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Pre-Trial Juvenile Detention Screening Practices in Illinois

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Executive Summary

State-level juvenile justice system planners and government agencies in Illinois have been encouraging local practitioners to limit the use of secure detention to the most appropriate minors (e.g. those at risk for hurting themselves or others, or those most at risk for missing court dates). More specifically, efforts have been undertaken in Illinois to reduce the overall use of both pre-trial and post-trial detention, ensure that status offenders are not detained (minors whose behavior violates the law only because of their status as juveniles), and to ensure that detention decisions are fair, equitable, and do not result in over-representation of minority youths in detention facilities.

Pre-trial detention decisions are initially made by law enforcement officers who, if they believe that a minor should be considered for detention, contact an agency responsible for detention screening (typically, the county probation department or detention center). Detention screeners determine whether the minor will be detained for a short period of time (Illinois law states 40 hours), until a detention hearing. At the detention hearing, a judge determines whether the minor will remain in detention, typically until his or her trial is complete.

One strategy for ensuring that only the most appropriate minors are detained through the detention screening process is to utilize an objective, scorable detention screening instrument. Scorable detention screening instruments require screeners to assign points to elements of juvenile risk, such as the nature of the offense, the minor's arrest history, etc. The total score across all items determines whether or not the minor will be detained. One purpose of using a scorable detention screening instrument is to remove subjective considerations from the detention screening process.

Since approximately 1998, there has been institutionalized support in Illinois for the use of scorable detention screening instruments. For example, the Illinois Juvenile Justice Commission convened a workgroup composed of representatives from the Administrative Office of the Illinois Courts, the National Council on Crime and Delinquency, and practitioners throughout Illinois to develop a statewide scorable detention screening instrument. The scorable instrument developed by the workgroup was distributed to every detention screening agency in Illinois, with a letter encouraging the agency to consider using the instrument (see Appendix A for this statewide instrument).

The purpose of this report is to provide a detailed overview of pre-trial detention screening practices in Illinois. Such an overview may serve as a prelude to more evaluative work examining the use of scorable detention screening instruments. For example, the report may provide information that can assist in developing a study that examines the impact of using a scorable detention screening instrument.

Method

To provide an overview of pre-trial detention screening practices in Illinois, semi-structured interviews were conducted with individuals from detention screening agencies throughout Illinois. In general, those responsible for detention screening are employed by probation departments or by juvenile detention centers. An attempt was made to interview a probation officer representing each of Illinois' 102 counties, and a detention officer representing each of the 16 juvenile detention centers in Illinois that were open at the time of the interviews. Agency heads were contacted and asked to either participate in an interview or refer us to one or more individuals in their agency for an interview. Appendix B describes the sampling strategy in more detail. Table I shows the total sample and response rate for the project, as well as the response rate separately for probation officers and detention officers.

Table I: Interview Sample and Response Rate

	Number of agency heads contacted	Number of potential participants	Agency made referral to counterpart	Opted not to participate	Total number of participants	Response rate
Probation	68 ^a	86 ^b	5 ^c	2	79	97.5% (79/81)
Detention	16	16	4 ^c	0	12	100.0% (12/12)
Total	84	102	9	2	91	97.8% (91/93)

a: Although there are 102 Illinois counties, probation departments may encompass multiple counties. Hence, it was only necessary to contact 68 probation department heads in order to have all 102 counties represented.

b: See Appendix B for an explanation of this number.

c: In counties that house their own detention center, the probation department and the detention center are often two parts of a larger organizational structure. There were instances when the probation department referred us to the detention center, or vice versa. Typically, this was because the counterpart agency was primarily responsible for detention screening. These instances were not classified as refusals to participate.

When completing the interviews, interviewers asked the same questions in the same order. The interview questions and the order of questions were documented in an interview protocol (Appendix C). However, interviewers were free to ask additional questions in an attempt to probe further on topics that arose during interviews, or to ask additional questions that addressed entirely different topics from those in the interview protocol.

In addition to participating in an interview, participants were also asked to provide a copy of the scorable detention screening instrument that they were currently using. If the participant worked in a jurisdiction that was not using a scorable instrument, the participant was asked to provide any written policies or instructions that were used to guide pre-trial detention screening decisions. Of the 91 interview participants, 86 provided a scorable detention screening instrument or written policies or instructions. Of the five participants who provided no instrument, policies, or instructions, four did not use a scorable instrument and had no other written documentation to provide.

Each of the 86 scorable instruments (or other written documentation) was closely examined for content. When the statewide instrument was disseminated to detention screening agencies throughout Illinois, agencies were not discouraged from modifying the instrument so that it could better meet local needs (although they were not explicitly encouraged to make changes either). When examining the instruments, emphasis was placed on whether the participant used the statewide instrument and, if so, then the nature of any changes made to the instrument. For all other instruments, policies, and instructions that were received, emphasis was placed on examining content and how the content differs from the statewide instrument.

Results

The interview protocol and detention screening instrument analyses were designed to provide direct or indirect answers to a series of specific research questions subsumed within five topic areas: (1) the prevalence with which scorable detention screening instruments are being used, (2) the content of the scorable detention screening instruments that are being used, (3) how scorable detention screening instruments are perceived by detention screeners, (4) how scorable detention screening instruments are being implemented, and (5) how the detention screening process (for those using a scorable instrument or otherwise) fits into local juvenile justice systems and local detention decision-making processes.

Table II shows, for each topic area, the research questions that appear in the report. The report describes results pertaining to each of the research questions, then concludes with a summary that attempts to answer the question in a cogent manner. This section of the executive summary shows the summaries that appear in the report, by topic area.

Table II: List of Research Questions by Topic

Prevalence of Use
How prevalent is the use of scorable detention screening instruments in Illinois counties? How prevalent is the use of the statewide instrument developed by the workgroup spearheaded by the Administrative Office of the Illinois Courts, the Illinois Juvenile Justice Commission, and the National Council on Crime and Delinquency?
Besides the statewide instrument, what other scorable detention screening instruments are being used by Illinois counties? For those Illinois counties not using scorable detention screening instruments, how are pre-trial detention decisions made?
Content of the Instruments Used
Have Illinois counties that are using the statewide instrument made modifications to the instrument so that it can better meet local needs? If so, then what changes have they made?
Perceptions of Instruments
Do detention screeners from Illinois counties that are using a scorable detention screening instruments report satisfaction with the instrument?
Implementation
What process do detention screeners engage in to complete scorable detention screening instruments? Do detention screeners note any difficulties obtaining information necessary to complete the instrument?
Are scorable detention screening instruments being used rigidly (the score is the absolute determining factor) or are instruments being implemented in a manner that still allows for discretion on the part of the screener?
In instances when scorable detention screening instruments are being used, how do detention screeners respond to borderline cases, or cases for which the minor is one or two points away from being detained or released?
To what extent do Illinois counties utilize non-secure alternatives to pre-trial detention, with non-secure alternatives defined as options besides releasing the minor to a parent or guardian?
In instances when scorable detention screening instruments are being used, have counties adopted an override process, or a process by which the decision that should be made based on the score on the instrument can be changed in favor of a different decision? In instances when an override process is adopted, how does the process work? How frequently are scores overridden, and what types of cases are overridden?
For those Illinois counties that are using scorable detention screening instruments, does the instrument limit the likelihood that status offenders will be detained?
Placement Within Juvenile Justice System
For those Illinois counties that are using scorable detention screening instruments, how (if at all) has utilizing the instrument impacted the number and nature of calls requesting pre-trial detention that the screening agency receives from law enforcement agencies?
For all Illinois counties, what role (if any) does the state’s attorney’s office play in the detention screening process?
Are decisions based on scorable detention screening instruments matching decisions made by judges during detention hearings?

Prevalence of Use

Table II shows research questions regarding the prevalence with which scorable detention screening instruments are being used. Table III shows, based on detention screening instrument analysis, the prevalence with which scorable detention screening instruments were being used in Illinois at the time of the interviews. Several of the column headings in Table III use the term **unique** instruments, policies, or instructions. In some instances, more than one participant from the same county was interviewed. The term **unique** instruments, etc., indicates that duplicate instruments from the same county were omitted from Table III. Table III shows, of the instruments, etc., received, the number that were scorable instruments (the second column from the right in Table III). Then, Table III shows, of the scorable instruments received, the number of statewide instruments (the last column to the right in Table III).

Table III: Prevalence With Which Scorable Detention Screening Instruments Were Being Used In Illinois

	Number of counties represented	Number of unique instruments, policies, or instructions received ^a	Of unique instruments, etc., received: Number of scorable instruments	Of number of scorable instruments: Number of statewide instruments
Probation	83	71	64 (90.1%)	63 (98.4%)
Detention	16	12	11 (91.7%)	10 (90.9%)
Total	99 ^b	83	75 (90.4%)	73 (97.3%)

a: This includes four instances in which the interview participant was not using a scorable detention screening instrument and did not rely on any written policies or instructions. Although no documentation was provided by these four interview participants for detention screening analysis, the four participants were included in Table 5 so that the table could reflect in a complete manner which participants were using a scorable instrument at the time of the research.

b: Two probation officers, each representing one Illinois county, opted not to participate in an interview and, thus, did not provide a copy of their screening instrument (or policies or instructions). One interview participant, representing one Illinois county, did not provide a copy of the screening instrument that was being used. These three exclusions resulted in overall representation of 99 of 102 Illinois counties.

Summary: Most Illinois counties were using a scorable detention screening instrument at the time of the interviews. For the most part, Illinois counties were using the statewide instrument developed by the workgroup spearheaded by the Administrative Office of the Illinois Courts, the Illinois Juvenile Justice Commission, and the National Council on Crime and Delinquency, although in many instances Illinois counties had modified the instrument so that it could better meet local needs (see results below describing the content of the instruments used).

In the two instances when a probation department or detention center was using a scorable instrument other than the statewide instrument, their county had been using the instrument prior to the development of the statewide instrument.

Eight interview participants representing one or more different Illinois counties reported that they do not use a scorable detention screening instrument. Two of these eight participants represent counties that have their own detention center. The remaining six participants represented one or more small Illinois counties without their own detention center and use one of the detention centers that was not using a scorable instrument.

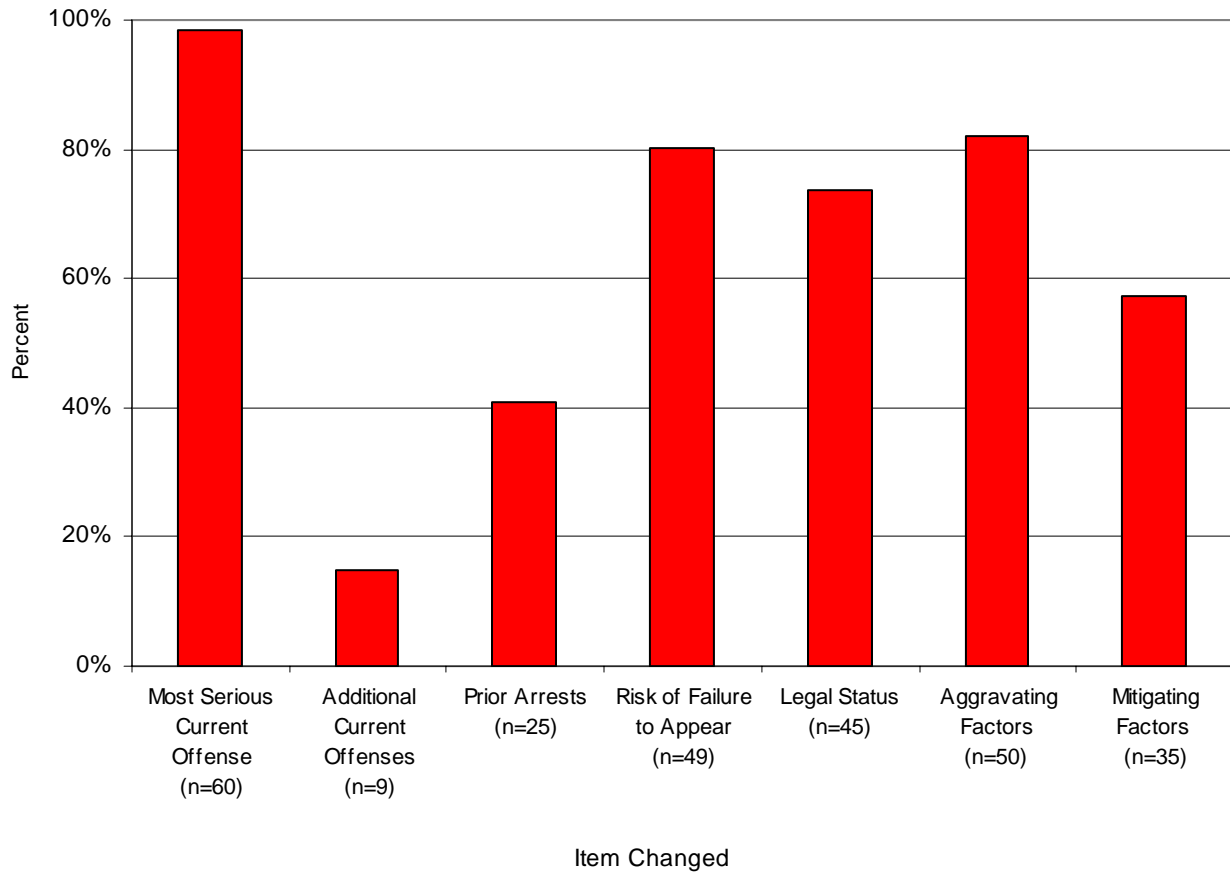
Content of the Instruments Used

Table II shows research questions on the content of the scorable instruments that are being used. When the statewide instrument was provided to Illinois counties, the recipients of the instrument were not discouraged from making changes to the instrument so that it could better serve local needs. This report examined whether interview participants who use the statewide instrument made changes to the instrument and, if so, the nature of the changes.

A copy of the original statewide instrument (i.e., the instrument that was distributed to Illinois counties after it was finalized by the workgroup) was provided to the research team by the Administrative Office of the Illinois Courts. To examine the changes that were made, the 73 unique copies of the statewide instrument provided by participants were compared to the copy of the original statewide instrument. These comparisons indicated that, of the 73 copies of the statewide instrument, 61 had been modified or changed in some way. The remaining 12 instruments were exactly the same as the original version.

Changes to the statewide instrument were examined item by item (see Appendix A for the items on the instrument). Figure I shows the percentage (out of the 61 instruments) that had changes to each item on the instrument. There is one aspect of Figure I that warrants explanation. The first item on the statewide instrument is “Most Serious Alleged Current Offense.” To complete this item, screeners are required to refer to a separate list of offenses with points assigned to them. The “Most Serious Alleged Current Offense” bar in Figure I refers to instances when the list of offenses was modified (as opposed to how the item was written on the instrument, etc.)

Figure I: Percentage of Statewide Instruments With Changes, by Instrument Item^a



a: There were 61 instances in which an interview participant provided a copy of the statewide instrument that had at least one change from the original statewide instrument. This figure shows the percentage that had changes to each item on the statewide instrument.

Summary: There were 73 unique instances when an interview participant who uses the statewide instrument provided a copy of the instrument. Of the 73 instruments, 61 had been modified in some way, relative to the original version of the statewide instrument. Upon closely examining changes made to each instrument, it became apparent that there were a considerable number of instances when the points associated with categories on the item were increased. Minors who are screened using instruments with increased points could receive more points on the instrument than they would under the original statewide instrument. Such changes may have been made so that it would be easier to detain minors who have not committed offenses that, just based on the seriousness of the offense, would score enough points or almost enough points to warrant detention.

Perceptions of Instruments

Table II shows the research question regarding how scorable detention screening instruments are perceived by detention screeners. What follows is the summary response to the question in Table II.

Summary: Many interview participants who were using a scorable detention screening instrument at the time of the interviews reported without qualification that the factors on the instrument do an adequate job of determining which minors should be detained. Because most participants who were using an instrument reported that they use the statewide instrument, this result predominantly reflects opinion on the statewide instrument.

Even in instances when interview participants gave less positive responses regarding the adequacy of the statewide instrument, they had relatively few negative comments to make about it. In some instances, satisfaction with the instrument may have stemmed from the fact that the participant's county modified it so that it better met local needs, or the participant worked in a small county that detains few minors and, thus, had not had sufficient opportunity to notice its limitations.

Using a scorable detention screening instrument limits the extent to which detention screeners can use their own discretion to decide which minors should be detained. However, very few participants noted, while responding to questions regarding their overall perceptions of the instrument (as the interviews did not include questions directly addressing discretion) that they would prefer to have more discretion.

Implementation

Table II shows several research questions regarding how scorable detention screening instruments are being implemented. What follows is the summary response to the research question regarding completion of the instrument.

Summary: For interview participants who use the statewide instrument, the prior arrests item and the mitigating factors item appear to be the most difficult items to complete. Because of potential limitations in the availability of information that can assist in the completion of the instrument, difficulties associated with the completion of these items appear to be magnified when the screening occurs at night (when the majority of cases are screened) and when the screener has no prior experience with the minor. Overall, challenges associated with completing the instrument imply that scores on the instrument are dictated partly by the ease with which items on the instrument can be completed.

Table II shows that one of the research questions regarding implementation pertained to whether the instrument is being used rigidly, and is the absolute determining factor, or whether the instrument is being implemented in a manner that still allows for discretion. To obtain an indication of the level of importance that scorable instruments play in detention decisions, the interview protocol included the following question, intended only for participants who are using them: “Is the score on the instrument simply used as a guide to help the decision-maker decide whether or not to detain a youth, or is the score itself the determining factor?” The interviewer then followed up the response to this question with additional questions intended to assess the extent to which screeners strictly adhere to the instrument as opposed to taking additional factors into account. Table IV characterizes responses to the question on the interview protocol regarding the importance of the instrument, and to follow-up questions.

Because of varying degrees of detail in the responses provided by participants, it was not possible to exactly quantify the number of occurrences of each of the types of responses in Table IV. However, the table notes the approximate frequency of the response type, using general terms such as “very frequent,” “somewhat frequent,” etc. This convention was used throughout the report when it seemed appropriate to describe the frequency with which a response type occurred.

Summary: For nearly all participants, a scorable detention screening instrument played a primary role in the detention screening process at the time of the interviews. The instruments were not perceived as a formality, or an unessential piece of paperwork. For most participants, the instrument played a primary role in detention screening decisions, but many participants reported that they allow their discretion to play a role as well. To the extent that discretion is used, some interview participants reported that they confine it to avenues that are explicitly allowed as part of completing the instrument, such as considering and scoring for aggravating and mitigating factors, and/or using an override process.

Table IV: Importance of the Screening Instrument in Making Detention Decisions

<i>Responses to initial question, “Is the score on the instrument simply used as a guide to help the decision-maker decide whether or not to detain a youth, or is the score itself the determining factor?”, and follow-up questions.</i>		
Response Type	Response Description	Frequency
Instrument is only a formality	The instrument is completed, but the screener typically knows how he or she will handle the case prior to completing the instrument.	Very infrequent
Strict adherence to the score	The instrument is completed and the score on the instrument almost entirely dictates the detention decision.	Infrequent
Strict adherence if score indicates detention. May use discretion otherwise.	The instrument is completed and, if the score suggests detention then the minor is detained. If the score suggests non-secure detention or release, then discretion is used (through one or more of the three types of discretion listed in the following three rows).	Infrequent
Discretion through overrides	The instrument is completed first, but if discretion is necessary then the score is overridden.	Somewhat frequent
Discretion through aggravating and mitigating factors	When scoring the instrument, the screener does an informal check of the score. If the score appears to be borderline (one or two points away from release or detention), then the screener uses discretion through the aggravating and mitigating factor items on the instrument.	Somewhat frequent
General discretion	The instrument is completed first, but if the screener disagrees with what the score suggests (because of other factors), then the screener will use his or her judgment as the deciding factor. This may or may not involve using overrides or scoring for aggravating and mitigating factors.	Frequent

Table II shows that one of the research questions regarding implementation pertained to how detention screeners respond to borderline cases, or instances when the minor is one or two points away from being detained or released. What follows is the overall summary response to this question.

Summary: A reasonably large minority subset of interview participants agreed that they consider aggravating and mitigating factor items on the instrument more closely when the score is on the borderline of detainment or release (e.g., scores of 10, 11, 12, on the statewide instrument where at a score of 12, juveniles are eligible for detention). This may be because minors who receive borderline scores have been arrested for less serious offenses, yet received a moderate number of points on multiple instrument items.

Some evidence suggests that, at the time of the interviews, interview participants were just as likely to examine borderline cases more closely in order to detain as they were to examine borderline cases in order to release.

Table II shows that one of the research questions regarding implementation pertained to the use of pre-trial detention alternatives. Table V shows types of alternatives that interview participants reported were available to them, listed (from the top to the bottom

of the table) according to the frequency with which the type of alternative was mentioned. Information in Table V is based on an interview question, and on unsolicited comments made by participants during the interviews.

Table V: Types of Alternatives to Detention Reported as Being Available in Interview Participants' Counties^a

	Type of Alternative
FREQUENCY Least .....Most	Crisis intervention from social service agency
	Send minor home with a relative or friend
	Home detention
	Home detention with electronic monitoring
	Residential alternative (shelter care, residential facility, temporary foster care)
	Referral to counseling, mental health, substance abuse (referrals often made by same agency that provides crisis intervention)
	Informal adjustment / meeting
	Day or evening reporting center

a: Information in the table is based on unsolicited references to alternatives or on responses to several types of interview questions regarding alternatives.

Summary: At the time of the interviews, the primary role of detention screeners in finding alternatives for minors seemed to lie in finding a place for the minor to stay when it is not possible for the minor to stay with a parent or guardian, and the score on the instrument does not call for detention. In these instances, detention screeners reported that they typically contact a social service agency for crisis intervention, or contact another relative or friend of the minor.

Detention screeners did not tend to have a clear continuum of non-secure alternatives based on the minor's level of risk. In some instances, this was by choice, as smaller counties may not need a continuum of options in response to very small juvenile caseloads. In some instances, options such as home detention or home detention with electronic monitoring were only available at the detention hearing (and after the minor has already been detained for a short time).

Table II shows that the report included a series of questions pertaining to override processes, or processes by which the score on the instrument is changed in favor of a different decision. What follows is the summary response to this series of questions.

Summary: At the time of the interviews, most Illinois counties allowed detention screeners or, for detention centers, law enforcement officers to request that scores on detention screening instruments be overridden. The most typical process for overriding a score was a formal process whereby the screener requests the override

to a supervisor or the county state's attorney, who then makes the final detention decision.

At the time of the interviews, it was not typical for overrides to be requested, as a notable number of interview participants stated that they had never requested an override. When overrides were requested, they were more commonly requested to detain a minor who, according to the screening instrument, should be released or receive some other non-secure alternative. A number of interview participants stated that they may detain minors who have committed domestic offenses but who have not met the point threshold on the instrument for detention.

Table II shows that one of the research questions regarding implementation pertained to the detainment of status offenders. What follows is the summary response to this question.

Summary: Interview participants typically reported that they do not detain status offenders through the detention screening process. Some interview participants noted that some status offenders may be detained through processes that are not directly within their control as detention screeners, such as when a warrant is issued against a minor. Very few participants who use a scorable detention screening instrument stated that status offenders may be detained in their jurisdiction through the detention screening process.

Placement Within Juvenile Justice System

Table II shows several research questions regarding how the detention screening process fits into local juvenile justice systems and local detention decision-making processes. What follows is the summary response to the research question regarding the impact of using a scorable instrument on relationships between detention screeners and law enforcement officers.

Summary: Many interview participants who were using a scorable detention screening instrument reported that they have distributed the instrument to law enforcement agencies in their jurisdiction. To the extent that law enforcement officers consider the instrument prior to contacting the screening agency, they were primarily using it as a reference tool to determine whether it is worth their effort to contact the screening agency. Even in instances when the instrument had been distributed to law enforcement agencies there seemed to be knowledge gaps, or instances when the instrument had been distributed but law enforcement officers were still unaware that it exists.

Distribution of the instrument appears to have had some impact on relationships between law enforcement officers and detention screeners. Many interview participants reported that law enforcement officers either consider the instrument prior to contacting them (a less typical response), or consider factors that appear on the instrument prior to contacting them (a more typical response). A small minority subset of interview participants stated that, because the instrument was distributed

to law enforcement agencies, the screening agency receives fewer calls from law enforcement for cases that clearly would not allow for secure detention.

Table II shows that one of the research questions regarding placement of the instrument within local juvenile justice systems pertained to the role of state's attorneys. What follows is the summary response to this question.

Summary: In counties that were using a scorable detention screening instrument, the state's attorney tends to have little involvement in the detention screening process. This seems consistent with Illinois law. However, interview participants mentioned a number of direct or indirect avenues through which state's attorneys contribute to pre-trial detention decision-making.

Five interview participants stated that the state's attorney plays a large role in pre-trial detention decision-making. Four of these participants represent small counties that were not using a scorable instrument.

A large minority subset of interview participants who were using an instrument noted that the state's attorney was involved in the decision to begin using the instrument and/or decisions regarding the content of the instrument.

Table II shows that one of the research questions regarding placement of the instrument within local juvenile justice systems pertained to decisions made by judges during detention hearings. What follows is the summary response to this question.

Summary: No interview participant reported that a judge has ever questioned or disagreed with a detention decision made based on a scorable instrument. Such information would have been unsolicited as opposed to a direct response to an interview question. Many interview participants stated that decisions based on scorable instruments are typically consistent with decisions made by judges during detention hearings. Many participants stated that minors who were initially detained tend to remain in detention after the detention hearing, or removed from detention and placed on home detention or electronic monitoring. To the extent that minors are released outright at the detention hearing, one common reason is that the minor's family situation has changed during the time period that the minor was awaiting a detention hearing.

Conclusion

State-level juvenile justice system planners and government agencies in Illinois may opt to revisit pre-trial detention screening practices in Illinois with an emphasis on achieving certain policy ends, such as reducing the use of secure detention, and reducing the use of secure detention for status offenders. Should pre-trial detention screening and detainment practices in Illinois be revisited, this report suggests that the following issues should be considered. For each issue, a potential solution is suggested.

Issue #1:

Many Illinois counties that were using the statewide instrument made modifications to the instrument so that it can better meet local needs. The variation inherent in these modifications may limit the usefulness of the statewide instrument as a mechanism for achieving state-level juvenile detention goals. On the other hand, local juvenile justice systems have unique needs that may justify particular changes to the instrument.

Potential Solution #1:

It may be useful to provide explicit information to detention screening agencies about types of changes to a model statewide instrument (either the existing statewide instrument or a revised version) that may contradict state-level goals, and how such changes contradict state-level goals. If such information is provided, then it may be useful to obtain feedback from detention screening agencies regarding any concerns about avoiding changes that contradict state-level goals.

Some changes to the statewide instrument may not contradict state-level goals. It may be prudent to develop and distribute a list of potential changes to the statewide instrument that do not contradict statewide goals. The list could be developed in conjunction with detention screening agencies so that disparities between local needs and state-level needs can be reconciled.

Issue #2:

The statewide instrument includes a “Mitigating Factors” item. Some participants reported that this item is difficult to complete and is not particularly purposeful. Difficulties associated with completing the instrument are magnified at night, when information that can assist in the completion of the instrument may not be as easy to obtain. On the other hand, such comments were not made about the “Aggravating Factors” item. The aggravating factors and mitigating factors items were included on the statewide instrument in part to provide screeners with an opportunity to use some discretion by adding or subtracting points from the instrument based on circumstances surrounding the case. If the aggravating factors item is easier to complete than the mitigating factors item, then it stands to reason that points are added to the instrument more often than points are reduced from the instrument, and that this disparity exists partly because of the nature of the instrument.

Potential Solution #2:

It may be prudent to revisit how the aggravating factors and mitigating factors items are structured on the statewide instrument. It may also be advisable to consider providing detention screening agencies with suggested instructions for completing the aggravating factors and mitigating factors items.

The current version of the statewide instrument enables screeners to add up to three points for aggravating factors and reduce up to two points for mitigating factors. Within these limits, the number of points added or reduced is dictated by the screener. The statewide instrument also includes in parentheses, for both the aggravating factors and mitigating factors items, examples of factors that screeners may consider. The example aggravating factors are based on the nature of the offense and, therefore, are relatively easy to obtain from the arresting law enforcement officer. The example mitigating factors are based on the minor's arrest history and/or family situation and may be more difficult to obtain.

