



Department of Family Services

Juvenile Detention Risk Assessment

2010 House Enrolled Act 5

Report to Joint Judiciary Interim Committee

January 2012

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Introduction

House Bill 0012, Juvenile Detention Facilities – admissions criteria, originated in the 60th Wyoming Legislature through the Joint Judiciary Interim Committee. Enrolled Act 0005, effective July 1, 2010 requires a risk assessment for alleged delinquent minors who have been detained to determine the level of detention that should be imposed until the minor is required to appear before a court. The bill requires county sheriffs to develop a uniform risk assessment instrument. Each person taking custody of an alleged delinquent shall conduct the uniform risk assessment to determine the level of detention pending appearance before a court unless released to parents or guardian. Additionally, it requires the Department of Family Services (Department) and sheriffs to report to the Joint Judiciary Interim Committee annually on the application of the risk assessment instruments beginning January 1, 2011.

The Department reported to the Interim Committee on November 11, 2010 and submitted an update in January 2011 regarding analyzed data of the Juvenile Detention Risk Assessment (JDRA). This report serves as the annual report of the use of the JDRA under W.S. § 7-1-108(f).

Juvenile Detention Risk Assessment Implementation

The JDRA (see Attachment A) was distributed to agencies by the Wyoming Association of Sheriffs and Chiefs of Police (WASCOP). The Department worked with WASCOP to develop standards for collection of completed JDRAs. The collection method varied and the Department coordinated individually with counties in order to receive the JDRAs. The Department has received data by individual agencies, as well as centrally through local Sheriff's Offices.

County Utilization

Each county was surveyed by the Department to determine utilization of the JDRA. A small portion of counties have not used the assessment as they have not arrested any juveniles to this date. 15 counties are using the JDRA developed under this Act (please refer to Appendix B) and have submitted completed JDRAs to the Department for analytical purposes as required by statute. Seven counties have not had any applicable cases in which to use the JDRA, but plan to use the JDRA when applicable situations arise. One county has not submitted JDRAs to the Department and JDRA utilization is unknown at this time.

While the JDRA itself is nearly uniform statewide, the utilization varies. Some jurisdictions are administering the JDRA for each juvenile detained. Other jurisdictions limit its use to juveniles arrested by law enforcement and, therefore do not assess juveniles ordered by the court. The design of the assessment does allow for court ordered detention and warrants as an automatic reason for detention.

Findings

What has been determined through the JDRA and existing detention censuses is the majority of youth placed into detention have been as a result of probation violations/revocations, warrants, and/or awaiting hearings/placement. The bulk of youth ordered to detention either by the court or via warrant are not assessed. A large portion of youth under this category do not fit the designated purpose of hardware secure detention of being a risk to public safety or a flight risk as they are probation violations or other technical violations. If additional alternatives to detention, including staff secure detention, become more readily available in 2012, the conversation of placing this level of youth in less secure placement can be held in communities with access to less restrictive levels of detention.

As of November 1, 2011, the Department has received 689 JDRA's administered between July 2010 and September 2011. 154 out of 689 (22.35%) JDRA's were filled out completely. The information most commonly left blank is the final decision, which describes whether the child is detained, sent to a detention alternative, or released.

Of the 692 JDRA's received by the Department, the average score was 16.4 (a score of 15 qualifies a juvenile for hardware secure detention). The average age of juveniles assessed was 16.3 years of age. The JDRA allows for a more restrictive or less restrictive override. The most common reason scores under 15 were overridden and juveniles were detained in hardware secure facilities was due to no responsible custodian to release the juvenile to, or no non-secure alternatives available. (See appendix C for complete JDRA use data).

Next Steps

Wyoming has been selected by the Annie E. Casey Foundation as a statewide Juvenile Detention Alternatives Initiative (JDAI) site. In April 2011, Laramie, Campbell, and Sweetwater Counties were officially designated as JDAI sites. The Department continues to work with

Fremont and Natrona Counties to implement JDAI. These five Wyoming counties contain the majority of the state's juvenile population¹, as well as the five juvenile detention centers in the state. Through the assistance of the Foundation, the Department will be able to further define the role of secure detention. Steps towards achieving initiative goals have already begun, including the development of a uniform reporting system and use of an objective juvenile risk assessment instrument (JDRA).

The Department is coordinating with Volunteers of America (VOA), recipient of the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) Non-Participating State grant, regarding data collection. VOA is responsible for ensuring compliance with the Juvenile Justice Delinquency Prevention Act (JJDP) which requires monitoring the use of detention. VOA oversees the Jail Roster computer system, the central database for all juveniles detained in either an adult jail or juvenile detention facility, used by 22 counties (Converse County elects to not report information). Coordination efforts include ensuring consistent reporting statewide, accurate data input and further development of reporting capabilities. The Department encourages VOA and WASCOP to explore the option of placing the JDRA electronically on the Jail Roster system.

