

Appendix 2

An Examination of the Detention Assessment Tool 3.0 (DAT3)

by

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## **Data and Variables**

For the purpose of this study, detention data was obtained directly from the Shelby County Juvenile Court. The Juvenile Court has recently revised the Detention Assessment Tool (DAT) in an effort to reduce DMC and achieve equitable treatment for all youth at detention, resulting in the implementation of the DAT3 February 1<sup>st</sup>, 2017. In theory, the DAT3 is an instrument used to structure decision-making and in turn, provide consistency in the factors relied upon to arrive at detention decisions. The present study is an evaluation or assessment of the DAT3 and is not meant to be a validation study. The data for the present evaluation consists of all referrals administered the DAT3 in the eight month period since its implementation from February 1<sup>st</sup>, 2017 through September 30<sup>th</sup>, 2017.

The raw data reflecting all DAT referrals in Shelby County over eight months yielded a sample of 1,239 cases. The dataset was converted from Excel to SPSS format and all analyses were conducted using the SPSS statistical software. The data was cleaned to remove referrals where the DAT was administered more than once, keeping only the highest scored DAT. All referrals administered earlier versions of the instrument were also removed from the sample. The final sample consists of N=1,155 distinct referrals which were administered the DAT3 from February 1<sup>st</sup>, 2017 through September 30<sup>th</sup>, 2017.

Table 1 (pg.5) provides the distribution for the independent and dependent variables used in the analyses. The selection of variables was based on available data and past research dealing with evaluation studies. The inclusion of these variables was done to provide a more detailed examination of the factors that may impact the decision to detain or release young offenders.

***Independent.*** The *race* variable is categorized as either White (7%) or Black (93%). Youth of all other races were grouped within the Black category as they comprised only 1.3% of

the sample. *Males* account for 82% of the sample and the *age of youth* ranged from 10-18 with an average age of 15. Crime severity and four indicators of crime type are included as legal variables. *Offense severity* is measured in accordance with misdemeanor (40%) and felony (60%) classifications. *Person offenses* are the most prevalent type of crime at 37%, followed by *property offenses* (34%), *domestic violence offenses* (20%), and *drug-related offenses* (2%). The reference category for the four crime type variables is other.

Additional legal indicators such as the most serious offense (Q1), additional current offenses (Q2), prior adjudications of guilt (Q3), prior escapes/warrants/APCs (Q4), and complaints/petitions pending adjudication or disposition (Q5) are captured by the instrument questions. The scoring for each of the questions was provided by the DAT assessor and tabulated in accordance with the DAT3 scoring rubric (see full instrument in Appendix 3). Two questions focused on aggravating (Q7) and mitigating factors (Q8). Aggravating factors consists of a crime or documented threat against a person and a felony sexual crime, both of which are assigned a score of 5. Mitigating factors (reverse coded) result in a two or three point deduction in the total score and include such items as currently enrolled/attending school (-2), successful completion of previous Court Ordered Program (-2), no Court contact in last 24 months (-3), and currently employed (-3).

***Dependent.*** All scores recorded in Q1, Q2, Q3, Q4, Q5, Q7, and Q8 were tabulated by court personnel to create the *total score* variable which ranges from a low score of -7 to a high of 45. Based on the scoring stipulation that youth receiving a total score of 19 or above should be detained, all DAT3 scores above 19 are grouped within the 19 and up category. Twenty-one percent of the youth earned a score of 19 or more. In addition to receiving a score of 19 or more, a youth may be detained following discretionary detention overrides.

To capture such occurrences, an *override* variable was created where all referrals in which an override reason was provided were coded yes (31%) and all others were coded no (69%). More specifics concerning override reasons and frequencies can also be found in Table 4 (pg.11) of this report. The final case outcome for the youth is captured in the *final decision* variable. Of the three possible decision outcomes, more than half of the youth in the sample received secure detention (52%), followed by detention alternative (15%) and release (33%). For the purpose of the analyses, the final decision was further collapsed into a dichotomy represented by released/alternative (48%) and secure detention (52%).

