

Testimony of

Anne Marie Ambrose

December 5, 2007

December 5, 2007

Testimony of Anne Marie Ambrose, Director of Child Welfare and Juvenile Justice Services, Pennsylvania Department of Public Welfare

"Reauthorization of the Juvenile Justice and Delinquency Prevention Act: Protecting Our Children and Our Communities"

Good morning Senators. I am Anne Marie Ambrose, the Director of Child Welfare and Juvenile Justices Services at the Office of Children Youth and Families in the Department of Public Welfare for the Commonwealth of Pennsylvania. I am also a former public defender and county administrator, having spent the past 20 years committed to improving the juvenile justice system.

Thank you for the opportunity to be here today to represent Pennsylvania as well as juvenile justice administrators and advocates on the critical importance of the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDPa).

The JJDPa has been critical in supporting juvenile justice system improvement and for delinquency prevention. JJDPa requires every state to have a State Advisory Group. In Pennsylvania, the establishment of Pennsylvania's State Advisory Group (the Juvenile Justice and Delinquency Prevention Committee) within the Pennsylvania Commission on Crime and Delinquency in 1978, has provided tremendous leadership and commitment to improving the juvenile justice system and to provide a consistent focus on delinquency prevention.

Most major Pennsylvania juvenile justice reform initiatives of the recent past have been accomplished primarily because of the strength of our State Advisory Group. Governors of both parties have appointed SAG members without regard for political affiliation but based on experience, expertise and dedication in the field of juvenile justice. Our SAG--known as the JJDPc--is composed of judges, probation officers, researchers, youth and victim advocates, defenders, district attorneys, practitioners, community leaders, providers and educators.

Pennsylvania thus has the best and brightest engaged in intensive discussions and planning to create a framework for juvenile justice and delinquency prevention goals for Pennsylvania youth and families.

Pennsylvania has used our federal dollars well, through the efforts of the JJDPc, by promoting public protection while protecting youth and providing them with life opportunities. Our SAG has accomplished a great deal with a relatively small amount of JJDPa funding. Additional funding would enable the SAG to continue to promote juvenile justice and delinquency prevention reform.

Pennsylvania has a proud history of full compliance with the core requirements of the JJDPa, which include: Deinstitutionalization of Status Offenders (with a particular emphasis on the special needs of girls), Jail Removal, Sight and Sound Separation, and Disproportionate Minority Contact. The Core Protections have all been longstanding goals of Pennsylvania's juvenile justice system.

We believe in the fair, humane and just treatment of all youth in the juvenile justice system. We believe that all youth have potential to be productive citizens through our juvenile justice mission of Balanced and Restorative Justice.

In the early 1990's high violent juvenile crime rates raised concerns as to the effectiveness of juvenile justice system intervention. Out of these concerns, the Pennsylvania General Assembly in 1995 passed Act 33, which amended Pennsylvania's Juvenile Act. The new law provided that, consistent with the protection of the public interest, the purpose of the juvenile justice system is:

"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."

This new purpose clause is rooted in the philosophy of "balanced and restorative justice," which gives priority to repairing the harm done to crime victims and communities and which defines offender accountability in terms of assuming responsibility for the harm caused by his/her behavior and taking action to repair that harm to the extent possible.

In response to recommendations presented to the Governor in 1997 by the JJDPC, the Commonwealth has developed a strong juvenile justice and delinquency prevention infrastructure that has helped to make Pennsylvania a national leader in juvenile justice and delinquency prevention.

In 1998, the Committee adopted a mission statement and guiding principles for Pennsylvania's juvenile justice system in order to guide the operation of the system and shape system policy. The JJDPC meets quarterly and submits a plan to the Governor every two years. The JJDPC Subcommittees meet quarterly as well to drive the work and make recommendations in critical priority areas such as female services, detention services, evidence-based prevention and intervention practices as well as disproportionate minority contact.

We have made considerable progress in the area of detention services. Detention is the gateway for all youth in the juvenile justice system. Detention can be a traumatic experience for a child. Evidence is clear that youth of color are detained in disproportionate numbers. Pennsylvania has created detention standards that require probation and the courts to analyze and articulate a basis for depriving youth of their freedom, only using secure detention to protect the community or assure appearance in court. Pennsylvania does not place status offenders in secure detention under any circumstances.

With a dramatic increase in the number of youth entering the juvenile justice system with mental health issues, Pennsylvania invested in a Mental Health Assessment of Youth in Detention project in 2000. By 2006 we had implemented the Massachusetts Adolescent & Youth Screen Instrument (MAYSI-2) as a screening tool in all of our 23 detention centers. The MAYSI-2 allows us an opportunity for early identification and prioritization of those youth who need continued assessment and evaluation to determine whether they can be diverted from the juvenile justice system or what kind of care is most appropriate based on their mental health needs.

In order to ensure that only those youth who pose a danger to the community or are likely not to appear in court enter secure detention, Pennsylvania has created a strong continuum of pretrial detention alternatives. This has been a good thing for youth and communities. Philadelphia, for example, has built a continuum of detention services anchored by a secure detention center that has 105 beds. That is much smaller than detention centers in cities of similar size, largely because there are other effective resources in the community and the courts are able to make wise and appropriate decisions about which youth require secure detention.

