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COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
COMMITTEE ON JUDICIARY

In re: HB 24 - Juvenile Justice Grants

* * * * *

Stenographic report of hearing held
in Room 140, Majority Caucus Room
Main Capitol Building, Harrisburg, PA

Thursday,
January 31, 1991
10:00 a.m.

- HON. THOMAS R. CALTAGIRONE, CHAIRMAN
- Hon. Gerard Kosinski, Subcommittee Chairman on Courts
- Hon. Kevin Blaum, Subcommittee Chairman on Crimes and Corrections
- Hon. Karen Ritter, Secretary

MEMBERS OF COMMITTEE ON JUDICIARY

- | | |
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| Hon. Christopher K. McNally | |

Also Present:

- David Krantz, Executive Director
- Galina Milahov, Research Analyst
- Mary Woolley, Republican Counsel
- Mary Beth Marschik, Republican Research Analyst
- Katherine Manucci, Committee Staff

Reported by:
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1 CHAIRMAN CALTAGIRONE: At this time, I'd
2 like to open the hearing. This is the House Judiciary
3 Committee. We're taking public testimony on House Bill
4 24, juvenile justice grants. This is Thursday, January
5 31, 1991 at 10:00 a.m., and I'd like to make a few
6 opening remarks and then introduce the members of the
7 committee and then we'll get right into the testimony.

8 Today's adult criminals were yesterday's
9 juvenile delinquents. That simple solution is the
10 thrust behind today's hearing which will assess the
11 need for establishing grant programs to help counties
12 pay for juvenile probationary services. Such important
13 services aren't getting necessary financial support
14 because of the budget crunch. Juvenile delinquency is
15 on the rise, juvenile probationary caseload has become
16 almost overwhelming. Counties must hire more and more
17 staff at a time when the State has stricter
18 probationary criteria, and increased hearings increases
19 the county spending, which in effect increases county
20 property taxes.

21 The State mandates probationary programs
22 and should also share in the funding burden of such
23 programs. My legislation, which we will hear testimony
24 on today, would establish a grant program that would
25 reimburse counties for 80 percent of their qualifying

1 juvenile probation expenses. Failure to adequately
2 staff probation offices and develop the innovative
3 juvenile probationary programs will inevitably lead to
4 continued prison overcrowding.

5 Like I said before, today's juvenile
6 delinquent is tomorrow's criminal. Unless we break
7 that cycle we're, doomed to repeat the same cycle of
8 events that we've seen in the past with juvenile
9 delinquency.

10 Let us begin the testimony, and if you
11 would, for members that are present, would you please
12 mention who you are for the record and we'll start at
13 my left.

14 REPRESENTATIVE RITTER: Karen Ritter from
15 Lehigh County.

16 REPRESENTATIVE DERMODY: My name is Frank
17 Dermody from Allegheny County.

18 REPRESENTATIVE BLAUM: Representative
19 Kevin Blaum, city of Wilkes-Barre.

20 MS. WOOLLEY: Mary Woolley, Republican
21 Counsel to the committee.

22 MS. MILAHOV: Galina Milahov, Research
23 Analyst.

24 MS. MARSCHIK: Mary Beth Marschik.

25 REPRESENTATIVE McNALLY: Chris McNally,

1 Allegheny County.

2 CHAIRMAN CALTAGIRONE: Okay. And for the
3 members, we had a change. We're going to start off
4 with William D. Ford, Chief Juvenile Probation Officer
5 from Bucks County, who is going to give us somewhat of
6 an overview, and then we'll go back to the regular
7 schedule.

8 MR. FORD: Thank you, Representative.

9 My name is Bill Ford, Chief Juvenile
10 Probation Officer in Bucks County. I want to thank the
11 committee for the opportunity to testify.

12 The juvenile justice system has four key
13 components which are necessary for successful
14 intervention in the prevention of juvenile crime. They
15 are as follows: The community, the police, parents,
16 and the juvenile court probation department.

17 When a juvenile is arrested for a
18 misdemeanor or a felony, he has penetrated the first
19 three components. The juvenile court system is the
20 last line of defense that can offer help to prevent
21 further escalation of the problem. After the arrest of
22 the child, the probation department becomes involved in
23 decisions concerning detention or release to parents,
24 intake interviews, getting the facts of the arrest plus
25 detailed family information, scheduling the case for

1 court or handling the case out of court, the
2 pre-sentence investigation or recommendation to the
3 judge for disposition, institutional placement if
4 necessary, and supervising the client on probation, the
5 aftercare services upon release, intensive probation
6 service, and payment of the bills for placement and
7 costs.

8 Just a moment of reflection. As you can
9 see then, the probation department is really involved
10 in the case immediately after the arrest in the
11 juvenile court system, and that, of course, is far
12 different than the adult system, who does not get
13 involved in handling the case until after the finding
14 of guilt and after the placement on probation. So the
15 juvenile is involved initially in the very beginning.

16 In providing these probation functions,
17 the probation department organizes and pulls together
18 the community, the police, the parents, and with the
19 combined effort of all, it hopefully changes the
20 direction of the child from a law breaker to a law
21 abiding citizen. The court, through its probation
22 department, is the heartbeat of the system. By
23 increasing the grant in aid through the Juvenile Court
24 Judges Commission, a solid financial base will be
25 established for probation services. These probation

1 services are essential to make probation a serious
2 matter and not a joke.

3 That reflects back to the comments made
4 about high caseloads. Where you have 150 or 200 people
5 on your caseload, probation means absolutely nothing
6 because the person is not being seen, he's not being
7 supervised, and he's free to do what he wants whenever
8 he wants to do it.

9 Making an individual, making a juvenile
10 delinquent, accountable for his actions is the
11 beginning of responsible behavior. By increasing the
12 grant in aid through the probation department in those
13 high crime areas of the State, we'll be able to
14 increase staff so that caseloads are manageable and
15 supervision is intensive. And what I mean by that, the
16 POs will be able to go right into those high crime
17 areas and attempt to supervise the youngster right
18 where he lives.

