

[00:00:00] **Michael Donovan:** On this episode of the Evidence-to-Impact Podcast, we'll be discussing innovation in the complex world of juvenile justice in Pennsylvania with universal implications.

[00:00:09] Today I'm joined by Dr. Megan Kurlychek and to Rick Steele. Megan is a Professor of Sociology, Criminology, and Public Policy at Penn State University. And Rick serves as the Executive Director of the Juvenile Court Judges Commission, or JCJC in the Government of the Pennsylvania Commonwealth.

[00:00:27] I'd love to start off with some introductions here on your backgrounds. Megan, could you start us off?

[00:00:33] **Megan Kurlychek:** Yes. Thank you. So I actually accidentally found my love for juvenile justice when I was working as a legislative research analyst for the Pennsylvania State Senate right out of college, back in the 1990s I was assigned to many different topics and this was the one that grabbed my heart. Looking at the challenges these kids face and their ability to be reformed and have good lives given the proper treatment. So I went on from there to work for five years for the National Center for Juvenile Justice, and then eventually to go back and get my PhD. So I could actually participate in the evidence-based research and be part of the broader conversation on creating treatments and programs for youth, system involved youth.

[00:01:20] **Michael Donovan:** Excellent. Thank you so much. And welcome to the show. Rick, how about yourself?

[00:01:24] **Rick Steele:** Good morning. Well, my background really has been in working in, within the juvenile justice system in Pennsylvania. I started as a juvenile probation officer in Northumberland county, probation in Pennsylvania is county specific.

[00:01:38] And so I worked in Northumberland county for almost 20 years. Started as a juvenile probation, eventually became chief juvenile probation officer there. I then worked in a relatively large juvenile residential treatment facility for about seven years as an administrator, uh, after which I came to the Juvenile court judges Commission, which was, uh, about 16 years ago or so.

[00:02:02] I've had several positions there, uh, and have been the executive director here for the past six years or so. The Juvenile Court judges commission, just for those who might be interested is a, is an executive branch agency of the Commonwealth, which among many other responsibilities is charged with

providing guidance, uh, to the juvenile courts, judges and probation officers across the Commonwealth on the proper handling of delinquency cases.

[00:02:34] **Michael Donovan:** Great. Welcome to the show. Thank you both for being here today to start things off. Could we just have kind of a brief overview of some of the differences between the juvenile justice system and the adult criminal justice system? When we're really talking about juvenile justice, what is the most important, points that we need to get across to the general public and Megan, if you want to start with.

[00:02:58] **Megan Kurlychek:** Yeah, I guess, versus going too deep into the intricacies of the system can start. I think the most important fact to remember is that we have a separate system of justice for children because children are different than adults. And I think that a lot of times we know this it's common sense, right? You can't drive until you're 16. You can't vote till you're 18. You have views. Your parents can ground. You kids need rules because they are not mature yet. They don't make good decisions. But I think that the general, the general public, perhaps even myself included, sometimes when you hear of it, a child committing a crime that seems serious or violent, you tend to think of them as more mature than they are.

[00:03:44] And there's been slogans over time like do adult crime, do adult time. The fact is that committing a crime doesn't make you an adult. It doesn't make you mature. In fact, it could be almost a symptom of your immaturity. Cause we, what we know about you is, um, just not from our common sense, but from the science of psychology and biology and brain development, that their brains are different. They think differently, particularly in ways that make them more risk seeking, more present focused versus future focused. Think about the consequences. And they're much more influenced by their peers.

[00:04:23] So we have a separate system of justice for youth that is developed to meet these differences. So I guess if I had to say one thing to someone it's to remember that the juvenile justice system is designed to be developmentally appropriate for this stage of life for the adolescents, um, and to do someone away that then helps them and gives them the chance to reform and become a productive adult citizens rather than adult criminals.

[00:04:55] **Michael Donovan:** Well said. And Rick, from your perspective, do you have anything to offer about the differences?

[00:05:00] **Rick Steele:** Sure. I, and certainly I would support what Megan had to say as well, but there's a few things that stand out to the, I think that that

traditionally we've looked at in terms of the difference between juvenile justice and adult criminal justice. The base premise of juvenile justice, way back when the first juvenile court was established in, uh, 1899 was the concept of *parens patriae*, which really means parents of the country. It means that it was an acknowledgement that, that, that juveniles and kids are different. They're not merely miniature adults, that they need to be treated differently, similar to what Megan described and, and reasons why. I think traditionally when we look at the two systems traditionally when we thought about adults, this is what I was thought.

[00:05:42] When I first came in 40 some years ago, the adult system is focused much more on punishment while the juvenile justice system has focused much more on rehabilitation. And although I know I'm not really sure that that's as accurate now, it certainly is one of the, one of the ways in which we can discern between the two. The confidentiality of a juvenile justice proceeding is significantly different than a criminal proceeding.

