

Juvenile Justice Reform Final Evaluation Report
Covering January 2012-June 2013
After-hours Cases, Diversion Review Process, and Juvenile
Detention Data



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Description of the 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 awarded to the Monroe County Office of Probation by the New York State Division of Criminal Justice Services. The Monroe County Office of Probation sought to make systemic changes to the juvenile justice system to reduce the use of detention for juveniles and to lower the rates at which juveniles are formally processed through Family Court. The grant was awarded for the period from January 2012 to June 30, 2013. The data in the report span March 2012-June 2013, as the program period began in January 2012 with planning and training but was not implemented until March 2012. An extension was granted to continue the evaluation from July 1, 2013 to June 2014, but data for that period is not included in this report.

The Front-End Juvenile Justice Reform sought to both keep arrested juveniles (those under the age of 16) from unnecessary overnight detention as well as to ensure thorough efforts were made by Probation to divert juveniles from further penetration of the criminal justice system if it was not necessary. To these ends, four distinct initiatives were undertaken to reform the juvenile justice system in Monroe County.

First, the Monroe County Office of Probation created an After-Hours telephone hotline staffed by Family Services Division (FSD) Probation Officers. This hotline was utilized by law enforcement officers who arrested a juvenile after regular Family Court operating hours, if that Police Officer was considering detaining the juvenile. A standardized Risk Assessment Instrument (RAI) would be completed by the FSD Probation Officer on the phone, while the Police Officer would contribute to the process by sharing vital information. (The assessment instrument is included in Appendix D.) The RAI assesses a juvenile's current alleged charges and his or her juvenile justice history to objectively determine if detention is truly necessary. Based on the results of the Risk Assessment Instrument, a collaborative decision is made by the arresting Police Officer and the FSD Probation Officer about whether to detain the juvenile or issue an appearance ticket. If the juvenile did not score for detention but the Officers felt the circumstances required detention, the opportunity was available for receiving a "detention override" by calling the Deputy Chief Probation Officer or the designee. Also, if a juvenile scored high-risk (i.e. recommended for detention), the Officers could decide to override 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 ensure that there is a justified reason when detention is used.

A second component of the reform was the establishment of an expedited appearance ticket. Before this reform, Police Officers could only issue what we call in this report a "regular" appearance ticket, which informs the juvenile that they will be contacted by Probation for an intake, 7-10 business days away, to be seen by a Probation Officer with regards to the alleged charges. An expedited appearance ticket, in contrast, instructs the juvenile and guardian to appear on the following business day. The expectation was that reducing the amount of time between arrest and the 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.

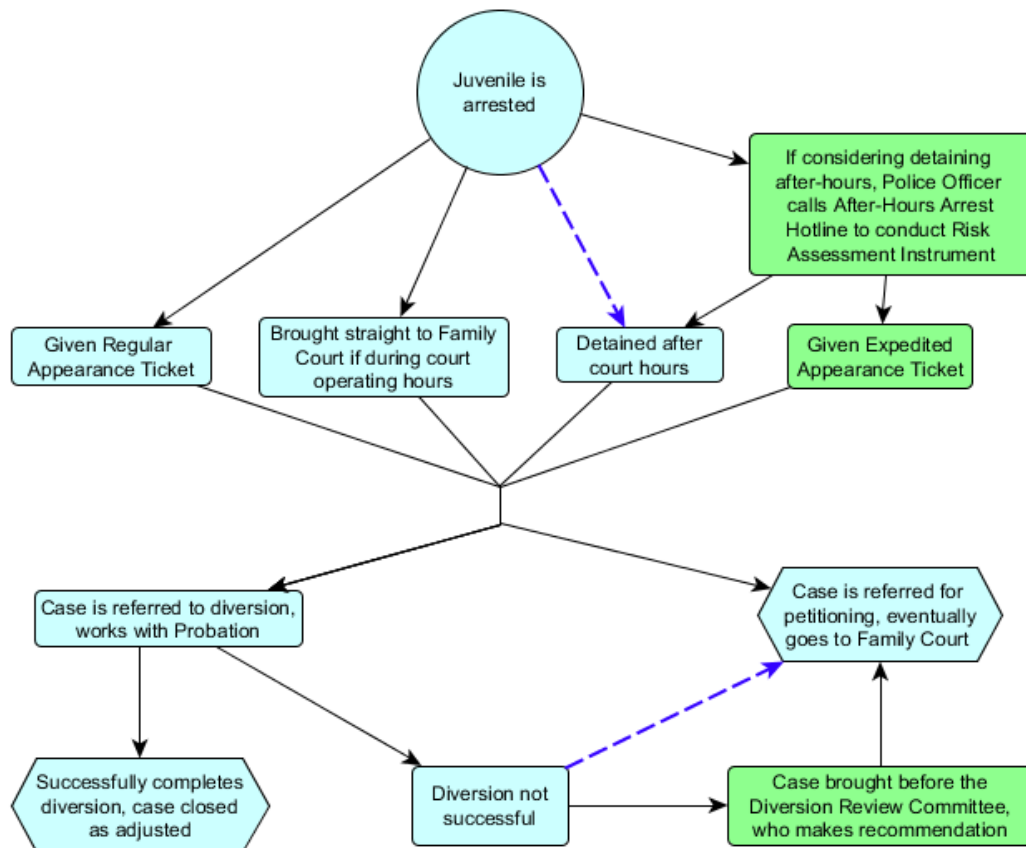
The third new initiative was that Probation began a contract with Hillside Children's Center to offer a respite bed to juveniles who did not need to be detained but had no place to stay that night (i.e. if the

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 for low-risk juveniles. Respite was used less than originally expected over the first year, and the contract with Hillside was allowed to expire in June 2013. The Office of Probation is exploring new options for offering respite again in the future.

The final component of the reform was the creation of a Diversion Review Committee (DRC), which would review all Juvenile Probation cases that were being recommended for petitioning by the FSD Probation Officer (transferring from Probation Intake to Family Court as a Juvenile Delinquent case). Petitioning would typically be sought if the juvenile was consistently violating the conditions agreed upon with Probation Intake, or if the juvenile, guardian, or victim was unwilling to participate in diversion programs.

Prior to the establishment of the Diversion Review Committee, a case could be petitioned after the FSD 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, a broad committee must agree that a case should be petitioned, or else the Committee would recommend that further attempts be made to divert the case from Court. The goal of the DRC is to ensure, for every juvenile case within Probation, that diligent efforts have been made by Probation to prevent any juvenile's unnecessary entrenchment in the justice system. The Diversion Review Committee meets weekly and includes FSD Probation Supervisors, a mental health clinician, the Deputy Chief Probation Officer, the Project Coordinator, the Enhanced Diversion Officer, and the FSD Probation Officer presenting the case.

The chart below shows a very broad overview of three of the reforms that were made (the After-Hours Hotline, the Expedited Appearance Tickets, and the Diversion Review Committee). The green boxes show these 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 new reforms. A detailed process overview can be found in Appendix B.



Overview of Results

This report evaluates the impact of the juvenile justice reforms by reviewing data from March 2012-June 2013. The findings are promising and show the following:

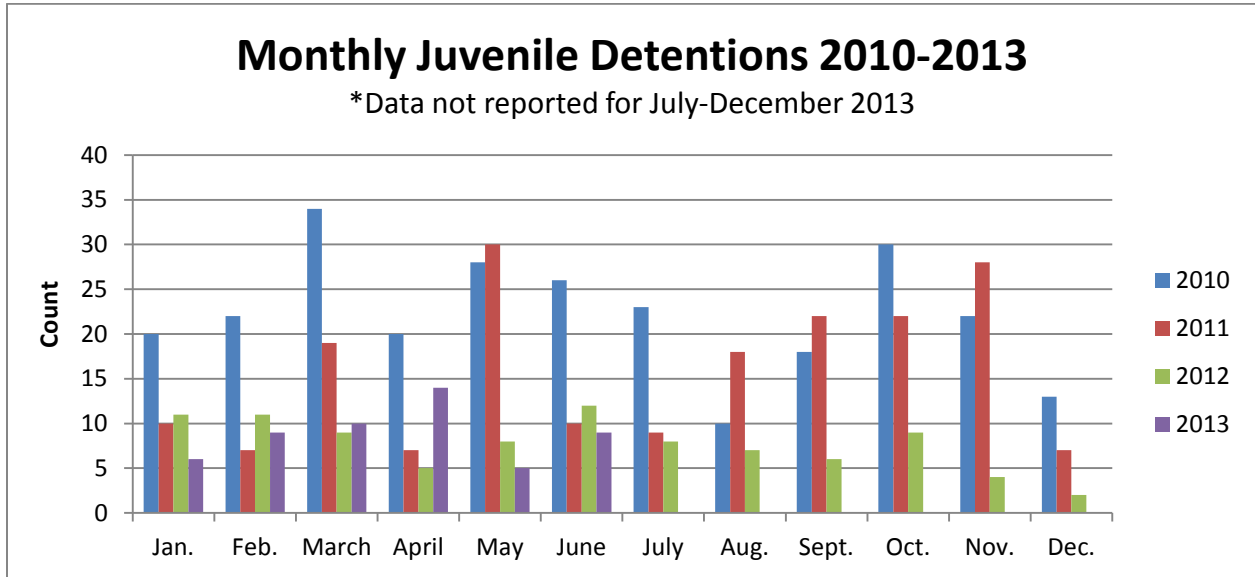
1. An overall reduction in juvenile detentions (down 52% from 2011 to 2012)
2. An overall reduction in juvenile petitions (down 44% from 2011 to 2012)
3. 44 juveniles (34% of the after-hours calls) were diverted from detention after court hours who would have otherwise been detained.
4. Juvenile cases handled by the Family Services Division of Monroe County Probation are being petitioned only after going before a Diversion Review Committee to ensure that all of the necessary work to try to prevent the petition has been done.
5. The detention and petitioning processes for juveniles is receiving strict oversight.
6. Lastly, fewer juveniles are penetrating the juvenile justice system than before.

This report is divided into five sections. First, an overview of the juvenile detention data; second, an analysis of the after-hours cases; third a descriptive analysis of the Diversion Review Committee data; fourth, the survey results of attitudes towards the Diversion Review Committee; and finally, a discussion and next steps. Then, Appendix A contains a glossary of common terms used in this report, and Appendix B provides detailed charts to explain how a juvenile moves through these systems after arrest. Appendix C provides a copy of the survey given to Diversion Review Committee (DRC) Officers, and Appendix D contains the Monroe County Juvenile Detention Risk Assessment Instrument (RAI).

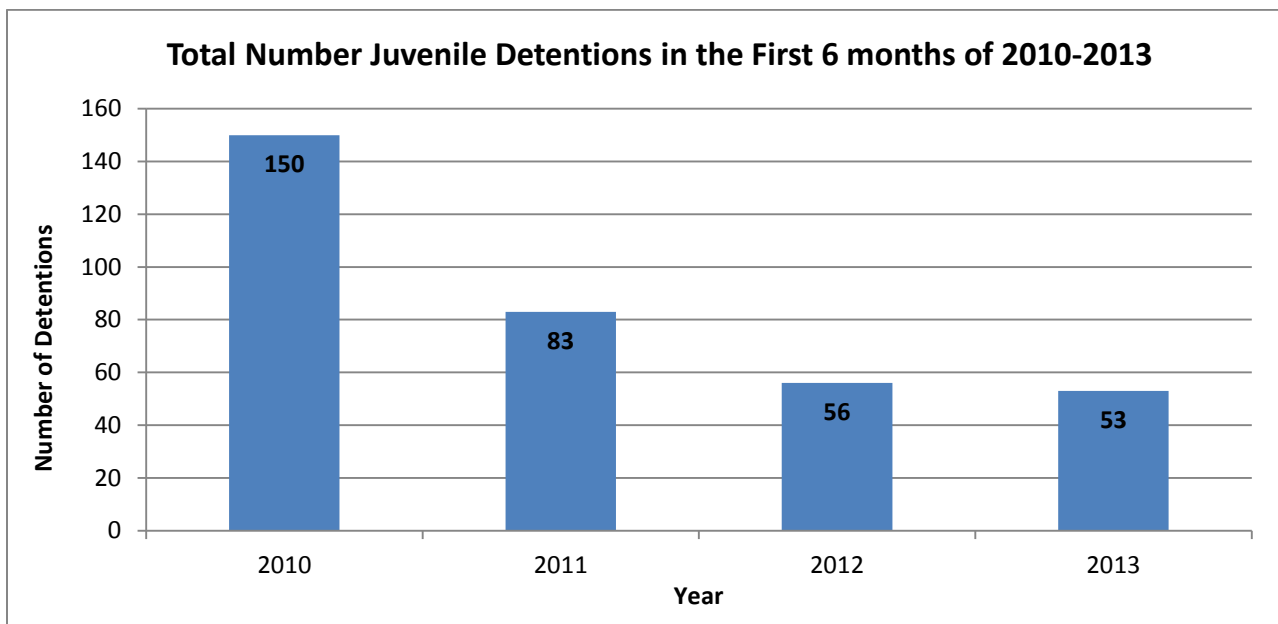
The evaluation relies mostly on quantitative time-series data. Additionally, qualitative data were gathered through surveying the Family Service Division (FSD) Probation Officers on their attitudes towards the new Diversion Review Committee (DRC) process. The quantitative data were retrieved from two new databases that were created for this project, an Alternative to Detention (ATD) after-hours log (capturing the calls made for each after-hours juvenile arrest) and a Diversion Review Committee log (capturing information on the cases that went before the DRC). The soft-copy ATD after-hours log was inputted mostly by one person, who would receive the information and handwritten logs from the FSD Probation Officers and input into the computerized log within ten days of receipt. The DRC log was inputted by one person, who would update the log within a week of activity. The Probation Department's client database, Caseload Explorer (CX), was used to gather case information on the juveniles who went through the after-hours process. Data accessed from CX included: home zip code, results of after-hours call, current contact with Probation at the time of the call, previous contact with Probation, and case disposition. Detention data were shared from the Department of Human Services' official records, and aggregate overall juvenile Probation data were received from the Office of Probation's Data Manager. The ATD after-hours hotline began running in March 2012, and the Diversion Review Committee began in April 2012. The data in this report span March 2012 to June 2013, unless otherwise specified.

Juvenile Detention Data Overview

First we review the overall trends in juvenile detentions in Monroe County. As can be seen below, the number of juvenile detentions has been in decline over the last 3 years. 2012 appeared to have the most drastic reductions, with January and February (prior to implementation of this reform) having more detentions than the previous year (2011), and then only the month of June being the other month with greater detentions than either 2010 or 2011. Please note that data from July-December 2013 are not included in this report and therefore falsely appear to be 0 cases.

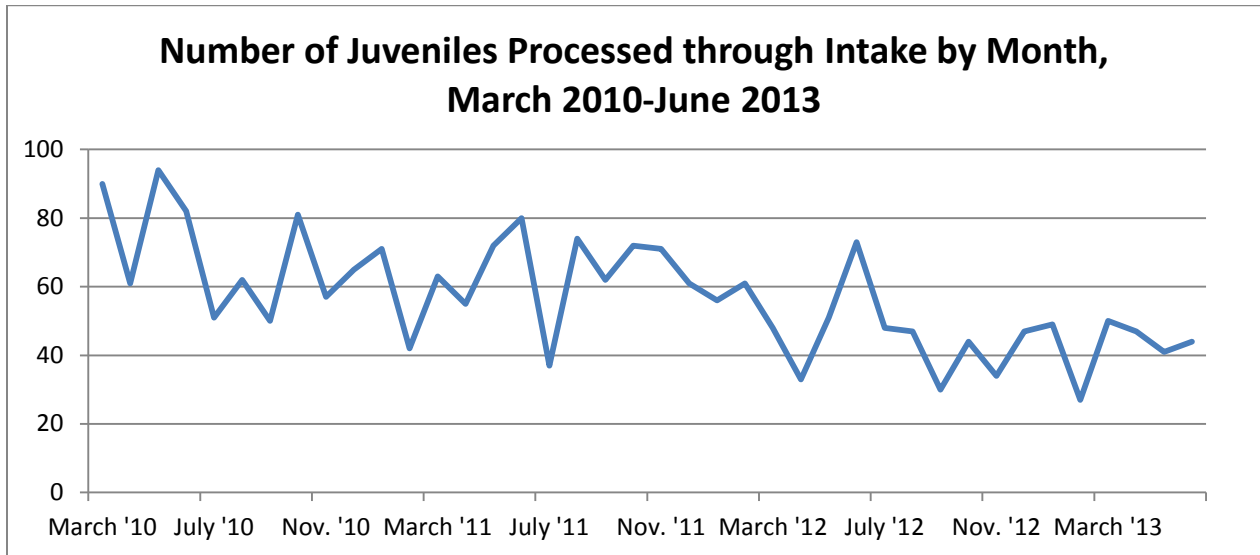


Looking closer at the first six months of each year from 2010 to 2013, as those are the months for which data is available for all years, the number of detentions in 2013 is on par, even slightly lower, than the number in 2012 and significantly lower than in 2010 and 2011.

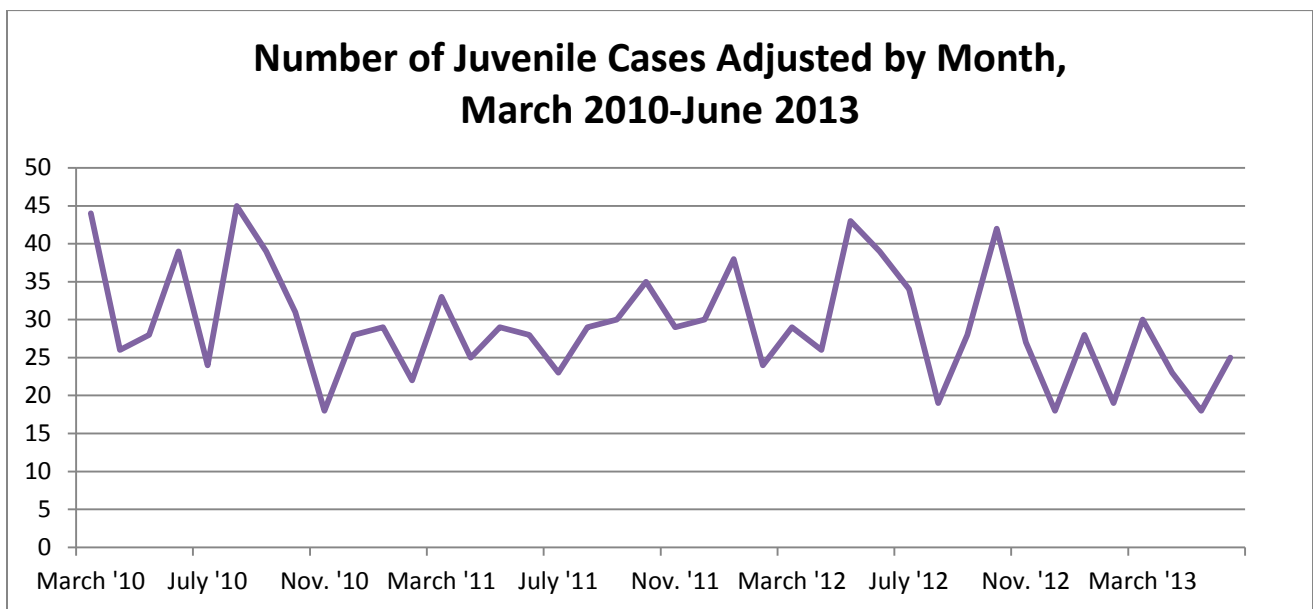


General Juvenile Case Data Trends

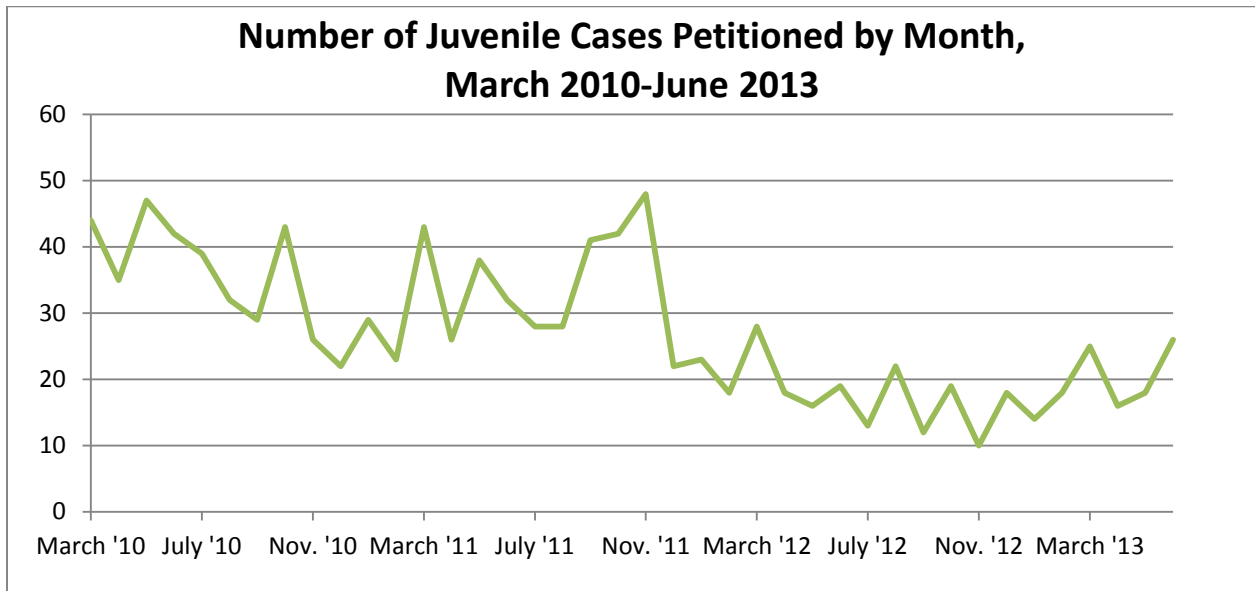
The chart below shows the overall decline since 2010 in the number of juveniles being processed through intake. March 2013 saw the lowest number of juveniles processed through intake since 2010.



The chart below shows the number of juvenile cases adjusted per month, which 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 an FSD Probation Officer and follows individualized conditions, and the case never appears in the Family Court as a Juvenile Delinquent (JD) case. The number of adjusted cases seems to be on a slight overall 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. With less juvenile cases processed through intake and only slightly less adjusted, this may indicate that a larger percentage of juvenile cases that go through intake are being adjusted.



The number of juvenile cases petitioned per month is shown below and reveals a sharp decline over the last three years, especially after the juvenile justice reform initiatives began in March 2012. In November 2012, there was the lowest number of juvenile cases petitioned since 2010 despite the uptick in detentions shown in the chart above by June 2013. Thus, despite the rise in detentions, less juveniles' cases ultimately penetrated the criminal justice system. From April 2012 (Diversion Review Committee inception) through June 2013 (a 15-month time period), juvenile petition rates were down 44% from the previous 15-month time period (January 2011-March 2012). Further, juvenile petition rates were down 51% from the previous 15-month time period (October 2009-December 2010).



Overall, the intention is to create systemic level change with this new way of doing business. The expectation is that this data will be followed over the next few years in order to better understand the detention, adjustment, and petition trends for juveniles in Monroe County. The downward trend in detentions and petitions appears to be continuing as it was prior to the implementation of this new work. To better understand the impact, it is important to look closer at the specific areas that were involved in this new work. Next, we look more closely at the after-hours cases.

