



Keystones for Reform

PROMISING JUVENILE JUSTICE POLICIES AND PRACTICES IN PENNSYLVANIA

October 2005

Models for Change

Systems Reform in Juvenile Justice



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Foreword

This is the first report of *Models for Change: Systems Reform in Juvenile Justice*, an initiative supported by the John D. and Catherine T. MacArthur Foundation. It describes a number of promising juvenile justice policies and practices in Pennsylvania that provide a solid base for further reform efforts. The report shares information about these efforts in the hope that they will provide worthwhile ideas and inspiration to cities, counties, and states across the country.

The Foundation began making grants in the field of juvenile justice in 1996. Its investments grew out of the Foundation's long-standing interest in youth development and were sparked by a disturbing national trend to treat young offenders as if they were no longer young. The Foundation provided grants in two areas: (1) advancing the scientific knowledge base; and (2) fostering the development of appropriate laws, policies, and practices. It funded extensive research on adolescent development and juvenile justice, as well as training, advocacy, policy analysis, and public education efforts.

More recently, the Foundation has launched an initiative to help states become models of juvenile justice reform. Its goals are to promote a juvenile justice system that is rational, fair, effective and developmentally appropriate – one that holds young offenders accountable for their actions, provides for their rehabilitation, protects them from harm, increases their life chances, and manages the risk they pose to themselves and to public safety. The Foundation believes that a model system must reflect eight key principles that reflect widely-shared and firmly-held values related to juvenile justice: fundamental fairness, recognition of juvenile-adult differences, recognition of individual differences, recognition of young peoples' potential, public safety, individual responsibility, community responsibility, and system responsibility.

The Foundation selected Pennsylvania as the first state to participate in the Models for Change initiative. Pennsylvania was chosen because it is

considered a “bellwether” state in juvenile justice, it has a favorable reform climate, and it seems poised to become an exemplary system. There are strong partnerships among Pennsylvania’s stakeholders – judges, district attorneys, public defenders, probation departments, community leaders, and city, county, and state officials – and considerable consensus about the strengths and weaknesses of the state’s juvenile justice system. Reform efforts in Pennsylvania will focus on bringing about change in three areas: (1) the coordination of mental health and juvenile justice systems; (2) the system of aftercare services and supports; and (3) disproportionate minority contact with the juvenile justice system.

While Pennsylvania has room for improvement, like any state, it has a number of policies and practices that show promise:

- The Juvenile Court Judges Commission conducts research and training, develops and oversees compliance with standards, and engages in legislative and policy analysis on juvenile justice issues;
- Act 148 and Needs-Based Budgeting provides financial incentives for counties to keep young offenders at home, in their communities, and in least restrictive placements, rather than in locked state institutions;
- The Allegheny County Juvenile Court’s Community Intensive Supervision Program, a community-focused alternative to incarceration, fosters closer ties between youth and their communities while providing meaningful supervision for juvenile justice-involved youth;
- Evidence-Based Prevention and Treatment Practices, a variety of models that have been proven effective in extensive scientific research, are central to treatment approaches in the state;
- The Massachusetts Youth Screening Instrument, an instrument for screening incarcerated youth to identify needs for mental health assessment and treatment, is used nearly statewide to help detention centers better meet the mental health needs of incoming youth; and
- Detention Population Control at the Philadelphia Youth Study Center has made it possible to keep the detention population under 105 in a city of nearly 1.5 million residents.

The sections of this report describe the origins and implementation of the policies and procedures, lessons learned from the efforts, challenges for the future, and resources through which others can obtain more information.

We hope that this report will be the first of many opportunities to share information about the accomplishments of Pennsylvania and other states participating in the *Models for Change* initiative.

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Chapter 1

The Pennsylvania Juvenile Court Judges' Commission: Infusing Judges' Expertise in Juvenile Justice Policy and Training

The Pennsylvania Juvenile Court Judges' Commission (JCJC) was established in 1959 as a central agency to provide leadership for and improve the provision of juvenile justice services in Pennsylvania. Over the nearly half-century since its inception, the JCJC has become an influential force in the development of juvenile justice policy in the state and in the provision of training for those practicing in the field. Through careful cultivation of relationships with the legislature, the governor's office and advocates, the JCJC has succeeded in depoliticizing juvenile justice, ensuring that those knowledgeable in the field make the decisions about how things will operate at the state and local levels. Through the JCJC's research and training arm, a cadre of professional staff collects data to track juvenile court processes, while training staff administer both short workshops and a weekend master's degree program to enhance the skills of practitioners across the state. The combination of these activities has allowed the JCJC to become a formidable player, influencing statewide standards of practice and ensuring successful implementation in local juvenile courts. This chapter describes the structure and work of the Commission and outlines some of its successes and challenges.

COMMISSION MAKEUP AND FUNCTIONS

The Commission is comprised of nine judges nominated by the Chief Justice of the Pennsylvania Supreme Court and appointed by the Governor for three-year terms. The Commission is responsible for:

- Advising juvenile courts concerning the proper care and maintenance of delinquent children;
- Establishing standards governing the administrative practices and judicial procedures used in juvenile courts;
- Establishing personnel practices and employment standards used in probation offices;

- Collecting, compiling, and publishing juvenile court statistics; and
- Administering a grant-in-aid program to improve county juvenile probation services.¹

While many states have professional associations of judges (as does Pennsylvania), the Commission is distinct – it is part of the executive branch of Pennsylvania government, and its work is integrated into the functioning of the juvenile justice system. The Commission is sensitive to all three branches of government and accountable to the Governor, but serves as a quasi-independent body providing leadership throughout the system on juvenile justice issues. As Judge Arthur Grim, Chairman of the Commission and President Judge of the Berks County Court of Common Pleas describes, it is extraordinary to have a diverse group of judges from rural, urban and small city settings come together to formulate policy and make funding decisions that impact the system in a direct and positive way.

Standards, Monitoring and Advice

The JCJC employs seven Juvenile Court Consultants to serve as advisors to judges and probation department staff. These consultants identify circumstances where standards of practice are not being met, and can respond to concerns brought to their attention by juvenile justice personnel in the counties, providing information about state laws, rules and juvenile justice principles to court personnel as needed. In a state in which each county operates its own juvenile justice system, with probation officers hired by the local courts, having a central resource for advice and information is valuable. The relationships between the JCJC and the juvenile courts are built around these consultants, who know the county systems as well as the state laws and regulations so that they can be useful resources to judges and probation officers.

In addition, the JCJC has established standards that direct the conditions and implementation of specialized probation services and several stages of juvenile justice system processing, including secure detention decisions and proper juvenile court intake procedures. The jurisdictions accepting grant-in-aid monies from the JCJC must comply with certain mandatory standards,

and staff monitor compliance with these standards. These standards were developed in close partnership with the Pennsylvania Council of Chief Juvenile Probation Officers, ensuring that all parties agreed on best practices.

Legislative and Policy Presence

The JCJC's wide scope of influence is attributable in part to its physical presence in the state capital, Harrisburg, as well as a close monitoring of the issues arising in the legislature. The JCJC tracks all legislation affecting the juvenile justice system and is able to work with the Governor's policy office and other interested parties to ensure that the views of experienced juvenile justice professionals are voiced clearly as bills are considered. Executive Director Jim Anderson attributes the Commission's effectiveness to its close working relationships with legislators, legislative staff, advocates and policymakers built over time.

One of the most important examples of this legislative involvement came in 1995. That year, Governor Tom Ridge called a special legislative session for Pennsylvania's General Assembly to focus exclusively on the issue of crime in the state. Juvenile violent crimes had been on the rise, and there was a groundswell to move original jurisdiction over many designated felonies from the juvenile system to the adult court system. Realizing that this momentum could limit or eliminate rehabilitative opportunities for youth charged with serious offenses, but also that the Legislature demanded more accountability and protection of the community, the JCJC accomplished two important feats.

In the political climate of the time, legislators across the country were granting more discretion to prosecutors to determine whether to charge youth as adults or as juveniles, and restricting judges' opportunities to review such decisions. The JCJC helped ensure that while original jurisdiction over certain crimes did shift from juvenile to adult court, specific authority was granted to judges to move youth back to the juvenile system if youth could prove by a preponderance of the evidence in a criminal proceeding that such a decision was in the public interest.² The JCJC worked closely with key legislators, the Governor's office and the Pennsylvania District Attorneys

Association to rewrite the statutory criteria that would be the basis for these decisions. These amendments address public safety concerns while maintaining an appropriate level of judicial discretion.

