



FOURTH JUDICIAL DISTRICT

**Hennepin County
Juvenile Detention Alternative Initiative**

Validation of the Risk Assessment Instrument

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Revised based on Committee Decisions through October 8, 2009

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Executive Summary

- The original Risk Assessment Tool (RAI) for Hennepin County was designed by a cross departmental group of justice professionals under the leadership of Judge Cara Lee Neville in 2007 (see Appendix A). After the initial testing of this instrument, it was determined that changes needed to be made to the tool to increase reliability and data quality.
- On April 7, 2008 Hennepin County implemented a simpler, more statistically robust version of the original RAI (see Appendix C). This research report is a validation of the tool used in Hennepin County after a year of data was available. It is written for the RAI committee members and JDAI (Juvenile Detention Alternative Initiative) Steering Committee.
- Validation research determines three distinct issues:
 - 1) Does the scale in general predict pretrial failure (pretrial crime and/or failure to appear for a court hearing pretrial),
 - 2) Are the elements on the scale related to the outcome variables that compose pretrial failure, and
 - 3) Are any of the elements biased with regard to race or gender?
- The operational definition of bias used in this report is: An item **is** related to race or gender and **is not** related to the pretrial failure. In other words, the item does not help to determine those most at risk of pretrial failure and it adversely affects one group or more. Since the item is unrelated to pretrial failure, it does not belong on the scale used to determine pretrial failure – particularly when it is biased as well.
- Two items were found to be unrelated to pretrial failure and the RAI committee recommends removing from the scale:
 - **Parents willing/unwilling to take custody of their child:** This item was also **gender biased**. Parents were more willing to take custody of girls held at the JDC and therefore boys were gaining points for an item that did not help determine those most at risk.
 - **Child on the Run** was also not necessary to predict pretrial failure and was an extremely rare event.
 - **Neither item was racially biased.**
- The RAI committee decided to **modify one other item** on the scale. Children received one point if they resided outside of Hennepin County or if they were homeless under the idea that these qualities would increase failure to appear. However, the committee decided that some nearby counties would be just as easy to get to court for an appearance as if the child resided in Hennepin County. This item was changed to give a point if the child resided **outside the seven county Metro areas** (Appendix F show the map of the surrounding counties).
- Finally, a subcommittee of the RAI committee drafted override policies and procedures that clearly lay out the reasons for overrides and the people who must agree in order to override a release or detention alternative recommendation by the RAI (see Appendix G).
- **Overall Findings and the Recommended newly revised RAI (see Appendix E):**
 - The scale was predictive of pretrial failure.
 - All but two items were related to either pretrial crime or pretrial failure to appear.
 - No items were racially biased but one item was gender biased.

Background

Design of the Initial RAI

Toward the beginning of the JDAI initiative in Hennepin County, Judge Cara Lee Neville was asked to direct a committee to design a Risk Assessment Instrument (RAI) for use at the Juvenile Detention Center (JDC). The detention center is run by Department of Community Corrections and Rehabilitation (DOCCR). This tool would be used to make objective release decisions at the JDC by detention center workers prior to a judge making that decision at a detention hearing or a first appearance. Judge Neville faithfully followed the JDAI instructions to pull members from each key stakeholder department together and discuss those elements that would assess risk of pretrial failure (committing new crimes while on pretrial status and failing to appear for a court appearance pretrial).¹ This committee met for 18 months and designed a RAI (see Appendix A) that when initially tested resulted in some problems being detected. The instrument was complicated to administer which led to limited reliability among and between JDC workers and errors in conducting the RAI.

Since some elements had multiple dimensions workers differed in how they scored a juvenile that had one dimension but not the other. In addition, some elements added points and some subtracted points leading to confusion among the workers and errors in scoring. These problems increased errors and that had the effect of decreasing the reliability of the instrument. Additionally, there were elements on the initial RAI that were multi-collinear meaning that only one element was needed to identify a group of youth but more than one was on the scale. For example, both **prior adjudications** and **currently on probation** were on the original scale and were highly related with one another. Clearly everyone who was on probation had previous adjudications. This type of problem is common in JDAI-RAIs across other jurisdictions. Since most jurisdictions do not have access to research staff this process of getting folks from different departments together to build a RAI makes sense for JDAI and is one tried and true method to get jurisdictions to move forward. These scales should be, but rarely are, assessed for three things: a) Does the overall scale predict pretrial failure? b) Is each element related to one of the two types of pretrial failure? c) Are the elements racially biased? This report will address these three issues.

Revising the RAI

Simplicity and statistical robustness: The Research Division of the Fourth Judicial District was asked to become involved with the RAI in late fall of 2007. The initial reason was to revise the current version of the RAI to be less complicated to administer and to ensure that the elements followed proper statistical rules (each element was measuring a single dimension and multi-collinear elements were not included).

New offenses versus Warrants: The initial RAI was applied to all juveniles being booked in the JDC whether they were booked for a new offense or an old issue. Old issues include such things as a bench warrant for non-appearance or an Arrest & Detention warrant for not following the rules of probation and the court after disposition. The findings from the initial RAI showed that a higher percentage of youth who were booked for warrants were detained than would have been if they had been booked for the original offense. In other words, youth were being detained for warrants who would not have been detained based on their warrant offense. The new Policy and Implementation Committee (P&I Committee) chose to apply the RAI to new offenses only and to continue to work on policy procedures

¹ Original committee members were: Jeffrey Rasmussen, Jill Nelson, Jessica Wassenberg, Judge Tanya Bransford, Santur Abdi, Andre Morant, Annsara Elasky, Barb Karn, Bryan Schafer, Judge Cara Lee Neville, Connie Osterbaan, Doua Vang, Bryan Frederick, Jamie Smith, Jeanne Torma, Jesse Struthers, Karel Moersfelder, Karen Kuglar, Kirk Crow Shoe, Mark Bergeron, Mary Bauer, Robert Hagen, Tamra Boyce, Wendy Kleespies

to change the way warrants were issued thereby reducing the warrants for low level offenses which would eliminate the need to bring those children to the JDC in the first place.

Mandatory hold offenses: In addition, the P&I Committee made changes to the mandatory hold offense list compared to the original version of the RAI. In particular, some committee members were uncomfortable with the offenses that were listed in the 15 point release category and wanted juveniles arrested for these serious person felonies held until a judge made the release decision (Assault 2, Simple Robbery and Criminal Sexual Conduct 2 and 3 were the most controversial). The Fourth District Research Division had just recently finished a revision of the Fourth District Adult Pretrial Tool which included updating the offense list with then Chief Judge Lucy Wieland and the Criminal Presiding Judge Margaret Daly. The Policy and Implementation Committee decided to use the same offense list for mandatory holds of juveniles in order to provide a consistent list of behaviors jurisdiction-wide that law enforcement could use regardless of the arrested person's age.