[00:06:05] And there's a lot of semantics that are different as well. If you simply look at how an adult case is docketed, you will see that, that the, that the petitions and court proceedings all start out as being, as indicating the Commonwealth versus and that individual's name. And it sets up an expectation, obviously based on that, where the juvenile dockets say for the most part in the, in the interest of, and then the juveniles name. There's a significant difference just in the way that they, that these cases are docketed and there's other terminology differences as well. Juveniles are adjudicated delinquent while adults are convicted, uh, juveniles receive a disposition where adults go through sentencing and so on and so forth.

[00:06:49] So the system really reflects the fact of that acknowledgement that kids are different. And as a result, we see a lot of slightly different, but certainly significantly impactful differences in both the activities, as well as the docketing and the terminology.

[00:07:08] **Michael Donovan:** You referenced some of the history and historical origins, but I'd love to get into some of the evolution of the system over time. What are some of the changes that have happened in this field broadly speaking from both the scientific understanding of the population and also in practice. So first maybe if you want to go with Megan.

[00:07:28] **Megan Kurlychek:** As Rick had mentioned, the first juvenile court was actually created in 1899 in cook county, Illinois, which is Chicago.

[00:07:38] But the moment it started before that with an effort to get children out of adult prisons and jails, because they were seen as only making them more criminogenic and that started what was called kind of the house of refuge movement. So there again, the another term you're going somewhere for refuge, not to be punished.

[00:07:57] The one with in Pennsylvania was in Philadelphia and make the movement start into New York and spread throughout the Northeast. And that, that kind of evolved into that parents portray philosophy where the state is going to come in and be your parent. If if they think the parents up to the task, if you're getting in trouble you're not where you're supposed to be for your age.

[00:08:19] And that philosophy kind of stayed the same until the 1960s, which was a period of great rest in the country in general and questioning things. And what I think came to the front forefront in the 1960s was that, hey, even though we might call something a house of refuge, there could still be terrible things going on inside. Even though the juvenile court system was developed as more of a social work movement, therefore not giving you the same do protection processes you would have in an adult court. Again, going on with that terminology. If you're actually taken out of your home, put in a placement, have your civil liberties taken away from you, there's no way to say that that doesn't involve some form of punishment, even if our idea or a mission is to rehabilitate. So that's kind of what came into question in the 1960s. And I guess the, the court case that was really the one everyone talks about was In Re Gault, in regards to Gault. And this was a case of the juvenile that was basically, accused of making prank phone calls and ended up being taken from his home, the parents didn't know where he was taken, they weren't notified of the charges, the witnesses didn't show up and he's committed to a juvenile institution to his 21st birthday. So he's 14, now he's committed to his 21st birthday. And they're saying, well, if you've been an adult and committed a prank phone call, you'd gotten a fine of like \$50, a hundred dollars. So there's no way to say this is a punishment. So this court case was the first to make it the whole way to the U.S. Supreme Court in which the court said, Hey juveniles, even though we're think the state is appearance, and we think you don't need protections from your parent, these juveniles do need some due process protections.

[00:10:13] And I'm sure Rick can talk about this in a lot more detail than I can have worked more specifically with the courts. But he gave the juvenile, the right to an attorney and an adjudication hearing, which would be a conviction hearing. If you were an adult, gave you the right to know what the charges were against you, gave you the fifth amendment to, to not self incriminate yourself.

And it, it gave you the right to cross examine any witnesses that were there. So it made the juvenile hearing itself, less formal and more like an adult hearing in that stage of fact-finding.

[00:10:52] However, the Supreme Court did come down in later court case and say that what we're not going to give juveniles full due process rights because we know the juvenile system, even though they're not always perfect, they're still trying to rehabilitate. So for instance, juveniles do not have a constitutional right to a jury trial like an adult would. This has had good and bad impacts. One of the good things is it does give these two process protections to you. A bad side effect though, is it has led to people seeing the juvenile court as being more criminalized and juveniles, being more like adult offenders, which led to well, we talk about the Get Tough Movement of the 1990s, but I think that might be another topic, so I'm going to let Rick respond before we get into to that area.

[00:11:42] **Rick Steele:** I think we back up a little bit, and certainly in terms of Pennsylvania's first juvenile act was enacted in 1901, only a few years after the first juvenile act in the entire country. But interestingly, it was, uh, it was amended fairly quickly in 1903. The original act included the juveniles could request jury trials. And of course that was not going on anywhere. Particularly at that time, there weren't a whole lot of due process requirements. The national Uniform Juvenile Court Act was established in 1968 and, and ultimately all the states, including Pennsylvania, amended their juvenile acts in 1974 and in 1977, but perhaps the most significant amendment recently to the Juvenile Act occurred in 1995. And that was at the time that Governor Tom Ridge had come into the office. He called for a special crime session where at the end of that year, there were 37 separate crime bills that were passed. About 17 or so directly impacted juvenile justice. Now keep in mind, Megan mentioned that in the nineties, there was a great deal of focus on criminalizing the juvenile court systems. There were folks out there that had peoples. That we're claiming things like, uh, nothing that we could do work. So nothing worked in terms of treating and responding to juvenile delinquents. And there were predictions around the, the, uh, the coming of super predators that were going to take over and that there was nothing that we could do. And ultimately across the country, it started impacting on how we, as a system were responding to juveniles. There were states that virtually did away with their juvenile justice system based on these predictions and Pennsylvania was really looking maybe to go in that direction. But luckily we shifted gear a little bit, and that was, our crime session in 1995 led to act 33 of 1995, which was a juvenile act amendment. And there were some significant changes that occurred. One of them was a bit criminalizing. It led to what they call direct file cases for kids of certain ages. But with certain types of crimes skipped immediately into the criminal justice system, as opposed to the juvenile justice system and so forth. But the most significant

