



Research Bulletin

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Examining pretrial juvenile detention screening practices in Illinois

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The number of juvenile delinquency petitions handled by juvenile courts rose steadily in Illinois in the early 1990s. As a result, an increase was seen in the number of young offenders being held in juvenile detention facilities pre- and post-trial. This may have contributed to overcrowding in some of Illinois' juvenile detention facilities, as well as an overuse of detention for youth who were neither a flight risk

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nor a threat to him/herself or to public safety. Status offenders, such as minors who violate curfew and underage drinking laws, or are truant, also were being detained. At the same time, minority youth tended to be over-represented in juvenile detention facilities.

Several juvenile justice professionals play a role in determining whether or not youth are detained prior to trial. At minimum, law enforcement officers,

detention screeners, and judges play a role in deciding whether or not a youth will be detained pre-trial. Law enforcement officers typically contact an agency responsible for detention screening when they believe the juvenile should be detained. Screeners then make the final determination of whether the minor will be detained until a detention hearing. At the hearing, a judge determines whether the minor will remain in detention until his or her trial is completed.

State and local juvenile justice system planners and government agencies in Illinois are working to ensure that youth who are neither a flight risk nor a threat to public safety and status offenders are not detained prior to their trial, and that detention decisions do not contribute to the over-representation of minority youth held in detention facilities. This *Research Bulletin* provides an overview of one element of detention reform supported by the Illinois Juvenile Justice

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Commission (IJJC), the Administrative Office of the Illinois Courts (AOIC), and the Illinois Juvenile Detention Alternatives Initiative: the use of scorable detention screening instruments.

The use of scorable detention screening instruments is intended to limit the amount of subjectivity used when making pre-trial detention decisions. The IJJC convened a workgroup composed of representatives from AOIC, the National Council on Crime and Delinquency, and practitioners throughout Illinois to develop a statewide scorable detention screening instrument that could be used by detention screeners (those who determine who is and is not detained pre-trial) in every Illinois county. The use of a scorable instrument is intended to help detention screeners make consistent pre-trial detention decisions and ensure that detention screeners across the state consider the same factors when making pre-trial detention decisions.

In 1998, AOIC distributed the scorable detention screening instrument developed by the workgroup to juvenile probation departments and juvenile detention facilities (the agencies typically responsible for making pre-trial detention decisions). Screeners were instructed to either use the instrument as it was, use a modified version of the scorable screening instrument which would better suit the needs of their local community, or use a self-developed scorable screening instrument. In the 2003, Authority researchers conducted a study to determine how the use of these scorable detention screening instruments fit into the local pre-trial detention decision-making process. The research questions that guided the study were:

1) To what extent are scorable detention screening instruments being used in Illinois and are detention screeners satisfied with the screening instruments they are using?

2) What instruments are screeners using (the instrument distributed by AOIC, a modified version of the instrument, or an instrument they developed independently)? If a modified version of the screening instrument is being used, what changes were made to the original screening instrument that was distributed by AOIC?

3) If detention screeners are using scorable instruments, how large of a role does the instrument play in the pre-trial detention screening process? Is the score the determining factor?

4) Does discretion still play a role in the decision-making process? If so, how is discretion used by detention screeners?

5) Are alternatives to secure detention available for youth who receive high scores when screened, but do not score high enough to be detained automatically?

6) Did the use of the scorable detention screening instruments decrease the number of status offenders who were detained after its implementation?

AOIC detention screening instrument

The workgroup that developed the detention screening instrument for Illinois adhered to several ideas, including that:

1) Points would be assigned to specific items based on information the detention screener receives from one or more of the following sources: law enforcement, the youth, the youth's parents, and automated databases with criminal history information.

2) Once each item is scored, a total would be determined and a decision to detain would be made based on that total score.

3) The most important items on the scorable detention screening instrument should be the seriousness of

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the alleged presenting offense and whether an arrest warrant had been issued against the youth.

4) Point values reflecting the seriousness of the alleged presenting offense should be based on Illinois statutes and guidelines developed by AOIC.

5) Criminal history factors should take on less importance, as detention screeners may not have immediate access to youth's arrest and offense history at the time of the screening.

6) The scorable detention screening instrument should include items that enable detention screeners to identify and score for aggravating and mitigating factors existing in a particular case.

The scorable detention screening instrument also incorporated an override process. Those who developed the instrument determined it might be possible that, after completing the screening, the screener may disagree with what the score suggests regarding how the youths should be handled. AOIC decided that in these cases, the screener could request that the score be overridden, pending administrative approval.

In addition to the scorable detention screening instrument, screeners received a list of offenses with corresponding scores. When scoring for the "Most Serious Alleged Current Offense" item, screeners use the list to determine the score for that particular item. The most serious, most often violent, offenses have the highest point value, while less serious, usually property offenses, are worth fewer points.

