

JUVENILE DETENTION RISK ASSESSMENT:

*Principles, Practice & The Pennsylvania
Experience Part II: Validation*

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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



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



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 $\frac{1}{4}$ 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 & VALIDATION STUDIES

- Key to the development of a statewide detention screening instrument is rigorous testing
- Step 1: Implementation Study
 - Findings inform any changes in instrument components, scoring, and/or follow-up procedures
 - Newly revised screening instrument drafted
 - Updated policies and procedures created
- Step 2: Validation Study



IMPLEMENTATION & VALIDATION

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



IMPLEMENTATION & VALIDATION

- 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 & VALIDATION

- 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 & VALIDATION

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



IMPLEMENTATION STUDY

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



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: INTERIM REPORT

- Validation appropriate cases were lower in number than anticipated
- February 2015, an interim report was drafted with *preliminary* findings
- N = 338 validation appropriate cases
- Findings suggest highest youth outcome success rate occurs when the PaDRAI recommendation and actual decision are a match!
- Override rates remain high
- Results support an additional “Trust-the-Tool” month



VALIDATION STUDY: PRELIMINARY FINDINGS

- “Trust-the-Tool” month resulted in lower override rates
- Validation sample approximately doubled
- Additional Preliminary Findings:



QUESTIONS

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Graduated Responses Workgroup

A faint, light blue background image of a scale of justice is visible behind the text. The scale is positioned on the right side of the frame, with its vertical pillar and horizontal beam extending across the upper right portion. Two pans are suspended from the beam by thin lines, one on the left and one on the right. The overall image has a dark blue gradient background.

*Establishing a
Foundation and Framework*

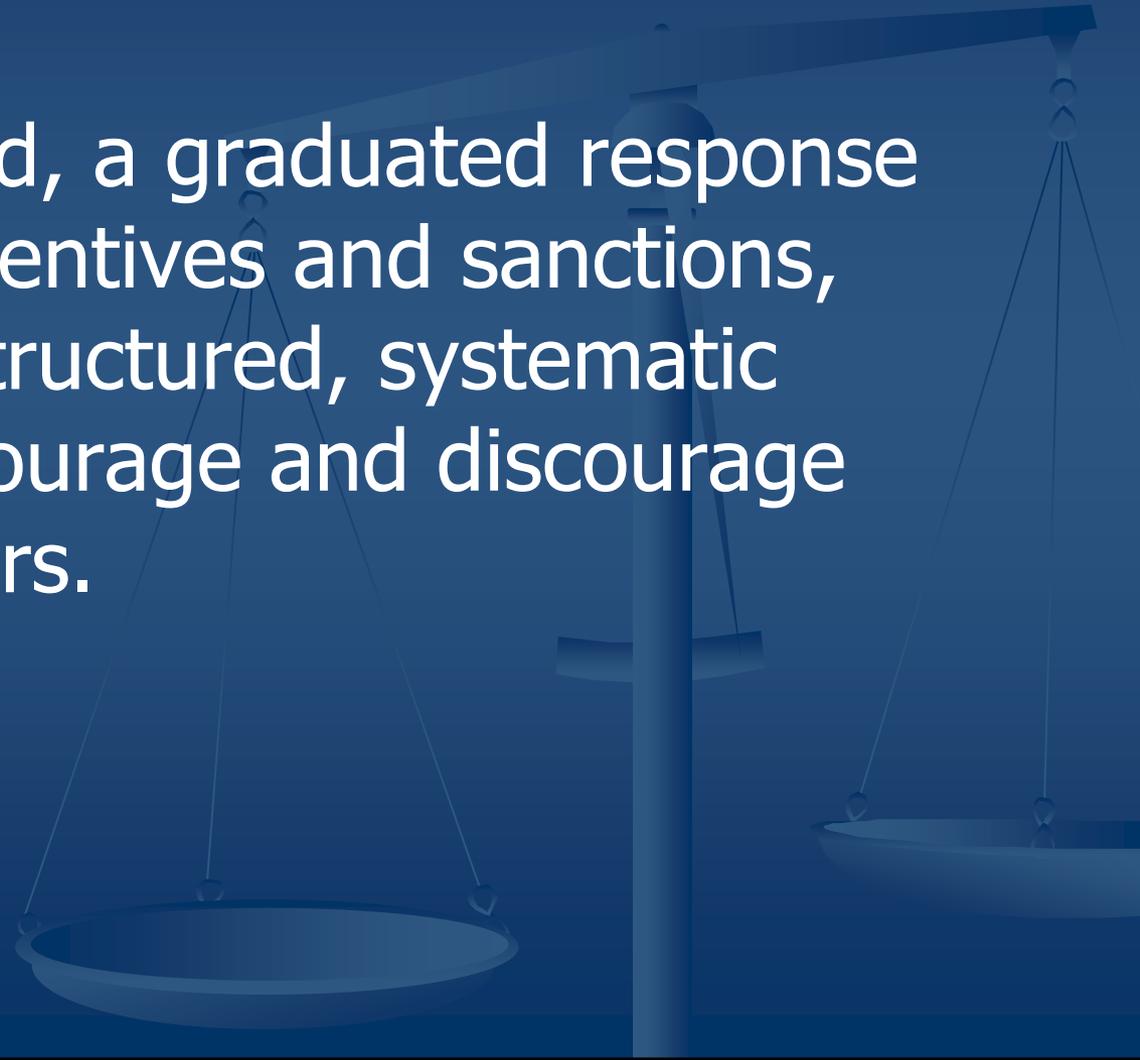
Graduated Response Workgroup



- Allegheny
- Berks
- Chester
- Cumberland
- Franklin
- Lancaster
- Lebanon
- Lehigh
- Philadelphia
- Drexel University
- JCJC/CJJT&R
- PCCJPO

