

RESEARCH REPORT

# Juvenile Probation Structure, Policy, and Practice in the United States

**A Full Analysis of Variation within and across States**

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# Executive Summary

The Urban Institute received funding from the Annie E. Casey Foundation in 2019 to conduct a national scan of juvenile probation policies and practices with the goal of understanding and documenting variation in policy and practice within and across states. This research included a scan of literature and nationwide surveys of state and local juvenile probation agencies.

We found much variation in juvenile probation policy and practice across states, within regions, and within states. We also found disagreement between local juvenile probation agencies within states and between those agencies and their state juvenile probation entities on how much oversight states have over juvenile probation policies. Pilot programs and delays in and waves of policy implementation may be driving this disagreement. Resource constraints at the state and local levels may also be driving disagreement, and variation in policy and practice, within states. Our key takeaways are as follows:

- The majority of state and local survey respondents reported having a **mission, purpose, or goal for juvenile probation**, but there was much disagreement between local and state respondents on whether particular states had a mission, purpose, or goal for juvenile probation. When asked to rank probation goals in order of importance, state and local respondents both ranked promoting long-term behavior change highest.
- The **structure of juvenile probation** varies across states, but most states have some level of responsibility for, oversight of, and funding for juvenile probation at the state level. The structures local agencies report mostly match those that states report, but within states reporting hybrid systems there is a great deal of variation.
- Within states, we found much variation across all areas of juvenile probation policy and practice: in diversion practices we found more variation and less state influence, and in disposition practices and data collection and sharing we found more consistency and more state influence. Regarding supervision components, in conditions of probation and incentives and sanctions we found more variation and less state oversight, and in case management and probation violations we found more consistency and more state influence.
- **Level of state influence did not strongly impact trends in policy and practice**, with the exception of whether probation violations are ever handled as new cases, which is less common in localities within states with requirements around probation violations.
- The majority of state and local survey respondents indicate that the **COVID-19 pandemic** has impacted policies and practices.

Our research uncovered a lot of variation in policy and practice across and even within states. In addition to this variation, we found a lot of disagreement between localities and states around policy. These levels of variation and disagreement may inhibit wide use of evidence-informed policies and practices in juvenile probation due to limited understanding of local policies and practices at the state level, and thus limited ability for states to provide support, resources, and oversight. Based on this, we identified six recommendations for federal, state, and local stakeholders:

- Recommendation 1: state and local system stakeholders should identify supports to better understand probation policies and practices at the state and local levels for their communities.
- Recommendation 2: state and local governments should invest in community responses and supports and reduce the population of youth on probation.
- Recommendation 3: the Bureau of Justice Statistics and the Office of Juvenile Justice and Delinquency Prevention should consider funding the collection of data on how local juvenile probation policies compare with the policies of the state a locality is in, working closely with state agencies to survey localities.
- Recommendation 4: the Bureau of Justice Statistics and the Office of Juvenile Justice and Delinquency Prevention should consider instituting federal guidelines on data collection and sharing and provide support to localities to meet those guidelines.
- Recommendation 5: researchers and funders should explore additional topics for future research when investigating variation in juvenile probation policies and practices within and across states.
- Recommendation 6: policymakers should consider designing policies with built-in resources and should consider providing oversight to support agencies in meeting policy goals.

# Juvenile Probation Structure, Policy, and Practice across the United States

The Urban Institute received funding from the Annie E. Casey Foundation in 2019 to conduct a national scan of juvenile probation policies and practices with the goal of understanding how those policies and practices vary within and across states. The study aimed to answer the following research questions:

1. What is the variation in juvenile probation structure across the nation, across regions, and across states?
2. To what extent do local juvenile probation agencies' descriptions of juvenile probation structure, policy, and practice match with reporting of structure, policy, and practice at the state level?
3. What is the variation in juvenile probation policy and practice within states?

To answer these questions, we scanned literature and conducted nationwide surveys of state and local juvenile probation agencies. The surveys included questions about the purpose of juvenile probation, juvenile probation structure, diversion, disposition, supervision, fines and fees and restitution, data collection and data sharing, and the impacts of the COVID-19 pandemic.

In this report, we discuss findings to deepen the field's understanding of variation in juvenile probation and offer considerations for stakeholders seeking to improve juvenile probation policy and practice. We provide takeaways from our review of relevant literature and a summary of findings from the two surveys. We conclude with recommendations and key considerations for juvenile probation policy and practice.<sup>1</sup>

## Understanding Juvenile Probation

Juvenile probation is a form of community supervision of youth adjudicated on legal system charges. Typically, probation is imposed by the court and youth can remain at home. Its conditions can include reporting to a probation officer, participating in therapy or counseling, paying victims restitution, and participating in mandatory drug testing, among others.<sup>2</sup>

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*For the purposes of this report, we are **defining juvenile probation as post-adjudication community supervision of people considered juvenile by state law.***

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Probation remains the most common disposition in juvenile court, even though total cases and the number of cases resulting in probation have both declined in recent years. In both 2005 and 2018, the share of cases adjudicated delinquent that resulted in probation was 63 percent (Hockenberry and Puzzanchera 2020). In 2019, juvenile courts in the United States placed 265,000 youth on probation,<sup>3</sup> who represented almost 40 percent of all youth arrested that year.<sup>4</sup> Most youth are referred to probation caseloads for minor offenses; over half of the youth on probation in 2019 were placed on probation informally (that is, they were not found delinquent or were adjudicated only for a status offense).<sup>5</sup>

Racial disparities in juvenile probation are prevalent. Office of Juvenile Justice and Delinquency Prevention data show that African American and American Indian youth are disproportionately represented in probation caseloads.<sup>6</sup> As of 2019, African American youth were three times more likely and American Indian youth two and a half times more likely than white youth to be placed on probation.<sup>7</sup>

A growing body of research is articulating research-informed principles and practices for improving outcomes for youth, families, communities, and probation agencies (Esthappan and Zweig 2020; Gozani, Ridolfi, and Wong 2021; Harvell et al. 2018; Harvell et al. 2019; Hsieh et al. 2016). Despite the increased attention to research-informed probation policy and practice, our knowledge about the significant differences in juvenile probation policies, practices, and funding structures across states and localities is limited. States have different levels of control and oversight of local juvenile probation,<sup>8</sup> and across states, there is no uniformity as to which branch of government oversees probation.<sup>9</sup> Research indicates that probation officers' duties also differ. And since 2002, the majority of states (32) have added to probation's prescribed functions, whereas a minority (12) have decreased its functions (Hsieh et al. 2016).

Beyond this high-level understanding, there is a dearth of knowledge on the differences between juvenile probation policies and practices across and within states. Understanding these differences and their implications for policy, practice, and reform efforts is critical to developing targeted strategies to improve outcomes for justice-involved youth. Policymakers, practitioners, funders, and other



stakeholders need more research about how state policies and practices interact with local ones so they can more effectively advance reforms tailored to states and localities. This report provides vital knowledge on these differences.

## Findings from Surveys of State and Local Juvenile Probation Agencies

From our surveys of state and local juvenile probation agencies (box 1), we found there is much variation in juvenile probation policy and practice across states, within regions, and even within states, though some similarities exist between states and localities. The variation is greater for certain aspects of juvenile probation, which is evident even in states where juvenile probation is state operated. We also found a great deal of disagreement between state and local survey respondents regarding how much oversight states have of different juvenile probation policies.

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### BOX 1

#### Survey Methodology

We surveyed state probation agencies in every state and Washington, DC, getting an 80 percent response rate. (The Northeast is underrepresented in state survey responses.) We then conducted a survey of a proportionate and purposive sample of local agencies/offices representing a quarter of the country. We received responses from 152 agencies representing 241 counties across the country. Across states with more than one response, 143 agencies responded representing 198 counties. The final sample of local respondents skewed toward communities with slightly larger populations, populations with more white residents, and populations with higher poverty rates than the nation on average. Appendixes A and B contain more details about our survey methods.

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States often implement pilot programs and policies in waves, meaning innovations begin in some of a state's localities and are later brought to scale. From our surveys, we learned that several states were instituting major changes to juvenile probation policy and oversight but that changes had only been implemented in some jurisdictions. This may be one factor driving the variation and respondent disagreement within states that we observed in survey responses.

The sections that follow present findings across different components of juvenile probation, including the purpose of juvenile probation, diversion, disposition, supervision, fines and fees and restitution, data collection and sharing, partnerships, and impacts of the COVID-19 pandemic.

## **The Purpose of Juvenile Probation**

Sixty-one percent ( $n=25$ ) of state survey respondents and 45 percent ( $n=69$ ) of local survey respondents reported that their probation agencies have published mission statements articulating their probation approaches.<sup>\*</sup> We reviewed mission statements and identified common themes, shown in table 1. Among respondents who shared their agencies' mission statements (23 state respondents, 60 local respondents), the most common themes included rehabilitating youth, promoting positive behavioral change in youth, and/or guiding youth to a successful future (19 state respondents, 47 local respondents), and promoting community safety, crime reduction, and/or quality of life in communities (17 state survey respondents, 44 local survey respondents). Other common themes included holding youth accountable (9 state survey respondents, 18 local survey respondents), reducing recidivism (8 state survey respondents, 18 local survey respondents), restoration for victims (7 state survey respondents, 13 local survey respondents), collaboration with other juvenile justice/criminal legal system actors (10 local survey respondents), collaboration with community members and/or organizations (7 local survey respondents), and assessing and addressing risks and needs (3 state survey respondents, 7 local survey respondents). Five state respondents and 4 local respondents reported that their agencies' mission statements mention working toward having youth in the least restrictive environments appropriate. Seven state respondents and 22 local respondents indicated their mission statements mention serving young people's families. One state respondent and 14 local respondents reported that their missions mention following evidenced-based practices. Two state agencies' missions and four local agencies' missions mention prevention activities and/or community education.<sup>10</sup>

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<sup>\*</sup> The stakeholders we surveyed are staff members at state and local juvenile probation agencies. In these sections, we refer to them as state and local survey respondents, respectively.

TABLE 1

### Rehabilitating Youth Was the Most Common Theme in Juvenile Probation Agencies' Mission Statements

Theme	Percentage of state survey respondents (n=23)	Percentage of all local survey respondents (n=60)
Rehabilitating youth, promoting positive behavioral change in youth, and/or guiding youth to a successful future	83%	78%
Promoting community safety, crime reduction, and/or quality of life in communities	74%	30%
Reducing recidivism	35%	30%
Restoration for victims	30%	22%
Collaboration with other juvenile justice/criminal legal system actors	0%	17%
Collaboration with community members and /or organizations	0%	12%
Assessing and addressing risks and needs	13%	12%

Source: Urban Institute surveys of state juvenile probation agency staff (n=34) and local juvenile probation agency staff (n=124).

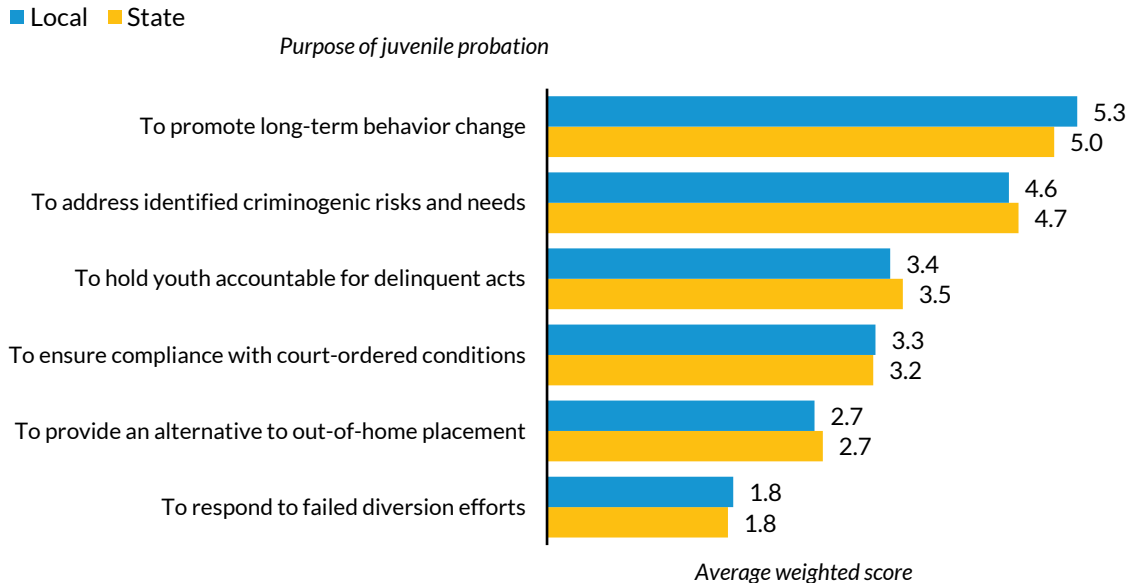
For most states, state and local respondents agreed at different rates that their states had published mission statements related to juvenile probation or had articulated purposes of or goals for juvenile probation. In fact, there were only four states in which the responses of local and state respondents were the same.

We also asked respondents to rank six common goals of juvenile probation in order of importance. State and local respondents ranked these goals similarly (figure 1). The highest-ranked goal among state and local respondents was promoting long-term behavior change, followed closely by addressing identified criminogenic risks and needs. The lowest-ranked goal was responding to failed diversion efforts.

FIGURE 1

**Local and State Juvenile Probation Staff Consider Promoting Long-Term Behavior Change the Most Important Goal of Juvenile Probation, Followed Closely by Addressing Identified Criminogenic Risks and Needs**

*Purposes of juvenile probation, ranked on a scale from most important (6) to least important (1) by local and state survey respondents*



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**Source:** Urban Institute surveys of state juvenile probation agency staff (n=34) and local juvenile probation agency staff (n=124).

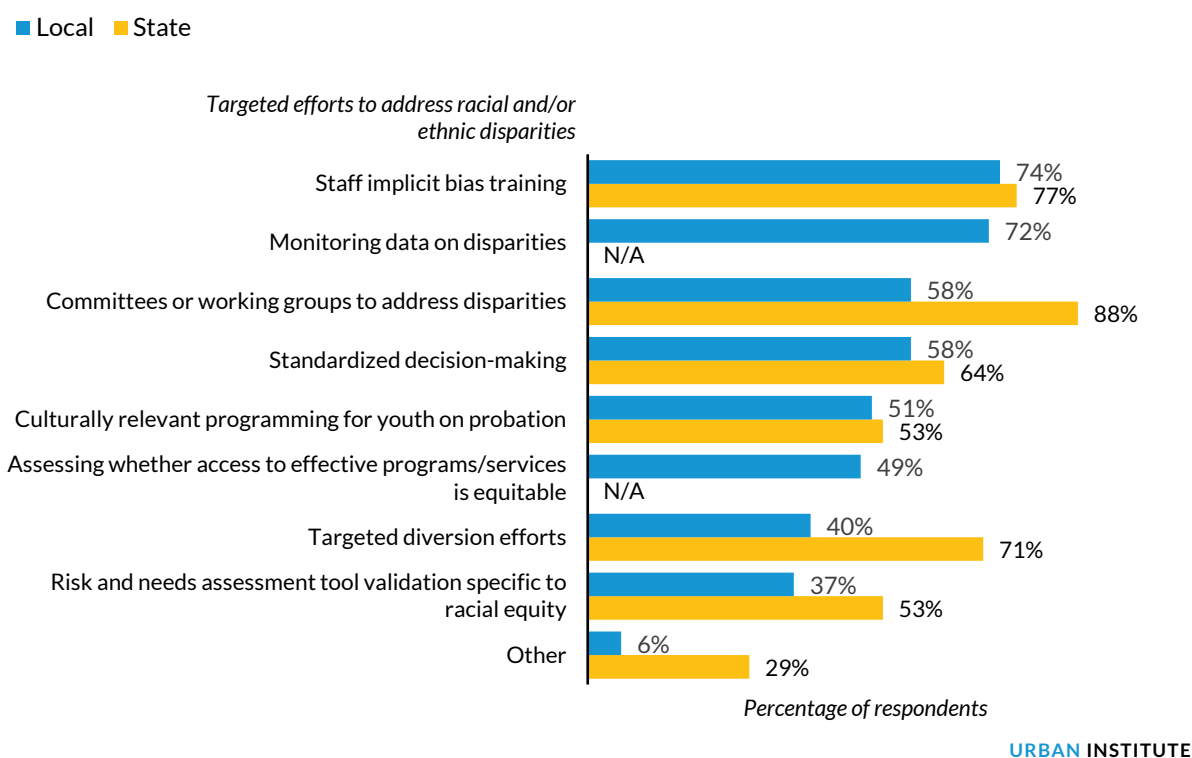
We also asked respondents whether their states or jurisdictions were making targeted efforts to address racial and/or ethnic disparities in the juvenile justice system. (Based on responses to the state survey, we made changes to the response options in the local survey; in figure 2, “N/A” indicates that an option was not available in the survey.) Over half of state respondents (56 percent; n=23) reported that they issue no statewide requirements or guidelines for addressing racial and/or ethnic disparities in the juvenile justice system outside of Juvenile Justice Delinquency and Prevention Act compliance and only 7 percent (n=3) reported issuing requirements. Of the 17 states that issue requirements or guidelines, the most frequently cited approach is having committees or working groups address disparities. Other strategies are training staff members, using cultural liaisons, and conducting validation studies on risk/needs assessments (figure 2). Sixty-five percent of local survey respondents (n=98) reported their jurisdictions are making targeted efforts to address racial and/or ethnic disparities, with the most frequently reported effort being implicit bias training for staff. Other approaches respondents cited include having a racial equity department or coordinator, assessing contracted program outcomes, and

assessing policies, practices, and structures using an equity lens. Notably, local respondents use targeted diversion efforts and validation of risk and needs assessments specific to racial equity less frequently than other approaches, but evidence supports using these approaches to address racial and ethnic disparities (Mendel 2022; St. John, Murphy, and Liberman 2020).