The most significant JCJC proposal during the 1995 special legislative session redefined the mission of the juvenile justice system. As a punitive mood threatened core rehabilitative principles, the JCJC introduced the concept of Balanced and Restorative Justice to Pennsylvania. Balanced and Restorative Justice is an individualized approach to juvenile justice that balances the goals of accountability, community protection, and competency development. The following tenets are fundamental to the Balanced and Restorative Justice approach:

- A justice system promotes accountability by insisting that offenders are held responsible for the crimes committed and accept responsibility for the harm they have done, and work to make amends to their victims and to the victimized community. Those to whom the offender is accountable – victims, their families, community members and institutions – must play a role in the process by helping to choose and shape sanctions, monitoring compliance, and providing resources, information and feedback to the system.
- A justice system contributes to community protection by taking the public's safety into account in all its planning and decisionmaking.
- A justice system serves competency development when it enables juvenile offenders to leave the system in a better position to be peaceful, productive citizens than when they entered it. That means helping offenders to get whatever they need – work skills, learning skills, empathy and anger management techniques, intergenerational connections – to make their own way out of delinquency.
- Appropriate attention and resources must be devoted to all the above concepts, recognizing that the achievement of any of the goals depends on the others.³

The Commission endorsed the legislative proposal to amend Pennsylvania's Juvenile Act to incorporate the principles of Balanced and Restorative

Justice. Then the Commission got other judges, the Pennsylvania Council of Chief Juvenile Probation Officers, and the District Attorneys Association to support it and convinced the Governor and the legislature to embrace it. At the foundation of this philosophy is the concept that crime victims and the community, as well as juvenile offenders, should receive balanced attention and gain tangible benefits from their interactions with the juvenile justice system. The mandated new principles for juvenile justice system intervention articulated in the law passed during the special legislative session allowed for preservation of rehabilitative concepts while addressing other community interests:

(1) To preserve the unity of the family whenever possible or to provide another alternative permanent family when the unity of the family cannot be maintained.

(1.1) To provide for the care, protection, safety and wholesome mental and physical development of children coming within the provisions of this chapter.

(2) 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.

(3) To achieve the foregoing purposes in a family environment whenever possible, separating the child from parents only when necessary for his welfare, safety or health or in the interests of public safety.

(4) To provide means through which the provisions of this chapter are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced.⁴

These concepts still constitute the guiding principles of Pennsylvania's juvenile justice system. Judicial leadership has fuelled statewide commitment to implementing a juvenile justice system committed to the principles of Balanced and Restorative Justice.

Training and Data Gathering

The JCJC's Information and Technology staff, housed at Shippensburg University, gather annual data on such matters as charges, dispositions, legal representation, and racial makeup of the juvenile justice population, examining activities in each county as well as statewide. This group also tracks compliance with the "Standards Governing Use of Detention Under the Juvenile Act." Each month, all juvenile detention centers (with the exception of Philadelphia, which is involved in a separate reporting system pursuant to a consent decree) must report their detention admissions along with a Statement of Facts and Reasons accompanying every probation-authorized admission into secure detention. This information gathering is important to sustain accountability for the use of secure detention, ensuring that it is only used in appropriate circumstances. The Information and Technology Division has also developed the Pennsylvania Juvenile Case Management System in partnership with the Pennsylvania Council of Chief Juvenile Probation Officers. This case management system has been implemented in 62 of Pennsylvania's 67 counties and provides the basis for case management and juvenile court disposition reporting to the JCJC.

Shippensburg University also houses the JCJC's training arm. The Center for Juvenile Justice Training and Research administers one-to-three-day workshops on topics such as: screening and assessment, safety, effective implementation and maintenance of restitution programs, evidence-based mental health treatment, aftercare and school-based probation. It also operates a two-year weekend master's degree program in which participants can earn a Master of Science degree in the Administration of Justice. JCJC pays tuition, educational fees, and room and board for all eligible students. Students in return must agree to continue employment in the counties in which they work at the time they enter the program. Many go on to leadership roles in their departments. A similar smaller program in Erie at Mercyhurst College serves counties in the northwest region of the Commonwealth. These programs serve to improve the level of professional practice across the state.

NONPOLITICAL NATURE OF JUVENILE JUSTICE IN PENNSYLVANIA

A triumph of JCJC has been its ability to depoliticize the provision of juvenile justice services, contributing to an environment in which experienced professionals, regardless of political affiliation, work together to improve services to youth. In the 1980's and 90's the juvenile justice structure found itself under frequent attack, but since the 1995 session politicians have provided supportive leadership and left the juvenile justice community to do its work. Robert Schwartz, Executive Director of the Juvenile Law Center, credits JCJC with helping maintain this environment. Jim Anderson explains that since the principles of Balanced and Restorative Justice became the foundation for juvenile justice system intervention in the state, the JCJC has been able to deflate any concerns about the system by gathering statistics showing the system's effectiveness under these principles. The statistical gathering provides a method to hold the system accountable, while the system holds kids accountable for their behavior.

In 2004, the JCJC expanded efforts to measure the effectiveness of these restorative justice efforts in response to a request by Governor Ed Rendell for all state agencies and systems to attach greater priority to outcome and performance measurement. The 2004 Pennsylvania Juvenile Justice System Outcome Measures Report documents community protection, accountability and competency development. Highlights include:

- 87% of juvenile offenders completed supervision without a new offense;
- 94% of offenders with a community service obligation completed the obligation for a total of 550,167.75 hours of service;
- 86% of the offenders obligated to pay restitution made full payment, totaling \$2,144,883.99; and
- 81% of offenders remained in school or were participating in a vocational activity at the time they were released from supervision.

Jim Anderson notes that education of key staff has also been important in removing partisanship from juvenile justice issues. Problems occur when legislators and others perceive juvenile justice systems as not working. Because Pennsylvania already has a legislative mandate that everyone has endorsed, the JCJC can spend

its energies sharing its vision for the system and its data on system effectiveness. This has enabled it to convince executive and legislative stakeholders that juvenile justice policy should not be written in the political arena.

CHALLENGES TO CONTINUED SUCCESS

Funding and staffing constraints on the Commission's work and for services to meet the needs of youth in the system represent the greatest potential obstacles to continued success, in the eyes of Jim Anderson. Adequate funding to keep pace with technological advancement is especially crucial. Essential to ongoing success is the ability of staff to remain abreast of happenings in Harrisburg and around the state, and to remain connected to the county juvenile courts and state lawmakers. The key is to have sufficient staff to provide the necessary training and technical assistance, maintain and sustain relationships, and develop new ones as administrations, legislators and judges change.

Other challenges include the rotation of judges who sit in juvenile court and the occasional judge who does not understand the laws or standards. However, the moral authority and the concentration of judicial knowledge and leadership in the JCJC facilitate receptivity to its advice. Jim Anderson believes that judges assigned to juvenile courts should be assigned to those rotations for a minimum of three, and preferably five years, in order to gain the experience and knowledge base so important to making life-affecting decisions for children. He notes in particular that although Judge Grim has been elected President Judge in his county, he continues to hear juvenile matters because of his recognition that this is among the most important work a judge can do.

Judge Grim says that while there are many successful and creative programs around the state, additional resources would allow the JCJC to support replication efforts in more sites. He would like to spread successful models as widely as possible.

ADVICE FOR OTHERS WHO MAY WANT TO REPLICATE

Developing an influential body of knowledgeable and progressive judges with a substantial staff to perform education, research, advice and

legislative advocacy functions will certainly look different from state to state, depending on the system's structure, but some key elements are:

- Clear mission set forth with a legislative mandate;
- Placement in the governmental structure so that there are ways to develop relationships with executive and legislative branches. In Pennsylvania, placement in the executive branch was important;
- Staffing to support the mission;
- Commission makeup includes highly respected judges who care deeply about juvenile court work;
- Continuity on the Commission is important. Keeping some members long enough to retain historical perspective is ideal.
- Strong leadership and commitment is essential.

LESSONS LEARNED

Judges as a group have the potential to be extremely influential in promoting good outcomes for youth. An organization with this concentration of power and moral authority can prevent both bad judicial decisionmaking on an individual case level and harmful policymaking at the state level. Judges are powerful individuals, but their strength is much greater when they act collectively.

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¹ 11 P.S. 270-2; 270-4.

² See 42 Pa. C.S.A. §§ 6302, 6322, 6355.

³ Patrick Griffin, "Establishing Balanced and Restorative Justice in Your Juvenile Court: The Judge's Role," NCJJ inFocus, Fall 1999, Vol. 1, No. 3, p. 2.

⁴ 42 Pa.C.S.A. § 6301(b).

⁵ Available at www.jcjc.state.pa.us/jcjc/cwp.



Chapter 2

Act 148 and Needs-Based Budgeting: Incentives for Programs, Not Confinement

Pennsylvania Act 148 of 1976¹ changed the fiscal incentives that once encouraged counties to commit youth to state secure confinement facilities. As a result of the changes, the state and counties are better equipped to develop and sustain a continuum of services to meet youth needs in their own counties. Act 148 and the resultant shift to Needs-Based Budgeting and Planning for youth services allows state funding to be used more flexibly to meet the local demand for services, and codifies public policy to develop true local continuums of services for young people.

HISTORY: INCENTIVES INCREASED STATE COMMITMENTS

Youth in Pennsylvania benefit from the fact that juvenile justice and child welfare programs are both administered by the state Department of Public Welfare (DPW). While other states have placed responsibility for juvenile justice in freestanding agencies (such as departments of juvenile justice), in Pennsylvania the state has kept its dependency and delinquency programs under one umbrella. This structure offers opportunities for planning services for youth who move between systems, and for breaking down the “funding silos” that often prevent services from following troubled and at-risk youth wherever they go.

Pennsylvania’s juvenile justice system was once governed by the same incentives seen in other states: even though youth were arrested locally and could be managed with local or community resources, it often cost counties less to send delinquent children to distant institutions managed and paid for by the state.

This financial architecture meant that Pennsylvania counties had little incentive to develop local programs or services for troubled youth, and consequently there were fewer local treatment options than were needed. Judges often had little choice but to send large numbers of youth to locked state facilities.

