

**Juvenile Justice Reform Extension Evaluation Report  
Covering January 2012-June 2014 After-Hours Cases, Diversion  
Review Process, and Juvenile Detention Data**

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## **Executive Summary**

This report is an evaluation of Monroe County, New York's Juvenile Justice Front-End Reform grant, which had the goals of reducing the number of juveniles (youth under sixteen years old) unnecessarily detained in Monroe County and increasing the number of juvenile cases diverted from court by ensuring diligent efforts were made at engaging juveniles and their families in the diversion process. Additional goals included decreasing the number of days between a juvenile's arrest and probation intake, ensuring there is always justification for detaining juveniles, and reviewing and documenting reasons for petitioning juvenile cases to be sure diversion attempts have been exhausted for that case.

As such, four initiatives were implemented in Monroe County in March 2012: the after-hours detention hotline, expedited appearance tickets, a respite program, and a Diversion Review Committee (DRC). This report thoroughly describes each of these reforms, how they change the juvenile justice process, and whether they contributed to the goals of the reforms. We also examine factors that may have affected our results, such as the everyday practice of using these reformed systems and the relocation and capacity reduction of the local juvenile detention center.

By reviewing data from multiple sources, this report reveals the effects of these reforms on juvenile case processing and outcomes. We find that all of the reform efforts were successfully implemented and largely had the desired impact. Since the reforms were implemented,

- there are fewer juvenile detentions,
- more juvenile delinquent cases are diverted from Family Court,
- juvenile detentions and petitions are thoroughly and objectively assessed and justified through administrative review, and
- juveniles are being seen, on average, 1-2 days after their after-hours arrests.

Our findings indicate some room for process improvement, but the implementation of these reforms overall has been very successful.

## Overview of Juvenile Justice Front-End Reforms

This report describes the evaluation of a juvenile justice reform program in Monroe County, New York. This project was supported by the Juvenile Justice Front-End Reform grant extension awarded to the Monroe County Office of Probation by the New York State Division of Criminal Justice Services. The original grant was awarded from January 2012 to June 2013 and then was extended to June 2014. The program data in the report span March 1, 2012 to June 30, 2014. (While the program period began in January 2012 with planning and training, the reformed systems were not fully implemented until March 2012.)

The Monroe County Office of Probation (hereafter Probation) sought to make systemic changes to the juvenile justice system to reduce the number of juveniles who are detained and the number of juvenile cases that are processed through Family Court. Four initiatives were implemented to reach these goals:

1. **After-Hours Telephone Hotline:** This phone line is called by any Police Officer wishing to arrest and detain a juvenile in Monroe County outside of court operating hours. A formal risk assessment screening is conducted by Probation staff to determine if detention is warranted.
2. **Expedited Appearance Tickets:** As an alternative to detention, arresting officers can issue an expedited appearance ticket so that the juvenile (and guardian) is seen by a Probation officer the next business day. This is in contrast to regular juvenile appearance tickets, through which juveniles are typically seen 7-10 days after the issuance of the appearance ticket.
3. **Respite Services:** For juveniles for whom detention was deemed unnecessary but who did not have a designated place to spend the rest of the night, an alternative respite bed was offered until June 2013.
4. **Diversion Review Committee:** A committee at Probation rigorously reviews all diversion cases that are being considered for petitioning to Family Court to ensure diligent efforts were made to divert the case from court.

Our evaluation examines whether the reforms were implemented as intended and examines the effect of these reforms on juvenile case processing and outcomes. We also discuss the broader effects and potential implications of these reforms, identifying areas of potential concern and suggesting improvements. For reference, a glossary of common terms and abbreviations used in this report is provided in Appendix A. It should be noted that in New York, juvenile delinquents are between seven and sixteen years old.

## **Full Description of the Juvenile Justice Front-End Reforms**

The Monroe County Office of Probation sought to make systemic changes to the juvenile justice system in order to match the system's response to the objectively-assessed risk posed by youth at arrest, focusing on the decision points at which juvenile delinquent (JD) cases could be petitioned and the juvenile detained. They may be at risk of detention at the time of arrest, at the time of filing a petition to the Juvenile Prosecutor's Office (JPO), and when in violation of probation. A risk assessment is completed at all of these decision points.

The Front-End Juvenile Justice Reform sought to both keep arrested juveniles from unnecessary overnight detention and to ensure thorough efforts were made by Probation to divert juveniles from further penetration of the juvenile justice system if it was not necessary. To these ends, four distinct initiatives were undertaken to reform the juvenile justice system in Monroe County, which are described in detail below.

### After-Hours Hotline

First, Probation created an After-Hours telephone hotline staffed by Family Services Division Probation Officers. This hotline is utilized by law enforcement officers when they arrest a juvenile outside of regular Family Court operating hours (also called "after-hours"), if that Police Officer is considering detaining the juvenile. A standardized risk assessment instrument is completed by the Probation Officer on the phone, while the Police Officer contributes to the process by sharing vital information. (The assessment instruments are included in Appendices E and F.) The risk assessment instruments assess a juvenile's current alleged charges and his or her juvenile justice history to objectively determine if detention is necessary. Based on the results of the risk assessment, a collaborative decision is made by the arresting Police Officer and the Probation Officer about whether to detain the juvenile or to issue an appearance ticket.

If the juvenile does not score so that he or she automatically qualifies for detention but the Officers feel the circumstances require detention, a "detention override" is available by calling the Deputy Chief Probation Officer or the designee. Also, if a juvenile scores high-risk and is recommended for detention, the Officers can request permission from the Deputy Chief as well to "underride" the recommendation and give the juvenile an appearance ticket instead, if the circumstances permitted.

Before this After-Hours Hotline was in place, arresting Police Officers could bring any juvenile arrested after-hours to secure detention if the Officer felt the juvenile needed to be detained.

This first reform aimed to objectively assess the necessity for detaining a juvenile and to ensure that there is a justification when detention is used.

The After-Hours Hotline was intended to effect the first stage or decision point at which a juvenile may be detained: at arrest.

### Expedited Appearance Tickets

A second component of the reform was the expedited appearance ticket. Before this reform, Police Officers could only issue what we call in this report a “regular” appearance ticket, which informs juveniles that they will be contacted by Probation to schedule an intake, usually 7-10 business days away, regarding the charges. An expedited appearance ticket, in contrast, instructs the juvenile and guardian to report to Probation for intake on the following business day after issuance. The expectation was that reducing the amount of time between arrest and the juvenile’s first appearance would help in three ways: 1) to reduce the risk of the juvenile failing to appear, 2) to reduce the wait time and thus the risk of reoffending for juveniles who urgently need services or support, and 3) to minimize frustration for parents who want something to be done regarding their child’s behavior.

### Respite

The third new initiative was a contract with Hillside Children’s Center to offer a respite bed to juveniles who did not need to be detained but who had no place to stay that night (for instance, if the Police Officer could not find their family). The intention was to reduce the number of juveniles placed overnight in secure detention by offering an alternative temporary housing option for low-risk juveniles. However, respite was used less than originally expected during the first year, and the contract with Hillside was allowed to expire in June 2013.

### Diversion Review Committee

The final component of the reform was the creation of a Diversion Review Committee (DRC). This committee reviews all Juvenile Probation diversion cases that are recommended for petitioning by the assigned Probation Officer (in other words, transferring the case from Probation’s diversion program to Family Court as a Juvenile Delinquent case). Petitioning would typically be sought if the juvenile was consistently violating the conditions agreed upon at

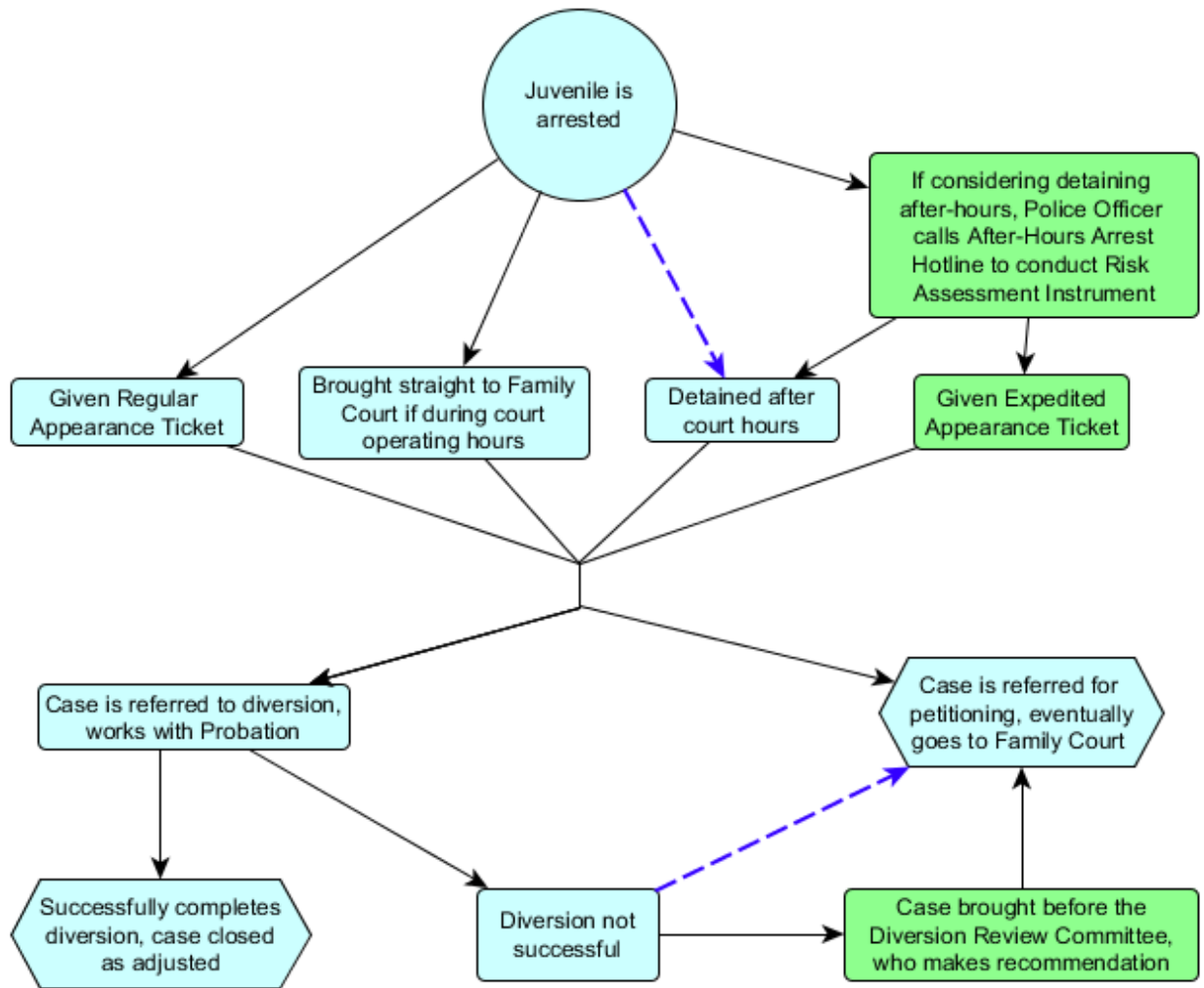
Probation Intake, or if the juvenile or victim was unwilling to participate in the diversion program.

Prior to the establishment of the Diversion Review Committee, a case could be petitioned after the Probation Officer assigned to the case met with his or her supervisor and they agreed that there were sufficient reasons to petition the case. Now, with the Diversion Review Committee (DRC), a broad committee must also agree that a case should be petitioned, or else the DRC would recommend that further attempts be made to divert the case from Court. The goal of the DRC is to ensure, for every juvenile diversion case within Probation, that diligent efforts were made by Probation to prevent the juvenile's unnecessary entrenchment in the justice system. The Diversion Review Committee meets weekly and includes Family Services Division Probation Supervisors, the Juvenile Justice Mental Health Coordinator, the Assistant Chief Probation Officer, the Enhanced Diversion Senior and Probation Officers, and the Probation Officer presenting the case.

The DRC reform was implemented to effect the second decision point at which a juvenile may be detained: when a case is being considered for petitioning to the Juvenile Prosecutor's Office.

Figure 1 shows a very broad overview of three of the reforms (the after-hours hotline, expedited appearance tickets, and Diversion Review Committee). The green boxes indicate the new components of the juvenile justice system, while blue boxes are aspects that are not new. The blue dotted lines show processes that used to occur before these reforms but which are no longer possible due to the reforms. A more detailed process overview can be found in Appendix B.

**Figure 1**



**Major Changes in Implementation**

Monroe County used a locally-developed Risk Assessment Instrument (RAI) to assess detention decisions on the After-Hours Hotline during the first twenty months of this reform (March 2012-October 2013). On October 28, 2013, Monroe County began exclusively using the Detention Risk Assessment Instrument (DRAI), which was implemented in every county across New York State. Throughout the report, we examine if outcomes at various decision points are correlated with the type of risk assessment instrument used.

The DRAI and RAI differ in their scoring systems, but both assign point values based on a juvenile’s current charges and past juvenile justice contacts. The more points a juvenile scores,



the higher his or her assessed risk. Substantively, in addition to giving points for active PINS warrants, as is done on both assessments, the DRAI also allotted points for juveniles with active or prior PINS petitions, whereas the RAI did not. (Persons In Need of Supervision, or PINS, is a status offense as defined by Article 7 of the Family Court Act for truancy or ungovernable behavior.) Also, the RAI gave some points for all felonies (with more points for designated felonies), while the DRAI only assigns points for burglary, grand larceny, auto-stripping, and motor vehicle theft. The RAI is included in Appendix E, and the DRAI is in Appendix F.

Further, the local secure detention facility in Monroe County was relocated and reduced in capacity on January 31, 2014. After this date, if the Monroe County facility was full, some detained juveniles were taken, at Monroe County's expense and care, to detention facilities in Onondaga County (Syracuse, NY) or Erie County (Buffalo, NY) by arresting Police Officers.

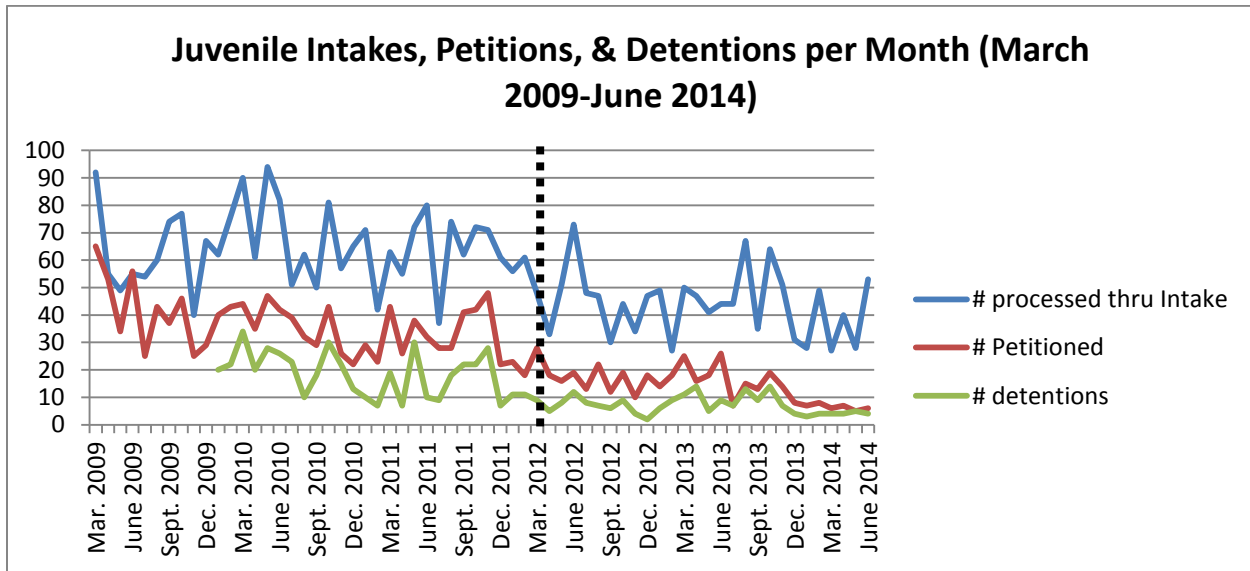
Throughout this report, we examine the data, where applicable, to see if these two changes had noticeable effects on juvenile case processing or outcomes..

## **Juvenile Justice Trends Overview**

We begin our analysis by reviewing the overall trends in juvenile justice data in Monroe County. Figure 2 displays the numbers of juvenile cases processed through intake, the number of juveniles detained, and the number of juvenile delinquent cases petitioned to Family Court for each month from March 2009 to June 2014. The Juvenile Justice Front End Reforms were implemented in March 2012 (indicated by the vertical dotted line in Figure 2). Even prior to the reforms, the number of juvenile intakes, petitions, and detentions were on the decline. The year 2012, when the reforms were implemented, had the most drastic reductions, with January and February (prior to implementation) having slightly more detentions than the previous year (2011), but the rest of the months in 2012 had less detentions than the corresponding months in the prior two years (except June 2012).

February 2013 saw the lowest number of juveniles *processed through intake* in four years – a low point that also was repeated in three future months (January, March, and May 2014). This means that fewer juveniles were arrested during these months, whether they were detained or received an appearance ticket.

**Figure 2**



The number of juvenile delinquent cases *petitioned* per month (brought to Family Court) shows a sharp decline in late 2011 (pre-reform) and early 2012, with a continued gradual decrease thereafter. May 2014 had the least number of juvenile delinquent cases petitioned in the five years of data shown, with only five juvenile delinquent cases petitioned in May 2014.

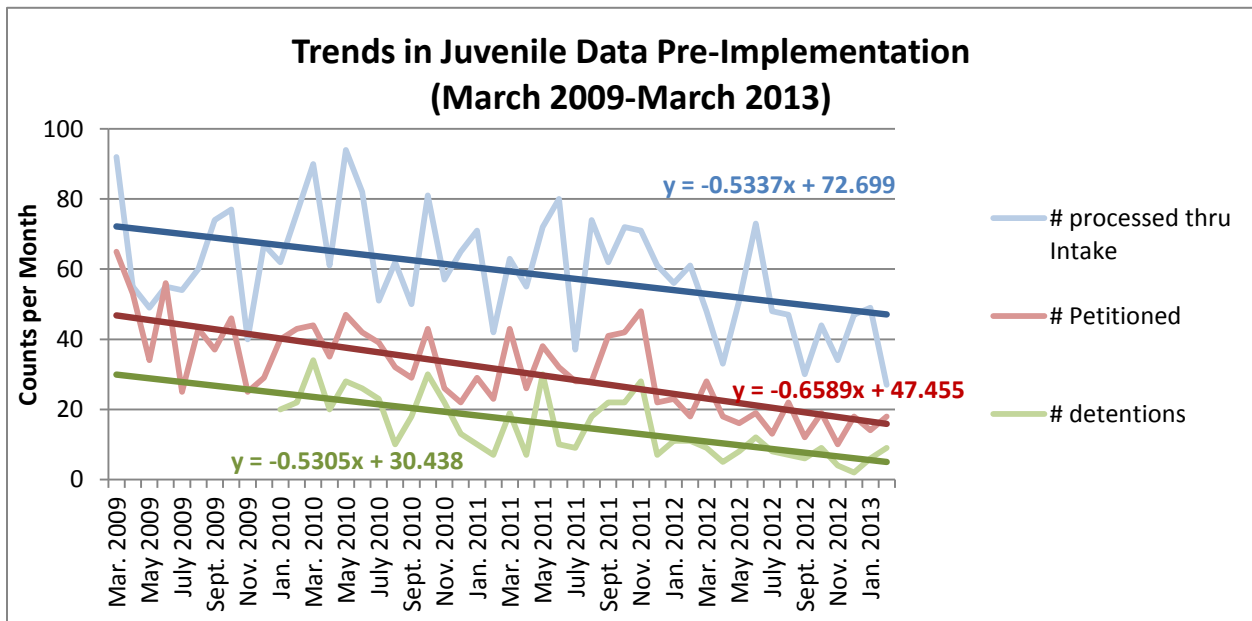
The number of juvenile detentions per month was on a very slight decline prior to the reforms, but this number also decreased and leveled off somewhat after the reforms, with January 2014 having only three juveniles detained on juvenile delinquent charges.

Overall, fewer juvenile cases ultimately penetrated the juvenile justice system after the reforms than before. However, some of these changes seemed to occur before the reforms were implemented, perhaps due to the increased attention paid in late 2011 and early 2012 to the use of juvenile detention in Monroe County. We also cannot assume that these changes were necessarily due to the reform initiatives implemented rather than some other factor. For instance, the reforms should not have affected the number of juvenile delinquent cases processed through intake, as this is essentially just a measure of how many juveniles were charged with crimes. This could explain why the number of juveniles processed through intake did not decrease to the same degree as the numbers of juveniles petitioned or detained; however, the reforms do not explain why there are fewer juveniles processed through intake.

Nonetheless, from April 2012 (Diversion Review Committee inception) through June 2013, a 27-month time period, juvenile detention rates were down 60% from the previous 27-month time period (January 2010-March 2012). Further, during the same time period, juvenile petition rates were down 58% post-reform compared to the previous 27-month time period pre-reform.

To examine these trends more closely, linear best-fit lines are shown in Figure 3 for pre-reform-implementation data and in Figure 4 for post-implementation data. While a linear line is not necessarily the most appropriate representation, it reveals that the number of juvenile intakes and petitions decreased at a higher rate after the reform implementation than before (with higher rates indicated by larger values for the lines' slopes). The rate of juvenile detentions also decreased at a higher rate after implementation, but this was not as drastic of a difference. The number of detentions essentially decreased early on and then maintained this low number. Therefore, even though the numbers of juveniles processed through intake, the number of juveniles detained, and the number of cases petitioned were already declining prior to implementing the reforms, the reforms may have accelerated those reductions.

**Figure 3**



**Figure 4**

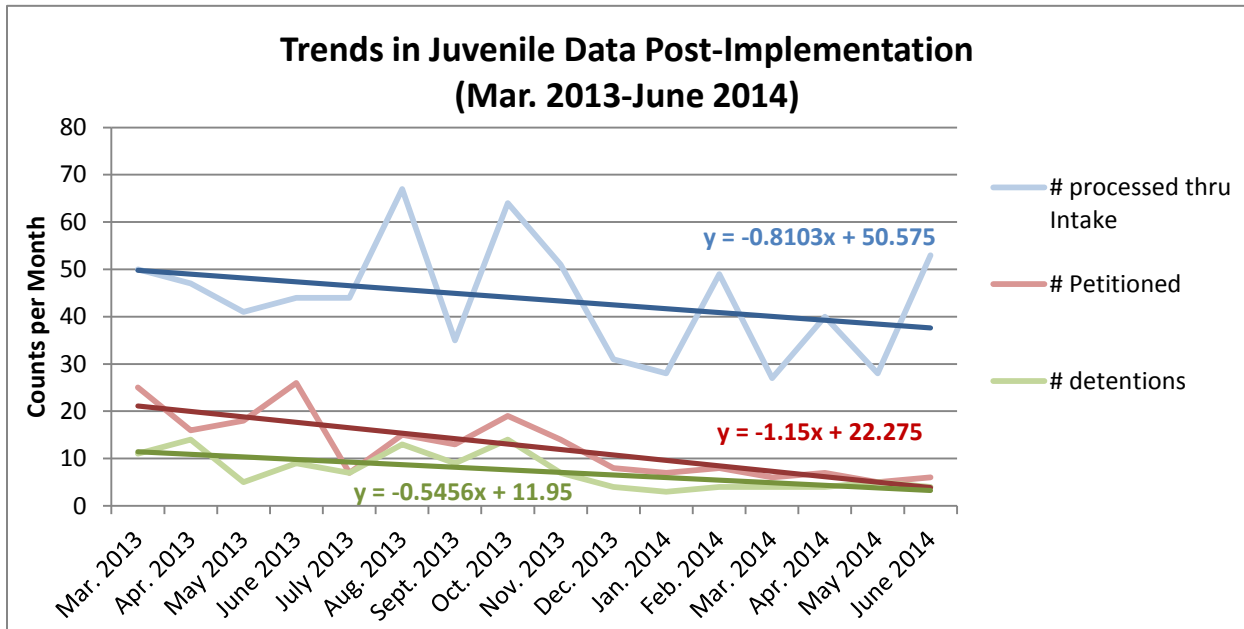
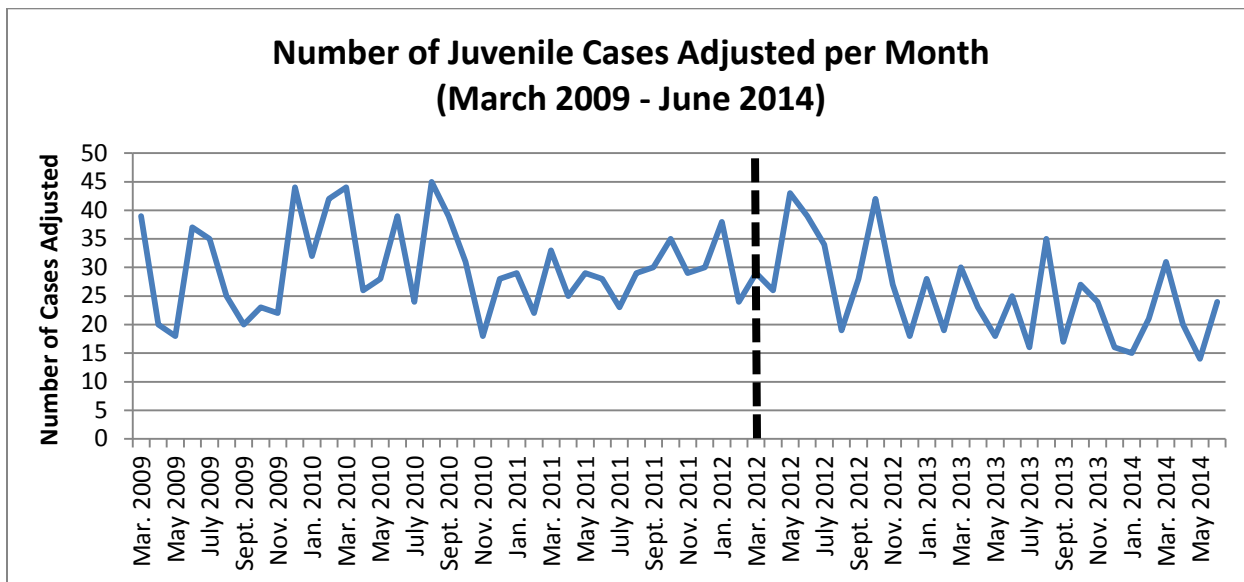


Figure 5 shows the number of juvenile cases that were adjusted per month from March 2009 to June 2014. Adjustment is the favorable outcome for cases for which diversion is appropriate. If a juvenile’s case is adjusted, he or she has successfully completed a maximum of four months of diversion, during which the juvenile meets with a Probation Officer and follows individualized conditions. If a case is adjusted, it never appears in the Family Court as a Juvenile Delinquent (JD) case. Cases are generally adjusted four months after intake, though this amount of time can vary depending on the circumstances of the case.

**Figure 5**

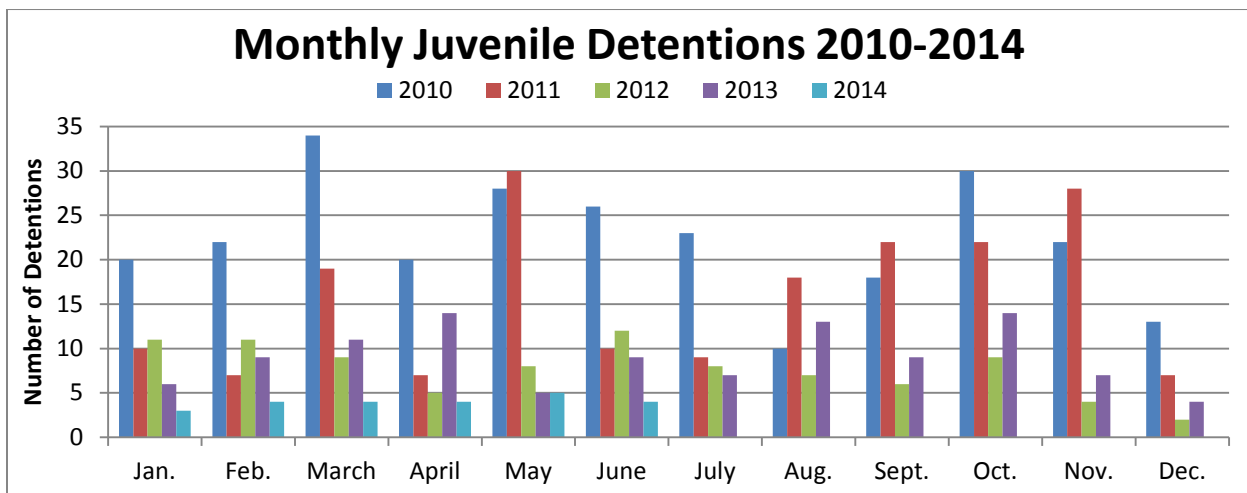


The number of adjusted cases per month has been on a slight decline since March 2012, with some peaks during that decline. The reason for the decline could be due to the lower number of overall juvenile intakes. The number of adjusted cases has not decreased as quickly as the number of juvenile intakes. Thus, over time, a higher percentage of juvenile intakes were ultimately adjusted.

The next several charts show these trends in other ways. Figure 6 displays the number of juvenile detentions per month, comparing each month's data across years. This is done because there is usually much variability in crime rates depending on the time of year. Please note that data from July to December 2014 are not included in this report (as it was written in July 2014), and therefore it may mislead readers to think there were no detentions in those months.

