

AN EVALUATION OF HUMBOLDT COUNTY'S JUVENILE  
DETENTION RISK ASSESSMENT TOOL

By

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## ABSTRACT

### An Evaluation of Humboldt County's Juvenile Detention Risk Assessment Tool

Stephanie Lynne Daley

An evaluation of the Humboldt County Juvenile Detention Risk Assessment Tool was conducted. Those probation officers that use the tool were interviewed to determine if all of the parts of the tool are functional and if the tool is operating as it is supposed to be operating. The interview questions focused on the methods in which the probation officers fill out the tool, as well as focusing on the officer's attitudes toward the tool. It can be concluded from this evaluation that the tool would operate effectively if more uniformity existed in the way in which the tool is filled out. This can be accomplished by formulating policies on how to address certain sections of the tool.

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## INTRODUCTION

### Background

During a meeting of the Juvenile Hall Overcrowding Commission in August of 2004, Bill Burke (former chief probation officer for Humboldt County) expressed the need to have someone perform an evaluation of the juvenile detention risk assessment tool. This issue was explored further in a meeting between this researcher, Josh Meisel, Bill Burke, and Tim Toste, director of detention services for Humboldt County. During this meeting Bill and Tim went into greater detail about their visions for the project and it was determined that this could be incorporated into a masters thesis.

Bill and Tim, the key stakeholders in the project, wanted the project to determine if the tool was working to keep the numbers down in juvenile hall. After numerous meetings, emails, and phone calls, the project plan was finalized in November of 2004. The idea was to take all of the completed risk assessment tools and look at the files held in juvenile hall for all of the juveniles on which a tool had been completed. The plan was to look for things in their files such as severity of offense, prior history, and subsequent arrests, and conduct a quantitative analysis of the data to determine if the tool is in fact working better than the old method to keep the juvenile hall population down.

The project was approved by the IRB in January of 2005. Shortly after the research began, it was discovered that most of the risk assessment tools were not filled out properly. In fact, out of 535 tools, there were only 98 that were completely filled out. This caused a slight panic, as it was realized there would not be enough numbers to validate the study. Tim was informed immediately and there was a meeting in which the

tools, separated into very specific piles, were looked at and explained why they could not be used in the study. The problem was that the tool generates a risk assessment score for the juvenile, and there are numerous sections on the tool, each with their own subtotal. On the majority of the tools, there were no checkmarks or subtotals filled in for many of the sections, which meant that the tool was not complete. Tim pointed out that the officers must have simply left these sections blank because the juvenile had no risk factors in that category. The issue was that from a research perspective, it could not be assumed that the officers left those sections blank because there were no relevant factors. To correct this problem, it was suggested that each juvenile was looked up in the database to find the missing information. It was explained that this was not a good idea because, besides the fact it is not ethical, it would not help to validate the study. The tool was supposed to be evaluated to see if it was working; if someone were to go back and fill out the missing sections, the research would not be evaluating the tool in the way in which the on-call probation officers filled them out, which would defeat the whole purpose of the project.

Initially, Bill and Tim had a very narrow idea of what the project would entail, focusing only on if the tool is helping to alleviate the overcrowding problem in juvenile hall. After a few more meetings it was decided that the project would look at the tool itself more closely, which significantly broadened the scope of the project. A plan was devised to interview all of the on-call probation officers, some juvenile corrections officers, and also some police officers to find out what factors are important in assessing the risk of a juvenile. As the interviews with the on-call officers began, it became clear

that all of the important risk factors are addressed on the form. Issues began to emerge that were not initially intended and the focus of the project shifted once again. The issues that began emerging dealt with the purpose and function of the tool, not with the individual risk factors. For this reason, it was not necessary to interview the juvenile corrections officers or the police officers, as they do not use the tool itself. The primary purpose of the project is to conduct an implementation evaluation of the risk assessment tool from a programmatic perspective to determine (1) if all the parts of the tool are functional and (2) if the tool is operating as it is supposed to be operating.

#### Theory of Action of the Tool

Humboldt County Juvenile Hall spent several years struggling with severe overcrowding. There simply were not enough beds to accommodate the amount of juveniles brought into the hall. The tool was adopted by the probation department as an attempt to reduce the number of juveniles brought into the hall. The theory of action for the risk assessment tool can be summarized as:

1. On-call probation officers use the tool for every juvenile they receive a call about.
2. They fill out the tool before they make a detention decision.
3. Juvenile hall staff communicates with the on-call officers to give them the information needed to fill out the form.
4. The officers make a detention decision by assessing a wide range of risk factors.
5. The officers are better able to determine which juveniles need to be detained.
6. Expected result: Juvenile hall population is reduced.

### Format of the Tool

The tool generates a risk assessment score for the juveniles by assigning scores for multiple risk factors. The tool is divided into different sections, such as criminal history, mitigating factors, aggravating factors, etc. Many of the factors have a sliding scale, meaning that the score for a particular factor can range from 1 to 3 or 1 to 5, with one being the lowest score. A total is generated and if the juvenile has 16 or more points he/she is to be detained. There is an override option at the bottom of the form for cases that have extenuating circumstances in which a juvenile needs to be detained even though their score does not reach 16. See appendix A for a copy of the risk assessment tool. Please note that the size of the tool has been reduced to fit the parameters of this paper.

### Issues for Further Exploration

A review of the literature on the topics of risk assessment tools and the effects of overcrowding will expand the knowledge base of this evaluation. This will be followed by a discussion of the methods used in conducting the evaluation. The following is a list of the primary issues that came up during the interviews and which will be explored in more detail, along with other issues, in the results and discussion sections of this paper.

1. Some of the officers do not even fill out the form until after a detention decision is made.
2. Many factors on the tool have a scale of 1 to 3 or 1 to 5 and it is up to the officer to determine which score to assign. The amount of discretion used when filling out the form appears to be high because of these sliding scale factors.

3. There is a major problem with the information received from the probation officers from DB Junior (the database that contains all of the information juvenile hall staff has on the juveniles).
4. The information needed for many of the mitigating and aggravating factors is not possible to obtain unless the officer has previous knowledge of the juvenile.
5. The tool appears to have various uses, such as to validate the on-call officer's decision to law enforcement and to serve as a means of communication within the probation department.

## LITERATURE REVIEW

The primary concern of the Probation Department in relation to this evaluation was the overcrowding of juvenile hall. However, to provide a better understanding of the origins of risk assessment tools in juvenile justice, this literature review will briefly explore three topics. The first is a discussion of the evolution of risk assessment in the criminal justice system. This is relevant to this study because it describes how risk assessment tools came to be used in juvenile justice. The second topic explored in this literature review is some of the benefits of using standardized assessment tools in the evaluation of risk in juvenile offenders. This section is important because it points out some of the differences between standardized assessments and clinical assessments and it also describes some guidelines to consider when creating and implementing standardized risk assessment tools. The third topic to be addressed in this literature review is some of the effects of institutional overcrowding. This is important to note because the primary goal of implementing the risk assessment tool in Humboldt County was to try to reduce the number of juveniles held in juvenile hall.

### A Brief History of Risk Assessment

There are many ways for using assessment tools in juvenile justice, including: classification, which constitutes estimating a juvenile's likelihood of continuance in delinquent behavior and deciding on the most appropriate intervention for the specified risk level; placement and custody assessments, which are less focused on predictive items and more focused on policy considerations; needs assessment instruments, which are

often used in conjunction with risk or placement assessments and which serve to identify critical offender problems; and risk assessment instruments, which serve many purposes. Risk assessment instruments can be used at the prevention stage; they can be used in child welfare to identify those children who are at risk for suffering continuing maltreatment; they can be used in making placement decisions, such as determining which level of custody is most appropriate for a given juvenile; and they can also be used in making detention decisions. The remainder of this paper will focus on the use of risk assessments in making detention decisions, as this is the purpose of the instrument evaluated in this study.

