Juvenile Probation in the 21st Century: Integrating Developmental Science and Juvenile Justice

James E. Anderson Pennsylvania Conference on Juvenile Justice
November 16, 2017

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Adolescent Development and Juvenile Probation
James E. Anderson Pennsylvania Conference on Juvenile Justice
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The opinions expressed are those of the authors and do not necessarily reflect the views of Stoneleigh Foundation

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Developed by Dr. Naomi E. Goldstein in collaboration with the PA Council of Chief Juvenile Probation Officers
Recognizing Graduated Response Partners

Juvenile Court Judges’ Commission
Council of Chief Juvenile Probation Officers
Pennsylvania Commission on Crime and Delinquency

Philadelphia Juvenile Probation, Family Court,
First Judicial District of Pennsylvania

Center for Children’s Law and Policy (CCLP)
for allowing us to use material from the Graduated Response Toolkit as a resource for this presentation.

The Graduated Responses Toolkit was created by CCLP, with funding from the Public Welfare Foundation, and is available at:

Recognizing the PA CCJPO’s Graduated Response Workgroup...

Participating Counties:

- Allegheny
- Berks
- Chester
- Cumberland
- Dauphin
- Franklin
- Lancaster
- Lebanon
- Lehigh
- Mercer
- Philadelphia
- McKean
- Potter
- Snyder

with input from the following counties:
Must follow multiple requirements over a significant time span

Full compliance is generally expected

Sanctions often imposed for imperfect performance

Traditional juvenile probation structure establishes many developmentally incompatible expectations of youth
Cognitive

Executive Functions

- Working Memory
- Problem Solving
- Decision Making
- Verbal Reasoning
- Processing Speed
Emotional

Limbic System
Emotional Reactivity

Dopaminergic System
Reward Sensitivity
Cold Context
Non-emotional situations

Hot Context
Emotionally charged situations
Psychosocial

Long-term Negative Consequences

Short-term Positive Outcomes
Steinberg, 2013

Nature Reviews | Neuroscience

Cognitive control system
Socioemotional, incentive-processing system

Relative strength vs. Age (years)
So What Do We Do?

Restructure probation to better align with adolescent development
Graduated Response System

Incremental responses

Reinforce positive behaviors

Consequences for misbehavior

Graduated Response System
Empirical Support

- Classroom settings
- Youth with behavioral issues
- Substance use treatment
- Residential/correctional settings
- Adult probation settings
- Juvenile probation settings
Increase desired behaviors by providing incentives

Decrease undesired behaviors by providing interventions

Provide fair and proportionate responses to behavior

Provide opportunities to achieve positive short-term and long-term goals

Integrating Graduated Response System Components

“Catch them being good.”

In graduated response systems, effort to follow requirements is positively recognized
What’s Happening at the State and National Levels?

Graduated Response is a priority

State juvenile probation forum

Counties are at different stages of development and implementation processes

NCJFCF Resolution
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Seeking to promote reforms that strive for a clearer purpose and theory of change within probation, one that:

- sharpens the focus and limits the reach of the intervention;
- defines and seeks behavioral change and personal growth in a developmentally appropriate manner;
- alleviates racial/ethnic disparities; and
- prioritizes community and family partnership.

Selected applicants that proposed strategies that challenge and fall outside the general framework and assumptions of current practice.

JJSG Began Investing in Probation Transformation Site Support Grants in 2014
Six Conclusions about Juvenile Probation

1. Conventional surveillance-oriented probation is ineffective and actually increases recidivism in lower risk youth.

2. Research on brain science and adolescent development research suggests that conventional probation is fundamentally ill-suited to working with youth.

3. Efforts to implement “what works” further the field of juvenile probation, but are not sufficient to achieve maximum results and to impact all youth.

4. Consensus is needed on the purpose and goals of probation as an intentional intervention for youth who pose significant risk of re-offending, with the goals of behavior change and personal growth.