A 1968 juvenile case is emblematic of the funding problem Pennsylvania once shared with other states. Charles Wilson, 16, participated in a minor street scuffle. According to the Pennsylvania Supreme Court, “No one was seriously injured in the course of the affray, and Charles’ participation was apparently confined to having thrown a few punches.”² His previous record included an arrest (without prosecution) for using profane language and an adjudication for \$8 worth of vandalism to school property when he was thirteen. He had received fourteen months probation for that incident, which he completed successfully.

Nevertheless, the juvenile court noted that Charles had missed a lot of school and had been suspended. Finding that he “seem[ed] to be in need of some stricter discipline,” the court sent him to the State Correctional Institution at Camp Hill for an indeterminate amount of time up to his twenty-first birthday.

Eventually, this harsh sentence – longer than the adult maximum sentence for the offense – was overturned. Charles needed more intensive supervision, but there were no intermediate supervision programs in the community, largely because the funding for those services did not exist, and the state facility at Camp Hill was available.

Act 148 reversed this incentive. Under Act 148, the counties pay a larger part of the cost of confining a child in a state institution than previously, encouraging them to develop local programs and services to keep troubled youth at home.

ACT 148: CHEAPER TO TREAT YOUTH IN THE COUNTIES—CLOSE TO HOME

Act 148 creates an incentive to develop additional capacity for local youth programs. While it does not mandate what services counties must provide, it creates an incentive structure that drives county planning in a clear direction. The state Department of Public Welfare (DPW) reimburses the counties for most of the costs of community-based services for children, while counties are required to pay 40% of the cost of confining a child at a state facility. With such an incentive structure, counties are encouraged to develop systems that promote public safety by keeping troubled children at home or in their communities. Specific priorities include:

- **Keeping children in a home environment.** Act 148 provides for reimbursement of 80% of the cost of services designed to keep children at home. Eligible services include after-school programs, evening reporting centers, outpatient counseling, and case management services offered by private-sector providers. In appropriate cases it can include foster care or adoption, but the high reimbursement rates create an incentive to keep children in a home environment.
- **Keeping children in their original communities.** When judges find that youth must be removed from their homes, Act 148 favors placements that allow them to remain in their communities. Reimbursement rates generally run at 80% for placement in group homes or other types of non-secure residential or treatment programs that allow children to attend public schools, use public recreational facilities, and hold jobs in their communities.
- **Using less restrictive options.** Act 148 discourages the most restrictive placements. It sets the lowest reimbursement rates for secure detention in local facilities (50%) and secure residential or institutional commitments (60%). Thus, the financial cost of the most restrictive placement is the most onerous for the county.

NEEDS-BASED PLANNING AND BUDGETING

In the first few years after the Act 148 reimbursement formulas came into effect, concerns raised at both the state and county levels drove further policy refinements and inspired a budget planning process to support and sustain local youth services. The state was concerned that Act 148 functioned like an uncapped entitlement. On the other hand, counties were concerned about being locked into an annual budget formula. If there were sudden change in the service needs for a given year – such as increased foster care placements due to changing community conditions like increased unemployment or a drug epidemic – the counties could run out of state funds to meet local needs well before the end of the fiscal year.

Act 148 was amended in the early 1990s to create a system of Needs-Based Planning and Budgeting. With the participation and authorization of the local juvenile judge and probation department, each county's child welfare agency develops a plan that shows the predicted service needs for court-involved youth, and how much those services will cost. DPW receives the submissions, tallies the approved costs for all 67 counties, and submits an aggregate budget allocation request to the legislature that takes into account the state share of county services. Needs-Based Planning and Budgeting allows counties to plan more accurately and request funding for the services they need, and allows the state to better meet the demand for services.

In 2004, Needs-Based Planning and Budgeting was administratively incorporated into a larger Integrated Children's Services Plan at the county level. This expanded the number of child-serving systems at the table to include other systems such as mental health and drug and alcohol services. This effort began a process of eliminating the "silos" of service delivery.

THE IMPACT: MORE FUNDS FOR LOCAL TREATMENT, FEWER STATE COMMITMENTS

Act 148 fundamentally changed the nature of delinquency services in Pennsylvania and the way they are delivered. In the three years after it

was enacted, state subsidies for community programs nearly doubled, from \$65 million to \$114 million.³ This investment allowed the number of youth placed in the community to increase, and the number of youth sent to state confinement to decline. From 1981 to 1984, secure placements for juveniles dropped by 24% while the number of youth in community placements increased by 20% and day treatment programs by 52%.⁴ Over the next two decades, the system transformed so that only a tiny fraction of all juvenile placements are now in secure facilities: In 2003, 290 of the 5,701 children removed from their homes in Pennsylvania were confined in state facilities operated by the Department of Public Welfare.⁵

One example of change is Bucks County, a county of 600,000 people bordering Philadelphia. Bill Ford, the county's former Chief Juvenile Probation Officer, explained that "Act 148 drove the reform of Bucks. It convinced us philosophically."⁶ He described the approach before Act 148 as heavy on confinement, light on alternatives and sometimes arbitrarily severe. Most importantly, restrictive state confinement that had been "basically free to the county" suddenly became expensive.⁷

After Act 148, Bucks County became a pioneer in developing privately provided alternative programs. It has avoided large numbers of institutional placements by funding outdoor camping programs, in-home counseling programs, and community supervision programs that make sure children go to school and obey the rules. In 2003, Bucks County actively supervised 1,800 cases with only 37 juvenile probation officers. The ratio of nearly 50 probationers to each probation officer is feasible because so much work is done by private providers in the community. The 80/20 funding split between the state and the county means the supervision occurs at much lower cost to the county; every dollar spent by Bucks County has the impact of five.

In Allegheny County (1.3 million people, including Pittsburgh), the programs provided by local private vendors are so superior that neighboring states take advantage of them, too. At any given time, 10 to 25% of the program participants come from other states. Pennsylvania does not pay for these

individuals, but the cost for the states that send them is still less than confining those individuals in state institutions.

THE FEDERAL ROLE

Federal funding sources that are available to most states supplement Act 148 funds. In particular, the Title IV-E Placement Maintenance Program has long been a major source of funding for delinquency services in Pennsylvania. This program is not expressly designed for delinquents, but its existence is critically important. The way Act 148 is structured, state money is not used until federal sources have been exhausted.

Title IV-E provides funds for maintaining indigent children in court-ordered non-secure placements. While most Title IV-E money funds foster care for dependent children and youth, the Department of Health and Human Services has been approving reimbursements for juvenile justice placements since the mid-1980s.⁸ The General Accounting Office reports that Pennsylvania, California and New York have been among the states that most aggressively claim Title IV-E funds for delinquency placements.⁹

OTHER STATES

Pennsylvania chose this approach early, but other states have now adopted similar models. “RECLAIM Ohio” (Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors) allocates state funds to counties that develop or purchase community-based options for delinquent youth rather than sending them to the state Department of Youth Services. RECLAIM Ohio started in nine pilot counties in 1994, and those counties decreased their state commitments by 43% compared to 1993.¹⁰ The success led to statewide implementation in 1995.

“Redeploy Illinois” is a new effort intended to tackle the same problem in Illinois. Currently, approximately 1,800 youth are committed to the state Department of Corrections annually, costing the state over \$100 million.¹¹ Launched in the middle of 2004, Redeploy Illinois selected pilot counties to submit plans to reduce commitments to state corrections in return for state

subsidies to serve youth in community settings. Other states moving in this direction include California, New York and Oregon.

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¹ The Act is codified at 62 P.S. § 704.1.

² In Re Charles Wilson, 438 Pa. 42, 264 A.2d 614 (1970).

³ John Blackmore, Marci Brown, & Barry Krisberg, "Juvenile Justice Reform: The Bellweather States," University of Michigan Center for the Study of Youth Policy (1988).

⁴ *Ibid.*

⁵ "Pennsylvania Juvenile Court Dispositions", 2003, Juvenile Court Judges' Commission, p. 26. Accessed in January 2005 at http://www.jjc.state.pa.us/jjc/lib/jjc/statistics/2003/2003_1-33.pdf.

⁶ Patrick Griffin, "Following the Money: Funding of Juvenile Justice Services in Pennsylvania," Pennsylvania Progress (October 2003).

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ RECLAIM Ohio web page, accessed January 2005 at <http://www.dys.ohio.gov/RECLAIMOhio.html>.

¹¹ Redeploy Illinois, web fact sheet, accessed July 2004 at http://www.dhs.state.il.us/redeploy/illinois/dhs_ri_factSheet93-0641.asp.



Chapter 3

Allegheny County Juvenile Court's Community Intensive Supervision Program (CISP): A Community-Focused Alternative to Incarceration

The Allegheny County Juvenile Court has operated the Community Intensive Supervision Program (CISP) since 1990. Rather than sending youth to live in a state-financed facility far from their homes, CISP allows youth to live at home in their communities and provides mandatory, structured, and supervised after-school, evening and weekend programming to youth. CISP is both an alternative to incarceration program and a re-entry program for youth returning from institutional placements. CISP serves male youth, ages 10-18, from five specific geographic regions, who are first-time or repeat offenders and would otherwise be incarcerated.

