

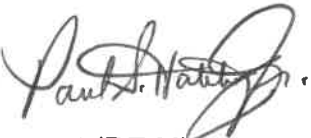


**STATE OF FLORIDA
DEPARTMENT OF JUVENILE JUSTICE**

INTEROFFICE MEMORANDUM

DATE: April 9, 2020 **PCI-19-002 Amended**

TO: Regional Directors and Chief Probation Officers

FROM: Paul Hatcher Jr., Assistant Secretary
Probation and Community Intervention 

SUBJECT: 2019 Detention Risk Assessment Instrument (DRAI)

This memo is an overview of DRAI related issues applicable to the completion of the instrument.

Beginning the Process:

- **Affidavits:**
 - Screeners must process the youth based on the charge presented on the affidavit.
 - If the appropriate charge identification is unclear, screeners will contact the law enforcement officer (LEO)/arresting agency for assistance in clarity and/or submission of a corrected affidavit.
 - If the agency contact is unsuccessful, the screener will make a good faith effort to identify the appropriate charge using the narrative description, level, and degree of the offense. The screener must document the efforts to identify the appropriate charge and a description of the discrepancy within the affidavit.
- **Juvenile Justice Information System (JJIS) Face Sheet**
 - The youth's JJIS Face Sheet must be reviewed for accuracy and information gathering. Screeners must utilize all elements of the Face Sheet when administering the DRAI.
 - Secondary referrals (additional affidavits presented for the current screening) must be identified to ensure proper instrument results.
 - Underlying charges must be identified to determine the application of the appropriate policy override.

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Ron DeSantis, Governor

Simone Marsteller, Secretary

The mission of the Department of Juvenile Justice is to increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.

- **Adult Sentencing:**
 - Youth are considered adults upon receipt of an adult sentence (adjudication or adjudication withheld and/or adult diversion programs) from adult court.
 - New violations of law (new charges) cannot be processed through juvenile screening once the youth is deemed an adult.
 - Law violations committed prior to adult sentencing can still be processed through juvenile screening.
 - Youth that receive juvenile sanctions from the adult court are NOT considered adults.
 - Violations of juvenile sanctions ordered in adult court can be screened but must be brought back to the adult court for action.
- **Interstate Compact on Juveniles (ICJ) cases:** ICJ information on charges and supervision status may be considered for this instrument in all areas. Include a note in the narrative that *“the screener acted in good faith based on the information known at the time of screening through ICJ.”* ICJ procedures regarding the notification of the circuit ICJ liaison of new charges and/or violations should be followed. The screener is provided with the opportunity to make the necessary adjustments to the score in the DRAI wizard with Questions K and L of the wizard.
 - **Question K:** Does the youth have ICJ referrals? – The user should indicate yes if the youth has any incoming ICJ referral listed on the face sheet. In the drop-down box connected to this question, the screener must indicate the total number of referrals (not just the number of ICJ referrals) that should be indicated on the DRAI.
 - **Questions L:** Youth status verification – The screener can tell the CAD what the youth’s correct legal status is and when it started. The screener should always use the information in the ICJ Youth Note over the information on the ICJ referral.

? K. Does the youth have any open interstate compact referrals?*

Yes No

...

? L. Youth status verification: *

Section ONLY modified for ICJ youth or cases for which Court databases reflect a legal status that has not been updated in JJIS.

Intake Only (Includes Diversion Cases)

Detention

Committed

Probation

- **Manual DRAIs:** Screeners will complete a manual DRAI prior to the completion of the Computer Assisted DRAI (CAD). All information must be entered into the CAD regardless of the results of the manual DRAI.

- **Technical Violation – Out of County:** Under s. 985.101, F.S., youth may be taken into custody by a law enforcement officer who has probable cause to believe that the youth is in violation of the conditions of probation, supervised release, post commitment probation, or conditional release supervision.

