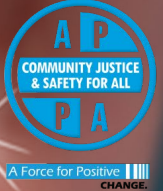


PERSPECTIVES

THE JOURNAL OF THE AMERICAN PROBATION AND PAROLE ASSOCIATION

WWW.APPA-NET.ORG

VOLUME 44, NUMBER 3



TRANSFORMING JUVENILE PROBATION

president's message

The theme of this edition of Perspectives, "Transforming Probation," is near and dear to my heart. From the time I began my career in the field of juvenile probation, I've always believed that I was an agent of change. At 35 years of age, I was considerably older than most of my co-workers, who were just out of college. I'd already been a police officer for about eight years and had owned my own business – so I figured I had a good idea for how to handle juvenile delinquents, as we called them back in the early 90s. I must have thought I could just wave my magic wand and get those "yutes" back on the right track. Was I ever wrong! I never felt so dejected in my life as when it seemed that, no matter what I did, I could not reach all the youth I supervised. Back in those days, my caseload was over 90, which was pretty much the average then, so we didn't know any different. It seemed all I could do was triage those under my supervision. I was able to reach some, but not all. I mean, heck, I was a Little League All Star. Why couldn't I make a positive change in everyone?



TIM HARDY
PRESIDENT

The juvenile justice system in the State of Arizona underwent a major audit in 1994. The auditors reviewed everything we did and didn't do with the youth involved in the court system. Two major findings came out of the study. First, it was pointed out that we were wasting too many resources on minimum risk children and, second, we were not involving the parents as much as we should. No sooner did we get this guidance than we were faced with proposed legislation in our state that basically said, "Do adult crime, do adult time." This initiative was taken to the voters and, much to my surprise, passed overwhelmingly. Most of us in the field knew that the approach being mandated was not the answer to our systemic problem of dealing with youth.

Well, time passed, and in subsequent years I've seen the pendulum of juvenile justice swing back and forth from one side to the other. Many changes have been introduced, and far too many have failed. It wasn't until the late 90s, when I began attending APPA conferences, that I began to hear about evidence-based practices and other successful

ways of dealing with our youth. Not too long after that I learned about the Annie E. Casey Foundation and the "Juvenile Detention Alternative Initiative." I must admit that I was initially a little resistant to the simple idea of "only detain the right juvenile for the right reason." It sounded like a "soft" way to deal with youth. The more research I did though, the more I believed in that philosophy—and that philosophy is now a way of life here in Yuma, Arizona. We've also learned about Kids at Hope and its emphasis on looking at the positive in our juveniles, not just the negative.

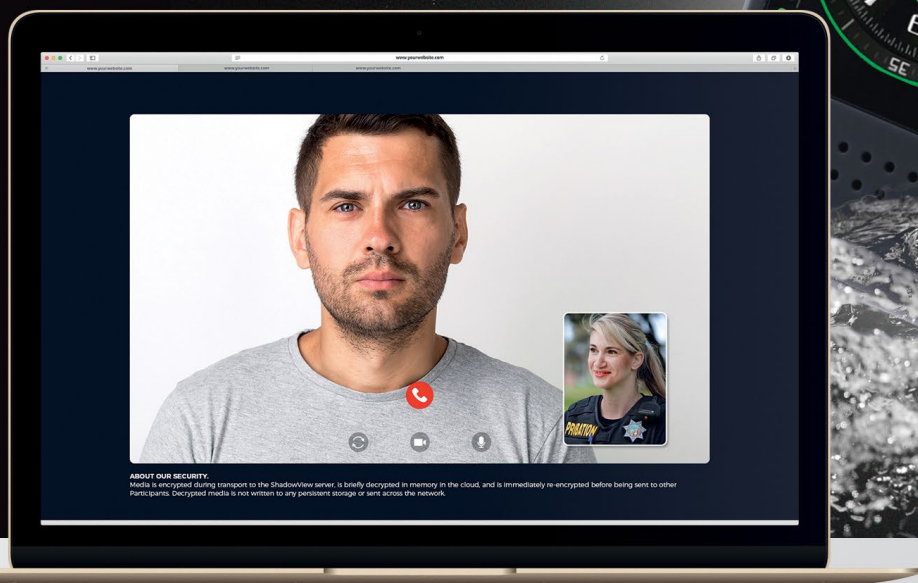
I'm extremely proud to have served in this profession for almost 30 years, but it's especially pleasing to be a part of this exciting process of transforming probation. And although I've been speaking about the juvenile justice system, as that's where my expertise lies, I certainly appreciate the positive transformations also occurring in adult probation. Let's all continue to learn and make informed, positive choices. The excellent articles in this issue will certainly help in that endeavor.

Tim Hardy
President, APPA

A handwritten signature in black ink, appearing to read "Tim D. Hardy".















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from the executive director

As this issue of Perspectives is released, we have already made our way through months of pandemic life—and at the same time have encountered other serious challenges on both the environmental and social justice fronts. I think back to when I heard the earliest coronavirus stories and saw the first images from abroad. After that, it was simply a matter of weeks. The first cases on the coast were confirmed, infections spread, and then we abruptly entered a new world of shelter-at-home, social distancing, quarantines, hand sanitizers, and masks. It's hard to believe how quickly we were jolted out of our routine patterns, both at work and in our lives in general.

Experiencing the pandemic—and seeing the ways people have reacted to it—has been eye opening. In some ways what we took for granted is no more.

It's hard to avoid seeing parallels in other aspects of our lives. Indeed, I kept seeing such parallels while reading the excellent juvenile probation articles in this issue and pondering this important topic and its impact on the future.

I think about the young people who become caught up in the juvenile justice system—and their family members as well—who may feel that things are moving too fast, that their lives are out of balance, and that normalcy and control are slipping away from them.

I think about how, like dealing with COVID-19, improving our processes for dealing with juvenile offenders is a “long haul” endeavor that demands persistence, innovation, and group effort.

I think about how the pandemic has highlighted the complexity of human behavior and the need to understand the interplay of culture and institutions in effecting change.

And I think about how we develop tools to use in facing our challenges. Consider how the widespread efforts of medical professionals and researchers have allowed the understanding of this new virus to slowly advance. It is that knowledge that will help us prevail. Sometimes it may feel like an uphill battle, and answers do not

come overnight, but progress is being made.

Similarly, the dedicated efforts of those in our profession and researchers on juvenile justice—including those at the Annie E. Casey Foundation—have given us new tools. They have importunately worked to advance our understanding of juvenile behavior and different aspects of the juvenile justice system. Again, no overnight answers, but steps—or even leaps—in the right direction.

I trust our readers will seriously consider the information being presented in these articles. Perhaps it will change perspectives. Perhaps it will offer ideas for how we can progress even further. I am continually amazed at the talent, creativity, and goodwill of those working in this profession and the potential for growth through research-based solutions.

