

FINDINGS FROM THE PHILADELPHIA DETENTION UTILIZATION AND PLANNING STUDY

PRESENTED TO THE JUVENILE JUSTICE STAKEHOLDERS

January 19, 2001

NATIONAL COUNCIL ON CRIME AND DELINQUENCY

Headquarters Office 1970 Broadway, Suite 500 • Oakland, CA 94612
(510) 208-0500 • Fax (510) 208-0511

Midwest Office 426 South Yellowstone Drive, Suite 250 • Madison, WI 53719
(608) 831-8882 • Fax (608) 831-6446

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PHILADELPHIA DETENTION UTILIZATION AND PLANNING STUDY FINDINGS

January 19, 2001

Purpose of Planning Study and NCCD Experience

Across the country, juvenile detention systems have been experiencing tremendous pressures including population increases, facility crowding, litigation, and a wide range of forces not directly under its control. In turn, juvenile justice officials have come under increasing pressure to develop policies and procedures to effectively manage detention resources now and into the future.

The National Council on Crime and Delinquency has a long standing reputation of helping jurisdictions use research-based evidence to effectively plan for bed space needs, alternative programs, and other issues (see project staff biographies in Appendix). Currently, NCCD is working with approximately 43 communities to implement the juvenile justice planning process called the Comprehensive Strategy to Address Serious, Violent, and Chronic Juvenile Delinquency. NCCD also recently completed the evaluation of the Juvenile Detention Alternatives Initiative sponsored by the Annie E. Casey Foundation; many important lessons were learned from that large-scale detention reform effort. NCCD has conducted similar detention utilization studies in many other major metropolitan areas.

What follows are the findings from an approach NCCD designed to help juvenile justice officials evaluate current detention utilization patterns, the projected needs for secure beds, and various program options. The overall goal of our work is to create a detention system that protects public safety and increases court hearing compliance while taking into account practical constraints and the welfare of the young people our systems handle.

NCCD's detention utilization and planning model is organized into a series of six phases. Each phase is briefly outlined below:

Phase 1: Identify Issues, Problems, And Goals

During this process, key leaders were asked to identify the problems specific to Philadelphia and establish the goals for the project. A jurisdiction may want or need to examine its detention practices and reform its systems for a variety of reasons, among them rising detention costs, overcrowding, a desire to provide better services, funding issues, and litigation.

Phase 2: Collect, Prepare, and Analyze Detention Population Data

Using data to inform policy is the foundation of this planning approach. The goal of this phase was to obtain and analyze the appropriate data in order to make important policy decisions. At the start of this project, we determined data availability and mapped the flow of cases through the system.

Phase 3: Develop a Forecasting Model for Planning Purposes

Making planning decisions based on the best available data is a cornerstone of NCCD's approach. In order to accomplish this, we have developed forecasting technology that allows us to project future changes in the detention population based on current practices and conditions. The value of the baseline projection is that it allows planners to see the consequences of maintaining the status quo. Using this forecasting model, NCCD is also able to show the effects of various policy and procedural changes prior to implementation.

Phase 4: Identify Program and Policy Options

NCCD has a wealth of experience designing programs or policies for detention reform. In this phase of the project, we worked with the stakeholders to identify the specific changes necessary to meet the group's goals, using the best available data as the basis.

Phase 5: Examine the Potential Impact of Alternative Policy Scenarios

After the baseline forecasting model was produced and policy changes were identified, it was important to be able to see the results of any proposed changes. The forecasting technology allowed the stakeholders to see the implications of making various policy changes.

Phase 6: Develop a Comprehensive Detention Utilization Plan

We developed an action plan incorporating all the work from the previous phases. **This plan will serve as a summary of the programs and policies identified as necessary supported by the appropriate data and forecasts.** The plan also entails having the stakeholder group identify the steps necessary for change and assign tasks to various members of the group. The final action plan developed by the stakeholders should include realistic time lines and budget considerations.

Synopsis of Prior Presentations

In the first data presentation, we discussed the main issues affecting the detention population in Philadelphia. In order to do this, we showed trends in admissions, lengths of stay, and average daily population in the past few years. The data was provided by DHS in automated form. The trends were broken out by gender and detention reason. These data showed that the detention population varied across months, but was slowly creeping upward (as of early, 2000). The proportion of girls had also been rising, mostly due to increasing lengths of stay. Importantly, a large proportion of detention intakes were listed in the automated data as being admitted with no new charges. Their detention reasons were "review," "warrant," and a small number of "escapes." NCCD learned from the stakeholders that there are often other factors involved in a review case that could cause some long stays in detention. However, further explanatory data on these review cases was unavailable. NCCD recommends that more data on review cases be collected. The new information should include the purpose of the review (e.g., new charge attached, release potential, negative behavior, etc.).

In the second data presentation, NCCD demonstrated how the Prophet forecasting technology works. We showed three forecasting scenarios. The first showed a relatively static population due to slight decreases in the at risk population. The second showed increases of almost 7 percent per year as mirrored in the admissions trend from FY 1996 to FY 2000. The third showed how large the detention population could get if the number of admissions continued to increase at that substantial rate and the factors causing longer lengths of stay in detention for girls had the same effect on boys. During this presentation, the stakeholders provided information on several potential factors that may influence the size of the detention population.