**FIGURE 2**

### Targeted Efforts to Address Racial and/or Ethnic Disparities in the Juvenile Justice System Differ between State and Local Juvenile Probation Agencies

*The rates at which local and state survey respondents reported their jurisdictions are engaging in targeted efforts to address racial and/or ethnic disparities in juvenile probation*



**Source:** Urban Institute surveys of state juvenile probation agency staff (n=17) and local juvenile probation agency staff (n=99).

**Notes:** Answers marked “N/A” did not appear in the survey. Some items on this list, such as monitoring data on disparities and participating in committees/working groups, are required by federal policy in some circumstances.

## The Structure of Juvenile Probation at the State Level

In most states, responsibility for providing juvenile probation services is at the state level (42 percent, n=17) or at both the state and local levels (referred to in our survey as a “hybrid” structure) (37 percent, n=15). Only 7 state respondents (17 percent) reported that responsibility for providing probation services is solely at the local level. Among state respondents answering “hybrid” or “other,” 59 percent

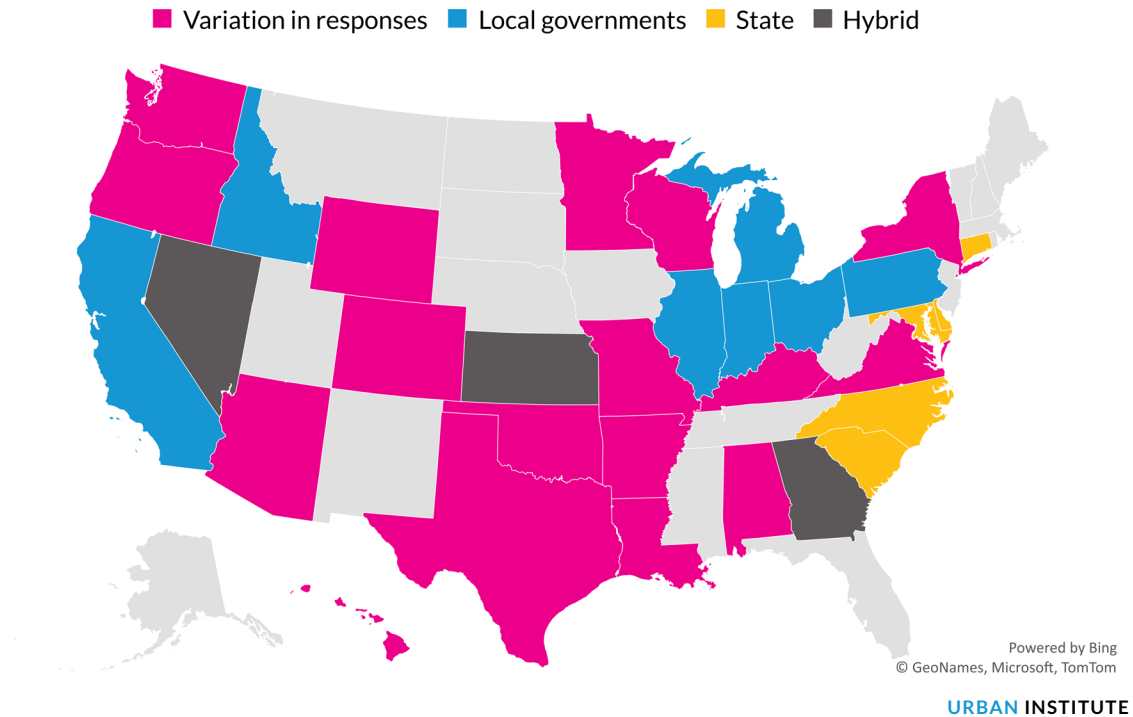
(10 out of 17) reported that providing juvenile probation is primarily the responsibility of state government, with the exception of some local jurisdictions. We asked respondents reporting hybrid systems to explain their states' juvenile probation structures in more detail and found much variation, including hybrid systems consisting of: state-level departments with local divisions; state-level services and some local probation offices; state-level departments with limited oversight from a central state entity; state divisions and local courts within those divisions; state-level probation services across localities in the state except for larger counties; county management and some state-level management depending on the charge; county-operated services with oversight from state departments; and some state-level funding and standards with local services and local judicial oversight. The majority of local-level respondents agreed with their respective state-level respondents about where responsibility for providing local juvenile probation lies, with two exceptions: in one state where state-level respondents reported that juvenile probation is provided at the state level, jurisdictions reported a hybrid system; and in a few states where state-level respondents reported that it is provided locally, a few jurisdictions reported a hybrid structure.

Figure 3 shows the structure of juvenile probation according to local-level respondents. State survey responses were not used for these categorizations. Pink-shaded states are states where local respondents disagreed regarding where responsibility for juvenile probation lies (for example, if one locality in a state reported a local structure and one reported a state structure, the state is shaded pink).

FIGURE 3

### Local Juvenile Probation Stakeholders' Understandings of Juvenile Probation Structures Varied Significantly

Survey question: Which level of government is responsible for providing juvenile probation services in your jurisdiction? The state only, local governments/jurisdictions only, state and local hybrid system, or other?



**Source:** Urban Institute survey of local juvenile probation agency staff ( $n=148$ ).

**Note:** States shaded light gray were not included in our analysis.

These results are similar to the findings reported by Juvenile Justice Geography, Policy, Practice, and Statistics about states where juvenile probation is operated fully at the local level; however, our survey of local jurisdictions (which was conducted several years after the JJGPS data were collected) appears to show more states with hybrid systems (this includes states where respondents indicated hybrid systems or where their answers varied) than the JJGPS results.<sup>11</sup>

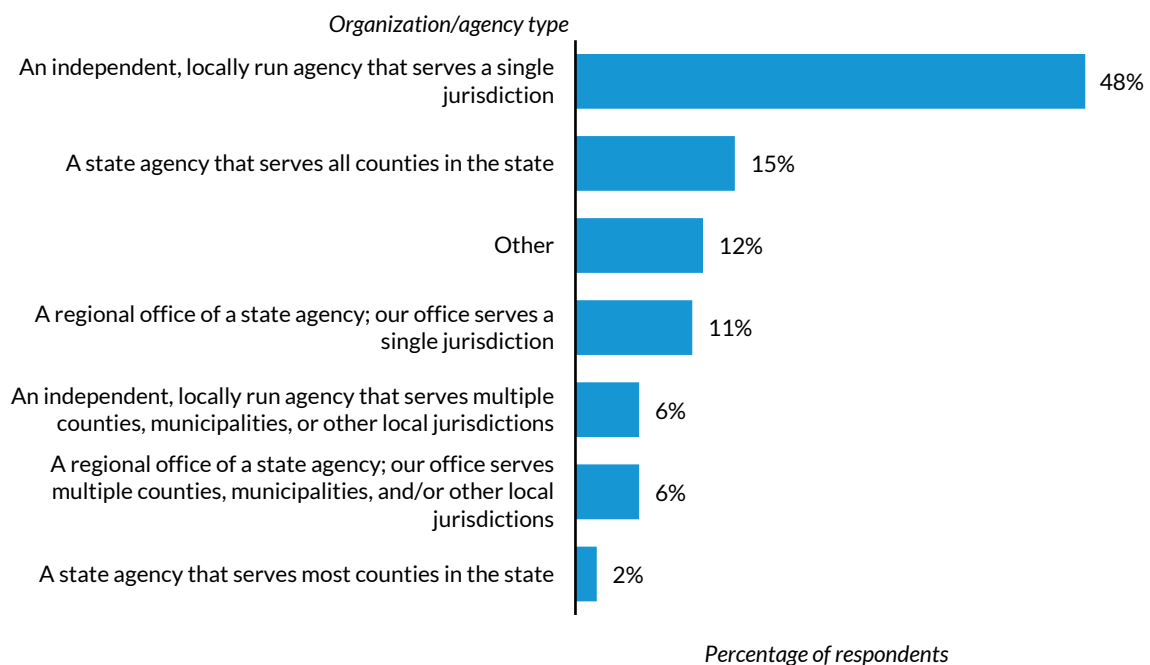
Almost half ( $n=71$ ) of the local probation agencies we surveyed are independent, locally run agencies that serve one jurisdiction (figure 4). Over 85 percent ( $n=126$ ) of respondents indicated that their agencies or offices are the only ones providing probation services to youth in their jurisdictions. Of the 15 percent ( $n=21$ ) who reported that other agencies or offices also provide juvenile probation services in the respondent's jurisdiction, nearly half ( $n=10$ ) reported that their state also provides juvenile probation, a third ( $n=7$ ) reported that their state and other local agencies/offices provide

juvenile probation in the respondent's jurisdiction, and the remaining respondents ( $n=4$ ) reported that other local agencies/offices provide juvenile probation in the respondent's jurisdiction but that their state does not. Of respondents who reported that multiple entities are responsible for juvenile probation (13 percent;  $n=21$ ), which agency is determined to be the service provider for a young person on probation depends on different factors, such as severity of charges, risk/needs assessment scores, prior contact with the entity, program availability, need for out-of-home placement, sentencing, tribal jurisdiction, attorney discretion, and the young person's location.

**FIGURE 4**

**Independent, Locally Run Juvenile Probation Agencies Were the Most Common Type of Local Juvenile Probation Agency/Office**

*Survey question: What best describes your organization/agency?*



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**Source:** Urban Institute survey of local juvenile probation agency staff ( $n=152$ ).

Almost half the states we surveyed (46 percent,  $n=19$ ) reported the judicial branch is responsible for juvenile probation, about a third (34 percent,  $n=14$ ) reported the executive branch is responsible, and the rest (20 percent,  $n=8$ ) reported hybrid systems or other systems (hybrid systems in this case are hybrids of the executive and judicial branches). Respondents who reported other systems stated that those systems vary by county, where some counties in a state are under the executive branch and others in the same state are under the judicial branch. There is also much variation within regions of the



country, with the exception of the Midwest, where most states reported that the judicial branch is responsible for providing juvenile probation. This uniformity is interesting given that jurisdictions across most midwestern states reported that juvenile probation is fully locally run. In more than half the states represented in the local survey, responses about which branch of government is responsible for juvenile probation varied.

We also asked local respondents to name the agencies/entities responsible for overseeing juvenile probation. In localities where the state executive branch oversees juvenile probation, a range of entities provide that oversight; these include administrative offices of the courts, boards of state and community corrections, departments of corrections, departments/offices/divisions of criminal justice services, departments/offices/divisions of juvenile justice, departments/offices/divisions of children and families, departments/offices/divisions of juvenile/youth services, juvenile court judge commissions, specific juvenile justice commissions and committees, and governors' offices of administration. In states where local executive branches provide that oversight, entities that provide the oversight include county departments of health and human services, county departments of juvenile/youth/children's services, county commissioners, county juvenile boards, local probation departments, judicial districts, family courts, juvenile courts, and mayors' offices.

In localities where the state judicial branch oversees juvenile probation, entities that provide that oversight include judicial districts, administrative offices of the courts, state supreme courts, state offices of court services, juvenile divisions of courts, state departments of public safety, state circuit courts, family courts, probation departments, and juvenile probation-specific state cabinets/committees. In localities where the local judicial branch oversees juvenile probation, entities that provide the oversight include district courts, circuit courts, juvenile courts, family courts, county superior courts, county judges, county juvenile offices, county juvenile justice commissions, and local county governments and tribal nations.

State-level agencies oversee and fund juvenile probation in about half the states we surveyed. Notably, in two states, jurisdictions reported that juvenile probation is funded at a different level than the state reported. Also, funding streams for local jurisdictions' juvenile probation provision vary widely within and across states and include state funds, local funds, grant funds, Juvenile Justice Delinquency and Prevention Act funds, fees and court costs, taxes, local contracts, other federal funds, and other funding.

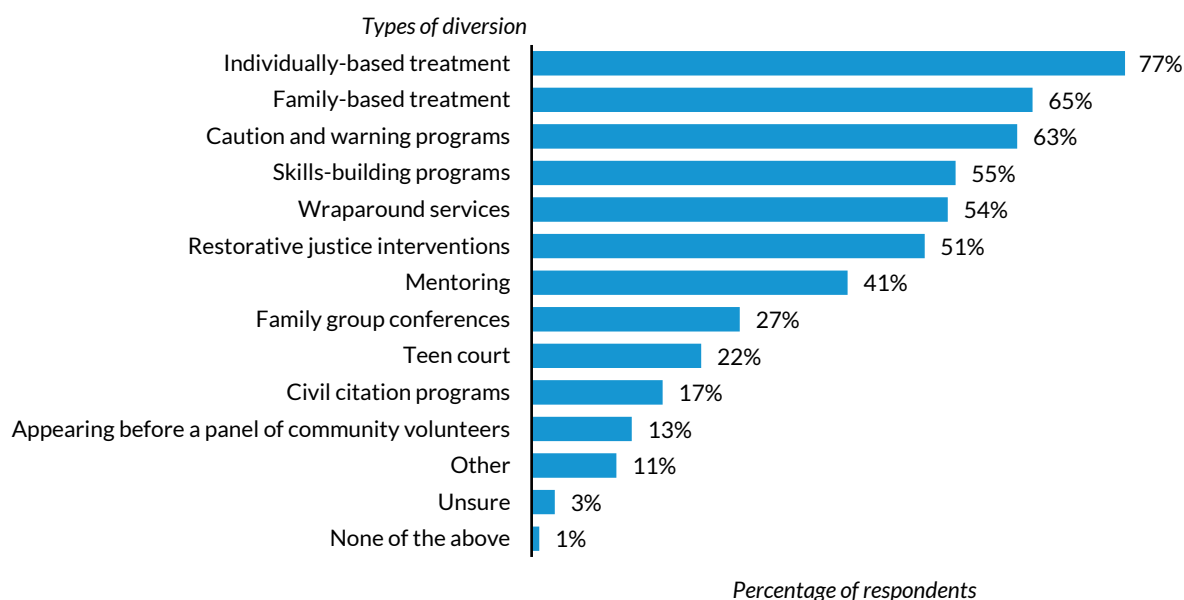
## Diversion

Though we do not include diversion in our definition of probation in this report, we included some questions about diversion in our surveys to get context about the front end of the system, which impacts youth on probation and whether youth will be assigned to it. Over half (51 percent,  $n=21$ ) of states reported directly operating diversion programs. Respondents described state-operated diversion programs as prearrest diversion, school diversion, teen court, mental health court, family court diversion, drug court, and residential diversion. We also asked local respondents what diversion options were available in their jurisdictions. Over 90 percent ( $n=146$ ) reported at least one available diversion option in their jurisdictions. Only 1 percent ( $n=2$ ) reported no options were available, and 3 percent ( $n=4$ ) were unsure whether an option was available. The most prevalent diversion option reported was individually based treatment, followed by family-based treatment, then caution-and-warning programs (figure 5). In addition to the options provided, some respondents mentioned other options, including community service, community supervision, counseling, residential treatment, and education programs.

FIGURE 5

### Individual- and Family-Based Treatment Are the Most Common Juvenile Diversion Options Available in Local Jurisdictions

*Survey question: What types of diversion options are available for youth in your jurisdiction? Please select all that apply.*



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Source: Urban Institute survey of local juvenile probation agency staff ( $n=152$ ).

Most states (61 percent,  $n=25$ ) reported they do not mandate that diversion be offered to youth. Thirty percent ( $n=46$ ) of local survey respondents reported that their states require their jurisdictions to offer diversion to some youth, whereas 64 percent ( $n=98$ ) reported that neither state nor local guidelines mandate diversion offers under any circumstances. In localities where state or local guidelines mandate diversion options, eligibility for diversion is determined primarily by a combination of charge type, criminal history, and age.

The level of state control and influence over diversion varies. About a third of states we surveyed reported issuing requirements for diversion options ( $n=13$ ), about a quarter reported having issuing guidelines ( $n=10$ ), and a quarter reported that diversion is fully determined at the local level ( $n=9$ ). Some states noted requirements are included in legislation, and others noted they depend on funding sources that local agencies use. Table 2 provides details on these responses.

