

**Davidson County Juvenile Court
Probation System Review
Final Report**

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**Produced for
Davidson County Juvenile Court**

Presented by the:
**Robert F. Kennedy National Resource Center for Juvenile Justice
*led by RFK Children's Action Corps***

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I. BACKGROUND

A. Probation System Review Design and Framework

In a continuing effort to enhance policy, practice and service provision for the youth and families involved with Davidson County Juvenile Court (the Court), a comprehensive probation system review was undertaken. The Robert F. Kennedy National Resource Center for Juvenile Justice (RFK National Resource Center) was invited to conduct a comprehensive review as articulated below. In partnership with the Davidson County Juvenile Court leadership and relevant interested stakeholders, the analytic probation system evaluation began in July 2017 and concluded in April 2018. The process included a review and examination of policy, practice and service provision designed to inform immediate opportunities for system enhancement, improvement and reform.

The specific design of the review was guided by the 2016 publication entitled *Probation System Review Guidebook, 2nd edition*¹ and was accomplished in discussions with the probation and juvenile justice system leadership personnel regarding the most critical issues that confront a department. The overarching purpose for this evaluation was to support Davidson County's long-term plan for comprehensive juvenile justice system improvement and identify opportunities for enhanced probation performance based on best practice standards concentrated on the following:

- effective programmatic practices,
- effective and efficient court and probation management performance,
- improved recognition of the neuroscience of adolescent development and adoption of the principles and hallmarks of a developmental approach to address youth risk and treatment needs,
- improved utilization of evidence-based practices and intervention services, and
- implementation of enhanced prevention and early intervention and interagency approaches for youth and families with risks and needs in multiple domains.

The review and evaluation was conducted with a focus on four primary areas successfully used in other jurisdictions and described in detail in the Guidebook, 2nd edition. The structure of the review and the recommendations and findings in this report include the following elements and areas of concentration:

ELEMENT A: ADMINISTRATION

- *Policies and Procedures: Probation Officer Manual Review*
- *Agency Goals: Youth and System Outcomes*
- *Management Practices*

¹ Tuell, John A., and Harp, Kari L. (2016) *Probation System Review Guidebook, 2nd edition*. Robert F. Kennedy Children's Action Corps.

- *Training*

ELEMENT B: PROBATION SUPERVISION

- *Probation Officer Approach to Supervision*
- *Professional Staff Responsibilities, Mandates, and Expected Products*
- *Assignment/Handling of Specific Probationer Populations*
- *Decision Making Processes*
- *Service Delivery to Probationers*

ELEMENT C: INTRA- AND INTERAGENCY WORK PROCESSES

- *Relationship with the Court*
- *Interagency Case Flow Processes*

ELEMENT D: QUALITY ASSURANCE

- *Monitoring Youth and System Outcomes*
- *Employee Performance Measurement*
- *Program Evaluation (intra-agency and external providers)*
- *Data Collection, Reporting, and Analysis*

These recommendations aim to enhance system practice and performance in ways that are consistent with current best practice standards focused on improving youth and family outcomes. In partnering with the RFK National Resource Center and its Consultant Team, the Davidson County Juvenile Court and its partners supported an analytic review and examination of current practices that included:

- 1) Assessment of ***current available individual and aggregate data*** to inform prevalence, demographics and characteristics, risks and needs, trends, trajectories, and outcomes for juvenile justice youth receiving services through Davidson County Juvenile Court,
- 2) Assessment of ***probation system process and performance*** in the areas of management policy, court practices, structured and validated screening and assessment tools, key decision points and probation officer decision-making, and identification of strengths and opportunities in these domains,
- 3) Analysis of ***case management and flow*** within the delinquency court, as well as its linkages with the organizations with whom it interfaces as the case moves through the system (e.g. child protection, education, behavioral health),
- 4) Ability to ***identify system and client outcome measures*** that drive system and case worker performance, and
- 5) Ability to ***identify and access effective community based resources*** that match identified service needs through the use of validated screening and assessment tools and methodologies.

The elements covered in this review and the recommendations made herein coalesce to support the overarching goal of improving youth outcomes. According to research conducted by the Council for State Governments, there are four core principles for improving youth outcomes:

- 1) Use **validated risk and needs assessments** to guide supervision, service and resource allocation decisions.
- 2) Implement **evidence-based and promising programs and services** that are proven to reduce recidivism and improve a variety of other youth outcomes, and evaluate the results of these services through effective data collection and analysis.
- 3) Embrace **a cross system and collaborative approach** to address the youth's needs.
- 4) Employ what is known about **adolescent development to guide policies, programs and supervision practices**.²

These four core principles have guided the development of the strategies and recommendations made in this report and **must** continue to support Davidson County Juvenile Court's future implementation of these recommendations.

B. Developmental Reform in Juvenile Justice³

The goals, practices, policies, outcomes, and operations of a juvenile justice system and its affiliated youth serving partners should be informed by the growing body of research and knowledge about adolescent development. The research that was effectively synthesized in the 2013 National Research Council report recognized that adolescents differ from adults in three important ways:

- Adolescents are less able to regulate their own behavior in emotionally charged contexts.
- Adolescents are more sensitive to external influences such as the presence of peers and the immediacy of rewards.
- Adolescents are less able to make informed decisions that require consideration of the long term.⁴

These adolescent characteristics provide the foundation for the adoption and implementation of developmentally informed practices, policies and procedures that have proven effective in

² Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System. July 2014. Council of State Governments Justice Center.

³ Tuell, John A.; Heldman, Jessica; Harp, Kari (2017) *Developmental Reform in Juvenile Justice: Translating the Science of Adolescent Development to Sustainable Best Practice*. Robert F. Kennedy Children's Action Corps.

⁴ Committee on Law and Justice; Division of Behavioral and Social Sciences and Education; National Research Council. *Reforming Juvenile Justice: A Developmental Approach*, Washington, DC: The National Academies Press, 2013.

achieving the primary responsibilities of the juvenile justice system, which include accountability, prevention of re-offending, and fairness and equitable treatment.

Unfortunately, and all too frequently still in current practice, the goals, design, and operation of the juvenile justice system are not informed by this growing body of knowledge. As a result, the outcomes are more likely to be negative interactions between youth and justice system officials, increased disrespect for the law and legal authority, and the reinforcement of a deviant identity and social disaffection.⁵ The challenge going forward for Davidson County Juvenile Court includes increasing the numbers and variance of system practitioners who understand and embrace the research findings and implications; advancing the implementation of systemic youth and family intervention practices across the spectrum of key decision points directly impacting the primary goals of the juvenile justice system; and maintaining and improving quality assurance methodologies that ensure fidelity to these principles and practices.

Upon closer examination of the research over the past decade, there is evidence of significant changes in brain structure and function during the period of adolescence⁶ that has resulted in a strong consensus among neuroscientists about the nature of these changes. Much of this work has resulted from advances in magnetic resonance imaging (MRI) techniques that provide the opportunity to safely track the development of brain structure, brain function, and brain connectivity in humans.⁷ The evidence suggests that the three previously highlighted cognitive tendencies are linked to the biological immaturity of the brain and an imbalance among developing brain systems. Simply stated, the brain system that influences pleasure-seeking and emotional reactivity develops more rapidly than the brain system that supports self-control. This fact leaves adolescents less capable of self-regulation than adults.⁸

Another key aspect of the research findings from *Reforming Juvenile Justice: A Developmental Approach* has significant implications for initial juvenile justice system responses and the consideration of alternatives to formal processing and diversion opportunities. Specifically, the research shows that for most youths the period of risky experimentation does not extend beyond adolescence, ceasing as identity settles with maturity.⁹ The vast majority of youths who are arrested or referred to juvenile court have not committed serious offenses, and more than half of them appear in the system only once.

Additionally, both the seriousness and likelihood of offending are also strongly affected by influences in youths' environment — peers, parents, schools, and communities. While these firmly established research findings must practically inform the juvenile justice system and its

⁵ Ibid.

⁶ Scientifically, adolescence has no precise chronological onset or endpoint. It refers to a phase in development between childhood and adulthood beginning at puberty, typically about 12 or 13, and ending in the late teens or early twenties. Generally speaking, when referring to an adolescent the focus is on those persons under age 18.

⁷ Steinberg, L., Adolescent development and juvenile justice. *Annual Review Clinical Psychology*, 5, 459-485 (2009).

⁸ Committee on Law and Justice; Division of Behavioral and Social Sciences and Education; National Research Council.

Reforming Juvenile Justice: A Developmental Approach, Washington, DC: The National Academies Press, 2013.

⁹ Ibid.

affiliated partners, it does not suggest any change to the established primary responsibilities or aims of the juvenile justice system. Those responsibilities remain to:

- 1) hold youths accountable for wrongdoing,
- 2) prevent further offending, and
- 3) treat all youth with fairness and equity.

Within these responsibilities for Davidson County Juvenile Court and its partners, the research strongly supports that focusing on the positive social development of youth can enhance and assure the protection of public safety. An examination of these responsibilities reflects their compatibility with the developmental approach to juvenile justice.

Accountability

It is imperative that our juvenile justice systems provide an opportunity for youths to accept responsibility for their actions and make amends to individual victims and the community. This focus ensures that offenders are answerable for wrongdoing, particularly in cases in which there is harm to person and/or property.

Preventing Reoffending

The best practice approach to reduce re-offending includes the commitment to the use of structured decision-making instruments that informs professional judgement at key decision points (e.g., risks-needs-responsivity [RNR] tools). In the case process this includes referral/intake, diversion or alternative responses, adjudication, disposition and case planning.¹⁰ These scientifically validated tools and instruments can identify whether a youth is at low, moderate or high risk to re-offend.

Further, RNR assessment tools (e.g., YASI, etc.) may be used to assess for the specific needs of the youth in identified domains (family, peers, behavioral health, education, etc.) and permit a more effective matching of treatment and programmatic interventions that will ameliorate the risk to re-offend. If implemented effectively the use of RNR tools effectively target specific evidence-based interventions (e.g., specific therapeutic interventions such as aggression replacement therapy and cognitive-behavioral therapy) that reduce reoffending and produce fiscal returns relative to their costs/youth.

Fairness and Equitable Treatment

The third aim requires that youth are treated fairly through the assurance that due process laws and procedures are protected for every youth and family involved in the juvenile court process. Fundamentally, this includes equal certainty that all youths have access to and are represented by properly trained defense counsel and that all youth have an opportunity to participate in the juvenile justice system proceedings. The fairness standard also applies to the practice of swift justice. An adherence to standards and timelines for case processing is critical in that the

¹⁰ Tuell, John A., and Harp, Kari L. (2016) *Probation System Review Guidebook, 2nd edition*. Robert F. Kennedy Children's Action Corps.

juvenile justice process is designed to teach offenders that illegal behavior has consequences and that anyone who violates the law will be held accountable.

The RFK National Resource Center thus asserts that emerging from these primary areas of responsibility is the need to prioritize the following areas of practice within their ongoing practices and approaches as Davidson County Juvenile Court and the juvenile justice system advances their transformation plan toward the highest level of achievement:

Collaborative Leadership

As youth serving agencies often face the steady stream of immediate crises, it is frequently a challenge to incorporate time and attention to the nurturance of important professional partnerships. This can lead to a fragmentation of effort among the very well-meaning service professionals that undermines accomplishment of goals, objectives and outcomes that benefit the youth and families we serve. With varying missions and mandates, it is also frequently easy to argue for this separatist practice to continue even as we fail as a community of service practitioners to realize positive outcomes. The underlying premise for a developmental approach to juvenile justice system reform (e.g., less capacity for self-regulation, heightened sensitivity to peer pressure, and less ability to make judgements that require future orientation) provides the strongest case yet for system partners to find common ground upon which a strong collaborative foundation can be built. With this scientific basis, our professional practitioners can collectively recognize that during this period of adolescence, our youth actively engage in risky decision-making in relation to authority at home, in school and in the community.

Collaboration is not merely a concept; rather it is a dynamic and detailed set of connected actions among all critical agency and system partners, but particularly among the Juvenile Court, Probation Unit, judges, Office of the Public Attorney, and Public Defender's Office. It is not accomplished episodically, but routinely through the development and adoption of policies, procedures and protocols that are effectively overseen by the persons who comprise the collaborative partnership.

Risks-Needs-Responsivity (RNR) Tools

After more than two decades of research that confirmed the efficacy of scientifically validated structured decision making tools to screen and assess for risk to re-offending, there is still a significant gap between the research and practice. In view of the neuroscience of adolescents, instead of basing sanctions solely on the offense, a more effective approach is to assess each youth's risk for reoffending and reserve the most intensive monitoring and interventions (including both therapeutic services and sanctions) for those at highest risk. In addition, evidence suggests that the best results come from matching services to youths' specific "dynamic risk factors"—that is, risk factors that can be changed, such as substance abuse, poor school achievement, or lack of parental monitoring. Further, with a strong commitment to the RNR tools, juvenile justice system practitioners can more effectively target positive youth development opportunities that focus on increasing competency and cognitive skills development.

A growing number of jurisdictions that have effectively implemented and sustained fidelity of RNR practices have evidence that the approach has significant positive impact on juvenile justice system performance and protection of public safety. The improved system performance is demonstrated by the increased diversion of low-risk offenders from formal involvement in the juvenile justice system and the exchange of relevant information among prosecutors, public defenders and judges that permit more timely case processing and informed dispositions. The positive impact on public safety is reflected in the reduction of recidivism and corresponding improvements in cognitive skills and positive youth development.

Trauma Screening & Treatment

The growing awareness of the effect of trauma has led to the need for interventions that take into account the relevance of trauma in the lives of youth with behavior problems and potential involvement in the juvenile justice and related youth-serving systems.¹¹ The first step to identify appropriate interventions is the identification of youth for whom trauma based treatment is necessary. Consistent with the field's concerns, a recent Attorney General's Report has urged all child-serving organizations to "train their staff to identify, screen, and assess children for exposure to violence".¹² Together with trauma-based, the interventions, methods to specifically screen and assess youth for trauma-based concerns are critical to improving the likelihood for successful behavior change and amelioration of risk to reoffend. The point of emphasis is not merely to acknowledge that youth have a high likelihood of trauma events in their life, made higher by those in the child welfare and juvenile justice system, but also the routine need to identify active trauma symptoms. This practice requires a systematic approach to screening through the use of a validated instrument; expedited availability of clinical assessment where the risk indicates need; targeted, evidence-based treatment interventions with appropriately licensed clinicians; and training of youth-serving staff to appropriate methods of interaction and recognition of trauma responses.

Graduated Response / Sanctions

A strong system of "graduated responses" – combining sanctions for violations and incentives for continued progress – can significantly reduce unnecessary incarceration or other out-of-home placements, reduce racial and ethnic disparities, and improve successful probation completion rates and other outcomes for youth under supervision. There is compelling evidence that the juvenile justice system and its partners should incorporate this practice at key decision points affecting the trajectory of the youth into and out of system involvement. An effectively implemented system of responses and incentives may reduce harmful effects of confinement while holding the youth appropriately accountable. It is a "cardinal tenet of our justice system that punishment should be proportional to the offending behavior and evidence

¹¹ Grisso, T. & Vincent, G. (2014). Trauma in Dual Status Youth: Putting Things in Perspective. Boston: Robert F. Kennedy Children's Action Corps. <http://rfknrcj.org/resources/trauma/>

¹² Report of the Attorney General's National Task Force on Children Exposed to Violence. (2012). Washington DC: Office of Juvenile Justice and Delinquency Prevention. <https://www.justice.gov/defendingchildhood/cev-rpt-full.pdf>

is now available from many criminal justice and youth-serving contexts that using incentives more frequently than sanctions is most likely to achieve behavior change.”¹³

Positive Youth Development

Yet another practice that can be directly informed by the research about adolescent development involves commitment to the concepts related to positive youth development (PYD). This approach erodes the deficit-based approach that dominates many of our juvenile justice and probation system paradigms for case management and acknowledges that youth are capable of stabilizing maladaptive behaviors if they can be attached to a variety of social resources that facilitate healthy development. In the past decade, concentrating on positive youth development goals has provided the juvenile justice system with a compelling framework for service delivery, especially in cases involving younger juveniles and those charged with less serious crimes. The PYD essentially asserts that reducing offending means not simply restricting opportunities to offend but expanding opportunities to grow. The practices associated with an effective PYD approach support development of more mature patterns of thinking, reasoning, and decision-making.¹⁴

In combination with the appropriate use of RNR approaches, case management plans can incorporate PYD opportunities into the strategies that strengthen cognitive skills and positive assets which help to ameliorate risk in the priority domains for treatment and intervention.

