

Lesson 10 – Challenging Probable Cause and Detention

Sample Risk Assessment Tool

VIRGINIA DEPARTMENT OF JUVENILE JUSTICE
DETENTION ASSESSMENT INSTRUMENT (Rev. 8/15/05)

Juvenile Name: _____ DOB: ___/___/___ Juvenile #: _____ ICN# _____
 Intake Date: ___/___/___ Time: ___:___ AM PM Worker Name: _____ CSU#: _____
 Completed as Part of Detention Decision: Completed as Follow-Up (On-Call Intake):

	Score
1. Most Serious Alleged Offense (see reverse for examples of offenses in each category)	
Category A: Felonies against persons	15
Category B: Felony weapons and felony narcotics distribution	12
Category C: Other felonies	7
Category D: Class I misdemeanors against persons	5
Category E: Other Class I misdemeanors	3
Category F: Violations of probation/parole.....	2
2. Additional Charges on this Referral	
Two or more additional current felony offenses	3
One additional current felony offense.....	2
One or more additional misdemeanors OR violations of probation/parole offenses.....	1
One or more status offenses OR No additional current offenses	0
3. Prior Adjudications of Guilt (includes continued adjudications with "evidence sufficient to finding of guilt")	
Two or more prior adjudications of guilt for felony offenses.....	6
One prior adjudication of guilt for felony offenses.....	4
Two or more prior adjudications of guilt for misdemeanor offenses.....	3
Two or more prior adjudications of guilt for probation/parole violations.....	2
One prior adjudication of guilt for any misdemeanor or status offense	1
No prior adjudications of guilt	0
4. Petitions Pending Adjudication or Disposition (exclude deferred adjudications)	
One or more pending petitions/dispositions for a felony offense	8
Two or more pending petitions/dispositions for other offenses	5
One pending petition/disposition for another offense	2
No pending petitions/dispositions	0
5. Supervision Status	
Parole	4
Probation based on a Felony or Class I misdemeanor	3
Probation based on other offenses OR CHINS OR Deferred disposition with conditions.....	2
Informal Supervision OR Intake Diversion	1
None	0
6. History of Failure to Appeal (within past 12 months)	
Two or more petitions/warrants/detention orders for FTA in past 12 months	3
One petition/warrant/detention order for FTA in past 12 months	1
No petition/warrant/detention order for FTA in past 12 months	0
7. History of Escape/ Runaways (within past 12 months)	
One or more escapes from secure confinement or custody	4
One or more instances of absconding from non-secure, court-ordered placements	3
One or more runaways from home	1
No escapes or runaways w/in past 12 months	0
8. TOTAL SCORE	_____
Indicated Decision: ___ 0 - 9 Release ___ 10 - 14 Detention Alternative ___ 15+ Secure Detention	
Mandatory Overrides: <input type="checkbox"/> 1. Use of firearm in current offense	
(must be detained) <input type="checkbox"/> 2. Escape from a secure placement	
<input type="checkbox"/> 3. Local court policy (indicate applicable policy) _____	
Discretionary Override: <input type="checkbox"/> 1. Aggravating factors (override to more restrictive placement than indicated by guidelines)	
<input type="checkbox"/> 2. Mitigating factors (override to less restrictive placement than indicated by guidelines)	
<input type="checkbox"/> 3. Approved local graduated sanction for probation/parole violation	
Actual Decision / Recommendation: ___ Release ___ Alternative ___ Secure Detention	

Lesson 10 – Challenging Probable Cause and Detention

VIRGINIA DEPARTMENT OF JUVENILE JUSTICE-DETENTION RISK ASSESSMENT INSTRUMENT: OFFENSE CATEGORIES AND INCLUDED OFFENSES

CATEGORY A: FELONIES AGAINST PERSONS

Abduction
Aggravated assault
Aggravated sexual battery
Arson of an occupied dwelling
Assault, law enforcement officer
Burglary of an occupied dwelling
Carjacking
Forcible sodomy
Larceny > \$5 from a person
Malicious wounding
Murder
Manslaughter
Inanimate object sexual penetration
Rape
Reckless driving/disregard police with bodily injury
Robbery
Take indecent liberties with a child
Category B: Felony Weapons & Felony Narcotics
Distribute Schedule I or II
Distribute Schedule I, II, III, IV or marijuana on school property
Possess Schedule I or II with intent to sell
Possess Schedule I or II
Sell Schedule I or II or > 1 oz. Marijuana to a minor 3 years junior
Brandish/point a firearm on school property/1000 ft.
Discharge firearm from motor vehicle
Discharge firearm in/at an occupied building
Possess a sawed-off shotgun
Receive a stolen firearm

CATEGORY C: OTHER FELONIES

Arson of an unoccupied dwelling
Auto theft
Burglary/Breaking and entering/Possess burglary tools
Escape from a correctional facility (not detention)
Escape from secure juvenile detention by force/violence
Extortion
Failure to appear in court for a felony
Fraud/bad checks/credit card > \$200
Grand larceny/Larceny > \$200
Larceny of a firearm
Receive stolen goods > \$200
Shoplift > \$200
Unauthorized use of an automobile
Vandalism > \$1000 damage

CATEGORY D: MISDEMEANORS AGAINST PERSONS

Assault, simple
Sexual battery

CATEGORY E: OTHER MISDEMEANORS

Brandish/point a firearm
Carry concealed weapon
Disorderly conduct
Escape from secure juvenile detention without force/violence
Fraud/bad checks/credit card < \$200
Failure to appear for a misdemeanor
Larceny < \$200
Receive stolen goods < \$200

COMMON AGGRAVATING/MITIGATING FACTORS

(Known at the time of Intake)

Aggravating

History of 2+ violent/assaultive offenses
Parent unwilling to provide appropriate supervision
Parent unable to provide appropriate supervision
Juvenile has significant mental health problem/mental retardation
Juvenile has significant substance abuse problem
Juvenile does not regularly attend school/work
Juvenile has violated conditions of a detention alternative
Juvenile is charged with a new (detainable) offense while in a detention alternative
Juvenile is an explicit threat to flee if released
Juvenile is currently an absconder from a non-secure placement
Other Aggravating factor
Detention alternative not available

Mitigating

Juvenile marginally involved in the offense
Parent able/willing to provide appropriate supervision
Juvenile has significant mental health problem/mental retardation
Juvenile has significant substance abuse problem
Juvenile regularly attends school/work
Offense less serious than indicated by charge
Juvenile has no/minor prior record