**TABLE 2**  
**Only a Third of Surveyed States Issue Requirements for Diversion Options**

*Survey question: Does your state issue any requirements or guidelines for diversion options for youth to avoid formal court processing?*

	# of state survey respondents	% of all state survey respondents
<b>Survey response</b>		
Requirements	13	33
Guidelines	10	26
Determined at the local level	9	23
Other	7	17

**Source:** Urban Institute survey of state juvenile probation agency staff ( $n=39$ ).

Fifty-two percent ( $n=16$ ) of surveyed states reported eligibility for diversion options is determined by state statute and/or administrative rule. Only 4 states (13 percent) reported eligibility is fully determined at the local level. Some states reported that eligibility is determined through the use of risk/needs assessments, the discretion of district attorneys, or grant guidelines (table 3).

**TABLE 3**

*Roughly Half of Surveyed States Report That Eligibility for Youth Diversion Options Is Determined by State Statute and/or Administrative Rule* Survey question: How is eligibility for diversion options determined for youth throughout your state?

	# of state survey respondents	% of all state survey respondents
<b>Survey response</b>		
State statute	16	52
State administrative rule	7	23
Determined at the local level informed by state requirements/statute	9	29
Determined at the local level informed by state guidelines	12	39
Determined at the local level fully	4	13
Other	10	32

**Source:** Urban Institute survey of state juvenile probation agency staff (n=31).

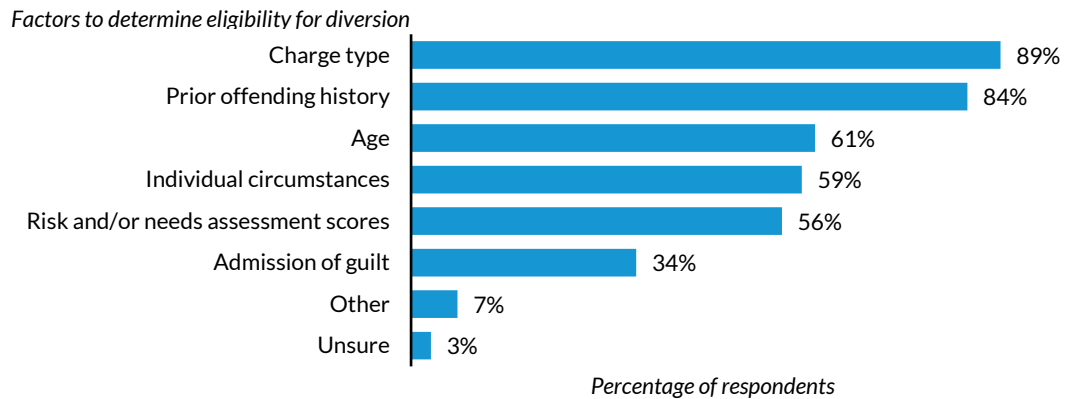
Local respondents reported a higher level of state control of diversion: 38 percent (n=58) reported following state-mandated policies/practices for all aspects of diversion. Another 17 percent (n=26) reported following state-mandated policies/practices for some aspects of diversion, and another 17 percent (n=26) reported following recommendations. Similar to the state survey responses, a fifth of local survey respondents (29 percent, n=19) reported that policies and practices are completely independent of the state. In most states, however, local stakeholders' responses varied, and in most states that reported issuing state-level requirements, at least some localities disagreed with the state responses. Some localities in these states reported that there are only recommendations or that diversion is fully determined at the local level. Some localities reported following state-mandated requirements in states that reported not issuing such requirements.

Literature suggests including youth in diversion programs could exacerbate inequities and disparities in the juvenile justice system if there are not clear eligibility criteria that do not replicate existing disparities (OJJDP 2017). We asked local survey respondents how eligibility for diversion is determined, and the most common answer was charge type, followed by prior offending history (figure 6). Some noted diversion decisions are at the county attorney's discretion.

FIGURE 6

**Charge Type and Prior Offense History Are the Most-Used Factors for Determining Eligibility for Diversion Locally**

*Survey question: Which of the following factors are used to determine eligibility for diversion in your jurisdiction? Please select all that apply.*



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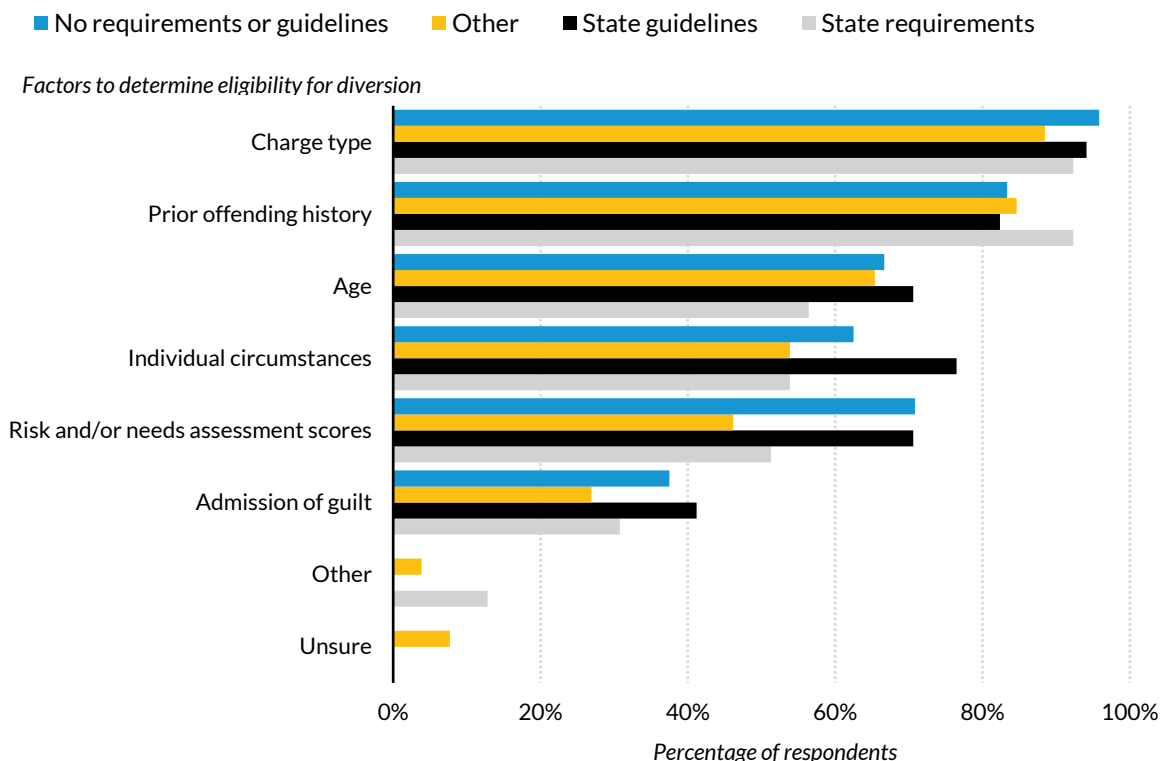
**Source:** Urban Institute survey of local juvenile probation agency staff (n=148).

We also looked for differences in the factors localities use to determine eligibility in states with and without requirements for diversion options (figure 7). We found these factors are similar, except that in states with requirements, localities use prior offending history slightly more and use age, individual circumstances, risk/needs assessment scores, and admission of guilt less.

FIGURE 7

## There Are Few Differences in Eligibility Criteria for Diversion across Localities by Level of State Oversight

Survey question: Which of the following factors are used to determine eligibility for diversion in your jurisdiction? Please select all that apply.



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Sources: Urban Institute survey of state juvenile probation agency staff regarding level of state oversight and survey of local juvenile probation entities (n=106).

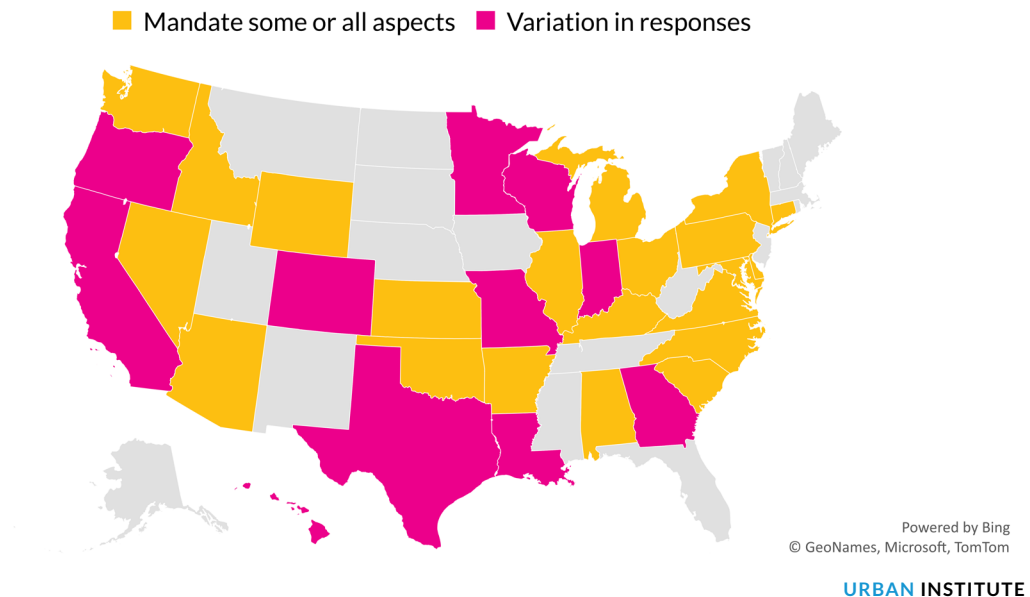
## Disposition

We asked state and local survey respondents about their disposition processes. Most local respondents reported that some (17 percent, n=26) or all (55 percent, n=84) aspects of disposition policy and practice are mandated at the state level, but there was much disagreement between jurisdictions within states and between jurisdictions and their states. Figure 8 shows local survey responses (aggregated to the state level) about state oversight of disposition policy and practice.

FIGURE 8

**Within States, We Found Much Disagreement between Local Juvenile Probation Staff Regarding the Level of State Influence of Juvenile Disposition Policy and Practice, but Many States Mandate Some or All Aspects of the Disposition Process**

Survey question: Please indicate the level of state influence on disposition.



**Source:** Urban Institute survey of local juvenile probation agency staff ( $n=145$ ).

**Note:** States shaded gray were not included in our analysis.

A large majority of state respondents (90 percent,  $n=37$ ) reported that it is standard practice for probation officers to offer recommendations on disposition, sentencing, and/or sanction decisions. An even larger share of local respondents (96 percent,  $n=146$ ) reported that this is standard practice. Overall, most local responses to questions about probation officer recommendations matched state responses.

We also asked respondents what information generally informs probation officers' recommendations. Information from conversations with youth and with parents/caregivers was commonly reported by state and local respondents (figure 9). A majority of state respondents (80 percent,  $n=33$ ) and about half of local respondents (52 percent,  $n=79$ ) reported that their states require interviews with youth, and of the localities that reported the state does not require them, about two-thirds (63 percent,  $n=46$  out of 73) reported interviews are required locally. Although many respondents reported that conversations with youth are required, localities agreed with their states at strikingly low levels: the responses at the state and local levels were the same in only two states ("yes, required by the state"). Sixty-one percent of state respondents ( $n=25$ ) and 43 percent of local respondents ( $n=66$ ) reported that the state requires

conversations with parents/guardians, and of the localities that reported the state does not require them, 53 percent ( $n=46$  out of 86) reported they are required locally.

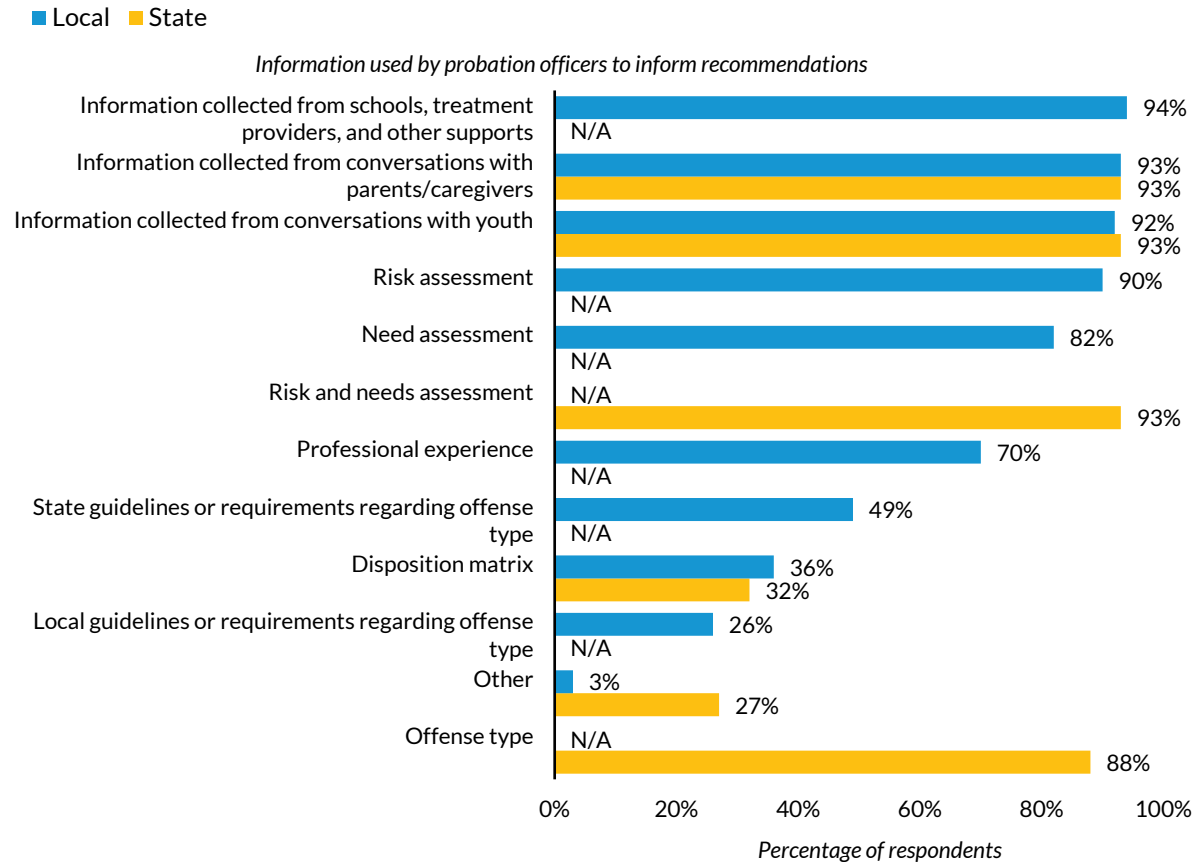
Figure 9 shows what information probation officers use to inform recommendations on disposition, sentencing, and/or sanctions decisions. State and local respondents commonly reported using risk and needs assessments. Local respondents more commonly reported using disposition matrixes than state respondents. State respondents reported using other information, such as information collected from schools, treatment providers, and other supports; mental health evaluations; criminal and victimization histories; availability of resources for the young person; disposition/sentencing guidelines; victim/witness considerations; availability of programs; and other supports. (Based on responses to the state survey, we made changes to the option choices in the local survey; in figure 9, “N/A” indicates an option was not available in the survey.)



FIGURE 9

**Risk and Needs Assessments and Information Collected from Youth, Caregivers, and Other Entities Are Commonly Used by Probation Officers to Inform Recommendations on Disposition/Sentencing/Sanctions**

*Survey question: What information do probation officers use to inform recommendations on disposition/sentencing/sanction decisions? Please select all that apply.*



URBAN INSTITUTE

**Source:** Urban Institute surveys of state juvenile probation agency staff ( $n=41$ ) and local juvenile probation agency staff ( $n=152$ ).

**Note:** Answers marked "N/A" did not appear in the survey.

Fewer than half of state respondents (37 percent,  $n=15$ ) reported their state has adopted a disposition matrix or other structured decisionmaking tool to inform juvenile disposition decisions, and only 9 of those 15 (60 percent) require its use statewide. Similarly, only about half of local jurisdictions (49 percent,  $n=74$ ) have adopted a disposition matrix or structured decisionmaking tool and only about a third (36 percent,  $n=55$ ) reported that its use is mandated. Overall, the level of agreement regarding

adoption of a structured decisionmaking tool between state and local respondents in the same states was low: there was agreement between the two surveys in only six states.