The JJDPC in coordination with PCCD's Office of Juvenile Justice and Delinquency Prevention has administered federal funding under the JJDP Act to advance overall juvenile justice system improvement and for delinquency prevention.

Through the years our committee has used the goals of the JJDP Act and critical federal funding as a springboard for juvenile justice reform that has become a national model.

Title II funds have supported a broad range of juvenile justice and delinquency prevention projects and this has been the most stable federal funding source over the last several years.

These funds have focused on four main areas: monitoring activities to maintain compliance with the federal JJDP Act, addressing the issue of disproportionate minority contact in the juvenile justice system, implementing model delinquency prevention programs and overall juvenile justice system improvement efforts.

Title V funds under the JJDP Act were used to launch Pennsylvania's Communities That Care (CTC) Risk-Focused Prevention Initiative in 1994. CTC is still a critical prevention planning process used by many communities around the Commonwealth.

Devastating cuts in federal funding over the last few years have forced the committee to reevaluate our work and focus even more on prevention as well as on sustainability of programs.

Through the leadership of our SAG and its system partners, Pennsylvania continues to be a model for the nation in its approach to preventing and appropriately responding to delinquency. The combination of state leadership and vision with local autonomy and innovation is the strength of our system and future progress will depend on continued commitment and leadership.

Our priority areas are aligned with other states. Pennsylvania is part of the national organization of state youth service agencies called the Council of Juvenile Correctional Administrators (CJCA), which has taken the lead on providing training and support on many of the critical issues in juvenile justice today. Across the country juvenile justice leaders are working to educate elected officials and policymakers about youth development and explain that empowerment models of treatment for delinquent youth are not inconsistent with, but in fact, complement community protection. Pennsylvania is a participant and leader in those discussions on a national level to promote a more informed and systemic approach to helping youth in the juvenile justice system.

Key priority issues targeted for improvements are:

1. Evidence-Based Prevention and Intervention Practices
2. Disproportionate Minority Contact
3. Aftercare
4. Behavioral Health

Since 1998, the JJDPDC has funded over 160 model prevention/intervention programs with a combination of federal and state funds.

The JJDPDC has used much of its federal funding over the years to invest in evidence-based prevention/intervention programs such as Multidimensional Treatment Foster Care, Functional Family Therapy and Multisystemic Therapy.

In the absence of any good research that establishes that public safety is enhanced by prosecuting juveniles in adult court or placing them in institutions, Pennsylvania has invested in supporting youth and families in their communities.

In order to build on our current prevention efforts and build more in-state capacity, planning is underway to develop a Resource Center for Evidence-Based Prevention and Intervention Practices.

The overall purpose of the Center will be to support the proliferation of high quality and effective juvenile justice and delinquency prevention programs throughout Pennsylvania. We want to improve and promote Pennsylvania's knowledge of effective juvenile justice and delinquency prevention programs and practices by advancing recognized standards of research for determining program effectiveness.

Federal funding will support the start-up and operation of prevention or intervention programs proven to be effective, and ensure Evidence-Based Program models are implemented with fidelity and adherence to quality assurance standards. Pennsylvania's OJJDP will serve as a resource to the field. It will help implement evidence-based programming as well as support local innovative intervention programs designed to further BARJ principles.

Our SAG believes that a vital part of the overall evidence-based initiative will be increasing collaboration among all state agencies on planning and programming related to juvenile delinquency prevention and the reduction and prevention of violence by and against children.

Another key aspect is supporting providers and probation departments in documenting their activities so that programs/departments can track performance and report outcomes in a standardized way. Such reports will support research into what programs work best with which offenders.

These interventions are both cost-effective and have proven outcomes. Important resources like the Resource Center for Evidence-Based Prevention and Intervention Practices require stable federal funding to succeed.

In 2003, JJDP priorities became the basis for our work with the John D. and Catherine T. MacArthur Foundation's "Model for Change" Initiative.

The Foundation selected Pennsylvania as its first state to participate in the "Models for Change" initiative. Pennsylvania was chosen due to its favorable reform climate and leadership's interest in accelerating the pace of juvenile justice reform. Having a strong State Advisory Group was a key factor in Pennsylvania's selection.

The SAG--i.e., the JJDP-- has used Pennsylvania's partnership with the MacArthur Foundation to advance its promotion of broad juvenile justice system reform in the areas of aftercare, mental health services, and disproportionate minority contact. The JJDP has contributed dollars as well as talent to this partnership.

Pennsylvania believes in keeping children and families together whenever possible and using the least restrictive intervention necessary as required by our Juvenile Act. To that end, when youth must be placed in out-of-home care, DPW has implemented Performance-based Standards (PbS)--developed by the Council of Juvenile Correctional Administrators (CJCA) and supported by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) - to insure quality care in juvenile correctional facilities for youth who require secure confinement.

