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AN IMPACT EVALUATION OF THREE STRATEGIES CREATED TO REDUCE DISPROPORTIONATE MINORITY CONTACT AND THE DETENTION POPULATION

FINAL REPORT

Submitted to:

Office of Juvenile Justice and Delinquency Prevention

2009-JF-FX-0101

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EXECUTIVE SUMMARY

Scope of Problem:

The goal of this project was to examine the effectiveness of three distinct strategies (revision of a detention index, a procedural change in review of detention decisions, and a monitoring system of detained youth) created by Maricopa County Juvenile Probation to reduce disproportionate minority contact (DMC) and the number of youth subject to detention in the County. The study objectives include the examination of: 1) the overall number of detentions among youth brought to detention on a referral, especially minority youth; 2) the effect of race and ethnicity in detention outcome and subsequent stages of processing; 3) the length in detention stays among all youth; and 4) the decision-making processes of system actors directly involved with the processing of youth in the justice system, specifically detention and probation staff.

Methods:

We rely on multiple methods to execute the project including secondary data analyses of official delinquency records as well as qualitative data from interviews and focus groups conducted with court and probation officials.

Findings:

Analysis indicate that each of the three strategies implemented by the Maricopa County Juvenile Probation Department had an impact on the detention population and the overrepresentation of minority youth in juvenile court. Importantly, while the population of youth in detention has been declining over the past thirteen years, the strategies initiated an organizational focus on detention practices and engaged staff to re-evaluate detention decisions and identify youth ideally suited for detention. These efforts have also included the continual review of minority youth in the juvenile justice system. The implementation of the strategies reduced racial/ethnic disparities in court outcomes but they did not eliminate such disparities. Interviews and focus groups with probation and detention staff revealed conflicting perspectives on the impact of these strategies on detention practices. Despite turnover in key management positions, the staff continued to carry out the strategies and monitor youth processing and outcomes.

Discussion:

While the three strategies have the potential to make a difference in both the decision-making processes related to detention, overrepresentation and the well-being of youth, the implementation process and communication about those strategies are critical to their success. The value of a detention index is well-documented, but as with any intake instrument, it cannot be considered a final document. The Department and the detention index must be sensitive to the changing demographic and legal structures within which they exist. It is likely that many jurisdictions have already adopted some kind of intake instrument and this analysis provides further justification for those jurisdictions to assess the impact on race/ethnicity and future outcomes for youth. The results of the analysis of the Supervisor Approval of Overrides show that this strategy reduced racial/ethnic effects of some youth (Latino and Native American) on

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discretionary detentions and this oversight enhances the likelihood that youth inappropriate for detention will not be detained. While there may not be overwhelming evidence to point to this being "the" answer to reducing disproportionality, anything that an agency can do to review and monitor decision points characterized by a high degree of discretion is worthwhile. The Detention Release Report was not developed specifically to address overrepresentation, but instead the detention population overall and length of stay. As an information tool, however, it could be modified to address overrepresentation if needed.

In general, other jurisdictions looking to address disproportionality and reduce detention populations should consider a multi-pronged approach to the issues similar to those discussed here. Progress has clearly been made in reducing the race/ethnicity effects in decision-making, although more work remains to be done. In addition, by taking an approach that encompassed the entire department, the level of awareness was raised and responsibility for the youth in detention was shared by all. As with the implementation of any procedural change, review of those processes and strategies allows a department to reflect on what was learned. The major lessons learned from this analysis and the ability to reflect back on the implemented strategies include the need for a clear internal communication/marketing plan; a documented implementation plan; ongoing measurement and feedback; and a review of the rationale for a process change.

Based on the study findings, several observations and policy recommendations are noted.

Documented internal communication/marketing and implementation strategies are critical to overall success. For any new strategy that will be implemented in an agency to address an issue like overrepresentation, the most critical components for success are an internal communication plan and a clearly laid out implementation strategy. Having both of these will ensure that the rationales and procedures for implementation are identified, communicated across the agency and that they will withstand changes in key personnel. Regular communication enhances the buy-in of key personnel and allows for concerns about the process to be easily voiced.

Ongoing internal evaluation and the sharing of results allows for ongoing process improvement. Review of the data related to the strategy and feedback from the staff involved are both important to the overall success and allow for modifications as needed. Regular review of the data is critical for the success of any tool and will be an ongoing element of the Detention Index as the Department moves forward in its work with the statewide Juvenile Detention Alternatives Initiative. As a review of the data related to disproportionality is a requirement of OJJDP, incorporating specific measures related to overrepresentation is also essential and allows for ongoing monitoring of progress.

Remaining open to ending or substantially modifying a process allows an agency to be sensitive to changing workloads and populations. It is imperative that agencies be mindful of the possibility that strategies become institutionalized to the point that they lose their relevance. Future implementation of strategies similar to those discussed here should clearly identify the needs of a department and have clear measures of success. As data reveals changes in the degree of overrepresentation, those measures should be modified to reflect new goals. This would allow the strategies to more fully serve their proposed purpose.

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AN IMPACT EVALUATION OF THREE STRATEGIES CREATED TO REDUCE DISPROPORTIONATE MINORITY CONTACT AND THE DETENTION POPULATION

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BACKGROUND

Despite federal and state legislation aimed at producing equitable treatment of youth in the juvenile court system, studies continue to find that race and ethnicity play a significant role in juvenile court outcomes (Bishop & Leiber, 2011; Kempf-Leonard, 2007; Leiber & Johnson, 2008; Leiber & Fox, 2005; Rodriguez, 2007, 2010, forthcoming). Over the past twenty-five years, prior work has established several key findings regarding racial and ethnic biases in juvenile court outcomes. These findings can be summarized in the following: 1) race and ethnicity directly and indirectly influences court outcomes (through gender, age, and community context); 2) racial/ethnic biases are more common in front-end court processes like referral and detention than adjudication and disposition; 3) racial/ethnic disparities accumulate as youth are processed further into the system; and 4) we know much more about the effect of race than ethnicity in juvenile court outcomes (Engen, Steen, & Bridges, 2002; Leiber & Johnson, 2008; Zatz, 1984). In light of this empirical evidence, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has been instrumental in efforts to reduce disproportionate minority contact (DMC). According to OJJDP, reduction in DMC can only come with comprehensive assessments that include five important phases: Identification, Assessment/Diagnosis, Intervention, Evaluation, and Monitoring of the problem. While state (and local) jurisdictions are working toward achieving compliance with the Core Requirements of the JJDP DMC Act, very limited research has been conducted on ongoing DMC reduction activities or the data driven or evidence-based programming that has reduced DMC.

The Accumulation of Racial and Ethnic Biases in the Justice System

Multiple studies over the years have documented the overrepresentation of minority youth in the juvenile justice system (Armstrong & Rodriguez, 2005; Bishop & Frazier, 1996; Bridges, et al., 1993; DeJong & Jackson, 1998; Kempf, Decker, & Bing, 1992; Pope & Feyerherm, 1990). While prior work in this area has placed much empirical focus on how race influences certain court outcomes (e.g., detention, disposition), less attention has been given to the *cumulative effect* of race and ethnicity in

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juvenile court processes, net the effect of legal controls (e.g., offense seriousness and prior record). Studies reveal early court outcomes significantly influence later stages of processing (e.g., disposition) and compound racial biases by producing indirect race effects (Bishop & Frazier, 1996; Engen et al., 2002). This process, referred to as "bias amplification" (Dannefer & Schutt, 1982, p. 1129) and cumulative disadvantage (Zatz, 1984) has important implications for studies of minority youth overrepresentation. Studies that restrict their empirical focus to distinct stages of processing are likely unable to provide much insight on the possible cumulative effect of race and ethnicity in court outcomes.

Studies have reported that the most comprehensive way to examine racial/ethnic biases in the juvenile justice system is to review *multiple* court outcomes. To date, few studies have examined multiple stages of processing due to the difficulty associated with data access and tracking youth throughout the juvenile justice system. In fact, the few studies that have conducted systematic reviews of multiple court outcomes show inconsistent findings regarding the effect of race and ethnicity. For example, Bishop and Frazier (1988, 1996) and Pope and Feyerherm (1990) found that Black youth received more severe court outcomes than White youth and that racial disparity occurred at various stages of juvenile court processing. On the other hand, Leiber and Jamieson (1995) found racial disparities exist at diversion, petition, and initial appearance, yet do not exist in subsequent decisions such as adjudication or disposition. More recently, Rodriguez (2010) found that racial and ethnic minorities receive lenient and severe treatment in various juvenile court outcomes.

The Critical Role of Detention in the Juvenile Justice System

Detention remains a critical point of inquiry within the juvenile justice system. It is a consequential decision point in juvenile justice because of the impact it has on later decisions; youth who are detained are likely to suffer harsher consequences at later points in the system. Certain non-legal factors, such as the presence of a parent at a detention hearing, have an impact on detention

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decisions, and may disproportionately affect poor minority youth. Not only do racial/ethnic minorities have the highest rates of detention but those detained are more likely than non-detained youth to receive more severe treatment during the adjudication and disposition stages (Feld, 1991; Leiber & Fox, 2005; Rodriguez, 2010). Although efforts to revise and improve detention indexes have received much support by agencies like OJJDP, Annie E. Casey Foundation, and the W. Haywood Burns Institute, the majority of local jurisdictions continue to struggle with minority youth overrepresentation at this critical stage.

In order to better describe the impact of detention decisions on minority overrepresentation and later case processing, it is important to understand how juvenile detention is used in specific jurisdictions. Specific to Arizona, juvenile detention in Maricopa County is governed by Arizona Revised Statutes, state Detention Standards, Rules of Procedure for the Juvenile Court, and commonly accepted practices within the county. Per A.R.S. § 8-303, youth may be detained for the following reasons:

- As a result of a court order
- Pursuant to a warrant
- if there are "reasonable grounds to believe":
    - the juvenile has committed a delinquent act or is incorrigible,
    - the juvenile has run away,
    - the juvenile has committed what would be for an adult a felony or breach of the peace, or
    - the juvenile has been apprehended while committing an act that, for an adult would be a felony, or is apprehended in fresh pursuit (Arizona Revised Statutes § 8-303. 2007).

The Detention Standards dictate that detention should only be used when it is the least restrictive environment available to protect the public or reduce the risk of flight (State of Arizona Juvenile Detention Standards, 2009). Rule 23-D of the Rules of Procedure for the Juvenile Court add that youth

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may be detained when they pose a danger to themselves, are being held for another jurisdiction, or being held pursuant to charges being filed in the adult system. Thus, while the "official" reasons that youth may be detained are clear, the practical reality of detention intake is often different. Intake staff are faced with a multitude of situations that do not have clear response guidelines. For example, for youth whose parents or guardians refuse or are unable to pick them up and there are no available alternatives, youth are held until either a review hearing can occur or the parent or guardian is able to come to detention. Staff are also faced with youth for whom home is an unsafe option or whose offense is not serious enough to merit detention but whose presenting issues warrant a more secure environment. In these situations, if an alternative is not available, the youth remains in detention until a hearing can be held (generally within 24 hours).

Not surprisingly, research on detention focuses on court actors and rarely on probation staff who are instrumental in the decision-making processes that take place in juvenile court. In fact, researchers have called attention to the minimal analytical focus placed on these key actors (Clear, Harris, & Baird, 1992; Rodriguez & Webb, 2007). In the context of DMC efforts, prior work has documented the need to examine how racial and ethnic groups are processed by various actors within juvenile court. A study by Rodriguez (2007) found Latino/a youth were more likely than White youth to be detained at the initial hearing, net the effect of legal factors. Interestingly, Black youth were more likely to be released at the initial hearing than their White counterparts. Follow-up analysis conducted by MCJPD found that disproportionality had declined, but still existed within the system.

