

MEMORANDUM

TO: All Fourth Department Panel Attorneys for Children

FROM: Tracy M. Hamilton, Attorneys for Children Program Director
Appellate Division, Fourth Department

RE: **REMINDER - JD Practice - Detention Risk Assessment Instrument (DRAI)**

DATE: November 27, 2013

The following information only pertains to juvenile delinquency matters:

1. Currently, all counties outside New York City are required to complete a DRAI on all JDs petitioned to Family Court, even if detention is not actively being sought at the time of the initial court appearance. The DRAI is not mandatory on **all** arrests of youth, just those petitioned to Family Court on JD matters.

2. The DRAI is intended to inform detention decisions in JD cases. It is designed to inform short-term detention decisions, not placement decisions following a court disposition or sentence.

3. The DRAI is meant to be used by the county at the point that an officer is referring a youth to a detention facility. It is required that the DRAI be completed and used to inform the actual detention admission. Therefore, if the police refer a child to a detention facility after court hours, detention staff cannot admit the youth and complete the DRAI the next day.

5. The DRAI must be made available to the court, detention center, and the AFC

(Executive Law §530[2][[a]]).

6. Counties outside New York City are using the same DRAI and they must use it in accordance with OCFS Guidelines and in accordance with their approved county plan. Counties do have full discretion regarding whether they agree or disagree with the DRAI score result on whether detention is necessary.

7. The AFC Program is not able to provide training on DRAI at the county level. We attach a list of DRAI Lead Contacts in each county, which has been furnished by OCFS, in the event you have questions about the DRAI in your county.

7. For more information on the DRAI, visit the OCFS website

<http://ocfs.ny.gov/main/rehab/drai/default.asp> . **Attachment B on that site is the DRAI Draft-Final.**