After-Hours Case Analysis

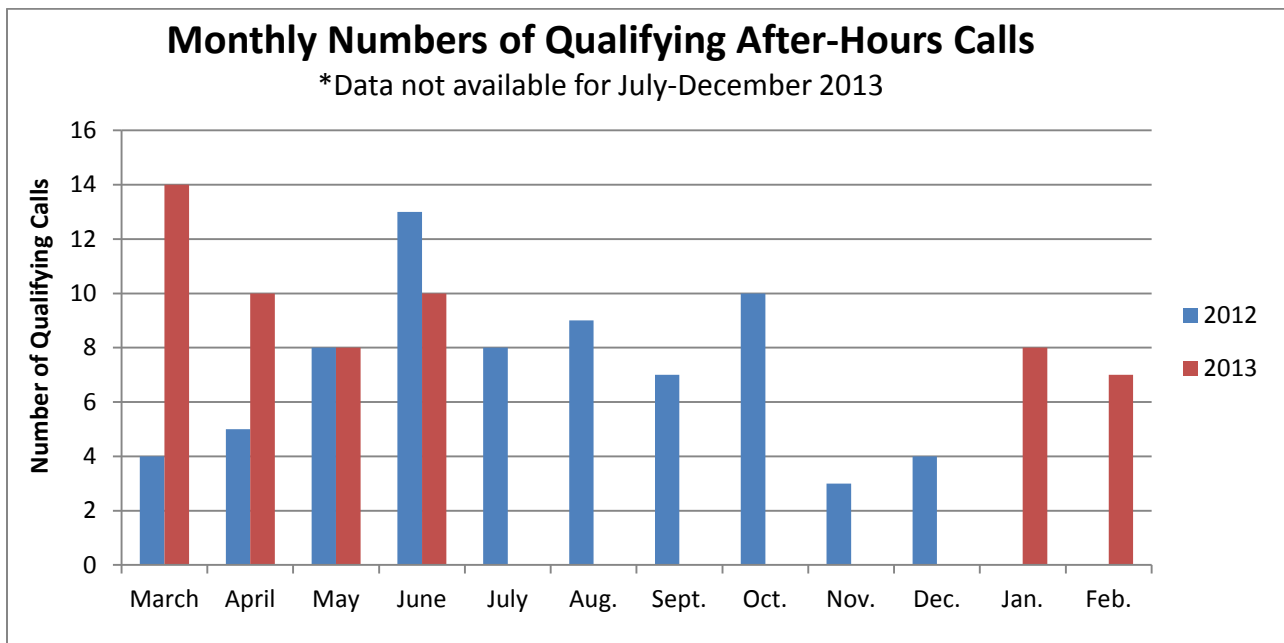
The After-Hours telephone hotline was established in March 2012 with the goal of reducing the number of juveniles detained overnight following an arrest *outside* of Family Court operating hours. (If a juvenile was arrested during Court operating hours and the arresting Police Officer felt her or she needed to be detained, the Officer would bring the juvenile directly to Family Court to be seen by a judge.) With this reform, if a Police Officer is considering detaining an arrested juvenile after court hours, he or she must call the After-Hours hotline to have a Risk Assessment Instrument (RAI) completed by the FSD Probation Officer manning the line. This RAI 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. The actual Risk Assessment Instrument used by Monroe County is provided in Appendix D.

A juvenile scoring low- or medium-risk on the RAI (a score between 2 and 12) would be recommended to receive an expedited or regular appearance ticket, and any juvenile scoring 13 or above (high-risk) would qualify for detention. If a juvenile has an active warrant, he or she automatically scores “high risk” and can automatically be (and usually is) detained. If the Officers felt a low- or medium-risk juvenile needed to be detained despite his or her score on the RAI, they could call the Deputy Chief Probation Officer to request approval to “override” the RAI 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. Also, the Police and Probation Officers could call the Deputy Chief Probation Officer with a request to “underride” the RAI automatic detention recommendation and release the “high-risk” juvenile with an appearance ticket instead.

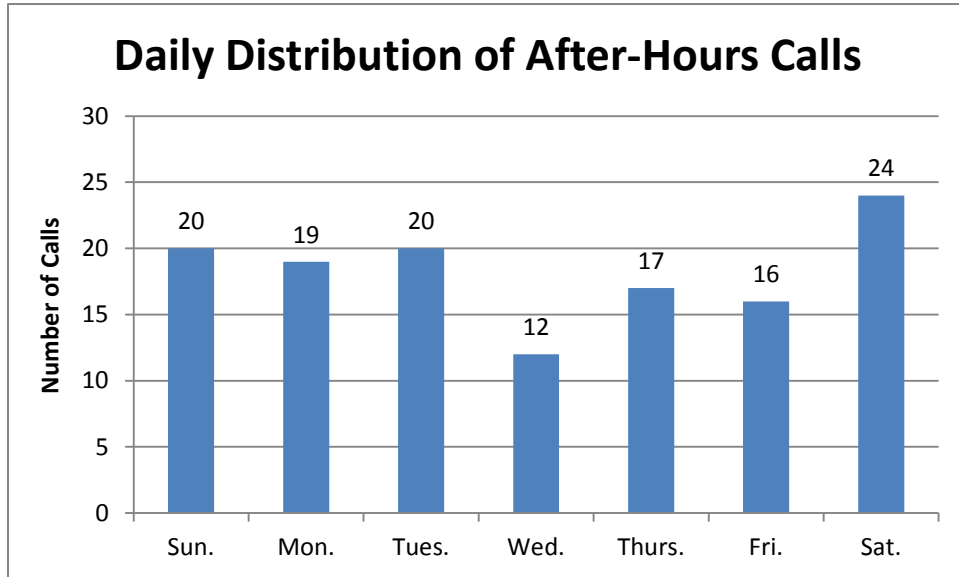
This section provides an analysis of the after-hours qualifying calls and their associated cases. Qualifying calls for this report are those that were made when a Police Officer was considering detaining a juvenile; non-qualifying calls were removed from analysis (i.e. a mother calling for information,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

From March 2012 through June 2013, there were a total of 128 qualifying after-hours calls. Each call represents one juvenile case, but some juveniles had multiple qualifying after-hours calls, which are discussed later. Therefore, there were 128 qualifying juvenile cases that were impacted by this new work over fifteen months.

The chart below shows the number of qualifying calls made to the after-hours hotline per month from March 2012-June 2013. (Months that appear to have zero calls are simply months not covered in this report.) There was an average of eight qualifying calls each month. November and December 2012 saw the fewest number of cases, with June 2012 and 2013 receiving a higher number of calls. Interestingly, March 2012 saw only 4 cases, while March 2013 received more than three times that number of cases.

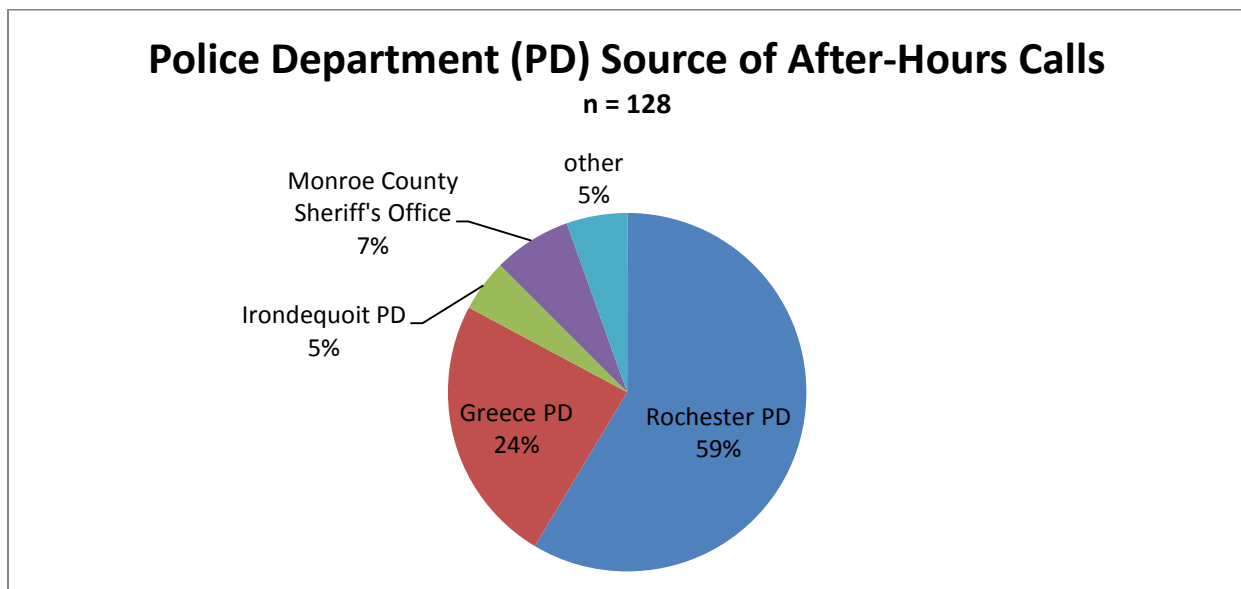


When calls are broken down by day of the week, Saturdays, Sundays, Mondays, and Tuesdays were the days most likely to receive calls, while Wednesdays received the fewest number of calls. Note that if a call comes in at 11:50 p.m. on a Saturday, this is coded as a count for Saturday, while if a call comes in at 12:08 a.m. that same night, it is considered a count for Sunday.



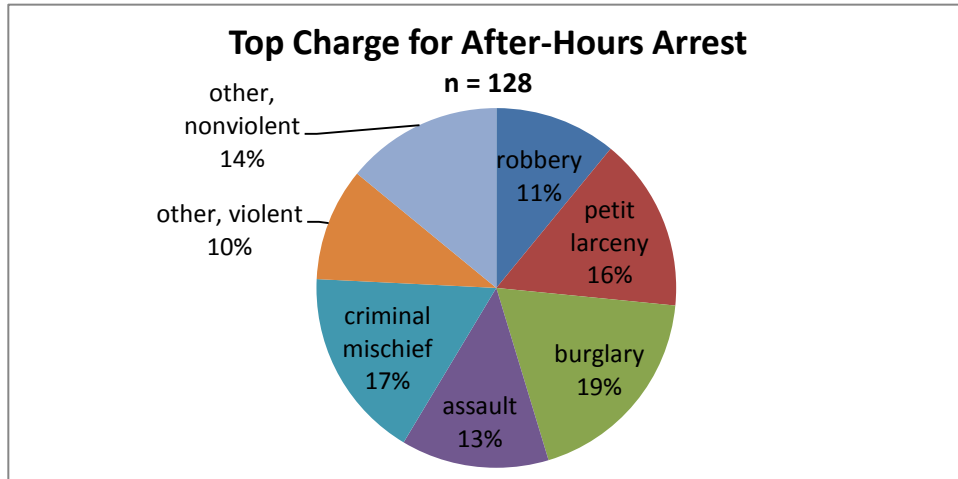
Police Department Making After-Hours Call

The majority of calls came from the Rochester Police Department, with Greece making the second most frequent calls to the hotline, followed by Monroe County Sheriff's Office, then Irondequoit, and then all others combined.



Crimes

There was no crime that was more frequent than others, except that when collapsing the crimes together, 48 calls (37.5%) were for theft-related arrests (robbery, burglary, larceny). The chart below shows the top charge for the after-hours arrests. Criminal mischief and assault were the most common non-property crimes juveniles were arrested for. A total of 71 juveniles were arrested on one charge, while the remaining 57 were arrested on more than one charge.

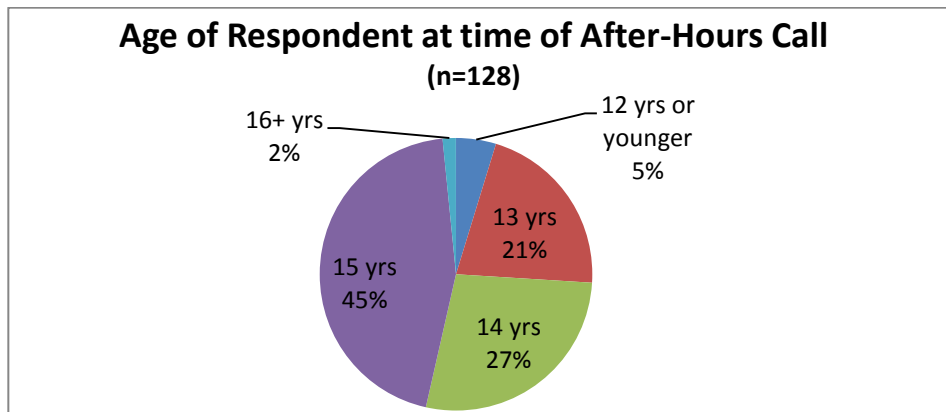


Repeat Respondents

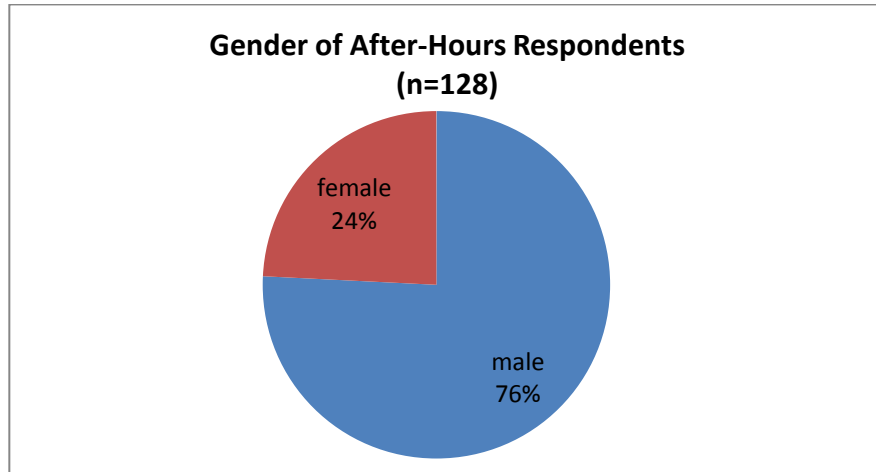
Repeat Respondents are juveniles who were arrested after-hours more than once, and for separate incidents. There were twelve after-hours repeat respondents. Three of the 12 had three separate after-hours arrests between March 2012 and June 2013, while the remaining 9 had 2 separate after-hours arrests. Three are male White Hispanic, 6 are male Black, one is a White male, one is a White female, and one is a male with an unknown race/ethnicity. Thus, there were 15 after-hours cases/arrests that involved juveniles who had previously been arrested after-hours during this time period. Out of the 128 qualifying calls, then, 113 separate individuals were represented.

Respondent Demographics

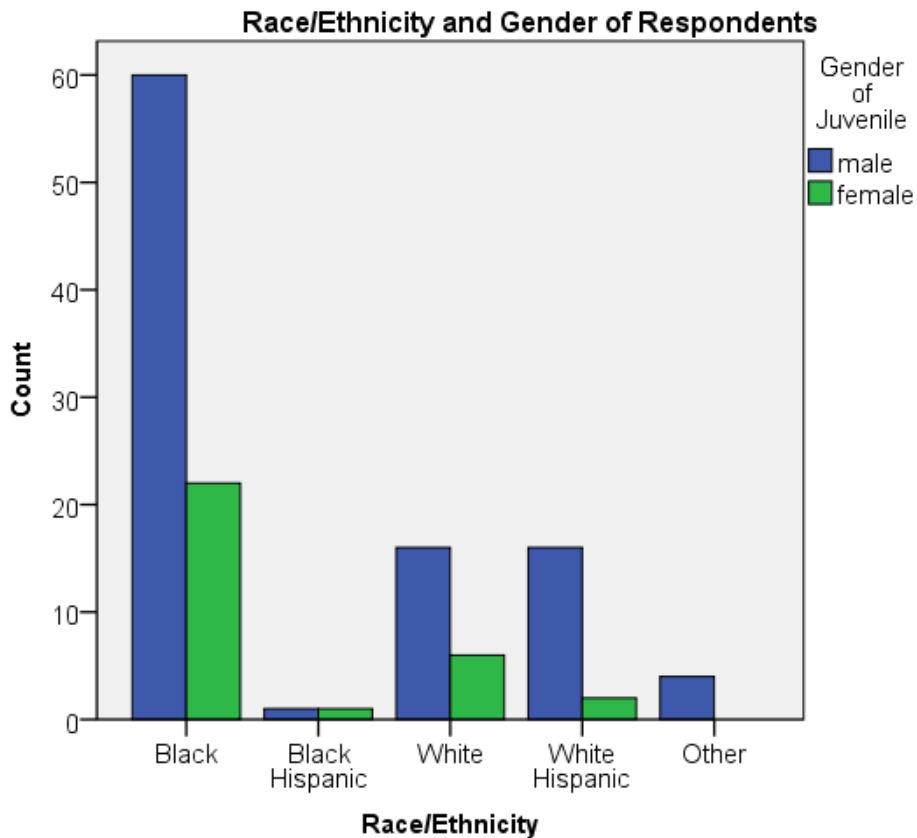
The most common age of juveniles was 15 years old, and the youngest respondent was 10 years old. As would be expected, the second most common age was 14 years old followed by 13 years old. While juveniles are considered to be 15 years of age and younger, there were a few instances when a call came in for a juvenile, but it turned out later that he was actually 16 years old at the time of the crime.



The following shows the breakdown of gender, with approximately three quarters of respondents being male and one quarter female.

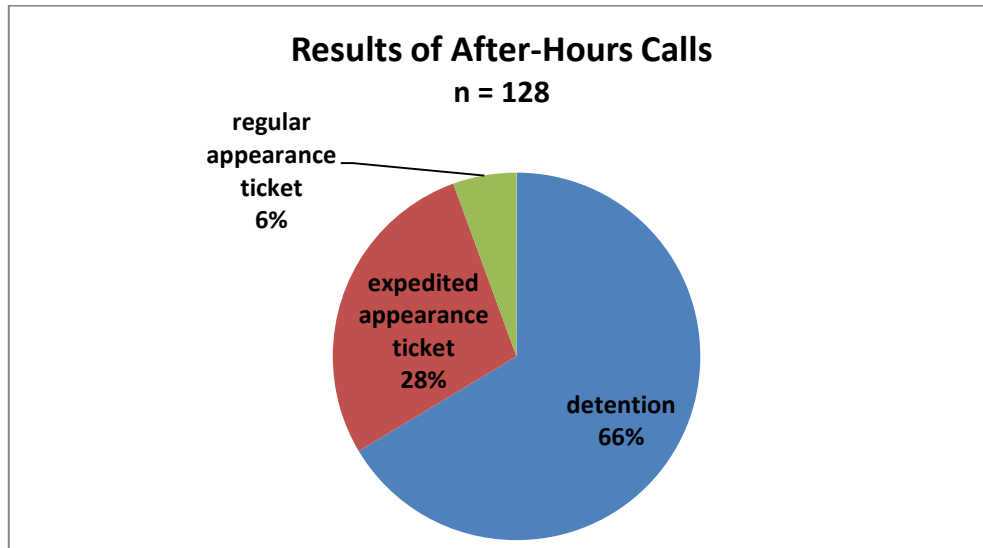


Below we look at age and the race/ethnicity of the respondents as categorized in Probation’s Caseload Explorer database. As can be seen, the majority of respondents reported as Black non-Hispanic, with the majority of both males and females reporting to be Black non-Hispanic. There were very few White Hispanic females and almost no Black Hispanic males or females. There were nearly an equal number of White and White Hispanic males, with 15 and 17, respectively.

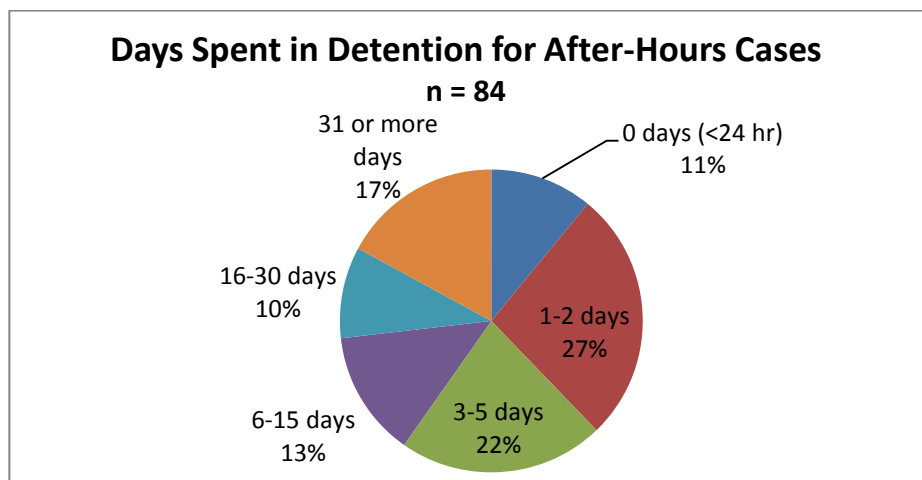


Specific Determination Made During the After-Hours Calls

The chart below shows the overall response or determination made during the 128 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 juvenile. Therefore, with only 66% of the calls resulting in detention, 34% of juveniles who may have been detained in the past were not detained. **In other words, 44 juveniles were not detained during this time period that may have been if this new process was not in place.** These juveniles, who represent over a third of respondents, were given an appearance ticket instead of being detained the night of the after-hours call.



One of the goals is to not only have fewer juveniles detained, but to also have detained juveniles spend fewer days in detention. Below, we look specifically at the days spent in detention for the juveniles who were detained as a result of an after-hours call. There were 84 juveniles detained as a result of calling into the after-hours hotline from March 2012-June 2013. As can be seen below, 11% spent less than a day in detention (indicated in the chart as 0 days), and 49% spent 5 days or less in detention. About a quarter of the cases spent 16 days or more in detention. Therefore, about 75% spent less than 16 days in detention.



Detention

There were 84 detentions out of the 128 qualifying calls. Thus, 66% of calls resulted in detention. Of the 84 detentions, 59 were overrides to detention (70% of the detentions). This means that the respondent scored either low- or medium-risk on the Risk Assessment Instrument, but the Police Officer and/or FSD Probation Officer got permission from the Deputy Chief Probation Officer to detain the juvenile anyway. Of the overrides, 47 were overrides from low-risk, 12 were from medium-risk, and one was because a juvenile ran from respite (original RAI was low; no new RAI completed).

Two of the low-risk overrides to detention were made within the first five weeks of implementation because respite was not available at that time. Eventually, from about April 2012-June 2013, if a juvenile scored low- or medium-risk but could not return home due to family/staff refusal or the Police Officer could not find or contact the family, the Officer could bring the juvenile to a non-secure respite care instead of detaining him or her at the secure detention facility.

