

**REPORT OF THE  
VIRGINIA DEPARTMENT OF YOUTH & FAMILY SERVICES ON**

**REVIEWING JUVENILE PROBATION  
TOWARD DEVELOPING A BALANCED  
APPROACH TO ITS USE IN THE  
JUVENILE JUSTICE SYSTEM**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



**HOUSE DOCUMENT NO. 60**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
1995**



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**TO:           The Honorable George F. Allen, Governor of Virginia  
              and Members of the General Assembly**

House Joint Resolution 197, agreed to by the 1994 General Assembly, directed the Department of Youth and Family Services to review juvenile probation toward developing a balanced approach to its use in Virginia's juvenile justice system and to submit its findings and recommendations to the Governor and the 1995 session of the General Assembly.

This report on the Resolution is the result of a study conducted by the Research and Planning Unit of the Department of Youth and Family Services. I have the honor of submitting the study's findings and initial recommendations on Virginia's system of juvenile probation.

The study found that court services statewide strive to provide a balanced approach with regard to juvenile probation. The effectiveness of these efforts is constrained by circumstances beyond the control of probation counselors, such as the availability of community programs, access to resources for staff and training, and the varied living conditions of juveniles and their families. Despite rising concern and interest in the juvenile justice system, any new philosophy and procedures regarding juvenile probation will have to consider such obstacles and, at a minimum, the necessary resources required for implementation.

The Department of Youth and Family Services looks forward to working with you to continue our efforts to improve Virginia's juvenile justice system.

Respectfully submitted,

*Patricia L. West*  
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Director

## **The Juvenile Probation Study Executive Summary**

House Joint Resolution 197 of the 1994 Virginia General Assembly requested that the Department of Youth and Family Services "review juvenile probation toward developing a balanced approach to its use in the juvenile justice system." In order to complete this task a survey related to the probation process was distributed to the state's 35 court service unit (CSU) directors. Information collected in the survey included their objectives for probation, how these objectives are addressed, level of achievement in attaining these objectives and what factors affect the success or failure of the objectives. The CSU directors were also asked to indicate their level of knowledge concerning the '*Balanced Approach*', their opinion of the '*Balanced Approach*' and whether or not it was being utilized at their CSU.

The following conclusions may be drawn from this analysis of juvenile probation in Virginia:

- The CSU directors reported a wide variety of individual objectives for probation. At the same time, however, community protection, accountability, and competency development were the most reported objectives;
- Nearly all CSUs measured success in achieving the stated objectives. The study also found, however, that most assessments of these objectives were not conducted in a systematic fashion with little measurable evidence of achievement;
- Overall the CSU directors felt that they were successfully achieving the stated objectives;
- The methods for addressing the most reported objectives of community protection, accountability, and competency development varied depending on CSU and community resources;
- In 89% of the CSUs, judges ordered other services in addition to supervision. Services ordered were reported to be specific to the youth and to the resources of the CSU and community. According to the directors, CSU staff frequently influence the disposition of a court-ordered probation case;
- The development and contents of service plans were consistent among the 35 CSUs, and;
- Most of the CSU directors expressed familiarity, and a favorable opinion of the '*Balanced Approach*'. Based on the responses from the directors, it appears that most CSUs are taking a '*Balanced Approach*' to probation, though they may not call it by that name.

## *Recommendations*

The following recommendations can be made with respect to the findings of HJR 197:

- ▶ The Department should develop statewide guidelines for probation regardless of the '*Balanced Approach*' and direct the CSUs to implement objectives for probation according to these statewide guidelines. The Department will need to assess what resources are available and needed in the court, CSU and community in order to implement these probation objectives;
- ▶ The Department should implement a statewide data system in the court service units to collect, organize and store data concerning CSU programs, services and characteristics of juveniles in the system;
- ▶ Once implementation of a statewide data system is complete, under the direction of the Department, each CSU should evaluate CSU programs and services to determine their effectiveness;
- ▶ If the Department determines that the '*Balanced Approach*' is the endorsed method for delivering probation services, there are several implementation options:
  - ▶ Statewide funding for full implementation of the '*Balanced Approach*' which includes development of a mission statement for probation services, legislation and policy revisions, program development in the CSU and community, realignment and redesign of existing programs, personnel changes (retraining or hiring of new probation officers), and increasing established links between CSU and the community;
  - ▶ Unfunded statewide mandate that all courts and CSUs fully implement the '*Balanced Approach*', or;
  - ▶ Establish pilot test sites which could seek training and technical assistance from the Balanced and Restorative Justice Project sponsored by OJJDP, in order to fully implement the '*Balanced Approach*'.

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# Introduction

## *Overview of House Joint Resolution 197*

The 1994 General Assembly approved House Joint Resolution (HJR) 197 which requested that the Department of Youth and Family Services (DYFS) "review juvenile probation toward developing a balanced approach to its use in the juvenile justice system" (see Appendix A for HJR 197). In order to complete this task a survey related to the probation process was distributed to the 32 state-operated and 3 locally-operated court service unit (CSU) directors. The DYFS Probation Study Survey was used to collect information concerning their objectives for probation, how these objectives are addressed, level of achievement in attaining these objectives, and what factors affect the success or failure of the objectives. Additional information compiled included how the judiciary orders probation and what types of supervision and services are ordered, how the service plan is developed, what is included in the service plan, and how much influence the CSU staff has in the disposition of a court-ordered probation case. To complete the review of juvenile probation, the CSU directors were also asked to indicate their level of knowledge concerning the '*Balanced Approach*', their opinion of the '*Balanced Approach*' and whether or not it was being utilized at their CSU (see Appendix B for the DYFS Probation Study Survey). This report contains an overview of the '*Balanced Approach*', current status of the '*Balanced Approach*' nationally, current trends in juvenile probation in Virginia and the United States, and the results of the CSU surveys.

## *What is the 'Balanced Approach'?*

The '*Balanced Approach*' is a system of juvenile probation described by Dennis Maloney, Dennis Romig and Troy Armstrong in the National Council of Juvenile and Family Court Judges' Juvenile Justice Textbook Series (1988). This system defines the purpose and function of probation as providing services which reflect the best interest of the juvenile offender, the victim, and the community. The '*Balanced Approach*' requires the court service unit (CSU) and the juvenile court to systematically focus on providing services in all stages of the court process which reflect these interests by equally addressing the principles of *community protection, accountability and competency development*.

