

# THE PENNSYLVANIA JUVENILE JUSTICE TASK FORCE



## REPORT & RECOMMENDATIONS

June 2021

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## Members of the Pennsylvania Juvenile Justice Task Force

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**Sen. Jay Costa**, Senate District 43 (Co-Chair)

**Rep. Tarah Toohil**, Legislative District 116 (Co-Chair)

**Rep. Mike Zabel**, Legislative District 163 (Co-Chair)

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## Executive Summary of Findings

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**S**tate leaders established the bipartisan, interbranch Pennsylvania Juvenile Justice Task Force to conduct a comprehensive, data-driven assessment of Pennsylvania’s juvenile justice system and make recommendations supported by research. The major findings from this review include:

Research shows most youth are not on a path toward adult crime and over-involvement in the system can increase their likelihood of reoffending. Yet most youth in the juvenile justice system have little or no prior history of delinquency, have not committed a felony or a person offense, and do not score as high risk to reoffend.

- Most young people enter the juvenile justice system for low-level behavior.
  - At least two-thirds of youth enter the juvenile justice system for misdemeanors or contempt from Magisterial District Court for failing to pay fines.
- Despite its success, diversion is underutilized.
  - Most written allegations do not lead to diversion, even for young people who score low risk and for those entering the juvenile justice system for the first time on misdemeanors.
- Youth with low-level cases end up on probation and in residential placement.
  - No statewide criteria in statute or court rule guide responses to youth behavior by offense, risk, or prior history. A youth may be removed from home for any delinquent act or violation.
  - 43 percent of youth sent straight to probation in 2018 score as low risk to reoffend and generally low need.
  - Approximately 60 percent of adjudicated young people sent to residential placement are removed from home for a misdemeanor offense, and just 39 percent had committed a person offense. Nearly 40 percent of youth are sent to placement on their first written allegation.
  - In some counties, nearly half of residential placements are for youth assessed as low risk.
  - Technical violations of supervision frequently drive youth deeper into the system.
- Youth spend years out of home and under court supervision, on average.
  - Young people sent to residential placement cycle through six facilities, including detention and shelter facilities, and cumulatively stay 16 months out of home over the course of their case, on average.
  - Youth sent to residential placement spend an average of more than three years under overall court supervision from written allegation to case closure.

Out-of-home placement consumes the vast majority of taxpayer spending—even though services for youth living at home are generally more effective.

- Just 20 percent of spending on delinquency services is allocated to services for youth living at home.

Outcomes for youth show large disparities by race and geography—even for similar behavior.

- The likelihood that similarly situated youth of different racial or ethnic backgrounds, or youth in different counties, receive the same response from the system varies widely—even for nearly identical behavior.
- Some of the largest racial disparities exist for Black Non-Hispanic youth—especially boys—who receive the most punitive system responses: removal from the home and prosecution as adults.

## Overview of Task Force Recommendations

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The Task Force developed recommendations based on research about what works to improve outcomes, examples of effective policies and practices in other states, and Pennsylvania’s own data. If enacted together, the recommendations are projected to reduce the out-of-home placement population by 39 percent by 2026 compared to projections for the population absent policy changes, freeing up over \$81 million in averted state costs over five years. The Task Force recommends that these averted costs be reinvested into a range of priority areas, including high-quality nonresidential services across the Commonwealth. The Task Force’s full list of 35 recommendations can be found on page 30.

- Reinvest cost savings from reduced reliance on out-of-home placement into:
  - Interventions in every county for schools, law enforcement offices, restorative justice practitioners, and other stakeholders to divert kids from the juvenile court
  - Expanded high-quality nonresidential alternatives to out-of-home placement for young people under juvenile court supervision
  - Grant-in-aid for county probation offices to increase compliance with JCJC standards
  - Support for victims by filling restitution funds
- Strengthen due process and procedural safeguards
- Employ evidence-based practices at every stage of the juvenile justice process
- Raise the minimum age for when a youth can be tried in juvenile court
- Narrow the criteria for trying young people as adults in criminal court
- Consistently divert young people with low-level cases to community-based interventions in lieu of formal delinquency proceedings, while expanding alternatives to court referral
- Focus the use of pre-adjudication detention
- Focus Pennsylvania’s use of residential placement on young people who pose a serious risk of harm to community safety
- Prioritize restitution payments to victims and prevent unnecessary system involvement by eliminating the imposition of fines and most court fees and costs
- Ensure that young people who have completed their obligations to the court are not held back from successful transition into adulthood by records of juvenile justice system involvement
- Improve oversight to ensure that every young person placed in the custody of the Commonwealth is safe, treated fairly, and receiving a quality education
- Increase system accountability and address inequities through enhanced data reporting to the public and wider representation on oversight bodies

