

Senate Judiciary Presentation Senate Bill 1245- October 1, 2018

Introduction

Good morning. On behalf of myself and my colleague Russell Carlino, I'd like to thank you for the invitation to testify here today. In a moment Russ will introduce himself, but I am Elizabeth Fritz, the Chief JPO Of Lehigh County and a past president of the Council of CJPO. I also chair or am a member of various committees that support much of the work being done in PA, including our state leadership team.

We are pleased to be able to testify and explain to you today- about the PA JJ mission and how that drives our work every day through this commonwealth. We hope to outline for you the various reform efforts underway in PA. JJS, and how our approach to this work is much different than at any other time in history of the JJS. We will stress that this work can not be done without a very structured and deliberate approach, and clearly has been successful thus far, because it is done in a collaborative and committed partnership with the Chiefs Counsel, PCCD, JCJC and many other system partners including our providers.

My career started as a Probation Officer in 1982 a long time ago and since then we've seen many changes. But when we talk about current system changes, I'm not solely referring to changes to laws, or rules or the Juvenile Act. Our BARJ mission remains our mandate, but the practices we have started to put in place to help achieve that mission, are based solidly on research and evidence -they are data driven.

And when we say evidence based – it's not just a term that we often hear thrown around these days, it is the reality of what we practice – every single day. Probation looks very different than in 1982 and we have surrounded ourselves with some of the best researchers, universities, consultants and national experts on how to best implement these changes.

You see, in order to achieve some of the good outcomes we are beginning to see- there needs to be an intentional approach to implementing all of this-it's not simply one policy here or there, it is also a change in mindset on how we deliver probation throughout PA, based on best practices and research. And we are holding each other accountable to do things the right way.

Our probation officers are more skilled and trained than ever before, they understand that our goals also include developing strategies that reduce the risk for a youth to reoffend- known as risk reduction, but also to effectuate **long term** behavior change with the youth they supervise. They understand the importance of structured decision-making tools. We no longer are brokers of services or case managers, but change agents. We no longer solely rely on our gut instincts for how to supervise youth but understand the importance of risk and need. And we've learned how we can make better decisions about our system and do so in a cost-effective manner.

PA. is recognized nationally for the work we are doing- acknowledged as being one of the most progressive states in these various reform efforts and the outcomes we are beginning to see

support that. Outcomes such as committing less youth to placements, placing less youth in detention facilities, and saving millions of dollars, all while seeing some reduction in recidivism.

Over three decades, we have had three key developments that have shaped our system: BARJ language incorporated into the Juvenile Act, PA's involvement in the MacArthur Foundations Models for Change initiative and the creation of our JJSES which was kicked off in 2012.

We hope to demonstrate to you why Senate Bill 1245 is so important. So that we can continue these efforts, much more work to be done, but more importantly so that we can sustain these efforts in PA. So that we can continue to have safer communities, more competent/healthy youth and save costs along the way.

Thank you for this opportunity, Russ will provide some context to our BARJ and MFC involvement. **Russ: BARJ and MacArthur Foundation- then turns back to me.**

Juvenile Justice System Enhancement Strategy

Russ nicely outlined the mission of our system-BARJ; as well as how MfC helped raise our awareness about some of these evidence-based approaches.

One of the key areas during and toward the end of MacArthur was our understanding of what the research said about the strategies and instruments we can use to reduce the likelihood of someone reoffending. What we refer to as risk reduction.

We learned about 4th generation actuarial risk assessments- validated tools that could be used to help us identify which youth were the greatest risk to reoffend, and in what areas were they most at risk, so that if we focused on were changeable, reducing the chance to reoffend.

While many of us understood and could identify some of these things based on our own experience and judgement, we now had the opportunity to utilize a validated instrument to help us assess youth and appropriate match services to their need.

This herein is the cornerstone to the work of our Juvenile Justice System Enhancement Strategy.

With the assistance of the MacArthur Foundation, National Youth Screening and Assessment Partners, JCJC and PCCD, after critical and rigorous evaluation process, in 2008, decided to utilize a risk assessment and selected the Youth Level of Service/Case Management Inventory. One of the most researched risk assessments available in JJ based on the adult LSI – Andrews and then Hoge in 1984, This decision was one of, if not, the most significant changes to all of the work being done in PA.

The YLS provides us with a valid and reliable way to assess the risk level of a youth and provide adequate supervision based on that risk. The YLS tells us **who** we should focus our attention,

it helps us recognize those youth who are more moderate or high risk and those who require most supervision or interventions.

The assessment along with the professional judgement of PO's, identifies those youth who are low risk/self-correcting and for which we should be limiting our involvement, as research tells us can actually make a low risk youth more likely to reoffend the further they enter into our system.