It may seem as though interest in the prediction of risk for decision-making purposes has been a recent development, yet scholarly interest in the subject dates as far back as the 1920's with Burgess's prediction study on parole decision-making (Jones et al. 2001). In addition, a study conducted by Ohlin (1951) helped to refine Burgess's findings into factor scores and parole guidelines. This study helped to give prediction methods a prominent role in policy formation. The work of Glueck and Glueck (1950), in which a social prediction table was developed, has become one of the most famous prediction studies in the history of delinquency. In addition, the work of Farrington and Tarling (1985) described how President Nixon was advised that Glueck and Glueck's social prediction table made it possible to correctly identify 9 out of 10 delinquents at the age of six. Not surprisingly, such claims called for close evaluation of the work of Glueck and Glueck, resulting in a few serious criticisms, with the first being that generalizations made from the research were invalid because the delinquents and the

nondelinquents used in the study were extreme groups. In addition, since the delinquent base rate was so high (50%) in the study population, it made predicting delinquency in that group much easier than predicting it in the general population. Finally, it is argued that there was no validation sample in the study. As a result of the criticisms of the Gluecks' work, research on the prediction of delinquency began to be discredited. For this reason, psychologists took over the task of prediction research for the next 20 to 30 years (Megargee and Bohn 1979). During this time, instruments such as Eysenck's Personality Questionnaire, the Minnesota Multiphasic Personality Inventory, the Bristol Social Adjustment Guide, and the Jesness Inventory were used to try to determine which types of personalities were characteristic of delinquent behavior (Megargee and Bohn 1979). As criticism of empirically based delinquency prediction studies continued to increase, statistical studies became almost non-existent. Wilkins, at one time a leading advocate of criminal prediction studies, began to argue that it is sometimes inappropriate to predict juvenile delinquency. This is surprising, given that he had been a strong supporter of identifying chronic offenders. He began to change his views and even went so far as to say:

I have conducted research into the prediction of recidivism and see no moral objection to this, but I have not, and would not, carry out research aimed at predicting probable delinquency. No individual citizen (and this includes juveniles) while that individual retains his full quota of individual rights, should be placed in a position of risk of becoming a "false positive" and no personal information should be used in the manner we have discussed (Wilkins 1969: 35).

In the past 25 years, people have once again begun to delve into the task of delinquency prediction research. This shift can be attributed to a study conducted by

Wolfgang, Figlio, and Selin (1972) of Philadelphia juveniles and work done by Greenwood (1980) on selective incapacitation. These studies caught the attention of judges, legislators, and correctional administrators and began to pave the way for the introduction of risk assessment into juvenile justice. Risk assessment in juvenile justice can be defined as “the process of estimating an individual’s likelihood of continued involvement in delinquent behavior and making decisions about the most appropriate type of intervention given the identified level of risk” (Howell et al. 1995: 189). Intervention is crucial to the rehabilitation of juvenile offenders. The risk principle states, “treatment for delinquent behavior is most effective when provided to juveniles who are at highest risk for reoffending” (Lipsey 2000: 6). Mark Lipsey’s meta-analysis on the effects of intervention on delinquency, which sought to determine if intervention programs could reduce recidivism rates among serious delinquents, supports the risk principle. Using regression analysis of 200 experimental or quasiexperimental studies of intervention, he found that juveniles who received intervention had an average of a 12 percent decrease in recidivism (Lipsey 2000). In addition to determining if intervention programs were effective in reducing recidivism rates, he also determined which programs were most effective. The three types of treatments that proved most effective for noninstitutionalized offenders were interpersonal skills training, individual counseling, and behavioral programs. It is interesting to note that there were four intervention programs which showed the clearest evidence that they were not effective. These interventions were: wilderness/challenge programs, deterrence programs, early release from probation or parole, and vocational programs. The intervention programs which

were found to be most effective for institutionalized offenders were interpersonal skills programs, which involved training in anger control and social skills, and teaching family homes, which are community-based, family-style group homes. Again, it is interesting to note that for institutionalized offenders, the interventions that were found to be the least effective were milieu therapy, drug abstinence programs, wilderness/challenge programs, and employment-related programs. Lipsey's meta-analysis was instrumental in reinforcing the importance of the need for risk assessment instruments to determine which interventions are appropriate for which offenders.

The public policy arena has also begun to recognize the importance of risk assessment for better-informed and more rational juvenile justice decision making (Jones et al. 2001). More and more jurisdictions are realizing that risk assessment can be a vital part of the criminal justice process. Many departments are beginning to create and implement their own risk assessment instruments. For example, a study conducted by Schumacher and Kurtz (2000) describes how Orange County, California's Department of Probation developed a classification system aimed to identify those first-time juvenile offenders that were most likely to have high rates of recidivism. The logic behind the classification system is that immediate, effective intervention is essential if these juveniles are to be prevented from becoming chronic juvenile offenders. This rational decision-making approach promotes the use of empirically based risk classification to recognize the main predictors of risk in delinquent juvenile populations. Rational decision-making is defined as "decisions which, in light of the information available, maximize the probability of achieving the decision maker's purposes in that particular

case” (Wilkins 1985: 36). This definition assumes that there is more than one possible decision choice, that there is some goal or set of goals to be achieved, and that the information needed to make the decision is readily available (Wilkins 1985). The last component of rational decision making, the availability of appropriate information, has consistently been the primary issue for juvenile justice policy makers and practitioners (Jones et al. 2001). Their ability to make informed decisions is often hindered by a lack of reliable information on the juveniles themselves. It is easy to identify chronic juvenile offenders after they have committed numerous offenses; however, the need is to identify those juveniles before they go on to commit more offenses.

#### Benefits of Standardized Risk Assessment Tools

The previous section served as a brief overview on the history of the emergence of risk assessment instruments in juvenile justice; this section will focus on the advantages of using a standardized risk assessment instrument as compared with a clinical assessment and will also provide some guidelines for creating and implementing such standardized instruments.

A review of current research on the subject promotes the need for standardized assessment tools to validate and greatly improve judicial decisions within the juvenile justice system. In fact, Wiebush et al. point out that, “Historically, risk assessment and classification have been informal, highly discretionary procedures carried out by individuals who have varying philosophies and different levels of experience and knowledge, and who use dissimilar criteria in the assessment process” (Wiebush et al. 1995:173). A lack of structure in assessment procedures contributes to a high level of

inconsistencies and the frequent operation of biases often found in juvenile justice systems. Studies conducted of assessment activities in juvenile justice systems by Baird (1984), Towberman (1992), and Wiebush et al. (1995) all concluded that many risk assessments are conducted in a disorganized manner. Informal procedures such as these have been criticized as producing results that are potentially: (1) inconsistent, (2) erroneous, (3) inequitable, and (4) lacking accountability because of the “invisible” criteria and rationale used by such decision makers (Howell et al. 1995). Variations in assessments such as these result in inconsistency among decision makers, which in turn leads to the unequal treatment of similarly situated offenders. The use of standardized assessment tools addresses these issues by identifying a limited number of factors “known or believed to be the most relevant to the decision being made and incorporating them into a simple, standardized format” (Howell et al. 1995: 191). In short, the two primary rationales for the use of formal assessment tools are to (1) provide a greater level of structure, validity, and consistency in the assessment and decision-making process, and (2) be able to more efficiently assign the limited resources of the system by directing the most intrusive/intensive interventions on the most serious, chronic juvenile offenders.

Standardized risk assessment tools can help to facilitate the rehabilitative ideal described by Francis A. Allen in his book *The Borderland of Criminal Justice* (1964). The rehabilitative ideal is a complex of ideas with three primary points. The first point is that human behavior is the product of antecedent causes that can be identified as part of the physical universe and it is the obligation of the scientist to discover and explain these causes with as much accuracy as possible. Secondly, an approach to the scientific control

of human behavior is made possible with the knowledge of these antecedent causes of human behavior. Finally, measures used to treat the convicted offender should have a therapeutic function, meaning that treatments should be designed to promote changes in the behavior of the offender in “the interests of his own happiness, health, and satisfactions and in the interest of social defense” (Allen 1964: 26).

Research has repeatedly shown that standardized assessments “lead to more consistent and valid judgments than do clinical assessments” (Hoge 2002: 386). There are four basic benefits of using standardized assessment instruments and can be summarized as follows: (1) it ensures that all decision makers are taking into account the same factors in all of the cases they deal with, which creates greater consistency in the process of assessment; (2) the validity of the risk assessment process is increased by the empirical basis of the instrument; (3) the decisions made in each case are more equitable and objective; and (4) the individual decision maker and the agency are both held more accountable for the decisions that are made because the rationale for each decision is made visible and explicit.

