



# PROBATION REFORM:

# A TOOLKIT FOR STATE ADVISORY GROUPS

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# Getting Started: Fast Facts About Probation Transformation

Nationally, probation is the most widely used sanction for young people who come into contact with the youth justice system. Of the 722,600 delinquency cases in 2019, approximately 203,600 cases were adjudicated, with 65% of those cases resulting in probation. [1] An estimated 52,000 cases that were not petitioned to the courts also resulted in probation that year. Youth of color were disproportionately likely to be placed on probation. Because of the surveillance-based approach to probation and the high number of conditions placed on many young people, probation can result in young people going deeper into the system, with 18% of young people in detention in 2015 there because of a probation violation. [2]

There is no evidence to support that probation practices that rely on lengthy court conditions and compliance-oriented practices are successful in improving youth behavior though. Instead, recent research led by Dr. Naomi Goldstein of Drexel University, showed that "the current structure of most juvenile probation systems fails to recognize the unique characteristics of adolescent development, and thus, many youths likely fail to comply with probation, facing harsh consequences." [3] The current model, which focuses on restrictions and consequences, fails to take into account that young people are at a developmental stage where they are more likely to respond to short-term positive benefits, as opposed to long-term negative consequences. [4]

Traditional, surveillance-oriented probation, in particular, is ineffective at preventing or deterring delinquent behavior, with especially poor results for youth at low risk of rearrest. Incentive-based models, meanwhile, are known to be more effective "because they help youths learn and implement new, desired behaviors," Goldstein's research found. [5]

Pierce County, Washington, which includes the city of Tacoma, provides an example of what an incentive-based program could look like. [6] An overhaul of the probation system there got started in 2017 and resulted in a new approach that makes diversion the default response to most behaviors. It has dramatically reduced the use of incarceration and out-of-home placements. [7] For those few cases that still result in probation, Opportunity-Based Probation (OBP) is used. [8] Through this points-based system, youth create short- and long-term goals. Progress towards these goals results in points earned, which in turn translate into tangible rewards such as bus passes, gift cards, and sports equipment. This youth-directed approach is also about creating opportunities. Young people can earn points and exchange them for new experiences like internships, music and culinary programs, or memberships at the YMCA. OBP also emphasizes family engagement in order to have full partnership with the family and youth to help address challenges at home, but also to inform and support the entire probation term.



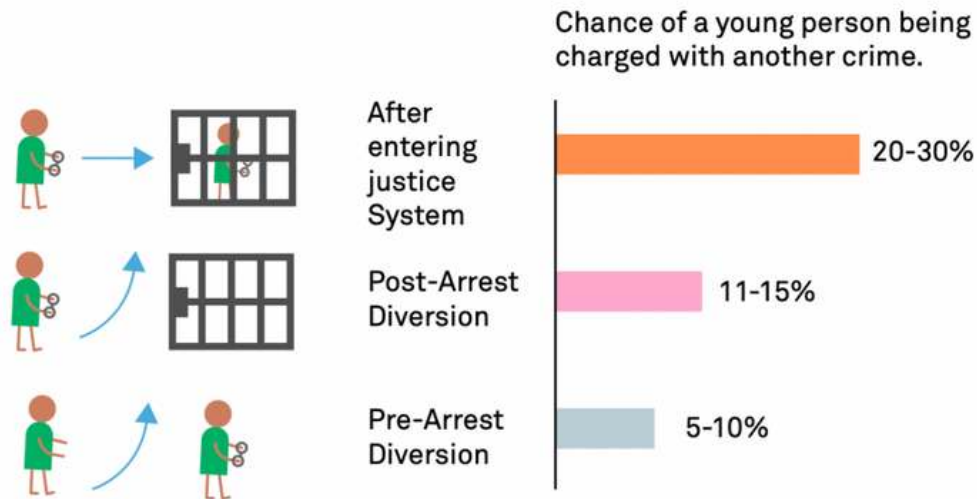
# What Can Be Done Instead?

The Annie E. Casey Foundation recommends shrinking probation caseloads, making it more effective and intentional for those who remain on probation through incentive-based models, and increasing access to diversion programming for young people. Research demonstrates that diversion is more effective at generating positive outcomes for young people, as compared to probation and incarceration, yet the number of young people who are referred to diversion programs remains low. State Advisory Groups have an important role in correcting this.

