



Detention Risk Assessment Instrument (DRAI) Workgroup Meeting Minutes

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Location:

2020 Capital Circle SE
Alexander Building
Tallahassee, FL 32399

January 30, 2018

Committee Members Participation (10):

- Judge David Gooding – Circuit 4
- Judge Angelica Zayas – Circuit 11
- Chief Greg Graham – Circuit 5
- Chief Lawrence Leon – Circuit 15
- Sheriff Arnold Lanier – Circuit 10
- Sheriff Robert Gualtieri – Circuit 6
- State Attorney Ed Brodsky – Circuit 12
- ASA Rebecca Shinholser – Circuit 8
- Public Defender Carlos Martinez – Circuit 11
- APD Jeannie Moore – Circuit 14

Consultants (3)

- Dr. Kristen Early, Justice Research Center
- Dr. Kelly Dedel, One in 37 Research, Inc.
- Lisa Macaluso, Center for Children's Law and Policy

Florida Department of Juvenile Justice Staff Participation (10)

- Christina Daly, Secretary
- Timothy Niermann, Deputy Secretary
- Minnie Bishop, Statewide DRAI Coordinator
- Mark Greenwald, Director of Research & Data Integrity
- Dixie Fosler, Asst. Secretary of Detention Services
- Paul Hatcher, Asst. Secretary of Probation
- Thomas Jenkins, Research & Data Integrity
- Jeff Clarcq, Research & Data Integrity
- Brian Berkowitz, General Counsel
- Ed Wilton, General Counsel

Opening

- Attendance taken

Meeting Review

- Welcome - Secretary Daly
 - Thanks to committee members for dedication to this project
 - As we review the issues discussed by the workgroup, we want to ensure we keep the fidelity of the data model used to create this tool
 - Excited about the possibilities

- Meeting Overview – Dr. Dedel, Facilitator
 - Meeting Overview
 - At culmination of the December meeting several issues were identified. This meeting will focus on the solutions identified by the workgroup for the following:
 - Violent Offense List (VOL) Inclusions
 - Use of Underlying Charges
 - Misdemeanor Firearm Offenses
 - Multiple Burglaries at once
 - Burglary of a Dwelling
 - Technology Overview – How will this be operationalized in the Juvenile Justice Information System (JJIS)?
 - Public comment - Provided information on how to sign-up
 - Discussion and Motions/Voting
 - Shinholser: Will the Department add a definition ‘charged’ into the statutes? The suggested definition is: anything that is alleged by law enforcement by arrest, sworn complaint affidavit, petition of delinquency, an information, or grand jury indictment
 - Department: The definition will be provided to legal to attempt to have definition added.
- Workgroup Solutions Overview
 - VOL
 - Department’s list was compared to the standards set by FDLE and DOC. A definition of violent was adopted
 - Several charges removed because they did not meet the adopted definition
 - Misdemeanor Firearms
 - Review of data showed there is no statistical difference between misdemeanor and felony firearm offenders
 - All firearms offense will result in automatic secure detention
 - Moore: Do this mean the youth will have to stay the entire 21 days?
 - Department: The tool only determines the initial 24-hour stay pending a detention hearing. The decision of continued placement is a matter for the court.
 - Use of Underlying Charges
 - The workgroup defined serious offenses as those for which a youth would score 20 points in Section II: Most Serious Presenting Offense of the proposed instrument.
 - An override was adopted to place any youth presented for a new offense and currently on any kind of supervision that would score 20 points in Section II: Most Serious Presenting Offense into secure detention pending a detention hearing.
 - Burglary Offenses
 - Multiple Burglaries at once: These youths will be given 10 points in Section II: Most Serious Presenting Offense section of the proposed instrument. This will ensure the minimal release outcome is supervised release
 - Burglary of a Dwelling F.S. 810.02
 - There are six offenses listed within this statute. Four are punishable by life and therefore will result in secure detention placement
 - F.S. 810.02 (3)(a) and F.S. 810.02 (3)(b) are second degree felonies
 - F.S. 810.02 (3)(b) will be assessed 10 points and result in supervised release or higher based on the points assessed in the other portions of Section II
 - F.S. 810.02 (3)(a): The workgroup decided to place this charge on the VOL.

