
**THE MONTANA PRE-ADJUDICATORY
DETENTION RISK ASSESSMENT
INSTRUMENT: A VALIDATION AND
ASSESSMENT STUDY**

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EXECUTIVE SUMMARY

INTRODUCTION

The primary research objective in the current investigation is a performance assessment of the Montana Pre-Adjudicatory Risk Assessment Instrument (RAI). The RAI has been used on a pilot basis in Cascade, Hill, Missoula, and Yellowstone Counties since 2009 as part of the pre-dispositional detention decision-making process to determine whether or not juveniles pose a public safety risk if released. The analysis focuses on two dimensions associated with the RAI. The first of these pertains to racial and cultural sensitivity in assessing offender risk. The second pertains to public safety outcomes associated with the behavior of juveniles who are released from detention. Specifically, whether a new offense occurred resulting in a misdemeanor or felony citation during the 45-day period of risk and whether the juvenile failed to appear for an initial court appearance after release from detention. To achieve these objectives, the following three research questions were examined:

1. Is the RAI being administered impartially and in a manner that it assesses juvenile offender “risk” in a culturally and racially sensitive manner?
 - Are there differences in the patterns of overrides that are used to make detention decisions when comparing White and minority juveniles?
2. Did the juveniles reoffend while on release status during the period of risk?
 - Was there a new felony or misdemeanor citation within 45 days following release from detention?
3. Did the juveniles fail to appear for the initial court appearance following release from detention?
 - Did the juvenile fail to appear for the next court appearance or follow-up with the probation officer after their release from detention?

This report is the result of a contract between the Montana Board of Crime Control (MBCC), Youth and District Court Services, and The University of Montana (UM). UM via the Social Sciences Research Laboratory (SSRL) provided the services of Department of Sociology Associate Professor Dusten Hollist, Professors James Burfeind and Daniel Doyle, and SSRL Administrator Chuck Harris. The research also utilized the skills and talents of graduate assistants Jacob Coolidge, Wesley Delano, Michael King, Patrick McKay, Tyson Mclean, and undergraduate assistant Ian Greenwood.

METHODOLOGY

To gather the data for the investigation, members of the research team traveled to the county seats of the four counties. The objective of these visits was two-fold. The first involved collecting the scores for each of the seven components of the RAI, the total RAI score and the date when the RAI was administered. These dates were collected so that demographic information (e.g., age, race, and gender) and information pertaining to the prior and subsequent criminal history could be matched to the juvenile. Second, focus groups and face-to-face interviews were conducted with juvenile justice system practitioners. In the focus groups, issues pertaining to the RAI were discussed as

part of a larger dialogue on disproportionate minority contact. Face-to-face interviews with practitioners focused on gathering information to better understand the process surrounding the use of the RAI and perceptions of the tool.

Identification numbers for cases issued a citation that could result in detention in the counties between January 1, 2009 and December 31, 2010 produced the initial pool of juveniles to be included in the study (n=7286). This initial pool was constrained to focus only on those cases that were actually placed, at least temporarily, in detention as a result of these citations. The RAI was administered to 675 of the 1296 valid cases that spent time in detention during the two year period of interest. This represents 52.1% of all juveniles detained.

SUMMARY OF RESULTS

QUANTITATIVE FINDINGS

Override Analysis

- The most common outcome was agreement between the RAI indicated and actual decision. This was the outcome in 52.0% (323 of 621) of decisions.
 - Cases involving minority juveniles were more likely to result in agreement between the RAI indicated and actual decisions than those involving White juveniles.
- Overrides down (where the actual decision was less punitive than the RAI indicated decision) occurred in 27.7% (172 of 621) of the total outcomes.
 - Cases involving White (27.8%) and American Indian (29.7%) juveniles comprised 94.2% (162 of 172) of the overrides down.
- Overrides up (where the actual decision was more punitive than the RAI indicated decision) occurred in 15.0% (93 of 621) of the total outcomes.
 - Most of these (78 of 93; 83.8%) involved White juveniles.
 - These occurred in 18.3% of the total cases involving White juveniles, a rate that is higher than Hispanics (13.7%) and more than twice the rate for American Indian juveniles (6.9%).
 - Override decisions from a detention alternative to detention were most likely to occur in cases involving White juveniles (63 of 93 cases; 67.7%).

New Citations During the Period of Risk

- The RAI results indicate good performance for felony citations.
 - The overall felony failure rate in the validation sample was 1.5% (2 of 130).
 - The failure rate in the detention override sample was higher, but still low at 5.5% (7 of 127).
- The RAI results for misdemeanor citations are just over the Annie E. Casey Foundation passing grade standard.
 - The overall misdemeanor failure rate in the validation sample was 10.8% (14 of 130).
 - In the detention override sample the misdemeanor failure rate was 16.5% (21 of 127).

- Only the instances where the RAI indicated and actual decision was *release* resulted in a failure rate that was less than 10% (7.8%).
 - The overall failure rate in the validation sample was 12.3% (16 of 130), just higher than the recommended threshold.
 - The overall failure rate in the detention override sample was higher at 22.0% (28 of 127) of cases.

Failure to Appear in Court

- These findings suggest good performance on the RAI indicated decision as it pertains to predicting the likelihood of failures to appear.
 - The overall failure rate in the validation sample was 2.3% (3 of 130).
 - The overall failure rate in the detention override sample was 11.8% (15 of 127).
- All three of the failure to appear instances in the validation sample occurred where the RAI indicated and actual decisions were to release the juvenile from detention.
- The failure to appear findings must be interpreted with caution.
 - Most of the cases that were scored as “no” on failure to appear were simply those where no evidence existed to suggest that they had missed a court mandated appointment.

QUALITATIVE FINDINGS

The primary objectives of the qualitative investigation were to outline the process associated with the administration of the RAI and explore practitioner perspectives on the use of the instrument. The data that is outlined below was drawn from transcripts taken from focus groups and face-to-face interviews with the probation officers, attorneys, and judges who work with juveniles in the juvenile justice system and are involved in detention decisions.

Strengths/Advantages of the RAI

- **Objectivity:** The RAI score offers an objective assessment with which the course of action for a juvenile can be made.
- **Relative Comparisons:** The RAI score provides the ability to make relative comparisons between juveniles and to compare outcomes based on similar scores.
- **Inter-rater Consistency:** The score lends consistency in evaluating juveniles among the various practitioners who use the tool.
- **Override:** The override provides a key element of discretion allowing decision makers the ability to consider issues external to the items on the RAI.
- **Basis for Dialogue with Juveniles and Parents:** The RAI provides objective information that can be used with juveniles and parents to discuss the issues associated with the cases and the possible outcomes that may emerge from them.

Concerns/Limitations of the RAI

- **Skepticism about Diversion Impact:** There is an absence in the data that the RAI would actually add to the ability to make more correct decision regarding juvenile detention.

- Consistency and Timeliness: There were concerns raised about the consistency with which the completed RAI was provided to attorneys and judges in a timely manner so that it could be used to determine the appropriate course of action during the probable cause hearings.
- Harshness of the Scores: Many respondents believed that applying and interpreting the scores as indicated on the instrument would mean that many additional juveniles would end up in detention than would otherwise be there.
- Relevance of the Cut Point Determinates: Concerns about the degree to which differences in the scoring thresholds could be used to determine a suitable course of action (release, detention alternative, secure detention) are common in the data.
- Too Much Influence Attributed to the Score: Respondents expressed concern about what would happen if the RAI score became the primary (or only) determinant of the decision to continue to detain juveniles. They were worried that too much emphasis would be placed on the RAI score in determining outcome for juveniles at the expense of practitioner discretion.
- Inconsistencies in the Scoring: Inconsistencies in the manner in which the RAI was scored and worries regarding the comparability of scores across raters were also common in the data.

RECOMMENDATIONS

Scoring Recommendations

- Evaluate whether or not the weight of the values assigned are appropriate for determining public safety risk.
- Determine whether or not the thresholds for release, detention alternative, and detain are where they should be.
- Evaluate whether or not juveniles who are brought in on warrants and pick up orders are enough of a public safety threat to justify the 15 points that they receive.
- Develop a systematic set of override criteria.
- Avoid the risk of placing too much emphasis to the RAI indicted decision at the expense of practitioner discretion.

