

Utilization of Pre-Adjudication Detention and Length of Stay Analysis

Presentation to the LPSCC Executive Committee

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Objectives

Provide data and information on 5-year trends for

- **use of detention**
- **length of stay in detention**
- **racial and gender disparities in detention**

Background

Decisions about the use of pre-adjudication detention are based on:

- **Oregon law**
- **Best practice research**
- **Our commitment to JDAI**

Grounds for Pre-Adjudication Detention

ORS 419C.145

(1) A youth may be held or placed in **detention before adjudication** on the merits if one or more of the following circumstances exists:

(a) The youth is a **fugitive** from another jurisdiction;

(b) The youth is alleged to be within the jurisdiction of the court under ORS 419C.005, by having committed or attempted to commit an offense which, if committed by an adult, would be chargeable as:

(A) A crime involving infliction of **physical injury** to another person;

(B) A misdemeanor under **ORS 166.023**; or

(C) Any **felony** crime;

(c) The youth has willfully **failed to appear** at one or more juvenile court proceedings by having disobeyed a proper summons, citation or subpoena;

(d) The youth is currently on probation imposed as a consequence of the youth previously having been found to be within the jurisdiction of the court under ORS 419C.005, and there is probable cause to believe the youth has **violated one or more of the conditions of that probation**;

(e) The youth is subject to conditions of release pending or following adjudication of a petition alleging that the youth is within the jurisdiction of the court pursuant to ORS 419C.005 and there is probable cause to believe the youth has **violated a condition of release**;

(f) The youth is alleged to be in possession of a **firearm** in violation of ORS 166.250; or

(g) The youth is required to be held or placed in detention for the reasonable **protection of the victim**.

Grounds for Pre-Adjudication Detention

ORS 419C.145

(2) A youth detained under subsection (1) of this section **must be released** to the custody of a parent or other responsible person, released upon the youth's own recognizance or placed in shelter care unless the court or its authorized representative makes written findings that there is probable cause to believe that the youth may be **detained under subsection (1)** of this section, that describe why it is in the **best interests of the youth** to be placed in detention **and** that one or more of the following circumstances are present:

- (a) No means less restrictive of the youth's liberty gives reasonable assurance that the youth will **attend the adjudicative hearing**; or
- (b) The youth's behavior endangers the physical welfare of the youth, the victim or another person, or **endangers the community.**

Best Practice Research

Unnecessary and prolonged confinement can produce numerous negative outcomes for youth:

- Increased recidivism
- Congregating youth together increases behavior called “peer deviancy training”
- Interrupts development
 - And natural aging out of crime process
- Reduced employment success
- Poor outcomes for youth with mental illness
- Increases risk of self-harm
- Poor educational outcomes
 - Especially those who require enhanced educational support
- More likely to be pulled deeper into the criminal justice system

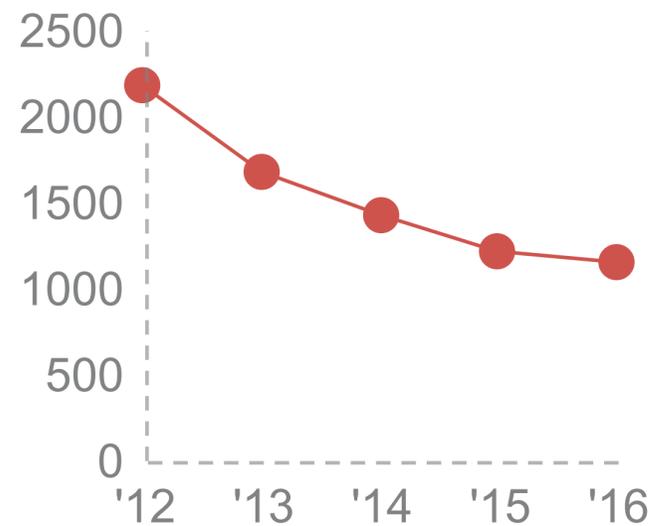
Source: Holman, B., & Ziedenberg, J. (2006). The dangers of detention. Washington, DC: Justice Policy Institute, 4.

JDAI Core Strategies

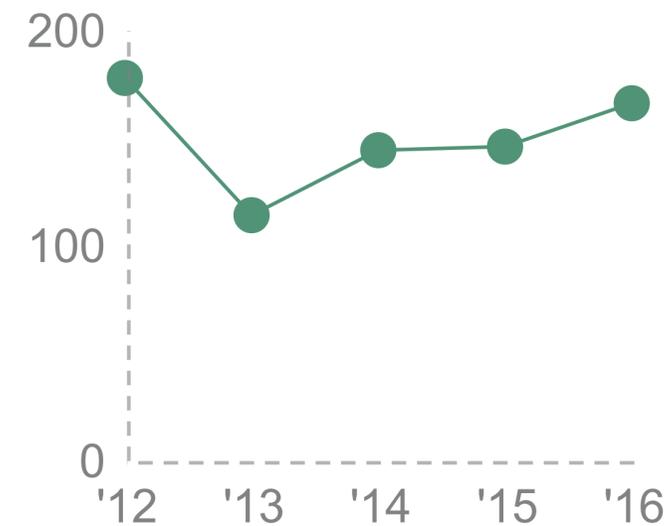
- Collaboration
- Data Driven Decisions
- Objective Admissions Criteria and Instruments
- Non-Secure Alternatives to Detention
- Case Processing Reforms
- Special Detention Cases
- Reducing Racial Disparities
- Conditions of Confinement

Referrals ↓ While Pre-Adjudication Detention Use ↑

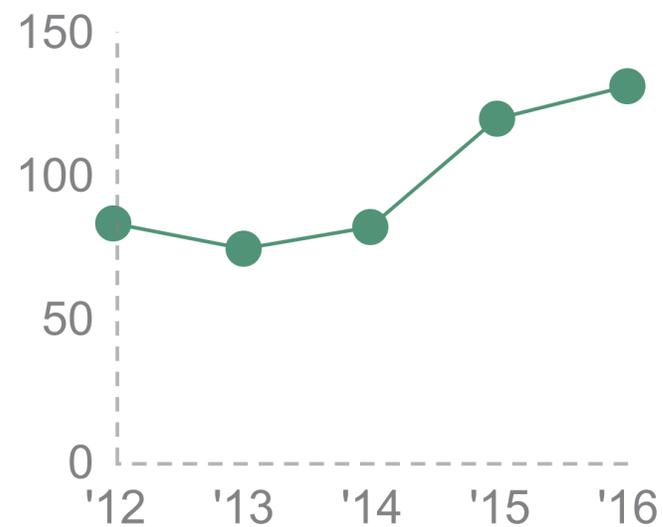
Total Criminal Referrals Decreased Over Past 5 Years



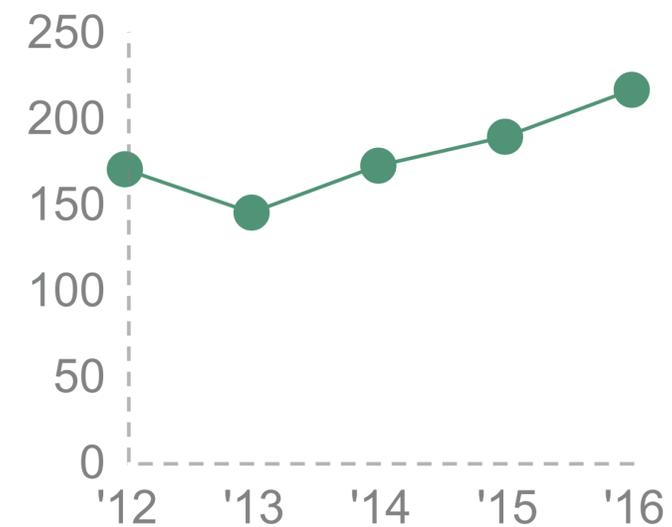
Number of Admissions to Detention for Pre-Adjudication of Law Violations Increased Over Past 5 Years



Number of Admissions to Detention for Pre-Adjudication of Technical Probation Violations Increased Over Past 5 Years