Between 1985 and 2014 the number of young people who were referred to the courts and placed in diversion programs fell from 54% to 44% respectively. [9] This lack of diversion drives racial and ethnic

disparities in the youth justice system. Black and Latinx youth have been shown to be less likely to receive diversion from police and prosecutors as compared to their white peers. [10]

Placing youth on diversion, with protections in place, provides several benefits, including reducing rearrests and reoffending, and avoiding deeper penetration into the juvenile justice system. It also helps avoid many of the harms such as stigma and traumatization that can come from experiences with the justice system.[11] In L.A., for example, researchers found that 20-30% of young people are charged with another crime after entering the justice system. That number dropped to 11-15% in cases where young people were placed on post-arrest diversion.



Youth who are arrested are more likely to be charged again than similar youth who are referred to diversion.

It dropped farther still to 5-10% in cases where youth were placed on pre-court diversion. [12]

Expanding diversion and creating a stronger continuum of diversion programming has resulted in improved outcomes for young people in a growing number of communities. While probation is not a successful response to young people who pose low risk of rearrest or serious reoffending, probation done on a smaller scale, with more manageable caseloads and more targeted efforts, with programming and services in place, should be looked to as a response to cases that may have previously resulted in incarceration. As jurisdictions look to the possibility of closing youth prisons, it is imperative to reimagine the existing probation system in a way that both raises the ceiling and the floor for who is eligible: reducing the number of low-level offenses that result in probation, while opening doors and looking to probation as an alternative in more serious cases.

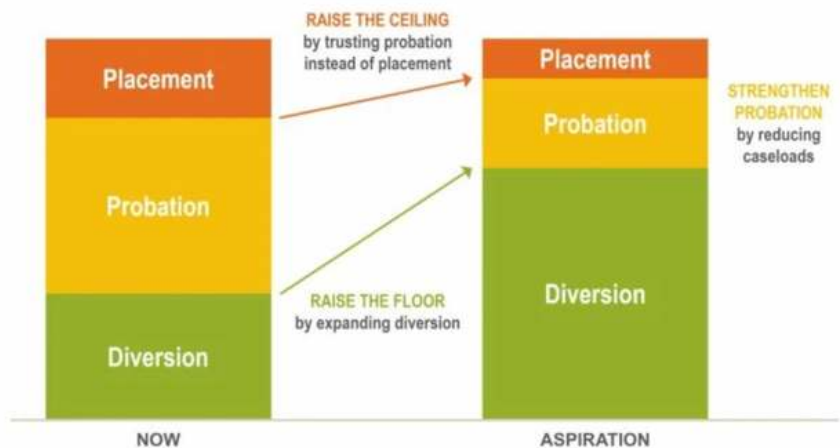
As noted by the National Council of Juvenile and Family Court Judges, "Perhaps the strongest and most consistent finding of recent research on how to address delinquent conduct has been the so-called 'risk principle' which finds that targeting interventions to youth with more serious risk factors produces far better outcomes than

targeting interventions to youth with fewer and less serious risk factors." [13] Keeping young people in their community through probation can help them achieve personal growth, create positive behavior change, and move towards long-term success. These factors have all been shown to help ensure that even those youth who are adjudicated for more serious offenses, are able to get back on track. [14]

## The SAG's Role in Promoting Juvenile Probation Transformation

State Advisory Groups are uniquely positioned within their states to help inform, influence, and support policymakers and practitioners as they seek to transform the use of probation.

This toolkit aims to help SAGs better understand the issues associated with implementing probation transformation, how SAGs have engaged in these issues previously, and some of the key areas of opportunity for those seeking to become more deeply involved.



Courtesy of the Annie E. Casey Foundation

This work is guided by the Annie E. Casey Foundation's vision for probation reform [15], and aims to help states:

- 1.Reduce probation caseloads by diverting a greater share of cases from the juvenile court system. This includes, formal court processing and any form of probation supervision; and
- 2.Refashion probation into a more strategic and effective intervention for the much smaller population of youth who will remain on supervision caseloads.



This work is essential. Probation is the most common disposition for young people who become involved in the youth justice system. Nationally, more than 500,000 young people are placed on probation each year, with a disproportionate number being Black, Latinx, and other youth of color. Many of these young people were either never adjudicated delinquent, or were placed on probation for low level behaviors such as status offenses or misdemeanor charges. In 2019, 58% of adjudicated status offense cases resulted in probation. [16] A full 70% of cases where youth were charged with running away resulted in probation that year. Among delinquency cases that were filed in 2019, 34% of non-adjudicated cases, and 15% of non-petitioned cases resulted in formal probation. [18]

Because of the high number of probation conditions that are typically used for each young person, and the punitive, sanctions-based approach that is often taken to probation, young people are frequently driven deeper into the system when they violate the terms of probation. In other words, they are driven deeper into the system for breaking the rules, not breaking the law.

