

YOUTH SERVICES POLICY

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| Title: Predisposition Investigation and Social History | Type: D. Community Based Services Sub Type: 11. Investigations and Reports Number: D.11.1 |
| | Page 1 of 8 |
| References: La. Children's Code Arts. 844; 888, 890, 891 and 901; ACA Juvenile Probation and Aftercare Standards 2-7181, 2-7182, 2-7183, 2-7184, 2-7185, 2-7186, 2-7187, 2-7188, 2-7189, 2-7190, 2-7191; YS Policies D.9.1 "Placement of Youth in Residential Facilities"; D.9.13 "Case Assessment Process for Secure Care Placement"; and D.10.32 "SAVRY - Community Based Services" | |
| STATUS: Approved | |
| Approved By: William A. Sommers, Deputy Secretary | Date of Approval: 09/21/2022 |

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish requirements for Community Based Services (CBS) staff in the completion of Predisposition Investigations (PDI) and the Social History to ensure courts are provided information relevant to determining a disposition in accordance with Children's Code Art. 890.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Chief of Operations, Assistant Secretary, General Counsel, Probation and Parole Program Director, Regional Directors, Regional Managers, and all CBS employees.

IV. DEFINITIONS:

Case Staffing - A group process in which the purpose of the staffing is stated and information is presented regarding the youth's individual circumstance(s) to gain a consensus and recommendation. The members present should include the Probation and Parole Officer/Juvenile (PPO/J), Probation and Parole Supervisor/Juvenile (PPS/J), Probation and Parole Regional Manager/Juvenile or designee, and at least one unbiased staff member.

Community Based Services (CBS) - Includes all regional probation and parole offices located throughout the state.

Continuous Quality Improvement Services (CQIS) - The Central Office performance-based and result-driven competency and efficiency management system.

Deferred Dispositional Agreement (DDA) – An agreement which takes place after the youth has been adjudicated delinquent and remains in effect for six (6) months unless the court releases the youth prior to the expiration date. The DDA may be extended for an additional six (6) months or longer if the youth is a participant in a juvenile drug court. If the youth violates the terms of the DDA or a new offense is filed against the youth, the court may impose any disposition on the deferred offense(s). If the youth successfully completes the terms and conditions of the DDA, the adjudication is set aside.

Disposition Matrix – The “OJJ Disposition Matrix” is a tool based on a model of structured decision-making regarding the most appropriate level of supervision and custody for adjudicated youth at the time of the initial case disposition and/or modification of disposition. It focuses on the intersection of the current offense and the youth’s risk level based on the SAVRY assessment. The Disposition Matrix is organized by SAVRY risk and offense severity and places youth along a continuum of disposition options, typically including probation, intensive supervision, and out-of-home non-secure or secure placement.

Informal Adjustment Agreement (IAA) - An agreement entered into by the youth and the prosecutor before there has been a trial or adjudication. It can last for six months. It may be extended for only another six months. If satisfied, the case may be dismissed. If not, the ADA files a petition (who, what, when, where, and how of the offense (Ch.C Art. 844)).

Juvenile Electronic Tracking System (JETS) - The centralized database utilized to track all youth under OJJ supervision or custody, and to record all youth case record activity.

Override - The process by which approval is obtained to deviate from the “OJJ Disposition Matrix” when the disposition recommendation is outside of the range of options in the indicated cell; or the youth does not meet the noted requirements on the matrix for a specific placement.

Predisposition Investigation (PDI) - A report prepared for the court by a PPO/J or intern that contains the circumstances surrounding commission of the offense, prior offenses committed by the child, impact on victim, etc., as outlined in Ch. C. Art. 890 and a recommendation for the care, treatment, rehabilitation, and placement of the youth.

Social History - A report prepared by CBS staff which includes a youth's historical information that is collected by staff through interviews with the youth, his parents / guardians and others who may know, have served or had contact with the youth. The information obtained includes court information, demographics, living demographics, living arrangements, leisure activities, educational history, substance use, peers, mental health, individual traits, and history of abuse or neglect that is used to formulate a recommendation to the court and develop an ISP to meet the youth's needs.