Given this structure, it may be unclear to screeners how to assign points for the items (e.g., one point per aggravating or mitigating factor, three points for more important factors, etc.) It may also be unclear whether the items listed in parentheses on the instrument are intended to be exhaustive or are just examples (and the screener may consider other factors). It may be that the mitigating factors listed on the instrument are difficult to obtain, but other important mitigating factors are easier to obtain. If screeners are uncertain about which mitigating factors are permitted to be considered, it could lead to difficulties using the item.

Issue #3:

Interview participants mentioned, in response to at least three different questions on the interview protocol, that the statewide instrument is difficult to use in instances when the minor has been arrested for a domestic offense. This is because minors who commit domestic offenses typically do not score enough points on the instrument to warrant detention but screeners do not want to release such minors back into a volatile home environment. In general, detention screeners tended to respond to domestic offenses by either finding another responsible adult to take the minor or by contacting a local social service agency experienced in handling family crises.

Potential Solution #3:

The interviews identified this issue and addressed, at a surface level, how detention screening agencies respond to domestic offenses. Nonetheless, it may be prudent to contact detention screening agencies to ensure that they have sufficient alternatives and resources to handle domestic offense cases through non-secure options. If sufficient alternatives exist, then perhaps the statewide instrument (or attached instructions) could specifically suggest, for domestic offense cases, the use of these alternatives as opposed to secure detention.

Issue #4:

Many interview participants were asked about alternatives to secure detention available in their jurisdiction at the time of the interviews. A notable minority subset of participants stated that there are few alternatives available in their jurisdiction. Other participants noted a small number of basic alternatives. To some extent, this may not be problematic,

as some jurisdictions detain relatively few minors. Nonetheless, if state-level policy encourages the use of non-secure options, then it is necessary that Illinois counties have such options available to them.

Potential Solution #4:

As with *Potential Solution #3*, it may be prudent to contact detention screening agencies and obtain additional information about alternatives and resources available in their community. Such information could be used to answer the following question: If your jurisdiction detained fewer minors, would there be difficulties finding alternative options for minors?

I. Introduction

Evidence suggests that during the 1990's, juvenile justice system activity increased in Illinois, as well as across the United States. The number of juvenile cases handled by juvenile court systems increased throughout the 1990's.¹ These increases tended to foster the perception that juvenile crime was increasing and becoming a more serious problem. Partly as a result of this perception, the political climate in many jurisdictions favored a "get tough" approach in responding to juvenile crime.² Consistent with a "get tough" approach, juvenile court systems became more prone to handle juvenile delinquency cases in a formal manner (e.g., filing a delinquency petition against the minor and having the case heard by a judge in a formal court proceeding), as opposed to resolving the case informally prior to trial.³

One potential by-product of the increased number of juvenile delinquency cases being formally handled in juvenile court is that during the 1990's, increased numbers of juveniles were held in juvenile detention centers, either while awaiting trial (pre-trial detention) or after being convicted for a delinquent offense (post-trial detention).⁴ Increases in juvenile detention center admissions during the 1990's became a cause for concern. In some instances, juvenile detention centers became overcrowded. In Illinois, overcrowding became a problem at the Cook County Juvenile Temporary Detention Center and local policy-makers believed this issue needed to be addressed (Chicago, Illinois' largest city, is located in Cook County).

In addition to overcrowding, increased use of juvenile detention posed other problems. First, juvenile detention centers were not being reserved exclusively for minors who posed a serious threat to themselves or to the community. Instead, a majority of the minors held in detention centers tended to be detained for offenses other than violent offenses, including status offenses (behaviors that are only offenses if they are committed by minors, such as underage drinking, truancy, running away from home, etc.)⁵ Second, minority youth tended to be over-represented among juveniles held in detention centers.⁶

In addition to being problematic from a social perspective, the detainment of minors for lesser offenses, including status offenses, and the disproportionate detainment of minority youth has budgetary implications for state juvenile justice systems. The Juvenile Justice and Delinquency Prevention Act of 1974, a federal legislative act, provides for the dispensation of juvenile justice system funds under the federal Formula Grants program. In order for states to receive these funds, they must adhere to four core requirements.⁷ One of these core requirements is that states must limit the detention of status offenders to a very small number of offenders. Another core requirement is that the state must make efforts to reduce the disproportionate detainment of minority youth in locations where the problem exists.

Since the 1990's, the philosophical pendulum for many juvenile justice systems has swung back in favor of responses to juvenile crime that de-emphasize punishment and "getting tough" on juvenile offenders. Proponents of Balanced and Restorative Justice, as well as other practitioners who questioned the value of "get tough" approaches, began to emphasize and support responses to juvenile crime that focus on victims' rights and developing competencies in juvenile offenders.⁸

In Illinois, detention center overcrowding, concerns regarding the ability of the state to receive Formula Grants funding, and philosophical change have contributed to the belief that juvenile detention should primarily be limited to juveniles who pose a serious risk to themselves or others. As a result, state juvenile justice system planners and government agencies are encouraging juvenile justice systems to seek alternatives to detention for all but the most serious juvenile cases. For example, the Illinois Juvenile Justice Commission (the body responsible for allocating Formula Grants funds) and the Administrative Office of the Illinois Courts (a state government agency responsible for, among other tasks, developing state probation standards) have supported policies and strategies intended to reduce the use of juvenile detention. In addition, a group centered around the Juvenile Detention Alternatives Initiative, a comprehensive strategy for reducing juvenile detention developed by the Annie E. Casey Foundation, has proliferated in Illinois.

The purpose of this report is to provide an overview of one strategy for detention reduction that has been supported by the Illinois Juvenile Justice Commission, the Administrative Office of the Illinois Courts, and the Juvenile Detention Alternatives Initiative: the use of objective, scorable juvenile detention screening instruments for pre-trial detention.

The sub-section below entitled "Detention Screening in Illinois" (pages 6-14) describes scorable detention screening instruments in more detail. This sub-section also describes the rationale underlying the use of scorable detention screening instruments. Prior to addressing scorable detention screening instruments in more detail, the next sub-section briefly describes the pre-trial juvenile justice system process in Illinois. That is, detention screening is part of a larger process that determines whether a minor will be detained prior to trial. In order to provide a context for the remainder of this report, the next sub-section briefly describes this process.

The Pre-Trial Detention Process

Arguably, any overall effort to reduce juvenile detention need necessarily address both pre-trial detention and post-trial detention. Pre-trial detention and post-trial detention constitute two qualitatively different courses through which minors may be held in a detention center. Table 1 shows several basic distinctions between pre-trial detention and post-trial detention. Table 1 shows that judges sentence minors to post-trial detention. In lieu of post-trial detention, judges may also opt to commit minors to the Juvenile Division of the Illinois Department of Corrections. Thus, Table 1 includes post-trial detention and incarceration in the same column.

**Table 1: Several Qualitative Distinctions Between
Pre-Trial Detention and Post-Trial Detention/Incarceration in Illinois**

Criteria	Pre-Trial Detention	Post-Trial Detention or Incarceration
Typical Decision-Maker(s)	<p>Law enforcement officers</p> <p>Detention screeners (probation officers or detention officers)</p> <p>Judges</p>	Judges
Purpose(s)	<p>Secure detention may be used when:^a</p> <p>(1) Secured custody is a matter of immediate and urgent necessity for the protection of the minor or of the person or property of another</p> <p>(2) The minor is likely to flee the jurisdiction of the court</p> <p>(3) The minor was taken into custody under a warrant.</p>	<p>If the minor is convicted, then the court is to determine the disposition that best serves the interest of the minor and the public.^b</p> <p>More informally, post-trial detention and incarceration are used to hold a minor accountable for a convicted offense.</p> <p>More informally, post-trial detention may be used to house a minor until other arrangements specified in the court order become available.</p>
Number of Minors Detained	<p>In Illinois, 14,322 minors were detained pre-trial during 2001 (this total includes instances when the same minor was detained more than once during 2001).^c</p>	<p>In Illinois, 3,618 minors were detained post-trial during 2001.^c</p> <p>In Illinois, 1,759 minors were admitted to an Illinois Department of Corrections, Juvenile Division facility during state fiscal year 2002.^d</p>

Table 1 (continued): Several Qualitative Distinctions Between Pre-Trial Detention and Post-Trial Detention/Incarceration in Illinois

Criteria	Pre-Trial Detention	Post-Trial Detention or Incarceration
Length of Time Detained	Upon arrest, minors may be detained up to 40 hours until a detention hearing (excluding weekends and holidays). ^a If the minor is ordered to remain in detention following the detention hearing, then the minor may remain in detention until his or her trial is complete. The trial must take place within 30 calendar days of detention order or, in limited circumstances, within 45 or 70 calendar days. ^e	Minors may be sentenced to post-trial detention for a period not to exceed 30 days, although minors under 13 who are committed to the Department of Children and Family Services, and are found by the court to be a danger to themselves or others may be detained for longer periods of time. ^f Minors may be incarcerated in instances when they have committed an offense for which incarceration is permitted by law for an adult. ^f If the minor is incarcerated in juvenile court for first degree murder, then the minor must be committed to the Illinois Department of Corrections, Juvenile Division until his or her 21 st birthday, without the possibility of parole for the first five years of incarceration. ^g If the minor is incarcerated for any other offense, then he or she is committed for an indeterminate amount of time, which is automatically terminated on the minor's 21 st birthday. ^g

a: 705 ILCS 405/5-410

b: 705 ILCS 405/5-705

c: Source: Administrative Office of the Illinois Courts

d: Source: ICJIA calculations using data provided by the Illinois Department of Corrections.

e: 705 ILCS 405/5-601

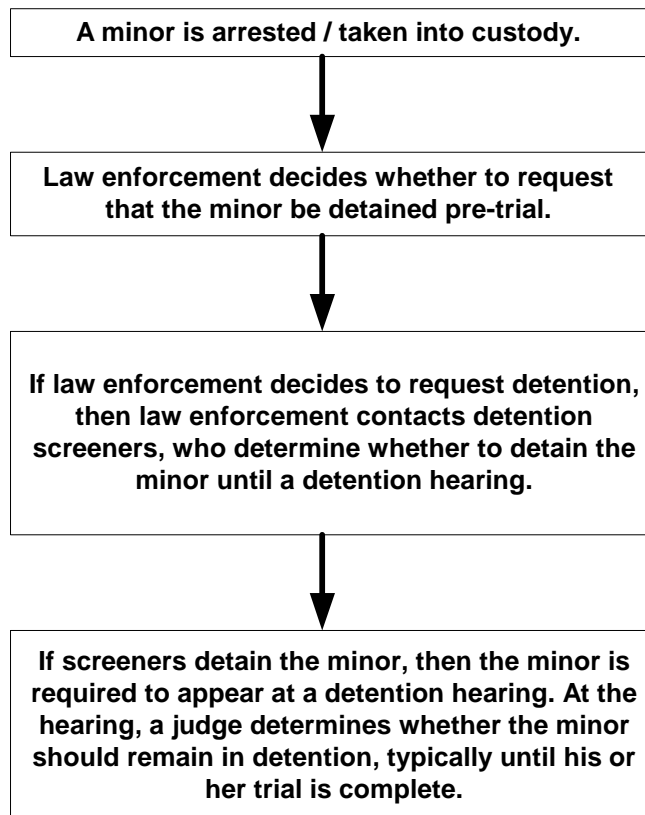
f: 705 ILCS 405/5-710

g: 705 ILCS 405/5-750

Table 1 shows that two of the intended purposes of pre-trial detention are to ensure that: (1) minors who are potential threats to themselves or to the community do not re-offend while awaiting the completion of their trial, and (2) minors do not flee the jurisdiction while awaiting the completion of their trial. Table 1 also shows that considerably more minors are detained pre-trial than are detained or incarcerated post-trial.

Typically, several types of juvenile justice system professionals play a role in determining whether minors will be detained prior to trial. At minimum, law enforcement officers, detention screeners (usually employed in a county probation department or detention center), and judges play a role in determining whether a minor will be detained pre-trial. Figure 1 shows, in a very simplified manner that excludes details and exceptions, the pre-trial detention process in Illinois.

Figure 1: Pre-Trial Detention Process



As Figure 1 shows, law enforcement officers initiate the pre-trial detention process. Upon arresting or taking a minor into custody, law enforcement officers determine whether the minor should be considered for detention. If the law enforcement officer believes that the minor should be considered for detention, then, in most jurisdictions, the officer will contact the agency responsible for detention screening (typically the county probation department or detention center), and request that the minor be detained. If the law enforcement officer does not contact the agency responsible for detention screening, then the minor will be released to a responsible adult after the law enforcement officer determines how to handle the case.

Should the law enforcement officer contact the agency responsible for detention screenings to request detention, then a detention screener determines whether the minor will be detained until a detention hearing. If the screener determines that the minor should be detained, then the minor is detained for a short period of time (Illinois law states a maximum of 40 hours, excluding Saturdays, Sundays, and court-designated holidays) until the minor is required to appear at a detention hearing. If the screener determines that the minor should not be detained, then the minor is not required to attend a detention hearing. In such instances, the minor is released to a responsible adult, or to a detention alternative program.

At the detention hearing, a judge determines whether the minor should remain in detention, typically until his or her trial is complete. In lieu of detention, the judge may release the minor to a responsible adult or order the minor to participate in an alternative to secure detention (for example, home confinement or home confinement with electronic monitoring).

Detention Screening in Illinois

In Illinois, efforts to limit the use of juvenile detention to the most appropriate cases have led to recommendations regarding how detention screeners should determine which minors to detain. Specifically, counties have been encouraged to utilize objective, scorable detention screening instruments to make pre-trial detention decisions.

Using Scorable Detention Screening Instruments

Scorable detention screening instruments include a number of items, each of which addresses an element of juvenile risk (See appendix A for an example of Illinois' detention screening instrument.). Juvenile risk may include the risk minors pose to themselves or others (e.g., the minor's risk to re-offend while awaiting trial) or the risk that the minor will flee the jurisdiction while awaiting trial. Most of the items pertaining to a risk element include several categories. Each category is assigned a point total. For example, an instrument may include the item "Prior Arrests." The "Prior Arrests" item may include the categories "No Prior Arrests" (worth zero points), "One Prior Felony Arrest" (worth two points), etc.

To utilize the instrument, screeners consider each item and, for each item, determine the most appropriate category. Then, the points associated with each selected category are tallied. The number of points the minor receives determines whether or not the minor is detained. The instrument defines a threshold for detainment. For example, on the bottom of the instrument, there may be instructions to detain the minor if he or she received 10 or more total points, to seek a non-secure alternative if the minor received between 6 to 9 total points, and to release the minor if he or she received 5 or fewer points.

Scorable detention screening instruments are intended to make detention decisions consistent, and based solely on considerations related to risks posed by the minor. An assumption underlying the use of scorable detention screening instruments is that removing subjective “human” considerations from detention screening decisions will result in more fair, equitable detention decisions. And, if detention screening decisions are fair and equitable, then some of the problems associated with juvenile detention (overcrowding, detention of status offenders, disproportionate detainment of minority youth) will be alleviated or reduced. Moreover, consistent with contemporary juvenile justice philosophy trends (Balanced and Restorative Justice, etc.), use of scorable detention screening instruments can minimize the extent to which punishment is the primary reason for detaining a minor.

How can scorable detention screening instruments achieve these ends? Those who support the use of scorable detention screening instruments point out that some minors who come into contact with the juvenile justice system are uncooperative and, thus, are perceived as being disrespectful of authority. Such minors may make remarks or engage in behaviors that make law enforcement officers or detention screeners feel as if the minor “has an attitude.” By allowing subjectivity into the detention screening process, law enforcement officers and detention screeners may be more inclined to detain the minor partly as a result of his or her negative behavior when, according to the law, they should only be considering risks posed by a minor (whether he or she poses a threat to themselves or others, and whether he or she poses a flight risk). However, if the screener uses a scorable detention screening instrument, the instrument helps to ensure that subjective considerations such as the minor’s behavior are removed from detention decisions. In so doing, scorable detention screening instruments can assist in alleviating or reducing problems associated with detention, and minimizing the extent to which “getting tough” on a minor is a reason for detainment.

*Support for Scorable Detention Screening Instruments in Illinois*⁹

In Illinois, support for the use of scorable detention screening instruments expanded in approximately 1998. This year and the years that immediately followed marked a time of significant changes to the Illinois juvenile justice system. In 1998, the Illinois General Assembly and the Governor of Illinois passed the Juvenile Justice Reform Provisions, a legislative act that constituted the largest changes to the Illinois juvenile justice system in many years, and the first notable changes since 1987.

Prior to the Juvenile Justice Reform Provisions, the Illinois Juvenile Court Act (the part of the Illinois Compiled Statutes pertaining to the juvenile justice system) made no mention of scorable, objective detention screening instruments. The Reform Provisions added an entire section to the Illinois Juvenile Court Act that described the pre-trial detention process. This new section makes mention of detention screening, and of scorable, objective detention screening instruments.¹⁰

Table 2 shows current Illinois statute regarding detention screening. The law states that a probation officer or detention officer will determine whether the minor will be detained until a detention hearing, unless the minor has committed one of the more serious offenses listed in the section. If the minor has committed one of the more serious offenses listed and the detention screener (probation officer or detention officer) decides not to detain the minor, then the screener must consult with the state's attorney before making the final detention decision unless the screener has used a scorable detention screening instrument.

The new Illinois detention screening legislation became an impetus for counties to utilize a scorable instrument. Upon learning about the new legislation, some probation departments and detention centers expressed interest in utilizing a scorable detention screening instrument. There were likely several reasons for this increased interest. Some probation departments and detention centers may have believed that an instrument would be useful in their jurisdiction. Others may have felt that, by mentioning scorable instruments, the legislation was encouraging them to use an instrument. More pragmatically and politically, others may have wanted to use an instrument to avoid sharing decision-making with the state's attorney. On the other hand, for their part, state's attorneys may have wanted to delegate responsibility for detention screening to probation departments and detention centers.

However, while some probation departments and detention centers expressed interest in utilizing a scorable detention screening instrument, they also expressed concerns. Very few Illinois counties were using scorable detention screening instruments at the time. Some interested counties did not believe that existing instruments met their local needs. Moreover, some interested counties expressed uncertainty regarding how to develop their own instrument. Some counties expressed these concerns to the Administrative Office of the Illinois Courts (AOIC).

Table 2: Current Illinois Law Regarding Detention Screening^a

<p>Who decides whether to detain a minor prior to the detention hearing?</p> <p>The written authorization of the <i>probation officer</i> or <i>detention officer</i> (or other public officer designated by the court in a county having 3,000,000 or more inhabitants) constitutes authority for the superintendent of any juvenile detention home to detain and keep a minor for up to 40 hours, excluding Saturdays, Sundays and court-designated holidays. (Italics added for emphasis)</p>
<p>So, probation officers or detention officers make detention decisions, with the following caveat:</p> <p><i>.... if a probation officer or detention officer (or other public officer designated by the court in a county having 3,000,000 or more inhabitants) does not intend to detain a minor for an offense which constitutes one of the following offenses he or she shall consult with the State's Attorney's Office prior to the release of the minor: first degree murder, second degree murder, involuntary manslaughter, criminal sexual assault, aggravated criminal sexual assault, aggravated battery with a firearm, aggravated or heinous battery involving permanent disability or disability of great bodily harm, robbery, aggravated robbery, armed robbery, vehicular hijacking, aggravated vehicular hijacking, vehicular invasion, arson, aggravated arson, kidnapping, aggravated kidnapping, home invasion, burglary, or residential burglary. (Italics added for emphasis)</i></p>
<p>So, probation officers or detention officers must consult with the state's attorney for certain serious offenses, unless....</p> <p><i>.... the probation officer or detention officer (or other public officer designated by the court in a county having 3,000,000 or more inhabitants) utilizes a scorable detention screening instrument, which has been developed with input by the State's Attorney, to determine whether a minor should be detained, however, subsection (b-5) shall still be applicable where no such screening instrument is used or where the probation officer, detention officer (or other public officer designated by the court in a county having 3,000,000 or more inhabitants) deviates from the screening instrument. (Italics added for emphasis)</i></p>

a: 705 ILCS 405/5-410

At the same time, the National Council on Crime and Delinquency (NCCD) was under contract with the Illinois Juvenile Justice Commission (IJJC) to examine the impact of a scorable detention screening instrument that was being used in one Illinois county. Part of this contract involved the development of a model detention screening instrument. This contractual obligation, in conjunction with the concerns expressed regarding the new legislation, led the NCCD and AOIC to collaborate on an effort to develop a scorable detention screening instrument that could be utilized across the entire state. Such an instrument was intended to be generalizable enough to be relevant in demographically distinct Illinois counties and jurisdictions. To assist with the development of the instrument, IJJC and AOIC also convened a workgroup of juvenile justice system professionals to provide input regarding instrument content.

After the process of developing the instrument was finalized, AOIC distributed the instrument throughout the state. AOIC mailed the instrument to detention screening agencies throughout the state, along with a letter expressing their support of the instrument. Appendix A shows the instrument that was developed by the workgroup.

Overall, support for scorable detention screening has become strongly institutionalized in Illinois. Illinois law pertaining to pre-trial detention makes mention of scorable detention screening instruments. Statewide juvenile justice system policymakers have overseen the development of a generalizable scorable instrument that can be used throughout Illinois. The instrument has been distributed widely to detention screeners throughout Illinois. In addition, the use of scorable detention screening instruments has been explicitly supported by the Juvenile Detention Alternatives Initiative, an Illinois group convened to practice a model for detention reform developed by the Annie E. Casey Foundation. More informally, the philosophical shift away from “get tough” approaches may have led more juvenile justice practitioners to support a detention screening process that potentially eliminates using detention as a punitive measure.

Description of the Statewide Instrument

This sub-section describes the scorable detention screening instrument that was developed through the efforts of NCCD and AOIC, in conjunction with the workgroup convened to assist with the process (hereafter referred to as the statewide instrument). In a final report submitted to the IJJC as part of their contractual obligation, NCCD notes that the workgroup agreed upon several principles that should underlie the design of the statewide instrument. These principles are as follows:

- The instrument should be based on an existing instrument that was being used by a small number of Illinois counties;
- The most important items on the instrument (and, hence, those potentially necessitating the most points on instrument) should be the seriousness of the alleged offense for which the minor was arrested and whether an arrest warrant has been issued against the minor;
- Point values reflecting the seriousness of the alleged offense for which the minor was arrested should be based on Illinois statutes and guidelines developed by AOIC;
- Screeners may not have immediate access to the minor’s arrest and offense history at the time of screening and, therefore, such factors should take on less importance;
- The instrument should include items that enable the screener to score for aggravating and mitigating factors that may exist in a particular case. Such items should provide the screener with flexibility to consider and score for case-specific contextual aspects.

In addition, the workgroup decided that reducing detention populations, or dealing with detention center overcrowding, should be dealt with at the local level, and should not be the explicit purpose of the statewide instrument. Thus, even though a common reason for using scorable detention screening instruments is to limit the use of secure detention to the most appropriate cases, and in so doing, perhaps reduce the use of secure detention, this was not an explicit goal of the statewide instrument. Instead, agencies that utilize the instrument could, if they would like to reduce the use of secure detention, determine how to implement the instrument in a manner that best addresses the issues present in their jurisdiction.

Using these principles, the workgroup developed an instrument that included the following risk elements (see Appendix A):

- Most serious alleged current offense;
- Additional current offenses;
- Prior arrests;
- Risk of failure to appear in court (e.g., whether there is an active warrant against the minor);
- Legal status (e.g., whether the minor is on probation);
- Aggravating factors (adding a small number of points to the final score for aggravating factors);
- Mitigating factors (reducing a small number of points from the final score for mitigating factors).

Consistent with the principles agreed upon by the workgroup, minors could potentially receive the most points for the “Most Serious Alleged Current Offense” and “Risk of Failure to Appear” items. In fact, certain serious offenses command enough points to require detention irrespective of the other items on the instrument. Similarly, minors who have active warrants issued against them command enough points on the “Risk of Failure to Appear” item to require detention, irrespective of the points received on other items. Also consistent with the principles agreed upon by the workgroup, the “Prior Arrests” item, even for minors with a considerable arrest history, commands fewer points on the instrument.

Overall, provided that the screener has access to the necessary information, items on the statewide instrument are fairly objective. The items provide minimal room for subjectivity. Information such as current offenses, arrest history, probation status, and warrant status are tangible, verifiable pieces of information. The aggravating and mitigating factor items provide the only institutionalized manner in which screener discretion can be incorporated into the score. The statewide instrument lists specific types of aggravating and mitigating factors, but the screener is not necessarily limited to the factors listed on the instrument (although some screeners may only consider the listed factors). In essence, the aggravating and mitigating factor items can potentially enable the screener to tack on or reduce points based on information they obtain during the screening process.

The instrument also explicitly allows for an override process. With an override process, screeners can request a pre-trial detention decision different from that which is indicated by the score on the instrument. At the bottom of the statewide instrument, screeners are instructed “If you are uneasy about the action prescribed by this instrument regarding this particular case, or if you are being subjected to pressure during the process of screening this referral, contact your supervisor for consultation prior to taking action.”

When AOIC mailed the statewide instrument to agencies throughout the state involved in detention screening, they expressed their support of the instrument in a letter accompanying the instrument. However, AOIC did not mandate that detention screening agencies use the instrument. Moreover, detention screening agencies were not discouraged (albeit not specifically encouraged either) from making modifications to the instrument so that it better met local needs.

National Council on Crime and Delinquency Final Report

The National Council on Crime and Delinquency (NCCD) contract with the Illinois Juvenile Justice Commission (IJJC) to develop a model detention screening instrument for Illinois also included the obligation to examine the impact of a scorable detention screening instrument being used in a large Illinois county that had been implementing a scorable detention screening instrument prior to the efforts of the workgroup.

Given the efforts of the workgroup to develop a statewide instrument and of AOIC to encourage counties to use a scorable detention screening instrument, the results of the NCCD report seem germane, as the report can address whether the support of scorable detention screening instruments is justified. Arguably, the use of scorable detention screening instruments is justified if: (1) the reliance on pre-trial detention is reduced as a result of utilizing the instrument,¹¹ (2) pre-trial detention is limited to minors who pose a risk to themselves or others, or are a flight risk (a limitation which typically excludes status offenders from being detained), and (3) pre-trial detention is fair and equitable, and not biased towards the detention of minority youth.

The NCCD final report did not directly address whether detention is limited to the minors who pose a risk to themselves or others, or are a flight risk. Nor did the final report address the detention of status offenders. However, the report did address whether smaller percentages of minors are detained as a result of using the instrument, and minority representation. Thus, the NCCD final report provides information regarding the impact of using a scorable detention screening instrument.

As part of their report, NCCD also collected data from four Illinois counties on minors who were screened for detention. At the time, the four counties were not using a scorable detention screening instrument. Instead, the four counties were using policy guidelines provided to detention screening agencies by AOIC. The policy guidelines list detainable offenses, ages at which a minor may be considered for detention, and other factors and situations that may warrant detention.

NCCD collected data from the four counties that would enable them to determine if the minor would be detained, according to the scorable detention screening instrument being used in the large Illinois county (target county). Then, they compared hypothetical outcomes based on the target county instrument to the actual detention decisions made by screeners in the four counties. One of their most notable findings was that:

- Notably smaller percentages of minors would have been detained had the target county instrument been used, relative to the percentage who were actually detained.

NCCD also compared the target county to the other four counties focusing on the extent to which minority (African-American and Hispanic) representation increased or decreased following detention screening.¹² NCCD found that:

- In the target county, African-American minors were over-represented among those screened for detention and among those detained upon screening, but the over-representation was slightly smaller among those detained upon screening (i.e., the over-representation decreased slightly after using the scorable detention screening instrument).

HOWEVER,

- Two of the other four counties that were not using a detention screening instrument also had decreases in African-American over-representation after screening.

AND

- In the target county, Hispanic over-representation increased after screening.

Overall, the results in the NCCD final report yielded mixed results regarding the effectiveness of scorable screening instruments for addressing minority over-representation.

