

STATEMENT OF CHERYL SOBESKI-REEDY, ESQUIRE

May 20, 2022

Senator Lisa Baker
Dallas District Office
22 Dallas Shopping Center
Dallas, PA 18612
Via email: kflessner@pasen.gov

RE: May 23, 2022 Public Hearing on Juvenile Justice Reforms

Dear Senator Lisa Baker:

I am Attorney Cheryl Sobeski-Reedy of the Juvenile Defender Unit of the Luzerne County Public Defender's Office and I am writing this letter in support of the four Senate Bills 1226-1229, which address Recommendations 2, 5, 16 and 23 of the Juvenile Justice Task Force. To be clear, these thoughts are my own personal views in my experiences over the years as a juvenile defense attorney, and should not be construed to reflect the views of my employer, Luzerne County.

I have recently celebrated my 26th year work anniversary as an Assistant Public Defender in Luzerne County. No easy task, particularly since our county endured the infamous "Kids for Cash" scandal. It's been a job requiring strength, stamina, energy, wisdom and compassion, beyond what I ever dreamed would be necessary for this role. But it's been a learning experience of a lifetime and I've taken it upon myself to make sure that as long as I work in this capacity in our county, that every child will have a trained and competent lawyer by their side to face the juvenile delinquency system and to protect their interests.

I have defended thousands of children and adults in my legal career. I started in the PD's Office in Criminal Court in 1996 and gradually worked my way up from misdemeanor DUI trials to handling homicides, including a death penalty case. I was still working in adult Criminal Court, when on September 9, 2009, a federal grand jury in Harrisburg returned a 48 count indictment against former Luzerne County Judges Ciavarella and Conahan, which included racketeering, fraud, money laundering, extortion, bribery, and federal tax violations, for their role in the building of a for-profit juvenile detention center, which Judge Ciavarella had ordered youth, facing any type of juvenile charge, mostly without legal representation, into secure custody there.

What we have learned is that Judge Ciavarella's Juvenile Court from 1996-2008 was more or less held in secrecy, usually only a half day a week. He didn't need much time for Court hearings, as the cases were already predetermined by him in consultation with the Juvenile Probation and District Attorney's Office, before the children walked in. Our PD's Office didn't provide counsel for most children, unless a parent sought out our services, and came into our office to apply for representation. And even if they did, if a parent earned over the poverty guidelines, they were turned away. Children were also presented with waivers of counsel to sign outside the Courtroom door, not realizing their fate or what was in store for them.

After the indictment in September of 2009, former Chief Public Defender Basil Russin asked if I would be willing to take on the role of learning everything possible about the juvenile justice system, so that I could represent every child in Luzerne County, and begin the process of creating a dedicated Juvenile Defender Unit. I was hesitant and nervous, but also was motivated by the parents and youth

that I had watched in the media telling their stories about their horrific experiences in Juvenile Court. As the parent of a 7-year-old at the time, I couldn't say, "no." So, off him and I went to the National Juvenile Defender Center's Leadership Summit in Colorado in October 2009 for training. I remember reading the Pennsylvania Juvenile Act and the Pennsylvania Juvenile Court Procedural Rules on the airplane. I became aware of a very large circle of dedicated and talented professionals located across the country interested in improving each state's juvenile system.

The Philadelphia Defender's Association also contacted us and provided invaluable in-house trainings, not only to our staff, but to all the lawyers in the county who were interested in attending.

From October of 2009 to August of 2010, with Judge Ciavarella gone and a new Juvenile Court Judge on the bench, I attended at least 500 Juvenile Court hearings by myself, so that no child would appear in Court without a lawyer. I worked nights and weekends to keep up, getting to know all the clients and families and their legal issues. Thankfully, in August of 2010, our county government and with the help of the Pennsylvania Commission on Crime and Delinquency provided funding to start a Model Juvenile Defender Unit, consisting of three lawyers, a social worker, an investigator and a secretary, which our county kept funding, after the PCCD grant expired, and continues to do so to this day. We created files, interview forms, and policies and procedures, to support the best practices in juvenile legal representation that we could find, including the practice of attending all probation intake interviews. We purchased filing cabinets, secured more office space, decorated juvenile waiting and conference rooms, and created "Your Guide to Juvenile Court" a booklet to explain to parents and children what to expect in the juvenile justice system and their rights.

Since that time, I have become certified by NJDC's Juvenile Training Immersion Program (JTIP) to provide trainings to defense attorneys across our state, currently serve as the Treasurer of the Juvenile Defender Association of Pennsylvania, which provides low cost or free defender trainings in our state, and have served on the Supreme Court of Pennsylvania's Juvenile Procedural Rules Committee from 2015 to 2021. Locally, I have served on our county's Juvenile Justice Task Force, Disproportionate Minority Contact (DMC) workgroup, and our Juvenile Wellness Court planning/treatment team. I continue to represent youth in our Luzerne County juvenile system (and as direct file juveniles in adult Court) every day of the week, but with a much more manageable caseload and with the help of trained, professional support staff.

I tell you all of this, so that you can better understand where I am coming from in supporting and discussing the adoption of the proposed four Senate Bills as recommended by the Juvenile Justice Task Force. Pennsylvania lawmakers have an important opportunity to make long-term improvements and positive changes for Pennsylvania's juvenile justice system, which will touch the lives of a countless number of children and families for decades to come.

