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**An Evaluation of Utah's
Early Intervention Mandate:
The Juvenile Sentencing Guidelines
and
Intermediate Sanctions**

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EXECUTIVE SUMMARY

STUDY BACKGROUND

In 1997 the State of Utah initiated an ambitious early intervention program that uniquely combined sentencing reform and graduated sanctions in an attempt to reduce juvenile crime. Comprised of juvenile sentencing guidelines, funding for 60 more probation officers and a new intermediate sanction titled State Supervision, the program was designed to bring about a reduction in juvenile recidivism rates and reduce the number of offenders committed to the Division of Youth Corrections by 5%. This report evaluates the implementation and impact of this program. The objectives of this evaluation are to assess:

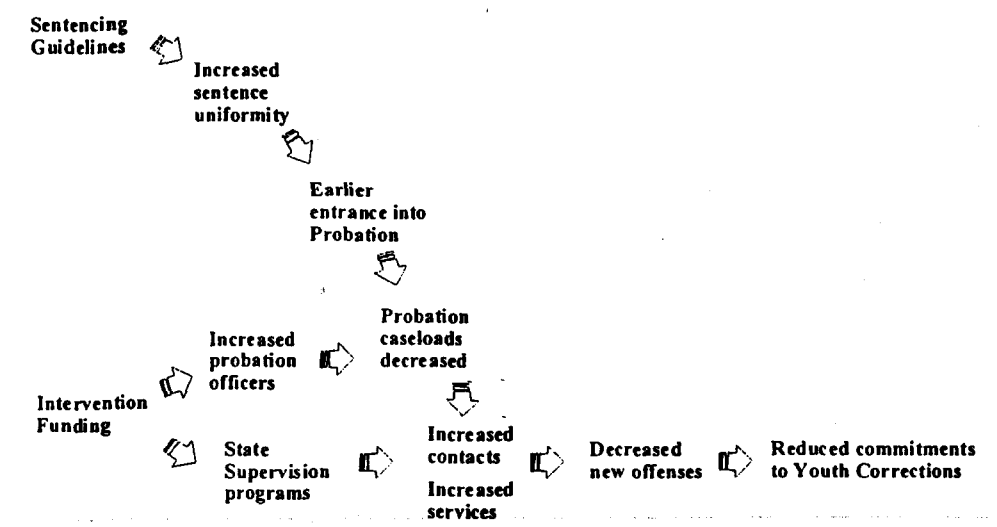
- The ability of a state to implement juvenile sentencing guidelines and an intermediate sanction designed to intervene earlier in the lives of juvenile offenders.
- The effectiveness of this earlier intervention program on reducing criminal activity and rates of commitment to Youth Corrections.
- Identify promising local approaches to the new program.

Results on the implementation process are the more definitive, as the outcome evaluation by necessity was a naturalistic design.

Following is a brief description of the program as envisioned by policy makers at the time of implementation. Utah's Juvenile Sentencing Guidelines were designed by a Sentencing Commission to flexibly structure Juvenile Court sentencing, using advisory, offense-based guidelines that cover the continuum of sanctions available for juvenile offenders. These guidelines are unique in that, although initiated by a Sentencing Commission, they are voluntary. In addition, the implementation of offense-based sentencing guidelines that cover the entire spectrum of delinquent behavior is without precedent. As part of this sentencing reform, funding was provided for 60 new probation officers to reduce caseload size to 20 offenders per officer. A new intermediate sanction, State Supervision, was created. This sanction was designed as an early intervention sanction in the form of intensive supervision and services enhancement between regular probation and community placement. It was envisioned that this sanction would consist of locally created intensive service programs that are largely in-home efforts with short-term community placements provided as needed. Juvenile Court would have primary responsibility as the case manager and provider of services. Specifically, the court would contact offenders at least five times weekly, increase outside-of-office contacts, provide programming during after school hours, increase substance abuse testing and treatment, develop alternative school programming, expand work crews, increase family participation in supervision and counseling, expand electronic monitoring statewide and construct a written correction plan outlining specific measurable goals for each offender (Minutes of the Juvenile Justice Task Force, June 20, 1997). The Division of Youth Corrections and Division of Child and Family Services would provide short-term out-of-home placement when needed. It is notable that this effort involved a paradigm shift for the Juvenile Court from the role of service broker towards a service provider role.

Using this information, the following model was created to guide the evaluation in quantifying the objectives listed above.

Figure 1 Conceptual Model of Policy Changes and Intended Outcomes



USEFULNESS OF THE REPORT

As most recent state-level responses to the problem of juvenile offenders remain unevaluated (Mears, 1998), the current evaluation can be informative for states considering how to implement similar changes. With the exception of Washington State (Lieb & Brown, 1999), *juvenile* sentencing guidelines have not been evaluated. In addition, Utah's Sentencing Guidelines are unique in that the Utah State Sentencing Commission, an entity originally charged with creating adult sentencing guidelines, designed them.

While studies have been conducted on the efficacy of intermediate sanctions, statewide evaluations of the implementation and effectiveness of these interventions have not been conducted. While intensive supervision has been found to have some positive effects in efficacy studies (Barton & Butts, 1991; Wiebush 1993; Elrod & Minor, 1992; Orange County Probation Department, 1994; National Research Council and Institute of Medicine, 2001), its value as a statewide response to crime is unknown. More importantly for this study, the ability of a state to implement a statewide intermediate sanction has not been studied. As researchers have cautioned, the context in which a program is implemented will affect its success as much as will the type of program (Petersilia, 1990). The report holds valuable information for other states in this regard. An important part of Utah's context is the re-initiation of the Juvenile Court as a direct service provider. This evaluation provides information helpful to courts considering similar shifts.

Previous research has shown that early intervention programs can have a net-widening effect when lightweight offenders are sentenced to intensive intermediate interventions by increasing the number of technical violations and detection of illegal activity (Tonry, 1998). The end result of widening the net of social control can negate

any positive effects of the interventions provided if these offenders penetrate further into the system than they otherwise would in the absence of early intervention programs. An analysis of this unintended effect of early intervention is also included in the report.

RESULTS

The evaluation results are presented below with the study objective listed in **bold print**, followed by the specific research questions used to assess the objectives in *italics* and a brief summary of the results.

Assess the ability of a state to implement juvenile sentencing guidelines

Was there an adequately high level of guidelines-consistent sentences to assume an effect on uniformity?

With the notable exception of Secure Care, the guidelines are followed for most sanctions the majority of the time.

Sanction	Type	Percentage of Sentences Consistent
Other Sanctions	Fines and Restitution	91%
Probation	Monitoring and Classes	59%
State Supervision	Intensive Probation and/or Short term placement	59%
Community Placement	Out-of-home placement e.g. Proctor and Group Homes	75%
Secure Care	Locked Facility	47%

While it may appear that the low rate of compliance for Secure Care show that offense based guidelines work only for offenders with less serious histories, Community Placement offenders have on average a lengthy history of illegal activity similar to their Secure Care peers. This sanction also has the second highest percentage of sentences that are consistent with the guidelines. Except for Secure Care, the percentage of sentences consistent with the guidelines by district varies less than 10% statewide.

Were offenders put on Probation earlier than in the past?

Although the mix of offenses for first-time probationers before and after the early intervention program was similar, offenders sentenced after implementation of the sentencing guidelines had fewer prior offenses on both felony (.14 less) and misdemeanor (.80 less) episodes.

Assess the ability of a state to implement an intermediate sanction

Were additional probation officers hired?

A total of 60 full-time equivalent personnel have been hired, 37.3 for the State Supervision sanction.

Were caseloads reduced to 20 youth per probation officer?

Caseloads were reduced from an average of 29 in 1996 to 20 in 1999.

Did contact increase?

Statewide, contact frequency is substantially higher for State Supervision offenders than Probation offenders. There is little difference in the location of contact for offenders on Probation and State Supervision. While electronic monitoring was reported by court staff to be available in every district with the exception of Districts Seven and Eight, use of this type of monitoring for State Supervision offenders was low.

Were State Supervision services created based on the specifications listed and local needs?

The number and intensity of programming that comprise the State Supervision sanction vary widely from office to office within each district. In some areas there appears to be no difference between Probation and State Supervision. There is also a high degree of overlap in the programs used for both Probation and State Supervision offenders with State Supervision offenders simply attending a larger number of these programs. These caveats notwithstanding, State Supervision offenders on average report receiving more programming during the after school hours, increased substance abuse testing and treatment, more alternative school programming, slightly higher participation in work crews, increased

family participation in supervision and counseling. Most offenders have written correctional plans; however, most lack clear, measurable goals. The Division of Youth Corrections has created short-term, out-of-home placements in each region. The Division of Child and Family Services funding could not be tracked as this funding was mixed with general funds. No State Supervision services appear to have been developed by this agency.

Assess the effectiveness of the new program on reducing criminal activity and rates of commitment to Youth Corrections

Did the number of offense episodes after Probation decrease?

Offenders sentenced to Probation in 1999 had fewer offenses during a two-year follow up period and a longer period of time elapsed before the first charge after being sentenced to Probation. The average number of technical violations was similar for both groups. While improvement between years is evident, the year in which an offender was sentenced to Probation, while a statistically significant factor in predicting the number of post-charges, only predicted .2% of this outcome. Prior offenses and age at start of Probation was most predictive of post offenses.

Were fewer offenders committed to the Division of Youth Corrections?

The difference between the percentages of offenders entering the custody of Youth Corrections between years was not statistically significant (12.3% in 1996 and 10.0% in 1999). In addition, offenders in the early intervention group showed no significant differences in the time that elapsed before commitment to the care of Youth Corrections. The year in which offenders were sentenced was not significantly predictive of placement in Youth Corrections.

Identify local approaches to the new program that show promise

What were the comparative outcomes for individual court districts?

Results show the differences for offenders sentenced before and after the early intervention program across individual districts are slight. Differences were found between District Four and District Two North in comparisons of pre- and post-offending differences. The difference appears to stem from a greater reduction of pre-Probation offenses in District Two North. This might be attributed to following the guidelines at a higher rate in this district. No districts had a significant decrease in the rate of commitment to Youth Corrections before and after program implementation.

Separate analysis of rural districts showed no significant differences in pre- and post-offending changes across years. However, District Six was the only judicial district showing an increase in the average number of post-Probation offense episodes after the early intervention program. This district had the lowest intensity and least structured services overall of any district.

DISCUSSION

It appears that effects of the new program on re-offense are modest. While it is apparent that first-time probationers sentenced under the earlier intervention program have fewer offenses in the year following Probation placement than their counterparts did before program implementation, whether an offender was sentenced under the early intervention program or not was minimally related to the number of post-charges. Age at start of Probation, number of prior offenses and sex were much more predictive. Above all, the reduction in post-offenses between groups appears likely to be an artefact of sentencing lighter weight offenders to Probation, an intended effect of the new program. It is also possible that decreasing crime rates during the period of study have created this result.

Rates of commitment to the Division of Youth Corrections did not show statistically significant differences before and after implementation. It might still be too early for a decrease to be evident. It appears more likely that the low percentage of guidelines-consistent sentences for Secure Care and uneven implementation of the State Supervision sanction has reduced whatever efficacy the early intervention program has.

It is also conceivable that the subset of offenders committed to the Division of Youth Corrections are not amenable to early intervention programming as created in the State Supervision sanction corrections. Finally, sentencing trends towards placing lighter-weight offenders into DYC might also play a role in reducing the program effects on rate of commitment. This trend occurred during a period in which the at-risk population remained stable but bed capacity was increased. Given these circumstances, it is clear that commitment to Youth Corrections is dependent on several factors outside of the behavior of the offender.

In addition to these possible explanations, special consideration should be accorded to the possibility that, as previous research has shown, the effects of early intervention programs can be negated when increasing numbers of lighter weight offenders are sentenced to intensive intermediate interventions. These offenders penetrate further into the system than they otherwise would in the absence of such programs due to technical offenses or higher detection rates of illegal behavior. In the current study, technical offense violations were similar for probationers sentenced before and after the new program and re-offense rates were less in offenders sentenced under the new program. While it appears the net of social control has widened, it is not clear that the expected negative effects of this action have surfaced.

In conclusion, the present analysis shows that it is possible to effectively implement offense-based juvenile sentencing guidelines. This policy tool appears to have become part of the sentencing practice of the juvenile system in Utah. It should be noted that the guidelines appear to have been more successful in the less restrictive sanctions and in more simple sentencing situations. In particular, guideline recommendations for the most serious sanction, Secure Care, are followed less than half of the time.

The present analysis presents a mixed picture of the ability of a state to implement an intermediate sanction that is largely run by the Juvenile Court. Although statewide, State Supervision offenders have higher contact frequencies and are involved in more programming for a longer period of time than their Probation counterparts, this finding hides considerable variation between districts and even within districts themselves. Program quality and intensity also appears to depend in part on the population density of the individual districts. The most urban and most rural areas appear to have difficulty implementing a solid program. In the most rural areas, low numbers of offenders and providers with which to contract make it difficult to provide an intensive program. In the most urban areas, large staff turnover rates and a plethora of programs have led to a highly variable program in terms of the intensity and type of service provided. Regardless of location, intensive intervention appears highly dependent on motivated staff that is willing to think outside of traditional probation practice.

RECOMMENDATIONS

In this section recommendations are given concerning the implementation process only as these are the most robust considering the research design. This evaluation is constrained by the quality of the data available for analysis. Currently, reliable data is available from the Juvenile Information System (JIS) for many predictor and outcome variables. Adding information to this system on the type and frequency of services provided allows the connection between program services and effects to be delineated. We highlight the importance of gathering data on service provision not only because this

is indispensable to understanding outcome data, but also because Utah has a golden opportunity to begin gathering process variables in the JIS re-engineering project currently under way. In addition to process variables, specific appropriations for program development should be identified and tracked. Concurrent with gathering process variables, future evaluation results will have greater integrity if minimal standards are established for reporting outcomes. A standard package would include decisions as to whether re-offense is measured using incidents or episodes, charges or convictions and what factors should be statistically controlled (e.g. age and sex).

Based upon study findings, the following are recommendations specific to the sentencing guidelines:

- A target for the percentage of guidelines-consistent sentences for each sanction should be specified. Without a desired benchmark, front-line personnel reported uncertainty as to whether they are meeting the goals of the guidelines.
- Further guidance on when to aggravate or mitigate would help frontline staff increase the uniformity with which these actions happen. Developing prototypical descriptions of offenders or circumstances that warrant deviation is recommended (Altschuler, 1991).
- The definition of a criminal episode should be clarified. Limiting an episode to all criminal behavior within one calendar day would eliminate the complexity of the current definition.
- Further training should be undertaken with prosecutors and defense attorneys because of the high number found to be unfamiliar with the guidelines.
- Increased communication between attorneys and probation officers should be encouraged to facilitate use of the guidelines during the plea negotiation process.
- A feedback mechanism from the Sentencing Commission to front-line personnel should be initiated. Currently most participants reported little knowledge of how the guidelines have been received or how often actual sentences conform to guideline recommendations.
- Educational efforts to increase awareness among offenders might be beneficial since only 43% of offenders recall having seen the guidelines.

The following are recommendations specific to State Supervision. Using evaluation findings, Table 1 provides a prototypical State Supervision program by population density.

Table 1 Recommended Components of State Supervision by Population Density			
	Urban	Semi-Urban	Rural
Staff Components	State Supervision caseloads are separated from Probation caseloads using State Supervision specialized P.O. and Deputy P.O.		No division of caseloads is possible.
Contact Components	Five in-person contacts are given weekly by having the offender attend after school social/educational classes either provided by the Probation office or through a single contracted provider. Deputy P.O. uses telephone contacts nightly and on weekends.		P.O. contacts offenders at school daily. School/law enforcement personnel contact offenders outside of the P.O.'s travel area. Weekend contacts from P.O. by telephone or specified call-in times are arranged.

Program Components			
<i>Family Interventions</i>	A single provider conducts parenting classes and family counseling using a fixed program length. Weekly parent/P.O. contact is required.		Parenting classes/family counseling are provided once weekend a month at probation office. Provider telephone contacts are used during the week.
<i>Educational/Vocational Interventions</i> <i>and</i> <i>Restitution/Responsibility</i>	An after-school program is provided from 2:00 p.m. until 6 p.m. and includes classes on life skills, employment, anger management, sex education, victim awareness, tutoring and work crew. Hourly schedules are filled out. Offenders not in school are enrolled in alternative education.	An after-school program is provided similar to a day reporting center. Offenders report at 10:00 a.m. if not in school or 2:00 p.m. if in school until 6 p.m. Classes include life skills, employment, anger management, victim awareness, tutoring and work crew. Hourly schedules are filled out.	A workbook-based program is used to meet offenders' needs such as the Step-Up program already in use in several areas. Probation officers review workbooks with parents during once a month weekend parenting class/therapy periods.
<i>Chemical Dependency/Individual Therapy</i>	Chemical dependency/individual counseling are provided on an as needed basis.	Chemical dependency/individual counseling are provided on an as needed basis.	See narrative below.
<i>Wrap-Around Services</i>	Used for individual offender needs.		
Short-term Placement	Offenders are placed in Youth Corrections-run wilderness or work camp programs.	Same.	Same.

In addition, the following recommendations are given concerning State Supervision funding:

- State Supervision funding given to the Division of Child and Family Services and electronic monitoring funds would be more effective if spent to contract in rural areas for weekend parenting classes/family counseling or chemical dependency treatment/individual counseling.
- An ongoing effort to communicate local problems and solutions to programming challenges should be created. Many study respondents requested this information.
- The intended progression between Juvenile Court and Youth Corrections within State Supervision along with other logistic difficulties including file sharing, deciding fiscal responsibility and computer data entry need to be clarified.

INTRODUCTION

"The key, unanswered question is whether prompt and more effective early intervention would stop high rate delinquents from becoming high rate criminals at a time when their offenses were not yet too serious. Perhaps early and swift though not necessarily severe sanctions could deter some budding hoodlums, but we have no evidence of that as yet."

James Q. Wilson, Criminologist

Beginning in the late 1980s, increases in violent juvenile crime and subsequent media attention supported perceptions that youth crime had reached epidemic proportions nationwide. This perception put pressure on policymakers to implement new approaches to working with juvenile offenders (Forst, 1995). This pressure also echoed earlier calls for the Juvenile Court to move from a historical focus on the needs of the offender to a more punitive, offense-based approach to youth crime (von Hirsch, 1976). In addition, it has been argued that court intervention efforts should begin earlier in order to interrupt the pathways of criminal development (Huizinga, Loeber, & Thornberry, 1994). The last decade has seen a widespread national response from juvenile justice agencies to both the increase in juvenile crime and the pressure for new methods of intervention. More than 90% of states, including Utah, have revised juvenile crime laws since 1992 (Torbett, 1997). Several common trends have been identified in these recent changes:

- Changes have been made to Juvenile Court mission statements to include punishment provisions.
- An increasing number of youth charged with serious crimes have been transferred to the criminal court system.
- Policies that increase the structure of sentencing have been enacted.
- Traditional confidentiality provisions have been revised toward a more open adjudication process. Crime victims have been actively encouraged to participate in the court process.
- Intermediate sanctioning options designed to intervene earlier with offenders have been implemented.
- Youth offenders' time in incarceration has increased (Torbett, 1997; Mears, 1998; Melli, 1996, Forst, 1995).

The current evaluation is an analysis of changes the State of Utah has initiated in two of the above areas to reduce youth crime. **A program of earlier intervention comprised of Juvenile Sentencing Guidelines and a new intermediate sanction named State Supervision was designed and implemented.** This approach is unique among juvenile systems in that sentencing guidelines and intermediate sanctions are intended to work in tandem to bring about a system that intervenes earlier in the lives of juvenile offenders. Taken together, the Sentencing Guidelines and State Supervision sanction are designed to bring about a reduction in juvenile recidivism rates and subsequently reduce the number of offenders placed out of the home in the custody of the Division of Youth Corrections by 5% (minutes of the Juvenile Justice Task Force, May 13, 1997).

The objectives of this evaluation were to assess:

- The ability of a state to implement juvenile sentencing guidelines and an intermediate sanction designed to intervene earlier in the lives of juvenile offenders.
- The effectiveness of this earlier intervention program on reducing criminal activity and rates of commitment to Youth Corrections.
- Local approaches to the new program that show promise.

Results of the implementation process are the more definitive, as the outcome evaluation, by necessity, was a naturalistic design.

Before presenting the conceptual model used to guide the evaluation of the early intervention effort, a developmental history of this innovative program is given to help orient the reader to the subject matter under study. Appendix A gives an overview of how Utah's juvenile justice system is structured. Following the introduction is a methods section that details the analytic approaches employed. Evaluation findings are then reported. Finally, the report concludes with a look at recommendations and suggested areas for future research.

HISTORY OF THE EARLY INTERVENTION PROGRAM DEVELOPMENT

The Sentencing Guidelines

The juvenile court in Utah, like juvenile courts nationwide, has employed individualized and informal sentencing since its inception. An erosion of the informal component of sentencing was initiated with the Supreme Court decisions *In re Gault*, *In re Winship* and *McKeiver v. Pennsylvania*, which forced many of the procedural safeguards found in the criminal justice system onto juvenile trial procedures (Feld, 1998). Sentencing based on the needs of the offender has also come increasingly in conflict with offense-based sentencing paradigms. Critics have charged that individualized sentencing in the Juvenile Court has in practice led to arbitrary sentencing (Melli, 1996). While strategies for imposing offense-based sentences in juvenile court include blended sentences, mandatory minimum sentences and extended jurisdictions (Torbet & Szymanski, 1998), sentencing guidelines have been implemented only in the juvenile system in Washington State's guidelines for commitment decisions. Utah's guidelines represent a unique approach to sentencing juvenile offenders. **Utah's Juvenile Sentencing Guidelines are an attempt by a sentencing commission to flexibly structure juvenile court sentencing, using advisory, offense-based guidelines that cover the continuum of sanctions available for juvenile offenders.** Though the guidelines are initiated by a sentencing commission, only the authority recommending a sentence is bound by statute to consider them. Judges, however, are not bound in any way when sentencing a youth.

In 1994, concern over rising rates of juvenile crime prompted the Utah Legislature to create the Utah Board of Juvenile Justice, which initiated a review of sentencing. This subcommittee expanded the reach of the Sentencing Commission into juvenile justice issues for the first time. Out of the subcommittee's review, a uniform system for sentencing, the "Presumptive Standards for Juvenile Sentencing," was developed. Although the system was widely endorsed, the 1996 Utah Legislature did not

fund it. A legislative task force subsequently conducted a wider study of the major issues confronting the juvenile justice system. The Commission on Criminal and Juvenile Justice (CCJJ), Juvenile Court, Division of Youth Corrections, and Governor's Office recommended the Presumptive Standards to the legislative task force, which adopted them in a modified form as the Juvenile Sentencing Guidelines. The 1997 legislature funded the new guidelines by passing Utah Senate Bill 25 *Sentencing Guidelines*, codified as Utah Code Ann. 63-25a-304 and 78-3a-514.

The purpose of the guidelines is to bring more objectivity to the sentencing process. The Utah Commission on Criminal and Juvenile Justice stated that although it recognized the inherent complexity of the sentencing process, guidelines were needed to reduce "unwarranted sentencing disparity" (Commission on Criminal and Juvenile Justice, 1997, p. 9). Reductions in disparity were to be achieved using a presenting offense and offense history-based guideline. The ability to individualize sentences when appropriate was retained by including aggravating and mitigating factors. Appendix B contains a detailed presentation of the guidelines structure and procedures for use. This appendix also contains a short description of each sanction found on the matrix. Initial training on the guidelines was provided statewide at 14 sessions conducted by CCJJ staff after which time it was included in the regular new employee training of the Juvenile Court and Division of Youth Corrections.

Utah SB 25 *Sentencing Guidelines* states, "When preparing a dispositional report and recommendation in a delinquency action, the probation department or other agency designated by the court shall consider the Juvenile Sentencing Guidelines and any aggravating or mitigating circumstances" (Commission on Criminal and Juvenile Justice, 1997, p. 1). The person responsible for generating the recommended sanction, usually the probation officer, is the only authority mandated by law to consider the guidelines, but is not mandated to follow them. It is recommended that the sentencing judge consider the guidelines and the recommended disposition. However, no law mandates this action. The Sentencing Commission believed more uniform and fair sentences would result from the validity and usefulness of this policy tool for the sentencing process. In keeping with this mindset, an advisory, rather than mandatory, approach was chosen.

Although the guidelines are intended to increase uniformity of sentencing, the Sentencing Commission sought to preserve judicial discretion and individual sentencing when appropriate. After locating the recommended sanction on the guidelines, the recommending authority or judge can aggravate or mitigate that sanction if evidence supports the use of a different sanction. A list of common factors is included with the guidelines to help in this process (see Appendix B).

The Sentencing Commission did not specify a target percentage of guidelines consistent sentences. The Sentencing Guidelines Manual states only that, "there are occasionally circumstances that compel deviation from the guidelines" (Commission on Criminal and Juvenile Justice, 1997, p. 9). Because they were intended to increase uniformity, the guidelines initially would have a prescriptive relationship to sentencing practice. In the long-term, the commission stated the guidelines would be "modified to accommodate changes in policy or practice" (Commission on Criminal and Juvenile Justice, 1997, p.10).

Intermediate Sanctions

During the last two decades, policymakers have also turned their attention to developing intermediate interventions. These interventions, usually falling between Probation and Community Placement, provide earlier intervention in the lives of juveniles to reduce future criminal behavior. Common components of these programs include increased contact, electronic monitoring, home detention, drug testing, employment and education focused interventions, and counseling services (Petersen, 1995). Many of these components have been used together to develop intensive supervision and service packages for offenders either failing Probation or as an alternative to out-of-home placement.

In Utah, this package was created in the form of a new sanction level called State Supervision. **Policymakers designed a sanction intended to create locally designed, intensive service programs that would be largely in-home efforts with short-term out-of-home placements in a community setting when needed.** This sanction is shared among the Juvenile Court, Division of Youth Corrections, and Division of Child and Family Services. It is notable that this effort involved a shift for the Juvenile Court into direct provision of services to an extent it had not previously had. Funding of \$10 million was provided by the Legislature to create an early intervention focus. The Juvenile Court received \$5.6 million, the Division of Youth Corrections, \$2.6 million, and the Division of Child and Family Services, \$146,000. Of the new funding for the Juvenile Court, \$2.3 million was to be used to hire 60 new probation officers, which was projected to allow reductions in average caseloads to 20 youth per officer. The State Supervision sanction received the balance of the new funding. Services in this sanction were intended to deliver an intensified level of intervention for those juveniles needing more than regular probation service. The Juvenile Court would administer the primary interventions at this level. Specifically, the court would:

- Contact offenders at least five times weekly.
- Increase probation officer outside-of-office contacts.
- Structure and supervise offender's time between 2 p.m. and 7 p.m.
- Confront substance abuse with increased testing and treatment.
- Develop programs for probationers expelled or suspended from school.
- Expand work crews to include high crime hours and Saturdays.
- Increase family participation, including assisting with supervision and participating in counseling.
- Expand electronic monitoring statewide.
- Construct a written correction plan outlining specific measurable goals for each offender.

