



THE ANNIE E. CASEY FOUNDATION

# TALKING ABOUT YOUTH PROBATION, DIVERSION AND RESTORATIVE JUSTICE

A Messaging Tool Kit

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The Annie E. Casey Foundation is a private philanthropy that creates a brighter future for the nation's children by developing solutions to strengthen families, build paths to economic opportunity and transform struggling communities into safer and healthier places to live, work and grow.

For more information, visit [www.aecf.org](http://www.aecf.org).

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## OVERVIEW

### ABOUT THE YOUTH JUSTICE MESSAGING TOOL KIT

The message recommendations contained in this tool kit use plain language to explain youth probation, diversion from courts to community-based responses and restorative justice to general audiences. To develop the recommendations, the Annie E. Casey Foundation partnered with communications experts at Fenton and The Harris Poll. The experts conducted research in 2021 to understand public perception of the juvenile justice system and followed up with additional survey questions in 2022 to gauge the public's thoughts on crime trends and opinions on youth gun possession. The research-informed language is meant to educate, persuade and inspire other practitioners, decisionmakers and the public to keep more young people away from the formal justice system and pursue strategies aimed at young people's personal growth, positive behavior change and long-term success.

### WHO SHOULD USE THE TOOL KIT

The tool kit is designed for everyone to use, not just public information officers or communications professionals.

### HOW TO USE THE TOOL KIT

A good place to start is with the [research findings](#) that explore the public's familiarity with and perceptions of the juvenile justice system. Then review [core messaging and narratives](#) in the form of sample bullet points and paragraphs that are informed by the research and designed to connect with general audiences. Continue by [exploring language to use and lose](#) when trying to educate and persuade audiences about effective responses to supporting youth who encounter the justice system, including diversion, restorative justice and probation.

Speakers will want to use their own discretion and knowledge of local audiences to customize what they say and how they say it. Typically, communication is more persuasive and memorable when it contains local and/or national data points (including those found in the [Facts and Figures](#) section), anecdotes and personal stories.

Keep in mind that the sample statements are not scripts, and they are not intended to be used all at once in a list as they are displayed.

### WHY USE THE TOOL KIT

The words we use, the examples we share and the stories we tell can move public opinion and influence and enlist key stakeholders to act, including helping or hindering the advocacy of better policies and practices. Using common, easy-to-understand language helps make the public more familiar with and receptive to what young people need to reach their potential.

## RESEARCH METHODOLOGY

To help the Annie E. Casey Foundation understand the public's attitudes about the juvenile justice system, Fenton and The Harris Poll partnered on a qualitative and quantitative study into public opinion, framing and messaging. This process was designed to:

- capture Americans' feelings on the current state and fairness of the juvenile justice system;
- gauge awareness and attitudes toward key reforms of the juvenile justice system; and
- understand messages and phrasing that will help the Casey Foundation and its partners influence and enlist practitioners, decision makers and the engaged public to back effective responses for youth who interact with the justice system, including diversion from courts to community-based options, restorative justice and youth probation.

Conducted from February to May 2021, the research included:

- Online qualitative interactive bulletin boards.
  - **Methodology:** Discussion groups held online over a three-day period among 50 participants. Participants from markets including Memphis, Cleveland, New Orleans, Baton Rouge, Houston, Phoenix, San Diego, Los Angeles and Philadelphia were 18 or older, and 50% were people of color. Participants responded at their own convenience each day to stimuli including messaging, imagery, etc., while a moderator monitored and guided discussions throughout.
- A nationwide online survey of adults.
  - **Methodology:** Nationwide online survey conducted from May 3 – 19, 2021.
  - **Number of responses:** Harris Poll conducted online interviews with a representative sample of 2,006 U.S. adults (ages 18 and older), including 64% white adults, 15% Hispanic/Latino adults, 12% Black adults, 6% Asian American adults and 1% Native American adults.

The objective of this research was to explore the familiarity, perceptions and language used when referring to the juvenile justice system and desired outcomes for young people who break the law. Specifically, the research was designed to:

- learn which messages, stories and narratives will create public support for juvenile justice policies that the Casey Foundation is aiming to advance, such as expanding the use of diversion and transforming probation;
- dive into understanding the effects of discriminatory policies and practices as they relate to youth and young adults that get into trouble with the law and attitudes about responses; and
- gauge awareness and reactions to themes, such as: incentives rather than punishment; awareness of restorative justice; adultification of Black youth; racial inequity; and the roles of families and communities.

## PUBLIC OPINION RESEARCH FINDINGS

Below are valuable insights from the opinion research to consider relative to framing and messaging.

### THERE IS AN OVERALL SENSE THAT CRIME HAS INCREASED AND PUBLIC SAFETY IN THE U.S. IS GETTING WORSE (MARCH 2022).

- Six out of 10 people believe public safety has been the same in their communities, but believe crime is on the rise elsewhere.
- Seven in 10 think crime overall and crime committed by youth in the U.S. has increased.
- Additionally, over half of respondents feel public safety has gotten worse.
- The majority of people believe public safety is worse due to the justice system.
- Sixty-one percent of respondents believe the criminal justice system is a revolving door.

### THE JUVENILE JUSTICE SYSTEM IS CONSIDERED “BROKEN” BY MANY AND A PRECURSOR TO THE CRIMINAL JUSTICE SYSTEM.

Many believe that the juvenile justice system is “broken” at several levels — some perceiving it to be too harsh while others believing it to be too lenient. They view it as an “entry point” to the criminal justice system since little rehabilitation is taking place. Overall sentiment is that kids who enter the juvenile system will often end up in the criminal system. Fewer than half of respondents feel the system is working “just right,” and more than half believe it needs reform. In the words of respondents:

- “I feel the JJ system itself is corrupted and a broken system. Not much is making a difference or hav[ing] an impact on the greater good for society and their fellow youth.”
- “While I believe the juvenile justice system works in some places, we would be lying to ourselves if we didn't realize that it needs to be fixed, or at the very least set the same standards in every part of the country.”

