CENTER FOR Children's Law and Policy

Developing a System of Graduated Responses for Youth Supervised by the Juvenile Justice System

Effective juvenile justice systems encourage youth to develop the skills they need for successful transitions to adulthood while also holding them accountable for inappropriate behavior. Research suggests that the best way of promoting compliance with rules and making progress toward goals is to employ a system of graduated sanctions and incentives (together termed "graduated responses") to respond to youth behavior.

Juvenile probation agencies around the country have used graduated responses to increase consistency in decisionmaking and reduce incarceration and out-of home placements. This guide summarizes the research and key principles behind the use of graduated responses. It also outlines how one agency, the Department of Youth Rehabilitation Services in Washington, DC, partnered with the Public Welfare Foundation and the Center for Children's Law and Policy to develop a model system of graduated responses for committed youth in community-based placements.

Why use graduated sanctions and incentives?

A system of graduated responses gives juvenile justice officials a wide array of tools to guide the behavior of youth. The strategy involves developing a range of responses to both youth compliance and noncompliance with terms of their supervision. Sanctions take into account the seriousness of a specific violation and the youth's risk level. The strategy also emphasizes the importance of rewarding youth for meeting goals as a way of helping them develop the skills necessary to stay out of trouble in the future.

Research from adult probation and parole, drug courts, and human behavioral studies suggests that using graduated sanctions and incentives together best promotes compliance with rules and progress toward goals.[1] The National Institute of Corrections notes that "[m]any jurisdictions found that it is as—and possibly more—important to reward positive behavior as it is to respond to unwelcome behavior. This approach is affirmed in the 'what works' literature."[2] Additionally, many schools have turned to the use of positive behavioral interventions and supports (PBIS), recognizing the importance of promoting and recognizing positive behaviors as a way of managing student conduct.

These studies also illustrate that in order to be most effective, sanctions and incentives must be:

- **Certain**. If youth know that a negative consequence will automatically follow a particular behavior, they will be less likely to engage in that behavior than if they have a chance of not receiving the consequence. Similarly, if youth know that they will receive a reward for engaging in particular actions, they are more likely to pursue positive behaviors.

- **Immediate**. Youth must see the relationship between a sanction or incentive and their behavior in order for that sanction or incentive to have its intended impact. Sanctions and incentives administered long after a behavior occurs lose their effect.

- **Of the appropriate intensity**. Administering sanctions that do not correspond with the severity of the violation can lead to feelings of anger and resentment. Disproportionately harsh sanctions for minor misconduct can undermine other attempts at behavior change by leading youth to feel helpless to control their future.

- **Fair**. For sanctions to be most effective, youth must understand the sanctions and incentives that will follow from particular behaviors. Additionally, juvenile justice officials must apply similar sanctions for similarly situated youth. Perceived unfairness undercuts the value of the graduated response system in eliciting behavior change.

- **Tailored to individual youth**. Certain sanctions or incentives will be more effective for individual youth depending on their individual circumstances. The goal of graduated responses is not to eliminate discretion in decisionmaking, but rather to give juvenile justice professionals a broad range of tools - within ranges that ensure proportionality - in order to motivate youth to succeed.

Juvenile justice agencies around the country have used graduated sanctions and incentives to reduce incarceration and out-of-home placements and promote youth compliance with probation conditions. In many jurisdictions, the most common violations include truancy, missed curfew, drug use, and failure to attend scheduled appointments. These violations, on their own, may not present major public safety concerns, as most youth are on probation for misdemeanors or other low level offenses. Nevertheless, officials in many jurisdictions have traditionally responded by incarcerating youth or placing them away from their families and communities. Use of graduated responses provides an alternative to aid jurisdictions that wish to save incarceration and other out of home placements for youth who pose significant risks to public safety.

What are the steps involved in creating a system of graduated sanctions and incentives?

Effective systems of graduated sanctions and incentives build upon resources available in local jurisdictions to hold youth accountable and promote positive behaviors. They also reflect shared beliefs about appropriate responses to the actions of youth supervised by the juvenile justice system.

Beginning in the fall of 2011, the District of Columbia's Department of Youth Rehabilitation Services (DYRS) embarked on the process of crafting a system of graduated responses for youth under the agency's supervision. DYRS is responsible for supervising and serving youth who are committed following a delinquency adjudication, whether youth are placed at home or in an out-of-home setting. With support from the Public Welfare Foundation, DYRS enlisted the Center for Children's Law and Policy (CCLP) to help develop a range of sanctions and incentives for youth committed to the agency's custody who are living at home or in other community-based placements. These eight steps can help guide agencies interested in developing their own systems of graduated responses.

(1) Interview a broad range of juvenile justice officials to understand issues related to the supervision of youth in the community.

DYRS administrators recognized the importance of obtaining the perspectives of a broad range of stakeholders before attempting to craft a graduated responses system. CCLP staff met individually or in small groups with key agency administrators, case managers and supervisors, agency officials responsible for making decisions about youth's ability to remain in the community, prosecutors, public defenders, and coordinators of community-based services. Family members, youth, and service providers may also offer important insights.