Under the '*Balanced Approach*', *community protection* means that the public has a right to a safe and secure community. Services which enhance secure community protection include supervision, intensive supervision, electronic monitoring, detention, house arrest, substance abuse treatment and sex-offender treatment programs. *Accountability* signifies that whenever an offense occurs, an obligation by the juvenile offender is incurred. Methods to make a

youth accountable include restitution programs and performance of community service. *Competency development* in this context means that when juvenile offenders come within the jurisdiction of the court, they should leave the system more capable of living productively and responsibly in the community. *Competency development* includes interpersonal skills development, employability skills development, vocational training, and life skills building provided by the probation counselor or community programs.

Underlying these three probation principles is the central theme of *individualized assessment*, whereby services are individualized for each youth to provide effective intervention. Individualized assessment will vary the amount and type of *community protection*, *accountability* and *competency development* resources apportioned to each youth. In addition, probation service plans are performance-based in which goals are established with appropriate rewards and consequences for behavior. A youth is released from probation only when the service plan goals are completed.

Community involvement is an integral component to the '*Balanced Approach*'. As each locality moves toward implementation the community will need to respond with support and resources to carry out the principles of probation. Since every community is different, the services and programs for a youth on probation will vary according to the support and resources available.

In sum, with the combined effort of the youth, probation officer, court and community, the '*Balanced Approach*' safeguards that mechanisms exist to ensure that the community is protected in each case plan; that each youth receives sufficient accountability tasks which internalize the negative consequences of crime; and that each youth acquires competencies which eliminate or reduce the contributing factors for past delinquent behavior (Maloney, Romig, and Armstrong, 1988).

### *Current Status of the 'Balanced Approach' in the United States*

The '*Balanced Approach*' has been implemented in several sites throughout the United States. Most of the sites implementing the '*Balanced Approach*' are located in Oregon and include the counties of Deschutes, Lane, Multnomah, Thurston, and Pierce. At the present time there has been no evaluation of the '*Balanced Approach*' in a locality where it has been established. However, the Oregon counties of Deschutes, Lane, and Multnomah, as well as Travis County, Texas have been selected as sites for examination and evaluation for the Balanced and Restorative Justice Project. This project, funded by an Office of Juvenile Justice and Delinquency Prevention (OJJDP) grant through the Training and Technical Assistance Division, is developing model systems for community supervision of juveniles based on the '*Balanced Approach*'. The project, headed by Dr. Gordon Bazemore of Florida Atlantic University, will be profiling these four program sites and providing assessment and evaluation of the programs' implementation (Bazemore and Umbreit, 1994).

## *National and Virginia Trends in Juvenile Probation*

According to the latest OJJDP Update on Statistics: Offenders in Juvenile Court (1994), the number of adjudicated cases nationally that resulted in formal probation increased 24% from Calendar Year (CY) 1988 to CY 1992. During that period of time delinquency cases that resulted in formal probation increased 26% and the number of adjudicated status offenses that resulted in formal probation increased 12%.

In Virginia, probation cases have increased 51% from Fiscal Year (FY) 1989 through FY 1994. Probation officer positions, however, have not experienced a proportionate increase. From FY 1989 through FY 1994 the number of probation officer positions in state-operated CSUs has increased only 2.7%. Additional points to consider are that during the same time period, juvenile parole cases increased 57%, intensive supervision cases expanded 33%, and juvenile intake complaints rose 46%. It is important to note these changes in other services because in smaller CSUs, and in CSUs with a number of branch offices operated by only a limited number of individuals, the probation officer may perform intake, parole, and intensive supervision duties, as well as probation.



# Survey Results

## *Probation Objectives in Virginia's Court Service Units*

To begin the review of juvenile probation, questions were asked of the CSU directors to determine the current overall status of juvenile probation in the Commonwealth. The directors were initially asked to identify five objectives for probation in their CSU. The CSU directors were asked open ended questions so they could provide *their* objectives for probation. This method assures that their responses would not be biased or limited which could occur with the use of a preset checklist of objectives. In order to determine how well these objectives were being accomplished, the directors rated the level of achievement for each of the objectives on a 5-point Likert scale (with the range being from 'Never' to 'Always'). The CSU directors also reported whether they measured achievement of each objective and, if so, how this was done. Additionally, they were asked to indicate how each objective was addressed including services and programs in the CSU and community, and what factors affect the success or failure of each objective. The results of each of the analyses are presented below. Differences in responses between the three DYFS regions and those CSUs classified as urban vs. rural are noted, when appropriate. A map of Virginia displaying the CSUs in each of the three regions (Western, Northern, and Eastern) and a list of which CSUs are classified as urban or rural are presented in Appendices C and D, respectively.

- The 35 directors reported a total of 149 objectives for probation. These objectives ranged from outcome measures such as community protection and accountability to service delivery tools such as case monitoring and youth assessment. Table 1 presents a categorization of these objectives by percent of responses (number of objective occurrences divided by total number of objectives) and percent of CSUs (number of occurrences divided by the number of CSUs).

**Table 1**  
**Court Service Unit Probation Objectives**

Objective Category (Objectives = 149)	Pct of Responses (N=149)	Pct of CSUs (N=35)
Community Protection (n=30)	20%	86%
Other* (n=29)	20%	83%
Competency Development (n=22)	15%	63%
Accountability (n=19)	13%	54%
Case Monitoring (n=13)	9%	37%
Reduce Recidivism (n=11)	7%	31%
Accessing community services (n=10)	7%	29%
Counseling (n=9)	6%	26%
Assessment (n=6)	4%	17%

\*Other probation objectives include stabilizing home situation, minimum weekly contacts with youth, reduce level of substance abuse problem, delinquency prevention, interagency cooperation, youth to maintain employment, strengthen roles of the family, and professional development.

