



The Fact-Finding portion of the Deep End System Assessment is a two-part process that helps lay the foundation for a deeper analysis:

- a. **Fact Questions:** These questions will help you organize and document basic information about the system's structure, function, and practice. The questions are grouped by juvenile justice decision point in order to help the System Assessment Team understand the fundamentals of local practice and policy in your jurisdiction. Remember that these questions are a precursor to a site visit in which stakeholders will have an opportunity to explain nuances and complications that are difficult to reduce to a short written answer.
- b. **Document List:** Collect and share relevant site documents including, but not limited to, the ones identified in this starter kit.

### A. Fact Questions

Please work with your Deep End Team Leader to provide written responses to each question below, or indicate if you are providing a document that answers the question.



This symbol indicates that a sample form, tool, policy, statute, rule, or report may help answer the question and should be shared with your Deep End Team Leader and the system assessment team.

#### INTAKE

- In addition to law enforcement, who else can refer cases/complaints to juvenile court, and how? (e.g., schools, walk-ins, etc.)
- Who decides whether cases will be handled informally (diversion) or through formal prosecution? (e.g., probation, intake, Family Division, prosecutor's office, other court staff) 
- Are there restrictions/guidelines on eligibility for diversion? (e.g., all first- and second-time misdemeanors, no person felonies) If so, what are those guidelines? 
  - o Is there a statutory provision that provides guidance about when cases should be handled formally v. informally? 
  - o If so, does the statute allow or direct that the best interests of the youth and community be taken into consideration?
  - o Any other restrictions/guidelines on diversion, including those based in statute, written policy, or unwritten policy? 

- What diversion options are available? (E.g., counsel/close, referral to services, specialized diversion unit that makes referrals, informal supervision, etc.)
- If informal supervision is an option for diversion, who provides that supervision, and how does it differ from probation supervision?

## LEGAL REPRESENTATION

- What is the structure of the juvenile defense delivery system? Please check all that apply:
 

<input type="checkbox"/> Public Defender	<input type="checkbox"/> Appointed Counsel
<input type="checkbox"/> Contract Attorneys	<input type="checkbox"/> Other _____ (please explain)
- How and when are attorneys appointed for youth?
- How is indigence determined?
- Are youth provided with legal representation throughout the proceedings? Please check all that apply:
 

<input type="checkbox"/> Detention	<input type="checkbox"/> Post-disposition/in custody
<input type="checkbox"/> Pre-trial motions or hearings	<input type="checkbox"/> Probation
<input type="checkbox"/> Adjudication	<input type="checkbox"/> Appeal
<input type="checkbox"/> Disposition	<input type="checkbox"/> Expungement and sealing of records

## DISPOSITIONAL DECISION-MAKING

- Is it common for adjudication and disposition to happen on the same day? Would you estimate that adjudication and disposition occur on the same day in more than 50% of cases?
  - o If adjudication and disposition often occur on the same day, does probation have an opportunity to make a dispositional recommendation to the court? If so, what is the process?
  - o If adjudication and disposition occur on different days, is the disposition hearing calendared after adjudication? How far out? Are continuances common?
- Are written dispositional recommendations submitted to the court for consideration?
  - o If so, who makes those recommendations? (e.g., prosecutor, probation, defense, multi-disciplinary staffing team, other)
  - o For each party that makes written recommendations, what is typically included in the recommendation? Is a standard form used? 
  - o For each party that makes written recommendations, are recommendations made in:
 

<input type="checkbox"/> All Cases	<input type="checkbox"/> Some Cases
<input type="checkbox"/> Most Cases	<input type="checkbox"/> Rarely
- Is a risk assessment instrument used for purposes other than detention? 
  - o When is the instrument administered? Who administers it?

- Was the instrument purchased or developed locally?
- Has it been field tested? Validated? Examined for racial/ethnic equity? 
- When was the last time it was revised?
- Are there any other tools that guide dispositional recommendations and/or decisions? (e.g., statutory framework, dispositional matrix or Structured Decision-Making grid, etc.) 
  - If yes, does that tool have statewide application?
- Are there specialty dockets, such as drug court, gun court, etc.? If so, what are they?
- Are some or all dispositional recommendations or decisions informed by a case-staffing process?
  - If yes, what would prompt a staffing? (e.g., adjudicated youth is detained pending disposition, youth is involved with multiple systems, youth is assessed as low-risk/high-needs, upon judge's order, etc.)
  - Who participates in the staffing?
  - What's the purpose of the staffing?
- How many judges have jurisdiction to hear status offense and/or delinquency cases?
- Do those judges also hear dependency cases?
- Are there other hearing officers? If yes, what are they called? How many are there?
  - What is the scope of a hearing officer's authority in a status offense or delinquency case? (e.g., can a hearing officer order an out-of-home placement at disposition without judicial approval?)
  - Of all delinquency dispositions, approximately how many are handled by hearing officers other than a judge?
 

<input type="checkbox"/> More than 75%	<input type="checkbox"/> 25-50%
<input type="checkbox"/> 50-75%	<input type="checkbox"/> Less than 25%
- What are the mechanisms by which youth can be tried as adults? (e.g. direct file, automatic transfer, discretionary transfer, etc.) 
  - Is there a reverse waiver option – i.e., does a criminal court judge have discretion to remand a case to juvenile court?
  - Is there a dual-jurisdiction option?