(Minutes of the Juvenile Justice Task Force, June 20, 1997.)

The Division of Youth Corrections and the Division of Child and Family Services were charged with creating short-term placements to be used when State Supervision youth needed more structure than provided by the Juvenile Court. The probation officer was to provide case management for each offender even during placement with one of the previous agencies.

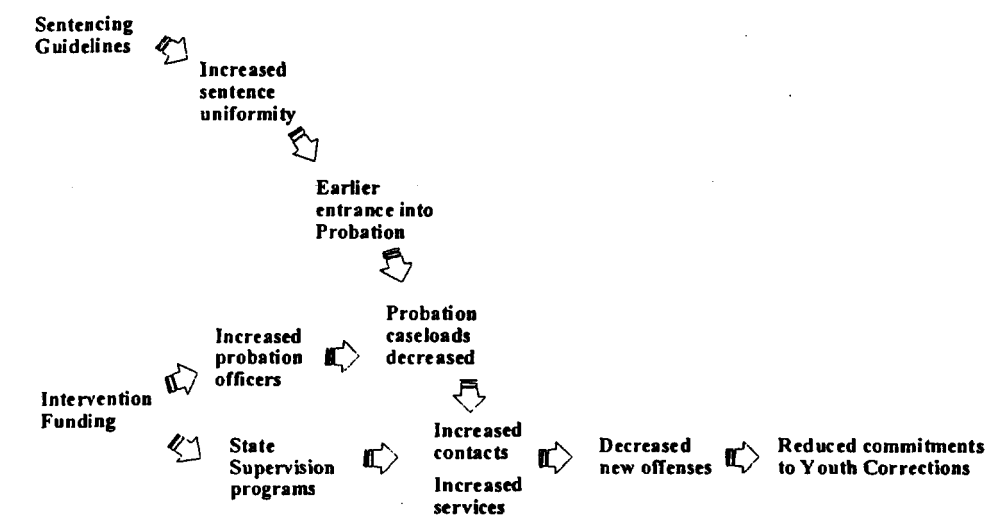
While the general goals of State Supervision interventions were specified, individual districts were directed to create a program that was adapted to local needs. It

was believed that a statewide program would fail without recognizing the diversity of local needs. Additionally, by using an individualized developmental approach, the different district programs could be evaluated and the most promising components adapted to other areas. In essence, the variety of district programs allowed for innovation and experimentation that might not have been feasible in a single, statewide program.

CONCEPTUAL MODEL USED TO GUIDE EVALUATION

Using the information gathered on how policymakers intended the guidelines and early intervention efforts to be implemented, a conceptual schematic of the intended impact was developed (see Figure 1.1 below).

Figure 1.1 Conceptual Model of Policy Changes and Intended Outcomes



This model posits that, assuming an adequately high level of guidelines-consistent sentences, sentence uniformity will increase. As the guidelines were designed to place offenders on Probation earlier than in the past practice, an adequately high level of guidelines-consistent sentences would lead to a post-guidelines population with fewer pre-Probation offenses. For those offenders who fail Probation or are in need of a more restrictive sanction, the State Supervision option would provide intensive supervision and services without defaulting to a commitment to the Division of Youth Corrections. The funding accompanying the implementation of the guidelines would be used for hiring 60 additional probation officers statewide. This influx was projected to reduce caseloads to 20 offenders per officer, which would allow contact frequency to increase, mostly for State Supervision offenders. In addition, the money would be used to create services for the State Supervision sanction based on the specifications listed previously and on local needs. A combination of earlier Probation placements and creation of an additional sanction between the court and corrections would result in a long-term decrease in the number and severity of offenses. **Subsequently, fewer offenders would be committed to the Division of Youth Corrections.**

USEFULNESS OF THE EVALUATION

Since most recent state-level responses to the problem of juvenile offenders remain unevaluated (Mears, 1998), the current evaluation can be informative for states considering similar changes. Researchers have called for evaluations of sentencing guideline systems implemented in a variety of contexts, including the juvenile court (Ashworth, 1992; Savelsburg, 1992). With the exception of Washington State (Lieb & Brown, 1999), the *juvenile* sentencing guidelines have not been evaluated. In addition, Utah's Sentencing Guidelines are unique in that the Utah State Sentencing Commission, an entity originally charged with creating adult sentencing guidelines, designed them. **This report therefore will provide information on the ability of a commission and a Juvenile Court to implement statewide sentencing guidelines.**

Studies have been conducted on the efficacy of intermediate sanctions. Research has shown modestly positive results on offending when such intensive sanctions are used as an alternative to commitment and little to no difference when used for offenders failing Probation (Wiebush, 1993; Barton & Butts, 1991; Feinburg, 1991; Elrod & Minor, 1992; Fagan & Reinerman, 1991; National Research Council & Institute of Medicine, 2001). A similar pattern has been found in studies of adult offenders (Byrne & Kelley, 1989; Petersilia & Turner, 1990). However, statewide evaluations of the implementation and effectiveness of these interventions have not been conducted. As researchers have cautioned, the context in which a program is implemented will affect its success as much as will the type of program (Petersilia, 1990). **The present evaluation is one of the first studies to look at whether early intervention can be implemented effectively at a statewide level.** The report holds valuable information for other states in this regard. **An important part of Utah's context is the re-initiation of the Juvenile Court as a direct service provider.** This evaluation provides information helpful to courts considering similar shifts.

Finally, the Utah Sentencing Commission recognized that the guidelines most likely have a net widening effect, in that more offenders would enter the front end of the system (Commission on Criminal and Juvenile Justice, 1997, p. 3). Research has shown that such efforts can also increase the numbers of offenders who progress to more restrictive sanctions as these youth will be at a higher risk for further involvement with the judicial system if technical violations or increased crime detection monitoring result in further sanctioning (Tonry, 1998). **In other words, the end result of widening the net of social control through early intensive interventions can negate any positive crime suppression effects if these offenders penetrate further into the system than they otherwise would in the absence of early intervention programs.** The current evaluation then provides information on the ability of a state to reduce recidivism rates using an early intervention program. The next section details the methods employed to examine the degree to which the intended model was realized. Appendix F presents an overview summary table of the study.

METHODS

Evaluation researchers have advocated the use of wide-ranging and flexible methods of inquiry when conducting an impact evaluation (Wholey, Hatry, and Newcomer, 1994). It has also been argued that the quantitative data available in most juvenile systems allows elucidation of only the most general effects, such as recidivism rates (Mears, 1998). Why a new program succeeds or fails cannot be understood using current information systems. Gathering qualitative data to supplement quantitative data allows for development of more comprehensive theories of early intervention. In light of the above, the current evaluation employed both quantitative and qualitative methods in evaluating the sentencing guidelines and early intervention programs impact on juvenile justice in Utah. Quantitative measures of guidelines compliance and recidivism rates were combined with qualitative interviews and document analysis on the development of and attitudes towards the guidelines and intervention programs. Mixing methods in such a way provides a more thorough picture of how the guidelines and programs have impacted the juvenile justice system in Utah.

DATA SOURCES

Data was gathered from five sources: the juvenile justice system's computerized database, interviews with juvenile justice personnel and offenders on Probation and State Supervision, sentencing data provided by CCJJ, paper case files of Probation and State Supervision offenders, and agency written documents. In this section, we describe how the data was gathered from each of these sources.

The Juvenile Information System

Using the Juvenile Information System database, demographic, prior charges, age at Probation start, detention use, re-offense and commitment to Youth Corrections data was gathered on all offenders receiving a sentence to Probation for the first time from January to June during 1996 and 1999 was gathered in order to compare offenders before and after program implementation.

Juvenile Justice Personnel and Offender Interviews

Purposive sampling (Miles and Huberman, 1994) was employed to create a qualitative sample that adequately reflected the wide range of persons involved in the new program and in each geographical area. Table 2.1 presents the categories of persons chosen for interviews.

Table 2.1 Interview Sample Size and Response Rate

Category	Planned Number	Actual Number	Response Rate
Judge	21	21	100%
Trial Court Executive	9	6	67%
Chief Probation Officer	12	12	100%
Intake Probation Officer	30	27	90%
Field Probation Officer	45	42	93%
Combined Field/Intake Officer	5	5	100%
State Supervision Officer	11	8	73%
Youth Corrections Staff	16	12	75%
Youth Correction Administrator	6	5	83%
Program Providers	19	19	100%
Prosecuting or Defending Attorneys	16	11	69%
Offenders	272	229	84%
Total	462	397	86%

Within these categories, the number of participants was chosen as follows: All permanent judges, trial court executives, and chief probation officers were solicited to participate due to the centrality of their contributions to the new program.

All probation officers who specialized in provision of State Supervision services and program providers were solicited for participation to ensure a complete description of State Supervision programs. Forty percent of all full-time intake and probation officers in each judicial district and assistant regional directors and case managers in each correctional region were solicited for participation.

Table 2.2 Total Sample Size by Judicial District and Corrections Region

Area	Personnel	Offenders
District 1	10	24
District 2	27	34
District 3	49	73
District 4	28	50
District 5	14	12
District 6	6	8
District 7	9	19
District 8	8	9
Region 1	5	N/A*
Region 2	6	N/A*
Region 3	6	N/A*
Total	168	229

*Offenders were sampled from probation officer caseloads only as court personnel are intended to be the case managers for all youth under study.

These participants were chosen at random from a list provided by the chief probation officer in each court district and the central administration of the Division of Youth Corrections, respectively. Additionally, a list of prosecutors and defense attorneys provided by each chief probation officer was used to randomly solicit participation from one person in each category in each judicial district. Finally, interviews were sought from five offenders on each participating field or State Supervision probation officer's caseload. These offenders were randomly chosen from a list provided by the officer. Table 2.2 details the sample size by agency and geographical region.

Participants were recruited using the following protocol: The head of each agency sent a letter to employees of the agency requesting accommodation of the evaluation. Informed consent was obtained from all adult participants

and parents or guardians of minors. Interviews were held with court and corrections personnel in their place of employment.

A total of 168 juvenile justice personnel and 229 offenders participated. Interviews were conducted in two interview rounds, first June to December 1999, second May to September 2000. All adults in the first round were solicited for the second round in order to allow participant feedback on results from the first round. Twenty percent of participants from the first round dropped out, 24 had left employment with the court, and

eight withdrew from participation resulting in a 14% attrition rate. Offenders were interviewed once in either the first or second round.

Five research assistants conducted the interviews, two during the first round and three during the second. Interviews with most offenders were held at the probation office, detention center, or other placement facility. Six offenders were interviewed in their homes. All offenders were interviewed alone with the exception of four youth whose parent(s) requested to sit in on the interview. Court and corrections personnel interviews were typically one hour long during round one and one-half hour long during the second round. Offender interviews typically lasted 15-25 minutes. Offenders were given three hours of work credit for participation.

Interview templates were developed using the following steps: A database of possible questions for the first interview round was collected using court, Sentencing Commission, and Youth Corrections documents; interviews with administrators from the Juvenile Court, Division of Youth Corrections, and CCJJ staff; and field observations of court proceedings. An advisory board consisting of the administrators from CCJJ, Juvenile Court and Youth Corrections, and by two judges and two chief probation officers critiqued this database. From this critique, interview questions for juvenile justice personnel and offenders were submitted to the principal and co-investigators who conducted further revisions. Finally, the interview protocol was tested on a pilot sample comprised of a trial court executive, a chief probation officer, a judge, an intake probation officer, a field probation officer, and four offenders. Interviews from this sample were recorded and analyzed by the principal investigator and co-investigator, who then made final revisions to the interview forms (see Appendix C).

Sentencing Data

The Commission on Criminal and Juvenile Justice is charged with collecting statistics on the guidelines. The commission provided sentencing data to the researchers for the first three years of the guidelines' existence, July 1997 through July 2000. This information, compiled on a quarterly basis, contained a total of 54,691 sentences.

Case Files

A random sample of paper case files for pre- and post-guideline offenders was selected to analyze changes in contact and interventions provided. Case files for 10% of offenders receiving a sentence to Probation for the first time in the first six months of 1996 (n = 87) and 1999 (n = 110) and 10% of first-time State Supervision offenders in 1999 (n = 45) were selected. Forty-three percent of files were unable to be located, resulting in a total sample of 122 files.

These files were examined for documentation of contact frequency and type with offenders and their families and the number and types of programs used (see Appendix C for the form used). Of the case files located, 67% were missing all information on contact frequency, 62% were missing all information on family contact or involvement, and 8% were missing information on programs to which offenders were sentenced. Due to the high number of files that could not be found and the low number of files obtained that contained sufficient offender and family contact information, an analysis of the paper case files was not carried out. Self-reports from offender interviews were substituted. However, because all of the offenders interviewed were sentenced post program

implementation, statistical analysis of the differential contact frequency and type before and after implementation was not possible.

Agency Documents

All written documentation of the developmental history of the guidelines and State Supervision sanction was requested from CCJJ, the Juvenile Court, the Divisions of Youth Corrections and Child and Family Services. An accounting of expenditures for the State Supervision sanction also was requested from all agencies. Information on probation caseload size was requested from the chief probation officer in each judicial district for two years prior and two years after the program implementation. This information was not available from the Juvenile Information System database. Written information was received from all agencies except the Division of Child and Family Services which provided all information by telephone. Documentation of the guidelines and early intervention design phase was examined using Sentencing Commission and subcommittee meeting minutes and Juvenile Court and Youth Corrections memos and policy drafts. Expenditure information is presented as provided by the agency.

ANALYSIS PROCEDURES

The procedures of analysis are presented using the conceptual model developed in the introduction. Before presenting this information, the general process used for evaluating the qualitative data is given. Explanations of quantitative data analysis procedures are given in the corresponding area of the model to which they were applied.

Qualitative Procedures

Due to the large interview sample size, the most common response themes from pilot interviews were listed on the interview protocols. This approach allowed the interviewer to quickly identify responses already given by previous participants and allowed more time to record novel responses (Kvale, 1996). Collected interviews, documents, and interviewer notes were then analyzed using a grounded theory approach (Strauss & Corbin, 1998). This data was entered into Folio Views 4.2, a computer software program recommended as adept at handling the large number of interviews and different data sources collected in this evaluation (Weitzman & Miles, 1995). Interviews were then formatted so that responses to all questions could be searched. Documents and interviewer notes were formatted using "highlighters" which allow searching by particular categories. Then the responses to each question and content of each highlighter category were catalogued. Two research assistants grouped these responses by conceptual similarity. Once basic responses to each question and highlighter were established, these responses were used as building blocks for creating the wider themes of each question. Themes from each question and highlighter were then compared to illuminate overarching patterns. Response patterns were created for the state as a whole, each judicial district, and each participant category. The most commonly found patterns and themes are reported in the results section along with analysis of their relationships to each other. When appropriate, percentages are also reported (e.g. offender reports of probation officer contacts).

This process of coding was reiterated several times for each round, with the preliminary results submitted to the principal and co-investigator and the juvenile justice

administrators who had helped develop the interview questions. Further revisions of these preliminary results were based on the suggestions made during this process, including searching for responses that contradicted the original themes. During the second round of interviews, participants were presented a summary of the themes found during round one and asked to comment on the accuracy and comprehensiveness of the findings. This process, known as "respondent review," helped to ensure the validity of the findings (Lincoln & Guba, 1985). Comments from the respondent review were then used to further refine the original conclusions.

Procedures Used to Analyze the Conceptual Model

The conceptual model (Figure 1.1) has two main divisions: the sentencing guidelines and intervention funding. The components analyzed under each division are presented below.

Sentencing Guidelines

Sentence Uniformity

The percentage of guidelines-consistent sentences was analyzed using the sentencing data provided by CCJJ. A sentence was considered consistent with the sentencing guidelines if the juvenile received the recommended sanction or kept the same sanction level if already on a more restrictive sanction. The guidelines were not designed to take into account sanctions received as a result of a contempt charge, probation violation, review hearing, or any other administrative action, and therefore these actions were not included for analysis. In addition, stayed sentences and sentences to Observation and Assessment were not considered in the present analysis for the same reason. To avoid the possibility of the guidelines being used as a scorecard for individual judges, data are reported at the district level. For the same reason, rural districts with one or two judges are reported as a single group. Qualitative analysis results were used to illuminate the reasons for the level of guidelines-consistent sentences.

Earlier entrance into Probation

A two-stage strategy was employed to ascertain whether first-time probationers in 1999 had significantly fewer offense episodes charged before receiving a sentence to probation than those in 1996. First, a multivariate analysis of variance (Severity x Year x Frequency) was conducted for differences in the linear combination of felony and misdemeanor prior charge episodes to probation placement. A charge was defined using an episode system in which only the most serious offense in a calendar day was included.

After conducting the MANOVA, a step-down analysis of felonies and misdemeanors was performed using a one-way analysis of variance for each type of offense (Felony x Year x Frequency and Misdemeanor x Year x Frequency) with a Bonferroni correction of the significance level of .025.

Before conducting these tests, a logistic regression was used to identify possible covariates of re-offense. The following variables were entered: sex, ethnicity, age at first offense, and age at start of Probation.

Intervention Funding

Increased probation officers

The number of probation officers was collected during qualitative interviews with the chief probation officer in each judicial district.

Probation caseloads decreased

The number of probationers per full-time probation officer on April 1st was reported for the years 1996 through 1999 by the chief probation officer in each judicial district. This date was chosen to minimize respondent burden as the court had already collected two of these years. Caseload size was analyzed across years for trends.

State Supervision program

A description of the State Supervision program created by each district was developed using information from the qualitative data. Questions used to collect this information were created using the list of general goals presented on page 9. Qualitative results were used to illuminate the reasons for the type of program created.

Increased contacts

The frequency and type of contacts for offenders on Probation and State Supervision was reported using data gathered from offender and probation officer interviews.

Increased services

The number and type of services provided for offenders on Probation and State Supervision is reported using data gathered from offender and Probation officer interviews.

Decreased new offenses

Two analyses were used to assess post-Probation offenses. A pre-post analysis of variance in charges was conducted to assess differences in probationers sentenced before and after the program implementation. Survival time analysis was used to see if the new program was associated with longer periods of time before first offense.

A repeated measures MANCOVA was used to examine offending differences before and after program implementation. The number of charge episodes in the year prior to and after a sentence to Probation was analyzed using a repeated measures analysis of covariance. Cohort year was entered as the independent variable, and one-year pre and post probation sentencing charge episodes were the within-subjects dependent variable. Covariates included age at start of probation, gender, and judicial district coded as a set of dummy variables with the largest urban district as the reference group. This analysis allowed for the difference between cohorts in their pre- and post-probation charge episodes to be assessed while controlling for extraneous variables that may effect differences between the two groups. The different pre and post charge patterns between the cohorts were examined because the policy makers hypothesized that the offenders sentenced under the guidelines had significantly fewer prior offenses before

Probation placement. As the earlier intervention program is still quite recent, recidivism rates were examined by charges, rather than convictions, in order to obtain a sufficiently long follow-up period. Charges were defined using an episode system in which only the most serious charge in a calendar day was included.

Differences between groups in the time to re-offense were compared using survival time analysis. Separate tests were conducted for felonies and misdemeanor offenses.

Reduced commitments to Youth Corrections

Three analyses were used to assess commitment rates for probationers before and after the program implementation. A Chi-Square analysis was conducted to assess for differences between years in the rate of commitment to the Division of Youth Corrections. Survival Analysis was used to examine group differences in time to commitment to Youth Corrections custody. Logistic Regression was used to explore the relationship of year in predicting commitment to Youth Corrections.

A Chi-Square analysis was conducted to assess for differences between groups in the rate of commitment to the Division of Youth Corrections. In addition, Chi-Square tests were used to assess differential commitment rates across districts. A commitment was defined as an order to either Community Placement or Secure Care. Survival Analysis was used to examine group differences in time to commitment to Youth Corrections custody.

Logistic regression was used to explore the relationship of year in predicting commitment to Youth Corrections. Prior charges were included as a predictor variable to assess the effect of placing offenders on Probation with fewer offenses. The covariates included in previous analyses, age at Probation start and sex, were included as predictor variables. Time spent in detention was also included to assess for differences between the two groups.

Differential Effects

Two analyses were used to assess differential outcomes for probationers before and after the program implementation. Post-hoc comparisons were conducted on the pre-post analysis of variance in charges used above to assess differences in probationers sentenced before and after the program implementation. A Chi-Square analysis was conducted to assess for differences between years in the rate of commitments to the Division of Youth Corrections for each individual district. These results were then examined for correspondence with qualitative data gathered from each district in order to identify promising approaches.

IMPLEMENTATION OF EARLY INTERVENTION

Analysis of the implementation of Utah's program is presented using the conceptual model presented in Figure 1.1. Results for the sentencing guidelines are presented first, followed by those for the early intervention funding. Both quantitative and qualitative findings are presented in each section. When appropriate, relevant findings from other research literature are also presented.

SENTENCING GUIDELINES

"I've been in the system long enough that I already have my *own* guideline."

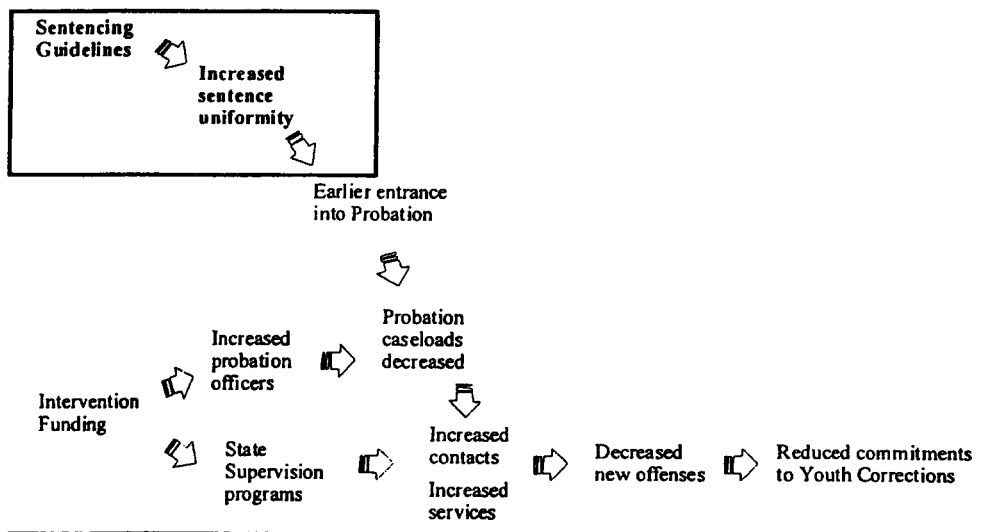
Intake Probation Officer

"We've had many guidelines...I could never use them. These ones [sic] are on target..."

Supervising Probation Officer

The sentencing guidelines were designed to help effect early intervention by putting offenders on Probation earlier than in past practice. The post-guidelines Probation population would have fewer pre-sanction offenses. This section presents the evaluation results for these areas. Figure 3.1 shows how the guidelines were intended to contribute to the early intervention program. In addition to being a component in the early intervention program, the guidelines were designed with the larger purpose of structuring the sentencing process for all sanction levels. For this reason, a general examination of the guidelines, which is wider in scope than identified in the intended model, is presented also.

Figure 3.1 Area of Intended Model Covered in the Sentencing Guidelines Section



A summary of the main questions and findings analyzed in this section is presented in Table 3.1. The guidelines effect on uniformity is presented first. Then the

degree to which offenders are sentenced earlier to Probation is examined. Lastly, recommendations made by interview participants for improving the guidelines are given.

Table 3.1 Main Findings for the Sentencing Guidelines

Question	Results
Was there an adequately high level of guidelines-consistent sentences to assume an effect on uniformity?	The guidelines as a whole are followed for most sanctions most of the time.
	Other Sanctions 91%
	Probation 59%
	State Supervision 59%
	Community Placement 75%
	Secure Care 47%

Except for Secure Care, the percentage of sentences consistent with the guidelines varies less than 10% statewide.

Was there an adequately high level of guidelines-consistent sentences to assume an effect on uniformity?

Initial Resistance

As with any major organizational change, it would be expected that resistance towards the guidelines would occur. Further, the guidelines are a policy tool designed to structure sentencing, a practice running counter to the traditional individualized sentencing approach of the Juvenile Court and, therefore, should meet resistance beyond what could be attributed to change itself (Ulmer & Kramer, 1996; Savelsburg, 1992). From the interview data this appears to be the case. **In the experience of many respondents, the premise of the guidelines conflicted with traditional juvenile justice sentencing practice.** Thirty-one percent of respondents stated that the offenders with whom they work needed either educational/vocational training or mental health treatment more than they needed to be held responsible for the offense they had committed. For these participants, offense-based guidelines begin with the wrong foundation: what an offender has done, not what the youth needs. Consequently, these respondents appeared to have a hard time accepting the notion of sentencing guidelines for juveniles.

In addition to philosophical resistance, many participants expressed difficulty learning to use the guidelines. However, for most participants this process appears to have been easier than they had anticipated because the guidelines are simply structured and CCJJ conducted statewide training sessions CCJJ.

Level of Use Over Time

Given the philosophical resistance, it is surprising to find that **the guidelines as a whole are followed to a significant degree.** A sentence was considered consistent with the sentencing guidelines if the juvenile received the recommended sanction or kept the same sanction level if already on a more restrictive sanction. The guidelines were not designed to take into account sanctions received as a result of a contempt charge, probation violation, review hearing, or any other administrative action, and therefore these actions were not included for analysis. In addition, stayed sentences and sentences to Observation and Assessment were not considered in the present analysis for the same reason.

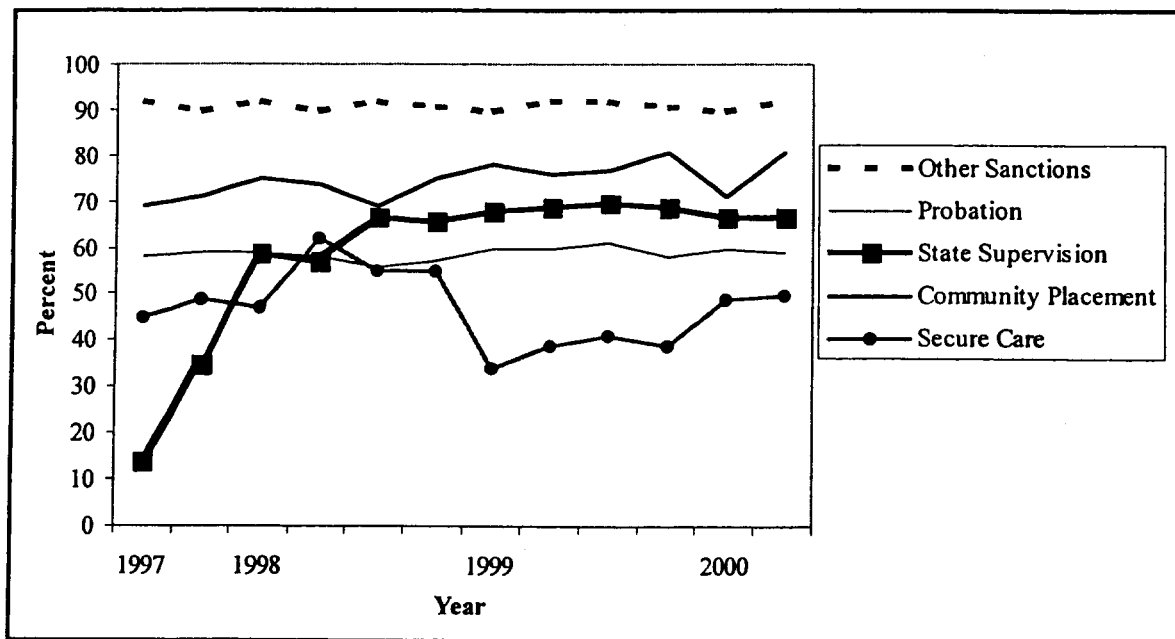
Table 3.2 lists the percentage of guidelines-consistent sentences over the first three years of their existence, ending July 2000.