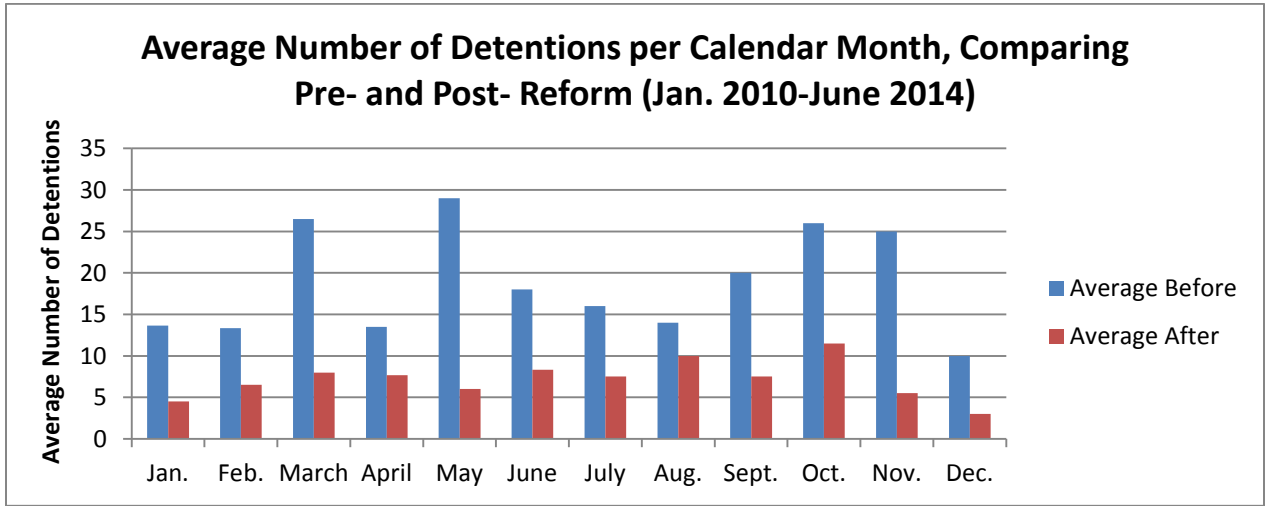
Figure 6 shows that the numbers of detentions can vary widely by month, with winter months seeing a smaller number of juvenile detentions. Second, it is clear that, for each month taken separately, there was a reduction in the number of detentions after the reforms were implemented.

**Figure 6**



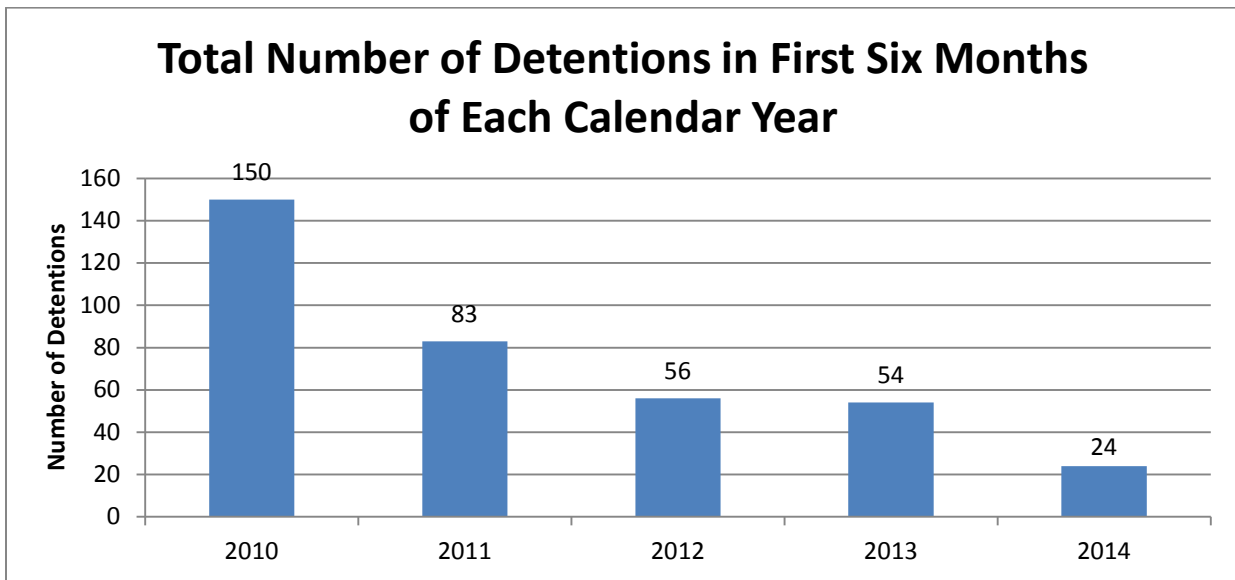
As a simplification, Figure 7 displays the average number of detentions for each month pre-reform (i.e. the average of January 2010, January 2011, and January 2012) compared against the average post-reform (average of January 2013 and January 2014 counts). Each calendar month saw a decrease in the average number of detentions after the reforms began.

**Figure 7**



Looking at the first six months of each year from 2010 to 2014, as those are the months for which data is available for all years, the total number of detentions has decreased over time (Figure 8).

**Figure 8**



## **Juvenile Offender Data**

We attempted to examine whether the aforementioned decrease in juvenile delinquent petitions corresponded with any changes in the number of juvenile offender cases over time. Currently in New York State, youth under the age of 16 who commit crimes can either be charged as a juvenile delinquent (JD) or a juvenile offender (JO). Juvenile delinquent cases are the focus of this report and the juvenile justice reforms; they are handled in Family Court. Juvenile offender cases, on the other hand, are generally outside the purview of these reforms and are handled in criminal court. Juvenile Offender status is generally reserved for those under sixteen who are charged with more serious crimes.

From what we could get from the data, there were only three known JO cases during the entire evaluation period in which the juvenile was under sixteen. Therefore, we are not able to conclude much about these cases, due to the small sample size. It may suffice to say that the reforms for JD cases did not result in any noticeable effects on the numbers of JO cases.

## **Juvenile Detention Data**

Probation maintains a log of new juvenile detentions each month. This sheet has evolved over time to include the youths' gender, race, and the ultimate outcome in court. It also includes the risk assessment scores, whether the detention was the result of an override, and the reason for that override. This general detention log includes juveniles detained at any decision point, including those detained at arrest, those detained when their case is petitioned with the Juvenile Prosecutor's Office, and those detained for being in violation of probation.

Between January 2009 and June 2014, there were 784 separate detention terms served. However, 162 juveniles were detained more than once during this time period. Therefore, this detention data represents 622 unique individuals.

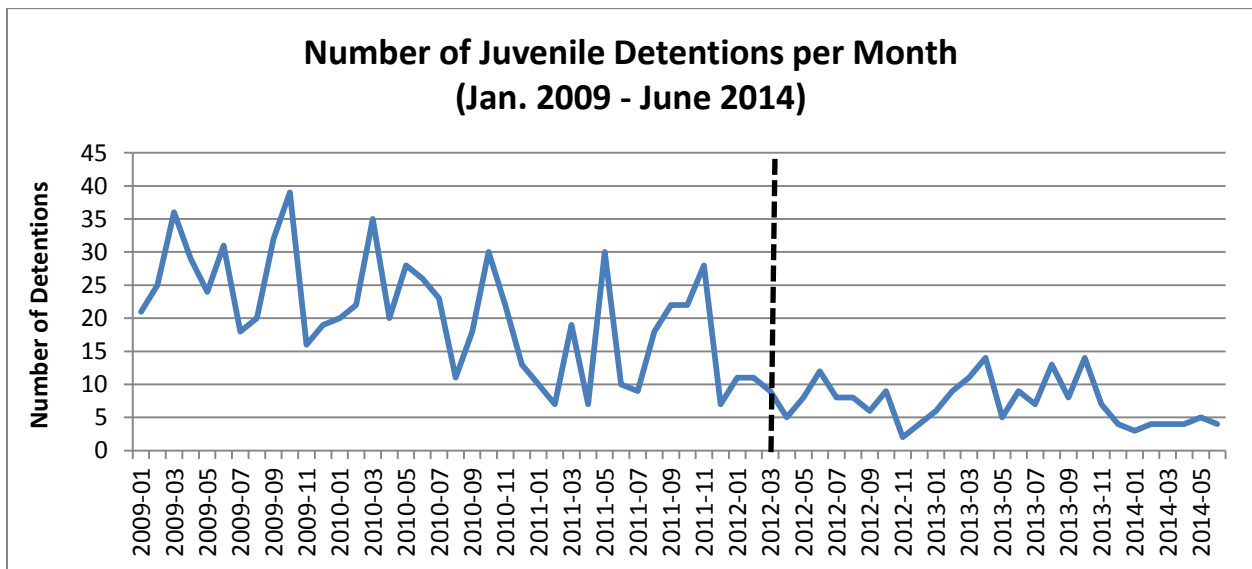
Table 1 shows the number of respondents who were detained and how often they were detained. As you can see, only 3 respondents were detained 5 times, and none were detained more than 5 times. *Nearly 80% of those detained were first-time detainees who were not detained again (in juvenile detention) during this 4-year period.* We do not know if these individuals were detained in other systems, such as the local jail, as an adult after they turned sixteen years old.

**Table 1 (n=782, 2 cases missing): Number of Detentions per Respondent**

Number of Times Detained	Number of Detention Incidents	Percentage of Detention Incidents
1 time	621	79.2%
2 times	124	15.8%
3 times	29	3.7%
4 times	5	0.6%
5 times	3	0.4%

Figure 10 displays the number of juvenile detentions per month. While the number of detentions was decreasing prior to the reform implementation in March 2012, there is clearly a decline in the number of detentions around the time of the reforms. However, this decline seemed to occur when the grant began (January 2012) rather than when the reforms were actually initiated in March 2012, perhaps due to more attention being paid to the use of juvenile detention around this time.

**Figure 10**



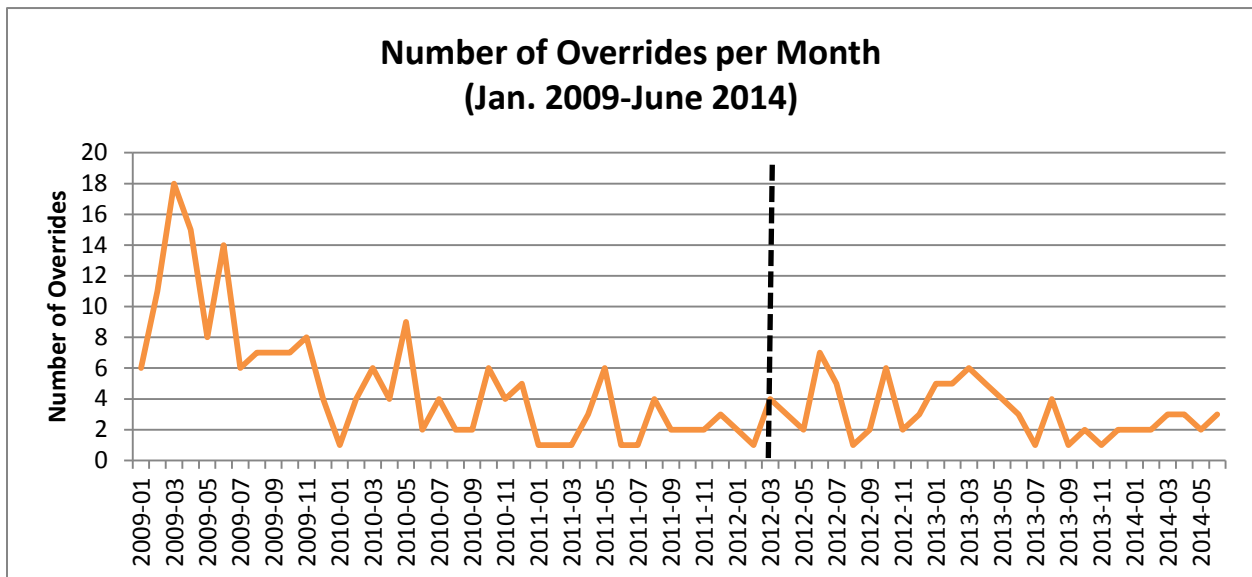
Prior to the reforms, there was an average of 21 detentions per month. After the reforms, this went down to an average of 7 detentions per month (statistically significant,  $p < 0.01$ ). After the reforms were implemented, months during which the RAI was used had on average 8 detentions ( $n=20$  months), while months during which the DRAI was used had an average of 4 detentions



(n=8 months) ( $p < 0.001$ ). However, the average number of detentions also decreased around the same time the detention center was relocated and downsized in January 2014. Before the detention center changes, there was an average of 8 detentions per month for the 23 months post-reform. After the detention center changes, there was an average of 4 detentions per month for the final 5 months of the evaluation ( $p < .001$ ). We cannot say for sure if the reason for the drop in detentions was more to do with the assessment instrument or with the detention center closing. Nonetheless, the number of detentions per month has not varied much since December 2013.

Figure 11 shows the number of the detention cases that were in detention because of an override each month. While the number of detentions decreased in early 2012, the number of overrides remained fairly constant from mid-2010 onward. Therefore, as time has gone on, a larger proportion of detentions were due to overrides. According to this data set alone (the detention log sheet), 44.1% of post-reform detentions were the result of an override (n=202). It is important to note that the increase in override use post-reform may be because there was more formality in the detention and override system with the new reforms.

**Figure 11**



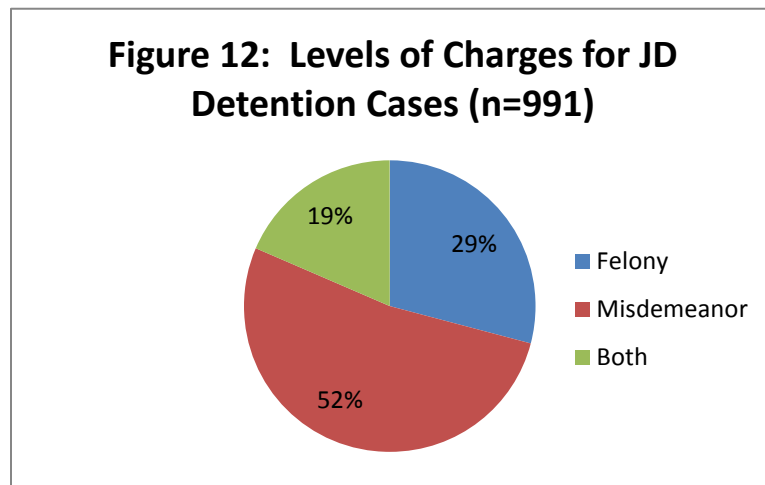
Across all cases for which gender was recorded (n=411), 75.2% of detained juveniles were male, and 23.9% were female. After the reforms began, 81.0% of detained juveniles were male, and 19% were female (n=200). Prior to the reforms, a much higher percentage of detained juveniles were female (28.4%, n=211).

Across all detention cases for which race were recorded, 73.3% of respondents were Black, 26.0% White, and 0.8% another race (n=524). Ethnicity was not recorded. These ratios were essentially the same pre- and post-reform, with 74.0% of detained juveniles being Black and 24.5% White (n=196) post-reform.

Also, post-reform, half of detained juveniles scored low on the risk assessment instrument (50.5%), while 14.9% scored medium, and 34.2% scored high (n=201).

Those detained after the reforms were initiated had somewhat more charges at arrest than juveniles detained before the reforms. The 788 juveniles detained between January 2009 and February 2012 had an average of 1.58 charges at arrest; the 202 juveniles detained between March 2012 and June 2014 averaged 1.73 charges at arrest ( $p < .07$ ). Overall, most detained juveniles had only one charge (57.7%). About a third (29.3%) had two charges, and 10.1% had three charges.

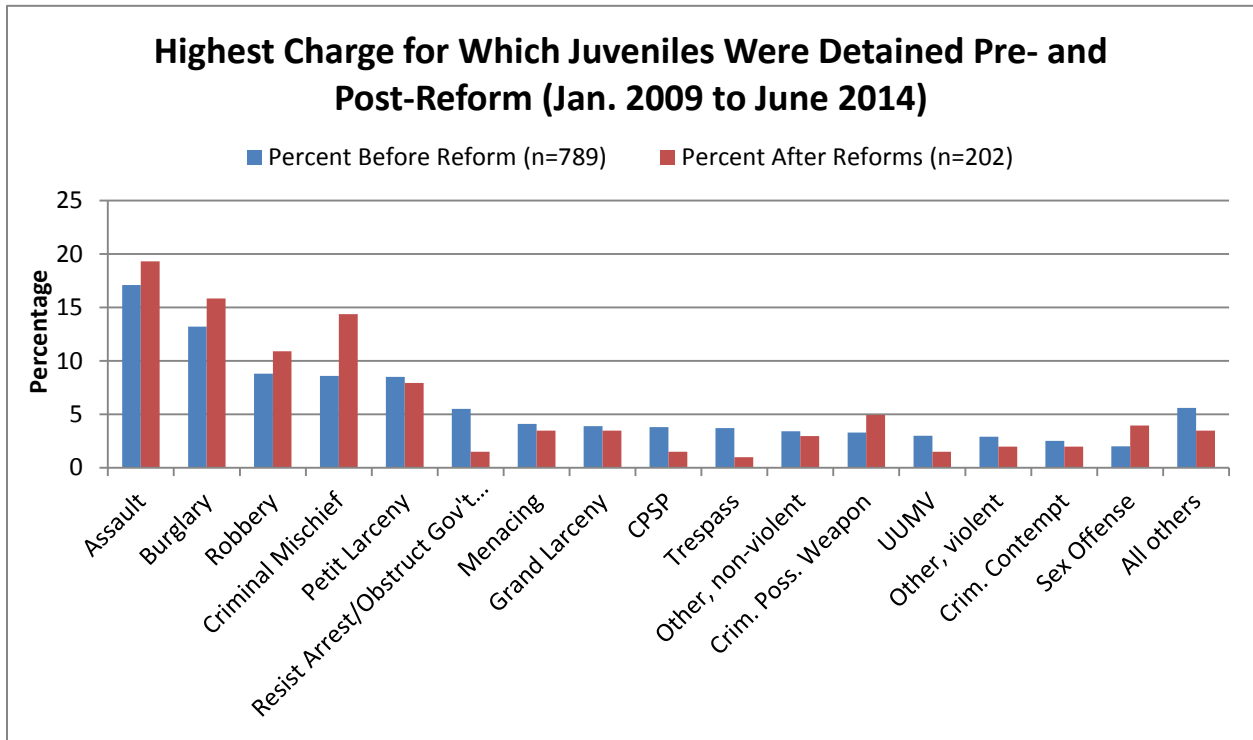
Figure 12 shows how many detentions were for felonies, misdemeanors, or a combination of both. Over half of detentions were for misdemeanor-only cases. Under half (48%) had felony



charges. A higher percentage of detentions were for misdemeanors only *before* the reforms (54.6%, n=787) compared to after the reforms (43.1%, n=45). In other words, those in detention after the reforms were less likely to only have misdemeanor charges in the case for which they were detained.

Figure 13 compares the highest charge for which juveniles were arrested before and after the reforms. Consistently, assault and burglary were the most common highest charges, followed by either robbery or criminal mischief. For these particular crimes, there was a higher percentage of juveniles detained after the reforms than before. In other words, a smaller percentage of juveniles were detained after the reforms for all other less-common charges (except criminal possession of a weapon and sex offenses).

**Figure 13**



Detention Cross-Tabulations

After the detention center was relocated, 62% of detentions were overrides (n=21) compared to only 27% before those changes (n=970) (sig. < .001).

After the reforms, overrides were used for two thirds (66%) of all White detained juveniles compared to 38% of all Black respondents. There is some evidence, though, that Black juveniles tended to score higher on the risk assessments due to having more serious charges, so perhaps overrides were not needed as much to result in detention. This is supported by the fact that there was no difference pre- and post-reform as to the racial proportions of detained juveniles.

However, across the entire data set (n=524), Black juveniles who were detained were disproportionately represented among those charged with robbery, petit larceny, criminal possession of a weapon, and “other, non-violent” offenses. For instance, 92% of all those detained and charged with robbery were Black, whereas only 73% of all those detained were Black. Also, Black juveniles accounted for **all fifteen** of the resisting arrest charges and **all four** of the criminal possession of a controlled substance (CPCS) charges in the entire 5.5-year dataset. In contrast, White detained juveniles were disproportionately represented among those

charged with criminal contempt, criminal nuisance, falsely reporting, arson, sex offenses, and unauthorized use of a motor vehicle (UUMV). For this report in which we examined detentions specifically, we only had data on the racial proportions among juveniles who were detained, and not on juveniles charged with these crimes who were not detained.

Similarly, there are stark contrasts in the types of charges for male and female respondents. Just under a quarter (23.8%) of all detained juveniles across the entire data set were females, and 76.2% were male. Yet, females accounted for nearly half of all assault, petit larceny, and reckless endangerment charges. Males accounted for nearly all of burglary, robbery, and criminal possession of stolen property (CPSP) charges, **all** 17 criminal possession of weapon charges, and all 14 sex offenses.

A quarter of all post-reform overrides (25.8%) were for assault charges, and another 19.1% were for criminal mischief. Neither the level of charge nor the number of charges correlated significantly with override use, meaning that the levels and numbers of charges did not result in more or less overrides, though half (50.6%) of overrides were for misdemeanor-only cases (n=89).

Most of the overrides were for respondents who scored low on the risk assessment (79.8%), while the rest (20.2%) had scored medium (n=89). (Remember, overrides are not necessary for those who scored high-risk.) However, because there were more low-scorers overall, those who scored medium on the risk assessment were significantly more likely to be overridden (60% compared to 35% for low scores). Override rates did not differ significantly between using the RAI and the DRAI.

Males were slightly more likely to be detained on an override, with 78.7% of overrides being for males (n=89). Because Black respondents tended to score slightly higher, they represented less of the override population: only 63.2%. Therefore, White juveniles were more likely to be detained on an override, with 36.8% of overrides being for White respondents.

Table 2 displays the most common reasons for override for post-reform detention cases. Most of the overrides were for community safety (i.e. risk of re-offense). Many overrides were granted because the victim lived in the same home as the respondent.

The risk assessment instrument used, respondents' gender, level of charges, or number of charges did not significantly correlate with any particular reason for using an override. Finally, for all detention cases, the gender, race, and risk assessment scores of respondents did not vary significantly over time.

**Table 2: Primary Reasons for Overrides for Detention Cases**

<b>Reason for Override</b>	<b>Percentage of Overrides (n=89)</b>
Community safety	16.8%
Severity of crime (non-weapon)	16.0%
Victim in home	15.1%
Severity of crime (weapon involved)	10.1%
Officer insistence	9.2%

### Juvenile Disposition Data

We now turn our attention to final Family Court outcomes, or dispositions, on juvenile cases. The juvenile disposition data set includes all Family Court dispositions from March 2012 to June 2014, the 27-month period in which the reforms were active. This includes dispositions on Juvenile Delinquent (JD) case petitions, PINS petitions, and dispositions given on violations of JD or PINS probation or placement (VOP's). There were 808 separate dispositions during this 27-month period, an average of 30 dispositions per month.

Figure 14 shows the monthly counts of dispositions given. This has remained fairly constant over the reform period, with May 2012 and May 2013 having the most cases adjudicated.

**Figure 14**

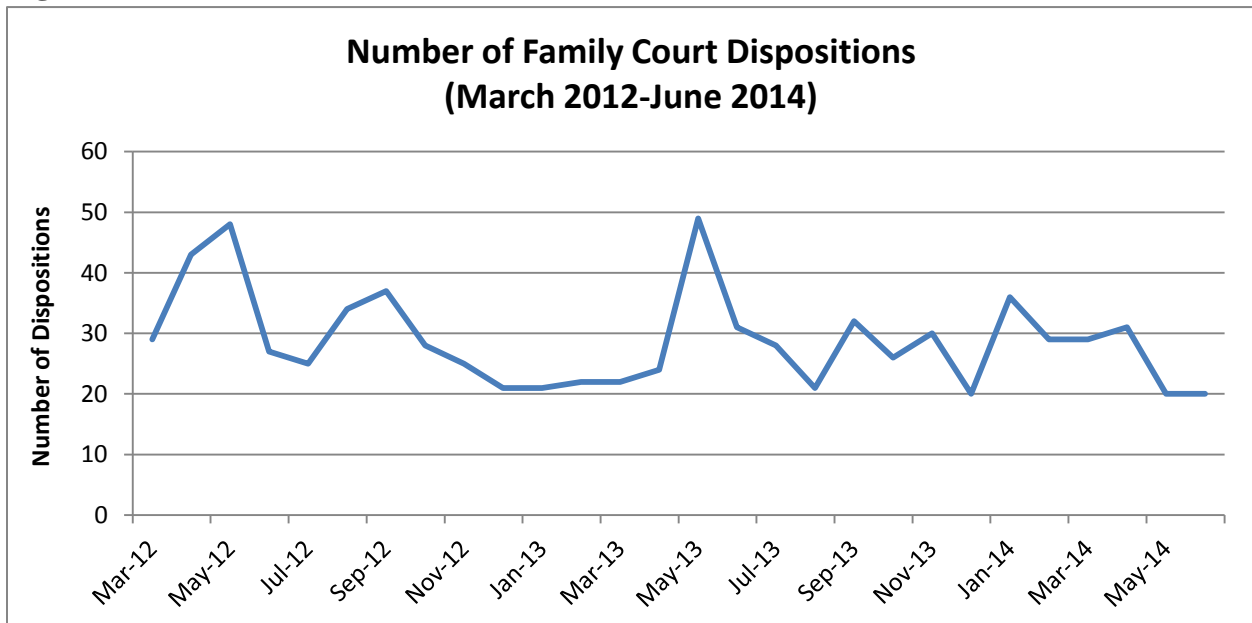
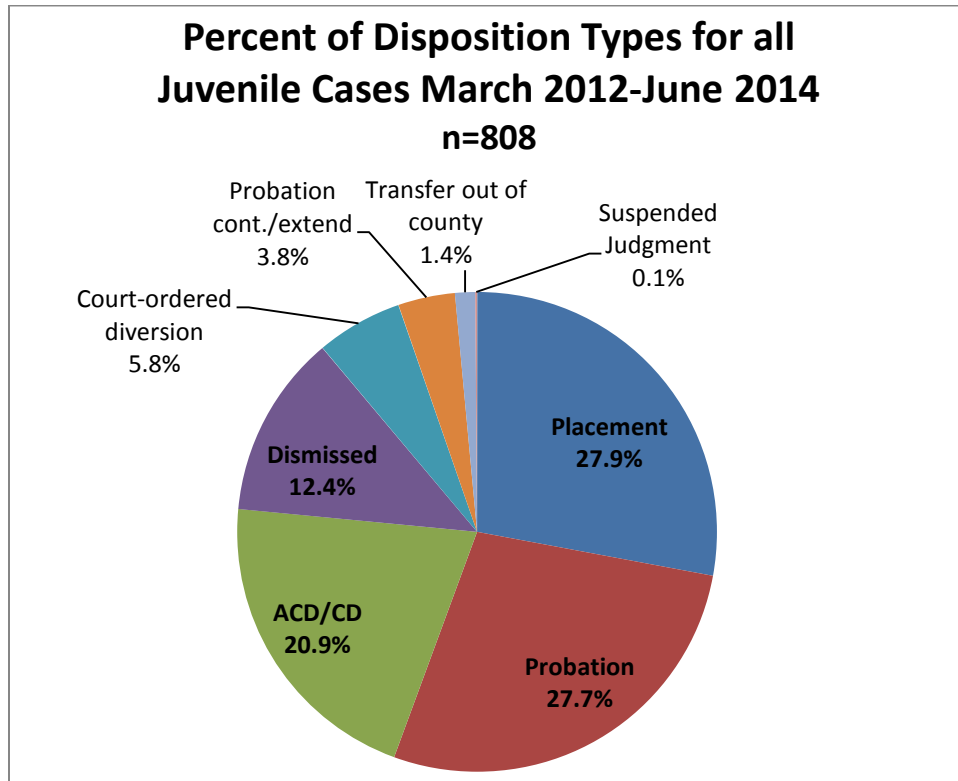


Figure 15 shows the types of dispositions given. About a quarter of cases each resulted in placement, probation, and Adjudged in Contemplation of Dismissal/Conditional Discharge (ACD/CD) dispositions. Most often, ACD's were 6 months long, CD's were 12 months long, and placement and probation terms were 12 months long.

**Figure 15**



According to the Office of Court Administration dataset, the court ordered diversion for only 5.8% of cases. It may be interesting to explore in more detail what types of cases were sent to diversion by the court, but further details are not available in this data set. It is possible that cases that go to court are less likely to be eligible for diversion (i.e. for more serious charges) than cases for which respondents receive appearance tickets.

About a third of all juveniles dispositions from March 2012 to June 2014 were for after-hours arrest cases (33.9%, n=808). These cases are examined thoroughly in the next section.

Of the 808 cases adjudicated in this time period, there were 155 times when multiple cases were disposed of together (same respondent, same day, different cases), which is 19.2% of dispositions. Similarly, one third of case dispositions (33.3%) were for respondents who had a prior disposition in the data set. These are considered “repeat respondents.” Some of these respondents had multiple separate cases adjudicated; others returned to Family Court on

violations of probation or placement for the same case. Therefore, there are roughly 539 unique respondents, with an average of 1.5 cases per respondent. Most respondents had only one disposition during this time frame, but a few respondents had many dispositions.

This disposition data can serve as a reference point for future discussions about dispositions, particularly comparing after-hours cases to other petitioned cases. We examine the after-hours cases in detail next.

## **After-Hours Calls Analysis**

The After-Hours telephone hotline was established in March 2012 with the goal of reducing the number of juveniles unnecessarily detained following an arrest outside of Family Court operating hours. (If a juvenile was arrested during Court operating hours and the arresting Police Officer felt he or she needed to be detained, the Officer would bring the juvenile directly to Family Court to be screened by Probation and seen by a judge if necessary.) Beginning with this reform, if a Police Officer is considering detaining a juvenile after court hours, he or she must call the After-Hours Hotline to have a risk assessment instrument completed by the Probation Officer who is on call. This risk assessment instrument uses the severity of the juvenile's alleged offense and the juvenile's known juvenile justice history to objectively assess the risk that the juvenile would re-offend or fail to appear in court if he or she was not detained.