Law enforcement has the authority to arrest any youth from any part of the state for a violation of their community-based supervision. The way these violations are processed varies based on the type of violation and the jurisdiction of case. Let's look at the differences below:

If law enforcement presents the youth with **no new charge but alleges (in writing) a technical violation** of supervised release, probation, post commitment probation, or conditional release has occurred, the screener **WILL** accept custody of the youth and receive the affidavit describing the technical violation. The screener will:

- Complete a manual DRAI to determine if the youth is eligible for secure detention
- If the youth **scores for secure detention**, the screener will complete the detention screening process. The narrative should include a request for an order to transport the youth the area of jurisdiction.
- If the youth **does NOT score for secure detention**, the screener will complete the following steps:
 - Inform law enforcement that the assigned JPO and JPO Supervisor will be notified of the violation and a violation hearing will be set in the area of jurisdiction.
 - Via email, immediately notify the assigned JPO and JPO Supervisor that appears on the bottom of the Face Sheet. The email must include a copy of the affidavit and a request for a violation hearing in the area of jurisdiction.
 - Make a notation within the case notebook module documenting the encounter.
 - Facilitate the release of the youth to a guardian or responsible adult.

The assigned JPO will follow procedures for addressing technical violations as outlined in Administrative Rule for Probation **63D-10.004 Violations of Supervision**.

This process allows for the facilitation of a hearing for the violation while preventing the scheduling of a hearing in a court that does not have jurisdiction over the case.

Section I: Identifying Data

Accurately reflect whether a Florida Safe Families Network records check has been conducted during screening and record that response on the instrument. Checks must be completed for each screening unless the unit does not have access to FSFN or the FSFN system is down. If either of these situations occurs, then the screener should document the reason the FSFN check was not conducted in the narrative section of the DRAI.

It must be indicated in the designated location on the instrument whether the youth was advised of his/her right to legal counsel.

Section II: Risk Assessment

Screeners should only select one option in each category of this section. If multiple options are applicable, the option with the highest point value must be selected.

1. Most Serious Presenting Offense

The screener must use the presenting offense that generates the highest point value to determine the appropriate option for this section.

- Violent offenses are identified on the Department's Violent Offense List.
- Involving Use or Possession of a Firearm -Youth do NOT have to be charged with a firearm offense to satisfy this factor. If possession or use of a firearm is described in the narrative of the affidavit, this factor may be satisfied.
 - Firearm Involved Marker: This marker should be added for every offense during which the youth used or possessed a firearm. The key question is "Did the youth use or possess a firearm while committing this offense?". Each charge must be considered separately.
 - Marker is generated based on your response to "Firearm seized/involved" at the charge entry point of the screener wizard.

Offense on School Property *	<input type="radio"/> Yes <input checked="" type="radio"/> No
School Circuit*	Out of State ▼
School Location of Offense*	UNKNOWN ▼
Domestic Violence *	<input type="radio"/> Yes <input checked="" type="radio"/> No
Firearm seized/involved *	<input checked="" type="radio"/> Yes <input type="radio"/> No
Charge Requires No Victim Information	<input checked="" type="checkbox"/>



- Absconding: Absconding is a type of technical violation and should be scored accordingly.
- Detention/PUOs that are NOT issued due to a technical violation will score zero points in this section.
- Technical violations of **any** kind of community-based supervision count.
- Five or more Burglaries: Any five or more Burglaries offense presented during one screening counts. All types of Burglary offenses count. It doesn't matter if the offenses are on one affidavit or found across several.

2. Prior Referrals

- All referrals screened prior to this screening must be considered regardless of the offense date of the presenting offense.
- The screener must count referrals not individual charges or counts within a referral.
- Offenses that are dismissed, non-file, or nolle prosequi can NOT be counted.
- Civil citations or equivalent pre-arrest program referrals can NOT be counted.
- Violations are not classified as misdemeanors or felonies and therefore are NOT counted.
- Be careful when reviewing diversion cases that were reopened – PPDs and/or cases transferred pending disposition

3. Delinquency History

Incidents that have been dismissed, withdrawn, non-file, or nolle prosequi will NOT be counted.

a. Prior abscond or escape

- Presenting abscond must be counted in this section as well.
- Court orders for abscond are applicable to this criterion.
- Abscond alerts must only be entered after the signed Pick-Up Order (PUO) is received from the court.

b. History of law violations prior to court hearings

****Definition:** A felony or misdemeanor offense committed between the referral and disposition dates of a previous new law or violation referral. Both the primary and secondary referrals considered must have dispositions and not be documented as dismissed, non-file, or nolle prosequi.

