

Breaking the Rules

Rethinking Condition Setting and Enforcement in Juvenile Probation



A Toolkit for Juvenile Probation Agencies and Juvenile Courts

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Background

Improving community safety and outcomes for youth in the juvenile justice system requires rethinking probation condition setting and enforcement. Many juvenile probation agencies and juvenile courts are oriented around monitoring youth's compliance with a long list of probation conditions. These conditions can set up youth for failure, push youth deeper into the system, and perpetuate system inequities rather than contribute to youth's success and community safety.

For example, in 2019, approximately 16 percent of youth who were detained and 12 percent who were committed to state custody nationwide were detained or committed due to a technical violation of supervision conditions.¹ And Black youth were five times more likely to be detained, and almost four times more likely to be committed to state custody, for a violation than White youth.

To support jurisdictions to rethink juvenile probation condition setting and enforcement, in 2021, The Council of State Governments (CSG) Justice Center hosted over 30 listening sessions with stakeholders across an array of disciplines and perspectives, such as law enforcement officials, racial equity advocacy organizations, conservative policy organizations, juvenile justice expert organizations, probation practitioners, researchers, and others, to solicit their views on opportunities for probation condition and enforcement improvement. We also conducted a 50-state policy scan to identify how states treat condition setting and sanctions in state statute and court rules. Finally, we facilitated focus groups with youth who have been on probation, and their family members, to learn directly from their experiences and seek their recommendations for improved practices (see Appendix for more detailed methodology and acknowledgments). Based on the listening sessions, policy scan, and focus groups, the CSG Justice Center has crafted this toolkit to support jurisdictions to assess their current approaches to probation condition setting and enforcement and identify and implement strategies for improvement.

About the Toolkit

Goals

The goal of this toolkit is to help state and local juvenile probation agencies, juvenile courts, and their system partners advance a more effective, equitable approach to juvenile probation condition setting and enforcement, including addressing the outsized role that probation conditions and technical violations play in driving new or extended probation cases and out-of-home placements.

Using this toolkit will position jurisdictions to do the following:

- Assess whether and how their current approach to juvenile probation condition setting and enforcement promotes improved community safety and youth outcomes.
- Revise their probation conditions, how conditions are set, and how conditions are enforced, including research-based, developmentally appropriate strategies for motivating and responding to youth's behavior in ways that advance effective behavior change, youth and system accountability, and equity.
- Create a set of policies and protocols that align probation and court practices; detail practice expectations for probation officers, service providers, and others; and that support the on-the-ground implementation of identified system improvements.

Toolkit Structure

Rather than a long list of recommendations, this toolkit is designed as a set of tools to spark reflection and discussion and detail a continuum of reform opportunities that jurisdictions can use to guide their efforts to improve community safety and youth outcomes.

The toolkit consists of two sections: **Reasons to Question, Questions to Ask** and **Solutions to Explore**.

- **Section 1: Reasons to Question, Questions to Ask** includes three modules centered on the themes of effectiveness, accountability, and equity. Each module contains a [video](#) and information that can help you assess whether your current approaches to probation conditions and enforcement effectively promote youth behavior change, youth and system accountability, and system equity. We recommend you start by listening to the voices of youth, families, and probation officers, and then use the accompanying information to individually, and collectively, assess your current policies and practices and begin to identify opportunities for improvement.
- **Section 2: Solutions to Explore** includes two modules focused on options for reforming probation condition setting and enforcement. These modules contain information that supports jurisdictions to identify and come to consensus on specific policy and practice improvements. Use the information to review a continuum of potential reform options and determine which strategies are best for your agency and system.

We suggest you engage with the materials in the following order:

- Section 1: Reasons to Question, Questions to Ask: Effectiveness, Accountability, Equity (be sure to watch the [videos](#) in addition to reviewing the information)
- Section 2: Solutions to Explore: Condition Setting and Enforcement

Using the Toolkit

To ensure the use of the toolkit results in meaningful policy and practice change, consider taking the following actions:

Step 1: Establish a working group to oversee the condition setting and enforcement reform effort.

