



## Youth Detention Screening Tools: Pitfalls and Recommendations

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### EXECUTIVE SUMMARY

The state of Michigan's newly implemented Ohio Youth Assessment System Detention Tool (OYAS-DET) weighs factors including family incarceration history and attitudes towards the juvenile justice system that could potentially misclassify some youth as high risk. In other states that use it, Black and brown youth have been disproportionately affected by the OYAS-DET tool, despite the overall decrease in juvenile detentions.<sup>1</sup> To address these adverse implications while complying with the requirements of the Justice for Kids and Communities legislative package, we recommend that Michigan implement a culturally and demographically tailored youth detention risk screening tool. All stakeholders must be actively involved throughout the development and implementation of the new instrument, ensuring that the questions minimize potential for bias and discrimination. The provision of consistent funding post-implementation will allow counties to revalidate the tool every five to 10 years, promoting accuracy, equity, and cultural competency over time.

### BACKGROUND

According to the Prison Policy Initiative, an estimated 9,000 children across the US are detained while awaiting trial, and 4,400 are also detained while awaiting sentencing or residential placement in juvenile facilities.<sup>2</sup> While most youth are held in detention centers pretrial, approximately 2,000 are placed in youth prisons before being adjudicated.

Similar to the adult legal system, the youth pretrial detention system disproportionately disadvantages children of color. 18% of white minors with delinquency cases are detained, compared with 30%

### KEY FINDINGS

- The state of Michigan's recently implemented Ohio Youth Assessment System Detention Tool (OYAS-DET) unfairly weighs factors out of a youth's control, potentially flagging some low-risk youth as high risk.
- Detention has profound social, developmental, physical, and psychological effects on youth, often leading to higher substance abuse rates after release, difficulties with post-release social reintegration, and stunted physical growth.
- Michigan should design and implement a culturally and demographically tailored youth detention risk screening tool for county use.
- The new screening tool should promote the active engagement of all stakeholders throughout all phases of development, from ideation to implementation.
- The state should provide consistent and ongoing funding to counties, allowing county officials to revalidate the tool every five to 10 years.

of Hispanic minors, 29% of Black minors, 23% of Indigenous minors, and 27% of Asian, Native Hawaiian, or Pacific Islander minors.<sup>3</sup> Moreover, according to a report from The Sentencing Project, among youth referred to juvenile court, Black youth are 60% more likely to be detained and 63% more likely to be committed than white youth. White youth, on the other hand, are 31% more likely to have their cases moved out of the formal juvenile justice system.<sup>4</sup>

Michigan's juvenile justice system is decentralized, resulting in inconsistent access to services and limited statewide data collection. Youth across the state do not experience the juvenile justice system equally, with local jurisdictions varying in their approach to diversion, treatment, and other interventions. This has resulted in disparities in both youth outcomes and in the use of detention or residential housing. This fragmentation not only undermines the effective use of tax dollars but also hinders the system's ability to provide youth with the care they require based on their needs.<sup>5</sup>

In June 2021, Governor Gretchen Whitmer signed an Executive Order establishing the Michigan Task Force on Juvenile Justice Reform to conduct a data-driven evaluation of the state's juvenile justice system and recommend evidence-based reforms. The Task Force comprised a diverse group of individuals including government officials and those with lived experience of the juvenile justice system.<sup>6</sup>

A 2022 report published by the Task Force revealed that 60% of youth placed in detention had only a status or misdemeanor as their most serious offense. This is especially alarming given that costs of detaining youth in Michigan have skyrocketed in recent years, costing the state up to \$1,000 per youth per day and further demonstrating the cost-inefficient nature of unnecessarily detaining low-risk offenders.<sup>7</sup> Detention also has profound social, developmental, physical, and psychological effects on youth, often leading to higher substance abuse rates after release, difficulties with post-release social reintegration, and stunted physical growth.<sup>8</sup> Moreover, **the Task Force also found that existing detention practices observed by the state reinforced significant racial disparities, with Black youth detained six times more often than their white counterparts and for a week longer on average.**<sup>9</sup>

Acknowledging these key issues, the state passed the Justice for Kids and Communities bill package in 2023 to implement reform recommendations from the Task Force.<sup>10</sup> The sweeping statewide reforms outlined in the package aimed to standardize best practices, strengthen oversight, and enhance protections for youth in residential facilities.<sup>11</sup> Public Act 290, in particular, required the state to adopt a standardized detention assessment tool.<sup>12</sup>

However, in 2024, the state adopted the Ohio Youth Assessment System Detention Tool (OYAS-DET), rather than develop an instrument tailored to Michigan's demographic profile.<sup>13</sup>



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Designed to assess whether youth pose a risk to reoffend, the OYAS-DET tool is meant to aid in the decision to detain a young person or release them to their parents or guardians. The tool's screening criteria gauge

- the minor's age at the time of their first contact with the juvenile justice system
- the presence of any anger-management issues
- whether the child exhibits a negative attitude towards the juvenile justice system
- the child's relationship with their parents/caregivers
- whether they have a history of family incarceration
- the existence of any prior offenses
- whether they have any other criminal charges related to the current arrest.<sup>14</sup>

**Yet, in contrast to the goals outlined by the Task Force, the OYAS-DET tool risks incarcerating more kids as opposed to preventing unnecessary detentions.**

## Concerns Surrounding the OYAS-DET Tool

The OYAS-DET tool consists of six questions and was designed to be used in face-to-face settings.<sup>15</sup> Personnel are required to receive training on using the tool to ensure effective administration and scoring.<sup>16</sup> Although the OYAS-DET is intended to be administered face-to-face, it may present challenges operationally, since direct administration is not always possible in every legal interaction between youth and designated court personnel. Youth, families, juvenile justice stakeholders, and advocates have raised concerns regarding the tool's screening criteria.<sup>17</sup> Specifically, **prompts assessing whether youths have a “negative attitude” toward the justice system, whether they have difficulty controlling anger, and whether any of their family members have been arrested before have prompted objections.**<sup>18</sup> In addition, the tool weighs relatively minor infractions, like breaking curfew or skipping school, the same as serious felonies.<sup>19</sup> Ultimately, the incorporation of such factors into the screening process risks increasing racial disparities and misclassifying lower-risk youth as high risk.