Process Recommendations

- Administer the RAI before the juvenile is placed in detention.
- Minimize variations in the way that raters score the RAI.
- Change the time of the probable cause (detention) hearings.
- Increase the number of detention alternatives that are available at the point of contact with the police.

Data Recommendations

- Incorporate the RAI scores into the Juvenile Court Assessment and Tracking System (JCATS).
- Expand the scope of who can access data in JCATS.
- Include specific information in JCATS that allows for verification of failure to appear in court.

- Automate the RAI scoring by incorporating it into JCATS.

Research Recommendations

- Conduct research that is tasked with developing a standard operating procedures manual and an associated curriculum module to deliver it.
- Study whether or not the existing dimensions for which scores are assigned on the RAI are the ones that are most closely associated with the public safety outcomes that the RAI is evaluated on.
- Continue to monitor the performance of the RAI and the effectiveness of any changes that are made.
- Investigate the factors that are used by practitioners to override the RAI indicated decision.
- Examine stakeholder attitudes toward detention reform and in particular whether or not they would be willing to incorporate and follow the RAI.
- Continue to develop and refine practices that ensure comprehensive and accurate data about the RAI and its performance are collected and archived.

CONCLUSION

It is important to keep in mind that this study has provided a baseline examination of the RAI. It is a means of comparison to which future examinations of the RAI and the results from future studies can be evaluated against. It provides a gauge where any changes and modifications that are made to the instrument, the process that it is used to administer it, and data collected after it is used can be measured. It is also important to recognize that the evaluation of the RAI is a process. Research must continue to be directed toward improving and assessing the tool. As the RAI is an essential piece of the detention reform movement, priority needs to be given to systematic evaluations and, if needed, modifications to the instrument.

The findings in this assessment provided answers to critical questions regarding the validity of the RAI. The results showed that the RAI is being administered impartially and in a manner that is culturally and racially sensitive. Minority juveniles are not treated differently or adversely affected by the RAI. In the analysis, minority juveniles were less likely to have an override up (where the actual outcome was harsher than the RAI indicated outcome) when compared to White juveniles. The results also show that the RAI is a suitable tool in regard to meeting established public safety outcomes. When compared to the detention override sample, the RAI validation sample yielded a lower failure rate of new misdemeanor and felony citations and failures to appear for the initial court mandated appearance.

INTRODUCTION

The use of risk assessment instruments to help inform judicial decisions regarding juvenile detention is part of a much broader trend in the last two decades across every stage of juvenile justice (Grinberg, Dawkins, Dawkins, and Fullilove 2005; Odgers, Moretti, and Reppucci 2005). These instruments were developed to better predict the likelihood of future outcomes (e.g., future victimization, recidivism, non-compliance with court mandates) and to provide courts with quantitative decision-making tools when recommending less restrictive alternatives to secure confinement.

Of particular interest to this investigation are the instruments that have been developed to inform pre-adjudicatory detention decisions (Kurlychek and Johnson 2010; Schmidt, Campbell and Houlding 2011; Schwalbe 2007; Schwalbe, Fraser, Day, and Cooley 2006; Sharkey, Furlong, Jimerson, and O'Brien 2003). These instruments have been developed to consider two primary factors: 1) the likelihood that a released juvenile will appear for a subsequent judicial proceeding and 2) the likelihood that a juvenile will not commit a new offense during the period of risk between release from detention and adjudication.

The momentum behind this trend toward the increased use of risk assessment instruments emerged out of criticisms of subjective and arbitrary decisions regarding the processing of youth in the juvenile justice system (JJS). Risk assessment instruments provide an objective assessment that reflect a juvenile's criminal history as well as extra-legal and social history factors (e.g., family situation, school performance, mental/physical health considerations, etc.). Taken together, these variables have been shown to influence juvenile outcomes and thus provide JJS practitioners with a metric for making decisions.

The primary research objective in the current investigation is a performance assessment of the Montana Pre-Adjudicatory Risk Assessment Instrument (RAI). The analysis focuses on two dimensions associated with the RAI. The first of these pertains to racial and cultural sensitivity in assessing offender risk. The second pertains to public safety outcomes associated with the behavior of juveniles who are released from detention. Specifically, whether a new offense occurred resulting in a misdemeanor or felony citation occurred during the 45-day period of risk and whether the youth failed to appear for an initial court appearance after release from detention. To achieve these objectives, the following three research questions were examined:

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 - Did the juvenile fail to appear for the next court appearance or follow-up with the probation officer after the date of their release from detention?

This report is organized in four sections. The first section provides background on the use of risk assessment tools and the Juvenile Detention Alternatives Initiative. The second section offers a quantitative assessment of the RAI based on the research questions above. In section three, qualitative findings from focus groups and interviews with JJS practitioners regarding their use and perceptions of the Montana Risk Assessment Instrument are presented. The final section summarizes the findings in the form of conclusions and associated recommendations.

SECTION ONE: BACKGROUND, DETENTION ALTERNATIVES, AND RISK ASSESSMENT

BACKGROUND

Researchers have been studying formal prediction methodologies for over 80 years. In 1928, E. W. Burgess created one of the first risk assessment instruments using what would later be called the Burgess Method. Since the creation of the Burgess Method, researchers have been examining ways to increase the predictability of risk behavior by finding both alternate models that predict risk and meaningful ways to weight risk predicting variables.

Validations of juvenile pre-trial release groups have produced positive results, with juvenile success rates exceeding those for similar programs for adults (See Steinhart 2006 for a review of these studies). Additionally, there is a growing body of literature that has found risk assessment instruments to be highly effective and supports their continued use (Grinberg et al. 2005; Odgers et al. 2005; Schidmt et al. 2011; Schwalbe 2007; Sharkey et al. 2003).

Of specific relevance to this investigation is the previous work done by Reiner, Miller and Gangal (2007). The researchers conducted a validation of Virginia's Detention Assessment Instrument (DAI). Their findings show that in terms of the Annie E. Casey Foundation's guidelines for acceptable performance, the DAI failure rate was acceptable regarding new offenses and good regarding failures to appear in court. The Virginia DAI is the foundation on which the Montana RAI is based and the findings from the Reiner et al. study provides a baseline for the current investigation.

THE JUVENILE DETENTION ALTERNATIVE INITIATIVE (JDAI)

Since its origins in 1992, the Juvenile Detention Alternatives Initiative (JDAI) has been a key part of the Annie E. Casey Foundation's mission toward detention reforms across the United States. According to data presented on the Casey Foundation webpage (www.aecf.org), at the time that this report was written there were 150 JDAI sites in 36 states and the District of Columbia. The initiative was designed to support the vision that all youth involved in the juvenile justice system have opportunities to develop into healthy, productive adults.

A major mission of JDAI is to work toward detention alternatives for juveniles. In addition to reducing the high financial costs of secure confinement, the JDAI perspective argues that juveniles are often unnecessarily or inappropriately detained, resulting in long-lasting, negative consequences for both public safety and youth development.

The JDAI approach involves eight core strategies designed to promote changes to policies, practices, and programs to reduce reliance on secure confinement, improve public safety, decrease racial disparities and bias, and stimulate overall juvenile justice reforms. Among the primary objectives pertaining to detention are: 1) To reduce unnecessary or inappropriate secure confinement of juveniles; 2) To reduce crowding and to improve conditions for juveniles in secure detention facilities; 3) To encourage the development of non-secure alternatives to secure juvenile confinement; and 4) To discourage failures to appear in court and subsequent delinquent behavior (Steinhart 2006).

In Montana there are four pilot counties (Cascade, Hill, Missoula, and Yellowstone) that were initially involved in the movement toward alternatives to secure confinement of juveniles. In each of the JDAI counties, a coordinator is selected to work with local JJS stakeholders. Together, they identify resources and develop strategies to promote the use of alternatives to secure confinement and detention reform.

JDAI AND THE DEVELOPMENT OF THE RAI

Risk assessment instruments play an important role in detention reform. These instruments are a key piece in the process of evaluating juveniles who have been arrested for a detainable offense, in most cases one resulting in a misdemeanor or felony citation, to determine the need for secure confinement or their suitability for release back into the community. The instruments are expected to be based on objective criteria (e.g., criminal background) and uniformly applied to all juveniles who have committed a detention eligible offense.