- Include probation agency managers and frontline staff as working group members.
- Consider the critical role of judges in setting and enforcing conditions and how best to ensure their participation and buy-in for this effort.
- Develop formal mechanisms to include the perspectives of youth, family members, and community stakeholders in the reform process, including potential participation in the working group or through an advisory group.

Step 2: Use the Reasons to Question, Questions to Ask modules to assess your current approaches.

- As a group, listen to the voices of youth, families, and probation officers discussing their probation experiences and reflect together on takeaways and lessons learned.
- Review the key themes from the listening sessions detailed in each module—effectiveness, accountability, equity—and consider, individually and collectively, implications for your own agency/court’s policies and practices.
- Together, discuss the key questions within each module, including what works about your current approaches, what is not working, and what can be improved.
- Begin to identify a set of key guiding principles and priorities for specific policy, practice, and protocol improvements shared across stakeholders.

Step 3: Examine the Solutions to Explore to identify and come to consensus on strategies for reform.

- Use the continuum of strategies detailed in the two modules to guide your own brainstorming and discussion about which reform strategies make the most sense for your jurisdiction. Consider how best to commit to research-based, developmentally appropriate approaches while also considering feasibility and ensuring the buy-in of frontline staff and stakeholders.
- Use the checklist within each module to ensure that proposed solutions align with the goals of promoting effective youth behavior change, individual and system accountability, and equity.
- Consider the role of and obtain feedback from key stakeholders, including judges, probation officers, service providers, youth, family members, community leaders, and others.

Step 4: Identify concrete policy and practice reforms to your probation conditions and associated condition setting and enforcement strategies, both in the field and in the courtroom.

- Establish consensus on a set of recommendations for improving policy and practice in each area.
- Review the final set of recommendations for approval with key leaders and decision-makers.
- Consider how to promote successful implementation including policy/protocol revisions, staff buy-in and training, and adopting sufficient quality assurance and data collection mechanisms.

Step 5: Implement reforms and monitor progress.

- Develop an action plan to guide reforms with clear deliverables, timelines, and responsible parties, including how to engage frontline staff in the change process.
- Identify specific quality assurance strategies, performance measures, and data collection and reporting methods to track implementation successes and challenges and guide improvements.
- Consider maintaining the working group or establishing another formal structure to oversee the reform implementation process and make ongoing adjustments.

Section 1: Reasons to Question, Questions to Ask

Review and discuss the key themes and questions below to assess your agency/court/system's current approaches to juvenile probation condition setting and enforcement. Based on these deliberations, you should begin to identify strengths and opportunities for policy and practice improvement.

Effectiveness: Are Your Probation Conditions and Enforcement Strategies Effective Tools for Promoting Community Safety and Positive Youth Behavior Change?

Developmental Science

Reasons to Question

- Adolescents are impulsive, risk taking, and don't consider long-term consequences.²
- Adolescents are motivated by incentives, not rules, especially if consequences for breaking the rules are not timely (due to court or administrative processes), direct, or proportional.³
- Probation conditions, such as daily school attendance, are static and absolute; adolescents are inconsistent, and their behavior improvements are uneven.

Questions to Ask

1. How does your approach to condition setting account for adolescent development?
2. In your experience, when youth are struggling to follow the rules, what approaches have worked to help them understand how to meet these expectations? Does this include setting stricter and/or more rules?
3. Are your conditions constructed to promote youth's success or to set them up for failure?

Risk, Need, Responsivity (RNR)

Reasons to Question

- Effective recidivism reduction requires identifying and addressing the underlying causes of individual youth's behavior; conditions are typically standardized and generic.⁴
- Research has shown that supervision, by itself, has minimal, if any, impact on recidivism; increased monitoring typically reveals more misbehavior than it prevents or mitigates.⁵
- Spending time and resources on condition monitoring means that probation officers, judges, and service providers spend less time and fewer resources on addressing youth's risks and needs.

Questions to Ask

4. To what extent is your approach to condition setting and enforcement aligned with the principles of risk, need, and responsivity?
5. How much time do probation officers spend monitoring and reporting on condition compliance vs. identifying and helping address the underlying reasons for youth's delinquent behavior?