Case Processing Timeline Standards

It is well documented that delays in the processing of youth through the justice system can have negative results not only for the youth themselves but also for their families and communities. Improving the timeliness of the justice process is far more than a technical matter for managers and judges; it is a critical part of policy and practice in ensuring the juvenile justice system fulfills its basic mission.”¹⁵ The qualitative research findings on successful adoption of adherence to these improved practices highlighted two common themes:

- Success in addressing court delay requires leadership in the form of a court culture that is committed to case management, and
- Routine and shared communication is vital for any successful case management system, no matter how automated that system may be.

These revised practices require collaboration from the key system actors and include judges, prosecutors, defense counsel, court administrators, and court/probation staff at a minimum.

¹³ Center for Children’s Law and Policy. (2016). Graduated Responses Toolkit: New Resources and Insights to Help Youth Succeed on Probation. Washington, DC. <http://www.cclp.org/graduated-responses-toolkit/>

¹⁴ *Programs that Promote Positive Development Can Help Young Offenders Grow Up and Out of Crime*. Research on Pathways to Desistance. Issue Brief. The John D. and Catherine T. MacArthur Foundation, 2014.

¹⁵ National Institute of Justice & Office of Juvenile Justice and Delinquency Prevention. (2014). Delays in Youth Justice. Justice Research. <https://www.ncjrs.gov/pdffiles1/nij/237149.pdf>

Family Involvement and Engagement

The active engagement and involvement of families, which by definition must include the nuclear, single parent and extended family units, must 1) be based on their strengths and assets, and 2) must provide for an active role and partnership in the development, implementation and management of comprehensive treatment plans for their children. Adolescent youth rely on the family, the primary natural support, to provide guidance, instruction and nurturance no matter the level of dysfunction, and our efforts must seek to enhance and not supplant that support system in both the short- and long-term. The research is clear that absent the meaningful engagement and involvement of families in our planning and interventions there is a decreased likelihood of achieving the positive outcomes we seek for our youth.

The foundation of the Probation System Review and the findings and recommendations contained herein is built upon the belief that when this research and the associated principles and practices are effectively applied to the primary areas of responsibility (accountability, preventing re-offending, and fairness and equitable treatment) of the juvenile justice system and its affiliated partners, Davidson County Juvenile Court will experience a **higher likelihood** of achieving its mission, goals, objectives and outcomes. The achievement of these outcomes is a shared community responsibility (e.g., the community of public and private actors and organizations).

II. METHODOLOGIES

The RFK National Resource Center employed an interactive consultation process designed to assist and support, not supplant, the authority, talents, current initiatives and work of leaders within Davidson County Juvenile Court and the juvenile justice system. This initiative was accomplished with the guidance, active involvement and support of the **Probation System Review Team (PSRT)** which included Davidson County Juvenile Court and relevant juvenile justice system leadership personnel. The members of the PSRT (*Appendix A*) possessed the expertise and authority to oversee key decisions and activities potentially impacting reform. The primary members of this group included:

- Davidson County Juvenile Court Judiciary
- Davidson County Juvenile Court Administration
- Davidson County Probation
- Davidson County District Attorney's Office
- Davidson County Public Defender

At the outset of the project, the RFK National Resource Center consultant team (RFK Team) worked with the PSRT to examine the most advantageous methodologies proven to be effective in past evaluations. The PSRT met at regular intervals during the project period to develop and refine the collaborative work plan, to determine the composition of relevant and necessary standing or ad hoc subcommittees, to discuss relevant expectations and parameters, and to set any other necessary directions for the work.

The template and multiple methodologies contained herein have been successfully utilized in numerous other jurisdictions and were employed in this review to fulfill and achieve Davidson County Juvenile Court's goals as articulated by Judge Sheila Calloway to "instill a sense of compassionate leadership in all court staff in order to prevent problems, promote positive potential, and pursue fairness and hope for the children of Davidson County." Additionally, Judge Calloway's leadership has "paved the path to create a trauma-informed, culturally responsive, and restorative court in which practices are streamlined to match the best available evidence-based community resources for each individual child."¹⁶

The engagement of agency/organizational leadership, court, probation, and other relevant practitioners and stakeholders was essential to the development of these recommendations and findings. These recommendations capitalize on local expertise while seizing viable opportunities for reform. This collaborative approach increases the likelihood that Davidson County Juvenile Court and other relevant and critical youth serving partners within the court system will actively implement plan recommendations.

Davidson County Juvenile Court, in partnership with the RFK Team, used multiple methodologies to inform the Probation System Review analysis. The following methods were used to carry out the elements of the review:

Routine Meetings with a Designated Project Leadership Team

Site visits were conducted on the following dates:

- July 25-26, 2017
- October 5-6, 2017
- January 29-30, 2018
- April 23-24, 2018

During the on-site visits, regularly scheduled meetings with the Core Leadership Team and/or the PSRT were convened to provide direction for the execution of the work plan, provide access to designated personnel, discuss and assess the progress of the evaluation, and to offer dynamic current suggestions to address preliminary themes or findings as the evaluation progressed. This methodology permitted opportunities for remedial action without waiting for the final report to be completed. As needed, conference calls were conducted to address relevant issues arising in between on-site visits.

Document Review

Beginning in June 2017, prior to the first visit, the RFK Team began a review of foundational documents that set forth the vision and goals of Davidson County Juvenile Court. Throughout the process, documents were requested and reviewed as they related to the primary topics of discussion. See *Appendix B* for a complete inventory of documents reviewed.

¹⁶ Davidson County Juvenile Court Overview. Judge Sheila Calloway. 2017.

Process Mapping

A process mapping exercise was conducted with a selected group of probation officers and probation management representing all of the probation units (*Appendix C*). The purpose of this exercise was to analyze interfaces, handoffs, bottlenecks, and other case flow issues in the handling of cases internally. This included a discussion of what information is available at various decision points while identifying perspectives on interagency work processes and opportunities to improve practices in the priority areas for the review. See *Appendix D* for Davidson County Juvenile Court's intake process and Juvenile Court Process.

Employee Survey

An electronic employee survey was conducted between the months of August-September 2017 (*Appendix E*). Invitations and a link to participate in the survey were sent to the current Probation staff and supervisors. Participants were given eight weeks to complete the on-line survey. The survey consisted of 67 multiple choice and 12 open-ended questions. All survey participants were assured anonymity. There was a 97% response rate and the results of the survey were shared with the PSRT during the October 2017 and January 2018 site visits and were used to further refine the understanding of actual management and probation practices that were ripe for discussion. The results informed the maturation of the findings and the development of the final recommendations.

Performance Measures and Outcomes Development

This methodology was used to support an increased awareness of how worker performance (practice and adherence to prescribed practices) was/is related to the desired sought outcomes for the client population. The discussions permitted a clearer identification of how youth needs connect probation practice to the achievement of desired service and treatment outcomes. The methodology formed the basis for enhancing opportunities to measure worker performance toward those outcomes and collect data regarding achievement of those and other identified system and youth outcomes. This methodology featured meetings with the Core Leadership Team and Information Technology/Data Analyst personnel that could enhance an understanding of current data driven practice and capacity to highlight priority system performance and youth outcome measures in the future operations of Davidson County Juvenile Court probation services and the juvenile court as a whole.

Key Stakeholder Interviews

The RFK Team conducted interviews with the Davidson County Juvenile Court service providers who interact on a regular basis with Probation and the Court. Interviews were also conducted with the juvenile judge and magistrates to better understand their experiences with Probation and the juvenile court. These interviews supplemented the PSRT group discussions and the information gleaned through conversations with the Chief of Probation, Administrator of the Courts and the probation staff.

Probation Orders Analysis

In partnership with RFK National Resource Center consultant staff, National Juvenile Defender Center (NJDC) staff worked with an assigned workgroup and reviewed all relevant standard and supplemental probation orders and focus on three key issues:

- number of conditions on the orders,
- types of conditions on the orders, and
- language and accessibility of the orders.

The analysis highlighted developmental concepts and research underlying the need for streamlining conditions and will provide information and feedback to help jurisdictions target individual youth strengths, goals, and needs. The final report detailing their methodologies, findings and recommendations is provided as Appendix F.

Best Practice Analysis

The best practice analysis of the juvenile justice system, core to this system evaluation, involved an ongoing review of the following practices framed against the current research and understanding of evidence-based approaches and probation practices:

- decision-making processes
- current data capabilities
- case handling process
- current data reports that inform probation management
- desired recidivism measures and outcomes
- opportunities to implement a risk/need screening tool
- referral and intake process (how it intersects with probation and law enforcement)

This methodology was predominantly conducted within the PSRT meetings and in interviews with the Judge/Magistrates, the District Attorney, and the Public Defender.

It must be noted at the outset that the focus of these methodologies was prioritized in initial conversations with Davidson County Juvenile Court's Core Leadership Team (members identified in *Appendix A*) and in early conversations with stakeholders and staffing teams. This resulted in the RFK Team assigning more time to the examination of those issues which were identified as priority strengths or concerns. These decisions guided the RFK Team in allocations of time for review, examination and analysis – and scope. As a result of this locally informed prioritization, there were some areas of the Davidson County Juvenile Court's probation services that were not directly included within the activities of the RFK Team during the conduct of this review.

III. Davidson County Juvenile Court Probation Services

A. Purpose and Intent of Tennessee Code

The intent, authority and purposes codified in Tennessee law (Rules 101-404: Tennessee Rules of Juvenile Practice and Procedure.) reflect the following:

Rule 101 (§ 37-1-101) Purpose and Construction

These rules are designed to implement the purposes of the juvenile court as expressed in T.C.A. § 37-1-101 by providing speedy and inexpensive procedures for the hearing of juvenile cases that assure fairness and equity and that protect the rights and interests of all parties; by promoting uniformity in practice and procedure; and by providing guidance to judges, magistrates, attorneys, parties, youth services and probation officers, and others participating in the juvenile court.

§ 37-1-103. Jurisdiction

(a) The juvenile court has exclusive original jurisdiction of the following proceedings, which are governed by this part:

(1) Proceedings in which a child is alleged to be delinquent, unruly or dependent and neglected, or to have committed a juvenile traffic offense as defined in § 37-1-146;

(2) Proceedings arising under §§ 37-1-141 37-1-144;

(3) Proceedings arising under § 37-1-137 for the purposes of termination of a home placement;

(4) Prosecutions under § 37-1-412, unless the case is bound over to the grand jury by the juvenile court or the defendant is originally charged with a greater offense of which violation of § 37-1-412 is a lesser included offense;

(5) Proceedings arising under § 49-5-5209(e); and

(6) Proceedings in which a parent or legal guardian is alleged to have violated parental responsibilities pursuant to § 37-1-174.

(b) The juvenile court also has exclusive original jurisdiction of the following proceedings, which are governed by the laws relating thereto without regard to the other provisions of this part:

(1) Proceedings to obtain judicial consent to employment, or enlistment in the armed services of a child, if consent is required by law;

(2) Proceedings under the Interstate Juvenile Compact, compiled as chapter 4, part 1 of this title; and

(3) Proceedings under the Interstate Compact on the Placement of Children, compiled as chapter 4, part 2 of this title.

(c) When jurisdiction has been acquired under the provisions of this part, such jurisdiction shall continue until the case has been dismissed, or until the custody determination is transferred to another juvenile, circuit, chancery or general sessions court exercising domestic relations jurisdiction, or until a petition for adoption is filed regarding the child in question as set out in § 36-1-116(f). However, the juvenile court shall retain jurisdiction to the extent needed to complete any reviews or permanency hearings for children in foster care as may be mandated by federal or state law. This provision does not establish concurrent jurisdiction for any other court to hear juvenile cases, but merely permits courts exercising domestic relations jurisdiction to make custody determinations in accordance with this part. Notwithstanding any other law to the contrary, transfers under this provision shall be at the sole discretion of the juvenile court and in accordance with § 37-1-112. In all other cases, jurisdiction shall continue until a person reaches the age of eighteen (18), except that the court may extend jurisdiction for the limited purposes set out in § 37-1-102(b)(4)(B) until the person reaches the age of nineteen (19).

(d) The court is authorized to require any parent or legal guardian of a child within the jurisdiction of the court to participate in any counseling or treatment program the court may deem appropriate and in the best interest of the child.

§ 37-1-119. Petition

The petition may be made by any person, including a law enforcement officer, who has knowledge of the facts alleged or is informed and believes that they are true.

§ 37-1-131. Delinquent Child Disposition Restitution

If the child is found to be a delinquent child, the court may make any of the following orders of disposition best suited to the child's treatment, rehabilitation and welfare:

(1) Any order authorized by § 37-1-130 for the disposition of a dependent or neglected child;

(2) (A) Placing the child on probation under the supervision of the probation officer of the court or the department of children's services, any person, or persons or agencies designated by the court, or the court of another state as provided in § 37-1-143, under conditions and limitations the court prescribes;

(B) - (K) Describes offense types, conditions and provisions under which school shall be notified by the juvenile court;

(3) Placing the child in an institution, camp or other facility for delinquent children operated under the direction of the court or other local public authority;

(4) Subject to the restrictions of § 37-1-129(e), commit the child to the department of children's services, which commitment shall not extend past the child's nineteenth birthday;

(5) Assessing a fine not to exceed fifty dollars (\$50.00) for each offense that constitutes a violation of a state law or municipal ordinance;

(6) Committing the child to the custody of the county department of children's services in those counties having such a department; and

(7) (A) – (E) Includes provisions for ordering the child to perform community service work with such work being in compliance with federal and state child labor laws. For first-time delinquent acts involving alcohol or beer, in its order for community service work, the court may require the juvenile to spend a portion of such time in the emergency room of a hospital, only if, and to the extent, the hospital agrees with such action;

(b) (1) – (5) Contains provisions authorizing the court to order restitution if the child is found to be delinquent, and to permit the court to determine if any monetary damages actually resulted from the child's delinquent conduct. Upon a determination that monetary damages resulted from such conduct, the court shall order the child to make restitution for such damages unless the court further determines that the specific circumstances of the individual case render such restitution, or a specified portion thereof, inappropriate.

B. Davidson County Juvenile Court - Mission and Goals

Davidson County Juvenile Court is guided by the following mission and goals:

Mission:

The mission of the Davidson County Juvenile Court is to ensure that every child and family who comes in contact with our court is met with justice, fairness, and hope; while providing “for the care, protection, and wholesome moral, mental, and physical development of the children within its provisions,” as according to the Tennessee Law.¹⁷

Goals:

- Prevent Problems
- Promote Positive Potential, and
- Pursue Fairness/Restore Hope.

In support of these goals, the Court is committed to:

(1) Providing for the care, protection, and wholesome moral, mental, and physical development of the children coming within its provision; (2) Removing from children...the taint of criminality

¹⁷ Davidson County Juvenile Court Employee Manual, July 2017

and the consequences of criminal behavior, and substitute therefore a program of treatment, training, and rehabilitation; and (3) Achieving the foregoing purposes in a family environment whenever possible, separating from such child's parents only when necessary for such child's welfare or in the interest of public safety.¹⁸

C. Structure and Organization

In September 2014, Judge Sheila Calloway took the bench as presiding juvenile judge of Davidson County Juvenile Court which began a significant restructuring of the Court both in organization and purpose. Davidson County Juvenile Court offers an organizational chart (*Appendix G*) that reflects current lines of authority, responsibility and accountability for each of the service units that comprise the court services provided to youth. The chart also depicts the reporting responsibilities for the Chief of Probation. In total, 116 staff are employed by Davidson County Juvenile Court across its continuum of services.

As depicted in the organizational chart, in addition to the core probation services there are a wide range of service options that include Juvenile Intake, Supervised Release, Truancy Services (MSAC), and Assessments, among others. As will be noted throughout the report, these service units are critical to the operations and success of the Davidson County Juvenile Court probation services.

D. Prevalence Data

According to the most recent data (2017) reviewed from available sources, Davidson County's total population is 691,243. It is the second most populous county in Tennessee. The youth population (<18 years of age) makes up 21.3% of the total census, or 147,234 persons. The majority race is White, at 65.2 % of the total population; followed by Black or African American comprising 28.1%, Hispanic or Latino at 10.1%, and Asian at 3.7%. In calendar year 2016, the per capita median household income was \$50,484, while the per capita income was reported to be \$30,593. The county experiences a 15.1% poverty rate for its population.

