



OHIO

CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

Juvenile Justice Committee

May 17, 2018

Agenda

- I. **Call to Order & Approval of Meeting Notes of January 18, 2018 meeting**
 - II. **Old Business**
 - A. **CWRU Proposal**
Discussion of a proposal submitted by CWRU researchers regarding juvenile detention alternative usage throughout the state.
 - B. **Juvenile Probation**
The committee will discuss the status of the existing work chart and where projects currently stand.
 - III. **New Business**
 - A. **Potential new topics of discussion**
The committee will discuss future projects and areas of interest for study.
 - B. **OCSC projects**
Scott will discuss his efforts with chapter 2925 redraft as well as efforts to move other recodification efforts forward.
 - C. **Criminal Sentencing Commission staffing update**
 - IV. **Legislative Update**
 - A. **HB394 Updates**
Discussion of changes made to HB394 via substitute bill.
 - B. **Recently introduced legislation**
The committee will discuss legislation introduced since the last meeting.
 - V. **Adjourn**
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Upcoming Meetings

Ohio Criminal Sentencing Commission

June 21, 2018

Ohio Judicial Center, Room 101

Juvenile Justice Committee

July 19th, 2018

Ohio Judicial Center, Room 281

**Research Proposal for the Ohio Criminal Sentencing Commission Juvenile Justice
Committee**

**Begun Center for Violence Prevention Research and Education
Jack, Joseph and Morton Mandel School of Applied Social Sciences
Case Western Reserve University**

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Abstract

Recent juvenile justice policy changes have resulted in an increased variety of detention alternatives to reduce the incarcerated population. These detention alternatives include a wide range of probation services as well as diversion programming. As part of this shift, many states have moved towards providing assessment services to identify risk and need to target the appropriate evidence-based treatment. There is a need in Ohio to examine multiple perspectives of supervision services, assessment, as well as recidivism in the juvenile justice system. This project seeks to examine supervision, diversion, and probation programming through its processes, prevalence of characteristics, behavioral health assessments, and recidivism. Data collected for the project will encompass youth under supervision in state run facilities, youth in a statewide behavioral health diversion program, and juvenile justice involved youth across four urban and rural counties. By leveraging existing relationships with counties and existing datasets, the proposed project will provide a picture of the juvenile justice system from several perspectives. Further, it will also result in recommendations on data collection across the state to better identify the risk and needs of youth entering the juvenile justice system.

Background and Problem Statement

Nationally, juvenile justice systems across many states have implemented a number of policy changes to reduce the incarcerated population (Howell, Wilson, Sickmund, Hodges, & Howell, 2017). These policy shifts have dramatically increased the use of detention alternatives that focus on addressing the underlying issues associated with juvenile delinquency (Mendel, 2014). These detention alternatives have reduced the detention population while also increasing public safety. As part of this policy shift, many states have moved towards providing assessment services to identify risk and need to target the appropriate evidence-based treatment for those most in need (Howell et al., 2017).

One way in which states have chosen to reduce the incarcerated population is through juvenile diversion programs. Often, juvenile justice systems are ill-equipped to deal with the issues that face many of the youth they serve (Kretschmar, Butcher, Flannery, & Singer, 2016). Diversion to community based treatment and other services can help to alleviate the issues faced by the systems. Diversion can take place at different parts of the juvenile justice system, including, for example, from formal juvenile court processing. Generally studies have shown that youth diverted from formal processing have lower rates of recidivism than those who are formally processed (Petrosino, Turpin-Petrosino, & Guckenburg, 2010; Schwalbe, Gearing, MacKenzie, Brewer, & Ibrahim, 2012; Wilson & Hoge, 2012).

Consistent with this increased emphasis on evidence-based treatment for juvenile justice involved youth, the overall aim of probation has evolved from enforcing the law to addressing the needs of probationers. The role of probation officers has similarly evolved from that of a law enforcement officer to a social worker (Miller, 2015). Probation officers are often asked to implement risk assessment and to provide case planning (Guy, Vincent, Grisso, & Perrault, 2015). The use of risk assessments, however, can be a complex process and is effective in identifying risk and need only when properly implemented (Vincent, Guy, Perrault, & Gershenson, 2016).

While Ohio has not seen a meaningful reduction in the incarcerated population in the adult system, the juvenile justice system has seen a large decrease in the number of incarcerated youth. In 1997, the average daily population incarcerated in state facilities was 2,096 (Ohio Department of Youth Services, 1997). In the two decades since, the average daily population decreased by 79 percent to 429 in 2017 (Ohio Department of Youth Services, 2017). This large

decrease in the incarcerated population during this time period coincided with RECLAIM Ohio, which expanded the availability of services for juvenile justice involved youth at the local level. Through several programs funded through the Ohio Department of Youth Services (ODYS), counties were incentivized against placing youth in residential services, including in local and state detention and incarceration facilities (Panzino, 2017). The state placed a heavy emphasis on investing in evidence-based assessment, treatment, and programming to identify the needs of youth being served and to monitor programmatic outcomes.

The Behavioral Health Juvenile Justice (BHJJ) initiative has provided community based behavioral health treatment for juvenile justice involved youth across the state of Ohio for over a decade. Data from this initiative has exhibited that youth participating in the program have histories of exposure to violence, high levels of trauma symptomatology, substance use, and other behavioral health issues that can be difficult to treat in the justice system (Butcher, Galanek, Kretschmar, & Flannery, 2015; Tossone, Wheeler, Butcher, & Kretschmar, 2017). However, outcome data from BHJJ have shown that youth receiving community based treatment have improved mental health symptomatology, substance use, and lower rates of recidivism (Kretschmar et al., 2016).

While the state has been fairly successful in reducing the incarcerated population through programs like RECLAIM and BHJJ, several problems remain throughout the system. Generally, there is a lack of accessible data throughout. At the state level, the ODYS warehouses readily accessible data on youth who are sent to ODYS facilities. However, there is no consistent method of gathering data at the county level in juvenile courts. Courts utilize varying methods of data collection, with some large urban counties having large accessible electronic databases, while several smaller rural counties have paper based files. These paper based files must be manually entered into a database for analysis. This basic data problem, coupled with the reality that rural youth account for a much lower percentage of juvenile justice involved youth across the state has resulted in policy decisions at the state level that may not reflect circumstances of rural counties.

Another important data need for Ohio is a consistent source of data on recidivism. The state tracks the number of youth that return to ODYS facilities. However, much of reoffending occurs prior to a youth's return to an ODYS facility. Further, this definition of recidivism does not track youth under probation or in diversion programs. ODYS recognizes this issue and has

begun to mandate recidivism tracking at the charge level for diversion programs funded by the state.

Further, as risk assessment has become a large part of decision making across the state, the focus has been on criminogenic risk. While criminogenic risk is an important factor in predicting recidivism, intake assessments should also account for behavioral health need. Osher and colleagues (2012) argued for a nine group typology of adult offenders based on their criminogenic risk and behavioral health need. While these data were based on adult offenders, the same argument applies for youthful offenders. Criminogenic risk provides one important factor in assessing a youth's risk for recidivism, however, consistent information on behavioral health must be collected to understand a youth's need for and responsiveness to treatment.

The proposed project is to examine the juvenile justice system in Ohio from a variety of perspectives. The project will explore the juvenile justice population in ODYS facilities, diversion, and probation across the state and four target counties. These target counties will include both urban (Montgomery and Lucas) and rural (Ashtabula and Marion) counties. Available data will be leveraged and supplemented to provide a fairly comprehensive examination of the system across Ohio. The project is designed to address the following aims and research questions.

Specific Aims and Questions

1. To estimate the prevalence of youth in probation, diversion, and supervision in Ohio and the target counties.
 - a. How many probation, diversion, and formal/informal supervision youth are there in Ohio/target counties?
 - b. What is the average probation caseload size for juvenile probation officers in the target counties?
 - c. How many youth are currently on active probation status in the target counties (overall and by recidivism risk level)?
2. To gather data regarding offender and case characteristics and history in Ohio and the target counties.
 - a. What are the demographic characteristics of youth in probation, diversion, and formal/informal supervision?

- b. What are the offense characteristics of cases in probation, diversion, and formal/informal supervision?
 - c. What are the referral sources for youth in probation, diversion, and supervision?
 - d. What is the history of abuse/neglect among youth in probation, diversion, and supervision?
3. To evaluate the processes of probation cases in the target counties.
- a. How long do key case processing stages (such as arrest to referral, petition to adjudication, etc.) take for the probation population in the target counties?
 - b. What are the court histories of the probation population in the target counties?
 - c. How many judges and attorneys have been involved in a probation case, on average, in the target counties?
 - d. Among youth detained who go on probation, what was the length of time for detention in the target counties?
 - e. What percentage of cases are experiencing adjudication and disposition during the same hearing in the target counties?
 - f. How many pre-dispositional reports are being compiled in the target counties?
 - g. How many probation officers/court workers have been assigned to handle probation cases in each target county?
 - h. What percentage of probation cases are experiencing timely re-assessments in target counties?
 - i. What are the current probation levels of the probation population in target counties?
4. To understand the type of prior services and placement that probation youth received in target counties.
- a. What types of services did the probation population receive before, during, and after system entry in the target counties?
 - b. What are the placement histories of the probation and diversion populations in Ohio and in the target counties?
5. To determine the behavioral health needs of youth referred to juvenile courts in target counties.

- a. What is the prevalence of behavioral health problems in juvenile justice involved youth in target counties?
 - b. What is the prevalence of exposure to traumatic events in juvenile justice involved youth in target counties?
 - c. What should youth be screened for as they enter the justice system?
6. To evaluate the capacity and occurrence of risk screening, assessments, and tracking of outcomes in the target counties.
 - a. Is there a routine reporting system or data system for housing data elements related to screening, assessment and tracking of probation cases in the target counties?
 - b. What type of risk screens or assessments are conducted for youth in probation in the target counties?
 - c. If there are programs to address process and outcomes within in probation services in the target counties (such as JDAI), has there been improvement in outcomes since adoption?
7. To measure the occurrences of delinquency during project involvement, at case closure, and after program exit among probation and behavioral health diversion in Ohio and target counties.
 - a. What types of delinquency (recidivism) are these youth experiencing during project involvement, at case closure, and after program exit?
 - b. Are there differences in recidivism, detention length of stay, or pro-social improvements such as family placement or behavioral health functioning between the target counties?

Research Design

This study will employ a retrospective secondary data analysis. A total of five sources will be used for data to answer the research questions detailed above. These data sources encompass youth involved in different parts of the juvenile justice system including intake, diversion, and incarceration. Taking this approach will provide for a more comprehensive look at the juvenile justice population across Ohio. Four of these data sources leverage existing data that have been collected for previous projects. These data will be supplemented with additional data collection or analyzed in a way that has not been reported prior to this current proposed project.

ODYS

For a previous project the Ohio Department of Youth Services provided Case Western Reserve University (CWRU) with data for all commitments to DYS facilities during the period between 2011-2016. These data included the offense history for all ODYS youths, risk for recidivism as measured by the Ohio Youth Assessment System (OYAS), length of supervision, and recidivism.