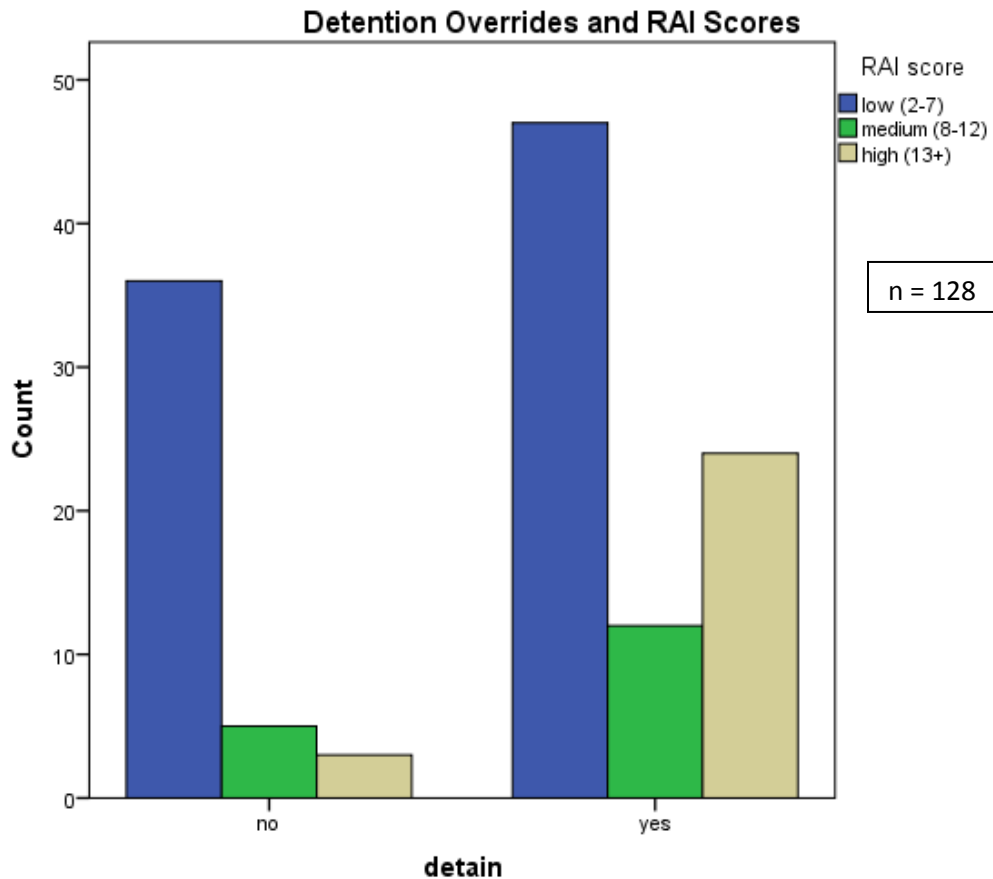
Below are the cross-tabulations showing the Risk Assessment Instrument (RAI) scores and the corresponding decision to detain the juvenile or not. If a decision was made to detain the respondent and he or she scored low- or medium-risk, then an override was required from the Deputy Chief Probation Officer to make that happen. A respondent who scores as high-risk automatically qualifies for detention, but the Police Officer and/or FSD Probation Officer can also call the Deputy Chief of Probation or the designee to override that decision.

The table shows that 43% of the low-risk respondents were not detained, while 57% were detained. Further, 29% of medium-risk respondents were not detained, while 71% were detained. Lastly, three high-risk cases were not detained (11%), while the remaining were detained (89%). Those three overrides are discussed in more detail later in this report. It was an interesting finding that the majority of low and medium risk cases still resulted in detention.

Detainment * Risk Assessment Instrument (RAI) Score Cross-tabulation

			Risk Assessment Instrument (RAI) Score			Total
			low (2-7)	medium (8-12)	high (13+)	
Was the juvenile detained?	no	Count	36	5	3	44
		% within RAI score	43.4%	29.4%	10.7%	34.4%
	yes	Count	47	12	25	84
		% within RAI score	56.6%	70.6%	89.3%	65.6%
Total		Count	83	17	28	128
		% within RAI score	100.0%	100.0%	100.0%	100.0%

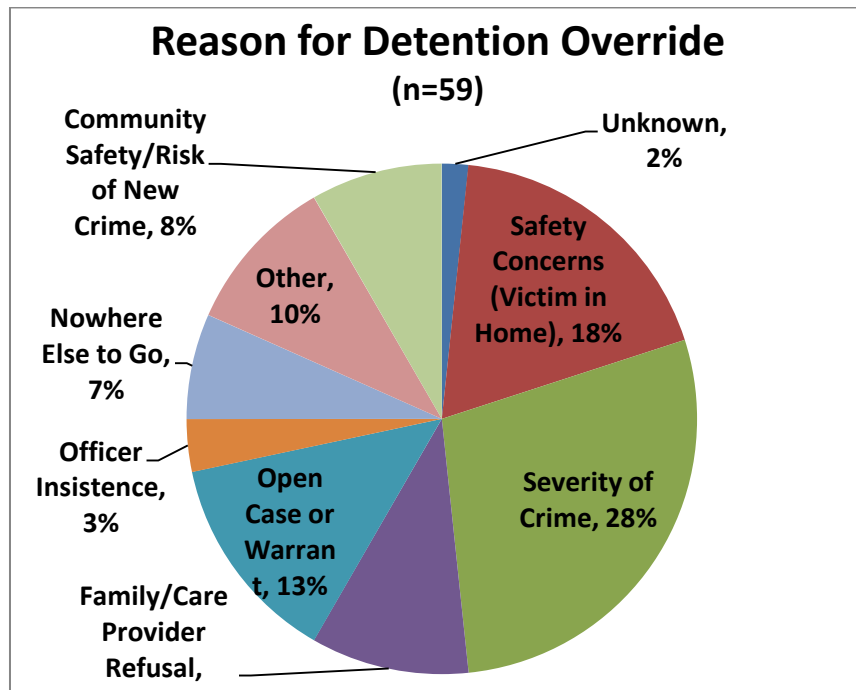
The chart below illustrates these same findings. Any of the blue or green bars below in the yes category were overrides to detention. Thus, the majority of detentions were overrides.



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 safety), the respondent has an open PINS case (Persons In Need of Supervision, status offense as defined by Article 7 of the Family Court Act), a PINS case or warrant is pending at the time of the arrest, the crime occurred in a group home or residential facility and staff refuse to allow the juvenile back, the respondent's family is not in town, the respondent ran from respite care, 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 current ongoing cases.

In the chart below, we collapse the detention override reasons into categories in order to better understand the justifications for an override. As shown, the most common reason for override was due to the severity of the crime, with the most common offenses receiving an override being sex crimes, weapon crimes, or assaults of a Police Officer. Next were safety concerns, which were often that the victim lived in the respondent’s home or residential facility, or that there were concerns around the mental stability of the respondent. The other large category was that the juvenile had an open case with probation (such as PINS, a warrant, Alternative to Detention, diversion, or formal probation) or that the Police Officer had knowledge of other crimes committed recently by the respondent.

Some examples of override cases that were coded as “other” include: the After-Hours computer system not working at the time of the call, concerns regarding the mental health of the respondent, and the respondent originally scored for detention and was detained but then scored low-risk on reassessment.



Similar detention risk assessments have been used throughout the United States, and it is common for there to be high rates of detention overrides. Although the National Council on Crime and Delinquency recommended that overrides be used in a maximum of 15% of cases that scored for release, research has shown that it is common for override rates to be above 50%, especially in the early years of a jurisdiction’s implementation of the risk assessment. Localities using detention risk assessments often need to amend the instrument post-implementation to better account for the most common reasons overrides are granted (Chappell, Maggard, & Higgins, 2013). In Monroe County’s case, we would normally recommend that amendments be considered so that the RAI yields more accurate scoring for severe crimes and when the victim lives with the respondent. However, Monroe County has known since January 2013 that New York State would be requiring all jurisdictions statewide to use an empirically-validated Detention Risk Assessment Instrument. Monroe County began using this DRAI in October 2013; thus, it went into effect after data collection ended for this report.

Also, unlike in other studies done of detention risk assessments, there are no noticeable trends in our after-hours data indicating that detention overrides are more frequent for minorities or older juveniles (Chappell, Maggard, & Higgins, 2013). The overrides within Monroe County so far seem to wholly

originate from circumstances of the case rather than from age or race-related biases. This may be because the approvals to override a Risk Assessment decision are made over the phone by the Deputy Chief Probation Officer (or the designee), and no information is provided or considered about the juvenile's age or race to make that determination.

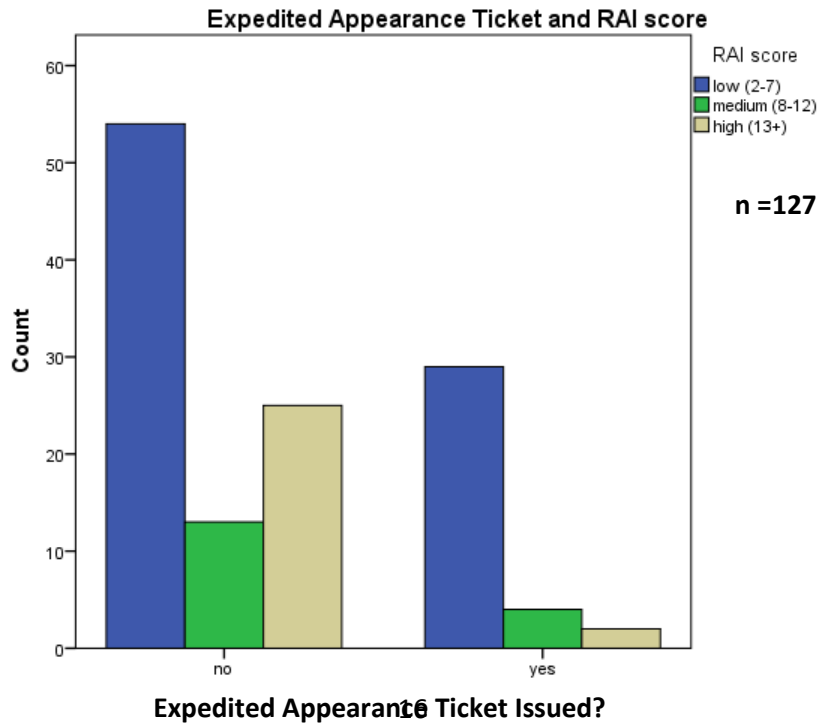
Expedited Appearance Ticket

There were 35 expedited appearance tickets administered, with 27% of qualifying calls resulting in expedited appearance tickets. Of those 35 expedited appearance tickets, 29 respondents were low-scoring on the Risk Assessment Instrument (RAI), four had a medium RAI score, and two had a high RAI score. Below, we look closer at the scores using a cross-tabulation of scores and whether or not an expedited appearance ticket was issued, which shows that 35% of those with a low RAI score received an expedited appearance ticket, 24% of those with a medium score, and 7% of those with a high score. (An override is necessary to give an expedited appearance ticket to someone scoring high on the RAI.)

Expedited Appearance Ticket * Risk Assessment Instrument Score Cross-Tabulation

			Risk Assessment Instrument (RAI) Score			Total
			low (2-7)	medium (8-12)	high (13+)	
Expedited Appearance Ticket given?	no	Count	54	13	25	92
		% within RAI score	65.1%	76.5%	92.6%	72.4%
	yes	Count	29	4	2	35
		% within RAI score	34.9%	23.5%	7.4%	27.6%
Total		Count	83	17	27	127
		% within RAI score	100.0%	100.0%	100.0%	100.0%

This can also be visualized in the following chart, again showing that most expedited appearance tickets were issued to those with low or medium risk assessment scores, and very few expedited appearance tickets were issued to those who scored high on the Risk Assessment Instrument.



Regular Appearance Ticket

There were 7 regular appearance tickets administered out of the 128 after-hours cases. (6% of calls resulted in issuing a regular appearance ticket.) Five of those regular appearance tickets were issued to low-risk respondents, one issued was to a medium-risk respondent, and one was issued to a high-risk respondent. The respondent with the high RAI score was overridden due to the respondent being cooperative and because the arrest was for a crime that was committed when the respondent (who was currently 19 years old) was 15 years old.

Respite

Another piece to the new process was the availability of respite care for juveniles who scored low and did not require detention, but whose guardians could not be located or there were other extenuating circumstances. There were 8 juveniles placed in respite care out of the 128 qualifying calls, but one of them was released to her parent prior to spending the night. Of the 8 placed in respite, four were female, and four were male. All of those placed in respite scored low-risk on the Risk Assessment Instrument. Two out of the eight ran from respite care and were then detained. Respite care was not utilized as frequently as was expected, therefore it was no longer offered beginning in June 2013. Possibilities are currently being explored by Monroe County Probation to establish a new respite option, taking into consideration the rates of need for respite during this time period.

Override

Out of the 128 qualifying calls, there were four overrides, when the juvenile scored for detention, but it was decided that he or she did not need to be detained. This low number is expected, as Police Officers only had to call the After-Hour Hotline if they were considering detaining the juvenile already; if they did not feel detention was needed in the first place, they would not have called the line. When overriding the recommendation made by the RAI, the Deputy Chief of Probation is also called, just as in the case of an override, to grant approval for the override. All of those who received overrides were arrested by the Rochester Police Department. Reasons for the overrides included that the juvenile was cooperative, the family was present, and that the crime occurred four years prior to the arrest when the respondent was still a juvenile.

Probation Status

74% (94) of respondents had previous contact with Probation at the time of the call, with 43% (55) actively involved with Probation at the time of the after-hours call (one of whom was active with Probation in a nearby county). These high rates may be due to the fact that a juvenile's prior juvenile justice history factors into a Police Officer's decision whether to detain or not, and Police Officers only call the after-hours line if they are considering detention, and/or that juveniles with prior juvenile justice history are more likely to repeat such behaviors. Prior Probation status included those who were ever active with any of the following programs within Monroe County Probation:

- Alternative to Detention (ATD) – a program in which a juvenile is monitored closely by Probation and given certain conditions instead of being detained (see glossary in Appendix A)
- FACT (Family Access and Connection Team)
- PINS (Persons In Need of Supervision)
- Juvenile Probation
- Diversion – a four-month supervision with Probation as an alternative to petitioning the case

Results of Respondent’s First Meeting with a Judge or FSD Probation Officer

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 Family Services Division Probation Officer (those given regular or expedited appearance tickets). At this stage, a juvenile can be given multiple conditions or placed on multiple types of supervision, and the decision depends heavily on the juvenile’s and family’s responsiveness, juvenile’s prior charges and probation history, and the severity of the alleged crime.

First, the table below 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), and immediately petitioned. If so, the “primary” or most serious result is that the case was petitioned. There are 129 after-hours cases represented below (one juvenile was arrested two nights in a row, with the second crime committed while in detention). **As the most serious outcome of the initial meeting, the majority of cases were either petitioned immediately, referred to diversion, or placed on ATD.**

Primary or Most Serious Result of Initial Meeting (n=129)	# of cases	Percent of cases
Petitioned Immediately	51	39.5%
Agreed to or placed on court-ordered diversion	38	29.5%
Placed on ATD	23	17.8%
Remanded (put in detention) until further decisions	6	4.7%
Converted Immediately to PINS case	3	2.3%
Released from detention (84 were initially detained)	2	1.6%
Decision made on another JD case	2	1.6%
Charges Dismissed	1	0.8%
Warrant Issued	1	0.8%
Information Missing	2	1.6%

To better understand the complexity of the decisions made at this stage, we look at the 127 cases that we have information for and examine *all* of the decisions that were made at this first meeting. The percentages in the table below, therefore, will total to over 100% because a respondent may be placed in multiple categories. For example, 41% of cases were petitioned as a direct result of this initial meeting, and 30% of cases were placed on diversion.

Result of Initial Meeting (n=127)	# of cases	Percent of AH cases
Petitioned Immediately	52	40.9%
Released from detention (84 were initially detained)	39	30.7%
Agreed to or court-ordered diversion	38	29.9%
Remanded (put in detention)	38	29.9%
Placed on Alternative to Detention (ATD)	30	23.6%
Decision made to satisfy this and prior JD cases at same time	9	7.1%
Placed on other conditions (such as Order of Protection, Electronic Monitoring, etc., not including house arrest or curfew)	5	3.9%
Converted to PINS	3	2.4%
Warrant Issued	2	1.6%
Charges Dismissed	1	0.8%
Case Transferred to/from Another County	1	0.8%

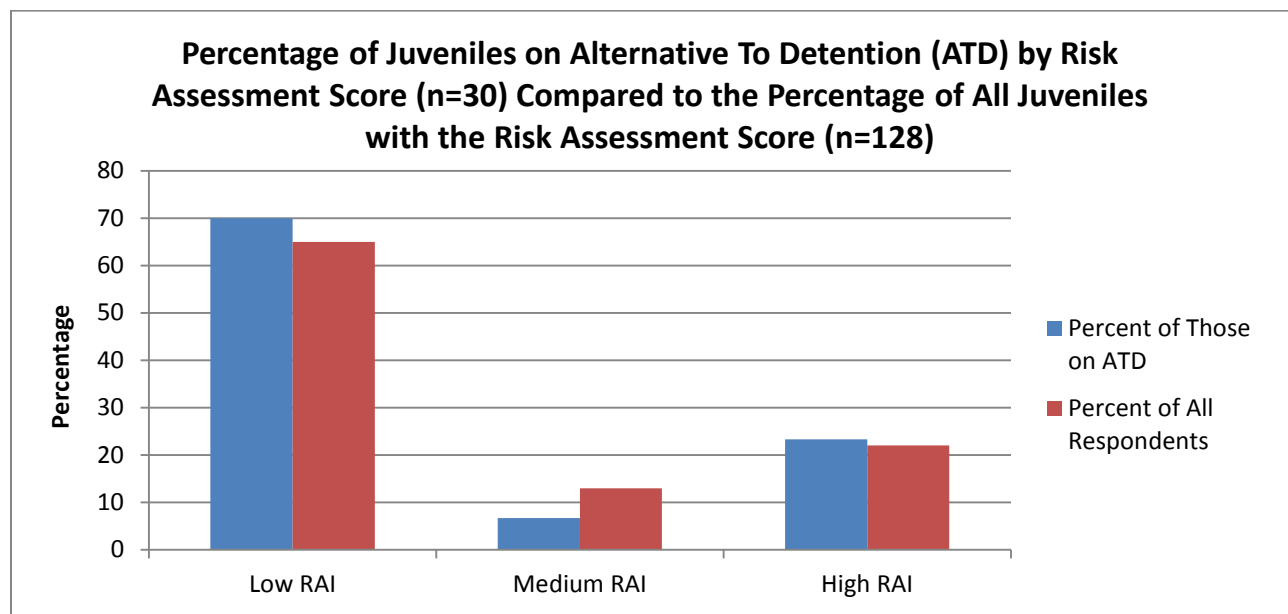
Next, we look at how other factors, such as the respondent’s RAI score or prior history with probation, factored into or predicted the decision that was made at this first meeting. We will discuss, for each type of result shown in the table above, the various attributes of the case for which trends were found (if there are enough respondents to make generalizations).

Please note that the results for which these factors are calculated are for all juveniles with that result; this is not strictly looking at the “primary” result. We discuss, for example, all respondents who were placed on Alternative to Detention (ATD), even if they had a more “serious” primary result such as petitioning.

Those Placed on Alternative to Detention (ATD)

Alternative to Detention is a supervisory program in which a juvenile is given specific conditions and then is monitored closely by Probation Officers. The juvenile may also receive referrals and assistance through staff while being monitored. The ATD Team supervising the juvenile provides a report to the Family Court Judge or to Probation to inform further decisions about the case.

Of those placed on ATD at their initial meeting, 70% of them (21 out of the 30) had a low RAI score. 23.3% had a high RAI score, and 6.7% had a medium RAI score. Since 65% of *all* respondents had a low RAI score, 22% had a high RAI score, and 13% had a medium score, the rates at which respondents of varying risk levels were placed on ATD largely corresponded to the proportions of the whole sample with those risk levels. A slightly higher percentage of low-scorers received ATD than there were low-scorers in the total group, and slightly less medium-scorers than the total group were placed on ATD. This is displayed in the chart below, in which it can be seen that the differences are very small between groups. There is essentially no correlation that would predict whether those with varying risk assessment scores would be placed on Alternative to Detention (ATD) supervision.



Looking at the inverse of this, 25% of those with a low risk assessment score were placed on Alternative to Detention (ATD) at their first meeting at Probation or Family Court, and 25% of those with a high risk assessment score were placed on ATD. Only 12.5% of those with a medium risk assessment score were placed on ATD.

Of the 84 juveniles who were detained the night of the after-hours call, 29 (34.5%) were placed on Alternative to Detention (ATD) monitoring by the Family Court Judge at their initial meeting. Of the 43 juveniles who were given appearance tickets and thus saw a Probation Officer, only 1 was placed on ATD monitoring. Thus, 29 out of 30 (97%) of those who were placed on ATD at this stage had been detained on the night of after-hours call. This makes sense because those who were given appearance tickets were already deemed to not need detention, so they also presumably would not need an "Alternative to Detention." Also, those given expedited appearance tickets often start diversion services the day after their arrest and thus do not need ATD monitoring in the interim. Judges, on the other hand, often adjourn a case to gather information and/or compile a report on the juvenile's progress to inform the case, so ATD monitoring is often used.

46.8% of all juveniles were detained as a result of an override to detention. 38.9% of those overridden cases were placed on Alternative to Detention at their first meeting with a Family Court Judge, compared to only 9.0% of non-override cases resulting in ATD supervision. Inversely, 79.3% of cases placed on ATD had originally had an override the night of the after-hours call.

Current probation status at the time of the after-hours call did not seem to factor in much to whether or not the respondent was placed on Alternative to Detention. 43% of all juveniles were in some way active with probation at the time of the call. 25.4% of those who were active with probation were placed on ATD, and 25.9% of those not active with probation were placed on ATD. Thus, roughly half of those placed on ATD were active with probation already, and the other half were not, similar to the rate showing that nearly half of all the juveniles were active with probation.

Most (70%) of those placed on ATD had some form of prior contact with probation (either currently or in the past), which is similar to the percentage of all respondents who had prior probation contact (75.6%). 21.9% of those with prior probation contact were placed on ATD, compared to 29% of those with no prior probation contact. This is not a very noticeable difference.

In summary, most trends for those placed on Alternative to Detention follow the trends for all respondents as a whole, except that those who were detained (or overridden) the night of the after-hours call were more likely to be placed on ATD than those who were given any type of appearance ticket, probably because the ATD option is more readily available to judges.

Those Placed on Diversion

Almost all of the 38 juveniles who were placed on diversion at this initial meeting had a low score on the Risk Assessment Instrument (36 juveniles, or 95% of those placed on diversion). Out of the respondents with a low risk assessment score, over 43% were placed on diversion at this stage, compared to only 6.3% of those with a medium score and 3.6% of those with high score.

Out of the 84 juveniles who were detained the night of the after-hours call, only 6 (7.1%) were placed on diversion at their initial meeting. In stark contrast, 32 of the 43 juveniles who were not detained (74.4%) were placed on diversion. Thus, 84.2% of those placed on diversion had been given a regular or

expedited appearance ticket on the night of the after-hours call. This indicates that the FSD Probation Officers interviewing juveniles with appearance tickets are much more apt to place the respondent on diversion at this first meeting than judges are. We are not able at this time and with the data available to ascertain the reason for this difference, but it may be due to the difference in severity of the juvenile's case or in how judges decide to handle these initial meetings with a juvenile differently from FSD Probation Officers.

Almost half (46.8%) of all after-hours cases had been given an override for detention, but only 15.8% of those placed on diversion had been given an override. 10.2% of the overridden cases were placed on diversion, compared to 47.8% of non-overridden cases. These trends are in line with the detention correlation discussed in the prior paragraph.

Of the 35 juveniles who were given an expedited appearance ticket, 71.4% were placed on diversion, compared to 14.3% of the 91 juveniles who had not been given an expedited appearance ticket. Overall, 65.8% of those placed on diversion had been given an expedited appearance ticket.