Number of Admissions to Detention for a Warrant Increased Over Past 5 Years

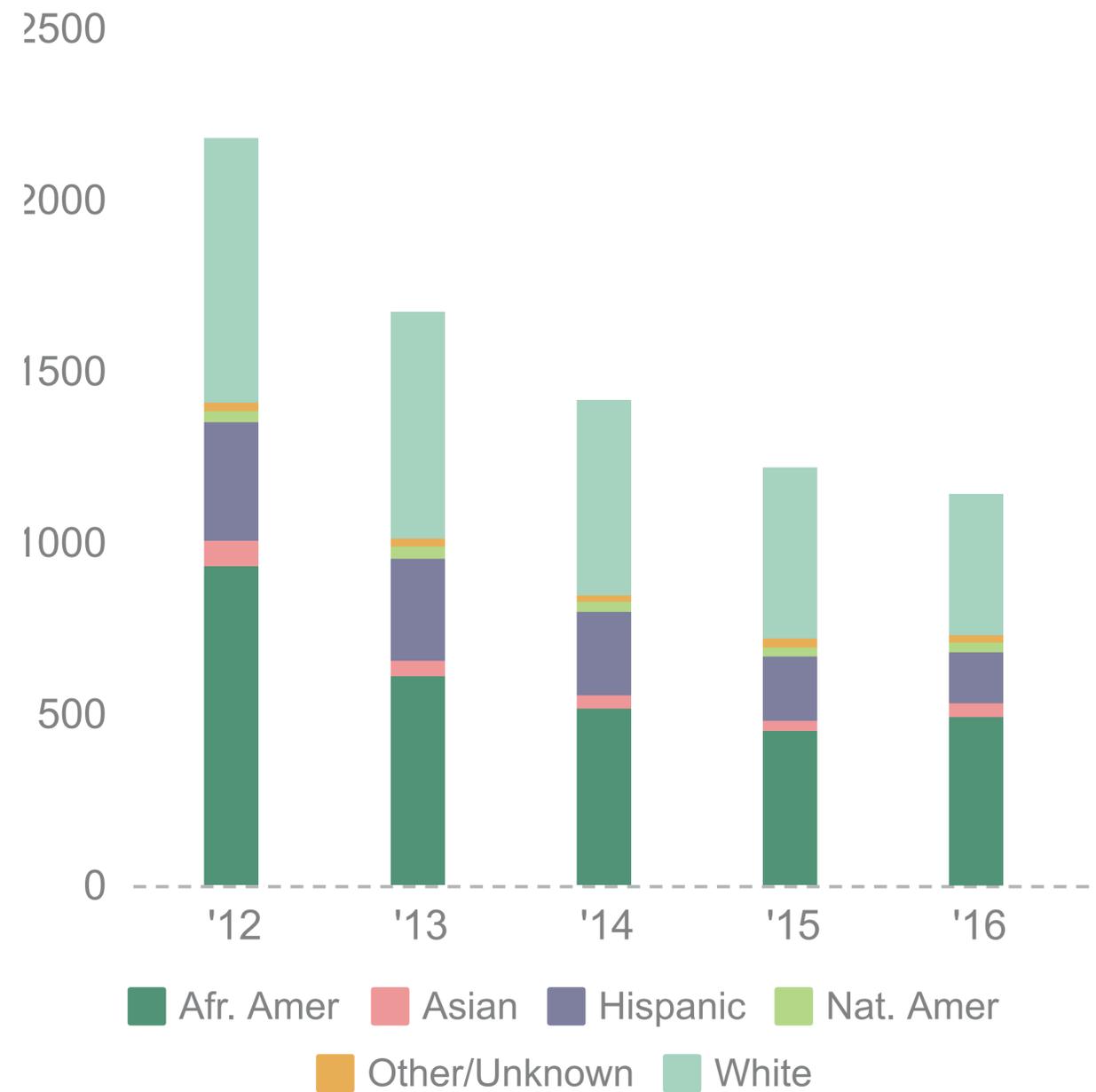


Referrals - Demographic Trends

Total Criminal Referrals by Gender



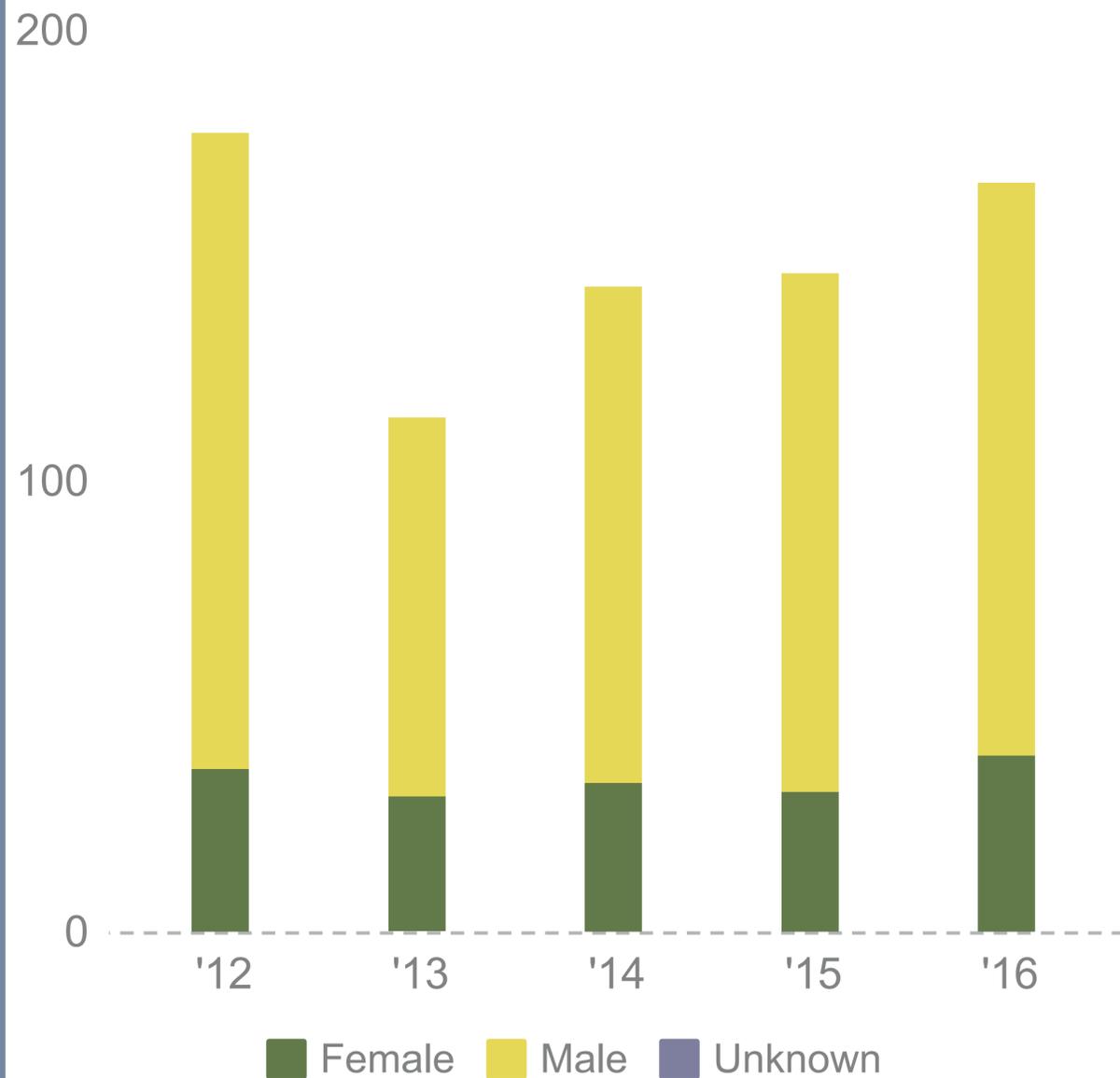
Total Criminal Referrals by Race/Ethnicity



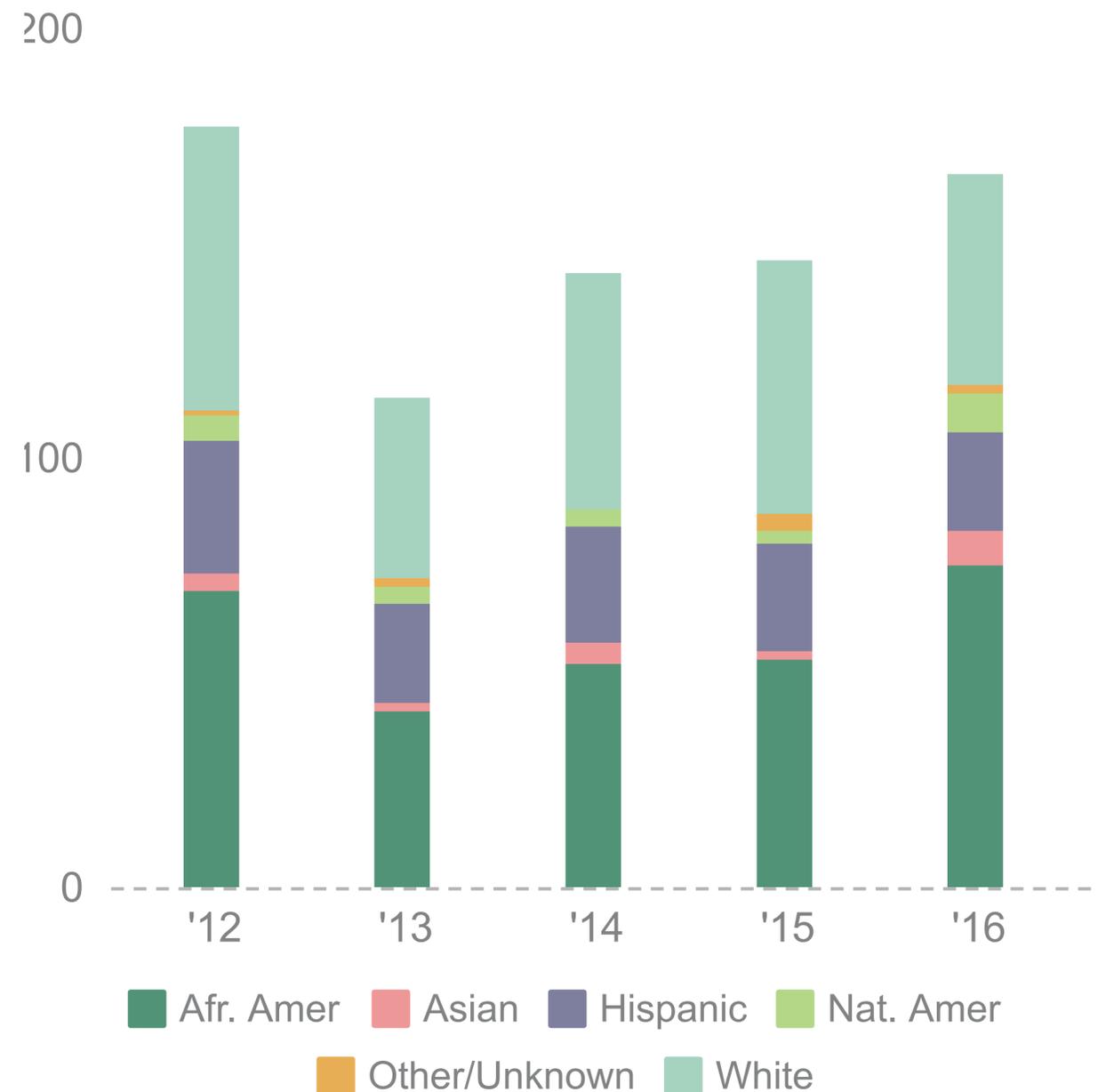
Admission to Detention for Law Violations

Demographic Trends

Number of Admissions to Detention for Pre-Adjudication of Law Violations Increased Over Past 5 Years by Gender

