

Juvenile Justice Institute

Analysis of the Nebraska Intake Risk Assessment Instrument - 2015

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Executive Summary

Under current Nebraska law, a youth in Nebraska should be placed in a secure detention facility for only two reasons: (1) “immediate and urgent necessity for the protection of such juvenile or the person or property of another or (2) if it appears that such juvenile is likely to flee the jurisdiction of the court” (Rev. Stat. § 43-251.01(5)).

In the State of Nebraska, the Office of Juvenile Probation Administration screens youth using the Nebraska Juvenile Intake Screening Risk Assessment prior to making a determination whether to detain the youth. The assessment is referred to in this report as the Risk Assessment Instrument (RAI) (Office of Probation Administration, 2013). The Office of Probation contracted with the University of Nebraska Omaha’s Juvenile Justice Institute to assess whether the RAI effectively predicts which youth pose a threat to the community (will commit a new law violation) or fail to attend their scheduled court date (flee the court’s jurisdiction). Data was provided by the Office of Probation Administration and included juvenile intakes for whom a Risk Assessment Instrument was completed between September 1, 2013 and August 31, 2014.

Prior to assessing how well the score predicted whether a juvenile would break the law or fail to appear in court, we examined the consistency with which intake officers relied on the tool. That is, we studied whether intake officers rely on the scores or cut points when making their recommendations and ultimate decisions on whether or not to detain a youth.

Between September 1, 2013 and August 31, 2014, the Probation Administration completed the RAI on 1,845 juveniles. Of these, 1,191 were subsequently detained (66%) while 621 youth were released (34%). Intake officers appear to have a higher level of confidence in the tool, and rely on it more consistently, when youth score in the highest point range. Of the total 384 that scored for secure detention, the intake officer was confident in the RAI recommendation 93.5% of the time. For youth that score below a 12, overall, intake officers rely on the RAI score only 55% of the time.

Generally, youth were scheduled to appear in court within 40 days of the intake. We were not able to determine court dates in a handful of cases, but of the 569 juveniles with a scheduled court hearing, only 38 youth (6.7%) failed to appear at the next court hearing associated with the intake. This analysis indicates that when a youth is released, the youth is very likely to appear in court.

The majority of youth who are released are also not incurring new legal violations: 91.1% (N=566) had no new law violation prior to the next scheduled court hearing. Of the 8.4% (N=52) that had a new law violation, new charges included fairly minor adolescent behaviors, such as running away. In a handful of cases, the youth was charged with a more serious offense, like assault or multiple new law violations.

The report that follows includes an in-depth analysis of youth who completed the RAI in 2013-2014. While it appears that the tool is accurately predicting which youth pose an immediate or urgent risk for new law violations or not appearing for court; the 45% override rate impacts our overall findings, as it impacts which youth would have been released.

Introduction

Development & Implementation

In 2002, the Nebraska legislature assigned the Nebraska Probation Administration responsibility for determining whether a youth should be admitted to juvenile detention. The Nebraska Probation Administration began by developing a standardized tool and requiring statewide training of officers conducting intakes. Nebraska has had a number of generations of intake tools, modeled after the risk assessment utilized in Santa Cruz, California, a Juvenile Detention Alternatives Initiative Model Site and based on national best practices of the Annie E. Casey Foundation. In 2013, they revised the tool once again.

Pursuant to Nebraska statutes, a juvenile should be placed in a secure detention facility for only two reasons: (1) “immediate and urgent necessity for the protection of such juvenile or the person or property of another or (2) if it appears that such juvenile is likely to flee the jurisdiction of the court” (Rev. Stat. § 43-251.01(5)).

When a juvenile is presented for intake, a Nebraska Probation officer gathers information and completes the RAI following Nebraska Juvenile Intake Protocol (n.d.). According to the protocol, the RAI is completed when a juvenile meets one of the following criteria:

1. The juvenile has violated a law;
2. The juvenile is uncontrollable and has violated the law;
3. The juvenile has violated the law and is on probation;
4. The juvenile has violated the law and is in Department of Health and Human Services (DHHS) custody;
5. The juvenile is an in-state or out-of-state runaway.

Until a determination is made regarding detention authorization or alternative placement, the juvenile remains in law enforcement custody. According to Nebraska statute §43-260, only trained probation officers may administer the RAI and conduct intake screenings.

In an effort to complete the RAI thoroughly, the intake officer is encouraged to obtain additional collateral information prior to conducting the intake interview with the juvenile. The intake officer should examine all prior records for the juvenile or obtain a copy of the juvenile’s record from law enforcement. The intake officer determines if the juvenile is currently on probation, in the custody of DHHS, and/or if they have a warrant or order for custody by the Court. Contact with the parent/guardian is made in an effort to obtain any additional information and to explain to the parent/guardian the purpose of the call. Intake officers are encouraged to utilize the Nebraska Juvenile Intake Interview Guide (2013), to ensure that they accurately complete the intake interview and obtain all necessary information.

In 2013, with the technical assistance of the Annie E. Casey Foundation, Nebraska revised the RAI tool. An evaluation of the revised tool found that the new RAI was less likely to recommend that a youth be detained (Neeley, 2013). The revised RAI was subsequently implemented statewide (FY 12/13 Annual Report to the Governor).

As with prior generations of the tool, the revised RAI is designed to assist an intake officer in determining the risk posed by a juvenile. Risk in this context refers to a youth's probability of reoffending. A juvenile who is low risk is one with a relatively low probability of committing a new offense (i.e., relatively prosocial behaviors and few high risk factors), while a youth who poses a high risk, demonstrates characteristics that are linked with a greater probability of offending (Latessaa & Lovinsa). The RAI is intended to assist the officer with determining the least restrictive placement when a juvenile is presented for detention. The tool aims to do this by capturing mostly objective criteria and limiting subjectivity. Each section of the RAI has a point scale that lends toward the overall score of the juvenile to determine appropriate placement. The RAI provides criteria for each section and each scored item in an effort to limit subjective scoring; instructions for completing the RAI notes the need to refrain from scoring the juvenile based on suspicion or subjectivity, only on objective information (Office of Probation Administration, 2012). The instrument includes specific protective and risk factors the intake officer considers when scoring to include, but not limited to, arrest history, family or guardian supervision, offense history, runaway behaviors, and other factors revealed by the juvenile or their family such as school, employment, or substance abuse. These factors could add or subtract 1-3 points to the overall score of the instrument. The overall score assigned from the instrument directly relates to the recommended outcome:

- 5 or less: Release without restriction
- 6-9: Release with an identified alternative
- 10-11: Staff secure detention
- 12 or more: Secure detention

Research Questions

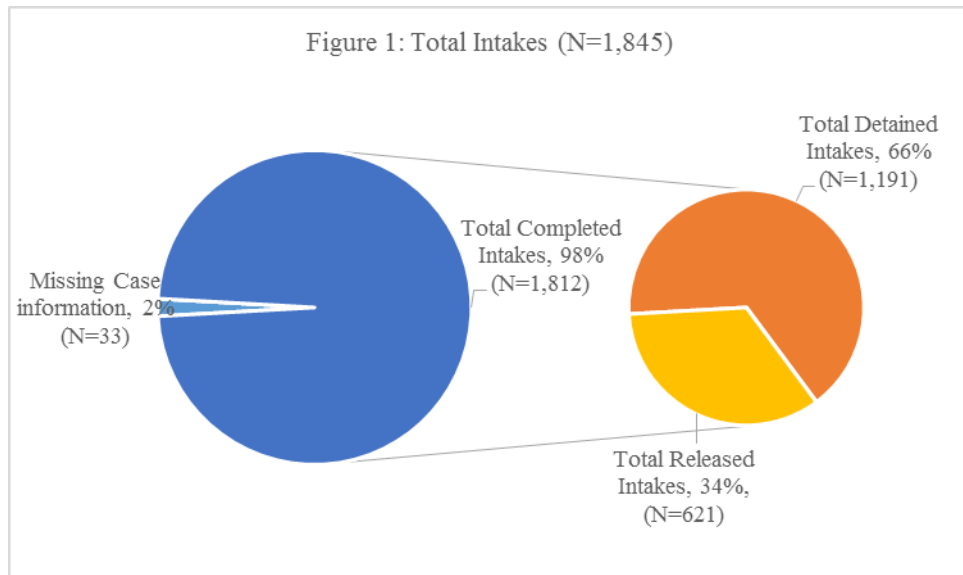
In 2015, Nebraska Probation Administration contracted with the Juvenile Justice Institute to evaluate the revised RAI. The intention of the present report is to examine the current utilization of the RAI, and to assess how well it predicts whether youth who score for release will re-appear for court and will refrain from breaking the law. To this end, we examined the following research questions:

- Consistency in Decision Making
 - Does the detention decision made by the intake officer “match” the recommendation of the intake RAI tool?
 - How often is a juvenile's initial score overridden to a higher or lower level?
 - What are the underlying reasons an intake officer or supervisor cites for the override?
- Youth and Public Safety Outcomes
 - When a juvenile is released (after a completed RAI) does the youth appear for the next scheduled court date?
 - When a juvenile is released (after a completed RAI) does the juvenile reoffend prior to the next scheduled court appearance?

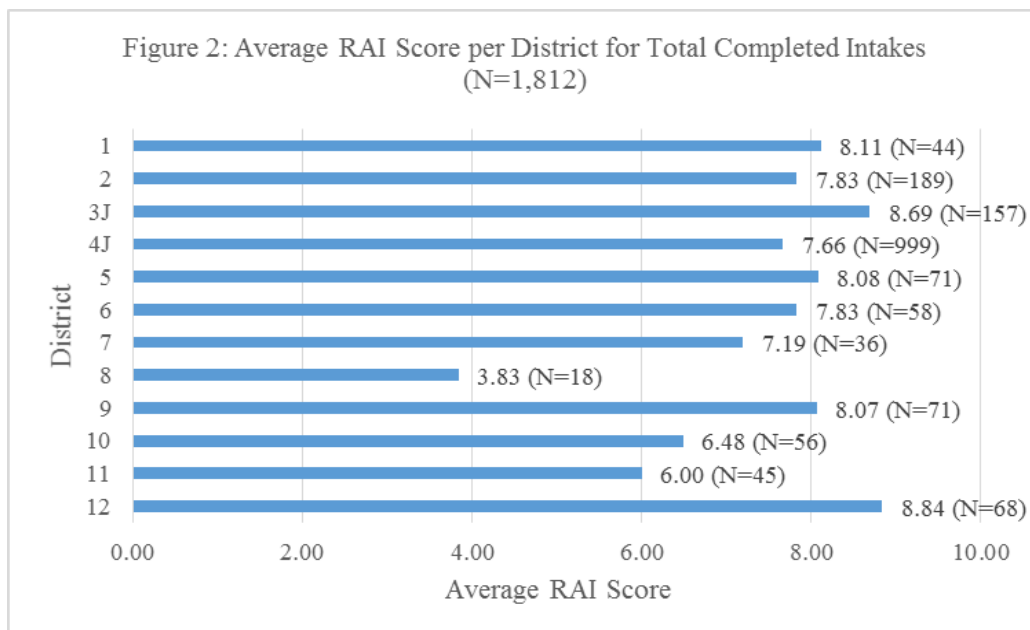
Juvenile Intakes Completed

Between September 1, 2013 and August 31, 2014, the Office of Probation Administration completed the RAI on 1,845 juveniles. Of these, 33 cases had missing information or were incomplete intakes, 1,191 were detained, and 621 youth were released, resulting in a total of

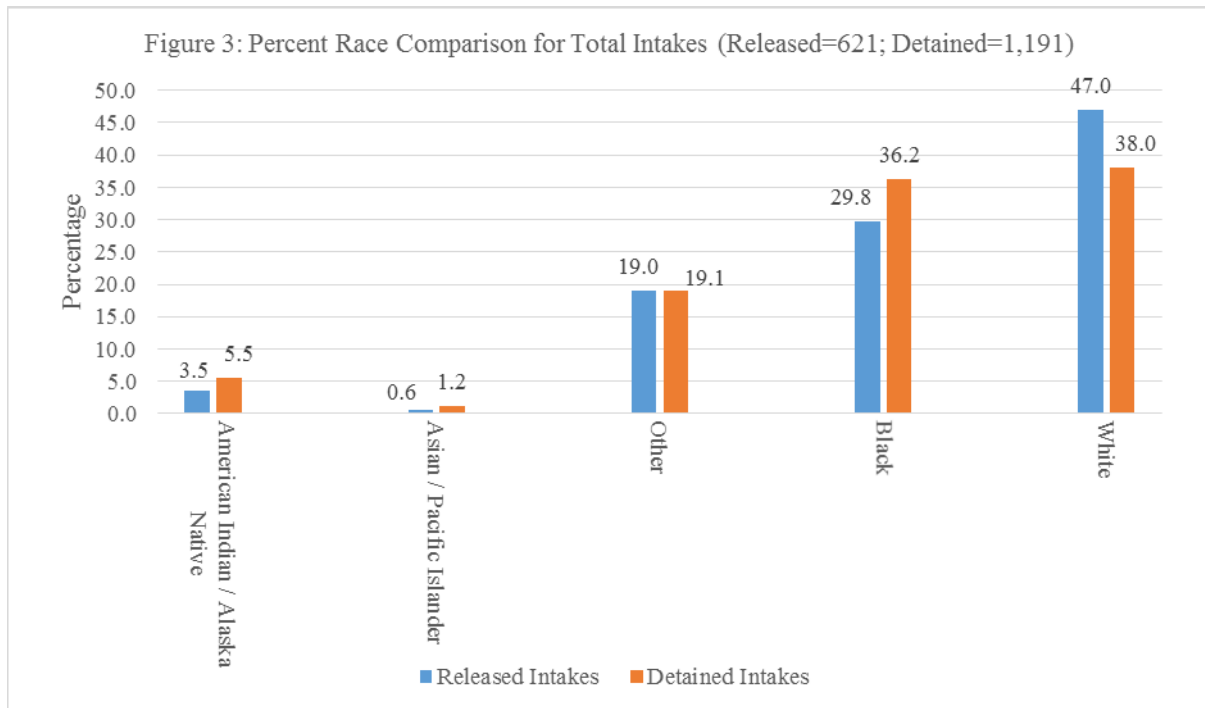
1,812 completed intakes (Figure 1). A total of 1,812 youth were brought to intake, primarily at the request of law enforcement. Although there are a handful of cases that included probation violations, for the most part this data does not include juveniles that were detained for a violation of probation or some other technical violation. For the purposes of this report, we will focus primarily on the 1,812 juveniles brought to intake by law enforcement (Figure 1).