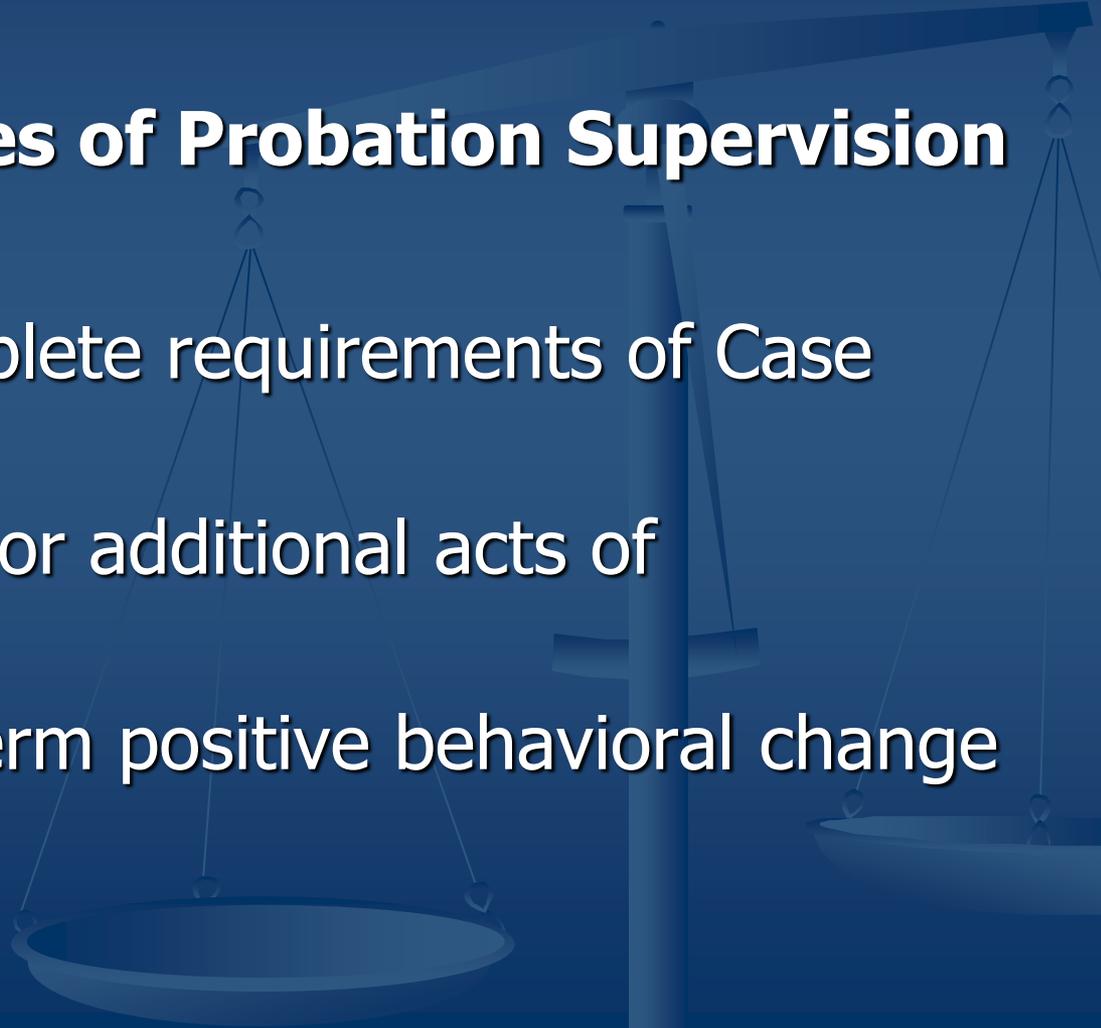
What is a Graduated Response System?

- Simply described, a graduated response system uses incentives and sanctions, delivered in a structured, systematic manner, to encourage and discourage specific behaviors.

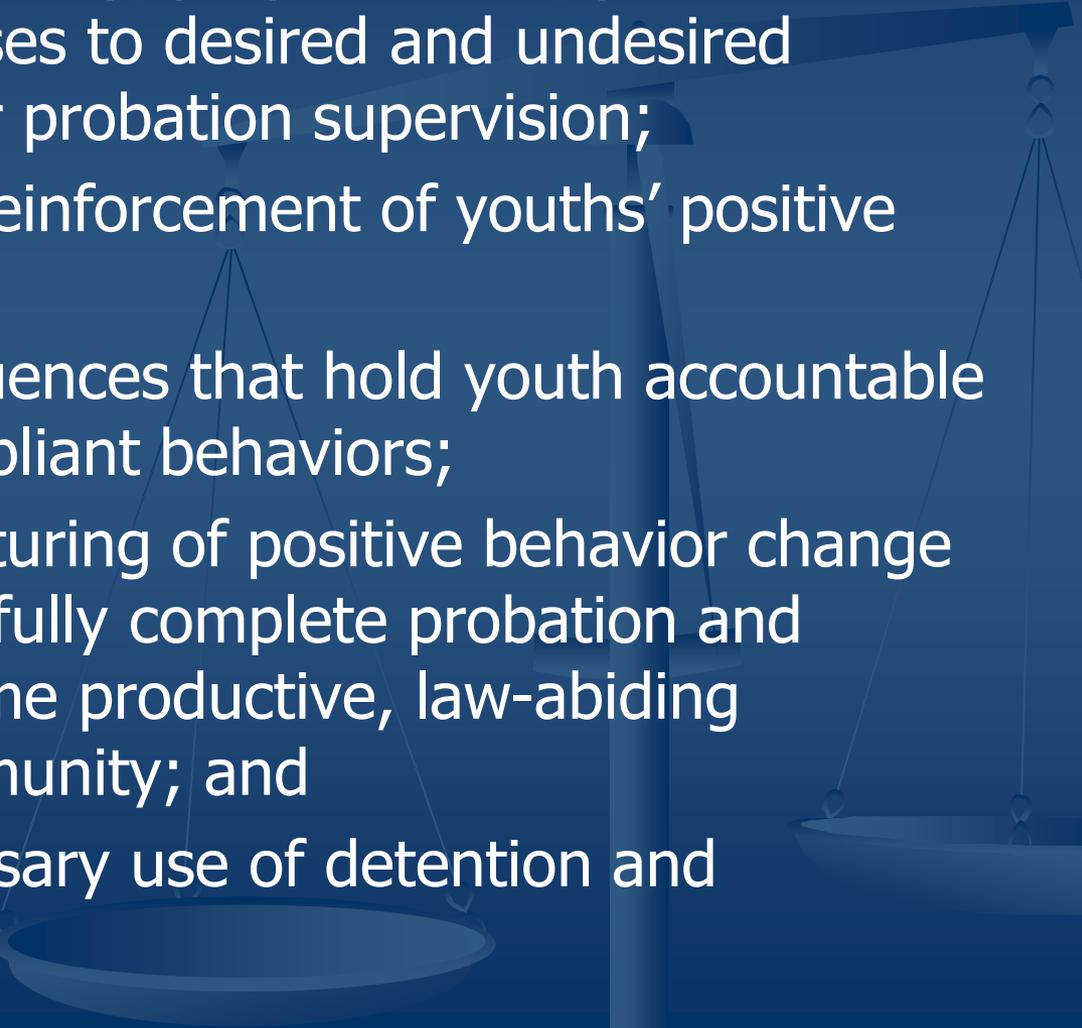


Why Implement a Graduated Response System?