Procedural Justice and Youth/Family Partnership

Reasons to Question

- Adolescents are antiauthority by nature and less likely to buy into rules or processes if they don't believe they have been treated fairly.⁶
- Families are typically not involved in helping establish conditions because they are often treated by juvenile justice systems as part of the problem instead of part of the solution.

Questions to Ask

- 6.** Are youth and families (or other essential support networks like mentors) involved in establishing the terms and conditions of probation?
- 7.** How do the terms and conditions of probation support youth and families to achieve their goals and build on their strengths?
- 8.** Are families empowered and supported to take responsibility for youth's success on probation, or is this responsibility relegated to officers and judges? What would be the most effective long-term approach?

Practicalities

Reasons to Question

- Youth (and families) often don't understand probation conditions and related court orders that are written using legalese, vague terms, and academic language.
- Research has shown a negative relationship between the number of conditions and successful compliance—adolescents in particular struggle to keep track of a long list of requirements.⁷
- Probation appointments, drug testing, service appointments, court hearings, and other logistics associated with condition compliance can make compliance more difficult.

Questions to Ask

- 9.** Do youth on probation know their conditions? Do they understand them? Do their families?
- 10.** Are the requirements associated with monitoring and enforcing conditions designed for the convenience and comfort of the system or for youth and families?

Accountability: Do Your Probation Conditions and Enforcement Strategies Promote Meaningful Accountability for Youth, Families, and System Stakeholders?

Accountability for What

Reasons to Question

- The need to hold youth accountable is frequently cited as the reason for probation conditions, and for system involvement generally, but is rarely a well-defined, research-supported concept.
- Research shows that direct restorative justice activities, such as victim mediation, can reduce reoffending and improve victim satisfaction but are still used sparingly by most locales.⁸
- Restorative justice that is compulsory, as expressed through conditions, and disconnected from the specific harm caused, such as unrelated community service requirements, is less effective.⁹
- Traditional approaches to condition setting and enforcement don't hold youth accountable for, or address, the underlying causes of youth's behavior.

Questions to Ask

1. What should youth under system supervision be held accountable for and why? To what extent does your approach to probation conditions effectively promote this kind of accountability and align with what research shows works to keep communities safer and improve youth outcomes?
2. How, if at all, are victims and impacted communities involved in shaping probation conditions, responses, and restorative justice activities?
3. To what extent is restorative justice used in your system? Is it voluntary, individualized, and proportional to the specific harm caused by youth to victims and communities?

Accountability How

Reasons to Question

- Traditional approaches to condition setting and accountability can set up not only youth for failure, but probation officers and judges by making them feel compelled to enforce conditions even if they feel those conditions are not individualized or realistically achievable.
- In many locales, the largest single driver of new probation cases is technical violations filed for youth already on probation.¹⁰
- Nationwide, approximately 16 percent of youth who are detained and 12 percent who are incarcerated in state custody end up there due to technical violations of probation conditions.¹¹
- Probation officers sometimes feel like they need a “hammer” to hold over youth—and families—to get them to follow conditions, but research shows that incentives, family engagement, cognitive behavioral techniques, and youth development approaches are all more effective motivators.¹²

Questions to Ask

4. What tools do your court and probation officers use to promote accountability for behavior change?
To what extent are these tools based on research or surveillance and sanctions?
5. What proportion of youth in your system who are disposed to probation, detained, and incarcerated end up there due to violations of probation conditions or court orders?
6. To what extent do your current court and system responses to probation violations effectively address the underlying reasons for the violations?

Accountability When

Reason to Question

- Research shows that graduated responses are only effective at promoting accountability if administered in a timely, proportional, and fair way.¹³

Question to Ask

7. How much time does it take to administer incentives and graduated sanctions in response to youth's behavior, including probation and court responses?

Accountability Who

Reasons to Question

- Youth and families are rarely involved in shaping, guiding, and implementing the incentives and graduated responses used to hold them accountable and motivate behavior change.
- Traditional approaches to condition setting and holding youth accountable assume youth operate in a vacuum, when instead, their behavior is heavily shaped by external circumstances and actors such as their families, schools, service providers, resources, and community supports.
- Accountability is most effective when shared, but youth and families rarely have the opportunity to hold probation officers, judges, service providers, and others accountable for whether and how they effectively support them to achieve their own and system goals.