Five of the six juveniles given a regular appearance ticket were placed on diversion (83.3%). Overall, 13.2% of those placed on diversion had been given a regular appearance ticket (which is a pretty large proportion considering that only 4.7% of all juveniles were given a regular appearance ticket). Therefore, with regular and expedited appearance tickets combined, 79% of juveniles placed on diversion at their first meeting had originally been given an appearance ticket of some kind.

71.1% of those placed on diversion were not active with probation at the time of the after-hours call, while 28.9% were active with probation. This compares to the fact that 43% of all respondents were active with probation at the time of the call. Thus, those not currently active with probation were much more likely to be placed on diversion than those active with probation (46.6% chance vs. 18.6% chance, respectively). This is to be expected, as diversion services may be deemed less appropriate for a juvenile who is already working with probation and then is re-arrested.

Again, 75.6% of all respondents had some form of prior contact with probation, whether current or in the past. Comparatively, 65.8% of those placed on diversion had some form of prior probation contact. Only 26.0% of those with prior probation contact were placed on diversion, compared to 41.9% of those with no prior probation contact. This means that those who had prior probation contact were less likely to be placed on diversion than those who had never had probation contact (again, as expected).

Overall, then, the following trends are evident for juveniles placed on diversion at this first meeting:

- Those with low risk assessment scores were most likely to be placed on diversion.
- Those given appearance tickets were much more likely to be placed on diversion than those who were detained.
- Those with no prior or active probation contact were slightly more likely to be placed on diversion than those with prior probation history.

Those Who Were Remanded

A juvenile could be remanded after his or her first meeting regarding the case, which means that the juvenile would be put in secure detention until further information was gathered regarding his or her case and/or until the next scheduled court appearance. 42.1% of the 38 juveniles who were remanded after their first meeting had a low score on the Risk Assessment Instrument, and 34.2% had a high score.

Compared to the fact that out of all 128 juveniles, 65% had a low score and 22% had a high score, this shows that those with a low RAI score were less likely to be remanded than those with a high RAI score (as expected). Conversely, 56.3% of those with a medium RAI score and almost half of those with a high RAI score were remanded at this stage, whereas only 19.3% of those with a low score were remanded.

Those who were detained the night of the after-hours call had a 41.7% chance of being remanded at their first meeting. This indicates that most respondents who were remanded at this first meeting had also been detained the night of the after-hours call. Only 3 out of the 38 juveniles who were remanded had originally been given an expedited appearance ticket. Those who were given an expedited appearance ticket had an 8.6% chance of being remanded. None of the 6 juveniles who were given a regular appearance ticket were remanded.

57.9% of the juveniles who were remanded at this first meeting had had their Risk Assessment Instrument-based recommendation overridden. 37.3% of overridden cases were remanded, compared to 23.9% of non-overridden cases. (46.8% of all cases were overridden.) Therefore, the juveniles for whom the Risk Assessment Instrument recommendation was overridden were slightly more likely to be remanded. This would be expected, in theory, because those juveniles whose cases are overridden are presumably of a higher risk for failure to appear or for committing another crime, thus potentially necessitating remanding just as it justified an override.

Those who were active with probation at the time of the call were slightly more likely to be remanded (30.5% chance of being remanded) than those who were not active with probation (24.1%). However, 60% of those in some other form of supervision (i.e. non-probation-related residential placement) were remanded. Overall, 47.4% of those remanded were active with probation at the time, while 36.8% of those remanded had no supervision status, and 15.8% of those remanded were in other types of supervision. For comparison of these rates, 46.5% of *all* respondents were active with probation, 45.7% were not active with probation, and only 7.9% of all juveniles were in some other placement. These trends may be because many of the after-hours calls were from residential facilities for youth, where the respondent committed the crime at the residence, and the staff refused to allow the youth back, or because youth in other types of supervision often have prior juvenile justice history.

32.3% of those with prior probation contact were remanded, compared to 22.6% of those without prior probation contact. 81.6% of those remanded had prior probation contact, whereas only 75.6% of all cases had prior probation contact. Thus, as expected, those with prior probation contact were more likely to be remanded.

In summary, the following trends are found for juveniles who were remanded:

- Respondents with medium or high Risk Assessment Instrument scores were more likely to be remanded than those with low RAI scores.
- Those who were detained were much more likely to be remanded than those given appearance tickets.
- Those who had either an override or prior probation contact were slightly more likely to be remanded than those who had neither of these.
- Those in some form of active supervision besides probation supervision (i.e. residential placement) were very likely to be remanded at this stage, perhaps due to the residential facility staff's refusal to allow the juvenile to come back.

Petitioned Immediately

Some juvenile cases are petitioned immediately depending on the circumstances. This may be done if the juvenile has other pending juvenile delinquent charges, if the juvenile refuses diversion services, if the alleged crime was very severe, or if the victim insisted on petitioning. 52 out of the 128 after-hours juvenile cases were petitioned at this initial meeting (or at least the process of petitioning was begun by being referred to presentment).

Those with a low Risk Assessment Instrument score had a 24.1% chance of their case being petitioned immediately, compared to 68.8% for those with medium scores and 75.0% for those with high scores.

Those who had been detained had a 52.4% chance of their case being petitioned immediately, compared to an 18.7% chance of being petitioned for those who had not been detained. At first glance, this would show that judges are more likely to immediately petition a case than Probation Officers were, but keep in mind that usually juveniles who were detained had a more severe crime or criminal history than those who were not, thus possibly justifying this petitioning.

33.9% of overridden cases resulted in an immediate petition, whereas 35.8% of non-overridden cases resulted in an immediate petition. Thus, override status does not seem to affect petitioning.

Nearly half of those active with probation were petitioned immediately, compared to about half of those in other supervision and less than a quarter of those not in any active supervision. Accordingly, 62.2% of those petitioned immediately were active with probation at the time of the call.

As expected, 40.6% of those with prior probation contact were petitioned immediately, compared to 19.4% of those with no prior probation contact.

Thus, RAI scores correlate as expected to whether or not a case is petitioned:

- The higher the RAI score, the more likely the case will be petitioned immediately.
- Those who had been detained seem more likely to have their case petitioned immediately.
- Finally, as expected, those with prior contact with probation, current residential placement, or current status with probation were more likely to be petitioned immediately than those without any prior contact or residential placement.

Convert to PINS Case

Two of the three juveniles whose cases were converted to PINS (Persons In Needs of Supervision) cases had medium risk assessment scores, and the other had a low score. Two of the three were also detained, with the other one given an expedited appearance ticket. 2 of the 3 cases that were converted to a PINS or mental health referral had been overridden. Two of these juveniles were active with probation, and the other one was in residential placement. All had prior probation contact.

Released

A juvenile could only be “released” from detention by the judge at their first meeting if he or she had been detained the night of the after-hours call. The juvenile could also only be released to a guardian or other appropriate family member who appeared at the court.

37.3% of all juveniles with low risk assessment scores were released at their first meeting, compared to 12% of those with medium RAI scores and 21.4% of those with high RAI scores. To compare, 56.6% of all juveniles with a low RAI score were detained in the first place, 70.6% of those with medium RAI scores were detained, and 89.3% of those with high RAI scores were detained. Therefore, a larger proportion of juveniles who had a low RAI score and were detained were released at this first meeting than for those with medium or high scores.

86.8% of those who had been released at this stage had been overridden, indicating that the judge did not see a reason for the juvenile to remain in detention. 55.9% of overridden cases resulted in getting released when they first met with the judge.

51.3% of those released were not active with probation, compared to 43.6% who were active with probation and 5.1% who were in other placement. These roughly follow the percentages of people who were in these categories out of all respondents, but those active with probation were slightly less likely to be released than those not active with probation.

As expected, those who had never had contact with probation had a higher chance (38.7%) of being released than those who did have prior probation contact (28.1% chance).

Other Cases Involved

8.3% of the juveniles detained the night of the after-hours call had other cases affected by this new arrest, compared to only 2.3% of those who had not been detained. Only 1 of the 8 cases where other charges were affected at this stage had been given an expedited appearance ticket. The other 7 had been detained. As expected, 7 of the 8 juveniles who had other cases affected were active in some way with probation at the time.

Placed on Other Conditions

All of those who were placed on other conditions or monitoring (such as Electronic Monitoring, Orders of Protection, etc.) had also been detained. This makes sense, as only judges are able to place these conditions on a juvenile.

After-Hours Case Outcomes

Next, we are interested in what happened to the after-hours cases after they either were petitioned or began diversion. The results discussed here pertain to the original disposition on a case. Those who successfully completed diversion are considered “adjusted” and avoided ever going to court. “Adjusted” is not technically a court disposition or adjudication, as the case never went to Family Court, but adjusted cases are presented as final outcomes because the cases are entirely closed at Probation’s level and represent a favorable outcome for cases in which diversion services were appropriate and sufficient.

All other outcomes discussed are the first court disposition made on the case. A disposition is essentially any judge-ordered final decision on a case, including dismissing the charges, while “juvenile adjudications” are the juvenile equivalent of an adult “sentence.” In other words, adjudications are given when the juvenile is found guilty and may include probation, placement, adjournment in

contemplation of dismissal (ACD), and conditional discharges (CD), the latter two of which are defined below.

The disposition as discussed here does not necessarily reflect what happened to the juvenile's case *after* the initial disposition. For instance, if a juvenile was placed on probation but eventually violated the probation and was placed in long-term placement, the *initial* court adjudication is that he was placed on probation. We do not discuss the subsequent violation of probation and placement in this report.

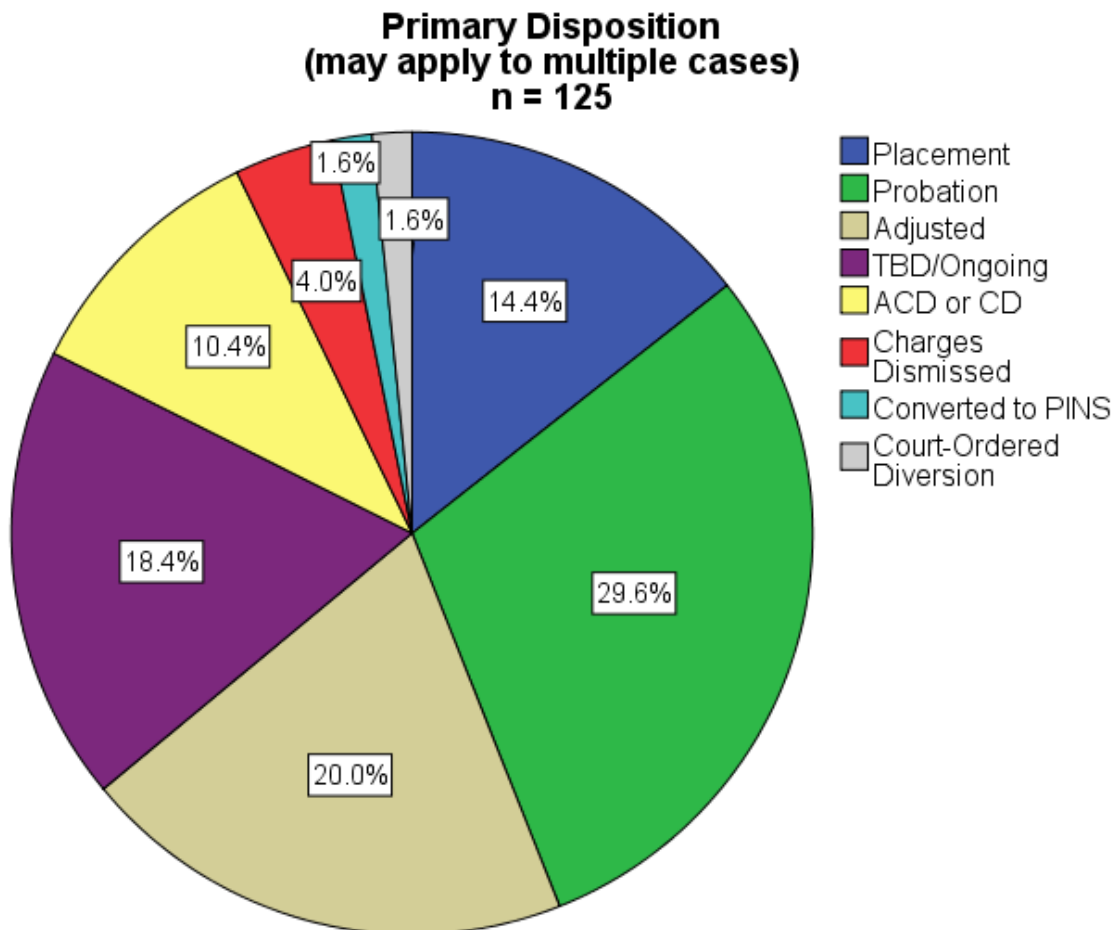
Also, at least 30% of all cases were at some point placed on diversion, since about 30% of after-hours juveniles were placed on diversion at their first meeting (discussed previously in this report), and more may have been placed on diversion sometime between that first meeting and the final outcome date. Those who did not successfully complete diversion ended up with a court disposition. Other diversion cases are still ongoing as of this report and are not yet adjusted. These are considered "ongoing," as is any case that was petitioned but not yet disposed of in Family Court. Those cases in which diversion was successfully completed are considered "adjusted."

Many juveniles had concurrent, active charges from other arrests at the time they were arrested after-hours. We do not track those non-after-hours cases, but, as a result of having multiple cases, some of the dispositions discussed here apply to more than one case. Multiple active cases for one juvenile are often disposed of at the same court hearing. The chart on the following page shows the "primary" or most serious disposition given on the same day the after-hours case was disposed of, even if that disposition is formally tied to another case. This is because the Family Court Judge takes into consideration all pending charges when making the disposition decision; if a juvenile was about to have an earlier case disposed of but was arrested after-hours before his court date, he will more than likely receive a harsher adjudication for the initial charge than he would have if he had not been arrested again.

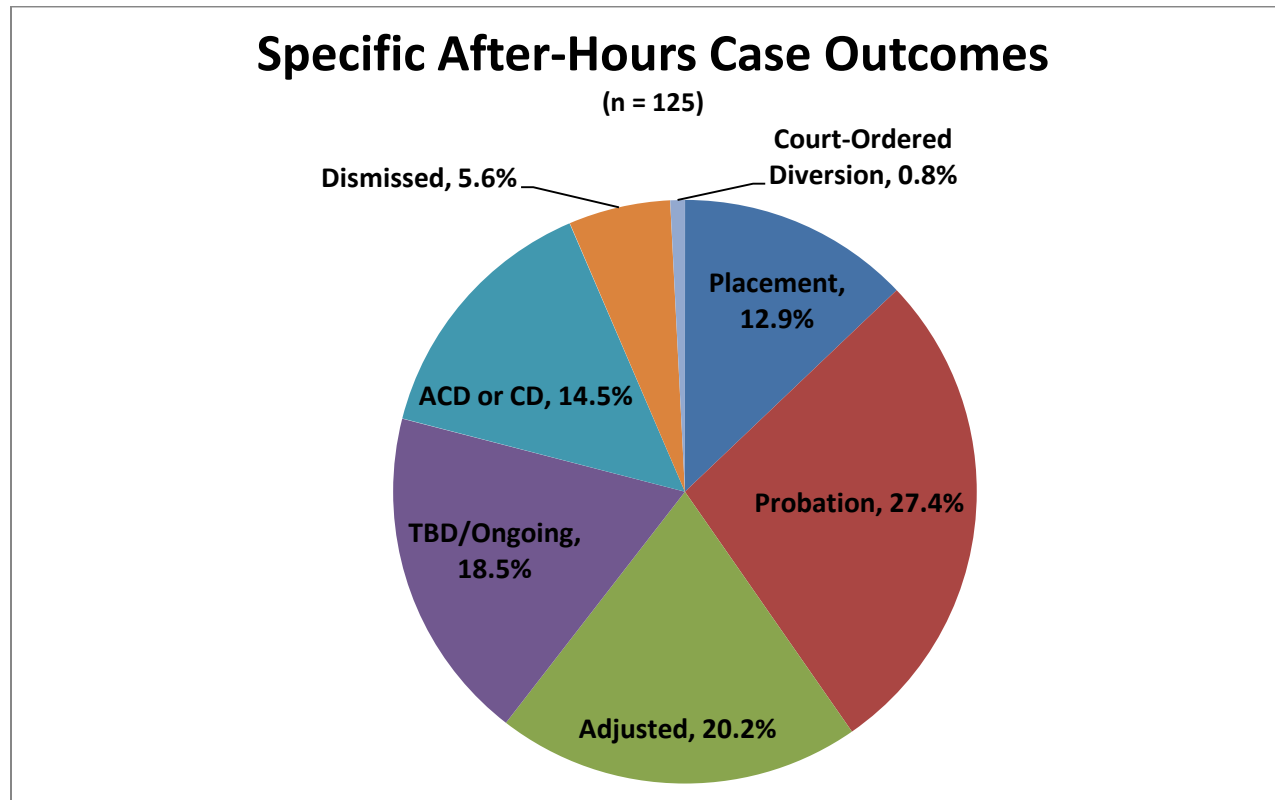
There were a total of 129 separate after-hours cases, as one juvenile was arrested two nights in a row, with the second being while he was in detention and thus had two separate sets of charges. However, there were 4 cases which were clearly somehow disposed of and/or closed but for which the specific outcome was unclear. Therefore, for our case outcome analysis, we are left with $n = 125$ cases.

As displayed in the chart below, 20.0% of all after-hours cases resulted in successful adjustment, 29.6% resulted in probation, and 14.4% resulted in placement (long-term detention). 18.4% of cases are to be determined/ongoing, meaning they have either been petitioned and are awaiting court action, or they are currently on diversion but have not completed the diversion term yet. Cases that were converted to PINS (Persons In Need of Supervision) are no longer considered juvenile delinquent matters and are shown below as “converted to PINS.” Finally, 1.6% of juveniles had their case petitioned, were subsequently placed on diversion as a court order, *and* are still on court-ordered diversion. This court-ordered diversion status is considered the case disposition as long as the juvenile is still on court-ordered diversion at the time of this report. These are coded below separately from “ongoing” because a disposition was actually given. If the juvenile successfully completed court-ordered diversion, their case disposition would be considered “adjusted.”

Finally, 10.4% of cases were adjudicated as an ACD (Adjourned in Contemplation of Dismissal) or a CD (Conditional Discharge). Usually, an ACD is given such that if the juvenile does not get arrested again in a given time frame, the charges will be dismissed and sometimes sealed. If the juvenile does get arrested in the near future, this ACD adjudication would change for the original charges. A Conditional Discharge (CD) adjudication generally means that the Judge gave the juvenile certain conditions to follow (such as paying restitution). If the juvenile follows those conditions, there would be no further action on the case; if the juvenile does not follow the conditions, he or she may be receive a new disposition.



When we look at the dispositions specifically attached to the charges incurred at the time of the after-hours call, we see similar trends as the chart above but some differences. Again, 4 of the 129 cases were clearly closed or disposed of in some way, but it was not clear exactly what disposition was attached to the after-hours case. They are not included in this chart, as a result. When we look at the dispositions specifically for the after-hours call cases, 27.4% of the 125 cases resulted in probation, 20.2% were adjusted, and 14.5% were given an ACD (Adjourned in Contemplation of Dismissal) or CD (Conditional Discharge) adjudication.



The amount of ACD/CD dispositions in the Specific Case Outcomes is higher in this chart than for the primary disposition above because many of the ACD/CD dispositions were given at the same time as the juvenile was given a more serious disposition on charges from other cases. Take, for example, a juvenile with two pending cases – one of which was an after-hours case. If both cases are brought to court on the same day and disposed of the same day, and if the after-hours charges was specifically adjudicated as an ACD while the juvenile was also placed for 12 months for the other case, then the first chart (primary disposition) was coded as placement, while the second (case outcomes) was coded as ACD. For the juvenile, this would mean, as a result of both cases, he or she will be in placement for 12 months and must also stay out of trouble there to have the after-hours charges dismissed. If the juvenile violates the ACD while in placement, he may be resentenced for the after-hours charges.

Comparing these two charts shows the difference between what happened to the specific charges affiliated with the after-hours call (Specific Case Outcomes) and what happened to the juveniles overall at the same time (Primary Disposition). You can see that more respondents received placement or probation as a primary disposition than they did for the specific after-hours charges. These were cases in which the juvenile had multiple concurrent JD cases.

Demographics Related to After-Hours Cases

Next, we look at how demographic information may factor into the course of the after-hours cases.

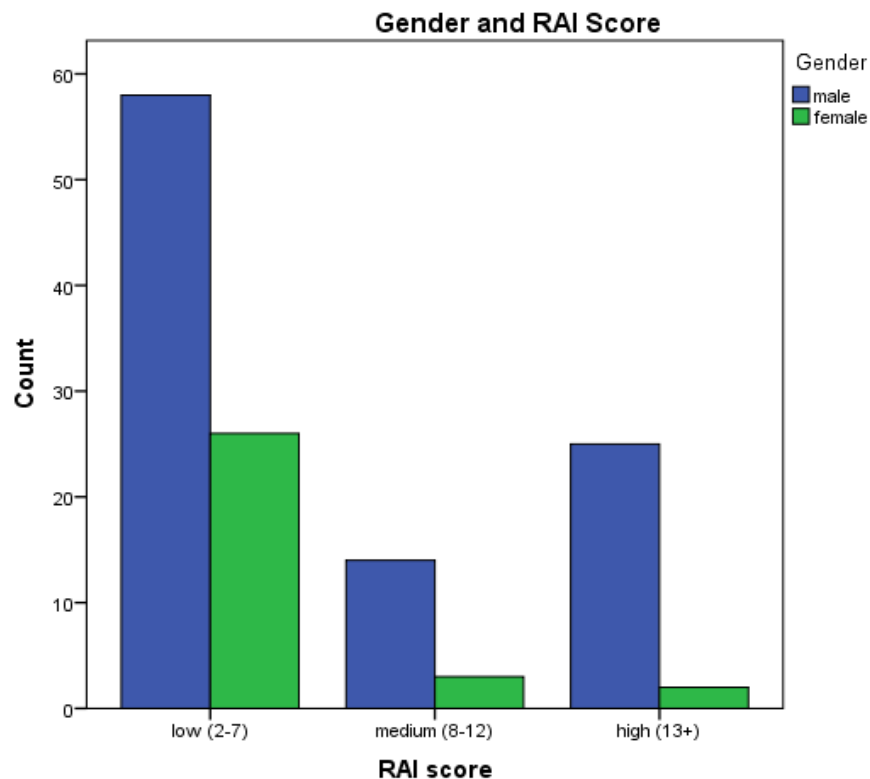
Gender

60% of males and 84% of females scored low on the Risk Assessment Instrument, with 26% of males scoring high and only 7% of females scoring high. These differences are consistent with the literature on gender and crime. Females are more likely to commit lower-level crimes than males, thus attributing to their lower RAI scores.

Of the 31 females, 2 scored high, 3 scored medium, 26 scored low, and 15 (48%) had a detention override. Of the 97 males, 58 scored low, 14 scored medium, and 25 scored high, and 44 (45%) had a detention override.