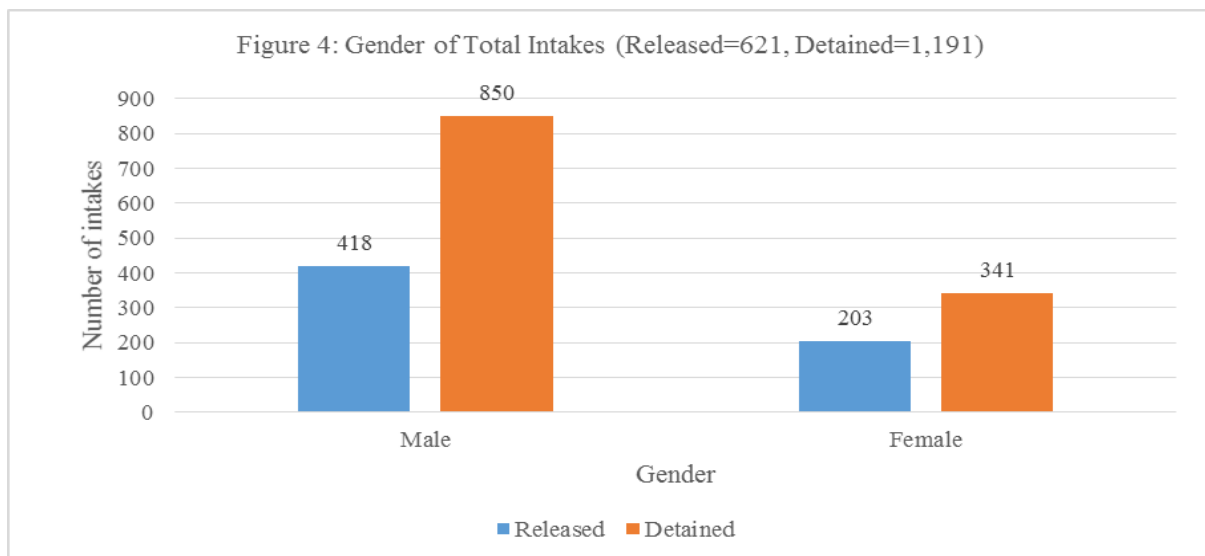
From the total completed intakes, the average RAI score was 7.74, (N=1,812). On average, youth screened in Nebraska scored to be released to the community, if that release included a detention alternative (electronic monitor, tracker). The average RAI varied across District. As displayed in Figure 2, District 12 had the highest average RAI score, 8.84, and District 8 had the lowest average RAI score of 3.83.



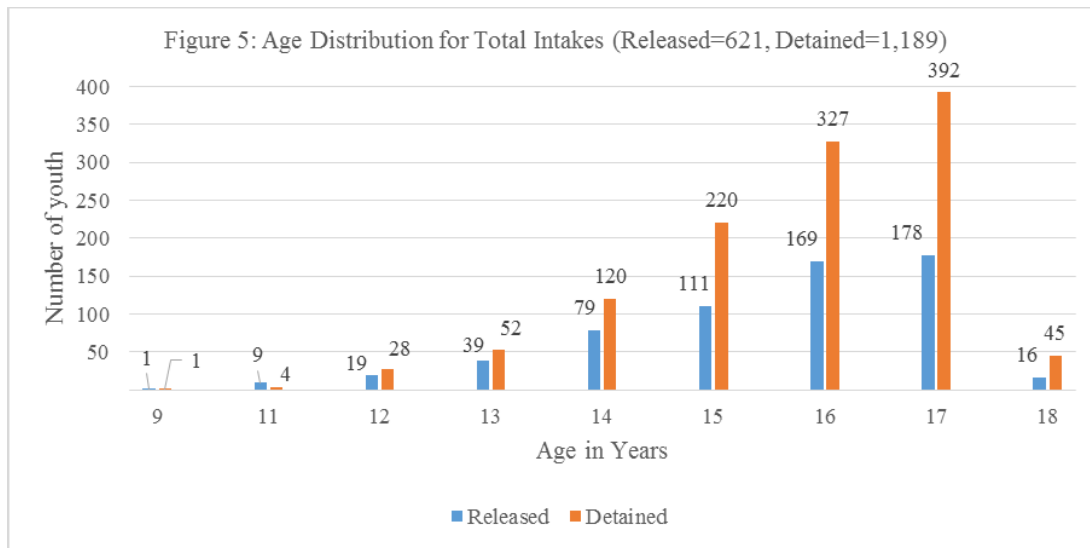
White youth comprised 41.1% of the total intakes with 47% (N=292) of the juveniles released at intake and 38% (N=453) of the detained intakes. Figure 3 shows the percent comparison of the detained and released population by race. White youth are statistically more likely to be released than detained. Further research is necessary to examine reasons why White youth are more likely to be released. The “Other” race category is mostly Hispanic youth; this is applicable in subsequent figures that display race.



As Figure 4 illustrates, the distribution of females and males were reflective of the total intakes, with approximately 30% being female and 70% male. Figure 4 compares released and detained juveniles by number of male and female youth.

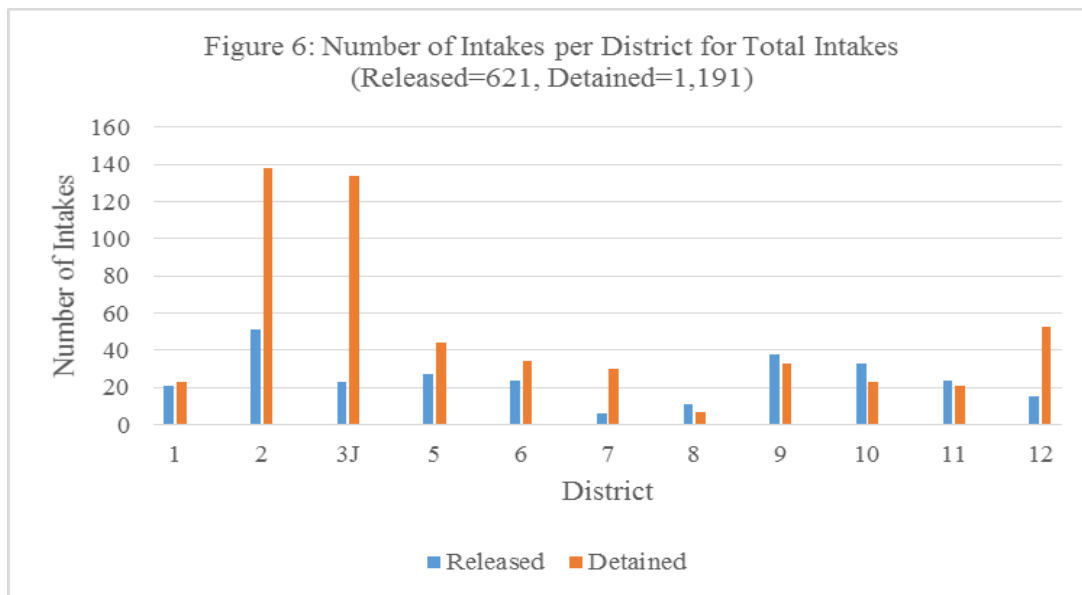


There was no significant mean difference in age for youth where the RAI was completed. The mean age was 15.68¹, and the mean age for released and detained juveniles was 15.51 and 15.77² respectively. Figure 5 notes the age distribution for released and detained juveniles. The ages range from 9-18 for both populations.



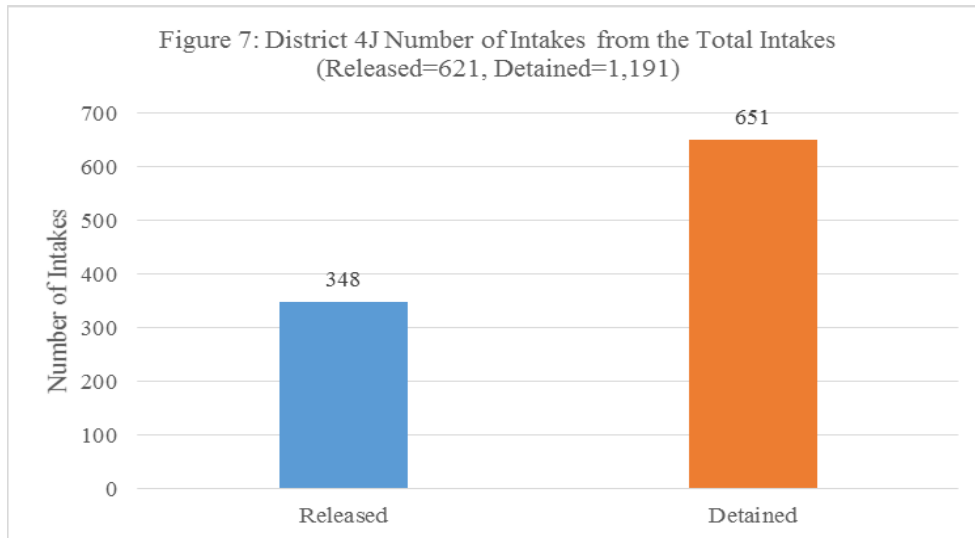
Analysis by District

Whenever possible we analyzed the data by district (Figure 6). There are 12 probation districts in Nebraska with many districts covering multiple counties; Douglas and Lancaster Counties have separate juvenile probation districts. Due to the high volume of intakes completed by District 4J, we occasionally separate the results so they can be viewed more clearly (Figure 7).



¹ From the total completed intakes, N=1,812, the mean age was calculated for 1,810 due to two missing birthdates for juveniles from the intakes detained.

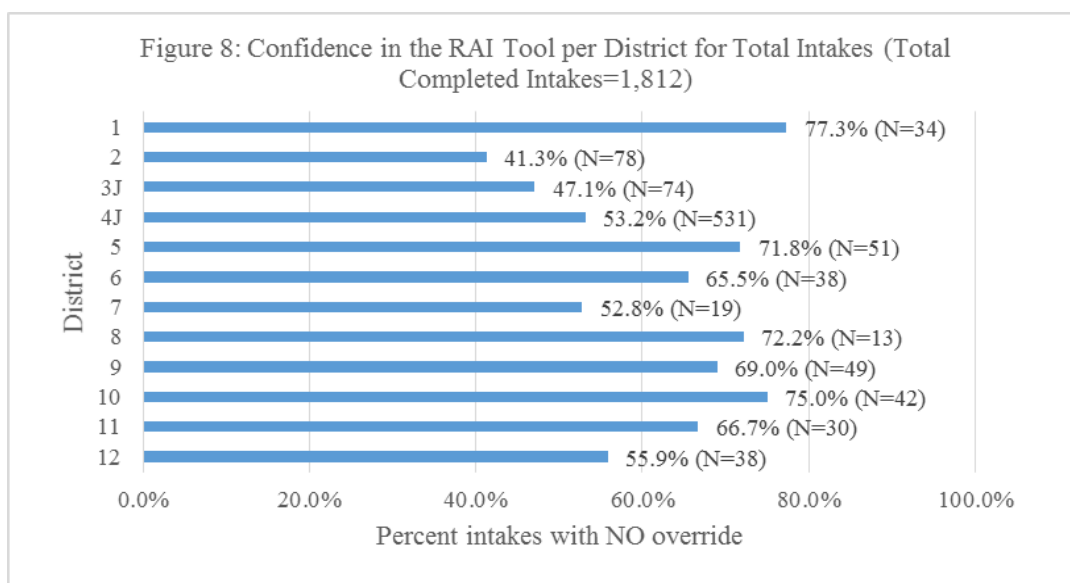
² From the total detained intakes, N=1,191, the mean age was calculated for 1,189 due to two missing birthdates.



Intake Officer Reliance on the Assessment Instrument

The confidence of the intake officer in the RAI tool decision is vital in determining the effectiveness of the instrument. To determine confidence in the tool, we examined the percent of intakes with no override. We then analyzed whether there were different patterns for youth who were released compared to youth who were detained. From the total intakes (N=1,812), intake officers relied on the tool only 55% of the time; 45% of the time the officer overrode the instrument.

Figure 8 identifies the percent of confidence officers have in the RAI tool, by district. The “N” indicates the number of intakes with no override. District 2 was least apt to follow the RAI decision, adhering to the score only 41.3% of the time. District 1 was more likely to use the RAI recommendation, doing so 77.3% of the time.

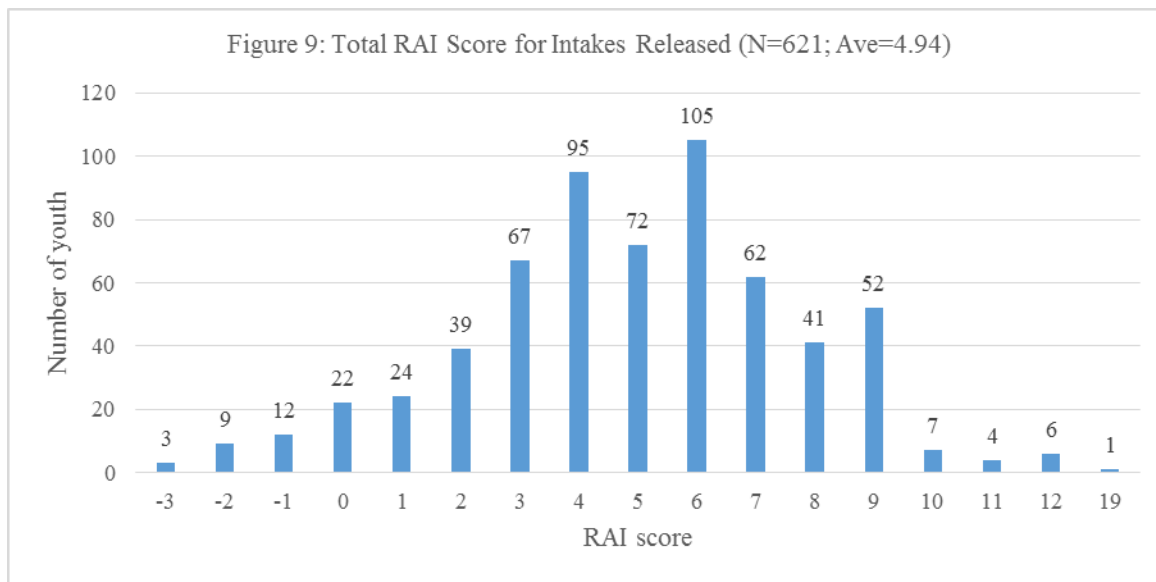


Released Youth

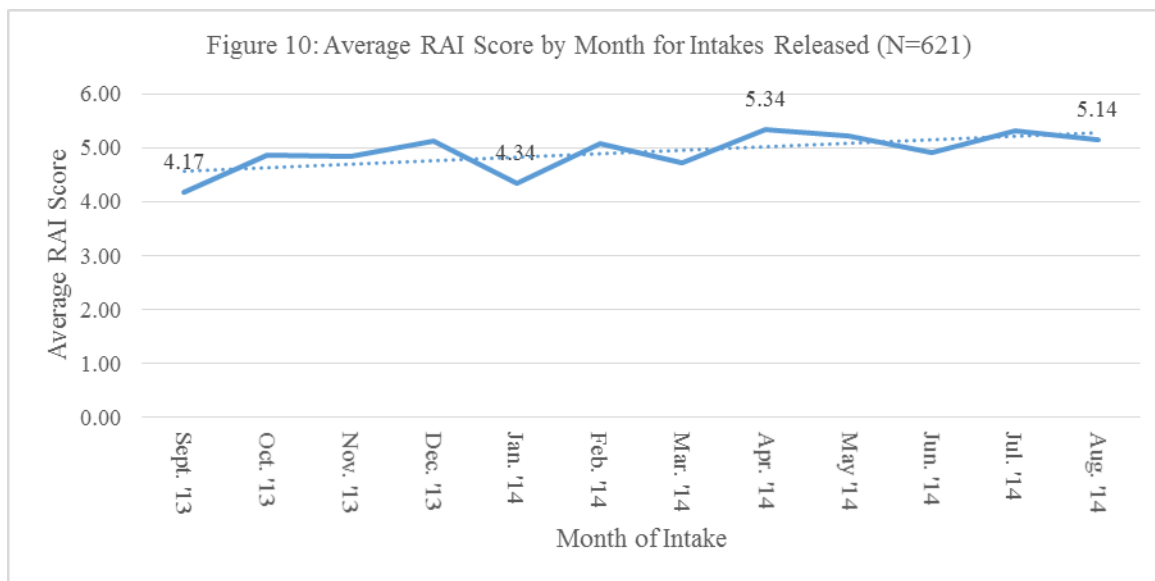
In this chapter, we examine only the youth who completed the Risk Assessment Instrument and were released from custody. We utilize this approach for two reasons. First, evaluating the differences between the juveniles detained and released at intake assists with understanding the utilization of the RAI tool. Secondly, we were only able to analyze court dates and new law violations for the youth who were released.