Questions to Ask

8. To what extent are youth and families involved in how probation conditions are enforced, and more generally, in shaping and implementing case plans, supervision, and services?
9. Does your current condition-setting and enforcement process help sustainably strengthen families' ability to hold youth accountable or supplant parental ownership and authority?
10. What opportunities exist or should be created for mutual accountability, such as through a shared supervision or service agreement among all case parties that details each entity's responsibilities and is reviewed through regular hearings and/or family-team meetings?

Equity: How Do Your Probation Condition and Enforcement Strategies Promote or Hinder System Equity?

Supervision Equity

Reasons to Question

- Standardized conditions are not standardized in practice if youth's ability to comply with those conditions is highly dependent on their external circumstances and resources, such as school quality and safety, transportation, access to services in their community, and family supports.
- Additionally, youth of color are often subject to a greater number of conditions, as well as more punitive and less "positive" conditions than their White peers, such as increased drug testing requirements and decreased access to restorative justice opportunities.¹⁴
- Research shows that noncompliance with stricter conditions, particularly drug testing and daily school attendance, most frequently lead to violations and out-of-home placement.¹⁵
- Youth of color are often viewed as less remorseful and more individually culpable—as opposed to acting because of external factors—than their White peers.¹⁶
- Research shows that how service providers, officers, and judges frame the reasons for youth's behavior in progress reports and review hearings has a significant influence on their decisions.¹⁷
- Black youth are three times more likely to be incarcerated in state custody for a technical violation than White youth.¹⁸

Questions to Ask

1. Do you have standardized probation conditions? If so, are all youth equally able to comply with these conditions given their homes, schools, communities, and resources and supports?
2. To what extent do your probation conditions differ in practice for youth at similar risk levels of varying races, ethnicities, genders, and orientations? Is this something you measure and track?
3. How, if at all, do you account for racial and other types of bias in the way probation conditions are monitored and enforced by probation officers and judges?
4. Do probation officers and judges receive required training in implicit and explicit bias, including how such bias might impact perceptions of youth's behavior and corresponding court actions?
5. How do you ensure that court reports and progress review hearings accurately reflect the full context of youth's behavior and ensure that youth and families participate and have a valued voice?
6. Are youth of color more likely to receive technical violations and placement than their White peers for similar behavior? How do you measure and monitor this potential concern?

Service Equity

Reasons to Question

- Compared to their White peers, youth of color may reside in communities with fewer services and prosocial activities, making it harder to comply with conditions and their case plan.¹⁹
- Youth of color may also face more practical barriers to service access such as a lack of transportation, private insurance, and safety concerns (e.g., gang boundaries).²⁰
- Research shows that youth of color are less likely to be referred for treatment-oriented or strength-based services than their White peers.²¹
- Many evidence-based programs are not well tested for youth of color; likewise, few systems train providers on cultural competence or institute requirements or supports for providers to align the demographics of their workforce with that of their clients.

Questions to Ask

- 7.** To what extent is compliance with your probation conditions, and the goals of probation more generally, dependent upon youth's access to appropriate and high-quality services?
- 8.** What access barriers exist to services for youth of color, how are these barriers factored into youth's condition compliance, and how are providers and officers held accountable accordingly?
- 9.** Compared to their White peers with a similar risk of reoffending, are youth of color referred to services at the same rate? The same type of services? Do they have similar outcomes?
- 10.** To what extent are you partnering with communities and leaders of color to expand and align local service systems to effectively address the needs of youth of color on probation?

Section 2: Solutions to Explore: A Continuum of Potential Reform Strategies

This section can help identify and build consensus on condition setting and enforcement policy and practice improvements. To do so, review a continuum of potential reform options and determine which strategies are best for your agency, court, and system.

Conditions: What Would a More Effective, Accountable, Equitable Approach to Juvenile Probation Condition Setting Entail?

Jurisdictions can consider a continuum of strategies for deciding what their probation conditions entail, from traditional to more research-based, developmentally appropriate approaches. Review and discuss the list of (not mutually exclusive) options below and consider what approach might best help you meet your community safety and youth outcome goals.