These interviews served four important functions. First, they presented an opportunity to gather relevant data on youth under community supervision that would help frame the discussions of the graduated responses system. This included information on revocations of youth's community status by age, race and ethnicity, gender, placement, and the reason(s) for the revocation. Second, they helped identify current strengths and challenges of supervision. For example, coordinators of community-based services and public defenders stressed the need to communicate expectations to youth and family members clearly at the beginning of a youth's involvement with the agency. Third, the interviews pinpointed considerations relevant to creating and implementing the reforms. For example, case managers wanted a system that minimized the number of steps and amount of paperwork required to obtain incentives for good behavior, as some had encountered difficulties consistently accessing those resources in the past. Fourth, the interviews provided an opportunity to educate individuals about the research behind and the reasons for developing graduated sanctions and incentives. This improved the chance that stakeholders would support the reforms rather than resist them.

(2) Form a committee to develop a draft system of graduated responses.

DYRS staff, with the help of CCLP, convened a group to develop a proposed system of graduated sanctions and incentives. The committee of approximately 15 individuals included case managers, case manager supervisors, administrators, individuals responsible for making decisions about a youth's ability to remain in a community-based placement (e.g., hearing officers), officials responsible for coordinating community-based services for youth, and others. Other potential committee members include prosecutors, public defenders, service providers, youth, and family members.

The committee structure offered many benefits. First, it helped integrate a range of different practices from across the agency. For example, before the committee formed, one set of rules governed responses for violations associated with electronic monitoring, while another set of rules governed responses for other kinds of problematic behavior. The collaboration presented an opportunity to streamline those responses in a unified model for guiding youth behavior. Second, committee members held a range of different opinions on how and when to sanction and reward particular behaviors, and a variety of perspectives about how youth, families and case managers might receive and implement these practice changes. Group discussions helped flesh out important issues and ensured that individuals agreed upon the goals of the reform. Third, the process ensured that the policies and procedures were a product of representatives of the DYRS staff – something particularly important when ensuring buy-in from others in the agency. Finally, tasking the committee with the development of the system created accountability for the work and kept the reforms moving forward.

(3) Develop a list of negative behaviors and categorize them as low-, medium-, or high-severity.

The committee began its work by outlining concerning behaviors that youth may exhibit while under DYRS supervision. These ranged from poor performance at school to missed curfews to the commission of new offenses. Committee members categorized behaviors according to severity depending on the danger that the behavior presented to the youth and to public safety. For example, not complying with rules at home represented a low-severity behavior, whereas possessing a firearm represented a high-severity behavior. In some cases, committee members categorized certain behaviors based on their frequency over a given period of time. For example, missing curfew once in a week but not staying out overnight was a low-severity behavior, missing curfew more than once a week but not staying out overnight was a medium-severity behavior, and missing curfew by staying out overnight was a high-severity behavior.

(4) Identify possible sanctions and match to particular behaviors for low-, medium-, and high-risk youth.

Next, the committee identified ways of holding youth accountable for negative behaviors. Committee members began by listing sanctions that were available at the time, such as

increased face-to-face contacts with case managers, and discussing which sanctions were effective and which sanctions were not. Officials also outlined sanctions that the agency would like to have but had not yet developed. These included assigning youth community service hours or requiring youth to attend a day or evening reporting center. After developing a range of possible sanctions, the committee members decided which sanctions would be appropriate for low-, medium-, and high-severity behaviors, depending on whether those behaviors were committed by youth who were categorized as low-, medium-, or high-risk. The end result was a matrix of many possible responses that case managers could employ, depending on the circumstances surrounding a particular violation.

Several considerations are particularly important when developing a matrix of potential sanctions. First, research suggests that increasing the severity of sanctions for the same type of behavior does not add any additional deterrent effect, so long as officials apply sanctions in a swift and certain manner each time. For example, increasing sanctions for a second curfew violation from 5 hours of community service to 20 hours may be no more effective than applying another 5-hour sanction. Second, certain types of sanctions may be appropriate responses for multiple categories of behavior. This means that individual sanctions may appear in more than one location on the matrix. Finally, the impact and severity of a sanction may vary among youth. For example, -imposing an after-school curfew for a youth for two weeks may have much more significant negative consequences for a youth on the basketball team (who might lose the spot for the season) than for a youth who has not been engaging in prosocial after-school activities. Thus, it is important to present juvenile justice professionals with a range of possible sanctions that they can apply after determining which response would be most effective and proportionate to the infraction.

(5) Create a list of behaviors and skills to promote among youth under supervision.

Officials expect youth in the juvenile justice system to follow the terms of their supervision and avoid committing new offenses. However, juvenile justice professionals can also encourage youth to develop positive skills and community connections that will help them stay out of trouble and succeed after their supervision ends. The committee thought broadly about the kinds of behaviors that case managers should promote in a range of domains associated with positive youth development including education, family relationships, peer relationships, workforce development, community engagement, health and mental health, self-expression, and compliance with the basic terms of supervision.

