



Center for  
Juvenile  
Justice  
Reform



**Justice Center**  
THE COUNCIL OF STATE GOVERNMENTS

# Transforming Juvenile Justice Systems

to Improve Public Safety  
and Youth Outcomes

**MAY 2018**

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**Suggested Citation:** Josh Weber, Michael Umpierre, and Shay Bilchik, *Transforming Juvenile Justice Systems to Improve Public Safety and Youth Outcomes* (Washington, DC: Georgetown University Center for Juvenile Justice Reform, 2018).

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**Juvenile justice systems have undoubtedly made extraordinary improvements over the past two decades**—incarceration rates have been cut in half nationwide;<sup>1</sup> juvenile arrest rates remain at historical lows;<sup>2</sup> and, in alignment with what research shows works to improve outcomes for youth, the majority of states have adopted data-driven tools and evidence-based programming.<sup>3</sup> But other measures tell a more complex story: in spite of recent gains, most juvenile justice systems are still not operating as effectively as possible.

For youth under system supervision, recidivism rates remain unacceptably high. Rearrest rates for youth on probation are 50 percent or greater in many states,<sup>4</sup> while two-thirds of incarcerated youth are rearrested within two years of release.<sup>5</sup> Few juvenile justice systems are able to systematically measure other outcomes for youth, such as education and employment success, and those that are able to do so often find disappointing results.<sup>6</sup> Additionally, resources invested in community supervision and services have not consistently produced the desired measurable improvements in youth outcomes,<sup>7</sup> particularly for youth of color, who continue to experience persistent disparities and worse outcomes compared to their white peers.<sup>8</sup>

There is a fundamental reason why many jurisdictions have struggled to reduce recidivism rates—an insufficient focus on what should be the core mission of the juvenile justice system: protecting public safety. Nationwide, a disproportionate amount of law enforcement, probation, court, and corrections staff time and resources are spent on youth who do not pose a public safety risk.<sup>9</sup> At the same time, for those youth who do pose a public safety risk, courts and supervision agencies have not fully oriented their structure, operations, and funding around what research and developmental science have proved can reduce reoffending.<sup>10</sup> Policymakers and system leaders have exacerbated this insufficient focus on public safety by failing to hold juvenile justice systems accountable for reducing recidivism rates and using data to guide system decisions and funding.

Expanded adoption of and improved adherence to research-based policies and practices or other operational tweaks are not sufficient to address these challenges. Juvenile justice systems need to reconsider foundational questions regarding who is supervised and served by the system; how those youth are supervised and served; and to what extent agencies and individuals are held accountable for system performance.

To begin tackling these questions, The Council of State Governments (CSG) Justice Center and the Center for Juvenile Justice Reform (CJJR) at Georgetown University\* looked to top professionals in the field. By conducting interviews and focus groups with nearly 50 researchers, national experts, and system leaders,† the CSG Justice Center and CJJR identified innovative ideas for building upon recent system improvements by reorienting juvenile justice systems to improve public safety and outcomes for youth. The following six strategies that emerged are realistically achievable, cost effective, grounded in research and best practice, and designed to transform how juvenile justice systems currently operate:

- 1. Decriminalize status offenses and automatically divert all youth who commit certain offenses and are screened as low risk from court involvement;**
- 2. Develop professional standards and supports to cultivate a dedicated cadre of juvenile court judges and attorneys;**
- 3. Tie conditions of supervision directly to youth’s delinquent offenses and eliminate the practice of filing technical violations of probation and parole;**
- 4. Redefine the primary function of community supervision as promoting positive youth behavior change;**
- 5. Focus case planning and service delivery on strengthening youth’s connections to positive adults, peers, and community supports; and**
- 6. Use data and predictive analytics to guide system decisions and hold supervision agencies, courts, and service providers accountable for improved youth outcomes.**

The sections that follow detail the rationale, benefits, and key components of each strategy. Given that transformative change doesn’t happen all at once, each section also presents initial steps that state and local leaders can take toward transforming their juvenile justice systems. Finally, leading jurisdictions and organizations that have at least partially adopted these strategies describe—in their own words—why they chose this path, their system improvement efforts, and the impact to date.

\* Throughout this publication, references to field-wide trends and practices that do not include research citations are based on the CSG Justice Center and CJJR’s significant collective experience providing technical assistance to state and county juvenile justice systems across the country.

† See Appendix for a list of the focus group and interview participants.

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**There is a fundamental reason why many jurisdictions have struggled to reduce recidivism rates—an insufficient focus on what should be the core mission of the juvenile justice system: protecting public safety.**

## STRATEGY ONE

# Decriminalize status offenses and automatically divert all youth who commit certain offenses and are screened as low risk from court involvement

### WHY?

Many, if not most, youth who come into contact with juvenile justice systems do not pose a risk to public safety. In 2014, at least 40 percent of all youth referred to the juvenile court—more than 400,000 young people—committed non-person offenses (e.g., many property crimes, drug offenses, and public order offenses). Another approximately 100,000 young people were petitioned for status offenses—acts that are illegal only when committed by juveniles—including more than 50,000 youth for failing to regularly attend school and thousands more for violations of liquor laws, running away from home, and breaking curfew. In contrast, only 57,000 youth—less than 6 percent of all delinquency cases—were referred for violent offenses.<sup>11</sup>

Juvenile justice systems' disproportionate focus on youth who commit status and non-person offenses undermines their ability to improve public safety and outcomes for youth in three key ways. First, court involvement and excessive supervision and services for youth who have a low risk of reoffending does more harm than good.<sup>12</sup> Compared to similar peers who are not arrested or are diverted from court, youth who are adjudicated by the juvenile justice system are more likely to be rearrested and less likely to succeed in and complete school.<sup>13</sup>

Second, court involvement for youth who have a low risk of reoffending takes limited resources away from focusing system interventions on youth whose behavior is actually a threat to public safety.<sup>14</sup> Despite the significant decline in juvenile referrals over the last decade, judges, attorneys, and probation officers in many states and counties are faced with high caseloads composed primarily of youth who have a low risk of reoffending and, as a result, don't have time to fully engage youth and families in system decisions and interventions; thoroughly assess youth's risk and needs; and ensure that youth are matched with effective supervision and services. Similarly, agencies disproportionately funnel limited resources into providing services to youth under system supervision who are low risk because officers feel obligated to address their needs, and these youth are easier to engage and more amenable to treatment than their peers who are higher risk.<sup>15</sup> As a result of this inefficient use of resources, youth in the system at the highest risk of reoffending—up to two-thirds of whom have a mental illness and half of whom have a substance addiction<sup>16</sup>—often don't receive the services needed to reduce their likelihood of future offending.

Third, breaking curfew, drinking alcohol, and skipping school are normative, albeit worrisome, adolescent behaviors that do not necessitate or benefit from court oversight and sanctions. Brain science research has demonstrated clearly that adolescents are developmentally wired to test limits, act impulsively, and overlook the long-term consequences of their actions, and they are easily swayed by their peers. Through this scientific lens, court involvement for youth who commit status and non-person offenses is contrary to a developmentally appropriate approach, which the National Research Council has concluded is fundamental to an effective recidivism-reduction strategy.<sup>17</sup> In fact, longitudinal studies such as Pathways to Desistance show that the majority

of young people will age out of their delinquent behavior with or without system intervention.<sup>18</sup>

Brain science research also shows that youth are relatively insensitive to degrees of punishment and are deterred from misbehavior more by the certainty of consequences than by the severity.<sup>19</sup> However, youth who are adjudicated by juvenile courts for low-level offenses often have to wait weeks or months before any decision is made about their culpability and potential sanctions. Thus, courts can't hold these young people accountable for their actions in a swift and certain way that is likely to encourage them to make different choices in the future.

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## HOW?

### **Enact statutory changes to decriminalize status offenses and to require that all low-risk youth who commit certain categories of delinquent offenses are automatically diverted from court involvement**

States and counties should prohibit youth from being arrested, charged, adjudicated, or detained for all status offenses. Similarly, jurisdictions should stipulate that all youth who commit certain low-level and non-person offenses—such as vandalism, drug possession, trespassing, and disorderly conduct—are automatically diverted from court involvement if they are also determined to have a low risk of reoffending using a validated risk screening tool. Such absolute policy changes are the surest way to eliminate the negative consequences that court involvement has on youth who have a low risk of reoffending; prevent disparities in law enforcement and supervision decisions across races, ethnicities, genders, and locales; and ensure that public agencies, courts, and service providers devote the majority of system resources to addressing the risk and needs of the small group of youth who pose a public safety risk.