Structured Assessment of Violence Risk in Youth (SAVRY) – The Structured Assessment of Violence Risk in Youth is an evidence-based assessment designed to assist professionals in making judgments about a youth's needs for case planning. The SAVRY utilizes a structured, professional judgment method of assessment, meaning that the individual completing the assessment rates the youth on a number of evidence-based risk factors and then weighs all the information to come to a final determination that the youth is Low, Moderate or High risk for future violence and/or general re-offending.

Supplemental Social - A report to update the information obtained after an initial social history is completed.

V. POLICY:

It is the Deputy Secretary's policy that YS shall provide PDIs to the court that give the court timely, relevant and accurate data so that it may select the most appropriate disposition. The PDI shall not be initiated prior to adjudication unless the youth, with advice of counsel, consents. The PDI shall be completed in accordance with Children's Code Art. 890, and presented to the court at the time specified or as determined by the general practice of the court. If the Court does not order a PDI prior to disposition, CBS staff shall ask the court to order one.

The PPO/J may be required to complete a Social History or Supplemental Social when a PDI is not ordered by the court. The contents of the PDI, Social History and Supplemental Social are confidential and shall only be released in accordance with Children's Code Art. 891.

VI. PROCEDURES FOR PDI:

A. The contents of the PDI are specified in Children's Code Art. 890. The PPO/J shall interview the youth and parent/guardian separately whenever possible and obtain information from collateral sources (psychological and psychiatric evaluations, school records, information from prior service providers, etc.) as available when preparing a PDI for the court. Student interns, volunteers, case worker assistant and clerical staff may gather information to complete the PDI.

- B. The PDI shall be completed using the “SAVRY Social History Current” form in JETS. Choose “Pre-Disposition Investigation” on the drop down in the top section of the form. In addition to the court, copies of the report shall be provided to the district attorney and counsel for the youth at least three days prior to the disposition hearing.
- C. If a SAVRY assessment has not previously been completed, upon completion of the Social History, the PPO/J shall complete the “SAVRY Initial Pre-disposition” form in JETS.

If a SAVRY assessment has previously been completed, refer to YS Policy D.10.32 to determine if a SAVRY Reassessment is required.

- D. The SAVRY assessment includes social/contextual and individual/clinical risk factors that are dynamic, or subject to change, and protective factors. Risk factors shall be addressed in specific Need Areas (Disruptive Behavior, Substance Abuse, Family, Mental Health, Education, Peer, Community).

The PPO/J shall use the current SAVRY risk and identified needs in conjunction with the Service Referral Matrix to match the youth with the appropriate level of services. The plan to address the youth’s needs shall be included in the PDI. (Refer to policy D.10.32)

Caution should be taken not place youth identified as “Low” risk/need in “High” risk/need programs. Youth with SAVRY Summary Risk ratings of Low will generally have few or no salient needs requiring intervention and therefore may not have interventions identified on the “SAVRY Social History” form. A notation shall be documented in the Need Area section of the form stating, “Youth is currently identified as Low risk and does not have any identified need areas at this time” when applicable.

- E. In all cases, upon completion of the PDI and SAVRY assessment, a case staffing shall be conducted to determine the appropriate level of care, supervision, and treatment. Dispositional recommendations shall be, whenever possible, made in accordance with the “OJJ Disposition Matrix” [Refer to YS D.11.1 attachment (a)]. Deviation from the matrix requires approval of an override.

The case staffing shall be documented on the “Case Staffing Report v0.1” form in JETS and consist of a thorough discussion of the youth’s current SAVRY risk, history of violent behavior, current offense(s), prior legal involvement, current need areas identified by the SAVRY, history of prior services, placements, and outcomes, probation/parole violations and graduated sanctions used to address them. All participants must sign the staffing report documenting attendance and agreement with the consensus recommendation.

- F. OJJ shall not make a recommendation to place a youth in YS custody unless his/her welfare or the safety and protection of the public cannot be adequately safeguarded without such removal. A thorough consideration of options outlined on the "OJJ Disposition Matrix" not requiring removal from the home shall be given prior to recommending YS custody.