The Annie E. Casey Foundation's vision for expanding the use of diversion calls on states and communities to take a new approach. The vision calls on the justice system to divert 60% or more of the young people who would have previously been placed on probation, including all young people who engaged in low-level behaviors, and who have low risk levels. The model further calls on the justice system to use probation only "as a purposeful intervention to support growth, behavior change and long-term success for youth with serious and repeat offenses." This requires strong partnerships with families and communities, as discussed further below. [19]

States and communities across the country are working to make sure that a new approach is embraced. More probation departments are finding ways to reduce the number of young people who

are placed on probation by expanding and improving available diversion programming. This focuses on ensuring that young people, particularly those who have engaged in low-level behaviors and those who are unlikely to reoffend, are provided with services and supports instead of being placed on probation. At the same time, communities are looking at probation as an alternative for young people with more serious charges who previously may have been placed in detention or other out-of-home placement.

The three-year plan is an important tool in the SAG's toolbox, particularly when it comes to implementing probation reform. The document serves as a key planning tool for the SAG and the Designated State Agency (DSA). It serves as a guidepost for the state's Title II work and sets out programmatic and funding priorities for the years ahead.

Establishing probation reform as a priority in the three-year plan is an important way to ensure that your SAG and DSA are able to take on this important work. For those who may be attempting to start the work between planning cycles, consider evaluating the goals that already exist to see where probation reform might fit. For example, in Washington, D.C., the JJAC had established delinquency prevention and system coordination as priorities. A root cause analysis helped lead the group to work on increasing diversion options for young people in their PINS system.

In other situations, if there is not already a work area in which probation reform might fit, it could be worth considering:

- What research needs to be conducted to inform the SAG as you look towards your next three-year planning cycle?
- How does probation reform fit into your system flow map?
- If/then statements that will help you and your SAG evaluate potential policy changes. For example - if we make diversion the go-to response for PINS cases, then we will ensure that those low level cases do not end up on probation.

SAGs can and are playing an important role in this work:

- While putting together the three-year plan that is submitted to the Office of Juvenile Justice and Delinquency Prevention as part of the Title II grant applications, SAGs can prioritize probation as an area of strategic work for the state.
- In their policy role, SAGs can include in their reports to the Governor -- and other policy-related documents in which they make recommendations on potential changes -- information about ways in which current probation practices may be improved. This could include looking at data, including entry, probation length, outcomes and offense types for young people who are placed on probation while examining the issue through a race equity lens. Based on this data, consider how the state can improve its policies and procedures to better serve young people who are under their care. Consider including community input that explores equitable access and outcomes.



- In their fiduciary role, SAGs can look at ways to support diversion programming and other alternatives with a focus on ensuring that programming is in young peoples' communities and that it is being carried out in a culturally competent and responsive manner.
- As part of their subcommittee structure, SAGs can create a standalone group to look at probation, or ask an existing subcommittee to consider the issue. For example, a SAG's Racial and Ethnic Disparities Subcommittee could examine whether probation is being used disproportionately in cases involving Black or Latinx youth, and whether sanctions and punitive probation practices and responses are administered disproportionately and or leading to confinement. Similarly, the SAG's youth members could take up the issue by talking with other young people about their experiences with probation and creating recommendations for ways that probation could be improved.

States have found a variety of approaches to help inform their Governors about best practices and necessary policy changes in the youth justice field. While some states chose to use their report to the governor to help inform and educate about reforms that are needed, others chose to use standalone white papers on topics of importance. This approach has helped Pennsylvania and Montana ensure that work can continue to move forward at an appropriate pace, and that they don't have to wait every two years to share important information with their Governor.

In a recent survey administered to State Advisory Groups, half of the respondents indicated that they are already working on improving diversion opportunities. The other half indicated that they are working on diversion programming in conjunction with probation reform.

Working on probation reform explicitly requires us to shift our mental model. Often, we think about the implications of the youth justice system's front end and ways to reduce and avoid arrest or initial court involvement. As a field, we have also put considerable energy in - and seen widespread success at - reducing the number of young people who are in the system's deep end. This work has included the Annie E. Casey Juvenile Detention Alternatives Initiative (JDAI) which got started in the 1990s and has grown over the three decades since then, to include more than 300 local jurisdictions in 40 states. [20] JDAI focuses on pursuing policies and practices that keep young people safe and on track for long-term success, while still holding youth accountable for their actions. This includes reducing reliance on local detention and keeping young people out of the deep end of the youth justice system, where evidence shows they are more likely to experience negative outcomes such as not completing school, not finding employment, and not having stable families. [21] The Models for Change Initiative similarly worked with communities across the country for nearly a decade, focusing on reducing incarceration and providing developmentally appropriate responses for young peoples' behaviors. [22]

During this period, we began to better understand the adolescent brain, and the propensity for young people to engage in impulsive and risky behaviors. Communities began to shape better responses and rethink their responses to young people, moving away from the tough on crime narrative of the 1990s to a focus on evidence-based practices that are proven to work. The youth prison population shrunk by more than half since the 1990s as a result of this work.

