

Instructions/Information for the DRAI Implementation Plan

All counties in the state and the City of New York (NYC) must develop and submit site-specific DRAI Implementation Plans so that each locality's experience with introducing and using the instrument is as successful and trouble-free as possible. This document provides instructions for completing the DRAI Plan template provided by the Office of Children and Family Services (OCFS) and also includes information that should be helpful to those who develop these plans.

Completed plans should be submitted to OCFS no later than **April 30, 2013**. When completing the plan, please type directly into the document so that all required information is provided. All fields in this template are fillable and expand to accommodate as much as you wish to write. If any of the multi-celled tables provided in the template contain an insufficient number of cells to accommodate each piece of information you wish to enter into the table, you will be unable to add additional cells, but should enter all pertinent information into the existing cells of the table.

Email completed plans to: Daniel Hulihan, NYS JDAI Statewide Coordinator, at: ocfs.sm.stsjp@ocfs.ny.gov.

I. What will be the composition and structure of the group charged with planning and monitoring local DRAI implementation?

- a) To facilitate the local implementation process, counties / NYC must establish a collaborative body to oversee DRAI planning and implementation efforts. This body is responsible for developing the site-specific implementation plan that is submitted to the state and monitoring the DRAI rollout process once the plan is approved.

Counties / NYC are encouraged to use an existing body to oversee implementation efforts if they have one that they feel would be appropriate for this purpose.

Because the risk assessment instrument represents a significant shift in policy and practice, one that affects multiple agencies, collaboration and consensus regarding local plans is critical. For this reason, the state strongly encourages participation from the following constituencies: judiciary, probation, the presentment agency, the attorney for the child, social services, law enforcement, alternative-to-detention providers, and detention. After reviewing the guidelines, counties / NYC can decide whether or not it would be helpful to appoint representatives from other constituencies as well. It is important is that the body includes representation from all agencies that will be affected by, or somehow involved in, the implementation of the DRAI.

(If there are an insufficient number of cells in the provided table to report all team members, please list more than one name per cell.)

- b) Briefly describe the process by which the group managed its task. For example: How often did the group meet? Were there sub-committees charged with particular areas of work?

Who ultimately vetted and approved the local plan? Also, please indicate the process that will be used to monitor the roll-out of your plan and ongoing implementation for the plan.

II. How does the county / NYC differentiate between secure and non-secure detention? What is the limited purpose and scope of each within the broad statutorily mandated purpose of preventing youth from being rearrested and/or failing to appear in court during case pendency?

In addition to developing the DRAI implementation plan and monitoring its implementation once the plan is approved, the DRAI collaborative body will also be responsible for clarifying, and coming to consensus on, the local purposes of secure and non-secure detention within the larger purpose of detention outlined in state statute (i.e., when should a youth at high risk of either re-arrest or failure to appear in court be sent to secure vs. non-secure detention). You are asked to briefly describe the process that your collaborative body followed to come to consensus on this question. Next, please describe the roles that were identified for each type of detention.

III. What is the planned policy and practice for how the county / NYC will administer and use the DRAI at the initial point of entry—when detention is first considered—as well as later court hearings?

As outlined in the state guidelines, counties / NYC will be required to use a DRAI: (1) at the initial point of entry into the system, when detention is being considered for the first time prior to adjudication (i.e., the equivalent of a conviction in the criminal justice system), whether during or after court hours; and (2) at any later and additional court hearings where an explicit request for detention is made by a party to the case. In this section of the Plan, counties / NYC are asked to provide procedural details for completing a DRAI at each of these points, including the following:

- Who will fill out the DRAI;
- What data sources will be used and how they will be accessed;
- How individual DRAI results will be shared with various “decision-makers” and used to inform the decision to admit/not admit a youth into detention; and
- How data will be recorded and monitored.

Counties / NYC are also asked to describe in this section their plans regarding some broad aspects of implementation that cut across the all points of administration, namely:

- Their training plan for various stakeholders who will be involved in DRAI implementation; and
- The quality control mechanisms that will be established to provide for proper administration and reporting.

The following is some additional information and background for each of these required sections of the plan.

a) Who will fill out the DRAI at each of the following scenarios?

While the guidelines specify the three earliest possible points of entry into detention in a delinquency case at which the DRAI must be completed (detention after-hours, pre-petition, and initial appearance), counties / NYC have the flexibility to determine who, at each of those points, completes the instrument. For example, when youth are brought to detention (secure or non-secure) after court hours, any one of the following (among others) could complete the DRAI:

- A detention staff person
- An on-call probation officer
- A staff person at another (pre-existing) local 24/7 hotline structure.