Stay safe and stay solution-oriented!



VERONICA CUNNINGHAM
APPA EXECUTIVE DIRECTOR

A handwritten signature in black ink that reads "Veronica Cunningham".

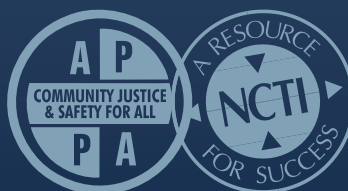
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The American Probation and Parole Association (APPA) has long embraced behavioral change science and posited that those working in community supervision—whether adult or juvenile—can improve public safety outcomes by using strategies based on that science. After all, we are “A Force for Positive Change!” Advances in behavioral change science pertaining to juvenile supervision have been an area of particular interest. As those challenged by individuals with lengthy criminal histories so often lament, “If we could get to them when they are kids, we could have a better chance at changing behavior.”

Juvenile justice advocates recognize the value of early intervention and using effective approaches that are attuned to the unique aspects of youth. They champion practices that move these individuals out of the justice system. With this in mind, we are pleased to provide our readers with an issue of Perspectives dedicated to emerging issues in juvenile justice. More specifically, we will examine how our friends at the Annie E. Casey Foundation (AECF) have recently proposed strengthening juvenile justice strategies through their Transforming Juvenile Probation initiative.

AECF has contributed significantly to this Perspectives. To begin, AECF Program Associates Stephen Bishop and Opal West provide an overview of the initiative. The authors summarize AECF’s recent report laying out “sweeping changes and new and expanded priorities for juvenile probation.” The AECF’s impressive experience working alongside researchers, practitioners, and many others in the juvenile justice field enables it to clearly articulate the rationale for how this initiative can transform juvenile justice practices. AECF then provides an accompanying piece (“Do Familiar Reform Efforts Tackle the Fundamental Challenges Facing Juvenile Probation”) that distinguishes this newest approach from preceding approaches.

Translating theory into practice is an essential component of developing our community supervision evidence base. Jeanne McPhee, Elizabeth Gale-Bentz, Amanda NeMoyer, Rena

Kreimer and Naomi E. Goldstein provide us with our next article, "From Theory to Practice: Steps for Change in Juvenile Probation." These authors lay out research on effective strategies for working with the developmental stages of adolescence and also provide us with steps that agencies should employ to make systemic changes consistent with the available research.

A significant aspect of the AECF's vision is the effective use of incentives with justice-involved juveniles. In "Incentives Inspire Positive Behavior Change in Youth on Probation," the AECF provides an adaptation from its blog that showcases how a county juvenile probation department in Washington State successfully deployed "Opportunity-Based Probation." This innovative program provides a series of progressive rewards for positive behavior that can ultimately culminate in earning one's way off supervision.

Finally, Stephen Bishop provides Perspectives readers with a very timely piece about changes resulting from two dominant topics of 2020: the COVID-19 pandemic and protests against racial injustice. In "Seizing the Moment for Fundamental Change: A Top 10 List," Bishop makes the case that many changes in juvenile supervision resulting from current pandemic precautions—including having officers interact more with families of supervised youth who are sheltering at home as well as having officers choose options other than detention in response to probation violations—serendipitously fall right in line with AECF's vision to transform juvenile probation. Moreover, the nationwide push to recognize and address racial and ethnic inequities provides an opportunity to face up to those issues in the community corrections field as well. AECF truly leads the way with foresight and vision that readily translate to the 2020's seismic events.

The importance of the juvenile justice system cannot be overstated. We applaud the Annie E. Casey Foundation's efforts to "get it right." We think that you will be equally enthused as you review this issue of *Perspectives*.



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Perspectives is published four times annually by the American Probation and Parole Association through its secretariat office in Lexington, Kentucky.
ISSN 0821-1507

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TRANSFORMING JUVENILE PROBATION: A VISION FOR GETTING IT RIGHT

BY: STEVE BISHOP AND OPAL WEST

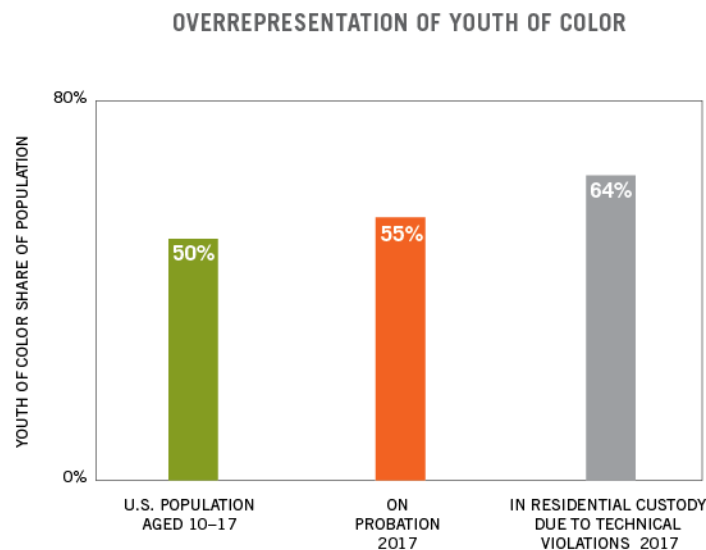




Juvenile probation, much like adult probation, has seen significant changes and advances over the last 20 years. The implementation of evidence-based practices has brought an increased level of professionalism to the field as well as an increased understanding of the causes of juvenile delinquency.

Why Transform Juvenile Probation?

Despite these advances, and despite the dedication and admirable intentions of probation professionals, data reveals that young people continue to be pulled deeper than necessary into the juvenile justice system. Moreover, racial and ethnic disparities have increased over this period of time (Office of Juvenile Justice and Delinquency Prevention [OJJDP], 2019) (figure 1).



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

SOURCE: OJJDP Statistical Briefing Book. Retrieved from www.ojjdp.gov/ojstatbb

Based on the widespread adoption of evidence-based practices and structured decision-making tools, it would appear that juvenile justice practice which has generally heeded research with a focus on surveillance and compliance is ineffective for reversing delinquent behavior in adolescents (Lipsey, Howell, Kelly, Chapman, & Carver, 2010). However, research suggests that practitioners have not fully embraced, or at least have not implemented, the kinds of developmentally appropriate support and guidance that put youth on the right path and reduce the likelihood of reoffending (OJJDP, 2018).

Getting probation right means transforming probation into a focused intervention that promotes personal growth, positive behavior change, and long-term success for those young people who pose significant risks for serious offending. Getting probation right means embracing



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families and community organizations as partners, promoting equity, and motivating youth primarily through incentives and opportunities to explore their interests and develop skills. And, getting probation right is especially important in view of the large number of lives affected.