RAI Score for Intakes Released

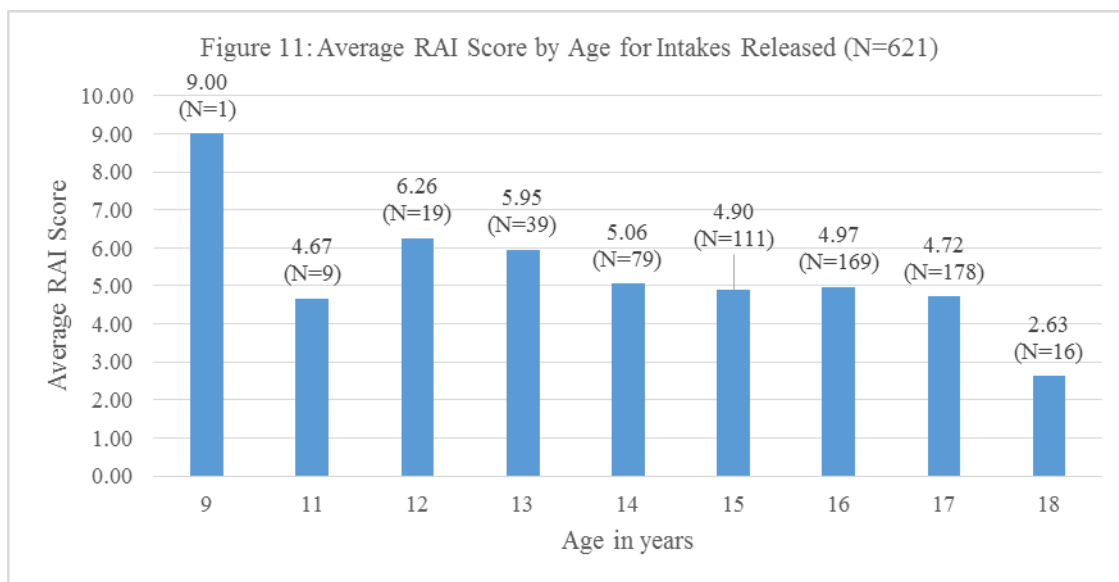
According to intake policy, youth who score 0 to 5 on the RAI are to be released; youth who score 6 to 9 may be released if an alternative to detention is available (i.e., electronic monitoring, curfew). Youth may score a negative number if they have protective factors, like an adult guardian who is able to take them home and supervise them. The average RAI score for the 621 released juveniles was 4.94; indicating, overall, that the released youth scored to be released. Figure 9 shows the total RAI score distribution; displaying that a greater portion of released juveniles scored around the total average of 4.94. The range of RAI scores for juveniles released at intake is from -3 to 19.



As illustrated by Figure 10, since the revised tool was introduced in September 2013, the average RAI score has gradually increased over time (for the released population). The reason for this gradual increase is unclear.

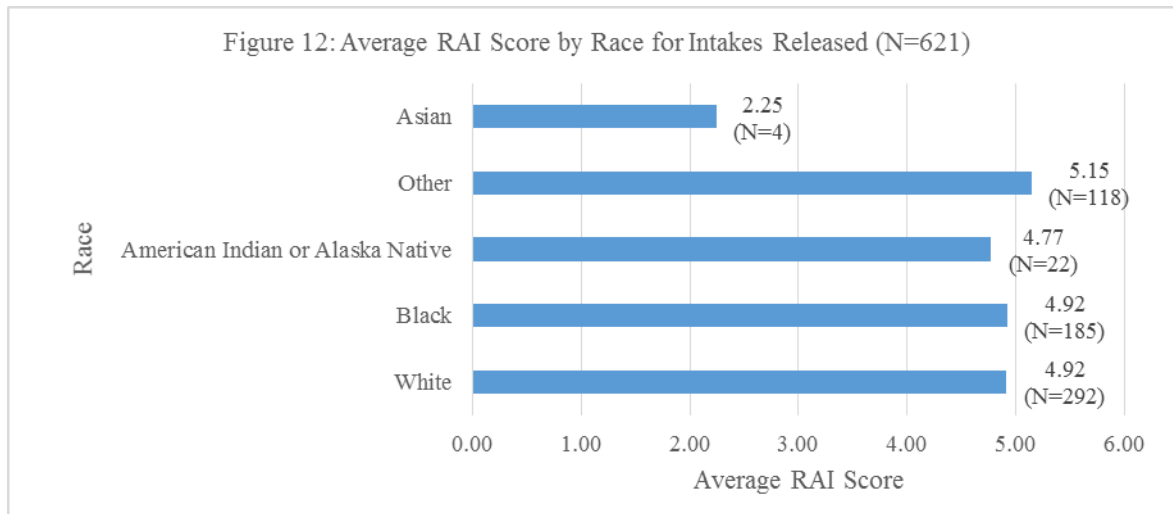


[Age] The average RAI score by age is noted in Figure 11. The highest average RAI score was 9.00, however, this was for one juvenile aged 9 years old. The 12-year-old juveniles' (N=19) average RAI score was the second highest, and per the RAI tool, results are in the range of release with an alternative (i.e. electronic monitoring, tracker). The 18-year-old juveniles had the lowest average RAI score of 2.63, which is in the release without an identified alternative range of the RAI tool.

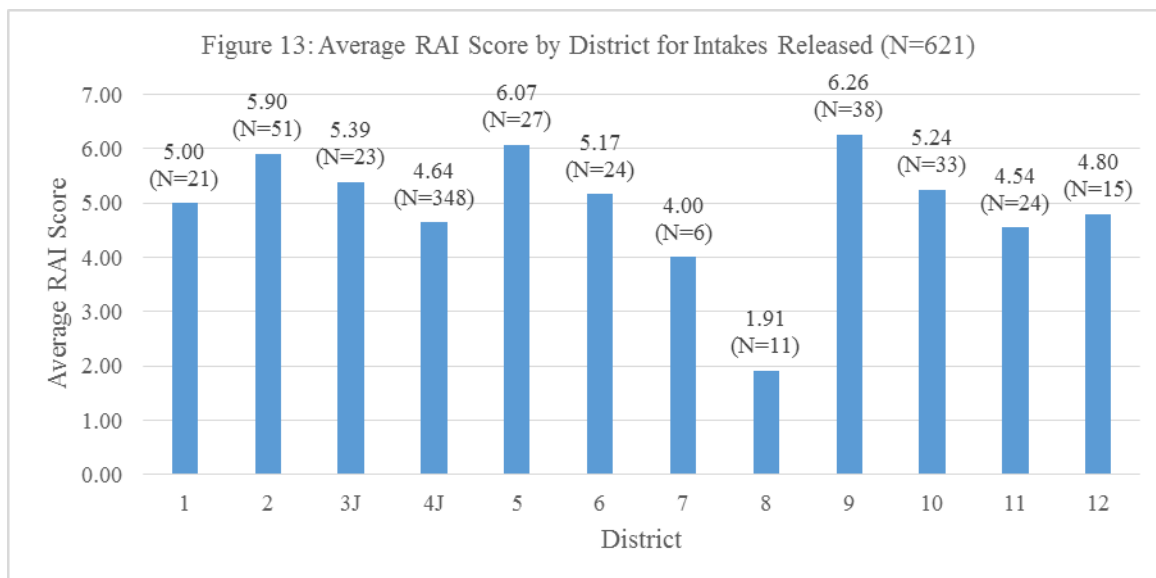


[Gender] Young women who are released have an average RAI score of 4.22, which is statistically lower than the average intake scores for young men who are released (score =5.29).

[Race and Ethnicity] As seen in Figure 12³, White and Black juveniles had the same average RAI score of 4.92. Although Asian youth appear to have a lower average intake score (for released youth), there were only four cases. Consequently, there was no statistical significance when we compared average scores of all minority youth to White youth.



[District] District 8 has the lowest average RAI score of 1.91, thus, on average, the juveniles released in this district were released without an identified alternative. Districts 5 and 9 have average RAI scores that are above six, which means that, on average, a juvenile released in these districts were released with an alternative (i.e. tracker, curfew). Districts 4J, 7, 8, 11, and 12 have average RAI scores below the overall average RAI score of 4.94. The average RAI score by district is observed in Figure 13.



³ Youth indicated as “Other” are primarily Hispanic

Intake Reason for Intakes Released

Per the RAI tool, a juvenile has an intake for one of four reasons: 1) new law violation; 2) runaway; 3) probation violation; and 4) warrant. As previously indicated, due to the limited use of the RAI by probation officers when deciding to detain on a probation violation or a technical violation only a few of the probation violations are included in the total intakes from September 1, 2013 to August 31, 2014. The majority of juveniles (N=376) released at intake had a new law violation as the reason for the intake (Figure 14). Warrants include both juvenile and adult court warrants. Although the RAI tool requires the intake officer to specify the type of warrant for which the juvenile is being brought in for intake, this is not consistently identified, so we were unable to distinguish between juvenile and adult court warrants.

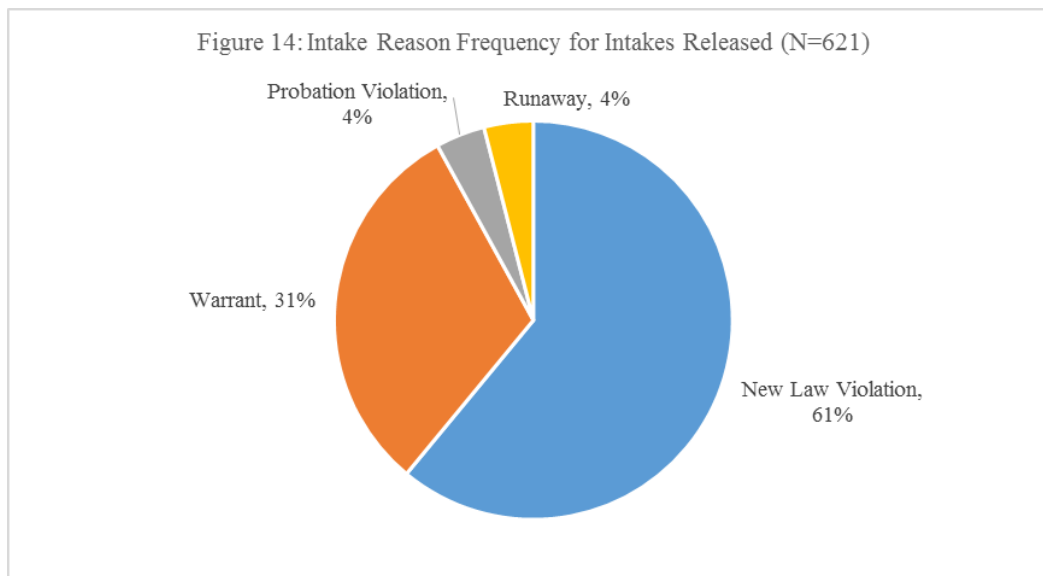
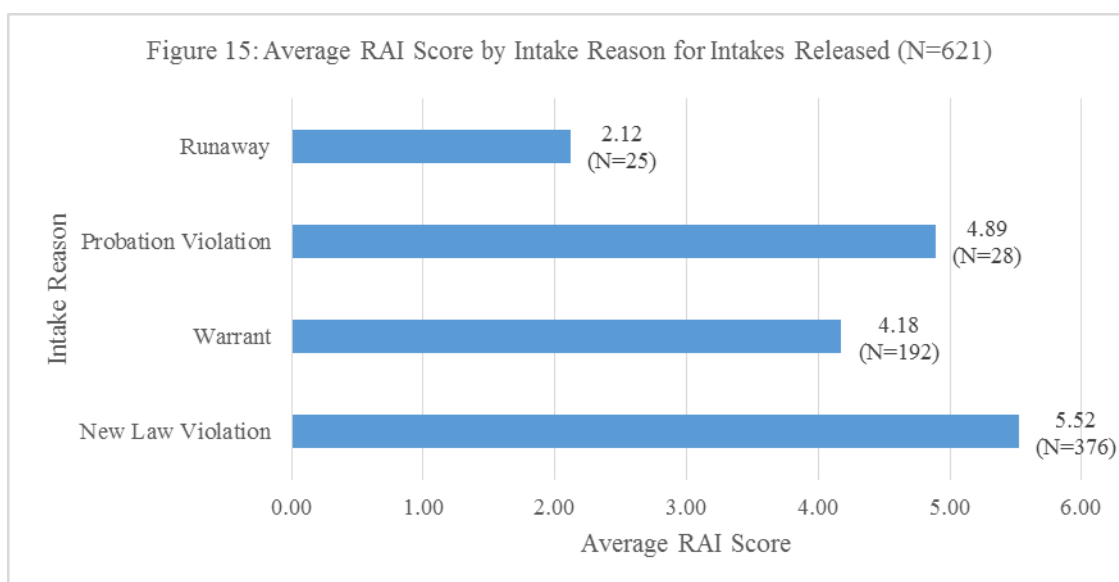


Figure 15 illustrates the average RAI score by intake reason. New law violations have a higher average RAI score (5.52) and runaways have a lower average RAI score (2.12).