5. The first step in transforming probation is to sharply reduce the number of youth placed on probation supervision and divert youth with low-level offenses and who pose low risk.

6. Probation should be limited to youth with serious and repeat offenses who require supervision and support, which includes a focus on family engagement, community partnerships, racial equity and youth development.
Problems should focus on the right youth and interact with them, their families and communities in a developmentally appropriate way

<table>
<thead>
<tr>
<th>Traditional Probation in the US</th>
<th>Effective Probation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Population</strong></td>
<td></td>
</tr>
<tr>
<td>Default disposition: “Gotta do something”</td>
<td>No low-risk youth on probation</td>
</tr>
<tr>
<td>Used to “get the attention” of low risk youth</td>
<td>No low-level offenses</td>
</tr>
<tr>
<td>Last chance for high risk youth</td>
<td>Small caseloads</td>
</tr>
<tr>
<td><strong>Role of JPO</strong></td>
<td></td>
</tr>
<tr>
<td>PO as monitor, focused on compliance &amp; surveillance</td>
<td>PO as coach, focused on progress &amp; growth</td>
</tr>
<tr>
<td>Long lists of conditions/rules</td>
<td>Relationship-based intervention</td>
</tr>
<tr>
<td>One-size-fits-all programs</td>
<td>Individualized case plans</td>
</tr>
<tr>
<td>Sanctions/incarceration for non-compliance</td>
<td>Probation violations ≠ probation failure</td>
</tr>
<tr>
<td></td>
<td>Incentives to motivate real change</td>
</tr>
<tr>
<td></td>
<td>No court-ordered conditions</td>
</tr>
<tr>
<td><strong>Families &amp; Community</strong></td>
<td></td>
</tr>
<tr>
<td>Minimally engaged by the system</td>
<td>Partners in changing youth behavior</td>
</tr>
<tr>
<td>Viewed as part of the problem</td>
<td>Viewed as part of the solution</td>
</tr>
<tr>
<td>Viewed as having minimal assets</td>
<td>Treated as experts</td>
</tr>
<tr>
<td></td>
<td>Partners in providing opportunities for youth</td>
</tr>
<tr>
<td><strong>Racial/Ethnic Equity</strong></td>
<td></td>
</tr>
<tr>
<td>Focused on not making the problem worse</td>
<td>Seeks to reverse systemic inequities</td>
</tr>
<tr>
<td>“Rising tide raises all boats”</td>
<td>Targeted strategies for youth of color</td>
</tr>
<tr>
<td>Race neutral</td>
<td>Race conscious</td>
</tr>
<tr>
<td>Implicit bias shapes view of adolescence</td>
<td>Young people are seen as adolescents</td>
</tr>
</tbody>
</table>
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Diversion continues to be under-utilized by juvenile justice systems

2014 Juvenile Court Statistics; OJJDP.
Lucas County, OH (Toledo) is implementing innovations that limit the reach of probation, structure dispositional decisions and leverages family and community partnerships.

- Structured Decision Making Matrix
- Expanded Diversion – Misdemeanors Services
- Community Asset Mapping
- Family Navigators
- Community Advisory Board
- Positive Youth Development
Impact of the Lucas County Misdemeanor Services

Lucas County Juvenile Court Filings (5 year average)

- Nearly 1,000 more youth likely diverted
- Reduction in probation caseloads
- Greater success with probation caseloads

Lucas County Juvenile Court Filings (5 year average)

70%

15%

15%

Placements

n=99

n=54

2012

2016

30

4

Violation of Probation

Delinquency offense
## Six Conclusions about Juvenile Probation

1. Conventional surveillance-oriented probation is **ineffective** and actually increases recidivism in lower risk youth.

2. Research on brain science and **adolescent development** research suggests that conventional probation is fundamentally **ill-suited** to working with youth.

3. Efforts to implement “what works” further the field of juvenile probation, but are **not sufficient** to achieve maximum results and to impact **all youth**.