Having the JDRA electronically available to counties would allow for instant data collection and provide a way to expedite the distribution process of any changes to the JDRA in the future. Synchronizing the JDRA with the Jail Roster would also allow alerts to be established to ensure that each juvenile entering either a jail or detention facility has a completed JDRA.

In 2012, it is also anticipated that the Department and WASCOP will have the discussion with communities regarding any necessary revisions of the JDRA. The State of Missouri, for example, underwent three changes to their risk assessment during calendar year 2010. Also in 2012, the Department anticipates utilizing additional assistance from the Annie E. Casey Foundation regarding revising/training the JDRA and use of alternatives to hardware secure detention.

¹ 2010 total Wyoming population for ages 0 to 17 was 135,402. 55.7% (75,484) of all juveniles age 0 to 17 resided in Campbell, Fremont, Laramie, Natrona and Sweetwater counties. 2010 U.S. Census Bureau, accessed online at <http://census.gov>.

For the next annual report, the Department will brief on further county specific information such as individual assessments completed and overrides as it becomes more readily available.

Conclusion

Wyoming's addition of a JDRA is a mechanism to define the role of detention in communities while allowing youth whom are not a risk to public safety or flight risk to remain in their communities if alternatives exists. In addition, data reporting has been and will continue to be strengthened through collaboration between the Department, VOA, sheriffs and the Annie E. Casey Foundation. The Department will continue to support WASCOP in streamlining the use of the JDRA, its collection, and reviewing any necessary changes.

APPENDIX A

***Wyoming Association of
Sheriffs and Chiefs of Police***

***The Wyoming Juvenile Detention Risk Assessment
(JDRA)***

June 2010

THE WYOMING JUVENILE DETENTION RISK ASSESSMENT (JDRA)

Purpose

The Wyoming Juvenile Detention Assessment (JDRA) provides arresting officer objective criteria for evaluating the need to detain juveniles alleged to have committed offenses pursuant to Wyoming Statute and Municipal code.

General Procedures

The JDRA shall be administered by the person taking the minor into custody and prior to contacting the county/district attorney. The information necessary to complete the JDRA should be obtained through available record keeping systems.

Instructions for Completing the JDRA Manual Form

1. Complete the identifying information at the top of the form.
2. Select the appropriate response for each factor according to the factor definitions provided. Circle the value associated with the response on the line adjacent the response.
Note: Choose the highest score associated with a response for a factor, even though more than one response may apply.
3. Total the values and enter the assessment score on the line provided.
4. Review the assessment score in terms of the indicated detention decision.
 - A score of 1-9 indicates the youth should be released to a suitable custodian.
 - A score of 10-14 indicates the youth is appropriate for a detention alternative.
 - A score of 15 or above indicates a youth should be detained.
5. If an override of the indicated detention decision is warranted, the reason for the override must be indicated by checking the line beside the reason for override, under the More Restrictive or Less Restrictive headings.
6. Explain the reason for the override on the “Explanation for override” line, if “Other” is used.
7. Obtain supervisory signature of approval for an indicated decision that is overridden.
8. Check the final detention decision—Release, Detention Alternative, or Detention.
9. Obtain authorizing signature for the final decision, if necessary.

Definitions of JDRA Factors

1. **Court Order or Warrant:**
Complete entire assessment even though an arrest warrant or court order or warrant may represent a basis for automatic detention.
2. **Most Serious Presenting Offense:**
Consider only the most serious presenting offense. Status offenses alone are not a basis for the decision to detain.
 - A. Homicide/manslaughter or attempt, robbery, kidnapping, all felony sex offenses, all felony offenses pertaining to the unlawful possession or use of a firearm or explosive device, or any offense that carries a maximum penalty of 5 years to life imprisonment.
 - B. All other felony offenses **against persons** including felonious restraint, assault, and unlawful **use** of a weapon other than a firearm or an explosive device.

- C. All other felonies not described in A or B above.
- D. Prior sex offense referral includes only those referrals found sufficient by a juvenile officer or designee. Easy access to a victim is defined as a victim that resides in the same home, residential facility or near the home of the suspect, or who attends the same school or daycare as the suspect.
- E. Other misdemeanor sex offenses not covered in D above.
- F. Misdemeanors involving visible or medically identified injury to a victim.
- G. All other misdemeanors not described in E or F above.
- H. Infractions and municipal violations.
- I. Violations of conditions of formal supervision.
- J. Status offense.
- K. None.

3. **Additional Presenting Offenses:**

Consider additional presenting offenses that are separate and unrelated to the presenting offense in #2.

4. **Prior Referrals:**

Consider only referrals from municipal, circuit, or district/juvenile court where the youth entered a plea or was found guilty for law violations that were verified that occurred prior to the present offense.

