



## FOURTH JUDICIAL DISTRICT

### Validation of the Fourth Judicial District Juvenile Courtroom Risk Assessment Instrument

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## Executive Summary

- Fourth Judicial District judges began using the Juvenile Courtroom Risk Assessment Instrument (RAI) in November 2009. The Courtroom RAI is one of two risk assessment instruments used in Juvenile Court; it, along with the Hennepin County Juvenile Detention Center Risk Assessment Instrument (JDC RAI), aids the pretrial release decision-making process by identifying those juveniles most at risk for pretrial failure; that is, pretrial crime or failure to appear.
- The Courtroom RAI includes five elements: current charge, whether a first adjudication occurred before 16, prior adjudications, prior failure to appear and prior pending petitions. It assigns a score from three to 28 and places juveniles in one of three risk categories: low risk, moderate risk or high risk. At the detention hearing, judges use the Courtroom RAI score to help determine release for those juveniles detained by the JDC RAI.
- This study is a validation of the Courtroom RAI and addresses a number of research questions:
  - Does the Courtroom RAI reliably predict pretrial failure, defined as failure to appear and pretrial crime?
  - Does each element predict failure?
  - Do any elements introduce racial or gender bias, but not predict pretrial failure?
  - Do the caps on prior adjudication (a maximum of 6 points for those with two or more felony adjudications) identify those most at risk for pretrial failure?
  - How frequently do judicial overrides occur, and for what reasons?
  - Does the scale alone, or does the judicial decision in conjunction with the scale, produce the most reliable release decision?
- Overall findings indicate the Courtroom RAI is predictive of pretrial failure.
- Current charge, prior adjudications, prior failure to appear and prior pending petitions all predict failure.
- None of the elements on the scale introduce racial or gender bias.

- The caps on prior adjudication effectively identify those at risk for pretrial failure. As designed, the scale accounts for both chronic offenders and serious offenders.
- Judges depart from the instrument approximately 35% of the time. They both detain and release fewer juveniles than the scale recommends and, in turn, order a higher percentage to electronic home monitoring (EHM). A content analysis of judicial departure reasons reveals that in 22% of all cases, judges depart for a reason already accounted for in the Courtroom RAI. In the remaining cases, judges cite mental and physical health of the juvenile, victim safety, age at the time of offense and willingness of family to take the juvenile among the reasons to depart from the scale recommendation. None of the departure reasons predicts pretrial failure.
- Judicial departures do not introduce racial or gender bias; departure rates are similar regardless of minority status or gender.
- The judicial decision, in combination with the Courtroom RAI, produces a reliable result. Although the scale alone is more effective at identifying low risk juveniles, judges are more effective at identifying those juveniles with the highest risk for pretrial failure.
- Recommendations:
  - Continue using the Courtroom RAI. Validation reveals that it predicts both failure to appear and pretrial crime. Current charge, prior adjudications, prior bench warrants and prior pending petitions all predict failure. While one element, first misdemeanor or above adjudication at less than 16 years of age, does not predict failure, it is associated with a juvenile's likelihood of committing pretrial crime. As a result, it may remain on the instrument.
  - District Court Research staff should provide continual judicial training on the use of the Courtroom RAI including the departure rationale, particularly when new judges are assigned to Juvenile Court. The training should highlight the factors already accounted for in the Courtroom RAI; it should also identify other factors that commonly influence the pretrial release decision.

- District Court Research should provide annual training to Hennepin County Juvenile Probation staff. The training should center on proper scoring of the Courtroom RAI and will ensure that judges have accurate information when making release decisions.
  
- Utilize Juvenile Detention Alternative Initiative (JDAI) community coaches for those juveniles who score between three and ten on the Courtroom RAI. This will provide judges with an additional mechanism to ensure compliance and, by assigning a community coach early in the case, may help reduce failure for those youth classified as low risk by the Courtroom RAI.
  
- The Courtroom RAI form should be an automatic process that electronically pulls information from MNCIS. An electronic format will help eliminate errors in scoring the Courtroom RAI and coincides with the eCourtMN initiative, an effort to move from paper files to an electronic information environment.
  
- Continue quarterly updates of the Courtroom RAI, assessing departure rationale and testing for racial and gender bias.

## **Background**

### **Juvenile Pretrial Release Process**

Established detention criteria (see Appendix C for the Hennepin County Juvenile Detention Center Criteria) ensure that admission to the Hennepin County Juvenile Detention Center (JDC) is limited to those juveniles arrested for felony or person offenses.

For youth who commit serious offenses and meet the detention criteria, two separate risk assessment instruments aid in the pretrial release decision-making process. Corrections employees use the first instrument, the Juvenile Detention Center Risk Assessment Instrument (JDC RAI, see Appendix B), to determine if the offender is appropriate for a lower level of intervention or if detention is most appropriate. If the JDC RAI score indicates detention, the juvenile is held pending judicial review at a detention hearing. If the JDC RAI indicates release, the juvenile receives a court date for an arraignment hearing and the Juvenile Detention Center releases the juvenile to family or shelter.

If detained by the JDC RAI, the judge uses the second instrument – the Courtroom RAI - to help further determine if the juvenile is appropriate for release. At the detention hearing, the judge may order release to family or shelter, release on EHM or other detention alternative, or order detention. Importantly, the judicial decision at the detention hearing may not be the final release decision in the case. Subsequent hearings may provide additional opportunities for release.

### **Courtroom RAI Design**

Modeled after the JDC RAI and first implemented in November 2009, the Courtroom RAI (see Appendix A) takes into account the seriousness of the current charge, and the presence of other risk factors such as age at first adjudication, capped adjudication history, prior failure to appear, and prior pending petitions.

There are, however, some important differences between the JDC RAI and the Courtroom RAI in the classification of the current charge. In the JDC RAI, basis for this charge is on the arresting officer's explanation of the offense that has no review by an attorney. The Courtroom RAI has the formal charges brought through petition by the Hennepin County Attorney's Office. The points differ between two RAIs as well. The mandatory hold arresting offenses (considered the most serious felony arrests) on the JDC RAI are split between the 'most serious' and

'serious' felony charges on the Courtroom RAI, given the points of 15 and 10 respectively. Under the Courtroom RAI, 15 points would indicate continued detention but a 10-point offense with no other points awarded would indicate release.

The Courtroom RAI assigns a score from three to 28 and places juveniles into one of three categories, based upon risk level – low risk, moderate risk or high risk. According to the instrument, low risk offenders, those with a 'cut point' score from 3 to 10, are appropriate for release to home or shelter. Moderate risk offenders, those with a cut point score from 11 to 14, are most appropriate for a detention alternative (DA) such as electronic home monitoring (EHM), community coaches or shelter. The instrument recommends detention for high-risk offenders – those with a score of 15 or greater.

Prior to the detention hearing, a juvenile probation officer scores the Courtroom RAI for each juvenile. The judge then receives the scored instrument at the start of each detention hearing. Although the instrument provides cut points, the judge has authority to override the score, ordering a higher or lower release decision than indicated by the Courtroom RAI. If departing from the scale, the judge provides a rationale.

While used together to help predict juvenile pretrial failure, only the JDC RAI has undergone statistical validation. The JDC RAI validation, conducted by the Hennepin County Juvenile Detention Alternative Initiative (JDAI) and the Fourth Judicial District Research Division in 2009, yielded a statistically sound instrument that helps predict pretrial failure for those released by the JDC RAI.<sup>1</sup> This study seeks to do the same for the Courtroom RAI; it will examine the pretrial outcomes for those juveniles released by the Courtroom RAI and determine which elements on the scale relate to pretrial failure.

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<sup>1</sup> Podkopacz, Marcy R. (2009). JDAI: Validation of the Risk Assessment, Fourth Judicial District of Minnesota.

## Methodology

### Research Questions

The primary goal of the research is to determine if the Courtroom RAI reliably predicts pretrial failure, defined as failure to appear and pretrial crime. To achieve this, the study identifies the elements on the instrument that correlate with pretrial failure. It also identifies elements that introduce racial or gender bias but do not predict pretrial failure.