In the third data presentation, various analyses of court and detention data were presented along with several forecast scenarios. The data was provided by the Department of Human Services and the Family Court in automated form. The DHS data analysts also provided us with the JJ number in each data set to use for matching purposes. When using the family court data, the unique petition number was used to define the case and the JJ number was used for the detention data provided by DHS. These data were analyzed using SPSS v.10 and Prophet 2000. The findings from the third presentation are again presented in this report along with new analyses suggested by the juvenile justice stakeholders, and NCCD's policy recommendations.

Analyses and Projections

What is the baseline projection of bed space needs given the status quo?

The baseline projection is a forecast of the number of beds necessary in the next ten years if current policies and programs affecting detention stay the same. The baseline projection contains three main assumptions modeling the system as it functions currently.

- There will be an increase in average admissions, but the rate of growth will decrease over time. In the five years preceding this analysis, updated data show an average annual admission growth rate of 4 percent. Using this as a starting point, we assume that the admission population will grow, but at a decreasing rate. The decreasing rate is due to stable or slightly decreasing general population and arrest numbers.
- The new bench warrant protocol as currently implemented is able to divert 75 percent of the youths that would have been detained on a warrant for one day or less.
- There is a 10 percent increase in the number of alternative to detention program slots (e.g., the new CJ CJ program). These slots will reduce the length of stay for a portion of youths to only 2 days on average (because they will be released to an alternative at the detention hearing).

Using these three assumptions, the baseline projection of bed space needs ranges from 128 in 2001 to approximately 150 in the latter years of the decade.

**BASELINE POPULATION FORECAST
FY 2001 – FY 2010**

| June | Boys | Girls | Total Beds |
|-------------|-------------|--------------|-------------------|
| 2001 | 103 | 25 | 128 |
| 2002 | 103 | 25 | 128 |
| 2003 | 107 | 26 | 133 |
| 2004 | 110 | 27 | 137 |
| 2005 | 109 | 32 | 141 |
| 2006 | 117 | 34 | 151 |
| 2007 | 116 | 34 | 150 |
| 2008 | 119 | 29 | 148 |
| 2009 | 122 | 30 | 152 |
| 2010 | 121 | 33 | 154 |

Source: National Council on Crime and Delinquency

Forecasting technology allows us to model the effect of many different factors. NCCD has created scenarios of changes we believe would benefit the detention system in Philadelphia and show, in this report, the empirical basis for these recommendations and the effect they would have on secure detention bed space needs.

Of all petitioned youths, how many were detained, released to alternatives, and not detained?

A description of the population of youths having a new petition filed in the family court in 1999 is shown in Table 1. The table shows the percentage of youths that were: 1) not detained, 2) detained and then released to an alternative program, or 3) detained. The most serious charge on the petition is listed in each detention status category.

TABLE 1

**DETENTION STATUS BY MOST SERIOUS CHARGE ON PETITION
1999**

| Most Serious Charge | Detention/Release Rates | | | |
|--------------------------------|--------------------------------|-------------------------------------|-----------------|--------------|
| | Not Detained | Released to Alt Programs | Detained | Total |
| Person | 58% | 29% | 13% | 2756 |
| Property | 63% | 26% | 11% | 2135 |
| Weapons | 58% | 32% | 10% | 324 |
| Drugs | 56% | 33% | 12% | 2187 |
| Disorderly Conduct/Mischief | 71% | 20% | 9% | 161 |
| Escape | 36% | 23% | 40% | 94 |
| Other | 74% | 17% | 10% | 266 |
| Total | 59% | 29% | 12% | 7923 |

Source: Family court data matched with YSC data, data sets provided by the Family Court and Department of Human Services.

There are two main findings from this analysis. First, the percent detained is relatively stable across offense categories, with slight increases for person and drug offenses. This analysis shows that the decision to detain is based on much more than the most serious charge. It is possible, however, that there may be differences within the large categories (e.g., serious violent offenders may be much more likely to be detained than those with a simple assault charge)¹. Second, less than half of cases (41 percent) were detained at intake with the majority of those being released to alternative programs at the detention hearing. Those youths charged with “escape” were the most likely to be detained.

An important differentiation is the type of alternative to detention. Table 2 shows the percent of youths released to Community Based Detention Services (CBDS) vs. other alternatives by offense type. Seven out of 10 youths that were released from detention to an alternative program in 1999, were placed in a CBDS bed.

¹ Appendix B contains a table showing the most serious offense of 1999 intakes to detention.

TABLE 2

PERCENT OF YOUTHS RELEASED TO ALTERNATIVE TO DETENTION PROGRAMS PLACED IN CBDS AND OTHER ALTERNATIVES BY MOST SERIOUS CHARGE ON PETITION, 1999

| Most Serious Charge | Percent of Alternative Program Releases | |
|-----------------------------|--|---------------------------|
| | CBDS | Other Alternatives |
| Person | 22% | 13% |
| Property | 19% | 25% |
| Weapons | 3% | 2% |
| Drugs | 24% | 7% |
| Disorderly Conduct/Mischief | 1% | 0% |
| Escape | 1% | 0% |
| Other | 2% | 0% |
| Total | 71% | 29% |

Source: Family court data matched with YSC data, data sets provided by the Family Court and DHS.

