

Supervision Strategies for Justice-Involved Youth

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Information

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NCCD promotes just and equitable social systems for individuals, families, and communities through research, public policy, and practice.

Introduction



Hundreds of thousands of youth cycle in and out of local and state juvenile justice systems each year, often for minor offenses and technical violations. These youth are visible in a variety of settings across the United States: probation offices, juvenile detention centers, courts, and correctional facilities. While many of these youth exhibit a high need for services, others have low to moderate levels of criminality and thus pose very little risk to the public.

Through a series of interviews and state-based focus groups, juvenile justice stakeholders told NCCD that far too many of these low- to moderate-risk youth are unnecessarily entangled in juvenile justice systems, receiving varying degrees of probation, out-of-home placements, and incarceration. This is mostly due to the many states and local jurisdictions that rely on compliance, control, and incarceration as a means of supervising youth in the juvenile justice system. Without effective training or developing effective approaches, the default supervision approach focuses only on enforcing the regulations and “trailing, nailing, and jailing” youth who do not comply. Systems face challenges in engaging youth and families or addressing the root causes of delinquency.

The result is that juvenile justice systems are flooded with the casualties of an antiquated supervision system—and youth outcomes are worse. The research shows this is a damaging and costly way to supervise youth. It is also the reason many believe that

states’ juvenile correctional agencies have become destinations for difficult youth who can be sources of frustration but rarely are dangerous.ⁱ

More effective ways to supervise justice-involved youth exist. Typically, these methods do not require removing youth from their homes; they are less restrictive, more cost-effective, and they demonstrate better outcomes for youth and communities. During its interviews and focus groups, NCCD learned how juvenile justice stakeholders are exploring and implementing new and innovative ways to supervise justice-involved youth. Not only are stakeholders developing policies and practices to reduce out-of-home placements and secure confinements for youth, they are working to build infrastructures to increase their capacity to serve youth within the community. They also are partnering with and including families and community-based organizations in the task of supervising youth.

Simply stated, juvenile justice stakeholders are creating smart and effective supervision strategies in an effort to keep more youth in their homes and communities rather than in out-of-home placements and secure facilities. Although some of the concepts and practices may appear simplistic, they are supported empirically and rooted in research and theories of best practices. A sample of strategies described to improve supervision practices for youth follows.

Three Strategies That Work

Systems Are Improving Practice by Reducing Supervision for Youth Who Do Not Need It

The overall approach to supervision relies on risk assessments, screening instruments, and other tools to help systems shift youth to the lowest form of supervision needed to meet their needs and, in some cases, to divert youth from the system entirely.

Justice Systems Are Working to Reduce Revocations

Probation departments are engaging in training with line staff to encourage different responses to behaviors to avoid revocation, clarifying which rules may no longer result in revocation, and problem solving with the youth and families around the right response.

Systems Are Working to Build Stronger Supervision Partnerships With Families and Service Providers

Strategies include clearly articulating roles for each member of the supervision team in the work and their relationships to each other, shared access to information systems, joint trainings, reliance on models that seek to place families at the center of the process, hiring people to work with families in the system, and developing family orientation programs.

Improving Practice

“Probation caseloads will vary in intensity based on risk of re-offense and offense severity; probation officers supervising higher-risk/severity clients will have smaller caseloads, allowing them to provide more intensive supervision and support.”—Re-Envisioning Juvenile Justice in New York City, A Report from the NYC Dispositional Reform Steering Committeeⁱⁱ

Supervision terms should be based on a youth’s risk of re-offending and the severity of offense while allowing those who need additional support services to receive them. NCCD heard that states and youth-serving agencies are revising longstanding practices within their own systems and developing new processes to address the real supervision needs of youth.

Respondents agreed that the old “one-size-fits-all” model of supervision is overtly expensive and fails to improve outcomes. Respondents support policies and practices tailored for the specific needs/supervision requirements of individual youth. This includes providing less supervision for some young people and diverting others out of the system entirely when possible.

“Some of these kids need to get the hell out of my office and we need to not touch them because all government touches, just like all social services touches, aren’t good touches. They almost all have unintended side effects.”—Vincent Schiraldi, Senior Adviser, New York City Mayor’s Office of Criminal Justice, and former Commissioner, New York City Department of Probation

NCCD also found stakeholders to be well-versed in research that exposes the problems associated with unnecessary supervision. Multiple respondents reported that some youth, whether supervised or not, will not re-offend; monitoring youth with no assessed need or risk and putting them on probation is a waste of resources. Others described the sinkhole effect on youth caused by involvement with any aspect of the juvenile justice system: Youth touched by these systems typically spiral in rather than out. Because of this, stakeholders said, it is important to keep contact with low-level offenders to a minimum and ensure that the “right” kids are served and supervised.