Additionally, the study considers whether the current caps on prior adjudication – a maximum of six points for those with two or more felony adjudications – effectively identify those most at risk for pretrial failure. It considers the frequency with which judicial overrides occur, as well as the reasons for these overrides, and determines if the scale alone or the judicial decision in conjunction with the scale produces a more reliable release decision.

### Current Analysis Sample

The Fourth Judicial District Research Division collected Detention Courtroom RAI data from November 16, 2009 to June 30, 2012. The sample includes 1,010 unique cases and represents offenses committed by 878 juveniles.

For each sample case, the Research Division obtained the disposition date as well as any data related to pretrial failure from the Minnesota Court Information System (MNCIS). Twenty-eight cases had not yet reached disposition but are included in the sample and, for purposes of the analysis, have a disposition date of November 30, 2012.<sup>2</sup> The Hennepin County Juvenile Detention Center provided data on the booking release date in each sample case.

Of the 1,010 cases, 74% have a pretrial window. In these cases, a judge released the youth before disposition. In the remaining 26% of cases, a judge detained the youth – there is no pretrial window and therefore no opportunity for pretrial failure. These cases include those youth who received a disposition on the same day as the detention hearing (104 cases), as well as those youth who judges detained until disposition (159 cases).

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<sup>2</sup> For these 28 cases, the average time from release to the imposed disposition date of November 30, 2012 is 396 days. This represents a range from 151 days to 996 days. In several cases, the child absconded – never returning to court after missing a hearing. In a number of other cases, competency proceedings have delayed disposition.



Cases with a pretrial window are of primary importance and are the focus of this analysis. For comparison, however, Tables 1 through 4 include percentages for both the pretrial window and full sample.

### **Demographics of Evaluated Juveniles**

As shown in Table 1, Black/African Americans comprise the largest portion of those released pretrial (69%), followed by whites (16%) and American Indians (6%). Only a small percentage of juveniles with a pretrial window identify as Hispanic/Latino (8%). Taking into account both race and ethnicity, nearly all those released pretrial identify as a minority (86%). Thirteen percent identify as a non-minority (white, non-Hispanic/Latino).

Males represent the largest portion of those released pretrial (83%), while females represent 17%. Most juveniles are between 15 and 16 years old (45%), with 30% aged 17 or older and 26% aged 14 or younger.

The majority committed offenses in Minneapolis (55%), while 41% committed offenses in suburban Hennepin County. The remaining youth were arrested out-of-county (4%).

**Table 1. Demographic Variables for All Sample Cases**

		<b>Full Sample n=1,010</b>	<b>Pretrial Window Sample n=747</b>
<b>Self-Reported Race</b>	American Indian or Alaskan Native	6.1%	6.2%
	Asian	2.2%	2.0%
	Black/African American	70.8%	68.8%
	Native Hawaiian or Other Pacific Islander	0.2%	0.3%
	White	14.3%	15.5%
	Other Race	3.8%	4.1%
	Two or More Races	2.7%	3.1%
<b>Self-Reported Ethnicity</b>	Hispanic/Latino	8.3%	8.2%
	Non-Hispanic/Latino	75.8%	74.7%
	Missing/Unknown	15.8%	17.1%
<b>Minority Status</b>	Minority	88.3%	86.6%
	Non-Minority	11.7%	13.4%
<b>Gender</b>	Male	86.4%	83.4%
	Female	13.6%	16.6%
<b>Age Group</b>	14 years or younger	22.6%	25.7%
	15 years	18.9%	18.9%
	16 years	25.9%	26.0%
	17 years or older	32.6%	29.5%
<b>Community of Offense</b>	Minneapolis	54.9%	55.0%
	Suburban Hennepin County	40.2%	40.8%
	Out-of-County	5.0%	4.1%

## **Pretrial Scale Indicators**

Table 2 shows each of the five elements on the Courtroom RAI, as well as the percentage of juveniles in each category. Of those juveniles with a pretrial window, three-quarters (75%) were charged with a felony offense. One-quarter were charged with a 'most serious felony level person offense', 40% were charged with a 'serious felony level person offense' and 10% were charged with 'all other felonies'. For those charged with misdemeanors, 20% were charged with a 'most serious non-felony offense' and 5% were charged with an 'other non-felony offense'. Thirty-eight percent had a prior adjudication history, with most receiving points for misdemeanor convictions. Although less than one-third (31%) of all released juveniles had a first misdemeanor or above adjudication at less than 16 years of age, the majority of those with an adjudication history did (81%).

An equal percentage of juveniles have a prior failure to appear as have a prior pending petition (19%). Eleven percent has two or more bench warrants in the last two years, while 8% have one bench warrant in the last two years. For those with prior pending petitions, most have a gross misdemeanor or misdemeanor petition (13%). Five percent have a felony petition while less than one percent has a pending EJJ or a Certification Motion.

**Table 2. Fourth Judicial District Juveniles – Frequencies and Percentages for All Sample Cases**

<b>Independent Variables</b> --Elements in the Courtroom RAI--		<b>Full Sample n=1,010</b>	<b>Pretrial Window Sample n=747</b>
<b>Current Charged Offense</b>			
Most Serious Felony Level Person Offenses		34.2%	25.4%
Serious Felony Level Person Offenses		35.9%	39.6%
Most Serious Non-Felony Person Offenses		15.6%	19.5%
All Other Felonies		10.1%	10.4%
All Other Non-Felonies		4.2%	5.0%
<b>Other Risk Factors</b>			
First misdemeanor or above adjudication at less than 16 years of age	No	60.9%	68.9%
	Yes	39.1%	31.1%
<b>Prior Adjudications</b>			
<i>Any Prior Adjudication</i>	No	52.2%	61.6%
	Yes	47.8%	38.4%
Two or more felony adjudications – OR- Prior EJJ adjudication/Previously Certified to Adult Court		5.8%	3.3%
One felony adjudication		15.0%	9.9%
One or more gross misdemeanor adjudications		10.3%	8.3%
One or more misdemeanor adjudications for assault		6.6%	6.4%
One or more misdemeanor adjudications		10.1%	10.4%
<b>Prior Failure to Appear</b>			
<i>Any Prior Failure to Appear</i>	No	76.1%	80.7%
	Yes	23.9%	19.3%
2 or more bench warrants in last 2 years		15.0%	11.0%
1 bench warrant in last 2 years		8.9%	8.3%
<b>Prior Pending Petitions</b>			
<i>Any Prior Pending Petition</i>	No	77.6%	81.3%
	Yes	22.4%	18.7%
Pending EJJ or Cert Motion		0.8%	0.3%
Other Felony Pending Petition		6.7%	5.2%
GM or Misdemeanor Pending Petition		14.9%	13.3%

## RAI Scale Recommendations

As shown in Table 3, half of those with a pretrial window received a score between three and ten, indicating release. Approximately one third received a score of fifteen or more, indicating detention, and the remaining 17% received a score between 11 and 14, indicating release on a detention alternative. Scores for released juveniles range from three to 25, with an average score of 12.

**Table 3. RAI Scale Cut Points for All Sample Cases<sup>3</sup>**

<b>RAI Scale Cut Points</b>	<b>Full Sample n=1,010</b>	<b>Pretrial Window Sample n=747</b>
15 or more=Detain	45.0% <sup>4</sup>	33.1%
11-14=EHM/DA	15.8%	17.1%
3-10=Release	39.1%	49.8%

## Judicial Decisions at the Detention Hearing

Importantly, not all juveniles with a pretrial window are released at the first detention hearing. In 22% of cases, the judge ordered detention at the initial hearing; release occurred after the detention hearing but before the first final disposition date.<sup>5</sup> For these cases, the average time from the detention hearing to release is 19 days.

For those juveniles released at the first detention hearing, judges ordered a nearly equal percentage to a detention alternative (39%) as to release to family or shelter (40%).

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<sup>3</sup> The variance in RAI scale cut points between the full sample and pretrial window sample occurs because a portion of those detained by the scale are also detained by judges. As a result, fewer youth with a pretrial window appear in the 'detain' category and more appear in the 'release' category.

