

Examining the Impact of a Risk Assessment Tool on Juvenile Detention Decision-
Making

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ABSTRACT

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Dr. Joel Miller

Today, the push for evidence-based practice has permeated arguably all human services agencies, government and the private sector alike. One such method of applying evidence-based practice into the human service arena is that of structured decision-making (SDM) tools. One form of SDM that has seen recent growth, and is the focus of the current study, is juvenile detention risk screening tools (RST's). These instruments are promoted as a means to standardize detention decision-making by providing more objective and concrete measures of both risk of flight, and public safety risk, thereby limiting or even eliminating the influence of extra-legal factors such as race/ethnicity, gender and age in the decision-making process.

While there is an abundance of research focused on determining the predictive validity of various juvenile risk assessment instruments, few studies have sought to consider and empirically examine how decision-making in the courtroom context is affected by the introduction of an RST. The current study sought help fill this existing gap in research by examining the actual effect of a juvenile detention screening instrument on court actor decision-making. Utilizing a pretest-posttest design, the nature of detention decision-making in five New Jersey Counties was examined before and after the introduction of a consensus-based detention RST. Using logistic regression techniques, data detailing detention decision before and after the introduction of the tool was analyzed to determine what factors influence the decision to detain for both time periods. An additional dataset that includes qualitative data in the form intake worker responses to a structured questionnaire designed to assess the factors most affecting their detention decisions was also used to provide additional context for these decisions.

Results of the current study indicate that, for the current study sites, the 'rational' detention decision-making criteria prevailed both before and after the implementation of the instrument, with little evidence to support the influence of extra-legal factors even prior to the RST. Where some evidence surfaced regarding the possible influence of some 'non-rational' criteria, specifically age and county of residence, the study did find some circumstantial evidence suggesting the RST may have had a moderating effect on these variables. Furthermore, the RST seems to have had the effect of formalizing decision-making, in that the association between the 'rational' criteria and detention either increased post-RST, or in some instances, was moderated. Overall, the analyses presented here do point to the potential utility of this RST in achieving the desired outcomes of interest: increasing reliance on more 'rational' agreed-upon criteria, while reducing the use of extra-legal factors in detention decision-making.

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Chapter 1. Introduction

Today, the push for evidence-based practice has permeated arguably all human services agencies, government and the private sector alike. As we move through the second decade of the 21st century, one cannot avoid the growing discourse around fiscal responsibility, budgetary cuts and modifications, and most certainly the demand that government funding in particular be allocated only to those services proven to be both cost-efficient and outcome driven. One such method of applying evidence-based practice into the human service arena has been the development and use of structured decision-making (SDM) tools. SDM involves the implementation of a formal, standardized method of decision-making, utilizing a set of variables or criteria that have been accepted as those that are most relevant to the decision at-hand (Shook & Sarri, 2007; Howell, Krisberg, Hawkins, & Wilson, 1995).

One form of SDM that has seen much growth over the past few decades, and is the focus of the current study, is structured risk assessment instruments (Bonta, 1996; Bonta, 2002; Gottfredson & Moriarty, 2006; Hoge, 2002; OJJDP, 2005; Schwalbe, Fraser, Day, & Cooley, 2006). The premise of these tools is that by utilizing information about an individual's history and current situation, the likelihood of some form of future behavior can be predicted with more accuracy than the subjective judgments of individual decision makers. Armed with such information, human service professionals are better able to allocate their limited resources (time, money, programming 'slots' etc) towards those most in need of such services. The benefits of this are two-fold. On the one-hand, it provides for a more cost-effective approach to the provision of resources, reserving the

costlier interventions for those who are most likely to need or benefit from them. At the same time, those who are likely to pose the greatest threat to public safety, will have more intensive supervision and/or interventions applied.

In addition to providing for more efficient resource allocation and increased public safety, assessment instruments can help to promote a more just/equitable system in which similarly situated individuals are treated similarly, thus creating consistency across cases and jurisdictions. Historically human services professionals have relied on their subjective clinical judgment when making decisions about clients. This form of decision-making often results in inconsistency across cases, and an inevitable inclusion of personal bias in the decision-making process (Andrews, Bonta & Wormith, 2006; Dawes, Faust & Meehl, 1989; Gambrill & Shlonsky, 2000; Glaser, 1955, 1962; Grove & Meehl, 1996; Grove, Zald, Lebow, Snits, and Nelson, 2000; Hoge, 2002). And, due to the informal and unsystematic nature of subjective decision-making processes, accountability for potentially biased decision-making is low, as there is no clear, or 'transparent' indication of the factors shaping the final outcome.

For these reasons, the use of structured decision-making tools have the potential to help create a more consistent, fair and equitable human service systems, where decisions are made on a regular basis that can substantially affect an individual's future. While such instruments have become common throughout several human and social service agencies, of particular concern in the current study is their use within justice settings, specifically the juvenile justice system.

Few studies have sought to consider and empirically examine how decision-making in the courtroom context is affected by the introduction of an RAI. Thus, the current

study will help to fill the existing gap in research by examining the actual effect of RAI implementation on court actor decision-making. Specifically, the current study will examine the nature of detention decision-making in five New Jersey Counties selected to pilot the first detention screening instrument used in that state. Data detailing detention decisions made by juvenile intake workers in these five counties before and after the implementation of the instrument will be analyzed to determine what factors most influence the decision to detain for both time periods. An additional dataset that includes qualitative data in the form intake worker responses to a structured questionnaire designed to assess the factors most affecting their detention decisions will be used to provide additional context for these decisions. Contributions offered from both the Courtroom Workgroup and Focal Concerns perspectives will be considered in examining the factors associated with decisions to detain youth pre-adjudication both before, and after the introduction of an RAI. Understanding the ways in which measures of both may be present before, and after the introduction of a structured RAI will provide a theoretical basis for interpreting the impact of the RAI on decision-making.

The general goal of this study is to determine whether or not the nature of detention decisions has changed with the introduction of a detention screening instrument. The specific question posed is: *Has the instrument led to a more consistent and equitable decision-making process?*

Chapter 2. An Overview of Risk Assessment and its Application to Juvenile Detention

In order to understand the potential impact of a structured risk-assessment instrument on decision-making, detail regarding the development and promulgation of such tools in the criminal justice context is warranted. As such, the present chapter discusses this development, the current role of risk prediction in the criminal and juvenile justice systems, and how these roles relate to the goals and objectives of juvenile detention decision-making.

Risk Assessment in Criminal Justice

Prediction and classification are, and have been central aims of criminological research, dating back to at least the 1800's with theories promoting the existence of physical criminal types (Lombroso, 1911), and even the idea that particular skull configurations could be linked to criminal behavior (Gottfredson, 1987). While these early attempts to utilize prediction for the purposes of classifying individuals in terms of potential future criminality have long been discredited, they speak to the long-held belief within the field generally, that if we can successfully establish those traits or characteristics that are more strongly associated with antisocial behavior, to include delinquent and criminal behavior, more successful interventions, treatment and sanctions can be developed. And, in doing so, we can more aptly address one of the other central aims of criminology and criminal justice, that of crime control and public safety.

It can be said that at each key decision point within the criminal and juvenile justice systems, some form of prediction is being made. From arrest, to detention intake/bail decisions, to institutional placement, and even probation and parole supervision, predictions about the offender/alleged offender are being made in order to

determine the appropriate level of supervision, accountability/punishment and/or treatment interventions. Classification is the process of placing system-involved individuals into specific supervision and/or treatment groups, based upon their perceived risk. Historically, justice system practitioners have relied on unstructured, subjective judgments to guide decision-making at virtually all key decision points within the system. (Bonta, 1996, Howell, 1995; Wiebush, Baird, Krisberg, Onek, 1995) While this is also true of the adult system, it was/is arguably more prevalent within the juvenile system, due to the long-held (though not always adhered to) overarching philosophy of treatment, rehabilitation, and the best interest of the child (Shook & Sarri, 2007). This type of unsystematic, subjective prediction is what Bonta (1996) has called ‘first generation’ risk assessment.

In addition to the problems mentioned above, these first generation, clinical assessments lack clear ‘rules’ regarding the information appropriate for inclusion in the assessment, promoting considerable discretion on the part of the assessor, which may in turn result in either the inclusion of information that is irrelevant to the outcome of interest, or placing incorrect weight to items that may be correlated with the outcome measure, or both. Research has demonstrated an overall lack of inter-rater reliability with this method (Bonta, 1996; Gottfredson & Moriarty, 2006). Moreover, there is evidence that those employing subjective clinical assessment methods tend to disagree on the key factors of a case as often as they agree (Bonta, 1996). In general, the reason for this is, these decisions are made by practitioners with different social and educational backgrounds, as well as with varying philosophies and individual biases (Baird, 1984; Bonta, 1996, Hoge, 2002, Wiebush, Baird, Krisberg, Onek 1995). While presumably

well-intentioned, decision-making of this type naturally lends itself to inconsistency, a lack of accountability and transparency, and ultimately disparity based upon extra-legal factors such as race/ethnicity and gender. This has led many researchers to conclude that the overall lack of predictive accuracy found with subjective clinical judgment to be legally, ethically and practically unacceptable (Andrews & Bonta 1994; Bonta, 1996; Gottfredson & Gottfredson, 1986).

What are referred to as second generation risk-assessment instruments are those that employ empirical methodologies to develop a set of factors statistically correlated with delinquent or criminal behavior, and/or recidivism, to create an additive scale which would classify offenders into differential risk categories such as 'low', 'medium' or 'high' risk. Among the first attempts to employ statistical methods to prediction-based decision-making was a study in 1928 by Ernest Burgess (Burgess, 1928). Burgess created a scale for use with adult parolees that involved the dichotomous scoring of several items/factors believed to be correlated with recidivism to generate an overall additive 'risk' score. Based upon an individual's score, he/she would be placed in a particular classification level (low, medium, high risk). The two distinct processes, risk-assessment and classification go hand-in-hand, as the individual's assessed level of risk is either implicitly or explicitly equated with other individuals deemed similar in terms of overall risk (Glaser, 1987). The Burgess tool went on to be used for some time within the Illinois Department of Corrections to assist in parole decision-making (Burgess, 1928). Shortly thereafter, it was the work of Sheldon and Eleanor Glueck that shifted the focus from predicting adult criminal behavior, to the prediction of juvenile delinquency (Glueck & Glueck, 1950). In their research, the Glueck's concluded that delinquency can

be predicted, though several methodological criticisms of their research resulted in the neglect of juvenile delinquency prediction for many subsequent years (Jones, 1996).

It was not until about the 1970's that research into the development of risk assessment instruments really began to flourish. Many assessment instruments were developed that incorporated predominantly static predictor variables into an additive scale to measure overall 'risk.' The criterion of interest varied somewhat, but typically sought to capture some level of justice system re-involvement, or recidivism. Unlike the Gleucks' study, the bulk of these instruments focused on recidivism, rather than the prediction of initial delinquency. The most common items included in such scales were related to offense history, age at first contact with the law, number of prior commitments, and length of commitment. These assessment instruments are empirically based, and many of them provide some degree of predictive validity in discriminating between recidivists and non-recidivists (Andres, Bonta, Wormith, 2006; Bonta, 1996; Gottfredson & Moriarty, 2006).

One of the major weakness identified by some with the second generation assessments, is that they do not provide information that can inform treatment. This is particularly pertinent to the discussion of assessment instruments in the field of juvenile justice. Rehabilitation is based upon the belief that individuals, and youth in particular, are capable of change. It is therefore not enough to simply assess an individual's level of risk, based more or less solely on a risk score generated by measuring unchangeable factors such as offense history. This is what led to the development of risk/needs assessments, also referred to as third generation assessments. These tools are theoretically based, most often incorporating factors identified through social learning

theories as correlates to delinquency, in order to target areas for treatment (Andrews, Bonta, Wormith, 2006). It is critical to note the distinction between ‘risk’ and ‘needs’ generally, and that the latter are referred to as ‘criminogenic’ needs. Criminogenic needs are those that can be empirically linked to criminal behavior. As such, these factors are actually risk factors, however they are dynamic in nature, meaning they have the potential to change, and thus result in a change in a youth’s overall level of risk (Andrews, Bonta, Wormith, 2006; Bonta, 1996).

As previously mentioned, the 1970’s marked a clear resurgence in the development of risk instruments, particularly those focused on predicting recidivism. A major contributor to this resurgence was the federal court decision ordering the U.S. Parole Commission (then called the U.S. Board of Parole) to develop and clearly articulate its policies for granting parole to adult offenders (*Childs v. United States Board of Parole*, 371 F. Supp. 1246 [D.D.C. 1973], modified, 511 F.2d 1270 [D.C.Cir. 1974]). A primary component of the parole guidelines is a decision-making tool comprised of two main elements: one axis measuring the severity of the committing offense, and a second axis which empirically assesses recidivism risk (Gottfredson & Gottfredson, 1986). These guidelines were subsequently adopted for national use in 1973. Following the implementation of this national-level scale, research in the area of recidivism prediction flourished, resulting in the development of numerous risk-assessment instruments. For an extensive review of the research on the behavioral and demographic correlates of adult recidivism see Gottfredson & Gottfredson (1986). This review highlights a total of nine key correlates to adult recidivism.

The central correlates to recidivism include: past criminal behavior (Burgess, 1928; Vold, 1931; Palmer & Carlson, 1976; Gottfredson, et al., 1978; Schmidt & Witte, 1979; Carroll et al., 1982; Gottfredson & Taylor, 1986); age, in particular the age at first contact with the justice system (Kirby, 1954; Gottfredson et al., 1978; Mannheim & Wilkins, 1955; Simon, 1971; Gottfredson & Gottfredson, 1979); marital status (Burgess, 1928; Vold, 1931; Kirby, 1954; Gottfredson & Gottfredson, 1979; Gottfredson & Gottfredson, 1986); employment history (see Borden, 1928; Vold, 1931; Glaser, 1954; Kirby, 1954; Mannheim & Wilkins, 1955; Simon, 1971; Palmer & Carlson, 1976; Gottfredson, Cosgrove et al., 1978; Gottfredson & Gottfredson, 1979).; offense type (see Vold, 1931; Kirby, 1954; Mannheim & Wilkins, 1955; Babst, Inciardi & Jaman, 1971; Palmer & Carlson, 1976; Brown, 1978; Gottfredson, Wilkins, & Hoffman, 1978; Gottfredson & Gottfredson, 1979; Schmidt & Witte, 1979; Carroll et al., 1982).; education (see Vold, 1931; Kirby, 1954; Glaser, 1955; Babst, Inciardi, & Jaman, 1971; Gottfredson, Wilkins, & Hoffman, 1978; Gottfredson & Gottfredson, 1979).; substance abuse (Vold, 1931; Gottfredson & Bonds, 1961; Babst, Inciardi, & Jaman, 1971; Palmer & Carlson, 1976; Brown, 1978; Gottfredson, Cosgrove, et al., 1978; Gottfredson & Gottfredson, 1979).; as well as sex (Brown, 1978; Gottfredson, Wilkins, & Hoffman, 1978; Gottfredson & Gottfredson, 1979; Schmidt & White, 1979; Carroll et al., 1982); and race-ethnicity (Kassebaum, Ward, & Wilner, 1971; Palmer & Carlson, 1976; Schmidt & Witte, 1979), though both to a much lesser extent, often with no effect when examined in multivariate contexts.

The above research has demonstrated a clear statistical link between certain static and dynamic variables and future risk of recidivism. Much of this research has also provided

the basis for the creation of various risk assessment instruments that, while generally proven more effective in terms of predictive validity than that of subjective clinical judgment, nonetheless do have a high margin of error in terms of making predictions at the individual level (Ashford & LeCroy, 1990; M.R. Gottfredson & Gottfredson, 1984; S.D. Gottfredson, 1987; S.D. Gottfredson & Moriarty, 2006; Wiebush, Baird, Krisberg, & Onek, 1995). As such, these instruments are utilized predominantly as mechanisms to assist in the classification of individuals into certain groups with common characteristics and probabilities for future behavior(s) of interest (Ashford & LeCroy, 1990; Baird, 1984; OJJDP, 1995; Wiebush et al., 1995). For this main reason, virtually all risk assessment instruments allow for the provision of staff or supervisors to override the instruments' recommendation for any given individual (Wiebush et al., 1995). This is arguably of particular concern in the juvenile justice context, where the best interest of the child is the priority, necessitating a much more individualized approach than that of the adult system (Hoge, 2002). In this setting also, it is likely that one will find greater resistance to using such tools on the grounds that they 'treat people like numbers' (Bonta, 1996; Gottfredson & Tonry, 1987; Orlando, 1999). Thus, as argued by Orlando (1999), Schlager (2009); and Young, Moline, Farrell & Bieri (2006), it is critical in the implementation of any risk assessment instrument, that staff be included as early as possible into discussions around the development and/or implementation of a risk assessment instrument.

In sum, the above research has demonstrated significant progress in the area of prediction and classification in criminology. This progress has included the development

of many actuarially-based assessment instruments promoted for use within the criminal justice system to identify those offenders most at-risk for future re-offending, and moreover, have the capacity to improve upon historical methods of prediction via the subjective clinical judgment method. In addition, the provision of assessment instrument overrides in some instances allows human service professionals to continue to exercise professional judgment in the decision-making process, a critical component to increasing buy-in, and compliance with the use of the instrument.

The research provided above, and adapted from Gottfredson & Gottfredson, (1986) however, focuses on adult offenders, and makes very little attempt to understand the correlates of juvenile recidivism specifically. Thus, this next section will highlight the research specific to juvenile recidivism and predictors of future antisocial behavior of youth.

Risk Assessment and the Juvenile Justice System

While some initial research examining correlates to juvenile delinquency was conducted prior to, or concurrent with that which examined adult recidivism prediction (Glueck & Glueck, 1950), several U.S. Supreme Court decisions from the late 1960's and early 1970's (see *in re Gault*, 1967; *Kent v. United States*, 1966; *Breed v. Jones*, 1975; *in re Winship*, 1970) played a part in directing the juvenile court system's focus onto that of human rights, due process and civil liberty issues, rather than on the understanding of correlates to delinquency and juvenile recidivism (Shook & Sarri, 2007). Moreover, the passage of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415) urged courts to develop and utilize more community-based programs, resulting in

decision-making criteria relying heavily on geography – i.e., the youths' proximity to an available community-based program, rather than on any assessment of risk, empirical or otherwise (Miller, 1991; Miller & Ohlin, 1985).

Much of this changed however, with the greater emphasis on strict law-enforcement and accountability in both the adult and juvenile justices systems prompted by the rise in serious and violent crime experienced in the 1980's. Courts were under pressure to enact more restrictive and punitive sanctions. This punishment and accountability-centered philosophy resulted in significant increases in the number of individuals under the custody and/or supervision of the justice system. However, as Wiebush et al., (1995) point out, despite the swinging pendulum of juvenile justice policy emphasis, there nevertheless seems to have been an emerging consensus that any effective response to the juvenile offending and detention rates must include a "comprehensive continuum of interventions and sanctions", and "although such a continuum of system responses holds considerable promise, much of its potential success hinges on the ways in which various types of offenders are identified for, and placed at, the several levels of intervention" (p.172). As a result, there was a renewed focus, particularly in the juvenile justice arena, on SDM focused on risk and needs assessment (Feld, 1999; Shook & Sarri, 2007; Zimring, 2000). Research on juvenile recidivism specifically was indeed necessary, as the bulk of risk factors identified as recidivism predictors for adult offender populations rely on measures of past behaviors. And, by virtue of their age alone, juveniles have a much shorter history of behavior from which to draw predictive measures, as well as a longer period of risk for reoffending in the future (Ashford & LeCroy, 1990).

While the research on juvenile recidivism predictors remains far less abundant than that of adult offender recidivism, the many studies which have been completed have generally agreed upon a core set of variables as the best predictors of juvenile recidivism, despite some variation across studies (Baird, 1984; Cottle, Lee, & Heilburn, 2001; Farrington & Hawkins, 1991; Howell et al., 1995; Huizinga, Loeber & Thornberry, 1994; Lipsey & Derzon, 1995; Loeber & Dishion, 1983; OJJDP, 1995). Findings from a study published by the OJJDP (1995) suggest there is some consensus across jurisdictions around the specific variables juvenile risk assessment instruments should include. Comparing 8 different risk scales, developed in both county and state settings, the most common measure was school functioning, found on all eight scales. Though not included on all scales, age at first referral, number of priors, substance abuse, peers, and family function were found in the majority of instruments. Other factors that were somewhat common, though not included on at least half of the scales include current offense type, prior out-of-home placements, gender, runaway history, prior assault, victim of abuse and neglect, special education, and mental health problems.

A meta-analysis conducted by Cottle, Lee, & Heilbrun (2001), provides what is likely one of the most comprehensive analyses of juvenile recidivism predictors. Twenty-two separate studies regarding youth in the juvenile justice system were included in the study, and overall 23 predictors were found to be statistically significant in predicting recidivism – defined as re-arrest of any kind. Among the most powerful were age at first commitment, age at first contact with the law, nonsevere pathology, family problems, conduct problems, effective use of leisure time, delinquent peers, length of first incarceration, number of out-of-home placements, and number of prior commitments.

As these studies indicate, the predictors of juvenile recidivism are indeed similar to several of those described above for adult offenders. Those considered, and often referred to as the ‘Central 8’ (Andrews, Bonta & Wormith, 2006), are listed below. As can be seen, there is a definite parallel between those factors predictive of recidivism by adults, and those found to be most predictive of juvenile recidivism (and as a result, more detailed description of the nature of the relationship of each to recidivism is not provided here). These include:

1. Age at first referral / adjudication
2. Number of prior referrals / arrests
3. Number of out-of-home placements or institutional commitments
4. Academic achievement
5. School behavior and attendance
6. Substance abuse
7. Family stability and parental control
8. Peer Relationships

Similar results have been reported in studies focused more specifically on predictors of serious or violent delinquency/recidivism, versus recidivism more generally (Lipsey & Derzon, 1995).

With the above research indicating a link between certain static and dynamic variables, and juvenile recidivism, there has been a growing body of research examining the various risk and needs assessment instruments developed for use in the juvenile justice system, in order to assess their reliability and overall level of predictive validity.

Among the most broadly validated are the Youth Level of Service Inventory (YLSI) and the Level of Service Inventory-Case Management Inventory (YLS-CMI). And, overall the research regarding the predictive validity of the assessment instruments designed specifically for juveniles has indicated a predictive validity similar to that found with the adult scales (Ashford & LeCroy, 1990; Krysik & LeCroy (); Olver, Stockdale, Wormith, 2009). Likewise it has been found that the 2nd and 3rd generation assessment instruments for juveniles to produce predictive validity that continues to exceed that of the 1st generation, or clinical judgment approach. Indeed, the vast majority of these studies have shown that actuarially developed tools outperform human judgment in predicting future behavior (Andrews, Bonta & Wormith, 2006; Dawes, Faust & Meehl, 1989; Gambrill & Shlonsky, 2000; Glaser, 1955, 1962; Grove & Meehl, 1996; Grove, Zald, Lebow, Snits, and Nelson, 2000).

While an in-depth review of all such studies is somewhat beyond the scope of the current research, a recent meta-analysis conducted by Schwalbe (2007), provides a fairly comprehensive review of many of the most well-known and oft-cited risk instruments developed for juvenile justice system use. This analysis examined 28 studies estimating the predictive validity of 28 separate juvenile risk assessment instruments. One important distinction between this study, and others (such as Simourd & Andrews, 1994) is the distinction made between delinquency recidivism (to include re-arrest and/or re-adjudication), versus first-time/initial offending. If the goal is to examine the usefulness of risk assessment in juvenile justice settings, than it is important to recognize that factors associated with initial offending among a broad sample of juveniles prior to their identification as ‘delinquents’, may be quite different from those found to be predictive of

reoffending by those already involved in the juvenile justice system (Cottle, Lee & Heilbrun, 2001).

In addition to assessing the average predictive validity of a sample of juvenile justice risk assessment instruments, Schwalbe's (2007) study further sought to identify those *instrument* characteristics that are associated with higher predictive validity – as opposed to *offender* characteristics. In other words, does the type of instrument (second vs. third generation), have an effect on overall predictive validity. Similar to the findings of the studies described above, his are also supportive of the continued use of risk assessment in juvenile justice settings in that the overall average association between risk assessment instruments and recidivism was found to be similar to that found by Gendreau et al. (1996) in their meta-analysis of adult RAI's ($r = .25$ and $r = .30$ respectively). In addition, his study found that third generation assessments generally outperform second generation assessments in terms of predictive validity, due in-part to the fact that many of these are juvenile-specific adaptations of adult, third generation RAI's, and as such have enjoyed a longer history of development, testing and improvement.

In light of many of the findings discussed above, many juvenile justice agencies have incorporated the use of standardized risk assessment instruments into their daily routine, with the general goal of creating decision-making systems that are rational, objective and equitable. In fact, many juvenile justice organizations and advocates now call for at a minimum, the use of standardized assessment instruments by juvenile court personnel in making initial detention decisions (Annie E. Casey Foundation, Models for Change Initiative, OJJDP). From 1990 to 2003, risk assessment utilization by state

juvenile justice systems more than doubled, from 33% to 86% (OJJDP, 1995; Schwalbe, 2007; Towberman, 1992), and is likely to continue to grow.

Risk Assessment and Juvenile Detention

Having discussed the overall evolution of risk and needs assessment in juvenile justice settings, more discussion regarding the use of risk assessment for detention decision-making is warranted. In particular, it is critical to understand that different goals, philosophies and even statutory requirements affect the type of information acceptable for consideration at the different juvenile justice decision points. This has a direct affect on the specific variables included in assessment instruments, perhaps most critically on those for detention decisions, as the current section will explain.