- CSU directors in the Department's three regions reported the objectives in similar frequencies. The exception to this was the reporting of those objectives classified as 'Other'. Out of those objectives not falling into a specific category, 48% (n=14 'other' objectives) were from the Eastern Region, 31% (n=9) were from the Western Region, and 21% (n=6) were from the Northern Region. Similarly, the objective categories were consistent across urban and rural CSU classifications with the exception of the 'Other' category in which 69% of the 'Other' responses (n=20) were reported by CSUs defined as rural.
- Most of the CSU directors reported five objectives on the survey. The mean and median number of objectives reported was four and the range provided by the CSU directors was two to six. There were no differences in the number of objectives reported across regions and urban/rural classifications.

- To determine the level of achievement for each objective, the directors rated achievement on a 5-point Likert scale. The categories for the scale were: 1 = Never, 2 = Rarely, 3 = Occasionally, 4 = Frequently, and 5 = Always. Based on this scale the mean rating given for achievement of all objectives was 3.9. The frequency of each rating level by percent of responses is displayed in Table 2.

**Table 2**  
**Achievement Level Ratings for CSU Probation Objectives**

Achievement Level (N=149)	Pct of Responses (N=149)
Rarely (n=3)	2%
Occasionally (n=33)	22%
Frequently (n=92)	62%
Always (n=21)	14%

- As can be seen in Table 2 the predominant ratings given to the probation objectives were 'Frequently'. The ratings of achievement were consistent across the three regions. Along urban and rural classifications, however, there were some differences. Most of the 'Occasionally' ratings (70%) came from CSUs which were rural in nature.
- The ratings of achievement level were consistent across the different categories of objectives. The predominant achievement rating given to each objective was 'Frequently'. Additionally, there were no substantial differences in achievement ratings given for specific objective categories by urban/rural and regional classifications. Table 3 displays the percent achievement ratings for each category of objectives.

**Table 3**  
**Percent Achievement Ratings by CSU Probation Objectives**

Objective Category (Objectives = 149)	Rarely	Occasionally	Frequently	Always
Community Protection (n=30)	0	13%	70%	17%
Other (n=29)	7%	28%	55%	10%
Competency Development (n=22)	0	27%	68%	5%
Accountability (n=19)	0	21%	58%	21%
Case Monitoring (n=13)	0	23%	54%	23%
Reduce Recidivism (n=11)	9%	9%	82%	0
Accessing community services (n=10)	0	40%	60%	0
Counseling (n=9)	0	22%	68%	11%
Assessment (n=6)	0	17%	17%	67%

- Overall, the CSU directors indicated high achievement ratings for nearly all of the objective categories. As can be seen from Table 3 the highest achievement ratings consistently given to each of the objective categories is that of 'Frequently'. In addition a number of objectives were rated as 'Always' being achieved.
- The directors reported that 90% of the objectives for probation (n=134) were measured for achievement. However, for 75% of the objectives (n=111) the measurement was passive in nature, such as supervisor case review or service plan monitoring, as opposed to a formal system of measurement where data from each probation case are systematically and regularly collected for explicitly defined objectives. In a formal system of measurement the data would then be aggregated and summarized for CSU-wide analysis to determine effectiveness of the objective and detecting trends.

- The various objectives were addressed in a variety of ways depending on the objective and CSU. There was much overlap in that any particular method could be utilized for multiple objectives. Prominent methods for addressing the most reported objectives of community protection, accountability, and competency development are presented in Table 4.

**Table 4**  
**Methods for Addressing Primary CSU Probation Objectives**

Community Protection	Accountability	Competency Development
<ul style="list-style-type: none"> <li>► Community Supervision</li> <li>► Pre and Post Detention</li> <li>► Commitment to DYFS</li> <li>► Waiver to Circuit Court</li> <li>► Detention Outreach</li> <li>► Electronic Monitoring</li> <li>► Rules of Probation</li> <li>► Residential Placements</li> <li>► House Arrest</li> <li>► Providing Treatment Services</li> <li>► Youth and Family Counseling</li> <li>► Monitoring Youth Activities in the Home, School, Community, Peer Associations, etc.</li> <li>► Referral to Community for Services such as Mental Health Counseling and Alternative School Programs</li> </ul>	<ul style="list-style-type: none"> <li>► Restitution</li> <li>► Community Service</li> <li>► Placement in Detention</li> <li>► Juvenile Correctional Centers</li> <li>► Residential Placements</li> <li>► Electronic Monitoring</li> <li>► Outreach Detention</li> <li>► Work Programs</li> <li>► Youth and Family Counseling</li> <li>► Probation Rules</li> <li>► Return Youth to Court for Violation</li> <li>► Return Parents to Court for Non-Cooperation</li> <li>► Parents Reimburse Locality for Residential Care</li> <li>► Letters of Apology to Judge &amp; Victim</li> </ul>	<ul style="list-style-type: none"> <li>► Counseling</li> <li>► Vocational Training</li> <li>► GED Programs</li> <li>► Substance Abuse Education</li> <li>► Substance Abuse Counseling</li> <li>► Sex Offender Counseling</li> <li>► Parenting Classes</li> <li>► Tutoring</li> <li>► Mentoring Programs</li> <li>► Recreation Programs</li> <li>► P.O. Assisting in Job Search</li> <li>► Alternative Education Programs</li> <li>► Job Training Programs (Job Corps)</li> <li>► Mental Health Counseling Referral</li> <li>► Referral to Support Programs, Internally and Externally</li> <li>► P.O. Acting as a Youth Advocate in the School Setting and Monitoring School Progress</li> <li>► Life Skills and Independent Living Programs in CSU and Community</li> <li>► Anger Management Programs in CSU and Community</li> </ul>

- Factors which were reported to affect success or failure in achieving the objectives were generally uniform across the CSUs. These factors occurred across multiple objectives. Table 5 provides a list of the most widely reported factors.

