

# Juvenile Justice Reform Act of 2018 Implementation

## Behavior Response Systems

### Overview

A behavior response system uses immediate, certain, and proportionate sanctions and incentives to reinforce positive behaviors and eliminate negative behaviors of youth on community supervision. Behavior response systems typically provide probation officers (POs), youth service officers (YSOs) and family service workers (FSWs) with a response grid or menu with a continuum of positive or negative response options for the supervising official to use based upon the youth's immediate behavior, including its intensity and seriousness (positive or negative), the youth's prior behavior, and the youth's risks and needs.

So, the youth's risk-and-needs assessment information and individualized case plan (which documents the youth's ongoing behavior and progress while supervised) assist in informing supervisors regarding the most effective behavioral incentives and sanctions to use in a youth's case. This immediate positive or negative reinforcement through incentives and sanctions results in more effective accountability for youth and thus reduced recidivism.

**Sanctions** are used to swiftly and proportionately respond to violation behaviors.

**Incentives** are used to swiftly encourage positive behavior and reward compliance with terms and conditions.

### Tennessee Legislation

**37-1-173(d)** - Requires supervising authorities to adopt and use a behavior response system that addresses negative behaviors and incentivizes positive behaviors, includes a continuum of swift, certain, and proportionate responses based on the nature of the positive or negative behavior, and targets the youth's risk and needs and the severity of supervision violations

**37-1-173(e)** - All violations and positive behaviors must be documented in the youth's individual case plan within 3 judicial days of occurrence, including the type of violation or positive behavior, the response, and the results of the response.

**37-1-131(a)(2)(A)(v)** - Upon finding a violation of probation, the court may modify the probation conditions consistent with a risk-and-needs assessment, but cannot commit the youth to DCS for a probation violation unless:

- the youth is separately adjudicated and placed; or
- the youth is in imminent risk of danger and in need of specific treatment or services available only in DCS custody.

**37-1-131(a)(7)(F)** - Prohibits removal from the home or DCS placement simply for failure to complete community service or conditions associated with community service

### Rationale

A youth's perception of the **certainty of punishment** has the greatest effect on deterring future delinquency, rather than length of stay or uncertain punishment, and youth are also **more responsive to immediate sanctions and incentives** than long-term consequences.

So, **using swift, certain, and proportionate graduated sanctions** for technical violations of probation conditions has led to **less detention admissions and probation violations** in several places, including Union County, North Carolina, Maryland, and Hennepin County, Minnesota.

Youth are also **more responsive to external rewards** than adults and **less responsive to degrees of punishment**. So, a **combination of sanctions and incentives**, in which the youth often receives praise and positive reinforcement to encourage taking pride in achievements but also knows he/she will be held accountable for any negative behaviors, is **most effective at reducing recidivism**.

In fact, **using incentives more often than sanctions** increases the likelihood of successful completion of supervision because incentives **create internal motivation for positive behavior**.

**Utilizing risk-and-needs assessments** in determining **how to target the use of sanctions**—with higher levels of sanctions targeted to higher-risk offenders—most efficiently and effectively utilizes the supervising authority’s limited resources.

### State Examples

- **Florida**
  - Florida’s [DJJ Effective Response Matrix](#) considers the seriousness of the violation (determined by victim impact, community impact, relation to underlying offense, frequency of violation, duration of violation, and compliance), along with the risk of reoffending. This matrix also has an Incentive Plan, with qualifiers and incentives.
  
- **Georgia**
  - Georgia has developed the following [DJJ Graduated Sanctions Grid](#).
  
- **Maryland**
  - The Department of Juvenile Services adopted the [Accountability Incentives Management \(AIM\) Program](#) which is designed to structure case manager decision-making when responding to positive or negative behaviors of supervised youth. The Graduated Responses grid determines the appropriate response based on the level of the infraction and the level of youth supervision, ranging from a verbal warning to a formal violation.
  
- **Missouri**
  - The [Missouri Classification Matrix](#) allows juvenile justice professionals to use risk scores to appropriately link offenders to a set of graduated sanctions intended to reduce the likelihood of re-offending.
  
- **Oregon**
  - Since 2008, Oregon has used a [Graduated System of Incentives, Interventions and Sanctions](#) for youth offenders on probation, broken down by minor, moderate, and serious violations and responses. The Oregon system provides that: “research strongly suggests that detention should not be used for low risk youth offenders because it can actually increase risk to re-offend, due to the low risk youth’s contact and interaction with high risk youth in detention. Detention for medium risk youth should be considered after other available interventions and sanctions have been tried and were not effective in reducing risk to re-offend and/or changing the youth’s negative behavior.”