On the basis of the distributions a number of things emerge. First, having Blacks comprise 93% of those referred for consideration of detention is an issue and reflects the trend over the years of Black youth overrepresentation at detention. Second, domestic violence cases represent 20% of the referrals. Third, an examination of the individual items comprising the DAT3 including the total score from the DAT3 generally show cases not to be too serious in nature. Still, 60% of the referrals involved a felony and 37% involved a person offense.

Last, while only 21% of the sample received a score of 19 to justify a detention decision, an override was exercised in a little over 1/3 of the cases (31%). Fifty-two percent of the sample resulted in a detention. The use of overrides and the total number of youth detained are a concern. An override is a decision by Court personnel to order detention even though the total score from the DAT3 is below the threshold of 19 points or higher. In the sections to follow these observations will be examined and flushed out in greater detail.

**Table 1.** Distribution of Variables (N=1,155)

Variable	Value	N	%
Race	0 – White	83	7
	1 – Black	1072	93
Gender	0 – Male	942	82
	1 – Female	213	18
Age	Mean =	15.48	
	SD =	1.46	
	Range (10-18) =	8	
Offense severity	0 – Misdemeanor	461	40
	1 – Felony	694	60
Property offense <sup>a</sup>	0 – No	758	66
	1 – Yes	397	34
Person offense <sup>a</sup>	0 – No	731	63
	1 – Yes	424	37
Drug offense <sup>a</sup>	0 – No	1128	98
	1 – Yes	27	2
Domestic	0 – No	925	80
	1 – Yes	230	20
Q1 – Most Serious Offense (Points low to high)	0	463	40
	9	107	9
	11	134	12
	13	286	25
	15	109	9
	19	56	5
Q2 – Additional Current Offense (Points low to high)	0	896	78
	2	170	15
	5	89	7
Q3 – Prior Adjudication (Points low to high)	0	912	79
	3	77	7
	4	12	1
	5	105	9
	7	12	1
	9	37	3
Q4 – Prior Escapes/Warrants/APCs (Points low to high)	0	991	86
	4	68	5
	8	94	8
	20	2	1
Q5 – Complaints/Petitions Pending (Points low to high)	0	949	82
	5	206	18

Table 1. Continued

Variable	Value	N	%
Q7 – Aggravating Factors (Points low to high)	0	556	48
	5	552	48
	10	47	4
Q8 – Mitigating Factors (Points high to low)	-8	1	1
	-7	20	1.7
	-6	1	1
	-5	380	33
	-4	292	25
	-3	36	3
	-2	359	31
	0	66	6
Total Score (Points low to high)	-7	1	1
	-5	50	4
	-4	6	1
	-3	7	1
	-2	28	2
	-1	7	1
	0	137	12
	1	36	3
	2	12	1
	3	75	6
	4	29	2
	5	23	2
	6	36	3
	7	18	2
	8	46	4
	9	37	3
	10	38	3
	11	41	3
	12	36	3
	13	68	6
14	43	4	
15	29	2	
16	55	5	
17	20	2	
18	34	3	
	<b>19 and up</b>	<b>240</b>	<b>21</b>
Override	0 – No	800	69
	1 – Yes	355	31
Final Decision	0 – Released	384	33
	1 – Alternative	176	15
	<b>2 – Secure</b>	<b>595</b>	<b>52</b>

a: Reference category is Other offense (e.g. weapon possession, disorderly conduct)

Bold indicates threshold to detain

## **Predicting Total Score and the Decision to Override**

The first step in the analysis was to estimate the predictors of the total risk score. Ideally, the objective would be to include each of the individual criteria that make up the total risk score (such as additional current offense, aggravating factors, mitigating factors, etc.). However, doing this did not produce a stable model and thus was dropped from the analyses. The inability of the criteria being unable to predict the total score is discerning and is in need of further exploration. Instead, factors associated with the referral were included and these are gender, age, offense severity, property offense, person offense, drug offense and domestic offense to predict the dependent variable. These results are presented in column 1 of Table 2 (next page).