The average age for juveniles presented at intake for a new law violation and subsequently released was 15.22. The average age for juveniles released from an intake for a warrant was 16.08. The average ages for probation violations and runaways were 15.93 and 15.12, respectively. The most frequent intake reason for both males and females was a new law violation. The least frequent intake reason for males was runaway and for females, it was probation violation. Figure 16 displays the intake reason by age and gender.

Figure 16: Intake Reason by Age and Gender for Intakes Released (N=621)					
Age	Gender	New Law Violation	Warrant	Probation Violation	Runaway
9	Male	1	0	0	0
	Female	0	0	0	0
	Total	1	0	0	0
11	Male	5	0	0	1
	Female	3	0	0	0
	Total	8	0	0	1
12	Male	10	0	0	0
	Female	6	1	0	2
	Total	16	1	0	2
13	Male	26	4	1	1
	Female	6	0	0	1
	Total	32	4	1	2
14	Male	43	11	1	1
	Female	14	6	2	1
	Total	57	17	3	2
15	Male	50	14	4	2
	Female	19	17	2	3
	Total	69	31	6	5
16	Male	77	34	4	1
	Female	22	21	4	6
	Total	99	55	8	7
17	Male	68	47	4	1
	Female	25	25	3	5
	Total	93	72	7	6
18	Male	1	4	2	0
	Female	0	8	1	0
	Total	1	12	3	0

Figure 17⁴ shows that the most frequent intake reason for all races was for a new law violation. White and Asian youth had the highest percent of new law violations, at 66% and 75% respectively (released population). American Indian or Alaska Native and Asian juveniles did not have an intake completed for a probation violation. Asian juveniles also had no intakes for warrants.

Figure 17: Intake Reason by Race for Intakes Released (N=621)					
Race	New Law Violation	Warrant	Probation Violation	Runaway	Total
White	194	63	15	20	292
Black	105	70	9	1	185
American Indian or Alaska Native	13	9	0	0	22
Other	61	50	4	3	118
Asian	3	0	0	1	4
Total	376	192	28	25	621

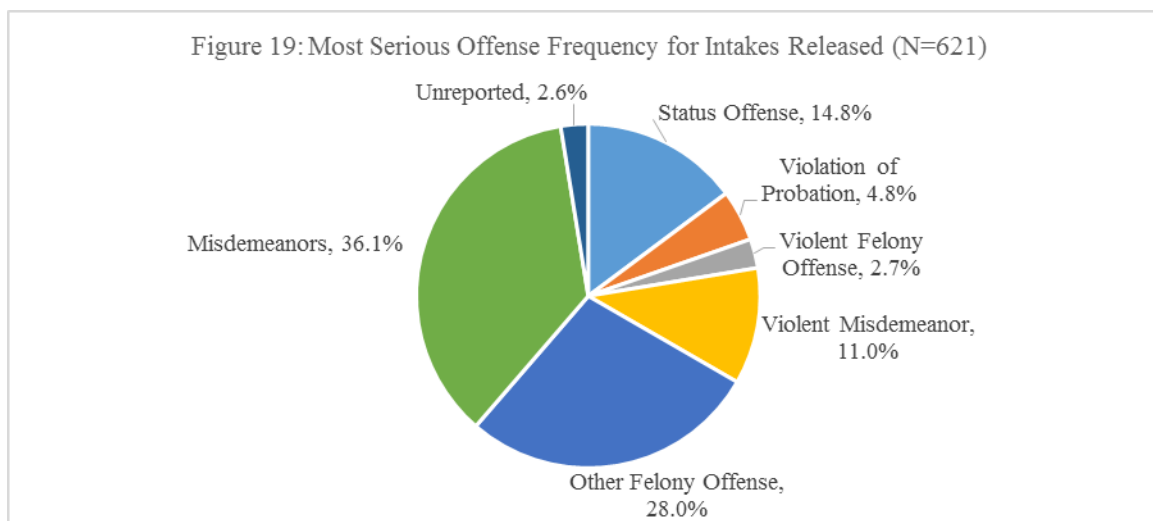
As displayed in Figure 18, Districts 5, 6, 7, and 12 had no runaways as an intake reason for the released juveniles. Similarly, Districts 1, 7, 8, and 9 had no warrants as an intake reason. In each district, either law enforcement or probation has specific ways for working with warrants and runaways.

Figure 18: Intake reason by District for Intakes Released (N=621)					
District	New Law Violation	Warrant	Probation Violation	Runaway	Total
1	19	0	0	2	21
2	27	16	7	1	51
3J	20	1	1	1	23
4J	178	160	6	4	348
5	24	1	2	0	27
6	18	4	2	0	24
7	5	0	1	0	6
8	5	0	0	6	11
9	34	0	0	4	38
10	18	3	6	6	33
11	19	1	3	1	24
12	9	6	0	0	15
Total	376	192	28	25	621

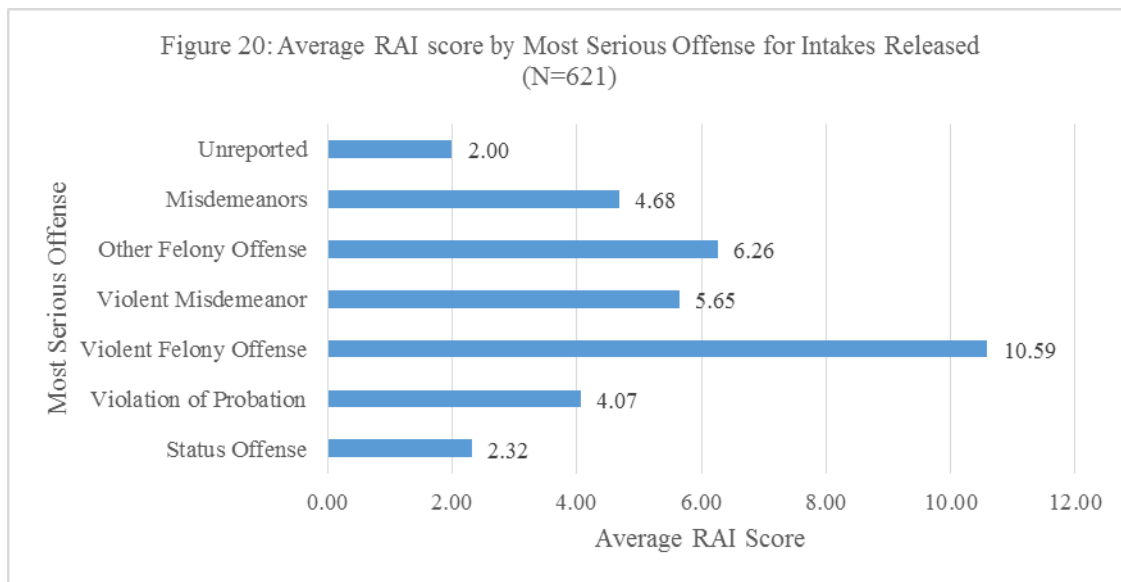
⁴ Youth indicated as "Other" are primarily Hispanic

Most Serious Offenses for Intakes Released

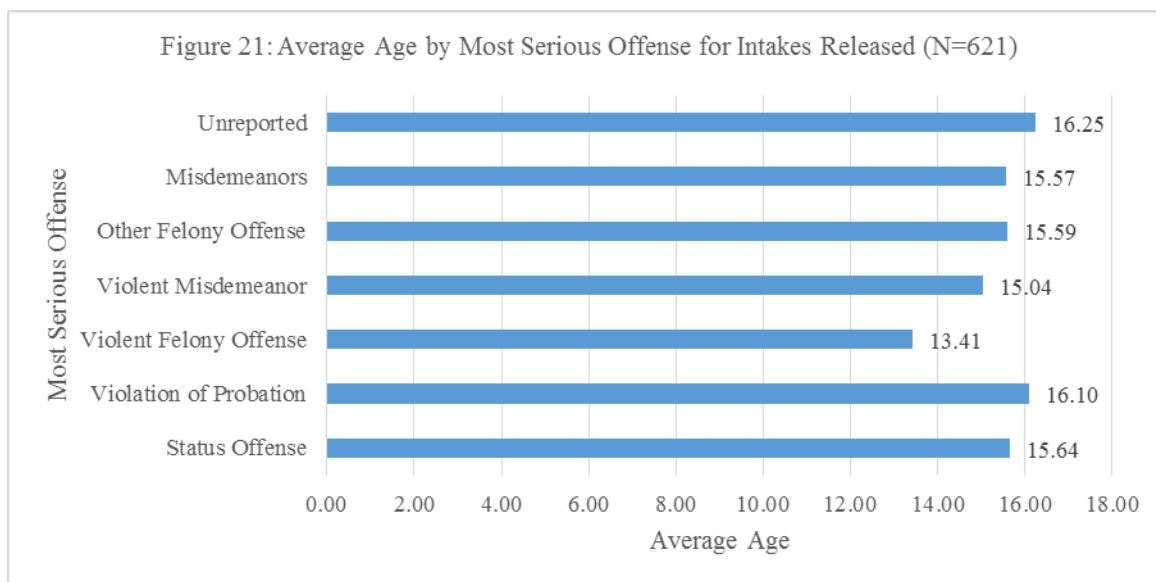
During the intake process, the juvenile's most serious presenting offense is documented on the RAI. The most serious offense is applied to the overall risk of the juvenile and ranges from violent felony offense as being the most serious offense to a status offense as the least serious offense. Of the released juveniles, 16 did not have a "most serious offense" indicated on the RAI and are noted in Figure 19 as "Unreported." Of the juveniles released at intake, 14% had a documented violent offense and 31% a felony offense. The specific offenses for "Other Felony Offense" are not reported on the RAI.



The juveniles that had a violent felony offense as their most serious offense at intake had the highest average RAI score of 10.59, which, per the RAI tool, warrants staff secure detention. Figure 20 displays the average RAI score by most serious offense at intake and further displays that felony offenses (including other felony and violent felony) had the highest average RAI scores. Status offenses and probation violations had the lowest average RAI scores. The average RAI score of the unreported offenses was 2.00.



Females accounted for 58.7% (N=54) of the status offenses and 5.9% (N=1) of violent felony offenses. Males had 82.2% of other felony offenses, 54.4% of violent misdemeanors, and 60% of violations of probation. Juveniles with a violent felony offense at intake were, on average, younger (13.41) than the less ranked offenses. Figure 21 depicts the average age of the juveniles per each of the most serious offenses at intake.



Hispanic juveniles were more likely to have a misdemeanor offense than a felony offense at intake, as 52.2% of Hispanic juveniles had a misdemeanor or violent misdemeanor. Figure 22⁵ shows the number of juveniles by race for each type of most serious offense indicated at intake.

⁵ Youth indicated as "Other" are primarily Hispanic

Figure 22: Race by Most Serious Offense for Intakes Released (N=621)								
Race	Status Offense	Violation of Probation	Violent Felony Offense	Violent Misdemeanor	Other Felony Offense	Misdemeanors	Missing	Total
White	45	16	11	36	87	86	11	292
Black	26	6	6	14	49	83	1	185
American Indian or Alaska Native	4	0	0	2	6	10	0	22
Other	17	8	0	16	31	44	2	118
Asian	0	0	0	0	1	1	2	4
Total	92	30	17	68	174	224	16	621

Misdemeanor was the most frequent serious offense at intake for Districts 2 (41%), 4J (40%), 6 (42%), 10 (30%), 11 (46%), and 12 (33%). District 7 had an equal number of intakes for violent misdemeanor, violent felony offense, and misdemeanors, which comprised of all the intakes for this district. Other felony offense was the most frequent serious offense at intake for Districts 1 (43%), 3J (74%), and 9 (37%). The most frequent serious offense for District 5 was equally distributed across both violent misdemeanors (33%) and other felony offenses (33%). For District 8, 45% of the intakes were for status offense, listed as the most frequent serious offense. Figure 23 provides the actual number of intakes released per district by the most serious offense.

Figure 23: Number of Intakes per District by Most Serious Offense for Intakes Released (N=621)								
District	Status Offense	Violation of Probation	Violent Felony Offense	Violent Misdemeanor	Other Felony Offense	Misdemeanors	Missing	Total
1	2	0	0	4	9	6	0	21
2	6	7	3	3	8	21	3	51
3J	0	0	0	2	17	3	1	23
4J	59	7	9	28	100	138	7	348
5	0	2	0	9	9	6	1	27
6	0	5	0	1	8	10	0	24
7	0	0	0	2	2	2	0	6
8	5	0	0	4	1	0	1	11
9	4	0	2	5	14	12	1	38
10	9	3	3	7	1	10	0	33
11	5	4	0	1	2	11	1	24
12	2	2	0	2	3	5	1	15
Total	92	30	17	68	174	224	16	621

Overrides for Intakes Released

The RAI is designed to provide intake officers an objective tool when trying to assess the risk a youth poses to the community. The scoring ranges indicate characteristics that permit the safe release to the community with an appropriate parent/guardian, release to an identified alternative to detention, or placement of the juvenile in secure or staff secure detention. Any time an intake officer overrides the instrument, the officer is required to contact a supervisor for approval. In

addition, any change in circumstances that may lend toward a reassessment of the intake decision (prior to the probable cause hearing) is documented in the RAI reconsideration section. Based on the data we received, it is unclear whether any juveniles had a reconsidered RAI.

Of the released population, officers adhered to the RAI score and decision 80% of the time (N=496) (Figure 24). An officer can override the tool up or down. Of the 125 cases with an override, 6% (N=37) were overridden down from a detention score or a score recommending an identified alternative, and 14% (N=88) were overridden up from a score of release without an alternative to releasing the juvenile with an identified alternative. Of the 37 juveniles that had an override down, 49% (N=18) initially had a score on the RAI that warranted detention, and 51% (N=19) had a score that recommended an identified alternative but the juvenile was overridden to be released without an alternative. As noted in Figure 25, District 4J had the highest numbers for releases without an override. District 5 had the most overrides down (N=6) and District 2 had the highest overrides up (N=17).

