

Good morning and thank you for the opportunity to speak to you this morning in support of SB 1245. My name is Russell Carlino, and I am the Chief Juvenile Probation Officer in Allegheny County, current president of the Pennsylvania Council of Chief Juvenile Probation Officers, a member of the Juvenile Justice System Enhancement Strategy Leadership Team, and co-chair of the Chief's Balanced and Restorative Justice Committee.

Since 1995, Balanced and Restorative Justice (BARJ) has been the juvenile justice system's legislative mandate and mission. In the early 1990s, the United States was experiencing its highest crime rate in the nation's history. Pennsylvania was no exception. The unprecedented rates of violent crimes being committed by juveniles at that time caused many states to re-examine their juvenile justice systems. Many states lowered the age at which juveniles are considered adults, and some states considered eliminating their juvenile justice systems completely. Pennsylvania's reform effort culminated in Act 33 of 1995, based on the legislative proposal submitted by the Juvenile Court Judges' Commission, which amended the purpose clause of the Juvenile Act to establish a new mission for Pennsylvania's juvenile justice system. No longer would PA consider only the "best interests of the child" when deciding matters of juvenile delinquency. Act 33 mandated that the system provide "balanced attention" to three clients--the offender, the victim, and the community at large.

"consistent with the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community."

This new juvenile justice system mandate quickly became known as Balanced and Restorative Justice. As the system began to implement this new mission, three goals emerged that would guide practice: 1) Community Protection – that we do everything possible to ensure safe communities. This includes short-term restrictions on liberty, such as imposing curfews and monitoring youth, as well as (and more importantly) long-term behavior change through interventions that help offenders to think and behave lawfully; 2) Accountability – this is the goal that focuses on restoring victims and communities; offenders must understand that they have caused injury to specific victims and to the larger community. Juveniles who offend incur an obligation to restore the victim and the community to the extent possible—with restitution to the victim and community service. 3) Competency Development—is the goal to have all juveniles leave the system better prepared to be law-abiding AND productive citizens than when they entered the system. This is accomplished through:

- a. Participating in evidenced-based cognitive-behavioral programming that teaches juveniles to think and behave differently;
- b. Participating in education programming and career and technical training with the goal of furthering education and/or obtaining and maintaining employment (older juveniles).

It is important to stress that the competency development goal emphasizes BOTH law-abiding AND productive citizenship. It is not enough that juveniles refrain from further crime. The juvenile justice system has an obligation to ensure juveniles acquire skills that enable them to be tax-paying, productive citizens as well.

Recommendation:

We strongly support the SB 1245 proposal to fund year round education (up to 250 days per year) for juveniles in residential placement, reimbursable through the Needs Based Budget.

Most juveniles committed to residential facilities are well behind where they should be in grade level and many need remedial education services. This proposal in SB 1245 is directly aligned with the competency development goal of our Balanced and Restorative Justice mission.

For over 20 years, the PA juvenile justice system has been mission driven and outcomes focused. We are very clear about what we are after—the Goals of Balanced and Restorative Justice outlined above. This has not altered since the passing of Act 33 in 1995. What has fundamentally changed, particularly over the last eight to ten years, is HOW we achieve that mission. A plethora of evidenced-based research and practice has emerged about “what works” with juvenile offenders. This research cannot be ignored. During the last ten years, the PA juvenile justice system has embraced this evidence-based movement in an effort to better attain the goals of Balanced and Restorative Justice. These evidence-based initiatives have not supplanted our commitment to Balanced and Restorative Justice goals; rather, they have bolstered our ability to achieve them.

The MacArthur Models for Change Reform initiative, launched in 2004, served as a springboard to our involvement in evidence-based practices. Due in large part to our strong commitment to our Balanced and Restorative Justice statutory mission, Pennsylvania was the first state selected by the MacArthur Foundation to participate in its Models for Change Juvenile Justice Reform Initiative. MacArthur identified PA as a bellwether state that could serve as a model for the nation. Our involvement in the Models for Change initiative had three main target areas of improvement:

- 1) Aftercare (sometimes referred to as re-entry) – the time when the juvenile returns to his/her home community after being released from a residential delinquent facility. This is a critical time (60-90 days post release) is when juveniles need support and assistance as they return to their homes, their schools, and their communities. The focus is on ensuring gains made in residential placement are not lost, but solidified and built upon.
- 2) Reducing Disproportionate Minority Contact (DMC) within the system;
- 3) Coordinating mental health services for juveniles in the system.

Models for Change was a five year initiative (2005-2010) that served as a catalyst for much of the evidence-based work that has since been implemented in PA's juvenile justice system. Specifically, our involvement in Models for Change led directly to the development and implementation of several important structured-decision making tools that are used today:

- From the Aftercare Target Area – we adopted the Youth Level of Service (YLS), a validated Risk/Needs instrument that measures a juvenile's risk to reoffend. Juveniles are categorized as low, moderate, or high risk to recidivate (my colleague Beth Fritz will comment further on this in a moment);
- From the Disproportionate Minority Contact Target Area – this led directly to the development and use of what became known as the Pennsylvania Detention Risk Assessment Instrument (PADRAI). This structured decision making tool helps probation officers determine which juveniles are most likely to reoffend or abscond pending their formal hearings and therefore assists in our recommendations regarding those needing secure detention pending the formal hearing.
- Mental Health Target Area – this led to our adoption of the MAYSI behavioral health screen. Designed especially for juveniles, the MAYSI identifies youth ages 12-17 who may have pressing or critical mental health needs.