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Pierce County, WA (Tacoma) is partnering with families and incentivizing opportunities for positive youth development

- Opportunity Based Probation
- Coordination of Services
- *Pathways to Success*
- Positive Youth Development programs
- Family Council
Opportunity Based Probation Prizes & Recognition

Utilizing research on teen brain development to motivate youth with goal-oriented rewards and strength-centered community activities.

Opportunity Based Probation in partnership with Dr. Sarah Walker, *University of Washington*

<table>
<thead>
<tr>
<th>BEHAVIORS</th>
<th>POSSIBLE POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete community service hours</td>
<td>10</td>
</tr>
<tr>
<td>Pass random urinalysis</td>
<td>10</td>
</tr>
<tr>
<td>Complete restitution</td>
<td>10</td>
</tr>
<tr>
<td>Complete letter of apology</td>
<td>5</td>
</tr>
<tr>
<td>Complete weekly crime free goal</td>
<td>2</td>
</tr>
<tr>
<td>Complete weekly responsibility goal</td>
<td>2</td>
</tr>
<tr>
<td>Complete weekly personal goal</td>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>POINTS</th>
<th>PRIZES</th>
<th>COURT RECOGNITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Bus pass</td>
<td>Keep up the good work!</td>
</tr>
<tr>
<td>4</td>
<td>Bag of chips</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Nail polish</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Keychain</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Candy</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Star Center ticket</td>
<td>Congratulations letter from probation</td>
</tr>
<tr>
<td>18</td>
<td>$15 ORCA card</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>$15 Tacoma mall gift card</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>$15 Regal movie passes</td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>2 Rainiers vouchers</td>
<td>Community Opportunity!</td>
</tr>
<tr>
<td>36</td>
<td>2 Mike N Terrys passes</td>
<td>Congratulations letter from judge</td>
</tr>
<tr>
<td>36</td>
<td>2 Museum of Glass passes</td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>2 Ice skating rink passes</td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>Completion of court conditions &amp; probation plan</td>
<td>Graduation ceremony (reduced probation time)</td>
</tr>
</tbody>
</table>
✓ Youth & Family Team Approach

✓ One way to address disproportionality in the Deep End of the system

✓ Provides extra support for African American youth to prevent entrenchment

✓ Launched July 1st

✓ Mentor partnership
Probation Transformation - Limit System Involvement
“SHRINK THE SYSTEM”

GOALS

DIVERSION
1. Divert at least 60% of referrals including ALL youth with low level offenses and low risk levels.

PROBATION
2. Use probation as a purposeful, meaningful and limited intervention to support behavior change for youth with serious and repeat offenses.

METHODS

Minimal Formal Processing
Refer to Services. Do Not Order
Limited Contact
Community Diversion Programs

Limit Court Orders
Positive Relationship Building
Case Planning
Cognitive Behavioral Interventions,
Incentives & Opportunities

OUTCOMES

↑ Youth Diverted
↑ Family Engagement
↑ Community Resources
↑ Positive Adult Relationships
↑ Youth Remaining in Communities
↑ Community Safety
↓ Racial & Ethnic Disparities

PROBATION PRINCIPLES

1. Racial & Ethnic Equity
2. Positive Youth Development
3. Family Engagement
4. Community Partnerships
5. Targeted/Individualized Services
6. Data Driven Policies
7. Adolescent Development Research
8. Restorative Justice
ALIGNING JUVENILE PROBATION TO THE RESEARCH

HOW WELL ARE WE DOING?