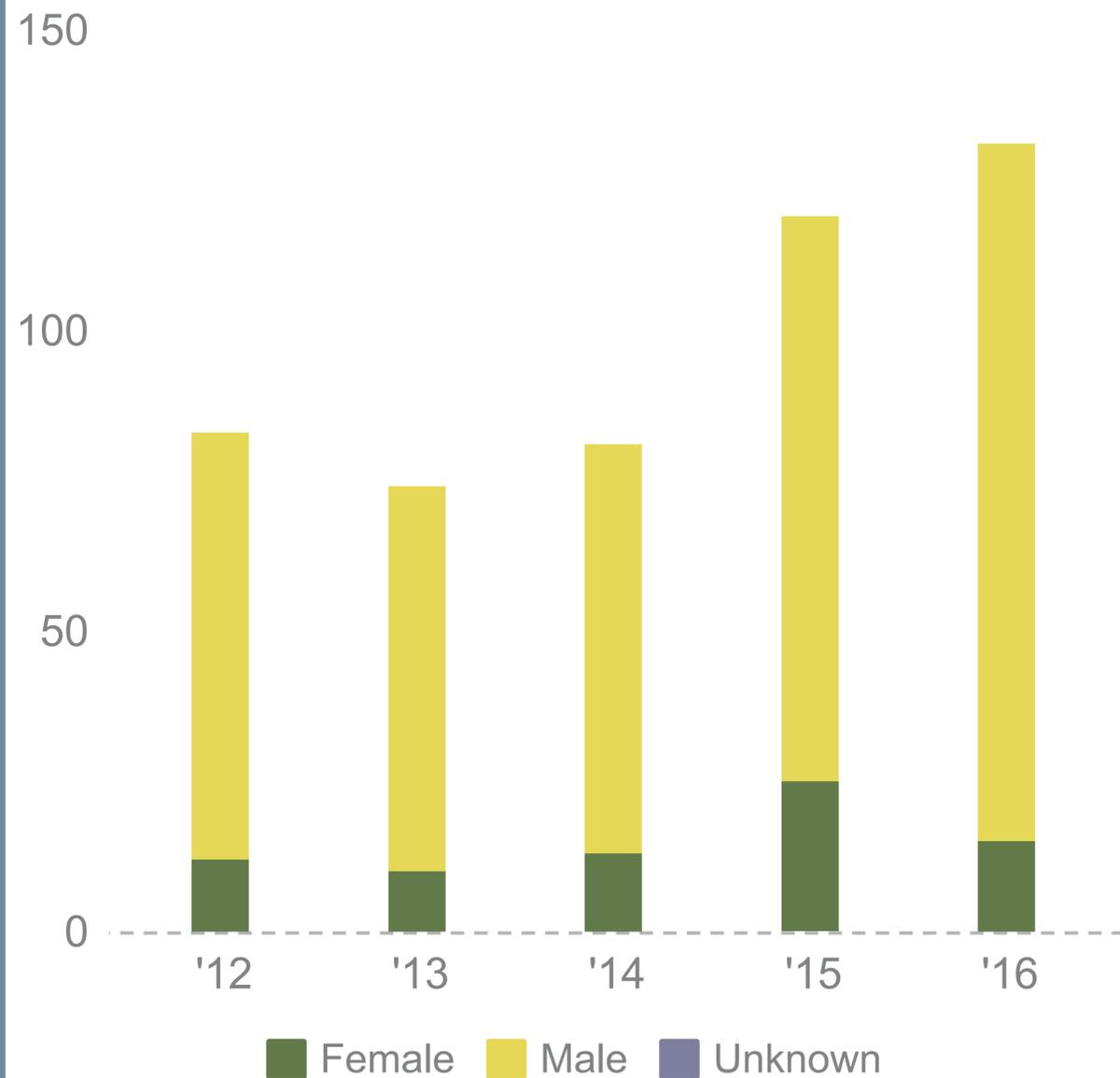


Number of Admissions to Detention for Pre-Adjudication of Law Violations Increased Over Past 5 Years by Race/Ethnicity

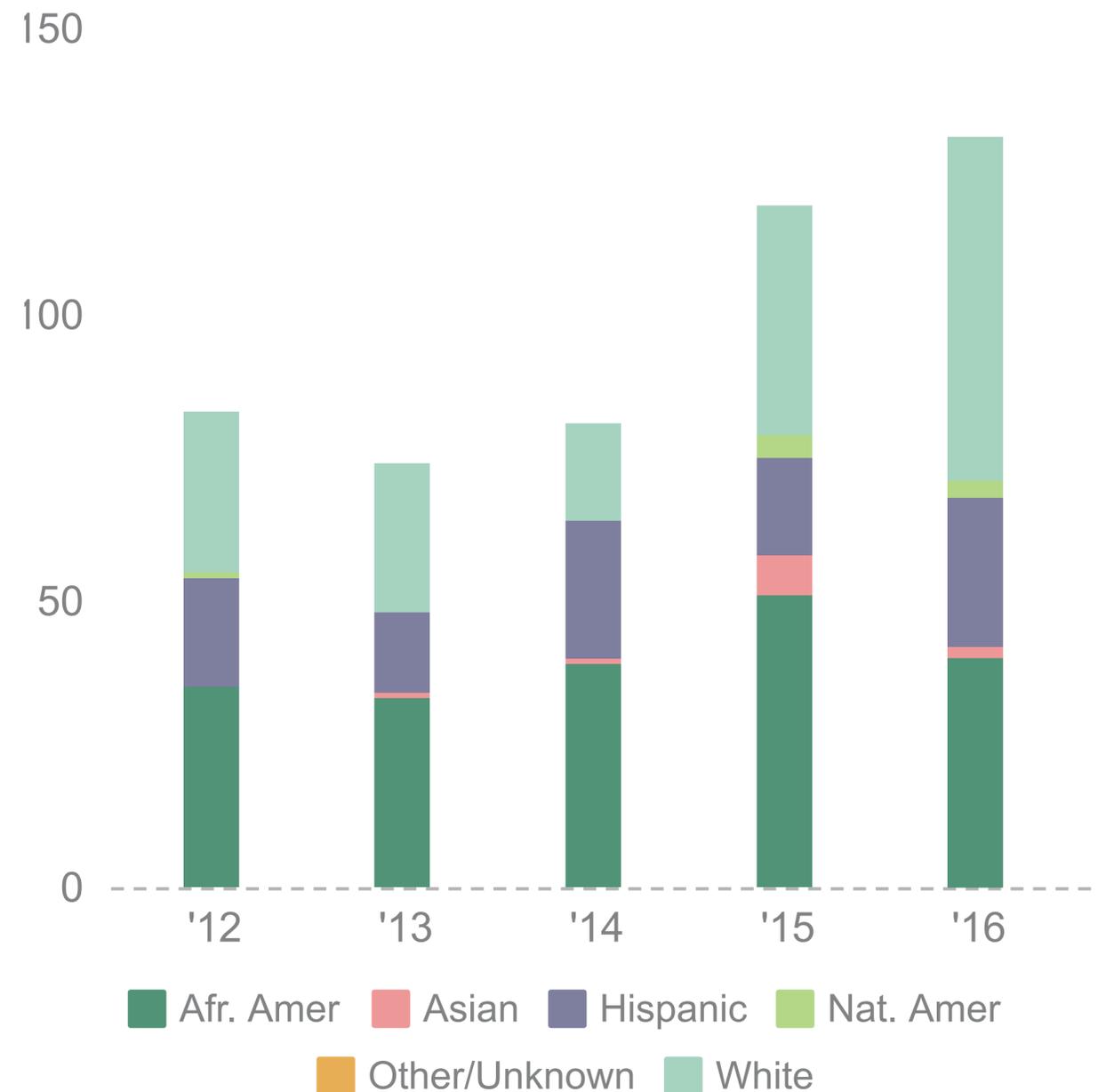


Admission to Detention for Probation Violations Demographic Trends

Number of Admissions to Detention for Pre-Adjudication of Technical Probation Violations Increased Over Past 5 Years by Gender



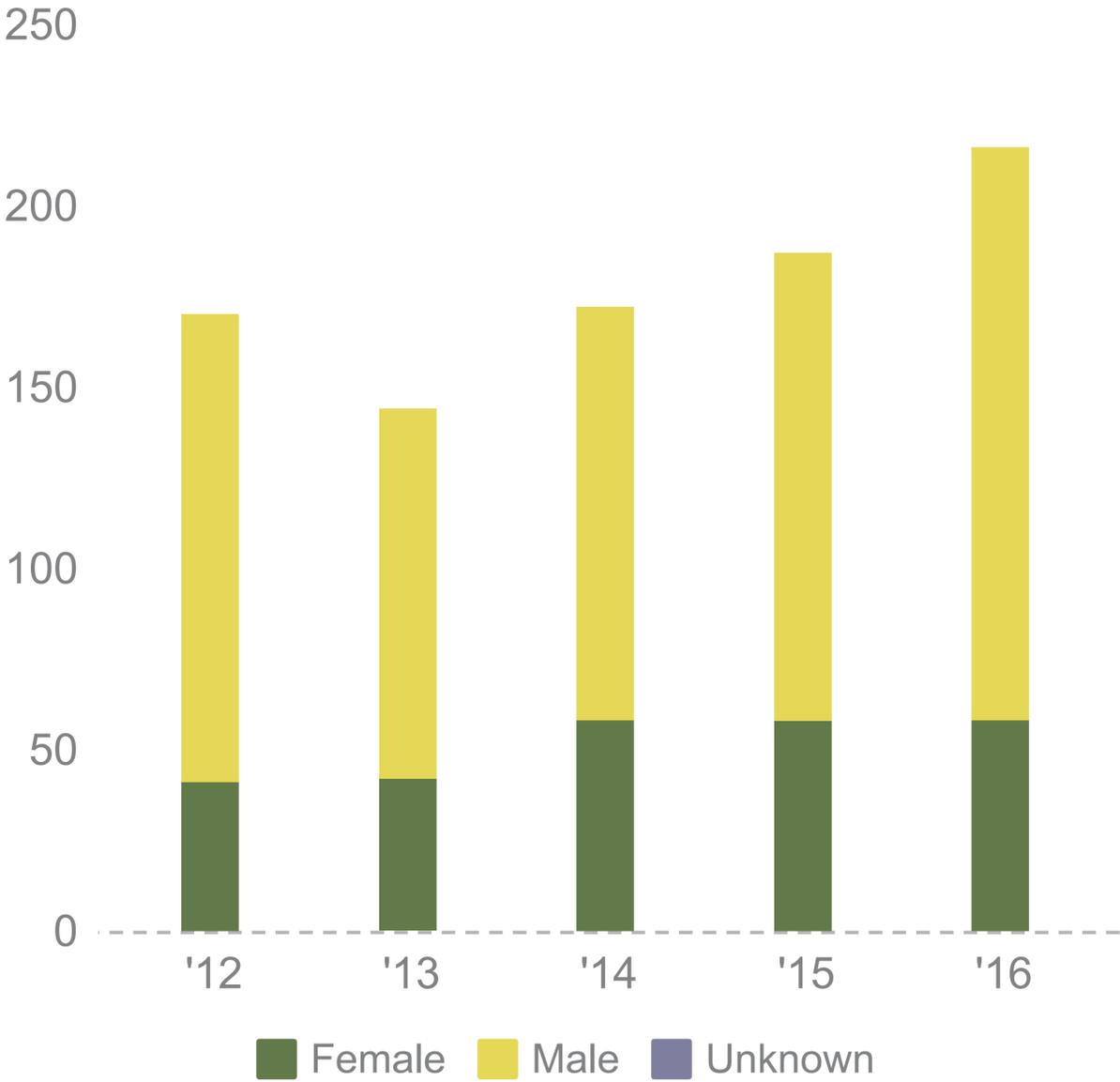
Number of Admissions to Detention for Pre-Adjudication of Technical Probation Violations Increased Over Past 5 Years by Race/Ethnicity



