

PA House of Representatives Children and Youth Committee Written Comments from Chadwick J. Libby – Dauphin County Director of Probation Services and Current President of the Pa Council of Chief Juvenile Probation Officers (April 20th, 2023)

On behalf of myself, our dedicated probation officers, provider community and the Pennsylvania Council of Chief Juvenile Probation Officers, I am truly honored to provide testimony to you today. This month, I completed my 25th year in juvenile probation and 11th year as the Director of Probation Services (overseeing both the adult and juvenile divisions) here in Dauphin County. Additionally, I've been a member of the Chief's Council's executive committee since 2008, an original member of the Juvenile Justice System Enhancement Strategy (JJSES) initiative, a member of the JJSES Leadership team since 2020, a member of the County Chief Adult Probation and Parole Officers Association of Pennsylvania since 2012, an original member of the Pa County Chief Adult Probation and Parole Officers Evidenced Based Practices Leadership team since 2014 and in 2018, was appointed by the Governor as a member of the JJDPC, our statewide juvenile advisory group.

Equally noted, as a child, I was personally involved in the foster care system. A system that has had a profound impact on the person I am today, professionally, and personally. My family and I are forever grateful for the support that the child welfare system provided to me, my siblings and wonderful mother.

Since its inception in 1967, the Council has endeavored to advance the field of juvenile justice. In the early days, the Council was focused on establishing the profession of juvenile probation while distinguishing it from the Department of Public Welfare (now the Department of Human Services). The express purpose of the Council was to develop and promote juvenile justice services in Pennsylvania, which remains the central tenet of today's Council. In 1968, the Council's influence was instrumental in the passage of Senate Bill 677, transferring grant authority from DPW to the Juvenile Court Judges Commission (JCJC). Since that time, the Council and JCJC have enjoyed a long and fruitful partnership.

In 1995, Act 33 fundamentally changed Pennsylvania's juvenile justice system, revising the purpose clause of the Juvenile Act to establish our Balanced and Restorative Justice (BARJ) Mission:

"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."

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In June of 2010, at the annual strategic planning meeting, the Executive Council of the Pa Council of Chief Juvenile Probation Officers and JCJC agreed to develop the Juvenile Justice System Enhancement Strategy (JSES). Shortly thereafter, the JSES Statement of Purpose was developed to outline our vision:

“We dedicate ourselves to working in partnership to enhance the capacity of PA’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 efforts; and with this knowledge, striving to continuously improve the quality of our decisions, services, and programs.”

Over the last decade the juvenile justice system has been retraining and retooling to incorporate evidence-based practices. While the JSES has fundamentally altered the operation of Pennsylvania’s juvenile justice system, our sights remain firmly fixed on the BARJ goals. It is important to note that evidence-based practices do not supplant BARJ; rather, they bolster our ability to attain BARJ goals.

The Chief’s Council remains committed to achieving these goals in partnership with JCJC, Pennsylvania Commission on Crime and Delinquency, Administrative Office of Pennsylvania Courts, Bureau of Juvenile Justice Services, Department of Human Services, Center for Juvenile Justice Training and Research, Pennsylvania Council of Children, Youth & Family Services, Office of Victim Advocate, and the citizens of this great Commonwealth.

Juvenile probation today in Pennsylvania is immensely different than it was 11 years ago. When I started 25 years ago, I walked into the office on the first day and was provided with my caseload. My caseload consisted of 55 juveniles who attended the Harrisburg City School District’s Alternative School, The Baton Felton Academy. I must say, I truly wished I was provided with the skills of success, that now permeate through each probation department in this Commonwealth. In the past 11 years, every probation officer is trained on how to assess, how to case plan, how to motivate, how to engage families, how to teach skills and use cognitive-behavior programming. All these skills are essential to be successful. That said, the PA juvenile justice system is extraordinarily successful, nationally recognized, quite progressive, and willing to open our journey and invite numerous foundations over the years to assist our system in how to even be better.

Additionally, many of the successes of the Pa juvenile justice system were not a result of any legislative action/mandates. The successes were the direct result of the excellent partnership between the Council, JCJC, PCCD and other key stakeholders. As an example of our commitment to enhance the implementation of research based best practices, all parties agreed that we must ensure all counties are using the Youth Level of Service assessment (YLS) as well as implementing the case plan. This was achieved through all parties agreeing that a county’s grant-in-aid allocation could be reduced if these

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two important EBP resources were not implemented. I am pleased to say that all 67 counties are using the YLS and case plan.

Key Testimonial Points of Consideration:

1. What's happening within the Juvenile Detention centers as an entirety?

- a. Success of our System
 - i. Past 10 years,
 - 1. Secure detention decreased 74% (10 years) and 58% (5 years)
 - a. 10,295 fewer detention admissions
 - 2. Residential placement decreased 75% (10 yrs) and 62% (5 yrs)
 - a. 3,898 fewer placements
 - 3. Total delinquency placement expenditures savings
 - a. \$172 million (10yrs)
 - b. \$53 million (last 3 years)
 - 4. Recidivism rate in 2019 was 11.7%
 - 5. 85% of the youth complete supervision without a new offense
 - 6. 84% of youth in the system made full restitution
 - 7. 88% of high/very high risk youth had a lower risk to re-offend at time of case closing
 - 8. Since 2017, roughly 80% of first time youth were diverted from adjudication
 - 9. Implementation of the Pa Detention Risk Assessment System
 - a. A key variable in the reduction of secure detention
 - b. Providing alternative to detention services
 - c. Yielding a success rate of roughly 90% for those youth released or placed on an alternative to detention program
 - ii. Current Facilities
 - 1. 9 County Operated detention centers
 - 2. 3 Privately operated detention centers
 - 3. 2 out of state detention centers (ohio)
 - 4. 4 facilities closed the past 2 years
- b. Reduction in the need for secure detention
 - i. Resulting in the closing of facilities over the past 4-5 years
 - ii. Current Facilities
 - 1. 9 County Operated detention centers
 - 2. 3 Privately operated detention centers
 - 3. 2 out of state detention centers (ohio)
 - 4. 4 facilities closed the past 2 years
- c. Licensed vs Operational Beds
 - i. 513 licensed beds
 - ii. 366 operational
 - 1. 9 counties have sole access to roughly 270 operational beds
 - 2. Leaving 57 (76%) counties to vie for less than 100 operational beds
 - a. Today, 45% of these counties have no immediate access to beds
 - 3. 66% of the counties are not able to meet their daily needs
 - a. 191-243 daily detention bed needs for 57 counties
 - b. Daily needs based on regions:

- i. Western – 60-84 detention beds
 - ii. Central – 50-61 detention beds
 - iii. Northeast – 35-42 detention beds
 - iv. Southeast – 55-67 detention beds
 - d. Staff shortage to man the 513 licensed beds
 - e. **Very small population of youth that present with complex issues**
 - f. Many youth going into detention centers present as aggressive and violent
 - i. *In our own backyard – 1 out of every 3 referrals (from the City of Harrisburg) are for gun charges*
 - g. Facilities do not have the ability to appropriate staff for the number of potential beds
 - h. Creates scenarios in which the workers do not want to handle, especially for the low wages.
 - i. Interest of Justice cases:
 - i. Roughly 205 cases for 57 counties
 - 1. Additional strain
 - 2. Proposed legislation (Direct File)
- 2. **Due to capacity limitations, juveniles are placed in detention far from their families or even out of state? What is the impact here on the juveniles and the probation officers?**
 - a. 76% of the counties must travel 1-2 hours (one way)
 - b. 22% (3-4 hours)
 - c. Family visitation and providing effective intervention/services are difficult for the youth due to distance.
 - d. Large portion of the day is consumed with detention bed management. Taking away their ability to provide intervention for their other assigned youth on their caseload.
 - e. Staff and Judges are forced to be on-call 24/7
 - f. Increased costs for departments due to overtime
- 3. **Several high-risk juveniles are not even being put in detention centers due to lack of space. This poses a safety risk to the public?**
 - a. We have a serious Public Safety Crisis
 - b. Although violent crime has decreased by 72% in the past 10 years, these crimes are still being committed by a small number of youth.
 - i. So, to ensure the right of our communities to feel safe from crime, secure detention is critical.
 - ii. Yes, it poses a tremendous risk and causes much anxiety for my colleagues, the police, and victims of those crimes. **Community Protection is one of our core functions.**
 - c. Allegheny County (Since Shuman Center Closed)
 - i. 172 required secure detention but no beds were available
 - 1. 83 of these youth were for firearm charges

2. Dozens of these youth have absconded and/or committed serious violent crimes while on electronic monitoring
 - d. Some of these youth (throughout the Commonwealth) have committed additional serious offenses (including homicides), been shot and killed, and continued to commit other crimes.
 - e. We can not effectuate capias (absconders) as we have no detention beds.
 - i. If they are picked up they are typically placed on electronic monitoring
 1. Only to cut off the bracelet 15 minutes later
 - f. We have to prioritize each detention situation
 - i. May move a youth out of detention for another that poses a greater risk.
- 4. What can be done to help combat some of these issues falling on probation officers, provider community, and sometimes even families?**
- a. We need a system that appropriately funds the services needed for our youth
 - b. Requires statewide coordination
 - i. Can't be sole responsibility of the Counties to fix this critical issue
 - c. Legislatively, it is the state's responsibility to ensure our secure detention needs are met
 - i. The state needs to take a more active role
 - d. State budgeting system is archaic and requires a major overhaul
 - i. Funding mechanism to ensure these facilities are able to operate the number of beds needed.
 - ii. We are continuing to lose community-based and residential providers and if this is not addressed promptly community safety will become increasingly vulnerable.
 - e. Incentivize this profession
 - i. Workforce Investment
 1. Similar to the Child Welfare System
 - a. Child Welfare Education for Baccalaureates (CWEB)
 - b. Child Welfare Education For Leadership (CWEL)
 2. Tuition Assistance for Criminal Justice majors

As previously stated, I am thankful to provide my expertise and knowledge on this critical public crisis. Yet, I would be remised if I did not take this opportunity to address a significant concern the Pa juvenile justice system is experiencing..... maintaining quality staff for our service provider community and probation departments. The Pa juvenile justice system has worked tirelessly developing and implementing the goals and objectives of the JJSES. Fidelity of these strategies is paramount, yet our service providers continue to struggle to maintain skilled professionals. Many service providers have a high turnover rate. From my experience, there are two factors that contribute to the high turnover rate: compensation (most averaging roughly \$12-\$17 an hour) and lack of interest in this profession for our young adults. You can have a blueprint for success, however, without quality personnel, the plan is just words on paper. If I may, I would suggest that some of the re-investment monies the juvenile justice system has saved in the past 11 years (\$170 million) be re-invested for our service provider community.

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In conclusion, I am extremely proud and honored to be part of the most innovative, progressive, and highly skilled juvenile justice system in the country. From our devoted professionals of probation staff, the provider community, victim advocates and excellent partnership with JCJC; we realized early on the impact our efforts have on lives, not just the youth and families we work with but our communities and victims as well.

Thank you for this opportunity to provide my thoughts and perspectives on the overcrowding of Pa's secure detention facilities.

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