Finally, although the statewide instrument had just recently been completed at the time of the NCCD final report, NCCD collected some initial data on minors from seven additional Illinois counties who were screened for detention. The data was collected in order to examine the decisions that may be expected, had the statewide instrument been used to make the detention decision. They then compared expected results based on the statewide instrument to the actual detention decisions made by screeners in the seven counties. Their results indicated that:

- The percentage of minors who were actually detained was approximately the same as the percentage of minors who would have been detained had the statewide instrument been used.

The initial indication, based on this result, was that the statewide instrument, as it was developed by the workgroup, would not serve to reduce the use of secure detention.

Other Relevant Prior Research

In addition to the NCCD final report, information regarding the impact of using a scorable detention screening instrument can also be obtained from other research studies examining pre-trial detention or detention screening. Unfortunately, research directly examining pre-trial detention or detention screening is relatively scarce.¹³ However, some relevant research exists. At least two additional research studies have examined the impact of utilizing a screening instrument on pre-trial detainment statistics. As with the NCCD final report, the studies address whether utilizing a scorable detention screening instrument results in a reduction in the use of pre-trial detention, and (for one of the studies), whether scorable detention screening instruments assist in addressing minority over-representation.

Bazemore (1993) examined changes in pre-trial detention statistics following juvenile justice reform legislation in Florida that was passed in 1990.¹⁴ The reform legislation stemmed from perceived problems at juvenile detention centers and, thus, focused on juvenile detention. As part of the reform legislation, Florida counties were mandated to: (1) utilize specific screening criteria that, based on requirements for release, determine which minors may even be considered for detention, then (2) for those minors who are considered for detention, utilize a scorable detention screening instrument that includes criteria similar to that which appears on the statewide instrument developed in Illinois.

Bazemore found that there were substantial declines in overall Florida juvenile detention populations after the reform legislation was passed, as well as declines in the detainment of status offenders. However, Bazemore presented evidence suggesting that the declines were largely the result of the screening criteria. The scorable detention screening instrument was modified shortly after the reform legislation took effect, and an examination of a sample of juvenile cases suggested that the modifications limited the utility of the instrument as a vehicle for reducing the use of secure detention. On the other hand, the initial unchanged instrument appeared to have been an effective tool for reducing the Florida detention population.

In a second research study examining the impact of utilizing a screening instrument on pre-trial detention statistics, Gamble, Sonnenberg, Haltigan, and Cuzzola-Kern (2002) examined the use of a scorable detention screening instrument in Erie County, Pennsylvania.¹⁵ The screening instrument was implemented as part of a project to reduce juvenile detention center overcrowding. The instrument was used immediately after admission to a detention center. Minors who, in accordance with the instrument, posed fewer risks were transferred to a secure emergency shelter that was developed in collaboration with local social service agencies. The instrument included criteria similar to that which appears on the statewide instrument developed in Illinois.

Gamble et. al (2002) found that the post-admission screening process in Erie County resulted in a reduction in daily detention populations. Moreover, Gamble et. al compared screening results for white minors to screening results for African-American minors. White minors were, based on statistical analysis, significantly more likely to be eligible for emergency shelter care. In explanation of this result, Gamble et. al pointed out that the criteria on the scorable detention screening instrument are largely based on the current offense and the minor's criminal history. This suggested that, because the instrument was utilized after minors were admitted to detention, a larger percentage of African-Americans were admitted to detention for serious offenses or with more extensive criminal histories (and hence were ineligible for emergency secure shelter care).

Summary – Existing Research

Collectively, the NCCD final report to IJJC, Bazemore (1993), and Gamble et. al (2002) provide insights into expected impacts of using a scorable detention screening instrument. In particular, the three research efforts address the impact of instruments on the number of minors detained and on minority representation. Overall, there seems to be some evidence indicating that scorable detention screening instruments can be used to reduce the use of pre-trial secure detention.

The evidence is less clear on whether scorable detention screening instruments can be used to reduce minority overrepresentation. However, there are multiple explanations why a scorable detention screening instrument may not reduce overrepresentation. For example, offense charges include an element of subjectivity on the part of law enforcement officers. Minority youth may receive more serious charges from law enforcement officers, resulting in more points for most serious alleged current offense. In addition, minority minors may simply earn more points on other items on instruments, such as prior arrests, risk of failure to appear in court, legal status, etc.

On the whole, while the small amount of research examining the impact of using a scorable detention screening instrument provides useful insights, there is still room for additional research. The NCCD data regarding the statewide instrument was collected pre-implementation. The impact of the Florida detention screening instrument might have been clearer had the instrument not been changed. Moreover, the Erie County process for utilizing their detention screening was somewhat unique (i.e., Erie County screened specifically for transfer emergency shelter care after minors had already been admitted to a detention center).

Finally, for the most part, the three research efforts used basic detention center admission numbers to draw inferences. The research literature could potentially benefit from more expansive data on individual minors who have been screened. Such data could serve several functions. First, the data could be used to examine similarities and differences between minors who score into different categories (detain, release, etc.) according to the detention screening instrument.

Second, the data could be used to examine subsequent juvenile justice system involvement for minors who score into different categories and, in so doing, indirectly examine the accuracy of the detention screening instrument. For example, are minors who are detained through the screening instrument more likely to subsequently commit additional offenses (perhaps suggesting that, at the time of the screening, they posed a risk to re-offend)?

Third, the data could be used to examine juvenile justice system outcomes for minors who score into different categories. For example, do minors who are detained pre-trial receive more punitive sanctions post-trial, controlling for offense characteristics and criminal history record? Are minors who are not detained pre-trial referred to a sufficient alternative, if the need for such an alternative exists?

Purpose of the Research

Given the recent emphasis placed on the use of scorable detention screening instruments to guide pre-trial detention screening decisions in Illinois, and the potential utility of additional research, it seems prudent to examine pre-trial detention practices in Illinois. Ideally, it might be purposeful to conduct a research study that answers questions that fill in some of the gaps left in the existing research examining the impact of scorable detention screening instruments. However, since the efforts of the workgroup and of NCCD, few systematic attempts have been made in Illinois to answer basic preliminary questions regarding pre-trial detention practices, and the use of pre-trial detention screening instruments. For example, prior to engaging in evaluative research, it would be instructive to obtain updated information regarding which counties are utilizing the statewide instrument and how the statewide instrument is being utilized.

Thus, prior to engaging in evaluative research examining the impact of screening instruments on pre-trial detention screening decisions in Illinois, it seemed necessary to obtain basic information to understand the scope and nature of detention screening instrument use. As such, the broad purpose of the present research was to systematically obtain basic information regarding the use of scorable screening instruments in Illinois, as a potential prelude to evaluative research. More specifically, the present research attempted to obtain several types of information regarding the use of scorable detention screening instruments in Illinois: (1) information on the prevalence with which scorable detention screening instruments are being used, (2) information on the content of the scorable detention screening instruments that are being used, (3) information on how scorable detention screening instruments are perceived by detention screeners, (4) information on how scorable detention screening instruments are being implemented, and (5) information on how the detention screening process (for those using a scorable instrument, or otherwise) fits into local juvenile justice systems and local detention decision-making processes.

What follows are research questions pertaining to each of these five types of information that the present research attempted to address.

Prevalence of Use

At the most basic level, updated information regarding the prevalence with which scorable detention screening instruments are being used in Illinois would be instructive. The present research attempted to answer the following questions:

- How prevalent is the use of scorable detention screening instruments in Illinois counties? How prevalent is the use of the statewide instrument developed by the workgroup spearheaded by the Administrative Office of the Illinois Courts, the Illinois Juvenile Justice Commission, and the National Council on Crime and Delinquency?
- Besides the statewide instrument, what other scorable detention screening instruments are being used by Illinois counties? For those Illinois counties not using scorable detention screening instruments, how are pre-trial detention decisions made?

Content of the Instruments Used

The present research examined the content of the scorable detention screening instruments that are being used in Illinois. In addition, the content of other, non-scorable detention screening approaches were examined. The present research attempted to answer the following questions:

- Have Illinois counties that are using the statewide instrument made modifications to the instrument so that it can better meet local needs? If so, then what changes have they made?

Perceptions of Instruments

Agencies that are using a scorable detention screening instrument are in the best position to judge the utility of the instrument. The present research attempted to answer the following question:

- Do detention screeners from Illinois counties that are using a scorable detention screening instruments report satisfaction with the instrument?

Implementation

The present research examined how scorable detention screening instruments are being implemented as well as, to the extent possible, the impact of having implemented an instrument. The present research attempted to answer the following questions:

- What process do detention screeners engage in to complete scorable detention screening instruments? Do detention screeners note any difficulties obtaining information necessary to complete the instrument?

- Are scorable detention screening instruments being used rigidly (the score is the absolute determining factor) or are instruments being implemented in a manner that still allows for discretion on the part of the screener?
- In instances when scorable detention screening instruments are being used, how do detention screeners respond to borderline cases, or cases for which the minor is one or two points away from being detained or released?
- To what extent do Illinois counties utilize non-secure alternatives to pre-trial detention, with non-secure alternatives defined as options besides releasing the minor to a parent or guardian?
- In instances when scorable detention screening instruments are being used, have counties adopted an override process, or a process by which the decision that should be made based on the score on the instrument can be changed in favor of a different decision? In instances when an override process is adopted, how does the process work? How frequently are scores overridden, and what types of cases are overridden?
- For those Illinois counties that are using scorable detention screening instruments, does the instrument limit the likelihood that status offenders will be detained?

Placement Within Juvenile Justice System

The present research examined how the detention screening process fits into local juvenile justice systems, both for Illinois counties or jurisdictions using scorable detention screening instruments, and those not using scorable detention screening instruments (although with an emphasis on learning about the scorable detention screening process). The present research attempted to answer the following questions:

- For those Illinois counties that are using scorable detention screening instruments, how (if at all) has utilizing the instrument impacted the number and nature of calls requesting pre-trial detention that screening agencies receive from law enforcement agencies?
- For all Illinois counties, what role (if any) does the state's attorney's office play in the detention screening process?
- Are decisions based on scorable detention screening instruments matching decisions made by judges during detention hearings?

II. Method

To answer these research questions, semi-structured interviews were conducted with individuals from detention screening agencies throughout Illinois. The interviews were intended to provide answers to the research questions, as well as to identify additional themes pertaining to detention screening. In addition, detention screeners who participated in interviews were asked to provide a copy of the detention screening instrument they were currently using, as well as any additional instructions or materials associated with the detention screening instrument. Those participants working in an agency that does not use a scorable detention screening instrument were asked to provide any written policies or instructions they used to guide pre-trial detention decisions. Scorable instruments, written policies, or instructions provided information used to determine the prevalence with which scorable detention screening instruments are being used, and the content of the scorable detention screening instruments that are being used.

Interview Method

A sampling strategy was adopted that would make it possible to learn about detention screening practices in each of Illinois' 102 counties and in each of Illinois' 16 juvenile detention centers.¹⁶ In general, those responsible for detention screening are employed by probation departments or by juvenile detention centers. An attempt was made to interview a probation officer representing each of Illinois' 102 counties, and a detention officer representing each of Illinois' 16 juvenile detention centers.

To recruit probation officers and detention officers for the research, agency heads of every probation department and detention center in Illinois were contacted. Agency heads were asked to participate in an interview. Agency heads were also given the option of referring us to one or more individuals in their agency. When agency heads referred us to one or more individuals in their agency, they did so either because they did not have sufficient time to complete the interview or because they believed that other individuals in their agency were more appropriate candidates for the interview.

Table 3 shows the total sample and response rate for the project, as well as the response rate separately for probation officers and detention officers. For a more detailed description of the sampling strategy, as well as an explanation of the numbers in Table 3, see Appendix B.

Table 3: Interview Sample and Response Rate

	Number of agency heads contacted	Number of potential participants	Agency made referral to counterpart	Opted not to participate	Total number of participants	Response rate
Probation	68 ^a	86 ^b	5 ^c	2	79	97.5% (79/81)
Detention	16	16	4 ^c	0	12	100.0% (12/12)
Total	84	102	9	2	91	97.8% (91/93)

a: Although there are 102 Illinois counties, probation departments may encompass multiple counties. Hence, it was only necessary to contact 68 probation department heads in order to have all 102 counties represented.

b: See Appendix B for an explanation of this number.

c: In counties that house their own detention center, the probation department and the detention center are often two parts of a larger organizational structure. There were instances when the probation department referred us to the detention center, or vice versa. Typically, this was because the counterpart agency was primarily responsible for detention screening. These instances were not classified as refusals to participate.

Once identified, interview participants were asked to complete a semi-structured interview intended to provide answers to the research questions. During each interview, the interviewers asked the same questions in the same order. However, interviewers were not confined to the set of questions. Interviewers were free to ask additional questions in an attempt to probe further on topics that arose during interviews, or to ask additional questions that addressed entirely different topics from those in the set of questions. To facilitate the interview process, the questions and order were documented in a written interview protocol that interviewers used during the interviews. Appendix B describes the interview procedure and interview protocol in more detail. Appendix C shows the interview protocol. Because the interviews were semi-structured, interviewers were given latitude to paraphrase the questions that appear in Appendix C, as opposed to reading them verbatim.

Prior to beginning the interview, the interviewer asked whether the interview participant would permit the interview to be audiotaped. For those who permitted the interview to be audiotaped, the audiotapes were transcribed verbatim. In instances when the interview participant did not permit the interview to be audiotaped, a second research analyst took notes while the interviewer was conducting the interview, then wrote more detailed notes immediately after the interview was completed. An interview coding scheme was developed, and the scheme was used to assign codes to each interview transcription or set of interview notes. For the most part, the codes were linked to specific questions on the interview protocol (Appendix C). Coded segments of transcriptions or notes were used to guide analysis of the interviews. Appendix B describes the transcription process and coding process in more detail.

Detention Screening Instrument Analysis

Interview participants were asked to provide a copy of the scorable detention screening instrument that they are currently using. If the participant worked in a jurisdiction that was not currently using a scorable detention screening instrument, then the participant was asked to provide any written policies or instructions that were used to guide pre-trial detention screening decisions.

Of the 91 interview participants, 86 provided a scorable detention screening instrument, or written policies or instructions. With the exception of one participant, every participant who was using a scorable detention screening instrument at the time of the interviews provided a copy of the instrument.¹⁷ Four participants who were not using a scorable detention screening instrument provided no written documentation, primarily because no written documentation was used in their jurisdiction.

The content of the 86 instruments, policies, or instructions was closely examined. When examining the instruments, emphasis was placed on whether the participant used the statewide instrument at the time of the interviews and, if so, then the nature of any changes made to the instrument so that it better reflects local needs. For those participants using another scorable detention screening instrument besides the statewide instrument, emphasis was placed on examining the factors on the instrument, and how they differed from those on the statewide instrument. For policies and instructions, emphasis was placed on examining the factors they encouraged screeners to consider when making pre-trial detention decisions.

After examining the 86 instruments, policies, or instructions, a database was developed that captured their characteristics. The database was used to guide results that appear in the sub-sections describing prevalence of the use of scorable detention screening instruments, and the content of scorable detention screening instruments.

III. Results

This section describes how interview participants responded to questions pertaining to juvenile detention screening practices in their jurisdiction. This section also describes the prevalence with which scorable detention screening instruments are being used in Illinois, and the content of the scorable detention screening instruments that are being used.

When describing interview results, emphasis was placed on interview responses that address the research questions listed in the section “Purpose of the Research” (see pages 17-18). In general, the interview protocol was designed to answer the research questions listed above. Thus, when describing results, emphasis was placed on interview responses that directly answer questions that appear in the interview protocol. However, this section also includes a short sub-section that describes additional themes, or comments made by participants during interviews on topics that did not appear in the interview protocol.

Analysis Plan

Most of the sub-sections below are headed by one of the research questions listed in the section “Purpose of the Research” (pages 17-18). Below the heading is narrative providing an answer to the research question.

Answers to the research questions are based on: (1) analysis of detention screening instruments provided by participants, (2) responses and comments made during the semi-structured interviews, or (3) both instrument analysis and interview responses.

When the narrative was based on analysis of detention screening instruments, much of the narrative includes basic numbers describing the nature of scorable detention screening instruments. For example, the narrative based on analysis of detention screening instruments reports the number of counties that are utilizing the statewide instrument, the number of counties that have made modifications to the instrument so that it can better meet local needs, etc.

On the other hand, the narrative based on responses and comments made during the semi-structured interviews were considerably less reliant on numbers. The purpose of the loose, semi-structured interviews that were completed for the research project was to provide a rich, detailed description of the detention screening process in each participant’s jurisdiction (as opposed to obtaining short, quick answers that can easily be quantified). Thus, responses to interview questions were used to generate, to the extent possible, a detailed narrative description of detention screening processes in Illinois.

In order to provide a detailed narrative description, much of the interview analysis relied on identifying overall themes and patterns that cut across a large number of interviews. The identification of themes and patterns was achieved partly by counting the number of participants who made a particular type of response, then examining and considering qualitatively different types of responses.

Despite the minimal reliance on numbers, in order to identify themes and consistencies in the data that seemed to apply to most of Illinois, it was necessary to identify instances when a large number of interview participants gave the same basic response. Alternatively, there were instances when an approximately equal numbers of interview participants gave two distinct types of responses to the same basic question. Finally, there were instances when only a small handful of interview participants gave a response, but the response nonetheless seemed worth mentioning. To capture these and other types of situations, it was often necessary to use quantifying statements in the narrative (e.g., most of the participants, several of the participants, etc.), so as not to mislead the reader into believing that a particular response occurred more or less frequently than was actually the case.

Finally, for both analysis based on detention screening instruments and on interview responses, sub-groups of participants were examined. Data was examined by agency type (probation department vs. detention center), whether or not the participant's jurisdiction houses a detention center, and county demographics (whether the participant works in a small jurisdiction or a large jurisdiction, with small vs. large classified based on population, urban or rural status, and crime levels). For the most part, results did not differ by participant sub-group. However, there are several instances in the results narrative when notable differences by sub-group are described.

Overview – Agencies Responsible for Detention Screening

Prior to providing answers to the research questions listed above (pages 17-18), there are several aspects of detention screening in Illinois that warrant explanation. First, it is worth mentioning that all 16 juvenile detention centers in Illinois are county-level agencies, and are operated by county staff. As such, Illinois counties can be distinguished based on whether or not there is a detention center located in their county, as this distinction has implications for the detention screening process.

Should they choose to detain a minor, counties without detention centers must send minors to one of the sixteen county juvenile detention centers. Counties without detention centers are sometimes referred to as feeder counties, because their county is one of several counties in a geographic region that feed into the overall population of one of the sixteen detention centers. Typically, probation departments are responsible for detention screening in the feeder counties. That is, law enforcement officers in feeder counties contact the local probation department, as opposed to directly contacting one of the detention centers.

Should the screening process in a feeder county indicate that the minor should be detained, then the probation department contacts one of the detention centers. Some

feeder counties always use the same detention center. Such counties may have made specific arrangements with one of the detention centers. Some feeder counties may engage in a contract with the county in which the detention center is located, that specifies and may guarantee the feeder county's access to beds in the detention center. More typically, feeder counties with minors to detain simply contact detention centers based on location and/or preference, until they find a bed for the minor.

The interview protocol included questions regarding relationships between probation department screeners in feeder counties and detention center staff. The questions were intended to assess the extent to which detention centers impact detention screening practices in feeder counties. For example, because detention centers provide a necessary service to feeder counties, it was conceivable that they may ask or require feeder counties to adhere to certain guidelines or standards (e.g., use the same scorable detention screening instrument that is used in their county). On the other hand, policymakers in counties with a detention center may not believe it is their right to impose policy on other jurisdictions. Moreover, feeder counties must pay to house a minor in a detention center. Because there is a financial transaction involved, policymakers in counties with detention centers may believe that housing minors from feeder counties provides a service that is mutually beneficial to both jurisdictions and, therefore, detention centers may not question feeder counties on their rationale for detaining particular minors.

Upon asking these questions regarding relationships between probation department screeners in feeder counties and detention center staff, it became clear that:

- For the most part, detention centers do not question decisions made by feeder counties. This suggests that detention centers do not believe it is their responsibility or position to dictate pre-trial detention philosophy or policy in other counties.

HOWEVER,

- There seem to be limits to this laissez-faire approach. For example, detention centers tend to have a strict policy that they will not detain minors whose original offense is a status offense.

Upon processing a case from a feeder county, some detention centers require feeder counties that use a scorable detention screening instrument to submit the completed instrument along with other required information (e.g., a standard state detention authorization form). However, detention centers do not commonly question the score or how the instrument was completed. Nor do detention centers typically compare the score on the completed instrument to a score they arrive at through their instrument (if the detention center uses an instrument). It may be that some detention centers have a policy that feeder counties must use an instrument and require a copy of the completed instrument to verify that an instrument has been completed. This is potentially another manner in which detention centers deviate from a laissez-faire approach whereby they do not question feeder county detention decisions.

In counties with a detention center, the relationship between probation departments and detention centers is different than it is in feeder counties. In counties with a detention center, the probation department and detention center are typically closely linked organizationally, and maintain close communications. Nonetheless, counties with detention centers typically choose either the probation department or the detention center to directly handle detention screening for minors from their own county. That is, depending on the system developed by the county, law enforcement officers either contact the probation department or the detention center when they have arrested a minor for whom they wish to request detention. Regardless of the system developed by the county, detention center staff typically respond to all detention requests from feeder counties, sometimes more as a facilitator as opposed to a screener. In some instances, even if the probation department in a county with a detention center is primarily responsible for detention screening, law enforcement officers may be instructed to contact the detention center directly if the minor is arrested after business hours, as detention centers usually have staff working 24 hours. Conversely, probation departments may assign an on call staff person to handle after-hours detention requests.

Table 4 shows response rates for interview participants based on whether they work in a feeder county or a county with a detention center. Table 4 also classifies interview participants from counties with a detention center, according to whether the probation department or detention center is primarily responsible for detention screening. For counties with detention centers, detention center staff tend to be primarily responsible for detention screening more often than probation department staff (as reflected in the larger sample sizes under “detention handles screening” in Table 4).

Table 4 also shows that there were instances when participants from counties with detention centers were interviewed, even though their agency is not primarily responsible for detention screening. For example, there were instances when probation handles screening in the county, but a detention officer was interviewed. In all these instances, two individuals were interviewed from the same county (an individual from the agency responsible for screening, and an individual from the agency not primarily responsible for screening).

**Table 4: Number of Interview Participants
From Feeder Counties vs. Counties With a Detention Center**

Participants from feeder counties (probation officers)^a <i>n = 68</i>			
Participants from counties with a detention center (probation officers or detention officers) <i>n = 23</i>			
Probation handles screening in the county		Detention handles screening in the county	
<i>Probation officers interviewed</i>	<i>Detention officers interviewed</i>	<i>Probation officers interviewed</i>	<i>Detention officers interviewed</i>
n = 6	n = 2	n = 5	n = 10

a: There were two instances when a probation officer represented both a county with a detention center and two feeder counties. These individuals were classified as participants from counties with a detention center.

Results - Prevalence of Use

The narrative in this sub-section is based predominantly on analysis of the detention screening instruments provided by interview participants (or, for participants who are not using a scorable detention screening instrument, any written policies or instructions used to guide pre-trial detention decisions). In some instances, analysis of the detention screening instruments was supplemented by responses to the semi-structured interviews.

*How prevalent is the use of scorable detention screening instruments in Illinois counties?
How prevalent is the use of the statewide instrument developed by the workgroup
spearheaded by the Administrative Office of the Illinois Courts, the Illinois Juvenile
Justice Commission, and the National Council on Crime and Delinquency?*

Given the efforts in Illinois to promote the use of scorable detention screening instruments, an instructive starting point for taking stock of detention screening practices in Illinois is to determine the prevalence with which scorable detention screening instruments were being used in Illinois at the time the interviews were being completed. The prevalence with which probation officer participants were using scorable detention screening instruments will be described separately from the prevalence with which detention officer participants were using scorable detention screening instruments. Table 5 shows descriptive information on the overall prevalence with which scorable detention screening instruments were being used in Illinois.

Table 5: Prevalence With Which Scorable Detention Screening Instruments Were Being Used In Illinois

	Number of counties represented	Number of unique instruments, policies, or instructions received ^a	Of unique instruments, etc., received: Number of scorable instruments	Of number of scorable instruments: Number of statewide instruments
Probation	83	71	64 (90.1%)	63 (98.4%)
Detention	16	12	11 (91.7%)	10 (90.9%)
Total	99 ^b	83	75 (90.4%)	73 (97.3%)

a: This includes four instances in which the interview participant was not using a scorable detention screening instrument and did not rely on any written policies or instructions. Although no documentation was provided by these four interview participants for detention screening analysis, the four participants were included in Table 5 so that the table could reflect in a complete manner which participants were using a scorable instrument at the time of the research.

b: Two probation officers, each representing one Illinois county, opted not to participate in an interview and, thus, did not provide a copy of their screening instrument (or policies or instructions). One interview participant, representing one Illinois county, did not provide a copy of the screening instrument that was being used. These three exclusions resulted in overall representation of 99 of 102 Illinois counties.

Semi-structured interviews were completed with 79 probation officers. All but one of the probation officers who were using a scorable detention screening instrument at the time the interview was completed provided a copy of the instrument they were using. Some of the probation officers who were not using an instrument provided the written policies or instructions that guide their pre-trial detention decisions. However, four probation officers who do not use a scorable detention screening instrument did not provide any written documentation, because none existed in their jurisdiction. These four probation officers are included in Table 5 because the purpose of the table is to reflect in as complete a manner as possible which participants were using a scorable instrument.

In order to understand the extent to which the 79 probation officers can provide an indication of the prevalence with which detention screening instruments are being used throughout Illinois, several aspects of the sample are worth mentioning:

- Ten probation officers represented multiple Illinois counties (ranging from two to five counties);
- In one instance, two probation department staff were interviewed from the same county (a large county);
- For six counties that house a detention center, both probation officers and detention officers were interviewed.

To avoid duplication, instruments provided by the six probation officers from counties for which we also interviewed a detention officer were included in the detention column in Table 5 because, in these instances, more often than not, detention centers were primarily responsible for detention screening. In addition, also to avoid duplication, one of the probation officers in the county for which interviews were completed with two probation department staff were excluded from Table 5. Thus, after these exclusions, 71 probation officers provided a unique instrument (or policies, instructions, etc.) Collectively, these 71 probation officers represented 83 of Illinois' 102 counties.

Of the 71 probation officers, 64 provided a copy of a scorable detention screening instrument that they are currently using or are about to begin using in the near future (90.1%), as opposed to other types of policies and instructions that they use in lieu of an instrument. Thus, in many Illinois counties where probation departments are responsible for detention screening, a scorable detention screening instrument were being used at the time of the research.

Of the 64 probation officers who provided a scorable detention screening instrument, 63 provided a copy of the statewide instrument. Thus, most probation departments that were using a scorable detention screening instrument were using the statewide instrument. In many instances, probation officers provided a modified statewide instrument, as the officer's jurisdiction had taken the original instrument and made modifications so that the instrument would better serve local needs. Recall that when AOIC distributed the statewide instrument to detention screening agencies throughout Illinois, they did not discourage agencies from making modifications to the instrument so that it better met local needs (see page 12). The sub-section below ("Content of the Instruments Used") describes modifications that jurisdictions made to the statewide instrument.

The 12 detention officers who participated in an interview (including those from counties in which a probation officer also participated) all provided a copy of their scorable detention screening instrument (or policies, instructions, etc.) The 12 detention officers represented 16 Illinois counties. Overall, between probation officers and detention officers, copies of instruments, etc., were received from participants representing 99 of 102 Illinois counties.

Of the 12 detention officers, 11 provided a copy of a scorable detention screening instrument that they are using (91.7%), as opposed to other types of policies or instructions that they use in lieu of an instrument. Of the 11 detention officers who provided a scorable detention screening instrument, 10 provided a copy of the statewide instrument (or a modified version of the instrument). Thus, detention centers seemed to also commonly be using the statewide instrument.

Besides the statewide instrument, what other scorable detention screening instruments are being used by Illinois counties? For those Illinois counties not using scorable detention screening instruments, how are pre-trial detention decisions made?

Table 5 shows that, at the time of the interviews, only one probation department and one detention center (in different counties) were using a scorable detention screening instrument other than the statewide instrument. These agencies are distinguishable from agencies that adopted the statewide instrument, but made modifications to the instrument so that it better met local needs. The instruments used in the one probation department and one detention center were similar to the statewide instrument in structure and content, but were distinguishable enough from the statewide instrument that they could be classified as different instruments.

