

**Testimony of Jeff Fleischer
Chief Executive Officer
Youth Advocate Programs, Inc.**

Contact: 908-513-7003; jfleischer@yapinc.org

Re: SB 1226-29, Youth Justice Task Force Recommendations and Related Bills

Youth Advocate Programs, Inc. (YAP) respectfully submits the following written testimony:

Founded in 1975, YAP is a nationally recognized nonprofit headquartered in Harrisburg that safely and successfully keeps young people in conflict with the law safely at home. YAP is the largest provider of its kind in the nation, solely committed to providing youth, families and communities with meaningful, effective alternatives to detention and incarceration. YAP is recognized by the federal Office of Juvenile Justice and Delinquency Prevention as an evidence-based model. And in 2015, the Annie E. Casey Foundation awarded YAP the prestigious Gloria Jenkins award as the best community-based juvenile justice program in the nation. The YAP model has been replicated in over 100 counties throughout 33 states and Washington DC.

YAP works because our model is designed around recognizing individual gifts as a means to, with the right support, overcome challenges, regardless of severity. We know a few truths: First, children will always gravitate back to their families, even when there's been abuse or a parent is struggling with addiction or mental health challenges. The child-parent bond is that strong, so it behooves us to work in partnership with parents, not in isolation from them. Second, we know that behavior is an expression of needs met or unmet. When children's behavior is delinquent, that's a signal that they have an unmet need, and we should find out what that is and how to meet it. And last, we know that a sense of belonging can be a significant catalyst in someone's life; this is especially true for young people.

Anchored by our unique "no reject, no eject" policy, YAP has a rich history of providing services and supports to any youth referred to us, even those young people with the most challenging needs. This includes youth with histories of violence or gang-involvement, multiple offenses on their records, and those who have one or more exposures to trauma. No child referred to YAP has ever been rejected from our programs and, rather than eject kids from YAP when they mess up, we return to the drawing board in partnership with the whole family and revise our plan. Every young person and family gets an individual plan that addresses myriad life domains and a plan to build on strengths and use those strengths to overcome challenges. Other core principles include cultural competency, 24/7 availability, and a strengths-based approach. This model works.

In Philadelphia, where we have worked since 1975, 90% of youth did not commit a new offense while in the program and 92% lived in the community and did not get committed to a detention center, youth prison or residential out of home placement. In Lebanon County, 85% of our youth in our alternative to incarceration program also were not committed to a secure setting or out of home placement.

The Commonwealth's Task Force recommendations are excellent. The four pieces of legislation before this committee - SB 1226-29 - represent a good start to tackling multiple challenges for young people in Pennsylvania. While we at YAP are concerned with all points of the system for young people, our expertise is not in juvenile defense or legal rights, but solely in how community-based programs can reduce recidivism, achieve positive and equitable outcomes for youth and families and stop cycles of crime.

To stay within the scope of our expertise:

We are strongly recommending that, in line with Senator Argall and Senator Street's recommendations, the State reinvests cost savings into community-based programming as an alternative to placement in secure settings. And due to the inequitable treatment of youth of color these programs should be designed as culturally competent to serve youth and families of all racial and ethnic backgrounds who enter the system.

Pennsylvania cannot have a safe, effective juvenile justice system without transforming and investing in the community, and a continuum of care for all young people, including those whose misdemeanors or failure to pay fees land them in residential placement. Communities also need in-home resources for young people who have more serious offenses and histories of challenging behavior, so we can keep more families together. We must build community infrastructure – and the incentives to use it - to serve these young people without resorting to institutional placement, so the community is the rule and out-of-home-placement is the true exception to the rule, not the other way around.

As the State currently spends \$280 million each year to incarcerate youth, and 59% of youth incarcerated are incarcerated for misdemeanors, we strongly urge legislation that redirects \$100 million to serve youth in comprehensive, evidence-based community programs to be phased in over the next 5 years. This not only is a more effective way of turning young lives around but is cost effective and addresses the racial inequity that has existed for so many years.

SB 1229, and existing statutory language, provides for reimbursing counties for separating children from their families with very little going to family focused, in home, neighborhood-based services.

- 75 to 90% for foster care, group homes, shelters and residential, and also for services to children in their own home.
- 50% for kids committed to public or private institutions
- 80% foster care and residential care

While the bill may divert some kids from detention and youth prison because the reimbursement is only 50%, they will reimburse 75 to 90% for residential, group home, shelters and foster care.

Our recommendation is that community-based services be reimbursed at 90%, as an incentive to use programs that focus on the family with individualized service plans and that have a better record of achieving youth well-being and public safety than institutions.

