

Probation Practice and Reform: Key Themes and Findings from Available Literature

May 2016

THE ANNIE E. CASEY FOUNDATION



Research on how well juvenile probation works as an intervention is surprisingly limited, given the extensive use of probation within the juvenile justice system. That said, the limited evidence does suggest routine probation, or ‘probation as usual’, has little or no positive effect on delinquent behavior. Additionally, there’s a compelling argument that, by and large, probation agencies and probation officers have been slow to adopt their work to conform to the best practice research, and that the quality of supervision received by most probation departments is far from optimal. To understand the challenges that exists, it’s important to build an empirical foundation upon which probation practice can utilize targeted, reform efforts to better design a best-practice probation model.

Building support for the use of evidence based practice (EBP) in reforming probation is critical toward creating a better functioning system for both the clients and officers. *The Desktop Guide to Good Juvenile Probation*¹ (revised edition) offers a comprehensive look at the theory and practice of juvenile probation, serving as a tool for developing standards and training curriculums and as a resource for exploring best practices. The revised version is essential reading because it serves as the starting point toward reshaping the thinking towards a more collaborative probation practice tailored to young people. As noted in an article previewing the last update of the Desktop Guide:

A “junior criminal justice system” that simply adapts the adult system to fit smaller bodies would be wasteful in more ways than one. The vast majority of the young people under juvenile court jurisdiction need only a little structure and tangible help to grow up straight.²

The revised *Guidebook* provides a foundation for answering two key questions: who is juvenile probation for, and how should it function?

As Patrick Griffin puts it, juvenile probation “is a catalyst - it makes things happen.”³ But is what’s happening always best suited for the recipient? Though there has been limited research directly comparing probation supervision with diversion from juvenile court, some carefully controlled studies have found that probation produces poor recidivism outcomes, particularly for youth assessed as low risk. Ed Latessa and Christopher Lowenkamp articulate the flip side of this point in *What Works in Reducing Recidivism?*: “intensive services like probation work best on those offenders who pose the highest risk of continued criminal conduct.”⁴

Researchers identify this concept as “the risk principle.” is the idea that the intersection of services and supervision should be informed by the level of risk. “Simply stated, the risk principle indicates that offenders should be provided with supervision and treatment levels that are commensurate with their risk levels.”⁵ Often we find that youth assessed as “high risk,” those with the greatest need for interventions, are the first to be excluded from programming.⁶ Failure to match risk with intensity can diminish public safety, waste resources and create greater probability of criminal behavior among youth who pose a low risk. Research examining intensive rehabilitation supervision models found that “low-risk offenders who received intensive levels of treatment demonstrated higher recidivism rate than non-treated low-risk offenders.”⁷ Additionally, the research identified a potential link between the intensive levels of treatment and an increased recidivism rate among youth with low-level offending.

Another common theme in the research is the deployment of resources within probation practice, specifically examining the effectiveness of probation to deter delinquency. Peter Greenwood's work examining the dispositional responses to juvenile crime notes that:

[A]n overworked probation officer who sees a client only once a month has little ability either to monitor the client's behavior or to exert much of an influence over his life. In the [Mark] Lipsey meta-analysis, "probation as usual" was the only regular juvenile justice intervention that, when applied to control groups, did not reduce the magnitude of the difference in effects between experimental and control groups. ***In other words, regular probation is effectively no treatment at all.***⁸ [emphasis added]

Greenwood concludes that an array of dispositional options are necessary, with flexibility to find the appropriate placement for each young person. Additionally, Greenwood notes that the most effective programs share characteristics of multiple-intervention levels, focus on changing individual behavior patterns and innovative freedom.

This is consistent with research that finds the impact of community supervision is "at best limited and at worst leaves clients more likely to recidivate,"⁹ and another study showing significantly higher than-average recidivism among youth assessed as low risk, no significant difference for youth assessed as moderate risk, and a modest but statistically significant reduction in recidivism among youth assessed as high risk. In other words, effective programming aimed at reducing delinquency should be incorporating the elements of the risk principle, with flexibility to tailor programming appropriateness and include best practices such as structured social learning programs aimed at pro-social skill building.

¹ Juvenile Probation Officer Initiative Working Group, National Center for Juvenile Justice., United States. Office of Juvenile Justice and Delinquency Prevention (2002). *Desktop guide to good juvenile probation practice (revised version)*.

Washington, D.C.: U.S. Dept. of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

² Griffin, P. (2000). *Rethinking juvenile probation: The desktop guide to good juvenile probation practice revisited*. In FOCUS. 2(1). November. Pittsburgh: National Center for Juvenile Justice.

³ *Id.*

⁴ Latessa, E.J. (2006). What Works in Reducing Recidivism? *University of St. Thomas Law Journal: Vol. 3 (3) Art. 7.*

⁵ Lowenkamp, C.T. & Latessa, E. (2004). Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders. *Topics in Community Corrections*, at 3.

⁶ Lowenkamp, C.T. & Latessa, E. (2004). Increasing the effectiveness of correctional programming through the risk principle: Identifying offenders for residential placement. *Criminology & Public Policy* 4 (2) (2004): 263-90.

⁷ Bonta, J., Wallace-Capretta, S & Rooney, J. (2000). A quasi-experimental evaluation of an intensive rehabilitation supervision program. *Criminal Justice & Behavior* 27 (3) 312-329, at 325.

⁸ Greenwood, Peter W. (1996). Responding to Juvenile Crime: Lessons Learned. *The Future of Children – The Juvenile Court*. Vol. 6, No. 3.

⁹ Rudes, D. S., Viglione, J., et al. (2011). Juvenile Probation Officers: How the Perception of Roles Affects Training Experiences for Evidence Based Practice Implementation. *Federal Probation* 75(3): 3 - 10, 62.