

SHRINKING THE NET: Re-Tooling Standard Probation Orders

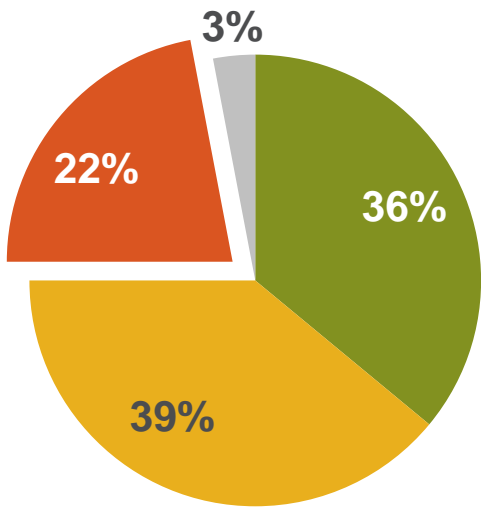
JDAI National Inter-Site Conference

June 4, 2014

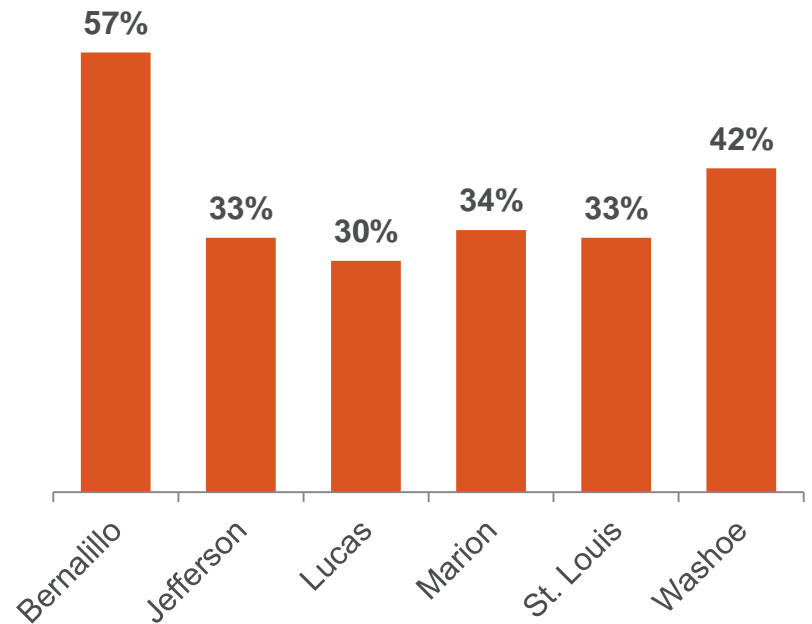
The Annie E. Casey Foundation
Juvenile Justice Strategy Group

Nationally, jurisdictions struggle with reducing the use of confinement for youth who violate the terms of their probation

**DETAINED YOUTH BY OFFENSE CATEGORY:
U.S. TOTAL, 2011¹**



**VIOLATIONS OF PROBATION AS A PERCENTAGE OF
COMMITMENTS AND OTHER PLACEMENTS IN JDAI
DEEP END PILOT SITES, 2012**



Are our expectations reasonable? And how well do youth understand what is expected of them?

GROUP ACTIVITY

Have you ever....

- Sped through a yellow light?
- Sped at any time?
- Showed up late for a doctor's appointment?
- Missed a doctor's appointment?



Why do we expect so much of children, and make the consequences so great, when even as adults we make similar mistakes in our own lives?

How might the content and structure of the court order actually be driving these kinds of placements?