### RACE IS A KEY DRIVER OF INEQUITIES.

Almost all respondents agree that Black, Latino and Native American youth are treated differently than white youth. They are often given harsher sentences and treatment within the system. They are incarcerated or detained at higher rates and have less access to resources such as lawyers. Overall, respondents consider the juvenile justice system to be unfair and have witnessed little change over time. There is a growing sense of frustration and anger around the lack of change.

- Ninety-two percent of respondents agree that youth of color are treated differently in the juvenile justice system than white young people.
- Income is also recognized as a driver of bias in the system, with respondents believing that outcomes and treatment of youth in the system are affected by family and community income.

- There is still a significant disagreement on who should be held responsible. Many Americans fault families and low-income communities rather than the juvenile justice system as a whole.

### **THERE IS AN UNDERSTANDING THAT THE PUNISHMENT DOES NOT ALWAYS FIT THE CRIME.**

Although there were contrasting responses among participants on the responsibilities of the court and police, there is a general sense that police and/or courts play an inflated role in the juvenile justice system, entering the picture before other solutions are sought. Many respondents talk about the environment in which they grew up, and they think that the juvenile justice system is harsher today.

- “Things like zero tolerance seem to cause some to get in trouble for minor lapses of judgment.”
- “...youth may get in trouble more for things they got away with 10 years ago, e.g., bullying, making threats or bringing weapons to school, etc.”
- “Police have a lot less latitude to make on-the-spot decisions nowadays.”

### **THERE IS A BELIEF THAT YOUTH CAN CHANGE, BUT THEY NEED REHABILITATION AND CONSEQUENCES.**

Most respondents believe that young people can change paths. They believe young people need mentorship, community and family support, and, in some cases, counseling to do so. The public does not believe that youth will outgrow problematic behaviors if they are left alone and given time to mature. Many respondents also believe that race drives access to rehabilitative and constructive alternative approaches in the juvenile justice system.

It’s important to note that an overwhelming majority of people (86%) believe that the juvenile justice system should focus on rehabilitation to keep youth from getting permanently caught in the system for repeat offenses.

- There is a general aversion toward “doing nothing” and more support for a hybrid approach of “consequences” and “assistance.” People believe that the juvenile justice system — in an ideal world — should be able to accomplish this.
- Most respondents feel that an effective juvenile justice system SHOULD:
  - provide second chances to youth to help them rehabilitate;
  - acknowledge and believe that “youth can change” if given the opportunity;
  - make stronger efforts to stop “the revolving door” of kids entering and re-entering the justice system without any real rehabilitation; and
  - not “let kids off the hook” completely — there is a sense that doing nothing will create future or repeat offenses.

One important exception is that most believe violent behavior by youth should be addressed quickly to “break the habit.” Slightly more than one-third of people (35%) still believe removal from the community to a secure facility is an appropriate deterrence from future violence. Mitigating this belief will be a long-term effort, as perception change can take multiple years.

However, a plurality of people (43%) believe that youth should receive interventions to gain self-control and long-term behavior change in the community. They agree that “acting out in a violent way as a youth does not necessarily mean a person will become a violent adult.” We suggest a combination of messages and data that, with repetition and explanation over time, will move public opinion. This content could include:

- education about youth brain development and impulse control issues;
- data that show how many youths charged with violent offenses are not recharged; and
- promotion of restorative justice as an opportunity for meaningful consequences and the development of empathy.

### **A MAJORITY OF THE PUBLIC AGREE YOUTH NEED TO BE SUPPORTED BY COMMUNITY RESOURCES.**

- Eighty-six percent of respondents agree that when young people are connected to things like sports, work, school and community, they are less likely to get in trouble with the law. They feel that some young people need more support in making those positive connections, especially in communities.
- Eighty-three percent of respondents believe young people should be diverted to community-based alternatives that provide guidance, education and support, especially if there is no safety risk to themselves or to their community.
- Sixty-four percent of respondents believe most young people who break the law can be held accountable by their families and communities and can be connected to appropriate community resources, such as counselors, mentors and coaches who support them in learning from their mistakes.

### **ADULTIFICATION IS A PERCEPTION PROBLEM THAT SIGNIFICANTLY HURTS YOUTH OF COLOR, WHO ARE OFTEN VIEWED AS BEING OLDER THAN THEIR TRUE AGE.**

There is clearly an age (around 17) at which the public loses its patience and hardens its stance against second chances. Adultification is compounded by race and socioeconomic status. Youth of color and those from lower socioeconomic levels are often viewed as being older than their white and more privileged counterparts. This bias leads to harsher sentences and life-changing consequences for youth of color. There is a clear need to educate the public on normal adolescent behaviors — informed by developmental research — and to create understanding that support is needed beyond age 18.



- Eighty-four percent of respondents agree that the juvenile justice system tends to treat some kids as adults.

## **RESTORATIVE JUSTICE AND DIVERSION ARE NEW IDEAS TO MANY, EVEN THE INFORMED PUBLIC.**

While received in a positive light, restorative justice and diversion feel like “new” or “alternative” approaches within the juvenile justice system. As such, examples and facts/figures associated with these approaches are important.

### **RESTORATIVE JUSTICE:**

- Many position restorative justice as an alternative to a wide range of system involvement.
- Many believe that restorative justice would be appropriate for “lesser crimes,” but would not work for most violent or serious crimes.
- Some respondents believe that the idea of restorative justice is close to “restitution” for the person harmed but does not always help to rehabilitate the person who caused harm.
- While most believe that this process could help to mitigate racial inequities, they are also skeptical that the approach would be applied equally across racial and socioeconomic classes.

### **DIVERSION:**

- Many are unaware of the term “diversion,” but would understand it better as “court diversion.” While this is a somewhat vague term that doesn’t convey pre-arrest diversion from courts to community-based responses, it serves the purpose of communicating the goal of keeping youth “out of the system.”
- Many had not previously heard this term, and it appears as if they needed/wanted more detail in the description, demonstrating a need for education about the concept.
- Some mention diversion being “a slap on the hand” or “light punishment.”
- Many believe that this could help reduce racial inequities but that it is not always offered equally.
- Many respondents believe that youth of color would be more likely to be sent to detention than be offered diversion.