BACKGROUND AND KEY PLAYERS

The Allegheny County Juvenile Court, County Commissioners, and the County Budget Office initiated the CISP program in 1990 in an effort to reduce the recidivism rates of youth in the juvenile justice system in a cost-effective manner. Prior to CISP, committed youth were either incarcerated in a state-financed institution or placed in a day treatment program located in a central site in the county.

The County Budget Office started by analyzing the potential costs of operating a community-based alternative to incarceration program. It believed that the county could spend roughly \$55-60 per day per youth in this new program rather than \$100 per day per youth in a residential treatment program, thereby saving roughly 45% in costs. The county's goal was to obtain long term funding for this innovative program, though initially it paid for the costs of the program. Once the program was shown to be a success, however, the state

picked up a significant share of the cost by incorporating CISP into its regular funding streams for juvenile justice programming.

Allegheny County court officials led the effort to get the program off the ground. They chose the initial three sites for the program based on the neighborhoods of the three largest population groups of youth entering the juvenile justice system in the county. This also made it possible to reduce transportation costs significantly. The program has since expanded to include two additional sites. CISP now operates in five community centers: Garfield, Hill District, Homewood, McKeesport, and Wilkinsburg.

MOVING FROM COMMUNITY OPPOSITION TO COMMUNITY PARTNERSHIP

Although the relationship between CISP and the community is now a vibrant one, it did not start out that way. Active neighborhood groups opposed the program. Court officials were surprised by this at first because they had assumed that neighbors would not be opposed if the youth were from the neighborhood. However, neighbors thought that the program might lead to the introduction of full residential programs.

Through a series of zoning meetings, the neighbors got to know the program director, Jim Rieland (now the county's Chief Juvenile Probation Officer), who personally took on the issue of engaging the community. Rieland also utilized the talents of his staff, all of whom were from the neighborhood, to talk with neighbors about the program. "We both learned to trust each other through the process. The court kept our word and became a contributing member of the community," says Rieland. CISP staff were instrumental in deflecting community opposition and turning the program into a full community partner.

The CISP program is not just a building or facility in the neighborhood, but is actively involved in the community and vice versa. The program utilizes local recreation centers, facilities in neighborhood schools, and services of the local youth clubs, and also conducts community service projects for

neighborhood organizations. In turn, community members are enlisted to provide educational programming and make up the major applicant pool for staff positions at CISP. CISP sponsors a basketball and a softball league and invites community members and organizations to participate in the league. CISP has become part of the "fabric of the community" says John Fiscante, probation supervisor at the McKeesport CISP program.

PROGRAM GOALS

The initial goals of the program were to reduce recidivism rates by more effectively serving youth in a cost-efficient manner. In 1997, the program goals expanded to include support for the aftercare needs of youth leaving state custody. Program staff say that the ultimate success of the program relies on their ability to support youth in developing a strong community bond and positive, emotional connections to individuals and organizations in their community. Staff believe that youth are less likely to reoffend if they build strong community bonds while at CISP.

PROGRAM ELEMENTS

To achieve program goals, CISP incorporates these program elements:

- Required daily attendance at the center;
- Electronic monitoring for all youth;
- Required school attendance and daily monitoring of school attendance, grades and behavior by CISP staff;
- On-site probation staff;
- On-site drug and alcohol counseling;
- Regular home visits;
- Weekly drug testing of youth;
- Job readiness and financial management curriculum;
- Part-time employment for all youth;
- Required restitution payment by the program completion date;
- Community service requirement;
- Family involvement in program curriculum; and
- Victim impact curriculum.

SUCCESS FACTORS

CISP staff believe that there are several factors that have helped the program meet its goals.

First, the program is neighborhood-based. Unlike many programs where youth are required to attend a program far from their homes, the program is located in five neighborhoods where court-involved youth reside. To be eligible, a youth must live no more than two miles from the program, be a male between the ages of 10-18, and face institutionalization by the court or be returning from an institutional placement. In addition to traditional probation department personnel, the program is staffed by paraprofessional “Community Monitors” who are adult residents of the same neighborhoods in which the youth reside. These individuals act as role models for the youth.

Second, the program is unlike many other programs in that it is operated during peak juvenile crime hours. The CISP centers are open seven days a week, from 10am to midnight. Youth walk to the program after school and program staff drive youth home at night. Program hours are designed as a deterrent and a viable alternative to youth who would otherwise engage in delinquent behavior. In addition to supervision at the center, youth are also on electronic monitoring at all times.

A third critical component of CISP is the community service requirement. Youth are required to work 100 hours on projects in the neighborhood. Making amends to the community is a strong component of the program. Youth develop such strong ties with the community through service that they regularly perform more than the required 100 hours. The projects are designed to show youth that community service is valued by the community. For example, youth perform snow removal during winter and leaf removal during the fall season for residents in the community. Residents are asked to offer lunch or snacks to the youth, which allows the youth and the resident an opportunity to talk and bond. Youth play cards and board games with seniors at a local nursing home and have developed strong emotional bonds with the seniors they see regularly.

The program has generated such positive community support that the program was featured in a Pittsburgh Post-Gazette article in 2004. Through a community service project restoring a local church run by pastors Tom and Virginia Burda, the article notes, youth learned new skills and "built an enduring relationship with the Burdas. And beyond changing the church's appearance, they changed themselves."¹ John Fiscante, program director of the McKeesport CISP program, says "The community service projects create a relationship between the youngsters and community residents that makes it harder for the teens to repeat their offenses." Upon completion of the church renovation by the CISP participants, Pastor Virginia Burda stated, "We thought the CISP young people and community service were an answer to our prayers."²

CISP also assists youth in obtaining employment and requires youth to get a job while at CISP. Employment provides the youth with the capacity to pay their required restitution and offers viable career alternatives to youth who might otherwise participate in illicit activities. In July 2005, for example, four youth from the McKeesport center were hired by the Glenshire Woods Personal Care Home to work as nutrition aides. The youth help with meal preparation and service to the seniors living at the home. The youth had been volunteering at the home before being offered paid positions. The home was able to see the youth perform their volunteer positions with such success that the management was willing to hire them.

DATA

In 2004, a total of 297 youth were served in the CISP program. Of the 181 youth discharged, 137 youth (76%) successfully completed CISP; 40 youth (22%) failed to complete the program, either for program violations or committing new delinquent acts; and 4 youth (2%) were discharged for other reasons. Youth in the centers paid a total of \$10,984.00 in restitution and performed a total of 9050 hours of community service in 2004.

INNOVATION SUSTAINABILITY

The program has been in place for almost 15 years. Sustainability has been achieved due to:

- Program success in achieving its goals of lowering recidivism rates;
- Program success in demonstrating cost-effectiveness;
- Long-term stable funding from the state;
- Continued support and involvement of initial program founders and supporters;
- High staff retention rates; and
- High level of involvement and support by the juvenile court.

LESSONS LEARNED

CISP program staff report that they regularly showcase CISP to visitors from around the United States and from all over the world. CISP has been recognized nationally as a model program and has seeded similar programs in Pennsylvania and throughout the country. Here are some lessons learned:

Locate the program in specific neighborhoods. Allowing youth to continue to attend their schools, live in their homes, and strengthen ties to their communities provides youth with the necessary supports to succeed when they leave the program.

Make the community a full partner. Never assume the community will embrace the program just because the youth to be served are from the neighborhood. Instead, utilize the talents of the neighborhood by hiring local program staff to address community concerns about locating a program within the neighborhood. Create additional community partnerships through community service projects and employment opportunities for youth.

Provide hands-on skills and tangible benefits for youth. The program's education and employment requirements, curriculum, and structure offer youth tools they can use to stay out of trouble.

Offer a 24/7 program. To be successful, the program cannot be a 9-5 operation; it must be a seven-days-a-week operation, open to youth after school, in the evening and on the weekends. Incorporating electronic monitoring also helps to allay community safety concerns.

Continuously evaluate progress. Allow for on-going evaluation of program progress toward goals and allow for creativity, flexibility, and continuous program development and improvements.

CISP has a demonstrated track record of success and has offered a viable and cost-effective alternative to incarceration for many of Allegheny County's court-involved youth. The program provides a strong example of how a community can reduce recidivism rates and effectively reduce costs, while at the same time protecting public safety and addressing community needs and concerns. CISP makes a strong case for implementing similar efforts in other communities around the country.

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¹ Barbara Stack, "Youth Service Hours Pay Off; Teens Serve Their Community As They Serve Their Time," Pittsburgh Post-Gazette, October 4, 2004.

² Ibid.



Chapter 4

Investing Wisely: The Use of Evidence-Based Practices and the Funding of Prevention Programs in Pennsylvania

Pennsylvania has earned national distinction as the “uncontested leader in juvenile-crime prevention.”¹ There are very few other states that have invested in proven prevention strategies in as coordinated or comprehensive a way, and there are valuable lessons to be learned from Pennsylvania’s example. Even in the face of dwindling federal support for prevention programs, Pennsylvania has continued to fund cost-effective treatment programs by investing in Blueprints for Violence Prevention model programs that will keep young people on the right track and save taxpayer resources for many years to come.

BLUEPRINTS PROGRAMS

Blueprints for Violence Prevention began at the Center for the Study and Prevention of Violence (CSPV) as an initiative of the State of Colorado, with funding from the Colorado Division of Criminal Justice, the Centers for Disease Control and Prevention, and the Pennsylvania Commission on Crime and Delinquency (PCCD). The initial purpose of the project was to identify successful programs that could be replicated within Colorado. However, Pennsylvania officials recognized the importance of this research to the field as a whole. Soon after the creation of Blueprints, the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) became an active supporter of the project, transforming it into a large-scale prevention initiative.