We are now faced with the need and opportunity to think about a new point in the system: the point in the middle where a young person is involved with the justice system and all too often will find themselves on probation with a litany of conditions and the potential to be dragged deeper into the system. By taking time to think more deeply about this middle point in the justice system and isolating the use of probation to those young people who need it, we can change the way probation works for our young people to create off ramps and to help ensure that they get the services and supports they need, instead of being drawn deeper into the system.

Just like when thinking about any other point in the justice system, it is important to keep in mind the impact that probation practices may have on racial and ethnic disparities. While probation is not a point of contact that the Office of Juvenile Justice and Delinquency Prevention (OJJDP) currently requires states to monitor for R/ED [23], it does serve as an important point where states and localities can try to remedy disparities that were created earlier in the system, and identify ways to avoid worsening disparities that already exist.

## **SAGs in Action: Getting Started on Probation Reform**

In Idaho, the SAG became involved in statewide diversion reform as a result of their efforts to come into compliance with the Juvenile Justice and Delinquency Prevention Act's (JJJPA's) Deinstitutionalization of Status Offenders (DSO) core protection. [24] "Increasing diversion initially came from our compliance efforts and the fact our state was out of compliance with the DSO requirement. Focusing on the need for resources for status offending youth led to our desire for more opportunities for all youth in the system. Our SAG was integral to the legislative changes that came as a result of this work, as well as funding for new community programs and changing practices," Idaho reported.

While each of Idaho's 44 counties take a slightly different approach, the state statute defines diversion as an alternative to formal prosecution of a juvenile offense. Diversion in Idaho includes intervention approaches that redirect youth away from formal court processing in the youth justice system while applying the principles of the balanced and restorative justice approach. These diversion strategies take place at multiple points of contact within the justice system, including arrest, referral, intake, or prior to or after the filing of a petition. Diversion responses include the full scope of potential outcomes for young people involved in the justice system generally, but do not include detention.

As part of this work, the SAG focused on proposing legislative changes and Judicial Rule changes to help strengthen diversion efforts, as well as providing training to all stakeholders. This training focused largely on alternative responses to youth charged with status offenses as part of Idaho's larger efforts

to reduce DSO violations. As part of this, local stakeholders used Title II funds to attend the RFK Juvenile Justice Symposium. Idaho also used Title II funds to train practitioners on racial and ethnic disparities. They conducted various other trainings for magistrate judges as well, to help them better understand the importance of diversion and other alternatives, including the dangers of placing youth in detention, and the need for community-based resources.

Idaho also started doing reviews of all juvenile probation departments in the state to ensure they are meeting the state rules and standards. During this process, state staff talked with administrators about diversion programs and assessed whether any tools or resources were needed to help improve existing diversion programs. The review assessed whether the probation departments meet the rules and standards. For those that weren't meeting the standards, recommendations were made about how they can better align with the standards, with the intention of helping them implement changes to policies and procedures.

Since the implementation of these efforts, the state's petition filings, arrests, detention admissions, and the number of youth placed on probation have all declined, in spite of a steadily increasing youth population. In 2015, for example, 7,350 youth entered Idaho's youth justice system with 32% being diverted. In 2019 that number dropped to 5,566 with 40% diverted. By 2020, 4,766 young people were in the justice system, with 43% diverted. In January 2022, the state passed legislation focusing diversion on low to moderate risk youth. The legislation encourages a validated screening tool to make diversion decisions.

"This speaks to more youth being offered the opportunity to avoid going deeper in the system, as well as allowing community partners like schools and law enforcement to address problems with youth without escalating to the formal JJ system," said Idaho's Juvenile Justice Specialist, Chelsea Newton.