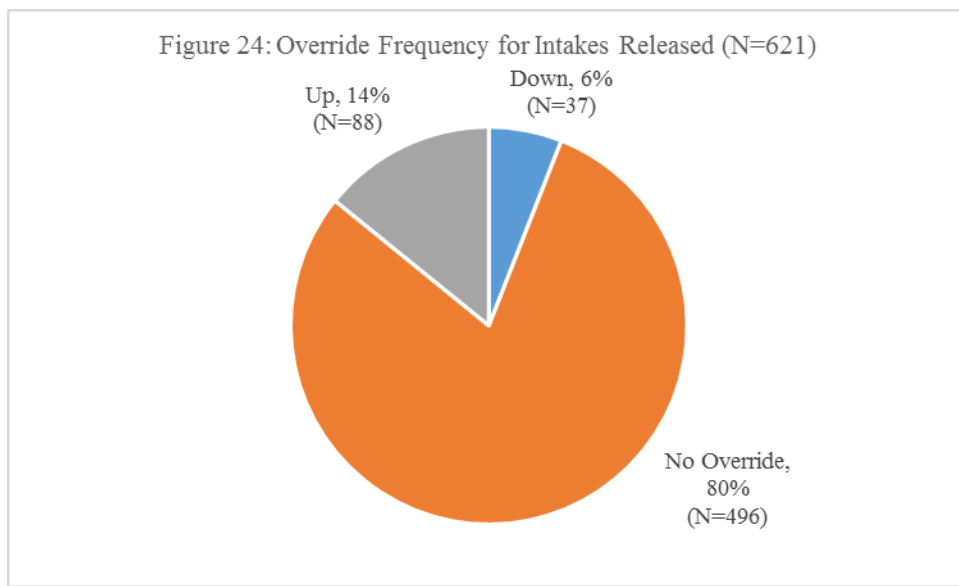
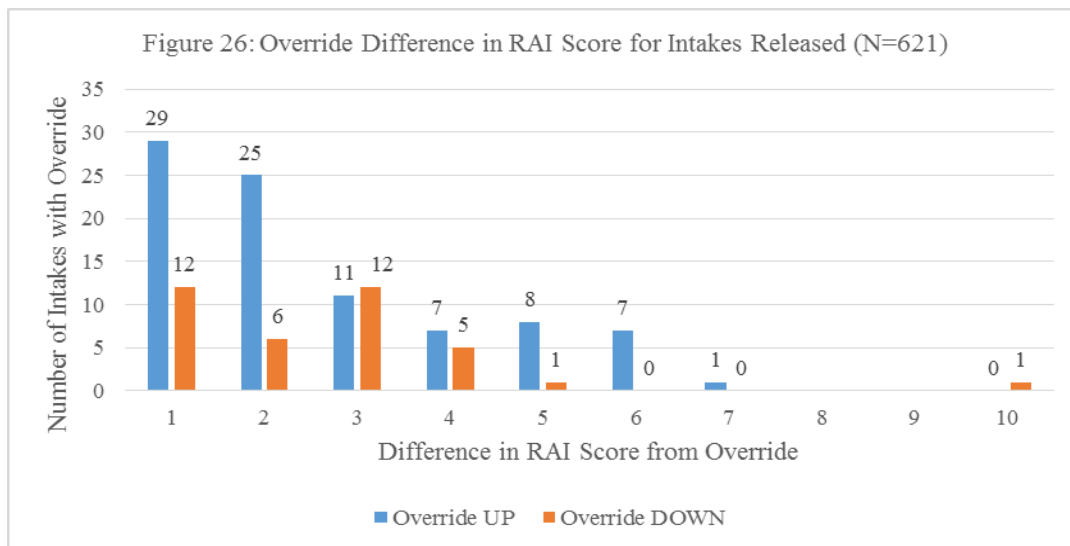


Figure 25: Overrides by District for Intakes Released

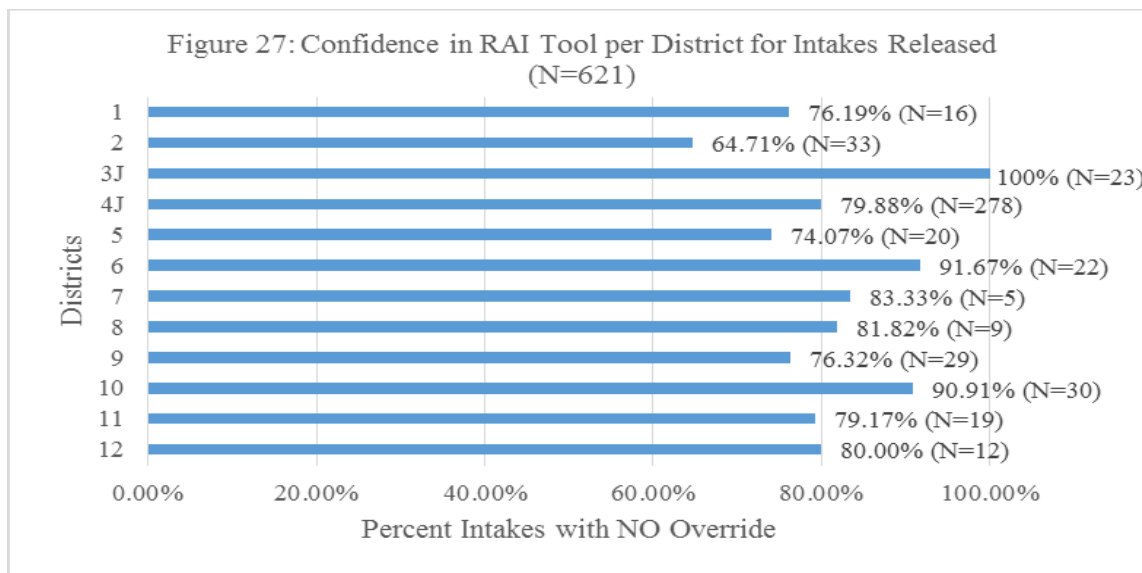
District	Released with NO Override	Released with Override UP	Released with Override DOWN	Total Intakes Released
1	16	2	3	21
2	33	17	1	51
3J	23	0	0	23
4J	278	50	20	348
5	20	1	6	27
6	22	2	0	24
7	5	1	0	6
8	9	2	0	11
9	29	4	5	38
10	30	3	0	33
11	19	4	1	24
12	12	2	1	15
Total	496	88	37	621

An override up indicates that the intake officer believed the juvenile needed greater restriction, and is equivalent to a RAI score of 6 to 9. Figure 26 displays the point difference between the juvenile's initial score and the override minimum score of six. Of the juveniles that had an override up, the majority had an override up within one point away from the score required for an alternative. However, seven juveniles had an override up from 0, which results in a 6 point difference from being provided an identified alternative per the RAI tool, and 1 had an override from -1. Of the juveniles that had an override down, 10 had originally scored between a 10 and 11 on the RAI tool, resulting in a staff secure detention decision that had an override to release with an identified alternative, thus, being between 1 to 2 points from a release with an identified alternative. One juvenile had originally scored a 19 on the RAI tool and had an override to release with an identified alternative, consequently this was a 10 point difference.



For the juveniles with an override down, the primary reason for the override was a parent or responsible adult who was available to supervise the youth. Of the 37 juveniles that had an override down, six were placed in an out-of-home placement, such as shelter care, six were provided an electronic monitor or tracker, and two were referred to a community-based service, such as triage or family support services. For releases with an override up, the primary reason was the juvenile was noted on the RAI tool as “Other” and identified by the officer as a flight risk, runaway, or uncontrollable. For the 88 juveniles with an override up for the purpose of providing an identified alternative, 44 were placed on electronic monitor or assigned a tracker, 31 were placed out-of-home, and three were referred to a community-based service. Notably, two juveniles with an override down and four with an override up had two or more alternatives at intake, primarily electronic monitor and tracker.

As previously noted, intake officers relied on the RAI score 80% of the time for youth who were subsequently released. In other words, of the 621 youth released, 496 were released per the RAI tool recommendation. Figure 27 displays the confidence in the RAI tool recommendation for juveniles released at intake. District 3J had a 100% confidence in the RAI tool recommendation and did not override the RAI tool decision to release a juvenile. District 2 was least confident in the RAI tool recommendation, being confident in the RAI tool decision to release 64.71% of the time.



Youth and Public Safety Outcomes for Intakes Released

Of the juveniles released at intake between September 1, 2013 and August 31, 2014, 91.1% (N=566) had no new law violation prior to the next scheduled court hearing⁶ and 8.4% (N=52⁷) had a new law violation. It should be noted, scheduled court hearings were retrieved from several databases and are approximate. For 28.8% (N=15) the charge of the new law violation was runaway, 15.4% (N=8) were an assault, and 9.8% (N=5) were for multiple offenses.

The average RAI score for juveniles that had a new law violation after intake and prior to the next scheduled court hearing was 5.37. Of the 52 juveniles with a new law violation, 55.8% (N=29) did not have an alternative identified at intake. Seven juveniles had an intake score requiring an alternative to detention upon release after intake but had no identified alternative and had a new law violation. Pertaining to intake decision, 46 were released per the RAI tool decision and had a new law violation, three were released from an override down, and three from an override up.

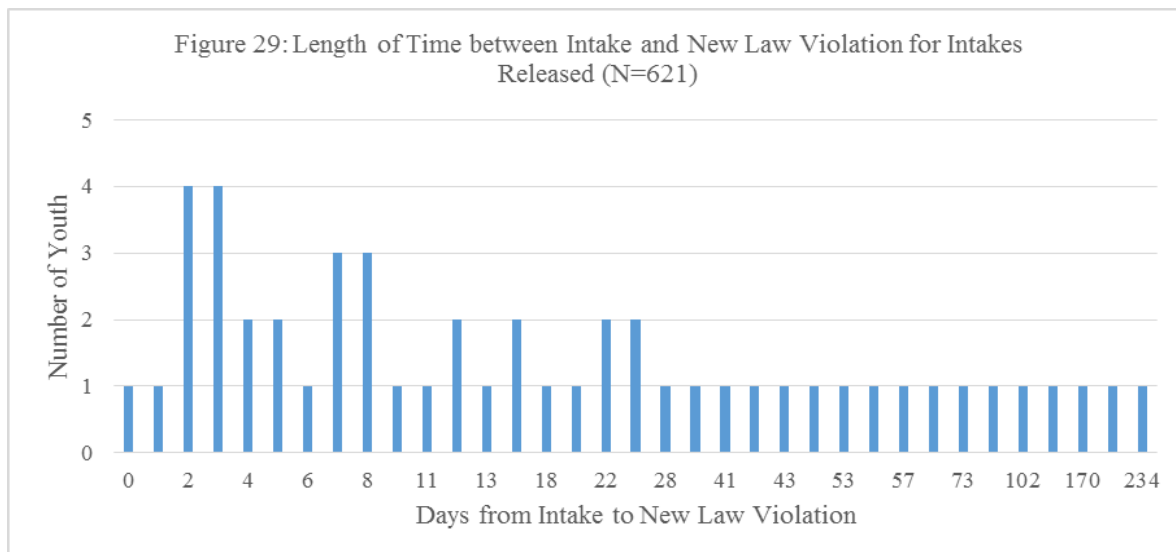
Figure 28 shows the number of new charges by intake decision and type of alternative identified at intake. For the juveniles with a reported new law violation date, the average number of days between the intake and the new law violation was 35.2 days. Of the 51 juveniles that incurred a new law violation after intake and had a new law violation date, 35.3% (N=18) had the new charge within one week of the intake, 55% (N=28) was within two weeks, and 45% (N=23) were after two weeks.

⁶ Three juveniles did not have information as to whether there was a new law violation and are noted as unreported.

⁷ One of the reported new law violations did not have a date of the new law violation.

Figure 28: New Charge by Type of Alternative Assigned and Intake Decision for Intakes Released (N=621)					
Alternative to Detention	New Charge After Intake	Released with NO Override	Released Override UP	Released Override DOWN	Total
No Alternative	Unreported	2	0	0	2
	No	275	0	14	289
	Yes	28	0	1	29
Community-based service	No	4	3	2	9
	Yes	0	0	0	0
Electronic Monitor or Tracker	No	80	43	6	129
	Yes	5	1	0	6
Curfew/Home Detention	No	28	5	2	35
	Yes	4	0	2	6
Residential Facility	Unreported	1	0	0	1
	No	41	29	6	76
	Yes	5	2	0	7
Multiple Alternatives	No	12	4	2	18
	Yes	3	0	0	3
Other	No	7	1	2	10
	Yes	1	0	0	1
Total		496	88	37	621

Figure 29 displays the length of time between the intake and the juvenile acquiring a new law violation.



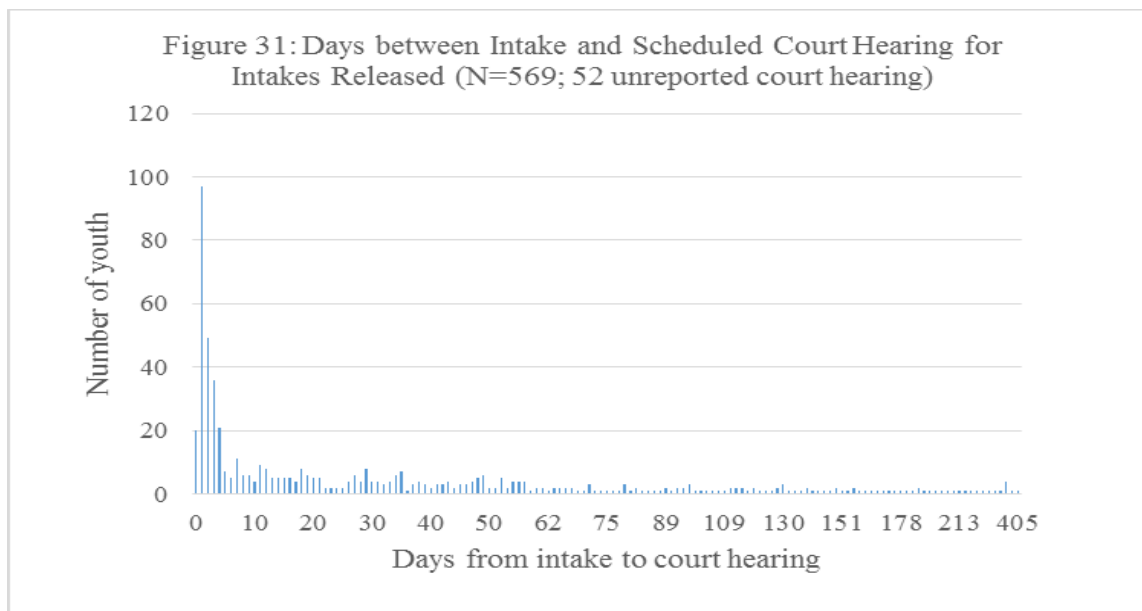
Court Appearance for Intakes Released

For released juveniles, 569 had scheduled court hearings associated with the intake (52 youth did not have data indicating a scheduled court date). Of the 569 juveniles with a scheduled court hearing, 6.7% (N=38) failed to appear at the next court hearing associated with the intake.