The second rationale for using standardized risk assessment instruments deals with the allocation of limited resources. Standardized tools will help in identifying which offenders would truly benefit from which resources. Without the use of standardized tools, high-risk offenders may not be as clearly identified, meaning “truly high-risk offenders may not receive the adequate level of intervention necessary to protect the safety of the public, while low-risk offenders may receive unnecessarily intrusive interventions” (Howell et al 1995: 192.) The following study is an example of this

rationale. The study involved an analysis of the offense histories and risk characteristics of training school populations in 14 different states (Howell et al. 1995). Researchers worked with juvenile justice officials to develop a structured risk assessment tool that covered the key factors in detention decision-making. The researchers applied the tool to the training school population to determine who (1) required long-term placement in a secure facility, (2) required short term care (1-3 months) followed by placement in a less-secure facility, or (3) those who could be placed immediately into community-based supervision (e.g. probation) (Howell et al. 1995). In every state, the researchers found that at least one third of the training school population had a score of either “low” or “medium” on the scale and did not require placement in a long-term secure facility (Howell et al. 1995). In summary, if a standardized risk assessment tool had originally been used to make a detention decision, approximately one-third of the population would not have been in the training schools. The Howell study is supported by data collected by the Juveniles Taken into Custody (JTIC) statistical reporting program, sponsored by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (Howell et al. 1995). The analysis of 1992 data found that the majority of youth held in state custody were not violent offenders: only 14% of the youth taken into custody in the 29 states evaluated had been admitted for what were deemed “violent and serious offenses”; 51% of youth admitted to state custody did not commit a serious or violent offense and were never previously in state custody; and an astonishing 8% of the youth were admitted for what were considered to be minor offenses (Howell et al. 1995). These statistics point to the

need for the use of standardized risk assessment tools to aid in making more adequate decisions on which youth to admit to the already over-crowded detention facilities.

Risk assessment tools are in fact becoming increasingly popular in detention decision-making within the juvenile justice system. For example, Barton and Gorsuch (1989) conducted a study in which they distributed a survey to determine which risk assessment tools were being used by state juvenile correction agencies. Of the states that responded ( $n = 37$ ), 47% were using standardized risk assessment tools to aid in making detention decisions (Barton and Gorsuch 1989). More and more juvenile justice agencies are turning to the aid of standardized risk assessment tools for making important detention and classification decisions. As stated by David J. Simourd in his article *Risk Assessment in Contemporary Corrections*, “Risk assessment is the cornerstone of good correctional/forensic practice. It is the engine of case-planning, decision making, and rehabilitative measurement (including individual and program evaluation)” (351). There are two primary reasons for this. First, contemporary risk assessment tools are an attempt to identify less violent offenders and provide them with more therapeutic services as alternatives to incarceration. This is very important, because as far back as the turn of the 20th century, correction officials began to discover that labeling juvenile offenders as criminals tended to result in high rates of recidivism (Withrow 2003). The second reason is that standardized risk assessment tools allow jurisdictions to more accurately identify those juveniles that could truly benefit from confinement and those that do not need to be confined. This became increasingly important as the demand for detention facilities increased. There simply were not enough beds to hold all of the juveniles being brought

into facilities across the country. In short, risk assessment tools are used as a means to control the overcrowding of detention facilities.

It is important for departments to remember that even though research suggests that the introduction of a standardized risk assessment tool will aid in achieving desired results, such as reducing overcrowding, the changes are not going to happen over night. As Jennifer L. Ferguson (2002) points out, the integration of risk assessment tools into organizational practice by criminal justice departments is an ongoing process that requires commitment by all personnel and the availability of acceptable resources.

James Bonta (2002) describes ten guidelines for departments to use when creating and implementing a standardized risk assessment tool. These guidelines can be summarized as:

- (1) The assessment of offender risk should be based on actuarial measures of risk. Actuarial measures of risk are quantitative, structured, and linked empirically to relevant criteria.
- (2) Risk assessment instruments should demonstrate predictive validity, meaning that when developing a tool, it should be evaluated in terms of predicting recidivism, institutional misconduct, or any other such behaviors.
- (3) For use in the criminal justice system, the only risk assessment instruments that should be used are those that are directly relevant to criminal behavior. For example, the MMPI or other psychology-based tests should not be used by themselves. Numerous studies of the MMPI have shown that the instrument is not a particularly good tool at predicting criminal behavior.

- (4) Those instruments selected for use should be derived from relevant theory, meaning that the instruments should be grounded in a theory of criminal behavior. The three broad perspectives on criminal behavior for which tools should be based on are (a) sociological-criminological explanations of crime, such as anomie or strain theory, which place the root cause of crime in the broad social, economic, and political structures of society, meaning that people participate in criminal behavior because of frustrations stemming from poverty, power imbalances, and class conflicts; (b) the psychopathological perspectives, in which criminal behavior is attributed to cognitive, biological, emotional, or psychological dysfunction; and (c) the social learning perspectives, which means that criminal behavior is learned through interactions between emotional, personality, cognitive, and biological factors and environmental cost-reward contingencies.
- (5) The tool should explore multiple domains, not just focus on one area. The areas that should be focused on by the tool include criminal history, antisocial personality, antisocial values and attitudes, social supports for crime, and any other domains that are predictive of criminal behavior.
- (6) The instrument should assess criminogenic need factors. Criminogenic needs are those aspects of an individual or the individuals' situation that, when changed, are linked with changes in criminal behavior.
- (7) General personality and cognitive tests should be limited to the assessment of responsivity. The responsivity principle for offender classification states, "the

style and mode of treatment must be matched to the cognitive, personality, and socio-cultural characteristics of the individual” (371).

- (8) Different methods should be used to assess risk and needs.
- (9) It is important to exercise professional responsibility, meaning that those people who administer such tests should be well-trained in the administration procedures and should be knowledgeable of the current issues surrounding the assessment of offenders.
- (10) Be nice. By this it is meant to be conservative in assigning scores, as imprisonment should be reserved for those offenders that truly need confinement. Bonta reminds us that there are nearly 1.3 million people incarcerated in the United States and urges practitioners to rely on community-based alternatives, such as home supervision, whenever possible.

If these guidelines are adhered to in the creation and implementation of risk assessment instruments, there is a greater possibility that the goals of the instrument will be achieved. The primary goal of the Juvenile Detention Risk Assessment Tool used by Humboldt County is to help address the issue of overcrowding in the juvenile hall facility. For this reason, the literature review will now focus on some of the adverse effects of institutional overcrowding.

#### Effects of overcrowding

There are so many effects of overcrowding that a whole separate study could be conducted on that topic alone. For the purposes of this paper, the primary effects will be discussed, highlighting some of the issues most relevant to this study.

In a study conducted by Guynes (1988), a nationally representative sample of sheriffs in control of prisons cited eleven things as the primary effects of overcrowding. They include: (1) increased acts of violence between inmates; (2) increased acts of violence between inmates and staff; (3) a decrease in recreation time for inmates; (4) decreased inmate access to medical services; (5) increased inmate health problems; (6) decreased staff morale; (7) decreased external facility security; (8) increased the expense of maintaining the facility; (9) decreased public confidence in the ability of the facility to maintain public safety; (10) decreased resources for inmate training and education; and (11) decreased availability of funds per inmate. While many studies conducted on this topic focus on one or two of these effects at a time, this study serves as an excellent summary of all of the effects of overcrowding found by numerous studies.

While all of the consequences listed above are important to note, the one most detrimental to juvenile facilities is the decrease in the resources for inmate training and education. Since 1990, literature on this subject has proved that inmates who attend educational programs while incarcerated have lower recidivism rates than those who did not attend educational programs (Vacca 2004). Education is imperative for all inmates, but especially for juvenile offenders. Overpopulation hinders the ability of facilities to offer educational programs to all of the inmates, thus resulting in under-educated offenders being released back into the community, often returning to the only life they know, that being the criminal life. In fact, current research on this subject suggests that the incarceration of individuals can have negative consequences for their future participation in the labor force and their future earnings (Lynch and Sabol 2004). This is

one of the primary reasons that incarceration should be left for only those that truly need it. Especially with juveniles, the only reason an offender should be incarcerated is to protect the safety of themselves, their family, and/or the community.

