

# TRANSFORMING JUVENILE PROBATION A VISION FOR GETTING IT RIGHT

*executive summary*



The Annie E. Casey Foundation is a private philanthropy that creates a brighter future for the nation's children by developing solutions to strengthen families, build paths to economic opportunity and transform struggling communities into safer and healthier places to live, work and grow. For more information, visit [www.aecf.org](http://www.aecf.org).

Over the past 20 years, our nation's juvenile justice systems have steadily decreased the unnecessary use of detention and incarceration of young people, improving their chances of success as adults while preserving public safety. Yet the large reduction in confinement has not resulted in significant changes to its primary alternative — probation, which remains deeply flawed both in concept and execution despite being the most common disposition in juvenile justice.

Handcuffed by conflicting and often unrealistic expectations from judges, prosecutors and the public, and assigned overwhelming caseloads of too many youth who should not be the court's responsibility, juvenile probation lacks clarity about its goals and purpose. Despite the dedication and admirable intentions of probation professionals, probation often pulls young people deeper into the system without offering the support and guidance that would put them on the right path and reduce the likelihood of reoffending.

At its best, probation offers court-involved youth who would otherwise be confined the chance to remain in the community and participate in constructive and therapeutic activities. But probation can also become a gateway to unnecessary confinement for youth who frustrate authorities with noncompliant behavior but pose minimal risk to public safety. This overreliance on confinement disproportionately affects youth of color and exacerbates the already severe racial and ethnic disparities plaguing juvenile justice.

But it doesn't have to be that way.

Given research on adolescent behavior and brain development and evidence about intervention strategies that consistently reduce delinquency, the knowledge exists now to get juvenile probation right. Better yet, taking action to get probation right presents an enormous opportunity for improving the entire juvenile justice system. It is *the* reform strategy likely to deliver the best results for the most young people, with nearly a half-million given some form of probation annually.

Getting it right means transforming probation into a focused intervention that promotes personal growth, positive behavior change and long-term success for youth who pose significant risks for serious offending. It means dramatically reducing the size of the probation population and probation officer caseloads by diverting far more youth so they can mature without being pulled into the justice system.

It means trying new interventions and letting go of outdated, ineffective ones: ditching compliance in favor of supports, sanctions in favor of incentives and court conditions in favor of individualized expectations and goals.

Getting probation right means embracing families and community organizations as partners and motivating youth primarily through rewards, incentives and opportunities to explore their interests and develop skills, rather than by threats of punishment.

Finally, getting probation right means setting clear and meaningful outcome goals for probation itself — including those for improving racial and ethnic equity — and holding probation and its partner agencies accountable for achieving them.

This paper lays out the Annie E. Casey Foundation's vision for modernizing juvenile probation. It is based on more than 25 years of experience with the Juvenile Detention Alternatives Initiative® (JDAI) and five years of studying probation with researchers, practitioners, youth, families and pilot probation transformation sites.

The paper describes the evidence and rationale behind the vision's two pillars: reducing probation caseloads by diverting a greater share of cases from formal court processing and refashioning probation into an effective intervention for the smaller population of youth who will remain on supervision caseloads. The Foundation hopes to encourage local action, research, innovation and learning that will move juvenile probation toward its full potential for improving the entire juvenile justice system.

# WHY WORRY ABOUT JUVENILE PROBATION?

I

Probation plays an outsized role in the juvenile justice system and exerts a potentially pivotal impact in the lives of court-involved youth. It is the disposition most often imposed on young people who enter our nation's juvenile justice systems.

### Probation Plays a Pivotal Role in the Juvenile Justice System

During 2014, the latest year for which juvenile court data are available, 63 percent of youth found delinquent in juvenile courts were sentenced to probation. “Informal” probation was also the outcome for a substantial share of youth whose cases were not formally processed in juvenile court and whose cases were processed formally but were not adjudicated delinquent.<sup>1</sup> (Informal processing of juvenile cases is often referred to as “diversion.”) In all, 383,000 young people were placed on formal or informal probation supervision in 2014 — more than half of them youth with status offenses or informal probation cases.<sup>2</sup>

Probation also functions as a gatekeeper to correctional commitments and other out-of-home placements. In the 2015 Census of Juveniles in Residential Placement, for instance, 18 percent of youth in custody were committed for technical violations rather than new offenses, and another 5 percent were committed for violating court orders stemming from a status offense.<sup>3</sup>

As the most common disposition, probation also plays a large role in perpetuating the most glaring defect in our nation's juvenile justice systems — the vast and continuing overrepresentation of African Americans, Latinos and other youth of color.

### Evidence Shows That Juvenile Probation Doesn't Work

The research indicates that surveillance-oriented probation is not an effective strategy for reversing delinquent behavior, with insignificant effects on reoffending and especially poor results with youth at low risk of rearrest.

**Insignificant effects on reoffending.** In 2013, a team of scholars at the University of Cincinnati reviewed the evidence on probation and concluded: “Traditional community supervision — both as an alternative to residential supervision (probation) and as a means to continue supervision after release from a correctional institution (parole) — is ineffective.”<sup>4</sup> Vanderbilt University researcher Mark Lipsey found that programs designed to stem delinquency through counseling, skill building and restorative justice all reduce juvenile reoffending by an average of 10 percent or more, while supervision reduces reoffending by just 1 percent.<sup>5</sup> Several other recent studies concur.

#### **Especially poor results with youth at low risk of rearrest.**

A 2014 evaluation of programs funded under the RECLAIM Ohio initiative found that among youth scoring as low risk, those placed on probation were more than 50 percent more likely to reoffend (as measured by felony adjudication and/or commitment to Department of Youth Services) than those not placed on probation.