### **Divert youth to needed services through a coordinated approach across service systems and community-based organizations**

Youth who commit low-level offenses don't require court oversight or sanctions but may benefit from receiving community-based services to address their physical, behavioral health, educational, and other key needs.<sup>20</sup> Rather than passively relegating courts to the role of de facto service providers because no other single system exists to meet these youth's needs, states and counties should proactively position juvenile justice systems as a gateway to services offered by other systems and community-based organizations. Probation intake and assessment units can guide such connections through the use of validated risk, mental health, substance use, and trauma screenings, which enable quick, data-driven decisions about which youth need more services and how best to employ limited resources across systems. To accomplish this goal, jurisdictions will need to more creatively pool and blend funding streams, programs and services, case planning processes, and staff expertise across the health care, child welfare, education, and behavioral health systems, in addition to drawing upon local community-based supports.

### **Employ restorative justice practices to hold youth accountable in a timely, appropriate way**

Youth who are low risk do need to understand and repair any harm caused to victims and communities. Juvenile justice systems can hold youth accountable for their actions in an immediate, developmentally appropriate way through restorative justice practices. These practices—particularly family conferences, victim conferences and mediation, and forms of restitution that don't rely on burdensome fines and fees, such as community service—have been shown to reduce recidivism and increase youth and victim satisfaction with the juvenile justice system.<sup>21</sup> Juvenile justice agencies can therefore employ restorative

justice practices, along with referrals to other service systems, as a far more cost-effective public safety strategy than court involvement and supervision for youth who are low risk, while freeing up limited resources for juvenile justice systems to focus interventions on youth who are high risk.

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## WHERE TO START?

**State and county leaders may struggle to garner widespread support** for automatically diverting all low-risk youth who commit status and non-person offenses from court involvement. They will need time to develop a plan and the capacity for alternative approaches. More immediate steps that jurisdictions can take toward adopting this strategy include:

- **Decriminalize truancy.** Truancy is by far the largest category of petitioned status offenses, but also the offense least likely to directly endanger the community or youth themselves in ways that warrant court involvement. While school attendance and completion are related to long-term positive outcomes, states like Connecticut<sup>22</sup> and Utah<sup>23</sup> are increasingly recognizing that families, schools, and communities are better positioned than court oversight and sanctions to motivate and support youth to regularly attend school.
- **Use risk and needs screening tools to guide diversion decisions.**<sup>24</sup> Jurisdictions that are unable or unwilling to establish automatic diversion requirements in statute can still work to ensure that diversion decisions are made consistently and objectively. Risk screening tools are proven to predict the likelihood of reoffending more accurately than professional judgment alone and can help states and counties make data-driven decisions about which youth do not pose a public safety risk and should be diverted from court involvement to other programming.<sup>25</sup> At the same time, states and counties can require the use of validated needs screening tools—including for mental health, substance use, and trauma<sup>26</sup>—to guide decisions about whether to refer youth for further assessments and how best to address their needs through referrals to services offered by other systems and community-based agencies.
- **Establish multi-system teams to support diversion efforts.** States and counties such as Kentucky,<sup>27</sup> Washington,<sup>28</sup> and Douglas County, Nebraska,<sup>29</sup> have required the establishment of community accountability boards or multi-system team conferences, which include youth and families, to review the cases of youth who commit low-level offenses and to develop case plans for meeting their needs outside of the juvenile justice system. The advantage of this model is that it allows for youth and families to be directly involved in decision-making processes and brings to bear a multi-system perspective, collaboration, and resources to help address their needs.
- **Evaluate the use of informal supervision as a diversion strategy.** Many states and counties have established informal supervision practices—such as pre-adjudication supervision—to divert youth from court involvement. Unfortunately, such efforts can result in youth who are low risk receiving the same level of system monitoring and services as they would if adjudicated and placed on probation. Jurisdictions should evaluate whether informal supervision practices are more beneficial than diverting youth who are low risk from any form of system supervision and referring them to restorative justice programming and other service systems. If so, states and counties should enact policies that specify offense and risk eligibility criteria for placing youth on informal supervision so that it does not cause net widening and inadvertently divert resources from supervision and services for youth who present a public safety risk.



# Lucas County, Ohio, Juvenile Court

—Kendra Kec, Assistant Court Administrator

**Our efforts are founded on the “my child test”**—would we want our own children to be treated in the same way that we are treating youth who come into contact with our juvenile justice system? This guiding question, along with a commitment to restorative justice, positive youth development, and addressing the criminogenic needs of youth under our supervision, challenged us to rethink how we could accomplish our mission to maintain public safety while caring for, protecting, treating, and guiding those who come before the court. After 12 years of using an objective screening tool to make detention decisions and steadily reducing our reliance on detention as a result, court officials questioned whether each arrested youth needed to be processed through secure detention. More generally, we questioned whether many youth who were brought before the court needed formal system supervision at all.

Lucas County Juvenile Court officials then convened a group of judges, probation staff, prosecutors, defenders, and other community partners to create an alternate path for arrested youth. Through staff restructuring and small grants, we opened the Assessment Center in 2013, which serves as a family friendly, non-secure processing center for youth who are charged with low-level offenses. Under the leadership of the Toledo police chief, police officers are trained to transport any youth who is taken into custody for a nonviolent misdemeanor or status offense to the Assessment Center rather than to detention. Once at the Assessment Center, youth meet with case officers—many of whom are social workers—who screen them for (1) mental health and substance use issues using the Global Appraisal of Individual Needs Short Screener; (2) risk of reoffending using the Ohio Youth Assessment System screening tool; and (3) health needs using a public health screening tool.

The results of screenings administered at the Assessment Center, along with meetings with the parent or guardian, are used to determine—with prosecutor approval—if a case should be filed for

court processing. After years of moving toward more objective decision making, we concluded that we could best protect public safety, support youth and families, and use our limited resources most efficiently by not placing youth who commit misdemeanor offenses on court-ordered probation. Instead, staff at the Assessment Center link youth to community-based services as necessary, thereby redirecting them from further involvement in the juvenile justice system. Services that youth and their families may receive without court involvement include, but are not limited to, victim mediation, restorative justice circles, mental health and substance addiction treatment, and family violence interventions. Additionally, Family Navigators, a program operated by a local nonprofit and located inside the court, employs parent ambassadors who have had a family member in the system to provide support, compassion, and understanding for families as they cope with a youth’s contact with the system. If youth are screened as requiring some form of agency oversight, they receive minimal supervision from officers in the Misdemeanor Services unit, who are trained to use motivational interviewing and strengths-based techniques to encourage families to participate in recommended services.

To date, Assessment Center staff have administered more than 4,000 screenings of youth who were arrested for nonviolent misdemeanors or status offenses. More youth are now processed at the Assessment Center than at secure detention. Additionally, given that youth who commit misdemeanor offenses are no longer placed on court-ordered probation, officer caseloads have dropped dramatically, enabling them to carry small caseloads (an average of 15 youth per officer) and devote more time and resources to the higher-risk youth who have felony charges and pose a greater public safety risk. Since we began deploying our resources more strategically to serve higher-risk youth on community supervision in 2013, we have seen a 47-percent decline in the number of Lucas County youth who are incarcerated.

## STRATEGY TWO

# Develop professional standards and supports to cultivate a dedicated cadre of juvenile court judges and attorneys

### WHY?

**Specialized juvenile courts have been widely instituted** throughout the country, but significant inconsistencies exist in how youth experience the courts and whether their involvement is conducive to improved public safety and youth outcomes. Some of these inconsistencies are driven by differences in how statutes define delinquent behavior and dispositional options for responding to that behavior. However, most of the variability in juvenile court operations stems from the wide range of experience, knowledge, and resources of the professional staff who are assigned to juvenile courts.

In most jurisdictions, the prosecuting attorneys and public defenders assigned to the juvenile court are some of the least experienced in their offices; these assignments are used as a training ground for new lawyers to learn state laws, rules of procedure, and trial techniques. When the attorneys assigned to juvenile court gain enough experience to “move up” to a higher-level adult felony court assignment, another lawyer is rotated into the juvenile court to take their place. This phenomenon is also generally true in judicial assignments to the juvenile court. Judges are rotated to give them experience on the bench as they prepare for assignment into divisions that are deemed more prestigious and of greater importance than juvenile court, such as criminal and civil courts.

Juvenile court judges and lawyers do bring substantial experience and skills to their assignment; however, what they typically do not bring is either an expressed interest in the juvenile court as a precondition to their assignment or a desire to remain in that assignment for an extended period of time. This situation is compounded by a general lack of attention to both pre- and in-service training for judges and lawyers who are assigned to the juvenile court.