Both of the counties that were using an instrument besides the statewide instrument are large counties with their own detention center. In both counties, two individuals (either two probation officers, or a probation officer and a detention officer) participated in interviews. Thus, there were four participants representing the two counties. During the course of interviews with the four participants, all four participants noted that their county had developed their instruments prior to the efforts of the workgroup. Thus, their decision to use a different instrument did not stem from dissatisfaction with the statewide instrument. In fact, the two counties were likely two of the first counties in Illinois to use a scorable detention screening instrument. One of the interview participants noted that he had been involved in the development of the instrument in the other county and, thus, was familiar with the other county's instrument and the process by which an instrument could be developed.

Table 5 shows that there were eight instances when a participant representing one or more unique counties reported that they do not use a scorable detention screening instrument and, as such, did not provide an instrument for detention screening analysis (i.e., 83 unique instruments, forms, or instructions were received, and only 75 were scorable instruments). In four of these eight instances, participants provided some written documentation of the policies or instructions that guide their detention decisions. The remaining four participants provided no documentation for detention screening instrument analysis (because none exists in their jurisdiction). In three of the four instances when policies or instructions were provided, participants provided the policy guidelines that AOIC had provided to detention screening agencies prior to the efforts of the workgroup, or a modified version thereof.

One participant provided a unique form that had been developed in the participant's jurisdiction. The form requires the detention screener to respond to specific items that address information on the case, but the form is not scorable and, instead is only used to guide a discretionary decision made by the screener.

Of the eight participants who do not use a scorable instrument, six represent one or more small Illinois counties that do not have their own detention center. One of these six participants noted that a larger neighboring county was going to begin using a scorable detention screening instrument in the near future and, thus, they were considering using the same instrument as the neighboring county. During the interview, the remaining five participants were asked whether they had or would consider using a scorable instrument. Three of the five gave responses indicating that a scorable instrument might be a useful tool in their jurisdiction.

There was also a tendency for the participants who represent one or more small Illinois counties to report that the state's attorney plays a considerable role in the pre-trial detention decision-making process (see pages 71-73 for information on the role of state's attorney's in detention decision-making). Four of the six small county participants made note that the state's attorney either shares or controls pre-trial detention decision-making.

Two of the participants who do not use a scorable instrument represent counties that have their own detention center. There seemed to be a tendency for the remaining six participants representing one or more small counties to report that, in the rare instances when they have a minor to detain, they use one of these two detention centers (the only exception was the one small county that was considering using the instrument from a neighboring county). This may suggest that there are certain geographic areas within Illinois in which scorable detention screening instruments are not being used.

Summary: Most Illinois counties were using a scorable detention screening instrument at the time of the interviews. For the most part, Illinois counties were using the statewide instrument developed by the workgroup spearheaded by the Administrative Office of the Illinois Courts, the Illinois Juvenile Justice Commission, and the National Council on Crime and Delinquency, although in many instances Illinois counties had modified the instrument so that it could better meet local needs (see results below describing the content of the instruments used).

In the two instances when a probation department or detention center was using a scorable instrument other than the statewide instrument, their county had been using the instrument prior to the development of the statewide instrument.

Eight interview participants representing one or more different Illinois counties reported that they do not use a scorable detention screening instrument. Two of these eight participants represent counties that have their own detention center. The remaining six participants represented one or more small Illinois counties without their own detention center and use one of the detention centers that was not using a scorable instrument.

Results - Content of the Instruments Used

The narrative in this sub-section is based predominantly on analysis of the detention screening instruments (or written policies or instructions), as supplemented by responses to the semi-structured interviews.

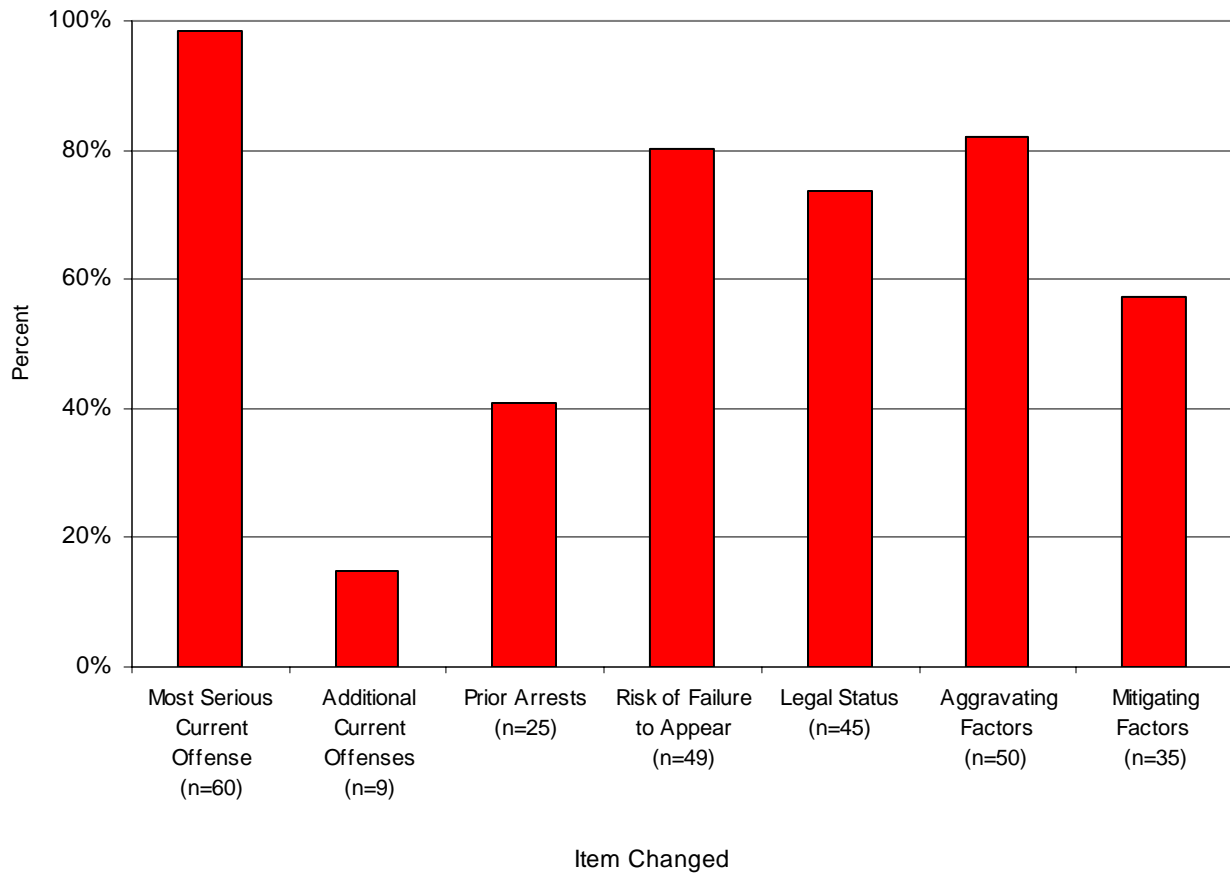
Have Illinois counties that are using the statewide instrument made modifications to the instrument so that it can better meet local needs? If so, then what changes have they made?

Table 5 shows that, across probation officers and detention officers, there were 73 unique instances when a participant provided a copy of the statewide instrument, or a variant thereof. When the statewide instrument was provided to Illinois counties, the recipients of the instrument were not discouraged from making changes to the instrument so that it could better serve local needs (see page 12). This sub-section examines whether interview participants who use the statewide instrument made changes to the instrument and, if so, the nature of the changes.

A copy of the original statewide instrument (i.e., the instrument that was mailed to Illinois counties after it was finalized by the workgroup) was provided to the research team by AOIC. To examine the changes that were made, the 73 copies of the statewide instrument provided by participants were compared to the copy of the original statewide instrument. These comparisons indicated that, of the 73 instruments received, 61 had been modified or changed. The remaining 12 instruments were exactly the same as the original version of the statewide instrument.

Changes to the statewide instrument were examined item by item (see Appendix A for the items on the instrument). Figure 2 shows, for each item on the instrument, the percentage (out of the 61 instruments) that were modified in some way. There is one aspect of Figure 2 that warrants explanation. The first item on the statewide instrument is “Most Serious Alleged Current Offense.” To complete this item, screeners are required to refer to a separate list of offenses with points assigned to them. The most serious alleged current offense bar in Figure 2 refers to instances when the list of offenses was modified (as opposed to how the item was written on the instrument, etc.) These changes are described later in this sub-section (pages 36-38).

Figure 2: Percentage of Statewide Instruments With Changes, by Instrument Item^a



a: There were 61 instances in which an interview participant provided a copy of the statewide instrument that had at least one change from the original statewide instrument. This figure shows the percentage that included changes to each item on the statewide instrument.

Figure 2 shows that, of the 61 statewide instruments that were modified in some way, almost every instrument had a change to the list of offenses associated with the most serious alleged current offense item. Over 80 percent of the instruments had changes to the risk of failure to appear item, and to the aggravating factors item.

To calculate the totals reflected in Figure 2, several types of modifications were examined. With the exception of the most serious alleged current offense item, each item on every statewide instrument received was examined for four types of changes: (1) changes to the content of one or more of the categories on the item (i.e., changing the wording or criteria in the category, adding a new category to the item, deleting a category from the item), (2) changes to the points associated with one or more categories on the item, (3) changes to both categories and points on the item, and (4) instances when the item was deleted from the instrument entirely.¹⁸

Table 6 shows, for every item on the statewide instrument with the exception of the most serious alleged current offense item, the types of changes that were made to the item.

Table 6: Types of Changes Made to the Statewide Instrument

Changed content of one or more categories on the item	Changed points associated with one or more categories on the item	Changed both one or more categories <u>and</u> points associated with one or more categories on the item	Deleted item entirely	Total
Additional Current Offenses				
2	5	1	1	9
Prior Arrests				
18 ^a	0	6	1	25
Risk of Failure to Appear				
23	1	25	0	49
Legal Status				
8	10	26	1	45
Aggravating Factors				
11	0	37	2	50
Mitigating Factors				
12	7	12	4	35

a: This includes nine instances in which the item itself was changed, as opposed to one or more categories on the item. Specifically, the item was changed from prior arrests to "Prior Offenses".

Table 6 shows the types of changes that were made, but does not explain the nature of the changes. In the bullet points that follow, some notable changes are described in more detail. The bullet points list changes by instrument item and, for each item, shows the item as it appeared in the original statewide instrument (see Appendix A for the complete statewide instrument).

When reading the bullet points note that, for several items on the statewide instrument, there were a considerable number of instances when the points associated with categories on the item were increased. Thus, minors who are screened using instruments with increased points could receive more points on the instrument than they would under the original statewide instrument.

It is conceivable that points may have been increased to reflect the types of juvenile cases that are handled in the jurisdiction using the instrument. In some jurisdictions, very few minors commit offenses that would warrant a large number of points on the most serious alleged current offense item (i.e., few minors commit serious offenses). In order to detain minors who would not be detained or come close to being detained just based on the seriousness of the offense, such jurisdictions would either have to assign more points to lesser offenses on the most serious alleged current offense item, or assign more points to other items on the instrument (or both).

Additional Current Offenses

B. Additional Current Offenses
 Two or more additional current felonies.....3
 One additional felony.....2
 One or more additional misdemeanors.....1
 None.....0

- On five instruments, the points on nearly every category on the additional current offenses item were increased. In these instances, minors charged with more than one offense would receive more points on the instrument than they would under the original statewide instrument.

Prior Arrests

C. Prior Arrests
 Two or more prior major offenses (those with 10 or 12 points).....5
 One prior major felony; two or more other felonies.....3
 One other felony.....2
 Two or more prior misdemeanors; one prior misdemeanor weapons offense.....1
 None.....0

- There were 18 instruments on which the content of one or more categories on the prior arrests item changed. The original AOIC version of the instrument included a category “Two or more prior major offenses,” and classified a major offense as any offense worth 10 or 12 points (see Appendix A for the list of offenses and the points assigned to them). Of the 18 instruments, 13 were changed such that 8 point offenses were also included in the category as a major offense. In essence, this means that more offenses would be classified as major offenses and receive the points for prior arrests associated with a major offense.
- There were 9 instruments on which the content of the item itself was changed. On these instruments, the prior arrests item was changed to “Prior Offenses.”

Risk of Failure to Appear

E. Risk of Failure to Appear

Active delinquent warrant/request for apprehension/delinquent offense while on court-ordered home detention.....	12
Absconded from court-ordered residential placement or violated home detention.....	8
Habitual absconder or history of absconding to avoid court appearances.....	6
Prior delinquent warrant issued.....	3
None of the above.....	0

- Many of the instruments included at least one change to the risk of failure to appear item. On some instruments, the item was notably restructured. Overall, changes to the item did not appear to have a large impact on whether or not minors are detained.
- Some of the changes involved modifying an existing category by adding an additional component to it (for example, adding instances when the minor is currently on home detention with electronic monitoring to the 12 point category), re-wording categories (thereby slightly altering their meaning), or deleting categories (in some instances, the deleted categories were moved to the legal status item). Other changes involved making slight changes to points associated with categories.

Legal Status

G. Legal Status

On probation, parole, or supervision.....	2
Pending court; pending prior referrals to S.A. for petition requests.....	1
None of the above.....	0

- There were 36 instruments on which the points associated with nearly all categories on the legal status item were increased. In these instances, minors who are currently involved in the juvenile justice system would receive more points than they would under the original statewide instrument.
- Many of the changes to the content of categories in the legal status item were simply instances when additional types of current court system involvement were added to existing categories (e.g., continued under supervision and/or home detention may have been added).
- There were 10 instruments on which minors currently identified as serious or habitual offenders under the *Serious Habitual Offender Comprehensive Action Program (SHOCAP)* receive 12 points (the number of points necessary for detention) in the legal status item.¹⁹ This category did not appear in the original statewide instrument.

- There were six instruments on which minors with *orders of protection filed* against them receive points in the legal status item. This category did not appear in the original statewide instrument.

Aggravating Factors

H. Circumstances of Minor/Aggravating Factors (Increase by 0 to 3 points)
 Strong gang affiliation; serious injury to victim; senior, very young or disabled
 victim, specific threats to witness/victim, victim resides in household.....0 – 3
 Factor(s): _____

- There were 37 instruments on which the potential number of points that minors could receive for aggravating factors was increased.
- There were 48 instruments on which additional types of aggravating factors were included on the instrument. Additional types of aggravating factors included: (1) if the offense occurred on school or public housing property, (2) possession of a large amounts of drugs, and (3) inadequate supervision at home.
- There were nine instruments on which “repeated runaway” was added as an aggravating factor. Runaway minors have committed a status offense. While adding points for chronic runaways may assist local practitioners in handling difficult cases, it appears to be at odds with one of the potential goals of using scorable detention screening instruments: reducing the number of status offenders who are detained. On the other hand, even if the minor is a chronic runaway and, as such, gets points added to the instrument, the minor may have become involved in the juvenile justice system as a result of a delinquent offense (i.e., the current offense may not be a status offense).
- There were 16 instruments on which the structure of the aggravating factors item was changed. On the original statewide instrument, minors could receive 0 to 3 points at the screener’s discretion, for any of the aggravating factors listed on the instrument (and, perhaps, others not listed). On the 16 instruments, a specific number of points were assigned to specific aggravating factors. This structure appears to take some discretion away from the screener.

Mitigating Factors

- J. Circumstances of Minor/Mitigating Factors (Decrease by 0 to 2 points)**
No significant offense history; parents or guardian have a supervision plan.....0 – 2
Factor(s): _____

- There were 20 instruments on which the potential number of points that minors could receive for mitigating factors was increased. This total was considerably lower than the number of instruments on which the potential number of points that minors could receive for aggravating factors was increased (37 instruments), suggesting that Illinois counties were more inclined to add points to the total score than to reduce points from the total score.
- There were 23 instruments on which additional types of mitigating factors were included on the instrument. The most commonly added type of mitigating factor was “good school attendance and behavior.”
- There were 16 instruments on which the structure of the mitigating factors item was changed. These were the same instruments that changed the structure of the aggravating factors item by assigning a specific number of points to specific aggravating factors. This structure appears to take some discretion away from the screener.

Table 6 did not include the types of modifications that were made to the most serious alleged current offense item on the statewide instrument, primarily because changes to this item were made to the separate list of offenses with points assigned to them. The types of modifications made to this list were not in accord with the types of modifications shown in Table 6. Thus, several types of modifications were examined that differed from those that appeared in Table 6.

Because there were so many instances in which the list of offenses was modified (see Figure 2), and because many of the lists included a large number of modifications, much of the analysis was limited to changes made to the offenses that warrant the most points on the list. Such offenses tend to be those that are perceived as most serious. Thus, although Figure 2 reflects any change made to the list, the description below emphasizes changes to the offenses that warrant the most points. The offenses that warrant the most points on the original statewide instrument are:

- Homicide
- Aggravated Kidnapping
- Aggravated Criminal Sexual Assault
- Armed Robbery
- Drug Manufacturing or Delivery on Public Housing or School Property
- Excluded Jurisdiction Offenses²⁰
- Aggravated Assault with Firearm Discharged
- Armed Violence
- Home Invasion
- Other Class X Felonies
- Domestic Battery w/ Bodily Harm
- Any offense where juvenile is in possession of a loaded firearm

When examining the offenses that warrant the most points on the list (for simplicity, these offenses will be referred to as “12 point offenses,” although on some instruments these offenses may warrant more or less points), the following types of changes were examined: (1) instances when an additional offense that did not appear anywhere on original statewide instrument was added to the list of 12 point offenses, (2) instances when a 12 point offense on the original statewide instrument was removed from the instrument entirely or was modified such that it’s meaning was altered, (3) instances when a non-12 point offense on the original statewide instrument was increased to a 12 point offense, and (4) instances when a 12 point offense on the statewide instrument was decreased.

Of the 60 instruments on which there was a change to the list of offenses, 54 made changes to the 12 point offenses. Table 7 shows the number of instruments that made each of these four types of changes to the list of offenses.

Table 7: Changes Made to the List of Offenses Used for the Most Serious Alleged Current Offense Item on the Statewide Instrument^a

Type of Change	Number of Instruments
Added at least one additional offense	53 (98.1%) ^b
Removed or changed at least one offense	44 (81.5%)
Increased points for at least one offense	35 (64.8%)
Decreased points for at least one offense	18 (33.3%)

a: This table only shows changes to the offenses that warrant the most points on the list of offenses.

b: Percentages were calculated out of the 54 total instruments that made at least one change to the list of offenses that warrant the most points.

Table 7 shows the types of changes that were made, but does not explain the nature of the changes. In the bullet points that follow, some notable changes are described in more detail. Overall, many of the changes to the list of offenses would not seem to have a large impact on the number of minors detained. Many of the changes were minor, and/or impacted offenses that likely occur relatively infrequently in many jurisdictions.

Added At Least One Additional Offense

- The two most common types of offenses added to the list of 12 point offenses were *vehicle related offenses* (29 instruments add such offenses), such as aggravated vehicular hijacking, and *specific drug related offenses* (26 instruments added such offenses). A subset of the 26 instruments that added drug related offenses broke down specific felony drug offenses on the list of 12 point offenses. The original statewide instrument included “felony drug offenses” on the list of offenses warranting fewer points.

Removed or Changed At Least One Offense

- The most prominent change of this type was minor, yet meaningful. The original statewide instrument included as 12 point offenses “aggravated assault with firearm discharged” and “any offense where juvenile is in possession of a loaded firearm.” Nearly every instrument (42 instruments) included under this type of change kept these offenses, but removed either the word discharged or the word loaded, or both.
- There were considerably fewer instances when a 12 point offense on the original statewide instrument was deleted entirely from the instrument (19 instruments). Eight instruments removed “domestic battery with bodily harm.”

Increased Points For At Least One Offense

- Of the 35 instruments on which there was a change of this type, 26 moved “criminal sexual assault” up to the list of 12 point offenses. Criminal sexual assault was a lesser offense on the original statewide instrument.

Decreased Points For At Least One Offense

- Of the 18 instruments on which there was a change of this type, 17 moved “domestic battery with bodily harm” down from the list of 12 point offenses to lists of offenses warranting fewer points.

Although less emphasis was placed on examining other changes to the list of offenses beyond those that were made to the list of 12 point offenses, other changes were examined as well. All 60 instruments that made a change to the list of offenses made at least one change to the non-12 point offenses. On the whole, there were no notable changes made to non-12 point offenses. To the extent that any pattern of change existed, it was found that, of the 60 instruments, 31 added “stalking” or “aggravated stalking” to the instrument.

Summary: There were 73 unique instances when an interview participant who uses the statewide instrument provided a copy of the instrument. Of the 73 instruments, 61 had been modified in some way, relative to the original version of the statewide instrument. Upon closely examining changes made to each instrument, it became apparent that there were a considerable number of instances when the points associated with categories on the item were increased. Minors who are screened using instruments with increased points could receive more points on the instrument than they would under the original statewide instrument. Such changes may have been made so that it would be easier to detain minors who have not committed offenses that, just based on the seriousness of the offense, would score enough points or almost enough points to warrant detention.

Results - Perceptions of Instruments

The narrative in this sub-section is based exclusively on responses and comments made during the semi-structured interviews.

Do detention screeners from Illinois counties that are using a scorable detention screening instrument report satisfaction with the instrument?

Ideally, individuals who use scorable detention screening instruments should be satisfied with the instrument and find it to be a useful decision-making tool. The interview protocol included the following question: “Do you think the factors on the instrument do an adequate job of determining which minors should be detained?” To elicit additional information, interviewers often asked an additional question that did not appear on the interview protocol, and was worded in approximately the following manner: “Is there anything missing or unnecessary on the instrument?”

These questions provided interview participants who were using a scorable instrument at the time of the interviews with an opportunity to state any issues or concerns that they had regarding the instrument. Note that, because most interview participants who were using an instrument were using the statewide instrument or a modified variant thereof (see pages 26-28), these questions essentially constitute an informal referendum on the statewide instrument.

Table 8 characterizes responses to the question inquiring whether the instrument does an adequate job of determining which minors should be detained. Table 8 distinguishes between instances when participants responded with an unqualified “yes,” instances when participants responded with a qualified “yes,” and instances when participants responded with a qualified “no.” Because of varying degrees of detail in the responses provided by participants, it was not possible to exactly quantify the number of occurrences of each of the types of responses in Table 8. However, the table notes the approximate frequency of the response type, using general terms like “very frequent,” “somewhat frequent,” etc. This convention was used throughout the report, when it seemed appropriate to describe the frequency with which a response type occurred.

Table 8: Characterizing Interview Responses Regarding Perceived Adequacy of the Instrument

<i>Responses to initial question: "Do you think the factors on the instrument do an adequate job of determining which minors should be detained?"</i>	
Response Type	Frequency
Unqualified “Yes, it’s adequate”	Very frequent
Qualified “Yes, it’s adequate”	Somewhat frequent
Qualified “No, it’s not adequate”	Very infrequent

Table 8 shows that many participants responded with an unqualified “yes,” when asked about the adequacy of their instrument. A reasonably large number of these participants responded with a very short response to this question, more or less saying “yes,” without elaboration. These unqualified “yeses” could have partly been a result of the placement of the question in the interview. The question on the adequacy of the instrument was the first question asked in the interview and, therefore, participants were unable to use other questions as cues that could assist them in thinking through their perceptions. Nonetheless, if participants had major issues with the instrument, they likely would have mentioned the issues at any point during the interview. Two other notes regarding instances when participants responded with an unqualified “yes”:

- In the section above “Results - Content of the Instruments Used” (pages 31-38), it was noted that many of the Illinois counties that are using the statewide instrument have modified the instrument so that it better meets local needs. These modifications may have increased satisfaction with the instrument and, hence, made it more likely that participants would respond affirmatively to the interview question regarding the adequacy of the instrument. A small number of interview participants explicitly stated that their modifications have made the instrument an adequate tool.

- Many of the interview participants who responded with unqualified “yeses” without elaboration work in small counties that do not detain many minors. It may be that such participants screen so few minors that potential issues or problems with the instrument have not become apparent to them.

Table 8 shows that fewer participants responded with qualified “yeses” or “noes” in response to the interview question regarding the adequacy of the instrument. Some of these participants simply gave less positive responses (e.g., “it works for the most part” or “not always”). Others either said “yes,” or “no,” then provided additional detail indicating that their perception was qualified.

The question regarding the adequacy of the instrument was often immediately followed by the question inquiring whether anything is missing or irrelevant on the instrument. For the most part, this question elicited more critiques or concerns about the instrument than the question regarding the adequacy of the instrument, especially among those who gave a qualified “yes” or “no.” However even among those who gave a qualified response, interviewers often had to, in order to obtain information that was critical of the instrument, probe deeper than just the question on whether anything is missing or irrelevant. That is, even after asking this question, many participants had few negative comments to make about the instrument and appeared to have to think hard in order to find a criticism.

To the extent that participants had any criticisms of the instrument, two themes emerged. A small minority subset of participants levied the following criticisms against the instrument. Both criticisms were anticipated by the workgroup spearheaded by NCCD and AOIC.²¹ Both criticisms also appeared at other points during the interview (see, for example, page 46 and page 51). Specifically, interview participants stated that:

- It is difficult to rely on the instrument in instances when the minor has committed a domestic offense, because minors who commit domestic offenses typically do not score enough points on the instrument to warrant detention, yet it may not be safe to release the minor back into a turbulent home environment.
- The mitigating factor item on the statewide instrument is difficult to complete and/or not particularly useful.

Perhaps just as interesting as the criticisms that were mentioned are the criticisms that were not mentioned, or mentioned infrequently. In particular, scorable detention screening instruments limit the extent to which detention screeners can use their own discretion to decide which minors should be detained. Very few participants noted in response to any question regarding their perceptions of the instrument that they did not like the fact that the instrument limits discretion. To the contrary, many participants seemed to like the structure that the instrument provides. Moreover, a small minority subset of participants noted that, in their opinion, the instrument provides a sufficient number of avenues through which discretion can be exercised (aggravating and mitigating factor items and overrides). On the other hand, a very small number of participants from small counties noted that they often know the minor and the minor's family and are sometimes frustrated that there is no place on the instrument where their thoughts and opinions can be taken into account.

Finally, eight interview participants represented one or more counties that were not using a scorable detention screening instrument at the time of the interviews (see pages 29-30). Six of these participants represented one or more small counties that do not house their own detention center. On the whole, the reason these six counties had chosen against using an instrument is not because they had negative perceptions of instruments. Rather, they do not detain many minors and, thus, appear to have a "we have just always done it this way" attitude towards their choice to make detention decisions without an instrument. In fact, as mentioned above (pages 29-30), these participants were either considering using an instrument or were not averse to the idea of using an instrument.

On the other hand, two of the eight participants who were not using a scorable instrument at the time of the interviews work in detention centers. These participants stated that their detention center was not using an instrument at least in part because they believed that their current system is better. One participant noted that, although he was not directly involved, his county experimented with an instrument and came to the conclusion that they prefer their current system. The other participant also noted that they considered using a scorable instrument and have looked at several instruments, but have maintained their current system because they believe that some minors who warrant detention in their county would not be detained if they used any of the instruments they considered.

Summary: Many interview participants who were using a scorable detention screening instrument at the time of the interviews reported without qualification that the factors on the instrument do an adequate job of determining which minors should be detained. Because most participants who were using an instrument reported that they use the statewide instrument, this result predominantly reflects opinion on the statewide instrument.

Even in instances when interview participants gave less positive responses regarding the adequacy of the statewide instrument, they had relatively few negative comments to make about it. In some instances, satisfaction with the instrument may have stemmed from the fact that the participant’s county modified it so that it better met local needs, or the participant worked in a small county that detains few minors and, thus, had not had sufficient opportunity to notice it’s limitations.

Using a scorable detention screening instrument limits the extent to which detention screeners can use their own discretion to decide which minors should be detained. However, very few participants noted, while responding to questions regarding their overall perceptions of the instrument (as the interviews did not include questions directly addressing discretion) that they would prefer to have more discretion.

Results - Implementation

The narrative in this section is based exclusively on responses and comments made during the semi-structured interviews.