This study also found that youth scoring as low risk who were diverted from court reoffended far less frequently than comparable youth who were formally processed in court.<sup>6</sup> As the Council of State Governments has concluded, “Research shows that juvenile justice systems can do more harm than good by actively intervening with youth who are at low risk of reoffending.”<sup>7</sup>

### Surveillance-Oriented Probation Lags Behind Knowledge of Youth Development

Probation’s lack of effectiveness and its poor results with youth at lower risk of reoffending are entirely predictable in light of recent adolescent brain research, which has documented clear developmental differences between teens and adults. This new research includes a better understanding of adolescents’ lack of “psychosocial maturity” — the abilities to control impulses, consider the implications of their actions, delay gratification and resist peer pressure.<sup>8</sup> Furthermore, new research on intervention strategies to reduce delinquency has refuted the once widely held notion that nothing works in youth justice rehabilitation.

For the most part, today’s historic advances in knowledge have bypassed probation. Among the most important lessons of this modern knowledge:

- **Youth need support, not surveillance.** The heavy emphasis on surveillance and rule following does not succeed because the brain does not fully mature until age 25, and lawbreaking and other risky behaviors are commonplace during adolescence. Most youth grow out of lawbreaking without any intervention from the justice system.<sup>9</sup>
- **For youth at lower risk, less is more.** Research finds that for youth at lower risk of reoffending, the most effective strategy for juvenile courts and probation agencies is to abstain from interfering. Results from many studies

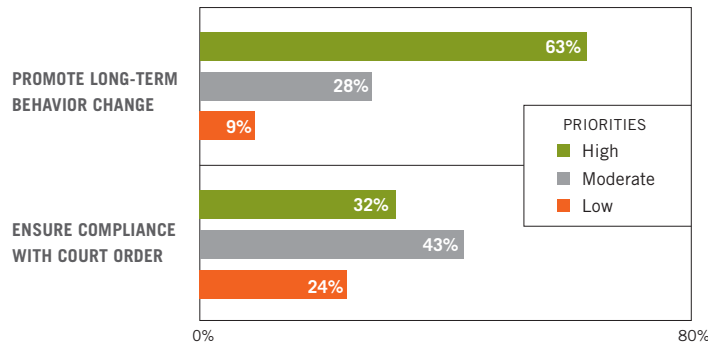
**THE USE OF INCENTIVES IS EVEN MORE IMPORTANT FOR YOUTH BECAUSE IT HELPS THEM LEARN AND IMPLEMENT NEW, DESIRED BEHAVIORS, THEREBY REPLACING — NOT SIMPLY INHIBITING — UNDESIRE BEHAVIORS.**

confirm that formal processing and probation supervision are counterproductive for youth at low risk for rearrest.<sup>10</sup>

- **Nurturing maturity is key.** The growing body of research on what works in juvenile justice confirms that programs designed to boost psychosocial maturation through positive opportunities for youth development and counseling — particularly cognitive behavioral approaches designed to improve problem solving, perspective taking and self-control<sup>11</sup> — tend to reduce recidivism rates. Interventions geared toward deterrence, discipline or surveillance have no effect or increase recidivism.<sup>12</sup>
- **Youth respond far better to rewards and incentives for positive behavior than to the threat of punishment for misbehavior.** Both youth and adults on probation have been found to be more responsive to rewards and incentives for positive behavior than to sanctions for negative behaviors.<sup>13</sup> The use of incentives is even more important for youth because it helps them learn and implement new, desired behaviors, thereby *replacing* — not simply inhibiting — undesired behaviors.<sup>14</sup>

## LACK OF CONSENSUS ON PROBATION'S TOP PRIORITIES

Share of Probation Officers' Ranking as High vs. Moderate vs. Low Priority



SOURCE: Survey of probation officers and supervisors in all 12 JDAI Deep End sites, plus 12 other experienced JDAI sites, conducted for the Annie E. Casey Foundation by the Urban Institute in 2016.

### Lack of Clarity About Probation's Mission, Goals and Outcomes

The fundamental flaw with probation is that it is not rooted in a theory of change and lacks a commonly articulated vision. In a report published in 2002, the National Center for Juvenile Justice lamented that in many juvenile probation agencies “nobody is given responsibility for stating the goals and objectives, documenting the performance or measuring the outcomes of probation.”<sup>15</sup> Twelve years later, the executive director of the Robert F. Kennedy National Resource Center for Juvenile Justice, John Tuell, a longtime juvenile probation officer, noted that the juvenile probation field still does “not adequately hold ourselves accountable for the efficacy of our labor and the outcomes of the youth and families we intend to serve.”<sup>16</sup> It is therefore not surprising that probation is practiced very differently from state to state, and even officer to officer.