<sup>5</sup> When available, the court information system (MNCIS) provided the release types for these individuals. Of the 163 juveniles released after the detention hearing, 60% were put on EHM or given another detention alternative and 15% were released to family or shelter. Release type is missing for one quarter of the cases.

**Table 4. Judicial Decisions for All Sample Cases**

Judicial Decisions	Full Sample	Pretrial Window Sample
	n=1,010	n=747
Detain	41.6%	21.8%
EHM/DA	29.1%	38.7%
Release	29.3%	39.5%

As shown in Table 5, judges agreed with the scale 61% of the time.<sup>6</sup> For the remaining cases, they departed in an upward fashion 19% of the time and a downward fashion 21% of the time. Judges detained 46% of those who received a score of 15 or more, ordering the remaining youth (54%) to either EHM/DA or release. When the scale recommended EHM/DA, judges agreed 63% of the time. In the remaining cases, they ordered detention (21%) or release (16%). When the scale recommended release, judges agreed 69% of the time. In the remaining cases judges departed in an upward fashion, ordering EHM/DA or detention.

**Table 5. Scale Recommendation by Judicial Departures - Juveniles with a Pretrial Window**

	Departure Type			Total
	No Departure	Upward Departure	Downward Departure	
Detain	114 46.2%	---	113 53.8%	247 100.0%
EHM/DA	81 63.3%	27 21.1%	20 15.6%	128 100.0%
Release	258 69.4%	114 30.6%	---	372 100.0%
Total	453 60.6%	141 18.9%	153 20.5%	747 100.0%

<sup>6</sup> In the full sample, judges agreed with the scale 65% of the time. They departed in an upward fashion 19% of the time and in a downward fashion 15% of the time. The Executive Summary provides the departure rate for the full sample.

Table 6 illustrates the departure rates for both minorities and non-minorities. Rates are similar for each departure type, indicating that the judicial decision does not introduce racial bias. As shown below, judges follow the RAI recommendation in 62% of cases involving non-minorities and 60% of cases involving minorities. They depart in an upward fashion in 21% of cases for non-minorities and 19% for minorities. In 17% of cases involving non-minorities they issue a downward departure, while in 21% of cases involving minorities they issue a downward departure.

**Table 6. Minority Status by Judicial Departures – Juveniles with a Pretrial Window**

	Departure Type			Total
	No Departure	Upward Departure	Downward Departure	
Non-Minority	62 62.0%	21 21.0%	17 17.0%	100 100.0%
Minority	391 60.4%	120 18.5%	136 21.0%	647 100.0%
Total	453 60.6%	141 18.9%	153 20.5%	747 100.0%

Departure rates are also similar for males and females. As shown in Table 7, judges follow the Courtroom RAI recommendation in 60% of cases involving males and 65% involving females. When judges depart for females, they depart in an upward fashion 21% of the time and a downward fashion 14% of the time. When judges issue departures for males, they depart in an upward fashion 19% of the time and a downward fashion 14% of the time. The differences between males and females are not significant, indicating that judicial departures do not introduce gender bias.

**Table 7. Gender by Judicial Departures - Juveniles with a Pretrial Window**

	Departure Type			Total
	No Departure	Upward Departure	Downward Departure	
Male	372 59.7%	115 18.5%	136 21.8%	623 100.0%
Female	81 65.3%	26 21.0%	17 13.7%	124 100.0%
Total	453 60.6%	141 18.9%	153 20.5%	747 100.0%

## Reasons for Departure

A content analysis of departure rationales indicates that judges consider individual circumstances in addition to the Courtroom RAI score when making release decisions.

Judges cited mental and physical health issues, victim safety, use of a weapon in the charged offense, school attendance, prior run history, and the juvenile's age at time of offense. In some cases, these were mitigating factors while in others they were aggravating factors. For instance, when the RAI indicated detention a judge might consider the juvenile's mental health and, if currently engaged in mental health treatment, might release the child to family or on EHM. On the other hand, if the RAI recommended release and the juvenile had not received appropriate treatment for mental health issues, the judge might detain the youth and order a psychiatric evaluation.

In addition, judges considered the recommendations of probation and prosecuting attorneys, as well as those of family members. In a number of instances, the judicial rationale indicated that family members were either unwilling or unable to take the juvenile home. In other cases, family members were not present at the detention hearing. As a result, judges held juveniles who were otherwise eligible for release.

In approximately 20%<sup>7</sup> of cases, the judicial rationale included a circumstance already accounted for in the RAI such as seriousness of the charged offense, prior criminal history, prior failure to appear or pending charges.

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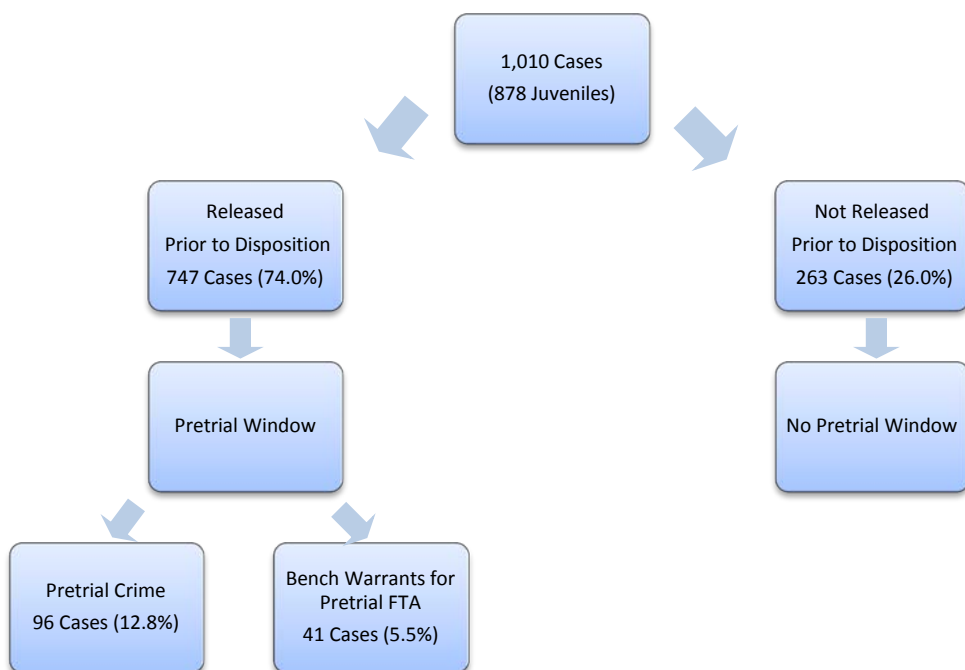
<sup>7</sup> This represents departures in cases with a pretrial window. In the full sample, the judicial rationale included a circumstance already accounted for in the Courtroom RAI 22% of the time. The Executive Summary provides the rate for the full sample.



## Pretrial Failure

The goal of the Courtroom RAI is to predict pretrial failure reliably. It helps to identify those youth who pose both a flight risk and a danger to the community or themselves. As such, this study examines two different types of pretrial failure: failure to appear at a pretrial court hearing and pretrial crime. As shown in Figure 1, 123 cases had at least one instance of pretrial failure.<sup>8</sup> This represents 118 juveniles, or 17% of juveniles with a pretrial window.<sup>9</sup>

**Figure 1. Sample for Courtroom RAI Validation  
November 2009-June 2012**



**Total Cases with Pretrial Failure = 123 of 747 (16.5%)**  
**Total Juveniles with Pretrial Failure = 118 of 678 (17.4%)**

<sup>8</sup> In 14 cases, youth experienced both failure to appear and pretrial crime.

<sup>9</sup> Youth may appear in the sample multiple times if they have more than one case between November 2009 and June 2012. In total, five youth in the sample experienced pretrial failure on more than one case.