The focus of this study is on the first point of contact with the juvenile justice system, the point of arrest. At this time, a decision must be made regarding the admission of the youth to a secure detention facility pending appearance before a judge. The overall design of, and manner in which assessment instruments are utilized for this particular decision-making point in some ways represents a deviation from methodology and best practice articulated above regarding actuarial assessment instruments, and in particular the third generation instruments. The development of risk assessment instruments for detention decision-making is most often developed via the consensus model, whereby key system stakeholders develop a screening instrument they believe not only provides a satisfactory assessment of risk, but also addresses some key needs and concerns of their various agencies and that of the larger community. While they are in-part based upon actuarial measures of risk, needs assessment for the purpose of informing

treatment and rehabilitation typically are not factored into these tools (OJJDP, 1995; Wiebush et al., 1995). As described in more detail below, a given states' statute regarding the use of detention typically serves as a starting point for the development of these tools, and implies the inclusion of empirically-based risk predictors. From here, the process involves some give-and-take in crafting a tool that satisfies the needs of stakeholders.

In first looking towards state statutes regarding the use of secure detention, most states have explicit, though not always clearly defined, statutory criteria requiring consideration in developing any detention screening instrument. Typically, detention is deemed appropriate if the youth poses a threat to public safety, and/or poses a flight risk. Some states include a provision for the youth posing a risk to self as well. Historically, these loosely-defined criteria provided the only guidance for family court intake workers, or those making these initial detention decisions (Hoge, 2002; Orlando, 1999). As such, in the absence of a structured assessment instrument, decision-making at this point in the juvenile process can be much like that of the 1st generation/subjective clinical judgment approach. Although typically not clinical in nature, initial detention decisions were, and in many cases still are, made based upon the subjective deliberation of those who are tasked with authorizing the temporary detention of youth. For example, and in to provide context to the current study, the New Jersey statute (NJ 2A:4A-34) articulates that detention may not be used unless:

1. Detention is necessary to secure the presence of the juvenile at the next hearing as evidenced by a demonstrable record of recent willful failure to appear at juvenile court proceedings or to remain where placed by the court or the court intake service

or the juvenile is subject to a current warrant for failure to appear at court proceedings which is active at the time of arrest; or

2. The physical safety of persons or property of the community would be seriously threatened if the juvenile were not detained and the juvenile is charged with an offense which, if committed by an adult, would constitute a crime of the first, second or third degree or one of the following crimes of the fourth degree: aggravated assault; stalking; criminal sexual contact; bias intimidations; failure to control or report a dangerous fire; possession of a prohibited weapon or device in violation of N.J.S. 2C:39-3; or unlawful possession of a weapon in violation of N.J.S. 2C:39-5.

The New Jersey statute seems to make clear then, that the use of secure detention is fairly limited. At the same time however, the language is sufficiently vague to allow decision-makers considerable discretion in the application of this criteria to any given juvenile. This type of 'indeterminacy' in the statute allows for the inclusion of personal prejudices and biases to influence decision-making (Hoge, 2002). The statute simply does not articulate what constitutes a 'demonstrable record of recent failure to appear,' or how to evaluate whether or not the youth poses a threat to the safety of the community. Unfortunately, research has shown this process to be in part responsible for the unnecessary and inappropriate use of secure detention for a large number of youth (OJJDP, 1995). In addition, DeComo et al.(1993) found that in the early 1990's, less than one-quarter (23 %) of youth placed in secure detention were alleged to have committed a violent offense. This figure raises doubts as to whether a youths' immediate threat to the community is always driving detention decisions. As a consequence, many

detention facilities nation-wide have become overcrowded, and unsafe for youth (OJJDP, 1995; Orlando, 1999). In several states, lawsuits charging constitutional rights violations have been filed as well – all resulting in extreme local budgeting issues (Barton, Schwartz & Orlando, 1994; OJJDP, 1995). For these reasons, among others, many jurisdictions have looked to the use of risk screening instruments to assist in controlling detention populations, as well as to create a more equitable and objective admissions process (OJJDP, 1995; Wiebush et al., 1995).

In creating instruments for detention screening, one must consider not only the goals of detention and any statutory criteria surrounding their use, but also the necessity and practicality of incorporating risk/needs measures that require a more intensive and rehabilitative focus seen in other types of assessment tools. Actuarially-based instruments, like those discussed earlier, include only those factors shown to be statistically correlated with recidivism. However, because the specific goals of assessment for pre-adjudication detention are more limited in scope than those for probation and parole, for instance, there seem to be natural limits as to the specific juvenile recidivism correlates that should perhaps be incorporated into such an instrument. By virtue of the charges being *alleged* at this point in the process, these juveniles have in fact not been adjudicated delinquent. As such, identifying correlates of juvenile recidivism for the purposes treatment and rehabilitation is at this stage, is not appropriate (OJJDP, 1995).

In addition to considering the relevance and necessity of certain criminogenic need variables into a detention assessment instrument, there are in fact critical methodological constraints to the development of a purely actuarial detention risk-

screening instrument. Wiebush et al. (1995) cite two primary reasons detention risk instruments require a different, ie. non-actuarial, developmental approach than do other types:

'First, the central concerns of detention decisions are whether a youth represents an immediate threat to the community (i.e., in the period between arrest and adjudication) and whether the youth is likely to abscond to avoid court processing. Because fewer than 5% of non-detained youth commit a new offense or abscond prior to court appearance (Smykla & Selke, 1982), the low base rate would hamper the development of an empirically based risk tool. *Second*, although some jurisdictions may have risk tools that were developed for probation or parole populations, the use of such an instrument to guide detention decisions would be inappropriate because the rationale for detention has little to do with long-term risk of committing a new offense.' (p.190).

The first concern cited above refers specifically to the problem of identifying empirically, those factors related to re-offending or recidivism, among the specific group of youth who have open charges pending adjudication in court. In addition, the timeframe of concern is between arrest and adjudication/disposition, a very short period of time compared to that which is used in studies of juvenile recidivism post-adjudication. For instance, as per state statute, New Jersey's case processing guidelines generally call for all youth to have an adjudication hearing within 30 days of detention admission, and to have a disposition hearing within 30 days of adjudication. NJ's standard, therefore, is more or less a 60-day timeframe for bringing youth to final disposition. Once case processing reaches the 90-day mark, the case is officially considered to be in backlog. This is a much shorter follow-up period than is typical in

juvenile recidivism studies. For example, in the meta-analysis conducted by Schwalbe (2007), the typical follow up period across the 28 studies was twelve months, with a range of six to 60 months. Similarly, the average follow-up period across the 23 studies included in Cottle et al. (2001) was 45.26 months. Thus, while risk for future offending in the long-run may be similar for these youth, limiting the analysis to the relatively short follow-up period of 60-90 days would present some methodological difficulties.

The second concern described above by Wiebush et al. (1995), relates to the goals of detention versus those of Probation and/or Parole. As previously discussed, the primary goals of detention are public safety, and ensuring appearance in court. At this pre-adjudication stage of the juvenile process, rehabilitative aims do not (or should not) come in to play. For this reason, some risk factors included in Probation and Parole instruments, particularly items such as academic achievement, peer relationships and the like, would not be appropriate as they are not grounds to deprive a youth of his or her liberty prior to being adjudicated. And further, even if such risk factors were to be considered, it is likely not feasible to make such an assessment in the very short turnaround time in which a detention decision must be made. Again, using New Jersey as an example, according to statute, upon taking a juvenile into custody, police may only hold a juvenile for up to 6 hours. Once the 6-hour mark has been reached, a detention decision must be made or the youth must be released from custody (NJ 2A:4A-32. Short-term custody).

As a result of the above, risk assessment for detention may more appropriately be referred to as 'risk-screening.' These screening instruments in turn, tend to rely on statutory requirements related to detention in a given jurisdiction, and local identification

of variables reflective of public safety and youth stability concerns (Hoge, 2002; OJJDP, 1995; Wiebush et al., 1995). The development of these tools also tends to be consensus-based, rather than purely actuarial in nature. The tools themselves are designed to reflect agreed-upon notions of who should or should not be detained by local stakeholders in the juvenile justice system. Typically, these instruments include current offense severity, number of prior offenses and the most serious prior offense, as well as the recency of priors; whether or not the youth was under any form of court supervision at the time of offense; and any history of non-appearance in court (OJJDP, 1995; Wiebush et al., 1995). These decisions are likely then, shaped in part by ‘just deserts’ and public sensitivity issues (Wiebush et al., 1995, 179), even if this is not formally acknowledged by stakeholders. For example, although research has shown that offense seriousness does not tend to be predictive of recidivism, and at times may have in inverse relationship (Clear, 1988), in many of these instruments the only measure given enough weight to allow for automatic detention is the seriousness of the current offense (Wiebush et al., 1995). The concern is the potential social and political consequence of what are called ‘false negatives,’ or instances where a youth scores as low-to-moderate risk, but who nonetheless re-offends while on release.

Despite the typical and generally accepted practice of designing detention screening instruments via the consensus model, which often results in the inclusion of factors such as offense seriousness, shown to be unrelated to recidivism, there have been a few jurisdictions that have made recent attempts to design local detention screening instruments that rely on an empirical analysis of predictors. For instance, a 2011 report from the Vera Institute of Justice describes a process that began with stakeholder groups

identifying a set of factors they believed to be predictive of youth rearrest and failure to appear for court. Like other consensus-based processes, this list included current charge severity. However, at this point the process diverted from the typical consensus model in that stakeholders enlisted the help of the Vera Institute to empirically examine the extent to which the variables contained on their list were in fact predictive of rearrest or failure to appear in court for New York youth. Vera collected intake screening data during the summer of 2006, generating a final sample of 1,053 cases. These cases were then followed through to case disposition to identify factors most closely related to failure to appear and rearrest. Among their findings were that current charge type and current charge severity did not correlate with failure to appear or rearrest during the pre-disposition period. There was however a correlation between prior arrest(s) for a felony offense at the time of probation intake and rearrest (Fratello, Salsich & Mogulescu, 2011). Despite challenging some of the beliefs of stakeholders about the relationship between severity of the current offense and risk of reoffense, the group moved forward in implementing an instrument including only those factors shown to be empirically related to rearrest and failure to appear in court. Initial results have indicated the instrument is resulting in improved use of secure detention in New York for youth posing a greater risk of reoffense and failure to appear for court (Fratello et al., 2011).

Another detention screening instrument validation effort conducted in Multnomah County, Oregon produced similar findings regarding the relationship between current offense severity and risk of reoffense and failure to appear (Dedal & Davies, 2007). Interestingly, this study found current offense severity to actually have an *inverse* relationship to rearrest and failure to appear, with the likelihood of rearrest and failure to

appear decreasing as offense severity increased. This relationship persisted even when examining current offense severity in terms of violence specifically. The researchers concluded that the inclusion of current offense severity would therefore hinder the instruments ability to accurately predict risk, and thus recommended the item be dropped from the tool.

Multnomah key stakeholders subsequently crafted their new screening instrument, omitting current offense severity as a scored item, but instead capture it by way of a 'policy test.' A list of the most serious offenses was developed that provides context to the alleged offense, rather than simply relying on just the charge and degree. Thus, some of the more serious behaviors that were not shown to predict risk, may still result in detention for the protection of the community. If the youth passes this policy test, then the risk score is generated – again, without the seriousness of the current offense as a scored item, and the tool recommendation is followed. Like New York, they also experienced very positive results upon initial examination of the tool's impact. Among their findings comparing the year just prior to the implementation of the new screening instrument, where a previous version of a screening tool was used, to the year just after implementation, was a modest decrease overall in the percentage of youth detained; with a modest, but slightly higher increase in the percentage of youth released to an alternative placement or shelter. Perhaps more encouraging, they found that pre-disposition recidivism and failure to appear rates improved, with the proportion of youth obtaining new charges during this period dropping from 18% to 13% for all youth, and from 23% to 16% for African American youth specifically. An overall 5% decrease in

recidivism was reported. This had the greatest impact on African American youth, who experienced a 15% reduction in recommendations and decisions to detain.

Through close monitoring and frequent review of the instruments impact in both sites, the results thus far have been promising, and are perhaps indicative of the potential to combine the consensus-based approach with empirical testing to create effective detention screening instruments that not only more accurately predict risk among this specific set of youth, but may also have a direct impact on detention rates for minority youth. However, as discussed above, assessment instruments almost universally provide for an override option. Both studies discussed above concerning New York and Multnomah highlight the potential impact of overrides on the effectiveness of the screening instrument in assisting decision-makers in the appropriate placement of high-risk youth in secure detention. This issue of overrides, specifically in the context of juvenile detention screening instruments, is the focus of the next section.

Overrides and Juvenile Detention Screening

The provision of overrides is a common component to risk assessment instruments generally, including those designed for screening juvenile detention cases. There are two basic forms risk assessment overrides may take: mandatory overrides; or discretionary overrides. Mandatory overrides are those prescribed and articulated situations where local policy dictates users of the tool *must* invoke an override. For example, if a given jurisdiction is experiencing a very locally specific crime problem, such as automobile theft, local policy might dictate that risk assessment users override any instance where the recommendation is placement into a low-risk category, and

instead override into a higher risk category, with higher levels of supervision.

Discretionary overrides, on the other hand, allow for the individual users of the tool to override the screening instrument based upon their own knowledge of influencing factors not captured by the tool. This allows for the opportunity of staff to provide their own input into the decision-making process, therefore enhancing the process (Orlando, 1999; Wiebush, 1995). It should be noted also, that in most instances, overrides by line staff may only be utilized upon or with supervisory approval or ‘signing-off’ (Orlando, 1999; Steinhart, 2006).

While there is general agreement that the provision of risk assessment overrides is not only appropriate, but necessary for the proper implementation of the instrument, they nonetheless should be monitored closely, and used sparingly. The greater the number and proportion of overrides, the less useful the instrument becomes. If users of these instruments override the tool in every instance they disagree with its recommendation, the more likely decision-making in reality remains that of subjective, pre-instrument decision-making.

While the override option may increase the likelihood of buy-in from human service professionals, who have historically made such decisions based upon their own subjective and/or professional judgment, if not monitored closely, it may undermine the adherence to the tool. This is of relevance to the current study, as the screening instrument implemented in New Jersey does contain a discretionary override option. In seeking to determine the extent to which detention decision-making has altered with the implementation of the screening tool, an analysis of the nature and extent of overrides will be important. On the one hand, an instrument that is utilized uniformly across

decision-makers and jurisdictions has the potential to standardize the criteria for youth placement into secure facilities. However, inattention to the use of overrides can make the screening instrument irrelevant, particularly in instances where the tool is overridden in each instance its recommendation does not comport with the decision-makers own feelings on the final placement of a given youth. This can have the dual effect of failing to achieve the goals of the screening tool, as well as leading stakeholders to believe the tool doesn't 'work'. To address this issue, some general guidelines in terms of 'acceptable' rates of screening tool overrides have been promoted within the literature, as well as by some juvenile justice interest groups.

The National Council on Crime and Delinquency suggests that detain overrides specifically (youth who score low, who are nevertheless detained), not exceed 15 percent of all youth who qualify for release (Steinhart, 2006). For sites utilizing a detention risk-screening instrument as part of the Casey Foundation's Juvenile Detention Alternatives Initiative (as is the case in the current study), no hard-and-fast limit on overrides has been imposed, however a goal of 15-20 percent is generally proposed. However, as Steinhart (2006) has noted, it has not been uncommon to find initial detain override rates in any given JDAI site, exceed 50 percent of youth who scored for some form of release via the screening instrument. Excessive override rates such as this must be monitored he argues, as they may indicate one or more critical problems underlying the process. For instance, high override rates may suggest a lack of buy-in from staff, and therefore defiance on their part in adhering to the instruments recommendations. However, such override rates may also be indicative of some very real practical constraints to utilizing the instrument as intended. An example of this might be high proportions of parents refusing to pick up

their children at local police stations (Steinhart, 2006). In either case, Steinhart recommends that within any jurisdiction, any override rate exceeding a maximum of 25 percent should serve as a red-flag that the screening system is in need of some immediate attention and possible repair. Again, this discussion is of particular relevance to the current study, which ultimately seeks to explore the extent to which juvenile detention decision-making is affected by the implementation of a detention-screening instrument. Among other potential means of circumventing the risk assessment recommendation(s) that may be more covert in nature, the use of overrides is a very overt and useful means to examine the actual impact of risk assessment in practice.

Upon examining the research described above regarding the potential usefulness of assessment instruments to facilitate more consistent and equitable decision-making processes in the criminal and juvenile justices systems, it is equally clear that there exists a real possibility these tools may not live up to this potential, as there are means by which decision-makers may fail to adhere to their recommendations, and instead move forward in acting upon their own beliefs and subjective assessments. While the provision of overrides suggests the manner by which users of these tools may resist any real shift in their decision-making in the presence of a structured assessment instrument, it does little to explain the overall process of decision-making in justice settings, and why in-fact this resistance to these instruments may persist. The next chapter therefore, reviews the theoretical perspectives on justice system decision-making. The rational choice perspective will be explored, which assumes the use of actuarial decision-making tools promotes a more 'rational' approach to decision-making generally. In addition, this section will also consider contributions offered from both the focal concerns and

courtroom workgroup perspectives in order to understand the dynamics of decision-making in justice systems settings specifically, and the effect these dynamics may have on decision-making both before, and after the introduction of a risk assessment instrument.

Chapter 3. Theoretical Perspectives on Detention Decision-Making

Central to the idea of using risk assessment instruments is the notion they will produce a consistent and ‘rational’ decision-making process. I will argue the concept of ‘rational’, as it applies to juvenile risk assessment should be viewed both in terms of (i) public safety, and (ii) the (sometimes competing) interests of multiple stakeholders involved in the detention decision. These dual objectives arise because, in a consensus-based risk assessment tool of the type examined in this study, factors included in a tool (and the scores attached to them) reflect both empirical research on the predictors of recidivism and a bargaining process among stakeholders in which each seeks to realize their agency goals and minimize political fallout from future detention decision. This approach is contrasted with a view of decision-making in which subjective, individualized factors will influence decisions. The expectation is that risk assessment instruments limit this subjectivity, and consequently reduce the likelihood that decisions will be in part based upon extra-legal factors such as age, race/ethnicity and gender, which may be considered ‘non-rational’.

I use a focal concerns perspective (Steffensmeier, Kramer & Streifer, 1993; Steffensmeier, Ulmer & Kramer, 1998) to help understand the character of ‘non-rational’ influences on decision-making. In particular, this perspective suggests individual’s use of ‘decision-making shortcuts’ that tap into stereotypes or ‘scripts’ about the blameworthiness or dangerousness of certain groups of individuals. This may vary between decision-makers, and perhaps also between the specific courtroom communities in which decisions are being made. According to this view, in the absence of an

assessment tool, but perhaps also in the presence of one, decision-makers may ‘fall-back’ on a set of preconceptions about individuals or groups that lead to deviations from a rational model. In the latter case, the reliance on these decision-making shortcuts may be evident in examining the utilization of overrides.

Rational Choice Model

According to Schwalbe (2004), the implicit theoretical framework for the use of actuarial risk assessment for human service decision –making is the rational choice model. Rational choice theory, also referred to as ‘statistical decision theory’, stems from the area of economics and probability theory. In creating a decision-making process based upon a set of clear, statistically validated criteria, risk-assessment instruments offer a means to reduce uncertainty about the outcomes involved in human services decisions, particularly those characterized as ‘high stakes’. High stakes decisions are those “that weigh the use of powerful interventions aimed at the prevention of physical harm or criminal behavior (Schwalbe, 2004, 561).”

A limitation of this approach for the current study is that statistical decision theory assumes decisions are based on quantifiable probabilities, or in the case of risk assessment, actuarially defined predictors of some future behavior. This in turn, produces recommendations that should “provide the greatest likelihood of achieving the most favorable result among an array of choices (Schwalbe, 2004, 565).” As has been noted, while some jurisdictions such as New York and Multnomah are exploring the use of actuarial detention screening instruments, most – including the tool analyzed in this study, tend to be consensus based. Certainly, they tend to include some variables

statistically correlated with recidivism and/or failing to appear for court. However, they also tend to include items that serve other imperatives, often concerned with managing public perceptions of decision-making by different stakeholder groups. For instance, given that in most states, prosecutors are elected officials, they have an obligation to ensure that detention criteria reflect the current political climate. This may result in offenses qualifying for automatic detention, even if the charge itself would not otherwise result in detention via the RST. This can often happen when a jurisdiction has been experiencing an ‘up-tick’ in certain offenses, for example car thefts. Prosecutors will desire that an RST take into account these types of offenses in order to satisfy public concern, as well as to ensure they are not seen as being ‘soft’ on crime. Conversely, defenders may often voice that the criteria are too restrictive, and may result in the unnecessary placement of too many youth in detention (Orlando, 1999). The final factors included in the tool arise from a process of negotiation and bargaining among multiple agencies involved in the development of a consensus tool. For example (and as discussed above), most detention screening instruments place the greatest weight on the seriousness of the current charge, despite its lack of predictive power (Clear, 1988; Dedal & Davies, 2007; Fratello, Salsick & Mogulescu, 2011)

Schwalbe’s arguments therefore are not applicable to juvenile detention screening instruments, without qualification. Specifically, the notion of rational decision-making is adapted here to encompass the twin imperatives of rationally managing public safety risks and stakeholder interests. Thus, what might be considered a ‘successful’ and therefore ‘rational’ RST, will adequately address public safety risk by including established predictive measures risk, but will also reduce uncertainty regarding detention

outcomes for certain types of offenders believed to be ‘dangerous’ by the public, even in instances where the RST would not place the individual in a high risk category.

Unfortunately, there is little knowledge of the extent to which a rational model is achieved in practice. That is, there is a lack of empirical research that explores the utilization of risk-assessment instruments “on the ground” (Gebo, Stracuzzi & Hurst, 2006; Schwalbe, 2004; Shook & Sarri, 2007). More specifically, literature focused on how decision-making is affected by the use of these instruments is extremely limited.

However, it is generally recognized that, traditional decision-making where these tools are absent, does not achieve the kind of rational standard discussed. Hoge (2002), in discussing decision processes at various points in the juvenile justice system, points out that at any given point, decisions are always based on inferences or judgments, which are in turn based on information about the youth. However, despite some guidance offered by statutes, administrative guidelines and operating procedures, evidence suggests a lack of clearly defined and prescribed decision-making criteria, resulting in considerable variability with regard to actual decision-making processes in practice. As has already been discussed, these decisions have historically been made in a highly discretionary fashion, absent any clearly defined guidelines – statutory or otherwise, allowing for the inclusion of personal biases and prejudices into the decision. This has been demonstrated in several studies (Bridges & Steen, 1998; Minor, Hartmann, & Terry, 1997; Sanborn, 1996; Schissel, 1993), and it is the inclusion of these personal biases that lead to ‘non-rational’ decisions, or those that are inconsistent with the overall objectives of the system and may also contribute to inequity and inconsistency (Gottfredson & Gottfredson, 1988). Furthermore, by its nature then, this process is by in large non-

transparent, or visible and therefore not ‘defensible’. Ultimately, the rational choice model suggests that applying a set of standard criteria to a high-stakes decision-making process should produce a system where decisions are consistent.

Focal Concerns & Perceptual Shorthand

Contributions from the focal concerns perspective seem to offer some theoretical insights into the basis of legal decision-making, offering that court actors prioritize certain focal concerns when making decisions about an individual’s future. In doing so, decision-makers rely on attributions about an offender/alleged offender to help shape their perception(s) about an individual’s dangerousness and/or culpability. This approach has been used to examine adult court sentencing decisions, and has also has been applied to aspects of juvenile justice decision-making (Harris, 2009).

An adaptation of Walter Miller’s (1958) Focal Concerns Theory of delinquency, the ‘Focal Concerns Theory on Sentencing’, put forth by Steffensmeier and colleagues (Steffensmeier, Kramer & Streifer, 1993; Steffensmeier, Ulmer & Kramer, 1998), has been suggested as a means to understand judicial discretion and variation in sentencing across courts within the same larger geographical jurisdiction, in the presence structured sentencing guidelines. The basic idea is that judges sentencing decision, and in particular deviations from sentencing guidelines, are influenced by three primary focal concerns: 1. the blameworthiness/culpability of the offender; 2. Protection of the community; and 3. Practical constraints and consequences (Albonetti, 1991; Hartley, Maddan & Spohn, 2007; Kramer & Ulmer, 1996; Steffensmeier, Kramer & Streifer, 1993; Steffensmeier, Ulmer & Kramer, 1998). The concept of blameworthiness refers to the degree of the

offender's culpability and/or the degree of injury caused to the victim(s) and community. This concept relates most directly to the alleged current offense. It incorporates both the perceived permanence of the behavior (i.e., is the behavior due to internal offender attributes, or rather, due to external forces that may have 'pushed' the individual into engaging in the behavior), and the perceived dangerousness of the offender. Measures of blameworthiness would include type/seriousness of the offense and prior criminal history (Hartley, Maddan & Spohn, 2007; Steffensmeier, 1998).

The focal concern of protection of the community involves the desire on the part of the judge to try and predict the *future* dangerousness of the offender, and then use this prediction to make decisions as to the need to incapacitate the individual in order to ensure immediate public safety. In the sentencing literature, this concept has utilized factors such as criminal history, use of weapons, education, employment and family history (Hartley, Maddan & Spohn, 2007; Steffensmeier, 1998); as well as citizenship status, marital status, whether criminal career/armed criminal career provisions were applied to the sentencing decision, and whether the case involved a drug offense (Hartley, Maddan & Spohn, 2007).

Finally, the concept of practical constraints and consequences, involves aspects of the individual, and the organizational concerns of the local justice system itself. For instance, in seeking to explain variation in sentencing between male and female offenders, Steffensmeier et al. (1993) posited that the courts often consider for female defendants, whether or not the defendant has a child, if the defendant was pregnant, and if the defendant has any emotional or physical problems. Then, in considering potential sentencing options, judges would consider these factors and be less inclined to sentence a

mother to prison, believing there to be too many negative consequences for the family as a whole, particularly the children. The organizational considerations of judges are also related to system efficiency, and may include concerns regarding overall case flow, availability of resources and overcrowding, the strain certain types of offenders might have on the system (such as pregnant women, mentally ill). In addition, this focal concern includes consideration of the relationship among courtroom actors, or the general harmony (or lack thereof) among the courtroom workgroup (Hartley, Maddan & Spohn, 2007; Steffensmeier, 1998). While Steffensmeier (1998) did not suggest any measures for practical constraints and consequences, other research has considered factors such as the defendant's plea vs. trial decision (Hartley, Maddan & Spohn, 2007; Kramer & Ulmer, 2002); the offender's number of dependants and pretrial status (in custody vs. not in custody), and variables related to the defendant's receipt of downward departure from a presumptive sentence or a reduced offense severity score for accepting responsibility (Hartley, Maddan & Spohn, 2007).