## **CONSEQUENCES REMAIN AN IMPORTANT PART OF THE SYSTEM FOR MANY.**

Despite the demonstrated appeal of and support for an approach focused more on rehabilitation, there is still a strong belief that youth who commit crimes must receive some consequences for their actions. Around half of respondents say the goals for the juvenile system should be for youth to “be accountable for their actions” (54%) and “take responsibility for their actions” (49%).

Eight in 10 believe that “being held accountable for their actions within the juvenile justice system ends up helping kids in the long run.” Largely, the support for consequences is linked to the nature of

the crime. Across segments, respondents generally agree that violent crimes merit stricter consequences.

## MESSAGE INSIGHTS

Findings and insights informed by the research relative to the objectives of the study:

- Acknowledging the role of race and calling for real efforts to address it are key to garnering support from a growing number of people.
- Recognizing that the public already agrees that the juvenile justice system is failing young people and needs reform. By understanding their concerns and perceptions, we can educate and bring the public along with productive strategies for reform.
- Understanding that restorative justice is a new concept to many Americans, even as it becomes more widely used in many communities. Restorative justice is a practice applied across the criminal justice spectrum, and while not specific to youth justice, it offers promising approaches to youth accountability. It is best described in simple terms, with real-world examples. Consider speaking to it as a balanced approach of restitution and taking responsibility. Focus on the healing benefits of restorative justice — how the person who caused harm can make amends to the person harmed, creating meaningful and appropriate closure for both parties.
- Recognizing that probation is not well understood by the public and that it is seen by many as a beneficial outcome. Any significant effort to appeal to the public for probation reform will require educating them on how it fails young people. There are openings to explore, including the perception of racial and economic bias, as well as the understanding that young people can get swept up into a system from which it's very difficult to escape as adults.
- Clarifying “diversion” by better describing it. We believe the public would better understand “diversion from courts to community-based responses.” As a new concept for many, the term diversion requires education. As well, supporting the concept with facts and success figures proves to be compelling.
- Understanding that, although there is an overall sentiment that crime has increased, there is still support for community-based responses and restorative justice practices when it comes to probation and system reform.

## ADVANCE VS. AVOID TABLE

Suggested language to use and lose when discussing youth justice.

ADVANCE	AVOID
"Youth [Justice, Probation] etc."	"Juvenile [Justice, Probation] etc."
"Diversion from courts to community-based responses"	"Diversion"
"Choices that benefit their future"	"Positive choices" or "Negative choices"
"Positive opportunities, motivation"	"Incentives" or "rewards"
"Accountability"	"Punishment"; "Teach them a lesson"
"Person/someone who has been harmed"	"Victim"
"Person/someone who has caused harm"	"Offender"

## YOUTH JUSTICE CORE MESSAGES AND NARRATIVE

These concise messages are designed to increase the public’s understanding of and support for youth justice reform. The messages are available to everyone but are addressed primarily to youth justice practitioners, decision makers and advocates.

The messages follow the VOSA model, which stands for value, opportunity, solution and action:



### CORE MESSAGES

#### VALUE

- We all want a world where young people — no matter their race, ethnicity, gender or neighborhood — can realize their potential, even when they make serious mistakes.
- Young people deserve opportunities and second chances to change the trajectory of their lives.
- It’s bad for everyone if juvenile justice becomes a revolving door for youth who get into trouble and then get trapped in the system.

#### OPPORTUNITY

- The juvenile justice system is a failure. It is outdated, does not serve all young people equally and traps young people in a cycle that is far too difficult to escape.
- The juvenile justice system is too often an entry point to the criminal justice system rather than an opportunity to help kids in the long run.
- Rehabilitation is the goal of youth justice, but the right approaches have not been implemented.

- Data consistently show that the current juvenile justice system is repeatedly failing young people, families and the communities where they live.
- Most white or wealthy young people are given the opportunity to take responsibility for their actions without negative, life-changing consequences, while Black, Latino and Native American youth, as well as those from low-income communities, are more likely to become trapped in the justice system.
- Discriminatory policies and practices pervade the juvenile justice system. Youth of color enter it at higher rates and receive longer sentences and harsher treatments.
- Young people are still growing and maturing through their teens and mid-20s. Many adults who interact with young people, particularly police, lack training about adolescent development. That makes them too quick to criminalize common teen behavior, like taking risks and testing boundaries.

## SOLUTION

- Rehabilitation is the goal of youth justice — which means applying appropriate consequences to typical youth behavior and providing real opportunities for youth to learn from their actions and continue to grow in a positive direction.
- Most young people who break the law can be held accountable by their families and communities and be connected to appropriate community resources, such as counselors, mentors and athletic coaches who support them in learning from their mistakes.
- Youth justice should offer constructive opportunities for all young people.
- The youth justice system should recognize that taking risks and having trouble controlling impulses are normal facets of development in adolescence.
- The youth justice system should be geared toward helping young people and getting them on the right path.
- All young people are forming their identity, and they are at a stage when affirmation of who they are is important. In particular, young people of color must be affirmed and validated, not discriminated against.
- We should invest in programs such as mentoring, job training and mental health services for youth, particularly where these services are often not available.
- We should embrace the chance to teach young people responsibility for their actions and support them with mentorship, opportunities and guidance that will steer them toward a positive path.
- To have a positive future, young people need opportunities to learn from their mistakes and receive guidance from adults they trust.

- When young people are in trouble with the law, we should respond quickly, appropriately and in ways that keep them connected to education and opportunities rather than drawing them deeper into the juvenile system and derailing their future.
- Through an approach known as restorative justice, a practice where people learn how to take responsibility for their mistakes and gain empathy for the people they've harmed, we can get to the root causes of why youth got into trouble in the first place.