For example, at both the state and local levels in Alabama, California, Michigan, Texas, New York, and Ohio, efforts are being made to reduce supervision for youth who do not need it. Jurisdictions are using risk assessment tools to objectively assess young people’s needs for supervision and services. Others are reducing supervision terms and completely diverting suitable young people out of the justice system, strategically meeting their service needs in community settings. Some systems also are re-targeting resources previously used for “low-risk, low-need” youth to those in need of more attention. NCCD’s investigation revealed the following.

- Some Texas counties are diverting low-level youth, particularly those expected to have limited (one-time) contact with the system, out of the juvenile justice system. Counties also are downgrading low-level offender supervision status from a deferred prosecution (a more formal process) to supervisory caution (a less formal process).
- Jefferson County, Alabama, uses a risk assessment instrument and structured decision-making grid to help probation workers make objective decisions and dispositional recommendations that favor the least-restrictive environments for youth.ⁱⁱⁱ

- New York City informally adjusts probation terms for four out of 10 arrested youth; the statewide rate is even higher. For youth with formal probation supervision, New York City uses a three-tiered model of supervision that varies in intensity, duration, number of contacts, and caseload size. An objective risk assessment is used to determine the placement of youth within the tier system. Nearly 30 community-based programs provide services to youth diverted from the system as a result of an adjustment.^{iv}

Reducing Unnecessary Revocations

Respondents spoke of the value and utility of using data when making revocation decisions. They noted the importance of implementing supervision terms and practices that speak to public safety, youth’s specific behaviors and risks, and the rehabilitation needs of youth. As one participant in the Alabama focus group session asked, “Let’s look at all these dumb rules, and can we stop making every child go through this process?” This respondent described the superfluous rules and regulations that probationary youth must meet. Rather than aiding in positive changes for youth, these rules set youth up to fail. Youth on probation are required to jump through





a variety of hoops—many of which are difficult for high-functioning adults to maneuver and almost impossible for young people. Moreover, many of the regulations are not tied to public safety, treatment, or rehabilitation.

Respondents also acknowledged that many of the reasons for revoking youth are unnecessary and essentially based in a desire for compliance and control. As one respondent who has observed a poorly functioning supervision system said, “Many probation staff have a ‘you-do-what-I-tell-you-to-do’ mentality. It’s a mindset that does not focus on youth but instead on power and mental control, with no legitimate outcomes in mind except for power and control over the child.” Respondents reported that supervision terms must be directly tied to probation goals and point to facts. They disprove of harsh practices and processes that revoke and incarcerate youth without good reasons to do so; they said that locking up youth typically does not improve behavior. Subsequently, respondents pointed to research studies and practical examples that describe sound ways to serve and hold youth accountable in a community setting.

In conjunction with research and information, stakeholders highlighted the need for changes in attitudes and practices among those in authority, particularly probation staff. These individuals need to see themselves as agents of change: individuals who can connect young people to service providers, broker services for youth and families, and work with young people and families rather than just enforce the rules. A variety of stakeholders in leadership roles reported this as a requirement for those under their management.

“What has happened and what is so exciting about what is going on is that, in this state, among probation and the officers, the attitude is transitioning now. We are in fact here to work with that family to keep these kids out of trouble and solve problems with the family. We’re not here as law enforcement to catch you. And what I’m seeing over the last few years is a complete turnaround in the idea about why we exist, what we’re supposed to be doing with kids, and it’s all positive.”—J.

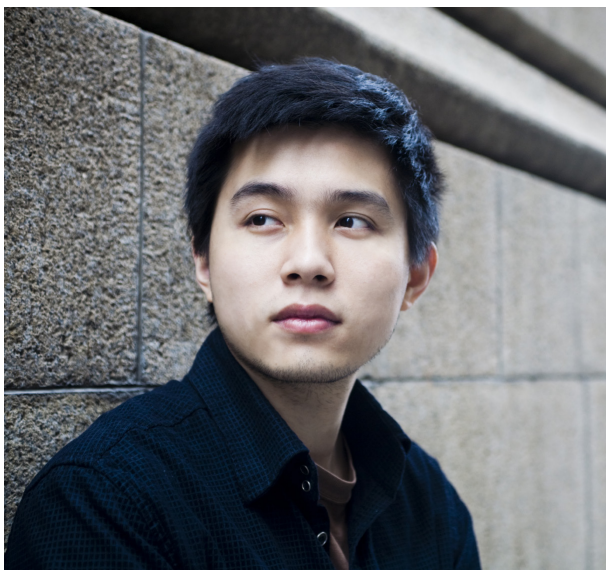
Walter Wood Jr., Director, Alabama Department of Youth Services