5. **Current Legal Status:**

Consider current legal status using available records. If youth is from another jurisdiction, contact appropriate agencies to verify legal status. Consider failure of a secure detention alternative that juvenile is **currently** participating in.

6. **Flight Risk:**

Consider **history** of escape from confinement or law enforcement (do not include resisting arrest), and failure to appear for court hearings, or has verified to have previously absconded from supervision. Consider **current** status as an out-of-state resident.

County/District Attorney Notification:

The county/district attorney shall be notified at the time of custody after completion of the JDRA. The county/district attorney shall be apprised of the juvenile’s name, arresting agency, presenting offense, answers to the assessment, and assessment score. If the county/district attorney elects to override the assessment, it shall be described in the corresponding restrictiveness in the “other” category and explained accordingly as “county/district attorney override.”

Reason for Override.

Override of the JDRA indicated decision is allowed to account for factors not captured on the assessment.

More Restrictive

- No suitable custodian to assume custody
- Serious or credible threat to witness, victim, or community
- No non-secure alternative available
- Out of state runaway/missing person
- Other (explain)

Less Restrictive

- Mental Health placement obtained
- Does not meet local age guidelines
- Medical condition
- Pregnancy
- Non-secure alternative utilized
- Other (explain)

All overrides require county/district attorney or designee approval.

WYOMING JUVENILE DETENTION RISK ASSESSMENT (JDRA) FORM

Juvenile Name: _____ Arresting Agency: _____ Gender: _____ SSN: _____ Presenting Offense: _____	DOB: _____ Arresting Officer: _____ Race: _____ Assessment Officer: _____ Assessment Date/Time: _____
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FACTOR	SCORE	FACTOR	SCORE
<p>1. Court Order or Warrant</p> <p>A. Arrest Warrant..... 15</p> <p>B. Court order for secure detention..... 15</p> <p>C. None 0</p> <p>2. Most Serious Presented Offense</p> <p>A. Homicide/manslaughter or attempt, robbery, any felony sex offense, or unlawful felony possession or use of a firearm or explosive device 15</p> <p>B. Other felony offense <i>against person</i> 12</p> <p>C. Other felony 11</p> <p>D. Misdemeanor sex offense, <i>with prior sex offense referral, or easy access to a victim</i> 10</p> <p>E. Other misdemeanor sex offense 5</p> <p>F. Misdemeanor <i>against person involving injury</i> 4</p> <p>G. Other misdemeanor 3</p> <p>H. Infraction or municipal offense 1</p> <p>I. Probation violation 1</p> <p>J. Status Offense 0</p> <p>K. None 0</p> <p>3. Additional Presenting Offenses</p> <p>A. Two or more unrelated felonies..... 3</p> <p>B. One unrelated felony 2</p> <p>C. One or more unrelated misdemeanor(s) 1</p> <p>D. None 0</p>		<p>4. Prior Referrals</p> <p>A. 5 or more verified law violation referrals..... 10</p> <p>B. 3-4 verified law violation referrals..... 8</p> <p>C. 1-2 verified law violation referrals..... 6</p> <p>D. None 0</p> <p>5. Current Legal Status</p> <p>A. Alternatives to secure detention failed..... 5</p> <p>B. Currently in DFS legal custody..... 4</p> <p>C. Felony or misdemeanor petition pending..... 3</p> <p>D. Current diversion or probation (supervised or unsupervised) supervision for a law violation 2</p> <p>E. None 0</p> <p>6. Flight Risk</p> <p>A. Prior escape from secure detention facility..... 5</p> <p>B. Prior failure to appear for court hearing..... 4</p> <p>C. Prior absconding from supervision 3</p> <p>D. Out-of-state resident 2</p> <p>E. None..... 0</p> <p>Assessment Score: _____</p> <p>Indicated Decision: 1 - 9 = Release 10 - 14 = Detention Alternative 15 & above = Detention</p>	