In Montana, the SAG helps provide financial support to programs that make it possible for the state to divert, without judicial involvement, nearly 90% of their cases. Young people who acknowledge taking part in the allegations that are brought against them, are informally processed through probation with no official court filing. Young people who take part may be asked to write a letter of apology, or participate in community-based services to help address specific life needs. Young people are able to complete the process in as little as 90 days. If they fail to meet the requirements that were set out for them, their case is closed with no additional court involvement in the matter. A young person who does not complete their probation requirements, however, may not be eligible for extra-judicial probation on a second or subsequent occasion.

The state uses a sanctions and incentives grid to help young people move forward. Every time a young person receives a clean urinary analysis for example, they can get a week off their probation. In other instances, every time a young person attends a probation appointment, they receive gift cards for Burger King. Rewards are based on what the young person individually likes and will be motivated by.



Montana helped support this through a grant from JDAI. Most of the Title II programs in the state also fall under the Delinquency Prevention purpose area. Programs that Montana funds under Title II serve a wide range of youth, including low-level and first time offenders. Two programs in Montana (the Center for Restorative Youth Justice in Kalispell, MT and the Havre Youth Reporting Center in Havre, MT) developed Memorandums of Understanding (MOU) to partner with the courts for diversion. The services they provide include formal and informal restorative interventions, assistance with community service hours, alcohol/drug courses, and a variety of other groups and classes designed to prevent future delinquency and build job/life skills. These programs are planned to serve as models for diversion projects in other districts throughout the state.

Montana's probation work is mostly run by nonprofits, with partnerships between the schools and juvenile probation to divert youth.

SAGs may want to consider the following as first steps in their work in probation reform:

- Take a look at your existing probation statutes. What does the process look like? Is there an opportunity to recommend to your Governor that incentive-based approaches be used instead? Is there an opportunity to fund community-based programming options through Title II?
- Consider your data. What percentage of young people are currently placed on probation in your state? What are the success rates? What is showing up as a particular challenge for young people and how can this be addressed?
- Review your system map and the flow of how youth move through different contact points. What happens, and at what decision points could alternatives be made available? Can police divert in lieu of or upon arrest? Can prosecutors divert youth?



# Partnering for Success: Working With Others to Implement Probation Reform

Partnerships with nonprofits and many others are key to succeeding in this work. As you are getting started, there are a number of key allies that you will want to hear from, including:

- Young people, particularly those who are directly impacted or who have been previously impacted by the justice system, have valuable expertise on existing probation practices.
- Families and communities should be consulted to learn more about how probation is currently being used, its impact, and if adequate diversion and service opportunities exist and were offered/explored, particularly within communities of color. Are there neighborhoods or zip codes that are currently overrepresented in your state's probation caseloads or justice system involvement? Talk to people who live there. What exists already to help support young people locally? How would they like to see the SAG provide funding or other support so that young people can be further supported in their own communities? Are there policy changes needed to help make that possible?
- Probation officers can help you understand what current case loads, workforce composition, and day-to-day demands look like and what the existing mindset is in your state/ locality on how probation should be used or what changes should be made.
- Judges and prosecutors are key partners, serving as conveners, and as a major decision point in determining who is placed on diversion, whether it's being used equitably, and what sanctions exist for those who are placed on probation.
- Service providers such as mental health and substance abuse providers, local recreation programs, school-based prevention programs, or community-based non-profits (that support things like vocational, housing, legal and other supports that mitigate barriers for families and reduce likelihood of system involvement) can all help inform the SAG about what opportunities currently exist for youth and families. They can also help you understand whether these opportunities are being over or under utilized, and whether there are barriers to access such as waitlists that may indicate a need for more programs, or other changes that may need to be addressed either through funding or policy change.
- The Department of Education is an important ally in this work, particularly as we seek to end the educational system's reliance on court referrals for students as a means of discipline. Talk with your Department of Education about their relationships with probation including how they can reduce the use of court referrals. It's also important to help them understand that the access they may be giving probation officers to young people while they're on campus can be stigmatizing and demoralizing to young people, leading to a decline in school interest and performance, and even causing them to disconnect from school, peers, and other positive prosocial activities.



"Strong relationships are the key to diversion efforts," Montana officials noted. "At the state level it is important to have buy-in from leaders in the court/probation systems to send out information about projects and funding to local representatives. Additionally, school-justice partnerships are a great way to connect schools with local juvenile justice agencies to develop alternatives that will hold youth accountable, provide services, and help youth repair the harm they caused in their community."

In Pennsylvania the SAG is part of the Pennsylvania Commission on Crime and Delinquency. When they do any work related to probation they work directly with the state's Juvenile Court Judges Commission, as well as the Pennsylvania Council of Chief Juvenile Probation Officers. When they talk about probation reform, whether it's the entire system or a single component, all three entities are involved in the conversation. These partners are also invited to SAG meetings where probation is discussed. When the SAG is creating its three-year-plan, R/ED plan, and Governor's report, they also work hand-in-hand with probation and the judiciary.