The expectation is that decision-making tools such as sentencing guidelines provide for a more rational approach to decision-making that limits or eliminates disparity in decision-making by gender, age and/or race/ethnicity. However, while they are purported to do this by systematizing how these focal concerns are operationalized, several studies have indicated a persistence of disparate outcomes (Harris, 2009; Hartley, Maddan Spohn, 2007; Hawkins, 1981; Kramer & Steffensmeier, 1993; Kramer & Ulmer, 2002; Spohn & Holleran 2000; Steffensemeier & Demuth, 2000; Steffensmeier et al., 1998; Steffensmeier, 1980). To explain this variation, the focal concerns theory on sentencing has suggested that certainly without, but also in the presence of decision-making guides

such as sentencing guidelines, decision-makers may use mental shortcuts that tap into stereotypes, or scripts, about the blameworthiness or dangerousness of the offender.

In elaborating the idea of focal concerns, Hawkins (1981) and Steffensmeier, (1998) discuss the idea of ‘perceptual shorthand.’ This is essentially an attribution process, whereby decision-makers consider certain *offender* characteristics, often extra-legal factors, when attempting to identify those individuals with higher levels of ‘blameworthiness,’ or dangerousness. This leads to the consideration of variables such as race, sex and age, and even various combinations of these, and the “relating of these statuses to membership in social groups thought to be dangerous and crime prone (Steffensmeier et al., 1998, 768).” This grouping of individuals into categories of dangerousness may also be exacerbated based upon the current offense type. While not a perceptual shorthand variable in the same sense as race/ethnicity, gender and age, when added to a series of other shorthand characteristics (i.e., young, black males with weapons), the likelihood of classifying these youth into the ‘dangerous’ status may increase. Hartley et. al (2007, 5) summarize the role of perceptual shorthand as follows:

‘There are certain pieces of offender information that the courtroom workgroup uses to sentence offenders. These items of information, in relation to community and political considerations create “focal concerns” for members of the courtroom workgroup in sentencing offenders; further, these focal concerns have complex interplay when being considered. Because all available information is not necessarily available when sentencing is being decided, courtroom actors may utilize perceptual shorthand in sentencing an offender. Perceptual shorthand variables can range from the seriousness of the offense and criminal history, to race,

ethnicity and sex. This perceptual shorthand is the explanation for disparity and discrimination in sentencing.'

These findings regarding perceptual shorthand are consistent with prior research conducted by Albonetti (1991), who found that court actors tend to make decisions within a 'bounded rationality'. This bounded rationality is characterized by the reliance on a particular subset of factors to make predictions about an offender's future behavior. Those offenders perceived as 'dangerous', in as much as the decision-maker believes the delinquent behavior is *not* a product of external forces or influences, but rather a result of a stable and consistent predisposition for criminality (Jones & McGillis, 1976), are more likely to receive harsher sentences.

The notion of using 'scripts' or 'stories' to assist in decision-making has also been explored within the area of Heuristics, and as reviewed by Schwalbe (2004), may offer valuable insights into the process by which human service decision-makers process an individual's past and present situation in order to make predictions about the future. Schwalbe's discussion relates these concepts specifically to their impact on risk assessment utilization. This process of developing scripts, also described in the literature on Naturalistic Decision-Making, is what may lead to the more subtle inclusion of personal biases in the decision-making process, as well as a more general lack of buy-in from human-service decision-makers on the use of structured assessment instruments.

Recent work by Harris (2009) in the juvenile justice context also shows the relevance of a focal concerns perspective to the juvenile justice system.

Harris examined 92 probation officer fitness reports from a Southern California prosecutor's office, with a focus on black and Latino youth, who comprised 89% of the

sample. The narrative reports were coded based upon emerging themes, legal and case information as well as social characteristics of the youth. The author's preface their findings by indicating that because the majority of the youth (86%) in the sample were ultimately found 'unfit', statistical evaluations comparing findings to those found 'fit' would be unreliable. However, they nonetheless are able to show what they call a "consistent strategy among the probation officers...one that prioritizes notions of danger, community protection and sophistication (Harris, 2009, 6-7)." The findings here are consistent in identifying the primary focal concerns of decision makers as the blameworthiness/culpability of the offender, and public safety. In particular, several common words or phrases, were used consistently and in a manner to suggest the youth in question was 'too criminally sophisticated,' and therefore not amenable to treatment within juvenile justice placements and/or programs. These descriptions further paint youth as adult-like, and criminal rather than delinquent, thus making them 'unfit' to be processed through the juvenile system.

In an earlier work, Bridges and Steen (1998) sought to understand if and how court officials' perceptions of juvenile offenders contribute to racial disparity in dispositional outcomes, and, in doing so, added further credence to a focal concerns perspective. A sub-sample of reports drawn from juvenile court cases from three western county states, processed between 1990 and 1991 were drawn, and the narrative reports written by probation officers for the purposes of providing dispositional recommendations were examined to explore the relationship between race, officials' characterizations of youth, their crimes, and the causes of their crimes, officials' assessments of the threat of future crime by youth, and officials sentence recommendations (Bridges and Steen, 1998, 558).

Their findings suggested that the attributions about youth did vary by race, in that narratives regarding black youth were more likely to include attributes suggesting their delinquency was due to internal personality traits; whereas those narratives regarding white youth attributed delinquency to negative external forces. This same result was found after controlling for severity of the current offense, as well as for the youth's prior record. Further, the analysis indicated that negative internal attributions had a more significant effect on the assessment of the youths' overall risk than did negative external attributions. The authors pose that these findings suggest youth whose offenses are attributed to internal causes are more likely to be considered "responsible" ie, blameworthy/culpable for their crimes (Bridges and Steen, 1998, 564). In further analyses, while race was not found to have any significant direct effect on the overall assessment of risk after controlling for the current offense and prior record, the effect remained for those cases where youth were described with negative internal attributions. Thus, the authors conclude that "Official's may perceive blacks as more culpable and dangerous than whites in part because they believe the etiology of their crimes is linked to personal traits. Further, officials may perceive these traits as not amenable to the correctional treatments the courts typically administer (Bridges and Steen, 1998, 567)."

To the extent that the recommendations offered by risk assessment instruments do not 'match' conclusions drawn through the decision-makers use of a 'good story', the more likely these decision-makers are to ignore the potential utility of the instrument. Thus, while these instruments show promise in their utility to assess risk in a more 'rational' manner that limit these decision-making shortcuts, and therefore reduce or eliminate disparity at a particular decision-point, the fact that users of these tools have the

ability to override the recommendations if/when they do not support an existing ‘script’ or story, may result in a process that continues to allow for these shortcuts to play a role in decision-making.

Courtroom Workgroups and the Influence on Risk Assessment Utilization

Another theoretical perspective that helps us understand the context of decision-making is the courtroom workgroup perspective (Hartley, Maddan & Spohn, 2007; Steffensmeier et al., 1998). Existing courtroom workgroup literature holds that there is a shared responsibility in decision-making by the primary courtroom actors, namely the judge, prosecutor and defense attorneys. In considering juvenile justice workgroups specifically, Gebo et al., (2006) also note the juvenile probation officers are critical members of the workgroup. This relationship that forms between members is also at times referred to as a courtroom subculture (Glaser, 1987).

In adult and juvenile contexts, there is general agreement within the existing courtroom workgroup literature as to the three main goals of the workgroup: public safety, efficient case processing and uncertainty avoidance (Eisenstein & Jacob, 1991; Gebo et al., 2006; Harris & Jesilow, 2000; Kramer & Ulmer, 2002; Ulmer 1997), each of which fall very much in line with the three court actor focal concerns discussed above, as well as with the purposes and goals of risk assessment. Public safety as a workgroup goal is most specifically tied to focal concerns, as it has been identified as one of the three articulated focal concerns in the literature. Uncertainty avoidance is most closely linked to the focal concern of practical constraints and consequences, in that it is the process of establishing ‘going rates’ for certain types of offenders and offenses, allowing

for more predictability in the bargaining process, thus facilitating case processing flow. However, as it involves establishing a degree of local consensus around the appropriate punishment an offender should receive, given his or her offense history and the nature and severity of the current offense, this practice also can be seen as assessing the overall degree of blameworthiness and culpability of the offender, but in a way that also facilitates the streamlining of decision-making related to sentencing. Finally, efficient case processing is specifically tied to the focal concern of practical constraints and consequences. Of particular concern to workgroup members is the effect of new policy/practice on overall workload. Those policies believed to increase workload are more likely to be resisted and/or circumvented by workgroup members, particularly in courtroom communities one might characterize as ‘harmonious,’ in that they have established a routine way of ‘doing business’ (Gebo et al., 2006).

According to this view however, how these goals are met, will vary across jurisdictions. As Glaser (1987) suggests, considerations other than risk will naturally factor into various criminal justice decision-making, as “courthouse subculture” develops. This subculture will vary across courts, however, the common thread is that in each, a set of local behavioral norms develop that assist key actors in making decisions about how to handle certain ‘types’ of cases or individuals. This is, in a sense, a group approach to applying perceptual shorthand. These workgroups, based upon the existing courtroom culture and experiences with various offender types, develop ‘short-cuts’ for identifying behavior patterns, that in turn suggest a specific set of follow-up decisions.

The limited available research on the specific effects of risk assessment implementation on decision-making has also pointed to the influence of courtroom

workgroup goals in shaping decision outcomes. Support for an RAI among stakeholders, or lack thereof, tends to coincide with decision-maker beliefs about the pragmatic utility of such instruments within the courtroom context and for the courtroom workgroup members (Gebo, Stracuzzi & Hurst, 2006; Shook & Sarri, 2007). Thus, while we would expect that the introduction of an RAI as a means to specify and limit decision-making criteria to those that are considered ‘more rational’, and therefore minimize the influence of perceptual shorthand, the extent to which court actors actually adhere to the recommendations of the tool may be affected by the character of the court community. Where some degree of consensus or harmony already exists, we might expect the implementation of a consensus-based screening tool centered around the blameworthiness of the offender and community safety to be more successful in its implementation. ‘Successful’ in this sense refers to the degree to which users largely adhere to the recommendations promulgated by the tool. Conversely, in court cultures where there is a lack of consensus and harmony among the work group members, we might expect a lesser degree of success in implementing a tool that members utilize as intended.

In examining this relationship, Gebo et al. (2006) found, through the use of structured, qualitative interviews with juvenile court actors utilizing risk-assessment instruments, that the role of the courtroom workgroup was significant in the implementation of a structured decision making instrument. They found a distinct link between acceptance of, and compliance with risk-assessment implementation and the level of trust among workgroup members. Where trust in fellow workgroup members was high, individual decision-makers were more likely to support and comply with the

risk assessment implementation, and the assessment recommendations. Conversely, where trust was low, individuals were more likely to oppose the use of the instrument, and invoke higher levels of overrides.

Having reviewed the focal concerns, rational choice and courtroom workgroup perspectives, it seems there are several key suggestions, or propositions that can be made in terms of their application to juvenile detention decision-making. These propositions are highlighted here, and will serve as the basis for the current study.

1. Decision-making in courtroom contexts is predominantly driven by stakeholder ‘focal concerns’ regarding the blameworthiness and/or culpability of the offender, public safety, and in some instances the practical constraints and/or consequences of the decision.
2. However, the criteria used to assess these focal concerns varies according to the decision-making context.
3. In the absence of a structured assessment instrument, in this case a detention risk screening tool, these focal concerns are more likely to be operationalized to include perceptual shorthand variables, such as race/ethnicity, gender, and age.
4. The presence of a structured assessment instrument presumably limits or moderates the use of perceptual shorthand in assessing focal concerns.
5. In the absence of a structured assessment instrument, existing variation in the between local court communities will impact the way in which these focal concerns are operationalized.

6. The presence of a structured assessment instrument will allow for the moderation of between-court differences in how focal concerns are operationalized.

Chapter 4. The Research Context: New Jersey Detention Reform

In the mid-1990's, New Jersey recognized the need for a deliberate and intentional focus on the juvenile justice system as one that is and should be distinctly different than the adult system. With this recognition came the creation of the state Juvenile Justice Commission (JJC), tasked with leading the statewide effort to reform the juvenile detention system. Between 1996 and 2000, a NJ Detention Reform Task Force was created, and due in large part to the efforts of this group, as well as other work by the JJC, New Jersey was chosen by the Annie E. Casey Foundation as a Juvenile Detention Alternatives Initiative (JDAI) replication site. JDAI is an initiative developed by the Casey Foundation to promote the more effective and efficient use of secure detention across the nation, as trends indicated a drastic increase in the use of secure detention despite significant decreases overall in juvenile arrests. An overarching goal of this initiative is to reduce the number of youth unnecessarily or inappropriately held in secure detention, while at the same time maintain public safety and youth appearance in court – in concordance with the statutory requirements of detention as described above. In addition, JDAI promotes the reallocation of resources to other reform strategies, such as detention alternative programming.

To assist sites in achieving these goals, JDAI provides a framework for this work that relies on the use of sound data to examine local uses of secure detention, and how to use this information to develop and implement strategies for improvement. At the heart of this framework are eight JDAI 'core strategies', these are:

- (1) Recognizing the importance of *collaboration and leadership* in effective detention systems
- (2) Reliance on *data* to inform policy and program development

- (3) Implementing effective, objective *admissions policies* and practices
- (4) Enhancing available *alternatives* to secure detention
- (5) Reducing unnecessary *delays in case processing* and corresponding length of stay in detention
- (6) Focusing on challenges presented by “*special populations*,” including youth admitted for violations of probation and warrants, and youth awaiting dispositional placement
- (7) Establishing a process for detention facility self-inspection to address *conditions of confinement*
- (8) Identifying strategies to reduce *racial disparities* in the use of secure detention

In 2004, NJ selected five counties to serve as ‘pilot’ sites for the implementation of JDAI. These include: Atlantic, Camden, Essex, Hudson & Monmouth counties. These five pilot counties, and their implementation of the third core strategy, ‘effective admissions policies’, in the form of a detention risk-screening instrument, is the focus of the current study. However, in order to consider the effects of a detention-screening instrument on decision-making, it is critical to understand the context in which the instrument was introduced. Specifically, in New Jersey the detention screening instrument was introduced in the five pilot sites only after the juvenile system reform effort was well underway, and sites were not only informed in advance of its implementation, but played an active role in structuring their own locally-driven plan for its roll-out.

While some sites opt to begin their juvenile detention reform efforts with the implementation of a detention-screening instrument (see Gebo, Stracuzzi & Hurst, 2006), the New Jersey approach was quite different, and warrants some detailed discussion due

to the direct implications this approach has on any examination into the effects the New Jersey instrument may have on detention decision making.

Reform efforts began with the creation of a statewide JDAI Steering Committee. This committee included representation from the JJC, the Judiciary, the Administrative Office of the Courts, Probation, and Family Court. Individual representatives were chosen from the state level, but also from each of the initiative's pilot sites. The goal was to create a statewide, representative body charged with monitoring the progress of the initiative, as well as serving as an advisory group, from whom local sites could seek input on various local issues that reached some sort of roadblock, or were viewed as cross-jurisdictional. This direct line of contact between local counties, and the state level agencies was considered critical to the reform effort, and in modeling the type of collaborative effort each local site would be tasked with creating. In addition to creating this body, the JJC utilized a small start-up grant from the Casey Foundation, to fund five individuals who would be trained as juvenile detention specialists, and would be deployed to each site to facilitate communication locally, assist in the collection and analysis of data, and to guide local sites as to how to utilize the data to effectuate system reform. Each detention specialist also acted as the direct liaison between the local sites, the JJC and the Casey Foundation advisor, or Team Leader, assigned to New Jersey.

A first step for each site was to create their own local steering committee, comprised of key local juvenile system stakeholders, including the juvenile judge(s), prosecutor, public defender, family division management staff, probation officers and service providers. A critical next step was for each collaborative body to hold discussions about, and reach consensus on the purpose of secure detention, as guided by

the New Jersey statute. Further, sites would use data from an initial detention system snapshot report, completed by the detention specialist, to identify critical areas in need of further examination for potential system reform. These areas aligned with the core strategies mentioned above, and spawned the creation of local subcommittees. These have included case processing, detention alternatives, probation, and DMC (disproportionate minority contact) subcommittees.

At the same time this local work was beginning, the statewide body mentioned above created its first subcommittee – the risk screening tool subcommittee in the summer of 2004. Stakeholders represented on the Screening Subcommittee include the state Administrative Office of the Courts (Family Division and Probation), local judiciary, state Office of the Attorney General, county prosecutors, state Office of the Public Defender, county public defenders, local law enforcement, state Office of the Child Advocate, NJ Institute for Social Justice, consultative support from the Annie E. Casey Foundation, and the state Juvenile Justice Commission (which both convened and staffed the subcommittee). This body began what was ultimately a 27-month process of developing a New Jersey specific detention-screening instrument. In a report from the JJC to the Administrative Office of the Courts, the following was stated regarding the subcommittee's work:

Detention screening tools are objective, standardized instruments that evaluate a youth's immediate risk to public safety and risk of flight. They take the form of additive scales where legally relevant factors are assigned point values and sum to a final score that guides the detention admission decision. Given the purpose of detention, the most relevant factors are those empirically related to risk of rearrest or risk of flight. However, screening tools often include additional, select factors that are not correlated with risk, but that nevertheless represent serious public safety

concerns (e.g., severity of offense). Finally, screening tools usually contain an override mechanism that allows decision-makers to rule against the placement recommended by the instrument in the event aggravating or mitigating factors exist. Overrides, however, are reserved for exceptional and extraordinary circumstances, since the body of the tool should already reflect the commonly occurring, agreed upon detention criteria. (JJC report to the AOC, 2006)

As this excerpt illustrates, the approach taken by the JJC in developing a detention-screening instrument was consistent with the literature detailed above. In particular, the report describes a consensus model, whereby factors beyond risk of rearrest or flight are taken into account – though only those that represent a “serious public safety concern.” Further, in articulating the specific goals of the New Jersey instrument, the following was reported:

In addition to helping jurisdictions meet the goal of using detention consistent with its stated purpose, a structured screening tool also promotes consistency, equity, and transparency in decision-making. Decisions are guided by explicitly stated, rational, and objectively measured criteria that are applied uniformly across cases, which results in similar outcomes for similarly situated youth. This consistent use of clearly stated and accepted criteria also provides a buffer against criticism, in the event a particular individual decision is scrutinized. Finally, using a structured detention screening tool also helps jurisdictions allocate limited system resources more efficiently by directing the most intensive interventions to those offenders at highest risk, while using less costly and less restrictive alternatives for lower-risk juveniles (JJC Report to the AOC, 2006).

Here again, the goals of the New Jersey instrument mirror those discussed throughout the literature. It is worth noting also, that the use of this tool was intended to guide decision-making in a manner that is ‘rational.’ The use of the term ‘rational’ is of importance here, as the current study seeks to determine the influence of this instrument

on decision-making. The implication above is that decision-making is in some way(s) ‘non-rational’, absent an objective-screening instrument, even one in which factors not correlated with risk of reoffense are present. At the same time, it is argued that the use of this instrument will result in detention decisions that are rational, or at least are *more* rational, than those made without.

New Jersey’s Approach to Screening Tool Development

After engaging in a lengthy process of developing a strong knowledge-base regarding screening tools generally, and detention screening instruments specifically, the subcommittee agreed to develop a screening tool specific to New Jersey, rather than modifying and adopting an existing or ‘off the shelf’ screening instrument utilized in another jurisdiction. This decision was made after reviewing a number of written research materials, data analysis prepared by JJC staff regarding the factors most commonly included in various other detention screening instruments, as well as a review of multiple screening tools/risk assessment instruments used by other JDAI sites across the country. It was believed that this approach allowed for the multiple agencies involved in New Jersey’s juvenile justice system to bring to the table, their various objectives and philosophies for careful consideration in the screening instrument’s development and result in a thoughtfully balanced approach. Moreover, this process allowed for hands-on involvement by these stakeholders in the screening instruments construction, resulting in increased buy-in due to a more comprehensive understanding of the instrument itself, its purpose, rationale and fundamental components.

The group then began the process of constructing the detention-screening instrument by identifying all of the potential components suggested by their research. To

begin the process of selecting the specific components for the tool, the group considered first, whether each proposed item related to New Jersey's statutory purpose of detention. There was also a very specific attempt to achieve parsimony and avoid redundancy by not including various measures that seemed to overlap. After much discussion and debate, the group ultimately reached consensus regarding the primary screening tool components, and the relationship of each to the statutory purposes of detention in New Jersey. Table 1 below is taken from the JJC's report to the AOC on the screening tool development (2006), and illustrates the components.

Table 1. Draft of Components for the New Jersey Detention Screening Tool and their Relationship to Detention Statute

<u>Screening Tool Component</u>	<u>Component Type</u>	Statutory Purpose		Related Statutory Factors
		Public Safety Risk	Flight Risk	
# of Current Counts/Charges	Additive/Weighted	X		Nature & Circumstances of Offense
Most Severe Current Offense	Additive/Weighted			
# of Delinquency Adjudications	Additive/Weighted	X		Prior Record of Adjudications
Most Severe Prior Adjudication	Additive/Weighted			
Warrants for FTA in Court	Additive/Weighted		X	Record of Non-Appearence in Court
Current Detention Alternative Status	Additive/Weighted	X	X	
AWOL from Residential Delinquency Placement	Additive/Weighted		X	
Is there an adult to whom the youth can be released?	Possible Override (If tool = release, but answer = No)		X	Ties to the Community
Age < 12 and charge is not 1 st /2 nd degree or arson	Decision Tree or Override (If tool = detain, but answer = Yes)			Age

The next step for the group was to determine exactly how each component would be categorized and weighted. This again involved reviewing existing screening tools and

proposing new ideas for consideration. A draft was ultimately created which allowed for three final decisions: detain, release to a parent/guardian, or release to a detention alternative, based upon the point scale. This draft instrument was then utilized to conduct both retrospective and prospective analyses, in order to estimate the effect the instrument would have on local detention decision-making. Detailed databases were maintained for each of these studies, and will be utilized in the current study to provide pre-RAI detention decision-making information. The following is an overview of both the retrospective and prospective studies, including a description of the datasets maintained for each study.

NJ Retrospective Screening Tool Study

The stated purposed of the retrospective screening tool study was to obtain a solid understanding of the potential impact the implementation of the RST would have on detention decision-making. In particular, the screening tools subcommittee wanted to gain an understanding of the extent to which the tool would essentially change current practice – and as a consequence, affect the number of admissions to secure detention. Along these lines, the group also wanted to determine the extent to which the recommendations of the RST comport with current decision-making. In order to do this, the JJC detention specialists worked with members of the state RST subcommittee to develop a protocol on how to score the various components of the tool, and were subsequently tasked with obtaining a sample of actual cases in which a youth was considered for secure detention from each of the five pilot sites. Once a sample was selected, the detention specialists applied the draft RST to each sample case in order to

generate a would-be score, and the draft RST recommendation was compared to the actual decision made by intake at the time of the detention request. As mentioned above however, the draft RST was designed to offer three recommendations: release to a parent or guardian; placement onto a detention alternative; and placement into secure detention. Historically, and at the time of the retrospective study (as well as the prospective study described below), intake officers were not able to place a youth directly onto an alternative, but instead were only able to decide between outright release to a parent or guardian, and admission to secure detention. The addition of this third option therefore, must be carefully considered when seeking to interpret the results of the retrospective application of the RST.

The target sample size for the retrospective study was approximately 130 to 150 referrals per site. Due to variation in detention request call-volume, sample collection timeframes vary by county, but began November 1, 2004 for each. In all, 725 referrals were collected, covering a period of one to six months per county. Removed from the total sample were all calls for which a Judge had issued a Warrant to detain. These cases were excluded as the decision had been made that the RAI, once formally implemented, would not apply in cases where a Judge had already made a determination that a particular youth must be detained upon apprehension. The final sample included 555 referrals for detention. For each referral, quantitative data were collected for each potential variable for inclusion in the final version of the RST to be implemented, in order to compare intake decisions versus RST recommendations. Any qualitative notations made by intake that indicated reasons for final placement decisions were also

included in the database. Table 2 below shows the final retrospective study sample, by County.

Table.2 NJ RST Retrospective Study Sample, by Pilot County

	Atl	Cam	Esx	Hud	Monm	TOTAL
Total Referrals to Intake Services Included in Data Collection	129	150	149	145	152	725
Active Warrant at Time of Referral and/or Directed to Court	50	43	26	16	35	177
FINAL RETROSPECTIVE APPLICATION SAMPLE	79	107	123	129	117	555

NJ Prospective Screening Tool Study

While the retrospective study examined the extent to which the recommendations made by the RST would align with actual decisions made by intake officers, the screening subcommittee sought additional information specifically concerning the potential impact of the RST's ability to recommend alternative placement – an option not previously open to intake workers at the time of a detention request call. The intent of this study was to find out more detailed, contextual information about the factors that influence detention decision-making and the relative importance of these factors. As such, the prospective study was done in 'real-time,' with the detention specialists observing actual calls to intake as they happened, and following up with the intake worker on the reason(s) for their final decision, and their willingness to potentially place a youth on a detention alternative, should that option be available to them. These observations occurred between the end of May and the middle of July 2006, approximately one-year prior to the actual implementation of the RST. A structured interview/data collection form was used to conduct these follow-up discussions. In

addition, the detention specialists later applied the draft RAI to each call in order to determine the effect RAI implementation would have had on each call, and on the general nature of detention admissions for each site. The data were collected for approximately 8 weeks. For calls received during off-business hours, staff met with intake at the beginning of the next business day to discuss the calls. As was the case in retrospective study, referrals for which there was an active warrant to detain were omitted from the analysis. The final sample for the prospective study included 177 cases. Table 3 shows the final prospective sample size, by pilot County.