## Failure to Appear

For purposes of this study, failure to appear occurs when a juvenile misses a scheduled court hearing for which the judge issues a bench warrant.<sup>10</sup> If a case had even one failure to appear, it was classified as a failure for the analysis. Applying these criteria, approximately 6% of sample cases had a failure to appear. The average time to failure, the time from release to the missed court appearance, for these cases is 93 days. This represents a range of time from four days to 606 days.<sup>11</sup>

## Pretrial Crime

Pretrial crime, as defined for this research, occurs when a juvenile obtains a new charge filed with the court with an *offense date between the booking release date and the first final disposition date*<sup>12</sup> on the sample. Only the first instance of pretrial crime is included in the analysis. Thirteen percent of the sample had at least one new case. The average time to failure, the time from booking release to the new offense date, for those with pretrial crime is 50 days. This represents a range of time from less than one day (new offense date on the release date) to 392 days.

Of the 96 new cases, 95% of charges originated in Juvenile Court; the remaining cases (5%) originated in Adult Court. While most cases (77%) include just one charge, the number of charges on an individual case ranges from one to four. At filing, 15% of the pretrial crime cases had a felony level offense as the most serious charge. In comparison, 30% had a gross misdemeanor, and 55% had a misdemeanor as the most serious charge.

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<sup>10</sup> This ensures consistency with the operational definition employed on the Courtroom RAI. As youth only receive points on the Courtroom RAI for a failure to appear with a bench warrant, the validation study considers failure to appear with a bench warrant. Using this definition, and not any failure to appear, does not significantly alter the findings for the Courtroom RAI validation. Defining failure as a missed court appearance with a bench warrant is consistent with national research. See Cohen, Thomas and Brian Reaves (2007). State Court Processing Statistics, 1990-2004: Pretrial Release of Felony Defendants in State Courts. *Bureau of Justice Statistics Special Report* (NCJ 214994). See also VanNostrand, Marie and Rose, Kenneth J. (2009). The Virginia Pretrial Risk Assessment Instrument. Report for the Virginia Department of Criminal Justice Services, Richmond.

<sup>11</sup> While the majority of Juvenile Court cases reach disposition within six months, some outliers exist. This sample includes cases that took longer to reach disposition, due to both competency issues and multiple case continuances.

<sup>12</sup> Pretrial crime includes felony, gross misdemeanor and misdemeanor offenses. These offense levels are consistent with those found on the Courtroom RAI. As youth only receive points for misdemeanor or above adjudications, the validation study considers pretrial crime offenses charged at or above the misdemeanor level.

## Bivariate Analysis

A bivariate analysis examines the relationship between two variables. For this research, it will identify the elements on the Courtroom RAI that correlate, or have a relationship, with pretrial failure. Elements with significant correlations generally help to predict pretrial failure.

As shown in Table 8, current charge, prior failure to appear and prior pending petition all influence a juvenile's likelihood to miss a court hearing. Those charged with a 'most serious felony level person offense' are less likely to fail to appear. Conversely, those charged with a 'serious felony level person offense' or 'all other non-felonies' are more likely to fail to appear. Those juveniles with two or more bench warrants in the last two years and those with an 'other felony pending petition' are also more likely to fail to appear.

Current charge, first misdemeanor or above adjudication at less than 16 years old, prior adjudications and prior failure to appear are the elements on the Courtroom RAI related to pretrial crime. While a juvenile charged with a 'serious felony level person offense' is less likely to commit a new offense, a juvenile charged with 'all other felonies' is more likely to commit pretrial crime. Those with an adjudication before the age of 16 are more likely to commit a new crime while on pretrial release. Similarly, juveniles with one or more misdemeanor adjudications are statistically more likely to commit pretrial crime, as are those with one or more bench warrants within the last two years.

An analysis of any pretrial failure – a variable that combines cases with pretrial crime and failure to appear - reveals that juveniles charged with 'all other felonies' and 'all other non-felonies' are more likely to fail pretrial. Those with prior contact with the court are also more likely to fail pretrial. Those with a misdemeanor or above adjudication before 16, those with one felony adjudication and those with one or more misdemeanor adjudication are all more likely to fail. In addition, juveniles with one or more bench warrants in the last two years and those with an 'other felony pending petition' are statistically more likely to fail pretrial.

**Table 8. Bivariate Analysis of Independent Variables (Significant Relationships)<sup>13</sup>**

<b>Independent Variables – Elements in Courtroom RAI</b>		<b>Failure to Appear</b>	<b>Pretrial Crime</b>	<b>Any Failure</b>
<b>Current Charge</b>	Most Serious Felony Level Person Offenses	Yes	No	No
	Serious Felony Level Person Offenses	Yes	Yes	No
	Most Serious Non-Felony Person offense	No	No	No
	All Other Felonies	No	Yes	Yes
	All Other Non-Felonies	Yes	No	Yes
<b>Other Risk Factors</b>	First Misdemeanor or Above Adjudication at less than 16 years old	No	Yes	Yes
<b>Prior Adjudications</b>	Two or More Felony Adjudications	No	No	No
	One Felony Adjudication	No	No	Yes
	One or More Gross Misdemeanor Adjudications	No	No	No
	One or More Misdemeanor Adjudications for Assault	No	No	No
	One or More Misdemeanor Adjudication	No	Yes	Yes
<b>Prior Failure to Appear</b>	Two or More Bench Warrants in Last 2 years	Yes	Yes	Yes
	One Bench Warrant in Last 2 years	No	Yes	Yes
<b>Prior Pending Petition</b>	Pending EJJ or Cert Motion	No	No	No
	Other Felony Pending Petition	Yes	No	Yes
	GM or Misdemeanor Pending Petition	No	No	No

<sup>13</sup> See Appendix D for correlations and significance levels.

## **Bias of Scale Items**

Bias occurs when an element correlates with race or gender, but not pretrial failure. Applying this definition, none of the Courtroom RAI elements introduces racial or gender bias; all elements correlate with either failure to appear or pretrial crime.

## **Multivariate Analysis**

The next step in the Courtroom RAI validation is to perform a regression analysis, a type of multivariate analysis. Regression analysis is a statistical technique that uses a set of variables to predict an outcome; it controls each variable while looking for independent contributions to the outcome. In binary logistic regression, the type of regression analysis used in this research, the outcome variable is dichotomous. This technique is appropriate for a validation study, as it uses elements on the risk assessment instrument to predict the presence or absence of pretrial failure.

Table 9 shows the significant predictors of failure in the multivariate analyses. In a full regression model, current charge and prior pending petitions contribute to pretrial failure to appear.<sup>14</sup> Those juveniles charged with a ‘most serious felony person offense’ or ‘most serious non-felony person offense’ are less likely to miss a scheduled court appearance. In contrast, juveniles with an ‘other felony pending petition’ are more likely to miss a scheduled court appearance.

One element on the Courtroom RAI contributes to pretrial crime: prior adjudications. Those juveniles with one or more misdemeanor adjudications are more likely to commit pretrial crime.

A model that combines pretrial failure to appear and pretrial crime reveals that prior adjudications and prior failure to appear contribute to any type of pretrial failure. Juveniles with one or more misdemeanor adjudications are more likely to experience pretrial failure. Similarly, juveniles with two or more bench warrants in the last two years are more likely to fail pretrial – either through failure to appear at a scheduled court appearance or through the commission of

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<sup>14</sup> This discussion centers on results of three separate regression models – a model for failure to appear, pretrial crime, and any pretrial failure. All are full models that include every element in the Courtroom RAI. In the models, current charge offense is a categorical variable. All other variables are dichotomies. See Appendix E.

pretrial crime. While not significant in the pretrial crime model, it approaches significance in the failure to appear model. As a result, it is not surprising that two or more bench warrants in the last two years predicts failure in the combined model.

For each model, fewer elements are significant in the multivariate analyses than the bivariate analyses. Overall, the full scale predicts failure to appear (13%) better than it predicts pretrial crime (7%). The scale predicts approximately 6% of any pretrial failure. These rates are all statistically significant. While the percentage of explained variance is admittedly low, pretrial failure is a rare event and therefore difficult to predict. Validation studies often find similar rates of prediction.<sup>15</sup>

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<sup>15</sup> For example, the Hennepin County JDC RAI, after validation, predicts 14% of pretrial failure and 7% of pretrial crime.