In the search for “what really works,” researchers at CSVP combed studies of over 500 programs looking for those that could demonstrate true impact. Many programs claim success, but the results are not so clear upon closer examination of the methods used for evaluation. In contrast, the Blueprints

programs meet the most rigorous test of effectiveness in the field. Evidence of a strong research design (random assignment or the use of control groups), evidence of sustained effects (effects that remain after the intervention has ended), multiple site replication, and cost-effectiveness were among the criteria used to evaluate the programs. From that review, researchers identified programs either as “model” programs, if they met all the criteria, or “promising,” if they met some of the criteria. Ten Blueprints programs consistently produce reliable results in reducing adolescent violent crime, aggression, delinquency, and/or substance abuse. The target populations for each of the programs vary, ranging from programs that target low-income first-time mothers to youth already in the juvenile justice system.

Three Blueprints programs have proven effective at helping youth involved in the juvenile justice system. Pennsylvania actively supports the implementation of these Blueprint programs by earmarking funds directly for these programs.

Multidimensional Treatment Foster Care

Multidimensional Treatment Foster Care (MTFC) is an alternative to group or residential treatment, incarceration, or hospitalization for adolescents who have problems with chronic antisocial behavior, emotional disturbance, and delinquency. Community families provide MTFC-placed adolescents with treatment and intensive supervision. The program targets teenagers with histories of chronic and severe criminal behavior at risk of incarceration. Evaluations of MTFC have demonstrated that youth spend 60% fewer days incarcerated at a 12-month follow-up, and have significantly fewer arrests.

Multisystemic Therapy

Multisystemic Therapy (MST) is an intensive family- and community-based treatment that addresses the multiple reasons behind the serious antisocial behavior of juvenile offenders. MST targets chronic, violent, or substance-abusing male or female juvenile offenders, ages 12 to 17, at high risk of out-of-home placement, and the offenders’ families. Evaluations of MST have demonstrated reductions of 25 to 70% in

long-term rates of rearrest, and reductions of 47 to 64% in out-of-home placements for serious juvenile offenders.

Functional Family Therapy

Functional Family Therapy (FFT) is an outcome-driven prevention/intervention program for youth who have demonstrated the entire range of maladaptive, acting out behaviors and related syndromes. The program targets youth, aged 11 to 18, at risk for and/or presenting with delinquency, violence, substance use, and conduct and behavioral disorders. Clinical trials have demonstrated that FFT is capable of effectively treating adolescents with Conduct Disorder, Oppositional Defiant Disorder, Disruptive Behavior Disorder, alcohol and other drug abuse disorders, and who are delinquent and/or violent. FFT also interrupts the path of these adolescents into more restrictive, higher cost services.

Cost Benefits

In a study conducted by the Washington State Institute of Public Policy, the Institute found that for each dollar spent on Multidimensional Treatment Foster Care, Multisystemic Therapy, and Functional Family Therapy, the estimated benefit to taxpayers and crime victims were \$22.58, \$13.45, and \$11.00 respectively.² Counties need not wait for the long-term savings to see an impact, though. Most counties report an immediate cost savings due to the reduction in confinement days.

THE BEGINNINGS OF RISK-FOCUSED PREVENTION IN PENNSYLVANIA

The success that Pennsylvania has had in implementing these programs is due in large part to the evolution of risk-focused prevention in the state of Pennsylvania. Pennsylvania has a history of supporting research-based programs at the local level.

State officials were introduced to the “risk-focused prevention” concept at a National Council of Juvenile and Family Court Judges conference in 1994. At the conference they learned for the first time about Communities That Care (CTC), a framework for communities to use to make informed decisions

concerning prevention planning. As the former executive director of the Governor's Community Partnership for Safe Children in Pennsylvania, Clay Yeager has said, "[There's] a growing body of science that indicates if you do certain things when risk factors are present, then you can prevent the problem behavior from occurring. We've done a lousy job of educating the public about risk factors for trouble in adolescence. We know risk factors associated with heart disease, but how many people can name the 19 risk factors for adolescent misbehavior?"³

Research has identified nineteen risk factors that are reliable predictors of adolescent substance abuse, delinquency, school dropout, teen pregnancy and violence. The risk factors are grouped into four main categories:

1. Community (e.g., availability of drugs, economic and social deprivation);
2. Family (e.g., family history of high-risk behavior)
3. School (e.g., academic failure, lack of commitment to school)
4. Individual/Peer (e.g., friends who engage in problem behaviors).

Professors J. David Hawkins and Richard F. Catalano of the University of Washington in Seattle used that research to develop the CTC program as a way to help local communities identify the risk and protective factors facing youth, and to match programs to meet the specific needs of a community.

The CTC Program was funded by the Pennsylvania Council on Crime and Delinquency in the mid-1990s, and supported by both state and federal funds from Title V of the 1992 reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974. Although all Title V prevention dollars were to be spent on local adoption of "risk-focused prevention" strategies, Pennsylvania took a unique approach in determining how to spend those dollars by providing substantial support to developing local coalitions.

From the very beginning, the state took a leadership role in helping local communities develop the capacity to implement the CTC program effectively. PCCD – the agency responsible for administering both federal

and state criminal justice grants – has an active advisory committee structure. Since prevention programming was not yet a formal part of the responsibilities of its Juvenile Advisory Committee in 1994, a Risk-Focused Prevention Team was created to oversee implementation activities. PCCD also identified additional sources of federal funding to help guide participating counties through the various steps of the CTC process. The project itself was operated through the Juvenile Court Judges' Commission's Center for Juvenile Justice Training and Research at Shippensburg University. This partnership was instrumental in leveraging existing resources and providing ongoing training and technical assistance.

CTC sites received an initial 1-year planning grant of \$15,000. During the planning phase, key community leaders attended three multi-day training sessions where they were presented with an overview of prevention concepts and the CTC model; guidance on forming a prevention coalition board; a review of the risk factors associated with problem behaviors, the social development model, and gathering data in a community; and a review of empirically-supported prevention programs.

During the planning year, the local community CTC coalitions undertook a risk and resource analysis of their communities, prioritized risk factors, and developed comprehensive plans to implement programs to address those factors. The communities then submitted these plans to the state for 3-year funding. Although the grants were limited to three years, many counties developed sustainable coalitions. For example, Delaware County was one of the first eight counties in Pennsylvania to participate in the CTC process. When the County's Title V grant ended in 1996, the County was able to capitalize on the work already begun and used the 3-year comprehensive plan as the foundation for other collaborative, community-based grant applications. The original \$100,000 federal dollars helped leverage more than \$1.7 million in private foundation and state grant monies to support programs, activities, and services for children and families.⁴

NEW LEADERSHIP FOR PREVENTION AND FUNDING

Support for prevention funding by Governor Tom Ridge was also instrumental in helping to achieve Pennsylvania's success. The Governor ushered in a new philosophy towards prevention when he created the Governor's Community Partnership for Safe Children (referred to as the Children's Partnership) near the start of his administration. Chaired by first lady Michele Ridge, the Children's Partnership was comprised of cabinet-level state officials as well as representatives from the business community, local law enforcement, juvenile probation, private non-profit groups, foundations, and members of the public at large. The Partnership was created to help local communities reduce violence by and against children, and to develop recommendations for policy development, resource allocation, and coordination of local, state, and federal efforts. The Children's Partnership devised a plan to support the local implementation of research-based prevention programs that reduce the incidence of violence.

In addition to creating a new leadership arm to coordinate prevention programs, the Governor invested heavily in prevention funding. Between 1995 and 1998, the Ridge Administration invested nearly \$61 million in community crime-prevention activities including expansion of the Communities That Care model to 64 sites in 44 counties and funds targeted for Blueprints for Violence Prevention.

The funding increases did not come all at once, but rather built upon success. As PCCD learned from the experiences of the initial sites implementing the CTC model, each funding cycle presented an opportunity to fine-tune the project. According to Mark Greenberg, Ph.D., a researcher at Pennsylvania State University who has been involved in evaluation of the CTC initiative, "Pennsylvania was at the forefront. They were creating a real infrastructure at the local level to do prevention."⁵ The result was that PCCD learned a lot about how to help local communities develop effective prevention plans. As PCCD's capacity grew to support the local efforts, so did the funding. The Ridge Administration ultimately invested more than \$271 million in state and federal funds to support violence prevention between 1995 and 2000.⁶

Pennsylvania's focus on prevention has continued under the administration of Governor Ed Rendell through passage of Act 30 in 2001. Act 30 allowed the highly successful violence and delinquency prevention work of the Children's Partnership to continue by making prevention a permanent responsibility of state government. Act 30 also expanded the role of one of PCCD's advisory committees. The former Juvenile Advisory Committee was renamed the Juvenile Justice and Delinquency Prevention Committee (JJJPC) to reflect its new responsibilities. This new committee now advises PCCD on programs, policies, and practices that reduce youth violence and promote the healthy development of children. The JJJPC serves as the official juvenile justice planning, coordinating and policy-setting body and has responsibility for developing the long-range plan and related policies for the state's juvenile justice system, as well as for setting priorities for juvenile justice projects supported by PCCD's various funding streams.