Monroe County used a tool referred to as the RAI (Risk Assessment Instrument) until October 28, 2013. This was developed in Monroe County and is included in Appendix E. Beginning on October 28, 2013, Monroe County began using the Detention Risk Assessment Instrument (DRAI) instead because it was mandated statewide. This is included in Appendix F. As explained in prior sections of this report, these instruments differed primarily in which crimes led juveniles to score for detention and that the DRAI added prior PINS petition history as a consideration for detention.

A juvenile scoring low- or medium-risk on either risk assessment could be recommended to receive an expedited or regular appearance ticket, and any juvenile scoring high-risk would qualify for detention. If a juvenile has an active warrant, he or she automatically scores "high risk" and is detained without calling the after-hours line.

On the RAI, a low score includes scores of 2 to 7, medium scores are 8 to 12, and high scores are 13 and above. On the DRAI, scores of 0 and 1 constitute low scores, a score of 2 is considered medium-risk, and a score of 3 corresponds to a high score.

If the Officers felt a low- or medium-risk juvenile needed to be detained despite his or her risk assessment score, they could call the Deputy Chief Probation Officer to request approval to “override” the risk assessment recommendation and detain the juvenile, based on the circumstances of the case. The low- or medium-risk juvenile could only be detained if the Deputy Chief Probation Officer felt there was sufficient reason, and this reason was documented. Police and Probation Officers could also request to “underride” assessment recommendations such that they release “high-risk” juveniles with an appearance ticket instead, if appropriate.

This section provides an analysis of the after-hours qualifying calls and their associated cases. Qualifying calls in this report are calls that were made when a Police Officer was considering detaining a juvenile outside of court hours; non-qualifying calls were removed from analysis (i.e. a Police Officer calling for information, for someone older than 15, or during court hours).

### Numbers and Types of After-Hours Calls

From March 2012 through June 2014, there were 241 qualifying after-hours calls. Each call represents one juvenile arrest and usually corresponds to one JD case (though sometimes more). Figure 16 shows the number of qualifying calls made to the After-Hours Hotline per month from March 2012 through June 2014. There was an average of nine qualifying calls each month. November 2012 and May 2014 saw the fewest number of calls (three and two, respectively), with July 2013 and October 2013 receiving the highest number of calls (17 and 15, respectively).

**Figure 16**

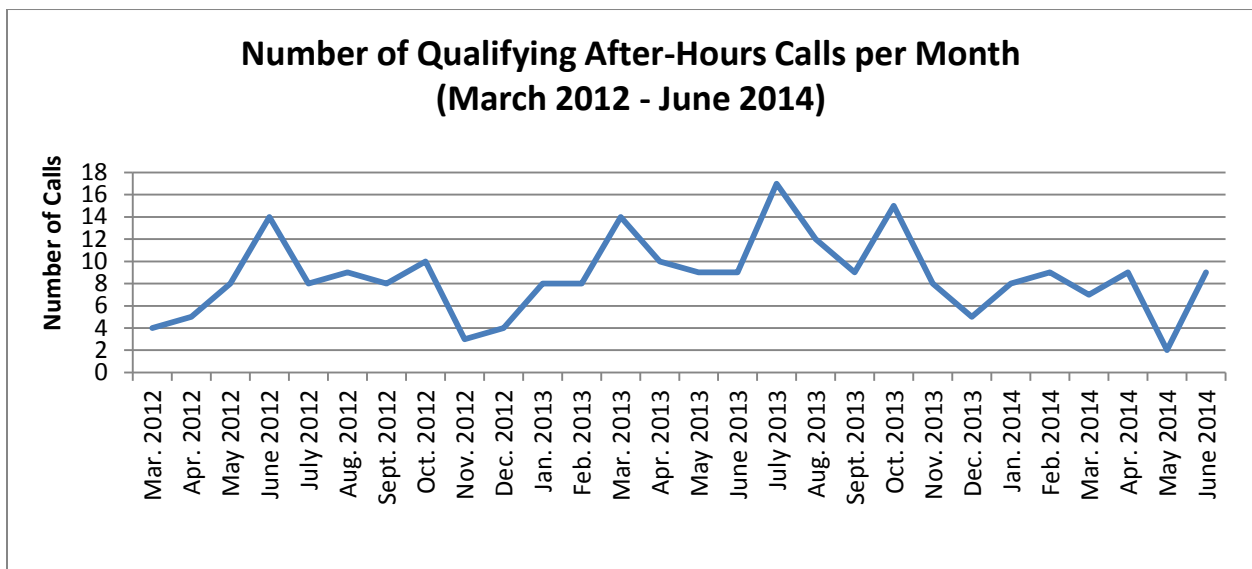
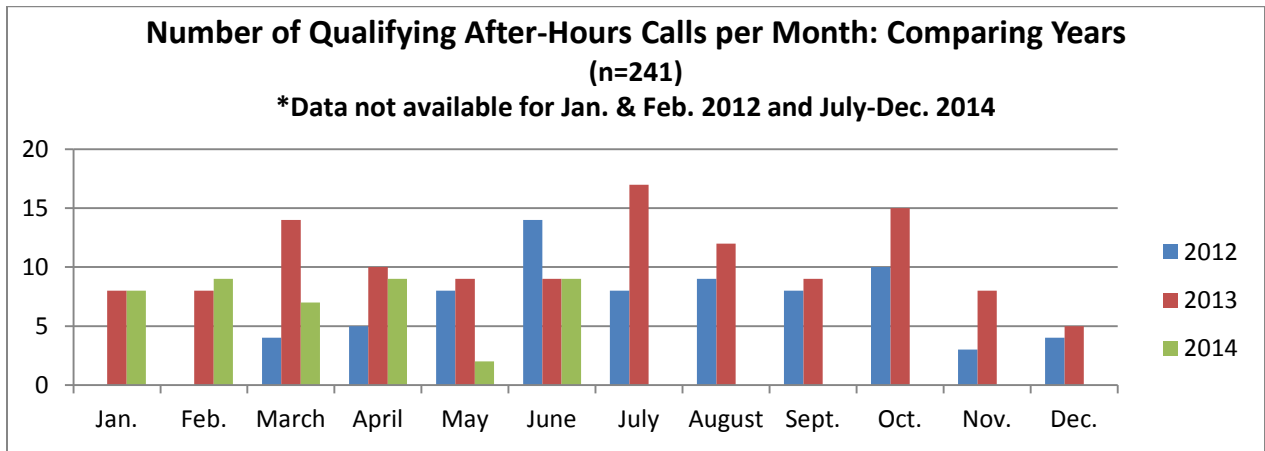




Figure 17 compares individual months across the years. (Note: Months that appear to have zero calls are simply months not covered in this report. This includes January and February 2012 and July-December 2014.) Interestingly, for all months except June, there were more calls in 2013 than in 2012. Except for March and May, the data so far in 2014 seems to follow similar patterns to 2013 data.

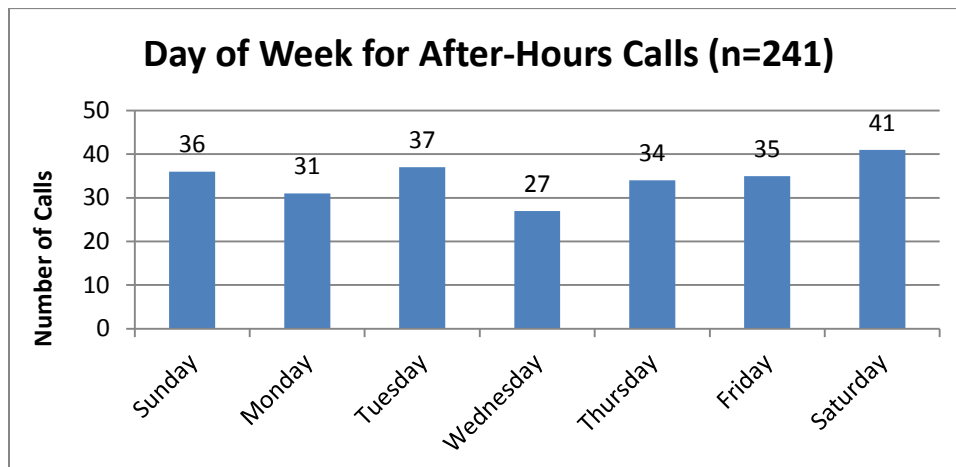
**Figure 17**



When calls are broken down by day of the week, Saturdays and Tuesdays experienced the largest number of calls. The lowest number of after-hours calls occurred on Wednesdays. See Figure 18

Note that calls that occurred between 9 p.m. and 3 a.m. are coded as “night” calls in this report, while calls between 3 a.m. and 9 a.m. are considered “morning” calls. Therefore, if a call came in between midnight and 3 a.m., it was coded as a count for the day that preceded it. For example, if a call occurred at 1:35 a.m. on a night between a Saturday and Sunday, this was considered a Saturday night call. If another call came in at 3:45 a.m. that same night, it was considered a Sunday morning call.

**Figure 18**



Most of the qualifying after-hours calls occurred in the evening (63%), defined in this report as between 3 p.m. and 9 p.m. (Figure 19). Most others (28%) occurred at night, between 9 p.m. and 3 a.m. As expected, very few calls occurred in the daytime, as this largely corresponded to regular court operating hours; if an officer felt a juvenile needed to be detained during court hours, the officer would bring the juvenile directly to Family Court and thus would not use the after-hours line. The eight qualifying calls that came in during the daytime generally occurred on weekends or holidays, when court was not in session.

**Figure 19**

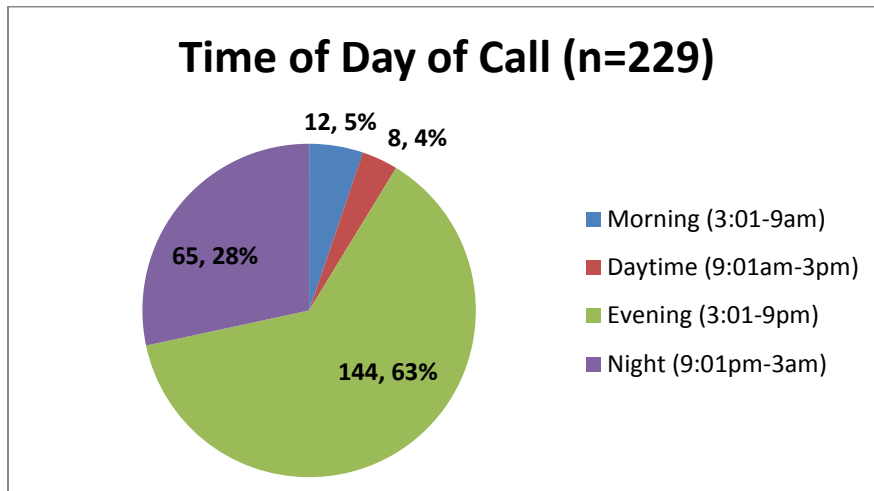
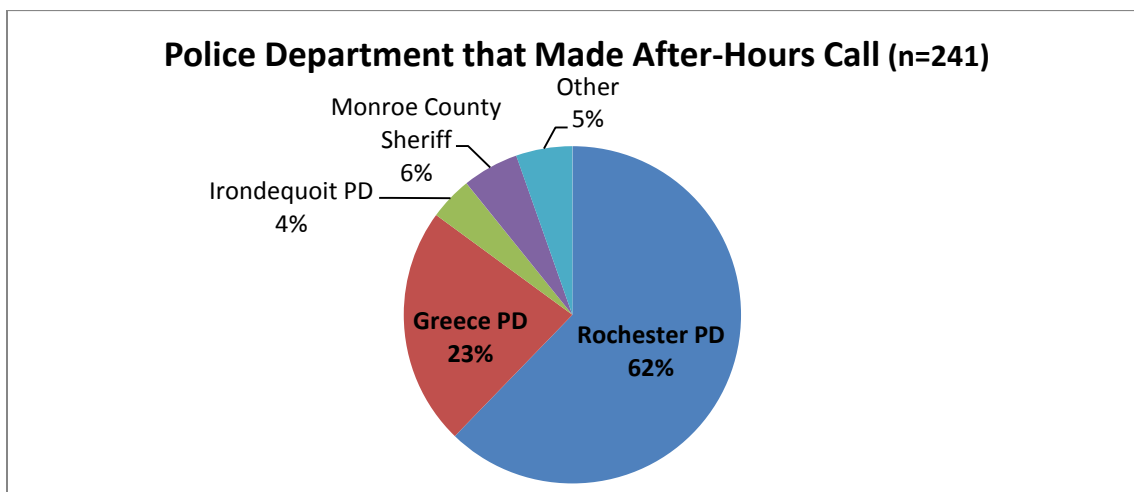


Figure 20 shows which police departments in Monroe County made the qualifying after-hours calls. Well over half of the calls were made by Rochester Police Department Officers, while about a quarter were from the Greece Police Department.

**Figure 20**



## Demographics of After-Hours Respondents

There were 241 total after-hours calls. Forty-four of those calls (18.3%) were for respondents who had been charged or arrested after-hours before. We refer to these as “repeat after-hours respondents” – those who are arrested after-hours more than once and for separate incidents. Therefore, 197 unique juveniles were impacted by the after-hours hotline. Two of the repeat respondents had four separate after-hours arrests. Nine repeat respondents had three separate after-hours arrests, and the rest (18) had two after-hours arrests.

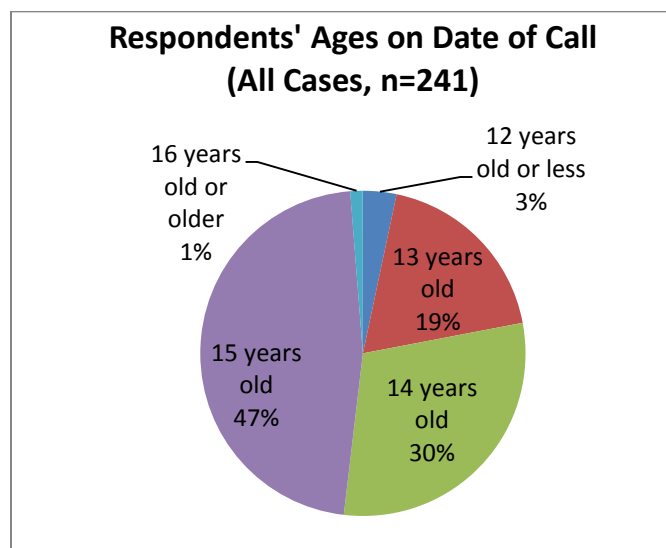
We calculate demographics for both the full set of “all cases” and for “unique respondents” in this section. Generally, knowing the demographics of the unique respondents is more intuitively beneficial so you are not counting any individual multiple times, but when we attempt to determine if demographic characteristics influence case outcomes, it is important to know the breakdown of demographics for all 241 after-hours calls rather than for unique respondents.

Figure 21 shows the ages of respondents upon arrest across all cases, while Figure 22 shows the ages for unique respondents. The proportions are almost identical, indicating that repeat respondents did not differ in age much from one-time respondents. About half of respondents were 15 years old at the time of the after-hours arrest. Another third were 14 years old, while relatively few were younger than 14.

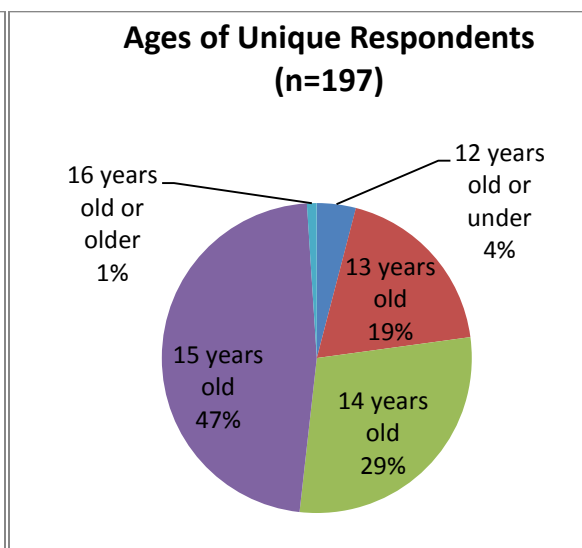
Out of all 241 cases, 3 respondents were older than 15 years. This occurred:

1. When a respondent committed a crime when he or she was still 15 years old, but the charge or arrest did not occur until after he or she had already turned 16.
2. If a youth was thought to be under 16 years old at arrest, but it was later revealed that he or she was older.

**Figure 21**



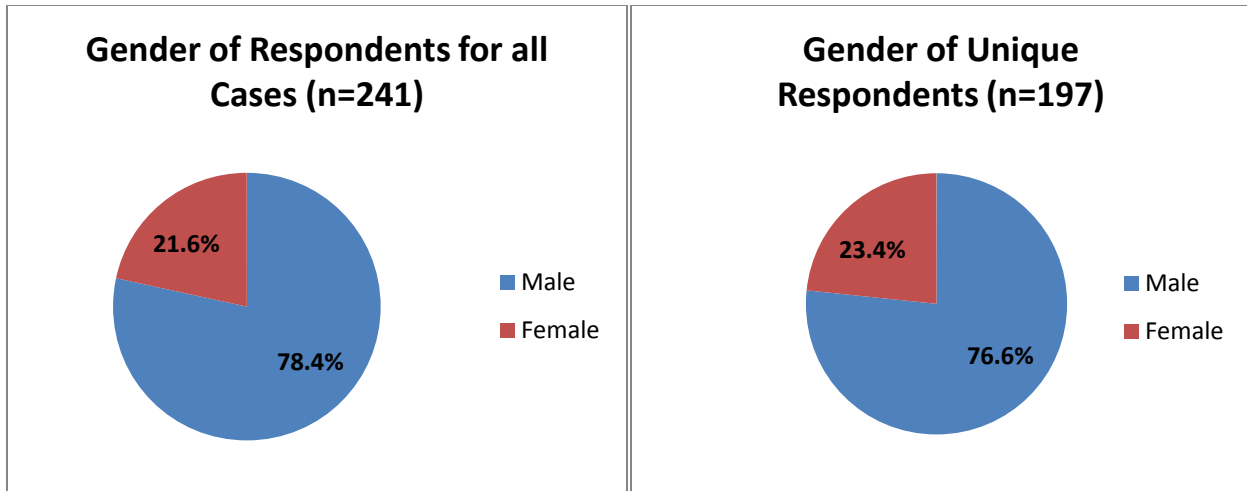
**Figure 22**



The vast majority of respondents across all cases (78.4%) were male, as shown in Figure 23. Females represented a slightly larger proportion of unique respondents (see Figure 24); in other words, since repeat respondents tended to be male, males are slightly overrepresented in the data that spans all after-hours cases.

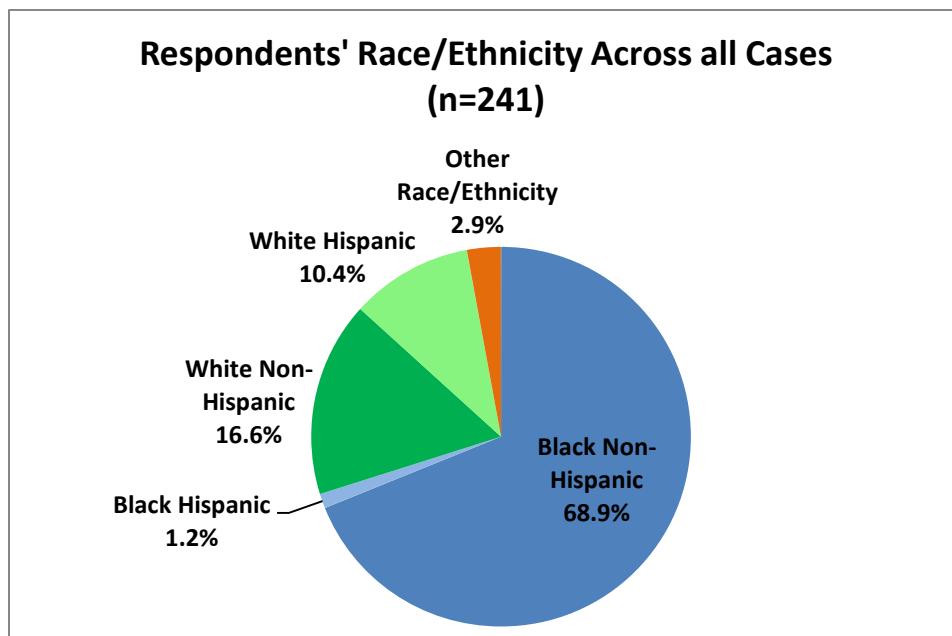
**Figure 23**

**Figure 24**



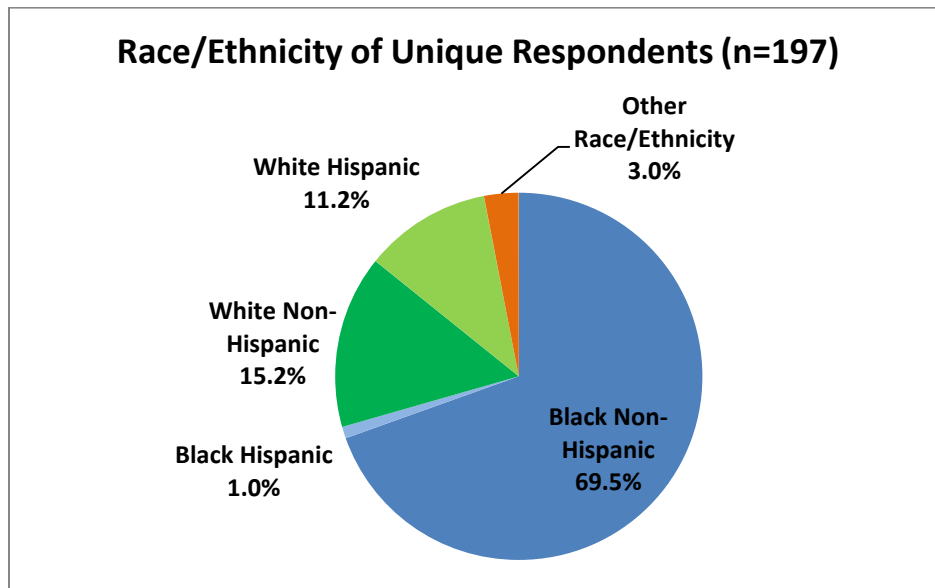
Nearly three quarters of after-hours respondents (across all cases) were identified in Probation’s Caseload Explorer database as Black (70%). About a quarter were White (27%), and 11% were identified as either White Hispanic or Black Hispanic.

**Figure 25**



The races/ethnicities of unique respondents were similar, with slightly more White Hispanic respondents and slightly less White Non-Hispanic respondents (Figure 26). This means that White Non-Hispanic respondents were somewhat more likely to be repeat respondents.

**Figure 26**



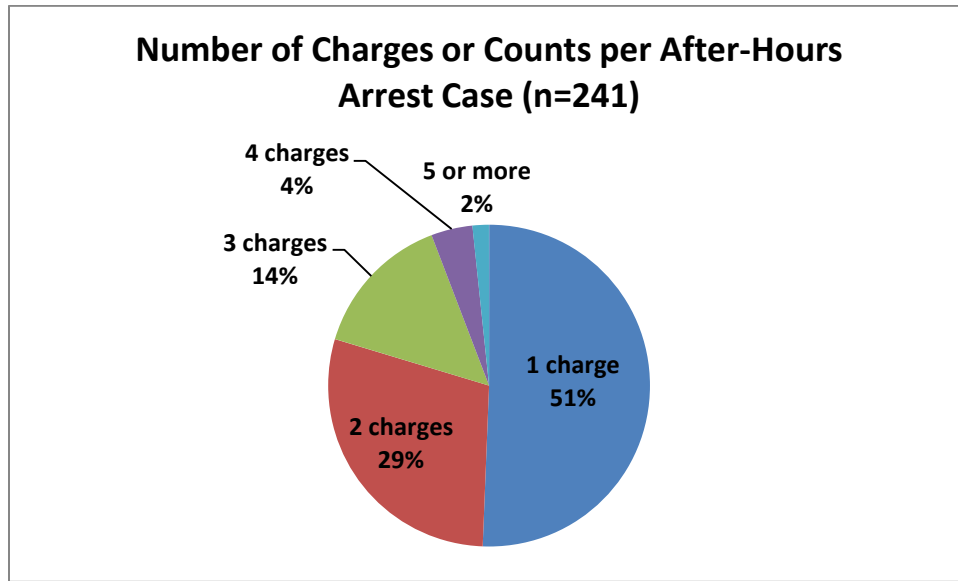
Respondents' most recent known addresses are logged in Probation's Caseload Explorer (CE) database. Note that this address may have changed since the time of some juveniles' arrests. When looking across all 241 cases, 28 zip codes were represented. However, six of these zip codes (21.4% of them) accounted for 60.7% of all after-hours cases. Most of the other zip codes are disproportionately underrepresented. All six zip codes with high numbers of respondents are within the City of Rochester. When we exclude repeat respondents, the same six zip codes account for 21.0% of represented zip codes and 61.0% of unique respondents.

Across all cases, 81.3% of respondents lived in the City of Rochester (n=241). When looking at just unique respondents, 84.3% lived in Rochester, indicating that repeat respondents tended to live *outside* of the City.

### **Types of Charges for After-Hours Cases**

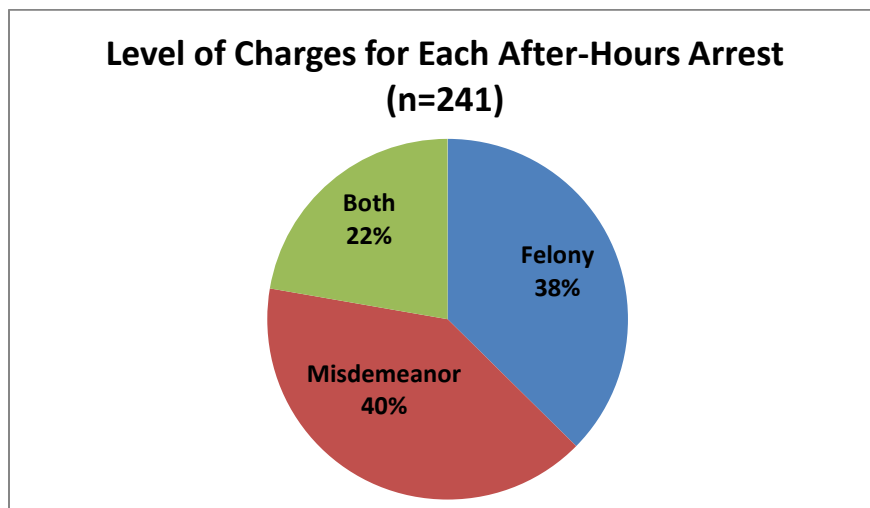
This section examines the types of charges for after-hours arrests. Police Officers only call the After-Hours hotline when considering detaining a juvenile, which they may tend to do for more severe charges. Nearly half of after-hours calls were for cases in which there were multiple charges or counts of charges, as shown in Figure 27.

**Figure 27**



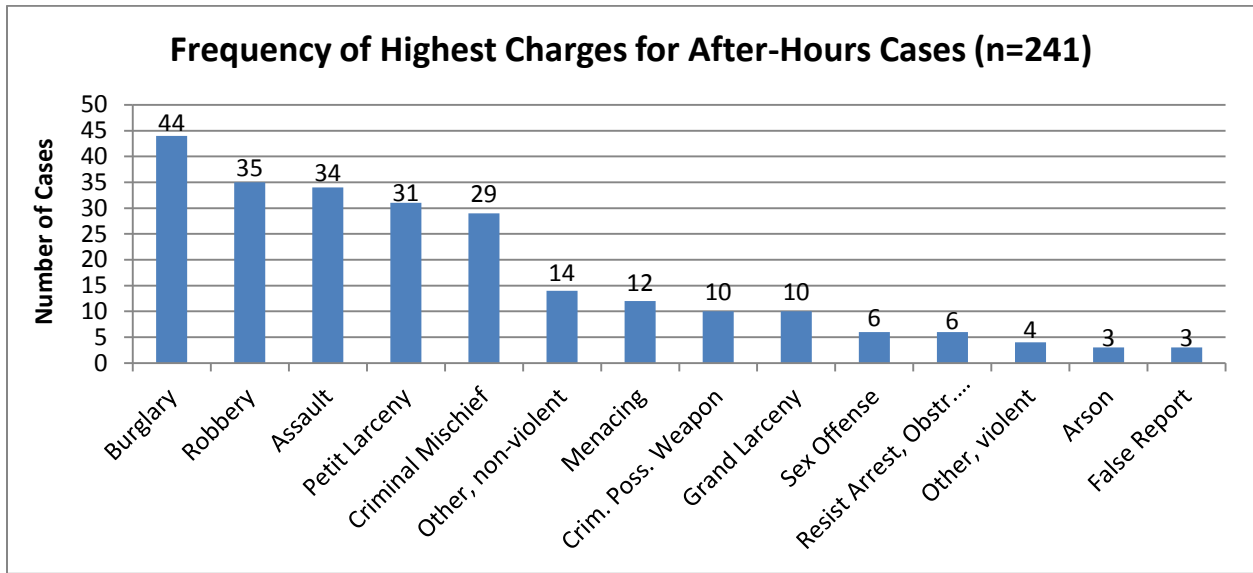
About a third of after-hours calls were for cases involving felony charges only, while 40% of calls were for misdemeanor charges only (Figure 28). About a quarter of the respondents were charged with both felonies and misdemeanors in the after-hours arrest.

