



SEEKING TRANSFORMATION IN JUVENILE PROBATION

A REQUEST FOR IDEAS AND INTEREST From The Annie E. Casey Foundation

Released July 1, 2014

EXECUTIVE SUMMARY

The Annie E. Casey Foundation is poised to offer \$300,000 in grant funds to support a transformation of juvenile probation practice in 1-2 local jurisdictions. The funding will cover a one-year period, with an additional 1-2 years likely available. While it is anticipated that the funds will cover reform efforts in *two* jurisdictions, this will depend on the quantity and quality of applications.

This document describes in detail why the Foundation is honing in on this particular area of the juvenile justice system and how JDAI sites can apply for the funding. We are looking to support ideas and strategies that, at their very root, challenge and fall outside the general framework and assumptions of current practice and act as inspiration for a broader national transformation in this area. Specifically, we seek to fund reforms that strive for a clearer purpose and theory of change within probation—one that: (1) sharpens the focus and limits the reach of the intervention; (2) defines and seeks behavioral change in a developmentally appropriate manner; and (3) prioritizes community and family partnership.

Responses to the *Request for Ideas and Interest (RFII)* are due by August 29, 2014. After reading the background information and instructions included here, please do not hesitate to contact Rachel Gassert at rgassert@aecf.org with any questions.

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THE PROBLEM

Across the country, hundreds of thousands of young people each year are placed on probation supervision.¹ The most common court disposition for youth entering the juvenile justice system, probation is referred to by some as the default disposition—occurring when system decision-makers agree that incarceration is not the right response but that “something” needs to be done.² That “something” varies significantly from one jurisdiction or even one probation officer to another. And the outcomes have been inconsistent, at best.

Indeed, there is no conclusive evidence that the traditional and still most prevalent approach to juvenile probation—focused primarily and at times exclusively on a young person’s compliance with court orders and an officer’s ability to track that compliance—is an effective method for protecting public safety and improving outcomes for youth and families. Rather, as described in more detail below, the traditional approach has too often: (1) lacked a clear and convincing theory of change; (2) failed to incorporate research justifying a more developmentally appropriate and nuanced approach to adolescent behavior; (3) acted as a gateway to incarceration; (4) failed to alleviate racial inequities; and (5) disenfranchised families and communities.

- *Lacked a clear and convincing theory of change.* In the private and public sectors alike, programs and interventions face increasing pressure to explain *why* they do what they do. Who is the target population? What is the intended outcome? And how will the intervention’s actions lead to that outcome? When it comes to juvenile probation—one of the most far-reaching youth interventions in this country—practice and on-the-ground conversations reveal diverse, varied, and unclear answers to the above questions.

While the juvenile justice field has begun to make great strides in establishing stricter criteria for who—at initial disposition—should or should not be placed out of the home, the gates of probation are frequently left too wide open, leaving it as a “catch-all” for a broad array of young people. Frequently probation officers find themselves working with youth whose risk to public safety runs the gamut, ranging from those who have committed very serious crimes, have lengthy offense histories and present a high risk of re-offending, to those who have been charged with only minor delinquent offenses (or, in some cases, status offenses), have little to no history of delinquency and have a low risk of re-offending. Despite this variety, the response to each of these types of cases often looks the same—long and detailed “orders of probation” and monitoring of the behaviors required in those orders, including, but often not limited to, school attendance, curfew, counseling, and drug testing. In addition to overloading probation caseloads, making it difficult for officers to spend the necessary time with those who really need it, this approach is also in direct conflict with what is commonly known as the “risk principle.” Research has backed that principle up again and again to show that an over-response to those least at-risk for future offending leads to poor outcomes and decreased community safety.³

¹ In 2010, the most recent year national data is available, probation was the most restrictive disposition ordered in 61 percent (or 260,300) of all cases adjudicated delinquent. Charles Puzzanchera and Sarah Hockenberry, *Juvenile Court Statistics 2010*, Pittsburgh, PA: National Center for Juvenile Justice, 2013.

² In some jurisdictions, a child may be ordered to an out-of-home placement facility as *part* of his/her conditions of probation (rather than as a separate disposition). For purposes of this document, we are primarily describing probation supervision practices of youth who are not in a placement facility—in other words, supervision of youth who remain at home, in their communities.

