



Desktop Guide

to Good

Juvenile

Probation

Practice



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Practice

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- *Mission-driven
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° National Center for Juvenile Justice
June 2002

This revision of *The Desktop Guide to Good Juvenile Probation Practice* was produced by a group of juvenile probation professionals from across the country, convened by the National Center for Juvenile Justice with funding from the Office of Juvenile Justice and Delinquency Prevention. Authors, contributors, and advisors to the *Desktop Guide* revision project included members of three national membership organizations that are committed to improving the status and raising the standards of the juvenile probation profession: the National Council of Juvenile and Family Court Judges, the American Probation and Parole Association, and the National Juvenile Court Services Association.



**NATIONAL COUNCIL OF
JUVENILE AND FAMILY COURT JUDGES**



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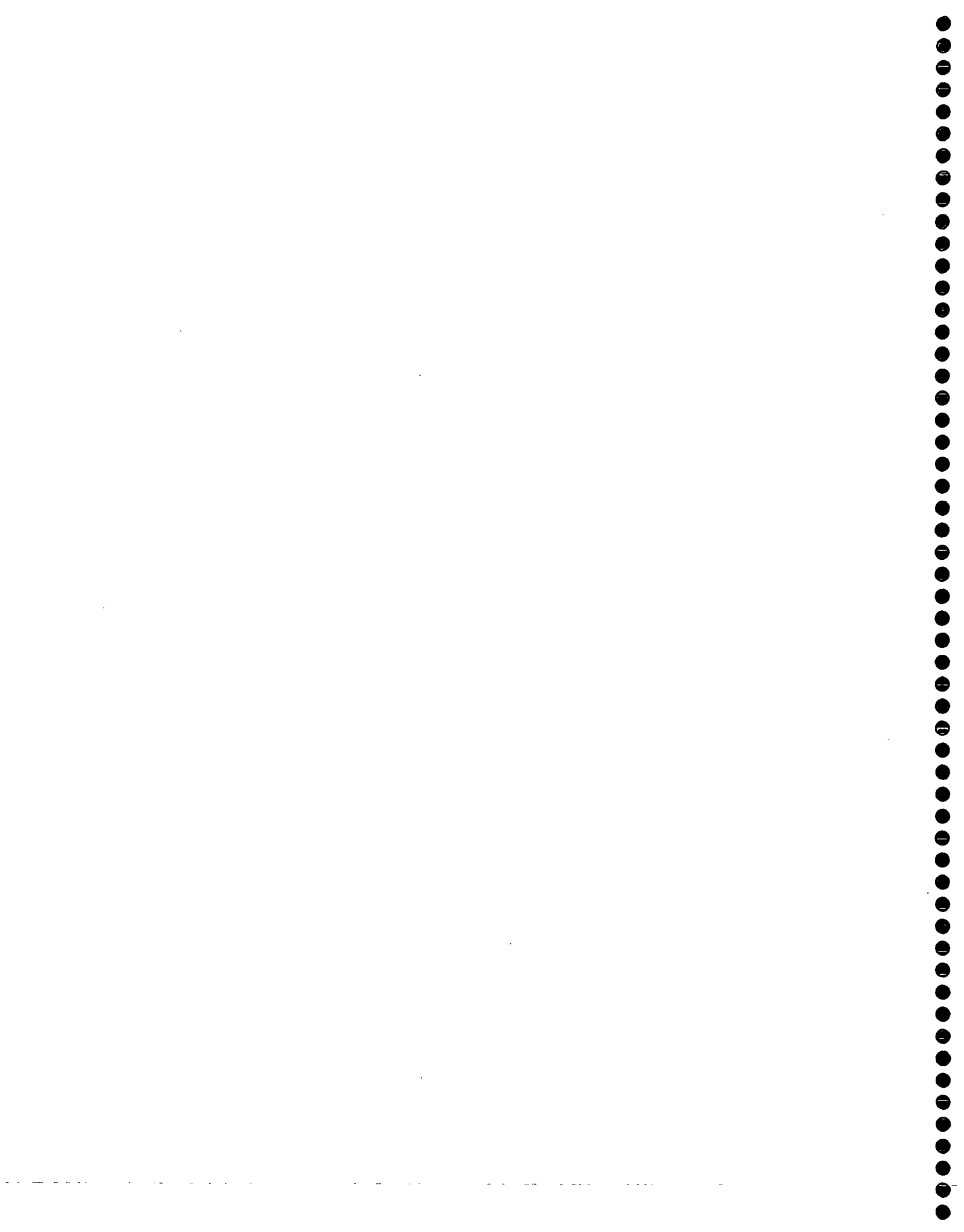
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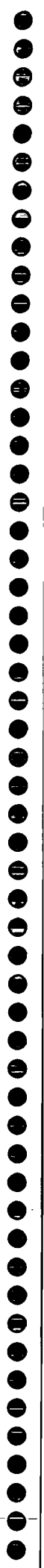
TABLE OF CONTENTS

Authors/Contributors	i
Introduction: Rethinking Juvenile Probation	1
Chapter 1: History	5
Chapter 2: Legal Issues	11
Chapter 3: Youth and Delinquency	21
Chapter 4: Case Processing Overview	33
Chapter 5: Intake Decision-Making	41
Chapter 6: Diversion	49
Chapter 7: Detention	57
Chapter 8: Disposition Recommendations	63
Chapter 9: Supervision	73
Chapter 10: Selected Practices and Techniques	85
Chapter 11: Special Populations	109
Chapter 12: A Call to Action	133
Appendices: Glossary	139
Forms and Instruments	145
■ King County (Seattle), Washington — Juvenile Detention Intake Criteria	
■ Orange County (Santa Ana), California — Intake Assessment, Guidelines, and Report	
■ State of Missouri — Risk and Needs Assessment Scales Case Classification Matrix Structured Interview Guidelines	
■ Lucas County (Toledo), Ohio — Risk and Needs Assessments and Assessment Matrix	
■ State of Washington — Juvenile Court Pre-Screen Risk Assessment and Risk Assessment	

Index



Rethinking Juvenile Probation



RETHINKING JUVENILE PROBATION

The first edition of the *Desktop Guide to Good Juvenile Probation Practice* was intended “to promote and enhance the practice of juvenile probation as a career.”

The original *Desktop Guide to Good Juvenile Probation Practice* was issued by the federal Office of Juvenile Justice and Delinquency Prevention in 1991. Compiled by the National Center for Juvenile Justice under the guidance of a working group of juvenile probation professionals from across the country, the *Desktop Guide* has served the field well for more than a decade as a comprehensive treatment of the theory and practice of juvenile probation, a handy collection of approved standards and best practices information, and a text and starting point for a widely used fundamental skills training curriculum.

But a lot has changed since 1991—including the tools juvenile probation officers use every day, the research that informs and supports their practice, the political-legal atmosphere in which their work is done, and even to some extent the prevailing philosophy and ultimate goals of the profession.

Accordingly, in June of 2000, a group of about 30 juvenile probation officers, supervisors, administrators, victim advocates, and researchers from across the country assembled in Pittsburgh to begin the work of rethinking and reshaping the *Desktop Guide* to meet the profession’s current needs. Like the original working group, this one was convened by the National Center for Juvenile Justice with funding from the Office of Juvenile Justice and Delinquency Prevention, and included prominent representatives of the three major membership groups that helped launch the first edition of the *Desktop Guide*—The American Probation and Parole Association, the National Juvenile Court Services Association, and the National Council of Juvenile and Family Court Judges. Over three days, the group not only reviewed much of what has changed in recent years—advances in knowledge and technique, altered demands and expecta-

tions, new definitions and measures of success—but also managed to articulate the core beliefs that have remained the same.

The revised *Desktop Guide* reflects an emerging consensus in favor of a more active, collaborative, results-oriented juvenile probation practice. The overall purpose of the *Desktop Guide* is to lay out what it takes, in terms of knowledge, skills, techniques, and resources, to do the job of juvenile probation well. But this can’t be done without clear agreement as to what the job *is*—that is, what juvenile probation is for, whom it should serve, and where its responsibilities begin and end.

After thoughtful discussion, the working group addressed these questions with a brief statement of the goals, values, and responsibilities of juvenile probation. These have served as the general principles guiding the updating of the *Desktop Guide*:

We envision the role of juvenile probation as that of a catalyst for developing safe communities and healthy youth and families. We believe we can fulfill this role by:

- *holding offenders accountable,*
- *building and maintaining community-based partnerships,*
- *implementing results-based and outcome-driven services and practices,*
- *advocating for and addressing the needs of victims, offenders, families, and communities,*
- *obtaining and sustaining sufficient resources, and*
- *promoting growth and development of all juvenile probation professionals.*

Before turning to what this vision statement affirms and embraces, it is worth taking a moment to look at what it rejects: the closed, passive, negative, and unsystematic approach that has too often character-

ized traditional juvenile probation practice. In which victims of juvenile offenders are treated as intruders into the juvenile justice process. In which community interests and priorities are ignored, community contributions discouraged, and community understanding and support forfeited. In which offenders are neither expected nor enabled to do more than abide by a long list of "thou shalt not" conditions until their term of probation runs out. In which probation officers are neither encouraged nor trained to do more than passively monitor that passive compliance. And in which nobody is given responsibility for stating the goals and objectives, documenting the performance, or measuring the outcomes of probation.¹

Good juvenile probation practice is mission-driven, performance-based, and outcome-focused. One of the persistent themes of the *Desktop Guide* as revised is that the work of juvenile probation must be directed at clearly articulated and widely shared goals. Probation departments cannot succeed (or for that matter fail) without aiming at something. That something must be understood and agreed upon. And it must be the acknowledged basis, not just for lofty slogans, but for day-to-day procedures, staff assignments, decision-making instruments and guidelines, budget allocations, and everything else that structures what a probation department does.

Good juvenile probation practice is also performance-based. That is, it not only points at general goals, but actually *moves* from objective to objective toward those goals, designating concrete activities that are calculated to achieve its goals and holding itself responsible for performing them.

Finally, good juvenile probation practice is outcome-focused. Both for individual offenders and for its caseload as a whole, it systematically measures the tangible results of its interventions, compares those results to its goals, and makes itself publicly accountable for any differences.

Throughout the current *Desktop Guide*, we have attempted to incorporate up-to-date research findings relevant to juvenile justice decision-making and practice. A significant body of such research—much of it funded and disseminated by the federal Office of Juvenile Justice and Delinquency Prevention—was assembled during the 1980s and 1990s. It is this body of research that

should shape current juvenile justice programming and policy, and not fads, hunches, and political shifts. Probation officers and their departments have an obligation to keep abreast of research that affects their work. One easy way, for those with Internet access, is to subscribe to "JUVJUST," a free on-line newsletter from OJJDP that reports juvenile justice research developments. (To sign up for JUVJUST, go to <http://www.ojjdp.ncjrs.org/>)

Protecting the public is one of the primary responsibilities of juvenile probation. The revised *Desktop Guide* reflects the juvenile probation profession's current recognition of its direct responsibility for community safety. The traditional "offender-centered" point of view—in which the mission and goals of juvenile probation began and ended with the probationer—has clearly given way in recent years to something broader and more inclusive of the public interest. Most in the profession now acknowledge that the public's main interest is in safety, and that ignoring that interest is the surest way of forfeiting public support.

Like judges, prosecutors, correctional workers, and indeed everyone else who works in the juvenile justice system, juvenile probation officers protect the community by exercising *their proper functions* in such a way as to contribute to community protection. That might mean more caution in making initial detention decisions, tougher and more active supervision and control of potentially dangerous offenders in the community, or more aggressive enforcement of probation conditions that implicate the public's safety, like curfews. But it might also mean more effective communication with families of offenders, closer monitoring of school behavior and progress, or more afternoon and evening activities to give structure and supervision to probationers' free time.

In any case, sticking with "fortress probation"—the passive, office-bound, out-of-touch approach that values bureaucratic convenience over all other goals—is not an option. If juvenile probation is to shoulder its share of responsibility for public safety, line officers will have to work nontraditional hours rather than nine-to-five. Juveniles will have to be supervised in their schools and in their neighborhoods, rather than in government offices. And departments will have to begin keeping close track of public safety outcomes that matter to the community.

Juvenile probation's public safety responsibilities also require its adoption of preventive as well as reactive crime-fighting strategies. Juvenile probation must support and if necessary lead community efforts to create conditions and programs that promote positive youth development and discourage delinquency. This edition of the *Desktop Guide*, in the chapter entitled "Youth and Delinquency," contains a considerable amount of new information on the theory and practice of crime prevention, as well as descriptions of programs that have been shown to be effective in preventing juvenile crime in various settings.

Accountability is an important value both for juvenile offenders and for juvenile probation. Readers of the updated *Desktop Guide* will find clear indications of the central and growing importance of accountability to juvenile probation's work and mission. Juvenile accountability requires that the juvenile justice system "respond to illegal behavior in such a way that the offender is made aware of and responsible for the loss, damage, or injury perpetrated upon the victim."² It emphasizes restitution and community service as ways for juvenile offenders to pay their debts to victims and the public. And it calls for teaching (and modeling) respect for victims, encouraging victim involvement, and considering victims' views and interests in all decision-making.

But the ideal of accountability advocated here is a broader, more inclusive one—taking in not only a juvenile's accountability to victims and the community for past offenses, but also a juvenile probation department's accountability for the way it manages that process. Just as a probation department must be clear and firm in setting expectations for juveniles, it must be publicly accountable for its own performance. It monitors probationers closely to ensure that they meet their obligations. And it continually measures itself in relation to its publicly stated goals.

Among the most important of those goals are fairness, consistency, and rationality in decision-making. The revised *Desktop Guide* returns again and again to the message that good juvenile probation practice—whether at intake, in connection with detention or diversion decisions, in assessing juveniles for purposes of recommending dispositions, or in post-disposition case planning and

supervision—must be based on written procedures evenhandedly applied over time.

Juvenile probation should be an optimistic profession, focused on the practical rehabilitation of young people. The revised *Desktop Guide* is premised throughout on the documented fact that—as one member of the work group guiding the revision put it— "Kids are not short adults." We have a separate juvenile justice system primarily because of the significant ways in which young people differ from adults physically and cognitively, their unfinished social, emotional, and moral development, and above all their immense potential and capacity for change and growth.

As a practical matter, juvenile probation officers need a working understanding of these essential differences. The "Youth and Delinquency" chapter added as part of this revision of the *Desktop Guide* sketches out the ways adolescents develop normally, explores the recognized pathways by which they deviate into delinquency and other problem behaviors, and describes what the research reveals about ways to prevent or reverse it.

If delinquent young people are really works in progress, it is that much more important that the juvenile justice system seize its chance to help them change and grow. The emphasis throughout this edition of the *Desktop Guide* has been on what might be called *practical rehabilitation* as one of the primary goals of juvenile probation practice: ensuring (and where necessary insisting) that every young person in the system make measurable progress toward acquiring the skills that are essential to law-abiding, productive citizenship. Practical rehabilitation does not require that everyone be "saved" or "fixed." Only that everyone be given good opportunities to develop and practice the skills they need to become valued members of their communities, and a chance to address the behavior problems that got them into trouble in the first place.

Juvenile probation cannot succeed without community involvement and support. In the past, too many juvenile probation departments have had little or no contact with or input from the communities they serve—and they have suffered for it. The public has not understood their work or

its importance. They have gotten no information, no ideas, no guidance and no enthusiasm from the people and neighborhood-level institutions best situated to support their efforts.

This edition of the *Desktop Guide* encourages probation departments to look for ways to encourage community engagement with and ownership of the problem of delinquent youth. It will take changes as fundamental as school-based probation—which involves plugging juvenile probation officers right into the grid of the community's most important institution. It will take dispensing with the busy-work and time-serving that currently goes under the name community service, in favor of work that is actually generated, controlled, and valued by the people in whose name it is done. Most of all, it will take a sustained, neighborhood-by-neighborhood public education campaign—so that ordinary people understand what juvenile probation means, the mission it serves, the sanctions and supports it involves, and the hope it offers.

The organization of the *Desktop Guide* follows the principal delinquency case processing decision points. A word about the organization of this edition of the *Desktop Guide* is in order. Broad background information pertinent to juvenile probation practice has been supplied in the first three chapters, including an account of the historical origins of juvenile probation in chapter 1; a general discussion of the legal issues surrounding probation work, covering both the rights of juveniles and victims and the potential liabilities of

juvenile probation officers, in chapter 2; and a brief survey of delinquency and prevention research in chapter 3. Chapter 4 presents an overview of delinquency case processing from referral to case termination, and subsequent chapters examine each of the principal decision points in the process in depth, from intake (chapter 5), through diversion (chapter 6) and detention decision-making (chapter 7), to predisposition investigation, assessment, and reporting (chapter 8) and case planning and supervision (chapter 9). The next two chapters cover selected practices and techniques (chapter 10) and special populations (chapter 11). The final chapter explores what it takes in terms of planning and resources to implement the best practices recommended (chapter 12). The appendix contains a “toolkit” of useful forms and instruments. A glossary of commonly used juvenile court and probation terms will be found at the back of the book, along with an index.

Endnotes

- ¹ Maloney, D., Bazemore, G., and Hudson, J. (Summer 2001). “The End of Probation and the Beginning of Community Justice.” *Perspectives* 25(3). Lexington, KY: American Probation and Parole Association.
- ² Maloney, D., Romig, D., and Armstrong, T. (1988). “The Balanced Approach to Juvenile Probation.” *Juvenile and Family Court Journal* 39(3). Reno, NV: National Council of Juvenile and Family Court Judges.

History



In this chapter you will learn about:

- the origins of juvenile courts and juvenile probation
- the first juvenile probation officer
- the development of juvenile probation down to our own time

Juvenile probation and the juvenile court system grew up together in America: both had their roots in optimism about young people. Those who care about their profession tend to be curious to know something about its origins—at least enough to give them some sort of grounding. How long has juvenile probation been around? Who started it and why? What were its founding ideals? What crises has it weathered over the years? How has it changed since the early days? What about it has remained the same from the beginning?

This section will sketch out some answers to these and other questions about where juvenile probation came from, and how it got to where it is today. If you want to know more, you'll find some suggestions for further reading at the end of the chapter.

The traditional criminal law of England and America recognized only “infants” and adults. Under American legal traditions inherited from England—from colonial times until around the start of the 20th century—those we would now call “juvenile delinquents” fell into three basic categories:

- **Children under 7** were considered incapable of forming the intent to commit a crime, and had to be acquitted no matter what they had done. This was known as the “infancy defense,” and it was conclusive for those in this age group.
- **Children between 7 and 14** could also invoke the infancy defense, but it wasn't conclusive.

Prosecutors could and did present evidence to counter it—that is, to show that individual children in this age group were capable of criminal intent. When they succeeded, such children were punished just like adult criminals.

- **Children over 14** could not use the infancy defense at all. They were always prosecuted and punished just like adult criminals.¹

It's not surprising that many people, even at the time, found this “infancy defense” system unsatisfactory. It could be barbarically harsh. Often prosecutors, judges and juries let children go altogether, rather than expose them to the adult punishments authorized by law. But as one reforming body pointed out in 1827, “If acquitted, they were returned destitute, to the same haunts of vice from which they had been taken, more emboldened to the commission of crime, by their escape from present punishment. If convicted, they were cast into a common prison with older culprits to mingle in conversation and intercourse with them, acquire their habits, and by their instruction to be made acquainted with the most artful methods of perpetrating crime.”²

Infants and Felonies

“Under seven years of age indeed an infant cannot be guilty of felony; for then a felonious discretion is almost an impossibility in nature: but at eight years old he may be guilty of a felony.”

—*Sir William Blackstone, Commentaries on the Laws of England*

Long before there were juvenile courts, reformers sought in various ways to isolate young lawbreakers from older criminals, and to deal with them more effectively and humanely. One common response was to create separate correctional institutions for children who broke the law. Beginning in 1825, “Houses of

Refuge,” “Houses of Reformation,” “Reform Schools,” and other institutions for the care and training of juveniles were founded in many places. Eventually there were state and municipal institutions, public and private ones, special ones just for girls, for Indians, for blacks and for Catholics, some that operated farms, workshops and factories, even nautical ones that turned out sailors for the whaling service and the merchant marine.³

Not all of these “schools” lived up to the hopes of their founders, of course. Many came to be considered more cruel than the laws they were created to soften. But all were intended at least to treat children *as* children rather than criminals, to offer them “reformation” and help as well as cells to sleep in, to teach them values and skills, and to look out for their welfare in something like the way a parent would. In fact, the legal theory went, for the children sent to these institutions, the state *was* a kind of parent.⁴

Another response to the inflexibility and potential harshness of the traditional criminal law during the 1800’s consisted of formal and informal efforts to keep delinquent young people out of institutions altogether. Sometimes convicted children were indentured or “bound out” by the authorities, for example, to serve apprenticeships instead of prison terms. Private homes were sometimes found for them by charitable agencies. In some large eastern cities, so-called “placement” or “children’s aid” societies went the system one better, and swept up merely destitute or vagrant children as a preventive measure, shipping them west by the carload to be placed with rural families in “the best of all asylums,” the farm home.⁵

Not A Prison, But A School

“The House of Refuge is not a prison, but a school. Where reformation, and not punishment, is the end... To this end may not the natural parent when unequal to the task of education, or unworthy of it, be superseded by the *parens patriae*, or common guardian of the community?”

—*Pennsylvania Supreme Court, Ex parte Crouse, 1839*

Juvenile probation actually predated the juvenile court system—its “inventor” was a Boston shoemaker. Beginning in the 1840’s in Boston, a shoemaker named John Augustus (1785-1859) came up with a less high-handed, and ultimately much more influential method of keeping children out of jail. He simply bailed them out, though he did not know them personally, and asked the court to continue their cases on the strength of their promise to behave and his own undertaking to help them. It was all very unofficial—Augustus never had a title or drew a salary from the court, though he became a fixture there. Nevertheless, he developed a kind of system. He chose suitable candidates on the basis of “the previous character of the person, his age and the influences by which he would in future be likely to be surrounded.” He assured the judge that, if those he had chosen were released, he “would note their general conduct, see that they were sent to school or supplied with some honest employment.” From time to time, he would “make an impartial report to the court, whenever they should desire it.” And if their good behavior continued long enough—“I wished ample time to

John Augustus

“In 1847, I bailed nineteen boys, from seven to fifteen years of age, and in bailing them it was understood, and agreed by the court, that their cases should be continued from term to term for several months, as a season of probation; thus each month at the calling of the docket, I would appear in court, make my report, and thus the cases would pass on for five or six months. At the expiration of this term, twelve of the boys were brought into court at one time, and the scene formed a striking and highly pleasing contrast with their appearance when first arraigned. The judge expressed much pleasure as well as surprise, at their appearance, and remarked, that the object of law had been accomplished... The sequel thus far shows, that not one of this number has proved false to the promises of reform they made while on probation.”

—*John Augustus, A Report of the Labors of John Augustus, for the Last Ten Years, in Aid of the Unfortunate, 1852*

Should Probation Officers Be Cops?

Early probation officers tended to be volunteers. Massachusetts passed the first law providing for a salaried probation officer—to serve both juveniles and adults—in 1878. It was a policeman, Lieutenant Henry C. Hemmenway, working under the supervision of the Chief of Police of Boston, who drew the first probation paycheck. The police-probation experiment was soon abandoned, however. In 1891, Massachusetts revised its law to prohibit police officers from being appointed probation officers. The power to appoint and supervise probation officers was transferred to the courts.

Source: Chute, C. (1930). "Probation Services Today – Progress or Retrogression." *1930 Yearbook*. New York, NY: National Probation Association.

test the promises of these youth to behave well in the future," Augustus later explained—they would be let off with small fines. Which Augustus himself sometimes paid.⁶

Counting juveniles and adults, Augustus bailed out over 1,800 people by the time of his death in 1859, making himself liable for a total of \$243,234. He was the first to use the word probation in its modern sense (it derives from the Latin for "a period of proving or trial"). By trial and error, he developed most of the features of modern day probation practice, including pre-sentence investigations, conditions of supervision, court reports, and revocation. He died destitute.⁷

Probation supervision of juvenile delinquents—along roughly the lines laid out by John Augustus—became increasingly common over the next half-century. Professional "visiting agents" in several states took charge of the work, attending court hearings whenever children faced reform school commitments, recommending dispositions, overseeing arrangements for alternative placements, and making frequent supervisory visits to inquire into the treatment, health, associations and general well-being of those who were not placed in institutions.⁸ By the time truly separate courts for juveniles came along, this basic response to juvenile offending was already well-established. Probation was "a new kind of reformatory," as one

early proponent put it, "without walls and without much of coercion, but nevertheless seeking to bring to bear upon each child the influences which will make for his betterment, and seeking to provide for him, so far as possible in his own home, opportunities and facilities for education and discipline, which we have heretofore provided only in an institution."⁹

Juvenile probation officers were entrusted with the work of the very first juvenile courts. In 1899, the Illinois state legislature established a special court in Cook County (Chicago), one that used broad powers and informal procedures to promote the welfare of children in trouble, whether they were dependent, neglected or delinquent. Its object was to deal with law-breaking children in an entirely new way—to avoid the stigma of crime and criminality altogether—so that, as the new court's enabling legislation put it, "as far as practical they shall be treated not as criminals but as children in need of aid, encouragement, and guidance."¹⁰ Not everything about the new court was new, but it combined features that had never been combined before, and is now generally regarded as the nation's—and the world's—first juvenile court.¹¹

Among the juvenile court's distinctive features was a primary reliance on probation and probation officers to guide and rehabilitate young offenders. As one of the first juvenile court judges wrote at the time, "probation for the child has been established wherever the juvenile court laws have been passed. Without it, there would not be much to juvenile court legislation. If all that we could do were to put the child into a school instead of a prison, we would not have reached a very much higher plane than that on which we stood before; but we have adopted as a fundamental principle the doctrine...that the place for a child is a home, and not an institution, and that the best place, if at all possible, is the child's own home."¹² In the next few decades, virtually every state established publicly administered juvenile probation services, usually in concert with legislation establishing juvenile courts.

Juvenile probation's organization, training, professionalism and confidence grew throughout the first half of the twentieth century. It wasn't long before juvenile probation

officers formed their own professional organization: the National Probation Association held its first modest gathering in a Minneapolis church in 1907.¹³ By 1914, the group had published the influential *Juvenile Courts and Probation*, a text which helped shape juvenile probation throughout the twentieth century. Among other points, the book argued that probation should be “an active, constructive force in the lives of the children under its influence,” and that it should be performed by publicly paid, trained, full-time officers.¹⁴

The National Probation Association was also influential as a standard-setting organization, publishing its first official volume of standards for juvenile probation and juvenile courts in 1923, and the first Model Juvenile Court Act two years later.¹⁵

Meanwhile, state probation commissions were established in many places, probation was made a civil service occupation, and training and pay levels increased.¹⁶ During this period, both the juvenile

A Vital Active Force

“This conception of probation as a vital, active force, naturally carries with it the requirement that those who exercise this function—the probation officers—should be trained, sympathetic, and experienced men and women. They must measure up to high standards of character, personality and ability; they must know child life, the problems of the family, local social conditions, and the use of social agencies. The probation officer must bring home to every child a feeling of the directing force of probation.”

—Flexner and Baldwin, *Juvenile Courts and Probation*, 1914.

courts and the juvenile probation profession enjoyed great prestige—and surprisingly little scrutiny. As one observer noted in the 1930’s, “praises abound, and criticism and doubt are rare.”¹⁷

The second half of the twentieth century saw a series of challenges to the juvenile courts and juvenile probation. The new system of juvenile justice did not entirely live up to its billing, however. It did not result in less institutionalization of children, for instance, but more—in

the name of treatment. But its treatment techniques never proved as effective as proponents had hoped either. Eventually, the fairness of its “informal” procedures, and even the benevolence of its overall aims—especially where immigrant and minority juveniles were concerned—were called into question by critics.¹⁸

Some of the most vigorous and significant challenges to the juvenile justice system were legal ones. In a string of landmark U.S. Supreme Court decisions, beginning with *Kent v. United States* in 1966, *In re Gault* in 1967, and *In re Winship* in 1970, many of the juvenile court’s traditional approaches and methods came in for stinging criticism.¹⁹ The informality and broad discretion that had been the hallmarks of the juvenile court and juvenile probation throughout their existence were now judged in the harshest possible light, and in many instances held to be arbitrary and unfair. (These and other court decisions defining the legal rights of juveniles are discussed more fully in the “Legal Issues” chapter.) This naturally did much to discourage and undermine the confidence of those who believed in the juvenile court’s rehabilitative mission, and whose careers had been spent pursuing it.

The effectiveness of juvenile justice methods was cast into doubt in the research literature during this period as well. To take one prominent example from the 1960’s, a theory of social deviance and control called “labeling” seemed to suggest that the more the juvenile justice system did in response to juvenile offending, the more it would stigmatize offenders, and the less it would accomplish.²⁰ The labeling theory gained wide acceptance and had considerable influence. One of the major recommendations of the President’s Commission on Law Enforcement and Administration of Justice in 1967 was that youths be diverted from the formal system whenever possible to avoid a stigma that could produce more delinquency.²¹

In 1974, another blow to the image and public standing of juvenile as well as adult corrections came in the form of a sound-bite: “Nothing works.” The phrase can be traced indirectly to a study of the results of 231 separate evaluations of rehabilitation programs for adult and juvenile offenders, which one of the authors summarized in a brief article called “What Works? Questions and Answers About Prison Reform.”²² Unfortunately, although the

larger study came to no such broad conclusion, the article was widely misquoted and misinterpreted as a declaration that nothing worked to rehabilitate offenders, including probation. The “nothing works” phrase took on a life of its own—it is still heard sometimes today—casting doubt on the value of treatment and the feasibility of rehabilitation.

The juvenile justice system soon had to contend with formidable political challenges as well. Beginning in the 1980’s, rapid escalation in the volume and seriousness of youth crime, and a growing public perception that juvenile courts were “soft” in their responses, completely altered the atmosphere within which juvenile probation officers did their work. During the most intense period of escalation, from 1988 to 1994, juvenile arrests for violent crimes increased 62%.²³ The public perception of an unchecked juvenile violent crime wave led to new transfer laws—that is, laws permitting or requiring removal of broad categories of juvenile offenders from the juvenile to the adult criminal justice system—in virtually every state.²⁴ At the same time, the juvenile system was itself reshaped to resemble the adult one more closely. Legislatures all over the country took action to restrict juvenile judges’ discretionary powers, to relax confidentiality protections, and to “toughen up” juvenile court sanctions.²⁵

All this did not mean that juvenile probation officers were being given less to do. Public confidence and public investment may have been lacking, but in the 1990’s juvenile probation was still the workhorse of the juvenile justice system, with over half of the nation’s total juvenile court caseload receiving probation as a disposition.²⁶

With the turn of a new century, the juvenile probation profession may be finding a new footing. Fortunately, a number of recent developments, both internal and external to the profession, have served to renew and reinvigorate juvenile probation in recent years.

One such development has been the emergence of a professional consensus in favor of the “balanced approach” to juvenile probation. First articulated in the late 1980’s, and now widely accepted among juvenile justice professionals, the balanced approach essentially proposes that juvenile probation respond to society’s competing demands (for safety, for punishment of wrongdoers, for redemption of

young people gone astray, etc.) by sensibly balancing them: simultaneously pursuing the goals of protecting the community, holding offenders accountable for their acts, and helping them develop the skills and attitudes they need to succeed in becoming law-abiding and productive.²⁷ The victims’ rights movement (discussed more fully in the following chapter on “Legal Issues”) has helped here, as has the set of new-old ideas that go under the name “restorative justice,” by opening up what had been a closed, offender-focused rehabilitation process to victim and community input and participation. The values associated with the balanced approach, victims’ rights and restorative justice are now formally recognized in the purpose clauses of many states’ juvenile codes.

A stable consensus is developing regarding practical matters as well as philosophical ones. Research examining the effectiveness of juvenile probation has concluded that an overworked probation officer who sees a client only once a month has little ability either to monitor the client’s behavior or to exert much of an influence over his life²⁸—and the field is responding to these findings. Rejection of the office-bound approach to supervision (“fortress probation”) is now widespread, for example. Many are beginning to embrace community-oriented policing as a useful model for probation. “Community justice” reformers are attempting to enlist the skills and support of ordinary citizens in a problem-solving, preventive approach to offending that involves the sharing of power and responsibility for social control with the local community.²⁹ Localized, flexible approaches are valued in the community justice model over centralized, standardized ones—the aim being not simply to change the behavior and attitudes of the offender, but to recruit the community into the work of supporting and facilitating that change.³⁰

For a century and a half, the juvenile probation profession has remained remarkably faithful to its origins. To John Augustus and the others who pioneered the practice of juvenile probation, the world we inhabit today would be all but unrecognizable. But one thing they would recognize is the work of their successors. Despite all that has changed in a century and a half, juvenile probation still means close supervision, firm expectations, and tangible help—just the way it did in Augustus’s time. Techniques are more sophisti-

cated, and knowledge has certainly advanced. But it's still "the personal influence of the probation officer," as one early observer of the profession wrote, that is "the essence of the probation system. The friendly side of the probation officer's work is its important side."³¹

Suggested Readings

By far the best source of information on the early history of juvenile probation and the juvenile courts is the three-volume *Children and Youth in America: A Documentary History*, produced by the Harvard University Press between 1970 and 1974 and edited by Robert Bremner. A good-sized library ought to have it, at least in its reference section.

The first probation officer's story in his own words, *A Report of the Labors of John Augustus*, is also available in reprints. Contact the American Probation and Parole Association at (859) 244-8207 or on-line at <http://www.appa-net.org/>

Endnotes

- ¹ McCarthy, F. (2000). *Pennsylvania Juvenile Delinquency Practice & Procedure (4th Ed.)*. Suwanee, GA: The Harrison Company.
- ² New York Society for the Reformation of Juvenile Delinquents, Annual Report, 1826, quoted in Bremner, R. (1971). *Children and Youth in America: A Documentary History, Vol. 1*. Cambridge, MA: Harvard University Press.
- ³ Bremner, *supra*, n. 2, Vol. 1, pp. 671-673, and Vol. 2, pp. 439-441.
- ⁴ McCarthy, *supra*, n. 1.
- ⁵ Bremner, *supra*, n. 2, Vol. 1, pp. 672-673.
- ⁶ Augustus, J., *A Report of the Labors of John Augustus, for the Last Ten Years, in Aid of the Unfortunate*, quoted in Bremner, *supra*, n. 2, Vol. 1, pp. 732-734.
- ⁷ Petersilia, J. (Spring 1998). "Probation in the United States." *Perspectives*. Lexington, KY: American Probation and Parole Association.
- ⁸ Bremner, *supra*, n. 2, Vol. 2, pp. 492-494.
- ⁹ Folks, H. *Juvenile Probation*, quoted in Bremner, *supra*, n. 2, Vol. 2, p. 530.
- ¹⁰ "An act to regulate the treatment and control of dependent, neglected and delinquent children," Revised Statutes of the State of Illinois, 1899, quoted in Trattner, W. (1999). *From Poor Law to Welfare State*. New York, NY: The Free Press.
- ¹¹ Bremner, *supra*, n. 2, Vol. 2, p. 440.

- ¹² Mack, J., "Prevention and Probation," quoted in Bremner, *supra*, n. 2, Vol. 2, p. 533.
- ¹³ Chute, C. (1930). "Probation Services Today – Progress or Retrogression." *1930 Yearbook*. New York, NY: National Probation Association. The National Probation Association eventually changed its name and mission, and for some years the profession was again without a national membership organization. However, the American Probation and Parole Association was founded to fill the gap in 1974.
- ¹⁴ Flexner, B., and Baldwin, R., *Juvenile Courts and Probation*, quoted in Bremner, *supra*, n. 2, Vol. 2, pp. 534-536.
- ¹⁵ Chute, *supra*, n. 13.
- ¹⁶ Trattner, *supra*, n. 10.
- ¹⁷ Beard, B. (1934). *Juvenile Probation*. Reprinted Montclair, NJ: Patterson Smith (1969).
- ¹⁸ Bremner, *supra*, n. 2, Vol. 2, p. 441.
- ¹⁹ McCarthy, *supra*, n. 1.
- ²⁰ Lemert, E. (1967). *Human Deviance, Social Problems and Social Control*. Englewood Cliffs, NJ: Prentice Hall.
- ²¹ Pabon, E. (1977). "Here We Go Again – The Child Savers." *Juvenile Justice 28(1)*. Reno, NV: National Council of Juvenile Court Judges.
- ²² Martinson, R. (Spring 1974). "What Works? – Questions and Answers About Prison Reform." *The Public Interest*, 35. Washington, DC: The Public Interest.
- ²³ Snyder, H., and Sickmund, M. (1999). *Juvenile Offenders and Victims: 1999 National Report*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ²⁴ Griffin, P., Torbet, P., and Szymanski, L. (1998). *Trying Juveniles as Adults in Criminal Court: An Analysis of State Transfer Provisions*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ²⁵ Torbet, P., and Szymanski, L. (August 1998). "State Legislative Responses to Violent Juvenile Crime: 1996-97 Update." *Juvenile Justice Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ²⁶ Puzanchera, C., et al. (2000). *Juvenile Court Statistics 1997*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ²⁷ Maloney, D., Romig, D., and Armstrong, T. (1988). "The Balanced Approach." *Juvenile and Family Court Journal 39(3)*. Reno, NV: National Council of Juvenile and Family Court Judges.
- ²⁸ Greenwood, P. (Winter 1996). "Responding to Juvenile Crime: Lessons Learned." *The Future of Children—The Juvenile Court*, Vol. 6, no. 3. Los Altos, CA: Center for the Future of Children, David and Lucile Packard Foundation.
- ²⁹ Fulton, B. (1996). *Restoring Hope Through Community Partnerships: The Real Deal in Crime Control*. Lexington, KY: American Probation and Parole Association.
- ³⁰ Clear, T., and Karp, D. (October 2000). "Toward the Ideal of Community Justice." *NIJ Journal*.
- ³¹ Folks, H. *Juvenile Probation*, quoted in Bremner, *supra*, n. 2, Vol. 2, p. 530.

Legal Issues



In this chapter you will learn about:

- basic terms and concepts used in delinquency law
- juvenile offenders' rights
- rights of victims of juvenile offenders
- juvenile probation liability

Some basic legal knowledge is indispensable to the work of a juvenile probation officer. Juvenile probation officers don't need to be lawyers. But they do need to be familiar with the legal framework within which they do their work, if they want to do it properly. At a minimum, they need to know something about the laws that govern the operation of their state's juvenile justice system, and those that define their own powers and duties within it. They need to be aware of the legal rights of juvenile offenders and—at least in some places—those of their victims as well. And for their own protection, they should have some understanding of the scope of their potential liability to lawsuits, and how best to minimize it.

This section will give a broad overview of all of these legal matters—not the details, which vary a great deal from state to state, but the basic concepts. It will also offer some suggestions about how to learn more.

State juvenile codes define “delinquents” and “delinquency.” Every state has a set of laws establishing a system of juvenile courts, outlining their purposes and procedures, and defining the limits of their powers. (See the preceding section for an account of the origins of juvenile courts in America.) Although these “juvenile codes” differ from one another, and change over time, some things are pretty constant.

First, all such codes give juvenile courts jurisdiction (or authority) over “delinquents.” Typically,

they define a delinquent as a minor who commits an act that would be considered a crime if committed by an adult. Some states also require that the minor be in need of treatment, supervision, or rehabilitation.

- **Upper age limit:** Every state sets an “upper age of original juvenile court jurisdiction.” This is the oldest age at which a youth can commit an offense and still be subject to juvenile rather than criminal court jurisdiction—typically it's 17, but some states set it lower. On the other hand, most states extend juvenile court authority over youths who have already been found delinquent—for purposes of commitment and continued supervision—beyond the upper age of original jurisdiction, typically to age 21. This is called “extended juvenile jurisdiction.”

- **Lower age limit:** Some states also specify an age below which a child may not be referred to juvenile court for a delinquent offense. Children too young for the delinquency jurisdiction of the juvenile court may be handled as “dependent” children, within the same system that cares for victims of child abuse and neglect.

- **Included and excluded offenses:** Nowadays juvenile codes generally set what might be thought of as upper and lower offense limits to the delinquency jurisdiction of the juvenile courts as well. Some offenses, such as murder, may be excluded because they are too serious—they are handled by the criminal courts. (See “Transfer Laws.”) Others, such as driving violations, are too trivial, and may be dealt with by the so-called minor judiciary.

* The phrase “juvenile code” is used throughout this section to designate whatever state laws govern juvenile delinquents and juvenile courts. In fact, these laws may not all be collected in one place, or they may be collected under some other name—“Public Welfare” or “Family Law” or “Children” or even “Courts and Judicial Procedure.” However these laws are organized, juvenile probation departments should make them available to their officers in a convenient format.

Transfer Laws

All states allow juveniles to be tried as adults under some conditions. "Transfer laws," which authorize or require the removal of certain categories of offenses or offenders from juvenile court jurisdiction, are of three basic types:

- **Waiver.** The most common form of transfer law is the "judicial waiver" type, which allows judges (usually juvenile court judges) to make an individual determination about whether a juvenile meeting statutory criteria should be tried in juvenile or criminal court.
- **Exclusion.** A "statutory exclusion" provision excludes certain serious offenses from the definition of "delinquent act" and thus the jurisdiction of the juvenile court. Some states exclude everyone accused of the offense specified (murder, for example), others exclude only those of a specified age, and still others stipulate other qualifying criteria (use of a deadly weapon, for example, or a prior record of serious offenses). By virtue of their charging authority, prosecutors have some flexibility in deciding whether juveniles are to be tried as adults under statutory exclusion laws.
- **Direct file.** Some states have "direct file" laws allowing prosecutors to make the decision

whether to proceed in juvenile or adult court, at least where certain offenses or types of offender are involved.

A given state may use more than one of these mechanisms—allowing younger or less serious offenders to be waived, for example, but requiring exclusion of older or more serious, violent, or chronic offenders.

Transfer laws—especially those of the exclusion and direct file type—are often criticized for being too broad and/or too inflexible. Some states provide a "reverse waiver" mechanism allowing juveniles to petition to have their cases transferred back to juvenile court; this at least helps ensure that individual cases will be judged individually and impartially. On the other hand, most states also have automatic "once an adult/always an adult" provisions, requiring that juveniles who have been convicted as adults in the past be prosecuted as adults for all subsequent offenses.

Source: The above is taken from the "State Juvenile Justice Profiles" section of the National Center for Juvenile Justice's website. For current on-line information on any state's transfer laws, see www.ncjj.org/stateprofiles.

State laws also set the basic ground rules for the processing of juvenile offenders.

Besides laying out the juvenile court's jurisdiction, a state juvenile code will typically cover a lot of other ground:

- **Purpose/philosophy.** At or near the beginning will be found some expression of the overall purpose of the state's juvenile justice system. (See "Purpose Clauses.")
- **Case processing.** State laws usually spell out how juvenile proceedings are to be conducted, from start to finish—from the filing of a petition (who may file it, what it must contain, etc.), through the various intermediate hearings (when they must be held, who is entitled to notice of them, who may and who must attend, what evidence may be considered, what decisions must be made, etc.), to the adjudication (or trial) and

disposition (or sentencing) of the delinquent.

- **Arrest and detention.** Juvenile codes indicate who is authorized to take juveniles into custody for law violations, and under what circumstances. They also impose strict limits on the detention of juveniles at the start of a case, specifying where, with whom, for how long and for what purposes juveniles may be detained, and requiring quick judicial review of all detention decisions. (In addition, federal law imposes certain juvenile custody-related restrictions on states that receive federal grants. See "Custody Restrictions Under the Juvenile Justice and Delinquency Prevention Act of 1974" in Chapter 7.)
- **Diversion.** Sometimes juvenile codes also specify the terms, conditions, and procedures under which juveniles may be diverted out of the above formal case processing system.

Purpose Clauses

Almost every state juvenile code has a provision that declares the philosophy and purposes of its juvenile justice system. Most of these “purpose clauses” fall into one of the following categories:

- **“Balanced and Restorative Justice” (BARJ) Clauses.** The most common form of state purpose clause nowadays incorporates the language of the BARJ movement, which advocates that the juvenile justice system give balanced attention to three primary interests: public safety, individual accountability to victims and the community, and the development in offenders of those skills necessary to live law-abiding and productive lives.
- **“Standard Juvenile Court Act” Clauses.** Lots of states still retain purpose clauses based on the one in an influential model juvenile code called The Standard Juvenile Court Act, originally issued in 1925 and subsequently revised many times. The declared purpose of the 1959 version was that “each child coming within the jurisdiction of the court shall receive...the care, guidance, and control that will conduce to his welfare and the best interest of the state, and that when he is removed from the control of his parents the court shall secure for him care as nearly as possible equivalent to that which they should have given him.”

- **“Legislative Guide” Clauses.** A few states use all or most of a more elaborate, multi-part purpose clause contained in The Legislative Guide for Drafting Family and Juvenile Court Acts, a publication issued by the federal government in the late 1960’s: (a) “to provide for the care, protection, and wholesome mental and physical development of children” involved with the juvenile court; (b) “to remove from children committing delinquent acts the consequences of criminal behavior, and to substitute therefor a program of supervision, care and rehabilitation;” (c) to remove a child from the home “only when necessary for his welfare or in the interests of public safety;” and (d) to assure all parties “their constitutional and other legal rights.”
- **Variations.** Purpose clauses in a handful of states can be loosely characterized as “tough,” in that they stress community protection, offender accountability, crime reduction through deterrence, or outright punishment, either predominantly or exclusively. A few others have statutory language that emphasizes the promotion of the welfare and best interests of the juvenile as the sole or primary purpose of the juvenile court system.

Source: The above is taken from the “State Juvenile Justice Profiles” section of the National Center for Juvenile Justice’s website. Individual states’ purpose clauses can be found reproduced in full at www.ncjj.org/stateprofiles

- **Disposition powers.** For juveniles who have been found delinquent, state law will list the various kinds of “disposition orders” that the court is authorized to make in response. These may include probation supervision subject to conditions, commitment to an institution, placement with a private agency, payment of fines, court costs, or restitution, performance of community service, etc.
- **Confidentiality of proceedings and records.** State juvenile codes still restrict access to juvenile court hearings and court records, in order to safeguard the privacy and future prospects of the young people involved, but not to the extent they once did. (See “Confidentiality Protections.”)

The powers and duties of juvenile probation officers are often spelled out in state juvenile codes as well. State law may specify what powers and responsibilities are to be exercised by juvenile probation officers:

- **Intake and detention.** The juvenile code may give juvenile probation officers the power to receive and examine charges or complaints of delinquency and make initial decisions regarding whether they should be formally processed and what should be done with the accused youths in the meantime.
- **Investigations and reports.** State law may authorize probation officers to conduct investigations, file reports, and make recommendations to

Confidentiality Protections

One of the traditional hallmarks of the juvenile justice system was its concern for protecting the privacy of juveniles and the confidentiality of proceedings and records relating to them. Changes in state law have eroded those protections in recent years, in the name of public safety and the public's right to know. Nevertheless, confidentiality remains an important value for juvenile courts and juvenile probation.

Generally, a state's juvenile code will set the ground rules with respect to the scope and limits of a juvenile offender's confidentiality protections:

- **Hearings.** Juvenile court hearings used to be closed to the public, and many still are. But a majority of states now have "open hearing" statutes allowing victims, members of the public and/or the media to attend, at least in cases involving juveniles charged with violent or otherwise serious offenses.
- **Records and other information.** Likewise, access to juvenile court records and law enforcement records relating to juveniles is considerably less restricted than it used to be. A court order was once generally required to authorize a disclosure of juvenile record information. But

nearly all states now allow at least some categories of disclosures without special court orders, and many require them—for example to officials of schools attended by youth who have been found delinquent.

- **Fingerprints and photographs.** Again, nearly all states now allow fingerprinting or photographing of juveniles in custody, although there may be minimum age/offense limits that must be met and prints and photos may have to be kept separately from those of adults.
- **Sealing and expunging of records.** Finally, while "burying the past" is still common in the juvenile justice system—the sealing or destruction of juvenile offense records after a period of time, either automatically or at the request of the individuals involved—many states have now limited the practice, creating exceptions for certain serious offenses, imposing new restrictions, or lengthening the time that records must be retained.

Source: The above is taken from the "State Juvenile Justice Profiles" section of the National Center for Juvenile Justice's website. More information about state law in this area is available on-line at www.ncjj.org/stateprofiles.

the court regarding the disposition of delinquents.

- **Supervision.** The state juvenile code may be the source of a probation officer's power to supervise juveniles on formal or informal probation, by order of a court or otherwise.
- **Referrals.** Juvenile probation officers may be given the authority to refer youth in their caseloads to public or private agencies for services.
- **Arrest powers.** If a state's juvenile probation officers have the power to take juveniles into custody under certain circumstances, the limits of that power should be specified in the juvenile code. For instance, the code might authorize probation officers to take physical custody of juveniles under their supervision who have violated the terms of their probation, who are in imminent danger, or who are about to abscond.

Juvenile offenders' rights may be traced to state juvenile codes and court decisions.

Statutes enacted by state legislatures constitute general rules. However, the way these rules are actually implemented depends on both customary practice and the interpretive court rulings that form each jurisdiction's "case law." Where the rights of accused juveniles are concerned, some of the most important case law decisions have come from federal rather than state courts—and especially from the U. S. Supreme Court.

As the preceding chapter explained, juvenile courts were originally conceived as informal, non-adversarial, "therapeutic" courts, in which the object was not so much to determine guilt and hand out punishments as to help young people deal with their problems. As such, juveniles had few if any "rights" in the sense we now use the word. That changed, beginning in the 1960's, with a series of

Key Supreme Court Cases Affecting The Rights of Juvenile Offenders

Kent v. United States
(1966)

- Transfer to adult court must consider due process and fair play
- Child must be represented by an attorney
- Attorney must have access to juvenile records of child

In re Gault
(1967)

- Juvenile must have notice of the charges, in writing, sufficiently particular to indicate offense(s) charged and conduct alleged and sufficiently in advance of the hearing to allow preparation
- Juvenile must be notified of the right to counsel, either hired by them or appointed by the court
- Juvenile has the right to confront the accuser(s)
- Juvenile has the right to avoid self-incrimination
- Juvenile has the right to cross examine witnesses

In re Winship
(1970)

- Standard of proof for juvenile proceedings is proof beyond a reasonable doubt

McKeiver v. Pennsylvania
(1971)

- No right to trial by jury in juvenile proceedings

Breed v. Jones
(1975)

- Double jeopardy attaches with juvenile adjudication of delinquency

Swisher v. Brady
(1978)

- Double jeopardy does not attach with *de novo* hearing or supplemental findings by judge after trial before a master

Fare v. Michael C.
(1979)

- Juvenile's request for probation officer rather than attorney during questioning does not trigger application of Miranda rule; police are not required to stop questioning of juvenile

Schall v. Martin
(1984)

- New York State statute permitting preventative pre-trial detention for juveniles is valid under the Due Process clause of the Fourteenth Amendment

Thompson v. Oklahoma
(1984)

- Eighth and Fourteenth Amendments prohibit the execution of a person who was under 16 years of age at the time of his or her offense

Stanford v. Kentucky
(1989)

- Execution of a person who was 16 or 17 years of age at the time of his or her offense does not offend the Eighth Amendment's prohibition against "cruel and unusual punishment."

"rights" in the sense we now use the word. That changed, beginning in the 1960's, with a series of U.S. Supreme Court decisions concluding that accused juveniles were entitled to many of the basic rights enjoyed by adults accused of crimes. (See "Key Supreme Court Cases Affecting the Rights of Juveniles.") Although they have their origin in

judicial decisions, these rights are now often spelled out in state juvenile codes as well. They include:

- **Right to counsel.** Juveniles have a right to be represented by counsel in proceedings against them, and to be notified of that right (i.e.,

“Mirandized”) when they are taken into custody.

- **Notice and opportunity to be heard.** Juveniles have a right to be presented with specific written charges and to put on a defense in response to them.
- **Cross-examination rights.** Juveniles have the right to “confront accusers” and to cross-examine witnesses against them. That is why, for instance, a judge cannot consider “hearsay” evidence—out-of-court statements that have not been tested by cross-examination—in deciding whether it has been proven that a juvenile committed the acts charged. Juvenile probation officers’ reports to the court may include many such statements, of course, gathered from sources (relatives, neighbors, teachers, counselors, etc.) who have not been sworn in, may not be present in court, and cannot be questioned by counsel for the juvenile. Accordingly, these statements are admissible only for purposes of deciding what is to be done with a juvenile who has already been found to have committed the delinquent acts charged.
- **Other rights.** Like adults, juveniles cannot be subjected to unreasonable searches or compelled to incriminate themselves, cannot be tried twice for the same offense, and cannot be convicted except upon proof beyond a reasonable doubt.

But court decisions have stopped just short of ruling that juveniles are entitled to exactly the same rights as adults. Juveniles have no constitutional right to be released on bail, for example, or to be tried by a jury, although laws in some states may afford them those rights.

Victims’ Rights

In more and more states, victims of juvenile offenders have legal rights too. States are increasingly elevating the status of victims of juvenile offenders and including them as active participants in the juvenile justice process. From 1992 through 1997, for example, 32 states enacted laws that extended certain rights to victims of juvenile offenders.¹ Some passed legislation specifically for victims of juvenile offenders, while others expanded laws enacted for victims of adult offenders to include juvenile offenders’ victims.² The federal Victim’s Rights and Protection Act of

1990 gives victims of federal crime many of the same rights accorded by the states.

Typically, state victims’ rights laws require opening hearings to victims; giving victims notice of hearings and of final adjudication, release, or escape; creating separate waiting areas; permitting victim impact statements; explaining plea agreements; providing compensation to victims of violent crime; collecting restitution; keeping victims’ addresses confidential; and allowing victim advocates or significant others to accompany victims to hearings.

Juvenile probation officers are often responsible for implementing victims’ rights. For example, they may be the ones who routinely collect written or oral victim impact statements. Juvenile probation officers may be required to notify victims of hearings, of escapes from a detention center or shelter facility, of a case’s final disposition, and of the termination of juvenile court jurisdiction. In addition, probation departments may be called upon to take an active role in creating work and community service opportunities for juvenile offenders, in order to make payment of restitution to victims possible.

Liability Issues

Juvenile probation officers may themselves be subject to civil and criminal liability under state and federal laws. Probation officers do get sued for damages in connection with their official duties. They are sometimes charged with crimes as well. There are no reliable figures on how often it happens, but experts agree that civil and criminal actions against probation officers, like those against public officials of all kinds, have gotten more and more common in recent years.³

Obviously, this guide is no place to look for legal advice regarding specific problems. Statutes, rules and interpretive decisions on probation officer liability vary too widely from place to place, change too often, and depend too much on particular details and questions of fact. This section is intended only to provide a general overview of the legal liabilities that probation officers may incur as public officers in the juvenile justice system, along with the immunities and defenses that are generally available to them; suggest some steps that will help

probation officers limit those liabilities; and list liability-related issues about which they should seek clarification from their superiors.

First, briefly, the primary sources of potential liability:

- **State tort law.** Under a state's statutes or case law, juvenile probation officers are subject to liability for torts or civil wrongs that involve intentional misconduct as well as those that involve mere negligence. Supervisors are subject to "vicarious" liability, if an injury caused by a subordinate is traceable to something they did or failed to do. Intentional torts may be physical (such as battery or false imprisonment) or non-physical (such as defamation or malicious prosecution). Negligence is more formless—in the absence of a statute, it can mean virtually any careless act or omission ("failure to exercise that degree of care...that reasonably prudent persons would have exercised")⁴ that results in foreseeable injury. Vicarious liability is often based on claims of failure to train employees adequately or negligent hiring or retention practices.
- **Federal and state civil rights laws.** "Section 1983" claims are by far the most common federal civil rights claims. Title 42, Section 1983 of the U.S. Code establishes a cause of action against public officers who, in the course of performing their duties, deprive an individual of his or her civil rights.⁵ If such a claim is to succeed, the public officers sued must have acted "under color of law"—that is, must have abused authority granted to them as public officers—and the conduct complained of must have resulted in a violation of a constitutionally or federally protected right. A separate federal statute grants a cause of action against those who conspire to deprive individuals of their civil rights while acting under color of law. Many states have their own civil rights statutes that mimic or expand upon federal ones.
- **Criminal liability.** Probation officers can of course be charged with crimes under state laws that apply to all members of society. In addition, many state penal codes contain provisions which make oppressive conduct "under color of law" a crime. There is a similar criminal provision in the United States Code, directed against any officer who intentionally deprives an individual

of his or her civil rights while acting under color of any law.⁶

Various types and degrees of immunity may shield juvenile probation officers from state tort liability.

Juvenile probation officers who are being sued in connection with their conduct on the job are entitled to raise the same defenses—self-defense, consent, and so on—that are available to everyone else. In addition, as government officials involved in state tort lawsuits, they may often invoke "official" immunity as well.

Official immunity applies to public officials and protects them against lawsuits for acts done in the performance of their official duties. There are three types of official immunity:

- **Absolute immunity** is enjoyed by judges, among other officials. It is not literally absolute, but it is very broad, and is designed to safeguard officials from fear of liability for the free exercise of their discretion.
- **Quasi-judicial immunity** is sometimes enjoyed by probation officers when they are making judge-like decisions or working directly under judges' orders. Under those circumstances, in connection with those acts, their immunity may be judge-like as well.
- **Qualified immunity** is the form most commonly available to probation officers. Under its best-known formulation, qualified immunity protects public officers who can show that their actions were reasonable and were performed in good faith within the scope of their employment.

"Good faith" also protects probation officers being sued under federal civil rights laws.

Good faith is by far the most frequently invoked defense in civil rights cases as well. Here it has a somewhat different definition, however. As the U.S. Supreme Court put it:

We therefore hold that government officials performing discretionary functions generally are shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.⁷

Accordingly, in situations where a probation officer acts without knowingly infringing clearly estab-

lished rights, the good faith defense should prevent recovery of damages. On the other hand, juvenile probation officers clearly cannot be “neutral” when directed to take actions they know to be improper, simply because they have no authority to change departmental policies. They can avoid liability only by notifying superiors of the problem (preferably in writing) and refraining from further action that is known to be in violation of another’s rights.

A “public duty doctrine” defense generally protects probation officers in lawsuits alleging negligent supervision of probationers. Sometimes, when juveniles injure members of the public while under probation supervision, probation officers get sued for having failed to prevent it. It is true that probation officers have a duty to protect the public. However, they cannot usually be held liable under these circumstances, because the duty is a general one, and is not owed to particular members of the public. This “public duty doctrine”—that public officials are not liable for negligent conduct unless they breached a duty to the injured person as an individual, rather than to the public in general—provides a complete defense in cases of this kind. Otherwise, it would be difficult to find anybody willing to risk doing probation or police work.

But there are exceptions to the general rule. The most important one is where a “special relationship” is found to have existed with the person who was injured by the probationer’s conduct—something that distinguishes that person from the general public. Unfortunately, the term is not very clearly defined, and what definitions there are tend to shift with the circumstances. But at least one expert suggests that courts are most likely to find that the special relationship exception applies where there was a reasonably foreseeable risk of harm to a particular person or a narrow class of people.⁸ So a probation officer’s knowledge of a specific crime about to be committed may give rise to an affirmative duty to do something to prevent it or to warn the victim.

Probation officers concerned about their potential liability need to get answers to some basic questions. There are general steps that juvenile probation officers and departments can take to limit their potential liability to lawsuits,

Interstate Compact on Juveniles

When juveniles run away, abscond, or escape from one state to another, commit a crime while away from their home state, or need institutional or other services that are not available in the state in which they have been found delinquent, the Interstate Compact on Juveniles comes into play. The Compact is a 50-state agreement, first concluded in 1955, which functions as a kind of all-purpose treaty for the interstate movement of an estimated 20,000 to 30,000 juveniles annually:

- **Runaways.** A runaway who crosses state lines can be returned home under the Compact.
- **Legitimate moves.** Juveniles who wish to move between states while on probation, or even just take an out-of-state trip, can be accommodated under the Compact.
- **Cooperative institutionalization.** The Compact makes it possible to send an adjudicated juvenile to another state for institutional care or specialized services.
- **Absconders and escapees.** For those who flee after being accused of delinquency, abscond from probation supervision, or escape from institutions, the Compact provides a kind of extradition arrangement.

Every state has a Juvenile Compact Administrator who oversees the business. For those with on-line access, contact information for each state’s administrator is available at the American Juvenile Compact Administrator’s website, www.ajca.org. The AJCA also publishes a helpful Interstate Compact on Juveniles Handbook that explains basic concepts and reproduces various forms for reference purposes.

Source: Linke, L., and Krauth, B. (June 2000). Perspectives from the Field on the Interstate Compact on Juveniles: Findings from a National Survey. Washington, DC: Office of Juvenile Justice and Delinquency Prevention and National Institute of Corrections.

some of which will be discussed below. But initially, the most important thing for individual probation officers to do is to learn more—from supervisors, legal advisors, union stewards, policy manuals, and other available sources—about the

exact scope of their liability under the laws of their state and the extent of any protections they can count on. Specifically, they should find out about the following:

- **Law.** The preceding paragraphs may give an accurate overview of most states' laws regarding probation officer liability, but the only state that matters is the one you're in. What do its statutes and leading cases say about probation officer liability? What defenses and immunities can probation officers invoke? Are there any special criminal laws or state civil rights laws that probation officers need to know about?
- **Representation.** When probation officers are sued or charged with crimes, who represents them? Does the county or district attorney automatically do so? Can probation officers get their own lawyers at public expense? Is the arrangement formal or informal, written or unwritten? In a controversial case, can a probation officer count on it? What should probation officers do if they are threatened with lawsuits or served with papers?
- **Indemnification.** Do state laws require that probation officers be indemnified if they are forced to pay damages as a result of their work? What limits and conditions are imposed upon indemnification?
- **Insurance.** Are probation officers covered by liability insurance? Is coverage under a group policy available?

Professional, fair, thorough, adequately documented juvenile probation practice is the best overall defense against lawsuits. In

the early 1980's, a survey sent to the offices of all the state attorneys general in the country asked for the "three most important bits of legal advice" they would give probation and parole officers to help them avoid or minimize legal liabilities.⁹ The most frequently given responses were the following:

- "Document your activities. Keep good records."
- "Know and follow departmental rules and regulations and your state statutes."
- "Arrange for legal counsel and seek legal advice whenever questions arise."
- "Act within the scope of your duties, and in good faith."

- "Get approval from your supervisor if you have questions about what you are doing."

Suggested Readings

For those with on-line computer access, basic information on each state's delinquency laws, as well as the overall structure and functioning of its probation services, is available in the "State Juvenile Justice Profiles" section of the National Center for Juvenile Justice's website at www.ncjj.org.

The best national source of information on probation officer liability—and the one upon which all of the above discussion is based—is a National Institute of Corrections publication called *Civil Liabilities and Other Legal Issues for Probation/Parole Officers and Supervisors* (3rd Edition, 2001), which is the work of a team of authors led by Rolando V. del Carmen of Sam Houston State University. For ordering information, call the NIC Information Center at (800) 877-1461.

Endnotes

- ¹ Torbet, P. & Szymanski, L. (November 1998). "State Legislative Responses to Violent Juvenile Crime: 1996-97 Update." *Juvenile Justice Bulletin*. Washington, DC: US Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
- ² National Council of Juvenile and Family Court Judges. (1999). *Juvenile Court Response to Victims of Juvenile Offenders Training Curriculum*. Reno, NV: Author.
- ³ Del Carmen, R., Barnhill, M., Bonham, G., Hignite, L., and Jermstad, T. (2001). *Civil Liabilities and Other Legal Issues for Probation/Parole Officers and Supervisors* (3rd Edition). Washington, DC: National Institute of Corrections. Material from this publication was used throughout this section's discussion of liability issues for juvenile probation officers.
- ⁴ *Biddle v. Mazzocco*, 248 P.2d 364 (1955), cited in del Carmen, *supra*, n. 3.
- ⁵ 42 U.S.C. § 1983: "Every person who, under color of any statute, ordinance, regulation, custom or usage of any State or Territory, subjects, or causes to be subjected, any citizen of the United States, or any other persons within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in action at law, suit in equity, or other proper proceeding for redress."
- ⁶ 18 U.S.C. § 242: "Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of

citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.”