The YLS and other risk assessments also outlines key areas that impact or increases the likelihood of a youth reoffending. We call these criminogenic, crime producing needs. The YLS tell us the **what we should focus on**.

Based on research we can evaluate the level of need We are able to assess the level of risk a youth has in each of these areas such as education, family, substance abuse, peers, anti-social thinking, etc. and therefore we know with some science behind it, what we should focus our attention on. All with a critical eye toward reducing reoffending and long-term behavior change of youth.

Further the YLS focuses on something called responsivity. What factors may impact how well a youth does with any interventions we put in place. What unique factors of that youth may impact this: mental health, trauma, gender, IQ

Also looks at strength of a youth

All of these things are called the RNR principles: in years past, many of our decisions were made solely on professional judgment –; however, we now know utilize these concepts to help inform our decision and guide our case planning process. We know that if we are to achieve a reduction in recidivism we need to adhere to the research around RNR.

So back to MacArthur and MfC, what we started to learn through the MfC work is that if we wanted to best serve the needs of V, C and youth- we needed to focus the research. Research that is clear about the ways to reduce the likelihood a youth will reoffend and how to help youth make long term behavior changes, not just while under supervision.

At the time that PA concluded our work with MacArthur Foundation we realized it truly was not a conclusion but rather the continuation of all that we had begun to learn about as it pertains to evidence based work, especially around the initiative of the YLS which was in the very early stages.

But more importantly, although PA has always been a national leader in JJ, we realized we needed a more structured approach to the many moving parts.

Learned that there is an effective and researched based way to implement these reform efforts and this leads to the most promising outcomes- that there is a right way to do this work-an approach based in part on implementation science – from that our JJSES was developed.

We realized that the research had to guide our policies but I don't think we truly realized how significant the application of this research was going to be.

In order to put our work into some structured context, we designed our JJSES framework, which is broken out in four stages and provides structure to the various activities within each stage.

I'd like to highlight some of the key elements to JJSES, nearly impossible to go into each activity in any detail. These elements may seem like separate components but it is important to note that most of these are interconnected. All of these components of JJSES are interwoven into our daily practice in supervising youth and Probation Officers are expected to learn and utilize these different tools and strategies.

As I noted a moment ago, the YLS is the cornerstone to our work here in PA around JJ. We have now spent several years implementing the YLS and did/do so in a very comprehensive and strategic way. Years later we still have intensive protocols in place to ensure effective QA.

- Number of MT- 250
 - Youth receive initial assessments, reassessments and assessments at time of case closing.
 - We completed approx. 23,000 YLS in 2017
 - Cost is minimal for what are getting in return/cost savings- diversion/low risk not penetrating the system, assist in determining proper supervision levels, case specific goals and to better allocate resources for more effective outcomes.
 - Guides and helps inform our decision making on who we focus our attention, what we should focus on and then appropriately match those interventions and services.
 - The language spoken in each probation department on a daily basis clearly includes risks and needs of the youth we supervise.
- Case Planning:
- With the information that we gather during the YLS, along with the expectations of the court, Counties develop Individualized case plans.
 - In past we were driven mostly by compliance driven conditions of supervision; all very important; however, research tells us that our case planning process should be focused on goals and activities and development of skills that will help create long term changes in youth
 - Our case planning process is also guided by various trauma assessments or mental health screenings that a county may use.

- We are in the early stages of a full implementation of trauma and mental health screenings and assessments.
 - Trauma Informed Assessments
 - Mental Health Screenings- MAYSI 2
 - Scientifically proven screening instrument designed to help identify youth with special mental health needs.
 - Started with detention facilities and then probation officers.
 - Self-reporting questionnaires to help guide interventions and case planning.
 - PO's in PA are learning about this research-based approach and incorporating this into supervision
 - Individualized, goal focused and strength based, not merely conditions
 - (number of CP Coaches) 235
 - Motivational Interviewing
 - (Number of MI coaches)- several hundred
 - PO's are trained in Mot. Interviewing, a communication strategy that helps guide offenders to changing their behaviors by eliciting and strengthening their motivation for changing.
 - Elevates our role from reporter of compliance to helping facilitate these changes
 - How we supervise youth based on all of the information has significantly changed.
 - Structured Appointments- Community Supervision Model
 - Probation Officers now take the principles of Risk and Need in the YLS, develop individualized case plans, and appropriate match interventions based on this.
 - PO's are also actively engaged in structuring their probation appointments around RNR. While still holding youth accountable to meet their court obligated conditions, we now focus on much more beyond mere compliance. Our appt. with youth is more focused and structured. They last much longer than in the past.
 - Currently PA has a huge initiative underway called EPICS. Effective Practices in Community Supervision based on the research of the UCCI.
 - The EPICS model is designed to provide the structure of an appt. based on what the research tells us will be most effective with offenders. Helps us make the best possible use of time to develop a collaborative working relationship. The EPICS model helps apply the risk, needs and responsivity principles and put them into practice.
 - PO's are becoming highly trained in this model which includes taping sessions in order to elevate our skill level.