Scope of Probation

The latest data indicate that over 260,000 youth were given some form of probation in 2018, making probation the most common disposition in juvenile justice (OJJDP, 2020a). Moreover, almost half of the youth on these juvenile probation caseloads were never found delinquent in court or had only committed status offenses. Unlike adult probation, most youth who break the law will have some contact with a probation officer regardless of whether the charges against them have been formally adjudicated. Juvenile probation officers in most jurisdictions across the country provide intake services, often acting as gatekeepers and making critical recommendations about which youth get diverted from court and what disposition they receive. But it does not have to be that way.

An Enormous Opportunity

In view of the significant footprint of juvenile probation, transforming it presents an enormous opportunity to improve the entire juvenile justice system. Given both the considerable amount of available research regarding adolescent behavior and brain development and the increasing evidence about the types of intervention that consistently reduce delinquency, the knowledge now exists to get juvenile probation right.

The Annie E. Casey Foundation's report, *Transforming Juvenile Probation: A Vision for Getting it Right* (2018), lays out sweeping changes and new and expanded priorities for juvenile probation. Based on more than 25 years of experience with the JDAI® (Juvenile Detention Alternatives Initiative) and years of studying probation with researchers, practitioners, youth, families, and pilot probation-transformation sites, the paper describes the evidence and rationale behind:

1. reducing probation caseloads by diverting a greater share of cases from formal court processing; and
2. refashioning probation into an effective intervention for the much smaller group of young people who will remain



on supervision caseloads, which should be limited to youth who have engaged in serious or repeat offending.

Steps for Reinventing Probation to Advance Youth Success

- **Clarify probation's mission.** Probation suffers from a lack of clarity about its mission and goals. Is it compliance, rehabilitation, or behavior change? The answer varies from state to state, and even officer to officer. Probation transformation cannot succeed until probation leaders, line staff, and key partners resolve to refashion probation into a targeted, purposeful, and developmentally appropriate intervention whose mission is to promote personal growth, behavior change, and long-term success of a specific target population: youth who pose a serious threat to community safety and require help to develop self-awareness and other critical life skills on the pathway to success in adulthood.
- **Divert far more youth from formal processing.** Significantly more youth (upwards of 60% of juvenile cases) should be diverted from juvenile court, compared to the 43% of juvenile referrals nationwide that were diverted in 2018. Community organizations, human service agencies, and families, not the courts, should be responsible for responding to low-level offenses committed by young people, including behavior such as truancy, running away, and curfew violations—which are not crimes but are prohibited under the law because of a youth's status as a minor. As the Council of State Governments' Justice Center notes, "Juvenile justice systems can do more harm than good by actively intervening with youth who are at low risk of reoffending" (Siegle, Walsh, & Weber, 2014, p. 9). Under the current system, many youths placed on probation have limited or no previous court histories and pose little risk to public safety. That needs to change.
- **Replace standard conditions with individualized case planning.** Juvenile courts should cease imposing numerous standardized conditions of probation. Instead, probation departments should work with youth and families to develop case plans that set realistic expectations and goals for young people's progress. This would start with a case planning process that is individualized, strength-based, trauma-responsive, and inclusive, i.e., the product of an open, three-way discussion among youth, parents and family members, and the probation officer.
- **Emphasize rewards, not sanctions.** For generations, juvenile probation has imposed long, standardized lists of probation rules and then threatened punishment (including incarceration) for youth who fail to comply. Research makes clear that this approach is fundamentally backwards: youth respond far better to rewards and incentives for positive behavior than to the threat of punishment for misbehavior. As explained by Naomi Goldstein (Drexel University psychologist and Director of the Juvenile Justice Research and Reform Lab) and a team of colleagues, "Incentives are an important component of behavioral management systems because they help youths learn and



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implement new, desired behaviors. In contrast, although applying punishment often results in a reduction or suppression of certain conduct, this technique only *inhibits* undesired behaviors; it does not *replace* them with desired ones” (Goldstein, NeMoyer, Gale-Bentz, Levick, & Feierman, 2016, p. 820). The delivery of positive feedback to negative feedback in a 4:1 ratio appears most effective (Wodahl, Garland, Culhane, & McCarty, 2011), and support for this feedback ratio has been advocated by the Carey Guides (Carey Group Publishing, 2015, 2016) and organizations such as the Pennsylvania Council of Chief Juvenile Probation Officers (Graduated Response Workgroup of the Pennsylvania Council of Chief Juvenile Probation Officers, 2017).

- **Pursue racial and ethnic equity.** Probation plays a significant role in perpetuating the vast overrepresentation of African American, Latino, and other youth of color in juvenile justice. Indeed, as shown in Figure 1, 64% of youth held in residential custody in 2017 for a technical violation—breaking probation rules—were youth of color (OJJDP, 2020b). Yet surveys find that few probation professionals regularly analyze data to determine where disparities are occurring. The Casey Foundation offers a 15-step checklist (see Figure 2) for juvenile probation agencies to improve equity and inclusion, with steps such as examining differential arrest and referral rates for various offenses (especially those such as resisting arrest and disorderly conduct, which involve considerable discretion) and measuring the relative effectiveness of service providers in

working with youth of different races and ethnicities. As areas are identified, system stakeholders would follow up with strategies or practices to address issues and commit to monitoring and continuous improvement.

- **Offer more positive youth development opportunities.** Young people build many of the skills they need to make better decisions and succeed as adults when they have opportunities to explore their interests and develop their talents. Probation transformation means helping young people grow through opportunities to build relationships with caring adults, participate in constructive recreational and educational activities, repair harm caused by their offense, and contribute in meaningful ways to their communities.
- **Establish stronger community partnerships.** Young people need access to meaningful, positive youth development opportunities and especially to positive role models and organizations in their home communities. All communities, even if they have high rates of poverty and chronically low levels of resources, possess significant strengths and assets. These include a reservoir of caring adults with the capacity and will to nurture young people, adults such as coaches, employers, or credible messengers—i.e., specially trained adult mentors from the community who use their knowledge of community dynamics and resources to help young people manage everyday challenges. To better enable community-based organizations to provide therapeutic, skill-building, and



other relevant programming to youth on probation, probation agencies or the courts should fund them appropriately.

- **Nurture stronger family partnerships.** Parents and other family members are experts regarding their children and the most powerful long-term influences on them. Probation systems would be wise to welcome and support families as true partners, which comes from interacting and collaborating with them in ways the families find respectful and empowering. Juvenile court and probation can be intimidating and incomprehensible to families. Moreover, many families will initially be reluctant and ill-equipped to participate constructively in their children's cases. Probation agencies have a duty to provide purposeful outreach, support, and encouragement so that families can become effective advocates for their children. When probation agencies establish family advisory councils or invite parents to participate on oversight committees and other work groups formed to guide probation policies and practices, they are building stronger family partnerships.