Risk Assessment Instrument (RAI) score * Gender Cross-tabulation

			Gender		Total
			male	female	
RAI score	low (2-7)	Count	58	26	84
		% within Gender	59.8%	83.9%	65.6%
	medium (8-12)	Count	14	3	17
		% within Gender	14.4%	9.7%	13.3%
	high (13+)	Count	25	2	27
		% within Gender	25.8%	6.5%	21.1%
Total		Count	97	31	128



Race and Ethnicity

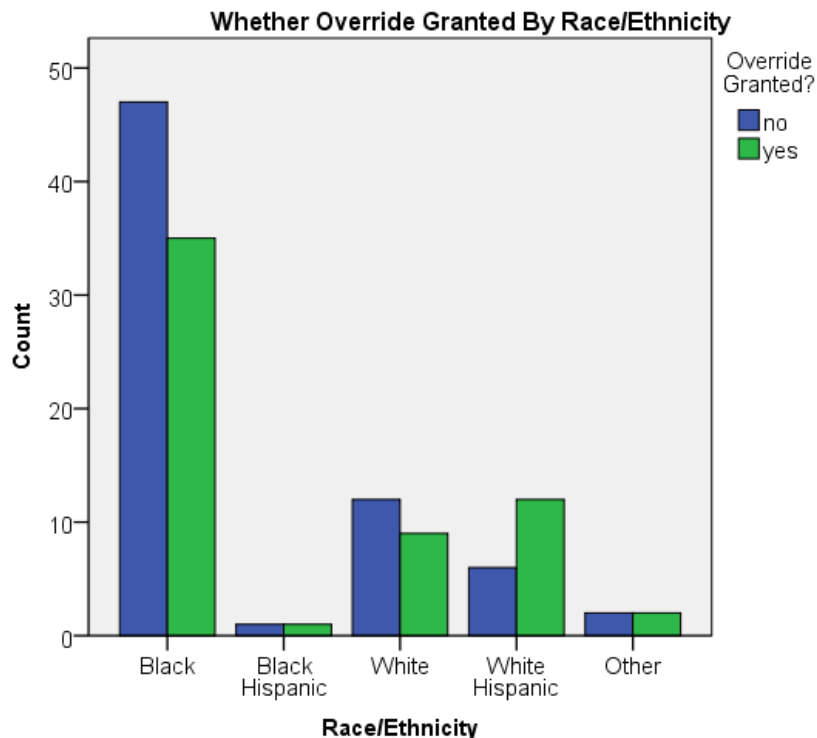
We looked closely to see if there was any relation between receiving a detention override and race/ethnicity, as Monroe County has struggled in the past with detaining Black and Hispanic juveniles at higher rates than White juveniles. The results found no statistical significance, meaning that any variations seen among the groups is most likely due to random variations, or chance.

As can be seen in the cross-tabulation below between Override Status and Race/Ethnicity, 57% of Black juveniles did not receive a detention override, 50% of Black Hispanic juveniles did (but there were only 2 in the entire sample identifying as Black Hispanic), 57% of White Non-Hispanic juveniles did not receive and override (similar to the findings with Black juveniles), and only 33% of White Hispanic juveniles did not receive an override.

Override * Race/Ethnicity Cross-tabulation

		Race/Ethnicity					Total
		Black	Black Hispanic	White	White Hispanic	other/unkn own	
Override? no	Count	47	1	12	6	2	68
	% Race/Ethnicity	57.3%	50.0%	57.1%	33.3%	50.0%	53.5%
yes	Count	35	1	9	12	2	59
	% within Race/Ethnicity	42.7%	50.0%	42.9%	66.7%	50.0%	46.5%
Total	Count	82	2	21	18	4	127
	% within Race/Ethnicity	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

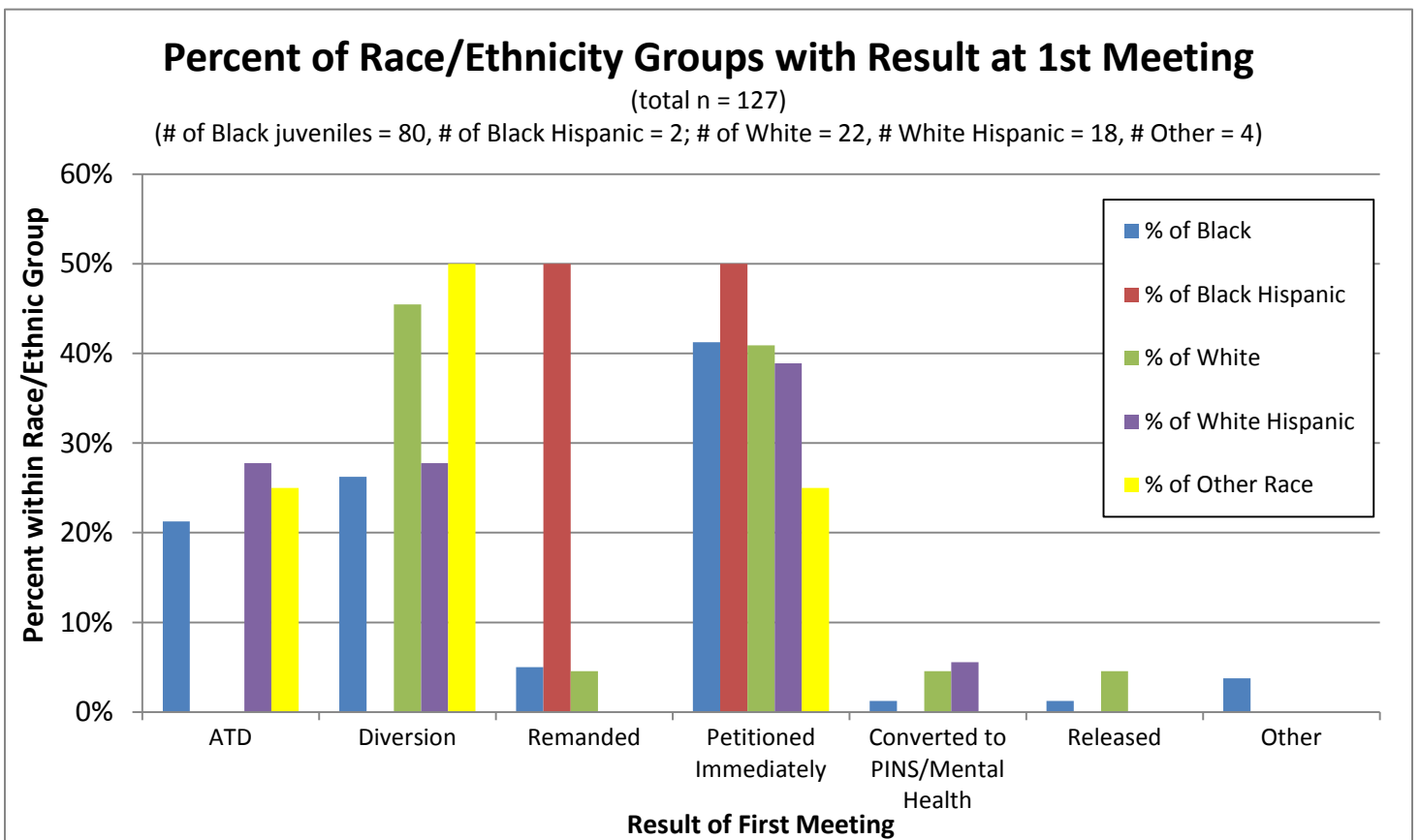
The chart below graphically displays the findings in the table above, while using actual counts and not percentages.



Next, we look at the result of the first meeting with a judge or FSD Probation Officer broken down by race. The chart below shows the percentage of each race/ethnicity group that had the result indicated on the x axis. For example, about 45% of White juveniles were placed on diversion, and about 40% were petitioned immediately. As another example, Black juveniles had just over a 20% chance of being placed on Alternative to Detention (ATD).

While comparing the categories in this chart, we must remember that the respondents were mostly identified as Black (65%), and the rest were mostly White (17%) or White Hispanic (14%). Thus, we can expect that Black, White, and White Hispanic will have their results more evenly spread across categories than other groups, as they are better-represented. There were only 2 Black Hispanic juveniles and only 4 from an “other” race/ethnicity, so results for those groups should not really be considered when trying to identify trends.

That being said, there are very few differences in the results of the first meeting among race/ethnicity groups. White juveniles were less likely to be placed on ATD at the first meeting than other groups. White juveniles were more likely to be placed on diversion than Black or White Hispanic juveniles. All other categories are fairly evenly distributed amongst the groups. More data would need to be collected to discover any true trends, but these results indicate there are only minor differences among race/ethnicity groups in terms of their first meeting results. Of the minor differences indicated, we would need to gather more data in order to determine if those differences are due to anything other than random chance variations.



Discussion

The results will be discussed in more detail in the final section, but it appears that there were a large amount of juveniles who would have otherwise been detained that were able to receive expedited or even regular appearance tickets instead. While there were a large number of detention overrides, this is common in areas new to using detention risk assessments, and there were still four overrides, which is not something to ignore. The Rochester Police Department made the largest proportion of after-hours calls. Saturdays, Sundays, and Mondays were the most common days for an after-hours call to come in, and the respondents were most likely to be 15 years old, black, and male. Most juveniles that were placed on diversion at their first meeting regarding their case had been given either an expedited or regular appearance ticket. There were a number of successful dispositions (1/5 of cases were adjusted), as well as probation and placement dispositions.

The next section shares the results of the Diversion Review Committee analysis.

Diversion Review Committee Analysis

Overview & Description

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

The goal of the Diversion Review Committee is to ensure, for every juvenile case within Probation, that diligent attempts had been made by Probation to prevent the juvenile's unnecessary entrenchment in the justice system. The Diversion Review Committee meets weekly and includes FSD Probation Supervisors, a mental health clinician, the Deputy Chief Probation Officer, the Project Coordinator, the Enhanced Diversion Officer, and the FSD 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, a Judge or FSD Probation Officer can choose not to offer diversion if the case is severe, they don't feel diversion is appropriate, or the victim wants the case petitioned.)

When any juvenile is arrested (after-hours or not) and given an appearance ticket, his or her case is given to Probation. A Family Services Division (FSD) Probation Officer meets with the juvenile and his or her legal guardian for this appearance ticket and attempts to place the juvenile on diversion. This can only be done if the juvenile, legal guardian and victim of the alleged crime all agree to allow the juvenile to begin diversion services. If they agree, a diversion plan is created which outlines expectations for the juvenile. If they do not agree to diversion services, or if the FSD Probation Officer cannot make contact with the juvenile in the first place, the case would be brought before the Diversion Review Committee for potential petitioning.

Also, if a juvenile is not doing well on diversion or violates the diversion agreement, the assigned FSD Probation Officer may bring the case to the Diversion Review Committee, recommending it for petitioning.

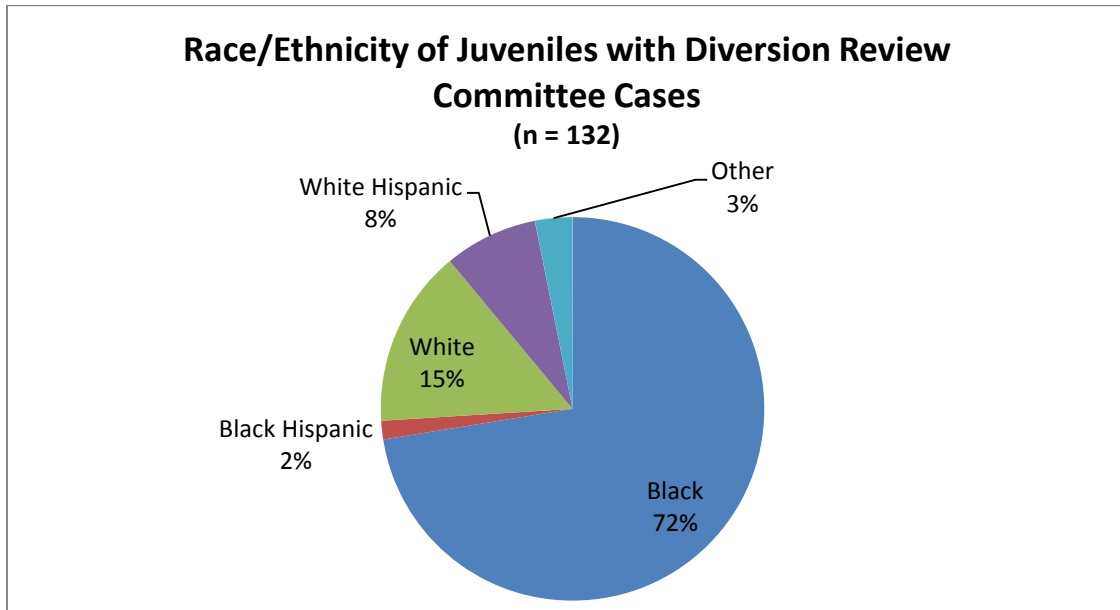
Finally, the Diversion Review Committee (DRC) only reviews cases that an FSD Probation Officer wishes to petition. Judges that want a case petitioned (only applicable to after hour detention matters) do not have to go through the DRC.

Analysis

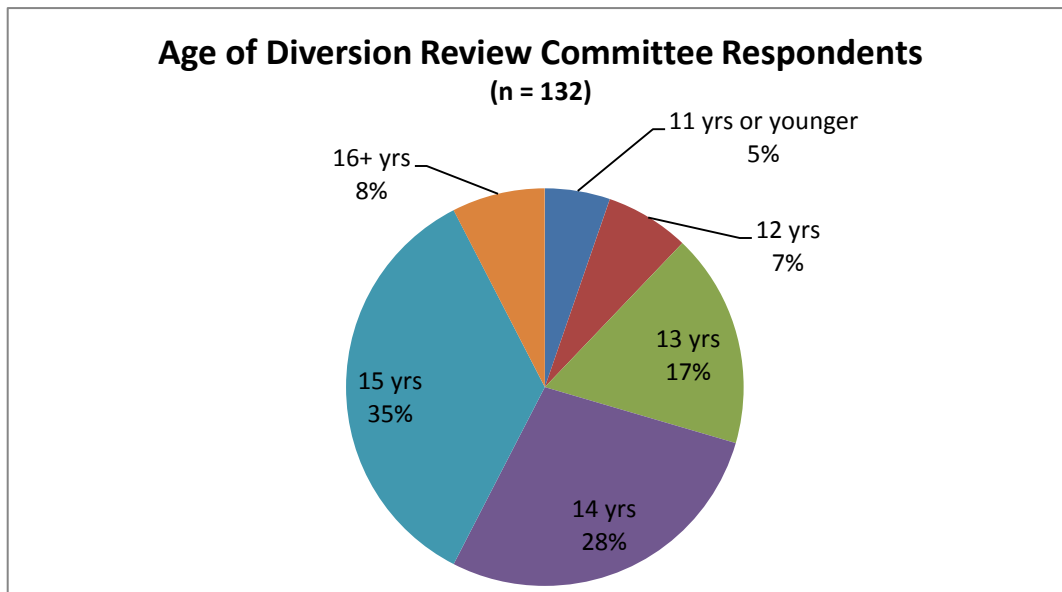
Analysis was conducted on the cases that went before the Diversion Review Committee (DRC) in order to understand what cases are being recommended for petition, the results of the Diversion Review Committee review, and the court results, if applicable.

There were 132 total cases that went through the DRC from April 2012 to June 30, 2013. Of the juveniles in those cases, 70% (93) were male and 30% (39) are female.

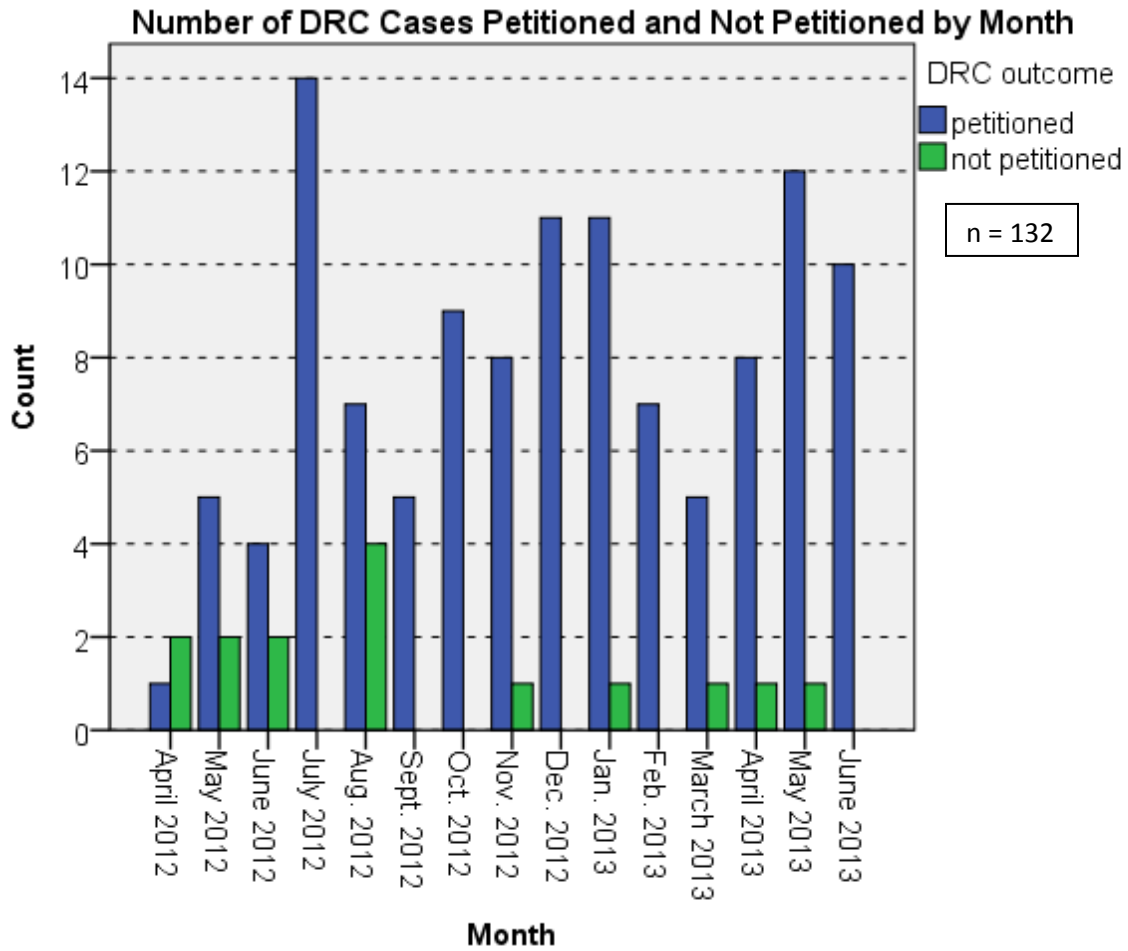
As can be seen below, nearly three quarters of respondents were Black, 15% were White, and 8% were White Hispanic, as recorded in Probation’s Caseload Explorer database.



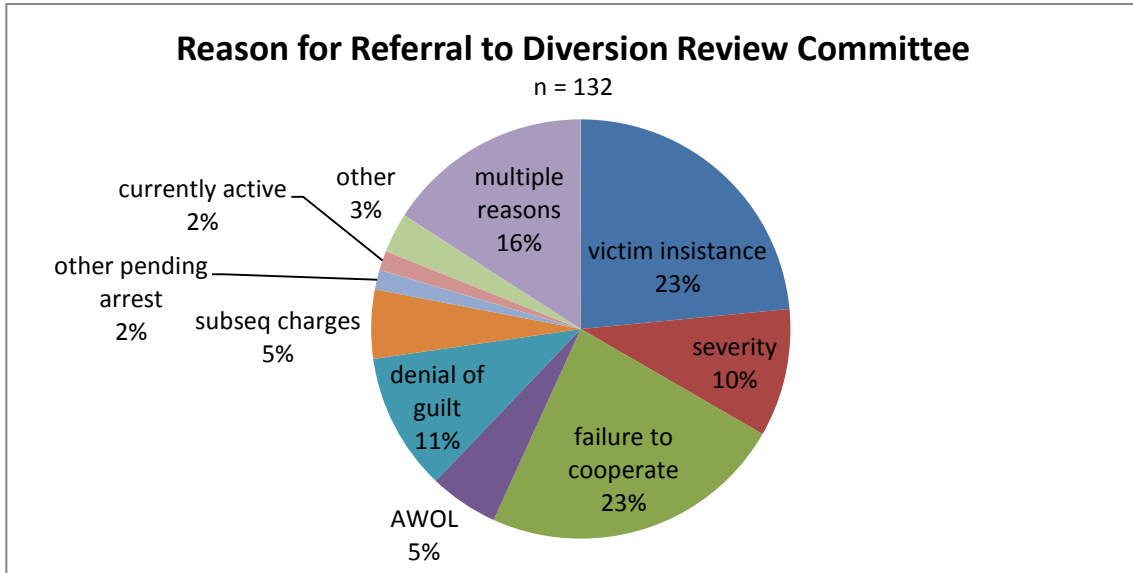
The majority of the juveniles whose cases were brought before the DRC were 14 and 15 years old, with 35% of the juveniles 15 years old and 28% 14 years old. The youngest respondent was 10 years old.



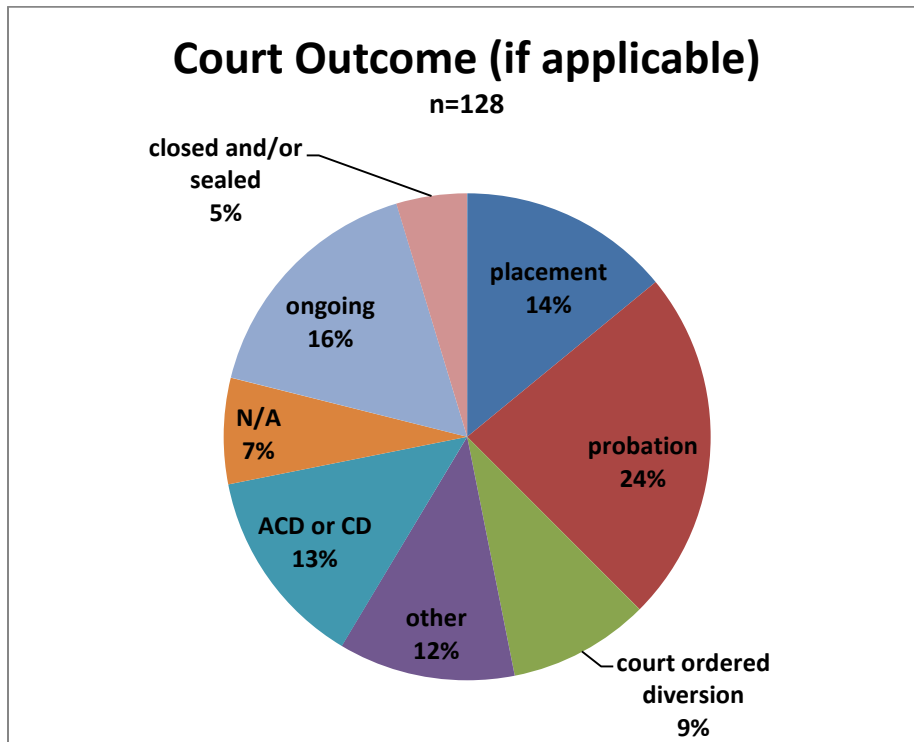
Below, we can see the number of cases reviewed by month and the number of those cases actually petitioned or not. The Diversion Review Committee began in April 2012 and seemed to pick up in activity by July 2012. In the first few months, more cases were brought before the Committee and *not* recommended for petition than in the months following August 2012. It seems that there was a learning curve as to what would be acceptable to petition and what would not be. Overall, 87% of the cases brought before Diversion Review Committee were petitioned. In the first few months of implementation, some cases were not petitioned, but after the first five months, nearly all the cases brought before Diversion Review Committee were petitioned.