- Number of EPICS trained PO's -270 and intend to take this full scale through PA.
- Skill building and Cognitive Based Interventions
 - So, what really goes on in these probation appointments?
 - PO's are being trained on how to incorporate skill building opportunities, to do role playing and modeling activities to help teach youth things such as conflict resolution, prosocial thinking, anger management, problem solving, and emotional regulation.
 - We know that if we want to see any sustained change in youth or even adults for that matter, we must practice our new skills.
 - PO's are now trained to teach practice and reinforce these skills.
 - Also, research has shown that cognitive interventions have the most significant impact on delinquent behavior and recidivism. PO's are also learning how to utilize these interventions and approaches.
 - They are doing these things in their individual work with youth and are trained to facilitate groups using these approaches.
 - We are asking programs and providers to incorporate cognitive based programming and probation officers are ensuring that these are being used based on their risk and needs.
- Yes, at times we have youth who do not comply with our expectations and we have learned a lot over the years about making research and evidence-based decisions around how to most effectively handle those youth without doing additional harm.
- When making decisions about removing youth from their home we have incorporated another structured, and validated tool to make our detention decision.
- Pa's Detention Risk Assessment-
 - With assistance of the Annie E. Casey Foundation and with commitment to structured decision-making tools, in 2011 four counties served as pilot counties to use a det. risk assessment. Many counties are using this assessment which has been validated, to help guide detention decisions.
- Graduated Responses- how do we handle violations of probation
 - PA has a comprehensive graduated response initiative underway again based on what we have learned about the research around a system of sanctioning and rewarding.
 - In the past, typically violations or noncompliance or the nature of an offense drove many of the decisions made by a PO
 - We still hold youth accountable to comply with the various conditions of probation -we know that for failure to comply a youth needs to be given a sanction; however, this sanction doesn't always equate to locking them up or violating their probation- it does however still require accountability.

- Sanctions should be swift certain and proportionate and to be done in a graduated manner.
 - But we also know that when a youth complies and achieves milestones in supervision, they are more likely to repeat and accept prosocial behavior if that behavior acknowledged.
 - We are now more focused on acknowledging those things and incentivizing those behaviors.
- Family Engagement Work
 - We are fully aware of the importance of family in our work and for families to be engaged in the support system of the youth
 - Our system has ardent practices in place to engage the family, from their role in case planning all the way through our recently rolled out parenting workbooks that PO's will be able to use with families to strength them in their parenting.
- Diversion Initiatives
 - PA continues to focus on diversion opportunities for our youth.
 - Programs established to sustain the earlier MfC work
 - Divert youth pre-adjudication or even prior to that
 - Focus on methods to divert low risk youth from our program
- SPEP: Standardized Program Evaluation Protocol
 - 1 of 4 states selected by Georgetown University to implement the SPEP.
 - This is the ground-breaking work of Dr. Mark Lipsey that analyzed the characteristics of effective interventions, programming and services.
 - Validated, data driven ratings system for determining how well a program matches what research says is effective for that type of program to reduce recidivism. (Type of program, service quality, risk level and quality)
 - This is also impacting our providers who are equal partners in opening up their doors for this assessment and committed to quality improvement based on research.
 - Statewide initiative underway to SPEP our residential and community-based programs and approx. 40 what we call SPEPPERS and expanding.
- Providers: the transition to an evidence-based system guided by risk assessments is illustrated by the decline of youth being placed outside of their home; however, let there be no doubt that the impact of our system changes has been felt by our youth placements and programs who likewise are working hard to implement many of these new practices.
 - Many providers are now being evaluated through this SPEP process.

For long term sustainability we have incorporated a Master Trainer process- training our staff to be 'experts' in these various initiatives. We are taught and guided by leading consultants, but expanding expertise among staff for sustainability purposes.

As you can see, there are many moving parts, all interconnected to have the most impact on youth and produce the best outcomes. They all require staffing, significant training, detailed policies and protocols, comprehensive quality assurance practices and data collection and analysis.

Should emphasize that there is a uniqueness in how PA has done this. Unlike almost all the other states, and often commented upon. And that is the relationship of JCJC, Chiefs, and PCCD in all of this reform work- we would not be nearly as far along had this true partnership not existed.