change to the juvenile justice system was this Act 33. And it amended the Juvenile Act to mandate statutorily for the first time in the country, balanced and restorative justice. And so the key components of that were different, was it enumerates that there are, there are three customers of the system when we're dealing with a juvenile who's arrested and comes into the system? Historically it was a focus was on that juvenile period. Didn't even include that family, all that much. So now it includes the juvenile and the juveniles family, but also the community where that juvenile resides. And most importantly, the victim, when you look at the concept of restorative justice, restorative justice says that we identify the crime and the harm that was committed, and we do everything we can to repair that harm. That's truly justice. And so a much more significant focus on victims and services to victims than was there prior to that. And also for the focus of every case that comes through, there's a balance of paying attention to three components that are to be addressed in some way, for everyone, community protection concerns, what needs to be done to keep the community safe, accountability in a restorative manner, what needs to be done, to hold the juvenile restoratively accountable for the actions committed, and then ultimately, this other concept of competency development. That kids coming through the system are going to leave the system in some ways, better able to perform as functional adults in our communities. And so that really was a significant change and we were the first state to statutorily create that process, a number of states have since incorporated the same types of language to build balanced and restorative justice into their purpose clause.

[00:15:49] In 2005, a significant event occurred as well and that was that the MacArthur Foundation chose Pennsylvania to be its first state as part of a very large juvenile justice reform project known as Models For Change. And it was significant, Pennsylvania dove in head first and worked on a variety of different reform efforts that were used to be modeled across the country, at a variety of different levels. But MacArthur was, as we say, leaving town by 2010. Their work was finishing, they were wrapping up and we decided that we as a Pennsylvania juvenile justice system really needed to respond in some way in order to sustain the work that was going on. But, but also to develop some type of an umbrella under which other initiatives of our juvenile justice system could be incorporated so they all kind of worked together and not separately went in their different directions. And so in an annual meeting that's held with the administrative staff of the Juvenile Court Judges Commission, administrative staff of the Pennsylvania Commission on Crime and Delinquency, and perhaps the key, key membership: the executive committee of a group that's known as the Pennsylvania Council of Chief Juvenile Probation Officers. We met on an annual basis for strategic planning and we wanted to discuss what it is that we could do moving forward to meet these needs and keep this momentum moving forward. And what we came up with was, uh, what we call the Juvenile Justice

System Enhancement Strategy, which is the acronym is JJSES. It is one of the most, if not the most comprehensive juvenile justice reform efforts in the country at this point. And it's being used as a model as we speak across the country and even in other countries as well, it's an effort in effect to enhance the implementation of our balanced and restorative justice mission through three really key areas. One is the utilization of evidence-based practices at every stage of the juvenile justice system. Yes, there are evidence-based practices that apply to juvenile justice. The second piece is that we wanted to enhance the collection of, and more importantly, the analysis of data around juvenile justice. We've always done a really nice job of collecting data here in Pennsylvania. We've not always done a real good job of analyzing it and using it to inform us moving forward. And then the third very important piece was the introduction of enhanced quality assurance and fidelity assurances, and all stages of juvenile justice proceedings. And so that's really focused much of what it is. We've been doing here in Pennsylvania through the years, uh, and brings us to the current lot of activities that are JJSES uh, related, but I'll probably hold off and talk about those a little bit later in our discussion.

[00:18:34] **Megan Kurlychek:** I just want to actually give a shout out so at the time this Get Tough Movement was happening, it was a national thing going on in the early 1990s as the response to an increase in juvenile violence, specifically homicides in certain inner city areas, that were really specifically drug market gang related, but it kind of spread across the country. And a lot of states just passed this broad legislation and that really restricted the juvenile justice system. I worked for the National Center at the time, so I was working with all the different states so I was able to see that what having an organization like the Juvenile Court Judges Commission, and also having the National Center for Juvenile Justice position, their main base in Pittsburgh, what having that research base was able to do to translate the needs of the youth, the needs of the system, the evidence-based research to the people sitting, making the policies so that while we did have some policies passed that made the system slightly more harsh, it was nowhere near what happened in states like Florida and Texas where just thousands and thousands of youth were booted to the adult system without much consideration. So kind of just giving a shout out there, I think to the evidence base and the research base that been developed here in Pennsylvania, that really exceeds what happens in most other states.