## ACTION

- Young people who are not a danger to themselves or the community should not be arrested.
- Everyone who cares about youth must ensure they are connected to community resources, such as mentorship and guidance, that will help them get on a better path.
- The public should support policies that offer appropriate responses to youth who get into trouble with the law and reduce the number of young people who enter the youth justice system.
- Our youth justice system must focus on rehabilitation with opportunities that nurture maturity and guide young people in problem solving, empathy and self-control.
- Elected officials who make decisions about the youth justice system can prioritize community safety while preventing young people from getting entangled in the justice system by choosing restorative justice approaches and applying youth probation only when necessary.
- Together, we can build a true *youth justice* system that ensures all young people — regardless of their race, ethnicity or income — are held accountable for their actions and still have an opportunity for a bright future.

## CORE NARRATIVE

We all want a world where young people — no matter their race, ethnicity, gender or neighborhood — can realize their potential, even when they make serious mistakes.

Data consistently show that the current juvenile justice system is repeatedly failing young people, families and the communities where they live. The juvenile justice system is too often an entry point to the criminal justice system rather than an opportunity to help kids in the long run. Discriminatory policies and practices pervade the juvenile justice system. Youth of color enter it at higher rates and receive longer sentences and harsher treatments.

Rehabilitation is the goal of youth justice, but the right approaches have not been implemented. Most young people who break the law can be held accountable by their families and communities and be connected to appropriate community resources, such as counselors, mentors and athletic coaches who support them in learning from their mistakes.

In this spirit, juvenile justice professionals, community stakeholders, families, youth and advocates have been championing practical policy changes to prevent youth from entering the system, getting caught up in probation, or worse, placed in institutions away from their families and communities.

With more use of diversion from courts to community-based responses, youth probation and restorative justice — a practice where people learn how to take responsibility for their mistakes and gain empathy for the people they've harmed — we can get to the root causes of why youth got into trouble in the first place. In communities where programs focus on nurturing maturity and supporting young people to improve problem solving and self-control, young people are succeeding.

The Annie E. Casey Foundation is calling on its partners and everyone who cares about youth to ensure young people are connected to community resources such as mentorship and guidance that will steer them toward a positive path.

Together, we can build a true *youth justice* system that ensures all young people — regardless of their race, ethnicity or income — are held accountable for their actions and still have an opportunity for a bright future.

# DIVERSION FROM COURTS TO COMMUNITY-BASED RESPONSES

## MESSAGES

### VALUE

- Young people have the potential to change.
- Rehabilitation and an opportunity to get back on track are the goals of a youth justice system that treats all young people fairly.

### OPPORTUNITY

- Young people can get stuck in the justice system, which creates greater problems for them rather than helping them get their lives back on track. This especially applies to young people of color.
- Pushing young people who are facing challenges into the court system deprives them of normal adolescent experiences, positive relationships and opportunities for education and growth.
- The legal system adds unnecessary barriers to getting young people on a path toward accountability and healing.
- The current system treats young people of color more harshly than their white peers, leading them further into rather than out of court involvement.

### SOLUTION

- We know that when young people are connected to things like sports, work, school and community, they are less likely to get in trouble with the law, but some young people may need more support in making those positive connections, especially in communities without adequate resources.
- Diversion from courts to community-based responses should be the automatic response to first-time and lower-level offenses.
- Diversion from courts to community-based responses provides a much faster, more tailored response to a young person's actions than the court system can.
- When applied effectively and equitably, diversion from courts to community-based responses can significantly reduce ineffective punishment and deeper system involvement, which are proven to hurt rather than help young people.

### ACTION

- We must support what works best to get youth back on track, including approaches that keep young people out of the juvenile justice system.
- We urge police, judges, social workers and other professionals to consider diversion from courts to community-based responses.
- Investment in community-based resources helps ensure equitable access to effective diversion responses.



## **BRIEF NARRATIVE**

Young people have the potential to change. When young people get into trouble with law, they need meaningful opportunities for accountability.

Young people can get stuck in the justice system, which creates greater problems for them rather than helping them get their lives back on track. This especially applies to young people of color.

Most young people who break the law can be held accountable by their families, schools and communities and be connected to appropriate community resources, such as counselors, mentors and athletic coaches who support them in learning from their mistakes. We know that when young people are connected to things like sports, work, school and community, they are less likely to get in trouble with the law, but some young people may need more support in making those positive connections, especially in communities without adequate resources.

Diversion from courts to community-based responses provides a much faster, more tailored response to a young person's actions than the court system can. When applied effectively and equitably, diversion from courts to community-based responses can significantly reduce ineffective punishment and deeper system involvement, neither of which lead to safer communities.

We must support what works best to get youth back on track, including approaches that keep young people out of the juvenile justice system. We urge police, judges, social workers and other professionals to consider diversion from courts to community-based responses.

# RESTORATIVE JUSTICE

## MESSAGES

### VALUE

- When young people get into trouble with the law, they should make amends with the people they have harmed and have the opportunity to learn from their mistakes.
- When incidents happen, better solutions for healing and rehabilitation are achieved when those who were involved can fix it together.
- Young people are, by definition, in a period of rapid growth and change, and they can turn their lives around when given the chance.

### OPPORTUNITY

- Many young people — especially youth of color — aren't given the opportunity to learn from their mistakes through a restorative justice approach.
- Traditionally, the juvenile justice system does not provide ways for young people and those most affected by their actions to be part of finding a solution.
- Too many young people who cause harm are not given a meaningful opportunity to learn from their mistakes, make amends and bring healing to themselves, those they harmed and their communities.

### SOLUTION

- Restorative justice is an evidence-based approach that demonstrates that youth and their communities benefit most when youth take responsibility for their actions, show empathy and make amends to the people and communities they have harmed.
- Restorative justice provides an effective way for young people and everyone who is affected by their actions to *create solutions together* that meet everyone's needs, address the causes of what happened, promote healing and set the young person on a positive path.
- Restorative justice reduces the chance that youth will get into trouble again because they take responsibility for their actions and gain empathy for people they have harmed.
- Using a restorative justice approach instead of court involvement reduces the number of youth who enter the juvenile justice system and provides families and communities with proven ways to help young people learn and grow from their mistakes.