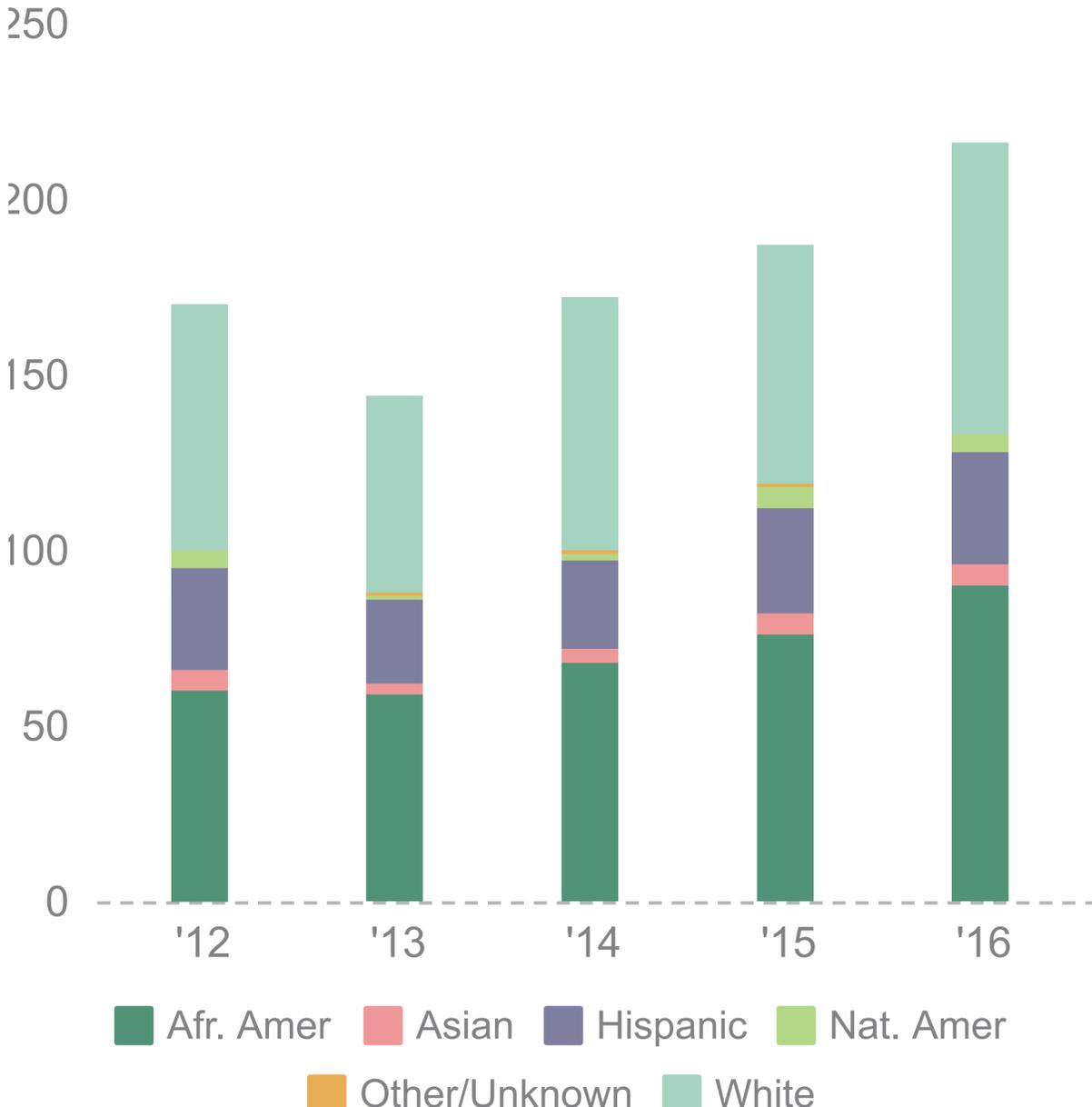
Admission to Detention for Warrants

Demographic Trends

Number of Admissions to Detention for a Warrant Increased Over Past 5 Years by Gender

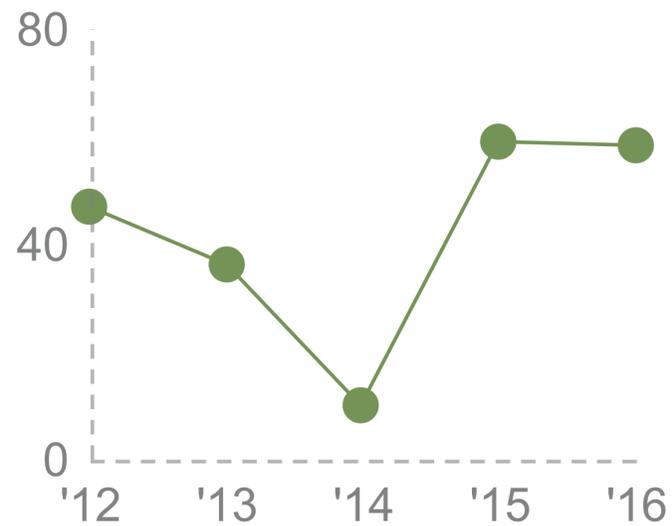


Number of Admissions to Detention for a Warrant Increased Over Past 5 Years by Race/Ethnicity

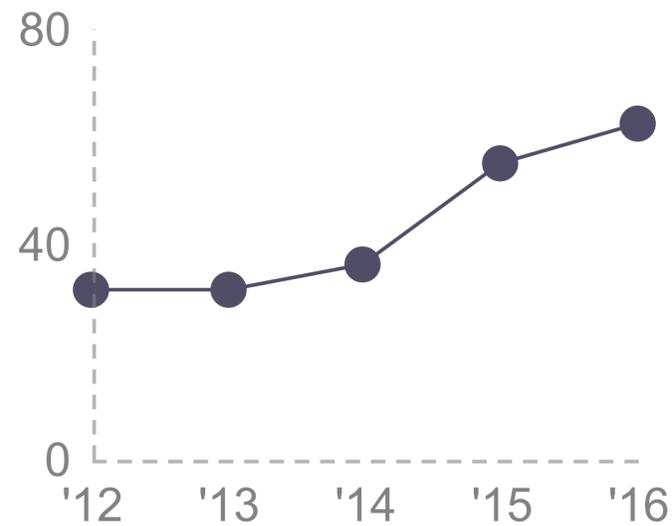


Youth Are Staying Longer

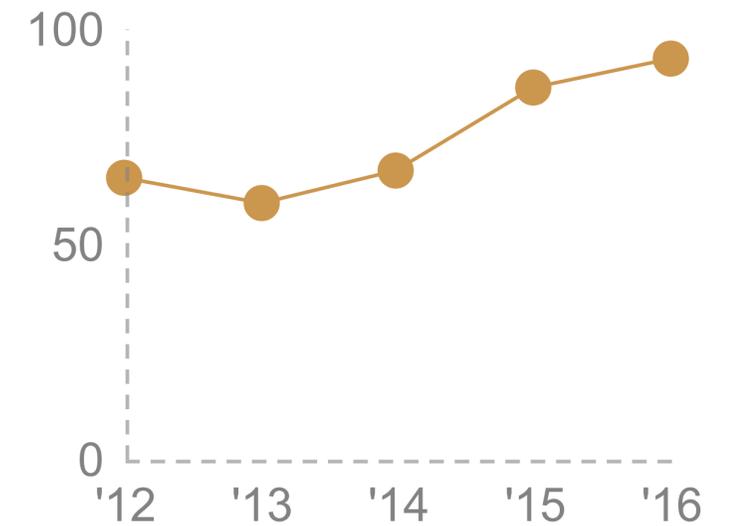
9-30 Day Detention Stays for LAW VIOLATIONS Increased Over Past 5 Years