In all these areas, glaring gaps persist between current practices in juvenile probation and the best available information about what works optimally with court-involved youth. We have the knowledge necessary to close these gaps. For the sake of our young people, it is time to get probation right.

Bios

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A CHECKLIST FOR JUVENILE PROBATION AGENCIES ON RACIAL AND ETHNIC EQUITY AND INCLUSION

REQUIRED ACTIVITY	YES	NO	STATUS (if under development)
1. Establish a standing committee, led by one or more high-level administrators, dedicated to examining and addressing racial and ethnic equity.			
2. Assign a Racial and Ethnic Equity Coordinator for the department, who serves as a liaison between the racial and ethnic equity committee and the probation department.			
3. Recruit respected leaders in communities of color to participate in and help lead the racial and ethnic equity committee.			
4. Conduct frequent data analyses, disaggregated by race and ethnicity, to identify possible disparities for each decision point in the juvenile court process, as well as disparities in arrest rates for varying offenses and lengths of stay in detention/ placement, levels of supervision, violations of probation, etc.			
5. Provide support and advocacy for parents by employing family navigators, or some form of parent support network, and by establishing a Family Council that reflects the demographics and culture of the youth population being served.			
6. Undertake geographic mapping to identify disparities in where youth are being arrested and where programs and services to serve them are located.			
7. Regularly measure the relative effectiveness of service providers working with youth of different races and ethnicities (as measured by program completion rates, youth/family surveys and/or subsequent system involvement).			
8. Survey youth and family members as well as respected community leaders and top staff of community organizations located in neighborhoods where large numbers of system-involved youth reside to identify service barriers, gaps in culturally responsive programs and services, and other concerns of youth, families and communities of color.			
9. Review staff composition to determine whether staff reflect the cultural composition and native languages of probation clientele; refocus hiring practices to address glaring demographic, cultural and linguistic gaps.			
10. Implement mentoring, credible messenger or advocate-type programs that utilize staff who are from the communities being served.			
11. Implement a staffing process for cases being considered for out-of-home placement that includes a community member from the racial and ethnic equity committee.			
12. Develop a racial and ethnic equity plan, overseen by the Racial and Ethnic Equity Coordinator.			
13. Provide regular staff training on racial and ethnic equity and disparities and on implicit bias.			
14. All policies should include a racial and ethnic equity impact statement.			
15. Wherever significant problems and disparities are identified, the racial and ethnic equity committee must take concerted action, including: <ul style="list-style-type: none"> • devise new strategies or practices to address the situation; • establish clear quantitative goals for selected strategies; • monitor the impact of the new strategies; and • refine the approaches as needed in an ongoing pursuit of greater equity. 			



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FROM THEORY TO PRACTICE: STEPS FOR CHANGE IN JUVENILE PROBATION

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Transforming Juvenile Probation

More than 60% of all youth adjudicated in the juvenile justice system experience community-based supervision (i.e., probation) as a subsequent disposition (Hockenberry & Puzzanchera, 2018). Historically, juvenile probation has paralleled adult probation practices, with heavy reliance on monitoring adherence to court-ordered conditions and sanctioning misbehavior and noncompliance. However, youth are inherently different from adults in their development and decision-making abilities, as has been recognized by scientific research (e.g., Steinberg, Cauffman, Woolard, Graham, & Banich, 2009) and practitioners (e.g., NCJFCJ, 2017). Recognizing these differences, organizations have called for changes to juvenile probation so that juvenile probation practices do not mirror adult probation practices (e.g., NCJFCJ, 2017).

Creating Developmentally Appropriate Supervision Practices

This article is a summary of a recent paper published by Goldstein and colleagues (2019) which discussed a resolution that the National Council of Juvenile and Family Court Judges (NCJFCJ) passed in 2017 to encourage local jurisdictions to adopt developmentally informed practices (NCJFCJ, 2017a; NCJFCJ, 2017b). The resolution calls for probation to be modernized to help youth change their behavior and build skills needed to ensure success while under supervision and into adulthood (NCJFCJ, 2017a). Additionally, the authors of that article provided several action-oriented steps by which jurisdictions can translate the resolution into policy and practice by creating developmentally appropriate supervision practices; these steps will be reiterated, briefly, here. A lengthier discussion of the resolution's implications and its empirical support—as well as examples from

two jurisdictions that reformed their practices accordingly—can be found in the original article by Goldstein and colleagues (2019), in *Translational Issues in Psychological Science*.

In essence, NCJFCJ called for the juvenile probation field to use empirically supported behavior change techniques to promote positive youth development and success during community supervision. These include:

- **SETTING REALISTIC SHORT-TERM GOALS;**
- **USING INCENTIVES TO INCREASE GOAL-CONSISTENT BEHAVIOR;**
- **EMPHASIZING EFFORT; AND**
- **HELPING YOUTH LEARN FROM MISTAKES; WHILE**
- **FINDING ALTERNATIVES TO OUT-OF-HOME PLACEMENTS AS A CONSEQUENCE FOR MISBEHAVIOR, NONCOMPLIANCE, AND TECHNICAL VIOLATIONS.**

Additionally, NCJFCJ encouraged the use of individualized case plans rather than relying on universal conditions as probation requirements. Finally, the resolution calls for practitioner education on relevant principles of adolescent development so that day-to-day supervision practices are used in a way that conforms to research findings.

Supporting Research on Adolescence

Developmentally, adolescence is characterized by rapid changes to the brain. Research has shown that the brain does not fully mature until well into the mid- to late-twenties, indicating that adolescents' brains are still



forming and making important connections, especially in the brain areas responsible for executive functioning, which includes decision making and planning (Casey et al., 2008; Groeschel, et al., 2010).

The resolution's call to use incentives to encourage positive behavior has been well supported by research demonstrating that such techniques capitalize on the highly active reward-seeking components of adolescents' brains (Casey, et al., 2008; Cauffman et al., 2010) and can effectively change youths' behaviors (Corepal et al., 2018; Kazdin, 2005). Experiencing success or achieving a goal can also be a powerful positive motivator for youth (Van Hasselt & Hersen, 1998); therefore, the NCJFCJ's suggestion that probation departments design a system in which youth can succeed very early on by achieving short-term goals (NCJFCJ, 2017a) is also supported by the science on behavior change.

The resolution also recognizes that positive motivators are more powerful and effective in changing long-term behavior than negative consequences and calls for jurisdictions to emphasize incentives rather than sanctions (NCJFCJ, 2017a). Although responses to unwanted behavior can be helpful in stopping those behaviors in the short term, responses are typically only successful if they are immediate, consistent, and proportionate to the targeted behavior (Nagin & Pogarsky, 2001; Rosén, O'Leary, Joyce, Conway, & Pfiffner, 1984; Zettler, Morris, Piquero, & Cardwell, 2015). Research has shown that sanctions, despite their short-term suppression of targeted behavior, are not particularly effective in changing behavior in the long term because youth become accustomed to the negative consequences, and such consequences subsequently lose their power and effects (Phillips, Phillips, Fixsen, & Wolf, 1971). Research investigating

surveillance-based approaches to juvenile probation has identified serious concerns related to this supervision structure, including high rates of youth noncompliance (NeMoyer et al., 2014) and use of out-of-home placements for technical violations (Hockenberry, 2018). Such negative outcomes may result from the mismatch between expectations set for youth and their limited abilities to meet those expectations given their developmental stage.