Methodology

To provide an overview of detention screening practices in Illinois, semi-structured interviews were conducted with 91 detention screeners (79 from county probation offices and 12 from detention facility intake units), representing 99 of Illinois' 102 counties. When completing these interviews, researchers relied on an interview protocol initially developed to gather basic information about the detention screening

process in each county. However, researchers were encouraged to ask additional questions to probe deeper into topics that arose during interviews to gather as much detailed information as possible. Once the interviews were completed, transcripts of each interview were written and the data entered into a qualitative data analysis program designed to identify common themes. Additionally, if participants were using any detention screening instrument to make pre-trial detention decisions, they were asked to send copies of the instrument to research staff. If the participants did not use a scorable screening instrument, they were asked to provide any written policies

or instructions that were used to guide pre-trial detention screening decisions. Information from each of the scorable detention screening instruments was entered into a database and then analyzed to determine what changes, if any, were made to the scorable screening instrument that was distributed by AOIC.

Findings

Research questions 1 and 2

To what extent are scorable detention screening instru-

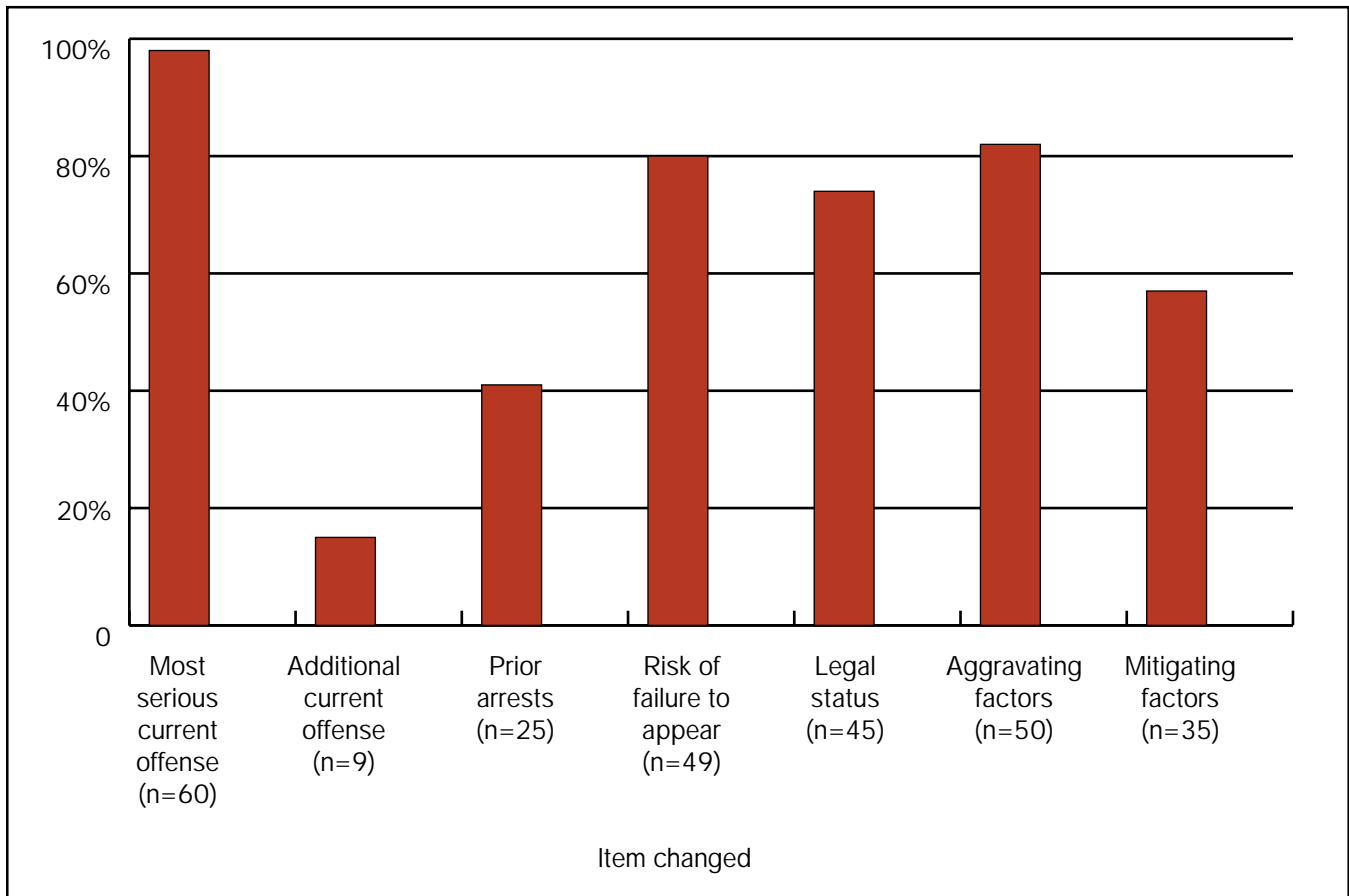
ments being used in Illinois and are detention screeners satisfied with the screening instruments they are using?