Think through with your SAG and subcommittees what other local partners you want to engage with as you are getting started. Some questions to get the conversation going include:

- Are we ready to take this statewide, or do we want to identify sites where we can start the work, or help support the work that is already being done?
- If we're working in one city or county, what resources are there that are unique to that location? Are there non-profits that play an important role in the area? Are there advocacy groups that should be brought to the table? What does the local faith community look like? Where do young people spend their time after school? Are there businesses or industries that offer, or could offer, internships and other opportunities to young people?

For resources on community partnerships, check out:

- ["Creating Collaborative Community Youth Development Partnerships: Part 2" - MSU Extension](#)
- ["4 Types Of Community Organizations Your Company Should Reach Out To" \(forbes.com\)](#)
- ["Five levels of community partnerships" - MSU Extension](#)
- ["Nonprofit Partnerships: Why They're Important and How to Find Them" - CauseVox](#)

In Virginia, for example, the juvenile justice agency provides Title II funding to localities that are already supporting probation work being done locally. "We infuse funding to continue that work," explained Virginia Juvenile Justice Specialist, Greg Hopkins. The SAG recently funded a probation transformation project in Charlottesville and are planning to start a new transformation program in Virginia Beach. In Charlottesville, work is being supported through ongoing technical assistance from the Annie E. Casey Foundation. Local participants are engaged with Georgetown University's Center for Juvenile Justice Reform where they have developed a capstone project that focuses on working to make probation a meaningful intervention for young people, particularly those who are considered to be at serious risk of reoffending. [25] The Department of Juvenile Justice and partners worked with the local community to develop project goals, which include increased access to restorative practices, increased family engagement, and a statement of purpose for the use of

diversion. [26] Efforts also include changes to police practices, and a reduction in the number of technical violations and Children in Need of Services Petitions. [27] Charlottesville's work includes an assessment on equity and community and family engagement. [28]

In Florida, probation reform took a local approach that includes potential partnerships for the SAG. In Pinellas County, officials realized that nearly half of all detentions were for technical issues stemming from probation. School-based violations were a particularly egregious driver of incarceration for young people who were on probation. Truancy, they noticed, was resulting in a double whammy, getting young people in trouble both at school and with the courts due to inclusion as a standard probation condition. This was problematic for a number of reasons. Detention of youth for truancy is not best practice, is harmful for young people, and comes with the potential of violating the federal Juvenile Justice and Delinquency Prevention Act's prohibition on detaining young people for status offenses. It also unnecessarily blurred the roles of the school and the courts, forcing schools to play a role in probation that was not theirs to take on.

To address this issue, Pinellas County removed school-based conditions such as requirements to attend class from standard probation conditions that young people may receive. Officials are now considering taking this local initiative statewide, something that the SAG can play an important role in.

### **An Opportunity for Change: Recommendations to the Governor**

State Advisory Groups are required to issue a biannual report to the Governor. This report provides an important opportunity to assess current policy and practices, and make recommendations for improvements.

These reports, as well as white papers on key topics of importance, have been used by states to push change in a number of arenas. Illinois, for example, previously used their reports to the Governor to help reduce the number of young people who are incarcerated for status offense behaviors, and to highlight the need to rethink sex offense registration requirements for minors.

Below are some pointers to consider when using your Governor's Report and other similar reports to help with probation reform:

- What do your existing state statutes say about probation? Does the current statute include ways to ensure young people have off-ramps out of the system, or does it rely on a sanctions-based probation model? Are there incentives included or is the model purely punitive?
  - If the current system is purely sanctions-based, consider recommendations that would move to an incentive-based model, which research shows is more successful in changing long term behavior.
  - What do existing practices look like? Are there standard conditions that are being used across the board for all young people? What can be done to reduce or eliminate these standard conditions?