Sanction	Type	Percentage of Sentences Consistent	3 Year Range
Other Sanctions	Fines and Restitution	91%	89%-92%
Probation	Monitoring and Classes	59%	56%-61%
State Supervision	Intensive Probation and/or short-term out-of-home placement	59%	13%-70%
Community Placement	Out-of-home placement e.g. Proctor or Group home	75%	68%-81%
Secure Care	Locked Facility	47%	34%-62%

While it may appear that the low rate of compliance for Secure Care show that offense based guidelines work only for offenders with less serious histories, Community Placement offenders have on average a lengthy history of illegal activity similar to their Secure Care peers. This sanction also has the second highest percentage of sentences that are consistent with the guidelines.

As shown in Figure 3.2, with the exception of State Supervision and Secure Care, the level of guidelines-consistent sentences overtime is consistent.

Figure 3.2 Level of Sentences Consistent with the Guidelines over Time

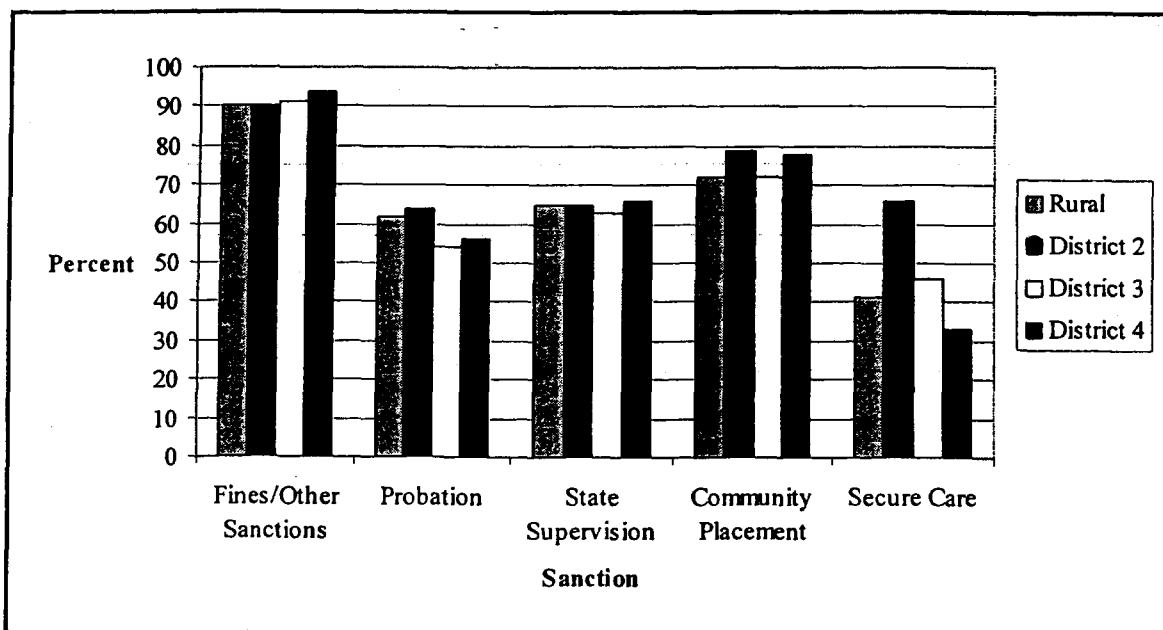


Level of Use Across Judicial Districts

Excepting Secure Care, the percentage of sentences consistent with the guidelines varies less than 10% statewide (see Figure 3.3). Looking at the Secure Care

sanction only, differences across districts are evident, with guidelines consistent sentences ranging from 41% to 66%. Examining this variation on a quarterly basis, the range is even larger at 30% to 73%. These differences correspond with different sentencing philosophies as identified during the qualitative interviews. Participants from District Two, the district having the highest level of Secure Care consistent sentences, differentiated their district from others as more likely to support punitive approaches. Respondents from this district also felt they aggravated more than other districts. Participants from rural districts commonly mentioned an aversion to sending an offender to a placement outside the local area. This aversion appears to be reflected in sentencing, as rural districts have the second lowest rate of guidelines-consistent sentences for the Secure Care sanction. Respondents from District Four classified their district as a treatment-oriented district, more likely to mitigate Secure Care offenders. This district also has the lowest consistency rate as regards Secure Care.

Figure 3.3 Uniformity of Guidelines-Consistent Sentences by District and Sanction



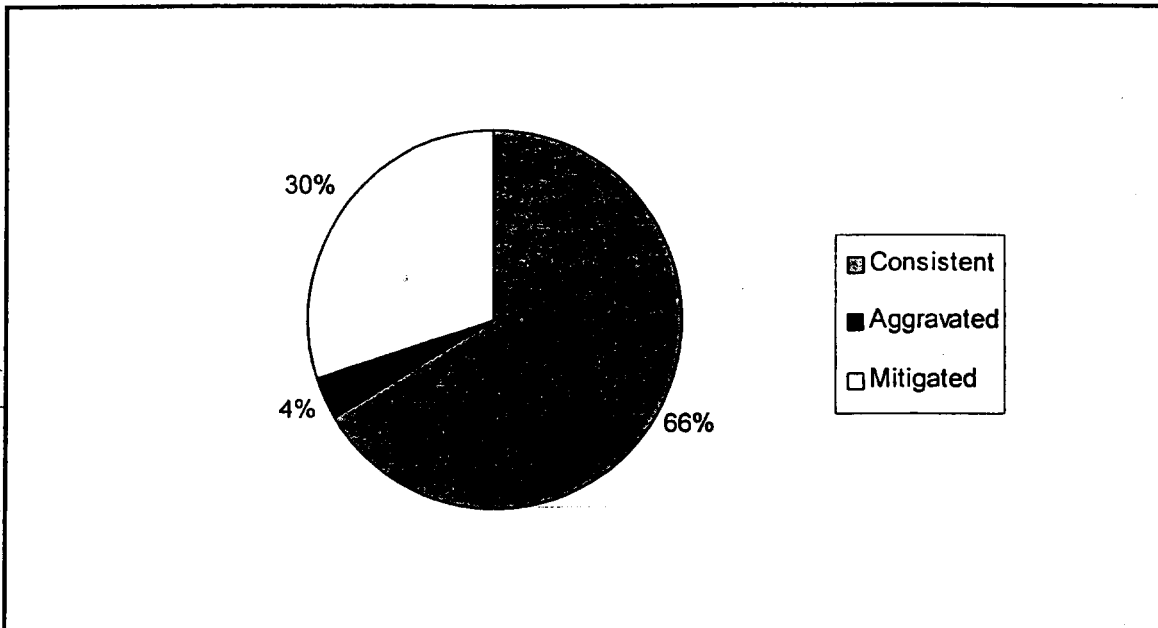
Patterns of Mitigation and Aggravation

Based on information provided by participants, two factors contribute to the differential percentages of guidelines-consistent sentences across sanction levels: a predisposition to mitigate sentences and particular types of offenders who are hard to place. The ability to aggravate or mitigate a sentence appears to be highly valued among almost all respondents in the evaluation. As a probation officer of more than 15 years stated, “These guidelines are on target because aggravating and mitigating [factors] give individual flexibility.” The current list of aggravating and mitigating circumstances covers a wide range of behaviors and situations (see Appendix B). Additionally, unique situations can be included under the last factor on both lists, specified as “other,” which allows the authority recommending a sentence to detail any circumstances considered to merit deviation from the recommended sentence. An intake probation officer described

the resulting situation as, “the guidelines are easy until aggravating and mitigating factors...and judge’s discretion [are added].”

As shown in Figure 3.4, of the sentences that are inconsistent with the guidelines, the overwhelming majority is mitigated.

Figure 3.4 Overall Rates of Aggravated or Mitigated Sentences



Taken at face value, this would appear to be a message from personnel that sentences suggested by the guidelines are too harsh. However, when queried about the appropriateness of the sentences recommended by the guidelines, participants did not feel this was the case. Out of 82 respondents, 72% view the sentences recommended by the guidelines as appropriate, 26% as too lenient, and only 2% as overly intrusive. **The sanction level recommended by the guidelines for most offenders appears to be congruent with the sanction level adult participants perceive as appropriate.**

Respondents instead offered several alternative explanations for why such a lopsided relationship between mitigated and aggravated sentences would exist. Most commonly, respondents simply believed that they aggravated more than the others. As one respondent stated, “you won’t find [mitigating more] with me. I aggravate more.” Other respondents felt statistics were “not accurate.” Another judge stated, “I don’t believe such numbers are being mitigated. In my court I rarely mitigate.” However, rates of mitigation and aggravation are also similar across judicial districts. **Other respondents pointed out that while most of their peers feel that earlier intervention is the general path that the juvenile justice system should take, “when they are dealing with the life of a person it is harder to be punitive” and therefore “they say to the youth, ‘I’ll give you a break this time.’”** This type of occurrence was perceived to be common because as one probation officer stated “Most of us are social workers at heart.”

While the difference in the percentages of sentences that are consistent with the guidelines for Other Sanctions and Secure Care is striking, participant responses

illuminate possible explanations for this disparity. **Participants identified several types of youth that are prone to mitigation. The three types of offenders that received the most attention were young offenders, sex offenders, and those whose crimes appeared serious but actually were not.** Young offenders were likely to be mitigated because they are perceived to be less culpable. These youth also might be mitigated even when the offense committed was serious, because “they are considered too young for secure care.” As other researchers have found (Savelsburg, 1992), sex offenders are prone to mitigation, as this type of offender is perceived to be more in need of therapy than of incarceration. Other research also has found (Sanborn, 1996) that youth are mitigated when charged with a serious offense for an action that is viewed as less serious than the charge suggests. A field probation officer characterized this situation by stating “aggravated robbery is not always aggravated robbery...so you do assessments to figure out what the youth really needs.” Another field probation officer further illustrated this situation by using an example of a youth who was charged with a person felony for hitting a peer “when stealing some of his Halloween candy.”

Statistics on aggravated and mitigated sentences support practitioner perceptions that particular types of offenders are difficult to place using the guidelines. For example, Figures 3.5 and 3.6 compare the actual dispositions given for offenders who qualified for Other Sanctions and Secure Care. The pattern of deviation for Other Sanctions appeals to common sense, with the smallest number of sentences in the sanctions farthest away from this sanction. The pattern found in Secure Care appears more problematic. Not only are just under half of the offenders qualifying for Secure Care sentences actually receiving them, 15% of secure care sentences are mitigated to the lowest sanction level, Other Sanctions. **In other words, 15% of offenders for whom the guideline recommends a sentence of incarceration are given fines or work hours.** This finding makes sense only when considering the respondent’s perceptions reported above, that particular types of offenders are inappropriately placed when using the guidelines.

Figure 3.5 Sanction Received when the Guidelines Recommended Other Sanctions

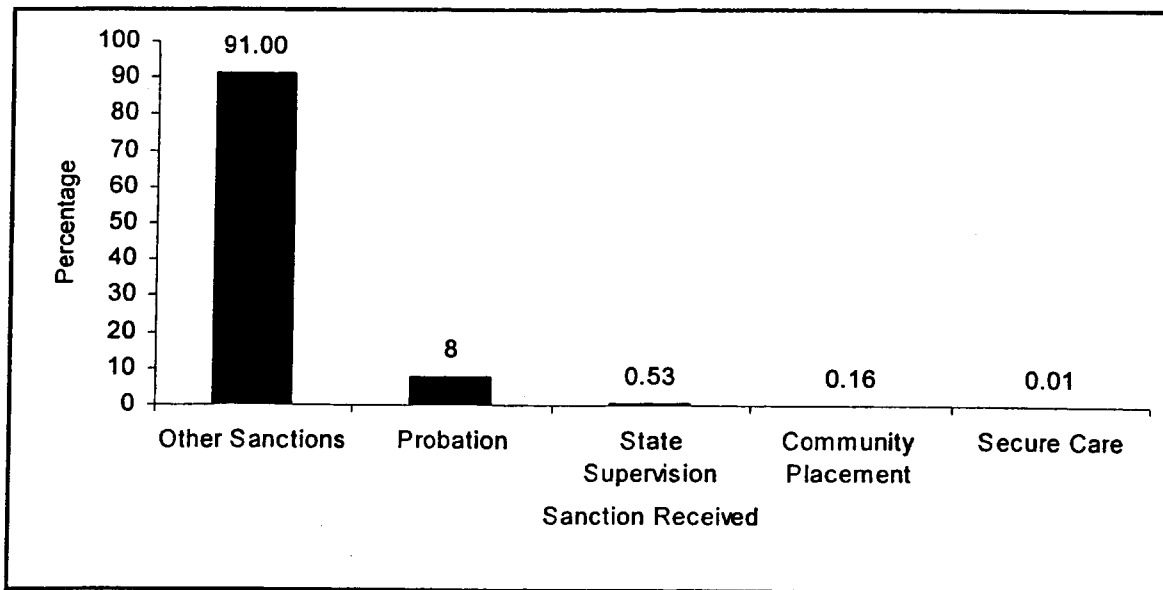
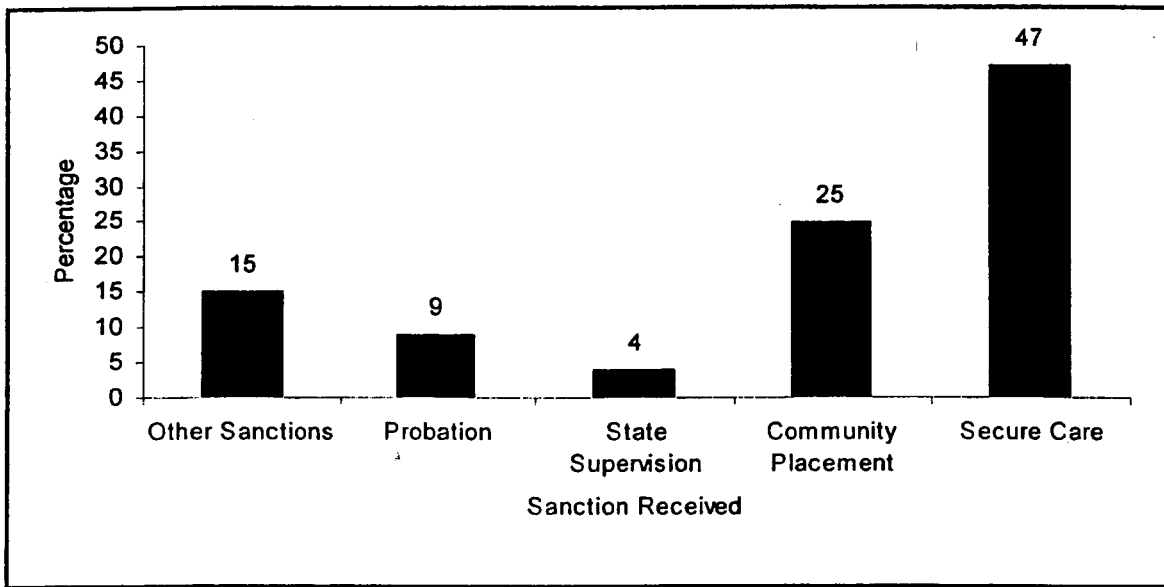


Figure 3.6 Sanction Received when Guidelines Recommended Secure Care



Explanations for the Level of Guidelines Use

The interview data provide several explanations for why the guidelines are used despite initial resistance. The most compelling is that the guidelines have been incorporated into the system because they represent good policy. In the words of an intake probation officer, "The guidelines have taken root and become a part of the core processes." Judges, 83% of whom reported that a sentence based on the recommendations of the guidelines is usually presented to them at adjudication, support this finding. **Approximately eight out of every ten respondents perceive the guidelines as a helpful policy tool when working with juveniles.** Participants most commonly find the guidelines helpful because they view them as increasing uniformity and fairness during the sentencing process. A rural chief probation officer spoke about the guidelines creating uniform standards statewide, commenting, "Now [all the court districts] are playing off the same sheet of music." The next most common reason respondents gave was that the guidelines structure the decision-making process when deciding what sanction an offender should receive. Speaking about this effect, a probation officer of 11 years quipped, "Before the sentencing guidelines we just pulled [the sentence] out of a hat." Some participants characterized the guidelines as providing a baseline to which an individual offender can be compared which "allows us not to reinvent the wheel every time." When speaking about this baseline, probation officers hired during or after the guidelines implementation commonly stated that having the guidelines was extremely helpful, especially as a training tool. Several of these officers wondered "how [a new probation officer] could possibly know what to do with a kid" in the absence of guidelines. A judge also stated, "I watched another judge 20 years ago for my training. My first period [on the bench] was shooting in the dark. I think the guidelines speed up the training process."

Having a baseline with which to compare offenders also makes "it easier to justify a placement to [your co-workers and judges]" and "helps [the probation officer or case manager] give his or her best argument." A judge summarized the baseline effect as

creating a simple process by which he could assess whether the recommended sentence was atypical and therefore "in need of a stronger than usual justification." Many probation officers and case managers pointed out that guidelines also made justification of a sentence to an offender, his/her family, and the community much easier. These respondents believed the guidelines justify their decision-making to the youth by "show[ing] the youth where he is" and what will happen if offending continues. The Sentencing Guidelines Manual suggests, this information, "should...further treatment and cognitive restructuring efforts by mapping out the probable dispositions of future criminal activity" (p.3). **However, only 43 % of offenders interviewed could recall having ever seen or heard of sentencing guidelines.**

The helpfulness of the guidelines also appears to be facilitated by their structure. As mentioned above, offense-based guidelines run counter to the traditional needs-based sentencing of the Juvenile Court. However, the inclusion of aggravating and mitigating factors allows the guidelines to more closely mirror the court's traditional practice. **Eighty-three percent of respondents approached the sentencing process by first taking into account the offense and offense history, then the circumstances of the offender.** The most commonly mentioned circumstances included an offender's family, school, and work situation. Other researchers also have found these circumstances to be among the most commonly considered (Sanborn, 1996).

Participants were compared by category to assess if particular types of respondents found the guidelines more or less helpful. Differences found for judges, probation officers and Youth Corrections personnel are discussed in this next section. **It appears to have been a common belief, both before and after implementation, that judges, as a whole, were not receptive to the guidelines.** "The guidelines were controversial," stated one judge. Previous research has characterized juvenile judges, as strong supporters of individualized sentencing, to be highly resistance to sentencing guidelines (Forst, Fisher & Coates, 1995.) During the interview process, most judges perceived their peers as initially having a negative attitude towards the guidelines. However, during the initial interview round, only three judges stated they found the guidelines to be a hindrance. **Eighty-five percent of judges consider the guidelines to be helpful when sentencing offenders, the same rate as respondents in general.** One judge summed up his feelings on the guidelines by stating, "I personally did not like the guidelines at first, but now I think they are good... not constraining at all." Further, 77% of judges do not consider the guidelines an attempt to control their discretionary powers. Several judges followed their answer to this question by stating, "I don't feel dictated to about the guidelines," and "I am still able to create a disposition with respect to culpability when considering the guidelines." Positive views of the guidelines by judges appear to arise from several factors. It has been suggested that judges ought to welcome flexible guidelines that provide a starting point for the sentencing process (Altschuler, 1991). As stated above, the guidelines also reflect the typical process of sentencing. Research has shown that judges initially focus on the offense severity and prior record, and then take individual factors into account (Feld, 1989), a process the guidelines mirror. In addition, the finding that some judges are using the guidelines as a way to assess the salience of a probation officer's recommendation demonstrates another avenue in which the guidelines can be helpful for judges.

The three judges who found the guidelines “a hindrance” or “controlling” appeared to be against any form of guidelines. Using the same argument as judges who have dissented to Federal Sentencing Guidelines (Savelsburg, 1992), namely that guidelines reduce the humanity of the sentencing process, one of these judges summed up his view by stating, “You might as well replace me with a computer then.” Two of these judges viewed the guidelines as a policy tool intended to be helpful for state legislatures and administrators rather than for frontline professionals.

It would seem that more experienced probation officers, having an already established pattern of practice, would have increased resistance towards the guidelines and thereby find them less helpful. However, responses from more experienced officers, employed over five years, compared with response from less experienced officers, employed less than five years, showed both groups appear to agree at equal rates on the helpfulness of the sentencing guidelines.

Youth Corrections staff appeared more ambivalent about the utility of guidelines. Although many responded that the guidelines were helpful, most corrections personnel qualified this affirmation to suggest that the guidelines either were not a major factor in sentencing offenders or they were used by the Juvenile Court to “dump” or “load” offenders into the custody of Youth Corrections. In the words of a case manager, “[The guidelines] haven’t really affected the experience of kids.” Another case manager explained his perception by stating, “The guidelines lose credibility as you go up the sanction levels. Guidelines do not take into account all the factors that...more serious offenses entail.” The low level of guidelines-consistent sentences for Secure Care supports these perceptions.

With the exception of personnel from the Division of Youth Corrections, there appear to be few differences across participant categories in perceptions of the helpfulness of the guidelines, there was considerable variation when respondents were asked if other persons involved in the sentencing appeared to know and use the guidelines. Probation officers were rated highest, followed by judges, prosecutors and defense attorneys. Table 3.3 summarizes these findings.

Table 3.3 Perceptions of Others’ Knowledge and Consideration of the Sentencing Guidelines

Category	Know the Guidelines	Consider the Guidelines during Sentencing
Probation Officer	96%	96%
Judge	74%	76%
Prosecuting Attorney	60%	52%
Defending Attorney	38%	38%

Clearly, in the eyes of their professional peers, probation officers overwhelmingly are perceived to know and consider the guidelines during the adjudication

process. **Only 52% of prosecutors and 38% of defense attorneys were rated as considering the guidelines when sentencing youth.** One judge stated that he rarely sees prosecutors or defense attorneys argue the guidelines suggestions, commenting, “It’s sad that the...attorneys don’t know the guidelines better. The practice is low in regard to attorneys.” Among rural participants, only 23% of defending attorneys were listed as considering the guidelines during the adjudication process.

While this pattern of use suggests mainly probation officers use the guidelines, additional analysis supports use of the guidelines by judges and attorneys via information provided by the probation officer. Respondents appear to be economizing their efforts, using the reasoning that because the probation officer usually knows the offender the best and is the only person mandated to consider the guidelines, judges and attorneys depend on him or her to say where the youth fits on the guidelines and if there are reasons to aggravate or mitigate. A judge stated, "I think if the officers weren't giving us the guidelines we wouldn't focus on them as much." Another judge who stated, "I personally couldn't use the guidelines forms, but I ask the probation officer if the sentence agrees with the guidelines recommended sentence," further exemplified this process. **The importance of the probation officer in facilitating use of the guidelines is further emphasized by the observation that 57% of probation officers report that judges rarely or never change the sanction level they recommend.**

In discussing why the guidelines are used, it should be noted that not all reasons given by respondents were as positive as those given previously. Some evidence exists that the guidelines might be followed even though juvenile justice personnel are at odds with them because of pressure to conform. Participants from every judicial district mentioned that they felt pressure from the central court administration not to deviate from the sentence recommended by the guidelines. Some believed this pressure was in response to an early critical report by the Legislative Auditor's Office, using a different methodology than the current evaluation, which found an extremely low percentage of guidelines-consistent sentences (Office of Legislative Auditor General, 1999). In the extreme, this pressure was put forth as "...probation officers have to use the guidelines, or they get fired." However, other participants qualified this viewpoint as a more local phenomenon, viewing "the guidelines [as] gospel in other areas, but not here." One probation officer stated, "I refer to the guidelines on a regular basis. No one really says, 'You veered from the guidelines.'" Moreover, caseworkers from Youth Corrections did not bring these issues up.

It is possible that discretion has moved from the bench to the less visible offices of the intake probation officer and prosecutor. This phenomenon, which has been termed the "hydraulic of displacement," has been reported from research on guidelines in the criminal justice system (Ulmer & Kramer, 1996; Frase, 1991). The result is guidelines that are followed without the desired increase in uniformity because discretion moves from sentencing to the charging and plea-bargaining stages of adjudication. This possibility is reviewed below by examining charge filing, plea negotiations, and non-judicial closures.

Interview data produce little evidence that the guidelines have changed the charge-filing patterns of prosecutors. Of 35 participants who were directly asked about charge filing, over 70% didn't perceive that the guidelines had affected prosecutor-charging decisions. Of those participants who felt the guidelines have had an effect on prosecutor charging patterns, the most commonly mentioned pattern was that prosecutors charge offenders "based on sanctions [to be received], not according to the kid's charges." One intake officer characterized this process as an increase in "charg[ing] according to the consequence, not the actual crime." This type of charging supports some displacement of discretion. How often this occurs and how much it contributes to false rates of uniformity is unknown.

Many participants noted a similar pattern occurring in the plea negotiation process "because attorneys now know what a normal sentence is." The effect has been an increase in the structure of the negotiations between the prosecutor and defending attorney, where the prosecutor, under the guidelines, is less willing to negotiate on the specific charges needed to obtain a desired sanction level. However, the ability of the guidelines to structure plea negotiations is limited if, as reported below, respondents also perceive that less than 45% of prosecutors and defense attorneys have a working knowledge of the guidelines.

The effect of the guidelines on the intake officer when deciding whether a case should be non-judicially closed was not apparent from the interview data. Most participants either didn't perceive an effect or didn't feel they had enough information to provide an opinion. Analysis of the rate of non-judicial closures before and after the sentencing guidelines supports the position that implementation of the guidelines has not corresponded with a larger percentage of youth receiving non-judicial closure. It would be expected that if discretion had been displaced onto intake officers, rates of non-judicial closures would be higher after the guidelines were implemented in 1999 than before in 1996. The opposite relationship was found, with 4% more non-judicial closures occurring in 1996 than in 1999. It should be noted, however, that the number of offenders whose cases were closed with a referral to another agency or a work assignment fell 45% and 51% respectively between 1996 and 1999. It seems possible that this changing drop was due to the influx of new probation officers.