In FY 2016, 13,531 distinct juveniles came into contact with the Davidson County Juvenile Justice System. Of that number, 11,764 petitions were filed with the Juvenile Court:

- 2,578 Delinquency Petitions;
- 1,460 Status Petitions (Unruly, Truancy and Runaway);
- 3,262 Informal Adjustments (assessment and services provided, but no formal petition);
- 1,614 Neglect and Dependency Petitions;
- 4,304 Paternity and Child Support Petitions;
- and 1,808 other petition types

Davidson County Juvenile Court has worked diligently to lower the number of cases formally petitioned to the court through the use of an informal adjustment process. As noted above, in

¹⁸ Tennessee Code Annotated §37-1-101

2016, 3,262 youth were diverted through the informal adjustment process. Of those youth, 6.8% had a subsequent adjudication for a delinquent offense.

IV. ELEMENT A: ADMINISTRATION

A. Introduction

The review of administration focused on Davidson County Juvenile Court's policies, procedures, and operations, as well as how the managerial oversight for probation and service units is carried out as reflected in the feedback from probation officers, stakeholders, and key system partners. This review element began with a careful analysis of the policies and procedures. The analysis was followed by descriptions of the Court's operations and covered training, management practices, and probation practices. Probation practices included probation supervision, service delivery to probationers, and a qualitative and subjective exploration of the various views, perspectives, and philosophies held about probation practices.

The key issues in this review element were:

- 1) whether the probation policies and procedures are a relevant guide for daily practice;
- 2) how management practices contribute to the overall functioning of probation services;
- 3) how the design and delivery of training support desired court service and probation practices;
- 4) whether the service units and probation supervision are effectively carried out; and
- 5) whether services to court involved youth and families are effectively delivered.

In addressing court service and probation practice implementation in Element A, the review began with an analysis of policies, procedures, and operations that govern Davidson County Juvenile Court supervision services. Specifically, the PSRT and other stakeholders examined how court services and supervision practices are informed and guided by its memorialized documentation related to probation leadership, managerial oversight, supervision of clients, and training. This was also the initial opportunity to ensure that the review was significantly informed by feedback from staff and relevant stakeholders (e.g., judges, prosecutors, public defenders, etc.).

B. Policies and Procedures Manual

The analysis of the Court's policies and procedures related to probation services began with an inquiry and discussion about the documents that guide the operations of supervision services and the daily activities of the Support Intervention Accountability (SIA) staff who operate as diversion, pre-trial and dispositioned probation officers.

Questions that guided this part of the review:

- Do the mission, vision, values, policies and procedures link well to each other?
- Do the mission, vision, values, policies and procedures reflect best practices?

- Do the mission, vision, values, policies and procedures link well to daily juvenile court service and probation operations?

To be effective, an organization must have a clear mission that undergirds the strategies that guide its daily operations. A PriceWaterhouseCoopers study indicates that high-performing organizations reported 31% greater effectiveness overall when vision, mission and values statements were clearly articulated and accountability plans were incorporated into a management strategy.¹⁹

The RFK National Resource Center consultant team (hereafter referred to as the RFK Team²⁰) found that since the change in leadership in 2014, probation services at the Court have been guided primarily by an employee manual consisting of 246 pages. The manual describes the scope and purpose of the key Court teams and programs, e.g., Assessment Team scope and purpose, Intake Team scope and purpose and role of the Support Intervention Accountability (SIA) Team. Definitions of roles are provided along with brief policy statements guiding each team and/or program. Additionally, the manual covers such human resource/personnel topics as background checks, Equal Employment rules, and employee reimbursements. The document provides important information to assist Davidson County Juvenile Court employees in understanding the various teams, employee roles and overarching employee policies.

Beyond the employee manual, there is no other document that provides specific policies and procedures to guide the daily activities of key Court employees working with youth entering the court system (Assessment Officers, SIA Officers [probation officers], Statistics Training Analysis Resource [STAR] team members and the Metro Student Attendance Center [MSAC]). This lack of standard operating procedures (SOPs) was a frustration voiced by the probation staff both during the process mapping focus groups and within responses to the employee survey. The RFK Team found staff desirous of clear directives that would guide their day-to-day operations, both within the court and in dealing directly with youth and families. In an effort to create a service environment that is supportive of rehabilitation through individualized, flexible approaches to working with youth, outdated policies and procedures were disposed of in 2014. However, this left a gap that has affected employee direction, satisfaction and morale. This is not to say that staff is left without any support or guidance; rather guidance is provided on an individual, case-by-case, trouble-shooting manner via email or in person with a superior. Without a standard set of fundamental policies and procedures to guide daily operations, staff practices may be applied in a manner inconsistent with expected standards, and actions can too often be critiqued and challenged in hindsight despite positive intentions.

During the course of the review, Court and probation service leadership duly noted this lack of guidance for staff. As a result, prior to the conclusion of the review, the Chief of Probation

¹⁹ *Aligning strategies for people and business*. Retrieved March 10, 2010 from:

<http://www.pwc.com/nz/en/clever-companies/hr-best-practices.jhtml#alig>

²⁰ The RFK Team was comprised of John A. Tuell Executive Director, RFK National Resource Center and Kari L. Harp, Probation System Reform Program Director, both of whom served as the primary consultants on-site. Additionally, staff from the National Juvenile Defender Center were members of the Probation System Review Team.

(hired shortly after the review began), convened a workgroup of probation staff to begin to create a comprehensive list of standard operating procedures. The RFK Team commends the Chief and Court Administration for prioritizing this important action. It must also be recognized that the Chief and the workgroup paced their work in preparation to include the recommendations from this report. The RFK Team, therefore, would like to make the following recommendations as these new standard operating procedures are developed.

Adolescent Development

The developing set of policies and procedures should reflect a clear commitment to an established proficiency of understanding of adolescent development and translation of same into practice for all probation and supervision staff. This understanding and practice proficiency requires intentional diligence to ensure all staff persons are driven in practice by this science and approach.

Employing a developmental approach and tailoring system policies and practices to meet the unique needs of adolescents is one of the four core principles identified through a meta-analysis of research on what reduces juvenile recidivism and improves other youth outcomes. The Council of State Governments Justice Center describes this approach as the following:

Young people are not mini-adults. Their families, peers, schools, and communities have a significant influence on their beliefs and actions. They engage in risky behaviors, fail to account for the long-term consequences of their decisions, and are relatively insensitive to degrees of punishment. They also struggle to regulate their impulses and emotions. A growing body of research confirms that these differences are developmental—the result of biological and neurological conditions unique to adolescence—and that ignoring these distinct aspects of adolescent development can undermine the potential positive impact of system interventions and even do more harm than good.

*Thus, a developmentally appropriate approach to working with youth should undergird all policies, programs, and supervision in the juvenile justice system. There is no single program model or tool for establishing a developmentally appropriate approach. While further rigorous research is still needed, this approach appears to be a key missing ingredient for enhancing the positive impact of a wide range of system policies and practices.*²¹ (p. 34-35)

While acknowledging the commitment to and training support for this understanding and proficiency by Davidson County Juvenile Court leadership, it is the recommendation of the RFK Team that information on the neuroscience of adolescent development be included in the Davidson County Juvenile Court Employee Manual and forthcoming Standard Operating Procedures. It is the

²¹ Elizabeth Seigle, Nastassia Walsh, and Josh Weber, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System* (New York: Council of State Governments Justice Center, 2014) of State Governments.

recommendation of the Team that language be added throughout the documents highlighting the necessity of employing a supervision approach that highlights the key findings of adolescent development research. Examples of policy and procedure topics that would benefit from the inclusion of this language would be in the areas of orientation and/or onboarding training, core duties and responsibilities of SIA workers, juvenile court supervisor responsibilities, within the newly developed and adopted screening and assessment protocols, and within case planning policies. A commitment to this research throughout the Court, specific to probation services, should begin with including this language in these fundamental policies and procedures and should lay the foundation for how probation staff within the Court will approach their work with youth and their families. The incorporation of this language will support and sustain a developmentally appropriate approach to supervision and will ensure adolescent development is not seen as a fad or a passing trend but rather the bedrock upon which all policies, procedures and best practices are founded.

Family Engagement

The Davidson County Juvenile Court approach to supervision and service shows a high level of concern and importance placed on seeking to rehabilitate youth. Leadership and staff (SIA, Assessment Team, MSAC, STAR) all reflected this same passion for serving youth and families with intention and commitment towards positive change. In order to accomplish this, the philosophy and belief in family engagement must be memorialized into policies, procedures and routine training curricula. While family engagement practices are covered more in depth in Element B: Probation Supervision section of this report, it must be mentioned under the Administration element for prioritization and inclusion in the developing Standard Operation Procedures as well as new employee orientation and annual booster trainings. The tenets of adolescent development and principles of effective family engagement must be embedded into the Court policies to permanently establish their foundational value to every other best practice provided to youth and families. Family engagement must be given more than lip services and must be memorialized into the bedrock of written documents that guide the Court's supervision practices to ensure they will not disappear as a passing fad if and when Court and Probation leadership changes. It is the formal recommendation by the RFK Team that an emphasis of why family engagement is important along with specific strategies for how to engage youth and families most effectively be incorporated into the Standard Operating Procedures, new employee orientation training and annual in-service training for all Court staff interacting with families, this includes Intake, SIA Officers, Assessment Team Members, and STAR and MSAC staff.

C. Training Curriculum

It is common for organizations to limit orientation training to the minimum standards of employment. These trainings typically cover the structure of the organization, human resource requirements, legal mandates of the particular field, and policies and procedures. If day-to-day practices are covered, it is often in the areas of technical skills the employee must have before they can do the work, e.g., how to complete forms and use computer or data entry

systems. Often, short shrift is given to the philosophy of the organization, the role the employee has in helping the agency meet their goals, and the training that is needed to support staff in reaching these goals. The absence of strong training, effective supervision, and coaching results in great variances in staff performance, sporadic achievement of outcomes and lack of employee engagement. A key component in any successful organization is a well-trained staff with the necessary skills and abilities to meet job requirements. Additionally, fundamental to this effort is the recognition that system actors (district attorney, public defense, judges, and service providers) must have access to and participate in training on the core practices that drive system operations.

It is routinely acknowledged within the research that a comprehensive training curriculum includes:

1. Orientation and/or onboarding
2. Policies and procedures (probation and court)
3. Special skills (RNR, trauma, MI, family engagement),
4. Special populations, and
5. Routine set of offerings to promote continuous skill refreshing

As part of the recent four year reformation, Davidson County Juvenile Court has increased its use of training to change the culture of the Court and the supervision staff that work within it. As staff reported in the employee survey “We have enough training. More individualized training would be better. A training manual would be very beneficial...training which is job specific to the everyday task would be helpful.” Staff reported they feel well-trained in the philosophical approach to supervision that includes recognizing youth in the system often present with mental health and active trauma symptoms. However, as stated in the section on Policies and Procedures, specific trainings on what is expected of employees in their daily operations with a youth is needed. It is recommended that a detailed departmental training curriculum be developed and refined focusing on key components of pre-service, orientation, in-service, and special skills development for all Court staff (Assessment, SIA, STAR, MSAC) and that train specifically to what is expected of staff in the execution of the forthcoming standard operating procedures.

Below is a list of current trainings offered to Probation staff:

- 40 Developmental Assets (Assessment Division)
- Adverse Childhood Experiences (ACES)
- ACE: Building Strong Brains
- Case Management and Documentation
- Child and Adolescent Needs and Strengths (CANS)
- CPI-Nonviolent Crisis Intervention (Trainer Certifications have lapsed)
- Educational Advocacy (by Beth Cruz)
- HART-Sex Trafficking Screen
- Implicit Bias
- Motivational Interviewing

- Nonviolent Communication
- Suicide Prevention (Assessment Division)
- Trauma Informed Care
- Working with LGBTQI Youth

As previously referenced in this report, the RFK Team believes that attention to adolescent development and the requirement that there be a demonstrated proficiency of understanding of this science/research must be included as a distinct training component of the curriculum. In addition, it is recommended that this same training on adolescent development be made available to the staff at the District Attorney's office, the Public Defender's office, and for all of the members of the judiciary. The RFK Team sees value added if training on this topic is provided in a cross-discipline setting with all the aforementioned partners present, thereby reinforcing its importance across the entire juvenile delinquency continuum and increasing an understanding of how each system stakeholder is integrating these strategies into their practices.

Additionally, this section provides the opportunity to highlight the need for inclusion of training and ongoing support for implementation of family engagement and involvement principles into practice within the Court's supervision services. The next section of this report will recognize the considerable efforts that have been ongoing since 2014 to achieve this goal throughout the probation services provided by the Court. The RFK Team would reinforce that this principle be prioritized and implemented through specific strategies and consistent quality assurance oversight. As with the neuroscience of adolescent development, family engagement is not a passing trend or exercised at a single decision point. It is a philosophy that must be interwoven into all aspects of the juvenile justice continuum, most particularly evident in how probation officers speak to youth and families and include them in the planning, trouble-shooting and case closure decisions that affect them the most. When done so effectively, these practices have a direct impact on youth outcomes related to public safety and long term positive behavioral change.

It is notable that the District Attorney's office holds a monthly training opportunity over lunch for all who take juvenile court appointments. Stacy Miller, Davidson County District Attorney, has spearheaded this training opportunity which is advertised on the Administrative Office of the Court and Court Improvement Project websites and is regularly attended by an average of 50 people. Attendees include the private bar, and staff from the Department of Children's Services, District Attorney, and Public Defender. CLEs are provided. This is a commendable practice and presents an ideal opportunity for stakeholder trainings on adolescent development. It will also provide the ideal venue for training court stakeholders on the forthcoming risk-to-reoffend screening tool and risk-needs assessment to be chosen and implemented by Davidson County Juvenile Court staff.

D. Structuring Reforms for Effective Implementation and Sustainability

In summation, this section of the Probation System Review report focuses on administration and management practices. Davidson County Juvenile Court has undergone a significant transformation process that began in 2014. The efforts by the Court to eschew punitive approaches to supervision that focus solely on enforcement of conditions and monitoring and replace those with engaged, individualized and supportive rehabilitative approaches in addition to monitoring are to be commended. This philosophy change has been embraced by all levels and units of the Court's supervision practices and programs. However, what remains is a need to formalize this philosophy and approach into concrete policies and practices that not only imbue this philosophy, but provide clear direction and expectations to staff that are equally founded on evidence-based practices and approaches. This will not only provide the structure that is missing from the management of staff, but will provide benchmarks for performance that can be used to coach and improve staff performance consistent with desired system performance and youth outcomes.

This Probation System Review process, initially focusing on the administration and management practices, has provided an opportunity for Davidson County Juvenile Court leadership to reflect on the considerable strengths and gains realized by their efforts over the past 4 years. It has also permitted their courageous introspection and commitment to an examination of the "re-calibration" of efforts to strengthen the current reforms and improved preparation for future transformative policies and practices.

While the Court has been in the planning and demonstration stages over the past several years (increased training, philosophical change, major adjustments to the role and responsibility of the SIA officers, increased use of assessments and service connection), this report will serve to provide structure and guidelines to turn these best efforts into true best practices. This re-calibration will take time and effort on behalf of all the dedicated leadership and staff of the Davidson County Juvenile Court. It has often been the downfall of similar efforts that such change in practice to comport with the newest evidence of effectiveness is not accompanied by a well-conceived implementation plan for long term sustainability. There is an increasing body of evidence that supports a systematic approach to implementation of reforms (often now referred to in literature as *implementation science*). The science identifies several key stages that may be characterized as involving:

- Endorsement
- Prioritization
- Sequencing
- Accountability / responsibility
- Timelines

While this is a drastic oversimplification of the components of the scientific approach for effective implementation offered for the purposes of brevity, it offers a place mark within this report for Davidson County Juvenile Court. After receipt and consideration of the full set of

recommendations contained in this report, it provides a critical opportunity for the Court and its key partners to recalibrate the priorities for the transformation process and effectively sequence realistic timelines for sustainable implementation of the desired policies and practices. The RFK National Resource Center has increasingly relied on these science-based principles to support successful implementation efforts in Milwaukee, WI; the state of Massachusetts; and the Territory of Guam among others.