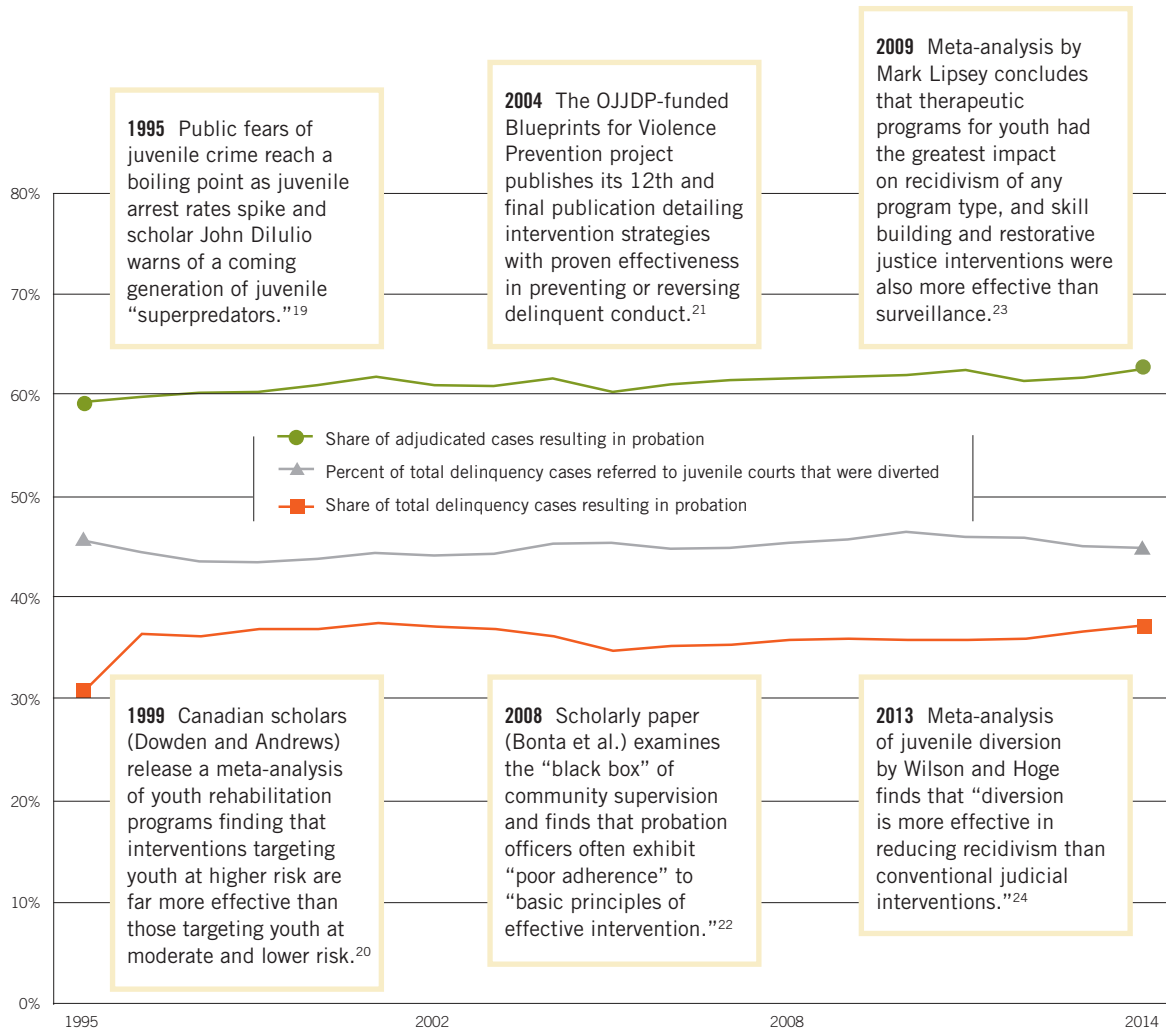
### Problematic Probation Practices

In light of the research, many common practices in probation are problematic or counterproductive:

#### Too many youth on probation caseloads who don't belong.

Many youth who score as low risk to reoffend continue to be placed on informal or even formal probation. Data show that from 1995 to 2014, a period of large declines in youth confinement and a surge of new research, juvenile courts saw neither an increase in the share of youth whose cases were diverted from juvenile court (which held steady between 43 and 47 percent) nor a reduction in the share of juvenile court referrals resulting in probation (which hovered between 35 and 37 percent).<sup>17</sup> Meanwhile, probation caseloads continue to include large numbers of youth whose behavioral problems are rooted in abuse and neglect, trauma, mental health and substance abuse issues and/or family crises — and who would be better served by human services systems that are more appropriately situated to address these difficulties.<sup>18</sup>

**DESPITE BIG SHIFTS IN CRIME RATES, PLUS AN EXPLOSION OF NEW KNOWLEDGE,  
THE USE OF DIVERSION AND PROBATION HASN'T CHANGED**



SOURCE: Hockenberry, S., & Puzanchera, C. (2017, April). *Juvenile court statistics 2014*. Pittsburgh, PA: National Center for Juvenile Justice. Retrieved from [www.ncjj.org/pdf/jcsreports/jcs2014.pdf](http://www.ncjj.org/pdf/jcsreports/jcs2014.pdf)

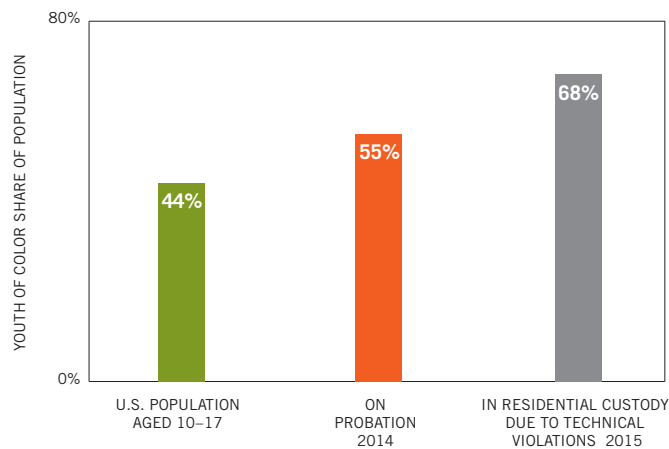


**Underuse or misuse of diversion, an otherwise effective tactic.** Despite the research showing that diversion from formal court processing typically improves youth outcomes, few states or local jurisdictions invest significant time or money to ensure adherence to best practices.<sup>25</sup> Most diversion programs are only available to youth without any prior offending history — for whom any intervention can often do more harm than good<sup>26</sup> — and most exclude all youth accused of felonies.<sup>27</sup> Moreover, research studies consistently find that diversion is a point of significant racial and ethnic disparity in juvenile justice, with youth of color being diverted from juvenile court far less frequently than their white peers.<sup>28</sup>