To date, no study has examined how probation officers' actions affect detention outcomes or the cumulative effect of race and ethnicity when processing various racial/ethnic groups (e.g., White, Black, Latino/a, and American Indian youth). Yet, the role of juvenile probation with regards to detention is an important factor in subsequent outcomes. Juvenile probation officers not only handle informal and formal supervision, they also prepare predisposition investigative reports and make recommendations

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about the need for detention. Probation officers are involved in informal supervision of youth before formal charges are filed. They are also involved from the moment a petition is filed and responsible for pre-disposition investigation reports. Finally, once a youth is placed on probation, officers are responsible for the formal supervision of youth, ensuring that youth follow the orders of the court, assigning consequences that teach accountability, and identifying treatment and other service needs. With regards to detention, a youth may be detained as a result of being brought to detention for an offense, but a juvenile probation officer may also request that a youth be detained when it is perceived as the best alternative. Juvenile probation officers generally have the most comprehensive information about youth and their families and are uniquely positioned to make recommendations to all of the system actors. According to a 1999 OJJDP Bulletin:

> Through its popularity and the broad array of duties and services it performs, juvenile probation has the power to affect decision making and service delivery at every stage of juvenile justice processing and thereby holds the potential to ensure that accountability is stressed at all points from initial entry through final discharge (p. 2).

Maricopa County Juvenile Probation Department

The state of Arizona has a long history of addressing disproportionality and the Maricopa County Juvenile Court and Probation Department have had an active part in that history. In 1993, the OJJDP awarded an Equitable Treatment of Minority Youth grant to Arizona and Maricopa County was one of two jurisdictions assessed. The major findings indicated that differences existed at several decision points across the system that was not explained by differences in the severity of the offense or offense history. In addition, as has been shown in other research, the differences were cumulative through subsequent decisions (Arizona Governor's Office, 1993).

Various subsequent policy changes had a significant impact on the juvenile justice system (Arizona Supreme Court Commission on Minorities, 2002). In 1994, the Juvenile Justice Omnibus Bill made changes to how youth were committed to juvenile corrections and transferred to the adult system. In 1995, changes were made to enhance victim's rights in Arizona. In 1996, there were changes to

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legislation that allowed for mental health evaluations of juvenile competency to stand trial and provided for restoration services. Perhaps, the most significant change was the passage of Proposition 102 in 1996 (and the subsequent legislation in 1997) which created three new categories of mandatory juvenile transfer to the adult system (crime, chronic and prior). This significantly reduced judicial discretion related to transferring juveniles to the adult system. At the same time, the demographics in Maricopa County were changing. White youth increased by about 7% overall while the minority population nearly doubled (Arizona Supreme Court Commission on Minorities, 2002). By 2002, when the Arizona Supreme Court's Commission on Minorities began to assess the progress made from 1990 to 2000, there was some improvement in disproportionality, but there was still evidence of disparity at referral, detention, probation, commitment to juvenile corrections and adult prosecution (Arizona Supreme Court Commission on Minorities, 2002). As a result of this report, the Commission on Minorities instituted a bi-annual report on disproportionality statewide.

The Arizona Building Blocks Initiative began in August, 2000 when the Governor's Division for Children co-sponsored a symposium on disproportionate minority contact in the juvenile justice system (Arizona Supreme Court, Administrative Office of the Courts, 2007). As a result of that symposium, then Chief Justice Zlaket determined that the juvenile courts needed to review their case processing practices to identify whether disparate treatment existed. The Juvenile Justice Services Division of the Arizona Supreme Court was given the responsibility of coordinating the Initiative and it officially launched in 2001. A thorough analysis of data and an endorsement by the Public Safety Committee of the Phoenix City Council resulted in the selection of a community within Maricopa County as the site for the work of the Initiative. The Building Blocks Initiative was focused on creating a collaboration between the community and the systems that serve that community. Several highlights from the Initiative include:

- a comprehensive use of data to identify sites and analyze the impact of decision points on disparity;

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- the inclusion of Justice System Involved youth to conduct a community mapping project to identify hotspots of illegal activity, public transit, housing, programs for youth, libraries and other elements of the infrastructure that impact the lives of youth; and,
- a community assessment in which community members were engaged in the discussion about what is needed and what works within the specific area.

The success of the Building Blocks Initiative can be seen in the collaborations that were established and that still exist today within the community and between the research community and system agencies. In addition, the Initiative allowed for more transparent discussions about disproportionality.

Within the Maricopa County Juvenile Probation Department, the focus on disproportionality has been comprehensive and active. Specifically, efforts within the Department began more in earnest in 2005. Beginning in 2005, the department has implemented a strategic goal related to addressing issues of disparity through improving the cultural sensitivity of staff or through specifically reducing disproportionality. In 2006, the Probation Department organized a DMC committee which has been intermittently active since its development. This same year, Maricopa County updated its Criminal Justice Master Plan which, in part, addressed space and planning needs for the county jails and juvenile detention centers. As a result, Juvenile Detention space, population, intake processes and programs were assessed and population projections were produced. Recommendations that were specific to detention and relevant for the project at hand include:[1]

- Revise the intake instrument (locally called the Index) to reduce subjectivity and disparity and to be more in line with national best practices.
- Expand existing detention alternatives and expand the Index to include detention alternatives as an option.

At the same time, the department implemented a process whereby the detention intake supervisor must approve any override of the Index score to allow a youth to be detained. This resulted in part from the work of the consultants for the Criminal Justice Master Plan update and in part from a desire on the part of management for an extra review of overrides. In 2009, the Juvenile Court and Probation Department

[1] The recommendations were presented during two meetings: 1) Maricopa County, AZ Juvenile Justice System Master Plan Update, *Juvenile Judges Meeting Initial Findings and Discussion*, (October 20, 2006) and 2) *Proposed Juvenile Scenarios*, (May 7, 2006)

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hosted a summit for African American youth which brought together members of the community with system partners and other stakeholders. Finally, in 2010, the Probation Department instituted a series of mandatory trainings for community supervision staff which included trainings on DMC, evidence-based practices, motivational interviewing and cognitive caseload management. All of the trainings were intended to allow staff to revisit fundamentals of casework and expand their knowledge of the issues related to the equitable and appropriate treatment of the juveniles in thier care.

STRATEGIES OF THE MARICOPA COUNTY JUVENILE PROBATION DEPARTMENT

As is the case in organizations, processes are implemented to address the important needs of the time. The three strategies that are the focus of this report emerged in part as a result of increasing detention numbers, concerns over the types of youth in detention, and a desire on the part of administrators to involve all parts of the department in detention decisions. In order to address these issues, MCJPD employed a multi-phased approach to address these problems. Three distinct strategies that involve two of the four evidence-based practices recommended by OJJDP (Administrative Rule Modification and Development of Objective Decision-making Tools) were created to address compliance with the DMC Core Requirement of the JJDP Act. These strategies are particularly important as they affect youth referred to the juvenile court by law enforcement *and* youth already in the juvenile justice system. Thus, the strategies focus on the decision-making processes of multiple key actors (e.g., intake/detention officers, probation officers, and probation and court administrators).

It is important to understand that over the time that these strategies were developed and implemented, the Department underwent several administrative changes. For example, from 2005 to 2012, the Department had four Chief Probation Officers and several changes in the next levels of management, the Deputy Chiefs and Division Directors. It is a credit to the Department that the strategies remained in place. It also helps explain some of the changes in the ways that the strategies were implemented over time.

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Strategy One: Revised Detention Index

In 2007, the Detention Index Workgroup comprised of key stakeholders was created to identify ways to improve the Index. The Workgroup developed several variations of indexes and a final Revised Index was pre-tested in October, 2008. Full implementation of this tool took place September 1, 2010. The Index was revised to develop an objective tool that eliminated subjective criteria which may directly lead to unwarranted detentions as well as removing factors that may be highly correlated with race and ethnicity and *indirectly* lead to biases in detention outcomes. One significant change in the Index involved the removal of both aggravating and mitigating factors. As a result, aggravating factors such as committing a crime in an aggressive manner, gang affiliation, and perceptions of youth as a specific threat to others have been excluded in the Revised Index. Likewise, mitigating factors such as the availability of parents to supervise youth and police input have also been excluded in the new tool. Another important change in the index is the weight assigned to legal factors. The Revised Detention Index has a more specific point allocation to types of felonies and fewer points allocated to misdemeanor offenses than the former Index. Also, the scoring of prior history is no longer based predominantly on prior referrals (arrests) but rather prior adjudications charged by the County Attorney with prior arrests playing a lesser role. Lastly, the Revised Index regards all forms of supervision (e.g., investigative status, standard probation, intensive probation, parole) the same (i.e., same number of points received), thus equalizing the impact from the type of supervision youth are receiving.

These changes were expected to reduce the detention population of youth screened by the Index and the proportion of minority youth in the detention stage. It was also expected to reduce the effect of race and ethnicity in the detention outcome, after controlling for legal factors (offense seriousness and prior record) and race/ethnic effects on subsequent stages of processing (e.g., adjudication, disposition) caused by the effect of detention among referred youth. In the end, this strategy was expected to lead to system improvement and provide additional insight into the effectiveness of detention intake instruments

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in Maricopa County and other jurisdictions that have also been heavily engaged in efforts to reduce the detention population and DMC (e.g., Cook County, Multnomah County, Pima County, Sacramento County and Santa Clara County). For a review of the Former and Revised Detention Index, see Appendix A.

Strategy Two: Supervisor Approval of Detention Overrides

The second strategy created by the MCJPD represents a procedural change in the processing of non-mandatory detentions (i.e., discretionary detentions or overrides). There are instances when youth do not meet the Detention Index score for detention yet are detained because they are a threat to public safety, threat to themselves, there are no alternatives to detention, or there is no one available to come to detention to pick up the youth. Effective April 28, 2008, supervisor approval is needed to detain youth who do not meet the criteria for detention under the Detention Index (Policy IIA.A3(2)). In other words, when detention officers seek to override the Detention Index score and detain a youth, they must contact the supervisor on duty and explain the basis for seeking detention of such youth. This strategy requires that detention officers make a case for detaining youth who do not meet Index minimum score for detention and thus, reduces the subjectivity involved in making those decisions. The purpose of this strategy was to reduce the overall number of non-mandatory detentions or overrides, especially among minority youth and gain better insight on why overrides take place. This procedural change is particularly important as it provides administrative oversight of this decision-making process and has the potential to reduce discretionary decision-making that may indirectly result in more severe treatment of minority youth and youth who are ill-suited for detention. While not the primary reason for implementing this procedure, this strategy was also expected to reduce the effect of race and ethnicity in detention outcome and subsequent stages of processing (e.g., adjudication, disposition) caused by the detention decision.

Strategy Three: Detention Release Report

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In order to monitor the detention population *post the detention decision* as well as reduce the length of time youth spend in detention, the MCJPD created a strategy to record and review the reasons youth are in detention. From April 2007 to late 2011, probation officers electronically recorded why youth on their caseloads are in detention along with youths' next court hearing date, the recommendation the probation officer will make at that hearing, and whether a request to release the youth was made by the probation officer. These data were periodically reviewed by probation officers' supervisors and the Deputy Chief.