## Introduction

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Harrisburg, PA

Pennsylvania has a longstanding commitment to improving juvenile justice outcomes. For decades, collaborative efforts to advance evidence-based goals have been driven by entities such as the [Juvenile Court Judges’ Commission](#) (JCJC), the [Council of Chief Juvenile Probation Officers](#), and the [Pennsylvania Commission on Crime and Delinquency](#) (PCCD) to implement the [Pennsylvania Juvenile Justice System Enhancement Strategy](#) (JJSES) and other initiatives to promote Pennsylvania’s goals of [Balanced and Restorative Justice Principles](#). Pennsylvania statute highlights the juvenile justice system’s intertwined goals of community protection, accountability, and competency development for youth by “employing evidence-based practices whenever possible and, in the case of a delinquent child, by using the least restrictive intervention that is consistent with the protection of the community, the imposition of accountability for offenses committed, and the rehabilitation, supervision and treatment needs of the child” and by “imposing confinement only if necessary and for the minimum amount of time that is consistent with the purposes.”<sup>i</sup> These goals have driven collaborative efforts to improve the function and outcomes of the system.

Yet despite ongoing efforts to improve the system and how it responds to youth, challenges remain. Pennsylvania’s rate of juvenile justice residential placement is higher than the national average, according to the Office of Juvenile Justice and Delinquency Prevention.<sup>ii</sup> Pennsylvania’s data show residential placements fell 54 percent between 2009 and 2018, but the drop largely mirrors the decline in youth crime in Pennsylvania—and nationwide—over the same period, with youth arrests and written allegations across the Commonwealth down 58 percent and 47 percent, respectively. In addition, allegations of abuse in juvenile justice facilities raised

questions among state leaders about the need for a deeper statewide assessment to ensure Pennsylvania's juvenile justice system is working to achieve its goals.

In light of these challenges, and in keeping with Pennsylvania's commitment to ongoing data-driven improvement, Governor Tom Wolf, Supreme Court Chief Justice Thomas G. Saylor, House Speaker Bryan Cutler, Senate President Pro Tempore Jake Corman, and Senate Minority Leader Jay Costa, among other General Assembly leaders from both houses and both parties, [established the Pennsylvania Juvenile Justice Task Force](#) to conduct a comprehensive statewide assessment of Pennsylvania's juvenile justice system. The Task Force was charged with delivering data-driven policy recommendations that meet four goals:

- Protecting public safety,
- Ensuring accountability,
- Achieving taxpayer savings and sustained system reinvestment, and
- Improving outcomes for youth, families and communities.

The members of the Task Force, appointed by the three branches of state government, represent a wide range of stakeholder groups, including legislators, juvenile court judges, law enforcement, youth affected by the system, service providers, district attorneys, and defense attorneys, among others. Over thirteen months, the Task Force assessed the Pennsylvania system and reviewed data from court and state agencies, gathered input from hundreds of stakeholders, and examined how current practices can better align with research about what works best to improve youth outcomes.

# The Pennsylvania Juvenile Justice Task Force

**“The partnership we’re creating today is an important step toward protecting vulnerable young Pennsylvanians. With this task force, we can thoroughly review our juvenile justice system and find ways to make lasting change that ensures every young Pennsylvanian is getting the support needed to grow into a successful adult.”**

Governor Tom Wolf  
*Press Conference Announcing the Task Force, December 2019*

**“This issue touches every corner of our Commonwealth. Ensuring our juvenile justice system rehabilitates our youngest offenders not only helps create a positive path for them, but also strengthens families, protects communities, and promotes long-term benefits to all of us.”**

Speaker of the House Bryan Cutler (R-Lancaster)  
*Press Conference Announcing the Task Force, December 2019*

**“Despite our progress, more work remains. We must move forward to ensure our juvenile justice system is aligned with what data and research tell us is best for our young people, their families, and the public safety of our communities.”**

Judge Kim Berkeley Clark, President Judge of Allegheny County and Chair of JCJC  
*Press Conference Announcing the Task Force, December 2019*

## BACKGROUND

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In December 2019, state leaders established the Pennsylvania Juvenile Justice Task Force. The Juvenile Court Judges’ Commission also unanimously voted to support the creation of the Task Force. Co-chaired by Sen. Lisa Baker, Sen. Jay Costa, Rep. Tarah Toohil, and Rep. Mike Zabel, the Task Force was charged with delivering data-driven findings and recommendations to serve as “the foundation for statutory, budgetary, and administrative changes to be considered during the 2021-2022 regular session of the General Assembly.”