Element A: Recommendations

- 1. It is recommended that standard operating procedures be created for each of the unique probation/supervision units that are detailed in the Employee Manual. (Workgroups have already been created to begin this recommendation.)***
- 2. It is recommended that information on the neuroscience of adolescent development be included in the Davidson County Juvenile Court Employee Manual and forthcoming Standard Operating Procedures.***
- 3. It is recommended that specific family and youth engagement methods, strategies and practices that are consistent with current best-practice research be incorporated into the Standard Operating Procedures and new employee orientation training and annual in-service training for all Court staff interacting with families. This includes Intake, SIA Officers, Assessment Team Members, and STAR and MSAC staff.***
- 4. It is recommended that a detailed departmental training curriculum focusing on key components of pre-service, orientation, in-service, and special skills development for all Court staff (Assessment, SIA, STAR, MSAC) be developed and refined that train specifically to what is expected of staff in the forthcoming standard operating procedures.***

Element B: Probation Supervision

A. Introduction

The review and analysis of probation supervision practices and approaches included the decision making processes throughout the juvenile justice system (e.g., arrest, referral, adjudication, disposition, case planning and management, revocation, case closure) and the resulting assignment and oversight of particular groups of probationers in specific programs as compared to recognized best practices standards. The review focused on the Court's probation supervision and areas for practice development and improvement. As noted previously, probation officers in Davidson County Juvenile Court are referred to as Support Intervention Accountability (SIA) Officers. The terms SIA Officers and Probation Officers will be used interchangeably to reinforce and clarify the role of these important supervision staff.

The key issues in this review element were:

- 1) analysis of the SIA Officers' approach to supervision, the role of the SIA Officer, their day-to-day tasks and how the tasks connect to desired youth outcomes,
- 2) review of professional staff responsibilities, mandates and expected products and outcomes that support improved decision making at each key step, and
- 3) analysis of decision making processes and the assignment and handling of particular groups of probationers (e.g., risk levels, special populations) in specific programs.

Questions that guided this part of the review within Element B include:

- How are cases assigned to SIA Officers?
- What role does the SIA Officer play in the life of a probationer?
- Are supervision levels matched based on risk and needs through the use of structured decision-making tools?
- How are services matched to a youth's needs?
- What products are the probation officers responsible for creating? How are they used?
- What are the supervision criteria for each probationer group?
- How clearly are client outcomes identified for each probationer?
- How do SIA Officers' tasks connect to desired youth outcomes?
- How is staff evaluated? Based on what criteria?

In the analysis of this element, the RFK Team relied heavily on the group discussions that took place with the process mapping line staff and supervisors, the Employee Survey feedback, the PSRT, and among individual groups of stakeholders that included judges, public attorneys, public defenders, law enforcement, schools and service providers.

Davidson County Juvenile Court supervision (Probation and Intake services) is comprised of the following staff units, each of which has a Supervisor or Coordinator in addition to these staffing levels:

| <u>Unit</u> | <u>Staff Numbers</u> |
|--------------------------------|----------------------|
| Intake Services Unit | 5 |
| SIA Officers | 13 |
| Gang Unit | 4 |
| Assessment Team | 13 |
| STAR Team | 2 |
| MSAC Team | 15 |
| Community Outreach/Youth Court | 3 |
| Foster Care Review Board | 5 |
| Recovery Court | 2 |

Davidson County Juvenile Court has embraced a nationally recognized best practice supervision approach that combines both a focus on enforcement and rehabilitation. SIA/Probation officers

are trained and coached to be “agents of change”, prioritizing the development of juveniles not through simple monitoring and enforcement alone. Research clearly shows that a reduction in recidivism occurs when there is a focus on positive behavior change as opposed to strict surveillance and monitoring alone. The following table highlights the difference in the two approaches.

| Focus on Surveillance | Focus on Positive Behavior Change |
|---|--|
| Laundry list of supervision conditions | Developmentally appropriate conditions |
| Fixed and uniform case contact requirements | Contact requirements based on youth’s assessed risk level |
| No collateral contact requirements | Required family and school collateral contacts |
| Large caseloads, “check-in” visits | Small caseloads with sessions focused on behavior change/skill development |
| Minimal training | Training in engagement and cognitive behavioral techniques |
| Minimal use of incentives/rewards | Frequent use of incentives/rewards |

The findings and recommendations in this report will reflect a focus on these positive behavior change practices and the RFK Team approached the review with the goal of highlighting areas for improvement as well as areas of strength and progress. This section begins with analysis of the RFK Team’s observations and findings related to the entryway for youth into the juvenile justice system (Intake) and then progresses through the pre- and post-dispositional practices employed by the Court and their supervision services.

B. Risk-Needs-Responsivity (RNR) Assessment Process

As noted in the *BACKGROUND: Probation System Review Design and Framework* section of this report, one of the four core principles shown through research to reduce recidivism and improve youth outcomes is:

- 1) The use of a **validated risk and needs assessments** to guide supervision, service and resource allocation decisions.

Research has long supported a solid foundation for the use of a risk-needs-responsivity (RNR) tool that assists the judicial system in 1) protecting the public from harm, 2) holding youth accountable while addressing their underlying criminogenic needs, 3) ensuring that scarce resources are used efficiently and 4) reducing the development future delinquent behavior by diverting low risk youth from suffering the consequences of negative system involvement.

A valid RNR assessment will assess two types of risk factors. The first type are static factors that include number of prior arrests, age of 1st offense, early exposure to violence and age of 1st substance abuse. The second types of factors measured are dynamic risk factors that change

over time: impulsivity, callous/unemotional affects, ADHD, parental discipline that is lax and/or inconsistent. Valid risk assessments typically target multiple domains including offending history, substance abuse, attitudes towards crime, behavioral problems and personality traits, negative peer influence, school achievement and the presence of protective factors. Matching the youth's needs with appropriate services through an informed decision making tool enhances objectivity, reduces risk, increases rates of successful completion of services, improves resource allocation and reduces violations and recidivism.²²

Davidson County Juvenile Court has been conducting a lengthy assessment on the youth who are informally adjusted and not formally petitioned by the Court to advance towards adjudication. The tools used in this assessment process are 1) 40 Developmental Assets, 2) Adverse Childhood Experiences Screen (ACES), 3) the Child and Adolescent Needs Screen (CANS), and 4) the OJJDP Risk Screening Tool. Interviews with the youth and family are also a part of this assessment process and the results are compiled into a lengthy report used by the SIA and STAR teams to connect the youth to services when they are on an informal adjustment or pre-trial diversion. One important piece of information missing from these assessments is a youth's current or historic child welfare history. Currently there is no protocol or process for routinely contacting the Department of Children's Services to identify current or past DCS engagement.

Youth who are **not** informally adjusted receive no pre-adjudication or pre-dispositional assessment. For youth who are adjudicated and subject to dispositional orders, the only assessment administered is the OJJDP Risk Screening Tool. This tool is developed primarily to screen for risk to re-offend and does not assess for criminogenic needs that ameliorate risk. This results in an underutilization of the best-practice method to which Davidson County Juvenile Court is properly committed and resulting dispositional orders that are not fully informed of the individualized risks, strengths and treatment needs to guide effective case plans.

It is the recommendation of the RFK Team that the Davidson County Juvenile Court adopt the use of a chosen risk-needs-responsivity tool for use in case planning for youth who have been formally dispositioned. To effectively implement this tool, the following steps must occur:

- a. Develop and finalize protocols for the implementation of the chosen risk-needs-responsivity screening and assessment tools
- b. Develop and finalize protocols for how the results of the screening and assessment tools will be utilized in decision-making and case planning
- c. Fully train all staff and relevant stakeholders in the implementation methodologies of these tools

The commitment to one validated RNR tool will also have positive consequences for caseload size. The RFK NRC team takes no position on the current caseload sizes for Davidson County

²² Vincent, Gina M. *Risk Assessment & Mental Health Screening in Juvenile Justice: Maximizing the Impact of Interventions*. 2015. National Youth Screening and Assessment Partners.

Juvenile Court Probation services and this is largely due to the currently ill-defined scope and variance of activities for SIAs in the department. The best available guidance related to appropriate case load determinations has also struggled with consensus on this issue over the past decade. One thing is clear, overly large caseload sizes present probation departments with a capacity to do little more than monitor the offenders and return the non-compliant probationers to court. To some degree, as reported by the American Probation and Parole Association, these difficulties “have been exacerbated by the absence of any definitive national professional standards which are ideally backed up by empirical research.”²³ What will become clear is that the practice being endorsed by Probation toward a more balanced, evidence-based approach to supervision using the RNR methodology will provide a pathway to determination of appropriate caseload size based on the more clearly defined SIA responsibilities that in addition to the monitoring task include working with probationers on their criminogenic problems through counseling, services and treatment.

The current process also results in the misapplication of RNR methodologies for low-risk youth who are being diverted. The overall diversion focus and practices within the Davidson County Juvenile Court are commendable and the recidivism data for those cases align with those sought by any jurisdiction effectuating these policies. While the intent of the practice is admirable, it requires a misapplication of the assessment instruments during a pre-adjudicatory phase of the youth’s involvement with the court. The assessment tools are designed for application as a post-adjudicatory, case planning support to the professional judgement of juvenile court stakeholders. Based upon this finding, it will be the recommendation of the RFK Team that the practice of conducting full assessments for diversion eligible cases should be eliminated.

The RFK Team also found that the existing process could be more efficiently developed to support initial charging decisions to ensure that low-risk to re-offend youth (using a standardized and validated risk screen tool) are diverted without ongoing court oversight. The current practice too often results in long-term involvement of low-risk youth with the juvenile court. The SIA input for this review recounted countless instances where informal oversight was not guided by contact standards; was not supported by sufficient authority; and resulted in long term periods of supervision efforts often spent merely seeking to establish contact with the youth and family. This practice runs counter to the research suggesting that involving low-risk youth in the ongoing oversight of the juvenile court may actually increase the risk to re-offend. The current involvement of the District Attorney, Public Defender, and Probation/Juvenile Court in a staffing process to address these charging decisions is a commendable process and is the subject of considerable additional attention within Element C, Section D. Intake Services, Diversion and Alternative Responses of this report.

²³ Aos, et al. (2006) Petersilia & Turner (1993), Paparozzi, Mario and Paul Gendreau. (2005) “An Intensive Supervision Program that Worked: Service Delivery, Professional Orientation and Organizational Supportiveness.” *The Prison Journal*. v. 85, n. 4. Pearson, Frank S. (1987) *Research on New Jersey’s Intensive Supervision Program*. New Brunswick, NJ: Institute for Criminological Research. Johnson, Grant and Robert M. Hunter. (1992) “Evaluation of the Specialized Drug Offender Program for the Colorado Judicial Department. Boulder, CO: Center for Action Research. Mimeo.

C. Family Engagement

The research is clear that absent the meaningful engagement and involvement of families in planning and interventions there is a decreased likelihood of achieving positive outcomes for system involved youth. Family engagement in child welfare, juvenile justice, schools, and mental health all yield greater client satisfaction and, for the most part, better outcomes. Although the families frequently have histories of domestic violence, addictions, mental illness, and criminal activity, the participatory process is carried out safely and results in plans that fit the family's cultural heritage and that motivate youths and their kin and workers to lend their support. Youths and their families enhance their sense of competence and pride in their identity as they generate plans readily agreed to by their formal and informal networks. A sense of fair play and mutual respect improves relations among the youths and their families and the involved agencies and decreases time spent in court with its associated costs. Repeatedly, studies show that family engagement increases alternatives to placement outside the home, whether from foster or group care or from detention. A preponderance of studies show improvements to the safety and stability of youths as well as their families and victims.

In utilizing a risk-needs assessment tool, which requires a focus on using motivational interviewing techniques to engage and obtain the youth's story and family perspective to drive case planning process, the Davidson County Juvenile Court will express its commitment to identifying and mitigating the criminogenic needs of the youth and family.

D. Probation Orders

As part of this review, the National Juvenile Defender Center created a workgroup within Davidson County Juvenile Court to undertake an intensive review of probation orders. This group was known as the Probation Order Review Workgroup which included members from Court Administration, Probation Leadership, the District Attorney's Office, Public Defender's Office and two probation staff members. The goals of this workgroup were to collaboratively examine the 1) readability of the orders; 2) number of conditions; 3) standardized versus individualized conditions; and 4) effectiveness and constitutionality of conditions. The final report of this analysis is provided as Appendix F.

E. Graduated Incentives and Sanctions

As mentioned previously, when a youth is placed on an informal adjustment (IA) and doesn't agree to the assessment process or refuses connection to services, there are no consequences for that youth. In addition, some youth are receiving multiple IAs as they cycle back into the system with new offenses. Simultaneously, when a youth is placed on formal probation after disposition, no guidelines exist with regard to contact standards, activities, or early termination procedures. This was covered in Element A, Policies and Procedures and was reflected in the recommendation that standard operating procedures be developed to guide SIA officer activities. Case assignment, officer activities and contact standards should be based on the youth's risk-to-reoffend score. Currently, all youth on probation are receiving the same supervision standards regardless of their risk-to-reoffend scores (low, moderate, high). As the

SIA officers reported, “Our attention constantly shifts to whichever case is on fire and needs to be put out.” There is no standardization or performance expectations towards which the SIA officers can aim. There are also limited or no incentives or sanctions that can be used to support their work with the youth other than the SIA officers’ authority to recommend an early termination. This lack of guidance, clear expectations and tools to correct and incentivize youth behavior has resulted in low morale by staff as they are still held accountable for the youth’s success, but aren’t given the tools and practices to make that happen.

The RFK Team recommends that a clearly articulated set of graduated responses, including both incentives and sanctions, be developed by an internal workgroup and that an implementation and training plan be developed that includes supervision staff (SIA officers) and the District Attorney’s Office, Public Defender’s Office, private bar, and judges/magistrates. While there are many examples of such response grids available for copying, best practice is for each jurisdiction to thoughtfully use the Gradated Response Toolkit developed by the Center for Children’s Law and Policy (CCLP) to develop their own set of responses, including incentives.

Element B: Recommendations

- 5. It is recommended that Davidson County Juvenile Court adopt the use of chosen risk-needs-responsivity tools through the following ways:***
 - a. Collaboratively identify the most appropriate risk/needs assessment tool for Davidson County Juvenile Court.***
 - b. Develop and finalize protocols for the implementation of the chosen assessment tool that clarify it will be conducted ONLY on the moderate to high risk youth (per original static risk-to-reoffend screen) who are formally petitioned and have been adjudicated. The parameters in the protocols will include confidentiality, limited reporting of recommendations, and clearly describe what decisions the information will be used to inform and what the information won’t be used for.***
 - c. Fully train all staff and relevant stakeholders in the implementation methodologies of these tools***
- 6. It is recommended that the Davidson County Juvenile Court and the judiciary review the recommendations from the National Juvenile Defender Center emerging from the probation order analysis and strongly consider adoption of same. The full report and recommendations can be found in Appendix F of this report.***
- 7. It is recommended that a clearly articulated set of graduated responses, including both incentives and sanctions, be developed by an internal workgroup and that an implementation and training plan be developed that includes supervision staff (SIA officers), District Attorney’s Office, Public Defender’s Office, private bar, and judges/magistrates. (In progress.)***

Element C: Intra- and Interagency Work Processes

A. Introduction

Work processes impacting effective system performance and youth outcomes in probation and the juvenile justice system involve major sets of interconnected activities through which decisions are made and services are delivered. In order to be effective, these processes must be well conceived, clearly articulated, coordinated, and subject to periodic review and monitoring to ensure effectiveness and efficiency. Most often the work processes depend on the cooperation of many inter-related parts of Davidson County Juvenile Court as well as a wide array of outside organizations. Efforts to review these work processes involved examination of various professional roles inside the Court and probation, within and across other public agencies, and with private provider agencies.

Key issues in this review element were:

1. how the case flow process functions within Probation and whether key information is available at critical decision making points,
2. whether the relationship with the judge and magistrates is clear and functioning well in terms of roles and responsibilities,
3. how interagency processes function from the perspective of probation and the key agency partners and how linkages can be strengthened,
4. whether ongoing forums exist to resolve issues between Probation and other agencies.

Questions that guided this part of the review within Element C included:

- Are the roles and responsibilities of all the court partners reflected in policy or protocol?
- How effective are the linkages between the court partners and probation?
- What is the nature of the relationships with outside stakeholders and partners?
- Is there a service/treatment referral protocol? Is it effective?
- What information do the service/treatment providers receive?
- Are communications and client progress updates meeting the needs of both parties?
- Are there cross system collaborations and communication forums?
- What regular forums exist with stakeholders and providers for troubleshooting and problem solving?