BHJJ

The Behavioral Health/Juvenile Justice initiative is a diversion program for juvenile justice involved youths with mental health and/or substance use issues. To participate in the program, youths must have a history of juvenile justice involvement, at least one *Diagnostic and Statistical Manual of Mental Disorders* (DSM) diagnosis, and be between the ages of 10 and 18. The state identified optional eligibility criteria including substantial behavioral status impairment, co-occurring substance abuse, a pattern of criminal behavior, exposure to trauma or domestic violence, a pattern of criminal behavior, and a history of multi-system involvement. To date, over 4,300 youths in 17 urban and rural counties across Ohio have been diverted into community based behavioral health treatment as part of this initiative. Many youth participating in BHJJ are on probation or intensive supervision while receiving programming.

Case Western Reserve University has been involved in the evaluation of this program for over a decade. Evaluation activities have involved data collection on juvenile court history and recidivism, treatment success, history of violence exposure and abuse, and behavioral health information including diagnostic information, trauma symptomatology, substance use, and behavioral health problem severity and functioning. These surveys are completed by the youth, worker, and caregiver at least at intake and termination from the program with some measures repeated at three and six months.

Montgomery County

The Montgomery County Intervention Center (IC) is a 7-day a week 24 hours a day intake center that provides assessment services for all youth referred to juvenile court. There are around 2,000 youths who are provided with assessment services annually. While the type of assessments completed can vary for each youth based on the type of placement and whether the

case is processed officially or unofficially, all youth receive the Risk Assessment Instrument that measures whether the youth is at risk for being placed in detention. Additionally, the OYAS is completed for youth who are processed officially. For all youths going through the IC, their juvenile court history, probation/supervision status, and recidivism will be tracked.

Lucas County

The Lucas County Assessment Center provides assessment services for youths referred to the court for approximately 1,000 youths annually. Data on public health, a measure of mental health symptomology, probation/supervision, OYAS, and recidivism are collected as part of the current evaluation.

Ashtabula County

The Resource Center in Ashtabula County provide assessment and placement services for approximately 200 youth diverted from the juvenile justice system annually. For these youth, CWRU will collect data on their behavioral health symptomatology, traumatic exposure, OYAS, juvenile court records, and recidivism. For youth who do not complete diversion programming successfully, data on their placement including probation and supervision will be available.

Marion County

All intakes into the Marion County Juvenile Court receive a trauma screening as part of their assessment services. For these youth, CWRU will collect data on trauma, placement, juvenile court history, OYAS, and recidivism.

Analysis Plan

Specific Aim 1: We will compile frequencies and cross-tabulations of youth in each target county, supervision, and diversion. We will estimate the average caseload per probation officer in the target counties. Percent and number of youth on active probation will be tabulated for each target county as well as cross-tabulated by OYAS risk level.

Specific Aim 2: We will compile demographic data, including frequencies and central tendencies, of each variable for the target counties and the data for youth under supervision, and diversion. This includes variables such as gender, race, age, and any other demographic variables available depending on the data source. We will calculate frequencies of offense characteristics,

including current offenses, previous offenses (depending on the data), and level of offenses. This may also include charge data, which sometimes differs from what the actual offense was adjudicated as. We will cross-tabulate offense data with demographics and by target county, supervision, or diversion. Additionally for those with multiple OYAS scores (such as in supervision), we will cross-tabulate OYAS scores depending on the type of OYAS assessment. Referral sources will be tabulated for those in the target counties and supervision. Abuse and neglect history will be tabulated for those in the target counties (where available) and diversion. Both referral source and abuse/neglect history will be cross-tabulated with demographics.

Specific Aim 3: We will calculate length of time in key processing stages within each target county. This will give us a picture of the average processing time for youth in each target county. We will then compare the length of time in key processing stages by target county by employing a comparison of central tendency test (i.e. Analysis of Variance if parametric or Kruskal-Wallis test if non-parametric). This will allow us to compare the counties for differences in length of time in each stage. We will compile the prevalence of court history for youth on probation in key target counties as well as diversion. We will be able to then cross-tabulate these prevalences by target counties and compare them. This includes past court involvement and past probation. We will also calculate the average number of probation officers, judges, and attorneys involved in a probation case in the target counties. We will calculate the length of time in detention for youth who go onto probation in the target counties. We can compare the length of time for probation according to offense level and OYAS risk score, as well as any other key variables that are identified. Percentage of cases in adjudication and disposition during the same hearing will be tabulated in target counties and compared between the counties using a Chi-squared (χ^2) test or Fisher's exact test (if sample sizes are low). Key variables that may explain the percentage of those cases such as offense level or type of offense can be included as possible confounders in a regression model if there is a statistically significant relationship. We will calculate the amount of time that probation cases receive re-assessments, and what percentage are timely in each target county. Probation levels will also be tabulated into percentages for each target county, and will be cross-tabulated with key variables and statistical difference testing conducted as in similar analyses.

Specific Aim 4: We will calculate the types of services that probation youth received before, during and after probation in the target counties (where data are available). We can cross-tabulate these frequencies with related variables of interest, such as offense and court involvement history. We will also tabulate the prevalence of placement types in each target county as well as in diversion. We can also cross-tabulate these prevalence categories by relevant variables such as offense history, types of services received, and court involvement.

Specific Aim 5: We will determine the prevalence of behavioral health needs of youth in target counties through the calculation of variables that reflect behavioral health needs. This includes psychiatric and trauma data and self-report scales from questionnaires. These can be cross-tabulated with relevant variables of interest as well as demographic variables and statistical testing to determine key differences in these samples will be conducted.

Specific Aim 6: We will gather data on tracking and housing of data related to tracking, screening, and assessment for each target county. This will include conducting a gap analysis of what each county collects and their capacity for data collection as well. We can conduct short telephone interviews with each target county in order to understand their data collection and tracking process. We will also gather data on what risk screens and assessments are conducted with youth on probation and during which stage of the probation process. This will aid in identifying where increased screening and assessment needs to be targeted. In the target counties that recently changed their system due to implementation of increased programming (such as JDAI implementation), we can analyze whether recidivism has decreased following the programming where data are available.

Specific Aim 7: We will examine the prevalence of recidivism for youth in probation (target counties), supervision (whether they returned to DYS), and diversion (if they offended during and after BHJJ). We can cross-tabulate this prevalence by demographic variables, as well as variables of interest (such as offense level, court history, OYAS level, and probation services received where relevant). Statistical testing can determine whether any of the differences in the prevalence of recidivism is significantly related to OYAS level or other relevant variables through regression analysis. Outcome testing, including recidivism, placement, and behavioral health functioning, will be conducted among the target counties using the appropriate statistical test such as a regression analysis, in order to control for possible confounders.

Project Personnel

Fredrick Butcher, PhD is a Research Assistant Professor with the Mandel School of Applied Social Sciences and the Begun Center for Violence Prevention Research and Education at Case Western Reserve University and will serve as the Principal Investigator for this project. Dr. Butcher's research has focused on behavioral health assessment and intervention for youth involved in the justice system. He has been a principal investigator on several projects including Competitive RECLAIM, a county led juvenile diversion program in many counties across Ohio. Further, Dr. Butcher has worked on the evaluation of Behavioral Health/Juvenile Justice initiative since 2009. The results of these evaluations have been disseminated to practitioner and academic audiences through reports, journal articles, and presentations. He also has extensive experience collaborating with the agencies and juvenile courts providing data for this proposed project. For example, Dr. Butcher has worked with the Montgomery County Juvenile Court on a number of different projects for nearly a decade. This history of collaboration will help to ensure that the project and data collection will be completed according to the project design.

Krystel Tossone, Ph.D., is the Center-Based Statistician and a Senior Research Associate at the Begun Center for Violence Prevention Research and Education at Case Western Reserve University in Cleveland, Ohio and will serve as the Co-Principal Investigator for this project. Dr. Tossone's expertise is in quantitative methodology and statistics, particularly in advancing methodological and analytical techniques in the fields of juvenile justice, trauma, and victimization. She currently works on several research projects at the Begun Center, including: Ohio's Behavioral Health/Juvenile Justice (BHJJ) Initiative, evaluation of decarceration legislation for Ohio's Supreme Court Sentencing Commission, many adult drug treatment court evaluation programs including being part of the team awarded a 5-year Bureau of Justice Assistance Smart Supervision grant; and conducting statistical analyses on cohorts of youth who are suicidal and seeking psychiatric treatment. Her main areas of expertise are secondary data analysis of existing datasets, latent variable modeling; including mixture modeling, latent class analysis, and structural equation modeling. In addition to her evaluation and statistical activities at the Center and elsewhere, Dr. Tossone is an author on a number of peer-reviewed articles at high-tiered journals, including *Child Abuse and Neglect* and *Criminal Justice and Behavior*, and co-investigator on grant applications. She is also an invited reviewer for a number of peer-reviewed journals.

Potential Impact

The proposed project will provide a picture of the juvenile justice system from several perspectives. Data available statewide will be able to shed some light on the characteristics of youths in ODYS facilities. Further, data from the BHJJ initiative can help to provide exploratory data on juvenile justice involved youth at different points in the system. While Ohio has a centralized database for youth in the ODYS system, there is no consistent database for youths who are involved in the juvenile justice system at the county level. Research has shown that early intervention for at risk youth before they become officially involved in the juvenile justice system is a critical piece for ensuring that these youth do not become further involved in the system and for public safety (Ford, Kerig, Desai, Feierman, 2016). The proposed project will collect data for youths at the front end of the system in target counties to describe the risk and needs of these youth.

As part of the activities proposed in this project, we will examine the processing of probation cases. Understanding this process can help to improve and streamline the time between intake and court processing and help to reduce the time that youth may spend in detention awaiting trial. Detention places youth at risk for further delinquency and crime, and it is important that we examine and address processes that may result in detention use (Mendel, 2014). The

Further, the proposed project can help to identify the data needs, in the target counties and possibly across the state. The proposed project will result in recommendations on data collection across the state to better identify the risk and needs of youth entering the juvenile justice system. The proposed project may also help counties to streamline their data collection efforts by identifying critical pieces of information as youth enter the system. While the study may not be generalizable to the entire state, the project is designed to be an exploratory study of data needs in Ohio and can help to continue the conversation around data needs around the state. Target counties include both urban and rural counties, the latter being an underrepresented population in similar studies.

References

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Appendix A. Budget and Budget Narrative

Juvenile Justice Commission Evaluation

Begun Center for Violence Prevention Research &
Education

Case Western Reserve University

Ohio Criminal Sentencing
Commission

Budget Period: July 1, 2018 - June 30, 2019

Salaries		base	effort	project total
Fred Butcher, Principal Investigator	513700	\$79,968.00	15.00%	\$11,995.20
Krystal Tossone, Co-PI	513100	\$74,000.00	15.00%	\$11,100.00
Master's Student		\$7,280.00	100.0%	\$7,280.00
Local UND Students county specific		\$2,000.00	100.0%	\$2,000.00
Wendy Boerger, Grants Administrator		\$56,871.45	1.00%	\$568.71
Fringe @ 33%				\$7,099.17
Supplies				
*research needs such as training and presentation materials, software, etc.				\$ -
Contractual				\$ -
Travel				
*local mileage at federal rate, parking, etc.				\$1,249.76
*in-state travel to 3 Ohio counties				\$707.80
*conference travel				\$2,400.00
			Total Direct Cost	\$43,692.85
IDC				
*calculated at a reduced rate of 20%				\$8,738.57

Total Project Cost \$52,431.42

The budget is reflective of Dr. Butcher's and Dr. Tossone's time at 15% FTE for a 12 month period. Additionally, there will be a Master's level student working on data management for the duration of the project. Ashtabula and Marion counties will require a student to enter data on a contract basis. These students will be paid \$1,000 for work related to entering data for the project. Travel for the project will be required for regular meetings with the Ohio Criminal Sentencing Commission and the Juvenile Justice Committee throughout the year. Additionally, one meeting with Ashtabula, Marion, and Montgomery counties are required to begin the data collection phase. Travel funding for dissemination is also figured into the budget.