Cases were brought before the Diversion Review Committee for a variety of reasons. As can be seen below, the most frequent reasons were: victim insistence on petitioning, the juvenile's or family's failure to cooperate with diversion services and the juvenile denying guilt. There were a number of cases where there was more than one reason to bring the case before the DRC.



The chart below shows the ultimate court outcomes for those cases that were approved for petitioning. The most common case outcome was Probation, followed by placement, followed by ACD (Adjournment in Contemplation of Dismissal) or CD (Conditional Discharge). "Ongoing" cases are still awaiting the court's decision at the time of this report.

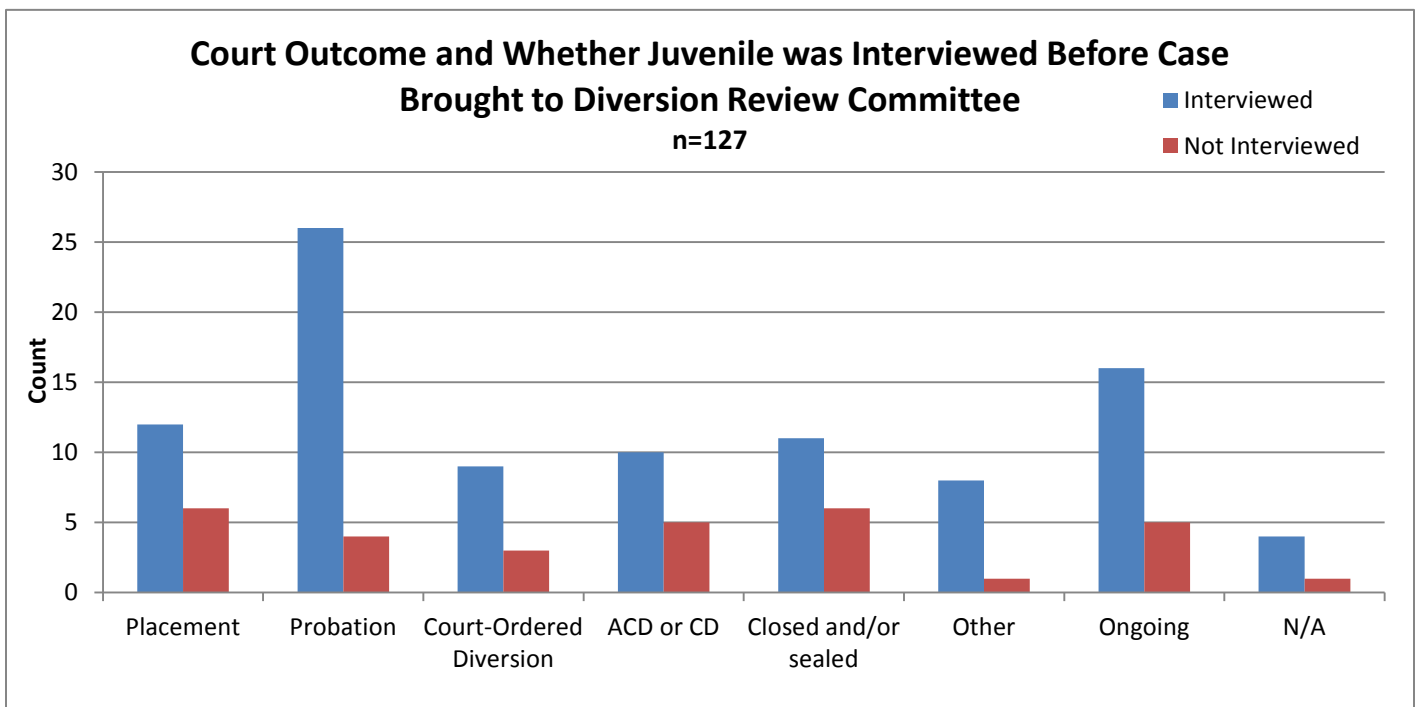


It was expected that the juveniles would be interviewed by an FSD Probation Officer prior to petitioning the case. In 74% of the cases brought before the Diversion Review Committee, the juvenile had been interviewed. Below, we look at the eventual court outcome and whether the respondent had been interviewed or not. As can be seen, 35% of those who received ACD or CD adjudication were not interviewed. This may be a place where it would be important to interview the juvenile.

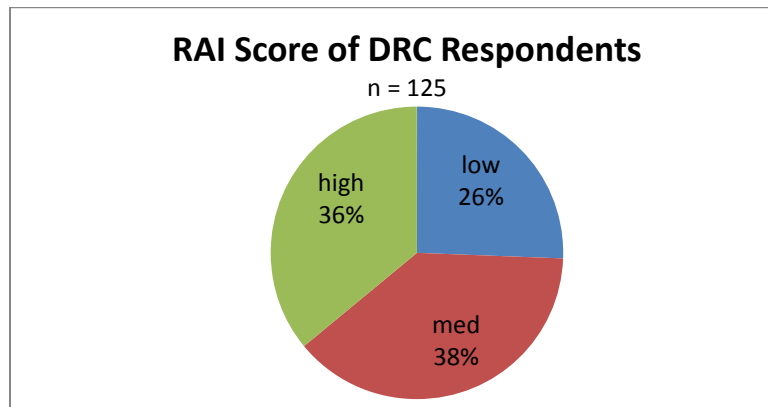
Interviewed * Court Outcome Cross-tabulation

		court outcome							
		placement	probation	court ordered diversion	closed and/or sealed	ACD or CD	Did not go to court	ongoing	other
Interviewed?	yes	Count 12	26	9	4	11	8	16	10
		% within court outcome 66.7%	86.7%	75.0%	80.0%	64.7%	88.9%	76.2%	66.7%
	no	Count 6	4	3	1	6	1	5	5
		% within court outcome 33.3%	13.3%	25.0%	20.0%	35.3%	11.1%	23.8%	33.3%
Total		Count 18	30	12	5	17	9	21	15
		% within court outcome 100.0%	100.0%	100%	100.0%	100.0%	100%	100.0%	100.0%

Below we show the same information in chart form as to whether the juvenile being interviewed before the case was brought to the Diversion Review Committee affected the court outcome.



The distribution of Risk Assessment Instrument scores for juveniles whose cases were brought to the Diversion Review Committee can be seen below. The scores are pretty evenly distributed across low, medium, and high, with medium and high receiving a slightly larger proportion than low scores.

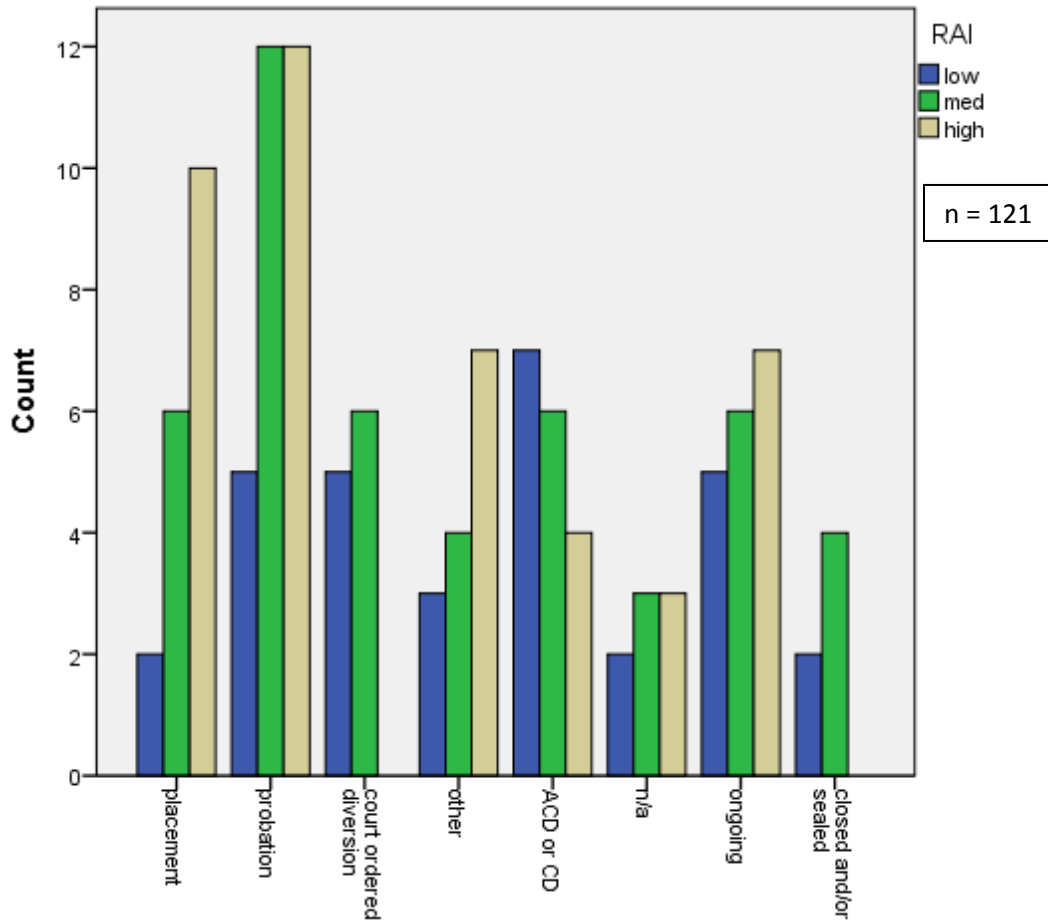


Below is the cross-tabulation of Risk Assessment Instrument scores for Diversion Review Committee respondents and their Court Outcome. As expected, most high-RAI cases resulted in Probation and Placement at a total of 51%. ACD was the most common outcome for those who received a low Risk Assessment score, followed by court-ordered diversion and Probation.

Court Outcome * Risk Assessment Instrument Score Cross-Tabulation

			RAI			Total
			low	med	high	
court outcome	placement	Count	2	6	10	18
		% within RAI	6.5%	12.8%	23.3%	14.9%
	probation	Count	5	12	12	29
		% within RAI	16.1%	25.5%	27.9%	24.0%
	court ordered diversion	Count	5	6	0	11
		% within RAI	16.1%	12.8%	.0%	9.1%
	other	Count	3	4	7	13
		% within RAI	9.7%	8.5%	16.3%	10.7%
	ACD or CD	Count	7	6	4	17
		% within RAI	22.6%	12.8%	9.3%	14.0%
	N/A (was not petitioned)	Count	2	3	3	8
		% within RAI	6.5%	6.4%	7.0%	6.6%
	ongoing	Count	5	6	7	18
		% within RAI	16.1%	12.8%	16.3%	14.9%
	closed and/or sealed	Count	2	4	0	6
		% within RAI	6.5%	8.5%	.0%	5.0%
Totals		Count	31	47	43	121

Then, we display the same information in chart form, showing how the Risk Assessment Instrument scores correlate to Court Outcome.



Discussion

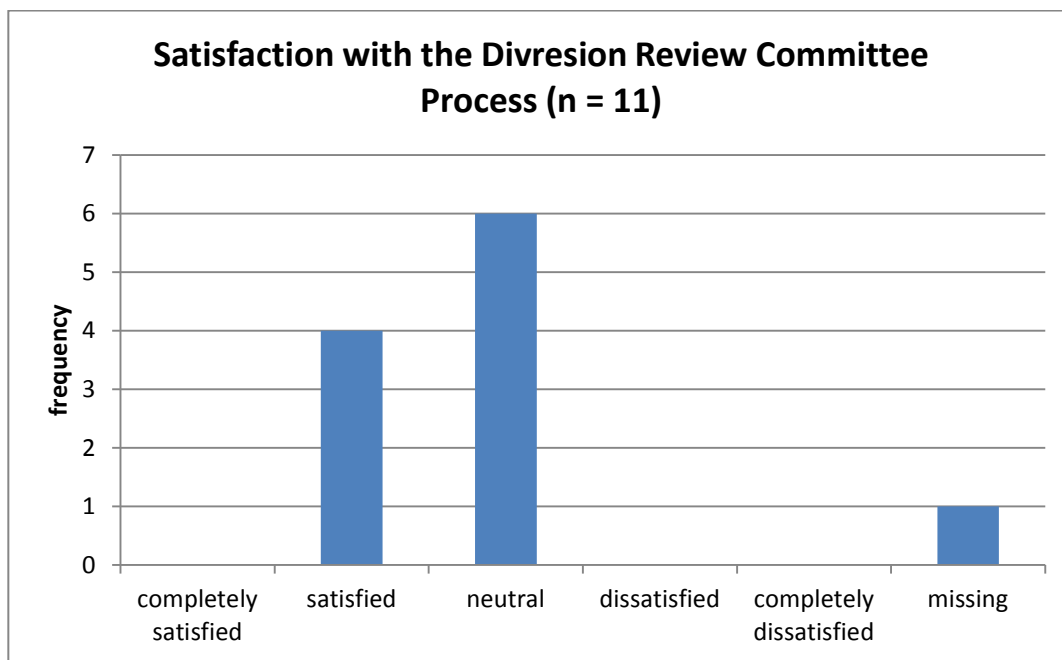
The DRC seems to serve an important role in that the cases that were intended to be petitioned in the first few months of implementation were not petitioned, helping the FSD Probation Officers to better understand due diligence and what the expectations were if one was to petition a case. Of interest, there were a substantial number of cases petitioned with low and medium Risk Assessment Instrument scores. Also, nearly 75% of all respondents were interviewed, which shows the thorough efforts made by FSD Probation Officers to meet with the respondent to make the next assessment possible.

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

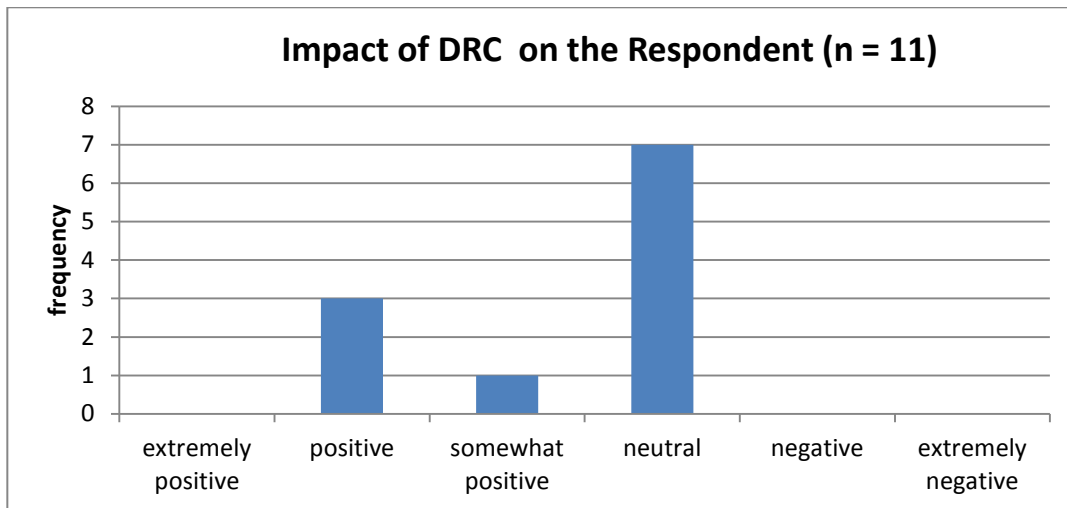
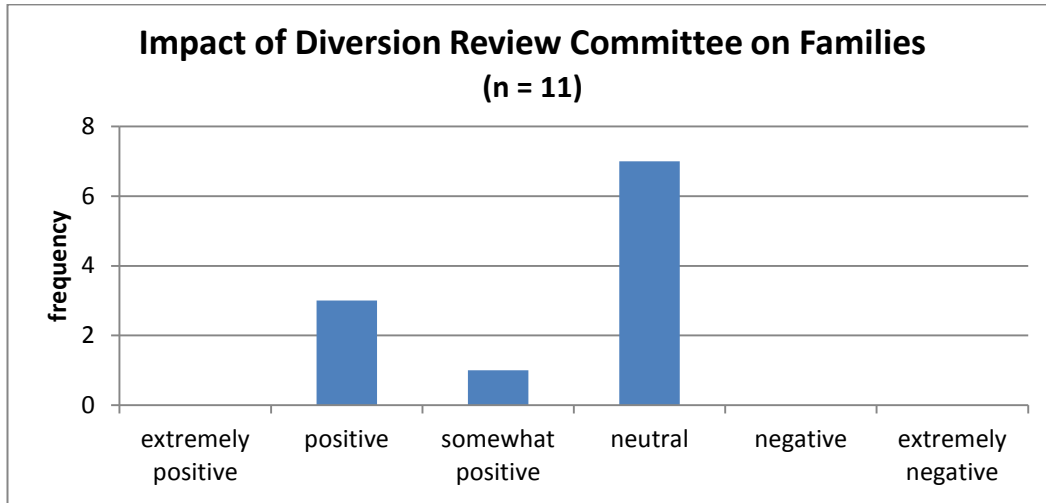
Diversion Review Committee FSD Probation Officer Survey Results

A short survey was created for the FSD Probation Officers involved with the Diversion Review Committee (DRC) in order to better understand their thoughts and attitudes towards the DRC. The survey can be found in Appendix C. Seventeen people were asked to take the survey with 11 returning surveys, all of which were appropriate for analysis, making for a 65% response rate. The survey mostly used Likert scale questions to gauge how the FSD Probation Officers felt. The responses to the questions follow, with discussion preceding every few charts. In every case, eleven surveys were analyzed with everyone answering every question, except for where the responses are marked as missing in the charts.

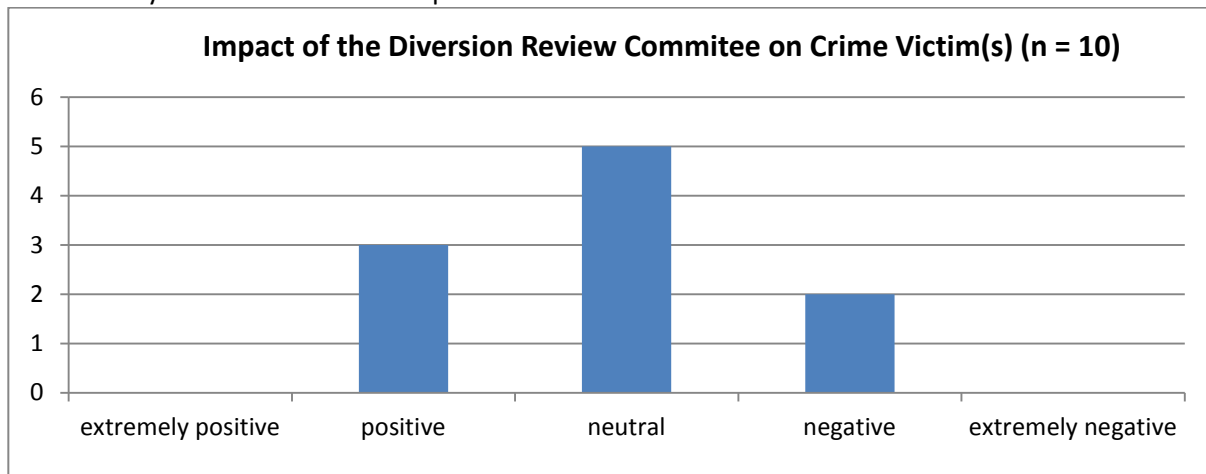
First, FSD Probation Officers reported being either satisfied or neutral regarding the Diversion Review Committee process.



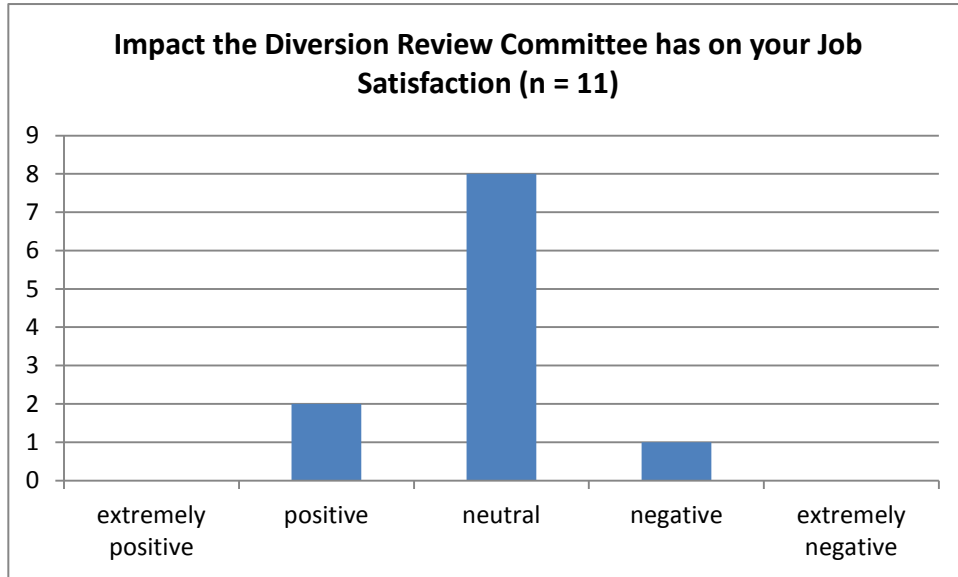
Officers did not report a negative impact on either the families or the respondents. While most reported a neutral impact, three reported a positive impact on both the families and the respondents.



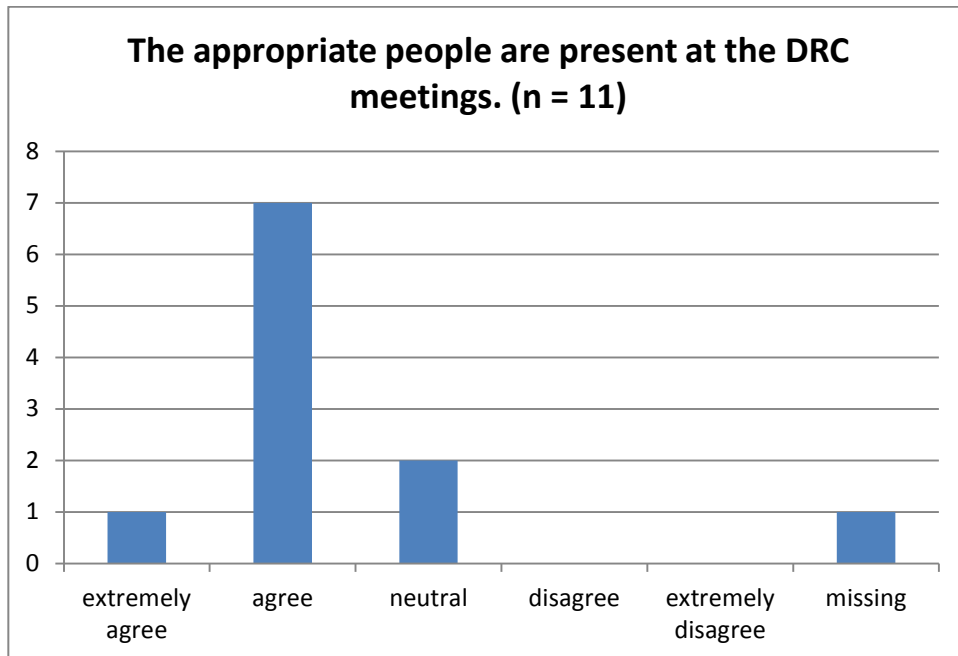
However when it came to the impact on crime victims, two felt that it had a negative impact, while the others mostly felt it had a neutral impact.