SITTING AS A JUVENILE COURT

JUVENILE DOCKET # [REDACTED]

RESPONDENT

ORDER FOR: PROBATION PROTECTIVE SUPERVISION

It is, this 16 day of December, 2013, by the Circuit Court for [REDACTED] County, sitting as a Juvenile Court, ORDERED that [REDACTED] be, and is hereby, found to be in need of supervision, care and treatment within the provisions and intent of Subtitle 8A of the Courts and Judicial Proceedings Volume of the Annotated Code of [REDACTED], and be placed under the direction, supervision and control of the Juvenile Counselors of the Department of Juvenile Services and subject to all the restrictions, terms and conditions imposed by such Counselors, including, specifically, the following:

1. You shall not commit any act in violation of any Federal, State or local law.
2. You shall not drink or possess any intoxicating beverages and shall not use, sell, or possess controlled dangerous substance in any form, except by a physician's prescription.
3. You shall attend school regularly and apply yourself. If not attending school, you shall keep yourself honestly employed. Otherwise, notify your probation counselor immediately.
4. You shall not own, possess, use or handle a shotgun, rifle pistol, or any other firearm, or other dangerous or deadly weapon, of any description, without first having received permission from the probation counselor.
5. You shall not operate or own a motor vehicle without obtaining the approval of your parents or guardian, and the permission of your probation counselor.
6. You shall not change your home address without notifying your probation counselor.
7. You shall not stay away from home overnight without the approval of your parents or guardian.
8. You shall report to your probation counselor as directed.
9. You shall permit, without objection or comment, the probation counselor of this Court to visit your home, school or place of employment at any time.
10. You shall conform to all rules of conduct, including recreational and social activities, as directed by the probation counselor.

The SPECIAL CONDITIONS of probation are as follows:

- ① Perform a 100 hrs of community service
- ② Attend and complete an Alternative Directions Assessment and comply with all recommendations
- ③ Pay court costs in the amount of \$135.00
- ④ Submit to random urinalysis with positive results forwarded to Court as well as MRA.
- ⑤ Pay restitution in the amount of \$670.00 to Richard Scalvone jointly and severally with William Stewart and Parents.

It is further ORDERED that the terms and conditions of this Order are subject to the further Order of this Court, and that violation of any provisions of this or any other Order of this Court with respect hereto shall be grounds for revocation of the probation-protective supervision granted herein.

[REDACTED]
Judge

I have received a copy of this Order, and a representative of the Department of Juvenile Services has explained each provision to me. I understand its meaning and agree to comply with its terms.

How might the content and structure of the court order actually be driving these kinds of placements?

Juvenile Case No.: [REDACTED]

STANDARD CONDITIONS OF JUVENILE PROBATION

In addition to all special conditions contained in the Order for Probation, the Juvenile shall:

1. Obey all laws;
2. Appear in Court when notified to do so;
3. Report to the assigned case manager as directed and follow all lawful instruction of the case manager.

Except with the permission of the parent/guardian of the juvenile who has custody and the case manager, the juvenile probationer may not do any of the following things:

- a- move to a new home address;
- b- stop regular attendance at school;
- c- accept or terminate any employment;
- d- stay away from home overnight;
- e- leave the State of [REDACTED] for any length of time;
- g- operate a motor vehicle;
- h- own, possess, use or have any control any kind of firearm or any other dangerous weapon;
- i- use or possess any alcohol, drugs or tobacco products.

If attending school, the juvenile probationer shall attend regularly and have no unexcused lateness or absences and shall not violate any regulation or policy of the school

How might the content and structure of the court order actually be driving these kinds of placements?

IN THE CIRCUIT COURT FOR [REDACTED]
SITTING AS A JUVENILE COURT

MATTER OF

J.A. NO: [REDACTED]

DISPOSITION ORDER
Probation/Protective Supervision

For the reason stated in open court, it is this ____ day of _____, 20____, by the Circuit Court for [REDACTED] Sitting as a Juvenile Court,

ORDERED, that such child is placed on probation/protective supervision for an indefinite period of time with supervision by the [REDACTED] Department of Juvenile Justice and subject to the following:

GENERAL CONDITIONS

- Obey all laws.
- Obey the rules and regulations of the home as established by your parents/guardians and/or Probation Officer.
- Report to the Court or Probation Officer as directed.