**Figure 28**



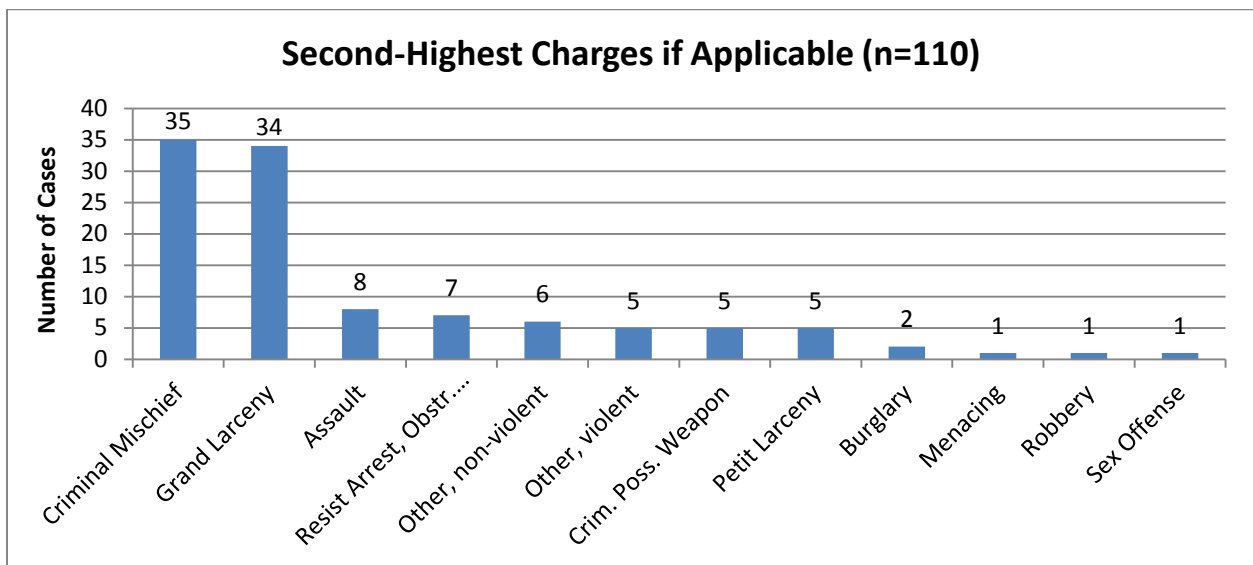
The charges associated with each after-hours arrest were coded in rank order of severity, according to the degree of the crime and the corresponding penal law class (i.e. Class D Felony). With degrees of charges excluded, Figure 29 shows the highest charges for all after-hours cases. Burglary, robbery, and assault were the most common top charges for after-hours respondents.

**Figure 29**



About half of after-hours cases had more than one *different* charge (110 cases, or 45.6% of all calls). Overwhelmingly, the second-highest charges were criminal mischief and grand larceny (Figure 30).

**Figure 30**

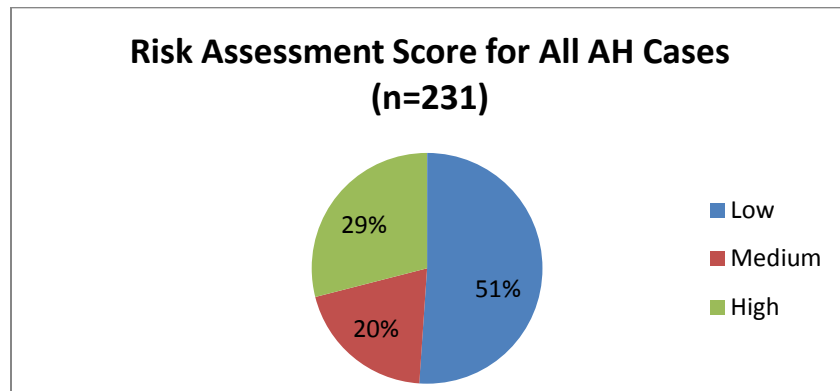


In summary, although the most common charges were burglary and robbery (felonies), a large proportion of after-hours cases (40%) consisted of only misdemeanor charges. Most of these were misdemeanor-level assault, petit larceny, or criminal mischief charges.

## Risk Assessment and Detention Decisions

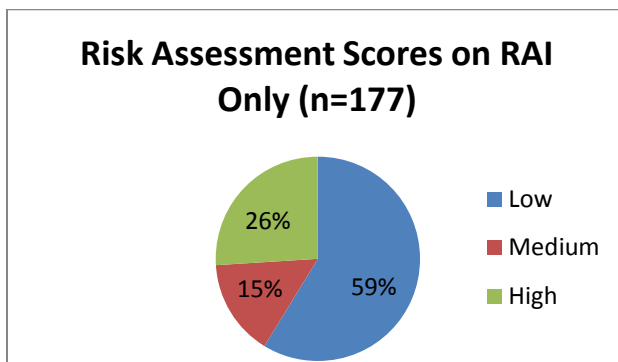
We now turn to the risk assessment conducted at the time of arrest and the decision whether or not to detain the juvenile. Out of all after-hours calls, 74.3% occurred when Monroe County was still using the Risk Assessment Instrument (RAI), prior to October 28, 2013. Thus, 25.7% of the risk assessments analyzed in this report were conducted using the Detention Risk Assessment Instrument (DRAI). Across *all* cases for which the exact risk assessment scores were known (n=231), half of respondents scored low, and just over a quarter scored high (automatically qualifying for detention) (Figure 31).

**Figure 31**



However, there is a significant difference in how respondents scored depending on the risk assessment used ( $p < .001$ ). Comparing Figures 32 and 33 shows that respondents assessed using the RAI were far more likely to score in the low category and far less likely to score in the high category than respondents assessed using the DRAI.

**Figure 32**



**Figure 33**

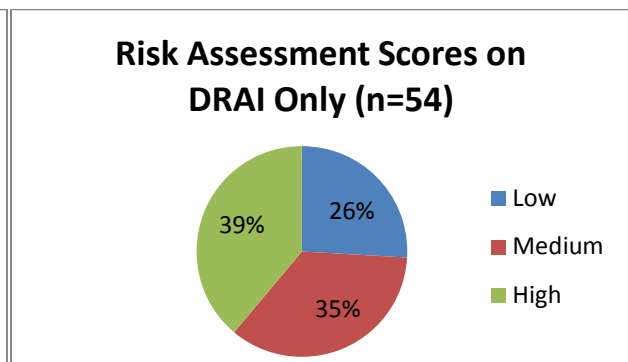
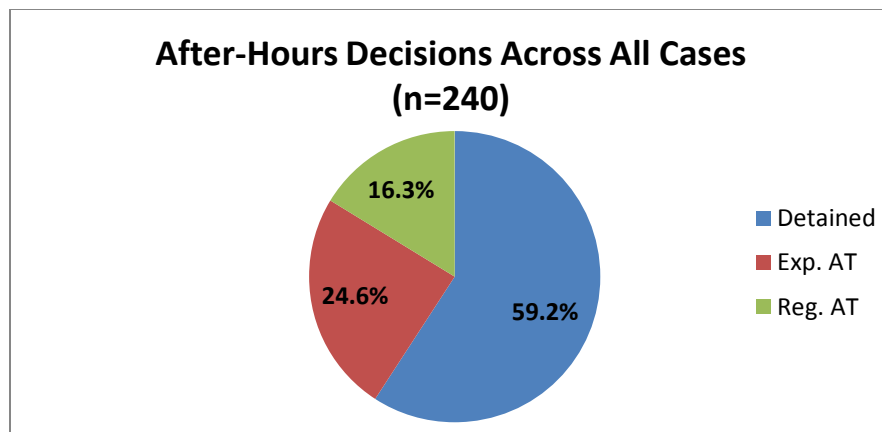




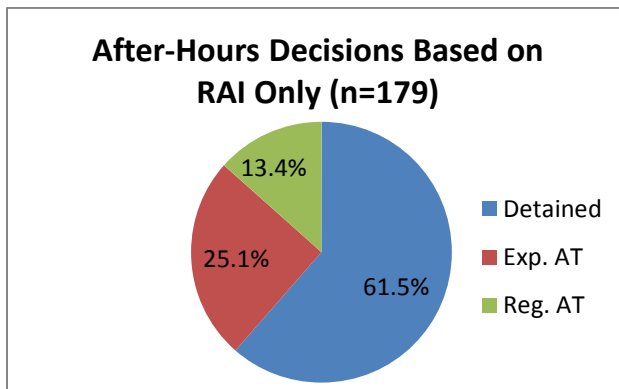
Figure 34 shows the response or determination made during the 241 qualifying after-hours calls. The responses are then discussed in detail. It is important to recognize that these calls were all made by Police Officers who intended to detain the juveniles. Therefore, with only 59% of the calls resulting in detention, 41% of juveniles who may have been detained in the past were not detained. In other words, **98 juveniles were not detained during this time period who may have been if this new process was not in place.** This equates to about 3 or 4 juveniles per month who were kept out of detention. These juveniles, who represent well over a third of respondents, were given an appearance ticket instead of being detained the night of the after-hours call. Usually this was an expedited appearance ticket (“Exp. AT” in Figure 34).

**Figure 34**

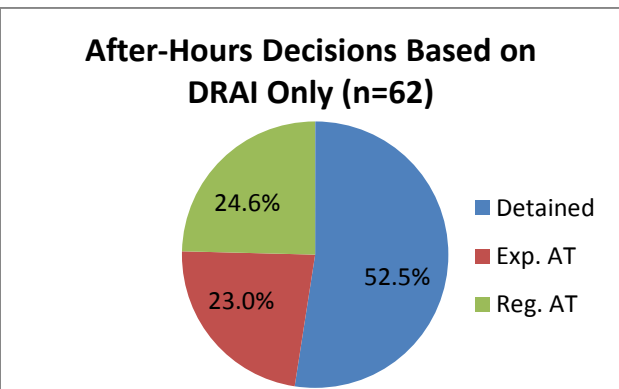


Despite more juveniles scoring high-risk on the DRAI than the RAI, *a higher percentage of those assessed with the RAI were actually detained.* With the RAI, 61.5% were detained (n=179), compared to 52.5% of DRAI calls (n=62). See Figures 35 and 36. While this difference is not statistically significant, the difference is worth pointing out. We cannot conclude that this is because of the assessment instrument; it could be because the DRAI was used more recently. This difference could also become more significant as the DRAI is used more over time.

**Figure 35**



**Figure 36**



As these figures show, about a quarter of cases resulted in expedited appearance tickets being issued. The slight difference between the RAI and the DRAI was not significantly different.

Before the detention center was relocated and downsized, 62% of after-hours call respondents were detained, compared to only 42% after it was moved ( $p < .05$ ). Also, significantly more regular appearance tickets were issued after the detention center was moved (31% of after-hours cases) than before (14%).

Finally, issuing regular appearance tickets became significantly more common over time ( $R = .177$ ,  $\text{sig.} = 0.006$ ). More of these were issued in the months just prior to this report. Regular appearance tickets were also more likely to be given in the daytime (50% of daytime calls got a regular appearance ticket) or in the evening (21% of evening calls), compared to less than 10% of morning or night calls.

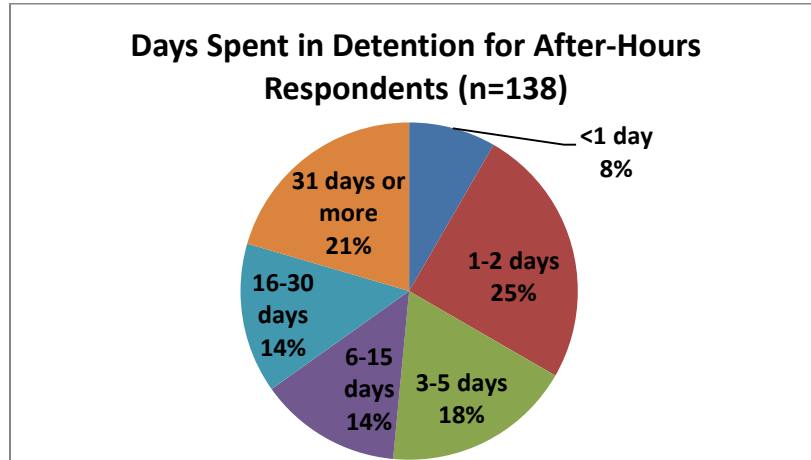
### **Days in Detention**

One of the goals for the reforms is to not only have fewer juveniles detained, but to also have detained juveniles spend fewer days in detention. We look specifically at the days spent in detention for the juveniles who were detained as a result of an after-hours call. The date of the after-hours call corresponds to the admittance date. Release dates were obtained from the Caseload Explorer case notes for each juvenile, if available. As Probation does not oversee detention, it is not Probation's responsibility to log juveniles' release dates. This information is not always transmitted to Probation by the detention agency, but Probation does try to log it as accurately as possible. There were 142 juveniles detained as a result of calling into the after-hours hotline from March 2012 to June 2014. Since it was not always clear exactly when a respondent was released, there are 131 cases for analysis.

Across all cases, the average number of days spent in detention was 16 days ( $n = 131$ ), but this is skewed. The median of five days in detention is more accurate. This skew is because most respondents spent very few days in detention, but a few respondents spent several months in detention, often awaiting transfer to a placement facility.

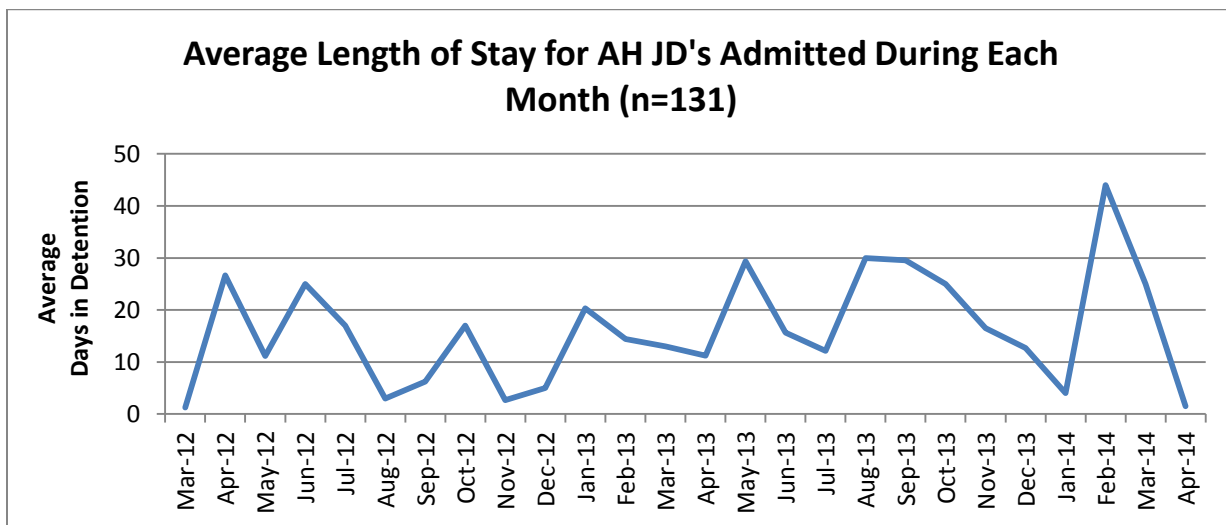
As shown in Figure 37, 8% of respondents spent less than a day in detention, and another 25% were there for one or two days. Over half (51%) were released in less than a week. However, 21% of the detained juveniles spent more than a month in detention. Most of these respondents were awaiting transfer to a more secure placement facility or were waiting for the final disposition on their cases. The maximum time spent in detention was 125 days.

**Figure 37**



The number of days respondents spent in detention did not significantly change over time. To visualize this, the length of stay was averaged across all respondents admitted during each month. The resultant average is plotted below in Figure 38 with the months indicating their detention admission month. The length of stay has fluctuated, probably with the occasional juvenile staying for long periods of time in detention, but it has largely stayed the same through the evaluated period. (June 2014 is excluded because the length of stay was not available at the time of writing; most juveniles were still in detention.)

**Figure 38**



## Overrides

From March 2012 to June 2014, overrides were **requested** for 97 of the 241 qualifying after-hours calls (40.2%). Most (89.7%) of the requested overrides were granted and used. This means that the respondent scored either low- or medium-risk on the Risk Assessment Instrument, but permission was specifically granted by the Deputy Chief Probation Officer to detain the juvenile. In total, 61.3% of the 142 after-hours detentions were due to an override.

It is worth noting that our last report that covered through June 2013 showed that the percentage of juveniles detained because of an override was 70% (June 2013). During the grant extension period, then, the tendency to use overrides to detain juveniles has gone down.

Of the 87 granted overrides, 59 were overrides from low-risk, 27 were from medium-risk, and one was from high-risk. Table 3 shows that half of those who scored low were granted an override and detained, while 58.7% of those who scored medium were overridden and detained. Overrides were requested more often and granted more often for those with medium scores than for those with low scores. This remained true no matter the assessment instrument used. Of note, no matter their risk assessment score, at least half of respondents were detained.

**Table 3: Risk Assessment Scores Dependent on Override Request Status**

	<b>Low (n=118)</b>	<b>Medium (n=46)</b>	<b>High (n=67)</b>
Override Requested	62 (52.5%)	31 (67.4%)	4 (6.0%)
Override Granted & Used	59 (50.0%)	27 (58.7%)	1 (1.5%)
Not Requested	56 (47.5%)	15 (32.6%)	63 (94%)

In theory, there should not be any overrides for respondents who scored high on the risk assessment. However, there were a few occasions when the risk assessment instruments could not be completed immediately due to technological malfunctions. In some of these cases, overrides were obtained, and then the respondent was assessed later and scored high-risk.

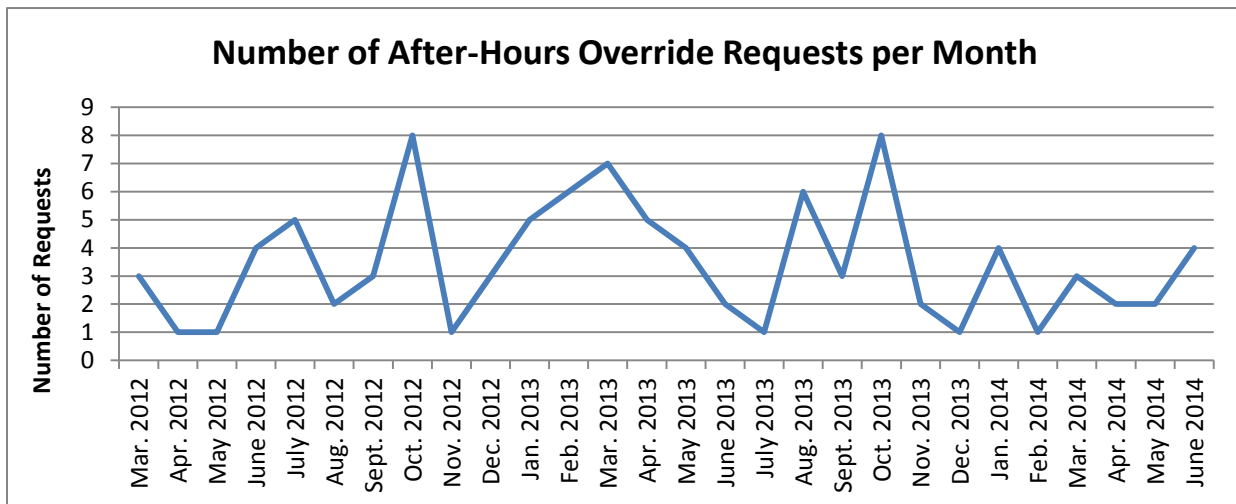
Four overrides were requested and granted but then not used by the arresting Police Officer. Two of these were for low scorers, one had a medium score, and one had a high score. Generally this occurred when the Police Officer could not locate a parent or guardian, so an override was requested and granted, but then the Officer made contact with the family. Other times, the family refused to accept the respondent back into their home initially, so an override was granted, but then they decided they were willing to take him or her home.

Only three of the 97 override requests were denied, though a few others were only approved after several failed attempts to locate or communicate with family members. Two of the denials were for respondents who scored medium, and the other had scored high. All three of these requests were denied because the respondent was already living in a detention or placement facility; the staff did not want them to return and requested a different detention facility, but such requests were denied if the youth was not severely violent.

Overrides were not requested any more or less depending on the risk assessment used. Of the 97 override requests, 75 were for cases assessed with the RAI, and 22 were for DRAI cases. While this means that 41.9% of RAI cases and only 36.6% of DRAI cases resulted in override requests, this is not a statistically significant difference.

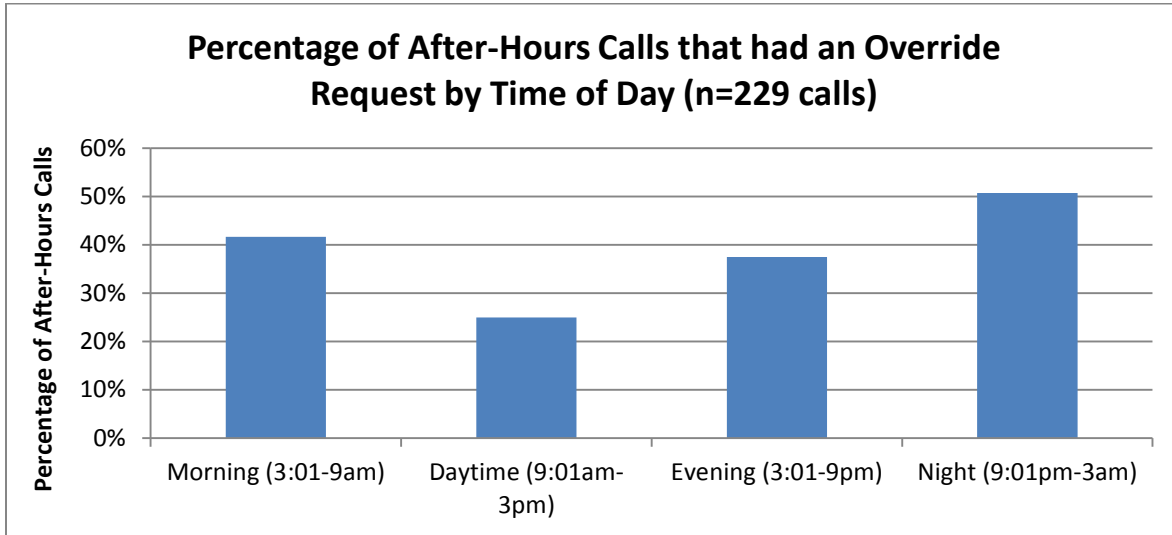
Figure 39 shows the number of overrides requested each month during the reform implementation. While this number varied by month, it only ranged from 1 to 8 override requests per month. Override requests did not become any more or less common during the evaluation period. Further, override requests and approval rates were not correlated with the police department making the request.

**Figure 39**



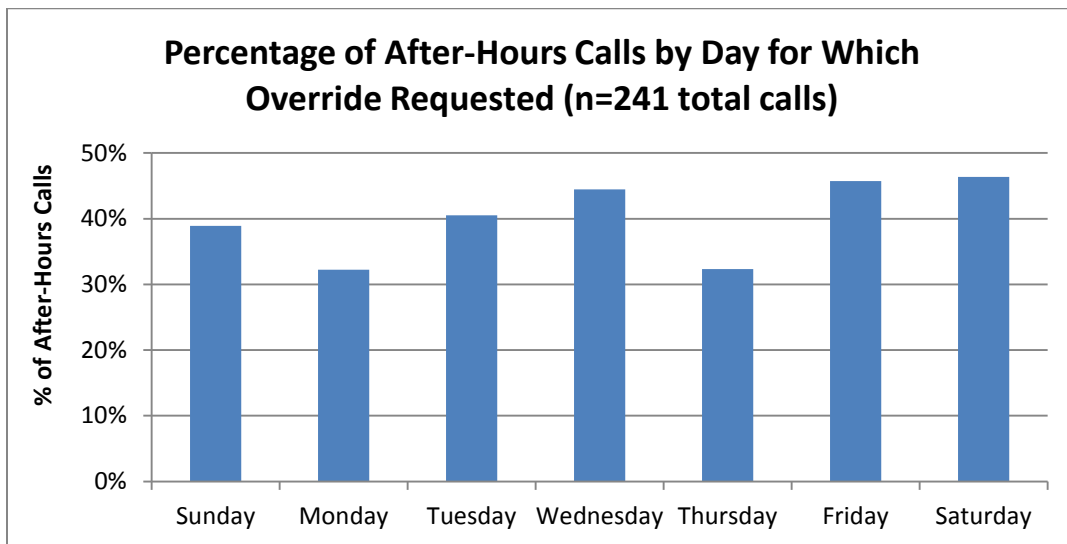
Rates of requesting overrides were not significantly different depending on the time of day of the after-hours call, but nighttime calls were somewhat more likely to result in an override request than other times of day, as shown in Figure 40.

**Figure 40**



Further, no day of the week was significantly more likely to result in override requests, though override requests were slightly more common on Wednesdays, Fridays, and Saturdays. This is shown in Figure 41. Nearly half of arrests on Wednesdays (45%) had an override request, despite Wednesdays also being the day of the week with the least number of after-hours calls (see Figure 18).

**Figure 41**



## Reasons for Overrides

Part of the intention of the Juvenile Justice Front-End Reform was to not only reduce the number of juveniles who are detained but to also document clear justification for detaining any juvenile. There are a number of potential reasons for a detention override, depending on the respondent's circumstances and history. Examples of circumstances in which an override might be requested include:

- A family member is the victim (victim in home),
- The respondent has an open PINS case,
- The crime occurred in a residential facility, and staff refuse to allow the juvenile back,
- The respondent's family is not local,
- Technological issues prevent Officers from determining the juvenile's history and status,
- The juvenile is uncooperative,
- The juvenile threatens to commit another crime, or
- The juvenile has multiple active cases.

Those who request overrides often have multiple reasons. Only the primary or most pertinent reason was used in analysis. Table 4 shows the most common reasons overrides were requested.

**Table 4: Reasons for override requests**

<b>Reason</b>	<b>% of Override Requests (n=95)</b>	<b>% RAI Override Requests (n=74)</b>	<b>% DRAI Override Requests (n=21)</b>
Victim in home	22.1%	23.0%	19.0%
Respondent uncooperative	15.8%	18.9%	4.8%
Victim at placement/detention facility	9.5%	9.5%	9.5%
Severity of the crime (weapon involved)	7.4%	6.8%	9.5%
Community safety	7.4%	1.4%	28.6%
Guardians not available	6.3%	6.8%	4.8%

Overrides were granted for community safety reasons when it seemed likely that the respondent would reoffend or that someone was at risk if the respondent was not detained; sometimes the arresting Police Officer knew of other incidents the youth was involved in, or the respondent outwardly stated that he or she would commit more crimes. Other reasons for overrides in small numbers of cases include severity of the crime (without a weapon involved), the respondent being high-risk for running away, or the computer not working at the time of the after-hours call.

As per the reforms, the override always must be justified and approved by the Deputy Chief Probation Officer or the designee, and staff at the detention facilities also screen to be sure there is an acceptable reason and approval for the juvenile's detention. The reason for overrides was recorded for a 95.4% of cases; the reason for override was missing for only four of the 87 cases for which overrides were used.

Interestingly, while the rates of override requests were not significantly different for RAI-assessed cases and DRAI cases, some of the reasons for overrides were more common with one assessment instrument, as shown in gray in Table 4. It was more common for an override to be requested for an uncooperative respondent using the RAI (18.9%) than it was on the DRAI (4.8%). Slightly more overrides were requested with the DRAI for weapon involvement. A much higher percentage of the DRAI cases were overridden for community safety (28.6%) than with the RAI (1.4%). However, community safety is treated as somewhat of an umbrella category many times in the notes, so it is possible that the more precise reason, if written down, would have fit into another category.

## **Underrides**

If a respondent scored high-risk on the risk assessment, the Police Officer could request to underride this decision and issue an expedited or regular appearance ticket instead. There were only 13 underrides out of the 241 after-hours calls (5% of cases). In another four instances, an override was granted and then not used, but this was not considered an underride.

Eight of the underrides were for RAI assessments (out of 179 cases), and the other three were for DRAI assessments (out of 62 cases). Therefore the rate of using underrides was essentially the same (4 to 5%) for each risk assessment.

The most common reason for under-riding the decision (in 3 of the 13 cases) was that the respondents' family was cooperative and agreed to supervise the respondent and bring him or her to Probation the next day for the expedited appearance ticket. Other reasons included that the respondent was cooperative (two cases), the Police Officer eventually made contact with the family (two cases), or that the detention center refused to accept the respondent for medical reasons (two cases). For one case, the Officer decided to underride because the crime occurred weeks prior to the arrest. For another, the respondent was already in placement, where the after-hours arrest occurred, and he or she was released back there.



It is hard to compare differences in override reasons between the RAI and DRAI due to the low numbers of overall overrides, but it is worth noting that both of the cases in which the detention center refused the respondent for medical reasons were after November 2013, using the DRAI.

## **Respite**

Originally, another piece to the juvenile justice front-end reforms was the availability of a low-security respite care for juveniles who scored low-risk and did not require detention, but who could not return home due to family or facility staff refusal, or if the Police Officer could not find or contact the family.

Respite was offered during the initial grant period, from January 2012 to June 2013. The option was not utilized as much as originally expected, with only ten respite requests made during that time (out of 128 qualifying calls, 7.8%). There were eight juveniles placed in respite care out of the 128 qualifying calls (6%), but one of them was released to her parent prior to spending the night. Of the eight placed in respite, four were female, and four were male. All of those placed in respite scored low-risk on the RAI. Two out of the eight ran from respite care and were then detained. Two additional respite requests were denied because the respondents were not eligible; they were deemed too high-risk for respite care.

## **Examples of Case Progression**

In the simplest of cases, it is easy to understand the effect of the new reform initiatives. The vast majority of juvenile cases, though, are anything but simple in how they progress. In this report, we attempt to not only show the various outcomes of these reforms on decision points in the juvenile justice process but to also examine other influences on outcomes. For instance, are juveniles who had prior juvenile delinquent charges more likely to be detained on the night of the after-hours call? Are older respondents more likely to be placed? How many juveniles successfully complete their probation terms?

Before examining these factors in depth, some examples are provided of what a juvenile case may look like. These are entirely fictional but would not be unusual; they were created based on general trends discussed later in this report. Example 1 illustrates a simple case, while Example 2 shows a more complex case.

**Example 1 (Simple Case):** In 2012, a female, Black twelve year old is referred to Family Access and Connection Team (FACT) for a PINS-T case (for school truancy issues). The family is connected to services through PINS/FACT, the truancy issue is resolved, and the PINS case is

successfully adjusted in November 2012. On March 13, 2013, the same youth is arrested for petit larceny at 7 p.m. Because her guardians cannot be located, the arresting Police Officer requests detention by calling the after-hours hotline to perform a risk assessment. The youth scores low, the Officer eventually makes contact with the family, and an expedited appearance ticket is issued. The juvenile and her guardians appear at probation the next business day for the diversion intake and agree to diversion services. While the youth struggles to meet some of the diversion agreement goals, she successfully completes the diversion term, and the case is adjusted on July 13, 2013.