**Inadequate attention to racial and ethnic equity.** Though academic research examining the intersection between

race and ethnicity and probation violations is limited, some studies have found significant disparities.<sup>29</sup> National juvenile court statistics indicate that more than two-thirds of young people confined in residential facilities for technical violations in 2015 were youth of color — far above their share of the nation’s youth population.<sup>30</sup> The National Research Council has noted, “Most people [in the juvenile justice field] concede that racial disparities pose a huge problem but are reluctant to candidly discuss their root causes and possible remedies.”<sup>31</sup> A 2016 survey of juvenile probation personnel in 24 JDAI jurisdictions also suggested that inattention to racial and ethnic equity in probation remains widespread.<sup>32</sup> Given those findings and probation’s role as the response of choice for most youth who enter juvenile justice systems, probation carries some responsibility for the continuing inequities facing

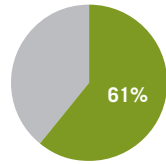
### OVERREPRESENTATION OF YOUTH OF COLOR



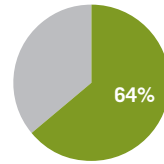
\*Youth of color include youth of all races other than white, plus all Latino youth regardless of race.

SOURCE: OJJDP Statistical Briefing Book. Retrieved from [www.ojjdp.gov/ojstatbb](http://www.ojjdp.gov/ojstatbb)

## INADEQUATE ATTENTION TO RACIAL AND ETHNIC EQUITY



Seldom or never discuss racial disparities in their treatment of probation youth with peers and supervisors



Seldom or never review data on racial and ethnic disparities

SOURCE: The Annie E. Casey Foundation. (2016). *Probation practice survey*.

youth of color, and probation leaders have a duty to help lead the search for solutions.

**Continuing counterproductive use of standard conditions and costly financial penalties.** A National Juvenile Defender Center issue brief found that in some jurisdictions, youth “are required to manage over thirty conditions of probation — a near impossible number of rules for children to understand, follow or even recall.”<sup>33</sup> This can lead to unnecessary detention or incarceration for technical violations, according to the National Council of Juvenile and Family Court Judges (NCJFCJ).<sup>34</sup> In addition, youth placed on probation (and their families) face myriad and often onerous financial costs<sup>35</sup> — even though these fines and fees actually increase reoffending rates and exacerbate racial and ethnic disparities in juvenile justice.

**Insufficient collaboration with families and community partners.** While probation officers can play an important role in helping youth achieve success, the most powerful influences on court-involved youth, particularly for the long term, come from their families and from others in their communities. Yet, as OJJDP

has noted, “Justice system officials too often treat family members in a way that commonly makes them feel ashamed and guilty. When family members engage with system representatives, it is often because of their own perseverance in spite of a lack of support from system officials.”<sup>36</sup> Meanwhile, meaningful partnerships are also scarce between probation agencies and community organizations — particularly community-based organizations in underserved neighborhoods where many court-involved youth reside.

**Too many youth confined for technical violations.** Increasingly, research makes clear that placement into residential facilities does not reduce reoffending behaviors<sup>37</sup> and that periods of residential confinement can seriously harm young people’s future health and success.<sup>38</sup> The NCJFCJ recommends that detention or incarceration never be used as a sanction for technical violations of probation.<sup>39</sup> Yet in many jurisdictions, more youth are committed to residential facilities for probation violations than for violent felonies or any other type of lawbreaking behavior.<sup>40</sup> In each of the five initial JDAI sites piloting an approach to significantly reduce the use of post-dispositional out-of-home placements — often

referred to as “deep end” sites — initial assessments determined that at least 30 percent of placements came directly from probation. In one deep end site, 53 percent of commitments were due to probation violations.<sup>41</sup>

**Limited use of rewards and positive incentives.** The use of positive incentives remains the exception in juvenile probation. Incorporating the use of reinforcements, as one recent study put it, would “necessitate a paradigmatic shift in supervision philosophy” before it could be widely accepted.<sup>42</sup> A recent law journal article noted: “The vast majority of juvenile probation systems — like adult probation systems — emphasize probationers’ failures to comply with requirements....[T]his approach fails to recognize the power of positive reinforcement in shaping behavior over time.”<sup>43</sup>

**Deficit-based approach.** Scholars William Barton and Jeffrey Butts noted: “The traditional juvenile justice system is deficit based. Policies and programs are designed to identify youth problems and to implement strategies for reducing those problems.”<sup>44</sup> Youth who become deeply enmeshed in the juvenile justice system often reside in communities that lack well-resourced schools, safe recreational spaces, active civic organizations or access to entry-level jobs offering an upward career ladder. Juvenile courts and probation agencies lack the wherewithal to reverse these societal injustices. However, when they focus primarily on deficits, they miss opportunities to connect court-involved young people with positive adult mentors and role models and to provide opportunities for young people to explore their interests, build skills, develop their talents and contribute to the well-being of their communities.