## ROC Curve Analysis

A receiver operating characteristic, or ROC curve, analysis helps determine the goodness of fit of the regression models. The ROC curve uses predicted group classification (either failing pretrial or not); it plots points on a Y-axis that measures sensitivity and an X-axis that measures specificity. The sensitivity, also known as true positives, refers to the number of cases correctly predicted as failures (i.e. the juvenile failed and the model predicted failure). The specificity, or true negatives, refers to the number of cases correctly predicted as successes (i.e. the juvenile did not fail pretrial and the model predicted the juvenile would not fail). The plots create a curve from which the 'area under the curve' is calculated. The area ranges from .50 to 1.0; the larger the area under the curve, the better the model predicts failure.

The regression model for failure to appear has an area under the curve of .740. This value is significant, meaning that the Courtroom RAI elements predict failure to appear at a rate significantly better than chance alone. This holds true for both pretrial crime and any pretrial failure. While the values for each are lower (.661 for pretrial crime and .642 for any pretrial failure), the regression models are predictive of pretrial crime and any pretrial failure.

**Table 10. Predictive Ability of the Courtroom RAI – Area Under the ROC Curve**

	<b>Area</b>	<b>Significant</b>
<b>Failure to Appear</b>	.740	Yes
<b>Pretrial Crime</b>	.661	Yes
<b>Any Pretrial Failure</b>	.642	Yes



## **Race and Gender in the Regression Models**

Additional analyses consider the impact of race and gender on pretrial failure. Adding minority status and gender to each of the regression models reveals what contribution each makes to the Courtroom RAI elements and to pretrial failure.

As shown in Table 11, race does not predict pretrial failure; it does not reach significance in any of the regression models. Similarly, gender does not predict pretrial failure. When added to the parsimonious models, race and gender do not influence the predictive ability of any elements; those elements that are significant in the full model are still significant when controlling for race and gender.

Minority status and gender contribute to the overall explanatory power of all three models. Simultaneously adding minority status and gender to the equations for failure to appear results in a three-percentage point increase in explained variance; the model predicts approximately 16% of pretrial failure. The models for pretrial crime and any pretrial failure also indicate an increase in explained variance, although the increase for each is approximately one percent.

**Table 11. Full Regression Models with Race and Gender(Significant Relationships)<sup>17</sup>**

Independent Variable		Failure to Appear	Pretrial Crime	Any Failure
<b>Current Charge</b>	Most Serious Felony Level Person Offenses	Yes	No	No
	Serious Felony Level Person Offenses	No	No	No
	Most Serious Non-Felony Person offenses	Yes	No	No
	All Other Felonies	No	No	No
	All Other Non-Felonies	No	No	No
<b>Other Risk Factors</b>				
	First Misdemeanor or Above Adjudication at less than 16 years old	No	No	No
<b>Prior Adjudications</b>				
	Two or More Felony Adjudications	No	No	No
	One Felony Adjudication	No	No	No
	One or More Gross Misdemeanor Adjudications	No	No	No
	One or More Misdemeanor Adjudications for Assault	No	No	No
	One or More Misdemeanor Adjudication	No	Yes	Yes
<b>Prior Failure to Appear</b>				
	Two or More Bench Warrants in Last 2 years	No	No	Yes
	One Bench Warrant in Last 2 years	No	No	No
<b>Prior Pending Petitions</b>				
	Pending EJJ or Cert Motion	No	No	No
	Other Felony Pending Petition	Yes	No	No
	GM or Misdemeanor Pending Petition	No	No	No
<b>Demographics</b>				
	Minority	No	No	No
	Gender	No	No	No
Nagelkerke R Square (percent explained variance)		16%	8%	7%

<sup>17</sup> See Appendix E for complete results of the regression models.

## **Prior Adjudication Caps**

As currently designed, juveniles with a prior adjudication history receive between one and six points on the Courtroom RAI. The point structure takes into account the seriousness of the adjudication offense, as well as the type and number of prior adjudications. Juveniles who receive the maximum number of points (6 points) are those with two or more felony adjudications, those with a prior EJJ adjudication, and those previously certified to adult court. Juveniles with one prior felony adjudication receive four points, while juveniles with one or more gross misdemeanor adjudications receive three points. The point structure distinguishes between misdemeanor adjudications for assault (2 points) and all other misdemeanor adjudications (1 point).

To determine whether the point structure effectively identifies those juveniles most at risk for pretrial failure, two methods were used to analyze prior adjudication history. The first method used the capped prior adjudication score found on the Courtroom RAI. As noted in Table 9, this method predicts pretrial failure.

The second method tested whether the current scale adequately captures chronic offenders. To create the cumulative prior adjudication variable, complete criminal history data was obtained for each juvenile. Points were then assigned based upon the most serious charge level in each prior case— one point for misdemeanors, two points for gross misdemeanors and three points for felonies. The interval level variable had no cap; scores ranged from zero to 17 with an average score of 1.2. When entered into the logistic regression equations, the cumulative prior adjudication history element did not predict failure.

## Cut Point Analysis

Next, an examination of the Courtroom RAI scale cut points reveals if the cut points effectively identify those most at risk for pretrial failure. The cut points assign juveniles to one of three risk categories: low (3-10), moderate (11-14) or high (15+). While the intended purpose of the risk categories is to help predict failure, assignment in a given category does not provide a guarantee - juveniles deemed low risk might fail and juveniles deemed high risk might not.

One way to measure the effectiveness of the scale cut points is to create a four-quadrant risk model. The four-quadrant risk model considers the number of youth assigned to each risk category, as well as those youth that fail pretrial. It identifies true positives, false positives, true negatives and true positives. In this context, true positives occur when a juvenile identified as high risk fails pretrial, while false positives occur when a juvenile identified as high risk succeeds (i.e. appears at each pretrial hearing and remains law abiding). In contrast, true negatives occur when a juvenile identified as low risk succeeds, while false negatives occur when a juvenile identified as low risk fails. The most effective scales have high true positives and high true negatives. In other words, it correctly assigns those who actually do fail to the high risk category and those who do not to lower risk categories.

The four-quadrant risk model below compares high risk youth – those recommended for detention - to all other youth. It reveals a low true positive rate (15%) and a high false positive rate (85%) for juveniles assigned to the high risk category. This roughly mirrors the false negative (17%) and true negative (83%) rates for those assigned to the low and moderate risk categories, indicating that the scale does not always identify youth who fail pretrial.

**Table 12. Four Quadrant Risk Model for Any Pretrial Failure**

	<b>Pretrial Failure</b>	<b>No Pretrial Failure</b>
<b>High Risk (Failure Predicted)</b>	True Positives: Failure occurred in 38 of the 247 cases rated high risk (15%)	False Positives: Failure did not occur in 209 of the 247 cases rated high risk (85%)
<b>Not High Risk (Failure Not Predicted)</b>	False Negatives: Failure did occur in 85 of the 500 cases rated low to moderate risk (17%)	True Negatives: Failure did not occur in 415 of the 500 cases rated low to moderate risk (83%)

To examine further which risk category experiences the highest rate of failure, the table below provides the proportion of youth in each category that failed pretrial. In proportion to their rate of release, moderate risk youth fail most often (23%). High risk youth fail at the next highest rate (15%), followed by low risk youth (15%).<sup>18</sup> This indicates that the scale does not work precisely as designed. If it did, those juveniles assigned to the high risk category would fail most often, followed by those assigned to the moderate risk category. While it does properly assign low risk youth, the failure rate does not significantly differ from those identified as high risk.