The bipartisan, interbranch Task Force consisted of 30 representatives from all parts of the juvenile justice system, including legislators from both parties and chambers; judges, attorneys, and probation officers; officials in education, human services, and other executive agencies; city council members and county commissioners; and two youth members (see full list of members at page three). The Task Force also



reviewed the work of current and prior juvenile justice-focused efforts in Pennsylvania, including the [Juvenile Justice System Enhancement Strategy](#), the [Models for Change initiative](#), the [Interbranch Commission on Juvenile Justice](#), the [Pennsylvania Juvenile Justice and Delinquency Prevention Committee](#), the [Philadelphia Youth Residential Placement Task Force](#), and recent reports from youth advocacy organizations. The Pew Charitable Trusts and the Crime and Justice Institute provided data and research technical assistance to the Task Force.

The Task Force held its initial meeting in February 2020, with plans to meet monthly thereafter and develop a report and recommendations by November. Following the emergence of the COVID-19 pandemic, Task Force members met remotely another 16 times, including every two weeks from June to October, once more in November, and on several more occasions through May 2021. During that time, members reviewed data drawn from JCJC, the Administrative Office of Pennsylvania Courts (AOPC), the Pennsylvania Department of Education (PDE), the Department of Human Services (DHS), FBI Uniform Crime Report data on youth arrests, Centers for Disease Control data on the youth population, and U.S. Department of Education Civil Rights Data Collection information.<sup>iii</sup> All analysis of data provided by Pennsylvania entities was reviewed and confirmed by those agencies in advance of presentations to the Task Force. The Task Force also reviewed state statute, judicial rules, administrative policies and regulations, and school disciplinary policies.

Additional qualitative system assessment information was gathered from individual interviews and group meetings with stakeholders:

- **Stakeholder questionnaires:** The Task Force distributed three questionnaires to juvenile probation officers (JPO), juvenile court judges, and juvenile prosecutors, cumulatively soliciting 771 responses, including JPO respondents from every county.

## STAKEHOLDER ROUNDTABLES

Task Force members held 28 roundtables with nearly 450 participants from across the Commonwealth representing a wide range of stakeholders, including:

- [Dually adjudicated youth](#)
- [Victim Service Providers and Victims of Juvenile Offenders \(VOJO\) Advocates](#)
- [Restorative justice practitioners](#)
- [Service providers](#)
- [Juvenile court judges](#)
- [Defense attorneys](#)
- [Bureau of Juvenile Justice Services \(BJJS\) Forestry Camp staff](#)
- [BJJS Youth Development Center staff](#)
- [Juvenile justice advocates](#)
- [Education stakeholders](#)
- [The Juvenile Justice System Enhancement Strategy leadership team](#)
- [County commissioners](#)
- [Juvenile probation officers](#)
- [The Council of Chief Juvenile Probation Officers](#)
  - [The council's Victim Services Subcommittee](#)
- [Law enforcement officers](#)
- [Current/former system-involved young people](#)
- [Family members of system-involved youth](#)
- [Northeastern Pennsylvania stakeholders](#)
- [Young people in BJJS facilities](#)

- **Written testimony:** The Task Force solicited written feedback from 63 individuals and organizations, totaling nearly 200 pages.
- **Public testimony:** The Task Force held open testimony from any member of the public who requested to speak over the span of six task force meetings and received public testimony from nearly 50 individuals, including 13 young people.



*Pennsylvania State Capitol*

In October 2020, the Task Force discussed research with [Dr. Elizabeth Cauffman](#), professor of psychological science, education, and law at the University of California, Irvine, and principal investigator of [The Crossroads Study](#), a longitudinal study of first-time adjudicated youth examining the long-term impacts of formal versus informal processing across multiple sites, including Philadelphia County. Dr. Cauffman presented research on adolescent development and on what works to improve outcomes in the juvenile justice system. In February 2021, the Task Force heard a presentation from [Dr. Edward Mulvey](#), professor of psychiatry and director of the law and psychiatry program at the University of Pittsburgh School of Medicine. Dr. Mulvey presented research on effective policies and practices for reducing recidivism, including findings from the [National Academy of Sciences panel on juvenile justice](#) and from the [Pathways to Desistance study](#), a longitudinal study of youth adjudicated for serious offenses in Philadelphia County, Pennsylvania, and Maricopa County, Arizona, as they transition from adolescence into early adulthood.

