

Standards Governing the Development and Application of Graduated Response Protocols

Preamble

A graduated response system uses incentives and interventions, delivered in a structured, systematic manner, to encourage, discourage, and shape progress toward specified behaviors of youth under juvenile probation supervision and at all stages of the juvenile court process.

The development, implementation, and application of a graduated response system must be consistent with the purpose of Pennsylvania's juvenile justice system defined by Pennsylvania's Juvenile Act at 42 Pa.C.S. Chapter 6301(b):

Purposes:

- (1) To preserve the unity of the family whenever possible or to provide another alternative permanent family when the unity of the family cannot be maintained.
 - (1.1) To provide for the care, protection, safety and wholesome mental and physical development of children coming within the provisions of this chapter.
- (2) Consistent with the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community.
- (3) To achieve the foregoing purposes in a family environment whenever possible, separating the child from parents only when necessary for his welfare, safety or health or in the interests of public safety, by doing all of the following:
 - (i) employing evidence-based practices whenever possible and, in the case of a delinquent child, by using the least restrictive intervention that is consistent with the protection of the community, the imposition of accountability for offenses committed and the rehabilitation, supervision and treatment needs of the child; and
 - (ii) imposing confinement only if necessary and for the minimum amount of time that is consistent with the purposes under paragraphs (1), (1.1) and (2).
- (4) To provide means through which the provisions of this chapter are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced.

A graduated response system provides empirically based strategies for responding effectively to behaviors. Within this framework, incremental, proportionate, and predictable responses are delivered so that youth positive behaviors are encouraged and reinforced, and negative, noncompliant behaviors are effectively addressed with interventions that meet youth needs and hold youth accountable.

This subchapter is intended to provide guidance to the Administrative Judge of the Juvenile Court and the Chief Juvenile Probation Officer and/or designee in the administration of a graduated response system consistent with the purpose of Pennsylvania's juvenile justice system.

Scope

- I. **These standards shall be applied in the administration of a graduated response system within the context of the supervision of juvenile court and/or the juvenile probation department.**
- II. **Any youth receiving services from the juvenile court and/or the juvenile probation department shall be subject to graduated responses.**

A graduated response system in juvenile probation encourages positive behavior change to help youth successfully complete probation and become responsible and productive members of the community, while also limiting the use of detention and residential placement to public safety situations for which all community-based interventions have been explored and determined insufficient to reduce risk to public safety.

Principles underlying graduated responses

- III. **The Administrative Judge of the Juvenile Court and the Chief Juvenile Probation Officer and/or designee shall develop local policies and protocols.**

Grounded in knowledge of adolescent development and behavioral shaping principles, graduated response policies should be evidence-based, and guided by empirical research findings. Research has shown incentives and interventions should be administered as close in time to the behavior as possible to be most effective.

Responses are most effective in shaping behaviors if they are certain, swift, targeted, proportionate, and fair.

- (1) **Certain** – Responses to behaviors should be predictable. If an identified behavior occurs, a specific and expected response should then occur.
- (2) **Swift** – Incentives, as well as interventions, should be administered as soon as possible after the performance of a behavior.
- (3) **Targeted** – Both desired and undesired behaviors must be clearly identified, communicated to, and understood by the youth and their family. Additionally, responses to noncompliant behaviors should address the underlying reasons for such behaviors. Responses should be given only for the demonstration of the specific behavior; a behavior that is similar to the target behavior but not the target behavior should not be met with the target behavior's designated response.
- (4) **Proportionate** – Responses, both incentives and interventions, should also be proportionate to the behavior exhibited. Excessive or lavish praise or incentives for minimally positive behaviors may diminish the intrinsic value of the behavior and create unrealistic expectations for future praise or incentives. Responses need not be severe to be effective; excessively punitive responses can have detrimental effects on behavior change.

- (5) **Fair** - For interventions to be perceived as fair, youth should know in advance the juvenile justice system's responses to their behaviors, and the application of the incentives and interventions should be transparent and issued equitably.

Development of graduated response policy and protocols

IV. The Administrative Judge of the Juvenile Court and the Chief Juvenile Probation Officer and/or designee shall develop and approve all policy matters pursuant to the implementation of a formalized graduated response system.

V. The Administrative Judge of the Juvenile Court and the Chief Juvenile Probation Officer and/or designee shall promulgate written guidelines governing the use of a graduated response system.

- (1) Written guidelines must be customized to ensure they are realistic and consistent with the available resources of the jurisdiction.