In summary, it appears more difficult to place offenders in some sanctions than in others. While increased uniformity in all sanctions are intrinsically important, in terms of effecting earlier intervention using the intended model given in the introduction, only the Probation sanction needs to be followed to a significant degree. Fifty-nine percent of the time when the guidelines recommend Probation, it is given. In the next section, we examine means by which the percentage of guidelines-consistent sentences could be increased.

How could the level of guidelines-consistent sentences be increased?

During the interview process, many participants identified ways in which the percentage of guidelines-consistent sentences could be increased. The most common responses are presented below. Many respondents, when asked if the guidelines could be improved, noted that a target percentage of guidelines-consistent sentences has never been specified. Some interview participants mentioned hearing that 80% of sentences should be consistent with the guidelines-recommended sentence. Others asked the interviewers if they knew what level was specified. The Sentencing Guidelines Manual states only that, "there are occasionally circumstances that compel deviation from the guidelines" (p.9). Currently, without a desired benchmark of consistent sentences, front-line personnel appear to be uncertain as to whether they are meeting the goals of the guidelines. Under these conditions the criteria for success or failure of the guidelines is established on an individual or district basis.

In addition to specifying a target level of consistent sentences, **the definition and use of the episode approach appears to be an ambiguous area.** Fifty-three percent of second round respondents stated they were confused about how to define an episode. The definition of an episode as "all conduct which is closely related in time and is

incident to an attempt or an accomplishment of a single criminal objective (Utah Code Ann. 76-1-401),” might appear rather clear cut. Based on the wide variety of responses given by participants, it is not. Respondents appear to use a definition that either emphasizes the time or intent of the behavior but not both. The range of episode definitions included:

- Any offenses occurring within a 24-hour period.
- Any offenses occurring within a calendar day.
- The most serious offense in a series of offenses.
- A new episode occurs anytime there is a new offense location.
- A new episode occurs anytime there are new victims.
- Each crime committed.
- Crimes that have a relation to each other.

Some respondents stated they used their own definition of an episode. A judge expressed the definition he used as, “My definition is different from the probation officers and the guidelines. If crimes are committed at different times, even if they are the same night, they are a different episode in my opinion. Putting all into one night takes away from the seriousness of the crime. Things can be bunched into one, but a new episode changes at a new location [and] creating a new victim creates a new episode.”

Some respondents were also confused about how to adjudicate multiple episodes at a single hearing. As one respondent asked, “What is [the] presenting offense and what is the offense history?” Attempts to resolve this confusion appears to have occurred at the district level where the chief probation officer or judge(s) provides a “working definition.” While many respondents stated that this method clarified their confusion, it is apparent from the diverse definitions that there is considerable variation across districts.

In addition to the considerations above, respondents commonly mentioned several organizational components that increase the difficulty of using the guidelines. **Plea and charge negotiations appear to be the most problematic.** The basic scenario reported by respondents consisted of the probation officer creating a recommendation prior to a hearing, without knowledge of any plea negotiation results. During the court session, the prosecutor might have a record of a different offense history than the probation officer due to charges dropped during a bargain. Subsequently, the probation officer would have to recalculate the appropriate sanction level and give a new recommendation “on the fly” during the court session. Some probation officers reported that recalculating the offense history by hand during the court session is difficult for them. Others feel pressure not to change their recommendation, even when the sanction level has changed, if they considered the original recommended sentence to be what the offender actually needs.

This problematic relationship between the guidelines and plea negotiations appears to exist more often in districts where respondents reported little communication between the authority recommending a sentence and the prosecutor before the actual court session. As mentioned, many respondents felt that a high turnover rate among prosecutors assigned to the Juvenile Court inhibits establishment of a strong working relationship with adequate communication between the two offices. However, some probation officers “have learned to predict what charges will be dropped” in an effort to work around communications issues. In areas where good communication exists, some

probation officers reported the prosecutor consulted with them to find out "which charges need to be kept, in order to get the recommendation we want."

During the first round of interviews, **the computer software used by court staff to assist in obtaining a recommended sanction level was often considered to be inaccurate or difficult to use.** "Even when entering the same info twice," according to an intake probation officer, different results were obtained. These perceptions persisted during the second round with 51 % of respondents stating that problems continue. Many probation officers in both rounds stated they calculated sentences by hand because they perceived the computer program to be "a shot in the dark."

In addition to receiving a sentence to one of the five sanctions considered under the guidelines, an offender can receive non-judicial closures and contempt or probation violation charges. Many respondents believed that these actions should be considered under the guidelines offense and offense history count. Specifically, 60% of respondents believed contempt convictions should carry more weight than they currently do as an aggravating factor.

Summary of Sentencing Guidelines Findings

Evaluation results partially support past research results that found properly structured guidelines could be a useful policy tool to balance uniformity and individualization of sentencing (Yellen, 1996). The conceptual model used to guide this evaluation posits that, assuming an adequately high level of compliance with the sentencing guidelines, sentence uniformity will increase. With the notable exception of secure care, the guidelines as a whole are followed for most sanctions most of the time and vary little across judicial districts.

Despite widespread initial resistance to the guidelines, juvenile justice personnel appear to have found the guidelines useful when working with offenders. Juvenile justice personnel now have a baseline to compare an individual offender's behavior with that of his/her peers. Judges have a template to evaluate the cogency of a probation officer's recommendations. Probation officers and case managers have a policy tool that can be used to support their reasoning for a particular recommendation to the other parties involved in sentencing. Prosecutors and defense attorneys can see the likely effects of any negotiations or bargaining.

Positive findings are tempered by several problematic patterns. As presented before, the percentage of guidelines-consistent sentences varies considerably by sanction level. Most noteworthy, less than half the youth recommended by the guidelines for Secure Care actually receive this sentence. In addition, while most participants agree in theory with the sentence recommended by the guidelines, most cases that depart from the guidelines are mitigated, not aggravated.

Participants also identified several issues that need attention. The percentage of guideline-consistent sentences desired by the commission is unclear. Using the guidelines in cases where a plea bargain has occurred is difficult. Various and conflicting definitions of a criminal episode are currently in use. What is a "substantial" aggravating or mitigating factor is not clear. The current role of non-judicial closures, contempt charges, and probation violations in the guidelines is considered by many respondents to be less than optimal.

INTERVENTION FUNDING

“...The changes the Task Force has endorsed... which seek to put the Juvenile Court back in the business of the *direct delivery of social services* [sic], something it has not engaged in for over 30 years is a profound one... The Juvenile Court is first, last and always a court of law and not a social agency.”

Juvenile Judge Arthur G. Christean, retired, dissenting to the proposed State Supervision programs

“[Adding these programs] is the greatest thing that's happened to the Juvenile Court because it's given us the resources to do an effective job with probation.”

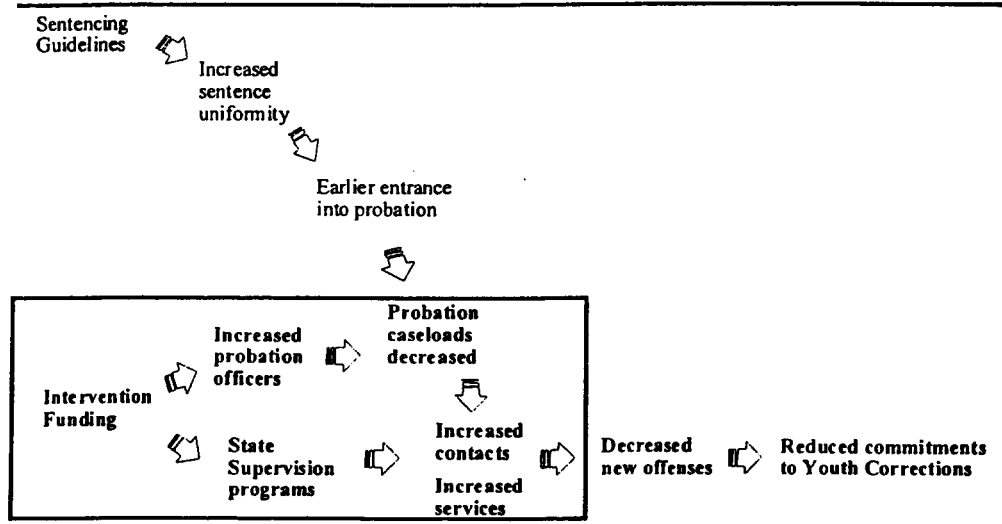
Local Juvenile Court Administrator

“State Supervision is a literal godsend in that we don't have to put kids in custody anymore to get resources.”

Juvenile Court Judge

Early intervention funding was allocated for additional probation officers, which would reduce caseloads and allow increased contact frequency for State Supervision offenders. Interventions would be created for the State Supervision sanction based on the general specifications listed in the introduction and local needs. This section presents the results for these areas. An accounting of how the funding was spent is also given. Figure 3.7 shows how the funding was intended to contribute to the early intervention program.

Figure 3.7 Area of Intended Model Covered in the Early Intervention Funding Section



A summary of the main questions and findings analyzed in this section is presented in Table 3.8. Descriptions of State Supervision are presented first. The section concludes with recommendations made by interview participants for improvement.

Table 3.8 Main Findings for the Early Intervention Funding

Question	Results
Were additional probation officers hired?	Funding was used to hire 37.3 full time equivalent personnel.
Were caseloads reduced to 20 offenders per probation officer?	Caseloads after program implementation averaged 20 offenders per officer statewide.
Did contact increase?	Statewide, the contact frequency is substantially higher for State Supervision offenders than Probation offenders, an average of 1.68 in-person and 5.7 telephone contacts more per week than Probation offenders. There is little difference in where offenders on Probation and State Supervision are contacted. While the electronic monitoring system was reported by court staff to be available in every district with the exception of Districts Seven and Eight, use of this type of monitoring for State Supervision offenders was quite low.
Were State Supervision services created based on the specifications listed and local needs?	Characterizing a State Supervision program is a difficult task. For most of the state, the services that comprise the State Supervision sanction vary widely from office to office within each district. Some even vary at the level of the individual probation officer. Many of the same programs appear to be used for both Probation and State Supervision offenders with the only difference being that State Supervision offenders attend a larger number of these programs. Overall, State Supervision programs are more intensive than those offered for Probation. State Supervision offenders report spending an average of 2.85 hours a day in classes, with a range of zero to 12 hours. Eighty-two percent of these offenders also report being under adult supervision during the majority of the high crime hours between 2 p.m. to 7 p.m. as opposed to 49% of Probation offenders. Fifty-seven percent of State Supervision offenders who were expelled or suspended from school while on the sanction reported being placed in an alternative program or work situation by their probation officers. Fifty-nine percent of offenders on State Supervision who reported positive drug tests also reported being in or having been in a treatment program while on State Supervision compared with twenty-six percent of Probation offenders. Ninety-five percent of State Supervision offenders and 85% of Probation offenders reported involvement with work crews or supervised community service. Forty percent of offenders reported their families participated in family counseling or parenting classes. Most offenders have written correctional plans however most lack measurable goals. The Division of Youth Corrections has created short-term out-of-home placements in each region. The Division of Child and Family Services funding could not be tracked as the funding was mixed with general funds.

As mentioned in the introduction, the following basic structure was to guide the implementation of the State Supervision sanction with the Juvenile Court:

- Decrease Probation caseloads to 20 offenders per officer.
- Contact offenders at least five times weekly.
- Increase probation officer outside-of-office contacts.
- Structure and supervise offender's time between 2 p.m. and 7 p.m.
- Enlist community support in creative ways, e.g. mentors, Boys and Girls Clubs, and collaboration with schools.
- Confront substance abuse with increased testing and treatment.
- Develop programs for probationers expelled or suspended from school.

- Expand work crews to include high crime hours and Saturdays.
- Increase family participation, including assisting with supervision and participating in counseling.
- Expand electronic monitoring statewide.
- Construct a written correction plan outlining specific measurable goals for each offender (Minutes of the Juvenile Justice Task Force, June 20, 1997).

The degree to which this template actually has been implemented is assessed below. In addition, differences in the services offered Probation and State Supervision offenders was assessed to verify that the newly created sanction was qualitatively different from Probation. The evaluation intended to assess the differences between Probation in 1996 and in 1999, however, as mentioned previously, due to missing data this was not possible. Table 3.9 gives an accounting of how the funding was spent by the Juvenile Court. The table contains as much detail for which reliable information was available. The level of detail given to the researchers varied for individual court districts, as there was not access to be a uniform tracking procedure that was available for access.

Table 3.9 Expenditures for Early Intervention Funding for the Juvenile Court 1998 and 1999

	Dist 1	Dist 2	Dist 3	Dist 4	Dist 5	Dist 6	Dist 7	Dist 8
Staff	\$34,115	\$219,148	\$257,780	\$259,826	\$153,901	\$125,904	\$62,100	\$140,707
Program	\$23,149	\$763,381	\$1,521,590	\$531,559	\$260,325		\$15,778	\$34,126
Misc.*	\$1,166	\$6,900	\$25,233	\$963	\$8,400	\$42,261	\$20,222	\$8,612
Total	\$58,430	\$989,429	\$1,804,603	\$792,348	\$422,626	\$168,165	\$98,100	\$183,445

*Miscellaneous expenditures include equipment, vehicle and unspecified costs.

A total of 4.4 million dollars was reported as spent on intervention funding, 1.2 million (27%) on staff, 3.1 million (71%) on programs and services, and 94,000 (2%) on miscellaneous expenditures.

Were additional probation officers hired?

With the infusion of funding, 60 full-time probation officers were to be hired in an effort to decrease caseload size. **Information obtained from the chief probation officer in each judicial district showed that a total of 60 full-time equivalent personnel have been hired, 37.3 for the State Supervision sanction.** This total includes 9.3 probation officers, 26 deputy probation officers, and 2 clerical staff. The rest of the personnel funding was used to hire regular probation officers.

Were caseloads reduced to 20 youth per probation officer?

The number of probationers per full-time probation officer on April 1st was reported for the years 1996 through 1999 by the chief probation officer in each judicial district. This date was chosen to minimize respondent burden as the court had already collected two of these years. Caseload size was analyzed across years for trends.

A goal was set for average probation caseloads of 20 offenders per officer. Statewide average caseload size as reported by the chief probation officers was:

1996	1997	1998	1999
29	26	17	20

Caseload size as reported by probation officers at time of first interview was consistent with this information, reporting an average of 19 offenders per officer (range 6- 30). **Results indicate that the targeted caseload size of 20 offenders per officer was met.** Participants attributed caseloads declines to the early intervention funding. Analysis of average caseload size showed the largest reduction in the years immediately before and after the court received funding (i.e. 1997 and 1998).

It is noteworthy that in the District Four, State Supervision specialized officers averaged six offenders per officer. Only four other probation officers were identified as State Supervision specialized in the other judicial districts. These four reported caseloads similar to probation officers in general.

Did offender-monitoring increase?

As stated previously, policymakers envisioned that State Supervision youth would be intensively monitored. This plan included five in-person and/or telephone contacts a week, increased contacts outside the probation office, and expansion of electronic monitoring statewide. The frequency and type of contacts for offenders on Probation and State Supervision was reported using data gathered from offender and probation officer interviews. Table 3.10 shows the number of weekly in-person and telephone contacts as reported by Probation and State Supervision participants for the week previous to the interview.

Category	Average Weekly In-person Contacts	Range	Average Weekly Telephone Contacts	Range
Probation Offenders	.92	0-8	.73	0-20
State Supervision Offenders	2.60	0-7	6.43	0-25

From the average contact frequencies reported in this table, the contact frequency is substantially higher for State Supervision offenders than Probation offenders.

This number of contacts is higher than the target of five per week.

Contact frequency appears to be structured by the type of program that each district has created. In districts where State Supervision programs are run by court staff, higher in-person contacts are reported. The duration of the contact also appears to be much greater in these districts as the offender attends these programs at the probation office for several hours each weekday. For example, in District One, probation officers report on average one in-person contact per day. However, total contact with the court normally occurred every weekday for three to eight hours. Phone contacts in this district were much lower than in other districts. As a probation officer explained, "Why would I call the kids when they are here every day." The least populated districts had in-person and phone contacts that were lower than other districts. Most probation staff in these districts stated that long distances and a high percentage of offender households who did

not have working phone service made it difficult to have daily contact. In other districts this situation was exacerbated by a lack of court vehicles available for staff use.

In addition to contacting offenders more frequently, the place of contact was to be qualitatively different for State Supervision offenders. The percentage of out-of-office contacts including home visits was to be higher. Table 3.11 presents the place of contact reported by the offender interviewed in each sanction during the week prior to the interview.

Table 3.11 Place of In-Person Contact

Place	Probation Offenders	State Supervision Offenders
Office	80%	73%
Home	33%	34%
School	18%	5%
Community Center	0%	1%
Other	10%	3%

The table shows that there is little difference in where offenders on Probation and State Supervision are contacted. Similar to findings on contact frequency, wide differences among districts exist in regards to the location of contacts. The same factors appear to lead to the observed differences, namely, the type of State Supervision program and rural location.

Beyond contacting offenders outside of the probation office more often, electronic monitoring was to be used statewide. While the electronic monitoring system was reported by court staff to be available in every district with the exception of Districts Seven and Eight, use of this type of monitoring for State Supervision offenders was quite low. Only 46% of probation officers in districts with electronic monitoring available reported using the system with an offender at the time of the interview. Further, only four State Supervision offenders reported involvement with electronic monitoring when asked, "what have you had to do on State Supervision?" Many probation officers dislike electronic monitoring due to technical problems that occur employing the system. Participants identified trouble "getting it up and running," "too many false alarms," and stated "there are problems with the phone lines around here," and "a lot of my kids don't have phones that work." District Eight reported switching to pagers to monitor offenders because of problems with electronic monitoring.

Was the creation of State Supervision programming based on the specifications listed and local needs?

This section examines the specific programs created for State Supervision offenders. Juvenile court programs are presented first, followed by Division of Youth Corrections programs. The Division of Child and Family Services received a small percentage of the overall funds. This funding was mixed into the general funds for this agency. Given this situation, separate programs could not be evaluated for this agency.

A description of the State Supervision program created by each district was developed using information from the qualitative data. Questions used to collect this information were created using the list of general goals presented on page 9. Qualitative results were used to illuminate the reasons for the type of program created.

The qualitative differences between programs that Probation and State Supervision offenders reported attending are examined first. Then a brief description of the program created in each district or region is given. Finally, the degree to which the

State Supervision programs statewide achieved the goals of structured time during the high crime hours, increased substance abuse testing and treatment, creation of alternative school programs, increased family participation, and creation of written correctional plans is assessed.

It should be noted that characterizing “a State Supervision program” is a difficult task. For most of the state, **the services that comprise the State Supervision sanction vary widely from office to office within each district.** Some even vary at the level of the individual probation officer. While this variation is not necessarily a sign of problems, it makes meaningful evaluation difficult. Further, many of the same programs appear to be used for both Probation and State Supervision offenders with the only difference being that State Supervision offenders attend a larger number of these programs.

Individual variation among and within judicial districts notwithstanding, the programs developed by each judicial district can be usefully classified according to the degree to which they have structured State Supervision into a distinct sanction from Probation. Highly structured programs are typically characterized by having a limited number of locations where the offender reports every day after school for several hours of planned intervention run in part by State Supervision specialized probation staff. This type of program usually involves significant counseling, mental health, and/or chemical dependency components.

Services offered in districts with a less structured program approach are individualized by offender and probation office location. These programs encompass an array of programs and services that are combined to create a State Supervision program that is unique to each offender or office in the district. Many of the services offered existed previous to State Supervision but have been enhanced with the funding provided for the sanction. In addition, “wrap around services” or delegation funding is heavily utilized to provide resources for meeting individual offender needs.

Interviews with Probation and State Supervision youth show that State Supervision programs are more intensive than those offered for Probation. Table 3.12 shows the programs with which Probation and State Supervision offenders reported involvement. Results were broken into classes, after school programs, counseling and outpatient drug treatment. Classifications were made using the following definitions:

- Class: one or two hour psychoeducational formats, e.g. Law Related Education, Planned Parenthood, chemical dependency education.
- After school program: two to five-hour program after school, e.g. Life skills. This category excludes work crews, which are considered separately below.
- Counseling and outpatient drug treatment: individual counseling or psychotherapy, family therapy, and drug treatment, New Life (court run program in District 4).

Table 3.12 Offender Reported Program Involvement for Juvenile Court Programs

Program Type	Probation Offenders	State Supervision Offenders
Classes	35%	13%
After-school program (excluding outpatient alcohol/drug treatment)	11%	24%
Counseling or Outpatient Alcohol/Drug Treatment	39%	63%

The following list provides a brief synopsis of the State Supervision programs that existed in each district during the first round of interviews (1999) as reported by respondents:

District One

State Supervision is similar to a day reporting center, which is run by court staff. Offenders report at 10:00 a.m. if not in school, 2:00 p.m. if in school. Programming runs until 6 p.m. and includes classes on life skills, employment, anger management, sex education, and victim awareness. Tutoring is available. Offenders are required to complete a life skills workbook and 125 hours of community service. Parenting classes and weekly parent-probation officer contact are required. Trackers monitor offenders in the evening and weekends with electronic monitoring when needed. Hourly schedules are filled out for every day. Chemical dependency treatment is provided by a human services agency when needed. Offenders are involved in work crews. All offenders appear to receive the same program.

District Two

State Supervision services are provided through the local human services agency. This is an intensive three month, >7 hours a week counseling program. Clients go through an initial psychosocial evaluation, three weekly groups, one hour of individual counseling, and one hour of family therapy per week. An education specialist provides advocacy in schools, tutoring, and checks for testing and needed resources in schools. In addition, the same agency provides a three month, 2.5 hour per week program of in-home crisis services. Alternatives for offenders not attending school include schoolwork in probation officer's office and/or detention time. Offenders are involved in work crews. All offenders appear to receive most program components.

District Three

State Supervision components include in-home counseling services for three months, a 12-week life skills program and chemical dependency treatment provided by a human services agency. In addition, wrap-around services is used for individual offender needs. Alternatives for offenders not in school include alternative schools, detention, and vocation rehabilitation. Offenders are involved in work crews. Program components are individualized by probation office and offender needs.

District Four

State Supervision services are provided by probation and private agency staff in a four-hour after-school program that focuses on chemical dependency treatment. Program components include use of a sauna and diet-based detoxification program and classes focused on social skills, literacy, and integrity. Probation officers average less than 8 offenders on a caseload. Offenders are contacted by phone or in-person up to four times a day. Alternatives for offenders not attending school include employment and house arrest. Offenders are involved in work crews. All offenders appear to receive the same program.

District Five

The main State Supervision program in this district is an intensive three-month, in-home parent mentor and counseling program provided by a community mental health agency. In addition job training and employment assistance are available. The most populated areas provides life skills classes. Alternatives for offenders not attending school include house arrest and alternative school. Probation officers in this district are located in most area schools. Eight to 80 hours of individual tutoring is available with parent involvement required. Offenders are involved in work crews. Program components appear to be individualized by probation office and offender needs.

District Six

This district did not report any currently running State Supervision programs except work crews. Alternatives for offenders not attending school include employment.

District Seven

State Supervision offenders are staffed with a local inter-agency council for individual needs. A human services agency provides mental health counseling, a 21-hour chemical dependency treatment with family

sessions (up to 5), 16 sessions of psychoeducational groups and parenting classes if needed. Hourly schedules are filled out for every day. Offenders must complete a life skills workbook. Alternative for offenders not in school include detention and work crew. Offenders are tracked daily by telephone.

District Eight

State Supervision services include life skills classes, and an extensive recreational program. A community mental health agency provides chemical dependency and psychoeducational groups when needed. Alternatives for offenders not in school include a tutoring class and employment. Offenders are involved in work crews. Most programs were reported available in one town only. Program components appear to be individualized by probation office and offender needs.

Structured Offender Time

State Supervision offenders report spending an average of 2.85 hours a day in classes, with a range of zero to 12 hours. Eighty-two percent of these offenders also report being under an adult's supervision (either with the court, a parent/guardian, at work, or in a program) during the majority of the high crime hours between 2 p.m. to 7 p.m. as opposed to 49% of Probation offenders.

Supervision for Expelled/Suspended Offenders

Fifty-seven percent of State Supervision offenders who were expelled or suspended from school while on the sanction reported being placed in an alternative program or work situation by their probation officers. In comparison, 46% of probationers reported the same action. Districts One and Four had Juvenile Court or Youth Corrections-run school alternatives. District 5 was beginning a court run alternative school when last interviewed. In the other districts, it appeared up to the probation officer to find an alternative for the offender.

Increased Substance Abuse Testing and Treatment

Drug testing appears to be widely used through out the state for both State Supervision and Probation offenders, 91% and 79% of offenders reported having had at least one drug test. The most typical response to a positive test, reported by probation officers and offenders was either a verbal warning from the probation officer or filing of a technical violation. District Eight had a policy of sending offenders for a chemical dependency evaluation at the first positive test. Fifty-nine percent of offenders on State Supervision who reported positive drug tests also reported being in or having been in a treatment program while on State Supervision compared with twenty-six percent of Probation offenders.

Expanded Work Crews

Work crews were to be expanded statewide. Ninety-five percent of State Supervision offenders and 85% of Probation offenders reported involvement with work crews or supervised community service. It should be noted that participants from most rural districts mentioned difficulty keeping "qualified people as supervisors [of the work crews]. They either move on to become probation officers...or many go back to college after summer is over."

Family Participation

The families of State Supervision offenders were to have increased involvement with the court while their child was under court supervision. Table 3.13 details the ways in which offenders reported their family interacting with the court while on State Supervision.

Table 3.13 Family Involvement while Offender is on State Supervision

Response	Probation Offenders	State Supervision Offenders
Supervise Offender	35%	46%
Family Counseling	13%	27%
Parenting Classes	9%	13%
Other Classes	18%	3%
Meet with Probation Officer	44%	50%
Pay Fine or for Classes/Counseling	10%	0%
Transport	0%	0%
Nothing	9%	13%

reported their families participated in family counseling or parenting classes, court personnel listed the family as one of the most important areas in which the offenders they worked needed help.

One of the goals of the State Supervision was an increase in the participation of the offender's family. From the table it can be seen that State Supervision offenders report a higher percentage of family involvement in all response categories with the exception of monetary punishments and those whose families were required to do "nothing." **While only 40% of offenders**

Written Correction Plans

Each State Supervision offender was to have an individualized correctional plan outlining specific measurable goals. Previous research has found that writing plans that have clearly definable objectives is a difficult part of the intervention process (Land, McCall, & Williams, 1990). Field and State Supervision probation officer participants were asked to provide two plans that they had created for a State Supervision offender. From this sample of 47 correctional plans, **it is apparent that many offenders do have written plans. It is also apparent that these plans vary widely in quality.** Seventy-six percent lacked clearly definable goals and in many cases no goals had been established beyond timetables for payment of fines (see Appendix E for three representative samples).