In Element C, the review was concerned with examining the intra- and interagency partner relationships that impact practice and ultimately system performance and youth outcomes. This topic area is examined in every jurisdiction through the lens of *all* of the relationships that are critical to the effective functioning of probation services. Below is a brief listing of the kinds of issues that have presented themselves with those stakeholders and partners in jurisdictions in which the RFK National Resource Center's consultants have worked in the past decade:

| PROBATION PARTNER | ISSUES / PRACTICES |
|--------------------------|---|
| Law enforcement | Investigation and processing timelines for non-detention and detention arrests; alternative accountability programs |
| Prosecution | Criteria for petition and/or alternative response decisions; timelines for filing; probation officer duties in informal adjustments and/or diversion; presence at detention and violation proceedings |
| Judicial | Disposition and probation order practices, probation officer expectations |
| Courts | Notification processes, case processing/hearing timelines, reporting requirements |
| Education/School Systems | Disciplinary policies, school resource officer practices |
| Service Providers | Referral processing; coordination of participation and treatment summary information; outcome-based contracting |

The analysis of these work processes was conducted through numerous conversations with all the court stakeholders formally during PRST meetings and in individual interviews. The following issues were identified as strengths and as opportunities to align Davidson County Juvenile Court’s intra- and interagency work processes with national best practices.

B. Juvenile Justice Stakeholder Relationships and a Unifying Approach

As mentioned in the *BACKGROUND: Probation System Review Design and Framework* section of this report, the third core principle shown to reduce recidivism and improve youth outcomes is:

3) Embracing ***a cross system and collaborative approach*** to address the youth’s needs.

A strength that became obvious early in the process was the positive working relationships that Davidson County Juvenile Court and Probation had worked diligently to develop among its key partners within the juvenile justice system and among its community partners. This was initially evident through the cross-system and community stakeholders who participated as members of the PSRT and devoted their time to speak with the RFK Team individually to share their perspectives.

This key aspect was particularly present in the relationship with Judge Shelia Calloway and her colleagues on the bench (a complete list of juvenile magistrates can be found in *Appendix H*). Judge Calloway has been a proponent and leading voice in the transformation process in Davidson County. Her presence in and leadership of key cross-disciplinary meetings was always positive and demonstrated a full understanding and commitment to the research and best-practice methods on behalf of youth and families involved in the juvenile justice system. Other members of the judiciary routinely attended our on-site interviews with the judges and demonstrated a willingness to understand and explore new approaches while offering important critical perspectives.

The other key collaborative relationships involve the District Attorney's Office and the Public Defender's Office. Both offices were active and engaged throughout the process through the representation of Stacy Miller (District Attorney's Office) and Rob Robinson (Public Defender's Office) and also offered valuable perspective to the strengths and challenges of the current operations and functions of the juvenile justice system and the probation services. Davidson County's efforts to include their voice in policy and practice change will continue to be important to the sustainability of effective process and practice transformation, particularly as both offices are integral in the intake process.

With all the changes that have taken place within the Court and Probation over the last four years, it is imperative that court stakeholders such as Law Enforcement, the Department of Children's Services, and Education be engaged in the next phase of reforms recommended in this report. The RFK Team met with each of these groups and identified a common passion among each group to embrace best practices and a philosophy of supervision that combines enforcement and positive behavior change. It is the belief of the RFK Team that these partners will be supportive of all the recommendations made in this report, and we strongly recommend that routine meetings be established on a quarterly basis between Court Administration, Judge Calloway and Probation over the next two years as these changes are implemented. The RFK Team found that many of these partners have duly noted the change in philosophy of the Court that seeks to serve youth outside of formal court filing (e.g., informal adjustments). However, these same partners had concerns about who is being diverted, whether this practice was successful, and over-servicing low risk youth while not holding high risk youth accountable. With the implementation of a risk-to-reoffend screening tool to guide prosecutorial decisions and diversion, enhanced multi-disciplinary staffing practices, improved standard operating procedures, the use of a graduated response grid and a tailored assessment approach that is limited to adjudicated youth who are moderate to high risk, the RFK Team believes these doubts will be assuaged. The best way to garner full support for these changes in practice and ensure their success is to engage these partners in routine meetings where updates can be shared by the Court and Probation, questions asked and collateral effects on the system partners can be discussed and issues can be addressed sooner than later. When these cross-discipline meetings are routinely framed around information sharing, problem-solving, policy refinement, and performance reporting, the likelihood of sustained commitment to collaborative work of all stakeholders is increased.

With regard to the youth entering the juvenile justice system in Davidson County, it is also a sub-recommendation that discussions be had between the Court and the Schools about the inconsistent and varying approaches of School Resource Officers across the county as this impacts which youth are coming into the system and the roles and responsibilities of the probation officers within the schools. As Probation seeks to standardize their operations, they will need to rely on receiving consistent communication, expectations, and responses by the schools in order to be as successful with the youth who may ultimately be under the ongoing supervision of the juvenile court.

C. Risk-to-Reoffend Screening Instrument to Guide Prosecutorial Decisions and Alternative Responses

Numerous studies support the need for early screening and appropriate diversion for low risk youth. Research reveals that low risk youth are unlikely to reoffend if there is no intervention. However, when low risk youth are mixed with high risk youth, this can create a contagion effect and can actually increase the risk that this youth will reoffend. Further studies identified that unnecessary involvement in the system can also increase recidivism as demonstrated by the fact that youth who were put on probation were 12 times more likely to be arrested as an adult as those youth who aren't put on probation.

The decision to implement a risk-needs-responsivity approach begins with understanding the research on prevalence of delinquent behavior among juveniles and the negative effects that occur when youth who should not be in the system are processed with high risk juvenile delinquents. Research confirms that aggression and delinquent behavior is near normative behavior as evidenced by the fact that 8 in 10 males will have police contact in their life while only 1 in 10 will have an arrest for a violent offense. Self-reports by juvenile males in the general population raise that number with data that reflects 1 in 4 boys between the ages of 15-16 report they have committed a serious violent act in the previous year.

Although committing delinquent acts is a fairly normal behavior for adolescent males, it becomes important to separate the low risk of reoffending youth from those who will become chronic/life offenders. These youth follow a trajectory where they begin to act out at a very young age (emotional volatility, behavior issues, etc.) and continue until it peaks at age 10-12 and never comes back down. In addition, the severity of a youth's offense is not significantly related to the future pattern of offending.

These research findings create a solid foundation for the use of a risk screening tool that assists the judicial system in 1) protecting the public from harm, 2) holding youth accountable while addressing their underlying criminogenic needs, 3) ensuring that scarce resources are used efficiently, and 4) reducing the development of future delinquent behavior by diverting low risk youth from suffering the consequences of negative system involvement

The overall diversion focus and approach within Davidson County Juvenile Court are commendable and the recidivism data and outcomes for those cases align with those sought by any jurisdiction effectuating these policies (of the 3262 youth informally adjusted in 2016, only 6.8% received a future adjudication). However, best practice strongly recommends that this decision be guided by a validated risk-to-reoffend screening instrument prior to the decisions made by the Intake Staffing Team. It is the recommendation of the RFK Team that a risk-to-reoffend screening tool be chosen and implemented to guide prosecutorial and diversion decisions. This is already being discussed and all partners (Court, District Attorney, Defense Attorney, and Probation) are supportive of adopting the instrument for this purpose.

The RFK Team realizes by limiting the diversion opportunities only to those who score as a low risk to re-offend that there may be lost opportunities to divert some moderate and high risk offenders from an alternative response to the petition process. The Davidson County Juvenile

Court leadership team and the Staffing Team have the opportunity to deliberately examine methods that will permit the opportunity to divert medium risk offenders and the RFK Team supports that examination. There are several widely used behavior checklists and/or inquiry protocols that support the identification of priority interventions (including restorative justice approaches) that ameliorate the risk to re-offend through community-based services. It will be the recommendation of the RFK Team that the Davidson County Juvenile Court and its key stakeholders develop a new policy that incorporates the use of an alternative method for determining short-term, community-based interventions for these moderate to high risk, diversion eligible youth.

With regard to screening status offenders and truant youth, risk-to-reoffend tools are NOT appropriate. However, as indicated previously in relation to some moderate to high-risk delinquent offenders, there are a wide range of behavior checklists that could be used to guide and instruct the efforts in Davidson County (e.g., through the MSAC practice) to intervene effectively with this population. The RFK Team can provide several widely used behavior checklists to both teams, as requested. Currently, the District Attorney's office does not prosecute any status offenses and a behavioral checklist may not be relevant to their process.

D. Intake Services, Diversion and Alternative Responses

Davidson County Juvenile Court's Intake Team of five staff and one supervisor provides responses to referrals for delinquent (criminal), status offenses and dependency and neglect cases. Petitions or complaints against juveniles may be filed by police officers, citizens, family members, or other agencies. The role of the Intake Team is clerical and does not include contact with youth and families. As noted, intake services are also provided for civil matters including custody, and abuse and neglect cases. Intake staff must initially determine probable cause using a standard one-page intake form which is then given to the Intake Supervisor. The team operates with one intake policy that includes both delinquency and dependency and neglect cases. No specific intake policy exists for delinquencies and status offenses.

The Employee Manual officers the following description of the role of Intake Specialists:

Intake Specialist: Assists customers with filing petitions, complaints, and runaways; issues summons, attachments, and arrest orders; completes mediation, CASA, and drug screen referrals; manages drug screen results; completes interpreter request, ICPC's, attorney appointments, DCS investigative orders, transport orders, and indigency determinations; provides receptionist desk services; creates formal Court files and documents; provides courtroom coverage for various dockets; screens cases for staffing; coordinates detention hearings, and schedules cases for Court dockets.²⁴

Inclusion of the Intake Supervisor rounds out the Intake Team.

Intake Team: Provides for the screening of delinquent, neglect and dependent, and unruly cases; provides for the screening of cases in which children have been taken into custody and have been brought to a detention facility to determine whether detention is warranted under

²⁴ Davidson County Juvenile Court Employee Manual. Sheila D.J. Calloway, Judge. 2017

the law; provides for the resolution of complaints and petitions at intake by informally adjusting from the juvenile court process at its inception; and provides for the commencement of proceedings in the juvenile court by the filing of a petition only when necessary for the welfare of the child or the safety and protection of the public. (Ibid. p. 21)

The Supervisor then sorts the cases into three categories: 1) automatic informal adjustment, 2) Metro Student Attendance Center (MSAC) for truancies, and 3) staffing. This staffing occurs weekly and includes the District Attorney, the Public Defender, the Intake Supervisor and the Victim's Advocate. At the staffing, these cases are then sorted into the following categories: 1) Informal Adjustment, 2) Assessment, 3) Petition/Settlement, and 4) Do Not Pursue, taking into consideration what is in the best interest of the youth and family. Intake officers determine whether a case is diverted from formal court action or scheduled for a judicial hearing as well as whether a detention order is issued, utilizing a set of structured decision-making tools.

Based on a category of offense types and other variable circumstances, the Davidson County Juvenile Court Staffing Team has effectively promulgated a practice that supports diversion and alternative responses to a formal petition process. However, no formal policy exists to guide this critical decision-making process and no risk-to-reoffend screen is being used. It is the recommendation of the RFK Team that criteria for diversion opportunities, including informal adjustments, restorative justice, youth court, mediation, and recovery court (drug court) be developed to formally guide the decisions made at the staffing. These criteria should be included in a broader policy that clearly defines a) which youth are eligible, b) based on what criteria, c) and for what purpose. While the philosophy to keep youth out of the system who will not be best served by progressing forward is commendable, this practice is currently not memorialized into a policy or protocol that will have a legacy if the current system stakeholders leave (specifically, the District Attorney and the Public Defender). These two offices share a common philosophy which undergirds the staffing practice of diverting youth and/or seeking alternative responses other than formally filing a petition with the court. However, this philosophy and practice should be clear, routine, trackable and replicable over time.

The majority of cases referred to the Davidson County Juvenile Court are either diverted entirely from the system or they informally adjusted. In 2016, 3441 youth were informally adjusted. At the time of the review, the Court had a very robust informal adjustment process as defined in the employee manual as:

Informal Adjustment (IA): *A designated court officer determines that a complaint before the court does not meet criteria for legal standards; rather, counsel and advice, resource intervention (i.e., referral for behavioral services or mental health services), alternative dispute resolution (i.e., restorative justice program), or educational class. Informal adjustments shall not occur without the consent of the child and the child's parent-(s), guardian-(s), or other legal custodian. Participation is optional and may be terminated by the child at any time. The informal adjustment process shall not continue beyond a period of three (3) months from its commencement, unless such extension is approved by the court. Upon successful completion of a period of informal adjustment, the complaint shall be closed and no further action taken by the court. If the designated court officer determines the informal adjustment to be*

inappropriate, then formal court proceedings shall commence with the filing of a petition or citation. Any statements made by the child during the preliminary inquiry or informal adjustment are not admissible in any proceeding prior to the dispositional hearing. (Ibid p. 21)

The informal adjustment program has been utilized to serve the youth entering the Davidson County Juvenile Justice System who require low level intervention. The goals of the program are to “remove the taint of criminality by repairing the harm and underlying causes of delinquency, remove factors (e.g., court costs, permanent juvenile record, and stigma of being labeled) that increase stress on families, and provide children and families with resources, interventions, and case management.” The following are examples of the types of charges that are often informally adjusted in the Davidson County Juvenile Court: Criminal trespass, curfew, disorderly conduct, evading arrest (misdemeanor), false information, gambling (misdemeanor), loitering during school hours, no driver’s license/revoked/suspended, obstructing passageway, reckless driving, runaway, smoking paraphernalia and possession, tobacco, and traffic tickets. These represent the 80% of case types that Dr. Mark Lipsey with the Vanderbilt Peabody Research Institute suggests require low level intervention. Informal Adjustments are referred to the Assessment Team for a confidential, comprehensive assessment report that identifies the strengths, risks, and needs of the child. Specific services and interventions for the child and family are then identified by the STAR Team, and an individualized plan of care is developed for case management by the Support Intervention and Accountability (SIA) Team.²⁵

Through discussions with the SIA staff during the process mapping, it was identified that the majority of their caseloads consist of youth on informal adjustment. Their caseloads are a mixture of informal adjustment youth as well as youth placed on formal probation post-disposition as part of their court order regardless of risk level or offense type. The biggest challenge of working with youth placed on informal adjustment, as stated by the SIA officers, is that the youth and family get to decide whether to participate in the program which relies heavily on a voluntary and detailed assessment followed by connection to services through the STAR Team. Once again, the intent to keep these youth from formal court involvement while simultaneously meeting their individualized needs is well-intentioned. However, this process has had the effect of overly assessing low risk youth, placing them on ‘supervision’ with an SIA officer, yet providing no repercussions or structure to ensure they follow through with services. If a youth and family refuses to participate in the assessment process or do not follow through with services, there is no consequence for the youth (such as returning the case for formal petitioning) and the SIA officer is held accountable for ‘non-success’ of the youth. Recommendations for how to align the intentions behind this informal adjustment process with best practices are detailed in the following sections, starting with diverting the low risk youth entirely from the system, and better identifying which youth should be receiving informal adjustments.

It is the formal recommendation that the youth who are screened as low risk are diverted entirely from the system, including informal adjustments. Informal adjustments (IAs) will follow the stipulations detailed in *Rule 201: Preliminary Inquiry and Informal Adjustment* and only last

²⁵ Metropolitan Nashville & Davidson County Juvenile Court Overview. 2017

for a period of three months. IAs will only be considered for youth who are moderate to high risk to reoffend. In addition, pre-trial diversion will only be considered for moderate to high risk youth and will follow *Rule 202: Pretrial Diversion* which specifies a length of six months, no official finding of guilt and would require the agreement to be approved by the court. As is stated in Rule 201 regarding informal adjustments:

Courts should develop local procedures and criteria for initiating informal adjustments. Such criteria might include a listing of the types of cases, or charges, which might be handled by informal adjustment. Local rules should include a process by which the district attorney general, petitioner, or victim of the offense may object to an informal adjustment...If an informal adjustment is determined to be inappropriate, the designated court officer should assess whether a pretrial diversion is appropriate.

Rule 202 similarly sets forth expectations regarding pre-trial diversion:

Courts should develop written local procedures and criteria for initiating pretrial diversion. Such criteria might include a listing of the types of cases, or charges, which might be handled by pretrial diversion. Pretrial diversion might be initiated by the parties or by the court itself, through motion or through whatever other procedure the court determines in appropriate.... Pursuant to T.C.A. §37-1-110, if the child completes the pretrial diversion agreement, the case is dismissed. If the court, or the designated court officer, determines that the case is serious enough that such dismissal should not occur, the case should proceed to court as in any other case warranting official court action, and, if the child readily admits guilt and wishes to negotiate a settlement based upon a plea of guilt, such negotiated settlement should be handled in accordance with Rule 209.