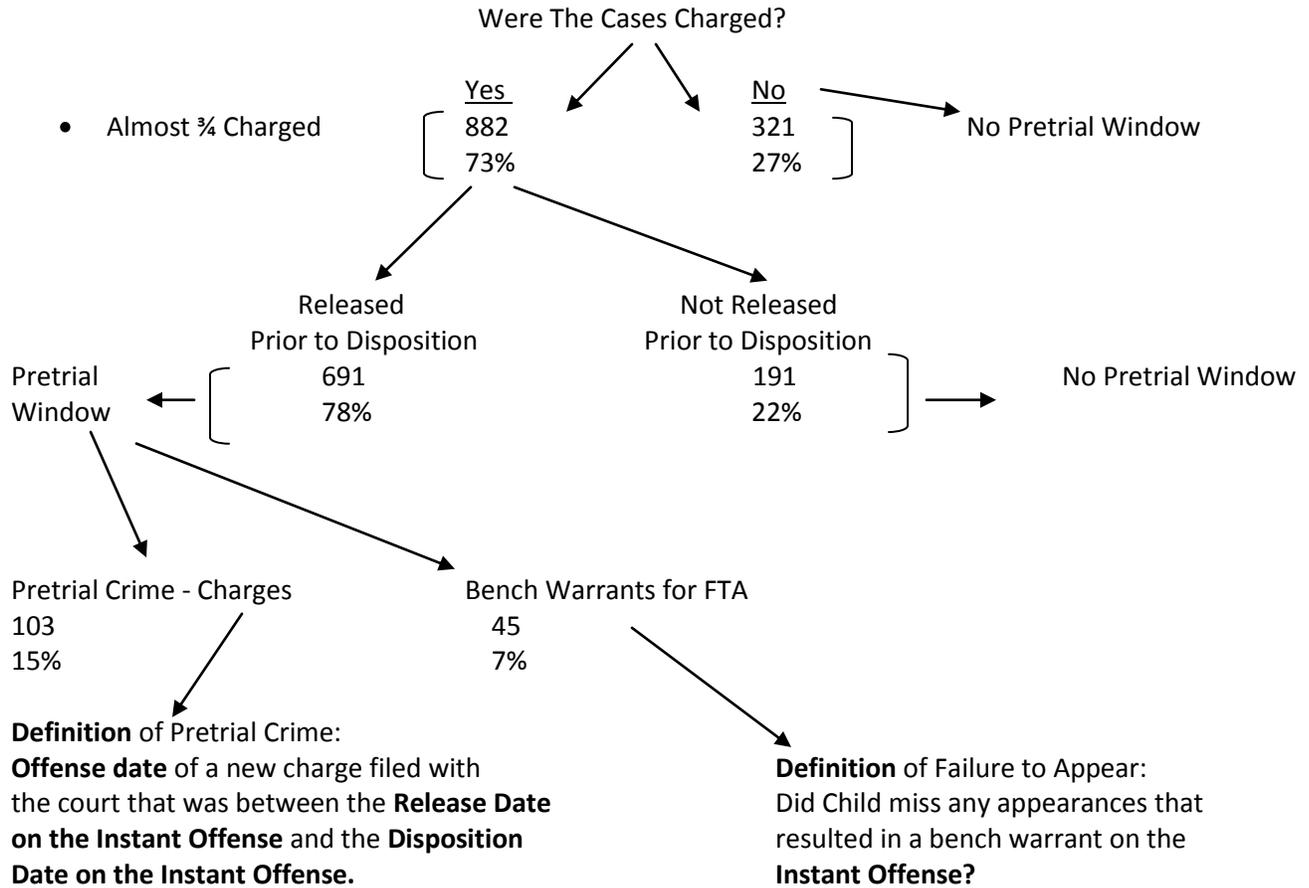
Detention Rate: In Hennepin County, rules have been in place for many years about what type of offenses law enforcement were allowed to bring to the JDC. These rules, internally called the Detention Criteria (see Appendix B), do not allow police to bring juveniles that may be stopped for minor offenses to the JDC. To bring a juvenile to the JDC officers have to fill out an 'Authority to Hold' form for an offense that fits these restricted criteria. In many other areas of the country any offender can be brought to a detention facility but Hennepin County has restricted this practice to serious felonies and person offenses. If we did not have a RAI in place and just used the Detention Criteria over 99% of the youth brought to the JDC would be held until their first hearing and a judge would make the release decision. Under the initial RAI that was developed in 2006, only 67% of the juveniles arrested for these serious offenses would be detained for judicial review. The current RAI detains between 80-85% of the youth that police bring to the JDC under the Detention Criteria – a percentage that the P&I Committee was more comfortable with given the type of offenses that were being held. Appendix C provides the elements used in the new scale as well as the offense list of mandatory holds.

This study will analyze the new RAI (see Appendix C) in use since April 7, 2008 for three things: whether the items on the scale are related to pretrial failure, whether the items are racially biased and whether the scale as a whole predicts pretrial failure.

Methodology

Data: Over a year of data (April 7, 2008- June 7, 2009) is now available for new offenses. There were 1,203 booking events during this time period for 1,107 unique juveniles. Of the 1,203 new offense bookings, 73% were ultimately charged by July 16, 2009. Some of these cases were disposed of before the release of the child and those cases, although charged, would not have a 'pretrial window'. This window – defined as cases that were booked on new offenses, charged by the County Attorney and the juvenile was released prior to disposition – compose the population of interest for this study. Additionally, cases that had not yet been disposed by July 16, 2009 but the youth had been released were included as having a pretrial window (see Figure 1). Included in the analysis is a total sample of 691 booking events. The booking event data came from the electronic format of the RAI. These data were linked to the court database to add the charging information and court disposition data.

Figure 1. New Offenses (1,203) Admitted to JDC (1,107 Unique Children)



(Types of Pretrial Crime: 18 Felonies, 20 Gross Misdemeanors, 38 Misdemeanors, 27 Juvenile Petty)

Definition of Instant Offense: It is the original offense for which the juvenile was brought to the JDC.

EXAMPLE: Three Offenses for one Child throughout the year, first two were instant offenses.

Offense Date	Release Date	Disposition Date
1. 4/28/08	5/2/2008	5/13/2008
2. 6/22/2008	6/22/2008	9/16/2008
3. 7/25/2008	not booked	9/16/2008 PT Crime

Additionally, if the **Instant Offense** had not yet been disposed but there was a new Charge (new offense date) after the Child had been released on the Instant Offense or was charged while they were in custody for the Instant Offense (i.e., escape) then it was counted as Pretrial Crime.

Analysis of Variables in the RAI

In order to analyze the elements in the RAI scale all variables need to be 'metric'. That means taking elements that have values with no inherent order to them (for example, race: one race isn't better than the other – unlike test score where there is an inherent order to the values) and coding them in a way that has an order of some sort. There are different methods of doing this, such as: rank ordering of

values (low, medium, high), collapsing categories to make them ranked, dichotomies (0/1, yes/no or Minority/Nonminority), or using statistical functions within the analyses that basically make categorical variables into multiple dichotomies. This process needs to occur for both outcome variables and independent variables.

Outcome variables are also called dependent variables and are the elements that we are trying to explain or predict by using the RAI, namely pretrial crime and pretrial failure to appear. Pretrial crime and pretrial non-appearance are both indicators of pretrial failure. These elements can be measured in different ways such as the number of pretrial offenses that are charged or the level of pretrial offenses (felony, GM, misdemeanor) or simply whether or not a new offense is found (dichotomy). Additionally, adjudications could be used instead of charges. Below are the elements and how they are measured for this study.

1. Outcome variables or Pretrial Failure:
 - a. Presence or absence of pretrial charges during pretrial window-Charge/No Charge
 - b. Presence or absence of bench warrants on that case-Fail to appear or bench warrant/No failure to appear and no bench warrant²

2. Independent variables (see Table 1)
 - a. All the indicators on the RAI are our independent variables
 - b. Other social economic indicators such as race, gender, age

Table 1 below shows the multiple versions of each categorized element on the RAI and the final decision as to how to handle each one. The criterion for selecting a particular version is the one that provides the highest association to the two outcome variables. Shaded versions are the ones that were selected because they produced the greatest relationship with our outcome variables while giving us the most information about the element.

² Between April and December of 2008, there was no code available that identified a failure to appear so this measure was operationalized by the issuance of a bench warrant on the instant offense or the offense for which the child was booked. Starting in 2009, this element was measured by either the issuance of a bench warrant or a failure to appear code on the instant offense.

Table 1. Different Versions of the Independent Variables*

	Version 1	Version 2	Version 3	Version 4
Current Offense (coded as multiple dichotomies)	Mandatory Hold-felony	Mandatory Hold Offense	Felony level	Mandatory Hold - Felony
	Mandatory Hold-non-felony			
	Non-Mandatory hold- Felony	Non-Mandatory Hold Offense	Non-Felony	All others
	Non-Mandatory hold-non-felony			
Where Live ³	Version 1	Version 2		
	Hennepin County	Hennepin County		
	Non-Hennepin County	Non- Hennepin County		
	Homeless			
Prior Adjudications	Version 1	Version 2	Version 3	Version 4
	2+ Prior Felonies	1+ Prior Felony	1+ prior adjudications	1+ Felony or GM adjudications
	1 Prior Felony			
	1+ Prior GM	1+ Prior GM or misdemeanor		No prior adjudications
	1+ Prior misdemeanor assault(s)			
	1+ Prior misdemeanor non-assaults			
	No prior adjudications	No prior adjudications	No prior adjudications	
Prior Bench Warrants for FTA (coded as dichotomies)	Version 1	Version 2		
	2+ Bench Warrants	1+ Bench Warrants		
	1 Bench Warrant			
No Bench Warrants	No Bench Warrants			
Pending Petitions (coded as dichotomies)	Version 1	Version 2		
	Felony level	Any pending petition		
	GM/Misdemeanor			
None	None			

* Variables not listed here are dichotomies and have no simpler method of being categorized. These include On the Run, Willing to take Custody of child, In school or working, and First Adjudication when under 16 years old.