In many states, risk screening is conducted either by law enforcement officers in the field or an intake officer at the detention facility where a juvenile is taken after arrest. In Montana, law enforcement officers are provided statutory discretion pertaining to both the decision to arrest and to initially detain a youth (MCA §41-5-322.2). This statute states that “Whenever the peace officer believes, on reasonable grounds that the youth must be detained, the peace officer shall notify the juvenile probation officer immediately and shall, as soon as practicable, provide the juvenile probation officer with a written report of the peace officer's reasons for holding the youth in detention.” Then, a probable cause hearing “must be held within 24 hours, excluding weekends and holidays and legal holidays” to determine whether the “youth is a delinquent youth or a youth in need of intervention” (MCA §41-5-332.1).

The outcome of these statutes results in a somewhat different approach to the process associated with the administration of the RAI in Montana than is found in many other states. The RAI is administered between the placement of the juvenile in detention and the probable cause hearing in contrast to field administration or administration at intake. As a result, juveniles will spend at least some time (in most cases less than 24 hours; in some cases up to 5 days) in secure detention.

Since January 1, 2009, a risk assessment tool (RAI) modified from Virginia’s Detention Assessment Instrument, has been administered in Montana’s JDAI counties to help inform decisions pertaining to pre-adjudicatory detention decisions (A copy of the instrument is presented in Appendix A). The RAI is comprised of seven components. These account for key dimensions of a juvenile’s prior, current, and pending involvements in the JJS. A score is assigned for each dimension and then summed to form a total score that is used to make one of three indicated decisions: 1) release; 2) detention alternative; or 3) secure detention.

A juvenile whose total summed score on the RAI is between 0-9 will be eligible for release according to the instruments indicated decision. Those with summed scores between 10 and 14 will be eligible for an alternative to detention (ATD). Alternatives to detention might include electronic monitoring, house arrest, release to shelter care, group home, or admission to residential treatment depending upon the needs of the individual and availability of the alternative. Any juvenile whose summed score is 15 or higher will be assigned secure detention as the indicated decision.

The indicated decision provides an objective measure that is expected to be predictive of the likelihood of a subsequent offense or failure to appear for court or a court mandated appointment (e.g., meeting with the probation officer). However, the RAI also allows for discretion in the form of an override where the probation officer can recommend the court detain a youth even when the RAI score indicates release (override up). The override also works in the opposite manner providing the means to recommend for a juvenile’s release when the RAI score indicates secure detention (override down). These decisions are made based on individual, case-by-case discretion and are expected to be accompanied with a justification for recommending an actual decision different than the one indicated by the RAI.

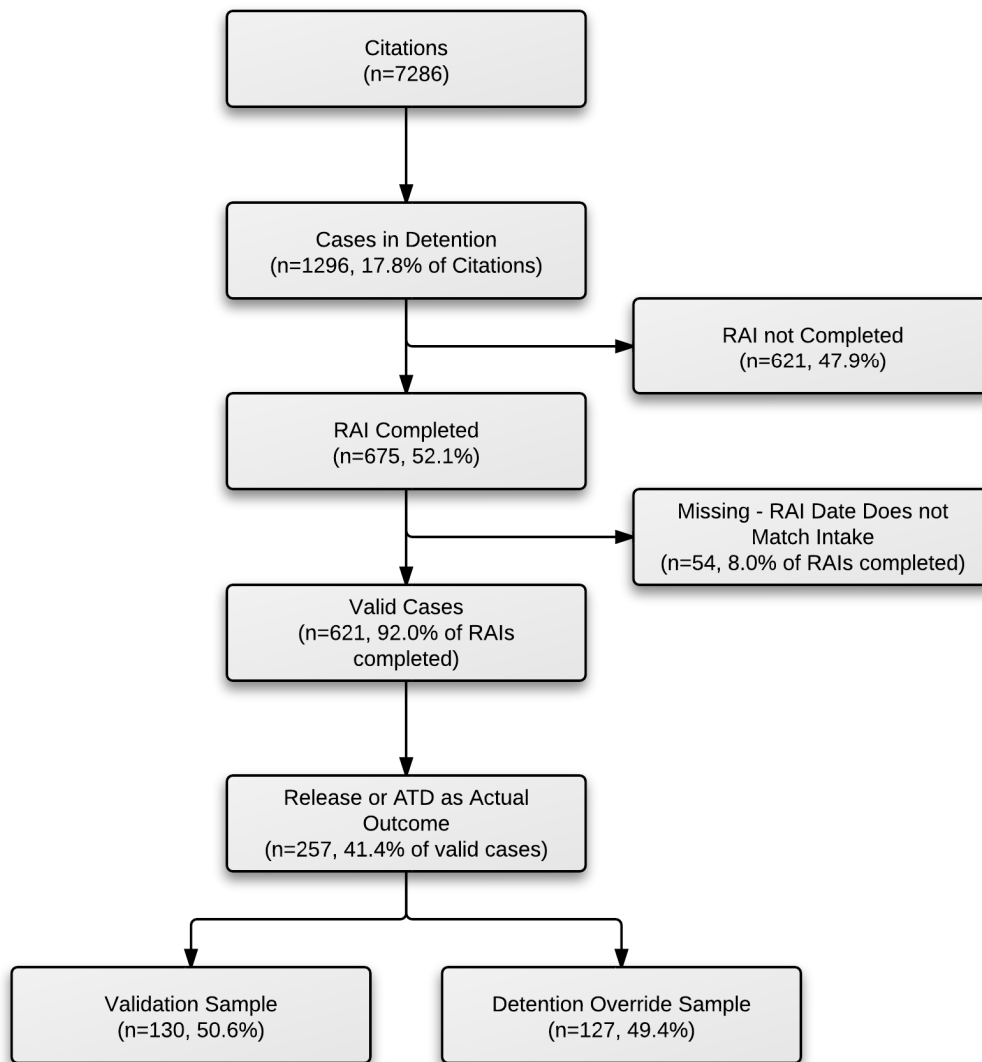
The study was built from listings out of the Juvenile Court Assessment and Tracking System (JCATS). JCATS is a statewide reporting system that is used primarily by JJS practitioners and in particular probation officers. The system tracks current offense details including time, location, and type of offense. Furthermore, JCATS provides documentation of court proceedings, including information about referrals, petitions, and dispositional outcomes. In addition to tracking current offense details and proceedings, JCATS provides other information including: basic demographics about the juvenile, family characteristics, school performance, mental health, drug use history, and a chronological reference of previous offenses. The system also provides numerous methods for keeping notes about meetings with the probation officer, court appearances, probation officer contact with parents and teachers, and other relevant case notes.

SECTION TWO: MONTANA RISK ASSESSMENT INSTRUMENT VALIDATION

THE PRESENT STUDY

Identification numbers for cases issued a citation that could result in detention in the JDAI counties between January 1, 2009 and December 31, 2010 produced the initial pool of juveniles to be included in the study (n=7286). This initial pool was constrained to focus only on those cases that were actually placed, at least temporarily, in detention as a result of these citations. The RAI was administered to 675 of the 1296 valid cases that spent time in detention during the two year period of interest. This represents 52.1% of all juveniles detained.

FIGURE 2.1 FLOW CHART OF JUVENILE CITATION, DETENTION, AND RAI OUTCOMES



As shown in Figure 2.1 above, of the 675 cases that were administered the RAI, 54 cases were eliminated. These cases were eliminated as the RAI administration date did not correspond with

any intake dates that could be found in JCATS. The resulting sample of 621 cases was used for the information presented in Tables 2.1, 2.2, and 2.3 that follow.

In order to conduct the validation assessment, all juveniles remaining in detention after their probable cause hearing had been held (n=364) were removed from the dataset. Of the initial 675 cases identified as receiving the RAI, a total of 257 of these were actually released from detention, either on probation or some other alternative to secure detention (e.g., electronic monitoring, shelter care, or residential treatment). Therefore, the sample of 257 cases provides the basis for the validation assessment that is presented in Tables 2.4 and 2.5.