Out-of-Home Placements

The Division of Youth Corrections and Division of Child and Family Services were to provide short-term out-of-home placements to use with State Supervision offenders. Table 3.14 gives an accounting of how the funding was spent by the Division of Youth Corrections. As funds for the Division of Child and Family Services were mixed with general funds, no tracking was available. The table shows all detail for which reliable information was available.

Table 3.14 Expenditures for Early Intervention Funding for the Division of Youth Corrections 1998 and 1999

Expenditures	DYC Region 1	DYC Region 2	DYC Region 3
Program	969,200	991,700	710,400

* No information on specific categorical expenditures (i.e. staff, miscellaneous) was obtained.

A total of \$2.7 million was reported spent by Youth Corrections. Forty-five percent of State Supervision offenders reported out-of-home placements as compared with 15% of Probation offenders. State Supervision offenders appear to be placed in programs with other offenders who have received a commitment to Youth Corrections, as most programs were used for more than one type of offender.

The following list provides a brief synopsis of the out-of-home placements developed by each region as reported by as reported by respondents during the interview round (1999):

Region 1

Placement in this region is structured in two phases, a 30-day wilderness program, followed by a 60-day program consisting of an after-school program, alternative school for offenders not in school, and proctor placement.

Region 2

Four placements in this region are available: Short-term inpatient chemical dependency treatment, a wilderness program, a work camp, and proctor care.

Region 3

Two placements were available in this region, a work camp and a day reporting center.

Respondent Views of Early Intervention Programming

While using the same programs for Probation and State Supervision has advantages, as is shown below, both staff and offender participants perceive programs with a high degree of overlap as less distinct and less intensive. Beyond rating the State Supervision program more useful, participants from highly structured programs report higher rates of in-person contact with offenders and less frequent use of electronic monitoring than less structured programs. These differences appear to be a consequence of daily offender contact in structured programs. As a probation officer stated, "I don't monitor the youth with [electronic] bracelets because I already know where they are. I just have to look across the hall." Highly structured programs also appear to be more consistently implemented throughout the district than less structured programs. The intensity of less structured programs appears to be more dependent on the motivation of the youth's probation officer than any district guidelines.

In addition to classifying State Supervision programming by the degree of structure, it is also important to understand the effect a rural location appears to have on implementing the sanction. In areas where one probation officer serves offenders for an entire town or area, an individualized approach appears mandatory. Many of the respondents from these areas expressed frustration when trying to implement more

intensive services than regular Probation because of the time in-person contacts require and a shortage of providers for other services such as counseling. Consequently, the degree to which Probation differs from State Supervision is less in these areas.

State Supervision offenders who had previously been sentenced to Probation most commonly characterized the difference between these two sanctions by stating that State Supervision was more structured and less free (45% and 39% of responses respectively). A substantial number (17%) had not experienced a difference between the two sanctions.

Implementation Issues

From the evaluation interviews and documentation of the planning process, two issues colored implementation of the early intervention funding, namely the involvement of three agencies in providing services and a shift of the Juvenile Court from service broker to service provider. These considerations will be discussed before detailing the specific interventions created.

The funding for early intervention services, with the exception of increased probation officers, was to be realized in the creation of a new sanction, State Supervision. This sanction was intended to increase the ability of the juvenile system to control offenders who needed more than regular probation contact without committing them to long-term, out-of-home placements. The sanction would be shared among the three agencies, with the Juvenile Court providing the core interventions and Youth Corrections and Child and Family Services implementing short-term placements when needed. This arrangement is a new situation for the juvenile system as no other sanction is shared across agencies. In practice, for many respondents sharing the sanction has been difficult. The roles of each agency were not clear to many respondents. A probation officer expressed his frustration over this issue by stating, "there is overlap between Youth Corrections and the Juvenile Court ...[and] DCFS [Division of Child and Family Services] doesn't even know what [State Supervision] is!" The role of Child and Family Services was questioned in every area of the state. Most respondents either didn't know that this agency was involved with the State Supervision sanction or didn't know what interventions had been created by this agency for State Supervision offenders. As noted above this agency received far less funding than the other two; however, it appears that there had been no discernable impact from the funds that it did receive.

Respondent views of the Juvenile Court and Youth Corrections sharing the sanction were more mixed. Sixty-four percent of participants perceived problems sharing the sanction. In several areas these problems appeared to be due to poor relations overall between the two agencies. Interview round two responses supported mostly no change in problems with the exception of one probation office where tensions had erupted into a refusal of each agency to work together with State Supervision offenders, as reported by both probation officers and case managers, and one district in which the relationship had improved. The most common problems arose from differences in philosophical orientation and logistical difficulties, such as sharing files, paying for services, and entering data. The criteria used for transferring State Supervision offenders between agencies is individualized. The majority of participants indicated they based their decision primarily on poor response to State Supervision, as evidenced by problems with compliance, technical violations, or new offenses. In addition, most judges' responses included whether "the child needs to be removed from the community." It is noteworthy

that two judges indicated they did not sentence juveniles to Youth Corrections State Supervision programs. As one of these judges stated, "Juvenile Court State Supervision is the only [sanction] I put [an offender] on.... Otherwise I aggravate them up to Community Placement."

In addition, for the Juvenile Court, the early intervention funding represented a paradigm shift from the traditional practice of brokering for needed services to direct service provision and contracting. In addition to gaining increased manpower for supervision of offenders, the court would provide services to State Supervision offenders. At the time when the Juvenile Courts role in State Supervision was being conceptualized, one judge cautioned the court from becoming a direct service provider. As quoted at the beginning of this section, this judge believed the court should not be both a legal agency and service provider because no authorization or duty exists for the court to do so. Surprisingly, no current judges brought this consideration up during the interviews.

Most court personnel, however, perceived funding for programs as a very positive event. Sixty percent of first round participants and 90% of second stated the State Supervision sanction was useful. One probation officer explained why by stating, "It's brilliant. It keys us into a group of kids that would go to out-of-home placements." Another stated "[It is] as different as night to day." Several responses reflected improved morale because the work of a probation officer was expanded to include a more active role in *intervening* with offenders. An urban judge spoke about this situation, stating, "We didn't have services before [the early intervention funding] and community agencies were unwilling to take court youth." Some positive responders also believe State Supervision services are effective because they do "a better job of keeping kids out of Youth Corrections."

Positive valuations of the sanction were much higher in districts with distinct programs, defined by having a daily program, State Supervision specialized probation officers and higher frequency of contact. In the first interview round, the difference was 91% in distinct program areas as compared to 42% in districts without this type of program. Previous research supports these findings (Krisberg, Neuenfeldt, Wiebush, & Rodriquez, 1994).

A learning curve was encountered as the court gained experience in the practical aspects of service management. Many negative responders also cited a lack of administrative and legislative direction on how to implement the sanction. Participants expressed confusion over both the purpose of the State Supervision sanction and the "nuts and bolts" of setting up the program. Speaking on the purpose of the sanction, a chief probation officer complained he had "no available exact definition of [what] State Supervision is." The fact that no blueprint for the sanction was created is apparent in light of the large variation among programs across the state. The most common approach to creating services and programs for the sanction involved a process where probation staff "brainstormed" what services "we wanted taught." Only one chief stated that program design was driven by an overarching plan or philosophy that of the Balanced Approach model. Likewise, very little attention appears to have been paid to programs that have proven to be effective. Many front-line staff didn't know why the programs used for State Supervision were chosen, which appears problematic if staff is to be targeting these programs to particular offenders.

Programs were implemented by either creating the services using court personnel or contracting with outside providers. Many chief probation officers apparently to encountered pressure to learn new skills during this process because the Juvenile Court historically has been more of a service broker not a direct provider. A rural chief probation officer explained this process as a paradigm shift which involved learning to create and manage in-house and contracted programs. This chief talked about the difficulty in creating even a "decent" Request for Proposal form without having the benefit of past experience. The pressure of this learning process further increased the short implementation time line established by the legislature. One chief claimed, "We had a judge order a youth into State Supervision three days after it was created."

The implementation turmoil occurring during the creation of State Supervision appears to continue to affect the court. Some participants pointed out that without an implementation plan specifying the parameters of day-to-day programming, inconsistent treatment of offenders has risen. In the words of one supervising probation officer, "Each office has been left to establish the day-to-day program specifics with no direction or lead... for example there's a 9 p.m. curfew in one office, 6 p.m. in another. Youth who transfer between are either punished or rewarded without any behavior change on their part." Further, some participants believed that State Supervision has not targeted a particular population of offenders but that offenders "are put on [the sanction] just to get them into a program." Some participants do not see "a real difference" between State Supervision and Probation. They complained that the funding is "not going to new programs but to old programs and capital improvements."

How could the early intervention programming be improved?

Participants in our evaluation were asked how State Supervision could be improved. Many respondents repeated the negative themes that emerged above, i.e. State Supervision has had implementation problems resulting from no clear direction on the purpose of the sanction, how it is different from Probation, and where the funding for it should be spent. While most chief probation officers appeared to see ambiguities over the purpose of State Supervision as an issue that has been resolved, fewer judges, probation officers, and attorneys agreed. Many of these respondents believe State Supervision needs to be "standardized between office and districts" with "consistent rules throughout [the state]." One probation officer requested, "increased communication between districts because I don't know what they are doing." For others, particularly in rural areas, this included "knowledge of programs developed in other districts." One participant suggested that this information sharing should take the form of "a summit on what other districts are doing and any out-of-state ideas."

In addition to the reiteration of the previous implementation themes, participants identified several specific programs and staffing issues they believed would improve the sanction. These included the following:

- Day reporting centers
- Counseling and chemical dependency treatment for rural areas
- Vocational and educational training
- Female specific programming

Staffing issues were also commonly mentioned, in particular a need for more probation officers who specialize in State Supervision. Additionally, while State

Supervision was designed as an intermediate sanction, many respondents believe that similar programming, such as family focused counseling and educational tutoring for pre-probation offenders need to come earlier in the system.

Summary of Intervention Findings

State Supervision was intended by policy makers to provide a sentencing option that would provide intensive supervision and services without defaulting to a commitment to the Division of Youth Corrections for offenders who fail probation or are in need of a more restrictive sanction. Statewide, the contact frequency is substantially higher for State Supervision offenders than Probation offenders. There is little difference in where offenders on Probation and State Supervision are contacted. While the electronic monitoring system was reported by court staff to be available in every district with the exception of Districts Seven and Eight, use of this type of monitoring for State Supervision offenders was quite low.

Results show that characterizing the type of State Supervision program provided is a difficult task. For most of the state, the services that comprise the State Supervision sanction vary widely from office to office within each district. Some even vary at the level of the individual probation officer. While this variation is not necessarily problematic, it makes meaningful evaluation difficult. Further, many of the same programs appear to be used for both Probation and State Supervision offenders with the only difference being that State Supervision offenders attend a larger number of these programs. Interviews with Probation and State Supervision youth show that State Supervision programs are more intensive and structured than those offered for Probation. The majority of State Supervision offenders also reported placement in an alternative school or work program when necessary and in drug abuse treatment after a positive drug test than offenders on probation. State Supervision offenders reported more involvement with work crews and family counseling or parenting classes. Most offenders have written correctional plans however most lack measurable goals.

The Division of Youth Corrections has created short-term out-of-home placements in each region. These placements appear to be used by offenders in other sanctions. In addition, the Youth Corrections program in Region One includes an after-school program that is quite similar to the after-school program run by the court in District One. The Division of Child and Family Services funding could not be tracked as the funding was mixed with general funds.

How these changes, in conjunction with earlier sentences to Probation, have affected recidivism rates and commitments to the Division of Youth Corrections will be considered in the next section.

OUTCOME OF EARLY INTERVENTION

Earlier sentences to Probation and an intensive intermediate sanction are intended to create an early intervention program that has long-term effects on future offending. If instituted correctly, the effects of this program will rehabilitate offenders before delinquent behaviors are embedded, thereby decreasing post-probation offense rates and lowering the rates of long-term out-of-home placements with Youth Corrections. This hypothesis was measured by examining the commitment rates to Youth Corrections, post-probation new offense episodes, and technical violation patterns for first-time Probationer's sentences before and after the early intervention program. A summary for the main finding reported in this section is presented in Table 3.15.

Table 3. 15 Main Outcome Findings

Question	Results
Were offenders put on Probation earlier than in the past?	The mix of offenses for first-time probationers was similar. However, offenders sentenced after implementation of the sentencing guidelines had fewer prior offenses on both felony (.14 less) and misdemeanor (.80 less) episodes.
Did the number of offense episodes after Probation decrease?	Offenders in 1996 averaged 2.77 offense episodes pre-probation and 1.16 post-Probation. In comparison, offenders in 1999 averaged 2.11 offense episodes pre-Probation and .86 post-Probation. In addition to fewer post-Probation offense episodes, probationers sentenced under the early intervention program also had a significantly longer period of time before first post-Probation charge (felonies and misdemeanors) than those sentenced pre-implementation. The average number of technical violations was similar for both groups, with first-time probationers in 1996 averaging .82 violations and those in 1999 averaging .80. While improvement between years is evident, the year in which an offender was sentenced to Probation, while a statistically significant factor in predicting the number of post-charges increased the predictive capability of a regression model including age at start, prior offenses and sex by only .2%. Prior offenses and age at start of probation was most predictive of post offenses.
Were fewer offenders committed to the Division of Youth Corrections?	A difference between the percentages of offenders entering the custody of youth corrections between years was not statistically significant (12.3% in 1996 and 10.0% in 1999). In addition, offenders in the early intervention group showed no significant differences in time lapsing before commitment to the care of Youth Corrections. The year in which offenders were sentenced was not significantly predictive of placement in Youth Corrections.
What were the comparative outcomes for individual court districts?	Results show the differences between years across individual districts are slight. Differences were found between District Four and District Two North in comparisons of pre-post differences. Qualitatively, both of these Districts have a distinct, well-defined State Supervision program. The difference appears to stem from a greater reduction of pre-probation offenses in District Two North. This might be attributed to following the guidelines at a higher rate in this district. No districts had a significant decrease in the rates of commitment to Youth Corrections before and after program implementation. Separate analysis of rural districts showed no significant differences in pre-post changes across years. However, District Six was the only judicial district to show a different pattern of results under the new program with an increase in post-probation offenses after program implementation. Viewed in light of

the qualitative analysis, the district showing increases in average post-probation offense episodes across years, District Six had lowest intensity and least structured services overall of any district.

SAMPLE DESCRIPTIVES

The total number of offenders, after exclusion of outliers was 871 in 1996 and 1095 in 1999. A comparison of group demographics and average number of offenses by type is given in Tables 3.4 and 3.5.

Table 3.16 Descriptive Statistics for First-time Probationers

Year	Sex		Ethnicity*		Age at Start of Probation (in years)		Age at First Charge (in years)	
	Male	Female	Caucasian	Minority	Mean	Range	Mean	Range
1996	81%	19%	73%	27%	15.6	8.4-19.4	13.3	4.5-17.9
1999	79%	21%	79%	21%	15.7	9.0-19.4	13.6	6.2-18.0

* Ethnicity information was missing for 6.4% of offenders.

Table 3.17 Prior Charges* by Offense Type for First-time Probationers

Year	Violent	Sex	Drug	Person	Property	Public	Technical Violations
1996	.27	.18	1.06	.98	4.57	1.76	.56
1999	.31	.24	1.09	.99	3.12	1.69	.53

* Lifetime incidents before sentence to probation.

As can be seen in the tables above, the offender groups were similar overall except in terms of the average number of property offenses before Probation start.

Outliers

A two-stage process was used to identify outliers. First, multivariate outliers were identified through calculating the Mahalanobis' distance between total prior and follow up charges for the two-year window. After multivariate outliers were filtered, the prior and follow-up distributions were examined for univariate outliers. This two stage process identified 49(2.4%) cases that were either multivariate or univariate outliers. There were 32 cases from the 1996 cohort and 17 cases from 1999 cohort, representing 3.5% and 1.5% of these groups, respectively. The smaller proportion of outlying cases from the 1996 cohort may be due, at least in part, from greater uniformity in sentencing youths to probation during 1999.

IDENTIFICATION OF COVARIATES

The variables presented in Table 3.5 were assessed for potential use as covariates in predicting offense differences between the two probationer groups using a logistic regression analysis. Re-offense was recorded as a dichotomous dependent variable with

the following variables entered as covariates: sex, ethnicity, age at first offense, and age at start of Probation.

Results showed the full model significantly improved classification of re-offenders compared to the constant only model $\chi^2(4, N = 1966) = 35.73, p < .01$ indicating that, taken together, the covariates were significantly related to re-offense. Overall prediction increased from 48.5% to 60.4%.

Table 3.18 Logistic Regression Analysis of Predictors of Re-Offense

Predictor	B	Wald Statistic
Age at Probation Start	3.07	44.73**
Age at First Charge	.14	1.05
Sex	.64	27.57**
Ethnicity	-.28	6.24**

**p < .01.

Table 3.6 gives the results for the individual predictors. All variables were significantly related to re-offense with the exception of Age at first charge. Age at Probation start and sex were included as covariates in further analyses. Age at first charge was eliminated as it was not a significantly related to re-offense. Although Ethnicity was significantly related, due to the

high number of missing data (6.4%) it was excluded from further analysis. Age at Probation start and age at first charge were normalized by reflecting the variable (21 - variable) followed by a log transformation and square root respectively.

RESULTS

Were offenders put on probation earlier?

The intended end result of the sentencing guidelines was to intervene earlier in the lives of offenders. In terms of the present evaluation, earlier intervention was measured as first-time probationers receiving sentences to Probation with fewer prior offense episodes after guidelines implementation than before. Using the Juvenile Information System database, recidivism data on all offenders receiving a sentence to Probation for the first time from January to June during 1996 and 1999 was gathered in order to compare offenders before and after program implementation for a total of 2051.

A two-stage analysis strategy was employed. First, a multivariate analysis of variance was conducted for differences in the linear combination of felony and misdemeanor prior charge episodes to probation placement in offenders sentenced before (1996) and after (1999) implementation of the guidelines. Year and the linear combination of felonies and misdemeanors were entered as the independent variable and dependent variable respectively. A charge was defined using an episode system in which only the most serious offense in a calendar day was included. After conducting the MANOVA, a step-down analysis of felonies and misdemeanors was performed using a one-way analysis of variance for each type of offense (Felony x Year x Frequency and Misdemeanor x Year x Frequency) with a Bonferroni correction of the significance level of .025.

Results indicated a significant effect for the linear combination of felony and misdemeanor prior charges for Year [Wilk's $\Lambda = .958, F(2, 1961) = 43.218, p < .01, \eta^2 = .042$]. Specific comparisons of each offense severity level, using a one-way analysis of variance of prior misdemeanor episodes by year and felonies episodes by year, showed significant differences for both factors using a Bonferroni corrected significance level of .025 [For Prior Felonies $F(1, 1962) = 12.30, p < .01$; For misdemeanors $F(1, 1962) =$

68.11, $p < .01$]. These results show that offenders sentenced after implementation of the sentencing guidelines had fewer prior offenses on both felony and misdemeanor episodes. This being the case, the MANCOVA in stage two used combined felony and misdemeanor charges as the dependent measure. Misdemeanor episodes accounted for a larger percentage of this difference than felonies ($\eta^2 = .034$ and $\eta^2 = .006$ respectively). However, both factors accounted for very little of the differences between groups.

Table 3.19 Differences in Offending History for First-time Probationers Before and After Guidelines Implementation

Year	Mean Felonies	Standard Deviation	Mean Misdemeanors	Standard Deviation
1996	.97	.96	3.9	2.4
1999	.83	.82	3.1	2.0

In summary, offenders are entering Probation with on average .14 fewer felony and .8 fewer misdemeanor charge episodes in 1999 than in 1996. Table 3.7 presents the

means and standard deviations for each year. It should be noted that while the reduction of felony episodes was small, this is expected with a first-time Probation population. All districts, with the exception of the District Four, showed a similar decrease in the number of offense episodes before first Probation sentence.

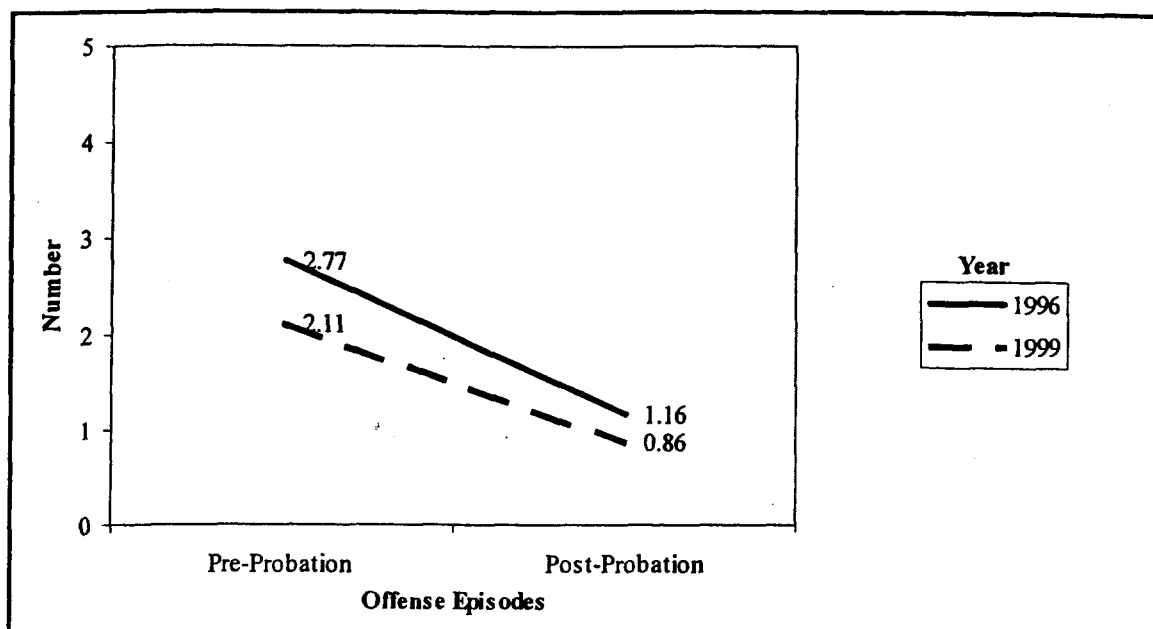
Did offending after probation decrease?

Three analyses were used to assess post-Probation offenses. A pre-post analysis of variance in charges was conducted to assess differences in probationers sentenced before and after the program implementation. Survival time analysis was used to see if the new program was associated with longer periods of time before first offense. A multiple linear regression was used to see how year predicted number of post-charges.

Re-offense

A repeated measures MANCOVA was used, with one year prior and one year follow up criminal charges as the within subjects dependent factor, and year cohort as the between subjects independent factor. Covariates included age at the start of probation, ethnicity, gender, and the judicial district that the youth received probation services in, with the rural districts collapsed. Although the homogeneity of covariance assumption was violated, MANOVA and MANCOVA are robust to this violation when sample sizes are large (Tabachnick & Fidell, 2001). The analysis revealed a significant interaction between age at the start of probation and prior and follow up charges [$F(1, 1865) = 9.34$, $p = .002$], and between cohort year and prior and follow up charges [$F(1, 1865) = 9.34$, $p < .0001$]. **This means that when demographic and judicial district factors were statistically accounted for, the difference between cohort years in their linear combinations of prior and follow up criminal charges was significant.**

Figure 3.9 Average Offense Episodes by Year for First-time Probationers



Since there was an interaction between cohort year and prior and follow-up charges, a set of step down analyses was conducted using t-tests. Four t-tests were used so the alpha level for significance was adjusted to .0125 (.05/4). The first analyses compared the cohort year groups on their prior and follow up charges, and found the groups to differ significantly at both times (Pre $t = 25.3$, $df = 914$, $p < .0001$. Post $t = 24.4$, $df = 1145$, $p < .0001$). The second analyses compared the prior and follow up charges within each cohort, and both cohorts showed significant reductions in their charges between prior and follow up periods (1996 Pre Post $t = 28.324$, $df = 882$, $p < .0001$. 1999 Pre Post $t = 28.655$, $df = 1128$, $p < .0001$. Offenders in 1996 averaged 2.77 offense episodes pre-probation and 1.16 post-Probation. In comparison, offenders in 1999 averaged 2.11 offense episodes pre-Probation and .86 post-Probation. **This means that although there was a significant interaction between cohort year and prior and follow-up charges, a more fine grain analysis failed to identify important differences between the groups.** Running the MANCOVA and step down analyses with the outliers in the model did not alter the results.

Time to Re-offense

In addition to fewer post-probation offense episodes, probationers sentenced under the early intervention program also had significantly longer period of time before first post-probation charge (felonies and misdemeanors) than those sentenced pre-implementation. Offender's mean time to first felony offense in 1999 was 8.38 days longer than offenders in 1996 (Log Rank = 6.63, $p < .01$) and 19 days longer in time to first misdemeanor (Log Rank = 11.47, $p < .01$).

Were Offenders Committed to the Division of Youth Corrections Less?

The new program was ultimately designed to decrease the number of offenders entering the Youth Corrections custody by 5% (Minutes of the Juvenile Justice Task

Force, May 13, 1997). Three analyses were used to assess commitment rates for probationers before and after the program implementation. A Chi-Square analysis was conducted to assess for differences between years in the rate of commitment to the Division of Youth Corrections. Survival Analysis was used to examine group differences in time to commitment to Youth Corrections custody. Logistic Regression was used to explore the relationship of year in predicting commitment to Youth Corrections.

Rate of Commitment

A Chi-Square analysis was conducted to assess for differences between years in the rate of commitment to the Division of Youth Corrections. A commitment was defined as an order to either Community Placement or Secure Care. **Differences between the percentage of offenders entering the custody of youth corrections between years was not statistically significant** (12.3% in 1996 and 10.0% in 1999, $\chi^2(1, 1966) = 2.69, p < 0.01$). It should be noted that while differences were not significant, this doesn't appear to have been a result of commitments due to increase technical violations. Previous research has found that technical violations tend to increase as contact frequency increases (Tonry, 1998). In the current study, the average number of technical violations was similar for both groups, with first-time probationers in 1996 averaging .82 violations and those in 1999 averaging .80.

Time to Commitment

Survival Analysis was used to examine group differences in time to commitment to Youth Corrections custody. **Offenders in the early intervention group showed no significant differences in time before commitment to the care of Youth Corrections** (Log Rank = 2.83, $p > .05$).

Predicting Commitment

Logistic Regression was used to explore the relationship of year in predicting commitment to Youth Corrections. Prior charges were included as a predictor variable to assess the effect of placing offenders on Probation with fewer offenses. The covariates included in previous analyses, age at Probation start and sex, were included as predictor variables. Time spent in detention was also included to assess for differences between the two groups. One case was excluded from analysis as the offender had 2 misdemeanor charges prior to Probation and 15 post-probation charges (Female, 1999, Caucasian, Age at First 17.3, Age at Start 17.6) and therefore unduly influenced the results. Even though the data did not fit well with an ideal model (Hosmer and Lemeshow Test, $\chi^2(8) = 31.638, p < .01$), the model still improved classification accuracy by 18% (50.9% in constant only model vs. 68.7% in study model).