Over the life of the strategy, the timing of the completion of the Detention Release Report varied, partly in response to the changing population in Detention and partly in response to a change in the views of how often it needed to be done. Initially, the report was completed on all youth in Detention regardless of length of stay. It later moved to youth in detention longer than seven days and then 14 days. At one point in the process, it was decided to base the completion of the report on the functional capacity of detention so that reaching 80% of functional capacity in detention triggered the report. The final change in the strategy occurred in 2011 when a group of probation supervisors was convened to review the results. Their review led to recommendations to probation officers about which youth could be released from detention (recognizing that this would involve the probation officer sending a request to the Court).

This monitoring system was important as it focused on the decision-making processes of key actors of the juvenile justice system: probation officers. For example, probation officers play an integral role in the detention of youth post pre-adjudication detention. They not only have the power to recommend detention of youth for non-compliant behavior (probation violation or new referral) but also are instrumental in the release of detained youth, thus likely affecting the detention experience of youth. This strategy was expected to reduce length of stay in detention among all referred and non-referred

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youth, indirectly affecting minority overrepresentation, and influence the decision-making processes of probation officers.

DELINQUENCY TRENDS IN MARICOPA COUNTY

Since 2007, the Maricopa County Juvenile Probation has experienced a decline in referrals, probation population, and detention population. As previously noted, the delinquent population in Maricopa County has dropped significantly over the past twelve years. For example in 2003, a little over 35,000 juvenile referrals were brought to the attention of the juvenile court. In 2011, slightly more than 25,000 referrals were processed in juvenile court. With regard to detention, from 1999 to 2001, the number of admissions to detention dropped by 34% (see Figure 1). Further, the proportion of youth detained went from 96% in 2000 to 76% in 2012. This is in part due to the increased focus on enhancing the safety of youth and staff in detention and working to identify the youth that are appropriate for detention. Figure 2 illustrates that from 2001 to June of 2012, the average number of youth on standard and intensive probation (JIPS) dropped by 41.6% and 59.6% respectively. This is in part due to the decrease in delinquency referrals and petitions, but that drop does not completely explain the change. Maricopa County Juvenile Probation continues to explore the potential reasons for this decrease. Although monthly statistics on the total number of youth in detention indicate a reduction in both detention population and average length of stay since mid 2008, there is no systematic review of the data that enables crediting either strategy with these reductions. While MCJPD continues to conduct basic statistical analyses (univariate and bivariate) of youth in their juvenile justice system, no comprehensive evaluation of these strategies has taken place.

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Figure 1. Annual Admissions to Detention

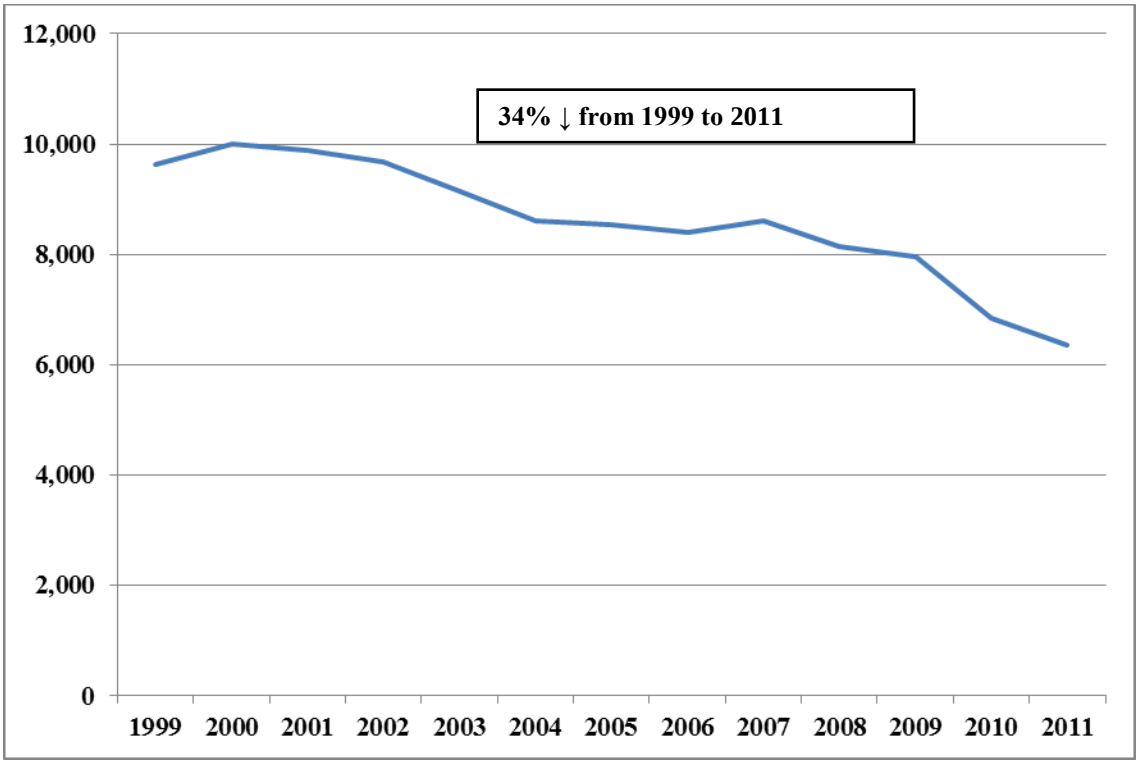
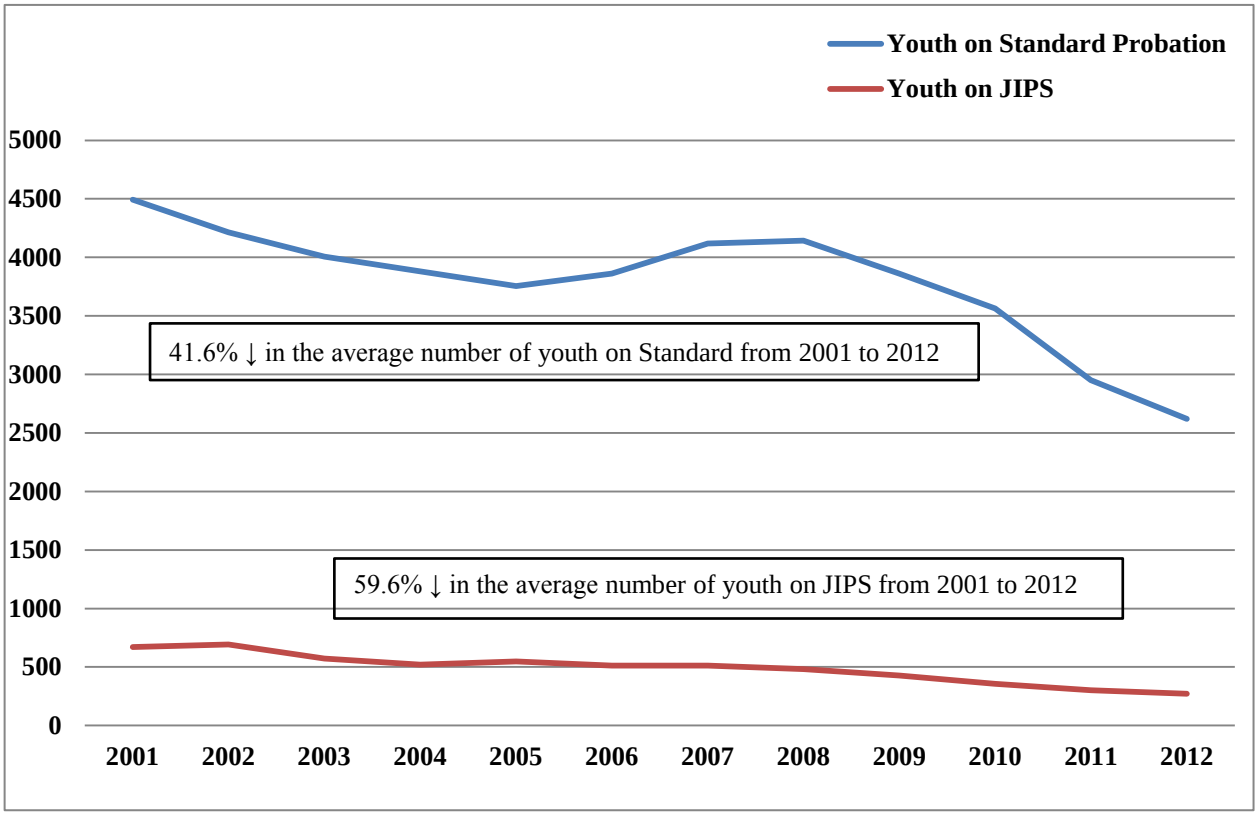


Figure 2. Number of Youth on Standard Probation and Intensive Probation (JIPS)



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CURRENT STUDY

The purpose of this project was to develop a comprehensive multi-phased analysis of juvenile court processes and outcomes that affect youth in Maricopa County, Arizona. The analyses centered on producing policy relevant findings that could affect decision making and processing of youth in Maricopa County and ultimately, lead to system improvement. Because of its size, diversity and complexity, the results from Maricopa County should have relevance for a large number of other jurisdictions.

The goal of this project was to evaluate the effectiveness of three strategies including a detention index, a procedural change in review of detention decisions, and a monitoring system of detained youth created by Maricopa County Juvenile Probation to reduce minority youth overrepresentation and the number of youth subject to detention in the County.

Research Questions

Based on the prior research in this area and the strategies created by MCJPD, we examined the following research questions.

Strategy 1 – Revised Detention Index Research Questions

- Research Question 1a: Did the number of mandatory detentions among all referred youth, including minority youth drop post implementation of the Revised Detention Index?
- Research Question 1b: Is there an association between race/ethnicity (e.g., White, Black, Latino/a, and American Indian youth) and mandatory detention decision pre and post implementation of the Revised Detention Index?
- Research Question 1c: Is there an association between race/ethnicity (e.g., White, Black, Latino/a, and American Indian youth) and adjudication and disposition outcomes pre and post implementation of the Revised Detention Index?

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- Research Question 1d: Did decision-making processes of system actors directly involved in the processing of youth improve post implementation of the Revised Detention Index?

Strategy 2 – Supervisor Approval of Overrides Research Questions

- Research Question 2a: Did in the number of discretionary detentions among all referred youth, including minority youth drop post implementation of the Supervisor Override Approval policy?
- Research Question 2b: Is there an association between race/ethnicity effects (e.g., White, Black, Latino/a, and American Indian youth) and discretionary detention decision pre and post implementation of the Supervisor Override Approval policy?
- Research Question 2c: Is there an association between race/ethnicity effects (e.g., White, Black, Latino/a, and American Indian youth) and adjudication and disposition outcomes pre and post implementation of the Supervisor Override Approval policy?
- Research Question 2d: Did decision-making processes of system actors directly involved in the processing of youth improve post implementation of the Supervisor Override Approval policy?

- Strategy 3 – Detention Release Report Research Questions
  - Research Question 3a: Did the number of days in detention for all youth including minority youth referred and non-referred drop post implementation of the Detention Release Report.
  - Research Question 3b: Did decision-making processes of system actors directly involved in the processing of youth improve post implementation of the Detention Release Report?

METHODOLOGY

The current study employed a four phase data collection and analysis strategy.