[00:20:01] **Michael Donovan:** Thank you, Megan, that's very important context to provide in the national setting. We've discussed some of the history and evolution here. And Rick, I would love to talk about some of the current programs that JCJC, your partner organizations, like you mentioned, the Pennsylvania Commission on Crime and Delinquency or PCCD and other stakeholders. What programs are you implementing to work with these criminal

justice involved youth to seek that balanced and restorative justice that you mentioned. And then very importantly, I also would love to talk about how does prevention play a part of this?

[00:20:34] **Rick Steele:** Well, as I mentioned back in 2010 and we developed the concept of our juvenile justice system enhancements strategy. And I think it gets interesting, I know a little bit of the background and some of the work that's going on there that relies on research and, and informs us at how, that we should work. It really grew out of, we keep going back to the 1990s when there were accusations and declarations that nothing worked with juveniles, that there was nothing really we could do once a juvenile, always a juvenile, adult crime, adult time and all of those types of things. And also the predictions of an upcoming appearance of what was being referred to as a super predator. And the good news is that because of the claims that nothing worked, it created a great deal of research around interventions with juveniles, and as a result, there's a whole body of research out there that now informs our juvenile justice system about what does work and how we can improve and intervening with these kids. There many interventions that are effective. One of the things that's different now in Pennsylvania is the role of the juvenile probation officer so the research tells us that the traditional community supervision model, which is what probation is. It consists mostly of monitoring conditions established by the court and sanctioning violations. What we found is the research says if that's not really effective in reducing recidivism after the case is closed, it's fairly effective during the period of time of supervision when you've got somebody coming around, monitoring what you're doing and holding you accountable for doing something wrong, but it doesn't go beyond that period of active probation supervision. We're now working towards a situation where probation officers are seen for lack of a better term as agents of change that they do more than just monitor these kids. It's like all of us, we raise our own children. And if you think about how we raise our own kids, we don't do that simply by holding them accountable for what they do wrong and telling them to not do that. Certainly, that's part of it. And so is the sanctioning piece of the new version of probation. But instead like our parents, probation officers are teaching you new skills and techniques that are specific to identified skill deficits, while also monitoring the conditions. So there's much more emphasis these days on skill building and competency development, which by the way, has been proven to be the most impactful way to reduce recidivism, which is a significant expectation of the juvenile justice system. So what are we doing now as part of the JJSES, every county on a yearly basis needs to submit a strategic plan for their ongoing implementation of the various components that are out there in this strategy. Every county is different. If you look at Pennsylvania from one corner to the other, across the state, we have so much variance in counties. We can't expect everyone to move forward at the same speed or with the same implementation.

So every county does that. Our key partners that you mentioned are the Pennsylvania Commission on Crime and Delinquency, not the least of which, because they provide funding for a lot of the work that goes on, as they say, always want to invite the person with the checkbook. So the PCCD is a major portion of what we do. And again, that Pennsylvania Council of Chief Juvenile Probation Officers. So much of what's changed, has to do with a number of different key areas. One of which is the introduction of various validated assessment instruments they can assist with decision-making and also with the development of an evidence-based practice in juvenile justice, and that is evidence-based case planning. So we now have the use statewide of a singular risk needs assessment in the way of the youth level of service risk needs assessment. We have many of our counties using what's called the MAYSI-2 to assess behavioral health and or substance abuse issues at intake. There's a detention risk assessment instrument that's now being used to assist in making decisions about what kids early on in the process need to be held securely prior to their court processing. And most recently we're working to establish the use of trauma screens and trauma informed case plans based on the research, again, that we're hearing and understanding about the prevalence of trauma in the lives of so many kids coming into the juvenile delinquency system. Some of the things that are being done across the states or the counties are the implementation of motivational interviewing techniques for probation officers. The significant influence and influx of cognitive behavioral interventions that can be done at a variety of levels. There are cognitive behavioral related interventions that juvenile probation officers can do on a daily basis with the probation kids, in fact, it's not unusual now, but instead of a juvenile probation officer coming in to visit with someone and basically saying, have you been arrested? Have you been going to school? Are you doing your community service? And by the way, pee in this cup for me, they're going in and actually working on skills. They're doing role modeling with kids, and they're leaving often with kids who have homework to work on between then and the next meeting that are based on skill building. So that cognitive behavioral is important. We've incorporated Cincinnati University's EPICS, which is an acronym for Effective Practices in Community Supervision, which is an evidence-based supervision model that incorporates so much of what we learned about that can be effective in probation, or developing graduated response in most of the counties that prevents kids from having probation violations that may lead to placement out of home. We've enhanced our family engagement that's again, the evidence-based practice that has proven to be successful. Again, I mentioned we focus on trauma, we're working also with an interest in concept, and that is standardized program evaluation protocol, which we learned from a researcher, Dr. Mark Lipsey from Vanderbilt University, based on his meta analysis of research that's out there. He's looked at over 600 various individual studies and has incorporated them into a practice by which we've been trained