- Deeper analysis of the effects of this decision revealed that moving these youth from the release pool to secure detention would comprise the fidelity of the data model. The data model shows that these youths have extremely low risk of failure (committing a new offense or failing to appear).
- Department suggested assessing a 10-point allocation to this charge as well to ensure youth fall into the supervised release category. Dr. Early explained that this was not the ideal option, but could be done with completely comprising the data model as long as the point allocation did not exceed 10 points.
- Shinholser: concerned about these youths not going to secure detention; sends the wrong message to home owners; concerned about victim's rights
- Brodsky: Agreed Shinholser's comments
- Martinez: Point allocation should stay at 6 points because that is what the data tells us, but would reluctantly go with the 10-point compromise
- Gualtieri – agree with the 10-point
- Several members made suggestions of changing the point value to 13, 15, or 16 points
- Dr. Dedel: Reminded the committee that the overall purpose is to identify kids that would fail; changing the point value any more than suggested will undermine the fidelity all of the other kids too. We can't elevate without destroying the outcomes for all of the kids
- Graham: Does not want these kids released
- Shinholser: This is a public safety issue
- Question posed about the number of kids that fall into this category
- IT Overview provided while those number were obtained
- IT Overview
 - FDJJ Research and Data Integrity provided an overview of question users will need to answer, insight on how Interstate Compact Youth will be screened, the way the Department handles offense in chapter 777 (Conspiracy or Attempted) of the Florida Statutes, and tracking reports for modification to DRAI placement decisions
- Public Comment
 - ASA Lynn Powell: Burglary of an Occupied Dwelling F.S. 810.02 (3)(a) needs to score for secure detention until decided by the judge
 - APD Marie Osborne: Outrage of victim needs should be expressed at sentencing not at this phase in the process. Why would we use secure detention for this when they are unlikely to be detained at sentencing?
- Discussion and Motions
 - Brodsky: We need to make a decision about F.S. 810.02 (3)(a) before we can make a decision about the tool
 - Gualtieri: We need to go back to the data
 - Moore: We are trying to decide on a middle ground. There is a wide range of circumstances for which this statute is used. Some of which are not as serious as others
 - Leon: I have seen circumstance before that are different than the charge might suggest
 - Martinez: We need to go with the data. I understand the comprise the Department is posing and will go with the 10 points
 - Zayas: I think the charge should be 6 points as the data suggest. We are trying the develop a data-driven instrument. Why would we go against what the data is telling us?

- Gooding: We should stick with the data. Legislature can change the level of the charge is that is needed
- Lanier: First time offenders can be changed. Putting them in secure detention will raise the likelihood that they commit new offense
- SA Brodsky and ASA Shinholser: would this offense to be placed on VOL as suggested in the workgroup and score for secure detention
- Department: It is important to note that this is the only outstanding item. The current instrument places this same group of kids on home detention. Choosing not to adopt the new instrument will mean letting go of the projected improved outcomes for all of the other kids, halting the development of a more intense, multi-layered middle category of supervision, and still place this group in same category the compromised solution suggests they go in
- Motion to vote on if F.S. 810.02 (3)(a) should be scored at 10 points as suggested by the Department
 - Zayas: yes
 - Gooding: yes
 - Graham: no
 - Leon: yes
 - Brodsky: no
 - Shinholser: no
 - Moore: yes
 - Martinez: yes
 - Gualtieri: yes
 - Lanier: yes
- F.S. 810.02 (3)(a) will be assessed 10 points in the Section II: Most Serious Presenting Offense
- Motion to accept the proposed instrument with the adopted modification from the workgroup and the previous vote
 - Zayas: yes
 - Gooding: yes
 - Graham: no
 - Leon: yes
 - Brodsky: yes, noting objection to F.S. 810.02 (3)(a) scoring
 - Shinholser: yes, noting objection to F.S. 810.02 (3)(a) scoring
 - Moore: yes
 - Martinez: yes
 - Gualtieri: yes
 - Lanier: yes
- The propose instrument has been approved by the statutorily mandated DRAI committee

Closing Remarks

- Secretary Daly: Thank you to all of the committee members, analysts, and department staff that worked on this. I am excited about the possibilities for our communities.