**Table 5**

***Factors Affecting Success or Failure of Achieving CSU Probation Objectives***

<ul style="list-style-type: none"> <li>▶ Availability of needed community resources</li> <li>▶ Participation and cooperation of youth and family</li> <li>▶ Cost of maintenance of programs at the CSU</li> <li>▶ Cost of accessing programs in community (CSU funding)</li> <li>▶ Lack of transportation (for family or CSU)</li> <li>▶ Peer influence</li> <li>▶ Accurate reporting by youth and parent of youth's behavior</li> <li>▶ Judicial support</li> <li>▶ Interagency and intra-agency support and cooperation</li> <li>▶ Ability to access available resources (i.e., detention home space, waiting lists for community programs)</li> <li>▶ CSU resources (number of staff, caseload size, staff experience, skills, and morale, and networking skills in accessing community services)</li> <li>▶ Functional level of youth and family such as mental competence, emotional state, poverty, domestic abuse, and substance abuse</li> <li>▶ Consistency in pressing violation of probation charges if offenders fail to comply with court and CSU orders</li> </ul>
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***The Probation Process in Virginia's Court Service Units***

In order to continue the review of juvenile probation, the next step was to examine the probation process with respect to implementation of probation dispositions. CSU directors were asked to indicate what the judiciary orders for a youth placed on probation, with emphasis as to whether their judges order supervision only or supervision with other services. The directors were also asked to explain how a service plan is developed with respect to what stage of the court process it is developed, the individuals involved, and the factors influencing its development. Additionally indicated were the types of things typically included in a service plan. Lastly, the directors described the extent to which the CSU staff influenced disposition of a court-ordered probation case and rated it on a 5-point Likert scale.

- Of the 35 CSUs, 89% reported that when placing a youth on probation their judges normally order supervision and other services as opposed to just ordering supervision only, with no accompanying services. The type of supervision and services ordered by the judges depends on a variety of factors such as specifics of the case, youth offense, prior history, identified needs of youth and family, the presiding judge, probation staff recommendation, and availability and accessibility of services in the CSU and community.
  - ▶ According to the CSU directors, the judges will typically order some level of supervision and such services as: restitution; community service; youth and family counseling in the CSU; mental health counseling; substance abuse counseling; job training programs; letters of apology to victim; restriction of driving privileges; Department of Social Services involvement; Comprehensive Services Act (CSA) review; anger control groups; parenting programs; and rules of probation such as school attendance, curfew, and not associating with certain peers.
  
- Most service plans are developed within 30 days following disposition and judicial order of probation. In some CSUs this occurs anywhere from 40-60 days following disposition. Further, in a number of CSUs the service plan development begins informally during the investigation process after adjudication and is formally adopted following disposition.
  - ▶ Throughout its life, the service plan is revised and modified to reflect progress or newly identified needs.
  - ▶ Service plan development and periodic review were reported to depend heavily on staff caseload.
  - ▶ In most cases the probation officer, youth, and family are involved in developing the service plan, which is subsequently reviewed by the probation supervisor or CSU director. In some CSUs the schools, Family Assessment and Planning Team (FAPT), victim, treatment providers, Commonwealth's Attorney, and defense attorney are also involved as needed and appropriate.
  - ▶ Factors which influence the development of the service plan were consistent across CSUs and included type of offense, risk of youth to the community, victim characteristics, family situation, school status, mental health status, prior history (criminal, CHINS, abuse), substance abuse, identified needs of the youth and family, youth and family amenability to treatment, judicial orders, and CSU and community resources.

- There were no significant differences among the CSUs regarding service plan content. CSU directors reported consistently that the service plan includes: conditions of supervision; rules of probation such as school performance, restrictions on peer associations, youth whereabouts, curfew, requirement for participation in treatment programs, drug screens, and weekly reporting schedule; court ordered requirements for youth and parents; referrals to CSU and community programs; responsibilities and duties of the probation officer; educational expectations; restitution; community service orders; vocational training and referral to services provided by the CSA.
- When asked to what extent the CSU staff influence the disposition of a court-ordered probation case the directors reported a mean response of 4.1 on the 5-point Likert scale where 1 = Never, 2 = Rarely, 3 = Occasionally, 4 = Frequently, and 5 = Always. The range of responses was three to five, with 80% of the directors selecting 'Frequently' as their answer.

### ***Virginia's Court Service Units and the 'Balanced Approach'***

HJR 197 specifically requested the Department "review juvenile probation toward developing a balanced approach," and so the final component in the review of juvenile probation dealt with the current status of the '*Balanced Approach*' to probation in the Commonwealth. To determine the status of the '*Balanced Approach*' the directors were asked direct questions concerning their knowledge, opinion, and usage of the '*Balanced Approach*'.

- Most of the CSU directors (89%) reported being familiar with the '*Balanced Approach*'. Of these directors who were familiar with the '*Balanced Approach*', 90% had a favorable opinion.
- When asked about utilization of the '*Balanced Approach*', 29% of all directors reported that they currently use the model, while an additional 43% reported that they use the concepts espoused in the '*Balanced Approach*', but just do not call it by the same name. There was no difference in the utilization of the '*Balanced Approach*' between the Department's three regions or urban/rural CSUs. A majority of the directors stated that the '*Balanced Approach*' was the plain common sense probation they have always attempted to do with a new name.
- As was pointed out in the definition of the '*Balanced Approach*' previously given in this report, community protection, accountability, and competency development are the primary objectives for this model. As reported previously, 86% of the directors listed community protection, 54% reported accountability, and 63% indicated competency development as objectives for probation at their CSU. However, when asked directly if these were objectives for probation, 100% of the directors stated that each of these were, in fact, objectives for probation at their CSU.



- Operationally, another key component to the '*Balanced Approach*' is that the service plan for each youth placed on probation should address community protection, accountability, and competency development. In 71% of the CSUs the directors reported that these three objectives were addressed for each youth.
  - ▶ In explaining their responses, the CSU directors stressed the importance of each objective, especially community protection and accountability by stating that the Code of Virginia mandates the former, and common sense mandates the latter.
  - ▶ The directors also stressed the importance of competency development in equipping the youth with the tools to deal with life. However, most of them reported that in those cases where all three are not addressed, it is usually competency development which is left out due to a necessary emphasis on community protection and accountability.
  - ▶ Additionally, most of the CSU directors reported that CSU staffing levels, resources, staff caseloads, and lack of community resources were key determinants to whether or not these objectives, especially the inclusion of substantial competency development, were addressed for each youth.