In 130 of these cases, the actual decision to *release* from detention was consistent with the RAI indicated *release* or *detention alternative* decisions. The remaining 127 cases represent instances when the RAI indicated decision to *detain* resulted in an override to *release* or a *detention alternative* based upon a probation officer recommendation. This division provides for comparisons between validation and detention override subsamples.

To gather the RAI scores, members of the research team traveled to the county seats of the four JDAI counties. The objective of these visits was two-fold. The first of these involved collecting the scores for each of the seven components on the RAI, the total RAI score and the date when the RAI was administered. These scores and dates were then matched via JCATS ID number so that demographic information (e.g., age, race, and gender) and information pertaining to the prior and subsequent criminal history could be matched to the juvenile. Second, focus groups and face-to-face interviews were conducted with JJS practitioners. In the focus groups, issues pertaining to the RAI were discussed as part of a larger dialogue on disproportionate minority contact. Face-to-face interviews with practitioners focused on gathering information to better understand the process surrounding the use of the RAI and perceptions of the tool.

The analysis that follows was conducted to provide a baseline for understanding the use and performance of the RAI in the first two years that it was administered. The researchers sought to incorporate the JJS practitioner perspective which is often absent from similar investigations. These perspectives are presented in addition to the analysis that addresses the previously stated research objectives examining:

- whether the patterns in the use of override decisions vary by race/ethnicity of the juvenile;
- whether decisions based on the RAI indicated scores are good predictors of the likelihood that a released juvenile will avoid behavior resulting in a new citation during the period or risk;
- whether decisions based on the RAI indicated scores are good predictors of the likelihood that a released juvenile will appear in court or the initial court mandated meeting with the probation officer.

DEFINING THE PERIOD OF RISK

In June of 2011, a meeting of key stakeholders was convened to discuss the length of the period of risk that would be used in the analysis. After debating the relative merits of a shorter and longer period of time, it was concluded that the period of risk would be the first 45 days after release from detention. In the analysis that follows, success or failure of the RAI is made based on whether or

not a new offense, in the form of either a misdemeanor or felony citation was issued during the period of risk.

When considering the length of the period of risk after release from detention, the following are important to keep in mind. First, it is common for state statutes to place limitations on the amount of time that can pass between the initial placement of a juvenile in secure detention and the date of an adjudicatory hearing. However, no such statute exists in the Montana Youth Court Act. Second, unlike recidivism risk assessment tools that are constructed to examine the probability that an offender who is released from secure confinement will violate the terms of release and return within the three years following release, the RAI was constructed to examine a much shorter interval. The 45 day period used in this assessment is 50% longer than the one used in the Reiner et al. (2007) examination, an issue that needs to be considered when interpreting the validation findings that follow.

ASSESSING THE MONTANA RISK ASSESSMENT INSTRUMENT

Following the process outlined in the juvenile detention risk assessment guide (Steinhart 2006), the validation assessment of the RAI involves tracking the success or failure of juveniles released from pre-adjudicatory detention in relation to two specific outcomes: the occurrence of new felony or misdemeanor citations or failure to appear for the subsequent court mandated visit (probation office visit or court hearing) after release from detention. This form of validation is often referred to as a public safety test.

Before assessment of the RAI can be performed, it is important to analyze the similarities and differences between the cases that were and were not administered the RAI after initial placement in secure detention. This information is presented in Table 2.1 below. The statistics provide a means to compare the two groups in terms of age, gender, race/ethnicity and previous offense history. The data show few differences between the groups. Members of the non-RAI detention sample were on average older and more likely to be male. The range of previous offenses was larger for the RAI sample and the two groups were nearly identical in terms of the distribution by race/ethnicity.

TABLE 2.1 DESCRIPTIVE STATISTICS FOR RAI VALIDATION AND NON-RAI DETENTION SAMPLES

Demographic Indicators	RAI Sample (n=675)						Non-RAI Detention Sample (n=621)					
	Min	Max	M	SD	F	%	Min	Max	M	SD	F	%
Age	10	18	14.9	1.47			7	18	15.83	1.45		
Gender												
Female					211	34.0%					179	29.4%
Male					410	66.0%					429	70.6%
Race/Ethnicity												
White					427	68.8%					424	69.7%
American Indian					145	23.3%					139	22.9%
Asian					3	0.5%					0	0.0%
African American					17	2.7%					16	2.6%
Hispanic/Latino					29	4.7%					28	4.6%
Other					0	0.0%					1	0.5%
Previous Offenses	0	57	10.34	9.02			0	48	9.97	8.11		
Felony Offenses	0	11	.59	1.13			0	9	0.66	1.28		
Misdemeanor Offenses	0	45	6.16	5.91			0	33	5.92	5.61		

OVERRIDE ANALYSIS OF DECISION OUTCOMES

The first objective in the analysis is to examine whether the patterns in the use of override decisions vary by race/ethnicity of the respondent. Specifically, attention will be given to the use of overrides where the actual decision is harsher than the indicated decision based on the administration of the RAI. Ensuring that confinement decisions are made without racial/ethnic bias is a key objective of detention reform (Steinhart 2006:18). Any disparities between racial categories may compromise this aim.

An examination of the RAI (See copy of the RAI in Appendix A) shows that it is exclusively based on issues pertaining to a juvenile’s criminal history and current offense. The RAI, unlike instruments that are used in some other states, does not have a section that penalizes juveniles for no known community ties. This would be particularly problematic in Montana as a substantial proportion of American Indian juveniles are highly mobile. A section on the RAI that focuses on community ties would disproportionately sanction juveniles who may have been living with a non-biological caregiver in the regional hubs where the data were collected but whose hometown and biological family are elsewhere.

The data in Table 2.2 presented below organizes the cases based on a comparison of the outcome indicated by the total score from the RAI and the actual decision made regarding detention. The first group of these examines *overrides up* where the actual decision involves a harsher outcome than the one indicted by the RAI score. An examination of these across the categories by race/ethnicity shows that the vast majority of these decisions (78 of 93; 83.9%) involved cases pertaining to White juveniles, particularly overrides from a detention alternative to detention (63 of 93; 67.7%). Overrides up, represent 15.0% (93 of 621) of all the cases in which the RAI was administered.

TABLE 2.2 DECISION OUTCOMES BY RACE/ETHNICITY (N=621)

	White	American Indian	Asian	African American	Hispanic/Latino	Totals
Decision Outcome						
Total Overrides Up	78 (18.3%)	10 (6.9%)	1 (33.3%)	0 (0.0%)	4 (13.7%)	93 (15.0%)
Release to ATD	4 (0.9%)	2 (1.4%)	0 (0.0%)	0 (0.0%)	1 (3.4%)	
Release to Detention	11 (2.6%)	0 (0.0%)	1 (33.3%)	0 (0.0%)	0 (0.0%)	
ATD to Detention	63 (14.8%)	8 (5.5%)	0 (0.0%)	0 (0.0%)	3 (10.3%)	
Total Overrides Down	119 (27.8%)	43 (29.7%)	0 (0.0%)	7 (41.2%)	3 (10.3%)	172 (27.7%)
Detention to ATD	42 (9.8%)	14 (9.7%)	0 (0.0%)	1 (5.9%)	1 (3.4%)	
Detention to Release	41 (9.6%)	20 (13.8%)	0 (0.0%)	6 (35.3%)	2 (6.9%)	
ATD to Release	36 (8.4%)	9 (6.2%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	
No Overrides	209 (48.9%)	85 (58.7%)	2 (66.7%)	9 (53.1%)	18 (62.0%)	323 (52.0%)
Release to Release	47 (11.0%)	14 (9.7%)	0 (0.0%)	2 (11.9%)	4 (13.8%)	
ATD to ATD	7 (1.6%)	3 (2.1%)	0 (0.0%)	1 (5.9%)	1 (3.4%)	
Detention to Detention	155 (36.3%)	68 (46.9%)	2 (66.7%)	6 (35.3%)	13 (44.8%)	
Bond Out	21 (4.9%)	7 (4.8%)	0 (0.0%)	1 (5.9%)	4 (13.7%)	33 (5.3%)
Release to Bond Out	2 (0.5%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	1 (3.4%)	
ATD to Bond Out	7 (1.6%)	2 (1.4%)	0 (0.0%)	0 (0.0%)	1 (3.4%)	
Detention to Bond Out	12 (2.8%)	5 (3.4%)	0 (0.0%)	1 (5.9%)	2 (6.9%)	
Total Decisions	427 (100%)	145 (100%)	3 (100%)	17 (100%)	29 (100%)	621 (100%)

The second group involves an *override down* where the actual decision was less harsh than the decision indicated by the RAI score. This type of override was used in 27.7% (172 of 621) of the total decisions. Cases involving African American juveniles were the most likely to involve a less harsh actual outcome (41.2%). However, this represents only a small percentage (7 of 172; 5.5%) of total overrides *down*. The percentages associated with cases involving White (27.8%) and American Indian (29.7%) juveniles are very similar and constitute 94.2% (162 of 172) of the total overrides *down*.

