

EXECUTIVE SUMMARY

PART 1

REVOLUTIONIZING PROBATION

FROM PUNISHMENT TO COMMUNITY-LED SAFETY



THE
GAULT
CENTER
Defenders of Youth Rights

YEAH
YOUTH EMPOWERMENT FOR ADVANCEMENT HANGOUT



Probation surveils. Probation controls. Probation punishes.

**IT IS TIME TO MOVE FROM
SURVEILLANCE TO SUPPORT,
CONTROL TO CARE,
AND PUNISHMENT TO POSSIBILITY.**

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WHAT YOUNG PEOPLE ARE SAYING ABOUT PROBATION¹

Young people who were interviewed about their experiences on probation commonly shared that they felt surveilled, controlled, and punished, rather than supported.

“Everything you do is like you’re getting monitored, **like you’re on a leash** . . . they’re your new mom and dad at that point, and if you don’t do what they say, you’re going to go to jail.”

“It put me in a **constant state of fear** and like I was always being watched.”

“I was young when I got into the system, and they **forced me to be an adult** when I wanted to go to school, I wanted to have a career. I had to let all of that go and become an adult.”

“Anytime that I wasn’t sitting there constantly freaking out, **going over every different scenario in my head of how I can mess up**, I was depressed about the fact that I may just end up back in jail and that took its toll on me.”

The common themes across young people’s experiences—that probation surveils, probation controls, and probation punishes—reveal a chasm between probation’s goal to keep communities safe while supporting youth and the actual impact of how probation is being experienced by young people and their families and communities. This failed experiment lasting nearly two centuries comes at the expense of lost childhoods, wasted resources, and broken dreams of countless youth in our country and warrants, at the very least, an earnest re-evaluation of how we approach probation.



A MORE COMPLETE HISTORY OF JUVENILE PROBATION²

A LIMITED ORIGIN STORY, FEATURING REHABILITATION

1825

New York
opens the
first House
of Refuge

1841

Community
supervision is first
ordered in court in
Massachusetts

1878

Massachusetts is
the first state to
formalize probation
through legislation

1899

Illinois opens
the first
juvenile court

1825

1845

1865

1885

1905

1825-1865

Legal enslavement of Black children
and adults

1865-1930

Black Codes and convict leasing schemes restore forced
labor practices through carceral systems

1857

Dred Scott v.
Sandford affirms
racial hierarchies

1896

Plessy v. Ferguson
affirms racial
segregation

A MORE COMPLETE ORIGIN STORY, FEATURING SOCIAL CONTROL

1925

1945

1965

1985

2005

2025

1930-1950

Policing and
juvenile court
systems administer
state-sanctioned
racial violence and
terror in the name
of crime control at
the height of the
Jim Crow Era

1950-1970

Suppression of civil
rights activities
is reinforced
through juvenile
incarceration
and probation
under the guise
of public safety

1970-2000

War on Drugs and Crime
become proxies to surveil,
control, and criminalize
Black and Latine communities,
supercharging systems of
policing and punishment

2000-Present

Delinquency cases are
declining, yet racial disparities
deepen as we persevere
a cyclical pattern where
inequitable structures breed
societal and individual biases
that foster racial inequities

1974

Robert Martinson
releases an
unsupported
claim he later
retracts arguing
that “nothing
works” and
calling for harsher
punishment,
amplifying
racialized fears

1995

John Dilulio
releases an
inflammatory
report he later
retracts using
racially coded
terms to associate
Black youth with
crime and danger,
resulting in a race
to harden juvenile
court laws and
policies



DISMANTLING PROBATION AND REVOLUTIONIZING COMMUNITY CARE

We must embrace change rooted in an acknowledgment of past probation system failures, awareness of current probation system behaviors, and movement toward a horizon where probation systems honor our collective humanity with supportive practices that allow young people and communities to thrive.

Research has shown that surveillance-oriented probation does not work.³ What youth and our communities need instead is a well-resourced social fabric that supports and promotes healthy development that exists in the community and for the community.

Revolutionizing probation from control and surveillance to community connection and support demands a holistic shift in culture, practice, and policies. It requires dismantling the current form of probation that prioritizes control, surveillance, and punishment,

while simultaneously building communities of care that focus on delivering true healing, accountability, and developmentally appropriate support.

As this shift is underway, probation can play an important role in building trust with youth and community leaders so that probation can support youth by connecting them to community resources and services designed to promote healthy development, healing, and accountability—keeping youth and communities safe.



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JOIN THE JUVENILE PROBATION ACCOUNTABILITY COALITION

Youth Empowerment for Advancement Hangout (YEAH Philly) and the Gault Center are committed to dismantling juvenile probation and revolutionizing community care and will be convening a coalition, holding webinars, and working with youth to expose the realities and systemic harms of probation, all the while testing bold alternatives to probation that are rooted in community care instead of surveillance and control. Our aim is to ultimately create a national blueprint to end mass supervision and strengthen pathways for community-based healing, accountability, and safety for all youth.

Recognizing that we can create lasting change when we work together, we are looking for partners who are interested in joining the [Juvenile Probation Accountability Coalition \(JPAC\)](#) to build toward a future that moves us away from mass supervision and toward community-based support that holds generative possibilities for all youth. JPAC will offer a range of opportunities for partner involvement based on your capacity, availability, and interest.

If you are interested in learning more, please contact:

Kendra Van de Water at kvandewater@yeahphilly.org or HyeJi Kim at hkim@defendyouthrights.org.

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¹ The youth perspectives outlined in this section are based on the Gault Center's interview of twenty-five youth who had previously experienced juvenile probation across the country.

² See generally Jyoti Nanda, *Set Up to Fail: Youth Probation Conditions as a Driver of Incarceration*, 26 LEWIS & CLARK L. REV. 677 (2022); GEOFF K. WARD, *THE BLACK CHILD-SAVERS: RACIAL DEMOCRACY AND JUVENILE JUSTICE* (2012); Robin Walker Sterling, *Fundamental Unfairness: In re Gault and the Road Not Taken*, 72 MD. L. REV. 607 (2013); VINCENT SHIRALDI, *MASS SUPERVISION: PROBATION, PAROLE, AND THE ILLUSION OF SAFETY AND FREEDOM* (2023); THE SENTENCING PROJECT, *BLACK DISPARITIES IN YOUTH INCARCERATION: BLACK YOUTH ALMOST FIVE TIMES AS LIKELY TO BE INCARCERATED AS WHITE PEERS* (2023).

³ THE ANNIE E. CASEY FOUND., *TRANSFORMING JUVENILE PROBATION: A VISION FOR GETTING IT RIGHT* 6-10 (2018).



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