Given that so many youths were sent to an alternative to detention, one recommendation is to send eligible youths to the alternatives omitting the initial secure detention. This would entail setting intake criteria for CBDS and other alternative to detention programs and having youths screened into them at intake rather than at the detention hearing. Projection Scenario 1 shows the effect of screening one-half of the youths who would have been placed in the alternatives at the detention hearing, directly in an alternative program. We assume that this policy will be developed in 2001 and implemented in 2002. This policy change results in a net reduction of 20 to 24 beds.

**PROJECTION SCENARIO #1:
IMPLEMENT NEW INTAKE CRITERIA**

| June | Total Estimated Bed Space Reduction |
|-------------|--|
| 2001 | 0 |
| 2002 | -20 |
| 2003 | -20 |
| 2004 | -20 |
| 2005 | -20 |
| 2006 | -22 |
| 2007 | -22 |
| 2008 | -23 |
| 2009 | -24 |
| 2010 | -24 |

Source: National Council on Crime and Delinquency

Recommendation #1 - Determine the eligibility and ineligibility criteria for alternative to detention and institute a policy to place youth directly in those programs at intake.

Action Steps:

- I. Form a committee composed of representatives from various agencies. At a minimum, the committee should consist of: Judiciary, District Attorney, Public Defender, CBDS and alternative programs, DHS, and a data analyst.
- II. Charge the committee with developing intake criteria, by consensus, into the various alternative programs.
- III. Use available data to predict the impact of the chosen criteria on the number of slots or beds available with CBDS and other alternatives.
- IV. Use data to insure that the proposed criteria impact youths bound for secure detention only and do not widen the net.
- V. After careful review adopt these criteria, implement the new policy, and collect the appropriate data in order to assess the impact.

What, if any, differences are there, in detention status between boys and girls?

Table 3 shows that a similar percentage of petitioned boys and girls were detained at intake. However, boys were much more likely to be placed in alternatives, while girls were more likely not to be detained at all. Other analyses show that while girls are more likely than boys to have been charged with a person offense, they are spread evenly among those detained, not detained, and placed in an alternative program. Boys charged with a person offense charge are slightly more likely to be detained than not detained. As alluded to earlier, these analyses show clearly that detention decisions are based on factors other than the current offense.

Without standardized detention criteria or a risk assessment, however, these factors are difficult to quantify. In fact, individuals making these decisions are using much discretion. NCCD and others have conducted studies of the validity and reliability of discretionary/clinical decisions versus those using standardized instruments. The standardized instruments (with room for discretionary overrides) have been found to be more valid and reliable than clinical or individual judgment. If risk assessment instruments are developed, it is extremely important that they be both based on both empirically data AND on the consensus of the decision-makers. In other words, if a program is to succeed, decision-makers must help develop the instrument that will be tested.

**TABLE 3
DETENTION STATUS BY GENDER
1999**

| Detention Status | Total # | | |
|----------------------------------|---------|------|-------|
| | Female | Male | Total |
| Detained | 14% | 13% | 12% |
| Released to Alternative Programs | 18% | 31% | 29% |
| Not Detained | 68% | 58% | 59% |
| Total | 1191 | 6732 | 7923 |

Source: Family court data matched with YSC data, data sets provided by the Family Court and Department of Human Services.

Recommendation #2 – Develop, test, implement, and revise, as appropriate a non-discriminatory Risk Assessment Instrument (RAI)

Action Steps:

- I. Charge the same committee that developed the intake criteria with developing the Risk Assessment Instrument (if they accomplished their initial objective).
- II. Collect RAIs used by other jurisdictions for review.
- III. Review the research conducted by Peter Jones and assess its usefulness in developing an RAI.
- IV. Develop an instrument based on empirical data and policy objectives of the committee.
- V. Complete an initial test of the instrument based on retrospective data.
- VI. If it seems to fulfill the objectives, pilot test the instrument on a small population of intakes.
- VII. If the test reveals it is working appropriately, fully implement it.
- VIII. Collect the appropriate data to assess the validity of the RAI.

Not only does the policy of using a risk assessment instrument standardize important decisions, it also allows for more appropriate allocation of funds. There is an enormous cost differential across the various detention options. Data collected from DHS shows per diem costs (in 2000 dollars) as follows:

Youth Study Center bed – \$325

Community Based Detention Services bed – \$110 for males, \$138 for females

In Home Detention slot – \$30.24

VisionQuest In Home Detention slot – \$42.25

Intensive Supervision (PHIS) slot – \$12.18

How long are youths held in detention (both pre-adjudication and post-adjudication)?

One problem in many detention facilities is long lengths of stay for some youths. Many youths detained for long periods are awaiting placement and are held in post-adjudicatory status. Tables 4 and 5 show the pre and post adjudication lengths of stay for girls and boys respectively. Girls were held longer on average than boys and the difference was particularly apparent in those held in post adjudication status. The pre-adjudication mean length of stay for girls was 12 days, compared to 7 days for boys. Although small in number, the post-adjudication length of stay averaged twice as long for girls (24 compared to 11 for boys).