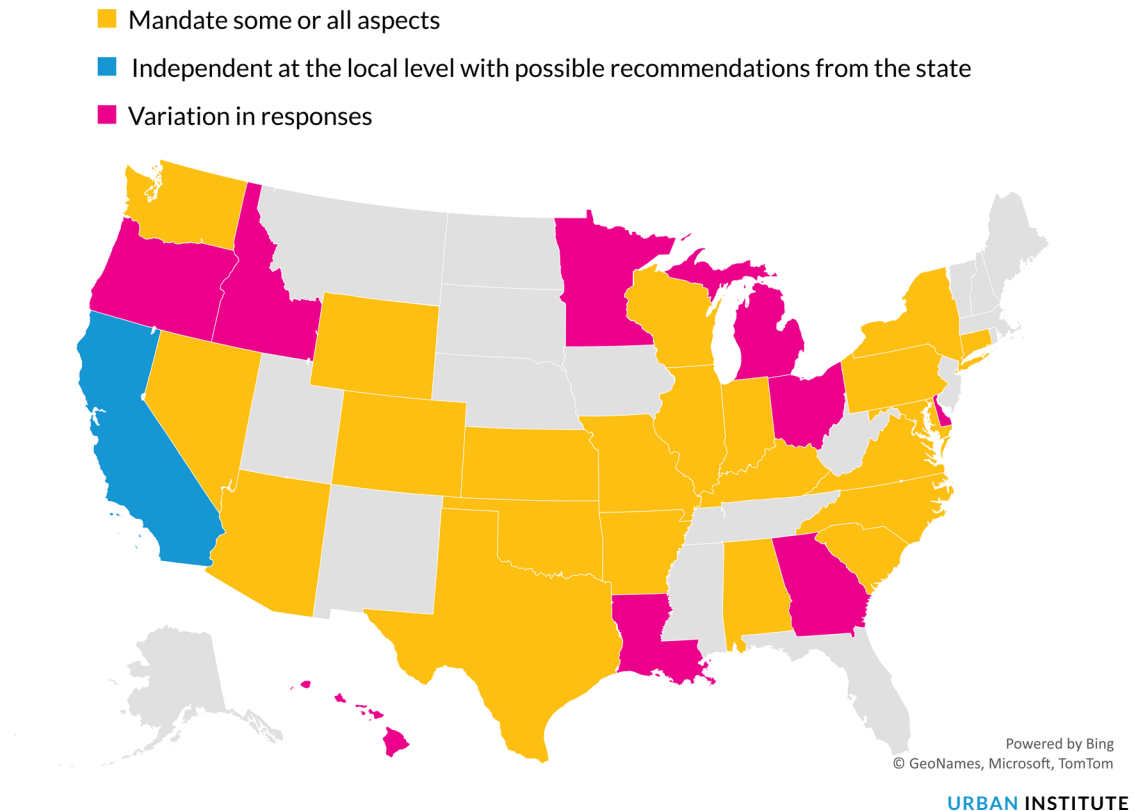
A majority of state survey respondents reported requiring (54 percent,  $n=22$ ) or recommending (15 percent,  $n=6$ ) use of a standardized risk/needs assessment tool for juvenile case processing (other than detention risk assessments) (figure 10). Nearly a third of states that responded to the survey (31 percent,  $n=13$ ) reported having adopted a customized tool. Most local respondents reported using a risk/needs assessment tool for case processing that their state requires (80 percent,  $n=121$ ) or recommends (12 percent,  $n=18$ ). In addition, 61 percent of respondents ( $n=93$ ) reported using a tool customized and validated to the state. Few respondents (5 percent,  $n=7$ ) reported the use of tools customized or validated locally. Level of agreement within states was high; most localities whose states reported requirements or recommendations did so too. In six states the state reported issuing guidelines or requirements and at least one locality reported that policies on use are determined at the local level.

Research supports using structured decisionmaking tools—such as validated risk/needs assessments tools, including those which involve screening/interviewing youth directly—in juvenile probation (Harvell et al. 2018). These tools can mitigate differential treatment of youth caused by subconscious biases.

FIGURE 10

**According to Local Juvenile Probation Staff, Most States Mandate Some or All Aspects of the Use of Standardized Risk and/or Needs Assessment Tools**

*Survey question: Please indicate the level of state influence on standardized risk and/or needs assessment tools.*



**Source:** Urban Institute survey of local juvenile probation agency staff (n=146).

**Note:** States shaded gray were not included in our analysis.

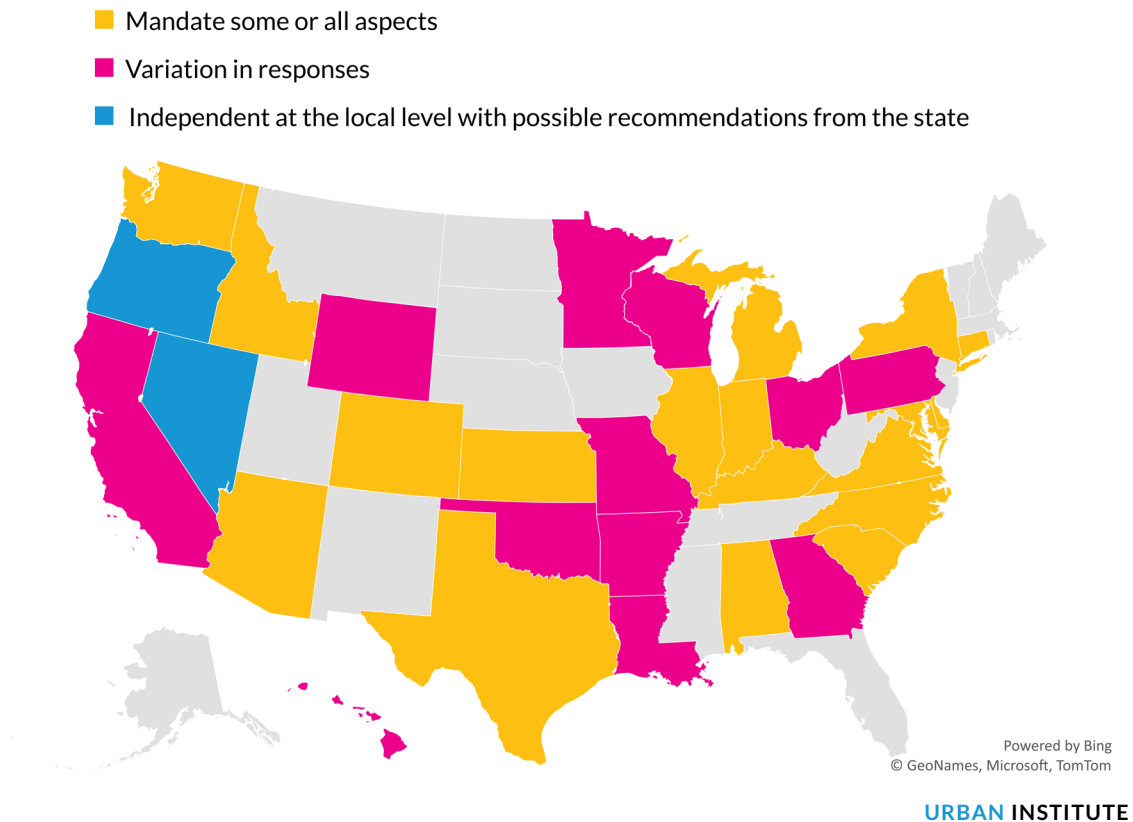
## Supervision

We found a lot of variation in supervision policies and practices across and within states. Even though there was disagreement between local and state respondents within states about specific policy questions, overall, local respondents across several states agreed that some or all aspects of juvenile probation supervision are mandated by the state (figure 11).

FIGURE 11

**Within States, We Found Much Disagreement between Local Juvenile Probation Staff Regarding the Level of State Oversight of Juvenile Probation Supervision Policy and Practice**

*Survey question: Please indicate the level of state influence on juvenile supervision.*



**Source:** Urban Institute survey of local juvenile probation agency staff ( $n=146$ ).

**Note:** States shaded gray were not included in our analysis.

### LEVELS AND TYPES OF SUPERVISION

There is a lot of variation in the number of levels of juvenile probation supervision within and across states (table 4). Over a third of state respondents (37 percent,  $n=15$ ) reported their state does not define multiple levels of formal juvenile probation supervision or types of caseloads. In the 24 states that define multiple levels of supervision, the number of levels of juvenile probation supervision ranged from one to five or more; a plurality of state respondents (39 percent,  $n=9$ ) reported four levels and a plurality of local respondents (41 percent,  $n=44$ ) reported three. A quarter of local respondents (26 percent,  $n=40$ ) reported their jurisdiction does not define multiple levels of formal juvenile probation supervision. The responses of jurisdictions within the same states varied widely: in 22 states, each response option (one to five or more) was selected by at least one jurisdiction. There was also a great deal of variation between local responses and their respective states' responses.

TABLE 4

### Most State and Local Juvenile Probation Staff Reported Three or More Levels of Standard Juvenile Probation Supervision

*Survey question: How many levels of standard probation supervision do you offer?*

Survey response	% of state survey respondents (n=23)	% of all local survey respondents (n=107)
1	9	5
2	9	19
3	31	41
4	39	22
5+	13	14

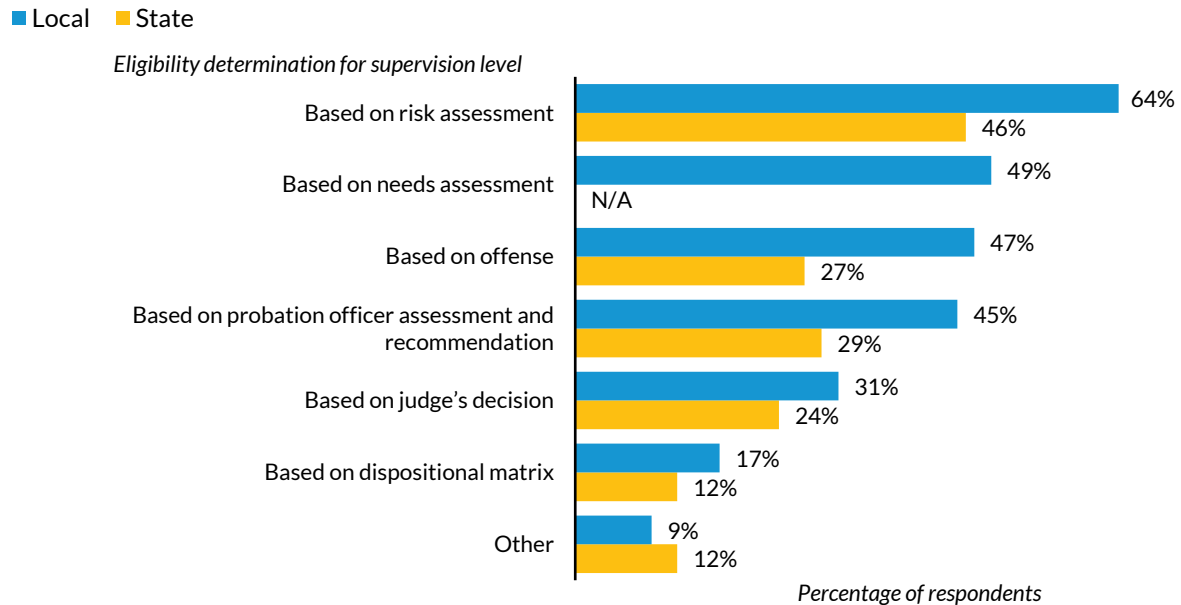
**Sources:** Urban Institute surveys of state juvenile probation agency staff and local juvenile probation agency staff.

In the state and local surveys, risk assessments were the most commonly reported way of determining supervision level (figure 12). In addition to the response options we provided, state and local respondents reported using reentry information, criminal history, history of compliance, offense type and severity, and tribal laws; some reported that decisions are based on gender or are made by the court, district attorney, or prosecutor. Some state respondents also noted that criteria vary by jurisdiction.

FIGURE 12

**Risk Assessments Were the Most Commonly Reported Eligibility Criteria for Supervision Level across States and Localities**

*Survey question: Please indicate how the level of supervision is determined for youth on probation. Please select all that apply.*



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**Sources:** Urban Institute surveys of state juvenile probation agency staff ( $n=41$ ) and local juvenile probation agency staff ( $n=152$ ).

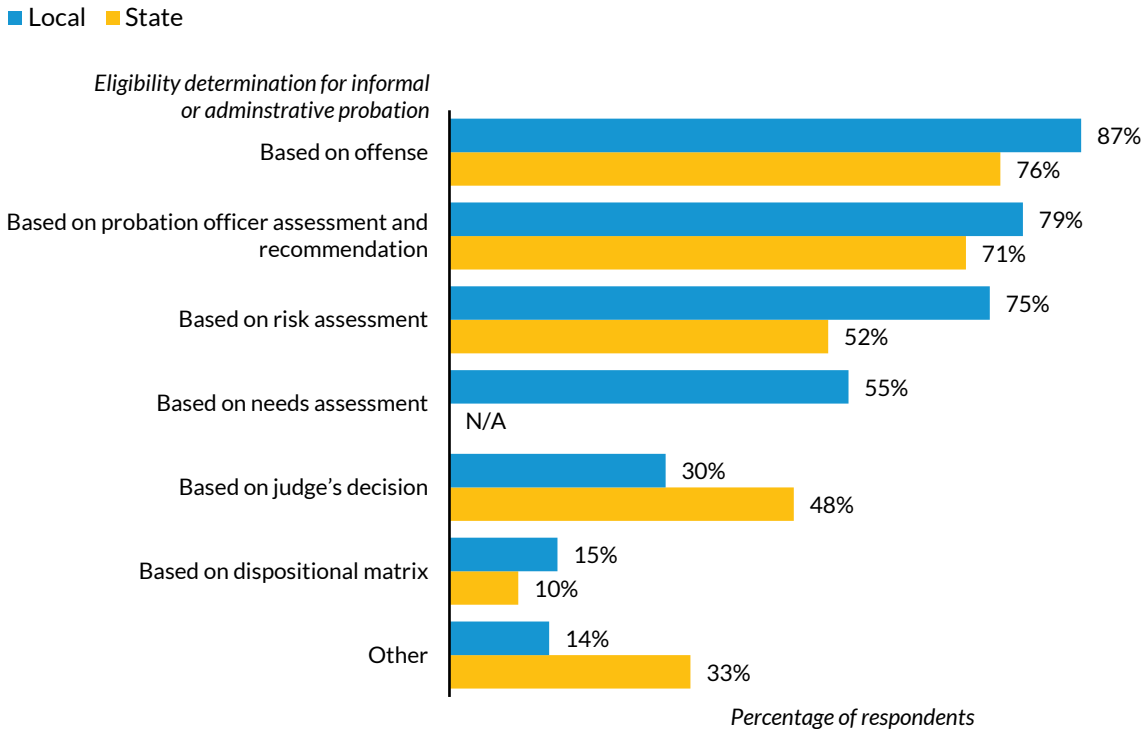
**Note:** Answers marked "N/A" did not appear in the survey.

In states (51 percent,  $n=21$ ) and localities (58 percent,  $n=87$ ) that offer informal or administrative probation (figure 13), eligibility is determined primarily by offense, risk assessment score, and/or probation officers' assessments and recommendations. In addition to the response options we provided, state and local respondents reported that eligibility is determined by the discretion of local criminal legal system actors (e.g., prosecutors, district attorneys' offices, court clerks), by diversion eligibility, and by tribal law. Some state respondents also specified that eligibility criteria vary by jurisdiction.

FIGURE 13

**Eligibility for Administrative Probation Is Most Commonly Determined by Offense, Risk Assessment Score, and/or Probation Officers' Assessments and Recommendations**

Survey question: How is eligibility for informal or administrative probation determined? Please select all that apply.



URBAN INSTITUTE

**Sources:** Urban Institute surveys of state juvenile probation agency staff ( $n=21$ ) and local juvenile probation agency staff ( $n=87$ ).

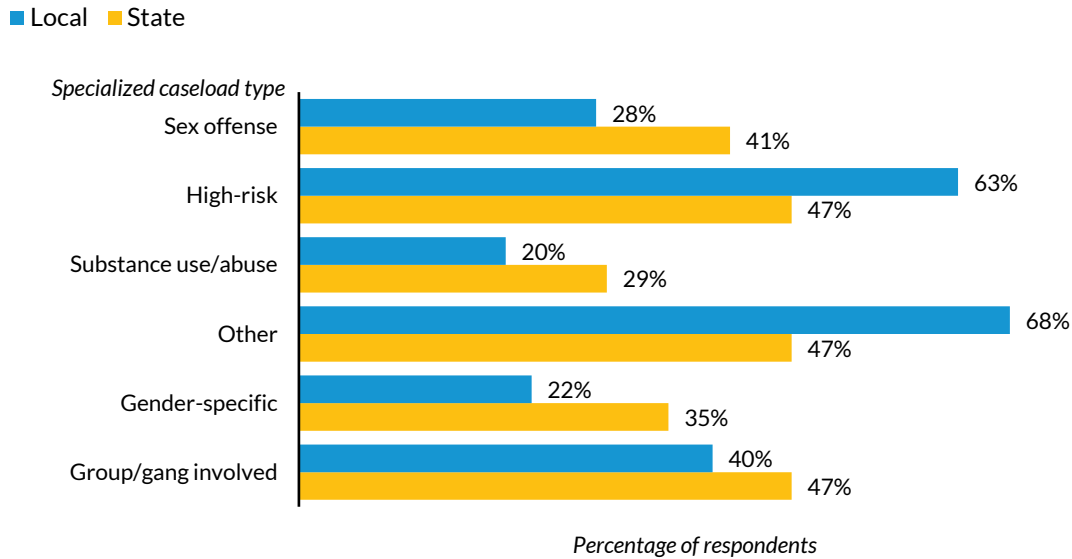
**Note:** Answers marked "N/A" did not appear in the survey.

