

IN THE SUPREME COURT OF THE STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

In the Matter of:)	
)	
AUTHORIZING AN ADDITION TO)	Administrative Directive
THE JUVENILE DETENTION)	No. <u>2011 - 12</u>
STANDARD: 1 F 1 – RISK)	
ASSESSMENT INSTRUMENT)	
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In November 2007, the Office of the Auditor General issued a performance audit report of the Arizona Supreme Court (ASC), Administrative Office of the Courts (AOC), Juvenile Detention Centers. Three main recommendations were put forth to the AOC’s Arizona Judicial Council (AJC) and county juvenile courts:

1. The initiation of a state-wide effort to improve and establish mandatory operational detention standards and incorporate performance-based standards, whenever possible;
2. Establish criteria for detention screening standards; and
3. Improve its juvenile detention center inspection program.

On December 5, 2007, the AJC reviewed the recommendations of the Auditor General and directed the AOC to work with the county juvenile courts to develop policies and procedures for their implementation subject to approval by the AJC.

On February 13, 2008, Administrative Order No. 2008-17 established the Juvenile Detention Task Force and assigned the task force to review the Arizona Auditor General’s performance audit report with the following goals:

1. Identify and develop mandatory juvenile detention center operational standards consistent with the recommendations of the Auditor General.
2. Develop statewide policies and procedures or standards for the application of Rule 23 (D), Rules of Procedure for the Juvenile Court to appropriately and consistently screen juveniles for detention.
3. Institute a thorough inspection and compliance process contingent upon the Legislature revising statute to replace the Department of Juvenile Corrections with the AOC as the entity responsible for inspecting juvenile detention centers.

On March 19, 2009, the AJC approved ACJA § 6-311: Detention Operations, in addition to the juvenile detention standards that were submitted by the Juvenile Detention Task Force.

On May 6, 2009, the Chief Justice signed Administrative Order No. 2009-47, adopting ACJA § 6-311: Detention Operations, effective July 1, 2009. The Order stated, “All county juvenile detention centers which fall under the jurisdiction of the supreme court shall comply fully with the code section and standards adopted by the Administrative Director of the AOC by July 1, 2010.”

ACJA §6-311(C), provides:

The administrative director is authorized to adopt by administrative directive detention operation standards and any amendments to the standards after review and recommendation by the juvenile court directors and the Committee on Juvenile Courts (COJC).

Review and recommendation by the juvenile court directors and COJC occurred before the AJC approved the standards for adoption on March 19, 2009.

On August 10, 2009, the Administrative Director adopted the Juvenile Detention Operations Standards, recognizing that the standards “represent the minimum requirements that shall be in place for the delivery of secure care services within a juvenile detention center. The standards shall serve as the basis for developing and establishing policy and procedure for each juvenile detention center.”

On September 17, 2010, the juvenile court directors and the COJC reviewed and approved adding to the Juvenile Detention Standard: Section I F 1: Administration/Management-Admission Screening-Risk Assessment Instrument. Therefore,

IT IS DIRECTED that the amendment to the Juvenile Detention Operations Standards is adopted.

Dated this 4th day of April, 2011.

David K. Byers
Administrative Director

STATE OF ARIZONA JUVENILE DETENTION FACILITIES	Cross Reference: ACA: 3-JDF-5A, 01 - 13 RULE: AZ Rules of Procedure Rule 23 (D)
Section: I F 1 Administration/Management ADMISSION SCREENING Risk Assessment Instrument	STATUTE: JJDP Act of 2002 as amended Public Law No. 93-415 (1974), A.R.S. § 13-501
Objective: <i>To ensure consistent, objective criteria are utilized to screen juveniles to determine if they will be detained.</i>	Implementation Date:

F 1.1 The placement of pre-dispositional juveniles in detention imposes the highest level of restraint on personal liberty and, consequently, shall only temporarily occur when it is the least restrictive method available to protect public safety or reduce the flight risk of a court-involved juvenile. Decisions to detain shall be consistent with current national standards and Best Practice models of juvenile rehabilitation.