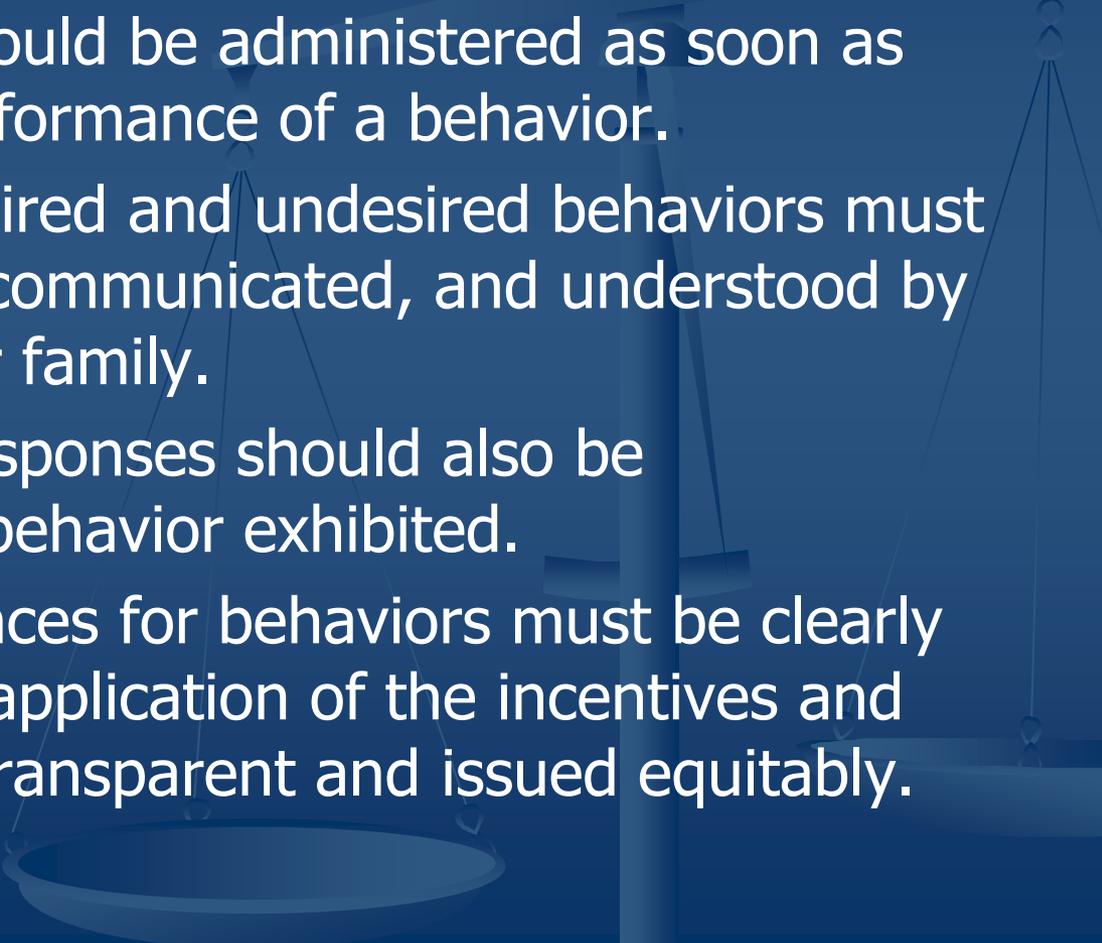
Primary Objectives of Probation Supervision

- Satisfactorily complete requirements of Case Plan
 - Refrain from VOP or additional acts of delinquency
 - Internalize long-term positive behavioral change
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A Graduated Response System can enable:

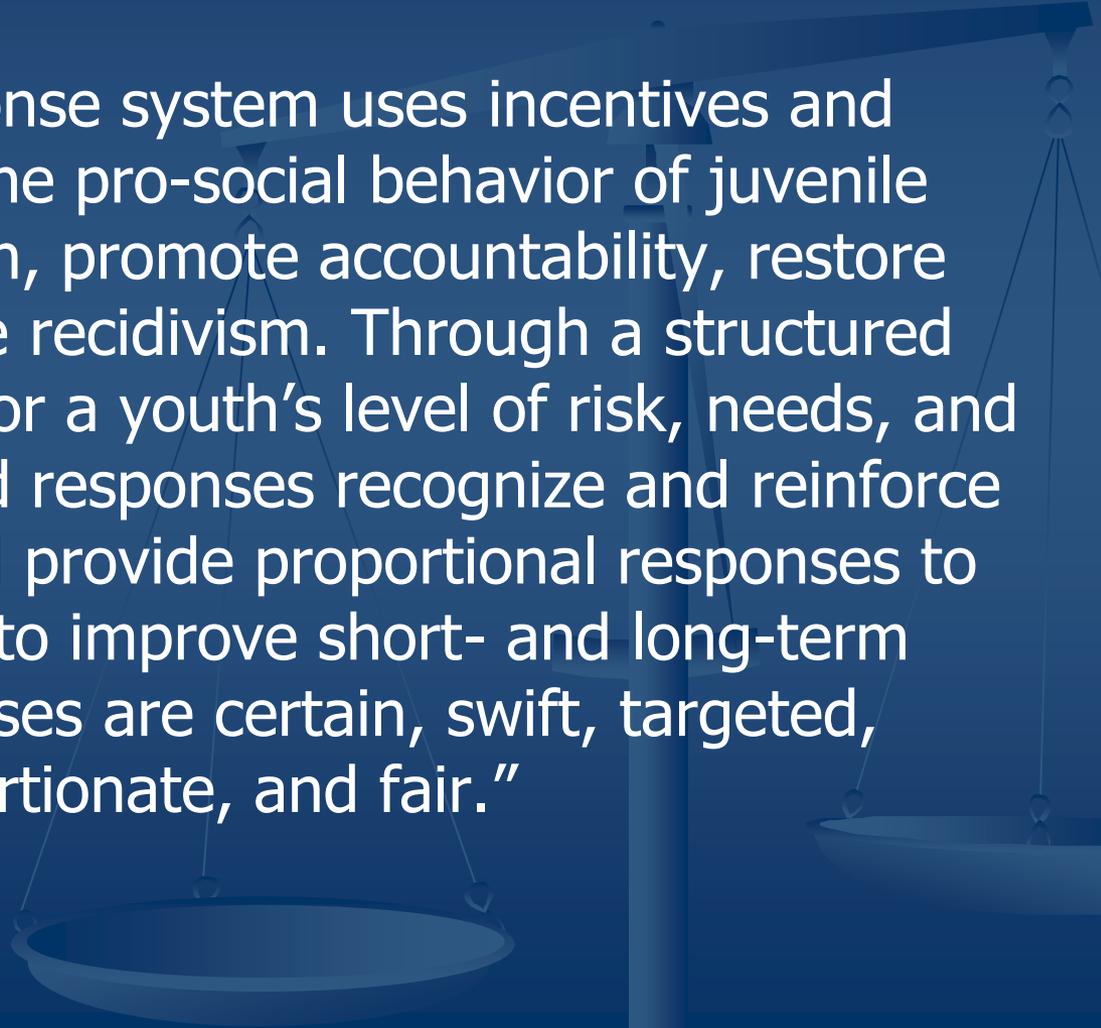
- the ability to deliver timely, proportionate, predictable and equitable responses to desired and undesired behaviors while under probation supervision;
 - encouragement and reinforcement of youths' positive behaviors;
 - Imposition of consequences that hold youth accountable for negative, noncompliant behaviors;
 - development and nurturing of positive behavior change to help youth successfully complete probation and acquire skills to become productive, law-abiding members of the community; and
 - avoidance of unnecessary use of detention and residential placement.
- 