Under half of state respondents (41 percent,  $n=17$ ) and just over half of local respondents (54 percent,  $n=82$ ) reported that specialized caseloads are used, with the most common caseloads being for sex offenses and for youth deemed high risk (figure 14). Other specialized caseloads that respondents identified include caseloads for mental health, drug court, handgun offenses, truancy, out-of-home placement, civil child protective cases, and sexual exploitation of children. Some state respondents specified that specialized caseloads vary by jurisdiction. Local stakeholders' responses regarding the use of specialized caseloads varied in 22 states. The level of agreement between local responses and the corresponding state responses was minimal: the responses were the same at both levels in only four states (this answer was that specialized caseloads are used).

**FIGURE 14**

**Specialized Caseloads for Individuals Deemed High-Risk Are the Most Common Specialized Caseloads Used by State and Local Juvenile Probation Agencies**

*Survey question: What types of specialized caseloads do you use? Please select all that apply.*



URBAN INSTITUTE

**Sources:** Urban Institute surveys of state juvenile probation agency staff (n=17) and local juvenile probation agency staff (n=81).

When asked how youth are assigned to probation caseloads, responses were fairly evenly split between random assignment, geographic assignment, assignment by risk level, and other means of assignment (table 5). Other factors used to assign youth probation cases include gender, current caseloads / staff capacity and capabilities, staff training levels, young people's linguistic and cultural needs, offense type, and probation staff members' rotation off assignments.

**TABLE 5**

**Methods of Assigning Juvenile Probation Caseloads Vary across Localities**

*Survey question: What is the most common method for youth probation case assignment?*

% of all local survey respondents (n=146)	
<b>Survey response</b>	
Random	25
Geographic	32
Risk level	20
Other	23

**Source:** Urban Institute survey of local juvenile probation agency staff.



## CONDITIONS OF PROBATION

When asked whether their states use standard sets of juvenile probation conditions (a standard order), over half of state respondents (63 percent,  $n=26$ ) indicated their states have issued recommendations (34 percent,  $n=14$ ), requirements for certain offenses (5 percent,  $n=2$ ), or requirements for all cases (12 percent,  $n=5$ ). One state respondent indicated that their state has not prescribed or recommended a list of conditions for juvenile supervision but that it has provided a list of conditions for adult supervision that many jurisdictions start with for youth and add client-specific conditions to as needed. Two state respondents specified that juvenile supervision conditions vary by local courts/standards.

Eighty-seven percent of local respondents reported that their states have standard juvenile probation conditions, 28 percent ( $n=42$ ) that their states have mandatory standard conditions for all cases, 13 percent ( $n=19$ ) that their states have mandatory standard conditions for certain offenses, and 23 percent ( $n=36$ ) that their states have guidelines regarding standard conditions of juvenile probation. Thirty-two percent of local respondents ( $n=49$ ) reported that their localities have requirements regarding standard conditions for juvenile probation for all cases, 16 percent ( $n=25$ ) that their localities have mandatory requirements regarding standard conditions for juvenile probation for certain offenses, and 24 percent ( $n=37$ ) that their localities have guidelines.

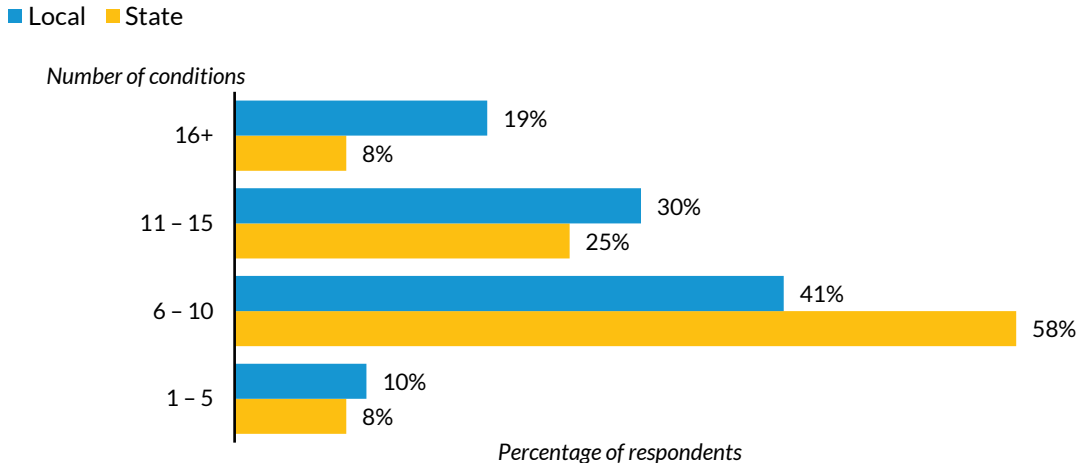
We found a high level of variation in the responses of local stakeholders within states—localities' responses differed in 30 states—and we found a high level of disagreement between local respondents and their respective state respondents. State and local respondents who reported “other” types of conditions reported having standard conditions that can be added to and/or tailored based on risk/needs assessments.

When asked how many conditions are listed on a standard order, most state and local respondents indicated between 6 and 10 (figure 15). There was a high level of variation in the number of conditions reported across localities within states (we found no variation in only seven states); in most cases, the number of conditions localities reported fell within the ranges states reported.

FIGURE 15

**Most State and Local Juvenile Probation Agencies Report an Average of 6 to 10 Conditions on a Standard Order**

*Survey question: How many conditions are listed on a standard order?*



URBAN INSTITUTE

**Source:** Urban Institute state surveys of juvenile probation entities (n=24) and local juvenile probation entities (n=122).

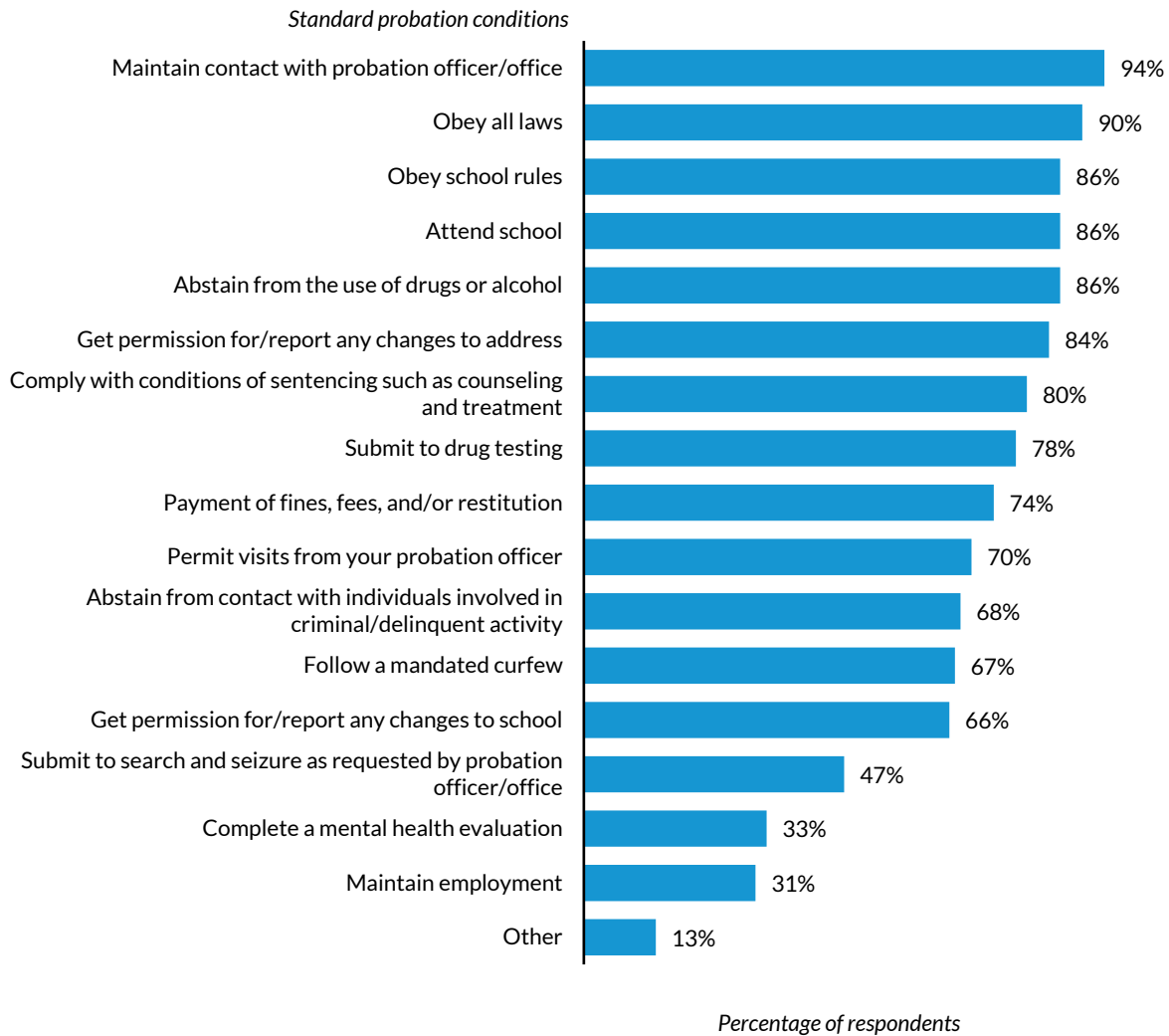
We asked local respondents what conditions are included in the standard sets of juvenile probation conditions in their jurisdictions (figure 16). The most common conditions included maintaining contact with probation officers/offices, obeying all laws, refraining from using drugs and alcohol, attending school, and obeying school rules. Other conditions respondents shared include obtaining permission to leave the state, following reasonable rules of parents/guardians, not using or possessing weapons, following stay-away orders, not obtaining new charges or arrests, and cooperating with a service plan. Respondents in other jurisdictions stated that conditions depend on the offense.

Research indicates it is best practice to use targeted and/or incremental expectations for youth on probation, which might require limiting the number of conditions on a standard order and developing constructive conditions tailored to a specific young person's goals (Butts, Bazemore, and Saa Meroe 2010; Goldstein et al. 2016; Harvell et al. 2018).

FIGURE 16

**In a Standard Set of Juvenile Probation Conditions, Most Local Juvenile Probation Agencies Include Many of the Conditions Included in Our Survey**

*Survey question: Which of the following requirements are included in the standard set of juvenile probation conditions used in your jurisdiction? Please select all that apply.*



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Source: Urban Institute survey of local juvenile probation agency staff (n=140).

Because so few states require a standard set of probation conditions, we did not look at differences in the numbers or types of conditions between localities in states with requirements and those in states without requirements.

## CASE MANAGEMENT

A majority of state survey respondents (70 percent,  $n=27$ ) reported that their states mandate or encourage standardized case management practices for youth on probation (table 6). Respondents who selected “other” noted having policy requirements but not laws and having state guidelines that apply if state funds are used. But most respondents reported that their states do not require that specific tools be used for structured decisionmaking and do not have requirements or guidelines for managing probation violations.

**TABLE 6**

**Over Two-Thirds of Surveyed States Issue Requirements or Guidelines Encouraging Standardized Case Management Practices for Youth on Probation**

*Survey question: Does your state mandate or encourage standardized case management practices for youth on probation?*

	# of state survey respondents	% of state survey respondents
<b>Survey response</b>		
Yes, required	15	39
Yes, recommended	12	31
No	9	23
Other	3	8

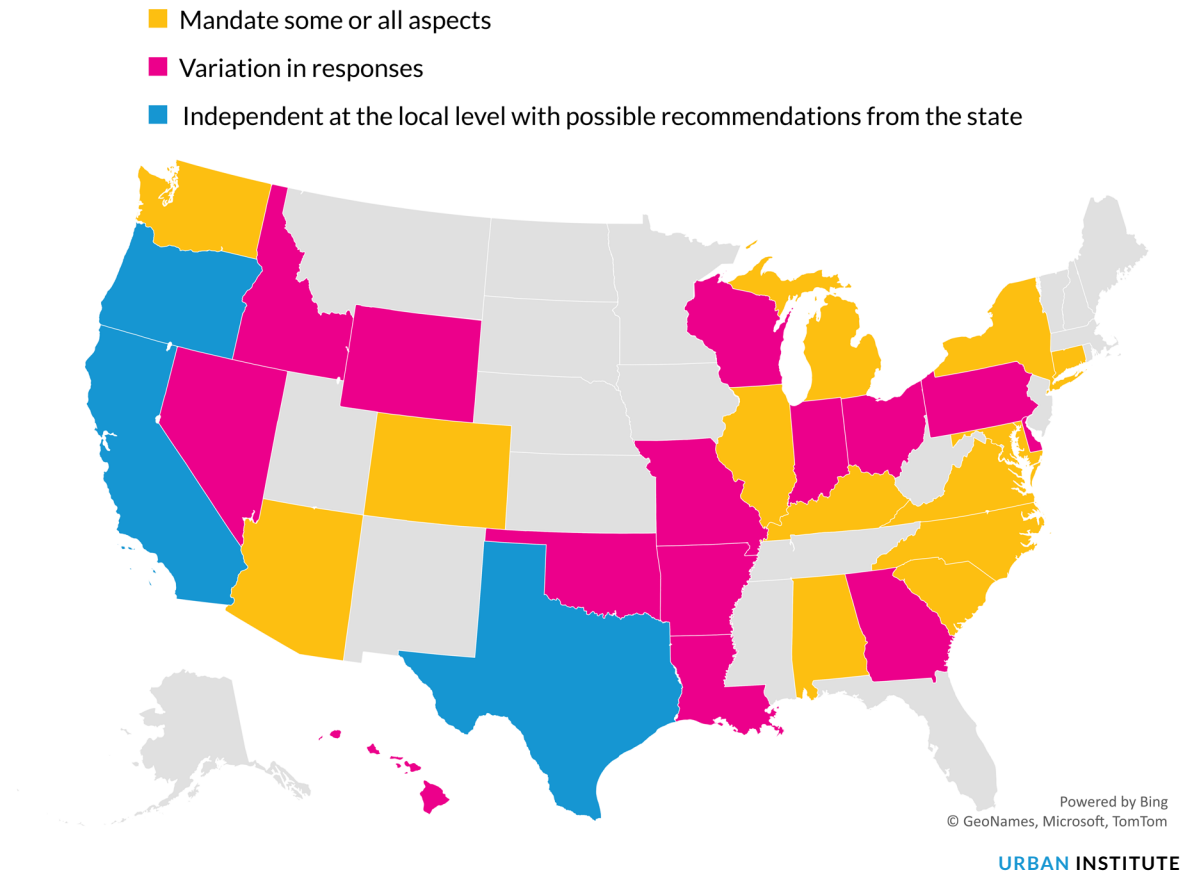
**Source:** Urban Institute survey of state juvenile probation agency staff ( $n=39$ ).

There is a lot of disagreement between local respondents regarding whether their states require standardized case management practices (figure 17). There is also a lot of disagreement between local responses and the respective state responses. In two states that reported having requirements localities must follow, localities reported that case management policy is fully local. There are also several localities that reported there are requirements or recommendations whose states reported none.

FIGURE 17

**Within States, We Found Much Disagreement between Local Juvenile Probation Staff Regarding Whether Their States Require Standardized Case Management Practices**

*Survey question: Please indicate the level of state influence on case management.*



**Source:** Urban Institute survey of local juvenile probation agency staff (n=145).

**Note:** States shaded gray were not included in our analysis.

We asked state and local respondents which elements of case planning are required (figure 18). In line with research finding that engaging youth and caregivers in case planning is a best practice (Harvell et al. 2018), input from families/caregivers and input from youth were the elements that state and local respondents selected most. All state respondents also selected enrollment in mental health treatment, enrollment in substance use/abuse treatment, and connection to community-based service providers. State respondents also shared other required elements we did not list, including around education and employment, and we added these as response options on the local survey. Some state respondents also reported requiring graduated sanctions and engagement in services that address needs as determined by a needs assessment. Local respondents shared other required elements including the incorporation

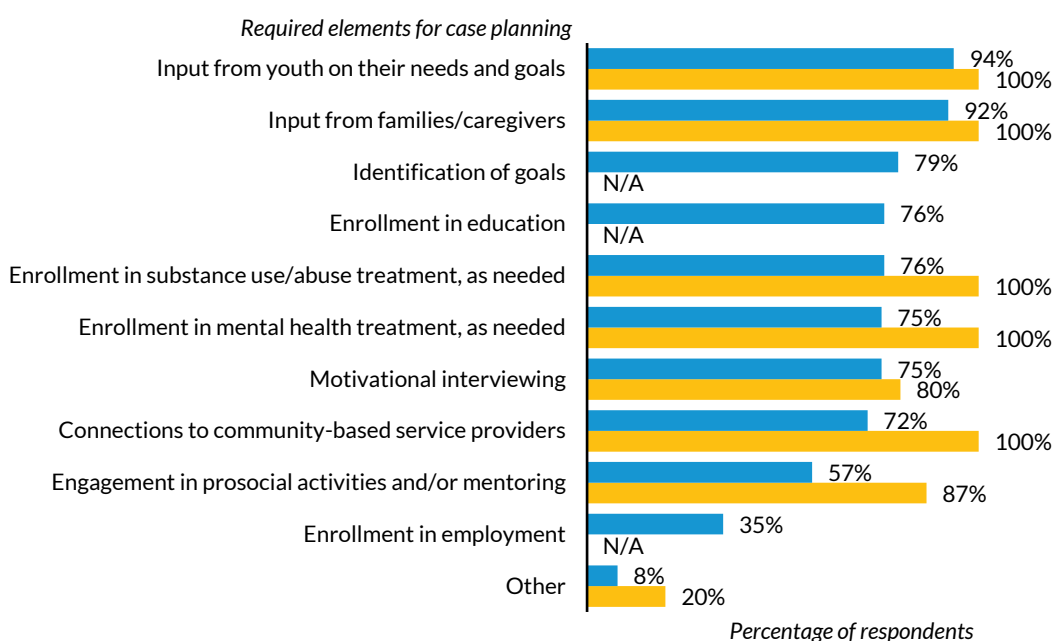
of components aimed at positive youth development, building cognitive behavioral skills for youth, consideration of community safety, holding youth accountable, and consideration of victims' needs and sometimes payment of restitution to victims by the young person. Others indicated that elements of case planning depend on needs identified through assessments of the young person's risks and needs.