Prior to recommending a youth be placed in YS custody, to the extent public safety is protected and the youth is not a threat to himself or others, YS shall employ all available resources to prevent the removal of the youth from their home including:

1. All appropriate services based on the identified SAVRY risk and needs;
 2. Graduated Sanctions in response to probation/parole violations; and
 3. Supervision of the youth at the Intensive level of supervision.
- G. According to Children's Code Art. 901, commitment to the custody of YS may be appropriate if any of the following exists:
1. There is an undue risk that during the period of a suspended commitment or probation the youth will commit another crime.
 2. The youth is in need of correctional treatment or custodial environment that can be provided most effectively by his commitment.
 3. A lesser disposition will deprecate the seriousness of the youth's delinquent act.
 4. The delinquent act involved the illegal carrying, use, or possession of a firearm.
- H. When out of home placement is necessary, youth shall be placed in a program which is most appropriate to meet his/her needs, in the least restrictive environment, and in close proximity to his/her home. Refer to YS Policy D.9.1 "Placement of Youth in Residential Facilities" and YS Policy D.9.13 "Case Assessment Process for Secure Care Placement".
- I. Any deviation from the "OJJ Disposition Matrix" requires approval through an override/exception. An override approval by the Regional Manager is required when the disposition recommendation is outside of the range of options within the corresponding cell.

A recommendation for Secure care placement that deviates from the "OJJ Disposition Matrix" must also be approved by the Regional Director and the Deputy Secretary/designee. (Refer to D.9.13) CBS staff shall not move forward with a secure care recommendation if an override is required, until approval is obtained from the Regional Director and Deputy Secretary/designee.

The Override request shall be documented on the “Case Staffing Report v0.1” and outline the justification for the request. The signature page of the Case Staffing Report approving the override shall be placed in the youth’s case record.

- J. The SAVRY Summary Risk Rating shall be presented to the court in the PDI report. The completed SAVRY Assessment rating form SHALL NOT be provided to the court or anyone outside of YS. The specific individual risk and protective factor ratings SHALL NOT be outlined or included in the PDI.
- K. The PPS/J shall track the completion of the PDI and all reports to ensure timely completion. If the PDI cannot be completed by the deadline determined by the court, the court shall be notified immediately in writing.

VII. PROCEDURES FOR SOCIAL HISTORY:

- A. The “SAVRY Social History” shall be completed by the assigned PPO/J prior to completing the SAVRY Assessment if a Social History or PDI has not previously been completed in the following circumstances:

- 1. When a youth is placed on YS Supervision in excess of six (6) months - to be completed within thirty (30) days
- 2. If a probation case was originally placed under OJJ supervision for six (6) months or less and:
 - a. the youth is adjudicated on a new offense and the new disposition will exceed the initial six (6) months; **or**
 - b. the youth’s probation is extended beyond the initial six (6) months based on behavioral needs; **or**
 - c. a significant need is discovered or a Low supervision level may not be appropriate

The SAVRY Social History, SAVRY and SAVRY ISP shall be completed within thirty (30) days of notification of the new disposition, extension for behavioral needs or identification of a significant need.

- 3. When a youth is placed in non – secure custody for a period exceeding thirty (30) days - to be completed within fourteen (14) days (Refer to D.9.1)
 - 4. When the court recommends Secure Custody for a period exceeding thirty (30) days, to be completed within five (5) days (Refer to D.9.13)
- B. Informal Adjustment Agreement (IAA), Deferred Dispositional Agreement (DDA) and youth initially placed on probation for a period of six (6) months or less do not require a SAVRY PDI/Social History, SAVRY assessment, or SAVRY ISP to be completed unless:

1. A SAVRY was previously completed; **or**
2. The youth is adjudicated on a new offense and the new disposition will exceed the initial six (6) months; **or**
3. The youth's probation, IAA, or DDA is extended beyond the initial six (6) months based on behavioral and intervention needs; **or**
4. A significant need is discovered or a Low supervision level may not be appropriate

VIII. PROCEDURES FOR SUPPLEMENTAL SOCIAL/PDI:

- A. The Supplemental Social or PDI shall provide the court with details of the instant offense(s), and any significant changes since the youth's last appearance in court or completion of the Social History/PDI including: changes in the home, identified needs and interventions utilized, compliance with interventions and conditions of supervision, the youth's behavior since his last appearance in court and a recommendation for the disposition (if applicable).