**Increasing detentions of low-risk youth would have enduring impacts across our entire state system.** Statewide, juvenile court jurisdictions have a limited number of residential and detention beds. Increased detention rates due to the OYAS tool could spur artificial demand for additional treatment beds. The state reimburses half of all out-of-home placement costs, resulting in substantial financial risk when detention rates go up. Although community-based alternatives are funded separately, inaccurate and inconsistent use of the tool may still increase reliance on out-of-home placements and raise state reimbursement costs. **Ultimately, the screening tool risks undermining the goals of Michigan's juvenile justice reforms and reversing progress toward a fairer, less punitive system.**<sup>20</sup>

Although comprehensive data on the tool's impact remains unreleased, some counties have already reported an increase in detention placements.<sup>21</sup> Experts fear this rise may be linked to the tool, as OYAS has already faced criticism for disproportionately detaining Black and brown juveniles in other states where it's used.<sup>22</sup> In Indiana, which adopted the OYAS tool in October

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2010, the number of detained Black youth has increased, despite the decline of overall juvenile convictions. In fact, although arrest rates are similar across racial groups in the state, Black youth who are charged with an offense are 30% more likely to be detained compared to 15% of white youth.<sup>23</sup>

Moreover, while the Michigan State Court Administrative Office (SCAO) has clarified that the OYAS-DET should not be used in isolation, there is limited statewide guidance and oversight regarding how counties should supplement the tool.<sup>24</sup> Some courts have continued to rely on secondary tools, further exacerbating the uneven application of risk assessment processes across the state. Without a mechanism to track whether counties are considering the factors SCAO has published, the accuracy and reliability of statewide data cannot be ensured.

Following pushback from several juvenile advocacy organizations, SCAO issued a Request for Proposals (RFP) to help in the development and implementation of a Statewide Juvenile Detention Screening Instrument (JDSI). The RFP submission period concluded in August 2025. However, parents, families, and caregivers should remain informed and cautious regarding any potential risks or unintended impacts resulting from the continued use of the OYAS tool during this transition period.<sup>25</sup>

## Models in Other States

Various alternatives to the OYAS screening tool that have reduced youth detention rates exist in other states, including the Florida Department of Justice Detention Screening Instrument and the Pennsylvania Detention Risk Assessment Instrument.<sup>26</sup> Neither of these tools includes questions about the youth's family incarceration history or their relationship with their parents. Rather, they primarily focus on a youth's prior delinquency, current legal status, prior referrals, and most serious presenting offense, as opposed to providing weight to family-level factors.<sup>27</sup>

## Conclusion and Recommendation

While Michigan law mandates that SCAO and local courts collaborate, the absence of clear guidance regarding what that collaboration should look like has led to inconsistent and uneven coordination. Addressing these shortcomings requires a collaborative, transparent, and equity-driven approach that engages all stakeholders—parents, affected youth, court administrators, SCAO, MDHHS, and policymakers—throughout every phase of the screening tool’s development, implementation, and continuous evaluation processes.

Michigan should create its own tool to increase equity and reduce over-detention. State leaders and/or policymakers should develop and adopt a screening tool customized to the state’s demographic, cultural, and community needs.

In the formulation of a new tool, priorities should include:

### 1. Strengthening State and Local Collaboration

- a. Establishing a transparent governance structure that clearly defines the roles and responsibilities of SCAO, local courts, and MDHHS.
- b. Empowering MDHHS and SCAO to co-lead oversight of the tool’s development, aligning goals for youth welfare and public safety with fiscal accountability and equitable system outcomes.

### 2. Ensuring Equity and Oversight in Detention Screening

- a. Encouraging both judicial stakeholders and those with lived experience to review screening criteria for potential biases or discrimination.
- b. Adopting a harm-reduction framework to adequately mitigate unnecessary detentions.
- c. Engaging youth and families directly in the evaluation of the tool to uphold fairness.

### 3. Supporting Regional Norming Processes

- a. Allocating sufficient funding that allows counties to, over a set time period, “norm” or tailor the tool to each county’s respective populations.
- b. Ensuring that tools are validated every five to 10 years to maintain accuracy, relevance, and efficient response to evolving community needs.
- c. Providing continued state funding to support county validation efforts, promote cultural competency, and hold counties accountable.



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Looking ahead, Michigan must continue to strengthen reforms that promote consistency in how youth are treated across jurisdictions. The Child Care Fund, for example, provides a powerful opportunity for jurisdictions to expand community-based care and invest in services that effectively treat low-risk youth at home rather than sending them to facilities.<sup>28</sup> In an ideal world, the adoption of the OYAS-DET tool would have resulted in the diversion of more kids to community care and other services, as opposed to detention. By continuing to advocate for a less punitive detention risk assessment tool and expanding community-based care services, Michigan can move closer to a system that reduces youth detention and supports long-term success for youth statewide.

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