19 With the Juvenile Court Judges Commission
20 involved, it will monitor the counties to see that the
21 services are being provided and the increased funding
22 is used appropriately. As you know, there is current
23 great disparity between the adult and juvenile funding
24 of probation departments. 80 percent of the adult
25 system and 10 percent of the juvenile system, roughly,

1 is currently being subsidized by the Commonwealth.
2 Some counties have lost juvenile probation staff to the
3 adult system because just of the money. The money goes
4 into the adult system, the staff has been transferred
5 into the adult system.

6 To gain control over juvenile justice
7 expenditures, and by that I mean basically placement
8 costs, as you know the YDCs can cost upwards to \$40,000
9 a year per child including institutional placement
10 costs. The juvenile probation department itself,
11 probation officers, must have the financial support.
12 Juveniles can be maintained without placement and the
13 public can be protected.

14 Thank you very much.

15 CHAIRMAN CALTAGIRONE: Are there
16 questions from any of the members present, staff?

17 Yes.

18 BY MS. WOOLLEY: (Of Mr. Ford)

19 Q. Mr. Ford, can you give us an idea in
20 terms of you note the disparity between Commonwealth
21 reimbursement of adult versus juvenile probation, is
22 there a disparity in the salaries of adult as compared
23 to juvenile probation officers?

24 A. I believe in some counties there is an
25 \$8,000 disparity between the starting salary of an

1 adult probation officer and the starting salary of a
2 juvenile probation officer purely because of the
3 subsidy alone. Since the juvenile department -- the
4 subsidy basically hasn't been increased since '82, and
5 in some counties it's less than 10 percent. But, yes,
6 there is disparities in the actual cost of starting
7 salaries.

8 Q. Okay.

9 CHAIRMAN CALTAGIRONE: Bruce?

10 MR. GRIM: Ladies and gentlemen,
11 honorable members of the Judiciary Committee, I want to
12 thank you for giving me the opportunity to present
13 testimony today on House Bill 24. I want to especially
14 thank you, Chairman Caltagirone, for being the primary
15 sponsor of this bill.

16 Why do I urge your favorable
17 consideration of this bill? It's because adequate
18 funding of the juvenile probation officers impacts
19 directly on what we do on a day-to-day basis and how
20 well we do it. The general job description of a
21 juvenile probation officer can be divided into two
22 general categories: The first being the required
23 paperwork and procedural responsibilities which always
24 have to be done and always will be done regardless of
25 caseload sizes. The second general area is supervision

1 of clients and social service intervention. As
2 caseload size increases, the paper demands increase and
3 unfortunately take a larger percentage of the work day.
4 That effectively reduces the probation officer's
5 ability to be a deterrent for future crime.

6 I'm here today to tell you about some
7 recent developments in Berks County that have
8 stimulated change within our local juvenile justice
9 system, some of which I think have broad based
10 application and could be developed statewide if there
11 were additional funding pumped into the system.

12 During the spring and summer of 1989, our
13 county commissioners had a number of meetings with our
14 juvenile court, we discussed a number of topics, but
15 primarily focussed on a system to be implemented to
16 service the truant youth in our county. By October of
17 1989, we had reached a mutual conclusion that the
18 juvenile probation office was the logical department to
19 start working with truants. Heretofore, no one was
20 really working with the truant population.

21 Within a matter of approximately 6
22 months, the total number of truancy referrals swelled
23 to 200 kids, and up to that point, we had not received
24 any additional staff to work with these youth.
25 Something had to happen because we were simply being

1 overwhelmed with numbers. By that time, we had a total
2 of 850 total delinquent and truant youth under
3 supervision of the juvenile probation office.

4 What did we do? Well, the court and the
5 juvenile probation office approached the county
6 commissioners, we requested the creation of six
7 additional officer positions, including one
8 administrative supervisory position, three intensive
9 aftercare officers to work with the high-risk kids, and
10 two general probation supervision officers. The
11 commissioners agreed with our plan, said it was a good
12 one, but they had a problem: They did not have any
13 money to fund six positions in the middle of a budget
14 year when they were already at the cap of their
15 taxation ability.

16 The court discussed this with the
17 probation office, we came back with a county proposal:
18 Fund the money from our placement service budget,
19 transfer it to personnel, and we will make every
20 attempt to reduce our placement costs by at least the
21 costs of the new personnel. That was done.

22 Existing staff were promoted to the
23 advanced positions, to the intensive probation
24 supervision cases and to the administrative position.
25 New employees were hired in June and July of '90. And

1 starting in June of '90, our court aggressively began
2 releasing youth after the shorter than normal lengths
3 of stay in the placement facilities, we started placing
4 a higher risk juvenile on intensive probation
5 supervision, we started making other initiatives such
6 as using short-term wilderness programs in lieu of the
7 longer term traditional placement facilities, we
8 started using deferred or suspended commitments to
9 facilities.

10 All of these attempts by the court had
11 some very good results, and I would ask you to please
12 refer at this point to page 2 of my notes of testimony.
13 On page 2 you will see two tables, the first one being
14 a listing of the youth being supervised by the juvenile
15 probation office that were in placement at various
16 times from May of 1990 through December of 1990. The
17 dependents listed in the second column are truancy
18 cases. Notice the total number of youth that were in
19 placement through the juvenile court as delinquents or
20 truants. We peaked at 114 in the month of May when we
21 had to start doing something.

22 The placement number diminished
23 continuously and has steadied around 70, 75 kids, and
24 it remains at that point as of now. The table below
25 indicates the financial savings that we experienced

1 concurrent with the reduction in our placements.
2 Notice that we had 193,000 when we started this program
3 in June, and that really was paying for the beds that
4 we were buying in May. We actually got down to the
5 point that we were under \$100,000 for the month of
6 November. I want to point out that our replacement
7 costs have remained at that level since that time.

8 Now, the point of my saying this is not
9 to say what a great job we've done in Berks County. I
10 think we have done a good job, but the point is that
11 this same system, this same concept, can be applied
12 statewide if there is opportunity for well trained
13 staff to be given the chance to work with these kids.
14 We were fortunate to have impressive results almost
15 immediately because of the team approach by the
16 probation department and the court. Our two juvenile
17 court judges were 100 percent behind this initiative,
18 and they continue to be.