Condition Approaches

Standardized conditions applied to all youth in the same manner

- Long list of standardized conditions
- Reduced number of standardized conditions
- Limited number of developmentally appropriate standardized conditions

Individualized conditions tailored to each youth

- Based on risks, needs, strengths, and circumstances
- Based on developmentally appropriate expectations

Positive growth- and goal-oriented conditions

- Based on achieving progress instead of absolutes
- Includes positive goals rather than only rules

Contract or agreement that outlines mutual responsibilities

- Replaces conditions with a case plan
- Details responsibilities of all parties including youth, family, probation officers, service providers, victims or the community, and the court

No conditions (other than legal prohibitions)

- Relies on motivational and relationship building abilities of probation officers and service providers

To illustrate the continuum, example conditions related to **mandatory school attendance** are outlined below, a common condition for youth on probation.

Continuum in Practice: Condition Approaches

Standardized conditions applied to all youth in the same manner

- You shall attend school daily and follow all school rules.

Individualized conditions tailored to each youth

- You shall develop a plan with your probation officer, and other identified supports, to engage in prosocial activities at school to help you expand your peer and support network.

Positive growth- and goal-oriented conditions

- I will measurably increase my school attendance each month and engage in a structured prosocial activity once a month.

Contract or agreement that outlines mutual responsibilities

- I will increase my school attendance each month and engage in a structured prosocial activity once a month. My probation officer will provide transportation resources three days a week, and my mentor will identify three accessible, prosocial activities for me to choose from every month.

No conditions

- Probation, youth, family, court, and service providers and/or community organizations work together to support youth's improved school attendance.

A Conditions Checklist: Effectiveness, Accountability, Equity

Regardless of the number and type of probation conditions you use, consider ways to ensure that your conditions are best structured to **effectively promote positive youth behavior change**. Your conditions should do the following:

- ✓ Focus on the presenting problem and risk to community safety.
- ✓ Use language and concepts that are understandable and motivating to youth.
- ✓ Be developmentally appropriate, feasible, and realistically achievable.
- ✓ Be dynamic and based on and responsive to youth's risks, needs, and changing circumstances.
- ✓ Exclude extraneous, unmeasurable, or unenforceable rules to ensure that youth and officers are not set up for failure.
- ✓ Promote, rather than undermine, relationship building with a probation officer.
- ✓ Promote officers' engaging in research-based rather than purely surveillance-based activities such as skill building and connections to services.

Regardless of the number and type of probation conditions you use, consider ways to ensure your conditions are best structured to **hold youth accountable in specific, meaningful ways**. Your conditions should do the following:

- ✓ Hold youth accountable for and support them in addressing the underlying causes of their behavior and related improvements, not arbitrary norms or standards of good behavior.
- ✓ Detail expectations only if matched with specific opportunities and supports for related skill building and practice.
- ✓ Develop restorative conditions that are directly connected to, and provide the opportunity for, youth to repair the specific harm caused to victims and communities, such as victim mediation.
- ✓ Account for, if not expressly include, specific expectations of system, court, and service provider stakeholders.

Regardless of the number and type of probation conditions you use, consider ways to ensure your conditions **don't exacerbate system inequities**, and ideally, position all youth for success, including:

- ✓ Tailor conditions to a youth and family's strengths, circumstances, and opportunities and obstacles to achieving them.
- ✓ Make sure conditions eliminate practical barriers, such as requiring an appointment during school and work hours.
- ✓ Conditions should reflect and include community and cultural norms.
- ✓ Conditions should account for the availability and quality of differing communities' service and support systems.

It's critical for jurisdictions to consider not just the number and type of probation conditions, but who is involved and best positioned to set these conditions and how they are determined. Consider the options below and what approach to condition setting will best help you achieve your reform goals.