⁷ *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982).

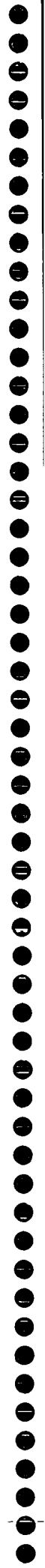
⁸ *Sec del Carmen*, *supra*, n. 3, p. 125.

⁹ *Id.* at p. 189.



Youth and Delinquency

Chapter 3



3

YOUTH AND DELINQUENCY

In this chapter you will learn about:

- basic adolescent development concepts
- typical pathways into delinquency
- risk factors associated with delinquency
- research on prevention of delinquency

A great deal has been learned about how and why young people become delinquents and what can be done to prevent it. What is the journey from childhood through adolescence to adulthood supposed to be like? How common are wrong turns? Why do they happen? Where do they lead? Is it possible to anticipate and prevent them? These are urgent practical questions for everyone who works with young people. Juvenile probation officers in particular need a working understanding of the process of normal adolescent development—and of the pathways that lead away from normal development into delinquency and other problem behavior. They need to be alert for warning signs and disturbing patterns in the backgrounds and behavior of their charges. And above all they need concrete information regarding measures that are likely to help in individual cases—to reduce the chances that those who take wrong turns will become irrevocably lost.

Fortunately, research over the last few decades has shed considerable light on all of these matters. This chapter will describe some of the most important findings, and indicate where to look for more details.

Adolescence is a necessary but often difficult period of physical, intellectual, emotional and social growth. Imagine your heart doubling in size.¹ That's adolescence. Everyone knows that this is a period of intense and sometimes unsettling development, that after infancy there is no transformation so rapid and

complete. Good juvenile probation officers make efforts to become knowledgeable about this process, to determine the developmental progress of the young people they work with, and to convey this vital information to others in the juvenile justice system.

In a guide like this, there's no sense trying to list everything that adolescence changes. But here are a few of the highlights:

- **Physical growth.** Adolescents put on an average of 20 to 30 pounds in weight, 12 inches in height.² For girls, this period of rapid growth usually occurs between the ages of about 9½ and 14½. Boys' growth spurts generally happen between 10½ and 16 years of age. Physical development does not necessarily reflect or coincide with social or emotional development, of course. It can certainly *affect* them, though. For instance, early maturers may be more likely to get into certain kinds of trouble (truancy, minor delinquency, difficulties at school, etc.), primarily because their appearance permits them to hang out with older teens.³ And adults tend to expect early maturers' behavior to be consistent with their physical size and appearance—which may lead to trouble as well.⁴
- **Puberty.** Adolescents can become sexually mature long before they're mature enough for sex. Genetic makeup determines when glands and hormones trigger the beginning of puberty, but external factors, such as nutrition, stress, and exercise levels, may affect this internal timing device. So, for example, children are beginning to undergo the physiological changes of puberty at earlier ages now than they did in the past. A century ago, girls reached menarche (first menstruation) at age 16, on average. Now (thanks to better food, better health care, etc.), the average age of menarche is down to about 12½.⁵
- **Mental changes.** The adolescent mind is a work in progress. But progress—toward adult-style abstract reasoning, forethought, objectivity and emotional control—is not steady or straight.

Developmental Tasks and Experiences of Adolescents

Areas of Development	Early Adolescence 10-13	Middle Adolescence 14-16	Late Adolescence 17-20
Physical/Sexual	<ul style="list-style-type: none"> ■ Girls reach peak growth spurt ■ Girls begin breast development and menstruation ■ Boys start ejaculation of seminal fluid ■ Body shapes change. Boys increase muscles while girls increase fat ■ Begin experiencing sexual drives 	<ul style="list-style-type: none"> ■ Boys reach peak growth spurt ■ Boys voices change and facial and body hair grows ■ Sex drive strengthens, and appealing to the opposite sex becomes very important ■ Likely to be more concerned about appearance and grooming 	<ul style="list-style-type: none"> ■ Have reached mature physical growth and development ■ Motor skills and coordination tend to improve, especially for boys ■ Many youth are sexually active
Cognitive	<ul style="list-style-type: none"> ■ Develop capacity for formal operational thought ■ Argue more effectively ■ Become more self-focused and self-conscious ■ Idealistic and critical ■ Vocabulary and understanding of language increases ■ Begin to grasp irony and sarcasm 	<ul style="list-style-type: none"> ■ Use formal operational reasoning on familiar tasks ■ Become better at planning and decision-making ■ Intellectual interests gain importance ■ Knowledge and ability to solve problems expands ■ Become less self-conscious and self-focused ■ Tend to be present-oriented 	<ul style="list-style-type: none"> ■ Can think through and express ideas ■ Have a developed sense of humor ■ Interests tend to be stable ■ Can make independent decisions ■ Have ability to compromise ■ Tend to be more future-oriented
Emotional/Social	<ul style="list-style-type: none"> ■ Struggle with sense of identity ■ Tend to be moody ■ Peers become more important, but family is still the primary source of guidance and support ■ Generally have same-sex friendships ■ Parent-child conflict may increase ■ Often shy and modest ■ Want greater privacy 	<ul style="list-style-type: none"> ■ May alternate between high expectations and poor self-concept ■ Peers become increasingly important ■ Want greater freedom from parents ■ Peer relationships may change often ■ Behavioral experimentation (e.g., drugs, sex) ■ May feel sadness about psychological loss of parents 	<ul style="list-style-type: none"> ■ Have firmer sense of identity ■ Greater emotional stability ■ Friendships continue to be important ■ Concerned with serious relationships ■ Have capacity for tender and sensual love ■ More self-reliant ■ Greater concern for others ■ Capable of useful insight

Sources: Bell, T. (1990). *Preventing Adolescent Relapse: A Guide for Parents, Teachers and Counselors*. Independence, MO: Herald House/Independence Press. Berk, L. E. (1996). *Infants, Children, and Adolescents*. Boston: Allyn and Bacon. Center for Adolescent Studies. (1996). *Normal Adolescent Development*. <http://education.educ.indiana.edu/cas/adol/development.html>.

Adolescents are often inconsistent in their thinking patterns, shifting from childish to adult approaches depending on the situation or the subject matter.⁶ On their way to independent thinking, they may pass through a difficult, argumentative stage. Idealism may show itself initially as intolerance for shortcomings or a tendency to be hypercritical of authority.⁷ Mood fluctuations are normal too, in part due to biological causes, including the uneven release of hormones.⁸ And don't forget brain-based sleep-pattern changes that leave many adolescents chronically sleep-deprived—resulting in sluggishness, irritability, depression, and impaired judgment and memory.⁹

- **Social development.** One of the primary developmental tasks of adolescence is to form a personal identity that is independent of the family. Peer relationships are a bridge to this adult identity—which explains their enormous importance in the adolescent scheme of values.¹⁰ (It probably also explains why delinquency is so often a group phenomenon: more than half of serious violent juvenile crimes are committed in groups, for example.)¹¹ Trial-and-error learning, risky experimentation, and even open rebellion may also be necessary for young people seeking to discover and achieve a separate identity.¹²

Even this brief summary of the changes and stresses that characterize typical adolescence helps to demonstrate why there is a need for juvenile courts and juvenile justice. Adolescents really are different from adults, in their bodies and in their minds. It is relatively easy for them to get into trouble. And when they do, it is harder to hold them fully at fault. That's why we have a court that specializes in second chances—for young people who are still learning from their mistakes.

And it seems to work: most juveniles are referred to juvenile court only once.¹³

A very small subset of young people embark on serious delinquent careers. Juvenile probation officers know, however—or soon learn—that some young people are different. They may take crazier risks, experiment with drugs or sex sooner, commit more serious crimes at younger ages. They find trouble where others don't. And trouble seems to lead them to more trouble.

Moral Development

Young people pass through stages of moral development that overlap other developmental stages. According to one widely influential model proposed by Lawrence Kohlberg in the 1970's, there are six basic stages of moral development:

- **Power orientation:** At this rudimentary stage, people do what is "right" only because someone in authority forces them to, or in order to avoid punishment.
- **Self-benefit orientation:** This is the "tit for tat" stage, at which people behave morally for pragmatic reasons—that is, they do what is required of them in order to get what they want.
- **Approval/acceptance orientation:** At this stage, people seek to win approval—to be "good" in the eyes of others.
- **Social order orientation:** Having recognized that society cannot survive without rules, people at this stage begin to act in such a way as to maintain social order—that is, they become "law-abiding."
- **Social contract orientation:** Conduct at this stage is based on a genuine recognition of the rights and interests of others.
- **Universal principles orientation:** The ultimate stage of moral development involves acting according to self-chosen ethical principles of universal application, no matter what other people—or even laws—say to the contrary.

Source: Kohlberg, L. "Moral Stages and Moralization: The Cognitive-Developmental Approach." In Lickona, T. (Ed.). (1976). *Moral Development and Behavior: Theory, Research, and Social Issues*. New York, NY: Rinehart & Winston.

Researchers have studied this relatively small subset of more serious delinquents for decades. They have looked at objective data relating to them—their arrests, their juvenile court careers, their later criminal records, and so on. They have also interviewed them, along with their parents, their teachers, and others familiar with them.

First, they are a small group, but they do a lot of damage. It is quite common for juveniles to

commit delinquent acts—virtually all do, according to their own accounts.¹⁴ It is even common to be arrested at least once as a juvenile, especially in cities: between 30% and 40% of all boys growing up in urban areas will be arrested before their 18th birthdays.¹⁵ (Most will never be arrested again.) Nevertheless, most non-trivial juvenile crime is not the work of this large body of casual offenders, but of a small group of persistent ones. One study of the records of selected juvenile courts found that only 16% of all juveniles referred (less than 5% of those in the population served) piled up more than three referrals in their juvenile careers. But they were responsible for half of all the property offenses handled by the courts, and two-thirds of the violent crimes.¹⁶

Reliably identifying prospective members of this group of chronic and/or serious offenders is difficult. They don't specialize in particular types of crime, for instance, or follow any simple offending pattern. But one telling sign is simply age at first referral: the younger juveniles are when they first come to the court's attention, the more times they are likely to return, and the more likely they are to be referred eventually for a violent or otherwise serious offense.¹⁷ Each successive arrest or referral increases the risk that they will be rearrested or otherwise returned to juvenile court. After five or six arrests, the probability of being arrested yet again rises above 90%.¹⁸ If they are young enough, after five court referrals, their chances of coming back in the door a sixth time may be as high as 98%.¹⁹ (For further information, see the discussion of "Very Young Offenders" in the chapter on "Special Populations.")

Researchers have isolated factors that are associated with increased risk of delinquency and other behavior problems. Early onset is just one "risk factor" associated with serious delinquency. By now, everyone has heard this expression used in connection with juveniles—who are also sometimes described as "at-risk" or "high-risk" youth. The terms come from the public health field, where they have long been central to successful disease control and prevention efforts. Risk factors associated with heart disease, for example, include tobacco use, fatty diet, high stress, and a family history of heart disease: people who get heart disease tend, statistically, to have more of these in their backgrounds than people

Pathways In and Out of Delinquency

Researchers studying the backgrounds of chronically delinquent boys in Pittsburgh found that they tended to progress into serious delinquency via one or more of the following pathways:

- **The Authority Conflict Pathway** begins before age 12 and consists of a progression from stubborn behavior, to defiance and disobedience, to authority avoidance. Status violations, such as truancy, running away, and staying out late are examples of authority avoidance behaviors.
- **The Covert Pathway** begins with minor covert behavior such as shoplifting and frequent lying, progresses to property damage, and eventually leads to moderate to serious delinquency such as fraud, burglary, and serious thefts (i.e., property violations).
- **The Overt Pathway** often starts with minor aggressiveness (e.g., bullying, annoying others). This may be followed by physical fighting and may lead to serious violent acts eventually, such as rapes and assaults.

Obviously, not every shoplifter becomes a burglar, or every bully a rapist. Some are merely experimenting. But others who seem to be on the path to serious juvenile and adult offending can be turned away. A separate study that followed up on the long-term careers of a large number of ex-delinquents—even interviewing 52 of them when they were old men—concluded that marriage, military service, jobs, and changes of neighborhood tended to be turning points in their lives. All of these turning points, researchers concluded, involved some combination of the following:

- A radical departure or "knifing off" from the past.
- Supervision and monitoring.
- New opportunities for social support and growth.
- A chance to transform their identities.

Sources: For delinquency pathways, see Kelley, B., Loeber, R., Keenan, K., and DeLamatre, M. (December 1997). *Developmental Pathways in Boys' Disruptive and Delinquent Behavior*. *OJJDP Juvenile Justice Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention. For turning points away from delinquency, see Sampson, R., and Laub, J. (1993). *Crime in the Making: Pathways and Turning Points Through Life*. Cambridge, MA: Harvard University Press.

who don't; the presence of one or more of these factors in any individual's life thus serves as a kind of warning or red flag, signaling an increased likelihood of heart disease down the road. It's too simplistic to say that the identified risk factors "cause" heart disease. And you can't necessarily do anything about risk factors once you've spotted them. But often you can. And for the population as a whole, it's obviously cheaper, more effective, and more humane to engage in what is called "risk-focused prevention" than to sit around waiting for more heart attacks to happen.²⁰

Delinquency researchers—using methods analogous to those of public health researchers—have identified risk factors for delinquency generally, as well as factors associated specifically with violence, drug abuse, teenage pregnancy, and dropping out of school. (See "Risk Factors.") Some have to do with individual characteristics and choices, others with external conditions. One important thing to remember about them is that the presence of *multiple* risk factors greatly increases their predictive power—so that youths with three risk factors are at considerably higher risk than those with two.²¹

Another is that risk factors and delinquent behavior often tend to interact and reinforce one another; family conflict and lack of academic commitment may predict juvenile offending, but actually offending may in turn lead to *more* conflict, *reduced* school commitment, etc.²² Which makes it that much more important to stop delinquents in mid-cycle, if possible.

Risk factors for delinquency (as well as other problem behaviors)²³ fall into five basic categories:

- **Individual.** Individual risk factors include conduct, attitudes and character traits. Early initiation of delinquency, for example, is a risk factor for later delinquency. But so is an attitude of approval or acceptance toward delinquency, apart from any actual offending. More generally, an alienated, detached or rebellious stance toward society places a juvenile at higher risk, as do traits such as high impulsivity and low aversion to risk.
- **Peers.** Association with delinquent or antisocial peers is a major risk factor for delinquency. Its predictive power is up there with early offending.²⁴
- **Family.** Among the strongest predictors of youth misconduct are dysfunctional family relations and

poor parenting. The children of parents who are cold or cruel, who don't communicate clear expectations, who don't monitor or supervise them adequately, who are inconsistent or excessive in administering punishment, or who have mental illness or substance abuse problems are more likely to become delinquent. So are those whose families have criminal histories or favorable or indulgent attitudes towards juvenile crime. Families that feature lots of internal conflict are more likely to produce delinquents. Family disruption²⁵ and child maltreatment²⁶ have also been associated with later delinquency.

- **School.** School-related risk factors include elementary school failure (the experience itself, regardless of the reasons), lack of commitment to school, and a record of early behavioral problems that are usually manifested in school (fighting, skipping, etc.).
- **Community.** Risk factors associated with the setting in which a juvenile is raised include general community disorganization, transience, and poverty, local attitudes and norms favorable to crime, *availability of guns, etc.*

This is not a complete list—researchers are always investigating delinquents' backgrounds, focusing on different features, finding new ways in which their lives are distinctive. Moreover, even within the list of risk factors given above, some are far more important than others. Research has shown that the following are the best predictors of future delinquency:

- Early onset of delinquency.
- Past involvement in delinquency.
- Presence of other related problem behaviors (substance use, school problems, truancy, early sexual experience).
- Association with delinquent peers.
- Parental substance abuse or mental illness.
- Poor parenting.
- Childhood neglect and physical/sexual abuse.

The connection between child maltreatment and later delinquency is especially well-documented. Both studies that have examined the prevalence of abuse backgrounds in delinquent and criminal populations and those that have followed up on

Risk Factors for Adolescent Behavior and Health Problems

Risk Factors	Adolescent Problem Behaviors				
	Delinquency	Violence	Substance Abuse	Teenage Pregnancy	School Dropout
Individual					
Rebelliousness	√		√		√
Favorable attitude toward the problem behavior	√		√	√	√
Early initiation of the problem behavior	√	√	√	√	√
Constitutional factors	√	√	√		
Peers					
Friends who engage in the problem behavior	√	√	√	√	√
Family					
Family history of the problem behavior	√		√	√	√
Family management problems	√	√	√	√	√
Family conflict	√	√	√	√	√
Favorable parental attitudes and involvement in the problem behavior	√	√	√		
School					
Early persistent antisocial behavior	√	√	√	√	√
Academic failure beginning in elementary school	√	√	√	√	√
Lack of commitment to school	√		√	√	√
Community					
Availability of drugs			√		
Availability of firearms	√	√			
Community laws and norms favorable toward drug use, firearms, and crime	√	√	√		
Media portrayals of violence		√			
Transitions and mobility	√		√		√
Low neighborhood attachment and community organization	√	√	√		
Extreme economic deprivation	√	√	√	√	√

Source: Howell, J. (ed.). (1995). *Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention. Adapted from: Coordinating Council on Juvenile Justice and Delinquency Prevention. (1996). *Combating Violence and Delinquency: The National Juvenile Justice Action Plan*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention. Data Source: Hawkins, J. D., & Catalano, R. F. (1995). *Risk-Focused Prevention: Using the Social Development Strategy*. Seattle: Developmental Research and Programs, Inc.

maltreated children to observe subsequent rates of offending have demonstrated this link.²⁷

However, it should be borne in mind that, even though these are called “predictors,” they can’t literally be used to predict delinquency *in individual cases*. In comparison with the whole group of children who share a risk factor, or even multiple risk factors, the group that will actually go on to commit serious offenses may be very small. Which means that, if you forecast serious delinquency on the basis of the presence of the risk factors, you will be wrong much more often than right.²⁸

The main usefulness of risk factors is at the aggregate or public health level. Reducing risk factors in the aggregate—negative parenting, say—should reduce delinquency in the aggregate.

Protective factors serve to counter the predisposing effects of risk factors. Despite the strong correlations between risk factors and associated problem behaviors, we know that some juveniles, even when exposed to multiple risks, do not become delinquents, drug addicts, school dropouts, or-teenage-parents.—Why?

Researchers, using essentially the same techniques that isolated risk factors for delinquency, have identified a number of traits, beliefs, relationships and conditions that seem to moderate the impact of risk factors. These “protective factors” appear over and over in the backgrounds of high-risk youth who have nevertheless bucked the odds and avoided trouble. Some protective factors are *individual* traits (being bright, being a girl, having a sociable orientation or an adaptable temperament), which may reduce the risk of delinquency but which are pretty much inherent. Others have to do with *bonding*—attachment or commitment to family members, pro-social peers, teachers and others who themselves have *clear standards* and *healthy beliefs*.²⁹

Although research suggests that no one protective factor has more than a small impact on reducing delinquency, the presence of multiple protective factors appears to have a sizeable impact. Protective factors must remain in place, however—once they are removed, they do not seem to have long-term effects.³⁰

Identification of risk and protective factors has made effective delinquency prevention a practical possibility.

Researchers have demonstrated that reactive anti-crime strategies tend to be considerably more expensive than even modestly successful preventive efforts.³¹ In fact, one study found that allowing a single juvenile to leave school for a life of crime and drug abuse may eventually cost society as much as \$3 million.³² (See “The Cost of a Wasted Life.”) That’s one reason why more and more jurisdictions are turning away from purely reactive approaches to delinquency—sanctioning, treating, and rehabilitating after the fact—and becoming involved in delinquency prevention.

Juvenile probation has to be a part of that movement. No longer focusing solely on offenders and their needs, the profession as a whole has begun to acknowledge that protecting the public is an important part of its mission. And responsibility for public safety imposes a clear duty to do more than react to juvenile crime after it occurs. Juvenile probation must support and if necessary lead community efforts to create conditions and programs that promote positive youth development and discourage delinquency.

What works in delinquency/crime prevention? In 1996, Congress called for an independent review of the effectiveness of state and local crime prevention programs funded by the U.S. Department of Justice, and an examination of the programs’ effect on risk and protective factors for delinquency, youth violence and drug abuse. Research conducted in response yielded a provisional list of effective and ineffective prevention programs targeting at-risk, delinquent and chronic juvenile offenders in a variety of settings.³³ Here are some of the approaches and program types that were found to be effective (proven to prevent crime or reduce risk factors for crime) or promising (some empirical basis for believing that local successes could be replicated):

- **Family strategies.** Programs targeting families with infants and preschool children—usually involving home visitation, early education, and/or parent training—are among the most powerful in their risk reduction and prevention effects. Strategies that have been found effective include weekly home visits by nurses and other helpers during infancy, long-term and frequent home

Protective Factors Against Delinquency

Domain	Specific Protective Factors
Individual	<ul style="list-style-type: none"> ■ Intelligence ■ Steady disposition ■ Social skills ■ Conventional belief system
Peers	<ul style="list-style-type: none"> ■ Participation in and acceptance by prosocial peer groups ■ Adult supervision of and involvement in youth peer group activities
Family	<ul style="list-style-type: none"> ■ Parents who demonstrate love and caring for their children ■ Parents who are involved in their children's activities ■ Parents who monitor and supervise their children's behaviors ■ Family stability ■ Adequate financial resources
School	<ul style="list-style-type: none"> ■ Strong policies on violence and drugs ■ Teachers who care about students and demonstrate concern for their students' social and academic growth ■ Youth who are prepared for school ■ Success in school ■ Youth commitment to the education system
Community	<ul style="list-style-type: none"> ■ Opportunities for youth provided in the community ■ Social controls provided ■ High level of organization and cooperation exists in the community – neighbors work together to meet common objectives ■ Active PTA, after school activities, churches and religious organizations, and youth social clubs

Source: Coordinating Council on Juvenile Justice and Delinquency Prevention. (1996). *Combating Violence and Delinquency: The National Juvenile Justice Action Plan*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, U. S. Department of Justice.

visitation in conjunction with preschool classes, and family therapy conducted by clinicians for older pre-delinquent and delinquent youth.

- **School strategies.** Among the approaches that have been found to work in schools are programs that serve to clarify and communicate norms—establishing clear rules, enforcing them consistently, rewarding positive behavior, and

publicizing expectations through school-wide campaigns and ceremonies. Comprehensive, long-term instructional programs that teach skills such as stress management, problem solving, self-control, and emotional intelligence also work to prevent delinquency.

- **Community strategies.** Promising community-based prevention approaches include gang-

The Cost of a Wasted Life

A 1998 study estimated the external marginal costs imposed on society by the average career criminal, heavy drug abuser, and high school dropout. The portion of the study that focused on crime costs was based on estimates of the number and range of crimes committed by the average career criminal, the tangible and intangible costs that such crimes

impose on their victims, the expenses involved in investigating, processing, and punishing the criminal, and productivity losses due to incarceration. The study also calculated external marginal costs associated with the average lifetime of heavy cocaine or heroin abuse and the productivity and other losses traceable to an interrupted education.

Crime:

Juvenile career (4 years @ 1-4 crimes/year)

Victim costs \$62,000–\$250,000

Criminal justice costs \$21,000–\$84,000

Adult career (6 years @ 10.6 crimes/year)

Victim costs \$1,000,000

Criminal justice costs \$335,000

Offender productivity loss \$64,000

Total crime cost \$1.5–\$1.8 million

Drug Abuse:

Resources devoted to drug market \$84,000–\$168,000

Reduced productivity loss \$27,600

Drug treatment costs \$10,200

Medical treatment of drug-related illnesses \$11,000

Premature death \$31,800–\$223,000

Criminal justice costs associated with drug crimes \$40,500

Total drug abuse cost \$200,000–\$480,000

Costs imposed by high school dropout:

Lost wage productivity \$300,000

Fringe benefits \$75,000

Nonmarket losses \$31,800–\$223,000

Total dropout cost \$470,000–\$750,000

Total loss \$2.2–\$3 million

Data source: Cohen, Mark. (1998). "The Monetary Value of Saving a High-Risk Youth." *Journal of Quantitative Criminology*, 14(1), 5-33. Adapted from Snyder, H., and Sickmund, M. (1999). *Juvenile Offenders and Victims: 1999 National Report*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Ten "Blueprints" Programs Have Been Shown to Prevent Violence

In 1996, the Center for the Study and Prevention of Violence initiated a project to identify violence prevention programs that met a very high scientific standard of program effectiveness. The Blueprints For Violence Prevention project reviewed over 400 delinquency, drug and violence prevention pro-

grams, looking for those that (1) had been experimentally evaluated, (2) were shown to have significant and long-term prevention or deterrent effects, and (3) could be replicated at other sites. The following table lists the ten selected "Blueprints" projects, with target groups and program information.

Project	Target Group	Program Type
Nurse Home Visitation	Pregnant women at risk of pre-term delivery and low birthrates	Prenatal and postpartum nurse home visitation
Bullying Prevention Program	Primary and secondary school children (universal intervention)	School-based program to reduce victim/bully problems
Promoting Alternative Thinking Strategies	Primary school children (universal intervention)	School-based program to promote emotional competence
Big Brothers and Big Sisters of America	Youth 6-18 years of age from single-parent homes	Mentoring program
Quantum Opportunities	At-risk, disadvantaged, high school youth	Educational incentives
Multi-systemic Therapy	Serious, violent, or substance abusing juvenile offenders and their families	Family ecological systems approach
Midwestern Prevention Project	Middle/Junior High School 6th/7th grade	Drug use prevention (social resistance skills) with parent, media, and community components
Life Skills Training	Youth at risk for institutionalization	Drug use prevention (social skills and general life skills training) Foster care with treatment
Multidimensional Treatment Foster Care	Serious and chronic delinquents	Behavior systems family therapy
Functional Family Therapy	Youth at risk for institutionalization	

Source: Elliott, Delbert S. (ed.) (1997). *Blueprints for Violence Prevention*. Denver, CO: C&M Press.

offender monitoring by community workers and probation and police officers. In addition, mentoring by Big Brothers/Big Sisters volunteers substantially reduced later drug abuse in one experiment.

- **Correctional strategies.** Rehabilitation programs that have been shown to be effective in

preventing further crime (1) are structured and focused rather than loose, (2) involve lots of contact and multiple treatment components, (3) focus on developing skills, and (4) use behavior modification techniques as opposed to counseling.

The same congressionally mandated study identified some prevention approaches that *don't* work, and

The Surgeon General and Violence Prevention

Following the tragic shootings at Columbine High School in 1999, the President directed the Surgeon General to oversee the preparation of a scholarly report summarizing what the research has shown about the causes and prevention of youth violence. The resulting report, a joint product of several federal public health agencies, was issued in 2001. Among its conclusions:

- There are at least two distinct “onset trajectories” for youth violence—one that begins early, before puberty, and another that begins in adolescence. Those who become violent early tend to commit more crimes, and more serious crimes, for a longer time. But the latter pattern—violence that begins in adolescence, peaking at about age 16—is more common.
- The most significant risk factors for early-onset violence tend to be individual or family attributes. In other words, events and conditions at home matter more than those in the larger world. In adolescence, the situation changes, and peer-related risk factors for violence become more significant than family ones. This suggests that an effective prevention strategy must distinguish between the two groups in determining which risk factors to target.
- Twenty-seven specific programs have been demonstrated to be effective in preventing youth violence, and in many cases they yield long-term benefits that far exceed their costs. The report provides detailed descriptions of the programs themselves and the studies that have documented their effectiveness, along with contact information.

Source: U.S. Department of Health and Human Services. (2001). *Youth Violence: A Report of the Surgeon General*. Rockville, MD: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Injury Prevention and Control; Substance Abuse and Mental Health Services Administration, Center for Mental Health Service; and National Institutes of Health, National Institute of Mental Health.

may even do more harm than good—including a few that are popular with the general public. Some of these include:

- Gun buyback programs.
- Summer job and subsidized work programs for at-risk youth.
- Vague, nondirective, unstructured individual counseling and peer counseling.
- Drug prevention classes focusing on fear and other emotional appeals.
- Shock probation and “Scared Straight” programs.
- Military-style boot camps and wilderness challenge programs, at least if they have no rehabilitation component.

Suggested Readings

There are lots of good printed sources of general information on adolescent development, including those cited at the start of this chapter. In addition, for those with access to a computer with an internet connection, Adolescence Directory On-Line (ADOL) is a handy electronic guide to information on adolescent issues. ADOL is operated by the Center for Adolescent Studies at Indiana University, and is located at <http://education.indiana.edu/>

The best source of current, reliable information on delinquency research is the U.S. Department of Justice’s Office of Juvenile Justice and Delinquency Prevention (OJJDP). Many of the works cited in the notes to this chapter were published by OJJDP and can be downloaded for free or back-ordered (usually for no more than copying charges) at <http://www.ojjdp.ncjrs.org/>

Several of the articles cited in this chapter come from the Winter 1996 issue of *The Future of Children*, an excellent journal produced by the Packard Foundation’s Center for the Future of Children. The Winter 1996 issue was entirely devoted to the juvenile courts. You can download a copy (or order a print version for free) at <http://www.futureofchildren.org/>

The federal government has been involved in financing risk-focused delinquency prevention efforts in more than a thousand communities through the Community Prevention Grants Program, which was established by law in 1992. For a complete description of the program, see the *2000 Report to Congress: Title V Community Prevention*

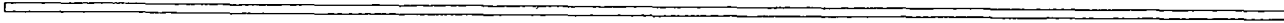
Grants Program, which is available from OJJDP at <http://www.ojjdp.ncjrs.org/>

The Promising Practices Network web site provides policy-makers and practitioners with up-to-date research information on proven and promising approaches to delinquency prevention, including links to brief research summaries. You can access it at <http://www.promisingpractices.net/>

Youth Violence: A Report of the Surgeon General (see "The Surgeon General and Violence Prevention") can be downloaded from the website of the Surgeon General, U.S. Public Health Service, at <http://www.surgeongeneral.gov/>

Endnotes

- ¹ Newton, M. (1995). *Adolescence: Guiding Youth Through the Perilous Ordeal*. New York: W. W. Norton & Company.
- ² Cummings, R. (1995). *Adolescence: A Developmental Perspective*. Fort Worth, TX: Harcourt Brace College Publishers.
- ³ Steinberg, L., & Schwartz, R. (2000). "Developmental Psychology Goes to Court," in Thomas Grisso and Robert G. Schwartz (Eds.) *Youth on Trial*. Chicago: University of Chicago Press.
- ⁴ Kipke, M. D. (Ed.). (1999). *Adolescent Development and the Biology of Puberty*. Washington, DC: National Academy Press.
- ⁵ Cummings, *supra*, n. 2.
- ⁶ Caissy, G. A. (1994). *Early Adolescence: Understanding the 10- to 15-Year-Old*. New York: Plenum Press.
- ⁷ Berk, L. E. (1996). *Infants, Children, and Adolescents* (2nd Edition). Boston: Allyn and Bacon.
- ⁸ Caissy, *supra*, n. 6
- ⁹ "Slugabeds: Why Teens Need More Snooze Time." (1999, August 9). *U. S. News Online*. <http://www.usnews.com/>
- ¹⁰ Berk, *supra*, n. 7.
- ¹¹ Snyder, H., and Sickmund, M. (1999). *Juvenile Offenders and Victims: 1999 National Report*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ¹² Caissy, *supra*, n. 6.
- ¹³ Snyder, H. (Winter 1996). "The Juvenile Court and Delinquency Cases." *The Future of Children—The Juvenile Court*, vol. 6 (3).
- ¹⁴ *Ibid*.
- ¹⁵ Greenwood, P. (Winter 1996). "Responding to Juvenile Crime: Lessons Learned." *The Future of Children—The Juvenile Court* 6(3).
- ¹⁶ Snyder, *supra*, n. 13.
- ¹⁷ Snyder, H. (2001). "Epidemiology of Official Offending," in Loeber, R., and Farrington, D. (eds.), *Child Delinquents: Development, Intervention, and Service Needs*. Thousand Oaks, California: Sage Publications.
- ¹⁸ Greenwood, *supra*, n. 15.
- ¹⁹ Snyder, *supra*, n. 13.
- ²⁰ Hawkins, J. David. (1995). *Controlling Crime Before It Happens: Risk Focused Prevention*. Washington, DC: U.S. Department of Justice, National Institute of Justice Journal.
- ²¹ *Ibid*.
- ²² Thornberry, T., Huizinga, D., and Loeber, R. (1995). "The Prevention of Serious Delinquency and Violence: Implications from the Program of Research on the Causes and Correlates of Delinquency," in Howell, J. et al (eds.), *A Sourcebook. Serious, Violent, and Chronic Juvenile Offenders*. Thousand Oaks, California: Sage Publications.
- ²³ Except where noted, information in the following discussion is taken from Hawkins, *supra*, n. 20.
- ²⁴ Lipsey, M., and Derzon, J. (1998). "Predictors of Violent or Serious Delinquency in Adolescence and Early Adulthood: A Synthesis of Longitudinal Research," in Loeber, R., and Farrington, D. (eds.), *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions*. Thousand Oaks, California: Sage Publications.
- ²⁵ Thornberry, T., Smith, C., Rivera, C., Huizinga, D., and Stouthamer-Loeber, M. (September 1999). "Family Disruption and Delinquency." *OJJDP Juvenile Justice Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ²⁶ Kelley, B. Thornberry, T., and Smith, C. (August 1997). "In the Wake of Childhood Maltreatment." *OJJDP Juvenile Justice Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ²⁷ Wiebush, R., Freitag, R., and Baird, C. (July 2001). "Preventing Delinquency Through Improved Child Protection Services." *OJJDP Juvenile Justice Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ²⁸ Steinberg, L. (April 2000). "Youth Violence: Do Parents and Families Make a Difference?" *National Institute of Justice Journal*. Washington, DC: National Institute of Justice.
- ²⁹ Hawkins, *supra*, n. 20.
- ³⁰ Thornberry, *et al.*, *supra*, n. 22.
- ³¹ Greenwood, Peter. (May 1996). *Diverting Children From a Life of Crime: What are the Costs and Benefits?* Santa Monica, CA: RAND Corporation.
- ³² Cohen, Mark. (1998). "The Monetary Value of Saving a High-Risk Youth." *Journal of Quantitative Criminology*, 14(1).
- ³³ Sherman, L., et al. (February 1997). *Preventing Crime: What Works, What Doesn't, What's Promising*. Washington, DC: U.S. Department of Justice, Office of Justice Programs.



Case Processing Overview



In this chapter you will learn about:

- how delinquency cases are processed through the court system
- juvenile probation's role in case processing
- standards applicable to juvenile justice case processing

Juvenile probation officers play a crucial role at virtually every delinquency case processing stage. A thorough understanding of how delinquency cases are processed through the juvenile justice system—from referral to case closure—is essential to good probation practice. Annually, about 1.5 million delinquency cases are handled by the nation's juvenile courts. Virtually every one of the juveniles involved in these cases has contact with a probation officer at some point.¹ Probation officers screen most of them initially to determine how they should be processed, make detention decisions on some of them, prepare investigation reports on most of them, provide supervision to over a half million of them, and deliver aftercare services to many of those released from institutions. This chapter provides an overview of delinquency case processing, and briefly describes the critical decisions that must be made at each stage. Subsequent chapters provide more in-depth information on each of these stages.

Case processing may be fairly described as the series of decisions that follows an alleged delinquent act. Case processing decisions are made on the basis of the delinquent act itself, the characteristics of the juvenile, and the circumstances surrounding the case, including the impact on the victim. However, there are many other factors that influence case processing decisions, including varying state juvenile laws, prevailing juvenile court philosophies, community attitudes toward juvenile crime and victimization, the availability of re-

sources to meet offender, victim, and community needs, and the ways juvenile court and probation services are organized and administered.

Nevertheless, regardless of these variations, certain case processing stages are common to all juvenile justice systems. Each has some version of intake, some pre-trial procedure in which charges are delineated, some adjudication process that establishes the facts of the case, and some dispositional process that imposes sanctions.²

Referral is the first decision point in a delinquency case. A referral occurs when someone files an arrest report or a complaint with the juvenile court alleging that a young person has violated the law. Juvenile probation officers sometimes refer youths to juvenile court—as do social service agencies, schools, parents, and victims on occasion—but in the overwhelming majority of cases (84% in 1998), the initial referral comes from the police.³

Not every alleged youth crime, or even every arrest, results in a referral from law enforcement to juvenile court. Police officers are given wide discretion in their handling of young people who are accused of crimes. They frequently, for example, make what are called “street adjustments” in lieu of arrests. They may also release juveniles unconditionally after arresting them—or release them with a warning, or release them into the custody of their parents or guardians, or release them on condition that they report to entities other than the juvenile court, such as quasi-judicial “citizen hearing boards” or community agencies that offer supports or services. These are all forms of pre-referral diversion from the juvenile justice system. The extent to which such young people are diverted in this way varies from jurisdiction to jurisdiction. Nationally, about a third of all juveniles arrested by police are handled informally within the police department and then released.⁴

Following referral, an intake decision-maker must determine whether the matter requires the formal intervention of the juvenile court.

“Intake” is the stage at which somebody must decide whether or not a “referral” merits a “petition”—that is, whether the matter described in the complaint against the juvenile should become the subject of formal court action. In addition, an intake decision-maker must often determine, at least initially, whether or not the juvenile should be detained in the meantime.

Intake may be the most crucial case processing point in the juvenile justice system, because so much follows from the decision. Intake authority is entrusted to prosecutors in some jurisdictions—either in all cases or in those involving allegations of serious crimes—and to juvenile court intake or juvenile probation departments in others. Some juvenile probation departments have special intake units, but ordinary juvenile probation officers make intake decisions as a regular part of their duties in many jurisdictions, especially smaller ones. Whoever is responsible for intake decisions has significant discretion regarding who enters the juvenile justice system and under what conditions. In order to guide that discretion and ensure that it is properly used, written procedures and criteria for intake decision-making are essential.

In determining whether to “petition” a case—that is, whether to process it formally—the intake officer must ask two basic questions:

- 1) From a review of the complaint and the evidence, is it clear that the complaint against the juvenile is *legally sufficient*? If not, the case must be dismissed.
- 2) If so, does a background investigation of legal and social factors—including interviews with the juvenile as well as parents, victims, and others—indicate that the case *ought not to be diverted from formal processing*?

At one time, most cases referred to juvenile court intake were handled informally, but the proportion has fallen in recent years. In 1998, 43% of all cases referred were handled without a petition and without judicial involvement.⁵ Often, in informally processed cases, the juvenile is simply placed on “informal” or “voluntary” probation for a period of time, after the successful completion of which the case is dismissed and no legal record of the matter

is preserved. The juvenile justice system has been criticized for excessive use of informal probation, however. Rather than simply diverting juveniles *away* from formal processing—which is frequently indistinguishable, on its surface, from doing nothing at all—the better practice is to divert them *to* informal sanctions and services. Such diversion may require the youth to submit to an alternative dispute resolution forum, accept specified services from a community agency, make restitution, perform community service, etc. (See Chapter 6, “Diversion.”)

Timeliness is an important consideration in making intake decisions. Many states require that the legal sufficiency decision be made within 24 hours after receipt of the complaint from the police if the juvenile is in secure detention. If a juvenile continues to be held in detention based on legally sufficient facts, a determination should be made on how the case should be handled within a pre-determined and limited amount of time (e.g., 72 hours after receiving the facts from police). In cases that do not involve detention, most standards-setting groups prescribe that intake decisions be made within 30 days of the receipt of the complaint.

Intake officers must often decide whether to detain or release as well. At arrest, police may take a juvenile to the local detention facility. There, someone—usually juvenile probation staff—must review the case to determine if the juvenile should be detained pending a formal detention hearing before a judge. State statutes and local court policy dictate criteria for detention admission. Generally, a juvenile may be held in a secure detention facility only if it is determined that he is a danger to himself or the community or is a threat to abscond and not appear for the court hearing if released.⁶

In all states, a detention hearing must be held within a time frame specified by statute—usually 24 hours. At the detention hearing, a judge reviews the decision to detain and either orders the juvenile released or continues the detention.

Most delinquency cases do not involve detention between referral to court and disposition. In 1998, juveniles were detained in 19% of all delinquency cases processed by juvenile courts.⁷

Not All Crimes Committed Come to the Attention of the Justice System

For every 1,000 violent crimes committed...

- 604 are reported to the police
- 286 arrests are made
- 46 arrests involve suspects younger than 18
- 23 juvenile court adjudications result
- 8 residential placements are ordered
- 14 other sanctions (probation, community service, fines, etc.) are imposed

For every 1,000 property crimes committed...

- 393 are reported to the police
- 62 arrests are made
- 20 arrests involve suspects younger than 18
- 10 juvenile court adjudications result
- 3 residential placements are ordered
- 7 other sanctions (probation, community service, fines, etc.) are imposed

"Violent crimes" include murder, forcible rape, robbery, and aggravated assault. "Property crimes" include burglary, theft, and motor vehicle theft.

Source: Sickmund, M. (2002). *Crime Funnels: U.S. Response to Crime*. Pittsburgh, PA: National Center for Juvenile Justice.

Pretrial procedures in formally processed cases differ widely from jurisdiction to jurisdiction. It is probably at the "pre-adjudication" stage—after it has been determined that a case is to be formally processed, but before there has been any determination of the juvenile's guilt—that there is the greatest variation from state to state in case processing procedures. Some or all of the following steps may occur prior to adjudication:

- **Petition.** Some petition or other legal document must be filed with the juvenile court, providing such basic information as the youth's name, address, and date of birth; the date, time, and location of the alleged offense; the specific citation for the offense being charged; and the types of dispositions to which the juvenile could be subjected.
- **Arraignment.** There may be a special hearing called an arraignment, to give the juvenile formal notice of the charges and of his rights, to ascertain whether the juvenile has an attorney and if necessary appoint one, and to ask the juvenile to admit or deny the allegations. Arraignments have been instituted in some jurisdictions as a response to delays in case processing.
- **Probable Cause Hearing.** The purpose of the probable cause hearing is to establish that probable cause exists to believe the allegations in the petition are true. The probable cause hearing can serve to protect the juvenile against unwarranted prosecution and can save the expense of unneces-

sary hearings. If probable cause is not established, the petition should be dismissed. Probable cause hearings may be held in conjunction with the arraignment proceedings if there is sufficient time for the parties to prepare. However, unless a juvenile's liberty is significantly restrained, a probable cause hearing is not constitutionally required. A probable cause hearing may be justified when: (1) there has been a motion to transfer the case to criminal court, (2) the juvenile is detained, or (3) the juvenile is held in emergency custody.

- **Waiver Petition and Hearing.** Where authorized by law, the prosecutor may file a waiver petition in cases deemed to be more appropriately handled in criminal court—typically because of the seriousness of the crime or the youth's previous failures in the juvenile system. In ruling on a waiver petition (sometimes known instead as a "transfer" or "certification" petition), the juvenile court judge reviews the facts and determines whether jurisdiction over the matter should be waived or yielded to the adult criminal court. The judge's decision in such cases generally centers on the issue of whether the juvenile is "amenable to treatment" in the juvenile justice system. If the judge does not approve the petition, an adjudication hearing is scheduled in juvenile court. In 1998, less than 1% of all petitioned delinquency cases were waived to criminal court.⁸ However, as is discussed more fully in the chapter on Legal Issues, many states

have other procedures for ensuring that certain categories of cases involving juveniles are tried in criminal court, which do not involve preliminary juvenile court hearings at all.

The adjudication or fact-finding hearing resembles a criminal trial in some ways. The adjudication hearing is the fact-finding proceeding in which the juvenile's responsibility for the offenses alleged must be established. The allegations must be proved—as in a criminal trial—“beyond a reasonable doubt.” If so, the juvenile may be adjudicated delinquent. If not, the juvenile must be released.

At the adjudication hearing, all interested parties and necessary witnesses are convened in a courtroom. Evidence and witnesses are generally presented to the court by the prosecuting attorney. However, in some jurisdictions, when the case is uncontested, the probation officer may present the case to the judge with no prosecutor in attendance. The juvenile may present evidence and cross-examine witnesses, if he or she is not represented by counsel. As in criminal court cases, most juvenile cases are handled by plea agreements made between the prosecutor and the juvenile and his lawyer prior to appearing before the judge.

There are other similarities between adjudication hearings and criminal trials. The juvenile has the right to be represented by an attorney, to confront witnesses, to remain silent, and to appeal to a higher court. However, juvenile courts, unlike criminal courts, are “quasi-civil” and need not be open to the public. Moreover, a right to a trial by jury is not afforded in all states. (See chapter 2 on Legal Issues for more information.)

At the conclusion of the adjudication hearing, the judge may amend the petition if it is in error, dismiss the petition due to lack of evidence, continue the case without a finding (to be dismissed later at a specific date if the juvenile complies with the court's orders), allow the juvenile to admit to the charges, or make a finding of delinquency.

Before the court determines what should be done with an adjudicated delinquent, the juvenile probation officer investigates and makes a recommendation. After the juvenile has been adjudicated delinquent, the court must

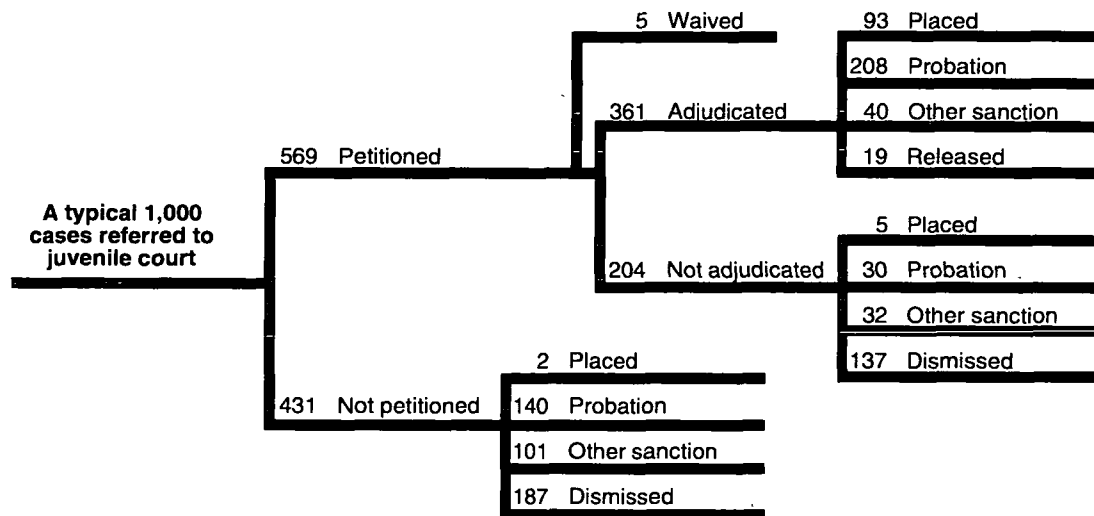
Juvenile Justice Practice Standards

During the 1970's and 1980's, partly in response to U.S. Supreme Court decisions challenging traditional juvenile justice practices (discussed more fully in earlier chapters on the historical and legal background of juvenile probation), various national organizations wrote and published standards for the administration of juvenile justice in the United States. Although there is too much legal and practice variation for any one set of standards to meet the needs of every jurisdiction in every state, these standards nevertheless reflect the best attempts of knowledgeable professionals to lay out a basic framework for good practice. As such, they provide a frame of reference from which juvenile probation officers and their departments can examine their own decision-making, policies, and practices.

The principal national standards include:

- Report of the National Advisory Committee for Juvenile Justice and Delinquency Prevention. *Standards for the Administration of Juvenile Justice* (July, 1980).
- Institute of Juvenile Administration/American Bar Association. *Juvenile Justice Standards Series* (1980).
- The Law Enforcement Agency Accreditation Program, The Commission on Accreditation for Law Enforcement Agencies. *Standards for Law Enforcement Agencies* (January, 1989).
- Commission on Accreditation for Corrections. *Manual of Standards for Juvenile Probation and Aftercare Services, 2nd ed.* (1983).
- National District Attorney's Association. *Prosecution Standard 19.2 Juvenile Delinquency* (1989).
- Department of Health Education and Welfare. *Intake Screening Guidelines* (1975).
- National Advisory Committee on Criminal Justice Standards and Goals. *Juvenile Justice and Delinquency Prevention, Report of the Task Force on Juvenile Justice and Delinquency Prevention* (1976).
- United States Department of Justice. *President's Task Force on Victims of Crime* (1982).

Delinquency Case Processing Overview



Note: Cases are categorized by their most severe or restrictive sanction. Detail may not add to totals because of rounding.

Source: Puzzanchera, C., Stahl, A., Finnegan, T., Tierney, N., Snyder, H. (2002). *Juvenile Court Statistics 1998*. (Forthcoming). Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

issue an order setting out what is to be done in response; the court's order is called the *disposition*, and it is similar to the sentence handed down in criminal court. Sometimes the adjudication and the disposition of a juvenile occur at the same hearing. However, the better practice is to hold a separate hearing called the disposition hearing.

In preparation for the disposition hearing, the probation department conducts a formal investigation of the juvenile and his background (sometimes called a "social history" or "predisposition report") and submits a written report and recommendation for the court's consideration. Probation officers must develop a detailed understanding of the juvenile, determine the impact of the crime on the victim, and assess available options. To assist the department in preparing recommendations, the court may order the juvenile to undergo psychological evaluations or other tests, or spend a period of confinement in a diagnostic facility.

At the disposition hearing, the probation officer presents the results of the investigation and makes a recommendation to the judge. The prosecutor, victim, defense attorney or the youth may also present recommendations. After considering the options presented, the judge orders a disposition in the case, which may include probation supervision,

community service, restitution and other sanctions, residential placement or secure confinement.

Probation supervision is the most common disposition for youth adjudicated delinquent. Slightly more than one-half of all adjudicated delinquency cases are placed on probation supervision in any given year. In 1998, probation was the most severe disposition ordered in 58% of all adjudicated delinquency cases.⁹ However, most juvenile probation dispositions are multifaceted. For example, most cases placed on probation receive other dispositions or conditions of probation including drug testing and counseling, weekend confinement, day reporting, community service, or restitution.¹⁰

During the period of probation supervision, a juvenile offender remains in the community and can continue normal activities (e.g., live at home, attend school, work, etc.). In exchange for this freedom, the probationer is required to comply with certain conditions, with compliance being monitored by the probation department. Some of these conditions are of the passive ("thou shalt not") type. As is described more fully in the Supervision chapter, however, good probation supervision emphasizes "active" probation conditions—acti-

Probation Caseload Standards

A nationwide survey of juvenile probation officers conducted in the early 1990's revealed that caseload sizes ranged from the single figures to more than 400, with an average active caseload of 45. The "optimal" caseload suggested by respondents was between 30 and 35 cases.

How large should a juvenile probation officer's caseload be? There can be no single answer to that question. For one thing, juvenile probation departments—their structures, goals, responsibilities, and procedures—simply vary too much from place to place. And it's not as though every juvenile under supervision is interchangeable with every other. Ultimately, local caseloads must be determined locally—on the basis of local needs and goals, the levels of supervision required in individual cases, the expectations of the community, etc.

Nevertheless, "unitary" caseload standards have been proposed at times and supported by a broad consensus among juvenile probation professionals. For example, in 1967, the President's Commission on Law Enforcement and Administration of Justice suggested that probation caseloads should be held to an average of 35 offenders per officer, and the standard was endorsed by a number of national juvenile justice organizations.

An alternative approach, and one recommended by the American Probation and Parole Association, is for juvenile probation departments to develop *workload* rather than caseload standards—that is, standards that distinguish between types of cases that call for differing amounts of time and effort. For example, a *high-intensity* case might require a certain number of hours per month, while a *medium-intensity* case may require less, and a *minimal-supervision* case even less. Using time estimates for each level of supervision—along with estimates, based

on case management assessments, of the number of high, medium, and low supervision cases that must be handled in a given period of time—it is possible for a probation department to calculate the maximum caseload that one officer can accommodate in the work hours available.

Standards-setting groups that distinguish between types of cases in this way have recommended caseloads ranging from 12:1 to 50:1, depending on the number of contacts and the nature of services to be provided:

- The National Advisory Committee for Juvenile Justice and Delinquency Prevention and the National Advisory Committee on Criminal Justice Standards and Goals recommend an average caseload size of 25 clients, with a range of 40:1 for minimal supervision to 12:1 for intensive supervision caseloads.
- The Institute of Judicial Administration/American Bar Association suggests a 15:1 ratio for high-contact/intensive service cases; a 35:1 ratio for medium-level cases; and a 50:1 ratio for low-level cases.

Sources: Thomas, D. (1993). *The State of Juvenile Probation 1992: Results of a Nationwide Survey*. Pittsburgh, PA: National Center for Juvenile Justice. Hurst, H. (November 1999). "Workload Measurement for Juvenile Justice System Personnel: Practices and Needs." *JAIBG Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention. The National Advisory Committee for Juvenile Justice and Delinquency Prevention. (July 1980). *Standards for the Administration of Juvenile Justice*. Institute of Judicial Administration/American Bar Association. (1980). *Juvenile Justice Standards Series*. National Advisory Committee on Criminal Justice Standards and Goals. (1976). *Juvenile Justice and Delinquency Prevention, Report of the Task Force on Juvenile Justice and Delinquency Prevention*. American Probation and Parole Association Issue Paper: *Caseload Standards*, on-line at <http://www.appa-net.org/>

ties meant to hold youth accountable and address problem areas while maintaining community safety.

Failure to comply with conditions of probation may result in a range of consequences, including the imposition of additional probation conditions, harsher sanctions of various kinds, or the outright revocation of probation. If probation is revoked, the court may order an entirely new disposition,

which may include placement in a residential facility.

Juvenile probation's role continues even after a youth is "sent away." At disposition, the judge may order the juvenile committed to a residential facility. The facility may be state-administered or privately operated, secure or non-

Case Processing Time Limits

Although the U.S. Supreme Court has not included the right to a speedy trial in the due process standards that are applicable to juvenile court proceedings, timely processing and timely dispositions are essential components of good practice. Case processing time limits encourage prompt action by various system actors. In nearly half of the states, legislation or court rules stipulate time limits for at least some aspects of case processing, typically the detention, adjudication, or disposition hearings. Case law in a few other states has extended some form of speedy trial rights to juveniles. Juvenile probation officers should be familiar with their jurisdiction's case processing time limits.

In addition, all of the major standard-setting groups set maximum time limits for the processing of delinquency cases in keeping with principles of efficiency and due process. For example, the time limit standards adopted in 1980 by the National Advisory Committee for Juvenile Justice and Delinquency Prevention are as follows:

- Intake decision: within 24 hours (excluding nonjudicial days) if juvenile is detained; within 30 days of the filing of the complaint if not detained.
- Detention hearing: within 24 hours after juvenile is taken to the detention facility.
- Petition filing: within 2 judicial days after receipt of intake determination if juvenile is detained;

within 5 judicial days after receipt of intake report if juvenile is not detained.

- Adjudication hearing: within 15 calendar days after filing the petition for detained juveniles; within 30 calendar days for nondetained juveniles.
- Disposition hearing: within 15 calendar days after adjudication.

In cases in which the juvenile is detained, the maximum number of days that could elapse from referral to disposition under these standards would be 33 days. In other cases, the total amount of time from referral to disposition would be 80 days. However, one study examining actual juvenile delinquency case processing concluded that the median time between case referral and final disposition for petitioned delinquency cases often exceeded 60 days. In large jurisdictions, nearly half of all formally petitioned cases had disposition times in excess of 90 days. Moreover, since there are no time standards for getting adjudicated delinquents into court-ordered services, particularly residential placements, in many jurisdictions treatment is delayed as juveniles languish in detention facilities awaiting available beds.

Sources: The National Advisory Committee for Juvenile Justice and Delinquency Prevention. (July 1980). *Standards for the Administration of Juvenile Justice*. Butts, J., and Halemba, G. (1996). *Waiting for Justice: Moving Young Offenders Through the Juvenile Court Process*. Pittsburgh, PA: National Center for Juvenile Justice.

secure. In any given year, about one-fourth of adjudicated delinquency cases receive residential placement dispositions.

Juvenile probation's involvement with an adjudicated delinquent does not end with a residential commitment, however. Juvenile probation departments in many jurisdictions are also responsible for "aftercare," which is the process of monitoring a juvenile's rehabilitative progress while in placement, participating in pre-release planning and, following the juvenile's release and reintegration into the community, monitoring his compliance with the parole-like conditions that are generally imposed.

A juvenile delinquency case should terminate with a case closing report. Effective delinquency case processing means processing each individual case to some identifiable and measurable end. Just as there is a definitive starting point at intake, there should also be a definitive ending point—a "case closing."

A case is most often closed upon successful completion of the terms of the disposition. At that time, the juvenile probation officer should prepare a case closing report. The report should indicate (1) the extent to which specific case plan objectives were met; (2) whether the youth violated conditions

of probation or re-offended while on probation; (3) any sanctions imposed; (4) any treatment received; (5) any skills developed or improved; (6) any restitution paid; and (7) any community service performed.

Endnotes

¹ Torbet, P. (1996). "Juvenile Probation: The Workhorse of the Juvenile Justice System." *OJJDP Juvenile Justice Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

² Butts, J. and Halemba, G. (1996). *Waiting for Justice: Moving Young Offenders Through the Juvenile Court Process*. Pittsburgh, PA: National Center for Juvenile Justice.

³ Puzzanchera, C., Stahl, A., Finnegan, T., Snyder, H., Poolc, R., and Tierney, N. (2002). *Juvenile Court Statistics 1998* (Forthcoming). Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

⁴ Snyder, H., and Sickmund, M. (1999). *Juvenile Offenders and Victims: 1999 National Report*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

⁵ Puzzanchera, *supra*, n. 3.

⁶ Roush, D. (Ed.) (1996). *Desktop Guide to Good Juvenile Detention Practice*. Richmond, KY/East Lansing, MI: National Juvenile Detention Association.

⁷ Puzzanchera, *supra*, n. 3.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ Scahill, M. (2000). *Juvenile Delinquency Probation Caseload, 1988-1997*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Intake Decision-Making



5

INTAKE DECISION-MAKING

In this chapter you will learn about:

- the intake decision-making process
- intake assessments, interviews, and investigations
- factors that should influence intake decisions
- ways to ensure that intake decisions are fair and rational

Intake assessment and decision-making are among juvenile probation's most important responsibilities. As the preceding overview of case processing noted, in many jurisdictions, juvenile probation officers make initial "intake" decisions regarding how to handle complaints against juveniles—whether to dismiss them outright, resolve them in some informal way, or bring them to the official attention of the court by means of formal petitions. Intake decisions may be entrusted to specialized probation intake units or to ordinary probation officers as part of their regular duties. In either case, they should not be (as they too often are) left to unstructured guesswork—too much follows from them.

Broadly speaking, good intake decision-making must be (1) directed toward clear goals, (2) guided by explicit criteria, and (3) based on pertinent information.¹

Intake decision-making should serve clearly articulated goals. Before we can say whether a given intake decision is fair or right or rational, we have to know—what is the point? What is the intake decision-maker supposed to be trying to accomplish?

Everyone who makes intake decisions for a juvenile court should be working toward the same set of clearly stated goals. These may be articulated, at least in a general way, in an agency mission statement. More specific goals for intake might include

any or all of the following:

- Keeping the "intake valve" tight—that is, minimizing the number of cases that receive formal processing.
- Handling all cases quickly, equitably, and consistently.
- Handling each juvenile with the least restrictive means consistent with the public's safety.
- Holding all juvenile offenders accountable for their actions.
- Meeting the needs of juvenile crime victims.
- Addressing not just a juvenile's offenses but the underlying reasons for them.

Without goals such as these, the intake decision-making process would be utterly incoherent.

Nevertheless, goals by themselves do not usually dictate intake decisions. At most they suggest the directions in which intake decisions should be pointed, and provide the basic parameters for choosing among available alternatives. For example, aiming toward the goal of "keeping the intake valve tight" might require diverting minor cases to alternative forums or community agencies wherever possible. The goal of "holding juvenile offenders accountable," on the other hand, might call for rejecting intake options that don't involve formal sanctions. Meeting *both* goals in a given case might require finding an informal diversion option that nevertheless forces the youth to accept responsibility and make amends.

Specific guidelines give structure to intake decision-making. It is not enough to articulate general goals, without specifying how to reach them in individual cases. Written guidelines—setting out criteria to be used in making decisions, questions to be answered, circumstances to be considered, and weights to be assigned to particular factors—serve to give structure and consistency to decision-making, without eliminating professional discretion. Intake decision-making guidelines may be

laid out in the form of charts or matrices for the convenience of users. Some probation departments have adopted intake software programs that take decision-makers through the process step by step. But whatever form they take, all good decision-making guidelines share some essential features:

- They are based on agency policies and goals.
- They are clear and specific enough to yield consistent results, but flexible enough to allow for departures in individual cases.
- They are open documents, subject to review, criticism, and comment from others.
- Their use can be monitored and periodically assessed for fairness and consistency.
- They are dynamic and subject to modification as needed.²

Preliminary assessments should gather only those facts needed to make good intake decisions. As was explained in the preceding chapter, when a complaint against a juvenile is referred to intake, the intake decision-maker has not one but two basic questions to answer:

- Is the complaint legally sufficient to support a case in juvenile court?
- If so, what action, if any, should be taken?

The first of these questions is fairly straightforward. The second is not. But neither can be responsibly answered without some investigation into the facts behind the complaint. Time is limited, of course, and so are resources. Conducting a full-blown investigation of every juvenile's background at intake would not make any practical sense, even if it were possible. On the other hand, conducting *no* investigation—as in those jurisdictions that require intake decisions to be based solely on a paper review of the charges against the juvenile, without any additional information-gathering—can lead to ill-informed decision-making, ill-advised prosecutions, and irrational allocations of resources.

The best practice is to conduct *limited* assessments at intake, focusing on those factors that are relevant to the intake decision, but in the process (1) identifying issues that may merit further investigation, (2) noting information that may later prove useful to judges, lawyers, detention staff and others in the

system, and (3) laying a basic foundation for more detailed assessments at the predisposition and case-planning stages.

An intake decision-maker must first consider whether a legally sufficient case has been made against the juvenile. The intake officer must decide whether the facts alleged in the complaint bring the matter within the jurisdiction of the court. The legal sufficiency determination is based primarily on a review of the complaint that has brought the referral to court intake, supplemented by some verification and examination of the evidence.