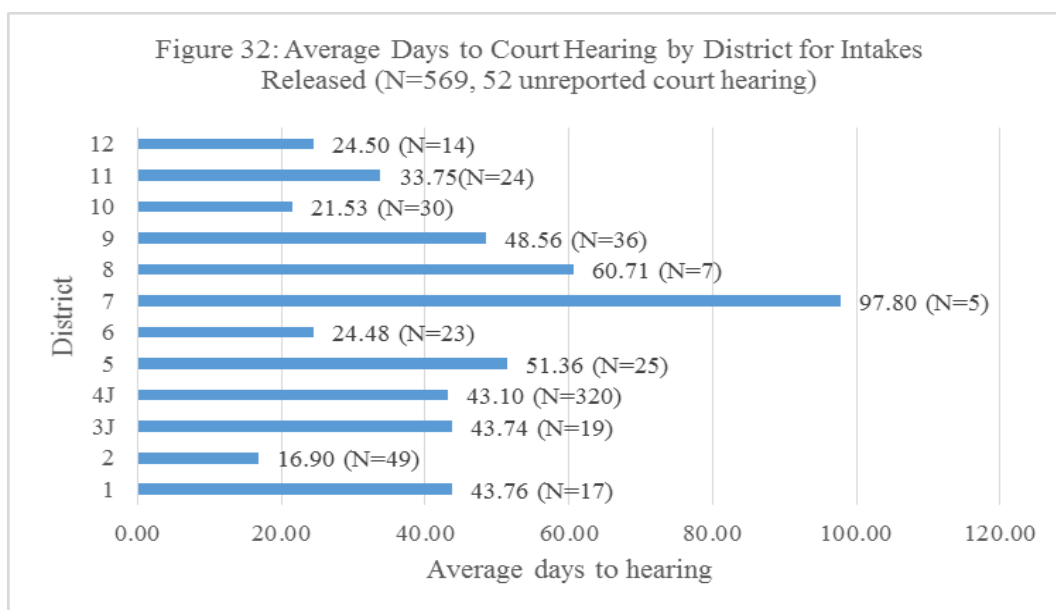
Figure 30 shows the number of juveniles that failed to appear given the type of alternative identified at intake and the type of intake decision. Of the juveniles that failed to appear in court, 74% (N=28) did not have an identified alternative at intake.

Figure 30: Failure to Appear to Court after Intake by Type of Alternative Assigned at Intake and Type of Intake Decision for Intakes Released (N=621)					
Alternative to Detention	Failed to Appear in Court	Released with NO Override	Released Override UP	Released Override DOWN	Total
None	Unreported	2	0	0	2
	No	278	0	12	290
	Yes	25	0	3	28
Community alterantive Placement	No	4	3	1	8
	Yes	0	0	1	1
EM/Tracker	No	82	43	6	131
	Yes	3	1	0	4
Curfew/Home Detention	No	31	4	4	39
	Yes	1	1	0	2
Residential facility	Unreported	1	0	0	1
	No	46	30	6	82
	Yes	0	1	0	1
Multiple alternatives	No	14	3	2	19
	Yes	1	1	0	2
Directive to communicate	No	8	1	2	11
	Yes	0	0	0	0
Total		496	88	37	621

Figure 31 displays the trend of days between the intake and the next court hearing. The length between intake and a scheduled court hearing ranged from 0-405 days. The average number of days between the completed intake and the next scheduled court hearing was 39.55 days. A hearing was held within two days for 29% (N=166) of the juveniles released at intake, 43% (N=246) had a hearing within one week, and 15% (N=86) had a hearing 80 days or more after the intake.



District 2 had the shortest average number of days from intake to the next court hearing, with 16.9 days (N=49), while District 7 had the longest average number of days, with 97.8 (N=5). The juvenile with 405 days between intake and the next court hearing was from District 4J. Figure 32 notes the average number of days from intake to the court hearing by each district.

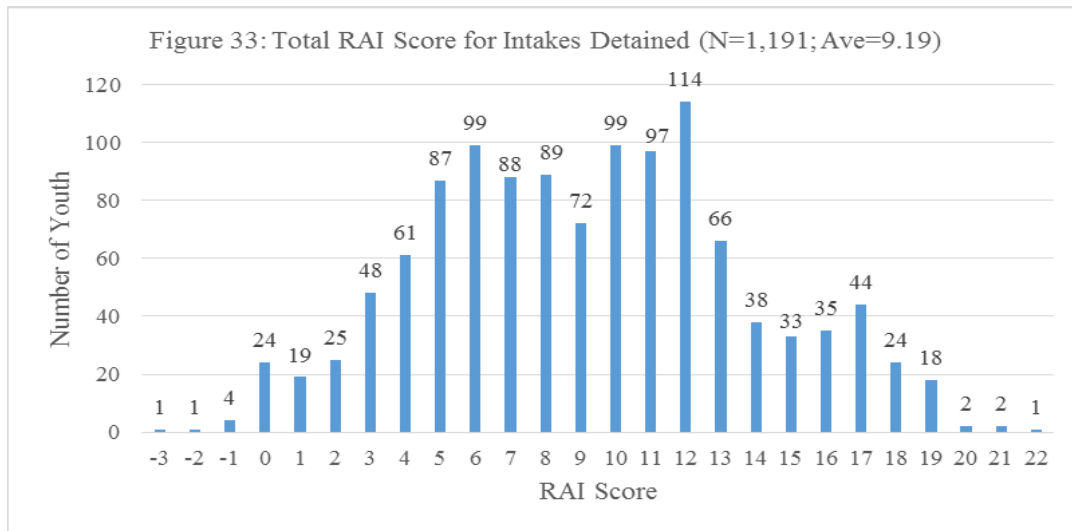


Detained Youth

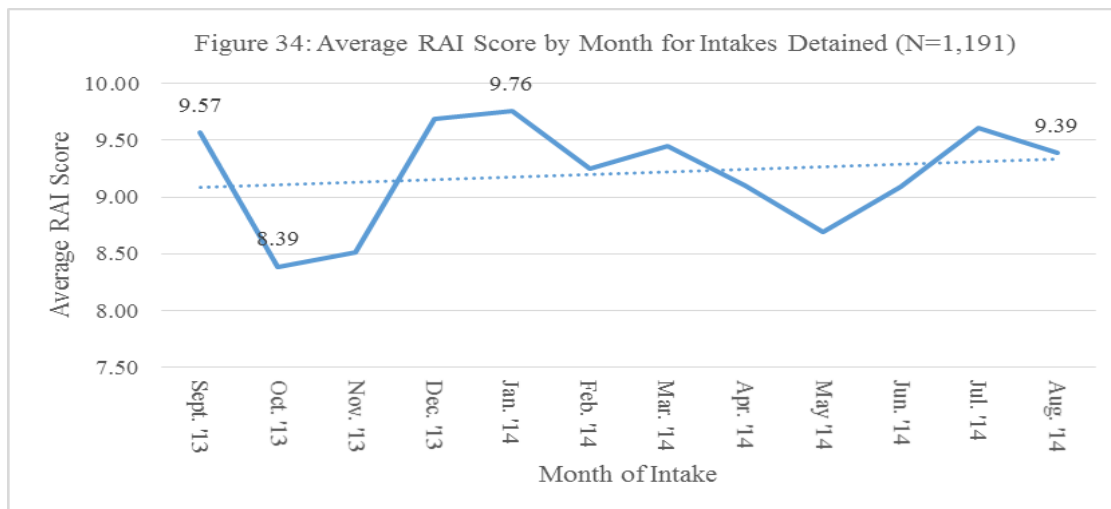
Understanding the utilization of the RAI tool for the released population assists in validating the tool. The RAI tool has the potential to assign the appropriate intake decision, as the evaluation of the intakes released display that objective use of the tool results in appearance at court and no new law violations prior to court. However, evaluating the released population without the detained population provides only a partial understanding of the utilization of the tool. In this chapter, we examine how the RAI tool is utilized for youth who were detained.

RAI Score for Intakes Detained

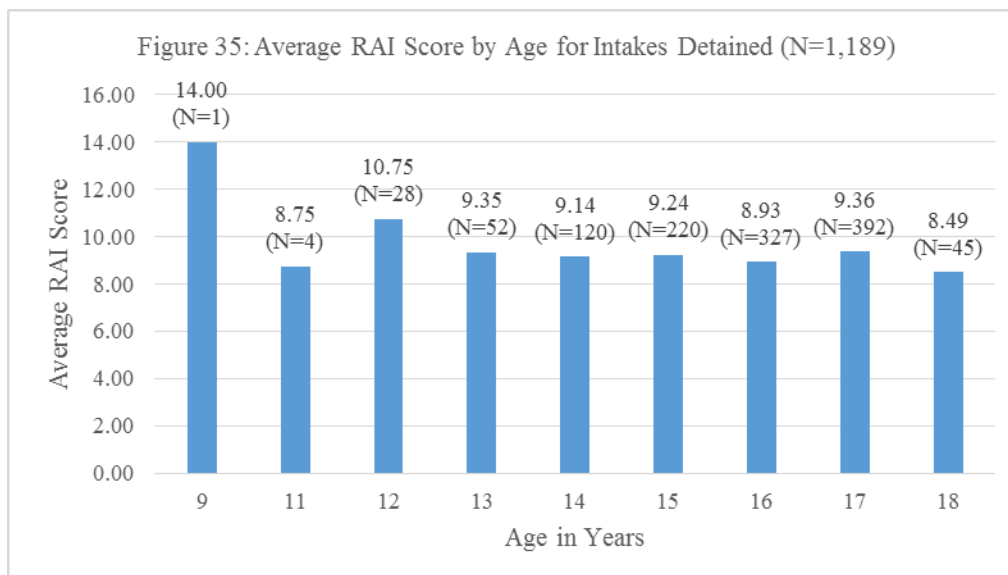
The RAI tool assigns a score of 10 or 11 if a juvenile is to be detained in a staff secure detention and 12 or more for a youth to be detained in a secure detention. The average RAI score for the 1,191 detained juveniles was 9.19. Overall, this score indicates that the detained juveniles scored to be released with an identified alternative. The range of RAI scores for juveniles detained was between -3 and 22. Figure 33 shows the RAI score distribution for juveniles detained.



The average RAI score for detained juveniles shows a gradual upward trend since the inception of the 2013 RAI tool, and has remained in the release with an identified alternative scoring, (Figure 34). The reason for the upward trend is unclear.



[Age] Of the 1,191 detained juveniles, 64% (N=764) were between 16 and 18 years of age and 36% (N=425) were between 9 and 15 years of age⁸. The average RAI scores by age for detained juveniles was not statistically different from the released population. One 9 year old juvenile had the highest RAI score of 14, which scored for secure detention. The 12 year old juveniles had the second highest average RAI score of 10.75, a score for staff secure detention. Eighteen year old youth averaged the lowest RAI scores (M= 8.49) (Figure 35).

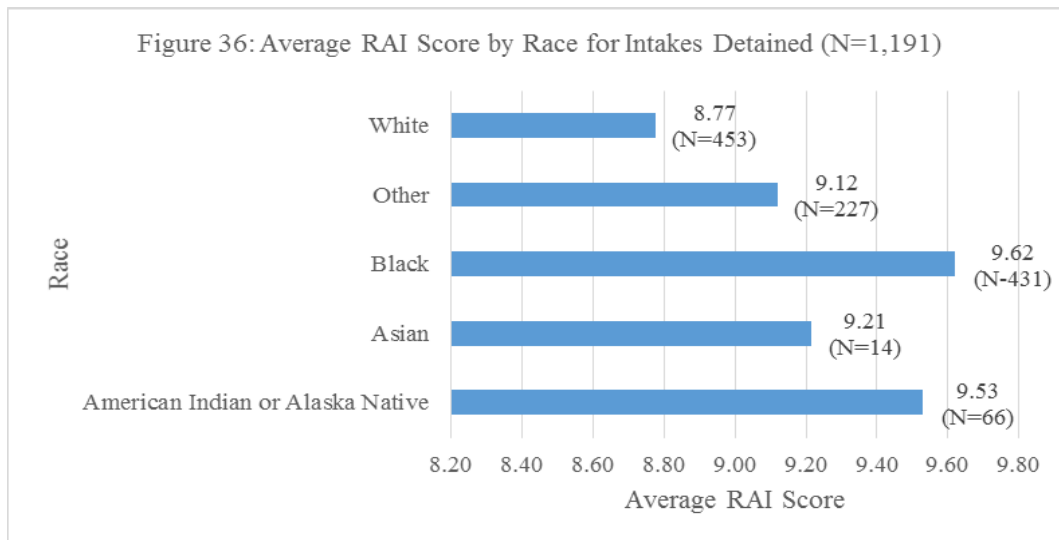


[Gender]

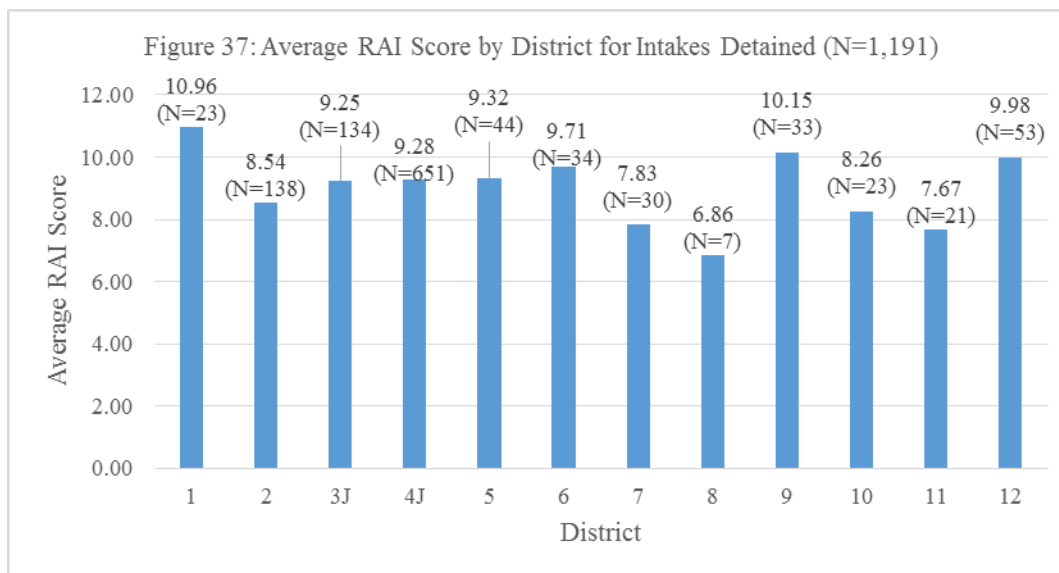
Young women who are detained have an average RAI score of 7.43, which is statistically lower than the average intake scores for young men who are detained (score = 9.90).

⁸ The date of birth was not provided for two juveniles that were detained; thus, leaving 1,189 for the detained population.

[Race & Ethnicity] Figure 36⁹ shows that the Black youth who were detained averaged higher RAI scores (9.62) compared to White youth who were detained (8.77). Minority youth were statistically more likely to score higher on the RAI than White youth.