TABLE 4

**PRE AND POST-ADJUDICATED LENGTH OF STAY IN DETENTION
BY MOST SERIOUS CHARGE FOR GIRLS 1999**

| Most Serious Charge | Pre-Adjudicated | | | Post-Adjudicated* | | |
|----------------------------|------------------------|---------------|------------|--------------------------|---------------|-----------|
| | Mean | Median | # | Mean | Median | # |
| Person | 12 | 2 | 193 | 27 | 22 | 20 |
| Property | 14 | 5 | 74 | 17 | 14 | 13 |
| Weapons | 7 | 3 | 9 | ** | ** | ** |
| Drugs | 11 | 6 | 60 | 12 | 13 | 4 |
| Disorderly Conduct | 16 | 1 | 5 | ** | ** | ** |
| Escape | 7 | 2 | 8 | 43 | 46 | 5 |
| Other | 20 | 2 | 7 | 22 | ** | 1 |
| Total | 12 | 3 | 356 | 24 | 19 | 43 |

* Post-adjudicated length of stay numbers include only those cases in which juvenile was detained past the disposition date.

** No cases reported.

Source: Family court data matched with YSC data, data sets provided by the Family Court and Department of Human Services.

TABLE 5

**PRE AND POST-ADJUDICATED LENGTH OF STAY
IN DETENTION BY MOST SERIOUS CHARGE FOR BOYS 1999**

| Most Serious Charge | Pre-Adjudicated | | | Post-Adjudicated* | | |
|----------------------------|------------------------|---------------|----------|--------------------------|---------------|----------|
| | Mean | Median | # | Mean | Median | # |
| Person | 6 | 1 | 857 | 12 | 6 | 86 |
| Property | 7 | 2 | 647 | 11 | 5 | 89 |
| Weapons | 8 | 1 | 118 | 4 | 3 | 13 |
| Drugs | 8 | 2 | 839 | 10 | 6 | 111 |
| Disorderly Conduct | 4 | 1 | 35 | ** | ** | ** |
| Escape | 6 | 2 | 50 | 17 | 10 | 24 |
| Other | 7 | 2 | 59 | 7 | 2 | 5 |
| Total | 7 | 2 | 2605 | 11 | 6 | 328 |

* Post-adjudicated length of stay numbers include only those cases in which juvenile was detained past the disposition date.

** No cases reported.

Source: Family court data matched with YSC data, data sets provided by the Family Court and Department of Human Services.

Several stakeholders have verified the finding that finding suitable placements for girls poses a problem. NCCD has been told that approximately 40 new residential beds have just been opened to address this problem. We have modeled the effect of these new placement beds on detention bed space needs in the Projection Scenario 2. The generous assumption used for this model is that all the beds will be filled by girls who were detained (thus 40 girls for a one year program) and that 13 days will be shaved from the length of stay of those girls (making it equivalent to the post-adjudication length of stay of boys). This projected program change reduces the bed space needs by only a small number (approx. 2 beds/year).

This is not to say that these placements are not valuable, however they do not contribute to substantial bed space savings in detention. Besides the critical treatment implications of good female-specific programs, the residential bed space costs (per diem) are less expensive than YSC. While DHS estimates that YSC beds cost \$325/day, the new girls beds range from \$186 to \$216 per day. Importantly, if bed space savings are to be realized, the beds in the new residential programs must be reserved for girls awaiting detention. Furthermore, if the residential program was designed to hold girls in placement for less than one year, the detention bed savings would be greater. For example, a six-month residential program would release twice as many girls from detention into the program.

**PROJECTION SCENARIO # 2: REDUCED LENGTH OF STAY FOR
GIRLS AWAITING PLACEMENT**

| June | Total Estimated Bed Space Reduction |
|-------------|--|
| 2001 | -2 |
| 2002 | -2 |
| 2003 | -2 |
| 2004 | -2 |
| 2005 | -2 |
| 2006 | -2 |
| 2007 | -2 |
| 2008 | -2 |
| 2009 | -2 |
| 2010 | -2 |

Source: National Council on Crime and Delinquency

Recommendation #3 – Use the new residential beds for girls wisely.

Action Steps:

- I. Stakeholders should assign an appropriate DHS representative to gather information and report on the girls’ programs.
- II. Assess the residential program needs of the girls awaiting placement in detention.
- III. Determine whether the new programs meet the identified residential and programmatic needs.
- IV. Assess whether these program slots are being filled by girls that are not awaiting placement in detention.
- V. Present this information to the stakeholders and make changes if necessary.

How long does it take to process a case from intake to disposition?

Table 6 shows that the case processing times in Philadelphia are quite long, an average of four months. There seems to be little difference in the case processing times of boys and girls. In general, the person offense cases take longer to resolve.

TABLE 6

CASE PROCESSING TIME (IN DAYS) BY GENDER AND MOST SERIOUS CHARGE 1999

| Most Serious Offense | Girls | | | Boys | | |
|-----------------------------|--------------|---------------|-------------------------|-------------|---------------|-------------------------|
| | Mean | Median | Total # of Cases | Mean | Median | Total # of Cases |
| Person | 143 | 117 | 610 | 133 | 112 | 1970 |
| Property | 121 | 99 | 208 | 124 | 99 | 1775 |
| Weapons | 66 | 50 | 57 | 108 | 62 | 256 |
| Drugs | 102 | 63 | 155 | 119 | 95 | 1895 |
| Disorderly Conduct | 99 | 84 | 16 | 114 | 78 | 138 |
| Escape | 7 | 1.5 | 10 | 31 | 3 | 84 |
| Other | 112 | 55.5 | 26 | 119 | 86 | 230 |
| Total | 126 | 103 | 1082 | 123 | 99 | 6348 |

* Case processing time is defined as the number of days from the intake date to the first disposition date when a final disposition was made. Only cases with intake dates in 1999 are included.