Decisions regarding who will administer the tool will depend on the local infrastructure and practices in place in each county / NYC. However, for quality control purposes, counties / NYC are encouraged to develop a process that minimizes the number of people and constituencies that will need to be trained to complete the DRAI and that takes into consideration who will most readily have access to the necessary data to complete the DRAI form.

If a county / NYC chooses to update the DRAI each time detention is explicitly requested in *subsequent* court hearings, it's plan will need to specify who will look up the information at (or in advance of) each hearing so that the instrument is up-to-date.

Finally, if, at any of the points in which the DRAI is completed or updated, the person who will fill out the instrument will **not** be the person who will use it to make the detention decision, please note, as well, who the decision-maker(s) will be.

b) What data sources will be used and how they will be accessed?

Having accurate information to complete a DRAI is fundamental to using the tool successfully. The OCFS DRAI contains four items that counties must fill out each time they screen a youth:

1. Whether or not the youth had a **prior JD petition**;
2. Whether or not the youth had a **prior PINS petition**, ;
3. Whether or not he/she had a **prior JD or PINS warrant**; and
4. Whether or not the **current arrest includes charges for burglary, grand larceny, auto stripping, or motor vehicle theft**.

Counties using the OCFS DRAI will need access to verifiable information about each of these items at the earliest points of entry to detention (after court hours, pre-petition, and initial appearance). To assist counties in this process, **the state is planning to provide local access to data systems containing information about three of these items, regarding petitions and warrants**. Details on data base access will be forthcoming. However, to fill out the OCFS DRAI completely, counties will need to draw on other local data sources as well. Counties are especially urged to consider using data from police departments, probation agencies, and detention facilities.

New York City, which will continue to use its own DRAI, will not be required to measure the factors used in the OCFS-developed instrument. However, New York City, like all other localities, must identify in its DRAI Plan the data sources it uses to score the factors on its own instrument.

In completing the DRAI Plan template, counties and NYC should use just one of the two tables provided for reporting data sources - the first table is for all counties that will be using the OCFS DRAI, and the second table is for New York City. In each table, the county or NYC must identify the specific source(s) of information that it will access to fill in each item on its DRAI. Following those tables are two additional tables to be filled out by all counties and NYC regardless of the instrument they are using. In the first, counties / NYC are asked to describe how they will access their identified data sources at each of the three early system points. In the second, they are asked to outline anticipated barriers at each point to accessing necessary data and proposed solutions.

c) *How will information be shared with the appropriate parties to inform detention decisions?*

In addition to describing how and who will fill out the DRAI, counties / NYC are also asked to describe their strategy for sharing completed DRAIs with detention decision-makers and with others whom the law specifies, namely:

- the detention facility (in cases where there are after hours police referrals);
- the court (in the case of pre-petitions, the initial appearance, and any subsequent court appearances where detention may be considered); and
- the Attorney for the Child (in the case of pre-petitions, the initial appearance, and any subsequent court appearances where detention may be considered).

An example of what this process may look like is the following – *a county may determine that it will have a probation intake officer complete the instrument for all cases at the time at which they are referred to the county’s attorney’s office. The County Attorney would then submit the instrument to the court, if and when the case is petitioned.*

In this section, counties / NYC should describe their plans for sharing DRAI information with appropriate stakeholders in each of four settings in which it may be necessary to share it.

d) *What type of DRAI training will be provided, and how and to whom will it be delivered?*

Given that the use of a DRAI to inform detention decisions will affect the practices of many individuals within the juvenile justice system, the development of training protocols tailored to the roles and needs of various constituencies is critical to successful DRAI implementation.

Each county / NYC is asked to identify a local DRAI training team in order to facilitate the development of these protocols. The training team should include representatives from the agencies and organizations that will be most directly involved in administering and/or reporting

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on the DRAI, based on the local DRAI plan. In this section, each county / NYC should describe the composition of its training team (*if there are an insufficient number of cells in the table to report all team members, please list more than one name per cell*) and then describe the trainings that will be provided to various stakeholders, including an overview of the different types of trainings that will be offered. For each training course listed, please include details on the following:

- Purpose;
- Target audience;
- General areas that will be covered;
- Timeline;
- Who will deliver the training;
- Resources, including written materials, that will be developed to supplement the training; and
- How and when refresher trainings will be offered.

Counties / NYC may develop and categorize the trainings in whatever manner they prefer; however, it may be helpful when planning to consider offering three types of training that correspond to three ways that local stakeholders may be involved in DRAI practices.