- This factor only evaluates the youth's *history* (*disposed charges).
- Charges that are non-file, dismissed, or nolle prosequi can NOT be considered.
- Referral dates for the offense are identified using the Youth Placement History section of the Face Sheet.
- The definition is met when a law violation occurs when the offense date for the second or subsequent offense occurs *between the referral and the disposition date(s) of the previous offense*. The second or subsequent offense must always be a criminal offense.
- Violations of Probation can **only** be considered in this section to establish a "window of time" to determine if a law violation prior to court hearings has occurred. See example below:

Referral Date	Offense Date	Charge	Legal Status	Disposition Date	Adj.	Disposition
01/11/19	1/05/19	Petit Theft (M1)	Probation	2/15/19	W	Probation
12/30/18	12/30/18	VOP	Probation	2/15/19	W	Probation

- Only one occurrence of a law violation prior to a court hearing is needed to satisfy this factor.
- Prosecution Previously Deferred (PPD) – PPD referrals can only be considered in this section to establish a "window of time" to determine if a law violation prior to court hearings has occurred.
 - Window of time for PPD is the referral date for original charge and the disposition date on the PPD referral.

c. Two or more **prior** failures to appear (FTAs)

- A minimum of 2 FTAs with different offense dates in the Court Order Section is needed to satisfy this factor.
- FTAs that are dismissed or withdrawn will not be considered.

d. History of Violations

- Presenting technical violations must be counted in this section.
- All violations of **any DJJ supervision** type must be considered for this factor.
- Violations that are dismissed, non-file, or nolle prosequi can NOT be counted.
- One violation occurrence is sufficient to satisfy this factor.

4. Legal Status

- The youth's legal status at the time of the screening is used to identify the appropriate point value for this section.
- Probation Point Assessments
 - The screener **MUST** use the initial date the youth was placed on probation for a new offense to determine the youth's current legal status.
 - New technical violations that are reinstated (continued on probation) do NOT restart the clock.
 - Receipt of a new offense and being reinstated (disposed to probation) for the new offense/case **DOES** restart the clock. The disposition date for the new offense must be used to determine the appropriate probation placement points.
 - Post Commitment Probation (PCP) – Use release date from commitment program OR the date the youth is “stepped” down from Conditional Release (CR) to PCP to determine if more or less than 90 days.
- Walker Plans are NOT considered probation.

5. Current Age

The youth's age at the time of screening is used to determine the appropriate point value in this section.

Section II: Statutory/Policy Overrides

Screeners must review the list of statutory/policy overrides to identify all that apply. This section does not alter the point value in section II. It may only alter the placement outcome.

Override A - Wanted in Another Jurisdiction for Offense, if Committed by an Adult would be a Felony.

If the youth is wanted by another jurisdiction for a felony offense, law enforcement **MUST** provide written documentation of the request for the youth's arrest. A teletype or fax is acceptable documentation. When applicable, the screener should document in the narrative of the DRAI information related to Interstate Compact on Juvenile (ICJ).

For the purposes of this override, jurisdiction is determined by the screening unit/JAC's coverage area. This definition is only applied if the youth does NOT otherwise score for secure detention and there is no written indication of an order to detain.

- If the screening unit/JAC is responsible for conducting screenings for the county/circuit from which the document was issued, the screening unit will screen the youth based on the offense and set a detention hearing in the area of jurisdiction.
- If the screening unit/JAC is NOT responsible for conducting screenings for the county/circuit from which the document was issued, the screener will indicate on the DRAI that the youth is wanted in another jurisdiction and place the youth in secure detention to facilitate transportation to the area of jurisdiction.

If the document does not provide the necessary details related to the description of the offense, the screener will indicate that the youth is wanted in another jurisdiction on the DRAI and place the youth in secure detention.