Due to the norms surrounding assignments to and training for juvenile courts, judges and attorneys often lack the skills needed to understand the root causes of youth’s delinquent behavior and how best to engage youth and families in the court process. They are also left with little time or incentive to innovate and invest in improvements to juvenile courts. The result is a juvenile court experience for youth and families—as well as court personnel—that is inconsistent, impersonal, and often results in case dispositions for youth that do not provide the appropriate level of supervision and services needed to reduce recidivism.

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### HOW?

**Enact or modify judicial rules and regulations to allow for the dedicated assignment of qualified judges to the juvenile court**

Judicial assignments and rotations are usually governed by state rules of court procedure and provisions of judicial administration, which are developed by the state supreme court or state bar committees and then promulgated by rules or, in some instances,

by state law. As such, jurisdictions should seek to adjust rules of court procedure and judicial administration provisions to create a pool of committed and experienced juvenile court judges. For example, through a process established in North Carolina's court rules, judges are encouraged—but not required—to become certified to serve on the juvenile court through completion of a core curriculum and a certain number of hearings in the juvenile court.<sup>30</sup> Other jurisdictions may establish standards for the length of assignment to the juvenile court and the frequency of rotation to other assignments, with interested judges and attorneys acting as champions in drafting and promoting needed changes. California court rules, for example, require appointment to the juvenile court for a minimum of three years, instructing the presiding judge to consider the judge's interest in the juvenile court. Research, youth and family testimony, court personnel input, and other evidence of the need for proposed changes should be collected to support how such standards are developed and implemented in specific jurisdictions.

### **Establish dedicated juvenile divisions within state prosecuting attorney and public defender offices**

Prosecutors and public defenders should establish specialized juvenile divisions in which lawyers are assigned for extended periods of time and/or hired with the intent and expertise necessary to work in that division. If feasible, jurisdictions should also set experience requirements and minimum time commitments for juvenile court service. Such requirements can not only ensure that attorneys are equipped to handle cases effectively, but also increase the prestige of juvenile representation in ways that encourage prosecutors and defenders to specialize in juvenile court practice. For example, the Juvenile Division of the San Francisco, California, Public Defender's Office recruits experienced defenders from its main office who have expressed a commitment to long-term work in the juvenile court. These efforts are also supported by California Assembly Bill No. 703,<sup>31</sup> which requires a minimum amount of experience for counsel who represent youth in delinquency proceedings. Likewise, the Juvenile Division of the Miami-Dade County, Florida, Public Defender's Office has multiple attorney specialists in juvenile law and two full-time training attorneys who are assigned the more serious juvenile delinquency cases and provide ongoing support to newer juvenile defenders. On the prosecution side, in Cook County, Illinois, assistant state's attorneys must commit to three years of family law service and be trained on both the Illinois Juvenile Court Act and restorative justice principles.

### **Develop robust training for judges, prosecutors, and public defenders who are assigned to juvenile courts**

States should require both pre- and in-service specialized training for juvenile court judges, not just on the law and rules of procedure, but also on youth development and the use of risk and needs assessment tools. Jurisdictions should also institute advanced, ongoing training for prosecutors and public defenders assigned to the juvenile court, allowing lawyers to build a career and develop a national presence in this area of practice. This shift toward formalized training is supported by the National Council of Juvenile and Family Court Judges (NCJFCJ), the National Juvenile Defender Center (NJDC), and the National District Attorneys Association (NDAA). The NDAA also recommends that all prosecutors given charge of juvenile delinquency cases receive specialized training,<sup>32</sup> including a focus on adolescent brain science; youth development; family dynamics and engagement; risk and needs assessment tools; treatment approaches; and special populations such as commercially sexually exploited children, crossover youth, LGBTQ youth, and youth who are charged with sex offenses.

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**WHERE TO  
START?**

**States and counties may not have immediate support** and resources for wholesale changes to how juvenile courts are staffed and structured. Initial steps that system leaders can take to move in this direction include:

- **Review current practices for appointing and assigning judges and lawyers to the juvenile court.** As a starting point, system leaders should identify any state provisions regarding the assignment of judges or other judicial staff to juvenile courts and consider how to strengthen them to create a more dedicated, experienced staff. The policies and practices of prosecutor and public defender offices should also be examined for any language about assignments to juvenile or family courts. Presiding judges, lead prosecutors, and lead defense attorneys may clarify whether any informal policies or procedures exist regarding the assignment of staff to juvenile or family courts.
- **Assess the content knowledge and skills of juvenile court personnel.** Jurisdictions should survey or interview judges, attorneys, and other court staff to gauge their competency with respect to juvenile justice and youth development research and best practice. This effort should also incorporate direct input from youth and families regarding their interactions with juvenile court staff to identify areas where court personnel can improve their service delivery. Ultimately, information from this assessment should be aggregated, analyzed, and compared with established quality standards to identify areas for improving judicial and attorney assignment, training, and support policies and practices.
- **Evaluate training for juvenile court judges and lawyers and develop a training improvement plan.** Training is available for juvenile court judges and lawyers in virtually every state; what is unknown is the quality of this training. Jurisdictions should identify training standards for juvenile court personnel; catalog existing training opportunities for judges and lawyers, whether sponsored at the local, state, or national level; and institute pre- and post-training surveys to measure the satisfaction of court personnel with current trainings and their desire for further professional development. Subsequently, system leaders should use this feedback to facilitate a coordinated effort in partnership with state bar committees, local bar associations, and prosecuting and public defender attorney associations to develop needed enhancements to training for attorneys and judges who are assigned to the juvenile court.

**“The impact of having dedicated juvenile court practitioners and professional standards that guide their work has extended beyond the courtroom to shape statewide policies and practices for improving outcomes among our most vulnerable youth and families.”**

**– Honorable Amy Nechtem, Massachusetts Juvenile Court**

# Massachusetts Juvenile Court

—Honorable Amy Nechtem, Chief Justice

**Professionalization is endemic to our system** and integral to supporting the high standards of care needed to effectively serve the children and families who come before Massachusetts courts. Massachusetts has the benefit of a statewide juvenile court, overseen by a chief justice and a deputy court administrator. As established by statute, the Juvenile Court Department is housed within the larger umbrella of the Massachusetts Trial Court. This unique structure allows the trial court to set statewide policies on issues of general applicability and leaves the individual court departments to set policies, practices, and rules pertaining to their specialized operations and subject matters.

Massachusetts has 41 judges appointed specifically to serve the Juvenile Court Department. These well-qualified, experienced professionals are appointed to the bench only after displaying aptitude for working with youth and families. The same level of dedication is true of our clerk magistrates and district attorneys, specialized probation officers, and the highly trained and certified attorneys who practice in our courts. The children before our courts receive the benefit of judges who understand the impact of trauma on adolescent development and probation officers who are trained in the principles of positive youth development.

In addition to the statewide oversight that comes with having a chief justice, the cohesiveness of the Massachusetts Juvenile Court Department allows us to establish uniform guidelines for matters such as violation of probation proceedings and time standards, as well as conduct statewide, cross-system conferences and trainings on relevant and cutting-edge topics,

such as advancing positive youth development, addressing racial and ethnic disparities, identifying commercially sexually exploited children, and developing best practices for youth and families who have mental health needs and substance addictions. Furthermore, each of our juvenile court locations houses a state-funded court clinic staffed by qualified mental health experts.

Having a statewide system of professionals dedicated to juvenile justice and child welfare has also fostered collaboration not only across the Juvenile Court Department but also with the state child welfare and juvenile justice agencies, district attorneys, public defenders, police, schools, and countless other entities and agencies that serve youth and families in the Commonwealth. Such collaboration has enabled the creation of the Massachusetts Child Welfare and Juvenile Justice Leadership Forum, a first-in-the-nation collective impact group of government and nonprofit agencies working toward improving the juvenile justice system and other systems that serve our children and families by employing results-based leadership strategies. Through the Juvenile Court Department, another multidisciplinary group of juvenile justice professionals published a report that examined Massachusetts laws in light of national research on adolescent brain development and considered how best practices could be used in formulating juvenile dispositions.<sup>33</sup> In these ways and many more, the impact of having dedicated juvenile court practitioners and professional standards that guide their work has extended beyond the courtroom to shape statewide policies and practices for improving outcomes among our most vulnerable youth and families.