Pennsylvania's strong commitment to its Balanced and Restorative Justice Mission and its participation in the Models for Change reform effort laid the foundation for our broad based evidenced-based initiative, known as the Juvenile Justice System Enhancement Strategy or JJSES. **I will now turn it over** to my good friend and colleague Beth Fritz to talk about our Evidenced Based Practices that she has been so instrumental in implementing across the state.

As I mentioned earlier, PA's juvenile justice system has been tracking outcomes related to our Balanced and Restorative Justice mission for over 20 years. The Juvenile Court Judges' Commission has coordinated this effort with PA's 67 counties. Key outcome data is collected annually, at the time of a juvenile's case closure, that helps us assess our attainment of the Balanced and Restorative Justice Goals. For the nearly 11,000 juvenile cases closed in PA in 2016:

- 84% did not reoffend while under supervision
- 95% completed all community service hours ordered
- 83% paid restitution in full to their victims
- And 84% were in school or working at the time of closing

Moving beyond the snapshot Case Closing Data (above), I would like to highlight a few important trends that reflect our work over the last decade.

I will refer to the materials prepared by the Juvenile Court Judges' Commission (that were provided to you) that highlight key outcome trends during the last 10 years (2007-2017) related to our intentional, structured, evidence-based approach. These trends reflect our success in incorporating evidenced-based practices to achieve our Balanced and Restorative Justice Goals. These trends illustrate how we improving public safety, developing youth competencies, and saving millions of dollars in the process.

Trends from 2007 through 2017

- Violent Crime Rate: In Pennsylvania, the Juvenile Arrest Rate for Violent Crimes (which includes murder, rape, aggravated assault, robbery,) was 251 per 100,000 juveniles in the population, which represents a decrease of 38.5% from 2007.
- Juvenile Delinquency Placements in residential facilities: Placements declined by 55.9% from 2007 to 2017. There were 4,207 fewer delinquency placements in 2017 than in 2007.
- Juvenile Delinquency Placements as a Percent of all Court Ordered Dispositions -- decreased from 9.9% in 2007 to 6.9% in 2017.
- Days in Residential Placement: Total Juvenile delinquency placement days declined by 52.1% from Fiscal Year 08-09 through Fiscal Year 16-17. Juveniles spent 931,940 fewer days in residential delinquent placements in Fiscal Year 16-17 than in Fiscal Year 08-09.
- Expenditures: Total Juvenile Delinquency Placement Expenditures in Pennsylvania declined by 39.0%, a savings of over \$125 million dollars (125,416,915) from Fiscal year 08-09 through Fiscal Year 16-17. Between Fiscal year 15-16 and fiscal year 16-17 alone, expenditures decreased approximately \$14.2 million.
- Secure Detention: Secure Detention admissions declined by 55.4% from 2007 to 2017. There were 10,686 fewer secure detention admissions in 2017 compared to 2007.

Several years ago, with our Juvenile Justice System Enhancement Strategy well underway, we decided to raise the bar on measuring our success in reducing juvenile recidivism. We posited that, if we are able to develop and implement evidence-based practices and interventions with fidelity, recidivism should be reduced in the long-term—well beyond the point when the juvenile's case is closed by the Court. We decided to track recidivism for a period of two years

post case closing. Recidivism, for this purpose, is defined as a subsequent adjudication of delinquency or conviction in criminal court for a misdemeanor or felony offense within two years of juvenile probation case closure. Expunged cases were not included in this research.

The development of statewide and county-specific recidivism rates is a particularly noteworthy JJSES accomplishment. Pennsylvania, in a joint effort undertaken by the Juvenile Court Judges' Commission and the Chief's Counsel, is one of the few states with the capacity to develop information of this type. These statewide and county-specific recidivism rates will continue to provide an important means to measure the impact that our evidence-based practices are 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)

Thus of the 19,208 juvenile cases closed during 2012, only 19.2% were adjudicated delinquent or convicted in criminal court for a misdemeanor or felony offense within the two years (2013-14) following their case closure.

Regarding SB 1245 Specifically:

1. *We strongly support SB 1245 which proposes to amend the language of the Human Service Code to include Balanced and Restorative Justice language, reflective of our statutory mandate and mission.*
2. *We strongly support SB 1245 which proposes the Human Services Code to increase the rate of reimbursement for residential programs for delinquent youth to 70% in 2019 and 80% in 2020. The current financial disincentive to place youth in secure settings when necessary to protect the public is archaic and inconsistent with our evidenced based practices, specifically our use of the YLS Risk/Needs Assessment.*
3. *We support the proposal in SB 1245 that, in the event of a budget impasse, considers court ordered service to youth in the child welfare and juvenile justice systems as essential and continues funding uninterrupted.*
4. *As I mentioned earlier, we strongly support the language in SB 1245 which would amend the Human Service Code to provide educational services for up to 250 days per year for youth in delinquent residential placements. Education is a key tenet*

of our competency development goal and so many of our higher risk juveniles are found behind in school.

I'll turn it over to Beth at this point....