³ Christopher Lowenkamp and Edward Latessa, *Understanding the Risk Principle: How and Why Correctional Interventions can Harm Low-Risk Offenders*, Topics in Community Corrections, 2004.

Further, one could infer from this common approach that the theory of change under which probation departments are operating is that system-mandated behavior surveillance is an effective means of protecting public safety in the short- and long-term. Yet, there is little agreement in the field as to whether that is, indeed, the theory and, if it is, there is little evidence to support the reasoning.

- *Failed to incorporate research justifying a more developmentally appropriate and nuanced approach to adolescent behavior.* The standard terms (or conditions) of probation in jurisdictions across the country remain, for the most part, exceedingly rigid, with a set of compliance requirements that, in many circumstances, guarantee failure. For example, the likelihood that a young person who has not been attending school for the last three months—for a variety of reasons—will begin showing up, on time, every day simply because he/she is ordered to and someone is watching, is low. While it is surely agreed by all that 100% school attendance for that child is a necessary goal, a tailored and realistic plan for how to get there is needed, one that focuses more heavily on efforts to meaningfully understand and address the issue at hand, create opportunities for growth, and build upon moments of success.

Indeed, all that we now know about youth development indicates that behavioral *change* and incremental progress is far more important, realistic, and long-standing than immediate compliance.⁴ Many within the field now agree that compliance alone leads, at best, to kids doing what we want them to do while we are watching over them, and typically has no long-lasting resonance. With that in mind, more and more jurisdictions embrace the idea that, in order to have a deeper and more significant impact far beyond the end of a court sentence, probation needs to be about more than surveillance and the enforcement of rules. However, even when behavioral change is posited as a goal of probation supervision, the change we seek is still too often defined in an impractical way – and compliance rather than progress remains the norm.

- *Acted as a gateway to incarceration.* Nationally, a quarter of youth incarcerated—in either a detention or longer-term placement facility—are there because they violated probation rules, not because they committed another crime.⁵ In some jurisdictions, the proportion is much higher. Yet we accept this because far too often a young person’s failure to comply with the terms of probation is seen as a failure of the child himself. At the abstract level, this makes little sense. Would a successful corporation look at poor sales numbers as a problem with consumers or a problem with their product or advertising strategy? Similarly, we should see the incarceration rate of children while on probation as a measure of the efficacy of the intervention itself—not just the “success” or “failure” of the individual youth.

But is it possible to truly shift this way of thinking without significant transformation to

<http://www.yourhonor.com/dwi/sentencing/RiskPrinciple.pdf>. Further, studies have shown that being on probation or in the juvenile justice system, more generally, can cause worse outcomes in youth, even after controlling for other factors. See Anna Aizer and Joseph J. Doyle Jr., *Juvenile Incarceration, Human Capital and Future Crime: Evidence from Randomly Assigned Judges*, June, 2013. http://www.mit.edu/~jjdoyle/aizer_doyle_judges_06242013.pdf.

⁴ Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, and Julie Schuck, Editors, Committee on Assessing Juvenile Justice Reform, Committee on Law and Justice (CLAJ), Division of Behavioral and Social Sciences and Education (DBASSE), National Research Council, *Reforming Juvenile Justice: A Developmental Approach*, 2013.

⁵ Sickmund et al., *Census of Juveniles in Residential Placement Databook* (2010), available at www.ojjdp.ncjrs.gov/ojstatbb/cjrp/.

how we conceptualize probation itself? The rigid conditions of probation described above too often force probation officers and judges to bring the hammer down when a child racks up a list of compliance failures, even if minor (although frustrating) in nature, and can produce a fast track to detention and placement for kids who should never be there. This is occurring within the context of a growing body of research showing that secure confinement of youth causes more harm than good.⁶

- *Failed to alleviate racial inequities.* Black and Latino youth bear the brunt of the above practice. According to the most recently available data, these young people represent two thirds of the youth incarcerated—in either a detention of longer-term placement facility—for failing to comply with the terms of probation.⁷
- *Disenfranchised families and communities.* The juvenile justice field has a long way to go in working with, and valuing the input of, those most directly affected by the system. Far too often, system stakeholders view and treat families and communities as if they are the “problem,” rather than the solution. This sentiment and the actions that follow leave the family and community members who are connected to and deeply invested in the young people with the disempowering feeling that the system is doing something “to” them rather than working with and for them.⁸ The interests and priorities of families and communities are frequently ignored, their contributions uninvited or implicitly discouraged, and their strengths (and ability to care for and benefit their children) severely overlooked. And for this, the system and thousands of children and communities have suffered.