When are allegations sufficient? Three things must be established:

- **Jurisdiction.** Does the conduct alleged in the complaint fall within the delinquency jurisdiction of the juvenile court? Does it constitute an offense? Is it an offense over which the court has been given jurisdiction? Is the accused the right age for juvenile court? The intake officer must verify the juvenile's age, rather than simply accept the age listed on the arrest report, and must be familiar not only with the lower and upper age limits of juvenile court jurisdiction, but also the state's transfer laws, which dictate what offense/age/prior record categories come within the jurisdiction of the adult criminal courts. (These matters are discussed more fully in chapter 2, "Legal Issues.")
- **Venue.** Assuming some juvenile court is going to hear the case, is this the right one? Generally, the proper venue for a juvenile case is the court that serves the geographical area in which the offense occurred. However, in some states, the case may also be heard by the court serving the area in which the youth resides.
- **Evidence.** Can the charges set forth in the complaint be substantiated by evidence that is admissible in court? What is required is an early determination that the allegations are supported by *prima facie* evidence that a delinquent act was committed and that it was committed by the accused juvenile. (*Prima facie* evidence—literally, evidence "at first glance," or on its face—is sometimes defined as "such evidence as will suffice until contradicted and overcome by other evidence.")³

Intake Checklist

All intake decision should be:

- ✓ directed toward clear goals
- ✓ guided by explicit, written criteria
- ✓ based on limited assessments that yield pertinent information

Cases to be handled informally:

- ✓ minor offenses
- ✓ no prior record/pattern of offending
- ✓ no apparent need for services
- ✓ juvenile has learned lesson
- ✓ victim is satisfied

Cases to be diverted:

- ✓ juvenile doesn't deny allegations
- ✓ juvenile not a threat to community
- ✓ juvenile/family willing to cooperate in services
- ✓ needed services best provided by non-judicial agency

Cases to be formally petitioned:

- ✓ serious offenses
- ✓ serious harm to victim
- ✓ juvenile a threat to community
- ✓ juvenile denies charges or desires hearing
- ✓ juvenile has prior record of referrals (particularly where the juvenile is very young)
- ✓ services/sanctions required and juvenile/family unwilling to accept them

Two questions must be answered:

- ✓ Is the complaint legally sufficient?
- ✓ If so, what action should be taken?

Cases to be held open/in abeyance:

- ✓ same as above but...
- ✓ extra incentive required for continued good behavior

Cases to be made subject of consent decree:

- ✓ same as above but...
- ✓ more "teeth" required to ensure compliance, satisfy victim, or hold juvenile accountable

If the intake officer determines that the facts as alleged or the evidence supporting them are simply insufficient, the complaint should be dismissed. If the facts are unclear, however—particularly the facts establishing venue or jurisdiction—the complaint should be returned to the source for further investigation, or to the prosecutor's office for a determination.

Determining whether a legally sufficient case belongs in juvenile court calls for further investigation. It is neither possible nor desirable to try every juvenile offender formally. Some are best let off with a warning, or on condition that they promise not to offend again. Others need treatment or sanctions, but not judicial attention. Only a relatively small number need to go to

court for formal adjudication and disposition. An intake officer's job is to determine which of these categories an accused juvenile fits into, given the nature of the offense, the background and history of the juvenile, the harm suffered by the victim, the views of the community, the laws of the state and local court policies. Making that determination takes information that will not be available from the complaint alone.

Accordingly, the intake officer must conduct an investigation, gathering the necessary information via in-person or telephone interviews with the youth, his parents, and the victim, and from a review of official records. Again, the preliminary or intake investigation should not be confused with the more extensive pre-disposition investigation that occurs later in the process. However, information gathered at intake can be useful to others, such as the judge, the district attorney and public defender, intake supervisor, probation officer, detention/treatment/correctional staff, and may serve as the foundation for subsequent reports and the case plan. Moreover, the preliminary investigation may identify issues that merit further investigation or more clinical assessment at a later stage.

The basic or "triage" information collected at intake should be factual, objective, limited in scope and consistent with the agency's mission and the goals of intake. Generally, intake information should include:

- **Demographic information.** The juvenile's name, address, date of birth, sex, ethnicity, race, etc.
- **Offense information.** A complete, yet succinct description of the incident and the youth's role in it, including what happened, when and where it happened, who was involved (accomplices, victims), prior relationship between victim and offender, and any aggravating circumstances and conditions, including the nature and extent of damage or injury sustained by the victim, use and type of weapon, and presence of drugs or alcohol as contributing factors.
- **Prior court history information.** The nature and number of the juvenile's prior contacts with the court and the results of those contacts. If the juvenile is active with the court, the assigned probation officer should be consulted; some states require the previously assigned probation officer

to investigate new charges in an active case.

- **Minor's statement.** Whether the juvenile admits guilt or involvement in the offense, his attitude toward law enforcement and juvenile court authorities, his assessment of his home situation, and his apparent maturity and understanding.
- **Parents' statement.** Basic information about the juvenile's home situation, whether the parents had knowledge of the offense, any steps they have taken to correct or address the juvenile's misconduct, and whether they are willing to accept services.
- **Victim information.** Contact information for the victim, the impact of the offense on the victim, the victim's perception of the emotional as well as physical or economic harm caused, and the victim's views regarding what is required to repair the harm.
- **Other information.** This might include the recommendations of the police or other referring agency. Basic information about the juvenile's school and community background may also be collected at intake, but this should not be done intrusively or without the consent of the juvenile and his parents.

Intake interviews with juveniles must strike a balance between the need for information and the rights of the accused. Information collected at intake can be of a sensitive and personal nature. Often it is obtained from juveniles and families who have not had contact with attorneys, who are unfamiliar with juvenile court procedures and unaware of their rights in the system. Probation departments must have policies that ensure appropriate confidentiality and prevent misuse of intake information. And individual intake officers should take responsibility for setting a tone of fairness in intake interviews.

Intake interviews should be non-threatening and non-adversarial. They should be conducted in a quiet, private room, preferably one designed for interviews. During the interview the intake officer should:

- **Explain the allegations.** The intake worker should explain to the juvenile and his parents that a complaint has been filed and outline the allegations made in the complaint.

- **Explain the intake process.** The intake worker should clarify the specific procedures and stages of the intake process as well as the role and authority of the intake officer to determine how the case should be processed.
- **Explain that participation is voluntary.** If refusal to participate in an intake interview precludes dismissal or diversion of the complaint—a matter that should be addressed one way or another by written departmental policies—the intake officer should make this clear as well.
- **Obtain informed consent.** If information from sources other than the victim, police, or witnesses is needed to make an intake decision (e.g., from schools or other public or private agencies), the intake officer should seek informed consent to the disclosure of such information from the juvenile and his parents. Again, if refusal to give consent precludes dismissal or diversion of the complaint, it should be clearly stated in the department’s policies and clearly explained in the intake interview.
- **Provide notice of Miranda rights.** The intake officer should notify the juvenile and his parents of their right to remain silent and to have an attorney present. This notification should be provided at the time the request to attend the interview is made. If not given until the first interview, notice should be both verbal and written, and the parties should sign the written version. Both the oral and written versions of the notice should be translated into other languages where necessary.

The intake officer should determine whether the juvenile, his family, or his attorney desires a court hearing on the charges. An alleged offender does have a right to such a hearing. Where appropriate, in order to enlighten the parents as to the behavior of their child and help them to judge the wisdom of insisting on a hearing, the intake officer can share incriminating information contained in the complaint, statements of the complainant or victim, etc. But intake officers should exercise caution, and should especially refrain from giving the appearance of dispensing legal advice or of making promises or predictions about matters outside their authority.

Intake investigations may involve records checking as well. In addition to the intake interview, intake investigations may involve information-gathering from various kinds of records relating to the juvenile—police reports, court or probation records, and sometimes school and social agency records, etc. Again, access to information from outside agency sources may require the written consent of the juvenile and his family. Intake officers should avoid compromising the juvenile’s privacy at this early stage unless the information sought is really necessary to intake decision-making. And when records are consulted, they should not be overvalued; even “official” records can be incomplete, biased, or simply outdated.

Intake supervisors should confer with their local police departments to ensure that appropriate information is furnished in arrest reports. At a minimum they should contain complete arrest and investigation reports, a witness list and statements, and an evidence list. Archival information contained in court records will be more readily available if the court has an efficient filing system or automated information system that allows access to limited but necessary information. To ease access to child welfare and other outside agency information, probation departments should enter into memoranda of understanding regarding the sharing of information between agencies. In addition, cross-training opportunities with line staff from these source agencies will go a long way toward educating them about probation’s goals and building relationships that are essential for successful collaboration and information-sharing.

Intake information should be recorded in a preliminary investigation report. Information gathered during the preliminary investigation may form the foundation for subsequent assessments, eventually helping to inform decisions regarding disposition and case planning. But the value of intake information to those subsequently working with the case depends in large part on how accurately, consistently, and legibly the information is recorded. Many departments have a template or standardized format for recording the information, often in word processing software or as part of a court- or probation-wide automated information system. The value of a standard format is that it

Screening at Intake

The intake decision requires the collection and analysis of a limited amount of information in a relatively short period of time. Full-blown social histories, psychological evaluations, and clinical assessments are not necessary or feasible at this point. But intake workers can and often do use simple screening instruments to identify those youth who—because of possible substance abuse, mental illness or other problems—may be good candidates for more thorough evaluations later.

This is the “gated approach” to assessment, and all it requires is a valid, reliable screening instrument that can be quickly and easily administered and interpreted by non-clinicians. If the screen identifies a youth as having a potential problem, he is referred to qualified drug and alcohol or mental health professionals for more in-depth clinical assessment. Individual departments must decide whether to screen all cases or just a sample, and what use to make of the results in individual intake decision-making.

One commonly administered screening instrument is the Massachusetts Youth Screening Instrument-Second Version, or MAYSI-2, which consists of a series of 52 simple yes-or-no questions designed to detect signs of suicidal thinking, potentially abusive alcohol or drug use, anger and short-term aggression risk, depression/anxiety, physical symptoms associated with distress, thought disorders, and

exposure to trauma. (MAYSI-2 is discussed more fully in the chapter on “Special Populations.”) Screening instruments like this serve as triage tools for line staff—alerting them to the need for further evaluation, counseling, investigation or referrals, and in some cases precautionary vigilance.

Some probation departments also attempt at intake to identify those youth who are at risk of becoming chronic offenders, so that they can be targeted for early intervention. For example, intake workers with the Orange County (California) Probation Department routinely tag potential “8% cases”—that is, youth who share three or more of the profile factors that, according to a mid-1990’s departmental study, are associated with the 8% of the department’s caseload that was responsible for more than half of all repeat offenses—so that they can receive more aggressive, family-focused services.

Sources: For information about MAYSI-2, contact the National Youth Screening Assistance Project, 55 Lake Avenue North, Worcester, MA 01655, (508) 856-3625.

<http://www.umassmed.edu/>

For information about the 8% Solution program, contact the Orange County Probation Department at 909 N. Main Street, Santa Ana, CA 92701, (714) 569-2000, <http://www.oc.ca.gov/>, or see Schumacher, M., and Kurz, G. (1999). *The 8% Solution: Preventing Serious, Repeat Juvenile Crime*. Thousand Oaks, CA: Sage Publications, Inc.

forces intake officers to collect relevant information systematically and consistently across all pertinent domains, while providing a structure for organizing and then summarizing the information—sometimes in the form of a chart or data screen that will facilitate review and decision-making.

Following the intake assessment, the intake officer must choose from among a range of case-handling options—including the option of taking no further action. As was discussed earlier, intake officers should have the benefit of explicit departmental guidelines that inform and give structure to decision-making while preserving discretion. These can and should vary, depending on state law, court policy, intake goals,

etc. Generally, however, all intake decisions should attempt to protect the community, to hold the juvenile accountable for his actions, and to address the needs of the victims of juvenile crime. Intake decision-makers should consider the level of sanctions called for as well as the availability of appropriate interventions or treatment services in the community.

Many juveniles caught committing minor offenses arrive at intake having already learned their lesson, however. The experience up to that point—being caught, being scared, having to admit wrongdoing and acknowledge the harm caused, having to face their parents, etc.—has been sanction enough. They don’t need any services. They are unlikely to offend again, in any case. And an official record of delinquency will probably do more harm than good.

Two options used routinely by intake departments in such cases are to (1) “warn and dismiss” (also known as “counsel and advise” or “counsel and release”) or (2) “hold in abeyance.” In the former case, the juvenile is simply given a warning and sent on his way—the case is dismissed, no record is preserved, and no services are provided. In the latter, the youth is released but the case is held open for a fixed period of time (usually 3 to 6 months), on the understanding that he will remain crime-free during that time. If the youth is not referred to intake again during the abeyance period, the case will be dismissed without a finding of delinquency.

The option of dismissing a legally sufficient complaint at intake should be reserved for cases involving juveniles who are accused of minor offenses, who have no prior record or pattern of offending and no apparent need for services, who seem to have learned their lesson, and whose victims (if any) are satisfied to let the matter drop. Similar cases should be held in abeyance—rather than dismissed immediately and outright—when the intake officer concludes that some incentive is required for the juvenile’s good behavior.

Diversion should be considered in every case where law and policy permit. Sometimes, the above dismissal options are loosely called “diversion,” because in effect they divert the juvenile away from the system. Strictly speaking, however, the term should be reserved for intake options involving diversion *to* something—some alternative, non-judicial agency or forum for resolving the matter.⁴

Diversion in general—along with the need to promote the development of a wide range of local alternatives, services, and programs for diverting offenders from formal court processing—is the subject of the next chapter. However, several points should be made here in connection with the decision to divert.

First, intake officers should consider diverting any cooperative offender who is in need of sanctions and services that can be more effectively provided by a non-judicial agency than by the court in a formal disposition. Individual diversion programs will have their own criteria for admission. Generally, diversion may be appropriate where the juvenile does not deny the allegations and is not a

threat to the community; the juvenile and his parents are willing to accept voluntarily whatever services or corrective measures are needed; suitable diversion resources are available in the community; the victim is satisfied with the diversion decision; and the community’s needs will be met thereby.

On the other hand, diversion should not “widen the net” of social control. In other words, a juvenile should not be considered for diversion if, in the absence of a diversion program, the juvenile’s case would ordinarily be dismissed.

For cases being diverted to the community for resolution or services, the intake worker should review the terms of a diversion agreement with the juvenile and his parents. Diversion agreements should encourage reparation to the victim and/or the community through community service or restitution. Every department should have a written policy covering the planning and monitoring of diversion agreements as well as action to be taken in cases of noncompliance.

A consent decree is a kind of judicially sanctioned diversion agreement.

A consent decree is an agreement by all parties to keep the juvenile under court supervision for a specified period of time under certain negotiated terms and conditions. Unlike a diversion agreement, a consent decree is quasi-judicial in that the judicial process is suspended *after* the filing of a petition. If the juvenile does not live up to the terms of the agreement, the petition can be reinstated. But when the terms of the agreement are fulfilled, the petition is withdrawn. There is no finding of guilt or innocence, and no official court record of the incident is made.

Typically the judge can enter a consent decree at any time after the petition is filed but before a finding of guilt or innocence is made. In many states, either the juvenile’s attorney or the district attorney may ask the court to enter a consent decree.

Resolution by consent decree may be appropriate in cases in which the criteria for diversion (above) are met, but more “teeth” are needed to ensure compliance, satisfy the victim’s interests, and hold the juvenile accountable.

Formal court action should be reserved for more serious or disputed cases. A formal petition should be filed only when the intake officer finds that the juvenile and his parents deny the charges and desire a hearing before the court; that services or corrective measures are required to resolve the matter and the juvenile and his parents are unwilling to accept them voluntarily; that the juvenile has several prior referrals to court; or that the seriousness of the offense, the threat posed to the public, or the nature and extent of harm to the victim, rules out informal handling.

State law and local policy will dictate whether intake officers can initiate formal proceedings on their own or whether the prosecutor must make the final decision to file a petition with the juvenile court. In the latter case, intake officers typically submit at least a preliminary recommendation for the prosecutor's consideration.

Juvenile courts usually have standard forms for the petition and the summons. Ideally, the petition should (1) assist the parties to prepare adequately

for trial and reduce surprise or disadvantage to the respondent; (2) provide a record of the allegations tried for purposes of the double jeopardy protection; and (3) enable the court to conduct an orderly and directed fact-finding hearing. At a minimum, the petition should include the juvenile's name, address and date of birth; the date, time, manner and place of the alleged acts; a citation for the offense found in the juvenile code; and the types of dispositions to which the juvenile could be subjected.

Endnotes

¹ Gottfredson, D. (Ed.). (2000). *Juvenile Justice With Eyes Open: Methods for Improving Information for Juvenile Justice*. Pittsburgh, PA: National Center for Juvenile Justice.

² *Ibid.*

³ *Black's Law Dictionary*, Rev'd 4th ed.

⁴ Kurlychek, M., Torbet, P., and Bozynski, M. (August 1999). "Focus on Accountability: Best Practices for Juvenile Court and Probation." *JAIBG Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Diversion



6

DIVERSION

In this chapter you will learn about:

- the purpose of diversion
- diversion decision-making criteria
- elements of good diversion practice
- some promising diversion program types

Diversion from formal juvenile court processing serves a number of important purposes. As the previous chapters on delinquency case processing and intake decision-making have made clear, most minor juvenile offenders never see the inside of a juvenile courtroom. Police decline to arrest them, or release them after arrest without referring them to juvenile court intake. Even matters that are referred to the court are often dismissed unconditionally by intake officers. Then there is a very large class of offenders who are “diverted.”

Diversion is a loose term—and often a very loose practice. Almost any response to juvenile offending that does not involve court processing can go by the name of diversion, including some that really amount to no response at all. “Informal probation”—in which the juvenile is let go upon a promise of good behavior, but without supervision, referrals, obligations, sanctions, or services of any kind—may be appropriate in some situations, and is certainly a widespread practice, but it isn’t diversion in the sense that is meant here. For purposes of this guide, diversion will be defined as the process of channeling a referred juvenile *from* formal juvenile court processing *to* an alternative forum for resolution of the matter and/or a community-based agency for help.¹ Diversion of this kind has the potential to engage community members in holding youth accountable while meeting the legitimate needs of victims, offenders, and the public.

Diversion is inevitable. It is also desirable. In appropriate cases, diversion serves system goals

better than formal judicial processing. Among the good reasons for diverting offenders wherever possible:

- **Avoiding stigma.** Delinquency adjudication can do significant and often needless harm to a juvenile’s prospects. When a youth and his family are willing to accept services and corrective action without going through a trial, what’s the point?
- **Involving the community and the victim.** Traditional court handling of juvenile offenders often effectively freezes out “non-system” actors. Diversion programs often make room for them.
- **Reducing burdens on the court system.** Few juvenile courts can adjudicate every offender referred to them. (Currently, fewer than three out of five referrals are even petitioned; of those cases in which petitions are filed, fewer than three out of five are adjudicated.)² Even if they could, diversion is considerably cheaper and faster than the formal adversarial process. Moreover, it reduces court and probation caseloads so that resources can be reallocated to more serious offenders.
- **Exercising wise restraint.** In the long run, choosing a measured, informal response to juvenile offending often makes the most sense—most juveniles referred to juvenile court never return for a new referral.³

Eligibility criteria for diversion will vary from jurisdiction to jurisdiction. The previous chapter on intake decision-making discussed the approach that should be taken and the factors that should be considered in choosing candidates for diversion. To recap: diversion decisions should be structured by explicit guidelines that serve departmental goals. Guidelines should be firm and definite enough to be of use to decision-makers but flexible enough to permit the exercise of discretion. They should seek to maximize diversion opportunities for offenders, without “widening the net” to

take in youths whose cases would otherwise simply be dismissed. And although specific diversion criteria can and should vary from jurisdiction to jurisdiction, depending on local law, policy and resources, in general they should result in the diversion of most minor offenders who have no serious prior involvement with the court and who along with their families are willing to accept services and sanctions voluntarily.

Victims should be notified whenever diversion is being considered for a juvenile offender, and given a chance to register their views. And although a victim's opposition and/or unwillingness to participate should not by itself rule out diversion in an otherwise appropriate case, the victim's viewpoint and desires should be carefully weighed in diversion decision-making. Moreover, there should be formal mechanisms under which victims can request reconsideration of diversion decisions, either from intake supervisors, prosecutors, or the court.

All diversion arrangements should be reflected in clear and complete diversion agreements. At what is sometimes called an "adjustment conference," an intake officer meets with the juvenile, his parents, and their attorney if any, to settle the conditions under which a complaint against the juvenile may be resolved through diversion. The product of this conference should be a diversion agreement—a written contract that reflects the terms and conditions under which the case will be diverted. All diversion agreements should clearly state that the intake officer will not file a petition in exchange for certain commitments from the juvenile and his family with respect to the agreed conditions.

Good diversion agreements share the following additional characteristics:

- **Clarity and specificity.** Agreements should express objectives that are measurable (deadlines, work hours, sums of money, etc.). They should steer clear of vague or disputable conditions or obligations ("show respect," etc.).
- **Informed consent.** The agreement should clearly reflect that the juvenile and his parents were notified of their right to refuse diversion and to demand an adjudication hearing before a judge. It should also make clear that they may terminate

the agreement at any time and request an adjudication hearing.

- **Definite, limited duration.** Diversion agreements should not hold cases open indefinitely. They should state what the juvenile has to do and provide for the closure of the case if he does it. Once a diversion agreement has been signed, the subsequent filing of a petition based on the events out of which the original complaint arose should be permitted for a period of time (e.g., three to six months) from the date of the agreement. If no petition is filed within that period, its subsequent filing should be prohibited.

Good diversion calls for activity, not just passivity, from juveniles. To be effective, diversion agreements should not just require young people to stay out of trouble. They should provide for services and interventions that hold juveniles accountable, focus on their strengths in a positive youth development framework, satisfy victim concerns, and involve the community in efforts to effectuate positive change in their lives.

The following are typical features of diversion agreements that are positive/active rather than negative/passive:

- Community service.
- Restitution.
- Letters of apology.
- Victim awareness/effects of crime classes.
- Essay/art projects relating to effects of or harm caused by offending.
- Offense-specific support groups or classes (e.g., drug/alcohol, conflict resolution).
- Law-related education.
- Participation in pro-social community activities (e.g., 4-H, Boys & Girls Clubs, scouting, school groups) with opportunities to practice learned skills.
- Mentoring or tutoring programs.

Most diversion programs fall into two broad categories. Although a variety of diversion programs exist, most are either (1) alternative dispute resolution (ADR) programs or (2) commu-

Types of Alternative Dispute Resolution Programs

Adjudicatory

Intent is to assert a moral or legal message and impose a solution

Facilitator/panel makes and imposes all decisions

Facilitator/panel assesses facts and culpability in determining appropriate remedy

Focus is on the immediate conflict and the issues raised in the complaint

Teaches accountability for offenses

The more formal the process and the more serious the problem presented, the more formal the resulting agreement

Participatory

Intent is to preserve and enhance ongoing relationships

Parties arrive at mutually acceptable agreement with aid of facilitator

Less fact-finding; parties define issues, engage in search for solutions

Focus is on-going relationships among neighbors, family members, etc.

Teaches conflict-resolution and problem-solving techniques

The more participatory and inclusive the process, the less formal the resulting agreement

Source: National Council of Juvenile and Family Court Judges. (1989). *Court-Appointed Alternative Dispute Resolution: A Better Way to Resolve Minor Delinquency, Status Offense and Abuse/Neglect Cases*. NCJFCJ: Reno, NV.

nity-based programs that provide other kinds of services and interventions to juveniles and families.

ADR programs include “participatory” ones, in which parties to a dispute allow a neutral facilitator to help them discuss issues and develop mutually acceptable resolutions, and “adjudicatory” ones, in which the offender appears before a panel of citizens who hear the case and determine a sanction.⁴ Victim/offender mediation, circle sentencing, and family group conferencing are examples of the former. Teen courts, peer juries, citizen hearing boards, and youth aid panels are all examples of the latter. Some ADR programs don’t fit neatly into either of these categories, of course, but all fall somewhere along the adjudicatory – participatory continuum (see Types of Alternative Dispute Resolution Programs table).

Community-based diversion programs can teach new skills while strengthening juveniles’ connections with their communities.

Community-based diversion of the non-ADR type may include mentoring programs, work programs, educational programs, skill-development programs, counseling programs, programs that work with families, etc. Any of these may provide juveniles

with closer supervision and greater opportunities for socialization and attachment to their communities than the probation department alone could provide. But research has shown that, to be effective, such diversion programs must (1) provide intensive, comprehensive and appropriate services, (2) use well-trained and experienced staff, (3) be designed for a specific purpose (e.g., collecting restitution, providing community service opportunities, addressing drug and alcohol abuse issues) and implemented according to their design, and (4) be carefully targeted at youth who can benefit from them.⁵

Developing a good diversion policy requires community involvement. Successful juvenile diversion processes and programs depend on the long-term involvement, commitment and support of key agencies (e.g., law enforcement, schools, social services) and community stakeholders (e.g., business leaders, faith community, local providers, victims organizations). It begins with the involvement of these groups in the diversion policy-making process. The goals and purpose of diversion must be understood by and agreeable to all stakeholders.⁶

Teen Courts

Teen Courts (also known as Youth Courts or Peer Courts) are becoming more popular as a cost-effective alternative to traditional juvenile court processing. A major premise of the teen court approach is that juveniles' desire for peer acceptance may make them more open to peer judgments than to adult ones. Teen courts typically take cases involving 10- to 15-year-old first offenders accused of vandalism, shoplifting, disorderly conduct and similar offenses. In most teen courts, the offender must admit guilt, and the teen court's task is to decide on the best disposition. Teen court participants are usually volunteer youth and adults from the community who act as attorneys, judges, and jurors. Victims are generally included in the process—either attending hearings in person or submitting victim impact statements. In cases where the community itself is the victim, community impact can be considered through community member participants most affected by the crime or by community impact statements.

There are two basic teen court program designs: *peer jury models* and *trial models*. Generally, in peer jury models, the offender is questioned directly by a jury of youths, and an adult acts as the judge. In trial models, youths act as defense and prosecuting attorneys as well as jurors, and an adult usually acts as the judge.

The disposition of a teen court case is usually put into the form of a contract that the offender must agree to complete, with the understanding that failure to do so will send the case back to regular juvenile court. The contract includes sanctions that are intended to hold the offender accountable for his or her actions and repair the harm the offender has caused to the victim and/or the community.

Teen court programs have seldom been rigorously evaluated. However, as part of an ongoing Evaluation of Teen Courts Project undertaken by the Urban Institute, with assistance from the American Probation and Parole Association's National Youth Court Center, a national survey of teen courts was conducted in 1998. A total of 335 teen court programs responded to the survey. Results of the survey include:

- Most teen court programs had been in existence for less than 5 years.
- Most were operated by justice system entities (courts, police, juvenile probation departments, prosecutor's offices).
- Most handled no more than 100 cases per year.
- The most common offenses handled by teen courts included theft, minor assault, disorderly conduct, alcohol possession/use, and vandalism.
- The most common sanctions used included community service, victim apology letters, written essays, teen court jury duty, drug and alcohol classes, and restitution.
- Problems identified by the teen courts included funding, keeping youth volunteers, and maintaining an adequate number of case referrals.

For more information on Teen Courts, contact the APPA's National Youth Court Center at (859) 244-8193 or online at www.youthcourt.net.

Source: Butts, J. and Buck, J. (October 2000). "Teen Courts: A Focus on Research." *Office of Juvenile Justice and Delinquency Prevention Juvenile Justice Bulletin*. Washington, DC: OJJDP.

Process considerations in developing a diversion policy include:

- What diversion program options are currently available? What types of necessary programs are not available and must be developed?
- What age offender and what level of offense will be eligible for diversion?
- Will parental participation be required?

- Who may make the decision to refer youth to diversion programs? It is often the case that when diversion programs are available, police, school officials, parents, and social agencies will refer youth directly to them, bypassing court intake. The court should approve guidelines for accepting referrals to prevent unreasonable intrusion into the lives of families.
- How long will diversion agreements last or will the case be held open? Time limits depend on the

Neighborhood Accountability Boards

As part of a Restorative Justice Project in Santa Clara County, California, some youths are diverted to Neighborhood Accountability Boards (NABs). NABs are groups of three to five community members/volunteers who meet to hear the facts of a juvenile's case and discuss contract options with the youth and his/her parents. Facts of the case are presented by probation officers, victims, community members, and a Youth Intervention Worker. The Youth Intervention Worker gathers information for the NAB, facilitates NAB conferences, and monitors the offender's progress in completing the requirements of the contract agreed upon by the NAB, victim, and offender. In addition to contracts, the NAB has two other disposition options for juvenile cases: counsel and release the juvenile, or return the case to the probation department for formal handling by the juvenile justice system.

A three-year evaluation of the Restorative Justice Project used a pre/post youth assessment (Risk, Protective, and Resiliency Assessment), satisfaction surveys of youth participants, parents and service providers, and a survey of the community at large to gauge changes in youths as well as satisfaction with the program among participants and community members. The results of the evaluation showed a high level of community support for the project by schools, community-based organizations, and city agencies. The majority of the project participants (92%) did not have a new arrest or referral during project intervention. A six-month follow-up of those completing NAB contracts revealed that 85% did not experience a new referral to juvenile probation. The long-term goal of reducing referrals by 20% was being met.

Source: For the complete evaluation report and Restorative Justice Project description, contact the County of Santa Clara Probation Department at (408) 278-6062, FAX (408) 294-1872.

conditions that must be met. Three to six months for completion is not uncommon.

- Can the case be re-filed in court if the juvenile does not comply with the terms of the agreement? The court should determine whether the case can

"Fast Track" to Community Accountability Boards

In Thurston County, Washington, juveniles under 18 years of age who commit a first-time misdemeanor offense must be offered an opportunity to have their cases diverted to the 'Fast Track' diversion program, which consists of a Community Accountability Board (CAB). A CAB is composed of volunteers from the community who hear cases within 12 days of referral to the prosecutor's office. The CAB, after conducting a hearing into the charges, will create a diversion agreement that usually lasts for six months.

An evaluation was conducted to compare re-offense rates of youth who had been placed in the diversion program six months before and six months after implementation of the Fast Track requirement. Follow-ups were conducted 180 days after program completion. The results indicate that in the 'before Fast Track' group, 25% of the youth re-offended with either a felony or misdemeanor, compared to 19% for the 'after Fast Track' group. In addition, in the 'before Fast Track' group, 11% re-offended with a felony, while only 6% of the 'after Fast Track' group did so.

Source: Washington State Institute for Public Policy. (1997). *Fast Tracking Youth to Diversion in Thurston County: A Preliminary Analysis*. Online: <http://www.wsipp.wa.gov/>

be adjudicated on the original charge for noncompliance and should set time limits for re-filing the petition.

The diversion process must be fair to all parties. The juvenile court and juvenile probation are responsible for assuring that diversion is fair to everyone involved.⁷ Fairness requires all of the following:

- **Legitimacy.** Diversion should be authorized by state statute, court rule and/or department policy. The juvenile court judge, prosecutor, and public defender should sanction the program.
- **Structure.** The purpose, goals, and operational procedures of diversion should be clearly articulated, documented, and published in an operations manual, with guidelines on such things as notice, potential consequences, and victim consent.

- **Referral protocols.** A formal referral process should be set up, including clearly articulated eligibility requirements, criteria for acceptance, and a decision-making strategy for accepting referrals.
- **Voluntary participation.** Participation in diversion should be voluntary for all parties involved—the offender, the offender’s family, community members, and victims.
- **Training.** All appropriate staff, service providers, and community volunteers should receive consistent training regarding the juvenile justice system, the purpose of diversion, the operational characteristics of diversion programs, the development of a diversion agreement or contract, and appropriate victim/witness issues.
- **Agreements.** The conditions of diversion should be clearly understood and reduced to a formal, written agreement between the juvenile and the specific diversion program, clearly stating what the juvenile needs to do to complete the agreement.
- **Monitoring.** A formal process for court/probation reviewing and monitoring compliance with diversion agreements should be developed and implemented.
- **Incentives.** Agreements must contain adequate incentives for completion, including no official record or finding of delinquency and destruction of records within a certain time after successful completion, assistance in enabling the juvenile to avoid future offenses, and eligibility for future diversion consideration.
- **Sanctions.** The consequences of failure to fulfill contract requirements should be clearly stated at the beginning of the process as well, and appropriate sanctions for failure to comply should be consistently enforced.

Effective diversion requires continual oversight and follow-up. Referrals to diversion programs should always be in writing, with a response requested. Probation intake must have ways not only of assuring that juveniles and their families report for diversion as required, but of keeping track of the appropriateness of referrals as well. This requires good communication and cooperation among department and program staff.

Community Conferencing

The Restorative Justice Community Conferencing Program in Woodbury, Minnesota, uses police officers to implement and facilitate meetings between offenders, victims, and the families, friends and neighbors of each. The focus of the Community Conferencing Program is to gauge and respond to the impact of the offender’s crime on all of the people it has affected. They are invited to discuss what happened and describe the effect the crime has had on them. A trained police officer runs the meeting (usually using a script with questions for each participant), facilitates the subsequent discussion of the effect of the crime, and the negotiation of a mutual agreement that restores the victim and helps reintegrate the offender back into the community. The offender’s progress toward fulfillment of the agreement is monitored by the police officer.

A study of the Community Conferencing Program polled a small sample of participants after they had completed conferences, and found very high levels of satisfaction and support. Specifically, 82% of victims, 92% of offenders, and 100% of parents felt that the conference was preferable to going to court, and 82% of victims, 96% of offenders, and 95% of parents would choose to participate in a conference again.

Source: M.S. Umbreit and C. Fercello. (1997). *Woodbury Police Department’s Restorative Justice Community Conferencing Program: An Initial Assessment of Client Satisfaction*. Center for Restorative Justice and Peacemaking, University of Minnesota. Online: <http://ssw.che.umn.edu/>

Every department should have written policy and procedure to aid in planning and monitoring diversion agreements and referrals as well as taking swift, certain action against noncompliance.

Probation departments should routinely examine their diversion policies and practices. Having clear goals and measurable objectives for diversion (both the overall process and the individual programs) will aid in this examination. For example, does a given program aim to strengthen adolescents’ decision-making, problem-solving, or anger-management skills? Is it supposed to improve parent-child communication? Questionnaires

Family Group Conferencing

Family Group Conferencing originated in New Zealand, but is becoming a more and more common form of diversion in this country. The goal of a Family Group Conference is to heal the harm caused by minor or moderately serious juvenile offending by including those people most affected—the offender, members of the offender's family and supporters, the victim or a representative of the victim, and the victim's family and supporters—in a discussion of how best to make amends for the crime. Appropriate responses to offending include those that benefit the offender as well as the victim. Victim and offender participation is voluntary. No outside community members are involved, except for a representative of the referring agency and/or a mediator or facilitator. The role of the mediator/facilitator is to explain the purpose of the conference and to lead the discussion between the parties. During the conference, information is shared about the crime committed, how it has affected the victim, why the offender committed the crime, and whether the offender has any prior

offenses. This information is used to decide on a mutually agreed-upon plan for how best to deal with the offending and how reparations will be made. Common sanctions include apologies (usually the offender will apologize right at the conference), community service, involvement in a program, and restitution.

As part of an evaluation of the Bethlehem (PA) Police Family Group Conferencing Project, first-time juvenile offenders were randomly assigned into either the formal juvenile justice system or the Family Group Conferencing program. The final evaluation examined three groups of subjects: (1) a control group of 103 formally processed juveniles; (2) 80 juveniles selected for and participating in

conferencing; and (3) 109 who were selected for conferencing but declined to participate. Evaluators administered satisfaction surveys to participants in addition to comparing outcomes of conferences and of formal processing. Their findings included:

- Participation rate in Family Gr was 42%.
- Violent offenders (person offenses) participating in conferencing had lower re-arrest rates 12 months after the conference than violent offenders who declined to participate.
- 100% of the conferences resulted in an agreement.
- 94% of offenders fully complied with the agreements.
- Victim responses: 93% said that meeting with the offender was helpful; 94% would choose conferencing again; 96% said that the offender apologized to them.
- Offender responses: 100% said that meeting with the victim was helpful; 94% would choose conferencing again; 92% would recommend conferencing to others.
- Parents' responses: 97% said that meeting with the victim was helpful; 94% would choose conferencing again; 91% had a positive or very positive attitude toward conferencing.

Source: McCold, P. and Wachtel, B. (1998). *Restorative Policing Experiment: The Bethlehem, Pennsylvania Police Family Group Conferencing Project*. Pipersville, PA: Community Service Foundation.

aimed at determining progress toward these goals can be administered at the first session of the program, and after the program has concluded. Comparing participants' scores before and after completing the program will provide information about changes in knowledge, attitudes and behavior.

The results of these and similar monitoring efforts can be used to keep stakeholders informed of both successes and failures, and to guide ongoing

reassessment of diversion policy, processes and programs.⁸

Endnotes

- ¹ Kurlychek, M., Torbet, P., and Bozynski, M. (August 1999). "Focus on Accountability: Best Practices for Juvenile Court and Probation." *JAJBG Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ² Puzanchera, C., Stahl, A., Finnegan, T., Snyder, H., Poole, R., and Tierney, N. (2002). *Juvenile Court Statistics 1998*

(Forthcoming). Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

- ³ Snyder, H., and Sickmund, M. (1999). *Juvenile Offenders and Victims: 1999 National Report*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ⁴ National Council of Juvenile and Family Court Judges. (1989). *Court-Appointed Alternative Dispute Resolution: A Better Way to Resolve Minor Delinquency, Status Offense and Abuse/Neglect Cases*. Reno, NV: National Council of Juvenile and Family Court Judges.
- ⁵ Dryfoos, J. (1990). *Adolescents at Risk: Prevalence and Prevention*. New York, NY: Oxford University Press.
- ⁶ Russell, S., Wood, S., and Domcier, S. (1999) *Establishing Juvenile Diversion in Your Community*. Available from University of Nebraska Cooperative Extension online at <http://extension.unl.edu/>
- ⁷ National Council of Juvenile and Family Court Judges, *supra*, n. 4.
- ⁸ Russell et al., *supra*, n. 6.

Detention



In this chapter you will learn about:

- the purpose of secure detention
- the basic elements of good detention decision-making
- effective alternatives to detention

Juvenile probation officers need a clear understanding of the purpose and place of secure detention in the juvenile justice system. Since juvenile probation officers may “carry the keys” to secure detention facilities in their jurisdictions, it is important that they recognize the value and purposes of detention and understand how detention practices should be related to larger juvenile justice goals. It is also vital that they acknowledge detention personnel as valuable and respected colleagues, engaged in the pursuit of those same goals. Throughout this chapter, the following principles should be borne in mind:

- Secure detention and detention alternatives are essential components of the juvenile justice system, integral to a complete continuum of local supervision and custody options for court-involved youth.
- Detention options must be short-term and appropriate to the level of risk posed by the youth.
- Detention services must be designed to safeguard the community and/or ensure the juvenile’s appearance at subsequent hearings.
- Detention services must be consistent with the goals of the juvenile justice system—community protection, offender accountability, and practical rehabilitation.

Detention is a process, not a place. If detention is viewed simply as a building with a certain number of beds and a lock on the door, it might accommodate almost anybody. The better view is that detention is a process, not a building.¹

It is one part of a continuum of restrictive options that are designed to achieve definite goals. In 1989, the National Juvenile Detention Association adopted the following definition:

Juvenile detention is the temporary and safe custody of juveniles who are accused of conduct subject to the jurisdiction of the court who require a restricted environment for their own or the community’s protection while pending legal action.

Further, juvenile detention provides a wide range of helpful services that support the juvenile’s physical, emotional, and social development.

Helpful services minimally include education, visitation, communication, counseling, continuous supervision, medical and health care services, nutrition, recreation, and reading.

Juvenile detention includes or provides for a system of clinical observation and assessment that complements the helpful services and reports findings.²

This definition of secure detention features seven essential characteristics:³

- **Temporary Custody.** Detention should be as short as possible.
- **Safe Custody.** This concept implies a safe and humane environment with programming and staffing to ensure the physical and psychological safety of detained juveniles.
- **Restricted Environment.** Degrees of restriction traditionally include maximum, medium and minimum security or custody.
- **Community Protection.** In addition to the factors listed above, the court has a legitimate right to detain juveniles for the purpose of preventing further serious and/or violent delinquent behavior.
- **Pending Legal Action.** This includes time spent awaiting a hearing, a disposition, a placement, or a return to a previous placement.

- **Helpful Services.** Services should be available to help resolve a host of problems commonly facing detained juveniles. (However, juveniles should never be unnecessarily detained solely in order to receive these services; see “The Debate Over Detention Programming.”)
- **Clinical Observation and Assessment.** Most juvenile codes specify these among the purposes of detention. The controlled environment of juvenile detention is often a time of intense observation and assessment in order to enhance decision-making capabilities. Competent clinical services are provided by properly credentialed individuals who coordinate and conduct the observation and assessment process.

As will be seen below, a secure detention facility is also just one part of a continuum of supervision/custody options. Depending on the jurisdiction, this continuum might include staff-secure congregate care facilities, individual foster care, day or evening reporting centers, electronic monitoring, home detention, intensive tracking, and ordinary community supervision.

Initial detention decision-making is often entrusted to an intake officer. When a juvenile is taken to a detention facility at arrest, the intake officer must determine whether the alleged facts are legally sufficient, hold a face-to-face interview with the juvenile, apply detention criteria, and decide whether to detain, release, or opt for some other alternative to detention. If a decision is made to detain the juvenile, the intake officer should make a written finding specifying the charges, the reasons for detention, the reasons why release was not an option, the alternatives to detention that were explored, and the recommendations of the intake officer concerning interim status. A judicial hearing to extend detention is typically required within 24 to 72 hours after admission.

Although standards may vary somewhat from jurisdiction to jurisdiction, detention can ordinarily be imposed only for one of the following three reasons:

- to ensure the juvenile’s subsequent appearance in court;
- to prevent the juvenile from inflicting serious bodily harm or committing serious property damage while awaiting adjudication; or

- to protect the juvenile (at the juvenile’s request) from imminent bodily harm.

On the other hand, pre-hearing detention should not be employed to punish, treat, rehabilitate, or teach the juvenile a lesson; to allow parents to avoid their legal responsibilities; to satisfy victim, police, or community demands; to permit more convenient administrative access to the juvenile; to facilitate further interrogation or investigation; or because more appropriate facilities or services are unavailable.⁴

While there may be agreement regarding the general purposes of detention, that does not mean it is easy to make rational detention decisions. Besides clear goals, decision-makers need information that is relevant to the detention decision, an adequate range of decision alternatives, and detailed, explicit guidelines for using the information to choose among the alternatives.

Consistent, reliable decision-making guidelines help to ensure that detention decisions serve detention goals. All detention decision-making should be structured by written guidelines that direct the decision-maker’s attention to factors in the arrested youth or his background that bear on the risk that he will reoffend or fail to appear for a subsequent hearing. Factors isolated by these decision-making guidelines should be:

- **Relevant to detention’s purposes.** Factors (such as the need for assessment, the victim’s wishes, etc.) that are unrelated to the legitimate purposes of detention should be disregarded.
- **Easily measured.** Guidelines should focus decision-makers on specific, ascertainable conduct or background characteristics (delinquency history, current offense, use of a weapon, etc.), not psychological states, attitudes, or personality traits.⁵
- **Correlated with risk.** The factors chosen should have been shown to be correlated with actual risk levels in the local community. That is, failure-to-appear and rearrest data for a sample of cases should be analyzed, in order to determine whether factors included in the guidelines are genuinely associated with these risks.
- **Weighted, but flexible.** For the sake of consistency and predictability, the relevant variables

Controlling the Gates of Detention

Although detention is primarily justified as a community protection measure, a 1995 census of detention facilities revealed that most detainees were being held for very short periods in connection with nonviolent and often minor offenses, and a substantial minority were accused only of status offenses. Historically, it is clear that juveniles have often been detained for reasons having nothing to do with the risk of reoffending or absconding. And even when detention decisions have focused on those risks, they have all too often been subjective, standardless, “seat-of-the-pants” judgments of the kind that are inherently unreliable, inconsistent, and subject to bias.

Two important consequences of this failure to control detention admissions, critics say, have been severe crowding and minority overrepresentation in detention facilities.

Overcrowded detention facilities can be unhealthy, dangerous, and even chaotic places, with high operating costs, overtaxed staff, inadequate services, and heightened risks of violence and suicide among detainees. But in 1995 overcrowding in public

detention centers was the norm rather than the exception: 62% of publicly held juveniles were in facilities operating above their rated capacities.

And a disproportionate number of them were minorities. In 1996, secure detention was nearly twice as likely in cases involving black youth as in cases involving whites, even after controlling for the type of offense charged. As a result, black youth were severely overrepresented in the detention caseload that year, accounting for 30% of the overall cases processed, but 45% of the detained cases.

Meaningful detention reform efforts target overcrowding and disproportionate minority confinement by providing decision-makers with specific detention criteria, expanding detention alternatives, cutting failure-to-appear rates, expediting case processing, and reducing lengths of stay.

Sources: Orlando, F. (1999). *Controlling the Front Gates: Effective Admissions Policies and Practices*. Baltimore, MD: Annie E. Casey Foundation. Snyder, H., and Sickmund, M. (1999). *Juvenile Offenders and Victims: 1999 National Report*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

should have pre-assigned weighted values, enabling intake officers to “score” a youth’s risk level numerically. However, the process should not be entirely mechanical—there should be some room for the exercise of discretion, either through the use of aggravating and mitigating factors or administrative overrides.

- **Subject to ongoing review.** There is no reason to stick with factors that haven’t worked. The beauty of a standardized, objective detention screening process is that—unlike the seat-of-the-pants approach—it is capable of continual refinement and improvement, based on actual rearrest and failure-to-appear outcomes.⁶

Detention screening generally focuses on a handful of significant facts. The information that is weighed and sifted to determine detention eligibility will vary from jurisdiction to jurisdiction. For instance, state statutes or court decisions may restrict the use of detention to juveniles of a certain

age, or those charged with certain levels of offense. In general, however, assessment for detention tends to focus on the following key factors:

- **Present offense.** Whether it is a felony (or sometimes a particular grade of felony), involved the use of a firearm, involved the overt threat of physical harm to others, resulted in harm to the victim that required medical attention, etc.
- **Aftermath.** Some jurisdictions consider whether the youth was found to be carrying a weapon, involved police in a high-speed chase, threatened the victim, attempted to intimidate witnesses, etc.
- **Court history.** The number of prior referrals, adjudications, and commitments, sometimes weighted differently according to the level of seriousness of the offense involved, whether or not they were recent, etc.
- **Current status.** Whether or not the juvenile is currently on probation, whether there are other cases pending, outstanding warrants, charges pending in other jurisdictions, etc.

Custody Restrictions Under the Juvenile Justice and Delinquency Prevention Act of 1974

In order to receive their full share of federal formula grants funding, all states must agree to comply with four special requirements relating to the detention and custody of juveniles:

- ▣ **Deinstitutionalization of status offenders.** Juveniles who are charged with acts that would not be crimes if committed by adults—running away, truancy, underage drinking, etc.—may not be held in secure detention or correctional facilities.
- ▣ **Sight and sound separation.** Whether awaiting trial or already adjudicated, juveniles may not be detained anywhere where they will be able to see or speak with incarcerated adults. This requirement does not rule out time-phased use of nonresidential areas by juveniles and adults, and is not violated by brief, accidental contact in such areas.
- ▣ **Jail and lockup removal.** Unless they are being tried as adults, juveniles may not generally be detained in adult jails or lockups, except for brief periods while other arrangements are being made.
- ▣ **Disproportionate minority confinement.** States must determine the extent to which minorities are overrepresented in confinement settings and take action to address the problem.

Source: Snyder, H., and Sickmund, M. (1999). *Juvenile Offenders and Victims: 1999 National Report*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

- ▣ **Flight/reoffense record.** Record of law violations while past charges were pending, previous failures to appear, escapes from placement, arrests while on furlough or subject to home detention, etc.

Following detention assessment, the decision-maker should be able to choose from among a range of detention options. In keeping with the view that detention is not a building to be filled but a process with goals, the outcome of detention decision-making should be a

The Debate Over Detention Programming

Some critics object to all the emphasis on programming—education, counseling, assessments, etc.—in the National Juvenile Detention Association’s official definition of detention. They argue that such programming is irrelevant to the basic purposes of detention, and worry that it tempts judges and probation officers to lengthen stays in detention unnecessarily, or even to detain youth who do not actually need secure care. While the NJDA itself opposes sentencing juveniles to detention facilities, critics say that the increasing popularity of 30-, 60-, 90-, or 120-day post-adjudication detention sentences may be evidence of this phenomenon. (See “The Use of Detention as a Sanction.”)

On the other hand, some programming and services in detention—such as education—may be mandated by state law. Withholding others may be inhumane. And many of the same critics who object to the emphasis on services also object to the conditions of confinement in facilities that *lack* needed services.

The sensible middle ground seems to be that necessary and useful services and assessments should not be withheld from detainees, as long as the practice is not permitted to obscure the basic mission of detention. The use of detention for “treatment,” however well-intentioned, will only aggravate crowding problems, undermine the temporary nature of detention, and perpetuate the confusion of function. But as long as detention staff have a captive audience, particularly where admitted or already adjudicated delinquents are concerned, there is no reason not to use the opportunity to serve larger system goals—through needs assessment, victim empathy classes, mentoring, values clarification, and so on—during the limited time available.

Source: Roush, D. (Spring 1999). “Helpful Juvenile Detention.” *Reaching Today’s Youth* 3.

plan for achieving those goals, tailored to the assessed juvenile’s needs and circumstances. Ideally, decision-makers should be able to choose from a range of types and levels of custodial and noncustodial supervision—all of them designed to safeguard the community and/or ensure the

juvenile's appearance at subsequent hearings, but each calibrated to a different level of risk. The decision-maker could then choose the least restrictive alternative available to accomplish the system's goals.⁷

Although detention alternative programs vary considerably in their design and implementation from place to place, most fall into one of three broad categories:

- **Home detention/supervision programs.** This set of alternative programs allows juveniles to live at home and work or attend school while awaiting hearings, but subject to intensive face-to-face supervision, curfews and other restrictions, and sometimes special conditions such as electronic monitoring. Unannounced visits and random telephone calls may be used to check compliance with program conditions. The intensity of supervision and levels of restriction can be adjusted in response to the youth's record of compliance. Supervision is generally performed by probation officers, but some programs employ "community supervisors" or "advocates" who handle client contact. In either case, low staff-to-client ratios are essential.⁸
- **Day/evening reporting centers.** For juveniles who need more oversight than a home detention program can provide, or who have already failed in home detention, reporting centers can provide safe, structured, staff-supervised activities on a daily basis—typically during high-crime after-school and evening hours. Although this sort of program typically costs more to operate, a bonus is that it is capable of providing services (tutoring, counseling, vocational training, etc.) to juveniles that need them.
- **Residential programs.** Sometimes known as "shelters," staff-secure residential facilities provide 24-hour supervision—and often structured activity and services, as in a reporting center—in a setting that is more wholesome than that of a secure detention center.

In jurisdictions with multiple detention/shelter/alternative programs, detention assessment may be a more complicated process than in jurisdictions that can only choose between detaining and releasing. Sometimes, two assessment instruments must be used. One simply divides arrested juveniles into general risk categories (e.g. low, moderate, and

Working With Detention Staff

Juvenile probation officers and juvenile detention center staff need to be on the same team. For one thing, each has access to vital information that the other needs.

Detention staff can be a remarkable source of insight and information for juvenile probation officers. Even though they may work with detained youth only for short periods of time, their interactions can be very intense and very revealing. Experienced detention workers establish relationships quickly with detained youth, who confide in them regarding important issues and concerns in their lives. The information and views of detention staff can prove invaluable in the assessment and case planning process.

Likewise, detention staff members need whatever information probation officers have that could help them to protect detainees from harm, especially physical and sexual assaults and suicide. In an extreme case—for example, in litigation resulting from a suicide of a detained youth—a probation officer's personal liability may depend on the extent to which he or she communicated relevant social, legal, psychological, and anecdotal information to detention staff at the time of admission.

Detention staff members also need to understand the program of intervention that a probation officer is planning for a detained youth, so that they can reinforce the plan and its behavioral expectations with the youth while he is in detention.

For all of these reasons, juvenile probation officers should make it a point to (1) treat detention staff members with respect, (2) acknowledge the importance of their work and the value of their insights into the young people they work with, (3) share information with them, and (4) solicit information and opinions in return.

Source: Roush, D. (2001). *Juvenile Detention*. (Unpublished paper.)

high). For youth who score in the moderate-risk range, a second assessment instrument helps determine which alternative to detention is appropriate.

The Use of Detention as a Sanction

Juveniles in 34 states can be sent to a detention facility as a disposition following an adjudication of delinquency. That is, they serve their “sentence” in detention, and are released afterwards. Likewise, a term in secure detention can be imposed as a sanction for violations of probation conditions in 34 states. Only 12 states use secure detention solely for pre-hearing or pre-placement holding purposes.

Though widespread, the use of detention for sanctioning purposes has been roundly criticized. Obviously, it has nothing to do with detention’s primary purposes. The argument on the other side is purely pragmatic: As long as secure beds are available, why not make some use of them to hold juveniles accountable?

Source: Griffin, P. (2000) “National Overviews.” *State Juvenile Justice Profiles*. Pittsburgh, PA: National Center for Juvenile Justice. Online at <http://www.ncjj.org/>

While the costs of detention alternative programs vary a great deal, any of them is likely to be considerably cheaper than a secure bed in a locked facility, and some can effectively achieve the goals of secure detention at a tiny fraction of its cost. But probation departments developing alternatives to detention should be wary of “widening the net” of detention. The idea is to reduce reliance on secure detention, not simply sweep up additional youth—who would otherwise have been released pending hearings—into detention alternatives.

Suggested Readings

The most complete source of information on juvenile detention practice and purposes is the *Desktop Guide to Good Juvenile Detention Practice*, produced in 1996 by David Roush, Director of the National Juvenile Detention Association’s Center for Research and Professional Development. It’s available on-line at www.ojjdp.ncjrs.org/pubs or from the Juvenile Justice Clearinghouse at (800) 638-8736.

The National Juvenile Detention Association (www.njda.com) is the membership organization for juvenile detention professionals, and a good source for detention-related publications and training curricula. Contact the NJDA at:

Eastern Kentucky University
301 Perkins Building
521 Lancaster Avenue
Richmond, KY 40475
(606) 622-6259

The NJDA and the Youth Law Center have produced two useful publications addressing overcrowding in detention from a pragmatic point of view: *Crowding in Juvenile Detention Centers: A Problem Solving Manual* and *Crowding in Juvenile Detention Centers: Practitioner Perspectives on What to do About it*. Both can be ordered from the NJDA web site (above).

The *Pathways to Juvenile Detention Reform* series, produced in 1999 by the Juvenile Detention Alternatives Initiative, is the best available work on detention reform and alternatives to detention. All 13 monographs in the series are available free from the Annie E. Casey Foundation, 701 Paul Street, Baltimore, MD 21202, (410) 547-6600, www.aecf.org.

Endnotes

- ¹ Dunlap, E., and Roush, D. (Spring 1995). “Juvenile Detention as Process and Place.” *Juvenile and Family Court Journal*, 46. Reno, NV: National Council of Juvenile and Family Court Judges.
- ² Roush, D. (1996). *Desktop Guide to Good Juvenile Detention Practice*. East Lansing, MI: National Juvenile Detention Association.
- ³ Smith, J., Roush, D., and Kelley, R. (1990). *Public Correctional Policy on Juvenile Services: Juvenile Detention (Committee Report)*. Laurel, MD: American Correctional Association, Juvenile Detention Committee.
- ⁴ FLA. STAT. Ch. 39.043(1) (1991), cited in Orlando, F. (1999). *Controlling the Front Gates: Effective Admissions Policies and Practices*. Baltimore, MD: Annie E. Casey Foundation.
- ⁵ Mulvey, E., and Saunders, J. (June 1982) “Juvenile Detention Criteria: State of the Art & Guidelines for Change.” *Criminal Justice Abstracts* 14 (2).
- ⁶ Orlando, *supra*, n. 4.
- ⁷ DeMuro, P. (1999). *Consider the Alternatives: Planning and Implementing Detention Alternatives*. Baltimore, MD: Annie E. Casey Foundation.
- ⁸ *Ibid.*



Disposition Recommendations



In this chapter you will learn about:

- predisposition investigation and assessment techniques
- factors that should govern disposition recommendations
- how to write useful predisposition reports
- how to testify effectively in disposition hearings

Juvenile courts rely on probation officers to investigate and assess juvenile offenders and recommend appropriate dispositions.

Once a juvenile has been found to be delinquent, a judge must decide what to do about it—that is, what disposition to order. Juvenile probation officers have a good deal of influence over this decision. It is the probation officer who conducts the predisposition investigation for the court, assembling information about the juvenile into a broad picture that is both detailed and objective. Taking into account and balancing the interests of the juvenile, the victim, and the community, the probation officer then makes an appraisal of the dispositional alternatives available and recommends appropriate sanctions, interventions, and services. The written report that summarizes all these matters is submitted to the court and generally forms the basis for disposition decision-making. Indeed, one study concluded that juvenile court judges follow probation officers' recommendations more than 90% of the time.¹

This chapter will discuss the timing, conduct, and purpose of predisposition investigations, general principles that should guide the choice of dispositions, and techniques for conveying disposition recommendations clearly, concisely, and effectively.

Probation departments should avoid conducting wasteful, unnecessary or redundant predisposition investigations. Most cases referred to juvenile court intake will never require a full-blown predisposition investigation. In 1998, for example, only about 36% of all cases referred to intake actually resulted in an adjudication of delinquency. About 43% were never petitioned at all, and about 20% were dismissed or otherwise resolved without a finding of delinquency.²

Obviously, both in order to save time and expense and to avoid unwarranted intrusions into the privacy of juveniles referred to intake, probation departments should focus their assessment efforts narrowly at the start of a case, gathering only the information that is necessary to make the intake decision, and reserving more extensive predisposition investigations for cases in which the juvenile

Good Predisposition Investigation and Reporting Practices Require:

- √ *Consensus* on agency/system goals
- √ *Focus* on information relevant to the decision
- √ *Training* in uniformly and consistently collecting the information
- √ *Time and manpower* to do the job
- √ *Communication and cooperation* between court/probation and information-source agencies (schools, police, mental health, drug and alcohol)
- √ *Criteria/guidelines* for using the information collected
- √ *Format* for displaying, summarizing and quantifying the information
- √ *Ongoing oversight* that monitors the aggregate outcomes of the decision-making process and gauges its effectiveness.

either admits the charges or has already been adjudicated. If a predisposition investigation does prove necessary, it should expand and build upon the work done in the intake assessment that went before, and lay a firm foundation for the case planning that will come after.

Unfortunately, not all courts allow enough time between adjudication and disposition hearings to permit this orderly approach. Most standards-setting groups call for separate or “bifurcated” hearings on the two issues, for a variety of reasons. (See “Bifurcated Hearings.”) Nevertheless, in many jurisdictions, the judge will turn to the issue of disposition almost immediately after finding a juvenile delinquent—with perhaps only a brief recess to read the disposition report. Accordingly, at least in those jurisdictions, investigations must be conducted and reports prepared before the outcome of the adjudication hearing is known.

Predisposition investigations must focus on facts that are pertinent to the goals of the disposition process. Although the direction and scope of an investigation will vary with the nature of the case and the resources and dispositional alternatives available, all predisposition investigations should be designed to shed light on three basic sets of issues:

- **Public protection.** What level of security or supervision for the juvenile will be necessary in order to keep the community safe? The investigation should uncover facts relevant to immediate and long-term risks to public safety, as well as ways of managing those risks.
- **Accountability.** What sanctions or consequences will be necessary in order to hold the juvenile accountable for the offense? Investigations must focus on the nature of the harm caused to the community and the losses suffered by the victim, the current attitude of the offender with regard to his responsibility for these matters, and the steps that would be called for to repair the harm done, restore the losses, and reinforce and deepen the sense of responsibility.
- **Rehabilitation.** What measures will enable the juvenile to lead a more law-abiding, pro-social life? The investigation should assess the juvenile’s current strengths and needs, and

Bifurcated Hearings

All standards-setting groups concur in recommending that the hearing to determine whether or not an accused juvenile has committed the delinquent act charged (the adjudication) should be held separately from the hearing to determine what should be done about it (the disposition). There are two good reasons for preferring this “bifurcated” process:

- **Fairness.** Bifurcation minimizes the danger that the judge, who must make a neutral determination of the truth of the allegations in the petition at the adjudication stage, may be swayed by the sort of unfairly prejudicial information that is often found in predisposition reports. To mention one obvious example: the fact that a juvenile has a long prior record may be highly pertinent to a choice of proper dispositions, but it would be unfair to consider it at the adjudication stage.
- **Privacy.** Bifurcation is also intended to prevent broader than necessary intrusions into the privacy of the juvenile and his family. Where it is not clear that a disposition will be necessary, the reasoning goes, no “predisposition” investigation should be conducted at all.

However, in many jurisdictions—either to expedite delinquency case processing generally or to minimize periods of detention—little or no time is allowed to elapse between the adjudication and disposition stages of a juvenile case, and probation departments do not have the option of deferring predisposition investigations until after juveniles have been adjudicated. In such places, fairness and privacy considerations still require that steps be taken to ensure that the judge does not see the contents (or even the size) of the report before making the adjudication decision; that information discovered in predisposition investigations be strictly guarded; and that juveniles and their families be informed of their right to refuse consent to the disclosure of confidential information before adjudication.

explore possible ways to help him exit the system more capable of productive citizenship than when he entered.

Bear in mind that these are general goals of disposition decision-making. Individual state laws may specify particular factors that must be considered in making disposition decisions. Some jurisdictions use highly structured decision-making guidelines as well (see below). Obviously, probation officers conducting predisposition investigations must be sure to gather whatever information is required to be considered under local law or guidelines.

Obtaining basic documents, checking records, conducting interviews, and making collateral contacts are standard predisposition investigation techniques. As noted above, a predisposition investigation must start from the foundation of facts gathered at the intake assessment. The “triage” information collected at that stage may have been assembled solely to inform the intake decision, but much of it—such as offense information, court history, victim input, etc.—will be useful for predisposition purposes as well.

In addition, predisposition investigations generally involve the following steps:

1. Obtaining copies of the following documents on the juvenile:
 - birth certificate
 - social security card
 - naturalization card
 - health insurance or Medicaid card
 - immunization record
2. Interviewing the juvenile and his parents or legal guardians in the home for the purpose of:
 - Observing the juvenile’s home conditions and neighborhood
 - Filling in gaps in information regarding events surrounding the offense
 - Assessing family/parenting attributes
 - Determining where additional information can be obtained about the juvenile and getting a signed authorization to release confidential information
3. Checking the following records for prior referrals and information on prior investigations, assessments, and treatment reports:

- Protective services records
- Police records
- Motor vehicle records (paying particular attention to incidents involving alcohol or drugs)
- Court records
- Probation, parole, and institutional records

4. Contacting the following (if not already contacted at intake):

- Current or last attended school, requesting educational background information (attendance, behavior, performance)
- Victim or victim’s family, requesting documentation of actual or estimated losses or damages, insurance coverage, and claims submitted
- Additional contacts (arresting officer, prosecutor and/or petitioner, other family members, treatment providers, etc.)

Assessing safety risks posed by a juvenile offender requires exploration of the offense itself, its circumstances and motivations, and the offender’s previous history. The public protection goal of disposition decision-making calls for a realistic assessment of risks. What specific risk does the juvenile pose to the community? What is the community’s tolerance for this kind of risk? What can the probation department do to manage or minimize the risk?

The offense itself, along with the juvenile’s track record of offending, are the best shorthand indicators of the danger he may represent to his community. Details to be explored include not just what the juvenile did but why and how, and sometimes even where and when. The duration and seriousness of the juvenile’s offense history—especially any history of offending while under supervision or participating in community programming—are all relevant as well.

Whether or not the juvenile can be safely maintained in the community depends in part on the range and appropriateness of local dispositional alternatives available. The same juvenile might be “safe” in a community with adequate monitoring resources and effective services, but not in a

community that lacked them. In general, however, most juvenile offenders cannot and should not be “sent away.” Even from a pure public safety standpoint, and without regard to costs, all but a small proportion of serious juvenile offenders are better handled in the community—where they will have an opportunity learn and practice pro-social ways of living—than in secure institutions.