The most common outcome is shown in the third group where the RAI indicated decision and the actual decision are the same. This was the result in 52.0% (323 of 621) of the total decisions. The percentage of cases vary somewhat by race/ethnicity, but the most common of these is the 75.5% (244 of 323) of the decisions where the RAI indicated decision to detain was also the actual decision. Cases involving minority juveniles were more likely than those involving Whites to result in agreement between the RAI indicated decision and actual decision.

The final group pertains to cases where the juveniles left detention as the result of posting bond. This is the smallest group of those examined (33 of 621; 5.3%). As the posting of bond is not one of the indicated decisions on the RAI and the amount associated with the bond and the situations in which bond is used varies, these cases will not be part of the validation study that follows. The data in Table 2.3 shows the same relationships broken down by the county in which the decisions were made.

TABLE 2.3 COUNTY LEVEL DECISION OUTCOMES BY RACE/ETHNICITY (N=621)

	Cascade	Hill	Missoula	Yellowstone	Total
Decision Outcome					
Total Overrides Up	11 (4.7%)	3 (5.6%)	58 (30.9%)	21 (14.3%)	93 (15.0%)
White	9 (6.3%)	1 (5.6%)	55 (32.7%)	13 (13.3%)	
American Indian	2 (2.8%)	0 (0.0%)	3 (18.8%)	5 (17.2%)	
Asian	0 (0.0%)	1 (50.0%)	0 (0.0%)	0 (0.0%)	
African American	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	
Hispanic/Latino	0 (0.0%)	1 (16.7%)	0 (0.0%)	3 (16.7%)	
Total Overrides Down	84 (36.2%)	18 (33.3%)	48 (25.5%)	27 (15.0%)	172 (27.7%)
White	55 (38.5%)	5 (27.8%)	42 (25.0%)	17 (17.3%)	
American Indian	25 (34.7%)	11 (39.3%)	3 (18.9%)	4 (13.8%)	
Asian	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	
African American	4 (33.3%)	0 (0.0%)	3 (75.0%)	0 (0.0%)	
Hispanic/Latino	0 (0.0%)	2 (33.3%)	0 (0.0%)	3 (16.7%)	
No Overrides	122 (52.6%)	33 (61.1%)	79 (42.0%)	89 (60.5%)	323 (52.0%)
White	72 (50.3%)	12 (66.7%)	68 (40.5%)	57 (58.2%)	
American Indian	39 (54.2%)	17 (60.7%)	10 (62.5%)	19 (65.5%)	
Asian	0 (0.0%)	1 (50.0%)	0 (0.0%)	1 (100.0%)	
African American	7 (58.3%)	0 (0.0%)	1 (25.0%)	1 (100.0%)	
Hispanic/Latino	4 (80.0%)	3 (50.0%)	0 (0.0%)	11 (61.1%)	
Bond Out	15 (6.5%)	0 (0.0%)	3 (1.6%)	15 (10.2%)	33 (5.3%)
White	7 (4.9%)	0 (0.0%)	3 (1.8%)	11 (11.2%)	
American Indian	6 (8.3%)	0 (0.0%)	0 (0.0%)	1 (3.4%)	
Asian	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	
African American	1 (8.3%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	
Hispanic/Latino	1 (20.0%)	0 (0.0%)	0 (0.0%)	3 (16.7%)	
Total Decisions	232 (100.0%)	54 (100.0%)	188 (100.0%)	147 (100.0%)	621 (100.0%)

NEW, FELONY, AND MISDEMEANOR CITATIONS

The second objective in the analysis is to evaluate the RAI in terms of new felony and misdemeanor citations. Specifically, the analysis examines whether or not decisions based on the RAI indicated scores are good predictors of the likelihood that a released juvenile or a juvenile placed in a detention alternative will be free from a new citation during the subsequent 45 days. Currently, there are no known instruments being used in Montana to which the failure rate on the RAI indicated decision can be compared; therefore, evaluation of the effectiveness will be based on the guidelines that have been adopted by the Annie E. Casey Foundation. In his guide for assessment of detention risk assessment instruments, Steinhart suggests that validation assessments where the “failure rate for either re-offense or failure to appear is less than 10 percent of the release cohort, the RAI should be given a passing grade for meeting public safety and court appearance objectives. Re-offense and failure to appear rates under 5 percent can be considered good performance” (2006:58).

TABLE 2.4 CITATIONS DURING THE 45 DAY PERIOD OF RISK (N=257)

	# of Cases	New Felonies	New Misdemeanors	New Offenses	Felony %	Misdemeanor %	Total %
Validation Sample	130	2	14	16	1.5%	10.8%	12.3%
Release to Release	66	1	4	5	1.5%	6.1%	7.8%
Release to ATD	7	0	1	1	0.0%	14.3%	14.3%
ATD to Release	45	1	7	8	2.2%	15.5%	17.8%
ATD to ATD	12	0	2	2	0.0%	16.7%	16.7%
Detention Override Sample	127	7	21	28	5.5%	16.5%	22.0%
Detention to Release	69	5	8	13	7.2%	11.6%	18.8%
Detention to ATD	58	2	13	15	3.4%	22.4%	25.9%

Results for new felonies and misdemeanors during the period of risk for the 257 cases where the actual decision was *release* or *detention alternative* are presented in Table 2.4. The information is presented in the context of two groups. The first of these, the validation sample, is comprised of the 130 cases where the RAI indicated decision to release the juvenile from detention is also the actual decision. The second group, the detention override sample, is comprised of the 127 cases where the RAI indicated decision was *detain* but the actual decision represented an override down to a *detention alternative* or *release*.

With regard to new felony citations, the results indicate *good* performance based on the Annie E. Casey Foundation’s guidelines. The overall failure rate for new felonies in the validation sample is 1.5% (2 out of 130 cases). This is lower than the corresponding rate in the detention override sample of 5.5% (7 of 127 cases). The difference is even more pronounced when the comparison is made between the felony rate in the validation sample and the rate in the detention override sample 7.2% (5 of 69 cases) where the RAI decision was *detain* and the actual decision was *release*. It is important to note that the rate of new felonies for all cases that resulted in a non-detention outcome is low. Also important is the finding that only 22.0% of the cases involving juveniles whose RAI score indicated that they should remain in detention received a new citation during the period of risk.

The results pertaining to the rate of misdemeanor citations is higher than the rate for felonies described above. In the validation sample, the overall failure rate for new misdemeanors is just over the Casey Foundation recommended threshold at 10.5% (14 of 130 cases). The lowest percentage of failures (6.1%) is found in the 66 cases where both the RAI indicated and actual decisions are *release*. Failure rates are higher in the detention override sample. There were 21 misdemeanor citations that were associated with the 127 cases where the actual decision to *release* or *detention alternative* was an override from the RAI indicated decision to *detain*. The failure rate in the detention override sample (22.0%) is much larger than the rate in the validation sample (12.3%).

Of the total outcomes, only when both the RAI indicated and actual decision is *release* is the failure rate (7.8%) less than the 10% recommended failure threshold established by the Annie E. Casey Foundation for acceptable performance. The overall failure rate in the validation sample is 12.3% (16 of 130 cases). This is just higher than the recommended threshold. The total rate in the

detention override sample is higher at 22.0% (28 out of 127 cases). The remaining rates for all subcategories of the validation sample are higher than would be expected from an instrument performing at the recommended level of performance.

FAILURE TO APPEAR

The third objective in the analysis pertains to failures to appear for court. The definition of failure to appear in the analysis is broad. It is based on a juvenile’s failure to attend the first court mandated appearance after release from detention. This includes failure to appear at the next court proceeding but also includes instances when the next appearance is a meeting with a probation officer. The results regarding the performance of the RAI are presented in Table 2.5.