Phase 1: Evaluation of Revised Detention Index

Population, Sample, and Data

Data for this phase come from the population of youth referred to juvenile court and youth physically brought by law enforcement to detention from July 1, 1999 to June 30, 2012, with September

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1, 2010 as the implementation date of the strategy. These secondary data were drawn from iCIS, the integrated court information system in Maricopa County and compiled by the Research and Planning Services Division. The iCIS database captures information on youths' court processing at all stages (i.e., referral, early intervention/diversion, petition, adjudication, disposition, probation, and release from probation) up to commitment to the Arizona Department of Juvenile Corrections or filing in adult criminal court.

To review court outcomes, youth were followed through the four distinct court outcomes (e.g., detention, petition, adjudication and disposition).

Dependent Variables

To examine the Revised Detention Index, one dependent variable includes the number of *mandatorily detained youth*[2] based on the referred population physically brought to detention on a referral. To examine the effect of race and ethnicity in court outcomes, the following four court outcomes were analyzed: 1) *Mandatory Detention* (yes = 1; no =0) which includes comparing youth who were physically brought to detention by law enforcement on a referral and were detained pre-petition with those who were not detained; 2) *Petition* (yes = 1; no =0) which occurs when the County Attorney files a petition against a youth alleging delinquency or incorrigibility; 3) *Dismissal of petitions* (yes = 1; no =0) captures whether a juvenile court judge dismissed the petition(s) or adjudicated the youth as delinquent or found him/her to be a status offender; 4) *Out-of-home placement* (yes = 1; no =0) represents those instances where judges ordered youth out of the home and into the state juvenile correctional institution (the Arizona Department of Juvenile Corrections) or not (i.e., community supervision).

Independent Variables

[2] Mandatory detention, in this context, refers to youth who were screened using the Index and had a score of 12 or greater (or 15 or greater for the revised Index) and were detained.

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Both extralegal and legal variables were included in the analyses. Demographic indicators consist of *race/ethnicity* (dummy coded variables for Latinos/as, Blacks, and American Indians with Whites as the omitted category), *gender* (boys =1; girls =0), and *age* at time of court referral. Legal variables included the most serious *offense at referral* (i.e., person felony, person misdemeanor, property felony, property misdemeanor, drugs, public peace, with property felony as the reference category) and number of *prior referrals* to the court. Consistent with prior work (Leiber & Johnson, 2008), a *hazard rate* variable was calculated and analyzed in the models to correct for possible sample selection bias. Given the empirical focus on detention, this measure was included as a predictor of the adjudication and disposition outcomes.

Phase 2: Evaluation of Supervisor Approval of Detention Overrides

Population, Sample and Data

To examine the impact of the Supervisor Approval of Detention Overrides on the discretionary detention population, we relied on the population of referred youth to detention from July 1, 1999 to June 30, 2012, with April 28, 2008 as the implementation date of the strategy. Consistent with Phase 1, data come from the iCIS database. To review court outcomes, youth were followed through four distinct court outcomes (e.g., detention, petition, adjudication and disposition).

Dependent Variables

The dependent variables include the number of *discretionary detained youth*, and respective court outcomes (i.e., *detention, adjudication, dismissal, and out-of-home placement*.). The coding scheme of these variables is consistent with the scheme in Phase 1.

Independent Variables

The independent and control variables used in Phase 1 were also used to predict the number of discretionary detained youth and the effect of race and ethnicity in court outcomes.

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Phase 3: Evaluation of Detention Release Report

Population, Sample and Data

In order to examine length in detention before and after the implementation of the Detention Release Report, we analyzed detention data on all youth from July 1, 1999 to June 30, 2012, with April 30, 2007 as the implementation period.

Dependent Variables

The dependent variable in this phase, time in detention, was measured in days.

Independent Variables

The independent and control variables used in Phase 1 and 2 were also be used to predict the time in detention.

Phase 4: Interviews and Focus Groups

The final phase of the study entailed semi-structured individual interviews and focus groups with detention and probation staff, supervisors, and directors. These data provided insight on how the three strategies affected decision-making processes of justice system actors. A total of ten members of the department (management and detention line staff) were interviewed for approximately 90 to 120 minutes about their specific experiences with each of the strategies under examination. Beyond the semi-structured individual interviews with administrative staff, seven focus groups with detention and probation staff members were also conducted (average number of focus group attendees: 5). The Research Team worked with the Maricopa County Juvenile Probation Department to gain a sampling frame of staff enabling them to obtain a representative sample of the larger organization population based on key criteria (e.g., race, ethnicity, sex, and geographic location within Maricopa County). Recruitment procedures began with a letter sent via email to the potential interviewees, with follow-up phone calls. Interviews were confidential, audio-recorded, and transcribed (see Appendix B for a review of the questions that guided the interviews and focus groups). Importantly, the responses from

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interviewed staff represent their perceptions and do not reflect the position of Maricopa County Juvenile Probation.

Analytical Strategies

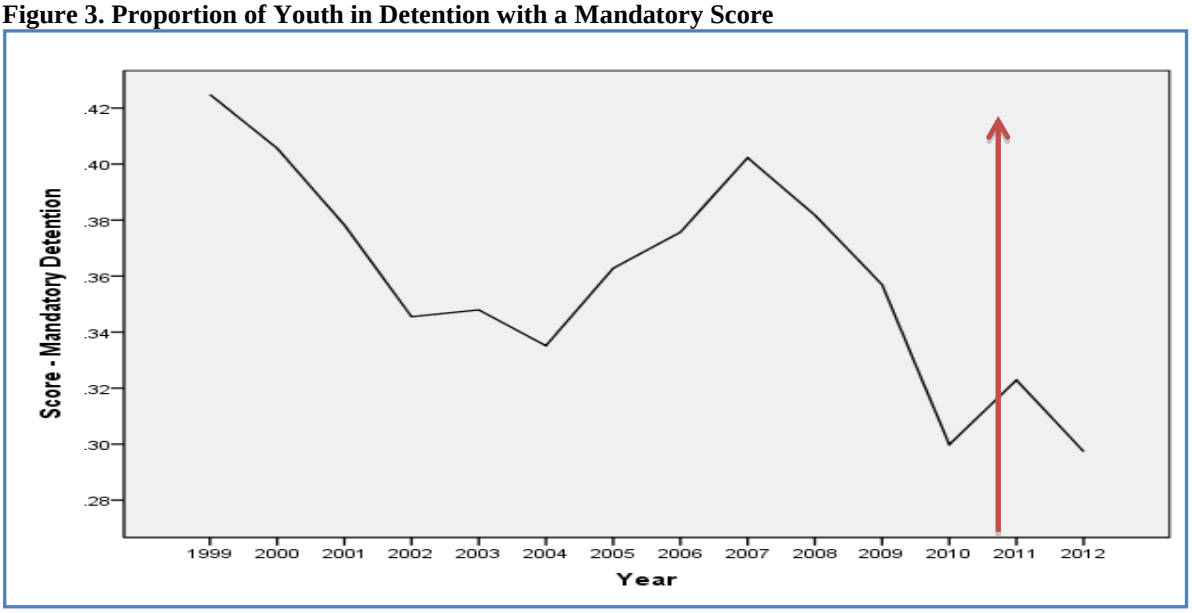
We relied on trend analyses, multivariate regression models, and qualitative analysis to analyze the various data. Qualitative data from interviews and focus groups were analyzed by the authors who independently identified the major themes present in the probation officers' accounts.

FINDINGS

Strategy One: Revised Detention Index

Trend data show various changes over time in the proportion of youth who had a detention index score that warranted detention at intake. From 1999 to 2004, the proportion of mandatory detentions dropped from 43% to 33%. From 2004 to 2007, the proportion increased from 33% to 40%. Since 2007, the proportion of mandatory detentions has dropped. Data show a slight drop in the number of mandatory detentions among all referred youth post implementation of the Revised Detention Index (see Figure 3).

Figure 3. Proportion of Youth in Detention with a Mandatory Score



Note: Mandatory scores: 12 and above prior to 9/2010, 15 and above as of 9/2010. The graph includes all youth brought to detention on a referral (offense) and the remaining proportion include those youth who were wither detained on a score less than the mandatory cut off or youth who were released.

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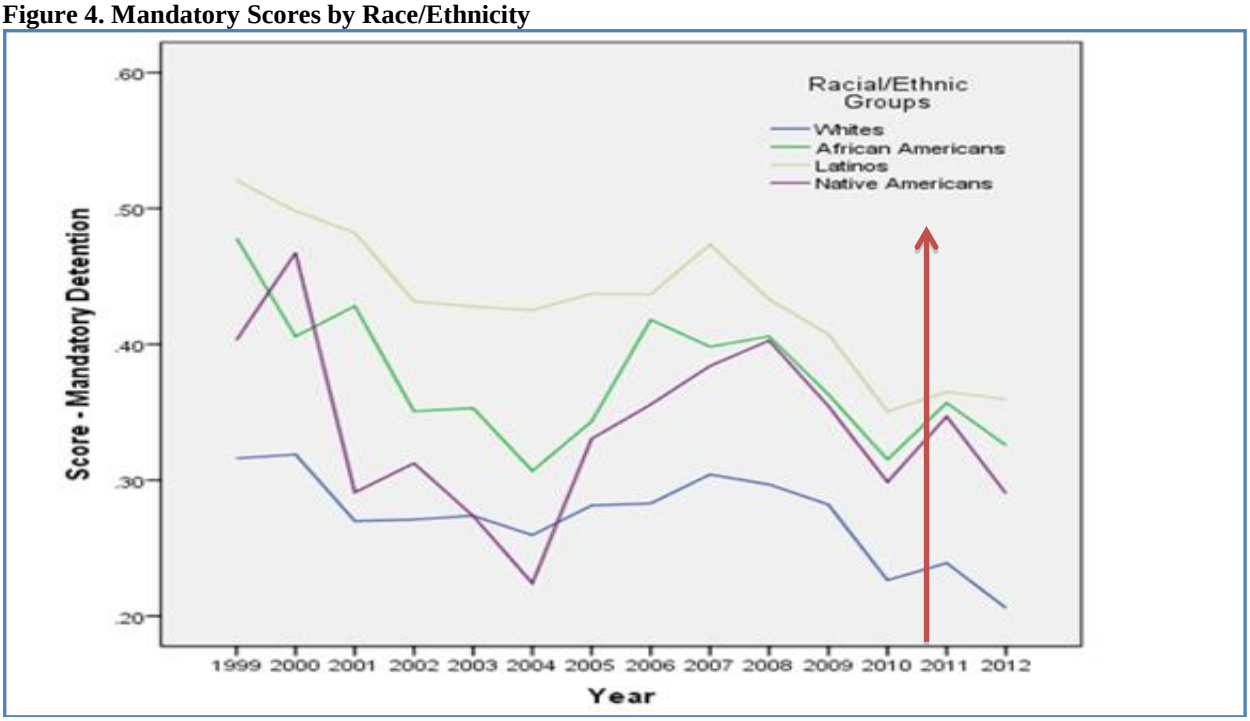
In 2011, 32% of youth brought to detention had a mandatory score that led to detention. In 2012, that rate dropped to 30%. All racial/ethnic groups follow this pattern with the exception of Latinos who experienced no change post implementation of the Revised Detention Index (35%) (see Figure 4).