With this in mind, and as part of our long-standing commitment to system reform, the Annie E. Casey Foundation joins numerous probation leaders and line staff, and countless young people, families, and community members in calling for a reexamination and transformation of current juvenile probation practices. While there are certainly pockets of reform across the country, probation—the fundamental underpinnings of the nation’s number one response to adjudicated youth—has remained remarkably unchanged. This is despite the fact that so much around it has altered and so much more is now known about what does and does not work when it comes to young people and crime reduction.

THE OPPORTUNITY

The Foundation is poised to offer \$300,000 in grant funds to support a transformation of juvenile probation practice in 1-2 local jurisdictions. The period of funding is one year, with an additional 1-2 years likely available. We hope that the funds will cover reform efforts in *two* jurisdictions; however, this will depend on the quantity and quality of applications.

We do not anticipate funding an isolated “program.” Rather, we are looking to support strategies that, at their very root, challenge and fall outside the general framework and assumptions of current practice and act as inspiration for a broader national change in this area. In particular, we seek reforms that strive for a clearer purpose and theory of change within probation—one that: (1) sharpens the focus and target population; (2) defines and seeks behavioral change and personal

⁶ The Annie E. Casey Foundation, *No Place for Kids: The Case for Reducing Juvenile Incarceration*, 2011.

⁷ Sickmund et al., *Census of Juveniles in Residential Placement Databook* (2010), available at www.ojjdp.ncjrs.gov/ojstatbb/cjrp/.

⁸ Justice for Families, *Families Unlocking Futures: Solutions to the Crisis in Juvenile Justice*, 2013.

growth in a developmentally appropriate manner; and (3) prioritizes community and family partnership.

- *Sharpens the focus and target population.* We are looking for jurisdictions that wish to establish a minimum threshold for placing a youth on probation, ensuring that the intervention has a clear target population and is not used as a default response for youth who could be more effectively served through other means, including earlier system diversion. In the ideal scenario, probation would serve as a true alternative to out-of-home placement, focused exclusively on youth who pose a significant risk to public safety and as a means of interrupting the trajectory of these kids into deeper system involvement. We understand that this ideal may be difficult, but invite applicants to propose strategies that would move the system a little closer to that end.

There is great emphasis in the field, including at Casey, on the need to use validated risk assessments to determine which young people may pose a serious risk of re-offending and, with that determination in hand, inform the dispositional decision to remove a child from the home, place him/her on probation, or offer another option.⁹ Sometimes adopting a dispositional risk assessment tool, however, inadvertently becomes a way to check off a box on the system reform list and move on. There are various ways the *presence* of a risk assessment instrument can fall short: the tool may be completed yet not actively used to guide decisions; it may be validated but not trusted or embraced by those making the decisions; and it may be validated on a population very different from the kids at hand, which can lead, in some circumstances, to misclassifications. And far too often youth of color bear the brunt of these shortcomings.

Furthermore, a risk tool alone is not enough. There need to be viable and thoughtful responses to youth who score low or mid-risk on an assessment but who have been adjudicated on serious and violent offenses or have cycled through the system many times before. The reality, as it currently stands, is that these youth have an increased chance of receiving an out-of-home placement regardless of what the risk tool indicates, and that this is even more likely for youth of color. System players need to aggressively identify, and provide equal access to, effective alternatives for these youth.

With the above in mind, more and more probation departments are designing and implementing dispositional grids or matrices that factor both risk level and offense severity into the dispositional recommendation to the court. We applaud this model and encourage applicants to draw upon it. However, even when a matrix is introduced, probation can still too often become the default for all cases that do not merit placement. In order to set a minimum threshold, there will inevitably and necessarily be youth who do not receive *either* a disposition of placement or probation. The challenge is in how to begin (in practice, not just theory) to narrow the entryway to *both* options, and be more intentional about who is placed on a probation caseload. Diverting low and medium-risk youth from the formal probation system will allow probation practitioners to have the necessary time and resources (via more realistic caseload sizes) to effectively intervene with those young people who most require their attention.