From a sociological perspective, overpopulation of prisons affects not only the individual, but the community as well. An increase in incarceration over the past 15 to 20 years has hindered the ability of residential neighborhoods to perform their traditional functions of social control. A study conducted by Lynch and Sabol (2004) suggests that the increase in the levels and geographic space of incarceration has contributed to changes in the social organization of affected communities. Overpopulation of detention facilities has brought on such changes in the social organization by weakening labor force attachments, family formation, and patterns of social interaction among residents. Further, Lynch and Sabol suggest that the effectiveness of incarceration may be reduced as mass incarceration continues to weaken community social organization, disrupts patterns of social interaction, and decreases the stigma associated with imprisonment.

## METHODOLOGY

### Subjects

The subjects for this study consist of probation officers with the Humboldt County Probation Department. The only probation officers involved in the research are those that do on-call work, as the only time the risk assessment tool is used is during on-call hours. Probation officers volunteer to do on-call duty, which means that the officer is on-call from 4:30 pm to 7:30 am during weekdays and twenty-four hours on the weekends. The officers that participate in the on-call work rotate duties every two weeks. The list of on-call probation officers was obtained from Tim Toste, Director of Detention Services for Humboldt County, who explained to the officers that someone from Humboldt State University would be contacting them shortly to set up an interview. This researcher then called each of the officers and briefly explained the project and set up appointments for the interviews. The officers were very accommodating and willing to make time in their schedules; therefore, it only took three weeks to complete all of the interviews. Of the twelve names given by Mr. Toste, only ten of the officers could be interviewed. When the scheduling of appointments began, it was learned that one of the officers was no longer with the department and another officer was no longer doing on-call work and had not done on-call for quite some time. Of the ten officers that participated in the study, five are female and five are male. Four of these officers are adult probation officers, five are juvenile probation officers, and one officer deals with

both adults and juveniles. Two of the officers have been working for the probation department for 1 to 5 years, four have been with the department for 5 to 10 years, and 4 have been with the department for 10 to 15 years. Only one of the officers has been doing on-call for less than one year, three have been doing on-call for 2 to 3 years, four have been doing it for 3 to 4 years, and two officers for 4 to 5 years.

At the beginning of the interviews, it was explained to each officer that participation was voluntary and that his or her responses would be kept anonymous. The officers were informed that their names would not be included in the report and that no one would ever know exactly which officer said what. All of the officers agreed to have their responses tape-recorded and most of them seemed comfortable speaking during the interviews. After all of the interviews were analyzed, it became evident that not everyone was filling out the form in the same way. For this reason, Tim Toste was interviewed to determine if there were policies in place for certain things, such as how to deal with sliding scale factors, how to obtain the information needed to fill out the aggravating and mitigating factors, etc. This interview was necessary in order to make recommendations for improved functioning and operation of the tool.

#### Data

The data for this study consists of individual interviews with all 10 of the participating on-call probation officers. The interviews took place in each officer's individual office, with the door closed to ensure the highest level of privacy. While the basic structure and content of the interviews were the same for all participants, it was interesting to see the different demeanors of the officers. Most of the officers were very

enthusiastic and excited to share their experiences. The majority of the officers answered each question very thoroughly and often included numerous examples of things that have happened to them in their personal experiences. There were a few officers, however, that were very short with their answers and made the interviewer feel as though they were pressed for time, which caused the interviewer to go as quickly as possible. These officers made the interviewer feel as though the interview was a waste of time and they had more important things to do. One officer in particular made the researcher feel so uncomfortable that the interview only lasted 10 minutes, while the majority of the other interviews lasted between 25 and 30 minutes. This particular officer was very short with his/her answers and appeared nervous during the interview. However, the majority of the officers was very happy to share their opinions and made the interviewer feel comfortable. In fact, on two separate occasions the officers continued speaking after the interview was over and the tape-recorder was shut off. They were speaking about such things as what it is like to work in the probation department. One officer even told the interviewer to come back to the office any time because this officer wanted to continue speaking about the interviewer's personal professional goals. Many of the officers expressed interest in the project and were happy that management was taking the time to find out their opinions on the tool. So for the most part, the interviews went very smoothly and the officers made the interviewer feel very comfortable in speaking with them. It is believed that they provided their honest opinions and did not hold anything back. The officers spoke candidly about their opinions and provided excellent data for the research.

### Analysis Techniques

After conducting each interview, they were transcribed into Microsoft Word.

While transcribing the interviews, subject headings were created above each paragraph that summarized the topics covered throughout the interviews. After each interview was transcribed, they were analyzed using the NVivo computer program. This program allows researchers to create codes for both organizing and analyzing the data. Codes are used to “identify topics, themes or issues, and bring together the data segments where these occur” (Bazeley and Richards 2005: 23). The first step in the coding process is “open coding”, in which nodes are made for each concept or topic to be stored. Nodes can be thought of as the “containers” for coding (Bazeley and Richards 2005: 24). Coding is done by placing references to the data at the nodes. The next step is to use coding frames to organize data and identify findings. Reports are generated that contain all of the references of the data that were placed at each node. Placing the data references into categories allows theories and concepts to begin emerging.

Coding reports make it easy to count how many people felt a certain way about a particular topic. For example, at this point it became possible to count how many people liked the tool and how many did not, or find out the way in which officers fill out the tool and look for discrepancies and similarities.

## RESULTS

This section will cover the findings that came out of the interviews. The five major topics mentioned in the introduction will be discussed, as well as a few other relevant findings.

As mentioned earlier, the focus of the interviews was originally supposed to look at what factors (if any) the on-call officers felt were missing from the form. It became apparent very quickly that the probation officers felt there is not anything missing from the form and if there were, it would just go into the override category anyway. Only one person mentioned that there were possibly some factors missing from the form. This person feels that the form should more accurately address the welfare institution codes.

This person stated,

Some of the factors that it probably doesn't cover exactly, available services to facilitate the return of the child, whether there are any relatives available. We would use that in the override. Whether the continuance in the home is contrary to the child's welfare. It [the welfare institution code] calls for us to determine if the minor is in need of proper and effective care or control or has no parent or responsible relative that's responsible in actually exercising that care or control. So that's not considered. Whether the minor is destitute or is provided a home unfit for him or her by reason of neglect, cruelty, depravity, physical abuse by either of the parents; whether their continued detention is a matter of immediate and urgent necessity for the protection of the personal property of another. That's not covered in the points. Whether they're likely to flee the jurisdiction of the court. If they previously fled there is something in there, but if I've got a kid from out of the area and they're likely to flee, although we don't have any record of them, I'm going to hold them. Whether they've violated the order of the juvenile court; whether they're physically dangerous to the public because of mental or physical

deficiency or abnormality; and whether they're in risk of being placed in foster care. Those are my only concerns, that the form matches the Welfare and Institution code sections (Interview 10).

The factors this person mentioned would go into the override category; therefore, these factors are not exactly missing from the form, but they are also not directly addressed. These are things that to most officers should almost be common sense, but this particular officer is just concerned that these are important factors to consider and they are implied rather than explicitly stated on the form. One officer suggested that rather than adding all of these factors to the form, perhaps it would be a good idea to make sure that each on-call officer has a copy of the Welfare and Institution code and keeps it with the risk assessment forms.

#### Discrepancies on Form

Each officer was asked if they know of any discrepancies on the form. Two of the ten people mentioned that currently on community detention is only worth 7 points, but down at the bottom under mandatory detention cases it says community detention arrest. As one officer said, "...it either needs to have higher points up here [at the top] or it shouldn't even be there because it is just a mandatory detention case" (Interview 1). The other eight officers recognized the discrepancy but said it is not a big issue because, as one officer stated, "if it's a warrant [that is able to be cited] or if it's a person that's on community detention I mark that and I don't even do the rest of the tool usually" (Interview 4). This officer is stating that if there is a situation listed under mandatory

detention cases, this officer checks that box and does not bother completing the rest of the form, so it has never been an issue that it is only worth 7 points.

