

**Testimony on
Alternatives to Detention**

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pennsylvania
DEPARTMENT OF PUBLIC WELFARE

Good morning, Chairwoman Bishop, Chairman O'Brien, committee members and staff. I am Richard J. Gold, Deputy Secretary for the Department of Public Welfare's (DPW) Office of Children, Youth and Families (OCYF). I am pleased to be here today to provide testimony regarding some exciting changes occurring in Pennsylvania's juvenile justice system that support alternatives to the use of secure detention.

Pennsylvania's Juvenile Justice System

The purpose of Pennsylvania's juvenile justice system is to provide programs of supervision, care and rehabilitation which balance the protection of the community, accountability for juvenile offenders and the development of competencies to enable juveniles to become responsible and productive members of society.

It is a difficult balancing act because the youth we serve often present with emotional, psychological and drug or alcohol issues which are often contributing reasons for their behavioral problems.

Youth in the Juvenile Justice System

A key to understanding the juvenile justice system is having a portrait of the youth that we serve. Studies indicate that youth within our nation's juvenile justice system experience significantly more mental health and substance abuse problems than youth in the general population. Of the youth who come in contact with the juvenile justice system each year, an estimated 60 to 75 percent meet the diagnostic criteria for a mental disorder with 20 percent being severe in nature. (Cocozza as cited in National Council on Disability, 2002). Additionally, a survey of juvenile facilities funded by the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention revealed that 73 percent of youth reported mental health issues during screening. (ABT Associates as cited in Coalition for Juvenile Justice, 2000). Of those youth with mental illness in the juvenile justice system, approximately one-half possess co-occurring substance abuse and mental health disorders. (Coalition for Juvenile Justice, 2000).

These percentages are considerable given that the prevalence of diagnosable mental disorders in youth in the general population is estimated to be 20 percent. (U.S. Department of Health and Human Services, 1999)

These national statistics are also replicated in Pennsylvania where 71 percent of Pennsylvania's youth in detention centers report mental and emotional needs that warrant further attention. Of these youth, about 1 in 5 report thoughts of harming themselves and/or experiencing thoughts that life is not worth living. In addition, approximately 1 in 3 youths report recent alcohol and/or drug use of sufficient frequency or extent to suggest the existence of a substance use disorder. (National Youth Screening Assistance Project, 2006).

Models for Change

In 2004, Pennsylvania embarked on "Models for Change" which is a broad-scale, multidisciplinary, systems reform initiative for juvenile justice supported by the John D. and Catherine T. MacArthur Foundation. Pennsylvania was the first state chosen by the MacArthur Foundation to participate and receive grant funding for "Models for Change" because it was viewed as having a favorable reform climate and strong partnership among stakeholders. The three selected Target Areas for Improvement upon which Pennsylvania chose to focus its efforts are: 1) Aftercare; 2) Disproportionate Minority Contact; and 3) Mental Health/Juvenile Justice Coordination.

I would like to spend some time highlighting our efforts on the third target area as this area more than the other two exemplifies the Commonwealth's progressive and evocative movement in the juvenile justice arena.

Mental Health/Juvenile Justice Coordination

In February 2005, a team of commonwealth agencies and statewide organizations, through support from the MacArthur grant, began working with teams from Allegheny, Chester and Erie counties to improve mental health/juvenile justice

coordination in their jurisdictions. Working together, the teams developed strategic plans and goals to promote coordination among the systems in order to ensure that the juveniles are served in the settings and programs that best meet the joint needs of society and the juveniles. The two major goals established by the teams were:

1. Developing a statewide screening and assessment process; and
2. Developing a continuum of services for children in the juvenile justice system who are experiencing mental health problems, with an emphasis on facilitating the proliferation of evidence-based programs and the provision of services to children returning home from placement.

Additional MacArthur work led to the creation of a "Mental Health/Juvenile Justice Joint Position Statement" that was agreed upon and signed by the major organizations from both the criminal justice and the behavioral health systems in Pennsylvania, including the:

1. Mental Health Association of Pennsylvania;
2. Mental Health/Mental Retardation Program Administrators of Pennsylvania;
3. Pennsylvania Council of Chief Juvenile Probation Officers;
4. Pennsylvania Commission on Crime and Delinquency;
5. Pennsylvania Juvenile Court Judges Commission;
6. Pennsylvania Department of Education; and
7. Pennsylvania Department of Public Welfare.

The Joint Position Statement outlines twenty-four characteristics of a comprehensive model system that:

1. Prevents youth from entering our system unnecessarily who are in need of mental health treatment, including those with co-occurring substance abuse disorders, in the juvenile justice system;

2. Allows for the early identification of youth in the system with mental health needs and co-occurring disorders; and
3. Provides for timely access by identified youth in the system to appropriate treatment within the least restrictive setting that is consistent with public safety needs.

These mental health focused efforts have led to innovative thinking and approaches throughout the commonwealth. I would like to highlight some of these innovative approaches at this time.