**Table 13. Proportion of Juveniles Experiencing Any Pretrial Failure by Risk Level**

Risk Level	Released (n=747)	Proportion with Any Failure
High (15+)	247	.154
Moderate (11-14)	128	.234
Low (3-10)	372	.148

An analysis of the individual Courtroom RAI scores provides additional insight. As shown in Table 14, it reveals varying rates of failure within each risk category. In the low risk category, youth with a score of four experienced the lowest amount of failure (0%), while those with a score of nine (25%) experienced the most. In the moderate risk category, failure rates range from 20% for those with a score of 14 to 29% for those with a score of 13. For youth assigned to the high risk category, those with a score of 25 (50%) failed the most, while those youth with scores of 19 and 23 and failed the least (0% for both). This illustrates that youth in all categories fail, although at varying rates based upon the individual score, and reveals that progressive increases in the Courtroom RAI score do not necessarily correspond to higher rates of pretrial failure.

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<sup>18</sup> Further analysis reveals that juveniles classified as moderate risk have a greater length of time to fail. On average, they had a pretrial window length of nearly 183 days. This represents a range of 13 days to 996 days. Those classified as low risk had an average pretrial window length of 168 days, while those classified as high risk had an average window of 153 days. When entered in the full regression model, the length of the pretrial window does predict failure – those with a larger window are more likely to fail. This likely contributes to the proportion of those who fail in each of the three risk levels.

**Table 14. Percentage of Juveniles Experiencing Any Pretrial Failure by RAI Score**

Risk Level	RAI Score	Total Juveniles Who Received Score	% Juveniles with Any Pretrial Failure
Low	3	16	18.8%
	4	2	0.0%
	5	0	0.0%
	6	90	11.1%
	7	28	14.3%
	8	27	22.2%
	9	32	25.0%
Moderate	10	177	13.6%
	11	36	25.0%
	12	38	21.1%
	13	24	29.2%
High	14	30	20.0%
	15	128	14.1%
	16	33	12.1%
	17	20	10.0%
	18	19	31.6%
	19	10	0.0%
	20	15	20.0%
	21	7	28.6%
	22	7	14.3%
	23	4	0.0%
	24	0	0.0%
	25	4	50.0%
	26	n/a	n/a
	27	n/a	n/a
	28	n/a	n/a

## Judicial Decisions and Pretrial Failure

While the elements on the Courtroom RAI correlate with, and predict, failure, the scale cut points do not always identify those most at risk. For this reason, the judicial decision also plays an important role. An analysis of both scale recommendations and judicial decisions determines what affect departures have on pretrial failure.

As shown in Table 15, judges do a better job of identifying high-risk juveniles than does the Courtroom RAI alone. Of those detained by a judge at the first detention hearing, 22% failed pretrial. In comparison, 15% of those with a score of 15 or more failed pretrial. This indicates that judges, in considering the individual circumstances of the case, often identify those youth that present a heightened risk for either failure to appear or pretrial crime. According to the departure rationale, these include instances where no adult is able or willing to take the juvenile, where the juvenile exhibits mental health issues, and where the juvenile has a history of running, either from home or prior placements.

Similarly, juveniles ordered to EHM failed at a lower rate than juveniles who received a cut point score from 11 to 14. Thirteen percent of those ordered to EHM or other detention alternative failed pretrial, while 23% of those the scale recommended to EHM failed.

The scale, however, does a better job of identifying low risk offenders. Of juveniles who received a cut point score from three to ten, 15% failed pretrial. In comparison, 17% of those released by a judge at the first detention hearing failed pretrial.

**Table 15. Percent with Any Pretrial Failure by Scale Cut Points and Judicial Decision**

<b>Release Category</b>	<b>Scale Recommendation</b>	<b>Judicial Decision</b>
Detention (15+)	15.4%	22.1%
EHM/DA (11-14)	23.4%	12.5%
Release (3-10)	14.8%	17.3%

## Summary

The Courtroom RAI predicts both failure to appear and pretrial crime; it explains 13% of variance for failure to appear and 7% for pretrial crime.

All elements on the Courtroom RAI correlate with pretrial failure. Current charge, prior adjudication, prior failure to appear and prior pending petitions are all predictive of pretrial failure. Although not predictive of failure, first misdemeanor or above adjudication at less than 16 years old is associated with pretrial crime. None of the elements introduce racial or gender bias, and neither race nor gender is predictive of failure.

The prior adjudication element does effectively identify those juveniles most at risk for pretrial failure. While capped at six points, the element takes into account the seriousness of the offense, as well as the type and number of prior adjudications.

An examination of judicial departures reveals that judges depart from the scale approximately 35% of the time. They both detain and release fewer juveniles than the scale recommends and order a higher percentage to the middle category of EHM or other detention alternative. A content analysis reveals that in 22% of all cases, judges depart for a reason already accounted for in the Courtroom RAI. None of the departure reasons predicts pretrial failure. The judicial decision, however, does not introduce racial or gender bias.

While the Courtroom RAI predicts failure, the scale in combination with the judicial decision produces the most reliable results. Although the scale is more effective at identifying low-risk juveniles, judges are more effective at identifying those juveniles with the highest risk of pretrial failure.



## Recommendations

- Continue using the Courtroom RAI. Validation reveals that it predicts both failure to appear and pretrial crime. Current charge, prior adjudications, prior bench warrants and prior pending petitions all predict failure. While one element, first misdemeanor or above adjudication at less than 16 years of age, does not predict failure, it is associated with a juvenile's likelihood of committing pretrial crime. As a result, it may remain on the instrument.
- District Court Research staff should provide continual judicial training on the use of the Courtroom RAI including the departure rationale, particularly when new judges are assigned to Juvenile Court. The training should highlight the factors already accounted for in the Courtroom RAI; it should also identify other factors that commonly influence the pretrial release decision.
- District Court Research should provide annual training to Hennepin County Juvenile Probation staff. The training should center on proper scoring of the Courtroom RAI and will ensure that judges have accurate information when making release decisions.
- Utilize Juvenile Detention Alternative Initiative (JDAI) community coaches for those juveniles who score between three and ten on the Courtroom RAI. This will provide judges with an additional mechanism to ensure compliance and, by assigning a community coach early in the case, may help reduce failure for those youth classified as low risk by the Courtroom RAI.
- The Courtroom RAI form should be automated to electronically pull information from MNCIS. An electronic format will help eliminate errors in scoring the Courtroom RAI and coincides with the eCourtMN initiative, an effort to move from paper files to an electronic information environment.
- Continue quarterly updates of the Courtroom RAI, assessing departure rationale and testing for racial and gender bias.

**Appendix A: Courtroom Risk Assessment Instrument**

<b>Hennepin County Juvenile Risk Assessment Instrument DETENTION COURTROOM RAI</b>		
Case Number: 27JV _____		Child's Name: _____
JDC Booking Number: _____		Detention Hearing Date: ____/____/____
<b>Current CHARGED Offense (Choose most serious offense)</b>		<b>Points</b>
Most Serious Felony Level Person Offenses.....		15
Serious Felony Level Person Offenses .....		10
Most Serious <b>Non</b> -Felony person offenses .....		6
All other felonies.....		6
All other non-felonies.....		3
<b>Other Risk Factors</b>		
First misdemeanor or above adjudication at less than 16 years of age .....		1
<b>Prior History</b>		
<b>Prior Adjudications (Choose one – the most serious prior adjudication)</b>		
Two or more felony adjudications – OR – Prior EJJ adjudication/ Previously Certified to Adult Court.....		6
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
<b>Prior Failure to Appear (Choose one)</b>		
2 or more bench warrants in last 2 years.....		3
1 bench warrant in last 2 years.....		1
<b>Prior Pending Petitions (Choose one – the most serious)</b>		
Pending EJJ or Cert Motion .....		3
Other Felony pending petition.....		2
GM or Misdemeanor pending petition.....		1
<b>Scale Cut Points:</b>	<b>Judicial Decision (Please circle your release/detention choice below)</b>	<b>Total Points</b>
<b>Detain      15 +</b>	<b>Detain</b>	
<b>EHM/ATD    11-14</b>	<b>EHM/ATD :</b> EHM            Shelter            Community Coaches	
<b>Release      1-10</b>	<b>Release:</b> Home                    Shelter	