## STRATEGY THREE

# Tie conditions of supervision directly to youth's delinquent offenses and eliminate the practice of filing technical violations of probation and parole

### WHY?

Each year, more than 400,000 youth are placed on community supervision and required to comply with standard conditions that typically include regularly attending school, abiding by a curfew, not using alcohol or drugs, attending supervision appointments, and participating in services. While well intentioned, juvenile courts and probation and parole agencies' current approach to the imposition and enforcement of these conditions detracts from, rather than enhances, public safety.

Standard conditions of supervision typically neither address the root causes of youth's delinquent behavior nor ameliorate the harm caused to victims and communities. Research shows that juvenile justice systems can most effectively reduce recidivism by addressing the criminogenic needs that drive youth's delinquent behaviors, predominantly antisocial attitudes, behaviors, and peers.<sup>34</sup> When courts and supervision agencies invest significant time and resources into monitoring and enforcing youth's compliance with general supervision conditions rather than on identifying their specific criminogenic needs—which may be unrelated to these conditions—it undermines the ability of these institutions to match youth with the most effective level and type of supervision and services. At the same time, few jurisdictions regularly impose conditions that are directly related to youth's offenses, such as requiring youth to participate in skill-building programs or restorative justice practices that address the causes and effects of their delinquent behavior.

The establishment and enforcement of standard supervision conditions also sets many youth up for failure. Most jurisdictions impose a laundry list of supervision conditions that a typical adolescent might have difficulty complying with consistently for 6 to 12 months, an average probation term. Thus, it's even more unrealistic to expect youth on community supervision to meet these conditions when they often became involved with the juvenile justice system in the first place because they lack strong familial support; attend schools where chronic absenteeism is a common problem; and live in communities where prosocial activities and access to services and structural supports, such as transportation to probation appointments, may be severely limited.<sup>35</sup>

When youth fail to fully comply with the conditions of their supervision, they often receive technical violations. In fact, in 2014, the largest single offense category of adjudicated juvenile cases—approximately 56,000—was for obstruction of justice, which primarily includes violations of court orders, such as conditions of probation or parole.<sup>36</sup> These technical violations needlessly clutter court dockets, preventing judges and attorneys from focusing on youth who commit serious and violent offenses. Additionally, judges feel obliged to hold youth accountable for not complying with court mandates, which frequently results in youth—particularly those who are low risk—receiving more intensive, costly, and potentially harmful forms of system supervision. For example, in 2015, youth who were detained for committing a technical violation as their most serious offense comprised almost 25 percent of all detentions nationwide. Similarly, almost 15

percent of all commitments to state custody were for youth who received technical violations.<sup>37</sup> However, there is little to no research indicating that detaining youth who commit technical violations is an effective sanction or deterrent. In fact, research shows that incarcerating youth, particularly those who don't have a high risk of reoffending, has a negative impact on their chances of future offending and educational achievement.<sup>38</sup>

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## HOW?

### **Impose only those conditions of supervision that directly address the causes and impact of youth's delinquent offenses**

Courts and probation and parole agencies should eliminate the imposition of all standard conditions of supervision that are not expressly designed to reduce recidivism. Instead, youth should be required only to participate in supervision and services that directly address their criminogenic needs so that they, as well as courts, supervision officers, and service providers, can focus their attention and resources on activities most likely to improve outcomes for youth. At the same time, youth should be mandated to participate in restorative justice practices that directly address the specific harm they have caused to victims and communities.

### **Address noncompliance through graduated responses rather than technical violations**

If minimal or no supervision conditions are imposed, the practice of issuing technical violations becomes moot, and youth are only at risk of receiving more restrictive forms of system supervision if they commit a new offense. If conditions are still enforced and youth fail to comply, agencies should view such failures as a normal part of adolescent development and can seek to address youth's noncompliance through a continuum of appropriate, graduated responses, such as working with families to limit youth's privileges, increasing supervision contact, and requiring additional restorative justice activities. Graduated response systems can ensure that such sanctions are swift, certain, consistently applied, and proportionate to youth's risk of reoffending and the frequency and severity of their misbehavior. Such responses are more likely to effectively hold youth accountable and reduce recidivism than further court oversight and sanctions.<sup>39</sup>

### **Hold system agencies accountable for youth's noncompliance**

When youth are consistently noncompliant with any limited conditions of supervision that are imposed, courts and juvenile justice agencies should reexamine whether those conditions, as well as supervision and services, are appropriate to begin with. Most juvenile justice systems now employ validated risk and needs assessment tools to identify youth's risk of reoffending and criminogenic needs, but few use these tools properly and consistently to ensure that youth are matched with the right level and type of supervision and services to address the underlying causes of their behavior. Research and state experience show that youth who receive either a higher or lower level of supervision than warranted based on their assessed risk of reoffending are more likely to recidivate.<sup>40</sup> Thus, agencies should view youth's noncompliance as a signal that they need to revisit their assessment of youth's risk and needs, develop revised case plans, and adjust the level and type of supervision and services accordingly. Policymakers should also require systems to collect, analyze, and report data on appropriate supervision and service matching to improve the likelihood that future court and agency decisions will improve public safety and youth outcomes from the outset.

# “Accountability and Incentives Management is taking root and contributing to systemic change in how our staff think about technical violations.

—Sam Abed, Maryland Department of Juvenile Services

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## WHERE TO START?

Courts and probation and parole agencies may hesitate to eliminate or significantly curtail supervision conditions given their centrality to current operations. States and counties can take initial steps to reorient their approaches to holding youth accountable, and ensure that resources are used more efficiently to improve public safety, by adopting the following policies and practices:

- **Establish conditions of supervision that are developmentally appropriate.** Courts and probation and parole agencies that remain committed to imposing a general set of supervision conditions should at least strive to ensure that youth under system supervision can realistically comply. As such, conditions should be limited in number and scope; written so that youth and their families can readily understand them; flexible enough to allow for mistakes and uneven progress; measurable; and, ideally, developed collaboratively with youth and families.<sup>41</sup>
- **File technical violations only when all other options have been pursued.** Jurisdictions that are reluctant to eliminate the practice of filing technical violations should establish specific criteria for when supervision agencies are permitted to file a technical violation with the court and risk pushing youth deeper into the juvenile justice system. These criteria should include the exhaustion of all graduated sanctions in the community, including enhanced supervision, service, and family engagement strategies, and instances when youth are at risk of harming themselves or others. Jurisdictions like Multnomah County, Oregon, and Allegheny County, Pennsylvania, have established such systems that rely on the use of incentives to promote positive behaviors and a continuum of sanctions that are proportionate to youth’s risk of reoffending and the frequency and severity of their noncompliance.<sup>42</sup>
- **Ban the detention and incarceration of youth for technical violations of probation and parole.** Given that the broadly based use of detention and incarceration lacks research support as an effective punishment or deterrent, and has potentially negative impacts on youth’s chances of future offending, states and counties should enact policies that ban the use of facility stays in response to technical violations—both before and after disposition—unless youth are at imminent risk of harming themselves or others. Instead, jurisdictions should reserve the use of such costly interventions for youth who have a high risk of reoffending or committing violent offenses and require residential treatment. As an alternative, systems can employ intensive supervision and service strategies, such as electronic monitoring, reporting centers, short-term respite care, and wraparound family services (all potentially funded through savings from the reduced use of detention and incarceration), to address youth’s noncompliance and criminogenic needs.



# Maryland Department of Juvenile Services

—Sam Abed, Secretary

In 2016, the Maryland Department of Juvenile Services (DJS) implemented a graduated response system called Accountability and Incentives Management (AIM). The goal of AIM is to encourage staff to hold youth accountable for their actions without unnecessarily pushing them deeper into the justice system. To accomplish this goal, AIM incorporates incentives that promote positive youth behaviors along with prompt, relevant responses to youth's infractions of court-ordered supervision conditions.

The development of AIM grew out of a study we conducted to understand why we had been unable to reduce the number of youth who were committed to residential facilities despite a 40-percent decline in referrals to our department. The study showed that out-of-home confinement was not being reserved for Maryland's highest-risk youth; instead, youth were more than twice as likely to be committed to a facility for a technical violation than for a violent felony. Additionally, the odds youth were committed varied considerably from county to county, which not only was an inefficient use of resources but also created racial, gender, and geographic disparities in the use of out-of-home placement.

In response to these inconsistencies, we developed AIM by following the example of other jurisdictions that have established graduated response models and by engaging policymakers, managers, and front-line staff from DJS and external partners to inform its development. Implementing AIM involves:

1. Using an infraction determination guide to reserve the most extreme sanctions only for youth whose behaviors have a significant impact on public safety;
2. Categorizing noncompliant behaviors as minor, moderate, or serious infractions by weighing their relation to the underlying offense, victim impact, and community safety;
3. Providing case managers with a range of developmentally appropriate options to manage youth behavior through a sanctions grid that accounts for the seriousness of the infraction and the youth's supervision/risk level;
4. Applying a consistent and fair approach while offering flexibility to handle special cases; and
5. Pairing sanctions with incentives for behaviors that demonstrate progress on compliance and treatment goals, prosocial involvement, and the development of skills that address the underlying causes of youth's delinquent behaviors.