Predisposition investigations should also bring to light the culpability of the offender and the consequences of the offense. By the time of the predisposition investigation, the offender’s guilt should already have been established or admitted. However, particularly if the juvenile has been found delinquent as a result of a plea agreement rather than a full-blown trial, it may be impossible to hold him fully accountable without establishing the degree to which he was actually at fault, and what harm he caused.

Victim information—regarding the nature of the offense, the tangible and intangible harm suffered, the amount of restitution required, etc.—will be pertinent here. But the attitude of the offender—his acceptance of responsibility, his awareness and understanding of the consequences of his actions, his remorse—will matter almost as much.

The rehabilitative goals of disposition decision-making call for investigation of the juvenile’s individual and family strengths and needs. With the right supervision, services, and supports, most offenders can become productive, responsible members of society. Predisposition investigations help juvenile courts determine what measures will be “right” for individual offenders. They do it by identifying the circumstances and factors that have contributed to the juvenile’s delinquency in the past, asking what skills (or “competencies”) the juvenile needs to develop in order to break the old patterns, and assessing the juvenile’s (and his family’s) strengths, resources, and receptiveness to intervention.

The overall goal here is to help the juvenile to acquire “living, learning, working” skills, end destructive behaviors, and improve cognitive/decision-making skills. In fact, most juvenile offenders benefit from the juvenile court’s intervention and outgrow their negative behaviors because of their acquisition of such skills, their relationships

with significant people, and their attachments to conventional groups and institutions. Accordingly, the investigation should establish the juvenile’s developmental age, maturity, capacity and willingness to change. It should ask what thinking or decision-making patterns or social, educational or vocational deficits contribute to the risk of persistent or escalating offending. What strengths can be built upon? What opportunities are needed to practice new skills and receive feedback? How can bonding and attachment to pro-social community entities be encouraged?

Written guidelines give structure and consistency to recommendations. Just as written guidelines improve the consistency and fairness of intake and detention decision-making, they can help to provide an objective, consistent framework for disposition recommendations as well. Guidelines should reflect state law and the agency’s mission and goals. They should describe the available dispositional alternatives and articulate explicit criteria for recommending among them. And they should preserve a measure of officer discretion.

Typical guidelines require the decision-maker to consider—and generally assign weighted “scores” to—the level of offense, prior convictions or adjudications, and a variety of possible aggravating and mitigating factors and conditions, such as the seriousness of the injuries inflicted or the presence or absence of premeditation. Depending on the resulting score, the juvenile can be matched with a level of disposition, or at least a range of possible dispositions.

Some states have gone to extreme lengths in this direction—legislatively imposing what are in effect criminal-style statewide sentencing guidelines on the juvenile disposition process. That is not what is being advocated here. But well-designed, thorough, flexible departmental guidelines for disposition recommendations can assure the court that disposition recommendations reflect systematic attention to each of the three primary disposition goals—public protection, offender accountability, and rehabilitation—and that factors relevant to those goals have been duly weighed in individual cases. They can also make it possible for probation departments to assemble useful data regarding the consistency and fairness of their own case-handling performance.

Assessment Checklist

Domains	Factors
Risk Assessment <i>History</i>	<ul style="list-style-type: none"> ■ Criminal history – arrest at young age; # and type of prior referrals, placements and commitments ■ Multiple problems (3 or more) across more than one domain in Needs Assessment
Needs Assessment <i>Family/Parenting Attributes</i>	<ul style="list-style-type: none"> ■ Parent/child relationship – poor or dysfunctional, disinterested or detached, inconsistent parenting or parental rejection ■ Lack of control and supervision – no knowledge of youth’s friends and activities, lack of age-appropriate limit-setting, deny responsibility for juvenile’s behavior, lack of rules enforcement, difficulty controlling behavior
<i>Juvenile’s Attributes</i>	<ul style="list-style-type: none"> ■ Peer relations – delinquent friends, gang involvement or membership ■ Behavior – poor self-control, impulsive, verbally or physically abusive
<i>School</i>	<ul style="list-style-type: none"> ■ Performance – grades, achievement levels ■ Behavior – suspensions or expulsions, reports of disruptive classroom behavior or problems with teachers ■ Attendance – truancies, not currently in school ■ Assessments – results of any educational assessments
<i>Substance Abuse/Mental Illness</i>	<ul style="list-style-type: none"> ■ Mental illness – depressed, suicidal, mental illness diagnosis ■ Alcohol or drugs – occasional or chronic use ■ Substance use – linked to offense, disrupts functioning ■ Changes in behavior – moodiness, sleep patterns
Strength Assessment <i>Family/Parenting Attributes</i>	<ul style="list-style-type: none"> ■ Good parent/child relationship, clear expectations for and monitoring of child’s behavior
<i>Juvenile’s Attributes</i>	<ul style="list-style-type: none"> ■ Interests – in school activities (clubs, chorus, band, sports), extracurricular activities (scouting, church, Y, Boys/Girls Club), personal interests or hobbies ■ Relationships – prosocial friends, positive relationship with supportive adult ■ Attitude – emotionally mature, receptive to help
<i>School</i>	<ul style="list-style-type: none"> ■ Good reading ability
Accountability Assessment	<ul style="list-style-type: none"> ■ Victim Impact Statement ■ Restitution/community service obligation ■ Victim willingness to interact with offender ■ Offender remorse for crime, empathy toward victim, acknowledges harm

Disposition recommendations should be embodied in clear, concise, and complete reports. The probation officer uses the information gathered during the predisposition investigation and assessment—in addition to the information already compiled at intake—to prepare a report for the court’s consideration during the disposition hearing. Each jurisdiction is likely to have its own predisposition report format and requirements. It is important to follow the standard format and address all required items; a favorable reception for a disposition recommendation may well depend on the ease with which a busy judge is able to locate information in a report.

Certain general guidelines apply to all such reports:

- Be sure of facts. Clearly indicate what information has been established and how. Designate information that is known only by hearsay—that is, any information that has been learned from an absent third party whose credibility cannot be tested by cross-examination
- Include only information that has value or relevance to the decision.
- Omit details that add nothing to the assessment. However, do not omit relevant information merely because it does not support the recommendation.
- Be specific; avoid generalized descriptions (“frequently tardy”) in favor of detailed or quantifiable facts (“tardy 13 times in October.”)
- Maintain objectivity. Do not state opinions as facts. Label them as opinions and attribute them to their proper source. Confine your own opinions to the summary or assessment section of the report.
- Keep report language clear, simple and grammatically correct. Avoid jargon. Be natural in your style: refer to the juvenile by name and yourself as “I,” rather than as “the offender” and the “officer.”
- Keep the information brief, succinct, and user-friendly, so that it is capable of being quickly and easily comprehended.

The following are typical components of a predisposition report:³

1. **Offense Information.** Again, much of this information would have been obtained at intake.

Disposition Recommendation Checklist

- √ What risks does the juvenile pose to the community?
- √ What is the juvenile’s attitude toward the victim and the offense?
- √ What factors and circumstances contributed to the juvenile’s offending?
- √ What skills does the juvenile need to acquire?
- √ What are the juvenile’s (and the juvenile’s family’s) strengths, resources, and receptiveness to intervention?

But the report could also include charges substantiated and additional facts developed at the adjudication hearing. Among other facts, this section might reflect:

- Whether the juvenile acted alone or with others
 - Whether the juvenile acted as a leader or follower
 - Role of participants and disposition of co-defendants
 - Motivation for offense (e.g., personal gain, retribution, chemical dependency)
 - Events preceding the offense
 - Condition of juvenile at time of offense (drunk, on drugs, emotional/angry)
 - Whether the offense was premeditated or committed on impulse
 - Time the offense was committed
 - Whether the offense involved a weapon
 - Recommendations for disposition from the arresting officer
2. **Juvenile’s Statement Regarding Offense**
 - Attitude about the offense (e.g., boastful or ashamed, defiant or remorseful)
 - Attitude and concern toward the victim
 3. **Parental Statement Regarding Offense**
 - Their knowledge of the offense

Testifying Tips

- **Prepare.** Come to court prepared. This not only increases your effectiveness as a witness, it helps alleviate any anxiety you may feel as a newcomer to the process. If you are unfamiliar with the courtroom in which you will be testifying, visit it beforehand. Review—but don't memorize—written documents (statements, reports, petitions, etc.) about which you will be testifying, and familiarize yourself with the whole file. You can bring notes with you to refer to on the stand, but be aware that you may be asked to submit them to the court, and make sure you bring copies for the judge and the attorneys.
- **Relax.** If you're nervous, pay attention to the rate at which you're breathing, and try to slow yourself down. If you know any tension-reducing tricks that you can practice without calling attention to yourself—such as pressing your toes down into your shoes, or visualizing peaceful scenes—make use of them.
- **Show respect.** When you take the stand, your attire, posture, mannerisms, choice of words, and everything else about you should reflect respect for the court and its proceedings—even if other hearing participants' don't. So dress formally. Address the judge as "Your Honor." Sit up straight, keep your body still, look speakers in the eye, and pay attention. Keep gestures to a minimum. Avoid using poor grammar, jargon, or slang. On the other hand, don't "complexify" things—you will be more effective if you keep your testimony as simple and straightforward as possible.
- **Do your job.** Your job as a witness is to answer the questions that are put to you. So listen until the question is finished—never interrupt. Then take a breath, answer truthfully, and stop. Don't anticipate questions that haven't been asked. Don't answer on the basis of what you think the questioner really means. Don't hesitate to ask for clarification. And don't be afraid to say you don't know.
- **Follow the rules.** One of the most important rules in a courtroom is that you should only testify as to matters of which you have direct knowledge. If you think you are being asked to guess, speculate, or pass along what others have told you, say so, and be clear that that is what you are doing. Another important rule is that you must stop answering immediately when there is an objection, and wait until the judge says you may continue.
- **Exercise caution.** Sometimes you may be asked a question that contains more than one question. Don't try to answer a compound question all at once, and risk leaving a false impression; break it down, and answer it part by part. Likewise, don't answer a question that assumes facts that are not true, without first correcting the false assumption. Finally, when you have finished testifying about something, a questioner will sometimes purport to "sum up" what you have said, and ask you confirm it; never acquiesce in an inaccurate summary of your testimony.

Source: Allegheny County (PA) Juvenile Court Policy and Procedures Manual, Appendix A: *The Courtroom Presentation*.

- Steps they have taken of a corrective or preventive nature in addressing behavioral issues with their child
 - Recommendations for disposition
4. Victim Information
- Victim Impact Statement
 - Injuries or losses sustained by the victim
 - Restitution sought/concerns to be addressed
 - Juvenile's access to or relationship with victim; victim's willingness to participate in disposition
- Perceived risk of being re-victimized
5. Prior Record
- A chronological summary of juvenile's offense history, previous dispositions, and record of compliance with prior court orders or diversion agreements
 - Placement history
 - Stealing patterns
 - Runaway patterns

6. Family/Parenting Attributes

- Parent-child relationships/involvement, resources, strengths/skills, ties with the community
- Marital history
- Educational and employment history
- Substance abuse, mental health issues
- Criminal history, including domestic violence disturbances
- Control and supervision, including knowledge of child's friends and activities
- Discipline style, limit-setting, rules enforcement
- Sense of responsibility for child's behavior
- Home and neighborhood conditions
- Influences and social pressures of neighborhood

7. Health History

- Physical health, serious illnesses, accidents, disabilities, or medications
- Mental health, including results of any screening or clinical evaluations
- Controlled substance use, including results of any drug tests, screens, or clinical assessments, treatment experiences and attitudes toward recovery

8. Educational History:

- Schools attended and present status
- Academic performance (grades, standardized test scores)
- Attendance record
- Learning problems (results of any testing or services)
- Conduct and disciplinary actions and response to discipline
- Participation in school or extracurricular activities
- Awards and accomplishments
- Educational goals

9. Employment history:

- Work patterns/habits
- Duration and reasons for termination
- Attitudes toward job, work in general
- Career goals

10. Personal characteristics

- Developmental capacity, attention span
- Ability to relate to peers, adults
- Delinquent friendships/gang activity
- Anti-social attitudes, values, beliefs
- Self-control, impulsivity
- Juvenile's view of problem areas and strengths

11. Structured use of time

- Hobbies, recreational activities, and special interests
- Memberships in clubs, organizations
- Community service and other volunteering

12. Summary and Assessment:

- Public Safety Goal: Risk of harm to self and community in view of present offense, offense history, and response to prior interventions
- Accountability Goal: Impact of crime on victim and community, including losses and juvenile's ability to pay restitution or fines; juvenile's level of remorse
- Rehabilitation Goal: Factors/circumstances that contributed to the crime that must be addressed

13. Recommendations

Disposition recommendations should always specify the best possible dispositions as well as the best available ones.

Most primary dispositions fall into a few broad categories. They may include commitment to a secure institution; residential placement in a public or private facility, such as a community-based group home; referral to a nonresidential program for "day treatment" services; various forms of probation supervision; and orders to pay fines,

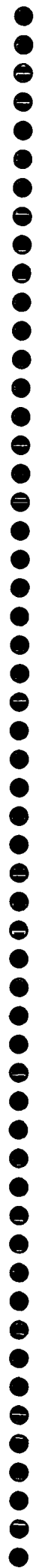
make restitution, or perform community service. In 1998, probation was the most serious disposition in about 58% of the more than 600,000 cases in which juveniles were adjudicated delinquent nationwide. About 26% of adjudicated cases resulted in placement outside the home. About 11% ended with orders to pay fines or restitution, perform community service, or participate in day treatment or counseling programs. And in about 5% of adjudicated cases juveniles were released without sanctions.⁴

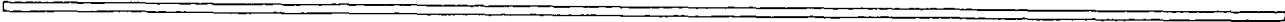
Every jurisdiction has its own unique mix of primary dispositional alternatives and secondary sanctions and services. Not every mix is adequate. The probation officer should always begin by recommending whatever is the best course to be taken with a juvenile—even if it is unavailable or otherwise impractical. If the best disposition is not among the available options, the gap in needed programs or services should be noted and a secondary recommendation should be made. If nothing else, documentation of service gaps may facilitate development of needed resources in the future.

In addition to a primary disposition recommendation, the probation officer usually proposes a program of supplemental restrictions, sanctions and services that could form the basis of a case or supervision plan for the juvenile. In all cases, the proposed conditions should serve the broad goals of the disposition process. However, this matter is discussed more fully in the following chapter on Supervision.

Endnotes

- ¹ Siegel, L., and Senna, J. (1985). *Juvenile Delinquency Theory, Practice, and Law (2nd ed)*. St. Louis, MO: West Publishing Company.
- ² Puzzanchera, C., Stahl, A., Finnegan, T., Snyder, H., Poolc, R., and Tierney, N. (2002). *Juvenile Court Statistics 1998 (Forthcoming)*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ³ These elements are taken largely from New Hampshire's "Pre-Dispositional Investigation Reports," ITEM 770(a), CYF Manual, April 1997. Additional elements are incorporated from predisposition report formats used elsewhere, including Pennsylvania and Orange County, CA.
- ⁴ Puzzanchera et al., *supra*, n. 2.





Supervision



9

SUPERVISION

In this chapter you will learn about:

- the goals of probation supervision
- elements of a good supervision plan
- case classification
- graduated sanctions and incentives
- performance/compliance monitoring techniques
- good case-closing practices

Good probation supervision practice must be goal-driven, performance-based, and outcome-focused. Supervision, a term that encompasses the core of the probation function, is the sum of all the activities the officer engages in to assist the probationer toward behavior change and accountability. It is a process built upon the central idea that to change a young person's behavior and hold him accountable requires both a structure to limit potential wrongdoing and a response to life experiences that enable prosocial behavior and reparation. Juvenile probation is in the hopeful position of influencing that development and thereby reducing criminal behavior.

During the supervision phase, the probation officer develops and manages a course of action that has the greatest likelihood of achieving the desired outcomes of a safe community, victim reparation, and a more law-abiding youth. The probation officer considers the converging interests of the community at large, the victim, and the juvenile offender in developing that course of action, the supervision plan. The probation officer then facilitates offender participation in the supervision plan, oversees the risk management component, monitors offender performance, and enforces compliance, all the while serving as a mature role model and a resource to the juvenile and family. What makes supervision the "essence" of probation, however, is the interpersonal relationship with the juvenile. If the juvenile fails to buy into that relationship, probation is not likely to succeed.

This chapter discusses the essential components of good probation supervision practice that are driven by goals, based on performance, and focused on outcomes: individualized assessments, supervision plans, a system of case management, and record keeping and documentation of outcomes.

Further assessment of a new probationer helps to define supervision objectives. The purpose of assessment once a juvenile is placed on probation is to gather information in order to develop a supervision plan. Although assessment begins at the initial point of contact with the system, assessment is an ongoing process while the juvenile is active with the court. Once a juvenile is placed on probation by the judge and assigned to a probation officer, that officer reviews the court order and the information gathered during the intake and predisposition investigations and adds to it as needed.

Individualized assessment is essential because not all juveniles exhibit the same problems or pose the same threats to the community and, in a system of limited resources, it is both unnecessary and wasteful to treat all juveniles the same.

Keep in mind that the assessment is not a separate step that must be completed before any services are offered. The probation officer can immediately provide information to the youth and his family about the process of probation supervision, provide orientation to the youth regarding conditions imposed by the court, evaluate the youth for crisis intervention services, and begin work with the youth and his family on setting goals and objectives.

If it is not already known, the probation officer should gather information from the juvenile, his parents, the victim and other relevant sources that allows an assessment of the following:

- What level of risk does the juvenile pose to the community? What factors associated with supervision and control (negative peer relations, lack of parental supervision and control, not in

school) pose the greatest risk for continued criminal activity? Are the parents or other family members able and willing to monitor the juvenile's whereabouts? What was the juvenile's response to prior interventions?

- What victim issues can be addressed? Does the victim desire interaction with the offender? Is the juvenile aware of the harm caused by the offense? Is he remorseful?
- What behavior problems, thinking errors, or skill deficits contributed to the juvenile's criminal behavior? What mental health or substance abuse problems or learning disabilities would interfere with learning? What types of intervention/services are available to address concerns? How motivated is the offender to change? How will the parents be engaged to take active and positive roles in their child's life?
- What are the juvenile's strengths and assets? How can they be built upon to increase bonding and attachment to prosocial activities and institutions? (See the assessment checklist in the "Disposition" chapter.)

The supervision plan serves as the blueprint for probation supervision. The supervision plan is essentially a contract between the probation department and the juvenile offender and family, the fulfillment of which will be performance-based. It is to be developed within a framework that ensures balanced attention to the community, the victim, and the offender setting out the activities and responsibilities to be performed, the benefits to be gained or consequences to be faced if the plan is fulfilled or violated and the probation officer's role in ensuring compliance. It is also a tool that directs the offender, his parents, and the probation officer toward targeted activities so that key objectives are not forgotten and less essential activities are given a lower priority.¹ Typically, probation officers base supervision activities on the court-ordered conditions of probation. However, by themselves, the conditions do not provide the functional or practical guidance required for good supervision practice.

While case management is the process probation officers use to facilitate offender participation, monitor offender performance, and enforce compliance to the court order, the supervision plan is the

blueprint. The plan should outline: (1) clear goals and meaningful objectives for the juvenile to achieve while on supervision; (2) activities the probation officer and juvenile should be involved in to accomplish those goals and objectives; and (3) a timeframe for completing each objective. If the terms of the contract are met, the juvenile should be granted some form of completion benefit. If the probationer has been fully informed about the expectations of probation supervision, there should be no ambiguity about what exactly must be done to be eligible for achieving successful termination.

Every supervision plan must address three goals.

1. Community Safety:

The supervision plan should specify what level of supervision and security is required to address the overall risk the youth poses to the community and how the juvenile's day will be structured in productive activities. What behaviors must be monitored and addressed to keep the community safe? How will the juvenile develop internal controls so that the community will be safe during and after supervision? Departments should have a range of supervision activities and security restrictions available including:

- Different levels of supervision (low, medium, and high intensity) with minimum contact standards/reporting requirements for each level
- Probation/police surveillance teams
- Electronic monitoring
- Curfew
- Drug testing
- Day or evening reporting program

Some departments use a risk classification instrument to determine the proper supervision level. (See "Case Classification.") Departments using risk classification scales should consider the following:

- Establish cut-off points for the different levels of supervision (the range of scores should be sufficiently broad).
- The contact standards for the different levels of supervision need to differ substantially.

Case Classification

Case classification is a management tool that probation departments use to assign offenders to the proper level of supervision and identify the factors or circumstances that place the juvenile at risk for continued criminal activity. Classification is made based on the best information available and the results of structured assessments of an offender's risk and needs. Separate risk and need instruments or a combined risk/need instrument essentially summarize information from the assessments by scoring key aspects.*

Classification systems have evolved since they were first used in the 1950s to categorize offenders based on their psychological traits. Some current principles of classification are:

- **Classification enables the system to treat offenders differently but to do so systematically.** It is justified when there is a legitimate goal that allows offenders to be treated differently, and there is an information base indicating that certain forms of differential treatment will help achieve that goal. An agency must establish priorities for the aims of its classification process.
- **Classification must take account of organizational context.** A system created for one setting (probation) will not usually apply to another (institutions). Agencies differ in terms of philosophy, resources and clients.
- **Risk classifications should be validated on the populations to which they will be applied.** Even though the basic factors related to risk (e.g., previous criminal history, substance abuse, early involvement in trouble, current age, family disruption) appear to be fairly consistent from one setting to another, risk scales do not transfer well. Managers need to know that a given instrument is working to differentiate the higher risk offender from the lower risk offender. The only way to do that is to validate the instrument locally.
- **Needs classifications should be based on criminogenic factors and lead to programs designed to alter these factors.** Generic needs assessments can identify an offender's problems and the classifications are valuable to the extent that they lead to effective programming decisions. But they have limitations: some needs (mental illness, sexual problems, substance abuse, and motivation for treatment) are complex and require an additional battery of assessments; and if a proven treatment program is not available, it makes little sense to assess needs.
- **Classification system design and validation require good data and are costly.** Reliable classification systems are unbiased and valid. Appropriate databases of sufficient size and richness are needed to allow demonstration of the value of the instrument.
- **Training and monitoring are essential to good classification practice.** Implementation issues are the most common failings of the process.
- **The best classification approaches integrate treatment and management issues.** All activities of various staff should feed into one another's work as well as the overall aims of the organization in order to allow data-driven strategies.

Source: Clear, T. (June 1995) "The design and implementation of classification systems." *Federal Probation* v. 59, p. 58-61.

A guide to preparing risk classification instruments is available from the Office of Juvenile Justice and Delinquency Prevention. *Risk Classification: A Comparison of Methods for Practical Application in Juvenile Courts* (2002), by Don Gottfredson and Howard Snyder, can be ordered from the Juvenile Justice Clearinghouse at (800) 638-8736, or downloaded at OJJDP's web site (ojjdp.ncjrs.org).

* Classification instruments used to estimate risk levels are based on group data. Offenders are merely placed in groups about which probability statements can be made. Some members of each group will reoffend, others will not. Risk classification instruments can establish different probability rates for different groups but cannot identify precisely which offenders in each group will reoffend. Baird, C., and Bakke, A. (January 1988). *Report on Field Classification: Issues and Options Regarding Statewide Adoption of a Uniform Classification System in Oregon*. Madison, WI: National Council on Crime and Delinquency.

- The scale should not be used for administrative or paper status cases (if there is a "no contact" category, it should not be included as a supervision level).
- Scoring the instrument should be simple.
- The rationale must be readily apparent and accepted by staff.
- Staff should be allowed to make professional judgments that override the score.

2. Offender Accountability:

The supervision plan should also specify how the accountability requirements will be fulfilled; spelling out how the juvenile will make amends for the harm inflicted and what strategies will be used to increase his understanding of the real human impact of his behavior on the victim and community. More than likely the court order will stipulate restitution or community service obligations. How will they be carried out? What will the restitution payment/community service schedule be? If the victim desires interaction, what measures beyond payment of restitution or completion of community service will be required to restore the victim?

Departments should have a range of accountability sanctions available including:

- Community service opportunities
- Method for monitoring restitution, fines or fees paid and community hours completed
- Victim/offender mediation
- Victim impact panels
- Victim awareness class
- Written apology to victim and services to victim

3. Practical Rehabilitation:

Lastly, the supervision plan should address the behavior problems, thinking errors, or skill deficits that place the juvenile at greatest risk for continued criminal activity, specifying the services/interventions that will best address those needs. The probation officer must build on the juvenile's strengths, enhance living-, learning- and working-skills, encourage bonding and attachment to prosocial community entities, and provide opportunities for actively practicing new skills. (See the

section on practical rehabilitation in the next chapter.) Departments should have a range of rehabilitation/skill development services including:

- Conflict resolution or anger management classes
- Living, learning, working skill-building classes
- Tutoring or mentoring programs
- Cognitive interventions
- Counseling
- Treatment programs for specific problems
- Parent education, skills training, family therapy

In addition to the restrictions, sanctions, and services identified above, departments also need a continuum of sanctions for noncompliance and incentives for compliance. (See "Graduated Sanctions/Incentives.")

There must be a process for identifying rehabilitation priorities. The goal of probation supervision is not to "fix" the juvenile—not every problem presented by the juvenile can be addressed during the term of probation. Because of resource and time constraints it is necessary to prioritize problems or targets for intervention. Once relevant information has been gathered, the probation officer should look across all of the domains (see assessment checklist in previous chapter) and consider the following:

- **Severity** – what three factors place the juvenile at greatest risk for continued delinquent activity? Select those behaviors and cognitive deficits that have contributed to the juvenile offender's delinquent behavior.
- **Alterability** – can the problem be modified or circumvented? Target those areas that can be changed.
- **Speed** – can the changes be achieved within the period of supervision?
- **Interdependence** – will solving the problem help resolve other problems? Select those problems that are likely to have the most impact on reducing the youth's offending behavior in both the near and long term.²

Graduated Sanctions/Incentives

Graduated sanctions and incentives can be used to enforce compliance with probation conditions. A 1999 study by Taxman, Soule and Gelb identified the following essential features of a good graduated sanctions system:

- **Certainty:** it responds to every infraction.
- **Speed:** the response is swift.
- **Consistency:** similar infractions receive similar responses.
- **Economy:** the response chosen is the minimum likely to produce the desired result.
- **Proportionality:** the level of response should equal the level of the offense.
- **Progressiveness:** continued noncompliance results in increasingly severe responses.
- **Neutrality:** responses are an objective, impartial reaction to an offense.

A continuum of sanctions should be available so that youth can receive the appropriate level of response. Ultimate sanctions include the revocation of probation and institutionalization. However, there are incremental and intermediate sanctions that can be employed, including imposition of community work service, curfews, financial costs, stricter supervision, and possibly extension of probation supervision. Many departments have formal house arrest programs or short-term detention sentences to sanction noncompliant probationers. However, community-based sanctions programs appear to be at least as successful as traditional incarceration in reducing recidivism, and the most well-structured graduated sanctions programs appear to be more effective than incarceration.

A structured sanction menu spells out appropriate responses to various kinds of noncompliance. This can make sanctions more consistent, more equitable, and more proportional to the seriousness of the violation, and can contribute to a more swift and certain response. It can also give juveniles a clearer understanding of the consequences of noncompliance.

Juveniles can and should be allowed to contribute input regarding sanctions and incentives. Securing

probationers' input can increase the likelihood that responses will be meaningful to them.

Incentives—rewards for compliance—may be an even more useful tool for changing behavior than sanctions. Incentives for compliance should be delivered with the same consistency, immediacy, and certainty as sanctions for noncompliance.

Just as sanctions should be graduated in intensity, incentives should be graduated in value. Therefore, as the probationer's compliance with the case plan is achieved and maintained, the rewards become greater, ultimately culminating in release from probation supervision. In the same way that graduated sanctions may progress from verbal warnings all the way to detention or even commitment, graduated incentives can progress through a continuum such as the following: verbal praise; written notes commending praiseworthy conduct; material prizes; privileges; relaxed supervision; and the restoration of freedom through release from supervision.

As a practical matter, probation officers must grant some leeway in monitoring and responding to a juvenile's compliance and behavior, particularly where judicial resources are limited. However, the link between technical violations of probation and subsequent re-offending cannot be ignored. Juveniles who begin to violate probation conditions, whether it be missed restitution payments or missed appointments, are sending signals, and the probation officer should be cognizant of those signals. While it may sometimes be unrealistic to expect perfect compliance, it is equally unrealistic to expect that ignoring acts of noncompliance will lead to the juvenile making desired behavior changes. Rather than viewing noncompliance as a defeat or a failure, a good probation officer seizes it as a teaching opportunity.

The probation officer's ability to deliver sanctions and incentives is dependent upon the court's support. The probation department should operate with a realistic view of the court's position. A probation officer should neither promise nor threaten what the court will not deliver.

Probation officers must be familiar with and follow locally established criteria for notifying the court of

Graduated Sanctions/Incentives Cont'd

probation violations. Generally, however, court action should be requested only in connection with serious violations. Less serious violations should be handled within the probation department in accordance with court or departmental policy.

Some situations warrant an immediate court response—for example, when the safety of the juvenile or the community is threatened. The probation officer should have a good understanding of what acts qualify for an immediate response, and be familiar with procedures for delivering that immediate response, including scheduling a hearing. The probation officer may have to testify at the revocation hearing. If the county or district attorney is required to present the case for revocation, the juvenile probation officer should contact him/her and review all relevant source materials and prepare for testimony.

Sources: Taxman, F., Soule, D., and Gelb, A. (1999). "Graduated Sanctions: Stepping Into Accountable Systems and Offenders." *Prison Journal* 79(2). Office of Juvenile Justice and Delinquency Prevention. (1995). *Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders*. Washington, DC: OJJDP.

Once the three problem areas have been selected, the probation officer should complete the following:

- **Step 1:** Define each problem. For example, if conduct at school is a problem, clarify it by indicating what will have to change (e.g., fighting, defiance toward teachers).
- **Step 2:** Identify any strengths or protective factors relevant to the area. Build on knowledge, skills and abilities the youth already possesses or any past successes. For example, a teacher may be willing to work with the youth on his school behavior.
- **Step 3:** Identify any barriers or obstacles that might interfere with addressing the problem. For example, a severe anger management problem might interfere in dealing with the conduct problem.

- **Step 4:** List any incentives that the youth might respond to in addressing the problem area. For example, participation in a class trip might be a meaningful reward for improved conduct.³

Supervision plans should be specific, focused, measurable, and time-limited.

After the probation officer has determined the level of supervision required, the accountability measures to be completed, and the prioritized rehabilitation targets, the next step involves specifying the objectives that the juvenile should achieve while under supervision. In addition to addressing departmental goals, all supervision plans should⁴:

- Contain specific, positive goals and measurable behavioral objectives, with activities and action steps specified.
- Focus on a few objectives for each goal: those objectives that meet the primary goals of probation as well as those identified by the client as important.
- Be realistic about challenges, but optimistic when gauging the juvenile's potential.
- Distinguish between court-ordered conditions and voluntary objectives.
- Break down goals (e.g., becoming law-abiding) into shorter-term, achievable objectives (e.g., getting a job, which can lead to developing basic employment skills, which can lead to long-term employment, which can lead to stability and productivity, etc.).
- Set completion dates and stagger dates.
- Involve key players (e.g., victim sign-off, juvenile buy-in, parental endorsement).

Case management becomes more purposeful when activities are aligned with department goals.

Once the plan is developed, the probation officer oversees the risk management (or community safety) component of the supervision plan, facilitates offender participation in the accountability and rehabilitation aspects of the plan, monitors performance and completion of each objective, and enforces overall compliance with the plan.

Good case management is a critical component of good supervision practice. Without a plan, other

Electronic Monitoring

Electronic monitoring technology expands the range of offenders who can be safely supervised in the community. By providing probation departments with tools for closely tracking and monitoring probationers who pose a threat to public safety, electronic monitoring makes it possible to supervise somewhat higher-risk offenders at home without endangering the community. It can also enable probation departments to impose immediate consequences for probation violations and add needed accountability and structure to probationers' daily lives at a fraction of the cost of residential alternatives.

Electronic monitoring methods include the following:

- **Continuous signaling devices**, which use a transmitter attached to the probationer that emits a continuous radio signal. A receiver in the offender's home detects the signal and transmits it through telephone lines to a monitoring computer. Alerts are sent if the signal is interrupted when the offender is not scheduled to be out of the home.
- **Programmed contact devices**, which call the probationer at scheduled or random times and use various technologies to determine the identity of the person who answers (voice verification, device worn by the probationer to insert into a verifier box attached to the phone, camera for visual verification, etc.).
- **Global positioning systems**, in which the probationer wears a transmitter that communicates signals to a satellite and back to a computer monitor, pinpointing the probationer's whereabouts at all times.
- **Remote alcohol testing devices**, which may be used alone or with other devices listed above. They require the probationer to blow into a device (alcosensor), which transmits results to a computer that records the amount of alcohol, if any. They may be attached to automobile ignitions to prevent driving after consuming alcohol.

influences will dictate probation officer activities: the decisions on day-to-day work will more likely be process and activity-oriented (e.g., reports filed, contact standards met, number of violations reported) instead of aligning activities and managing cases to achieve department goals.⁵ Supervision plans force probation officers and their supervisors to question how the activities outlined in the plan achieve the intended outcomes. As such, supervision plans lend themselves to outcome-focused practices and increase the department's ability to examine their practices and performance in light of their mission.

This mission-driven, performance-based, and outcome-focused approach to supervision requires juvenile probation officers to take on some old case management roles and to learn some new ones:

- **Overseer:** The probation officer oversees the risk management component of the plan by performing the mandatory standard of service required for the particular level of supervision to which the juvenile has been assigned. Probation officer contacts in this regard should consist of substantive activities designed to ensure community safety by making sure the offender's day is structured and holding him responsible for his behavior at school, at home, and in the community.
- **Facilitator:** The probation officer facilitates participation in the accountability and rehabilitation components of the plan by conducting quality contacts. Personal contacts should consist of substantive activity designed to further the goals and objectives outlined in the supervision plan. More than any other role, this one reflects the "art" of supervising probationers. Probation officers offer instruction, counseling, and referral; accentuating the positive, nurturing, leading, encouraging, correcting, empowering and serving as a mature, positive adult role model. Very often probation officers must engage parents to take their rightful role in parenting their child.
- **Monitor:** Probation officers monitor performance/compliance by tracking a probationer's progress in meeting plan objectives and successfully completing specific activities. Monitoring should be proactive, providing feedback on the probationer's performance. It should also be preventive and regular. Collateral contacts should consist of verifying the juvenile's compli-

ance with the conditions and objectives of the plan and obtaining information about the juvenile's behavior in school, at home, and in the community. Interim progress reports could occur on a quarterly basis or in conjunction with school grading periods, since some of the information will reflect school behavior, performance, and attendance. There should be flexibility to modify plan objectives or activities if circumstances change. Failure should not be automatically blamed on the offender; it may be the result of an inadequate plan, inadequate supervision, or a misconceived strategy. Probation officers should hold juveniles accountable for achieving the goals themselves—not necessarily for following the strategy.

- **Enforcer:** Probation officers enforce compliance with the conditions or objectives outlined in the supervision plan. When the probationer is not in compliance, the probation officer must determine whether the juvenile is unable or unwilling to comply. The probationer, for example, may lack fundamental skills, thus making compliance impossible. If the probationer is unable to comply, the plan must be reformulated to address the deficiencies. On the other hand, if the lack of compliance is deemed to have been willful, the probation officer must decide the best way to motivate the juvenile. The probation officer must be adept at using rewards or incentives to encourage compliance and sanctions for noncompliance. The probation officer must guard against being an enabler (excusing or rationalizing delinquent behavior or violations) and must hold the juvenile accountable for his behavior and engage the juvenile in making the needed changes. (See “Graduated Sanctions/Incentives.”) Although most minor probation violations may be handled by probation officers, willful and deliberate noncompliance should always be reported to the court, no matter how minor. Major violations—including any that are serious enough to have resulted in the filing of a petition if the juvenile were not already on probation—should be resolved by the court as well. The probation department should be authorized to return to court to recommend modifications of the court order. In such a case a copy of the request should be served on the juvenile, the juvenile's attorney, the parent, and the prosecutor, and a hearing should be held no more than five days after the

request was filed. For this proceeding, the level of proof may be set at preponderance of the evidence rather than beyond a reasonable doubt. However, when the conduct constitutes a delinquent offense, prosecution for the new offense is preferable to modification of the original order.

- **Community partner:** Probation officers should develop partnerships with neighborhood groups, civic associations, service organizations, businesses, churches, schools and seek their participation in the justice process and help them build safe communities. Forming partnerships increases probation's leverage in managing the risk the offender presents to the community while under supervision and developing community service and other skill-building opportunities. It also contributes to a shared ownership of the problem of delinquency. Probation officers should conduct supervision activities outside the office whenever possible, visiting the juvenile at home, at school, at the community service site, and at work. It is the content of the meeting, rather than its location, that has greatest potential for impact, but the presence of the probation officer in the community offers visual evidence that supervision is being conducted, allows the officer to become familiar with the youth's environment, increases opportunities for collateral contacts, and encourages community participation.
- **Service provider and broker:** Probation officers should be involved in both providing and securing services for offenders, their families and their victims. Based upon the supervision plan, they may provide services directly and indirectly. If an officer possesses skills in certain areas, such as facilitating skill-building groups, providing those services directly can be expedient and cost-effective. Probation officers must be familiar with community resources, knowledgeable about the referral and feedback process, and capable of advocating for services for both victims and offenders.

This is not a complete list. The new approach to supervision may require probation officers to make other changes in the way they do their work—such as working nontraditional hours, making home visits at night or on weekends, and engaging parents when they are available and most likely to be attentive. It may also call for participation in cross-

training opportunities with colleagues in related justice agencies. Nothing facilitates the sharing of information like personal relationships that are based on a clear understanding of each other's goals.

Keeping thorough records is an important component of supervision. Probation officer records, in addition to a formally prepared written report, often form the evidentiary basis for revocation and other court hearings and must be able to withstand legal and factual challenges. Probation officers are officers of the court with a unique legal obligation to inform the court of any juvenile behavior that violates the court order or supervision plan. There is no right to confidentiality between probation officer and probationer. Rather, the probation officer must be able to accurately report and document any pertinent information about the youth that the court may request.

While professionals have a right and duty to record assessments and opinions based on their knowledge and experience, these entries must be identified as such and supported by specifically enumerated details, observations, and discernable facts. Case entries should be specific to the youth's behavior as well as the probation officer's efforts to implement the supervision plan.

In addition, probation officers should request and maintain periodic written reports from personnel of those agencies significantly involved with the juvenile regarding the juvenile's status in complying with supervision objectives.

In some jurisdictions, probation case files are subject to a formal audit in which the file contents are examined by an oversight agency or by the officer's supervisor to determine if required information is included. Probation officers should be familiar with audit requirements and maintain files in such a fashion as to facilitate the audit process.

Contents of a probation case file may include:

- Demographic information on the youth and family
- Court order
- Detention record, including time served with any available reports about assessment or behavior while in custody

- Record of diversion attempts and results
- Assessment reports (risk, needs, strengths, mental health, substance abuse, health) and pre-disposition report
- Victim information, including impact statement and plan for restoration
- Supervision plan
- Chronological contact sheet
- Interim progress reports
- Noncompliance reports, sanctions, and response
- Court activity
- Case closure information

Measuring probation officer performance involves more than keeping track of contacts. Most departments require probation officers to keep records, usually chronologically, of all pertinent contacts with the youth and significant collateral contact with others in support of the supervision plan and other activities. Probation officers often consider documenting contacts an onerous chore. Nevertheless, some documentation is necessary—the trick is to make it easy and useful. The best way to measure a probation officer's performance is to record relevant information reflecting juveniles' progress and compliance with the terms of supervision plans.

For each substantive contact, probation officers should record the date, the person contacted, and any observations, opinions, or action taken. In addition to the chronological record, probation officers should complete interim progress reports. Requiring progress information to be recorded provides the impetus for officers to periodically review and assess supervision activities and has real utility for both officers and supervisors. Such documentation will make meetings between officers and supervisors—which should occur at least once every three months—more productive. They can review and discuss each juvenile's progress on plan objectives to date and the contacts and activities the officer has conducted pursuant to the case.

Information that may be recorded to track progress/status/compliance:

Supervision Checklist

Community Safety Goal:

- √ What levels of supervision and security are required?
- √ How will the juvenile's day be structured?
- √ What behaviors must be monitored?

Accountability Goal:

- √ How will restitution and/or community service obligations be carried out?
- √ What strategies are required to increase the juvenile's understanding of the impact of the crime on the victim and the community?

Practical Rehabilitation Goal:

- √ What problems, thinking errors or skill deficits place the juvenile at the greatest risk for continued offending?
- √ What services/interventions will best address those problems, errors, or deficits?

Progress/Compliance Record-Keeping:

- √ Chronological record of contacts
- √ Interim progress reports
- √ Case-closing report

Community Safety Goal:

- attendance, excused and unexcused absences
- school disciplinary referrals
- suspensions
- expulsions
- compliance to curfew, electronic monitoring
- drug testing results
- new offenses and technical violations

Accountability Goal:

- community service performed
- restitution paid
- attendance at victim awareness sessions

- participation in victim/offender mediation
- letter of apology

Practical Rehabilitation Goal:

- grades
- attendance and successful completion of skill-building, education and treatment classes, trainings, and programs

The closing of a case presents an excellent opportunity to document intermediate outcomes achieved. Probation supervision is concluded through a successful closing or an unsuccessful termination. In either case, probation officers should capture some important pieces of information about the juvenile's performance in

completing supervision plan objectives. A final case-closing summary will provide evidence of the degree to which objectives were or were not achieved. As opposed to long-term outcomes that measure the degree of change in thinking, attitudes, or behavior, intermediate outcomes measure performance in terms of completion or achievement of objectives while the juvenile was under court supervision.

For each system goal, some intermediate outcomes are:

Community Safety:

- Adjudication for new offense while under supervision
- Violation of probation resulting in a new adjudication while under supervision
- At time of case closing, was the juvenile: Attending school? Attending GED class or vocational training? Employed full or part time?

Accountability:

- Amount of restitution ordered/paid
- Hours of community service ordered/completed
- Victim/offender conference: Included in plan? Attendance? Successful completion?
- Victim awareness training: Included in plan? Attendance? Successful completion?
- Completion of letter of apology to victim: Included in plan? Attendance? Successful completion?

Practical Rehabilitation:

- Skill Building: Included in plan? Attendance? Successful completion?
- Cognitive Interventions: Included in plan? Attendance? Successful completion?
- Treatment Program for Behavior Problems: Included in plan? Attendance? Successful completion?

Summary:

- Why was the case closed? Juvenile successfully completed obligations/plan; case was

terminated as unsuccessful (reason: discharged by the court on new charge, juvenile was convicted in adult court, other).

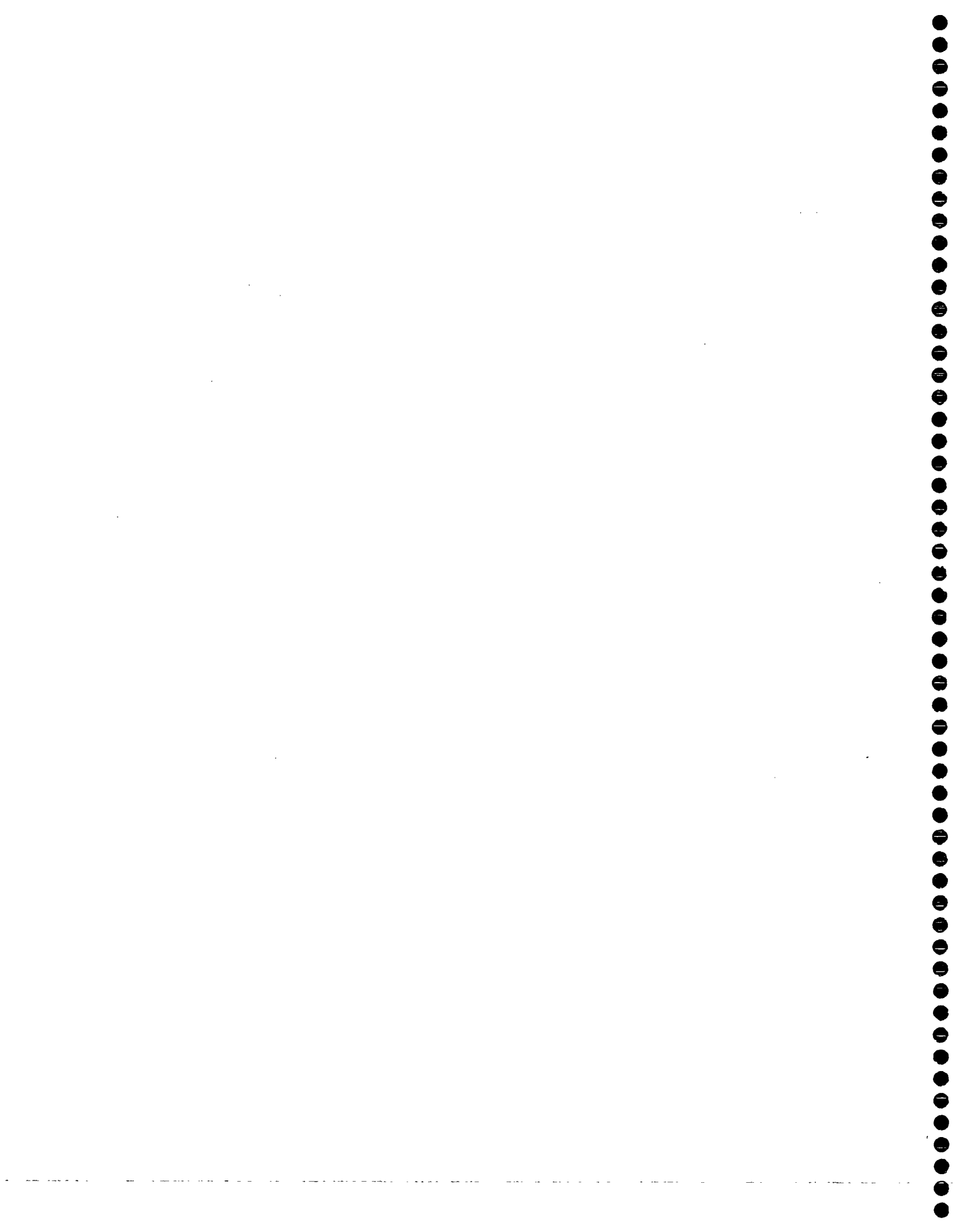
This information has immediate utility for the juvenile, for the court, and the victim and intrinsic value to the community when aggregated for all closed cases and presented as an annual report card. The case closing summary could be reviewed by the judge or master at a final hearing in order to give recognition to the juvenile for successfully completing supervision.

At case closing, the victim should be notified. If the juvenile was supposed to pay restitution but was adjudicated on a new offense and received a disposition that pre-empted the supervision order, the victim should be told what options remain for collection of restitution or completion of the restoration process. If it is possible for the victim to pursue civil action to recoup losses, the officer should explain that process.

Finally, case closure presents an excellent opportunity for probation departments to discover how satisfied probationers, their families, and their victims are with the services they received. Departments may choose to survey these clients for their perceptions of the legal process, the services provided, and the supervision requirements. Taking into account the bias that successful or unsuccessful termination might impart to the survey responses, departments can still use the information to assess the quality of services provided.

Endnotes

- ¹ Carey, M., Goff, D., Hinzman, G., Neff, A., Owens, B., and Albert, L. (Spring 2000). "Field Service Case Plans: Bane or Gain?" *Perspectives*.
- ² Lerner, K., Lerner, D., Arling, G., and Krohn, B. (September 1988). *Strategies for Juvenile Supervision* (training materials). Oakland, CA: National Council on Crime and Delinquency. Clear, T., and O'Leary, V. (1983). *Controlling the Offender in the Community*. Lexington, MA: Lexington Books.
- ³ Leary, V. (1983). *Controlling the Offender in the Community*. Lexington, MA: Lexington Books.
- ⁴ Hoge, R. and Andrews, D. (2001). *The Youth Level of Service/Case Management Inventory Intake Manual and Item Scoring Key (Revised)*. Ottawa, ON: Carleton University.
- ⁵ Carey et al., *supra* at n. 1.
- ⁶ Carey et al., *supra* at n. 1.



Selected Practices and Techniques



In this chapter you will learn about:

- promising probation approaches
- useful probation techniques
- practical skills all probation officers need

Good juvenile probation supervision calls for a flexible range of skills, approaches and techniques. The preceding chapters have traced the juvenile delinquency case process from intake to termination, exploring the responsibilities of juvenile probation officers at each decision point and describing best practices for juvenile probation departments at each stage. This chapter will pause to focus more closely on a small number of skills, approaches and techniques that characterize the best juvenile probation practice, including:

- A. Restitution and community service enforcement
- B. Victim-related strategies
- C. School-based probation
- D. Skill building and cognitive interventions
- E. Strength-based practice
- F. Intensive/team supervision
- G. Aftercare/reentry
- H. Effective interviewing
- I. Probation officer safety techniques

A. Restitution and Community Service

Seeing that juveniles meet their restitution and community service obligations is among the most important duties of a juvenile probation officer. Restitution and community service are the juvenile justice system's most basic tools for holding juvenile offenders accountable. While their historic roots run deep, few sanctions make a better fit with the modern juvenile court's mission and goals:

- **Offender accountability.** Requiring offenders to pay in some way for the damage they have done gives them an opportunity to understand the consequences of their wrongdoing and accept and acknowledge responsibility for it. That may be one reason why the use of restitution—including participation in paid community service in order to earn money to pay victims—has been associated with significant reductions in recidivism for some groups of juvenile offenders.¹
- **Victim restoration.** When restitution is paid to victims in the form of money, it helps to compensate them for their losses and assure them of the system's responsiveness to their needs.
- **Community reconciliation.** When it takes the form of community service, it has the potential not only to benefit the public in tangible ways but to help reconcile the juvenile with the community he has offended.

Moreover, probation departments that give priority to collection of restitution and enforcement of community service obligations can point to positive, measurable, "bottom-line" accomplishments—amounts of restitution ordered/paid, number of victims compensated, hours of community service ordered/worked, total value of services rendered—that actually mean something to voters and the public, and pay off in terms of broad community support for the juvenile court's mission.

There are three broad types of "restitution" obligation: straight financial restitution, community service, and direct service to victims. Community service is the most common, probably because it is the easiest to administer.² Direct service is the most rare, in part because of victim reluctance to have contact with offenders. However, in practice these three program types may blend together. For example, many local jurisdictions organize work crews and even enter into janitorial, recycling, and other service contracts with public or private agencies in order to provide offenders with jobs so that they can pay restitution. Others use program funds to pay offenders to perform public service

Meaningful Community Service

Community service has enormous potential as a way to advance the goals of the juvenile court—that is, as a way to teach young people accountability, to expose them to good role-models and mentors, to help them acquire the skills and habits they will need to become law-abiding, productive citizens, and to visibly reintegrate them into the community they have offended. Unfortunately, in many communities, this potential is largely untapped. Too often, community service work, when it is available at all, is mere make-work, imposed solely for punitive purposes, without any attempt to involve members of the public or to teach anything useful.

Realizing the potential of community service as a restorative sanction requires probation departments to attend to a few basic principles. In general, community service should:

- ▣ **Involve the community.** Too many community service programs make no effort to approach actual members of the community, either to consult them regarding what work needs to be done or to enlist them as volunteers. But programs in some jurisdictions do both. Rather than put young people to work washing police cars, they assign them to landscaping projects or graffiti clean-up in neighborhood business districts—with backing from local business and civic leaders, and help from community volunteers. Rather than shut them off in a back office to stuff envelopes, they bring them into senior centers, where they work with and benefit from elder role models.
- ▣ **Accomplish worthwhile tasks.** Juveniles around the country are cutting firewood for needy

local families, tending community gardens and donating their harvests to soup kitchens, restoring trails and stream beds under the supervision of conservation groups, working with Habitat for Humanity to build homes—in other words, doing *needed* work, and being *seen* doing it.

- ▣ **Teach transferable skills.** A good community service initiative can help to convert young offenders from community liabilities into community assets, by teaching work habits, routines, and marketable skills that they can bring to other jobs. For a youth who is literally starting from scratch—with no job history, no references, nothing for a dubious employer to check—this can be a significant opportunity. A letter of recommendation making note of the youth's reliability, attitude and performance, as well as any specific techniques mastered in the course of community service, can be a ticket to better things.
- ▣ **Bring recognition and a sense of accomplishment.** Wherever possible, community service workers should be allowed to finish what they start, so that they can see and take pride in what they have accomplished. Public recognition for successful completion of community service, in the form of certificates of commendation, banquets, and other small rewards, can also help to convince young offenders that they have indeed turned a corner—and are being welcomed back into their communities.

Source: Maloney, D., and Bazemore, G. (December 1994) "Making a Difference—Community Service Helps Heal Troubled Youths." *Corrections Today* 56(7).

work, with the money (or a portion of it) being likewise passed on to victims. Although the general effect of the two program types is the same, the former would be called a restitution program, and the latter a community service program.

Probation officers are key players when it comes to making restitution and community service work. Whether the juvenile's restitution or service obligations are part of a

diversion agreement or are imposed by court order following an adjudication of delinquency, in many jurisdictions it is up to a juvenile probation officer to do some or all of the following:

- ▣ **Determine eligibility for participation.** Offenders' eligibility or appropriateness for restitution or community service should be governed by written and consistently applied departmental policies. In general, however, an obligation to pay restitution should be imposed whenever a victim has suf-

ferred a loss, whether or not the case is formally petitioned.³ If the offender is unemployed and indigent, job assistance or paid community service should be offered. Where there is an identifiable victim who deserves compensation, unpaid community service should be imposed only if there is no better option.

- **Calculate appropriate amounts.** The probation officer may consult with the victim regarding losses. This may occur at the intake stage, in connection with the taking of a victim impact statement, or during the preparation of a pre-disposition report. Where probation officers are responsible for soliciting loss information from victims, they should make it clear that their department sets a high priority on collecting restitution. Assessing and verifying victims' injuries and losses may be as simple as estimating the value of stolen or destroyed property and the cost of cleaning up, or as complicated as adding up medical expenses, lost wages, and long-term mental health treatment costs. Ideally, the juvenile and his family should understand and accept the victim's loss claims; if there is a dispute, and the victim is willing, the matter can be settled through mediation, or at a court hearing attended by the victim.⁴
- **Assess offender's ability to pay.** Both common sense and constitutional law⁵ require that restitution obligations imposed on offenders be reasonably related to their ability to pay. However, every offender can find a way to pay something. Factors limiting an offender's ability to pay should be addressed in the supervision plan. An unemployed juvenile with no marketable skills should be given job readiness and job search help, for example, and then required to pay restitution.
- **Determine payment/work schedule.** The best practice is to make restitution and community service obligations part of the case supervision plan. The offender and his parents should participate in fashioning the payment and work schedule, which should be included in a written agreement that clearly spells out expectations and defines what constitutes a breach or failure to perform.
- **Monitor performance.** If a juvenile is unable to keep to the work or payment schedule agreed upon, the schedule should be adjusted. However,

Restitution Collection Methods

Probation Collection

Advantages

- Impresses offender with importance of goal of restitution
- Makes restitution an integral part of the probation case plan

Disadvantages

- Increased probation workload
- Can become a low priority
- Lower collection rates

Private Collection

Advantages

- Decreases probation workload
- Wider range of collection techniques
- Focus on collection alone
- Better enforcement/collection rates

Disadvantages

- Lack of understanding of restitution component of juvenile probation
- Lack of communication between agency and probation department
- Goals of restitution not clearly communicated to youth
- Restitution separated from probation case plan

Source: Maloney, D., and Bazemore, G. (December 1994) "Making a Difference—Community Service Helps Heal Troubled Youths." *Corrections Today* 56(7).

if the juvenile is simply unwilling, sanctions must be available to enforce compliance. These may include intensive supervision, house arrest, curfews, electronic monitoring, or even revocation of probation.

- **Close the case.** Case closure is important for both the victim and the offender. Many jurisdictions have developed ceremonies for closing a restitution case. In some, the offender personally presents the final restitution check to the victim,

along with a letter of apology. (If a juvenile offender fails to fulfill the restitution requirement and the case is to be closed anyway, notification and explanation should be given to the victim.) Offenders who complete community service assignments sometimes get certificates of appreciation and/or letters of recommendation as well. (See "Meaningful Community Service.") It should be noted that case closure also presents a probation department with an opportunity to collect valuable information on its own performance—solid numbers reflecting amounts of restitution and community service ordered/completed in each case, as well as the proportion of cases completing some or all of the restitution or community service ordered.

In some probation departments, each probation officer is responsible for implementing and monitoring the restitution orders for his or her caseload. In others, there is a separate restitution unit within the probation department. Restitution specialists handle restitution orders and report to the chief probation officer. They are responsible for coordinating all of the restitution requirements. The main advantage of this model is that the staff can concentrate exclusively on collection and not be concerned with all the responsibilities and requirements of probation. The specialized unit arrangement also effectively separates two functions that may sometimes conflict—that of supporting offenders in their efforts to comply with restitution orders and that of serving as the collection agent for victims.

Some jurisdictions contract with private, non-profit, charitable, or religious organizations to operate restitution programs. The most common problem with this approach is the lack of regular contact with the court. One argument in support of this model is that private restitution programs are better suited to maintain integrity and neutrality in restitution-related disputes between victims and offenders.

B. Victim-Related Strategies

Victim advocates envision a system that would focus not only on justice for offenders but also on justice for victims. Crime represents a profound expression of disrespect for the victim as a person.⁶ The last thing victims need is a justice system that depersonalizes their experi-

ence or their involvement in seeking justice. Victims want the option of participating in that process and being treated fairly along the way. Beyond wanting justice for offenders, victims—especially victims of violent crimes who are in the process of healing—must have their own needs addressed. Although some victim advocates have suggested that a separate or "parallel system of justice"⁷ is required, others point to several areas in which the existing justice system can and should improve in its responsiveness to victims:

- **Safe space.** Victims deserve a place to express, without judgment or blame, their anger and fears about the experience, even though their reactions may make others uncomfortable.
- **Restitution or reparation.** While actual losses may be impossible to compensate, restitution and an apology symbolize restoration and demonstrate that someone other than the victim is responsible for the harm done.
- **Answers to questions.** If victims want more information about what happened, why it happened, and what is being done about it, they should be able to get this information from offenders and from people working in the system.
- **"Truth-telling."** Victims need to tell their story to people who matter.
- **Empowerment.** Power has been taken away from victims. They need to experience involvement and empowerment.⁸

Juvenile probation officers must bear in mind that victims are clients too, entitled to full participation in the juvenile justice process. Although probation supervision strategies have been aimed at protecting the public as a whole from further victimization, the interests of individual crime victims often are lost under the mass of paperwork and growing caseloads.⁹ Treating crime victims as clients requires affirmative measures that not only allow but also encourage and assist victim participation. At the adult level, crime victim assistance programs tend to be overseen by prosecutors' offices. In juvenile systems, however, responsibility for victim inclusion/assistance measures generally falls to juvenile probation and court services departments. This new responsibility, along with the task of monitoring offenders' obligations under a new set of victim-

Juvenile Probation Officer Responsibilities to Victims

Service standards for the Pennsylvania Commission on Crime and Delinquency's Victims of Juvenile Offenders Program specify a number of victim-related service areas for which juvenile probation officers are responsible.

In all cases, the probation officer is responsible for providing:

- Prior notice of any hearing
- Notice of a juvenile's escape from detention or shelter, placement or institution and his subsequent apprehension
- Notice of details of final disposition
- Notice and opportunity to provide prior comment on the potential reduction of a charge, dropping of a charge, or diversion of any case involving a personal injury or burglary

- Opportunity to provide written and oral victim-impact statement to be considered at disposition hearing.

Upon request of the victim, the probation officer is responsible for providing:

- Notice that a juvenile has been detained or released following arrest and that a delinquency petition has been filed
- Prior notice of the grant of temporary leave, home pass, release or termination of juvenile court jurisdiction in any case in which a juvenile has been adjudicated delinquent for an offense involving personal injury.

Source: Pennsylvania Commission on Crime and Delinquency. (December 2000). *Victims of Juvenile Offenders Program, Standards and Procedures Manual*. Harrisburg, PA: Pennsylvania Commission on Crime and Delinquency.

oriented dispositions (restitution, direct service to victims, victim/offender mediation, etc.), is changing the very nature of the work performed by these departments.

Common victim assistance measures include orientation programs, brochures, or videos that explain victims' rights, describe juvenile court procedure and terminology, and recommend sources of support services. In some jurisdictions, victims of juvenile offenders are afforded not just the bare right to information about case progress, but an automatic notification process that is integrated into the case management system, with automated voice response technology that allows 24-hour access to case status information over the phone. Other increasingly common victim assistance measures include formal outreach efforts to victims' groups; the recruiting of victims and victims' advocates onto court planning and goal-setting bodies; hiring permanent staff members to oversee all victim services and develop coordinated responses to victims' needs; and routinely administering victim satisfaction surveys designed to elicit complaints and suggestions and to determine whether victims are being adequately served. Victim-sensitive services include separate waiting areas for victims, and scheduling policies that minimize waiting times and eliminate unnecessary appearances.

Victim impact statements can help to give victims a voice in the juvenile justice process.¹⁰ All victims of juvenile offenders should be afforded the opportunity to submit victim impact statements for the consideration of the court at the disposition hearing, or any hearings in which the offender's release is being considered. Apart from satisfying a victim's personal need to describe the financial, emotional and physical harm that has been done, a victim impact statement can help the judge to decide upon the type and length of disposition called for, the amounts of restitution or community service that should be ordered, the appropriateness of particular victim/offender programs, and any special release conditions or other measures that may be necessary to ensure the victim's safety. Victim impact statements may also provide an accurate assessment of the actual crime that occurred, which can differ from the adjudicated offense.

Probation departments should have clearly defined policies and procedures that:

- delineate agency responsibility and accountability for the implementation, distribution, collection and application of victim impact statements,
- require probation officers to exercise due diligence in securing such statements,

- guarantee that statements are forwarded to correctional and paroling authorities,
- notify and inform crime victims of their right to submit statements or update previously submitted statements, and
- require all probation officers who have direct contact with crime victims to receive training in working with and assisting crime victims and in the roles and services of any victim advocate positions or victim assistance programs that may be available in the community.

Probation departments with sufficient resources should also consider requiring home or hospital visits to victims who would otherwise be excluded from presenting victim impact evidence; providing non-English speaking victims with interpreters or instruments and information in their native languages; accommodating hearing-impaired victims with signers; and helping victims who do not write or read well to complete statements.

Accountability sanctions involving victims require offenders to face up to the harm they have caused, and to do something about it. The discussion of restitution earlier in this chapter pointed out how, when juvenile offenders are required to repay their victims, it gives them a valuable opportunity to understand the consequences of their wrongdoing, to accept and acknowledge responsibility for it, and to take action to repair the harm done. There are a variety of other victim-related sanctions and programs that afford similar benefits—not only reinforcing the message of accountability for offenders but engaging victims as full partners in the restorative process.¹¹ Some have already been described in Chapter 6 on “Diversion”—including victim-offender mediation and family group conferencing. Two others deserve mention here: apology letters and victim impact panels.

An apology to the victim is a simple and direct form of acknowledgement of the harm caused by an offense, as well a symbolic effort to repair that harm. A victim-sensitive apology should include the following elements:¹²

- a declaration of personal responsibility for the offense,

Victim Compensation and Assistance

The federal Crime Victims Fund established by the 1984 Victims of Crime Act supports two formula grant programs and supplements state compensation and victim assistance services. The Crime Victims Fund is supported not by tax dollars but by fines, penalty assessments, and bond forfeitures collected from convicted federal offenders.