ELEMENT C: RECOMMENDATIONS

- 8. It is recommended that a routine communication/meeting schedule be created between Probation, Schools, Law Enforcement, the Department of Children's Services and key service providers that provide opportunities to discuss the reforms taking place in Court supervision practices and receive valuable feedback from these partners to avert and amend collateral issues that may impact the partners.**
 - a. Discussions be had between the Court and the Schools about the inconsistent and varying approaches of School Resource Officers across the county as this impacts which youth are coming into the system and the roles and responsibilities of the probation officers within the schools**

- 9. It recommended that a risk-to-reoffend screening tool be identified by the collaborative court stakeholders (Probation, Court Administration, District Attorney, and Public Defender) to provide structured and validated guidance on which youth are**

at a low risk to reoffend and are therefore better served through complete diversion from the court or time-limited informal adjustment.

10. It is recommended that criteria for diversion opportunities, including informal adjustments, restorative justice, youth court, mediation, and recovery court (drug court) be developed to formally guide the decisions made at the staffing. These criteria should be included in a broader policy that clearly defines a) which youth are eligible, b) based on what criteria, c) and for what purpose.

11. It is recommended that the youth who are screened as low risk are diverted entirely from the system, including informal adjustments. Informal adjustments will follow the stipulations detailed in Rule 201: Preliminary Inquiry and Informal Adjustment and only last for a period of three months. IAs will only be considered for youth who are screened as moderate to high risk to reoffend. In addition, pre-trial diversion will only be considered for moderate to high risk youth and will follow Rule 202: Pretrial Diversion which specifies a length of six months, no official finding of guilt and would require the agreement to be approved by the court. Policies and procedures should be developed to guide the criteria for all three options: diversion, informal adjustments and pre-trial diversion.

ELEMENT D: QUALITY ASSURANCE

A. Introduction

Probationers' achievement of successful outcomes should be the main business of Probation and the gravitational point around which all of the probation officers' activities center.

"The achievement of successful outcomes first depends on a careful identification of what outcomes are sought; second, an examination and address of the factors that affect achievement; and third, the development of a measurement system to document achievement. The importance of the third item, or performance measurement, cannot be overstated because often what gets measured is what people value and where they focus their efforts."²⁶

It is important to note that the review work conducted in Element D is supported by and integrated with the analysis completed in Element A. This combination of findings and recommendations provides the best opportunity to realize the goals of sustainable quality assurance.

Key issues in this review element were:

1. whether Davidson County Juvenile Court and Probation Services has established clear definitions for the various recidivism measures associated with their goals (e.g., closed

²⁶ Wiig, J. and Tuell, J. A., Los Angeles County Probation Program Audit report, p. 46.

probation cases, successful completion of probation terms, diverted youth, special populations, and court programs, etc.),

2. whether Davidson County Juvenile Court and Probation Services is focused on the achievement of intermediate outcomes related to positive behavioral change in addition to recidivism,
3. whether Davidson County Juvenile Court and Probation Services has developed a clearly articulated set of client outcomes,
4. how Davidson County Juvenile Court and Probation Services measures and evaluates worker performance, and
5. how worker performance and its measurement are related to desired outcomes.

The examination conducted under Element D addressed system performance measurement and client outcomes and focused on worker performance, the completion of particular case processes, and setting and measuring client outcomes. The context for this discussion was prioritized toward identifying the activities that have a clear and positive relationship with sought youth outcomes and system efficiency and effectiveness. The analysis was *not* intended to result in an evaluation of individual worker performance.

Questions that guided this part of the review included:

- What performance measures exist presently for the completion of specific case processes (e.g. meetings with probationers, collateral contacts, and timely completion of reports)?
- What measures exist for the achievement of successful client outcomes?
- What measures exist for the case assignment and caseload standards?
- Has Davidson County Juvenile Court and Probation Services clearly articulated a set of client outcomes?
- Do client outcomes drive probation practice and activities?
- Do probation officers know what outcomes they are seeking in their work with probationers?
- How are client outcomes identified in the individual case (intermediate and long-term outcomes)?
- What results are achieved by the current programs and practices?
- Are the programs and practices of Davidson County Juvenile Court and Probation Services the best that can be provided and are the programs carried out in an effective manner?
- How do the practices relate to national standards for delivery of probation services?

Through their meta-analysis, the Council of State Governments Justice Center identified the following core principle and specific recommendation for reducing recidivism:

Principle 2: *Adopt and effectively implement programs and services demonstrated to reduce recidivism and improve other youth outcomes, and use data to evaluate system performance and direct system improvements.*

Recommendation C: Evaluate recidivism and other youth outcomes and use this data to guide policy, practice and resource allocation.²⁷

It is not uncommon to find that court service units and probation departments fail to identify and focus on measures of success that include recidivism - and other important affiliated youth outcomes. Therefore, the Probation System Review began with the Davidson County Management Team engaging in a discussion about how they define their success. This discussion inevitably and initially pointed to whether there is a clear definition of recidivism. Currently, there is no formal definition of recidivism being used in Davidson County Juvenile Court.

B. Model Data Project

The early stages of the Probation System Review overlapped with another project within Davidson County called the Model Data Project (MDP). The Office of Juvenile Justice Delinquency Prevention (OJJDP) chose two pilot sites to participate in the MDP which was conducted by the National Center for Juvenile Justice (NCJJ) in partnership with the American Probation and Parole Association (APPA) and the International Association of Chiefs of Police (IACP). The Model Data Project examined the jurisdiction's current data capacity and provided recommendations for data collection, use and dissemination. This was a very timely addition to the reform efforts in Davidson County and provided a significant review of the same components that would normally be examined under Element D: Quality Assurance. The recommendations from this project were as follows:

1. Improve coordination of data system improvements and use. This includes hiring a Data Coordinator which happened during the course of the PSR. Activities for the coordinator role included:
 - a. Develop standardized definitions (including recidivism. Note: this is already in progress.)
 - b. Set standards for changes to JIMS and JCM
 - c. Consider whether JCM can "talk" to JIMS
 - d. Focus on improving data management for the intake process. Set statuses to allow for more efficient tracking, and less need for multiple ad hoc (e.x. Excel) tracking processes
 - e. Uniform data entry across divisions
 - f. Uniform training across divisions
 - g. Coordinating meetings with a "data committee" to continue improving data collection and updating policies and procedures
2. Develop and disseminate an annual report which would include the following court related measures:
 - a. Offenses (examples: gun thefts, car thefts) or dockets by type

²⁷ Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System. July 2014. Council of State Governments Justice Center.

- b. Measures specific to MSAC including truancy and outcomes from Passages
- c. Report (child support) and parentage, parental assistance court, etc.
- d. Kids getting victim \$ back
- e. Specialty courts (ex. gang unit) effectiveness
- f. Maintaining family units (infant court)
- g. Training for staff, including crisis prevention, implicit bias, poverty simulation, ACES – trauma, motivational interviewing
- h. Descriptions of current special projects such as the RFKNRC Probation System Review, Model Data Project, and Reducing Youth Isolation? Budget information
- i. Information for grant purposes and # served, # coming to court
- j. Projects in court – like detention arts program, MSAC
- k. How many staff members/skills/diversity

Future information the Court seeks to include in the report includes:

- a. Correlate assessment findings to outcomes services
 - b. Discussion of restorative justice in the schools and how the court works within its school-justice network to advocate for kids
 - c. Program effectiveness of community providers
3. Expand risk/needs assessment (RNA) protocols to youth on formal probation which includes:
- a. Develop consensus on validated RNA across court services divisions
 - b. Developing consistency in RNA administration
 - c. Re-training staff on the new procedure and instruments
 - d. Decisions about resource management of RNA
 - e. The current process can be clarified to use specific words about RNA processes

C. Additional Data and Quality Assurance Observations

While the Model Data Project provided an in-depth analysis of most of the data collection and reporting needs for the Court and Probation, the RFK Team did want to note some additional thoughts as the County moves forward with their planning around data and outcomes.

As noted in the MDP, the Court and Probation are currently not collecting any recidivism information on youth. The new Data Coordinator is actively working with a team to develop recidivism definitions tied to particular populations that are served by the Court and supervised by Probation.

It will be important for Davidson County Juvenile Court to identify data points to show the outcomes and trajectories of youth who are 1) diverted from the system, 2) informally adjusted and 3) placed on pre-trial diversion versus 4) youth who are placed on formal probation as a disposition. A significant recommendation in this report focuses on implementing a risk

screening tool and developing policies to guide which youth are formally petitioned and which youth are diverted. It is imperative that the Court make a commitment to tracking the outcomes of these youth and with specific attention not only to their type of supervision but their identified risk level.

It is recommended that in addition to the performance measures laid out in the MDP, that at least twice a year, a report is generated that tracks timelines between referral, petition, adjudication and disposition. A key component to successfully working with youth is timely administration of justice and services. It is not known how long youth are delayed in being placed on supervision and/or receiving services. This is imperative to understand and should be shared with all Court partners including the District Attorney, Public Defender, Judge and Magistrates and Probation staff.

As the Court and Probation define what information they want to begin collecting, the RFK Team recommends the development of “data dashboards” that will effectively serve the interests of the data exchange/report process within the Court and among its key stakeholders. The Data Planning Work Grid found in the *Probation System Review Guidebook, 2nd edition* (Appendix H, page 39) provides guidance for the construct of these dashboards and guides juvenile justice agencies through a process of thinking through eight categories of data:

1. Prevalence
2. Case characteristics and history
3. Case processing
4. Case management, processing and supervision
5. Protocol adherence and training
6. Placement and services
7. System outcomes and performance indicators
8. Youth and family outcomes

This working tool provides structure to a process that the Court has indicated it is willing to engage to support dynamic cross-discipline and inter-departmental opportunities to inform adjustments to policies and practices when necessary.

It also bears mentioning that Davidson County Juvenile Court is working with Dr. Mark Lipsey at Vanderbilt University to implement the Standardized Program Evaluation Protocol (SPEP) with their service providers. A staff member with the Court is supporting partner agencies by helping them with logic models and guiding them through the SPEP process. By undergoing the SPEP process, programs can then identify whether they are evidence based or not. This will be valuable information to the Court and Probation as they continue refining their assessment and service referral process.

ELEMENT D: RECOMMENDATIONS

In addition to fully supporting the recommendations from the Model Data Project:

- 12. It is recommended that specific performance measures and recidivism be tracked and correlated to risk level for youth receiving each of the forthcoming options: diversion from the system, informal adjustments, pre-trial diversion and formal probation.***
- 13. It is recommended that in addition to the performance measures laid out in the MDP and noted above , that at least twice a year, a report is generated that tracks timelines between referral, petition, adjudication and disposition.***
- 14. It is recommended that the Data Planning Grid be used to guide the identification of which data the Court and Probation seek to collect and then use this information to guide the development of data dashboards which will be shared on a routine basis both within Probation and with their court stakeholders.***

VIII. SUMMARY AND ACKNOWLEDGEMENTS

The Robert F. Kennedy National Resource Center for Juvenile Justice would like to thank the State Justice Institute (SJI) for their visionary leadership that provided funding for three sites to receive a comprehensive Probation System Review. Jonathan Matiello, Executive Director, and the SJI Board recognized that true change happens from within and as a result of tailored technical assistance that prioritizes building strong partnerships and collaborations with the jurisdictions.

As a result of this funding, and through a competitive application process, Davidson County Juvenile Court was chosen as one of these three sites. In July of 2017, the RFK NRC team of John A. Tuell, Executive Director, and Kari L. Harp, Probation System Reform Program Director launched a review of Davidson County Juvenile Court’s supervision/probation policies, procedures, and practices and concluded the final examination in April 2018. The stated purpose of the RFK *Probation System Review* was to determine how Davidson County Juvenile Court probation services could be improved to reflect implementation and use of evidenced-based practices and approaches toward an exemplary model for the delivery of probation services. The Davidson County Juvenile Court Management Team diligently worked to identify the areas of focus for the comprehensive review and participated in all phases and activities during the 10 month dynamic review process. These activities have culminated with the publication of the *Davidson County Juvenile Court Probation System Review Final Report* (June 2018).

The RFK *Probation System Review* process has been used extensively in jurisdictions across the United States since 2005 and requires strong leadership and a willingness to honestly and introspectively assess current practices in all phases of probation operations. The findings from

the RFK Probation System Review in Davidson County resulted in fourteen recommendations (see *Appendix I*) for the Court and Probation to consider. It is notable the RFK National Resource Center began this review in an ongoing environment of reform and that the Court and Probation have already been engaged in significant transformation efforts and activities that have improved their practices toward the achievement of their goals.

The RFK NRC team wishes to acknowledge the leadership of the Court, including Judge Sheila Calloway; Kathy Sinback, Court Administrator; Raymond Jenkins, Chief of Probation; Tommy Bradley, Deputy Court Administrator for Personnel; and Jim Swack, Deputy Court Administrator for Finance. Additionally, we want to recognize the significant contribution of Stacy Miller, District Attorney's Office and Rob Robinson, Public Defender's Office. There were also many other stakeholders to whom thanks are necessary (e.g., Department of Children's Services, Law Enforcement) and who gave of their time and perspectives to inform the process and the findings of the RFK Team. We would like to conclude with a special thanks to all of the staff who were giving of their time, perspectives, experiences, knowledge and opinions in a transparent and candid manner throughout our interview, discussion and survey methods for the review.

Appendix A

Probation System Review Team

*Sheila Calloway, Judge**

*Kathy Sinback, Juvenile Court Administrator**

*Tommy Bradley, Deputy Court Administrator for Personnel**

*Jim Swack, Deputy Court Administrator for Finance**

*Raymond Jenkins, Chief of Probation**

Wendy Buchanan, PO 3 – Metro Student Attendance Center

Leslie Ahlgrim, PO 3 - Intake

Atica Helms, PO 3 - Assessments

Margie Davis, PO 3 - STAR

Stacy Miller, Office of the Public Attorney

Rob Robinson, Public Defender's Office

Lovell Elsberry

Carlton L. Ross, Attorney

Richie Swiger, Finance

Brad Redmond, Metro Nashville Public Schools

Gary Cross, Juvenile Court

Travis Claybrooks, Raphah Institute

Danna Owen, Restorative Practices

Adrian Cartledge, Juvenile Detention

Brad A. Palmertree, The Family Center

Jocelyn Barton, Juvenile Justice Center

Lorraine Stallworth, Metro Nashville Public Schools

**Davidson County Juvenile Court Core Management Team Members*

Appendix B

Documents Reviewed

Davidson County Juvenile Court Organizational Chart

2017 Davidson County Juvenile Court Overview

Powerpoint Presentation on Davidson County Juvenile Court given at NCJFCJ Annual Conference in Washington, DC

Tennessee Rules of Juvenile Practice and Procedure

Nashville Youth Violence Summit Report to Mayor Megan Barry

Intake Flow & Assessment, Divert, Staffing Coversheets

TCA 37-1-114 (Detention or shelter care of child prior to hearing on petition)

Presentation given to: Joint Ad-hoc Tennessee Blue Ribbon Task Force on Juvenile Justice September 11, 2017

Juvenile Justice Model Data Project: Davidson County Data Capacity Assessment: National Center for Juvenile Justice, September 2017

Sample Performance Plans / Evaluation Forms

2015, 2016, 2017 Assessment Data

SOAP Documentation Process: (Subjective data, Objective data, Assessment of situation, Plan for future clinical work)

Juvenile Recidivism Risk Assessment, Needs Assessment, and Intervention Programs: A Literature Review conducted for Davidson County Juvenile Court by Vincent Morelli, MD

Redacted Juvenile Assessment Report

Appendix C Process Mapping Team

Metro Student Attendance Center:

Wendy Buchanan
Richard Fletcher

Support, Intervention & Accountability Team:

Kyle Peery
Lovell Elsberry
Gary Cross
Ashley Burns
Cory Roberts
Derrick Brigham

Information Technology:

Jim Sanders

Intake:

Thomas Myers
Jennifer Poe

Foster Care Review Board:

Denise Rankhorn

Statistics, Training, Analysis & Resources Team:

Amanda Altizer

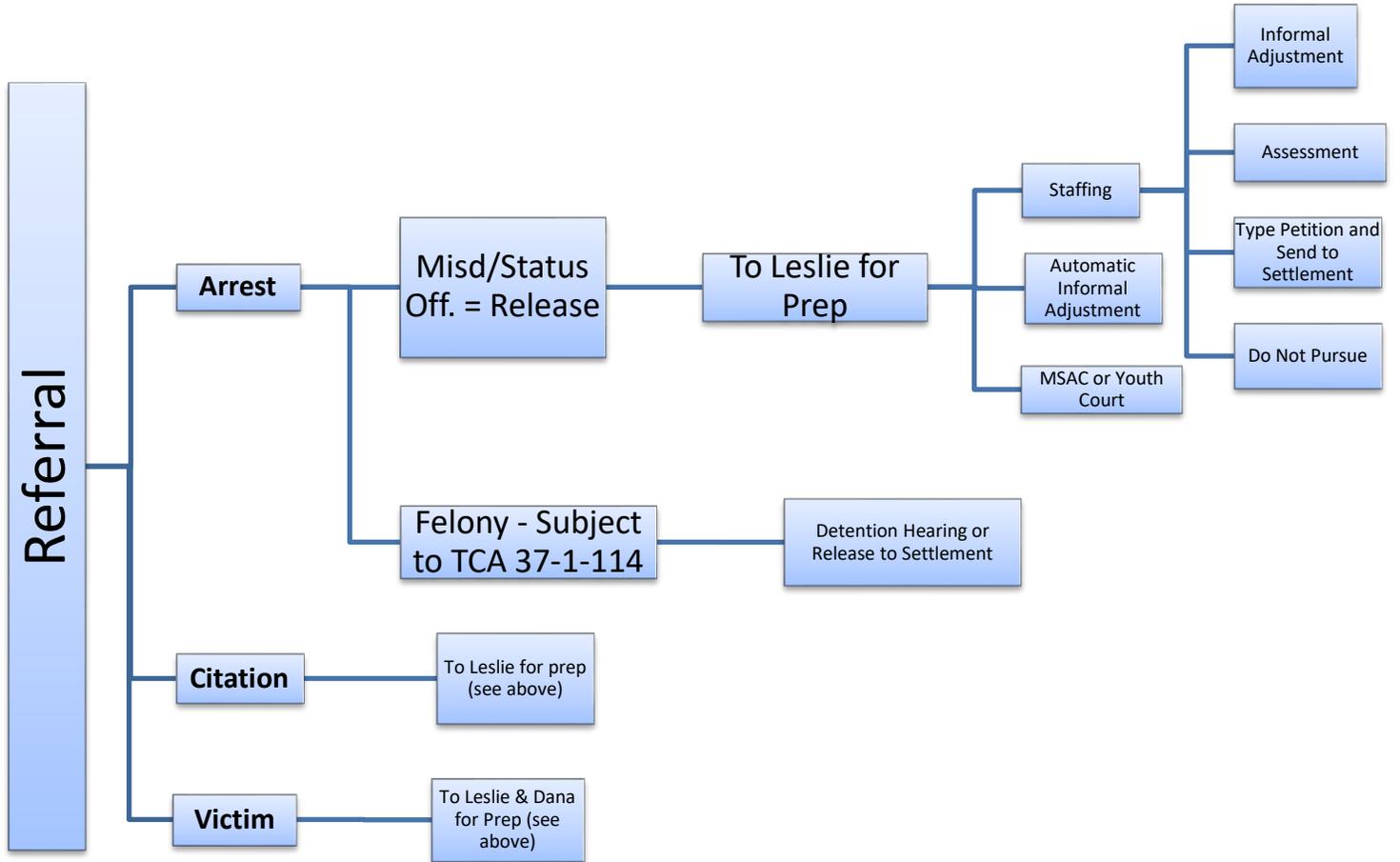
Outreach:

Willie Halliburton

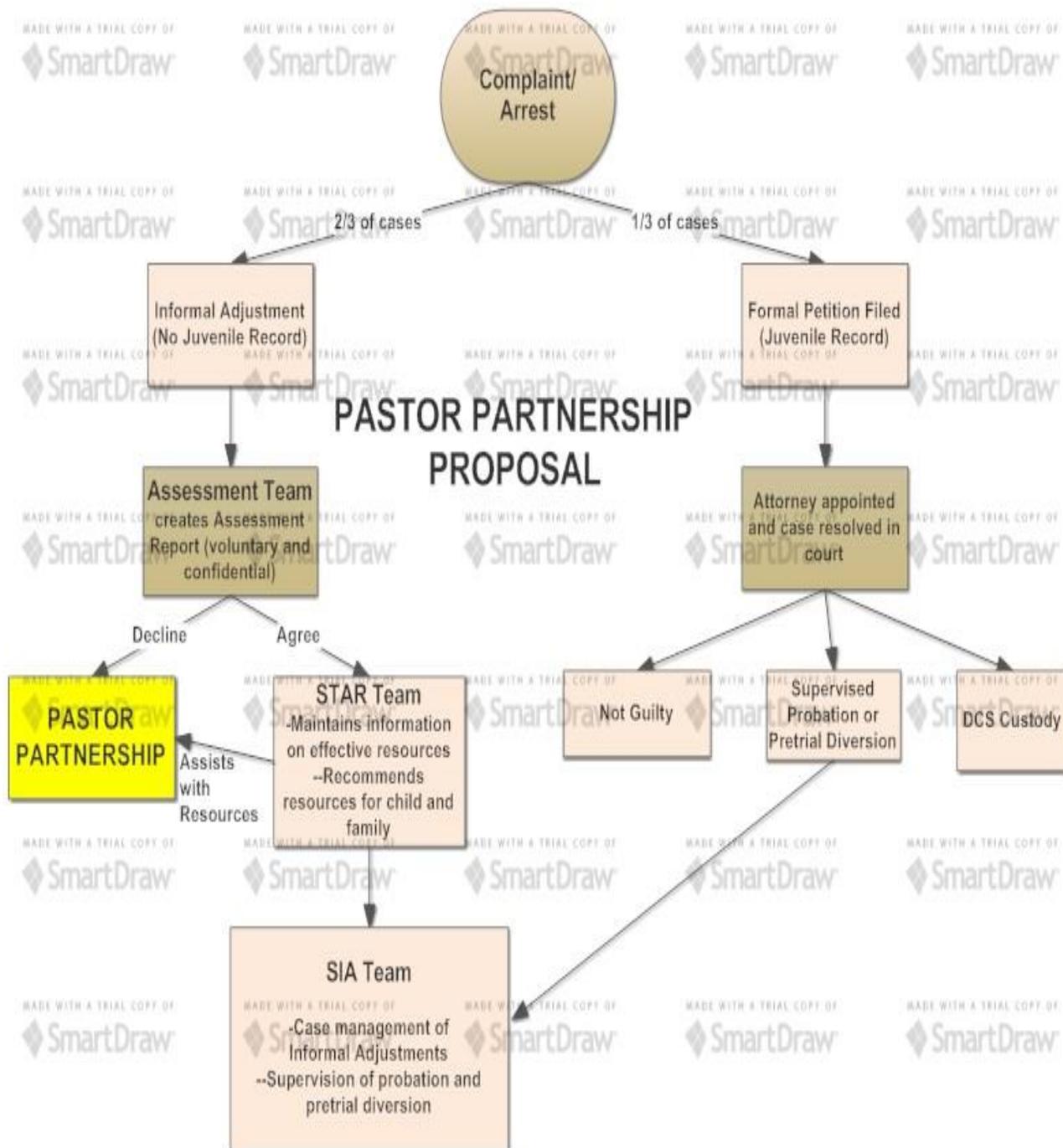
Assessment:

Jocelyn Barton
Loretta Lang Mason
Charles Roberts Jr.

Appendix D
Davidson County Juvenile Court Intake Process Map and Juvenile Court Process



Juvenile Court Flow Chart



Appendix E: Probation Review Employee Survey

| Davidson County Juvenile Court Probation Review Employee Survey | Strongly Agree | Agree | Disagree | Strongly Disagree | Do Not Know |
|--|-------------------|-------|----------|----------------------|----------------|
| PRE-DISPOSITION INVESTIGATION | | | | | |
| 1. The Social History and pre-disposition reports are generally well written and of good quality | | | | | |
| 2. Court reports are generally well written and of good quality | | | | | |
| 3. The court reports do not provide sufficient detail regarding the needs of probationers | | | | | |
| 4. Recommendations to the court for probationers are based on individualized needs for treatment | | | | | |
| 5. Recommendations to the court for probationers are based on available community resources | | | | | |
| CASE SUPERVISION | | | | | |
| 1. Probationers in specialized caseloads (e.g., EM, Sexual offender, intensive supervision) receive an enhanced level of supervision | | | | | |
| 2. Probationers are receiving the required number of contacts as indicated by risk | | | | | |
| 3. Client outcomes are clearly identified for each probationer to guide the service delivery | | | | | |
| 4. Probation officers do not assure that probationers receive services to which they have been referred | | | | | |
| 5. Probation officers do not work close enough with community resources to which they refer probationers | | | | | |
| 6. Probation officers work closely with probationer's parents/caregivers to achieve desired outcomes. | | | | | |
| 7. The levels of supervision are characterized by distinctly different activities on the part of the probation officer | | | | | |
| 8. The caseload sizes do not allow for an adequate level of supervision | | | | | |
| 9. Probationers need more help than they presently receive during their period of probation | | | | | |
| 10. Additional resources are needed to adequately provide for the parent and family support network for probationers | | | | | |
| 11. The enforcement of conditions is sufficient activity for the supervision of probationers | | | | | |
| 12. The number of contacts required for each | | | | | |

| Davidson County Juvenile Court Probation Review Employee Survey | Strongly Agree | Agree | Disagree | Strongly Disagree | Do Not Know |
|--|---------------------------|--------------|-----------------|------------------------------|------------------------|
| level of supervision is appropriate | | | | | |
| 13. The supervision of probationers does not result in greater public safety | | | | | |
| 14. The supervision of probationers is focused more on enforcement than rehabilitation | | | | | |
| 15. The assignment of all probation officers to specific geographic areas within their respective probation office results in more effective supervision of probationers | | | | | |
| DEPARTMENTAL MANAGEMENT AND SUPERVISION | | | | | |
| 1. Probation officers are supported in their work by CSU administration | | | | | |
| 2. Probation officers are supported in their work by their Unit supervisors | | | | | |
| 3. Probation officer's efforts are not adequately recognized by the Department | | | | | |
| 4. Probation officers are provided the tools necessary to carry out their job functions | | | | | |
| 5. The Policy and Procedure manual is a useful tool to direct the work of probation officers | | | | | |
| 6. The Juvenile Court judge(s) do not base their decisions on probation officers' recommendations | | | | | |
| 7. Juvenile Court judge(s) respect the work of probation officers | | | | | |
| 8. Juvenile Court Judge(s) read the probation officers' reports | | | | | |
| 12. Probation officers are provided sufficient training to function effectively | | | | | |
| 13. Probation officers are not adequately prepared to testify in court | | | | | |
| RESOURCES AND SERVICE DELIVERY | | | | | |
| 1. Probationers have access to treatment resources that address their particular needs | | | | | |
| 2. Probationers do not have access to needed mental health services while on probation | | | | | |
| 3. The current staffing for placement process is satisfactory | | | | | |
| 4. Services to probationers are not provided in a timely manner | | | | | |
| 5. Probationers have access to needed substance abuse resources while on probation | | | | | |
| 6. Juveniles receive adequate support when they transition in and out of placement | | | | | |
| 7. Juveniles do not have access to aftercare services upon return home to parents/caregivers | | | | | |
| 8. Probation officers have a method for identifying probationers w/mental health needs | | | | | |

| Davidson County Juvenile Court Probation Review Employee Survey | Strongly Agree | Agree | Disagree | Strongly Disagree | Do Not Know |
|--|---------------------------|--------------|-----------------|------------------------------|------------------------|
| 9. Juveniles are not matched to placements equipped to address their individual needs | | | | | |
| 10. There is sufficient oversight of juvenile probationers while in placement | | | | | |
| 11. Adequate community resources exist to address the needs of juvenile probationers | | | | | |
| 12. Most probationers are referred to the same services | | | | | |
| 13. There is not adequate communication between treatment providers and probation officers | | | | | |
| 14. Probation officers are provided with current information regarding the adequacy of community resources | | | | | |
| 15. Additional funding is the most important solution to improve service delivery | | | | | |
| BEST PRACTICES | | | | | |
| 1. Probation services are not based on best practices | | | | | |
| 2. Evidence-based practices would be applied to all probationers if there was adequate funding | | | | | |
| 3. Evidence-based practices are available in the community but are not used | | | | | |
| 4. Probation officers are not knowledgeable about best practices for providing services to probationers | | | | | |
| 5. Probation officers are knowledgeable about evidence-based practices and their impact on recidivism | | | | | |
| 6. Current case management strategies are based on best practices | | | | | |
| 7. The Department should coordinate with community-based organizations in defined geographic areas to target the needs of juveniles in that area | | | | | |
| 8. The availability of evidence-based practices in the community would allow some juveniles to stay out of placement | | | | | |
| CLIENT OUTCOMES | | | | | |
| 1. Probation officers are not knowledgeable about identifying client outcomes for probationers | | | | | |
| 2. Probationer officers set clear, achievable goals for each probationer | | | | | |
| 3. The Department uses the achievement of client outcomes to select and monitor providers who contract with the department | | | | | |
| 4. The work of the Department is not related to the achievement of outcomes by probationers beyond the period of probation supervision | | | | | |

| Davidson County Juvenile Court Probation Review Employee Survey | Strongly Agree | Agree | Disagree | Strongly Disagree | Do Not Know |
|--|---------------------------|--------------|-----------------|------------------------------|------------------------|
| 5. There should be incentives and rewards for probation officers whose probationers achieve successful outcomes | | | | | |
| INTER-AGENCY RELATIONSHIPS | | | | | |
| 1. The Department's relationships with the Commonwealth Attorneys are not good | | | | | |
| 2. The Department's relationships with community-based agencies have improved in the past three years | | | | | |
| 3. The Probation Department's relationship with the Public Schools could be improved | | | | | |
| 4. The Probation Department's relationship with the Public Schools is good | | | | | |
| 5. The Probation Department's relationship with the community service providers could be improved | | | | | |
| 6. The Department would function more effectively if its relationships with community-based agencies were better | | | | | |
| 7. The Probation Department should look at data across service delivery systems to assist with the identification of prevention and earlier intervention opportunities | | | | | |
| 8. The interface through BADGE between the VA DJJ and Probation needs improvement | | | | | |

Appendix F

Davidson County, Tennessee Probation Order Review

National Juvenile Defender Center Final Report for RKF National Resource Center for Juvenile Justice

METHODOLOGY

As part of the probation transformation work of the RKF National Resource Center, the National Juvenile Defender Center (NJDC) has been asked to conduct a review of the probation order used in Davidson County, Tennessee. NJDC engaged in a collaborative consultation process with juvenile court stakeholders in Davidson County, specifically the members of the **Probation Order Review Workgroup** (Workgroup). A full list of Workgroup members appears in *Appendix A*.

At the outset of the project, NJDC had a call with Kathryn Sinback in November 2017 to gather background information about previous reforms in Davidson County. NJDC next met with the Workgroup via Zoom video conference in December 2017 to discuss expectations and parameters of the review, and to identify any particular probation order issues on which the Workgroup wanted to focus. Following the initial call, the Workgroup provided NJDC with requested documents for review, including the rules of probation, court probation orders, and risk assessment tools. A complete list of the documents included in the review appears in *Appendix B*.

NJDC reviewed and analyzed these documents, and formulated initial feedback. In April 2018, NJDC shared these preliminary findings and recommendations on a Zoom video conference with the Workgroup. In May 2018, NJDC provided a written version of these preliminary findings and recommendations, as well as an overview of the discussion from the April 2018 call. Further work is ongoing.

PRELIMINARY FINDINGS

The documents provided by the Workgroup were evaluated in light of the law, current research and understanding of evidence-based approaches to probation and probation supervision, and the principle that probation supervision should be strengths-based, and lead to youth success.

A. Overview

On the April 2018 call, NJDC learned that while the probation department does not have an enumerated mission statement, they follow the mission of juvenile court, which is to “provide for the care, protection, and wholesome moral, mental and physical development of the children coming within its provisions.” This mission reflects the department’s and county’s commitment to probation supervision that is evidence-based, strengths-based, and focused on positive youth development, and provides a solid foundation for the Workgroup’s own review

of potential reforms. During the call we discussed the potential for the probation department to develop its own mission statement that reflects these values.

B. Rules of Probation

NJDC reviewed the Rules of Probation to assess its fit with the goals and mission of the Davidson County Juvenile Court. After analysis and assessment of the items on the Rules of Probation, NJDC made suggestions about specific elements that appear to be inconsistent with or in conflict with the goals of positive youth development. NJDC analyzed the Rules of Probation across four primary issues: 1. Readability; 2. The number of conditions on the Rules form; 3. Standard versus individualized conditions; and 4. Effectiveness/constitutionality of the conditions.