19 This type of client is premised upon
20 well-trained, experienced staff being available to work
21 with these older, aggressive, more delinquent kids that
22 we, quite frankly, are trying to maintain on the street
23 on supervision. If we don't have that staff available
24 to initiate a plan like this unfairly risks public
25 safety, and we could not attempt it otherwise.

1 I want to point out the financial savings
2 of this type of initiative. Placement costs for
3 committing youth today range anywhere from \$60 to \$140
4 per day. We average about \$90 a day in Berks County
5 per youth. You can see in the table that I
6 demonstrated what our actual savings have been. I
7 think House Bill 24 has the potential to help other
8 counties achieve this same type of savings. And not
9 only the counties, but the Commonwealth could
10 experience similar savings because the Commonwealth
11 currently funds delinquency placements through the
12 Department of Public Welfare to the tune of 50 to 75
13 percent of all placement costs, so in actuality,
14 whenever any type of savings reduction is realized by
15 placement, not only the county is saving money but the
16 State is actually saving more because you reimburse us
17 at least 50 is the minimum percentage, and usually more
18 in most cases.

19 One other aspect of this House Bill that
20 I would like to call to your attention, there's a
21 pressing need in our Commonwealth right now for
22 increasing the number of beds available for placing
23 delinquents. Beds have not significantly increased in
24 the last five years, even though delinquency referrals
25 have increased tremendously during that time period.

1 It's expensive to build placement beds. I suggest that
2 funding House Bill 24 is a viable alternative to give
3 the counties the initiative by helping to fund their
4 staff. Let them try to keep the kids out of placement
5 in the first place so we don't need as many beds. I
6 think this can be done without risking public safety.
7 We've shown that we can do it in our county. We've had
8 nothing but positive results. Unfortunately, there are
9 many counties that do not have the ability to take the
10 chance that our county commissioners did.

11 I want to thank you for hearing my
12 testimony.

13 CHAIRMAN CALTAGIRONE: Thank you, Bruce.

14 Questions?

15 Mary.

16 BY MS. WOOLLEY: (Of Mr. Grim)

17 Q. Can we address that issue of public
18 safety for just one moment?

19 A. Yes.

20 Q. You mentioned that the kids you're able
21 to place on this intensive supervision program are your
22 older, more aggressive juveniles.

23 A. That's correct.

24 Q. What's your experience in terms of their
25 commission of crime while they're out on the street as

1 compared to how public safety is protected if they are
2 in fact institutionalized?

3 A. Okay, let me point out several things.
4 First of all, we view property offenders as being good
5 risks for this program. Those that are the social
6 predators that actually are attacking people we
7 generally place in facilities first until we have a
8 good handle of who and what they are about. We are not
9 taking the risk with dangerous kids. But there are a
10 significant number of kids that steal a lot of cars,
11 that do a lot of thefts, that really are not a serious
12 risk to hurt somebody, other than getting placed in the
13 wrong situation by their own stupidity. We have not
14 seen any negative results from this.

15 One other thing that we have been able to
16 do, because we have not had as many kids in detention
17 awaiting placement in long-term placements, we've had
18 empty beds in our detention center. That's allowed the
19 probation officers to make some choices of when to
20 detain kids that are already under their supervision.
21 And when they see a kid that's on supervision that is
22 starting to violate, that is stretching his probation
23 rules too far, we're able to detain him and
24 therapeutically get his attention again for several
25 weeks, and instead of having to wait until the kid had

1 enough rope to hang himself, as he did in the past, and
2 an the court had no choice but to basically place him
3 because of accumulated violations and new offenses
4 being committed, we're now able to detain him for
5 several weeks either in secure detention or sheltered
6 care or at-home detention, bring him back into court,
7 give him another chance on intensive.

8 That's one of the ways we've used those
9 deferred commitments to a placement. We have a kid on
10 probation, he's violating, we may detain him, bring him
11 back into court, commit him to a Youth Forestry Camp
12 program, but defer the implementation of that
13 commitment for a month or two months. Meanwhile, he's
14 on the street on intensive probation. He knows that if
15 he screws up he's immediately going to be detained and
16 taken to that institution. So the pressure is on the
17 kid. He's got the opportunity to basically commit
18 himself or not. But we're able to give that youth that
19 opportunity, we're able to supervise him intensively
20 and try to keep him out of trouble because of the extra
21 manpower.

22 Q. Thank you.

23 CHAIRMAN CALTAGIRONE: We've had some
24 additional Representatives join us. If you'd like to
25 introduce yourself.

1 REPRESENTATIVE VEON: Representative Mike
2 Veon of Beaver County.

3 REPRESENTATIVE WOGAN: And Representative
4 Chris Wogan, Philadelphia County.

5 BY REPRESENTATIVE DERMODY: (Of Mr. Grim)

6 Q. What's the average caseload for the
7 intensive probation?

8 A. They have two types of caseloads. They
9 have an intensive probation caseload with kids on the
10 street living in the community. They have no more than
11 10 kids per officer. At the same time, we've assigned
12 those same officers to several treatment institutions
13 that we use, they would have probably two or three
14 treatment facilities that they also make monthly visits
15 to and maintain contact with those youth in there.
16 They also have an additional four or five kids in
17 placement each. So total caseload is about 15, but the
18 types of service that they deliver to each of those two
19 client populations are somewhat different.

20 Q. How many probation officers? How many
21 juvenile probation officers?

22 A. We have a total of, with myself, 29
23 officers in Berks County.

24 REPRESENTATIVE McNALLY: Mr. Chairman?

25 BY REPRESENTATIVE McNALLY: (Of Mr. Grim)

1 Q. Mr. Grim, based on your testimony, I
2 don't understand why the State should appropriate money
3 for this concept. It seems to me your testimony proves
4 that State money isn't necessary, that counties only
5 need to reallocate their budgets and this will pay for
6 itself.