**FIGURE 18**

**In Almost All State and Local Juvenile Probation Agencies We Surveyed, Input from Youth and Caregivers Is Required in Case Planning**

*Survey question: What elements are required for case planning? Please select all that apply.*

■ Local ■ State



URBAN INSTITUTE

**Sources:** Urban Institute surveys of state juvenile probation agency staff (n=15) and local juvenile probation agency staff (n=141).

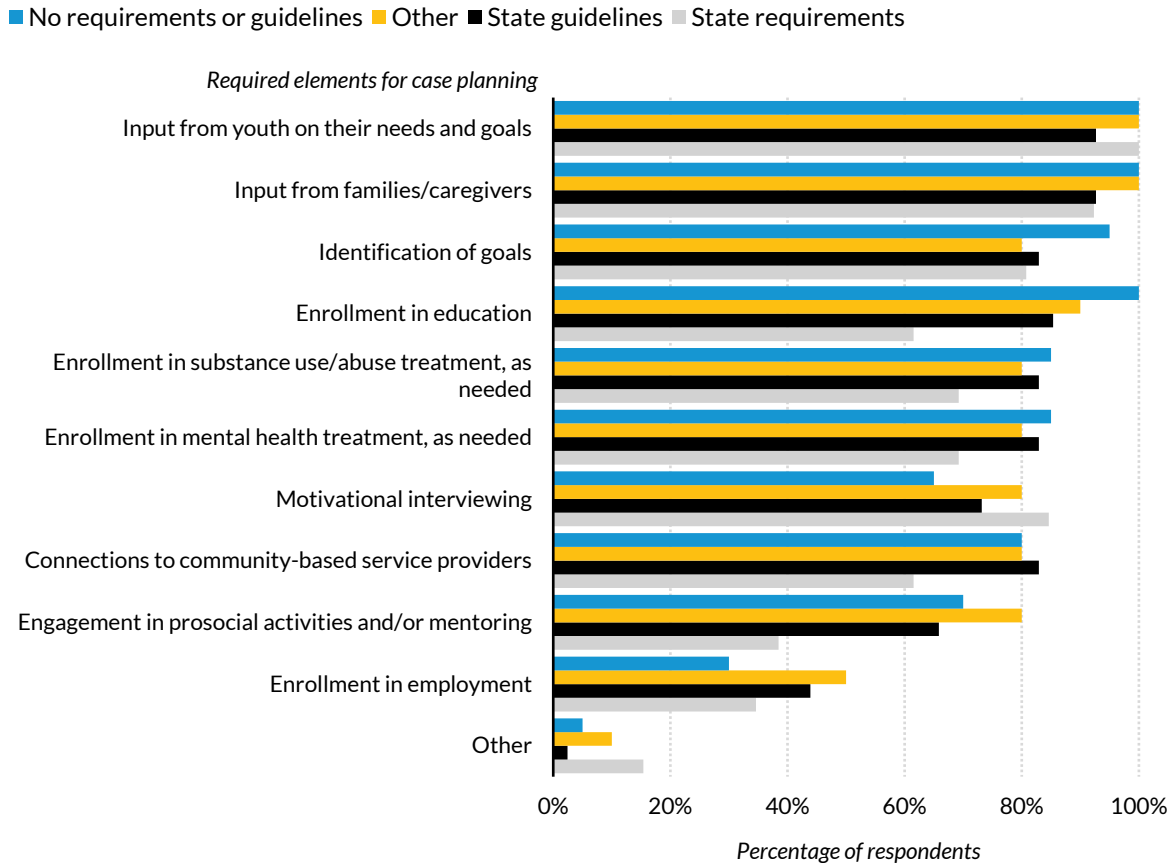
**Notes:** Answers marked "N/A" did not appear in the survey.

We also examined differences in required elements of case management between localities in states that have requirements around case management and those that do not (figure 19). We observed very few differences. Enrollment in education was more commonly required in localities in states without requirements or guidelines, and motivational interviewing was more commonly required in localities in states with requirements.

FIGURE 19

**We Found Few Differences in Required Case Planning Elements between Localities with Different Levels of State Oversight of Juvenile Probation Case Management**

Survey question: What elements are required for case planning? Please select all that apply.



URBAN INSTITUTE

**Sources:** Urban Institute surveys of state juvenile probation agency staff on level of state oversight and of local juvenile probation agency staff ( $n=102$ ).

Fifty-four percent of state respondents ( $n=22$ ) reported state requirements that youth be reassessed during their probation terms, and 23 percent ( $n=9$ ) reported guidelines for this. Twenty percent ( $n=8$ ) reported no requirements or guidelines. Most local respondents (84 percent,  $n=127$ ) reported reassessing youth during their probation terms, and almost half (44 percent,  $n=68$ ) reported that doing so is mandated by their state. In 10 states, the local and state responses on this subject did not align.

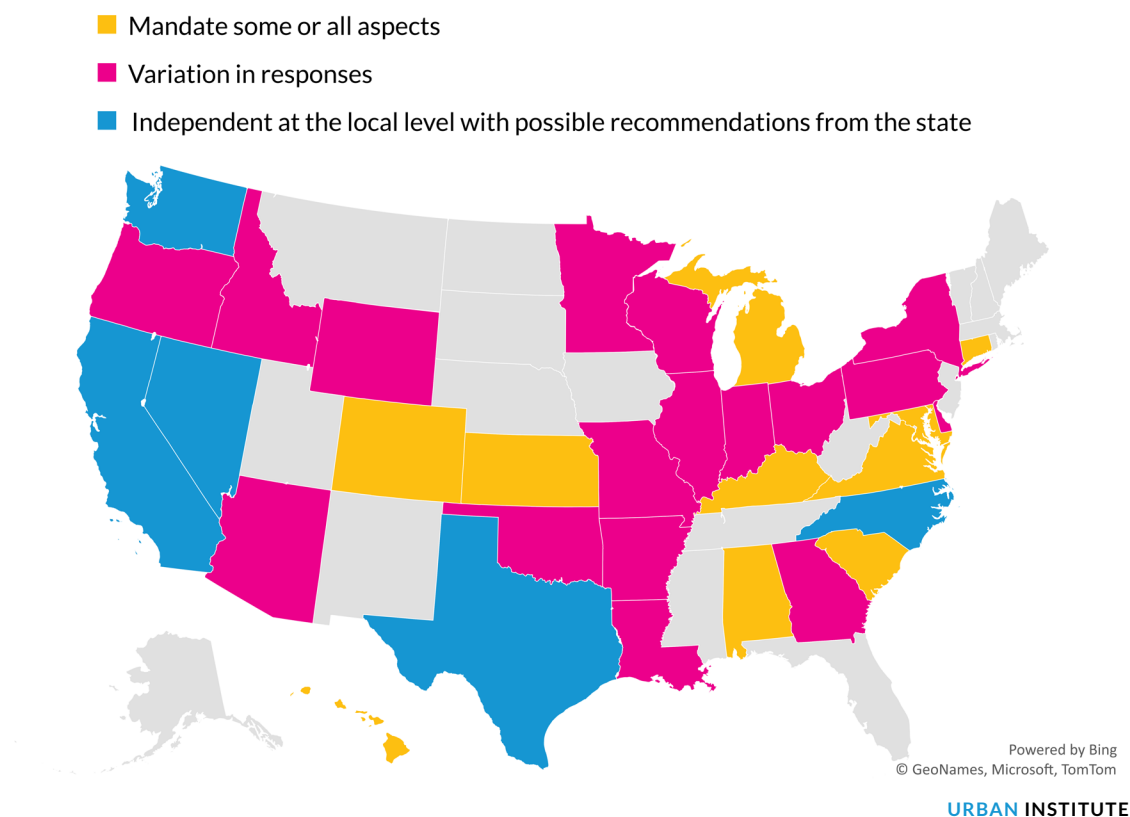
## INCENTIVES AND SANCTIONS

Regarding states' influence over policies and practices around incentives and sanctions, the responses of localities within states varied, which suggests local stakeholders may be confused regarding what states do and do not require and recommend (figure 20).

**FIGURE 20**

**Within States, We Found Much Disagreement between Local Juvenile Probation Staff Regarding Whether Their States Have Standardized Policies and Practices around Incentives and Sanctions**

*Survey question: Please indicate the level of state influence on incentives and sanctions.*



**Source:** Urban Institute survey of local juvenile probation agency staff ( $n=146$ ).

**Note:** States shaded gray were not included in our analysis.

These policies and practices are less standardized than case management policies and practices. Asked whether their state mandates or encourages the use of a standardized incentives and sanctions grid, about a third of state respondents (34 percent,  $n=14$ ) indicated their state has guidelines for using one, and another 12 percent ( $n=5$ ) indicated their state requires that they use one. One state respondent reported graduated sanctions were explored many years ago but rejected by the Family Court. Of local survey respondents, 41 percent ( $n=62$ ) indicated their state has no requirements or



guidelines regarding incentives and sanctions grids. Local respondents' answers varied in 25 states; this variation was slight in some states but stark in a majority. Local respondents showed agreement in seven states. Agreement between the state and local surveys was low: responses at both levels were the same or similar in only five states.

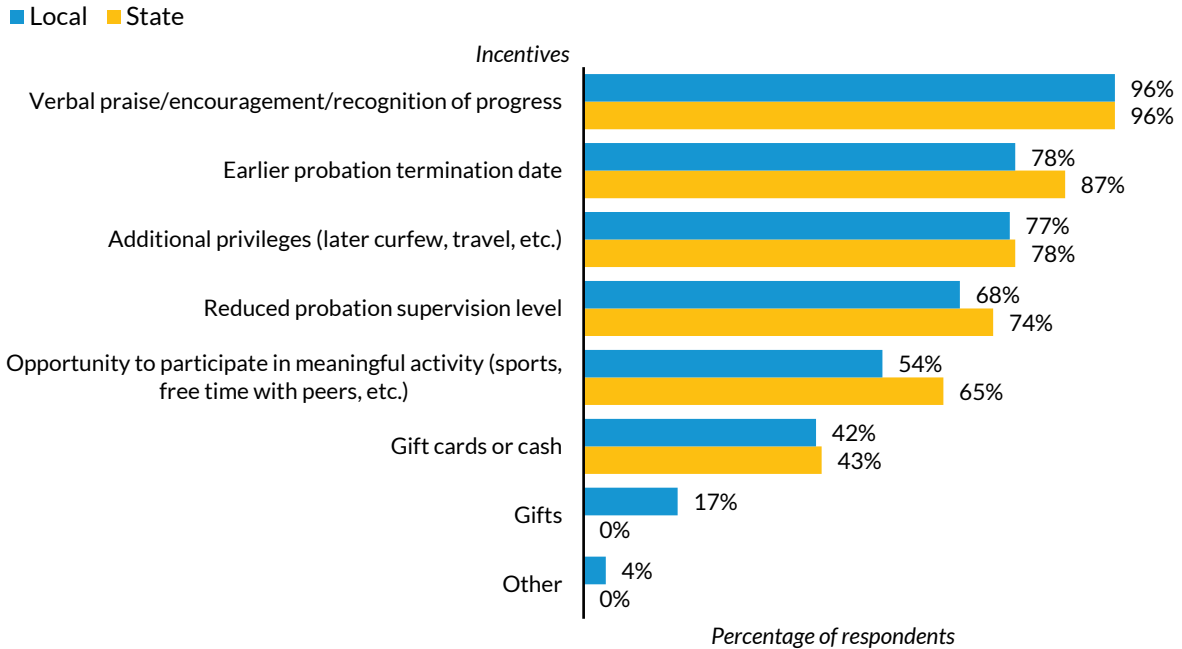
Of state respondents reporting some oversight of incentives and sanctions ( $n=22$ ), 55 percent ( $n=12$ ) reported requirements for documenting when, why, and how incentives and sanctions are used, and 23 percent ( $n=5$ ) reported such requirements for sanctions but not incentives. Local responses were similar: 58 percent ( $n=88$ ) reported their states have these requirements for incentives and sanctions, and 22 percent ( $n=34$ ) reported such requirements for sanctions but not incentives. Local responses varied in 22 states; in 10, all local respondents noted that documentation for incentives and sanctions is required. Overall, agreement between local and state responses was low: local and state responses were similar in only 8 states. In 2 states, the response on the state survey was “no” whereas the response on the local survey was “yes for both incentives and sanctions.”

The standardized incentive that state and local entities most frequently use is verbal praise, followed by early probation termination (figure 21). Some local respondents listed other incentives, such as providing food and reducing fines or hours.

FIGURE 21

# Verbal Praise Is the Standardized Incentive That Local and State Juvenile Probation Staff Use Most Frequently

Survey question: Please describe frequently used standardized incentives. Please select all that apply.



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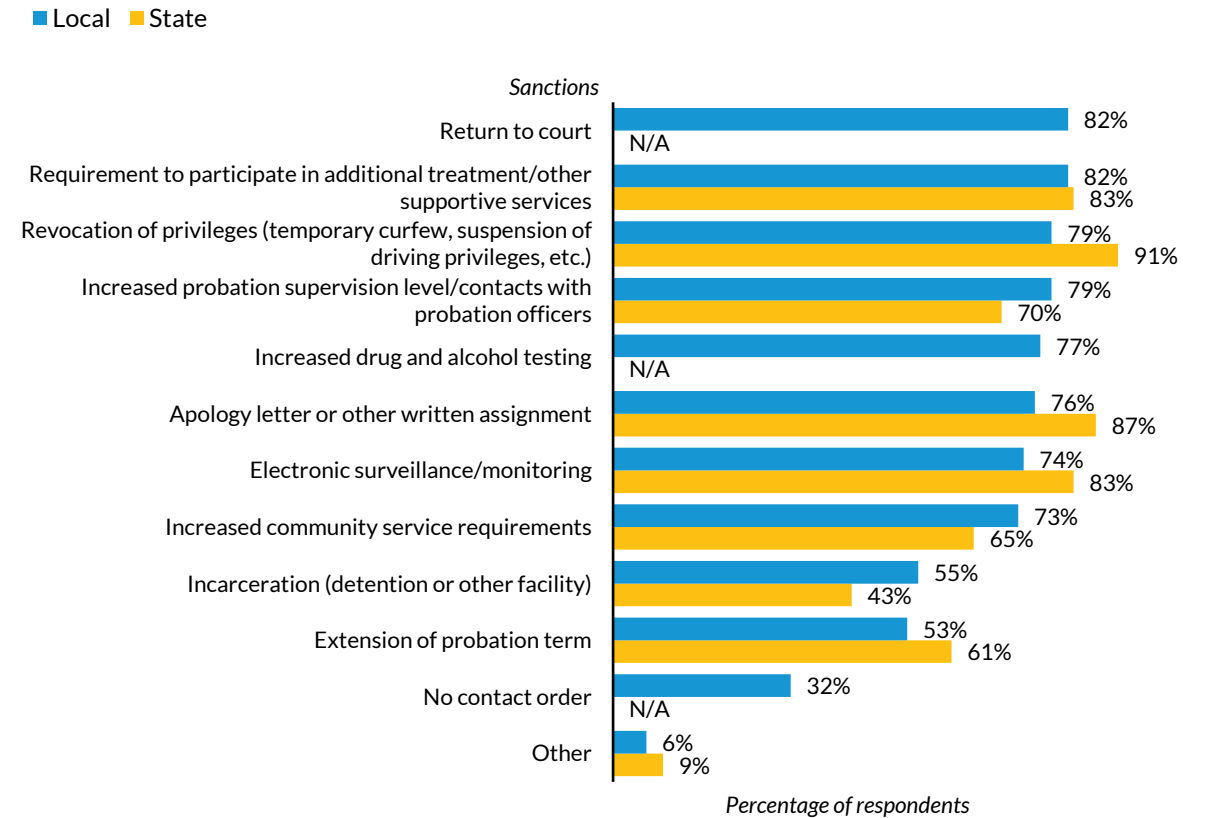
Sources: Urban Institute surveys of state juvenile probation agency staff (n=23) and local juvenile probation agency staff (n=138).