Table 3. NJ RST Prospective Study Sample, by County

	Atl	Cam	Esx	Hud	Monm	TOTAL
Total Referrals to Intake Services Included in Data Collection	34	72	47	40	36	229
Active Warrant at Time of Referral and/or Directed to Court	8	27	6	3	8	55
FINAL PROSPECTIVE APPLICATION SAMPLE	26	45	41	37	28	177

Based upon the results of both the retrospective and prospective studies, the Screening Subcommittee recommended proceeding with the pilot of the draft-screening tool in the five JDAI pilot counties included in these analyses. The group determined that a piloting of the RST was necessary prior to considering statewide implementation, in order to identify any implementation issues, as well as any decision-making results that sharply diverge from the projections offered by the retrospective and prospective studies, upon which the final draft tool was based.

Pilot Preparation, Logistics & Training

After receiving approval from the NJ Administrative Office of the Courts to pilot the draft RST in the five identified counties, a number of preparatory tasks were identified for both the Risk Screening Subcommittee, as well as for the local counties. The Screening subcommittee developed a “Site-Readiness Plan” document for use by each of the five counties. This plan articulated the various components of the tool, and the information sites would need to make available for intake during business and non-business hours in order to properly score the RST. Further, it required sites to develop an implementation timeline and plan that included a detailed description of how they were going to make their respective detention alternative programs available to intake during business and off-business hours. This planning process prompted each site to create their own RST subcommittee which included all individuals who would use, or be affected by the RST implementation. Each member of this RST subcommittee, via approved meeting minutes, had to agree to the final implementation plan, to be submitted back to the state RST subcommittee for review and ‘readiness’ assessment. Appendix A. shows each of the specific site readiness plan components.

As specified in the site readiness plan, each pilot site was required to identify a local RST training team. Each team attended a one-half-day training on the RST, conducted by the state RST subcommittee – referred to as the ‘train-the-trainer’ session. It was then incumbent upon these teams to conduct their own training locally, with the assistance of their assigned detention specialist. Trainings were typically three-fold: A general RST policy training, designed to provide the background and development of the NJ RST, the purpose of the pilot, and the specific local policies and procedures to be used

in implementing the RST; RST Technical training, which involved the specific training of juvenile intake workers in how to score the RST and use the database developed to track the RST implementation; and an RST general education training, whose purpose was to inform all juvenile justice and community stakeholders, not necessarily directly affected by the RST, on the upcoming RST pilot. Detailed training materials were developed and distributed to all local stakeholders prior to the start of the pilot, the actual date of which varied by county. Furthermore, each county was required to hold frequent, regular RST ‘trouble-shooting’ meetings during the pilot phase. These meetings were designed to keep the dialogue open regarding the impact of the RST locally, as well as to discuss any implementation or data availability/quality issues that surfaced. These meetings also included the detention specialist, who was tasked with also relaying any information of concern to the state Risk Screening subcommittee for immediate feedback. Finally, a detailed data quality assurance monitoring process was required in each site, and at the state level. The detention specialist in each site was required to ‘check’ for scoring accuracy, the first several RST’s for each intake worker’s first shift utilizing the instrument. Thereafter, a percentage of RST’s were randomly selected each month for review.

The pilot phase was determined to cover a six-month period, starting with the date the first county began using the RST. Thus, the pilot phase began on 11/5/07, and lasted through 5/31/08. Ultimately, only 4 out of the 5 counties were approved to begin using the RST during this time. Due to various logistical constraints, Hudson County was unable to implement the RST until several months after the other sites, and therefore was not able to provide data for the RST ‘pilot’ analysis.

Table 4 shows each of the four counties' pilot start dates, number of total months included in the pilot, and total number of calls.

Table 4. Summary of Time Period Covered and Calls Handled During Pilot, by County

	Entry to RST Pilot	Pilot Data Includes Calls Through:	Approximate # of Months	Total # of Calls
Atlantic	11/5/07	5/31/08	7	175
Monmouth	2/25/08	5/31/08	3	72
Essex	3/31/08	5/31/08	2	369
Camden	4/3/08	5/31/08	2	98

At the conclusion of the pilot, each site continued to use the RST, and was also required to continue with regular meetings to discuss the progress of implementation, and any technical issues. The data maintained during the pilot phase was collected and analyzed by JJC staff, and culminated in a report for the state RST subcommittee and the Administrative Office of the Courts (JJC Report to the AOC, 2008). The focus of this report was to address four key questions/concerns. The first was, to what extent were the projections from the retrospective and prospective studies upheld during the pilot. Here, the report focused on determining if, as was the case in the pre-RST studies, decision making-would not change drastically, but fewer youth overall would be detained. The second issue involved determining the extent to which the RST resulted in improved consistency in decision-making. Here, consistency was defined as the extent to which the detention decision made by intake actually 'matched' what was recommended by the RST. The third focus of the report was to determine the impact the RST had on overall

admissions to detention, and the admissions of minority youth to detention. Here again, the report focused on analyzing any change in the overall raw number of admissions pre and post-RST, to determine if the post-RST time period experienced a decrease. Finally, the report sought to address overall youth and public safety outcomes, by examining the extent to which youth released by the RST, either to a detention alternative or to a parent/guardian, obtained new charges or failed to appear for court pending appearance before a judge (JJC Report to the AOC, 2008). While each of the concerns described here certainly seek to evaluate the extent to which the RST, in its pilot phase, achieved its various stated goals, a key component not addressed is whether or not the RST resulted in any change in the nature of detention decision-making. Specifically, the analyses contained in the report do not consider any change in the weight decision-makers place on the various screening tool components, nor does it consider the weight placed on various extra-legal factors in the decision-making process pre and post-RST implementation.

Overall, and despite the omission of data from Hudson County, the general findings of the pilot were found to sufficiently support the continued use of the RST in its original draft form utilized during the pilot, and this recommendation was ultimately submitted and approved for statewide implementation by the New Jersey Supreme Court, with the caveat that new sites begin the planning process for RST implementation in conjunction with becoming a NJ JDAI site.

After the ‘pilot’ phase concluded for these sites, and the fifth initial site, Hudson County came on-board with implementing the RST, the first full-year report on the RST was completed, covering all calls to intake made across the five sites for the 2009

calendar year. Data for this report were generated from the ‘RST Calls to Intake’ database each site was required to maintain. This database contained all information relevant to the call, including youth information and demographics, parent/guardian information, details of the offense, the actual screening tool completed for the call – to include any qualitative information factoring into the ultimate placement decision whether made in agreement with the RST recommendation or by the override option, and follow-up information pertaining to case processing outcomes. At the conclusion of 2009, there were a total of 3408 calls across the five sites, requesting detention for youth where there was no active warrant to detain, and for which the RST was applied.

The above detail surrounding the juvenile detention system reform initiative in the study sites points to a clear need to carefully consider any findings suggesting a change in decision-making as a result of the RST implementation in this context. As indicated in Table 5 below, each individual site included in this analysis was a fully operational reform site for several years prior to the roll-out of the RST, each having begun participating in the initiative sometime in 2004. Additional detail illustrated in Charts 1 and 2 below indicate that each site made significant strides in addressing the overall number of youth admitted to secure detention annually, as well as the overall average daily population in secure detention. Collectively across sites, admissions prior to the implementation of the RST decreased by 41.5%, while the average daily population decreased by 44.4% across sites. While these figures do not provide us with any information related to the specific nature of detention decisions leading up to the implementation of the RST, they do suggest that to varying degrees, each of the pilot sites embraced the basic tenets of the reform initiative, in particular the focus on ensuring

secure detention is avoided for youth who do not require such high levels of supervision and security. In considering these detention population reductions in the context of the current study, it would be reasonable to conclude that perhaps some observed change in the way detention decisions are made after the implementation of the RST may be attributable to an existing shift in the way decision-makers view the purpose of detention, a likely product of time spent participating in the initiative. Moreover, the addition of direct detention-alternative placement options for intake via the RST; the very planned, detailed and intensive training prior to the RST's implementation; as well as the intensive monitoring in each site post-implementation, may also factor into the results.

Table. 5 Time Between Reform Initiative Kick-Off and RST Implementation

2004 Reform Pilot Sites	RST Start Date	Approx. Time Between Reform Entry & RST Start
Atlantic	11/5/07	3 yrs
Monmouth	2/25/08	3+ yrs
Essex	3/31/08	3+ yrs
Hudson	5/1/09	5 yrs
Camden	4/3/08	4 yrs

Chart 1. Admissions Trends for Pilot Sites Pre-RST Implementation

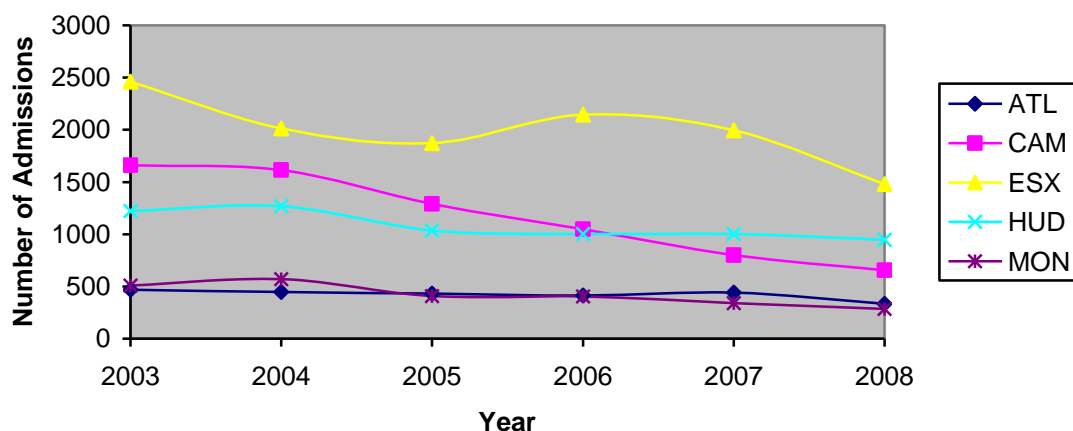
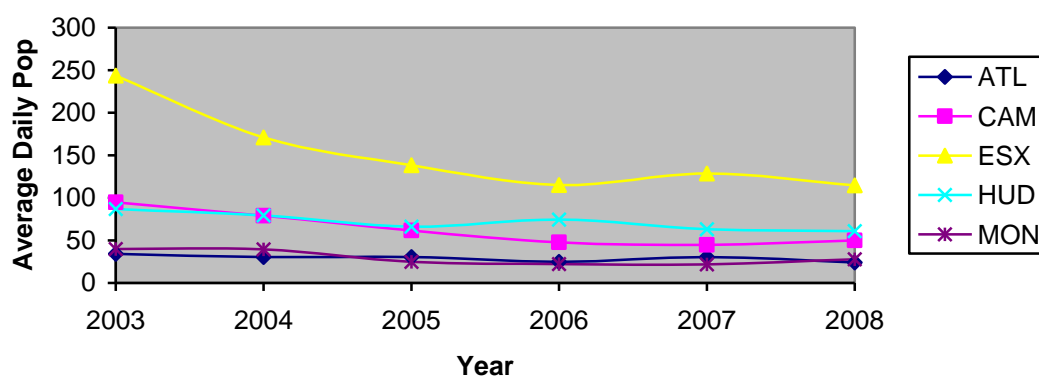


Chart 2. Average Daily Population in Secure Detention for Pilot Sites Pre-RST

Implementation



With this information providing the backdrop for the current study, the next chapter will discuss the specific methods used to examine the impact of the RST on decision-making in the study sites.

Chapter 5. The Current Study: Hypotheses, Data and Methods

The present chapter discusses the hypotheses, data and methods that will be used for this study to examine the broad question that guided the present research: Is detention decision-making by intake workers in a juvenile court context affected by the introduction of an objective detention screening instrument?

Hypotheses

The research presented above, which suggests that court actor decision-making is guided by a specific set of focal concerns, some of which may vary according to local court contexts, leads to the following hypotheses that will guide the present study:

Hypothesis 1: Pre-RAI detention decision-making: Prior to the implementation of an objective risk screening instrument, decisions to detain youth pre-adjudication by family court intake workers will be made based upon an assessment of focal concerns that includes the use of perceptual shorthand.

The study will focus on those perceptual shorthand variables identified in the literature, including age, gender and race/ethnicity, but will also consider those that may emerge from the local study site settings.

Hypothesis 1.1: The decision to detain will be predominantly influenced by the agreed-upon measures articulated in the RST.

Hypothesis 1.2: In the absence of an RST designed to provide a comprehensive, balanced assessment of the core focal concerns of blameworthiness and public safety, detention decision-making will rely on the use of perceptual shorthand

also, allowing for decisions to be influenced by extra-legal factors such as age, sex, and race/ethnicity.

Hypothesis 1.2a: After controlling for the RST variables, minority youth will be more likely to be detained than non-minority youth.

Hypothesis 1.2b: After controlling for the RST variables, males will be more likely to be detained than females.

Hypothesis 1.2c: After controlling for the RST variables, the older the youth (ie, closer to age 18), the more likely he or she will be to receive detention.

Hypothesis 1.3: Other shortcut variables will emerge from local settings, and will influence detention decision-making.

Hypothesis 2: Post-RAI detention decision-making: Upon implementation of an objective risk assessment instrument, decisions to detain youth pre-adjudication by family court intake workers will show a decreased reliance on perceptual shorthand variables such as race/ethnicity, age and gender.

Hypothesis 2.1: There will be an increase in the overall influence of the rationally agreed upon criteria articulated in the RST on detention decision-making.

Hypothesis 2.2: There will be a reduction in the influence of measures of perceptual shorthand variables as compared to the pre-RST period.

Hypothesis 2.2a: After controlling for the RST variables, the influence of race/ethnicity in detention decision-making will be moderated by the presence of the RST.

Hypothesis 2.2b: After controlling for the RST variables, the influence of gender in detention decision-making will be moderated by the presence of the RST.

Hypothesis 2.2c: After controlling for the RST variables, older youth (i.e., closer to 18) will not be moderated by the presence of the RST.

Hypothesis 2.3: The influence of those additional perceptual shorthand variables identified from local settings on detention decision-making will be moderated by the presence of the RST.

Hypothesis 3: Influence of Court Communities: The above research has suggested that court communities characterized as somewhat harmonious, with a sense of trust among workgroup members, are more likely to embrace and adhere to the recommendations of structured RST's. While it is beyond to scope of the current study to fully examine the nature of work group relationships in the study site, we might reasonably expect some degree of variation, resulting in differences between sites in absolute rates of detention decisions, after controlling for other variables. While this logic refers specifically to decision-making in the presence of a structured RST, it is expected that the implementation of the RST will nonetheless moderate any existing, pre-RST variation in detention decision-making across study sites.

Hypothesis 3.1: Prior to the implementation of the RST, the county in which the call to intake requesting detention was placed will have a significant impact on the decision to detain.

Hypothesis 3.2: With the implementation of the RST, the specific influence of county on the decision to detain youth will be moderated.

Core Design

In order to test the above hypotheses related to juvenile detention decision-making pre, and post-RST implementation, the current study will utilize a pretest-posttest design, in which the implementation of the RST serves as the treatment/intervention. Detention decisions in the five NJ pilot sites will be analyzed both before and after the introduction of the RST in order to examine the overall effect/outcome of the RST on decision-making, and specifically to determine the extent to which the RST resulted in a more ‘rational’ approach to decision-making than existed during the pre-RST period. Since the expectation is that there will be a change in the influence of certain focal concerns and perceptual shorthand variables from the pre to post-RST periods, the outcomes of interest in the current study take the form of a set of coefficients, and the extent to which they change in the overall model post-RST implementation. It is important to highlight again that the treatment, or RST implementation did vary across sites in terms of the timing of start-up, though a similar protocol regarding training was utilized. In addition, the implementation of the RST in each site occurred in conjunction with broader juvenile justice system reform efforts. These constitute potential threats to the validity of any causal inference drawn from the results.

Qualitative Analysis

A key component to the current study is a qualitative analysis of the narratives provided by the juvenile intake workers, as to the various reasons stated for their

decisions to detain youth, both before and after the implementation of the RST. In performing this review, the expectation is that additional factors, specifically some measures of perceptual shorthand, may emerge as relevant to the detention decision-making process for intake workers that were not highlighted in the existing literature. To the extent that these factors are measurable and available in the datasets being utilized, they will be included in the overall data analysis.

Data

The qualitative analysis will involve a review of the documented reasons intake workers made the decision to detain youth in the pre-RST period, and will rely on the RST prospective study dataset. Appendix B provides an overview of the specific questions posed to intake workers during the course of the prospective study, after each observed detention request call. For calls received during off-business hours, the call log completed by intake was reviewed at the start of the next business day, and the interview questions posed following this review. These questions focused on identifying those factors *most* important to the individual intake workers in making their final decision regarding detaining youth. Additional questions were posed to elicit discussion on all of the possible decision-making criteria utilized, as well as to gain an understanding of whether or not intake would consider alternative placements if an RST was in fact in place, and recommended such placement, and why or why not. Appendix B provides the full list of questions posed to each juvenile court intake worker for the purposes of the prospective study.

Analysis

In reviewing the qualitative data, attention will be paid to any emerging themes, or ‘scripts’ used by intake workers in their decision-making process. These themes will perhaps serve as evidence as to the use of perceptual shorthand in decision-making by intake workers. For the pre-RAI period, this stage of the analysis may suggest certain perceptual shorthand variables not identified through the existing literature discussed above. If/when identified, these variables may be included in the quantitative analysis of the pre and post-RAI periods, and may also serve to provide context to the pre-RST quantitative findings. In addition, some of these narratives may provide important information regarding any practical constraints to detention decision-making prior to the RST’s implementation. For instance, are youth being detained due to a lack of appropriate alternatives, rather than because intake believed the youth to be a threat to public safety?

Quantitative Analysis

Data

The datasets maintained for the NJ RST retrospective and prospective studies (detailed above), as well as the ‘2009 calls to intake database’ will be utilized in the current study in order to examine the extent to which juvenile detention decision-making in the pilot sites has been impacted by the introduction of the RST. Data from the retrospective and prospective studies will be combined to represent the pre-RST period, and the data contained in the 2009 calls to intake database will represent the post-RST period. It should be noted that the 2009 calls to intake database contains all calls

received by juvenile court intake workers beginning January 1, 2009, through December 31st, 2009. Hudson County data does not begin however, until May 5th, 2009, while the four remaining counties have data included covering the entire 2009 year. As stated above, Hudson County experienced various logistical hold-up's in planning for the RST implementation, resulting in their not being included in the RST pilot, described above, as well as having their official RST implementation date pushed back to May of 2009. Table 6 below indicates the total number of calls received for which the RST was applied, by county. Again, in instances where there was an active bench warrant to detain a youth, the RST was not applied, and therefore these cases were not included in the analysis. Thus, as indicated the final sample of calls to juvenile intake for detention representing the pre-RST period is 732 cases. The final sample of 2009 calls to intake for detention representing the post-RST period is 3408 cases.

Table 6. Full Sample of pre-RST and post-RST Detention Requests

	ATL	CAM	ESX	HUD	MON	TOTAL
Retrospective	79	107	123	129	117	555
Prospective	26	45	41	37	28	177
Total Pre-RAI Calls	105	152	164	166	145	732
2009 Calls/ Total Post-RAI Calls	269	577	1841	471	250	3408

Generating the Final Sample: Propensity Score Matching

Upon examining the descriptive statistics for the full pre and post-RAI samples, the first three columns of Table 7 below indicate significant differences across time

periods for six of the twelve independent variables. Among the RST variables, these include: Most Serious Current Offense ($p=.000$), and AWOL History ($p=.040$). Among the shortcut and/or courtroom workgroup variables, these include: County ($p=.000$), Age Category ($p=.000$), Race/Ethnicity ($p=.000$), and Time of Call ($p=.000$). These differences, and the fact that the RST was in fact introduced as part of an overall series of reform efforts, suggest that in order to increase the potential for drawing causal inference between the RST's implementation – to include the array of reform efforts put in place to prepare for its implementation, and detention decision-making, it was worth utilizing propensity score matching (PSM), a statistical method whereby a subsample of 'treated' (post-RST), and 'untreated' (pre-RST) cases that are drawn that are statistically similar with respect to the distribution of a set of observed characteristics, or covariates (Apel & Sweeten, 2010). This process allows for the estimation of more valid treatment effects, as the two groups are observationally equivalent, except that one group experiences the treatment, whereas the other group does not. Although the current study did not involve the selection of treatment and control groups by the researcher, and thus was not subject to potential selection bias per se, as discussed the implementation of the RST was done so within the context of broader juvenile system reform efforts in each of the study sites, to include deliberate and rigorous preparation and training on the RST for all relevant court actors as well as for the local police departments. In this context, it is conceivable and indeed probable that this process may have resulted in even subtle changes in behavior by police and/or juvenile intake workers with respect to the 'type' of youth who is referred for detention, and who is actually detained, in addition to any changes in arrest and crime patterns experienced in each site. For these reasons, propensity score matching offers an

alternative approach to dealing with the problem of selection bias, where random selection of treatment and control groups is not feasible (Rosenbaum & Rubin, 1983; 1984). In doing so, it is possible to more specifically examine the effects of the RST and accompanying reforms on detention decision-making, as individuals in both groups will match one another in terms of their likelihood of being among the group of youth referred detention during the post-RST period.

The first step in the PSM process is to generate a single index variable (the propensity score) for each case based upon the set of observed characteristics of interest. For the current study, this included all of the independent variables: Number of Current Charges, Most Serious Current Offense, Number of Prior Delinquency Adjudications, Most Serious Prior Adjudication, Number of Warrants issued for FTA in Court, AWOL History, Detention Status at the Time of Referral, County, Age Category, Race/Ethnicity, Gender, and Time of Call. This was done using the STATA 12 software, PSCORE command.

After generating a propensity score for each case, the next step in the PSM process involves selecting from a range of options available to match the two samples based on the propensity score, and testing for covariate balance across the treated and untreated cases. Suggested as the simplest and most common matching methods is the nearest neighbor matching procedure, where each untreated case is matched with a treated case with the closest propensity score (Apel & Sweeten, 2010). This can be accomplished through one-to-one, or single-nearest neighbor matching, where each untreated case is matched with only one nearest neighbor; or, through multiple-nearest

neighbor matching, where each untreated case is matched with more than one treated cases with similar propensity scores.

One option in nearest neighbor matching is caliper matching, where a maximum distance, or caliper, is designated and a treated case must fall within that caliper, or be dropped from the untreated sample as unmatched. Nearest neighbor matching can also be done with, or without replacement. Matching with replacement involves placing each treatment case that is matched with an untreated case, back into the pool of cases from which an additional match may be obtained. In this scenario, it is possible that a single case from the treatment group be matched multiple times with cases from the untreated sample. Conversely, matching without replacement allows for any given matched treatment case to appear once in the final sample. According to Apel & Sweeten (2010), in deciding whether to implement matching with or without replacement, the researcher must 'balance concerns of bias and efficiency (p.551)'. Matching with replacement may allow for better matches, however it may also reduce the number of treatment cases ultimately included in the final sample to estimate the treatment effect. On the other hand, matching without replacement may lead to poorer matches, or those whose propensity scores are not as close, or similar as might be generated with replacement (Smith & Todd, 2005).

In order to execute the matching process in the current study, the researcher did opt to utilize the one-to-one, nearest neighbor approach, without replacement and with a .05 caliper. This particular combination was chosen in order to attempt to include as many post-RST, or treatment cases, as possible by not replacing the matched treatment cases. In addition, the caliper method was used to ensure that in not replacing the

matched treatment cases, additional matches were produced whose propensity scores were limited in terms of their overall distance from one another.

The PSMATCH2 command for the STATA12 software was used to run the matching process. However, upon matching the two samples, several of the covariates remained unbalanced across the two time periods. One suggestion to overcome unbalanced samples is to make adjustments to the covariates included in the algorithm (Apel & Sweeten, 2010; Smith & Todd, 2005). For example, one may adjust the number of groupings defining a particular categorical variable, or if possible convert a categorical variable into a continuous variable. Ultimately, employing these methods proved unsuccessful in balancing the samples in the current study. Specifically, the most ‘successful’ algorithm attempted here resulted in the County variable remaining persistently unbalanced. For this reason, an alternative approach was attempted which employed a two-phase matching process, which ultimately resulted in balanced pre and post-RST samples.

The first phase of the current matching process involved generating propensity scores for all of the cases in each county individually, and subsequently running the matching algorithm described above (one-to-one, nearest neighbor matching without replacement, .05 caliper). This process was successful in creating five sets of pre and post-RST samples that achieved balance for each of the independent variables.

The next phase of the current matching process involved merging the five separate files, and subsequently examining the final distributions for each independent variable across the two time periods to ensure a balanced sample. Upon completing these two phases, the result was a final sample that not only achieved balance, but in addition

succeeded in producing a match for 716 of the 732 untreated cases, therefore dropping only 16 cases from the original pre-RST period. Thus, the final sample for the current study included 716 pre-RST cases, and 716 post-RST cases.

Table 7 below illustrates the results of the pre and post-matching significance tests for each of the covariates in the study. For the continuous independent variables, means were compared and independent sample t-tests were run in order to test for significant differences across the two time periods. As illustrated in the table, the matched sample showed no significant difference in means for the three continuous variables. For the categorical independent variables, cross-tabulations were utilized and chi square tests for equality of proportions was used determine if any significant differences existed between the two time periods. Again, as the table illustrates, the matched sample showed no significant differences in the overall distribution of each of the categorical variables across the two time-periods.

As Table 7 indicates, the matching process described above was successful in generating pre and post-RST samples that substantially reduced the mean differences across time periods present in the unmatched sample, thus adequately accounting for differences between youth called to intake before the implementation of the RST, and after the implementation of the RST on each of the independent variables. Achieving this balance will allow the current study to more confidently assess the impact of the RST on detention decision-making upon carrying out the analyses that follow.