**Failure to align probation supervision and services with young people’s risk of reoffense.** Perhaps the most consistent finding from recent juvenile justice research is that interventions work best when they target youth at high risk of reoffense. Youth who score as high risk

present the greatest opportunity to prevent harm. These are the young people for whom the stakes are highest that we get it right and who need our most effective resources. Yet juvenile courts and probation agencies frequently violate this “risk principle” by devoting effective community interventions to the wrong kids — those assessed as lower risk. Kids assessed as higher risk who would benefit most, especially youth of color, either do not receive these services while on probation or end up in out-of-home placement.

**Failure to address delinquency-related needs of probation youth.** Research finds that juvenile probation agencies often fail to connect youth with appropriate services matched to their individual delinquency-related needs.<sup>45</sup> For instance, a study of Ohio juvenile corrections agencies found “no evidence” that probation officers and juvenile corrections were using information from the state’s risk/needs assessment instrument “to guide the delivery of treatment interventions.”<sup>46</sup>

**Unnecessarily long periods of probation supervision.** Juvenile probation varies widely from jurisdiction to jurisdiction. Though no expert consensus exists on the optimal duration of supervision for youth, evidence suggests that limiting probation terms and using the incentive of shortening probation terms as a reward for positive behavior can improve outcomes and reduce costs with no harm to public safety. Guided by this research, juvenile justice experts in the Pew Charitable Trusts’ Public Safety Performance Project have recommended shorter periods of probation for youth in several states.<sup>47</sup>

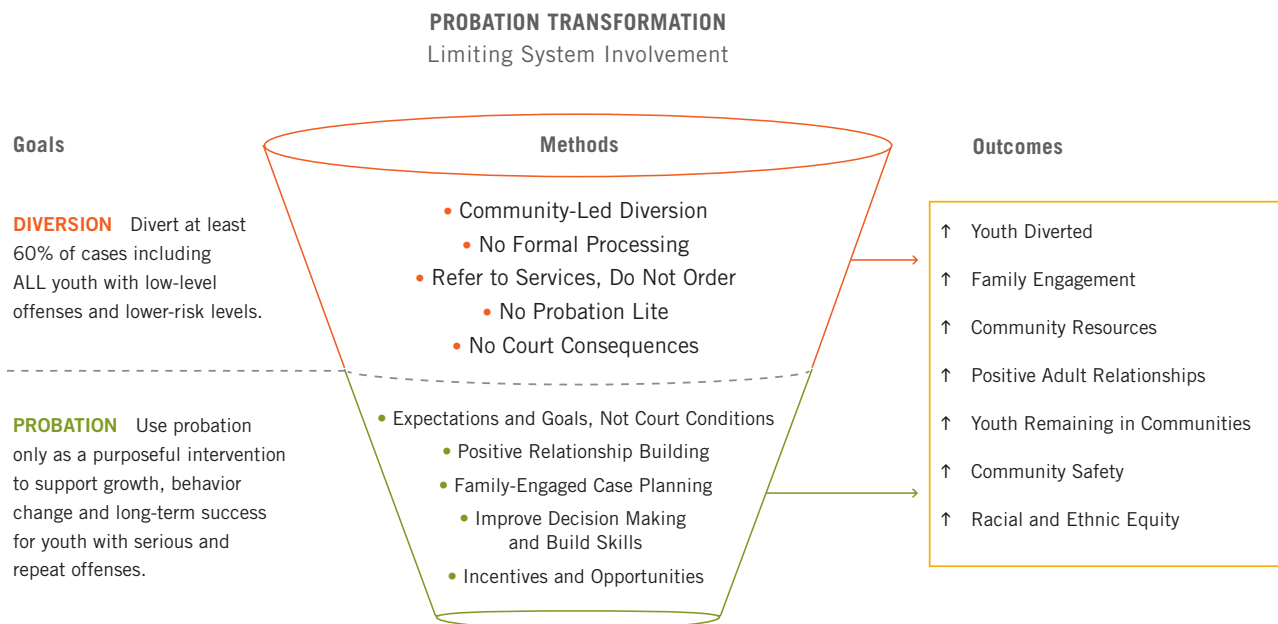
**A NEW  
VISION FOR  
JUVENILE  
PROBATION**

II

The Casey Foundation’s vision for juvenile probation transformation rests on two pillars: reducing probation caseloads by diverting a greater share of cases from the juvenile court system (i.e., formal court processing and any form of probation supervision) and refashioning probation into a more strategic and effective intervention for the much smaller population of youth who will remain on supervision caseloads.

Establishing a superior system of community supervision will require widespread agreement over what probation is meant to accomplish. To jumpstart a constructive dialogue toward crafting this consensus, the Foundation proposes the following to the leaders and line staff of juvenile probation agencies — as well as judges, prosecutors, juvenile defenders and other system partners.  
*Resolve to:*

**Transform juvenile probation into a purposeful intervention targeted to youth who pose significant risk for serious reoffending. Partner with families and communities to promote personal growth, positive behavior change and long-term success (as opposed to surveillance and compliance), as a means to protect public safety — and do so in ways that promote racial and ethnic equity.**



# EXPANDING AND IMPROVING THE USE OF DIVERSION TO REDUCE PROBATION CASELOADS

## Which Youth Should Be Diverted?

The use of legal sanctions or court oversight are appropriate for young people only if they have a history of serious and/or chronic offending and pose a significant risk to public safety. The Casey Foundation believes that young people should not be adjudicated or formally processed for a first offense unless they have committed a serious violent crime, and they should not be formally processed or adjudicated for misdemeanors or first-time nonviolent felonies. Whereas 44 percent of juvenile referrals nationwide were diverted in 2014, these criteria will require that at least 60 percent of juvenile cases — and likely much more than that — never reach juvenile court.

