

Research on Focused and Effective Court Orders

There is a significant body of research on effective approaches to working with youth in the youth justice system some. This is a brief overview of some of that research, along with specific recommendations about how to approach conditions of supervision.

Principle	Supporting Research
<p>Conditions should be active, specific, enforceable, and clearly understood.</p>	<p>To be most effective, conditions should be active, specific, enforceable, and clearly understood. Better than imposing a long list of ‘standard’ conditions and restrictions – inevitably including some that are meaningless, unsuitable, and some that will get no enforcement priority at all – is to specify “concrete, individualized goals related to community protection, accountability, and competency development, and to concentrate on monitoring progress toward those goals.”ⁱ</p> <p>“Overly broad and unclear orders that are not tailored to the strengths, interests, and challenges of an individual youth can result in significant numbers failing on probation, ultimately leading to costly and unnecessary out-of-home placement.”ⁱⁱ</p> <p>“By reducing the number of probation conditions and ensuring that each condition correlates to the youth’s interests and goals of probation, youth will be more likely to understand the expectations and be more able to comply with the conditions of probation.”ⁱⁱⁱ</p>
<p>Conditions should address community protection, accountability, and development of competencies</p>	<p>Conditions related to community protection should consider immediate and long-term risks to public safety, as well as ways of managing those risks; they should be tied to the specific risk the individual youth poses.^{iv}</p> <p>“Unfortunately, far too many probation orders contain a list of standardized conditions that make it easier for the court and probation staff to monitor youth, but which have no positive value in youth development.... Instead, probation orders in which each condition of probation is thoughtfully tailored to a particular child’s strengths or challenges are a mechanism to ensure that each condition of probation is geared toward positive youth development, thereby fulfilling the objectives of youth accountability and community safety.”^v</p>
<p>Violations of conditions should be treated as a learning opportunity</p>	<p>When violations occur, it is best practice to treat noncompliance as a learning opportunity and communicate its purpose, use a graduated approach to sanctioning (as well as rewards), and find creative and flexible ways to respond swiftly to infractions.^{vi}</p> <p>Accountability practices in juvenile justice should be designed specifically for juvenile justice rather than being carried over from the criminal courts and should be designed to promote healthy social learning, moral development, and legal socialization during adolescence.^{vii}</p>

<p>Procedural fairness in setting conditions and addressing violations will increase compliance</p>	<p>“Engaging the youth to identify and prioritize these [youth-centered, strengths-based] goals will help achieve the youth’s buy-in and thus increase the likelihood of success and compliance.”^{viii}</p> <p>Research shows that a sense of procedural fairness is linked to instilling a sense of responsibility for actions in adolescents. If a youth doesn’t think the process is fair, they won’t accept it or internalize what it’s trying to teach them. As such, procedures for holding youth accountable should pay attention to procedural fairness.^{ix}</p> <p>Research shows that adolescents’ perceptions of procedural fairness are based on:</p> <ul style="list-style-type: none"> • The degree to which they were given the opportunity to express their feelings or concerns; • The neutrality and fact-based quality of the decision making process; • Whether the youth was treated with respect and politeness; and • Whether the authorities appeared to be acting out of benevolent and caring motives.^x
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ⁱ Pennsylvania Bench Book, “[Probation](#),” § 9-7; “[Probation Enforcement](#),” § 10-2.

ⁱⁱ [Promoting Positive Development](#): The Critical Need to Reform Youth Probation Orders, National Juvenile Defender Center.

ⁱⁱⁱ *Id.*

^{iv} Pennsylvania Bench Book, “[Delinquency Dispositions in General](#),” § 9-1.

^v [Promoting Positive Development](#): The Critical Need to Reform Youth Probation Orders, National Juvenile Defender Center.

^{vi} Pennsylvania Bench Book, “[Probation Enforcement](#),” § 10-2.

^{vii} [Reforming Juvenile Justice: A Developmental Approach](#). Washington, DC: The National Academies Press (2013), p. 185.

^{viii} *Id.*

^{ix} *Id.*, p. 192.

^x Fagen, J.A., and Tyler, T. (2005). [Legal socialization of children and adolescents](#). Social Justice Research, 18(3), 217-241.