■ **Compensation:** All states and the District of Columbia have established compensation programs for crime victims, although compensation in some states is reserved for victims of violent crimes. These programs reimburse victims for crime-related expenses such as medical costs, mental health counseling, funeral and burial costs, and lost wages or loss of support. Although each state compensation program is administered independently, most programs have similar eligibility requirements and offer comparable benefits. Compensation is paid only when other financial resources, such as private insurance and restitution payments, do not cover the loss. Most programs do not cover expenses from theft, damage and property loss. To receive compensation, victims must cooperate with the reasonable requests of law enforcement and submit a timely application.

■ **Assistance:** Likewise, all states and the District of Columbia receive federal funding to support community-based organizations that serve crime victims with priority given to programs serving victims of domestic violence, sexual assault and child abuse and underserved victims such as survivors of homicide victims and victims of drunk drivers. Services include crisis intervention, counseling, emergency shelter, criminal justice advocacy, and emergency transportation.

Source: OVC Fact Sheet. (January 2002). State Crime Victim Compensation and Assistance Grant Programs. Available online at www.ojp.usdoj.gov/ovc.

- understanding of the harm done to the victim and the community,

- a commitment not to repeat the offending behavior, and
- a commitment to be a productive citizen.

Apologies may be delivered verbally or in a letter to the victim, but only after the offender has demonstrated awareness of the impact of the crime on the victim and the community. The victim must agree to be the recipient of an apology.

Probation departments should have standards and procedures for the presentation and delivery of apologies. A victim services representative should determine the appropriateness of all apology letters, interviewing offenders before delivery of verbal apologies to ensure their sincerity and readiness to apologize.

Victim impact panels can help to teach empathy.¹³ Real understanding of the damage done by crime, and real empathy for crime's victims, can be difficult for young people to attain. One teaching tool that can help here is the victim impact panel, in which one or several well-prepared victims give a presentation to an equally prepared audience of offenders, concerning how crime affects not only the primary victim but also the victim's friends and family. The process gives victims a chance to be heard and a feeling of empowerment, and may help in the healing process. For offenders, it is an "opportunity for personal growth"¹⁴—a chance to see and hear first-hand from a victim the financial, psychological and physical impact of the crime, and to take away not just words but images that may stick with them and help to change their behavior.

Before attending a victim impact panel, offenders must have developed at least a minimal sense of the harm they have caused and the difficulty of ever repairing it. They should understand that attending a panel does not make up for the harm they caused to their victims. And even though hearing about victims' suffering may make them feel bad, they must be willing to set aside their feelings and listen closely to how victims feel.

Victim impact panels can be highly emotional for both victims and offenders. Support must be offered to everyone involved, including:

- opportunities to discuss how they feel about the information presented,

- time to talk and ask questions,
- feedback regarding their comfort level during the panel and any suggestions for future panels
- instructions on whom to contact if they need more help processing their feelings.

Further resources. For probation officers and departments wishing to improve their overall response to victims, or to learn more about involving victims in restorative sanctioning, there are plenty of sources of information and help.

The most comprehensive available source of ideas and information regarding victim services in probation is the American Probation and Parole Association's *Promising Victim-Related Practices and Strategies in Probation and Parole*, which was prepared for the federal Office of Victims of Crime and published in 1999. At 266 pages, the guide provides a detailed treatment of victim impact, notification and informational services, restitution programs, victim-offender programs, and a great deal more. Useful appendices include model victim impact and financial impact statement forms, sample victim contact letters and information brochures, a budget worksheet for figuring restitution schedules, and extensive contact and resource lists.

To order a copy of *Promising Victim-Related Practices and Strategies in Probation and Parole* (NCJ 166606), contact:

Office for Victims of Crime Resource Center
Box 6000
Rockville, MD 20849-6000
(800) 672-6872

Two more good victim-related publications, also produced with funding from the Office of Victims of Crime, are available from the National Council of Juvenile and Family Court Judges. *The Juvenile Court Response to Victims of Juvenile Offenders* is a training curriculum on the unique rights and needs of victims of juvenile offenders within the juvenile court. It covers such issues as the statutory and constitutional rights of victims of juveniles, victim notification and orientation, and the development of new victim service programs. *How to Be Victim Friendly in Juvenile Court* is a series of brief brochures, each focused on a single practical aspect of the task: assuring victim rights; victim orienta-

tion to the court; victim notification; obtaining victim impact statements; creative dispositions considering victims; securing restitution; developing a coordinated response; resources for victim issues; and legislating victim rights.

To obtain either publication, contact:

National Council of Juvenile and Family Court Judges
P.O. Box 8970
Reno, NV 89507
(775) 784-6012
<http://www.ncjfcj.unr.edu/>

For those with internet access, the Office for Victims of Crime operates a website (<http://www.ojp.usdoj.gov/ovc>) that features numerous downloadable publications on crime victims' issues, an on-line program directory (with state-by-state links) of the National Association of Crime Victim Compensation Boards, and the Office for Victims of Crime Resource Center, a service of the National Criminal Justice Reference Service that allows the public to search OVC databases.

The National Center for Victims of Crime, one of the nation's leading nonprofit victims' rights organizations, also has a useful web site (<http://www.ncvc.org>). Users can get free, downloadable fact sheets ("Infolinks") on a wide range of crime victim-related subjects, featuring statistics, brief overviews, descriptions of promising programs, bibliographies, and contact information.

C. School-Based Probation

Supervising juvenile offenders in their schools produces many clear benefits. In recent years, juvenile probation officers in jurisdictions across the country have been moving out of traditional district offices, into middle, junior high and high school buildings—and supervising their caseloads right in the schools. Although this shift in location sounds simple, school-based probation has significant systems implications and raises the potential for far-reaching changes in the qualitative nature of probation.¹⁵

There are some obvious benefits to locating probation officers in schools, where youths on probation

spend the majority of their day:

- **More contact.** More direct contact with probationers—in some cases daily contact—can lead to better relationships and more awareness of school, home and peer problems.
- **Better monitoring.** Closer monitoring of juvenile offenders and better observation of their behavior and interactions can lead to more effective and immediate responses to problems.
- **Focus on school success.** Juveniles with school-based probation officers may have more incentive to attend regularly, try hard, and refrain from misconduct, increasing their overall chances of succeeding as students.

In fact, in Pennsylvania, which has made the nation's most extensive investment in school-based probation to date, a study found that school-based probation officers, school administrators, and students on school-based probation strongly believed that the program was effective in boosting attendance and academic performance and reducing misbehavior in school. The study also compared 75 randomly selected school-based probation clients with 75 regular probation clients matched on age, race, gender, crime, and county of supervision, and found that school-based probation clients spent significantly more time in the community without being charged with new offenses or placed in custody. Moreover, when new charges were filed against juveniles on school-based probation, they were less likely to be for serious crimes, and more likely to be for status offenses and probation violations—just what you'd expect, given the program's closer supervision. The resulting placement cost savings were projected at \$6,665 per school-based probation client.¹⁶

In addition to the components of good probation practice outlined in the Supervision Chapter—comprehensive assessments, supervision plans based on system goals, interim progress reporting, and collection of intermediate outcome data at case closing—the essential components of school-based probation programs include:¹⁷

- Clear goals, objectives, and outcomes for school-based probation.
- A formal written agreement with the school laying out the philosophy, goals, objectives and

School-Based Probation Agreements

School-based probation program arrangements and procedures should be formalized via a written agreement between the juvenile court/probation department and the participating school district. At a minimum, such an agreement should contain the following:

- A statement of the philosophy, goals, and objectives of school-based probation.
- A clear definition of the role of the probation officer within the school environment.
- A clear definition of the role of the school district administration and staff in supporting the probation officer.
- A list of probation officer responsibilities, including participation in any student assistance or pupil services team involving a probationer.

- If probation officers are permitted to carry firearms, the procedure for carrying and storing that firearm while on school property.
- A list of the school district's responsibilities, including the provision of a telephone line and office space affording privacy within the school for the probation officer.
- Procedures assuring probation officers' access to probationers' student records, including attendance, discipline, grading, and progress reports.
- Provisions for meetings between probation department administrators and school administrators to discuss ongoing program issues.

Source: Pennsylvania Juvenile Court Judges' Commission.
Standards Governing School-Based Probation Services.
Online: http://sites.state.pa.us/PA_Exec/JCJC/

outcomes and outlining the roles and responsibilities specific to probation and to the school district. (See "School-Based Probation Agreements.")

- Assignment practices that restrict each probation officer to a single school building, and with an optimal caseload of no more than 30–35 students.
- An information sharing agreement and protocol.
- Partnership/collaboration arrangements in which juvenile probation officers work closely with school administration and teachers.
- Mechanisms for using the probation officer's in-school presence as a preventive resource for the general school population.

For more information on school-based probation in Pennsylvania, contact:

Pennsylvania Juvenile Court Judges' Commission
Room 401
Finance Building
Harrisburg PA,
17120-0018
(717) 787-6910
http://sites.state.pa.us/PA_Exec/JCJC/

For information on ongoing evaluation of Pennsylvania school-based probation programs, contact:

National Center for Juvenile Justice
710 Fifth Avenue
Pittsburgh, PA 15219-3000
(412) 227-6950
www.ncjj.org/

D. Skill Building

One of the broad goals of the juvenile justice system—perhaps its highest goal—is to help young people change. Throughout this guide, we have used the term "practical rehabilitation" to designate concrete measures aimed at helping young people change and grow into law-abiding, productive adults. Juvenile probation officers contribute to the work of practical rehabilitation in three basic ways, depending upon the needs of the young people involved:

- **Skill building.** Most young people on probation need help developing or improving living-, learning-, and working-skills—that is, the skills everyone must master in order to live peacefully as responsible, contributing members of their communities. Among advocates of the balanced approach to juvenile probation, practical rehabilitation that focuses on skill-building generally

goes by the name of “competency development.”¹⁸

- **Cognitive interventions.** In order to become law-abiding, some juvenile offenders may also need to make more fundamental changes in the way they think, make decisions, or solve problems. (See “Cognitive Interventions.”)
- **Treatment.** Young people with certain kinds of specific, serious problems—such as chemical dependence or mental illness—may need referral for treatment services as well. (See the discussion of the treatment needs of various “Special Populations” in the next chapter.)

While practical rehabilitation may focus directly on the needs of individual offenders, it also serves larger community goals—especially the goal of securing the public from the danger posed by unskilled, alienated, and sometimes seriously impaired youth.

Juvenile probation should ensure that young offenders leave the system more capable of living peacefully and productively than when they entered. The precise knowledge and skills a young person needs will vary from one community to another—from a farming community to an urban one, for example. However, there are core skills that *all* youth should possess in order to grow into successful, productive adults:¹⁹

- **Basic living skills:** Personal hygiene/health, home management (cooking, cleaning), money management, etc.
- **Social skills:** Intra-personal skills (understand own emotions and practice self-discipline) and interpersonal skills (able to get along with others, cooperation, empathy, conflict resolution).
- **Academic skills:** Age-appropriate reading, writing, and math skills, knowledge of and interest in continued learning and advancement, ability to express oneself creatively.
- **Vocational skills:** Knowledge of work/career options, work experience, involvement in leisure and family activities.

Skill development measures should involve young offenders in productive, experiential activities that provide some potential benefit to them and to

Examples of Skill-Building Interventions

- Work experience – job training programs, apprenticeships
- Experiential programs (learning by *doing*)
- Tutoring programs
- Leadership development
- Family and independent living skills training
- Youth development (strength-based) programs

others. They should build up assets and strengths. They should help the youth to develop positive relationships with others, exhibit positive behavior in conventional roles, increase academic, vocational, and social skills, and increase bonding to pro-social groups.

Helping juveniles develop living-, learning-, and working-skills begins at intake. Incorporating skill-building into probation practice involves assessment, goal-setting, and concrete activities pursued as part of a written case plan:

- **Assessment of needs and strengths.** Assessment of a juvenile’s needs and strengths is necessary in order to determine what programs and activities are needed to enhance the juvenile’s existing skills while teaching any new skills that may be required. The strengths and resources of the juvenile’s family and community should also be considered. Assessments can be as simple as asking a few questions at intake, or as involved as conducting interviews with the juvenile and his family, gathering information from court and school records, etc.
- **Goal-setting.** After the juvenile’s skill development needs are assessed, the next step is to determine the intermediate outcomes that are important for the juvenile to achieve before leaving the juvenile justice system. These intermediate outcomes may include better academic, social, and occupational skills; improved sense of bonding to others and belonging in the community; and greater propensity to engage in pro-social, acceptable behavior. They may also include changes in how others view the youth.

Cognitive Interventions

“Cognitive interventions” attempt to change offenders’ *ways of thinking*. If delinquent behavior is due to errors or serious distortions in a juvenile’s thinking process, or cognition, cognitive interventions may be appropriate. In general, the goals of cognitive interventions are to improve the following:

- Reasoning skills
- Understanding of the consequences of behavior
- Capacity to stop and think before acting
- Decision-making and problem-solving skills
- Interpersonal skills (including empathy and understanding of the thoughts, feelings, views and motivations of other people).

Cognitive skills training addresses deficiencies in problem-solving skills, interpersonal skills, and conflict resolution skills. By isolating situations that result in the offender acting in anti-social ways, making connections between behavior problems and thinking problems, and developing good thinking skills, cognitive skills interventions aim to increase offenders’ ability to use their thinking skills when faced with such situations in the future.

Cognitive restructuring is for offenders with more serious character deficits, who need to change

their moral reasoning, values, and beliefs—to learn to accept responsibility for the consequences of their own actions, for example, to think of others and their feelings, to feel remorse, to refrain from shifting blame and making excuses. Cognitive restructuring seeks to identify habits and patterns of thinking, attitudes, and beliefs that are distorted, irrational, or inappropriate, to challenge these thinking errors, and to help offenders understand how they may lead to anti-social behavior. The purpose of cognitive restructuring is to reshape the offender’s thought processes and to help them learn how to think rationally and deliberately before acting in response to stimulating or threatening situations.

Sources: Taymans, J. & Jurich, S. (Fall 2000). “Overview of Cognitive-Behavioral Programs and Their Applications to Correctional Settings.” *Perspectives*. Lexington, KY: American Probation and Parole Association. Thorton, T., Craft, C., Dahlberg, L., Lynch, B., and Baer, K. (2000). *Best Practices of Youth Violence Prevention: A Sourcebook for Community Action*. Atlanta, GA: Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Ross, R., and Fabiano, E. (1985). *Time to Think: A Cognitive Model of Delinquency Prevention and Offender Rehabilitation*. Johnson City, TN: Institute of Social Science and Arts, Inc. Carey, M. (1997). *Cog Probation*. (Spring 1997). *Perspectives*. Lexington, KY: American Probation and Parole Association.

- **Action steps to desired outcomes.** The findings of the assessment and the goals set should be incorporated into the supervision plan for the juvenile. That plan should consist of action steps—participation in programs and activities—that are calculated to bring about the competency development outcomes desired.

Effective skill-building programs share a few key features. Success in this area depends on a variety of factors, including the motivations of offenders. Interventions should aim at developing protective factors, the healthy beliefs, the clear standards, and the pro-social bonding that research has shown reduces the risk that young people will commit crimes.²⁰ Successful programs tend to have the following features:²¹

- **Youths are viewed as resources, not as problems.** Programs should focus on the strengths youths possess, rather than on their weaknesses. Treating youth as resources and as important people who are encouraged to make positive contributions to society can bring about lasting changes in how youth feel about themselves and about their place in the community.
- **Interesting and valued activity.** Participants should be involved in something that is of value to the community, but that is also of interest to them. If they are doing something that interests them, they may be more likely to stick with the program as well as put more effort into achieving its goals.
- **Interaction with conventional adults in their communities.** Juvenile offenders need to learn how to “survive and thrive” in their families and

communities.²² Positive relationships with law-abiding adults who model pro-social, acceptable behaviors may help them accomplish this.

- **Opportunities to practice new skills.** It is important that juvenile offenders be able to practice the skills they are learning.²³ Practicing new skills while engaging in healthy activities can lead to positive reinforcement from others and can increase the offender's self-esteem. In addition, juvenile offenders who are actively, visibly involved in community programs may help to improve the public's view of the juvenile justice system.
- **Community involvement.** Community groups are stakeholders in the process of a juvenile's rehabilitation. The community should become a partner with the juvenile justice system by developing new opportunities for offenders to learn positive social skills while also contributing to the good of the community.²⁴ Community members should make efforts to reintegrate offenders and build on their strengths by accepting them into their community groups, modeling acceptable behaviors, and allowing offenders to practice new skills and competencies.

E. Strength-Based Practice

The strength-based approach to working with juvenile offenders identifies their strengths and resources and builds on them.²⁵ Strength-based practice helps youth and their families to identify strengths and competencies and to discover how to apply them toward solutions. It engages them as active participants and increases both cooperation and motivation by combining the assumptions of the strengths perspective with the techniques of motivational interviewing and solution-focused therapy models. The necessary first step is to believe adolescents and their families have strengths and resources that can be used to stop troublesome behavior. The second step is to use methods that help clients identify these strengths and competencies for effective case planning and behavior change.

Strength-based practice differs from traditional approaches in the way it applies basic principles:

- **Accountability.** Accountability is realized through behavioral and cognitive changes, rather than through passive (verbal) admission of guilt. Efforts toward accountability concentrate on beginning "first steps" and initiating action. Strength-based practice expects and demands change, rejecting the limiting dichotomy that problem youth either "refuse to" change or "cannot" change.
- **Future orientation.** Strength-based practice is concerned about solutions rather than the causes of problems. It focuses on finding practical ways to solve the presenting problems through mutual exploration of possible solutions.
- **Client autonomy.** As far as possible, strength-based practice lets the client define the problem and choose the course of action. Even in mandated dispositions, it gives choices in the "how." For example, without negotiating the basic issue of sobriety/abstinence from illicit drugs or alcohol, a probation officer could let the client choose the "how" for achieving and maintaining abstinence/sobriety.
- **Optimism.** A probation officer's belief in a client's ability to change can be a significant determinant of outcome. Expectations of change and improvement influence client behavior. Strength-based practitioners believe in the ripple effect in which small changes can bring major improvements.
- **Respect.** Strength-based probation practice explores the client and his family's definition of and answer to the problem(s) and values their ideas and perceptions.

Every juvenile probation officer has numerous opportunities to apply strength-based techniques. Specific strength-based techniques include the following:

- **Place bets.** When you find some improvement you would like the offender to continue, challenge his desire to be more mature by betting him that he can't keep it up. Be sure to convey that you're unsure of the outcome and leave the outcome up to the youth. (E.g., "I'm really split. Part of me believes you'll be able to keep doing this since you're already doing it; yet another part of me thinks you're only 15 and no 15-year-old can do this for very long.")

Problem-centered Approach vs. Strength-based Approach

Problem-centered Approach

Approaches clients with attention to their failure, dysfunction and deficits, with an eye to fixing their flaws.

Assumes an “expert” role in naming the client’s problems and then instructing clients how to fix them.

Sanction-focused: client “takes the punishment” without taking responsibility or earning redemption.

Route to solution: fix the problem.

Goals are obedience and compliance.

No direct strategies are used for building motivation. Relies on coercion and “pushing from without.”

Court has non-negotiable mandates and probation officer determines both the goals and the means for reaching those goals.

Strength-based Approach

Approaches clients with a greater concern for their strengths, competencies and possibilities, seeking not only to fix what is wrong but to nurture what is best.

Assumes clients to be competent and “expert” on their life and situation. Helps clients discover how strengths and resources can be applied to negotiate third-party concerns and mandates while also furthering their wants and concerns as well.

Incentive-focused: holds youth accountable while furthering their pro-social interests, skills or passions.

Route to solution: strengthen connection to clients’ competencies, past successes, positive interests and wants.

Initial goals are obedience and compliance; final goals are behavior change and growth.

Employs specific principles and strategies for building client motivation to change. Uses sanctions to stabilize out-of-control behavior but works to raise motivation that comes from within.

Court has non-negotiable mandates but beyond these, clients are partners in the process of setting personalized goals. Probation officer helps them focus on what they want to change, maintains the focus, and works to increase positive options.

- **Recruit consultants.** When you find youth or family members who have found some success, treat them as consultants—giving them a sense of ownership of the skill or behavior change. (E.g., “You really have a handle on this. So many other teens (families, parents) don’t have a clue about how to do this (start this, stop this), yet you do. I sure wish you’d talk to them and tell them how to do it.”)
- **Ask percentage questions.** Many times young people get stuck in a negative or limiting view of the problem that does not allow change or positive movement. Some kinds of questions can help them get unstuck. (E.g., “How much of the problem is *never going to change* or how much of it could be that things just aren’t going very well for you right now? 80/20? 60/40?” “How much of this trouble came from your friends and how much might have been your bad decision-making? 70/30?”)
- **Express surprise.** At the end of an assessment, after problems and strengths have been reviewed, ask, “How did someone like you, with all these past successes, get into this trouble?”
- **Amplify success.** Follow up on past success by looking at it from many different sides, asking “how” questions. (E.g., “How did you do that? How did you know that would work? What does this say about you?”)
- **Find out what works.** More than likely, you are not the first person in authority to work with this

youth or family. Don't reinvent the wheel with each client—ask them what types of approaches have been successful and unsuccessful in the past.

- **Ask exception questions.** This is the prime strategy of the solution-focused therapy model. Look for what teens and families do when a problem is *not* occurring or a chronic condition has improved and get them to repeat these same strategies in the future. (E.g., “Have there been times when the problem did not occur? When was the most recent time when you were able to (perform the desired behavior)? What is different about those times?”)
- **Ask survival questions.** Convey respect for a client's resilience in the face of adversity. This can help bring out internal or external resources. (E.g., “I know things are tough now, but I'm really interested in finding out just how you've survived? How have you kept going even with these problems?”)
- **Ask future-oriented questions.** Future-oriented questions are critical for goal setting. Goals that are meaningful and productive come from getting your client to look ahead and describe what would have to be different for the current problem to be solved or improved. (E.g., “If, one year into the future, the problems you experience today were solved or made better, *what would be happening then that's not happening today?*”)

F. Intensive/Team Probation

Intensive probation is intended to serve as a safe alternative to incarceration for certain kinds of juvenile offenders. Adjudicated juvenile offenders who might otherwise be sent to correctional placements are instead targeted in many jurisdictions for intensive supervision in the community. Although it has come to be considered a “specialized” form of probation, observers have pointed out that the basic elements of the intensive approach—low caseloads, close monitoring, frequent and wide-ranging contacts as an alternative to institutional commitment—are what probation was always meant to be.²⁶

Intensive probation approaches vary from jurisdiction to jurisdiction, but in general they feature:²⁷

- Smaller caseloads, ranging from 5 to 20 probationers per officer. (National standards groups have recommended intensive caseload limits that vary from 12 to 15 per officer; see “Probation Caseload Standards” in chapter 4, “Case Processing Overview.”)
- Surveillance expanded to ensure 7 day-a-week, 24 hour-a-day coverage.
- A greater reliance on unannounced spot checks; these may occur in a variety of settings, including home, school, known hangouts and job sites.
- More collateral contacts with family members, friends, staff from other agencies and concerned residents in the community.
- Stricter probation conditions, including earlier curfews and more rigid curfew enforcement.
- A schedule of graduated sanctions with immediate consequences for violations. (See the discussion of “Graduated Sanctions/Incentives” in the preceding chapter on “Supervision.”)

Each jurisdiction must make its own determination concerning the types of juvenile offenders who will qualify for intensive supervision in the community. Decisions regarding who should receive intensive supervision should be based on individualized assessments and structured by written guidelines, like all other decision-making relating to dispositions for juvenile offenders. (See chapter on “Disposition Recommendations.”) In general, however, intensive probation should be reserved for juveniles whose offenses and offense histories are serious enough to justify incarceration but who, given sufficient supports and monitoring, can be safely supervised in the community. One influential intensive supervision program model targets chronic offenders (those who have a history of multiple offenses, and possibly of failure in ordinary probation, which might together lead to institutional commitment) and serious but nonviolent offenders (including juveniles who have committed serious crimes such as drug trafficking).²⁸

Intensive supervision is often conducted by teams. Approaches to intensive caseload management vary, but many programs utilize a team approach, pairing (1) a surveillance officer whose primary responsibility is monitoring conduct and

investigating possible violations of court orders and (2) a field service probation officer, whose primary responsibility is providing the traditional casework management and services that comprise much of standard probation supervision. This division of duties clarifies the specific relationships that juveniles under supervision must develop with their probation officers. Moreover, it avoids the stress that results from a single officer's responsibility for conflicting (enforcement/support) roles.

A second approach to team supervision of intensive probationers uses two-to-four person teams, with team members sharing the responsibilities of case management equally. The strategy underlying this approach is one of saturation: team members provide supervision and control over the youth during all hours of the night and day, week days and weekends. The approach is clearly linked to the perceived need to provide a greater degree of community protection when high-risk youth are under community-based supervision. Because each team member knows the problems and needs of all the youths in the shared caseload, each is capable of responding whenever a crisis arises.

Most intensive probation programs feature some contact and cooperation with law enforcement. For instance, intensive probation officers may attend police briefings to pass along information about juveniles on the intensive caseload and the restrictions to which they are subject. Surveillance officers may have police radios in their cars. In Arizona, a statewide computer network allows police officers to identify juveniles on intensive supervision and find out whom to contact for information.²⁹

A more comprehensive model of police-probation cooperation is Boston's Operation Night Light, in which teams of probation and police officers conduct joint nighttime visits to the homes and neighborhoods of high-risk probationers to enforce probation conditions.³⁰ The teams, which consist of one probation officer and two police officers working between 7 p.m. and midnight, wear plain clothes and use an unmarked car. The probation officer chooses which homes to spot-check in order to enforce compliance with curfews, geographic restrictions, and other conditions. The results, program proponents say, have been stricter probation enforcement with less risk to probation officers, lower recidivism rates for probationers,³¹ and a

shared sense of mission between police and probation departments.

For further information regarding Operation Night Light, contact:

Chief Probation Officer
Dorchester District Court
510 Washington Street
Dorchester, MA 02124
Phone: (617) 288-9500

G. Aftercare/Reentry

Aftercare or reentry programs, services, and strategies help assure a juvenile's successful transition from residential placement to life in the community. Too often, when juvenile offenders are sent away to residential placements, local juvenile courts and probation departments do little or nothing to keep tabs on them. When the juveniles have "done their time," they are simply released and returned, with little or nothing in the way of preparation, monitoring, or services. Institutional treatment ends, institutional structure is withdrawn, and nothing takes their places. Rehabilitative progress evaporates quickly. Old habits and associations reassert themselves. Adjustment failures and recidivism often follow.

The juvenile justice system's response, in a broad sense, has been to attempt to build better bridges between the institutional and community environments, through aftercare or reentry programs and services. These may include parole-style supervision, monitoring and testing as well as counseling and treatment services, training and mentoring, and other forms of post-institutional help.

Aftercare/reentry approaches vary. But any well-designed aftercare strategy will impose concrete, enforceable expectations on returning juveniles, with a reliable method of verifying compliance and a coherent structure of incentives and sanctions for noncompliance. It will offer some level of intensified surveillance, enhanced services, or both, to those at serious risk of failure/recidivism, and will use formal risk/eligibility assessments to target those interventions carefully. And it will rely as much as possible on partnerships with community resources and support systems to do the work of reintegration.

Good Reentry Practices in Correctional Facilities

A juvenile's successful transition from living in an institution to living in the community may depend a great deal on the steps taken by the institution to prepare him for reentry. The National Center on Education, Disability, and Juvenile Justice has isolated a number of "effective or promising transition practices" for long-term correctional facilities, including the following:

- The formation of a transition planning team as soon as a juvenile enters a long-term correctional facility, to design and implement the juvenile's individual transition plan.
- An individual transition plan for each juvenile, which includes the juvenile's educational and vocational interests, abilities, and preferences.
- Academic, vocational, and life skills education programs within the facility.
- A resource center containing transition-related materials, to which facility residents have access.
- The use of outside speakers, tutors, volunteers, mentors, vocational trainers, substance abuse counselors, etc.
- A variety of support services, including work experience and placement, alcohol and drug

abuse counseling, anger management, vocational counseling, health education, and parenthood training.

- Regular inter-agency meetings, cooperative training activities, and cross-site visits between corrections and school personnel to heighten awareness of transition issues.
- The immediate transfer of educational records from facilities to schools or other programs upon release.
- Coordination with school personnel to ensure that they place released juveniles in classes with supportive teachers, cultivate family involvement, maintain communications with other agencies, etc.
- Coordination between facilities and probation or parole departments to ensure a continuum of services and care in the community.
- A system for periodic evaluations of the transition program and all of its components.

Source: National Center on Education, Disability, and Juvenile Justice. *Promising Practices in Transition for Youth in the Juvenile Justice System: Long-Term Care Facilities*. Available online: <http://www.edjj.org/>

The most ambitious effort to design a flexible, research-based approach to aftercare has yielded the Intensive Aftercare Program (IAP) model. The Office of Juvenile Justice and Delinquency Prevention's Intensive Community-Based Aftercare Programs initiative is a long-term research, development, training, and demonstration program that was launched in 1988 and is still ongoing. The IAP model that has emerged from this process consists of three overlapping stages:

- **Pre-release and preparatory planning** during confinement.
- **Structural transitioning** from the institution to the community, requiring the participation of both facility staff and aftercare probation officers.
- **Long term, normalizing activities** that provide services and the necessary level of social control during the community phase.

"Gradual decompression" is one of the primary themes of the IAP approach. This may initially involve the probing and testing of a youth's readiness and suitability for return through furloughs, home visits, and brief excursions into the community to make contact with parents or other placement options, schools and potential employees. Once a decision is made to begin formal reentry, "step-down" may include relatively brief stays in transitional cottages (often located close to the facility itself), halfway houses, short term group homes, and other preparatory program placements preceding long term independent living arrangements. Community agencies begin delivering services immediately. The aftercare probation officer maintains frequent face-to-face and telephone contact with the youth, as well as with other significant individuals. Curfew, tracking services, electronic monitoring devices, and random drug and alcohol testing may also be used, depending on the

assessed circumstances of the youth at the point of release. This initial level of more intense social control and surveillance is reduced as the youth moves through the aftercare experience, exhibiting improved performance and justifying increased freedom of action.³²

Several states have made extensive commitments to aftercare/reentry services for juveniles. Washington was the first state to implement the IAP program model statewide. The Washington Juvenile Rehabilitation Administration's "intensive parole" program employs a case management system that begins when the juvenile first enters an institution and extends through and beyond the term of institutionalization, and features an extensive individualized assessment and a mixture of surveillance, sanctions, incentives and community service brokerage. An outcome evaluation of the program is being conducted by the Washington State Institute for Public Policy.

Another example of state-level aftercare innovation is the use of "transition teams" at each of the parole offices of the Arizona Department of Juvenile Corrections—including one full-time "transition specialist" who is responsible for finding appropriate educational or vocational programs for youth upon their release.³³

For information and technical assistance regarding implementation of the IAP model of intensive aftercare, contact:

Center for Delinquency and Crime Policy Studies
California State University, Sacramento
7750 College Town Dr., Suite 104
Sacramento, CA 95826
(916) 278-6259
www.csus.edu/ssis/cdcps/

For more information about Washington's statewide intensive parole program for juveniles, including the ongoing evaluation of the program, contact:

Washington State Institute for Public Policy
110 East Fifth Avenue, Suite 214
P.O. Box 40999
Olympia, WA 98504-0999
(360) 586-2677
<http://www.wsipp.wa.gov/main.html>

For information on Arizona's transition services for incarcerated juveniles, contact:

Arizona Department of Juvenile Corrections
1624 W. Adams
Phoenix, AZ 85007
(602) 542-0302

H. Effective Interviewing

Every juvenile probation officer should know how to conduct effective interviews.

A national survey found that juvenile probation professionals regarded basic interviewing techniques to be the most important skill for juvenile probation officers to possess upon hiring or to acquire early in their careers.³⁴ Every juvenile probation officer needs expertise in eliciting from clients and collateral sources information that is pertinent to the facts of the delinquency charge or an assessment of a given youth's supervision and rehabilitation needs. Intake officers and investigators must interview in order to determine appropriate intake dispositions, write predisposition investigation reports, and make disposition recommendations. Juvenile probation officers engaged in supervision must be able to talk with anyone involved in a case and use interviewing skills to achieve the goals of each exchange while keeping intact working relationships.

Some people are naturally good at relating to people and getting them to talk about themselves. Others are not. But good interviewing involves a collection of specific skills that can be learned. Like other skills, interviewing techniques can be picked up over the course of time by trial and error or assimilation, or they can be learned from instructors with special expertise. The latter approach is preferred: administrators should either hire the services of an interviewing trainer or enable line officers to attend such training wherever possible. Some regional and national training conferences offer skill training in interviewing. The "Fundamental Skills Training Curriculum for Juvenile Probation Officers" developed by the National Center for Juvenile Justice and the National Council of Juvenile and Family Court Judges covers interviewing techniques as well.

Good interviewing takes preparation and clear goals. Planning and preparation go into a successful interview. If your department requires assessment forms to be completed for each interview, or if various contact forms are routinely used to track interactive behavior, have them ready. If you are interviewing a juvenile's parent or guardian, have consent forms ready for any records concerning the minor that you will want to review in making your assessment. Where the interview is directed to a particular problem encountered in the course of managing a case and monitoring a juvenile, planning will be necessary in order to avoid being sidetracked by an interviewee.

In interviewing witnesses or police, decide what information you need from each person to complete your task before beginning the interview. It is always important, however, to keep an open mind as the encounter progresses, so that you do not predetermine the outcome of the interview or miss opportunities to follow up on new or unexpected information.

Begin interviews with "easy" questions. It is important to set an informal tone for interviews. If you can avoid conducting the interview from behind a desk, do so. Your opening questions—after you have introduced yourself, explained your role, stated the purpose of the interview and how the information will be used—should be basic ones: full name, address, etc. Don't rush interview subjects toward the real goal of the interview until they have become somewhat comfortable and you have established a threshold rapport. If possible, work toward achieving a positive involvement in the goals of the interview by the interviewee. Try to make him or her feel helpful.

Steer clear of leading questions. It can be all too easy to "lead" an interview. Even experienced investigators, anxious to get to the heart of the matter, often do all the talking, with the interviewee simply affirming or denying what the interviewer says. Any information the interviewer records as a result of such a one-sided exchange is more likely to reflect the interviewer's point of view than the interviewee's.

Sometimes interviewees want to be led. They may be somewhat nervous throughout the interview, and

especially uneasy when talking about the information that led you to call them in. Accordingly, they may take the easy approach of "sounding out" what you want so that they can be on their way, and so that they do not have to be uncomfortable any longer than necessary. Avoid phrasing questions in such a way that the interviewee can figure out which answers will "satisfy" you.

Whenever possible, ask open-ended questions that invite the interviewee to narrate. The narration will be the interviewee's point of view. Listen to the narration, considering what may be left out as well as the extras that are included, such as attitudes, demeanor and body language. Letting an interviewee narrate gives him or her a chance to "tell the story" and often helps establish rapport between interviewer and interviewee. After listening to the narration, go back over it, asking specific questions to fill out the picture painted by the interviewee. Be careful not to probe too aggressively: it is unlikely that an interviewee will want to be totally candid with you on a first interview as to sensitive matters. At times, when such a rush of unburdening occurs, the interviewee later feels vulnerable and defensive and further contacts may be difficult or unproductive.

Avoid common interviewing mistakes. Never interrupt or cut off answers or finish a sentence for a halting interviewee. Learn to endure temporary silence. The interviewee may be collecting his or her thoughts.

Beware of the too-vague frame of reference: talk about "this week," not "in general." Also, ascertain that the interviewee is addressing a specific event or time frame, rather than general conditions.

Avoid system jargon, unless the interviewee is a police officer. In general, adjust your vocabulary and style of speech to your interviewee. However, only use styles you are comfortable with—street slang sounds fake if it is forced. Consider the educational level and cultural background of the interviewee and select language that he or she will understand. Be alert to answers that are off the point or overly brief. These may be two signs that your questions are not being understood. Rephrase them—but avoid appearing to talk down to the interviewee. Go back to a point in the interview where you seemed to be understanding one another and resume.

“Active listening” and other simple techniques help interviewers get past common roadblocks. When interviewees appear nervous, frightened, distracted or confused, the interviewer should make additional efforts to put them at ease, perhaps by sustained inquiry into background issues that are simple and not emotion-laden. It may help to reassure the interviewee about the process and the system’s routines and to elicit the interviewee’s concerns, if any, in this area. Keep questions simple and be particularly careful not to jump around from topic to topic. Maintain your calm and patience.

When talking about difficult or sensitive matters, try to be concerned but neutral in your approach, and be especially careful to make sure you understand what the interviewee is telling you. Because of the sensitivity of certain topics and the behavior of some interviewees, it is easy for interviewers to hurry past awkward details and to make assumptions. Make sure you understand the facts, while accepting the interviewee’s attitudes and feelings without judging, and then move on.

When the interviewee is emotional or displays strong opinions or attitudes, adopt an “active listening” strategy. Active listening involves listening to the speaker and distinguishing substance from emotional content and mirroring back to the speaker the emotional content of their message. A speaker delivering a “charged” message needs to know that the emotional aspect of the message has been heard and that his expression and feeling is acceptable. The listener’s acknowledgement of the emotional content builds trust and enables the interviewer to inquire into the substance of the communication. Empathy is established when the interviewer correctly assesses the feeling and intensity level and paraphrases it to the interviewee, checking the interviewee’s response. A second “active listening” may be required, if the speaker “corrects” the listener. As the interviewee becomes less emotional, the interviewer switches to paraphrasing the substantive portion of the communication, checking with the interviewee for accuracy.

Where the barrier is more one of attitudes or values, try to identify the *positive* value underlying the expression; this will usually involve turning the interviewee’s *negative* expression around in your restatement.

For manipulative, evasive or excessively talkative interviewees, keep questions simple and specific and establish eye contact. Be clear and confident and require answers to your questions, restating them where necessary. Be aware of your body language and that of the interviewee. Also note that as with speech, there are cultural differences in body language. Be careful not to misinterpret body language of persons from different cultures.

Special considerations apply to interviews with juvenile offenders.

When interviewing a juvenile offender, bear in mind that a contact with you may color the juvenile’s entire attitude toward the system:

- Don’t try to make the juvenile too comfortable; he has a problem and should accept and experience it.
- Keep the juvenile aware of all the possible contingencies in the system, so as to avoid an undermining shock.
- Don’t be late for contacts, as it suggests that you and the system are untrustworthy and the juvenile is unimportant.
- Don’t “play games” to try to catch the juvenile in a lie; check out informational discrepancies elsewhere.
- At all times maintain your professional role.
- If your objectivity is lost, ask your supervisor to evaluate the situation and transfer the case if necessary.

Conclude with a summary of what has been learned.

When the purpose of the interview is to gather facts from a witness about an event or particular matter, you should conclude with a brief summary of what has been covered in the course of the interview. This may prompt further information from the interviewee concerning something previously overlooked. If there will be any follow-up with this interviewee, such as a second meeting or submission of written materials, confirm this.

When the interview has been with the juvenile or the family or other concerned individuals, or when the interview was arranged to work out a particular issue, a summary is also in order; however, in such cases it may be more effective if the *interviewee*

does the summation. This provides another opportunity for the interviewer to assess the interviewee's understanding and interest in cooperation as well as to discover gaps or matters overlooked. The interviewer might prompt this participation by asking "What do you think we have accomplished in this interview?" or "How does the situation look to you now?"

When the work of the interview is over, you should offer a gesture of closure and thanks. Some interviewers stand and move toward the door. Some ask whether the interviewee has anything more to say. Learn your own technique for ending an interview when you have accomplished all that you can expect to accomplish.

I. Probation Officer Safety Techniques

Juvenile probation officers and their departments must recognize and manage personal safety risks. Probation officers and their departments have become increasingly concerned about personal safety issues in recent years, and justifiably so. Today's juvenile probation caseloads include many more serious and potentially violent offenders than in the past.³⁵ Drugs are more prevalent in many of the communities in which juvenile probation officers work, and weapons more readily available. One controversial response to these changed conditions has been the arming of juvenile probation officers in some jurisdictions. According to a national survey conducted by the American Probation and Parole Association in 2001, at least some juvenile probation officers in 11 states carried firearms on duty.³⁶

Obviously, this represents a significant historical departure for juvenile probation, and not necessarily a constructive one.³⁷ (Some studies even suggest that arming probation officers may simply increase confrontation rates.)³⁸ Ultimately, the safety of individual juvenile probation officers depends more than anything else on the thoroughness and care with which their departments have anticipated dangers and developed plans for meeting them—through clear policies and procedures and safety-related training.

All juvenile probation departments should adopt comprehensive policies governing staff safety and safety training. The APPA recommends that every probation department establish a "Safety Committee" to address the following issues:³⁹

- **Pre-employment notification** regarding safety issues.
- **Case supervision practices** that minimize danger to staff.
- **Office safety** precautions.
- **Field safety plans** regarding such measures as the pairing of probation officers engaged in field work, cooperation with local law enforcement, etc.
- **Incident reporting** forms and investigation procedures for situations involving threats, altercations, arrests, etc.
- **Training** in safety skills, safety awareness, and safety issues specific to each staff member's responsibilities.
- **Organizational strategy** for responding to staff safety issues, problems, and concerns as they arise.

Departmental policies and probation officer training should cover such safety-related matters as search and arrest procedures, transportation of juveniles, use of restraint, use of force, and proper conduct of home visits and field contacts. On the subject of home visits, for example, a thorough departmental manual will lay out what a probation officer should do in preparation for a visit, what notice and sign-out procedures apply, what circumstances call for back-up from law enforcement, what safety equipment should be brought, how the home should be approached, what should be done upon entry to secure the interior, how the visit should be conducted so as to minimize danger, and what steps should be taken when safety is compromised. Training for home visits might cover such matters as environmental scanning techniques and identifying and clearing escape routes.

Experienced probation officers rely on interpersonal communication, awareness, and conflict resolution skills to minimize threats to personal safety. The first lines of defense for a juvenile probation officer in a potentially dangerous situation are some of the same skills and techniques that make for good juvenile probation practice: the ability to listen, to observe, and to communicate.⁴⁰

Recognizing signs of danger before a crisis develops may require close observation and insight into the client or other potential assailant. A physical attack seldom comes out of nowhere. More often it is preceded by several identifiable stages of escalation, each marked by verbal and nonverbal cues: (1) a passive/aggressive stage, often signaled by silence, lack of eye contact, etc.; (2) a refusal stage, marked by overt resistance and challenges to authority; (3) a “bluff sign” stage, in which overt threats may be accompanied by distancing gestures, such as arm-waving or backing away; and (4) a “danger sign” stage, which may be marked by nothing more than body language, such as set lips, a fighting stance, or a fixed stare at a part of the prospective victim’s body. A probation officer who observes and takes note of these succeeding stages may have a chance to avoid a physical confrontation (by withdrawing or taking steps to distract or calm the would-be attacker, for example), or at least to prepare for one (by removing dangerous objects from the immediate area, identifying escape routes, calling in back-up, etc.).

Managing a crisis once it has reached the confrontation stage may also call for interpersonal communication skills as well as physical tricks. In addition to maintaining at least six feet of separation, angling the body with the strong side away from the potential attacker, taking a position above, to the side, or behind him if possible, and keeping in motion so as to avoid presenting a stationary target, a probation officer in peril can often use verbal techniques to regain control of the situation: communicating calmly without shouting, asking simple, concrete, nonjudgmental “what” and “how” questions about the problem (but avoiding difficult “why” questions), and in appropriate cases using humor and distraction to defuse the tension.

Ten Survival Strategies

Beyond just staying alive, how do you really survive—and prosper through—a life-long career in juvenile probation? After nearly four decades as a juvenile probation officer, Dave Steenson of the Hennepin County Department of Community Corrections in Minneapolis, MN offers the following ten tips:

- **“Have fun—maintain a life balance.”** A probation officer’s long-term health—and usefulness—depend on keeping body, mind, and spirit refreshed.
- **“Keep an open mind.”** Recognize and acknowledge other perspectives than your own.
- **“Focus on the fundamentals.”** Keep “bread and butter” skills—communication, writing, assessment, supervision—sharp.
- **“Be smart, be safe.”** Use common sense and communication to avoid the misunderstandings that lead to conflict.
- **“Know your role.”** Help clients understand what your job is (and is not) from the beginning of your relationship, to avoid being “all things to all people.”
- **“Attend to best knowledge.”** Stay curious about ongoing research on what works in juvenile probation, and be willing to change your approach to reflect what you learn.
- **“Acknowledge your mistakes.”** If to nobody else, to yourself.
- **“Celebrate your success.”** The feeling of accomplishment should be shared with others, too.
- **“Demonstrate personal responsibility.”** Put ethical questions to the “mirror test.”
- **“Take care of yourself.”** Make time for activities that matter to you.

Source: Steenson, D. (2001). *Strategies for Probation Officer Survival... That Lead to Success*. (Unpublished paper.)

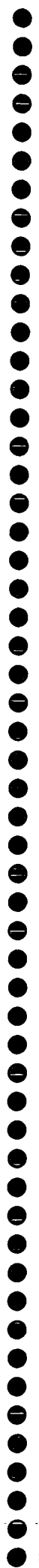
In an emergency, it's training that matters. The American Probation and Parole Association has a Professional Development Program that provides both basic and advanced safety training for field probation officers. Basic Field Officer Safety Training is a 2-day program that covers such issues as officer victimization, office and field safety, dealing with aggressive behavior, survival strategies, and critical incident stress debriefing, but not hands-on defensive tactics. Advanced Field Officer Safety Training, also a 2-day program, covers defensive tactics, control techniques, and use of safety equipment.

The training can be delivered on-site, and is available at reduced rates for APPA agency and individual members. For more information, call the APPA at (859) 244-8211.

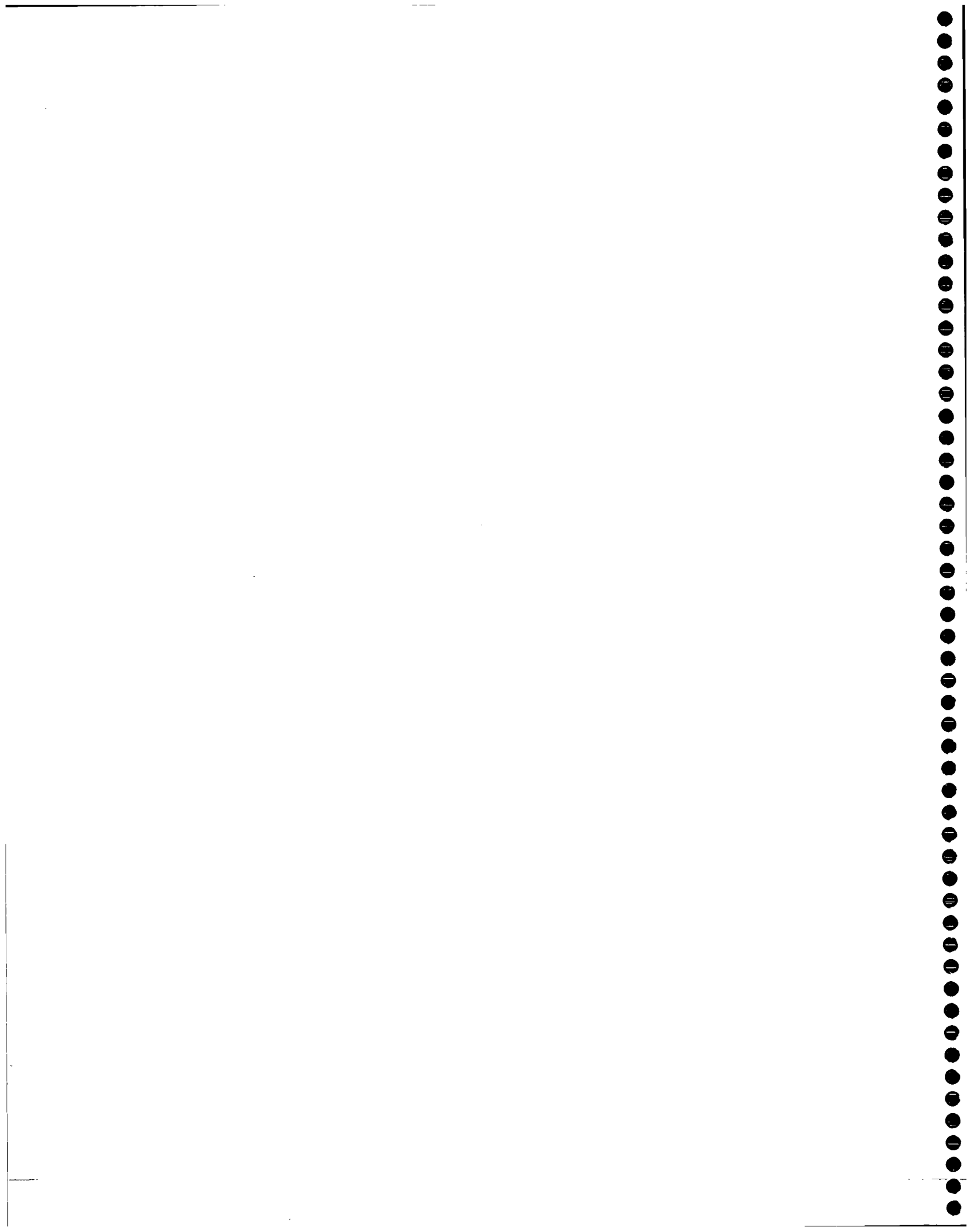
Endnotes

- ¹ Butts, J., and Snyder, H. (September 1992). *Restitution and Juvenile Recidivism*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ² Schneider, P., and Finkelstein, M., eds. (1996). *RESTTA National Directory*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention. Available online: <http://ojjdp.ncjrs.org/>.
- ³ Rubin, T. (January 1997). "Juvenile Restitution: An Assessment Guide." *Juvenile Justice Update* 2(6).
- ⁴ *Ibid.*
- ⁵ See *Tate v. Short*, 401 U.S. 395, 91 S. Ct. 668, 28 L. Ed. 2d 130 (1971).
- ⁶ Zehr, H. (2001). *Transcending: Reflections of Crime Victims*. Intercourse, PA: Good Books.
- ⁷ Herman, S. (2000). *Seeking Parallel Justice: A New Agenda for the Victims Movement*. Washington, DC: The National Center for Victims of Crime.
- ⁸ Zehr, *supra*, n. 6.
- ⁹ American Probation and Parole Association. (1999). *Promising Victim-related Practices and Strategies in Probation and Parole*. Washington, DC: U.S. Department of Justice, Office for Victims of Crime.
- ¹⁰ All material on victim impact statements is taken from Alexander, E. (1994). *Impact Statements: A Victim's Right to Speak, a Nation's Responsibility to Listen*. Washington, DC: National Center for Victims of Crime. Available online: www.ncvc.org.
- ¹¹ Zehr, *supra*, n. 6.
- ¹² Pennsylvania Commission on Crime and Delinquency. (December, 2000). *Standards for Service, Victims of Juvenile Offenders Program*. Harrisburg, PA: Pennsylvania Commission on Crime and Delinquency.
- ¹³ Pennsylvania Commission on Crime and Delinquency. (Undated.) *Best Practice Guidelines for Victim Impact Panels within Pennsylvania's Juvenile Justice System*. Harrisburg, PA: Pennsylvania Commission on Crime and Delinquency.
- ¹⁴ *Ibid.*
- ¹⁵ Metzger, D., and Tobin-Fiore, D. (1997) *School-Based Probation in Pennsylvania: Final Report*, Philadelphia, PA: University of Pennsylvania, Center for Studies of Addiction.
- ¹⁶ *Ibid.*
- ¹⁷ Torbet, P., Ricci, R., Brooks, C., and Zawacki, S. (2001). *Evaluation of Pennsylvania's School-based Probation Program*. Pittsburgh, PA: National Center for Juvenile Justice.
- ¹⁸ Maloney, D., Romig, D., and Armstrong, T. (1989). *Juvenile Probation: The Balanced Approach*. Reno, NV: National Council of Juvenile and Family Court Judges.
- ¹⁹ Bazemore, G., and Umbreit, M. (1998). *Guide for Implementing the Balanced and Restorative Justice Model*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ²⁰ Developmental Research and Programs, Inc. (1993). *Risk-Focused Prevention Using the Social Development Strategy*. Seattle, WA: Developmental Research and Programs, Inc. (For more discussion of "protective factors," see the "Youth and Delinquency" chapter.)
- ²¹ *Ibid.*
- ²² Bazemore, G., and Cruise, P. (1995). "Reinventing Rehabilitation: Exploring a Competency Development Model for Juvenile Justice Intervention." *Perspectives*, 19 (4). Lexington, KY: American Probation and Parole Association.
- ²³ Maloney et al., *supra*, n. 14.
- ²⁴ Pennsylvania Juvenile Court Judges' Commission. (1997). *Balanced and Restorative Justice in Pennsylvania: A New Mission and Changing Roles Within the Juvenile Justice System*. Available online: <http://sites.state.pa.us/>.
- ²⁵ All material on strength-based practice is synthesized from Clark, M. (Winter 1999). "Strength-Based Practice: The ABCs of Increasing Motivation With Juvenile Offenders." *Juvenile and Family Court Journal*. Reno, NV: National Council of Juvenile and Family Court Judges. Clark, M. (November 8, 2001). *Strength-based Practice for Juvenile Services: Raising Motivation and Inducing Behavior Change* (Presentation at the 7th Joint Conference on Juvenile Services, Pittsburgh, PA).
- ²⁶ Romig, D., and Lick, N. (1986). *Necessary Elements for JIPS Programming*. Minneapolis, MN: Symposium on Juvenile Intensive Probation Supervision.
- ²⁷ Armstrong, T. (1988). "National Survey of Juvenile Intensive Probation Supervision, Parts I and II." *Criminal Justice Abstracts* 20 (2 and 3).
- ²⁸ Krisberg, B., Neuenfeldt, D., Wiebush, R., and Rodriguez, O. (October 1994). *Juvenile Intensive Supervision: Planning Guide*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ²⁹ Stanton, B. (January 1992). "Juvenile Intensive Probation Surveillance Techniques." *Juvenile Probation Tricks of the Trade*. Pittsburgh, PA: National Center for Juvenile Justice.
- ³⁰ Office of Justice Programs, U.S. Department of Justice. (February 1999). *Promising Strategies to Reduce Gun Violence*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ³¹ In Dorchester, where Operation Night Light began, probationer surrenders based on new arrests declined 9.2 percent during a 2 ½ year period in which such surrenders rose 14 percent statewide. *Ibid.*
- ³² The Center for Delinquency and Crime Policy Studies. (Online) *Intensive Aftercare Programs*. <http://www.csus.edu/ssis/cdcp/>

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- ³³ Griller-Clark, H. (Spring 2001). "Transition Services for Youth in the Juvenile Justice System." *Focal Point*. Portland, OR: Regional Research Institute for Human Services.
- ³⁴ Peters, M. (1988). *Juvenile Probation Officer Needs Assessment Survey*. Pittsburgh, PA: National Center for Juvenile Justice.
- ³⁵ Puzzanchera, C., Stahl, A., Finnegan, T., Snyder, H., Pool, R., and Tierney, N. (May 2000). *Juvenile Court Statistics 1997*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ³⁶ American Probation and Parole Association. (2002). Adult and Juvenile Probation and Parole National Firearms Survey 2001-2002. Available online: <http://www.appa-net.org/>.
- ³⁷ The APPA itself neither endorses nor opposes weapons-carrying, even for adult probation officers, insisting only that "the decision must be made within the framework of actual need, officer safety demands, and...the laws and policies which guide the agency." *Ibid*.
- ³⁸ Renzema, M. (1987). *The Dangers of Probation Work: A Progress Report on an Exploratory Study*. Kutztown, PA: University of Kutztown. Eisenberg, M. (1989). *Parole Officer Safety and Security Survey*. Austin, TX: Texas Board of Pardons and Paroles. Cited in Cohn, A. (1997). "The Arming of Probation and Parole Officers May Not Be Necessary: Options May Be Available." *Corrections Management Quarterly* 1(4). New York, NY: Aspen Publishers, Inc.
- ³⁹ American Probation and Parole Association. (1993). *Position Statement: Staff Safety Standards*. Available online at <http://www.appa-net.org/about%20appa/safe.htm>.
- ⁴⁰ Material for this section is taken from Steenson, D., and Thomas, D. (January 1993). "Using Interpersonal Communication Skills to Promote Probation Officer Safety." *Juvenile Probation Tricks of the Trade*. Pittsburgh, PA: National Center for Juvenile Justice.
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Special Populations



In this chapter you will learn about:

- juvenile populations with distinctive needs or problems
- ways to help these groups succeed on probation
- sources of further information and assistance

Juvenile probation officers need to be aware of the distinctive problems and needs of certain special populations of offenders. The purpose of this chapter is to familiarize juvenile probation officers with the basic facts regarding the more common “special populations” they may encounter in their caseloads—including their prevalence nationally, special issues they raise for probation departments, techniques that have been found effective in dealing with them, and good sources of further information. Groups treated here include:

- A. Alcohol and drug-involved juveniles
- B. Mentally ill juveniles
- C. Minorities
- D. Gang members
- E. Females
- F. Very young offenders
- G. Sex offenders
- H. Learning-disabled juveniles
- I. Juvenile arsonists

A. Alcohol & Drug-Involved Juveniles

Substance abuse is a common problem among juvenile offenders. Many young people referred to juvenile court have substantial drug and/

or alcohol problems that play a major role in their delinquent behavior. Their records may or may not reflect a history of alcohol or drug abuse. They may be charged with offenses that, on their surface, seem to have nothing to do with alcohol or drugs. Nevertheless, it is vital that juvenile probation officers be alert to signs of substance abuse in their behavior and backgrounds, and understand what response is called for.

Drug and alcohol is very widespread among minors. More than half of all 8th graders have drunk alcohol, and 20% have smoked marijuana.¹ By the time they finish high school, 54% have tried some illegal drug.²

Obviously, many of these young people will never come into contact with the juvenile justice system. Adolescence is inevitably a time of exploration and experimentation, of risk-taking and rule-breaking, of resistance to authority and surrender to peer influence.³ But there is a well-documented link between adolescent substance use and juvenile delinquency as well. For example:

- Drug users between the ages of 12 and 17 are more than 5 times as likely to shoplift, steal, or vandalize property than non-users in that age range, 9 times as likely to steal cars or commit armed robbery, and 19 times as likely to break and enter or burglarize.⁴
- Fifty-three percent of male and 38% of female juveniles detained in 1999 at nine different juvenile detention centers or facilities tested positive for marijuana.⁵
- Of youths who reported being involved in a “serious fight” during the previous year, 26% had used alcohol and 18% had used illegal drugs in the past month.⁶

Juvenile probation officers need to be able to spot young people who may be using alcohol or drugs. It is important that juvenile probation departments adopt policies providing for appropriate screening and testing of juvenile of-

fenders for alcohol and/or drug problems. Even prior to formal screening, however, juvenile probation officers should be alert to indications of alcohol or drug abuse. For example, besides being illegal in every state for those under 21, drinking is by definition abusive when it lands a juvenile into trouble, so:

- Examine the police report or find out the circumstances of the crime or the juvenile’s behavior which led him or her to court. Was alcohol or a controlled substance involved?
- Look also at the juvenile’s prior record. Does it give any hint or suggestion of a substance abuse history? Is there a prior drunk driving or drug possession charge, for example, or a record of offenses that typically involve alcohol or drugs, such as disorderly conduct, assaults, or fights? Likewise, a string of larcenies or burglaries may be evidence of a need for drug money.
- Look at school reports or other reports that may document abuse. Unusual behavior that appears in the reports may be explained by drug or alcohol addiction.

In interviews, juvenile probation officers and others in the juvenile justice system should know how to probe for signals of substance abuse in young people being interviewed. The “CAGE test” for problem drinking is among the simplest and most direct methods of probing. It consists of four simple questions:

- Have you ever felt the need to Cut down?
- Have you ever felt Annoyed by criticism of your drinking?
- Have you ever had Guilt feelings about drinking?
- Have you ever taken a morning Eye-opener?

A yes answer to any of the four questions suggests the need for a closer look.

Substance abuse is a disease of denial, however. Abusers tend to minimize their abuse. More formal, standardized questionnaires have been developed to detect substance abuse by the use of indirect questions. The most popular test is called the Michigan Alcohol Screening Test (MAST). Developed in the late sixties and now widely available, the test consists of 25 questions calling

for yes or no answers. Other common tests include the Mortimer-Filkins test, which measures problems associated with alcoholism and was specially developed by courts to identify problem drinkers, and the MacAndrews Scale, which is a subscale of the widely used Minnesota Multiphasic Personality Inventory (MMPI).

The National Center for Juvenile Justice, in conjunction with the State Justice Institute, developed and tested an early identification and assessment screening tool to detect substance abuse among delinquent youth. *A Manual for Developing a Substance Abuse Screening Protocol for the Juvenile Court and Implementing the Client Substance Index - Short Form (CSI-SF)* is available from the National Center for Juvenile Justice at (412) 227-6950.

Drug testing can be a useful assessment and monitoring technique. Physical testing for drug or alcohol use can provide officers with information they need to assess the risks and needs of probationers, including whether there is a need for substance-use evaluation and/or treatment; develop appropriate case plans; determine compliance with court conditions or program rules; confront youth who deny substance use or addiction; assess risk to health and safety of the probationer and others; and make program planning decisions.

Various body products may be used for testing, including blood, breath, saliva, hair, and sweat, but the most frequently used product is urine. Urinalysis is an accurate and cost-effective method and can disclose the use of several substances of abuse (marijuana, cocaine, PCP, amphetamine, methamphetamine, opiates, and others). Urinalysis can also disclose the use of alcohol, although testing is more commonly done through breath or oral fluids analysis.

To effectively conduct drug testing, probation officers should receive training and information about drugs of abuse and symptoms of use, methodologies for testing, protocols for ensuring that a specimen is valid, legal issues to consider so that results will be likely to withstand legal challenge, and what to do in response to both positive and negative test results.

Benchmarks

Probation departments can use benchmarks to gauge their ability to integrate substance abuse treatment into offender supervision.

A national survey of chief probation officers outlines several benchmarks relating to the integration of probation and community-based substance abuse treatment services for juvenile offenders.

Benchmarks

Indicators

Early identification and assessment

- All juveniles are screened for substance abuse upon referral
- Specialized staff is available to address substance abuse issues
- Specialized staff training regarding substance abuse among juvenile offenders is provided

Partnerships and collaboration with treatment agencies and providers

- Probation staff serves as a liaison to substance abuse treatment services
- Probation contracts with outside agencies to conduct clinical assessments
- Staff training on available treatment and intervention options is provided

Juvenile court, parental and community support

- Probation staff participates in collaborative case planning
- Cross training with treatment agencies is provided
- Judges take account of substance abuse assessments in disposition of cases
- Court service agencies implement, monitor, and enforce treatment interventions
- Parents/guardians are involved in the treatment process
- The community is active in and supportive of treatment services

Individualized treatment

- Treatment services are developmentally appropriate
- Treatment services are individualized
- Treatment services are sensitive to the culture and gender of juvenile offenders

Source: Thomas, D., and Zawacki, S. (2001) *National Survey of Chief Juvenile Probation Officers: Integrated Substance Abuse Treatment Networks*. Pittsburgh, PA: National Center for Juvenile Justice.