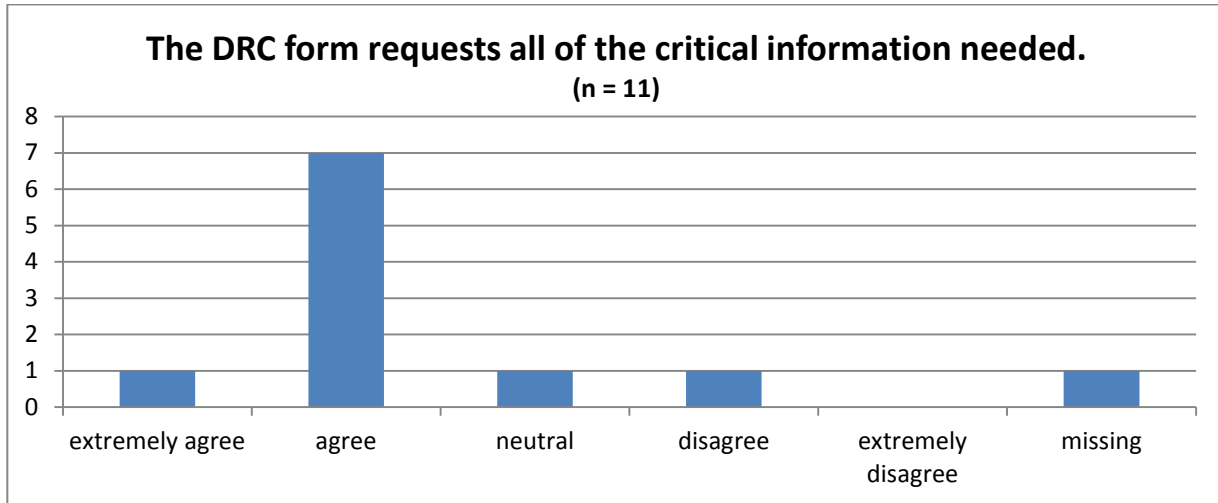
One of the concerns with the creation of the Diversion Review Committee was that the FSD Probation Officers would feel as this was another task they had to complete in their already busy schedules. However, only one Probation Officer reported it this had a negative impact on their job satisfaction, while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



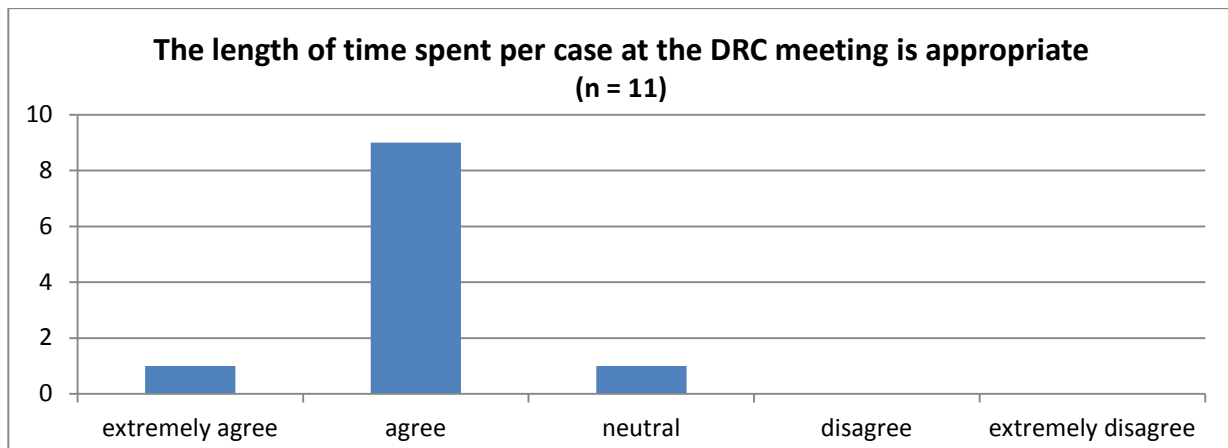
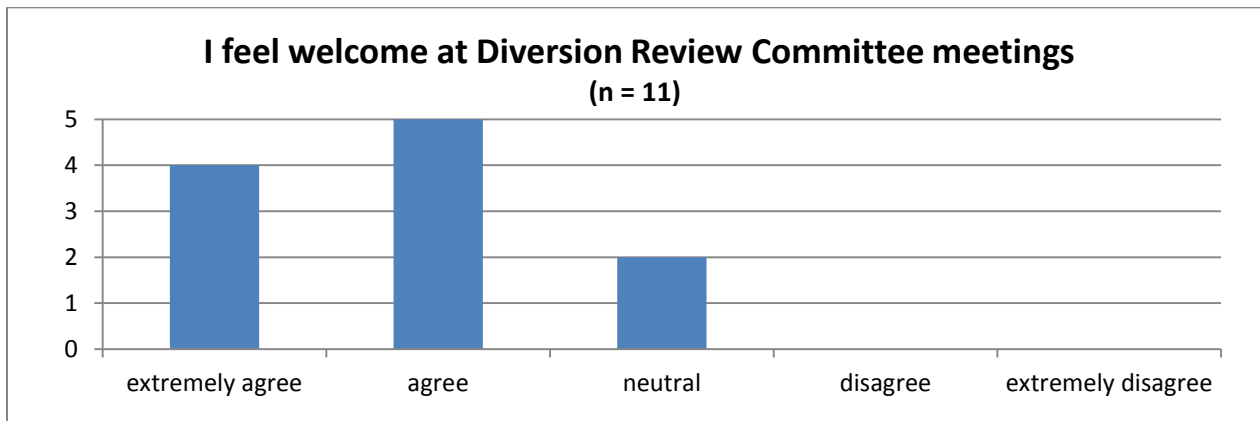
Officers felt that the correct people are present at the Diversion Review Committee meetings, with no one disagreeing. One Officer failed to answer the question.

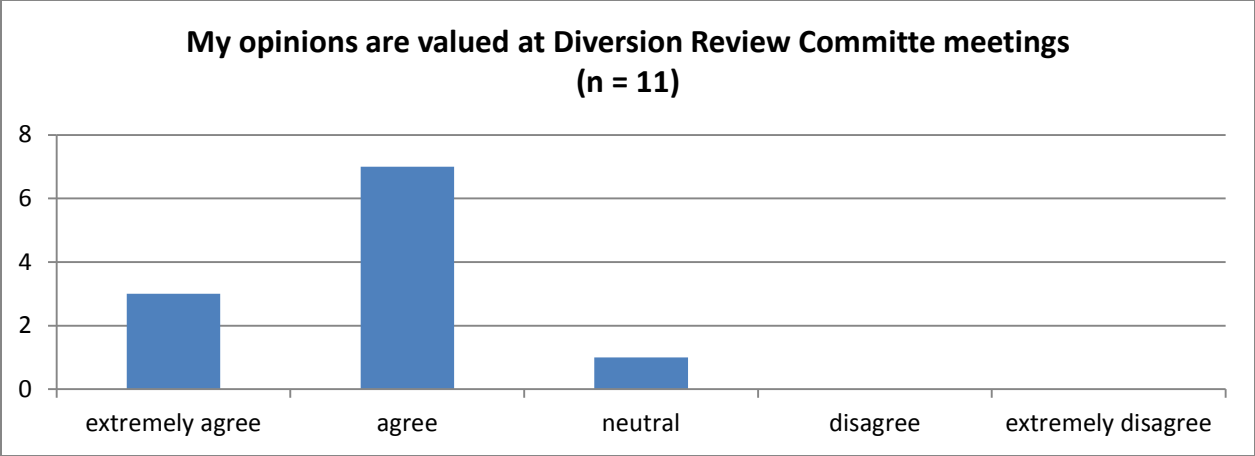


Officers mostly agreed that the information asked for in the Diversion Review Committee form was sufficient, with one missing response. One Officer felt something was missing from the form.

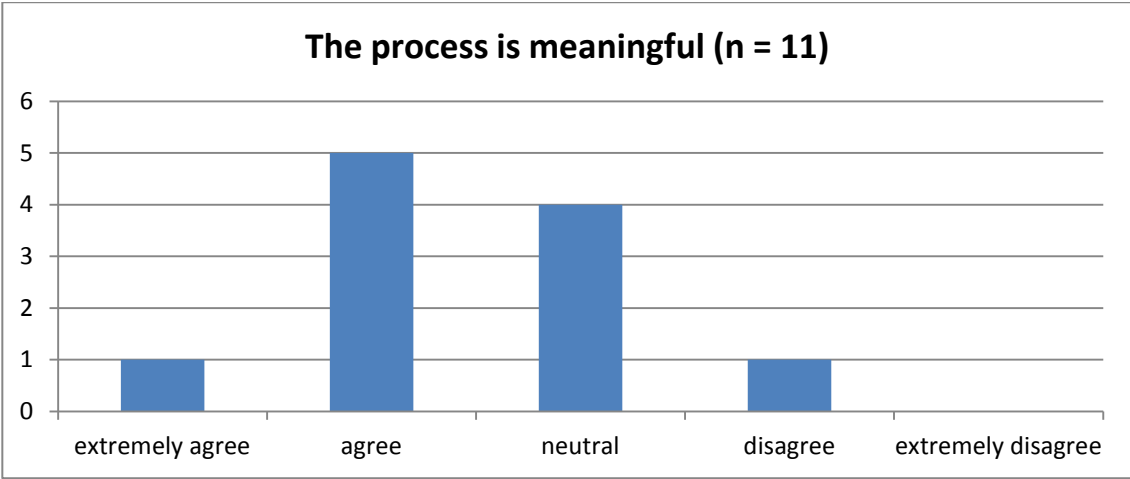


Most people reported either extremely agreeing or agreeing that they felt welcome, that their opinions mattered, and that the time spent on cases was appropriate. Those who did not agree felt neutral, with no one disagreeing.

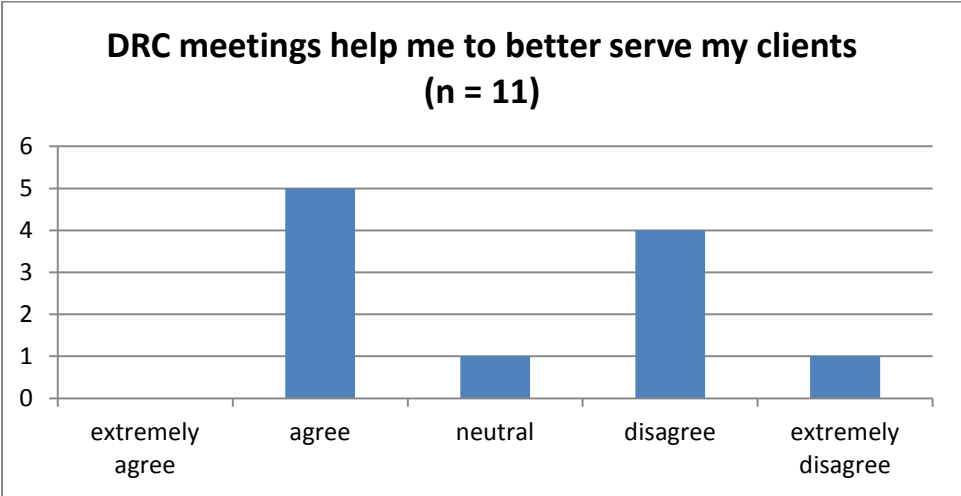




Officers had mixed opinions as to whether the process is meaningful, as one disagreed, one strongly agreed, five agreed, and four were neutral.



Of particular interest was that while five agreed that the Diversion Review Committee (DRC) process helps to better serve clients, five either disagreed or extremely disagreed, with only one being neutral.



Officers were asked to circle from a list of 5 positive and 5 negative adjectives how they felt about the process initially and how they currently feel about the process. Six reported feeling positive initially, two were neutral, and three were feeling negative. When responding about how they currently felt, six felt positively, one felt neutral and 4 now felt negative. The table below shows the findings.

How FSD Probation Officers Felt About the Diversion Review Committee Process	
Initially	Currently
6 positive	6 positive
2 neutral	1 neutral
3 negative	4 negative

Open-Ended Responses

Finally, four open-ended questions were asked:

- What is missing from the Diversion Review Committee?
- What is going well?
- Please share any changes that you would like to see happen to improve the juvenile petition process?
- Please provide any additional comments about the process.

What is missing from the DRC?

Officers made recommendations to the Diversion Review Committee form as well as other comments. 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 Diversion Review Committee, for whatever reason, and so it feels more like a formality than actually making a decision as a team. Another comment was that case presentations be done in a more formal way so that the information could be shared by the FSD Probation Officer with fewer questions asked, and more information given upfront.

What is going well?

Comments included that the FSD 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 Diversion Review Committee. Another felt that this is a way to help FSD Probation Officers think outside of the box. It was 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 are positive outcomes. Another responded that the input and suggestions made by the Diversion Review Committee were helpful. Interestingly, one person raised some concerns that keeping petitions down is not always a positive outcome for some respondents.

Any changes recommend to the juvenile petition process?

Officers recommended making it so that FSD Probation Officers are able to better understand presentment's 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 Project Coordinator.

Additional Comments

One Officer felt that this process was already occurring between the FSD Probation Officers and their supervisors so there is not necessarily a point to it. Another felt that it would be helpful if the FSD Probation Officers framed the Diversion Review Committee process more as a way to case conference. Another comment was that this is a good start, but there is room to improve.

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 it helps the juvenile.

Discussion

Overall, it seemed that there are some ways that the Diversion Review Committee form could be improved, but that for the most part the DRC is being run well. However, there are clearly some FSD Probation Officers who do not feel that the process is beneficial to their client or others involved in the case. They also seemed to struggle when it came to whether the process helped to better serve their clients.

Discussion and Next Steps

There are some important findings from this 18-month Juvenile Justice Front-End Reform implementation period.

1. Juveniles are being diverted away from detention who would have otherwise been detained.
2. A high number of detentions are the result of detention overrides for usually one of three reasons: safety, crime severity, and having a current open case.
3. A significant number of juveniles scoring low or medium on the Risk Assessment Instrument are being overridden to detention.
4. Juvenile detentions are continuing their downward trend.
5. The option for respite was not used nearly as much as was expected by Probation.
6. Most after-hours respondents had a prior or current case with Probation.
7. At their first meeting, most after-hours cases were petitioned immediately, diverted, or placed on Alternative to Detention (ATD).
8. One fifth of juvenile after-hours cases were successfully adjusted, about ¼ were placed on Probation, and 13% were adjudicated to placement.
9. Nearly a quarter of juveniles were not being interviewed prior to bringing the case to the Diversion Review Committee for approval to petition.
10. Out of those cases for which petitions are presented to the Diversion Review Committee, 13% did not go forward to be petitioned. Ultimately, 5% of all DRC cases are closed or sealed by the court with no further action, and 9% are returned to probation for court-ordered diversion.
11. FSD Probation Officers are unclear as to whether the Diversion Review Committee helps them to better serve their clients or helps the victim.
12. FSD Probation Officers mostly feel welcome and comfortable at the DRC meetings, but they do not consistently recognize the benefit of the DRC.
13. The DRC form could be altered to make it more useful. As such, to date, some revisions have already been made to the form based on the feedback received.

Next steps will hopefully incorporate these findings to improve these reforms, such as gaining a better understanding as to why the Risk Assessment Instrument (RAI) is scoring low when there is a justified need for detention. This would have been the time to explore changes to the current RAI, however the State has implemented a Statewide Detention Risk Assessment tool (DRAI) which is mandatory for all counties to use effective 10/28/13. While the local RAI was the culmination of over a year's worth of planning, there would have been a possible recommendation to include a section on whether the offense involves a weapon (severity of the crime), whether the victim feels safe if the respondent returns home, or whether the respondent is welcome back to his or her residence. A large portion of overrides had to do with those three issues. It will be interesting to see how the new DRAI impacts decisions. There also may be a need to meet with staff at residential facilities to better understand their frustration with some of these juveniles by the time they make the call to the police, as in almost every instance, they were not willing to take the juvenile back and instead insisted on detention.

Also, conducting focus groups or even interviewing FSD Probation Officers may be a good way to learn more about the Diversion Review Committee process and how it can eventually be viewed as helpful to the FSD Probation Officers and how it could have a positive impact on their job satisfaction. The recommendation that more formal case presentations are made may help to improve the process. It may also be helpful to not meet around certain cases if it is unnecessary (i.e. cases that were already petitioned or for very severe crimes).

Future analyses of long-term case outcomes will help to understand the progress these cases make. It may also be possible in future studies to compare the after-hours cases with non-after-hours cases more thoroughly to discern pros or cons of the after-hours reforms.

Creating systems-level change is never an easy feat, but Monroe County Probation seems to be headed down that trajectory. The implementation of the after-hours hotline has shown promise in the number of youth who are not detained who otherwise would have, and the expedited appearance tickets are clearly being utilized. It may be useful to follow-up with law enforcement to gauge how they feel about the process. Overall, much work has been done, and this has shown to be change at high levels in the juvenile justice field.

Based on the success of these and other initiatives in preventing juveniles from being detained, a new, New-York-State-wide Detention Risk Assessment Instrument is being implemented in the fall of 2013. This will standardize the process of using risk assessments so that judges also must conduct a Detention Risk Assessment Instrument on any juvenile they are considering detaining. This is a promising possibility for reducing potential bias in juvenile cases, keeping juveniles out of detention, and offering more diversion services.

References

Chappell, A.T., Maggard, S.R., & Higgins, J.L. (2013, January). Exceptions to the rule? Exploring the use of overrides in detention risk assessment. *Youth Violence and Juvenile Justice*, *11*(4), 332-348. doi: 10.1177/1541204012470849.

Appendix A: Glossary of Terms and Acronyms

Adjourned in Contemplation of Dismissal (ACD): a court disposition such that juvenile delinquent charges are dismissed if certain conditions are met, such as having no new arrests in a given time period

Adjudication: after fact finding that the juvenile has committed the crime alleged in the petition. The juvenile is “adjudicated” a juvenile delinquent.

Adjusted: the successful closing of a juvenile’s case with Probation if he or she successfully completes diversion (up to a 4 month time frame of meeting the conditions outlined); case will never be referred to Family Court.

After-Hours Hotline: a phone line established as part of the Juvenile Justice Reform in Monroe County. The line is staffed by a FSD PO. When a Police Officer in Monroe County is considering detaining a juvenile outside of regular court operating hours, the Police Officer must call this hotline prior to bringing the youth to secure detention. The FSD PO conducts an RAI, which guides the decision to detain or release.

Alternative to Detention (ATD): Alternative to Detention is a temporary supervisory program or status during which a juvenile is expected to follow certain conditions outlined by probation/judge (such as curfew, attendance at school, house arrest, treatment, etc.) designed to supervise the juvenile’s activities within their home and community without detaining him or her. A juvenile is typically on ATD until further decisions are made by a judge, usually about 4-6 weeks. During that time, there are regular & consistent phone curfew checks, home visit curfew checks, school monitoring, and other checks on the juvenile’s status. A status report on how the youth is doing is submitted to the judge for review which will guide next steps. A juvenile can be on ATD any time he or she is still in the community (i.e. not detained). Therefore, a juvenile can be on ATD supervision while on probation or diversion (though usually only for a short while), while a case is processing through the court after being petitioned (i.e. waiting until a court date). ATD officer keeps tabs on kid during the gaps, until PDI done, assigned to a regular PO, etc.

Conditional Discharge (CD): a court disposition in which a juvenile delinquent is discharged from court with no further action as long as he or she completes certain conditions (such as paying restitution costs, completing community service, completing chemical dependency treatment, etc.)

Detained: a juvenile may be held in a secure facility (detained) following an arrest that occurs after normal Family Court operating hours, if the arresting Police Officer gets approval to detain the juvenile until the next business day. (A juvenile may also be detained on an order from a Family Court Judge; however, for clarity in this report, we refer to this as “remanded.”)

Detention: the temporary care and maintenance of youth away from their own homes.

Diversion: a program in which a juvenile who is charged with a crime is supervised for up to 4 months by a FSD PO. The juvenile must meet the conditions outlined in a diversion plan. The juvenile and legal guardian may agree to diversion services when they meet with an FSD PO for an appearance ticket

(referred to in this report as “agreed to diversion”), or the juvenile may be ordered by a Family Court Judge to follow a diversion agreement (referred to in this report as “court-ordered diversion”).

Diversion Review Committee (DRC): a group within the Family Services Division of Monroe County Probation that reviews all juvenile cases that a FSD Probation Officer wants to refer for petition. The DRC must be consulted prior to the case being referred to presentment agency. The purpose is to insure that all efforts have been made by Probation to divert the juvenile from Family Court. This group usually consists of the Enhanced Delinquency Senior Probation Officer (chair), the Deputy Chief Probation Officer, two Family Services Probation Supervisors, the Probation Officer assigned to the juvenile, and the Juvenile Justice Mental Health Coordinator.

Electronic Monitoring (EM): a monitoring tool ordered by a Family Court Judge in which a juvenile’s proximity to a prescribed area is monitored with an ankle bracelet worn by the juvenile, usually for only certain times of day (i.e. to make sure the juvenile is home post-curfew)

Expedited Appearance Ticket: a ticket issued by an arresting Police Officer instructing the juvenile and a legal guardian to appear at Monroe County Probation on the following business day to meet with a Family Services Division Probation Officer. The appearance ticket paperwork must be faxed immediately to Probation at the designated fax number.

Family Services Division Probation Officer (FSD PO): a Probation Officer who works within the Family Services Division of Monroe County Probation. He or she may supervise juveniles on formal court-ordered probation, ATD, diversion, or other supervision; interview a juvenile at an initial meeting for an appearance ticket; or conduct Pre-Disposition Investigations (PDI’s) ordered by a judge.

Juvenile: in this report, juveniles are those youth arrested for a misdemeanor or felony that is under the age of 16 at the time of the alleged incident

Juvenile Delinquent (JD): in New York State, means a person over seven and less than sixteen who, having committed an act that would constitute a crime if committed by an adult.

Override: the explicit permission granted to an arresting Police Officer by Probation to detain a juvenile who scores below 13 (a low or medium score) on the RAI (Risk Assessment Instrument)

Petition: the formal process by which a juvenile’s case is brought to the Family Court as a juvenile delinquent case. JD petitions are filed by the Juvenile’s Prosecutor’s Office following the referral from Probation.

Placement: the court-ordered long-term detention of a juvenile delinquent at a facility (usually 1 year for misdemeanor adjudications and 18 months for felony adjudications)

Presentment: the Juvenile Prosecutor’s Office staff who review a potential juvenile delinquent case to be sure the case is legally sufficient to be pursued in Family Court and who then file the case as a petition

Probation (a.k.a. formal probation or juvenile probation): the court-ordered supervision of a juvenile by a Family Services Division Probation Officer for a pre-determined length of time

Qualifying Calls: for this report, qualifying calls are those that were made to the After-Hours Hotline by an arresting Police Officer wishing to detain a juvenile; calls made to the After-Hours hotline that were not related to an arrest and potential detention of a juvenile were excluded from analysis

Regular Appearance Ticket: a ticket issued by an arresting Police Officer notifying the juvenile and a legal guardian that they will be contacted by Monroe County Probation to meet with a Family Services Division Probation Officer, usually 7-10 business days from the issuance of the appearance ticket

Released: the judge-ordered allowance for a juvenile who had been detained or remanded to be placed back in the care and supervision of a family member

Remanded: held in a juvenile detention facility, usually until the next assigned court date

Risk Assessment Instrument (RAI): a scoring tool used to determine whether detention is warranted. It assesses the juvenile's risk level based on prior contacts with Probation and the severity of the current charges to determine if the juvenile needs to be detained

Underride: the decision made by both an arresting Police Officer and the FSD PO on the After-Hours Hotline to give an expedited appearance ticket to a juvenile who automatically scores for detention (score of 13 or more on the RAI).