LESSONS LEARNED

Pennsylvania has demonstrated a commitment to funding proven programs that is unmatched in other states. In large part this is due to a culture within the juvenile justice community. "We value the work," says James Randolph, Deputy Commissioner of Juvenile Justice Services for Philadelphia and a member of the JJJPC. "If we can turn young people around while they are still children, then everybody benefits." This commitment is demonstrated both by the targeted funding the state provides to implement the Blueprints Programs, as well as by the commitment to continual quality improvement through the use of evaluation and research.

After selecting a Blueprints program there is a critical need to ensure that the program is implemented properly. Only with careful implementation that is true to the model will the program yield expected results. To ensure such implementation, training, technical assistance, and monitoring of the implementation are conducted as part of the grant requirements.

Pennsylvania also significantly enhanced the capacity of local communities to gather the necessary data to assess the risk factors that youth face. In 1999,

Pennsylvania identified the need for a statewide survey that could provide information about the risk and protection factors facing youth. Pennsylvania created the Pennsylvania Youth Survey, modeled after the CTC Youth Survey.

Pennsylvania has been successful in implementing prevention programs at the local level because of the significant support the local coalitions received from PCCD. PCCD hired a prevention specialist to coordinate the various state-level efforts. PCCD also continually incorporated feedback from early CTC sites to identify ways to improve the support given to local coalitions. As noted in the evaluation report of the CTC Delinquency Prevention Initiative by Pennsylvania State University, "It is clear that Pennsylvania is the leading state in the adoption of this model and this is recognized not only by the scope and growth of the program, but also through its decision to develop its own capacity for further training and technical assistance within the state....It has also experienced the 'growing pains' of identifying needs that were not clearly anticipated by the program's developers...Pennsylvania has not only noted the needs (as contained in this report) but has responded by vigorously investing in the CTC program to fill the necessary gaps."⁷

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Chapter 5

Screening Detained Youth for Mental Health Problems: Use of the MAYSI-2 Screening Instrument in Secure Juvenile Detention in Pennsylvania

In 1999, Pennsylvania's state juvenile justice advisory group created a Detention Steering Committee (DSC) that identified mental health services for detained youth as a high priority in need of attention. Following extensive investigation and fact finding, the DSC issued detailed findings and recommendations regarding mental health services for detained youth, along with similar recommendations regarding education in detention centers, training of detention personnel, and state funding support for juvenile detention. The DSC's identification of mental health services for detained youth as a priority, and particularly its assessment of the need for better data on the mental health status and needs of detained youth in the state, was consistent with national findings and experiences in other states throughout the country.

Pennsylvania initiated the "MAYSI-2 Pilot Program" in response to the DSC's call for better mental health-related data on detained youth, and identification of valid, reliable, and practical mental health screening instruments for use by detention centers in the state. The MAYSI-2 is a standard and reliable self-report screening instrument designed to identify youth in the juvenile justice system who may have mental health or substance abuse needs that require prompt attention. The Juvenile Detention Centers Association of Pennsylvania (JDCAP), a statewide organization of detention professionals devoted to promoting sound policies and advancing best practice standards for detention centers throughout Pennsylvania, has been the lead agency in this effort. JDCAP's involvement began in January 2000, through a grant by the Pennsylvania Commission on Crime and Delinquency to JDCAP's Mental Health Assessment of Youth in Detention Project.

When Pennsylvania introduced the MAYSI-2 in January 2000, it was the first state in the nation to do so, helping to set the course for profound improvements in gathering information about youths' mental health needs in facilities across the country.

BACKGROUND AND CONTEXT

Pennsylvania's DSC found that nearly all detention administrators in the state reported that at least some youth in their facilities had confirmed mental health diagnoses. Administrators in some of the smaller facilities in the state estimated that as many as 40 to 50% of youth in their facilities were on some type of psychotropic medication. Most administrators also reported having a "screening mechanism" to identify youth with mental health needs upon admission. Unfortunately, there was little reason to believe that the screening mechanisms being utilized were formal, standardized, or rigorously applied to ensure that facilities were identifying youths who needed additional assessment.¹

A Reliable Screening Instrument—Background of the Massachusetts Youth Screening Instrument Version 2 (MAYSI-2)

Dr. Thomas Grisso of the University of Massachusetts Medical School and Dr. Richard Barnum of the Boston Juvenile Court Clinic developed the MAYSI-2 in the mid-1990s in response to research showing a higher prevalence of mental disorders in youth in the juvenile justice system compared to youth in the general population. They designed the instrument to assist juvenile justice facilities in identifying youths who may have special mental health needs.

While the MAYSI-2 does not provide psychiatric diagnoses for detained youth and is not intended to be relied upon for long-term placement or treatment decisions, it is designed to alert staff to the need for further evaluation by mental health professionals. As Dr. Elizabeth Cauffman, professor of psychiatry at the University of Pittsburgh School of Medicine, commented, "The MAYSI-2 is intended to serve primarily an 'alerting function' to provide juvenile justice staff with a method of identifying

youths in possible need of more in-depth assessments who might otherwise go unnoticed and untreated.” Dr. Cauffman has compared the test to a thermometer: “It tells you which children have fevers...It doesn’t tell you what’s wrong with them.”²

How the MAYSI-2 Works

The MAYSI-2 instrument was designed to be an easy-to-use tool to assist in identifying youth who may have special mental health needs. It is designed for use with youth ages 12 to 17 at any entry or transitional point in the juvenile justice system. The instrument takes 10 to 12 minutes to complete and requires no special mental health expertise to administer. The instrument is a 52-question self-report administered either on paper or via a computer voice program that reads each question aloud and has the youth answer “yes” or “no” through either the keyboard or a mouse click to report whether they have had certain feelings “within the past few months.” Sites throughout Pennsylvania use the automated system in order to standardize methods and facilitate data collection. The instrument includes such questions as:

- In the past few months, have you used alcohol or drugs to help you feel better?
- Have you felt like hurting yourself?
- Have you broken something on purpose?
- Have you had trouble sleeping?
- Have you wished you were dead?

The answers to these questions contribute to seven scales for boys and six scales for girls: Alcohol/Drug Use; Angry-Irritable; Depressed-Anxious; Somatic Complaints; Suicidal Ideation; Thought Disturbance (for boys only); and Traumatic Experiences. A score above a “Caution cut off” means that a youth has scored at a level that has “possible clinical significance.” A score above a “Warning cut off” means that the youth has scored exceptionally high in comparison to other youth in the juvenile justice system. Youth who score above the “Warning cut off” are the most likely to be in need of follow-up attention for mental health problems.

KEY PLAYERS

At the start of the project, JDCAP created an advisory board made up of representatives throughout the state to provide guidance for the “MAYSI-2 Project.” The board is still active and provides guidance to the project.

Members include:

- Pennsylvania’s Office of Mental Health & Substance Abuse Services;
- Center for Juvenile Justice Training and Research;
- Pennsylvania Community Providers Association;
- Representatives of juvenile probation departments;
- Detention administrators;
- Psychologists and psychiatrists; and
- Additional experts in the mental health and juvenile justice fields.

The advisory board selected initial goals in Pennsylvania that were clear and focused:

- Identify and implement a valid, reliable, and practical mental health screening instrument for use by Pennsylvania detention centers; and
- Collect and respond to more accurate mental health-related data on detained youth.

In January 2000, representatives from the National Youth Screening Assessment Project, based out of the University of Massachusetts Medical School and headed by Dr. Grisso, met with the advisory board and clinicians from around the state to present the MAYSI-2 as an option for implementation in Pennsylvania.

After weighing the strengths and limitations of the MAYSI-2, the advisory board selected the instrument for use in its statewide project. In addition, JDCAP selected Dr. Cauffman to serve as the project’s consulting psychologist. Dr. Cauffman, who was based in Pittsburgh, had previously worked with Dr. Grisso to test and validate the MAYSI-2. Since 2000, JDCAP and Dr. Cauffman have worked together to encourage use of the MAYSI-2 in detention centers throughout the state and to use the data being collected to gain a clearer picture of the mental health needs of youth in secure detention.

SUCCESSFUL OUTCOMES

The MAYSI-2 is now being utilized in 20 of the 23 detention centers in Pennsylvania, with most youth being screened between 24 and 48 hours after admission to a detention facility. Two additional centers have committed to the project but have not yet started use of the MAYSI. With each youth screened soon after admission, detention centers are now able to learn quickly about potential problems that might not have been picked up before use of the instrument. Detention centers also follow up by putting in place special precautions and considering further assessments which may be necessary while a youth is in detention. As Donald MacGregor, Administrator of the Bucks County Youth Center, explained, "It says, 'Hey, maybe you'd better look out.'"³

According to project guidelines established by the advisory board, detention centers are required to follow up on Cautions or Warnings on the suicidal ideation scale, as well as two or more Warnings on any scale. Each detention center has developed a written protocol outlining the follow-up response to be followed at each facility.