Pennsylvania is unnecessarily spending millions of dollars a year to remove kids from their homes and place them in institutions: An October 2018 budget report shows that Pennsylvania spends nearly \$200,000 a year to incarcerate one child (at a per diem rate of \$577 in fiscal year 2017-2018). Imagine what could be done with \$200,000 as a social worker or probation officer for a single child and their family in their own community. The Task Force recommendation noted that “out-of-home placement costs, on average, as much as \$192,720 per youth per year, nearly 50 times the cost per participant of high-quality family therapy.” Given that on average, youth in placement will be in six different facilities for a length of stay of 16 months, placing kids out of the home is both economically expensive and costly to each young person and family in other critical ways.

The Task Force research shows that only 20% of Pennsylvania’s spending on delinquency services is allocated to services for youth living at home, whereas at least \$280 million was allocated to out-of-home-placement in a *single* year. Could you put that youth on the right track, strengthen the family and neighborhood where they live, and keep the community safe? Absolutely. YAP does just that by spending less than 1/6th of what it costs to incarcerate a child in Pennsylvania.

Pennsylvania is using placements for kids too frequently, and often for those youth who pose no risk to the community: As the Task Force’s research has found, most of the youth in Pennsylvania being sent to out-of-home placements have had no prior adjudicated offenses, and many of them are being sent for misdemeanors (59%), contempt for failing to pay fines, and non-person offenses. Importantly, not only is placement overused for kids who don’t need it, diversion programs in Pennsylvania are underutilized, as noted in the recommendations, “*even for young people who score low risk to commit another offense and for those entering the juvenile justice system for the first time on misdemeanors.*” The recommendations also note that *a youth may be removed from home for any delinquent act or violation.*

It is safer for everyone to serve young people in the community vs institutional placement: Juvenile justice systems that rely too heavily on prison and other out-of-home placements do not work. Young people fare better when provided needed community and family-based supports at home, than they do while incarcerated. Research has shown that diverted youth who receive community-based wraparound services in their homes are less likely to re-offend than those who are incarcerated. When provided the resources they need to succeed in their communities, young people are less likely to reoffend and recidivate and more likely to stay in school. On the contrary, research has shown that many youths who are put in out-of-home placements re-offend within two to three years of release¹. We should therefore aim

¹ Moreover, incarcerated youth often suffer from past traumas. Incarceration has the opposite effect of what is necessary and critical to help youth who suffer from trauma. Consistent relationships, physical and psychological safety, and the ability to assert control over one’s life and narrative are critical. Rather than address these traumas,

to minimize the number of youths in out-of-home placements and invest instead in community supports.

We need to develop more alternatives and services to meet the needs of more youth and families: Many young people incarcerated today are there because no adequate alternatives or needed services exist in their home communities. Rather than thinking of young people involved in the justice system as criminals and delinquents, imagine them as your young family members, neighbors, and friends' children or grandchildren. How would you want them to be treated if they got involved in the justice system? Given the research depicting its ineffectiveness, its unfair impact on young people of color, and its exorbitant cost, it is easy to see the value in supporting the task force's original recommendations. The hundreds of millions of dollars funneled each year to out-of-home placements could be better used to invest in youths' communities, families, and futures.

Racial disparities in PA show that black youth are more likely to be removed from their families than their white peers: Young people of color, especially black boys, are disproportionately impacted by out-of-home placements. They are more likely to be removed from their homes for identical offenses of other youth, are kept out of the home longer, and more often prosecuted as adults.

Pennsylvania must take the savings realized from shrinking its out-of-home placements to invest in communities to establish a robust continuum of care. This will include an array of meaningful non-residential community-based programs, supports, resources, and services as replacements to youth prisons. Each juncture of the typical youth justice system should have continua of care: from diversion to alternatives to arrest, detention, prosecution, placement, and violation, to aftercare. Investing in communities and implementing services and supports in the community can keep young people from being arrested, placed out of the home, and hasten return from an out-of-home-placement. The combination of adopting the original recommendations to divest from prisons and investing in communities will help us hold each youth accountable for their actions, and provide the services needed so families can stay together. It will also achieve the task force's goals of protecting public safety, ensuring accountability, containing costs, and improving outcomes for youth, families, and communities.

Thank you for your consideration.

Jeff Fleischer, MSW
Chief Executive Officer
Youth Advocate Programs, Inc.

out-of-home placements oftentimes add to their traumas. In fact, youth prisons and residential facilities are being shut down across Pennsylvania (Glen Mills reformatory school; Delaware County Juvenile Justice Center) and the United States after allegations of decades of abuse have surfaced.