TABLE 2.5 FAILURE TO APPEAR (N=257)

	# of Cases	# FTA	% FTA
Validation Sample	130	3	2.3%
Release to Release	66	3	4.5%
Release to ATD	7	0	0.0%
ATD to Release	45	0	0.0%
ATD to ATD	12	0	0.0%
Detention Override Sample	127	15	11.8%
Detention to Release	69	7	10.1%
Detention to ATD	58	8	13.8%

Like the presentation of the findings for new citations, the cases are organized into a validation sample and a detention override sample. The most notable difference in the percentages representing the rate of failure to appear is the comparison between the overall rate in the validation sample of 2.3% (3 of 131 cases) and the overall rate in the detention override sample of 11.8% (15 of 127 cases). All three of the failure to appear instances in the validation sample occurred where the RAI indicated and actual decisions were to release the juvenile from detention. The failure rates for both the detention override subcategories are higher than the rates in any of the subcategories from the validation sample.

These findings suggest good performance on the RAI indicated decision as it pertains to predicting the likelihood of failures to appear. However, caution is warranted in the assessment of the findings pertaining to failure to appear outcomes. Unlike the new citations which were easily identifiable both in terms of the type of offense and the date that it occurred, determination of whether a juvenile missed a court date or in particular the next appointment with the probation officer proved to be much more problematic.

As there is no category in JCATS where these events are specifically recorded, the researchers had to track these via case notes from the probation officers. In many instances these provided a detailed description of the account, including whether or not the juvenile was issued a citation as a result. In most instances, however, the cases that were scored as “no” on failure to appear were simply those cases where no evidence existed to suggest that they had missed a court mandated appointment. In effect, these represent an absence of confirmation that failure to appear occurred rather than affirmation that it did.

SECTION THREE: PRACTITIONER PERSPECTIVES ON THE RISK ASSESSMENT INSTRUMENT

PURPOSE/OBJECTIVE

The primary objectives of the qualitative investigation were to outline the process associated with the administration of the RAI and explore practitioner perspectives on the use of the instrument. The data that is outlined below was drawn from transcripts taken from focus groups and face-to-face interviews with the probation officers, attorneys, and judges who work with juveniles in the JJS and are involved in detention decisions.

The data from the focus groups emerged out a larger discussion that identified mechanisms that contribute to minority overrepresentation in the JJS. Information pertaining to the RAI emerged in all four of these meetings. The face-to-face interviews were designed to focus only on the RAI. Participants were asked to talk about how they used the RAI in their work, to provide an assessment of the strengths and weaknesses of the RAI, and to talk about issues that need to be addressed either with the instrument itself or the way that it has been used.

THE QUALITATIVE SAMPLE

The data presented below in Table 3.1 address the descriptive information for interview and focus group participants. As shown, there were more female than male participants with an average age of 48.4 years old. All but two of the respondents were White and all but one had at least a four-year college degree. The professional occupations were most likely to be probation officers, who had spent an average of 31 years living in their current county and who had spent on average of 11.3 years in their current position. Most (90.5%) had held other positions whose job duties included working with youth. These statistics confirm that the data presented below was drawn from a highly education population of practitioners who live in the counties and have worked with the youth within those counties long enough to be classified as experts on the topics that were discussed.

There were initial concerns in the developmental phase of the project that the point of RAI administration in the decision making process may vary by county. This perspective was inconsistent with the evidence that was obtained in the focus groups and interviews. The data show a similar approach across the counties where the RAI is administered after an initial stay in detention as part of the decision making process that occurs leading up to the probable cause hearing.

TABLE 3.1 RAI PARTICIPANT DESCRIPTIVES

	Min	Max	M	SD	F	%
Sex						
Male					14	39.1
Female					23	60.9
Age	29	73	48.4	12.2		
Race						
White					20	90.9
African American					1	4.5
Hispanic/Latino					1	4.5
Education						
High School					1	4.5
4 Year Degree					7	31.8
Some Graduate Education					1	4.5
Master's Degree					8	36.4
Juris Doctorate					5	22.7
Length of Time in Current County	6	71	31.0	17.2		
Occupation						
Community Member					2	8.7
Probation Officer					14	60.9
Attorney					1	4.3
Judge					4	17.4
Detention Employee					2	8.7
Length of Time in Current Occupation	0.5	23	11.3	7.5		
Previous Occupations Working with Youth						
Yes					19	90.5
No					2	9.5

STRENGTHS/ADVANTAGES OF THE RAI

There were a number of issues that emerged when respondents were asked to comment on the strengths or positive aspects of the RAI. One of the most common of these was the sentiment that the RAI score offers an objective assessment to evaluate the appropriate course of action for a juvenile. As one probation officer stated:

It puts a very subjective situation into black and white. If I am going to recommend a youth remain in detention or [be] released from detention, it is nice to have [the RAI] to back up my decision and it's not just because I'm mad at them or because I like them or whatever it is. There is actually some statistical basis for it. And the instrument itself does a good job of giving a numerical score based on the severity of the specific incidents as well as the history of the youth.

Similar to the sentiment above, another advantage of the RAI that emerged in the data was the view that the score provides the ability to make relative comparisons between juveniles. In addition to adding an objective element to the decision making process, respondents felt that the score lends consistency in evaluating juveniles among the various practitioners who use the tool. This information can then be used to provide evidence for the recommended course of action that is presented to the county attorney and public defender. The passage below addresses this:

Part of it... is just the ability to compare really different situations relatively simply with a number. I mean to be able to put a number based on some fairly simple little criteria and then to be able to compare kids to kids based on that number. There's something intriguing for me about the ability to do that—to maybe take some of the subjectivity out of the process.

One of the most common themes that emerged in discussions about the RAI, particularly with probation officers, was the importance of the ability to change the RAI indicated decision with an override. The override provides a key element of discretion that allows decision makers to consider issues that are not scored on the RAI but that still play a role in the process of determining the need for continued use of detention. This includes both mitigating circumstances that provide evidence to release the juvenile in contrast to a RAI indicated decision to detain (e.g., a responsible adult to release the juvenile to, specific needs for treatment, etc.) and aggravating circumstances that make detention a necessary part of the process even when the RAI indicated decision is for a less restrictive outcome (e.g., serious offenses against persons, including family members). The importance of the override ability is represented in the passage below:

As far as the tool is concerned, I think [the override] is an important part of it. Just like an officer has discretion at the time of arrest, this is our point to have our discretion. I think without that feature... the RAI wouldn't be as effective. It would be effective, but not in the way we are hoping the tool to be effective. I think more kids would be detained [if we weren't] able to use those outside influences as part of the decision making process.

The RAI was also seen as providing an advantage to practitioners in their interactions with juveniles and parents. The RAI provides a tool that can be used with juveniles and parents to discuss the issues associated with the cases and the possible outcomes that may emerge from them. It also provides additional evidence upon which decision about the appropriate course of action can be made. This theme is addressed in the two quotes presented below:

[The RAI] would give me those numbers, and I'd go through them with the kids, and I'd say 'hey, zero to 9 you can be released.' Most of the kids were 15 and up and I'd say 'these numbers don't lie'.... I'd use them in court, and say, 'this looks like what has to happen.' It was the type of thing we did informally before, but I think this is good because it's standardized.

It's good for something for us to use as a guideline. You can sit with a parent and they can make their kid sound so bad, but when you actually see black and white, they're not so bad and you can show that to a parent and you have that for the judge regardless of what the parent is saying in court. The risk assessment tool is still saying release, then you have that to fall back on.

CONCERNS/LIMITATIONS OF THE RAI

There were also a number of themes that emerged as cautions, concerns, or limitations associated with the RAI. Perhaps the most noteworthy of these is the absence of any consistency in the data with regard to the sentiment that the RAI would actually add to the ability to make more correct decisions regarding juvenile detention. As pointed out above, this could be due to the process where juveniles are administered the RAI after they have already spent at least some time in detention. However, the absence of qualitative data may also suggest that interview participants do not perceive the RAI as adding to the ability to assess the public safety risk of juveniles when deciding who should stay and who should be released from detention.