Examples of response options include the following:

- **Secondary screening:** A follow-up screening can provide additional evidence that the youth has the mental or emotional disturbance identified in responses to the instrument and confirm the need for follow-up, or it may reduce the urgency by gaining further information that suggests the likelihood of a "false alarm." Secondary screening activities may include:
 - *Monitoring*, in which staff pay closer attention to youth in order to make important observations;
 - *Interviewing and collateral contacts*, in which staff talk with the youth and the youth's family or past service providers in order to examine the youth's responses to the MAYSI-2 more closely.
- **Clinical consultation:** Staff seek expertise from clinical professionals who can intervene to provide brief evaluations or emergency care.
- **Evaluation referral:** Staff arrange for a more comprehensive psychiatric or psychological evaluation to explore the nature and source of the youth's self-reported distress or disturbance.

- **Therapeutic or security intervention:** Staff take steps to protect the youth or others from potential consequences of the youth's condition, or transfer the youth to a setting that can provide appropriate mental health services to meet the youth's immediate needs.⁴

In addition, significant aggregate system level data have been generated and collected. The data have provided valuable information to key decision makers as they allocate resources.

Collection of county-specific aggregate data has allowed detention administrators to collaborate with their local mental health departments, and, armed with reliable information about the need for services, to request additional staff positions. Several Pennsylvania detention centers have made significant staffing decisions on the basis of what they have learned about the needs of detained youth from MAYSI-2 data. Such decisions include the hiring of adolescent mental health clinicians and therapists, increased training for staff, and enhanced programming in the facility, thus raising the level of short-term mental health service delivery.

Successful implementation of the MAYSI-2 within detention centers resulted in the Pennsylvania Department of Public Welfare committing \$1.2 million to fund four counties to participate in a screening and assessment demonstration project. The project focused on providing full mental health and/or substance abuse assessments or evaluations to youth with elevated MAYSI-2 results and ensuring that these youth receive appropriate services and treatment in a timely manner. Identification of mental health needs through the MAYSI-2 is thus raising the level of mental health assessment and treatment in some counties participating in this project.

DATA

Formal data collection for the project began in the summer of 2001. Between August 2001 and January 2003, approximately 10,730 cases (as opposed to *individual youth*) were processed through 18 juvenile detention centers participating in the study in Pennsylvania.

Youth ranged in age from 10 to 20 years, with an average age of 15.7 years. Data indicate that the majority of detained youth were male (81%), and the population was 42% White and 43% African American (with a gap in data for Latino youth). Most youth (69%) were administered the MAYSI-2 within 24-48 hours of their arrival to the detention facility, though 16% were screened within the first few hours and 14% after they had already been in the facility for 48 hours.

Key findings over the study period include the following:

- 77% of youth who entered detention presented with some form of mental health issue.
- Roughly 20% of boys and 30% of girls needed to be referred for follow-up based on the MAYSI-2 criteria that youth who present with two or more Warning scores on any MAYSI-2 scale should automatically be referred for further evaluation.
- Approximately 18% of boys and 33% of girls needed to be referred for follow-up in response to possible suicidal ideations, based on the project's determination that youth who presented with a Caution or a Warning on the suicide scale should be referred for further evaluation.

OBSTACLES ENCOUNTERED

- **Desire to use the MAYSI-2 for disposition planning and other treatment-related recommendations to the court:** Local departments of probation, defense attorneys, prosecutors, courts and others were interested in access to the information generated by the MAYSI-2, particularly for use in disposition planning and other recommendations to the court. Developers of the instrument strongly advised that results of the MAYSI-2 should not be used in these ways for a number of reasons:
 - First, the results of the MAYSI-2 do not describe a youth's long-range rehabilitation or treatment needs. The MAYSI-2 is not diagnostic instrument, and it does not distinguish between emotional distress at the moment and more enduring mental disorder.
 - Second, if staff knew that the MAYSI-2 results could be used in youths' delinquency or dispositional hearings, staff would be

required to warn youths of the potential disclosure before they took the MAYSI-2. (Youths have the right to avoid providing information that might help in finding them delinquent.) Warning them, of course, would increase the likelihood that they would fail to respond openly about their thoughts, feelings, and past behaviors, invalidating the mental health screening.

These issues were addressed by providing education on the purposes and best uses of the screening instrument, and by the development of protocols describing the limitations on use of the information generated by the MAYSI-2.

- **Confidentiality of information gathered through use of the MAYSI-2 instrument:** In addition to the questions about use of the information by the courts, lawyers and probation officers, the advisory board encountered other questions about confidentiality of information, such as whether the results of the screening must be released to the youth upon request, when parents may have access to the information, and what exceptions to confidentiality rules might apply in an emergency situation. Attorneys from the Juvenile Law Center provided legal guidance, which was incorporated into the manual that governs the project statewide.

LESSONS LEARNED

- **Have clearly identified goals from the beginning of the project:** The advisory board's clear initial goals – (a) to identify and implement a valid, reliable, and practical mental health screening instrument for use by Pennsylvania detention centers; and (b) to collect and respond to more accurate mental-health related data on detained youth – allowed the project to proceed in a focused and deliberate manner.
- **Partner with researchers early on in the project:** Developing a strong partnership with experienced researchers familiar with the MAYSI-2 and juvenile justice practice was an invaluable ingredient in the success of the project.
- **Provide strong leadership:** Strong leadership by staff from the Juvenile Detention Center's Association of Pennsylvania was critical to the implementation of the project. Staff from JDCAP was able to keep the project on track, address concerns regarding how the information

was to be used and who would have access, work with key stakeholders to make best use of the data being generated, and provide ongoing technical assistance and training.

- **Develop clear policies and procedures for use of the MAYSI-2:** This will lead to greater consistency and more reliable information.
- **Deliver training and education on the purpose and limitations of the MAYSI-2:** Interested juvenile justice system participants unfamiliar with the MAYSI-2 require explanations about its use and the dangers of misuse of the information. Training and education is key.

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¹ Patrick Griffin, "Assessing Detained Youth in Pennsylvania" *Pennsylvania Progress*, December 2000, p. 4.

² *Ibid.*, p. 5.

³ *Ibid.*, p. 6.

⁴ The Massachusetts Youth Screening Instrument: Version 2 (MAYSI-2): User's Manual & Technical Report (Grisso, T. & Barnum, R.); JDCAP, MAYSI-2 Policies and Procedures Manual, December 2003.



Chapter 6

Keeping Population Under Control at the Youth Study Center: A Marriage of Detention Alternatives and Vigilance

Philadelphia, a city with a population of nearly 1.5 million residents, has accomplished an extraordinary feat. For the past six years, the city has generally kept the number of youth in its secure detention center, the Youth Study Center (YSC), under 105. Detention centers are used to hold youth awaiting hearings who might be a danger to themselves or others, or who are unlikely to come back to court. Philadelphia's development of a rich array of detention alternatives, coupled with speedy case processing and vigilance by judges, advocates, probation staff and others, has led to the ability to keep down the number of youth who must be held in a detention center environment. This chapter explains the history of litigation about overcrowding at the YSC, describes the collaborative efforts that have kept the YSC population low, outlines the current range of supervision options available as alternatives to detention in Philadelphia, looks ahead to future detention center plans, and highlights some of the challenges and lessons learned from this effort.

A HISTORY OF REFORM EFFORTS: SANTIAGO V. CITY OF PHILADELPHIA

In 1974, two organizations, Community Legal Services and Philadelphians for Equal Justice, began federal litigation to address problems of overcrowding and abusive conditions at the Youth Study Center. The Juvenile Law Center joined the litigation in 1976, eventually became lead counsel, and has served in that capacity ever since. The Youth Study Center commonly held far more youth than its bed capacity of 105 – kids were double bunked, staff worked double shifts, and conditions were unsafe. “In those days I referred to it often as Bleak House,” says Robert Schwartz, Executive Director of the Juvenile Law Center. “The facility was in such horrible shape and provided such a bleak outlook for children who were detained there.”¹

A consent decree settled the case in 1978, imposing facility admission standards and addressing conditions of confinement. The agreement with regard to population management was retooled in 1979, 1985 and 1988, when the facility was ordered to prevent the detention of low-risk juveniles, youth under 13, and those with serious mental illness, and instituted a population cap at the facility's rated capacity of 105. After plaintiffs filed numerous motions in an attempt to exact compliance, in 1990 the parties engaged in mediation in an attempt to craft a solution to Youth Study Center overcrowding. The result was a structure for collaborative detention planning that includes plaintiffs' counsel as well as other juvenile justice stakeholders in monitoring problems and working out solutions.

COLLABORATION

While a solution to the overcrowding was still years away, establishing new methods of working together to find solutions was an important step down the path toward managing the population. As Jim Randolph, Deputy Commissioner of Juvenile Justice and Court Practices, describes, there was an "important system-wide decision that it is better to cooperate with advocates than to fight and bicker. [Working cooperatively with advocates and other stakeholders] is the way we do business in juvenile justice in Philadelphia." Robert Schwartz agrees: "Beginning when city officials invited JLC, the public defenders, the courts, police, prosecutors and others to participate in a stakeholders meeting to address overcrowding in 1985, the resulting cooperation among those agencies led to systemic reforms well beyond juvenile detention." The Juvenile Justice Stakeholders group has continued to meet regularly over the past 20 years to address issues as they arise, and the courts and the Department of Human Services (DHS) have forged new partnerships.

Collaborative efforts first brought agreement that more alternatives to detention were necessary. Even after the development of many of the alternatives described in the section below, however, population numbers at the Youth Study Center remained high. The parties realized that constant

vigilance about the number of youth at the facility was needed in order to bring results. Finally, after a population spike in 2000, average daily population began to fall. Although the record has not been perfect, the facility has generally kept its population below the cap in recent years.