³ This indicator is really two different elements on the RAI: whether or not a child is Homeless and whether or not the child is a Hennepin County resident. A child could only get one point on the RAI for these two indicators because the committee did not want to ‘ding’ the child twice for being homeless. Keeping these elements separate allowed us to determine how many and what effect each element had. The number of children in both is very small so they were combined here.

Table 2 shows each element on the RAI and the number and percentage of youth in each category as well as the outcome variables and the demographic variables.

Table 2. Fourth District Juveniles with a Pretrial Window			
Frequencies and Percentages			
Independent Variables --Elements in the RAI--		Number	Percent
Current Offense	Mandatory Hold Felony: 15 points	379	54.8%
	Mandatory Hold Non-Felony: 6 points (Domestics)	227	32.9%
	Non-Mandatory Hold – Felony: 6 points	70	10.1%
	Non-Mandatory Hold – Non-felony: 3 points	15	2.2%
Dependent Variables			
Hennepin County Residence	Not HC/Homeless	30	4.3%
	HC residence	661	95.7%
On the Run	No	679	98.3%
	Yes	12	1.7%
Willing to take Custody of child	Not willing	81	11.7%
	Willing	610	88.3%
Currently in School/Work	No	124	17.9%
	Yes	567	82.1%
First adjudication less than 16 years	No	440	63.7%
	Yes	251	36.3%
Prior Adjudications	Misd or None	531	76.8%
	Felony or Gross	160	23.2%
Have prior FTA?	None	560	81.0%
	One or more	131	19.0%
Pending Petitions?	No	612	88.6%
	Yes	79	11.4%
Dependent Variables		Number	Percent
Pretrial Charges	No	590	85.4%
	Yes	101	14.6%
Pretrial Failure to Appear	No	646	93.5%
	Yes	45	6.5%

Demographic Variables		Number	Percent
Race	Minority	580	83.9%
	Nonminority	111	16.1%
Gender	Male	569	82.3%
	Female	122	17.7%
Age Group	13 years or younger	73	10.6%
	14 years	84	12.2%
	15 years	141	20.4%
	16 years	204	29.5%
	17 years or older	189	27.4%

Independent variables with 85% or more of the sample in one category will have a much lower probability of being related to our dependent variables because of this lack of variance. These particular items are on the RAI because justice professionals predicted they would help us explain who would be at risk of pretrial failure (itself a rare event – only 15% were charged with new crimes and 7% failed to make a court appearance) and using independent variables that are also rare make the prediction less likely.

Once each element is coded in a manner that allows it to be used as a metric variable then the relationship between the different elements in the scale and the outcome and demographic variables can be examined to look for the following things:

- A. Independent variables that **are not highly related** with other independent variables (correlations over .6 or higher are a problem) – *none of the elements on the New RAI are overly related to one another (see Appendix D).*
- B. Independent variables that **are related** to at least one of our outcome variables (at $p \leq .05$ level) – (see Table 3).
- C. Racially biased variables (these are elements that **are related** to race and **are not significantly related** to pretrial failure)

This type of analysis is called a bivariate examination – or an examination between two variables. In this case it is an examination between each variable in the RAI and each of our outcome/dependent variables. Table 3 shows each element on the RAI and whether there is a significant relationship between pretrial crime or pretrial failure to appear.

**Table 3. Validation of the Hennepin County Risk Assessment Instrument (RAI)
Percent of Pretrial Crime and Failure to Appear during Pretrial**

Bivariate Analysis					
Independent Variables --Elements in our RAI--	Values	Percent Pretrial Crime	Significant Difference?	Percent Failure to Appear	Significant Difference?
Mandatory Hold Felony: 15 points (MHF=379)	Other offense	13%	No	10%	Yes
	MHF – 15 pts	16%		4%	
Mandatory Hold Non-Felony: 6 points (Domestics: MHNF=227)	Other offense	17%	Yes	7%	No
	MHNF – 6 pts	10%		6%	
Non-Mandatory Hold – Felony: 6 points (NMH=70)	Other offense	14%	Yes	5%	Yes
	NMH - 6 pts	21%		19%	
Non-Mandatory Hold – Non- felony: 3 points (NMHNF=15)	Other offense	14%	No	6%	Yes
	NMHNF - 3 pts	27%		20%	
Hennepin County Residence (not a resident=30)	Have HC	15%	No	6%	Yes
	Not HC	17%		20%	
On the Run (yes=12)	Not	15%	No	7%	No
	On the run	0%		8%	
Willing to take Custody of child (not willing=81)	Willing	15%	No	6%	No
	Not willing	11%		7%	
Currently in School/Work (not in school or working=124)	Not	16%	No	11%	Yes
	In school/work	14%		6%	
First adjudication less than 16 years (Less than 16=251)	16 or After	11%	Yes	6%	No
	< 16	21%		7%	
Prior Adjudications (felony/gm level=160)	Misd/None	11%	Yes	6%	Yes
	Felony/GM	26%		9%	
Have prior FTA? (one or more=131)	None	14%	No	5%	Yes
	1 or more	19%		15%	
Pending Petitions? (yes=79)	None	14%	No	6%	Yes
	1 or more	20%		13%	

Yellow shaded findings are significant differences between values on that particular outcome variable.

Significant Bivariate Findings

What items on the scale are related to Pretrial Charges?

Current offense: Charged delinquents who were arrested for misdemeanor domestic assault or domestic related offenses such as a violation of a protection or restraining order are significantly less likely to be charged with a new offense during the course of their current case compared to all other youth. Additionally, those youth arrested for felony level offenses that are not on the mandatory hold list are more likely than others to commit a new charge pretrial.

First adjudication less than 16 years old: Charged delinquents who had a delinquency adjudication in their past for the first time when they were less than 16 years old have a significantly higher likelihood of being charged with a new pretrial crime than those who have no delinquency background or whose past adjudications were from when they were 16 or older.

Prior adjudications: Similarly, those youth with a delinquency adjudication background at the felony or gross misdemeanor level are significantly more likely to commit pretrial crime when compared to those with only a misdemeanor past or no delinquency adjudications.

What items on the scale are related to Failure to Appear?

Current offense: Charged delinquents who are arrested for Mandatory Hold offenses that are felony level have a significantly lower rate of failing to appear for a court hearing during the course of their case. Those youth arrested for Non-Mandatory Hold Felonies have a significantly higher rate of pretrial non-appearance as do those that are arrested for Non-mandatory non-felony offenses.

Hennepin County Residence: Those children who were homeless or who had a residence outside of Hennepin County were significantly more likely to miss a court appearance than those who had a home address within our county.

In school or working: Kids who are not currently in school (missed more than 10% of school) or if not in school, are also not working were significantly more likely to skip a court appearance when compared to those who were actively in school or were gainfully employed.

Prior adjudications: Similarly, those youth with a delinquency adjudication background at the felony or gross misdemeanor level are significantly more likely to miss court appearances.

Prior Bench Warrants: When children have a history of missing court appearances they are significantly more likely to miss a hearing while they are in pretrial status compared to those with no history of failing to appear.

Pending Petitions: Likewise, those youth with pending petitions before the court are more likely to miss a court appearance pretrial than those who have no pending petitions while in pretrial status.

Non-significant Bivariate Findings

Two factors on the Hennepin County RAI are unrelated to pretrial failure: **On the run** and whether parents/guardians are **willing to take custody of children after arrest**. Although these two factors may seem important to predicting who will fail during pretrial, they are rare events. Only 12 youth of the 691 (1.7%) were listed as being 'on the run' during a one year period and only 81 (11.7%) had parents or guardians that were not willing to pick them up from the JDC when the court was willing to release them. It may be that these two factors were rare enough that they did not reach significance for helping to predict failure to appear but based on the percentages in Table 3 they are also not predictive of pretrial crime since the percentages were the opposite of what one would predict.

Neither of these indicators is related to race which means that minority youth were just as likely to be on the run (2%) as white youth (3%) and minority youth were just as likely to have parents /guardians that would not agree to take custody of them (12%) as non-minority youth (12%). Ethnicity is also not related to these two factors.

Having parents or guardians willing to take custody **is related to gender**. More females had parents willing to take custody of them (22%) than males (10%). When an indicator is unrelated to the outcome of pretrial failure and is related in different ways to males and females then it has a disparate effect and should be removed from the scale. Said another way, males are adversely affected by this indicator by gaining a point on the RAI when this element does not help in the prediction of who will fail pretrial.

Summary of Bivariate Findings

The following elements are important in helping to predict pretrial crime: Current offense, First adjudication at less than 16 years old and prior adjudication.