Among the strongest concerns about the RAI was the view that the scoring system is overly punitive. Many respondents believe that applying and interpreting the scores as indicated on the instrument would mean that many additional juveniles would end up in detention than would otherwise be there. Part of the concern rests with how each of the items on the instrument was weighted. As one probation officer stated, “My main thing is [that] I think the numbers are off. I just think that these are too high, or these are too low. We would detain so many more kids if we actually followed the score.”

Concerns about the harshness of the RAI scoring system were often discussed in close conjunction with the ability to override the RAI indicated decision. Respondents expressed concern about what would happen if the RAI score became the primary or only determinant of the decision to continue to detain youths. This concern is expressed in the quote below:

If the instrument was validated, we probably would detain a lot more. We would detain a lot more kids, definitely. Because it's... a lot of time they score over the 15, so if they are on probation, more than likely they are going to be in that upper [detention] category... even if it's not on a pick-up order.

There were also concerns raised that too much emphasis would be placed on the RAI score in determining outcomes for juveniles. This is illustrated by the following quote taken from a discussion about the process of determining public safety risk where one respondent commented, “Overall... I think it's unfortunate that we just base risk on a score, flat out.” Also common in the discussions was concerns over the degree to which differences in the scoring thresholds could be used to determine the suitability for continued use of secure detention.

It's a tool. I don't have a problem using an override [or] making adjustments if there is a justification for that. If you're coming up with a numbers system, I think it's really hard to say, 'well this time it should be this.' I don't think you can make a numbers system, where you can take everything and lump it [together]. That doesn't necessarily say to me whether or not that child should still be in detention or go to a more restrictive environment. But unfortunately, if those points add up more we're going to do maybe what is not in the best interest of that child.

Inconsistencies in the manner in which the RAI was scored and worries regarding the comparability of scores across raters were also common. Even though the scoring as outlined on the instrument is straightforward, there are differences in the process of scoring the instrument across raters. This issue was connected to a recognized need for training to better provide systematic instructions on scoring the instrument. This is captured in the passage below:

Every person reads something, interprets it, [and] can interpret it differently.... Who knows who is right and who is wrong, because none of us were trained on it, we were just kind of handed the tool and told 'fill this out.' ... [in] one case, there were two RAIs on the same thing, two different scores. And I looked at it trying to figure out which one was the right one, [and] I came up with a totally different score.

SECTION FOUR: CONCLUSIONS AND RECOMMENDATIONS

The primary research objective in the current investigation was to conduct a performance assessment of the RAI. The analysis focused on two dimensions. The first of these pertained to racial and cultural sensitivity in assessing offender risk. The second pertained to public safety outcomes associated with the behavior of juveniles who are released from detention. Specifically, the analysis examined whether a new offense occurred resulting in a misdemeanor or felony citation during the 45-day period of risk and whether the juvenile failed to appear for an initial court appearance after release from detention.

SUMMARY OF FINDINGS

In order to evaluate that the RAI was being administered with racial and cultural sensitivity, an override analysis was performed. The most common outcome was agreement between the RAI indicated and actual decisions. Cases involving minority juveniles were more likely to result in agreement between the RAI indicated and actual decisions than those involving White juveniles. According to Annie E. Casey Foundation guidelines, override rates should be limited to between 15% and 20% of the total decisions. The override down rate (where the actual decision was less punitive than the RAI indicated decision) was higher at 27.7%. Cases involving American Indian juveniles were slightly more likely than those involving White juveniles to have a RAI indicated decision result in a less punitive actual outcome. Overrides up (where the actual decision was more punitive than the RAI indicated decision) occurred in 15.0% of the outcomes. These were more likely to occur in cases involving White juveniles. These trends are evidence against any systematic racial/cultural biases in the use of discretionary overrides.

In the examination of new citations during the period of risk, the results indicate good performance for felony citations. The findings for misdemeanor citations were just over the Annie E. Casey Foundation acceptable grade standard. Only the instances where both the RAI indicated and actual decision were release was the failure rate less than 10%. The findings suggest good performance on the RAI when predicting the likelihood of failures to appear. All three of the failure to appear instances in the validation sample occurred where the RAI indicated and actual decisions were to release the juvenile from detention.

The findings from the qualitative investigation suggested that there are a number of advantages associated with the use of the RAI. Among the most common of these was the sentiment that the RAI score offered an objective assessment to evaluate the appropriate course of action for a juvenile and the ability to make relative comparisons between juveniles. There was strong support in favor of the ability for probation officers to argue for an override against the RAI indicated decision. The advantage of having a score and associated system for recommended outcomes was also common in the data. Respondents commented that the RAI score offered a means to discuss what would likely happen in court. It also provided practitioners with objective information that could be shared with juveniles and their parents. The RAI score provided a means by which discussions of probable outcomes could be focused on the juvenile's current and prior behavior.

Along with the expressed advantages, there were also a number of concerns that emerged in the qualitative data. The majority of these concerns were associated with issues pertaining to the RAI scores. These included the magnitude of the values assigned to the score, the importance that

would be given to them in the decision making process, and whether or not they provided the best means to determine which juveniles should remain in detention and which should be released from detention. Respondents felt that the scoring system is overly punitive and, if strictly followed, would result in the detention of many more juveniles than necessary.

CAUTIONS AND LIMITATION

Before moving to the recommendations based on the findings, the following cautions and limitations must be addressed. First, as a result of the lack of a risk period defined by statute, the 45-day period of risk is based on negotiation and discussion. It is longer than the 30 day period of risk used in the Reiner et al. (2007) validation of the Virginia instrument. It stands to reason that as the length of the period of risk increases, so too will the likelihood for new citation failures. Failures in the analysis above were based on whether or not a juvenile received a new felony or misdemeanor citation in the 45 days after release. This approach did not capture the juveniles who committed status offenses and those who may have been dealt with informally. As mentioned above, there are cautions associated with the failure to appear analysis. In most instances, cases that were categorized as successes were simply those cases where there was no evidence to suggest that they had missed a court mandated appointment. A final concern that warrants mentioning is the analysis is based on a relatively small sample. This issue is even more pronounced when considering that the validation analysis includes only the 257 cases in which juveniles were actually released from detention. These cases were then split between the validation (n=130) and detention override (n=127) samples. As such, there may be issues associated with the degree to which the findings can be generalized to the larger population of juveniles in Montana and the counties from which they were drawn.

RECOMMENDATIONS

The recommendations below are grouped into four categories. The first of these pertain to scoring recommendations associated with the RAI. The second group of recommendations is directed at improvements to the process associated with the administration of the RAI. The third group offers recommendations for improving the data that are collected and used to assess the performance of the RAI. The final group of recommendations is directed toward research issues that will need to be addressed in future assessments of the RAI.

Scoring Recommendations

- Examine the weight of the values that are assigned to the scores.
 - The number of overrides down and consistency in the qualitative data of the harshness of the existing scoring system suggest the need to critically evaluate weights that are given to the scores across the seven sections of the RAI.
- Determine whether or not the thresholds for release, detention alternative, and detain are where they should be.
 - Attention needs to be given to whether or not there is a balance between the number of points that are possible to score and the RAI indicated thresholds.
 - The total possible points a juvenile can score on the RAI is 62. In contrast, the total possible points on the Virginia Detention Risk Assessment Instrument are 43. The

point intervals used to determine the thresholds for indicated outcomes are the same on both instruments.

- Evaluate whether or not juveniles who are brought in on warrants and pick up orders are enough of a public safety threat to justify the 15 points that they receive.
 - This event alone is enough to breach the detention threshold as the RAI indicated decision. The examination of the types of offenses for which pick up orders and warrants were issued for juveniles in the analysis showed a high degree of variability with regard to the severity of the offenses.
- Develop a systematic set of override criterion.
 - Currently there is simply a space at the bottom of the RAI where probation officers can list why the actual decision was different from the RAI indicated decision.
 - Although there was some variation across counties, in the majority of instances during the collection of the RAI scores there was nothing written to explain why the actual decision was different than the indicated decision.
 - Work is needed to develop a set of objective criterion that specify the circumstances when both overrides up and overrides down can occur and to ensure that these appear on the instrument in a manner in which they can be easily recorded (e.g. checkboxes).
 - There should be a space in which “other” criterion not listed on the RAI can be recorded as evidence for an override decision.
- Avoid the risk of deferring too much emphasis to the RAI indicted decision at the expense of practitioner discretion.
 - The RAI is only one piece of a multifaceted decision making process. There are many factors that influence likelihood of public safety threats for released juveniles. It is unlikely that any risk assessment instrument could account for all of these.
 - The evidence in Table 2.4 above showed that the practitioner override down for the RAI detention decision was the correct choice in 78% of the outcomes.
 - The RAI should be used in conjunction with, not in place of contextual and situational factors that can be used by practitioners but do not appear on the instrument.