7 A. I think there is an element of that, to
8 be quite honest. One of the things that I looked at in
9 preparation of my testimony, in 1974 when I became
10 Chief Probation Officer for our county, our grant in
11 aid from the Judges Commission was \$25,000. At the
12 time, our total personnel budget in the juvenile
13 probation office was under \$100,000. Today, our grant
14 in aid is \$59,000. Our operational budget just for
15 staff is over \$1 million. We've gone from a 30-percent
16 subsidy to less than 6 percent. So you're right, quite
17 honestly, we are able, we have to do the job ourselves
18 up to this point. There has been no point in waiting
19 for State help because we couldn't wait.

20 Now, unfortunately, it took me 16 years
21 as a chief probation officer to sell this concept. And
22 it depends totally upon the ability of your
23 relationship with the commissioners who have to fund
24 these programs, and quite frankly, their ability to be
25 able to do it, in order to be given the chance to make

1 it work. There are a lot of counties where this is not
2 a reality, there are counties where staff have been in
3 fact laid off, not reallocated, and the staffs
4 increased. So I think for this to have a chance on a
5 broad-based approach, there's got to be increased
6 funding from the State.

7 CHAIRMAN CALTAGIRONE: Thank you, Bruce.

8 I know that Doug Hill isn't here. Was
9 somebody going to -- Nancy? You were going to give the
10 testimony for Doug?

11 MS. ROREM: Yes.

12 CHAIRMAN CALTAGIRONE: Did you want to
13 come up to the table? If we could just make room there
14 for Nancy.

15 MS. ROREM: I thank you. My name is
16 Nancy Rorem. I'm the Deputy Director of the County
17 Commissioners Association. You've seen Doug Hill and
18 Stauford Clark here a great many times because this
19 touches so closely with child welfare. I'm here today
20 because I do most of the work on our child welfare
21 bill.

22 I appreciate being given the time to
23 appear before you today. This issue is of highest
24 priority to us and we really think, along with our
25 colleagues here, that it's high priority for the

1 children of Pennsylvania as well. The PSACC and its
2 affiliate organization, the Pennsylvania Children and
3 Youth Administrators, have testified on at least five
4 different occasions, never before this committee, but
5 have testified that regarding changes needed in child
6 youth system, funding juvenile probation officers is a
7 top priority.

8 We currently have in place, as you know,
9 a program granting counties 80 percent of the salary
10 costs attributable to provisions of adult probation
11 services. It has greatly increased the county's
12 capacity to provide adult probation services, but no
13 comparable provision exists for the juvenile probation
14 officers. House Bill 24 reflects this concern and it
15 receives our wholehearted support.

16 There are four criteria by which we have
17 reviewed House Bill 24. Let me outline them for you.
18 First, the funding of juvenile probation officers
19 recognizes the core services necessary for a
20 well-functioning county based juvenile delinquency
21 system. In the past, judges have made decisions about
22 the placement of juveniles based on which facility has
23 a bed available. Too often when that juvenile returns
24 to the community there was very little to offer and as
25 a result, there were repeat violations and repeat

1 placements.

2 For the last several years, some judges
3 have been recognizing both the safety needs of the
4 community and the transition needs of the juvenile and
5 have become much more involved in the development of a
6 local juvenile delinquency system. Their agents in
7 providing better community services are the juvenile
8 probation officers.

9 Second, we fully support House Bill 24
10 because it includes the Juvenile Court Judges
11 Commission as the State administering agency. The JCJC
12 has a peer relationship with Pennsylvania judges. We
13 know that commissioners learn best from other
14 commissioners, and we assume that the same is true of
15 judges. In addition, the JCJC has proven its
16 effectiveness in administration through its current
17 grant programs of intensive probation and aftercare.
18 Both programs have promoted innovation and at the same
19 time have fostered compliance with program standards
20 that show measurable success. Third, we support the
21 provision for funding for training. One of the things
22 that the JCJC has shown us is the importance of
23 training in employee retention. On average, county
24 human service programs are seeing an employee turnover
25 rate of 25 to 40 percent a year. Exit interviews done

1 with employees have shown us that our workers do not
2 feel well-trained and therefore do not feel confident
3 that they can do what we are asking them to do.

4 The turnover rate of juvenile probation
5 officers is about 10 percent. We believe that there is
6 a real benefit to that kind of training and personal
7 interaction between the JCJC and county programs. Some
8 of you also know that we are kind of following their
9 lead and we are starting a new training program for all
10 Child Protective Services in the State, and hopefully
11 within the next year all CPS workers, as they're
12 called, will receive training and certification. We
13 hope that that's going to lower our turnover rate, too.

14 Finally, we support House Bill 24 because
15 we see the adequate funding of probation salaries as a
16 major factor in the continuing overmatch battle.
17 Overmatch is the term referring to amount of county tax
18 dollars we are compelled to put into the Children and
19 Youth system above our statutorily required match.

20 Child abuse and neglect cases are up, but
21 so, too, are the number of cases involving juvenile
22 delinquents. Using 1989 data, the State presently
23 picks up 66 percent of the costs associated with child
24 abuse and neglect. The State picks up only 33 percent
25 of the costs associated with juvenile delinquency.

1 Unfortunately, there are rewards in the system to hire
2 an adequate number of staff for abuse and neglect
3 cases, but there is no reward at all for hiring an
4 adequate number of staff for juvenile delinquents.
5 That last sentence is about those counties who are
6 under the cap in particular.

7 This system has further consequences.
8 The 30 or so counties able to operate without the need
9 to contribute overmatch receive 50 percent
10 reimbursement from the State if they place a juvenile
11 and keep the juvenile in placement and no reimbursement
12 if they've tried to supervise the juvenile in the
13 community. Clearly, we are providing incentives for
14 the wrong behavior, and this reward system is at least
15 part of what continues to drive up the cost of the
16 child welfare system.

17 We sincerely hope that you will give our
18 comments due consideration as you debate the merits of
19 this legislation. I will be happy to answer any
20 questions you might have or get you more information as
21 you need it.