Figure 4. Mandatory Scores by Race/Ethnicity



Note: Mandatory scores: 12 and above prior to 9/2010, 15 and above as of 9/2010

Multivariate regression analyses for each year were employed to assess whether an association between race/ethnicity (e.g., White, Black, Latino/a, and American Indian youth) and court outcomes (detention, adjudication and disposition) existed pre and post implementation of the Revised Detention Index. All models controlled for relevant factors (legal and extra-legal) as noted in the methodology. Collectively, findings show that racial/ethnic differences in court outcomes have become less pronounced over time.

A review of the analyses of the mandatory detention outcome show that the odds ratios for all minority youth have dropped over time (see Figure 5). In fact, since 2010, there were no racial/ethnic effects in the mandatory detention outcome.

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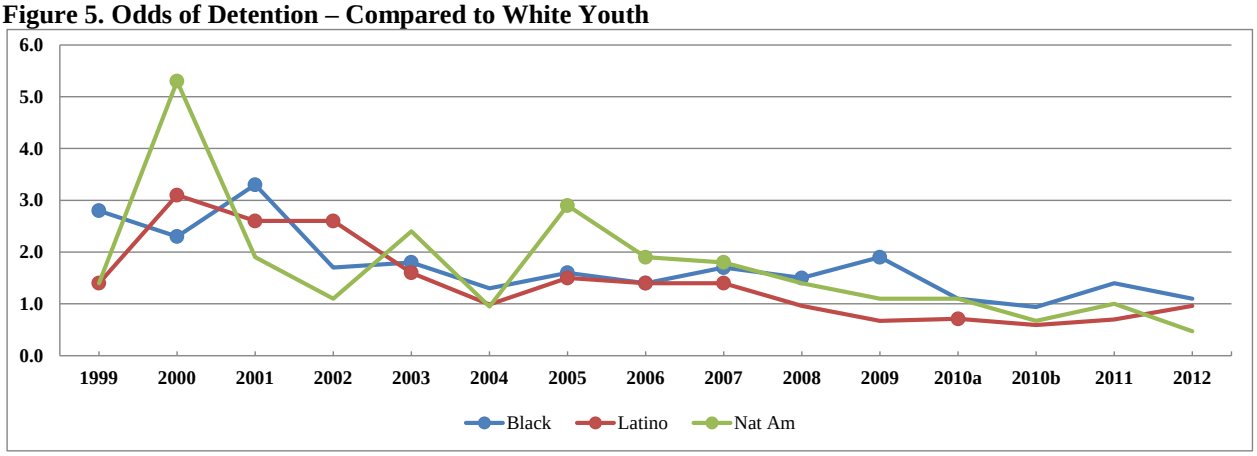
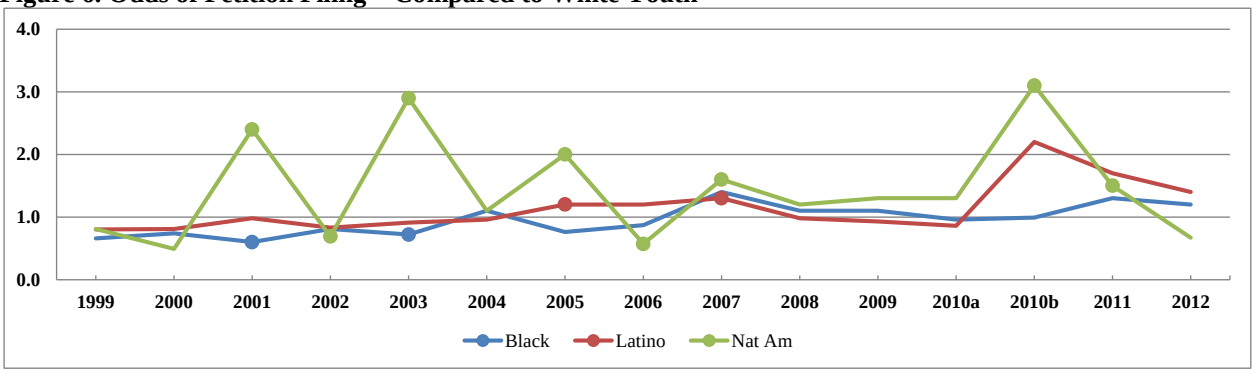
Figure 5. Odds of Detention – Compared to White Youth



Note: Only significant race/ethnic effects are noted via color markers.

Findings from the petition outcome reveal some racial/ethnic effects over time (see Figure 6). Since the implementation of the Revised Detention Index, Latino and Native American youth are more likely than White youth to have petitions filed. The racial/ethnic effects appear to be most persistent over time for Native American youth.

Figure 6. Odds of Petition Filing – Compared to White Youth



Note: Only significant race/ethnic effects are noted via color markers.

Findings from the dismissal outcome reveal few racial/ethnic effects over time (see Figure 7). Since the implementation of the Revised Detention Index, there are no racial/ethnic effects in the dismissal outcome.

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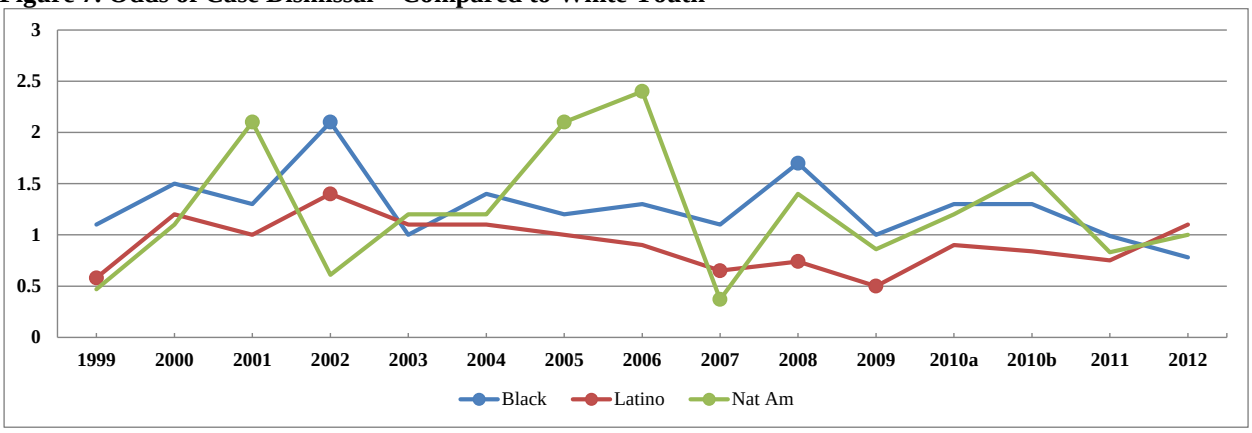
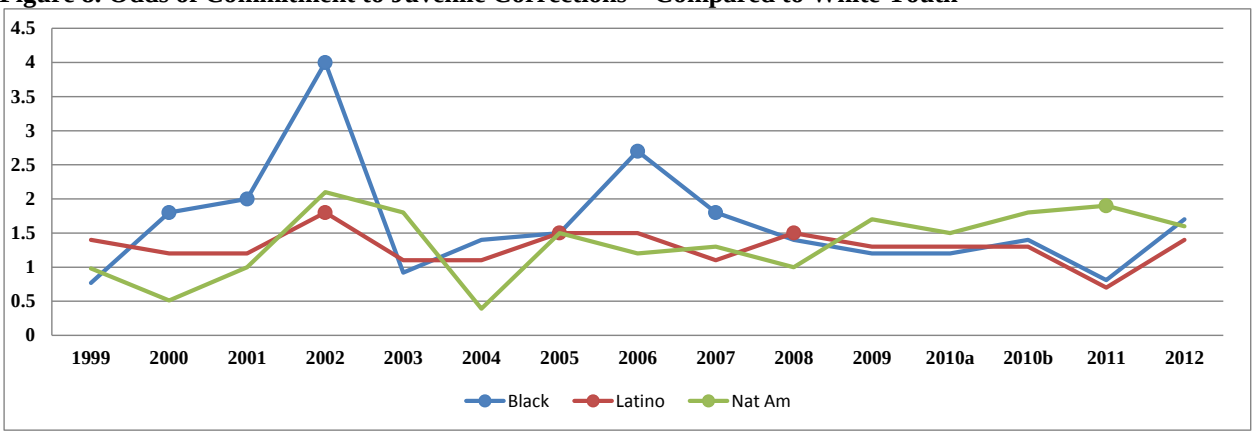
Figure 7. Odds of Case Dismissal – Compared to White Youth



Note: Only significant race/ethnic effects are noted via color markers.

A review of the analyses of the commitment outcome indicates some racial/ethnic effects pre implementation of the Revised Detention Index. Since implementation of the Detention Index, only Native American youth (in 2011) were more likely than White youth to be committed to the Arizona Department of Juvenile Corrections (see Figure 8).

Figure 8. Odds of Commitment to Juvenile Corrections – Compared to White Youth



Note: Only significant race/ethnic effects are noted via color markers.

In order to address whether decision-making processes of system actors directly involved in the processing of youth improved post implementation of the Revised Detention Index, we examined interview and focus group information gathered from probation and detention staff. Importantly, staff noted three main reasons from their perspective that warrant detention: 1) youth is a threat to the community; 2) youth is a threat to himself or herself; and 3) youth is a flight risk. Staff also noted that they consider whether alternatives to detention would be appropriate (e.g., electronic monitoring) and

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weighted whether youth would respond positively out in the community. The following narrative from a staff member explains this perspective:

> "I think it's, can your behavior be controlled in a less secure setting? And if not, well, for the moment then, this is going to be the secure setting. Do we need to continue with that? I think that is kind of the bottom line consideration, if we release you, do we have safeguards in place that your behavior compliance can be controlled by other means?"

Staff frequently discussed how detention is often used as a placement for youth in need of treatment services for mental health and/or substance abuse issues. This was attributed to a perceived lack of funding for treatment services in Arizona, but may be related to timeframes for getting youth into appropriate treatment. Staff were in consensus that detention is not an appropriate placement for mentally ill and addicted youth.

> "I think a lot of times there are judges that don't want the child to be released because there are no services in place. There are a lot of system barriers that have come into place that have maybe prevented a child from getting services."

> "Why am I battling (the behavioral health agency) to get an RTC? We do not have money. (Juvenile Corrections) is not a treatment facility. That is not what it should be used for. I did have a client go there because no one would pay for drug treatment for this kid. He did not commit crimes to get his drugs. He just smoked pot. That is what he told the judge, "I just like pot." He smoked in his house, he was not running the streets, cleaned the house for his mom, he cooked dinner. And this kid went to the Department of Juvenile Corrections because no one wanted to pay for this kid to get drug treatment and the only place we could send him was (Juvenile Corrections) because they have the recovery program for a year and a half. That is absolutely unacceptable. He is sitting at the Department of Juvenile Corrections because no one wanted to pay for drug treatment."

Staff noted that detention is a "dumping ground" for youth involved in other systems that are underfunded (e.g., CPS). The following excerpts convey this sentiment.

> "I would say too, some of the issues are kids that shouldn't be in detention are supposed to be CPS wards and because CPS group homes or shelters are so full, they are not picking up kids from detention."

> "They figure "Well, the kid is involved in the court now, you guys can take care of it." It's a delinquency issue now and it's like "No, it was never, it was a mental health issue all along."