## PROBATION STRUCTURE, FUNCTION AND PRACTICE

- Is probation a state or local function? Is it administered by the court system?
- How many probation officers are in the department? How many carry supervision caseloads?
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- How is the probation department structured?
  - o How many supervisors? Does each supervisor's team specialize in a type of case, a neighborhood, etc.?
  - o How are cases assigned?
  - o What is the average caseload size?
  - o Does the department have specialized units? (e.g., sex offense, gang, intensive, demand, etc.) What are they?
  - o Are there distinct supervision levels – e.g., low, moderate, intensive?
    - Who determines the appropriate supervision level? How and when is that decision made?
    - Are contact requirements established by written policy? 
    - Can a PO increase or decrease (step up or step down) the level of supervision without going back to court?
- Can a probation officer close a case without going back to court? 
  - o If yes, under what circumstances?
  - o If not, how is a case closed?
- How are probation conditions set? Is there a standard set of conditions? 
- Does the court hold periodic review hearings for youth on probation, or are review hearings calendared only upon request?
- Do probation orders give POs the discretion to require youth to participate in a residential program without going back to court?
- Does your jurisdiction have a graduated response/ sanctions grid? 

## LOCAL PROGRAMMING

- Does the court or the probation department have a budget for programs?
- Do you receive state, federal, or private grant funds for programs?
- What programs are used most often for diverted youth?
- What programs are used most often for adjudicated youth on probation?

## OUT-OF-HOME PLACEMENTS

- Please list all types of out-of-home placements to which a youth might be sent as a result of a delinquency or status offense charge, including but not limited to group homes, residential programs based in detention

centers, residential treatment (i.e. substance abuse, mental health, sex offense, etc.), local correctional placements, state correctional facilities, and out of state facilities.

- Is it possible for a youth to be in a court-ordered out-of-home placement while his/her legal status is probation?
- Does the court hold periodic review hearings for youth in out-of-home placements, or are review hearings calendared only upon request?

## RE-ENTRY AND AFTERCARE

- When does aftercare/ transition planning start?
- What is the legal status of youth released from commitment facilities? From other out-of-home placements (e.g., aftercare, parole, conditional release, probation, etc.)
- What agency is responsible for aftercare services? (e.g. state, local; probation, parole, etc.)
- Is a graduated response/sanctions tool used for youth on aftercare/parole/conditional release? 
- Can an aftercare/parole revocation lead to an out-of-home placement without first returning to court?
- Are any youth on adult parole caseloads after leaving a juvenile facility? If yes, under what circumstances?
- How is an aftercare/parole case closed? (Does the PO go back to court? Does the term expire?)

## SYSTEM REFORM MANAGEMENT AND STRUCTURE

- What data reports are generated regularly? (e.g., annual, quarterly) 
- How often does your JDAI steering committee/ collaborative meet?
- Who is on your JDAI steering committee? 
- What subcommittees are currently active? 
- Is there a youth or family advisory council or a structure in place to hear from youth and families?
- What other juvenile justice reform initiatives are currently underway in your state or local jurisdiction? (e.g., crossover youth, SPEP, development of statewide graduated response grid, etc.)

## B. Collect and Share Relevant Documents

A review of relevant site documents as part of a system assessment can provide valuable insight to the workings of the local juvenile justice system. The documents listed below will enable the Casey Foundation's System Assessment team to gain a preliminary understanding of the fundamentals before the site visit. Please include the following documents as part of the system assessment process. The compilation of these documents should occur concurrently with the Fact-Finding questions and should be provided to Casey in advance of on-site interviews and focus groups.

### DISPOSITIONAL DECISION-MAKING

- Risk and/or needs assessment instrument(s) used to inform dispositional recommendations and case-planning, including validation studies or other research and reports
- (*redacted*) Sample Pre-Disposition Report (aka Social History Investigation, Pre-Sentencing Investigation, etc.)
- Dispositional matrix (if one exists)

### PROBATION PRACTICES

- Probation vision and mission statement
- Case plan template, tool or policy/procedures
- (*redacted*) Sample case plan
- Progressive response grid/technical violations policy
- Standard probation order
- Contact standards policy

### NARROWING THE PIPELINE

- Intake and diversion policies
- Any statutes or policies concerning status offenses
- Any collaborative agreement concerning school referrals (these agreements are typically negotiated by the court, the school system/district, and the relevant law enforcement agency)

### COMMUNITY-BASED SERVICES, SUPPORTS, AND OPPORTUNITIES

- Existing list of programs/services available to court-involved youth
- Any existing analyses of youth needs, programs/services, and gaps
- Sample contract with provider

### OUT-OF-HOME PLACEMENTS

- List of out-of-home placements used as dispositions (or as part of a disposition) in status offense and delinquency cases, including but not limited to commitment facilities, residential treatment centers, and group homes

### RE-ENTRY SUPPORTS

- Policy/procedure for re-entry/aftercare planning
- (*redacted*) Sample aftercare plan
- Policies regarding supervision guidelines, (*redacted*) sample court order for aftercare
- Progressive response grid (if any)

## COLLABORATION

- JDAI governance structure, including leadership group and workgroups
- Member list for existing JDAI leadership committee
- Current JDAI work plan

## DATA-DRIVEN POLICY & PRACTICE

- Recent reports (e.g., annual report, report card, or any other data report generated regularly)

## RACIAL & ETHNIC EQUITY

- Member list and work plan of existing disparities reduction or DMC committee
- Any recent reports relating to disparities or overrepresentation

## DEFENSE ADVOCACY

- Juvenile Code purpose clause
- Juvenile defense practice standards, if any
- (*redacted*) Sample dispositional plan/recommendation
- Juvenile Code provisions and court rules regarding:
  - the right to counsel
  - the duties of a juvenile defense attorney
  - appointment
  - indigence
  - waiver of counsel
  - plea agreements
  - dispositional options
  - review hearings
  - post-disposition representation
  - violations of probation, and
  - transfer of youth to adult court