22 Let me comment just briefly on the
23 previous presenter. When a county is over the cap, it
24 has much more incentive to go out and hire probation
25 officers because then they're dealing with 100-percent

1 county dollars. For the 20, 30, 40 counties, it varies
2 from year to year, who are under the cap, that same
3 incentive isn't there. What he was saying about taking
4 placement money and putting it into probation officers'
5 salaries, for those counties who are operating under
6 the cap, placement dollars are only 50 percent counties
7 at that point and 50 percent of them are State. So in
8 order to move money out of placement, they have 50
9 percent less money to work with and then they have to
10 apply that to try and come up with probation officers'
11 salaries.

12 In addition, we have two-thirds of the
13 counties now who for the last five years have raised
14 their taxes each year by more than 11 percent. So
15 we've got a lot of counties here who don't have the
16 funding that's available to try new things. I think we
17 have seen some movement on the part of overcapping
18 counties to begin to fund probation officers more
19 heavily, and we certainly hope that continues. But for
20 the vast majority of the counties, they don't have the
21 incentives and rewards to begin to do that kind of
22 effort.

23 CHAIRMAN CALTAGIRONE: Very good, Nancy.

24 Questions?

25 Chris.

1 BY REPRESENTATIVE McNALLY: (Of Ms. Rorem)

2 Q. What is the statutorily required match
3 for counties, what percentage of costs must counties
4 pay in costs associated with child abuse and neglect?

5 A. The statutory limits are put in Act 148
6 and it's kind of a complicated thing. For placements
7 close to home, the State pays 90 percent and the
8 counties pay 10 percent. For placements outside of the
9 home, they pay 75 -- the State pays 75, the counties
10 pay 25. For placements in institutions it's 50-50.
11 When you lump it all together and when you average out
12 all the kids that we're seeing, the mix should be about
13 75-25. '89 figures showed it to be 66-44, and we
14 understand that '90 figures will even drop below that.
15 Probably we're approaching 50-50 in terms of State
16 funding and county funding for child welfare.

17 Q. So there is an overmatch with respect to
18 child abuse and neglect?

19 A. Yes. Yes. It's about \$60 million to \$70
20 million for the year that we're in right now. That's
21 money over and above what counties are normally putting
22 in, which is another hundred million or so.

23 CHAIRMAN CALTAGIRONE: We had a couple
24 additional Representatives join us, if they'd like to
25 introduce themselves.

1 REPRESENTATIVE GRUITZA: Mike Gruitza.

2 REPRESENTATIVE O'BRIEN: Dennis O'Brien.

3 CHAIRMAN CALTAGIRONE: Are there any
4 other questions?

5 (No response.)

6 CHAIRMAN CALTAGIRONE: Very good
7 testimony.

8 I understand that Lawrence Mason is not
9 able to be here today and I might add if he wishes to
10 submit testimony later on, we certainly would accept
11 that and pass it out to the members.

12 Joe Daugerdas, you're going to give the
13 next presentation.

14 MR. DAUGERDAS: As Director of Court
15 Services and Chief Juvenile Probation Officer of
16 Allegheny County Juvenile Court, I would like to
17 testify on behalf of House Bill 24.

18 Allegheny County presently receives grant
19 in aid from the Commonwealth through the Juvenile Court
20 Judges Commission to subsidize juvenile probation
21 officer personnel costs for traditional probation
22 services and specialized probation programs. Grant
23 money is also received for ongoing training of court
24 probation staff.

25 In 1990, the Juvenile Court Judges

1 Commission grant received by the county subsidized
2 approximately 12 percent of the actual personnel costs.
3 As personnel expenses continued to increase, a
4 continuing percentage decline is expected if no grant
5 in aid adjustment is made to increase the revenue
6 received for juvenile probation services.

7 Two weeks ago, the county board of
8 commissioners launched the first phase of Allegheny
9 County 2001, which is a comprehensive planning process
10 designed to help the county prepare for life in the
11 21st Century. The planning process involves
12 professional and community leaders serving our resource
13 panels charged with the responsibility of developing
14 the vision of the county's future. The process
15 involves an examination of past and current trends and
16 the development of a future strategy. Juvenile justice
17 issues are an integral part of this planning.

18 Therefore, an examination of the juvenile
19 justice system in Allegheny County indicates that there
20 has been a significant 20-percent increase in
21 delinquency referrals over the past six years. Even
22 more dramatic was a 33-percent increase in serious
23 offenses from 1988 to 1989. Serious offenses used as a
24 benchmark were aggravated assault, robbery, burglary,
25 sex offenses, auto theft, and arson. As of today,

1 there are approximately 500 more youth on probation
2 than the same date two years ago.

3 There was also a dramatic rise in
4 referrals for Crack sales over the past two years. I
5 am sure similar statistics can be cited by juvenile
6 probation departments throughout the State.

7 In order to deal with the presenting rise
8 in delinquency and serious offenses, the court has been
9 able to design and operate programs which impact the
10 problem. For example, in Allegheny County, juvenile
11 court operates a special services program for
12 adjudicated sex offenders, a drug and alcohol
13 assessment unit for juvenile offenders who abuse or are
14 dependent on chemicals, a high-impact probation program
15 which provides intensive supervision for youth who need
16 more counseling and supervision than can be provided
17 through traditional probation services, an aftercare
18 program for youth exiting institutional placement, a
19 home detention program which utilizes electronic
20 monitoring and diverts youth from secure detention, and
21 a victim services department which provides support for
22 victims of juvenile crime.

23 In 1990, the probation department
24 initiated an innovative program called the Community
25 Intensive Supervision Project. This project provides

1 intensive supervision, counseling, and drug testing for
2 100 juvenile offenders in targeted communities. These
3 youth, but for the existence of this program, should be
4 institutionalized. This program operates seven days a
5 week from 4:00 to midnight. The project is staffed by
6 community monitors who actually live in the
7 neighborhoods where the program is located so that
8 maximum supervision, counseling, and role modeling can
9 be provided.

10 All of the above-mentioned probation
11 programs were accomplished through direct county
12 funding subsidized through grants received from the
13 Juvenile Court Judges Commission. The grants enabled
14 the court to initiate the programs but as stated only
15 provide for a small percentage of the actual costs.
16 Also, since court operated programs distinct from
17 Children and Youth Services are not eligible for Act
18 148 reimbursement, except for placements, the major
19 portion of the costs must be borne by the county.