Condition Setting Approaches

- **Conditions are automatically determined.**
 - **Judge sets the conditions.**
 - **Probation officers set the conditions.**
 - **Probation officers set the conditions with input from stakeholders.**
 - **Probation officers and judges mutually determine probation conditions and related supports.**
- **Conditions are determined initially and updated on an ongoing basis through a collaborative team, including youth, families, officers, the court, and other stakeholders.**

Enforcement: What Would a More Effective, Accountable, Equitable Approach to Juvenile Probation Condition Enforcement Entail?

Below is a continuum of strategies for enforcing conditions and responding to youth when they don't fully comply with your conditions. Options range from traditional approaches to research-based, developmentally appropriate strategies and are not mutually exclusive.

Enforcement Approaches

Punitive responses

- Stricter conditions, extending probation, or detention/incarceration

Surveillance responses

- Increased monitoring and reporting such as more frequent case contacts and court reviews

Standardized graduated responses

- Continuum of incentives and sanctions applied to all youth in the same manner

Individualized graduated responses

- Developed in collaboration with youth and their families
- Based on youth's risk to community safety; frequency, nature, and root causes of their behavior; and their circumstances

Developmentally appropriate responses and intervention plans

- Reviewed and updated the case plan based on current challenges and successes
- More intensive services, coaching or mentoring, and skill-building opportunities

Incentive-based responses

- Incentives and rewards for condition compliance, progress improvements, and goal attainment

To illustrate the continuum, example **responses related to absconding** are outlined below, a common issue for youth on probation.

Continuum in Practice: Enforcement Approaches

Punitive responses

- Youth has earlier curfew and community service.

Surveillance responses

- Institute increased reporting.

Standardized graduated responses

- Institute increased reporting and earlier curfew; if youth reports consistently thereafter, movie tickets are provided.

Individualized graduated responses and incentives

- Host a team discussion with youth and family members to discuss why the youth doesn't feel comfortable staying home.
- Outline consequences for absconding and identify a short-term goal and incentive to promote communication and alternative behaviors.

Developmentally appropriate responses and intervention plan

- Host follow-up conversation with youth and family to reflect on progress and discuss why the youth doesn't feel comfortable staying at home.
- Develop a safety and service plan to address the reasons why a youth absconds and how to ensure the youth is safe if they do leave home.
- Youth, family members, and probation officers set new clear goals for communicating during stressful times, including creating a "stress pass" so youth can stay at a family member's or friend's home.

Incentive-based responses

- Establish a set of realistic milestones for youth related to their absconding behavior and provide ongoing incentives—including family time and prosocial/recreational activities—as they achieve these goals.

An Enforcement Checklist: Effectiveness, Accountability, Equity

Below are key criteria to ensure that your revised enforcement strategies are rooted in what research shows is **effective to promote positive youth behavior change**:

- ✓ Expectations and enforcement mechanisms are readily understandable, communicated clearly, and expressly acknowledged by youth and families.
- ✓ Responses are meaningful, motivating, proportional, and timely.
- ✓ Responses are developed and administered collaboratively with youth and families.
- ✓ Enforcement strategies identify and address the root causes of behavior and match youth with related services and supports.

- ✓ Enforcement strategies rely heavily on incentives and ongoing positive reinforcement.
- ✓ Enforcement strategies position officers to engage in relationship building, problem solving, skill building, and service connections.
- ✓ Enforcement strategies position families to strengthen their own ability to promote positive youth behavior change.
- ✓ Enforcement strategies are nested within agency and systemwide commitment and training on risk, need, responsiveness, and developmentally appropriate approaches.
- ✓ System performance and probation officer performance reviews include examining a wider set of youth behaviors and outcomes, including increased prosocial engagement and risk reduction.

Below are key criteria to ensure that your revised enforcement strategies are **rooted in accountability** both for youth and to help support families and other caring adults in youth's lives to hold them accountable. Your enforcement strategies should do the following:

- ✓ Support youth to understand the impact of their behavior through restorative justice and therapeutic approaches.
- ✓ Support youth to understand and address the underlying causes of their behavior to mitigate future occurrences.
- ✓ Limit the use of surveillance and punitive sanctions with youth, particularly detention and incarceration, to instances when community safety is at risk.
- ✓ Limit the use of surveillance and punitive sanctions with families; focus on family engagement, partnership, barrier reduction, and supports.
- ✓ Foster community-based accountability partners such as credible messengers, mentors, caring adults, and positive peers.
- ✓ Incorporate accountability processes for all case partners to help youth improve their behavior.
- ✓ Track the use of incentives, sanctions, violations, and the consequences; use data for performance improvement and accountability purposes.
- ✓ Fit within agency and systemwide commitment and training on youth and family engagement, motivational interviewing, and restorative justice.