What process do detention screeners engage in to complete scorable detention screening instruments? Do detention screeners note any difficulties obtaining information necessary to complete the instrument?

The statewide instrument, as well as instruments in the two large counties that are using an instrument other than the statewide instrument or a modified variant thereof, includes items that are fact-based, or based on clear, tangible pieces of information. Should detention screeners have difficulty obtaining information necessary to complete the instrument, then it could sacrifice the accuracy or the quality of the instrument. For example, the NCCD report describing activities of the workgroup assigned to develop the statewide instrument noted that one of the principles guiding development was that “screeners may not have immediate access to the minor’s arrest and offense history at the time of screening and, therefore, such factors should take on less importance.”

The interview protocol included the following question: “What process does the individual completing the form engage in to obtain the necessary information?” This question was often followed up with several additional questions that addressed processes for obtaining specific types of information. Through these questions, it was possible to get an indirect indication of processes by which instruments are completed, and some of the challenges facing detention screeners.

Table 9 shows how detention screeners who use the statewide instrument obtain the information for each item on the instrument. Perhaps not surprisingly, detention screeners are heavily reliant on law enforcement for many of the items on the statewide instrument.

**Table 9: Data Collection Processes For Each Item
On The Statewide Instrument**

Instrument Item	Information Source(s)
Most Serious Alleged Current Offense	Law enforcement officer
Additional Current Offenses	Law enforcement officer
Prior Arrests	Electronic database available to the screener (e.g., circuit court clerk's database, LEADS, local probation database) Law enforcement officer (through the officer's experience with the minor or a law enforcement database) The screener's personal experience with the minor Asking the minor Asking the minor's parent(s)
Risk of Failure to Appear	Electronic database available to the screener (e.g., circuit court clerk's database, LEADS, local probation database) Law enforcement officer An updated list of active warrants developed by the screening agency
Legal Status	An updated list of court involved minors developed by the screening agency Electronic database available to the screener (e.g., local probation database)
Aggravating Factors	Law enforcement officer (through a written police report and/or the officer's verbal description of the offense) The screener's personal experience with the minor
Mitigating Factors	Law enforcement officer (through information that the officer obtains from the minor and/or the minor's parents, and then provides to the screener) Talking to the minor Talking to the minor's parent(s) Talking to schools (infrequent) Talking to social service agencies (infrequent)

Interview participants noted several challenges that sometimes sacrifice their ability to complete the statewide instrument in as accurate a manner as they would prefer. Several of these challenges were anticipated by the workgroup when the instrument was being developed. The following bullet points describe these challenges.

- The prior arrest and mitigating factor items seem to be the most difficult items to complete. The prior arrest item tends to require access to an accurate computer database, such as a local circuit court clerk's database (which tends to have court proceedings and dispositions), the LEADS system (a large statewide law enforcement data system that enables the user to look up criminal history information), a local law enforcement database, or a probation database (if the minor has been on probation). The mitigating factor item may require the screener to obtain information that is not directly related to the current offense, such as family information;
- Interview participants tended to report that a majority of juvenile offenses occur late at night. Some participants (a fairly small minority subset, although participants were not explicitly asked) reported that the prior arrest and mitigating factor items, as well as the instrument in general, are more difficult to complete when the offense occurs late at night; and,
- Some participants (a fairly small minority subset, although participants were not explicitly asked) reported that the prior arrest and mitigating factor items, as well as the instrument in general, are more difficult to complete when they are unfamiliar with the minor. A fairly large minority subset of participants, in particular, participants from smaller counties, noted that when they are familiar with the minor they can rely on personal experience with the minor to complete the more difficult items on the instrument.

In regard to difficulties associated with completing the prior arrests item on the instrument, a large number of participants noted that they have access to a computer system during the day that provides criminal history information. However, in most counties, detention screening for offenses that occur at night are completed by an on-call probation officer who completes the instrument from his or her home. A very small number of participants noted that they or on-call probation staff have access to computerized criminal history information from their home. At night, most participants seem to be reliant on law enforcement for criminal history information or on their personal experience with the minor. It is unclear whether, in instances when the probation officer relies on law enforcement for criminal history information, law enforcement officers are consistently using databases at their disposal (e.g., LEADS) to provide information to the detention screener.

Finally, it is perhaps noteworthy that the mitigating factor item on the statewide instrument seems to be more difficult to complete than the aggravating factor item. The examples of aggravating factors listed are primarily offense-based (e.g., who the victim is). This may mean that screeners more often add points to the instrument for aggravating factors than reduce points for mitigating factors, strictly based on the ease with which the information can be obtained.

On the other hand, the aggravating factor item on the statewide instrument explicitly allows points to be added when the “victim resides in the household.” Given that domestic situations are one of the more difficult situations for detention screeners to handle and often do not necessitate enough points on the instrument to warrant detention (see page 41 and page 51), screeners may be disinclined to actively seek mitigating factors in these cases irrespective of the ease with which the information can be obtained.

Summary: For interview participants who use the statewide instrument, the prior arrests item and the mitigating factors item appear to be the most difficult items to complete. Because of potential limitations in the availability of information that can assist in the completion of the instrument, difficulties associated with the completion of these items appear to be magnified when the screening occurs at night (when the majority of cases are screened) and when the screener has no prior experience with the minor. Overall, challenges associated with completing the instrument imply that scores on the instrument are dictated partly by the ease with which items on the instrument can be completed.

Are scorable detention screening instruments being used rigidly (the score is the absolute determining factor) or are instruments being implemented in a manner that still allows for discretion on the part of the screener?

One potential function of scorable detention screening instruments is to make detention screening decisions consistent across juvenile cases. Such consistency may aid in eliminating subjective factors from inducing the screener to detain minors who may be better served outside of detention. Thus, the intent of scorable detention screening instruments is that they be used diligently, and play the primary role in determining whether the minor is detained. If the instrument does not play the primary role in determining whether the minor is detained, then the instrument’s utility may be minimized.

On the other hand, no single form can capture all the idiosyncrasies surrounding every individual juvenile case. In order to make the best decision, it may sometimes be useful for screeners to be able to take additional information into account, such as the minor’s social support system, or details about the nature of the offense. In other words, a form cannot replace logical human decision-making, and thus, it may make sense for screeners to use some discretion when making detention decisions.

To obtain an indication of the level of importance that the instrument plays in detention decisions, the interview protocol included the following question, intended only for participants who are using scorable instruments: “Is the score on the instrument simply used as a guide to help the decision-maker decide whether or not to detain a youth, or is the score itself the determining factor?” The interviewer then followed up the response to this question with additional questions intended to assess the extent to which screeners strictly adhere to the instrument as opposed to taking additional factors into account.

Table 10 characterizes responses to the question on the interview protocol regarding the importance of the instrument, and to follow-up questions. Five distinct types of responses are listed in Table 10. Table 10 also notes the approximate frequency of the response type, using general terms like “frequent,” “infrequent,” etc.

The first response type in Table 10 is that the “instrument is only a formality.” It is possible to perceive a form (detention screening forms or otherwise) as just an additional piece of paperwork that must be completed to adhere to a mandate (from a supervisor, an external agency, etc.) In such instances, the form may be completed just as a formality, but not taken seriously or used for any real purpose.

The interviews yielded very little evidence that detention screening instruments are being completed just as a formality. There were only two instances in which interview participants made responses that may qualify as indications that the instrument is a formality. In both instances, the participant stated that he or she pretty much has decided whether or not to detain the minor prior to completing the instrument. However, one of these instances can be qualified because the participant stated that the only time he even gets called to screen a minor is when the offense is so serious that he knows the instrument will yield enough points to detain.

Table 10: Importance of the Screening Instrument in Making Detention Decisions

<i>Responses to initial question, “Is the score on the instrument simply used as a guide to help the decision-maker decide whether or not to detain a youth, or is the score itself the determining factor?”, and follow-up questions.</i>		
Response Type	Response Description	Frequency
Instrument is only a formality	The instrument is completed, but the screener typically knows how he or she will handle the case prior to completing the instrument.	Very infrequent
Strict adherence to the score	The instrument is completed and the score on the instrument almost entirely dictates the detention decision.	Infrequent
Strict adherence if score indicates detention. May use discretion otherwise.	The instrument is completed and, if the score suggests detention then the minor is detained. If the score suggests non-secure detention or release, then discretion is used (through one or more of the three types of discretion listed in the following three rows).	Infrequent
Discretion through overrides	The instrument is completed first, but if discretion is necessary then the score is overridden.	Somewhat frequent
Discretion through aggravating and mitigating factors	When scoring the instrument, the screener does an informal check of the score. If the score appears to be borderline (one or two points away from release or detention), then the screener uses discretion through the aggravating and mitigating factor items on the instrument.	Somewhat frequent
General discretion	The instrument is completed first, but if the screener disagrees with what the score suggests (because of other factors), then the screener will use his or her judgment as the deciding factor. This may or may not involve using overrides or scoring for aggravating and mitigating factors.	Frequent

Overall, then, detention screeners in Illinois appear to be taking the instrument seriously and using it as a major part of their decision-making. However, participants varied in the level of importance they placed on the instrument. The second response type in Table 10 is “strict adherence to the score.” A relatively small subset of interview participants reported that the score is the absolute determining factor. Attempts to ask follow-up questions inquiring about exceptions when less emphasis is placed on the score tended to result in short responses indicating that they only consider the score. For example, if the threshold to detain is 12 points, these participants tended to respond that they always detain minors who score 12 points and never detain minors who score 11 points.

For the most part, screeners report that they use some discretion when making detention decisions. And, in fact, even the interview participants who reported that they strictly adhere to the instrument likely use some discretion. This is because the statewide instrument, as well as the other instruments being used in Illinois, allow for some discretion. When asked about discretion, reasonably large minority subsets of interview participants explicitly responded that they use discretion in manners that are consistent with the instrument (the third and fourth response types in Table 10). Put another way, these interview participants reported that they use discretion in an institutionalized way, as opposed to in a way that ignores the intent and purpose of the instrument. This suggests that scorable detention screening instruments are being accepted in Illinois.

Discretion is included in the instrument in two ways. First, the instrument includes items allowing detention screeners to add points for aggravating factors or subtract points for mitigating factors. These items provide some flexibility within the instrument where the screener may consider other factors pertaining to the case and add or subtract points as they deem appropriate. A reasonably large minority subset of participants when asked about discretion explicitly stated that aggravating and mitigating factors enable them to use discretion (the third response type in Table 10). However, they may have been primed towards responding in this manner because the interviewers often explicitly asked them about aggravating and mitigating factors. Nonetheless, these interview participants tended to state that they score the instrument and, if the score is extreme in one direction (detain or release), then they adhere to the instrument. If the score is borderline (one or two points away from release or detention), they consider aggravating and mitigating factors more closely.

In addition, in some counties, detention screeners can score the instrument and, if they feel uncomfortable with the decision based on the instrument, they can request that the score be overridden in favor of some other option. The statewide instrument explicitly allows for an override process through instructions that appear on the bottom of the instrument. For some counties that used overrides at the time of the interviews, the override process was very informal. More informal, in fact, than the statewide instrument would imply (see pages 57-60 for a description of override processes used in jurisdictions throughout Illinois). Other counties have formal, specific override processes. A reasonably large minority subset of interview participants, most of whom were from counties with more formal override processes, explicitly stated that the override process provides the main outlet for discretion on the instrument (the fourth response type in Table 10). In other words, they score the instrument using little discretion then, if they disagree with the score for whatever reason, they use the override process to voice and defend their concerns. In this manner, their personal discretion plays a role in the decision making process.

Finally, a substantial minority subset of interview participants made general comments about using discretion, without specifically mentioning the aggravating and mitigating factor items on their instrument, or mentioning the override process (the fifth response type in Table 10). The comments took on numerous forms, describing how the discretion is exercised. Table 11 shows how this subset of interview participants reported that they exercise discretion, listed (from the top to the bottom of the table) according to the frequency with which the type of discretion was mentioned. These interview participants were not specifically asked about whether this general discretion operates in the context of aggravating and mitigating factor items on their instrument or of an override process. Thus, these general comments regarding discretion may or may not operate in the context of aggravating/mitigating factor items, and override processes.

Table 11: How Discretion is Exercised in Detention Screening^a

	Discretion is exercised by....	Description
Most frequent	.....considering the minor’s family situation.	Considering the willingness and ability of parents, other relatives, and shelter care to take the minor. Particularly an issue if the offense is a domestic offense.
	.....considering whether the minor will hurt him/herself or others.	The interview participant was attempting to paraphrase Illinois law regarding when minors should be detained prior to trial (see Table 1).
	.....just using discretion (no additional detail).	The interview participant mentioned using discretion but provided little or no detail on how the discretion is exercised.
	.....considering the minor’s attitude or cooperation.	Considering how the minor is behaving while in the custody of a law enforcement agency.
	.....using gut feelings or instincts based on experience.	The screener considers what he or she thinks may happen if the minor is released, based on experience as a screener.
	.....considering whether the minor needs to be referred to a hospital or mental health facility.	The screener considers the minor’s condition upon arrest and determines whether other, more immediate medical or mental health services are necessary.
	.....using common sense.	The screener uses “common sense” based on experience as a screener.
Least frequent	.....considering knowledge of the minor gleaned from living in a small community.	The screener lives in a small community and knows the minor and the minor’s family.
	.....considering the nature of the offense.	Considering additional context related to the offense that may or may not be scorable on the instrument.
	.....considering the cost of detaining a minor.	Considering the financial burden on the county of detaining minors.

a: This table is based on responses from a subset of interview participants who reported that they use discretion in their decision-making, but did not explicitly state that the discretion is exercised through aggravating and mitigating factor items on the instrument, or through an override process.

There are at least two aspects from Table 11 that are worth noting. First, the family situation plays a large role in pre-trial detention decisions. It may be that, in some instances, even if the minor scores high enough to detain, the screener may opt to release the minor if there is a reliable adult who can assure that the minor will attend court hearings. Conversely, the screener may detain a minor for whom there are no alternative placements. Related to the issue of family situation, a number of interview participants reported that domestic offenses provide instances when they are more inclined to use discretion as opposed to the score on the instrument, as there are instances when minors who commit domestic offenses do not score high enough to detain, but the screener does not want to return the minor to a volatile home situation. Because a number of interview participants made mention of domestic offenses, interviewers began to specifically ask questions about domestic offenses during interviews.

A second aspect worth noting from Table 11 is that several of the ways in which discretion is exercised may be at odds with the intent of those who support the use of scorable detention screening instruments. One purpose of using scorable detention screening instruments is to prevent the minor's attitude and behavior from impacting detention decisions, yet a very small number of interview participants cited this as a discretionary factor. In addition, a small number of interview participants noted that they use discretion in a subjective way through gut feelings or instincts regarding what may happen should they make a particular decision. While it may have been necessary to ask additional questions in order to delve deeper into what these participants meant by gut feelings or instincts, this subjectivity seems somewhat at odds with the purpose of using scorable screening instruments that require screeners to consider very specific, concrete factors.

Summary: For nearly all participants, a scorable detention screening instrument played a primary role in the detention screening process at the time of the interviews. The instruments were not perceived as a formality, or an unessential piece of paperwork. For most participants, the instrument played a primary role in detention screening decisions, but many participants reported that they allow their discretion to play a role as well. To the extent that discretion is used, some interview participants reported that they confine it to avenues that are explicitly allowed as part of completing the instrument, such as considering and scoring for aggravating and mitigating factors, and/or using an override process.

In instances when scorable detention screening instruments are being used, how do detention screeners respond to borderline cases, or cases for which the minor is one or two points away from being detained or released?

It was mentioned above that, when scoring the instrument, some screeners reported that they do an informal check of the score and if the score appears to be borderline (one or two points away from release or detention), they use discretion through the aggravating and mitigating factor items. This information was obtained via an additional question that was added to the instrument after a small number of interviews had been completed. The question tended to be phrased slightly differently across interviews, but can be paraphrased as follows: “In some counties, the score is the determining factor for extreme scores like a 20 or a 4, but the screener may look a little more closely at other factors such as aggravating and mitigating factors if the score is borderline, like 10, 11, 12, or 13. Is this the case in your county?”

Approximately two-thirds of the interview participants who were asked this question agreed that they do consider aggravating and mitigating factors more closely when the score is borderline. This approach may make sense, given the nature of the instrument. Minors who receive a borderline score may receive a moderate number of points on several items, and the borderline score may be the result of aggregation. It also suggests that the current offense is less serious, as minors who receive more serious offenses tend to receive higher scores. If the borderline minor receives some points on multiple items, but did not commit an offense serious enough to make a clear decision regarding detainment, borderline scores may lead the screener to believe that there are issues present in the minor’s life or in the nature of the offense that warrant further exploration before a decision can be made.

Interviewers did not specifically ask whether interview participants are more likely to consider the case more closely in instances when the minor is one or two points below the number of points necessary for detainment than when the minor is one or two points above the number of necessary points. That is, are interview participants more inclined to detain minors who score below the threshold for detainment, or more inclined to release minors who score above the threshold for detainment? Or are interview participants equally likely to consider borderline cases closely in both instances (when the score is above or below the threshold for detainment)?

A number of interview participants (approximately half of the participants) gave specific examples or made comments indicating that they consider borderline cases more closely in order to detain, or in order to release, or both (detain and release). It should be noted that, because these examples and comments were unsolicited (i.e., not made in direct response to questions asked by interviewers), some participants who gave examples or made comments pertaining to detaining minors who score below the threshold for detainment may also consider releasing minors who score above the threshold for detainment (and vice versa).

Overall, approximately equal minority subsets of participants gave examples or made comments indicating that, in borderline cases, they: (1) look more closely at borderline cases below the threshold for detainment (in order to detain minors), (2) look more closely at borderline cases above the threshold for detainment (in order to release minors), and (3) look more closely at both borderline cases above and below the threshold for detainment. A number of participants who stated that they look more closely at borderline cases below the threshold for detainment made mention of domestic situations, when it would be unsafe to return the minor to his or her home.

Overall, this pattern of results suggests that interview participants are neither inclined towards detention nor release in instances when the minor receives a borderline score on the instrument.

Summary: A reasonably large minority subset of interview participants agreed that they consider aggravating and mitigating factor items on the instrument more closely when the score is on the borderline of detainment or release (e.g., scores of 10, 11, 12, on the statewide instrument). This may be because minors who receive borderline scores have been arrested for less serious offenses, yet received a moderate number of points on multiple instrument items.

Some evidence suggests that at the time of the interviews, interview participants were just as likely to examine borderline cases more closely in order to detain as they were to examine borderline cases in order to release.

To what extent do Illinois counties utilize non-secure alternatives to pre-trial detention, with non-secure alternatives defined as options besides releasing the minor to a parent or guardian?

If Illinois counties intend to reduce the number of minors who are detained prior to trial, then it is beneficial to have viable alternatives to detention. Without such alternatives, screeners are left with two options: detain the minor or release the minor to a parent or guardian. Moreover, the statewide instrument was designed to encourage the use of alternatives, if feasible and appropriate. Minors who score 7 to 11 are to be released, but the instrument states that “non-secure options can be utilized if feasible and appropriate” (see Appendix A).

Many interview participants made references to particular types of alternatives at various points during the interview. Noticing these references, interviewers began to ask questions about alternatives that did not initially appear in the interview protocol. Interviewers tended to ask three types of questions about alternatives: (1) a general question of the form “What alternatives are available in your county?”, (2) a question of the form “I noticed your instrument states that you can use non-secure options when minors score from 7 to 11. What non-secure options do you use?”, or (3) questions asking if the participant’s county uses particular types of alternatives, most commonly home detention or home detention with electronic monitoring.

It should be noted that these questions vary in the breadth of their emphasis. Some of the questions asked participants to respond globally regarding alternatives available at any point in the pre-trial process (not just the screening process). Other questions asked participants to respond specifically in terms of detention screening. As a result, some participants may only have mentioned alternatives available at the time of screening, while others may have responded more globally. Nonetheless, the three questions provided an indirect indication of the extent to which various types of alternatives were used in Illinois at the time of the interviews.

The Juvenile Detention Alternatives Initiative, a comprehensive strategy for reducing juvenile detention developed by the Annie E. Casey Foundation, is described in a series of reports entitled *Pathways to Juvenile Detention Reform*.²² Part Four of the series addresses possible alternatives to detention. The report cites the following types of alternatives: (1) home or community detention, (2) day and evening reporting centers, (3) residential alternatives (e.g., shelter care), (4) foster care (placing the minor in an individualized temporary home, as opposed to a group setting), and (5) advocacy and intensive care management.²³ The types of alternatives mentioned by interview participants were compared to those mentioned in the *Pathways* series.

Table 12 shows the types of alternatives that interview participants mentioned, listed (from the top to the bottom of the table) according to the frequency with which the type of alternative was mentioned. Of the five types of alternatives cited in *Pathways to Juvenile Detention Reform*, a notable number of Illinois counties appear to be utilizing only two of them: home detention, and residential alternatives. A small number of participants reported that their county has a day or evening reporting center. No county reported that they use individualized foster care, although a number of participants mentioned foster care, but used the term to reflect a residential alternative (e.g., placement in a temporary group foster home). Finally, no county made mention of advocacy or intensive care management, although a small number of participants reported that minors may be asked to attend a meeting at the probation department with their parents, during which an informal adjustment plan is developed.²⁴

Table 12: Types of Alternatives to Detention Reported as Being Available in Interview Participants' Counties

	Type of Alternative
FREQUENCY Least .....Most	Crisis intervention from social service agency
	Send minor home with a relative or friend
	Home detention
	Home detention with electronic monitoring
	Residential alternative (shelter care, residential facility, temporary foster care)
	Referral to counseling, mental health, substance abuse (referrals often made to same agency that provides crisis intervention)
	Informal adjustment / meeting
	Day or evening reporting center

a: Information in the table is based on unsolicited references to alternatives or on responses to several types of interview questions regarding alternatives.

The *Pathways* series supports the development of a continuum of several options for minors, ranging from detention to release, with options selected based on the risk posed by the minor. Few counties described what could be constituted as a clear continuum of alternatives.

About twenty percent of participants who commented on alternatives explicitly stated that their county has few alternatives. However, in some instances, it may make sense for counties to have few alternatives. Some Illinois counties are quite small and may only detain two or three minors a year. The nature of the interview responses did not make it possible to determine whether larger counties had more alternatives. However, larger counties tended to have the same types of alternatives available as smaller counties. That is, larger counties did not tend to have unique options unavailable to smaller counties.

Table 12 shows that one of the more frequently reported types of alternatives is to contact a local social service agency for crisis intervention in instances when minors refuse to go home or the minors' parents or guardians refuse to take them home (recall that detention screening often occurs late at night). The social service agency addresses the immediate family issues, and may make additional referrals for the minor or other family members, as needed. In lieu of contacting a social service agency, interview participants reported that the screener may seek a relative or friend who is willing to take the minor until the immediate family issue is resolved.

Both of these types of alternatives (contacting crisis intervention or a relative or friend) reflect the sometimes difficult situation that screeners face: having to find a place for the minor to stay in lieu of detention, sometimes late at night. Both of these alternatives assist in keeping minors out of detention, yet both are only intended to be an immediate response to an emergency situation (as opposed to a reasoned decision based on a continuum of options with increasing degrees of supervision).

Table 12 shows that home detention and home detention with electronic monitoring were mentioned by interview participants fairly often. A reasonably large subset of participants who reported that their county uses home detention or home detention with electronic monitoring reported that these options are only available if ordered by the judge at a detention hearing. Without a court order, it may be difficult to enforce the home detention or electronic monitoring. Moreover, Illinois law requires that, with the exception of weekends and holidays, minors who are detained must attend a detention hearing within 40 hours. After this short turnaround, home detention or electronic monitoring can be ordered by the judge.

Nonetheless, it may be possible that some minors who would be appropriate for home detention or electronic monitoring as determined by the screener, are instead detained until the detention hearing. If so, then the counties that only use home detention or electronic monitoring by court order may be unwittingly limiting the usefulness of these options as alternatives to detention. In effect, the minor is being detained until the judge can determine if home detention or electronic monitoring is appropriate.

Finally, a moderately large minority subset of participants who reported that their county uses home detention or electronic monitoring reported that, even though their county has home detention or electronic monitoring, it is rarely used. Participants did not always provide explanations as to why home detention or electronic monitoring are rarely used. However, a small number of participants from smaller counties mentioned that they have not had too many instances when these options were necessary.

Summary: At the time of the interviews, the primary role of detention screeners in finding alternatives for minors seemed to lie in finding a place for the minor to stay when it is not possible for the minor to stay with a parent or guardian, and the score on the instrument does not call for detention. In these instances, detention screeners reported that they typically contact a social service agency for crisis intervention, or contact another relative or friend of the minor.

Detention screeners did not tend to have a clear continuum of non-secure alternatives based on the minor's level of risk. In some instances, this was by choice, as smaller counties may not need a continuum of options in response to very small juvenile caseloads. In some instances, options such as home detention or home detention with electronic monitoring were only available at the detention hearing (and after the minor has already been detained for a short time).

In instances when scorable detention screening instruments are being used, have counties adopted an override process, or a process by which the decision that should be made based on the score on the instrument can be changed in favor of a different decision? In instances when an override process is adopted, how does the process work? How frequently are scores overridden, and what types of cases are overridden?

The statewide instrument explicitly allows for an override process, or a process whereby screeners can attempt to make a pre-trial detention decision different from that which is indicated by the score on the instrument. At the bottom of the statewide instrument, screeners are instructed, “If you are uneasy about the action prescribed by this instrument regarding this particular case, or if you are being subjected to pressure during the process of screening this referral, contact your supervisor for consultation prior to taking action.” In addition to the statewide instrument, other screening instruments being used in Illinois include similar instructions.

These instructions may have been included on screening instruments partly to acknowledge that there are unique situations that require screeners to use their judgment as opposed to the score on the instrument. However, counties are left to determine whether they will utilize an override process, and how the process will work in their individual county. Thus, the interview protocol included questions about the participant’s override process. Specifically, the interview protocol included the following question: “In some counties, it is possible that, after completing the instrument, the individual who completed the form may disagree with what the score suggests regarding how the case should be handled. In such instances, the scorer may be able to request that the score be over-ridden and that the case not be handled in accordance with the score. Do you have a process for over-riding scores and, if so, what is your process?” The question was followed up with additional questions addressing how the override process works, the extent to which the override process is formal or informal, situations when overrides might be requested, and how often overrides are requested.

Table 13 summarizes responses to interview questions indicating whether interview participants’ counties used an override process at the time of the interviews and, if so, the nature of the process. Table 13 also shows the approximate frequency of the various types of responses. By a small margin, the most frequent type of response (made by a minority of interview participants) was that the interview participant’s county uses a formal override process. Under a formal override process, the screener passes the detention decision on to a higher ranking individual, after explaining why he or she believes an override is prudent. In order to be classified as a formal process, the participant needed to have stated that he or she is required to go to the higher ranking individual for every attempted override.

In a majority of instances in which a formal process was adopted, interview participants reported that the screener’s supervisor is the higher ranking individual to whom the override is requested. In other instances, interview participants reported that the decision is made by the county state’s attorney, or the screener’s supervisor is required to confer with the state’s attorney.

Once the formal review process is initiated, the detention decision tends to be made exclusively by the higher ranking individual (supervisor or state’s attorney). That is, the screener states his or her rationale for the override but, once the override process is initiated, the final call rests in the hands of the higher ranking individual. This process serves to prevent instances when the screener is solely responsible for making a difficult decision.

Interview participants from detention centers tended to report a somewhat different formal override process. For some detention centers, the formal override process is more commonly initiated when law enforcement officers inform the screener that they disagree with the score on the instrument. In such instances, screeners initiate the override process on the law enforcement officers behalf, typically by contacting their supervisor. Some interview participants from detention centers also noted that, once initiated, the formal override process is multi-tiered. The screener’s supervisor must approve the override, followed by the assistant superintendent and, finally, the superintendent.