20 From what I have described, it is evident
21 that the county has demonstrated a willingness to
22 support probation services. To continue to do so,
23 however, there must be an increase in the level of
24 subsidy. Subsidizing a higher percentage of probation
25 staff personnel costs, 80 percent, as provided by House

1 Bill 24, would go far in accomplishing this task. If
2 this is not done, the vision of what the juvenile
3 justice system in Allegheny County will look like in
4 the next decade and 2001 is bleak.

5 Though I have cited statistics and
6 programs within Allegheny County, I am sure that it
7 applies to all probation departments and counties
8 throughout the Commonwealth. In fact, the lack of
9 higher subsidized personnel costs may hurt some
10 counties more than mine. Most counties could and would
11 develop programs to effectively treat and supervise
12 juvenile offenders if an increase in revenue is granted
13 for personnel costs.

14 Qualified, dedicated, professional
15 probation staff is the key to any effort to operate an
16 effective court system. In order to keep and attract
17 the necessary people for an effective probation
18 department, the counties will need 80 percent of
19 personnel costs subsidized through the principle grant
20 provided through the Juvenile Court Judges Commission.

21 Thank you for listening to my testimony.

22 CHAIRMAN CALTAGIRONE: Thank you.

23 Representative Kosinski from Philadelphia
24 has also joined us.

25 Questions?

1 REPRESENTATIVE McNALLY: Mr. Chairman?

2 CHAIRMAN CALTAGIRONE: Representative
3 McNally.

4 BY REPRESENTATIVE McNALLY: (Of Mr. Daugerdas)

5 Q. Would it be your understanding, Mr.
6 Daugerdas, that the grants provided under this
7 legislation would be able to be passed through to, say,
8 a nonprofit agency that is contracted with the county
9 to provide juvenile delinquent services?

10 A. No. Any private provider's costs would
11 be paid for through the institutional budget, and that
12 would be through Act 148 money. This money, as far as
13 I understand it, would be applied directly to defray
14 the costs of probation officers' salaries, and any
15 program that the court could develop and operate
16 themselves as opposed to contract with a private
17 provider.

18 Q. Well, you're familiar with a facility in
19 my district, I think, known as Allegheny Academy?

20 A. Yes, I am.

21 Q. And if that type of program were operated
22 and run by the county rather than a nonprofit agency,
23 would that type of program be eligible for grants under
24 this legislation, or could it be subsidized?

25 A. Well, as I mentioned in my testimony, the

1 community intensive supervision project is a similar
2 program to that run by Allegheny Academy, only it is
3 run by the court itself. In order to initiate that
4 program, the commissioners permitted us to hire 40
5 additional personnel. And as I indicated, these are --
6 the targeted areas are the Hill District, the Garfield
7 area, and Homewood-Brushton, which are three high-risk
8 areas in Allegheny County. The staff that we hired
9 actually live in the communities where the youngsters
10 live, and the centers that we set up are actually
11 offices and drop-in centers in the high-risk districts,
12 and they're operated by court personnel as opposed to
13 private provider personnel.

14 Q. How many of the -- how many youth are
15 currently involved in these programs?

16 A. Well, the program is experimental at this
17 stage. It is designed to divert 100 youngsters into
18 the program. And if it is successful and the money is
19 available, the county will entertain, in the future,
20 future development of development of this program into
21 other neighborhoods.

22 Q. And you said that some private providers
23 offer similar services to what the county is itself
24 doing?

25 A. Similar to an extent. I don't think that

1 anybody can offer programs to the same effective extent
2 as the court can because the court is, first of all, it
3 has the primary contact with the youngster, the court
4 has the authority, the court can directly intervene
5 into any program and provide the necessary public
6 safety that is required to protect the community. So
7 in my opinion, I feel that court operated programs are
8 the most effective, but to develop court programs there
9 must be an increase in the subsidy so that the county
10 can proceed to develop more court programs because
11 under 148 legislation, court programs are not eligible
12 for any reimbursement. Only those that the court
13 contracts with for services are eligible for 148
14 reimbursement. So it's very difficult for the court to
15 operate its own programs.

16 Q. Well, allow me to ask a specific question
17 then about Allegheny County and your court operated
18 programs that you've initiated. Is it your aim that
19 the court operated programs would prove to be
20 successful to eliminate private providers and make all
21 of these programs, take all of these juveniles into
22 county operated programs?

23 A. No, I think it would be impossible for
24 the court to eliminate private providers. Private
25 providers do an excellent job. I don't want you to

1 think that--

2 Q. Well, I disagree.

3 A. Well, we have many excellent programs
4 under contract that do work with very difficult kids
5 like George Junior Republic or Abraxas, some of those
6 institutions that do a very good job working with
7 serious delinquent kids, and some kids do need to be
8 removed from the community. Therefore, the county has
9 to rely on residential programs to protect the
10 community and to treat these youngsters, and those are
11 private providers that are under contract.

12 Now, there are certain private providers
13 who operate community based programs, and some of those
14 programs are excellent also.

15 Q. Um-hum.

16 REPRESENTATIVE McNALLY: Mr. Chairman, I
17 have some reservations about this particular
18 legislation based on experience within my district and
19 I'd like to support it because I do tend to agree that
20 county operated programs are better than private
21 programs, and what I would like to see is to the extent
22 possible that private providers be phased out and that
23 the at least non-residential programs be operated by
24 the counties themselves, and I think perhaps a good way
25 to do that is by subsidizing 80 percent of the

1 counties' costs without allowing them to further
2 subsidize private providers, so I may offer an
3 amendment to that, in that regard.

4 CHAIRMAN CALTAGIRONE: I think it would
5 be appropriate also at this time to let the
6 participants note today that there is work being done
7 by Representatives Blaum and Ritter to address the
8 potential for the base of funding and through a fee
9 system, and I don't think we're bridging any
10 confidences by mentioning that, and they are working on
11 that amendment, and I think there is going to be some
12 input by the administration after the budget message as
13 to exactly how that will be worked out. So I think
14 that we're on target, I think we're working towards
15 that goal and hopefully this committee hearing might
16 highlight and expedite some of that concentration of
17 energy on this particular area.