and certified to go and look at services provided to delinquent kids, intervention services, be they residential or community-based, there's a way in which they can be assessed and actually receive a score. And what the research shows is the higher, the score, the higher, the impact on recidivism or meaning that kids coming out of that program will have reduced recidivism. More importantly at the standardized program evaluation protocol allows for the development of a program improvement model for that particular service, that if they want to raise their score, they have to incorporate certain concepts based on the research, but that's really involving the research that's out there. And in general, we continue to use the data to provide quality assurance. So many of the reports that are generated there's dashboards that juvenile probation officers have on their desktops every day that shows them the data around their case loads. It helps them to move forward. So I guess, yeah, there's a lot going on across our system that incorporates this evidence-based practice and science, not only in court rooms, but in probation, as well as all of the providers and other agencies that implement various services for our delinquent populations. You mentioned also diversion and it is part of the juvenile justice system enhancement strategy. It's pretty well acknowledged by a juvenile probation department in any particular county that diversion is something that needs to occur before it gets to them, and that's acknowledged. But what we encourage is that they work with other providers and other services within their communities to assure that appropriate diversion services are available. We want to in effect, not only divert, but prevent kids from coming into our juvenile justice system. So a lot of work has been done as you're probably aware with the EPIS Center at Penn State through PCCD funding to provide expanded use of evidence-based practices that are prevention oriented.

[00:28:35] **Michael Donovan:** Thank you, Rick. That's a lot to unpack, you and your colleagues have certainly been very busy and we've covered some really key innovations in the field that showcase the integration with the research community from needs assessments, cognitive behavioral interventions, and really the integration of data and evidence-based practices broadly. So I'd love to hear a little more for Megan on the body of her research and what is on the horizon. What's the field saying broadly about juvenile justice and what do we need to integrate into programming to improve the effectiveness. I'd love to hear from you.

[00:29:07] **Megan Kurlychek:** I wanted to start with just this idea about prevention that you've brought up. So at the national level, the agency responsible for providing funding to the states and kind of overseeing juvenile justice is called the Office of Juvenile Justice and Delinquency Prevention. And I have sat in so many meetings where people argue or debate maybe argue is not the right word, when does prevention begin? When should the juvenile justice

system think about beginning and we've gone the whole way back to proper prenatal care. To programs like Nurses As Partners, where nurses come out and help new young mothers that may be single mothers, maybe teenage mothers, not have many resources to take care of their children all the way up through identifying problem behaviors in early school, because we have something we talk about, we refer to as the School to Prison Pipeline, kids that get in trouble early and get caught in the system early. It's harder to get them out, especially if they are in school districts that have kind of zero tolerance policies, where if you get in trouble once they're going to expel you or suspend you. So what do you do if you're not in school while you have more time to get in trouble, you're getting behind in your education. And when we do these risk need assessments, um, risk/needs/strengths assessments that Rick was talking about, we know that the majority of kids that come into the system, at least at the deep end, are way behind educationally their readings behind, their cognitive understanding of things is behind. So the earlier we get in and prevent, the better off youth are, and there's community-based programs such as Big Brothers, Big Sisters that have been nationally renowned and investigated that really help youth.

Interventions in the school, any intervention that involves the family, multisystemic family therapy is one that's talked about a lot where you're not just looking at the youth, but you're looking at all these systems that surround them, their community, their family, their school, where are the risk factors coming from? How can we help them overcome? Instead of just putting the onus on the youth to overcome these challenges. So I think that there could be a whole other podcast on what is prevention and where does it start? But I wanted to throw that out there because it is an ongoing discussion. You know, if we wait until you're 15 and you're now in the juvenile court for some serious, it could be your first offense, but it's serious, but there'd been all these warning signs before that no one responded to, perhaps we missed the best opportunity we had to reform this youth and help their life. So while it's never too late, it's also never too early to begin. So that's kind of my little soap box there before I get into my research. So. I was trying to think about what I wanted to highlight about my research today so I think there's two studies that I want to highlight. So the Models For Change has been brought up. And one of the initiatives was to try to reduce the number of youth going to detention. So we'll go back to this terminology difference. If you're in the adult system and you're arrested, you can be held in jail with or without bail, until your trial, and then you're convicted your sentenced, either community, jail, prison. In the juvenile system, juveniles can be held and what we call pre adjudicatory detention. But there's not really bail -you're held because you're a threat to yourself. You're seen as a threat to the community, or you're a risk of fleeing, or we call it absconding. More and more youth were getting sent to detention because there were no real standards on how this decision should be made. Who's at risk? Who should be in detention? And the detention centers were getting overcrowded. And what