OHIO LEGISLATIVE SERVICE COMMISSION

Sub. Bill Comparative Synopsis

Jeff Hobday

Sub. H.B. 394 132nd General Assembly (H. Criminal Justice)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (As Introduced)	Sub. Version (L_132_1279-2)
Mandatory serious youthful offender disposition	No provision.	Repeals existing law that mandates a serious youthful offender (SYO) disposition in certain juvenile cases and modifies the circumstances in which a discretionary SYO disposition may be imposed as follows (<i>R.C. 2152.02, 2152.11(B) and (C), 2152.13(B) and (D)</i>): <ul style="list-style-type: none"> • If the act would be aggravated murder, murder, or an attempt of either if committed by an adult, the child is eligible if the child was age 10 or older at the time of the act; • If the act would be a first degree felony if committed by an adult, the child is eligible if the child was age 16 or 17 at the time of the act and certain aggravating circumstances apply.

Topic	Previous Version (As Introduced)	Sub. Version (L_132_1279-2)
Notice of motion to invoke adult sentence	No provision.	Requires the Ohio Public Defender to be served a copy of any motion to invoke the adult portion of a SYO dispositional sentence when it is filed (<i>R.C. 2152.14(D)</i>).
Table of delinquent child dispositions	No provision.	Eliminates a table of dispositions that a juvenile court may impose on a delinquent child based on the level of offense and aggravating factors, currently in the Revised Code solely for illustrative purposes (<i>R.C. 2152.11(H), (I), and (J)</i>).
Juvenile court costs	Allows a juvenile court to order the parent or parents of a delinquent child or juvenile traffic offender, or both the child and parent or parents, to pay certain costs as a financial sanction after a hearing to determine their ability to pay (<i>R.C. 2152.20(A)(2) and (4) and (C)</i>).	Restores current law, allowing a juvenile court to order only the child to pay certain costs as a financial sanction (<i>R.C. 2152.20(A)(2) and (4) and (C)</i>).
Life imprisonment without parole	No provision.	<p>Prohibits imposing a sentence of life imprisonment without parole upon any person for an offense that was committed when the person was under age 18 (<i>R.C. 2151.23(H) and (I), 2152.12(H), 2929.02(A), and 2929.07</i>).</p> <p>Provides that if an offender receives or received a sentence of life imprisonment without parole for an offense committed when the offender was under age 18, the offender's parole eligibility is to be determined according to the provisions described under "Parole eligibility" (<i>R.C. 2929.07</i>).</p>

Topic	Previous Version (As Introduced)	Sub. Version (L_132_1279-2)
<p>Parole eligibility</p>	<p>Provides the following special parole eligibility dates for persons with an indefinite sentence for an offense, other than a "disqualifying homicide offense," committed when the person was under age 18 (<i>R.C. 2967.132(B)</i>):</p> <ol style="list-style-type: none"> (1) If the prisoner's stated prison term totals at least 15 years and permits parole not later than after 20 years, then after serving 15 years in prison. (2) If the prisoner is serving a sentence that permits parole only after more than 20 years but not later than after 30 years, then 5 years prior to the original parole eligibility date. (3) If the prisoner's stated prison term totals more than 30 years but does not include a sentence of life imprisonment without parole, then after serving 30 years in prison. (4) If the prisoner is serving a sentence of life imprisonment without parole, then after serving 35 years in prison. (5) If the prisoner is serving a sentence described in (1), (2), or (3), above, and, upon the bill's effective date, the applicable parole eligibility date has been reached, then immediately upon the bill's effective date. <p>Excludes from the special parole eligibility dates any "disqualifying homicide offense," which is defined as aggravated murder or any other offense or combination of offenses that involved the purposeful killing of two or more persons</p>	<p>Instead provides the following parole eligibility dates for persons with an indefinite sentence for an offense, other than an "aggravated homicide offense," committed when the person was under age 18 (<i>R.C. 2967.132(C) and (D)</i>):</p> <ol style="list-style-type: none"> (1) Except as provided in (2) and (3) below, after serving 18 years in prison. (2) Except as provided in (3) below, if the prisoner is serving a sentence for a homicide offense other than an aggravated homicide offense, after serving 25 years in prison. (3) If the prisoner is serving a sentence that permits parole earlier than the parole eligibility date specified in (1) or (2), after serving the period of time in prison specified in the sentence. <p>Defines "homicide offense" as murder, voluntary manslaughter, involuntary manslaughter, or reckless homicide (<i>R.C. 2967.132(A)(2)</i>).</p> <p>If a prisoner is serving a sentence of life imprisonment without parole for an "aggravated homicide offense," as defined below, requires the sentencing court to set aside the original sentence and determine a parole eligibility date</p>

Topic	Previous Version (As Introduced)	Sub. Version (L_132_1279-2)
	<i>(R.C. 2929.02(C), 2929.14(L), 2967.132(A)(1) and (2), and 2971.03(G)).</i>	for the prisoner <i>(R.C. 2967.132(D))</i> . Defines "aggravated homicide offense" as aggravated murder or any other offense or combination of offenses that involved the purposeful killing of three or more persons, when the offender is the principal offender in each offense <i>(R.C. 2967.132(A)(1))</i> .
Planned permanent living arrangement	No provision.	When a child has been adjudicated an abused, neglected, or dependent child or is under temporary custody of a public children services agency or private child placing agency, permits a juvenile court, on its own motion, or a child's guardian ad litem, by request or motion to the court, to seek placement of the child in a planned permanent living arrangement <i>(R.C. 2151.353(A)(5), 2151.415(A) and (C), and 2152.42)</i> .
Family and Children First Council	No provision.	Eliminates a requirement that each county Family and Children First Council include a representative of the regional Department of Youth Services office <i>(R.C. 121.37(B)(1))</i> .

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April 2nd, 2018

Via email

Dear Representative Manning.

I am writing with regard to Substitute HB394 and its omnibus effort toward reforming procedures in the juvenile justice process. Many of the provisions in Sub.HB394 align with recommendations made by the Ohio Criminal Sentencing Commission's (Commission) Juvenile Justice Committee over the past several years.

Presented below is a brief history of the Commission's work and its relevance to Sub.HB394.

Transfers from Juvenile to Criminal Court

The Juvenile Justice Committee, after review of the current state of the bindover process and input from stakeholders throughout the system, including the members of the committee themselves who practice in juvenile court on a daily basis, proposed the elimination of the mandatory bindover provisions in R.C. 2152.10 and 2152.12. In 2016, the full Commission voted to approve the suggested changes and those revisions are consistent with the language in Sub.HB394.

Sub.HB394 also reflects proposed changes to the appellate statute in 2505.02 allowing for an interlocutory appeal of a bindover decision immediate following the ruling made by the Commission. For reference, the background and summary of the Juvenile Justice Committee's work is here: <http://www.supremecourt.ohio.gov/Boards/Sentencing/legislation/2015/bindoverSummary.pdf>.

Delinquent Child Confinement Credit

In 2015, the Department of Youth Services (DYS) requested that the Juvenile Justice Committee of the Commission review the language of R.C. 2152.18 regarding the calculation of confinement credit, citing confusion on the calculation of credit and application of the statute. . The language of R.C. 2152.18 was revised in 2012 through SB337, but did not specify when a juvenile should be granted credit, leading to difficulties in DYS calculations. The Juvenile Justice Committee undertook a review of R.C. 2152.18 and proposed language that was endorsed by the full Commission and is consistent with Sub.HB394. Those changes redefine commitment to clarify when confinement credit is granted and allows juvenile courts to resolve issues of dispute over the amount of credit being granted. For reference, the background and summary of the Juvenile Justice Committee's work is here: <http://www.supremecourt.ohio.gov/Boards/Sentencing/legislation/juvConfineCredit.pdf>.

Juvenile Court Costs and Fines and Restitution



The Juvenile Justice Committee of the Commission began a review of juvenile financial sanctions in 2015. The Juvenile Justice Committee made several recommendations to changes to R.C. 2152.20 that were endorsed by the full Commission and those recommendations included requiring the court consider the ability of the child to pay in making a determination for costs, which is included in Sub.HB394

Additionally, the Commission recommended moving Restitution to a stand-alone section. Changes to the restitution section include offering an alternative means of restitution for those juveniles who lack an ability to make payments and, what was a controversial proposal among Commission members, allowing conversion of a restitution order to a civil judgement. Sub.HB394 is consistent with the Commission's proposals in establishing restitution as its own section and including the civil conversion process.

For reference, the background and summary of the Juvenile Justice Committee's work is here: <http://www.supremecourt.ohio.gov/Boards/Sentencing/legislation/juvCostsFinesRestitution.pdf>

Juvenile LWOP removal and Parole Eligibility

The Ohio Criminal Sentencing Commission was approached by then Senator Bill Seitz with a request to review extended sentences imposed on juveniles in the state of Ohio. An ad hoc committee was convened by the Commission to review extended sentences for juveniles and adults. This ad hoc committee included a variety of practitioners in the criminal justice process as well as representatives from DYS and the Ohio Department of Rehabilitation and Correction (DRC). They studied relevant case law as well and vigorously debated proposed changes to the statute in order to bring Ohio law into compliance with U.S. Supreme Court jurisprudence in *Miller vs. Alabama*, 132 S. Ct. 2455 (2012). Subsequently, in November of 2015, the Commission approved recommendations for proposed changes to statutory language of R.C. 2967.13(B).

Sub.HB439 establishes a timeline for parole eligibility for individuals currently serving extended sentences for crimes that occurred before their 18th birthday, and specifies mitigating factors for the Parole Board to consider at those hearings. Though the Commission's proposed a slightly different timeline, Sub.HB439 fully adopts the Commission's recommended mitigating considerations. This language reflects the important and unique considerations to be taken into account when considering parole for an individual who committed an offense as a juvenile. Sub. HB394 also keeps the Commission's recommendation that the parole board reconsider a prisoner's release at least every 10 years following a denial of parole.

For reference, the background and summary of the Juvenile Justice Committee's work is here: <http://www.supremecourt.ohio.gov/Boards/Sentencing/legislation/2015/JLWOP.pdf>

The Ohio Criminal Sentencing Commission and its Juvenile Justice Committee are proud to see their hard work reflected in the proposed reforms included in Sub.HB394. The Commission appreciates the



opportunity to provide helpful information and historical background regarding its work to the members of the General Assembly. Should you desire additional information or have any questions, the Commission is always available to you by email at sara.andrews@sc.ohio.gov or by phone at 614-387-9311.