Source: Family court data matched with YSC data, data sets provided by the Family Court and Department of Human Services.

Table 7 shows the case processing time of girls and boys by their detention status. Youths who were detained had shorter case processing times by approximately two to three weeks. Given the four-month average, this represents a relatively small difference.

While the average case processing time is long, the average length of stay is relatively short (ranging from a mean of 7 to 11 days). As in most jurisdictions, the vast majority of youths are not held in secure detention until the disposition of their case. In Philadelphia, 13 percent of admissions to detention were held for their entire case processing time (an average of 80 days).

Decision-makers often think that if they can reduce case processing time, they automatically will reduce length of stay. While this seems to make common sense, it is only partially true. Actually, length of stay is not closely related to case processing time. Other factors such as capacity, availability of alternatives or post-dispositional placements, and the work of the expediter are much more powerful influences.

TABLE 7
CASE PROCESSING* TIME (IN DAYS)
BY GENDER AND DETENTION STATUS 1999

| Gender | Detention Status | Mean | Median | Total # of Cases |
|---------------|-------------------------|-------------|---------------|-------------------------|
| Female | Not Detained | 131 | 109.5 | 666 |
| | Release To Alt Programs | 131 | 105 | 213 |
| | Detained | 106 | 70 | 203 |
| | Total | 126 | 103 | 1082 |
| Male | Not Detained | 129 | 107 | 2966 |
| | Release To Alt Programs | 119 | 92 | 2239 |
| | Detained | 116 | 90 | 1143 |
| | Total | 123 | 99 | 6348 |
| Total | Not Detained | 129 | 107 | 3632 |
| | Release To Alt Programs | 120 | 93 | 2452 |
| | Detained | 115 | 87 | 1346 |
| | Total | 123 | 100 | 7430 |

*Case-processing time is defined as the number of days from the intake date to the first disposition date. Only cases with intake dates in 1999 are included.

Source: Family court data matched with YSC data, data sets provided by the Family Court and Department of Human Services.

While length of stay is not strongly influenced by changes in case processing time, other important issues are affected. Most important are compliance with court hearings and re-offending prior to disposition. The longer it takes to process a case, the more likely it is that a youth will commit another crime or fail to appear in court before the original charge has been disposed of by the court. The following analyses address these issues.

What are the characteristics of youths who fail to appear at a court hearing?

Table 8 presents the failure to appear rates for girls and boys by the most serious offense on the petition. For this analysis, a failure to appear (FTA) was noted when a bench warrant was issued at a hearing.

TABLE 8

FAILURE TO APPEAR* RATES BY GENDER AND OFFENSE 1999

| Gender | Most Serious Offense | FTA Rate | Total # of Cases |
|---------------|-----------------------------|-----------------|-------------------------|
| Female | Person | 12% | 610 |
| | Property | 22% | 208 |
| | Weapons | 5% | 57 |
| | Drugs | 19% | 155 |
| | Disorderly Conduct | 6% | 16 |
| | Escape | 0% | 10 |
| | Other | 8% | 26 |
| | Total | 14% | 1082 |
| Male | Person | 11% | 1970 |
| | Property | 15% | 1777 |
| | Weapons | 15% | 256 |
| | Drugs | 19% | 1896 |
| | Disorderly Conduct | 13% | 138 |
| | Escape | 4% | 84 |
| | Other | 12% | 230 |
| | Total | 15% | 6351 |
| Total | Person | 11% | 2580 |
| | Property | 16% | 1985 |
| | Weapons | 13% | 313 |
| | Drugs | 19% | 2051 |
| | Disorderly Conduct | 12% | 154 |
| | Escape | 3% | 94 |
| | Other | 12% | 256 |
| | Total | 15% | 7433 |

* A failure to appear is defined as a case that had a bench warrant issued at any hearing before or at the first disposition hearing.

Source: Family court data matched with YSC data, data sets provided by the Family Court and Department of Human Services.

Overall, the analyses show that 15 percent of cases have a bench warrant issued at one or more of their hearings. The overall rate for boys and girls is similar. FTA's are more likely for drug offenders and property offenders.

One would assume that the FTA rates would be substantially lower for detained youths than those released to alternatives or those not detained. If a child is incarcerated, it is difficult to not be in compliance with the court process. Table 9 indicates that while FTA rates are slightly less, in general, for detained youth than for those in the alternatives, non-detained youths have the lowest rates. The lower rates for non-detained youths could indicate that the screening done to

keep some youth from detention is appropriate for predicting failure to appear. When the FTA rates are adjusted for the time at risk (meaning when the youth isn't incarcerated), the rates for those youths released to alternatives vs. detained are only slightly different. Thus, placing a youth in an alternative program poses only a slightly greater risk to court hearing compliance. One finding that stands out as problematic is that girls in the alternative programs have very high FTA rates. Creating a gender-specific detention alternative program for girls may reduce this problem.