happens when you get overcrowded? Kids don't get services. The living conditions become dangerous because you don't have the right staff-to-juvenile ratio. So there was a detention reduction initiative to really try to develop risk assessments and look at, are we sending the right youth to detention? Can we reduce the number of youth being sent? So when I was working at the University at Albany, I was actually hired by Suffolk County and Long Island to evaluate their detention reduction initiative. And to look at the instrument they were using, was there an actual reduction in the kids going into the detention center? And probably most important for policy maker looking at this, if we're reducing the number of kids going to detention, is the community still safe or are we letting the wrong kids out? Right. Cause that's what you want to know, as a citizen, you go into argue for a policy to get funding for it, at the legislative level or county level, you need to be able to say we're still keeping the public safe. So in that research, what we did was we sat in the basement of the detention center a lot after we toured the detention center and got to know it. And we reviewed files for years before the initiative took place. And then for the years when it was in place, and then we were able to create a control and treatment group. So a control group is kids that didn't get the treatment. They went to the detention center because the option wasn't there a couple of years, they came into the system for this treatment, which was the diversion not to go to detention. We were able to match them on living circumstance, crime type, age, gender, ethnicity, to try to get them as close as possible to being similar people. And then look forward and say, well, if we had kids in this year, that got detention because there wasn't diversion possible. We have a similar group of kids this year that didn't get detention because the risk is the assessment instrument said they can go home. Did those kids commit any more crimes? And the answer was no. In fact, they committed less crime. So we were able to show that this policy saved to the county's money because there's less kids in detention. It saved the kids the experience of being ripped out of their home and put in this detention center, which can be a very scary experience. And it didn't increase crime, right? Because we don't want to do it if it increases crime, but we do want to do what helps the kids. And I did a kind of a similar study for Connecticut. I don't know if it was one of the last states. North Carolina is now the last one that had 16 as the age of adulthood. So I did a study for them on the legislation, where we did the similar thing. We looked before raise the Age after raise the. And we looked at the entire population, not just the sample, but the entire population of 16 and 17 year olds in the state. And what we found was that the juveniles that had been treated like adults, the 16 and 17 year olds that have been sent through the adult system had a recidivism rate of a 54 to 60%. Whereas the 16 and 17 year old after raised the age that had committed similar offenses, similar backgrounds, all this kind of matching things I've talked about recidivated about 28 to 33%. So it, it showing that treating a kid as a kid is better when we want to think about long-term outcomes and going back to the

detention, study it, staying that placement isn't always the best option. If we can keep these kids in their home, keep them in their home schools keep those bonds that they might have helped them build bonds through mentoring. Rick was talking about the new role of the probation officer. That's exactly what a probation officer should be doing. They're not a police officer. They're not there to just catch you when you're messing up, they're there to mentor you and help you be a better person. So if we can do that, then we can both make society safer while saving individual youth. And if you want to talk about money, we're saving money because it costs a lot less to supervise a youth in the community than to pull them in placement. So it's, it's a win-win. I think one of the challenges over time has been that a lot of agencies are scared to have you come in and evaluate the program because they think, well, what if you say our program doesn't work? Are we going to lose funding? Does our program go away? Do people lose jobs? But I think over time there's been trust built more between the research community, at least in the state I've worked in. And the practitioners where we come in and we don't just do an outcome evaluation where at the end of the day we say you succeeded or you failed. We do this process evaluation where we look really look at, what is your program doing? What services are the kids getting? How might we improve it if you're not meeting some of your milestones? So the conversation has changed from does it work to how do we make it work better? And I think that's an important conversation between researchers, practitioners and politicians that's been brought to the table.

[00:39:04] **Michael Donovan:** I did have one question, Megan and it's something that I'd love to demystify for our listeners. One metric that's really thrown around quite a bit and both yourself and Rick have covered it today is that a recidivism and that being defined as the tendency of a criminal to re-offend. Can we just talk briefly about recidivism in the juvenile justice context and really some of the complexity around this topic? I know in our previous conversations we've identified that, you know, really focusing on this as an outcome metric doesn't really quite capture all of the nuance. And I wondered if you could demystify that for us a little bit.

[00:39:43] **Megan Kurlychek:** Okay. So recidivism really means repeating behavior, right? So it's measured in different ways. When you talk about juvenile justice and criminal justice, it can be measured as a technical violation of your probation because you messed up again, it could be measured as a new arrest. It could be measured as being sent back to a detention or treatment center. And those are the typical ways it's measured and you usually follow youth for about two years to five years to see how they're doing. What that misses I think though, when you talk about nuances, is it a lot of the kids that come into the system, especially those that go into the deeper end and need

placement present with multiple problems. They might have a mental health problem. They might've had a drug addiction, they might have family instability. They might have a lot of other things going on in life that you want to help them with. So think about a youth that comes into the system because they committed a robbery. They were gang involved. Maybe they committed a robbery with a weapon and they go through treatment. And they come out and three years later, they've graduated school. They're applying to community college and they get arrested for underage drinking. That shows up as recidivism and underage drinking is an offense, right? It's against the law, but from the trajectory that you had been on to the trajectory they're on now, we've made a lot of progress. So to just throw the book at them and say, oh, you messed up again. You're a failure, misses all the progress that youth has made. And you can speak about the same when we talk about that are really highly substance involved. Is it a success if we get them off the substances, but they still make a mistake some other way later. So there's so many things to think about, cause we don't want to just have a youth that's not offending. We want to have a youth that as we talked about is a productive adult we want them to succeed. And there's many other metrics involved in that, substance use mental health, education, community involvement, that when you just measure that one mistake and try to define that person or the system based on one mistake, I think it misses a lot of good that's done.