Table 3.20 Summary Statistics for Logistic Regression Predicting Commitment to Youth Corrections

Factor	B	Wald Statistic	Odds Ratio
Year of Sentence	.199	3.762	1.22
Age at Probation Start	.823	35.63**	1.03
Offenses Prior to Probation Start	.179	55.04**	1.20
Time in Secure Holding Facility	.028	132.10**	1.03
Sex	.574	19.536**	1.775

**p < .01.

The year in which offenders were sentenced was not significantly predictive of placement in Youth Corrections. In contrast, for each additional prior charge before Probation placement offenders were 20% more likely to enter Youth Corrections. In addition, each year increase in age at start of Probation was associated with 3% greater probability in entering Youth Corrections. As reported earlier, offenders in the 1999 group while having fewer prior offenses were on average three months older than their counterparts in 1996. It should be noted that time in a secure holding facility didn't increase the chances of commitment and, as would be expected, males were 80% more likely to be committed than females. Considerations of the above odds ratios are likely to be an accurate estimation of

the differential likelihood as commitment to Youth Corrections is a low frequency event (e.g. a probability of .12 and .10 in the before and after first-time Probationer samples).

These results support expectations that the earlier intervention group should have significantly lower rate of commitment. As was reported previously, while offenders entered Probation in 1999, the post-earlier intervention group, with fewer prior offenses, no significant differences were found in the rate of commitments across years. From this analysis, it is clear that while placement of offenders on Probation with fewer offenses results in a reduced risk for Youth Correction placement, the impact of these effects on rates of placement has might been mitigated by other factors. Several possible explanations are given in the summary below.

What were the comparative outcomes for individual court districts?

Two analyses were used to assess differential outcomes for probationers before and after the program implementation. Post-hoc comparisons were conducted on the pre-post analysis of variance in charges used above to assess differences in probationers sentenced before and after the program implementation. A Chi-Square analysis was conducted to assess for differences between years in the rate of commitments to the Division of Youth Corrections for each individual district.

Post-hoc Comparison of Individual District Differences in Pre-Post Offending

Individual districts were divided into two groups to assess differences due to sample size differences. Group 1 is comprised all districts with the largest district divided into North and South groups and rural districts reported as a composite. The group reported second is a comparison of individual rural districts.

Comparisons of Group 1 districts revealed a significant interaction for differences across years for pre-post offense reductions [F (6,1950) = 15.14, p. < .05, $\eta^2 = .007$]. Table 3.21 shows the average pre- and post-Probation offense episodes before and after implementation.

	1996		1999	
	Pre-Probation	Post-Probation	Pre-Probation	Post-Probation
District One	2.66	1.10	2.05	1.04
District Two North	2.3	1.01	1.91	.88
District Two South	2.9	.88	2.03	.78
District Three North	2.84	1.22	2.12	.72
District Three South	3.14	1.20	2.01	.76
District Four	2.61	1.40	2.43	1.02
Rural Composite	2.87	1.01	2.27	1.00

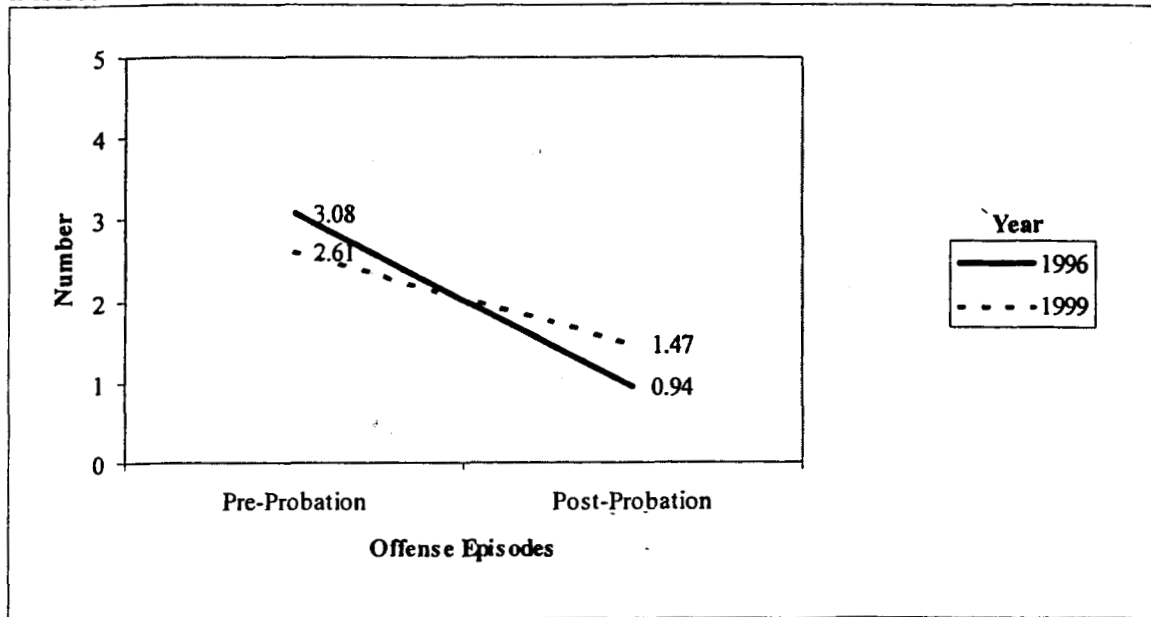
Pairwise differences were found between District Four and District Two North ($p < .05$) with the latter showing a larger difference across years (mean difference = .35). While District Four reduced pre-probation charges by .18, post charges increased by .38. District Two North reduced pre-probation charges by .39 and post-charges by .10.

Group 2, a breakout of individual rural districts, showed no significant interaction for differences across years on pre-post offense reductions [$F(4, 310) = 1.201, p > .05$]. District Seven, however, was not included in this analysis as inclusion of this district resulted in large violations in homogeneity of variance (Box's $M = 102.15$ with District Seven included vs. 53.53 without). This district had lower offenses pre- and post- than most other districts both before and after program implementation. In essence, it appears that this district intervenes earlier with offenders than the other districts. Table 3.22 shows the average pre- and post-Probation offense episodes before and after implementation for rural districts. Visual analysis of the change pattern between years shows that District Six was the only district statewide to have worse results in 1999 than in 1996 (see Figure 3.10).

	1996		1999	
	Pre-Probation	Post-Probation	Pre-Probation	Post-Probation
Composite District*	3.03	1.36	1.75	0.88
District Five North	3.22	1.30	2.13	0.82
District Five South	3.26	1.19	2.76	1.11
District Six	3.08	0.94	2.61	1.47
District Seven	2.50	0.60	1.81	0.52
District Eight	2.18	0.67	2.52	1.38

* This group is comprised of the rural counties, Tooele, Summit, and Fillmore lying within urban districts.

Figure 3.10 Average Offense Episodes by Year for First-time Probationers in District Six



Comparison of Individual Districts in Rate of Commitments to Youth Corrections

Using the first-time probationer sample, individual judicial districts were assessed for differences in the rate of commitment to the Division of Youth Corrections (DYC) before and after implementation of the new program using a hierarchical log-linear model. The model of best fit included factors for commitment to DYC and the interaction term for year by group ($G^2(13) = 19.77, p. < .01$). This model showed evidence of differential effects ($\chi^2(6) = 40.85, p. < .01$). A step-down analysis was then conducted on individual districts change from before and after the new program (see Table 3.23). Rural districts are reported as a composite due to low numbers of offenders who received placements in Youth Corrections custody in several districts. Although these comparisons were not significant when adjusted for the family wise error rate, the change in standardized residuals from the log-linear model was large in District Two North (-.08 in 1996 to -2.28 in 1999) and District Three South (2.97 in 1996 to -.12 in 1999). In essence, the former district became more different under the new program and the latter district became less in comparison to the other judicial districts.

Table 3.23 Rates of Commitment to Youth Corrections for 1996 and 1999

District	χ^2	n	1996	1999
One	.89	201	13.7%	9.4%
Two North	.13	251	20.8%	10.7%
Two South	4.92	190	13.8%	12.0%
Three North	1.53	460	9.3%	12.9%
Three South	2.94	231	10.7%	4.8%
Four	.77	233	12.3%	8.7%
Rural	.12	400	10.6%	9.6%
Statewide	2.69	1966	12.3%	10.0%

Note: No comparisons were significant at a Bonferroni adjusted significance level of .0625.

Overall, the above evidence shows that the new program has not impacted individual court districts unequivocally. Differences were found between District Four and District Two North in comparisons of pre-post re-offense differences. Qualitatively, both of these Districts have a distinct, well-defined State Supervision program. The difference appears to stem from a greater reduction of pre-probation charges in

District Two North. This might be attributed to following the guidelines at a higher rate in this district. While do districts had a significant decrease in the rates of commitment to Youth Corrections before and after program implementation, District Two North and District Three South changed their relative standing to the other districts.

Separate analysis of rural districts showed no significant differences in pre-post changes across years. However, District Six was the only judicial district to show a different pattern of results under the new program with an increase in post-probation offenses after program implementation. **Viewed in light of the qualitative analysis, the district showing increases in average post-probation offense episodes across years, District 6 had lowest intensity and least structured services overall of any district.**

When looking at district differences, it is important to remember that, wide variability of service delivery *within* districts leads to ambiguous results when analyzed at the district level. As reported above, in most districts the range of contact frequency was higher within the district than between districts. The same situation is apparent when analyzing the type of programs offenders report attending. Therefore, results for district differences are tentative at best.

SUMMARY OF OUTCOME FINDINGS

The sentencing guidelines were designed to place offenders on Probation earlier than was the past practice, resulting in a post-guidelines population with fewer pre-probation offenses. Results show that, although the mix of offenses for a sample of first-time probationers before and after implementation was similar, offenders sentenced after implementation of the sentencing guidelines had fewer prior offenses on both felony and misdemeanor episodes.

A combination of earlier Probation placements and creation of an additional sanction between the court and corrections were intended by policy makers to effect long-term decreases in the number and severity of offenses after Probation and ultimately decrease the number of offenders entering Youth Corrections by 5%. In addition to fewer post-probation offense episodes, probationers sentenced under the early intervention program also averaged a longer period of time before first post-probation charge than those sentenced pre-implementation. Rates of commitment and time before commitment to the Division of Youth Corrections did not show a significant difference after implementation.

While improvement between years is evident, the year in which an offender was sentenced to Probation while a statistically significant factor in predicting the number of post-charges, increased the predictive capability of a model including age at start, prior offenses and sex by only .2%. Prior offenses and age at start of Probation start was most predictive of post offenses. In addition, offenders in the early intervention group showed no significant differences in time lapsing before commitment to the care of Youth Corrections. The year in which offenders were sentenced was not significantly predictive of placement in Youth Corrections.

Results under the new program for individual districts with overall similar. In terms of the difference in pre to post offenses, District Four and District Two North were significantly different. The difference appears to stem from a greater reduction of pre-probation in District Two North. District Six was the only judicial district to show an increase in average post-probation offense episodes across years. This district had the lowest intensity and least structured State Supervision services overall of any district. Differential commitment rates to Youth Corrections were not found for individual districts across years.

CONCLUSIONS

The ultimate goal of Utah's early intervention mandate is to create a system in which fewer offenders are committed to the Division of Youth Corrections. As stated previously, some policy makers believe such a program should create a 5% reduction in commitments. This study found a statistically non-significant reduction of 2% in commitment rates for a sample of probationers sentenced before and after the new program's implementation.

It is apparent that first-time probationers sentenced under the new earlier intervention program had fewer offenses in the year following Probation placement than their counterparts did before program implementation. While improvement between years is evident, the year in which an offender was sentenced to Probation was minimally related to the number of post-charges and not predictive of placement in the custody of Youth Corrections. Age at start of Probation, number of prior offenses and sex were much more predictive.

These results have several limitations. As with any pre-post design, the threat of regression to the mean exists. This artefact is thought to hold a stronger influence when the frequencies of events are high during the pre-period (Maltz, Gordon, McDowell, & McCleary, 1980). This threat may be mitigated by the low frequency of pre-sentence offenses committed by Probationers. Furthermore, as offenders in the new program were sentenced with fewer offenses, there exists an increased floor effect in these participants' ability to show reductions in offending.

In terms of implementing an early intervention mandate, this report shows that it is possible to effectively implement offense-based juvenile sentencing guidelines with the exception of the Secure Care sanction. This sanction notwithstanding, the guidelines appear to have become a part of the sentencing practice of the juvenile court system in Utah. While they initially conflicted with the individualized sentencing practice of the court, court personnel have accepted the guidelines and found them to be useful.

The present analysis presents a mixed picture of the ability of a state to implement an intermediate sanction that is largely run by the Juvenile Court. Program quality and intensity varies considerably by judicial district. State Supervision offenders have high contact frequencies and are involved in more programming for a longer period of time than their Probation counterparts. But this finding hides considerable variation between and within districts. Program quality and intensity is dependent on the population density of the area in which it operates. The most urban and most rural areas have the greatest difficulty implementing a solid program. In the most rural areas, fewer offenders and service providers make developing an intensive program difficult. In the most urban areas, large staff turnover rates and widely diverse programs have led to highly variable program intensity and types of services provided. Regardless of location, State Supervision program outcomes are dependent on motivated staff who are willing to think outside of traditional Probation practice.

DISCUSSION OF RESULTS

This section presents the evaluator's views about the causes of this pattern of results. Explanations using the conceptual model are presented first, followed by

alternative explanations that appear plausible. Finally, the limitations of the study are given. The report concludes with a brief summary of how well the results have met project objectives.

Three possible areas of the conceptual model are considered to be factors influencing the stated outcomes, including increased uniformity of districts in number of offenses before Probation start, earlier entrance into probation and increased services and contacts.

Variability in number of offenses committed before receiving a sentence to Probation decreased in the probationer sample sentenced under the sentencing guidelines. Further, as intended, 59% of sentences for the Probation sanction are consistent with the guidelines. From this information, it appears the guidelines have impacted sentencing practice. As predicted by policy makers, the guidelines are associated with earlier sentences to Probation. Offenders sentenced under the guidelines were sentenced to Probation with an average of .14 fewer felonies and .80 fewer misdemeanor offenses. Although offenders were sentenced to Probation under the new program with fewer offenses, their average age was three months older. Essentially, the system increased the number of offenders entering direct supervision with fewer offenses.

Probationers failing Probation or in need of more intensive services in 1999 were provided with an intermediate sanction, which was more intensive and offered more services. Probationers receiving these services in 1996 did not. However, the difference between this intermediate sanction and regular Probation varied across the state. Given the uneven implementation and lack of clear differential results for individual districts, it is difficult to attribute reductions in recidivism to the new intermediate sanction. Reductions in the rates of re-offense appear to be more dependent on sentencing lighter-weight offenders to Probation earlier than on program effectiveness. This doesn't that the new program is not efficacious. The effects of the new program might be diluted by the uneven implementation of State Supervision. Even when comparing district differences, the lack of variation might be due to uneven implementation *within* each district. Tentative support of this hypothesis is found in the different pattern of results for the district that appeared to have the least difference between State Supervision and Probation. As reported in the Outcome section, this district showed worse results for offenders after the new program than before.

It is possible that the reduction in offenses in the probationer group sentenced under the new program a cohort effect. Nationally, rates of youth crime appear to have decreased substantially during the 1990's. For example, juvenile arrest rates dropped between 1996 and 1999 by 27%, from 3,862.85 to 2,837.68 per 100,000 youth (Synder & Stricklund, 1999). It is probable that this natural fluctuation in crime could produce the differences between years found in this evaluation.

In summary, it appears that impact of the new program on re-offense is modest. Current evidence supports attributing the reduction in offenses between groups sentenced before and after the new program to sentencing lighter-weight offenders to Probation and to modest effects of the apparent national reduction of youth crime. This could be due either to modest program effects or could be an artefact of measuring offense rates during a period of decreasing crime rates.

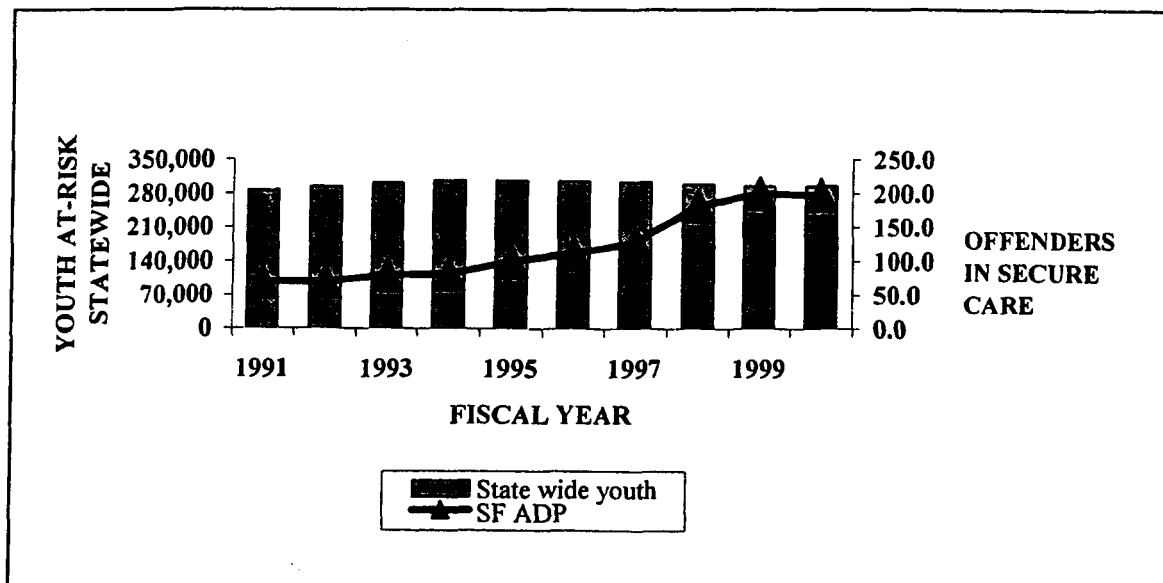
Rates of commitment to the Division of Youth Corrections did not show statistically significant differences before and after implementation. Several explanations

are possible in addition to attributing no effect to the new program. It might be a relatively more simple matter to effect earlier sentences to Probation than to effect fewer placements into the Division of Youth Corrections.

It may still be too early for a clear decrease to be evident. Average offender age at entering probation is 15.7 years. It is an average of 2.3 years before offenders are no longer at risk for youth corrections commitment. It is possible that despite uneven implementation, state supervision programs are successful in reducing re-offense rates of the group as a whole but not for individuals who eventually enter youth corrections. This could be due to the program having greater differential effects on offenders who are likely to produce felonies than on offenders who are likely to produce misdemeanors. Offenders in the probationer group sentenced under the new program had 18 days longer before first misdemeanor offense than those sentenced before implementation, but only 9 day longer before first felony offense. In addition, no difference was found in length of time before Youth Corrections placement. Even though the time to re-offense was lengthened across years, the time to placement was not.

Recent sentencing practices might also play a role in reducing program effects on rates of commitment. A sentencing trend in which offenders with fewer offenses are committed to Youth Corrections appears to have been operating since the early 1990's. For example, average prior offenses for offenders entering Secure Care in 1990 were 20.5 misdemeanors and 7.1 felonies. In 1999 offenders averaged 13.9 misdemeanors and 4.1 felonies. Offenders in 1999 averaged .9 fewer misdemeanors and 2.1 fewer felonies at time of commitment than 1996 offenders (Utah Department of Human Services, 1999). A similar trend was evidenced for Community Placements. As Figure 4.1 shows, this trend was concurrent with an increase in the Secure Care population (as plotted on the black line) and a stable at-risk population.

Figure 4.1 Increase in Secure Care Population Plotted Against Population At-Risk



Expansion of the Secure Care population comes after an increase in bed capacity and might represent an unmet need. Either way, clearly commitment to Youth

Corrections is dependent on several factors outside of the behavior of the offender. These factors might have nullified effects of the early intervention program on commitment to Youth Corrections.

Note that as stated previously, other research has shown that intensive early intervention programs can increase the number of offenders who penetrate further into the juvenile justice system by increasing the number of technical violations and detection of illegal activity (Tonry, 1998). While it appears that under the Utah program more offenders are being placed on Probation and State Supervision than in the past, it is not clear that the negative effects of this action have surfaced. In the current study, technical offense violations did not increase and re-offense rates were reduced for first-time probationers under the new program. Most importantly, the rate of commitment to Youth Corrections remained constant.

In summary, the juvenile justice system is serving more offenders at a time when crime rates are decreasing. These offenders have fewer offenses before Probation and fewer subsequent offenses. However, the rate at which offenders are entering the Division of Youth Corrections has not declined. The Utah early intervention initiative is a grand experiment to determine if earlier intervention can successfully challenge the widening of the net phenomenon that has always thwarted efforts at prevention. Only when reductions in commitments to youth corrections result from the earlier intervention can the Utah experiment be deemed truly successful.

RECOMMENDATIONS

This section presents recommendations concerning the implementation process identified by both the participants and researchers.

GENERAL

The legislature appropriated approximately \$10 million to Utah's juvenile justice system to create methods of earlier intervention. As stated in the introduction to this report, it was conceived that the money spent on this program would be evaluated for its impact on re-offense and commitments to Youth Corrections. Such an evaluation is constrained by the quality of the data available for analysis. Currently, reliable quantitative data is available from the Juvenile Information System (JIS) for many outcome variables concerning re-offense and commitment. However, if information on types and frequency of services provided is not gathered outcome data are difficult to interpret. For example, as this study has shown by using process data, there are reasons to believe that earlier intervention programs have been implemented but that an uneven implementation has most likely muted any practical gains. As the analysis of offender and probation officer self-report data of program involvement showed, one district where the State Supervision program was largely inoperable reported poorer outcome in terms of re-offense. Program information for this district was only available after expensive, time-consuming interviews. This example highlights the importance of gathering data on the services provided not only because it is indispensable to understanding the outcome data already gathered by the JIS. Utah currently has an essential opportunity to implement a systematic gathering of process variables in the JIS re-engineering project currently under way. Adding such information to the JIS re-engineering project would enhance administrative ability to connect program impact to services actually provided. Table 5.1 highlights information minimally necessary to reliably connect services provided with outcomes achieved.

Table 5.1 Recommended Process Variables for Inclusion with the JIS

Variable	Reason for Inclusion	Comments
Caseload Size	This variable used in conjunction with contact frequency and type allows examination of workload.	
Contact Frequency and Type	A calculation of the quantity and type of contact allows measurement of service intensity and shows whether qualitatively different contacts are associated with better or worse outcomes.	Both probation officers and program providers should input information.
Program Type Duration and Response	Including the programs an offender is provided, the duration and whether or not the program was completed allows assessment of how programs and combinations of programs affect outcomes.	This information also allows examination of the type of programs offenders have difficulty completing.
Correctional Plan	Including this variable in a manner that prompts officers to create measurable specific goals allows examination of the relationship between offender progress and outcome.	The correctional plan, if available to all parties providing services to a particular offender, can be used to assess how often the system meets its goals.

In addition to these process variables, specific appropriations for program development should be identified and tracked. Identifying and tracking appropriations is necessary to effectively examine outcomes. This didn't happen with some State Supervision funding.

An Internet-based system could be used to gather the necessary process variables from all areas of the state and all contracted providers. Entering process variables in a standard format also enables the system to prompt for required information when excluded or entered in a non-measurable manner. This data is critical to creating an effective correctional plan. As the current evaluation shows, most plans sampled included unmeasurable goals.

In summary, without readily available information on process variables, the juvenile justice system misses opportunities to highlight areas of success. For example, State Supervision offenders reported greater contact frequency than the court planned to achieve.

Communication of promising program components to other areas is also difficult. The number of respondents who asked for information on court districts' and correctional regions' activities surprised the evaluators. The Legislature and the people of Utah have the right to know how their money is being spent. Cost-effective information systems can gather information on outcome data such as re-offense and commitment rates as well as process data needed to make sense of these outcomes.

Future evaluation results will have greater integrity if minimal standards are set up for reporting outcomes. For example, when reporting the percentage of guidelines-consistent sentences, Sentencing Commission policy specifies what constitutes a consistent sentence. This allows evaluations to be conducted from a consistent starting point. Similar specifications should be used when reporting outcomes. Such a standard package would include decisions on whether re-offense is measured using incidents, episodes, charges or convictions, and what factors should be statistically controlled for (e.g. age and sex). A policy creating standards for reporting outcomes would minimize confusion over results that are different simply because they start with different outcome definitions.

GUIDELINES

While the Juvenile Sentencing Manual states, "There are occasionally circumstances which compel deviation from the guidelines" (Commission on Criminal and Juvenile Justice, 1997, p. 9), the commission has not specifically addressed what percentage of sentences this should effect. Without a desired benchmark, front-line personnel are uncertain whether they are meeting the goals of the guidelines and success application is established arbitrarily on an individual or district basis. If a benchmark is set, several considerations should be taken into account. From the current evaluation data, it is apparent that setting the desired level of guidelines-consistent sentences is a balancing process. Jurisdictions where compliance rates are set too high have found that sentencing becomes too restrictive (Yellen, 1996). In such cases, uniformity will occur at the expense of equality (Alschuler, 1991). Conversely, a level set too low begs the purpose of guidelines in the first place. Based on current levels of guidelines-consistent sentences (see Figure 3.2), a desired level of compliance might have more validity if established on a sanction-by-sanction basis. For example, setting the level of Other

Sanctions and Secure Care at 85% would require no change in the number of Other Sanction sentences but a 38% increase in the number of Secure Care sentences that are consistent with the guidelines.

Further guidance on when to aggravate or mitigate would help frontline staff increase the uniformity with which this happens. The Sentencing Guidelines Manual states, "The recommendations made to the judge should conform to the guidelines unless substantial aggravating or mitigating circumstances are documented in the recommendations" (Commission on Criminal and Juvenile Justice, 1997, p. 4). Interview participants differ on what they consider substantial. One probation officer summarized this situation by stating, "You can put a kid anywhere, really... You just aggravate or mitigate." If the aggravating and mitigating circumstances are to be reserved for atypical cases as the Juvenile Sentencing Guidelines Manual states, then front-line staff would be assisted by further definition of when to deviate from the recommended sentence. Altschuler (1991) has recommended approaching this issue by developing prototypical descriptions of offenders or circumstances that warrant deviation. These examples can then be used to guide aggravating and mitigating decision-making.

In addition to specifying a target level of consistent sentences, the definition and use of the episode approach should be clarified. Limiting the definition to all criminal behavior within one calendar day would eliminate the inherent complexity of attempts to ascertain what behaviors is part of a single criminal objective. Some respondents were also confused about how to adjudicate multiple episodes at a single hearing. Attempts to resolve this confusion have occurred at the district level where the chief probation officer or judge(s) provides a "working definition." While many respondents stated that this method clarified their resolved, it is apparent from the diverse definitions that there is considerable variation across districts.