Respectfully submitted,

Sara Andrews, Director



OHIO

CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

JUVENILE JUSTICE COMMITTEE WORK CHART

<u>Category</u>	<u>Issue</u>	<u>Last Action</u>	<u>Project Status</u>	<u>Responsible Person</u>	<u>Next Action</u>
	Probation (Length of time)	RFK Center at August 2017 meeting Draft of driver's license suspension language	In progress		
	Juvenile Data Collection	Presentation of JDAI data	In progress		Committee will revisit data wish list, identify priorities, discuss collecting/analyzing data
	Sexting	Discussion of Recodification Committee proposals and Rep. Rezabek draft legislation	Pending	Members	Committee will discuss if Recodification proposals address concerns and provide additional feedback to Rep. Rezabek if necessary



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CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

<u>Category</u>	<u>Issue</u>	<u>Last Action</u>	<u>Project Status</u>	<u>Responsible Person</u>	<u>Next Action</u>
	Juvenile Records - sealing, expungement	BCI attended April 2017 meeting and updated committee on efforts	In progress		Does the committee need to take any further action?
	Post-Dispositional Detention Time	Discussion	Pending	Kathleen Hamm	
	Juvenile Sentencing Structure	J. Kennedy attended 2/16/17 meeting	Pending		
	Raise age of majority/extend juvenile jurisdiction		Pending		



Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

<u>Category</u>	<u>Issue</u>	<u>Last Action</u>	<u>Project Status</u>	<u>Responsible Person</u>	<u>Next Action</u>
	Decriminalizing status offenders		Pending		
	Definition of Recidivism	Part of data collection project - it was requested that Ohio develop a standard definition of recidivism for use in data collection and analysis	Pending		Research definitions commonly used in data collection and analysis. http://www.justiceconcepts.com/recidivism.pdf https://fas.org/sgp/crs/misc/RL34287.pdf



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CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

<u>Category</u>	<u>Issue</u>	<u>Last Action</u>	<u>Project Status</u>	<u>Responsible Person</u>	<u>Next Action</u>
COMPLETED	Address juvenile court costs – assessment & collection	Restitution language approved.	COMPLETED	Jo Ellen	
COMPLETED	Extended sentence review (Juvenile)	SB 272 introduced in February 2016	COMPLETED	Jo Ellen Jill Beeler-Andrews	
COMPLETED	Juvenile confinement credit	Language approved by committee	COMPLETED	Jo Ellen Director Reed	
COMPLETED	JSORN	Committee decided not to make any recommendations to Recodification Committee	COMPLETED	Jo Ellen	



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CRIMINAL SENTENCING COMMISSION

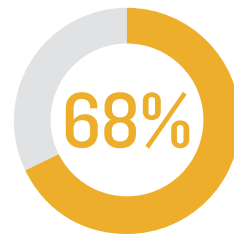
Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

<u>Category</u>	<u>Issue</u>	<u>Last Action</u>	<u>Project Status</u>	<u>Responsible Person</u>	<u>Next Action</u>
COMPLETED	Mandatory shackling	Comment on proposed Sup.R. 5.01 re: juvenile restraints submitted	COMPLETED	Members	Sup.R. 5.01 adopted by Supreme Court (Eff. 7/1/16)
COMPLETED	Mandatory bindovers – eliminate or limit	Language approved by Commission	COMPLETED	Jo Ellen Erin Davies	
COMPLETED	Mandatory sentences	Committee determined to not make any recommendations on mandatory sentences	COMPLETED	Jo Ellen Erin Davies	
COMPLETED	Truancy	HB 410 was enacted on December 8, 2016	COMPLETED	Jo Ellen Scott Lundregan	

A VISION FOR GETTING IT RIGHT

Juvenile probation should promote personal growth, behavior change and long-term success for youth who pose a significant risk for serious offending. Achieving this requires fewer youth on probation and fundamental changes that transform probation into a focused and effective intervention.

383,000 young people were put on probation
 More than half were informal cases – status offenses or nonadjudicated.¹



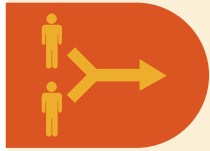
Probation perpetuates vast racial disparities in youth justice

68 percent of young people held in residential custody because of technical violations were youth of color.²

Diversion for more youth because most youth grow out of delinquent behavior without any intervention



Police or school officers, prosecutors or judges opt against formal court processing for minor offenses. **Default to diversion** for misdemeanors and first-time nonviolent felonies.



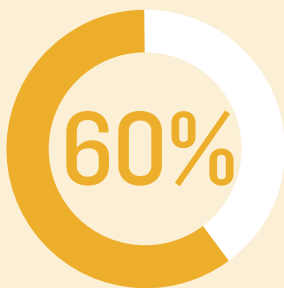
Reduce disparities in the use of diversion by **diverting youth of color and white youth equitably**.



Transfer responsibility for diversion programming to non-court community partners.



No court-imposed standards dictating how frequently diversion program providers meet or speak with diverted youth (or their families).



Divert more youth to services in communities

With these criteria, at least 60 percent of juvenile cases, and likely more, will never reach juvenile court.



Consider options such as a warning, restorative justice practices or individualized service plans.



For youth at lower risk, less is more

When youth assessed as low risk are diverted, they are **45 percent less likely to reoffend** than comparable youth facing formal court processing.³



Refrain from court-imposed consequences for noncompliance. It's okay to terminate some diversion cases as unsuccessful without imposing further consequences.



Measure success in increasing the share of youth diverted from court and making services available equitably for youth in every neighborhood.

Probation for youth who pose a significant risk for serious offending without more guidance and support



Assign far smaller caseloads to probation officers, such as eight to 12 youth.



Eliminate the use of long standardized lists of conditions.

30 Currently, some youth have to manage over 30 conditions of probation.⁴



Focus probation officers' time on nurturing maturity and developing positive relationships.

10% Counseling, skill building and restorative justice **reduce reoffending by 10 percent versus 1 percent reductions from supervision**.⁵



Engage the family and youth in setting expectations and goals that are attainable and realistic.



Provide **incentives and recognition** for achievement.



Offer targeted and proportionate responses when youth neither meet expectations nor accomplish short-term goals. Minimize use of confinement and never for violations.



Take meaningful steps to reduce racial and ethnic disparities.



Provide opportunities for young people to connect with local organizations in the neighborhoods where they live.



Create mechanisms to hold leaders and staff of juvenile probation agencies accountable for positive youth results.

References:
 1. Sickmund, M., Sladky, A., & Kang, W. (2018). *Easy access to juvenile court statistics:1985-2015*. Retrieved from www.ojdp.gov/ojstatbb/ezajcs. And, Hockenberry, S., & Puzanchera, C. (2017, April). *Juvenile court statistics 2014*. Pittsburgh, PA: National Center for Juvenile Justice. Retrieved from www.ncjj.org/pdf/jcsreports/jcs2014.pdf
 2. Sickmund, M., Sladky, T. J., Kang, W., & Puzanchera, C. (2017). *Easy access to the census of juveniles in residential placement*. Retrieved from www.ojdp.gov/ojstatbb/ezacjrp
 3. Wilson, H. A., & Hoge, R. D. (2013). The effect of youth diversion programs on recidivism: A meta-analytic review. *Criminal Justice and Behavior*, 40(5).
 4. National Juvenile Defender Center. (2016, September). *Promoting positive development: The critical need to reform youth probation orders* (Issue brief). Washington, DC: Author. Retrieved from www.njdn.org/uploads/digital-library/Promoting_Positive_Development.pdf
 5. Lipsey, M. W. (2009). The primary factors that characterize effective interventions with juvenile offenders: A meta-analytic overview. *Victims and Offenders*, 4, 124–147. Retrieved from www.episcenter.psu.edu/sites/default/files/community/Lipsey_Effective%20interventions%20-%202009.pdf

TRANSFORMING JUVENILE PROBATION A VISION FOR GETTING IT RIGHT

executive summary



The Annie E. Casey Foundation is a private philanthropy that creates a brighter future for the nation's children by developing solutions to strengthen families, build paths to economic opportunity and transform struggling communities into safer and healthier places to live, work and grow. For more information, visit www.aecf.org.

Over the past 20 years, our nation's juvenile justice systems have steadily decreased the unnecessary use of detention and incarceration of young people, improving their chances of success as adults while preserving public safety. Yet the large reduction in confinement has not resulted in significant changes to its primary alternative — probation, which remains deeply flawed both in concept and execution despite being the most common disposition in juvenile justice.

Handcuffed by conflicting and often unrealistic expectations from judges, prosecutors and the public, and assigned overwhelming caseloads of too many youth who should not be the court's responsibility, juvenile probation lacks clarity about its goals and purpose. Despite the dedication and admirable intentions of probation professionals, probation often pulls young people deeper into the system without offering the support and guidance that would put them on the right path and reduce the likelihood of reoffending.

At its best, probation offers court-involved youth who would otherwise be confined the chance to remain in the community and participate in constructive and therapeutic activities. But probation can also become a gateway to unnecessary confinement for youth who frustrate authorities with noncompliant behavior but pose minimal risk to public safety. This overreliance on confinement disproportionately affects youth of color and exacerbates the already severe racial and ethnic disparities plaguing juvenile justice.

But it doesn't have to be that way.

Given research on adolescent behavior and brain development and evidence about intervention strategies that consistently reduce delinquency, the knowledge exists now to get juvenile probation right. Better yet, taking action to get probation right presents an enormous opportunity for improving the entire juvenile justice system. It is *the* reform strategy likely to deliver the best results for the most young people, with nearly a half-million given some form of probation annually.

Getting it right means transforming probation into a focused intervention that promotes personal growth, positive behavior change and long-term success for youth who pose significant risks for serious offending. It means dramatically reducing the size of the probation population and probation officer caseloads by diverting far more youth so they can mature without being pulled into the justice system.

It means trying new interventions and letting go of outdated, ineffective ones: ditching compliance in favor of supports, sanctions in favor of incentives and court conditions in favor of individualized expectations and goals.

Getting probation right means embracing families and community organizations as partners and motivating youth primarily through rewards, incentives and opportunities to explore their interests and develop skills, rather than by threats of punishment.

Finally, getting probation right means setting clear and meaningful outcome goals for probation itself — including those for improving racial and ethnic equity — and holding probation and its partner agencies accountable for achieving them.

This paper lays out the Annie E. Casey Foundation's vision for modernizing juvenile probation. It is based on more than 25 years of experience with the Juvenile Detention Alternatives Initiative® (JDAI) and five years of studying probation with researchers, practitioners, youth, families and pilot probation transformation sites.

The paper describes the evidence and rationale behind the vision's two pillars: reducing probation caseloads by diverting a greater share of cases from formal court processing and refashioning probation into an effective intervention for the smaller population of youth who will remain on supervision caseloads. The Foundation hopes to encourage local action, research, innovation and learning that will move juvenile probation toward its full potential for improving the entire juvenile justice system.

WHY WORRY ABOUT JUVENILE PROBATION?