[00:42:09] **Michael Donovan:** Right. And truly trying to pursue thriving and flourishing versus just the re-engagement in criminal activity. Rick, do you have any context from your perspective in JCJC around recidivism and some of the complexity that Megan pointed out for us?

[00:42:24] **Rick Steele:** Certainly, I agree that recidivism certainly is not the end all to what it is that we want to measure in terms of outcomes from our system. There are very important other outcomes, some of which were mentioned. But there are base expectations I think on the point of everybody from the legislature that, that funds the juvenile justice system to our communities, that at a very minimum, we do everything that we can to keep our community safe. And the way that we do that, because we are in the business of prevention is that we do what we can to eliminate recidivism. So keep in mind the majority of the risk reduction of evidence-based practices in juvenile justice are focused on reducing risk and that risk is to recidivate. So much of work that we see, the research around evidence-based practices are designed to reduce recidivism. And our, I mentioned earlier, risk assessment instrument is developmental as well, so that we can measure that risk over time to get some sense of how we're decreasing the risk to recidivate. We did not have recidivism information in the past. And as Megan mentioned, one of the reasons was there are many, many definitions for recidivism. There's many different data sources

for recidivism. I used to see recidivism projections for Pennsylvania, and I'd scratch my head and wonder how they got there because JCJC has all the data and we didn't know what a recidivism rate was. So we worked on that as we were moving into this evidence-based juvenile justice, we knew that we had to have some kind of basis starting. So we've developed now the capacity to actually measure recidivism. We started out by having to have a definition that met muster, and we worked with a variety of different experts from around the country. Our definition of recidivism is that within two years after the case is closed, has the individual been adjudicated or convicted in a criminal proceeding of a misdemeanor or a felony? And so with that, we started looking at baselines. We had to look beyond our data. We knew in the past who recidivated while they were on supervision, that's a re offense during supervision, but we didn't know what happened after the case closed. And so we started by developing a baseline from 2007 to 2010 of what the recidivism rates look like. And now we're able to assess generally on a year to year basis, the cases that have been closed for two years prior to that and our reports are available online and they include much detail and county specific recidivism rates. But more importantly, I think we look deeply at analysis by various demographics. So eventually our thoughts are that as we look at measuring the effectiveness of various interventions, we're going to be able to take the data that we gather, our recidivism rates and hopefully down the road, be able to much better determine what's the most appropriate intervention for similar kids that have proven to be effective in the past, in terms of recidivism, that being said, we also collect other important outcomes and hopefully down the road, we can get beyond the issue of data sharing so that we can look at outcomes for kids involved in the juvenile justice system, such as educational outcomes, vocational outcomes and other ways that we could measure, as Megan mentioned, are they being productive, adults coming out of our system? Did we do what it is that we're committed to doing? And that is saying that when a juvenile leaves our system, they're better capable of functioning in the community than they were when they came in. I agree recidivism is not the end all by any means, but it remains a very important measurement within our system.

[00:46:01] **Michael Donovan:** Thank you both, this has been such a rich conversation. I do want to bring up a point that I regularly try to bring up on the podcast, which is how do we better integrate these two communities. We were both speaking from a perspective and background and history from largely a government perspective from Rick and then Megan from an academic research perspective and also in practice as well. I just want to think, how do we get creative about improving these linkages? Rick just mentioned data as an important component. I wonder if there are any other ways, and then if we want to go into that a little more detail, this is open for either of you please.

[00:46:40] **Rick Steele:** I'd be glad to give you my thoughts about it. So I, I think the most significant thing is that we first need to realize on both sides of the researchers, as well as the practitioners, that there is a significant connection between the two and then we need to understand, and I'm not sure that it was always understood that, that it doesn't mean for us in the field, we need to understand that so much of the research we can use to get better at what we do and that it does apply, and there's times when I think that might not have been what people thought that they thought researchers do what they do. There's not a whole lot of application. I think that as we continue to emphasize within our juvenile justice system here in Pennsylvania, that we are a profession and that's something that we strive to do on a daily basis, that we are a profession. There are certain things that connect with being a professional. And one of those is using the ongoing research to improve what it is that we do. And certainly we've talked briefly at least about a number of areas where that has been the case particularly most recently. So we are committed at Juvenile Court Judges Commission. We actually have an arm at Shippensburg University, that's the Center for Juvenile Justice Training and Research. We look to join with other folks in research, which we do with a number of different entities, both within and outside of Pennsylvania. I think there's a growing knowledge that we can work together with researchers directly for the benefit of both them and us, and there's a number of projects that we've been engaged with over the past several years that basically have proven that where researchers might receive some type of a large NIJ grant that they come to Pennsylvania, when they know we have good data and we've proven to be good partners in doing research that ultimately when it's over and it improves our practice and we can replicate across the state and they've completed their research project. So it's a no brainer, as far as I'm concerned, we can't continue to be an evidence-based practice model, if we don't engage directly with researchers.