**Judicial rationale if deviating from scale:**

**DETENTION COURTROOM RAI  
CHARGED OFFENSE POINTS**

<u>15 POINTS</u>	<u>MOST SERIOUS FELONIES</u>
609.185	Murder in the 1 <sup>st</sup> Degree
609.19	Murder in the 2 <sup>nd</sup> Degree
609.195	Murder in the 3 <sup>rd</sup> Degree
609.20	Manslaughter in the 1 <sup>st</sup> Degree
609.205	Manslaughter in the 2 <sup>nd</sup> Degree
609.21	Criminal Vehicular Homicide and Operation
609.2661	Murder of Unborn Child in the 1 <sup>st</sup> Degree
609.2662	Murder of Unborn Child in the 2 <sup>nd</sup> Degree
609.2663	Murder of Unborn Child in the 3 <sup>rd</sup> Degree
609.2664	Manslaughter of an Unborn Child in the 1 <sup>st</sup> Degree
609.2665	Manslaughter of an Unborn Child in the 2 <sup>nd</sup> Degree
609.221	Assault in the 1 <sup>st</sup> Degree
609.222	Assault in the 2 <sup>nd</sup> Degree (gun only)
609.267	Assault of an Unborn Child in the 1 <sup>st</sup> Degree
609.2671	Assault of an Unborn Child in the 2 <sup>nd</sup> Degree
609.2672	Assault of an Unborn Child in the 3 <sup>rd</sup> Degree
609.268	Injury or Death of Unborn of Child in commission of crime
609.245	Aggravated Robbery (gun only)
609.25	Kidnapping
609.342	Criminal Sexual Conduct in the 1 <sup>st</sup> Degree
609.343	Criminal Sexual Conduct in the 2 <sup>nd</sup> 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 <sup>st</sup> Degree
609.582S1	Burglary in the 1 <sup>st</sup> Degree
609.66	Dangerous Weapons (Felony only)
609.67	Machine Guns and Short Barreled Shotguns
624.713	Prohibited Persons in Possession of Firearms

<u>10 Points</u>	<u>SERIOUS FELONIES</u>
609.222	Assault in the 2 <sup>nd</sup> Degree (NO gun)
609.223	Assault in the 3 <sup>rd</sup> Degree
609.224S4	Assault in the 5 <sup>th</sup> Degree IF Felony
609.2242S4	Felony Domestic Assault
609.2247	Strangulation
609.713	Terroristic Threats (toward/against school)
609.245	Aggravated Robbery (NO gun)
609.24	Simple Robbery
609.344	Criminal Sexual Conduct in the 3 <sup>rd</sup> Degree
609.345	Criminal Sexual Conduct in the 4 <sup>th</sup> Degree
609.582S2	Burglary in the 2 <sup>nd</sup> Degree (if unoccupied or a home)
609.485	Escape from Justice, Fugitive from Justice
609.496	Aiding an Offender (for 15 pt offenses)
617.247	Child Pornography
243.166	Failure to Register as a Sex Offender
<u>6 POINTS</u>	<u>OTHER FELONY OFFENSES NOT ALREADY LISTED INCLUDING....</u>

609.2231	Assault in the 4 <sup>th</sup> Degree
609.224	Assault in the 5 <sup>th</sup> 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 5 <sup>th</sup> Degree
152.021	Controlled Substance 1 <sup>st</sup> Degree
152.022	Controlled Substance 2 <sup>nd</sup> Degree
152.023	Controlled Substance 3 <sup>rd</sup> Degree
152.024	Controlled Substance 4 <sup>th</sup> Degree
152.025	Controlled Substance 5 <sup>th</sup> Degree
609.562	Arson 2 <sup>nd</sup> Degree
609.563	Arson 3 <sup>rd</sup> Degree
609.582S3	Burglary 3 <sup>rd</sup> 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)
609.498	Tampering with a Witness
<u>6 POINTS</u>	<u>NON-FELONY PERSON OFFENSES</u>
609.2242	Misdemeanor or Gross Misdemeanor 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
<u>3 POINTS</u>	<u>ALL OTHER NON-FELONY OFFENSES</u>

## Appendix B: Hennepin County Juvenile Detention Center Risk Assessment Instrument

<b>Appendix E: REVISED Hennepin County Juvenile Risk Assessment Instrument (RAI)</b> <b>Applied to Juveniles Arrested for New Offenses ONLY</b> <b>EFFECTIVE: OCT 8, 2009</b>		
<b>Indicators</b>	<b>Points</b>	<b>Rationale</b>
<b>Current Offense</b>		
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 3	All other felonies and GM person-offenses All other misdemeanors
<b>Total Maximum Current Offense Points</b>	<b>15</b>	
<b>Other Risk Factors</b>		
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
<b>Total Maximum Background Points</b>	<b>3</b>	
<b>Prior History</b>		
<b>- Prior Adjudications –</b> 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	
<b>- Prior Failure to Appear –</b> 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	
<b>- Pending Petitions –</b> 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	
<b>Total Maximum Prior History Points</b>	<b>12</b>	
<b>OVERALL TOTAL MAXIMUM POINTS</b>	<b>30</b>	<b>15 points possible for current offense, 3 for background information and 12 for prior history</b>

## Appendix C: 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:

The juvenile is accused of one of the following offenses:

Any incident resulting in death.

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.

Criminal sexual conduct (1st to 4th degrees).

Aggravated robbery or simple robbery.

Kidnapping or false imprisonment.

First-degree arson of a business, dwelling or school (includes explosives, bombs, and molotov cocktails).

Possession or use of firearm.

Terroristic threats toward or against a school or possession of weapons on school property.

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.

Fleeing police while in a motor vehicle.

Auto theft (tampering and joyriding will not be held).

**Controlled Substance** – distribution.

**Controlled Substance** – possession (excludes petty offense).

Tampering with a witness.

**DWI Offense MN Statute 169A.40 Subd.3: Certain DWI Offenses, Custodial Arrest.**

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.

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.

The juvenile is EJJ, under 18, and has any new charge.

The juvenile is on court-ordered Electronic Home Monitoring and

- A. Is accused of a new felony, or
- B. Has absented overnight, or

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.

The juvenile has absconded from

- A. A correctional facility, or
- B. A court-ordered residential treatment facility, or

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.

The juvenile's Hennepin County court-ordered placement has been terminated.

The court has issued a warrant for detention.

The juvenile has violated a Restraining Order, and the arresting officer has the Restraining Order number and provides it at the time of intake.

The juvenile resides out of county or state but has been arrested within Hennepin County on a felony offense.