Table 13: Processes For Overriding Detention Screening Instrument Scores

Frequency	Process / Type of Response
Most frequent	Formal review by higher ranking individuals, who typically make the final decision.
Moderately frequent	<p>Screeners may override their own decisions.</p> <p>Informal discussion with higher ranking individual(s), followed by a collective decision.</p> <p>Interview participant’s county has never overridden a decision.</p>
Least frequent	<p>Higher ranking individual(s) review the case, but the formality/informality of the review process is unclear.</p> <p>Interview participant’s county does not use overrides.</p>

Table 13 shows that three types of responses were made with moderate frequency, meaning that slightly fewer participants gave the response than those who responded that their county uses a formal review process. Some participants stated that they have complete discretion to override their own decisions. These participants tended to be given discretion for one of two reasons: (1) they work in a small county and serve as the only screener (hence, reducing the number of individuals to whom they could conceivably request an override), or (2) they reported that their supervisor trusts their decisions and, hence, does not require approval for overrides. These participants also noted that, despite this discretion, they are still required to justify their decision at the detention hearing.

Other participants noted that, in order to override a decision, they must contact a higher ranking individual. However, upon contacting the higher ranking individual, there is no formal review process. Instead, the screener and higher ranking individual discuss the case and come to a collective decision. For counties that adopt this approach, the higher ranking individual serves as an experienced individual who can support and assist the screener.

A number of participants also noted that their county had never overridden a case. Some of these participants spoke hypothetically about their override process. Participants tended to offer thoughts on how overrides would be handled, should an override request occur. However, some participants stated their hypothetical process with some uncertainty. Thus, these hypothetical thoughts were not included among the other types of responses in Table 13.

Table 13 also shows two types of responses that were made very infrequently. Very few participants reported that their county has no override process, or would not allow for an override if the screener had reservations about the score on the screening instrument. Thus, in some capacity, overrides were a part of most counties' detention screening processes at the time of the interviews.

In addition to asking about whether the interview participant's county has an override process, and the nature of the process, interviewers also asked how frequently overrides are requested. On the whole, interview participants whose counties had an override process reported that overrides are requested very infrequently. Thus, the score on the instrument is relied on considerably more often than other factors that would precipitate an override.

A number of participants noted that overrides would be reserved for unique or extreme cases. A very small number of participants stated that overrides should be reserved for unique or extreme circumstances because to use overrides frequently would undermine the purpose of using the instrument.

A subset of participants were asked to describe situations when they might request an override. Other participants offered examples of situations when they might request an override without having explicitly been asked. The situation most frequently described by participants was one in which they may request that a minor be detained if the minor has committed a domestic offense and it did not seem appropriate to return the minor home.

Participants who reported that they use overrides were asked the following question: “Have the overrides that have been requested typically been requests for overrides up or overrides down? In other words, are you asking to not detain youth with higher scores or to detain youth with lower scores?” A considerable majority of participants who responded to this question reported that overrides are almost exclusively used to detain minors who did not score enough points for detention. Fewer participants reported that they might override both to detain or to release, but very few participants noted that they primarily override to release. In some respects, overriding to detain is a more risk adverse choice than overriding to release. If the screener chooses to override to release and the minor re-offends or flees the jurisdiction, then the screener’s decision may be called into question. On the other hand, if the screener overrides to detain, then the minor will not re-offend or flee while detained, and the judge can reconsider the case within 40 hours.

Finally, the instructions for initiating an override on the state level instrument indicate that screeners should contact their supervisor if they are “being subjected to pressure in the process of screening this referral.” Interview participants were not explicitly asked if screeners in their county have experienced pressure to detain a minor, perhaps from a law enforcement officer or from the state’s attorney’s office. However, very few interview participants made unsolicited comments mentioning that screeners have been pressured to make a decision. The few interview participants who made these unsolicited comments stated that law enforcement officers may pressure the screener, but the nature of their responses implied that this is a rare occurrence.

Summary: At the time of the interviews, most Illinois counties allowed detention screeners or, for detention centers, law enforcement officers to request that scores on detention screening instruments be overridden. The most typical process for overriding a score was a formal process whereby the screener requests the override to a supervisor or the county state’s attorney, who then makes the final detention decision.

At the time of the interviews, it was not typical for overrides to be requested, as a notable number of interview participants stated that they had never requested an override. When overrides were requested, they were more commonly requested to detain a minor who, according to the screening instrument, should be released or receive some other non-secure alternative. A number of interview participants stated that they may detain minors who have committed domestic offenses but who have not met the point threshold on the instrument for detention.

For those Illinois counties that are using scorable detention screening instruments, does the instrument limit the likelihood that status offenders will be detained?

One of the intended functions of scorable detention screening instruments is to limit the use of secure detention to minors who pose a threat to themselves or others. In general, minors who commit status offenses are not considered to pose a serious threat and, as such, scorable detention screening instruments should limit the extent to which status offenders are detained. Moreover, one of the core requirements that states must abide by in order to receive Formula Grants provided through the Juvenile Justice and Delinquency Prevention Act of 1974 is that states must limit the detention of status offenders.

The interview protocol included two questions that addressed the detention of status offenders: “Is it typical for status offender to be detained based on the screening instrument?” and “Are there other conditions or circumstances that would lead to a status offender being detained prior to the detention hearing and, if so, what are those circumstances or conditions?” Interviewers asked the former question first, followed by the latter question. The questions were placed in this order so that the participants who were using a scorable instrument could first respond specifically in terms of the instrument, then respond more generally in terms of other avenues through which status offenders may be detained in their jurisdiction. However, even in response to the first question pertaining specifically to the instrument, a relatively large number of participants made more global responses regarding their jurisdictions overall response to status offenders (i.e., responses were not couched specifically in terms of the instrument).

A clear pattern of responses regarding the detainment of status offenders emerged across the two questions: interview participants typically reported that they do not detain status offenders through the detention screening process and, to the extent that status offenders are detained at all, the circumstances under which they are detained occur infrequently.

Those participants who, in response to the first question on status offenders, gave responses that specifically pertained to the scorable instrument, tended to give responses indicating that the instrument precludes the possibility of detaining status offenders. A relatively large number of participants who were using the statewide instrument noted that status offenses are worth no points on the “Most Serious Alleged Current Offense” item on the instrument, and believed that it would be a very rare circumstance for a minor to score enough points on the other items to be detained. A small number of participants who were using a scorable instrument noted that when law enforcement contacts them to request that a status offender be detained, they inform the law enforcement officer that they cannot detain status offenders and, thus, do not even complete the instrument. On the other hand, it was noted above (pages 31-36) that, in many jurisdictions, the points associated with categories on statewide instrument items were increased.

In part, participants from feeder counties may not detain status offenders because policies at the detention center(s) they use does not permit them to do so. It was noted above (pages 23-26) that some detention centers appear to have a policy that prohibits status offenders from being detained in their facility. Consistent with this, a small number of participants from feeder counties noted that they do not attempt to detain status offenders because the detention center(s) they use will not detain them.

Moreover, every detention officer who participated in an interview stated that status offenders are not detained in their county through the detention screening process (although there may be some other avenues through which status offenders are detained). However, detention officers were responding primarily in terms of minors from their own county. Detention officers were not asked whether they accept status offenders from feeder counties.

Table 14 characterizes responses to the two questions inquiring about the detention of status offenders. Table 14 also characterizes the frequency of each response type. Table 14 shows that the most frequent response was an unqualified “no,” status offenders are not detained in the participant’s jurisdiction.

Table 14 shows some avenues other than the detention screening process through which status offenders may be detained. For example, detention facilities may detain status offenders who have warrants issued against them. The statewide instrument includes a category in the “Risk of Failure to Appear” item for minors who have an active warrant issued against them. This category alone assigns enough points to require detention. A number of participants noted that, when a warrant is issued against a minor, it removes pre-trial detention decision-making power from their hands. Courts (i.e., judges) are responsible for issuing a warrant and, according to participants, in these instances, the court is in effect ordering that the minor be apprehended and detained. It should be noted that a small number of participants noted that warrants are rarely issued in their jurisdiction.

While interview participants seem to perceive all warrants as instances when minors are automatically detained, this may not have been the intent of the workgroup that developed the statewide instrument. The category on the statewide instrument that assigns points for warrants is written “active *delinquent* warrant” (italics added for emphasis), implying that only warrants issued for delinquent offenses, and not status offenses, require automatic detention.

Table 14 also shows that some interview participants stated that minors who are on probation and commit a status offense may be detained. However, in nominal terms, such minors are being detained for a probation violation and not for a status offense (even though the probation violation was a status offense). As with warrants, courts determine whether minors who violate probation are detained.²⁵ Nonetheless, the statewide instrument does include a category on the “Legal Status” item that allows the screener to add points if the minor is on probation. This implies that some minors who violate probation are being screened through a scorable instrument. Thus, to the extent that minors who are on probation are detained for violating probation through a status offense, such instances may have occurred as a result of a screening process involving a scorable instrument.

Finally, Table 14 shows that very few participants who were using a scorable detention screening instrument reported that status offenders may be detained in their jurisdiction through the screening process. That is, status offenders may be detained through the typical process of responding to a call from law enforcement, completing the instrument, etc. In instances when status offenders may be detained through the screening process, participants reported that this may occur because the minor has an extensive criminal history, is from out of county or out of state (and therefore unknown in the community), or is perceived as a potential threat to him or herself or others (e.g., one participant stated that a runaway who had negative peer associations was detained).

Table 14: Characterizing Interview Responses To Two Interview Questions Regarding The Detention of Status Offenders

Response Type	Frequency
Unqualified “No, we do not detain status offenders.”	Very frequent
Status offenders are only detained if an arrest warrant is issued against the minor.	Somewhat frequent
Minors who are on probation may be detained if they violate probation by committing a status offense.	Infrequent
Yes, status offenders may very rarely be detained through the process of completing a scorable detention screening instrument.	Very infrequent

Summary: Interview participants typically reported that they do not detain status offenders through the detention screening process. Some interview participants noted that some status offenders may be detained through processes that are not directly within their control as detention screeners, such as when a warrant is issued against a minor. Very few participants who use a scorable detention screening instrument stated that status offenders may be detained in their jurisdiction through the detention screening process.

Results - Placement Within Juvenile Justice System

The narrative in this section is based exclusively on responses and comments made during the semi-structured interviews.

For those Illinois counties that are using scorable detention screening instruments, how (if at all) has utilizing the instrument impacted the number and nature of calls requesting pre-trial detention that the screening agency receives from law enforcement agencies?

Minors who are arrested for delinquent offenses may, at the time of arrest, be uncooperative with law enforcement. This lack of cooperation may stem from various sources: substance use, mental health issues, lack of family structure, etc. As the front-line worker who is directly exposed to negative behaviors, law enforcement may be inclined to detain minors expressly because of their lack of cooperation.

By removing pre-trial detention decision-making authority from law enforcement, the decision is placed in the hands of an individual who is further removed from the minor's negative behavior. However, probation officers or detention officers who act as detention screeners may be placed in the potentially uncomfortable position of denying detention for a minor who law enforcement has had difficulty handling and, therefore, has requested that the minor be detained. In such instances, scorable detention screening instruments can serve as a useful tool for creating a common understanding between law enforcement and detention screeners. If law enforcement officers know that detention screeners use a scorable detention screening instrument and know the content of the instrument, they may be less likely to contact screeners in instances when detention is not warranted. Or, should screeners refuse to detain a minor for whom detention was requested by law enforcement, the instrument provides justification for the decision. Screeners can, in effect, inform law enforcement officers that they are not refusing the minor because of their subjective opinion, but because of the instrument they are required to use.

The interview protocol included a number of questions intended to assess the impact that scorable detention screening instruments have had on relationships between detention screeners and law enforcement officers. First, the interview protocol included the question: "Has the detention screening instrument been distributed to law enforcement agencies in your county so that law enforcement officers know what factors or criteria screeners will consider if their request for detention processing is accepted?" Second, the interview protocol included the question: "How do law enforcement officers decide which minors should be considered for detention?" Finally, the interview protocol included the question: "How often do law enforcement officers make requests for minors to be considered for detainment that are refused by (probation or the detention facility)?" Answers to all three of these questions address the extent to which law enforcement agencies and detention screening agencies have reached a common understanding regarding which minors should be detained.

Distribution of the Instrument

Participants were asked whether their instrument has been distributed to law enforcement agencies. A considerable number of participants reported that their detention screening instrument has been distributed to some or all of the law enforcement agencies in their county or, for detention centers, in the area they typically serve. Thus, many law enforcement agencies had seen the instrument that was being used in their jurisdiction. In addition, in a number of instances when the participant stated that the instrument has not been distributed to law enforcement agencies, the participant noted that law enforcement agencies know that screeners use an instrument. This knowledge was likely obtained during instances when law enforcement officers contacted the screening agency to request detention. Even without having seen the instrument, knowledge that the instrument exists may aid in developing a common understanding between law enforcement officers and detention screeners.

Some interview participants reported that, in addition to or in lieu of distributing the instrument, their agencies went to law enforcement agencies and provided a training or a detailed overview of the instrument. A small number of participants reported that they wrote a letter to law enforcement agencies explaining the detention screening process.

It seems, then, that many agencies responsible for detention screening have made efforts to communicate with law enforcement about the factors that will be used to make detention decisions. On the whole, in instances when the instrument had been distributed, it was used primarily as a reference tool by law enforcement officers. The interview protocol included a question inquiring whether, in instances when the scorable detention screening instrument has been distributed to law enforcement agencies, law enforcement officers complete the instrument prior to contacting the screening agency (see Appendix C). Responses to this question indicated that, at the time of the interviews, law enforcement officers typically did not complete the instrument prior to contacting the screening agency. Instead, the instrument was used so that law enforcement officers could estimate whether it is worth their effort to contact the screening agency.

However, a number of interview participants noted that law enforcement officers complete the instrument prior to contacting the screening agency. There was a tendency for interview participants from detention centers to be more likely to report that law enforcement officers complete the instrument prior to contacting them. This is likely because, in counties with detention centers, law enforcement officers are often instructed to contact the detention center directly to request that a minor be detained (as opposed to contacting the probation department who, in turn, would screen the minor then contact the detention center). Moreover, detention officers sometimes act in more of an intermediary capacity, using their screening instrument to confirm that those who contact them have appropriately screened the minor.

Those law enforcement officers who complete the instrument may either complete the instrument only for certain cases, or they may complete the instrument for every case. In a very small number of instances, law enforcement officers may submit a completed instrument to the screening agency.

Although it seems that efforts have been made in many jurisdictions to make law enforcement agencies aware of the instrument and the screening process, some participants also noted knowledge gaps. Put another way, not every law enforcement officer who contacts the screening agency is aware that the screening agency uses a scorable detention screening instrument. Table 15 lists reasons for these knowledge gaps. In order to appear in Table 15, the reason need only have been mentioned by at least one interview participant. Participants were not explicitly asked about reasons for knowledge gaps. The reasons listed in Table 15 constitute unsolicited comments and, therefore, it is not possible to estimate the extent to which the reasons listed in Table 15 explain knowledge gaps in Illinois as a whole.

Table 15: Possible Reasons Why Some Law Enforcement Officers Are Unaware of the Screening Process in Their Jurisdiction^a

Reason
The instrument was provided to a high-ranking law enforcement officer, who may not have passed the information on to line officers.
The instrument was provided to law enforcement agencies by the screening agency a long time ago, and law enforcement agencies have not been re-oriented to the instrument recently.
There is considerable turnover in juvenile law enforcement officer positions.
The instrument was distributed to some law enforcement agencies (the larger agencies), but not others.
Even though the instrument has been distributed to law enforcement agencies, it has just been set aside somewhere in the law enforcement agency and essentially forgotten, instead of being utilized.

a: The table shows reasons why law enforcement officers were unaware of the screening process, even though the screening instrument had been distributed to the officer's agency. The reasons were offered as unsolicited comments by at least one interview participant.

Presumably, the purpose of distributing the instrument to law enforcement agencies is so that the detention screening process can operate more smoothly. Law enforcement agencies and detention screening agencies that share common knowledge regarding factors considered during detention screening will likely work together more effectively. Interviewers asked a majority of the participants whether they believe that their agency and law enforcement agencies share knowledge regarding what should be considered when deciding whether a minor should be detained. For those participants who use a scorable detention screening instrument, this question was asked immediately following the question regarding distribution of the instrument. The question was also commonly asked of participants who were not using a scorable detention screening instrument, in conjunction with other questions regarding their relationship with law enforcement agencies. The question does not appear in the interview protocol (Appendix C).

A small majority of interview participants who were asked this question reported that law enforcement officers know what should be considered in order to determine whether a minor should be detained. A large minority subset of participants either gave an equivocal response or disagreed that law enforcement officers know what they consider when they screen minors for detention.

Finally, during the course of responding to the question regarding the distribution of the instrument, a small minority subset of participants made unsolicited comments indicating that they mistrust law enforcement. For example, a small number of participants noted that their county has opted not to distribute the instrument because they fear that law enforcement officers will manipulate the instrument, in particular the severity of charges levied against the minor, in order to detain certain minors. One participant whose county has distributed the instrument to law enforcement agencies noted that there have been instances when law enforcement officers arrive at a particular score that exceeds the screener's score, resulting in a disagreement. Two additional participants noted that the possibility of law enforcement officers abusing the instrument is a concern, but they are working to gain trust with law enforcement agencies.

Factors Precipitating Detention Requests

Interview participants were asked to comment on factors that law enforcement officers consider when deciding whether to contact the screening agency to request that a minor be detained. Most participants were able to, based on their experience, speculate on the factors that law enforcement officers consider.

When examining responses to this question, emphasis was placed on responses by interview participants who were using a scorable instrument. When examining responses by these participants, emphasis was placed on identifying instances when participants mentioned factors that are consistent with the items on the instrument, and instances when participants mentioned factors that are inconsistent with the items on the instrument.

For example, law enforcement officers may be making requests based on factors that are **consistent** with the instrument when they:

- Explicitly examine and consider the instrument prior to calling the screening agency;
- Consider factors that appear on the instrument (seriousness of the offense, offense/arrest history, the minor's legal status).

Law enforcement officers may be making requests based on factors that are **inconsistent** with the instrument when they:

- Request detention for a “problem minor” who they have had repeated contact with for minor offenses;
- Request detention based on the minor's attitude or demeanor;
- Strictly use personal discretion.

On the whole, interview participants who were using a scorable instrument provided considerably more responses indicating that, in their opinion, law enforcement officers make requests based on factors consistent with the instrument. In particular, and perhaps not surprisingly, participants noted that the seriousness of the offense is an important factor. However, the participants who noted that law enforcement officers consider the seriousness of the offense did not link this factor directly to the instrument. Thus, seriousness of the offense as defined by the law enforcement officer may differ from seriousness as defined by the instrument.

Considerably fewer interview participants specifically stated that law enforcement officers use the instrument (look at the instrument, complete the instrument, etc.) to determine whether to contact the screening agency to request that a minor be detained.

Overall, then, interview participants tended to provide factors that were consistent with the instrument. On the other hand, there were a notable number of instances when interview participants who were using a scorable instrument stated that law enforcement officers make requests based on factors inconsistent with the instrument. In particular, a notable minority subset of interview participants noted that law enforcement officers will contact the screening agency in instances when they are seeking options for a “problem minor” (i.e., a minor who the same officer has had repeated contact with for less serious offenses).

Finally, it was noted above (e.g., page 41 and page 51) that domestic offenses may be difficult cases for detention screeners to handle. A notable minority subset of interview participants who were using a scorable instrument noted that law enforcement officers consider the family situation when determining whether to request detention. In some instances when law enforcement officers contact the screening agency because of a difficult family situation, the law enforcement officer may not necessarily be requesting detention. Instead, the law enforcement officer may be contacting the screening agency for assistance. In other instances, law enforcement officers may be familiar with the family and believe that, because of the minor's familial affiliation (e.g., the family has a local reputation for criminal justice system involvement), he or she should be detained.

Refusing Detention Requests

If law enforcement agencies and detention screening agencies have reached a common understanding regarding which minors should be detained, then there should be relatively few instances when law enforcement officers contact the screening agency to request detention for minors who, according to the instrument (or, in lieu of an instrument, screening agency policies, etc.), should not be detained. Interview participants were asked how often they receive requests from law enforcement officers that they refuse because the minor should not be detained.

In response to this question, many participants provided numbers or percentages (e.g., "We turn away about 30 percent of the requests we receive"). When examining responses to this question, emphasis was placed less on numbers and percentages provided by participants, and more on additional comments that interview participants made. That is, the primary purpose of the question was to elicit comments regarding their relationship with law enforcement, as opposed to eliciting a numeric or percent estimate. As such, interview participants were often asked follow up questions after they provided a numeric or percent estimate. The follow up questions did not appear in the interview protocol (Appendix C).

Answers to follow-up questions indicated that:

- A small minority subset of interview participants (approximately ten percent) made unsolicited positive comments about the law enforcement officers in their jurisdiction.
- A small minority subset of interview participants noted that, since they distributed their instrument to law enforcement agencies, there have been fewer instances when law enforcement contacts them for cases that clearly would not allow for secure detention.

- A moderately large number of interview participants noted that some of their “refusals” are instances when law enforcement officers recognize the screener’s authority over detention decisions, and are calling them when they are unsure, to check if a case might warrant detention. Such instances are distinct from instances when law enforcement officers actively want a minor detained, and the screener must refuse based on the instrument.
- Even in instances when interview participants spoke highly of law enforcement or stated that they rarely refuse law enforcement requests, there seems to still be a “hit or miss” quality to detention requests, whereby officers may contact the screening agency in instances when they are inexperienced, or frustrated with a minor who they have had repeated contact with for non-detainable offenses.

The interview protocol included the question “Are law enforcement officers guided by any written policy within their agency that guides decisions regarding which minors to request detention for?” Interview participants almost uniformly stated that if any such policy exists, they are unaware of it. It appears as if, at the time of the interviews, law enforcement officers primarily used their discretion to determine whether they should request that a minor be detained. Although, law enforcement officers may be instructed to, if in question, contact a superior officer prior to contacting the screening agency. Law enforcement agencies may also have a general policy that only certified juvenile officers may contact the screening agency (in order to conduct juvenile investigations, law enforcement officers must receive training and be certified).

But essentially, at the time of the interviews, the mindset within law enforcement agencies appeared to be for law enforcement officers to use their best judgment based on the nature of the offense and, because the ultimate decision rests in the hands of the screening agency, to contact the screening agency if in question.

Summary: Many interview participants who were using a scorable detention screening instrument reported that they have distributed the instrument to law enforcement agencies in their jurisdiction. To the extent that law enforcement officers consider the instrument prior to contacting the screening agency, they were primarily using it as a reference tool to determine whether it is worth their effort to contact the screening agency. Even in instances when the instrument had been distributed to law enforcement agencies there seemed to be knowledge gaps, or instances when the instrument had been distributed but law enforcement officers were still unaware that it exists.

Distribution of the instrument appears to have had some impact on relationships between law enforcement officers and detention screeners. Many interview participants reported that law enforcement officers either consider the instrument prior to contacting them (a less typical response), or consider factors that appear on the instrument prior to contacting them (a more typical response). A small minority subset of interview participants stated that, because the instrument was distributed to law enforcement agencies, the screening agency receives fewer calls from law enforcement for cases that clearly would not allow for secure detention.

For all Illinois counties, what role (if any) does the state’s attorney’s office play in the detention screening process?

Table 2 shows current Illinois legislation regarding detention screening. The legislation states that a probation officer or detention officer will determine whether the minor will be detained until a detention hearing, unless the minor has committed one of several serious offenses specified in the legislation. If the minor has committed one of the serious offenses listed and the detention screener (probation officer or detention officer) decides not to detain the minor, then the screener must consult with the state’s attorney before making the final detention decision unless the screener has used a scorable detention screening instrument.

The interview protocol included the question “What role does the state’s attorney’s office play in determining which minors are screened for detention?” This question was often worded slightly different during interviews, in a manner that encouraged interview participants to note any role that the state’s attorney has in the overall detention screening process (i.e., not just in determining which minors are screened).

Illinois legislation would suggest that, in instances when a scorable detention screening instrument is being used, the state’s attorney’s office would play little role in the detention screening process. Most Illinois counties were using a scorable detention screening instrument at the time of the interviews (see pages 26-28). Consistent with this, nearly every interview participant reported that the state’s attorney has little or no direct involvement in the detention screening process. This suggests that Illinois counties are adhering to legislation regarding authority over detention decisions.

Only five interview participants representing six Illinois counties (one participant represented two counties) noted that the state’s attorney plays a considerable role in the detention screening process:

- In one small county that was not using a scorable instrument, the state’s attorney was making all pre-trial detention decisions, then utilizing the probation department to contact the detention center, arrange transportation to the detention center, etc.

- In four small counties that were not using a scorable instrument, the probation department and state's attorney were sharing detention decision-making responsibility.
- In a county that was not using an instrument, a juvenile court judge has passed an Administrative Order stating that the state's attorney must approve all detentions, with the exception of the serious offenses listed in Illinois statute (see Table 2). So, with the exception of those serious offenses, the state's attorney must explicitly approve the use of secure detention, even if, according to the instrument, the minor scores enough points to warrant detention.

Despite Illinois legislation giving decision-making authority to probation departments and detention centers, state's attorney's can, in practice, use their authority in a number of ways to influence which minors are detained. Relatively small minority subsets of participants provided the following types of responses when asked about the role the state's attorney plays in the detention screening process:

- State's attorneys can request that the court issue a warrant against a minor. Minors who have a warrant issued against them are commonly detained, irrespective of the score on the instrument (see pages 61-63).
- Law enforcement officers may contact the state's attorney's office to discuss the charges that will be levied against the minor. The "Most Serious Alleged Current Offense" item on the statewide instrument is scored based on current charges against the minor. This, by providing input on charges, state's attorneys can directly or indirectly impact which minors will be detained.
- The state's attorney may be the individual who approves an override of the score on the instrument (see pages 57-60).
- State's attorneys may contact the screening agency and request that a minor be detained. Some interview participants noted that, in response to this request, the screening agency may oblige the state's attorney without completing the instrument. Other participants noted that they may inform the state's attorney that the instrument needs to be completed prior to detaining the minor.
- The screener may contact the state's attorney prior to detaining the minor in order to avoid situations when the minor is detained, and the state's attorney subsequently opts to drop or reduce the charges against the minor.

Although most state's attorneys are not directly involved in the detention screening process (except potentially in the more indirect manners listed above), Illinois law requires that, prior to using a scorable instrument, the instrument must be approved by the state's attorney (see Table 2). The interview protocol included the question "Who was involved in the decision to begin using this instrument?" for interview participants who were using an instrument. Responses to this question were examined to determine the level of involvement state's attorneys had in decisions regarding the use of the instrument.

A large minority subset of interview participants who were asked this question stated that the state's attorney was involved in the decision to begin using the instrument and/or decisions regarding the content of the instrument. In instances when state's attorneys played a role, their roles ranged from approving an existing instrument for use in the jurisdiction, assisting in developing or modifying an instrument, and making the decision that an instrument should be used in the jurisdiction. For the remaining participants that did not mention state's attorney involvement, the state's attorney may not have been involved or the participant may have simply failed to mention the state's attorney.

Summary: In counties that were using a scorable detention screening instrument, the state's attorney tends to have little involvement in the detention screening process. This seems consistent with Illinois law. However, interview participants mentioned a number of direct or indirect avenues through which state's attorneys contribute to pre-trial detention decision-making.

Five interview participants stated that the state's attorney plays a large role in pre-trial detention decision-making. Four of these participants represent small counties that were not using a scorable instrument.

A large minority subset of interview participants who were using an instrument noted that the state's attorney was involved in the decision to begin using the instrument and/or decisions regarding the content of the instrument.

Are decisions based on instruments matching decisions made by judges during detention hearings?

Minors who are detained prior to trial are required to attend a detention hearing, at which a judge determines whether the minor should remain in detention, typically until his or her trial is complete (see Figure 1). One indication of whether scorable detention screening instruments limit the use of secure detention to only the most appropriate minors is if there is continuity between detention screening decisions and judicial decisions at detention hearings. For example, if a judge tends to release many of the minors who are detained through the instrument, it may be an indication that some minors are being detained inappropriately. Interview participants were asked "Have judicial decisions at detention hearings been consistent with decisions based on detention screening scores?"²⁶

Upon being asked this question, a notable number of interview participants made comments qualifying their response. These participants pointed out that the detention screening decision and the judicial decision at the detention hearing are two distinct decisions at two distinct points in time. During the time period that minors are detained prior to the detention hearing, more information can be obtained pertaining to the alleged offense or the minor. Moreover, during the time period that minors are detained prior to the detention hearing, the minor's family situation may have changed. A parent who was unwilling to take the minor home immediately after the arrest may change their mind, or a relative who is willing to take the minor may have been located. Consistent with this, a majority of interview participants noted that changes in family situation impact judges' decisions and may result in the minor being released to his or her parents or released to home detention or electronic monitoring.