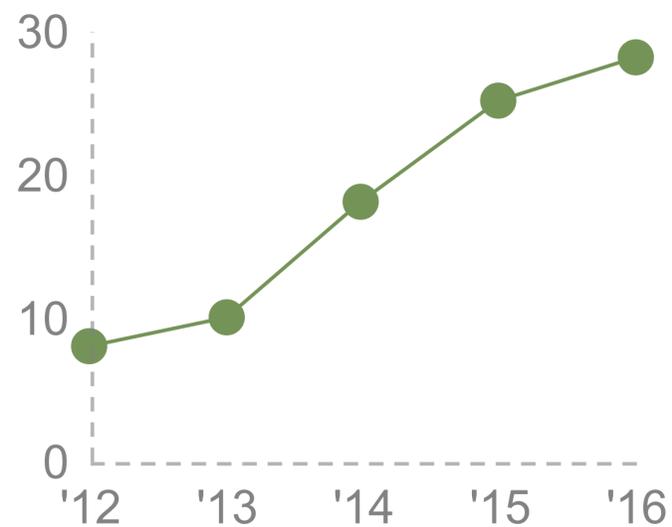
9-30 Day Detention Stays for TECHNICAL PROBATION VIOLATIONS Doubled Over Past 5 Years



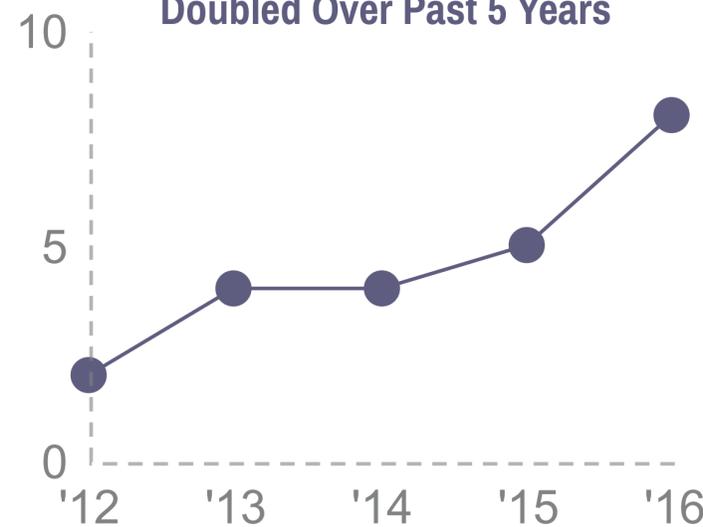
9-30 Day Detention Stays for a WARRANT Doubled Over Past 5 Years



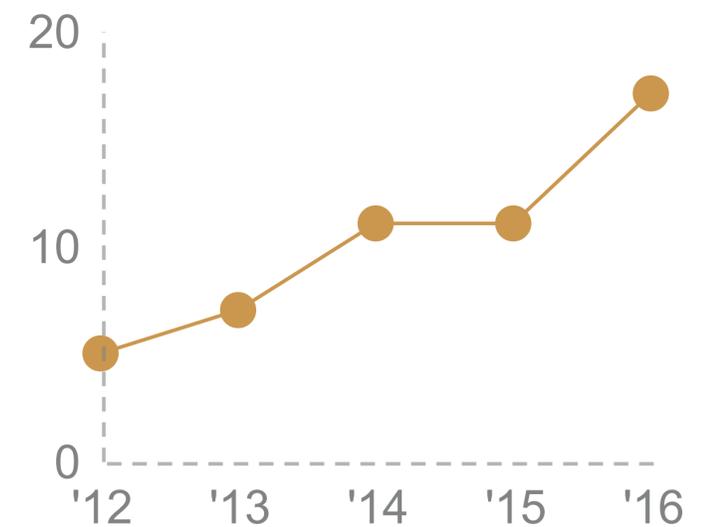
>30 Day Detention Stays for LAW VIOLATIONS Doubled Over Past 5 Years



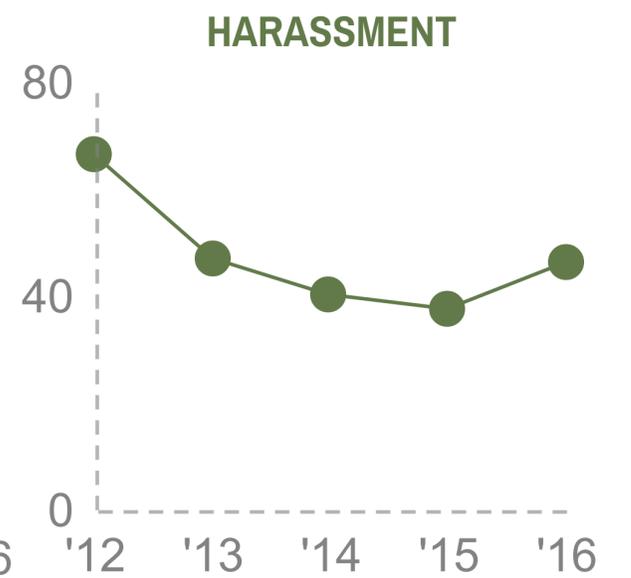