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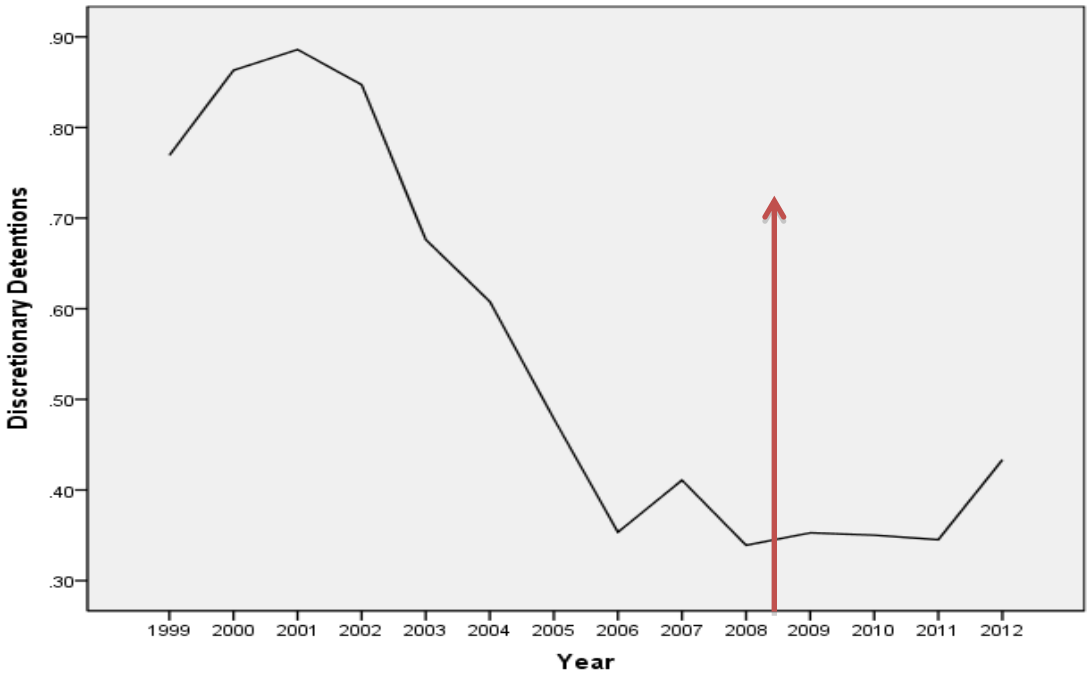
Since probation officers can only make recommendations to detain or not detain youth, probation officers frequently mentioned that they must work alongside judges and adjust to their varying philosophies and personalities. The complexity of the decision-making process is illustrated in the following excerpt.

> "If the court agrees with your recommendation great, if the court doesn't, again we try and encourage PO's, "Don't take it real personally. There will be many times when the court will not agree with what you are saying."

Strategy 2: Supervisor Approval of Detention Overrides

A review of the detention data show a significant decrease in the number of discretionary detentions among all referred youth since 2001 (see Figure 9). Since implementation of the Supervisor Approval of Detention Overrides, the yearly rate of discretionary detention has been approximately 35%, with an increase in 2012 to 43%. All racial/ethnic groups follow this pattern with Native Americans experiencing the highest rate of discretionary detentions in 2012 (52%) (see Figure 10).

Figure 9: Proportion of Youth in Detention with Score Below Detention Cut-off



Note: Proportion of all referred youth with a score below the detention cut-off (12 before 9/2010, 15 as of 9/2010) who were detained.

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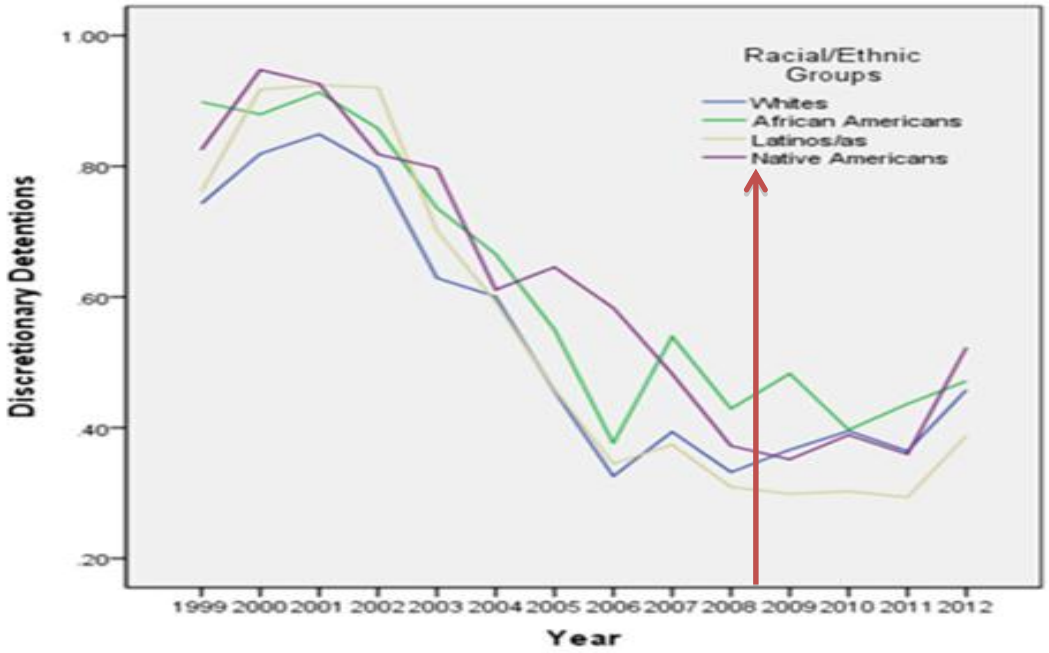
Figure 10: Discretionary Detentions by Race/Ethnicity



Note: Proportion of all referred youth with a score below the detention cut-off (12 before 9/2010, 15 as of 9/2010) who were detained.

Multivariate regression analysis were conducted to examine whether an association between race/ethnicity (e.g., White, Black, Latino/a, and American Indian youth) and court outcomes (detention, adjudication and disposition) existed pre and post implementation of the Supervisor Approval of Detention Overrides. As with analysis of the Revised Retention Index, control measures were used in these models. Findings show that racial/ethnic differences in court outcomes have decreased over time.

A review of the analyses of the discretionary detention outcome show that the odds ratios for all minority youth have dropped for the data under observation (see Figure11). For example, since 2007, the higher odds of detention for Native American youth than White youth disappeared. Further, since 2009 and after the implementation of the Supervisor Approval of Detention Overrides, Latino youth are less likely to be detained than White youth. However, the likelihood of discretionary detention remains higher for Black youth than White youth.

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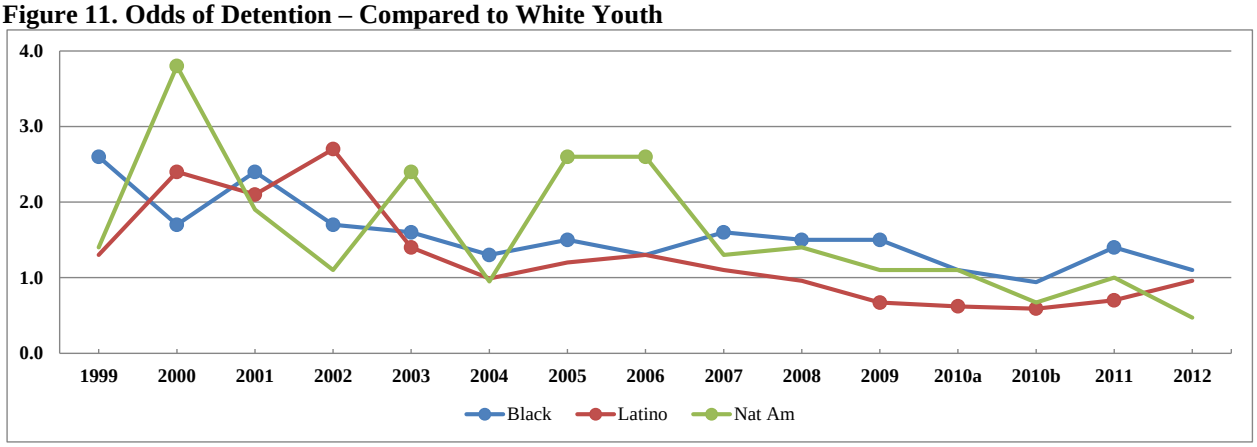
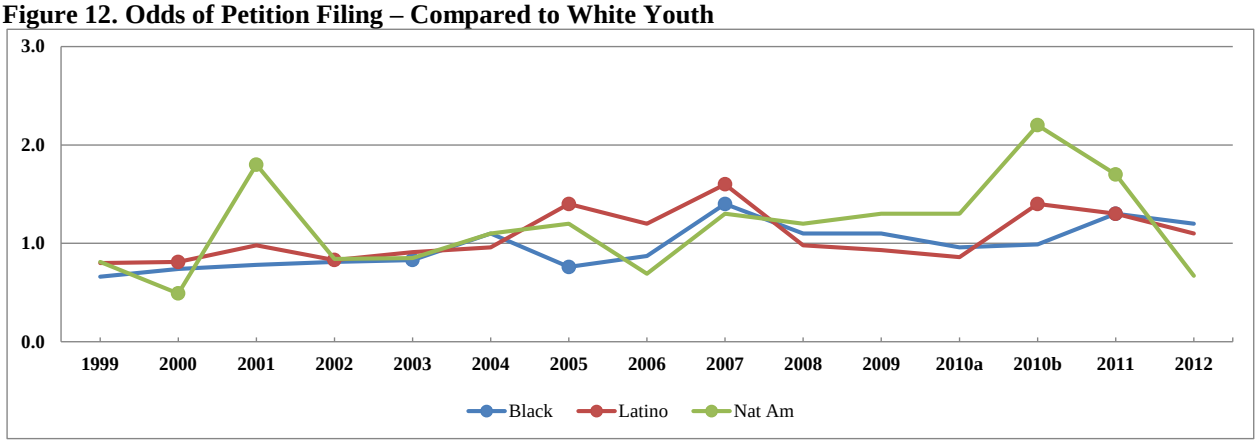
Figure 11. Odds of Detention – Compared to White Youth



Note: Only significant race/ethnic effects are noted via color markers.

Findings from the petition outcome show few racial/ethnic effects over time (see Figure 12). While all minority youth were at some point during the thirteen year period more likely to have petitions filed than White youth, the odds ratios are fairly small and not revealing of significant racial/ethnic effects. However, in recent years (post 2009), minority youth are more likely to have petitions filed than White youth.

Figure 12. Odds of Petition Filing – Compared to White Youth



Note: Only significant race/ethnic effects are noted via color markers.

Findings from the dismissal outcome also reveal few racial/ethnic effects over time (see Figure 13). Since the implementation of the Supervisor Approval of Detention Overrides, race/ethnicity effects have been inconsistent, showing Latino youth experiencing higher odds (in 2009) and lower odds (in 2008 and 2011) of referral dismissal than White youth.