For Graduated Responses to be Effective

- **Certain** – Responses to behaviors should be predictable.
 - **Swift** – Response should be administered as soon as possible after the performance of a behavior.
 - **Targeted** – Both desired and undesired behaviors must be clearly identified, communicated, and understood by the youth and his/her family.
 - **Proportionate** – Responses should also be proportionate to the behavior exhibited.
 - **Fair** - The consequences for behaviors must be clearly understood, and the application of the incentives and sanctions should be transparent and issued equitably.
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Graduated Responses Workgroup Mission Statement

"A graduated response system uses incentives and sanctions to foster the pro-social behavior of juvenile justice-involved youth, promote accountability, restore victims, and decrease recidivism. Through a structured process that accounts for a youth's level of risk, needs, and responsivity, graduated responses recognize and reinforce positive behaviors and provide proportional responses to negative behaviors to improve short- and long-term outcomes. Responses are certain, swift, targeted, proportionate, and fair."

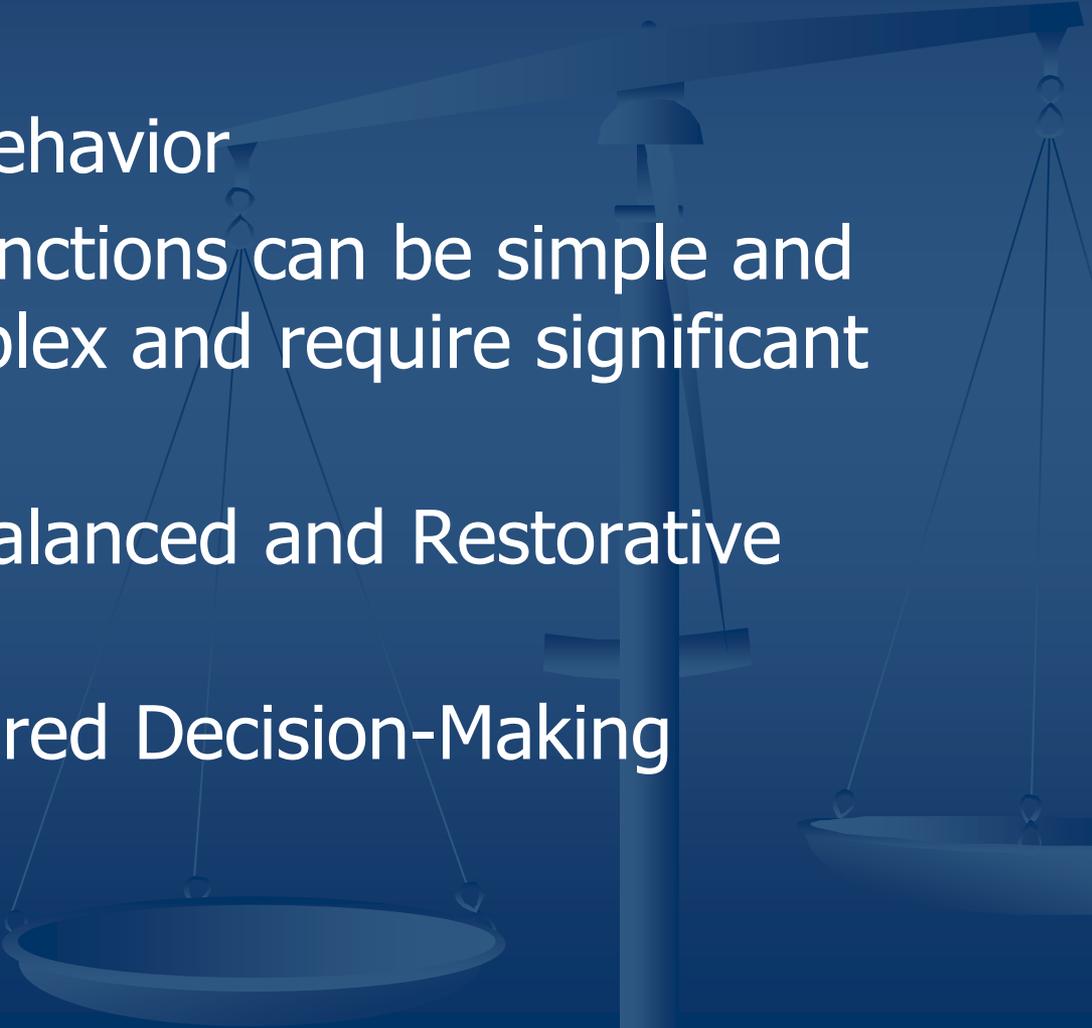


Graduated Response

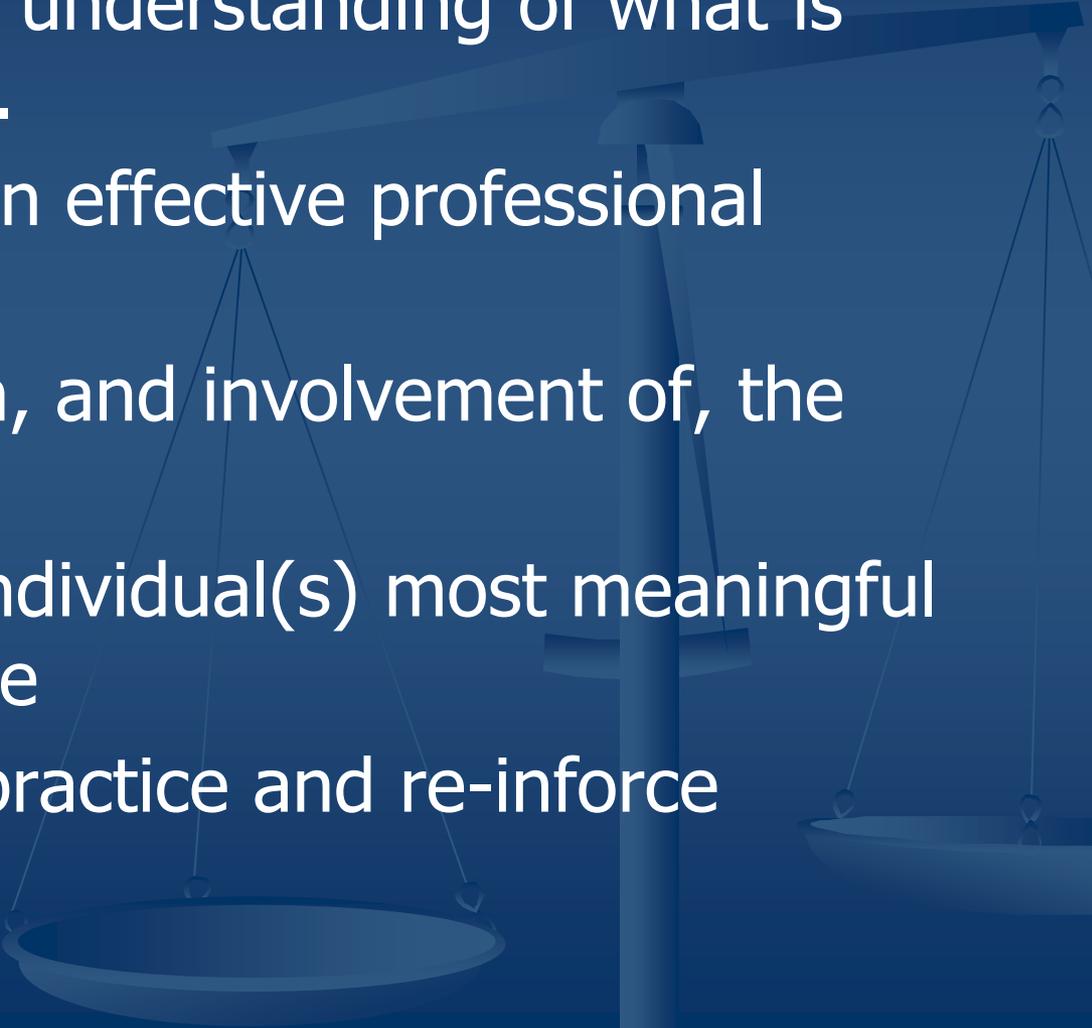


Guiding Principles

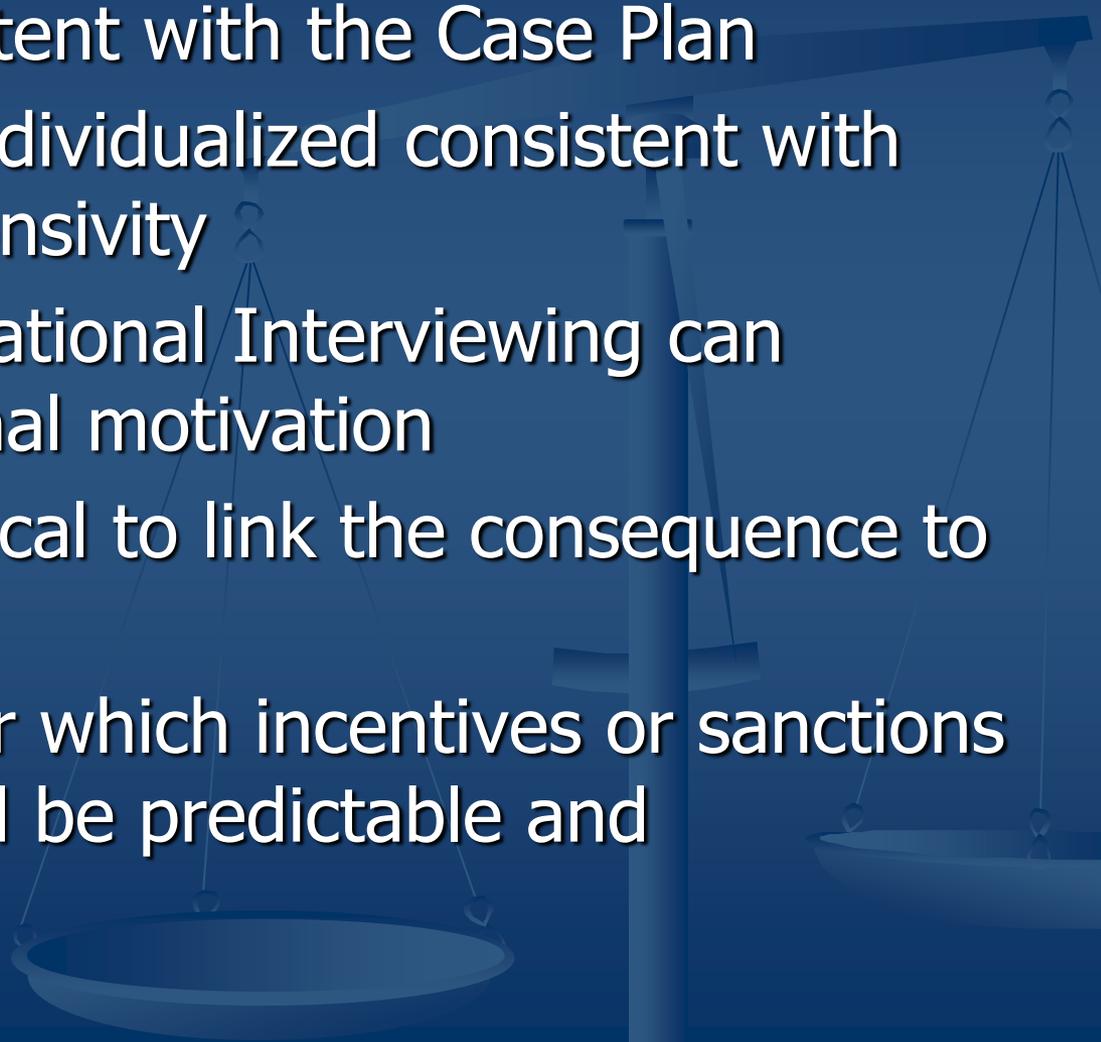
Rationale for Graduated Responses

1. Can help shape behavior
 2. Incentives and sanctions can be simple and need not be complex and require significant resources
 3. Consistent with Balanced and Restorative Justice
 4. Guide for Structured Decision-Making
- 

Engagement of Youth and the Family

5. Must have a clear understanding of what is expected of them.
 6. Development of an effective professional alliance.
 7. Collaboration with, and involvement of, the family
 8. Identification of individual(s) most meaningful to deliver incentive
 9. Opportunities to practice and re-inforce behaviors
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Application Of Graduated Sanctions