SPECIAL CONDITIONS

- Attend school regularly and apply yourself, obey all lawful rules and regulations of the school, Maintain a 3.5 G.P.A.
- Obtain a job within a reasonable period of time and/or continue employment during the probation period.
- Observe the following curfew by being in at ____ p.m. S M T W T H ____ p.m. Friday and Saturday.
- Apply for or attend the following vocational rehabilitation or job training program _____
- Receive medical, psychological or psychiatric treatment as directed by your Probation Officer.
- Receive treatment for drug dependency or abuse. ____ Court Orders P.O.S.I.T.
- Receive Sex Offender counseling as directed. ____ Pay restitution as ordered.
- Respondent placed on ____ electronic monitoring; ____ electronic monitoring plus.
- Respondent to serve ____ consecutive weekends at Boys Village starting ____ to ____ p.m. to ____ p.m.
- Writ of Attachment recalled. ____ Probation transferred to _____
- Complete ____ hours of Community Service. ____ Type/Write a ____ page book report on _____
- Comply with the following: ____ Random Urinalysis, ____ Jail Tour, ____ Victim Awareness, ____ Reality Program, ____ Mentoring Program, ____ Anger Management, ____ Family/Individual Counseling, ____ Take Charge Program

ORDERED, that the Commitment Order in this matter dated the ____ day of _____, 20____ is rescinded, and it is further,

ORDERED, that \$125.00 Court Costs in J.A. 11-1383 Imposed/Waived.

[REDACTED]
JUDGE

ACKNOWLEDGEMENT CHILD-PARENTS/GUARDIANS

I/We hereby certify that I/We have read and understand the foregoing Disposition Order.

How might the content and structure of the court order actually be driving these kinds of placements?

All juveniles placed on probation by this Court and supervised by the Department of Juvenile Services are subject to the following conditions:

1. Report to Probation Officer as directed and follow the Probation Officer's lawful instructions.
2. Attend school regularly, no unexcused absences, no tardies, no behavior problems, no discipline referrals, work to level of ability and/or obtain and maintain employment.
3. Abstain from the use of drugs/alcohol/intoxicants (including K2, Spice and/or Bath Salts) and the abusive use of prescription drugs. Submit to testing. Any positive results are to be reported to the Court.
4. Obtain permission from Probation Officer before:
 - A. Changing address;
 - B. Changing school or employment;
 - C. Leaving the State of Maryland;
 - D. Owning, possessing, using or having under their control any dangerous weapon or firearm of any description.
5. Comply with the rules of the home.
6. Obey all laws.
7. Notify Probation Officer if arrested or suspended from school.
8. Permit Probation Officer to visit home.
9. Appear in court when notified to do so.
10. Comply with all special conditions as Ordered by the Court.

How might the content and structure of the court order actually be driving these kinds of placements?

THEREFORE, IT IS ORDERED, that the Respondent be and is hereby placed on probation under the supervision of the Department of Juvenile Services subject to the following special conditions:

- Probation for 6 mos. 12 mos. 18 mos. 24 mos. 36 mos. Until Court terminates
- Respondent is to be in the custody of their Parent(s) / Guardian or _____ while on Probation, unless otherwise ordered by this Court;
- Respondent is to be placed on Community Detention for the first _____ days 30 Anklet or GPS
- Respondent is to pay Restitution in the amount of \$ 100 within 30 days
- Restitution is joint and several with any Co-Respondents Parents are jointly obligated herein;
- Respondent shall participate in and abide by the rules and regulations of the Substance Abuse ReEntry Network Program (SARN)

Respondent shall abide by the following special conditions checked off below:

- No unlawful contact with the victim/s _____ Any Witnesses _____ Stay Away _____
- Public Defender Fee of \$ _____ Within _____
- Community Service 25 hours within 30 days
- Substance Abuse Evaluation, Treatment & Testing _____ Random Testing _____
- Counseling as deemed appropriate by the Department of Juvenile Services
- Family Counseling Individual Counseling MST Anger Management
- Victim Awareness CHOICE TPYSBP GED VPI
- IFCS Shoplifters Abatement FIT Letter of Apology Suspend Commit.
- Continue current counseling Follow recom. Stay on meds. Transfer _____
- Other _____