Committee members then divided behaviors into short-term and long-term goals to allow case managers to provide timely incentives for accomplishment of smaller goals and also acknowledge a youth's progress toward bigger accomplishments. For example, a case manager could reward youth for meeting with a guidance counselor or consistently attending school for a set period of time, which are important behaviors, and also provide a more significant reward for obtaining a high school diploma or GED. By creating an extensive menu of possible behaviors, the committee gave case managers the flexibility to identify the most relevant goals

for their individual clients, and also to think about using incremental rewards to keep youth motivated as they work toward longer-term goals.

Individuals should consider how graduated responses will be incorporated into the case planning process. When developing a graduated responses system, officials may want to take the opportunity to modify case plans or other materials to better align with a focus on positive behaviors. At a minimum, officials should consider how the case plan will incorporate and structure the use of graduated incentives. In addition, officials may wish to consider developing a matrix of positive behaviors and rewards before developing a sanctions matrix in order to emphasize the importance of a strength-based approach to supervision and service delivery.

(6) Identify a list of incentives to reward youth for meeting particular goals.

Initial interviews and conversations among committee members revealed that some case managers were already using incentives such as extended curfews and verbal praise on an ad hoc basis. The committee focused on developing a more extensive list of low- and no-cost incentives that case managers could link to particular short- and long-term goals. Throughout this process, the committee had to answer important questions, including whether the agency would provide financial incentives such as gift cards, and whether specific incentives would require a parent's approval. At the end of this process, committee members had developed a long list of possible incentives, including apparel from local colleges and universities, meals for a youth and his or her family, and recognition at an annual awards ceremony. The agency determined which incentives it could make available right away and which would be the subject of future budgeting, then provided a list of currently available options to case managers before fully rolling out the graduated responses system.

When thinking through possible incentives, it can be helpful to speak with youth, family members, and service providers about what they think would be the best motivators for positive behaviors. Local youth programs may already operate rewards systems and have valuable insights about the most effective incentives.

(7) Create a practice manual and training curriculum.

After the committee proposed and secured approval for its system of graduated responses, CCLP helped the agency develop a case manager manual that outlined the philosophy and research behind the use of graduated responses, the protocols for determining the appropriate response to a given behavior, and the most effective ways to administer sanctions and incentives.

DYRS administrators also trained all case managers and supervisors on the agency's new graduated responses policy before it went into effect. The training reinforced the message that the graduated responses system was not designed to eliminate case managers' discretion.

Rather, it provided case managers with more tools in their toolboxes to hold youth accountable and promote positive behaviors.

When developing practice and training materials, officials should clearly outline how juvenile justice professionals should communicate expectations to youth and family members. A graduated responses system cannot achieve its intended result unless parents, youth and probation officers/case managers have the same understanding as to the behaviors that will earn a youth incentives and sanctions. Additionally, when training staff, administrators should consider having line staff who participated in the development of the graduated responses system participate in the training. Doing so can help reinforce the collaborative nature of the system's development and increase buy-in from other staff.

(8) Gather data and evaluate implementation.

DYRS administrators wanted to track the impact of the new graduated responses policy on a range of youth outcomes, such as the likelihood of reoffending. They also wanted to gather data to determine whether case managers were administering sanctions and incentives consistently and in a timely manner. Thus, the agency modified its electronic case management system to capture the administration of sanctions and incentives and the behavior that warranted the response. DYRS officials are currently gathering information that will help guide any additional policy or practice changes.

Before implementing a system of graduated responses, officials should consider what they are hoping to change by implementing the system and how those changes can be measured. Then they should consider how existing data systems can be modified to track the data necessary to evaluate implementation. Officials may also want to consider making use of the graduated responses system a component of regular employee evaluations to promote and ensure its use. Finally, soliciting feedback on the system from youth, family members, and other professionals after initial implementation can help in making any necessary refinements to policies and procedures.

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[1] See, e.g., Nancy M. Petry et al., *Give Them Prizes and They Will Come: Contingency Management for Treatment of Alcohol Dependence*, Journal of Consulting and Clinical Psychology (2000) (giving adults who had clean breathalyzer tests the opportunity to participate in a raffle increased likelihood of completing treatment (84% vs. 22%) and staying sober); Stephen T. Higgins & Kenneth Silverman, *Motivating Behavior Change Among Illicit-Drug Abusers* 330 (1999) (substance abusers who are rewarded for compliance are more likely to stay in treatment; those who are just punished are more likely to drop out); Howard S. Muscott et al., *Positive Behavioral Interventions and Supports in New Hampshire, Effects of Large-Scale Implementation of Schoolwide Positive Behavior Support on Student Discipline and Academic Achievement*, Journal of Positive Behavior Interventions (2008) (implementation of positive behavioral interventions and supports in 28 early childhood education programs and K-12 schools reduced office discipline referrals by 6,010 and suspensions by 1,032, with middle and high schools experiencing greatest reductions).

[2] National Institute of Corrections, *Responding to Probation and Parole Violations* 65 (2001).