Table 7. Descriptive Statistics for Unmatched & Matched Samples

	Unmatched Sample (N=4140)			Matched Sample (N=1432)		
	Pre-RST (N=732)	Post-RST (N=3408)	p	Pre-RST (N=716)	Post-RST (N=716)	p
Continuous Ind. Var's	mean	mean		mean	mean	
# Current Chgs	2.5	2.7	.085	2.5	2.4	.836
# Prior Adjudications	1.0	1.1	.890	1.0	1.0	.673
# FTA Warrants	0.2	0.2	.492	0.2	0.2	.773
Categorical Ind. Var's	%	%	p	%	%	p
<i>Most Serious Offense</i>			.000**			.779
4 th Deg non-viol/DP	16.4	14.8		15.8	15.4	
3 rd Deg. non-viol./4 th viol.	36.3	32.8		36.5	35.2	
2 nd Deg non-viol./3 rd viol.	19.5	20.0		19.8	22.1	
Any 1 st Deg/2 nd viol.	27.7	32.3		27.9	27.4	
<i>Most Serious Prior</i>			.084			.650
4 th Deg non-viol/DP	68.7	69.7		69.1	70.5	
3 rd Deg. non-viol./4 th viol.	16.3	15.9		16.5	16.1	
2 nd Deg non-viol./3 rd viol.	7.7	6.8		7.4	8.0	
Any 1 st Deg/2 nd viol.	7.4	7.6		7.0	5.4	
<i>AWOL History (yes)</i>	1.6	0.8	.040*	1.4	1.1	.635
<i>Detention Status (yes)</i>	2.9	3.3	.561	2.7	2.9	.748
<i>County</i>			.000**			1.000
Atlantic	14.3	7.9		14.0	14.0	
Camden	20.8	16.9		21.2	21.2	
Essex	22.4	54.0		22.6	22.6	
Hudson	22.7	13.8		22.3	22.3	
Monmouth	19.8	7.3		19.8	19.8	
<i>Age Category</i>			.000**			.748
13 and younger	10.4	7.7		10.3	11.6	
14-15 yrs.	37.8	31.4		38.0	37.4	
16 and older	51.8	60.8		51.7	51.0	
<i>Gender (Male)</i>	85.1	87.0	.179	85.5	86.2	.705
<i>Race/Ethnicity</i>			.000**			.567
African American	60.0	74.5		60.2	59.8	
Caucasian	15.2	9.1		15.2	13.8	
Hispanic	20.4	15.3		20.8	23.3	
Other/Unknown	4.5	1.1		3.8	3.1	
<i>Time of Call (Off Hours)</i>	62.8	75.9	.000**	63.1	62.8	.913

*p<.05

**P<.001

Univariate/Descriptive Statistics for Matched Sample

The matched sample columns in Table 7 above provide summary data for the continuous and categorical variables, respectively, in the current study. As Table 7 illustrates, for the pre and post-RST sample cases, youth averaged between 2 and 3 charges for the current detention referral, one prior adjudication in their court history, and the average occurrence of FTA warrants was exceptionally small, at just 0.2.

Regarding the categorical independent variables, the proportion of cases represented in each of the two time periods are also illustrated. Youth in the study sample were most often called to intake for a category 3 offense during both time periods (36.5% pre-RST, 35.2% post-RST). Interestingly, despite the fact that New Jersey statute does not allow temporary detention for youth alleged to have committed an offense contained in category 4, 15.8% of the youth in the pre-RST sample, and 15.4% of the youth in the post-RST sample whose alleged offense fell into this category were considered for detention. In terms of offense history, the vast majority of youth called to intake across the two time periods had little, if any, offense history – and those who did typically had a low-level or minor delinquency adjudication in their past. Youth with any AWOL history, or who were on a detention alternative at the time of referral were uncommon overall in the sample, accounting for less than 1.5% and 3.0% of cases respectively, in each time period.

In term of the court community variable of County, due to the PSM matching process described above, each County was equally represented across the two time periods in the matched sample. More than half of the sample during both time periods was age 16 or older, and males made up the vast majority of the overall sample,

accounting for 85.5% of the pre-RST youth, 86.2% of the post-RST youth. Minority youth likewise accounted for the majority of the sample, collectively accounting for 81.0% of the pre-RST cases and 83.1% of the post-RST cases. Finally, just under two-thirds of the pre and post-RST cases (63.1% and 62.8% respectively), were screened for detention during non-business hours.

Study Variables

Dependent Variable

The decision to detain a youth pre-adjudication by intake at the time of the temporary request for detention made by police will serve as the dependent variable in the current analytic model. This dependent variable is binary, and as such will be coded ‘1’ if the youth was detained and ‘0’ if the youth was not detained. It is recorded consistently across datasets combined to form the study dataset.

Independent Variables

The following table outlines the independent variables that will be included in the analyses. Included are the actual RST variables, as well as the court community and shortcut variables identified in the literature. Each of the following variables is recorded in each dataset consistently.

Table 8.
Independent Variables as Identified in the Focal Concerns Literature

Independent Variable	RST/Perceptual Shorthand/Court Community
Number of Charges in the Current Referral	RST
Most Serious Current Offense	RST
Number of Prior Delinquency Adjudications	RST
Most Serious Prior Adjudication	RST
Number of Warrants Issued for FTA	RST
Ever AWOL from Residential Delinquency Placement	RST
Current Detention Alternative Status	RST
Age	Perceptual Shorthand
Gender	Perceptual Shorthand
Race/Ethnicity	Perceptual Shorthand
County	Court Community

Three of the independent variables listed above will be measured as continuous variables.

These are: Number of Charges in the Current Detention Referral, Number of Prior

Delinquency Adjudications, and Number of Warrants Issued for Failure to Appear (FTA) in Court. The following three independent variables are dichotomous, and are defined as follows:

Current Detention Alternative Status – This variable indicates for each youth, whether or not he or she was being supervised by an established detention alternative program in any New Jersey County at the time of the referral of detention. Placement on a detention alternative requires that a youth have an open/pending docket filed in juvenile court, and may include but is not limited to: Formal House Arrest, Home Detention supervision, Electronic Monitoring or participation in an Evening Reporting Center. Youth are coded as either being on a detention alternative at the time of referral (1=yes), or not on a detention alternative at the time of referral (0=no).

AWOL History – This variable indicates whether or not the youth being referred for detention has had any history of AWOL from a residential delinquency placement. This includes out-of-home placements ordered as a result of a prior delinquency adjudication, with each youth coded as either having any such AWOL history (1=yes), or no such AWOL history (0=no).

Gender – Gender was recorded for each case as either male (1=yes) or not male (0=no).

Finally, the remaining five independent variables are categorical in nature, each having three or more categories. These variables are defined and categorized as follows:

Most Serious Current Offense (MSCO) – Out of all the current alleged delinquency offenses being charged against each youth, the most serious charge is selected based upon the degree of the offense, as well as the offense type. A master list of all possible delinquency offenses based upon the New Jersey criminal code was created for the purposes of conducting the retrospective and prospective studies, and was also used for training and provided to intake officers as a reference for completing the RST once implemented. This list illustrates offenses in order of offense severity, and utilized to determine the MSCO uniformly across cases. Although for the purposes of scoring the RST, offenses were grouped into a total of five categories, the bottom two categories of offenses were combined for the current study, as both include only offenses for which the NJ statute prohibits detention, absent an existing warrant to detain issued by a judge. The final four categories are as follows:

Category 4 – This category includes disorderly persons/petty disorderly person's offenses, all 4th degree offenses not included in category 3, and non-warrant calls for non-delinquency matters (i.e., none of the above).

Category 3 – This category includes 4th Degree violent person's offenses, 4th degree arson, 4th degree weapons, and all 3rd Degree charges not included in category 3.

Category 2 – This category includes 3rd Degree violent person's offenses, 3rd Degree arson, eluding or weapons offenses, and all 2nd Degree offenses not included in category 1.

Category 1 – This category includes all 2nd Degree violent person's offenses, 2nd Degree arson, eluding or weapons offense, and any 1st Degree offense. For the purposes of the RST, all category 1 offenses may result in automatic detention for a youth.

Most Serious Prior Adjudication (MSPA) – Most serious prior adjudication represents the most serious delinquency adjudication in the youths' juvenile court history. Violations of Probation are not considered for the purposes of this category. The offense scale described above for MSPO is utilized here to determine the most serious prior adjudication, and the categories are coded consistent with that of the RST. There are four categories of offenses for this category, and they mirror that of categories 1-4 for MSCO.

Age – The youths' age refers to his or her age at the time of the alleged delinquency offense, and is coded based upon the following age categories: 13 years or younger, 14-15 years old, or 16 years and older.

Race/Ethnicity – Each youth in the current study is coded as being one of the following: African American, Caucasian, Hispanic, or Other/Unknown race/ethnicity.

County – County is coded based upon the jurisdiction in which the alleged offense took place, and therefore reflects the jurisdiction in which the detention decision was determined. In the study state, police routinely call the intake unit to request detention in the county where the youth is ‘picked up’ by police. The intake officer responding to the call/request is therefore basing his or her decision on the current policy/practice established in that County, even for youth who may reside out of county. The counties in the current study include Atlantic, Camden, Essex, Hudson and Monmouth.

Statistical methods

In order to examine the effect of the detention screening instrument on detention decisions in the study sites, several steps will be taken. Having examined the pre and post-RST univariate statistics above, for the dichotomous measure of the detention decision (detain/non-detain), the research will examine the bivariate relationships, or differences between youth who are detained in the pre-RST period versus those detained in the post-RST period on each of the independent variables using cross-tabulations.

The next step involves the use of multivariate analysis techniques to determine the relative influence of each of the independent variables on the decision to detain. Since the dependent variable in the study is dichotomous, and the independent variables include both categorical and continuous variables, logistic regression is the most appropriate method. Logistic regression accounts for the non-normal distribution of error terms associated with dichotomous dependent variables. The relationships between the

independent and dependent variables are analyzed specifically by estimating the odds of the dependent variable, as a function of the independent variables. Further, logistic regression also estimates the relative influence of each predictor variable on the dependent variable while controlling for all of the other predictor variables. This technique will be completed by analyzing both the pre-RST and post-RST datasets, with the specific variable 'pre_post' included as a control variable. Further, the study will examine the specific interactions of each of the independent variables with the pre/post-RST time periods in order to understand if there is any change in the influence of these variables on detention decisions after the implementation of the RST.

Interpreting the results of logistic regression involves examining the odds ratio associated with each coefficient. For continuous predictors, the odds ratio, or $\text{Exp}(B)$, represents the change in the odds of being detained with each unit change in a particular independent variable. For categorical predictors, $\text{Exp}(B)$ represents the odds of being detained for one category of the predictor, relative to the other category of the predictor (ie., males vs. females), when the predictor variable is dichotomous; or, the odds of being detained for one category of the predictor relative to the selected reference category, when the predictor variable is categorical.

Having the base model established, individual-level covariates will be incorporated into the model, as the crux of the current study is to examining the relative influence of individual (youth) risk factors and the extra-legal factors such as race/ethnicity, gender and age on the decision to detain youth.

In comparing the results, we should be able to determine several things. The first, is whether or not the RST has had an effect on the extent to which detention decision-

makers rely predominantly on ‘rational’ measures of risk in making detention decisions. The second, is by examining the interaction terms, we can assess whether or not the RST has limited the use of ‘perceptual shorthand’, or ‘non-rational’ criteria such as race/ethnicity, gender and age in the detention decision-making process.

It should be noted that, given the multi-level nature of the data utilized for the current study, the research examined whether the use of hierarchical models in the multivariate analyses would be beneficial. Hierarchical models allow for the research to examine effects where many cases, in this instances detention decisions, are nested within a smaller number of decision-makers. Ultimately, two primary factors led the researcher to opt for an individual-level analysis of detention decision-making over the hierarchical approach. First, while the post-RST dataset identifies the individual decision-maker for each call to intake, the pre-RST datasets were inconsistent in reporting this information. Without this information, it would not be feasible to compare the outcome of interest as nested by decision-maker, and further examine the extent to which any observed effect of the RST’s implementation had on detention decision-making varied by actual decision-maker. Second, upon exploring the possibility of obtaining this decision-maker identification for the pre-RST calls, the researcher first revisited the datasets in order to determine if there would be a sufficient number of detention calls per decision-maker during the pre-RST time periods to allow for appropriate hierarchical analysis. Given that the pre-RST data was time-limited in its collection – with calls for each site spanning either a limited number of months, or until a certain ‘target’ number of cases were collected, there was wide variation regarding the number of decision-makers ‘on-call’ during these timeframes. Documentation from each site indicating the number of rotating

intake decision-makers during the retrospective and prospective studies thus pointed to each decision maker accounting for between only about five to ten calls each for four of the five sites. Adding to this complication in examining the pre and post-RST data hierarchically, is the fact that in three of the five sites, the number of decision-makers retained to process detention calls once the RST was implemented was reduced significantly, by half or more, leading to several decision-makers included in the pre-RST dataset not being represented in the post-RST dataset. For these reasons, it thus seemed appropriate to opt instead for an individual-level analysis aggregating the total calls. Ultimately, the current researcher accepts that this data is indeed nested in nature, in that there are groups of detention decisions that are likely influenced in different ways, depending on the tendencies of the specific decision-maker. And, due to the limitations in examining this data in a hierarchical manner, the models included in the current study essentially ignore these clusters, and therefore may present more optimistic standard errors than what would be ideal, a clear limitation and potential threat to the validity of the findings.

Chapter 6. Results

The current chapter describes the results obtained in carrying out the analyses discussed in Chapter 5.

Prospective Study: Qualitative Review Findings

As discussed above, prior to the development of the statistical models for the quantitative analyses relevant to the current study, a qualitative review of various narratives provided by juvenile court intake workers during the course of the prospective study was completed. These narratives were provided by intake as a means to describe their decision-making process, specifically, any reasons or justifications they may have in making their ultimate decision regarding the temporary detention of youth called in by police. It is anticipated that these narratives may provide useful context for any subsequent results derived from the quantitative analysis, in addition to perhaps suggesting some measurable factors relevant to decision-making that may be incorporated into the multivariate models. The results of this qualitative review are discussed here.

Factors Supporting the Use of ‘Rational’ Decision-Making Criteria

Overwhelmingly, factors cited as the main reasons for either detaining or releasing a youth related to the various ‘rationally’ agreed-upon criteria reflected in the RST. In particular, the nature and seriousness of the current alleged offense was the most oft-cited decision-making criteria. While some narratives cited only the official charge and corresponding degree, others discussed the nature and extent of victim injury, as well

as the presence or absence of a weapon during the offense, and even noting the level of involvement or specific role the youth played in the offense. For instance, in a few cases, intake discussed that the youth being considered for detention was the ‘ringleader’, or the one ‘calling the shots’. Conversely, there were instances where youth were not detained, with intake explaining that the youth was ‘just there, and not actively involved’.

Some narratives further discussed concern about community safety, specifically, at times even the safety of the youths’ family. In addition, intake workers made comments regarding their perception of the youths character, stating things such as ‘the youth has a threatening attitude,’ or ‘he is disrespectful and out of control.’ Together, these considerations clearly point to concerns related to both offender blameworthiness and protection of the community, as suggested by the literature.

Further evidence illustrating both blameworthiness and protection of the community can be seen in the various comments offered by intake regarding the youths’ prior offense history. Several comments were offered regarding the number of prior adjudications, open/pending charges, as well as the youths’ current supervision status – whether he or she was on a detention alternative at the time of the call, or under the supervision of probation. Some stated specifically, ‘This youth has a pattern of recidivism,’ or ‘He is well known to the system.’

Overall, these accounts point to offender blameworthiness and public safety as the primary considerations in detention decision-making in the current study sites.

Collectively, these types of concerns were cited in 99 of the 103 (96.1%) detention cases, and are supportive of the criteria ultimately reflected in the RST, with a final score that is driven primarily by the number and seriousness of the current alleged offense, number

and seriousness of the youths' prior history, as well as the youths' court supervision status at the time of the call to intake.

Factors Supporting the Use of Shortcuts/Perceptual Shorthand

While the bulk of narratives provided by intake regarding factors most influential in making detention decisions coincide with the more 'rational' criteria reflected in the RST, there were indeed several instances where the use of perceptual shorthand, or shortcuts were used to assess the youths' level of blameworthiness and/or risk to public safety.

In terms of the 'shortcut' independent variables included in the current study, only age was mentioned by intake in some of the cases (4.6%, N=4 cases). Supporting the current study hypothesis regarding age, where this was mentioned as a relevant factor, youth were detained because they were 'older,' whereas some youth were released despite the seriousness of the offense because they were 'so young'. Regarding race/ethnicity and gender, not surprisingly, none of the intake workers cited race/ethnicity or gender as a reason to detain youth. Indeed, the literature on perceptual shorthand does not suggest that decision-makers necessarily *consciously* consider these extra-legal variables in making decisions, but rather, any correlation between race/ethnicity and gender and the decision at hand is a result of a more subtle attribution process whereby certain 'types' of alleged offenders are considered more dangerous than others. Indeed, in further examining these narratives, there were certainly several, though not an overwhelming number of cases in which intake seemed to be ascribing attributes to youth, or assessments of their overall character and disposition in support of their detention decisions. For instance, in a few cases (N=15), intake noted that they considered how

cooperative the youth and/or family was, as reported by the police officer making the call. Youth who were cooperative and respectful were at times given the benefit of release (N=8), while those who were ‘disrespectful’, ‘out of control’, or very uncooperative’ more often detained (N=7). Additional attributions worth noting from some individual cases included comments such as ‘He was a good kid who made a bad decision’, and ‘He goes to a good school’. Youth in these cases were ultimately released. It seems that the attributions described here, along with their corresponding detain/release decisions are indicative again of overall concern regarding the youths’ culpability or blameworthiness, as well as public safety concerns. However, they do seem to point to considerations falling outside of the more ‘rational’ criteria used via screening instruments to assess these concerns.

In terms of the qualitative review suggesting any additional factors relevant to the detention decision that may be included in the quantitative analysis, only one – time of day, is captured in the actual datasets. In all instances in which the time of day that the alleged offense took place was mentioned, it appears to reflect the perceived blameworthiness/culpability of the offender. However interestingly, while in one instance the offense was considered more serious because it took place overnight, in three instances the offense was considered more serious, even ‘brazen’ as it allegedly occurred during the daytime. Therefore, due to this inconsistency, it seems more appropriate to consider this a potential shortcut variable. Thus, it will be interesting to see if perhaps time of day (captured in the dataset as business hours/non-business hours), is predictive of detention, and if so, is detention more likely for calls received during business hours, or during non-business hours. Thus, the current study will add time of day to the

subsequent analyses, and will be coded as follows, with the full updated table of independent variables provided in Appendix C:

Time of Day – Cases are coded based upon whether the alleged act was committed during non-business/off-hours (1=yes), or not during off-hours (0=no).

Factors Supporting Court Community/Courtroom Workgroup Considerations

In terms of evidence supporting the courtroom workgroup perspective, while there was not an overwhelming number of clear instances where workgroup considerations were at play, certainly there were several statements made in support of this notion. Reasons for detention such as “I considered what the Judge would do,” “Upon advice from co-workers,” “Supervisor already authorized detention,” and “Policy is automatic detention in these cases,” suggest at least some degree of workgroup mentality/cooperation is present in the study sites. These statements seem to indicate that intake workers do on some level, consider the other members of the workgroup – even the police, in reaching a final detention decision. These statements seem to cover the courtroom workgroup perspective in two primary ways. On one level, these comments suggest a desire on the part of intake to make decisions consistent with what may be considered standard practice within that local court context. Detention seems more likely in instances where the charges ‘typically’ result in detention, reflecting the notion of uncertainty avoidance. On another level, specifically citing what the police ‘want’ in terms of detention, and/or ‘what the Judge would do’, suggest a desire to maintain some level of harmony among the key workgroup members. Some of these factors, such as ‘policy is automatic detention,’ might represent local consensus about the seriousness of

the offense, and therefore assessment of blameworthiness or public safety risk. On the other hand, others, such as concerns about what other workgroup members want or would do, seem more reflective of a concern over maintaining an overall degree of harmony among the workgroup, rather than on making a somewhat objective assessment of whether the youth needs to be detained.

Qualitative Review Summary

The results of the qualitative review outlined above provided some interesting information regarding the nature of detention decision-making in the five study sites. First, consistent with the focal concerns perspective, the reasons cited by intake for detaining youth most often related to the nature/seriousness of the current alleged offense, followed by considerations regarding the youths' delinquency history. These considerations reflect those identified above as independent variables supporting the focal concerns constructs of 'blameworthiness/culpability of the offender', and 'protection of the community', as reflected in the RST. Or in other words, the more 'rational' detention decision-making criteria. In addition, there were instances in which intake also considered that a youth was already on detention alternative status, or some other court ordered supervision, such as probation. Only in a few instances did intake cite that the youth was AWOL from a residential placement at the time of referral as a reason for detention, however there were additional instances in which runaway behavior was mentioned.

In addition to finding support for the reliance on the more 'rational' decision-making criteria, the qualitative review did suggest evidence that intake officers also at times use perceptual shorthand, or shortcuts, in assessing offender blameworthiness or

public safety risk. Often, these assessments came in the form of offender attributes, or statements about the youths' overall character and disposition that suggest they are more culpable for their alleged behavior, or a potential risk to the public and must therefore be detained. Consistent with the literature, the youths' age was cited on more than one occasion as a consideration. One factor considered that was not highlighted in the literature was the time of day the alleged incident took place. As described above, there was variation in the way intake seemed to consider time of day. Some felt offenses occurring during the day were more serious, while others expressed more concern over offenses taking place during the nighttime hours. For this reason, it will certainly be interesting to see if and to what extent the quantitative analyses may shed light on this factor.

Finally, while there were a handful of narratives supporting considerations consistent with the courtroom workgroup perspective, there was nonetheless no clear pattern with regards to these comments being more common in one study site over the other. As may also be the case for the perceptual shorthand factors described above, it may be the case that these factors are considered more often than what is apparent through the qualitative review. Unfortunately, the current datasets do not generally include sufficient measures for these factors, and thus the current research cannot address this concept fully. It will however still be worth examining the extent to which variation in detention rates does exist by County.

Having completed the qualitative analysis portion of the current study, thus finalizing the specific variables to be included in the quantitative analyses, the next section details the results of the quantitative analyses.

Bivariate Analysis

In order to examine differences in detained and non-detained kids across the sample, first the study compared youth who were detained during the pre-RST period to youth detained during the post-RST period on each of the independent variables utilizing cross tabulations and chi square tests for equality of proportions. Table 9 below presents the results of these tests.

Risk Screening Tool Variables

A review of the table suggests some change pre and post-RST with regards to those RST variables indicating a correlation with the detention outcome. Most notably, prior to the implementation of the RST, youths' FTA history was not significantly associated with detention, however upon implementation, a significant correlation is apparent ($p < .05$). Two of the RST variables, number of current charges and number of prior adjudications, are shown to be significantly correlated with detention pre and post-RST implementation, however the overall level of significance alters slightly, with the significance level for number of current charges dropping from the $p < .001$ to the $p < .05$ level. In terms of the number of prior adjudications, the opposite takes place, with the overall level of significance increasing upon RST implementation, from the $p < .05$ to $p < .001$ level. The association between the remaining RST variables and detention remains unchanged pre and post-RST, with most serious current offense, most serious prior adjudication and detention status showing a significant relationship with detention for both time periods, and AWOL history showing no significant correlation with detention for either time period.

Table 9. Bivariate Statistics of Detained Youth Pre and Post-RST on Independent Variables on Matched Sample

<i>Independent Variable</i>	Pre-RST (N=716)		Post-RST (N=716)	
	<i>% Detained</i>	<i>chi-sq</i>	<i>% Detained</i>	<i>chi-sq</i>
# Current Charges		.000**		.001*
1-2 charges	55.6		36.0	
3-4 charges	83.0		43.1	
5+ charges	93.8		60.7	
MSCO		.000**		.000**
4 th Deg non-viol/DP	19.5		5.5	
3 rd Deg. non-viol./4 th viol.	65.9		15.1	
2 nd Deg non-viol./3 rd viol.	75.4		36.7	
Any 1 st Deg/2 nd viol.	90.0		93.9	
# Prior Adjudications		.005*		.000**
0-1 priors	64.7		34.1	
2-3 priors	68.3		53.2	
4-6 priors	86.0		65.9	
7+ priors	92.9		86.7	
MSPA		.000**		.000**
4 th Deg non-viol/DP	63.0		34.3	
3 rd Deg. non-viol./4 th viol.	69.5		47.0	
2 nd Deg non-viol./3 rd viol.	86.8		57.9	
Any 1 st Deg/2 nd viol.	82.0		66.7	
FTA History		.403		.001*
0 FTA's	66.2		38.2	
1 FTA	71.4		46.5	
2 FTA's	76.5		57.1	
3+ FTA's	87.5		91.7	
AWOL History		.385		.190
AWOL History	80.0		62.5	
No AWOL History	67.0		39.7	
Detention Status		.036*		.011*
On Alternative	89.5		66.7	
Not on Alternative	66.6		39.1	
County		.000**		.000**
Atlantic	68.0		49.0	
Camden	52.6		23.0	
Essex	66.7		36.4	
Hudson	58.1		38.1	
Monmouth	93.0		57.7	

Age Category		.091 [†]		.377
13 yrs. and younger	56.8		44.6	
14-15 yrs old	66.5		36.9	
16 and older	69.7		41.1	
Gender		.673		.148
Male	67.5		41.0	
Female	65.4		33.3	
Race/Ethnicity		.000**		.021*
African American	72.2		43.7	
Caucasian	61.5		39.4	
Hispanic	63.1		29.9	
Other/Unknown	33.3		45.5	
Time of Call		.061 [†]		.053 [†]
Non-Business Hrs	69.7		42.7	
Business Hrs	62.9		35.3	
All Cases	67.2		39.9	

*p<.05

**p<.001

†p<.1

Court Community & Shortcut Variables

The court community variable, county, is shown to be a significant correlate to detention both pre and post-RST implementation, with the overall significance level remaining unchanged at the $p<.001$ level. In terms of the shortcut variables, race/ethnicity was shown to be significantly correlated with detention ($p<.001$) prior to the implementation of the RST. While this variable remained significantly associated with detention post-RST, the overall level of significance did drop slightly ($p<.05$). Both age category and time of call were borderline significant pre-RST ($p<.1$), with the relationship between age and detention disappearing post-RST, but the relationship between time of call and detention remaining borderline significant post-RST. Finally, gender showed no significant relationship with detention before or after the implementation of the RST.