ELIZABETH FRITZ
CHIEF JUVENILE PROBATION OFFICERS
LEHIGH COUNTY
LINKING ALL OF THE “INITIATIVES” TO THE RESEARCH INCLUDING RNR AND ADOLESCENT BRAIN RESEARCH

- Structured Decision Making Tools
  - YLS - RNR
  - Pa Detention Risk Instrument
  - MAYSII
- Motivational Interviewing
- Family Engagement
- Case Planning- matching interventions
LINKING ALL OF THE “INITIATIVES” (CONTINUED)

- Graduated Responses
- Carey Guides, BIT, Forward Thinking Journals, CBT, etc.…
- Structured Probation Appts: EPICS- Skill Building
- Others: Diversion, Victim and Community Awareness, Prevention, DMC, Placements/Aftercare……
BARJ PRINCIPLES… RISK REDUCTION… AND EVIDENCE BASED PRACTICES

- Risk Reduction = Community Protection = Less Victims
- Building competencies through skill building
- Individualized approaches and case planning
- A word about accountability and court obligations
- Obligation to follow the research and science just as we would expect other disciplines
- JJSES is the framework
OUR RESPONSIBILITY: ACHIEVING OUR BARJ MISSION THROUGH JJSES

• Link the various initiatives; but also understand and teach the WHY

• Are we taking the time to do this, or,
  • doing it because we have to???

• Training is part of this- including stakeholders and system partners

• Are we messaging enough
  • If so, how are we messaging and with whom
DELIVERING PROBATION IN A DEVELOPMENTAL APPROACH

• A shift in thinking rather just ‘initiatives’
• Evaluating and reevaluating what our mission is and reinforcing this
• Look at each youth in an individualized way and individualized case planning
• Pay attention to the risk, need and responsivity principles- Not all youth represent the same risk or needs
• Recognition that this takes time and effort, all which impacts workload
• Use a graduated approach
• As probation officers we must help youth achieve their goals
• Understanding that compliance conditions are only a PART of what we do- limit “template” conditions when possible
NCJFCJ RESOLUTION
KEY POINTS

• Policy and practice changes which incorporate the research
• Recognizing the differences between youth and adults AND differences between youth
• As a result, approaches need to be individualized including conditions of probation
• Individualized and graduated sanctions (those that will help them learn) and incentives
• Out of home placement should be used as a last resort- alternatives
• Engaging the family and community
• Understand and incorporate knowledge about adolescent development and behavioral decision making
RESOLUTION: HOW ARE WE DOING

• The NCJFCJ supports and is committed to juvenile probation systems that conform to the latest knowledge of adolescent development and adolescent brain science.

• The NCJFCJ supports and is committed to the development of robust education and training of juvenile probation staff on adolescent brain development; its impact on juvenile justice policy, practice and the law; and its relationship to juvenile probation case planning, conditions of probation, supervision, monitoring and enforcement, and data collection.

• The NCJFCJ encourages juvenile probation agencies to implement evidence-based practices and be data-informed by collecting practice-based evidence.

• The NCJFCJ recommends the use of validated risk and needs assessments to guide dispositional and programming decisions.
• The NCJFCJ recommends juvenile probation that emphasizes individualized case management to provide youth with services that are responsive to their criminogenic needs.

• The NCJFCJ encourages an emphasis on the use of incentives—rather than sanctions—to modify youth behavior.

• The NCJFCJ recommends that courts cease imposing “conditions of probation” and instead support probation departments’ developing, with families and youth, individualized case plans that set expectations and goals.

• The NCJFCJ encourages jurisdictions to develop alternatives to formal probation revocations for technical violations, to ensure that detention or incarceration is never used as a sanction for youth who fail to meet their expectations or goals.
SO, HOW ARE WE DOING…

IMPROVE  REFINE  SUSTAIN

• Sustainability through understanding
• Sustainability through buy in
• Sustainability through planning and teaching
• Sustainability through time, effort, and commitment
• Sustainability through reinforcement
• Sustainability through good quality assurance and data collection
• Sustainability through positive outcomes
Mistakes offer opportunities for learning
Probation offers opportunities for learning in real-life settings

Adolescence is a time of rapid brain development
Probation is a process
System needs to be set up for early success
How Does Graduated Response Fit With Other Initiatives?

- YLS Risk/Needs Assessment
- Court Conditions
- Case Plan
- Graduated Response
- Reassessment
- Discharge
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