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Senate Judiciary Committee Hearing on JJ Task Force Legislation

On behalf of the PA Council of Chief Juvenile Probation Officers, it is my honor to be here today to provide testimony to the Senate Judiciary Committee. Thirty-three years ago, I was sworn in as a juvenile probation officer for Allegheny County. After serving as probation officer, supervisor, and deputy chief, I was named the Chief Juvenile Probation Officer in 2010. I have been a member of the Executive Committee of Pennsylvania Council of Chief Juvenile Probation Officers since 2010, serving as the chair of the Balanced and Restorative Justice Committee since 2011. In addition, I served the Council as secretary, vice president, and president between 2014 and 2019. I have been a member of the Juvenile Justice System Enhancement Strategy Leadership Team since 2012.

[Senate Bill 1226](#)

I fully support a statewide process to expunging juvenile records as provided for in Senate Bill 1226.

SB 1226 provides for the development of case management tools necessary to alert chief juvenile probation officers that records are eligible for expungement.

The process to determine whether “eligible” cases meet the expungement criteria outlined in SB 1226 is often labor intensive and will require additional staffing in many departments. It is hoped that necessary funding will be included.

[Senate Bill 1227](#)

I fully support for Senate Bill 1227, which provides amends the Human Service Code to include the goals of the juvenile justice. Funding to children in both the child welfare and the juvenile justice systems is outlined in the Needs Based Budget process used by child welfare and juvenile justice agencies. However, currently, the goals in the Human Service Code reflect on DHS, which are not consistent with the balanced and restorative justice goals outlined in purpose clause of the Juvenile Act. The DHS regulations must include the legislatively mandated goals of the juvenile justice system to ensure funding is available for essential community-based and residential juvenile justice services.

Senate Bill 1228

I fully support Senate Bill 1228 which provides for disposition review hearings every three months for the purpose of ensuring a juvenile committed to out-of-home placement is receiving necessary services and treatment and that the terms and conditions of the disposition are being met. It has been the practice for many years in Allegheny Juvenile Court to routinely conduct three-month review hearings. Implementation of evidence-based practices during the last decade has resulted in steadily decreasing numbers of juveniles being committed to residential placements. Those that are placed outside the home typically have complex issues and present a significant risk to reoffend. It is important for these cases to be reviewed frequently by the court.

Senate Bill 1229

I fully support Senate Bill 1229, which amends the Human Service Code to provide for indigent defense services. Juveniles appearing before the court are required to have legal representation at all important hearings. Juveniles are presumed indigent and the waiver of counsel has been eliminated. Moreover, juveniles may not enter an admission without completing an admission colloquy with a defense attorney to be reviewed by the court. The vast majority of juvenile are represented by public defenders. It is essential that public defenders have adequate funding to ensure the provide quality legal representation. Pennsylvania is the only state not currently providing funding for indigent juvenile defense services.

Pennsylvania Council of Chief Juvenile Probation Officers

The Pennsylvania Council of Chief Juvenile Probation Officers was established in 1967 to address concerns and issues specific to the juvenile justice system. Minutes from the first meeting indicate that the Council's purpose "is to collectively take a position relative to the services to delinquent children, standards, training, professional status, research and salaries." For over 50 years, Council has been actively involved in promoting legislation, services, and best practices to continuously improve Pennsylvania's juvenile justice system.

Since its inception, the Council has worked closely with the Juvenile Court Judges' Commission (JCJC), Pennsylvania Commission on Crime and Delinquency (PCCD), the Pennsylvania

Department of Human Services (DHS), and our vast network of service providers. Together, we have developed a juvenile justice system recognized as one of the best in the nation.

Balanced and Restorative Justice

During the last twenty-five years, Pennsylvania's juvenile justice system has been guided by its Balanced and Restorative Justice (BARJ) mission. With crime and delinquency at record high levels in throughout the nation in the early 1990s, Pennsylvania responded with Act 33 of the Special Crime Session of 1995. Specifically, Act 33 of Sp. Sess. No. 1 In 1995 amended the purpose clause of the Juvenile Act to establish the following mission for Pennsylvania's juvenile justice system:

“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.”