Thirty percent of the officers pointed out that technical probation violations carry a score of zero and feel that they should carry some points, at least equivalent to a misdemeanor. The other officers felt that this was sufficient because it really depends on what the individual situation is, “Well, I see how that could be a zero, because I’ll have kids who violate curfew and I’ll have parents that call up screaming ‘oh, my kid came home 20 minutes late.’ I am not going to bring them in for being 20 minutes late, so that really is a zero. I mean, it kind of depends on the kind of probation violation” (Interview 7).

The only other contradiction pointed out by the officers was with the scoring of misdemeanors and felonies. Two officers pointed out that the spot for “other felonies” only rates as a 3 or a 5, where as a violent felony, a sex offense, or a high-speed chase rate as a 16. These officers said that sometimes the “other felonies” are just as serious and do not fit into any other felony category, so they go into the “other felony” category and receive less points. Also, misdemeanors only receive 2 points and as one officer said, “sometimes it could be a violent misdemeanor or something that falls into the misdemeanor category but it’s still violence against family or something and they should still be removed for the safety of themselves or the other family members” (Interview 6).

#### Wait to Fill Out Form

One very important finding is that 40% of the on-call officers reported that they sometimes wait to fill out the form until after the decision is made. One respondent

stated, “I will be honest, I usually do my risk assessment after I’ve already made a decision, and then I’ll go through and fill it out” (Interview 5). The tool is supposed to be filled out before the officer makes a detention decision, so with a good portion of the officers sometimes waiting until afterwards to fill out the form, it becomes clear that this tool is not always being used in the way it was initially intended.

It is interesting to note that three out of the four officers that reported sometimes waiting to fill it out are juvenile officers. This is because the juvenile officers often feel that they have enough experience with the juvenile population to make a decision without looking at the tool. During the interviews, 90% mentioned that juvenile officers are more familiar with the population and most likely make detention decisions faster. For example, one juvenile officer stated, “I mean, I use it [the tool] because we have to. A lot of times I think they put more work into this stuff that should just be common sense” (Interview 7). This particular officer feels that he/she is capable of making a decision without consulting the form. Another officer stated, “Sometimes, in all honesty, I don’t fill this out until the next day because it’s so clear cut” (Interview 5). There is cause for concern because some officers stated such things as, “After a while you get an idea. You hear certain names and just based off of when certain names come up it makes it easier. You almost don’t even have to look at the tool” (Interview 5). Another officer, when comparing the adult officers with the juvenile officers, stated, “...where as juvenile officers, it’s like they’ll hear somebody’s name and they’ll just say ‘oh, keep them’” (Interview 9). The officers were suggesting that some of the kids come through the system so often that they are familiar with them and their situation and do not need to

consult the form in order to make a decision; however, it must be mentioned that there could be some instances of labeling happening in these situations.

Labeling theory, when attributed to the concept of delinquency, assumes that “perceived negative societal reactions lead to the development of negative self-concepts and greater delinquent involvement” (Adams et al. 2003: 172). There are two kinds of labels: informal labels, which are assigned by parents, teachers, and peers, and formal labels, which are formed through contact with social control agencies. It is believed that juveniles become “stigmatized” when they come into contact with social control agencies. Often times, those juveniles that are “stigmatized” (or assigned negative labels) become involved in delinquent behavior. Numerous studies have found that juveniles that are formally processed through the juvenile justice system and that come into formal contact with social control agencies report a higher level of subsequent delinquency (Adams et al. 2003: 172). In Edwin M. Schur’s *Labeling and Delinquent Behavior*, Frank Tannenbaum discussed the role that early stigmatization plays in generating delinquent and criminal behavior by stating:

The process of making the criminal, therefore, is a process of tagging, defining, identifying, segregating, describing, emphasizing, making conscious and self-conscious; it becomes a way of stimulating, suggesting, emphasizing, and evoking the very traits that are complained of... (Schur 1971: 10).

Labeling can have adverse effects on the behavior of a juvenile; therefore, the officers need to be very careful and ensure that they are evaluating each individual case.

### Sliding Scale Factors

There are some factors on the form for which the score is a sliding scale, such as 1 to 3 or 1 to 5. During the interviews, each officer was asked how they personally deal with these sliding scale factors. Eighty percent of the officers stated that they take it case-by-case, indicating that they base it off of each child's individual situation. One officer stated, "I'm doing it on experience and the individual situation. Yes, it's very subjective" (Interview 10). The officers that take it case-by-case use such factors as prior history, pending charges, and severity of offense to determine how many points to assign. For example, one officer stated,

I base it on referral history, the last time they've been to juvenile hall, what's been going on, pending charges, all those types of things. And if there's, let's say they've got a couple felonies and it looks like they're not going to meet the requirements for detention but they really need to be detained, then maybe I'll give them a 5 for that (Interview 2).

Since 80% of the officers reported assigning scores on a case-by-case basis, there seems to be a relatively high level of uniformity in the way in which officers are assigning scores for the sliding scale factors; however, one officer stated that he/she usually picks the score in the middle,

So when it comes to the 1 or the 3, I would say most of the time I pick right in the middle, because I'm sure somewhere I'm not always getting the truth, I'm getting their version of reality, so, and you know we only have a few minutes to make these decisions if the kid needs to be detained, they need to be detained regardless if it's a 4 or a 20. It's usually based on other factors an override would justify (Interview 8).

Another officer reported usually assigning the maximum score possible, "I usually go maximum, just because, I don't like those particular ones. I don't like having, you know,

1 to 5, I think there needs to be, I think it needs to be more concrete” (Interview 9).

When asked how he would like the officers to address the sliding scale factors, Tim Toste’s response was, “I think it’s just kind of an intuition based on the information they are getting and what they can find out about the kid. We don’t spend a whole lot of time addressing that [in the trainings] either.”

It appears that there needs to be a policy formulated on how exactly an officer is supposed to assign a score for the sliding scale factors. This is important because 50% of the officers mentioned that they manipulate the score in order to make the points say what they want the decision to be. For example, when asked how they deal with the sliding scale factors, one officer stated, “It just kind of depends on what the offense is and if you know you want to bring them in, then you give them a higher score” (Interview 6). Another officer stated, “It depends on what the situation is I’m dealing with and whether or not I’m looking for points to book to kind of back myself up” (Interview 10). When officers manipulate the numbers, they are essentially negating the purpose of the tool. The score generated from the tool is supposed to help the officer determine if the juvenile needs to be detained or not. Having sliding scale factors on the form without having a clear policy on how to assign the score defeats the purpose of the instrument. For example, “I don’t put necessarily a huge emphasis on the score because you can manipulate it. You can make it do what you want it to do” (Interview 1). Another officer said, “You can tweak the score. If you want to get them in, then yes, you’ll go for the

maximum points. Then maybe the hall is really crowded and it isn't a violent offense, and they don't have a big file, then we might just not think it's that big a deal" (Interview 4).

#### Emphasis Placed on Score

It is also important to mention that when asked how much emphasis is placed on the score that is generated, 100% of the officers reported placing only some emphasis on the score. Examples of some responses to this question are:

- "I place some emphasis on it [the score], but that's not a make or break decision for me, I guess I should say, to make it clear" (Interview 5).
- "I don't necessarily place a whole lot of emphasis on it to make a decision whether or not to book a person" (Interview 7).
- "I think this form isn't what does or does not determine whether or not we bring somebody in" (Interview 9).
- "So I use it [the tool], but I wouldn't say I base my decisions solely off what the numbers say" (Interview 6).

It is not necessarily a bad thing that the officers do not place a huge emphasis on the score that is generated, as the officers are supposed to use the tool in conjunction with their experience and intuition to make a decision. The problem is that it appears some officers are not balancing the use of the score with their experience and intuition.

The primary reason that the officers only place some emphasis on the score is because of the override option at the bottom of the form. All of the officers agreed that

the override is a good option to have, because sometimes different circumstances arise and the situation cannot be easily placed into the factors on the form. One officer summarized it perfectly by saying,

Well, I've had some cases where they haven't met the score at the bottom for detention, but I've detained them anyway...so they don't always meet that number 16 criteria for detention because there's always going to be circumstances that don't fit into the rubric, but overall I think it kind of gives you a criteria on which to judge (Interview 8).