Appendix B: Detailed Juvenile Probation Process Flowcharts

The flowcharts on the following three pages provide an overview of how a juvenile, once arrested, moves through the juvenile justice system in Monroe County. As you can see, this process is very dependent on the circumstances of the case and can vary widely across juveniles.

Instructions

Each chart shows a different stage of the juvenile justice process.

1. The first chart shows what happens immediately after a juvenile's arrest. Begin at the circle at the top, and you will end up on one of two circles at the bottom, depending on the case.
2. Then, follow the appropriate circle to the second chart. This shows what is referred to in the report as the initial meeting between the juvenile and a FSD PO or Family Court judge. The blue boxes correspond to the decision made at this initial meeting.
3. Go to the corresponding blue box on the next flowchart. This final chart shows what happens after an initial decision is made on the case. Final outcomes are shown in grey, in which a juvenile's case is ultimately closed.

Exceptions and Disclaimers

While these flowcharts provide a thorough description of how after-hours and DRC cases progress, there are always exceptions to the rule. A given juvenile can follow a different path than any shown on these charts.

Also, for ease of viewing, some details are left out of the visual charts. It is worth noting, though, the following information:

- A warrant may be issued at really any stage of a juvenile's involvement with Family Court or with Probation. This is typically only done if a juvenile does not appear for a meeting, has gone missing from home, or has violated conditions but cannot be found.
- Respite was also available on the night of the after-hours call for juveniles who did not score for detention and who had nowhere to stay that night.
- When the DRC approves a request to petition a case or when a judge orders a case to be petitioned, Probation refers the case to presentment. Then, the Juvenile Prosecutor's Office reviews the case for legal sufficiency. If the case is found to be legally sufficient, it is petitioned by the Juvenile Prosecutor's Office. If it is not found to be sufficient for a JD case, the case is not pursued.
- The charges against a juvenile may be dismissed at stages other than shown on the flowcharts. In the charts, we only show a formal dismissal of JD charges as a Family Court decision. Charges against a juvenile may also be dismissed or deemed un-pursuable at other times, such as:
 - Often, if a juvenile is arrested for a crime against someone in their home, the victim may decide not to pursue the charges against the juvenile soon after the arrest. The victim and the juvenile will usually agree to work through the issue in some other way, often through another Probation-related program or referral.
 - If the Juvenile Prosecutor's Office determines that a case is not legally sufficient for a JD case, the charges are no longer pursued.
- In order to be placed on diversion, a juvenile and legal guardian must agree to the service or be ordered to go through diversion by a Family Court Judge. In either case, the victim of the crime must also be willing to have the juvenile go through diversion rather than petitioning the case.

Chart 1: Process that Occurs at the Time of Juvenile After-Hours Arrest

*The darker blue color in the flowchart correspond to the changes made to the juvenile arrest process as a result of to Juvenile Justice Reform

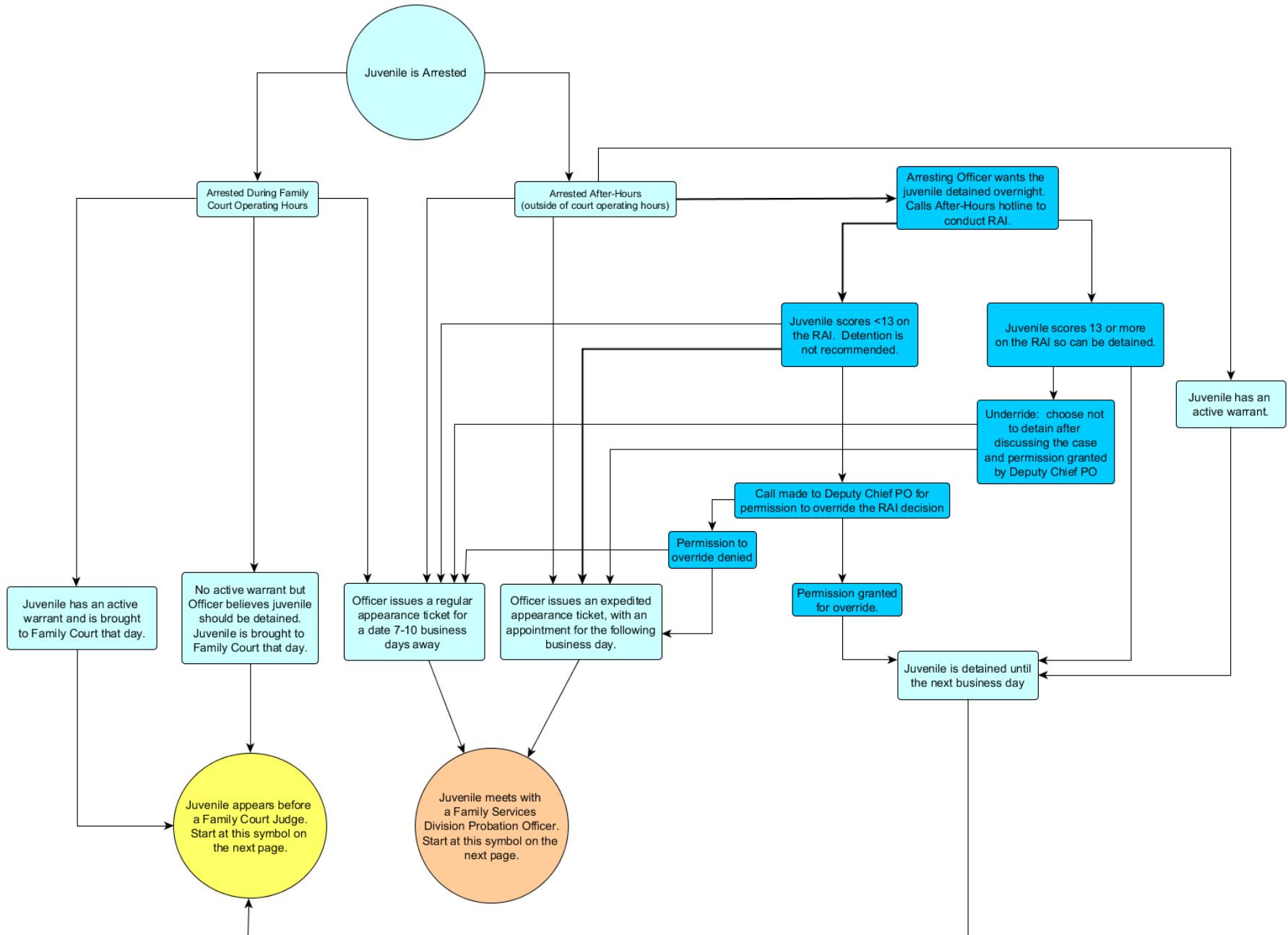
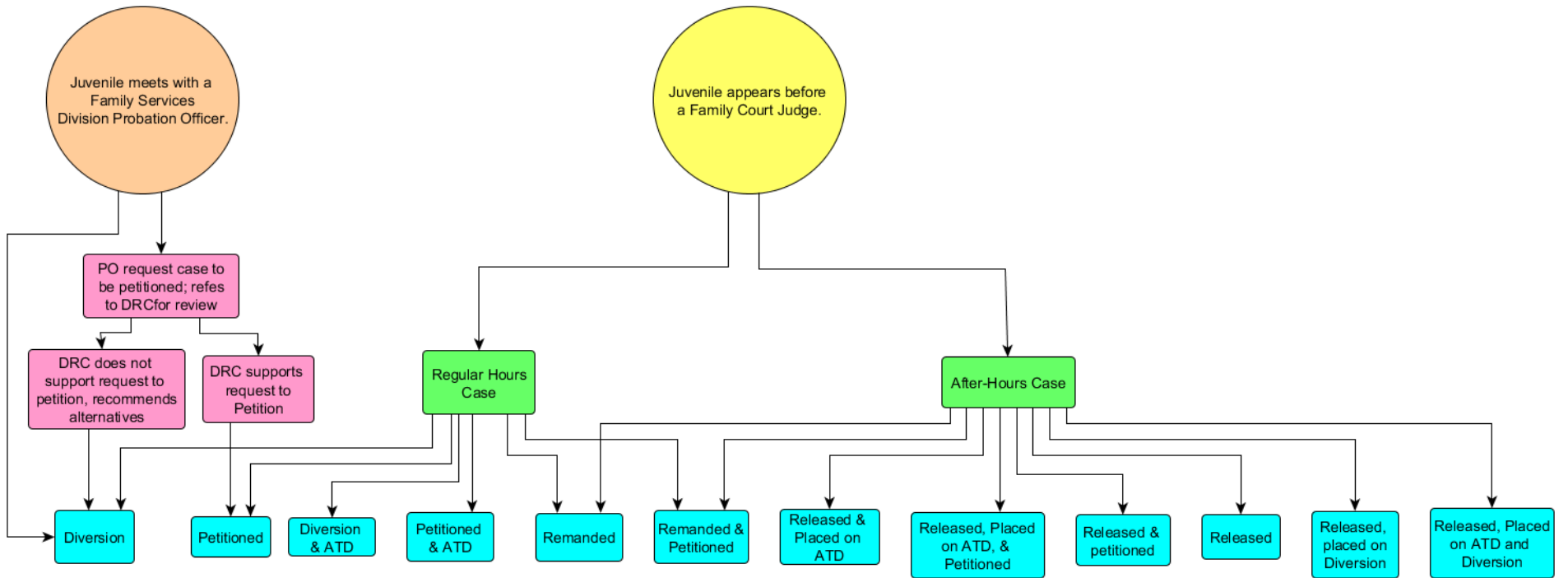


Chart 2: Processes Leading to Results of the Juvenile's First Meeting after Arrest

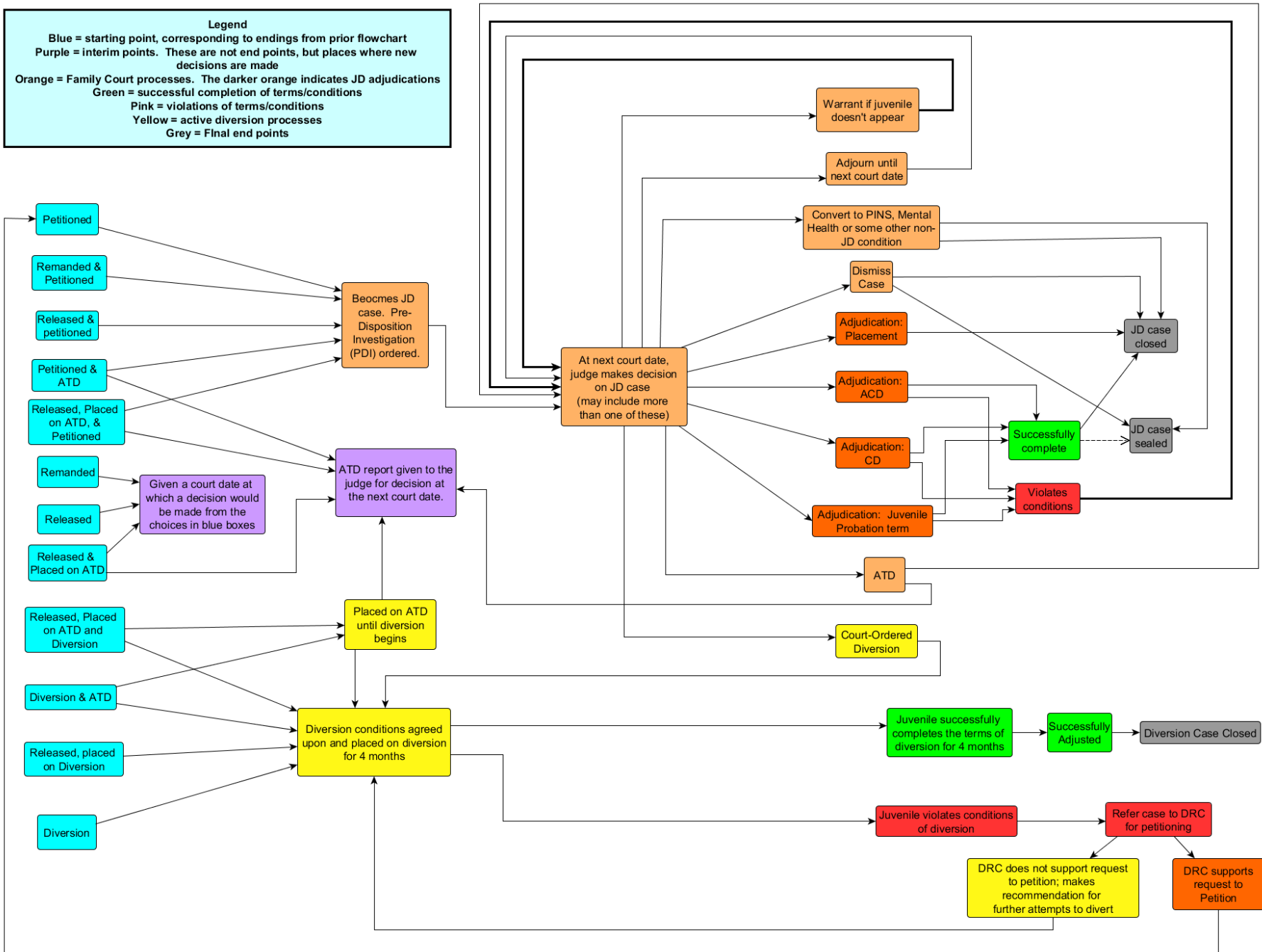
*The boxes colored in pink show the Diversion Review Committee (DRC) process that was added to Monroe County's juvenile probation process as part of the Juvenile Justice Reform



Go to the corresponding blue box on the flowchart on the following page.

Chart 3: Processes that Occur Between the First Meeting after Arrest and Final Case Outcomes

Legend
 Blue = starting point, corresponding to endings from prior flowchart
 Purple = interim points. These are not end points, but places where new decisions are made
 Orange = Family Court processes. The darker orange indicates JD adjudications
 Green = successful completion of terms/conditions
 Pink = violations of terms/conditions
 Yellow = active diversion processes
 Grey = Final end points



Appendix C

Diversion Review Committee Survey

We are interested in gauging how you feel about the new juvenile petitioning process, specifically the Diversion Review Committee. For this reason, we ask that you answer a few questions below. Taking this survey is voluntary. All responses will remain confidential, so please do not put any identifying information on the survey. Your responses will help to improve the process. Answering honestly will prove the most useful in making the appropriate changes. Thank you for your time.

1. Please rate your overall satisfaction with the DRC process.

Completely Satisfied	Satisfied	Neutral	Dissatisfied	Completely Dissatisfied
----------------------	-----------	---------	--------------	-------------------------

2. Circle below the *initial* feelings that best represent how you felt about this new process.

Disgusted		Relieved		Delighted		Frustrated
	Annoyed		Hopeful		Exhausted	
Prepared		Intimidated		Enthusiastic		

3. Circle below your *current* feelings that best represent how you feel about this new process.

Disgusted		Relieved		Delighted		Frustrated
	Annoyed		Hopeful		Exhausted	
Prepared		Intimidated		Enthusiastic		

4. What impact does the DRC have on families?

Extremely Positive	Positive	Neutral	Negative	Extremely Negative
--------------------	----------	---------	----------	--------------------

5. What impact does the DRC have on the respondent?

Extremely Positive	Positive	Neutral	Negative	Extremely Negative
--------------------	----------	---------	----------	--------------------

6. What impact does the DRC have on the crime victim(s)?

Extremely Positive	Positive	Neutral	Negative	Extremely Negative
--------------------	----------	---------	----------	--------------------

7. What impact does the DRC have on your job satisfaction?

Extremely Positive	Positive	Neutral	Negative	Extremely Negative
--------------------	----------	---------	----------	--------------------

Please circle the response that most closely resembles your level of agreement with the following statements:

8. The appropriate people are present at the DRC meetings.

Extremely Agree	Agree	Neutral	Disagree	Extremely Disagree
-----------------	-------	---------	----------	--------------------

9. The DRC form requests all of the critical information needed.

Extremely Agree	Agree	Neutral	Disagree	Extremely Disagree
-----------------	-------	---------	----------	--------------------

10. I feel welcome at DRC meetings.

Extremely Agree	Agree	Neutral	Disagree	Extremely Disagree
-----------------	-------	---------	----------	--------------------

11. The length of time spent on each case at the DRC meeting is appropriate.

Extremely Agree	Agree	Neutral	Disagree	Extremely Disagree
-----------------	-------	---------	----------	--------------------

12. My opinions are valued at DRC meetings.

Extremely Agree	Agree	Neutral	Disagree	Extremely Disagree
-----------------	-------	---------	----------	--------------------

13. The process is meaningful.

Extremely Agree	Agree	Neutral	Disagree	Extremely Disagree
-----------------	-------	---------	----------	--------------------

14. DRC meetings help me to better serve my clients.

Extremely Agree	Agree	Neutral	Disagree	Extremely Disagree
-----------------	-------	---------	----------	--------------------

15. What is missing from the DRC?

16. What is going well with the DRC?

17. Please share any changes that you would like to see happen to improve the juvenile petition process.

18. Please provide any additional comments about the process.

Thank You!

Please place the survey in the basket located in the first cubicle on the left in Room 4157. The basket will be on the ground with a sign above it that reads: "DRC SURVEYS HERE."

Please contact Janelle Duda, either in person on Tuesdays in room 4157 or via email at jmdgcj@rit.edu if you are interested in speaking with her more in depth about your experiences with the DRC.

Appendix D: The Risk Assessment Instrument (RAI) used by Monroe County



**MONROE COUNTY
JUVENILE DETENTION RISK ASSESSMENT INSTRUMENT (RAI)**

SCREENING AND JUVENILE INFORMATION

First Name: _____ Last Name: _____ Case Number: _____
 Date of Birth: ____/____/____ Home Zip Code: _____ PIN #: _____
 Arrest Date: ____/____/____ Arrest Time: ____:____ a.m. p.m.
 Referral Date: ____/____/____ Referral Time: ____:____ a.m. p.m.
 Charge: _____ Arresting Department: _____

CASE INFORMATION AND SCORING (only 1 score per section)

Most Serious Current Offense Category (Choose only the most serious)

Designated Felony (see other side for list)	13
Felony.....	7
Misdemeanor.....	2
Technical Violation of Probation.....	0

Risk of Failure to Appear (Choose only the most serious)

The youth has an active warrant	13
The youth has a prior JD warrant.....	8
The youth has a prior PINS warrant issued after 1/1/07.....	5
None of the above.....	0

Risk of Re-Offense (Choose only the most serious)

The youth has prior designated felony adjudication.....	10
The youth is currently under court ordered Probation Supervision.....	8
The youth has a prior JD adjudication.....	7
The youth has a JD petition pending.....	8
The youth is active with JD diversion.....	6
None of the above.....	0

TOTAL SCORE

DETENTION DECISION

DETENTION DECISION	Score 2	Authorized Release
	Score 7	Release w/ Expedited Appearance Ticket Review [next business day]
	Score 8 -12	Release w/ Restrictions/ATD
	Score 13+	Detain

Released to: _____ Relationship: _____
 Address: _____ Phone # _____ Cell # _____

RAI COMPLETED BY: _____ **DATE:** _____
TITLE: _____ **DEPT/AGENCY** _____

SPECIAL DETENTION CASES:

Detention Override (state reasons): _____
 Release Override (state reasons): _____

Override Approved by: _____ **Date:** _____

FOR STATISTICAL PURPOSES ONLY

Race: White Black/African American Asian/Pacific Islander Native American Other
Ethnicity: Spanish/Latin/Hispanic Non Spanish/Latin/Hispanic **Gender:** Male Female

Family Court Designated Felonies*

*Effective as of January, 2009

Applies to 7-12 year olds			
Family Court Act §301.2 (8) (vi)			
Any act, other than a misdemeanor, committed by a person at least seven but less than sixteen years of age, but only where there have been two prior findings by the court that such person committed a prior felony.			
Applies to 13 year olds			
Family Court Act §301.2 (8) (i)			
Murder 1°	PL 125.27	Arson 1°	PL 150.20
Murder 2°	PL 125.25	Sexually Motivated Felony	PL 130.91
Kidnapping 1°	PL 135.25		
Family Court Act §301.2 (8) (ii)			
Assault 1°	PL 120.10	Arson 2°	PL 150.15
Manslaughter 1°	PL 125.20	Robbery 1°	PL 160.15
Rape 1°	PL 130.35	Sexually Motivated Felony	PL 130.91
Criminal Sexual Abuse 1°	PL 130.50	Kidnapping 2° (involving use or threat	PL 135.20
Aggravated Sexual Abuse 1°	PL 130.70	of use of deadly physical force)	
Family Court Act §301.2 (8) (iii)			
Attempted Murder 1°	PL 110.00; 125.27	Attempted Kidnapping 1°	PL 110.00; 135.25
Attempted Murder 2°	PL 110.00; 125.25	Sexually Motivated Felony	PL 130.91
Family Court Act §301.2 (8) (vi)			
Any act, other than a misdemeanor, committed by a person at least seven but less than sixteen years of age, but only where there have been two prior findings by the court that such person committed a prior felony.			
Applies to 14 and 15 year olds			
Family Court Act §301.2 (8) (i)			
Murder 1°	PL 125.27	Arson 1°	PL 150.20
Murder 2°	PL 125.25	Sexually Motivated Felony	PL 130.91
Kidnapping 1°	PL 135.25		
Family Court Act §301.2 (8) (ii)			
Assault 1°	PL 120.10	Arson 2°	PL 150.15
Manslaughter 1°	PL 125.20	Robbery 1°	PL 160.15
Rape 1°	PL 130.35	Sexually Motivated Felony	PL 130.91
Criminal Sexual Abuse 1°	PL 130.50	Kidnapping 2° (involving use or threat	PL 135.20
Aggravated Sexual Abuse 1°	PL 130.70	of use of deadly physical force)	
Family Court Act §301.2 (8) (iii)			
Attempted Murder 1°	PL 110.00; 125.27	Attempted Kidnapping 1°	PL 110.00; 135.25
Attempted Murder 2°	PL 110.00; 125.25	Sexually Motivated Felony	PL 130.91
Family Court Act §301.2 (8) (iv)			
Burglary 1°	PL 140.30	CPW 2°	PL 265.03 ***
Burglary 2°	PL 140.25 (1)	Sexually Motivated Felony	PL 130.91
Robbery 2°	PL 160.10 (2)		
*** Where such machine gun or such firearm is possessed on school grounds, as defined in PL §220.00 (14)			
Family Court Act §301.2 (8) (v)			
(only where there has been a prior finding that such a person has previously committed an act that would be Robbery 2°, Assault 2°, or any designated felony act specified in paragraph (i), (ii), (iii) regardless of age at time of commission of the prior act(s))			
Assault 2°	PL 120.05	Robbery 2°	PL 160.10
Family Court Act §301.2 (8) (vi)			
Any act, other than a misdemeanor, committed by a person at least seven but less than sixteen years of age, but only where there have been two prior findings by the court that such person committed a prior felony.			