# Summary

## *Conclusions*

The following conclusions may be drawn from this analysis of juvenile probation in Virginia:

- The CSUs directors reported a wide variety of individual objectives for probation. At the same time, however, community protection, accountability, and competency development were the most reported objectives;
- Nearly all CSUs measured success in achieving the stated objectives. The study also found, however, that most assessments of these objectives were not conducted in a systematic fashion, with little measurable evidence of achievement;
- Overall the CSUs felt that they were successfully achieving the stated objectives;
- The methods for addressing the most reported objectives of community protection, accountability, and competency development varied depending on CSU and community resources;
- In 89% of the CSUs, judges ordered other services in addition to supervision. Services ordered were reported to be specific to the youth and to the resources of the CSU and community. According to the directors, CSU staff frequently influenced the disposition of a court-ordered probation case;
- The development and contents of service plans were consistent among the 35 CSUs, and;
- Most of the CSU directors expressed familiarity and a favorable opinion of the *'Balanced Approach'*. Based on the responses from the directors, it appears that most CSUs are taking a *'Balanced Approach'* to probation, though they may not call it by that name.

## ***Recommendations***

The following recommendations can be made with respect to the findings of HJR 197:

- The Department should develop statewide guidelines for probation regardless of the '*Balanced Approach*' and direct the CSUs to implement objectives for probation according to these statewide guidelines. The Department's planned revision of the existing Standards for Court Service Units may provide an appropriate vehicle for such direction. The Department will need to assess what resources are available and needed in the court, CSU and community in order to implement these probation objectives;
- ▶ Without commenting on any specific objective, the range of objectives described in this study suggests that CSUs have adapted to community and judicial concerns. Given the public's discontent with the perceived inability to deal with juvenile offenders it may be time to clearly define the CSUs' mission and objectives. In this process, the Department should consider itself a partner with Virginia's localities in developing statewide objectives which can be adapted to their CSUs based on local resources and community and judicial concerns. Ultimately this process should help the CSUs (1) justify its services to its detractors locally and statewide, and (2) market its services to the community (and judiciary) from which it needs support and resources to be effective.
- ▶ It is apparent that significant changes in the juvenile justice system are inevitable. The Department can use this study to begin the process of proactive change that is adapted to the needs of individual communities. While the state operates the CSUs, it is incumbent upon the Department to provide guidelines and objectives for CSUs. No matter the decision concerning the use of the '*Balanced Approach*', options for standardizing CSU objectives include:
  - total, but explicit, local autonomy in defining objectives
  - limited local autonomy with some statewide parameters
  - statewide objectives with local flexibility on additional objectives
  - statewide objectives and nothing else
- The Department should implement a statewide data system in the court service units to collect, organize and store data concerning CSU programs, services and characteristics of juveniles in the system;
  - ▶ The existing CSU Intake Workload System was designed in the mid 1970s for staffing purposes. Because of its outdated design and subsequent revisions, it has little value for evaluating CSU services. The result is that the Department has to

undertake special studies and surveys to assess the CSUs, typically as a reaction to legislative and public requests about CSU services.

- Once implementation of a statewide data system is complete, under the direction of the Department, each CSU should evaluate programs and services to determine effectiveness;
  - The Department should be proactive in developing, modifying and marketing its CSU services - these actions require evaluation. The public and General Assembly will always notice headlines about juvenile offenders so the Department should invest in systematic evaluation that would allow for the proactive revision of services that are not effective as well as supporting and promulgating services that do produce measurable results.
- If the Department determines that the '*Balanced Approach*' is the endorsed method for delivering probation services, there are several implementation options:
  - Statewide funding for full implementation of the '*Balanced Approach*' as it was defined earlier which includes development of a mission statement for probation services, legislation and policy revisions, program development in the CSU and community, realignment and redesign of existing programs, personnel changes (retraining or hiring of new probation officers), and increasing established links between CSU and the community;
  - Unfunded statewide mandate that all courts and CSUs fully implement the '*Balanced Approach*', or;
  - Establish pilot test sites which could seek training and technical assistance from the Balanced and Restorative Justice Project sponsored by OJJDP, in order to fully implement the '*Balanced Approach*'.

## References

- Bazemore, G. and Umbreit, M. (1994). Balanced and Restorative Justice Program Summary, an Office of Juvenile Justice and Delinquency Prevention (OJJDP) publication.
- Butts, J. (1994). OJJDP Update on Statistics: Offenders in Juvenile Court, an Office of Juvenile Justice and Delinquency Prevention (OJJDP) publication.
- Maloney, D., Romig, D., and Armstrong, T. (1988). "Juvenile Probation: The Balanced Approach," Juvenile and Family Court Journal, 39 (3).

# **Appendices**

**Appendix A**

**House Joint Resolution 197**

1994 SESSION

LD5545188

HOUSE JOINT RESOLUTION NO. 197

Offered January 25, 1994

Requesting the Department of Youth and Family Services to review the use of juvenile probation.

Patrons—Jones, D.C., Christian, Crittenden, Cunningham, Diamonstein, Hall, Robinson and Spruill; Senators: Marsh and Miller, Y.B.

Referred to Committee on Rules

WHEREAS, there seems to be a need to identify the dispositional options that are available in the juvenile justice system; and

WHEREAS, these dispositional options need evaluation in order to most effectively deal with the class of juvenile that is eligible for both the adult and the juvenile justice systems; and

WHEREAS, variations exist in the dispositional options available to juvenile judges and circuit judges in dealing with juvenile offenders; and

WHEREAS, population growth trends indicate that there will be a large increase in juvenile offenders within the next ten years, straining already strained resources; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Youth and Family Services is requested to review juvenile probation toward developing a balanced approach to its use in the juvenile justice system.

The Department shall complete its work in time to submit its findings and recommendations to the Governor and the 1995 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for processing legislative documents.

Official Use By Clerks

Agreed to By The House of Delegates without amendment, with amendment, substitute, substitute w/amdt

Agreed to By The Senate without amendment, with amendment, substitute, substitute w/amdt

Date:

Date:

Clerk of the House of Delegates

Clerk of the Senate



## **Appendix B**

### **DYFS Probation Study Survey**

# DYES Probation Study

Name & Title: \_\_\_\_\_

Judicial District: \_\_\_\_\_

Phone #: \_\_\_\_\_

## I. Description of Probation

- A. List the objectives for court-ordered probation at your CSU and circle the appropriate number corresponding to the level of achievement for each objective (up to five). Additionally, indicate how each objective is addressed either at the CSU, in the community, in residential programs, etc., if achievement is measured and how, and indicate what factors affect the success or failure of achieving these objectives.