J. Walter Wood Jr., director of the Alabama Department of Youth Services, reported that the attitudes and expectations of probation staff and officers are changing; his staff recognize that their jobs involve much more than monitoring behavior and compliance. Wood said that “staff are there to work with families and solve problems”; and NCCD found that agency and division leaders share this belief. Those interviewed described various ways in which they altered longstanding policies and practices, including requiring staff to do their jobs differently and go the extra mile when working with youth and families. For example, some respondents require their staff to show extensive proof as to why a youth needs

to be revoked, prove the needs for re-incarceration versus community supervision, and show specific efforts to mediate problem behavior exhibited by youth. Part of this process includes highlighting case planning and specific treatment and services provided to youth. NCCD found these to be mandatory, rather than voluntary, changes implemented by system leaders—from the top down.

“The Tarrant County chief probation officer believed in alternatives and tried to reduce the detention population. He really educated and trained his probation staff in the strengths-based approach and incarceration as the last resort, looking at behaviors and the root causes of the behavior and then really creating a continuum of care of community-based providers that were in sync with the philosophy. Probation officers learned to respect the role of the youth and family advocate on the street. We did not undermine each other.”—Jeff Fleischer, CEO, Youth Advocate Programs, Inc.

Staff training is another important component of reducing unnecessary revocations. Respondents discussed the tremendous power assigned to probation officers. In some systems, the probation



officer or case manager can trigger a process to bring a young offender back to court in response to non-compliant behavior; this can lead to a youth's re-incarceration for fairly minor actions. Training and the availability of tools (i.e., graduated sanctions grids, risk assessment tools, etc.) are needed by probation officers and others with the power to trigger a revocation. System staff also need to recognize that incarceration is damaging to youth in very specific ways. Information on alternatives to incarceration should be made available, along with models and programs shown to effectively address youth behavior. NCCD found that probation officers in some states and jurisdictions are being trained on, and expected to use, graduated responses to address probation violations; this allows an appropriate but escalating level of accountability for youth behavior. In addition, alternative sanctions are applied to hold youth accountable without the formal revocations that can lead to incarceration.

“We're investing a lot in working with our officers to be more engagement-focused rather than order-focused both with the young people and the families to find what is the common ground. The most important one is we want this young person to be able to thrive. That's a common goal that a probation officer should be expected to have and a parent is going to have.”—Ana Bermúdez, Commissioner, New York City Department of Probation

“We've trained, we've coached, we monitor them.”—Edward Latessa, Professor and Director, School of Criminal Justice, University of Cincinnati, Ohio, describing the training component for juvenile parole and probation officers

Revocation decisions should not be made in isolation. An extra layer of oversight can help in this process and widen the options outside of incarceration.

Stakeholders noted that some jurisdictions are effectively using families, community-based organizations, and service providers to help in the supervision of youth within the community and to address a variety of related problems and challenges. For example, in Alabama, California, Michigan, New York, Ohio, and Texas, probation departments have engaged in training with line staff to encourage different responses to behaviors in order to help youth get off the path to revocation. This can be as simple as engaging service providers and community partners in supervision and problem solving. Examples include calling a meeting with parents and partners to develop a plan to address/respond to a youth's non-compliant behavior, providing assistance and services to youth and their families that help them understand and meet court requirements, and pinpointing the specific behaviors (or "rule breaking") that can lead to a formal revocation.



Staff Training

A prominent portion of staff training must highlight the ills of out-of-home placement and address attribution fallacies and other faulty assumptions held by staff. An unwavering message that out-of-home placement and incarceration should only be used in the most extreme situations is needed.

Probation staff must examine the impact of their practices on young people, recognize the shift toward best practices, and provide staff with the tools to make this shift. They need to receive training and information that show "teaching a lesson" through revocation is not necessary or effective; it does not change behavior or benefit the youth or community.

Training must also challenge the distorted view that getting a youth off the streets automatically makes the community safer and gives problem youth a second chance, a respite from street life, and a dose of rehabilitative structure. This is particularly important when serving youth from poor and otherwise distressed communities. Research and common sense tell us that incarceration should never be considered normal for any child.

Engaging Youth and Families

“When I joined juvenile corrections in 1970, the prevailing attitude was to keep the families away from the kids. The families were the problem. These kids were not with us because of their problems, they were with us because of their families’ problems. Dysfunctional families, high incidence of drug abuse in the family, child abuse in the family, the list went on.”— Ned Loughran, Executive Director, Council of Juvenile Correctional Administrators

Traditional supervision approaches often have created adversarial relationships between systems’ players, youth, and their respective families.^v Indeed, obstacles make it difficult for youth and families to engage in the supervision process. Stakeholders admit that families are viewed routinely as the source of young peoples’ problems. One stakeholder in particular noted that early in his probation career he, like many others, strongly believed that families were the real problem—they were the root cause and driving force of delinquent and problem behavior among youth.