County/District Attorney Notified: _____	Date/Time: _____		
Reason for Override:	<table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <u>More Restrictive:</u> <input type="checkbox"/> No suitable custodian to assume custody <input type="checkbox"/> Serious or credible threat to witness, victim, or community <input type="checkbox"/> No non-secure alternative available <input type="checkbox"/> Out-of-state runaway/missing person <input type="checkbox"/> Other (describe below) </td> <td style="width: 50%; vertical-align: top;"> <u>Less Restrictive:</u> <input type="checkbox"/> Mental Health placement obtained <input type="checkbox"/> Does not meet local age guidelines <input type="checkbox"/> Medical condition <input type="checkbox"/> Pregnancy <input type="checkbox"/> Non-secure alternative utilized <input type="checkbox"/> Other (describe below) </td> </tr> </table>	<u>More Restrictive:</u> <input type="checkbox"/> No suitable custodian to assume custody <input type="checkbox"/> Serious or credible threat to witness, victim, or community <input type="checkbox"/> No non-secure alternative available <input type="checkbox"/> Out-of-state runaway/missing person <input type="checkbox"/> Other (describe below)	<u>Less Restrictive:</u> <input type="checkbox"/> Mental Health placement obtained <input type="checkbox"/> Does not meet local age guidelines <input type="checkbox"/> Medical condition <input type="checkbox"/> Pregnancy <input type="checkbox"/> Non-secure alternative utilized <input type="checkbox"/> Other (describe below)
<u>More Restrictive:</u> <input type="checkbox"/> No suitable custodian to assume custody <input type="checkbox"/> Serious or credible threat to witness, victim, or community <input type="checkbox"/> No non-secure alternative available <input type="checkbox"/> Out-of-state runaway/missing person <input type="checkbox"/> Other (describe below)	<u>Less Restrictive:</u> <input type="checkbox"/> Mental Health placement obtained <input type="checkbox"/> Does not meet local age guidelines <input type="checkbox"/> Medical condition <input type="checkbox"/> Pregnancy <input type="checkbox"/> Non-secure alternative utilized <input type="checkbox"/> Other (describe below)		
Explanation for "Other" override: _____			
Supervisory override authorized by: _____			

FINAL DECISION: _____ Release	_____ Detention Alternative	_____ Detain
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APPENDIX B

Juvenile Detention Risk Assessment County Use Report Department of Family Services <small>November 8, 2011 by Rachel Campbell</small>	
County	Use of the JDRA
Albany	The county is conducting assessments at points as required by statute.
Big Horn	While the county will use the assessment as required by statute, there have not been any applicable cases since July 1 to conduct the assessment.
Campbell	The county is conducting assessments at points as required by statute.
Carbon	The county is conducting assessments at points as required by statute.
Converse	The county is conducting assessments at points as required by statute.
Crook	While the county will use the assessment as required by statute, there have not been any applicable cases since July 1 to conduct the assessment.
Fremont	The county is conducting assessments at points as required by statute.
Goshen	The county is conducting assessments at points as required by statute.
Hot Springs	The county is conducting assessments at points as required by statute.
Johnson	The county is conducting assessments at points as required by statute.
Laramie	The county is conducting assessments at points as required by statute.
Lincoln	While the county will use the assessment as required by statute, there have not been any applicable cases since July 1 to conduct the assessment.
Natrona	Natrona County administers the JDRA at the Detention Center. RJDC staff complete information in which the arresting officer verifies.
Niobrara	While the county will use the assessment as required by statute, there have not been any applicable cases since July 1 to conduct the assessment.
Park	The county is conducting assessments at points as required by statute.
Platte	The county is conducting assessments at points as required by statute.
Sheridan	The county is conducting assessments at points as required by statute.
Sublette	While the county will use the assessment as required by statute, there have not been any applicable cases since July 1 to conduct the assessment.
Sweetwater	The Department has not received any completed assessments as of the date of this report. Assessment usage is unknown.
Teton	The county is conducting assessments at points as required by statute.
Uinta	While the county will use the assessment as required by statute, there have not been any applicable cases since July 1 to conduct the assessment.
Washakie	The county is conducting assessments at points as required by statute.
Weston	While the county will use the assessment as required by statute, there have not been any applicable cases since July 1 to conduct the assessment.

Department received completed JDRA: **15**
 Using alternatives to JDRA: **0**
 Have not had applicable cases to use the JDRA: **7**
 Department has not received completed JDRA: **1**

APPENDIX C

JUVENILE DETENTION RISK ASSESSMENT USE DATA

Prepared 11/8/2011

Assessments administered beginning 7/1/2010 and received by DFS on or before 10/13/2011

Total JDRAs received: 689

Average age: 16.3

Average risk score: 16.4

JDRAs completed correctly: 154 (22.35%)

JDRAs received by DFS that had missing information (not including SS# or override information): 535 (77.64%)

Gender: 674 reported

Male: 473 (70.17% of those reported)

Female: 201 (29.82% of those reported)

Not listed: 14

Illegible: 1

Race: 648 reported

White: 435 (67.12% of those reported)

Black: 40 (6.17% of those reported)

Hispanic: 83 (12.8% of those reported)

Native American: 90 (20.68% of those reported)

Not listed: 36

Illegible: 5

Override data: 382 reported

Yes, score was overridden: 108 (28.27% of those reported)

No, score was not overridden: 274 (71.72% of those reported)

Unknown: 307

Detained (hardware secure): 350 reported

Yes, detained: 312 (89.14% of those reported)

No, not detained: 38 (10.85% of those reported)

Unknown: 339