While this statutory mission, in effect since March 1996, is rooted in the philosophy of restorative justice, which emphasizes offender accountability and responsibility in repairing the harm caused to crime victims and communities, the language specifically mandates “balanced” attention to the crime victim, the community, and the offender.

For over twenty-five years, Pennsylvania has endeavored to clarify and attain the three goals Balanced and Restorative Justice (BARJ):

1. **To protect the community.** The public has a right to a safe and secure community. Community members and organizations can take an active role in juvenile crime prevention and intervention efforts through partnerships with juvenile justice practitioners. Schools, employers, and other community groups can offer opportunities to youth so that their time in the community is structured around education, community-valued work, and service. Through these joint endeavors, the community works to reintegrate youth. In addition, there is a wide range of supervision and control options to reduce a youth's risk of committing additional illegal acts.
2. **To hold youth accountable for offenses committed.** Delinquent youth incur obligations to their victims and the communities they harmed. Victims and communities assume active roles in defining the harm and the appropriate response. Youth exhibit true accountability by learning about and acknowledging the harm they caused, and actively assuming and fulfilling their responsibilities by making reparation, paying restitution, and participating in constructive activities and services that benefit the community. Courts and communities support, facilitate, and enforce reparative agreements.

3. To assist youth in developing competencies. Youth should leave the juvenile justice system more capable of being productive and responsible members of their communities. Priority is attached to activities that build skills, strengthen relationships with law-abiding, prosocial adults, and offer opportunities to contribute to the community. These activities build on youths' strengths and allow them to practice and demonstrate law-abiding and productive behavior.

Juvenile Justice System Enhancement Strategy (JJSES)-- Achieving Our Balanced and Restorative Justice Mission Through Evidence-Based Policy and Practice

At the June 2010 annual strategic planning meeting, the Executive Committee of the Pennsylvania Council of Chief Juvenile Probation Officers and Juvenile Court Judges' Commission (JCJC) agreed to develop the Juvenile Justice System Enhancement Strategy (JJSES), a comprehensive initiative to formulate and implement evidence-based policies and practices. Shortly thereafter, the JJSES Statement of Purpose was developed to layout the vision:

JJSES Statement of Purpose

We dedicate ourselves to working in partnership to enhance the capacity of Pennsylvania's juvenile justice system to achieve its balanced and restorative justice mission by

- employing evidence-based practices, with fidelity, at every stage of the juvenile justice process;
- collecting and analyzing the data necessary to measure the results of these effort and with this knowledge,
- striving to continuously improve the quality of our decisions, services, and programs.

The Statement of Purpose was followed by the April 2012 monograph titled Pennsylvania's Juvenile Justice System Enhancement Strategy—Achieving Our Balanced and Restorative Justice Mission Through Evidenced-Based Policy and Practice. The monograph outlines a four stage framework for implementation: Readiness, Initiation, Behavioral Change, and Refinement. The monograph has become a strategic model for other jurisdictions.

In November 2015, a second monograph was released titled Advancing Balanced and Restorative Justice through Pennsylvania's Juvenile Justice Enhancement Strategy, highlighting the interrelationship between JJSES and BARJ.

Over the last dozen years the juvenile justice system has been retraining and retooling to incorporate evidence-based practices. Research and practice are interwoven as never before. Concepts and practices—such as criminogenic needs, static risk, dynamic risk, responsivity, motivational interviewing, graduated responses, among others—that were vague or unknown a few years ago are now part of our everyday vernacular. The JJSES has fundamentally altered the operation of Pennsylvania's juvenile justice system, but our sights remain firmly fixed on the BARJ goals.

The JJSES does not supplant our BARJ mission but bolsters it. In 2012, Act 42 amended the purpose clause of the Juvenile Act to require “employing evidenced-based practices whenever possible” in the pursuit of balanced and restorative justice goals. The success of our JJSES is not measured by the number of counties using actuarial assessment instruments, graduated responses, or cognitive-behavioral interventions; rather, the success of the JJSES is measured by how it improves our ability to achieve the goals of balanced and restorative justice.

Melding BARJ and JJSES To Improve PA’s Juvenile Justice System

During the past several years, the Chief’s Council, JCJC, and PCCD have worked jointly to develop a Strategic Planning that has further clarified the work of Pennsylvania’s juvenile justice system. This strategic plan reflects the successful merging of BARJ and JJSES goals in Pennsylvania’s juvenile justice system.