Current offense, Hennepin County residence, whether the child is currently in school or working, prior adjudications, whether the child has previous failure to appear episodes on other cases and whether the youth has any current pending petitions are important predictors of who will ultimately fail to appear.

Two indicators are not predictive of either of our outcome variables: **On the run** and whether parents/guardians are **willing to take custody of children after arrest**. Although they are also not related to race or ethnicity, one of them is related to gender (willing to take custody of the child).

Multivariate Analysis

The next step is to conduct a multivariate analysis using regression analysis where each element is controlled while looking for independent contributions of each to the prediction of our outcome variables. The pattern of variables that are not significant should be similar to what was not significant in the bivariate analysis. In addition, some variables that are currently related (in a bivariate manner) may become non-significant when controlling for each of the other elements.

Logistic regression is appropriate since the outcome variables in this study are dichotomous (pretrial crime occurred or did not, pretrial failure to appear or not). This type of regression was designed specifically for this purpose. In addition, logistic regression allows for independent variables that are categorical (like current offense) as well as interval and dichotomous level.

**Table 4. Results of Logistic Regression Analyses
Reduced Model (Only significant variables included)**

RAI Variables	Pretrial Crime	Failure to Appear
Current offense		Significant
Live – Residence in HC or not		
In school or working – yes/no		
Adjudication less than 16 years old - yes/no		Significant
Prior Adjudications	Significant	
Prior Bench Warrants		Significant
Pending Petitions		
Nagelkerke R Square (percent explained variance)	7%	14%

Table 4 shows that where children live, whether or not they are in school or working and whether they have pending petitions do not add significant explanatory power to the equations for either pretrial crime or failure to appear. In other words, they do not help us in the prediction of pretrial failure – the significant indicators included do as good a job in predicting or explaining pretrial failure and no other elements are necessary.

If the RAI was to be changed, it could be reduced to the following four elements: current arrested offense, whether a youth’s first adjudication occurred when they were less than 16, the type of prior adjudication and the number of prior bench warrants. These four will do as good a job as the full RAI in helping to predict pretrial failure.

The amount of overall prediction of the scale (7% for pretrial crime and 14% for failure to appear) is relatively low but not uncommon for these types of analyses. The state of Virginia was able to predict 15% of the variance and Hennepin County was able to predict as much as 24% on the adult pretrial scale. Researchers are always striving to explain 100% of the variance in phenomena like pretrial failure but social scientists never get close to being able to predict even the majority of variance. Crime in general is a rare event and pretrial crime is even rarer. Although regression, as used in this analysis, is the standard statistical tool used to measure recidivism whether it occurs during pretrial or over the course of some number of years after programming or incarceration, recent work has suggested that other statistical techniques may do a better job of predicting rare events (King and Zeng, 2001)⁴. Scholars have begun to test these new techniques on such rare events as episodes of war compared to peace time because they think that regression sharply underestimates rare events. The fact that this statistical technique may underestimate the explained variance does not affect the technique’s ability to determine statistically significant factors.

In Summary

The scale does not contain any elements that are racially biased although it does contain an element that is gender biased (**willing to take custody**) and this element should be removed. The other elements that do not substantially help in the prediction of who will be a risk to commit pretrial crime or fail to

⁴ King, Gary and Langche Zeng, 2001 **Logistic Regression in Rare Events Data** *Political Analysis* 9: 137-163

appear could also be removed without damaging the predictive ability of the scale: on the run, willing to take custody of the child, pending petitions, whether the child is currently in school or working and whether or not the child has a residence in Hennepin County. In particular, **on the run** is not predictive of pretrial failure at even a bivariate level and should be removed. Items that show low variability (about 15% or less in one category and 85% or higher in the other category) will generally not be predictive in these types of scales since they represent so little of the youth behavior that the scale is trying to predict. With that in mind, it is not surprising that whether a child is a **resident of HC or homeless** (4.3% of the sample), **pending petitions** (11.4% for any type of pending position) and whether a child is **currently in school or working** (17.9%) did not provide much more explanatory power to the pretrial failure equation. Using the **current offense, when a child was adjudicated for the first time, the type of prior adjudications** and the **number of prior failures to appear** for a court hearing are the only elements necessary to have the best prediction of who will fail while on pretrial status.

Recommendations

The following elements could be removed from the scale without affecting the predictive ability. If the committee decides to go this direction a mechanism would have to be designed to provide possible overrides for cases that caused the JDC concern with regard to these indicators:

Element	Rationale(s)
1. Willing to take custody	Gender biased and not associated with either type of pretrial failure
2. On the run	Rare event and not associated with either type of pretrial failure
3. Resident of HC/Homeless	Rare event and does not add to predictive ability of scale but was associated with pretrial FTA
4. Currently in School/Working	Rare event and does not add to predictive ability of the scale but was associated with pretrial FTA
5. Pending Petitions	Rare event and does not add to predictive ability of scale but was associated with pretrial FTA

Although there will probably be little argument about the first two elements, there may be more reason for the committee to discuss removal of elements 3-5. One reason for removing all of these elements would be to simplify the tool for the JDC. Detention workers on the committee will have to weigh in on the burden collecting this extra data entails.

If the committee chooses to remove **willing to take custody** but leave the other elements, it would not affect the scale negatively. One reason for doing this might be to leave the scoring mechanism in place because removing these elements would mean picking new cut points to determine detention alternatives.

Next Steps

The JDAI Steering Committee has already determined that they would like to make some changes to the mandatory hold list. In particular, they have decided that misdemeanor domestic assault cases where the youth has no prior history of assaultive behavior will not continue to be a mandatory hold but will be releasable to a community resource (see page 30 for list of qualifying offenses). The data from Table 3 corroborates that domestics are less likely to commit a new crime while in pretrial status and are no more likely to miss a court appearance pretrial than most of the offenders who were booked in the JDC

(although the statistic on Table 3 represents all domestics with no specification as to prior history of assault).

Decisions of the JDAI Steering Committee from August 13, 2009:

The committee voted in favor of reducing the following felony offense types to non-mandatory holds: **first and second degree controlled substance crimes**. This decision was based upon a review of the charging practices for these two offense types: 27 youth were brought to the JDC for first degree controlled substance crimes and none were charged with this offense, 1 was charged with second degree and 11 were charged with more minor offenses that would not have allowed them into the JDC. The remaining 15 were not charged at all. Additionally, 7 juveniles were arrested for second degree drug offenses and only one was charged with that crime while three were charged with more minor offenses and the remaining three were not charged.

In addition, the JDC under direction of the court decided to hold the Detention Criteria sacred and not allow offenses into the JDC that are not on the listed criteria. There are two offenses on the mandatory hold list that allowed the JDC to hold offenders but the Detention Criteria included these offenses only under special circumstances. The first offense listed on the Detention Criteria was 'Terroristic threats toward or against a school or possession of weapons on school property', and the second was 'Burglary of an occupied dwelling including attached garage, or unoccupied dwelling where dwelling is defined as a home but does not include garages'. The Mandatory Hold on the RAI specified any Terroristic Threats and any Burglary second degree and so the JDC began to allow these other instances of these two crimes to be brought to the JDC. The effect of this decision to keep the Detention Criteria pure was to take these other instances of Terroristic Threats and Burglary second degree off the mandatory hold list.

Any other discussion on the mandatory hold list will have to be vetted through the RAI Committee and then brought to the JDAI Steering Committee. The RAI Committee will have to decide what steps they want to take with regard to the elements currently on the RAI and that recommendation will go to the JDAI Steering Committee for decision. If they decide to remove all of the elements that were non-predictive, they will have to re-score the scale to provide new cut points and determine what cut points will apply to allow children to be placed in detention alternatives.

Decisions of RAI Committee from September 1, 2009:

The RAI Committee decided to remove two elements from the scale: On the run and Parents Willing to Take Custody. These changes only reduce the 32 point scale by 2 points and therefore will not require rescaling the instrument.

Additionally, discussion ensued about the elements of Homeless/Residing outside of Hennepin County. Due to the relatively few children that fit these criteria and these elements lack of predictive ability, the committee decided to change these combined elements to a single question: Does the child reside outside the 7-county Metro areas (see Appendix F for a map of this area)? The rationale behind the committee's decision was that children from northern Minnesota (or from outside the Metro area) may have a more difficult time making their court appearances but children from counties contiguous to Hennepin may not have a problem making their appearances. The proposed new RAI can be found in Appendix E.