Pennsylvania has created a rich continuum of care for youth in the juvenile justice system. A range of options are available to place youth in the most appropriate setting based on a balanced and restorative justice framework. I am proud to say, given Pennsylvania's size, that we have only 600 or so secure placement beds. Pennsylvania continues to evaluate whether we can decrease the use of placement and increase the use of effective community based programs, without compromising community safety. As part of this effort, Pennsylvania is using our partnership with MacArthur to create assessment and evaluation tools that are based on the individual needs and strengths of each youth involved in the juvenile justice system.

Another major initiative in Pennsylvania is developing a comprehensive aftercare system. Stakeholders in the juvenile justice system as well as others in related systems are working together to develop a model aftercare system for youth leaving delinquency placements. Our SAG has contributed federal dollars to this effort, which is also supported by the MacArthur Foundation.

A comprehensive approach to aftercare will ensure that youth receive timely and appropriate social support in such areas as:

? Enrolling immediately in school or have a job waiting for them.

? Continuing the follow-up services that are required for those who received physical or behavioral health treatment while in care.

? Having strong adult support from family or other caring adults.

? Having sufficient attention paid to developing their skills while in care so that they can successfully return to their home and community.

? And ensuring that all youth offenders understand and acknowledge the wrongfulness of their actions and the impact of their crimes on the crime victim and the community. Each child must recognize his or her responsibility for causing harm.

It is important that returning juveniles who need to continue their treatment in the community have access to a continuum of services that have been demonstrated to be effective. Effective re-entry planning--which should begin before youth enter placement--is crucial if they are to benefit from residential treatment programs and successfully return home. It is also a key element in promoting public safety and recidivism.

I think we can all agree that it would be ideal if we could prevent youth from entering the juvenile justice system in the first place. In meeting its public safety responsibilities, Pennsylvania's juvenile justice system has turned away from a purely reactive approach to delinquency, in favor of one that focuses on creating conditions and programs that promote positive development for all young people and prevent delinquency from occurring at all.

To those ends, the Department of Public Welfare has created an Integrated Children's Services Plan to bring together all child serving systems in an effort to make appropriate planning decisions. The juvenile justice system should only be for youth who pose a risk to the community and require ongoing court supervision. Education, mental health, and families-- all working together with juvenile probation-- can identify appropriate diversion resources to meet the mandates of Balanced and Restorative Justice. Federal funding is needed to stabilize and expand this innovative practice.

Pennsylvania's SAG--the JJDP--has helped to create a model juvenile justice system. In 2005, of 45,504 delinquent dispositions, only 3487 youth are placed in out of home care.

Much of our good work has been built around the core protections for children found in the JJDP. Those protections should be maintained and strengthened through JJDP reauthorization. Pennsylvania's work, like that of other states, has been made increasingly difficult because of significant cuts in federal justice funding. While Title II formula grants have remained relatively constant, there have been significant cuts to Title V prevention dollars and to specialized initiatives. There have been significant cuts to other federal funding streams--such as Justice Assistance Grants and Juvenile Accountability Block Grants-- that our SAG has used to leverage JJDP dollars.

This is particularly true in the area of racial and ethnic disparities. The most recent data from the justice department reveals that youth of color represent two thirds of all incarcerated youth. Studies also reveal that racial and ethnic disparities in the juvenile justice system cannot be explained by offenses only.

Indeed, there are promising approaches that are tackling racial and ethnic disparities in several jurisdictions across the country with promising results. Congress should encourage, incentivize and strengthen those approaches by assuring accountability for this core mandate by requiring measurable results.

Despite the significant decrease in funding through OJJDP over the years, the federal office must have a critical role in advancing juvenile justice reform.

OJJDP should be charged with not only holding states accountable for adhering to the goals of the JJDP but for providing technical assistance to states in order to achieve those goals. Incentive funding should also be made available for states that are able to demonstrate the ability to create innovative and effective local initiatives that provide treatment to youth involved in the juvenile justice system while keeping communities safe.

OJJDP should be responsible for measuring outcomes in states that receive federal funding. OJJDP was once a leader in providing research to the field; that role has become attenuated since the late 1990s.

I hope that I have been able to communicate the critical importance of reauthorization of the JJDP. It has helped create a synergy in Pennsylvania's juvenile justice system that recognizes the need to provide the opportunity for redemption for our troubled youth while valuing the importance of community protection and the community's critical role in achieving youth redemption.

Our reform efforts would not have been possible without federal funding that was available over the last several years.

In order to sustain our progress and continue to make critical investments in prevention, including evidence-based programs, the Act must be reauthorized with its core protections in place; and JJDPa and other federal funding streams should have additional funds that can be targeted to important federal and state goals.

Thank you for the opportunity to address you on this very important issue. I encourage Congress to not only support but also strengthen the JJDPa. JJDPa has been the most important statement of national juvenile justice policy during my 20 years in the field. It establishes important values while giving states great flexibility to respond to their unique needs. Pennsylvania has shown that a comparatively small amount of funding can provide enormous leverage, further good values and allow states to keep communities safe while supporting youth redemption.

I am happy to answer any questions you might have regarding my testimony.