Process Recommendations

- Ensure that all juveniles who are referred to detention are administered the RAI.
 - As shown in Figure 2.1 only 52.1% of juveniles who were placed in detention during 2009 and 2010 were administered the RAI.
- Administer the RAI before the juvenile is placed in detention.
 - In practice, the RAI is completed after the juvenile has already spent at least some time in detention. This is associated with the statutory laws outlined above, but results in a process that is inconsistent with the intent of risk assessment tools and the JDAI mission to keep juveniles out of secure detention.
 - Attention needs to be given to changes that would ensure that the RAI is a tool that is used to help keep juveniles out of detention, not determine whether or not they should continue to stay.
 - Develop community processing centers staffed with professionals who could administer the RAI. Probation officers, law enforcement officers, and intake staff at detention facilities were all mentioned in the investigation as professionals who could be trained to administer the RAI before placement of the juvenile in detention.

- Conduct a costs/benefits analysis of the difference between what it costs to keep a 24/7 probation officer on call and/or develop community processing centers against what it costs in lost time and productivity for police officers and civilian staff who are charged with caring for juveniles when other juvenile professionals are not available.
- Minimize variations in the way that raters score the RAI.
 - Variation in the approach and instances where raters opt not to assign points in one section of the instrument limit the degree to which comparisons between raters both within and between counties can be made.
 - There is a need for an operations/procedural manual that provides a concise and systematic approach to finding information to determine the scores and the values that are given to scores on the RAI.
 - Reduce the number of raters who assign the scores on the RAI to minimize the amount of variation. There needs to be attempts made to assign a single rater to fill out the forms whenever possible.
- Change the time of the probable cause (detention) hearings.
 - Probable cause hearings are often the first piece of court business in the morning. Evidence in the qualitative data show that early morning checks of the detention lists so that probation officers could complete the RAIs are a source of stress. This often results in hasty completion of the RAIs which are often not provided to other members of the courtroom workgroup before the hearings begin.
 - Some counties have moved these hearing to a time later in the day which allows for more time to properly score the RAI and provide the findings to attorneys and judges in advance of the hearings.
- Increase the number of detention alternatives that are available at the point of contact with the police.
 - Many juveniles end up spending time in detention due to the lack of community-based alternatives to detention. In these situations, juveniles whose home lives may prevent them from being released will end up being placed in detention due to an absence of or lack of space and resources in detention alternatives.

Data Recommendations

- Incorporate the RAI scores in to the JCATS system.
 - The RAI scores are not currently entered in to the JCATS system. To gather the RAI scores required visiting the counties and recording the scores from the paper versions of the instruments. Similar to the data that is available on the “Back on Track” instrument, the scores from the RAI need to be available on the JCATS system.
- Automate the RAI scoring system by incorporating it in to the JCATS system.
 - In addition to increasing the ability of the JCATS system to archive the scores that are assigned when the RAI is administered, attention needs to be given to explore whether or not the capacity could be built in to JCATS where a juveniles ID number could be entered and a computer generated RAI score could be obtained.
 - This would help minimize variations in the way that raters score the RAI and would increase the speed and overall accuracy of the scoring process.
 - Risk assessment automation has already been done in Virginia and in Pierce County, Washington. These could be used as models for changes to the JCATS system. In

these systems, computer automation is used to calculate the score, but practitioners retain control over the administrative override criterion.

- Expand the scope of who can access data in the JCATS system.
 - There is a need to provide access to law enforcement and other juvenile service providers so that more thorough and comprehensive assessments and decisions about juveniles can be made.
- Include specific information in the JCATS system that allows for verification of failure to appear in court.
 - In order to find out if a juvenile failed to appear required manually looking through probation officer case notes for an extended period of time before and after the release from detention date. In addition to being very labor intensive, many of these searches were failed in that they did not recover any information pertaining to whether a youth attended the next court mandated appointment after release from detention.
 - The solution for this may be as simple as the incorporation of a push button in the JCATS system where probation officers can simply select yes or no and in instances where the answer is yes list the date of the missed appointment.

Research Recommendations

- Conduct research that is tasked with developing a standard operating procedures manual and an associated curriculum module to deliver it.
 - At present, new raters employ a trial and error system that informs the approach they take in scoring the RAI. This is largely the result of the lack of any sort of comprehensive training that could be used by supervisors to ensure consistency in the process and accuracy in the method by which the scores are assigned.
- Study whether or not the existing dimensions for which scores are assigned on the RAI are the ones that are most closely associated with the public safety outcomes.
 - An examination of the degree to which each of the dimensions that currently appear on the RAI is associated with the intended performance outcome was not investigated in the analysis. It will be important to not only consider a process that addresses issues that emerged pertaining to the weights assigned to scores and the RAI indicated outcomes, but also to investigate whether the appropriate dimensions are being measured and what may need to be added or eliminated in any future revisions.
- Continue to monitor the performance of the RAI and the effectiveness of any changes that are made.
 - The RAI is embedded within a process that requires change and continued assessment of the improvements of those changes. To ensure that the tool is working as intended and that it is being implemented with fidelity will require frequent assessment and evaluation.
- Investigate the factors that are used by practitioners to override the RAI indicated decision.
 - Overrides to the RAI detention decision were used in nearly half (49.4%; 127 of 257) of the cases where a juvenile received a score. The data show that in nearly four out of five cases (78%) the override down from a RAI indicated detention decision did not result in a new citation. As the override justification was missing on the vast majority of the completed RAIs, additional work is needed to better understand why the overrides were made.

- Examine stakeholder attitudes toward detention reform and in particular whether or not they would be willing to incorporate and follow the RAI.
 - This investigation will also need to include an assessment of the existing resources and needs that exist at the local levels for maintaining and developing alternatives to formal detention.
- Continue to develop and refine practices that ensure comprehensive and accurate data are collected and archived.
 - Without comprehensive and accurate sources of data upon which research investigations can be based, the findings and recommendations that emerge from them run the risk of being incomplete and incorrect.
 - This issue emerged most clearly in the current study in the 54 cases for which juveniles who were administered the RAI were eliminated from the analysis because of lack of agreement between the RAI administered date and the dates in the juveniles detention record.

CONCLUSION

It is important to keep in mind that this study has provided a baseline examination of the RAI. It is a means of comparison to which future examinations of the RAI can be compared and the results from future studies evaluated against. It provides a gauge where any changes and modifications that are made to the instrument, the process that is employed, and data collected from the RAI can be evaluated. It is also important to recognize that the evaluation of the RAI is a process. Research must continue to be directed toward improving and assessing the tool. As the RAI is an essential piece of the detention reform movement, priority needs to be given to systematic evaluations and, if needed, modifications to the instrument.

The findings in this assessment provided answers to critical questions regarding the validity of the RAI. The results showed that the RAI is being administered impartially and in a manner that is culturally and racially sensitive. Minority youth are not treated differently or adversely affected by the RAI. In the analysis, minority juveniles were less likely to have a harsher actual outcome than the RAI indicated outcome when compared to White juveniles. The results also show that the RAI is a suitable tool in regard to meeting established public safety outcomes. When compared to the detention override sample, the RAI validation sample yielded a lower failure rate of new misdemeanor and felony citations and failures to appear for the initial court mandated appearance.

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APPENDIX A: MONTANA RISK ASSESSMENT INSTRUMENT

DETENTION RISK ASSESSMENT INSTRUMENT – JPO

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

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

Does youth meet statutory criteria for detention? _____ No _____ Yes

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

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

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

Final Decision: Detain Release Release with conditions

Override Justification:

Override Approved: _____ Date: _____

Probation Officer: _____ Date: _____ Time: _____