As these results indicate, seven of the twelve independent variables (number of current charges, most serious current offense, number of prior adjudications, most serious prior adjudication, detention status, county, and race/ethnicity) were shown to have a significant association with detention prior to the implementation of the RST, and an additional two variables (age and time of call) showing a borderline significant relationship. After the implementation of the RST, none of the independent variables showing a significant association with detention pre-RST became insignificant, though a few saw a change in the overall level of significance. Only one variable, FTA history, was insignificantly associated with detention pre-RST, but became a significant predictor post-RST. Time of call remained borderline significant across the two time periods, while age category shifted from being borderline significant pre-RST, to showing no relationship with detention post-RST.

Multivariate Analyses

The next phase of the analysis is to determine the influence of each of the independent variables on the likelihood of detention when controlling for the other covariates, and will utilize logistic regression. As a first step, a base model will be established that examines whether each of the independent variables are related to the dependent variable (detain/non-detain), taking the two time periods together. This model will serve as a baseline, against which the time specific effects will be added to the model in blocks. As these additional blocks are added to the model, each will be examined in terms of their relative influence on the dependent variable while controlling for the other independent variables. This will also allow the research to determine whether these

additional effects produce a significant improvement in the model in terms of its strength in predicting detention. In logistic regression models, a reference category must be selected for each categorical independent variable to serve as the group to which each of the other categories will be compared. For both Most Serious Current Offense and Most Serious Prior Adjudication, category 4 (4th Degree non-violent offense or DP/PDP offense) was selected as the reference category. For the categorical variable of County, Atlantic was selected as the reference category. Youth ages 13 and younger served as the reference category for age, and Caucasian youth were the reference category for race/ethnicity.

Model 1: Baseline Model

Table 10 below illustrates the findings with regard to the baseline model, containing each of the independent variables for the current study.

Table 10. MODEL 1: Logistic Regression for RST, Shortcut & Court Community Variables on the Likelihood of Detention for Matched Sample (N=1432)

[illegible]

Model 1: Results/Summary

The results of the baseline model indicated that, in terms of the main effects, six of the seven RST variables are significant in predicting detention when controlling for the other independent variables. These include number of current charges, most serious current offense, number of prior adjudications, most serious prior adjudication, number of warrants for failure to appear in court, and detention status. Youth's AWOL history was not significantly associated with detention.

In examining the court community and shortcut variables, there are several notable findings. In terms of the main effects, County is statistically associated with detention ($p=.000$) when controlling for all RST and court community/shortcut variables. In examining the Counties individually however, the odds of detention were significantly different for only two: Essex ($p=.027$) and Monmouth ($p=.000$). These findings are suggestive of significant variation across counties in the likelihood of detention for youth when controlling for the other independent variables.

In terms of Race/Ethnicity and Time of Call, when controlling for the RST and court community/shortcut variables, neither variable exhibited a significant unique relationship with detention. As a main effect, Age Category is borderline significant ($p=.081$). However, the specific group of youth age 16 or older were significantly ($p=.034$) more likely to experience detention than youth age 13 and younger when controlling for all RST and court community/shortcut variables.

Model 2: Addition of Post-RST Time Dependent Interactions to Baseline

Given that the crux of the current study is to examine whether or not the introduction of the RST both strengthened the influence of the ‘rational’ decision-making criteria reflected in the RST itself, as well as limited any influence of court community/shortcut variables, the next stage of the analysis involved running a logistic regression model that includes the interaction of time period(post-RST) with the court community and shortcut variables. Interpreting the coefficients in models which include interaction terms involves two primary steps. First, the main effects-or those without the time specific interactions, are examined in order to determine if there is a change in their overall degree of significance once the interactions are introduced, as compared to the previous model where no time interactions are included. Second, the interaction of each independent variable with time period is examined in order to determine if any change, or moderation of the main effect is likely attributed to the interaction. So for instance, if the influence of ‘County’ as a main effect is no longer significant in the model that introduces the interaction terms, we would then look to the interaction of ‘County’ and ‘Time Period’ to determine if this interaction is in-fact significant. If this is the case, we can reasonable state that the variable ‘County’ is only significant in predicting detention for the specified time-period, and not overall across both time periods.

In addition, the -2LL value of this model will be compared to the previous model which examines the relative influence of the RST, shortcut and court community variables for the two time periods combined, in order to determine if the introduction of the time period interactions significantly improves the model’s ability to predict detention. Table 11 below presents the results of this analysis.

Table 11. MODEL 2: Logistic Regression for RST, Shortcut & Court Community Variables on the Likelihood of Detention for Matched Sample with Post-RST Interactions

Variables	B	S.E.	Wald	df	Sig.	Exp(B)
RST Variables						
# of Current Charges	.176	.049	12.616	1	.000	1.192
MSCO			292.914	3	.000	
Category 3	1.991	.289	47.525	1	.000	7.320
Category 2	2.710	.309	76.990	1	.000	15.030
Category 1	5.647	.358	249.494	1	.000	283.488
# Prior Adjud's	.208	.069	9.077	1	.003	1.231
MSPA			16.031	3	.001	
Category 3	.030	.246	.015	1	.904	1.030
Category 2	.966	.362	7.125	1	.008	2.626
Category 1	1.206	.383	9.906	1	.002	3.340
# Warrants FTA	.369	.160	5.308	1	.021	1.446
AWOL History (yes)	1.077	.720	2.242	1	.134	2.937
Detention Status (yes)	2.251	.514	19.196	1	.000	9.497
Ct. Comm./Shortcut Variables						
County			39.931	4	.000	
Camden	.280	.365	.590	1	.443	1.324
Essex	1.030	.391	6.926	1	.008	2.801
Hudson	-.073	.375	.038	1	.845	.929
Monmouth	2.621	.508	26.653	1	.000	13.751
Age Category			10.978	2	.004	
14-15 yrs old	.882	.392	5.069	1	.024	2.416
16 and older	1.257	.388	10.498	1	.001	3.515
Gender (male)	-.195	.325	.360	1	.549	.823
Race/Ethnicity			3.674	3	.299	
African American	-.076	.332	.053	1	.818	.926
Hispanic	.112	.371	.091	1	.763	1.119
Time of Call (Off Hours)	.457	.235	3.771	1	.052	1.579
Time Dependent Ct. Comm./Shortcut Variables						
County, Post-RST			15.513	4	.004	
Camden	-.494	.533	.861	1	.353	.610
Essex	-.687	.541	1.611	1	.204	.503
Hudson	.191	.539	.125	1	.724	1.210
Monmouth	-1.999	.629	10.096	1	.001	.136
Age Category, Post-RST			5.428	2	.066	
14-15 yrs old	-.931	.530	3.078	1	.079	.394
16 and older	-1.203	.518	5.400	1	.020	.300
Gender (male), Post-RST	.072	.457	.025	1	.875	1.075
Race/Ethnicity, Post-RST			5.759	3	.124	
African American	.204	.471	.188	1	.665	1.226
Hispanic	-.407	.549	.550	1	.458	.666
Time of Call (Off Hrs), Post-RST	-.377	.332	1.287	1	.257	.686
Pre/Post RST	-.509	.849	.359	1	.549	.601
Constant	-4.078	.663	37.848	1	.000	.017

Model Chi-Square = 877.07, p=.000

Nagelkerke R Square = .612

-2LL=1100.837, df=34

Model 2: Results/Summary

With respect to the RST variables in this model, which includes time-specific (post-RST) interactions for the court community and shortcut variables, six of the seven RST variables are indeed statistically significant in predicting detention. Only AWOL history as main effect fails to reach statistical significance ($p=.134$), and one of the MSPA categories – category 3, representing the 3rd Degree non-violent and 4th Degree violent offenses ($p=.904$). Otherwise, all other RST variables, when controlling for the court community and shortcut variables by time period, are significant predictors of detention.

In terms of the court community and shortcut variables, Table 11 presents a few interesting findings. First, in adding the time dependent interactions for these variables to the model, the overall association between gender, race/ethnicity, and time of call with detention did not experience a significant change. In other words, the addition of the RST to the detention decision-making process did not significantly change the way in which these variables influence the detention outcome. However, the results do show that the overall change in association between County and detention when accounting for the time-period interaction does appear to have experienced a significant change ($p=.004$). It appears this change was greatest for both Essex and Monmouth Counties. In referring to the main effects, youth in Essex County overall were significantly more likely to be detained than youth in the reference County of Atlantic, when controlling for the other independent variables ($p=.008$). However, this relationship is no longer significant once interacted with the post-RST time period. This tentatively suggests that

the RST may have moderated the local court community influence on detention in Essex County. In Monmouth County, the model suggests that overall, these youth were also significantly more likely to be detained than Atlantic youth, as indicated by the main effect coefficient ($p=.000$). However, while a significant relationship between Monmouth and detention remains when interacted with the post-RST time period ($p=.001$), the negative slope indicates these youth to be less likely to receive detention.

In examining the model as a whole, the Nagelkerke R Square of .612 is slightly higher than that of the previous model (.597) that did not consider any time period interactions. In addition, the -2LL for the current model (1100.837), represents a decrease of -27.833 in this statistic, and does reach statistical significance ($p=.003$). Together, these figures indicate that the addition of time interactions for the shortcut and court community variables does represent some improvement in predicting detention compared to the previous models, and is statistically significant.

Model 3: Addition of All Independent Variable Time Dependent Interactions to Model

Having examined the time dependent court community/shortcut variables, the logical final stage is to create a model that includes post-RST interactions for all RST and court community/shortcut variables. This model will highlight any change(s) in the association between the independent variables on the detention decision once the RST was put in place as a guide for decision-makers. Further, adding time interactions for all independent variables as controls allows for more accurate estimates of the effects of shortcut and court community variables, as well as for the RST variables in the presence of the detention RST. Table 12 below illustrates these findings.

Table 12. MODEL 3: Logistic Regression for RST, shortcut & Court Community Variables on the Likelihood of Detention for Matched Sample with Post-RST Interactions (N=1432)

Variables	B	S.E.	Wald	df	Sig.	Exp(B)
RST Variables						
# of Current Charges	.507	.096	27.862	1	.000	1.660
Most Serious Current			84.176	3	.000	
3 rd Deg. non-viol./4 th viol.	1.888	.332	32.385	1	.000	6.605
2 nd Deg non-viol./3 rd viol.	2.178	.364	35.702	1	.000	8.827
Any 1 st Deg/2 nd viol.	3.641	.400	82.692	1	.000	38.148
# Prior Adjud's	.050	.114	.190	1	.663	1.051
Most Serious Prior			7.351	3	.062	
3 rd Deg. non-viol./4 th viol.	-.055	.358	.023	1	.879	.947
2 nd Deg non-viol./3 rd viol.	1.233	.589	4.376	1	.036	3.431
Any 1 st Deg/2 nd viol.	.867	.559	2.405	1	.121	2.381
# Warrants FTA	.046	.238	.037	1	.847	1.047
AWOL History (yes)	.724	.999	.525	1	.469	2.062
Detention Status (yes)	1.628	.802	4.127	1	.042	5.095
RST Variables: Post-RST Interactions						
# of Current Charges, Post-RST	-.429	.105	16.568	1	.000	.651
Most Serious Current, Post-RST			54.600	3	.000	
3 rd Deg. non-viol./4 th viol.	.227	.757	.090	1	.765	1.255
2 nd Deg non-viol./3 rd viol.	1.444	.793	3.318	1	.069	4.238
Any 1 st Deg/2 nd viol.	4.097	.879	21.733	1	.000	60.189
# Prior Adjud's, Post-RST	.300	.148	4.096	1	.043	1.349
Most Serious Prior, Post-RST			2.311	3	.510	
3 rd Deg. non-viol./4 th viol.	.383	.536	.509	1	.476	1.466
2 nd Deg non-viol./3 rd viol.	-.129	.789	.027	1	.870	.879
Any 1 st Deg/2 nd viol.	1.039	.792	1.724	1	.189	2.827
# Warrants FTA, Post-RST	.680	.344	3.907	1	.048	1.973
AWOL History (yes), Post-RST	.737	1.450	.258	1	.611	2.090
Detention Status (yes), Post-RST	1.317	1.076	1.500	1	.221	3.733
Court Community/Shortcut Variables						
County			37.692	4	.000	
Camden	.071	.351	.041	1	.840	1.073
Essex	.836	.374	4.995	1	.025	2.308
Hudson	-.123	.351	.122	1	.727	.885
Monmouth	2.420	.490	24.366	1	.000	11.251
Age Category			6.203	2	.045	
14-15 yrs old	.615	.351	3.069	1	.080	1.849
16 and older	.872	.353	6.090	1	.014	2.391
Gender (male)	-.152	.308	.243	1	.622	.859
Race/Ethnicity			2.723	3	.436	
African American	.198	.328	.364	1	.546	1.219
Hispanic	.195	.361	.291	1	.590	1.215
Time of Call (Off Hours)	.441	.225	3.838	1	.050	1.554
Court Comm./Shortcut						

Variables: Post-RST Interactions						
County, Post-RST			8.795	4	.066	
Camden	.093	.600	.024	1	.877	1.098
Essex	.011	.612	.000	1	.985	1.011
Hudson	.436	.609	.512	1	.474	1.546
Monmouth	-1.399	.678	4.261	1	.039	.247
Age Category, Post-RST			2.150	2	.341	
14-15 yrs old	-.703	.557	1.594	1	.207	.495
16 and older	-.803	.554	2.102	1	.147	.448
Gender (male), Post-RST	-.214	.497	.186	1	.666	.807
Race/Ethnicity, Post-RST			5.333	3	.149	
African American	-.344	.511	.453	1	.501	.709
Hispanic	-.935	.612	2.334	1	.127	.393
Time of Call (Off Hours), Post-RST	-.339	.365	.860	1	.354	.713
Pre/Post RST	-1.425	1.206	1.397	1	.237	.241
Constant	-3.984	.650	37.550	1	.000	.019
Model chi square=972.31, p=.000						
Nagelkerke R Square = .658						
-2LL = 1005.589, df=45						

Model 3: Results/Summary

Pre and Post-RST Influence of RST Variables

Hypothesis 2.1 of the current study proposes that there will be an increase in the overall influence of the RST variables reflecting the more ‘rational’ decision-making criteria during the post-RST period, versus during the pre-RST period. Upon examining the RST variables in the current model, there are several interesting findings in light of this hypothesis. In order to more clearly examine these relationships, each will be considered individually.

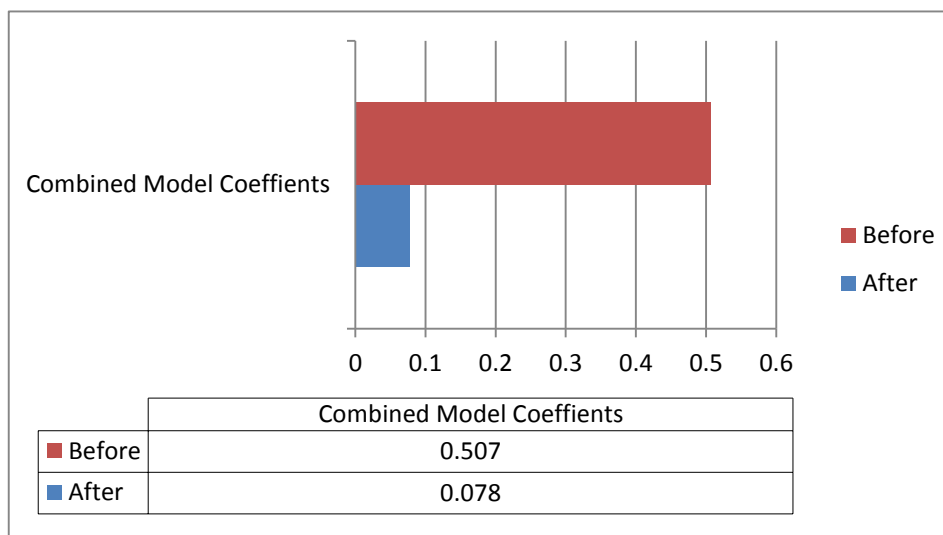
Number of Current Charges

Table 12 indicates that as a main effect, the number of current charges in the detention referral is significant in its association with detention ($p=.000$). In examining the interaction term, we can see that the implementation of the RST resulted in a

significant change in the overall association between this variable and detention ($p=.000$).

In order to facilitate the interpretation of the results for each of the independent variables in Table 12, a series of charts were generated to provide a basic graphic representation of the change in association between these variables and the likelihood of detention from the pre-RST period, to the post-RST period. Each variable is represented independently of the other independent variables, with the ‘before’ value reflecting the coefficient value for the main effect, and the ‘after’ value reflecting the combined coefficients for the main effect, and the interaction term. Chart 3 below provides an illustration of the change association between the number of current charges and the likelihood of detention. As illustrated in the chart, with the implementation of the RST, the association between the number of current charges and detention has indeed changed, however in the opposite direction than what we may have originally expected. While this does not provide support for the current hypothesis as stated, it may be the case that while this ‘rational’ criterion was significantly associated with detention, perhaps it was relied upon more heavily than what the RST (and therefore the set of stakeholders who drafted the RST) would call for during the pre-RST period. The significant change in this variables association with detention then, may be due to the weights assigned to each incremental grouping of number of current charges (ie, 1-2 charges, 3-4 charges, etc.). Thus, the RST may indeed have worked well in terms of setting limits one of the agreed upon ‘rational’ criteria that was significantly associated with detention prior to the RST, but perhaps relied upon to heavily.

Chart 3: Pre/Post Change in Number of Current Charges Influence on Detention



Most Serious Current Offense

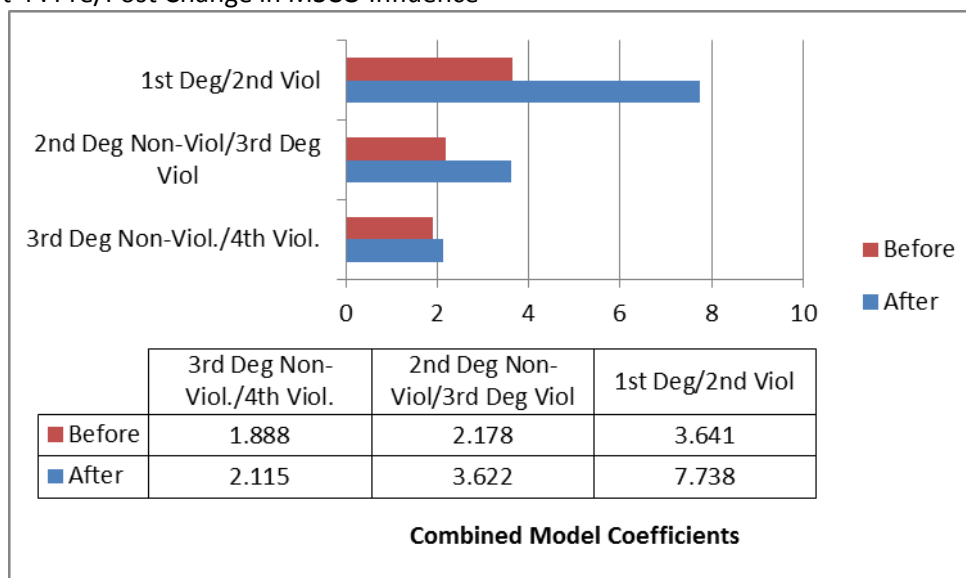
The main effect of Most Serious Current Offense (MSCO) in this model indicated that overall, it is statistically associated with detention ($p=.000$). In terms of interaction effect, this model suggests that the RST did result in a significant change in the way detention decision-making is influenced by this variable ($p=.000$). Specifically, and as expected given that that category 1 offenses (any 1st Degree, and 2nd Degree violent offenses) are scored for automatic detention, the change associated with the interaction of MSCO with the post-RST time period seems to be accounted for largely by the interaction of these category 1 offenses, post-RST, as this is the only specific MSCO

category whose interaction effect suggests a significant change. Moreover, this category of offenses resulted in a 60.2 increase in the odds ratio associated with detention.

The remaining MSCO categories (2nd Degree non-violent/3rd Degree violent, and 3rd Degree non-violent/4th Degree violent) were both significantly associated with detention as main effects, but did not experience a significant change in their association with the implementation of the RST ($p=.069$, and $p=.765$ respectively). This suggests these categories of MSCO were important before the implementation of the RST, and as they did not significantly change in association, remained significant after the RST.

Chart 4 below provides a before and after-RST illustration of the combined model coefficients for this variable. As shown, there was a sharp increase in the association between those category 1 offenses and detention. Again, this change was statistically significant, and seems to indicate the RST had the effect of placing even more weight than was already given on these types of offenses. In terms of the two remaining categories of MSCO, while it appears the association may have increased, they did not experience a significant change in their association with detention.

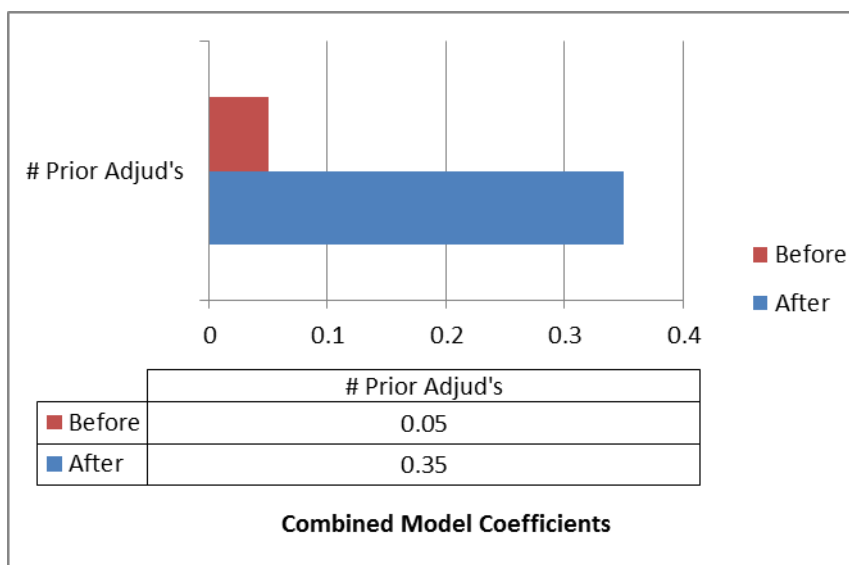
Chart 4 . Pre/Post Change in MSCO Influence



Number of Prior Adjudications

In term of the RST variable, ‘number of prior adjudications’, this model indicates that in terms of the main effect, it was not significantly associated with detention ($p=.663$), but the implementation of the RST resulted in a significant change ($p=.043$) in this association. As illustrated, after the implementation of the RST, the odds of detention are 1.3 times greater for each additional adjudication in the youths’ history. This finding suggests also, that consistent with the hypothesis, the influence of this variable was increased with the implementation of the RST. Chart 5 further illustrates this finding.

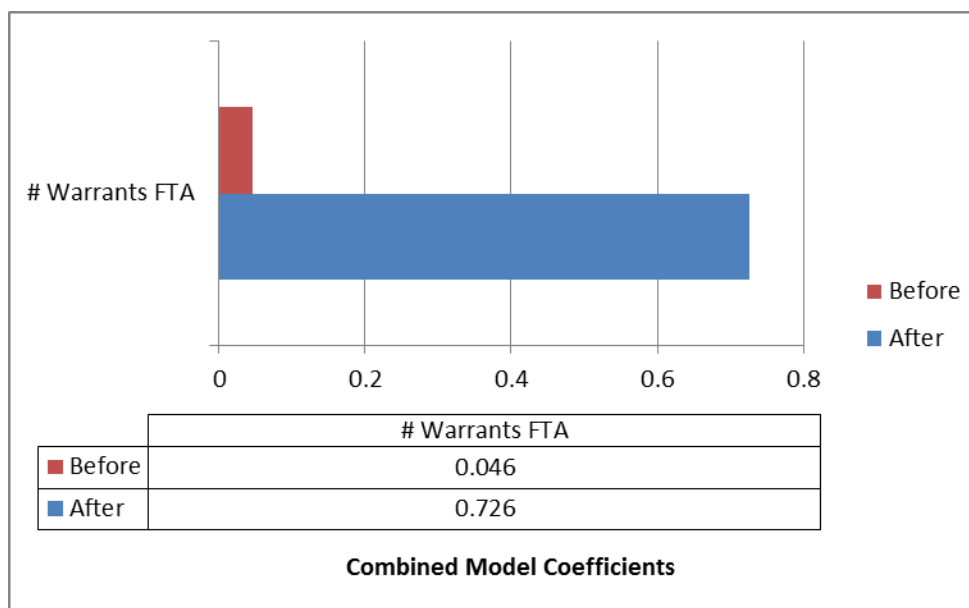
Chart 5. Pre/Post Change in # Prior Adjudications Influence



Number of Warrants for FTA in Court

The RST variable ‘number of warrants for FTA’, is the final variable for which a notable change in influence during the post-RST time period is evident. As a main effect, the relative influence of this variable was non-significant ($p=.847$) in its association with detention. However, when interacted with the post-RST time period, we can see a significant change ($p=.048$), with the odds of detention nearly doubling for each additional FTA warrant in the youths’ history. This finding too, is consistent with hypothesis 2.1, that there will be an increase in the overall influence of the variables reflected in the RST during the post-RST time period. Chart 6 illustrates the pre/post change in influence of FTA warrants on detention.

Chart 6 . Pre/Post Change in # FTA Warrants Influence



Most Serious Prior Adjudication, AWOL History & Detention Status

With regards to the RST variables ‘Most Serious Prior Adjudication’, ‘AWOL history’, and ‘Detention Status’, none experienced an overall significant change in the association with detention with the implementation of the RST. In terms of most serious prior, as a main effect, this association was only borderline significant ($p=.062$), and the interaction effect shows no significant change in association with the implementation of the RST. A similar pattern is illustrated for detention status, significant as a main effect ($p=.042$), and not showing a significant change in association post-RST. Detention status is significant according to the model as a main effect ($p=.042$), but again did not experience a significant change in association with the implementation of the RST. Overall, these findings are inconsistent with the current hypothesis. However, in examining Charts 7 through 9 below, it seems that although there was no significant change in association between these variables and detention once the RST was in place, they seem to be directionally consistent with the current hypotheses. While this appears to suggest that perhaps the RST could potentially provide some formalization of the detention decision-making process with regard to these variables, the lack of statistical power does not allow the current research to draw firm conclusions, and therefore does not provide strong support for the current hypothesis.