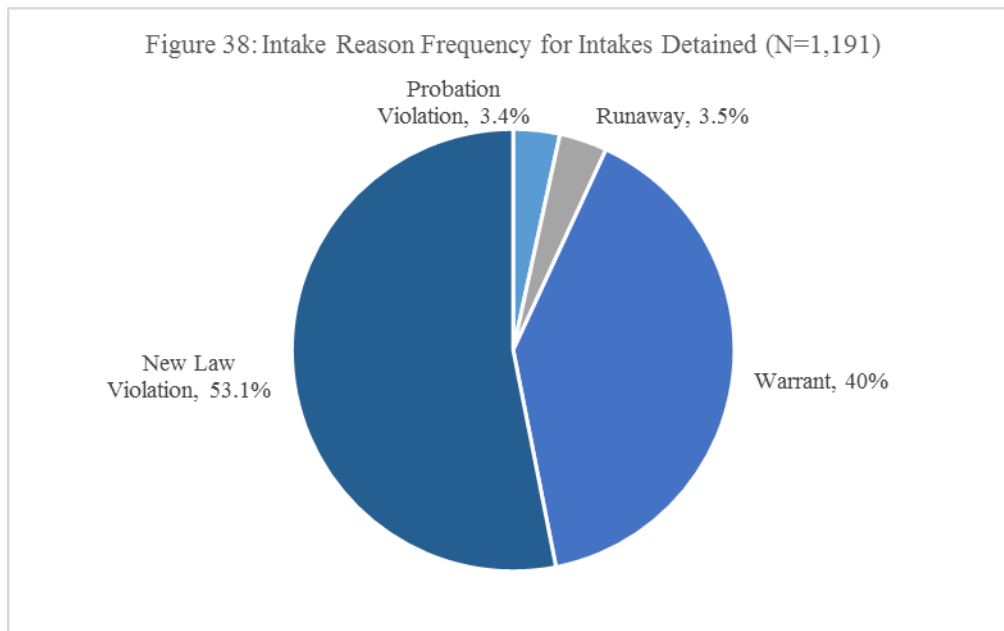
[District] As shown in Figure 37, District 8 had the lowest average RAI score (6.86) for detained juveniles; this District also had the lowest average RAI score for released juveniles. Districts 1 and 9 had average RAI scores that were related to detain in staff secure; the remaining districts had average RAI scores related to release with an identified alternative.



⁹ Youth indicated as "Other" are primarily Hispanic

Intake Reason for Intakes Detained

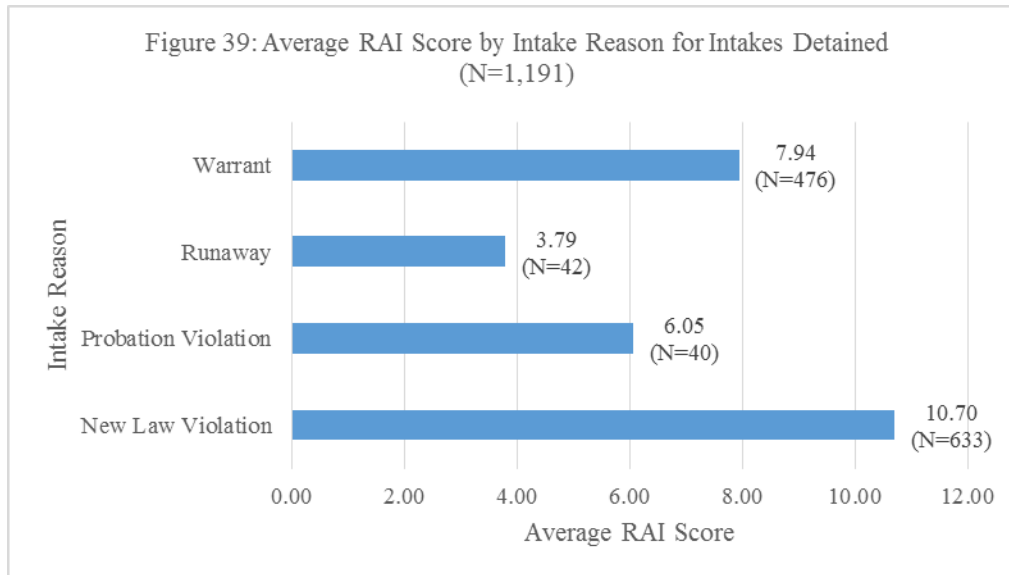
As aforementioned, the RAI tool requires juveniles to have an intake for one of four reasons: new law violation, runaway, probation violation, and warrant¹⁰. Of the 1,191 juveniles detained, 53.1% (N=633) were detained for a new law violation and 40% (N=476) were detained for a warrant (Figure 38). Juveniles were more likely to be detained on a warrant than released on a warrant. As previously noted, warrants include both juvenile and adult court warrants¹¹.



¹⁰ As previously noted, not all probation violations are included in the detained population results as there is limited use of the RAI when deciding to detain on a probation violation or technical violation.

¹¹ The specific type of warrant was not consistently reported on the RAI and, therefore, it is unclear which type of warrant a juvenile was detained.

Youth with new law violations had a higher average RAI score. Runaway juveniles had the lowest average RAI score of 3.79 (Figure 39). It should be noted, each district has different protocol for addressing runaway juveniles, however out-of-state runaways may require a mandatory hold until adequate supervision is available.



The average age for detained juveniles was 15.77. The average age for juveniles detained for a new law violation was 15.60 and for a warrant, it was 15.96. The average age for probation violations was 15.75 and for runaway it was 16.17. The most frequent intake reason for detained males was new law violations (N=494), however, for females it was warrant (N=170). An equal number of males (N=21) and females (N=21) were detained for runaway. Figure 40 further displays the intake reason by age and gender.

Figure 40: Intake Reason by Age and Gender for Intakes Detained (N=1,191)					
Age	Gender	New Law Violation	Probation Violation	Runaway	Warrant
9	Male	1	0	0	0
	Female	0	0	0	0
	Total	1	0	0	0
11	Male	4	0	0	0
	Female	0	0	0	0
	Total	4	0	0	0
12	Male	20	1	0	1
	Female	5	0	0	1
	Total	25	1	0	2
13	Male	26	3	1	10
	Female	7	0	1	4
	Total	33	3	2	14
14	Male	50	1	2	34
	Female	12	2	0	19
	Total	62	3	2	53
15	Male	89	7	2	51
	Female	33	1	3	34
	Total	122	8	5	85
16	Male	131	8	6	81
	Female	37	4	5	55
	Total	168	12	11	136
17	Male	170	7	9	101
	Female	45	2	11	47
	Total	215	9	20	148
18	Male	2	2	1	28
	Female	0	2	0	10
	Total	2	4	1	38

Of the juveniles detained at intake for a new law violation (N=633), 35.4% (N=224) were Black and 40.1% (N=254) were White. For warrants, (N=476), 40.3% (N=192) were Black and 31.1% (N=148) were White. Figure 41¹² displays the intake reason by race of juveniles detained at intake.

Figure 41: Intake Reason by Race for Intakes Detained (N=1,191)					
Race	New Law Violation	Probation Violation	Runaway	Warrant	Total
American Indian or Alaska Native	32	1	1	32	66
Asian	4	1	1	8	14
Black	224	12	3	192	431
Other	119	4	8	96	227
White	254	22	29	148	453
Total	633	40	42	476	1191

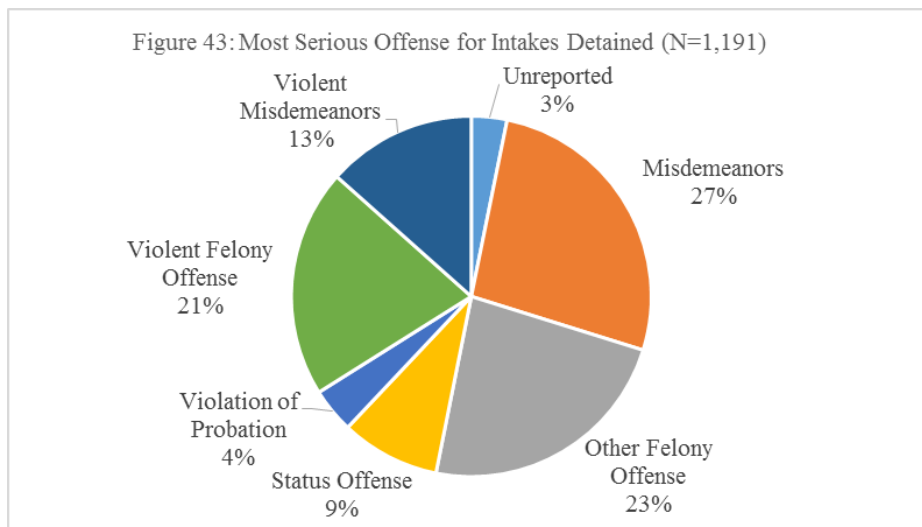
Districts 1, 5, 6, 7, and 9 had over 70% of intakes detained for a new law violation. Districts 8 and 10 had less than 50% of their intakes detained for a new law violation. District 10 had 52.2% detained for a warrant and District 8 had 14.3% detained for probation violation or warrant, 28.6% for runaway, and 42.8% for new law violation. District 4J had relatively equal numbers of juveniles detained at intake for new law violations (47.8%) and warrants (47.3%). Figure 42 notes the numbers of juveniles detained at intake by reason and district.

Figure 42: Intake Reason by District for Intakes Detained (N=1,191)					
District	New Law Violation	Probation Violation	Runaway	Warrant	Total
1	17	0	2	4	23
2	73	4	6	55	138
3J	69	5	4	56	134
4J	311	24	8	308	651
5	34	1	6	3	44
6	26	0	1	7	34
7	22	0	5	3	30
8	3	1	2	1	7
9	28	1	1	3	33
10	10	0	1	12	23
11	12	4	4	1	21
12	28	0	2	23	53
Total	633	40	42	476	1191

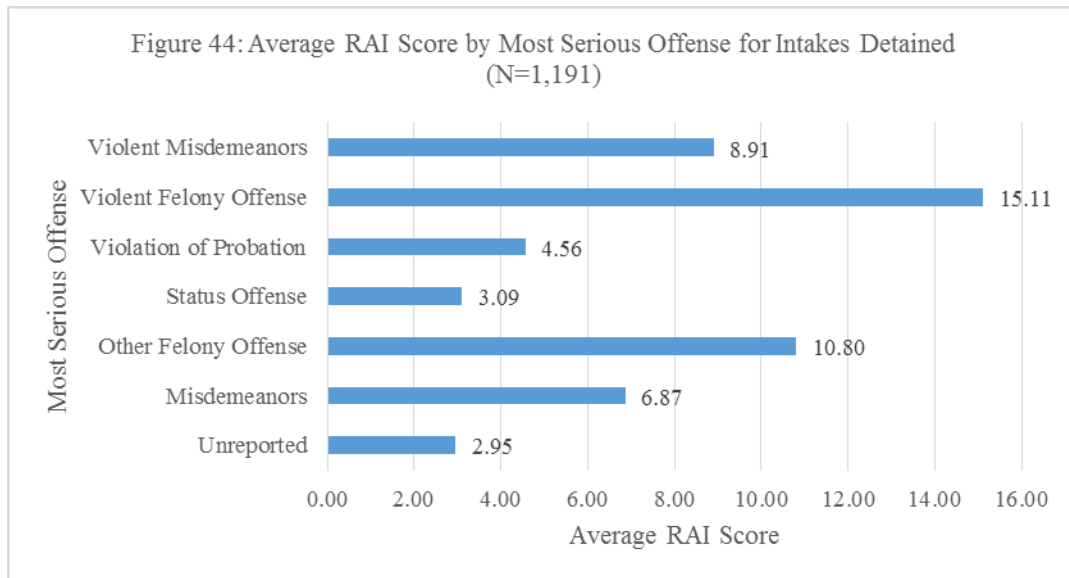
¹² Youth indicated as "Other" are primarily Hispanic

Most Serious Offenses for Intakes Detained

As previously noted, in the RAI the most serious offense is indicated for the overall risk of the juvenile and ranges from violent felony offense as being the most serious offense to a status offense as the least serious offense. Of the 1,191 juveniles detained at intake, 34% were detained for a violent offense (N=404); this is more than indicated for the released population. Approximately 36% (N=423) were detained at intake for a misdemeanor or status offense. As noted in Figure 43, 38 juveniles did not have a “most serious offense” indicated on the RAI tool.

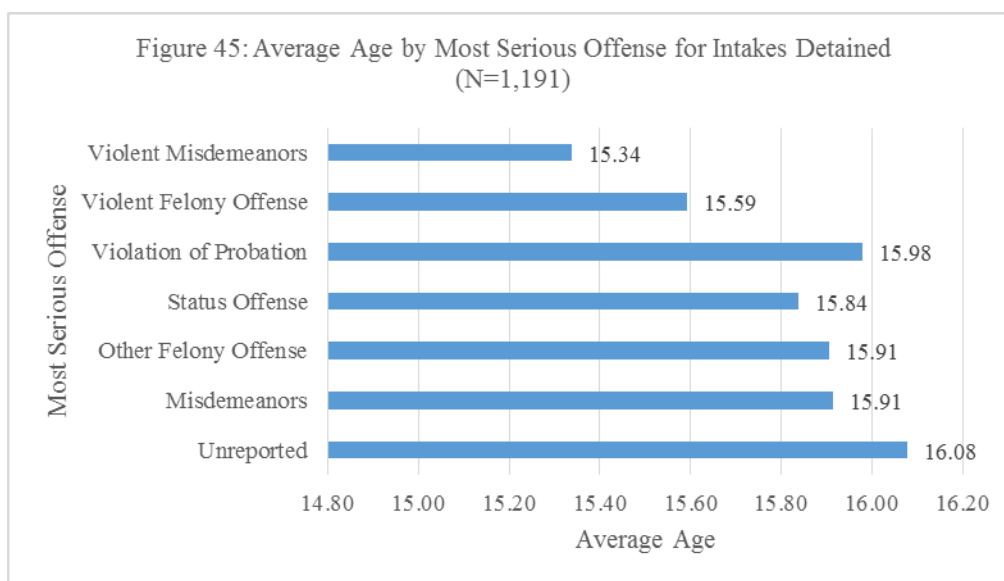


Similar to the juveniles released at intake, those detained at intake for a violent felony offense had the highest average RAI score of 15.11 (Figure 44). Juveniles detained at intake for an “other” felony offense had an average RAI score that indicated detain in staff secure. The juveniles at intake with a misdemeanor offense had an average RAI score in the range of release with an identified alternative. Juveniles detained at intake for a status offense or probation violation had an average RAI score for release without a restriction.



Females were statistically more likely to be detained for a misdemeanor or status offense and males for other felony offense or violent felony offense. Of the juveniles detained at intake for a status offense, 62.3% were female. Of the juveniles detained due to a violent felony offense, 85.6% were male.

On average, the juveniles with a violent offense were younger than the less ranked offenses; this finding is similar to the juveniles released at intake, as violent felony offenses were on average younger. Figure 45 notes the average age of each listed serious offense for juveniles detained at intake.