Decisions from RAI Committee September 29, 2009:

The meeting on September 29 began with the RAI Committee reviewing the changes made to the scale that was represented in Appendix E. The committee agreed that these were the changes made September 1 by the RAI committee. In addition, the RAI committee asked for a new version of the Arrested Offense Points to be included with the new scale (see Appendix E Continued on page 28).

Additionally, the Override Subcommittee presented their work on developing the policies and procedures for allowing overrides to the RAI scale. The committee held discussions and agreed with most of what the subcommittee was recommending. The agreed upon Override Policy and Procedure can be found in Appendix G. It allows for specific overrides requested by senior level personnel in the police departments (sergeants and above) and decided on by supervisory personnel in the JDC.

The specific overrides include: an admitting offense that has resulted in death or great bodily harm/very serious injury; the juvenile resides in another state; the juvenile was arrested after an extensive chase by police or there was extensive resistance to arrest; and finally police may request an override for unusual circumstances or compelling reasons the specifics of which are undetermined at this point. Work will be done to investigate the ability of the electronic RAI to have drop down menus that allow for these specific overrides and to add written details for the final non-specific one.

Finally, the committee discussed the possibility of using another version of the RAI for the detention hearing decision that would provide more up to date information for the judicial officers such as charging offense (as opposed to the arresting offense) and any new information that has occurred since the initial RAI was completed. This version is to help make the decision at the Detention Hearing an objective one based on likelihood of pretrial failure (either new crime or fail to appear for the upcoming hearings). A new subcommittee was formed to begin this work.

Decisions from JDAI Steering Committee October 8, 2009:

The proposed changes to the Risk Assessment Instrument went to the JDAI Steering Committee October 8, 2009. All these changes were affirmed unanimously and will be put in place as soon as it is technically possible to get the work done. One additional item that was added to the Override Policy and Procedures was that the new procedure would be monitored and reported back to the JDAI Steering Committee after 60 days of implementation.

**Appendix A: Initial Version of RAI
HENNEPIN COUNTY JUVENILE JUSTICE
ASSESSMENT INSTRUMENT (RAI)**

Juvenile Name _____ DOB: ___/___/___ Family # _____ File # _____
 Intake date: ___/___/___ Time: ___:___ AM/PM Worker name: _____
 Completed as part of detention decision: Yes/No Completed as Follow-up: Yes/no

Score

1. Most Serious Alleged Offense/Reason for Arrest

CATEGORY A: Mandatory Holds (see pages 2-3)

CATEGORY B: see page 315 pts.

CATEGORY C: see page 3.....12 pts.

CATEGORY D: see page 47 pts.

CATEGORY E: see page 4 5 pts.

CATEGORY F: see page 43 pts. _____

2. Prior Adjudications of guilt (decay factor of 2 years for non-personal offenses and property offenses)
 (choose the highest level offense)

Two or more prior adjudications of guilt for felony offenses..... 6 pts.

One prior adjudication of guilt for a felony offense.....4 pts.

Two or more prior adjudications of guilt for gross misdemeanor offenses.....3 pts.

One prior adjudication of guilt for any gross misdemeanor.....2 pts.

One or more prior adjudication of misdemeanor assault.....1 pt.

No prior adjudications OR prior adjudications of guilt for any other
 misdemeanors.....0 pts. _____

3. On probation at time of instant offense (use most serious offense when on probation)

An offense which is on the mandatory hold detention list of offenses.....4 pts.

Any other felony offense.....3 pts.

A gross misdemeanor offense.....2 pts.

A misdemeanor offense (excluding domestic assault).....1 pt.

Any other juvenile petty, traffic or status offense.....0 pts. _____

4. History of failure to appear

Two or more warrants issued within the last 2 years..... 3 pts.

One warrant issued within 2 years..... 1 pt.

No prior failure to appear warrants 0 pts. _____

5. Petitions pending adjudication before the court (assign points only for the single highest level of offense alleged on petition; assign points for only ONE offense)

Felony petition..... 3 pts.

Gross misdemeanor or misdemeanor petition.....1 pt. _____

6. Aggravating factors

Multiple victims.....2 pts.
Documented threats to victims or witnesses
(except if highest charge is terroristic threats).....3 pts.
Non-Hennepin County resident or no current address.....3 pts.
Child on run at time of offense (as reported by NCIC or police agency).... 3 pts.
Person offense committed upon person living in same household.....3 pts.
(Cannot give more than 5 pts. total) _____

7. Mitigating factors

Parent or guardian able and willing to take immediate custody.....-3 pts.
No prior adjudications.....-3 pts.
Regular school attendance and/or employment.....-2 pts.
(verbatim verification by parent sufficient for school or employment)
Previous delinquent history, but, no prior warrants.....-2 pts.
Age of 1st known adjudication occurred at age 16 or over.....-2pts.
(Cannot give more than 5 pts. total) _____

8. TOTAL SCORE..... _____

Indicated Decision: ___ 0-9 release ___ 10-14 Detention Alternative ___ 15+ Detention

Recommendation: ___Release ___Alternative ___ Secure Detention

Actual Decision: ___Release ___Alternative ___ Secure Detention

A. Mandatory Holds:

1. Any crime resulting in death (murder, manslaughter, criminal vehicular homicide, adulteration)
2. Use of a firearm during the commission of a crime
3. Criminal sexual conduct in the 1st degree
4. Assault in the 1st degree (assault with great bodily harm or deadly force against a peace officer)
5. Aggravated robbery
6. Arson of a dwelling
7. Kidnapping/false imprisonment
8. Burglary of an occupied dwelling involving a weapon or an assault
9. Felon in possession of firearm/certain persons not to have guns
10. Domestic assault
11. New felony offense while on EHM or after cutting the bracelet
12. Possession of a firearm (on school grounds)
13. Possession of semi-automatic military style assault weapon in public (felony)
14. Use of or brandishing a replica or BB gun on school property (felony)
15. Terroristic threats (school related)

Warrants

16. Escaped from secure correctional facility (Red Wing, JDC)
17. Mandatory detention pursuant to court order (includes Hammegren warning)
18. Holds from other jurisdictions
19. Escaped from OR loss of Court ordered placement if underlying offense is listed under A, B, or C

B. 15 points

1. Assault in the second degree (possession of a dangerous weapon or use of weapon resulting in substantial bodily harm)
2. Burglary in the first degree (burglary of an occupied dwelling which includes an attached garage)
3. Arson of a building/garage
4. Sale or intent to sell controlled substances
5. Controlled substance crime in the first degree (possession of controlled substance with intent to sell)
6. Possession of a firearm (other than on school property)
7. Fleeing from police in a motor vehicle (driver)
8. Simple robbery
9. Tampering with witnesses
10. Criminal sexual conduct in 2nd and 3rd degree
11. Possession of Explosive Device or Incendiary Device
12. Malicious punishment of a child
13. No new charge but warrant issued for whereabouts unknown and the original underlying offense was one that would result in mandatory detention.

C. 12 points

1. Assault in the third degree (assault resulting in substantial bodily harm)
2. Burglary in the second degree (burglary of an unoccupied dwelling)
3. Controlled substance crimes in the second through the fifth degrees (possession of a controlled substance) (exclude marijuana)
4. Theft from person
5. Arson of any other structure (i.e. a shed)
6. Criminal sexual conduct in the 4th degree
7. Auto Theft
8. Assault in the 4th degree (against peace officer) if demonstrable injury
9. Violation of Protection Order
10. Stalking/Harassment
11. Aiding an offender to avoid arrest
12. Animal Cruelty
13. Adulteration (not resulting in death)
14. Riot
15. No new charge but warrant issued for whereabouts unknown and the original underlying offense was a felony which would NOT result in mandatory detention.

D. 7 points

1. Burglary in the third degree (burglary of a building)
2. Theft (felony)
3. Property damage and/or receiving stolen property (felony/gross misd.)
4. Possession of burglary tools.
5. Possession of BB gun or replica gun (gross misdemeanor)
6. Terroristic threats (non-school related)
8. Identity Theft
9. Interfere with Emergency Communications
7. All other felonies and gross misdemeanors not otherwise delineated in list above (except G/M theft and G/M false information to police)

E. 5 points

1. Theft (gross misdemeanor)
2. Assault in the 5th degree
3. False info to police (gross misd.)

F. 3 points

1. Disorderly conduct (misd.)
2. Shoplifting (misd.)
3. False info to police (misd.)
4. Fleeing on foot
5. Property damage/receiving stolen property (misd.)
6. All misdemeanors not otherwise delineated in list

Appendix B: Hennepin County JDC Detention Criteria

POLICY

The Admissions Juvenile Correctional Officer shall accept custody of juveniles referred to the Juvenile Detention Center by police when the juveniles are charged with felonies or misdemeanors, or have a warrant signed by a judge that is for a child in need of protective services, regardless of the age of the juveniles. Custody of juveniles shall not be accepted for charges of truancy.