Further training with the guidelines should be undertaken with prosecutors and defense attorneys. This training should be ongoing because of high staff turnover, reassignment of prosecutors and the low numbers of juvenile cases handled by most defense attorneys who participated in the current study.

In order to reduce problematic interactions that can occur between guidelines and plea negotiation process increased communication between prosecuting attorneys and probation officers before the actual court session must take place, ideally before the probation officer has created a recommended sentence.

Finally, ongoing feedback from Sentencing Commission to front-line personnel should be initiated. Currently, most participants had little reliable knowledge of how the guidelines have been received or how often actual sentences conform to guidelines recommendations. Areas listed above could be addressed in a yearly guidelines report which would provide personnel using the guidelines with accurate and uniform information. For example, if Youth Corrections case managers knew the aggravating/mitigating rates found in this study, their perceptions of the guidelines might be more positive and usage rates might increase. In addition, by encouraging proper guideline use, such a report could assist the Commission in keeping the guidelines a viable part of the system.

Because only 43% of offenders recall having seen the guidelines, educational efforts to increase awareness among offenders would be beneficial.

STATE SUPERVISION

Policy makers believed that, by allowing individual court districts and correctional regions to develop early intervention programs adapted to local needs, the resulting variety of programs might be evaluated with the most promising components adapted to other areas. In essence, this approach allowed for a degree of innovation and experimentation that would not have been feasible in a single, statewide program. The current study shows that many innovative program components have been developed. Some of these show promise. This section will highlight these components by presenting a recommended State Supervision program for urban, semi-urban and rural areas.

This program is, for the most part, based on the collective wisdom of the juvenile justice practitioners interviewed. No one court district showed superior results under the new program. As noted in the results, some districts showed a desire to add a component for every need. Given staff and budget constraints, the recommended programs cover core areas that most practitioners identified as offender needs. Table 5.2 provides a prototypical State Supervision program by population density. The table presents three rough categories of population density. Urban comprises the three most densely populated districts, Two, Three, and Four. Semi-Urban represents a collection of areas within rural districts that have a large enough population to support a probation office or more than two field probation officers. An example is the areas surrounding Tooele, Logan, and St. George. Rural covers areas with one probation officer serving one or more small towns.

Table 5.2 Recommended Components of State Supervision by Population Density

	Urban	Semi-Urban	Rural
Staff Components	State Supervision Caseloads are separated from Probation caseloads using State Supervision specialized Probation Officers and Deputy Probation Officers.	State Supervision Caseloads are separated from Probation caseloads using State Supervision specialized Probation Officers.	No division of Caseloads is possible.
Contact Components	Five in-person contacts are given weekly by having the offender attend after school social/educational classes provided by the Probation office or through a single contracted provider. Telephone contacts are used nightly and on weekends by Deputy Probation Officers.	Five in-person contacts are given weekly by having the offender attend after school social/educational classes provided by the Probation office or through a single contracted provider. Telephone contacts are used nightly and on weekends by Deputy Probation Officers.	Probation officer contacts offenders daily at school . For offenders outside of the probation officers daily travel area, a school or law enforcement contact is identified to make daily in-person contact. Weekend contacts are made by telephone where offenders have service. For others, specified call-in times are arranged.
Program Components			
<i>Family Interventions</i>	A single provider is used to provide parenting classes and family counseling using a fixed program length.	A single provider is used to provide parenting classes and family counseling using a fixed	Parenting classes/family counseling is provided once a month at District center in a weekend format.

Table 5.2 Recommended Components of State Supervision by Population Density

	Weekly parent-probation officer contact is required.	program length. Weekly parent-probation officer contact is required.	Telephone contact with the provider is used during the week in lieu of in-person contact using pre-arranged contact times.
<i>Educational/ Vocational Interventions</i> <i>and</i> <i>Restitution/ Responsibility</i>	An after-school program is provided either at the probation office or through a single contracted provider. Offenders report at 2:00 p.m. Programming runs until 6 p.m. and includes classes on life skills, employment, anger management, sex education, victim awareness and work crew. Tutoring is available. Hourly schedules are filled out for every day. Offenders are involved in work crews. Offenders not in school are enrolled in alternative education.	An after-school program is provided either at the probation office or through a single contracted provider. Similar to a day reporting center offenders report at 10:00 a.m. if not in school, 2:00 p.m. if in school. Programming runs until 6 p.m. and includes classes on life skills, employment, anger management, sex education, victim awareness and work crew. Tutoring is available. Hourly schedules are filled out for every day. Offenders are involved in work crews. All offenders receive this same program.	A workbook based program is used to meet offender needs such as the Step-Up program already in use in several areas. Probation officers review workbooks with parents during once a month weekend parenting class/therapy periods.
<i>Chemical Dependency/ Individual Therapy</i>	Chemical dependency/individual counseling are provided on an as needed basis.	Chemical dependency/individual counseling are provided on an as needed basis.	See narrative next page.
<i>Wrap-Around Services</i>	Used for individual offender needs.	Used for individual offender needs.	Used for individual offender needs.
<i>Short-term Placement</i>	Offenders place in Youth Corrections-run wilderness or work camp program	Same.	Same.

State Supervision funding given to the Division of Child and Family Services and Electronic Monitoring funds might be better spent contracting with rural providers or county mental health agencies. They would provide weekend parenting classes and family counseling or chemical dependency treatment and individual counseling. Provision of a structured after-school program should be considered where adequate staff levels exist since structured programs are given higher positive evaluations and have more offender contacts.

Many respondents requested information on approaches other districts were taking towards State Supervision. Communication via the Internet among probation officers and case managers would be an economical way to do this.

As mentioned earlier, the most common difficulties reported concerning sharing a single sanction among agencies were logistical. The most pressing need is clarifications of the intended progression between Juvenile Court and Youth Corrections within State Supervision. Currently in some areas, offenders are ordered into Youth Corrections placement immediately upon qualifying for State Supervision. This type of sentencing contradicts a graduated approach.

Other logistic difficulties mentioned by participants included file sharing, deciding fiscal responsibility and entering computer data. The new Juvenile Information System should make real-time file sharing possible. Administrators need to clarify responsibility for entering data entry. Finally, many persons felt the sanction should be renamed. To many offenders, State Supervision carries connotations of being placed in Youth Corrections custody. Several adult participants suggested naming the sanction Intensive Probation on the juvenile court side and Short-term Placement on the Corrections side.

FUTURE DIRECTIONS

The results of the current evaluation point to several areas that should be examined in future research. Most important is studying the long-term effects of intensive interventions on recidivism rates that might not be evident for several years after program implementation (Clear, 1991). The current evaluation followed offenders for one year after probation sentence. A lengthier follow-up period might illuminate the long-term effects of Utah's program, particularly for rates of commitment to the Division of Youth Corrections. Such an examination would help to clarify whether the effects of widening the net of social control will negatively impact attempts to reduce rates of commitment to Youth Corrections.

For the Juvenile Court, early intervention funding represented a paradigm shift from the traditional practice of brokering most services to direct service provision and contracting. When the State Supervision sanction was being conceptualized, some expressed concern about the court becoming more involved in direct service provision. These people feel the court should not be a legal agency and service provider. No authorization or duty for the court to do so currently exists. Other researchers have echoed this concern stating, "The Juvenile Court's primary flaw lies in the *idea* [Italics in the original] that we can successfully combine social welfare and penal social control in one agency" (Feld, 1998). Surprisingly, no judge raised this concern during the interviews. It is not certain that having the court responsible for sentencing to services and providing services is in the best interest of the offenders. Nor is it clear that it is not in their best interest. This study sheds some light on this issue but further research is needed.

This study didn't find clear evidence of differential district effectiveness in spite of widely divergent State Supervision programs. An in-depth analysis of the most divergent approaches when coupled with a longer follow-up period might provide better direction. Such an approach might clarify the most potent program components within a given context.

Looking at the sentencing guidelines, this study identified several patterns of sentence mitigation that support respondent's contentions that some offenders, particularly those recommended for Secure Care, are more difficult to place using an offense-based guideline. Examination of common characteristics of these offenders might illuminate methods to improve structured sentencing approaches.

As previously discussed, the number of minority offenders confined to secure care has consistently decreased since the implementation of the guidelines. Given that minority over representation is a persistent problem in juvenile and criminal justice systems, exploration of this finding might shed light on methods of reducing this disparity.

The above topics could be examined by compiling information on the demographics, presenting offenses, offending histories, and rates of aggravation and mitigation for each cell in the Sentencing Guidelines matrix. This approach would allow for analysis that would either support or refute those interviewees who believe that some youth and some types of crime are difficult to place under the guidelines.

The relationship between juvenile sentencing guidelines and bargaining has not been studied. Plea and charge bargaining practices appear to be widespread in the

juvenile court system. But study participants felt that few prosecutors and defense attorneys are aware of and use the guidelines. Further research should examine the possibility that some study respondents viewed the guidelines as implicitly promoting a plea negotiation process in which offenders are charged according to the sanction level desired and not by the crimes that have been committed.

Finally, the Juvenile Court has begun to implement a risk and needs assessment tool to structure the services that an offender receives within a particular sanction level. Many respondents reported using the aggravating and mitigating factors section of the guidelines as a type of needs assessment. It is possible that using these two policy tools together during the adjudication process could create confusion. An analysis of the effects of implementing a risk assessment tool on a sentencing guideline would be instructive.

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APPENDIX A

Description of Utah's System

The Utah Board of Juvenile Justice

The board was an initiative of the Utah Sentencing Commission whose primary mission is to look at juvenile justice. The board is made-up of 21 appointees from a variety of professions involved with the juvenile justice system. The board and commission are under the Executive branch of the Utah State government.

Juvenile Court

Utah's Juvenile Court system is a unified state-level system divided into eight districts. A board of juvenile judges has the responsibility for the overall operation of the court and is charged with the formulation of policies and procedures. Local administration for each district includes the court judge(s), a trial court executive, and chief probation officer(s). The court is charged with administering the Other Sanctions, Probation and in-home portion of the State Supervision sanctions.

Division of Youth Corrections

The Division of Youth Corrections is under the Executive branch of the Utah State government. The division is divided into three separate regions throughout the 29 counties of Utah. Local administration for each region includes a regional administrator and assistant regional administrator(s). The division is charged with administering the Secure Care, Community Placement, and out-of-home portion of State Supervision Sanction.

APPENDIX B

Description of the Sentencing Guidelines

The following description of the guidelines was compiled from the Sentencing Guidelines Manual produced by CCJJ to assist in training justice personnel on their intended use. From the viewpoint of the Sentencing Commission, as expressed in the sentencing manual, juvenile sentencing should focus on the particular circumstances of each criminal episode, offender, and victim. The guidelines are divided into two major parts: a 50-cell matrix of presenting offense by criminal history and a list of aggravating or mitigating override factors (see Figures B.1 and B.2). Criminal charges are grouped using an episode system. The Sentencing Guidelines Manual defines an episode as "all conduct which is closely related in time and is incident to an attempt or an accomplishment of a single criminal objective" (Commission on Criminal and Juvenile Justice, 1997, p.2). A guidelines recommended sentence is obtained by computing the presenting offense severity and the criminal history. The intersection of these two factors is a cell on the matrix that falls within the recommended sanction.

Description of the Continuum of Sanctions

Covering the continuum of interventions available in the juvenile justice system, offenders can be sentenced to five different sanctions:

Other Sanctions- The least intrusive sanctioning option available is composed of sentences for fines, restitution, and work hours.

Probation- The guidelines were structured to recommend probation earlier than previously with the objective to intervene earlier in an effort to halt further criminal development. Under the guidelines greater numbers of youth will enter probation with fewer previous offenses.

State Supervision- This sanction is a new sentencing option created alongside the guidelines. It was designed as an intermediate sanction to fall between probation and community placement. As mentioned in the introduction, this sanction was intended to deliver an intensified level of intervention for those juveniles who need more than regular probation service without removing them from the home. Most youth in this sanction are under the care of the Juvenile Court, although the Division of Youth Corrections and Division of Child and Family Services have responsibility for these youth if a short-term placement is needed.

Community Placement- This sanction comprises a continuum of residential and nonresidential services. Possible placements include work programs, proctor care, wilderness programs, group homes, and specialized programs focusing on sex, mental health, and substance abuse offenders.

Secure Facility- This sanction is the most intrusive sentencing option available under the current guidelines. The guidelines are structured to limit this sanction to the most serious offenders from whom the community needs protection.

Figure B.1 Juvenile Sentencing Guidelines Matrix

FORM 1

JUVENILE SENTENCING GUIDELINES

These are guidelines only. They do not create any right or expectation on behalf of the juvenile.

Criminal Episode History Assessment

I	0 to 3 Misdemeanor Episodes or 0 Felony Episodes
II	4 to 5 Misdemeanor Episodes or 1 Felony Episode
III	6 to 7 Misdemeanor Episodes or 2 to 3 Felony Episodes
IV	8 or More Misdemeanor Episodes or 4 Felony Episodes or 1 Person Felony Episode or 1 Firearm Felony Episode
V	5 or More Felony Episodes or 2 or More Person Felony Episodes or 2 or More Firearm Felony Episodes or Any Felony After Community Placement (Including Presenting Offense)

Disposition Assessment

Presenting Episode Severity

		A	B	C	D	E	F	G	H	I	J
		1st Degree Person Felony	2nd Degree Person Felony	3rd Degree Person Felony	1st Degree Property Felony	1st Degree Public Order Felony	2nd Degree Property & Public Order Felony	3rd Degree Property & Public Order Felony	Class A Misdemeanor	Class B Misdemeanor	Class C Misdemeanor
Criminal Episode History	V	SECURE FACILITY								Drug Related	
	IV										Not Drug Related
	III	COMMUNITY PLACEMENT									
	II						STATE SUPERVISION				
	I	PROBATION									

Sentence Suggested By Matrix: _____

Aggravating Circumstances (list number if applicable): _____

Mitigating Circumstances (list number if applicable): _____

Sentence Recommended: _____

Actual Sentence Imposed: _____

Figure B.2 List of Aggravating and Mitigating Factors

Aggravating Factors

Extreme Cruelty: Those facts surrounding the commission of a violent felony demonstrate such callousness and cruelty towards the victim as to shock the conscience of the Court.

Prior Violent Delinquent Conduct: Defendant has demonstrated by prior history of delinquency, a propensity for violent, delinquent conduct.

Repetitive Delinquent Conduct:

Repetitive Delinquent Conduct is adjudication for the same or similar offense on two or more previous, separate occasions or a gross number of prior offenses

Need for Secured Treatment: The Juvenile Offender is in need of rehabilitative treatment which can be most effectively provided in secured confinement.

Undo Depreciation of Offense: It would unduly depreciate the seriousness of the offense to place the juvenile in unsecured confinement.

Victim Suffered Substantial Injury or Monetary Loss: (1) The offense involved actual or attempted money loss substantially greater than typical for the offense; (2) The offense caused substantial physical or psychological injury to the victim.

Prior Abuse of Victim: On prior occasions, the offender has harassed, threatened, or physically abused the victim of the current offense.

Custody Status at the Time of the Offense: The offender was in the custody of the Division of Youth Corrections at the time the offense was committed.

Lack of Remorse/Undue Appreciation of Offense: The juvenile has demonstrated a total lack of remorse, an undue appreciation of the charge, or a lack of acceptance of responsibility with regard to the offense.

Supervision to Monitor Restitution: A long period of supervision is necessary to monitor the offender's restitution responsibilities.

Lack of Amenability (Cooperation) with Lesser Sanctions: The offender has demonstrated a lack of cooperation with lesser restrictive sanctions through violation of a prior or current period of probation.

Vulnerability of Victim: The offender knew, or should have known, that the victim was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

Juvenile Used Weapon: The juvenile used a weapon during the commission of an offense.

Prior Delinquent Adjudications in Other States: The juvenile has been adjudicated delinquent by other states.

Lack of Attendance/Participation in Educational Programs: The Juvenile has failed to attend or participate in school or other appropriate programs at the time of the delinquent acts and said failure was without proper excuse.

Probation Violations, Contempt, Etc.: The juvenile has probation violations, contempt orders, or non-judicial actions that should be considered.

Previously Qualified for a More Severe Sanction: The juvenile has previously qualified for a particular disposition, then re-offended with a recommendation of lesser severity than the original disposition.

Other:

Mitigating Factors

Victim Participation: To a significant degree, the victim was an initiator, willing participant, aggressor, or instigator of the incident.

Voluntary Redress or Treatment: Before adjudication the offender compensated, or made a good faith effort to compensate the victim of the delinquent conduct for any damage or injury sustained, or before adjudication, the offender voluntarily sought professional help for drug/alcohol treatment, or any other recognized compulsive behavioral disorders related to the offense.

Under Duress: The juvenile committed the offense under duress, coercion, emotional distress, threat or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

Inducement by Others: The offender, with no apparent predisposition to do so, was induced by others to participate in the delinquent act.

Physical/Mental Impairment: The offender, because of physical or mental impairment, lacked substantial capacity for judgement when the offense was committed. The voluntary use of intoxicants (alcohol or other drugs) does not fall within the purview of this circumstance.

Concern for Victim by Non-Principal: The offense was principally accomplished by another person and the offender manifested extreme caution or sincere concern for the safety or well being of the victim.

No Prior Adjudications: The juvenile has no prior adjudications.

Treatment Needs Exceeds Need for Punishment: The offender is in greater need of an available treatment program than of punishment through incarceration.

Assistance to the Prosecution: Offender rendered substantial assistance to authorities in the investigation and/or prosecution of this or other offenses or crimes.

Mental Retardation: (1) The offender is "significantly sub-average in general intellectual function (usually interpreted as an IQ score of 70 or less); and (2) "bias deficits in adaptive behavior" (has sufficient life skills to get along without constant assistance from others); and (3) "manifested the above handicaps during the developmental period".

Other :

APPENDIX C

Separate interview forms were developed for each round. Interview templates for juvenile justice practitioners are listed first, followed by templates for offenders.

Adult Template Round 1

ID#

(P.O./ Case Manager only) Specialized caseload?

Intake Field State Supervision Other:

How long have you been employed by (specific agency)?

Guidelines

(Judges only) Describe your sentencing philosophy?

Considering the following four statements, what is the order of their importance for the youth with whom you work?

1

4

Least Important

Most Important

___ The youth I see need psychotherapy or psychotherapeutic medication.

___ The youth I see need educational or vocational training.

___ The youth I see need to be held responsible for their actions.

___ The public needs to be protected from the youth I see.

Comments:

Is there another major area that the youth you see need help with that isn't covered by the statements above? Yes No

If yes, what?

Have the guidelines helped you in your work with juveniles? Yes No

Why or why not?

Has the experience of a juvenile in the system changed due to the implementation of the guidelines? Yes No

Why or why not?

Does it appear to you that judges, probation officers, prosecutors, defense attorneys, youth and their parents have a knowledge of the guidelines and their purpose?
 Do the guidelines appear to be considered by judges, probation officers, prosecutors and defense attorneys when deciding or recommending a sanction?

Have knowledge of the guidelines:
 Yes No Don't Know

Consider the guidelines:
 Yes No Don't Know

Judges
 Probation Officers
 Prosecutors
 Defense Attorneys
 Youth and Parents
 Comments:

Are there areas of the guidelines that are or were confusing? Yes No
 If yes, what areas?

How have these confusions been resolved?

Are there areas of the guidelines that seem to have problems? Yes No
 If yes, what areas and what are the problems?
 Area: Problem:

Should the way in which contempt charges are handled by the guidelines be changed?
 Yes No

Would you support making separate programs for these youth? Yes No

Would you support adding contempt points to the guidelines so that once a youth has a predetermined number of contempts, the guidelines would recommend placement in a more restrictive level? Yes No It is already happening like that.

Are the sanctions recommended by the guidelines, on average:
 overly intrusive appropriate too lenient ?

The 1999 Legislative Auditor's report on the Juvenile Justice System states "Although Utah uses a set of sentencing guidelines to determine the level of intervention, the sentencing guidelines do not account for all factors normally considered when deciding the specific type of intervention a juvenile should receive." Do you agree with this statement? Yes No

If yes, what factors do the guidelines not address that are needed in deciding a sanction level?

Risk factors

Others:

Protective factors

Substance abuse

School situation

Family situation

The sentencing guidelines were developed within the context of offending histories, meaning juveniles would be placed in a particular sanction level based only on the crimes they have committed. Risk and needs assessments were purposefully excluded because the policy makers believe these factors are more appropriately administered during treatment and release planning. Do you agree with this approach? Yes No
Why or why not?

What effect have the guidelines had on charge filing?

What effect have the guidelines had on plea bargaining?

(Judge only) Do you usually look at the guidelines before sentencing a case? Yes No

(Judge only) Are the guidelines attached to the cases you are sent? Yes No

(Judge only) Does the authority recommending a sentence usually provide you with a sanction that is guidelines based? Yes No

(Judge only) Do you consider the guidelines an intrusion into or attempt to control your discretionary powers? Yes No
Why or why not?

(Judge only) In general, how often are your sentences dictated by available placement?
Very often Often Sometimes Rarely Never

(Judge only) How often do you recommend a particular program for the youth, rather than a general sanction level?
Very often Often Sometimes Rarely Never

In your opinion, how often do your recommendations deviate from the guidelines?
Very often Often Sometimes Rarely Never

What are the most common reasons?

(Judge only) In your opinion, how often do your recommendations deviate from staff recommendations?
Very often Often Sometimes Rarely Never

What are the most common reasons?

Considering the list of aggravating and mitigating circumstances provided with the guidelines, are there aggravating and mitigating circumstances that do not appear on the list but should?

Yes No

If Yes, what are they?

Are there particular aggravating factors that would lead you to deviate from the guidelines in most cases?

Are there particular mitigating factors that would lead you to deviate from the guidelines in most cases?

(P.O./Case Manager only) When recommending a sentence to a judge do you suggest a particular program or only a particular sanction level? Program Sanction Level
Other: _____

(Pros/Def only) What criteria do you use to decide which programs to recommend a youth be placed in?

(P.O./case manager only) In general, how often are your recommendations dictated by available placement?

Very Often Often Sometimes Rarely Never

In your opinion, how often do judges deviate from your placement recommendations?

Very Often Often Sometimes Rarely Never

What are the most common reasons they do this?

What barriers have you seen in the implementation of the guidelines?

None Other:

How could the guidelines be improved?

Don't know Other:

Early Intervention Programming

Can you provide two correction/treatment plans for youth who are currently on your caseload?

Yes, attached to interview No, _____

What new programs has your district started since the guidelines were implemented?

What type of program is this?

How long have these programs been available to use?

Do these programs appear to be effective programs?

Name of Program	Type	Length Used	Effectiveness
		Not at all	Extremely
		1	5

How were these programs chosen?

Why were these programs chosen?

How do you decide what program to place a youth in?

Do you have specific criteria for what kind of youth each program accepts?

Yes No

(Chief P.O./TCE only)

Can you provide a copy of the following materials:

Yes, attached

No, because...

Orientation materials for youth on probation

Orientation materials for youth on State Supervision

Form used to make correctional plan for youth

Levels of probation and their requirements

List of programs you are currently using for probation and State Supervision (mark which are for each sanction)

Information on how probation was set up in 1996

Research has reported that a small percentage of youthful offenders are responsible for the majority of serious and violent crime. Do you have programs or interventions targeted towards these youth before they are entrenched in the system? Yes No
If yes, what are the programs?

If yes, how are these offenders identified?

Do you measure program effectiveness? Yes No
If yes, how?

Do you use a formal assessment form to evaluate each youth's risks? Yes No

If yes, can you provide a copy?

Yes, attached to the interview No, _____

Do you use a formal assessment form to evaluate each youth's needs? Yes No

If yes, can you provide a copy?

Yes, attached to the interview No, _____

Do you give your probation officers specific selection criteria for each program?

Yes No

If yes, can you provide a copy?

Yes, attached to interview No, _____

What is your district's current average case load per probation officer?

<12 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 >35

How has your case load changed since the implementation of the guidelines?

(P.O. only) What is your current case load?

6-10 11-15 16-20 21-25 >25

What are the levels of supervision you place youth into while on probation?

How do you decide which youth on probation need the most intensive supervision?

By compliance Other:

How often do you or the youth's tracker contact youth on each level:

face to face?

by telephone?

Level

Face to face

Telephone

What proportion of your contact time with youth is spent outside your office?

How do you involve the youth's family during probation?

Orientation

Call in if problems

Family counseling

How often do you drug screen your probationers?

All have Baseline

Other:

What happens if a juvenile tests positive for drugs?

Mandatory Treatment

No Treatment

Tested for dependency

Other:

How do you handle probationers who have been expelled or suspended from school?

Do you have a referral procedure for probationers who are doing poorly in school so that they will be tested for learning disabilities?

Yes No

If yes, how does it work?

Parole officer initiates

Left up too school

What proportion of your probationers are included in work crews?

How many times per week?

1 2 3 4 5

Are your probationers involved in electronic monitoring? Yes No

State Supervision

How is State Supervision set up in your district?

What do you think about the State Supervision category in terms of it's usefulness?

How are State Supervision programs differentiated from probation programs?

State Supervision is/has: more money more intensive different programs used

Other:

What are the levels of supervision you place youth into while on State Supervision?

How do you decide which youth on State Supervision need the most intensive supervision?

By compliance Other:

How often do you or the youth's tracker contact youth on each level:

face to face?

by telephone?

Level

Face to face

Telephone

How do you involve the youth's family during State Supervision?

Orientation

Call if problems

Family Counseling

Other:

How do you decide when it is time to move a youth from State Supervision carried out in the youth's home to State Supervision carried out in a community placement?

Continued criminal activity Probation violations/contempt Treatment Needs

Other:

Are there problems transferring a youth who is under State Supervision between Youth Corrections and the Juvenile Court? Yes No

If yes, what are the problems?

What barriers have you seen in implementation of the State Supervision sanction?

How could State Supervision programming or probation be improved?

Conclusion

What is your overall impression of the guidelines' and program changes' impact on the system?

I have no further questions. Do you have anything you would like to add? Yes No

Do you have any questions concerning the study? Yes No

Do you want to be contacted with the results of the study? Yes No Don't Care

Interviewer Observations

Summary Observations

on the guidelines:

on probation:

on State Supervision:

other:

Unusual occurrences or problems

Openness to interview: High Medium Low

Interviewee reliability overall: High Medium Low

Reliability problems on specific questions:

Other persons present? Yes No

If yes, who?

Adult Template Round 2

ID # []

Guidelines

Eighty-four percent of participants stated that the guidelines have helped in their work with juveniles. The three most common reasons respondents gave for the helpfulness of the guidelines included: Because they increase the uniformity, fairness and consistency of the juvenile system; structure decision making during the sentencing process and give a starting point or baseline to which an individual offender can be compared. One probation officer contrasted sentencing before and after the guidelines by stating, "Before the sentencing guidelines we just pulled [sentences] out of a hat." A rural chief probation officer characterized the usefulness of the guidelines as, "Now we are playing off the same sheet of music."