In addition to any of the above special conditions, the Respondent shall abide by the following general Conditions of Probation:

- Not to leave the State without the written permission of the Probation Officer;
- To obey a curfew as established by the Probation Officer and/or Parents/Guardians
- To attend a school regularly or keep regularly employed;
- To keep your Probation Officer advised at all times of your place of residence;
- Not to associate with any person your Probation Officer has ordered you not to associate with;
- To be of good behavior at all times;
- To report to your Probation Officer as directed;
- To refrain from all violation of the law;
- To refrain from the use of drugs and alcohol;
- To abide by any further Order of Court.

True Copy Test

Per _____ Clerk

IT IS FURTHER ORDERED, that a copy of this Order be served on the Respondent and Parent(s) or Guardian, Petitioner, Attorney and Department of Juvenile Services Administration.

MASTER OF JUVENILE CAUSES

JUDGE

7/17/13

How might the content and structure of the court order actually be driving these kinds of placements?

What do your court orders look like?

Umatilla County, OR chose to significantly limit the number of programmatic and behavioral requirements listed in its court order

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED, that the above-named youth:

1. ____ Shall be placed on Formal Court probation; and
2. ____ Shall be placed in the legal custody of the Oregon Youth Authority for placement OTHER THAN Youth Correctional Facility; and
3. ____ Shall be placed in the legal custody of the Oregon Youth Authority for initial placement at the Youth Correctional Facility; and
4. ____ Shall complete ____ days of Community Service Work ALL to be completed prior to release from probation, or as directed through case plan; and
5. ____ Shall be subject to the following:
 - a. Obey all the laws of the City, State, and Federal Government
 - b. Participate in assessments and evaluations as determined necessary to develop case plan
 - c. Follow safety plan, case plan, and/or agreements as prepared and signed by Probation Counselor, youth and parent/guardian to maintain and monitor offense-free behavior for the duration of probation
 - d. Digital photo will be taken of youth and kept in the Juvenile Justice Information System
 - e. Report any change of address and/or phone number to Umatilla County Youth Services or OYA within 24 hours of change and not leave Umatilla County without the permission Umatilla County Youth Services representative or OYA representative.
 - f. Pay all fees associated with probation
 - g. Report no less than once per month, or as directed in case plan to Umatilla County Youth Services or OYA; and
6. ____ Abide by the attached Appendix A; and
7. ____ Shall enter and successfully complete all requirements of any program placement by the Oregon Youth Authority and/or Umatilla County Youth Services Division; and
8. ____ Shall follow all directives of parole/probation officer for OYA; and
9. ____ Youth shall get fingerprinted as directed, and their SID number shall be stored in JJIS; and
10. ____ Other: _____

Parents/guardians of the above named youth:

11. ____ Shall be responsible to aid in the youth's successful completion of all probation requirements, including but not limited to being responsible for all payment for services and fees, and participating in the development of youth's case plan as it directly relates to youth and youth's future success; and

DATED this ____ day of _____, 20____

In general, youth in Umatilla County are expected to:

- ✓ Obey the law
- ✓ Pay any assigned fees
- ✓ Keep in contact with Probation
- ✓ Complete assessments and any program or directive determined appropriate through the case planning process
- ✓ Complete community service if applicable.

Assessments, programs, specific behaviors, etc. are not detailed in the court order.

Do kids understand what is being asked of them and the consequences for messing up?

State	Form	Flesch-Kindcaid Grade Level
California	Release	11.9
Florida	Probation	11
Florida	Probation	13.1
Florida	Probation	9.4
Massachusetts	Probation	11
Massachusetts	Release	10.6
Washington	Release	12.9
Utah	Probation	14.2
Utah	Release	11.4



Vocabulary used in Court is not only well above the average reading level of youth involved in the juvenile justice system but also above the level of most adult defendants.