- Summarize this section by noting that one of the first steps in developing this JJSES was our Purpose Statement reflecting our BARJ goals and the JJSES initiative:
 1. Enhance our system to achieve our BARJ mission through ev. based prac.
 2. An ongoing commitment to data collection, analysis and research
 3. A commitment to continuous quality improvement in every aspect.

Our system has always had high standards, but we have worked very hard since 2012 to meet our purpose statement. Much more work to be done.

Turn to Russ to outline Positive Trends

Comment about YLS Data- cases closed in 2016

The YLS guides the work that we do, the starting point for many of those various JJSES components.

We have started the process of analyzing the data – as an example

- **Among those closed in 2016**
 - 80% had lower risk score at case closing compared to initial assessment
 - 89% of moderate risk youth had a lower risk score at case closing
 - 95% of high-risk youth had a lower risk score at case closing

Comments about Recidivism

Like to make a comment about our recidivism rates- Statewide Baseline Recidivism Rates for Pennsylvania's Juvenile Justice System

The development of statewide and county-specific baseline recidivism rates is a particularly noteworthy JJSES accomplishment.

Pennsylvania is one of the few states with the capacity to develop information of this type.

Recidivism is defined as a subsequent adjudication of delinquency or conviction in criminal court for a misdemeanor or felony offense within two years of case closure; with the exception of expunged cases, which were not available for inclusion in this research.

The baseline statewide and county-specific recidivism rates established in conjunction with the JJSES will continue to provide an important means to measure the impact that the implementation of evidence-based practices is having. Statewide recidivism rates, by year, for the six years studied thus far are as follows:

- 20.3% (cases closed in 2007 n=18,882 cases)
- 21.8% (cases closed in 2008 n=18,910 cases)
- 22.8% (cases closed in 2009 n=18,439 cases)
- 21.6% (cases closed in 2010 n=16,800 cases)
- 18.5% (cases closed in 2011 n=18,203 cases)
- 19.2% (cases closed in 2012 n=19,208 cases)

Summary Comment

Incredible strides but just at the starting point with this, work needed to be integrated within all the counties to sustain these efforts

County run system – state oversight

All of these strides have been made because of collaborative effort but additional funding needed to continue this work, i.e. JCJC staff

Focus on QA, data, expanding our JJSES. Reinforce that there is a right way to do this and can't rely solely on progressive counties – need additional support especially around QA and data collection/analysis. Strive for consistency in our practices in order to increase LT sustainability.

Next Steps: Final Recommendations

We'd like to take another moment and highlight some additional comments regarding our support of SB 1245

Russ discuss recommendations 1,2 3

Beth discuss recommendations 4, 5

Indigent Defense

All juveniles that come before the JJ system must be represented by counsel at every hearing- youth are considered indigent and therefore waiver of counsel if basically eliminated.

A juvenile cannot admit to an offense unless a written colloquy is reviewed with the youth by an attorney and reviewed by the court.

A study of the Commonwealth's indigent defense system published in 2003 by the Pennsylvania Supreme Court Committee on Racial and Gender Bias concluded that the Supreme Court's indigent defense mandate had been and was not being fulfilled in Pennsylvania

In 2011, a Report from the Task Force and Advisory Committee on Services to Indigent Criminal Defendants, developed in response to Senate Resolution 42 of 2007, concluded that ... "In the intervening eight years, the only significant change is that South Dakota and Utah now do provide some state funding for indigent defense, leaving **Pennsylvania as the only state that does not appropriate or provide for so much as a penny toward assisting counties in complying with Gideon.**

Therefore, we strongly support the amending the Human Services Code to provide that indigent juvenile defense services are reimbursed at a 50% rate through the county needs-based budget process, the same rate as guardians-ad-litem and counsel independency proceedings.

Additional reinvestment funding to support JCJC and Juvenile Probation Services

I hope that we have been able to outline for you the significant work being done throughout our system, by so many people. It is a system under transformation.

PA. is not only contacted to ask about the individual initiatives but rather, how to successfully and methodically implement them, how to incorporate strategies for effective QA practices and also long-term sustainability but we are asked how we are doing this in a cost-efficient way.

This could not be done without much time and effort, and leadership. It requires a great deal of coordination and programming among counties and state agencies. It requires the necessary training, and fiscal and technical support

But it also could not be done without a trusting commitment among our partners.

In order to achieve all of this we need to have a system that is supported by funding and structure in place consistent with our mission.

We support taking the cost savings from the reductions in placements and reinvesting those dollars into JCJC and JP service funding. JCJC has been critically important and helping to lead all of these systemwide changes. We believe that the 5 million increase in appropriations to the JCJC, will help support our continued efforts, allow for necessary training and staffing to continue the work, and help with other implementation strategies.

These practices will provide for more competent youth and safer communities, with long term savings.