



A Proactive Approach to Self-Assessment in the Juvenile Justice System

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Historically, the juvenile justice system has not been held accountable for much. Traditionally, most courts have taken a narrow view of their accountability for individual or cumulative outcomes for youth entering the system. If it can be said that we measure what we value, court systems have primarily measured throughputs—how many cases were filed, how fast those cases are disposed of, and what type of offenses were involved. Until recently, most courts have paid little attention to how general practices and individual decisions affecting case management might cumulatively impact public safety for better or worse and little data has been systematically collected or analyzed by individual courts toward that end. However, juvenile courts are becoming increasingly conscious of how their policies, processes and practices can improve outcomes for the young people with whom they come into contact. That awareness also encompasses an understanding that the court does not operate in a vacuum. Efforts to reform the juvenile justice system must involve many participants and the court is uniquely positioned to lead the charge.

Accountability Across the System

As the volume of best practice research has grown, courts are becoming more willing to engage in the development of policies and practices demonstrated to improve rates of recidivism and other measures of positive youth outcomes. That willingness is complicated by an essential truth regarding the juvenile justice system: it is not a single system but rather the intersection of independent agencies and individuals who have important but discrete roles. In its most insular definition, the “system” includes judges, law enforcement, prosecutors, defense attorneys and probation officers. However, when expanded to include all partners who influence a youth’s success, the definition of system expands to include schools, substance abuse treatment providers, mental health professionals, child protective services, community based youth programs, local government leaders, and certainly children and their families. This comprehensive definition of the “system” creates challenges for accountability and opportunities for collaboration that can support exponential improvements in a youth’s life.

How Do We Measure Effectiveness?

Measuring the effectiveness of the juvenile justice system has been a longstanding challenge. No standard definitions of success exist and each jurisdiction and/or state must develop their own set of performance measures in order to gauge the efficacy of their policies, procedures and practices. However, these performance measures only provide limited information. As the author of *Measuring What Really Matters in Juvenile Justice* notes:

These invaluable (data) reports identify important changes in youth crime and processing trends, but are not designed to provide information on outcomes relevant to court dispositions and the effectiveness of probation and other interventions, especially at the local level. There is, therefore, little information on the performance of state and local probation agencies, or for that matter, even less on the performance of other system components (e.g., diversion), that could assess aggregate impacts across multiple dimensions on an ongoing basis. (Bazemore, 2006, Pg.2)

The underlying question always remains, “How do we know whether the practices in our delinquency system are supporting positive outcomes for youth or creating negative ones?” Ideally, each stakeholder in the juvenile justice system would commit to ongoing assessments of their own policies and practices embracing not only a commitment to quality assurance but continuous quality improvement as well. Together, the system partners should be asking on a regular basis, “Are we keeping up with the research on what works best? Are we maintaining the quality of our current programs and practices?” A jurisdiction that commits to this type of regular inquiry will stand apart as one that values accountability in both theory and action. This in turn will foster support, trust, and ideally investment from the community, youth, parents, staff and the multitude of system stakeholders who share the responsibility of creating safe, supportive and responsive environments in which youth can thrive.

Undertaking such an inquiry requires the leadership of a champion for change as much as it requires the collaborative support of multiple stakeholders. System self-assessments don’t just happen. Every effort to improve and reform a practice, process or protocol had its start because one person was brave enough to begin this conversation and not let it die.

Judges as Champions of Change

Meaningful leadership in juvenile justice reform can come from any individual or group who has regular involvement in the juvenile delinquency process. However, the court is uniquely situated to provide such leadership. The juvenile court sits at the middle of the intersection

We just need to get out in front of these problems. We didn't create this system, and we have no obligation to defend it... However, we are obligated to try to improve it.

- Judge William Byars,
Director of the Department
of Juvenile Justice for the
state of South Carolina (ret.)
(Bazemore, 2006, Pg.6)

through which all involved individuals and organizations ultimately pass. Judges see the interrelationships of the various parts of the system and see the impact of those interrelationships on the juveniles who come before them.

While judges have no direct authority to dictate policy or practices outside of the court's control, they do, by virtue of their position, possess certain assets which are essential to any reform effort involving so many moving parts. First, people respond to their invitations. Judges make great conveners. Refusal is a rare event when a judge asks someone to show up to a meeting. Second, people have a tendency to respond positively to concerns expressed by the court. Judicial observations and suggestions seem to be taken more seriously by virtue of the position. Judges can also require complete, accurate and timely information be provided to assist the court in its decision making. This can include the demand that data is used to inform decisions affecting individuals and to measure how the system as a whole and its individual parts are doing in the aggregate.