Nearly every interview participant who was using a scorable instrument stated that, on the whole, there tends to be consistency between the decisions made based on the instrument and judicial decisions at detention hearings. That is, these participants reported that, if the minor is detained based on the instrument, they tend to remain detained or, perhaps released to home detention or electronic monitoring. A small number of interview participants who were using a scorable instrument stated that a notable number of minors get released at the detention hearing, primarily because of changes in the family situation.

Overall, no participant who was using a scorable instrument stated that a judge has questioned or disagreed with their initial decision to detain a minor. However, interview participants were not directly asked whether a judge has ever questioned or disagreed with their initial decision, so such a comment would have been unsolicited.

In part, judges may be relatively satisfied with decisions based on screening instruments because Illinois law requires that judges consider the same overarching issues that are addressed through the items on the statewide instrument (the risk posed by the minor and flight risk). Illinois law states that the judge may keep the minor in detention if:

*"..... it is a matter of immediate urgent necessity for the protection of the minor or of the person or property of another that the minor be detained or placed in a shelter care facility or that he or she is likely to flee the jurisdiction of the court, the court may prescribe detention or shelter care....."*²⁷

In considering these issues, interview responses suggested that judges typically do not rely directly on completed detention screening instruments when making their decisions at detention hearings. Interview participants were asked “Once the instrument is completed, are copies of the completed instrument provided to others outside of your agency?”²⁸ Relatively few participants noted that they make the instrument available to the judge. However, the information from the instrument may be made available to the judge prior to the detention hearing in another format, such as through documents developed by the probation department. Moreover, a reasonably large minority subset of interview participants noted that the detention screener is in attendance at the detention hearing and available to answer the judge’s questions. A small number of participants noted that they develop a recommendation in conjunction with the state’s attorney, that they present to the judge at the detention hearing. All of these approaches serve to ensure that it is clear to the judge why the minor was detained by the detention screener.

Summary: No interview participant reported that a judge has ever questioned or disagreed with a detention decision made based on a scorable instrument. Such information would have been unsolicited as opposed to a direct response to an interview question. Many interview participants stated that decisions based on scorable instruments are typically consistent with decisions made by judges during detention hearings. Many participants stated that minors who were initially detained tend to remain in detention after the detention hearing, or removed from detention and placed on home detention or electronic monitoring. One common reason as to why minors are released outright at the detention hearing is the minor’s family situation has changed during the time period that the minor was awaiting a detention hearing.

Results - Additional Themes

During the course of the interviews, participants introduced some additional themes outside of those addressed in the interview protocol. Three of these themes seemed worth noting. This sub-section will highlight the following three themes:

- A very small number of participants noted that they may detain minors in their county jail until the detention hearing.
- For feeder counties, interview responses suggested that the means by which minors are transported to and from the detention center impacts pre-trial detention decisions.
- Some feeder counties indicated that, instead of using a detention center in Illinois, they may use a juvenile detention facility in a neighboring state (Indiana or Missouri).

Detaining in Local County Jails

The Illinois Juvenile Court Act states that, in some instances, counties may detain minors in their county jail prior to the detention hearing.²⁹ The statute stipulates that minors may only be detained in a county jail if they are 12 years of age or older, if they are kept separate from adult offenders, and if they comply with established monitoring standards.

The Juvenile Justice and Delinquency Prevention Act of 1974 requires that, in order to receive certain federal funds devoted to juvenile justice systems, states must maintain sight and sound separation of juvenile and adult offenders who are housed in the same secure facility.³⁰ In response to this requirement, the Illinois Juvenile Justice Commission encouraged feeder counties to use a juvenile detention center, as opposed to their county jail.³¹ By using an exclusively juvenile facility, counties could ensure sight and sound separation of juvenile and adult offenders.

The sight and sound separation issue notwithstanding, if counties are able to use their county jail to detain minors, it is conceivable that counties could circumvent detention center policies regarding the use of a scorable instrument and the detainment of status offenders. Most participants were explicitly asked during interviews which detention center(s) they use to detain minors from their jurisdiction. In response to this question, only three participants noted that they detain minors in their county jail. These participants represented small counties that detain very few minors. The participants preferred the county jail primarily out of convenience (they did not have to arrange transportation for the minor, pay the detention center to detain the minor, etc.)

Transportation

For some feeder counties, the nearest detention center may be located a considerable distance away. Should such counties choose to detain a minor, it may be difficult to arrange transportation for the minor to and from the detention center. Transportation would have to be provided by a local law enforcement agency, such as the sheriff's office or by the screening agency. In smaller feeder counties, both the sheriff's office and screening agency tend to have a small number of staff members and, thus, expending time and resources on transportation may become burdensome.

In response to this concern, the Illinois Juvenile Justice Commission provided transportation grants to detention centers so that they could transport minors from feeder counties. During the first few interviews completed, interviewers noticed that participants from feeder counties tended to provide unsolicited comments regarding transportation to and from the detention center. As a result, interviewers began to explicitly ask interview participants from feeder counties about transportation issues. Nearly every interview participant from a feeder county believed that transportation needs would play a large role in determining which minors are detained.

More recently, the purpose of the transportation grants has been called into question. Supporters of the Juvenile Detention Alternatives Initiative would like to reduce the use of secure detention. Some of these supporters perceive the transportation grant as a tool that makes it easier for feeder counties to detain minors, as opposed to seeking a non-secure alternative. Thus, the transportation grant program was recently restructured, seemingly resulting in more limited funding. Responses from interview participants suggest that this restructuring will impact the use of secure detention in Illinois.

Use of Out-of-State Detention Facilities

When asked which detention center(s) they use to detain minors from their jurisdiction, a small but notable minority subset of participants noted that they sometimes use detention centers in Indiana or Missouri. The participants noted that they may use an out-of state detention facility out of convenience, as the facility is in close proximity to the feeder county (which may border Indiana or Missouri). Because detention policies and norms in Indiana and Missouri may differ from those in Illinois, it is possible that using an out-of-state facility makes it possible to detain minors for whom it would be difficult to detain in Illinois. It should be noted that only interview participant from a jurisdiction that reported using an out-of-state facility made any reference to using the facility in order to detain minors who it would be difficult to detain in Illinois. This participant also noted that the jurisdiction has opted to, because the out-of-state facility is more expensive than Illinois detention centers, primarily use an Illinois facility in the future.

IV. Conclusion

Recently, state-level juvenile justice system planners and government agencies in Illinois have been encouraging local practitioners to limit the use of secure detention to the most appropriate minors. One strategy for ensuring that only the most appropriate minors are detained prior to trial is to utilize an objective, scorable detention screening instrument. Scorable detention screening instruments require screeners to assign points to particular elements of juvenile risk. The total score across all items determines whether the minor will be detained. One purpose of using a scorable detention screening instrument is to remove subjective considerations from the detention screening process.

Since approximately 1998, there has been institutionalized support in Illinois for the use of scorable detention screening instruments. For example, the Illinois Juvenile Justice Commission convened a workgroup composed of representatives from the Administrative Office of the Illinois Courts, the National Council on Crime and Delinquency, and practitioners throughout Illinois, to develop a statewide scorable detention screening instrument.

The purpose of this report was to provide a detailed overview of the use of scorable detention screening instruments. Such an overview may serve as a prelude to further, more evaluative, research that examines the impact of scorable detention screening instruments. To provide an overview of the use of scorable detention screening instruments in Illinois, semi-structured interviews were completed with an individual from nearly every agency in Illinois that is responsible for detention screening. Interview participants were also asked to provide a copy of the scorable detention screening instrument that they were using at the time of the interviews (or, if the participant was not using a scorable instrument, any forms, instructions, etc., that guide pre-trial detention decisions). Some of the more notable findings from the interviews and from analysis of detention screening instruments are as follows:

- At the time of the interviews, a considerable majority of Illinois counties were using the statewide scorable detention screening instrument developed by the workgroup (see pages 26-28).
- Illinois counties were given latitude to modify the statewide instrument so that it could better meet local needs. Of the statewide instruments received from interview participants for detention screening analysis, a considerable majority were modified relative to the original instrument developed by the workgroup. A notable number of Illinois counties increased the points associated with one or more of the items (see pages 31-38).

- Many interview participants who were using the statewide instrument reported overall satisfaction with the instrument. Many interview participants had difficulty finding any criticisms of the instrument. This satisfaction may have been the result of modifying the instrument so that it better met local needs. Some participants were working in jurisdictions that detain few minors and, as such, are inexperienced in using the instrument. This inexperience may have limited these participants' ability to critique the instrument (see pages 39-42).
- The statewide instrument includes a "Mitigating Factors" item. Some interview participants made comments suggesting that this item is difficult to complete and/or not particularly purposeful.
- Interview participants who were using a scorable instrument almost uniformly reported that the instrument plays a primary role in pre-trial detention decision-making. Scorable instruments were not perceived as a formality that plays little role in actual decision-making (see pages 46-51).
- To the extent that personal discretion was used by screeners who were using a scorable instrument, the discretion tended to be exercised through avenues that have been institutionalized via the instrument. For example, discretion is exercised through aggravating and mitigating factor items on the instrument, and by requesting that the score on the instrument be overridden (see pages 46-51).
- At the time of the interviews, some Illinois counties had very few alternatives to secure detention. In some counties, the only alternatives were to find another responsible adult to take the minor or to contact a local social service provider for crisis intervention. Some counties may not have needed additional alternatives because they detain relatively few minors (see pages 53-56).
- Many interview participants reported that overrides, or instances when the detention decision indicated by the instrument is changed in favor of a different decision, occur infrequently. When overrides were requested, it was typically a request to detain a minor who would otherwise be released (see pages 57-60).
- Interview participants typically reported that they do not detain status offenders through the detention screening process and, to the extent that status offenders are detained prior to trial at all, the circumstances under which they are detained occur infrequently (see pages 61-63).

- Interview repeatedly reported that it is difficult to use a scorable instrument in response to a domestic offense. This is because minors who commit domestic offenses typically do not score enough points on the instrument to warrant detention, but the screener does not want to return the minor to a volatile home situation. In these instances, detention screeners appear to seek alternatives and, failing their ability to find a sufficient alternative, may seek to detain the minor (see, for example, page 41, page 46, or page 51).
- Many interview participants who were using a scorable instrument reported that the instrument has been distributed to law enforcement agencies in their county. However, some participants also noted that, despite efforts to distribute the instrument, some law enforcement officers were still unaware of the instrument. In addition, a large minority subset of interview participants made equivocal or negative responses when asked whether the detention screening agency and local law enforcement agencies are “on the same page” regarding factors that should be considered when making pre-trial detention decisions.

Considering Issues With Detention Screening

Overall, the findings that appear in the bullet points above, as well as others that appear in the report, suggest that efforts to promote the use of scorable detention screening instruments in Illinois have been successful. A considerable number of Illinois counties were using the statewide instrument at the time of the interviews, were satisfied with the instrument, and were using the instrument as their primary pre-trial detention decision-making tool. However, the findings also suggest certain aspects of the statewide instrument and/or the pre-trial detention screening process that warrant further consideration.

It is difficult to develop an instrument that meets all needs, particularly one that is intended to apply equally well to demographically distinct counties throughout Illinois. Nonetheless, state-level juvenile justice system planners and government agencies may opt to revisit pre-trial detention screening practices in Illinois with an emphasis on achieving certain policy ends, such as reducing the use of secure detention, reducing the use of secure detention for status offenders. Should pre-trial detention screening and detainment practices in Illinois be revisited, this report suggests that the following issues should be considered. For each issue, a potential solution is suggested.

Issue #1:

Many Illinois counties that were using the statewide instrument made modifications to the instrument so that it can better meet local needs. The variation inherent in these modifications may limit the usefulness of the statewide instrument as a mechanism for achieving state-level juvenile detention goals. On the other hand, local juvenile justice systems have unique needs that may predicate particular changes to the instrument.

Potential Solution #1:

It may be useful to provide explicit information to detention screening agencies about types of changes to a model statewide instrument (either the existing statewide instrument or a revised version) that may contradict state-level goals, and how such changes contradict state-level goals. If such information is provided, then it may be useful to obtain feedback from detention screening agencies regarding any concerns about avoiding changes that contradict state-level goals.

Some changes to the statewide instrument may not contradict state-level goals. It may be prudent to develop and distribute a list of potential changes to the statewide instrument that do not contradict statewide goals. The list could be developed in conjunction with detention screening agencies so that disparities between local needs and state-level needs can be reconciled.

Issue #2:

The statewide instrument includes a “Mitigating Factors” item. Some participants reported that this item is difficult to complete and is not particularly purposeful. Difficulties associated with completing the instrument are magnified at night, when information that can assist in the completion of the instrument may not be as easy to obtain. On the other hand, such comments were not made about the aggravating factors item. The aggravating factors and mitigating factors items were included on the statewide instrument in part to provide screeners with an opportunity to use some discretion by adding or subtracting points from the instrument based on circumstances surrounding the case. If the aggravating factors item is easier to complete than the mitigating factors item, then it stands to reason that points are added to the instrument more often than points are reduced from the instrument, and that this disparity exists partly because of the nature of the instrument.

Potential Solution #2:

It may be prudent to revisit how the aggravating factors and mitigating factors items are structured on the statewide instrument. It may also be prudent to consider providing detention screening agencies with suggested instructions for completing the aggravating factors and mitigating factors items.

The current version of the statewide instrument enables screeners to add up to three points for aggravating factors and reduce up to two points for mitigating factors. Within these limits, the number of points added or reduced is dictated by the screener. The statewide instrument also includes in parentheses, for both the aggravating factors and mitigating factors items, examples of factors that screeners may consider. The example aggravating factors are based on the nature of the offense and, therefore, are relatively easy to obtain from the arresting law enforcement officer. The example mitigating factors are based on the minor’s arrest history and/or family situation and may be more difficult to obtain.

Given this structure, it may be unclear to screeners how to assign points for the items (e.g., one point per aggravating or mitigating factor, three points for more important factors, etc.) It may also be unclear whether the items listed in parentheses on the instrument are intended to be exhaustive or are just examples (and the screener may consider other factors). It may be that the mitigating factors listed on the instrument are difficult to obtain, but other important mitigating factors are easier to obtain. If screeners are uncertain about which mitigating factors are permitted to be considered, it could lead to difficulties using the item.

Issue #3:

Interview participants mentioned, in response to at least three different questions on the interview protocol, that the statewide instrument is difficult to use in instances when the minor has been arrested for a domestic offense. This is because minors who commit domestic offenses typically do not score enough points on the instrument to warrant detention but screeners do not want to release such minors back into a volatile home environment. In general, detention screeners tended to respond to domestic offenses by either finding another responsible adult to take the minor or by contacting a local social service agency experienced in handling family crises.

Potential Solution #3:

The interviews identified this issue and addressed, at a surface level, how detention screening agencies respond to domestic offenses. Nonetheless, it may be prudent to contact detention screening agencies to ensure that they have sufficient alternatives and resources to handle domestic offense cases through non-secure options. If sufficient alternatives exist, then perhaps the statewide instrument (or attached instructions) could specifically suggest, for domestic offense cases, the use of these alternatives as opposed to secure detention.

Issue #4:

Many interview participants were asked about alternatives to secure detention available in their jurisdiction at the time of the interviews. A notable minority subset of participants stated that there are few alternatives available in their jurisdiction. Other participants noted a small number of basic alternatives. To some extent, this may not be problematic, as some jurisdictions detain relatively few minors. Nonetheless, if state-level policy encourages the use of non-secure options, then it is necessary that Illinois counties have such options available to them.

Potential Solution #4:

As with *Potential Solution #3*, it may be prudent to contact detention screening agencies and obtain additional information about alternatives and resources available in their community. Such information could be used to answer the following question: If your jurisdiction detained fewer minors, would there be difficulties finding alternative options for minors?

Additional Thoughts on Future Research

In addition to suggesting certain aspects of the statewide instrument and/or the pre-trial detention screening process that warrant further consideration, the findings from this report also suggest areas for future research. On pages 15-16, the small amount of existing research on pre-trial detention screening was summarized. Following this summary, several areas for future research were proposed, including a call for additional research examining the impact of scorable detention screening instruments (on reducing detention intakes, detention of status offenders, etc.) As a final topic for this report, the following research areas are offered as an addendum to those suggested on pages 15-16:

- Interview participants reported that status offenders are typically not detained through the detention screening process. Research examining the avenues through which status offenders are detained pre-trial may be useful.
- Law enforcement officers play a large role in the pre-trial detention screening process. It may be useful to examine how law enforcement officers perceive pre-trial detention and their relationships with detention screeners.

Endnotes

1. The National Juvenile Court Data Archive houses data on over 15 million minors who have had contact with juvenile court systems throughout the United States. The Archive includes minors who have had contact with juvenile court systems for delinquent offenses or status offenses. The Archive includes minors from Cook County, Illinois.

According to National Juvenile Court Data Archive data, from 1990 to 1999, the number of delinquency cases handled by juvenile courts throughout the United States increased 27 percent. See Stahl, Anne L., *Delinquency Cases in Juvenile Courts, 1999*, Fact Sheet, Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, September 2003.

2. For example, from 1992 to 1997, 47 states (including Illinois) changed their laws pertaining to juvenile justice in ways that allowed juvenile courts more flexibility to treat juvenile offenders similar to adult offenders.

See *Juvenile Justice: A Century of Change*, Juvenile Justice Bulletin, 1999 National Report Series, Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, December 1999. The Office of Juvenile Justice and Delinquency Prevention published a series of bulletins based on: Snyder, Howard N., & Sickmund, M., *Juvenile Offenders and Victims: 1999 National Report*, Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, September, 1999. The bulletin cited above is based on this report.

3. National Juvenile Court Data Archive data indicated that, from 1987 to 1996, the likelihood of a delinquency case being processed formally and handled in juvenile court increased from 47 percent of all delinquency cases to 56 percent of all delinquency cases.

See Stahl, Anne L., *Juvenile Court Processing of Delinquency Cases, 1987-1996*, Fact Sheet, Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, April 1999.

4. National Juvenile Court Data Archive data indicated that, from 1987 to 1996, detention caseloads increased by 38 percent.

See MacKenzie, Lynn Ryan, *Detention in Delinquency Cases, 1987-1996*, Fact Sheet, Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, August 1999.

In Illinois, the Administrative Office of Illinois Courts collects data on the total number of detention admissions (pre-trial and post-trial) in each Illinois county. Data provided to the Administrative Office of Illinois Courts indicated that, across all Illinois counties, there was approximately a 20 percent increase in total detention center admissions from 1992 to 1999. In 1992, Administrative Office of Illinois Court data indicated that there were 14,633 total detention admissions in Illinois. By 1999, this number had increased to 18,245.

5. Endnotes 1 through 4 relied on reports that summarize data from the National Juvenile Court Data Archive. In addition, data from the Archive is available to the public via an online application developed by the National Center for Juvenile Justice (see <http://ojjdp.ncjrs.org/ojstatbb/ezajc/>). The online application enables users to select criteria (age, year, juvenile race, etc.), then provides data pertaining to selected criteria. Data from the online application indicated that, from 1990 to 1999, approximately 26 percent of juveniles detained were detained for violent, or person, offenses. The remaining minors were detained for other offenses.

Similarly, in Illinois, data from the Juvenile Monitoring Information System (a data system developed to house information on minors who have been detained in Illinois juvenile detention facilities), indicated that approximately 37 percent of all minors who were admitted to a detention center for a new offense (both pre-trial and post-trial) from 1998 to 2000 (as opposed to a warrant or court violation), were admitted for a violent offense.

6. Data from the National Center for Juvenile Justice online application indicated that, of the 3,100,686 juveniles in the database who were detained from 1990 to 1999, 1,162,922 (37.5%) were African-American. This number likely exceeds the percentage of the overall juvenile population that is African-American.

Similarly, in Illinois, data from the Juvenile Monitoring Information System indicated that approximately 57 percent of the juveniles detained from 1998 to 2000 for a new offense were African-American.

7. The four core requirements described in the Juvenile Justice and Delinquency Prevention Act (42 U.S.C. § 5601-5785) are: (1) severely limiting the extent to which status offenders are held in secure detention or confinement, (2) removing minors from adult jails and lock-ups (except in limited circumstances that are clearly defined in the Juvenile Justice and Delinquency Prevention Act), (3) maintaining sight and sound separation between adults and minors, in instances when minors are detained in adult jails and lock-ups, and (4) making efforts to reduce the disproportionate detainment of minority youths in locations where the problem exists.
8. According to the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, The Balanced and Restorative Justice Model outlines an alternative justice philosophy (restorative justice), and a new mission (the balanced

approach) which requires juvenile justice professionals to devote attention to enabling juvenile offenders to make amends to their victims and communities, increasing juvenile offender competencies, protecting the public through processes in which individual victims, the community, and juvenile offenders are all active participants. The website of the University of Minnesota School of Social Work's Center for Restorative Justice and Peacemaking (<http://ssw.che.umn.edu/rjp/>) provides a great deal of information on Balanced and Restorative Justice.

9. Parts of this sub-section and the following sub-section (“Description of the Statewide Instrument”) are based on information obtained through a conversation with a knowledgeable individual from the Administrative Office of the Illinois Courts. Other parts are taken from the following report submitted to the Illinois Juvenile Justice Commission by the National Council on Crime and Delinquency:

Appropriate Placement of Juveniles in Detention and Secure Confinement, Final Report, Madison, WI: National Council on Crime and Delinquency, February, 2000.

The authors thank the Illinois Juvenile Justice Commission and the National Council on Crime and Delinquency for granting us permission to describe and make reference to this report.

10. 705 ILCS 405/5-410
11. Although the workgroup did not intend to develop a statewide instrument with the explicit goal of reducing the use of secure detention, the movement towards using scorable detention screening instruments tends to be geared towards reducing detention admissions. For example, the Juvenile Detention Alternatives Initiative encourages jurisdictions to use scorable detention screening instruments as one component of an overall agenda to reduce detention populations. Moreover, the workgroup seemed to recognize that the statewide instrument could be implemented locally in a manner that facilitates the reduction of detention populations.
12. One common statistic for measuring minority representation in the juvenile justice system is the representation index (RI). This was the statistic that NCCD used in their final report. The representation index can be calculated as follows:

$$\text{Representation Index (RI)} = \frac{\% \text{ minority group represented in aspect of jj system}}{\% \text{ minority group represented in general population}}$$

As an example, to calculate the RI for African-Americans who are screened for detention, first determine (1) the percentage of all those who are screened for detention that are African-American, and (2) the percentage of the total juvenile population that is African-American, then (3) divide the percentage calculated in (1) by the percentage calculated in (2).

The RI can be interpreted as follows:

- **RI < 1** means that representation of the racial group in the aspect of the juvenile justice system being examined is **less than** the representation of the racial group in the general population.
- **RI = 1** means that representation of the racial group in the aspect of the juvenile justice system being examined is **equal to** the representation of the racial group in the general population.
- **RI > 1** means that the representation of the racial group in the aspect of the juvenile justice system being examined is **greater than** the representation of the racial group in the general population.
- **RI > 2** means that the representation of the racial group in the aspect of the juvenile justice system being examined is **more than twice that of** the representation of the racial group in the general population.

According to this interpretation, RI statistics that are greater than one indicate disproportionate overrepresentation.

NCCD calculated RI statistics for White, African-American, and Hispanic minors, separately for the target county and the other four counties examined. Two types of RI statistics were calculated: (1) RI statistics measuring over or under representation among those who were screened for detention, and (2) RI statistics measuring over or under representation among those who were detained after screening. By comparing these two types of RI statistics, NCCD could examine whether minority representation increased or decreased after screening.

13. The research literature is scarce if research examining juvenile risk assessment is excluded. Juvenile justice systems may utilize a risk assessment instrument to assess the likelihood that a minor will re-offend. There is a fairly large body of research examining the use and the effectiveness of such instruments. However, risk assessment instruments tend to be used post-conviction, and tend to be more expansive than pre-trial detention screening instruments. For example, risk assessment instruments may be used to assess recidivism risk for minors who have been sentenced to probation, and may include items on family issues or mental health issues that, because of the short time frame inherent in pre-trial detention decisions, are often excluded from pre-trial detention screening instruments.

Because of these differences, research examining risk assessment instruments is not included in this sub-section of the report.

For recent examples of research examining juvenile risk assessment, see the following publications:

Hoge, Robert, "Standardized Instruments for Assessing Risk and Need in Youthful Offenders," *Criminal Justice and Behavior* 29 (4) (August 2002): 380.

Jones, Peter; Harris, Philip; Fader, Jamie; Grubstein, Lori, "Identifying Chronic Juvenile Offenders," *Justice Quarterly* 18 (3) (September 2001): 479-507.

Risler, Edwin; Sutphen, Richard; Shields John, "Preliminary Validation of the Juvenile First Offender Risk Assessment Index," *Research on Social Work Practice* 10 (1) (January 2000): 111-126.

Jung, Sandy; Rawana, Edward, "Risk and Need Assessment of Juvenile Offenders," *Criminal Justice and Behavior* 26 (1) (March 1999): 69-89.

14. Bazemore, Gordon, "Formal Policy and Informal Process in the Implementation of Juvenile Justice Reform," *Criminal Justice Review* 18 (1) (Spring 1993): 26-45.
15. Gamble, Thomas; Sonnenberg, Sherrie; Haltigan, John; Cuzzola-Kern, Amy, "Detention Screening: Prospects for Population Management and the Examination of Disproportionality by Race, Age, and Gender," *Criminal Justice Policy Review* 13 (4) (December 2002): 380-395.
16. At the time this report was being written, Illinois had 16 juvenile detention centers, with a 17th detention center scheduled to open soon.
17. The one interview participant who was using a scorable instrument at the time of the interview, but did not provide a copy of the instrument, stated during the interview that she and other screeners in her county use a scorable detention screening instrument and that the instrument has been modified so that it could better meet local needs. However, because the participant did not provide a copy of the instrument, we were unable to include the instrument in the detention screening instrument analysis.
18. The aggravating and mitigating factor items on the statewide instrument each list specific factors that the screener should consider. These lists of factors are not categories per se, but they were treated as such for detention screening instrument analysis. If the instrument included at least one additional aggravating factor or mitigating factor to the list that appeared in the original statewide instrument, then this change was classified as a "change to the content of one or more of the categories on the item." Similarly, if the instrument excluded at least one of the

aggravating factors or mitigating factors from the original list, this change was also classified as a “change to the content of one or more of the categories on the item.”

19. The Illinois Juvenile Court Act describes the Serious Habitual Offender Comprehensive Action Program (SHOCAP) program as “a multi-disciplinary inter-agency case management and information sharing system that enables the juvenile justice system, schools, and social service agencies to make more informed decisions regarding a small number of juveniles who repeatedly commit serious delinquent acts” (705 ILCS 405/5-145). This section in the Illinois Juvenile Court Act allows for an inter-agency SHOCAP committee to identify juveniles who qualify as serious habitual juvenile offenders, and to develop an inter-agency agreement for sharing information on the identified minors.
20. This refers to offenses which, according to Illinois law, it is either mandatory or presumed that the minor’s case will be transferred to adult criminal court and, therefore, excluded from juvenile court jurisdiction (705 ILCS 405/5-805). Illinois law distinguishes between three types of transfers to adult criminal court: (1) mandatory transfers, (2) presumptive transfers, and (3) discretionary transfers. Mandatory transfers are instances when Illinois law mandates that the juvenile be transferred to adult court, pending a motion made by the state’s attorney’s office. Presumptive transfers are instances when Illinois law states that the juvenile will be transferred to adult court pending a motion made by the state’s attorney’s office, unless the juvenile judge determines based on clear and convincing evidence that the juvenile is amenable to the care, treatment, and training programs available to the juvenile court.