Revocation of privileges is the standardized sanction that state respondents selected most frequently, followed by electronic surveillance/monitoring (figure 22). Some state respondents also listed return to court, no-contact orders, warnings, and increased drug and alcohol testing. We added these as response options to the local survey. Local respondents more frequently selected requiring participation in additional treatment or other supportive services and return to court. One local respondent also listed skill-building exercises.

FIGURE 22

# **Revocation of Privileges and Electronic Monitoring Are the Standardized Sanctions That Local and State Juvenile Probation Staff Use Most Frequently**

Survey question: Please describe frequently used standardized sanctions. Please select all that apply.



URBAN INSTITUTE

**Sources:** Urban Institute survey of state juvenile probation agency staff (n=23) and local juvenile probation agency staff (n=141).

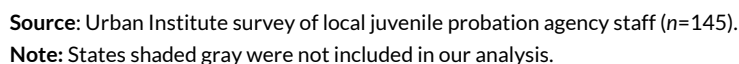
**Note:** Answers marked "N/A" did not appear in the survey.

Because so few states issue requirements around incentives and sanctions, we did not examine differences in types of incentives and sanctions between localities in states with requirements and those in states without them.

Research indicates best practices around incentives and sanctions for juvenile probation include incentivizing success by using positive reinforcement and encouraging accountability and responding to setbacks with graduated and fair responses (Harvell et al. 2018).

Almost half of state survey respondents (42 percent,  $n=17$ ) reported their states have no requirements or guidelines related to probation violations. About one in five state respondents (22 percent,  $n=9$ ) reported their states have requirements and 32 percent ( $n=13$ ) reported they have guidelines. The responses of local stakeholders within states varied in 23 states, and there was consensus in 9 states (figure 23). Agreement between the two surveys was low, as state and local respondents agreed in only 7 states.

## Within States, We Found Much Disagreement between Local Juvenile Probation Staff Regarding Whether Their States Have Requirements or Guidelines around Probation Violations



JUVENILE PROBATION STRUCTURE, POLICY, AND PRACTICE IN THE UNITED STATES

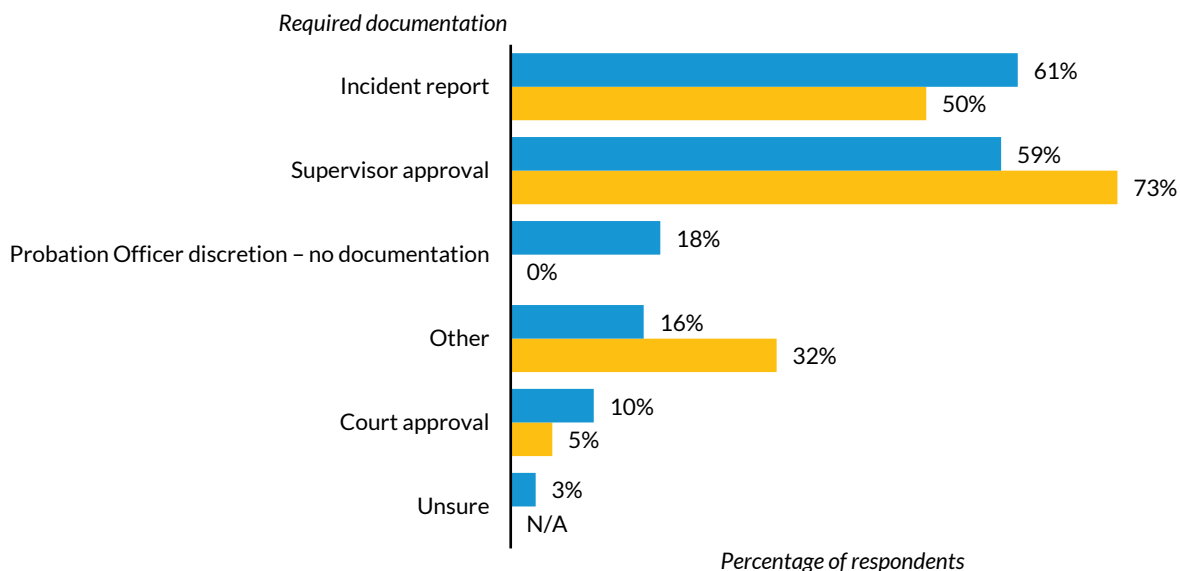
providing support or proof that the violation has occurred, and court memos. Some local respondents reported these types and also lab results, evidentiary documents, case notes, and prosecution approval. Overall, agreement between local and state respondents was fairly high; responses were aligned in a majority of states.

**FIGURE 24**

### States and Localities Require Different Types of Documentation When Juvenile Probation Violations Are Filed

*Survey question: What documentation is required before a probation violation is filed? Please select all that apply.*

■ Local ■ State



URBAN INSTITUTE

**Sources:** Urban Institute surveys of state juvenile probation agency staff (n=22) and local juvenile probation agency staff (n=142).

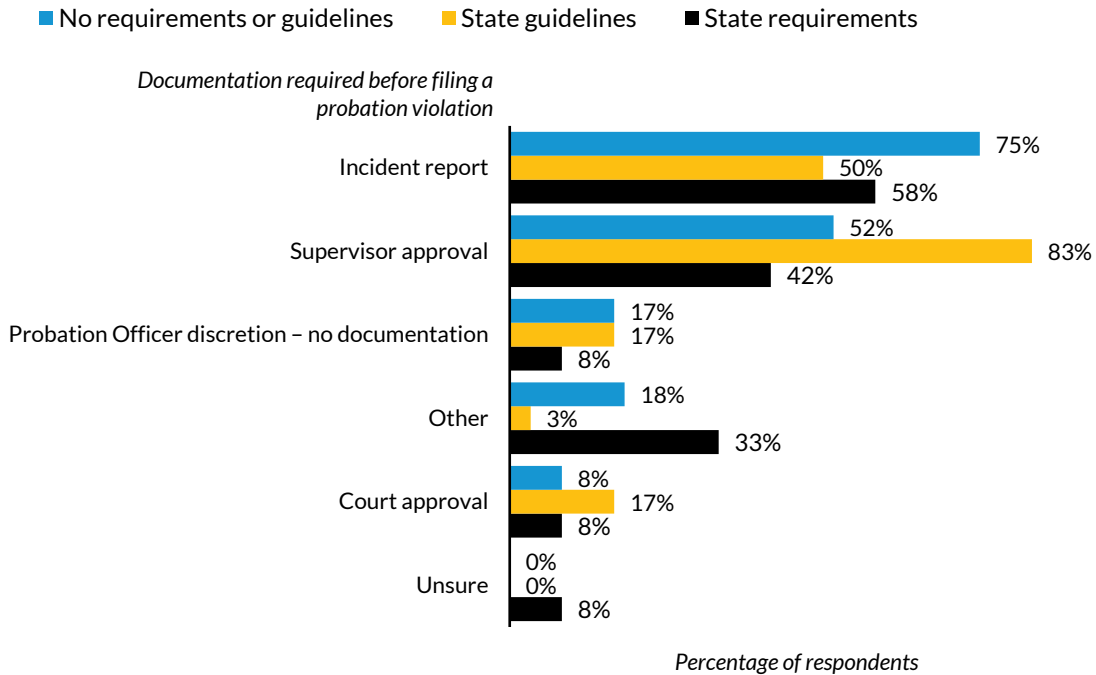
**Notes:** Answers marked "N/A" did not appear in the survey.

We also compared what documentation is required in localities in states that have requirements or guidelines regarding juvenile probation violations and states that do not (based on state survey responses). We observed no notable trends (figure 25).

FIGURE 25

**In States That Have Requirements or Guidelines Regarding Juvenile Probation Violations, the Documentation That Must Be Filed Is Similar**

*Survey question: What documentation is required before a probation violation is filed? Please select all that apply.*



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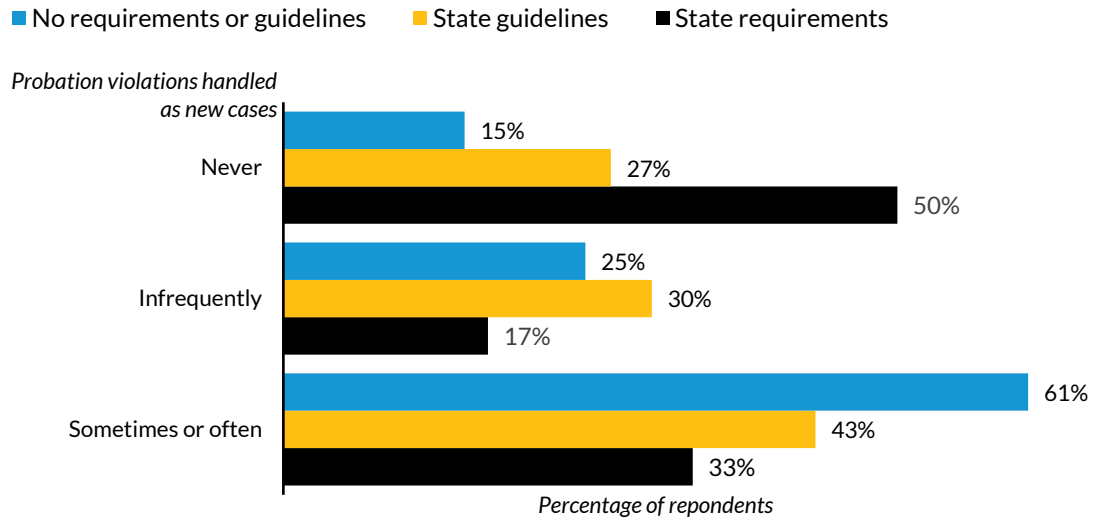
**Source:** Urban Institute surveys of state juvenile probation agency staff regarding level of state oversight and of local juvenile probation agency staff (n=102).

In addition, we asked local survey respondents whether new offenses are ever handled as probation violations rather than new cases (figure 26). Almost half of respondents (45 percent, n=68) reported this happens sometimes or often, just over a quarter (26 percent, n=39) reported this happens infrequently, and just under a quarter (24 percent n=36) reported this never happens. Moreover, a large share of localities whose states have requirements around probation violations never handle new offenses as new cases, whereas a large share of localities whose states have no such requirements handle new offenses as new cases sometimes or often.

FIGURE 26

### New Offenses Are Least Often Handled as New Cases in Local Juvenile Probation Agencies in States with Requirements Related to Handling Probation Violations as New Cases

Survey question: Are new offenses ever handled as probation violations rather than as a new case?



URBAN INSTITUTE

Source: Urban Institute survey of local juvenile probation agency staff (n=103).

## Data Collection, Data Systems, and Data Sharing

Most state survey respondents reported having a standardized system for collecting data (78 percent, n=31 out of 40) and collecting data on young people's race and/or ethnicity (92 percent, n=36 out of 39). Most local survey respondents (78 percent, n=118) also reported having a standardized system for collecting data and 80 percent (n=122) reported collecting data on young people's race and/or ethnicity. In six states, some localities reported they collect race and/or ethnicity data whereas some reported they do not. Local responses regarding data collection appear to be more aligned with state answers than they are for other areas of juvenile probation.

Just under half of states (46 percent, n=18 out of 39) share person-level and aggregate data at the state and local levels, and slightly fewer (14) share only aggregate data. Only 15 percent of local survey respondents (n=22) reported their states have no data-sharing system. Over half of local respondents (59 percent, n=92) reported their states have systems for sharing aggregate and person-level data with the state, and some agencies also reported systems for sharing aggregate and/or person-level data with other local agencies.

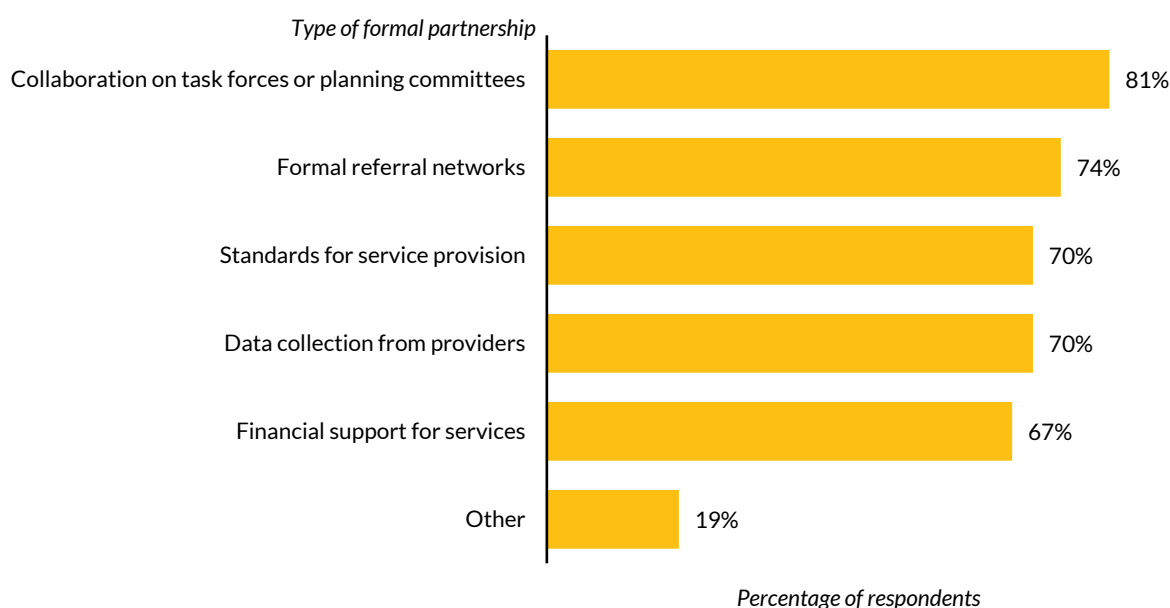
## Partnerships

Over half of state survey respondents (66 percent,  $n=27$ ) reported they have partnership agreements or collaborative structures in place related to probation. The type of partnership they reported most frequently is collaboration on task forces or planning committees (figure 27).

FIGURE 27

### Task Forces and Planning Committees Are the Types of Partnerships That State Juvenile Probation Agencies Most Commonly Reported

Survey question: Which of the following do your state-level partnership structures include? Please select all that apply.



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Source: Urban Institute survey of state juvenile probation agency staff ( $n=27$ ).

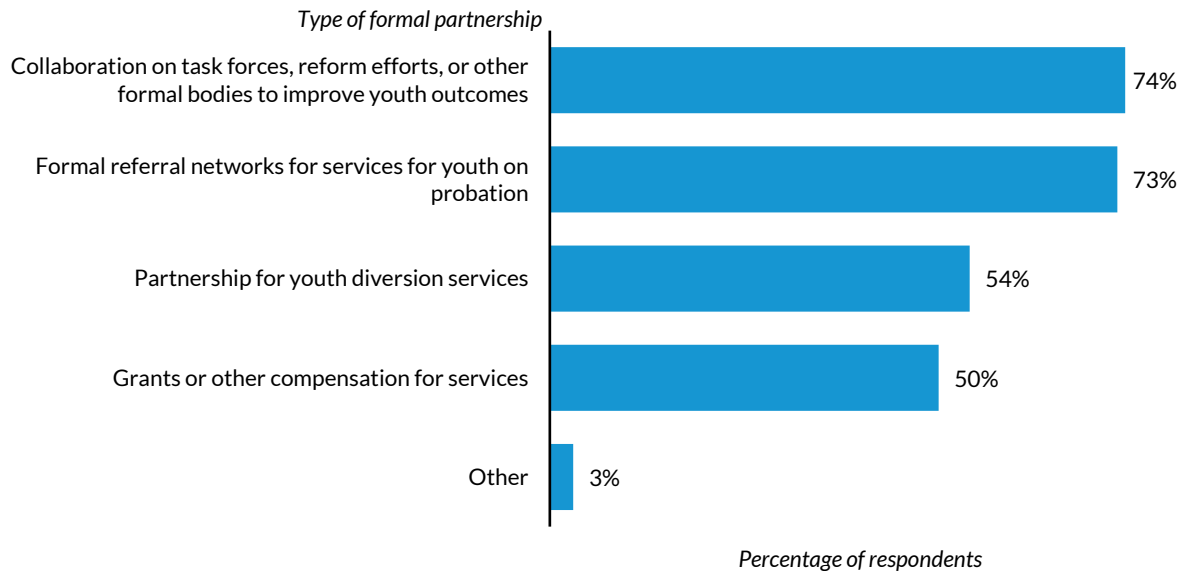
We asked local respondents what types of partnerships they have with community organizations (figure 28). The most common partnership types are formal referral networks and collaboration on task forces, reform efforts, or other formal bodies to improve youth outcomes. The most common partners are mental health providers, substance use treatment providers, and schools (figure 29).