I

Probation plays an outsized role in the juvenile justice system and exerts a potentially pivotal impact in the lives of court-involved youth. It is the disposition most often imposed on young people who enter our nation's juvenile justice systems.

Probation Plays a Pivotal Role in the Juvenile Justice System

During 2014, the latest year for which juvenile court data are available, 63 percent of youth found delinquent in juvenile courts were sentenced to probation. “Informal” probation was also the outcome for a substantial share of youth whose cases were not formally processed in juvenile court and whose cases were processed formally but were not adjudicated delinquent.¹ (Informal processing of juvenile cases is often referred to as “diversion.”) In all, 383,000 young people were placed on formal or informal probation supervision in 2014 — more than half of them youth with status offenses or informal probation cases.²

Probation also functions as a gatekeeper to correctional commitments and other out-of-home placements. In the 2015 Census of Juveniles in Residential Placement, for instance, 18 percent of youth in custody were committed for technical violations rather than new offenses, and another 5 percent were committed for violating court orders stemming from a status offense.³

As the most common disposition, probation also plays a large role in perpetuating the most glaring defect in our nation's juvenile justice systems — the vast and continuing overrepresentation of African Americans, Latinos and other youth of color.

Evidence Shows That Juvenile Probation Doesn't Work

The research indicates that surveillance-oriented probation is not an effective strategy for reversing delinquent behavior, with insignificant effects on reoffending and especially poor results with youth at low risk of rearrest.

Insignificant effects on reoffending. In 2013, a team of scholars at the University of Cincinnati reviewed the evidence on probation and concluded: “Traditional community supervision — both as an alternative to residential supervision (probation) and as a means to continue supervision after release from a correctional institution (parole) — is ineffective.”⁴ Vanderbilt University researcher Mark Lipsey found that programs designed to stem delinquency through counseling, skill building and restorative justice all reduce juvenile reoffending by an average of 10 percent or more, while supervision reduces reoffending by just 1 percent.⁵ Several other recent studies concur.

Especially poor results with youth at low risk of rearrest. A 2014 evaluation of programs funded under the RECLAIM Ohio initiative found that among youth scoring as low risk, those placed on probation were more than 50 percent more likely to reoffend (as measured by felony adjudication and/or commitment to Department of Youth Services) than those not placed on probation.

This study also found that youth scoring as low risk who were diverted from court reoffended far less frequently than comparable youth who were formally processed in court.⁶ As the Council of State Governments has concluded, “Research shows that juvenile justice systems can do more harm than good by actively intervening with youth who are at low risk of reoffending.”⁷

Surveillance-Oriented Probation Lags Behind Knowledge of Youth Development

Probation’s lack of effectiveness and its poor results with youth at lower risk of reoffending are entirely predictable in light of recent adolescent brain research, which has documented clear developmental differences between teens and adults. This new research includes a better understanding of adolescents’ lack of “psychosocial maturity” — the abilities to control impulses, consider the implications of their actions, delay gratification and resist peer pressure.⁸ Furthermore, new research on intervention strategies to reduce delinquency has refuted the once widely held notion that nothing works in youth justice rehabilitation.

For the most part, today’s historic advances in knowledge have bypassed probation. Among the most important lessons of this modern knowledge:

- **Youth need support, not surveillance.** The heavy emphasis on surveillance and rule following does not succeed because the brain does not fully mature until age 25, and lawbreaking and other risky behaviors are commonplace during adolescence. Most youth grow out of lawbreaking without any intervention from the justice system.⁹
- **For youth at lower risk, less is more.** Research finds that for youth at lower risk of reoffending, the most effective strategy for juvenile courts and probation agencies is to abstain from interfering. Results from many studies

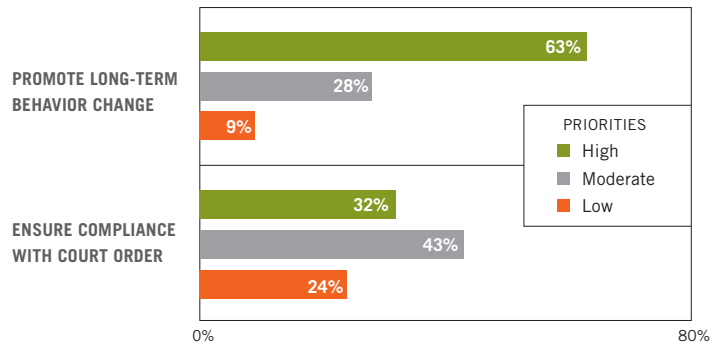
THE USE OF INCENTIVES IS EVEN MORE IMPORTANT FOR YOUTH BECAUSE IT HELPS THEM LEARN AND IMPLEMENT NEW, DESIRED BEHAVIORS, THEREBY REPLACING — NOT SIMPLY INHIBITING — UNDESIRE BEHAVIORS.

confirm that formal processing and probation supervision are counterproductive for youth at low risk for rearrest.¹⁰

- **Nurturing maturity is key.** The growing body of research on what works in juvenile justice confirms that programs designed to boost psychosocial maturation through positive opportunities for youth development and counseling — particularly cognitive behavioral approaches designed to improve problem solving, perspective taking and self-control¹¹ — tend to reduce recidivism rates. Interventions geared toward deterrence, discipline or surveillance have no effect or increase recidivism.¹²
- **Youth respond far better to rewards and incentives for positive behavior than to the threat of punishment for misbehavior.** Both youth and adults on probation have been found to be more responsive to rewards and incentives for positive behavior than to sanctions for negative behaviors.¹³ The use of incentives is even more important for youth because it helps them learn and implement new, desired behaviors, thereby *replacing* — not simply inhibiting — undesired behaviors.¹⁴

LACK OF CONSENSUS ON PROBATION'S TOP PRIORITIES

Share of Probation Officers' Ranking as High vs. Moderate vs. Low Priority



SOURCE: Survey of probation officers and supervisors in all 12 JDAI Deep End sites, plus 12 other experienced JDAI sites, conducted for the Annie E. Casey Foundation by the Urban Institute in 2016.

Lack of Clarity About Probation's Mission, Goals and Outcomes

The fundamental flaw with probation is that it is not rooted in a theory of change and lacks a commonly articulated vision. In a report published in 2002, the National Center for Juvenile Justice lamented that in many juvenile probation agencies “nobody is given responsibility for stating the goals and objectives, documenting the performance or measuring the outcomes of probation.”¹⁵ Twelve years later, the executive director of the Robert F. Kennedy National Resource Center for Juvenile Justice, John Tuell, a longtime juvenile probation officer, noted that the juvenile probation field still does “not adequately hold ourselves accountable for the efficacy of our labor and the outcomes of the youth and families we intend to serve.”¹⁶ It is therefore not surprising that probation is practiced very differently from state to state, and even officer to officer.

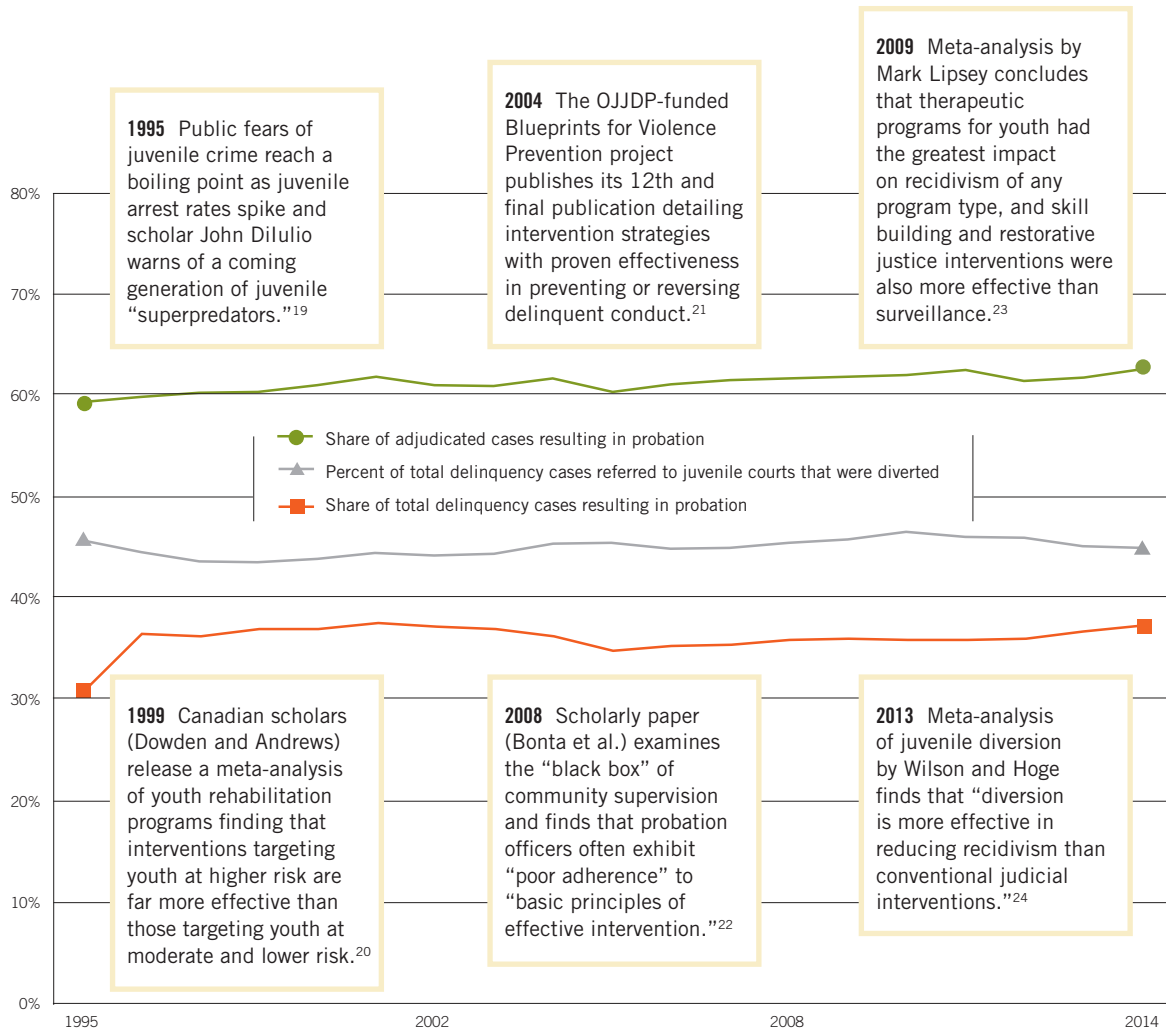
Problematic Probation Practices

In light of the research, many common practices in probation are problematic or counterproductive:

Too many youth on probation caseloads who don't belong.