[00:48:41] **Megan Kurlychek:** I think from a researcher perspective, in the past been this kind of perception sometimes true, sometimes not true, that the researchers sitting in their ivory tower and pass judgment on those that are actually doing the hard work on a day-to-day basis. So I think it's important for us as researchers not to just approach an agency like JCJC went, oh, I got this grant. Can I use your data to run some analyses? It's important to be a partner. So if there's boards that people can sit on, if there's committees, they can sit on together, go to conferences that branch both practice and research and be part of the community so that you have a mutual respect. And maybe even, you know, you develop these research practitioner partnerships for mutual ideas and interests that emerge versus the researcher being this outsider that comes in to judge you. The researcher is someone that's also embedded, part of your organization, you see them as caring about the practice, here be it juvenile justice. And I brought that perspective to everything I do because I started on

the ground, right. I started in state government, went to the private sector, National Center for Juvenile Justice and then into academia. But I see it being more and more prevalent within academia that you're valued for having these relationships and being able to translate your research to the practitioner and not just put some fancy statistics or numbers up on a board or putting up charts. No one can read, right? There's like a million numbers on a chart. And then we tell you what we found. Really learning how to communicate that research in terms that a practitioner can understand. And maintaining that partnership. So I'm really excited, branching out and making some of these old and new connections with the government agencies that are doing the work so that as I develop my new research projects, I make sure they are informing Pennsylvania in the areas that the state and the system needs research on. Where are the research gaps? What do we need to know to better inform the practice of juvenile justice in Pennsylvania? So it's an exciting partnership and time for me as a researcher.

[00:50:55] **Rick Steele:** And we really owe a lot to the researchers that have come in and informed us on how to do a better job. People like Megan, people like Gina Vincent from the University of Massachusetts. Ed Mulvey from Pitt is someone who's always involved with us, but very well-known. Keith Cruise from Fordham, is helping us with our trauma work. At this point in many others through the years that, that, as I mentioned earlier, not only do they come and want to do research that it doesn't inform anything and we never hear from them again, they work elbow to elbow with us to improve our system while doing their research. And that's probably the most effective way that we can marry the two.

[00:51:29] **Michael Donovan:** I love it. These are excellent ideas that we need to continue to put into action as challenging as that can be at times, but it just takes the dedication and the effort to build those relationships and sustain them which is one of the challenges as well. I do want to give you both the opportunity to provide any closing thoughts, if you have any.

[00:51:49] **Rick Steele:** At one point we had talked about telling folks what's the most important thing that people should know to understand juvenile justice in Pennsylvania. And I'd like to close by maybe mentioning a few of those things. very basic, but maybe things that folks don't understand in the general popular. First of all, the vast majority of the youth that were involved in the juvenile justice system leave and never return and ultimately are successful in our communities. Very important, particularly in those cases that we continue to expand the ability to expunge juvenile records because of the known collateral consequences that can harm kids going forward based on having a juvenile

record. The other part is that juvenile referrals in Pennsylvania, as well as across the country, have steadily declined for well over the last decade. So there are many folks, I think that think crime is rampant and it's increasing, and kids are worse and that's simply not true. At least that's not what the data shows. And then research has proven that much of what we do with juveniles is effective and that it works, and so that there is hope that we can work with many of the kids to improve our communities as well as their lives.

[00:52:59] **Megan Kurlychek:** Okay. I just have two things that I'll end on and with one is my excitement about evidence-based practice in a 2010 book that I wrote with my colleague, Tom Bernard, we talk about the cycle of juvenile justice, and we define that cycle as whatever policies are in place at a time are blamed for increasing juvenile crime. And part of that is juvenile crime might not even be increasing, but we have this perception that it's always at an all-time high, because that's what we see on the news. We only see the worst of the worst. We don't see the successes on the news. And so if the policies at the time were seen as lenient and rehabilitative, then we come back and say, oh, we have to get tougher on crime. If the policies are tough, then we say, oh, those tough policies aren't working, we have to give more treatment. So evidence-based research has, in my mind been able to break out of this cycle of blame and really get down to the nitty-gritty of what works. And then my final comment is that whenever you think about the juvenile justice system, as an adult, as a parent, think about what response you would want if it was your child getting in trouble. And don't think about them as other people's children or some other person that you'll never come in contact with. Everyone wants the best for their kids. So what would you want if it was your child who made them. What would you want their future to look like?

[00:54:32] **Michael Donovan:** Thank you both so much for your time today and for the rich and fruitful discussion on such an important area. My two guests today were Dr. Megan Kurlychek, Professor of Sociology, Criminology, and Public Policy at Penn State, and Rick Steele, who serves as the Executive Director of the Juvenile Court Judges Commission, or JCJC here in Pennsylvania. Thank you again, both for your time. And most importantly, for the important work you do in this vital area. We all are better for it. Thank you very much.