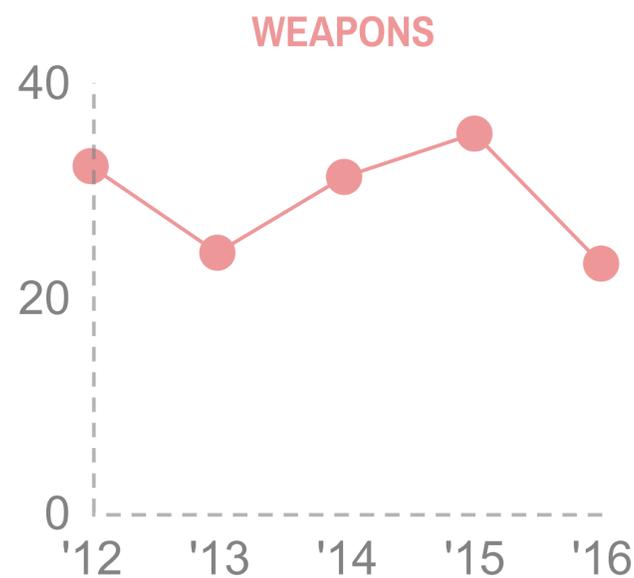
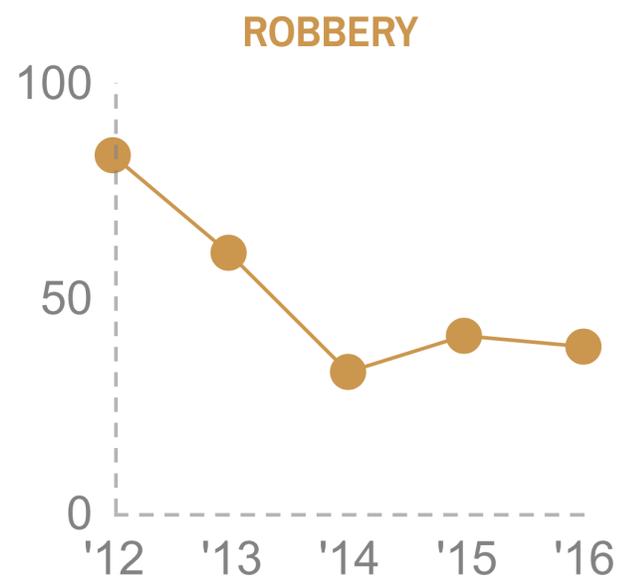
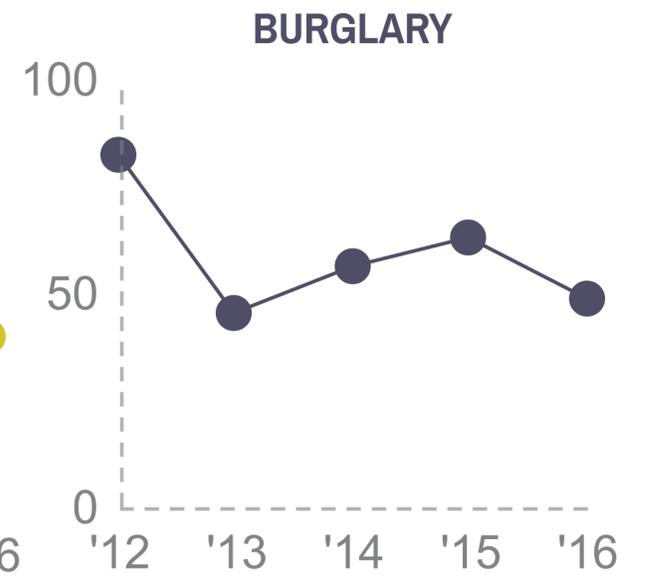
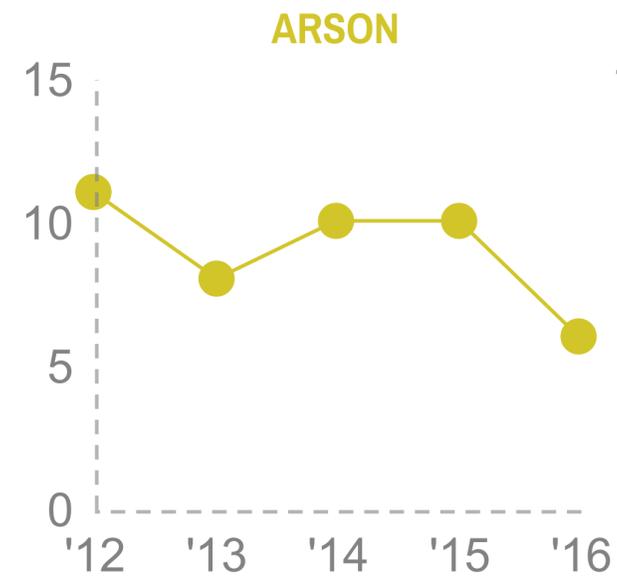
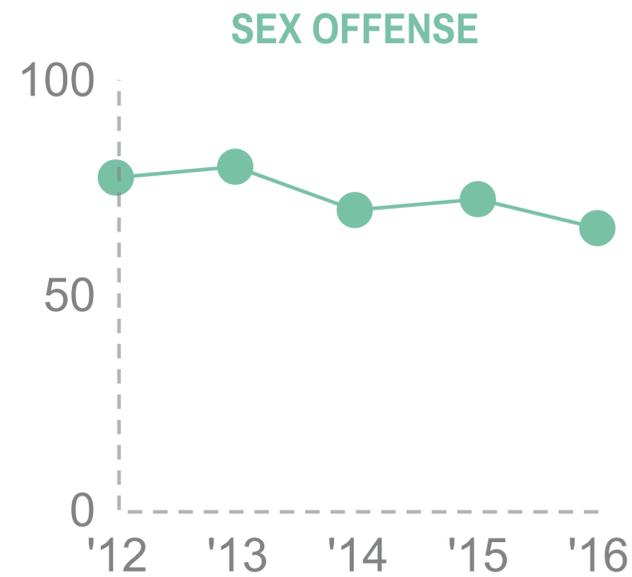
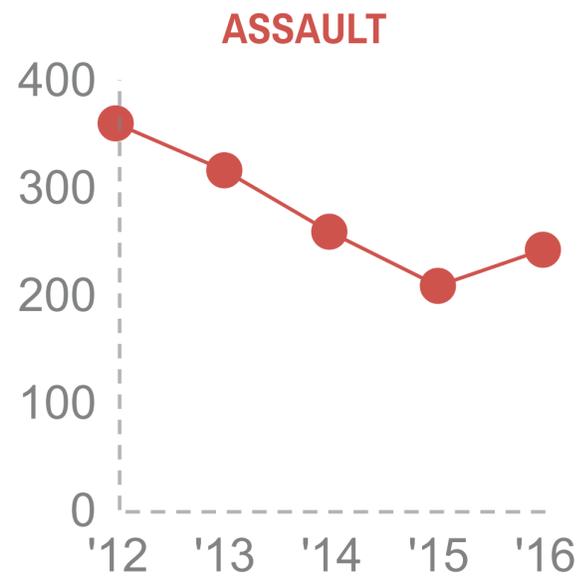
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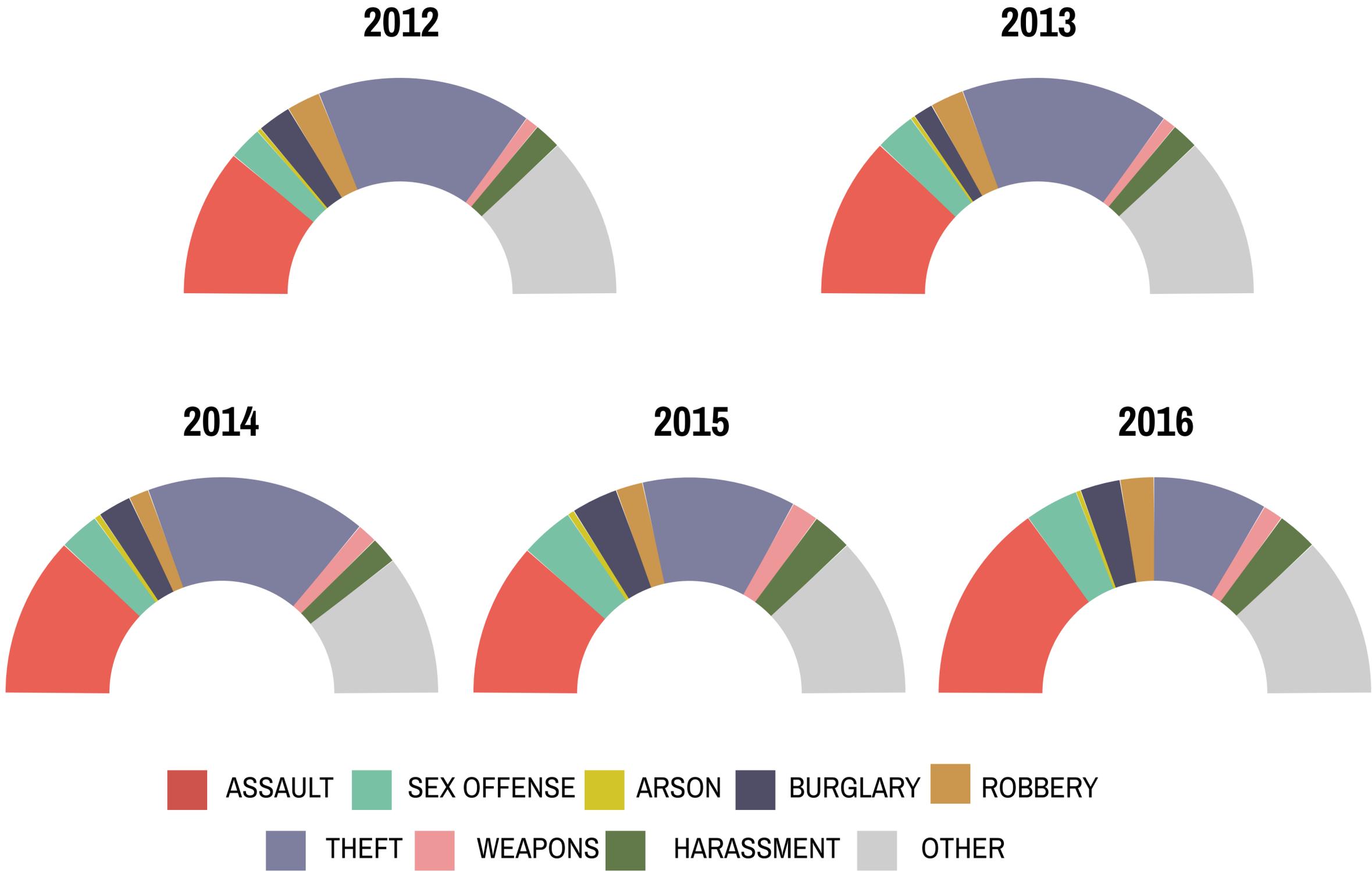
>30 Day Detention Stays for a WARRANT Doubled Over Past 5 Years