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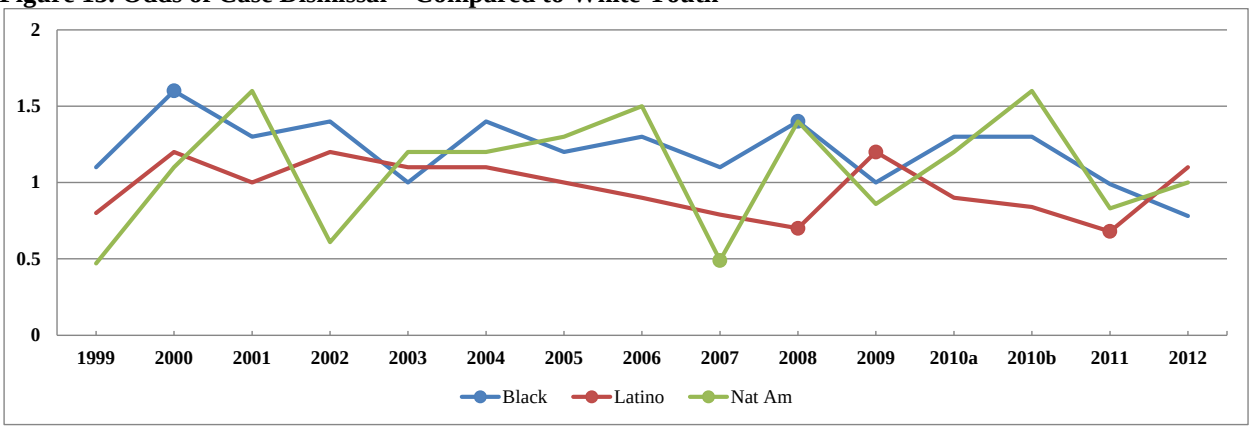
Figure 13. Odds of Case Dismissal – Compared to White Youth



Note: Only significant race/ethnic effects are noted via color markers.

A review of the commitment outcomes showed that less than 1% of discretionary detentions were sent to the Arizona Department of Juvenile Corrections thus prohibiting a multivariate analysis of discretionary detention cases in this outcome.[3]

Interview and focus group information from probation staff revealed two conflicting views on the Supervisor Approval of Detention Overrides. On one hand, supervisors believe that oversight over staff is a positive strategy, while others believe the policy is unnecessary and scrutinizes routine decision making processes. Interestingly, overrides were considered rare events by staff and reported two common types of cases when overrides are requested: (1) domestic violence and safety concerns for involved parties and ; (2) youth with pending charges or who are engaging in other problem behaviors (e.g., skipping school) that are not factored in the index. Staff, in the narratives, below describe these situations.

> "My experience as a supervisor was when I got calls for an override, almost without fail, it was domestic violence cases. Not all of those domestic violence cases necessarily needed to be detained, but I couldn't in good conscience send that kid home either after they just did something pretty terrible to their guardian. So without a viable alternative, we end up detaining those kids."

> "…… if a probation officer calls and says, that his kids just got arrested, based on their offense, they probably don't meet the criteria to stay, but this is what's going on, they've been skipping

[3] Six percent of mandatory detentions were sent to ADJC.

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> school, they have been staying past curfew, they have been disrespecting their parents, they haven't gone to counseling or rehab, or whatever their terms were, I really need them detained because I need to speak to the judge about their behavior. I think that is absolutely appropriate."

Overwhelmingly, staff believed that the implementation of this strategy had little impact on the detention population given the perceived consensus among supervisors and staff on who should be detained. Department staff convey this sentiment below.

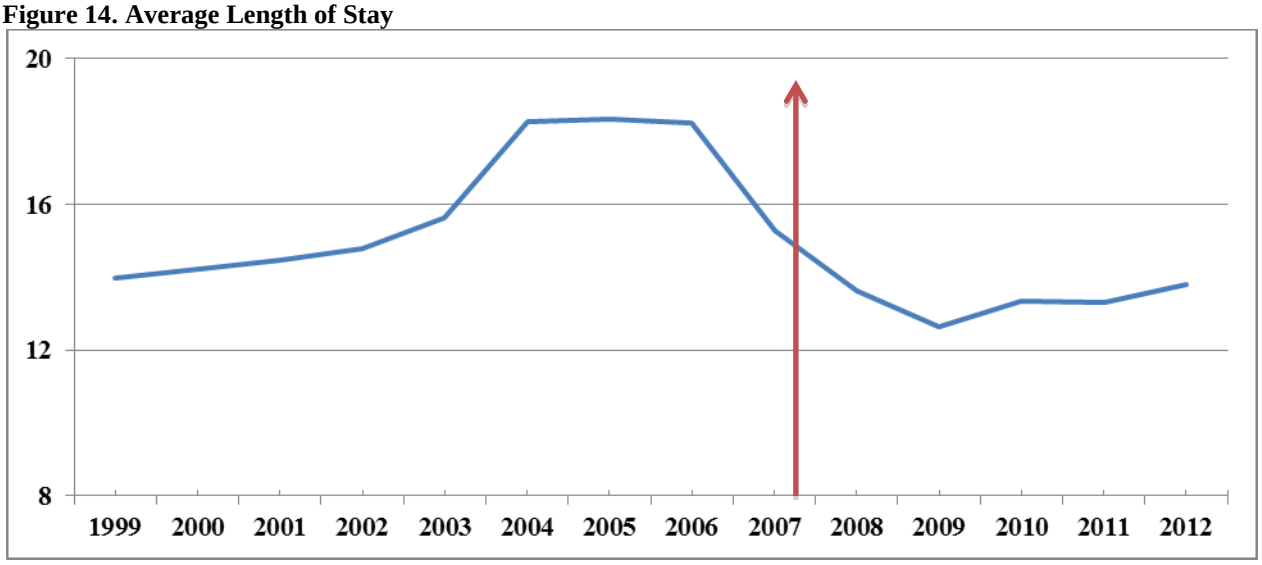
> "I would say 95% of the time when the supervisors get the calls, they understand that the officers have looked at all the data, looked at all the history, have tried to call parents to get different points of view, have talked to the arresting officers, have done all that before they make the phone call. And I would say 95% of the time the supervisor agrees with what the officer is recommending."

> "I think the supervisors recognize the level of knowledge that is there and I don't think that anybody wants a kid detained unnecessarily. Nobody does. None of us do."

Strategy 3: Detention Release Report

A review of the average number of days in detention for youth show a reduction in the average number of days that began in 2006, pre implementation of the Detention Release Report (see Figure 15). This drop continued until 2009 when the average number of days began to increase slightly (13.8 in 2012 compared to a low of 12.6 in 2009).

Figure 14. Average Length of Stay



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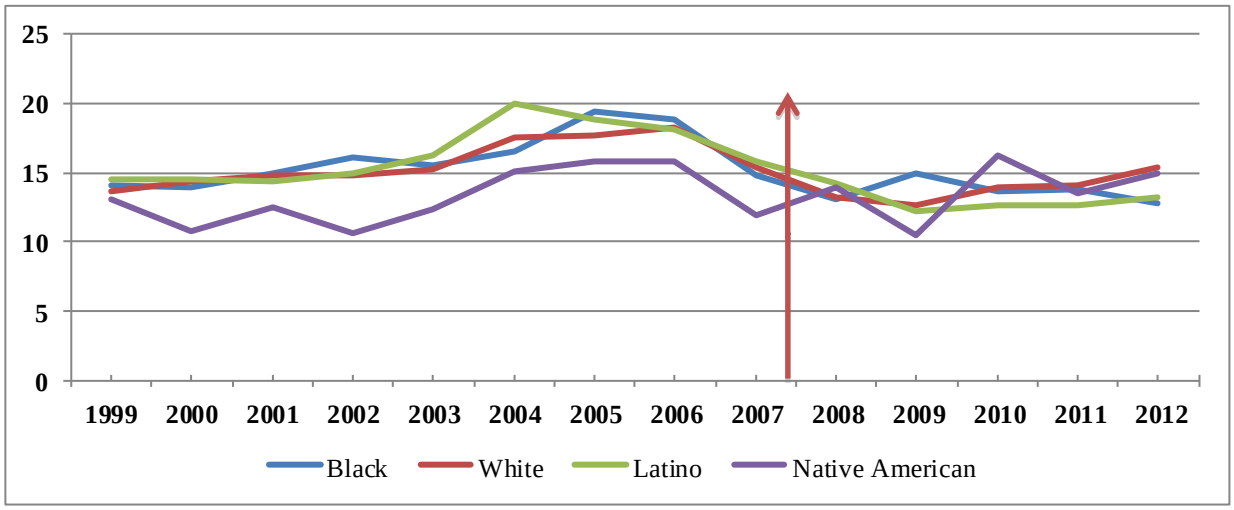
There were some racial/ethnic differences in the length of days in detention since implementation of the Detention Release Report. Specifically, the average number of days in detention in 2012 was higher for White youth (15.4) and Native American youth (15) than for Latino/as (13.1) and Black youth (12.7) (see Figure 16). A review of the predictors of detention length of stay indicate no significant race/ethnicity effects. Legal measures (offense and prior record) were the most significant predictors of length of stay over time.

Figure 15. Average Length of Stay in Detention by Ethnicity (1999 to 2012)



Although not part of the project objectives, a cursory review of the reasons youth are in detention for lengthy periods indicate the following three reasons: serving deferred detention time (detention as a sanction), waiting for residential treatment beds to become available, and waiting to go to the Department of Juvenile Corrections.

Probation officers and supervisors alike tended to view the Detention Release Report quite negatively. They asserted that the policy undermines officers' expertise and was created as a result of staffing problems in detention. The following narratives convey these sentiments.

> "I was not happy about it…. I felt like I already laid out all my facts, I presented it in my court report, I went to court, I made my argument, everybody made their argument, we reached our decision, and now three days later, a week later, I have to explain it all again?"

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> "So it is not because we are saying they are making inappropriate recommendations, it is because of the size and the detention's inability to maintain staffing ratios. Because if they had enough staff, the functional capacity would not be an issue."

Staff and supervisors were in agreement that they believed that the Detention Release Report had no impact on the detention population or the way in which detention is used. The excerpt below describes these perspectives.

> "If the detention count dropped, maybe it was because a vacation time was coming up and the judges felt sorry for the kids and they let them go, but it had, in my opinion, nothing to do with this exercise that we did every week or every other week or whenever the count went up. Then there were times when it was temporarily halted and we kind of monitored the count and we still saw it go up or down above or below the functional capacity without the list being done, so that seemed to support that we didn't do the list this week and the count was still low, so how do you explain that?"

DISCUSSION

The basis for this study was to assess three strategies that had the potential to reduce the detention population, the overrepresentation of minority youth in the juvenile justice system, and improve decision-making processes in Maricopa County, Arizona. While the three strategies have the potential to make a difference in both the decision-making processes related to detention, overrepresentation and the well-being of youth, the implementation process and communication about those strategies are critical to their success.

The revision of the Detention Index followed the best practices from multiple sources (e.g., Casey Foundation and other jurisdictions involved in detention reform) available in 2009 and will continue to be reviewed and refined as the population changes. The value of a detention index is well-documented, but as with any intake instrument, it cannot be considered a final document. The Department and the detention index must be sensitive to the changing demographic and legal structures within which they exist. It is likely that many jurisdictions have already adopted some kind of intake instrument and this analysis provides further justification for those jurisdictions to assess the impact on race/ethnicity and future outcomes for youth. The caution for other jurisdictions is that the time and

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resources needed to create or revise a detention index are substantial. The results, though, are arguably worth the cost.

The Supervisor Approval of Overrides provides a layer of oversight that, while uncomfortable for some staff, enhances the likelihood that youth inappropriate for detention will not be detained. Some degree of review is common in all areas of the justice system and the results of this analysis show that this strategy reduced racial/ethnic effects of some youth (Latino and Native American) on discretionary detentions. While there may not be overwhelming evidence to point to this being "the" answer to reducing disproportionality, anything that an agency can do to review and monitor decision points characterized by a high degree of discretion is worthwhile.