The mission statement of our juvenile justice system: To support and enhance the values, principles, and programs that advance the goals of Balanced and Restorative Justice while employing evidence-based practices whenever possible.

Goals of Pennsylvania’s Juvenile Justice System:

BARJ Goals:

1. Community Protection
2. Accountability
3. Competency Development

JJSES Goals:

4. Evidence-Based Practices
5. Data-Driven Decision Making
6. Professional Development

JCJC and the Chief’s Council have developed a [Pennsylvania juvenile justice strategic plan](#) dashboard, displaying the objectives, activities, and measures of the various Chief Council Committees and JCJC Workgroups currently assembled and illustrates how their work contributes to the mission and goals of Pennsylvania’s juvenile justice system. In addition, this public facing dashboard displays important data regarding system outcomes and trends.

This strategic plan illustrates our ongoing and unwavering commitment to attaining the goals of BARJ while employing evidence-based practices at every stage in the process.

PA Juvenile Justice Delinquency Trends During the last 10 Years:

Guided by our Balanced and Restorative Justice Mission and bolstered by our System Enhancement Strategy (JSES), we have produced outcomes that distinguish our system as a model for other states. During the last ten years, we have implemented an array of evidence-based policies, practices, and intervention to improve outcomes. The results have been impressive as indicated by data compiled by JCJC:

- Residential placements declined by 76.7% from 2009 – 2020
- Placements as a percent of dispositions decreased 40% from 2009 to 2020 (8.5% to 5.1%)
- Secure Detention admissions declined by 75.7% from 2009-2020
- Total PA juvenile delinquency expenditures declined by 51.2% (164,623,642) from FY 08-09 through FY 19-20. Between FY 18-19 and FY 19-20, expenditures decreased approximately 29.1 million
- Total juvenile delinquency days of care declined by 71.2% from FY 08-09 through FY 19-20.
- Recidivism – For those whose case was closed in 2015-2016, the recidivism rate was 18.5% and 18.4% respectively.

While we are proud of our accomplishments, we realize that much work remains. For example, we are focused on continuous quality improvement in each phase of our system and in reducing disproportionate minority representation. Another area requiring immediate attention is the lack of adequate detention beds. Through the use of evidence-based tools and practices, the system has dramatically reduced its use of secure detention during the last ten years. However, the closing of many facilities has left us with a dearth of available beds, resulting in high-risk offenders being released to the community pending their juvenile court hearings.

Detention Crisis

In August of 2021, Shuman Detention Center was closed, leaving Allegheny County with no secure detention beds. Within a few months of Shuman's closing, we were able to obtain 16 beds from thanks to our private provider network. We also entered into a contract with Jefferson County, Ohio, to use their detention center as available. We remain in desperate need of additional secure detention beds on a daily basis. On any given day, we have a number of juveniles who should be detained (some who have been ordered into secure detention by the court) but are not because of our lack of beds. These youth are subsequently placed on electronic monitoring. The lack of secure detention beds presents a public safety concern for our community. Local news outlets have done reports regarding this public safety concern after receiving complaints from local police departments and others.

Allegheny is not alone in this detention bed crisis. Many counties across the Commonwealth have been in this predicament for years, transporting youth hundreds of miles to admit a youth to secure detention.

The Juvenile Court Judges' Commission recently published a report titled ***Pennsylvania Secure Detention Analysis: A Report from the Juvenile Court Judges' Commission.***

Below are a few highlights from that report:

Access to secure detention beds is down.

- Between 2006 and September 2021, fifteen detention facilities have ceased operations in Pennsylvania.
- As of November 15, 2021, there are only fourteen facilities providing secure detention services across the state. Some Pennsylvania counties utilize a fifteenth facility located in Jefferson, Ohio.

Some juvenile probation departments are impacted by this more than others.

- Seven of the fourteen facilities are utilized by just six counties, with limited exceptions. These six counties have access to 316 licensed detention beds, but only 281 staffed beds.
- Consequently, 61 of 67 counties must vie for beds at just seven facilities in Pennsylvania. These 61 counties have access to 188 licensed detention beds, but only 135 staffed beds.

Frequently, detention beds are available, but admissions are denied.