Total Number of Serious Crimes Decreased

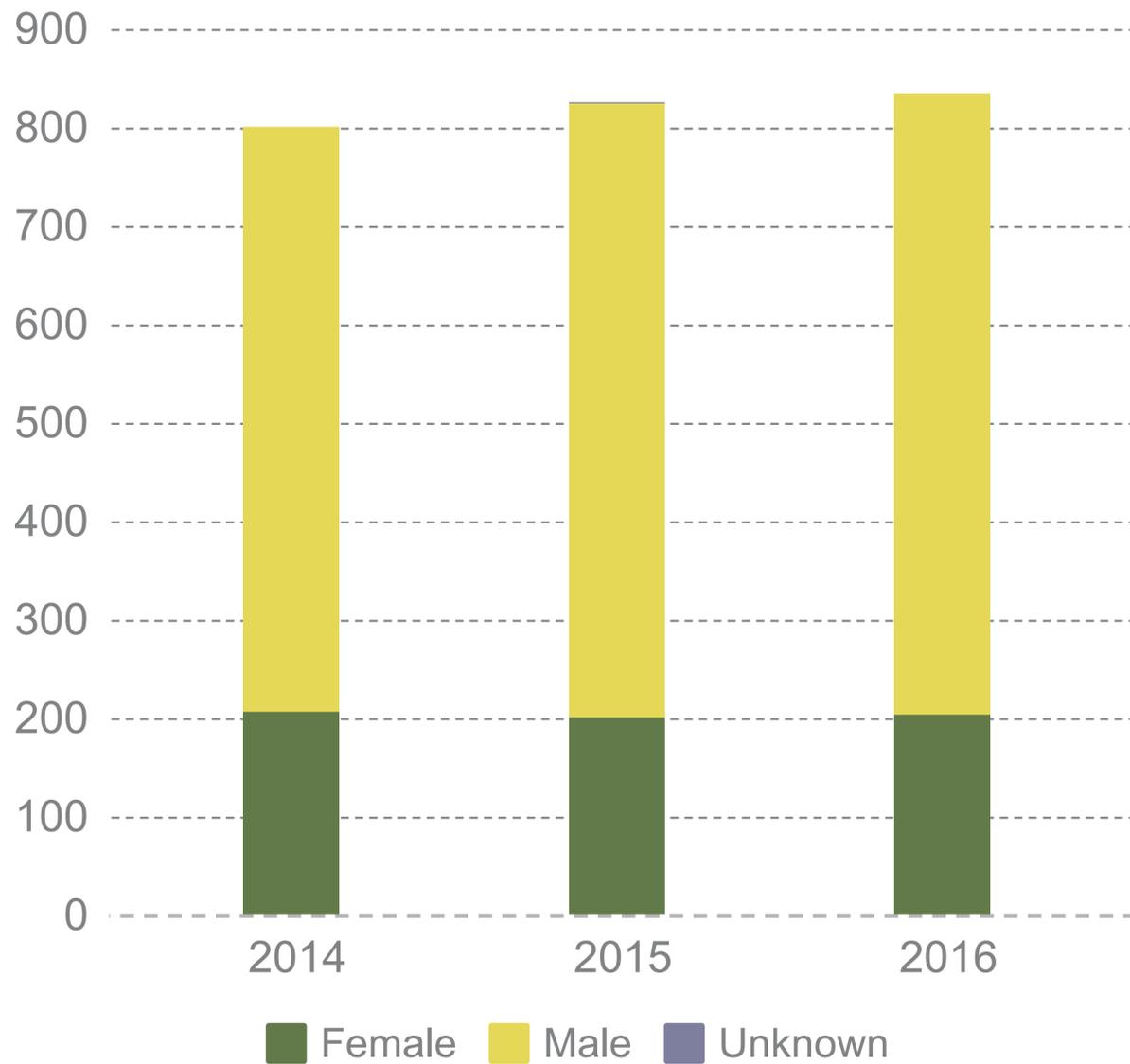


Serious Crimes as a Percentage of Referrals

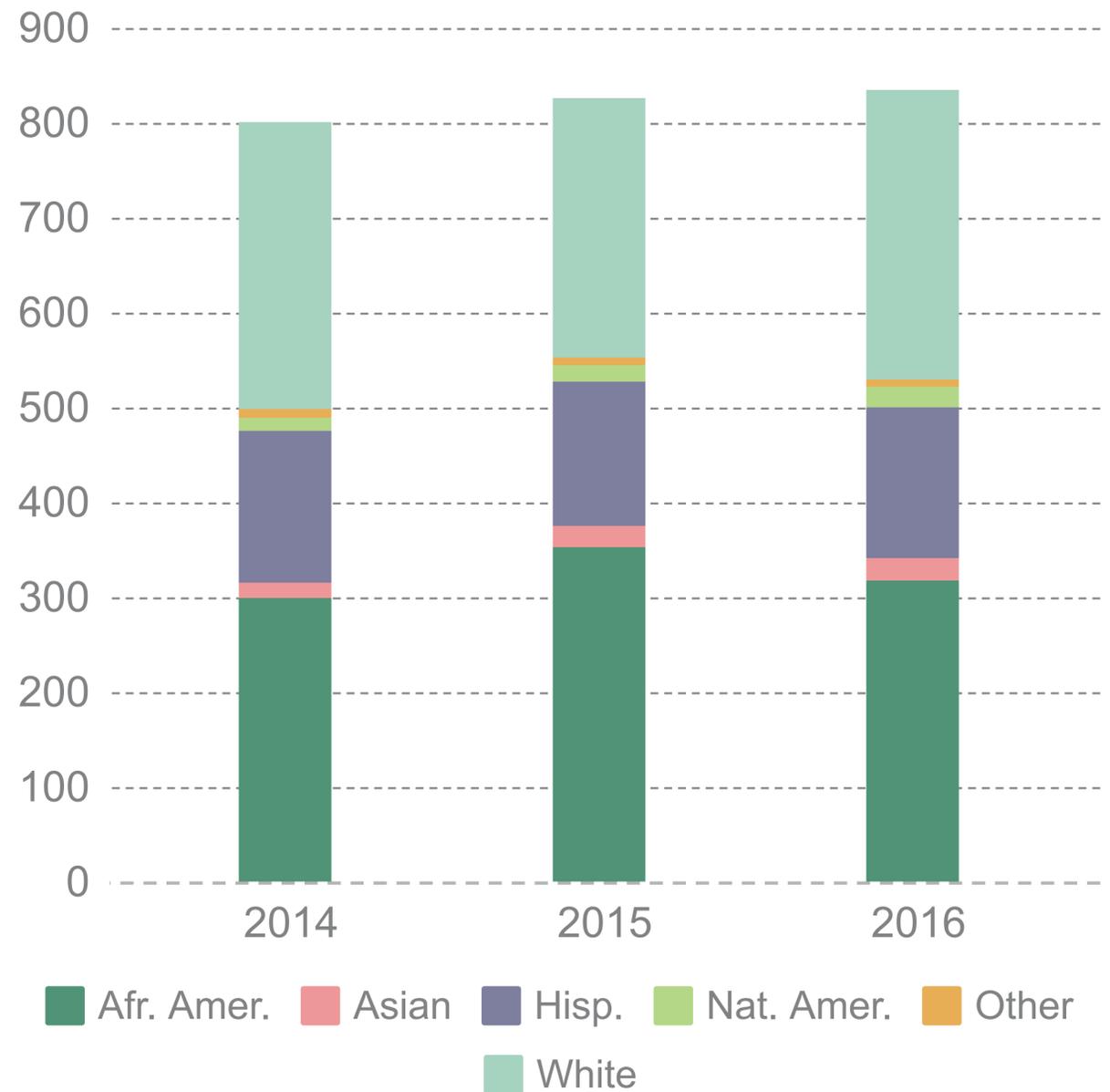


Risk Assessment Instruments (RAIs)

Number of Risk Assessment Instruments (RAIs) by Gender



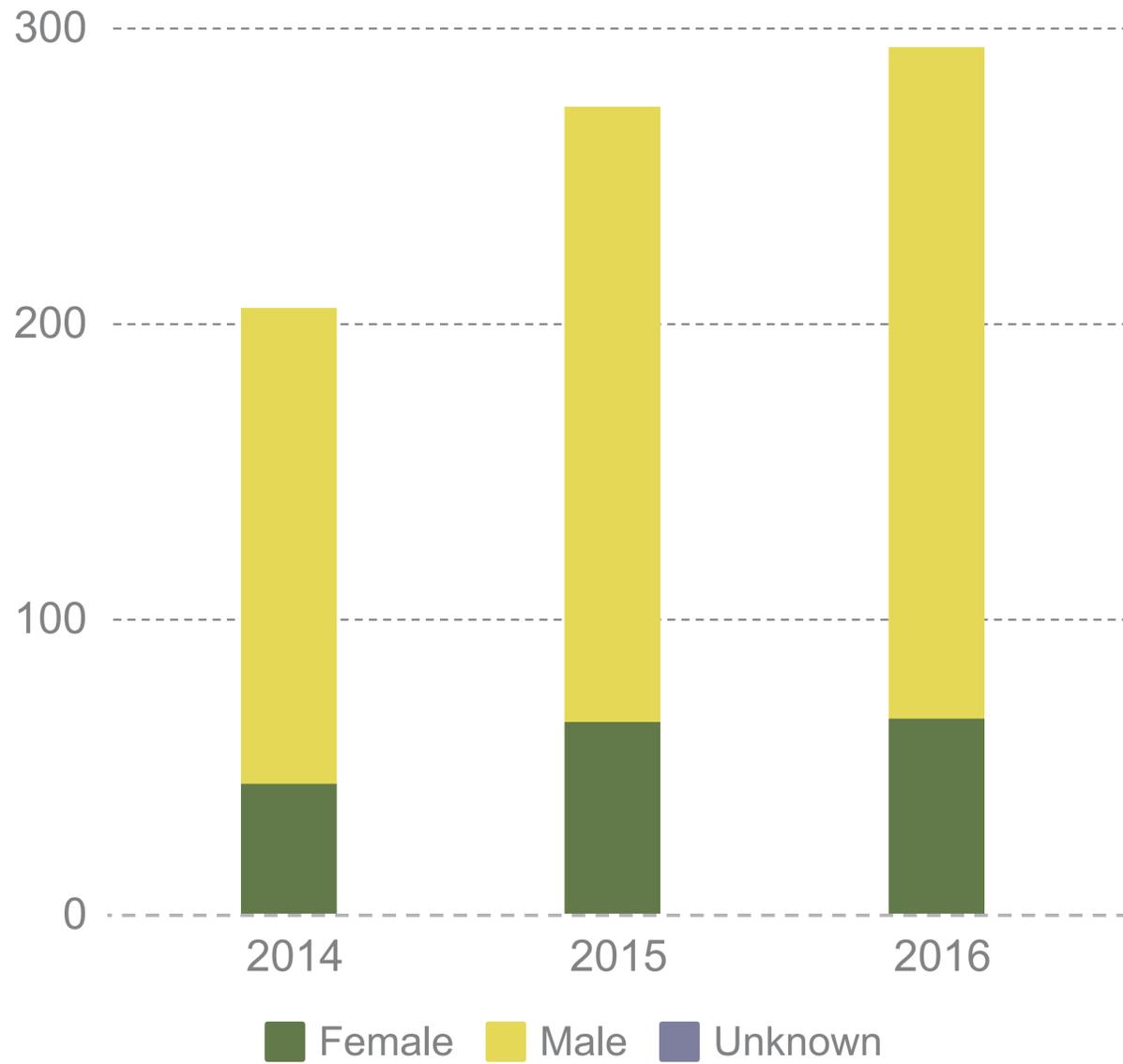
Number of Risk Assessment Instruments (RAIs) by Race/Ethnicity



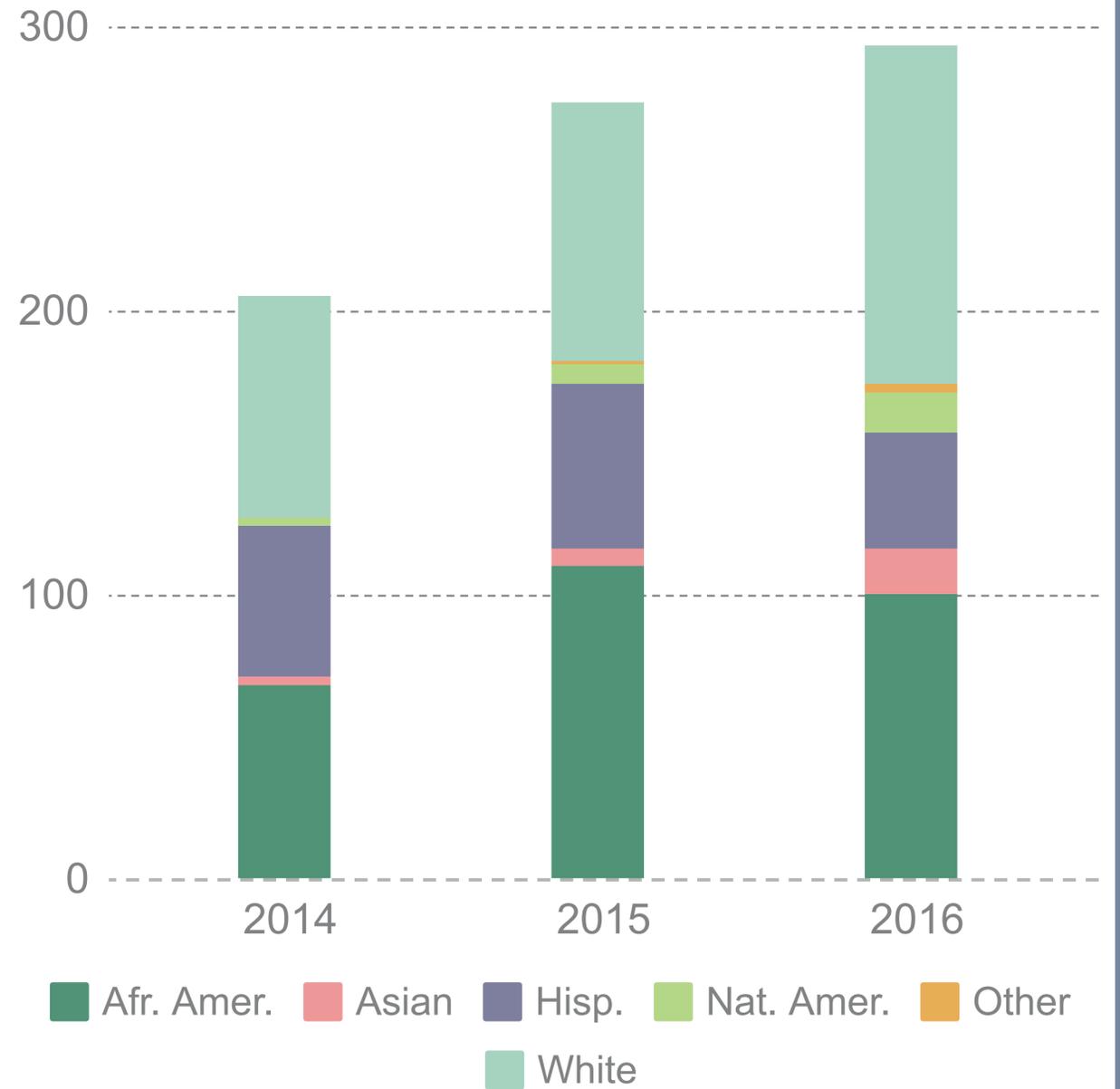
The number of RAIs generally remained steady, rising only slightly (800 to 834) from 2014 to 2016.