Below are key criteria to ensure that your revised enforcement strategies are **rooted in equity** to advance positive outcomes for all youth, including strategies that do the following:

- ✓ Recognize and account for youth's circumstances, culture, and community.
- ✓ Eliminate sanctions for actions or decisions resulting from things outside of youth's direct control.
- ✓ Recognize and reduce practical barriers to behavior change such as transportation limitations, work or home obligations, and safety concerns.
- ✓ Measure, through qualitative and data methods, whether conditions and responses are applied in an equitable manner.
- ✓ Ensure progress reports and court hearings describe the nature and reasons for youth's behavior in an objective manner and account for external circumstances and resources.
- ✓ Fit within agency and systemwide commitment and training on system equity, implicit and explicit bias, and cultural competency.

When working to implement a revised set of enforcement strategies, consider how your enforcement strategies are implemented and **who is involved in the process**. Below is a continuum of options.

Court requires automatic filing of a technical violation or take into custody order/warrant.

Probation policies require automatic filing of a violation and/or court hearing.

Judges or officers determine responses at their own discretion.

Judges and officers determine responses guided by agreed upon principles, policies, and tools, such as graduated response matrices, and supervisory oversight.

Responses are determined outside of court whenever community safety is not at imminent risk and collaboratively with youth, family members, service providers, community supports, and others.

Case challenges result in a broader family-team meeting to review the case plan, youth's progress and challenges, and needed adjustments and related responses and supports.

Appendix: Toolkit Methodology and Acknowledgments

To inform the creation of this toolkit, in 2021–2022, staff from the CSG Justice Center reviewed existing research on juvenile probation condition setting and enforcement and hosted listening sessions across a range of organizations, politics, and perspectives on juvenile probation condition setting, enforcement, and strengths and challenges more broadly. We also hosted listening sessions with youth and families from multiple jurisdictions. These listening sessions were facilitated using a semi-structured interview protocol.

We synthesized the results from this research and the listening sessions to identify key themes related to strengths, challenges, and gaps with jurisdictions’ and the field’s current thinking and approach to condition setting and enforcement. Our goal was to balance the diverse feedback that we received and identify key opportunities for reform, rather than fully represent all viewpoints and sometimes opposing viewpoints. As a result of this effort, the toolkit is centered on three themes—effectiveness, accountability, and equity—to support local jurisdictions in exploring how to best design probation conditions and responses to technical violations that are effective in facilitating behavior change, promoting accountability, and ensuring equity among the wide range of youth experiencing probation.

We appreciate the time and feedback of the organizations and individuals that participated in the listening sessions. In total, 32 listening sessions were hosted with the following participants:

- Probation practitioners from Pierce County, WA; Lucas County, OH; Stark County, OH; Multnomah County, OR; New York City; and New Hampshire
- Representatives from juvenile justice expert organizations including Annie E. Casey Foundation, Center for Children’s Law and Policy, Robert F. Kennedy National Resource Center for Juvenile Justice, Center for Juvenile Justice Reform, Sentencing Project, National Council of Juvenile and Family Court Judges, Gault Center (formerly National Juvenile Defender Center), and National Center for Youth Law
- Representatives from equity-focused organizations including Children’s Defense Fund, National Urban League, Burns Institute, and Center for Law and Social Policy
- Representatives from justice organizations including National Sheriffs’ Association, R Street Institute, The National Center for Victims of Crime, and National District Attorneys Association
- Researchers focused on juvenile justice including Jeffrey Butts, Elizabeth Cauffman, Naomi Goldstein, Mark Lipsey, Ed Mulvey, Mindy Schweitzer Smith, and Gina Vincent
- Youth and families from multiple jurisdictions that have experienced probation, including a Spanish-speaking session

Endnotes

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