Identified substance abusers need treatment as well as monitoring. Recent studies have shown that substance abuse treatment is generally very successful, and is considerably less expensive than the alternatives. Unfortunately,

treatment is underutilized: only about a quarter of all substance abusers receive it.⁷

Apart from referral for treatment, several other recommended elements of supervision plans for substance abusing juvenile offenders include:⁸

Alcohol is a Drug, Too

Although cocaine, amphetamine and heroin use get more media attention, underage drinking is among the most costly and destructive forms of “drug abuse” we know. One study estimated the costs of underage alcohol use in a single year, 1996—including the costs of all the traffic accidents involving impaired underage drivers, all the alcohol-fueled crimes and alcohol-related injuries—at a staggering \$53.8 billion.

Nationwide, an estimated 2,210 young people died in alcohol-related car crashes in 1998. Motor vehicle accidents are by far the leading cause of death among those in the 15-20 age group (they are about twice as likely to die in a car as the general population), but alcohol heightens that risk considerably. It’s not just that teenagers have less experience as drivers and lower tolerance as drinkers. Alcohol seems to intensify their recklessness as well, so that they are much more likely to speed, run red lights, make illegal turns, and do without seat belts. Accordingly, their risk of crashing is far

higher at every blood alcohol level than that of older drivers.

Underage drinking poses dangers off the roads as well. It is strongly linked with violent crime and victimization, with accidental drownings and fires, with adolescent suicides and suicide attempts. Kids who drink have been shown to be more likely to experience depression, to perform poorly in school, to use other drugs, and to engage in premature sexual activity.

Sources: Pacific Institute for Research and Evaluation. (1999). *Costs of Underage Drinking*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, Underage Drinking Enforcement Training Center. Pacific Institute for Research and Evaluation. (1999). *A Guide for Enforcing Impaired Driving Laws for Youth*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, Underage Drinking Enforcement Training Center. National Highway Traffic Safety Administration. (On-line) *1998 Youth Fatal Crash and Alcohol Facts*. <http://www.nhta.dot.gov/> Benson, P. (1993) *The Troubled Journey: A Profile of American Youth*. Minneapolis, MN: The Search Institute.

- **Graduated sanctions:** a “carrot-and-stick” motivation approach in which good behavior (or compliance with program requirements) is rewarded and bad behavior (noncompliance) results in more restrictions.
- **Integrated case management:** connecting juvenile offenders with the services they need throughout their entire involvement with the juvenile justice system.
- **Systems collaboration:** service needs outside of the realm of juvenile justice system resources are met through cross-system communication and coordination with community agencies.
- **Aftercare:** continuing supervision of juvenile offenders to address the ever-present threat of relapse and/or recidivism.

Juvenile drug courts are an increasingly popular option for the treatment and supervision of juvenile substance abusers. Drug courts for juvenile offenders provide intensive substance abuse treatment along with specialized

services for offenders and their families.⁹ In addition to helping juvenile offenders beat their addiction to drugs and/or alcohol, juvenile drug courts also provide support services that address the problems that contribute to offenders’ delinquent behavior. Juvenile drug courts provide immediate, continuous court involvement in the lives of substance abusing juveniles by requiring them to participate in substance abuse treatment, submit to frequent, random drug testing, participate in regularly-scheduled status hearings, and comply with any other court requirements for their treatment and supervision (participation in other support services, accountability requirements, etc.).¹⁰ As of June 2001, there were 167 juvenile drug courts operating in almost all states, with an additional 10 combined juvenile/adult/family drug courts.¹¹

For more information on drug courts and technical assistance in connection with the planning, implementation, management, and evaluation of drug court programs, contact:

Drug Court Clearinghouse and Technical Assistance Project (DCCTAP)
Justice Programs Office, School of Public Affairs
The American University
Brandywine, Suite 660
4400 Massachusetts Avenue N.W.
Washington D. C. 20016-8159
(202) 885-2875
<http://www.american.edu/>

For more information on drug and alcohol screening, testing, and related issues, contact:

American Probation and Parole Association
2760 Research Park Drive
Lexington, KY 40511-8410
(859) 244-8207
<http://www.appa-net.org>

For more information on substance abuse and young people generally, contact:

Substance Abuse and Mental Health Services Administration
Center for Substance Abuse Treatment (CSAT)
5600 Fishers Lane
Rockville, MD 20857
(301) 443-5700
www.samhsa.gov/CSAT

For a good summary of “what works” in combating juvenile drug crime, see *Breaking the Juvenile Drug-Crime Cycle: A Guide for Practitioners and Policymakers*, a Research Report from the National Institute of Justice (NCJ 186156). To order a copy, contact:

National Criminal Justice Reference Service
P.O. Box 6000
Rockville, MD 20849-6000
800-851-342
<http://www.ncjrs.org/>

For more information about the Robert Wood Johnson Foundation’s Reclaiming Futures program, which awards grants to local communities battling substance abuse and delinquency, contact:

Reclaiming Futures National Program Office
Graduate School of Social Work
Portland State University
P.O. Box 751
Portland, OR 97207-0751
(503) 725-8911
<http://www.reclaimingfutures.org/>

B. Mentally Ill Juveniles

A substantial number of young people who come in contact with the juvenile justice system are in urgent need of mental health treatment. Although exact figures are hard to come by and vary from study to study, researchers agree that rates of mental illness among young people in the juvenile justice system are at least twice as high as those in the general population.¹² According to one conservative estimate, at least one in five youths who comes in contact with the system has a *serious* mental health disorder that impairs his functioning and requires professional treatment. Estimates of the rates at which less serious (but still diagnosable) mental disorders occur in delinquent populations go as high as 80%.¹³ In institutionalized populations, anxiety, depression, Post-Traumatic Stress Disorder, thought disturbances, and even suicidal ideation are commonly seen.¹⁴

This is not accidental. Untreated mental illness often expresses itself in delinquent behavior of the kind that makes court-involvement likely. This is especially true when emotional turmoil leads to “self-medicating” substance abuse, which is an extremely common phenomenon: about half of all adolescents receiving mental health services in the general population are estimated to have co-occurring substance abuse problems.¹⁵ But many observers also feel that, for fiscal and other reasons, the juvenile justice system has become a kind of dumping ground for emotionally disturbed juveniles who have nowhere else to go.¹⁶ Ongoing mental health treatment for these troubled young people—especially residential treatment—is difficult for local authorities to access, much less pay for. One “solution” is to file a petition or else wait for the inevitable arrest, shifting responsibility for monitoring, controlling, and treating the youth to the juvenile court.

It is essential that juveniles with mental health treatment needs be identified at their earliest point of contact with the juvenile justice system. Whenever possible, juveniles with mental disorders should be diverted into community-based programs that will address their underlying problems. If they cannot be diverted, their treatment needs must be met within the juvenile justice system.

Juvenile probation departments can play an important role in the early identification of juveniles with mental health problems, by training personnel in mental health issues and instituting routine mental health screening designed to identify candidates for further professional evaluation, counseling, investigation or referrals. The Massachusetts Youth Screening Instrument-Second Version (MAYSI-2) is a widely used, simple, reliable, 52-item screening instrument that takes only ten minutes or so to administer, and very little in the way of special training for staff. It is basically a triage tool for line staff, suitable for use at intake as well as in detention centers and juvenile correctional facilities. It is designed to detect signs of a range of mental/behavioral problems, including suicidal thinking, potentially abusive alcohol or drug use, anger and short-term aggression risk, depression/anxiety, physical symptoms associated with distress, thought disorders, and exposure to trauma. MAYSI-2 comes in a computerized version that scores responses automatically and translates them into simple numerical scales corresponding to each of these potential problems. A sufficiently high score on a particular scale may fall into the "Caution" range. An exceptionally high one may qualify for a "Warning" designation.

The Center for the Promotion of Mental Health in Juvenile Justice at Columbia University has developed a Diagnostic Interview Schedule for Children (DISC) that also covers the most common mental disorders afflicting children and adolescents. DISC too can be administered by probation officers.

Having identified juveniles with possible mental health and/or substance abuse treatment needs at intake, through the use of MAYSI-2, DISC, or other screening instruments, it is up to juvenile probation officers to refer them for more detailed assessments by mental health professionals. But any indication of mental health problems should be taken into account in intake and detention decision-making, predisposition reporting, and case planning. If the disorders uncovered are serious enough, juveniles should be diverted to community-based treatment providers if at all possible. And if any information emerges suggesting that a youth may be at risk for suicide, detention workers and other professional staff should be alerted so that they can take appropriate precautions.

For more information about the needs of court-involved youth with mental illnesses, contact the following organizations:

National Mental Health Association
1021 Prince Street
Alexandria, VA 22314-2971
(703) 684-7722

NMHA operates a Mental Health Information Center that can be reached at (800) 969-NMHA. NMHA's juvenile justice web page can be found at <http://www.nmha.org/>

The National GAINS (Gather, Assess, Interpret, Network, Stimulate) Center for People with Co-Occurring Disorders in the Justice System

The National GAINS Center
Policy Research Associates, Inc.
262 Delaware Avenue
Delmar, NY 12054
(800) 311-4246
<http://www.prainc.com/gains/>

National Technical Assistance Center for Children's Mental Health (formerly Child and Adolescent Service System Program—CASSP)

Georgetown University Child Development Center
Center for Child Health and Mental Health Policy
3307 M Street, NW Suite 401
Washington, DC 20007
(202) 687-5000
<http://www.georgetown.edu/>

National Youth Screening Assistance Project (for information and technical assistance in connection with the use of MAYSI-2)

University of Massachusetts Medical School
55 Lake Avenue North
Worcester, MA 01655
(508) 856-3625
<http://www.umassmed.edu/nysap/>

Center for the Promotion of Mental Health in Juvenile Justice (for information and technical assistance in connection with the use of DISC)

Columbia University, Division of Child and Adolescent Psychiatry
1051 Riverside Drive, Unit 74
New York, NY 10032
(212) 543-5298

C. Minorities

Juvenile probation has a responsibility to do something about the problem of minority overrepresentation. Minority teenagers in America—particularly black teenagers—are held in secure confinement in numbers that are significantly out of proportion to their share of the population. In 1999, minorities accounted for 34% of the U.S. population aged 10-17, but 62% of the juveniles in custody.¹⁷ Although the disparities vary from jurisdiction to jurisdiction, the basic pattern is evident across the country: minority juveniles have been found to be overrepresented in custody facilities in virtually every state for which data are available, more often than not at custody rates that exceed those of whites by more than 3 to 1.

Is “minority overrepresentation”—sometimes also referred to as “disproportionate minority confinement”—a simple product of racial bias in decision-making? Not necessarily. At the national level, the available data are not detailed enough to permit researchers to tell whether the different white and nonwhite custody rates reflect discriminatory treatment or other factors, such as differences in the nature and volume of crimes committed by the two groups.¹⁸ But lots of research suggests that juvenile justice decision-makers are in fact influenced by juveniles’ racial and/or ethnic status, at least at some times and in some places. Moreover, some of the most pronounced racial/ethnic differences occur at early case processing stages—at the arrest, intake and detention decision points—over which juvenile probation officers have significant control.

Juvenile probation departments are good places to begin doing something about the problem of minority overrepresentation. For one thing, juvenile probation officers necessarily operate with a great deal of autonomy and discretion in a sphere that is largely outside of public scrutiny. Not only do they make crucial intake screening and detention decisions on their own, they conduct investigations and prepare predisposition reports that may deci-

sively influence the views of other actors in the system as well. Moreover, hundreds of thousands of minority offenders are placed on probation each year—about 31% of juvenile probation officers’ overall caseloads in 1998.¹⁹ For these youths, fair treatment may mean the difference between successful rehabilitation and failure—perhaps between freedom and confinement.

Juvenile probation departments should take steps to ensure fair case processing treatment for minorities. There are a number of practical ways in which the juvenile probation profession can contribute to the effort to address the problem of minority overrepresentation in the juvenile justice system:

- **Scrutinize the intake process.** In many jurisdictions, a minority offender is considerably more likely to have his case treated formally—with a petition of delinquency—than a white counterpart would. Since petitioning a case is the all-important first step down a road that sometimes leads to institutional placement, minority overrepresentation in confined settings may be one eventual result—even if everything else about minority case-processing is completely fair and impartial. One approach to reducing personal bias in intake decision-making involves imposing more structure on the process: adopting objective screening instruments or guidelines that impose real restraints on decision-makers; requiring that the reasons for screening decisions be articulated, documented, and defended; distributing decision-making responsibility among various members of multidisciplinary teams; and periodically auditing and reviewing screening performance.²⁰
- **Tighten up detention decision-making.** The basic steps that should be taken to root out possible discrimination in detention decision-making are similar to those employed at the intake stage. First, tighten up the process, if necessary: in most cases, documented, closely guided, and reviewable decisions should be less prone to personal bias. Second, if there are particular decision-making factors or considerations that seem to be “steering” minorities into detention, scrutinize them more closely for fairness. Third, look for ways to develop safe, effective alternatives to detention. Consider experimenting with house arrest, short-term foster

Disproportionate Minority Confinement and the JJDP Act

Congress has responded to evidence of the disproportionate confinement of minority juveniles by amending the Juvenile Justice and Delinquency Prevention (JJDP) Act to require states receiving federal formula grants to make the following efforts to reduce the overrepresentation of minority youth in custodial settings:

- Gather data to determine whether its minority juveniles are overrepresented in confined settings, or, if no such data are available, to put in place systems to generate and collect them.
- Conduct an assessment to determine the reasons for any overrepresentation that is discovered.
- Develop a plan to correct the problem by means of changes in policies, procedures, staffing and

training methods, as well as new or improved prevention, diversion, and reintegration programs.

States that fail to take these steps stand to lose 25% of their formula grant allocation for the year, and must spend most of the remainder to achieve compliance. To assist states in meeting their obligations under the JJDP Act, the Training and Technical Assistance Division of the Office of Juvenile Justice and Delinquency Prevention has entered into a contract with the Cygnus Corporation to provide technical assistance to OJJDP grantees, contractors, and other organizations working on the DMC problem. More information is available from Cygnus at (301) 231-7537 or online at <http://www.cygnusc.com>.

care, and intensive preadjudication monitoring, and take the lead in educating the general public about the advantages of these innovations.²¹

- **Develop diversion alternatives.** Even the most rigidly impartial screening process will fail minority juveniles if effective alternatives to formal processing are unavailable, inadequate, or too remote to be of any use. If the goal is fundamental fairness to minorities, diversion programs that work *for* them may be even more essential than simply filtering out biases *against* them. Recently, a number of jurisdictions have begun experimenting with juvenile service bureaus, community intake centers, and community arbitration and mediation programs, among others, with the object of turning more minority juveniles around before they enter the formal court system.²² Juvenile probation departments can take the lead in developing and supporting such programs, familiarizing the courts with them, and convincing the public of their usefulness.
- **Root out bias in PDRs.** Research suggests that juvenile court judges follow the disposition recommendations of probation officers more than 90% of the time.²³ That's why it's worth looking through a sample of your department's predisposition reports for indications of bias. Are they strictly factual and precise regarding the backgrounds and family situations of individual

minority offenders, or do they betray signs of broad-brush ethnic stereotyping? Does each one appear to be the product of real investigation and individualized judgment? Of course, any formal or informal office guidelines or instruments used in arriving at disposition recommendations should also be reviewed for fairness to minorities. Here again, in the case of intake and detention assessment instruments, it may be necessary to revisit the underlying rationale for any item that appears to be having a disproportionately negative impact on minority offenders.

- **Recruit for diversity.** If the overall racial, ethnic, or language profile of your juvenile probation staff differs markedly from that of the surrounding community's—or, perhaps more importantly, from that of your petition caseload—that's a problem in itself, even apart from your actual handling of minority cases. It's not that differences like these make understanding and productive dialogue impossible. But even the most fair-minded "outsider" will be somewhat hampered in the practice of juvenile probation by outsider status.²⁴ When gross and obvious disparities contribute to the perception that yours is a whole *department* of outsiders, you may find yourself deprived of the community trust and cooperation you need to do your job. It's in your department's interest as well as the community's to aggressively recruit and retain minority staff whenever possible.

■ **Train for cultural competence.** No matter how “representative” you become, you can never avoid the necessity of working with and understanding people of radically different backgrounds. That’s where cultural competency training comes in. This can be formal in-service training, furnished by an outside consultant. Or you can train one another. If your department has any cultural diversity at all, this may be the most effective use you can make of it. Cultural cross-training—especially if it’s a sustained, serious, formal effort with high-level departmental participation and support—is a good way of shaking loose and spreading around the collective cultural knowledge you already have as a department.

■ **Partner with the minority community.** The minority community has to be enlisted in the work of reclaiming young minority offenders, too. That’s why your response to the problem of minority overrepresentation has to include efforts to secure the trust, understanding, and active cooperation of the adult leaders and institutions that keep minority neighborhoods going. At a minimum, that means more than merely basing your office in the neighborhood you serve—it means being a neighbor: volunteering, attending meetings, serving on advisory boards, writing for the community newspaper, supporting local businesses, boosting local successes. It means making speeches and presentations explaining what you’re up to—how and why your work matters to the community—and suggesting concrete ways that others can help. It means turning up wherever you can do a favor, make a friend, or build an alliance.

■ **Recruit minority providers.** Often the best way to ensure fair treatment for the neighborhood’s kids is to keep them in the neighborhood, where people know them and have reason to care about their future. But there may be too little in the way of a local minority-run service provider network to allow for that option. Your response should be to search out and actively recruit likely local provider candidates, working with them on RFPs and grant proposals, and offering them the technical assistance and support they need to succeed.

■ **Help providers succeed with minorities.** A department that wishes to do something about

minority overrepresentation cannot avoid making a close study of the adjustment rates of minority offenders in program placements, and acting accordingly. If minorities in particular placements are “failing to adjust” at disproportionately high rates, you should consider the possibility that the program is the problem, and not the juveniles you send to it. In some such cases, it may be enough of a response to offer program enhancements, training, or technical assistance to help providers meet the special needs of minorities. But in others, it may be necessary to admit that the approach just isn’t working—that it’s time to try something different.

Individual probation officers can take action to guard against bias as well. As the foregoing discussion makes clear, ensuring the fair treatment of minorities within your jurisdiction will take planning, resources, and system-level commitment. But that doesn’t mean there is nothing that an individual probation officer can do:

■ **Pay attention:** Minority overrepresentation is arguably the sort of growth that owes more to unexamined routines and unconscious acceptance than to malice or deliberate design. If you want to do something to combat it, start by *noticing* it. Be an internal advocate for some of the procedural and substantive changes suggested above, if they sound sensible to you. Make contact with others who share your concerns, in and out of the department, and see what you can accomplish together.

■ **Get out in the field:** Bear in mind that real fairness to minority offenders may require something more of you than mere routine, by-the-book impartiality. It may require you to change the way you do your job—to dig harder in investigations, to put extra effort into making community contacts, to use more imagination and take more chances in your search for solutions.

■ **Educate yourself:** Respectful curiosity about other cultures has a way of making barriers disappear. So make inquiries. Do research. Organize your own “cultural cross-training,” even if it’s just a matter of buying lunch for colleagues whose racial or ethnic backgrounds are different from your own, and trading stories about where you come from and why you think and act the way you do.

D. Gang Members

Juvenile probation must be part of a comprehensive community response to youth gangs. On the basis of responses to the National Youth Gang Survey of police and sheriffs' departments across the country, nationwide youth gang membership in the year 2000 was estimated at 772,500, with some 24,500 gangs operating in 3,300 U.S. jurisdictions.²⁵ Overall, 40% of the law enforcement agencies surveyed reported active youth gangs in their localities. While all of these figures are down since the National Youth Gang Center began conducting its annual survey in 1996, there is no doubt that many American communities—including nearly all good-sized cities—are still experiencing significant gang problems.²⁶

There are no universally agreed-upon criteria for identifying gangs and gang members. Today's gangs vary widely in terms of racial and ethnic compositions, geographical locations, and criminal activities.²⁷ For purposes of the National Youth Gang Survey, a gang can be any "group of youths or young adults in your jurisdiction that you or other responsible persons in your agency or community are willing to identify or classify as a 'gang.'"²⁸ But most youth gang definitions share a handful of common elements: a self-formed, recurrently interacting group; a common involvement in crime; communication through symbols; and control of a particular territory or enterprise.²⁹ While wholly adult gangs are excluded from the definition of a gang for purposes of the National Youth Gang Survey, survey respondents have estimated that young adults tend to predominate over juveniles in youth gang membership: in the 1999 survey, for example, 37% of gang members were estimated to be under 18.³⁰

Although no single approach has yet emerged as the most effective way to combat youth gangs, the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) Comprehensive Gang Model includes five basic gang prevention, intervention, and suppression strategies: "(1) mobilizing community leaders and residents to plan, strengthen, or create new opportunities or linkages to existing organizations for gang-involved and at-risk youth; (2) using outreach workers to engage gang-involved youth; (3) providing and facilitating access to

academic, economic, and social opportunities; (4) conducting gang suppression activities and holding gang-involved youth accountable; and (5) facilitating organizational change and development to help community agencies better address gang problems through a team 'problem-solving' approach that is consistent with the philosophy of community oriented policing."³¹

Juvenile probation officers are in a position to make important contributions to community anti-gang efforts, particularly in their approach to the identification, control and supervision of gang-affiliated youth.³²

- **Intake.** Suspected gang affiliations should be taken into account in initial risk/needs assessments. First- and second-time offenders with gang ties should be targeted for intervention services.
- **Predisposition reporting.** In order to arrive at an appropriate disposition, the court should be given complete and accurate information regarding an adjudicated juvenile's gang background.
- **Case plans.** Proposed supervision plans for gang members should contain special conditions, such as (1) prohibitions against wearing gang colors or associating with other gang members, (2) participation in gang awareness programs, and (3) curfews and area restrictions where appropriate.
- **Monitoring.** Many probation departments now target gang members and other high-risk offenders for intensive surveillance and monitoring of probation conditions, using police-probation teams for the purpose in the manner of Boston's "Operation Night Light." (See the detailed description in the chapter on "Selected Practices and Techniques.")

For more information, contact the National Youth Gang Center, which is funded by OJJDP to disseminate information and assist state and local jurisdictions on gang-related issues:

National Youth Gang Center
Institute for Intergovernmental Research
Post Office Box 12729
Tallahassee, FL 32317
Phone: (850) 385-0600
Fax: (850) 386-5356
E-mail: nygc@iir.com
Web Site: <http://www.iir.com/nygc/>

E. Females

Juvenile probation officers are seeing more and more girls—with more and more serious problems—in their caseloads. FBI arrest data indicate that the proportion of girls arrested for all sorts of crimes has been climbing steadily since the 1980's—reaching 27% of all juvenile arrests in 1999.³³ The girls' share increased for violent and nonviolent offenses, for crimes against the person and property crimes. Data for the years from 1990 to 1999 show marked increases in arrests of females for several offenses—aggravated assault, larceny-theft, vandalism, and weapons violations—for which arrests of males declined, in some cases sharply, over the same period. In other offense categories in which male arrests rose somewhat—simple assault, drug abuse, and liquor law violations, for instance—female arrests rose much more.

Girls present a unique challenge to the juvenile justice system because the nature and causes of their delinquency are often distinctively different. Girls' offending appears to be closely linked to their own victimization. A 1998 study of girls in the California juvenile justice system found that, at some point in their lives:³⁴

- 92% had experienced emotional, physical, and/or sexual abuse;
- 95% lacked a stable home environment;
- 88% had one or more serious physical health problems; and
- 53% needed psychological services.

In fact, some researchers now suspect that there is a link between delinquency among girls and post-traumatic stress disorder (PTSD)—a lasting psychiatric disorder that sometimes follows life-threatening events.³⁵ Certainly physical victimization of the kind that often produces PTSD may be one kind of pathway into delinquency, regardless of gender. But girls are thought to be more susceptible to PTSD than males, and they are considerably more likely to suffer certain kinds of trauma: about 86% of juvenile sexual assault victims are female, for example.³⁶ PTSD is in turn associated with impulse control problems and various kinds of self-destructive behavior—substance abuse, school failure, etc.—that may make court-involvement more likely.³⁷

What Makes a Good Program for Girls?

One foundation devoted to promoting effective gender-specific programming for delinquent girls cites the following among the essential program elements:

- Safe space removed from the demands of boys
- Time to talk
- Opportunities to develop trusting relationships
- Emphasis on cultural strengths
- Mentors to share experience
- Education about women's health issues
- Consultation with girls on program design, implementation and evaluation.

Source: Valentine Foundation & Women's Way. (1990). *A Conversation About Girls*. Bryn Mawr, PA: Valentine Foundation.

Juvenile probation's approach to assessment and case planning for girls should reflect the higher likelihood of past victimization, mental health problems, substance abuse, and family conflict. Unfortunately, specific programming and services for girls are in short supply in most jurisdictions.³⁸ Where they exist, successful programs for female juvenile offenders are rooted in the experience of girls and incorporate an understanding of female development, including differences in the ways girls address and cope with their peers, families, and communities.³⁹ (See "What Makes a Good Program for Girls?")

During the 1990s, the federal Office of Juvenile Justice and Delinquency Prevention began a campaign to improve the juvenile justice system's response to female juvenile offenders. One result has been the Gender-Specific Programming for Girls web site (www.girlspecificprogram.org), which provides current information on female delinquency, links to ongoing research, access to pertinent publications, and descriptions and contact information for a number of exemplary programs for girls.

Another result of the federal initiative is a publication prepared by Greene, Peters, & Associates,

Guiding Principles for Promising Female Programming: An Inventory of Best Practices, which looks at key features of good programs for delinquent girls and provides descriptions of a number of promising girls' programs that are currently operating in various locations across the country.⁴⁰

For further information on gender-specific training, program development, and technical assistance, contact:

The Gender-Programming Training and Technical Assistance Initiative
Greene, Peters, & Associates
1018 16th Avenue, North
Nashville TN 37208
(615) 327-0329

F. Very Young Offenders

Delinquency by very young offenders is becoming increasingly common. While not an epidemic by any means, the number of "child delinquents" has been increasing in recent years. Between 1980 and 1995, arrests of youth ages 13 and 14 grew 54%, and arrests of those age 12 or younger increased 24%. During this same time period, arrests for violent offenses increased 92% for 13- and 14-year-old offenders and 102% for offenders age 12 or younger.⁴¹ According to other research on this population:

- From 1986 to 1995, the number of court cases (new referrals) involving juveniles under 15 years old increased 57%.⁴²
- From 1989 to 1998, the number of juvenile court cases ordered to detention increased 16% for youth age 13 or younger.⁴³
- By 2000, juveniles under the age of 15 made up 32% of all juvenile arrests, 33% of all violent crime index arrests, and 39% of all property crime index arrests.⁴⁴

Younger juveniles commit certain offenses at relatively higher rates than older offenders, such as arson, sex offenses, vandalism, and violent crime. They are also more likely to commit theft and status offenses.⁴⁵ In 1996, youth under 15 had a greater proportion of property and person offense arrests than youth age 15 or over.⁴⁶ In 2000, youth under the age of 15 accounted for 65% of all juvenile

arrests for arson.⁴⁷

It is dangerous to ignore delinquency on the part of the very young. If the early onset of delinquency is not addressed promptly and successfully, these young offenders are much more likely than older offenders to graduate to serious and violent offending, and more likely to become involved in gangs and/or substance abuse.⁴⁸ They have a high risk of continued reoffending as well: one estimate is that about 60% of offenders who are 10 to 12 years old subsequently return to juvenile court. For those who are referred to court a second time, the odds of returning yet again increase to more than 80%.⁴⁹

Certain behaviors during a child's preschool years are predictors of later delinquent activity.

Although aggressive or attention-seeking behavior is common in preschool-aged children, there are instances when such behavior may signal the possibility of later delinquency. Disruptive behavior that occurs more often or that is more severe than that of same-age peers is one warning sign, along with temper tantrums or aggression lasting into the elementary school years.⁵⁰ Aggression measured from ages 6 to 13 consistently predicts later violence among male children, and high teacher-rated aggression scores at age 10 were found to be related to later violent offenses.⁵¹ Other 'red flags' for future anti-social behavior include:

- Physical fighting;
- Cruelty to animals;
- Frequent lying, theft, or fire-setting;
- Inability to get along with others;
- Poor academic achievement, including low motivation during elementary school;
- Substance use;
- Repeated victimization, such as physical abuse, neglect, or bullying by peers;
- Parent criminality or parental attitudes that are favorable to violence;
- Parenting problems, such as lack of clear expectations for children's behavior, poor supervision, and severe or inconsistent discipline;
- Lack of parental involvement in children's lives;

- Parent-child separation before age 10 or being in a single-parent family;
- Having siblings who are delinquent;
- Being a victim of crime; or
- Hyperactivity or attention deficits.⁵²

Options for addressing the problem of very young offenders vary. A number of jurisdictions have experimented with special programs for very young offenders. Some of the more promising approaches include:

- **Restorative Justice Conferences** bring together the offender, the victim, supporters of each, and a trained facilitator to discuss the offense, its impact on the victim, and how reparations can be made to the victim and/or the community. These conferences address the emotional needs and losses of victims, hold youth accountable for their actions, teach offenders how their actions negatively affect others, and provide a supportive environment for offenders and victims. They may be especially appropriate where very young, first-time offenders are involved, as a way to keep them from becoming more deeply involved in delinquency. One evaluation of a restorative justice conferencing program targeting very young offenders found a 40% reduction in the six-month re-arrest rates for conference participants, as well as victim satisfaction of over 90%.⁵³ Other research on the effects of restorative justice conferencing, though limited, has found similarly positive effects, including reductions in reoffending for person offenses⁵⁴ and positive changes in offenders' attitudes.⁵⁵
- **Targeted Early Intervention (TEI)** involves intensive, long-term involvement with higher-risk children through diversion from the formal court process. It addresses multiple factors that can affect a child's risk for future delinquency. The precipitating factors are used to craft an Individual Success Plan that addresses the intended long-term outcomes for the child while in the program. The outcomes that are targeted include a reduction in delinquent behavior, a reduction in exposure to violence or neglect at home, success in school, and competency in social situations. Community-based agencies work intensively with these children to help them achieve the specified outcomes. TEI also provides for the coordination

of the multiple agencies that may be involved in the delivery of services. Special consideration is given to the provision of support and services to the parents as well as to the children in the programs. An evaluation found that after 18 months of involvement in the program, TEI participants have reduced delinquent activity and improved school attendance as compared to a control group of similar delinquent children not enrolled in the program. In addition, the children involved in TEI, along with their parents, express a high level of satisfaction with the program.⁵⁶

For more information on very young offenders, see the National Criminal Justice Reference Service's "Young Juvenile Offenders" publications, available online at <http://www.ncjrs.org/>

For information on restorative justice conferencing for very young offenders, see the research report *Returning Justice to the Community: The Indianapolis Juvenile Restorative Justice Experiment*. The report can be found online at <http://www.hudson.org/>

For further information on the Targeted Early Intervention program, contact:

Office of the Hennepin County Attorney
 Juvenile Prosecution Division
 C-2000 Government Center
 Minneapolis, MN 55487
 (612) 348-7916

The *Delinquents Under 10: Targeted Early Intervention Phase 2 Evaluation Report* can be accessed online at <http://www.hennepinattorney.org/>

G. Sex Offenders

Juvenile sex offenders present significant challenges to juvenile probation. Nationally, juveniles account for about one-fifth of all forcible rape arrests and a similar proportion of other sex offense arrests.⁵⁷ In 1998, juvenile courts disposed 53% more violent sex offenses cases and 26% more forcible rape cases but 13% fewer nonviolent sex offense cases than in 1989. Probation officers make intake decisions and predisposition assessments on juvenile sex offenders and many of them are placed on probation: 42% of adjudicated forcible rape cases and 58% of adjudicated other violent sex offense cases received probation in 1997.⁵⁸

Sex offenses comprise a wide range of behaviors from noncontact sexual behaviors (obscene phone calls, exhibitionism, and voyeurism) to varying degrees of direct contact and sexual aggression (e.g., “frottage” or brushing against people, fondling, rape, sodomy). Sex offenses are also characterized according to whether they involve (1) consent issues (e.g., not knowing what is proposed or the consequences of choosing to participate); (2) a lack of equality (e.g., obvious differences in age, size, intellect, power or authority); or (3) coercion (e.g., manipulation, trickery, threats, force or violence).⁵⁹ It is the abuse of power combined with a sexual behavior that constitutes sexual abuse.⁶⁰

Juvenile sex offenders pose challenges for local juvenile courts and probation departments in terms of their assessment, supervision, and treatment. Many of these challenges were reflected in the concerns expressed at a Focus Group meeting* convened by the Office of Juvenile Justice and Delinquency Prevention in 2000:

- **Changing views on the seriousness of juvenile sexual offending.** A majority of adult sex offenders began their sexually abusive behavior in their youth and, for the most part, current standards of clinical practice presume that adult offenders cannot be rehabilitated and must be monitored for life. In the not so distant past, nearly all sex offending by young people was dismissed as youthful experimentation based on a “boys will be boys” attitude. Now, however, treatment practitioners fear that every juvenile sex offender is considered a violent sexual predator.
- **New knowledge about the impact of childhood sexual victimization.** From 40 to 80% of juvenile sex offenders report a history of sexual abuse, and the younger the age of sexual victimization, the greater the chance of engaging in sexually inappropriate behavior.⁶¹ Recognition of this link has contributed to hopes that effective prevention and early intervention and treatment can end the cycle of victimization and perpetration.⁶²

* This section is based largely upon the findings and recommendations from the focus group meeting, “Understanding Treatment and Accountability in Juvenile Sex Offending,” convened on March 11, 2000 in Washington, DC, report prepared by Developmental Services Group, Inc.

Juvenile Sex Offender Research Findings

- Adult sex offenders are different from juvenile sex offenders: adult offending focuses on deviancy and rape, while juvenile sex offending spans a much broader spectrum.
- There are two groups of juvenile sex offenders: those who target same-age peers and adults and those who target younger children or children under the age of 5.
- Juvenile sex offenders are more responsive to treatment than adults, have a relatively low recidivism rate (ranging from 2% to 19%), and when they do reoffend, it is more likely to be for a non-sex offense.
- Typically, sexually abusive youth are 13 to 17 years old, have multiple diagnoses (poor impulse control and judgment, a psychiatric disorder, learning disabilities and problems in school), and were sexually or physically abused.
- Less than 10% of juvenile sex offenders are female and about 15% are under the age of 12.
- About 40% of the victims are relatives of the offender.

Sources: Barbaree, H., Hudson, S., and Seto, M. (1993). “Sexual Assault in Society: The Role of the Juvenile Offender,” in Barbaree, H., Marshall, W., and Hudson, S. (Eds.) *The Juvenile Sex Offender*. New York: The Guilford Press. Alexander, M. (1999). “Sexual Offender Treatment Efficacy Revisited.” *Sexual Abuse: A Journal of Research and Treatment* 11:101-116. Worley, J., and Curwen, T. (2000). “Adolescent Sexual Offender Recidivism: Success of Specialized Treatment and Implications for Risk Prediction.” *Child Abuse and Neglect: The International Journal* 24:965-982. National Council on Crime and Delinquency. (1996). *Juvenile Sex Offenders: Characteristics, System Response and Recidivism*. Washington, DC: National Council on Crime and Delinquency. Center for Sex Offender Management. (1999). *Understanding Juvenile Sexual Offending Behavior: Emerging Research, Treatment Approaches and Management Practices*. Silver Spring, MD: Center for Sex Offender Management. Snyder, H. (2000.) *Juvenile Arrests 1999*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention. Ryan, G., Miyoski, T, Metzner, J., Krugman, R., and Fryer, G. (1996). “Trends in a National Sample of Sexually Abusive Youth.” *Journal of the American Academy of Child Adolescent Psychiatry* 35: 17-25. American Academy of Child and Adolescent Psychiatry, Work Group on Quality Issues. (1999). Practice Parameters for the Assessment and Treatment of Children and Adolescents Who Are Sexually Abusive of Others: AACAP Official Action.” *Journal of the American Academy of Child and Adolescent Psychiatry* 38 (12(Supplements)): 55S-76S.

■ **Growing public concern about the dangers of sexual victimization and juvenile offending.**

Public concern over violence against women and the victim's rights movements have educated citizens and increased support for new laws such as the federal Violence Against Women Act (VAWA) and Megan's Law. (See "Sex Offender Registries and Notification.") These legal initiatives, combined with the political movement to hold juveniles accountable, have reduced the age at which juveniles can be tried as adults, toughened sanctions, and made juveniles convicted of sex offenses liable for sex offender registration and public notification. There is a dynamic tension between the juvenile justice and treatment communities over whether the safety of the community should prevail over the rehabilitation needs of the offender.

■ **Fears that perhaps treatment programs have gone too far.** Since the early 1980s, programs designed for juvenile sex offenders have grown significantly. However, many of these programs simply apply knowledge and interventions designed for adult offenders without considering developmental issues and needs unique to juveniles.⁶³ Treatment experts now question whether the expansion of programs that focus almost exclusively on sexual offending and deviance to the exclusion of other needs is consistent with recent advances in knowledge about juvenile sex offending and treatment. In 1999, the American Academy of Child and Adolescent Psychiatry developed a set of practice parameters for the assessment and treatment of sexually abusive youth that found that adolescent offenders are more amenable to treatment than adult sex offenders, and that a significant percentage of juvenile sexual abusers will respond to therapeutic intervention.⁶⁴

Assessment must distinguish between calculated and repetitive offending and youthful exploration or indiscretion. Juvenile sex offenders are not all alike. They differ according to victim and offense characteristics and a wide range of other variables, including histories of child maltreatment, sexual knowledge and experiences, academic and cognitive functioning and mental health issues.⁶⁵ Individualized assessments are essential for sorting out the motivation behind the offense, the dynamics of victim selec-

Multisystemic Therapy

Multisystemic Therapy (MST) is an example of a scientifically validated effective treatment for juvenile sex offenders. MST is an intensive family- and community-based treatment that addresses the multiple factors of serious antisocial behavior in juvenile sexual abusers. Treatment can focus on any combination of the individual, family, and extra-familial (e.g., peer, school, or neighborhood factors). Researchers compared juvenile sex offenders who received MST with juvenile sex offenders who received individual therapy. Youths receiving MST had recidivism rates of 12.5% for sex offenses and 25% for non-sex offenses, while those receiving individual therapy had recidivism rates of 75% for sex offenses and 50% for non-sex offenses.

Source: Center for Sex Offender Management. (1999). *Understanding Juvenile Sexual Offending Behavior: Emerging Research, Treatment Approaches and Management Practices*. Silver Spring, MD: Center for Sex Offender Management.

tion, and level of deviance. A clinical assessment may be necessary in order to distinguish severe pathology from youthful exploration and problem sexual behavior. For example, it may be difficult for a probation officer to determine whether the offending is a reflection of sexual preference, e.g., that of a pedophile; part of a syndrome of problem behavior; a reaction to sexual victimization; evidence of a severe pathology; inadequacy in peer relations; or experimentation. There is no standard typology of juvenile sex offending that would help probation officers to differentiate offenders according to their various behavior patterns, cognitive and emotional functioning, or other relevant factors.

Probation officers should review victim impact statements and prior juvenile court records and request any mental health reports and school records as part of their assessment. In interviews with the juvenile and family the probation officer should gather information about the parent-child relationship, any history of assaultive behaviors, behavioral warning signs or other identifiable triggers, the juvenile's willingness to accept responsibility for the harm inflicted, and the parent's response to the offense.

Victim Advocacy and Treatment

Juvenile probation departments should ensure that their methods of supervising sex offenders in the community do not re-traumatize the victims; ignore victims' needs; or threaten the safety of others. Victim advocates and interested victims can collaborate in sex offender management by advocating for policies that address victim issues; participate in community notification and prevention education; and train, disseminate information, and network with those involved in sex offender management. Victim advocates can also assist victims of crimes disclosed during treatment and the offender's friends and family. Some treatment providers may offer victim impact programs designed to enhance the offender's empathy for the victim and his or her family.

Source: Center for Sex Offender Management. (2000). *Engaging Advocates and Other Victim Service Providers in the Community Management of Sex Offenders*. Silver Spring, MD: Center for Sex Offender Management.

In making intake decisions and disposition recommendations for juvenile sex offenders, probation officers should adhere to the principle of least restrictive environment; balance the needs of the community, the victim, and the offender; and remember that public safety and rehabilitation are not mutually exclusive and that both should be pursued simultaneously.

Several states have developed protocols or standards for interventions for juvenile sex offenders. Utah established guidelines for treatment and service delivery.⁶⁶ Colorado developed probation guidelines for officers who specialize in supervising sex offenders.⁶⁷ Oregon detailed a continuum of care that includes:

- Short-term, specialized psycho-educational programs
- Community-based outpatient sex offender treatment programs
- Day treatment programs
- Residential group homes or facilities
- Training schools for short-term placements providing assessments and facilitating readiness for community-based programs

- Secure units providing comprehensive, intensive treatment.⁶⁸

The goals of public safety, accountability, and rehabilitation can be accomplished through specialized supervision, close monitoring, and clinical treatment. Within the treatment profession, there is optimism regarding the prevention and treatment of juvenile sex offending, in sharp contrast to current practice assumptions for adult sexual predators. However, there are serious concerns over adult sex offender treatment being applied to many juveniles who, while exhibiting inappropriate sexual behavior, do not fit the profile or serious pathology for which the treatment is designed. Extension of adult models of treatment to juveniles may provide excessive treatment or the wrong treatment, may expose children and youth to greater sexualization than the original offense, and may reinforce deviant identity formation rather than shaping healthy identity development.⁶⁹ There is also concern that current risk assessment models greatly overpredict the risk of committing another sex offense.

There is agreement that treatment programs designed to focus exclusively on sex-offending behaviors are of limited value primarily because juvenile sex offenders typically present antisocial attitudes and behaviors frequently found in the general delinquent population. Instead, juvenile sex offender programs should take a more holistic approach. Programs should be highly structured and treat the pathology presented by the juvenile; address any co-occurring disorders, deficits in social competencies, impulse control issues, or cognitive distortions; stress acceptance of responsibility and empathy training; educate about human sexuality and relapse prevention; and incorporate treatment for the offender's own victimization. Family therapy should be a key part of treatment because it is within the family context that many of the offender's beliefs, myths, and cognitive distortions about sexuality, aggression, and gender have evolved and been maintained.⁷⁰

Probation officers should receive training in order to understand the dynamics, patterns, and cycles unique to juvenile sex offenders, the signs of relapse and other contributing factors that lead them to offend, and how to monitor and develop effective case plans. Probation officers should assume a case

Sex Offender Registration and Notification

Megan's Law requires criminal sex offenders to register with police, and permits the community to be notified of necessary and relevant information about such offenders. At least 27 states require juveniles convicted or adjudicated for sex crimes to register. As of the end of the 1998 legislative session, adjudicated juvenile sex offenders in 15 states are subject to Megan's Law's community notification/open records requirement. States should examine the impact of recent public notification laws to assess whether they provide for public safety given the low risk of recidivism for juvenile sex offenders and whether unintended consequences impede treatment and reintegration into the community.

Source: Szymanski, L. (1999). "Megan's Law: Sex Offender Community Registration/Public Records Requirements Applicable to Juveniles by Statute." *Snapshot*. Pittsburgh, PA: National Center for Juvenile Justice. Szymanski, L. (1999). "Megan's Law: Sex Offender Registration Applicable to Juveniles by Statute." *Snapshot*. Pittsburgh, PA: National Center for Juvenile Justice.

manager role, working closely with treatment providers to ensure the offender receives the proper treatment and does not pose a threat to public safety, and with others who have a vested interest in the supervision and success of the case. Supervision plans must specify the goals and objectives, including restrictions on where an offender may go and the sanctions that will be imposed for failure to comply.

For more information on juvenile sex offenders, contact:

National Center on Sexual Behavior of Youth
Center on Child Abuse and Neglect
Department of Pediatrics
University of Oklahoma, Health Sciences Center
PO Box 26901, CHO 3B3406
Oklahoma City, OK 73190
(405) 271-8858
<http://www.ouhsc.edu/>

The National Center, located at the University of Oklahoma, is the OJJDP grantee selected to provide training and technical assistance to child protection

services, treatment providers and juvenile justice professionals who work with juvenile sex offenders and children with sexual behavior problems.

Association for the Treatment of Sexual Abusers
4900 S.W. Griffith Drive, Suite 274
Beaverton, Oregon U.S.A. 97005
(503) 643-1023
<http://www.atsa.com/>

The Association for the Treatment of Sexual Abusers (ATSA) is a nonprofit organization incorporated in 1984 to foster research, facilitate information exchange, further professional education and provide for the advancement of professional standards and practices in the field of sex offender evaluation and treatment.

Center for Sex Offender Management
c/o Center for Effective Public Policy
8403 Colesville Road, Suite 720
Silver Spring, MD 20910
Phone: (301) 589-9383
<http://www.csom.org>

The Center for Sex Offender Management (CSOM), established in 1997 with federal funding, seeks to improve the management of adult and juvenile sex offenders who live in the community. To this end, CSOM provides a variety of technical assistance and training to probation and parole departments and cross-system teams.

H. Learning-Disabled and Failing Juveniles

Young offenders with learning disabilities and those experiencing educational failure raise difficult issues for the juvenile justice system. Probation officers see firsthand the role of educational failure in delinquency. And while probation officers are not responsible for fixing the problem of failing students or failing schools, they do have a responsibility to advocate on behalf of their clients so that their educational gaps can be addressed—gaps that have often shaped and contributed to their delinquent behavior.⁷¹

The juvenile justice system must regard education as a vital part of any rehabilitation process, or prevention effort for that matter. Youth must leave the system more competent in the basics of reading, writing and math skills, along with thinking and decision-making skills. Juvenile court judges and probation officers must develop relationships and partnerships with school administrators in their communities to ensure that each student receives the appropriate educational or vocational assessment and programming. Locating probation officers in school-based offices offers promise. (See the discussion in the chapter on “Selected Practices and Techniques.”)

Learning disability is a diagnosable disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations.⁷² Because learning disabilities are notoriously hard to diagnose, they go unrecognized, often manifesting themselves as behavior problems with students being routinely labeled as unmotivated, lazy, or stupid.⁷³

Learning disabilities and educational failure are associated with delinquency. An estimated 9% of the general public school population, or 2.8 million students, have been identified as having learning disabilities that can seriously hamper their capacity to learn.⁷⁴ Learning-disabled youth are more than twice as likely to drop out of school as students without disabilities.⁷⁵ They are also more likely to abuse substances, get arrested, and commit violent acts.⁷⁶ There is a mounting body of evidence that the prevalence of learning disability is greater among youth involved in the juvenile justice system than in the general population. One study documented that 45% of incarcerated youth had a diagnosed learning disability.⁷⁷

Some youth with learning disabilities exhibit certain deficits—lack of impulse control, poor perception of social cues, diminished ability to learn from experience—that may predispose them to delinquent behavior. They are also more likely to be apprehended by the police because they lack the skills to plan strategies, avoid detection, or

interact appropriately. Young people experiencing educational failure lack the education and skills needed to find economically rewarding jobs and frequently turn to crime as a way of making a living.⁷⁸

There are many reasons why young people experience educational failure. Educational failure, whether consisting of poor school performance, truancy, suspensions, expulsions, or dropping out, can be the result of a myriad of reasons associated with environmental, cultural or economic disadvantage. Whether or not they have a learning-disabled diagnosis, it is safe to say that most juveniles referred to court, placed under supervision, or committed to institutions are experiencing some form of educational failure.

In order to make better disposition recommendations or supervision plans, probation officers must collect educational information. Beyond the standard information from the current school—grades, attendance, and behavior—probation officers should collect information on the number of schools attended, whether an educational assessment has ever been conducted, and elementary school grades and performance. If a juvenile is failing educationally, the probation officer should find out why. The easy answers are deteriorated schools and overburdened teachers. But those are only partial answers. Probation officers should assess whether any of the following factors are at play:⁷⁹

- Physical needs not met.
- Poor educational start.
- Community stress/social issues.
- Racial/ethnic/language barriers.
- Lack of adult supervision.
- Lack of adult mentors and community support.
- Consequences of school discipline policies/zero tolerance policies.
- Impermanent home situation.
- Family stress and responsibilities.
- Learning disabilities.

Federal law requires school districts to seek and evaluate youths who may need special education.

The Individuals with Disabilities Education Act (IDEA) law requires school districts and other public agencies to seek out and evaluate all youth who may have a disability (including emotional disturbance, speech and language impairment, and specific learning disabilities) and determine which ones should receive special education and related services. Every youth with a disability as defined by IDEA, including those involved with the juvenile justice system or youth who have been expelled or suspended, is entitled to free, appropriate public education. However, many young people have not received the benefits of this law. Severe behavioral problems may have masked intellectual deficits—placing a learning-disabled student into a classroom for problem behavior students. Or students may have gone undetected because they changed schools frequently.

A school or clinical psychologist must conduct an assessment to determine eligibility for special education services. In addition, tests that measure adaptive behavior or functioning can provide additional information about a youth's intellectual strengths and weaknesses and ability to solve problems—shedding light on how they manage frustration, for example, how they follow directions, their persistence when faced with difficulties, their confidence in their own ability, and their ability to accurately judge their own performance.

An educational assessment will help probation officers advocate for needed services and predict how well the youth will manage the requirements of probation supervision or a rehabilitation program. Probation officers must provide information and recommendations that help the judge to (1) understand the impact of the youth's educational failure or disability on his or her delinquent behavior and on the prospects for satisfactorily fulfilling supervision or treatment obligations, and (2) decide what educational skills need to be addressed. Once a youth is under probation supervision, the officer must advocate for appropriate educational or vocational services and actively monitor the student's progress.

Supervising learning-disabled young people calls for patience and dedication.

There are practical methods a probation officer can use when supervising learning-disabled youth:

- Avoid “insight-oriented” counseling, which may be too abstract.
- Keep instructions basic and simple.
- Seek frequent feedback from the youth on how well they have understood any direction or instruction. This needs to be an active process on the part of the probation officer because the youth often will not volunteer when they do not understand something. Ask them to repeat instructions in their own words versus simply asking if they understand.
- Practice frequent repetition of material to be learned, spaced out over short learning intervals.
- Provide visual reminders. Instead of writing out times and dates for meetings or appointments, provide them with a calendar each month or week on which the appointments are clearly marked.
- When specific tasks need to be learned, such as riding a bus to an appointment, rehearse and practice the task rather than simply explain a bus schedule to them.
- Model appropriate behaviors, such as social skills.
- Provide positive reinforcement as frequently as possible. Recognition for progress and appropriate behavior can serve as a powerful motivator for continued behavioral change.
- Set realistic goals.
- Recognize that setbacks and/or very slow and limited progress should not be viewed as failures on the part of the probation officer or the probationer. Making allowances for the extra amount of time the youth will require can decrease the frustration level for both the probation officer and the probationer and increase the likelihood for success.

For a list of programs and recommendations that promote “zero tolerance for educational failure” go to www.juvjustice.org and download the Coalition for Juvenile Justice's 2001 Annual Report, *Abandoned in the Back Row: New Lessons in Education and Delinquency Prevention*.

More information about working with learning-disabled youth in the juvenile justice system, contact:

The National Center on Education, Disability and Juvenile Justice
University of Maryland
1224 Benjamin Building
College Park, MD 20742
(301) 405-6462
www.edjj.org

I. Juvenile Arsonists

Juveniles account for the majority of arson arrests. In 2000, arson was the only major crime category in which most of those arrested were juveniles: of those arrested for deliberately setting fires in that year, an estimated 8,700, or 53% of the total, were under the age of 18.⁸⁰ Juvenile arson arrestees tend to be very young boys: 65% were under 15 in 2000, and 88% were male. Some are simply engaging in a particularly dangerous form of vandalism. But others—especially among those who set fires repeatedly—are reacting to trauma, or crying for help.⁸¹

Curiosity about fire develops naturally in the majority of normal children. A continuum of four specific categories of fire behavior is useful for distinguishing between normal age-appropriate and deviant behaviors:⁸²

- **Fire interest.** Children, most frequently boys, express interest in fire by asking questions about fire and playing with firefighter-related toys. Responsible adult supervision at this stage can teach children respect for fire and its potential to hurt and destroy.
- **Fire play.** Unintentional fires set by unsupervised children playing with matches or lighters, often in the home, are the result of fire play. About 38% of grade school children in one study admitted to playing with fire.⁸³
- **Fire-setting.** Fire-setters, usually males between 7 and 18 years old, intentionally set fires, though they may never be arrested and formally charged with arson. Experts suspect that deliberate fire-setting is much more common than arson arrest figures would seem to indicate.⁸⁴

- **Arson.** An arrest and delinquency charge marks the difference between fire-setting and arson. Arson is a felony, typically defined as the malicious and willful burning of a structure or property.

Researchers have uncovered correlations between juvenile fire-setting and stress, parental and family dysfunction, abuse, and chronic neglect.⁸⁵ Many of these young people are thought to be using the power of fire, consciously or unconsciously, as a kind of alarm bell.⁸⁶ If nobody responds, they are likely to sound it again—and there is reason to believe that as juveniles age and gain experience and confidence, they tend to progress to larger and more destructive fires.⁸⁷ Accordingly, an essential component of the juvenile justice response to fire-setting should be screening, evaluation and referral for mental health treatment.

For more information on programs for the treatment and monitoring of juvenile fire-setters, contact the following organizations:

Federal Emergency Management Agency
United States Fire Administration
16825 S. Seton Ave.
Emmitsburg, MD 21727
(301) 447-1000
<http://www.usfa.fema.gov/>

The United States Fire Administration Technical Report, "Arson and Juveniles: Responding to the Violence—A review of teen fire-setting and interventions" can be downloaded at <http://www.usfa.fema.gov/>.

National Association of State Fire Marshals
P.O. Box 8778
Albany, NY 12208
Phone (toll-free): 877-99NASFM
Phone: 518-482-5588
Fax: 518-453-9647
<http://www.firemarshals.org/>

Massachusetts Coalition for Juvenile Firesetter Intervention Programs
P.O. Box 416
Westport, MA 02791
Phone: (508) 636-9149
Fax: (508) 636-6063
<http://www.kidsandfire.org/>

Oregon Office of State Fire Marshal
Oregon Department of State Police
Juvenile Firesetter Intervention Unit
4760 Portland Road NE
Salem, Oregon 97305-1760
(503) 373-1540, ext. 230
<http://www.sfm.state.or.us/>

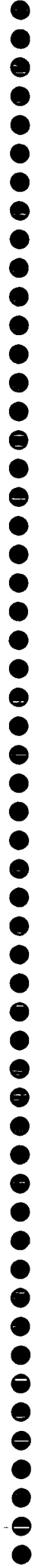
The Juvenile Firesetter Intervention Unit and its website have several relevant resources, including an “Adolescent Firesetters Curriculum,” developed by the Clackamas County Juvenile Firesetters Intervention Network. The curriculum describes a “restitution program with an emphasis on fire education for youth charged with fire-related offenses.”

Endnotes

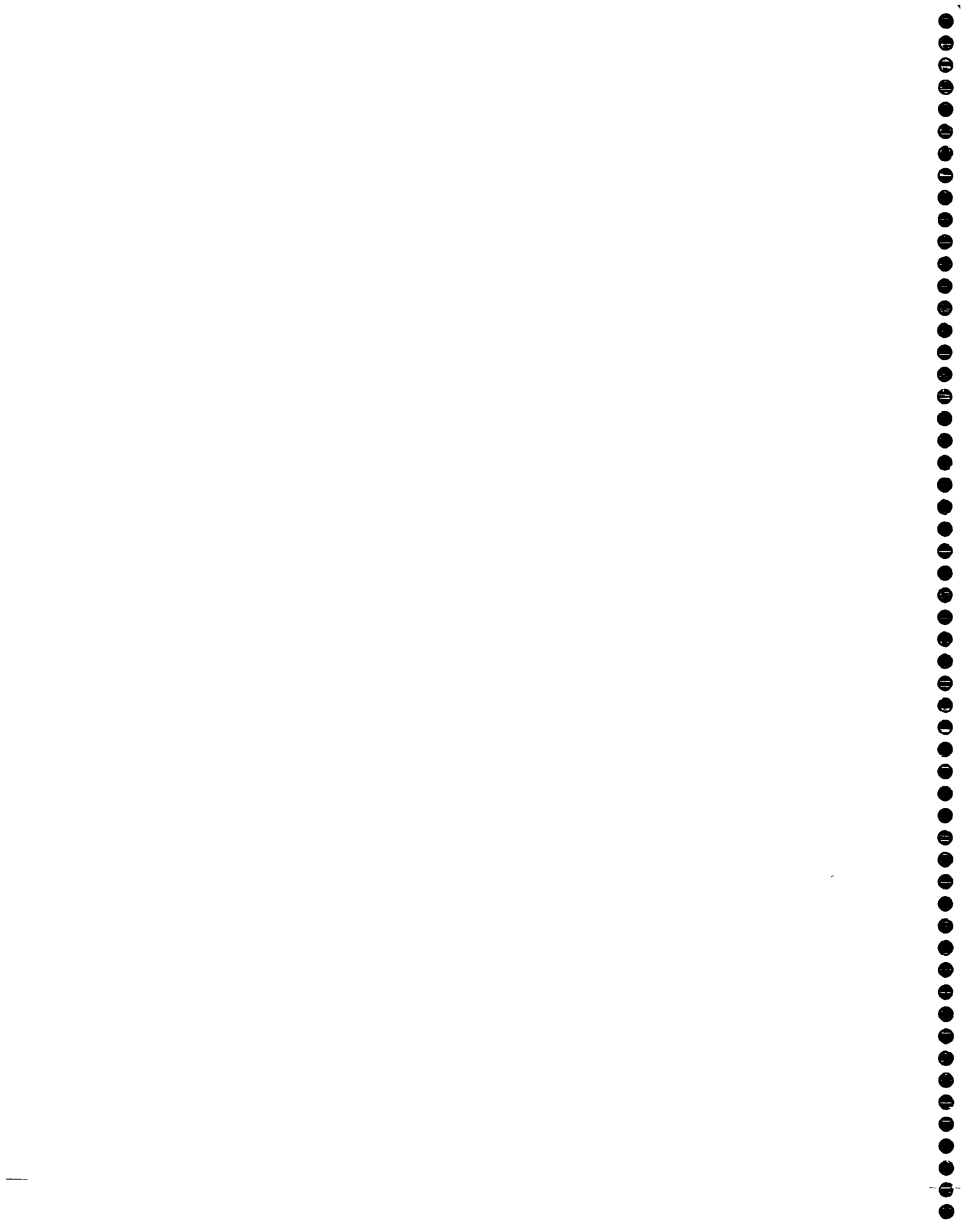
- ¹ Nels, E. (May 2001). “Substance Abuse: The Nation’s Number One Health Problem.” *OJJDP Fact Sheet*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ² Johnston, L.D., O’Malley, P.M., & Bachman, J.G. (2002). *Monitoring the Future: National Results on Adolescent Drug Use. Overview of Key Findings*. Available online: <http://monitoringthefuture.org/>.
- ³ Crowe, A.H. & Reeves, R. (1994). *Treatment for Alcohol and Other Drug Abuse: Opportunities for Coordination*. Rockville, MD: Department of Health and Human Services, Center for Substance Abuse Treatment.
- ⁴ Menard, S. (1998). *Prevalence and Frequency of Substance Abuse and Delinquent Behavior*. (Paper presented to the Juvenile Justice and Substance Abuse National Planning Meeting, Robert Wood Johnson Foundation, Annapolis, MD.)
- ⁵ Arrestee Drug Abuse Monitoring Program. (2000). *1999 Annual Report on Drug Use Among Adult and Juvenile Arrestees*. Available online: <http://www.adam-nij.net/>.
- ⁶ Substance Abuse and Mental Health Services Administration. (2001). *Youth Violence Linked to Substance Use: The National Household Survey on Drug Abuse Report*. Available online: <http://www.samhsa.gov/>.
- ⁷ Ericson, N. (May 2001). “Substance Abuse: The Nation’s Number One Health Problem.” *OJJDP Fact Sheet #17*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ⁸ VanderWaal, C.J., McBride, D.C., Terry-McElrath, Y.M., and VanBuren, H. (2001). *Breaking the Juvenile Drug-Crime Cycle: A Guide for Practitioners and Policymakers*. Washington, DC: National Institute of Justice. Available online: <http://www.ncjrs.org/>.
- ⁹ Cooper, C. (2001). “Juvenile Drug Court Programs.” *JAIBG Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention. Available online: <http://www.ncjrs.org/>.
- ¹⁰ OJP Drug Court Clearinghouse and Technical Assistance Project. (1998). *Juvenile and Family Drug Courts: An Overview*. Available online: <http://www.american.edu/>.
- ¹¹ OJP Drug Court Clearinghouse and Technical Assistance Project. (2001). *Juvenile Drug Court Activity Update: June 15, 2001*. Available online: <http://www.american.edu/>.
- ¹² Cocozza, J., and Skowyra, K. (April 2000). “Youth with Mental Health Disorders: Issues and Emerging Responses.” *Juvenile Justice* VII (1). Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ¹³ *Ibid.*
- ¹⁴ Haapanen, R., and Ingram, W. (August 2000). *Mental Health and Substance Abuse Treatment Needs Assessment: Description and Preliminary Findings*. Sacramento, CA: California Youth Authority. Available online: <http://www.cya.ca.gov/>.
- ¹⁵ Cocozza *et al.*, *supra*, n. 12.
- ¹⁶ Redding, R. (2000). “Barriers to Meeting the Mental Health Needs of Offenders in the Juvenile Justice System.” *Juvenile Justice Fact Sheet*. Charlottesville, VA: Institute of Law, Psychiatry & Public Policy, University of Virginia.
- ¹⁷ Sickmund, M. (Forthcoming) “Juveniles in Corrections.” *Juvenile Offenders and Victims National Report Series Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ¹⁸ *Ibid.*
- ¹⁹ Black, M. (September 2001). “Juvenile Delinquency Probation Caseload, 1989-1998.” *OJJDP Fact Sheet #34*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ²⁰ Civic Research Institute, Inc. (December/January 1996). “Overrepresentation of Minority Youth: Policy Recommendations.” *Juvenile Justice Update* 1(6). Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ²¹ Civic Research Institute, *supra* at n. 20.
- ²² Community Research Associates, Inc. (December 1997). *Disproportionate Confinement of Minority Juveniles in Secure Facilities: 1996 National Report*. Champaign, IL: Community Research Associates, Inc.
- ²³ Siegel, L., and Senna, J. (1985). *Juvenile Delinquency Theory, Practice, and Law (2nd ed.)*. St. Louis, MO: West Publishing Company.
- ²⁴ Montgomery, I. (January 1992). “Multicultural Awareness: Developing Cultural Understanding in the Juvenile Justice System.” *Juvenile Probation Tricks of the Trade*. Pittsburgh, PA: National Center for Juvenile Justice.
- ²⁵ Egley, A., and Arjunan, M. (February 2002). “Highlights of the 2000 National Youth Gang Survey.” *OJJDP Fact Sheet #04*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ²⁶ Egley, A. (February 2002). “National Youth Gang Survey Trends From 1996 to 2000.” *OJJDP Fact Sheet #03*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ²⁷ Burch, J., and Chemers, B. (March 1997). “A Comprehensive Response to America’s Youth Gang Problem.” *OJJDP Fact Sheet #40*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ²⁸ Egley, *supra*, n. 26.
- ²⁹ Snyder, H., and Sickmund, M. (1999) *Juvenile Offenders and Victims: 1999 National Report*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ³⁰ Egley, *supra*, n. 26.