## ACTION

- Let's offer people affected by young people's actions — especially people of color — the option of engaging in effective restorative justice processes that will help them heal and build community safety.
- Learning how to apply restorative justice practices will enable public officials, judges and youth justice professionals to create better outcomes for young people, families and communities.
- Let's make sure all young people have ways to take responsibility for their actions, make amends and get back on track. Restorative justice practices should be equitable and more accessible to youth of color.

## BRIEF NARRATIVE

When young people get into trouble with the law, they should make amends with the people they have harmed and have the opportunity to learn from their mistakes.

But traditionally the juvenile justice system does not provide ways for young people and those most affected by their actions to be part of finding a solution.

Restorative justice is an evidence-based approach that provides an effective way for young people and everyone who is affected by their actions to *create solutions together*. Restorative justice is better suited than court involvement or confinement to satisfy the person who was harmed and meet the need for healing, address the causes of what happened and set the young person on a positive path.

However, many young people — especially youth of color — don't get the opportunity to learn from their mistakes in this way. When offered and applied equitably, restorative justice works. And importantly, it reduces the chance that youth will get into trouble again because they take responsibility for their actions and gain empathy for the people they've harmed.

Shouldn't we do more of what works and less of what doesn't? Communities are made stronger and safer through restorative justice practices. We need elected officials, judges, social workers and other professionals to support restorative justice practices and make sure they are widely and equitably available.

# YOUTH PROBATION

## MESSAGES

### VALUE

- Youth need support, not surveillance.
- When young people have positive opportunities and guidance to make better choices, they can learn from their mistakes and reach their potential.

### OPPORTUNITY

- The current youth probation system demands rigid compliance that does not set young people up to succeed.
- Youth probation is set up so that even small infractions — such as missing curfews or court appointments — can lead to further punishment or even confinement.
- For most young people who get into trouble with the law, probation hurts more than it helps.
- Most probation cases could be safely diverted before arrest or prosecution.
- Probation fails most young people, especially youth of color.
- For too many youth, probation is a trap that drives them further into the justice system.

### SOLUTION

- If there is no danger to themselves or to their communities, young people should be diverted from probation to community-based alternatives that provide guidance, education and support.
- Probation officers should be spending their time with youth who have serious or repeat arrest histories, and community partners should be building strong relationships with young people and offering motivational guidance that supports their personal growth, behavior change and long-term success.
- The court system should set realistic guidelines, in collaboration with families and other caring adults, that young people can meet. Probation should be time-limited and use positive opportunities to motivate youth to meet goals.

## ACTION

- Probation — with an emphasis on mentoring relationships — can be an effective intervention for young people who pose significant risks to reoffending.
- Judges and court personnel should reserve probation for the youth who need it.
- For many youth, finding constructive engagement in the community and the guidance of caring mentors is most effective in helping them get to a positive place.
- Policymakers must make it easier for young people who are on probation to pursue normal opportunities that help them grow without intervention from the court and without being held to rigid restrictions and unrealistic expectations.
- Judges, social workers and other professionals should:
  - consider how to make alternatives to probation more accessible to all young people, regardless of their race or ethnicity; and
  - address discriminatory policies and practices, income inequality and other factors that may make it harder for young people under probation to meet the requirements.

## BRIEF NARRATIVE

Young people are, by definition, in a period of rapid growth and change. This means that if they have positive opportunities and guidance to make better choices, they can learn from their mistakes and reach their potential.

However, for most young people who get into trouble with the law, probation hurts more than it helps.

Certainly, home- and community-settings are better than confinement, but probation fails most young people, especially youth of color. They face extreme surveillance and are required to meet unrealistic expectations that set them up to fail. Even small infractions such as missing curfews or court appointments can lead to confinement.

Youth need support, not surveillance.

If there is no danger to themselves or to their communities, young people should be diverted from probation to community-based alternatives that provide guidance, education and support.

Probation officers should be spending their time with youth who have serious or repeat arrest histories. They and community partners should be building strong relationships with young people and offering motivational guidance that supports their personal growth, behavior change and long-term success. Young people should be able to meet the guidelines laid out by the court without getting drawn deeper into the system.

Probation — with an emphasis on mentoring relationships — can be an effective intervention for young people who pose significant risks of reoffending. Judges and court personnel should reserve and modify probation for these youth.

## YOUTH JUSTICE FACTS AND FIGURES

Data points to supplement the messages and narrative tools.

### GENERAL

- Delinquent behavior is about the same between white and Black youth (see [here](#)), but Black and Latino youth are 67% more likely to be formally processed through juvenile courts than their white peers (see [here](#)).

### RESTORATIVE JUSTICE

- A 2021 Department of Justice literature review concluded that “overall, findings indicate that youths who participate in restorative justice programs are less likely to reoffend, compared with youths who are processed traditionally in the juvenile justice system” (see [here](#)).
- A random study of youth who had committed serious offenses — such as robbery, burglary, car theft and assault/battery — found that youth who participated in a restorative justice conference diversion were 44% less likely to recidivate than those who were prosecuted in court for the same offenses. Ninety-one percent of those harmed reported that they would participate in another conference and would recommend the process to a friend (see [here](#)).
- Studies consistently show that those who have been harmed by a young person’s offense report higher satisfaction from restorative justice than from court processes (see [here](#)).
- Restorative justice has also been shown to help improve victim/survivors’ symptoms of post-traumatic stress more than court procedures (see [here](#) and [here](#)).

### YOUTH PROBATION

- Sixty-eight percent of young people held in residential custody because they didn’t fully meet the rules of probation were youth of color (see [here](#)).
- Some young people have to manage over 30 conditions of probation (see [here](#)).