Many youth who score as low risk to reoffend continue to be placed on informal or even formal probation. Data show that from 1995 to 2014, a period of large declines in youth confinement and a surge of new research, juvenile courts saw neither an increase in the share of youth whose cases were diverted from juvenile court (which held steady between 43 and 47 percent) nor a reduction in the share of juvenile court referrals resulting in probation (which hovered between 35 and 37 percent).¹⁷ Meanwhile, probation caseloads continue to include large numbers of youth whose behavioral problems are rooted in abuse and neglect, trauma, mental health and substance abuse issues and/or family crises — and who would be better served by human services systems that are more appropriately situated to address these difficulties.¹⁸

**DESPITE BIG SHIFTS IN CRIME RATES, PLUS AN EXPLOSION OF NEW KNOWLEDGE,
THE USE OF DIVERSION AND PROBATION HASN'T CHANGED**



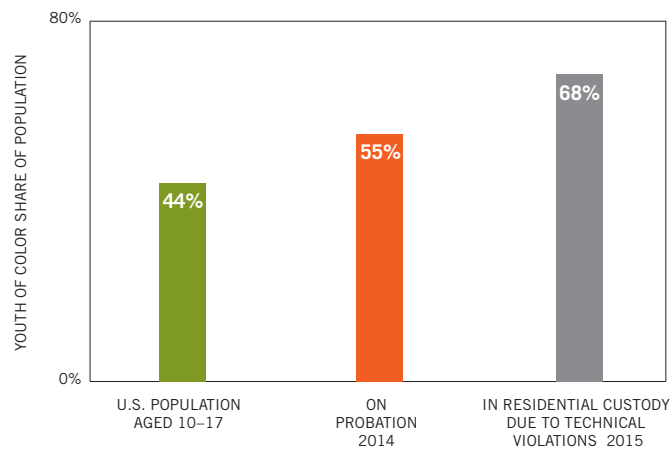
SOURCE: Hockenberry, S., & Puzanchera, C. (2017, April). *Juvenile court statistics 2014*. Pittsburgh, PA: National Center for Juvenile Justice. Retrieved from www.ncjj.org/pdf/jcsreports/jcs2014.pdf

Underuse or misuse of diversion, an otherwise effective tactic. Despite the research showing that diversion from formal court processing typically improves youth outcomes, few states or local jurisdictions invest significant time or money to ensure adherence to best practices.²⁵ Most diversion programs are only available to youth without any prior offending history — for whom any intervention can often do more harm than good²⁶ — and most exclude all youth accused of felonies.²⁷ Moreover, research studies consistently find that diversion is a point of significant racial and ethnic disparity in juvenile justice, with youth of color being diverted from juvenile court far less frequently than their white peers.²⁸

Inadequate attention to racial and ethnic equity. Though academic research examining the intersection between

race and ethnicity and probation violations is limited, some studies have found significant disparities.²⁹ National juvenile court statistics indicate that more than two-thirds of young people confined in residential facilities for technical violations in 2015 were youth of color — far above their share of the nation’s youth population.³⁰ The National Research Council has noted, “Most people [in the juvenile justice field] concede that racial disparities pose a huge problem but are reluctant to candidly discuss their root causes and possible remedies.”³¹ A 2016 survey of juvenile probation personnel in 24 JDAI jurisdictions also suggested that inattention to racial and ethnic equity in probation remains widespread.³² Given those findings and probation’s role as the response of choice for most youth who enter juvenile justice systems, probation carries some responsibility for the continuing inequities facing

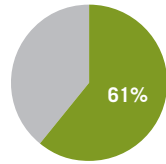
OVERREPRESENTATION OF YOUTH OF COLOR



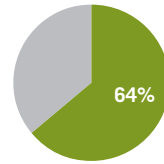
*Youth of color include youth of all races other than white, plus all Latino youth regardless of race.

SOURCE: OJJDP Statistical Briefing Book. Retrieved from www.ojjdp.gov/ojstatbb

INADEQUATE ATTENTION TO RACIAL AND ETHNIC EQUITY



Seldom or never discuss racial disparities in their treatment of probation youth with peers and supervisors



Seldom or never review data on racial and ethnic disparities

SOURCE: The Annie E. Casey Foundation. (2016). *Probation practice survey*.

youth of color, and probation leaders have a duty to help lead the search for solutions.

Continuing counterproductive use of standard conditions and costly financial penalties. A National Juvenile Defender Center issue brief found that in some jurisdictions, youth “are required to manage over thirty conditions of probation — a near impossible number of rules for children to understand, follow or even recall.”³³ This can lead to unnecessary detention or incarceration for technical violations, according to the National Council of Juvenile and Family Court Judges (NCJFCJ).³⁴ In addition, youth placed on probation (and their families) face myriad and often onerous financial costs³⁵ — even though these fines and fees actually increase reoffending rates and exacerbate racial and ethnic disparities in juvenile justice.

Insufficient collaboration with families and community partners. While probation officers can play an important role in helping youth achieve success, the most powerful influences on court-involved youth, particularly for the long term, come from their families and from others in their communities. Yet, as OJJDP

has noted, “Justice system officials too often treat family members in a way that commonly makes them feel ashamed and guilty. When family members engage with system representatives, it is often because of their own perseverance in spite of a lack of support from system officials.”³⁶ Meanwhile, meaningful partnerships are also scarce between probation agencies and community organizations — particularly community-based organizations in underserved neighborhoods where many court-involved youth reside.

Too many youth confined for technical violations. Increasingly, research makes clear that placement into residential facilities does not reduce reoffending behaviors³⁷ and that periods of residential confinement can seriously harm young people’s future health and success.³⁸ The NCJFCJ recommends that detention or incarceration never be used as a sanction for technical violations of probation.³⁹ Yet in many jurisdictions, more youth are committed to residential facilities for probation violations than for violent felonies or any other type of lawbreaking behavior.⁴⁰ In each of the five initial JDAI sites piloting an approach to significantly reduce the use of post-dispositional out-of-home placements — often

referred to as “deep end” sites — initial assessments determined that at least 30 percent of placements came directly from probation. In one deep end site, 53 percent of commitments were due to probation violations.⁴¹

Limited use of rewards and positive incentives. The use of positive incentives remains the exception in juvenile probation. Incorporating the use of reinforcements, as one recent study put it, would “necessitate a paradigmatic shift in supervision philosophy” before it could be widely accepted.⁴² A recent law journal article noted: “The vast majority of juvenile probation systems — like adult probation systems — emphasize probationers’ failures to comply with requirements....[T]his approach fails to recognize the power of positive reinforcement in shaping behavior over time.”⁴³

Deficit-based approach. Scholars William Barton and Jeffrey Butts noted: “The traditional juvenile justice system is deficit based. Policies and programs are designed to identify youth problems and to implement strategies for reducing those problems.”⁴⁴ Youth who become deeply enmeshed in the juvenile justice system often reside in communities that lack well-resourced schools, safe recreational spaces, active civic organizations or access to entry-level jobs offering an upward career ladder. Juvenile courts and probation agencies lack the wherewithal to reverse these societal injustices. However, when they focus primarily on deficits, they miss opportunities to connect court-involved young people with positive adult mentors and role models and to provide opportunities for young people to explore their interests, build skills, develop their talents and contribute to the well-being of their communities.

Failure to align probation supervision and services with young people’s risk of reoffense. Perhaps the most consistent finding from recent juvenile justice research is that interventions work best when they target youth at high risk of reoffense. Youth who score as high risk

present the greatest opportunity to prevent harm. These are the young people for whom the stakes are highest that we get it right and who need our most effective resources. Yet juvenile courts and probation agencies frequently violate this “risk principle” by devoting effective community interventions to the wrong kids — those assessed as lower risk. Kids assessed as higher risk who would benefit most, especially youth of color, either do not receive these services while on probation or end up in out-of-home placement.

Failure to address delinquency-related needs of probation youth. Research finds that juvenile probation agencies often fail to connect youth with appropriate services matched to their individual delinquency-related needs.⁴⁵ For instance, a study of Ohio juvenile corrections agencies found “no evidence” that probation officers and juvenile corrections were using information from the state’s risk/needs assessment instrument “to guide the delivery of treatment interventions.”⁴⁶

Unnecessarily long periods of probation supervision. Juvenile probation varies widely from jurisdiction to jurisdiction. Though no expert consensus exists on the optimal duration of supervision for youth, evidence suggests that limiting probation terms and using the incentive of shortening probation terms as a reward for positive behavior can improve outcomes and reduce costs with no harm to public safety. Guided by this research, juvenile justice experts in the Pew Charitable Trusts’ Public Safety Performance Project have recommended shorter periods of probation for youth in several states.⁴⁷

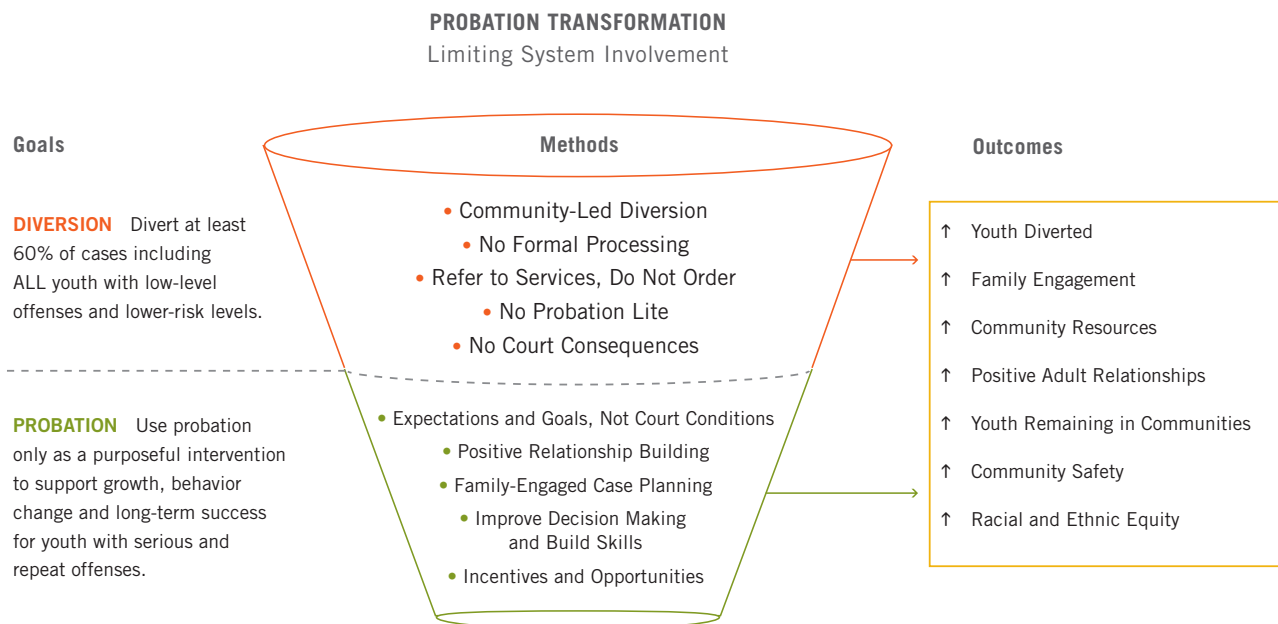
**A NEW
VISION FOR
JUVENILE
PROBATION**

II

The Casey Foundation’s vision for juvenile probation transformation rests on two pillars: reducing probation caseloads by diverting a greater share of cases from the juvenile court system (i.e., formal court processing and any form of probation supervision) and refashioning probation into a more strategic and effective intervention for the much smaller population of youth who will remain on supervision caseloads.