The rollout of AIM required a significant commitment to training our staff and automating the graduated response system to integrate with our case management system, thereby supporting consistent documentation and tracking. The resulting data trends gleaned from the case management system help DJS leadership determine ongoing training needs, monitor whether sanctions are applied consistently across the state, and better understand the elements of successful community supervision.

Thus far, AIM is taking root and contributing to systemic change in how our staff think about technical violations and their role in supporting youth to achieve success as opposed to only sanctioning them for their misbehavior. We continue to experience declines in the number of youth entering the system, reductions in juvenile detention admissions, and, more recently, declines in the number of youth who are committed to facilities—thanks in part to AIM.

## STRATEGY FOUR

# Redefine the primary function of community supervision as promoting positive youth behavior change

### WHY?

Given that juvenile justice approaches emphasizing surveillance, compliance, and external control are not effective at reducing reoffending, traditional forms of community supervision have minimal impact on enhancing public safety.<sup>43</sup> Indeed, one meta-analysis of community supervision studies found that probation supervision did not impact recidivism any more than sanctions like community service or fines.<sup>44</sup> Community supervision should instead be geared toward not only holding youth accountable for their actions but also promoting positive behavior change by identifying and addressing the criminogenic needs (e.g., antisocial or procriminal attitudes, substance use, and negative peers) that underlie their delinquent offenses.<sup>45</sup>

Unfortunately, in most states and counties, community supervision officers are tasked with a litany of surveillance activities that do not focus on criminogenic needs, such as conducting curfew checks, enforcing drug screens, reviewing electronic monitoring compliance, and checking in with families, educators, employers, and providers to confirm youth's attendance and participation in prescribed programs and services. Moreover, officers are often not trained or well versed in the language of effective interventions such as cognitive behavioral therapy and family-strengthening approaches,<sup>46</sup> and even when taking on a more therapeutic role, may provide or refer youth to services that are not well matched to their needs or have any demonstrable impact on enhancing public safety. And when they do connect youth to effective services like cognitive behavioral therapy, officers usually aren't equipped to reinforce youth's learning and application of the skills being taught.

To promote positive youth behavior change, officers must also have manageable caseloads, which are critical to enable officers to focus most intensely on youth with the highest risk of reoffending, understand their individual circumstances and needs, and connect them to interventions that will best resonate with their abilities and interests. While there is a paucity of national data on average caseloads and workloads of community supervision officers, assessments of state and county agency operations suggest that these staff are often stretched to fulfill their various responsibilities. As a result, interactions among officers, youth, and families are often sporadic, brief, and mechanical in nature.

More generally, research suggests that community supervision officers who maintain productive relationships with youth while providing them with structured direction can positively impact the success of justice system interventions, and that positive youth perceptions of relationships with officers are correlated with reduced recidivism.<sup>47</sup> Yet, in many jurisdictions, the heavy emphasis on compliance and surveillance rather than engagement sets the stage for relationships between officers and youth that are more confrontational than supportive in nature. Common supervision practices may accentuate this power differential—whether perceived or actual—between the parties. For example, probation and parole officers may require youth to meet them at their offices and at times that work better for them than the youth; develop case plans unilaterally; and remain chained to their desks to sort through a host of reporting and administrative duties, which limits their time to build rapport with the youth they supervise.

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**HOW?****Ground community supervision practices in the principles of effective intervention**

To achieve better youth outcomes, agencies should move toward a supervision model that enables officers to serve as agents of youth behavior change. Foundational to this change is supporting a balance between officers' dual roles of overseeing youth's fulfillment of legal requirements, if necessary, while simultaneously working in partnership with youth. At its core, this approach first requires community supervision staff to routinize their use of validated risk and needs assessment tools and use the results to shape case planning, supervision, and service delivery. As part of this process, agencies should require officers to base the intensity of interventions and frequency of contacts on youth's assessed risk level; focus on addressing criminogenic needs through regular discussions with youth about their progress; connect youth to effective programs and services, such as cognitive behavioral therapy; and help youth reinforce the skills they are learning through coaching, modeling, and positive reinforcement. Essential to this approach is ongoing training, supervision, and quality assurance to ensure that staff are adhering to best practices. Notable models that reflect these components include Effective Practices in Community Supervision<sup>48</sup> and Functional Family Probation,<sup>49</sup> which teach probation and parole officers how to apply principles of effective intervention to supervision as well as youth and family engagement.

**Equip community supervision staff with knowledge and skills to communicate effectively and build positive relationships with youth and families**

Community supervision staff should have the skills to foster strengths-based connections with the youth and families they serve. Not all staff are naturally gifted in this arena, and thus, systems should offer ongoing training on how best to interact with youth. Motivational interviewing is one evidence-based approach that can enhance staff's communication skills and elicit youth behavior change by motivating their internal desire for self-improvement.<sup>50</sup> Additionally, staff should have the time and the space to build positive relationships with youth and families. This requires agency leadership to ensure that staff maintain reasonable caseloads and that they are not distracted by activities, such as extensive reporting duties, that do not meaningfully impact their relationship with youth or promote what research shows works to reduce reoffending. Finally, as suggested by developmental science, the adoption of a consistent system of incentives and rewards can serve as a powerful tool for building rapport and promoting positive youth behaviors.<sup>51</sup>

**Institute policies and practices that promote youth engagement**

In order to build effective relationships with youth, community supervision staff must be cognizant of how youth may perceive and react to supervision policies and practices. Staff should develop case plans jointly with youth and families, using well facilitated, strengths-based approaches that result in easily understood goals, objectives, and next steps. Agencies should arrange for these meetings to take place in areas that are conducive to engagement. To this end, several jurisdictions have encouraged supervision staff to meet with youth in their homes and communities, while simultaneously redesigning staff offices to reflect bright, youth-friendly environments.<sup>52</sup> Similarly, agencies should institute practices that will increase youth and family participation in supervision and services, such as flexible scheduling and the provision of transportation to appointments with community supervision officers.

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**WHERE TO START?**

To effectively reposition supervision officers to serve as agents of positive youth behavior change, agencies will need not just to revamp their policies and practices but to transform their organizational culture, staff hiring and promotional practices, the language that they use, and day-to-day operations. Given that such comprehensive change will take time and likely face staff resistance, system leaders can begin with the following steps:

- **Ensure that the community supervision agency’s mission, vision, and values position staff as agents of behavior change.** An agency’s stated mission, vision, and values set the foundation for its organizational culture and everyday practice. Without a clearly articulated commitment to completely reorienting the roles of probation and parole officers, agencies will never be positioned to transition from a community supervision model that prioritizes surveillance and compliance to one focused on promoting positive youth behavior change. Once leadership clarifies the agency’s goals and purpose, all other strategies can take shape, including those related to staffing, training, policy development, quality assurance, and outcome measurement.
- **Evaluate whether staff have time to focus on youth engagement and the principles of effective intervention.** A community supervision approach that features officers coaching and playing a proactive role in addressing youth’s criminogenic needs requires adequate staffing and time. As a starting point, agencies should have a solid understanding of how officers currently spend their time. Conducting an analysis of caseloads (i.e., the number of youth assigned to an officer or team) and workload (i.e., the amount of time required by the officer or team to conduct tasks and functions) can help agencies identify opportunities for eliminating or redirecting activities so officers can focus on what works to improve outcomes for youth.
- **Solicit input from youth and families regarding their community supervision experiences.** Understanding how youth and their families experience existing practices and approaches is an important first step to changing the way community supervision agencies function. System leaders can solicit input from youth and families using various mechanisms, such as surveys, focus groups, and informal conversations. Ultimately, supervision agencies should seek information that identifies how community supervision officers can build more positive relationships with youth and families, engage them in case planning and interventions, and better support them to succeed.