**Objective 1:** \_\_\_\_\_

Level of achievement?	1	2	3	4	5
	Never	Rarely	Occasionally	Frequently	Always

How is objective #1 addressed? \_\_\_\_\_

\_\_\_\_\_

Is achievement of this objective measured and how? \_\_\_\_\_

\_\_\_\_\_

What factors affect the success or failure of objective #1? \_\_\_\_\_

\_\_\_\_\_

**Objective 2:** \_\_\_\_\_

Level of achievement?	1	2	3	4	5
	Never	Rarely	Occasionally	Frequently	Always

How is objective #2 addressed? \_\_\_\_\_

\_\_\_\_\_

Is achievement of this objective measured and how? \_\_\_\_\_

\_\_\_\_\_

What factors affect the success or failure of objective #2? \_\_\_\_\_

\_\_\_\_\_

**Objective 3:** \_\_\_\_\_

Level of achievement?	1	2	3	4	5
	Never	Rarely	Occasionally	Frequently	Always

How is objective #3 addressed? \_\_\_\_\_

\_\_\_\_\_

Is achievement of this objective measured and how? \_\_\_\_\_

\_\_\_\_\_

What factors affect the success or failure of objective #3? \_\_\_\_\_

\_\_\_\_\_

**Objective 4:** \_\_\_\_\_

Level of achievement?	1	2	3	4	5
	Never	Rarely	Occasionally	Frequently	Always

How is objective #4 addressed? \_\_\_\_\_

\_\_\_\_\_

Is achievement of this objective measured and how? \_\_\_\_\_

\_\_\_\_\_

What factors affect the success or failure of objective #4? \_\_\_\_\_

\_\_\_\_\_

**Objective 5:** \_\_\_\_\_

Level of achievement?	1	2	3	4	5
	Never	Rarely	Occasionally	Frequently	Always

How is objective #5 addressed? \_\_\_\_\_

\_\_\_\_\_

Is achievement of this objective measured and how? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What factors affect the success or failure of objective #5? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Do the judges in your judicial district normally place a youth on probation and order only supervision or do the judges specifically order other services such as community service, restitution, or Comprehensive Services Act (CSA) residential or non-residential placement?

- Supervision only       Supervision with other services

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. When a youth is placed on court-ordered probation how is the service plan developed by the CSU (i.e. at what stage of the court process is it developed, who is involved, and what factors influence its development)?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. What things are typically included in a probation service plan at your CSU (i.e. some form of supervision only, conditions of supervision, types of services provided directly by CSU, services accessed in the community, responsibilities of youth and/or parents, or supervision and services provided by the CSU, the CSA, etc.)?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. To what extent does the CSU staff influence the disposition of a court-ordered probation case?

- |       |        |              |            |        |
|-------|--------|--------------|------------|--------|
| 1     | 2      | 3            | 4          | 5      |
| Never | Rarely | Occasionally | Frequently | Always |

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**II. The Court Service Unit and the 'Balanced Approach'**

A. Does your CSU have its own Mission Statement concerning its approach to probation?

Yes       No      If yes, please attach a copy.

B. 1. Are you familiar with the 'Balanced Approach' to probation?       Yes       No

2. If yes, what is your opinion of the 'Balanced Approach'?       Favorable       Unfavorable

C. 1. If you are familiar with the 'Balanced Approach', is it utilized at your CSU?       Yes       No       N/A

2. Why or why not? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. If yes to question C1, indicate the date your CSU began utilizing the 'Balanced Approach'? \_\_\_\_\_  
month/year

E. In the 'Balanced Approach' community protection, accountability and youth competency development are considered to be objectives of probation in the service plan. Are these objectives for probation at your CSU? Indicate why these are or are not probation objectives and indicate what the probation officers do currently that may address these objectives.

Is Community Protection an objective for probation?       Yes       No

Why or why not? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If yes, how is community protection addressed? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is Accountability an objective for probation?       Yes       No

Why or why not? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If yes, how is accountability addressed? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is Competency Development an objective for probation?  Yes  No

Why or why not? \_\_\_\_\_

\_\_\_\_\_

If yes, how is competency development addressed? \_\_\_\_\_

\_\_\_\_\_

F. If you responded that community protection, accountability and competency development are probation objectives, are they equally addressed for each youth?

1	2	3	4	5
Never	Rarely	Occasionally	Frequently	Always

G. If you responded Never, Rarely, or Occasionally to question F, under what circumstances would these objectives not be equally addressed? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

H. If there are any remarks you wish to make concerning the 'Balanced Approach' to probation or probation in general, or you wish to describe alternative approaches to probation, please comment here:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# DYFS Probation Study Instructions

- ▶ Provide the name and title of the person completing this survey. This could be the Director of the Court Service Unit (CSU) or a designee (such as the probation supervisor).
- ▶ Provide the number of the Judicial District--all responses for this survey should be for the entire district. **If differences exist in any answer for a locality or branch office, please note these on the survey.** Use additional surveys for localities whose responses would be significantly different from the rest of the district.
- ▶ Please give the phone number of the individual who completed the survey so that any questions that arise may be directed to them.

## I. Description of Probation

- A. This section asks questions concerning what you feel are the objectives for probation at your CSU. Space on the survey is provided for up to 5 probation objectives and related questions for each objective. If you have more than 5 objectives place the others (with their related questions) on a separate sheet.
- ▶ List the objectives for court-ordered probation at your CSU. Examples of objectives could be reducing recidivism, increasing youth competence, ensuring public safety, monitoring youth's behavior, or accessing outside services.
  - ▶ Circle the number which corresponds to the current level of achievement of each objective. Achievement is defined as the level of success in attaining the objective. The achievement levels and their corresponding numbers are Never (1), Rarely (2), Occasionally (3), Frequently (4), and Always (5).
  - ▶ Explain how each objective is addressed (e.g. at the CSU, in the community, in residential and non-residential programs, etc.). **Please spell out the entire names to describe programs (no abbreviations) so there is no confusion as to what the programs are!**
  - ▶ Indicate if achievement is measured for each objective and if so, how it is measured.
  - ▶ Explain what factors affect the success or failure of achieving the objectives. Possible factors include funding, waiting lists, family support, community support, judicial support, etc.
- B. Indicate if the judges in your CSU normally place a youth on probation and order only supervision or if the judges order supervision and specified other services such as community service, restitution, or Comprehensive Services Act (CSA) residential and non-residential placements. If there are significant differences in the manner in which judges in a district or judges in differing localities within a district operate, report these on the survey or separate sheet of paper.
- C. Describe how the service plan is developed when a youth is placed on court-ordered probation. Include such things as: at what stage of the court process it is developed, who is involved (CSU staff, judges, family, victim, community, etc.) and what factors influence the development of the service plan.
- D. Describe what things are typically included in a probation service plan at your CSU (i.e. some form of supervision only, or supervision and services provided by the CSU, the CSA, etc.).
- E. Indicate on the 5-point scale to what extent the CSU staff influence the disposition of a court-ordered probation case). Please explain.