10. Should be consistent with the Case Plan
 11. Responses are individualized consistent with Risk/Need/Responsivity
 12. The use of Motivational Interviewing can strengthen internal motivation
 13. Timeliness is critical to link the consequence to the behavior
 14. The behaviors for which incentives or sanctions are issued should be predictable and communicated
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Application Of Graduated Sanctions (Continued)

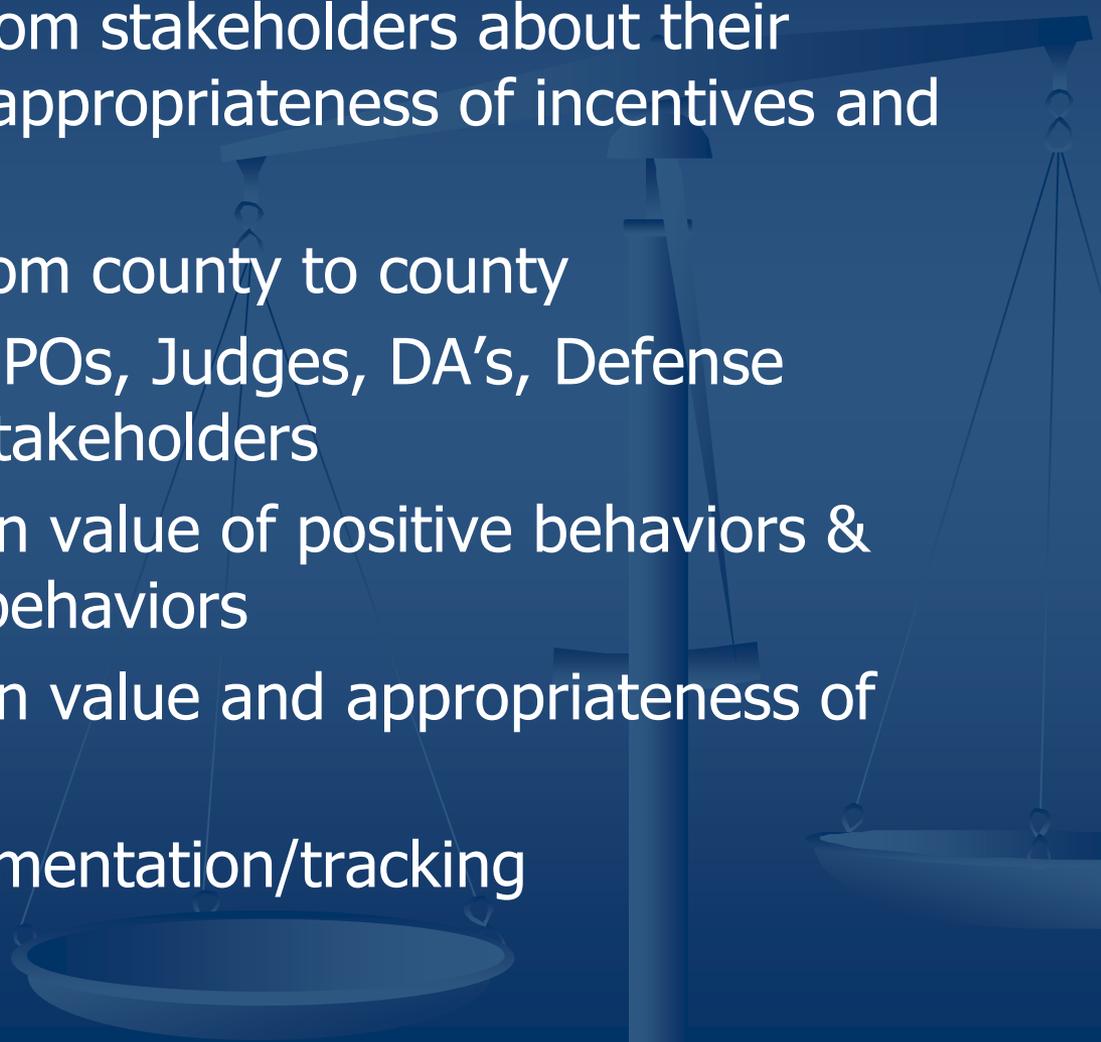
15. Incentives should be administered regularly, early on in the change process
16. Identification of individual(s) having the most impact to deliver incentive
17. Incentives should exceed sanctions by at least a 4:1 ratio
18. Responses should support a youth's participation in treatment, education, and/or intervention services
19. Use of graduated responses may be challenged as other individuals involved in the juvenile's life (especially peers) may reward negative behaviors (e.g., substance use, other illicit activities) that probation is discouraging