- ³¹ Burch, J., and Kane, C. (July 1999). "Implementing the OJJDP Comprehensive Gang Model." *OJJDP Fact Sheet #112*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ³² Spergel, I., Chance, R., Ehrensaft, K., Regulus, T., Kane, C., Laseter, R., Alexander, A., and Oh, S. (October 1994). "Gang Suppression and Intervention: Community Models." *OJJDP Research Summary*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ³³ Snyder, H. (2000). *Juvenile Arrests 1999*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ³⁴ Acoca, Leslie. (2001). "Investing in Girls: A 21st Century Strategy." *Juvenile and Family Justice Today* 10(1): 12-19.
- ³⁵ Cauffman, E., Feldman, S., Waterman, J., and Steiner, H. (1998). "Post-Traumatic Stress Disorder Among Female Juvenile Offenders." *Journal of the American Academy of Child and Adolescent Psychiatry* 37:1209-1216.
- ³⁶ Snyder, H. (2000). *Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics*. Washington, DC: Bureau of Justice Statistics.
- ³⁷ Cauffman et al., *supra*, n. 35.
- ³⁸ American Bar Association and National Bar Association. (2001). *Justice by Gender: The Lack of Appropriate Prevention, Diversion and Treatment Alternatives for Girls in the Justice System*. Washington, DC: American Bar Association and National Bar Association.
- ³⁹ Girls Etc. (1999). *Guidelines for Juvenile Female Specific Programs*. Denver, CO: Colorado Division of Criminal Justice, Department of Public Safety.
- ⁴⁰ Greene, Peters & Associates. (1998). *Guiding Principles for Promising Female Programming: An Inventory of Best Practices*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention. Available online: <http://www.ojjdp.ncjrs.org/>. (A 2000 update of the program description portion of *Guiding Principles* is available online: <http://www.girlspecifiprogram.org/>.)
- ⁴¹ Office of Juvenile Justice and Delinquency Prevention. (2001). *Research 2000*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ⁴² Puzanchera, C. (1998). "The Youngest Offenders, 1996." *OJJDP Fact Sheet*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ⁴³ Harms, P. (2002). "Detention in Delinquency Cases, 1989 – 1998." *OJJDP Fact Sheet*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ⁴⁴ Adapted from Snyder, H. (2002). *Juvenile Arrests 2000 [Forthcoming]*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention. Available online: <http://ojjdp.ncjrs.org/ojstatbb/html/qa250.html>
- ⁴⁵ Office of Juvenile Justice and Delinquency Prevention, *supra*, n. 41.
- ⁴⁶ Puzanchera, *supra*, n. 42.
- ⁴⁷ Snyder, *supra*, n. 44.
- ⁴⁸ Office of Juvenile Justice and Delinquency Prevention, *supra*, n. 41.
- ⁴⁹ Snyder, H., and Sickmund, M. (1995). *Juvenile Offenders and Victims: A National Report*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ⁵⁰ Office of Juvenile Justice and Delinquency Prevention, *supra*, n. 41.
- ⁵¹ Hawkins, J., Herrenkohl, T., Farrington, D., Brewer, D., Catalano, R., Harachi, T., & Cothorn, L. (2000). "Predictors of Youth Violence." *OJJDP Juvenile Justice Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ⁵² *Ibid*.
- ⁵³ McGarrell, E. (2001). "Restorative Justice Conferences as an Early Response to Young Offenders." *OJJDP Juvenile Justice Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ⁵⁴ McCold, P., and Wachtel, B. (1998). *Restorative Policing Experiment: The Bethlehem Pennsylvania Police Family Group Conferencing Project*. Pipersville, PA: Community Service Foundation.
- ⁵⁵ Strang, H., Barnes, G., Braithwaite, J., and Sherman, L. (1999). *Experiments in Restorative Policing: A Progress Report on the Canberra Reintegrative Shaming Experiments (RJSE)*. Canberra, Australia: Australian National University.
- ⁵⁶ Gerrard, M.D. & Owen, G. (2000). *Delinquents Under 10: Targeted Early Intervention Phase 2 Evaluation Report*. Available online: <http://www.hennepinattorney.org/>.
- ⁵⁷ Snyder, *supra*, n. 44.
- ⁵⁸ Puzanchera, C., Stahl, A., Finnegan, T. Snyder, H., Poole, R., Tierney, N. (2000). *Juvenile Court Statistics 1997*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ⁵⁹ Ryan, G. (2000). "Childhood Sexuality: A Decade of Study." *Child Abuse and Neglect* 24:33-48.
- ⁶⁰ National Task Force on Juvenile Sexual Offending. (1993). "The Revised Report from the National Task Force on Juvenile Sexual Offending, 1993 of National Adolescent Perpetrator Network." *Juvenile and Family Court Journal* 44(4): 5-119.
- ⁶¹ Kahn, T., and Chambers, H. (1991). "Assessing Reoffense Risk with Juvenile Sexual Offenders: Clinical Characteristics and Treatment Issues." *Sexual Abuse: A Journal of Research and Treatment* 9:187-9. Ryan, G., Lane, S., Davis, J., and Issac, C. (1987). "Juvenile Sex Offenders: Development and Correction." *Child Abuse and Neglect* 11:385-95.
- ⁶² Center for Sex Offender Management. (1999). *Understanding Juvenile Sexual Offending Behavior: Emerging Research, Treatment Approaches and Management Practices*. Silver Spring, MD: Center for Sex Offender Management.
- ⁶³ Righthand, S., and Welch, C. (March 2001). *Juveniles Who Have Sexually Offended: A Review of the Professional Literature*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ⁶⁴ American Academy of Child and Adolescent Psychiatry, Work Group on Quality Issues. (1999). "Practice Parameters for the Assessment and Treatment of Children and Adolescents Who Are Sexually Abusive of Others: AACAP Official Action." *Journal of the American Academy of Child and Adolescent Psychiatry* 38 (12(Supplements)): 55S-76S.
- ⁶⁵ Righthand and Welch, *supra*, n. 63.
- ⁶⁶ Utah Task Force of the Utah Network on Juveniles Offending Sexually. (1996). *The Utah Report on Juvenile Sex Offenders*. Salt Lake City, UT: Utah Task Force of the Utah Network on Juveniles Offending Sexually.
- ⁶⁷ Office of the State Court Administrator. (2000). *Colorado Probation Guidelines*.
- ⁶⁸ Avalon Associates. (1986). *The Oregon Report on Juvenile Sex Offenders*. Salem, OR: Children's Services Division, Department of Human Resources.

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- ⁶⁹ Development Services Group, Inc. (2001). *Understanding Treatment and Accountability in Juvenile Sex Offending: Results and Recommendations from an OJJDP Focus Group*. Bethesda, MD: Development Services Group, Inc.
- ⁷⁰ American Academy of Child and Adolescent Psychiatry, *supra*, n. 64.
- ⁷¹ Coalition for Juvenile Justice. (2001). *Abandoned in the Back Row: New Lessons in Education and Delinquency Prevention*. Washington, DC: Coalition for Juvenile Justice.
- ⁷² Burrell, S. and Warboys, L. (2000). "Special Education and the Juvenile Justice System," *Juvenile Justice Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ⁷³ Coalition for Juvenile Justice, *supra*, n. 71.
- ⁷⁴ National Center for Learning Disabilities. (April 20, 2001). *LD Fast Facts*. Available online: <http://www.nclld.org/>.
- ⁷⁵ SRI International, Center for Education and Human Services. (1997). *The National Longitudinal Transition Study: A Summary of Findings*. Washington, DC: Department of Education.
- ⁷⁶ *Ibid.* National Center for Learning Disabilities, *supra*, n. 74.
- ⁷⁷ National Center on Education, Disability and Juvenile Justice. (2001). *Special Education in Correctional Facilities*. College Park, MD: National Center on Education, Disability and Juvenile Justice.
- ⁷⁸ Coalition for Juvenile Justice, *supra*, n. 71.
- ⁷⁹ *Ibid.*
- ⁸⁰ Snyder, *supra*, n. 44.
- ⁸¹ National Association of State Fire Marshals. (July 2000). *Juvenile Firesetter Intervention Research Project: Final Report*. Available online: <http://www.firemarshals.org/>.
- ⁸² Hersch, R. (May 1989). "A Look at Juvenile Firesetter Programs." *OJJDP Update on Research*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ⁸³ *Ibid.*
- ⁸⁴ See United States Fire Administration. *Arson and Juveniles: Responding to the Violence*. Available online: <http://www.usfa.fema.gov/>. There the USFA estimates that there were over half a million instances of arson in 1994. Total adult and juvenile arson arrests in that year are estimated at less than 21,000. See Snyder, H., Poole, R., and Kang, W. (2001). *Easy Access to FBI Arrest Statistics 1994-199*. Available online: <http://ojjdp.ncjrs.org/>.
- ⁸⁵ United States Fire Administration, *supra*, n. 84.
- ⁸⁶ National Association of State Fire Marshals, *supra*, n. 81.
- ⁸⁷ Slavkin, M. (1999). "Reviewing the Characteristics of Severely Disturbed Firesetters." *Fire Intervention Response Education*. Indianapolis, IN: Indiana State Emergency Management Agency, Department of Fire and Building Services.



A Call to Action



The Desktop Guide has attempted to lay out a vision for the practice of good juvenile probation. This guidebook reflects the values and beliefs of a core group of committed juvenile probation professionals, victim advocates, researchers and others seeking to improve juvenile probation practices. It is intended to serve as a benchmark for comparison, a stimulus for action, and a guide for change. Whether you decide to advance this vision by incorporating it into your practice or not, departments must come to terms with and clearly articulate what they want to achieve, how they will do it, and to what effect. In other words, good probation practice is that which is mission-driven, performance-based, and outcome-focused. Getting there requires a commitment to a strategic planning or focus group process that gives a representative cross-section of staff a chance to define their values about the juvenile justice system and juvenile probation in particular, and to translate them into action and results.¹ Such an effort will increase staff buy-in and provide a basis for continuous feedback, evaluation and improvement at the policy, program and individual employee levels.

Mission statements provide an organizational compass that points in the direction of an agreed upon destination. Mission statements are central to the operations and activities of any organization. What does juvenile probation stand for in your community? What is it attempting to accomplish? All persons making intake decisions, disposition recommendations and supervision plans should be working from the same set of core values and beliefs about the goals of the juvenile justice system.

Probation officers come from a variety of backgrounds. And many of them stay in the job for only a few years. Mission statements provide a training tool for quickly getting new officers on the same theoretical page.

Mission statements must be working statements that assist internal operations, not public relations gimmicks; however, they must be responsive to both juvenile justice and broader community expectations.² They must be reasonable and realistic and focused on areas over which the department has direct control, rather than more distant ends.³

Mission statements must be broken down into individual goals or statements of what the department wishes to accomplish. This guide has articulated three goals throughout: protecting the public, holding juvenile offenders accountable for repairing the harm to victims and the community, and engaging offenders in activities designed to address their most pressing problems. Departments must determine what they will be held accountable for and be clear about what they can be expected to accomplish or “fix.”

Monitoring and measuring performance—of offenders and probation officers—is not as threatening if the goals are clear. Defining clear mission and goal statements makes the next step possible: identifying the activities or methods to achieve each goal. For each goal, departments must delineate the specific things that must be accomplished. Some activities will be performed by probation officers. Others will be required of probationers. For example, activities associated with the goal of protecting the public might include assessments of the risks juveniles pose to community safety to determine appropriate levels of supervision and any other precautions (e.g., electronic monitoring, curfew) required to protect the community. They might also include requiring offenders to attend school and behave appropriately in school, in the community, and at home. For the goal of holding offenders accountable, activities might include collecting information from victims regarding the impact that crimes have had on them and how offenders might make amends for the harm caused. They might also include requiring offenders to fulfill restitution or community service obligations.

State Certification of Juvenile Probation Officers

According to a national survey, twenty states provide for state certification of juvenile probation officers. State certification is intended to set and enforce professional standards through training and testing. It may be tied to promotions or pay increases as well.

Certification training is usually mandated within a prescribed sequence and time period. For example, a probation officer might be required to take 80 hours of training within two years of employment, consisting of 40 hours of orientation and 40 hours of other core curriculum courses (e.g., cultural

diversity, probation officer safety, drug and alcohol education, counseling techniques). Certification is usually for an initial time period, such as a year. Thereafter, renewal generally requires a certain number of hours of continuing education each year. Typically the training is "certified" by an outside entity, board or body, which approves the training for continuing education credit.

Source: Reddington, F., and Kreisel Wright, B. (December 2000). "Training Juvenile Probation Officers: National Trends and Patterns." *Federal Probation* 28, vol. 64, number 2, 28-32.

Just as probation officers must track and monitor a juvenile offender's performance in meeting supervision goals and objectives, supervisors must monitor individual probation officers' performance in carrying out the activities required of them. And probation administrators must determine whether goal-directed activities are having the desired impact.

The bottom line is results. Probation departments have not done a very good job at quantifying what they do, with whom, and with what results; they are often criticized because of their inability to show that their efforts "work."⁴ Unless probation can demonstrate to public officials and citizens what they are getting for their dollar, it will be increasingly vulnerable to budget cuts and no-confidence votes.

Organizations tend to become what they measure.⁵ Departments must measure more than their failures (recidivism) and the number of times something is done to how many people.⁶

Once a department has clarified its mission, goals, and activities, it must specify what criteria will be used to determine to what extent required activities are being performed (process measures) and goals are being achieved (outcome measures):⁷

- **Process measures** count things—the number and type of contacts, the number of referrals to victim-offender mediation, or the number of sessions completed. They describe what activities are actually being performed and whether

they are performed according to specification, and facilitate investigations of unanticipated outcomes and explanations of success, failure and change.⁸

- **Outcome measures** assess whether goals have been achieved. There are two types of outcome measures: intermediate and long-term. Intermediate outcomes are the short-term results of the activities and processes undertaken to achieve supervision goals. They provide evidence of the degree to which probation supervision goals have or have not been achieved, in essence measuring the department's performance in meeting system goals. Long-term outcomes, on the other hand, measure the degree to which probation supervision has impacted the offender after his release (long-term changes in his thinking, behavior, or attitude).

Intermediate outcomes are measured at case closure. Individual cases closed are the unit of analysis for several reasons. Most juvenile courts require some kind of closing summary or report for all juveniles upon termination of juvenile court jurisdiction. Closed cases represent the sum total of the juvenile court's "intervention." Individual case-level data provide opportunities for richer, more robust data analysis than aggregate data. For example, data may be analyzed according to age, race, gender, etc. It also allows analysis from the perspective of individual offenders, probation officers, probation supervisors, and even judges.

Intermediate outcomes provide data that has intrinsic value for planning, management, staff

Report Card: Intermediate Outcomes of Closed Probation Cases

Period of Report: Jan. 1, 2001 to Dec. 31, 2001

<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Total Cases Closed</td> <td style="width: 30%;">448 mos.</td> <td style="width: 40%;"></td> </tr> <tr> <td>Average Length of Case Open</td> <td>11 mos.</td> <td></td> </tr> <tr> <td> Maximum</td> <td>55 mo.</td> <td></td> </tr> <tr> <td> Minimum</td> <td>1</td> <td></td> </tr> <tr> <td colspan="3">Community Safety</td> </tr> <tr> <td> Violation of Probation</td> <td>155</td> <td>35%</td> </tr> <tr> <td> New Adjudication</td> <td>26</td> <td>5%</td> </tr> <tr> <td colspan="3">Accountability</td> </tr> <tr> <td colspan="3"><i>Community Service</i></td> </tr> <tr> <td> Ordered</td> <td>14,925 hrs</td> <td></td> </tr> <tr> <td> Completed</td> <td>13,987 hrs</td> <td></td> </tr> <tr> <td> Difference</td> <td>938 hrs</td> <td></td> </tr> <tr> <td> % Completed</td> <td>94%</td> <td></td> </tr> <tr> <td> # of Cases</td> <td>345</td> <td></td> </tr> <tr> <td> % completed all</td> <td>90%</td> <td></td> </tr> <tr> <td> % completed half</td> <td>93%</td> <td></td> </tr> <tr> <td> % completed some</td> <td>95%</td> <td></td> </tr> <tr> <td colspan="3">Restitution</td> </tr> <tr> <td> Ordered</td> <td>\$126,001</td> <td></td> </tr> <tr> <td> Paid</td> <td>\$71,227</td> <td></td> </tr> <tr> <td> Difference</td> <td>(\$54,774)</td> <td></td> </tr> <tr> <td> % Completed</td> <td>57%</td> <td></td> </tr> <tr> <td> # of Cases</td> <td>183</td> <td></td> </tr> <tr> <td> % completed full</td> <td>78%</td> <td></td> </tr> <tr> <td> % completed half</td> <td>80%</td> <td></td> </tr> <tr> <td> % completed some</td> <td>90%</td> <td></td> </tr> <tr> <td colspan="3">Victim Awareness Class</td> </tr> <tr> <td> In case plan</td> <td>194</td> <td>43%</td> </tr> <tr> <td> Failed to complete</td> <td>9</td> <td>5%</td> </tr> <tr> <td> Attended some</td> <td>0</td> <td>0%</td> </tr> <tr> <td> Successfully completed</td> <td>185</td> <td>95%</td> </tr> <tr> <td colspan="3">Practical Rehabilitation</td> </tr> <tr> <td colspan="3"><i>Skill Building</i></td> </tr> <tr> <td colspan="3">Academic Skills</td> </tr> <tr> <td> In case plan</td> <td>314</td> <td>70%</td> </tr> <tr> <td> Failed to complete</td> <td>17</td> <td>5%</td> </tr> <tr> <td> Attended some</td> <td>67</td> <td>22%</td> </tr> <tr> <td> Successfully completed</td> <td>230</td> <td>73%</td> </tr> </table>	Total Cases Closed	448 mos.		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feedback, and research and development. Information collected at case closing will also allow departments to demonstrate positive outcomes to the community.

Instituting performance-based and outcome-focused probation will require probation departments to make structural changes. Three final points should be made regarding the changes that are being advocated here:⁹

Ethical Standards for Juvenile Probation Officers

There is no one code of ethics that is binding upon all of the nation's juvenile probation officers. However, the American Probation and Parole Association has adopted the following set of ethical standards for its members:

- I will render professional service to the justice system and the community at large in effecting the social adjustment of the offender.
- I will uphold the law with dignity, displaying an awareness of my responsibility to offenders while recognizing the right of the public to be safeguarded from criminal activity.
- I will strive to be objective in the performance of my duties, recognizing the inalienable right of all persons, appreciating the inherent worth of the individual, and respecting those confidences which can be reposed in me.
- I will conduct my personal life with decorum, neither accepting nor granting favors in connection with my office.
- I will cooperate with my co-workers and related agencies and will continually strive to improve my professional competence through the seeking and sharing of knowledge and understanding.
- I will distinguish clearly, in public, between my statements and actions as an individual and as a representative of my profession.
- I will encourage policy, procedures and personnel practices, which will enable others to conduct themselves in accordance with the values, goals and objectives of the American Probation and Parole Association.
- I recognize my office as a symbol of public

faith and I accept it as a public trust to be held as long as I am true to the ethics of the American Probation and Parole Association.

- I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession.

In addition, a number of states—including California, Connecticut, New Hampshire, and Texas—have adopted their own written codes of ethical standards for juvenile (or juvenile and adult) probation officers. Some of these are quite specific. For example, Connecticut's Ethical Standards of Professional Conduct require juvenile probation officers to do all of the following:

- Protect the client's civil and legal rights.
- Maintain impartiality and respect for the integrity of each member of the client's family.
- Stay fully informed of the client's condition and conduct.
- Fully and objectively advise the client of information necessary for informed decision-making.
- Refrain from seeking personal information beyond what is necessary to perform the officer's duties or disclosing information to those not having a professional need for it.

Source: American Probation and Parole Association. *Code of Ethics*. Available online: <http://www.appa-net.org/>. Connecticut Superior Court, Family Division. (February 1989). *Code of Professional Ethics for Probation Officers in the State of Connecticut Superior Court*.

- **Roles will change.** Line officers will have to broaden their decision-making and problem-solving abilities and determine the best way to achieve desired results. Supervisors will have to change the way they supervise line staff. Instead of directing every move, they must serve as coaches and facilitators. These role changes may be threatening for those who are used to authoritarian and routinized operation. Proper training will facilitate these changes and new responsibilities.

- **Management must be flexible.** The shift to performance-based and outcome-focused measurement implies that a department is open to modifying practices and finding new ways of doing business. This requires a certain amount of risk-taking by both individuals and the organization as a whole. Managers must define appropriate operational boundaries while giving staff the latitude and backing that risk-taking requires. Initial mistakes or failures should stimulate renewed, collaborative problem-solving rather

Juvenile Probation Officer Training

Training—both for newly hired juvenile probation officers and for veterans—increases professionalism and reinforces efforts to implement reforms and other changes. Probation officers must have good training opportunities, either “in house” or through a statewide association or agency, in order to acquire the skills they need to do their demanding jobs well.

A recent national survey of state training requirements for juvenile probation officers revealed that while nearly every state mandates training, there is wide variation in the number of hours required and who oversees the training. National standards groups recommend between 40 to 80 hours of pre-

service or orientation training in the subject areas in which a probation officer will be required to provide services, followed by a similar amount of ongoing training each year.

The Fundamental Skills Curriculum for Juvenile Probation Officers, Revised Edition is a 40-hour training program developed to complement this *Desktop Guide*. For more information, contact the National Council of Juvenile and Family Court Judges at (775) 784-6012.

Source: Reddington, F., and Kreisel Wright, B. (December 2000). “Training Juvenile Probation Officers: National Trends and Patterns.” *Federal Probation* 28, vol. 64, number 2, 28-32.

than top-down disciplinary action. A flexible management style encourages creativity and innovation and increases the chances of achieving desired results.

- **It's not an add-on.** Performance-based and outcome-focused measurement should become standard-procedure that is fully integrated into all department operations and the responsibility of all personnel. Representatives of staff at each level should be involved in defining process and outcome measures. Each line probation officer should be responsible for collecting and maintaining data on their caseloads. Supervisors should be responsible for verifying caseload data through random audits, aggregating data for their unit, and reviewing and reporting results. Chiefs should review reports from each unit, determine which practices should be modified, and prepare an annual report card for the community.

Endnotes

- ¹ Boone, H., Fulton, B., Crowe, A. and Markcly, G. (1995). *Results-Driven Management: Implementing Performance-based Measures in Community Corrections*. Lexington, KY: American Probation and Parole Association.
- ² Petersilia, J. (1993). “Measuring the Performance of Community Corrections.” *Performance Measures for the Criminal Justice System*. Washington, DC: U.S. Department of Justice.
- ³ Dilulio, J. (1991). *No Escape: The Future of American Corrections*. New York: Basic Books, Inc.
- ⁴ Petersilia, *supra*, n. 2.
- ⁵ Osborne, D., and Gaebler, T. (1992). *Reinventing Government*. Reading, MA: Addison-Wesley Publishing Company.
- ⁶ Petersilia, *supra*, n. 2; and Boone, *et al.*, *supra*, n. 1.
- ⁷ Petersilia, *supra*, n. 2.
- ⁸ Harris, P. (1991). *Evaluation of Criminal Justice Programs: Final Report of Technical Assistance for the Community Justice Assistance Division of the Texas Department of Criminal Justice*. Washington, D.C.: National Institute of Corrections.
- ⁹ Boone, *et al.*, *supra*, n. 1.





Glossary
Instruments

Appendices



GLOSSARY OF SELECTED JUVENILE JUSTICE TERMS

Absconder: a juvenile offender who fails to report for probation or parole supervision, who has departed the jurisdiction without permission of the supervising authority, and whose whereabouts are unknown. (See also: "runaway.")

Accountability: a juvenile justice system objective in which offenders are required to accept responsibility for their actions and make amends to their victims and the community for the harm caused.

Adjudication: the process of rendering a judicial decision as to whether the facts alleged in a juvenile petition or other pleading are true; also the resulting finding of fact.

Adjudicatory hearing: a fact-finding court proceeding to determine whether the allegations of a juvenile petition or other pleading are supported by legally admissible evidence; analogous to a non-jury trial in a criminal or civil proceeding.

Affidavit: a written or printed declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before a person having authority to administer such oath or affirmation; may be admitted into evidence, required for the procurement of warrants, or used in some jurisdictions to initiate juvenile court proceedings.

Aftercare: the community supervision of an offender following release from an institutional placement ordered by a court. (See also "parole.")

Arraignment: the initial appearance of an alleged juvenile offender before a court, at which time the court advises the juvenile of the formal charges, informs the juvenile of the applicable constitutional rights, appoints counsel to represent the juvenile, establishes the need for detention, alternative placement or conditional release pending the next hearing, and schedules a hearing date.

Arrest: the taking of a person into custody in order that he or she may be forthcoming to answer for the commission of a crime.

Balanced and restorative justice: See "balanced approach" and "restorative justice."

Balanced approach: an approach to juvenile justice that gives balanced attention to holding offenders accountable, developing their skills (or "competencies"), and protecting the community.

Beyond a reasonable doubt: the degree of certainty required by the judge or jury to find a criminal defendant guilty; it leaves no reasonable doubt that the defendant committed the alleged crime. This standard of proof is also applied to juveniles in delinquency proceedings and, in some jurisdictions, to juveniles accused of status offenses.

Burden of proof: the duty to establish a claim or allegation by admissible and credible evidence at the time of hearing. This duty is usually the responsibility of the accuser, not the accused.

Chain of custody: an accounting for the whereabouts of tangible evidence from the moment it is received in custody until it is offered in evidence in court.

Clear and convincing evidence: evidence that offers proof more stringent than a "preponderance of evidence" but less demanding than "beyond a reasonable doubt."

Commitment: the court-ordered dispositional status of minors who are placed in the care, custody or control of an agency or institution as a result of being adjudicated delinquent.

Community service: a specified period of supervised work or service (also called "symbolic restitution," "uncompensated public service" or "volunteer work") that has been ordered by a court or paroling authority to be performed by an offender within a specified time period, usually for a tax-supported public agency, or a nonprofit community organization, without payment or other compensation to the offender.

Competency development: a juvenile justice system objective requiring that offenders exit the juvenile justice system more capable of being

productive and responsible citizens than when they entered it.

Competency to stand trial: a defendant's capacity to understand the nature and object of the proceedings, to consult with counsel, and to assist in preparing his or her defense. Due process prohibits the government from prosecuting a defendant who is legally incompetent to stand trial.

Conflict of interest: a situation, circumstance or financial arrangement that has the potential to cause a private interest to interfere with the proper exercise of a public duty.

Cooperative supervision: supervision by the correctional agency of one jurisdiction, of a person placed on probation by a court or on parole by a paroling authority in another jurisdiction, by agreement between the agencies (also known as "courtesy supervision"). (See also "Interstate Compact on Juveniles.")

Corrections officer: an officer who is responsible for the direct supervision and discipline of inmates or prisoners in a jail, prison, halfway house or similar institution for confined juvenile delinquents.

Court: an agency of the judicial branch of government, authorized or established by statute or constitution, and consisting of one or more judicial officers, which has the authority to decide controversies in law and disputed matters of fact brought before it.

Crime: a felony or a misdemeanor.

Curfew: a statute, ordinance or regulation directing the withdrawal of specified persons, such as minors, from the streets or public places at a stated hour. Curfew requirements may require that a parent, guardian or other suitable adult accompany minors under a specified age while in public after the specified hour. Additionally, courts and paroling authorities, as applicable, frequently impose curfew requirements upon probationers and parolees.

Delinquent: a minor who has been adjudicated and found to have committed an illegal act, usually limited to an offense that would be either a felony or misdemeanor under a jurisdiction's criminal laws if committed by an adult. (Compare "status offender.")

Dependent: a minor who is in need of the services or intervention of the state as a result of parental abandonment, neglect, abuse, failure or inability to control, etc. In some jurisdictions, very young children who have committed what would otherwise be considered delinquent acts are treated as dependent children.

Detention: the temporary care of juveniles in physically restrictive facilities, usually prior to adjudication and disposition.

Detention hearing: a court hearing, usually held after the filing of a petition, to determine the interim custody or placement of an accused delinquent pending adjudication and disposition of the petition.

Disposition: the order of a court that determines what is to be done with a juvenile following adjudication; the formal resolution of a case by the court. For a juvenile delinquent, the term "disposition" is analogous to the term "sentence" in an adult criminal case. Dispositions in cases regarding juvenile delinquents and status offenders may include sanctions and limitations upon the juvenile's conduct and liberty, as well as treatment and other rehabilitative interventions.

Disposition hearing: the hearing held by the court subsequent to its adjudication of a juvenile offender, for the purpose of determining an appropriate order of disposition.

Diversion: the practice of officially stopping or suspending a case prior to court adjudication and referring the juvenile to a community education, treatment or work program in lieu of adjudication or incarceration. Successful completion of a diversion program results in the dismissal or withdrawal of formal charges. Offenders who fail to comply with the diversion terms and conditions are subject to formal prosecution.

Electronic monitoring: the use of electronic devices designed to verify that an offender is at a given location during specified times, to ensure compliance with sanctions or restrictions such as house arrest or curfew; used as an option in community corrections.

Emancipated minor: a person under the age of majority who is totally self-supporting and is no longer subject to the power and control of his or her parents; the minor's parents no longer have the

right to the care, custody and earnings of the minor, nor the responsibility to perform parental duties. The authority to emancipate minors is usually vested in the court.

Escape: the unlawful departure of a lawfully confined person from a confinement facility or from the custody of a law enforcement or correctional officer.

Felony: a serious crime so designated by statute, for which the maximum penalty may be death or incarceration in a state prison or federal penitentiary for a term longer than one year.

Graduated sanctions: a juvenile justice program model for delinquent offenders that combines accountability and sanctions with increasingly intensive treatment and rehabilitation services to include the use of immediate intervention, intermediate sanctions, community confinement, and incarceration in secure corrections components such as training schools, camps and ranches.

Guardian: the person lawfully invested with the power, and charged with the duty, of taking care of and managing the property and rights of another person, who, for defect of age, understanding or self-control, is considered incapable of administering his or her own affairs.

Hearing: a proceeding before a judicial officer, in which information, documentation and legal arguments are submitted by the parties and legal findings are made.

House arrest: a status created by court order as an alternative to secure detention or other restrictive placement (also known as “home detention”). Typically this status requires a juvenile offender to remain at home subject to curfew and other liberty restrictions while continuing to work or attend school.

Intake: the preliminary screening process initiated upon receipt of a complaint to determine whether the interests of the public or the alleged juvenile offender require the filing of a petition with the court, referral to a diversion program or other non-judicial disposition of the complaint.

Interstate Compact on Juveniles: a formal agreement among the states that authorizes the supervision of adjudicated delinquents and status offenders on probation or parole, the return of

juvenile runaways, escapees and absconders, and the rendition of juvenile fugitives from one state to another.

Interstate transfer: the transfer of supervision of an adjudicated delinquent or status offender from one state to another pursuant to the Interstate Compact on Juveniles.

Juvenile: a minor or a child under the laws of a state.

Juvenile offender: a minor who is either a delinquent or a status offender.

Minor: a person who has not reached the age of majority specified by the laws of the state, who is unmarried and unemancipated.

Misdemeanor: any crime so designated by statute, that is of less serious nature than a felony. The maximum penalty provided for a misdemeanor may include imprisonment, usually in a county or municipal facility for up to one year, a fine or both.

Motion: an oral or written request made to the court calling for a specific judgment, order or finding.

Nolle prosequi: a formal entry on the record by the plaintiff in a civil suit or by the prosecutor in a criminal action, by which he or she declares that the case will not be further prosecuted.

Nolo contendere: a “no contest” plea entered by a defendant to a criminal complaint or indictment, which subjects him or her to a judgment of conviction and sentence without being an admission of guilt. The principal difference between a plea of guilty and a plea of *nolo contendere* is that the latter may not be used against the defendant in a civil action based upon the same acts.

Non-secure detention: the temporary care of a juvenile in a facility in which physical restriction of movement or activity is imposed solely by facility staff (also known as “community detention” or “staff secure detention”).

Offender: any person convicted or adjudicated for committing an offense.

Offense: a felony, misdemeanor, status offense, or other violation of law. Felonies and misdemeanors are crimes; violations and status offenses are not crimes.

Officer of the court: any person holding an office of public trust, inherent in which is the power and duty to perform functions prescribed by the court.

Parole: the conditional and revocable release of a committed criminal offender or juvenile delinquent from the agency or institution in whose care, custody or control he/she is committed by a court, subject to compliance with the conditions of conduct and restrictions of liberty imposed by the paroling authority; also, the community supervision of an offender by a parole officer following release from confinement or other institutional placement. (See also "aftercare.")

Parole officer: the agent or officer responsible for the community supervision of paroled criminal or juvenile offenders, including related duties prescribed by the jurisdiction.

Petition: a sworn, written application filed with a court requesting judicial action on a certain juvenile matter.

Pleading: any one of the formal written statements of accusation or defense in a legal action or proceeding.

Pre-disposition investigation: a background investigation of an offender (sometimes called a "pre-sentence investigation"), which is ordered by the court and completed by a probation officer, and which is taken into consideration by the court at the disposition hearing.

Preponderance of evidence: evidence that is more convincing than the evidence which is offered in opposition to it; evidence which as a whole shows that the fact sought to be proved is more probable than not.

Probable cause: a set of facts and circumstances that would persuade a reasonably intelligent and prudent person to believe that the accused has committed a specific crime or delinquent act.

Probation: a legal status created by court order that permits an adjudicated offender to remain in the community, subject to supervision by a probation officer, conditions and restrictions imposed by the court, treatment prescribed by the court, and revocation for any violation of the release conditions. In a few states different terms with similar meaning are used in lieu of "probation" for juvenile offenders, e.g., "community control" (Florida) and "conditional release" (New Hampshire).

Probation officer: the agent or officer responsible for the court-ordered investigation and community supervision of criminal or juvenile offenders, including related duties prescribed by the jurisdiction. In some jurisdictions this includes responsibility for juvenile status offenders.

Restitution: a payment or service that is rendered by the offender within a specified time period to the victim who suffered personal injury or economic loss. Restitution is a frequently imposed condition of probation or parole.

Restorative justice: a process whereby all the parties with a stake in a particular offense come together to determine collectively how to deal with the aftermath of the offense and its implications for the future. It is an approach that involves collaboration among victims, offenders and the community, and establishes both a process and a forum for implementing sanctions that heal the wounds of crime or make amends for wrongdoing. Restorative justice focuses on who has been harmed by the crime, and how society can intervene to effectively make the victim whole again and restore the offender to a law-abiding life. It is contrasted with retributive justice, an adversarial approach that focuses on which laws were broken and deals with lawbreakers in a punitive way.

Revocation: the termination of probation by the court or termination of parole by the paroling authority following a hearing and the finding of a violation. Revocation of probation usually results in a more restrictive disposition or sentence, including confinement of the offender. Revocation of parole usually results in return of the offender to the care, custody and control of the agency or institution to which the offender was initially committed prior to parole, for the balance of the original term of commitment.

Revocation hearing: a judicial or administrative hearing on the question of whether an offender's probation or parole status should be vacated because of the offender's alleged violation of the conditions thereof. The matter to be decided is whether the offender has in some way violated the terms of his or her freedom, not to establish criminal liability; the standard of proof is usually by preponderance of evidence.

Runaway: a non-delinquent minor who has left the home of his or her parent, guardian or other person

entitled to custody, without permission, has failed to return within a reasonable length of time, and whose whereabouts are unknown.

Shelter care: the care of a child in physically unrestricted facilities. Shelters are used in various jurisdictions to temporarily house and supervise minor delinquents, status offenders (especially runaways) or children taken into protective custody.

Standard of proof: the required degree to which a disputed fact must be supported by the evidence presented. There are varying standards of proof in different types of judicial proceedings, ranging from “preponderance of evidence” (least stringent), to “clear and convincing evidence,” to “beyond a reasonable doubt” (most stringent).

Status offender: a minor who has been adjudicated for conduct that would not, under the law of the jurisdiction in which the offense was committed, be an offense if committed by an adult. Status offenses typically include running away from home, truancy from school, disobeying parents or guardians, underage drinking, etc. Depending on the jurisdiction, status offenders may be processed by the same courts that handle juvenile delinquency petitions, by the courts that handle dependency (i.e. child welfare or child protection) matters, or by entirely separate courts (such as magistrate courts).

Subpoena: a written order issued by a court clerk or judicial officer requiring a specified person to appear in a designated court at a specified time to serve as a witness in a case under the jurisdiction of that court. A subpoena must be served personally on the person named and is usually served by a law enforcement officer. Failure to obey a subpoena is punishable as a contempt of court.

Supervision: authorized and required oversight of offenders by probation or parole officers, undertaken to assist them in leading law-abiding lives while monitoring their activities and behavior through home, office, school, work and other community contacts to ensure that they comply with the conditions and restrictions imposed by the court or other authority.

Technical violation: an act by a probationer or parolee that does not conform to the conditions of his or her probation or parole, but that does not consist of the commission of a crime or is not prosecuted as such.

Victim: the individual or entity, public or private, that suffers injury or economic loss as a result of an offender’s illegal conduct. A victim may be a private citizen, a business, an organization or a unit of government.

Violation: an offense so designated by statute, ordinance or regulation for which there is no penalty provided other than a fine, fine and forfeiture, or other civil penalty (also known as an “infraction”).

Violation of parole: engaging in conduct that is prohibited, or failing to perform an action that is required, by the terms and conditions of parole.

Violation of probation: engaging in conduct that is prohibited, or failing to perform an action that is required, by the terms and conditions of probation. A violation of probation is not classified as a crime. The standard of proof for a violation of probation finding is usually preponderance of evidence.

Sources:

- American Correctional Association. (1998). *Dictionary of Criminal Justice Terms*. Lanham, MD: American Correctional Association.
- Bazemore, G., and Umbreit, M. (December 1998). *Guide for Implementing the Balanced and Restorative Justice Model*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Black’s Law Dictionary with Pronunciations (5th edition)*. (1979). West Publishing Co.
- Bowers, D. (July 2000). “Home Detention Systems.” *Corrections Today*. Lanham, MD: American Correctional Association.
- Coalition for Juvenile Justice. (1998). *A Celebration or a Wake?: The Juvenile Court After 100 Years*. Washington, DC: Coalition for Juvenile Justice.
- Howell, J. (Ed.). (June 1995). *Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- National College of Juvenile and Family Law. (1978). *Glossary of Selected Legal Terms for Juvenile Justice Personnel*. Reno, NV: National Council of Juvenile and Family Court Judges.
- Restorative Justice Online. *Definitions of Restorative Justice*. Online: www.restorativejustice.org.
- Schmidt, A. (December 1998). “Electronic Monitoring: What Does the Literature Tell Us?” *Federal Probation*.
- Shepherd, R. (Ed.). (1996). *Juvenile Standards Annotated: A Balanced Approach*. American Bar Association.
- Viano, E. (July 2000). “Restorative Justice for Victims and Offenders: A Return to American Traditions.” *Corrections Today*. Lanham, MD: American Correctional Association.

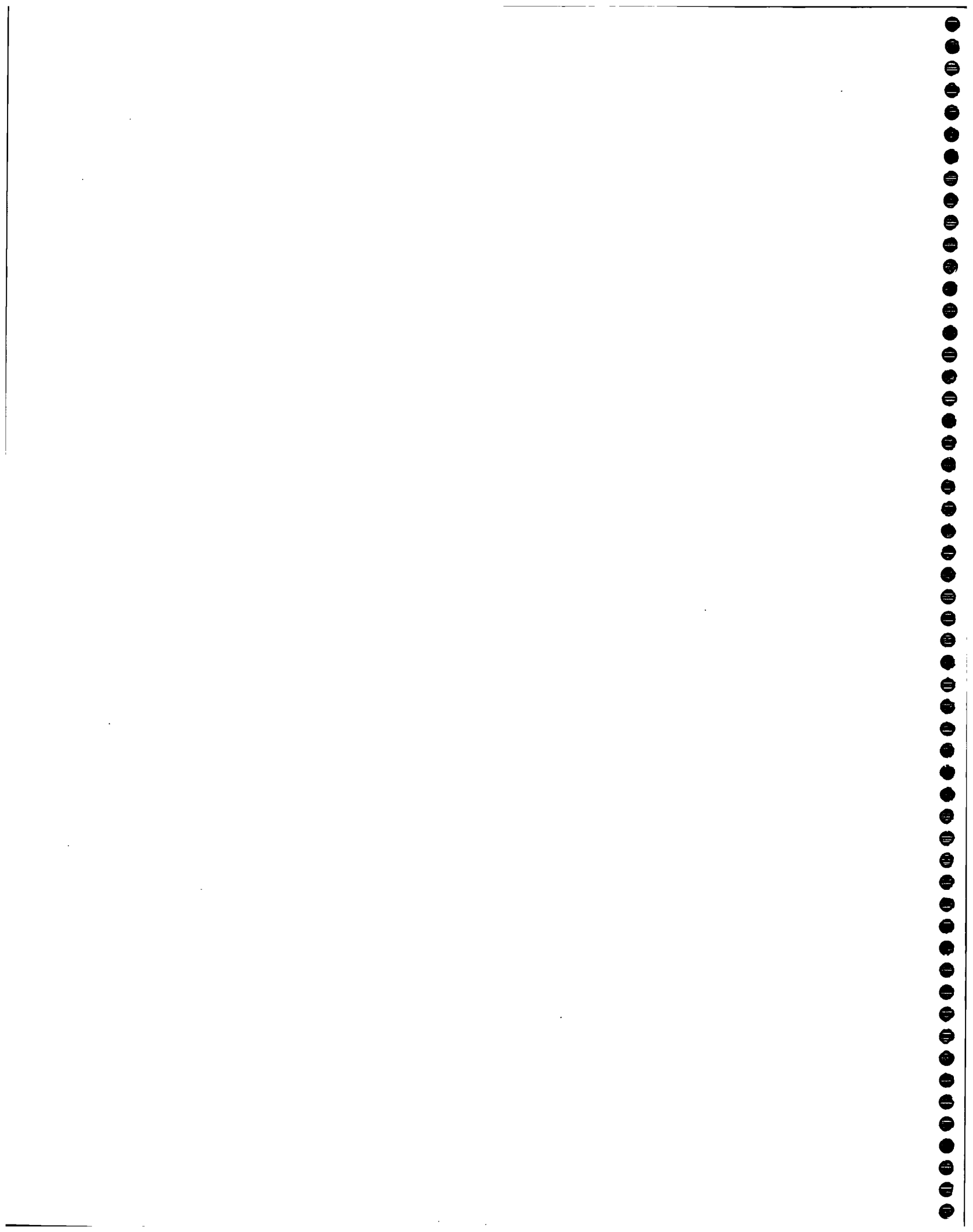


Forms and Instruments

Throughout the *Desktop Guide* we have stressed the importance of collecting and assessing case information all along the way and doing so in a consistent and structured manner. The forms and instruments reproduced on the following pages were chosen because they are “home-grown” and because they are informed by research or validated on the local target population. They are copyrighted by the jurisdictions from which they were taken, and cannot be used without their consent. To get further information about any document printed here, or to acquire permission to use it for any purpose, contact the agency indicated at the start of the section in which the document is found.







KING COUNTY (SEATTLE), WASHINGTON

Juvenile Detention Intake Criteria

As part of an effort to address overcrowding at the county juvenile detention facility, the King County Superior Court developed objective detention intake criteria designed to reduce the number of low-risk offenders held in secure detention. Cards summarizing the intake criteria are given to police officers to assist them in determining which youth should be taken to detention and which should be released to parents or guardians. Juvenile probation counselors complete a two-part screening process, first conferring with law enforcement by telephone

to determine if the youth should be presented to detention, and if so conducting a more thorough detention intake screening.

For more information contact:

Director
Juvenile Court Services
King County Superior Court
516 3rd Ave.
Seattle, WA 98104-2381
(206) 205-9422
<http://www.metrokc.gov/kcsc/>



King County Superior Court

Juvenile Detention Intake Criteria

- I. Juveniles under the age of 8 years cannot be found guilty of offenses under RCW 91.04.050 and will not be detained.**
- II. Juveniles presented on the following charge will be detained for judicial review:**
 - A. Alleged offenses designated by the Automatic Adult Jurisdiction statute. (long list of serious or violent offenses).
 - B. Alleged offenses (long list of Class A felonies and other offenses).
 - C. Possession of a Firearm.
 - D. Alleged sexual offenses (except indecent exposure).
 - E. Domestic Violence.
- III. Juveniles presented on the following active warrants will be detained for judicial review:**
 - A. Any offense listed in A or B above.
 - B. Any warrant or an Out of Jurisdiction order, Parole hold, or Municipal court warrant.
 - C. Any warrant issued for an Escape charge.
 - D. Any warrant issued for Violation of Conditions of Release.
 - E. Any warrant issued for Material Witness, Federal Detainer or Probable Cause.
 - F. Any warrant issued for At-Risk Youth, CHINC, Truancy or Dependency Cases.
 - G. The current warrant is for failure to appear for a:
 - 1. Modification hearing.
 - 2. Disposition hearing.
 - 3. Fact-finding hearing.
- IV. Juveniles who meet the following criteria will be detained for judicial review:**
 - A. Administrative Holds.
 - 1. Juveniles presented for court from Juvenile Rehabilitation Administration.
 - 2. Juveniles being held in an adult jail.
 - 3. Court Remands.
 - B. When the identification of a juvenile is uncertain.
 - 1. The juvenile's identity is not verifiable.
 - 2. The juvenile refuses to give necessary current information regarding name and age.
 - C. The juvenile is likely to interfere with administration of justice.
 - 1. The juvenile has demonstrated a serious intent to intimidate witnesses or others involved with pending matter.
 - 2. There is reason to believe that the juvenile is likely to destroy evidence and the opportunity exists to do so.
- V. Juveniles will be detained under the following situations:**
 - A. Prior warrants:
 - 1. Two or more warrants have been issued for the presenting charge.
 - 2. A warrant within the past six (6) months on any class C+ or above felony, issued for failing to appear for any court hearing.
 - 3. Within the last six (6) months there has been a warrant issued for failing to appear for a Fact Finding or Dispositional Hearing on any Class C felony offense or below.
 - B. Criminal History:
 - 1. Previously adjudicated felonies:
 - a. Prior adjudicated felony is for a violent offense

b. Prior adjudicated felony for any offense within the previous three (3) months.

C. Prior detention or commitment to JRA.

1. Juvenile has been released from any juvenile detention facility within the previous thirty (30) days.
2. Juvenile has been detained three (3) or more times within the last six (6) months.

D. Committed a new offense with a pending matter.

VI. A juvenile will be released from detention for the following reasons:

A. If the presenting offense is a misdemeanor only, not listed in IIB above.

B. If a current warrant is for a Class C or below offense and was issued for an arraignment or case setting hearing and there was lack of proper notice. Proper notice shall be verified through, (1) return letter in social file; (2) proof by parent/guardian that address has changed during the pending matter.

If the presenting offense is not listed under the "presenting offense" category in II above

- C. AND: There are not current outstanding warrants;
AND: There is no administrative hold;
AND: Previous warrant history includes no more than one warrant on the presenting matter and any prior failure to appear warrant has been issued more than six months ago;
AND: Prior adjudication history does not include a violent felony adjudication within the last 3 months;
AND: Youth has not been presented to detention or JRA within the last 30 days or three times or more within the last 3 months;
AND: Youth has not committed a new offense with a pending matter.

Mitigating Factors:

1. The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his/her conduct would cause or threaten serious bodily injury.

Mitigating Circumstances:

May include but are not limited to the following:

1. The victim's input indicated that there is no threat of harm or fear regarding the accused.
2. Parents are able to supervise until the next court hearing.
3. Police input indicates that there is no threat of harm or fear of harm to others.
4. There has been one year since completion of court imposed sanctions.

Aggravating Factors:

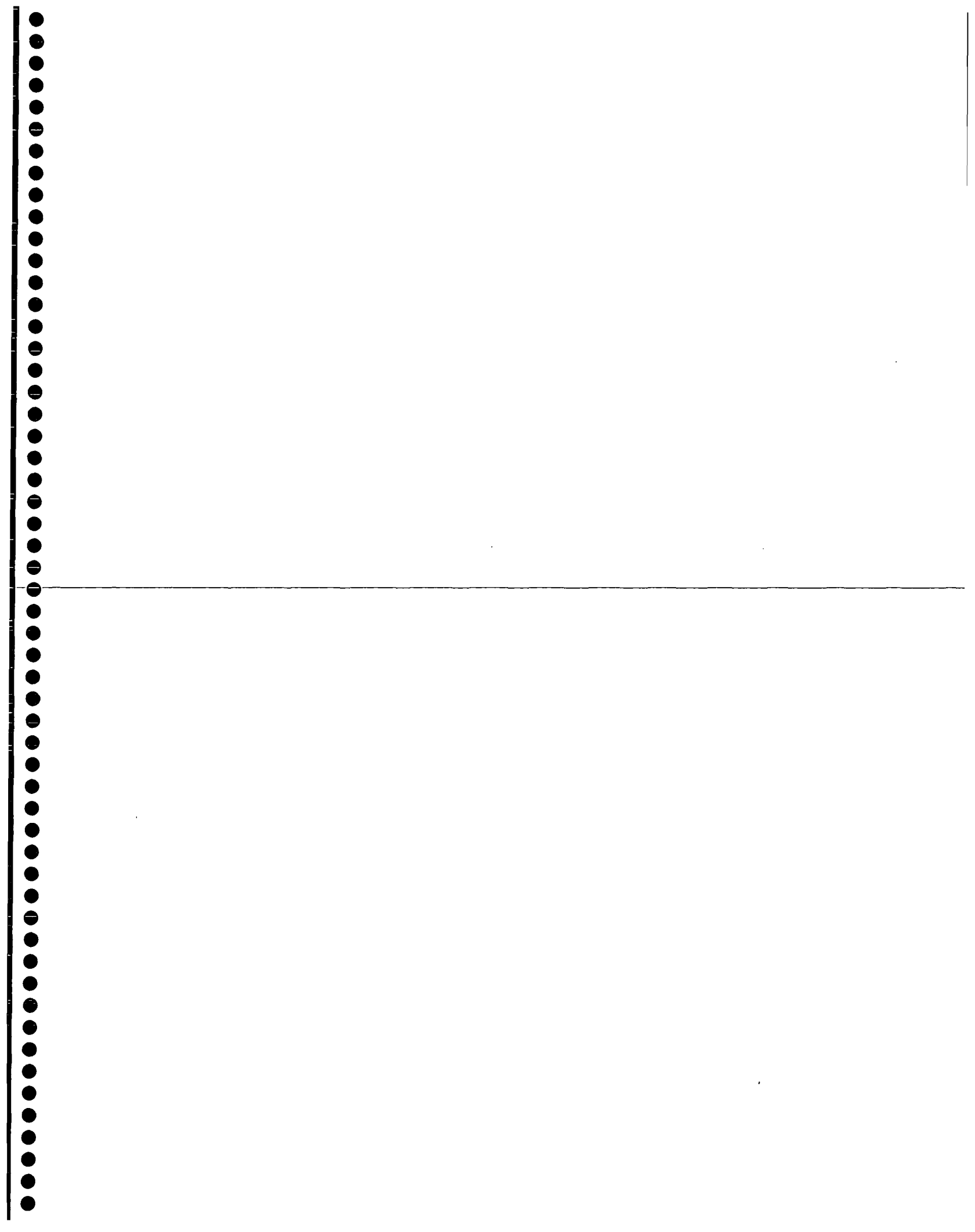
1. The juvenile is a threat to community safety.
2. The juvenile is a threat to victim/witness.
3. The juvenile is a danger to self:
 - When there is reason to believe that a juvenile is a danger to self for mental health and/or substance abuse reasons, and does not fit other detention criteria, a mental health professional or recognized expert in the appropriate area is to be called immediately for an evaluation. The juvenile will be released to other resources as soon as possible, or when the condition is no longer present.
4. There is a threat of harm or danger to the juvenile.
 - Upon finding that members of the community have threatened the health of a juvenile taken into custody, at the juvenile's request the court may order continued detention pending further order of the court.
5. The juvenile will likely fail to appear for further proceedings.
 - There is a clear intent on the part of the juvenile not to appear in court based on a statement to that effect or actions i.e., confirmed travel arrangements.

Aggravating Circumstances:

Can include but are not limited to the following:

1. There has been a prior presentation to detention on a felony within the last seven (7) days from the current presentation.
2. There is verified gang association

NOTE: When Juvenile Court is requesting an override to detain youth where the Detention Screening Tool determines that the youth is to be released, Mitigating or Aggravating Factor(s) and/or Circumstance(s) must be cited.





ORANGE COUNTY (SANTA ANA), CALIFORNIA

Intake Assessment, Guidelines, and Report

When juveniles in Orange County are arrested and referred to the Probation Department, intake officers complete the automated Juvenile Intake Assessment Report. Though not yet formally validated, this assessment evolved out of the results of the Orange County Probation Department's "8% Study," which identified two factors associated with a greater risk of reoffending: offender's age at offense and documented multi-problem profile in family, school, substance abuse, and delinquent/gang behavior areas. The Intake Assessment, along with the Standard Assessment Definitions and Guidelines, help the intake officer collect crucial information about the offense and case dynamics

and make more informed and appropriate intake decisions. A Juvenile Intake Assessment Software Handbook (not reproduced here) is used to train newly assigned staff and provides detailed guidelines for deciding how to mark each of the items on the nine screens in order to maintain consistency in case evaluation and data entry.

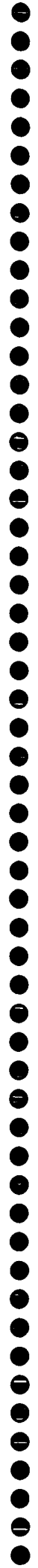
Orange County also employs Juvenile Supervision Initial Assessment and Reassessment instruments (not reproduced here). When a juvenile is first

placed on formal probation supervision, the assigned officer completes the initial assessment within 45 days and conducts a reassessment every six months thereafter until supervision is terminated. These standardized assessments guide the probation officer in developing an individualized case plan based on the offender's risk of reoffending and need for intervention services. Aggregated information from these assessments also helps probation management make staff resource allocation and program planning decisions.

For more information about either of these assessments, contact:

Senior Research Analyst
Orange County Probation Department
909 N. Main Street
Santa Ana, CA 92701
(714) 569-2000
<http://www.oc.ca.gov/Probation/>

For information about the 8% Study, see Schumacher, M., and Kurz, G. (1999). *The 8% Solution: Preventing Serious, Repeat Juvenile Crime*. Thousand Oaks, CA: Sage Publications, Inc.



**STANDARD ASSESSMENT – PART I
RISK ASSESSMENT DEFINITIONS/GUIDELINES**

Orange County Probation Dept.
10/9/98

Minor's Age ___ <15.5 ___ 15.5 – 17.5 ___ >17.5	Priors ___ No. of prior Apps ___ No. of prior Petitions	SOURCE DOCUMENTS 1. Police Report 2. Application for Petition 3. Intake Assessment 4. Booking Interview 5. Investigation Report 6. SSA CMS/CAR Reports 7. School Reports 8. Record of Interviews with minor/parents 9. Gang Tracking System (G.R.E.A.T.) 10. CJI 11. Family Data Sheet 12. Police Record/CMS Check by Address 13. CMS/J & A Criminal Records
Citizenship Status ___ Yes ___ No ___ Unk		
Source of Documents: • Birth Certificate • Naturalization Papers		
Response Definitions YES = Documented evidence of problem(s) meeting Risk Factor definitions. NO = No documented evidence of problem meeting Risk Factor definitions. UNK = Min. sources have not been checked to select a "Yes" or "No" response.		

- The source documents listed at the end of each Risk Indicator Definition represent the minimum number that must be reviewed prior to recording a "No" response. Parent or minor statements denying a problem in any area are insufficient to select a "No".
- Any one of these sources, including statements taken from the minor or parents, may be utilized to record a "Yes" response.
- Barring an affirmative response, until all minimum sources have been consulted, the Risk Indicator should reflect an "Unknown" response.
- Corroborating source documents should be noted and retained in the case file.

RISK FACTORS/PROBLEM INDICATORS PROBLEM INDICATORS DEFINITIONS/RECORDING GUIDELINES

I. FAMILY

A. Lack of Supervision & Control

Documents will be reviewed to determine if the parents' behavior indicates one or more of the following conditions exist:

- Lack of knowledge of youth's friends and activities
- Lack of age-appropriate limit-setting, i.e., no curfew, consistent rules
- Deny responsibility/refuse to take blame for child's behavior
- Lack of rules enforcement (minor doesn't follow rules, disobeys curfew, sneaks out)

Other areas to review in the written documents include:

The circumstances of the offense:
 Was the minor out late at night?
 Was the minor with older or more sophisticated companions?
 Was the minor far from home?

These issues suggest that the parents are having difficulty providing adequate supervision or control of their child, this measure is not an indication of a lack of parental interest or caring.

For program assignment decision-making, if the written documents do not provide definitive evidence regarding these issues, then a telephone or face to face interview should be conducted with the parents/guardians to gather this information to make an informed decision regarding this factor.

Required Source Documents: 1,2,3,8,10

B. Child Abuse/Neglect – Domestic Violence
 i.e., 300 Petition Filed
 273.5 or 415 PC Arrests

Documents will be reviewed to determine if:

- Minor's family has prior or pending WIC 300 filing, i.e., child abuse, neglect, abandonment, or placement in Orangewood or other residential facility.
- Minor's family has substantiated CAR reports within last 3 years (No 300 Petition filed).
- Minor's family has any formal arrests for 273.5 PC or 415 PC.
- Minor and/or family report incidents of child abuse or domestic violence.

The details, including dates and findings, should be recorded.

Required Source Documents: 3,5,6,8,13

C. Criminal Family Influence

Documents/automated records will be reviewed to determine if an immediate family member or a relative with whom the minor interacts is/has:

- * a prior record
- * in jail or prison
- * on probation or parole
- * a pending matter in Juvenile or Adult Court

The key is the minor's relationship to the person.

The screener will need to follow-up and determine the makeup of the household to determine who is living in the home with the minor who may not have been initially identified as family members. Record checks of these individuals should also be completed.

Required Source Documents: 3,5,8,9,11

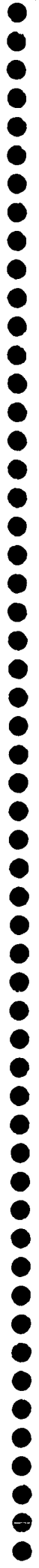
RISK FACTORS/PROBLEM INDICATORS	PROBLEM INDICATORS DEFINITIONS/RECORDING GUIDELINES
II. SCHOOL	
<p>A. Attendance Problems Truancies</p>	<p>Documents will be reviewed to determine if the minor's school attendance shows: * multiple occurrences of truancy or skipping classes resulting in formal school action within the last six months. * s/he is not currently attending school or is not enrolled.</p> <p>If this information is not available, a follow-up phone interview with the parents and subsequent request for the school records will be made. Required Source Documents: 3,7,8</p>
<p>B. Academic Achievement</p>	<p>Documents will be reviewed to determine if the minor has received 2 or more "F's" within the last six months, or on the most recent report card. If this information is not available, a follow-up phone interview with the parents and subsequent request for the school records will be made. Required Source Documents: 3,7,8</p>
<p>C. Behavior Suspension/Expulsion</p>	<p>Documents will be reviewed to determine if the minor has been suspended or expelled for problem behavior and/or current offense within the last six months, or if reflected on the most recent report card. The reason for each suspension/expulsion should be noted along with the date(s). If this information is not available, a follow-up phone interview with the parents and subsequent request for the school records will be made. Required Source Documents: 3,7,8</p>
<p>III. SUBSTANCE ABUSE</p>	<p>Documents will be reviewed to determine if there are indications of substance use by the minor under the following criteria:</p> <ul style="list-style-type: none"> • 1 substance multiple times (beyond experimentation) OR • 2 or more substances used 1 time or more <p>If this information is not provided by the available documents, an interview with the minor and parent/guardian should be conducted using a brief structured format to probe the use by the minor (e.g., type of drug, age of first use, frequency, and duration of use and amount should be noted). The interviewer should probe other behavioral indices that may suggest use (e.g., changes in behavior, moodiness, sleepiness, reddened eyes, etc.). Required Source Documents: 1,2,3,4,8,10,13</p>
IV. DELINQUENCY FACTORS	
<p>A. Gang Involvement</p>	<p>Documents will be reviewed to determine if the minor has admitted and/or is known to be * a gang and/or tagging crew member * associated with a gang ("hangs with", "backs up") If this information is not provided by the available documents, an interview with the minor and parent/guardian should be conducted to probe potential gang involvement by the minor. The interviewer should probe other behavioral indices that may suggest gang involvement (e.g., choice of friends, tattoos, clothing choices, etc.) to gauge the parents' awareness of the minor's potential involvement. Required Source Documents: 1,2,3,4,8,9,13</p>
<p>B. Stealing Pattern Frequency, Type</p>	<p>Documents will be reviewed to determine if the minor has been involved in mild to moderate <u>repeated</u> stealing which appears likely to continue. If this information is not provided by the available documents, an interview with the minor's parents should probe for a potential pattern of stealing behavior by the minor. Required Source Documents: 1,2,3,7,8,10,13</p>
<p>C. Runaway Pattern Frequency Reasons</p>	<p>Documents will be reviewed to determine if the minor has history of one or both of the following: * <u>Repeated</u> episodes of runaway for a brief duration (i.e. 3 or more times overnight or for several days) * Runaway 1 time or more for <u>extended period</u> (1 week or more i.e. indicates minor appears likely to runaway again). If this information is not provided by the available documents, an interview with the minor's parents should probe for a potential pattern of runaway behavior. NOTE: If minor is a chronic runaway, check to verify CAR reports. Required Source Documents: 1,2,3,6,8,10</p>

Intake Guidelines and Dispositional Options

CUSTODY INTAKE DETENTION		
	Deny Admission	Accept Admission
Initial Booking Decision	<ul style="list-style-type: none"> Under 12 years of age Suicidal Medically unacceptable Misdemeanor offense without significant physical threat to self or others 	<ul style="list-style-type: none"> 12-17 years old Felonies Misdemeanors involving gang-related offenses, or significant physical threat to self or others
	Release/Dismiss	Release and Refer
Pre-Court Detention (628 WIC)	<ul style="list-style-type: none"> Insufficient evidence Inadequate Police Report Referral 	<ul style="list-style-type: none"> Home Supervision Program (628.1 WIC) Electronic Monitoring (841 WIC) Intake Assessment Request Petition Recommend Investigation Wardship & Field Supervision
	Release/Non-Detained	Detain at Juvenile Hall
Detention Recommendation to Court	<ul style="list-style-type: none"> New circumstances (i.e., parent located & willing to accept minor) Home Supervision Program (628.1 WIC) Electronic Monitoring (841 WIC) 	<ul style="list-style-type: none"> Secure detention (pending court proceedings) Request investigation, supervision Potential need for institution commitment Transfer jurisdiction, remand, INS, etc.
NONCUSTODY INTAKE SCREENING		
	Dismiss & Refer	Intake Assessment
Offense	<ul style="list-style-type: none"> De minimis Minimal loss Infractions 	<ul style="list-style-type: none"> Non-infraction Non-653.5 WIC offenses Non-felony 653.5 WIC DA returns
Other Case Factors	<ul style="list-style-type: none"> Older age (over 17½) Out-of-county resident Jurisdiction policies (256 WIC) 	<ul style="list-style-type: none"> Escalating offenses or problems Increasing criminal sophistication Potential risk factors Younger age at first referral (15 & younger)
		DA Referral
		653.5 WIC mandatory referral to DA Other cases pending with Court

INTAKE ASSESSEMENT - CUSTODY & NON-CUSTODY CASES

	Sanction & Dismiss	Informal Handling (654 WIC)		Formal Intervention
		Administrative Caseload	Diversion	
Offense	<ul style="list-style-type: none"> ▪ Non-653.5 WIC (non-custody only) ▪ Predominantly Misdemeanors ▪ No violence or sex offenses 	<ul style="list-style-type: none"> ▪ Non-653.5 WIC (non-custody only) ▪ Misdemeanors or felonies 	<ul style="list-style-type: none"> ▪ Non-653.5 WIC (non-custody only) ▪ Misdemeanors or felonies 	<ul style="list-style-type: none"> ▪ Misdemeanors or felonies
8% Problem Areas/Risk Factors	<ul style="list-style-type: none"> ▪ None or one (usually school or parental control issues) 	<ul style="list-style-type: none"> ▪ None or one 	<ul style="list-style-type: none"> ▪ One or more (may be two or more) 	<ul style="list-style-type: none"> ▪ One or more (frequently two or more)
Other Case Factors	<ul style="list-style-type: none"> ▪ Out-of-county resident ▪ Immediate sanctions (i.e., community service, legal awareness class) ▪ Appropriate intervention by family ▪ Older age (16 or older) 	<ul style="list-style-type: none"> ▪ Out-of-county resident ▪ Need for supervision is less apparent ▪ Older age (usually 16 & older) 	<ul style="list-style-type: none"> ▪ County resident ▪ Diversion program resources-criteria ▪ Supervision needed (less than six months) 	<ul style="list-style-type: none"> ▪ Prior record/wardship ▪ Previous informal handling ▪ Wardship/Supervision beyond six months ▪ Protective issues (child abuse/domestic violence) ▪ Significant gang activity ▪ Potential institution commitment







STATE OF MISSOURI

- **Risk and Needs Assessment Scales**
- **Case Classification Matrix**
- **Structured Interview Guidelines**

The Missouri Juvenile Offender Classification System provides a method of assessing juveniles according to their level of risk for future delinquency, a separate scale for determining offenders' psychosocial needs, and a classification matrix for linking offenders with appropriate sanctions designed to reduce risk potential. The Office of State Courts Administrator (OSCA) developed this system with input from a Risk Assessment Committee comprised of representatives from the Missouri Juvenile and Family Courts, Missouri Department of Youth Services, Missouri Juvenile Justice Association and consultants.