TABLE 9
FAILURE TO APPEAR* RATES
BY GENDER AND DETENTION STATUS 1999

| Gender | Detention Status | FTA Rate | Adjusted Rate** | Total # Of Cases |
|---------------|-------------------------|-----------------|------------------------|-------------------------|
| Female | Not Detained | 11% | 11% | 711 |
| | Release To Alt Programs | 27% | 29% | 202 |
| | Detained | 15% | 18% | 169 |
| | Total | 14% | 16% | 1082 |
| Male | Not Detained | 12% | 12% | 3591 |
| | Release To Alt Programs | 20% | 21% | 1997 |
| | Detained | 15% | 18% | 763 |
| | Total | 15% | 16% | 6351 |
| Total | Not Detained | 12% | 12% | 4302 |
| | Release To Alt Programs | 20% | 21% | 2199 |
| | Detained | 15% | 18% | 932 |
| | Total | 15% | 16% | 7433 |

* A failure to appear is defined as a case that had a bench warrant issued at any hearing before or at the first disposition hearing.

**Calculated by dividing original rates by percentage of case processing time not in detention.

Source: Family court data matched with YSC data, data sets provided by the Family Court and Department of Human Services.

Recommendation #4 – Scrutinize CBDS and all alternatives to detention programs to assess their ability to promote court hearing compliance.

Action Steps:

- I. Have representatives from each of the detention alternative programs present their program and describe the specific measures they take to reduce failure to appear rates. Particular focus should be on how their efforts affect girls.
- II. Assign someone to research the best practices in alternative to detention programming for girls.
- III. Assign appropriate individuals to refine existing programs or develop new ones to meet the need.

Given the importance of appearing at court hearings and the detention bed space occupied by youths who fail to comply, NCCD has another recommendation for reducing FTA rates.

Recommendation #5 – Create a court operated notification program for all court appearances.

Action Steps:

- I. Assign a representative from the Family Court to research the best practices in court notification programs.
- II. Determine whether written notification by postcard and/or telephone notification is most appropriate.
- III. Assign an administrative staff person to coordinate this program.
- IV. After a trial period assess the effectiveness by analyzing the trends in failure to appear rates. Use the analysis to determine the effect of the program on different sub-populations of juveniles and adjust the program accordingly.

We have projected the bed space savings that are likely if new programs and policies are implemented that decrease case processing time and FTA rates. Our experience with other jurisdictions indicates that there would likely be a 25 percent reduction in bench warrants if effective programs are implemented. Projection Scenario 3 shows the impact of this reduction. It shows a bed space savings in the range of 7 to 10 beds per year.

**PROJECTION SCENARIO #3: REDUCTION IN BENCH WARRANT
ADMISSIONS**

| June | Total Bed Space Reduction |
|-------------|----------------------------------|
| 2001 | 0 |
| 2002 | -7 |
| 2003 | -8 |
| 2004 | -10 |
| 2005 | -10 |
| 2006 | -8 |
| 2007 | -9 |
| 2008 | -9 |
| 2009 | -8 |
| 2010 | -9 |

Source: National Council on Crime and Delinquency

What are the characteristics of youths who re-offend prior to disposition?

The data indicate that approximately 1 in 5 youths were charged with the new offense before the disposition of their original offense. Table 10 shows that boys were over twice as likely as girls to re-offend. Similar to the findings for FTA rates, the most likely re-offenders were youths charged with drug offenses or property offenses. The pre-disposition re-offending rates are quite high for boys and are of concern.

Interestingly, some of the findings on re-offending based on detention status are quite different from the findings of FTA rates. Table 11 shows that non-detained youths are the most likely to re-offend, even when the time at risk is taken into account. One likely reason for this difference is that non-detained youths typically have accrued less serious charges. The frequency of less serious offenses tends to be higher. Another major finding is that there is very little difference between the pre-disposition re-offense rates of detained youths and those sent to alternative programs. The rates are virtually the same.

TABLE 10**PRE-DISPOSITION RE-OFFENSE RATES
BY GENDER AND OFFENSE 1999**

| Gender | Most Serious Offense | Re-offending Rate | Total # of Cases |
|---------------|-----------------------------|--------------------------|-------------------------|
| Female | Person | 8% | 610 |
| | Property | 14% | 208 |
| | Weapons | 5% | 57 |
| | Drugs | 10% | 155 |
| | Disorderly Conduct | 6% | 16 |
| | Escape | 0% | 10 |
| | Other | 8% | 26 |
| | Total | 9% | 1,082 |
| Male | Person | 16% | 1,970 |
| | Property | 24% | 1,777 |
| | Weapons | 16% | 256 |
| | Drugs | 25% | 1,896 |
| | Disorderly Conduct | 20% | 138 |
| | Escape | 5% | 84 |
| | Other | 13% | 230 |
| | Total | 21% | 6,351 |
| Total | Person | 15% | 2580 |
| | Property | 23% | 1985 |
| | Weapons | 14% | 313 |
| | Drugs | 24% | 2051 |
| | Disorderly Conduct | 19% | 154 |
| | Escape | 4% | 94 |
| | Other | 12% | 256 |
| | Total | 19% | 7433 |

* A re-offense is defined as a case in which the individual had another petition filed (before October 2000) after the intake date and before the first disposition date. Only cases with intake dates in 1999 were included.

Source: Family court data matched with YSC data, data sets provided by the Family Court and Department of Human Services.