- Take a look at existing probation orders. A review by the Gault Center found that some orders included as many as 30 standard requirements that were put in place for all young people, creating a lengthy list of rules for young people on probation to have to remember and navigate. The National Council of Juvenile and Family Court Judges recommends that judges avoid probation conditions and instead, that probation departments work with families and young people to create case plans to establish clear expectations and goals. [29]
- Think through the unintended consequences for young people who are faced with a long list of generic conditions. How will travel limitations, for example, impact prosocial family interactions such as a day trip to a zoo that may be out of the restricted travel area, or a young person's ability to build connections with role models and family members who may live across state lines or in another area? What are the racial equity ramifications for conditions that limit interactions with people who have previous felony convictions, particularly in Black and Brown communities that have been historically overpoliced? How does this impact family engagement for young people?
- Consider your data and what it may say about school-based conditions. As Florida begins to think about scaling their probation reform work, for example, they have found that in fiscal year 2018-2019 in Broward, Duval, Hillsborough, Palm Beach, and Pinellas Counties, there were 463 arrests for Violations of Probation that resulted in placement in secure detention. Of those arrests, 14% were due to violations related to school. The majority, 60%, of the violations were related to school attendance.
- How do young people, families, and communities that are most directly impacted by these existing policies and practices think they could be improved? Hold listening sessions with young people and families and talk with non-profits and providers that are working with young people to learn more about what's working, and what's not.
- Are there counties or cities within the state that are doing things differently and have started to implement probation reform? If so, how does data differ there in terms of the number of young people who are placed on probation, their successful completion of probation, and/or their subsequent interactions with the justice system? How is the county or city partnering with community-based providers to help further the work? Can this work be looked to as a success that could be scaled through the rest of the state?
- Look at the data, including entry, probation length, and outcomes and offense types for young people who are placed on probation. This data should be disaggregated for race, ethnicity, and gender.

Based on your findings, consider how the state can improve its policies and procedures to better serve young people who are under their care.





# Subcommittees: Finding a Home for the Work

Like any work that needs to be done, it is important to figure out how your SAG will carry out its evaluation and implementation of probation reform and assign the task to a specific individual or group.

- In Washington, D.C., staff solicited input from the SAG directly. During one of their meetings, “we just asked people what is keeping people up at night and what are the critical issues that you see? That led us to a lot of the work and the desire to create subcommittees and engage in advocacy,” explained Juvenile Justice Specialist Melissa Milchman.
- Based on that conversation, the SAG identified key issues to work on and then invited experts to the table to build capacity, help SAG members gain knowledge, broaden the perspectives at the table, help work through the challenges, and explore solutions. Creating subcommittees resulted in bringing in families, non-profits, academics, community members, and system actors.
- D.C.’s SAG includes a Policy and Legislative Committee as part of their bylaws. Ad hoc committees also take on various issues. While the committees are not specifically calling what they are working on probation reform, it is hugely impacting reforms that create or expand probation alternatives. For example, the SAG previously supported development and expansion of the Alternatives to Court Experience (ACE) program to help redirect young people away from probation or other court interaction.

These conversations create an opportunity to establish a common understanding of what the goals of probation are and what success looks like. It can provide space for conversations about the need to shift away from the emphasis of probation as a tool for public safety and accountability and move towards a positive youth-centered approach of probation that focuses on the outcomes for youth and proven strategies to achieve those outcomes.

Think through what works best for your SAG, and whether you should create a standalone group to look at probation or ask an existing subcommittee to consider the issue. For example, a SAG’s Racial and Ethnic Disparities Subcommittee could examine whether probation is being used disproportionately in cases involving Black or Latinx youth, and whether sanctions and punitive probation practices and responses are administered disproportionately and leading to confinement. Similarly, the SAG’s youth members could take up the issue by talking with other young people about their personal experiences with probation and creating recommendations for ways that those experiences could be improved.

To get started the committee may want to think through:

- Are there challenges or gaps in the current practices? How can the committee create platforms to discuss, educate and brainstorm solutions?
- What data exists and how can we use it to examine the success and challenges of current practices?

Some key pointers from SAGs that have engaged in probation and diversion transformation are included below:

- "Because of the urban/rural makeup of the state it is difficult to find universal solutions that make sense across different areas. Trying to build consensus across these regions proved fruitless and would be avoided in the future. Concentrating on more specific interventions by region would have been more tactical and effective I believe." Nevada.
- Maine points out that it's important to keep in mind how much time it can take to "effectively engage all the stakeholders who need to be involved to make it work well and equitably across the geographic regions of the state." Maine.
- "Be willing to have the difficult conversations and explain the 'why' as many times as you need to. Ensure that everyone is at the same table and remind each other that we are all working toward the same goal." Nevada.

"Investing in your community collaborations will give the greatest benefit in any reform work." Idaho.

Proper training is important for those working in probation. All people working in probation should have an understanding of:

- The importance of incentive and rewards;
- The need for individual case plans;
- The value in compliments outnumbering criticisms with an ideal ratio of 4:1;
- The unique nature of each young person and the fact that what is easy for one youth may be ~~hard for another~~ to accomplish;
- The need to help young people understand and identify their own desires and motivations.