Comments:

In addition to reporting a high level of use for the guidelines among probation staff, 83% of the judges who were interviewed reported that a guidelines-based sentence recommendation is attached to most of the cases which they hear. Further, 16 of the 22 judges that we interviewed stated that they do not consider the guidelines an attempt to control their discretionary powers.

Does this seem accurate to you? Yes No

Why or why not?

The interview results currently support the view that while the guidelines are considered helpful by most of the persons we interviewed, applying them to actual cases is more problematic (difficult). Three problems arose consistently during our first round of interviews.

1- How to apply the guideline's definition of an episode is confusing for some people.

Would you agree? Yes No

Why or why not?

2- The computer software designed to assist in obtaining the recommended sanction level is perceived by a substantial number of persons as confusing or inaccurate.

(P.O. only) Some even mentioned that they calculate a sentence by hand in order to check the computer's accuracy. Do you see the computer program as having problems?

Yes No

Why or why not?

3- The plea negotiation process was also listed as interfering with the guidelines use when dropped offenses change the recommended sanction level. (For example the youth should have gone to State Supervision but because of dropped charges now qualifies only for probation.) Some probation officers felt plea bargaining made it so many sentence recommendations were calculated "on the fly" during the adjudication hearing. In some areas the process didn't appear to be a problem because there was communication with the prosecutors before court on what charges would likely be dropped.

Is this a problem? Yes No

Why or why not?

When aggravating or mitigating factors are used to change a sanction level, 90% are due to mitigating factors. Yet most respondents think the guidelines are helpful because they provide harsher sentences (or earlier intervention) and some desire even earlier intervention. These two findings appear paradoxical to us.

What do you think? In your view why is this the case (why do you think this occurs)?

Do you think that people in the system are using the guidelines differently now than when they were first implemented? Yes No
Why or why not?

How could the guidelines be improved?
Don't know Other:

State Supervision

When asked if the State Supervision sanction has been a useful innovation, study participants responded twice as often with positive over negative responses. Respondents who view the State Supervision sanction as a positive innovation expressed four common reasons.

- 1- State Supervision is viewed as a needed sanction level, one that adds a necessary step between probation and Youth Corrections.
- 2- Funding accompanying the sanction's creation have allowed for increased staff and subsequently lower caseloads. One probation officer characterized this change by stating "[it is] as different as night to day."
- 3- The programs created for State Supervision are viewed as effective at keeping kids out of Youth Corrections.

Comments:

A substantial number of participants, however, disagreed with the above views. These participants viewed State Supervision as a negative development.

1-These respondents felt one reason was because it is an unnecessary creation which had created confusion and problems for the juvenile justice system. Some of these respondents stated the sanction is confusing because it is shared among three agencies. A probation officer expressed his frustration over this issue when stating, "there is overlap between Youth Corrections and Juvenile Court ...[and] DCFS [Division of Child and Family Services] doesn't even know what [State Supervision] is!" Over three-fourths of our study participants do not feel there are problems transferring a youth between Juvenile Court and Youth Corrections while on State Supervision.

Do you feel there are problems sharing one sanction between agencies? Yes No
Why or why not?

(Judge only) how do you decide when it's necessary to move a youth from Juvenile Court State Supervision to Youth Corrections State Supervision?

2- Another reason given by respondents who viewed State Supervision negatively was a lack of administrative and legislative direction on how to implement the sanction. Participants stated they were confused over both the purpose of the State Supervision sanction and the 'nuts and bolts' of setting up the program. Speaking on the purpose of the sanction, a chief probation officer complained he had "no available exact definition of [what] State Supervision is."

Comment:

Some participants did not see "a real difference" between State Supervision and probation. They complained that the funding is "not going to new programs but to old programs and capital improvements."

What do you think about this view?

State Supervision programs appear to have been implemented by either creating the services using court personnel or by contracting with outside providers. Many chief probation officers appeared to encounter a difficult learning curve during this process because the Juvenile Court historically has been a service broker not a provider. A rural chief probation officer explained this process as a paradigm shift which involved learning to create and manage in-house or contracted programs. This chief talked about the difficulty in creating even a "decent" Request for Proposal form without having the benefit of past experience. The pressure of this learning curve was further increased under the short implementation time line established by the legislature.

Comments:

In our analysis of the first round of interviews, more positive responses towards State Supervision were found in districts which had developed a well-defined, standard State Supervision program. These programs usually consist youth who are on State Supervision attending a set daily program after school for several hours, have probation officers with State Supervision only caseloads and include a counseling component. In districts where this type of program existed, 91% of respondents viewed State Supervision as a positive innovation compared to 42% in districts without this type of program. Please look over this table and tell me, as far as you know if it accurately represents the State Supervision sanction in your district.

Comments:

Have you (or your district) made changes to the State Supervision program since last time we interviewed you? Yes No

If yes, what?

What do you currently think about the State Supervision sanction in terms of its usefulness?

What unique challenges has your area faced when creating the State Supervision sanction?

(How is it different implementing State Supervision in this area as opposed to other areas in your district or other districts?)

How could State Supervision programming be improved?

Conclusion

Overall (all things considered), after working with the guidelines and State Supervision sanction for sometime now, would you say the guidelines have helped in your work with Juveniles?

Guidelines Yes No

State Supervision Yes No

Interviewer Observations

Summary Observations

on the guidelines:

on State Supervision:

other:

Unusual occurrences or problems

Interviewee reliability overall: High Medium Low

Other persons present? Yes No

If yes, who?

Offender Template Round 1

ID#

What is your ethnic background? Caucasian Native American Hispanic Other

Male Female

Guidelines

Have you heard of something called sentencing guidelines? Yes No

If yes, how did you learn about them?

If yes, what do you think the purpose of these guidelines are?

Did anyone talk to you about how these guidelines (rules) would be used in your case?

Yes No If yes, who?

Experience with the system

How long have you been on probation?

Are you currently on probation or State Supervision?

If on probation, what level of probation are you on?

How many probation officers or case mangers have you had?

1 2 3 4 5 6 7 8 9 >9

How many times per week do you see your probation officer or tracker?

1 2 3 4 5 6 7 >7

Where have you seen your probation officer or tracker in the past two weeks? Office

Home School Community Center Work Crew Other

How many times have you talked to your probation officer or tracker on the phone in the

past two weeks? 0 1 2 3 4 5 6 7 >7

Has your probation officer or the judge had other persons visit you in your home? Yes

No

If yes, what was the name or the place they worked for?

If yes, how often did you see them?

Person/Agency

Frequency

What programs have you been put in while on probation or State Supervision?

How would you rate this program? 1 2 3 4 5

Horrible

Great

Do you think this program helped you?

Name

Rating

Helped

What program taught you the most?
Why?

What program taught you the least?
Why?

What has your family had to do as part of your probation?
Meet with P.O. Supervise juvenile
Counseling Parenting Classes
Other:

What have you had to do on State Supervision that you didn't do on probation?

Have you seen or talked to your probation officer and tracker more on State Supervision?
Yes No

Did your family have to do things when you went on State Supervision that they didn't have to when you were on probation? Yes No
If yes, what?

While you have been on probation have you been supervised by adults from 2 p.m. to 7 p.m.? Yes No
and State Supervision? Yes No

What have you been doing the past two weeks after school?
structured program parent/guardian supervision unstructured time other:

Have you been required to do community service or work hours on probation? Yes No
and State Supervision? Yes No

While on probation, have you been tested for drugs? Yes No
and State Supervision? Yes No

If they found drugs what did your probation officer do?
No action Court Discipline Treatment P.O. action

Were you expelled or suspended from school while on probation?
Yes No

If yes, did your probation officer or the judge make you go to an alternative school or program during the day? Yes No

Did your probation officer or the judge have you talk to anyone to help you with your grades? Yes No
If yes, who? Tutor Teacher Counselor Professional Don't know

What happens if you go to court for another problem that would be considered a major offense?]

What happens if you go to court for another problem that would be considered a minor offense?]

Each time you have committed a new offense have you received a harder punishment?
Yes No

Have you violated your probation with out getting caught? Yes No

Are there things that your probation officer/tracker/judge have told you to do that are confusing? Yes No
If yes, what?

How do you move up the levels while on probation?

What is the quickest way to get off probation?

What would make probation more effective?

Conclusion

That's all the questions I have. Do you have anything more you want to say about the things we have been talking about?

Do you have any questions about our study?

Thank you for allowing us to talk with you.

Interviewer Observations

Summary Observations
(including recurrent themes)
on the guidelines:

on probation:

on State Supervision:

other:

Unusual occurrences or problems

Openness to interview: High Medium Low

Interviewee reliability overall: High Medium Low

Reliability problems on specific questions:

Other persons present? Yes No

If yes, who?

Offender Template Round 2

ID #

What is your ethnic (race) background? Caucasian Native American Hispanic Other:

Male Female

Are you currently on State Supervision? Yes No

How long have you been on State Supervision?

What do you have to do because you are on State Supervision?

Contact

How many times in the last week have you seen your probation officer or tracker?

1 2 3 4 5 6 7 >7

Where?

Office Home School Community Center Work Crew Other

Have you seen your probation officer and tracker more on State Supervision than you did when you were on probation?

Yes No

Programs

In which State Supervision programs have you been placed?

Do you think these program helped you? Why or why not?

Name	Helped (y/n)	Why/Why not
------	--------------	-------------

How long are you in programs or classes each day? (This should only be State Supervision programs).

While you have been on State Supervision have you been supervised by adults from 2 p.m. to 7 p.m.? Yes No

Has your probation officer or the judge had other persons visit you in your home while you've been on State Supervision? Yes No

If yes, what was the name or the place they worked for?

If yes, how often have you seen them?

Person/Agency	Frequency
---------------	-----------

What has your family had to do as part of State Supervision?

How is State Supervision different than probation?

(Is it harder? Easier? How?)

Conclusion

That's all the questions I have. Do you have anything more you want to say about the things we have been talking about?

Do you have any questions about our study?

Thank you for allowing us to talk with you.

Interviewer Observations

Summary Observations
(including recurrent themes)
on the guidelines:

on probation:

on State Supervision:

other:

Unusual occurrences or problems
Openness to interview: High Medium Low

Interviewee reliability overall: High Medium Low

Reliability problems on specific questions:

Other persons present? Yes No
If yes, who?

APPENDIX D

The following form was used to structure analysis of the Juvenile Court case files.

JIS ID#

Examiner:

Date:

District:

Probation office providing services:

State Supervision or Probation

Time on: Probation (Include date starting and ending)
State Supervision

Contact history:

(Separate out by level if on Probation)

Level	Time of day	Location
-------	-------------	----------

Family contacts:

Comments:

Programs involved with:

(e.g. Positive Solutions, Counseling, Work Crew, Drug/Alcohol Ed. Life Skills, Anger Management, Electronic Monitoring and check list of District specific programs gathered from Round 1.)

Comments:

APPENDIX E

Three correctional plans are included in this appendix. The evaluators consider the first plan as helpful for guiding interventions as most goals are clearly specified in a concrete and measurable manner. The second and third plans have more global and less measurable goals.

ACCOUNTABILITY			
Offender Role:	Parent Role:	P. O. / Case Manager Role:	Community Role:
<p>██████ will comply with all of the following court obligations:</p> <p>A. Abiding by the probation rules as outlined in the probation order.</p> <p>B. Completing and turning schedules in on a timely basis.</p> <p>C. Completion of a psychological evaluation by June 1, 1999.</p> <p>D. Completion of a tobacco cessation class by July 1, 1999.</p>	<p>██████ and ██████ will assist ██████ through the probation process by:</p> <p>A. Providing transportation for ██████ as necessary to any needed probation conferences or other appointments as deemed necessary by the probation division.</p> <p>B. Reporting any violation of the probation order to the probation department immediately.</p> <p>C. Reviewing and signing schedules verifying approval to be turned in on a timely basis.</p> <p>D. Completing parenting classes through love and logic by July 1, 1999.</p>	<p>Probation will assure accountability by:</p> <p>A. Staffing ██████'s case on a weekly basis to insure obligations are being met.</p> <p>B. -Contacting ██████ at home, school, or place of employment to assure compliance with court orders.</p> <p>C. Imposing appropriate sanctions for non-compliance with court orders.</p> <p>D. Monitoring ██████'s progress in counseling if recommended by ██████'s psychological evaluation.</p>	<p>A. ██████ Junior High will notify probation of any violation of the court's orders.</p> <p>B. ██████ Junior High will inform probation of any educational assistance that might be appropriate for ██████.</p>

COMPETENCY DEVELOPMENT			
Offender Role:	Parent Role:	P. O. / Case Manager Role:	Community Role (education vs work):
<p>██████ will:</p> <p>A. Be registered in school full-time. If ██████ is not enrolled, probation will assign community service hours for him to be worked off on the court work crew program.</p> <p>B. Attend all needed probation conferences or appointments as deemed necessary by the probation division.</p> <p>C. Attend any needed counseling as recommended by a psychological evaluation.</p> <p>D. Attend and successfully complete the tobacco cessation program through ██████ Mental Health.</p>	<p>██████ and ██████ will:</p> <p>A. Participate in any treatment needed if deemed necessary by the probation division.</p> <p>B. Furnish transportation as necessary to any needed probation conferences or appointments.</p> <p>C. Verify school attendance, and report any absences to probation on a weekly basis.</p> <p>D. Monitor school grades, and will help to provide any needed educational assistance.</p> <p>E. Be reasonable in their requests and monitor his behavior at home.</p> <p>F. Attend and successfully complete parenting classes.</p>	<p>Probation will assist ██████ through the probation process by:</p> <p>A. Checking school attendance on a bi-weekly basis to ensure the ██████ is remaining in school, and checking on grades on a quarterly basis.</p> <p>B. Communicating with parent to verify behavior at school, and home are appropriate.</p> <p>C. Monitoring ██████'s progress in counseling to ensure his behavior and attendance are good.</p>	<p>A. ██████ Junior High will keep probation updated as to ██████'s academic progress on a quarterly basis.</p> <p>B. ██████ will update probation on a monthly basis regarding ██████'s progress in counseling.</p>

COMMUNITY PROTECTION			
Offender Role:	Parent Role:	P. O. / Case Manager Role:	Community:
<p>██████ will:</p> <p>A. Follow all established court and probation orders.</p> <p>B. Follow all approved schedules submitted to probation, and will receive approval for schedule changes 24 hours in advance.</p> <p>C. Not use any intoxicating agents, and submit to random tests for such agents as deemed necessary by the probation division.</p> <p>D. Report to the probation office upon request.</p>	<p>██████ and ██████ will:</p> <p>A. Support the court and probation with all established orders.</p> <p>B. Review weekly schedule, and sign verifying approval.</p> <p>C. Insure that ██████ turns in schedule on time.</p> <p>D. Report to the probation office upon request, and report any violations of the probation order to the probation officer immediately.</p> <p>E. Understand that they are responsible for ██████ and probation will not assume a parental role over him.</p>	<p>Probation will:</p> <p>A. Conduct random drug screens.</p> <p>B. Monitor compliance with the approved schedule by checking on ██████ in the places that his schedule states he will be.</p> <p>C. Schedule appointments as needed to review ██████'s progress, and assess any possible needs.</p> <p>D. Provide any information about collateral agencies available, to help family with any outlying problems that may be causing ██████ to violate his probation.</p> <p>E. Use appropriate sanctions to any violation of the probation order to insure compliance.</p>	<p>A. ██████ Junior High will notify probation of any violation of the probation order.</p> <p>B. ██████ will inform probation of any information that may be causing ██████ to violate his probation order.</p>

IN THE EIGHTH DISTRICT JUVENILE COURT
FOR [REDACTED] COUNTY, STATE OF UTAH

PROBATION SUPERVISION PLAN

STATE OF UTAH, in the interest of

[Handwritten Name]

PROBATION ORDER

Case No. *[Handwritten Case No.]*

A person under eighteen years of age: *[Handwritten Name]*

NAME - *[Redacted]* P.O. *[Redacted]*
CASE # *[Redacted]* *Early Intervention*
DATE: May 11, 1995

PROBATION LEVEL

HIGH MEDIUM LOW

IT IS HEREBY ORDERED that you be placed on probation under the supervision of the Probation Department of this Court under the following conditions:

1. That you obey all state and local laws, and report to the Probation Officer any arrests, citations or contacts with law enforcement.
2. That you attend school regularly unless released from attendance by the Board of Education, and provide the Probation Department with progress and attendance reports upon request.
3. That you reside with your parents or guardian and that you comply with their lawful requests, unless approved by your Probation Officer to live elsewhere for a temporary period.
4. That you comply with a curfew as established by law or earlier as determined by your Probation Officer or parent.
5. That you immediately notify the Probation Department of any change of your address, phone number, school or employment and that you provide the Probation Department with verification of employment upon request.
6. That you obtain approval from your Probation Officer before you leave the State, marry, purchase a motor vehicle, change schools or seek to enter military service.
7. That when fines or restitution are owed, you make no major purchase without approval of your Probation Officer.
8. That you report to the Probation Officer as directed and that you enter, participate and complete the usual and customary probation programs as directed by the Probation Department.
9. That all previous orders of the Court, including orders for fines, restitution and/or work hours, remain in effect and are due and complete on the ordered due date if applicable.

SPECIAL CONDITIONS

1. That you pay restitution of \$ *[Redacted]* and/or fine of \$ *[Redacted]* to be paid on or before *[Redacted]* and at a rate of least \$ *[Redacted]* per *[Redacted]*
2. That you pay a surcharge of \$ *[Redacted]* to be paid on or before *[Redacted]*
3. That you complete *50* work hours with the Juvenile Court Work Program and/or community service work hours to be completed on or before *December 1, 1995*
4. That you enter into and complete a program of treatment or mental health counseling as directed by the Probation Department.
5. That you be evaluated by a drug and alcohol program and enter into and complete any counseling or treatment recommended as a result of such evaluation.
6. That you do not drive or operate a motor vehicle for a period of *[Redacted]* months or until you obtain a valid drivers license if you do not now possess one.
7. That you operate a motor vehicle only to and from school work or at other times as authorized by your Probation Officer.
8. That you have no contact or association with *[Redacted]*
9. That you maintain full time employment if lawfully excused from further attendance at school.
10. That you participate in and complete *[Redacted]* training as directed by the Probation Department.
11. That you do not frequent any places where drugs are used, sold or otherwise distributed illegally or associate with those involved in the use, sale or distribution of drugs.
12. That you submit to search and seizure from law enforcement for detection of drugs, weapons or other illegally possessed items.
13. That you submit to chemical testing for controlled substances and assume responsibility for payment of test.
14. That you remain at home, school, place of employment or in the presence of your guardian for a period of *30* days or until released by your Probation Officer.
15. Other: *[Redacted]*

1. COMMUNITY PROTECTION
COURT ORDER(S):
State Supervision Probation 27 days of 27 days in detention

PROBATION GOALS:
Provide appropriate level of supervision

2. ACCOUNTABILITY
COURT ORDER(S):
50 hours of community service, \$12.00 in restitution, Drug Alcohol evaluation, At contact - Cory Reed

PROBATION GOALS:
Complete by due date

3. COMPETENCY DEVELOPMENT
COURT ORDER(S):
Anger Management, School

PROBATION GOALS:
Attend Classes

APPENDIX F

Table 1.1 Relationship of Evaluation Questions, Methods and Results

Objective	Specific Question	Method of Measurement	Results										
Assess the ability of a state to implement juvenile sentencing guidelines	Was there an adequately high level of guidelines-consistent sentences to assume an effect on uniformity?	The percentage of guidelines-consistent sentences was analyzed using data provided by CCJJ for all sentences since implementation.	<p>The guidelines as a whole are followed for most sanctions most of the time.</p> <table border="1"> <tr> <td>Other Sanctions</td> <td>91%</td> </tr> <tr> <td>Probation</td> <td>59%</td> </tr> <tr> <td>State Supervision</td> <td>59%</td> </tr> <tr> <td>Community Placement</td> <td>75%</td> </tr> <tr> <td>Secure Care</td> <td>47%</td> </tr> </table> <p>Excepting Secure Care, the percentage of sentences consistent with the guidelines varies less than 10% statewide.</p>	Other Sanctions	91%	Probation	59%	State Supervision	59%	Community Placement	75%	Secure Care	47%
	Other Sanctions	91%											
Probation	59%												
State Supervision	59%												
Community Placement	75%												
Secure Care	47%												
	Were offenders put on Probation earlier than in the past?	Using the Juvenile Information System database, differences in the number and type of pre-probation charges of offenders sentenced to Probation for the first time before and after the guidelines implementation were examined.	The mix of offenses for first-time probationers was similar. However, offenders sentenced after implementation of the sentencing guidelines had fewer prior offenses on both felony (.14 less) and misdemeanor (.80 less) episodes.										
Assess the ability of a state to implement an intermediate sanction	Were additional probation officers hired?	The number of probation officers was collected during interviews with the chief probation officer in each judicial district.	Information obtained from the chief probation officer in each judicial district showed that a total of 60 full-time equivalent personnel have been hired, 37.3 for the State Supervision sanction.										
	Were caseloads reduced to 20 youth per probation officer?	The number of probationers per full-time probation officer was reported before and after implementation of the new program by the chief probation officer in each judicial district.	Caseloads were reduced from an average of 29 in 1996 to 20 in 1999.										
	Did contact increase?	The frequency and type of contacts for offenders receiving services after program implementation was	Statewide, the contact frequency is substantially higher for State Supervision offenders than Probation offenders, an average of 1.68 in-person and 5.7 telephone contacts more per week than Probation offenders. There is little										

Table 1.1 Relationship of Evaluation Questions, Methods and Results

Objective	Specific Question	Method of Measurement	Results
		reported using data gathered from offender and probation officer interviews.	difference in where offenders on Probation and State Supervision are contacted. While the electronic monitoring system was reported by court staff to be available in every district with the exception of Districts Seven and Eight, use of this type of monitoring for State Supervision offenders was quite low.
	Were State Supervision services created based on the specifications listed and local needs?	The number and type of services provided for offenders on Probation and State Supervision is reported using data gathered from offender and Probation officer interviews.	Characterizing a State Supervision program is a difficult task. For most of the state, the services that comprise the State Supervision sanction vary widely from office to office within each district. Some even vary at the level of the individual probation officer. While this variation is not necessarily a sign of problems, it makes meaningful evaluation difficult. Further, many of the same programs appear to be used for both Probation and State Supervision offenders with the only difference being that State Supervision offenders attend a larger number of these programs. Interviews with Probation and State Supervision youth show that State Supervision programs are more intensive than those offered for Probation. State Supervision offenders report spending an average of 2.85 hours a day in classes, with a range of zero to 12 hours. Eighty-two percent of these offenders also report being under the supervision of an adult (either with the court, a parent/guardian, at work, or in a program) during the majority of the high crime hours between 2 p.m. to 7 p.m. as opposed to 49% of Probation offenders. Fifty-seven percent of State Supervision offenders who were expelled or suspended from school while on the sanction reported being placed in an alternative program or work situation by their probation officers. Fifty-nine percent of offenders on State Supervision who reported positive drug tests also reported being in or having been in a treatment program while on State Supervision compared with twenty-six percent of Probation offenders. Ninety-five percent of State Supervision offenders and 85% of Probation offenders reported involvement with work crews or supervised community service. Forty percent of offenders reported their families participated in family counseling or parenting classes. Most offenders have written correctional plans however most lack measurable goals. The Division of Youth Corrections has created short-term out-of-home placements in each region. The Division of Child and Family Services funding could not be tracked as the funding was mixed with general funds. No State Supervision

Table 1.1 Relationship of Evaluation Questions, Methods and Results

Objective	Specific Question	Method of Measurement	Results
Assess the effectiveness of the new program on reducing criminal Activity and rates of commitment to Youth Corrections	Did the number of offense episodes after Probation decrease?	A sample of first-time probationers sentenced before the new program were compared with a sample sentenced after the new program. Pre- to post-charge episode change was assessed using repeated measures Analysis of Covariance. Differences in the time to re-offense for felonies and misdemeanors were compared using survival curve analysis. Recidivism rates were examined by charges, rather than convictions, in order to obtain a sufficiently long follow-up period. Charges were defined using an episode system in which only the most serious charge in a calendar day was included. Linear Regression was used to predict post-offending across years, taking into account prior offenses differences.	services appear to have been developed by this agency. Offenders in 1996 averaged 2.77 offense episodes pre-probation and 1.16 post-Probation. In comparison, offenders in 1999 averaged 2.11 offense episodes pre-Probation and .86 post-Probation. In addition to fewer post-Probation offense episodes, probationers sentenced under the early intervention program also had a significantly longer period of time before first post-Probation charge (felonies and misdemeanors) than those sentenced pre-implementation. The average number of technical violations was similar for both groups, with first-time probationers in 1996 averaging .82 violations and those in 1999 averaging .80. While improvement between years is evident, the year in which an offender was sentenced to Probation, while a statistically significant factor in predicting the number of post-charges increased the predictive capability of a regression model including age at start, prior offenses and sex by only .2%. Prior offenses and age at start of probation was most predictive of post offenses.
	Were fewer offenders committed to the Division of Youth Corrections?	Chi-Square analysis was conducted on the before and after probationer groups to assess for differences between groups in the rate of commitment to the Division of Youth Corrections. A commitment was defined as an order to either Community Placement or Secure Care. Survival Analysis was used to examine group differences in time to commitment to Youth	A difference between the percentages of offenders entering the custody of youth corrections between years was not statistically significant (12.3% in 1996 and 10.0% in 1999). In addition, offenders in the early intervention group showed no significant differences in time lapsing before commitment to the care of Youth Corrections. The year in which offenders were sentenced was not significantly predictive of placement in Youth Corrections.

Table 1.1 Relationship of Evaluation Questions, Methods and Results

Objective	Specific Question	Method of Measurement	Results
		Corrections custody. Logistic Regression was used to predict commitment based on year, taking into account prior offending differences.	
Identify local approaches to the new Programs that show promise	What were the comparative outcomes for individual court districts?	Pre- and post-charge episodes were analyzed using repeated measures, Analysis of Covariance. Chi-Square tests were used to assess differential commitment rates across districts.	<p>Results show the differences between years across individual districts are slight. Differences were found between District Four and District Two North in comparisons of pre-post differences. Qualitatively, both of these Districts have a distinct, well-defined State Supervision program. The difference appears to stem from a greater reduction of pre-probation offenses in District Two North. This might be attributed to following the guidelines at a higher rate in this district. No districts had a significant decrease in the rates of commitment to Youth Corrections before and after program implementation.</p> <p>Separate analysis of rural districts showed no significant differences in pre-post changes across years. However, District Six was the only judicial district to show a different pattern of results under the new program with an increase in post-probation offenses after program implementation. Viewed in light of the qualitative analysis, the district showing increases in average post-probation offense episodes across years, District Six had lowest intensity and least structured services overall of any district.</p>

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