**“Supervision agencies that have seen positive outcomes recognize that transforming the role of officers requires realigning their mission, vision, and day-to-day practices to support their staff as agents of change.”**

—Ed Latessa and Myrinda Schweitzer Smith,  
University of Cincinnati Corrections Institute

# University of Cincinnati Corrections Institute

—Ed Latessa, Director, and Myrinda Schweitzer Smith, Deputy Director

In 2006, faculty members in the School of Criminal Justice at the University of Cincinnati (UC) reviewed the available research on effective community supervision for youth and observed that, although the evidence was clear, few juvenile probation and parole agencies regularly followed research-based practices. In response to this gap between knowledge and practice, we developed the Effective Practices in Community Supervision (EPICS) model to transform the role of community supervision officers in routine supervision meetings with youth by providing officers with a framework for adhering to the principles of effective intervention. Specifically, EPICS requires officers to include four components in every session:

1. **Check-In**, in which the officer determines if the youth has any crises or acute needs, builds rapport, and discusses compliance issues;
2. **Review**, which focuses on the skills discussed in the prior session, the application of those skills, and troubleshooting continued problems in the use of those skills;
3. **Intervention**, where the officer identifies continued areas of need, observes trends in problems the youth experiences, teaches relevant skills using modeling and role-play techniques, and targets problematic thinking; and
4. **Homework**, where the youth receives assignments to practice new thinking or skills along with instructions to follow before the next session.

Since 2006, we have been working to help agencies adopt EPICS and have been overwhelmed by the desire in the field for a more effective, personal approach—through the UC Corrections Institute, we have trained more than 3,000 staff across county, state, for-profit, and nonprofit agencies.

It has not been easy for supervision agencies to shift their practices in this way—we have learned

that a systemic approach to change is critical to success. First, successful EPICS-trained agencies recognize that the process for transforming probation and parole officers from referees to coaches is similar to the one needed to help youth change their behavior. Agency mandates and enforcement are not enough; officers must receive ongoing training on new skills and have regular opportunities to practice and receive feedback. Probation and parole officers must also have the time and caseload size required to get to know each of the youth they supervise and be well versed on the techniques needed to support and facilitate change for these youth.

Second, supervision agencies that have seen positive outcomes with EPICS recognize that transforming the role of officers requires realigning their mission, vision, and day-to-day practices to support their staff as agents of change. These agencies have a strong commitment from leadership and have invested in cultivating internal trainers and coaches to support the model over time. These agencies have also established new staff hiring criteria that focus on personal characteristics—such as a commitment to human service and a belief that youth can change—along with knowledge and experience related to core correctional practices; updated policies and procedures to remove any requirements that do not support the new model of supervision; and aligned caseloads and resources to support officers' ability to spend more time with higher-risk youth, supervisors' ability to coach officers, and trainers' ability to train and coach new staff. And finally, agencies that have successfully implemented EPICS make a fundamental shift from caring primarily about and tracking and reporting "counting" activities (i.e., how many contacts, drug tests, curfew checks, etc.) to examining and holding themselves accountable for their performance, including the extent to which they address youth's needs, successful supervision completion rates, and, ultimately, reduced recidivism.

## Focus case planning and service delivery on strengthening youth's connections to positive adults, peers, and community supports

### WHY?

Juvenile justice agencies typically seek to address youth's needs by referring them to programs and services such as anger management classes, substance use education, and case management. National data on service outcomes is limited. However, research and anecdotal experience show that this traditional service approach—which focuses only on trying to improve youth's behavior without also partnering with youth, families, and communities to strengthen youth's support systems—is not an efficient way to invest limited resources to improve public safety or youth outcomes.<sup>53</sup>

Traditional juvenile justice service approaches face numerous challenges that undermine their effectiveness. In many jurisdictions, service availability and access is limited, particularly in rural communities. Public agencies may not have sufficient resources to procure services and, even if they do, many locales lack community-based providers that are willing to work with youth in the juvenile justice system and have the capacity to implement structured program models.<sup>54</sup> The administration of programs with a rigorous evidence base is also frequently plagued by implementation challenges—such as staff turnover and insufficient training and quality assurance—that reduce their likelihood of impacting recidivism.<sup>55</sup> As a result, even when the right youth are matched to the right services for the necessary length of time, these services may not be delivered in the right way.<sup>56</sup>

Most importantly, any gains that are made through traditional service approaches are typically not sustainable because families are often treated as part of the problem, not as part of the solution. Research shows clearly that youth are less likely to reoffend when they maintain positive relationships with caring adults and positive peers.<sup>57</sup> Programs that promote positive youth-family relations, including those in the substance use,<sup>58</sup> counseling,<sup>59</sup> and reentry<sup>60</sup> arenas, have all been shown as among the most effective at reducing reoffending. Yet, many agencies do not fully implement family-centered, community-based service approaches in part because staff often view families in a negative light, blaming them for youth's delinquency and discounting their strengths and abilities.<sup>61</sup>

These challenges are exacerbated for youth who are placed in residential programs. Agency policy and practice often discourage family engagement, including by maintaining rigid visitation hours, restricting family contact as a disciplinary measure, and placing youth far away from their homes without facilitating family transportation for visits. These efforts fly in the face of research indicating that increased family contact is correlated with reduced behavioral incidents and improved academic performance.<sup>62</sup> Thus, youth may be able to make short-term improvements by participating in programs and services, but without ongoing support from their caregivers and peers to maintain and strengthen any new skills, attitudes, and behaviors they have developed, such gains are fleeting and unlikely to have a long-term impact on public safety.

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## HOW?

### **Formally assess youth's support systems upon case inception**

States and counties have made progress on incorporating risk and needs assessment tools as the foundation of supervision and service decisions. To complement this process, agencies need to consult with youth to conduct a thorough assessment of the caring adults and positive peers in their lives. The goal of this assessment is for agencies to identify who can partner with juvenile justice staff and service providers to inform the development of case plans; support youth to participate in services and develop new skills and behaviors; reinforce what youth have learned in daily interactions at home and in their communities; and help them overcome inevitable setbacks both during and after their time in the juvenile justice system. Several tools exist to guide this process, including genograms, Family Finding technology, and the Vera Institute of Justice's Juvenile Relational Inquiry Tool.<sup>63</sup>

### **Adopt a comprehensive family-focused approach to case planning and service delivery**

Staff should meaningfully involve the caring adults in youth's lives from case inception so that they understand, buy into, and are prepared for their role in supporting youth to engage in and fully benefit from system interventions. Families should regularly participate in court hearings, supervision appointments, and case planning and progress review meetings, ideally through structured processes such as family team conferencing.<sup>64</sup> Additionally, when youth are placed in facilities, a family-focused approach involves offering flexible visitation hours, providing transportation to families who cannot otherwise visit, using videoconferencing where needed, and never restricting family contact as a punishment for unruly behavior. The Texas Juvenile Justice Department, for instance, employs trained staff to serve as facility-based family liaisons and publishes various materials (such as a parents' "Bill of Rights," family orientation handbook, and regular family newsletters) to send a message to families that they are valued system partners.<sup>65</sup> Agency staff should also help youth develop a sustainability plan for maintaining the positive, long-term connections to families, communities, and prosocial supports required for success upon the termination of system supervision.<sup>66</sup> One tool to support this effort is the "permanency pact"—a pledge by a caring adult to provide support and commit to a lasting relationship with a youth.<sup>67</sup>

### **Provide services directly to youth and their families together**

Jurisdictions can invest in home-based, family-centered programs such as Multisystemic Therapy and Functional Family Therapy or more generic practices such as parenting skills programs and family therapy, which have been shown to reduce recidivism rates<sup>68</sup> and produce cost savings when used as alternatives to residential placement for youth who are high risk.<sup>69</sup> While such interventions still need to be implemented with fidelity to achieve full effect, delivering services directly to youth's families can help service providers overcome some of the engagement and implementation barriers that tend to undermine traditional service effectiveness. Additionally, when youth do require individualized counseling or cognitive behavioral therapy, agencies should involve families in select sessions so that they are familiar with the behaviors and skills youth are learning and can reinforce them.

“Agency staff have embraced the opportunity, and often make extra efforts, to include families in their work.”