- Washington Judicial Colloquies Project

A “do’s and don’ts form might be easier for kids to understand

Release Do’s

Release Don’ts

<input type="checkbox"/> 1 I will come to court and go to all hearings scheduled by the court for my case(s). My next hearing is: _____ at _____ a.m./p.m. and will take place at the Juvenile Court, 1212 W. 1st Place Street, Suite 100, Thistown, WA 99111. 8 I	<input type="checkbox"/> 8 Immediate Supervision: I will NOT leave my house unless a court-approved adult listed in # 4 is able to go along and see me all the time. <input type="checkbox"/> 8A I am allowed to attend school, work, or other activities approved by my probation counselor. <input type="checkbox"/> 8B But, I will NOT go anywhere else without my court-approved adult. I will NOT leave the house by myself. I will have an approved adult drive me to and from school or work
<input type="checkbox"/> 2 I will call my lawyer _____. Phone # _____	<input type="checkbox"/> 9 I will NOT travel outside of Thistown County without permission from my probation counselor.
<input type="checkbox"/> 3 I will attend all meetings scheduled by my probation counselor and call as directed. My probation counselor is _____ and the phone # is (000) 555-1212.	<input type="checkbox"/> 10 I will NOT drink or have alcohol. I will NOT use or have drugs unless they have been given to me by my doctor. <input type="checkbox"/> 11 I will NOT commit any crimes or get arrested. I will not do anything illegal that will get me arrested.
<input type="checkbox"/> 4 I will live with _____ at the following address: _____ Phone #: _____. I will obey all their rules. Other adults the court has approved to supervise me are: _____	<input type="checkbox"/> 12 I will have NO CONTACT with the people listed here: a. _____ DOB: _____ b. _____ DOB: _____ c. _____ DOB: _____ This means I will NOT talk to or send messages by mail, phone, email, text messages, or through the internet, other persons, or by any other way.
<input type="checkbox"/> 5 House Arrest: I will stay home. I am only allowed to leave the house to come to court. <input type="checkbox"/> 5A I will always have one of the court-approved adults referenced in item # 4 with me at home. <input type="checkbox"/> 5B I will get permission from my probation counselor each time I want to leave the house.	<input type="checkbox"/> 13 I will NOT be alone with children 3 or more years younger than me. If I am around children I MUST have a parent or approved adult who knows about what I have been accused of. The parent or adult must know the rules the judge gave me. The parent or adult must be able to see me at all times when children are around me.
<input type="checkbox"/> 6 I will follow Curfew and be home and stay there: <input type="checkbox"/> Every night from ____pm until ____am. <input type="checkbox"/> Sunday to Thursday from ____pm until ____am. <input type="checkbox"/> Saturday and Sunday from ____pm until ____am.	<input type="checkbox"/> 14 I will NOT have or use any guns, knives, or other weapons. <input type="checkbox"/> 15 Other
<input type="checkbox"/> 7 Other:	

I understand that if I break any of rules that the Judge reviewed with me, I may have to return to Detention and have a Court hearing to address the violations.

Signature:

Date:

Pilot sites in Washington state replaced traditional court orders with “Colloquies”, which are written at a sixth grade level

- The pilot sites implemented the colloquies and accompanying forms for three months.
- Sites conducted youth survey and court observations both pre- and post-implementation.
- In one court, youth interviewed reported understanding 90% of the conditions of release and probation ordered by the judge.
- This is a 158% percent change in the level of understanding when compared to the level of understanding prior to the introduction of the colloquies.

DISCUSSION: How can sites revise their court documents to improve the chances youth will be successful on probation?

PANELISTS

Hon. Scott A. Collier, *Superior Court Judge, Clark County, WA*

Mary Ann Scali, *Deputy Director, National Juvenile Defender Center, Washington, DC*

Kim Weissenfluh, *Administrator, Umatilla County (OR) Community Justice Youth Services Division*

Robert Wright, *Juvenile Advisory Council Representative, Cook County, IL*