## When Should Youth Be Diverted?

### By Whom?

Diversion can occur prior to arrest, when police officers choose not to make an arrest or school officials do not involve police or initiate a court referral in response to youth misbehavior; at the prosecutorial level, when prosecutors opt not to refer cases for formal juvenile court processing; or at juvenile court intake, when intake officers (or at times judges themselves) determine that formal processing would not be beneficial.

## What Should Diversion Entail?

Depending on the circumstances and seriousness of the case, diversion can occur at one of four levels: (1) warn and release/no intervention; (2) short-term, light-touch diversion; (3) restorative justice models in which youth

meet with victims and repair the harm caused by their offenses; or (4) individualized service plan. For youth referred to any intervention, diversion activities should be initiated promptly and accomplished quickly — with cases generally ending within three months or less.

## How Should Diversion Differ From Probation Supervision?

Diverted youth should never be assigned to probation or supervised by a probation officer. There should be no possibility of placement or confinement for failure in diversion, which means diverted youth should never be subjected to court-ordered conditions. Except in rare cases, they should not face court-imposed consequences for failing to comply with a diversion agreement, and there should be no court-imposed contact standards to guide how often diversion program providers meet or speak with diverted youth (or their families).

## Who Should Oversee Diversion Programming?

To maximize the effectiveness of diversion, each jurisdiction should seek over time to identify a single community-based organization — or a coalition of organizations and agencies<sup>48</sup> that are independent from the court, prosecutor's office and probation department — to oversee diversion. The responsible agency or collaborative should offer a single point of entry for assessments, referrals and care coordination and service integration provided to diverted youth, as well as crisis intervention when necessary.

### What Should Happen if Youth Fail to Complete Their Diversion Agreements?

Diverted youth should not be returned to court or face court-imposed sanctions for failing to comply with their diversion agreement or contract. Diversion program staff should work hard to engage youth and encourage compliance with diversion agreements. But diversion staff should also be willing to terminate some diversion cases as unsuccessful completions without imposing further consequences. The Casey Foundation recognizes that some juvenile court and probation officials may worry that eliminating the threat of court refiling might encourage noncompliance among diverted youth, potentially harming public safety. However, adolescent development studies show clearly that young people are seldom swayed by threats of future punishment and that greater involvement in the justice system is typically counterproductive.

### How Should Probation Departments Interact With Diversion?

Probation should have no role in administering diversion or in overseeing the cases of diverted youth. Local government and/or the juvenile court should create an oversight committee to monitor and support diversion programs throughout the jurisdiction. This committee should set expectations and policy and program guidelines for diversion (including rules to prevent net widening); conduct training and support for personnel involved in providing diversion services; collect and analyze data to assess the adequacy and success of existing diversion programs; and assess needs and develop programs to expand or improve diversion options.

#### THE NATION'S LARGEST COUNTY GOES ALL IN FOR JUVENILE DIVERSION

**O**n November 7, 2017, the Los Angeles County Board of Supervisors announced a historic new juvenile diversion initiative, perhaps the most ambitious in our nation's history, which will steer roughly 80 percent of the county's arrests each year away from the juvenile court system and into supportive services in the community.<sup>49</sup> The newly created Office of Youth Diversion and Development will be charged with forging partnerships with law enforcement agencies in the county to promote the use of diversion. With a budget of \$26 million, the new agency will also be tasked with developing partnerships with community agencies to assess and serve youth placed in diversion programs — including youth accused of status offenses, misdemeanors and most nonviolent felony offenses.

## PROMISING DIVERSION PRACTICES

**F**or most courts and probation agencies nationwide, sharply reducing probation caseloads and increasing the share of delinquency cases processed informally (outside of court) will represent a fundamental shift from longstanding common practice. However, some jurisdictions are already pursuing changes consistent with this new approach, with encouraging results.

**Limiting arrests for misbehavior at school.** Since prohibiting arrests at school for a set of common nonserious misbehaviors and crafting an elaborate menu of alternative responses in 2003, *Clayton County, Georgia*, has reduced school arrests by more than 90 percent.<sup>50</sup> In *Philadelphia*, police instituted a new policy in 2014 to divert students accused of low-level offenses. Instead of being arrested, these students are assessed by Philadelphia's Department of Human Services and referred as appropriate to service providers in the community. In the first three years, school arrests declined 68 percent.<sup>51</sup>

**Giving law enforcement officers an alternative to arrest in the community.** In *Florida*, nearly 10,000 young people were issued civil citations in 2016 rather than being arrested for a range of low-level offenses.<sup>52</sup> In *Summit County (Akron), Ohio*, local police and sheriff's departments have referred 600 to 800 youths to police-led diversion programs in each of the past four years. This represents at least 20 percent of all Summit County delinquency cases each year.<sup>53</sup>

**Employing restorative justice in lieu of court.** In *Davidson County (Nashville), Tennessee*, the share of juvenile court referrals handled informally has increased from 12 percent in 2013 to 52 percent in 2016, with many youth being served in new restorative justice programs.<sup>54</sup> In *Alameda County, California*, a recent evaluation found that youth diverted to a Restorative Community Conferencing program were half as likely to reoffend as youth formally processed in court.<sup>55</sup>

**Creating a community hub to coordinate diversion.** *Multnomah County's Juvenile Reception Center* is a site where police bring youth arrested for low-level offenses who are inappropriate for detention. Staff at the reception center perform screening and assessments, talk with youth and their families and refer them to appropriate services in the community.<sup>56</sup> Likewise, the *Huckleberry Community Assessment and Resource Center in San Francisco* serves as a hub for diversion efforts, conducting assessments, offering crisis intervention as necessary and providing appropriate referrals for youth diverted from court.<sup>57</sup>