⁹ Dispositional risk assessment instruments are designed to measure risk over a longer stretch of time as compared to detention screening tools, which focus on the shorter, pre-trial period of risk.

- *Defines and seeks behavioral change in a developmentally appropriate manner.* We encourage applicants to propose creative and innovative strategies for rethinking what they expect from youth while on probation supervision. In particular, we seek proposals that dramatically alter the role and scope of conditions of probation and that place the young person (not just his/her risk factors or offense) front and center when it comes to developing case plans. What are the goals of the child? How can probation departments incorporate goals that focus on a “common ground” with what the youth and family have as priorities? What do the child and his/her family members see as the obstacles to change? And how can everyone involved work collaboratively and innovatively to tackle those obstacles? Building a positive, respectful, and caring relationship with the young person must be the foundation for this work. And while behavior monitoring will, of course, always be a key and central component, it cannot and must not trump the importance of that relationship as well as more aspirational and meaningful goal setting. And all of this needs to occur within a new frame and definition of behavioral change, one that allows and is forgiving of set backs, seeks improvement and progress over blind compliance, and aims to avoid the use of detention and out-of-home placement unless absolutely necessary to protect public safety.

Finally, we ask that jurisdictions place as a key objective a broader sense of youth well being. As parents, aunts, uncles, and caring adults, we want for our children more than the avoidance of something bad. We wish for them moments of pride and positive achievement, whether it be in school, at a job, on a sports team, or in a sketch book—those things that can help bolster their self-confidence, give them joy, and help them want to continue to make good decisions in life. In this vein, some jurisdictions are beginning to adopt the principles of positive youth development in their work with system-involved youth—focusing on providing *opportunities* and *incentives* for change (job skills, educational support, arts and athletics, connections with positive adults and peers, leadership development, service to the community) that speak to young people’s interests, strengths, ambitions, and goals rather than solely laying out rules to follow and diagnoses to address.

The challenge here—that we hope applicants will tackle—is in finding ways that probation can strive for a larger and more important goal of youth well being, one that has a far better chance of protecting public safety in the long-run, while being vigilant and mindful of the system’s historical heavy hand. Practice has taught us that when the juvenile justice system takes a more in-depth role in a young person’s life, it can quickly lead to a “microscope” effect—an increased time under surveillance, more ways to “fail,” and more violations leading to incarceration. We invite sites to envision and pilot an innovative way that probation can be both a deeper intervention *and* a less invasive and reactive one.

- *Prioritizes community and family partnership.* Jurisdictions are increasingly recognizing that, for the system to be more effective, families and communities need to be included in decision-making. Yet, while the intentions can be well placed, attempts at what is commonly known as “engagement” frequently fall short. Too often an attempt at engagement occurs solely within the hours and locations that are convenient to the system, not the families, and those invited to meetings and discussions (for case planning or otherwise) are given little insight into their expected role and have limited understanding of the intimidating and impenetrable language of the system into which their children have entered. Finally, far too often, the system’s perception of families and communities has not really changed at the time of the invitation. If it is implicitly or explicitly believed that family and community members are

the problem rather than a key part of the solution, a request to participate will come from a flawed and imbalanced starting point.

In issuing a national report in 2009, a workgroup consisting of families and other system stakeholders in Pennsylvania urged those in the field to redefine and think more ambitiously about family involvement. In their words, “A juvenile justice system committed to family involvement ensures that there are *flexible and authentic* opportunities for families to partner in the design, implementation, and monitoring of their child’s plan, as well as juvenile justice system policy, program, and practices which support responsive, effective outcomes for youth.”¹⁰ Inherent to this is the belief and understanding that all families have strengths and that they are a “child’s primary emotional, social, cultural, and spiritual resource.”

Drawing upon the above and expanding it to the broader community, we are looking for applications that place front and center the need for meaningful family and community involvement and partnership. Such a partnership would extend beyond an attempt to “engage” families and community members, and would instead position these stakeholders on equal footing as those already at the juvenile justice decision-making table.