- Because the state's licensed detention facilities have the ability to decide which youth they accept and which departments they contract with, analyzing bed capacity figures (licensed or staffed) alone is not enough to paint a full picture of the barriers juvenile probation departments face in their attempt to access secure services.

The median length of stay in detention has nearly doubled, further exacerbating the availability of beds.

- The length of time (bed days) youth spend in detention also impacts bed availability. While the number of youth admitted to facilities has decreased and several facilities have closed, the median length of stay has more than doubled, from six days in 2012 to fourteen days in 2020.
- In 2012, only 10% of detention admissions stayed longer than 30 days. In 2020, nearly one in four (24%) detention admissions stayed longer than 30 days.

Consequently, juvenile probation departments are traveling longer distances now to access secure detention beds compared to 10 years ago.

- Juvenile probation departments are more likely to have to leave their county to get access to a bed.
- In 2012, 11% of detention admissions required the committing juvenile probation department to leave their county. In 2020, 14% of detention admissions required the committing juvenile probation department to leave their county. In 2021, 19% of detention admissions required the committing juvenile probation department to leave their county.
- Among juvenile probation departments without a detention facility within their county:
 - The median distance traveled per detention admission in 2012 was 42 miles. In both 2020 and 2021, this distance increased to 56.5 miles.
 - The percentage of admissions that required the probation department to travel more than 100 miles increased almost tenfold from 2012 (2% of secure detention admissions) to 2021 (19% of all secure detention admissions).

Collectively, these issues are putting a serious strain on juvenile probation departments. According to a recent survey completed by Chief Juvenile Probation Officers:

- 65% reported difficulties in finding a detention bed, many of which spend several hours to a full business day (or more) to contact facilities looking for an opening.
- The average time spent to travel to a detention facility ranges anywhere from 15 minutes to 8 hours.
- On average, 2-3 staff are required to travel with the youth to the detention facility.
- At least eight juvenile probation departments have had to use facilities outside of Pennsylvania due to no beds available in state.
- Youth are most likely to be held at police departments or the juvenile probation offices while they await access to a bed.

Finally [and most importantly], community safety issues remain a concern.

- Between June 2021 and October 2021, there were at least 62 instances of juvenile probation departments making a detention request that ultimately resulted in an ATD or the release of a juvenile due to the lack of available secure detention beds.
- Among those 62 cases, there have been at least 10 instances of these released youth either committing a new offense before their scheduled court hearing or failing to appear for their scheduled court hearing.

“Interest of Justice” Cases Needing Secure Detention

Further exacerbating the detention crisis is the recent is the Juvenile Justice Reform Act (JJRA) of 2018, reauthorizing and amending the Juvenile Justice and Delinquency Prevention Act (JJDA) enacted in 1974. Specifically, effective December 21, 2021, the amendment to the Act requires that a juvenile charged as an adult shall not be held in an adult jail or lockup nor shall they have sight or sound contact with adult inmates, unless the court finds after a hearing and in writing that it is in the *interest of justice* to do so.

In making that decision, the Court shall consider the following factors:

- the age of the juvenile
- the physical and mental maturity of the juvenile
- the present mental state of the juvenile, including whether the juvenile represents a risk of imminent harm to themselves
- the nature and circumstances of the alleged offense
- the juvenile’s prior delinquent acts
- the ability of the available juvenile
- and adult facilities to meet the needs
- of the juvenile and protect public safety and other detained youth
- any other relevant factor

There are approximately 20-25 juveniles currently in the Allegheny County Jail pending criminal court charges. These youth must remain in the jail as there are no secure detention beds currently available in Allegheny County for juvenile pending criminal charges. Most other counties in the state are faced with the same lack of available detention beds for these “interest of justice” cases.

Additional Concerns

- Reinvestment to Probation and JCJC – Over \$160 million has been saved during the last decade, much of it due to the reduction in residential placements for delinquent youth. A significant portion of this savings should be reinvested in the juvenile justice system (funding for probation departments and JCJC).
- Residential Providers – Counties must support the dwindling number of private community-based and residential providers with additional funding so they can hire and train top notch staff. Evidenced-based practices have resulted in far fewer youth being sent to residential placement. Those who are committed are at higher risk to reoffend and often have other complex issues, such as mental health, physical health, and child welfare involvement.