18 We'll next hear from, unless there's any
19 other questions from members, Michael Breslin.

20 MR. BRESLIN: Thank you. And coming
21 last, I guess I get to perhaps repeat some things, but
22 I'd rather say perhaps to emphasize some things that I
23 think you've already heard and maybe to clarify from my
24 perspective a few of the points that have already been
25 discussed.

1 My name is Mike Breslin. I'm the
2 Director of Human Services in Northumberland County,
3 and in that role I have responsibility, administrative
4 oversight for the Children and Youth Program, Mental
5 Health/Mental Retardation, drug and alcohol, adult
6 services, and juvenile probation. And that does give
7 me a rather different perspective and perhaps a unique
8 perspective on the issues relating to this proposed
9 legislation.

10 I'd like to begin by emphasizing, I
11 think, on some things you've already heard around the
12 role of the juvenile probation system. In the same way
13 that the county Children and Youth program is the core
14 agency in our communities to serve children who are
15 abused and neglected and the same way that the county
16 mental health program is the core agency in our
17 communities to serve those who are mentally ill, the
18 juvenile probation office is the core agency in
19 counties to serve delinquent youngsters. Obviously,
20 these youth are often the most problematic and at-risk
21 in our communities. They also have the long-term
22 potential of being the most costly, and I think there
23 has been some reference to that already.

24 Despite this, the funding for this core
25 agency to serve these delinquent youngsters seems to

1 reflect that they're a very low priority. Any funding
2 strategy for the problem of delinquency must be built
3 around the juvenile probation office in Pennsylvania.
4 In many counties, as you've heard, the current grant in
5 aid represents less than 15 percent of the personnel
6 costs. This compares with funding levels which range
7 from 75 percent to 100 percent of total operating costs
8 for other county social service programs like Children
9 and Youth and mental health. There's also been prior
10 reference to the funding level for adult probation.
11 This funding inequity obviously creates and presents a
12 lot of issues.

13 Obviously, the major burden for funding
14 juvenile probation has fallen on county government.
15 Due to varying resources and varying perspectives, the
16 level of service in juvenile probation will vary
17 greatly from county to county. You've heard this
18 morning about several effective programs and services
19 provided in some counties. These services are not
20 consistently available in all counties of the
21 Commonwealth and are often threatened, as you've heard,
22 in counties where they do exist as a result of a lack
23 of a consistent funding base. Therefore, what can
24 happen to a delinquent youngster in Pennsylvania is
25 very much a factor of where he lives. This inequity is

1 certainly not acceptable.

2 In addition, the inadequate funding for
3 juvenile probation services creates a reverse incentive
4 for counties. There's been some discussion on this
5 point already. Funding is available to counties
6 through the Act 148 funding mechanism for the most
7 restrictive and costly services available to delinquent
8 youth. This reverse incentive frequently results in
9 youth being placed in residential services due to the
10 lack of adequate prevention, diversion, probation and
11 other community services in the county.

12 Another important point that I think has
13 been touched on is the reverse incentive dilemma that
14 counties face that do commit dollars to the probation
15 services in counties like some of those you've heard
16 this morning where a strong probation system exists,
17 placements in expensive residential services are
18 usually reduced. However, the resulting savings of
19 State dollars are actually derived by the Children and
20 Youth system because Act 148 dollars cannot fund
21 probation services. What this very frequently means in
22 the counties that you've heard about this morning is
23 that the further enhancement of the probation services,
24 that core agency to serve delinquent kids, is really
25 stymied, the opportunity to enhance those services for

1 those most at-risk kids.

2 Clearly, in reality, what frequently
3 happens is that the juvenile probation system becomes
4 the stepchild of other county social service systems.
5 This seriously diminishes their ability to participate
6 with other agencies as a full partner in efforts to
7 coordinate the social services in counties, an issue of
8 increasing concern as dollars become tighter.

9 The ultimate outcome, though, of the
10 current funding structure is the inability for the
11 juvenile probation system to provide adequate
12 intervention and community based services for
13 delinquent youth. By enhancing this capability and the
14 ability of probation services to serve delinquent
15 youth, there will certainly be a more effective
16 response to delinquency in our State, and an ultimate
17 reduction in costly residential placements in the
18 juvenile justice system, and I believe strongly in
19 other county human service systems as well.

20 My experience has convinced me that the
21 juvenile probation system is an important and an
22 integral part of the continuum of services in our
23 counties. Their expertise and competency is invaluable
24 in serving and reaching many of our most at-risk
25 youngsters. The juvenile probation system has the

1 capacity to develop and operate many important
2 community based services for this population.
3 Unfortunately, the resources to do that are not
4 consistently available. Many counties, and I'm sure
5 several other programs that we've heard about already
6 were originally funded through demonstration grants
7 from the Pennsylvania Commission on Crime and
8 Delinquency, and many of those have been so funded.
9 Unfortunately, many of those have also died on the vine
10 because there was no continuation funding available to
11 support the programs in the juvenile probation system.
12 This proposed legislation will resolve this dilemma.

13 One other aspect of the proposed
14 legislation that I would like to emphasize and to build
15 on what Nancy has already said. The legislation
16 includes funding for the Juvenile Court Judges
17 Commission to provide training, graduate education,
18 development of innovative juvenile justice programs,
19 and research on juvenile justice issues. The
20 professionalism that I see across this State in the
21 juvenile justice system is a clear result of these
22 programs and services operated by the Juvenile Court
23 Judges Commission. I believe it is imperative that
24 they be included as part of this legislation. The
25 Juvenile Justice Training Program, operated by the

1 Center for Juvenile Justice Training and Research,
2 served and reached over 3,100 juvenile justice
3 professionals during 1990. The graduate education
4 program for juvenile justice professionals operated in
5 conjunction with Shippensburg University is recognized
6 as a national model. Both of these initiatives have
7 had a dramatic impact on enhancing the level of
8 professionalism within the juvenile justice system.