**Example 2 (Complex Case):** A 14-year-old Black male is arrested after-hours on September 10, 2012 for a burglary charge. While he only scores medium-risk on the RAI, he is active on JD diversion already for prior charges and has a PINS petition pending in Family Court. The diversion case is about to reach its maximum expiration date and be adjusted. Due to noncompliance with his other cases and that the respondent is a suspect in other recent burglaries, an override is obtained to detain him. The next day, he is seen in Family Court. The new after-hours JD case is referred to the Juvenile Prosecutor's Office to determine eligibility for presenting and petitioning in court. The respondent is released to his family on ATD supervision. The prior diversion case is referred to the DRC for petitioning due to the new charge and noncompliance with the conditions of diversion. After DRC review, it was decided to keep the case open with diversion while the new JD charge and PINS petition are handled in court. The respondent does not do well on ATD supervision and is remanded at his next court date. He is soon released. He is given a 12 month probation term on the after-hours JD charge, and the PINS petition is carried with this JD case. The respondent begins probation, and the diversion case is closed as adjusted in a week when it reaches maximum expiration. Four months later, after some consistent compliance issues with probation, the respondent is arrested for robbery and detained. A violation of probation (VOP) is filed. Eventually, the respondent is given a disposition of placement on the new charge, and the VOP is dismissed. The after-hours case probation is terminated unsuccessfully, and the respondent is placed for 12 months.

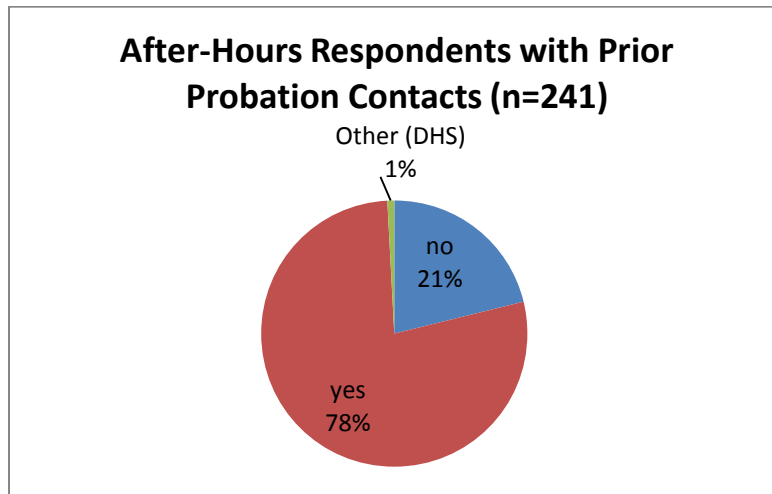
### **Prior Probation Contacts**

Most of the juveniles arrested after-hours have had prior contact with the juvenile justice system and Probation. This could indicate a wide range of histories. Prior contact could include:

- ever having a prior JD charge,
- ever having a prior PINS referral for truancy or ungovernable behavior, and
- ever having an active PINS case.

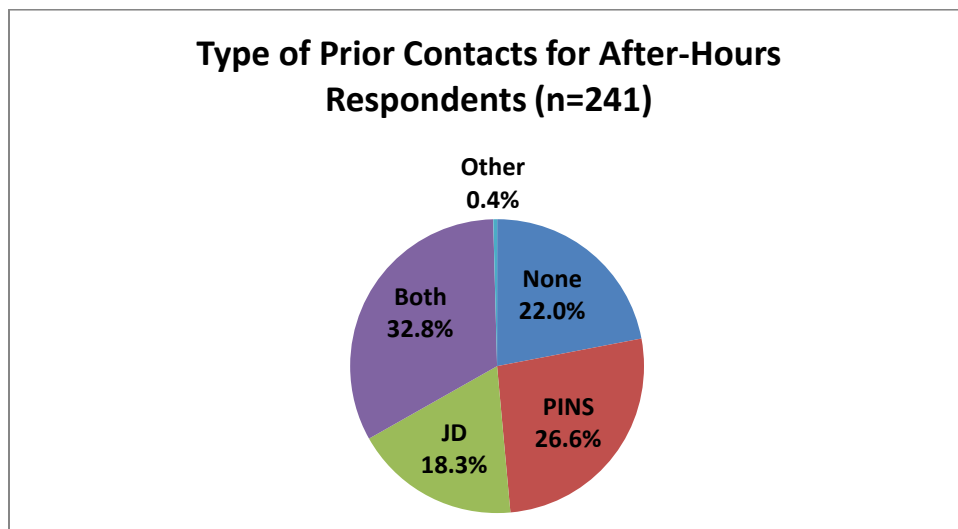
In other words, these juveniles are known to Probation for behavioral issues for one reason or another, which range in severity. Most (78%) of the after-hours respondents had prior contacts with Probation, as shown in Figure 42. Very few (1%) of respondents had some other type of supervisory contact, but not with Probation; two respondents were under Department of Human Services (DHS) care at some point in the past, often meaning they lived at a state facility.

**Figure 42**



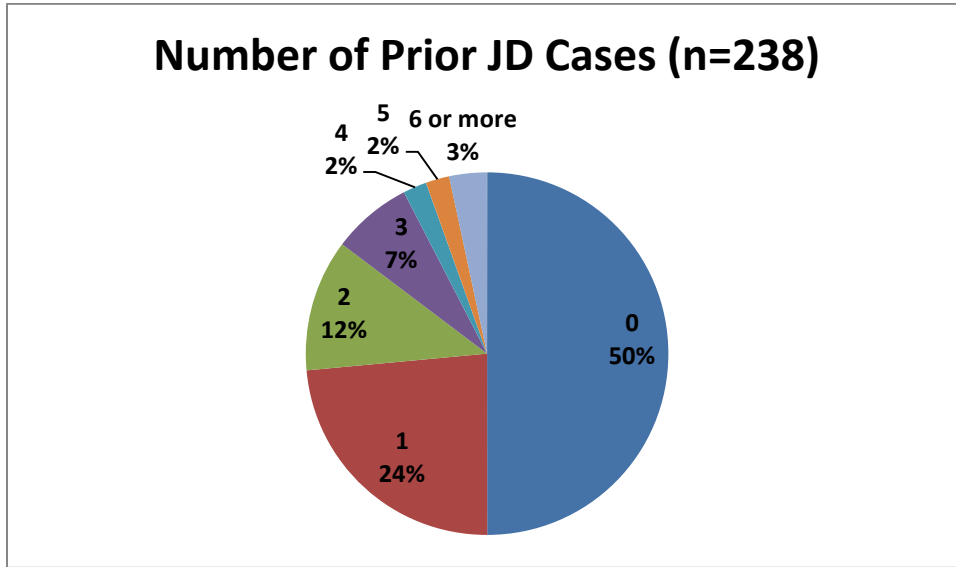
Therefore, 186 juveniles had prior contact with probation. Figure 43 shows the types of prior contacts respondents had.

**Figure 43**



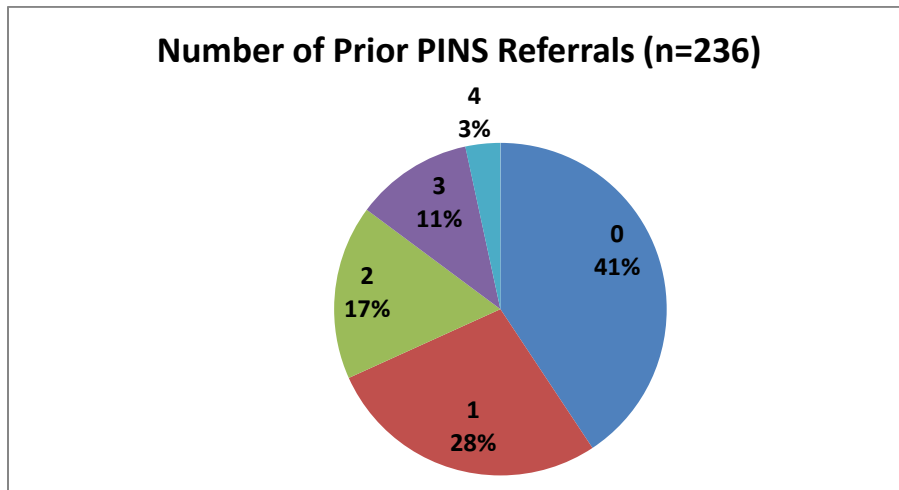
On average, after-hours respondents had an average of 1.1 prior juvenile delinquent cases. Since the median number of prior cases is 0.5, this corresponds with the fact that most respondents (50%) have never had prior JD charges, as shown in Figure 44.

**Figure 44**



On the other hand, 59% of after-hours respondents had prior PINS referrals (Persons in Needs of Supervision). Figure 45 shows that most of those with prior PINS referrals only had one, but several had three or more PINS contacts. On average, after-hours respondents had 1.09 prior PINS referrals and a median of 1 PINS referral.

**Figure 45**



Of the 186 juveniles with prior contacts, 70.4% had an *active* JD or PINS case with probation (54.4% of all cases). Another 2.2% of those with prior contacts had an active case within one month prior to their after-hours arrest. On average, respondents' last contact with probation was 2.64 months prior to the after-hours arrest.

Respondents who only ever had PINS referrals had an average of 3.38 months between their last contact with Probation for PINS and their after-hours arrest. However, a high percentage of those with only prior PINS contacts (65.6%) had an active PINS case at the time of their arrests, and another 14.1% had their last PINS case within 2 months prior to arrest.

Respondents who only ever had JD cases (and no PINS) were also more likely than the group as a whole to have an active case (63.6%). On average, their last JD case ended 3.9 months prior to the after-hours arrest.

Finally, respondents who had prior JD *and* PINS cases were the most likely to have recent contact, with an average of 1.30 months since last contact. Also, 78.2% of respondents with both types of contact were active with Probation at the time of arrest.

Almost half of the youth arrested after-hours had been on diversion before for either a JD or PINS case (46.5%, n=241). A sizable number (17.3%) had previously been on JD or PINS probation, and 18.3% had been in JD or PINS placement.

Figure 46 shows the types of active contact respondents had at the time of the after-hours arrest. “Other” means that the respondent was either living in a residential facility or placement or was receiving placement aftercare services at the time of arrest.

**Figure 46**

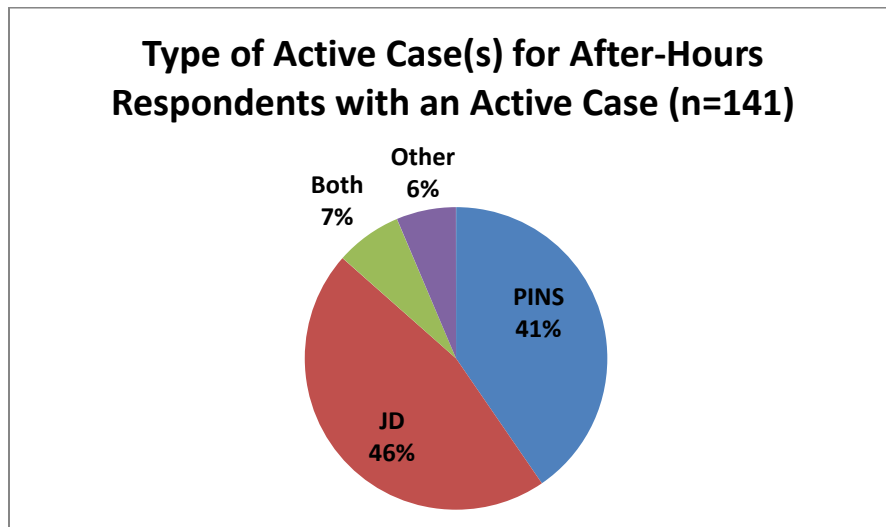


Table 5 shows the specific types of active contact respondents had, with percentages out of all after-hours cases (n=241). It was most common for respondents to have either a JD or PINS petition pending in Family Court at the time of arrest. It was also somewhat common for the respondent to be on diversion at the time of arrest. It may be surprising, though, that 10.8% of

all respondents were in placement or detention already when the after-hours call was made, indicating that the crime was committed at the facility, and the arresting officer sought to detain the respondent.

**Table 5: After-Hours Respondents' Active Probation Contact at Time of Arrest**

<b>Active Contact Type</b>	<b>Number of respondents</b>	<b>% of all cases</b>
No active contact	118	49.0%
Petition	33	13.7%
Diversion	29	12.0%
Placement or Detention	26	10.8%
PINS case	23	9.5%
Probation	20	8.3%
Pending diversion intake	19	7.9%
Voluntary placement or residential facility	15	6.2%
Alternative to Detention (ATD) supervision	12	5.0%
Warrant	10	4.1%
Out-of-County Case	2	0.8%
JISP assessment	2	0.8%
Placement aftercare	2	0.8%
Pending placement	1	0.4%

### **Results of Respondents' First Meetings**

Next, we look at the first decision made regarding the juvenile's case after the after-hours call. The decisions discussed here were made when the juvenile first appeared in court (those who were detained) or met with a Probation Officer (those given regular or expedited appearance tickets). At this stage, an individual case plan is developed, which depends heavily on the juvenile's and family's responsiveness, the juvenile's prior charges and probation history, the severity of the alleged crime, and the victims' cooperation and input.

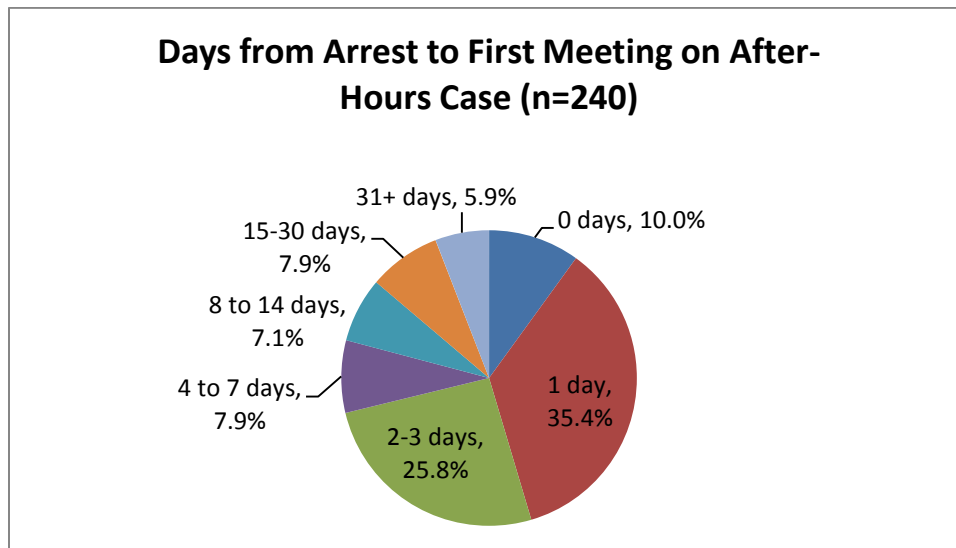
Table 6 shows, on average, how many days passed between the after-hours arrest and the respondents' first meeting. Because the median is consistently less than the mean, most respondents in each category were seen at or below the average number of days, while some had their first intakes delayed quite a bit (usually due to scheduling difficulties).

**Table 6: Average and Median Number of Days from After-Hours Arrest to First Meeting**

	Mean	Median
For all cases combined (n=241)	7.21 days	2 days
For those detained (n=152)	3.78 days	1 days
For those given Expedited Appearance Tickets (n=59)	2.47 days	1 days
For those given Regular Appearance Tickets (n=39)	26.95 days	19 days

Figure 47 shows how many days it was between the after-hours arrest and the respondents' first meetings. The vast majority of respondents were seen within three days of arrest (71.2%).

**Figure 47**



In Table 6 and Figure 47, it should be noted that, these are *not* counts of business days but rather actual days. Table 6 shows that detained juveniles were first seen in court regarding the after-hours case very quickly after arrest. What is more impressive is that those issued expedited appearance tickets were actually seen even faster on average than those seen in court. This may be partially due to the fact that a detained juvenile who has other active cases may be seen in court on the other cases first, but the actual first appearance for the after-hours case is delayed. Similarly, those with longer delays between arrest and first meeting in Figure 47 (i.e. 31 or more days) had other cases active at the time of arrest and did not technically have the first meeting for this case until progress had been made on their other cases. Also, while those given regular appearance tickets are generally scheduled to meet a Probation Officer within two weeks of the

arrest, these meetings often get rescheduled by the families. While most met within that two week window with Probation, others were delayed quite a lot due to continued scheduling conflicts. Overall, though, 45.4% of all respondents were seen within one day of arrest.

Table 7 shows the primary (or most stringent or serious) result of this initial meeting. For instance, a juvenile may, all at once, be released, placed on Alternative to Detention (ATD) supervision, and immediately petitioned. If so, the “primary” or most pertinent result is that the case was petitioned. There are 238 after-hours cases represented below. (Three juveniles’ first meetings were scheduled after data collection ended for this report.) The most common primary outcome was that the case was petitioned at the first meeting (30.3%) or that the respondent and his or her family agreed to diversion (29.4%).

**Table 7: Results of First Meetings for After-Hours Respondents**

	<b>Frequency</b>	<b>Percent of all cases (n=241)</b>
Petitioned or Referred to Presentment	72	30.3%
Agreed to diversion	70	29.4%
Released*	34	14.3%
Remanded	27	11.3%
Court-ordered diversion	6	2.5%
Charge dismissed or not pursued	6	2.5%
Referred to DRC	6	2.5%
Resp. or family refused diversion services	4	1.7%
After-Hours case carried with PINS case	3	1.3%
DRC review & approval	3	1.3%
JD converted to JO by JPO	2	0.8%
Other case VOP	1	0.4%
Transferred out of county	1	0.4%
JD converted to PINS	1	0.4%
Disposition=ACD	1	0.4%
Arraigned in city court (adult charge)	1	0.4%

*\*Only respondents who were detained the night of the after-hours call could be released at the first meeting.*



### **First Meeting Results Based on After-Hours Call Decision**

About one third (36.6%) of the respondents detained the night of the after-hours calls were released home at their first appearance in Family Court. Just under half (43.7%) were remanded again. Only three respondents who were given appearance tickets were remanded. The result was unclear for the rest. Under half (40.2%) of respondents who were originally detained as a result of an override were remanded again after their court appearance.

Juvenile delinquent (JD) cases that were first seen in Family Court were petitioned or referred to presentment at the Juvenile Prosecutor's Office (JPO) at a much higher rate than cases handled by appearance tickets. Under half (40.8%) of detention cases were petitioned/referred to presentment at the first meeting compared to 16.9% of expedited appearance tickets and only 5.1% of regular appearance tickets. Also, override status did not predict whether or not a case was to be petitioned/referred to presentment; a third (33%) of overridden cases were petitioned at the first court date.

Thirty four respondents in all were placed on some type of alternative to detention (ATD) program at the first meeting (to include ATD supervision, electronic monitoring (EM), or Villa Tracking and Case Conferencing (VTCC)). Almost all of these respondents had originally been detained (31 out of 34), as Family Court judges are the only individuals able to order a juvenile be enrolled in ATD programs. Those detained had a 21.8% chance of being put on ATD supervision, while those detained on an override had a 25.8% chance of being put on ATD.

Across all cases, 29.0% agreed to diversion services at the first meeting. About two third of those given appearance tickets (66.1% for expedited and 66.7% for regular tickets) agreed to diversion, compared to only 7.7% of those detained (who either agreed to diversion or had court-ordered diversion). Interestingly, five of the six court-ordered diversion cases had been overrides to detention. Also, 6 out of the 11 underride cases who would have otherwise gone to court (54.5%) agreed to diversion at the first meeting.

The differences in first meeting outcomes between those detained, those given expedited appearance tickets, and those given regular appearance tickets were found to be statistically significant. In other words, the after-hours decision strongly correlated to whether a juvenile would be remanded again, placed on ATD, or placed on diversion at their intake.

### First Meeting Correlations

Respondents with active Probation contact were significantly less likely to agree to diversion at the first meeting, more likely to be petitioned, and more likely to have a decision made on another case ( $p < .05$ ). Those with active PINS contact were more likely than those with active JD contact to agree to diversion ( $p < .01$ ). Similarly, those with prior contacts were less likely to agree to diversion but more likely to have court-ordered diversion. They were also more likely to be referred to the DRC at the first meeting ( $p < .02$ ).

The change in the location and size of the detention center did not significantly affect any of the first meeting outcomes.

When examining respondents' demographics, we find that those who live in Rochester were more likely to be put on Alternative to Detention (ATD) supervision at the first meeting (16% versus 7% of non-city residents), were more likely to refuse diversion, and were more likely to not have the case pursued by the Juvenile Prosecutor's Office ( $p < .05$ ).

Females were significantly more likely to be put on diversion at the first meeting (46% compared to 24% of males). Males were more likely to be put on ATD supervision (17% versus 4%). Also, those with felony charges were more likely to be put on ATD than those with just misdemeanors (18% versus 7%).

Less than 30% of all respondents scored high on the risk assessment, but 68.7% of the cases that the DRC reviewed at the first meeting had high risk scores. Finally, as expected, 49.3% of high risk assessment score cases were petitioned at the first meeting, compared to 30.4% of medium scores and 19.5% of low scores.

### **Case Changes Between First Meeting and Disposition**

As describe previously, coding the various factors involved in a juvenile case and determining their effect on case outcome is difficult due to the amount of individual variation. Once a decision is made on the case at the first meeting, many events can occur prior to the case's disposition. Here, we simply count the number of "interim changes" that respondents had in order to get a sense of what the typical juvenile after-hours case looked like prior to disposition.

Most of the after-hours cases (52.1%) had some type of interim change between the first meeting and the disposition ( $n=238$ ). Those who had no interim changes were often diversion cases that

were successfully adjusted, or cases that had just begun recently at the time of data collection being completed. Table 8 displays which interim changes were most common.

**Table 8: Number of After-Hours Respondent with Each Type of Interim Contact (n=238)**

<b>Interim contact</b>	<b>Freq.</b>	<b>Percent of Respondents</b>
This case petitioned/referred to presentment	50	21.0%
Put on an ATD program	46	19.3%
Remand	42	17.6%
Release	41	17.2%
DRC review of this case	38	16.0%
New JD charge	34	14.3%
Other JD petitioned	19	8.0%
JISP assessment	16	6.7%
PINS transferred to or carried with probation	16	6.7%
Warrant	15	6.3%
Off ATD assessment period of supervision	15	6.3%
DRC review of another case	10	4.2%
Detention on new JD	9	3.8%
Court-ordered diversion	7	2.9%
Agreed to diversion	7	2.9%
JD transferred to or handled by PINS	6	2.5%
PINS adjusted	6	2.5%
Other JD not pursued or dismissed	6	2.5%
New adult charge	5	2.1%
Interim PINS petitioned	5	2.1%
Other JD adjusted	5	2.1%
VOP	4	1.7%
Start PINS probation	3	1.3%

In addition to the 30.3% of cases petitioned or referred to presentment at the first meeting, another 21.0% were petitioned sometime after the first meeting. In total, 51.3% of the after-hours cases were petitioned or referred to presentment at some point.

Almost one in five respondents was placed on some type of assessment period of supervision prior to their case's disposition, such as Electronic Monitoring (EM), Alternative to Detention (ATD), or Villa Tracking and Case Conferencing (VTCC). Further, 17.6% of respondents were remanded at some point before their disposition, and the DRC reviewed another 16.0% of the cases. Thirty four juveniles were charged with a new JD crime (14.3%) prior to the after-hours disposition, nine of whom were detained for it. Finally, five respondents (2.1%) had cases in criminal court (Juvenile Offender, Youthful Offender, or regular case) prior to the after-hours JD case being adjudicated. In all, 83 after-hours cases (34.4%) were attempted to be diverted.

### **After-Hours Case Diversion Review Committee Outcomes**

The Diversion Review Committee (DRC) process and its outcomes will be examined more thoroughly in the next section of this report. Here we focus on only the after-hours cases that the DRC reviewed.

The DRC reviews any diversion case that a juvenile's Probation Officer is considering petitioning. The Committee meets weekly on Tuesdays, and there are opportunities for case conferencing as needed in between DRC meetings. All diversion cases are supposed to be reviewed by the DRC prior to petitioning. The Probation Officer supervising the case submits a referral to the DRC and presents the case at the next DRC meeting. If the Officer and the DRC members agree that petitioning is recommended for the case, the Probation Officer refers the case to presentment at the Juvenile Prosecutor's Office (JPO). Alternatively, the DRC may recommend that the Probation Officer makes further attempts at engaging the juvenile or family in diversion services, rather than petitioning the case at that time. The process is meant to ensure diligent efforts are made on the part of Probation to divert juveniles from Family Court and juvenile justice system penetration. It also provides a formal justification for why juvenile diversion cases are sent to Family Court and what options has already been attempted.

In practice, though, there were occasions when Probation Officers referred the case to the DRC and to presentment simultaneously. This was often done if the juvenile had been arrested again or was exhibiting other very high-risk behavior, especially if the new arrest was petitioned immediately. We refer to these cases as "already petitioned."

The DRC reviewed 57 of the after-hours cases, or 23.7%. The DRC reviewed another seven cases for after-hours respondents that had more than one active case, but they did not specifically

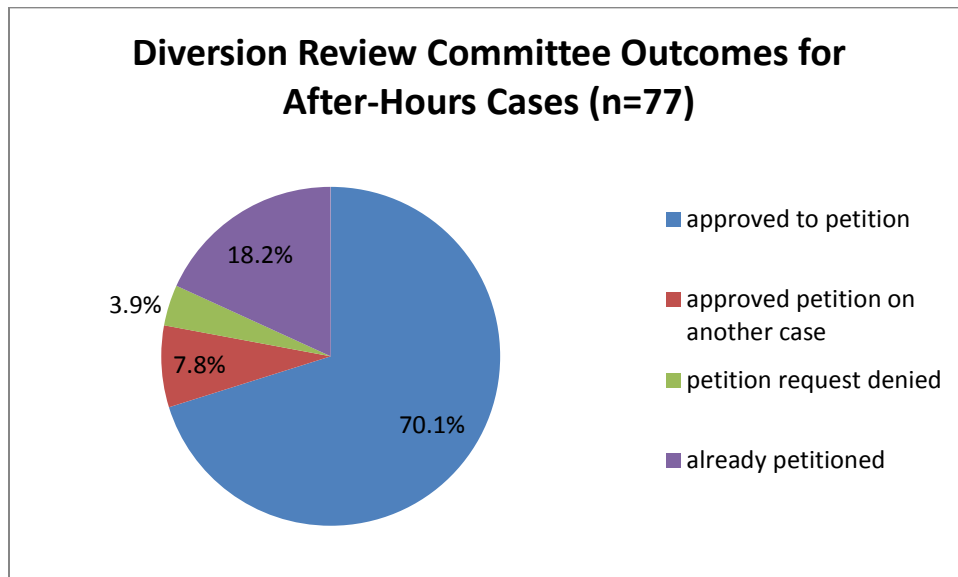
review the after-hours case. Of the 83 cases that were put on diversion at some point, the DRC reviewed 25.3% of these.

There were another 10 cases (4.1%) in which it appears the DRC should have reviewed the case, but they did not. These were cases where the juvenile was on diversion, and the case was petitioned, but there was no indication of a DRC review or approval. This happened rarely. This could have occurred when, as mentioned above, a juvenile active on diversion was arrested for new charges for which that case was petitioned immediately.

In our evaluation of the DRC and prior to this grant extension period, we had pointed out the “already petitioned” issue – that some cases were not getting sent to the DRC prior to petitioning because of new arrests. To correct this issue, the policy was changed so that the DRC began reviewing cases for after-hours respondents who were detained prior to those cases getting petitioned. As a result, the DRC reviewed 12 after-hours cases (5.0%) that were not diversion cases. In total, then, the DRC reviewed 69 (28.7%) of after-hours cases.

Figure 48 summarizes the outcomes from the DRC. First, 26.3% of cases (15 total) that the DRC reviewed were already petitioned, as explained above. The DRC only did not recommend petitioning for 3.9% of the cases (3 cases). The overwhelming majority of Probation Officers who were requesting petitioning were supported in that decision.

**Figure 48**



There were often several reasons for the outcomes at the DRC, which were well documented. Table 9 below shows the frequency of the most pertinent reasons for the DRC outcomes.

The most common reason listed for approving a case for petitioning was that the respondent was in after-hours detention. However, this was likely not the true reason the case was petitioned. Most likely, the DRC felt the same reason the youth was detained was the same reason the case should be petitioned. This deserves some attention, as this is an example of shorthand notation in the database. Probation encourages more thorough documentation as to the reason for petitioning a case to avoid misperceptions.

Of the actual diversion cases, the most common reasons for supporting the petition for cases was that the respondent had obtained new charges, the victim had insisted on court prosecution, or the respondent was noncompliant with diversion conditions. Part of the reason that DRC petition recommendation rates are high is that if the victim of the crime insists on court intervention, the DRC must comply with this request. The DRC still reviews the case to be sure diligent contact has been made with the respondent, their family, and the victim prior to petitioning.

**Table 9: Reasons for DRC Outcomes for Reviewed Cases (n=77)**

<b>Outcome</b>	<b>Reason for Outcome</b>	<b>Frequency</b>	<b>Percent of Reviewed Cases</b>
Petition recommended	in after-hours detention	11	14.3%
	new charges	10	13.0%
	victim insistence	9	11.7%
	noncompliance	9	11.7%
	severity of crime	7	9.1%
	past non-engagement	6	7.8%
	failure to engage	6	7.8%
	denial of guilt	4	5.2%
	AWOL	2	2.6%
	pending or in placement	2	2.6%
Petition not recommended	handle on other petitions	2	2.6%
	already in placement	2	2.6%

Respondents who denied guilt in the alleged after-hours charge would not agree to diversion services and sought a trial in court. This occurred in 5.2% of cases the DRC reviewed, or 4 cases.