Benefits of Graduated Responses

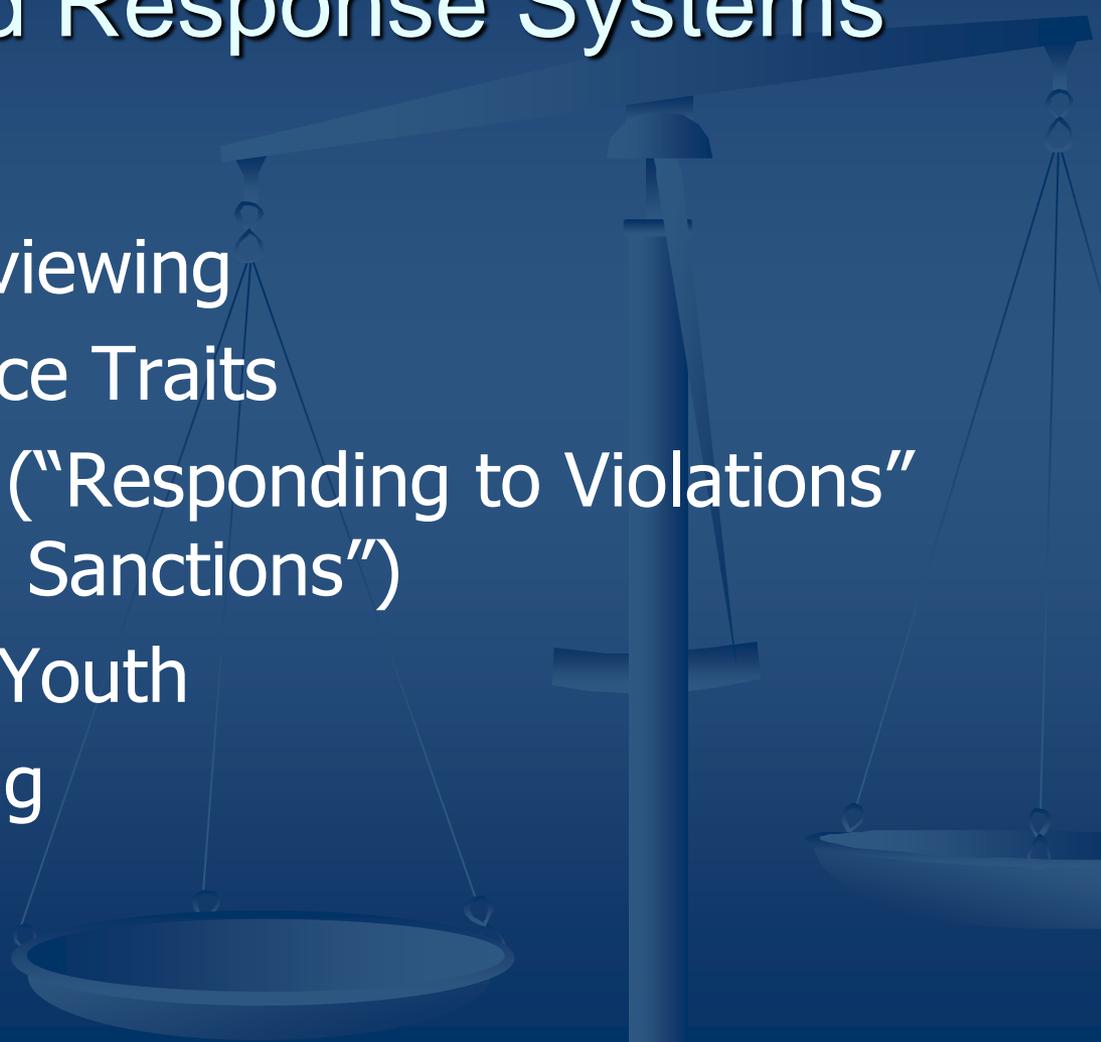
- Reinforcing pro-social behavior increases the chance that juveniles will be motivated to continue this positive behavior
- Enables JPOs to address VOPs equitably and commensurate with the seriousness of the violation and the juvenile's current risk level
- Recognition of positive behavior increases the likelihood that positive behavior will be continued

"The ultimate goal of the use of graduated responses is to have youth engage in and maintain positive behaviors in the long-term"

Development of Graduated Response Systems

- Obtain information from stakeholders about their perceived value and appropriateness of incentives and sanctions
 - Methods may vary from county to county
 - Youth and Families, JPOs, Judges, DA's, Defense Counsel, and other Stakeholders
 - Develop consensus on value of positive behaviors & severity of negative behaviors
 - Develop consensus on value and appropriateness of responses
 - Application and documentation/tracking
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Examples of Tools for Development and Implementation of Graduated Response Systems