DEFINITION

Juveniles, ages 10–17, referred to the Hennepin County Juvenile Detention Center will be eligible for admission to detention if one or more of the following conditions exist:

1. The juvenile is accused of one of the following offenses:
 - A. Any incident resulting in death.
 - B. Assault (1st, 2nd or 3rd degree).
 - Assault: 4th degree if a peace officer is injured sufficiently to require medical attention at a clinic or hospital.
 - Assault: 5th degree domestic.
 - 5th degree assaults, other than domestic, will not be detained.
 - C. Criminal sexual conduct (1st to 4th degrees).
 - D. Aggravated robbery or simple robbery.
 - E. Kidnapping or false imprisonment.
 - F. First-degree arson of a business, dwelling or school (includes explosives, bombs, and molotov cocktails).
 - G. Possession or use of firearm.
 - H. Terroristic threats toward or against a school or possession of weapons on school property.
 - I. Burglary of an occupied dwelling including attached garage, or unoccupied dwelling where dwelling is defined as a home but does not include garages. Occupied is defined as a person being on the premises at the time of the burglary.
 - J. Fleeing police while in a motor vehicle.
 - K. Auto theft (tampering and joyriding will not be held).
 - L. **Controlled Substance** – distribution.
 - M. **Controlled Substance** – possession (**excludes petty offense**).
 - N. Tampering with a witness.
 - O. **DWI Offense MN Statute 169A.40 Subd.3: Certain DWI Offenses, Custodial Arrest.**
2. The juvenile is accused of a new felony offense and
 - A. Is on probation for a previous felony offense, or
 - B. Is pending court on a prior, no-property felony offense or auto theft.
3. The juvenile is accused of a new felony offense and
 - A. Has previously been certified and sentenced by adult court, or
 - B. Is on parole.

4. The juvenile is EJJ, under 18, and has any new charge.
5. The juvenile is on court-ordered Electronic Home Monitoring and
 - A. Is accused of a new felony, or
 - B. Has absented overnight, or
 - C. Has substantially violated terms of the court-ordered supervision.
 - Juveniles placed on Post-Dispositional Electronic Monitoring who commit a new offense that does not meet the detention criteria will not be held without a signed court order.
6. The juvenile has absconded from
 - A. A correctional facility, or
 - B. A court-ordered residential treatment facility, or
 - C. Another jurisdiction's court-ordered treatment center, commitment program, probation or parole supervision.

Absenters (runaways) from any county or state, without a warrant signed by a judge to be detained in secure detention, will be referred to First Response by Admissions for return arrangements to the county or state of residence.

7. The juvenile's Hennepin County court-ordered placement has been terminated.
8. The court has issued a warrant for detention.
9. The juvenile has violated a Restraining Order, and the arresting officer has the Restraining Order number and provides it at the time of intake.
10. The juvenile resides out of county or state but has been arrested within Hennepin County on a felony offense.
11. The court has issued a change-of-venue order on an in-secure-custody juvenile, placing the juvenile under Hennepin County jurisdiction.

PROCEDURE

1. Admissions Juvenile Correctional Officers will screen all juveniles referred for admission to the Juvenile Detention Center as to his/her alleged offense by use of the Admissions Criteria List. The Admissions Juvenile Correctional Officer will also review available information regarding current status of probation and/or any matters pending Juvenile Court action, and will review the active state and county warrant lists to determine if there is an outstanding warrant for the juvenile.
2. Those juveniles who do not meet the detention criteria, will not be accepted into the facility. The Security Juvenile Correctional Officer, upon denying admission, will give the referring officer directions to the Juvenile Supervision Center.

The Juvenile Detention Center will accept juveniles arrested on misdemeanor, gross misdemeanor and felony offenses that become unruly while at the Juvenile Supervision Center, provided that the management and staff agree to make every reasonable effort to deescalate and/or solicit cooperation from juveniles, while in custody, prior to transporting them to the Juvenile Detention Center.

"Unruly Juveniles" are defined as:

- Juveniles who become physically uncontrollable while at the Juvenile Supervision Center (excluded are those juveniles who are unruly only upon arrest), or
- Juveniles who are uncooperative after eight hours at the Juvenile Supervision Center ("uncooperative" refers to juveniles who refuse to give information to aid in facilitating their release).

**Appendix C: Hennepin County Juvenile Risk Assessment Instrument (RAI)
Applied to Juveniles Arrested for New Offenses ONLY**

Indicators	Points	Rationale
Current Offense		
Mandatory Holds related to seriousness of current charge only (see attached list)	15 - or - 6	- Serious Felony Level Person Offenses (15) - Certain non-felony serious person offenses (6) - Certain non-person felony presumptive offenses (15)
Non-mandatory Holds	6	All other felonies and GM person-offenses
	3	All other misdemeanors
Total Maximum Current Offense Points	15	
Other Risk Factors		
No Current Address*	1	Related to Pretrial failure – particularly FTA
Non-HC resident*	1	
On the run	1	
No parent or guardian willing to take custody	1	If no parent is willing to take custody – related to higher pretrial failure
Not regular school or work attendance	1	If no regular attendance at school or work – related to higher pretrial failure
First misdemeanor or above adjudication at less than 16 years of age	1	Younger at first adjudication, higher pretrial failure
Total Maximum Background Points	5	
Prior History		
- Prior Adjudications – Maximum 6 points		
Two or more felony adjudications – OR – prior EJJ adjudication/ previously Certified	6	Higher number of prior adjudications or prior EJJ adjudication/previously Certified and a new current offense – higher risk of failure. - Only give points for highest level
One felony adjudication	4	
One or more gross misdemeanor adjudications	3	
One or more misdemeanor adjudications for assault	2	
One or more misdemeanor adjudication	1	
- Prior Failure to Appear – Maximum 3 points		
2 or more bench warrants in last 2 years	3	If prior bench warrants and new offense – higher pretrial failure - Only give points for highest level
1 bench warrant in last 2 years	1	
- Pending Petitions – Maximum 3 points		
Pending EJJ or Cert Motion	3	If pending petition and new offense – higher pretrial failure - Only give points for highest level
Other Felony pending petition	2	
GM or Misdemeanor pending petition	1	
Total Maximum Prior History Points	12	
OVERALL TOTAL MAXIMUM POINTS	32	15 points possible for current offense, 5 for background information and 12 for prior history

APPENDIX C CONTINUED: JDAI RAI
ARRESTED OFFENSE POINTS

15 POINTS (MANDATORY JUDICIAL HEARING)

609.11	Use of Weapon
609.20	Murder in the 1 st Degree
609.19	Murder in the 2 nd Degree
609.195	Murder in the 3 rd Degree
609.20	Manslaughter in the 1 st Degree
609.205	Manslaughter in the 2 nd Degree
609.21	Criminal Vehicular Homicide and Operation
609.2661	Murder of Unborn Child in the 1 st Degree
609.2662	Murder of Unborn Child in the 2 nd Degree
609.2663	Murder of Unborn Child in the 3 rd Degree
609.2664	Manslaughter of an Unborn Child in the 1 st Degree
609.2665	Manslaughter of an Unborn Child in the 2 nd Degree
609.221	Assault in the 1 st Degree
609.222	Assault in the 2 nd Degree
609.223	Assault in the 3 rd Degree
609.224S4	Assault in the 5 th Degree IF Felony
609.2247	Strangulation
609.2242S4	Felony Domestic Assault
609.267	Assault of an Unborn Child in the 1 st Degree
609.2671	Assault of an Unborn Child in the 2 nd Degree
609.2672	Assault of an Unborn Child in the 3 rd Degree
609.268	Injury or Death of Unborn of Child in commission of crime
609.713	Terroristic Threats
609.245	Aggravated Robbery
609.24	Simple Robbery
609.25	Kidnapping
609.342	Criminal Sexual Conduct in the 1 st Degree
609.343	Criminal Sexual Conduct in the 2 nd Degree
609.344	Criminal Sexual Conduct in the 3 rd Degree
609.345	Criminal Sexual Conduct in the 4 th Degree
609.352	Solicitation of Children to Engage In Sexual Conduct
609.322S1	Solicitation, Inducement & Promotion of Prostitution of minors only
609.561	Arson in the 1 st Degree
609.582S1	Burglary in the 1 st Degree
609.582S2	Burglary in the 2 nd Degree
609.485	Escape from Justice, Fugitive from Justice
609.495	Aiding an Offender (for 15 pt offenses)
609.66	Dangerous Weapons
609.67	Machine Guns and Short Barreled Shotguns
624.713	Prohibited Persons in Possession of Firearms
152.021	Controlled Substance 1 st Degree
152.022	Controlled Substance 2 nd Degree
617.247	Child Pornography
243.166	Failure to Register as a Sex Offender