The Detention Release Report can be a valuable information tool for management if the existing data system does not currently contain detailed information on why youth remain detained. The results of the analysis suggest that the Report may have had an impact in detention length of stay in the first few years of implementation, but that impact was diminished or overshadowed by other factors over time. One explanation could be that as fewer youth were detained, those youth that remained were there for reasons that can involve long term stays (e.g., waiting for treatment and deferred detention).

In general, other jurisdictions looking to address disproportionality and reduce detention populations should consider a multi-pronged approach to the issues similar to those discussed here. Progress has clearly been made in reducing the race/ethnicity effects in decision-making, although more work remains to be done. In addition, by taking an approach that encompassed the entire department, the level of awareness was raised and responsibility for the youth in detention was shared by all. As with the implementation of any procedural change, review of those processes and strategies allows a department to reflect on what was learned. The major lessons learned from this analysis and the ability to reflect back on the implemented strategies include the need for a clear internal communication/marketing plan; a documented implementation plan; ongoing measurement and

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feedback; and a review of the rationale for a process change. A brief description of the lessons learned from the implementation of the three strategies outlined here follows.

Documented communication/marketing and implementation strategies are critical to overall success. For any new strategy that will be implemented in an agency to address an issue like overrepresentation, the most critical components for success are an internal communication plan and a clearly laid out implementation strategy. Having both of these will ensure that the rationales and procedures for implementation are identified, communicated across the agency and that they will withstand changes in key personnel. The communication plan should include regular updates for the Department as a whole, or key personnel as a way to review the process and ensure that it is still needed. In addition, regular communication enhances the buy-in of key personnel (both administration and the staff who implement the strategies) and allows for concerns about the process to be easily voiced.

While the Department could not have foreseen the degree of administrative change that would occur over the course of the life of the strategies under review, having clearly documented implementation and communication strategies would have eased the learning curve for new personnel. Continuous communication about the strategies and reminders about the rationale for their implementation would have eased some of the concerns expressed by staff. Finally, in any department, ongoing and repeated communication and training on the intent of the strategies would ensure that fidelity is maintained. Refresher trainings on disproportionality and its connection to the specific strategies will keep the issues at the forefront of the department.

Ongoing internal evaluation and the sharing of results allows for ongoing process improvement. Review of the data related to the strategy and feedback from the staff involved in carrying it out are important to the overall success and allow for modifications as needed. With regard to the Detention Index, regular and standardized review of the results from the tool would have provided a feedback mechanism for both the group that developed the new Index and the staff that used it.

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Regular review of the data is critical for the success of any tool and will be an ongoing factor as the Department moves forward in its work with the statewide JDAI project. As a review of the data related to disproportionality is a requirement of OJJDP, incorporating specific measures related to overrepresentation is also essential and allows for ongoing monitoring of progress.

Remaining open to ending or substantially modifying a process allows an agency to be sensitive to changing workloads and populations. It is imperative that agencies be mindful of the possibility that strategies become institutionalized to the point that they lose their relevance. The Detention Release Report was modified over time in an attempt to respond to the changing populations in Detention. However, according to staff, those changes were not responsive enough (i.e., youth with limited or no alternatives, youth waiting for residential mental health beds). Future implementation of a similar strategy should clearly identify the needs of a department and have clear measures of success. In addition, as data reveals changes in the degree of overrepresentation, those measures should be modified to reflect new goals. This would allow the strategy to serve its proposed need.

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Appendix A

The 1997 Detention Index

Is the juvenile being brought to screening as the result of a complaint (Y or N)

Most Serious Presenting Offense Charge (Select only the highest offense category)

Class 1 Felony (12) Class 2 Felony (10) Class 3 Felony (8)
Class 4 Felony (6) Class 5 Felony (4) Class 6 Felony (3)
Misdemeanors & technical VOP (2)

Additional Presenting Charges or Petitioned Offenses (Select only One)

Two or more additional felonies (3)
One additional felony (2)
One or more additional misdemeanors (1)

Prior History (automatically computed by system)

2 or more adjudicated class 1-3 felonies (5)
2 or more adjudicated class 4-6 felonies (4)
One or more technical VOP's (3)
1 adjudicated felony (2)
2 adjudicated misdemeanors (1)

Legal Status (select the item(s) that apply) (Counts only highest)

FOJ with felony offense (12)
On Parole, Adult Probation or remanded on any offense (5)
Felony while awaiting an Advisory, Adjudication, Disposition or Transfer (5)
Misdemeanor while awaiting Advisory, etc. (4)
On JIPS or electronic monitoring (3)
On Standard Probation or probation in any other county or home detention (2)
In residential placement, DAP or Southwest Key ATD (1)

Warrants (select the item(s) that apply)

ADJC 901 Warrant (12) Temp Custody Warrant or FTA Warrant (12)

Mitigating Factors (select the item(s) that apply) (Maximum of -2)

Availability of parents to supervise (-1)
Attitude of juvenile (-1)
Police Input (-1)

Aggravating Factors (select the item(s) that apply) (Maximum of 5)

Driver in a vehicle theft (5)
Specific threat/injury to a person (3)
Offense committed in aggressive, offense or hostile manner (3)
Possession or use of weapon (3)

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Gang related presenting offense (2)

Risk – Override (Score ____) (Y or N)
Comments (Must include circumstances that pose a serious risk to life)
_____
_____

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The 2010 Detention Index

Total points to detain = 15

Is the juvenile being brought to screening as the result of a complaint (Y or N)

Most Serious Presenting Offense Charge (Select only the highest category)

Class 1 Felony (15)

Class 2 Felony (12)

Class 3 Felony or selected Class 4 Felonies (10)
- Aggravated driving under the influence
- Attempted aggravated assault with a deadly weapon/instrument
- Escape 1st Degree with force or weapon
- Firearm possession/adjudicated delinquent/2nd offense
- Misconduct with a weapon (manufacture/possess/transport)
- Misconduct w weapon - use in felony

Class 4 Felony or selected Class 5 Felony (8)
- Aggravated assault against a correctional officer
- Escape 2nd degree from a correctional facility

Class 5 Felony or selected Class 6 Felony (4)
- Sexual contact with a minor 15 or over

Class 6 Felony or selected misdemeanor (3)
- Simple assault with intent to cause injury
- Domestic Violence

Misdemeanor (1)

Status Offense (0)

Additional Presenting Charge (select one)

2 or more additional felonies (3)
1 or more additional felony (2)
1 or more additional misdemeanor (1)

Prior Adjudication History (automatically computed by system)

2 or more prior Class 1 – 3 violent felony adjudications (5)
2 or more prior class 4 – 6 felony adjudications (4)
1 prior felony adjudication (3)
1 or more prior technical violation of probation adjudications (2)

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2 or more prior misdemeanor adjudications (1)

Prior Referral History (automatically computed by system)

10 or more prior delinquent referrals (2)
5 – 9 prior delinquent referrals (1)

Legal Status (automatically computed by system)

On JIPS, Standard, Investigative, Parole, in a Detention Alternative or Adult (5)

Override Reasons (select one) – a text box is available for further explanation
Parent refused
Parent Unavailable
CPS
Danger to self or others
From other jurisdiction/hold for hearing
Other

Situations in which the juvenile is detained automatically
Court Ordered – Release Revocation
Court Ordered – Drug Court
Court Ordered – DUI
Court Ordered – Deferred Detention
Court Ordered – Weekend
Direct filed to Adult
Warrants
Other Jurisdiction holds
Federal and tribal holds
Holds for Juvenile Corrections

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Appendix B

Semi-Structured Interview Questions with Key Juvenile Court Actors

Deputy Chief and Division Director Interviews

Questions about Detention

1. Tell me about your professional experiences with detention.
2. In your opinion, what youth actions and circumstances should result in detention?
3. From your perspective, are there circumstances when youth should not be detained?
4. For youth brought to detention on a referral, what factors should be considered when deciding whether to detain a youth or not?
5. Currently, what is the role of the probation officer in detaining youth? Is this role ideal? Why or why not?
6. If racial/ethnic disparities exist in detention and other decision points, what factors do you believe are most related to those disparities?
7. What would the best way to address these disparities?
8. What other things can you tell us about detention that would help us understand how detention is used in this department?

Questions about the Supervisor Override Approval Process

9. What is your view on the policy requiring that a supervisor approve overrides of the Detention Index?
10. In your experience, how consistently is the policy followed?

Questions about the Detention Release Report

11. What is your view on the Detention Release Report (Detain Review Process) (e.g., purpose, goal)?
12. In your division, what was the process for completing it?
13. What impact has it had on the detention population?
14. What impact has it had on the way probation officers view and use detention?

JDAC Interviews

General Questions about Detention

1. Tell me about your professional experiences with detention.
2. In your opinion, what youth actions and circumstances should result in detention?
3. From your perspective, are there circumstances when youth should not be detained?
4. For youth brought to detention on a referral, what factors should be considered when deciding whether to detain a youth or not?
5. In your opinion, what is the most common reason that youth are detained?

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6. Currently, what is the role of the probation officer in detaining youth? Is this role ideal? Why or why not?

Questions about the Supervisor Override Approval Process

7. What is your view on the policy requiring that a supervisor approve overrides of the Detention Index?
8. In your experience, how consistently is the policy followed?
9. What is the most common reason that you request an override?
10. Has the policy changed your approach to evaluating youth who are brought to detention? If so, how?

<u>CSB Supervisor Interviews</u>

General Questions about Detention

1. Currently, what is the role of the probation officer in detaining youth? Is this role ideal? Why or why not?
2. How do you use detention as a case management tool OR encourage your staff to use detention if at all?
3. In your opinion, what youth actions and circumstances should result in detention? In other words, who are the "right" kids for detention?
4. From your perspective, are there circumstances when youth should not be detained?
5. For youth brought to detention on a referral, what factors should be considered when deciding whether to detain a youth or not?

Questions about the Supervisor Override Approval Process

6. What is your view on the policy requiring that a supervisor approve overrides of the Detention Index?

Questions about the Detention Release Report (Detained Review Process – DRP)

7. What is your view on the Detention Release Report (Detain Review Process) (e.g., purpose, goal)?
8. What factors do you encourage your staff to consider when recommending that a youth be detained?
9. What factors do you encourage your staff to consider when recommending that a youth be released?
10. What impact has DRP had on these factors?
11. What impact has DRP had on the detention population?
12. What impact has it had on the way probation officers view and use detention?

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CSB Probation Officer Interviews

General Questions about Detention

1. Currently, what is the role of the probation officer in detaining youth? Is this role ideal? Why or why not?
2. Do you use detention as a case management tool? If so, how?
3. In your opinion, what youth actions and circumstances should result in detention? In other words, who are the "right" kids for detention?
4. From your perspective, are there circumstances when youth should not be detained?
5. For youth brought to detention on a referral, what factors should be considered when deciding whether to detain a youth or not?

Questions about the Supervisor Override Approval Process

6. What is your view on the policy requiring that a supervisor approve overrides of the Detention Index?

Questions about the Detention Release Report (DRP)

7. Did you have any direct experience with the DRP? (If no, skip the rest of the questions. If yes, continue with the rest of the questions.)

8. What is your view on the Detention Release Report (Detain Review Process) (e.g., purpose, goal)?
9. What factors do you consider when recommending that a youth be detained?
10. What factors do you consider when recommending that a youth be released?
11. What impact has DRP had on these factors?
12. What impact has DRP had on the detention population?
13. What impact has it had on the way you view and use detention?

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