A different officer stated that, "I don't feel pressured by the scores, I mean certainly, like I said, I can't think of a time when I've had 16 or more points and so I'm overriding it anyways (Interview 9)." This statement is important to note, because this officer said that he/she has never actually reached a score of 16 but has booked kids anyway. It is necessary for the officers to override the score in some situations, such as when a kid needs to be detained because there is no parent or guardian willing to take them; however, when the override is used too much it can negate the purpose of the tool, as one officer stated: "The override at times makes it almost useless, but it's a good tool to have for the kids that we're wavering on" (Interview 10).

#### Accuracy of Tool

When asked how accurate the tool is in assessing risk and determining which juveniles need to be confined, 50% said it is accurate and the other 50% said the accuracy is variable. It is important to point out that nobody said it is not accurate at all. Of the five people that said the accuracy is variable, three people mentioned that it is variable because of the override, "Well, it's [the accuracy of the tool] variable, so I see problems with it, but at the same time they [the problems with the tool] are all saved by the fact that

we can override” (Interview 3). Another officer stated, “It’s accurate because it has the override. Because you can state your own reasons because the numbers don’t always equal what should and shouldn’t happen” (Interview 9). Both of the other people that said the accuracy is variable said so because they feel it is most beneficial for those juveniles that the probation officers do not know. One officer stated, “I think it’s accurate when you may not necessarily know the kid” (Interview 5), while the other officer said,

On cases that I don’t know I think it’s helpful, but for cases that I get that might be one of my own kids or other cases that I know, I prefer to work on my instinct and my knowledge of the case. I think it works very well on cases that you don’t know (Interview 7).

#### Unattainable Information

The one finding that consistently came up in every interview is that there are major problems obtaining the information that is needed to fill out the form. There are two parts to this issue: (1) 80% of the officers feel that the information needed to fill out the mitigating and aggravating factors is unattainable; and (2) 90% of the officers feel there is a problem with the information that is being relayed to them from juvenile hall staff.

The mitigating and aggravating factors make up a large portion of the form, yet they are often not taken into consideration because the officers are not able to obtain that information. For example, one officer stated, “It’s rare that I do any of the mitigating factors. Usually you’re focusing up on the higher areas, like most serious offense, their legal status, any failures to appear in court. So that’s kind of the main focus” (Interview

2). Mitigating and aggravating factors include such things as: citable warrants surrendered and apprehended, civility in school or employment, special health or emotional needs, gang membership, school attendance, witness intimidation, runaway behavior (unless they were cited for it), and stable and supportive family. These are important factors to use in assessing risk, yet often they are overlooked for a lack of information. As one officer pointed out, “The special health needs and special emotional needs, we’re not going to take those into consideration, but they kind of carry a lot of weight for points-wise if you’re talking about points” (Interview 6). Another officer stated, “If I’m not provided the information, I don’t touch it and it’s not a factor because I don’t want to be making stuff up or have inaccurate information and have a kid detained based on something that’s not 100 percent factual” (Interview 8). It is good that the officers are careful as to not use information that they do not know to be 100 percent true. One officer pointed out that, “especially with the aggravating factors, you’re going with basically hearsay, what the police officer was saying who wasn’t there to witness most of it, you know, I have no idea if there is poor or no school attendance except for what the police are saying” (Interview 8). It is a shame that the aggravating and mitigating factors are not taken into more consideration, as these are a major part of the form and played a key role in the development of the form; by not taking these factors into consideration, the form is not being used in the way it was initially intended and is not functioning properly.

Each officer was asked on average how long it takes him or her to fill out the form. This question is important because it became apparent during the first few

interviews that all of the officers are not filling out the form in the same way. Thirty percent of the officers stated taking between 10 and 15 minutes to fill out the form, forty percent reported taking between 1 to 3 minutes, and the remaining thirty percent reported taking less than one minute to fill out the form. This is rather significant, as there appears to be a large discrepancy in the amount of time the officers are taking to fill out the form. One of the reasons for such a varied range is that some officers are taking the time to call around and do research to try to obtain the information needed to complete the mitigating and aggravating factors, while others skip over that part. Also, the time it takes to fill out the form can vary depending on the individual circumstances of the situation. For example, when asked how long he thinks it probably takes the officers to fill out the form, Tim Toste responded by saying,

In a perfect world, getting the information you need, being able to talk to the officer, 10 minutes. Ten to 15 maximum I would think. Anything beyond that is just because there's more stuff involved, such as trying to find a place for the kid to be, working with youth services, etc. It doesn't take that long to fill out the form if you get all the information you need.

It is interesting to note that one officer seemed to have no trouble obtaining the information needed to fill out the aggravating and mitigating factors. When asked how long it takes to fill out the form, this officer stated,

You usually have to call the parent because you do not have these mitigating and aggravating factors and they know if they're attending school and those kinds of things, so you need to talk to them to have some of those decisions, plus like health needs and emotional needs, they would be able to tell you that, and so sometimes it takes that. Plus you need to find out if the parent is willing to take them or not, so you're talking to three different people in the amount of as quickly as possible, scribbling things down so you can call the officer back with a decision (Interview 6).

This is very important, because no other officer mentioned contacting the parents to find out the information needed for the aggravating and mitigating factors. This was mentioned to Tim Toste during the interview and his response was,

It's probably something that we don't talk about much in our twice yearly training and like I said, I'm sure it's something people don't go the extra mile to do. Why? Probably because it takes more effort and one or two points in that area probably won't make a huge difference anyway. It's probably something that I should have more emphasis on when we talk at our trainings. You know, tell them 'if the opportunity is there and you can ask a couple of these questions then great, if you don't great, at least you made an attempt.'

It is apparent that there is no clear policy on how to obtain this information; therefore almost all of the officers skip over it and do not take it into consideration in making their decision. This is something that should be addressed at the next training because as Tim said, "to just blindly ignore that section is not OK. There's a reason it's on there and they need to at least attempt to address it."

#### Information from Hall Staff

The most important issue to mention is that there seems to be a major problem with the information that is being relayed to the on-call officer from juvenile hall staff.

One officer stated,

The problem that I have sometimes is that when you rely on the people at the hall to be giving you a lot of the information and maybe not necessarily getting all the information, such as whether or not they've missed recent court dates and stuff like that, that information does not always get across to us, so that's where it becomes a problem for me about whether or not to make a decision to book somebody or not (Interview 5).

The on-call officers rely on the hall staff to provide them with the information needed to fill out the form; when the officers are not provided the correct information, they are not able to make a fully informed decision. One officer stated, “I’ve had some times when I’ve called hall staff and having them not give me accurate information. I’ve had that a couple times, when I’ve cited and released kids and they probably should have been brought in, but that’s because of issues with our database, not with our form at all” (Interview 7). Some officers feel that the problem lies with the database itself, while others feel the problem is with the hall staff person that is reading the information, “The information is only as good as the staff member that is pulling it up. Some of them are very good and some of them are new at it” (Interview 4). Another officer stated,

There was a time when we were struggling because different people were not looking at the right stuff in DB Junior. They’d say things like ‘oh, they’re off probation.’ But then you’d scroll down later and find that that is not true. That was the situation I had to talk to Tim about. It wasn’t law enforcement, it was hall staff that told me this person was off probation, and in fact they weren’t. They were reinstated and had some other issues and it was because they didn’t know how to go down further on the screen of DB Junior (Interview 2).

This issue was brought up to Tim during the interview and he expressed that this is something that has been a problem for a while and there have been attempts to address it.

Tim’s comments on the subject were,

The on-call PO’s are supposed to make sure that they are talking to either the shift leader, which could be either a supervisor or a designated shift leader, but at minimum it needs to be a regular employee, not an extra help staff or not a brand new regular employee. They [the PO’s] need to make sure they are talking to someone that can help them efficiently and that doesn’t always happen; they’ll talk to the first person that answers the phone and they start going into whatever they’re going into and that’s what happens. Part of it is on us [juvenile hall staff],

because there are some staff that are more adept at it than others and part of it is the on-call PO's, making sure they are talking to someone that can help them; and I tell them to ask to talk to the shift leader.

