

ILLINOIS JUVENILE DEFENDER RESOURCE CENTER

Volume 1 / Issue 1

THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES HAS ENDORSED DEVELOPMENTALLY APPROPRIATE PROBATION

that replaces “probation conditions” with individualized case management, emphasizes incentives rather than sanctions, and abandons the use of incarceration for technical violations. To read the entire resolution: [NCJFCJ](#)



WHAT'S NEW IN JUVENILE JUSTICE: RIGHT SIZING PROBATION

For well over a decade, research on adolescent development, brain science, and juvenile offending has driven a more effective, humane response to youth in the criminal and delinquency system. This research-based approach holds similar promise when it comes to the most common disposition for youth in conflict with the law – probation. In its new publication [Transforming Juvenile Probation: A Vision for Getting It Right](#), the Annie E. Casey Foundation has turned its sights on what works – and what doesn't – when it comes to community-based responses to youthful offending.

“. . . the developmental arc of the human brain shows why [probation's] heavy emphasis on surveillance and rule following does not succeed.”ⁱ

Here's a pretty safe assumption: the failure to provide necessary services or needed interventions isn't a particularly effective approach at reducing reoffending. But what's less intuitive is that providing unneeded services (think substance abuse treatment for a child who doesn't need it) or providing a greater intervention than necessary can actually increase the risk of reoffending. Other counter-productive strategies include focusing on compliance and surveillance rather than building competencies, or pushing youth deeper into the system by coupling a probation term with detention – especially when detention is used for technical violations. Simply put, probation done wrong sets youth up for failure and undermines public safety.

“. . . interventions aimed at deterrence and discipline tend to actually increase recidivism, and those geared toward surveillance tend to have little or no effect on recidivism.”ⁱⁱ



The good news – nearly all the recommendations discussed in [Transforming Juvenile Probation](#) seem both achievable and relatively noncontroversial: identifying the individual needs of each child; shifting focus from a surveillance and compliance model to counseling, skill building, and restorative justice; swapping lengthy lists of standardized probation conditions for targeted, achievable requirements; engaging youth and their families in setting these realistic goals; connecting youth to organizations in their neighborhoods to support their success; celebrating achievements large and small with incentives and recognition; responding with proportionate and targeted consequences when necessary, but minimizing the use of detention – and never confining youth for technical violations; taking meaningful steps toward reducing racial and ethnic disparities; and putting mechanisms in place to measure the effectiveness of probation.

Contact Us

Illinois Juvenile Defender Resource Center

400 W Monroe St., Ste. 202
Springfield, IL 62705
217-558-4606

jdrc@osad.state.il.us

www.osad-ijdrc.org

“. . . cognitive behavioral approaches designed to improve problem solving, perspective taking and self control – tend to reduce recidivism rates by a considerable margin.”ⁱⁱⁱ

But getting probation right for youth at serious risk for reoffending is only half of the equation. Right sizing probation also means excluding and diverting kids who aren't at a significant risk of reoffending and in need of probation services. Diversion serves several needs – a recent meta-analysis of the effect of diversion programs on recidivism found that diverted low risk

youth are 45% less likely to reoffend than comparable youth who are formally processed through the delinquency system. Diversion also protects youth from the adverse [life-altering consequences](#)^{iv} that result from juvenile court involvement. And diverting youth from the juvenile justice system can free up resources for those youth who are in need of the services that probation provides.

“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 – in other words, issue a warning and stay out of the way.”^v

During a recent TED Talk, Chris Hadfield shared a sentiment frequently expressed by astronauts: “There is no problem so bad you can't make it worse.” [Transforming Juvenile Probation](#) is an opportunity to jumpstart problem-solving conversations in communities, courtrooms, and local juvenile justice councils around the state about what works – and what doesn't – when it comes to kids in conflict with the law. Do what works. Don't make things worse.

ⁱ Annie E. Casey Foundation (2018), *Transforming Juvenile Probation: A Vision for Getting it Right*, 9.

ⁱⁱ *Id.*

ⁱⁱⁱ *Id.* at 10.

^{iv} Carolyn E. Frazier, Children and Family Justice Center, Bluhm Legal Clinic, Northwestern University School of Law (2015), *The Illinois Juvenile Collateral Consequences Checklist: A Guide for Understanding the Consequences of Juvenile Court Involvement*.

^v *Transforming Juvenile Probation* at 9.