focus on detained cases



VALIDATION STUDY

- Validation study will measure and report the following:
 - Descriptive statistics: Total number of cases, disaggregated by county, race, ethnicity and gender.
 - Further disaggregation reflecting the various non-detain combinations of RAI recommendation/final placement decisions.
 - 'Failure' rates – taken together, and by failure type.
 - Failure – defined as youth obtaining new delinquency allegation(s), and/or failing to appear for court, and/or returning to detention for other conditional release violation.
 - Any above violations NOT resulting in detention will not be considered 'failures', but will be reported in study.
 - All data will be disaggregated by county, race, ethnicity and gender.



VALIDATION STUDY

- For youth obtaining new delinquency allegations – level of seriousness will be reported (categorized).
- Time to failure—for youth who are unsuccessful, is there a link to the length of time on an alternative/release?
- Statistical bias in tool construction
- Statistical correlation between increase in PaDRAI score and increase risk of failure
 - Are there individual factors on the PaDRAI that do/do not show a statistical correlation with risk of failure?
- *Note – while not part of the validation study, sites continue to submit all PaDRAI's resulting in an override, in order to continue oversight in this area, as the implementation study raised concerns in this regard.*



VALIDATION STUDY

- Timetable – approximate, based upon longest possible timeframes
 - Data collection expected to continue through November 15th, 2014
 - Conference call with sites to determine if sample size met
 - If sample size not met, will continue data collection for one additional month (anticipated)
 - Data to be entered by JJRTC staff
 - Data analysis and feedback loop from November – December/January
 - Draft Report February
 - Final report February/March



QUESTIONS

Carrie L. Maloney, Ph.D.
Assistant Professor & Criminal Justice Program Coordinator
East Stroudsburg University
Department of Sociology, Social Work & Criminal Justice
200 Prospect St., 310D Stroud Hall
East Stroudsburg, PA 18301
cmaloney5@esu.edu