There were two cases petitioned because the respondent was already pending placement or actively in placement. In contrast, there were two other cases in which petitioning was *not* recommended by the DRC because respondents were already in placement. While Probation will still try to divert new cases even if the juvenile is already in placement, for some juveniles, petitioning a new case would do little since the respondent was already in the highest level of supervision. This is particularly true if the juvenile has a history of not engaging with diversion; diversion services may not be effective while the youth is in placement. However, other juveniles in placement may benefit from diversion services, and therefore it is an option for them.

When we examined just the DRC-reviewed cases that were already petitioned, we found that

- those with any interim changes to their cases were more likely to already be petitioned (80% versus 50%,  $p < .02$ ), and
- those on interim assessment periods of supervision (EM, ATD, VTCC) were more likely to already be petitioned (60% versus 17%,  $p < .01$ ).

Both of these are probably explained by the fact that juveniles with already-petitioned cases often had obtained new charges (which is considered an interim change) or were otherwise noncompliant during their assessment period of supervision, making them high-risk and eligible for petitioning.

### **After-Hours Case Dispositions**

As of July 2, 2014, dispositions were given on 213 of the 241 after-hours cases (88.4%). Diversion cases that were successfully adjusted were coded as having the disposition “adjusted.” Otherwise, the initial disposition given in Family Court is considered the disposition, even if the respondent was later re-adjudicated. Two dispositions were missing or unclear, and 26 cases were ongoing after data collection ended. The average after-hours case disposition took place 79 days after the initial arrest, whereas the median is 64 days after arrest.

Many juveniles had multiple simultaneous cases. Sometimes these were adjudicated on the same day as the after-hours case. First, we examine the specific dispositions on the after-hours cases, and then we examine the more pertinent dispositions if given simultaneously.

Figure 49 shows that 27.0% of all after-hours cases were ultimately adjusted. Since 34.4% of after-hours cases had been on diversion at some point, over three quarters (78.5%) of the cases put on diversion were successfully adjusted.

About one fifth of respondents (20.9%) were ultimately put in placement for the after-hours case, and one quarter were put on probation (26.5%). A small fraction of cases (6.0%) were dismissed or not pursued, often because the case was found to be legally insufficient or because of non-engagement from the victim.

**Figure 49**

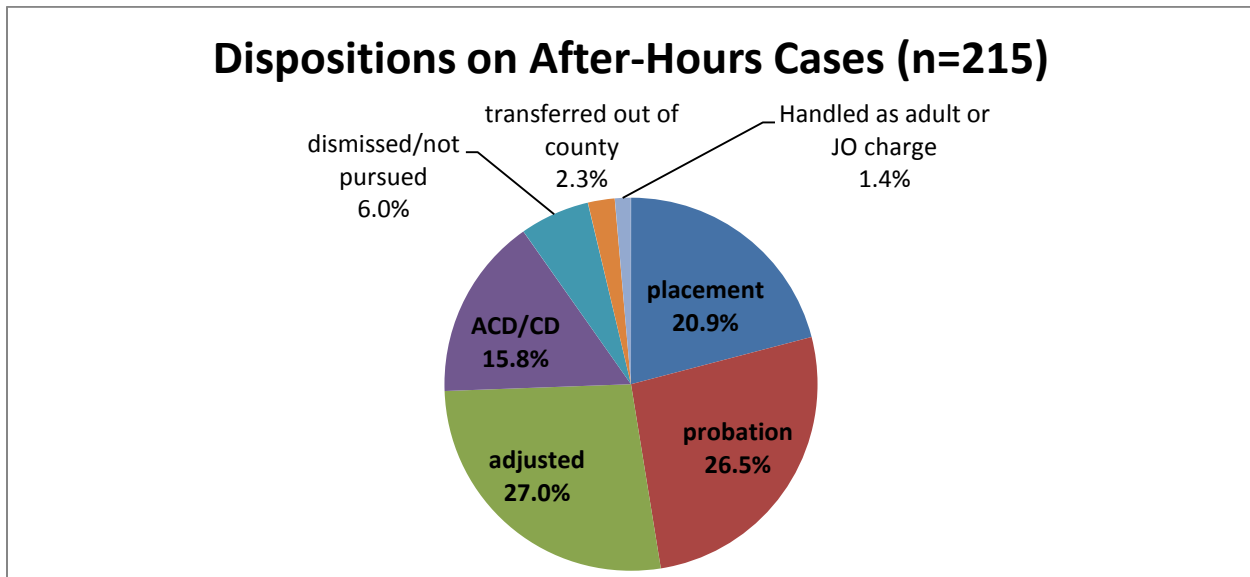


Table 10 shows how respondents’ initial risk assessment scores at the time of arrest corresponded to their ultimate case disposition. As expected, high-risk respondents were more likely to be placed (36.5%). Probation dispositions were most common for low-risk respondents. Over a third of low-risk respondents (36.9%) successfully completed diversion and were adjusted, compared to only 14.3% of high-risk respondents. Probation and ACD/CD were the most common dispositions for medium-score respondents. Finally, all of the cases that were dismissed or not pursued were for either medium- or high-scoring respondents. These differences in disposition according to risk assessment score were statistically significant (chi square=46.946, df=14, p<0.01).

**Table 10: Dispositions by Risk Assessment Score for After-Hours Respondents**

<b>Disposition</b>	<b>Percent of After-Hours Cases (n=215)</b>	<b>Percent of Low RA Scores (n=111)</b>	<b>Percent of Medium RA Scores (n=35)</b>	<b>Percent of High RA Scores (n=63)</b>
placement	20.9%	15.3%	11.4%	36.5%
probation	26.5%	32.4%	22.9%	15.9%
adjusted	27.0%	36.9%	20.0%	14.3%



ACD/CD	15.8%	13.5%	22.9%	17.5%
dismissed/not pursued	6.0%	0%	17.1%	11.1%
transferred out of county	2.3%	0.9%	0%	1.6%
Handled as adult or JO charge	1.4%	0.9%	5.7%	3.2%

The next table compares dispositions based on the decision made at the time of arrest (i.e. whether the respondent was detained, given an expedited appearance ticket, or given a regular appearance ticket).

Those who were detained were more likely to be placed or put on probation than those given appearance tickets. They were also more likely to receive an ACD or Conditional Discharge (21.8%), potentially due to having other simultaneous adjudications. Those given appearance tickets were much more likely to be adjusted, with those who got regular appearance tickets by far the most likely to complete diversion. (Perhaps they are also the lowest-risk respondents.)

**Table 11: Dispositions by Detention Decision for After-Hours Respondents**

<b>Disposition</b>	<b>Percent of After-Hours Cases (n=215)</b>	<b>Percent of Those Detained (n=133)</b>	<b>Percent of those Given Exp. AT's (n=52)</b>	<b>Percent of those given Regular AT's (n=10)</b>
Placement	20.9%	26.3%	11.5%	10.3%
Probation	26.5%	31.6%	23.1%	10.3%
Adjusted	27.0%	9.8%	46.2%	72.4%
ACD/CD	15.8%	21.8%	9.6%	0%
Dismissed/not pursued	6.0%	6.8%	5.8%	3.4%
Transferred out of county	2.3%	3.0%	0%	3.4%
Handled as adult or JO charge	1.4%	0.8%	3.8%	0%

Cases for which overrides were requested were most likely to result in probation and ACD/CD dispositions (38.2% and 22.5%, respectively; n=89). Cases that were overridden mostly resulted in adjustment (60.0%), with the rest resulting in placement and probation (20% each; n=10). It is very likely, given the other data, that if these cases had not been overridden, they would have been petitioned and not adjusted.

Over half of these dispositions (63.1%) were adjudicated alone with no simultaneous dispositions. We now examine the simultaneous dispositions for the rest because when adjudicating several cases at once, a Judge may be more lenient on one disposition and carry the overall intended sentence on a separate case.

Figure 50 shows the number of simultaneous dispositions adjudicated with after-hours cases. (Some of these may have been for more than one after-hours case, but each case was coded separately.)

**Figure 50**

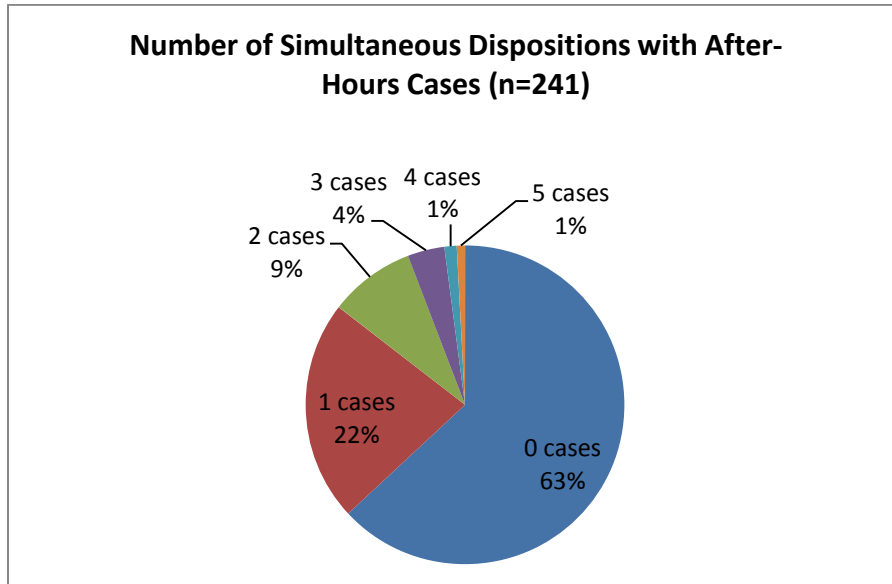


Table 12 shows the most relevant or severe disposition given simultaneously with the after-hours arrest disposition. For instance, if the after-hours disposition was probation and another case resulted in an ACD, the most relevant or most serious disposition is probation. If a simultaneous case had a placement disposition but the after-hours case was dismissed, the placement disposition is the most relevant. This gives us a better picture of what actually happened with the respondents. As shown below, for the most relevant disposition, probation is more common than placement, and overall 26.2% of cases were adjusted.

**Table 12: Most Relevant Disposition for After-Hours and Simultaneous Cases**

	Frequency	Percent of all cases (n=214)	Percent of those detained (n=132)	Percent of Exp. AT's (n=52)	Percent of Regular AT's (n=29)
probation	63	29.4%	35.6%	25.0%	10.3%
placement	60	28.0%	34.8%	17.3%	13.8%
adjusted	56	26.2%	9.8%	44.2%	69.0%
ACD/CD	16	7.5%	11.4%	1.9%	-

dismissed/not pursued	10	4.7%	4.5%	5.7%	-
transferred out of county	5	2.3%	-	-	-
JD converted to JO	2	0.9%	-	-	-
adult probation	1	0.5%	-	-	-

### Factors Affecting Dispositions

By running correlations, we find that the more charges a respondent had at arrest, the more likely they are to have a placement or probation disposition. Older respondents (14-15 years old) also had more simultaneous dispositions. Females represented 22.8% of all respondents, but they were disproportionately underrepresented among those with placement or probation dispositions (15.6% and 8.8%, respectively). Instead, 37.9% of adjusted cases were for female respondents. In other words, females' cases were more likely to be adjusted, and males were more likely to be placed.

As expected, felony cases accounted for most of placement and probation dispositions (about 40% felony-only and 30% both felony and misdemeanor charges resulted in either placement or probation). On the other hand, 59.6% of adjusted cases were for misdemeanors, though only 41.0% of all after-hours cases were for misdemeanors only. Misdemeanor cases were also the most likely to be dismissed.

Cases for which overrides were requested were disproportionately unlikely to be adjusted. All of these trends for the specific disposition on the after-hours case remain true for the most relevant disposition as well.

Those with active cases were significantly more likely to get a placement or probation disposition for the after-hours call case. This was true whether the active contact was for a PINS case or JD case.

Over half of those who initially agreed to diversion were ultimately adjusted (68.5%). Only 6.5% of those diversion respondents were eventually placed. In comparison, 43.5% of those initially petitioned were ultimately placed, and 29.0% were put on probation.

Of the cases reviewed by the DRC, 32.7% resulted in placement after petitioning, 38.8% were put on probation, 12.2% were given an ACD or conditional discharge, and 8.2% were adjusted.

### **Post-Disposition Follow-Up Information**

In order to track the long-term outcomes of after-hours respondents, the case notes in Probation’s Caseload Explorer database were coded for events or changes in case status that occurred after the initial disposition. Cases which had no adjudication by July 2, 2014 were coded as “missing,” as no post-disposition follow-up period was possible. For the 214 cases for which some follow up was possible, this on average amounted to 364 days of post-disposition follow-up information (median=336). Therefore, we were able to examine outcomes for about a year after the cases were adjudicated for most after-hours respondents.

The first question is whether respondents successfully completed the terms for their after-hours cases and simultaneous dispositions. This is not an applicable question for those whose dispositions were a case dismissal or adjustment (n=73, 30.3% of after-hours cases), as they had no term to serve. It is also not possible to reliably discern in Caseload Explorer whether respondents complete placement terms. As such, many of placement cases were coded as “unknown” as to whether placement was completed (n=37, 15.4% of after-hours cases). Another 45 cases (18.7%) were still active on their original disposition at the time data collection ended, and another 25 cases (10.4%) had not yet been adjudicated.

This leaves a total of 61 cases for which the question, “Was this disposition successfully completed?” is applicable and answerable. Of those 61 cases (mainly probation dispositions), 54.1% successfully completed the disposition (33 cases). The 45.9% (22) unsuccessful cases were often re-adjudicated.

Those who completed their sentence tended to have fewer charges at arrest than those who did not complete their sentences (1.76 charges for those who completed versus 2.36 for those who did not; p=.053). Females were significantly less likely to have their case re-adjudicated than males, but they were **not** more or less likely to complete their sentences. Twelve percent of males had their cases re-adjudicated compared to only two percent of females. Just over half of all respondents (54%) completed their sentence successfully; by comparison, those with assault charges were the most likely to complete their sentence (87.5% completed), as were those with criminal mischief charges (90.0%), compared to those with other charges.

Table 13 shows the rates of completion by disposition type. It was only clear for seven placement cases and eighteen ACD/CD cases whether the sentence was successfully completed. Probationers were about as likely to complete probation as not.

**Table 13: Numbers of Completed Sentences for After-Hours Dispositions by Type**

	Complete this sentence?	Total
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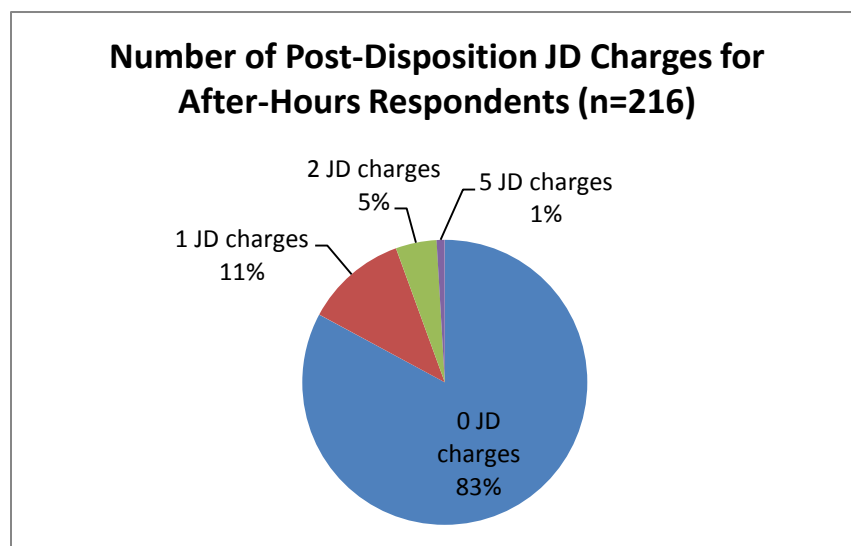
		no	yes	
Disposition on this case	placement	2	5	7
	probation	20	16	36
	ACD/CD	6	12	18
Total		28	33	61

In total, 22 after-hours cases were re-adjudicated based on a unsuccessful completion of the initial disposition. Most of these were probation cases, where 29.8% of probation dispositions were re-adjudicated. Also, 8.8% of ACD/CD dispositions were re-adjudicated.

Nine of the unsuccessful probation terms resulted in placement on a violation of probation (VOP) (15.8% of all probation cases). Two probation terms were extended, and one led to a conditional discharge re-adjudication. Five VOP's were dismissed. The two original placement cases that were re-adjudicated resulted in extensions of the placement term (for 4.4% of all placement cases). Three of the re-adjudicated ACD/CD cases resulted in extensions of probation terms (for simultaneous cases), two resulted in placement (for other JD charges), and one ACD/CD case is known to have been successfully dismissed.

At least half of tracked respondents (50.2%) had some type of post-disposition contact with probation or the adult criminal justice system. (This is “at least” because charges that do not involve probation are not reported in Caseload Explorer.) Thirty seven of the after-hours respondents had new JD charges after the after-hours case disposition was given. Figure 51 shows how many post-disposition new JD charges after-hours respondents had.

**Figure 51**



Most of the after-hours respondents who were put on probation for the after-hours or a simultaneous case had post-disposition contact with probation (53 out of 63 probationers, 84.1%). Even 51.8% of those whose cases were adjusted had post-disposition contact with probation (n=56). Ten of the sixteen respondents given an ACD/CD as their most severe disposition had more contact with probation, as did seven out of ten whose cases were dismissed.

Nine after-hours respondents were charged in adult courts as either adults or Youthful Offenders, but it is not clear what category they were charged in because we believe they were categorized incorrectly in the database. Twenty-three after-hours respondents were charged as adults for new crimes: 16 respondents had one adult charge, 6 respondents had two charges, and one respondent had three charges. Twenty five respondents (11.6%) had new PINS referrals after disposition (n=216).

Table 14 shows the types of post-disposition contact in order of their commonality. It was most common for after-hours respondents to be violated on probation, have their JD case petitioned, or to be placed on some type of ATD supervision after receiving their after-hours disposition.

**Table 14: Post-Disposition Contact Types**

<b>Post-Disposition Contact</b>	<b>Number (n=216)</b>	<b>% of all cases</b>
JD VOP	38	17.6%
JD petition	32	14.8%
Alternative to Detention supervision (ATD, EM, VTCC)	30	13.9%
JD placement	29	13.5%
JD DRC review	21	9.7%
Warrant	19	8.8%
JD dismissed	17	7.9%
JD probation finished successfully	15	6.9%
JD ACD	12	5.6%
Adult probation	12	5.6%
PINS petition	11	5.1%
Adult local incarceration	10	4.6%
New JD diversion	9	4.2%
JD adjusted	9	4.2%
PINS diversion	8	3.7%
PINS placement	7	3.2%
Adult DOCCS incarceration	7	3.2%
JD probation	6	2.8%

PINS probation	5	2.3%
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Most (62.7%) of after-hours respondents are still in active contact with probation as of June 2014. Table 15 shows the ways in which respondents were still active with probation.

**Table 15: Ongoing Contact Types Post-Report**

Ongoing contact type	Number	% of all cases (n=241)
JD or JO placement	57	23.7%
JD probation	24	10.0%
JD petition	22	9.1%
JD VOP	11	4.6%
JD diversion	11	4.6%
adult probation	7	2.9%
adult incarceration	7	2.9%
adult petition	7	2.9%
PINS probation	6	2.5%
PINS petition	5	2.1%
PINS case	5	2.1%
JD intake pending	5	2.1%
PINS placement	4	1.7%
PINS diversion	4	1.7%
out of county case	3	1.2%
ATD, EM, or VTCC supervision	2	0.8%
PINS VOP	2	0.8%
PINS JISP assessment	1	0.4%
YO Probation	1	0.4%
JO petition	1	0.4%

## **Diversion Review Committee**

We now shift our attention to review the outcomes of all cases reviewed by the DRC, not just the after-hours cases.

## **Overview and Description**

The Diversion Review Committee (DRC) was instituted as one component of the Juvenile Justice Front-End Reform. The DRC reviews all Juvenile Probation cases within Monroe County Family Services Division that are being considered for petitioning (transferring the case from Probation Intake to Family Court as a Juvenile Delinquent case).

The goal of the DRC is to ensure, for every juvenile case within Probation, that diligent attempts are made by Probation to divert juveniles' cases from unnecessary entrenchment in the justice system. The Diversion Review Committee meets weekly and includes Family Services Division Probation Supervisors, the Juvenile Justice Mental Health Coordinator, the Assistant Chief Probation Officer, the Enhanced Diversion Senior and Probation Officers, and the Probation Officer presenting the case.

Any juvenile can agree to diversion services, whether or not it was originally an after-hours case and whether or not the juvenile was originally detained. (However, Probation can choose not to offer diversion if the case is severe, if they do not feel diversion is appropriate, or if the victim wants the case petitioned in court.)

When any juvenile is arrested (after-hours or not) and given an appearance ticket, his or her case is referred to Probation. A Family Services Division (FSD) Probation Officer meets with the juvenile and his or her legal guardian for this appearance ticket and conducts an eligibility and suitability assessment for diversion. This can only be done if the juvenile and victim of the alleged crime all agree to allow the juvenile to begin diversion services and if the juvenile admits to guilt in the offense. If all agree, a diversion plan is created which outlines expectations for the juvenile.

If they do not agree to diversion services, or if the Probation Officer cannot make contact with the juvenile, the case is referred to the Diversion Review Committee. Also, if a juvenile is not doing well on diversion or violates the diversion agreement, the assigned Probation Officer will bring the case to the Diversion Review Committee. In sum, the Diversion Review Committee (DRC) only reviews cases that an FSD Probation Officer is considering petitioning.

## **Diversion Review Committee Analysis**

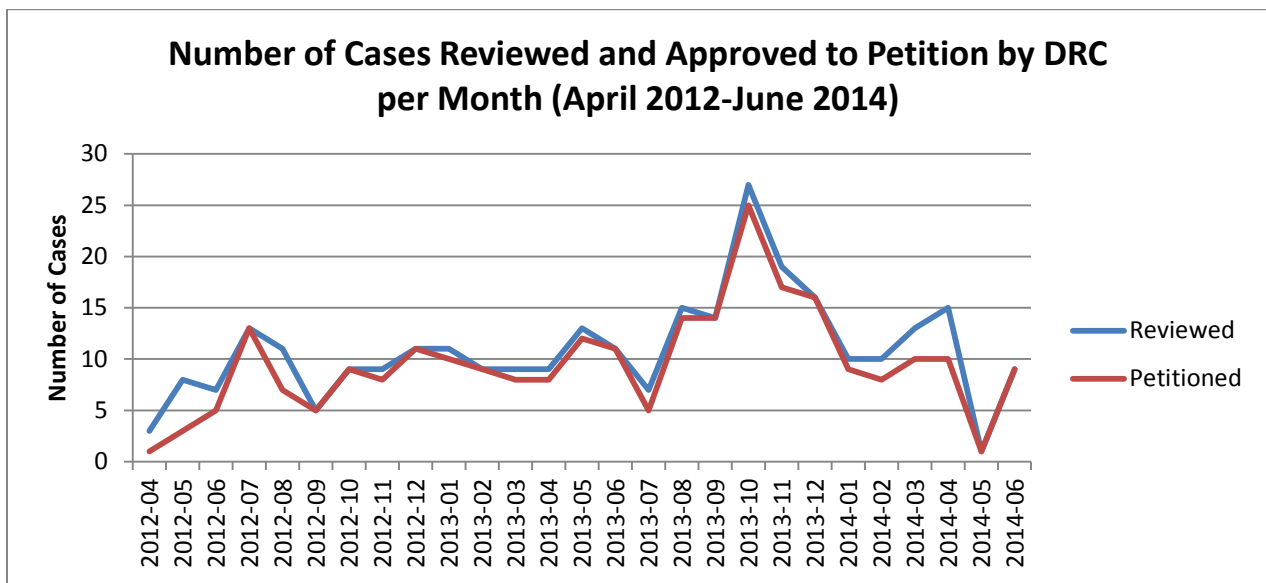
Analysis was conducted on the cases that went before the DRC in order to understand why cases are referred to the committee, which cases were approved for petitioning, what the results of the reviews were, and the eventual court results, if applicable.



There were 294 total cases that went through the DRC from April 2012 to June 30, 2014. Figure 52 shows the number of cases reviewed per month and also shows the number of those cases for which the Probation Officer’s request to petition the case was supported. The DRC began in April 2012 and seemed to pick up in activity by July 2012. There was a brief increase in the number of DRC cases in the fall of 2013. In fact, November 2013 saw the highest number of DRC case reviews, with 27 cases reviewed. June 2014 saw the lowest number of cases (only one) since the DRC began in April 2012.

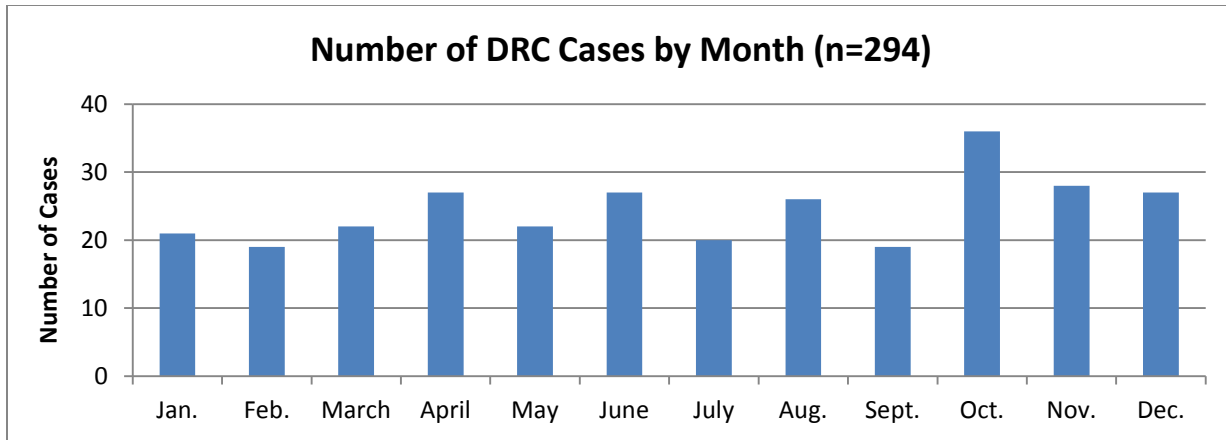
In the first few months of implementation, some cases were not petitioned, but after the first five months, nearly all the cases brought before DRC were petitioned. It seems that there was a learning curve as to what would be acceptable to petition and what would not be. Fewer cases than normal were petitioned in February, March, and April 2014 as well. Overall, 87.8% of the cases brought before DRC were petitioned.

**Figure 52**



Accordingly, Figure 53 shows that there tend to be more DRC reviews in October through December, and relatively few cases in February, July, and September.

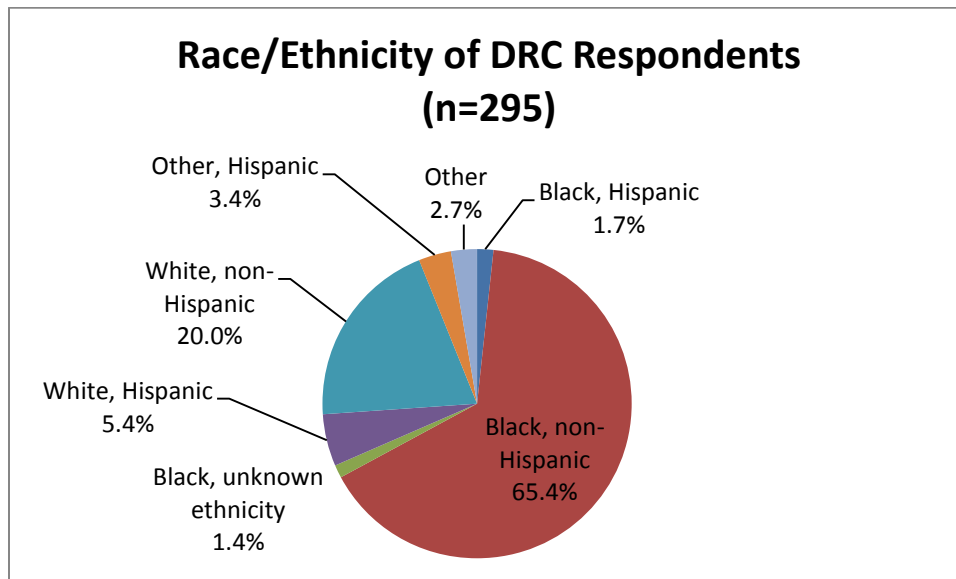
**Figure 53**



About one in five of the cases the DRC reviewed (15.3%) were for respondents who had a case reviewed by the DRC before. There were 45 of these repeat DRC respondent cases, leaving 250 unique individuals impacted by the DRC.

As seen in Figure 54, nearly three quarters of respondents were Black (68.5%), and a quarter were White (25.4%), as recorded in Probation’s Caseload Explorer database. Only 6.1% of respondents were of other races. About 10% of respondents were specifically identified as Hispanic, though another 1.4% had unknown ethnicity.

**Figure 54**



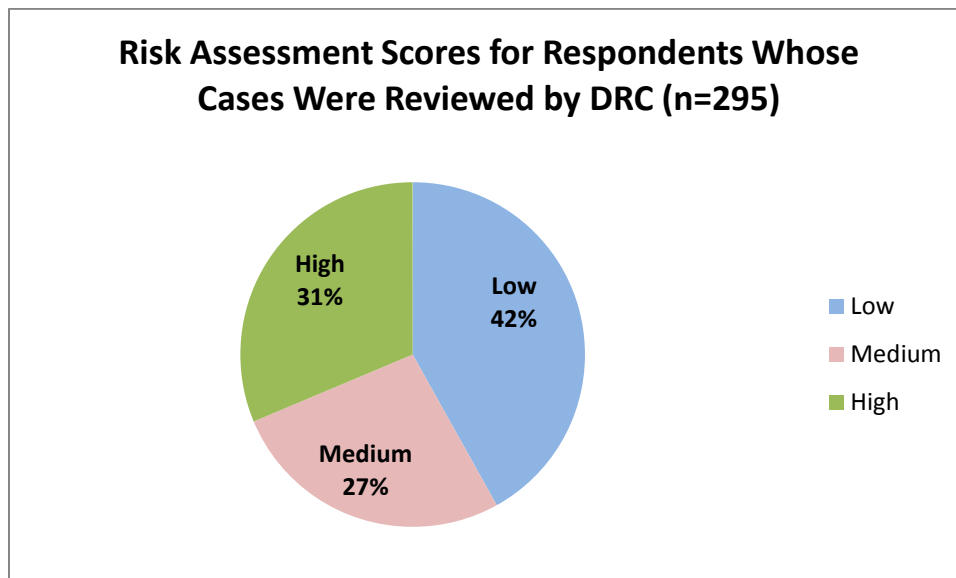
The majority of the juveniles whose cases were brought before the DRC were 14 and 15 years old, with 29.6% of DRC respondents 14 years old and 39.4% at 15 years old. One in ten (10.1%) were 12 years old or less, 13.7% were 13 years old, and 6.5% (18 respondents) were 16 years old

or older at the time of DRC review. The youngest respondent was 10 years old, and the oldest was 18 years old.