This issue is the most significant because the idea of officers receiving accurate information about the juvenile is fundamental to the proper functioning of the tool. Two officers mentioned that in the past the on-call officers took a laptop home to access the database themselves, but it did not work because "it took so long to get on-line that the officers on the phone were like 'look, I have to go'" (Interview 2). This situation would have been ideal had all of the officers had access to high-speed Internet connections. It would be difficult for that to happen, so the best alternative is to train the juvenile hall employees to know exactly what the probation officer is looking for. As one officer pointed out, "I think that hall staff needs to be trained in that, for the on-call needs. This is what we need to do; this is the information we need. You know, it's almost like guidelines. When the JCO's are calling, this is the information they need to have ready" (Interview 3). It is understood that for the most part, the supervisor on duty is supposed to be the one taking the calls; however, the information is still not always getting across accurately to the officers. All juvenile corrections officers should be trained on how to read DB Junior and access all of the needed information. One easy way to do this is to post a copy of a blank risk assessment tool next to the phone so the corrections officers know exactly what information the probation officer needs. If the JCO's are able to see the form as they are speaking with the probation officer, they will be better able to understand why the information is necessary. This was mentioned to Tim during the

interview and it appears that this has already been attempted, as he stated, “There’s one over there periodically but people lose it or it gets thrown away. What they need to learn how to do is bring it up on the screen, print it out with all of the referral pages and start reading from the very last page, because that lists the most recent information.” From this statement it is clear that the best solution would be to ensure that all hall staff are accurately trained in reading the information from DB Junior.

### Uses of the Tool

This section will now discuss some of the ways in which it has been determined the tool to be used. Eighty percent of the officers feel that the tool is used as a means of communication within the department. By this they mean it is a way for probation officers to communicate that the juvenile has had contact with law enforcement. As one officer stated, “In my opinion, it’s a useable tool for information, passing the information along that there’s been contact [with law enforcement]” (Interview 3). Another officer pointed out that, “If we didn’t have this tool, the only information we would have is the chronos and we would have to make a copy of that and give it to the supervisor and they would send it along to the appropriate probation officers. So this tool I think helps because they see the actual offenses, your description of the actual crime, the arresting agency, the arresting officer, the offense codes. And all that is kind of right there for you [on the tool]” (Interview 2). It has become clear that when looked at from an informational standpoint, the tool is very good. Throughout the interviews it became apparent that the tool is often used not only to assess risk, but also as a report of information to the probation officers. One of the officers stated, “This is turned into a

real nice tool for giving written notice to the probation officer and written notice to the intake supervisor of whoever is handling the cases of detention that morning. It spells out really easily so you're not writing up something separate, so it's really taken the place of having to do that" (Interview 10). Many of the officers commented that the tool is like a police report but quicker, so it can be dealt with the next day. When asked why the tool functions well from an informational standpoint, one officer responded by saying,

It's pretty quick. There's not a whole lot of time that has evolved from the time you find out they've come into contact with law enforcement to act, because sometimes a police report can take 2, 3 days before you get it, and they're [the juveniles] not always forthcoming about the fact that they've been in contact with law enforcement, so in that instance, yes, I find it a useable tool (Interview 5).

While it appears that the tool functions well as a means of communication within the department, it should be mentioned that if officers are not careful, using the tool in this manner might contribute to the further labeling of juveniles. This can be avoided by using the tool only from an informational standpoint; meaning that the officer uses the tool only to find out that the juvenile has been in contact with law enforcement. This is important because, as pointed out in previous sections, there are often inconsistencies with the accuracy of information received by the officers.

The tool is sometimes used as a way for the probation officers to validate their decision to law enforcement. Many officers mentioned that they can sometimes feel bullied by law enforcement to detain a kid. This happens for numerous reasons, including that the officers are often feeling pressured by the parents to detain. For example, if a child did not commit a crime but is acting disruptive and the parent cannot

control them, they might be pleading with the officer to detain the child, which in turn causes the law enforcement officer to pressure the probation officer to detain. Even though there has been no crime committed, the probation officers are often feeling pressured to detain. One officer stated, “Like I said before, sometimes you can feel kind of bullied by the officer in the field saying ‘we need to bring this kid in,’ so at least now [using the tool] I feel like we’ve got something that kind of backs us up” (Interview 10). In fact, 80% of the officers said that the tool is a good way to back up their decisions to law enforcement. It became clear during the interviews that many of the on-call officers feel that law enforcement favors confinement over other options, so it is important to have a tool to help back up their decision. For example, when explaining how he/she deals with law enforcement, one officer stated, “So for me, I just tell them [law enforcement] ‘well, you know what, on my risk assessment that child does not meet the requirement for me to detain them.’ I actually had law enforcement get really pissed off at me before” (Interview 7). This finding is consistent with the intended uses of the tool.

As Tim pointed out,

The main purpose is to create an objective method of determining whether or not a kid needs to come into custody. Some of the underlying reasons, or why it’s good to have the tool is it reduces the liability in terms of making the decision so you have something hard-copy to look at what you base your decision on. It takes away that subjective ‘everybody thinks differently about different things in terms of their opinion on it.’

Of the two people that did not feel the tool helps to validate their decision, one of them said that it could possibly be used in that way, but he/she had just never personally experienced that situation. This person stated, “It could back it up. I’ve never had that

situation come up, but you know, if law enforcement brings somebody in, it's our responsibility to figure out what to do with them once they're brought in, and then that's when we have to look at what our decision will be, as far as releasing" (Interview 3). The other person feels as though he/she does not need the tool to validate their decision. When asked if they felt this tool helps to back up their decision to law enforcement, this person stated, "Not really. Like I said, I know before hand, and I have no problem telling them that. But I can see how you can say that they don't meet the criteria and I've probably used that before, but I have no problems telling them [law enforcement] no" (Interview 4).

It should be noted that the tool could be used to not only back up their decision to law enforcement, but to also back up their decision in general. One officer stated,

Sometimes the tool does help you to give justifications about why you made decisions, because you're also going to meetings that week while you're on-call. You're going to the detention meetings and they might want to say 'well, why did you bring this person in?' if it doesn't look that serious, so you have your reasons right there [on the tool]. And it gives you something to write them down on (Interview 6).

Other than assessing risk, the primary function of the tool appears to be to serve as a guideline for the probation officers to use in making a detention decision. Seventy percent of the officers mentioned that this tool is a good way to guide their decision-making. Even if they do not place a whole lot of emphasis on the score that is generated, it is at least used to help them make a decision. One officer commented, "I like using this [the tool] at least as a reference point as when before when we weren't using anything it was just our judgment" (Interview 10). This officer is suggesting that having the tool as a

guideline is better than not having anything at all. This is pointed out by another officer, “Then there might be other times when you don’t really know which way to go and the form kind of helps you make that decision” (Interview 6). If nothing else, the form is used to help probation officers make decisions for those cases in which the decision is not immediately clear. One officer summarized this perfectly, “I think this [the tool] has definitely helped stabilize the on-call procedure and gives us at least some sort of direction where to go” (Interview 8). It is interesting to note that while seventy percent of the officers said the tool is a good way to guide their decision-making, forty percent reported sometimes waiting to fill out the form until after the decision is already made. It is easy to see that the numbers do not match up; with at least one officer there appears to be a contradiction between perception and practice.

Each officer was asked to describe the path that the tool takes after the on-call officer completes it. One officer pointed out that some people shred the tools rather than keep them, “some people shred them, so I think that’s something we don’t have a clear policy on. Especially if there’s no arrest, some people might feel that it’s not worth having in the case. I think it holds value because again, it shows there’s been some activity, some contact with law enforcement, which may add up to a bigger picture” (Interview 1).

At the end of the interview, each officer was asked whether overall they like or dislike the form. Sixty percent of the officers like the form; “I like the tool. I don’t know if it’s a perfect tool, but I like using it at least as a reference point as when before when we weren’t using anything it was just our judgment” (Interview 9). Thirty percent of the

officers dislike the tool, all of whom are juvenile officers. The main reason they dislike it is because, as was mentioned earlier, they feel they have enough experience to make a decision without using the tool. One of these officers stated, “I guess to me I kind of look at it as a waste, or, it’s just an extra thing to fill out when we’re on-call” (Interview 5). Only one officer said they do not have strong feelings one way or the other as to whether or not they like the tool, “I was happy before it came along but I’m happy using it. I can be happy either way” (Interview 4).