NJDC preliminarily noted the following findings in these four general areas that the Workgroup could consider:

1. Readability

The reading level and language structure of youth probation orders should be geared toward youth in the juvenile court system. NJDC found that the current language and structure of the Rules of Probation is at approximately an 8.6 grade level, which while lower than most other orders reviewed, is still above the average reading level of a young person who is justice-system involved.²⁸ NJDC provided suggestions for achieving probation orders written at a level that would increase youth comprehension, and offered that once any revisions are made, the Workgroup could work with Dr. Gwyneth Rost, PhD – a speech-language pathologist and professor of Communications Disorders at the University of Massachusetts – to lower the reading level of the order.

2. Number of Conditions

Research indicates that probation orders are most effective when they contain a limited number of individualized conditions. Youth have a greater likelihood of success when they are focused on a few clear and targeted objectives, rather than a litany of long and confusing obligations that may not have a particularized relevance to that child's situation.²⁹ The Rules of

²⁸ Based on a Microsoft Word analysis, the Agreement and Order of Probation is written at a 12.1 grade reading level, Judge Heideman's order is written at approximately an 11.1 grade level, and Judge Porter and Thorson's orders are written at approximately a 13.8 grade level. In addition to considering the age of youth in the juvenile justice system when considering language, many youth in the juvenile justice system have language- and/or literacy-related disabilities. See NAT. JUVENILE DEF. CTR., PROMOTING POSITIVE DEVELOPMENT: THE CRITICAL NEED TO REFORM YOUTH PROBATION ORDERS 4 (2016) [hereinafter PROMOTING POSITIVE DEVELOPMENT], <http://njdc.info/wp-content/uploads/2016/12/Promoting-Positive-Development-Issue-Brief.pdf> (discussing the appropriate reading level of a probation order). See also TEAMCHILD & JUVENILE INDIGENT DEFENSE ACTION NETWORK, WASHINGTON JUDICIAL COLLOQUIES PROJECT: A GUIDE FOR IMPROVING COMMUNICATION AND UNDERSTANDING IN JUVENILE COURT ii (2012) [hereinafter WASHINGTON JUDICIAL COLLOQUIES PROJECT] (finding, in focus groups with youth, that the young people often misunderstood language that appeared clear to the stakeholders involved – for example that “appearing in court as required” referred to appropriate clothing, rather than coming to court).

²⁹ See PROMOTING POSITIVE DEVELOPMENT, *supra* note 1, at 1; RICHARD J. BONNIE ET AL., REFORMING JUVENILE JUSTICE, A DEVELOPMENTAL APPROACH, NAT'L RESEARCH COUNCIL OF THE NAT'L ACADEMIES 4 (2013); WASHINGTON JUDICIAL COLLOQUIES PROJECT, *supra* note 1, at 9 (finding that youth interviewed minutes after hearings recalled only one third of the ordered conditions).

Probation NJDC reviewed contains 19 possible conditions, with space to add additional rules and conditions. Decreasing the number of conditions would allow youth to focus on the most important requirements of their probation and achieve success while ensuring community safety. While on their own, individual conditions may not seem burdensome, the cumulative effect that an increasing number of conditions can have on a young person makes success harder to achieve.

3. Standard versus Individualized Conditions

The Rules of Probation NJDC reviewed do not distinguish between standard terms ordered in every case and terms which might only apply to certain youth. NJDC suggested identifying a limited number of conditions that could be standard for every youth, for example: to obey all laws and court orders (which could include not possessing or using alcohol or drugs, not possessing weapons, and obeying school rules), notify the probation officer of change of address or phone number, and keep appointments with the probation officer. The vast majority of the other conditions included in the probation order could be individualized, and only used where there is a clearly articulated reason to require that particular condition of that particular young person. Carefully tailored probation orders that target specific issues leading to court involvement promote greater youth success and community safety.

4. Effectiveness and Constitutionality of Conditions

Some of the probation order conditions on the current orders have been found to be ineffective and/or raise constitutional concerns. For example, curfew is a probation condition found to be ineffective in a series of research studies. A meta-analysis of 12 studies found that juvenile curfew laws do not reduce unlawful behavior by youth, and that while the study could not conclude that juvenile curfews have no effect on crime, the lack of credible evidence in their favor suggests that any effect is likely to be small at best.³⁰ If the efficacy of curfew laws is in question, the use of curfew requirements as part of probation should be considered carefully. If the intervention provides little to no benefit, but is a great source of failure and sanctions for youth, probation is being put in the position of being an enforcer – rather than a supporter – of youth in their care.

The Rules of Probation also currently include a condition that young people make restitution, court costs, and fine payments on time. NJDC suggested removing this condition and abolishing the collection of fines, fees, and restitution in juvenile court entirely, especially because the Workgroup indicated that court costs and fines are only ordered infrequently, and imposition of fines, fees, and restitution negatively impact young people's success.³¹

NJDC also found that four of the probation order conditions required youth to waive their constitutional rights, raising questions about their constitutionality. Requiring a young person

³⁰ David Wilson et al., *Juvenile Curfew Effects on Criminal Behavior and Victimization*, THE CAMPBELL COLLABORATION (2016), <https://www.campbellcollaboration.org/library/juvenile-curfew-effects-on-behaviour.html>.

³¹ See Alex R. Piquero & Wesley G. Jennings, *Justice System-Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders*, 15 YOUTH VIOLENCE & JUV. JUST. 325 (2016).

to notify their probation officer of any suspensions, or separately, of all arrests, citations, and traffic tickets, could be interpreted to require that a young person must notify their probation officer about the *content* of any law enforcement interaction, in violation of their Fifth Amendment right against self-incrimination.

The condition that requires a young person not “associate with anyone violating the law” effectively means that the young person is responsible for knowing the legal status of others, regardless of whether or not there is any outward indication of illegal conduct, and this may effectively require that the child waive their First Amendment right to freedom of association.

Finally, any condition that requires a young person to allow a probation officer to search their property, their room, their vehicle, or their person at any time ultimately amounts to a court-ordered waiver of the youth’s inherent Fourth Amendment right to be free of unreasonable search and seizure. In other words, it could be construed as coerced consent.

When probation is ordered, it is because the court has deemed it to be the most appropriate resolution for the case and the most likely to rehabilitate the child. Requiring such waivers of constitutional rights as a condition of a young person accessing probation erodes a youth’s perception of the justice and fairness, raises concerns that failure to “consent” will result in harsh punishment, and runs counter to the goal of incentivizing positive choices and behaviors.

C. Orders Directing Child’s Parents to Report Probation Violations or Strict Home Detention

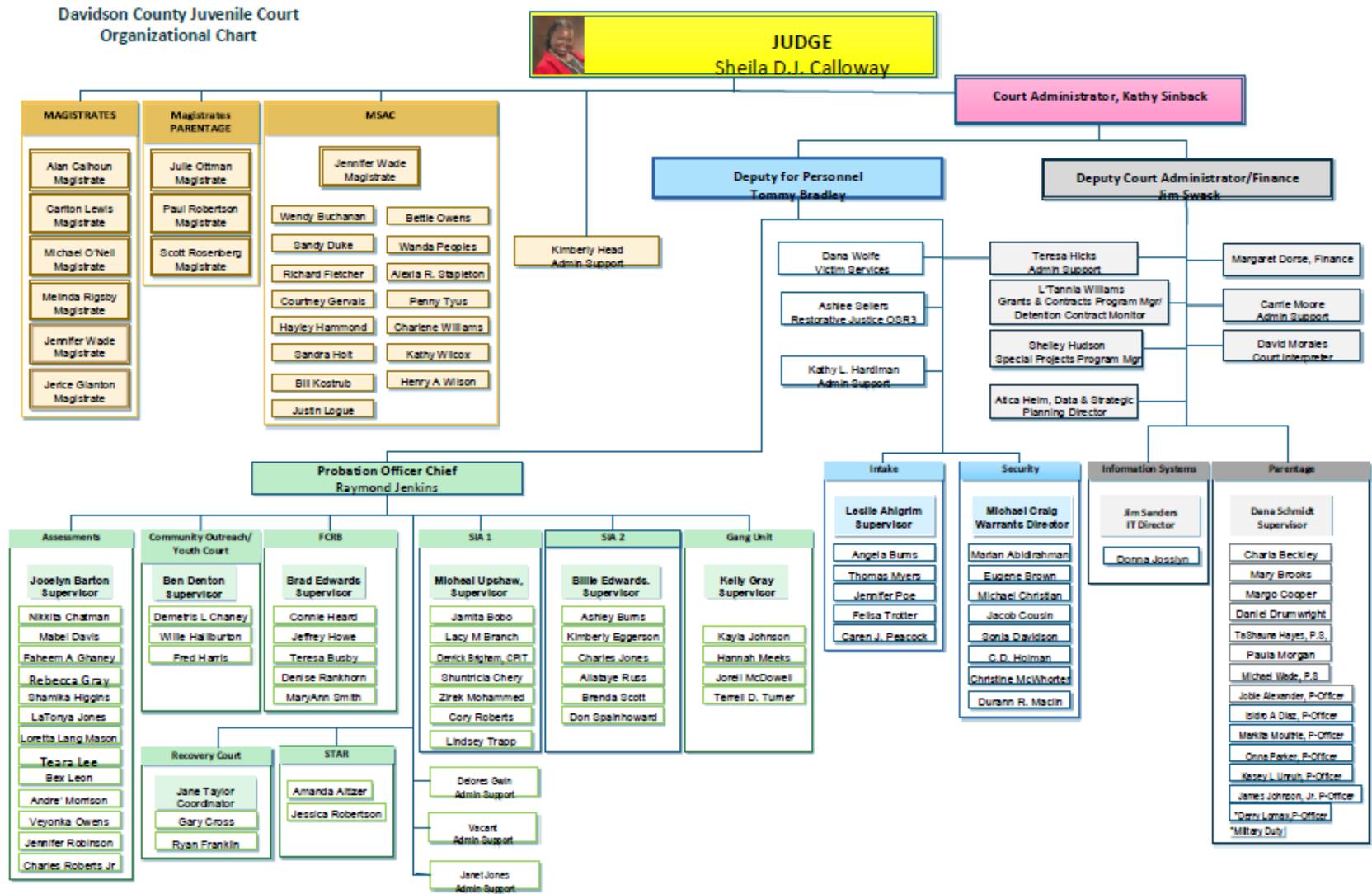
Although not part of the Rules of Probation, Davidson County also shared two orders used by the court for parents and guardians of youth. NJDC was not able to discuss findings related to these two parent orders on the April 2018 call due to time limitations, but shared input regarding the parent orders with the Workgroup in the written feedback provided in May 2018. Specifically, the orders require a parent to report a child’s probation violations to the court and NJDC suggested that these orders could undermine family relationships and create inherent parent/child conflict because they require a parent to inform on their child at a time when the goals are to repair relationships, establish trust, and support youth success.

RECOMMENDATIONS

- Consider developing a vision and mission for the juvenile probation department.
- Standardize an order of probation that has limited standard terms and individualized, youth-specific terms, and describes each condition in language accessible for youth and families.
- Reduce the number of conditions required of each youth, by combining duplicative and/or similar terms, decreasing the number of terms required of every youth, carefully selecting case-specific terms, and eliminating terms that do not lead to youth success and/or community safety or could be unconstitutional.
- Work with Dr. Gwyneth Rost to ensure that the language of the revised Rules of Probation is at an accessible reading level for youth and parents.

- Eliminate or reduce use of Order Directing Child's Parents to Report Probation Violations and Order Directing Child's Parent to Report Strict Home Detention. If continuing to use the Order Directing Child's Parent to Report Strict Home Detention, work with Dr. Rost to ensure that the requirements are in language that is accessible for parents.

Appendix G Davidson County Juvenile Court Organizational Chart



Appendix H
Juvenile Court Judges/Magistrates Roster

Judge Sheila D.J. Calloway

Magistrate Alan Calhoun

Magistrate Carlton Lewis

Magistrate J. Michael O'Neil

Magistrate Julie Ottman

Magistrate Melinda Rigsby

Magistrate Paul Robertson

Magistrate Scott Rosenberg

Magistrate Jennifer Wade

Appendix I
Davidson County Juvenile Court
Probation System Review Recommendations

ELEMENT A: ADMINISTRATION RECOMMENDATIONS

- 1. It is recommended that standard operating procedures be created for each of the unique probation/supervision units that are detailed in the Employee Manual. (Workgroups have already been created to begin this recommendation.)***
- 2. It is recommended that information on the neuroscience of adolescent development be included in the Davidson County Juvenile Court Employee Manual and forthcoming Standard Operating Procedures.***
- 3. It is recommended that specific family and youth engagement methods, strategies and practices that are consistent with current best-practice research, be incorporated into the Standard Operating Procedures and new employee orientation training and annual in-service training for all Court staff interacting with families. This includes Intake, SIA Officers, Assessment Team Members, and STAR and MSAC staff.***
- 4. It is recommended that a detailed departmental training curriculum focusing on key components of pre-service, orientation, in-service, and special skills development for all Court staff (Assessment, SIA, STAR, MSAC) be developed and refined that train specifically to what is expected of staff in the forthcoming standard operating procedures.***

ELEMENT B: PROBATION SUPERVISION RECOMMENDATIONS

- 5. It is recommended that Davidson County Juvenile Court adopt the use of chosen risk-needs-responsivity tools through the following ways:***
 - a. Collaboratively identify the most appropriate risk/needs assessment tool for Davidson County Juvenile Court.***
 - b. Develop and finalize protocols for the implementation of the chosen assessment tool that clarify it will be conducted ONLY on the moderate to high risk youth (per original static risk-to-reoffend screen) who are formally petitioned and have been adjudicated. The parameters in the protocols will include confidentiality, limited reporting of recommendations, and clearly describe what decisions the information will be used to inform and what the information won't be used for.***
 - c. Fully train all staff and relevant stakeholders in the implementation methodologies of these tools***

6. *It is recommended that the Davidson County Juvenile Court and the judiciary review the recommendations from the National Juvenile Defender Center emerging from the probation order analysis and strongly consider adoption of same. The full report and recommendations can be found in Appendix F of this report.*
7. *It is recommended that a clearly articulated set of graduated responses, including both incentives and sanctions, be developed by an internal workgroup and that an implementation and training plan be developed that includes supervision staff (SIA officers), District Attorney's Office, Public Defender's Office, private bar, and judges/magistrates. (In progress.)*

ELEMENT C: INTRA- and INTERAGENCY WORK PROCESSES RECOMMENDATIONS

8. *It is recommended that a routine communication/meeting schedule be created between Probation, Schools, Law Enforcement, the Department of Children's Services and key service providers that provide opportunities to discuss the reforms taking place in Court supervision practices and receive valuable feedback from these partners to avert and amend collateral issues that may impact the partners.
 - a. *Discussions be had between the Court and the Schools about the inconsistent and varying approaches of School Resource Officers across the county as this impacts which youth are coming into the system and the roles and responsibilities of the probation officers within the schools**
9. *It recommended that a risk-to-reoffend screening tool be identified by the collaborative court stakeholders (Probation, Court Administration, District Attorney, Public Defender) to provide structured and validated guidance on which youth are at a low risk to reoffend and are therefore better served through complete diversion from the court or time-limited informal adjustment.*
10. *It is recommended that criteria for diversion opportunities, including informal adjustments, restorative justice, youth court, mediation, and recovery court (drug court) be developed to formally guide the decisions made at the staffing. These criteria should be included in a broader policy that clearly defines a) which youth are eligible, b) based on what criteria, c) and for what purpose.*
11. *It is recommended that the youth who are screened as low risk are diverted entirely from the system, including informal adjustments. Informal adjustments will follow the stipulations detailed in Rule 201: Preliminary Inquiry and Informal Adjustment and only last for a period of three months. IAs will only be considered for youth who are screened as moderate to high risk to reoffend. In addition, pre-trial diversion will only be considered for moderate to high risk youth and will follow Rule 202: Pretrial Diversion which specifies a length of six months, no official finding of guilt and would require the agreement to be approved by the court. Policies and procedures should be*

developed to guide the criteria for all three options: diversion, informal adjustments and pre-trial diversion.

ELEMENT D: QAULTY ASSURANCE RECOMMENDATIONS

In addition to fully supporting the recommendations from the Model Data Project:

- 12. It is recommended that specific performance measures and recidivism be tracked and correlated to risk level for youth receiving each of the forthcoming options: diversion from the system, informal adjustments, pre-trial diversion and formal probation.*
- 13. It is recommended that in addition to the performance measures laid out in the MDP and noted above , that at least twice a year, a report is generated that tracks timelines between referral, petition, adjudication and disposition.*
- 14. It is recommended that the Data Planning Grid be used to guide the identification of which data the Court and Probation seek to collect and then use this information to guide the development of data dashboards which will be shared on a routine basis both within Probation and with their court stakeholders.*