## II. The Court Service Unit and the '*Balanced Approach*'

This section examines the use of the '*Balanced Approach*' to probation at the CSU.

- A. Indicate if the CSU has its own Mission Statement concerning its approach to probation. If yes, attach a copy to the survey.
- B.
  - 1) Indicate if you are familiar with the '*Balanced Approach*'.
  - 2) If yes, check if your opinion is favorable or unfavorable.
- C.
  - 1). If you responded in Question B that you are familiar with the '*Balanced Approach*', check whether or not it is utilized at the CSU.
  - 2) Explain why you do or do not utilize the '*Balanced Approach*'.
- D. If you responded Yes to question C1, provide the date (month/year) the CSU began utilizing the '*Balanced Approach*'.
- E. In the '*Balanced Approach*' community protection, accountability and youth competency development are considered to be objectives of probation in the service plan.
  - ▶ Indicate if community protection, accountability and youth competency development are objectives for probation at your CSU.
  - ▶ Explain why each of these are or are not probation objectives
  - ▶ If these objectives are also objectives at your CSU, explain what the probation officers do currently that may address them. NOTE: If you previously indicated this objective in Part I of the survey make a notation of this, you do not need to provide the same information.
- F. If you responded that community protection, accountability and competency development are probation objectives, indicate if these objectives are equally addressed for each youth. The choices and their corresponding number are: Never (1), Rarely (2), Occasionally (3), Frequently (4), and Always (5).
- G. If your responded Never, Rarely, or Occasionally to question F, describe the circumstances under which these objectives would not be equally addressed.
- H. Make any remarks concerning the '*Balanced Approach*' to probation, probation in general, or alternative approaches to probation you wish to describe in the space provided.

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**If you have any questions in completing the survey contact John Deal at (804) 371-2575 or John Schisa at (804) 371-0745.**

**Please return the completed survey in the pre-addressed envelope provided to John Deal in the Research and Planning Unit no later than October 17, 1994.**

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## **Appendix C**

### **Map of Virginia Displaying DYFS Court Service Units and Administrative Regions**

# Virginia Department of Youth and Family Services Court Service Units and Administrative Regions

## Judicial Districts - - Court Service Units

### Western Region (I)

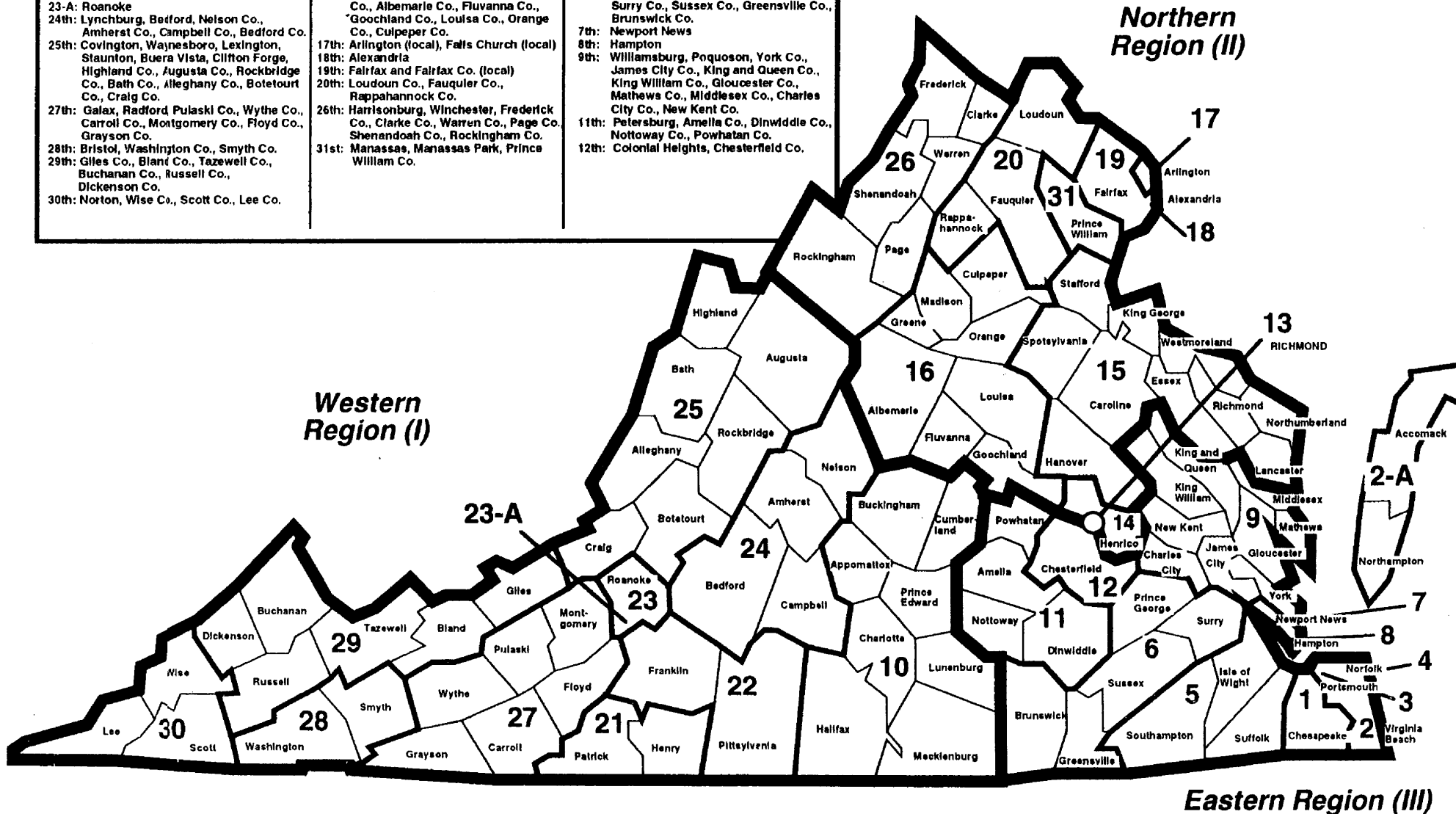
- 10th: South Boston, Appomattox Co., Buckingham Co., Charlotte Co., Cumberland Co., Halifax Co., Lunenburg Co., Mecklenburg Co., Prince Edward Co.
- 21st: Martinsville, Henry Co., Patrick Co.
- 22nd: Danville, Franklin Co., Pittsylvania Co.
- 23rd: Salem, Roanoke Co.
- 23-A: Roanoke
- 24th: Lynchburg, Bedford, Nelson Co., Amherst Co., Campbell Co., Bedford Co.
- 25th: Covington, Waynesboro, Lexington, Staunton, Buena Vista, Clifton Forge, Highland Co., Augusta Co., Rockbridge Co., Bath Co., Alleghany Co., Botetourt Co., Craig Co.
- 27th: Galax, Radford, Pulaski Co., Wythe Co., Carroll Co., Montgomery Co., Floyd Co., Grayson Co.
- 28th: Bristol, Washington Co., Smyth Co.
- 29th: Giles Co., Bland Co., Tazewell Co., Buchanan Co., Russell Co., Dickenson Co.
- 30th: Norton, Wise Co., Scott Co., Lee Co.