Each officer was asked if they have any suggestions on how to improve the tool. Only 50% of the officers offered a suggestion. The suggestions they offered are: the risk of failure to appear and re-offense should be higher points; the sliding scale factors should be eliminated and given concrete scores rather than a range of scores; if the sliding scale factors are going to stay, the aggravating factors should be worth more than three points, perhaps 1 to 5 instead of 1 to 3; more correlation between the grounds for detention, under the rule 1476 and the 635; and felony crimes of violence is too broad, it should contain other categories as well, such as use of a weapon. Another officer suggested shrinking down the form. The form is longer than a regular 8” x 11” piece of paper, and this officer said it is annoying to carry around in the binder because it hangs out of the bottom. This officer suggested shrinking the words down to fit them all on one regular sized piece of paper.

## DISCUSSION

This section serves four purposes: (1) to describe general conclusions of the research in relation to the initial issue of juvenile hall overcrowding; (2) to provide policy implications for the Humboldt County Probation Department; (3) to explain the limitations of the research; and (4) to describe recommendations for future research.

### General Conclusions

While this study did not directly seek to determine if the tool is helping to eliminate the problem of overcrowding, it remained an underlying question in the evaluation. Since the research began on this project, it came to the attention of the researcher that overcrowding in juvenile hall has in fact gone down over the past year. In fact, during a meeting with Bill and Tim immediately before the interviews began, the researcher learned that the hall was operating just below capacity. It can be concluded from this research that the tool may be one of many factors contributing to a decrease in juvenile hall population. It is not safe to say that the tool is the only contributing factor because as the next section will indicate, the tool is not always used in the way it was initially intended.

### Policy Implications

The initial purpose of the research, to determine which risk factors are missing from the form, became irrelevant as the interviews started and it was learned that there were in fact no risk factors missing. Only one probation officer mentioned some missing

factors, and these were all things listed in the welfare and institution codes. These are all factors that the probation officers know to take into consideration when making a detention decision, but it is a good idea to make sure that all of the officers have a copy of this code and keep it in the binder with the risk assessment form.

The few contradictions on the form that came up during the interviews are something that could be dealt with, but since the majority of the officers do not feel they create a problem, it might be best to just address these discrepancies during the trainings and discuss strategies to work around them. This would be much easier and more cost effective than having to change the forms and reprint all of them.

One of the things that needs the most attention is the fact that some of the officers wait to fill out the form until after the decision is made. As mentioned in the previous section, this essentially negates the purpose of the tool, as the tool is designed to be used to help the officers make a detention decision. It is understandable how this could happen in a few situations, but the problem is that some of the officers reported doing this the majority of the time. This is something that needs to be addressed and discussed during the trainings.

A policy needs to be formulated for how the officers are supposed to assign scores for the factors that have a sliding scale. As mentioned before, most of the officers reported basing it on the individual circumstance; however, two officers reported not doing it this way, meaning that this is something that should be addressed in the training. There are quite a few sliding scale factors and if there is no clear policy on how to assign

the scores, there is more opportunity for officers to manipulate the score that is generated, which negates the purpose of the tool.

A policy also needs to be formulated for how the officers are supposed to obtain the information needed to fill out the aggravating and mitigating factors. Only one officer said that they call the parents to obtain this information. The aggravating and mitigating factors comprise a large portion of the form and play an integral part in the proper functioning of the form, as they cause the officer to look at the “big picture” rather than only focusing on things such as prior convictions and legal status. Not addressing these factors essentially negates the purpose of the tool. In addition, if more officers started trying to obtain this information, it would probably help alleviate the issue of some officers waiting to fill out the form until after the decision is made.

The problem of the probation officers not receiving accurate information from juvenile hall staff is something that the probation department has already tried to address. This is an integral part of the process, as the probation officers are relying on the hall staff to provide them with the information needed to fill out the form. Unfortunately, there appears to be no magic way of solving this problem. Perhaps the best solution would be to make sure that the juvenile hall staff are properly trained in accessing the information. Additionally, it must be reiterated to the on-call officers to ensure that they are in fact speaking to a supervisor or other higher-level hall staff persons when calling to obtain this information.

A policy needs to be formulated on what is supposed to be done with the tool after it is completed. As one officer mentioned, most of the time they go into the file of the

juvenile, but sometimes the officer shreds the tool and does not put it into the file. This is something that should be addressed during the trainings.

The intended use of the tool is to serve as a guideline for the on-call officers to use when making a detention decision. It is not meant to create a clear-cut decision, as there will always be extenuating circumstances in every case, but it is meant to assist the officers while they are on-call and do not have their colleagues to discuss the situation with. During this study three unintended uses were discovered, which included: validating the probation officers' decision to law enforcement; backing up the probation officers' decision to other members of the probation department; and as a means of communication within the probation department. Although not initially intended, these are all important functions of the tool.

The purpose of this study was to determine if all of the parts of the tool are functional and if the tool is operating as it is supposed to be operating. It can be concluded from this research that the tool is not functioning or operating properly. The primary issue that needs to be addressed is that all of the officers are not filling out the tool the same way. As mentioned in the literature review, the use of standardized risk assessment tools is meant to increase the level of validity, structure, and consistency in the assessment and decision-making process and to more efficiently assign the limited resources of the criminal justice system by directing the most severe interventions on the most serious, chronic offenders. This cannot be fully accomplished when officers are using the form in different ways. Formulating (and adhering to) policies on how to deal

with the issues explained in this section can lead to uniformity in the way in which the tool is filled out, which will cause all of the parts of the tool to function and operate effectively.

#### Limitations of the Research

This research had several limitations, with the first being that there were many interesting issues that surfaced during the interviews and which could benefit from more extensive inquiries. For example, many of the officers mentioned that the tool often helps to back up their decisions to law enforcement. It would be interesting to find out more about why law enforcement can appear to be bullying the probation officers into detaining. This is just one of the numerous issues that could be explored further if the researcher has the proper time. The reason it was not further explored in this study was because of time constraints, so the timeframe for completing this research was the primary limitation.

The second limitation deals with the number of participants. Out of a possible twelve officers from the initial list generated by Tim Toste, only ten could be interviewed. This is not a huge problem, as one of the officers does not work for the department anymore and the other one does not do on-call anymore; however, after looking at recently completed risk assessment tools, it appears that there are one or two officers now doing on-call that were not doing on-call when the list was obtained. It would have been beneficial to interview these people, because as new on-call officers their thoughts on the tool would have been interesting to note. The problem here is linked to the previous limitation, which is because of time constraints placed on the

researcher by graduation deadlines these officers could not be interviewed. This was discovered during the final stages of the writing process; had it been discovered earlier, those officers would have been able to be interviewed.

The final limitation deals with the length of the interviews. The interviews averaged a length of twenty-seven minutes, which is not exactly ideal for qualitative research. The reason that the interviews were not very long is also linked to the first limitation of time constraints. Probation officers are very busy and it was amazing that they were able to take a half an hour out of their busy days to be interviewed. The interviews were limited to those questions that were truly significant, as it was important to not take up too much of the officers' time. It is felt that the information necessary to complete the research was attained during all of the interviews; however, had the interviews been able to last for a long time, it is probable that issues would have surfaced that were not brought up initially.

#### Recommendations for Future Research

As mentioned before, if someone was to conduct further research on this topic, some of the key issues should be explored more extensively. Additionally, the policy implications suggested in the previous section should be looked at to see if any changes have been made.

It is suggested that further research on this topic include the quantitative study that was originally to be conducted by this researcher but was not able to be because the probation officers did not properly fill out the forms. As mentioned before, the fact that the forms were not being properly filled out was brought to the attention of the probation

department in January 2005 and since then, efforts have been made to ensure that the probation officers are properly filling out the form. Out of curiosity, this researcher looked at all of the tools filled out from January 2005 to October 2005 and counted how many are filled out properly to see if there have been any improvements. It is interesting to note that out of 204 tools, 125 were filled out properly. This is a vast improvement from before, as now 61% of the tools are filled out properly as compared with only 18% when the tools were first looked at. This is a dramatic increase, but if someone is to conduct research on this tool in the future, the percentage of correctly filled out forms needs to increase even further.

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## APPENDIX A