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Leadership without authority requires a different skill set than those situations where one can simply order something and expect it to be done. Judges become quite good at the latter but may need help developing the somewhat softer skills required to lead those who are not required to follow, such as in the case of developing a culture of accountability and self-assessment within the juvenile justice system as a whole. Any lasting and significant change in a multi-faceted system will occur by way of choice and not a mandate. Invitations to participate should emphasize a process which calls on individuals to collaborate to create a system which has the

potential for demonstrably improving outcomes for children while addressing other legitimate concerns about public safety and accountability. Additionally, the process needs to be genuinely collaborative. Any meaningful systemic change will be dependent on the strength of relationships developed in the collaborative process rather than the relative strength of the collaborators.

A judge can be instrumental in bringing the parties to the table to begin what can be a series of difficult conversations that need to be managed so as to not alienate any of the critical partners. Because the judge is also an integral part of the system and is frequently an advocate for system improvement, the judge needs to be a full participant in those conversations and should probably avoid attempting to facilitate them. There is a tension between being both an advocate and a facilitator in a collaborative effort. Such a process suggests the need for facilitators who are knowledgeable about juvenile justice issues but are unaffiliated with any of the local partners.

Probation System Review: A Collaborative Approach to Self-Assessment

One method of collaborative self-assessment that can be promoted and advocated by the court is a Probation System Review as described in the *Probation Review Guidebook* (Wiig and Tuell, 2011). As the authors of “Focus on Accountability: Best Practices for Juvenile Court and Probation” point out:

“Juvenile probation has the power to affect decision making and service delivery at every stage of juvenile justice processing and thereby holds the potential to ensure that accountability is stressed at all points from initial entry through final discharge.”
(Kurlychek et al. 2008)

Reviewing the Probation Department and the system in which it operates allows a guided focus of the vehicle that carries the most youth through the juvenile justice system. The road upon which that vehicle travels must also be taken into consideration as the vehicle is only as effective as the quality of the track upon which it travels. By identifying, or mapping, every key decision point along the juvenile delinquency process one can determine (1) who makes the pertinent decisions regarding a youth, (2) on what criteria and information the decisions are based, and (3) what actions or products result from these decisions. With this information, areas for improvement along the continuum of a youth’s journey within the system become evident, both within and alongside the Probation Department.

The Probation System Review process, pioneered by the Robert F. Kennedy National Resource Center for Juvenile Justice, led by the Robert F. Kennedy Children’s Action Corps, was developed over ten years as the result of assisting proactive jurisdictions in their desire to align their practices with what research shows works to improve recidivism and other youth outcomes. The review is accomplished using a structured framework within which all the key areas of probation system functioning are assessed. They include:

- Element A: ADMINISTRATION
- Element B: PROBATION SUPERVISION
- Element C: INTER and INTRA-AGENCY WORK PROCESSES
- Element D: QUALITY ASSURANCE

Employing a systemic and collaborative approach, the Probation System Review requires the participation of multiple parties including the juvenile court judge, prosecutor, defense counsel, youth corrections, probation officers, and operational specialty courts, to name a few. These partners convene as the review leadership group and exercise the authority to identify common goals and outcomes for the Probation Department and court as a whole. The leadership group seeks to align practices across the system to support these goals, use data to inform program and resource decisions, and replace ineffective and inefficient inter-agency work processes.

By engaging in a reflective review process, Jefferson Parish, LA identified 70 recommendations for improvement within their probation system. Among their priority areas for reform were an increased focus on data collection and analysis, the identification of youth and system goals, connecting probation officer activities to the achievement of these goals, and improving their screening and assessment process. Jefferson Parish Juvenile Services has documented a five year history of remarkable youth outcomes subsequent to the implementation of these recommendations. A review conducted in the Territory of Guam prompted the Attorney General's Office to implement a risk screening tool to assist in their goal of reducing their 700 annual juvenile petitions by 50%. And in Idaho, a judge recently instigated a bi-county assessment whose results will be used to inform a comprehensive statewide review of local probation systems.

Conclusion

In an age where trust in the system continues to dwindle and citizens cry out for honesty and accountability from their civil institutions, the court has an opportunity and an obligation to thoughtfully consider methods for assessing the efficacy of their system. The days of producing output data alone are coming to an end. Each jurisdiction will be presented with three eventual options: 1) continue with business as usual and hope youth are being served effectively, 2) be spontaneously called upon to give an account of their policies and practices when a negative spotlight is turned their way, or 3) pro-actively assess themselves to ensure they are doing everything possible to mete out justice, do no harm and ideally improve the lives of the youth with whom they come into contact. For a system that is responsible for acting upon the community's best interest, it is hoped that the latter choice becomes the trend of state and local courts across the nation.

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