Systemic Reform in Pennsylvania

Since beginning our work through the MacArthur Foundation we have seen innovative reform occurring within local communities, human service agencies, as well as county and state government. To highlight a few of these reforms:

- Mental health and substance abuse screening is more readily available at key transition points in the juvenile justice system. Currently, twenty five county probation offices are screening youth at intake. Additionally, all of the state operated Youth Development Centers/Youth Forestry Camps (YDC/YFC) as well as many of the county detention centers also screen youth upon entry into their facilities.
- Through an initiative lead by the Juvenile Court Judges' Commission, fifteen county probation offices have either or are now beginning to use the Youth Level of Service/ Case Management Inventory, a validated assessment instrument, as a way of improving their decision-making regarding intensity of services for youth.
- The Mental Health/Juvenile Justice state workgroup's Diversion Subcommittee has developed fundamental principles or values for diversion policies and

protocols related to pre-adjudicated youth and the development of diversion mechanisms at key decision making points in the juvenile justice continuum.

- Through a joint Office of Mental Health and Substance Abuse Services (OMHSAS) and OCYF Redirection Project, thirty-eight cases since 2007 have been reviewed with various county agencies resulting in a number of youth being placed in less restrictive or more appropriate settings.
- In 2008-09, the Pennsylvania Commission on Crime and Delinquency partnered with DPW to develop the Resource Center for Evidence-Based Prevention and Intervention Programs and Practices to help communities define their issues and select and implement programs to address them.
- On October 9, 2008 Act 109 was signed into law, guaranteeing that information volunteered by youth in court-ordered mental health screening or assessment will not be used against them in delinquency or criminal proceedings. This allows youth to fully participate in the information gathering process that may lead to an alternative placement and/or services.

Other MacArthur Target Areas

Pennsylvania has not ignored the other two target areas in the "Models for Change"; however to be honest of the three targeted areas of improvement, disproportionate minority contact represents the area where progress has been the slowest and truthfully, the most difficult to address. This is not to say that we are not addressing this target area. We have set some long –term goals in this area to reduce the disparities found at key decision points throughout the process from initial arrest, referral to court, adjudication, confinement, to aftercare. A first step in making progress has been our focus on collecting and collating data on these key decision points in order to make an informed decision on how we should approach this task.

Our last target area of our "Models for Change" work is aftercare or re-entry services. Of the three target areas, this was the service that had the greatest foundation on which to build because in 2005 the stakeholders in the juvenile justice system in Pennsylvania issued a joint policy statement pledging to work together and develop an aftercare system for Pennsylvania's youth.

The "Models for Change" work built upon this earlier pledge and adopted the goal of improving aftercare services and supervision so that every young offender has a smooth and successful re-entry after a juvenile justice placement. The aftercare work focuses on reducing length of stay in placement, reducing the dollars spent on placement, reducing recidivism, increasing the percentage of youth placed in aftercare upon release from placement, improving connections to school and work, and improving immediate engagement with the youth's family and resources immediately following his or her release from placement.

Through the efforts and assistance of the MacArthur grant the work on aftercare in Pennsylvania has grown from a pledge from the juvenile system partners to a true partnership that has shown evidence of progress and impact. In addition to the re-entry efforts of the state staff at our facilities, there is now collaborative work on aftercare in the local county-based system between the county juvenile probation and the county human services system.

Targeted Financial Support in Needs Based Plan and Budget

In addition to our "Models for Change" work, DPW is supporting counties in their implementation of innovative techniques and programs for services related to their delinquent population. In Fiscal Year 2009-2010, counties were given an opportunity to identify programs through a special grant process known as Pennsylvania Promising Practices to receive funding at a 90 percent state reimbursement rate for approved

targeted initiatives. These Promising Practices are outcomes-based services, that are geared to prevent or decrease out-of-home placements and in the case of delinquent youths, detention.

For example, in FY 2009-2010, Promising Practices funds are being used to support the Community Intensive Supervision Program in Allegheny County. This is an afterschool, evening and weekend program that is used for placement diversion as well as a step-down from placement. This program has been replicated in both Erie and Washington Counties. In York County, funding is utilized for the expansion of their Aftercare Triage program with outcomes related to reduced re-entry in the juvenile justice system, entry in the adult system and reduced length of stays in out of home placements.

In addition to Promising Practices funding, in FY 2009-2010 Pennsylvania's child welfare services budget includes funding for services to the delinquent and pre-delinquent population. These funds are for services designed to prevent delinquency, detention and out-of-home placement. This includes day treatment programs, aftercare services, electronic and GPS monitoring systems, and a variety of other services geared to placement prevention and meeting the balanced and restorative justice principles of safety, competency development and accountability.

Conclusion

I was able to highlight just a few examples of the work being done throughout the commonwealth to create a comprehensive juvenile justice service delivery system that protects the safety of our communities while at the same time identifies and meets the needs of our youth. I believe that through these efforts we are seeing progress as evidenced by data that shows that placements in secure detention centers decreased from 14,272 in 2004 to 12,183 in 2008, which is a 14.6 percent decrease. I anticipate

that we will see more progress as some of the more recent initiatives we have implemented come on line.

Although challenging work remains ahead, Pennsylvania's juvenile justice and other child serving systems will continue to identify innovative solutions to provide our youth with the highest quality supervision, care and rehabilitation they and the citizens of our commonwealth deserve.

I'd like to thank the committee for giving me the opportunity to provide testimony on this important issue. I am happy to answer any questions you may have at this time.