6 POINTS (MANDATORY JUDICIAL HEARING)

609.2242 Domestic Assault
518B.01S22 Violation of No Contact Order
518B.01S14 Violation of Orders for Protection
609.749 Harassment/Stalking
609.498 Tampering with a Witness
609.78 Interfering Emergency 911 call

6 POINTS FOR ALL OTHER FELONY OFFENSES INCLUDING....

609.2231 Assault in the 4th Degree
609.224 Assault in the 5th Degree if NOT felony
609.255 False Imprisonment
609.377 Malicious Punishment of a Child
609.232 Assault of a Vulnerable Adult
609.233 Criminal Neglect
609.2325 Criminal Abuse
609.378 Child Abuse Neglect/Endangerment
609.746 Interference with Privacy (peeping)
617.23 Indecent Exposure
609.3451 Criminal Sexual Conduct 5th Degree
152.023 Controlled Substance 3rd Degree
152.024 Controlled Substance 4th Degree
152.025 Controlled Substance 5th Degree
609.562 Arson 2nd Degree
609.563 Arson 3rd Degree
609.582S3 Burglary 3rd Degree
609.52 Theft
609.52S3(i) Theft from Person
All Felony Theft offenses
169A.24 Felony DWI
609.687 Food Adulteration
609.495 Aiding an Offender (for 6 pt offenses)

3 POINTS FOR ALL OTHER NON-FELONY OFFENSES

Appendix D: Correlation Matrix

Correlations

N=691

	Pretrial Crime	Pretrial BW	Current Offense	Where live	On the Run	Willing take Custody	In school or working	First adjud LT 16	Prior Adjudi- cations	Prior FTA	Pending Petition	Race	sex
Pretrial BW	.073*												
Current Offense	-.020	-.172**											
Where live	.012	.116**	-.095**										
On the run	-.055	.010	-.042	.135**									
Willing take custody	-.036	.013	-.105**	.033	.158**								
In school or working	.020	.075*	-.095**	.104**	.082*	.181**							
First Adjud LT 16	.139**	.008	-.033	.031	.084*	-.004	.094**						
Prior adjudications	.181**	.064*	-.016	.051	.058	.003	.065*	.441**					
Prior FTA	.061	.172**	-.116**	.096**	.105**	-.016	.091**	.226**	.260**				
Pending Petition	.057	.089**	-.053	.057	.161**	.010	.105**	.183**	.137**	.186**			
Race	-.047	-.115**	-.046	-.035	.032	.000	-.009	-.117**	-.119**	-.181**	-.108**		
Sex	.063*	-.047	.117**	.024	-.026	-.150**	-.011	.074*	.200**	.030	.047	-.087*	
Age in years (interval)	-.009	.070*	-.062	.049	.014	-.011	.151**	.040	.258**	.142**	.013	-.009	.122**

*. Correlation is significant at the 0.05 level (1-tailed).

** . Correlation is significant at the 0.01 level (1-tailed).

**Appendix E: REVISED Hennepin County Juvenile Risk Assessment Instrument (RAI)
Applied to Juveniles Arrested for New Offenses ONLY**

EFFECTIVE: OCT 8, 2009

<i>Indicators</i>	<i>Points</i>	<i>Rationale</i>
Current Offense		
Mandatory Holds related to seriousness of current charge only (see attached list)	15 - or - 6	- Serious Felony Level Person Offenses (15) - Certain non-felony serious person offenses (6) - Certain non-person felony presumptive offenses (15)
Non-mandatory Holds	6	All other felonies and GM person-offenses
	3	All other misdemeanors
Total Maximum Current Offense Points	15	
Other Risk Factors		
Child resides outside the 7-County Metro Area (Not in: Hennepin, Anoka, Dakota, Ramsey, Scott, Carver or Washington Counties)	1	The further a child resides from Hennepin County the more likely they might miss a court appearance
Not regular school or work attendance	1	If no regular attendance at school or work – related to higher pretrial failure
First misdemeanor or above adjudication at less than 16 years of age	1	Younger at first adjudication, higher pretrial failure
Total Maximum Background Points	3	
Prior History		
- Prior Adjudications – Maximum 6 points		
Two or more felony adjudications – OR – prior EJJ adjudication/ previously Certified	6	Higher number of prior adjudications or prior EJJ adjudication/previously Certified and a new current offense – higher risk of failure. - Only give points for highest level
One felony adjudication	4	
One or more gross misdemeanor adjudications	3	
One or more misdemeanor adjudications for assault	2	
One or more misdemeanor adjudication	1	
- Prior Failure to Appear – Maximum 3 points		
2 or more bench warrants in last 2 years	3	If prior bench warrants and new offense – higher pretrial failure - Only give points for highest level
1 bench warrant in last 2 years	1	
- Pending Petitions – Maximum 3 points		
Pending EJJ or Cert Motion	3	If pending petition and new offense – higher pretrial failure - Only give points for highest level
Other Felony pending petition	2	
GM or Misdemeanor pending petition	1	
Total Maximum Prior History Points	12	
OVERALL TOTAL MAXIMUM POINTS	30	15 points possible for current offense, 3 for background information and 12 for prior history

**APPENDIX E CONTINUED:
JDAI RAI: ARRESTED OFFENSE POINTS
EFFECTIVE: OCT 8, 2009**

15 POINTS (MANDATORY JUDICIAL HEARING)

609.11	Use of Weapon
609.20	Murder in the 1 st Degree
609.19	Murder in the 2 nd Degree
609.195	Murder in the 3 rd Degree
609.20	Manslaughter in the 1 st Degree
609.205	Manslaughter in the 2 nd Degree
609.21	Criminal Vehicular Homicide and Operation
609.2661	Murder of Unborn Child in the 1 st Degree
609.2662	Murder of Unborn Child in the 2 nd Degree
609.2663	Murder of Unborn Child in the 3 rd Degree
609.2664	Manslaughter of an Unborn Child in the 1 st Degree
609.2665	Manslaughter of an Unborn Child in the 2 nd Degree
609.221	Assault in the 1 st Degree
609.222	Assault in the 2 nd Degree
609.223	Assault in the 3 rd Degree
609.224S4	Assault in the 5 th Degree IF Felony
609.2247	Strangulation
609.2242S4	Felony Domestic Assault
609.267	Assault of an Unborn Child in the 1 st Degree
609.2671	Assault of an Unborn Child in the 2 nd Degree
609.2672	Assault of an Unborn Child in the 3 rd Degree
609.268	Injury or Death of Unborn of Child in commission of crime
609.713	Terroristic Threats (toward or against school)
609.245	Aggravated Robbery
609.24	Simple Robbery
609.25	Kidnapping
609.342	Criminal Sexual Conduct in the 1 st Degree
609.343	Criminal Sexual Conduct in the 2 nd Degree
609.344	Criminal Sexual Conduct in the 3 rd Degree
609.345	Criminal Sexual Conduct in the 4 th Degree
609.352	Solicitation of Children to Engage In Sexual Conduct
609.322S1	Solicitation, Inducement & Promotion of Prostitution of minors only
609.561	Arson in the 1 st Degree
609.582S1	Burglary in the 1 st Degree
609.582S2	Burglary in the 2 nd Degree (if occupied or a home)
609.485	Escape from Justice, Fugitive from Justice
609.495	Aiding an Offender (for 15 pt offenses)
609.66	Dangerous Weapons
609.67	Machine Guns and Short Barreled Shotguns
624.713	Prohibited Persons in Possession of Firearms
617.247	Child Pornography
243.166	Failure to Register as a Sex Offender

6 POINTS (MANDATORY JUDICIAL HEARING)

609.2242 Domestic Assault
518B.01S22 Violation of No Contact Order
518B.01S14 Violation of Orders for Protection
609.749 Harassment/Stalking
609.498 Tampering with a Witness
609.78 Interfering Emergency 911 call