F 1.2 Juvenile Courts shall develop plans regarding the use of detention. The plans shall include:

- a) The development of a local written policy that defines the Purpose of Detention. The purpose(s) shall be risk-based* and not driven by the needs of a juvenile. The decision to detain and the length of detention shall be logically related to the seriousness of the violation or offense and the minor's risk to community safety, and shall be made within the context of an articulated system of graduated responses.
- b) Alternatives to Detention (ATD) shall be considered and implemented when possible.
- c) Acknowledgment that some juveniles may require detention but, also, recognition that there are inherent therapeutically-based dangers of detention that shall be considered.
- d) Decisions to detain juveniles shall be the result of an objective, consistent intake process.
- e) Intake staff shall use the approved screening instrument to determine whether a juvenile will be detained or released.
- f) Upon issuance of an Order by a judge to detain a juvenile, assigned staff shall immediately begin transition planning that will reduce the risk to public safety and facilitate release of the juvenile.

F 1.3 The Director of Juvenile Court Services shall ensure the development and utilization of a standardized risk assessment instrument (RAI), using Evidence-based Practices (EBP), to determine whether a youth shall be detained when referred by law enforcement or other sources to the detention center. The RAI development is to be the result of collaboration between key stakeholders in the juvenile justice continuum and may include the Presiding Juvenile Court Judge, the Director or Chief Probation Officer, the County Attorney, Public Defender, Probation representation and other parties pertinent to the specific jurisdiction.

F 1.4 The RAI shall contain the following elements:

- a) Identifying data that includes, at a minimum, the juvenile's name, JOLTS #, birth date, gender, race or ethnicity, date of referral, referring offense, referring agency and name of the staff completing the intake process.
- b) A numerical scale that defines cutoff point ranges for low, medium and high risk juveniles.
- c) Discrete sections that assign points based on the seriousness of the current referral, prior delinquent history, current legal status and aggravating or mitigating factors that have common, objective definitions utilized by each detention center in Arizona.
- d) An Override section that permits detainment of a juvenile whose point total does not meet detainment criteria or release of a juvenile whose point total meets or exceeds the detainment requirement. Use of an override by staff requires prior supervisory (or designee not involved in the presenting intake process) approval and the reason(s) for the override shall be clearly documented on the RAI. (Override usage shall fall within the acceptable national standard of no more than 15 – 20% of total juveniles detained.)
- e) Special detention cases may result in automatic detention, without the use of override, provided they meet accepted national standards, such as probation violations that include alleged delinquent offenses or arrest based on a warrant. Status offenses by themselves, as defined by Federal law, would not qualify as a special detention case.

F 1.5 Staff responsible for intake screening shall receive initial and annual training to ensure accurate use of the RAI.

F 1.6 The Director of Juvenile Court Services shall ensure periodic internal review of the RAI utilization practices to ensure appropriate decision-making and fidelity to the RAI model.

F 1.7 The Director of Juvenile Court Services shall ensure the accurate and comprehensive collection of detention data consistent with statewide standards to include, at a minimum, total number of juveniles detained, gender, race and ethnicity, average length of stay, number of overrides used to detain or release juveniles and categorical reasons for detention. This statewide data shall be reviewed periodically, but not less than annually, at the Juvenile Administrator's Meeting (JAM) and the Committee on Juvenile Courts (COJC).

F 1.8 The Director of Juvenile Court Services shall insure Disproportionate Minority Contact (DMC) data shall be collected and reviewed at least annually at the JAM and the COJC to monitor the number of minority juveniles detained locally and statewide.

F 1.9 The Administrative Office of the Courts (AOC) shall evaluate each local RAI, allowing for sufficient data collection, with the goal of validation or adjustment of the instrument, if necessary, to achieve validation.

Definition:

*Risk Based: Objective assessment demonstrates that the juvenile will:

a) Present a significant risk to the community by committing another delinquent act.

OR

b) Will not appear at the next scheduled hearing.