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 D: Correlation Matrix

Correlations																				
	FTA	Pretrial Crime	Any Pretrial Failure	Most Serious Felony Level Person Offense	Serious Felony Level Person Offense	Most Serious Non-Felony Person Level Offense	All Other Felony Offense	All Other Non-Felonies	First Misdemeanor or Above Adjudication at Less than 16	Two or More Felony Adjudications	One felony adjudication	One or More Gross Misdemeanor Adjudications	One or More Misdemeanor Assault Adjudications	One or More Misdemeanor Adjudications	Two or More Bench Warrants in Last 2 Years	One Bench Warrant in Last 2 Years	Pending EJJ or Cert Motion	Other Felony Pending Petition	Gross or Misdemeanor Pending Petition	Minority
Pretrial Crime	.153**																			
Any Pretrial Failure	.543**	.865**																		
Most Serious Felony Level Person Offense	-.114**	.015	-.036																	
Serious Felony Level Person Offense	.069*	-.074*	-.020	-.473**																
Most Serious Non-Felony Person Level Offense	-.059	.012	-.019	-.288**	-.399**															
All Other Felony Offense	.052	.078*	.061*	-.199**	-.277**	-.168**														
All Other Non-Felonies	.108**	.005	.065*	-.133**	-.185**	-.113**	-.078*													
First Misdemeanor or Above Adjudication at Less than 16	.003	.088**	.069*	-.047	-.106**	.129**	.036	.047												
Two or More Felony Adjudications	-.045	.040	.018	.011	-.044	.002	.034	.026	.181**											
One felony adjudication	.038	.060	.070*	-.019	.006	-.005	.033	-.014	.310**	-.062*										
One or More Gross Misdemeanor Adjudications	.013	.000	.010	-.009	-.006	-.001	-.023	.066*	.364**	-.056	-.100**									
One or More Misdemeanor Assault Adjudications	-.009	.014	.016	-.115**	-.112**	.229**	.000	.066*	.272**	-.049	-.087**	-.079*								
One or More Misdemeanor Adjudications	.014	.117**	.073*	.032	-.062*	.052	.012	-.038	.282**	-.064*	-.113**	-.103**	-.089**							
Two or More Bench Warrants in Last 2 Years	.103**	.095**	.133**	-.028	-.048	-.076**	.146**	.097**	.273**	.149**	.142**	.158**	.065*	.062*						
One Bench Warrant in Last 2 Years	-.009	.073*	.063*	-.042	-.055	.096**	.008	.021	.155**	.052	.111**	.085**	.060	.008	-.106**					
Pending EJJ or Cert Motion	-.012	-.020	-.023	.089**	-.042	-.026	-.018	-.012	.021	-.010	-.017	-.016	-.014	.067*	-.018	-.016				
Other Felony Pending Petition	.102**	.036	.074*	-.040	.056	-.055	.018	.030	.103**	.057	.063*	-.005	.037	-.021	.072*	.104**	-.012			
Gross or Misdemeanor Pending Petition	.010	.050	.039	-.083*	.014	.046	-.009	.038	.181**	.059	.042	.111**	.075*	.034	.128**	.111**	-.020	-.092**		
Minority	.077*	.045	.069*	.022	.118**	-.133**	-.020	-.037	.077*	.073*	.065*	.019	-.025	-.033	.063*	.076*	-.132**	.022	.015	
Sex	.035	-.053	-.014	-.120**	-.052	.170**	.012	.031	-.012	-.083*	-.100**	.061*	-.103**	.036	.051	.035	-.023	-.040	-.015	-.004

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

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



## Appendix E: Binary Logistic Regression

### Full Model Results

Independent Variables	Failure to Appear			Pretrial Crime			Any Pretrial Failure		
	Coef.	SE	Sig.	Coef.	SE	Sig.	Coef.	SE	Sig.
Charge Offense <sup>19</sup>			.009			.355			.488
Charge Offense(1) Most Serious Felony Level Person Offenses)	-2.805	.858	.001	.153	.544	.778	-.654	.443	.139
Charge Offense(2) Serious Felony Level Person Offenses	-.846	.524	.107	-.235	.535	.661	-.570	.420	.175
Charge Offense(3) Most Serious Non- Felony Person Offenses	-1.743	.698	.012	.043	.555	.938	-.636	.454	.161
Charge Offense(4) All Other Felonies	-.740	.624	.236	.479	.571	.402	-.246	.474	.604
First Misdemeanor or Above Adjudication <16	-.562	.532	.291	-.227	.343	.508	-.287	.321	.371
Two or More Felony Adjudications <sup>20</sup>	-18.246	7598.766	.998	.668	.597	.263	.260	.583	.656
One Felony Adjudication	.539	.610	.377	.713	.428	.096	.638	.390	.102
One or More Gross Misdemeanor Adjudications	.335	.731	.647	.306	.514	.552	.260	.462	.573
One or More Misdemeanor Adjudications for Assault	.310	.795	.696	.429	.525	.414	.332	.482	.492
One or More Misdemeanor Adjudication	.634	.619	.306	1.156	.386	.003	.828	.369	.025
Two or More Bench Warrants in Last 2 years	.838	.468	.073	.500	.338	.139	.756	.303	.013
One Bench Warrant in Last 2 years	-.124	.670	.853	.569	.360	.114	.531	.338	.116
Pending EJJ or Cert Motion <sup>21</sup>	-16.545	28418.130	1.000	-19.520	27994.370	.999	-19.404	28263.814	.999
Other Felony Pending Petition	1.088	.533	.041	.375	.455	.410	.599	.392	.127
GM or Misdemeanor Pending Petition	.025	.503	.961	.255	.312	.413	.128	.291	.659
Constant	-1.889	.512	.000	-2.375	.520	.000	-1.440	.406	.000
Sample Size	747			747			747		
Model Chi Square	.002			.023			.025		
Nagelkerke R Square	.132			.068			.061		
Percent Correctly Classified	94.5%			87.1%			83.3%		

<sup>19</sup> Charge Offense is an indicator coded, categorical variable. The last category, All Other Non-Felonies, is the reference category.

<sup>20</sup> The large Standard Error results from the small number of juveniles with Two or More Felony Adjudications (n=25). Of those juveniles, five experienced pretrial failure in the form of pretrial crime.

<sup>21</sup> The large Standard Error results from the small number of juveniles with a Pending EJJ or Cert Motion (n=2). Of those juveniles, none experienced pretrial failure.

### Full Model Results with Race and Gender

Independent Variables	Failure to Appear			Pretrial Crime			Any Pretrial Failure		
	Coef.	SE	Sig.	Coef.	SE	Sig.	Coef.	SE	Sig.
Charge Offense <sup>22</sup>			.008			.280			.412
Charge Offense(1) Most Serious Felony Level Person Offenses)	-2.928	.873	.001	.047	.548	.931	-.727	.448	.104
Charge Offense(2) Serious Felony Level Person Offenses	-.995	.544	.068	-.320	.538	.552	-.644	.425	.130
Charge Offense(3) Most Serious Non- Felony Person Offenses	-1.760	.716	.014	.105	.558	.851	-.600	.457	.189
Charge Offense(4) All Other Felonies	-.792	.641	.216	.454	.574	.429	-.265	.477	.579
First Misdemeanor or Above Adjudication <16	-.665	.541	.219	-.289	.350	.408	-.347	.325	.285
Two or More Felony Adjudications <sup>23</sup>	-18.265	7571.220	.998	.546	.602	.365	.193	.585	.742
One Felony Adjudication	.591	.603	.327	.653	.432	.131	.624	.390	.110
One or More Gross Misdemeanor Adjudications	.351	.750	.640	.376	.522	.472	.311	.467	.506
One or More Misdemeanor Adjudications for Assault	.326	.801	.684	.508	.532	.339	.377	.486	.438
One or More Misdemeanor Adjudication	.727	.639	.255	1.216	.390	.002	.877	.372	.018
Two or More Bench Warrants in Last 2 years	.722	.479	.131	.551	.341	.106	.752	.306	.014
One Bench Warrant in Last 2 years	-.323	.686	.638	.571	.363	.116	.492	.340	.148
Pending EJJ or Cert Motion <sup>24</sup>	-14.688	28418.858	1.000	-19.189	27999.257	.999	-18.890	28270.170	.999
Other Felony Pending Petition	1.142	.542	.035	.346	.457	.449	.594	.395	.132
GM or Misdemeanor Pending Petition	.043	.506	.932	.232	.313	.459	.121	.293	.679
Minority	1.944	1.035	.060	.419	.383	.273	.589	.361	.103
Gender	.279	.428	.515	-.607	.359	.091	-.195	.291	.504
Constant	-3.618	1.107	.001	-2.598	.616	.000	-1.875	.512	.000
Sample Size			747			747			747
Nagelkerke R Square			.157			.079			.068
Model Chi Square		41.772, df=17, sig=.001		32.233, df=17, sig=.014		30.853, df=17, sig=.021			
Chi Square Change		6.740, df=2, sig=.034		4.382, df=2, sig=.112		3.386, df=2, sig=.184			
Percent Correctly Classified			94.5%			87.1%			83.1%

<sup>22</sup> Charge Offense is an indicator coded, categorical variable. The last category, All Other Non-Felonies, is the reference category.

<sup>23</sup> The large Standard Error results from the small number of juveniles with Two or More Felony Adjudications (n=25). Of those juveniles, five experienced pretrial failure in the form of pretrial crime.

<sup>24</sup> The large Standard Error results from the small number of juveniles with a Pending EJJ or Cert Motion (n=2). Of those juveniles, none experienced pretrial failure.