B. Supplemental PDI

In subsequent adjudications, where the court orders a PDI, the PPO/J may complete a Supplemental PDI using the "Supplemental Social" form in JETS if approved by the court.

In all cases, upon completion of the Supplemental PDI and SAVRY assessment (if applicable), a case staffing shall be conducted to determine the appropriate level of care, supervision, and treatment. Dispositional recommendations shall be, whenever possible, made in accordance with the "OJJ Disposition Matrix".

The PPO/J shall also complete the "SAVRY Statement of Findings" form in JETS and submit to the court with the completed Supplemental. The PPO/J shall use the current SAVRY risk and identified needs in conjunction with the Service Referral Matrix to match the youth with the appropriate level of services. The plan to address the youth's needs shall be included in the "SAVRY Statement of Findings". (Refer to policy D.10.32)

C. Subsequent Adjudications – YS Supervision

In subsequent adjudications, where the youth is placed on YS supervision and a PDI or Social History has previously been completed, the PPO/J shall complete the "Supplemental Social" in JETS. The Supplemental Social shall be completed within thirty (30) days of notification of the youth placement on YS supervision.

D. Subsequent Adjudication / Modification of Disposition – YS Custody

When a youth is placed in YS custody on a subsequent adjudication or as the result of a Modification of the Disposition (Revocation) for a period exceeding thirty (30) days, a Supplemental Social shall be completed within 14 days on non-secure cases (Refer to YS Policy D.9.1) and within five (5) days on secure cases (Refer to YS Policy D.9.13).

E. A Supplemental Social shall be completed when referring a youth to a non-secure facility and it has been more than 6 months since a PDI, Social History or Supplemental Social has been completed.

F. Refer to YS Policy D.10.32 to determine if a SAVRY Reassessment is required.

IX. QUALITY ASSURANCE:

A. Every quarter, the Regional Manager shall review one PDI from each supervisory unit in their office to ensure the following was completed.

1. The PDI was completed by the deadline established by the court.
2. The facts were accurately presented in the report.
3. The recommendation is in agreement with the Disposition Matrix or an override has been approved.
4. The recommendation includes the appropriate service referrals as identified by the SAVRY.
5. The grammar, spelling and punctuation are correct.

Previous Regulation/Policy Number: D.11.1

Previous Effective Date: 05/20/2021

Attachments/References: D.11.1 (a) Disposition Matrix.May 2021

Louisiana Office of Juvenile Justice Disposition Matrix



| <i>Most Serious Presenting Offense</i> | Overall SAVRY Risk | | |
|--|--|--|---|
| | Low | Moderate | High |
| <u>Minor</u> FINS offenses Misdemeanor offenses | Diversion Program IAA or DDA Probation Supervision | Diversion Program IAA or DDA Probation Supervision | Probation Supervision Intensive Probation Supervision Non-secure Placement |
| <u>Moderate</u> Non-violent felony grade offenses Violent misdemeanor offenses (4 or more adjudications) | Diversion Program IAA or DDA Probation Supervision | IAA or DDA Probation Supervision Intensive Probation Non-secure placement | Probation Supervision Intensive Probation Supervision Non-secure placement Secure Placement (FAST Track ¹ , Regular ²) |
| <u>Major</u> Violent Felony grade offenses as defined by LA R.S. 14:2 | IAA or DDA Probation Supervision | Probation Supervision Intensive Probation Supervision Non-Secure Placement | Probation Supervision Intensive Probation Supervision Non-Secure Placement Secure Placement (FAST Track, Regular) |

*Sex offender cases use the psychosexual evaluation to determine required level of care, supervision, and treatment.

* Research has shown that mixing high risk youth with low risk youth in populations can actually increase the criminogenic behaviors of low risk youth. As a result, it is essential that the Service Matrix be used in conjunction with the Disposition Matrix to ensure youth receive services that match their identified criminogenic needs.