Being male, involved in a felony and charged with a person offense increased the chances of receiving a higher risk score. Youth charged with property offending resulted in a lower risk score. With the exception of the gender relationship, the effects that are statistically significant with the dependent variable are what you would anticipate as is the direction of those relationships.

Keep in mind that 31% percent of the cases resulted in an override. Next, we estimated the effects of the items comprising DAT3 as they relate to the decision to exercise an override. These findings are provided in column 2 of Table 2. Older youth, those charged with a felony, a person offense, and a domestic situation increased the likelihood of receiving an override. Those youth charged with a property offense or a drug offense decreased the chances of receiving an override. Cases scoring higher on the items “additional current offense” and “aggravating factors” also have inverse effects with the dependent variable. In other words, these factors decreased the odds of receiving an override. These results are opposite than what one would expect.

**Table 2.** Multivariate Procedures for Predicting Risk Score and Decision to Override (N=1,155)

Variable	Risk Score (1)	Override (2)
Gender	<b>-2.05**</b> (-0.83)	.04 (1.04)
Age	.22 (0.34)	<b>.23**</b> (1.26)
Offense severity	<b>14.91**</b> (0.76)	<b>.80**</b> (2.22)
Property offense <sup>a</sup>	<b>-2.95**</b> (-0.14)	<b>-1.23**</b> (.29)
Person offense <sup>a</sup>	<b>1.73*</b> (.09)	<b>.85**</b> (2.35)
Drug offense <sup>a</sup>	-1.78 (-.03)	<b>-1.15*</b> (.31)
Domestic <sup>a</sup>	1.14 (.05)	<b>1.09**</b> (.33)
Q2 – Additional Current Offense (Points low to high)	- -	<b>-.20**</b> (.81)
Q7 – Aggravating Factors (Points low to high)	- -	<b>-.24**</b> (.78)
Q8 – Mitigating Factors (Points high to low)	- -	.04 (1.04)
R <sup>2</sup>	.55	-
-2 Log Likelihood	-	1176.22

a: Reference category is Other offense (e.g. weapon possession, disorderly conduct)

Note: Column 1 represent individual factors associated with the referral to predict total score; including specific DAT3 questions yielded unstable model

Column 1 indicates Unstandardized B and (Standardized Coefficients Beta); Column 2 indicates Beta and (Odds Ratio)

\*\*p<.01, \*p<.05



Since an override decision is used relatively frequently and the multivariate analyses showed some inconsistent explanatory factors of this decision, we next looked at the associations between the items “current offenses”, “aggravating factors”, “case severity” and youth charged with a “person” offense with the decision to override. By doing this, we hoped to get greater clarity on the override decision. Cross-tabulations were used and the findings are detailed in Table 3 (pg.10).

In Part A of Table 3, we can see that 34% of those scoring a “0” received an override. Twenty-six percent that scored a “2” on this item also received an override. Thus, 60% of youth who scored relatively low on the item current offenses received an override.

In Part B, 40% of those who scored a “0” on the aggravating factors items received an override. Twenty-three percent of the youth who scored a 5 on the item resulted in an override. Thus, 63% of those scoring relatively low on aggravating factors received an override decision. Thirteen percent of those that scored a 10 received an override.

Next, we looked at the relationships between severity of the offense and those charged with person offense with the override decision. In Part C of Table 3, 31% of misdemeanor cases involved an override. In Part C, 43% of person offenses received an override.