1. *Local policy/practice training* for all key actors affected by/responsible for implementing changes in practice tied to the use of the DRAI. Trainees could include detention intake officers and supervisors, police officers, Family Court jurists and non-judicial staff, alternative-to-detention staff, probation staff, county attorneys, and public defenders. Completing this site-readiness plan in a fully collaborative and inclusive manner will provide a solid foundation for this first type of training.
2. *Technical training* for staff responsible for completing/scoring the DRAI, such as detention intake officers and their supervisors and probation intake workers. This training could be conducted over several sessions using a structured curriculum and manual, with hands-on tutorials and exercises. Counties / NYC may also want to consider having participants complete and review practice cases toward the end.
3. *Educational/informational training* for groups that may not be directly affected by DRAI implementation, but may have an interest or indirect stake in its use. This group might include non-juvenile counterparts of key juvenile actors (e.g., chiefs of police/ assignment or presiding judges who would not otherwise be directly involved in implementing the DRAI), local officials, local bar associations, or local youth-serving groups.

The DRAI Plan template contains space to report on only three trainings. If this is insufficient for your needs, the DRAI page of the OCFS website contains a link to a page that can be copied as many times as necessary for describing training. The link is located directly below the link for the DRAI Plan template (<http://www.ocfs.state.ny.us/main/rehab/drai/default.asp>). Please submit all such additional pages in the same email in which you submit the DRAI Implementation Plan.

e) *What Quality Control Mechanisms will be put in place so that the DRAI is administered properly and that data are recorded and reported accurately and reliably?*

In this section of the implementation plan, counties / NYC should describe the quality control mechanisms they will put into place so that the DRAI is administered properly and that data are recorded and reported accurately and reliably. Among the quality control mechanisms they may want to consider are:

- Having two people fill the instruments out/enter information into the reporting system (at least during the initial implementation stage)
- Conducting spot checks in which someone other than the DRAI administrator pulls completed DRAIs from the system and checks them against official data sources; and
- Having a supervisor review completed tools before they are entered into the reporting system.

IV. *Which programs will serve as alternatives-to-detention, and how and when will alternative-to-detention programs be accessed?*

In using the DRAI to inform detention decisions, it is generally recommended that its scores be used to assign youth to one of three possible outcomes: (1) release to parent/guardian (for youth assessed as low risk), (2) referral to an alternative-to-detention (ATD) (for youth assessed as mid risk), or (3) detention (secure or non-secure) (for youth assessed as high risk). Given the existence of this mid risk category, it is critical that DRAI implementation go hand-in-hand with the development and implementation of detention ATDs.

The purpose of a pre-dispositional ATD (as opposed to an alternative post-dispositional placement, or ATP) is to increase the level of supervision in the community for youth who, absent this program, would have been placed in secure detention while awaiting their next court appearances. Pre-dispositional ATDs are meant to increase the likelihood that a juvenile returns to court and is not rearrested before the disposition of his or her case.

While ATD programs can refer youth to more needs-oriented services (e.g., mental health, substance abuse, family therapy), the young person's compliance with these outside services should not affect their status in the ATD, or be used as a justification for later detention admission. In order for ATDs to be effective, they must serve both of these purposes, and be readily accessible to youth, families, and system actors.

In this section of the DRAI Plan, counties / NYC are asked to describe both the continuum of ATDs that will be in place upon DRAI implementation (*if there are an insufficient number of cells in the table to report programs, please list more than one program per cell*) and the process through which ATD referrals will be made at each point at which the DRAI is administered. The following are a sampling of questions to consider when completing this section of the county / NYC plan. (Note: It is not required to provide direct answers to these questions. The questions are simply provided as a guide for thinking through the plan and various options.)

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- Can decision-makers at each point of DRAI use assign youth to the full array of ATDs or only certain ones? If more than one ATD option will be available, how will specific alternatives be selected?
- How will the referral process actually work? Will a call be made to the ATD program? If so, who will make this call? If not, then how will local stakeholders provide that the youth reaches the program?
- Will there be some type of 24-hour ATD access? If so, which programs will provide it?
- Will there be any circumstances in which a youth assigned to ATD supervision will be put on “house arrest” with a caregiver until the next day? If so, what are those circumstances, and when and how will the ATD program be assigned in those cases?
- For after-hours calls, will referral processes vary depending on time of day and/or day of week? Will the process be the same, for example, in the middle of the day on Saturday as compared to 2 am during a weeknight, or 6 pm during a weeknight?
- What information will be communicated to various individuals involved in ATD programming (ATD staff, parents/caregivers, etc.), and how will it be communicated?