Out of County Warrants – Probable Cause (NOT Mail-In/At Larges)

Important Definitions:

- Warrant: Court Order to Take into Custody (Arrest) – youth not considered to have been taken into custody yet or even had an encounter with law enforcement related to the outstanding offense(s).
- Mail-in/At-large: Youth was taken into custody and released to parent/guardian. Affidavit submitted to clerk for an arraignment.

When youth are presented for a warrant from a court outside of the JAC/screening unit coverage area, the following steps will occur:

Receiving JAC/Screening Unit:

If the warrant is for a felony offense and/or includes language that mandates secure detention:

- The screener will screen the youth on the generic JJIS code 99999.10 “Pick-Up Order/Probable Cause Warrant.”
- The narrative will include the following sentence: “An order to transport is requested to allow youth to be transported to the area of jurisdiction.”

Home JAC/Screening Unit/Area of Jurisdiction:

- a. Upon arrival in the home circuit, the local JAC/screening unit will screen the youth on the specific charges

Special Note: Charges provided in warrants WILL NOT be entered into JJIS prior to the youth’s arrest.

Override B – Requests to be Securely Detained for Protection

All of the following must be true to satisfy this override:

- Youth charged with an offense.
- Youth claims to be in danger.
- There is no alternative placement/respice available.
- The request is provided in writing through legal counsel.

Screeners are not authorized to question the youth’s claim of danger. Screeners must explore viable alternative placement/respice options. Screeners must assist the youth in contacting legal counsel to complete written request if all other factors are satisfied.

Override C – Domestic Violence – Does NOT Otherwise Score for Secure Detention

Youth cannot be held in secure detention for domestic violence offense that does not otherwise score for secure detention unless *both* are true:

- a) There is a need to place the youth in an alternative setting to protect the victim from injury
 - b) There is no available alternative placement/respice care
- Identifying the need to protect the victim:
 - If conflicting information gathered from the LEO and victim related the need for protection from injury, then the screener will err on the side of public safety. The

screener will indicate a need for protection on the DRAI and begin the exploration of viable alternative placement options.

- If there is no need for an alternative placement to protect the victim, then the youth is to be released to the parent/legal guardian or a responsible adult (*for more information on responsible adults, see Screening Decision section*).
- Exploring alternative placement/respite care
 - The screener must make at least 3 attempts to identify a viable alternative placement option. Each attempt must be documented in the DRAI wizard.
 - If NO alternative placement is available and a need to protect the victim from injury has been identified, then the screening will result in secure detention.

The circuit must continue to explore alternative placement options to minimize the youth's secure detention length of stay.

Override D – Prolific Juvenile Offender (PJO)

Youth identified as a PJO and presented for screening will be securely detained until the detention hearing regardless of the score. This PJO designation can be found in the alerts section of the youth's Face Sheet.

Override E – 20 Point Underlying Charge

Underlying Charge = an offense(s) for which the youth is currently (at the time of screening) on DJJ supervision.

Youth with an underlying charge that would score 20 points in Section II: Most Serious Presenting Offense **and** presented for a delinquent act will be securely detained until the detention hearing regardless of the score.

Override F – Judicial Orders

If the youth was presented with a court order, then this override is applicable. All judicial orders screened must be in writing, dated, signed, and specify the type of detention placement requested.

Judicial blanket orders are NOT sufficient for placement onto a detention status.

A warrant is defined as an Order to Take into Custody (arrest) NOT an Order to Detain. A warrant can act as an order to detain, **if** the judge has included language directing that the youth be detained on a specific detention status.

A Letter of Transfer is NOT sufficient to place a youth in secure detention. The letter should be provided to the court requesting a detention hearing for secure detention pending placement.

The screener will identify the appropriate issuance reason for the order on the DRAI. Do NOT select 'other' if the reason for the court order is one of the available options. If selecting 'other', the screener must provide a clear description on the reason for the court order issuance.

Out of County Detention/Pick-Up Order Processing

Pick-Up/Detention Order Definition: Court order issued for a violation, failure to appear, or contempt that required detention placement.