Of the 231 Hispanic juveniles detained at intake, 41.6% (N=96) were for a felony offense and 45% (N=104) were for a misdemeanor offense. Approximately a quarter of the intakes detained for a misdemeanor (22.7%) or other felony offense (23%) were Hispanic. The Hispanic juveniles do not comprise of all juveniles listed as “Other” but do account for the majority of this category. The percent of Black youth detained for a misdemeanor, 32.8% (N=104), and other felony offense, 33.1% (N=92), was similar to the percent of White youth detained for these same offenses, 37.8% (N=120) and 36% (N=100) respectively. For a violent felony offense, Black youth were more likely to be detained, 49.6% (N=121), than other races. Figure 46¹³ shows the number of juveniles detained at intake by race per the type of most serious offense noted from the RAI.

Figure 46: Race by Most Serious Offense for Intakes Detained (N=1,191)								
Race	Unreported	Misdemeanors	Other Felony Offense	Status Offense	Violation of Probation	Violent Felony Offense	Violent Misdemeanors	Total
American Indian or Alaska Native	4	21	17	4	0	13	7	66
Asian	2	2	3	2	1	3	1	14
Black	8	104	92	45	10	121	51	431
Other	9	70	66	17	7	29	29	227
White	15	120	100	38	30	78	72	453
Total	38	317	278	106	48	244	160	1191

¹³ Youth indicated as “Other” are primarily Hispanic

Other felony offense was the most frequent most serious offense for Districts 1 (47.8%), 6 (26.5%), 8 (42.9%), 11 (33.3%), and 12 (32.1%). Misdemeanor offense was the most frequent offense for Districts 2 (33.3%), 3J (32.8%), 5 (25%), and 7 (36.7%). District 4J had 24.9% of intakes detained due to a misdemeanor and 25% detained due to a violent felony offense. Violent misdemeanor was the most frequent serious offense for District 10 and violent felony offense was the most frequent for District 9. Figure 47 provides, for each District, the actual number of intakes detained given the most serious offense noted on the RAI.

Figure 47: District by Most Serious Offense for Intakes Detained (N=1,191)								
District	Unreported	Misdemeanors	Other Felony Offense	Status Offense	Violation of Probation	Violent Felony Offense	Violent Misdemeanors	Total
1	1	1	11	1	0	7	2	23
2	3	46	27	11	13	20	18	138
3J	3	44	32	9	8	26	12	134
4J	18	162	138	77	13	163	80	651
5	2	11	20	1	1	2	7	44
6	2	8	9	0	1	7	7	34
7	1	11	6	2	0	4	6	30
8	1	1	3	1	0	0	1	7
9	0	7	6	2	3	9	6	33
10	1	6	2	1	3	0	10	23
11	1	6	7	1	4	0	2	21
12	5	14	17	0	2	6	9	53
Total	38	317	278	106	48	244	160	1191

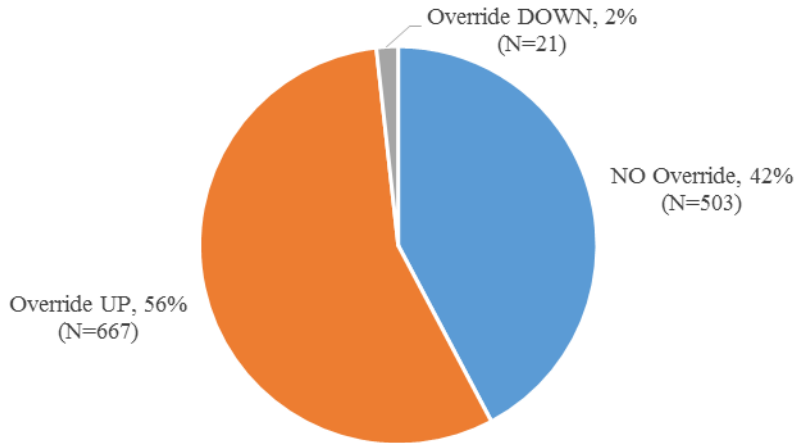
Overrides for Intakes Detained

As previously indicated, the objective use of the RAI may result in the use of the juvenile being detained in either staff secure or secure detention. During the intake process, an intake officer may determine that a juvenile needs to be overridden up from a release status to be detained or overridden down from a detain score to be released. The following provides data on juveniles for whom a determination was made at intake to either adhere to the RAI tool outcome or override the juvenile to detention.

Of the intakes that were detained between September 1, 2013 and August 31, 2014, 58% (N=688) were due to an override and 42% (N=503) were detained based on the RAI tool recommendation, as noted in Figure 48.

Of the 688 juveniles that had an override into detention, 36.5% (N=251) initially scored for release without a restriction at intake, 47.5% (N=327) scored for release with an identified alternative, and 16% (N=110) scored for detention. Of the 110 juveniles that scored for detention, 84% (N=92) scored for staff secure detention but were placed in secure, 14% (N=16) scored for secure detention but were placed in staff secure, and 2% (N=2) scored for secure detention and had an override to secure detention. It is unclear as to why. Of the 21 juveniles that had an override down to staff secure, 16 scored for detention, three scored for release without restriction, and two scored for release with an identified alternative; it is unclear why the five juveniles that scored for release had an override down to staff secure detention.

Figure 48: Override Frequency for Intakes Detained (N=1,191)



Districts 2, 3J, and 4J had intakes where the juvenile was detained due to an override down, as displayed in Figure 49. The Districts that detained more juveniles due to an override up were 2 (56%), 3J (60.4%), 4J (60.4%), 6 (52.9%), 7 (53.3%), and 12 (50.9%). The Districts that detained more juveniles based on the RAI recommendation were 1 (78.3%), 5 (70.5%), 8 (57.1%), 9 (60.6%), 10 (52.2%), and 11 (52.4%). District 4J had the highest number of juveniles detained with no override and juveniles detained with an override up. Excluding district 4J due to the population difference, District 3J had the second highest number of youth detained with an override up (N=81) and detained with no override (N=51), and District 2 had the highest number of overrides down (N=16).

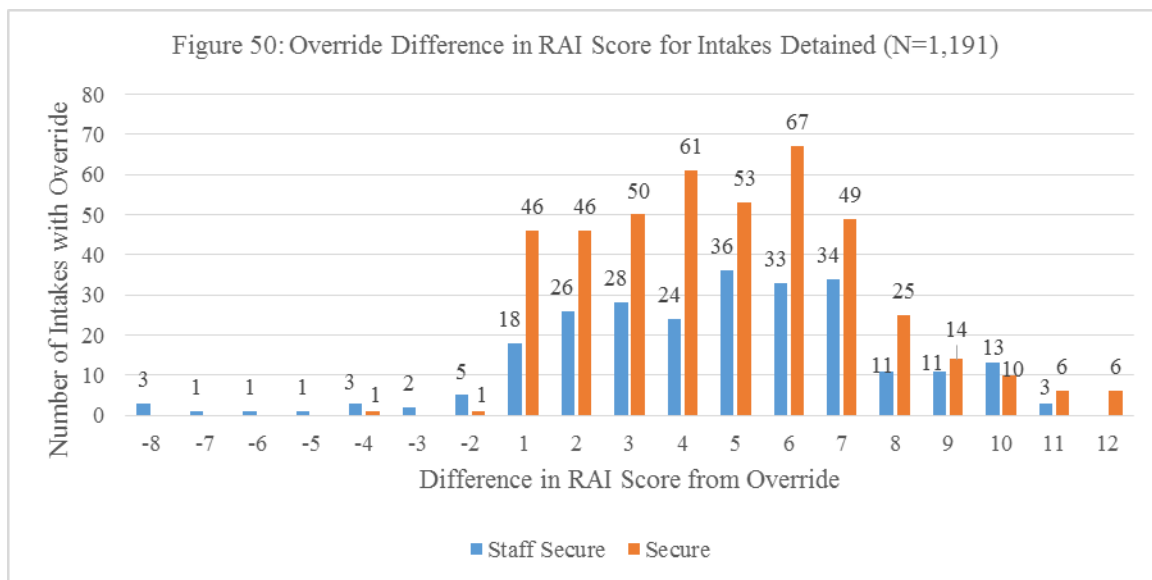
Figure 49: Overrides by District for Intakes Detained

District	Detained with NO Override	Detained with Override UP	Detained with Override DOWN	Total Intakes Detained
1	18	5	0	23
2	45	77	16	138
3J	51	81	2	134
4J	255	393	3	651
5	31	13	0	44
6	16	18	0	34
7	14	16	0	30
8	4	3	0	7
9	20	13	0	33
10	12	11	0	23
11	11	10	0	21
12	26	27	0	53
Total	503	667	21	1191

An override to staff secure detention would be equivalent to a juvenile scoring between 10 and 11 on the RAI. A secure detention override up is relative to a juvenile scoring a 12 or higher on the RAI. Figure 50 displays the point difference between a juvenile scoring below 10 or above 12 and having an override to staff secure. Also displayed are juveniles that scored below 12 and had an override to secure detention; as previously noted, two juveniles scored for secure and were overridden to secure. Of the juveniles that had an override to staff secure (N=253), 55.7% (N=141) had more than a five point difference, meaning they had scored for release without restriction and needed at least five more points before scoring to be detained in staff secure.

Additionally, of the overrides to staff secure, 37.9% (N=92) were between a 1 to 4 point difference to override them up to staff secure detention. For overrides down to staff secure, two juveniles had an 8 point difference when measuring for a staff secure detention score of 10. Again, when using the measure of 10 as the score for staff secure, five juveniles were overridden down from secure within a 2 point difference. For the juveniles that had an override to secure detention (N=435), a quarter of the juveniles (N=110) had an initial score within release without restriction, resulting in a scoring difference between 7 to 12 points. There were 231 (53.1%) juveniles initially scoring for release with an identified alternative who had between a 3 to 6 point override to secure detention. The two juveniles that had a -4 and -2 point difference to secure detention were previously noted, as the juveniles that initially scored for secure detention and had an override to secure detention.

For juveniles detained at intake with an override, 66.6% of the juveniles had an override with the reason of “Other.” The second highest reason for override was “parent or responsible adult not willing to take the juvenile home” (12.2%). For juveniles placed due to an override reason of “Other,” typically the intake officers noted the juveniles were a flight risk, had runaway behaviors, needed to be detained due to a warrant or court order, or were a danger to themselves or the community; flight risk was the predominate reason.



Conclusions

The Nebraska Intake Risk Assessment Screening Instrument (RAI) was evaluated to determine if the current utilization of the tool aligned with the statute and protocol for detention screening.

- Between September 1, 2013 and August 31, 2014, the Probation Administration completed the RAI on 1,845 juveniles. Of these, data was available for 1,812 intakes.
- A total of 1,221 youth initially scored for release – 578 of whom were overridden into a Nebraska detention or staff secure facility. Consequently, a total of 1,191 youth were detained (66%), while 621 (34%) youth were released. Based upon the RAI, it appears that 578 youth could have been released, but were detained.
- Overall, the findings show the decisions made by the intake officers match the recommendation of the RAI tool only 55% of the time. When an intake officer overrides the tool, 97% of the time they override the tool up.
- An intake officer overrides the RAI score 45% of the time (either up or down). Generally, intake officers indicated “other,” as the reason for overriding the tool (65.8%). The second highest reason for overriding the RAI up was “parent or responsible adult not willing to take the juvenile home” (11.7%). For juveniles placed in detention due to an override reason of “Other,” typically the intake officers noted the juveniles were a flight risk, had runaway behaviors, needed to be detained due to a warrant or court order, or were a danger to themselves or the community; flight risk was the predominate reason.
- Intake officers have a higher level of confidence in the tool, and rely on it more consistently, when youth score in the highest point range. Of the total 384 juveniles that scored for secure detention, the intake officer was confident in the RAI recommendation 93.5% of the time.

The tool appears to have predictive validity, but this must be stated with caution due to the high override rate.

- Of the youth who were released, most were scheduled to appear in court within 40 days of the intake to detention. The majority of released youth attended their scheduled court date. Of the 569 juveniles with a scheduled court hearing, 531 youth (93.3%) appeared at the next court hearing. This analysis indicates that when a youth is released, the youth is very likely to appear in court.
- In addition, the majority of youth who were released did not incur new legal violations: 91.1% (N=566) had no new law violation prior to the next scheduled court hearing. Of the 8.4% (N=52) that had a new law violation, new charges included fairly minor, adolescent behaviors, like running away.

Overall, the evaluation of the RAI found that objective use of the instrument has the potential to result in: (1) the risk of the juvenile being assessed appropriately; (2) the intake decision aptly coinciding with the risk of the juvenile; (3) the juvenile appearing in court following intake; and (4) the juvenile refraining from engaging in a new law violation prior to court.

Recommendations

[Specific Populations]

Due to statistically significant findings with regard to specific populations, we recommend that additional research be conducted on the RAI and race and gender. Intake officers may benefit from gender-specific and culturally-specific training to help identify alternatives to detention. An example of gender-specific alternatives could be providing respite locations on a court order for females in an effort to reduce status offending behaviors. A potential resource is the National Council on Crime and Delinquency: Center for Girls and Young Women.

[Complete the RAI on all Youth]

In an effort to fully evaluate the validity of the RAI, we recommend that all juveniles presented to detention have a completed RAI. During the current evaluation, it was found that not all probation violations, violations of court orders, nor youth presented to detention had a completed RAI.

[Data Collection]

The validation of the RAI is limited due to the lack of consistent and accurate completion of all RAI fields. The frequency with which the RAI is overridden also hinders analysis. In an effort to validate the instrument in the future, improved data collection, training, and reporting are paramount.

We recommend that the state identify standard goals for override rates wherein Districts need to strive to maintain overrides that are commensurate with the state standard. Reducing the use of overrides will provide a clearer understanding as to whether the RAI accurately assesses risk as required by state statute.

In an effort to reduce overrides and limit subjective assessments of juvenile risk, we recommend that a clear identification be made as to the definitions of “flight risk” and “uncontrollable” in relation to the state statute term of “flee the jurisdiction of the court.” Similarly, further definition of “Other” reasons for overrides would assist with more consistent data collection. We recommend limited options for the “Other” override reason in the Nebraska Probation Application for Community Safety (NPACS) system or requiring a separate supervisor verification in the system to further clarify the “Other” override reason. Without clearly identified override reasons, it is difficult to determine risk characteristics that intake officers perceive but are not captured by the RAI. Based on narrative comments, it appears that the risk is associated with runaway behaviors.

Finally, the data obtained for the completed intakes had missing information for most serious offense, type of warrant, reassessments, court outcomes, and court dates. Missing data limited the comprehensive evaluation of the RAI. In some instances, it appeared that the instrument may have been completed after a decision to detain was made. Enhanced training for intake officers is

essential in ensuring consistency in the use of the instrument, and uniform entry of data and reporting outcomes. Systematic training of intake officers in completion of the RAI, documentation, and follow-up in NPACS would assist with ensuring all data fields are reported.

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