Furthermore, the NCJFCJ resolution calls for finding alternatives to out-of-home placements as a consequence for misbehavior, noncompliance, and technical violations (NCJFCJ, 2017a), as researchers have demonstrated that overly harsh responses to misbehavior—and the use of detention and placement—can lead to negative outcomes, including new negative behaviors and increased recidivism (Dmitrieva et al., 2012; Gershoff, 2002; Gatti, Tremblay, & Vitaro, 2009; Holman & Ziedenberg, 2006; Keeley, 2006; Rosefelt, 2019).

Youth also differ from adults in their decision-making abilities. The resolution recognizes these differences by encouraging jurisdictions to design their juvenile probation systems to help improve youths' decision-making skills (NCJFCJ, 2017a). Youths' tendency to value short-term positive outcomes more than long-term negative ones can lead to poor decisions (Pokhrel et al., 2013), including decisions to engage in behavior that conflicts with probation requirements (e.g., to use drugs despite having an upcoming drug screen; Steinberg, 2009; Steinberg et al., 2009).

Adolescents also have difficulty making wise decisions when they are involved with peers or in emotional situations (Chein, Albert, O'Brien, Uckert, & Steinberg., 2011; Gardner & Steinberg, 2005), further complicating their



decision-making abilities and highlighting the need for additional support while on probation.

Finally, all youth undergo neural and psychosocial changes during adolescence, and the NCJFCJ resolution calls for using individualized case plans to best address the needs of each youth (NCJFCJ, 2017a). Research on adolescent development highlights the need for probation supervision to implement strategies that capitalize on the strengths of adolescents and target areas in which youth need additional support (e.g., to make good decisions that do not negatively impact their progress on probation), given the relative immaturity of adolescent brains compared to those of adults.

Turning Theory into Practice: Steps for Change

Beyond understanding adolescent development principles, the following action-oriented steps can help state and local jurisdictions translate the NCJFCJ resolution's goals into practice. Further, we provide brief examples of how some of these steps may be carried out.

These steps were designed to prevent some of the challenges that typically arise when instituting new practices, such as difficulty in getting buy-in from probation staff, a lack of clearly defined goals, and budgetary concerns. Such action-oriented steps are aimed to help jurisdictions consider how best to develop and implement new probation strategies based on the recommendations of the NCJFCJ resolution. Also, jurisdiction leaders should be aware that the time required to fully develop and put such policies into everyday supervision practices will vary based on myriad factors, such as alignment of the new system with a jurisdiction's current probation practices, the structure of the probation department (and whether it is within a state- or county-based system of operation),

the culture and leadership style within the department, the size of the department, and the scope of change being made within the department.

1. Identify and engage

stakeholders. Prior to making major changes to supervision practices, jurisdictions should create a team of individuals with a variety of perspectives (e.g., juvenile justice personnel, community partners, and individuals with lived juvenile justice experience) and delineate clear roles and expectations. This group of key stakeholders can then brainstorm and identify potential goals of any new probation practices. Furthermore, early identification of key players and consensus around stakeholders' expectations of the reform process allows for transparency and clearer communication among all who are involved in revising policies and practices.

2. Agree on reform effort goals.

Following key stakeholder brainstorming, jurisdictions should agree on the goals of the new supervision system. It will be important to consider the impetus for change and the desired outcome(s). For example, some jurisdictions may want to target reducing the use of detention for technical violations while others may want to focus on addressing racial and ethnic disparities. Additionally, each locality should consider the unique needs of their department and the youth they supervise. Without clear goals, reform efforts may meet additional challenges and not progress as desired. Stakeholders (e.g., district attorneys, public defenders, judges, and probation staff) included in such efforts should have similar understanding of the identified goals of the new probation system.



Transforming Juvenile Probation

3. **Define relevant concepts.** Although the overarching goals may be clear, jurisdictions should define the components necessary to reach their identified goals. For example, if jurisdictions seek to recognize progress towards full compliance with probation conditions, definitions of effort and improvement should be precise and quantifiable within a specified time frame. By defining relevant concepts, jurisdictions can ensure consistency across staff and reduce disagreements regarding interpretation.
4. **Gather baseline data.** To track the impact of juvenile probation changes, jurisdictions should gather baseline data on the original system. These data can provide guidance for creating a needs-based approach to policy and practice change and inform effective measurement of reform efforts. For example, if jurisdictions aim to reduce the use of detention for technical violations, as defined by the jurisdiction, it would be important to know how often this practice was occurring prior to reform implementation.
5. **Develop policies and procedures to support and sustain reforms.** Next, jurisdictions should create policies and procedures that offer clear instructions for implementing supervision strategy changes on a daily basis. By creating accessible and clear guidelines, reform leaders will reduce the burden caused by confusion and will also increase buy-in from probation officers and other staff. The development of manuals, training curricula, and sample materials can facilitate this process. Furthermore, jurisdictions should begin to consider how best to build expenses for incentives into a budget that can be sustained beyond the pilot phase (e.g., through grants, community partnerships, or line items in county or state budgets).
6. **Evaluate effectiveness.** Finally, jurisdictions should evaluate the utility and success of their reform efforts. Beyond assessing progress toward identified programmatic goals, evaluation can identify areas in which change was particularly challenging. Jurisdictions can then elicit feedback from both practitioners and youth and their families to inform adjustments. In addition, by closely examining the new practices, jurisdictions can ascertain whether new policies and procedures are being used consistently across staff and caseloads. Examining different aspects of the system, such as program fidelity or achieved outcomes, can provide reform leaders with valuable information for system enhancement.

Translating the Resolution into Practice: Examples from Two Jurisdictions

Reforms are happening across the country in juvenile probation, and we highlight here two counties that have successfully developed and implemented developmentally appropriate policies and practices that align with NCJFCJ recommendations. Pierce County, Washington, with support from the Annie E. Casey Foundation, created Opportunity Based Probation (OBP). OBP is a system that utilizes research-informed recommendations to focus on promoting positive youth development and emphasizes opportunities for youth involvement in their communities (Walker et al., 2019). In line with the recommendations set forth by the NCJFCJ, OBP emphasizes setting short-term goals and offering incentives for positive behavior change. It also limits the use of sanctions, instead responding to probation violations by utilizing restorative plans. Similarly, Philadelphia, PA, as an Annie E. Casey Juvenile Detention Alternatives Initiative (JDAI) site, sought to create a developmentally informed probation approach, called *Graduated Response*, that emphasizes use of incentives to motivate and reinforce positive



behaviors and delivery of responses and specific interventions to modify negative behaviors. Along with the promotion of incentives and targeted interventions to change behavior, *Graduated Response* further exemplifies the NCJFCJ's recommendations through probation officers' use of individualized case plans to help youth identify and progress toward achievement of specific short- and long-term goals. For additional discussion of the development and implementation of OBP and *Graduated Response*, see Goldstein et al. (2019).