Receiving JAC/Screening Unit:

When youth are presented for a pick-up order issued from a court outside of the JAC/screening unit's coverage area, the JAC or screening unit do the following:

- Screen using the generic JJIS code 99999.7 Pick-Up Order Out of County or 99999.8 Pick-Up Order Out of State whichever is most appropriate.
- Add the following statement to the narrative of the DRAI: "An order to transport is requested to allow to youth to be transported to the area of jurisdiction."

Home JAC/Screening Unit/Area of Jurisdiction:

Once the youth arrives at his/her home county:

- The youth will be rescreened by the local screening unit/JAC.
- That JAC will screen the youth on the specific order type (FTA, Abscond, etc.).

***Caution: The screener in the home county must be sure to use Question L: youth status verification to ensure the DRAI reflects the youth's legal status at the time of the original screening (prior to the secure detention placement).

Section IV: State Attorney Review/Decision

If the screener believes a youth who is eligible for detention status based upon the results of the DRAI should be released or placed into a supervised release program, the state attorney **MUST** be contacted to approve the release. If the screener has factual reasons to believe a youth that does not otherwise score for a detention status (supervised release or secure detention) should be placed on a detention status, the state attorney must be consulted to gain agreement with the elevated supervision status. The youth's supervision status can only be modified (up or down) one supervision category. The screener must document the justification for the recommendation in the narrative section.

Section V: Screening Decision

The statutes, 985.115 (2) (a), authorize the release of a youth from custody to a *responsible adult*, **IF** the child's parent/guardian/legal custodian is unavailable, unwilling or unable to provide supervision. The statute does NOT require the consent of the parent(s)/guardian(s) or legal custodian for an alternative placement when the parent/guardian/legal custodian is unavailable, unwilling or unable to provide supervision.

Releases: Screeners must include a copy of a photo identification card for anyone receiving custody of a youth (parent or responsible adult) in the youth's file.

A NCIC/FCIC criminal history background check must be conducted on the *responsible adult prior to the youth being released from custody*. Criminal history background checks are NOT required on parent(s), guardian(s) or legal custodian(s). If the responsible adult has a prior felony conviction, or a conviction for child abuse, drug trafficking, or prostitution, that adult is NOT considered a responsible adult. The person to whom the youth is released to must agree to

inform the department of any subsequent change in the youth's address, and to produce the youth in court at a time directed by the court. The youth must join in that agreement.

Section VI: Narrative

The narrative should offer relevant information resulting from the application of the instrument that determined the screening decision. **Note:** At the detention hearing the *court* will determine any further detention status and length of stay on that status.

*If a manual DRAI is completed include the following elements within the narrative:

Youth's Name	Youth's Age	Youth's Address
Assigned JPO	Presenting Charge(s)	Current Legal Status
Total Score	State Attorney Contact (if necessary)	Cost of Care
Results: Release/Supervised Release/Secure		

Narrative Do's:

- Provide a sentence that advises which supervised release program the youth is eligible for.
- Provide any additional information you have about domestic violence cases
- Provide the court with any information you have related to removal of parent rights.
- Statements related to out of county order to transport.
- Statements related to ICJ cases.

Narrative Don'ts:

- Specific information (diagnosis) related to substance abuse, mental health, medical, and/or suicidal concerns should NOT be included in the DRAI narrative. When necessary, a note indicating the youth was assessed for the SA/MH and a further assessment was generated is sufficient.
- CAT RTR or other related CAT information will not be included in the DRAI narrative.
- The DRAI narrative box is NOT the place to type all your case notes
- Never use the word "recommendation"
- Don't retype what is already auto-generated
- Don't suggest a number of detention days.

Upon completion of all elements, the screener must electronically sign and save the instrument. The screener's electronic signature will autogenerate a case note outlining the results of the instrument.

Supervised Release (Target Program)

If the youth scores for supervised release, the screener will indicate which program's target population the youth matches. The indication will be based upon the youth's score (see chart below).

Program	Scores Assigned
Home Detention (HD)	7-8
Evening Reporting Center (ERC)	9-10
Intensive Home Detention (IHD)	11
IHD with Electronic Monitoring (IHD w/ EM)	12

If an ERC is not available, the scoring rubric shall be modified as outlined below.