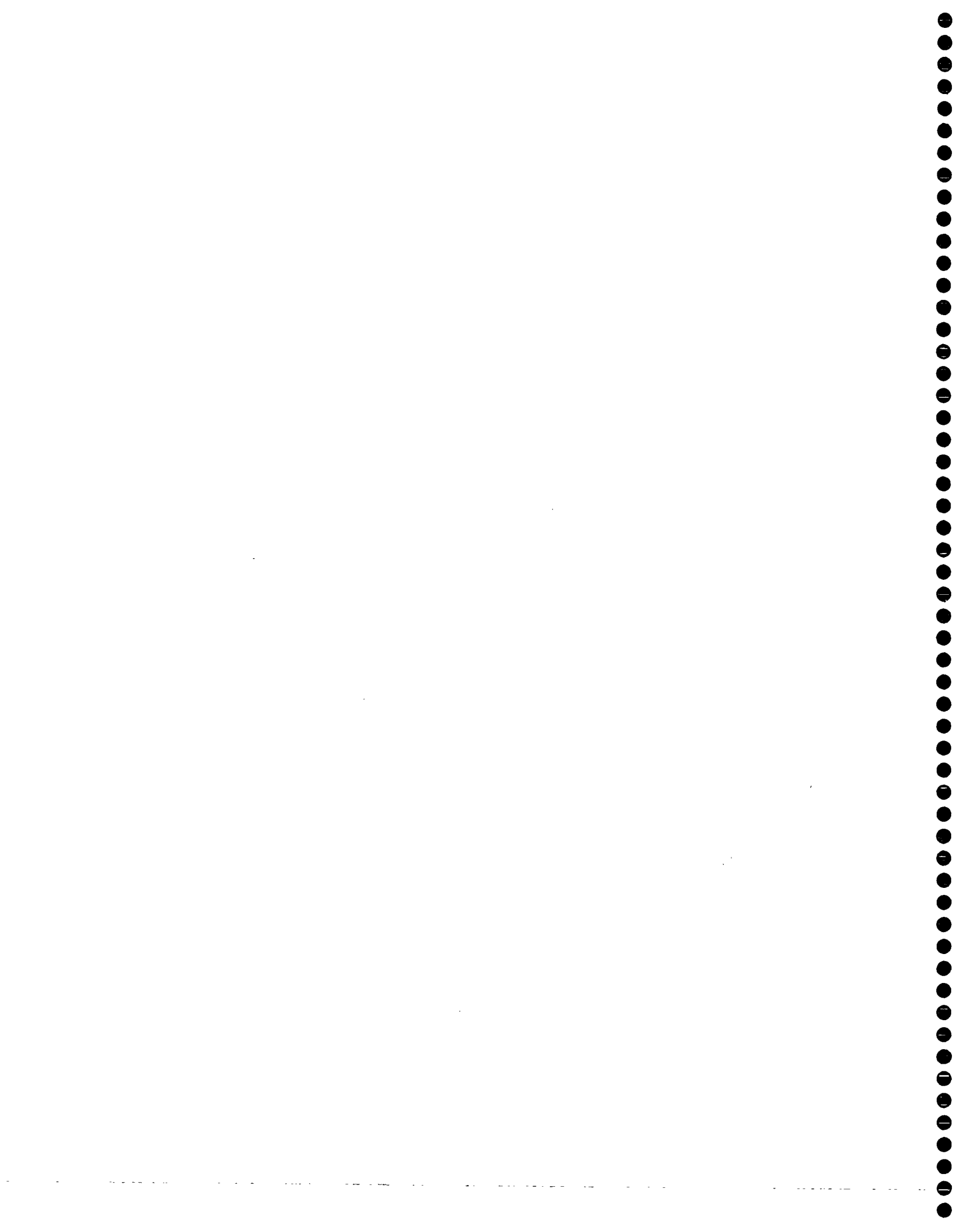
- **The Missouri Juvenile Risk Assessment Scale** permits classification of juvenile offenders referred to juvenile courts according to their likelihood of recidivating. The risk scale is comprised of ten "risk factors" shown by research to be associated with offense behavior. Scale development was based on a prospective research design intended to ensure empirically based validity. Juvenile officers must conduct risk assessments on all youth referred to juvenile court for status or delinquency offenses who will be processed formally as well as all youth who will be informally processed, provided that the referral is legally sufficient and the youth and primary caretaker attend an informal adjustment conference.
- **The Missouri Juvenile Needs Assessment Scale** identifies the type and seriousness of psychosocial needs presented by juvenile offenders. The needs scale addresses 17 areas relevant to the psychosocial development of juvenile offenders.

Unlike the risk scale, the needs assessment is not intended to predict future behavior. Instead, the information can be used at the individual case level for treatment planning and at an administrative and policy level for identifying the resource needs of a given circuit. Juvenile officers must conduct needs assessments on all youth referred to court for status or delinquency offenses who will be processed formally; officers may conduct needs assessments on informally processed cases when the officer believes the youth will benefit from the assessment.

- **The Missouri Risk & Offense Case Classification Matrix** allows juvenile officers to link offenders with different offense types (status, misdemeanor, felony) and risk potentials to a set of graduated sanctions intended to reduce the likelihood of re-offending. Sanctions range from restitution to state commitment.
- A set of **Guidelines for Structured Interviewing** provides sample questions to be used to ascertain information called for in the standardized Social Investigation Report.

For more information contact:

Program Specialist, Classification Project
Juvenile Court Programs
Office of State Courts Administrator
2112 Industrial Drive
P.O. Box 104480
Jefferson City, Missouri 65110
(573) 522-8257
<http://www.osca.state.mo.us/>



THE MISSOURI JUVENILE RISK ASSESSMENT SCALE

Revised 10/10/01

JUVENILE NAME _____ JUVENILE ID# _____
 JUVENILE DATE OF BIRTH ____ / ____ / ____ SEX ____ M ____ F SS# ____ - ____ - ____
 RACE: ____ WHITE ____ BLACK ____ HISPANIC ____ ORIENTAL ____ AMERICAN INDIAN ____ OTHER
 PARENT NAME _____ SS# ____ - ____ - ____

PRESENT OFFENSE CODE (List multiple offenses) _____
 DATE REFERRAL RECEIVED ____ / ____ / ____ DATE FORM COMPLETED ____ / ____ / ____
 COUNTY _____ CIRCUIT _____ JUVENILE OFFICER _____

Age at 1st Referral
 16..... -2
 15..... 0
 14..... 0
 13..... 0
 12 and under..... 1

Prior Referrals
 None..... 0
 One or more..... 2
 (Actual number of referrals _____)

Assault Referrals
 No prior or present referrals
 for assault..... 0
 One or more prior or present
 referral-for-misdemeanor-assault..... 1
 One or more prior or present referrals
 for felony assault..... 2
 (Actual number of referrals _____)

History of Placement
 No prior out-of-home placement..... 0
 Prior out-of-home placement..... 1

Peer Relationships
 Neutral influence..... 0
 Negative influence..... 1
 Strong negative influence..... 2

History of Child Abuse
 No history of child abuse/neglect..... 0
 History of child abuse/neglect..... 1
 (Petition filed/DFS finding probable
 cause)

Substance Abuse
 No alcohol or drug abuse problem..... 0
 Moderate alcohol and/or drug
 abuse problem..... 1
 Severe alcohol and/or drug
 abuse/dependence..... 2

School Attendance/Disciplinary
 No or only minor problems..... -1
 Moderate problems..... 0
 Severe problems..... 1

Parental Management Style
 Effective management style..... 0
 Moderately ineffective management
 style..... 1
 Severely ineffective management
 style..... 2

Parental History of Incarceration
 No prior incarceration..... 0
 Prior incarceration..... 1

RISK SCORE:

RISK LEVEL:
~~8 & above = High Risk~~
 1 - 7 = Moderate Risk
 -3 - 0 = Low Risk

**Motion to dismiss for
 certification sustained:**

Check action taken (one):
 _____ Informal Adjustment
 _____ Formal Process/Adjudication

REFER TO MATRIX.
Check all sanctions applied.
 _____ None
 _____ Warned/Counseled
 _____ Restitution
 _____ Community Service
 _____ Court Fees & Assessment
 _____ Supervision
 _____ Day Treatment
 _____ Intensive Supervision
 _____ Court Residential Placement
 _____ Commitment to DYS
 _____ Other: _____

**If the primary sanction(s) applied
 were not recommended in the matrix,
 check one of the following reasons for
 not using a recommended sanction:**
 _____ Nature of the offense
 _____ Severity of problems associated
 with one or more risk factors
 _____ Mitigating or aggravating
 circumstances
 _____ Judicial decision

Check all services offered/provided:
 _____ None

Prevention & Education Programs
 _____ G.E.D. classes
 _____ Tutoring
 _____ Mentoring
 _____ Vocational training
 _____ Shoplifters' program
 _____ Drug & alcohol
 awareness programs

Intervention Programs
 _____ Family counseling
 _____ Individual counseling
 _____ Substance abuse groups
 _____ Sex offender programs
 _____ Other: _____

Custody to:
Division of Family Services
 _____ Residential
 _____ Foster Care

Department of Mental Health
 _____ Residential
 _____ In-home Services
 _____ Other: _____

THE MISSOURI JUVENILE NEEDS ASSESSMENT SCALE

Revised 10/10/01

JUVENILE NAME _____ JUVENILE ID# _____
 JUVENILE DATE OF BIRTH ____/____/____ SEX ____ M ____ F SS# ____-____-____
 RACE: ____ WHITE ____ BLACK ____ HISPANIC ____ ORIENTAL ____ AMERICAN INDIAN ____ OTHER
 PARENT NAME _____ SS# ____-____-____

Behavior Problems

- No significant behavior problem -1
- Moderate behavior problem 2
- Severe behavior problem..... 4

Attitude

- Motivated to change/accepts responsibility 0
- Generally uncooperative, defensive, not motivated to change 1
- Very negative attitude, defiant, and resistant to change..... 3

Interpersonal Skills

- Good interpersonal skills..... -1
- Moderately impaired interpersonal skills 1
- Severely impaired interpersonal skills 2

Peer Relationships

- Neutral influence 0
- Negative influence..... 1
- Strong negative influence 2

History of Child Abuse or Neglect

- No prior child abuse or neglect 0
- Prior abuse and neglect..... 1

Mental Health

- (see DSM-IV diagnosis)
- No mental health disorder 0
- Mental health disorder with treatment..... 2
- Mental health disorder with no treatment..... 4

Substance Abuse

- No apparent problem..... 0
- Moderate alcohol and/or drug abuse problem 1
- Severe alcohol and/or drug problem/dependence..... 2

School Attendance/Disciplinary

- No or only minor problems -1
- Moderate problems..... 0
- Severe problems 1

Academic Performance

- Passing without difficulty..... 0
- Functioning below average 1
- Failing 3
- (If subject is 16 and not enrolled in school, score as 0)

Learning Disorder

- (see DSM-IV diagnosis)
- No diagnosed learning disorder 0
- Diagnosed learning disorder 1

Employment

- Full-time employment 0
- Part-time employment 1
- Unemployed 2
- (Score only if subject is 16 and not enrolled full-time in school, vocational training, or other education program.)

Juvenile's Parental Responsibility

- No children..... 0
- One child..... 1
- Two children 2
- Three or more children..... 3

Health/Handicaps

- No health problems or physical handicaps..... 0
- No health problems/handicaps but limited access to health care..... 1
- Mild physical handicap or medical condition 2
- Pregnancy..... 3
- Serious physical handicap or medical condition 5

Parental Management Style

- Effective management style..... 0
- Moderately ineffective management style 1
- Severely ineffective management style 2

Parental Mental Health

- (see DSM-IV diagnoses)
- No parental history of mental health disorder..... 0
- Parental history of mental health disorder 1

Parental Substance Abuse

- No parental substance abuse 0
- Parental substance abuse..... 1

Social Support System

- Strong support system..... -2
- Limited support system, with one positive role model..... 0
- Weak support system; no positive role models 1
- Strong negative or criminal influence ... 3

TOTAL NEEDS SCORE:

Initials: _____

MISSOURI RISK & OFFENSE CASE CLASSIFICATION MATRIX

OFFENSE SEVERITY	GROUP 1 OFFENSES	GROUP 2 OFFENSES	GROUP 3 OFFENSES
Risk Level	Status Offenses	Class A, B, & C	A* & B Felonies
	Municipal Ordinances/ Infractions	Class C & D Felonies	
Low Risk	Warn & Counsel Restitution Community Service Court Fees & Assessments Supervision	Warn & Counsel Restitution Community Service Court Fees & Assessments Supervision	Restitution Community Service Court Fees & Assessments Supervision Day Treatment Intensive Supervision Court Residential Placement Commitment to DYS
Moderate Risk	Warn & Counsel Restitution Community Service Court Fees & Assessments Supervision	Warn & Counsel Restitution Community Service Court Fees & Assessment Supervision Day Treatment	Restitution Community Service Court Fees & Assessments Supervision Day Treatment Intensive Supervision Court Residential Placement Commitment to DYS
High Risk	Warn & Counsel Restitution Community Service Court Fees & Assessments Supervision	Restitution Community Service Court Fees & Assessments Supervision Day Treatment Intensive Supervision Court Residential Placement Commitment to DYS	Court Residential Placement Commitment to DYS

* Mandatory certification hearings are required by statute for all Class A Felonies. In the event the juvenile is not certified, the juvenile officer should refer to this column of the matrix for classification purposes.

+ This symbol indicates options that should never be used as a sole option for youths who score in that cell, but only in conjunction with other options.

Definitions

Sanctions = The penalty for noncompliance specified in a law, or any penalty that acts to insure compliance or conformity.

A. Warn & Counsel – A formal verbal or written warning and giving of advice regarding offense-related behavior. When a formal verbal warning is the sanction applied, the associated disposition is Informal Adjustment Without Supervision. When a written warning is the sanction applied, the associated disposition is Informal Adjustment, No Conference.

B. Restitution – The juvenile is to make restitution or reparation for the damages or loss caused by the offense.

C. Community Service – The juvenile is to perform community service under the supervision of the court or an organization selected by the court.

D. Court Fees & Assessments – The juvenile is to pay court costs and/or assessments related to the processing of his/her case.

E. Supervision – The juvenile officer meeting regularly with the juvenile and custodian for the following purposes: 1) providing and/or monitoring intervention programs, and prevention and education programs, to ensure the juvenile is receiving those services as expected, 2) ensuring that the juvenile is complying with sanctions, as ordered by the court, or agreed to by the juvenile and custodian through the information adjustment agreement.

F. Day Treatment Program – The juvenile is ordered to participate in a day treatment program, but may remain in the community. A day treatment program operates in a non-secure setting, but activities are highly structured. Program activities may include close supervision, counseling, educational/vocational services, and other services to assist the juvenile in developing skills needed to function effectively in the community and avoid delinquent behavior.

G. Intensive Supervision – The juvenile is adjudicated and placed under intensive supervision, a type of formal supervision. Distinctive features of intensive supervision programs include low caseloads, frequent contacts with the juvenile, regular collateral contacts with other family members, school personnel, and/or community members who have knowledge of the juvenile's behavior. During the early stage of intensive supervision, contacts may be surveillance-oriented, with emphasis on control and behavioral management. Frequency of contacts may diminish as juvenile demonstrates progress. Juveniles on intensive supervision may be placed on electronic monitoring.

H. Court Residential Placement – The juvenile is ordered into a facility that constitutes the least restrictive appropriate placement for that juvenile. The juvenile will reside at the court operated or court funded placement until the court determines he/she may be released. This excludes placement in Department of Mental Health (DMH) or Division of Family Services (DFS) facilities. Placement facilities may be community-based and provide intensive treatment services and special programming based on the juvenile's needs.

I. Commitment to Division of Youth Services – The juvenile is adjudicated and committed to Division of Youth Services.

Services = A treatment or service designed to affect a change in behavior.

Prevention and Education Programs – The juvenile is required to participate in prevention and/or education programs. Prevention programs are brief programs offered by the court or in the community, that are intended to educate the juvenile about the consequences of the law violation or other at-risk behaviors. Examples of these include drug awareness programs or shoplifters' programs. Education programs are those programs offered by the court or in the community, which address academic deficits or vocational needs. Examples include G.E.D. classes, tutoring, or vocational training programs.

Intervention Programs – The juvenile is required to participate in an intervention program, such as a sex offender program, family therapy group, or substance abuse group.

Chapter 5

Guidelines for Structured Interviewing



Introduce interview participants and explain the reason for the interview.



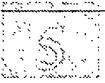
Be polite, direct, and non-judgmental of all participants.



Explain that while some of the questions are of a sensitive nature, you are required to ask them of everyone, and that their responses will be crucial for determining the most appropriate sanction and service for their child.



Explain sanctions in terms of their relationship to personal accountability, and services in terms of their relationship to the specific needs of the child.



Emphasize the importance of responding in as open, honest, and complete fashion as possible because the information they provide will be compared with the official record for accuracy.

To expedite the interview process you may want to mail the attached information form to be completed and returned by the parents of the referred juvenile prior to the informal conference. This way, certain information (criminal history, for example) can be verified prior to your meeting.

1.) AGE AT FIRST REFERRAL

How old were you the first time you were referred to the juvenile authorities?

Enter age here:

2.) PRIOR REFERRALS

How many times have you been referred to the juvenile authorities? What were the referral(s) for?

# of Status Offense(s):	Offenses:
# of Delinquency Offense(s):	Offenses:
Total #:	

3.) ASSAULT REFERRALS

(See classification manual for complete details on what offenses constitute assault.)

Have you ever been referred to the juvenile authorities for any of the following:

	Misd	Felony
Homicide		
Sexual Assault		
Robbery		
Assault		
Sexual Offense		
Arson		
Kidnapping		
Total		

4.) SUBSTANCE AND ALCOHOL ABUSE

Ask parents whether they suspect their child is using drug or alcohol.

No _____	If yes, were any of the following indicators?	
_____	Alcohol on breath?	_____ Dilated or constricted pupils?
_____	Slurred speech?	_____ Smell or residue of drugs on person or personal property?
_____	Staggering?	_____ Possession of drug paraphernalia?

Have you ever been referred to the juvenile authorities for using drugs or alcohol?

No _____ If yes, how many times? _____ What for? _____

Have you experienced any disciplinary action by school authorities related to substance abuse behavior?

Yes _____ No _____

Is there any tension or conflict between you and your parents over the use of drugs or alcohol?

Yes _____ No _____

How would you describe that tension?

Low _____ Moderate _____ High _____

Do you use drugs on a regular basis?

Yes _____ No _____

How many times per week do you use drugs or alcohol?

Have you ever seen a doctor or counselor about your drug or alcohol use?

Yes _____ No _____

Do you think you are addicted or has a counselor made this diagnosis?

Yes _____ No _____

Have you ever received treatment for a substance abuse problem?

Yes _____ No _____

Are you currently using drugs or alcohol?

Drugs:	Yes _____	No _____
Alcohol:	Yes _____	No _____

5.) HISTORY OF PLACEMENT

Have you ever lived outside of your parent's home for a period of time?

No _____ If yes, what were the circumstances and how long were you away?

Indicate number of times from the following:
Placement defined as:

_____	Court Detention
_____	Foster Care
_____	Hospitalization for mental illness or substance abuse
_____	Voluntary respite placement
_____	Commitment to DYS
_____	Other government operated or private residential facility
_____	Boarding/Military school for uncooperative behavior
_____	Family relative for more than 3 months for uncooperative behavior
Total _____	

6.) SCHOOL BEHAVIOR

Are you attending school regularly?

Yes _____ No _____

Have you ever been suspended?

No _____ Yes, _____
of times? _____
For how long? _____

Have you ever been expelled?

No _____ Yes, _____
For what reason? _____

Have you ever been caught skipping or not attending school when you were supposed to be there?

No _____ Yes, _____
of times? _____
What happened?

If we were to review your school records, What would we discover about your attendance?

Are you currently going to school or have you dropped out?

Going to school _____ Dropped out _____

If child is 16 years old, ask the following questions:

Are you working full-time?

No _____ Yes _____
of hours? _____

Are you working part-time?

No _____ Yes _____
of hours? _____

Do you have a G.E.D.?

Yes _____ No _____

Or are you enrolled in a G.E.D. program?

Yes _____ No _____

Are you making satisfactory progress?

Yes _____ No _____

Are you enrolled in vocational training?

Yes _____ No _____

What kind of progress are you making?

Any other educational program(s)?

7.) PARENTAL MANAGEMENT STYLE

Do you do things together as a family?

No _____ If yes, what are some examples?

Do you follow a set schedule?

Yes _____ No _____

Do you have family duties for which you are responsible?

No _____ If yes, what are some examples?
_____ Household chores?
_____ Homework?
_____ School attendance?
Others examples:

How would you describe your parents? Do you think they are too strict with you or do you wish they would be stricter when you misbehave?

Do your parents monitor your activities?

Yes _____ No _____

Do you have a curfew?

Yes _____ No _____

Do your parents know your friends?

Yes _____ No _____

Does either of your parents use drugs or alcohol?

No _____ If yes, do you feel this affects your parent's ability to supervise and monitor your activities?

What do your parents do to reward you when you do something good?

What do your parents do to punish you when you misbehave?

Would you say that your parents are fair?

Yes _____ No _____
Explain:

If they tell you they are going to punish you, do they follow through on their punishment?

Sometimes _____ Always _____ Almost Never _____

Do your mother and father generally agree with one another in terms of disciplinary practices?

Sometimes _____ Always _____ Almost Never _____

8.) HISTORY OF ABUSE AND NEGLECT

Have you ever been abused?

No _____

If yes, what was the nature of this abuse?

Were any official reports prepared (Probable Cause or Petitions filed in Juvenile and Family Court) for physical or sexual abuse, or physical or educational neglect in which you were the victim?

Yes _____ No _____

Does your family have an assigned DFS caseworker?

Yes _____ No _____

9.) PARENTAL HISTORY OF INCARCERATION

Have either one of your parents ever been incarcerated
Either in jail or prison for a criminal offense conviction?

Yes _____ No _____

10.) PEER RELATIONSHIPS

Have any of your friends been referred to the court for delinquent behavior?
(Other than current referral if they were with the child being interviewed.)

Yes _____ No _____

How many times have your friends been referred to the court?

How old are your friends?

Do you date?

Yes _____ No _____

How old is the person you date?

What type of activities do you and your friends engage in?

How do your parents feel about your friends/peer group?

Ask parent(s) currently with the child the same question:

Do your friends influence your behavior? [Ask parents the same question]:

No _____ If yes, how?		
	Juvenile Response	Parental Response
Staying out late?	_____	_____
Causing you to disobey your parents?	_____	_____
Encouraging drug or alcohol abuse?	_____	_____
Other ways:		

Would you say that you have a lot of close friends?

Or do you prefer to be by yourself most of the time?

As far as you know, do any of your friends or family members carry guns, knives or any other weapons?

Do any of your friends or family do the following:

	Friends	Family
Spend most of their time hanging out on the streets?	 	
Deal drugs?		
Have serious substance abuse problem?		
Engage in violence defending neighborhood turf?		

Have gang affiliations?



11.) HEALTH/HANDICAPS

Do you have any physical handicaps or medical conditions that interfere in your daily functioning?

No _____ If yes, what conditions?

How adversely does your medical or physical condition interfere with your daily functioning?

Mildly _____ Moderately _____ Seriously _____

Do you have medical insurance that covers your medical or physical condition?

Yes _____ No _____

Are you currently pregnant?

Yes _____ No _____



12.) JUVENILE'S PARENTAL RESPONSIBILITY

(number of biological children of the JUVENILE. not the parent of the juvenile)

Do you have any biological children?

No _____ If yes, how many? _____

Are you financially responsible for them?

Yes _____ No _____



13.) ATTITUDE

Do you think it is reasonable and fair that you that you were brought to the juvenile office for the alleged offense?

Why, or why not?

In general, do you think you should be held accountable for your actions?

Why, or why not?

How do the following people affect your life:

Parents:

Teachers:

Police:

Employer:

Who can you trust?

Why?

Do you think there are ever times when it is acceptable to tell less than the truth?

Under what circumstances?

Do you ever act without thinking about the consequences?

Yes

No

Can you give me an example of when this happened?

If this event happened again, how might you handle it differently?

Do you ever try to understand why other people do things by trying to "put yourself into their position"?

Can you provide an example of when you did this?

Does doing this help you understand their position better?

Why, or why not?

Needs

14.) INTERPERSONAL SKILLS

How would you rate your skills at making and keeping your friends?

Good _____

Fair _____

Poor _____

Tell me about your friendships? What kinds of things do you talk about?

Do you feel comfortable talking about things that really matter to you?

Yes _____ No _____

Do you offer support to your friends?

No _____ If yes, can you provide an example?

Do you ever choose your friends for what they might be able to do for or get for you?

No _____ If yes, can you provide an example?

Do you ever demand that your friends do things for you?

Yes _____ No _____

If you disagree with your friends what do you say to them?

Are you usually able to resolve your problems with your friends without an argument?

Yes _____ No _____

Do you feel like people frequently take advantage of you?

No _____

If yes, can you provide an example?

Would you consider yourself a loner?

Yes _____ No _____



15.) MENTAL HEALTH

Has a mental health professional ever diagnosed you with a mental disorder?

No _____

If yes, what was the diagnosis? (Do NOT consider a learning disorder, conduct disorder, or substance abuse disorder in this category. You MAY include Attention Deficit Hyperactivity Disorder here.)

Have you ever received treatment for your disorder?

Yes _____ No _____

Are you currently receiving treatment for your disorder?

Yes _____ No _____

Are you compliant with your treatment provider's recommendations?

Yes _____ No _____

Needs

16.) LEARNING DISORDERS

Have you been diagnosed with any of the following Learning Disorders? (Do NOT include ADHD in this category.)

_____ Reading Disorder? _____ Mathematics Disorder? _____ Learning Disorder, Not Otherwise Specified?

Needs

17.) ACADEMIC PERFORMANCE

(Passing = C average or better, Functioning below average = D average, Failing = F)

What are your current grades?

A - B _____ C - D _____ Failing _____

Needs

18.) EMPLOYMENT

Are you employed?

No _____ If yes, where do you work? _____

What do you do?

How many hours per week do you work?

How long have you worked for your current employer?

_____ years _____ months



19.) PARENTAL MENTAL HEALTH

Has either of your parents been diagnosed with a mental disorder? (Do NOT include Personality Disorders or Substance Abuse Disorders in this category.)

No _____ If yes, what disorder?

Have you ever received treatment for your disorder?

Yes _____ No _____

Are you currently receiving treatment for you disorder?

Yes _____ No _____

Are you compliant with your treatment provider's recommendations?

Yes _____ No _____



20.) PARENTAL SUBSTANCE ABUSE

Ask parents if they use alcohol or drugs.

No _____ Yes, what is your pattern of use?

Have you ever been arrested for possession of drugs or DUI?

Yes _____ No _____

Does your pattern of use create tension or conflict with your spouse or problems in disciplining and monitoring your children (through uncontrolled anger or failure to monitor child's activities owing to incapacitation)?

Yes _____ No _____

Does it create problems with your employer such as absences or being terminated?

Yes _____ No _____

Have you ever been diagnosed as chemically or alcohol dependent?

Yes _____ No _____

Have you ever received treatment for substance abuse?

Yes _____ No _____

Needs

21.) SOCIAL SUPPORT SYSTEM

Is there any one person or more that you feel is a positive influence in your life?

No _____ If yes, who are they?

How frequently do you interact with this person?

What types of activities do you do with them?

Why is this person important to you?

Do you pretty much know what to expect from this person whenever you see them (attitudes, beliefs, mood, and personality/character?)

Yes _____ No

Are these individuals involved in criminal activities?

Yes _____ No

Do they ever encourage you to do anything criminal or against your belief system?

No _____ If yes, what are some examples?







LUCAS COUNTY (TOLEDO), OHIO

Risk and Needs Assessments and Assessment Matrix

The Lucas County Juvenile Court uses risk and needs assessment and reassessment instruments to identify potential repeat offenders and “sort” the probation population into groups representing different levels of risk; efficiently distribute court resources to groups according to their different levels of risk; and enhance the effectiveness of probation supervision for high-risk offenders.

The assessment process usually occurs after a court disposition placing the youth on probation “under the terms and conditions and for services as determined by the Probation Department.” Information collected during this process allows the assessment officer to complete the Dispositional Investigation Report and the risk and needs instruments and to assign the youth to a supervision level which dictates the length of probation, contact standards, and treatment planning.

Reassessment procedures capture changes and allow the probation officer to make appropriate adjustments to the level of supervision or to termi-

nate probation. Reassessment occurs every 90 days or after a youth has been adjudicated for a new offense (not probation violations). The instrument is also completed when a youth is committed to a state institution or terminated from probation.

The instruments were developed in 1986 by the Federation for Community Planning in Cleveland and validated in 2001 by the University of Cincinnati. For more information contact either of the following:

Classification System Manager
Lucas County Juvenile Court
1801-Spielbusch-Avenue
Toledo, OH 43624
(419) 213-6665
<http://www.co.lucas.oh.us/Juvenile/>

or

Administrator of Probation Services
Lucas County Juvenile Court
(419) 213-6612



LUCAS COUNTY JUVENILE COURT
INITIAL ASSESSMENT OF RISK

Name: _____ B-#: _____

1. CURRENT OFFENSE.....
 Felony = 0 Misdemeanor/Status = 2
2. TOTAL NUMBER OF ADJUDICATED COMPLAINTS.....
 One = 0 Two = 1 Three or more = 4
3. SCHOOL ATTENDANCE.....
 No problem=0 Truancy=6 Dropped out/Not Attending=8
4. SPECIAL EDUCATION.....
 No = 0 Yes = 3
5. SCHOOL BEHAVIOR.....
 No problems=0 Some problems=1 Major problems=2
-
6. FAMILY PROBLEMS.....
 No = 0 Yes = 1
7. DRUG USE.....
 No problem = 0 Problematic = 2
8. ALCOHOL USE.....
 No problem = 0 Problematic = 1
9. NEGATIVE PEERS.....
 No problem = 0 Problematic = 2
10. SEX.....
 Female = 0 Male = 2
- TOTAL SCORE

I/A Officer's Signature
PSC-1 (ORIG to M.I.S. - COPY to Prob. File)

Date

LUCAS COUNTY JUVENILE COURT
INITIAL ASSESSMENT OF NEED

Name: _____ B-#: _____

- 1. FAMILY RELATIONSHIPS []
0=Stable/Supportive
3=Some Disorganization/Stress
6=Major Disorganization/Stress
- 2. PARENTAL PROBLEMS []
(check all that apply/add points)
1=Inadequate discipline _____
1=Emotional Instability _____
1=Criminality _____
1=Substance abuse _____
1=Physical/sexual abuse _____
1=Family Violence _____
1=Marital discord _____
- 3. SUPPORT SYSTEM []
0=Youth has support system
external to family/none needed
1=No Family/external support
- 4. SCHOOL ATTENDANCE []
0=No Problem
1=Some Truancy
2=Major Truancy/Dropped Out
- 5. SCHOOL BEHAVIOR []
0=No Problem
1=Some Problem
2=Major Problem
- 6. SUBSTANCE ABUSE []
0=No Use
1=Experimenter
3=Former Abuse/In Recovery
4=Occasional Use
8=Abuse
- 7. EMOTIONAL STABILITY []
0=No Problem
1=Some Problem, occasional
interference w/functioning
2=Major Problem, serious
interference w/functioning
- 8. PEER RELATIONSHIPS []
0=Good Support/Influence
1=Associations w/occasional
negative results
2=Associations primarily negative
- 9. HEALTH []
0=No Problem
1=Some Health Problems
2=Major Handicap/Illness Limits
functioning
- 10. SEXUAL ADJUSTMENT []
(check all that apply,
enter highest)
0=No Problem _____
1=Prostitution _____
1=Sex Offenses _____
1=Sexual Identity/Awareness
Problems _____
3=Pregnant/has child
(female only) _____
4=Aggressive/Assaultive
Sex Offenses _____
- 11. STRUCTURED ACTIVITIES []
0=Involvement
2=No Involvement

TOTAL SCORE

I/A Officer's signature

Date: _____

LUCAS COUNTY JUVENILE COURT
RE-ASSESSMENT OF RISK

Name: _____ B-# _____

- 1. Offense for which youth was placed on probation
 Felony=0 Status or Misdemeanor=1

- 2. Total number of adjudicated complaints
 1 Offense=0 2 Offenses=1 3 or more=3

- 3. Youth in or needs special education classes No=0 Yes=2

- 4. Sex: Female=0 Male=1

RATE THE FOLLOWING BASED ON EXPERIENCE SINCE LAST SUMMARY

- 5. School attendance
 No Problem=0 Truancy=6 Dropped Out/Not Attending=8

- 6. School behavior
 No Problem=0 Some Problems=1 Major Problems=2

- 7. Family problems: No=0 Yes=1

- 8. Drug Use: No Problem=0 Problem=2

- 9. Alcohol use: No Problem=0 Problem=1

- 10. Negative peer associations: No=0 Yes=2

- 11. Youth's response to supervision
 Positive=0 Some Problems=2 Major Problems/PV=4

- 12. New offense while on probation
 None=0 Status=1 Misdemeanor=3 Felony=6

- TOTAL

PO's Signature

Date

PSC-3

ORIG to M.I.S. - COPY to Prob. File

LUCAS COUNTY JUVENILE COURT PROBATION DEPARTMENT :
MIS SUMMARY/OVERRIDE REQUEST

Youth's Name: _____ B-#: _____

Initial Supervision Level: _____ Current Supervision Level: _____

<p style="text-align: center;"><u>TYPE OF ASSESSMENT</u></p> <p><input type="checkbox"/> Initial <input type="checkbox"/> Re-assessment</p> <hr/> <p style="text-align: center;"><u>SCORES</u></p> <table style="width: 100%; border: none;"> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="padding: 0 10px;">RISK</td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="padding: 0 10px;">NEED</td> </tr> </table> <hr/> <p style="text-align: center;"><u>INDICATED SUPERVISION LEVEL</u></p> <table style="width: 100%; border: none;"> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="padding: 0 10px;">HIGH</td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="padding: 0 10px;">REGULAR</td> </tr> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="padding: 0 10px;">LOW</td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="padding: 0 10px;">DIVERT</td> </tr> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="padding: 0 10px;">DISCHARGE</td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="padding: 0 10px;">STATUS</td> </tr> </table> <hr/> <p>FOR INITIAL ASSESSMENT ONLY</p> <p>Date Referred: _____ Date Completed: _____ Completed by: _____</p> <p style="text-align: center;"><u>CASE ASSIGNMENT</u></p> <p><input type="checkbox"/> Program: _____ <input type="checkbox"/> Unit 1 PO: _____ <input type="checkbox"/> Unit 2 PO: _____ Date Assigned: _____ Supervision Level: _____</p>			RISK			NEED		HIGH		REGULAR		LOW		DIVERT		DISCHARGE		STATUS	<p style="text-align: center;"><u>OVERRIDE CONSIDERATIONS</u></p> <p>Requested By: _____</p> <p><input type="checkbox"/> To raise supervision level <input type="checkbox"/> To lower supervision level</p> <p>Recommended Level: _____</p> <p><input type="checkbox"/> Extend length of probation <input type="checkbox"/> Shorten length of probation</p> <p>OVERRIDE CODE: _____</p> <p>RATIONALE: _____ _____ _____</p> <hr/> <p style="text-align: center;"><u>ACTION BY SUPERVISOR</u></p> <p style="text-align: right;"><input type="checkbox"/> Approve <input type="checkbox"/> Deny</p> <p>Signature: _____</p> <hr/> <p style="text-align: center;"><u>BY ADMINISTRATOR</u></p> <p style="text-align: right;"><input type="checkbox"/> Approve <input type="checkbox"/> Deny</p> <p>Signature: _____</p>
		RISK			NEED														
	HIGH		REGULAR																
	LOW		DIVERT																
	DISCHARGE		STATUS																
<p>FOR RE-ASSESSMENT ONLY</p> <p><input type="checkbox"/> Number of Re-Assessments _____</p> <p style="text-align: center;"><u>CASE RECOMMENDATION</u></p> <p><input type="checkbox"/> Continued Probation, at _____ Supervision Level <input type="checkbox"/> Transfer to: _____ Transfer Date: _____ <input type="checkbox"/> Terminate at _____ Supervision Level <input type="checkbox"/> Terminate (ODYS) at _____ Supervision Level <input type="checkbox"/> Other: _____</p> <p>PO Signature: _____ Date: _____</p> <p>Approved by: _____ Date: _____</p>																			

LUCAS COUNTY JUVENILE COURT
RE-ASSESSMENT OF NEED

Name: _____ B-# _____

- | | |
|---|---|
| <p>1. FAMILY RELATIONSHIPS []
0=Stable/Supportive
3=Some Disorganization
6=Major Disorganization</p> <p>2. PARENTAL PROBLEMS []
(check all that apply/add points)
1=Inadequate discipline _____
1=Emotional Instability _____
1=Criminality _____
1=Substance abuse _____
1=Physical/sexual abuse _____
1=Family Violence _____
1=Marital discord _____</p> <p>3. SUPPORT SYSTEM []
0=Youth has support system
external to family/none
needed
1=No family/external support</p> <p>4. SCHOOL ATTENDANCE []
0=No Problem
1=Some Truancy
2=Major Truancy/Dropped Out</p> <p>5. SCHOOL BEHAVIOR []
0=No Problem
1=Some Problem
2=Major Problem</p> <p>6. SUBSTANCE ABUSE []
0=No Use
1=Experimenter
3=Former Abuse/In Recovery
4=Occasional Use
8=Abuse</p> <p>7. EMOTIONAL STABILITY []
0=No Problem
1=Some Problem
2=Major Problem</p> | <p>8. PEER RELATIONSHIPS []
0=Good/Supportive
1=Occasional Negative Results
2=Primarily Negative Results</p> <p>9. HEALTH []
0=No Problem
1=Some Health Problems
2=Handicap/Illness Limits
functioning</p> <p>10. SEXUAL ADJUSTMENT []
(check all that apply, enter
highest)
0=No Problem _____
1=Prostitution _____
1=Sex Offenses _____
1=Sexual Identity/Awareness
Problems _____
3=Pregnant/has child
(female only) _____
4=Aggressive/Assaultive
Sex Offenses _____</p> <p>11. STRUCTURED ACTIVITIES []
0=Involvement
2=No Involvement</p> |
|---|---|

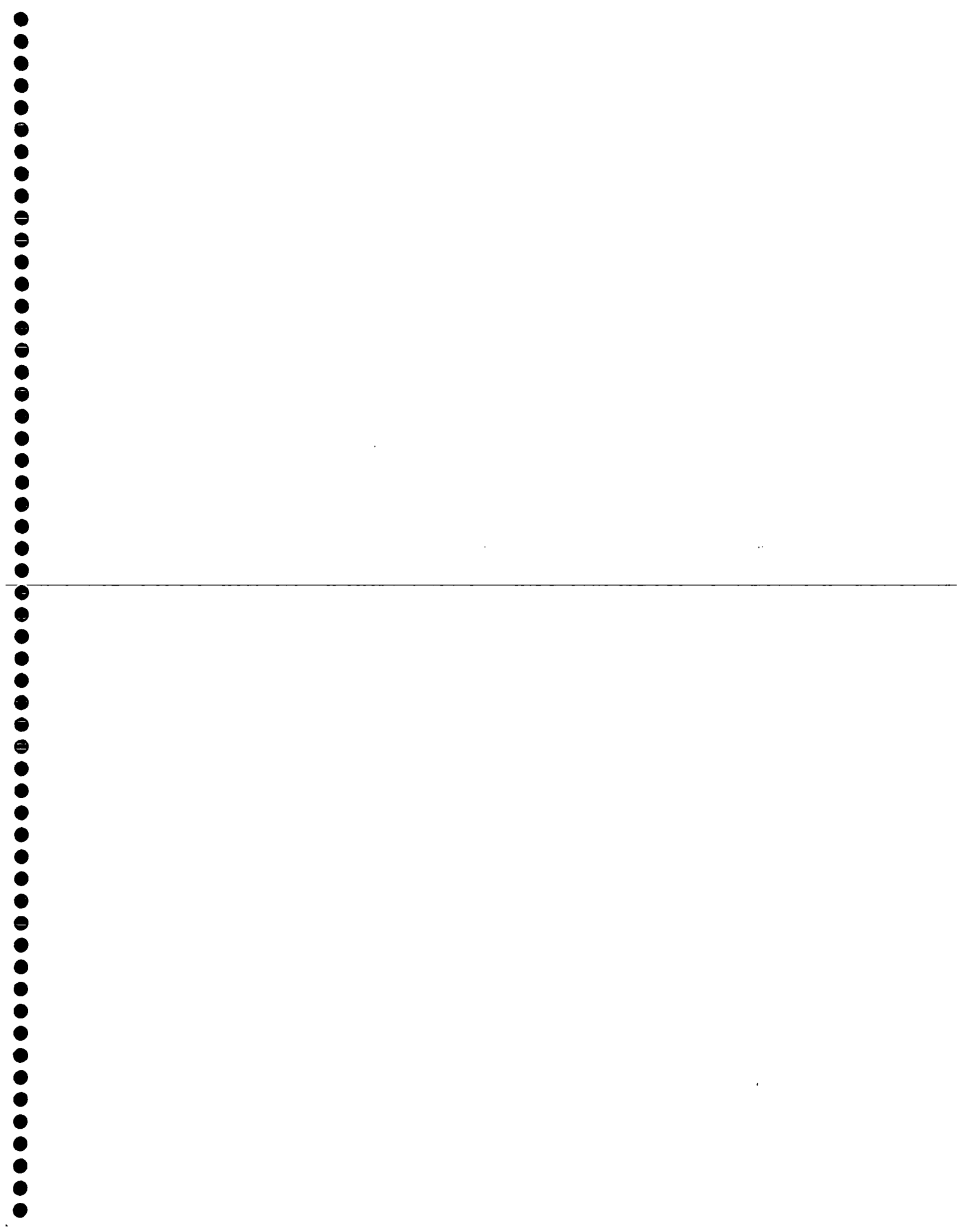
TOTAL SCORE

PO's signature

Date:

Risk/Needs Assessment Matrix

		Risk		
		Hi (17+)	Reg (9-16)	Low (0-8)
N e e d s	Hi (21+)	Hi	Hi	Reg
	Reg (8-20)	Hi	Reg	Low
	Low (0-7)	Reg	Reg	Low (Divert)





STATE OF WASHINGTON

Juvenile Court Pre-Screen Risk Assessment and Risk Assessment

Funding under the State of Washington's Community Juvenile Accountability Act (CJAA) is restricted by statute to juvenile programs that have been shown to reduce recidivism cost-effectively. Acting in response to research documenting that it is cheaper and more effective to focus interventions on moderate- to high-risk youth than on low-risk youth, the Washington State Institute for Public Policy worked with the Washington State Association of Juvenile Court Administrators to develop and implement a statewide risk assessment to determine eligibility for CJAA-funded programs. The assessment targets risk and protective factors shown in the research literature to be related to continued juvenile offending. In turn, CJAA programs focus on youth with specific risk profiles.

Washington courts use a pre-screen risk assessment to determine a youth's initial risk. If a youth is found to be moderate- to high-risk, the court uses the full risk assessment (not included here) to determine eligibility for CJAA programs. Probation officers conduct the pre-screen and full risk assessments after the adjudication hearing.

For more information about CJAA programs, evaluation, and the risk assessments, contact:

Washington State Institute for Public Policy
110 East Fifth Avenue, Suite 214
PO Box 40999
Olympia, WA 98504-0999
(360) 586-2744
<http://www.wsipp.wa.gov/>



Washington State Juvenile Court Pre-Screen Risk Assessment

Name _____ Last First	JUVIS Control Number _ _ _ _ _ _ _ _ _ _	Referral R _ _ _ _
Initiated ____/____/____ Month Day Year	SCOMIS Number _ _ -8- _ _ _ _ _ _ _ _ _	

Criminal History

Referrals, rather than offenses, are used to assess the persistence of re-offending by the youth.

Youth has been living in Washington State since age: _____ *Enter 0 if from birth*

Other states in which youth has lived since age 10: _____

		<i>Enter the number and then circle the appropriate score</i>
1. Age at first offense: The age at the time of the offense for which the youth was referred to juvenile court for the first time on a non-traffic misdemeanor or felony that resulted in a conviction, diversion, deferred adjudication, or deferred disposition.	_____	0 – Over 16 1 – 16 2 – 15 3 – 13 to 14 4 – Under 13
2. Misdemeanor referrals: Total number of referrals in which the most serious offense was a non-traffic misdemeanor that resulted in a conviction, diversion, deferred adjudication, or deferred disposition (regardless of whether successfully completed).	_____	0 – None or one 1 – Two 2 – Three or four 3 – Five or more
3. Felony referrals: Total number of referrals for a felony offense that resulted in a conviction, diversion, deferred adjudication, or deferred disposition (regardless of whether successfully completed).	_____	0 – None 2 – One 4 – Two 6 – Three or more
4. Weapon referrals: Total number of referrals in which the most serious offense was a firearm/weapon charge that resulted in a conviction, diversion, deferred adjudication, or deferred disposition (regardless of whether successfully completed), or a weapon enhancement-finding.	_____	0 – None 1 – One or more
5. Against-person misdemeanor referrals: Total number of referrals in which the most serious offense was an against-person misdemeanor that resulted in a conviction, diversion, deferred adjudication, or deferred disposition (regardless of whether successfully completed). An against-person misdemeanor involves threats, force, or physical harm to another person such as an assault, sex, coercion, harassment, obscene phone call, etc.	_____	0 – None 1 – One 2 – Two or more
6. Against-person felony referrals: Total number of referrals for an against-person felony that resulted in a conviction, diversion, deferred adjudication, or deferred disposition (regardless of whether successfully completed). An against-person felony involves force or physical harm to another person such as homicide, murder, manslaughter, assault, rape, sex, robbery, kidnapping, domestic violence, harassment, criminal mistreatment, intimidation, coercion, obscene harassing phone call, etc.	_____	0 – None 2 – One or two 4 – Three or more
7. Disposition orders where youth served at least one day confined in detention: Total number of disposition and modification orders in which youth served at least one day physically confined in a county detention facility. A day served includes credit for time served. Detention includes physical confinement in a county detention facility.	_____	0 – None 1 – One 2 – Two 3 – Three or more
8. Disposition orders where youth served at least one day confined under JRA: Total number of disposition orders and modification orders in which the youth served at least one day confined under the authority of the Juvenile Rehabilitation Administration (JRA). A day served includes credit for time served.	_____	0 – None 2 – One 4 – Two or more
9. Escapes: Total number of attempted or actual escapes that resulted in a conviction.	_____	0 – None 1 – One 2 – Two or more
10. Failure-to-appear in court warrants: Total number of failures-to-appear in court that resulted in a warrant being issued. Exclude failure-to-appear warrants for non-criminal matters.	_____	0 – None 1 – One 2 – Two or more
Criminal History Score: (Maximum of 31 points)	_____	

Washington State Juvenile Court Pre-Screen Risk Assessment

Social History																																					
Check the boxes and then circle the appropriate score																																					
Youth's Gender	Male: 1																																				
<p>Youth's current school enrollment status, regardless of attendance: <i>If the youth is in home school as a result of being expelled or dropping out, check the expelled or dropped out box, otherwise check enrolled.</i></p> <p>Youth's conduct in the most recent term: <i>Fighting or threatening students; threatening teachers/staff; overly disruptive behavior; drug/alcohol use; crimes, e.g., theft, vandalism; lying, cheating, dishonesty. Check all that apply.</i></p> <p>Youth's attendance in the most recent term: <i>Full-day absence means missing majority of classes. Partial-day absence means attending the majority of classes and missing the minority. A truancy petition is equal to 7 unexcused absences in a month or 10 in a year.</i></p> <p>Youth's academic performance in the most recent school term: <i>Check all that apply.</i></p>	<input type="checkbox"/> Graduated, GED <input type="checkbox"/> Suspended <input type="checkbox"/> Enrolled full-time <input type="checkbox"/> Dropped out <input type="checkbox"/> Enrolled part-time <input type="checkbox"/> Expelled <input type="checkbox"/> No problems <input type="checkbox"/> Problems reported by teachers <input type="checkbox"/> Calls to parents <input type="checkbox"/> Calls to police <input type="checkbox"/> No unexcused absences <input type="checkbox"/> Some partial-day unexcused absences <input type="checkbox"/> Some full-day unexcused absences <input type="checkbox"/> Truancy petition filed, or equivalent full-day unexcused absences, or withdrawn within last six months <input type="checkbox"/> Honor student <input type="checkbox"/> Failing some classes <input type="checkbox"/> C or better <input type="checkbox"/> Failing most classes <input type="checkbox"/> Lower than C <hr style="border-top: 1px dashed black;"/> <div style="text-align: right;"> Enrolled and: misconduct reported but no police calls, or some full-day unexcused absences, or failing some classes. 1 Enrolled and: calls to police, or truancy petition or equivalent, or failing most classes. 2 Dropped out, expelled or suspended. 2 </div>																																				
<p>Friends the youth actually spends his or her time with: <i>Check all that apply.</i></p>	<input type="checkbox"/> No companions, no consistent friends <input type="checkbox"/> Positive pro-social friends <input type="checkbox"/> Negative anti-social friends <input type="checkbox"/> Gang member/associate <div style="text-align: right;"> No friends or positive and negative friends 1 All negative anti-social friends 2 Gang member/associate 3 </div>																																				
<p>Court-ordered or DSHS voluntary out-of-home and shelter care placements exceeding 30 days: <i>Enter zero if none, up to a maximum of 5 placements. Exclude JRA commitments.</i></p>	<p>_____ Placements</p> <hr style="border-top: 1px dashed black;"/> <div style="text-align: right;">One or more 1</div>																																				
<p>Runaways or times kicked out of home: <i>Include times the youth did not voluntarily return within 24 hours. Include incidents not reported by or to law enforcement. Enter up to a maximum of 5.</i></p>	<p>_____ Runaways _____ Kicked out</p> <hr style="border-top: 1px dashed black;"/> <div style="text-align: right;"> One 1 Two or more 2 </div>																																				
<p>Problems of family members who are currently living in the household: <i>Check all that apply. Mother and father refer to current parent or legal guardian.</i></p>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">Mother</th> <th style="text-align: center;">Father</th> <th style="text-align: center;">Sibling(s)</th> </tr> </thead> <tbody> <tr> <td>No problems</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Alcohol</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Drug</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Mental health</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Physical health</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Employment</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Financial</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Jail/imprisonment</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table> <hr style="border-top: 1px dashed black;"/> <div style="text-align: right;">Sibling(s), mother or father jail/imprisonment 1</div>		Mother	Father	Sibling(s)	No problems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Alcohol	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Drug	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mental health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Physical health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Employment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Financial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Jail/imprisonment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Employment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																		
Financial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																		
Jail/imprisonment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																		
<p>Current parental rule enforcement and control:</p>	<input type="checkbox"/> Youth usually obeys and follows rules 0 <input type="checkbox"/> Sometimes obeys or obeys some rules 1 <input type="checkbox"/> Consistently disobeys, and/or is hostile 2																																				

Washington State Juvenile Court Pre-Screen Risk Assessment

Assess whether alcohol or drug use disrupts the youth's life. Disrupted functioning involves problems in: education, family conflict, peer relationships, or health consequences. Disrupted functioning usually indicates that treatment is warranted. Indicate whether alcohol and/or drug use often contributes to criminal behavior; their use typically precipitates committing a crime, there is evidence or reason to believe the youth's criminal activity is related to alcohol and/or drug use.

Alcohol use:	<input type="checkbox"/> None	<input type="checkbox"/> Use		<input type="checkbox"/> Use disrupts function	
Drug use:	<input type="checkbox"/> None	<input type="checkbox"/> Use		<input type="checkbox"/> Use disrupts function	
Alcohol use contributes to criminal behavior:	<input type="checkbox"/> No	<input type="checkbox"/> Somewhat		<input type="checkbox"/> Yes	
Drug use contributes to criminal behavior:	<input type="checkbox"/> No	<input type="checkbox"/> Somewhat		<input type="checkbox"/> Yes	
Disrupted function or contributes to crime					2

For abuse and neglect, include any history that is suspected, whether or not substantiated; exclude reports of abuse or neglect proven to be false.

Victim of physical or sexual abuse: Parents include biological parents, stepparents, adopted parents and legal guardian or caretaker. Check all that apply.	Abused by:	<u>Parent</u>	<u>Sibling</u>	<u>Other Family</u>	<u>Outside Family</u>	
	None	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Physical abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Sexual abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Victim of physical or sexual abuse:						1
Victim of neglect:	<input type="checkbox"/> No	<input type="checkbox"/> Yes				
Victim of neglect: Yes:						2
Mental health problems: Such as schizophrenia, bi-polar, mood, thought, personality and adjustment disorders. Exclude substance abuse and special education since those issues are considered elsewhere. Confirm by a professional in the social service/healthcare field. Check all that apply.	<input type="checkbox"/> None					
	<input type="checkbox"/> Diagnosed with mental health problem(s)					
	<input type="checkbox"/> Medication prescribed					
	<input type="checkbox"/> Treatment					
Mental health problems: Yes:						1
Social History Score: (Maximum of 18 points)						—

Pre-Screen Attitude/Behavior Indicators

Violence/anger: Reports of displaying a weapon, fighting, threats, violent outbursts, violent temper, fire starting, animal cruelty, destructiveness, volatility, intense reactions.	<input type="checkbox"/>	No reports	<input type="checkbox"/>	Reports
Sexual aggression: Reports of aggressive sex, sex for power, young sex partners, voyeurism, exposure, etc.	<input type="checkbox"/>	No reports	<input type="checkbox"/>	Reports
Accepts responsibility for anti-social behavior:	<input type="checkbox"/>	Accepts responsibility		
	<input type="checkbox"/>	Minimizes, denies, justifies, excuses, or blames others		
	<input type="checkbox"/>	Accepts anti-social behavior as okay		
	<input type="checkbox"/>	Proud of anti-social behavior		
Pro-social values/conventions:	<input type="checkbox"/>	Primarily positive attitude towards		
	<input type="checkbox"/>	Somewhat positive attitude, positive attitude toward some		
	<input type="checkbox"/>	Does not think they apply to him or her		
	<input type="checkbox"/>	Resents or is hostile to pro-social values/conventions		
Belief in use of aggression to resolve a disagreement or conflict:	Believes use of aggression is:		Verbal	Physical
Verbal: yelling and verbal intimidation		Rarely appropriate	<input type="checkbox"/>	<input type="checkbox"/>
Physical: fighting and physical intimidation		Sometimes appropriate	<input type="checkbox"/>	<input type="checkbox"/>
		Often appropriate	<input type="checkbox"/>	<input type="checkbox"/>

Risk Level Definitions Using Criminal History and Social History Risk Scores

Criminal History Score	Social History Risk Score		
	0 to 5	6 to 9	10 to 13
0 to 2	Low	Low	Moderate
3 to 4	Low	Moderate	High
5 to 7	Low	Moderate	High
8 to 31	Moderate	High	High



INDEX

- Accountability 3, 46, 50, 64, 66, 82, 83, 96
 definition of 139
 sanctions 76
Active listening 103
Adjudication 36-37
Adolescent development 21-23
Affidavit, definition of 139
Aftercare 39, 99-101
 definition of 139
Age
 lower age limit 11
 upper age limit 11
Alcohol 112
Alcohol/drug-involved juveniles 109-113
Alternative dispute resolution 50-51
Arizona 101
Arrest 35
 definition of 139
Arsonists (juvenile) 128-129
Assessment at Intake 41-44
 needs/strengths 94
 of probationer 73-76
 predisposition 63-67
 sexual offenders 123-124
Assessment checklist 67
Augustus, John 6
- Balanced approach 9, 13
 definition of 139
Bifurcated hearings 64
Blueprints for Violence Prevention 30
Boston 6, 99
Breed v. Jones 15
Burden of proof, definition of 139
- Capital punishment 15
Case classification 75
Case closure 40, 82-83
Case management (see also Supervision) 78-83
Case processing 12, 33-40
Caseload standards 38
Certification (see also Transfer Laws) 12, 35-36
Certification of juvenile probation officers 134
Chain of custody, definition of 139
Chicago 7
Civil rights 17
- Clear and convincing evidence, definition of 139
Cognitive intervention 94, 95
Commitment, definition of 139
Community Accountability Board 53
Community Conferencing 54
Community justice 9
Community partnerships 80, 96, 117
Community safety 2-3, 82, 83
Community service 85-88
Competency development, definition of 139
Competency to stand trial, definition of 140
Complaint (see Petition) 34-35
Confidentiality 13, 14
Consent decree 47
Cook County (Chicago) 7
Cooperative supervision, definition of 140
Cross-examination 16
Cultural competence 117
Curfew, definition of 140
- Day/evening reporting centers 61
Deinstitutionalization of status offenders 60
Delinquency 23-32
Delinquent, definition of 11, 140
Dependent, definition of 140
Detention 34, 57-62
Detention screening 59-60
Diagnostic Interview Schedule for Children (DISC) 114
Direct File (see Transfer Laws) 12
Dismissal 46-47
Disposition 13, 37
 definition of 140
Disposition recommendations 63-71, 68-71
Disproportionate Minority Confinement 60, 115-117
Diversion 12, 47-48, 49-56, 116
 community-based programs 50-51
 definition of 140
Diversion agreement 47, 50
Diversity (of probation staff) 116
Drug courts 112
Drug/alcohol-involved juveniles 109-113
- England 5
Ethical standards 136
Evidence 42
Exclusion (see Transfer Laws) 12
Execution 15
Expungement 14
- Family Group Conferencing 55
Fare v. Michael C. 15
Fast Track diversion program 53
Female probationers 119-120
Fingerprints 14
Firearms 104
- Gang members 118
Gender-specific programs 119-120
Good faith 17-18
Graduated sanctions 77-78
 definition of 141
- History
 of juvenile court 7-10
 of juvenile probation 5-10
Home detention/supervision 61
- Illinois 7
Immunity 17
In re Gault 15
In re Winship 15
Indemnification 19
Indianapolis 121
Individuals with Disabilities Education Act 127
Infancy defense 5
Intake 13, 34
 definition of 141
Intake checklist 43
Intake decision-making 41-48
Intensive Aftercare Program 100-101
Intensive/team supervision 98
Interstate Compact 18
 definition of 141
Interviewing techniques 101-104
Investigation 13
 at Intake 41-46
 predisposition 63-71

- Juvenile Justice and Delinquency
Prevention Act 60
disproportionate minority
confinement 116
- Kent v. United States* 15
- Labeling Theory 8
Law 11-20
Learning-disabled juveniles 126-128
Legal Issues 11-20
Legal Sufficiency (of petition) 34,
42-44
Liability 16-20
Lower Age 11
- Massachusetts 7, 99
Massachusetts Youth Screening
Instrument (MAYSI-2) 46, 114
McKeiver v. Pennsylvania 15
Megan's Law 125
Mentally ill juveniles 113-115
Minnesota 54, 121
Minority overrepresentation 115-117
Miranda Rights 15, 45
Mission statements 133
Model Juvenile Court Act 8
Moral development 23
Multisystemic Therapy (MST) 123
- National Probation Association 7-8
Needs classification 75
Neighborhood Accountability Board 53
Nolle prosequi, definition of 141
Nolo contendere, definition of 141
Non-secure detention, definition of 141
- Operation Night Light 99
Orange County (California) 46
Oregon 124, 129
Outcome measures 134-137
Outcomes
documentation 82-83
Overcrowding 59
- Parole, definition of 142
Pennsylvania 55
Performance measurement 133-137
of probation officer 81
Petition 34-35
Petition, definition of 142
Pleading, definition of 142
Police Family Group Conferencing
Project 55
Post-traumatic stress disorder 113, 119
Predisposition investigation 63-71
definition of 142
- Predisposition report 37, 116
Preponderance of evidence, definition of
142
Probable cause 35
definition of 142
Process measures 134-137
Property crime 35
Protective factors 27-32
Puberty 21
Public duty doctrine 18
Public safety 2-3, 82, 83
Purpose Clause 13
- Recordkeeping 81
Reentry (see Aftercare) 99-101
Referral 33
Rehabilitation 76, 78, 82, 83
Restitution 85-88
collection methods 87
definition of 142
Restorative Justice 9, 13
definition of 142
Restorative Justice Conferences 121
Revocation, definition of 142
Rights of juvenile offenders 15-16
Risk classification 75
Risk factors (for delinquency) 24-32
Risk factors (for violence) 31
- Safety techniques/training 104-106
Santa Clara (California) 53
Schall v. Martin 15
School failure 126-128
School-based probation 92-93
agreements 93
Screening
at Intake 46
for substance abuse 110
for mental illness 114
Sex offenders 121-125
registration/community
notification 125
Shelter care, definition of 143
Sight and sound separation 60
Skill building 93-96
Standard Juvenile Court Act 13
Standard of proof, definition of 143
Standards
ethical 136
practice 36, 38-39
Stanford v. Kentucky 15
Status offender, definition of 143
Strength-based practice 96-98
Subpoena, definition of 143
Substance abuse 109-113
benchmarks for probation services
111
testing 110
treatment 111-113
Supervision 73-83
Supervision checklist 82
- Supervision plan 74-78
Supreme Court 15, 17
Swisher v. Brady 15
- Targeted Early Intervention (TEI) 121
Team probation 98
Technical violation, definition of 143
Teen courts 52
Testifying 69
Thompson v. Oklahoma 15
Time limits (case processing) 39
Training for probation officers 137
Transfer Laws 12, 35-36
- Upper Age 11
- Victims 88-92
advocacy 124
compensation 90
impact panels 91
impact statements 89-90
sexual victimization 123-125
victim's rights 16
Victim's Rights and Protection Act 16
Violent crime 35
- Waiver 12, 35-36
Washington 53, 100
- Young offenders 120-121

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