The mandatory transfer and presumptive transfer provisions list specific offenses and situations. The provisions only apply to minors 15 years of age or older. If the minor has not committed one of the offenses and/or the situation does not apply, then the state’s attorney’s office may petition the court for a discretionary transfer. The mandatory transfer provisions state the minor must be transferred to adult criminal court if:

- the minor has been arrested for committing a forcible felony and has either been previously convicted for a felony or allegedly committed the forcible felony in furtherance of gang activity.
- the minor has been arrested for committing a felony and has either been previously convicted for a forcible felony or allegedly committed the felony in furtherance of gang activity.
- the juvenile has been arrested for committing one of the offenses listed in the presumptive transfer laws and has previously been convicted for a forcible felony.
- the juvenile has been arrested for aggravated discharge of a firearm at school or at a school-related activity.

Pending the juvenile judge's ruling, presumptive transfers may occur if the minor has been arrested for one of the following offenses:

- a Class X felony other than armed violence.
- aggravated discharge of a firearm.
- armed violence with a firearm when the offense is a Class 1 or Class 2 felony and is committed in furtherance of gang activities.
- armed violence with a firearm in conjunction with a serious drug offense.
- armed violence when the weapon is one that is outlawed in Illinois' Unlawful Use of Weapons law, such as a machine gun.

In Illinois, Class X felonies are the most serious felonies, followed by Class 1 felonies and Class 2 felonies.

21. This was the case according to a knowledgeable individual from the Administrative Office of the Illinois Courts (see Endnote 9).
22. *Pathways to Juvenile Detention Reform*, Baltimore, MD: The Annie E. Casey Foundation, 1999.
23. With home detention, minors are required to remain in their home except for specified times and circumstances. Under the specified times and circumstances, minors are often required to be monitored by a responsible adult. Home detention may be supplemented with electronic monitoring, whereby minors are required to wear an electronic ankle bracelet that will notify the home detention monitor when the minor has left the home.

Community detention is a variant of home detention, in which curfews and compliance are monitored by both the court system and a social service provider.

Day and evening reporting center programs require minors to report and remain in a specific location (known as a reporting center) during specified hours. At the reporting center, trained staff monitor the minor, as well as other minors at the center, and engage the minors in structured activities. Typically, minors are required to remain in the reporting center during times when they may otherwise be on the street engaging in negative behaviors.

Residential alternatives and foster homes provide temporary residences for minors with unstable home environments.

Advocacy and intensive case management approaches require a "team" of individuals from the court system and from a local social service provider to develop and monitor an individualized case plan for a minor. The plan may involve specific goals (e.g., attending school, attending counseling) and timelines for meeting the goals.

24. Illinois law enables courts to authorize probation departments to issue probation adjustments, or to engage in a preliminary conference with the minor and others, and arrive at an informal probation adjustment plan (705 ILCS 405/5-305). It is unclear whether interview participants who made mention of informal adjustments were referring to probation adjustments, or were instead referring to a local variant of a probation adjustment.
25. 705 ILCS 405/5-720
26. This question is written in the text in a manner that is slightly different from how it was written in the original interview protocol, because the question was typically paraphrased during the interview. The question as written in the text simplifies the questions and reflects how it was typically stated during interviews.
27. 705 ILCS 405/5-501
28. This question is written in the text in a manner that is slightly different from how it was written in the original interview protocol, because the question was typically paraphrased during the interview. The question as written in the text simplifies the questions and reflects how it was typically stated during interviews.
29. 705 ILCS 405/5-410. The section of the statute pertaining to the use of county jails is written in a manner that implies that minors should only be detained in the county jail if the county population is under 3,000,000.
30. The federal Juvenile Justice and Delinquency Prevention Act (42 U.S.C § 5601-5785) includes separation of adult and juvenile offenders as one of four core components that are essential in order for states to receive certain federal funds devoted to juvenile justice systems.
31. This was the case according to a knowledgeable individual from the Administrative Office of the Illinois Courts (see Endnote 9).

Appendix A
Statewide Instrument

Minor: _____

Date: ____/____/____

Screener: _____

REFER TO POINT VALUES PAGE	(SCORE EACH ITEM)	SCORE
A. Most Serious Alleged Current Offense	0 – 12	_____
(Choose only one item indicating the most serious charge)		
Charge: _____		
B. Additional Current Offenses		
Two or more additional current felonies.....	3	
One additional felony.....	2	
One or more additional misdemeanors.....	1	
None.....	0	_____
C. Prior Arrests		
Two or more prior major offenses (those with 10 or 12 points).....	5	
One prior major felony; two or more other felonies.....	3	
One other felony.....	2	
Two or more prior misdemeanors; one prior misdemeanor weapons offense.....	1	
None.....	0	_____
D. SUBTOTAL I (Sum of A, B, and C)		_____
E. Risk of Failure to Appear		
Active delinquent warrant/request for apprehension/delinquent offense while on court-ordered home detention.....	12	
Absconded from court-ordered residential placement or violated home detention.....	8	
Habitual absconder or history of absconding to avoid court appearances.....	6	
Prior delinquent warrant issued.....	3	
None of the above.....	0	_____
F. SUBTOTAL II (Enter the larger of D or E)		_____
G. Legal Status		
On probation, parole, or supervision.....	2	
Pending court; pending prior referrals to S.A. for petition requests.....	1	
None of the above.....	0	_____
H. Circumstances of Minor/Aggravating Factors (Increase by 0 to 3 points)		
Strong gang affiliation; serious injury to victim; senior, very young or disabled victim, specific threats to witness/victim, victim resides in household.....	0 – 3	
Factor(s): _____		_____
I. SUBTOTAL Iii (Sum of F, G, and H)		_____
J. Circumstances of Minor/Mitigating Factors (Decrease by 0 to 2 points)		
No significant offense history; parents or guardian have a supervision plan.....	0 – 2	
Factor(s): _____		_____
K. TOTAL SCORE (difference of I – J)		_____

AUTO HOLD – ALL CHARGES IN THE 12 CATEGORY, WARRANT, OR REQUEST FOR APPREHENSION REGARDLESS OF MITIGATING FACTORS

SCORING: 12 and up Detain.
7 to 11Release (non-secure options can be utilized, if feasible and appropriate).
0 to 6.....Release to parent or guardian or to a responsible adult relative.

Screener: If you are uneasy about the action prescribed by this instrument regarding this particular case, or if you are being subjected to pressure in the process of screening this referral, contact your supervisor for consultation prior to taking action.

FINAL DECISION: () DETAIN () RELEASE W/ CONDITIONS () RELEASE

MOST SERIOUS ALLEGED CURRENT OFFENSE

- 12 - Homicide, Aggravated Kidnapping, Aggravated Criminal Sexual Assault, Armed Robbery, Drug Manufacturing or Delivery on Public Housing or School Property, Excluded Jurisdiction Offenses, Aggravated Assault with Firearm Discharged, Armed Violence, Home Invasion, Other Class X Felonies, Domestic Battery w/ Bodily Harm, Any offense where the juvenile is in possession of a loaded firearm
- 10 - Arson, Kidnapping, Criminal Sexual Assault, Aggravated Criminal Sexual Abuse, Felony Unlawful Use of Weapons
- 8 - Aggravated Battery, Compelling Gang Membership, Felony Drug Offenses, Residential Burglary
- 6 - Aggravated Assault, Robbery
- 5 - Burglary, Offenses Related to Motor Vehicle (Felony), Theft/Possession of Stolen Motor Vehicle, Felony Mob Action
- 4 - Theft Over \$300, False Fire Alarm/Bomb Threat (Felony Disorderly Conduct), Criminal Damage to Property Over \$300, Misdemeanor Criminal Sexual Abuse, Misdemeanor Domestic Battery, Misdemeanor Battery
- 3 - Forgery, Unlawful Use of Credit Cards, Resisting Arrest, Obstructing Justice
- 2 - Misdemeanor Offenses (i.e. Assault, Resisting a Peace Officer, Disorderly Conduct, Criminal Damage to Property, Criminal Trespass to Vehicle)
- 0 - Status Offense

Appendix B

Detailed Project Method

The purpose of this appendix is to provide an expanded description of the research methodology adopted for this report.

Sample

A sampling strategy was adopted that would make it possible to learn about detention screening practices in each of Illinois' 102 counties and in each of the 16 juvenile detention centers in Illinois that were open at the time of the research.

In general, those responsible for detention screening are employed by probation departments or by juvenile detention centers. An attempt was made to interview a probation officer representing each of Illinois' 102 counties, and a detention officer representing each of Illinois' 16 juvenile detention centers.

Probation Sample

The purpose of the probation officer sampling strategy was to make it possible to learn about detention screening practices in each of Illinois' 102 counties. Thus, the sampling process focused on whether each county was represented in the population of potential participants.

To recruit probation officers for the research, letters were sent to every probation department head in Illinois (Chief Probation Officers or Directors of Court Services, depending upon the job title adopted by the jurisdiction). In instances when the jurisdiction had a separate juvenile probation department or division, letters were sent to the juvenile probation department head in lieu of the overall probation department head. In a number of instances, probation department heads oversee multiple counties in Illinois. Overall, letters were sent to 68 probation department heads who oversee all of Illinois' 102 counties.

The letter described the research and requested the agency's participation in an interview. Probation department heads, if they chose to participate in the research, were given the choice to complete the interview themselves or to refer us to another individual in their agency.

A research analyst working on the project attempted to contact each probation department head shortly after the probation department head received the letter. Research analysts were able to contact all 68 probation department heads. Of the 68 probation department heads, 27 opted to participate in the interview themselves, 34 referred the research analyst to one or more individuals in their agency, 2 opted not to participate, and 5 indicated that, because their county houses a detention center and detention center staff is primarily responsible for juvenile detention screening, a probation officer interview was unnecessary.

When probation department heads referred us to one or more individuals in their agency, they did so either because they did not have sufficient time to complete the interview or because they believed that other individuals in their agency were more appropriate for the interview. When making a referral because they believed other individuals in their agency were more appropriate for the interview, probation department heads tended to state that other individuals have more knowledge of juvenile probation or juvenile detention screening and, therefore, were better suited to complete the interview.

Because only 68 probation department heads oversee all 102 Illinois counties, there are instances when probation department heads oversee multiple counties. In instances when the probation department head oversees multiple Illinois counties, the research analyst inquired whether the detention screening process is uniform across all of the counties that the probation department head oversees. If the detention screening process was uniform across all the counties that the probation department head oversees, then the research analyst requested an interview with one individual who represents all of the counties overseen. If the detention screening process was not uniform across all the counties that the probation department head oversees, then the research analyst requested an interview with a different individual for each county overseen.

The instances when probation department heads who oversee multiple counties referred us to a separate individual for each county that they oversee served to increase the number of potential probation participants whom it was necessary to contact in order to attempt to include all 102 Illinois counties in the research. While there were 68 probation department heads, after taking into account separate referrals for individual counties, the number of potential probation department participants increased to 85. In addition, when contacting a large Illinois county, the research analyst who made the contact was referred to two individuals. Thus, overall, there were 86 potential participants.

Table B-1 shows that 79 probation officers participated in an interview. Table B-1 also shows that, excluding the 5 probation department heads who opted not to participate because the county juvenile detention center handles detention screening, this constitutes a 97.5% response rate (79 participants divided by 81 potential participants).

Of the 79 participants, 27 were the probation department heads who were initially contacted, and 52 were individuals to whom we were referred by probation department heads. Of the 52 individuals to whom we were referred, 35 (67.3%) had job titles suggesting that they were more directly responsible for engaging in the juvenile detention screening process than were probation department heads (e.g., Juvenile Probation Officer, Probation Officer, Juvenile Intake Officer). Probation department heads also tended to refer research analysts to heads of juvenile probation units within the overall probation department (e.g., Director of Juvenile Probation, Supervisor of Juvenile Probation; 9 individuals, or 17.3% of individuals to whom we were referred), or to another general (not juvenile specific) high-ranking and/or supervisory probation department position (Supervisor, Deputy Director of Court Services; 8 individuals, or 15.4% of individuals to whom we were referred).

Detention Sample

The purpose of the detention officer sampling strategy was to make it possible to learn about detention screening practices in each of Illinois' 16 juvenile detention centers.¹

To recruit detention officers for the research, the same basic process was adopted as that which was adopted for probation officers. Letters were sent to juvenile detention center heads (Superintendents or Directors, depending upon the job title adopted by the detention center). Detention center heads were given the choice to participate themselves or to refer us to another individual in their agency. Of the 16 juvenile detention center heads, 8 opted to participate in the interview themselves, 4 referred the research analyst to another individual in their agency, and 4 indicated that, because probation department staff is primarily responsible for juvenile detention screening, a detention officer interview was unnecessary.

When detention center heads referred us to one or more individuals in their agency, the individuals to whom we were referred tended to have job titles implying higher level positions within the detention center. The four individuals to whom we were referred had the following job titles: Assistant Superintendent, Deputy Superintendent, and Supervisor (two individuals). This suggests that detention officers who participated in interviews (detention center heads, and those to whom we were referred) tended to be those who supervise detention screeners, as opposed to those who actually engage in the screening process.

Table B-1 shows that 12 detention officers participated in an interview. Table B-1 also shows that, excluding the 4 detention center heads who opted not to participate because the county probation department handles detention screening, this constitutes a 100.0% response rate.

Total Sample

Overall, 91 probation officers and detention officers completed interviews (see Table B-1). Collectively, there were 102 potential probation officer and detention officer participants. Excluding probation center heads and detention center heads who opted not to participate because their department does not handle juvenile detention screening (9 potential participants), only 2 of the department heads who were contacted opted not to participate in the research. This constitutes a 97.8% response rate.

¹ A 17th juvenile detention center is scheduled to open sometime during 2004. An attempt was made to contact the prospective detention center head of the new detention center to schedule an interview regarding the detention screening process that will be adopted upon the opening of the detention center. However, at the time this report was being written, the detention center superintendent position was vacant, as were numerous other detention center job positions. Thus, a decision was made to omit the new detention center from the present research.

Table B-1: Sample and Response Rate

	# of Agency Heads Contacted	# of Potential Participants	Agency Does Not Handle Screening	Opted Not To Participate	Total # of Participants	Response Rate
Probation	68 ^a	86 ^b	5 ^c	2	79	97.5%
Detention	16	16	4 ^c	0	12	100.0%
Total	84	102	9	2	91	97.8%

a: Although there are 102 Illinois counties, probation departments may encompass multiple counties. Hence, it was only necessary to contact 68 probation department heads in order to have all 102 counties represented.

b: See page 94 for an explanation of this number.

c: In counties that house their own detention center, the probation department and the detention center are often two parts of a larger organizational structure. There were instances when the probation department referred us to the detention center, or vice versa. Typically, this was because the counterpart agency was primarily responsible for detention screening. These instances were not classified as refusals to participate.

Procedure

Once identified using the process described in the Sample sub-section above, interview participants were asked to complete an interview intended to provide answers to the research questions (pages 17-18). The interviews were conducted by two of the research analysts working on the project. The interviews took approximately 45 to 60 minutes to complete.

The interviews were semi-structured. During each interview, the interviewers asked the same basic set of questions in the same basic order. In this respect, the interviews were structured. However, interviewers were not confined to the set of questions. Interviewers were free to ask additional questions in an attempt to probe further on topics that arose during interviews, or to ask additional questions that addressed entirely different topics from those in the set of questions. Thus, in essence, the set of questions provided the framework for the interview, but responses to the set of questions determined additional questions. In this respect, the interviews were only semi-structured.

The semi-structured interview approach was adopted so that: (1) interview participants would perceive the interview more as a conversation and less as a survey over the telephone, thereby providing them with more opportunity to provide detailed responses, and (2) interviewers could become aware of and follow up on additional information that may be important for the research, yet did not appear in the set of questions. Overall, the purpose of semi-structured interviews is to provide a detailed description of the interview topic. Consistent with this, by providing more opportunity to provide detailed responses and identify additional topics, it was hoped that the semi-structured approach would provide a rich, detailed description of the detention screening process in each participant's jurisdiction.

Nonetheless, there are potential limitations to using a semi-structured interview approach. For example, questions were sometimes worded differently across different interviews, thereby eliciting different types of responses. Topics that were addressed at length in one interview may be addressed minimally in another interview. In addition, upon proceeding with the interviews, interviewers noticed that several interview participants made comments on topics that did not appear on the interview protocol and, thus, began consistently asking new interview participants questions on the new topics. As a result of these limitations, the emphasis when presenting interview results was description and narration, as opposed to quantification. This emphasis is consistent with the intended purpose of semi-structured interviews.

Interview Protocol

When conducting the interviews, interviewers asked the same basic set of questions in the same basic order. To facilitate the interview process, the questions and order were documented in a written interview protocol that interviewers used during the interviews. Appendix C shows the interview protocol.

Questions in the interview protocol were split into four sequential topic areas. Interviewers began by asking interview participants questions about the detention screening instrument that is currently being used in their jurisdiction (e.g., history of use, why the instrument was chosen, who developed the instrument, etc.) Then, the interviewers asked, in the following order, questions about (1) roles of various agencies in the detention screening process, (2) the process for completing the detention screening instrument, and (3) how the instrument is used once it is completed.

In general, the positions of interview participants within their respective agencies dictated the participants' abilities to answer questions on particular topics. Interview participants in higher level positions (probation department heads, detention center heads, designees of probation department heads and detention center heads who were in supervisory positions) tended to have more knowledge regarding the detention screening instrument being used (such as the history of using the instrument, and why the instrument was chosen), and less knowledge regarding the roles of various agencies in the detention screening process, the process for completing the detention screening instrument, and how the instrument is used once it is completed. This was likely because interview participants in higher level positions were working at their agency when they began using the instrument and tended to be involved in the decision to begin using the instrument, and thus had knowledge regarding the detention screening instrument. However, because these interview participants did not engage in the detention screening process on a daily basis, they did not have as much knowledge regarding the remaining topics.

On the other hand, probation department heads sometimes referred the research analyst to an individual in their agency who was directly responsible for completing the detention screening instrument. Such individuals tended to have more knowledge regarding the roles of various agencies in the detention screening process, the process for completing the detention screening instrument, and how the instrument is used once it is completed, and less knowledge on the detention screening instrument itself.

Transcribing

Prior to beginning the interview, the interviewer asked whether the interview participant would permit the interview to be audiotaped. Of the 91 interview participants, 80 permitted their interview to be audiotaped. An additional interview participant permitted the interview to be audiotaped, but was not audiotaped because of a malfunction with the recorder.

The 79 interview audiotapes were transcribed verbatim by four individuals (two research analysts working on the project and two additional individuals). The four transcribers were guided by written transcription guidelines. The transcription guidelines were intended to provide consistency in small aspects of the transcriptions (recording repeated words, vocalized pauses, laughter, etc.) The transcription guidelines also instructed transcribers to note instances when the interview participant's tone suggested meaning that would not be apparent in a written transcription.

In instances when the interview participant did not permit the interview to be audiotaped, a second research analyst took notes while the interviewer was conducting the interview, then wrote more detailed notes immediately after the interview was completed. In the instance when the audiotaped malfunctioned, short jogging notes completed by the interviewer during the interview provided the only documentation of interview responses.

Interview Analysis

An interview transcription coding scheme was developed, with each code reflecting an aspect relevant to one of the research questions. A qualitative data analysis software program was used to assign the codes to segments of each of the interview transcriptions or detailed interview notes (in instances when the interview participant opted not to be audiotaped). A single research analyst working on the project coded all interview transcriptions and interview notes. Because the purpose of the coding was to isolate all information from the interviews on the topic reflected in the coding category, the research analyst coded the interviews broadly. That is, every segment of interview transcription text or interview notes that seemed even peripherally related to the topic of the coding category was coded into the category.

After completing the coding, research analysts used the qualitative software program to generate a list of all interview transcription segments or interview note segments that were coded into each category. These lists were used to analyze the interviews.

In addition, for each coding category, separate lists were developed for participant sub-groups. For example, separate lists were developed for participants from large counties, participants from counties that have their own detention centers, probation officer participants, etc. These lists were used to examine potential differences in interview responses across different types of interview participants.

Detention Screening Instrument Analysis

Interview participants were asked to provide a copy of the scorable detention screening instrument that they were currently using. If the participant worked in a jurisdiction that was not currently using a scorable detention screening instrument, then the participant was asked to provide any written policies or instructions that were used to guide pre-trial detention screening decisions.

Of the 91 interview participants, 86 provided a scorable detention screening instrument, or written policies or forms. With the exception of one participant, every participant who was using a scorable detention screening instrument at the time of the interviews provided a copy of the instrument. Four participants who were not using a scorable detention screening instrument provided no written documentation, primarily because no written documentation was used in their jurisdiction.

The content of the 86 instruments, policies, or forms was closely examined. When examining the instruments, emphasis was placed on whether or not the participant was using the statewide instrument at the time of the interviews and, if so, then the nature of any changes made to the instrument so that it better reflects local needs. For those participants using another scorable detention screening instrument besides the statewide instrument, emphasis was placed on examining the factors on the instrument, and how they differed from those on the statewide instrument. For policies and forms, emphasis was placed on examining the factors they encouraged screeners to consider when making detention decisions.

After examining the 87 instruments, policies, or forms, a database was developed that captured their characteristics. The database was used to guide results that appear in the sub-sections describing prevalence of the use of scorable detention screening instruments, and the content of scorable detention screening instruments (see pages 26-38).

Appendix C

Interview Protocol

“To begin with, could you please tell me your official job title?”

For probation officers:

“And, you oversee probation in just (name of county) County, or in other counties as well?”

For detention officers:

“In addition to (name of county) County, can you describe the geographic area that your detention center serves? For example, from what other counties do you receive detainees?”

“How long have you been (name of position)?”

“Did you work in a government position in (name of county or, if applicable, circuit) prior to becoming (name of position)?”

“So let’s talk about your detention screening instrument.”

“I see that your instrument uses (name factors). Do these factors do an adequate job of determining which juveniles should be detained?”

“How long have you been using this detention screening instrument?”

“Over the time have you, that you have been using this instrument, have you considered modifying the instrument?”

“Have you ever considered using an entirely different instrument?”

“Why was the decision made to begin using this instrument?”

“Who was involved in the decision to begin using this instrument?”

“Prior to using this instrument, were you using a different instrument?”

“Did your county develop its own instrument or adopt an instrument that had already been developed?”

If the participant’s county is using a pre-existing instrument:

“What agency developed the instrument?”

“Why was the decision made to use this instrument?”

“Has the instrument ever been validated in your county? By this we mean, has anyone looked at how well scores on the instrument predict the likelihood of missing court dates or re-offending?”

If the participant’s county is using a self-developed instrument:

“Why did you decide to develop your own instrument as opposed to using one that had already been created?”

“Who was involved in deciding the factors or criteria that would be included on the instrument?”

“When your county was developing the instrument, there must have been conversations about which factors or criteria to include on the instrument, as well as how heavily to weigh particular factors or criteria. How were these decisions made? What was the rationale underlying these decisions?”

“What I want to talk about now is how the instrument is used and how it fits into your juvenile justice system.”

“In some counties, law enforcement officers initiate the detention screening process by contacting either the county probation department or the detention center and requesting that the juvenile be considered for detainment. Does law enforcement play this role in your county?”

“To what agency does law enforcement make this request?”

“Do you think it’s fair to say that law enforcement does not request every minor they come into contact with be detained?”

“How do law enforcement officers decide which minors should be considered for detention?”

“Must law enforcement make this request in order for a minor to be screened? In other words, are the juveniles referred to you by police the only minors who are screened or can that request come in through any other avenue?”

“Are law enforcement officers guided by any written policy within their agency or anywhere else within the county that guides decisions regarding which minors to request detention for?”

“Has the detention screening instrument been distributed to law enforcement agencies so that law enforcement officers know what factors or criteria is considered when making, if their request for detention processing is accepted?”

“Do law enforcement officers complete the instrument prior to contacting you so that they know whether or not a minor for whom they are requesting detainment will likely be detained?”

“How often do law enforcement officers make requests for minors to be considered for detainment that are refused, that you turn away?”

“Now I’d like to discuss the roles others may have in this process.”

“(Probation officers only) Now, when you make the decision to detain, which detention center do you typically use?”

“What role do staff at the detention center play in determining who should be screened or detained? Do they ever question your decision or ask how you came up with that score?”

“What role does the probation and court services department play in determining which minors are screened for detention?”

“And the police, their role is to determine who is screened?”

“What role does the state’s attorney’s office play in determining which minors are screened for detention?”

“Are there other individuals or agencies that play an important role in determining which minors are screened, or in the detention process in general?”

“Now I’d like to discuss the completion of the instrument.”

“Once it is determined that a juvenile will be screened, who completes the screening form?”

“Where does the screening take place?”

“Is the minor present when the form is being completed?”

“What process does the individual completing the form go through to obtain the necessary information? For example, do you have databases that allow access to history information? Do you rely solely on the police officer for information? Do you ever talk to parents? What about personal knowledge, do you ever use that?”

“Now I would like to talk about how information or results from the screening instrument are used.”

“Once the form is completed and a score is determined, what are the next steps?”

“I know that some screening instruments use scores such that if a minor receives a certain set of scores, he or she is to be detained, if a minor receives another set of scores, he or she is to be released, and so on. Is it possible, based on scores or (for those with non-scoreable instruments) rules governing the use of your instrument, for status offenders to be detained?”

“Are there other conditions or circumstances that would lead to a status offender being detained prior to the detention hearing and, if so, what are those circumstances or conditions?”

“I would like to ask a few questions regarding how large a role the score plays in determining whether or not minors are detained.”

“Is the score simply used as a guide to help the decision-maker decide whether or not to detain a youth, or is the score itself the determining factor?”

“If the score on the screening instrument is used only as a guide, what other factors are considered to make a decision to detain or not?”

“How much weight is given to the score relative to other factors that are considered.”

“In some counties, it is possible that, after completing the instrument, the individual who completed the form may disagree with what the score suggests regarding how the case should be handled. In such instances, the scorer may be able to request that the score be overridden and that the case not be handled in accordance with the score. Do you have an process for over-riding scores and, if so, what is your process?”

“Does anybody need to approve the override? Is there a process for requesting an override? If so, what is it?”

“Is it typical for the individuals who complete screening instruments to request overrides?”

“Have the overrides that have been requested typically been requests for overrides up or overrides down? In other words, are you asking to not detain youth with higher scores or to detain youth with lower scores?”

“Can you provide some general circumstances or situations when overrides have been granted? What about situations when overrides have been requested, but not granted?”

“Is it typical for overrides to be approved?”

“Once the instrument is completed, are copies of the completed instrument distributed to others outside of your agency?”

“To whom or to what agencies do they/you distribute the completed instrument?”

“Are copies of the instrument distributed to these individuals/agencies as a matter of routine, or only in certain circumstances?”

“Now I’d like to talk a little bit about what actually goes on in the detention hearing.”

“Think in terms of a specific time frame, maybe the last year. Have judicial decisions at detention hearings over this time been consistent with decisions based on detention screening scores, or does the judge seem to commonly make decisions that are at odds with the screening instrument?”

“In general, when judicial decisions have differed from screening instruments, how have they typically differed?”

“I do not want to ask you to guess or speak for someone else, so please let me know if you are unsure how to answer this question, but when judges make decisions that differ from screening instruments, what conditions or circumstances seem to be considered and result in that decision?”

“Again, I do not want to ask you to guess or speak for someone else, so please feel free to let me know if you are unsure how to answer this question. Do you have any thoughts or knowledge regarding factors, other than the detention screening instrument, that the judge may be considering when making decisions at detention hearings?”

“Do judges in your county or circuit ever detain status offenders? Under what conditions or circumstances do judges detain status offenders?”

“I do not want to ask you to guess or speak for someone else, so please feel free to let me know if you are unsure how to answer this question. Please offer thoughts or knowledge you may have regarding factors or information that the prosecuting attorney brings to the court’s attention. Are they always asking to re-detain, or are they open to alternatives?”

“What about the defense attorney, do you have any thoughts or knowledge regarding factors or information that the attorney brings to the court’s attention? Are they always asking to release, or are they open to re-detaining, if they think that’s what’s best for the juvenile?”

“Now I’d like to talk about other forms you may use.”

“In addition to the detention screening instrument, does your county use any other pre-trial instruments, risk assessment forms or anything like that, that are completed and used prior to trial?”

“If yes, then what is the function of the pre-trial risk assessment instrument?”

“How does the function of the risk assessment instrument differ from the function of the detention screening instrument?”

“What instrument are you using for this purpose?”

“What agency completes the risk assessment instrument?”

“I have asked quite a few questions, but I may have missed something important. Before we finish, is there anything else you would like to talk about, any thing you think I may have missed?”