¹ Placement in the Secure FAST Track Program may be recommended after a minimum of two (2) failed non-secure placements

² Placement in the Secure Regular Program may be recommended if the youth does not meet criteria for FAST Track (refer to Policy B.2.12)

Guidelines for Matrix Use

1. Staff shall begin recommendations with the least restrictive disposition or placement within the cell indicated that has not been previously attempted and is conducive with meeting the needs of the youth and public safety.
2. Youth who successfully completed a previous level of services shall be considered to receive services at an equal or lesser level of care, placement or supervision or an enhanced version of services.
3. If the youth has previously received and was unsuccessful in a lower level disposition or placement, the youth may be considered for the next higher level. However, youth who are not violent offenders can only be considered for assignment to the secure care Fast Track program after having a minimum of two (2) failed non-secure placements. Placement in the Regular secure program may only be recommended if the youth is not eligible for placement in FAST Track.
4. Placement outside of the home shall be reserved for the highest risk offenders after community based alternatives have been exhausted. Lack of community services to address a youth's needs shall not be a basis for placement in a residential program.
5. The secure care level is reserved for the highest need and violent youth. It is not to be used as a consequence for lower level offenders.
6. There may be instances when the Most Serious Presenting Offense does not fully represent the youth's risk to public safety and his/her current needs cannot be adequately met in a setting that is within the range of options of the corresponding cell.
 - An override approval by the Regional Manager is required when the disposition recommendation is outside of the range of options within the corresponding cell.
 - An override approval by the Regional Director and Deputy Secretary's/designee is required when an override to secure care is requested.
7. Under no circumstances shall staff recommend secure placement for a youth who is identified as low-risk to reoffend unless it is mandated by LA.R.S. 897.1 and is approved through the Override Procedure.

Definitions

Crimes of Violence as defined under LA RS 14:2- Crimes of Violence as defined under LA RS 14:2- "Crime of Violence" means an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon. The following enumerated offenses and attempts to commit any of them are included as "crimes of violence":

Aggravated arson; Aggravated assault; Aggravated assault upon a dating partner; Aggravated assault upon a peace officer; Aggravated assault with a firearm; Aggravated battery; Aggravated burglary; Aggravated crime against nature; Aggravated criminal damage to property; Aggravated flight from an officer; Aggravated kidnapping; Aggravated or first degree rape; Aggravated second degree battery; Armed robbery; Armed robbery - use of firearm; Assault by drive-by shooting; Battery of a police officer; Carjacking; Disarming of a peace officer; Domestic abuse aggravated assault; First degree murder; First degree robbery; Forcible or second degree rape; Home invasion; Human trafficking; Intentional exposure to AIDS virus; Manslaughter; Purse snatching; Second degree battery; Second degree cruelty to juveniles; Second degree kidnapping; Second degree murder; Second degree robbery; Second degree sexual battery; Sexual battery; Simple kidnapping; Simple or third degree rape; Simple robbery; Solicitation for murder; Stalking; Terrorism; Trafficking of children for sexual purposes; Vehicular homicide (Examples- including but not limited to)

Misdemeanor Violent Crimes- Battery of a police officer; Battery of a School Teacher; Battery of a correctional facility employee; Domestic Abuse Battery; Negligent Injuring (Examples- including but not limited to)

Definitions

Failed placement - unsuccessful discharge due to behavior or continuing to reoffend despite successfully completing 2 non-secure programs.

FAST Track Secure program - An intensive short-term secure program with the goal of identifying the individual criminogenic risk factors of program participants and replacing them with prosocial alternatives through the use of evidence based cognitive behavioral treatment, skill building and a positive behavior management system. (Refer to policy B.2.12)

Non-secure placement - A residential facility licensed by the Department of Children and Family Services/Bureau of Licensing, providing services to youth in the custody of the OJJ or other state agency. (i.e. Therapeutic group homes; OJJ or other State Agency contracted group home or residential facility)

Override – The process by which approval is obtained to deviate from the “OJJ Disposition Matrix” when the disposition recommendation is outside of the range of options in the indicated cell; or the youth does not meet the noted requirements on the matrix for a specific placement.

Regular Secure Program – The program a youth is assigned to in an OJJ secure facility when he is assigned to the FAST Track program.