



Cross-Examination of Juvenile Risk Assessment Administrators

Accuracy of the Instrument

1. Has the risk assessment tool been validated for the state of _____?
2. How long ago was it validated?
3. When is it due to be validated again?
4. Is the risk assessment at optimal accuracy if it has not been validated in the past ten years?
5. Wouldn't best evidence principles call for a tool that works at optimal accuracy?
6. Were any changes made to the cut points when the risk assessment was last validated?
7. If so, has the tool been re-validated to make sure that these changes did not hurt accuracy?

Accuracy of the Administration of the Instrument

8. What amount of training is required each year to be certified to deliver this risk assessment?
9. Have you received the required training?
10. Are you certified to administer this tool?
11. Is your certification current?
12. Does the assessment protocol include inter-rater reliability assessments? Why not?
13. But you understand that inter-rater reliability assessments is a best practice in risk assessment?
14. Are risk assessment case files systematically reviewed on a yearly basis?
15. When was the last time that one of your case files was audited/reviewed?

Reliability of the Instrument to Predict Recidivism

16. What is the rate of re-offending for youth with low-risk scores in this state?
17. So even a low-risk offender has a ____ chance of re-offending?
18. What is the rate of re-offending for youth with medium-risk scores in this state?
19. So a medium-risk offender has a ____ chance of re-offending?
20. What is the rate of re-offending for youth with high-risk scores in this state?
21. So a high-risk offender has a ____ chance of re-offending?

Limitations of the Instrument

22. And this tool does not tell us if the act of re-offending will be a misdemeanor or an armed carjacking?
23. So there is no way to predict if the act of re-offending will be a minor crime or a shooting?
24. What is the area under the curve (AUC) value or accuracy of the risk assessment in predicting re-offending in this state?
25. Can the risk assessment predict whether a juvenile who recidivates will commit a violent offense?
26. Can the risk assessment tool predict whether a juvenile who recidivates will commit a sexual offense?
27. Can the risk assessment tool predict anything about the type of offense that someone might commit if they re-offend?



28. Was the current offense we are here for today taken into account when the juvenile was categorized as low/medium risk?
29. Can you show me where in your report the current offense can be found?
30. Why wasn't the current offense added to the risk score?
31. Are there any alleged offenses that are still open that were not added to the risk score for this juvenile?
32. Is previous police contact a static risk factor that is scientifically proven to increase the accuracy of a prediction about risk?
33. Was the police contact that led to the charges for these open offenses taken into account under the current score of low/medium risk?
34. Was the police contact that led to the most recent arrest taken into account under the current score of low/medium risk?
35. Is police contact for any open offenses included in your risk assessment of the juvenile?
36. Why aren't open offenses added to the risk score?
37. Is the risk assessment a certified tool to use to predict sexual re-offending?
38. What is the only certified risk assessment that should be used with juveniles who have been charged or adjudicated with a sex offense. (J-Surrat II)
39. Why is it necessary to have a separate assessment tool for sex offenders?

Collateral Contacts

40. The risk assessment calls for collateral contacts to confirm information given to you by the juvenile. What collateral contacts were made?
41. When were these contacts made?
42. Have you spoken to this source since that date?
43. Does the risk assessment report include notes on which collateral contacts were made?
44. Is it noted when the collateral contacts were made?

Distinguishing Risk from Legal Decision-Making

45. Does the risk assessment take into account how a victim might feel if someone who irreparably harmed her is released from custody immediately after a crime occurred?
46. Does the risk assessment keep community members from perceiving their community as unsafe when repeat offenders are released back into their community?
47. Does the risk assessment score address the issue of juvenile accountability?
48. Does the risk score reflect whether the juvenile has taken responsibility for his or her actions?
49. So, the decision to detain this youth is not entirely one of risk is it?



Arguments to be Made

Be sure to argue the statutes in your state that calls for balanced attention to the protection of the community and accountability to victims and the community for offenses.

If your state has statutes calling for data-driven, evidence-based practices be sure to argue that unless the risk assessment is performed correctly and validated, it is not meeting scientific expectations for optimal accuracy.

Important Notes

The questions above are phrased for a cross-examination. However, the goal is not to take juvenile probation officers by surprise in court. Most of the time, juvenile court prosecutors work collaboratively with probation officers. In the collaborative setting questions like, "is there anything about this youth that is not captured in risk score that should be taken into consideration in making decisions?" or "do you think the assessment has missed any important pieces of information about this youth that are relevant to public safety matters?" can often get you valuable information. When it is necessary to elicit testimony to educate a judge who is over reliant on risk assessments, there is no harm in reviewing this list of questions in advance with the risk assessment administrator who will testify. Doing so will give them the time they need to research the answers to these questions and provide you with the information that the court needs to consider.

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