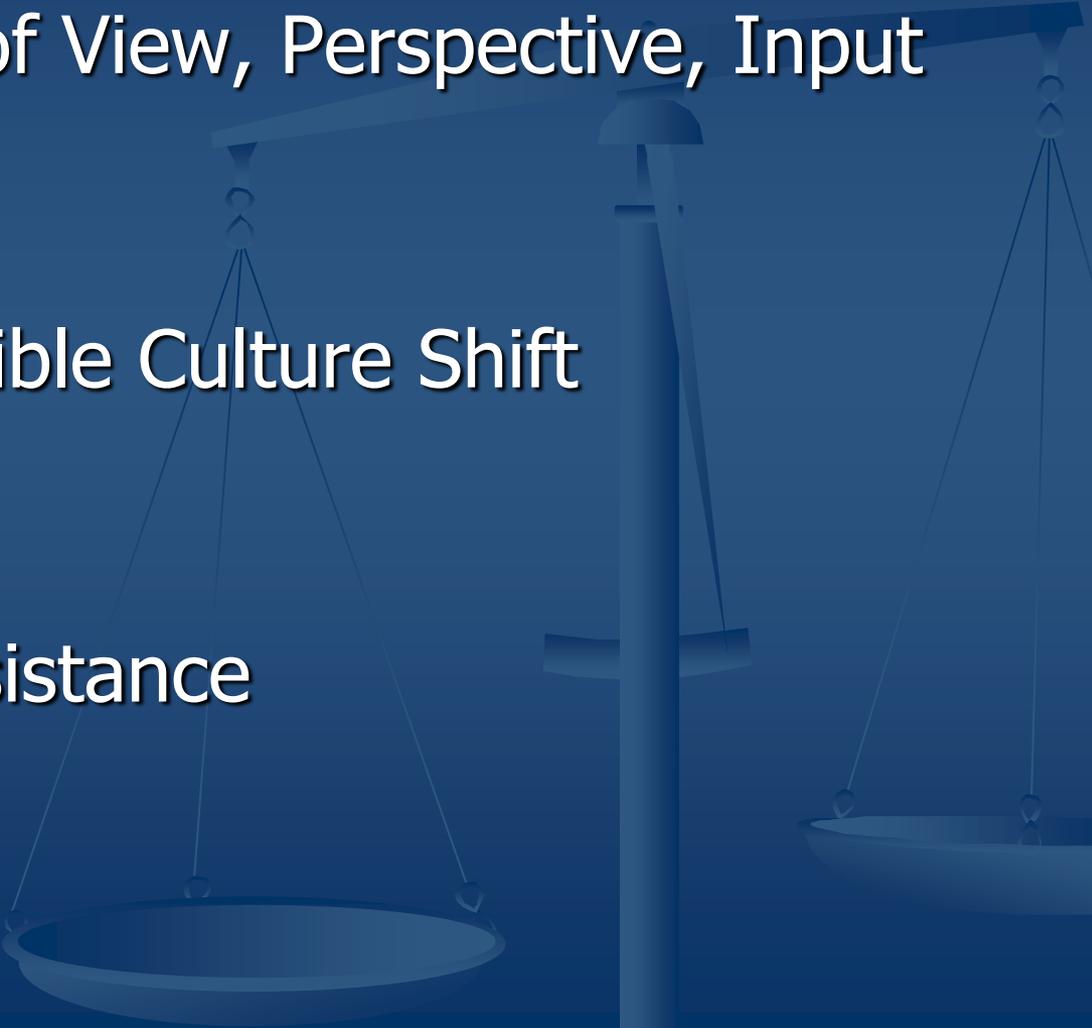
- Motivational Interviewing
- Professional Alliance Traits
- The Carey Guides (“Responding to Violations” and “Rewards and Sanctions”)
- Skill Practice with Youth
- Pro-Social Modeling
- Thinking Reports

Allegheny County

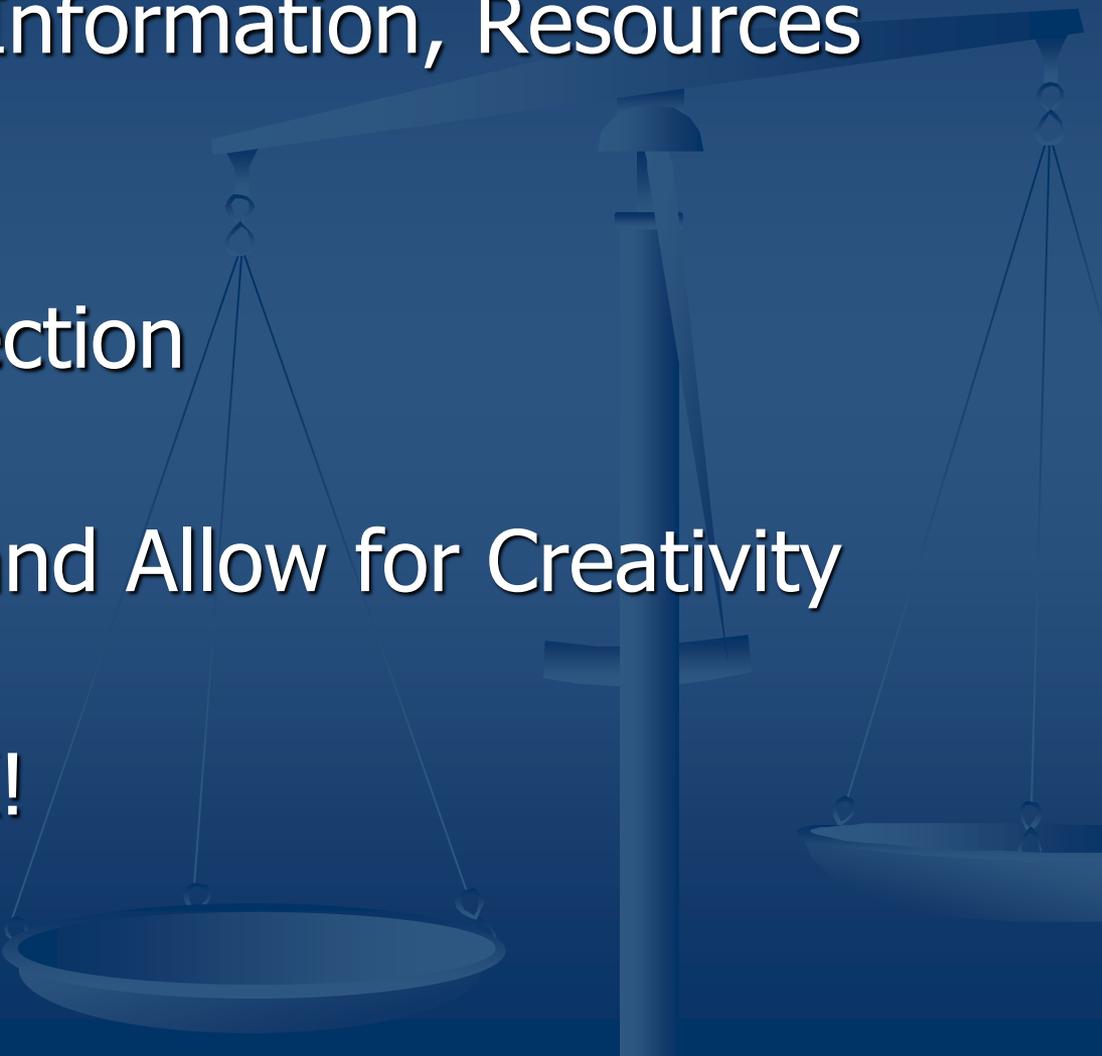
A Local Perspective



Work Group Concept and Development

- Varying Points of View, Perspective, Input
 - Creating a Credible Culture Shift
 - Rolling with Resistance
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Policy and Toolkit Development

- Use of Existing Information, Resources and Documents
 - Make the Connection
 - Keep it Simple and Allow for Creativity
 - Changes are OK!
- 

Training Process

- Train the Trainers/Find their Strengths
 - Know the “Why” behind the “What”
 - The Spirit of GR vs. the “Law”
 - Encourage Assessment at All Levels
 - Provide Boosters/ Reinforce Concepts
 - Marathon not Sprint
- 