# REINVENTING PROBATION TO FOSTER YOUTH SUCCESS

Expanding the use of diversion and developing a stronger continuum of diversion programming should significantly improve system outcomes. Yet a sizable population of young people who pose a more serious threat to community safety and require probation supervision will remain. Probation can be an effective tool for helping youth with more significant offending histories to turn away from delinquency, develop self-awareness and other critical life skills and begin achieving important milestones on the pathway to success in adulthood. But probation agencies can only achieve this progress if they embrace a new and better-honed approach focused on building relationships, matching interventions to youths' needs, utilizing incentives rather than sanctions and providing opportunities for positive youth development. This new model will require several elements:

## Smaller Caseloads Focused on Success

With the reduced probation populations made possible by increased use of diversion, probation officers should be assigned far smaller caseloads than has been common to date — perhaps 8 to 12 youth per officer. Caseloads this small would represent a significant break from past practice, and they should enable probation officers to develop close, caring, positive relationships with all youth on their caseloads. Smaller caseloads should allow probation officers to work intensively with youth and partner with their families and communities to help young people thrive in school, pursue positive activities in their communities and build cognitive behavioral skills — such as improved decision making and increased capacities to control impulses, weigh consequences, resist negative peer pressure and navigate stressful situations.

## Rewards for Goal Achievement and Positive Behavior

Instead of focusing on rules and relying solely or primarily on the threat of violations or other sanctions to minimize noncompliance with court-ordered conditions, case management should be driven by incentives encouraging positive behavior and promoting meaningful personal growth by offering opportunities and rewards valued by youth.

## Limited and Constructive Use of Rules and Sanctions

Juvenile courts should cease imposing long, standardized conditions of probation. Instead, probation departments should work with youth and families to develop case plans that set expectations and goals, with the understanding that youth may not immediately meet all expectations or follow all of the steps outlined in their case plans. To respond to this, every probation department should develop and follow a detailed response grid offering predictable, calibrated and constructive responses to any type of noncompliant behavior. Consequences for negative behavior spelled out in the response grid should be meaningful to the young people but — unlike the threat of a violation and possible confinement — should not involve punitive sanctions that harm the young person's healthy development or unfairly deny his or her liberty. Issuing a probation violation should be a last option, not the first.

**CASE MANAGEMENT SHOULD BE DRIVEN BY INCENTIVES ENCOURAGING POSITIVE BEHAVIOR AND PROMOTING MEANINGFUL PERSONAL GROWTH BY OFFERING OPPORTUNITIES AND REWARDS VALUED BY YOUTH.**

### **Commitment to Racial and Ethnic Equity**

Probation agencies must take determined and strategic action to address racial and ethnic disparities and promote equity. Probation agencies must make equity a top priority and create a culture in which issues of race and ethnic equity are freely and openly discussed. Heeding the lessons learned from past efforts, probation agencies must employ a battery of best practice steps to identify points of disparity and the causes behind them. Wherever significant problems and disparities are identified, system stakeholders must devise new strategies or practices to address the situation, monitor their impact and continually refine the approaches in an ongoing pursuit of greater equity.

### **Collaborative Family-Engaged Case Planning**

Probation must begin with a case planning process that is individualized, strength based, trauma informed and inclusive — i.e., the product of an open three-way discussion among youth, parents and family members and the probation officer. Case plans should emphasize realistic expectations; relevant, measurable and timely goals; and a strength-based orientation that builds on

the assets, skills and resources of the youth and his or her family.

### **A Focus on Family**

Probation officers should involve family members in case planning and all subsequent stages of probation. This includes hiring advocates or parents of youth currently or formerly involved in the justice system to guide and counsel parents and family members; soliciting and heeding the opinions of family members through advisory committees, surveys and other means; and eliminating imposition of fines and fees on young people and their families.

### **Positive Youth Development**

Positive youth development must be a core value of probation. It must offer young people opportunities and help them to build skills and develop capacities they will need to make better decisions and succeed as adults. Probation case plans should involve youth in victim-offender mediation or other restorative justice activities when appropriate and provide opportunities for young people to build positive relationships with adults, pursue their interests, participate in constructive recreational and educational activities and contribute in meaningful ways to their communities.

### **Community Connections**

Youth on probation need access to meaningful and relevant youth development opportunities and especially to positive role models and organizations in their home neighborhoods. Historically, however, probation agencies have not aggressively pursued meaningful connections with community partners. To address this situation, probation agencies will need to partner with (and provide significant funding to) community organizations rooted

## PROBATION TRANSFORMATION IN ACTION

**S**ince they were named as JDAI pilot probation transformation sites in 2014, Pierce County, Washington, and Lucas County, Ohio, have developed their vision for change in partnership with the Casey Foundation and put elements of that vision into practice.

In **Pierce County**, probation professionals worked with a scholar at the University of Washington to craft a new Opportunity-Based Probation model that offers rewards and incentives for youth to achieve behavior goals and complete tasks (such as remaining drug free, succeeding in school, completing community service activities) that are included in their case plans. Examples of incentives include bus passes and access to popular venues. Pierce County also forged partnerships with several community organizations to provide multiweek positive youth development programs in activities such as boat building, skateboarding and bicycle repair and assembly. Finally, after data analyses showed a high placement rate among African-American boys age 15 and younger, Pierce County developed a new Pathways to Success program, overseen jointly by a community-based care coordinator and a probation counselor, that specifically targets these youth with wraparound services, mentors and other resources.