9 The level of competency among probation
10 staff has resulted, as Nancy has already pointed out,
11 in a significant reduction in staff turnover in that
12 system as compared to other county social service
13 programs. The statistical analysis and research
14 initiatives provide an important ability for the
15 Commonwealth to be continually assessing the needs of
16 the juvenile justice system and the effectiveness of
17 various creative interventions that are developed.
18 These initiatives have clearly put Pennsylvania on the
19 cutting edge of what is occurring in juvenile justice
20 in this country.

21 I appreciate the opportunity to express
22 my support for House Bill 24. I hope that the
23 legislature will recognize the importance that this
24 legislation can have in resolving one of the most
25 glaring, systemic inadequacies in the system of

1 services for Children and Youth in our Commonwealth. I
2 believe that the opportunity this legislation presents
3 to resolve these problems, to build upon the successful
4 efforts that we've heard about this morning, and the
5 recognition that Pennsylvania has received at the
6 national level will be worth the investment called for
7 in this legislation.

8 Thank you for the opportunity to testify.

9 CHAIRMAN CALTAGIRONE: Questions from
10 members?

11 (No response.)

12 CHAIRMAN CALTAGIRONE: Any comments?

13 (No response.)

14 CHAIRMAN CALTAGIRONE: Gentlemen, that
15 will conclude the hearing, and thank you very much for
16 your presentations. It's appreciated.

17 MR. SEIBERT: Mr. Chairman, we have a
18 number of chiefs from other counties supporting this
19 that are here today, some who have come a great
20 distance, and I'd ask if they could be recognized.

21 CHAIRMAN CALTAGIRONE: Oh, certainly.
22 Okay, we'll continue it then.

23 If you'd like to come up and identify
24 yourself and if you'd like to make a statement for the
25 record, please feel free to do so.

1 MR. GREEN: Mr. Chairman, my name is Tom
2 Green. I'm the Chief Juvenile Probation Officer in
3 Schuylkill County. I'm also Chairman of the
4 Legislative Committee of the Chief Juvenile Probation
5 Officers Association.

6 What I would like to say is this piece of
7 legislation would allow other counties, as you have
8 heard, to expand research projects that have been
9 initiated in various counties throughout the State.
10 The one thing that I would like to emphasize and that
11 has been emphasized, it's not only a savings to the
12 counties, it's a savings to the Commonwealth of at
13 least, well, approximately 50 percent on the dollar
14 that is spent by the counties for placements.

15 Thank you.

16 CHAIRMAN CALTAGIRONE: Please come
17 forward. If you have something to say, today's your
18 time to say it.

19 MR. PYSHER: I'm Bill Pysher, Probation
20 Director from Northampton County, also President of the
21 Chief Adult Probation Officers Association of
22 Pennsylvania.

23 I'd like to say that being a chief of a
24 county that's third class and having both juvenile and
25 adult probation responsibilities, and there's many

1 chiefs out there that do have that, we see the
2 disparity in the grants in the State. The adult staff
3 has been, you know, more adequately funded not to the
4 extent we'd like to see it, but the juvenile staff has
5 really fallen way behind, and therefore I would urge
6 you to support this House Bill 24 and give the juvenile
7 justice system the funding it needs to carry out the
8 mission it has in Pennsylvania.

9 Thank you.

10 MR. SEIBERT: I am Luther Seibert, the
11 Perry County Chief Probation Officer, and as soon as I
12 say that, you recognize it's a small county. We've got
13 a lot of medium and big counties, so I'll talk for the
14 little guys.

15 We have both adult and juveniles on our
16 caseload. I have one full-time juvenile officer and
17 there's three adult officers. I've been at this about
18 20 years. I've supervised, myself, both juveniles and
19 adults from time to time over the 20 years. I would
20 say this: Just to the nitty-gritty down to the street
21 level type of supervision, one juvenile officer
22 supervising a caseload of 25 often can be, in a rural
23 county, the same equal workload of one adult officer
24 supervising 50. Why is that? Because of the hormones,
25 because of the unpredictability, because of the broken

1 homes, because of all kinds of things, these kids
2 require a lot more work, a lot more time, a lot more
3 effort in many cases. So 25, 50, I've found that in my
4 rural experience to be a quite realistic breakdown. I
5 just offer that as part of the record. And I support
6 this legislation very much.

7 MR. McKEE: My name is Carl McKee. I'm
8 the Chief Probation Officer of Warren County. I, too,
9 am both an adult and a juvenile chief probation
10 officer.

11 As I go to my county commissioners for
12 funding, looking for staff positions, the disparity in
13 funding becomes very important. When I am proposing to
14 add an adult position, it's going to cost me about 25
15 percent of that position salary; when I'm proposing to
16 add a juvenile position, I'm looking at more like 80
17 percent to 90 percent of that salary the county is
18 going to have to fund. That disparity just in dollars
19 makes it much more difficult to get the county
20 commissioners to support the additional funding to the
21 juvenile justice system to the juvenile probation
22 officer. That's why I support House Bill 24 and
23 believe it can impact positively on our juvenile
24 justice system.

25 Thank you.

1 CHAIRMAN CALTAGIRONE: Thank you.

2 Please feel free to come up if you want
3 to get something on the record.

4 MR. GAVAGHAN: Yes. My name is Mike
5 Gavaghan from Philadelphia County, and Philadelphia
6 certainly supports the Bill No. 24. With 80-percent
7 funding, we certainly could bring on more probation
8 officers, and I think it's important for the early
9 intervention programs to have additional staff.
10 Instead of having one probation officer for 60 to 80
11 kids, we would have one probation officer to 25 or 30.

12 Thank you.

13 CHAIRMAN CALTAGIRONE: Are there any
14 others?

15 (No response.)

16 CHAIRMAN CALTAGIRONE: Last time, any
17 others?

18 (No response.)

19 CHAIRMAN CALTAGIRONE: Okay. We'll
20 adjourn the meeting. Thank you very much for your
21 participation.

22 (Whereupon, the proceedings were
23 concluded at 11:12 a.m.)

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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me during the hearing of the within cause, and that this is a true and correct transcript of the same.

Ann-Marie P. Sweeney

ANN-MARIE P. SWEENEY

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