In particular, we seek applicants who will include in their proposal the development and pilot of a *Family Leadership Council*. There are no strict parameters for the structure or implementation of the Council. Rather, through assistance and support from Justice for Families, a non-profit entity, we provide below a general framework for the idea, with the hope that interested sites will enhance and tailor it as needed. Intensive technical assistance would be offered, in addition to the grant funding, to help design the Council, train and empower its members, and help bring the reform strategy to fruition.

- *Council Membership*: Community members whose children, relatives, or loved ones have experienced the juvenile justice system.
- *Role of the Council*: Council members would have a voice in both the macro (policy) and micro (individual) sides of the system, each of which is described briefly below. We recognize that it may be challenging to tackle both of these areas in this initial year of funding, if no supplemental funds are available. For that reason, it is required that sites take on, at a minimum, the first area (macro) in year 1 while they work with the foundation to plan and *begin* to pilot (even if on a small scale) the second area (micro). Finally, applicants may propose something slightly different from the *Family Leadership Council*, if the innovation follows a similar spirit.
 - ✓ *Macro*: Members would act as advisors to those who operate and run the system, reviewing and providing feedback on local practices, policies, orientations, and trainings to ensure that they are family-focused, family-friendly (using language that is accessible and a philosophy that values and sees the strengths of families), and that they work towards positive outcomes for young people, family members, and communities.

¹⁰ *Family Involvement in Pennsylvania’s Juvenile Justice System*, a report from the Family Involvement Subcommittee of the Mental Health/Juvenile Justice Workgroup for Models for Change-Pennsylvania and the Family Involvement Workgroup of the Pennsylvania Council of Chief Juvenile Probation Officer’s Balanced & Restorative Justice Implementation Committee, 2009.

- ✓ *Micro*: Members would act as, or support other parents to act as, “Family Navigators.” While a jurisdiction may choose to use a different name for this (e.g., “Family Partner”), the basic role of the Family Navigator would be to offer support and guidance to families who are entering the system. Navigators would educate new parents/family members about the maze that is the juvenile justice system (the rules, the consequences, the gray areas); receive training in how to empower them as informed and confident advocates for their children in that system; and provide them a safe space to talk about their fears and anxieties.

We recognize that the above areas of change and a large-scale transformation of this kind will not be easy. We hope that the funding and technical assistance, however, will allow for a solid and ambitious starting point, one that will act as a launching pad for a much-needed national dialogue and as fodder for a revolutionary shift in probation. There are simply too many young people who touch this part of the system and too many lost opportunities for us as a field to not try new and innovative approaches.

APPROPRIATE APPLICANTS

All JDAI sites are eligible to apply for the funding and technical assistance. However, the selected jurisdictions will, in addition to the proposed probation reforms, be required to become one of Casey’s “[deep end](#)” sites, if they are not already. We include this stipulation with the understanding that probation reform must be accompanied by a deeper analysis of the larger policies and practices that comprise the “deep-end” of the juvenile justice system. And while a state probation entity can certainly apply for the funding, the focus of the work should be local in nature, focusing on probation practices in one county or jurisdiction.

In addition, we are cognizant that sites vary enormously in terms of where they fall on the reform continuum. And we respect that the changes that each of you are already taking on in your localities can be incredibly challenging and consuming. For that reason, we ask that jurisdictions only apply if confident in your ability to work collaboratively, think innovatively, and commit to wide-scale probation transformation *while* maintaining your current detention reform efforts. In particular, as noted above, we seek applications that prioritize family and community partnership in the probation change process, and we will provide in-depth assistance and guidance as to what that might entail and look like.

HOW TO APPLY

We know that the writing and editing process of traditional proposals is laborious and can sometimes significantly shrink the amount of time allowed on the front end for idea development. Because we seek ambitious and creative ideas (and are less concerned right now about perfectly written narratives), we want sites to be able to spend the bulk of their proposal-development time thinking about, discussing, and vetting ideas. For this reason, we invite applicants to share their answers to the six questions outlined below in one of two ways: (1) as a written document—a narrative, a detailed power point, or some other format (no required length); or (2) in audio or video (iphone or otherwise) recording.