Similar to the after-hours cases, 74.2% of DRC respondents were male, and 25.8% were female. Only 21.1% of the cases that the DRC reviewed were after-hours cases. The most common top charge for DRC-reviewed cases was petit larceny (19.7% of DRC cases), followed by assault (15.5%) and burglary (14.6%).

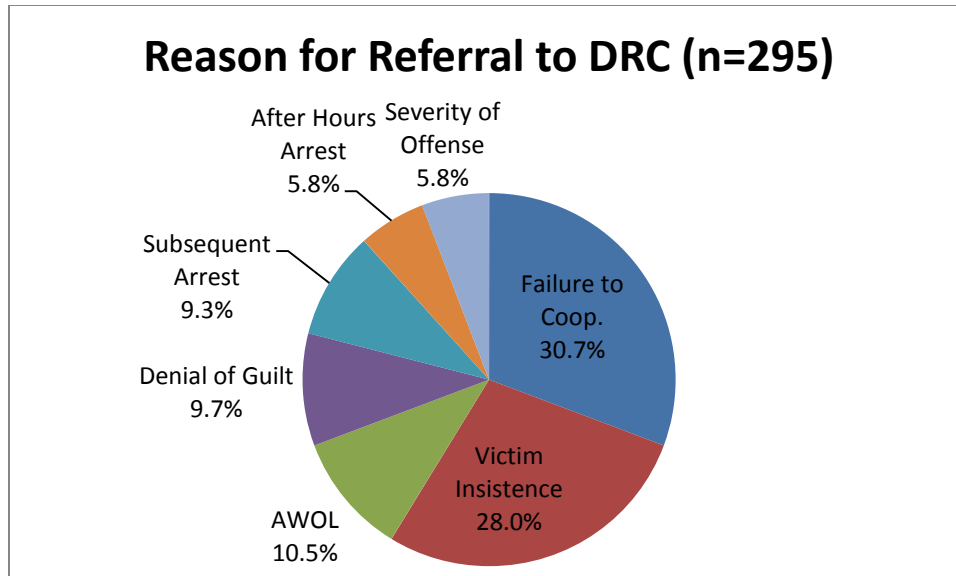
The RAI was used to assess 67.5% of the DRC-reviewed cases, while the DRAI was used 96 times (32.5%). Figure 55 shows the risk assessment scores for respondents whose cases were reviewed by the DRC. The scores were fairly evenly split between low, medium, and high risk assessment scores, but it was most common for DRC respondents to have low scores.

**Figure 55**



Cases were brought before the Diversion Review Committee for a variety of reasons, when a Probation Officer felt a case should be petitioned. As can be seen in Figure 56, the most frequent reasons were: failure to cooperate with diversion, victim insistence on petitioning, the respondent being missing (AWOL), and the juvenile denying guilt.

**Figure 56**



Twenty-eight of the DRC cases had already been petitioned prior to the DRC review (9.5%). Often, these cases were petitioned when a respondent obtained a new charge which was petitioned immediately. Also, 23 cases were not actually presented to the regular DRC because they were either approved to petition via a supervisory case conference or it was an after-hours detention case (as previously mentioned, some of these cases bypassed the DRC until a process was solidified for referral).

The DRC supported the Probation Officer’s decision to petition the case for 87.8% of reviewed cases, only making recommendations to not petition 8.8% of the cases reviewed (26 cases). In two cases, the DRC supported petitioning the case but only if certain conditions were met (i.e. the Probation Officer conducts a home visit to try to engage the family).

It is worth noting that only 8.8% of DRC cases were for court-ordered diversion cases.

A reason was also recorded as to why the DRC made each recommendation. Usually this matched the reason for referral. The most common reasons for the DRC outcome included:

- Respondent or family failed to cooperate with diversion (22.7% of cases)
- Victim insistence on court prosecution (21.4%)
- Respondent was missing (9.5%)
- Respondent denied guilt (7.8%)
- Severity of offense (7.8%)

The reasons for not supporting a petition request were all similar. The DRC recommended that Probation could make more engagement attempts in 13 cases, that the respondent needed to be interviewed before petitioning in two cases, or the Probation Officer needed to talk to the victim in one case before petitioning.

Table 16 shows the ultimate court outcomes for those cases that were approved for petitioning. The most common case adjudication was for probation, followed by placement, followed by ACD (Adjournment in Contemplation of Dismissal) or CD (Conditional Discharge). “Missing” cases either had no disposition provided or was ongoing post-report. Keep in mind that there could be multiple dispositions given at once, if respondents had multiple simultaneous cases.

**Table 16: Dispositions for Respondents who had Cases Reviewed by DRC (n=295)**

<b>Disposition</b>	<b>Number of DRC Cases</b>	<b>Percent of DRC Cases</b>
Probation	85	28.8%
Placement	72	24.4%
Missing	53	18.0%
ACD/CD	42	14.2%
Adjusted	38	12.9%
Dismissed	22	7.5%
Not pursued by Juv. Prosecutor	8	2.7%
Converted to PINS	2	0.7%
Transferred out of county	2	0.7%

While most of the DRC-reviewed cases were for arrests made by the Rochester Police Department (51.5%), the Greece Police Department accounted for 19.3% of the DRC cases, and the Monroe County Sheriff’s Department accounted for another 10.8%.

It was expected that the juveniles would be interviewed by a Probation Officer prior to petitioning the case to ascertain their willingness to engage in diversion services. In 64.7% of the cases brought before the Diversion Review Committee, the juvenile had been interviewed. If we exclude the cases that were referred to the DRC because they were after-hours detentions, 68.2% of respondents were interviewed.

### **Recommendations Not to Petition**

We briefly examine outcomes for only the cases for which petitioning was not recommended by the DRC. Such recommendations were made for 26 cases. Ultimately, 10 of these (38.5%) were adjusted. Some were eventually petitioned. Four (15.4%) resulted in placement and two in probation (7.7%).

The original reason for referral to the DRC for these cases was most often failure to cooperate (38.5%). This is a higher percentage for this reason than across all DRC cases, indicating that those petitioning a case for failure to cooperate might be more likely to have that request denied. Anecdotally, these cases may have been ones in which Probation Officers had trouble getting the respondent to initially engage in diversion, often due to scheduling conflicts for the intake appointment. The DRC usually suggested that the Probation Officer make more diligent attempts to engage the respondent or family before petitioning. Another 19.2% of cases that were recommended not to petition had been referred due to victim insistence on petitioning. The DRC would usually want to be sure that diversion was properly explained to the victim.

Half of the time when the DRC recommended something other than petitioning the 26 cases, they felt that more engagement attempts were needed. Another 19.2% of cases were not recommended for petitioning because the respondent was behaving in a way that could be handled better by a PINS case than a JD case.

### **Correlations and Demographics**

There was absolutely no correlation indicating that any particular Probation Officers referred cases for any consistent reason or that the DRC outcome depended on the Officer presenting. There is also no correlation between respondents' race and the DRC outcome or the case dispositions. No correlations were found based on age either.

However, respondents who had not been interviewed prior to the case being presented to the DRC were less likely to be petitioned, as the DRC recommended more engagement attempts.

For cases that were already petitioned, it was more likely that the reason for the DRC outcome would be the severity of offense and having a subsequent arrest compared to cases that were not already petitioned. This supports the suggestion that petitioning prior to DRC review was

usually done when the respondent received a new charge or when the charge was particularly severe.

Only two (7.1%) of already-petitioned cases were ultimately adjusted, though the likelihood of adjustment might have been low anyway because the severity of the offense and subsequent charges also correlated with these cases. About half (42.9%) resulted in probation sentences, and another 32.1% resulted in placement. Respondents whose cases were already petitioned were also disproportionately likely to have scored high-risk on the risk assessment instruments (42.9% compared to 30.1% of cases that were not already petitioned). These respondents were also less likely to have been interviewed at the time of the DRC review.

Court-ordered diversion cases that were reviewed by the DRC were significantly more likely than regular diversion cases reviewed by the DRC to be adjusted. Three quarters (76.9%) of DRC-reviewed court-ordered diversion cases were adjusted compared to only 6.7% of regular diversion cases.

### **DRC Results Discussion**

The DRC seems to serve an important role in that the cases that were intended to be petitioned in the first few months of implementation were not petitioned, helping the Probation Officers to better understand new expectations for due diligence and what the expectations were if one was to petition a case. Of interest, there were a substantial number of cases petitioned with low and medium Risk Assessment Instrument scores. Also, 64.7% of all respondents were interviewed prior to presenting the case to the DRC. This number is lower than would be hoped, and Probation has taken efforts to encourage Officers to interview respondents prior to presenting the case to the DRC.

Next is a closer look at the feedback from the Probation Officers regarding the Diversion Review Committee.

### **Diversion Review Committee Probation Officer Survey Results**

Prior to the last report on the juvenile justice front-end reforms, in May/June 2013, Probation Officers involved with the Diversion Review Committee (DRC) were asked to complete a short survey to better understand their thoughts and attitudes towards the DRC. This survey is included in Appendix C. In June 2014, new surveys were distributed to assess changes in attitudes over time and to examine any effects of the various changes in the local juvenile justice

system from the point of view of Probation Officers (Appendix D). We compare the results of each survey in this section.

### **Method and Response Rates**

In mid-2013, seventeen Probation Officers were asked to complete the survey. Eleven were returned, all of which were appropriate for analysis, making for a 65% response rate. The survey mostly used Likert scale questions to gauge how the Probation Officers felt.

In 2014, revised surveys were distributed to all Probation Officers who presented a case to the DRC since its inception or who were involved on the Committee. Ten surveys were received, all of which were appropriate for analysis. This revised survey asked similar questions as the 2013 survey, but several questions were added or changed, as noted below.

In 2014, five respondents indicated that they were Diversion Officers, and three were Supervision Officers. Two respondents did not answer the question. Three of all respondents served on the Diversion Review Committee at some point. The 2013 survey did not ask specifically about respondents' job titles.

Because some of the questions ask about the impact of the reforms, Probation Officers in 2014 were asked whether they were working with juvenile probation prior to the reform implementation in March 2012. This was not asked on the 2013 survey. Six of the ten respondents were in their current position prior to March 2012. Of those who were not, only one worked at juvenile probation in a different position prior to the reforms. Therefore, at least three of the 2014 survey respondents have only worked at probation while these juvenile justice reforms were the common practice.

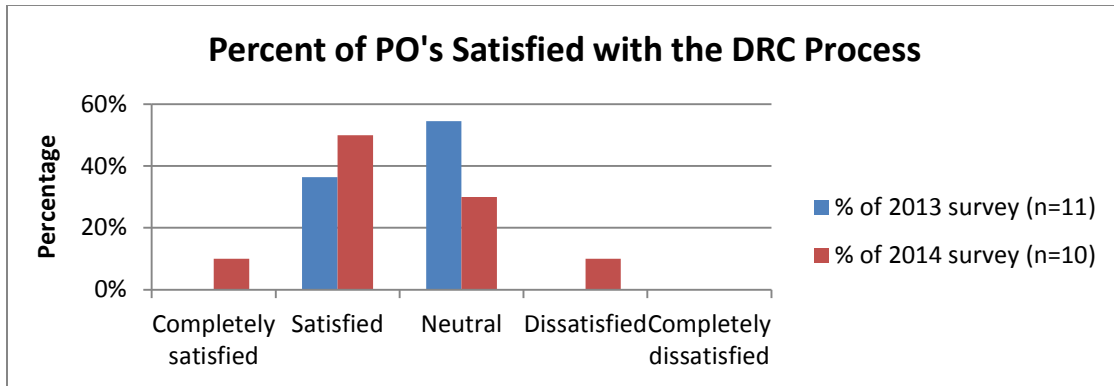
On the 2014 survey, half of the responding Officers had presented to the DRC only one or two times. As expected, Diversion Officers presented to the DRC significantly more often compared to Supervision Officers ( $p < 0.1$ ).

### **Statement Responses, Satisfaction, and Impact**

As shown in Figure 57, the responding Officers varied as to their satisfaction with the DRC. In 2013, all the Officers were either neutral or satisfied. In 2014, six of the ten were satisfied or completely satisfied, and one was dissatisfied.

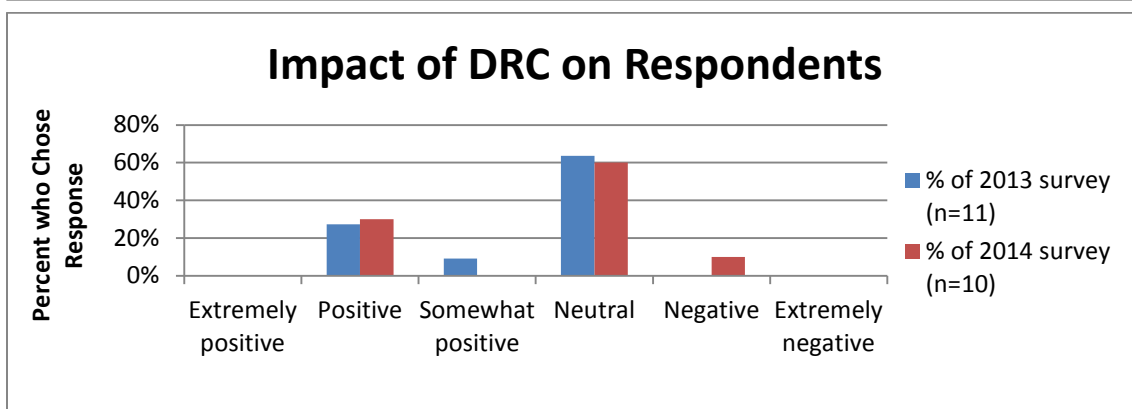
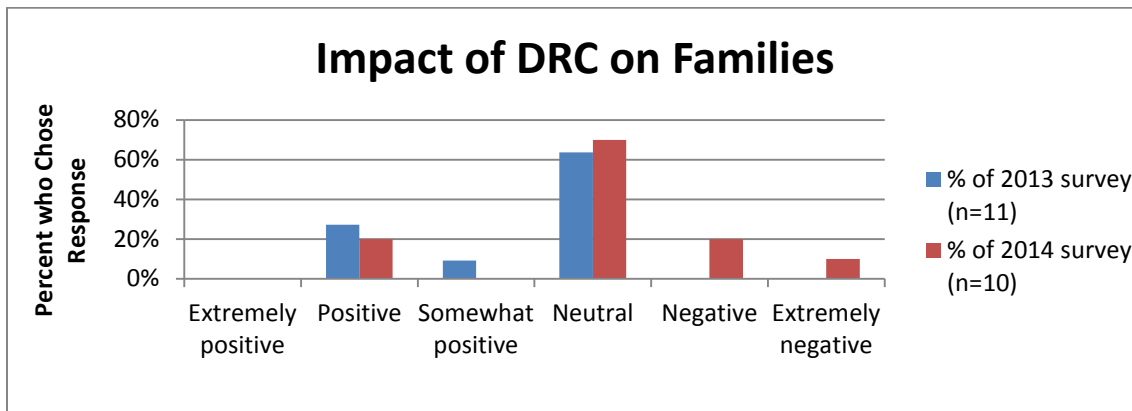
### **Figure 57**

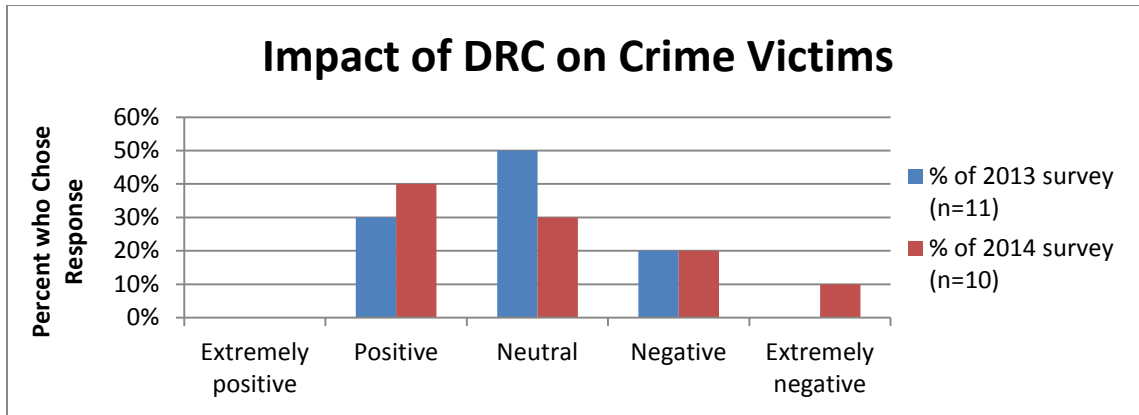




In both survey rounds, Officers were asked what impact they felt the DRC had on families, on the respondent, on crime victims, and on their own job satisfaction. Figures 58-60 compare responses across surveys for each question. The consensus in 2013 and in 2014 was that the reforms impacted families and respondents somewhat positively. However, Officers felt the DRC had a more negative effect on crime victims. Also the 2014 responses were somewhat more negative than the 2013 responses.

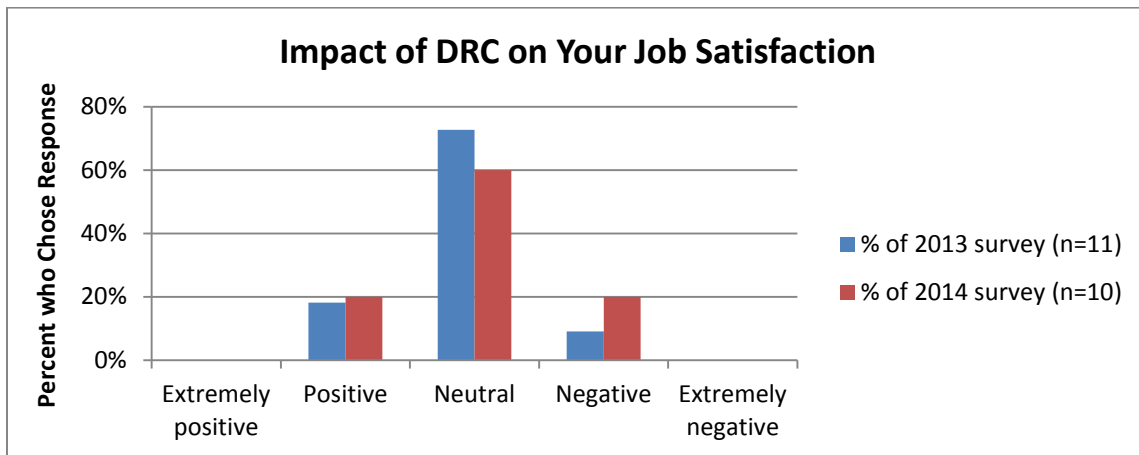
**Figures 58-60**





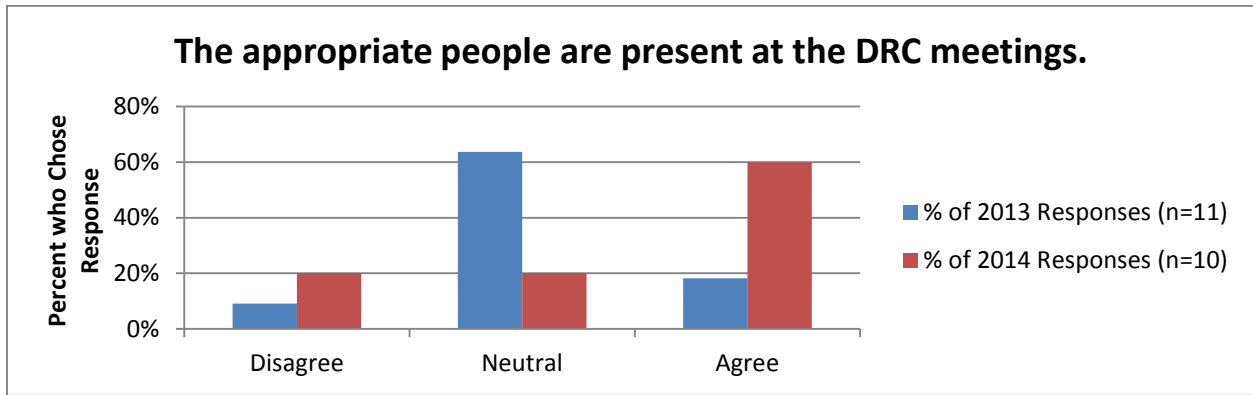
One of the concerns with the creation of the Diversion Review Committee was that the Probation Officers would feel as this was another task they had to complete in their already busy schedules. The majority of Officers in 2013 and 2014 reported a neutral impact and some reported it had a positive impact on their job satisfaction. Only one Probation Officer reported in 2013 that this had a negative impact on their job satisfaction, and two Officers in 2014 reported a negative impact on job satisfaction.

**Figure 61**



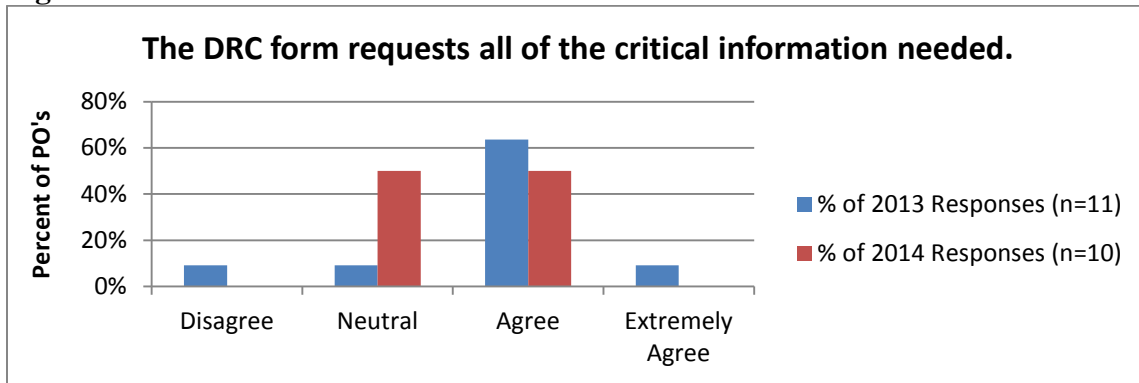
The Officers were asked to what degree they agreed with several statement prompts. These were the same on both surveys, except two statements were added for the 2014 survey. More Officers in 2014 agreed that the appropriate people are present for DRC meetings than in 2013, but slightly more also disagreed.

**Figure 62**



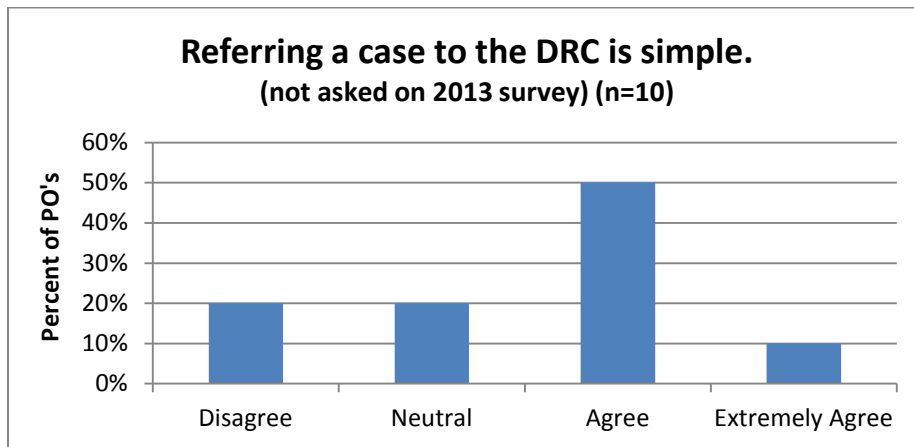
Most Officers, both in 2013 and 2014, felt the DRC form requests all the information needed. Feedback from the 2013 survey led to some changes to the form. While this should have increased satisfaction with the form, more respondents in 2014 responded “neutral” in 2014.

**Figure 63**



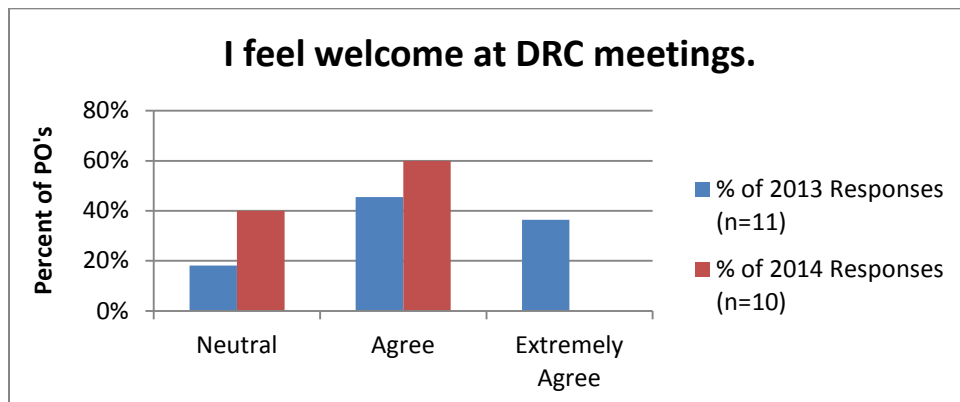
In 2014 only, Officers were asked about the ease of referrals. Most agreed that referring a case was simple.

**Figure 64**



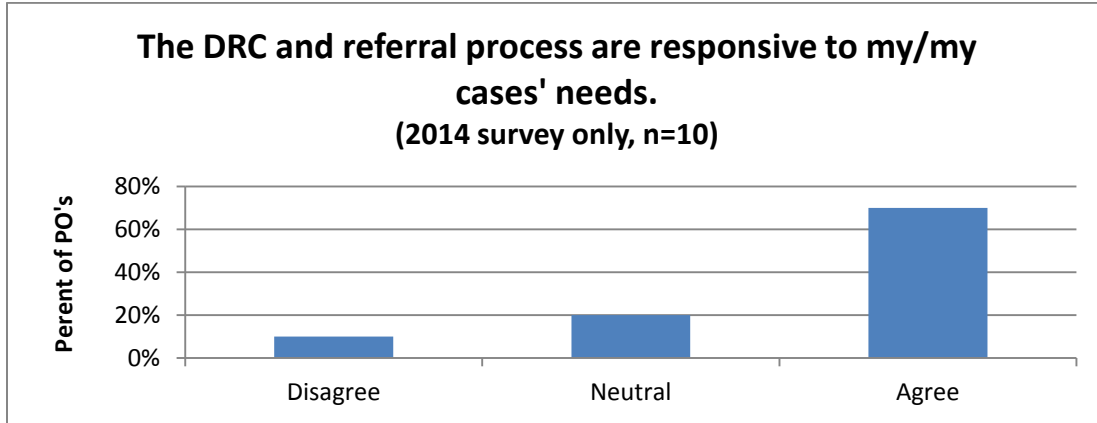
Most respondents on both surveys felt welcome at DRC meetings. However, 2014 respondents seemed to feel somewhat less welcome than 2013 respondents.

**Figure 65**



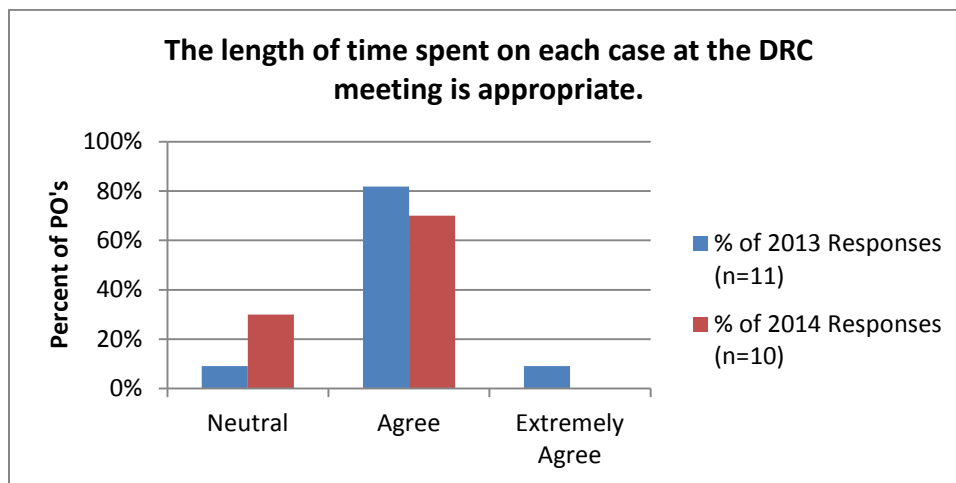
The 2014 survey added a question asking if the DRC process is responsive to the Officers' needs. Most agreed that it was.