**Table 3.** Cross-tabulations Involving Current Offense, Aggravating Factors, Crime Severity and Person Offenses with the Decision to Override (N=1,155)

*Part A: Current Offenses*

Score	Override			
	No	% <sup>a</sup>	Yes	% <sup>a</sup>
0	594	66	302	34
2	126	74	44	26
5	80	90	9	10
Total	800	69	355	31

a. Percentage represents the % of overrides within each of the scoring categories (0, 2, 5)

*Part B: Aggravating Factors*

Score	Override			
	No	% <sup>a</sup>	Yes	% <sup>a</sup>
0	336	60	220	40
5	423	77	129	23
10	41	87	6	13
Total	800	69	355	31

a. Percentage represents the % of overrides within each of the scoring categories (0, 5, 10)

*Part C: Case Severity*

Offense Severity	Override			
	No	% <sup>a</sup>	Yes	% <sup>a</sup>
Misdemeanor	319	69	142	31
Felony	481	69	213	31
Total	800	69	355	31

a. Percentage represents the % of overrides within each of the offense severity

*Part D: Person Offenses*

Offense Type	Override			
	No	% <sup>a</sup>	Yes	% <sup>a</sup>
Other Offense	557	76	174	24
Person Offense	243	57	181	43
Total	800	69	355	31

a. Percentage represents the % of overrides within each of the offense type

These results show that a number of youth are receiving an override that score relatively low on the individual items comprising the DAT3. To get an even clearer picture of this patterning of relationships, we report the justifications provided by the decision-maker to do the override. These results differentiated by the total score are provided in Table 4.

As can be seen, possession /use of a firearm make up 34% of the justifications for the override. Open APC/Warrant from the court is next at 21%, followed by danger to the community (16%), court ordered (14%), threat of bodily harm (10%), and some form of parent guardian refusal/not being located, and not available making up the rest of the justifications for the decision to override (7%). Central to these explanations is why are these not in some form in the criteria comprising the DAT3? Furthermore, some of these justifications like danger to the community and threat to bodily harm would seem to be captured in the section on aggravating factors. In summary, the decision to override, in many aspects, does not appear to be tied to the threshold of 19 points and the individual items comprising the instrument to justify the decision to detain. Next, we look more at the predictors of the decision to detain a youth.

**Table 4.** Override Reasons as Provided by Decision-Maker (N=355)

Override Reason	N	%	Score Range
Possession/Use of Firearm	121	34	-5 – 18
Open APC/Warrant from Court	74	21	-3 – 18
Danger to Community	55	16	-2 – 18
Court Ordered	49	14	-5 – 26
Threat of Bodily Harm	34	10	-2 – 18
Parent/Guardian Refusal	12	3	-5 – 12
Parent/Guardian not Located	9	3	-5 – 16
Parent/Guardian not Available	1	1	8
Total	355	100	-5 – 26

## **Predicting the Decision to Detain**

The logistic regression results to assess the determinants of the decision to detain are presented in Table 5. We first estimated models that contained based information, such as offense severity and type of offense and the listed total score with the dependent variable, followed by the estimation of a model that included the individual items contributing to the total score.

In column 1 of Table 5, being older, involved in a felony and scoring higher on the total score predict the decision to detain. Involvement with a property offense, a drug offense or a domestic offense decreases the chances of being detained. Most of these relationships is what would be expected.

In column 2 of Table 5, the results involving the individual items as they relate to the detention decision also shows a pattern that is consistent with expectations. For example, those that scored higher on the item most serious offense, additional current offense, prior adjudications, aggravating factors, etc. predict the decision to detain. But, keep in mind, most youth scored low on these items.

**Table 5.** Multivariate Procedures Predicting Final Decision to Detain (N=1,155)

Variable	(1)	(2)
Gender	-.32 (.21)	<b>-.46**</b> (.63)
Age	<b>.34**</b> (0.57)	<b>.25**</b> (1.29)
Offense severity <sup>a</sup>	<b>.92**</b> (.28)	-
Property offense <sup>a</sup>	<b>-1.35**</b> (.34)	-
Person offense <sup>a</sup>	.32 (.32)	-
Drug offense <sup>a</sup>	<b>-1.87**</b> (.54)	-
Domestic <sup>a</sup>	<b>-2.57**</b> (.34)	-
Q1 – Most Serious Offense	-	<b>1.03*</b> (1.10)
Q2 – Additional Current Offense	-	<b>2.68**</b> (1.30)
Q3 – Prior Adjudication	-	<b>.08*</b> (1.08)
Q4 – Prior Escapes/Warrants/APCs	-	<b>.66**</b> (1.93)
Q5 – Complaints/Petitions Pending	-	<b>.12**</b> (1.13)
Q7 – Aggravating Factors	-	<b>.15**</b> (1.17)
Q8 – Mitigating Factors (reverse)	-	.05 (1.05)
Total Score	<b>.15**</b> (.01)	-
R <sup>2</sup>	.51	.43
Log Likelihood	1044.84	1148.68

a: Reference category is Other offense (e.g. weapon possession, disorderly conduct)