—Andy Block and Valerie Boykin,  
Virginia Department of Juvenile Justice

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**WHERE TO  
START?**

Juvenile justice agencies may initially lack the capacity and staff expertise to reorient their service approaches to focus on strengthening youth’s support systems. Initial steps that agencies can take to begin this transformation include:

- **Define “family” broadly.** Given youth’s varying backgrounds and family structures, staff must strive to identify the full breadth of people who could potentially support system services and youth’s efforts to transition to a crime-free, productive adulthood. This requires a conceptualization of “family” as a set of supporters who may not necessarily be related by blood or through marriage, such as significant others, mentors, teachers, clergy members, coaches, “fictive kin,” and positive peers. As a starting point, agencies should ensure that their policies define “family” in this broad way and that processes are in place to support the identification of this wide range of people.
- **Establish formal mechanisms for soliciting family feedback on improving system interventions.** Agencies often struggle with successfully involving families because family engagement is conducted on agency staff terms rather than based on what is most convenient and supportive for families. Jurisdictions can best determine how to involve families in case planning and service delivery through concrete feedback mechanisms, such as hiring family advocates whose children have been in the juvenile justice system; establishing a family advisory group; and conducting family surveys and focus groups.
- **Conduct an inventory of community-based programs and resources that can foster positive relationships among youth, their peers, and caring adults.** Juvenile justice agencies need to identify and leverage existing prosocial supports and resources available to youth and their families in their local communities, such as churches, civic organizations, sports clubs, and even individual community leaders and mentors. Compiling a service map in the primary locales in which youth under system supervision reside can help juvenile justice systems identify these supports and resources. To create this map,<sup>70</sup> agencies can review system databases, case records, and service contracts, as well as survey staff, other youth and family service agencies, service providers, and families and local community members themselves.



# Virginia Department of Juvenile Justice

—Andy Block, Director, and Valerie Boykin, Deputy Director of Community Programs

The Virginia Department of Juvenile Justice (DJJ) has historically struggled with high recidivism rates among youth participating in community-based supervision and exiting residential facilities. Facing these challenges, starting in 2014, DJJ embarked on the development and implementation of a system improvement plan to safely reduce the use of our secure correctional centers; reform our residential and reentry practices; replace our large facilities with a continuum of community-based services and smaller, more therapeutic facilities where youth can be placed closer to home; and sustain the skills, practices, and staff needed to maintain all of these efforts.

Connecting youth in the system with their families and other natural supports has been a central aspect of our systemwide improvement efforts, particularly those geared toward strengthening the effectiveness of our community-based and reentry services. We started by reviewing our practices and identifying those that restricted family visitation to facilities, participation in treatment, and involvement in decision making. As a result of this analysis, we expanded our definition of “family” to include positive role models, significant others, and their children; changed our facility visitation policies to account for this broadened definition; and reframed our view of family visitation as a right rather than a privilege.

DJJ has also taken concrete steps to expand family engagement with youth who are confined by providing free transportation and video visitation for families across Virginia. Large “family day” and holiday events at Bon Air Juvenile Correctional Center give families another opportunity to connect with youth who are in confinement. At one recent event, more than 300 family members participated—with more than 60 percent of approximately 200 youth at Bon Air receiving a visit. Families also now have the option of visiting their child in his or her residential unit, where they can see where their child lives and meet the staff who work with their child.

We have also increased our efforts to offer family-centered services and engage families in case planning processes. Probation staff assess family dynamics, needs, and strengths during

social history investigations and risk and needs assessment processes. Case planning procedures now dictate multiple decision points that require family presence and input, while motivational interviewing and EPICS are used to engage youth and families in dialogue and decision making. And with savings from a recent facility closure, we have invested in the expansion of family-focused services such as Multisystemic Therapy and Functional Family Therapy programs throughout the Commonwealth.

Another focus of ours is to improve family participation in the education of youth who are in confinement. Families will soon have access to their child’s educational records through an online portal. Likewise, we are making every effort to facilitate family participation in their child’s Individualized Education Program and other academic meetings, despite the geographic and logistical hurdles that often impede such participation.

Finally, this new, family-focused approach is being formalized through our organizational structure. We created a family engagement coordinator position and a Family Engagement Work Group at Bon Air Juvenile Correctional Center, which includes residential and community-based staff, representatives from the facility Student Government Association, and parents, to help develop protocols for family engagement. Efforts are also underway to implement a more comprehensive strategy for front-end engagement with families who are first experiencing contact with DJJ staff stationed in courthouses across the state.

Not all of DJJ’s system improvement activities are fully rooted, though 2018 will be the first year that we can truly begin to take stock of the impact of these changes. While it is too early to draw definitive statistical conclusions from the strategies still being implemented, it’s clear that agency staff have embraced the opportunity, and often make extra efforts, to include families in their work. It is also apparent that families feel more welcome and included in the juvenile justice process, given their more frequent facility visits and use of the free transportation.

## STRATEGY SIX

# Use data and predictive analytics to guide system decisions and hold supervision agencies, courts, and service providers accountable for improved youth outcomes

### WHY?

Perhaps no public safety strategy offers a greater return on investment than building state and local capacity to evaluate juvenile justice systems' performance and to use data to guide system decisions and hold agencies, judges, court staff, and service providers accountable for results. However, despite spending millions of dollars on their juvenile justice systems every year, few states—and even fewer counties—are collecting and using the data they need to operate efficiently and evaluate their effectiveness.

First, many jurisdictions struggle to answer even the most basic questions about recidivism for youth who are in contact with the system. A 2014 survey of state juvenile correctional agencies showed that one in five didn't track recidivism at all, and of those that did, 40 percent tracked neither recidivism into the adult system nor technical violations. Additionally, only 15 states publicly report recidivism data for youth on community supervision and only half for youth in state custody. Just as importantly, agencies often don't conduct the kind of analysis needed to pinpoint specific system strengths and weaknesses so that limited resources can be deployed in more targeted, efficient ways. For example, almost 40 percent of the states that tracked recidivism failed to do so based on youth's assessed risk levels, which is essential for understanding how the system is performing with respect to youth who are high risk.<sup>71</sup>

Second, most jurisdictions are not routinely using data to guide and evaluate whether youth are being matched to the appropriate level, type, and length of supervision and services, which is critical to an effective recidivism-reduction strategy.<sup>72</sup> While states and counties have made substantial progress with respect to incorporating data-driven risk and needs screening and assessment tools into court and case management processes, most locales are still not using these predictive tools to make basic decisions. For instance, brief risk screening tools have proved to predict the likelihood of youth's reoffending more accurately than professional judgment alone,<sup>73</sup> but few states and counties require that these tools are used jurisdiction-wide to make diversion decisions; instead, such decisions are often based solely on the nature of youth's offenses and the discretion of individual police officers, prosecutors, and probation staff. Likewise, while some locales now use risk and needs assessments to guide the level of supervision youth receive, few jurisdictions use these tools, or any data, to determine the length of time youth spend on community supervision, in facilities, or receiving services. As a result, jurisdictions have no assurance that the decisions supervision officers, judges, attorneys, and service providers make on a daily basis are informed by methods that promote public safety and positive outcomes for youth; further, policymakers and the public lack objective benchmarks to hold system staff accountable for their decision making.

Third, policymakers and agency heads generally don't know what they are getting for the money they spend on community-based and residential services. Most jurisdictions lack system-wide policies and tools to ensure that services are focused on youth who have a high risk of reoffending and that youth receive services matched to the specific needs underlying their delinquent behavior. At the same time, most states and counties do not

employ performance-based service contracts that specify recidivism or other outcome performance targets, nor do they regularly collect participation, successful completion, and other service outcome data that enable them to assess whether the right youth are receiving the right services and whether these services are effective. Indeed, according to survey results, only 11 states analyze recidivism rates by specific program or service provider.<sup>74</sup>

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## HOW?

### **Invest in data collection and research**

States and counties should have data on recidivism rates, supervision and service decisions, and service outcomes across the juvenile justice continuum. Jurisdictions must also have an appropriate warehouse to store this data, as well as qualified researchers who can analyze trends in system performance to inform future decisions. The collection of juvenile justice data is often complicated by confidentiality laws, lack of a unified system across local lines and branches of government, and limited technology infrastructure. To overcome these barriers, policymakers must support building jurisdiction-wide data collection, warehousing, and analytic capacity. Such expenditures are often viewed as a luxury. However, diverting a fraction of the resources used for contracted services, for example, and employing these funds instead for research to determine which services are actually effective is a prudent public safety investment if followed by aligning system spending accordingly. Even smaller or more rural jurisdictions may partner with researchers at local community colleges or universities for assistance with data collection and research activities.

### **Use data mining and predictive analytics to guide and improve system decisions**

Which youth are least likely to reoffend if they are diverted from court involvement? How much time should youth of different risk levels stay on community supervision or in facilities to achieve the best outcomes? What type, length, and intensity of services are most likely to reduce future offending for youth with specific risk and needs profiles? Jurisdictions that establish a strong data infrastructure and commit to the regular use of risk and needs screening and assessment tools will have the historical data needed to answer these and other key questions specifically for their jurisdiction, and can mine the results to customize more precise risk, needs, and other predictive tools for their juvenile justice population. Given youth's dynamic development and the danger of permanent labeling, jurisdictions must commit to reassessing youth every six months. Additionally, states and counties should continuously evaluate and refine the use of predictive tools to ensure that decisions are being made consistently across racial, ethnic, gender, and geographic lines, as well as revalidate the tools approximately every five years to account for system population changes.