Regardless of the format you choose, it is required that you answer *each* of the below questions and that you submit your answers to Rachel Gassert by August 29, 2014. In addition to the written or recorded submission, please include a cover letter identifying the jurisdiction, name and contact

information for the individual who will be the primary contact in the site for this project, and the requested amount of money.

1. *Why is probation transformation needed in your locality?*

In answering this question, we encourage you to come together—across entities and stakeholders—to discuss why local change is needed. Look at the data and share perspectives and insight. Where do the challenges lie? What elements of the problem statement outlined in this document (pages 2-4) particularly resonate with you? Is there anything that we did not describe that you see as a local concern and justification for change?

2. *What is your vision for local probation practice, 5-10 years down the road?*

Given the previously described need for change, what do you want probation to look like in your jurisdiction? In this question, we are asking for the long-term vision. For the moment, set aside the potential hurdles and think big—envision the ideal, even if wildly aspirational (and possibly controversial) and regardless of whether you fully know how to get there. How do you wish to define the purpose and key principles for your probation practice? Who would it target? And how would it play out?

3. *To lay the groundwork for the above vision, what changes do you propose putting into place next year?*

We understand that the ideal vision, described in the previous question and answer, may feel overwhelming and out of reach, at least in the immediate future. What reform efforts do you propose to plan and implement in a one-year period to get you at least closer to that vision? How do you aim to address the issues raised in the “Problem” section of this RFII? In other words, please describe your proposed efforts as they relate to the three areas of needed change described earlier (sharpening the focus and target population; defining and seeking behavioral change in a developmentally appropriate manner; and prioritizing community and family partnership).

As a reminder, we do not anticipate funding the adoption of a discrete program. For example, we know that several jurisdictions are in the midst of implementing and, in some cases, evaluating curricula or trainings, such as EPICS or Functional Family Probation. We applaud those efforts. For purposes of this particular funding, however, we are seeking additional and new approaches so that the field can begin to learn from and test a myriad of possibilities. Those new approaches should address the *foundational* aspects of probation, which include but go beyond any one program or training. This certainly does not imply that applicants cannot include the use of already developed programs or trainings in their vision for transformation, simply that the funded reform efforts would need to go beyond that.

4. *What would be the key objectives of the proposed work?*

How would you *begin* to think about measuring the success of the work? We are not expecting that you include a detailed logic model or set of performance measures at this time. Part of our vetting and review process will include choosing promising applications and ideas and then working closely with the finalists to flush those ideas out and put

together a more detailed and viable work plan, including a set of performance measures (see “Grantee Selection Process” on next page). However, as part of the application, please outline what you envision as your key goals and outcomes.

5. *What is your capacity for carrying out the proposed work, in the following two areas?*

- ✓ *Data:* While it is not expected that each interested site have a sophisticated data system in place, basic access to and use of data is required. Please provide a brief description of your site’s ability to collect and analyze quantitative data pertaining to the number and characteristics of youth on probation, the frequency of violations of probation, and the use of incarceration as a response to those violations, as well as your ability to disaggregate this data by race & ethnicity.
- ✓ *Collaboration:* How will you ensure buy-in and collaboration across entities and stakeholders, including judges? We understand that it may not yet be possible to fully anticipate the extent to which *all* stakeholders will be on board with the proposed ideas and we also understand that, if this is to be a step toward true transformation, there will likely be some pockets of resistance. With this in mind, please offer a sense of which stakeholders are on board now. In addition, identify the anticipated barriers to collaboration and support, with some preliminary ideas of how you might overcome those barriers.

6. *What amount of funding do you request from Casey to make this all happen?*

As noted previously, the Foundation has set aside \$300,000 for grant funding in this area, over the period of one year, with a likely second year of funding to follow. We would ideally like this funding to cover reform efforts in *two* jurisdictions. However, this will depend on the quantity and quality of applications. Please include the amount of the funding requested and any additional funding that will be leveraged to support the effort.

GRANTEE SELECTION PROCESS AND TA PROVISION

Casey will review applications and select those that are most promising. At that point, we will contact the finalists and conduct informal interviews as a way to hear more and ascertain the strengths and potential challenges of each. The final grantees will then work with the Foundation to develop a more refined and detailed work plan by the end of the calendar year, with funding beginning by November 1, 2014. The work plan will include strategies for providing targeted and tailored technical assistance throughout the year of funding.