# ***Getting Started: A Checklist***

1. To dig deeper into probation reform we plan to (check all that apply):

- Create a special subcommittee.
- Ask our Compliance Subcommittee to look the issue and create recommendations.
- Ask our Racial and Ethnic Disparities Subcommittee to look at the issue and create recommendations.
- Ask our Emerging Leaders/Youth Subcommittee to look at the issue and create recommendations.

2. It's important for the selected committee/s to engage with:

- young people
- families and communities
- probation officers
- judges
- prosecutors
- public defenders
- service providers
- Department of Education
- Other \_\_\_\_\_

3. We are asking that the subcommittee make an initial report back within \_\_\_\_days.

4. We are most interested in the subcommittee helping the full SAG better understand the following issues/questions:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

# ***Getting Started: Guided Questions to Begin Collaborations***

(These questions should be completed by each SAG member on the assigned subcommittee to examine current work on probation and diversion and identify areas for improvement.)

Name: \_\_\_\_\_

Role on the SAG/Subcommittee: \_\_\_\_\_

Last year, our State Advisory Group funded the following:

- community-based programming (    % of our Title II funding was used for this.)
- county agencies and related programs (    % of our Title II funding was used for this.)
- prevention programming (    % of our Title funding was used for this.)
- intervention programming (    % of our funding was used for this.)
- diversion programming (    % of our state's funding was used for this.)

Have we worked on increasing diversion opportunities for young people previously on probation, and/or on ways to ensure that probation is an option for young people with serious offenses who previously would have been incarcerated? What has this work looked like before now, and how can this be expanded upon?

This work has focused primarily on (check all that apply):

- probation
- diversion
- both

Going forward, as we build on this work, we would like to focus on (check all that apply):

- probation
- diversion
- both

How do you define probation and diversion?

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What is the goal or intended outcomes for probation and diversion?

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What do you as an individual hope will come out of this work (inclusion in the 3-year plan, funding new programming, policy change, etc.)?

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In what ways will you ensure that young people play a role in this work? What age groups are you including in these efforts, and are you including young people with direct experience with the justice system?

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In what ways will you ensure that community partners play a role in this work? How are you defining community partners?

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In what ways will you ensure that families play a role in this work? How are you defining families?

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How will you gain buy-in from the community, young people, and their families?

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How do you hope this work will help in your SAG's work to address racial and ethnic disparities? What types of data will you look at to help guide decisions and achieve your stated goals? Where are you getting this data from? How will these data sets be compared over time to ensure change is achieved?

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# Appendix: Resources

## **The Role of the Judge in Transforming Juvenile Probation: A Toolkit for Leadership**

National Council of Juvenile and Family Court Judges

[https://www.ncjfcj.org/wp-content/uploads/2022/04/NCJFCJ\\_AECF\\_Juvenile\\_Probation\\_0422\\_Final.pdf](https://www.ncjfcj.org/wp-content/uploads/2022/04/NCJFCJ_AECF_Juvenile_Probation_0422_Final.pdf)

## **Policy Reforms Can Strengthen Community Supervision: A Framework to Improve Probation and Parole**

PEW Research Center

<https://www.pewtrusts.org/en/research-and-analysis/reports/2020/04/policy-reforms-can-strengthen-community-supervision>

## **Transforming Juvenile Probation: A Vision for Getting it Right**

The Annie E. Casey Foundation

<https://assets.aecf.org/m/resourcedoc/aecf-transformingjuvenileprobation-2018.pdf>

## **25 Questions for Juvenile Probation Transformation: Readiness Self-Assessment Tool for Probation Leaders**

The Annie E. Casey Foundation

<https://assets.aecf.org/m/resourcedoc/aecf-25questionsforjuvenileprobation-2021.pdf>

## **Transforming Juvenile Probation: Restructuring Probation Terms to Promote Success** **Urban Institute**

[https://www.urban.org/sites/default/files/publication/104093/transforming-juvenile-probation\\_0.pdf](https://www.urban.org/sites/default/files/publication/104093/transforming-juvenile-probation_0.pdf)

## **Race Equity and Inclusion Action Guide**

The Annie E. Casey Foundation

<https://www.aecf.org/resources/race-equity-and-inclusion-action-guide>

## **Unlocking Your Community's Hidden Strengths: A Guidebook to Community Asset-Mapping** **Southern Poverty Law Center**

<https://www.splcenter.org/20121126/unlocking-your-community%E2%80%99s-hidden-strengths-guidebook-community-asset-mapping>

# End Notes

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