A LESSON IN VIGILANCE

Determined and aggressive efforts by the bench, strong recent leaders in Philadelphia's Department of Human Services, probation and intake staff, detention alternatives providers, and plaintiffs' counsel have produced the low detention numbers Philadelphia experiences. Daily monitoring of the number of youth at the facility, careful searching for youth who need not remain in detention in order to ensure court appearance or community safety, and prompt movement of youth into appropriate placements are all important pieces of the puzzle.

Every weekday, the Youth Study Center's intake department sends a memo to the Family Court judges, Juvenile Law Center staff, Jim Randolph, and other stakeholders, reporting the population at the Center. "The number" triggers action when it nears 105. Then staff begin a "vigilant search for every kid who can move," according to Jim Randolph.² The efforts are aimed both at moving kids out the "back door," finding ways to speed up the transfer of adjudicated juveniles to residential institutions in which the court has ordered them placed, and out the "side door," from secure to non-secure pre-trial supervision programs.³ A lot of the movement is achieved through diligence in encouraging programs to move committed kids out of detention and into their placements in a timely way. During one recent week, when population spiked from 98 to 130 in a matter of three days, Intake Supervisor Stephen Masciantonio was able to bring the population back down by moving 25 youth into placements they had been awaiting. In addition, youth involved in the dependency system or involved in both dependency and delinquency matters need not take up space at the Youth Study Center. Better options for them may be available through the dependency system.

Gathering of detailed daily population data helps in the movement effort. Daily breakdowns show male and female totals, pre-and post-adjudication figures, numbers awaiting post-commitment transfers and review hearings, and daily counts for the community-based detention shelters and other non-secure detention alternatives, both spaces utilized and spaces available. Administrative Judge Myrna Field and Supervising Judge Kevin Dougherty, in close communication with probation intake staff, can call for “step-down hearings.” With about three days’ notice before the hearing, probation staff review the files of every youth in detention to determine whether they seem to meet the criteria for safe step-down to a non-secure detention alternative. At the hearing, either Administrative Judge Field or Supervising Judge Dougherty reviews the cases of all youth recommended for step-down. Representatives of all detention alternative programs are encouraged to be present at the hearing to help find the most suitable new setting. This speed allows staff to move youth out to more appropriate settings and respond rapidly to the need for Youth Study Center space.

Another important contributor to population reduction has been improved processing time, both by probation and the courts. The median stay at the Youth Study Center has remained at 2 days in recent years. The mean length of stay reached a low of 6.9 days in early 2003,⁴ rising again to 7.8 days in 2005.⁵ Jim Sharpe, Chief Probation Officer for the First Judicial District (Philadelphia), reports that deputy chiefs, deputy directors and supervisors in probation all receive the daily census reports for kids throughout the system. Supervisors are expected to engage in active review of the cases of youth in community alternatives as well as those in the Youth Study Center. They are expected to ensure that referrals to treatment programs and other planning are moving forward promptly, so that youth are placed in appropriate treatment settings as quickly as possible.

CURRENT DETENTION ALTERNATIVES STRUCTURE

Philadelphia has nine spaces in alternatives to detention for every secure detention bed at the Youth Study Center. The city maintains contracts for

911 alternatives to detention spots, with more available when necessary, while the population at the Youth Study Center remains generally below 105.⁶ This rich continuum of supervision options, along with mandates that prevent detention of lower-risk youth, contribute to population control.

Current criteria established in the *Santiago* litigation require that youth considered low-risk (those charged with technical probation violations such as missing school or court ordered counseling), youth with severe mental impairments, those under 13, and those not charged with felonies or serious misdemeanors, are not detained at the Youth Study Center.⁷ Philadelphia's rich detention alternatives continuum presents real options to workers seeking to supervise kids in less secure settings than the Youth Study Center. Detention shelters, as well as a range of in-home supervision options, can fit a range of risk management needs.

Detention Shelters

DHS has contracts for a total of 196 community-based shelter beds. DHS relies more on this alternative to detention than any other, sending about 2,800 youth to shelters annually. Youths' average length of stay at these shelters is 17 to 18 days.⁸ The shelters are all unlocked, secured by staff, and do not feel as restrictive or punitive as detention centers. The shelters have some capacity to absorb additional youth when the occasional spike in population makes it necessary, though they are often full.

Some detention shelters, including one with 90 beds, are as far as 40 miles from Philadelphia, while some are located in communities in the city. The out-of-city shelters present two challenges. First, youth must be transported to shelters from the courts. The contractors operating these centers provide daily transportation for youth to and from court. The second challenge is for families wishing to visit the detained youth. While the contractors provide buses from the city on Sundays for families to visit their children, this limits options families may have for visiting their children. Fortunately, many of the detention shelters are within the city and do not pose these challenges.

In-Home Supervision Options

Philadelphia has a wide range of in-home supervision options for juvenile justice-involved youth. These include:

- **Pre-Hearing Intensive Supervision (PHIS) (268 spaces):** Youth are monitored primarily through visits by program representatives three to seven times a week, and telephone calls twice a day. Staff may contact families and schools as well.
- **In-Home Detention (282 spaces):** In this intensive pretrial supervision program, program representatives are in contact with youth at least 22 hours per week one-on-one, in addition to service referrals and advocacy.
- **Voice Tracking System (VTS) (40 spaces):** VTS restricts juveniles' movements and tracks their whereabouts by requiring them to make regular phone calls to a host computer, both on a pre-arranged schedule and in response to random pages.
- **Electronic Monitoring (EM) (85 spaces):** Youth on EM are monitored with tracking bracelets and in-home homing devices, as well as face-to-face and telephone contacts with probation officers. Both EM and VTS spaces are expandable.
- **Intensive Supervision Program (ISP) (50 spaces):** This relatively new program uses a combination of frequent contact, case management and service advocacy to provide pretrial structure and support to youth who would otherwise require secure detention.⁹

RESPONDING TO NEW CHALLENGES

Changes in the makeup of the arrested and detained youth population during the summer of 2005 seem to have contributed to both a population spike over the summer and an increase in the average length of stay. Administrative Judge Myrna Field explains that arrests during the summer were for more violent offenses, meaning that detention alternatives were not appropriate in many cases. While the courts might be unwilling to grant several continuances for District Attorneys to prepare for minor matters, judges are more likely to grant continuances for prosecutors to prepare for serious cases. In addition, more of the detained population was

awaiting specialized programs only available in other states, placements which always take longer to implement. Jim Randolph explains that cases involving the delinquency and dependency systems at the same time led to further complications and delays.

Even during these challenging periods, judges and probation staff worked to identify youth who could be stepped down to lower supervision levels. As Judge Field describes, “Officers go out and do what they think is right,” arresting youth according to their training and judgment. The detention center and courts have to deal with who gets brought in. The continuous flow of new arrestees challenges the system. While step-down hearings brought the population down under cap several times during the spike period, new arrests would bring it back up. As Judge Field reports, the Youth Study Center population number “is the first thing I look at in the morning when I come in.” This level of vigilance by many involved in the process remains the key to keeping the number down.

In addition, plans are in motion to add 50 intensive electronic monitoring slots. Judge Field reports that judges are most comfortable with electronic monitoring as alternatives to detention, since they feel there is careful tracking of youths’ whereabouts. The intensive EM is designed to be the most stringent in-home supervision option, incorporating voice tracking and EM, plus supervisor visits all in the same program. The hope is that these slots will provide a release option for youth with serious misdemeanor and some felony charges who now are detained at the Youth Study Center.

A local Court and Community Services Planning Group meets regularly to identify need for additional programs and services, and to find ways to meet the needs. Policymakers’ realization that spending money on detention alternatives is preferable to and less expensive than building more detention beds has allowed Philadelphia to develop the rich array of detention alternatives available.

WHAT LIES AHEAD?

Philadelphia plans to build a new detention center to replace the aging Youth Study Center, which originally opened in 1952. By spring of 2006, youth will be moved for 17 months to a temporary facility, with the new detention center due for completion in late 2007. The new detention center is designed to hold 150 youth, so the question remains, will the city be able to use the new facility sparingly? Will it fill all the beds? Officials express commitment to keeping the population controls in place. Even at 150 beds, the facility will be relatively small for a city the size of Philadelphia.

LESSONS LEARNED

Keeping detention population down in a major city is a daily struggle. Swings in incidence of violent crime, varying treatment needs of youth in the system, and changes in law enforcement strategies can impact daily numbers in ways managers of detention facilities cannot control. Creative searches for placement options remain at the heart of population control strategies. Among lessons to be learned from Philadelphia's efforts are:

- **Daily vigilance is key.** Numbers change with every new night of arrests, so staff must be able to respond to daily changes in the population.
- **A rich continuum of placements and services is a must.** Judges must have an array of options, in order to meet the supervision needs of different youth and to feel comfortable not imposing detention.
- **Collaboration among all stakeholders provides the best opportunity for success.** Bringing prosecutors, defenders, other youth advocates, police, courts, probation, educators and detention facility managers to the table to address problems together makes it more likely that everyone's needs and suggestions are taken into account in planning and problem solving.
- **There must be consensus about the uses and limitations of detention.** The best results for youth will be achieved when those involved in the system agree that everyone is better off when detention is used rarely, briefly, and only as necessary.

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