For Senate Bills 1227 and 1229, amending the Human Services Code to include both juvenile justice and child welfare funding goals and to provide funding for indigent defense is a long overdue necessity. With all children now presumed indigent for the qualification of legal defense counsel, but then in not providing any funding for that counsel, a disservice is done to the children of Pennsylvania. Quality representation, as mandated by the "Juvenile Performance Guidelines for Quality and Effective Juvenile Delinquency Representation" adopted in 2010 by the Juvenile Defenders Association of Pennsylvania, requires the assignment of well-qualified, experienced attorneys who understand and

appreciate the complexity and significance of delinquency representation. Every child and adolescent deserves access to well-resourced juvenile defense counsel, with access to services that are necessary to protect their constitutional rights to effective assistance of counsel, including experts, mental health professionals, social workers, alternate disposition advocates, education specialists, investigators, paralegals and other legal representation support persons. Delinquency cases are complex matters that raise legal, child and family-centered issues and engage overlapping court, school, supervision, service and treatment systems. Delinquency cases have direct and long-term collateral consequences that significantly impact the lives of children and their families. Advances in brain research also confirm that children and adolescents are different from adults, as they do not have the same cognitive, emotional, decision-making or behavioral capacities as adults. Special care must be taken to ensure that the child's developmental immaturity is considered among the other relevant issues of each child's situation. All juvenile defender offices in Pennsylvania deserve the tools and funding to be able to effectively advocate for their juvenile clientele. Having this funding obligation placed on county government is overly burdensome. By ensuring that juvenile defenders are paid for in part with Public Welfare dollars ensures that counties will provide juveniles with the effective counsel that they need.

I also support Senate Bill 1228 by keeping youth in out-of-home placement no longer than the timeframe supported by research. Required mandatory out-of-home placement review hearings every three months instead of six months, which is consistent with the dependency system, is a better way of monitoring youth in delinquency placement. Also, requiring the Court to question the quality of the services that a child is receiving in placement and to consider the release of the juvenile at each review hearing ensures a meaningful review of the child's out-of-home placement.

Out-of-home placements, whether secure or open, although maybe good-intentioned, can end up causing a child more harm than good and a lifetime of trauma. Over the past ten years, I have had the unfortunate experience of representing some children with minor misdemeanor offenses and probation violations, (such as staying out past curfew), ending up in the juvenile system for years, unable to get out, graduating from open to secure placements, because they couldn't follow a placement's intricate rules or the probation conditions; or their home lives were simply too unstable.

With regard to youth in secure temporary detention or secure placements, I have visited and observed them wearing prison garb and plastic shower shoes, sitting in chairs that are bolted to the floor, complaining about metal toilets, and hard beds with no bedding, so that they can't harm themselves. No pictures on the walls, so they couldn't be taken down and used as weapons. Children being subject to strip searches. Very little contact with the outside world and infrequent communication with family.

Open residential placements can be just as traumatizing to live in for a child. I have sadly watched some of them graduate from these juvenile placements into the adult criminal system, appearing in and out of jail with no self-esteem or self-worth that they can do better. They have talked to me about their PTSD from being in placement in the juvenile system, how they sometimes get chills or can't sleep, still hearing the sounds of a metal door closing them in a room, when they shut their eyes at night to go to sleep. They have suffered educationally as well and some have never earned their high school diploma. Not all my clients, mind you, have articulated residential placement as being this traumatic to me, but for the children that have, and that have lived it, it has been a negative life-altering experience that has been hard or impossible for them to recover from. I also have had the unfortunate

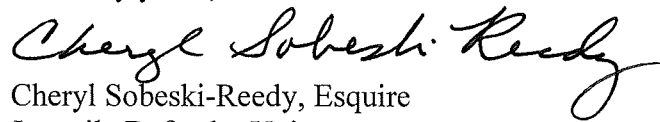
experience of reading my former clients' obituaries in the local newspapers from time to time, dying in their 20's, too soon, due to suicide or substance abuse overdoses.

I also support Senate Bill 1226, which creates a standardized statewide expungement process. Most clients and families believe that a juvenile adjudication record is sealed or won't stay on a juvenile's record for life. They don't understand the expungement process to even ask for a motion to be done. Right now, there is no requirement that defense attorneys must follow a child's case through expungement. Thus, juvenile defenders, who are typically overworked or overburdened, do not have any systems in place to file for expungement for their clients, nor are they negligent if they don't. Thus, from county to county, expungements are handled differently. In our county, our office does track and file expungement motions for our clients. I personally have filed approximately 300 petitions over the last three years. These motions are very fact-specific and time-consuming to prepare, require background checks, and record keeping for timely filing. I personally have an old-fashioned, paper binder, tickler system, as I can trust it, as what works for me. But I spend nights and weekends working on these motions, in addition to my daily assignment. Other counties have probation staff performing expungements or require that juveniles pay private counsel to have an expungement motion filed.

Thus, requiring that the county Chief Juvenile Probation Officer notify the Court of eligible candidates for expungement, would ensure that all juveniles entitled to expungement would be guaranteed that an expungement takes place. And the development of technology and case management tools to track expungement eligibility dates is necessitated as well. Juvenile defense attorneys also still need the authority to file an early expungement motion, if a prosecutor agrees to an early expungement, as that may not be easily tracked nor attempted as an option by the juvenile probation office.

Thank you for consideration of my comments today. I applaud these efforts toward juvenile justice reform in Pennsylvania. I can also be reached by my cell phone (570) 947-2143.

Sincerely yours,



Cheryl Sobeski-Reedy, Esquire
Juvenile Defender Unit

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