TABLE 11**PRE-DISPOSITION RE-OFFENSE* RATES AND TIME AT RISK BY GENDER AND DETENTION STATUS 1999**

| Gender | Detention Status | Rate | Adjusted Rate** | Total # Of Cases |
|---------------|-------------------------|-------------|------------------------|-------------------------|
| Female | Not Detained | 11% | 11% | 711 |
| | Release To Alt Programs | 6% | 6% | 202 |
| | Detained | 7% | 8% | 169 |
| | Total | 9% | 10% | 1082 |
| Male | Not Detained | 25% | 25% | 3591 |
| | Release To Alt Programs | 15% | 16% | 1997 |
| | Detained | 14% | 15% | 763 |
| | Total | 21% | 22% | 6351 |
| Total | Not Detained | 23% | 23% | 4302 |
| | Release To Alt Programs | 15% | 15% | 2199 |
| | Detained | 12% | 14% | 932 |
| | Total | 19% | 20% | 7433 |

* A re-offense is defined as a case in which the individual had another petition filed (before October 2000) after the intake date and before the first disposition date. Only cases with intake dates in 1999 were included.

Source: Family court data matched with YSC data, data sets provided by the Family Court and Department of Human Services.

**Calculated by dividing original rates by percentage of case processing time not in detention.

Not only do some re-offenses pose a threat to public safety, but they cause increases in the detention population as well. Further analyses shows that two-thirds of the youths who re-offended prior to disposition were detained on that re-offense. Also, for the boys who were placed in an alternative to detention program and then re-offended prior to disposition, 79 percent were then detained.

There are several possible remedies to pre-disposition re-offending and we will discuss two of them here as recommendations. The first one is similar to recommendation #4, which suggests improvements in the alternative to detention programs. This suggestion also includes creating a step-down program from detention into less and less restrictive supervision. The second recommendation for reducing pre-disposition re-offending is listed as Recommendation #7 and focuses on reducing case processing time.

Recommendation #6 – Review existing programs, and modify or create new programs to reduce pre-disposition re-offending.

Action Steps:

- I. Have representatives from detention, alternative programs, and the court present the specific measures they take to reduce pre-disposition re-offending. Particular focus should be on the youths with the highest re-offending rates (e.g., drug and property offenders, and non-detained youths).
- II. Assign a DHS representative to research the best practices in pre-disposition re-offending programs (e.g., step-down supervision programs).
- III. Modify current programs or create a new program to increase the supervision levels of the youths most at risk of re-offending prior to disposition.
- IV. Pilot test the new program for effectiveness, collect the appropriate data, and modify as necessary before full implementation.

Recommendation #7 – Shorten case processing time where appropriate.

Action Steps:

- I. Develop instruments to accurately measure case processing time.
- II. Conduct a study to measure case processing time in the following four phases: (a) arrest to guilt/innocence, (b) guilt to adjudication, (c) adjudication to disposition, and (d) disposition to date of transfer.
- III. Focus on the populations that are most negatively affected by long case processing times in terms of FTA and re-offending rates (these might include girls in alternative programs for FTA, non-detained boys for re-offending).
- IV. Appoint a staff member to do research on best practices in early case resolution type programs.
- V. Institute an expedited case-processing program on a trial basis and pilot test before full implementation.

Projection Based on Best Practice Recommendations

Using the baseline forecast as a starting point and assuming the implementation of the recommendations listed above and the effects shown in Projections 1 through 3, Projection Scenario 4 shows the bed space needs in secure detention over the next ten years.

**PROJECTION SCENARIO #4 – COMPOSITE OF SCENARIOS 1,2, & 3
FY 2001 – FY 2010**

| JUNE | Baseline | Scenario 1 (Intake Criteria) | Scenario 1 & 2 (1 + Girls Programs) | Scenarios 1, 2, & 3 (1, 2 + FTA Reduction) |
|------|----------|---------------------------------|--|--|
| 2001 | 128 | 128 | 126 | 126 |
| 2002 | 128 | 108 | 106 | 99 |
| 2003 | 133 | 113 | 111 | 105 |
| 2004 | 137 | 117 | 115 | 111 |
| 2005 | 141 | 121 | 119 | 112 |
| 2006 | 151 | 129 | 127 | 121 |
| 2007 | 150 | 128 | 126 | 120 |
| 2008 | 148 | 125 | 123 | 117 |
| 2009 | 152 | 124 | 122 | 116 |
| 2010 | 154 | 128 | 126 | 120 |

Source: National Council on Crime and Delinquency

This projection shows a realistic forecast of the beds needed in Philadelphia given: 1) the baseline assumptions hold true, 2) intake criteria are implemented and one-half of youths bound for alternative programs at the detention hearing are placed directly in those programs, 3) the new residential beds for girls will be used only by girls awaiting placement in detention, and 4) there will be a 25 percent reduction in bench warrants because of more finely tuned programs or new programs to address FTA rates. The forecast shows the need for approximately 120 secure juvenile detention beds.

Action Plan

Creating an action plan is the next step in the detention utilization and planning study. The following pages delineate the basic action steps necessary for implementation of the recommendations. There is room within each of the task boxes for the stakeholders to write in more specific steps to be completed. Specifying the person responsible for task completion and the expected completion date for each task are important parts of turning the recommendations into action.