Chart 7 . Pre/Post Change in MSPA Influence

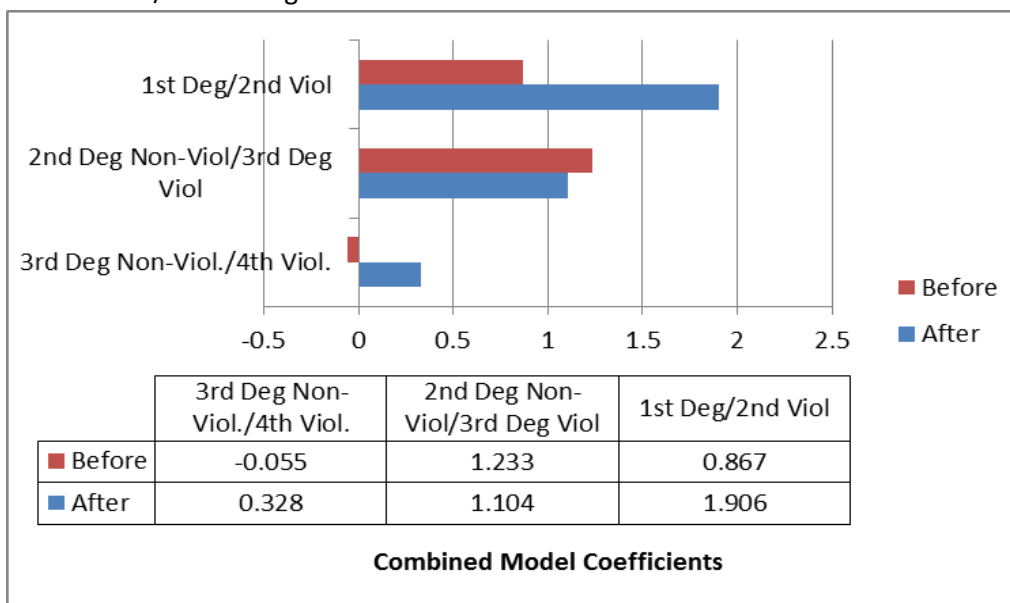


Chart 8. Pre/Post Change in AWOL History Influence

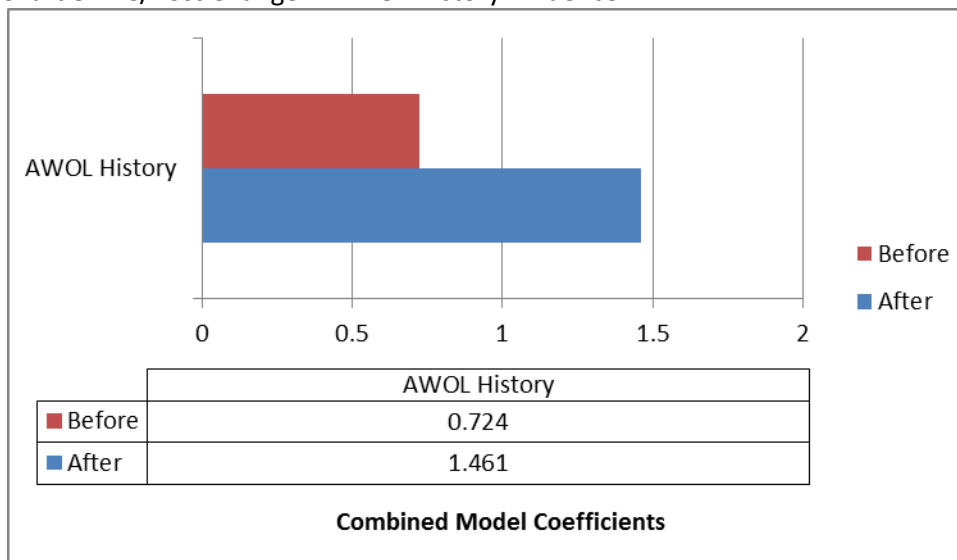
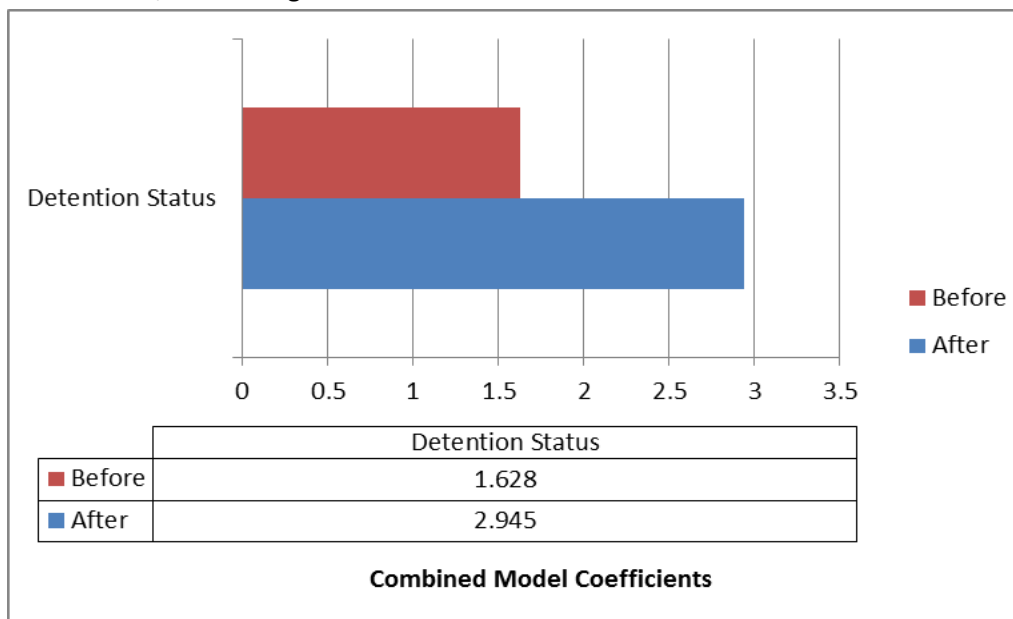


Chart 9 . Pre/Post Change in Detention Status Influence



Pre and Post-RST Influence of Court Community and Shortcut Variables

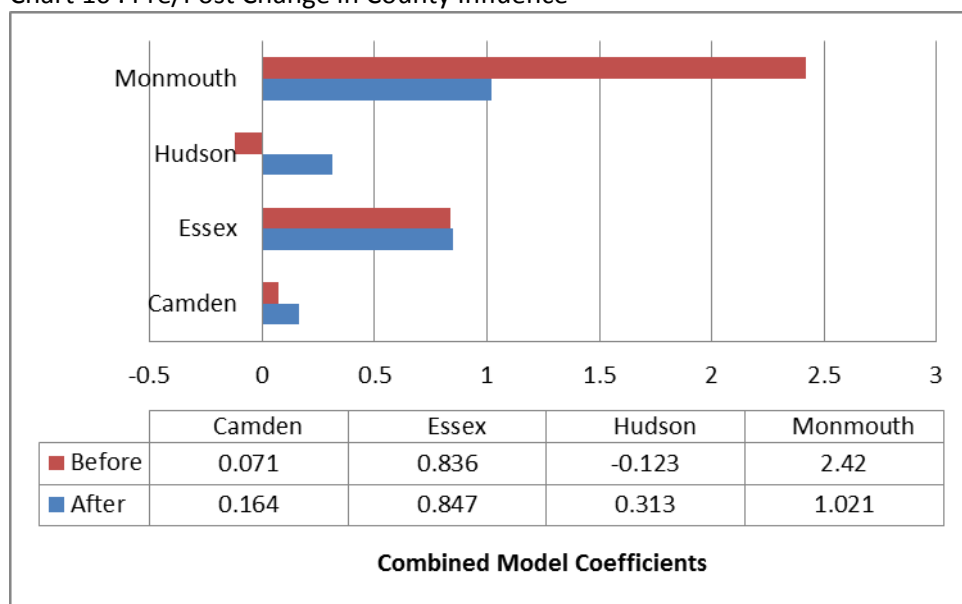
Hypothesis 2.2 of the current study posits that with the implementation of the RST, there will be a reduction in the influence of measures of perceptual shorthand and court community variables as compared to the pre-RST time period. Specifically, hypotheses 2.2a, 2.2b, and 2.2c state that net of other factors during this time period, the influence of race/ethnicity, gender and age will decrease, if not disappear as compared to the pre-RST time period. In addition, hypothesis 3.2 poses that the influence of County in predicting detention will decrease or disappear altogether. Table 12 specifically examines the interaction of each of the perceptual shorthand and court community variables by including the pre/post-RST time dependent interactions. Below, each of the

court community and shortcut variables will be examined individually both in terms of the results of the above logistic regression analysis in Table 12, and also again using aggregated coefficient charts to illustrate the before and after RST change in influence of each variable.

County

In examining the relationship between county and detention before and after the introduction of the RST, the main effect suggests a significant association between this variable and detention ($p=.000$). The findings further suggest that between pre- and post-RST, the change in association between these variables was borderline significant ($p=.066$). It appears that this relationship is primarily accounted for by the significant change in the overall influence of being a youth in Monmouth County has on the detention decision ($p=.039$). The main effect of Monmouth in the current model ($p=.000$) suggests these youth were significantly more likely to be detained when controlling for the other independent variables than their reference group counterparts (Atlantic) prior to the implementation of the RST. Interestingly however, the interaction of Monmouth County post-RST reverses the direction of this association, as the slope becomes negative. This finding partially supports hypothesis 3.2, in that overall the RST has had the effect of creating more consistency in detention decisions across geographic sites, thus moderating what could be described as the local court community/courtroom workgroup influence on detention decision-making for Monmouth County. Chart 10 illustrates this change in influence for County on detention decisions pre and post-RST.

Chart 10 . Pre/Post Change in County Influence



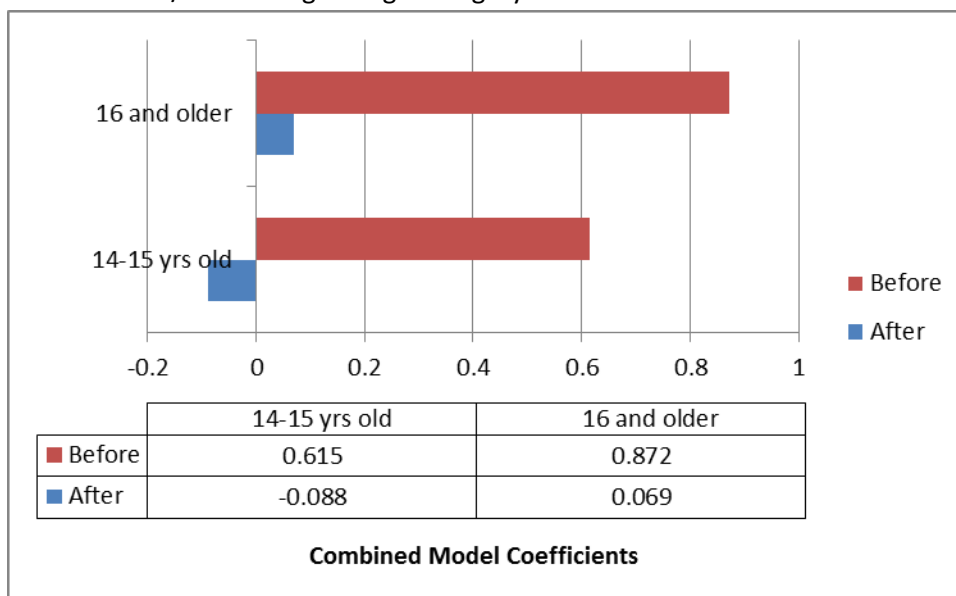
Age

In terms of age, Table 12 indicates that overall, age was significant as a main effect in its association with detention, however when the interaction with the post-RST time period is introduced, it was not significant ($p=.341$). Thus, while it appears as though the RST may have moderated the association between age and detention, the results lack the statistical power to make any definitive conclusion that the relationship has actually disappeared. Chart 11 illustrates the change in the overall influence of the youth's age category in predicting detention both before and after the implementation of the RST utilizing the aggregate coefficients.

As the chart illustrates, the implementation of the RST has resulted in what seems to be a decrease in the influence of both age groups, with the coefficient for youth ages 16 and older dropping to almost zero, and the coefficient for youth ages 14-15 years

dropping slightly below zero. However again, because this change has failed to reach statistical significance, there is insufficient evidence to support the current hypothesis.

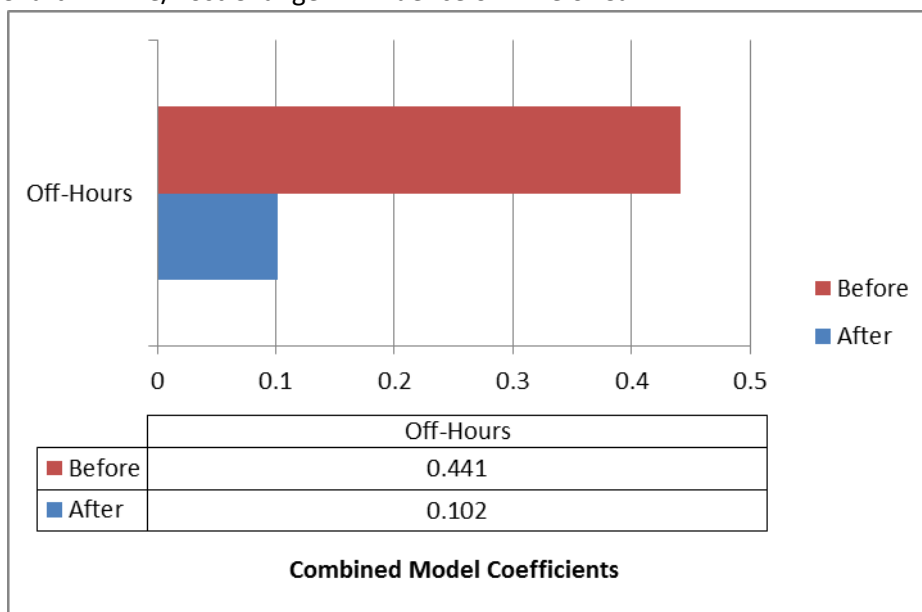
Chart 11 . Pre/Post Change in Age Category Influence



Time of Call

In terms of the time of call to intake, as a main effect, this variable was significantly associated with detention ($p=.050$). However, contrary to the current hypothesis, there was no significant change in its association with detention once the RST was in place, as indicated by the interaction effect ($p=.354$). Chart 12 below shows the overall change in association with detention before and after the implementation of the RST. Though not statistically significant, it appears the association may have been moderated somewhat, with the post-RST coefficient dropping to close to zero. Again, as these results do not reach statistical significance, they are insufficient in supporting the current study hypothesis, but do suggest the possibility that the RST may have the potential to moderate the influence the time of call has on detention decision-making.

Chart 12 . Pre/Post Change in Influence of Time of Call



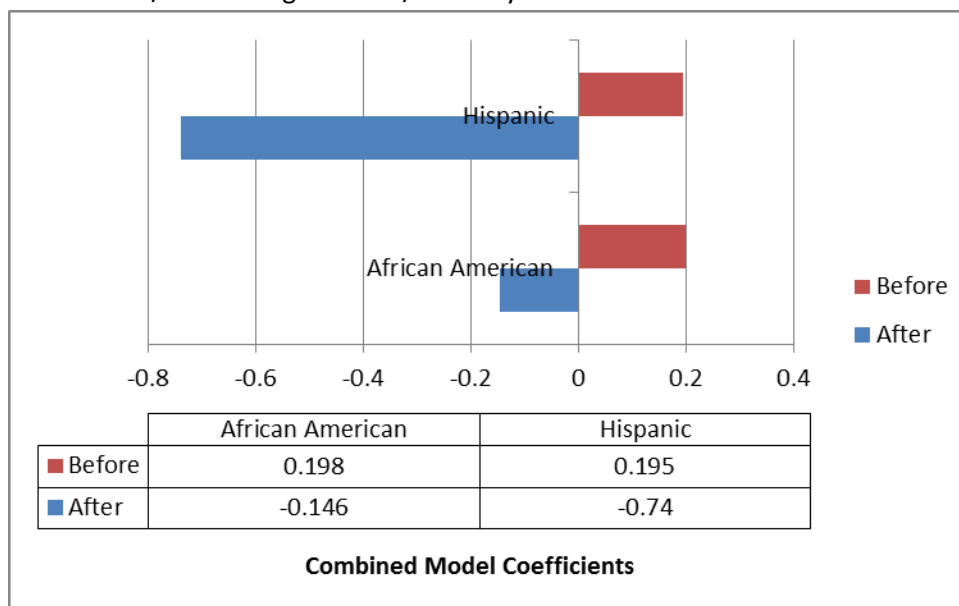
Race/Ethnicity, Gender

Finally, and somewhat expectantly, the association between the remaining perceptual shorthand variables of race/ethnicity and gender with detention did not experience any significant change with the implementation of the RST. Neither of these variables were significant as main effects, and therefore were not significantly associated with detention prior to the implementation of the RST. However, in looking to Charts 13 and 14 below, we can see some nonetheless interesting effects.

In terms of Race/Ethnicity, prior to the implementation of the RST, African American and Hispanic youth were both more likely to receive detention than Caucasian youth, though the relationships were not statistically significant. After the implementation of the RST, the coefficient increased in absolute size, showing that quite

interestingly, there is a greater gap in terms of racial and ethnic disparity – however in that after the implementation of the RST, it is Caucasian youth who are more likely to be detained when controlling for the other independent variables. Chart 13 below illustrates this change in race/ethnicity influence with the implementation of the RST.

Chart 13. Pre/Post Change in Race/Ethnicity Influence

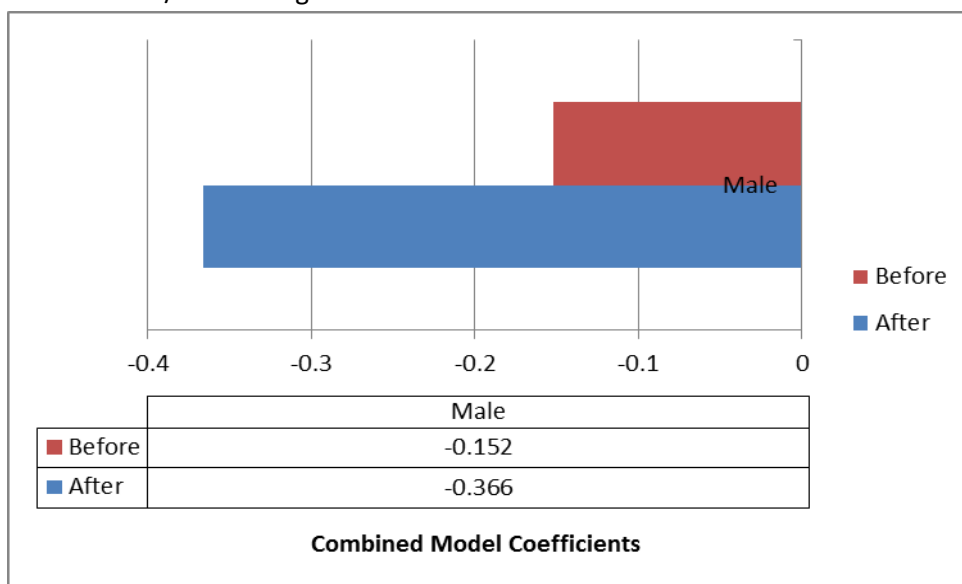


Again, while the results here do not reach statistical significance, they may suggest a rather interesting departure from what would be expected. While on the one hand it was indeed expected that the implementation of the RST would have the effect of reducing any observed relationship between minority status and detention, here we see what could perhaps be considered some ‘over-compensation’, whereby minorities are less likely to be detained than their non-minority counterparts when controlling for the other independent variables. Given the context in which the RST was introduced, in particular the initiative’s particular focus on reducing racial and ethnic disparities, it may be the case that intake workers became somewhat overly cautious about perceptions of racial/ethnic inequalities in detention decisions, resulting in these findings. It must be

stressed though, that these are just suggestive, as overall there was in fact no statistical power associated with this relationship.

A similar pattern is evident when examining the association between gender and detention. As mentioned above, the relationship between gender and detention was not significant as a main effect, and did not experience a significant change with the implementation of the RST. However, similar to race/ethnicity, an examination of the aggregated coefficients suggests the gap between males and females in terms of their association with detention has widened, with males actually being less likely to be detained than females while controlling for the other independent variables, and to a greater extent than was shown in the pre-RST period. Chart 14 illustrates these findings. Again, this change was not statistically significant, and is therefore insufficient in supporting the current study hypothesis.

Chart 14. Pre/Post Change in Gender Influence



Taken together, Charts 10 through 14 above illustrating the pre/post change in influence of

the court community and shortcut variables provide some suggestive or tentative evidence that the RST has moderated the effects of these variables, despite the overall lack of statistical significance for most of them. In addition, Charts 13 and 14 suggest a potential increase in disparity with regards to race/ethnicity and gender, but in the opposite direction where both females and Caucasian youth, when controlling for the other independent variables, are more likely to be detained than their counterparts. The only court community/shortcut variable that experienced a significant change with the implementation of the RST in terms of its association with detention is that of County.

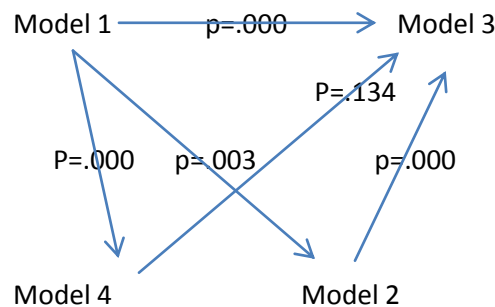
A review of the results regarding the RST variables suggests that, with the exception of the number of current charges in the detention referral, all of the remaining RST variables (MSCO, Number of Prior Adjudications, MSPA, Number of Warrants for FTA in Court, AWOL History and Detention Status), whose influence was strong even prior to the RST, were relied upon to an even greater extent once the tool was in place in making detention decisions.

As the current model produces mixed results in terms of the current study hypotheses, I next examined the model as a whole. We can see that there is again an increase in value for the Nagelkerke R square, now shown to be .658. This suggests the model is an improvement over the model that includes all independent variables, but no time interactions, whose Nagelkerke R square value suggested only .597. To further examine the model's potential improvement over the model without time interactions for all independent variables, we will again examine the -2LL statistic. The -2LL value for the current model is 1005.589, with 45 degrees of freedom. This is a decrease of -123.081, and is statistically significant ($p=.000$). This tells us that the current model,

with post-RST time interactions for all RST, shortcut and court community variables represents a significant improvement over the model containing no time interactions.

To go a step further in examining the influence of each set of independent variables within the full model containing time interactions for each of the RST, perceptual shorthand and court community variables, two additional comparisons were made. First, I compared this full model, with one that removes the post-RST time interactions for the RST variables. Next, I compared the full model with one in which the post-RST time interactions for the perceptual shorthand and court community variables were removed. This allows us to see if one group of time-dependent variables is principally important in the overall model, or if both sets make significant contributions to the full model. Diagram 1 below illustrates each model, with the p-values associated with the change in -2LL between the models.

Diagram 1: Model Comparisons



Model 1: Baseline Model: RST, Shortcut & Court Community variables (no time interactions)

Model 2: RST, Shortcut & Court Community variables, ONLY time interactions for shortcuts/Court Community

Model 3: RST, Shortcut & Court Community Variables (ALL time interactions – RST & Shortcuts/Court Community)

Model 4: RST, Shortcut & Court Community variables, ONLY time interactions for RST variables

The illustration above shows us that each set of time-dependent variables, the RST variables (model 4) and the shortcut and court community variables (model 2) on their own represent significant improvement over a model that contains no time interactions (model 1). However, when beginning with our full model, containing time-dependent interactions for all independent variables, and subsequently removing the two sets of variables separately, we find that the model containing time-dependent interactions for only the RST variables (model 4) is not significantly improved by adding the time-dependent shortcut and court community variables. Conversely, when we begin with a model containing time-dependent interactions for only the shortcuts and court community variables (model 2), the model is significantly improved by the addition of time-dependent RST variables. These results suggest that in fact, it is the time-dependent RST variables are principally important in the overall model's ability to predict detention during the post-RST time period, while the time-dependent shortcut/court community variables do not significantly improve this model.

Chapter 7: Discussion and Conclusions

Drawing on the contributions of courtroom work group and focal concerns theory and research, the current study sought to examine the impact of the implementation of a juvenile detention risk screening tool on court actor decision-making. Structured decision-making tools such as these have become widely promoted as a means to support the evidence-based practice movement, with an abundance of research pointing to their superiority over subjective judgment in more accurately classifying individuals according to their overall level of risk. In the case of detention screening instruments, ‘risk’ refers to the youths’ potential risk to public safety, and risk of flight while pending adjudication in juvenile court. The importance of the current study in furthering our knowledge of the potential impact of such instruments on decision-making, lies in the fact that with only some notable exceptions (e.g. Gebo et al., 2006; Harris, 2006; Schwalbe, 2004; Shook & Sarri, 2007), there currently exists little research that seeks to understand the actual impact these tools have on decision-making in everyday practice. The current study therefore sought to contribute to this gap in knowledge. As is mentioned throughout however, it remains important to bear in mind that the implementation of the detention RST in the research study sites did in fact occur as part of a larger detention system reform effort. As such, each of the sites involved in the study had a few years of exposure to the basic tenets of the reform through various trainings, conferences, meetings and reform specialist consultation prior to implementing the RST. Each site experienced changes in the overall rates of detention prior to the RST, as a result of various local efforts to make sustainable policy and practice changes consistent with the

reform effort. Thus, while the results and conclusions discussed here fall short of providing a comprehensive analysis of the impact the overall reform had on detention decision-making, and focus specifically on an analysis of the implementation of the RST, they should nonetheless be considered in terms of reform ‘package,’ rather than as an analysis of the RST’s impact as a stand-alone policy/practice change. This chapter discusses the results of the current study in terms hypotheses outlined in Chapter 5.