### DIVERSION FROM COURTS TO COMMUNITY-BASED RESPONSES

- Black youth enter Florida’s juvenile justice system at higher rates than any other ethnic group, while their white peers are sent into diversion programs at higher rates (see [here](#)).
- In Michigan, youth who participated in diversion programs were less likely to reoffend than their peers who were not diverted (see [here](#)).
  - Those who participated pre-arrest were 2.5 times less likely to reoffend compared to their peers who were not diverted.
  - Those who participated after arrest were 1.5 times less likely to reoffend compared to their peers who were not diverted.

## CONVERSATION GUIDE

A communications tool on how to shift mindsets and mental models on common terms associated with the justice system.

### OVERVIEW

We recognize that public perception about the juvenile justice system is heavily influenced by the media and people's unique and direct experiences with the system.

Through our research, we have a better understanding of the public's perception of the juvenile justice system. The data also revealed the pivots or levers for change that will aid in raising awareness and changing mindsets and behaviors on this topic. This information has been foundational in developing strong messages to advance youth justice. Below is an examination of key topics that show how to scaffold from public perception to pivot to message.

## CONVERSATION GUIDE

TERM	PUBLIC PERCEPTION	PIVOT LANGUAGE TO ADVANCE YOUTH JUSTICE	MESSAGES
Juvenile Justice System	The juvenile justice system is broken. It doesn't work because it doesn't keep kids from getting into further trouble and doesn't do much to rehabilitate them.	While nearly all young people test limits, some of them wind up getting into trouble with the law. We need better ways to hold them accountable and put them on a path to a brighter future. We should do what works and what's good for youth.	<p>Data consistently show that the current juvenile justice system is repeatedly failing young people, families and the communities where they live.</p> <p>A true youth justice system ensures all young people — regardless of their race, ethnicity or income — are held accountable for their actions and still have an opportunity for a bright future.</p>
Rehabilitation	The juvenile justice system should focus on rehabilitation to keep youth from reoffending and/or getting permanently caught in the system with repeat offenses.	Not all young people who get into the system have serious challenges or pose a danger. Many are testing limits in ways we would expect for their stage of development. They need consequences that do not involve the court system, which deprives them of normal adolescent experiences, positive relationships and fulfilling opportunities.	<p>Rehabilitation is the goal of youth justice — which means applying appropriate consequences to typical youth behavior and providing real opportunities for youth to learn from their actions and continue to grow in a positive direction.</p> <p>The youth justice system should recognize that taking risks and having trouble controlling impulses are normal aspects of development in adolescence.</p>
Punishment	The public recognizes that young people should not be treated as adults and don't want harsh punishment for youth. But they don't believe that young people will change without a correction or consequence.	Young people who get in trouble with the law face consequences that too often lead to more problems rather than opportunities to learn a lesson and get a fresh start.	We should embrace the chance to teach young people responsibility for their actions and support them with mentorship, opportunities and guidance that will steer them toward a positive path.
Accountability	Accountability and responsibility are seen as the goals for youth in trouble with the law.	Young people have the most potential to learn from their mistakes. Allowing them the opportunity to make amends is the best step toward healing and growth.	Everyone who cares about youth should embrace the chance to teach young people accountability. This means allowing the young person to acknowledge their mistakes and make amends and encouraging them to make choices that support their future.
Probation	The public doesn't know much about the details of juvenile probation. They assume it's better than sending kids away and may believe that youth are getting constructive engagement on probation. They don't know about how it can funnel youth further into the system. But when they hear about that, they oppose it.	Most youth who come into the juvenile justice system are put on probation. Staying in the community is a benefit, but often the restrictions are more surveillance than support. This often leads young people further into trouble rather than providing the guidance they need.	<p>For most young people who get into trouble with the law and are put on probation, it hurts more than it helps. For too many youth, probation is a trap that drives them further into the justice system.</p> <p>If there is no danger to themselves or to their communities, young people should be diverted from probation to community-based alternatives that provide guidance, education and support.</p>



## QUESTION BANK

A series of hot-button questions that may be asked about youth justice and suggested responses based on content from the tool kit.

### 1. Are youth receiving consequences for their actions when they are diverted from the courts to community-based responses?

We expect young people to take responsibility for their mistakes. Diversion from courts to community-based responses provides a much faster, more individualized response to a young person's actions than the court system can. And when applied effectively and equitably, it can significantly reduce ineffective punishment and deeper system involvement, which are proven to hurt rather than help young people.

### 2. How does diversion from courts to community-based responses and restorative justice make us safer?

It is natural for young people to test boundaries. When they break the law, they can be held accountable by their families, schools and communities and be connected to appropriate community resources, such as counselors, mentors and athletic coaches who support them in learning from their mistakes.

According to data, youth who participated in diversion programs were less likely to reoffend than their peers who were not diverted, as seen in a [study](#) in Michigan.

Restorative justice also reduces the chance that youth will get into trouble again because they take responsibility for their actions and gain empathy for people they have harmed. A 2021 Department of Justice [literature review](#) concluded that “overall, findings indicate that youths who participate in restorative justice programs are less likely to reoffend, compared with youths who are processed traditionally in the juvenile justice system.”

### 3. What about victims? Don't they deserve to see the youth who have committed these crimes punished?

When incidents happen and someone is harmed, often the best solutions for healing and rehabilitation are achieved when those who were involved — including the person who caused the harm — are involved in designing the resolution. Restorative justice provides an effective way for young people and everyone who is affected by their actions to *create solutions* that meet everyone's needs, address the causes of what happened, promote healing and set the young person on a positive path. Studies consistently show that those who have been harmed by a young person's offense report higher satisfaction from restorative justice than from court processes (see [here](#)).

#### 4. **Could restorative justice and probation be used with youth with serious offenses?**

We all want to live in a world where young people can realize their potential, even when they make serious mistakes. Acting out in violent ways as youth does not mean a person will become a violent adult. When youth commit serious offenses, we need to respond in ways that help them take responsibility while getting on the right path and addressing harm that's been caused.