### Northern Region (II)

- 13th: Richmond
- 14th: Henrico Co.
- 15th: Fredericksburg, Caroline Co., Essex Co., Hanover Co., King George Co., Lancaster Co., Northumberland Co., Richmond Co., Spotsylvania Co., Stafford Co., Westmoreland Co.
- 16th: Charlottesville, Madison Co., Greene Co., Albemarle Co., Fluvanna Co., Goochland Co., Louisa Co., Orange Co., Culpeper Co.
- 17th: Arlington (local), Falls Church (local)
- 18th: Alexandria
- 19th: Fairfax and Fairfax Co. (local)
- 20th: Loudoun Co., Fauquier Co., Rappahannock Co.
- 26th: Harrisonburg, Winchester, Frederick Co., Clarke Co., Warren Co., Page Co., Shenandoah Co., Rockingham Co.
- 31st: Manassas, Manassas Park, Prince William Co.

### Eastern Region (III)

- 1st: Chesapeake
- 2nd: Virginia Beach
- 2-A: Accomack Co., Northampton Co.
- 3rd: Portsmouth
- 4th: Norfolk
- 5th: Franklin, Suffolk, Isle of Wight Co., Southampton Co.
- 6th: Emporia, Hopewell, Prince George Co., Surry Co., Sussex Co., Greensville Co., Brunswick Co.
- 7th: Newport News
- 8th: Hampton
- 9th: Williamsburg, Poquoson, York Co., James City Co., King and Queen Co., King William Co., Gloucester Co., Mathews Co., Middlesex Co., Charles City Co., New Kent Co.
- 11th: Petersburg, Amelia Co., Dinwiddie Co., Nottoway Co., Powhatan Co.
- 12th: Colonial Heights, Chesterfield Co.



## **Appendix D**

### **Urban/Rural Classification of DYFS Court Service Units**

*Urban/Rural Classification of  
DYFS Court Service Units*

Urban Court Service Units (N=16)	Rural Court Service Units (N=19)
District 1: Chesapeake	District 2A: Accomac
District 2: Virginia Beach	District 5: Suffolk
District 3: Portsmouth	District 6: Hopewell
District 4: Norfolk	District 9: Williamsburg
District 7: Newport News	District 10: Appomattox
District 8: Hampton	District 11: Petersburg
District 12: Chesterfield	District 15: Fredericksburg
District 13: Richmond	District 16: Charlottesville
District 14: Henrico	District 20F: Fauquier/Warrenton
District 17: Arlington	District 20L: Loudoun
District 17F: Falls Church	District 21: Martinsville
District 18: Alexandria	District 22: Rocky Mount
District 19: Fairfax	District 24: Lynchburg
District 23: Salem/Roanoke Co.	District 25: Staunton
District 23A: Roanoke	District 26: Winchester
District 31: Manassas	District 27: Pulaski
	District 28: Abingdon
	District 29: Pearisburg
	District 30: Gate City

Source: 1990 Virginia State of the Judiciary Report

## ABSTRACT

Title: The Juvenile Probation Study: Reviewing Juvenile Probation Toward Developing a Balanced Approach to its use in the Juvenile Justice System pursuant to HJR 197

Authors: John Schisa, Senior Planner  
John Deal, Planner

Subject: Research evaluation examining juvenile probation pursuant to House Joint Resolution 197 approved during the 1994 General Assembly

Date: March 1995

Contact Person: Virginia Department of Youth and Family Services  
Research and Planning Unit  
P.O. Box 1110  
Richmond, VA 23208-1110

Linda L. Nablo  
Manager

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The 1994 General Assembly approved House Joint Resolution 197 which requested that the Department of Youth and Family Services (DYFS) "review juvenile probation toward developing a balanced approach to its use in the juvenile justice system." In order to complete this task a survey related to the probation process was distributed to the state's 35 court service unit (CSU) directors.

This report contains information such as the CSU directors' objectives for probation, how these objectives are addressed, level of achievement in attaining these objectives and what factors affect the success or failure of the objectives. One of the primary objectives of this study was to examine the status of the '*Balanced Approach*' to probation in Virginia's CSUs. In order to determine the model's status, the CSU directors were also asked to indicate their level of knowledge concerning the '*Balanced Approach*', their opinion of the '*Balanced Approach*' and whether or not it was being utilized at their CSU