**Figure 66**



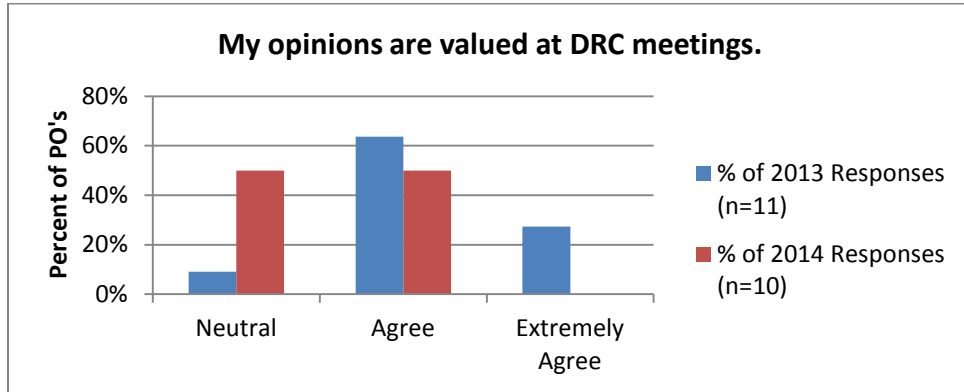
On both surveys, the vast majority of respondents felt the length of time spent on cases at DRC meetings was appropriate.

**Figure 67**



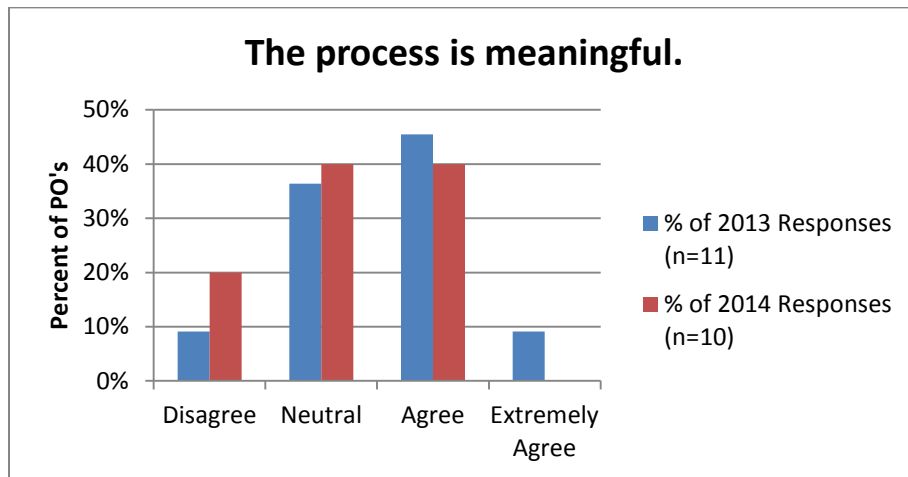
While most respondents felt their opinions were valued at DRC meetings, 2014 respondents were more likely to respond “neutral” and less likely to respond “extremely agree” compared to 2013 respondents (Figure 68).

**Figure 68**



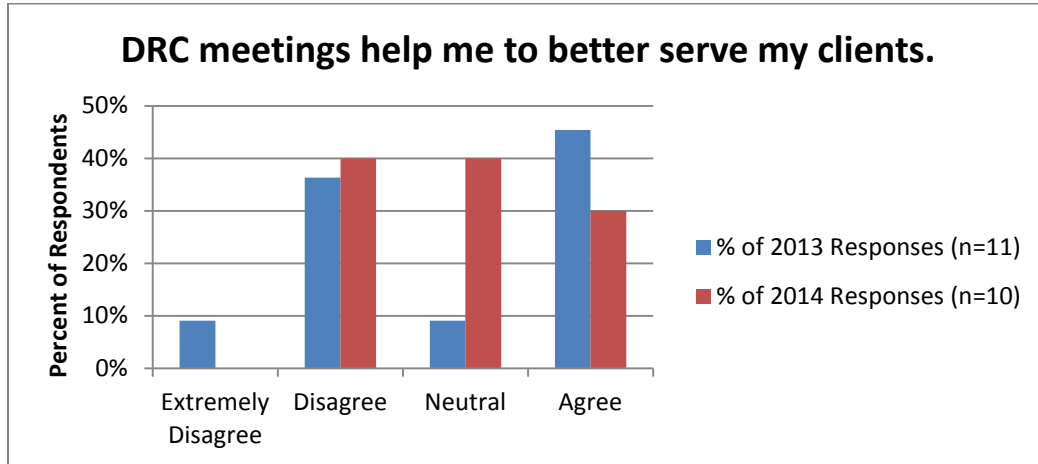
Across both surveys, respondents were somewhat split as to whether they felt the DRC process was meaningful. Most were neutral or agreed, but some disagreed. Respondents in 2014 tended to disagree that the process was meaningful more than 2013 respondents.

**Figure 69**



Similarly, respondents were split as to whether the DRC helped them in working with their clients. More 2014 respondents were neutral than in 2013.

**Figure 70**



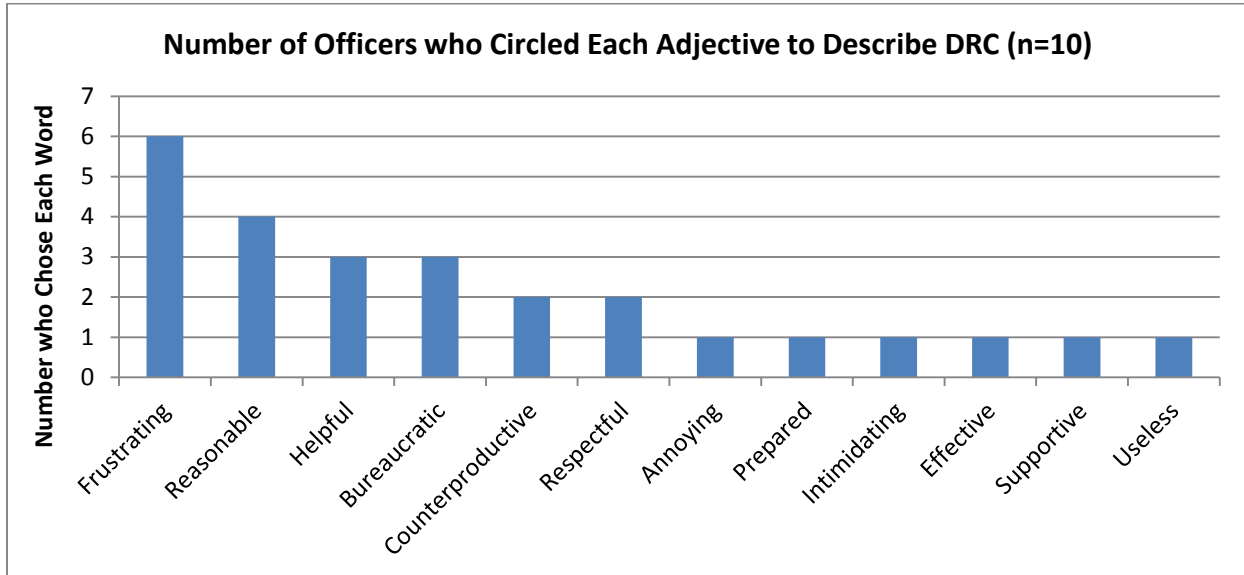
### **Adjectives to Describe the DRC**

On the 2013 survey, Officers were asked to circle from a list of adjectives the ones that described how they felt about the process initially and how they felt about the process at the time of taking the survey. Six respondents felt positively initially, two were neutral, and three felt negatively. When responding about how they felt at the time of taking the survey, six felt positively, one felt neutral and 4 now felt negative. The table below shows the findings. Effectively, respondents said they felt the same when it started as they did at the time of taking the survey; only one respondent had shifted from neutral to negative.

Figure 71 shows how many Officers on the 2014 survey felt the given adjectives described the DRC or its effect. The responses are mixed. No respondents felt that the DRC was useful or exhausting. Six of the ten respondents felt the DRC was frustrating, but four found it reasonable and three thought it was helpful. Very few felt it was useless, but very few also found it to be effective. This shows the complexity of feelings towards the DRC, even among Officers who are generally supportive of the program.

On average, 2014 respondents circled 1.2 positive adjectives and 1.4 negative adjectives, indicating a slight negative feeling towards the DRC.

**Figure 71**



Interestingly, Supervision Officers were more likely to describe the DRC as helpful. Somewhat by surprise, those who served on the DRC were more likely to describe the DRC as frustrating and bureaucratic. Those who served on the DRC also tended to agree it was reasonable more than those who had only presented to the DRC. Diversion Officers found the DRC more reasonable than Supervision Officers, but they also found it more counterproductive and bureaucratic. Those who worked at Juvenile Probation since before the reforms were implemented were more likely to describe the DRC process as counterproductive than Officers who were newer to Probation. This may indicate that some of the Officers who have been on the job longer may compare the reforms to earlier policies, and they may find the new levels of supervision frustrating.

### **Open-Ended Responses**

There were almost no responses to the open-ended questions on the 2014 survey, but there were several comments from respondents in 2013.

#### What is missing from the DRC?

Officers in 2013 made recommendations regarding the Diversion Review Committee process. One Officer felt that the respondent and parent should be at the meetings. Another commented that it is frustrating that many cases have already been petitioned *prior* to being brought to the



DRC, which makes it feel more like a formality than actually making a decision as a team. Another suggested that the case presentations be done in a more formal way so that the information could be shared by the Probation Officer with fewer questions asked and more information given up front.

One 2014 respondent suggested that victims and Police Officers should be invited to DRC reviews.

#### What is going well?

Officers in 2013 felt that the Probation Officers seem better-prepared for the meetings than they were initially, and they have tried multiple things prior to bringing the case to the DRC. Another felt that the DRC was a way to help Probation Officers think outside of the box. Some felt that the mental health clinician present at the DRC meetings is a great benefit. Others commented that the transparency, the discussion, and improvement in the time frames for cases were positive outcomes. Another responded that the input and suggestions made by the DRC were helpful. Interestingly, one person raised some concerns that keeping the number of petitioned cases down is not always a positive outcome for some respondents.

#### Any changes recommend to the juvenile petition process?

Officers recommended making it so that Probation Officers are able to better understand the Juvenile Prosecutor's Office role and the process of presenting a case. Changes to the form were recommended by a number of Officers, and these recommendations have been shared with the Enhanced Delinquency Senior Probation Officer and implemented during the grant extension period. One 2014 respondent felt that conducting both the DRAI and the YASI instruments was "too much."

#### Additional Comments

One Officer felt that a similar process to that of the DRC was already occurring between the Probation Officers and their supervisors, so there is not necessarily a point to it. Another felt that it would be helpful if the Probation Officers framed the DRC process more as a way to case conference.

Other comments were that the meetings are facilitated well and that there is value to the DRC. Some important pieces were that time frames of juvenile's cases are being looked at, the process is being overseen by multiple people, facilitated discussion is occurring around young people and what is happening in their lives, and that all of this helps the juvenile.

## **Discussion of DRC Survey Results**

The 2013 survey revealed some ways that the Diversion Review Committee form could be improved, and these suggestions were implemented during the summer of 2013. Respondents in 2013, for the most part, felt that the DRC was being run well. In 2014, respondents' attitudes were a bit more frustrated or pessimistic towards the DRC. This may have more to do with the fact that the 2013 survey was given largely to those who served on the DRC, while the 2014 survey was given mostly to those who had presented to the DRC. It may not have to do with the passage of time so much as with different Officers' experiences. However, both survey results indicated that there are clearly some Probation Officers who do not feel that the process is beneficial to their clients or others involved in their cases. Some also disagreed that the process helped them to better serve their clients. Such feelings should be examined more closely to make the process more beneficial, if possible.

## **Interviews and Focus Group**

To supplement the quantitative data reviewed primarily in this evaluation, interviews and a focus group were conducted with professionals impacted by the juvenile justice front-end reforms.

In May 2014, input was solicited from the juvenile Presentment team in the Juvenile Prosecutor's Office (JPO); their input was relayed in an interview with a representative from the JPO. The JPO provided insight into the court-level effects of the reforms, particularly in terms of the number and types of cases petitioned to Family Court.

A focus group was also conducted with the Alternative to Detention (ATD) team. This team is responsible for providing on-call support for the after-hours hotline. As such, they work closely with probation's diversion intake to notify probation of appearance tickets issued after-hours, and they work with Family Court to prepare after-hours detention cases for their first court appearance. They also monitor juveniles placed on ATD supervision, providing daily curfew checks and some in-home service connectivity for respondents with active Family Court petitions.

Finally, an interview was conducted with the Enhanced Delinquency Diversion (EDD) Officer, who conducts the intake meetings for all after-hours respondents issued expedited appearance tickets. Juveniles who agree to diversion are assigned to this Officer's caseload, but she carries a regular diversion caseload as well.

The goal of all the interviews and focus groups was to examine the juvenile justice reforms from various perspectives within the juvenile justice system, particularly identifying any concerns across agencies or departments and suggesting solutions to problems and good practices to continue. Though the overt goals of the reforms were met (i.e. reducing the number of juveniles detained, justifying and documenting reasons for detention, implementing expedited appearance tickets, and providing oversight to diversion cases prior to petitioning), we are hoping to gather information based on the everyday effect of the reforms and how they have been implemented.

### **Juvenile Prosecutor's Office Interview**

While the Juvenile Prosecutor's Office (JPO) is not directly involved in the juvenile justice front-end reforms, their work is affected by changes in the juvenile detention and petitioning processes. The JPO representative noticed that, with the reforms, Probation has made more efforts to adjust the cases prior to referring to the Juvenile Prosecutor's Office compared to the past. Particularly in cases where the juveniles' guardians are unresponsive, Probation has made more efforts to engage the families.

However, the reforms in no way affect the legal sufficiency of the cases (i.e. whether the charges can be pursued in court), as the arresting Police Officer determines the charges and most of the factors that affect legal sufficiency.

The JPO representative discussed one major concern: that juveniles who have multiple cases often have only one case referred to the JPO at a time because of the DRC processes. He felt that if one case was referred to the JPO, then all the cases should at least be known to the office in order for them to recommend appropriate adjudications for the juvenile and family. While he understood the goal of diverting juveniles from court involvement, some interesting points were raised. First, the question arises whether diverting a juvenile case from Family Court petitioning also means that Family Court judges and the presentment agency cannot even know about the diversion cases. This is the appropriate structure for diversion, but, according to the JPO team, it limits their ability to effectively work with the juvenile and victims because they are not aware of the services in place for the respondent or how he or she is responding or engaging with such services.

Further, the JPO often receives several separate referrals for a respondent soon after one another, causing them to have to shift gears rather than determining what to do with all the cases at once. He suggested that the petitioning process from diversion be more streamlined and organized so

that if a respondent has multiple cases likely to be petitioned, they do so at the same time. Knowing about all the active cases, he argued, helps them make better decisions.

The JPO team also expressed concern with the fact that the DRC only meets once per week. This causes some problems and delays in more urgent cases when they have to wait until the next meeting to refer for presentment. Sometimes this delay affects victims negatively. He noted that Diversion Officers have made some exceptions by using supervisory overrides to petition cases more quickly than they could if they waited for the DRC meeting, especially if the respondent is going to be appearing in court for another charge prior to the next DRC meeting.

The JPO representative also expressed concern that Probation keeps a lot of serious cases at diversion; he felt that a four-month diversion term may be too short of a program for higher-need respondents. However, this concern has nothing to do with the juvenile justice reforms but rather the purpose and structure of diversion services.

He noted that the cases most likely to get sent from court to diversion are those in which a juvenile denies guilt at the initial diversion level, has the case referred for presentment with the JPO and petitioned, and the judge deems diversion to be a good option.

Positive aspects of the reforms from the JPO's perspective include the level of effort made by Probation to engage respondents and families. There are also less cases referred to the JPO from detention with a release and adjust recommendation, largely because of the after-hours hotline and the mandatory risk assessments at arrest. He was glad to see this, as there is "no reason to hold those kids overnight" at the time of arrest, in his experience.

Other suggestions for improvements from the JPO's perspective include somehow notifying the office if a juvenile is active on diversion, perhaps in the "pending cases/legal history" section of the referral. As it stands, diversion cases are not considered legal matters, so they are not listed there. He suggested potentially changing the referral form so these cases are known to presentment. Ideally, he felt it would benefit the presentment team's decision-making ability if diversion records could be sent so they know how the respondent is engaging with services. However, diversion cases are sealed and are not meant to influence court cases. While the reasons for the suggestions may be understandable, it may not be possible or even beneficial overall to implement some of these recommendations.

If other jurisdictions were to implement similar reforms, the JPO representative found it particularly helpful to have the Alternative to Detention (ATD) staff in the same hallway as them so they can ask questions and exchange information about new juvenile cases.

Finally, two other concerns were raised. First, there is some confusion over exactly how long diversion cases are. The JPO team had noticed a few referred cases that had already passed the 4-month diversion period. They need to clarify exactly when diversion terms start and when respondents reach their Maximum Expiration Date in order to effectively process these referrals.

He also felt a need for some cases to get to the JPO sooner. In particular, cases in which the crime was committed at a store are difficult to work on if a lot of time has passed (i.e. three months) because people who can or need to identify the respondent may not be there anymore.

### **Alternative to Detention (ATD) Team Focus Group**

All members of the ATD team were familiar with all three juvenile justice reforms. However, they are not involved in any way with the DRC. They are minimally involved in expedited appearance ticket cases other than the fact that they are on-call for Police Officers who are considering detaining juveniles after-hours; they conduct the risk assessments and encourage Police Officers to issue the expedited appearance tickets when appropriate. Also, members of the ATD team work closely with the Enhanced Delinquency Diversion (EDD) Officer and provide coverage for expedited appearance ticket intakes when that Officer is not available.

The ATD team is clearly the most affected by the after-hours hotline. They shared some of their experiences of manning this line. Over time, some aspects have gotten easier because they have gotten smaller and more reliable computers to take home. However, Police Officers often do not understand fully the role of the hotline; they often get calls with just general inquiries from Police Officers and from secure detention. They noted that over time, they have definitely gotten less erroneous calls. The team is also supervising fewer ATD cases because there are fewer JD cases coming through court; as a result, their workload has shifted a lot to PINS pre-dispositional cases. In contrast, they noted that the ATD supervision lengths seem to be getting longer, potentially because the cases are more serious and are in trial. They noted that long ATD supervisions are not that informative because either the juvenile is going to follow curfew or not after a certain point.

The reforms have affected ATD's workflow because they used to review the list of individuals who were detained overnight and see if they could be released; they would then make that recommendation to the court. This occurs far less frequently because less after-hours respondents are getting detained.

The ATD team discussed what it is like to conduct the risk assessment after-hours and to work with the Police Officers in making detention decisions. Judges have told the team that they do not have a right to tell Police Officers not to detain if the Officer feels it is the best decision. While Police Officers seem to be frustrated with the system, they do not usually take it out on the person staffing the line. The ATD attempts to discourage overrides but recognize that when the officer insists, they will usually get the override granted. However, the administrative structure does make it difficult and leaves override requests for mostly when they are truly necessary.

They commented that lately (in the early months of 2014), they are only getting calls for more serious cases, and it seems to them that the arresting Police Officers have already tried other options like mental health arrests and cooling the situations before requesting detention. This may be due to the relocation and reduction in size of the detention facility around the same time.

The ATD team spoke about some issues from familial and community perspectives. They have noticed that parents are often not satisfied with issuing appearance tickets; often they are at their last straw and want the juveniles out of the house, according to the ATD team members. However, the ATD team has known Police Officers to tell parents that juveniles cannot get arrested. The team felt this leads the community to miss out on services. First, if Police Officers are truly just letting juveniles go without detention or appearance tickets, this is a community safety concern. Also, juveniles who are placed on ATD would normally receive some type of in-home service, which could help the respondent and family in the long run.

A potential result of decreased willingness to arrest juveniles is that more juveniles may be getting mental health arrested; the ATD team expressed concern if this was happening, because families would then have a bill to pay from the emergency room.

To examine whether juvenile crime rates have stayed the same while the arrest rates have decreased, the team suggested examining police juvenile contact forms, which must be logged for any juvenile contact – arrest or not. In the future, it would be interesting to interview Police Officers as well, though that was not possible during this evaluation.

From their perspective, the ATD team members felt that it was easier for juveniles who need detention to score high-risk on the DRAI than on the RAI. However, they did note that some rather serious offenses do not score for detention, such as serious sex offenses or crimes involving weapons. Nonetheless, they felt that the RAI was missing many of the risk factors such as not being in school and having known gang involvement.

When asked what they would like to see assessed in the risk assessment, the team listed serious assaults, weapons charges, and designated felonies (though they have not had any) as charges they would like to see score points on the instrument. Also, whether the victim is in the home or whether the respondent is gang-involved should count for at least a portion of a score. They advised that parent refusal to house the respondent should not be on the instrument because it will be overused. In contrast though, parents can tell judges in court that they will not accept the respondent home. The team noted that compared to the past, it seems that Officers are able to find parents more now.

The ATD team had a well-balanced view on the use of detention for juveniles. While they appreciated attempts to divert juveniles from unnecessary detention, they also recognized that detention can be helpful in temporarily removing juveniles from potentially unsafe situations. Some did not feel like the detention option was ever abused; most detained juveniles in the past had prior incidents or their parents could not be located, according to the ATD team. They reflected on the irony of the respite beds being offered but then not being able to be used because the respondents were considered at high risk of committing a crime at respite.

The team feels like over the past few years, the “pendulum swung” from having far too many juvenile detentions to currently having almost none. They hoped a more reasonable balance would be struck in the future. They expressed concern that the reduction in the availability of detention beds has not been coupled with increases in community-based juvenile services, such as inpatient mental health facilities.

The ATD team felt that juveniles have learned “how to play the system” with these new reforms. They criticized the system as a whole for not truly following evidence-based principles of graduated sanctions mixed with pro-social services. The current lack of effective sanctions, in some ATD Officers’ opinion, makes the positive efforts less effective. The juveniles have learned to not take the system seriously; for instance, compared to the past, juveniles feel less intimidated about appearing in court.

The ATD team felt like families used to have more say in court as to what happens with the youth. People are not familiar with the emphasis on risk assessment scores. According to some ATD Officers, many families want placement for their youth because many found it helpful for themselves and for their older children. Also, families often want something done more quickly than is currently occurring. While the expedited appearance tickets help, the system has to recognize that the families have often already diligently pursued many interventions to address their children's behaviors.

From ATD's perspective, the premise behind the reforms is positive in the sense that an objective instrument is used to make detention decisions which is not as easily influenced by race or location of residence. Also, the ATD team finds it helpful to be aware of cases that occurred the prior night as soon as they arrive in the morning; already having the information from the after-hours calls allows them to get a head start in preparing these cases for court.

The strongest recommendation made for improvement was that the risk assessment instrument needs to better assess community risk factors in addition to the risk of re-offense or the risk of not appearing in court.

### **Interview with Enhanced Delinquency Diversion Officer**

The Enhanced Delinquency Diversion Officer (EDD Officer) was interviewed for insight into the expedited appearance ticket process and the general diversion process, as well as for commentary on Diversion Review Committee from a Diversion Officer's perspective. All respondents issued expedited appearance tickets are automatically placed on her caseload. She also carries a regular diversion caseload, including both PINS and JD cases through regular appearance tickets, court-ordered diversion, and transfers from FACT. She explained that if she is not available to do expedited appearance ticket intakes, an ATD Officer meets with the respondent and has them sign the diversion agreement (if willing), and then she would be the one to continue meeting with the juvenile. Also, she assists the ATD in manning the on-call after-hours line. She has been working in this position for five years so is able to provide insight into all of the reforms.

The EDD Officer stated that she was excited about these reforms when they were first implemented because they were meant to address some things that were not working. From what she knew, other Diversion Officers were positive about it as well. Police Officers at first complained that they had to "get probation's permission" to detain juveniles, but over time the relationship has healed. Probation consistently emphasizes to the police that they simply help



them complete the required risk assessment instrument and do not give permission for detentions or prohibit them. Over time, Police Officers have become more knowledgeable on the scoring system and the questions they will be asked.

Similarly to the ATD team, the EDD Officer felt the DRAI was a bit more accurate than the RAI in scoring juveniles for detention because the RAI did not take placement status into consideration. However, she felt the DRAI could be improved if it could factor in the seriousness of the offenses better, such as by using the degree of the charge.

The Officer explained the expedited appearance ticket logistics a bit more. There is not a separate form for expedited appearance tickets as opposed to regular juvenile appearance tickets. The arresting Police Officer is simply supposed to write “expedited” at the top of the page and fax the ticket to Probation so it is there for the respondents’ first appearance.

There are many changes to the form that could assist in processing these cases. Because the address printed on the appearance ticket form is for the Hall of Justice, families often go to the Hall of Justice for the intake appointments rather than appearing at Probation like they are supposed to. Arresting Officers do not always correct the address or write the accurate time and date of the expedited appearance intake. This causes problems because it makes the crucial first contact with respondents the day after the charge more frustrating for families and less likely to occur. The EDD Officer suggested giving both addresses as options for the arresting Officer to choose from on the form, or to change where intakes are conducted. She suggested that the ATD on-call officer could remind Police Officers about the time and address of intakes but acknowledged that remembering to do so is difficult when the call comes in late at night.

To mitigate some of these problems and to better ensure contact with families, the EDD Officer always attempts to contact the family as soon as she receives expedited appearance tickets. If she makes contact, she clarifies for them when and where to meet for the intake appointment. She also tries to contact the victim to determine if they are willing to have the case be diverted.

The EDD Officer felt that the expedited appearance tickets have been very beneficial to the probation intake process by making it more efficient. Probation begins working with the family and the victim immediately after the arrest occurs. This creates better connections and a more immediate response overall. Also, she noted that if communities and courts cannot justify the cost of detention for juveniles, then offering expedited appearance tickets at least is an

alternative for frustrated parents, through which they know something will be done as quickly as possible about their child's behavior.

While she does not notice any major differences between respondents' behavior at expedited and regular appearance ticket intakes, she hopes that offering a more immediate response makes families' interactions with police better at the time of arrest. She noted that compared to juveniles at intake for regular appearance tickets, youth with expedited appearance tickets tend to remember more about what happened and admit to a bit more responsibility for what occurred. They know better why they are there but do not necessarily seem to be more remorseful or emotional. Conversations with victims are similar whether it is an expedited or regular appearance ticket, in her opinion, though she feels better assisting the victims more quickly.

The EDD Officer has both served on and presented to the Diversion Review Committee. When asked why she thought Diversion Officers were frustrated with the process or felt it had negative impacts, she conjectured that most Probation Officers are confident in their work; if they are attempting to petition a case, they have usually made diligent efforts to divert the case. Diversion Officers have to have a case conference with their supervisors in order to refer a case to the DRC, which is just another hurdle to petitioning. She noted that there have been a few cases where Officers did not try hard enough to engage a juvenile, but she felt that this should have been handled by the supervisor. The DRC serves as a good safeguard beyond the supervisor. She guessed that the process does encourage more due diligence.

She found the DRC process helpful for Officers who repeatedly request petitions due to victim insistence. They found it to be an opportunity to discuss with the Officer what kinds of conversations they were having with victims that led to such frequent insistence on court.

In terms of how the DRC process affects victims, offenders, and families, it might encourage Probation Officers who do not do a lot of follow-up to make more contact with all of those involved.

However, the EDD Officer, just as the JPO representative, acknowledged that the DRC process can frustrate families if they have to wait until the following Tuesday to have the case approved to petition. Families may also find it frustrating that the Probation Officer cannot simply decide to petition the case, even though he or she has the most contact with the family. In her work, though, she has used any delays as opportunities to give the family some time to document more behavior that can be used as justification of the petition.

Positive outcomes from the after-hours hotline include an increased communication between Probation Officers and the ATD team because ATD notifies Probation Officers if one of their active clients was arrested after-hours. This way, the Probation Officer can increase efforts to work with the juvenile and respond to the event.

A few further recommendations were made for improvements. First, the EDD Officer suggested that the ATD team has to remember when on call to ask the arresting Police Officer when the crime occurred, rather than assuming that the crime just occurred. They should also remind the officer to correct the address and fill in the time of the intake and to fax the appearance ticket to probation. She noted that there is a sheet with reminders on it, but it is cumbersome. The ATD team is working on revising this document.

Finally, because the EDD Officer role bridges so many aspects of juvenile intakes, she suggests that careful thought should be paid to the supervising structure of such a position, especially if a jurisdiction is considering implementing a similar role.

## **Conclusion and Recommendations**

Overall, the intention of the juvenile justice front-end reforms is to create systemic-level change in the processing of juvenile delinquent cases in Monroe County. The downward trend in detentions and petitions during the first phase of the grant (March 2012 to June 2013) appears to be continuing or to have stabilized during the grant extension period (July 2013 to June 2014). Reductions were already occurring prior to reform implementation, but those reductions accelerated in correspondence with the beginning of the reforms.

This thorough assessment of Monroe County's Juvenile Justice Front End Reforms using multiple data sources shows, across the board, that the goals of the reform were met, though causation cannot always be assumed. Juvenile detentions have decreased dramatically since inception of the reforms, and the number of juveniles petitioned to Family Court has decreased as well. While some Probation Officers are frustrated by the Diversion Review Committee, it has successfully served its role of ensuring due diligence has been done by Probation prior to referring cases for presentment at the Juvenile Prosecutor's Office; anecdotally and quantitatively, Probation Officers are making very thorough efforts to engage juveniles and their families in the diversion process. While the respite option was unexpectedly underused, the expedited appearance tickets were very successful at connecting with respondents, their families,

and victims much more quickly than regular appearance tickets. As such, they were used very often.

All of that success has taken place in the context of some fairly significant community changes, particularly in that the juvenile detention center was relocated and downsized in early 2014. The results of this are only speculative in our data, but it deserves further attention. There was a corresponding decrease in the number of detentions but also in the number of juvenile intakes, perhaps indicating that juveniles are now less likely to be charged with the crimes they commit. More evaluation of these effects is needed, using broader juvenile justice and police data.

Some recommendations to consider include revising the juvenile appearance ticket form so that it is clearer to respondents and their families when and where to appear. There were also consistent concerns with certain situational factors at the time of arrest, such as violent crime victims living in the home, not being considered in the risk assessment instruments and therefore resulting in many of the override cases. If possible, Probation and/or New York State may consider revising the DRAI, though most of those interviewed believed the DRAI resulted in more accurate scoring than the RAI. Ultimately, the change in the risk assessment instrument used had little effect on case outcomes.

Overall, the data presented here can provide a firm foundation in understanding how the successful implementation of these reforms affected the juvenile justice process.