Restorative justice interventions have been effective for a range of offenses, including serious crimes, such as assault and robbery. This approach can be appropriate when the effects on the harmed party are clear, as is the need for the responsible person to take steps to make amends and ensure that they don't continue to inflict harm.

Probation should be only for youth who pose significant risks for serious offending, and it should promote personal growth and positive behavior change. Probation — with an emphasis on mentoring relationships — can be an effective intervention for young people who pose significant risks of reoffending.

#### 5. **Isn't probation good for kids?**

No, probation is not good for young people who do not have serious or repeat arrest histories because it can pull them more deeply into the system and separate them from connections to work and school. If there is no safety risk to themselves or to their community, young people should be diverted from probation to community-based alternatives that provide guidance, education and support.

Even for youth who need probation, the current youth probation system too often demands rigid compliance that does not set young people up to succeed. Youth probation is set up so that even small infractions — such as missing curfews or court appointments — can lead to further punishment or even confinement. For too many youth, probation is a trap that drives them further into the justice system. This focus on compliance has left other important youth development needs – such as mentoring, workforce development and connection to opportunities — unattended and under-resourced.

#### 6. **People are feeling less safe, right? What about the spike in crime we are hearing about every day?**

Based on research conducted by the Harris Poll, the perception in 2022 is that crime, including youth crime, has increased overall and that public safety has decreased. Six out of 10 people believe public safety has been the same in *their* communities, but believe crime is on the rise elsewhere.

**[If applicable customize for your own jurisdiction:** In XX community crime, particularly youth crime, has decreased.]

It is important to note that the research showed that while people perceive that crime has increased, many continue to support alternative responses that hold young people accountable by keeping them connected to guidance and support in the community.

Communities should respond with the interventions that are shown to work for young people: support, opportunities and connections to mentors and the community. Greater surveillance and incarceration have failed in the past, and we should invest in what works.

**7. What are we supposed to do about kids carrying and shooting guns in our streets?**

The people and communities most affected by violence and trauma must be at the table with public safety officials for the development and implementation of solutions. Any effort to improve youth and family well-being — whether focused on education, employment, housing or otherwise — cannot fully succeed if people are unable to go about their daily activities free of violence and harm.

For everyone’s safety, we do not want young people carrying guns, but we must also understand that young people are still growing and maturing through their mid-20s and can use poor judgment. Taking risks and testing boundaries are common teen behavior, and many of these young people feel threatened or unsafe.

Only 10% of the public believes young people should be confined for carrying guns. Forty-nine percent support probation for youth who have but did not use a gun. This approach should set realistic guidelines that youth can meet, in collaboration with families and other caring adults. Probation should be time-limited and use positive opportunities to motivate youth to meet goals.

**8. It seems that the juvenile justice system is no place for our young people. Why are states enacting Raise the Age policies?**

Raise the Age increases the age of criminal responsibility to 18 years of age or older. Research conducted by Harris Poll determined that, overall, the general public believes that youth under 18 should stay out of the adult criminal justice system. The U.S. Supreme Court affirmed this too, saying the justice system must treat youth differently than adults and recognize young people’s developmental stage and capacity for change. Age-appropriate responses and treatment reduce their chances of future involvement in the system and help them become successful adults. Providing youth with an opportunity for accountability and rehabilitation will help us stop the pipeline to prison. While our juvenile justice system remains far from perfect, the promise of a more rehabilitative system for young people cannot be realized if youth are treated like adults.

## MEDIA ENGAGEMENT TIPS

Tips for interacting with the media.

### THE THREE TOOLS FOR PERSUASIVE COMMUNICATIONS

Three key elements can be helpful in interacting with the media on youth justice: sound bites, stories and data.

- **Sound bites** are concise, memorable, very short messages to use and repeat in media interviews. They can be adapted for specific events, media and speaking opportunities. Ensure that they are simple, compelling and “sticky.”
- **Stories** are essential to bringing your audience in and making an emotional connection. A story creates familiarity. When our brains hear stories, they tap into constructs and frameworks we already understand, like common values. Showing is more important than telling when it comes to the media. Lead with a story of a personal experience with the juvenile justice system, ideally a success story that shows even after making a mistake, young people can still pursue a brighter future.
- **Data and facts** should always be the punctuation to your message, not the headline. They can be hard to remember but provide validation. If you do refer to data when working with the media, try to use facts that are simple — that don’t require people to do math in their heads. And one or two at once is more than enough.

### SPOKESPERSON PREPARATION AND INTERVIEW TIPS

When prepping for a print, radio or TV interview, review the seven tips below to ensure that the speaker is in control of the message and the conversation.

1. **You Don’t Have to Answer Every Question.**  
No one can put words in your mouth but you. If the question helps you, go for it. If the premise of the question is too negative or challenging, simply frame your answer to the question you want to answer. You are in control of what you say.
2. **Nothing is “Off the Record.”**  
There are no rules that govern this or ensure safety. Don’t say anything that you wouldn’t want to hear or read on the news.
3. **Remember Who You’re Really Talking To (Hint: It’s not the reporter).**  
When you’re talking, remember the people who will ultimately hear or read what you say: your organization’s staff and supporters, elected officials, community leaders and others. The media is a conduit to getting out the message to those you wish to reach.
4. **Know What You Want to Say First.**  
Before talking to a reporter, think about the most important message people need to hear. Make it simple. If you try to say too much, you’ll water down what’s most important.

5. **Repeat and Use “Flagging.”**

Once you know what the most important thing is to say, look for opportunities to repeat it over and over so there’s no chance someone misses it. “Flagging” is using phrases that get people’s attention, like “The most important thing is…” or “What people really need to know is…”

6. **Use “Bridging” to Control the Conversation.**

You don’t have to answer every question. Also, you don’t have to accept a question framed against you. Instead, use “bridging,” so you can talk about what you want to talk about. “Bridging” is using phrases that help you go to another place, like “What’s really important is…” or “The research shows that…”

7. **Don’t Talk to Fill the Silence.**

This is especially true for TV or radio interviews. When you’re done making your point, stop. It’s normal to be nervous but chattering on and on can get you in trouble.