What instruments are screeners using (the instrument distributed by AOIC, a modified version of the instrument, or an instrument they developed)? If a modified version of the screening instrument is being used, what changes were made to the original screening instrument that was distributed by AOIC?

Researchers found 75 of the 91 participants interviewed were using a scorable detention screening instrument and were satisfied with it. Of those, 73 were using the detention screening instrument distributed by AOIC, although a considerable majority of the scorable screening instruments (61) had been modified to better meet the needs of the local community (Figure 1). The vast majority of those who modified their scorable screening instruments increased the

Those who developed the instrument determined it might be possible that, after completing the screening, the screener may disagree with what the score suggests regarding how the youth should be handled.

Figure 1
Percentage of statewide instrument changes, by item*



*There were 61 instances in which an interview participant provided a copy of the statewide instrument that had at least one change from the original statewide instrument. This figure shows the percentage that had changes to each item on the statewide instrument.

number of points associated with one or more of the items on the screening instrument distributed by AOIC.

Research question 3

If detention screeners are using scorable instruments, how large of a role does the instrument play in the pre-trial detention screening process?

Interview participants who were using scorable detention screening instruments almost uniformly stated that the score on the screening instrument played a primary role in the pre-trial detention screening process. Very little else was considered once a score had been determined.

Research question 4

Does discretion still play a role in the decision-making process?

Overall, items on the scorable detention screening instrument are fairly objective and limit the subjectivity of the decision-making process. Information such as current offense, arrest history, probation status, and warrant status are verifiable pieces of information.

Personal discretion was rarely used when making detention decisions, but when it was, it tended to be used through avenues allowed by the scorable instrument. The aggravating and mitigating factors provide one manner in which discretion used by the detention screener can be incorporated into decision-making. When considering aggravating and mitigating factors, detention screeners can add or reduce points to a total score based on information they obtain during the detention screening process, usually from either the arresting law enforcement officer, the youth and his/her parents, or databases with criminal histories. However, screeners were not instructed on how to assign these points. It is up the screeners' discretion as

Table 1
Types of detention alternatives reported as being available

	Type of alternative
Frequency Least.....Most	Crisis intervention from social service agency
	Send minor home with relative or friend
	Home detention
	Home detention with electronic monitoring
	Residential alternative (shelter care, residential facility, temporary foster care)
	Referral to counseling, mental health, substance abuse (referrals often made by same agency that provides crisis intervention)
	Informal adjustment/meeting
	Day or evening reporting center

to how many points are added or subtracted from the final score.

Discretion also was exercised by requesting overrides for scores with which the screener disagreed. Although it happened infrequently, when overrides were requested, they were typically done to detain a youth who would have otherwise been released. Screeners from small, rural counties tended to use the override process more often than those in urban counties in cases when the individual scored high on the instrument, but not high enough to automatically detain. These screeners felt they had personal knowledge of juveniles' home and school lives that they should consider when making their decisions. As these factors are not listed on the instrument, it was up to each screener's discretion whether or not to consider those factors when making a decision.

Research questions 5 and 6

Are alternatives to secure detention available for youth who receive high scores when screened, but do not score high enough to be detained automatically?

Did the use of the scorable detention screening instruments decrease the number of status offenders who were detained?

Interviewees typically reported the use of scorable screening instruments had curtailed the detention of

these youth. However, the use of the scorable screening instrument had not increased the use of alternatives to secure detention in most counties, as the majority of participants stated that very few alternatives were available. In some cases, there were insufficient resources to implement alternatives. In others, detention screeners felt that alternatives were not needed since few juveniles were screened for detention in their counties. In a few cases, detention screeners felt they could not use alternatives, even if they were available, as they would be utilizing them without a court order. These screeners (all of whom were probation officers) stated that if any youth violated the conditions of these alternatives, they would not be able to hold the juvenile accountable for the violation. In many of these cases, the screeners would detain the youth, and ask the judge at the detention hearing to use the detention alternatives until the actual trial.

Additional findings

Although most participants using scorable screening instruments had distributed it to local law enforcement agencies, a notable minority said police were unaware that they used a scorable detention screening instrument. In addition, a notable minority felt that detention screeners and law enforcement officers disagreed on what factors should be considered when making pre-trial detention decisions. Still, many of those inter-

viewed reported that the instrument did make it easier to defend detention decisions to law enforcement officers, as they were able to give police a score, as opposed to an opinion about what should be done with the youth.