**Lucas County** has created a new Misdemeanor Services Unit to oversee the cases of all youth adjudicated for nonfelony offenses. In a departure from prior practice, all youth referred to juvenile court on misdemeanors in Lucas County today are either diverted from formal court processing or overseen by specialized case managers in a far less intrusive manner than is typical of probation. Whereas all probation dispositions must last six months or longer, the cases of youth assigned to the new Misdemeanor Services Unit are typically resolved in 60 to 90 days — or less. For youth assigned to probation, Lucas County partnered with community organizations to create an array of new positive youth development opportunities, and it reduced the number of youth confined in response to technical probation violations from 30 in 2012 to just four in 2016.

Pierce and Lucas counties have both taken numerous steps to involve parents and other family members in their children's cases. For instance, both counties have hired parent advocates or family navigators — people in the community with lived experience of having a child in the juvenile justice system — to advise and support parents of youth on probation.

SOURCE: All information provided by Pierce County Juvenile Court and Lucas County Juvenile Court and Probation Department.

in neighborhoods where large concentrations of youth on probation reside.

### **Minimized Use of Confinement and Placement and Never for Probation Violations**

Inevitably, some youth on probation caseloads will fail to meet the expectations and goals of their case plans. Personal growth, positive behavior change and long-term success — probation’s mission — are gradual processes with predictable ups and downs. Therefore, youth should not be confined for probation violations or as a result of new offenses committed while under probation supervision — nor for offenses committed after they complete probation, except when youth have committed serious offenses and pose an immediate and significant threat to public safety. Every probation department should have a policy requiring a high-level administrative review process prior to approving any out-of-home placement and probation agencies’ success should be measured, in part, by their results in minimizing placements and keeping young people in the community.

### **Avoidance of Damage of System Involvement**

Information about arrests, formal charges and adjudications in juvenile court, which can now be accessed by employers, college admission officers, consumer reporting agencies and others, can sharply limit opportunities for a lifetime.<sup>58</sup> Probation and court authorities should allow some youth whose cases are serious enough to warrant formal processing to be supervised on probation without the formal stain of adjudication, and they should adopt policies and practices to minimize the extent to which young people’s arrest and/or court records are circulated.

### **Limited Periods of Supervision**

While the duration of probation should be individualized, based on the young person’s success in meeting goals and demonstrating the capacity and will to avoid delinquent behavior, the typical period of probation should be roughly six to nine months. Youth who meet expectations and achieve their goals quickly might be permitted to exit probation more quickly. But even for those who struggle to meet their goals, the period of probation should generally not exceed one year.

### **Accountability for Results**

Probation agencies and their court and community partners should be held accountable for achieving measurable outcome goals in the following domains: limiting the formal probation population to youth who pose significant risk to public safety; eliminating the use of secure detention and out-of-home placements for technical violations and minimizing placements in all other circumstances; taking aggressive and strategic action to monitor and address racial and ethnic disparities and to promote equity; providing positive youth development opportunities and fostering success in school and/or career preparation; effectively engaging parents and forging meaningful community partnerships; meeting the needs of and gaining favorable reviews from parents and caregivers, youth themselves and victims; addressing young people’s identified needs and delinquency-related risk factors; and achieving meaningful goals for reducing reoffending.

## OTHER TRAILBLAZERS IN PROBATION TRANSFORMATION

**I**n addition to Lucas and Pierce counties, a number of other JDAI sites, and some non-JDAI jurisdictions, are making noteworthy progress toward transforming probation in positive ways.

**Multnomah County, Oregon**, has adopted the Functional Family Probation model that puts supporting family members and promoting family well-being at the heart of probation’s mission.<sup>59</sup> Also, Multnomah has partnered with two community organizations — one in a predominantly Latino neighborhood, the other in an African-American neighborhood — to create the two-part Community Healing Initiative (CHI). The original CHI program offers extra support for probation youth at high risk for rearrest, while the CHI-Early Intervention program provides an alternative to formal processing for youth who pose less risk to public safety.<sup>60</sup>

**Santa Cruz County, California**, has forged partnerships with community organizations to provide positive youth development programming, including the Aztecas Youth Soccer Academy for youth on probation. It also created the Fuerte program to provide intensive support (when needed) to assist probation youth with significant mental health and/or social service needs. Santa Cruz has long used a 20-plus item checklist to hold itself accountable for combating racial and ethnic disparities, and it recently developed an elaborate response grid spelling out protocols and options for responding to youth who deviate from their court-ordered conditions. Remarkably, Santa Cruz did not send a single young person to an out-of-home placement during the last five and a half months of 2017.<sup>61</sup>

The **City of St. Louis** has adopted a Team Support Approach where probation officers work with parents, family members and other caring adults to help devise a “success plan” for each young person, and then to revise and update the plan over time. Since implementing this approach in 2014, the share of youth referred back to court on new charges while on probation has fallen 59 percent, and the re-referral rate for youth after leaving probation has fallen 38 percent.<sup>62</sup>

## CONCLUSION

**T**he juvenile justice field has recently made encouraging progress, not only in making JDAI's core strategies a national standard for detention practice but also in reducing the reliance on correctional confinement. Yet it is hard to conceive how our field can sustain this progress, and it is hard to see how we can live up to the founding ideals of the juvenile court as a kind and just parent, providing equal justice under the law, unless we begin to align the system's most pervasive element — juvenile probation — with what works.

The knowledge provided by recent research on adolescent brain development and behavior demands a fundamental rethinking of juvenile probation practice. Such a rethinking has enormous potential to improve system performance and the lives of young people.

The recommendations offered here reflect a measured and carefully considered response to the glaring gaps between current practices and the best available information about what works or should work with court-involved youth. Working together, the field can seize the opportunity before us to get probation right.

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