Resources

To recap, adolescents and other youths are not adults and differ in their level of brain development and age-related decision-making abilities. Accordingly, each local jurisdiction is challenged to develop appropriate programs for supervision of this population—programs that include effective and informed use of incentives, motivations, and interventions. The NCJFCJ's 2017 resolution both reflects and reinforces the increasingly widespread support in the criminal justice community for specific youth-focused practices. In addition to the framework and examples described in this paper, juvenile justice practitioners may draw inspiration from the following materials.

Center for Children's Law and Policy: <http://www.cclp.org/wp-content/uploads/2016/06/Graduated-Responses-Toolkit.pdf>

Pierce County, Washington's Opportunity Based Probation: <http://www.aecf.org/m/privy/Deep-End-Resource-Guide-8n-Opportunity-Based-Probation-Manual.pdf>

A fact sheet on "Incentivizing Success and Implementing Graduated Responses" with resources from Washington D.C.'s Department of Youth Rehabilitation Services and Maryland's Department of Juvenile Services: <https://www.urban.org/sites/>

default/files/chapter_6_two-pager_bridging_research.pdf

The Pennsylvania Graduated Response Systems Guiding Principles and Protocol Development: https://www.pachiefprobationofficers.org/docs/GR_Guiding_Principles_and_Protocol_Development.pdf

Acknowledgements

This paper summarizes information presented in an article published in *Translational Issues in Psychological Science* (Goldstein et al., 2019). Research reported in the original publication was supported by the Annie E. Casey Foundation, National Institute of Mental Health (T32MH019733), and Stoneleigh Foundation. The content is solely the responsibility of the authors and does not necessarily represent the official views of the funders.

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INCENTIVES INSPIRE POSITIVE BEHAVIOR CHANGE IN YOUTH ON PROBATION

BY THE ANNIE E. CASEY FOUNDATION. THIS ARTICLE IS
ADAPTED FROM THE BLOG, *INCENTIVES INSPIRE POSITIVE
BEHAVIOR CHANGE IN YOUTH ON PROBATION*, ON AECF.ORG.





Offering incentives beats traditional supervision in encouraging positive behavior change among youth on probation, according to a 2019 study funded by the Annie E. Casey Foundation (AECF). That study, which was conducted by the Center for the Study and Advancement of Justice Effectiveness (SAJE Center) and the University of Washington Department of Psychiatry and Behavioral Sciences, focused on Opportunity-Based Probation, a program of the Pierce County, Washington, Juvenile Court (AECF, 2018; SAJE Center, 2009).

How Opportunity-Based Probation Works

Opportunity-based probation aims to help youth build skills, develop responsibility, and avoid being arrested again. Young people, their parents and/or other caregivers, and probation staff work together to develop a case plan and define weekly goals. A response grid lays out how youth can earn points for positive behaviors and meeting milestones, and these points can then be redeemed for rewards (such as movie theater tickets) or enrichment activities in the community (i.e., a job shadowing opportunity) (AECF, January 2020). When youth reach certain benchmarks, they are allowed to have fewer supervision meetings and ultimately can earn early release from probation.

If a young person fails to meet goals or violates probation agreement terms, the responses are not oriented toward sanctions or detention. Rather, the young person may temporarily lose the ability to earn and redeem points or other privileges, and participation in a problem-solving conversation may be required. Only youth with negative conduct that endangers public safety end up returning to court.

Staff who are involved in implementation have reported that participants have been well disposed and responsive to this new approach. “Probation counselors and parents feel really good about this model,” says Pierce County Juvenile Court Probation Manager Kevin Williams. “It’s the right spirit...and young people really like that they can earn their way off probation” (AECF, March 2020).

Results by the Numbers

The evaluation’s first phase, which spanned an 18-month period from 2017 to 2018, compared outcomes for youth involved in Opportunity-Based Probation versus traditional supervision. Measuring by two important outcome variables, it was found that participants in the incentive-based approach logged 60% fewer new referrals to court and 67% fewer probation violations compared to their traditionally supported peers. Various qualitative outcomes were assessed as well. Additional information on the study design and findings may be found in SAJE Center’s report (2019).

Why Opportunity-Based Probation Works

Pierce County’s Opportunity-Based Probation program is rooted in research that indicates young people respond better to rewards than they do to threats of punishment. The program’s collaborative case-planning approach values youth voices and family connections, and its use of short-term, manageable goals recognizes that youth are still developing a capacity for longer-term forward thinking. The evaluation’s next phase includes a review of feedback from youths and families that will help the researchers determine whether the program has indeed helped strengthen these important connections.



The data shows a reduced likelihood of court referrals and probation violations, and the initial outcomes have been quite promising. Moreover, the statistics reflect outcomes for real people, so these results mean there was a positive impact on the actual lives of many individuals in Pierce County. It is also worth noting that 53% of all Opportunity-Based Probation participants during the study were young people of color, so incentive-based approaches may be a promising option for helping youth of color succeed on probation and for eliminating disparities related to probation.

BEHAVIORS		POSSIBLE POINTS	OPPORTUNITY PRIZES AND RECOGNITIONS		
			POINTS	PRIZES	COURT RECOGNITION
Complete community service hours	x	10	5 points	Bus tickets (5) Bag of chips Nail polish Keychain lanyard Restaurant gift card (\$5)	Keep up the good work!
Pass random urinalysis		2			
Complete restitution	x	10	21 points	Restaurant gift card (\$15) \$15 ORCA card \$15 Tacoma mall gift card Movie tickets (2)	Congratulations letter from probation
Complete letter of apology	x	5			
Complete weekly responsibility goal	x	1 - 3	42 points	2 Rainiers vouchers Earbuds 2 Museum of Glass passes 2 Ice skating rink passes	Community Opportunity! Congratulations letter from judge
Complete weekly probation commitment goal	x	1 - 4			
Completion of court conditions and probation plan					Graduation ceremony (reduced probation time)



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DO FAMILIAR REFORM EFFORTS TACKLE THE FUNDAMENTAL CHALLENGES FACING JUVENILE PROBATION?

BY: THE ANNIE E. CASEY FOUNDATION. THIS ARTICLE IS
ADAPTED FROM TRANSFORMING JUVENILE PROBATION: A
VISION FOR GETTING IT RIGHT ON AECF.ORG.