Overrides

Number of Overrides by Gender



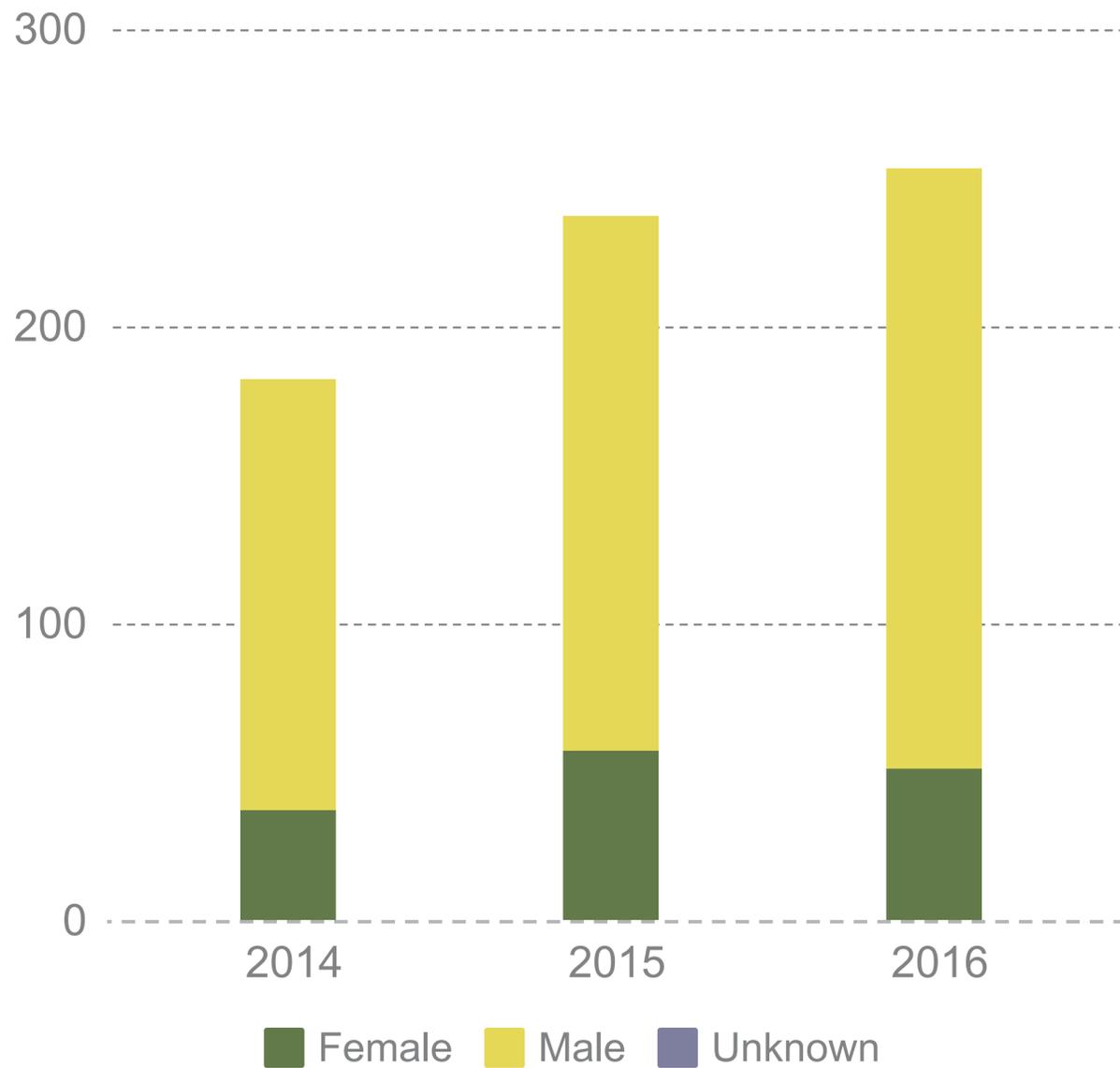
Number of Overrides by Race/Ethnicity



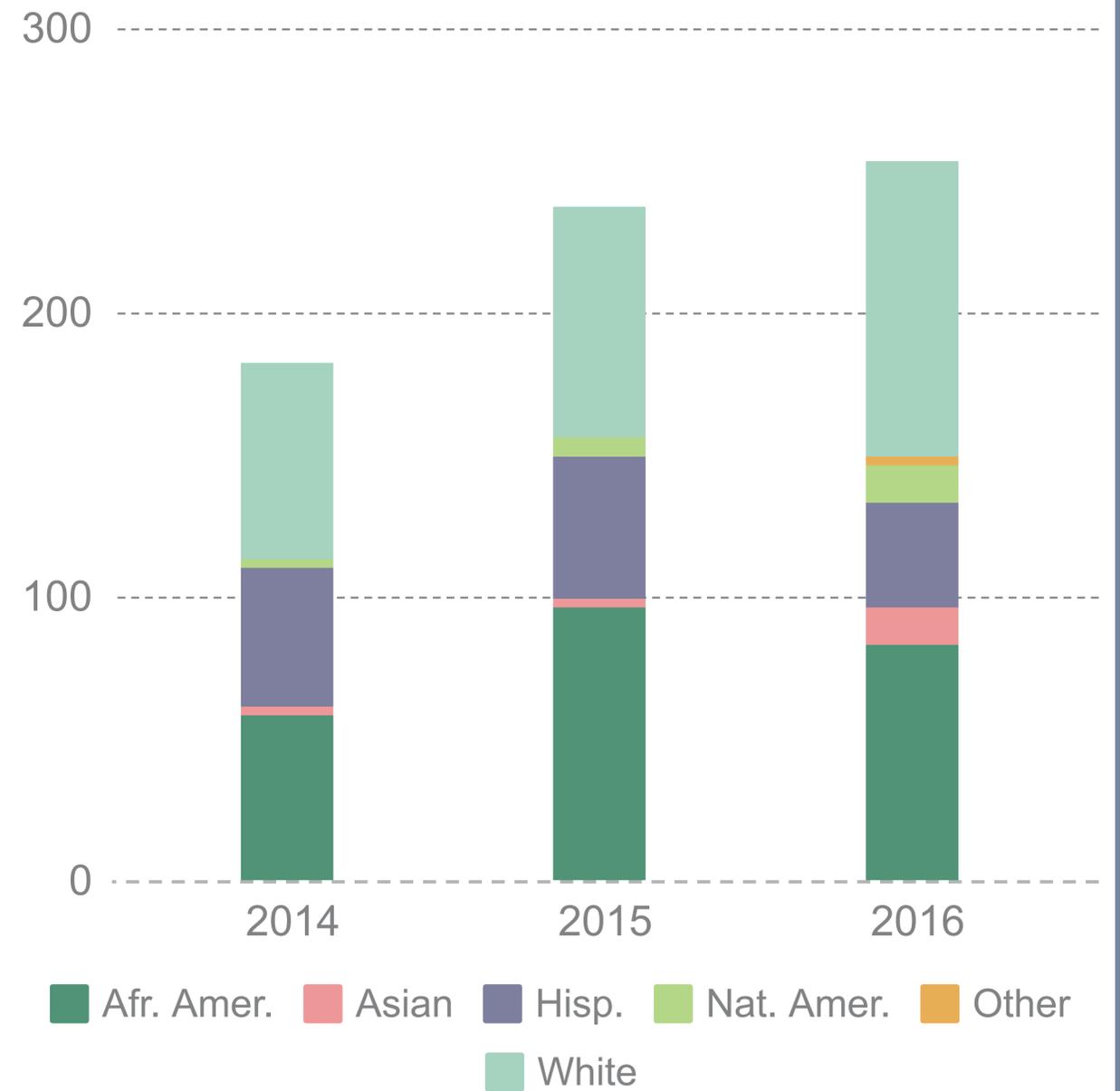
The number of overrides increased from 25.6% to 35.1% from 2014 to 2016.

Overrides that Resulted in Detention

Number of Overrides that Resulted in Detention by Gender



Number of Overrides that Resulted in Detention by Race/Ethnicity



The number of overrides that resulted in detention increased from 22.8% to 30.3% from 2014 to 2016.

Reasons for Overrides

Override Reason	N	Percent
36 Hour Hold	12	1.4%
Domestic Violence - No Safety Plan	42	5%
No Shelter Available	49	5.8%
Placement Interruption- No Appropriate Release	179	21.3%
Sex Offender - No Safety Plan	13	1.5%
Strong Indications of FTA	285	34%
Strong Indicators of Imminent Violence - No Appropriate Release	82	9.8%
Very Dangerous Probation Violation	135	16.1%
Youth in Imminent Danger - No Appropriate Release	30	3.6%
Other	12	1.4%
Total	839	100%

Looking Forward

Next Month:

- **Share identified drivers**
- **Present action items to address drivers**
- **Solicit partner input and suggestions for additional system improvements**