It appears that most respondents agree that families are an important part of the supervision equation. However, some question the most effective and efficient ways to include families in the process, especially since doing so represents a significant shift in practice. Improving relationships with families requires changes in mindsets and beliefs regarding what a probation officer’s job entails and his/her view of family. According to one stakeholder, this approach changes the role of supervision agents from simple surveillance to “brokers” of services, problem solvers, and change agents.

“They are just giving referrals and they see themselves as the tough person who is supposed to hold [the youth] accountable and keep them in check and then the treatment providers are the ones who are supposed to fix them. So we’re merging that and saying [to officers], ‘Look. You have a dual relationship. Your job is part agent of change and part of that is to build a relationship and hold kids accountable.’”—Brian Lovins, Assistant Director, Community Supervision and Corrections Department, Harris County, Texas

NCCD found that juvenile justice stakeholders believe that supervision approaches must build relationships between supervision agents, youth, and their families. This fact is irrespective of a supervising agent; it can be probation, parole, aftercare, or caseworker with a department or a nonprofit case manager or service provider. Strategies described include working collaboratively with youth, families, and the courts to ensure goals developed for youth are achievable and measurable; setting clear expectations and structure for supervision processes with the inclusion and help of families; ensuring that systems staff and probation are amenable to working with youth in their homes when needed; and utilizing best and promising practices to improve youth’s cognitive development and problem-solving skills.

Along with the changes in mindsets and beliefs regarding a probation officer's job responsibilities, models that value the inclusion of families and natural support systems are needed in order to improve relationships with families. For example:

- New York, Alabama, and Washington, DC, are using the Youth Family Team Meeting (YFTM) model, a case planning system designed to develop service plans tailored to the strengths and needs of youth. Participants in a YFTM include the youth and his or her family members, mentors, teachers, case managers, service providers, and other interested adult supporters. YFTM and similar case planning systems can be repeated at various stages, depending on the progress or challenges a youth may be facing.
- Ohio's Effective Practices in Community Supervision and Functional Family Community Supervision in Multnomah County, Oregon, are two models that encourage supervision staff to make frequent home visits with their supervisees.
- New York, Texas, and Washington, DC, provide an orientation to families whose young people are system-involved. This orientation is designed to provide support and help families understand and navigate the system.

Unfortunately, these examples are the exception rather than the rule. Although parents and families can be key components in improving outcomes for troubled and delinquent youth, more often than not, systems negate their input and involvement. When describing her experience with the justice system, one stakeholder highlighted that parents usually have no voice in regards to what happens to their children. Even when invited to participate, parents are expected to be seen but not heard.

"Let's involve parents in these committees, but usually what we want to do is have them sit there and sign the attendance sheet. There's a saying that goes way back, children are to be seen, not heard. Sometimes they invite me to a meeting and I feel they're saying to themselves, 'Oh, there goes the devil who wants to say something again.' So we become confrontational. But if we really believe in parent engagement and listening to the concerns of families, we have to engage them and listen to some of their recommendations because we know. We don't leave the community. We might leave the community for a meeting, but when everyone else goes to their nice suburb from New York to Pennsylvania, Connecticut, or New Jersey, we stay and deal with the same issues day by day, evening by evening, when the lights go out. And this to me is not Monday through Friday, 9 to 5. If there was an extra day, I would work it. I don't know how to take a day off because the issues don't just go to sleep."—Jeannette Bocanegra, Mother impacted by the justice system and Family and Community Organizer, Community Connections for Youth, New York, New York



Summary



Results of the NCCD study show that a variety of supervision strategies are needed to meet the needs of the wide range of youth who come into contact with juvenile justice systems in the United States. Less supervision—or even complete diversion out of the system—may serve many low- to moderate-risk youth, and communities, as well or better than deep entanglement in the system. The sampling of strategies to improve supervision practices for youth described in this paper is offered as a resource to other jurisdictions in their work to rid state and local juvenile justice systems of the “one-size-fits-all” mentality and its accompanying practices.

Probation departments—and the youth they serve—have much to gain from partnering more effectively with communities most impacted by incarceration.

The proportion of White youth in the system has dropped over the past 10 years. In 2002, 24.1% of all youth disposed by the court were White youth sentenced to probation. This percentage fell to 11.2% in 2012. During the same time period, the proportion of youth of color receiving probation dispositions grew. In 2002, 44.4% of all youth sentenced by courts were youth of color receiving probation terms. This dropped only slightly, to 44.1%, in 2012. This translates to a proportion of probation-sentenced youth of color that is four times larger than the proportion of White youth being sentenced to probation. In this context, the field must identify the culturally relevant, community-based strategies that help all youth permanently transition out of the juvenile justice system.