The Annie E. Casey Foundation recognizes that many of those in the juvenile justice field have been working hard to improve juvenile probation outcomes. Nonetheless, there's a key difference between most current efforts to boost juvenile probation's effectiveness and the Foundation's vision of a fundamental transformation of juvenile probation. A core component of that vision is the belief that the juvenile probation field needs a much clearer consensus about whom probation is meant to serve and what it is meant to accomplish in order to make substantial progress at a systemic level.

Transformational change, according to the Foundation, means embracing a new understanding of the purpose of juvenile probation, recognizing that it should be promoting young people's personal growth and long-term success. It means reinventing the role of probation officers so that they serve as coaches who collaborate and share responsibility with families and community partners and who engage with young people themselves to achieve success. It means operationalizing essential values around racial and ethnic equity and using a strengths-based approach toward youth that is age appropriate and responsive to trauma.

Features of Ongoing Initiatives

An overview of some of the most prominent reform initiatives will help clarify the distinction between the above transformational approach and efforts made to date. Several initiatives that have emerged in recent years to boost probation's effectiveness are certainly noteworthy.

The University of Cincinnati's Effective Practices in Community Supervision (EPICS) has provided [training](#) and coaching sessions for officers in more than 80 probation agencies nationwide serving juvenile and/or adult

populations (Wogan, 2015). This training aims to boost such skills as building effective relationships with young people, teaching important cognitive and behavioral skills, and individualizing young people's case plans based on objective risk and needs assessments.

The Carey Guides are a set of 33 user-friendly handbooks designed to help probation officers and other corrections professionals apply [research-informed practices](#) with youth or adults on their caseloads.

- *The Robert F. Kennedy National Resource Center for Juvenile Justice* has developed an intensive "probation system review" process to help juvenile probation agencies optimize their performance.

In addition to these probation-specific approaches, three more broadly focused juvenile justice reform strategies have emerged in recent years with significant implications for probation practice:

Several initiatives provide support for effective utilization of risk and needs assessment instruments through staff training on how to conduct the [assessment](#) and help in developing policies and practices to ensure that assessment findings are used properly (see Vincent, Guy, Gershenson & McCabe, 2012)

Some jurisdictions have begun to assess the effectiveness of their intervention programs—and to address identified shortcomings—using the Correctional Program Checklist or the Standardized Program Evaluation Protocol (SPEP), both of which measure programs' adherence to an extensive array of research-informed quality measures.

The federal Office of Juvenile Justice Delinquency and Prevention's Juvenile Justice Reform and Reinvestment Initiative has funded



a handful of jurisdictions nationwide to enable them to adopt best practice reforms such as utilizing empirically based risk and needs assessments, developing dispositional matrices, and using the SPEP rating system to assess and improve intervention programs for juvenile justice youth.

These reform models target critical needs and show promise for addressing some of the challenges facing juvenile probation agencies. Most of them can help probation officers in making more accurate assessments, strengthening their skills in interacting with youth, and doing a better job of matching the type and intensity of interventions to the identified risk and needs factors of individual youth. Moreover, all the reform strategies described here are informed by research and employ thoughtful, innovative methods to provide needed assistance in these areas.

In spite of their strengths, none of the prominent probation reform efforts mentioned above, alone or in combination, are sufficient to tackle the fundamental challenges facing juvenile probation. Why not?

Too Narrow a Focus

By and large, prominent juvenile probation reform efforts target only some of the high-priority challenges facing probation. Other key areas of need are either neglected by the existing reform strategies or receive only secondary emphasis. What's missing?

- **Insufficient attention to the need for reducing probation populations and expanding court diversion.** While reducing caseloads is consistent with prominent reform efforts and/or can be a by-product of apply-

ing such models, none have identified reducing probation caseloads as an explicit outcome goal. Likewise, none have devoted significant attention to the challenges associated with substantially expanding and improving available diversion alternatives, as would be required to enable juvenile courts and probation agencies to heed the evidence and limit probation to youth at higher risk of reoffending.

- **Muted focus on racial and ethnic equity.** Despite the system's vast disparities, probation reform models have not prioritized racial and ethnic equity, and they have not promoted rigorous or promising new approaches for eliminating disparities. In fact, more than a decade after the adoption of the risk, need, and responsivity principles in juvenile probation, [national data](#) show that the disparities in confinement for African-American, Latino, and American Indian youth are greater than they were 15 years ago.
- **Inadequate attention to empowering families.** Most probation reform models concentrate primarily on improving the practices of individual probation officers or the quality of intervention programs. None of them promote an ambitious change strategy for improving probation's relationships with parents and family members—or providing families with assistance they may need to support their system-involved children.
- **Too few alliances with community partners.** Reform efforts are not explicit enough about partnering with community-based organizations and community members to expand effective, culturally grounded community responses that resonate with youth, build on their innate resil-



ience and connect them to positive youth opportunities. Probation departments could implement mentoring, credible messenger, or advocate-type programs that use staff from the communities being served. Departments could fund local organizations to conduct programs that build skills, improve decision making, or offer enrichment activities.

- **Limited focus on positive youth development.** None of the existing probation reform strategies highlight positive youth development as a primary goal or prioritize the importance of typical adolescent development needs such as recreation, connection to mentors and other positive adults, and opportunities for leadership development and meaningful community service.
- **Inattention to probation's problematic role as a gateway to confinement.** Models do not emphasize the importance of curtailing placements stemming from probation rule violations. Indeed, none make reducing these placements an explicit goal. Yet one in five of the youths in residential custody was placed there for violations of probation or status offense court orders, and youth of color make up the majority (64%) of this group.
- **Failure to address the need for clarity about mission, goals and outcomes.** Perhaps the most fundamental shortcoming of most juvenile probation reform efforts is the failure to directly address the core mission of probation. While reform strategies to improve the professional practices of probation officers and upgrade assessment and case processing procedures can boost probation's effectiveness at the margins, the juvenile probation field

will never make substantial progress as a whole until a much clearer consensus emerges about whom probation is meant to serve and what it is meant to accomplish. Other than the Robert F. Kennedy National Resource Center for Juvenile Justice's [framework](#), the existing reform strategies do not push system stakeholders to clarify probation's purpose, to align policies and practices with the agreed-upon mission and to measure success against concrete goals.

Conclusion

The professionals working in juvenile probation have taken many steps in the right direction. However, as can be seen, numerous challenges remain. The overall failure to sufficiently address the issues discussed above provides an answer to the core question raised in this paper. Do familiar reform efforts tackle the fundamental challenges facing juvenile probation? The answer is no. The solution is to get probation right by going farther—by truly transforming in order to achieve meaningful outcomes. That is the Annie E. Casey Foundation's vision.