VI. The written guidelines governing the use of a graduate response system must, at a minimum, include the following elements:

- (1) The structured, effective, and consistent use of incentives and interventions in a transparent and predictable manner can shape behaviors that help youth progress toward identified short- and long- term goals.
- a. Incentives are responses used to encourage continued positive behavior.
 - b. Interventions are responses to noncompliant behaviors and should address the reasons for a behavior to prevent, reduce, or modify the behavior in the future.
- (2) The development and use of a structured incentives list to enable juvenile probation officers to encourage positive behaviors equitably and commensurate with the compliant behavior(s) and the youth's interests.
- (3) The development and use of a structured interventions grid to enable juvenile probation officers to address probation noncompliance equitably and commensurate with the seriousness of the noncompliant behavior(s) and the youth's current risk level.

Application of graduated response protocols

VII. The Administrative Judge of the Juvenile Court and the Chief Juvenile Probation Officer shall appoint a Graduated Responses Coordinator(s) from within the judicial district and juvenile probation department.

- (1) The Graduated Responses Coordinator(s) is the content specialist representing the juvenile court and juvenile probation department.

VIII. The Administrative Judge of the Juvenile Court and the Chief Juvenile Probation Officer and/or designee shall provide direction to the Juvenile Probation Officer in the administration of a graduated response system.

- (1) A graduated response system should be applied to all youth pursuant to a delinquency disposition.
- (2) The use of graduated responses should be consistent with Balanced and Restorative Justice and, when applied properly, promote community protection, victim restoration through youth accountability and working to change behavior, and competency development.
- (3) Graduated response systems provide guidance for structured decision making and promote fundamental fairness, transparency, and consistency. A graduated response system provides many options, used in conjunction with assessment tools and juvenile probation officers' professional judgment, to address both positive and negative behaviors while considering the impacts on both victim and community.
- (4) The application of incentives and interventions should be consistent and integrated with the individual youth's case plan. Goals of the case plan should encourage and discourage progress toward specified behaviors.
- (5) Responses must be individualized based upon the youth's behavior, the reasons for the behavior, and current level of risk, criminogenic needs, and responsivity factors. An effective incentive or intervention for one youth may not be effective for another youth, and it may differ for a single youth from situation to situation and over time.
- (6) The behaviors for which incentives and interventions are issued should be predictable. It should be clearly communicated by the juvenile probation officer and understood by the youth and their family under what circumstances incentives or interventions will be issued.
- (7) The administration of an incentive or intervention should support a youth's participation in treatment, education, positive youth development activities, and/or services. Services or referral for treatment should not be conveyed as a negative response, but rather, as an opportunity for positive change. To effectively change behavior, an intervention should address the underlying reason(s) for noncompliance.
- (8) Internal motivation for change is the goal overall; however, incentives and interventions can supply external motivation in the short-term when needed. The use of motivational interviewing strategies by the juvenile probation officer in conjunction with graduated responses and other evidence-based tools and techniques can strengthen the development of internal motivation of the youth.
- (9) Timeliness of administering incentives and interventions is critical for establishing the link between behaviors and responses.

Stakeholder engagement

- IX. The Administrative Judge of the Juvenile Court and the Chief Juvenile Probation Officer and/or designee shall engage system stakeholders in the administration of a formalized graduated response system.**

- (1) Agreements should be reached among key juvenile justice stakeholders about the authority of the supervising juvenile probation officer to issue incentives and interventions within established parameters; this may be done at a system level or specified within an individual youth's case, such as through a dispositional court order.
- (2) Youth, as well as their families, must have a clear understanding of what is expected of them. Juvenile probation officers must ensure youth and families know which positive behaviors are encouraged and which negative, noncompliant behaviors are discouraged and the responses they should anticipate for performance of those behaviors. Youth must have the ability and opportunity to control the targeted behaviors.
- (3) The development of an effective professional alliance among the juvenile probation officer, the youth, and the youth's family is critical to promoting behavior change. Juvenile justice professionals who possess effective relationship skills are able to increase treatment compliance, reduce noncompliance with court order(s)/requirement(s), reduce recidivism, engage the youth's family in short- and long-term goal setting, and improve outcomes.
- (4) Collaboration with and involvement of the family, as well as the youth, should occur when identifying incentives and interventions. When possible and appropriate, the family should be responsible for or an active participant in identifying or administering an incentive or intervention.

Graduated response system oversight and quality assurance

X. The Administrative Judge of the Juvenile Court and the Chief Juvenile Probation Officer and/or designee shall review the administration of the graduated response system on an ongoing and timely basis to maintain consistency and ensure compliance to the jurisdiction's formalized graduated response system.

- (1) Graduated response systems that incorporate positive youth development opportunities can help youth identify and cultivate their strengths through activities, internships, and jobs as well as establish meaningful connections with positive peers and supportive adults in their communities.
- (2) Recognition of positive behavior (pro-social and juvenile probation compliant behavior) increases the likelihood that youth will be motivated to initiate and continue the desired positive behaviors. The goal of the use of graduated responses is to have youth engage in and maintain positive behaviors.
- (3) Reinforcing pro-social behavior increases the likelihood that youth will be motivated to continue this positive behavior.