Establishing a superior system of community supervision will require widespread agreement over what probation is meant to accomplish. To jumpstart a constructive dialogue toward crafting this consensus, the Foundation proposes the following to the leaders and line staff of juvenile probation agencies — as well as judges, prosecutors, juvenile defenders and other system partners.
Resolve to:

Transform juvenile probation into a purposeful intervention targeted to youth who pose significant risk for serious reoffending. Partner with families and communities to promote personal growth, positive behavior change and long-term success (as opposed to surveillance and compliance), as a means to protect public safety — and do so in ways that promote racial and ethnic equity.



EXPANDING AND IMPROVING THE USE OF DIVERSION TO REDUCE PROBATION CASELOADS

Which Youth Should Be Diverted?

The use of legal sanctions or court oversight are appropriate for young people only if they have a history of serious and/or chronic offending and pose a significant risk to public safety. The Casey Foundation believes that young people should not be adjudicated or formally processed for a first offense unless they have committed a serious violent crime, and they should not be formally processed or adjudicated for misdemeanors or first-time nonviolent felonies. Whereas 44 percent of juvenile referrals nationwide were diverted in 2014, these criteria will require that at least 60 percent of juvenile cases — and likely much more than that — never reach juvenile court.

When Should Youth Be Diverted?

By Whom?

Diversion can occur prior to arrest, when police officers choose not to make an arrest or school officials do not involve police or initiate a court referral in response to youth misbehavior; at the prosecutorial level, when prosecutors opt not to refer cases for formal juvenile court processing; or at juvenile court intake, when intake officers (or at times judges themselves) determine that formal processing would not be beneficial.

What Should Diversion Entail?

Depending on the circumstances and seriousness of the case, diversion can occur at one of four levels: (1) warn and release/no intervention; (2) short-term, light-touch diversion; (3) restorative justice models in which youth

meet with victims and repair the harm caused by their offenses; or (4) individualized service plan. For youth referred to any intervention, diversion activities should be initiated promptly and accomplished quickly — with cases generally ending within three months or less.

How Should Diversion Differ From Probation Supervision?

Diverted youth should never be assigned to probation or supervised by a probation officer. There should be no possibility of placement or confinement for failure in diversion, which means diverted youth should never be subjected to court-ordered conditions. Except in rare cases, they should not face court-imposed consequences for failing to comply with a diversion agreement, and there should be no court-imposed contact standards to guide how often diversion program providers meet or speak with diverted youth (or their families).

Who Should Oversee Diversion Programming?

To maximize the effectiveness of diversion, each jurisdiction should seek over time to identify a single community-based organization — or a coalition of organizations and agencies⁴⁸ that are independent from the court, prosecutor's office and probation department — to oversee diversion. The responsible agency or collaborative should offer a single point of entry for assessments, referrals and care coordination and service integration provided to diverted youth, as well as crisis intervention when necessary.

What Should Happen if Youth Fail to Complete Their Diversion Agreements?

Diverted youth should not be returned to court or face court-imposed sanctions for failing to comply with their diversion agreement or contract. Diversion program staff should work hard to engage youth and encourage compliance with diversion agreements. But diversion staff should also be willing to terminate some diversion cases as unsuccessful completions without imposing further consequences. The Casey Foundation recognizes that some juvenile court and probation officials may worry that eliminating the threat of court refiling might encourage noncompliance among diverted youth, potentially harming public safety. However, adolescent development studies show clearly that young people are seldom swayed by threats of future punishment and that greater involvement in the justice system is typically counterproductive.

How Should Probation Departments Interact With Diversion?

Probation should have no role in administering diversion or in overseeing the cases of diverted youth. Local government and/or the juvenile court should create an oversight committee to monitor and support diversion programs throughout the jurisdiction. This committee should set expectations and policy and program guidelines for diversion (including rules to prevent net widening); conduct training and support for personnel involved in providing diversion services; collect and analyze data to assess the adequacy and success of existing diversion programs; and assess needs and develop programs to expand or improve diversion options.

THE NATION'S LARGEST COUNTY GOES ALL IN FOR JUVENILE DIVERSION

On November 7, 2017, the Los Angeles County Board of Supervisors announced a historic new juvenile diversion initiative, perhaps the most ambitious in our nation's history, which will steer roughly 80 percent of the county's arrests each year away from the juvenile court system and into supportive services in the community.⁴⁹ The newly created Office of Youth Diversion and Development will be charged with forging partnerships with law enforcement agencies in the county to promote the use of diversion. With a budget of \$26 million, the new agency will also be tasked with developing partnerships with community agencies to assess and serve youth placed in diversion programs — including youth accused of status offenses, misdemeanors and most nonviolent felony offenses.

PROMISING DIVERSION PRACTICES

For most courts and probation agencies nationwide, sharply reducing probation caseloads and increasing the share of delinquency cases processed informally (outside of court) will represent a fundamental shift from longstanding common practice. However, some jurisdictions are already pursuing changes consistent with this new approach, with encouraging results.

Limiting arrests for misbehavior at school. Since prohibiting arrests at school for a set of common nonserious misbehaviors and crafting an elaborate menu of alternative responses in 2003, *Clayton County, Georgia*, has reduced school arrests by more than 90 percent.⁵⁰ In *Philadelphia*, police instituted a new policy in 2014 to divert students accused of low-level offenses. Instead of being arrested, these students are assessed by Philadelphia's Department of Human Services and referred as appropriate to service providers in the community. In the first three years, school arrests declined 68 percent.⁵¹

Giving law enforcement officers an alternative to arrest in the community. In *Florida*, nearly 10,000 young people were issued civil citations in 2016 rather than being arrested for a range of low-level offenses.⁵² In *Summit County (Akron), Ohio*, local police and sheriff's departments have referred 600 to 800 youths to police-led diversion programs in each of the past four years. This represents at least 20 percent of all Summit County delinquency cases each year.⁵³

Employing restorative justice in lieu of court. In *Davidson County (Nashville), Tennessee*, the share of juvenile court referrals handled informally has increased from 12 percent in 2013 to 52 percent in 2016, with many youth being served in new restorative justice programs.⁵⁴ In *Alameda County, California*, a recent evaluation found that youth diverted to a Restorative Community Conferencing program were half as likely to reoffend as youth formally processed in court.⁵⁵

Creating a community hub to coordinate diversion. *Multnomah County's Juvenile Reception Center* is a site where police bring youth arrested for low-level offenses who are inappropriate for detention. Staff at the reception center perform screening and assessments, talk with youth and their families and refer them to appropriate services in the community.⁵⁶ Likewise, the *Huckleberry Community Assessment and Resource Center in San Francisco* serves as a hub for diversion efforts, conducting assessments, offering crisis intervention as necessary and providing appropriate referrals for youth diverted from court.⁵⁷

REINVENTING PROBATION TO FOSTER YOUTH SUCCESS

Expanding the use of diversion and developing a stronger continuum of diversion programming should significantly improve system outcomes. Yet a sizable population of young people who pose a more serious threat to community safety and require probation supervision will remain. Probation can be an effective tool for helping youth with more significant offending histories to turn away from delinquency, develop self-awareness and other critical life skills and begin achieving important milestones on the pathway to success in adulthood. But probation agencies can only achieve this progress if they embrace a new and better-honed approach focused on building relationships, matching interventions to youths' needs, utilizing incentives rather than sanctions and providing opportunities for positive youth development. This new model will require several elements:

Smaller Caseloads Focused on Success

With the reduced probation populations made possible by increased use of diversion, probation officers should be assigned far smaller caseloads than has been common to date — perhaps 8 to 12 youth per officer. Caseloads this small would represent a significant break from past practice, and they should enable probation officers to develop close, caring, positive relationships with all youth on their caseloads. Smaller caseloads should allow probation officers to work intensively with youth and partner with their families and communities to help young people thrive in school, pursue positive activities in their communities and build cognitive behavioral skills — such as improved decision making and increased capacities to control impulses, weigh consequences, resist negative peer pressure and navigate stressful situations.

Rewards for Goal Achievement and Positive Behavior

Instead of focusing on rules and relying solely or primarily on the threat of violations or other sanctions to minimize noncompliance with court-ordered conditions, case management should be driven by incentives encouraging positive behavior and promoting meaningful personal growth by offering opportunities and rewards valued by youth.

Limited and Constructive Use of Rules and Sanctions

Juvenile courts should cease imposing long, standardized conditions of probation. Instead, probation departments should work with youth and families to develop case plans that set expectations and goals, with the understanding that youth may not immediately meet all expectations or follow all of the steps outlined in their case plans. To respond to this, every probation department should develop and follow a detailed response grid offering predictable, calibrated and constructive responses to any type of noncompliant behavior. Consequences for negative behavior spelled out in the response grid should be meaningful to the young people but — unlike the threat of a violation and possible confinement — should not involve punitive sanctions that harm the young person's healthy development or unfairly deny his or her liberty. Issuing a probation violation should be a last option, not the first.

CASE MANAGEMENT SHOULD BE DRIVEN BY INCENTIVES ENCOURAGING POSITIVE BEHAVIOR AND PROMOTING MEANINGFUL PERSONAL GROWTH BY OFFERING OPPORTUNITIES AND REWARDS VALUED BY YOUTH.

Commitment to Racial and Ethnic Equity

Probation agencies must take determined and strategic action to address racial and ethnic disparities and promote equity. Probation agencies must make equity a top priority and create a culture in which issues of race and ethnic equity are freely and openly discussed. Heeding the lessons learned from past efforts, probation agencies must employ a battery of best practice steps to identify points of disparity and the causes behind them. Wherever significant problems and disparities are identified, system stakeholders must devise new strategies or practices to address the situation, monitor their impact and continually refine the approaches in an ongoing pursuit of greater equity.

Collaborative Family-Engaged Case Planning

Probation must begin with a case planning process that is individualized, strength based, trauma informed and inclusive — i.e., the product of an open three-way discussion among youth, parents and family members and the probation officer. Case plans should emphasize realistic expectations; relevant, measurable and timely goals; and a strength-based orientation that builds on

the assets, skills and resources of the youth and his or her family.

A Focus on Family

Probation officers should involve family members in case planning and all subsequent stages of probation. This includes hiring advocates or parents of youth currently or formerly involved in the justice system to guide and counsel parents and family members; soliciting and heeding the opinions of family members through advisory committees, surveys and other means; and eliminating imposition of fines and fees on young people and their families.

Positive Youth Development

Positive youth development must be a core value of probation. It must offer young people opportunities and help them to build skills and develop capacities they will need to make better decisions and succeed as adults. Probation case plans should involve youth in victim-offender mediation or other restorative justice activities when appropriate and provide opportunities for young people to build positive relationships with adults, pursue their interests, participate in constructive recreational and educational activities and contribute in meaningful ways to their communities.

Community Connections

Youth on probation need access to meaningful and relevant youth development opportunities and especially to positive role models and organizations in their home neighborhoods. Historically, however, probation agencies have not aggressively pursued meaningful connections with community partners. To address this situation, probation agencies will need to partner with (and provide significant funding to) community organizations rooted

PROBATION TRANSFORMATION IN ACTION

Since they were named as JDAI pilot probation transformation sites in 2014, Pierce County, Washington, and Lucas County, Ohio, have developed their vision for change in partnership with the Casey Foundation and put elements of that vision into practice.