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SEIZING THE MOMENT FOR FUNDAMENTAL CHANGE: A TOP 10 LIST

BY: STEVE BISHOP





Transforming Juvenile Probation

The seismic occurrences of 2020—the coronavirus pandemic, nationwide protests against systemic racism and police brutality, as well as sudden and extreme budget shortfalls—could be a catalyst for lasting changes in juvenile probation. As challenging as 2020 is, it also provides an opportunity for creative problem-solving and new approaches to achieve probation’s mission of facilitating personal growth, positive behavior change, and long-term success in the young people it serves. An open question is whether probation systems will seize the moment to make fundamental change.

The juvenile justice field experienced dramatic changes almost immediately in response to the pandemic. In March, April, and May 2020 alone, admissions to youth detention facilities fell by 52%, according to a [survey](#) of juvenile justice agencies in 33 states—equaling in two months a national decline that took 13 years. Several factors may have contributed to the decline. Probation leaders should explore what contributed to the declines locally to identify ways that probation can keep detention numbers low.

Actions that juvenile courts and probation departments took as rapid responses to the COVID-19 threat, or are experimenting with under changing circumstances, have the potential to enhance probation for years to come. For instance, negative practices were curtailed. Systems stopped detaining youth for most probation violations. More positive practices got a boost. COVID-19 stay-at-home restrictions elevated the need for probation officers to work in partnership with each youth’s family members and community organizations.

The following 10 practices should stand the test of time because they adhere to the values and ideals of probation transformation. They

are based on the Casey Foundation’s [vision for modernizing juvenile probation](#).

1. **Maximize diversion from juvenile court.** Divert youth from the court system when they are accused of less serious offenses or do not pose a serious immediate risk to public safety. For example, divert young people who are arrested for minor offenses in connection with peaceful protests. For youth whose cases were initiated just before and during this pandemic, courts should consider responses such as warning the young person and closing the case with no further intervention rather than making young people wait months for their cases to be resolved.
2. **Avoid sanctions for technical violations.** No youth should be detained or ordered to an out-of-home placement for a probation violation. In fact, given the exceptional dangers that confinement poses for youth and staff, it is critical to avoid filing violations on youth for rule-breaking behavior. Confinement should be considered only when youth commit serious offenses and present significant danger to the public, not as a response to rule breaking. This principle was true even in times of normal court operations—and adhering to it is a dire need now.
3. **Collaborate with community partners to offer activities for youth on probation.** Community-based organizations provide youth with connections to mentors and positive activities and introduce them to constructive civic engagement. They are more likely to be located in



Transforming Juvenile Probation

neighborhoods where young people on probation live and are also more likely to have staff to whom young people relate. For community providers to be a resource and partner to probation agencies, they need financial support and flexibility from probation leaders.

Promote equity. The nation is grappling with its racist past and present. As part of the shared responsibility to move our country to racial and ethnic equity, probation leaders should foster an organizational culture in which issues of equity are discussed freely and openly. Probation leaders can begin to take on [structural and institutional racism](#) when they analyze every aspect of their rules and practices and uncover where bias festers in their staff and work. By examining their data on how youth of different races fare in their systems and addressing disparities with targeted strategies, leaders can achieve more equitable results. Probation also has a responsibility to promote equity through their direct interactions with young people. Grappling with questions about race, identity, and one's place in the world is a part of adolescent development, so probation officers should be prepared to hold respectful conversations with young people as they process who they are, who they want to become, and how they could contribute to the greater good.

4. **Minimize probation caseloads.**

Probation agencies should reinforce protocols to classify cases and make sure that staff members focus their attention on young people who are most in need of support. Probation systems should consider terminating supervision when youth are near the end of their probation terms or have demonstrated they can succeed on their own. Limit the length of

probation to no more than six months and focus case plans narrowly on a handful of reasonable, relevant, and achievable goals.

5. **Rely on family engagement.** A sense of family, community, identity, and achievement shapes all young people and influences how they see and conduct themselves. Probation practices can prioritize the constructive involvement of families in many ways, including by actively soliciting and heeding the opinions of family members through advisory committees and surveys. Probation agencies should also refrain from imposing or collecting fines and fees from the families of youth on probation. Such fees can cause crippling debt for the families and alienate family members whose active participation and support are crucial to young people's success.

6. **Lead with incentives.** Probation officers should continue to offer positive reinforcement and incentives to young people to encourage and promote desired behavior, including recognizing and rewarding positive civic engagement. Probation agencies should engage with young people themselves in identifying incentives that are meaningful to them.

7. **Listen to the perspectives of young people.** Probation leaders considering new and adapted responses should seek input from young people first. Wherever possible, probation leaders should engage trusted community organizations to facilitate surveys, interviews, and online discussions with young people to create a safe space for young people to speak openly and honestly. Discussions about



Transforming Juvenile Probation

reexamining systems and exploring policies should take place early and often.

8. **Expand access to technology.** For youth on probation to engage in online programming, they need internet-ready devices and affordable internet service. Several probation agencies have gained approval for youth to use computers and wi-fi hotspot technology that has been issued by other public systems and agencies. During the shelter-in-place orders, probation agencies and individual officers stayed connected with young people through text messages, among other approaches. Willingness to experiment with digital platforms, especially those that youth are already using, could be a long-term benefit for the field.

9. **Maximize collaboration across public systems.** Juvenile probation cannot operate alone, nor should it want to. Probation is a lever to connect young people to the resources that will help them achieve long-term success, whether they relate to mental health, substance abuse, education, recreation, or something else. Referrals by probation to government and community partners accelerated during the pandemic and should continue, with an aligned commitment to positive youth development. Schools across the country were closed from March through May 2020 as a result of the pandemic, which put an end to school-based arrests. In that same time period, admissions to detention [plummeted](#). Jurisdictions should be asking themselves whether having law enforcement in schools supports the goal of youth success.

The rapid adjustments due to COVID-19 made by the juvenile court and probation system show a widespread capacity for

significant change and a potential for long-term transformation into something better. Keep in mind that in early 2020, not very many months ago, young people were being sent to detention at double the rates seen after the pandemic hit, far fewer probation officers relied on family and community partners, and protest against glaring racial and ethnic disparities was rare. Going forward, agencies must not revert to outdated probation practices or remain habituated to disparities. The old “normal” is not good enough, especially now that this door of opportunity has opened.

Bio

Stephen Bishop is a senior associate with the Annie E. Casey Foundation and manages the Foundation’s efforts to transform juvenile probation nationally. Bishop started his career in juvenile justice as a juvenile probation officer and supervisor in Harrisburg, Pennsylvania, followed by more than a decade at the Pennsylvania Juvenile Court Judges’ Commission. He is past president of the Pennsylvania Association on Probation, Parole and Corrections. He can be reached at sbishop@aecf.org.



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