6 POINTS FOR ALL OTHER FELONY OFFENSES INCLUDING....

609.2231 Assault in the 4th Degree
609.224 Assault in the 5th Degree if NOT felony
609.255 False Imprisonment
609.377 Malicious Punishment of a Child
609.232 Assault of a Vulnerable Adult
609.233 Criminal Neglect
609.2325 Criminal Abuse
609.378 Child Abuse Neglect/Endangerment
609.746 Interference with Privacy (peeping)
617.23 Indecent Exposure
609.3451 Criminal Sexual Conduct 5th Degree
152.021 Controlled Substance 1st Degree
152.022 Controlled Substance 2nd Degree
152.023 Controlled Substance 3rd Degree
152.024 Controlled Substance 4th Degree
152.025 Controlled Substance 5th Degree
609.562 Arson 2nd Degree
609.563 Arson 3rd Degree
609.582S3 Burglary 3rd Degree
609.52 Theft
609.52S3(i) Theft from Person
All Felony Theft offenses
169A.24 Felony DWI
609.687 Food Adulteration
609.495 Aiding an Offender (for 6 pt offenses)

3 POINTS FOR ALL OTHER NON-FELONY OFFENSES

Misdemeanor Domestic Assault Qualifying Offenses

Any youth, ages 10 to 17, brought into the Juvenile Detention Center for probable cause Misdemeanor Domestic Assault with no prior adjudication for any qualified domestic violence-related offense, as defined by the following statutes:

Qualified domestic violence-related offense includes

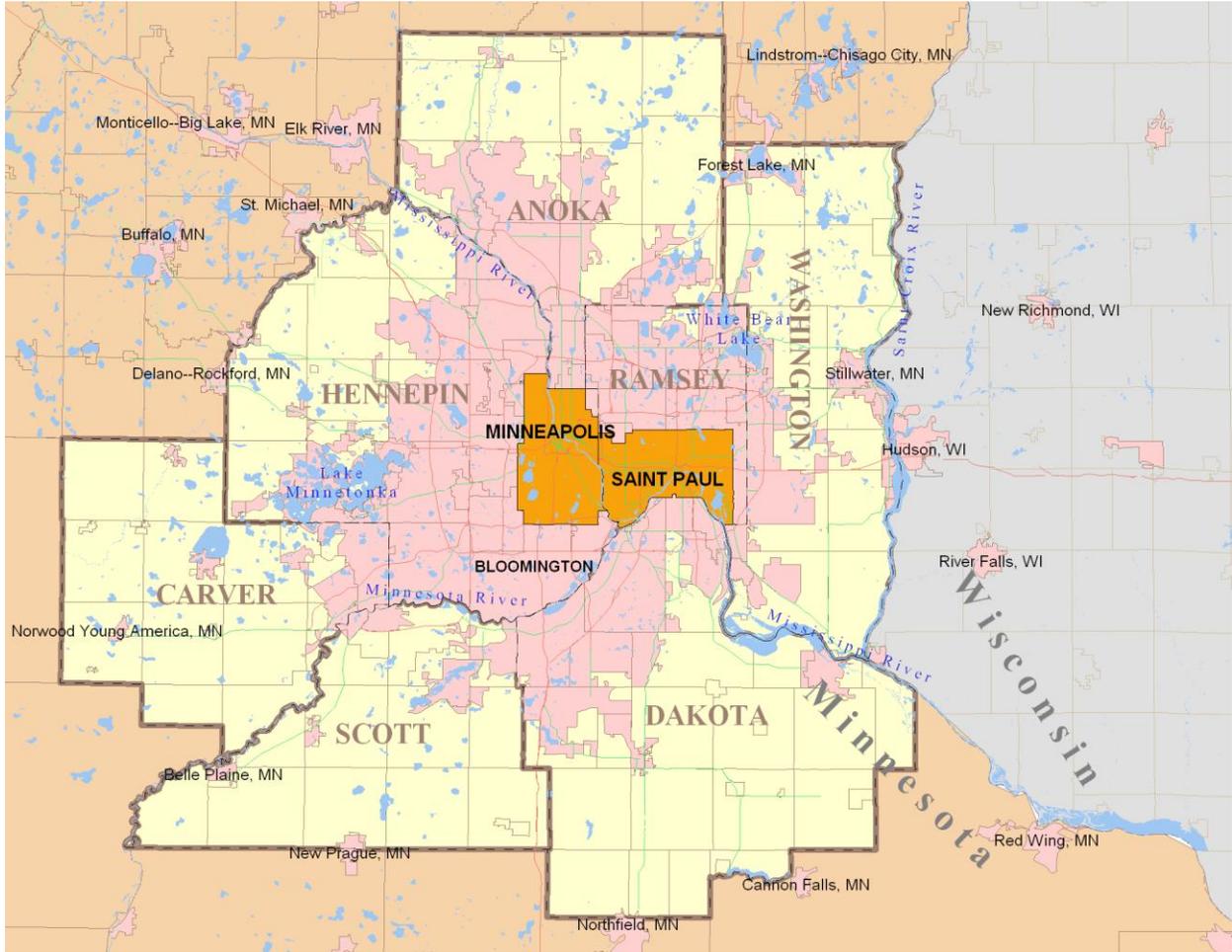
- a violation of or an attempt to violate sections 518B.01, subdivision 14 (violation of domestic abuse order for protection); 518B.01, subdivision 22 (violation of domestic abuse no contact order); or
- 609.185 (first-degree murder); or
- 609.19 (second-degree murder); or
- 609.221 (first-degree assault); or
- 609.222 (second-degree assault); or
- 609.223 (third-degree assault); or
- 609.2231 (fourth-degree assault); or
- 609.224 (fifth-degree assault); or
- 609.2242 (domestic assault); or
- 609.2247 (domestic assault by strangulation); or
- 609.342 (first-degree criminal sexual conduct); or
- 609.343 (second-degree criminal sexual conduct); or
- 609.344 (third-degree criminal sexual conduct); or
- 609.345 (fourth-degree criminal sexual conduct); or
- 609.377 (malicious punishment of a child); or
- 609.713 (terroristic threats); or
- 609.748S6 (violation of harassment restraining order); or
- 609.749 (harassment/stalking); or
- 609.78, subdivision 2 (interference with an emergency call); and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories; or

A pending charge of Domestic Assault; and

A RAI score of 14 or lower.

Alternative to Detention: The Bridge's Emergency Shelter will be utilized by Hennepin County as an alternative to detention for this target population of youth eligible as noted above. Youth must sign a Conditional Release Order upon being released from the Juvenile Detention Center to The Bridge.

Appendix F: Seven County Metro Area:



Appendix G: Override Policy and Procedure
Hennepin County Juvenile Detention
Risk Assessment Instrument
Override Policy and Procedure

POLICY

When a juvenile is admitted to the Juvenile Detention Center for a new offense, staff administers the Risk Assessment Instrument to determine whether the youth shall be detained, eligible for release to a detention alternative or outright released. The admitting offense along with answers to the RAI questions result in a RAI score that determines the release decision.

When the admitting offense is not a mandatory hold, and the RAI score would result in outright release or release to an alternative to detention, there occasionally are unusual circumstances where detention is nevertheless appropriate. The Intake Corrections Institutional Supervisor, or in his or her absence, in the following order, Intake Correction Supervisor, Court Liaison Corrections Institutional Supervisor or Assistant Superintendent or Superintendent of the Juvenile Detention Center shall have the authority to override the RAI score determination. It is expected that such circumstances will arise rarely and may include, but are not limited to, the following (examples):

- An admitting offense that has resulted in death or great bodily harm/very serious injury;
- The juvenile resides out of the state;
- The juvenile was arrested after an extensive chase by police or there was extensive resistance to arrest;
- Police may request an override or an override may be approved by the Detention Center based upon specific information about the offense or the juvenile that makes the circumstances unusual or provides compelling reasons to depart from the detention criteria or the RAI score determination.

PROCEDURE WHEN POLICE REQUEST AN OVERRIDE

1. Police must articulate reasons why an override is requested. The reasons must set out facts that make the situation unusual and that compromise public safety or the likelihood that the juvenile will not appear in court.
2. When police are requesting an override, the request must be made by a Sergeant or higher ranked officer. The override decision may be made by the Intake Corrections Institutional Supervisor, or in his or her absence, in the following order, Intake Correction Supervisor or Court Liaison Corrections Institutional Supervisor and if the decision is to deny the override request, a Lieutenant, Captain, Precinct Commander or Chief, may contact the Assistant Superintendent or Superintendent for reconsideration.

MONITORING

Reasons for each override will be captured and documented once the procedures are set in place to accept overrides. This documentation will be brought back to the JDAI Steering Committee every 60 days.