Program	Scores Assigned
Home Detention (HD)	7-9
Intensive Home Detention (IHD)	10-11
IHD with Electronic Monitoring (IHD w/ EM)	12

Some circuits may also have an approved local program included in the supervised release rubric. Screeners should reference the circuit's supervised release continuum to make the appropriate determination on the program target.

Review Process

2nd reviewer: A second practitioner must review the DRAI *prior to the youth's release* from screening. This can be a 2nd screener, senior, or supervisor. The purpose of this review is to reduce the likelihood of unauthorized releases.

The 2nd reviewer must minimally complete one of the following:

- A manual DRAI and provide confirmation of agreement with the screener's score/feedback on difference in outcome, or
- Visual review of the affidavit/DRAI/Facesheet and verbal confirmation of agreement with agreement with the screener's score/feedback on difference in outcome

The 2nd reviewer must enter a case note including the feedback provided.

If the 2nd reviewer and the formal reviewer are the same person, then the case note autogenerated by the completion of the review section of the instrument satisfies the case note requirement.

Formal Reviews: It is *preferred that this review be completed prior to the detention hearing* to allow for needed correction to be made and an accurate DRAI presented to court. However, it is understood that this may not always be feasible. A formal review must be conducted by a person with signature authority *within 3 business days of the screening*. This review must be documented in review section of the instrument in JJIS. The second reviewer and the formal reviewer may or may not be the same person and may or may not be done at the same time.

Formal Review Inclusions

- The formal review must be documented on the DRAI Review form in JJIS. The reviewer must electronically sign and save the review form upon completion.
- The review is obligated to review the entire DRAI (interview information, rights and abuse history questionnaire, response to each question in DRAI wizard, score, overrides identified, detention hearing indication, and narrative) to ensure accuracy.
- If the reviewer indicates that detention hearing has not occurred, and issues were identified in the completion of the DRAI, the reviewer will have the option to modify the DRAI wizard as needed to correct the issues. This allow for an accurate DRAI to be presented at the detention hearing. The reviewer must electronically sign and save the review to be given access to the DRAI.
- The electronic signature will autogenerate a case note documenting the DRAI review.
- If the reviewer modifies the DRAI, he or she must electronically sign and save the amended DRAI.

1st Appearance (Detention Hearing) Report

The results of detention hearings must be documented on the “Results of 1st Court Appearance” form *within 3 business days of the detention hearing*.

- If the results of the detention hearing are not an exact match to the original DRAI outcome, the user must indicate the court did not agree with the DRAI.
- If the modified outcome is a supervised release program, the user must indicate which supervised release program the youth will placed on (check all that apply). Even if the outcome is a different supervised release program than would have been recommended, the user must document that modification.
- The user must select the most appropriate modification category and provide a detailed description of the reasons for the modified status.

PJO Youth: If the court chooses not to implement a type of detention care until the disposition of the case, a case note must be entered to document the court’s decision.

Upon completion of this form, electronic signature is required. The electronic signature will autogenerate case notes of the detention hearing outcome.

Steps to Determining Detention Care Release Date (21 Days)

1. The detention hearing date (or date of court order to detention status) is your start date. The 24-hour period between screening and the detention hearing does NOT count.
2. The date of the detention hearing is day 1. This means the youth has 20 more days of supervision, NOT 21.

Here's an example:

- Youth has detention hearing today (October 8, 2019) and is ordered to a detention status.
- Release Date = 10/28/2019 (Just add 20 days to the detention hearing date.)

See Display

Date	10/8	10/9	10/10	10/11	10/12	10/13	10/14	10/15	10/16	10/17	10/18
Day	1	2	3	4	5	6	7	8	9	10	11

Date	10/19	10/20	10/21	10/22	10/23	10/24	10/25	10/26	10/27	10/28
Day	12	13	14	15	16	17	18	19	20	21

Screening Packets

All intake/screening packets must be uploaded to the JJIS document library under "Screening/JAC Packets" within three business days of the screening.