Hypothesis 1: Pre-RST Detention Decision-Making

Hypothesis 1 of the current study states that prior to the implementation of an objective risk screening instrument, decisions to detain youth pre-adjudication by family court intake workers will be characterized as taking a ‘non-rational’ approach, as evidenced by the use of perceptual shorthand in decision-making. Hypotheses 1.1 and 1.2 articulate that detention decisions pre-RST will be driven predominantly by the rationally agreed upon criteria later included in the RST, but will also rely on the use of perceptual shorthand in making assessments as to the youths’ level of blameworthiness and risk to public safety. Specifically, the current research hypothesized that net of other factors, minority youth, males, older youth (closer to age 18), and youth called to intake during off-business hours will be more likely to receive detention than their categorical counterparts (hypotheses 1.2a, 1.2b, 1.2c, and 1.3).

Regarding the pre-RST influence of the RST variables, the results of the logistic regression analysis above support the hypothesis 1.1 that these factors are indeed principally important in driving detention decisions, when controlling for the remaining independent variables. Specifically, three of the seven RST variables were statistically significant in predicting detention. These include: number of current charges, most

serious current offense, and detention status. Most serious prior adjudication was borderline significant ($p=.62$), with the specific category of youth with 2nd degree non-violent offenses or 3rd degree violent offenses showing a significant association with detention. While the remaining three variables, number of prior adjudications, number of warrants for failure to appear in court, and AWOL history were not statistically associated with detention prior to the implementation of the RST, it is possible this has more to do with this information not being readily available to intake workers during the off-business hours, as prior to the RST they did not have ready access to this level of detail pertaining to juvenile records during this time. Local police had the ability to convey the youths arrest and adjudication history, as well as if a youth had any outstanding warrants, however warrant details (why the warrant was issued) and if youth ever ‘ran’ from a program was not accessible.

In terms of the pre-RST influence of perceptual shorthand, the results were mixed. The youths’ age category as a main effect was significant ($p=.045$), with the specific group of ‘older’ youth, ages 16 and older, showing a statistically significant association with detention in that the odds of detention for these youth was about 2.4 times that of youth in the youngest age category when controlling for the other independent variables. Time of day of the call was also shown to be statistically associated with detention as a main effect ($p=.050$), in that youth called to intake during off-business hours had an odds of detention about 1.5 times that of youth called in during business hours. Here again however, this may also have more to do with some practical constraints on intake, as prior to the RST, decision-makers did not have the option of placing youth on a detention

alternative, but were limited to either detaining youth, or releasing them outright with no programmatic or supervisory restrictions.

The remaining perceptual shorthand variables of gender and race/ethnicity, were not statistically significant in predicting detention. Thus, while the analysis does support hypothesis 1.2c regarding the relationship between age and detention, and 1.3 regarding the relationship between additional identified perceptual shorthand variables and detention (in this case, time of call), the current study results do not support hypotheses 1.2a, and 1.2b. These findings suggest that overall, the results as they relate to hypothesis 1.2 are mixed, and suggest the presence of some limited use of perceptual shorthand whereby older youth called to intake during off-business hours seemed to have been more likely to be detained than other groups of youth prior to the implementation of the RST.

Hypothesis 2: Post-RST Detention Decision-Making

Hypothesis 2 of the current study states that upon implementation of an objective risk screening instrument, decisions to detain youth pre-adjudication by family court intake workers will be characterized as taking a more ‘rational’ approach than in the pre-RST period, as evidenced by a decreased reliance on the use of perceptual shorthand in guiding detention decisions, and an increased reliance on rationally agreed upon criteria, as articulated through the RST. Hypothesis 2.1 and 2.2 articulate that post-RST detention decisions will rely more heavily on the rationally agreed-upon RST variables, and there will be a reduction in the influence of perceptual shorthand measures. Specifically, the current study hypothesize that, net of other factors, minorities, males, older youth, and youth called to intake during off-business hours will not be more likely to receive detention than their categorical counterparts (hypotheses 2.2a, 2.2b, 2.2c, and 2.3).

Regarding the post-RST influence of the RST variables, results of the current study provide some interesting findings. First, for the variables number of current charges, most serious current offense, number of prior adjudications and number of warrants for FTA in court, there was a significant change in their association with detention. In looking at the number of current charges, the change in association seems to be opposite than what is expected. However, as discussed above, it might be the case that these variables were relied upon too heavily prior to the RST, based upon the agreed upon weighting of each of these variables, and any corresponding sub-groups/categories articulated in the RST. Specifically in terms of most serious current offense, the change in association with the implementation of the RST seems to be accounted for primarily by the most serious offense category, whose odds ratio increased quite a bit once the RST was in place. This is not altogether surprising, as the RST recommends automatic detention for these cases. For youth with an FTA history, this change again was significant, and it appears as though the RST has increased the association of this variable with detention, where prior to the RST there was not a significant relationship. As mentioned above however, for FTA history this may have to do with the availability of this information for each youth post-RST, whereas it was not previously available.

The remaining RST variables, most serious prior adjudication, AWOL history, and detention status did not experience a significant change in their association with detention after the RST was implemented. With regards to most serious prior adjudication and detention status, while there was no significant change in its association with detention with the implantation of the RST, both were significant during the pre-RST time period, suggesting they remained important in detention decision-making post-

RST. AWOL history on the other hand, was not significantly associated with detention prior to the RST, and this relationship did not change significantly with the RST's implementation.

In terms of the post-RST influence of perceptual shorthand, the results indicate that none of these variables experienced a significant change in terms of their association with detention once the RST was put in place. Of course, this is expected for the variables race/ethnicity, gender, and time of call, as none of these were significant in predicting detention during the pre-RST time period. However, in terms of youths' age category, this variable was significant prior to the implementation of the RST, and this association did not experience a significant change. Interestingly however, for each age category post-RST, the slopes have become negative, indicating a change in the direction of the relationship. However, as this change did not reach statistical significance, it cannot be said to provide a definitive conclusion about this relationship with detention.

Overall, these results do not provide strong support for Hypothesis 2. It seems however, this is largely due to the results found with regards to Hypothesis 1. Prior to the implementation of the RST in the current study sites, detention decision-making did rely predominantly on the more 'rational' criteria ultimately reflected in the RST, with little evidence supporting the use of perceptual shorthand. Thus, we would not expect to necessarily see a very notable change in the association between these variables and detention post-RST, and similarly would not expect significant change in the use of perceptual shorthand overall. Again, with the only exception being that the RST seems to have potentially moderated the influence of age and time of call on detention decision-making, but again this change was not statistically significant.

Hypothesis 3: Influence of Court Communities

Based upon literature suggesting that variation may exist in local court communities that may influence decision-making, hypotheses 3.1 and 3.2 state that prior to the implementation of the RST, the county in which the call to intake requesting detention was placed will have a significant impact on the decision to detain, and that this relationship will decrease if not disappear during the post-RST time period. Interestingly, while the analyses presented above did indeed show the variable ‘county’ to be significantly associated with detention prior to the RST, this relationship appeared to be accounted for by two counties: Essex and Monmouth. The odds of detention for youth in Monmouth County, absent the RST were about 11.3 times that of youth in the reference county of Atlantic. For Essex, the odds of detention were 2.3 times that of Atlantic. With the implementation of the RST, the change in association between County and detention failed to reach statistical significance at the $p < .05$ level, but was borderline significant ($p = .066$). In looking at the individual Counties, it appears the previous relationship between Essex County and detention has changed or been moderated, though the coefficient for this county specifically did not reach statistical significance. However, the association between Monmouth County and receiving detention during the post-RST period does show a significant change ($p = .039$), and further shows a negative slope, indicating that these youth were actually *less* likely to be detained than youth in Atlantic during the post-RST time period. Based upon these analyses, there is general support for hypotheses 3.1 and 3.2, however limited to only one County. Overall, this does suggest in terms of the sites included in the current study, there does not seem to be wide variation in the way local court communities or workgroups influence detention decision-

making. However, where variation did exist, the RST does seem to have leveled the influence.

The current study employed both statistical and qualitative methods in order to explore the effects of an RST on detention decision-making. In conducting the qualitative review of intake decision narratives, the goal was to determine if there was support for the use of perceptual shorthand – either in terms of those variables identified in the literature as representing shortcuts to decision-making, or perhaps the identification of additional variables worth examining quantitatively that could also be considered shortcuts in decision-making. Overall, while we would not generally expect these narratives to highlight considerations such as age, gender, and especially race/ethnicity, at times some such considerations were mentioned (age, time of day). Indeed the notion of perceptual shorthand suggests that these considerations are not necessarily conscious criteria deliberately considered by decision-makers. It is the quantitative analysis that sought to illuminate whether or not these variables played a role in detention decision-making. Thus, it is worth noting here that overall, the current study found both qualitative and statistical support that decision-making in the current study sites even absent an RST was in fact quite ‘rational’ as has been defined in this study. Intake workers overwhelmingly supported or justified their decision-making based upon those criteria ultimately included in the RST – factors such as offense seriousness, prior history and current court supervision status, with little mention of shortcuts. Ultimately, the quantitative analysis supported these narratives, finding that those more ‘rational’ decision-making criteria were principally important in driving detention decisions, and little to no statistical support for the use of shortcuts.

Limitations

The current study presents with some limitations worth discussing. First and foremost, though the study set out to examine the impact of a RST on detention decision-making, it was ultimately not possible to isolate the RST in this manner. As mentioned, the RST in the current study sites was implemented as part of a much broader reform initiative that each sited had been engaged in for several years. Thus, the current research could be seen more of an examination of the impact of a set of reforms, with a focus on those surrounding the RST and its implementation.

Related to this, due to limitations in the data itself, the current study was unable to specifically examine decision-making at the individual-level by employing HLM quantitative analysis. Ideally, to understand the impact a screening tool has actual decision-making, would want to account for variation in decision-making, by decision-maker. As there are a limited number of actual decision-makers, each were responsible for subsample of all detention decisions. The individual decision-makers preferences, perceptions and experience likely go into each of the decisions they make. This will also likely vary by decision-maker. Thus, there could potentially be key differences across decision-makers in the overall use of ‘rational’ versus ‘non-rational’ decision-making criteria relevant to the current study hypotheses that were not able to be taken into account in the current study. Having this information could provide important insight into the actual impact the RST had on decision-making, and in particular its potential utility in making decisions more consistent across decision-makers.

Another limitation of the current study relates to the ultimate findings showing that the study sites themselves seem to have already been ‘doing well’ in terms of relying on the more ‘rational’ decision making criteria prior to the implementation of the RST. In choosing sites that were really limited in terms of there being any pre-RST association between shortcut variables and detention, it was ultimately difficult to provide a clear evaluation of the actual and potential utility an RST has in improving the decision-making process.

Finally, in considering that some of the RST variables as main effects were significantly associated with detention, and went on to experience a significant change in their overall association once the interaction with the post-RST time period was introduced, it would be helpful to determine if, as suggested above, there was perhaps an over-reliance on some of these variables prior to the RST, and the RST actually had the effect of moderating this over-reliance. Unfortunately, due to the full RST and its specific weights remaining confidential, as per the overseeing agency at the time of the current study, additional analyses comparing the changes in association between these variables and detention with their overall weight according to the RST was not possible.

Future Research

Given the findings discussed above, future research in this area is indeed warranted. As mentioned, the implementation of the RST in the current study sites occurred after each site had been participating in a broader reform effort for some time. As such, the current study cannot make any conclusions about the impact of the RST on decision-making by itself, however it was also beyond the scope of the current study to

provide a full evaluation of the reform, to include the RST, on detention. Future research in sites promulgating such tools in a manner similar to the current study site, would benefit from broadening the scope of the study to one more reflective of an overall policy reform evaluation, which would include an examination of the RST as part of the evaluation. Particularly in light of literature suggesting that this type of implementation is more likely to achieve success, than that which simply implements a ‘top-down’ policy, where sites must implement a detention RST without the benefit of reform exposure and rigorous training, it would be well worth exploring the differential impact this type of tool would have in sites such as the current study sites, versus those whose screening tool implementation occurred without, or prior to any deep involvement in a comprehensive reform initiative.

In addition, the analysis was limited to five local court jurisdictions in a state where the RST will ultimately be implemented state wide. Prior to the implementation of the RST, it seems these five sites were ‘doing well,’ in terms of relying on the more ‘rational’ criteria in making detention decisions. Given the potential utility of the tool, as demonstrated by the current study, it would be very interesting to evaluate the impact the RST has on additional sites, in particular those whose pre-RST data indicate broader cross-site variation in detention decision-making, as well as those whose data indicate stronger relationships between the perceptual shorthand/shortcut variables and detention.

Finally, and related to the limitations discussed above concerning the inability of the current study to take into account the hierarchical nature of the data, future studies seeking to examine the impact of an RST on actual decision-making should make efforts to include this particular type of quantitative analysis.

Conclusion

In sum, though the current study did not find robust support for the stated hypotheses, it does indeed appear that the RST has in fact influenced detention decision-making in such a way that with its implementation, the agreed-upon ‘rational’ criteria are in fact driving detention decisions. Moreover, where small evidence existed supporting the use of perceptual shorthand, specifically with regards to age, there was some circumstantial evidence of moderation once the RST was in place. Also, decision-making across study site jurisdictions became more consistent, with the one somewhat ‘rouge’ county making detention decisions more consistent with other counties. Furthermore, the findings do suggest that that despite the lack of statistical power shown in the current study through the logistic regression models, it appears that the RST has the potential to promote decision-making in the desired direction. Specifically, with respect to the RST variables, these clearly remained principally important in detention decision-making once the RST was in place. In addition, for both the perceptual shorthand and court community variables, the RST seems to have reduced what little association was found with detention. What is perhaps most surprising, are the results with regards to race/ethnicity and gender, both showing that the RST may have potentially increased disparity, but in the opposite direction than expected, where both minorities and males were less likely to be detained than non-minorities and females, while controlling for the other covariates. Again, this relationship however was not statistically significant, and therefore the findings are merely suggestive and by no means definitive. In all, these findings together do point to the potential utility of this RST in achieving the desired

outcomes of interest: increasing the reliance on more ‘rational’ agreed-upon criteria, while reducing the use of perceptual shorthand in detention decision-making. However, given that the current study sites seem to have already been making what can be considered very ‘rational’ detention decisions, the current study was not able to provide very strong results in terms of change.

Overall, though the current research produces some mixed, and at times weak results in terms of finding support for the potential impact a detention RST may have on curbing the influence of extra-legal factors such as age, race/ethnicity and gender on detention decision-making, the results are nonetheless promising, and represents a small but important contribution to the existing research in this area. As future research continues to explore this subject, it will be critical to include a broader array of jurisdictions, both in terms of their demographic characteristics, as well as with regards to the specific context in which the screening tool was introduced, in order to continue building upon our knowledge of how detention risk screening instruments can impact decision-making.

APPENDIX A

NJ Risk Screening Tool Site Readiness Plan Components

The Site-Readiness Plan template was distributed to the Local Steering Committee in each of the five pilot sites in December 2006. The planning document required each county to:

- Work collaboratively to plan for the RST pilot, forming a subcommittee of key actors, and intentionally seeking input/advice from juvenile judges.
- Identify the intake services staffing pattern and rotation that would be in place for both business hours and after-hours during the pilot (which in many cases varied from existing patterns/rotations).
- Develop a plan that provided intake officers with access to complete and accurate information needed to complete the RST, both during and after business hours.
- Identify which alternative custody options within the county would be made accessible to intake services; establish a process for accessing those alternatives during business hours and after-hours; and identify first court hearing timelines for youth placed by intake in alternative custody.
- Create a training team and develop a roadmap for conducting a) policy training for all stakeholders affected by/responsible for implementing the RST and related policies, b) technical training for the intake staff responsible for scoring the RST, and c) general informational training for broader groups not directly affected by the RST, but who had a vested interest or stake in its use.
- Develop a plan for locally maintaining the data needed to monitor the implementation and impact of the RST and related policy changes on an ongoing basis, and for doing so in a timely manner.

APPENDIX B

*PROSPECTIVE STUDY INTERVIEW QUESTIONS**Questions posed to Intake following detention decisions*

The following open-ended questions were posed to each juvenile court intake worker subsequent to each call by the respective detention specialist assigned to each site:

1. What were the most important factors affecting your decision regarding whether or not to release or detain the youth? (If multiple factors cited, all to be recorded, and determination by assessor to be made as to which, if any, was most important to the decision-maker).
2. If Policy permitted you to place a youth in alternative programs, and if you had access to a range of structured detention alternative programs (for example, EM, supervised home detention, a day or evening reporting center, others), is this the type of youth you might have considered placing in such an alternative?
 - a. If yes, any comments on type of alternative that would be most appropriate?
 - b. If no, why not?
 - c. If a reason why not is family-related, would you consider placing this type of youth in an alternative that was not home-dependent/home-based?

- d. If an approved screening tool was in place that determined the youth was eligible for an alternative placement, would you consider alternative placement in that situation?
- 3. Do you have any other comments regarding the case?

APPENDIX C:
Final Table of Independent Variables

Table 13. Full Set of Independent Variables for the Current Study

Independent Variable	RST/Perceptual Shorthand/Court Community
Number of Charges in the Current Referral	RST
Most Serious Current Offense	RST
Number of Prior Delinquency Adjudications	RST
Most Serious Prior Adjudication	RST
Number of Warrants Issued for FTA	RST
Ever AWOL from Residential Delinquency Placement	RST
Current Detention Alternative Status	RST
Age	Perceptual Shorthand
Gender	Perceptual Shorthand
Race/Ethnicity	Perceptual Shorthand
Time of Day	Perceptual Shorthand
County	Court Community

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EDUCATION

- January 2013:** **Doctor of Philosophy, Criminal Justice**
Rutgers University School of Criminal Justice, Newark, NJ
- January 2005:** **Master of Arts, Criminal Justice**
Rutgers University School of Criminal Justice, Newark, NJ
- May 2001:** **Bachelor of Arts, Administration of Justice**
Bachelor of Arts, Sociology
The Pennsylvania State University, State College, PA
Graduate of the Schreyer's Honors College
Graduated Cum Laude from the College of Liberal Arts

TEACHING EXPERIENCE

- Shippensburg University, Shippensburg, PA** Fall 2012
- Introduction to Criminal Justice
 - Policy, Professionalism & Ethics
 - Research Methods, Graduate level
- Northampton Community College, Bethlehem, PA**
- Corrections Spring 2012
- Rutgers University, Newark, NJ**
- Introduction to Criminal Justice Spring 2011, Fall 2011
 - Criminology Spring & Fall 2010
 - Juvenile Gangs and Co-Offending Fall 2009
 - Juvenile Justice and Delinquency Fall 2008
 - Ethical and Philosophical Foundations of Criminal Justice Spring 2006, Fall 2005
 - Criminology Spring 2005, Winter 2005
- Rutgers University, Camden, NJ**
- Ethics & Policy in Criminal Justice Fall 2011

ACADEMIC AND PROFESSIONAL EXPERIENCE

08/2012 – Present: Shippensburg University Department of Criminal Justice

Assistant Professor

Responsible for teaching four courses per semester, a combination of both undergraduate and graduate levels, in addition to serving on various department and University committees and advising undergraduate students.

- Taught two introductory criminal justice courses, one senior-level writing intensive course, and a graduate level research methods course.
- Served on the department Faculty Search Committee
- Acted as academic advisor to 64 undergraduate criminal justice students

03/2005 – 08/2012: New Jersey Juvenile Justice Commission (JJC), Trenton, NJ

Office of Local Programs & Services

Research & Evaluation Unit

Juvenile Detention Specialist

Serve as a research & policy consultant for New Jersey's implementation of the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) with a specific assignment as detention specialist to Hudson, Union and Warren Counties, NJ.

- Work actively and collaboratively with JDAI County Councils on Juvenile Justice Systems Improvement and Subcommittees, and the JJC's Office of Local Programs and Services to facilitate Juvenile Justice Systems Reform
- Collect and analyze data regarding detention processes and case processing procedures for the population of youth in the detention system over time. Tasks include, but are not limited to, contributing to the development of appropriate methodologies (both quantitative and qualitative), reviewing court, detention, and program files, interviewing juvenile justice personnel, and maintaining databases.
- Prepare and present reports and related information regarding the use, efficiency, and effectiveness of the local detention system; help Local Councils identify where improvement is needed and the appropriate strategies for making these improvements.
- Attend and facilitate several subcommittee's and working groups of the Statewide Council on Juvenile Justice Systems Reform, including: The joint working group of the AOC/Probation Services and the Juvenile Justice Commission; Subcommittee on the Access to Treatment through the Juvenile Justice System, Statewide Risk Screening Tool Subcommittee; and the Subcommittee on Detention Utilization.

- Conduct various trainings, both policy and technical, regarding the implementation of a statewide pre-trial detention screening tool.
- Participate in JDAI Model-Site Visits – Host visiting delegations from around the country seeking to gain knowledge of New Jersey’s statewide implementation of Juvenile System reform. Delegations have included State Supreme Court Justices, Legislators, Assemblymen, Juvenile Judges and other system stakeholders.

01/2005 – 03/2005: Rutgers University, Office of Global Affairs and Governance, Newark, NJ

Research Assistant

- Assistance with literature review portion of grant proposal for the formation of a Terrorism-specific Master’s level program at the School of Criminal Justice.

05/2004 – 01/2005: The Police Institute at Rutgers University, Newark, NJ

Research Assistant

Greater Newark Safer Cities Initiative

- Attended weekly meetings with local legal, law enforcement and social service committee members
- Obtained qualitative and quantitative data on at-risk offender population in Newark, NJ
- Maintained database with offender specific information & provided statistical and summary updates to committee members.

Serious and Violent Offender Re-Entry Initiative

- Interviewed incarcerated offenders preparing for re-entry into the community
- Prepared and maintained confidential qualitative reports

01/2004 – 07/2004: Rutgers University, Newark, NJ

Research Assistant

Hudson County Youth Advocacy Program (YAP) Evaluation

- Conducted interviews of former YAP program participants
- Completed qualitative interview reports

03/2003 – 07/2003: Pennsylvania Sexual Offender Assessment Board

Norristown, PA

Investigator Intern

- collected offender case files and documents from various government sources
- utilized assessment tools to aid in offender classification
- attended interview of incarcerated sex-offenders
- contacted and interviewed relevant witnesses

09/2002 – 05/2003: Saint Joseph’s University, Philadelphia, PA

Teaching Assistantship, under direction of George Dowdall, Ph.D.

- Assisted students in research methodology and statistics course

- Held workshops for students learning SPSS program
- Aided in the grading of exams
- Assisted with editing and revision of publication:
Adventures in Criminal Justice Research, by George Dowdall, Ph.D.

08/2001 – 08/2002: Pennsylvania Office of the Inspector General,
Thorndale/Philadelphia, PA
Claims Investigation Agent

- Investigated and prosecuted welfare fraud allegations
- Met regularly with the Assistant District Attorney for case preparation

HONORS ~ AFFILIATIONS ~ CERTIFICATIONS

Member/Graduate – Shreyer’s Honors College, Pennsylvania State University
Graduated Cum Laude from the Pennsylvania State University College of the Liberal Arts

Member – Phi Kappa Phi National Honor Society 2001

Member - American Society of Criminology (ASC)

Member - Academy of Criminal Justice Sciences (ACJS)

Certified – Human Subjects Certification - Rutgers University Human Subjects Compliance Program

PRESENTATIONS ~ PUBLICATIONS

Maloney, C., & Miller, J. (under review). The impact of a risk assessment instrument on juvenile detention decision-making: A check on “perceptual shorthand” and “going rates”?

Miller, J., & Maloney, C. (in press). Practitioner compliance with risk/needs assessment tools: A theoretical and empirical assessment. *Criminal Justice & Behavior*.

Mondello, Carrie L. Maloney (2011). “JDAI 101.” Presented to the Warren Hills Regional Schools peer-to-peer school principles and administrators group. Washington, New Jersey, October 20.

Mondello, Carrie L. Maloney (2011). “The Role of Police and Schools in Juvenile Justice System Reform.” Presented at the Hudson County Prosecutor’s Office Memorandum of Understanding signing. Union City, NJ, August 31.

Mondello, Carrie L. Maloney & Joelle Kenny (2011). “Juvenile Justice System Reform: The New Jersey Experience.” Presented at the 2011 Northeast Regional Conference of the National Coalition for Juvenile Justice, September 30-31.

Mondello, Carrie L. Maloney & Sharon Bean (2011). “Using Data to Effect Juvenile Justice System Reform.” Presented to out-of-state stakeholder visiting delegation at the New Jersey JDAI Model Site Visit Conference. Trenton, NJ, September, 23.

- Mondello, Carrie L. Maloney & Sharon Bean (2011). "Using Data to Effect Juvenile Justice System Reform." Presented to New Mexico stakeholder visiting delegation at the New Jersey JDAI Model Site Visit Conference. Trenton, NJ, July 21.
- Mondello, Carrie L. Maloney (2010-2011). "Understanding and Utilizing the Evaluation & Assessment Guide for the Access to Treatment Services through the Juvenile Justice System." Presented throughout State of New Jersey to various Juvenile Court Judges and other stakeholders.
- Mondello, Carrie L. Maloney (2009-2011). "The Role of Juvenile Detention Risk-Assessment in the Juvenile Court Process: Policy and Technical Trainings." Presented on several occasions to delegations from Hudson and Union Counties, New Jersey.
- Casale, Anthony and C. Maloney Mondello (2007). "The Role of Probation in Juvenile Justice Reform." Presented at the 2007 New Jersey Juvenile Detention Alternatives Initiative All-Sites Conference, New Brunswick, New Jersey, May 31 – June 1.
- Mondello, Carrie L. Maloney and Jennifer LeBaron (2006). "Juvenile Detention Alternatives Initiative (JDAI) Sample County Detention System Snapshot." Retrieved from:
www.jdaihelpdesk.org/Docs/Documents/Snapshot%20Report%20SampleNJ.pdf.
- D'Arcy, M.A. and C. Maloney (2005). "Assessing the Impact of the Juvenile Detention Alternatives Initiative (JDAI) in Essex County, NJ." Paper presented at the 2005 American Society of Criminology Meeting, Toronto, Ontario, Canada, November 15 – 19.