In **Pierce County**, probation professionals worked with a scholar at the University of Washington to craft a new Opportunity-Based Probation model that offers rewards and incentives for youth to achieve behavior goals and complete tasks (such as remaining drug free, succeeding in school, completing community service activities) that are included in their case plans. Examples of incentives include bus passes and access to popular venues. Pierce County also forged partnerships with several community organizations to provide multiweek positive youth development programs in activities such as boat building, skateboarding and bicycle repair and assembly. Finally, after data analyses showed a high placement rate among African-American boys age 15 and younger, Pierce County developed a new Pathways to Success program, overseen jointly by a community-based care coordinator and a probation counselor, that specifically targets these youth with wraparound services, mentors and other resources.

Lucas County has created a new Misdemeanor Services Unit to oversee the cases of all youth adjudicated for nonfelony offenses. In a departure from prior practice, all youth referred to juvenile court on misdemeanors in Lucas County today are either diverted from formal court processing or overseen by specialized case managers in a far less intrusive manner than is typical of probation. Whereas all probation dispositions must last six months or longer, the cases of youth assigned to the new Misdemeanor Services Unit are typically resolved in 60 to 90 days — or less. For youth assigned to probation, Lucas County partnered with community organizations to create an array of new positive youth development opportunities, and it reduced the number of youth confined in response to technical probation violations from 30 in 2012 to just four in 2016.

Pierce and Lucas counties have both taken numerous steps to involve parents and other family members in their children's cases. For instance, both counties have hired parent advocates or family navigators — people in the community with lived experience of having a child in the juvenile justice system — to advise and support parents of youth on probation.

SOURCE: All information provided by Pierce County Juvenile Court and Lucas County Juvenile Court and Probation Department.

in neighborhoods where large concentrations of youth on probation reside.

Minimized Use of Confinement and Placement and Never for Probation Violations

Inevitably, some youth on probation caseloads will fail to meet the expectations and goals of their case plans. Personal growth, positive behavior change and long-term success — probation’s mission — are gradual processes with predictable ups and downs. Therefore, youth should not be confined for probation violations or as a result of new offenses committed while under probation supervision — nor for offenses committed after they complete probation, except when youth have committed serious offenses and pose an immediate and significant threat to public safety. Every probation department should have a policy requiring a high-level administrative review process prior to approving any out-of-home placement and probation agencies’ success should be measured, in part, by their results in minimizing placements and keeping young people in the community.

Avoidance of Damage of System Involvement

Information about arrests, formal charges and adjudications in juvenile court, which can now be accessed by employers, college admission officers, consumer reporting agencies and others, can sharply limit opportunities for a lifetime.⁵⁸ Probation and court authorities should allow some youth whose cases are serious enough to warrant formal processing to be supervised on probation without the formal stain of adjudication, and they should adopt policies and practices to minimize the extent to which young people’s arrest and/or court records are circulated.

Limited Periods of Supervision

While the duration of probation should be individualized, based on the young person’s success in meeting goals and demonstrating the capacity and will to avoid delinquent behavior, the typical period of probation should be roughly six to nine months. Youth who meet expectations and achieve their goals quickly might be permitted to exit probation more quickly. But even for those who struggle to meet their goals, the period of probation should generally not exceed one year.

Accountability for Results

Probation agencies and their court and community partners should be held accountable for achieving measurable outcome goals in the following domains: limiting the formal probation population to youth who pose significant risk to public safety; eliminating the use of secure detention and out-of-home placements for technical violations and minimizing placements in all other circumstances; taking aggressive and strategic action to monitor and address racial and ethnic disparities and to promote equity; providing positive youth development opportunities and fostering success in school and/or career preparation; effectively engaging parents and forging meaningful community partnerships; meeting the needs of and gaining favorable reviews from parents and caregivers, youth themselves and victims; addressing young people’s identified needs and delinquency-related risk factors; and achieving meaningful goals for reducing reoffending.

OTHER TRAILBLAZERS IN PROBATION TRANSFORMATION

In addition to Lucas and Pierce counties, a number of other JDAI sites, and some non-JDAI jurisdictions, are making noteworthy progress toward transforming probation in positive ways.

Multnomah County, Oregon, has adopted the Functional Family Probation model that puts supporting family members and promoting family well-being at the heart of probation’s mission.⁵⁹ Also, Multnomah has partnered with two community organizations — one in a predominantly Latino neighborhood, the other in an African-American neighborhood — to create the two-part Community Healing Initiative (CHI). The original CHI program offers extra support for probation youth at high risk for rearrest, while the CHI-Early Intervention program provides an alternative to formal processing for youth who pose less risk to public safety.⁶⁰

Santa Cruz County, California, has forged partnerships with community organizations to provide positive youth development programming, including the Aztecas Youth Soccer Academy for youth on probation. It also created the Fuerte program to provide intensive support (when needed) to assist probation youth with significant mental health and/or social service needs. Santa Cruz has long used a 20-plus item checklist to hold itself accountable for combating racial and ethnic disparities, and it recently developed an elaborate response grid spelling out protocols and options for responding to youth who deviate from their court-ordered conditions. Remarkably, Santa Cruz did not send a single young person to an out-of-home placement during the last five and a half months of 2017.⁶¹

The **City of St. Louis** has adopted a Team Support Approach where probation officers work with parents, family members and other caring adults to help devise a “success plan” for each young person, and then to revise and update the plan over time. Since implementing this approach in 2014, the share of youth referred back to court on new charges while on probation has fallen 59 percent, and the re-referral rate for youth after leaving probation has fallen 38 percent.⁶²

CONCLUSION

The juvenile justice field has recently made encouraging progress, not only in making JDAI's core strategies a national standard for detention practice but also in reducing the reliance on correctional confinement. Yet it is hard to conceive how our field can sustain this progress, and it is hard to see how we can live up to the founding ideals of the juvenile court as a kind and just parent, providing equal justice under the law, unless we begin to align the system's most pervasive element — juvenile probation — with what works.

The knowledge provided by recent research on adolescent brain development and behavior demands a fundamental rethinking of juvenile probation practice. Such a rethinking has enormous potential to improve system performance and the lives of young people.

The recommendations offered here reflect a measured and carefully considered response to the glaring gaps between current practices and the best available information about what works or should work with court-involved youth. Working together, the field can seize the opportunity before us to get probation right.

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Juvenile Justice Committee Meeting Notes January 18, 2018

CALL TO ORDER AND APPROVAL OF NOVEMBER 16, 2017 MEETING NOTES

The meeting was called to order by Chair Dobson and the November 16, 2017 meeting notes were unanimously approved.

PENDING LEGISLATION

Members reviewed pending legislation, including updates on interested party meetings on HB394 from the Ohio Judicial Conference (OJC). Shawn Welch from OJC noted that there is some opposition to interlocutory appeal as drafted in HB394. Members also discussed the provisions specific to life sentence review and concerns that, as drafted, it wouldn't cover all juveniles. Ms. Beeler from the Ohio Public Defender's Office (OPD) explained the House amendment language from last year created unintended technical issues that excludes those serving a determinate sentence. She expressed that OPD opposes the exclusionary language and expressed the need for it to be re-written to be specific to those intended. Based upon conversations with Representative Rezabek's office, the bill will have a hearing in the near future.

Members then discussed Marsy's Law. Marta Mudri from OJC discussed the impact for courts. Lara Baker-Morrish advised members she is working on a prosecutorial impact and guidance document. She noted four primary points of impact – 1. definition of victim, 2. restitution is mandatory – full, timely, 3. appellate court use by victims, 4. victim right to confer with attorney for government.

Members then discussed HB360. Erin Davies advised the bill expands the number of kids expelled, she mentioned inclusion of prevention programs v strict punitive approach and the increased offense level for hazing. Erin noted that SB197 is unlikely to move and asked about the committee taking a position on those bills as well as SB246, from a prevention perspective.

Members discussed using the impact analysis format recently approved by the Commission. Justin Stanek from DRC/DYS advised that an interested party meeting is upcoming and the sponsors are willing to make changes on HB360. Members agreed that it is valuable for members to review legislation and lobby on behalf of their respective organizations between now and then. Members asked Director Andrews to arrange a follow up conference call for members to discuss specific legislative matters in lieu of the in-person meeting in February 2018.

JDAI PRESENTATION – Regina Lurry, Jim Cole & Judge Fragale

Handouts and powerpoint presentations are posted on the Commission website, [Juvenile Justice Committee information](#).

Chair Dobson and Jim Cole introduced Regina Lurry from the Department of Youth Services. Ms. Lurry provided handouts to members and an overview of the core values of JDAI in Ohio, emphasizing that JDAI is a process, not a program.

Jim Cole and Eric Shafer provided members with a power point presentation focused on specific data on the impact of JDAI on the detention population and probation caseloads in Montgomery County.

Judge Fragale distributed a handout giving members a general overview of JDAI its impact in Marion County. He also emphasized culture and mind-set of juvenile probation must change.

DATA WISH LIST DISCUSSION

Researchers from Case Western Reserve University Frederick Butcher, PhD and Krystal Tossone, PhD and members discussed the data wish list, sources that may already exist and possibilities for future research. They discussed three sources of data to examine information around juvenile justice involved youth who are under probation, diversion, and state supervision.

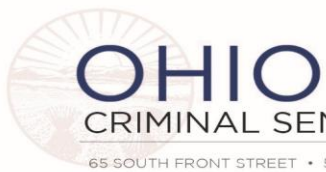
- ODYS data – The Ohio Department of Youth Services maintains data for youth who are placed in the three facilities across the state. These data include demographic information, offense history, criminogenic risk, among others.
- BHJJ data – The Behavioral Health Juvenile Justice (BHJJ) initiative has provided community based behavioral health services for over 4,000 youth diverted from the juvenile justice system since 2006. These data include behavioral health and juvenile justice outcomes for all youth receiving services through the initiative.
- Data from several target counties – Two specific counties, Montgomery and Lucas were discussed as target counties. Montgomery and Lucas counties have large assessment centers where all youth referred to the court are assessed for a number of issues including behavioral health and criminogenic risk.

Dr. Butcher and Dr. Tossone also discussed the possibility of a project comprised of three separate studies. The first will examine the characteristics of youth committed to ODYS facilities using data maintained by the ODYS. The second study will examine youth diverted from the juvenile justice system to receive behavioral health intervention. While the design of the BHJJ study makes it difficult to truly understand whether treatment works for this population, these data can help to understand the needs of youth in the system with behavioral health issues. The third study will involve county level data to present a more complete picture of youth involved with the juvenile justice system. For both Montgomery and Lucas counties, data are available for all youth referred to the respective juvenile courts. These data will help provide a variety of descriptive information on youth who ultimately receive probation, diversion, and supervision in the target counties.

Additionally, the researchers discussed the need for data from rural counties as much of the available juvenile justice data are comprised of youth from the big six urban counties across the state. One of the goals for the project will be to identify the important pieces of information that should be collected by all juvenile courts statewide.

ADJOURN

With no further business, members unanimously agreed and Chair Dobson adjourned the meeting by way of motion from Erin Davies, seconded by Director Reed.



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