FIGURE 28

**Referral Networks and Formal Bodies Such as Task Forces Are the Types of Partnerships That Local Juvenile Probation Agencies Most Commonly Reported**

*Survey question: Does your jurisdiction engage in any of the following partnership with community organizations? Please select all that apply.*

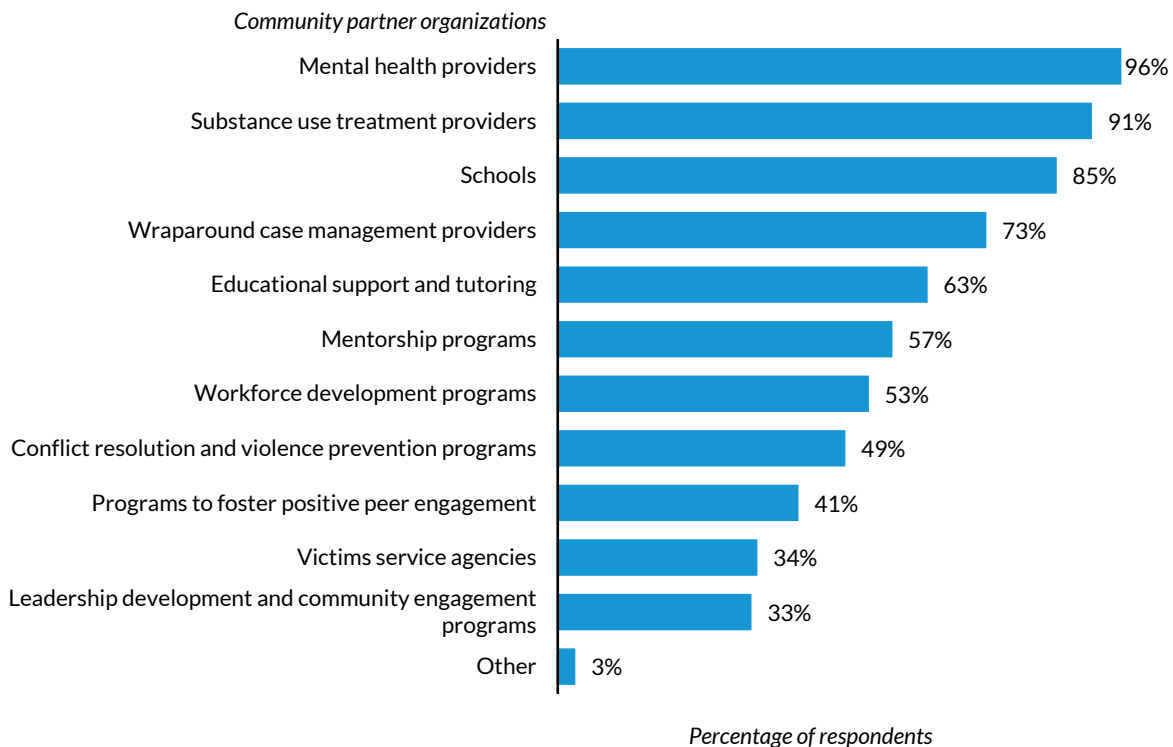


**Source:** Urban Institute survey of local juvenile probation agency staff (n=142).

FIGURE 29

**Local Probation Agencies Often Partner with Community Organizations Such as Mental Health Providers and Substance Use Treatment Providers**

*Survey question: What types of community organizations engage in these formal partnerships? Please select all that apply.*



Source: Urban Institute survey of local juvenile probation agency staff (n=134).

## Impacts of the COVID-19 Pandemic

Nearly all state respondents (95 percent,  $n=37$  of 39) reported that COVID-19 had impacted state juvenile probation policy and practice, and 85 percent of local respondents ( $n=121$ ) reported the same. They reported a variety of impacts, included shifting supervision practices from in-person to remote; modifying the administration of court-mandated services, programming, and treatment; and using incarceration less in response to violations of supervision conditions. Some state respondents noted that contacting young people virtually increased frequency of contact overall. Some state and local respondents also reported other impacts, such as decreases in referrals from schools and law enforcement, decreases in availability of resources for youth, the use of virtual court hearings, the use of telehealth services, expanded detention release options, slow case processing, and increased coordination and collaboration between partners involved in juvenile probation provision. One state

respondent noted that impacts had varied by local jurisdiction. Among local respondents who reported that the pandemic *had not* impacted policy and practice, we did not observe any geographic trends, though the counties these respondents work in have slightly larger shares of white people than the counties other respondents work in.

## Conclusion

Overall, there is a lot of variation in juvenile probation policy and practice across states, within regions, and within states. There also seems to be even more variation within states than one might expect by looking only at the state survey results. We further found disagreement between states and localities within states on how much oversight states have of different juvenile probation policies. Pilot programs and delays implementing policies could be driving this disagreement. Several states reported they were instituting major changes to juvenile probation policy and oversight, but changes had only been implemented in some jurisdictions. In addition, resource constraints at the state and local levels may be driving variation and disagreement within states. The key takeaways of this study are as follows.

The majority of state and local survey respondents reported having a **mission, purpose, or goal for juvenile probation**, but there was much disagreement between local and state respondents on whether particular states had a mission, purpose, or goal for juvenile probation. When asked to rank probation goals in order of importance, state and local respondents both ranked promoting long-term behavior change highest.

The **structure of juvenile probation** varies across states, but most states have some level of responsibility for, oversight of, and funding for juvenile probation at the state level. The structures local agencies report mostly match those that states report, but within states reporting hybrid systems there is a great deal of variation.

**Within states, we found much variation across all areas of juvenile probation policy and practice:** in **diversion** practices we found more variation and less state influence, and in **disposition** practices and **data collection and sharing** we found more consistency and more state influence. Regarding **supervision** components, in **conditions of probation** and **incentives and sanctions** we found more variation and less state oversight, and in **case management** and **probation violations** we found more consistency and more state influence.

**Level of state influence did not strongly impact trends in policy and practice**, with the exception of whether probation violations are ever handled as new cases, which is less common in localities within states with requirements around probation violations.

The majority of state and local survey respondents indicate that the **COVID-19 pandemic** has impacted policies and practices.

## **Recommendations and Next Steps**

Our research uncovered a lot of variation in policy and practice across and even within states. In addition to this variation, we found a lot of disagreement between localities and states around policy. This level of variation and disagreement may inhibit wide use of evidence-informed policies and practices in juvenile probation due to limited understanding of local policies and practices at the state level. This limited understanding may inhibit states' ability to implement and oversee policies at the local level and offer needed resources to localities.

**Recommendation 1: State and local system stakeholders should identify supports—such as additional funding from the state tied to implementation of specific policies or data-collection activities, or guidance from states on how to implement policies—to better understand probation policies and practices at the state and local levels for their communities.** There appears to be a lack of capacity among state agencies for standardization and oversight, which may lead to variation even in states where probation is supposed to be state run.

**Recommendation 2: State and local governments should invest in community responses and supports and reduce the population of youth on probation.** From survey responses and prior research, it is evident that many juvenile probation agencies across the country lack the resources and support to follow best practices and that there is limited oversight from states. When best practices are not followed, young people may experience harms from probation that can last into adulthood and, over time, impact whole communities. Research indicates that young people fare best in their communities (Harvell et al. 2018). Keeping more young people in their communities and building up community resources could reduce resource constraints on probation agencies and improve outcomes for young people involved in the juvenile justice system (Honeycutt et al. 2020).

**Recommendation 3: The Bureau of Justice Statistics and the Office of Juvenile Justice and Delinquency Prevention should consider funding the collection of data on how local juvenile probation policies compare with the policies of the state a locality is in, working closely with state**

**agencies to survey localities.** We encountered many barriers when attempting to survey local juvenile probation agencies and struggled to obtain a representative sample of localities in each state. There is a persistent gap in knowledge around how local policies in juvenile probation policies and practices compare with the policies of the state a locality is in. This knowledge gap limits the effectiveness of federal and state policies and oversight of local juvenile probation and thus limits policymakers' ability to improve policies and practices at the local level. The most effective way to collect this information may be for the federal government to create a data-collection program and work with and support states in collecting the data. Then state agencies would hold these data that could improve juvenile probation oversight.

**Recommendation 4: The Bureau of Justice Statistics and the Office of Juvenile Justice and Delinquency Prevention should consider instituting federal guidelines on data collection and sharing and providing support to localities to meet those guidelines.** Recommendation 3 will be difficult to achieve if the federal government does not provide support to states and localities. To understand what policies and practices are being used in juvenile probation across the country and the impact of these policies and practices, localities should be consistently collecting robust data on (1) policies and (2) demographics and outcomes for justice-involved young people. Collecting both sets of data enables states to understand any unintended consequences of policies and whether policies disproportionately and negatively affect different communities. States also need this information from localities to effectively provide oversight. But many local probation agencies lack the resources to improve and increase data collection and sharing. National standards are important but must come with support so localities can meet them.

**Recommendation 5: Researchers and funders should explore additional topics for future research when investigating variation in juvenile probation policy and practice within and across states.** An area of interest we did not explore in this study is training for staff (e.g., probation officers, judges, prosecutors, defense attorneys), including what types are provided, what is mandatory, and variation in training practices within states. We also did not explore staff caseloads and how they impact probation outcomes for youth. Nor did we explore how race and ethnicity data are collected and recorded (for instance, whether they are self-reported). These are important questions for future research. Other areas to explore include supervision length, policies that impact parents, and the lasting impacts of policy changes owing to the COVID-19 pandemic.

**Recommendation 6: Policymakers should consider designing policies with built-in resources and should consider providing oversight to support agencies in meeting policy goals.** Though we know juvenile probation policies and practices vary within and across states, details on local policies and

practices in many states are limited, which appears to be driven not by a lack of transparency but by a lack of structure and resources for sharing information across localities and between localities and states. When designing policies that impact juvenile probation, it is important to keep in mind that many local juvenile probation agencies are functioning with limited resources and often with limited support and oversight from their states. Policies may be more successful if support and resources for meeting requirements and built-in oversight are also provided.

# Appendix A. Methodology

To investigate variation in policy and practice in juvenile probation within and across states, we convened an advisory board of juvenile probation experts, conducted a brief scan of existing literature, and fielded two surveys: one of state juvenile probation agency representatives and one of local juvenile probation agency representatives. We define juvenile probation as post-adjudication community supervision of people considered juveniles by state law.

We convened an advisory board of experts on juvenile probation including practitioners, youth with involvement in the juvenile justice system, and research experts. We engaged the advisory board to refine survey questions, survey dissemination methods, analysis, and interpretation of findings. The board members included Derrell Frazier, Dafna Gonzani, Anthony Panzino, Melissa Sickmund, Anne Teigen, and Matt Thompson.

Before finalizing survey tools, we conducted a brief scan of existing research and information about the structure of and variation in juvenile probation policy and practice. The findings from that scan are included in the introduction to this report. Following the research scan, we fielded a survey of state juvenile probation agencies and then a survey of local juvenile probation agencies.

A survey about the structure of juvenile probation in each state was developed and distributed to representatives from each state in March 2021. We developed a list of potential respondents through online searches and sent email invitations to potential respondents followed by an email with a link to the survey. We sent surveys to contacts in each of the 50 states and Washington, DC. We received responses from 41 people, a response rate of 80 percent (of states and Washington, DC). The northeastern region of the United States is slightly underrepresented in responses.

We fielded a survey about the structure of juvenile probation at the local level and local juvenile probation policy and practice from August 2021 to June 2022. We employed proportional and purposive sampling of jurisdictions from each state, identifying agencies/offices representing 20 percent of counties in states with fully or mostly state-operated juvenile probation and agencies/offices representing 30 percent of counties in states with locally operated juvenile probation. We capped the sample for each state at a minimum of two and a maximum of 50, for a total of 473 agencies/offices representing 780 counties across 49 states. We attempted to collect data from agencies representing variation in geography across each state, population size, population density, demographics, and juvenile probation services. We received responses from 152 people representing 241 counties. We used all responses for analysis of national trends, but for analysis within states we only used responses

in states with more than one response leaving 143 responses representing 198 counties across the country. Finally, for comparison between states and localities within each state, we only used responses from states with more than one local response coupled with a state response for comparison. Table B.1 in appendix B provides more details on responses by state. Both surveys were administered online using the Qualtrics survey platform. For both surveys, we followed up with people through emails and phone calls to improve response rates.

We descriptively analyzed survey responses, comparing data within each state. We also examined results across all responses. Lastly, we cross-tabulated local responses based on state responses regarding levels of state oversight.

Because of the COVID-19 pandemic and other federal, state, and local priorities, we struggled to collect survey responses and were not able to obtain responses from all states. Despite this, we were still able to collect enough responses to fill existing knowledge gaps around variation in juvenile probation policy and practice. Additionally, we conducted analysis on the population size, population density, and demographic composition of local responses and believe our sample is nationally representative with the exception of being skewed to slightly larger populations, populations with more white people, and populations with higher poverty rates than the country as a whole.



# Appendix B. Local Survey Responses

Table B.1 details the number of responses to the local survey by state and the number of counties represented by responses in each state. Because the focus of the research was on variation within states, we did not analyze surveys in states with fewer than two responses.

**TABLE B.1**  
**Local Survey Responses**

State	Number of responses	Number of counties represented
Alabama	3	3
Alaska <sup>†</sup>	0	0
Arizona	4	4
Arkansas	8	8
California	7	9
Colorado	3	4
Connecticut	2	2
Delaware	2	3
Florida <sup>†</sup>	0	0
Georgia	4	4
Hawaii	2	2
Idaho	5	5
Illinois	5	5
Indiana	7	7
Iowa <sup>†</sup>	1	15
Kansas	4	4
Kentucky	5	18
Louisiana	3	7
Maine <sup>†</sup>	0	0
Maryland	2	8
Massachusetts <sup>†</sup>	0	0
Michigan	3	3
Minnesota	4	9
Mississippi <sup>†</sup>	1	9
Missouri	5	5
Montana <sup>†</sup>	1	6
Nebraska <sup>†</sup>	0	0
Nevada	3	3
New Hampshire <sup>†</sup>	0	0
New Jersey <sup>†</sup>	0	0
New Mexico <sup>†</sup>	1	2
New York	6	10
North Carolina	2	6
North Dakota <sup>†</sup>	0	0
Ohio	10	10
Oklahoma	6	9
Oregon	3	3
Pennsylvania	5	5
Rhode Island <sup>†</sup>	1	1
South Carolina	4	4
South Dakota <sup>†</sup>	1	4

State	Number of responses	Number of counties represented
Tennessee <sup>†</sup>	0	0
Texas	4	4
Utah <sup>†</sup>	1	4
Vermont <sup>†</sup>	1	1
Virginia	7	18
Washington	4	5
West Virginia <sup>†</sup>	1	1
Wisconsin	8	8
Wyoming	3	3
<b>Total</b>	<b>152</b>	<b>241</b>
<b>Total with more than 1 response per state</b>	<b>143</b>	<b>198</b>

<sup>†</sup> State had too few responses to be included in our analysis of local survey data.

# Notes

- <sup>1</sup> This research was conducted concurrent with the Annie E. Casey Foundation-funded research conducted by Child Trends on juvenile probation financing. Child Trends' research will be available on its website, at <https://www.childtrends.org/>.
- <sup>2</sup> Michael Hartman, "Juvenile Probation," National Conference of State Legislatures, May 11, 2021, <https://www.ncsl.org/research/civil-and-criminal-justice/juvenile-probation.aspx>.
- <sup>3</sup> "Frequently Asked Questions About Juvenile Probation," The Annie E. Casey Foundation, November 2, 2021, <https://www.aecf.org/blog/frequently-asked-questions-about-juvenile-probation>.
- <sup>4</sup> Office of Juvenile Justice and Delinquency Prevention Statistical Briefing Book, "Estimated number of juvenile arrests, 2019," accessed November 29, 2022, <https://www.ojjdp.gov/ojstatbb/crime/qa05101.asp?qaDate=2019>.
- <sup>5</sup> "Frequently Asked Questions About Juvenile Probation," The Annie E. Casey Foundation.
- <sup>6</sup> "Frequently Asked Questions About Juvenile Probation," The Annie E. Casey Foundation; Office of Juvenile Justice and Delinquency Prevention Statistical Briefing Book, "Youth (0–17) population profile by race/ethnicity and State, 2019," accessed November 29, 2022, <https://www.ojjdp.gov/ojstatbb/population/qa01103.asp?qaDate=2019>.
- <sup>7</sup> Office of Juvenile Justice and Delinquency Prevention Statistical Briefing Book, "Youth (0–17) population profile by race/ethnicity and State, 2019."
- <sup>8</sup> "Juvenile justice services," Juvenile Justice Geography, Policy, Practice, & Statistics, accessed November 29, 2022, <http://www.jjgps.org/juvenile-justice-services>.
- <sup>9</sup> Michael Hartman, "Juvenile Probation State Law," National Conference of State Legislatures, November 18, 2020, <https://www.ncsl.org/research/civil-and-criminal-justice/juvenile-probation-state-law.aspx>.
- <sup>10</sup> The National Conference of State Legislatures has researched the purposes, intents, and goals of juvenile probation programs at the state level in more detail. See Michael Hartman, "Juvenile Probation Overview," National Conference of State Legislatures, November 16, 2020, <https://www.ncsl.org/research/civil-and-criminal-justice/juvenile-probation-administration-organization-overview.aspx>.
- <sup>11</sup> "Juvenile justice services," Juvenile Justice Geography, Policy, Practice, & Statistics.

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