8. **It’s Okay to Say “I Don’t Know.”**

Never make something up because you don’t know the answer. Reporters don’t want to publish information that isn’t true. It’s better to say you’ll find out what the answer is and get back to them or tell them who would know the answer.

## APPROACHING A CRISIS

The best way to avoid a crisis is to be well prepared. Any situation can turn negative or escalate if it’s not handled appropriately. That’s why it’s important to prepare and rehearse in advance — before a situation emerges.

The best defense is a good offense. It’s critical that you do not wait until something happens to communicate the progress and challenges of reform to your stakeholders and to the media. You should engage in year-round efforts that can support successful communications.

**Build a base of support among validators:** By making your broadest group of stakeholders aware of your agency’s direction, you are giving them information they might need if they are asked by a reporter to comment on an incident at your agency. They would be more likely to see a critical incident as an aberration as opposed to a deterrent to a more rehabilitative approach.

**Build your credibility with reporters:** It’s critical to cultivate relationships with members of the press so that they are familiar with you, consider you a credible, responsive source of information and understand the basics of your local justice efforts and what they have achieved.

**Know your data and keep current data accessible:** Critical incidents might happen outside of normal business hours. Be prepared to respond wherever you are.

**Establish the chain of command for response:** While it's not possible to predict the exact circumstances of a crisis, organizations should establish protocols for potential crises, including identifying the chain of command for notification, identifying and preparing potential spokespeople and planning for keeping key stakeholders informed ahead of the press. Depending on the severity of an issue, it may be appropriate for a senior leader to be the public face of the organization during an incident. Identifying criteria for this in advance will streamline decision making in the midst of a crisis.

**PHASE I – Prepare:** What protocols need to be in place before a problem emerges? Lay the groundwork for effectively managing and responding to an expected or unexpected crisis ahead of time.

- Evaluate current capacity to handle the situation.
- Form a Crisis Response Team.
- Update your messages and talking points.
- Create media lists and protocols.
- Identify and train spokespeople.
- Monitor media coverage and online conversations.

**PHASE II – Prevent:** Once a potential problem emerges, what steps can be taken to minimize or contain it?

- Identify the problem. Preparations made in Phase I, such as regular monitoring of news media and online conversations, will ensure that potential communications problems are identified early on.
- Establish the facts. It is important that the facts are quickly established so the Crisis Response Team can develop appropriate strategies and adapt the prepared Crisis Response Plan to address the situation at hand.
- Assess the risk. Once a situation has been identified and the facts have been confirmed, it is important to assess its risk.
- Minimize and contain a problem before it escalates into a full-scale crisis.

**PHASE III – Alert:** Who needs to know early on that a situation is brewing? Alert the appropriate contacts among your staff, legal, chain of command, spokespeople and key partners so everyone with a role in implementing the crisis response plan can do so quickly and effectively.

**PHASE IV – Respond:** What steps need to be taken to manage the situation?

- Inform stakeholders and address their concerns in your response.
- Issue a coordinated response across multiple media platforms.
- Monitor the media so you know what information is circulating, bearing in mind that some of what you are hearing may be incorrect or incomplete information available to make decisions. You may need to correct or clarify what is being reported.
- Prepare spokespeople with the latest news and messages.

**PHASE V – Improve:** What lessons should be learned from the experience? Document and communicate key lessons in order to improve crisis response plans and protocols for future situations.

## RESOURCES FROM THE ANNIE E. CASEY FOUNDATION

Relevant blog posts, infographics and videos from the Annie E. Casey Foundation.

- **What is Juvenile Justice?**

This blog highlights differences between the juvenile and adult justice systems; explains the scope of and stages in the juvenile justice system; answers whether diversion from the juvenile justice system works; and identifies areas of progress within the juvenile justice system over decades as well as lingering challenges.

- **Explainer: Transforming Juvenile Probation**

A three-minute explainer video and [infographic](#) describe how and why systems must reimagine probation if they are to fulfill their potential for improving young lives and promoting public safety. The video illustrates what can be done by leaders and line staff of juvenile probation agencies, as well as judges, prosecutors, juvenile defenders, community organizations and other partners.

- **What is Diversion in Juvenile Justice?**

This is a Q&A about the use of diversion within juvenile justice. The alternative — arresting young people and formally processing their cases in juvenile court — increases their likelihood of subsequent arrests, school struggles and employment challenges. Learn more about diversion in this one-page chart on [best practices for effective diversion](#).

- **What is Restorative Justice for Young People?**

This blog explains restorative justice conferences and similar practices that give young people who have been responsible for harm and those they have harmed a chance to work things out together.

- **Frequently Asked Questions about Juvenile Probation**

This blog offers common questions and answers about juvenile probation, such as the following:

- What is juvenile probation?
- How many youth are placed on juvenile probation?
- What are the qualifications of juvenile probation officers?
- Does evidence show that juvenile probation works?

- **A Call to Action: Juvenile Probation and Racial Justice**

This Q&A with Steve Bishop, the associate director leading the Foundation's work on transforming juvenile probation, suggests how probation leaders and line staff could help address discriminatory policies and practices throughout their system. He says an honest accounting of probation's role in perpetuating racial disparities is necessary to advance any long-term efforts at reform. Casey offers concrete steps that juvenile probation agencies can take to promote racial equity and inclusion in this [15-item checklist](#).



- **Framework and Tool Help Juvenile Justice Agencies Treat Families as Partners**  
This blog post highlights a framework and action planner that juvenile justice staff, community partners and technical assistance providers can use to develop sustainable family engagement efforts that have clear metrics and regular assessments of progress. The planner combines research with concrete advice from the field on the mindsets, concepts and practices needed to better engage families.
- **Subscribe to the Juvenile Justice News**  
To stay up to date on Casey resources, [subscribe to the Foundation's Juvenile Justice News](#), a monthly e-newsletter.