### **Hold juvenile justice agencies, courts, attorneys, and service providers accountable for their impact on public safety**

System leaders should track the extent to which agency staff, judges, and attorneys adhere to the results of predictive analytic tools and the recidivism rates of the youth on specific staff caseloads compared to the average rates of all youth with similar assessed risk levels. Jurisdictions should also track and compare the recidivism outcomes associated with specific programs and providers. The establishment of such norms and identification of both positive and negative deviations will enable states and counties to objectively evaluate staff and contractor performance. Additionally, system leaders should share the results of these analyses with judges, attorneys, and service providers through one-on-one meetings or public reports to facilitate data-driven conversations on the public safety impact of their determinations and to identify potential opportunities for improved decision making. Such conversations can help increase transparency

regarding the outcomes for youth under system supervision and inform court decisions so that they rely more heavily on aggregate data rather than on the violent outlier cases that often have a disproportionate influence. Additionally, for service providers, increased transparency about their performance will create a climate of competition such that decisions on how to invest limited resources are based on actual performance and youth outcome data rather than on individual preference, anecdotes, or politics.

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## **WHERE TO START?**

**States and counties with limited existing data and research capacity** can take initial steps toward using data and predictive analytics through the following practices:

- **Establish baseline recidivism rates and performance improvement targets.** As a starting point, jurisdictions need to know how well their juvenile justice systems are currently protecting public safety. States and counties should establish separate baseline recidivism rates for youth assessed as having a low, moderate, and high risk of reoffending along with realistic annual recidivism-reduction targets. Agencies should report performance against these targets at least annually to leadership across all branches of government.
- **Track recidivism rates comprehensively and analyze recidivism by specific variables.** States and counties should seek to measure recidivism in a variety of ways (e.g., by arrest, petition, adjudication, and incarceration); start this tracking from the moment youth are placed under system supervision through at least one or two years after system involvement; and analyze recidivism rates by variables that enable improved future decision making and resource allocation. Among other variables, jurisdictions should examine recidivism rates by specific populations of youth, geography, risk level and needs, facilities, youth's involvement in other service systems, and participation in services and programs.
- **Develop and refine structured decision-making tools.** While some states and counties may struggle to employ sophisticated data-mining techniques, most jurisdictions that have regularly used risk and needs screening and assessment tools are positioned to develop more robust, locally validated structured decision-making tools for matching youth in their communities with the right level and type of supervision and services. For example, Florida system leaders developed and validated a dispositional matrix, based on historical risk and recidivism data, which provides more precise guidance to probation staff on what level of supervision to recommend at youth's court hearings that is most likely to minimize reoffending. Florida agency staff also regularly evaluate adherence to this matrix, including through one-on-one discussions with probation officers and judges, to continually strengthen its use and predictive ability.<sup>75</sup> Jurisdictions can develop similar tools to improve the effectiveness of diversion, detention, placement, reentry, and service decisions by more intentionally tracking, storing, and analyzing the results of their screenings and assessments and conducting research studies to identify opportunities for improvement.
- **Establish continuous quality improvement and accountability processes.** Some policymakers and system leaders may feel uncomfortable with holding individual agency staff, judges, attorneys, and service providers accountable for improved youth outcomes given the array of factors that determine a youth's success. At minimum, though, state and county leaders can commit to meeting privately with these officials on a regular basis to share any data that does exist on how their decisions impact public safety, and discuss opportunities to collaboratively ensure that data is guiding their decisions. Likewise, state and local agencies should establish performance-based service contracts; share data with providers on the outcomes of the youth whom they serve; and institute at least annual performance improvement and corrective action processes.

# Oregon Youth Authority

—Joe O’Leary, Director

In 2013, we launched the Youth Reformation System (YRS) in collaboration with the Oregon Juvenile Department Directors’ Association and other community partners. The YRS is a set of structured decision-making tools that enable the Oregon Youth Authority (OYA) to use data and research to predict the results of supervision and service options, and thus support staff to make better decisions about how best to improve outcomes for youth, reduce future victimization, and maximize resources. The YRS is possible only because state policymakers invested in the Juvenile Justice Information System (JJIS)—a statewide electronic information system created in the mid-1990s that captures comprehensive case information from Oregon’s state and county juvenile justice agencies.

Each of the YRS predictive tools was created from analysis of more than two decades of case information in JJIS. To date, we have implemented four tools and are preparing a fifth:

1. *The OYA Recidivism Risk Assessment* (ORRA) predicts the likelihood that youth will be convicted or adjudicated of a felony within three years of commitment to probation or release from state custody. ORRA informs placement, supervision level, and parole decisions.
2. *Typologies*—groups of youth based on similar criminogenic needs and protective factors—are used to inform assessment, treatment, and case planning decisions.
3. *Predicted Success Rates* estimate the likelihood that a youth will not recidivate after placement in one of the three levels of care in Oregon’s juvenile justice system—county-run probation, state-run community placements, and correctional facilities. Predicted Success

Rates help us match youth to the level and type of supervision most likely to minimize reoffending and use resources efficiently.

4. *Escalation to OYA* predicts the likelihood that youth will escalate from county supervision to state custody due to a new offense or probation violation. This tool helps counties focus resources on those youth who are most likely to recidivate.
5. *Youth Placement Scores* will be implemented in 2018 with the goal of helping us determine which specific residential program is the best fit for individual youth. Youth Placement Scores predict the likelihood of a youth not recidivating if placed in specific programs.

These predictive tools, which are designed to enhance—not replace—professional judgement, have been invaluable aids to focus staff time and resources on the strategies that are most likely to reduce reoffending and help us build an agency culture of data-driven decision making. Juvenile justice professionals are now asking new questions that drive the evolution of our tools and help sharpen and refine agency decisions and operations overall.

The YRS tools have also led to clear policy and practice changes in several local jurisdictions. Using the YRS tools, these jurisdictions are identifying youth who are most at risk of further involvement in the juvenile justice system and are more efficiently allocating limited resources to address youth’s needs. While we don’t have a large enough sample of mature data to make a definite determination on the tools’ impact on recidivism, preliminary analyses suggest that using the YRS tools does in fact lead to a reduction in reoffending.

**This paper is a call to action** to policymakers, state and county leaders, and agency administrators to move beyond discrete, incremental system improvements and fundamentally rethink the purpose and goals of juvenile justice systems. These systems must not only do no harm, but also benefit the young people who come into contact with them.

It will not be easy to restructure and reorient juvenile justice systems in the ways suggested herein. Budgets are tight, staff are overwhelmed with their day-to-day responsibilities, there is no unified vision for how systems should operate, and a lack of political will is often a barrier to progress. Yet as the last two decades have already made clear, states and counties can make change in their systems through collaboration across branches of government and service systems; dedicated partnerships with funders, advocates, and national experts; and by working together with the youth, families, and community members who have the most to gain from better, smarter, and safer juvenile justice systems.

## ACKNOWLEDGMENTS

**The Council of State Governments Justice Center and the Center for Juvenile Justice Reform** would like to acknowledge Jacob Agus-Kleinman, Katy Albis, Darby Baham, Suzie Dhere, Allen Houston, Anna Montoya, Emily Morgan, and Casey Nolan for their contributions to this project and Megan Quattlebaum for her support. Special thanks to Sara Duell for her design expertise.

The authors are grateful for the many national experts, policymakers, funders, researchers, and practitioners who agreed to be interviewed for this project and whose insights helped to shape the strategies detailed in this publication. Finally, special thanks to the jurisdictional leaders and organizations that contributed to the development of this publication's "Innovator" features, including:

- **Sam Abed**, Secretary, Maryland Department of Juvenile Services
- **Andy Block**, Director, Virginia Department of Juvenile Justice
- **Valerie Boykin**, Deputy Director of Community Programs, Virginia Department of Juvenile Justice
- **Kendra Kec**, Assistant Court Administrator, Lucas County, Ohio, Juvenile Court
- **Ed Latessa**, Director, University of Cincinnati Corrections Institute
- **Joe O'Leary**, Director, Oregon Youth Authority
- **Honorable Amy Nechtem**, Chief Justice, Massachusetts Juvenile Court
- **Myrinda Schweitzer Smith**, Deputy Director, University of Cincinnati Corrections Institute
- **Hayley Tews**, Youth Reformation System Operations Analyst, Oregon Youth Authority
- **Betsy Fox Tolentino**, Executive Director of Preadjudication Services & Reform, Maryland Department of Juvenile Services

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