Note: All variables included in one model when estimated produced an unstable model; column 1 represent individual factors associated with the referral and the total score from the DAT3; column 2 represents the item comprising the total score and are taken from the DAT3. Detain is defined as 0 ‘release/alternative’ versus 1 ‘detain’.

Column 1 indicates Unstandardized B and (Standardized Coefficients Beta); Column 2 indicates Beta and (Odds Ratio)

\*\*p<.01, \*p<.05

Because overrides have been found for a significant number of cases scoring below the threshold of 19 points, we next looked at the relationship between this occurrence (override) and the decision to detain. As can be seen in Table 6, **sixty percent of those detained involved an override**. Keep in mind that 21% or 240 of the youth referred to the Juvenile Court scored a 19 or higher on the DAT3. Yet, an additional 60% or 355 youth were detained due to an override. This is a problem and an issue for the Juvenile Court to further explore and fix.

**Table 6.** Cross-tabulations Involving Final Decision and Decision to Override (N=1,155)

Decision	Override			
	No	% <sup>a</sup>	Yes	% <sup>a</sup>
Released/Alternative	560	100	0	0
Detained	240	40	<b>355</b>	<b>60</b>
<b>Total</b>	<b>800</b>	<b>69</b>	<b>355</b>	<b>31</b>

a. Percentage represents the % of overrides within each of the final decision categories

### **Recommendations**

As stated in every Equal Protection Monitor Report, there are still too many youth being referred by the police to the Juvenile Court. The Juvenile Court has implemented the Summons program and the Summons Review Team (SRT) initiative to divert youth away from the Juvenile Court. This is a good first step to possibly reducing the number of youth via summons to the Juvenile Court and DMC in terms of referrals. Still, the evaluation of the DAT3 shows that a significant number of youth being transported by the police should not be received or taken in by the Juvenile Court. Many of these youth are not dangerous as evident by the case characteristics of the referrals and the final score on the DAT3.

- The Juvenile Court needs to continue to work with the police to reduce the number of youth referred to Court, especially since 93% of those referred in this study were Black;

representing a significant overrepresentation relative to their population in Shelby/ Memphis. While acknowledging that the Juvenile Court has attempted to work with the police to achieve this goal (e.g., discussions, training, etc.), it is evident that more work needs to be done.

Because of the significant number of referrals involving youth and in particular, Black youth, the Juvenile Court is the next “gatekeeper” to divert youth away from being held in secure detention. Thus,

- Greater development and use of alternatives to secure detention are needed and should be used.

A related recommendation and one that has been voiced by the Equal Protection Monitor on numerous occasions is the need to evaluate the DAT3, discuss the results, revise, re-evaluate, revise, etc. This evaluation shows that there are problems with the DAT3 and how it contributes to the DMC issue.

- There needs to be a discussion of these results that includes a strategy as to how to address the issues raised. Accordingly:
  - A revision needs to occur that changes some of the criteria and weights assigned to those criteria that comprise the DAT3.
  - The revision needs to involve a change in the override process; training and monitoring of the supervisor(s) will also need to occur.
  - The change to DAT3 should come as soon as possible.
  - The Juvenile Court needs to conduct another evaluation following the revision to DAT3. This evaluation should occur within a 6-7 month period of time.

The Equal Protection Monitor is open to coming to Memphis in January/February of 2018 to have a one to two day working meeting to help the Juvenile Court better understand the study, the results, and the recommendations.