RECOMMENDATION #1

Determine the Eligibility and Ineligibility Criteria for Alternatives to Detention and Institute a Policy to Place Youths Directly in Those Programs at Intake

| # | Action Step | Responsible Person | Projected Completion Date |
|---|--|--------------------|---------------------------|
| 1 | Form a committee composed of representatives from various agencies. At a minimum, the committee should consist of Judiciary, District Attorney, Public Defender, CBDS and alternative programs, DHS, and a data analyst. | | |
| 2 | Charge the committee with developing intake criteria, by consensus, into the various alternative programs. | | |
| 3 | Use available data to predict the impact of the chosen criteria on the number of slots or beds available with CBDS and other alternatives. | | |
| 4 | Use data to insure that the proposed criteria impact youths bound for secure detention only and do not widen the net. | | |
| 5 | After careful review adopt these criteria, implement the new policy, and collect the appropriate data in order to assess the impact. | | |
| 6 | Collect the appropriate data in order to assess the impact. | | |

RECOMMENDATION #2

Develop, Test, and Implement and Revise, as appropriate, a Non-Discriminatory Detention Risk Assessment Instrument (RAI)

| # | Action Step | Responsible Person | Projected Completion Date |
|---|--|--------------------|---------------------------|
| 1 | Charge the same committee that developed the intake criteria with developing the Risk Assessment Instrument (if they successfully finished their initial objective). | | |
| 2 | Collect RAIs used by other jurisdictions for review. | | |
| 3 | Review the research conducted by Peter Jones and assess its usefulness in developing an RAI. | | |
| 4 | Develop an instrument based on empirical data and policy objectives of the committee. | | |
| 5 | Complete an initial test of the instrument based on retrospective data. | | |
| 6 | If it seems to fulfill the objectives, pilot test the instrument on a small population of intakes. | | |
| 7 | Collect the appropriate data to assess the validity of the RAI. | | |

RECOMMENDATION #3

Use the New Residential Beds for Girls Wisely

| # | Action Step | Responsible Person | Projected Completion Date |
|---|--|--------------------|---------------------------|
| 1 | Stakeholders should assign an appropriate DHS representative to gather information and report on the girls programs. | | |
| 2 | Assess the residential program needs of the girls that are awaiting placement in detention. | | |
| 3 | Determine whether the new programs meet the identified residential and programmatic needs. | | |
| 4 | Assess whether these program slots are being filled by girls that are <u>not</u> awaiting placement in detention. | | |
| 5 | Present this information to the stakeholders and make changes if necessary. | | |

RECOMMENDATION #4

Scrutinize CBDS and All Alternatives to Detention Programs to Assess Their Ability to Promote Court Hearing Compliance

| # | Action Step | Responsible Person | Projected Completion Date |
|---|---|--------------------|---------------------------|
| 1 | Have representatives from each of the detention alternative programs present their program and the specific measures they take to reduce failure to appear rates. Particular focus should be on how their efforts affect girls. | | |
| 2 | Assign someone to research the best practices in alternative to detention programming for girls. | | |
| 3 | Assign appropriate individuals to refine existing programs or develop new ones to meet the need. | | |

RECOMMENDATION #5

Create a Court-Operated Notification Program for All Court Appearances

| # | Action Step | Responsible Person | Projected Completion Date |
|---|--|--------------------|---------------------------|
| 1 | Assign a representative from the Family Court to research the best practices in court notification programs. | | |
| 2 | Determine whether written notification by postcard and/or telephone notification is most appropriate. | | |
| 3 | Assign an administrative staff person to coordinate this program. | | |
| 4 | After a trial period assess the effectiveness by analyzing the trends in failure to appear rates. Use the analysis to determine the effect of the program on different sub-populations of juveniles. | | |

RECOMMENDATION #6

Review Existing Programs and Modify or Create New Programs to Reduce Pre-disposition Re-offending

| # | Action Step | Responsible Person | Projected Completion Date |
|---|---|--------------------|---------------------------|
| 1 | Have representatives from detention, alternative programs, and the court present the specific measures they take to reduce pre-disposition re-offending. Particular focus should be on the youths with the highest re-offending rates (e.g., drug and property offenders, and non-detained youths). | | |
| 2 | Assign a DHS representative to research the best practices in pre-disposition programs to reduce re-offending (e.g., step-down supervision programs). | | |
| 3 | Modify current programs or create a new program to increase the supervision levels of the youths most at risk of re-offending prior to disposition. | | |
| 4 | Pilot test the new program for effectiveness and collect the appropriate data, and modify as necessary before full implementation. | | |

RECOMMENDATION #7

Shorten Case Processing Time Where Appropriate

| # | Action Step | Responsible Person | Projected Completion Date |
|---|---|--------------------|---------------------------|
| 1 | Develop instruments to accurately measure case processing time. | | |
| 2 | Conduct a study to measure case processing time in the following four phases: (a) arrest to guilt/innocence, (b) guilt to adjudication, (c) adjudication to disposition, and (d) disposition to date of transfer. | | |
| 3 | Focus on the populations that are most negatively affected by long case processing times in terms of FTA and re-offending rates (these might include girls in alternatives programs for FTA, non-detained boys for re-offending). | | |
| 4 | Appoint a family court representative to do research on best practices in early case resolution type programs. | | |
| 5 | Institute an expedited case processing program on a trial basis and pilot test before full implementation. | | |