Participants repeatedly reported that it was difficult to apply a scorable screening instrument to domestic violence cases. For example, in the list of offenses and corresponding points, the offense “domestic violence with no bodily harm” is given very few points. Therefore, most youth charged with this offense do not score high enough to warrant secure detention. However, the majority of interview participants felt uncomfortable with that decision, as they did not want to return the youth to a volatile home situation. In situations such as this, detention screeners tried to find alternatives to secure detention such as placing the youth with another relative, family friend, or other responsible adult, and when they could not, would try to override the score and detain the youth.

A very small number of participants stated that they may detain youth in their county jails until detention hearings as opposed to in the nearest detention facility. This is acceptable by Illinois law, however youth detained in county jails must be separated by site and sound from adults who may be housed in the same facility. Most of these participants came from relatively small counties and rarely detained any youth. They noted that they used the county jails primarily for convenience, as some counties do not have detention facilities. Because the nearest facility was located a considerable distance away, it was difficult to arrange transportation for them if detention was necessary.

Counties dealing with this issue typically have small agencies with few staff members. Screeners in small agencies stated they could not spare the time and resources to transport a youth to another facility. This does not appear to be a huge problem at the moment. The Illinois Juvenile Justice Commission provides transportation grants to detention facilities to offset this problem.

When asked which detention facilities are typically used by the screeners, a small but notable number of participants stated that they sometimes use facilities in Indiana or Missouri. This was typically done out of convenience, as they were closer to the screening agency than the closest Illinois facility.

Implications

Overall, the findings suggest that the effort to promote the use of scorable detention screening instruments was successful. At the time of the interviews, detention screeners in most of the counties in Illinois were using the scorable screening instruments distributed by AOIC with modifications, were satisfied with them, and were using the scorable screening instrument as

their primary pre-trial detention decision-making tool. However, the findings also suggest that certain aspects of the detention screening process may warrant further consideration.

First, many detention screeners in Illinois counties using the instrument distributed by AOIC made modifications to it to better suit the local community. This variation may have limited the usefulness of the scorable instrument as a mechanism for

achieving one particular state-level pre-trial detention goal – making the decision-making process to detain uniform across the state. For example, several counties increased the number of points given to youth who were on probation at the time of screening. As a result, detention screeners from one particular county may have detained a youth who, if screened in another county, would have been released.

Second, participants from most counties reported that the mitigating factors item is difficult to complete. This was especially the case in more urban counties, where detention screeners were less likely to personally know the youth with whom they came into contact. Difficulties associated with the completion of this item increased at night, when information on mitigating factors were not as easy to obtain. However, no such comments were made about the aggravating factors item. As these factors tend to focus on the crime itself

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and the circumstances surrounding it, this information was more easily obtained. When the aggravating factors item was easier to complete than the mitigating factors item, points were more often added than reduced. This disparity existed partly because of the nature of the scorable instrument.

Third, many interview participants expressed concern about applying the scorable screening instrument to domestic violence cases. While juveniles who commit domestic offenses typically do not score enough points to warrant detention, screeners do not want to release them back into a volatile home situation. Screeners usually responded to these situations by either releasing the youth to another responsible adult or calling a local social service agency experienced in handling family crises.

Finally, a small but notable number of interview participants reported that they had very few alternatives to secure detention. In some instances, this was by choice, as there are few juveniles detained overall in these counties. In other cases, non-secure options were available at the detention hearing. However, if state-level policy encourages the use of non-secure options, then counties in Illinois should have such options available to them.

Conclusion

The introduction and implementation of scorable detention screening instruments in Illinois appears to have been successful. Overall, detention screeners seem to be satisfied with them and the decisions that are made based on the total scores. However, interview participants still expressed concern over several items on the scorable screening instrument, such as difficulty in completing the instrument for domestic offenses and difficulty in obtaining information on mitigating factors. Those who participated in the development of the scorable screening instrument are addressing these concerns and determining what, if any, changes could be made to the scorable screening instrument originally distributed by AOIC.

Future, more in-depth research on the pre-trial detention screening process may help determine whether detention screening impacts disproportionate minority confinement. By looking at different stages of the process more closely, researchers may be able to identify where minority youth are more likely to be

overrepresented. More research may also help determine the role that law enforcement plays in the pre-trial detention screening process. The decisions made by law enforcement officers impact who is eventually detained in juvenile detention facilities. Finally, further research may assist in determining the impact of modifications local jurisdictions made to the detention screening instrument, as well as whether there is disparity in the pre-trial detention decisions being made across the state.



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