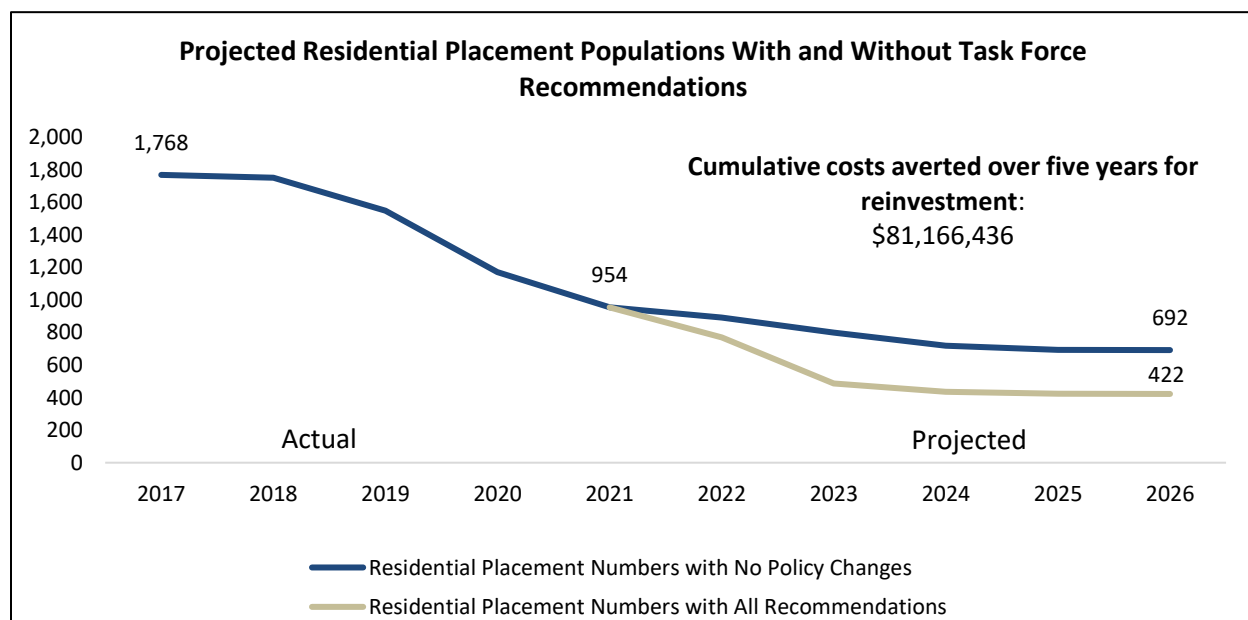
Having reviewed Pennsylvania’s system and data, as well as research on best practices in reducing juvenile recidivism, Task Force members formed three subgroups to consider additional research, examples of effective policies and practices in other states, and Pennsylvania’s data on specific topics. The members met a total of more than 20 times over dozens of hours to develop consensus-based policy recommendations in three subgroups:

- **Diversion and Pre-Adjudication Processes**, focused on diversion, detention, and court jurisdiction;
- **System Oversight/Accountability and Evidence-Based Services/Decision-Making**, focused on oversight of service provision, increasing system accountability, and reimagining system collaboration and investment of funds; and
- **Disposition**, focused on supervision, residential placement, aftercare, and service expansion.

Subgroup members applied their in-depth analysis of specific policy areas to prepare a set of policy proposals and present them to the full Task Force for consideration. The Task Force then discussed the proposals and came to consensus on the findings and recommendations contained in this report.

If enacted together, these policies are projected to reduce the out-of-home placement population by 39 percent by 2026 compared to projections for the population absent policy changes, freeing up over \$81 million in averted state costs over five years for reinvestment (see Figure 1)<sup>1</sup>. The Task Force recommends that these averted costs be reinvested into a range of priority areas, including high-quality nonresidential services across the Commonwealth. The Task Force further recommends that the state provide upfront seed funding to support the implementation of the recommendations contained herein.

**Figure 1: Recommendations expected to cut out-of-home placement population by 39% by 2026**



<sup>1</sup> For more information on the calculated projections, see the Methodology section of this report.

## Key Findings

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**R**esearch shows most youth are not on a path toward adult crime, and over-involvement in the system can increase their likelihood of reoffending. Yet most youth in the Pennsylvania juvenile justice system have little or no prior history of delinquency, have not committed a felony or a person offense, and do not score as high risk to reoffend.

The Task Force examined research about how to achieve the best outcomes, first and foremost, for the public safety of communities and for young people in the system. One of the most consistent findings in the criminology field is that for most youth, delinquent involvement peaks during adolescence, but then rapidly declines. Very few youth continue their delinquent involvement into adulthood.<sup>iv</sup> Indeed, the Task Force heard research that shows making mistakes, and learning from them, is critical to normal adolescent development.<sup>v</sup> Research also demonstrates, however, that unnecessary juvenile justice system involvement can interrupt normal adolescent development along this pathway toward desistance.<sup>vi</sup> Such responses to adolescent behavior can critically influence long-term public safety outcomes.

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*Over-involvement in the juvenile justice system can increase recidivism.*

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In light of these findings about what works to keep communities safe, the Task Force examined which youth are entering the juvenile justice system, which youth are progressing to each stage of the juvenile justice system, how long they stay, and where Pennsylvania's spending is focused across the system.

### Most young people enter the juvenile justice system for low-level behavior.

In Pennsylvania, youth age ten and up may be sent to juvenile court for a broad array of alleged behaviors, ranging from felony offenses to disorderly conduct and contempt for failing to pay a fine imposed by a Magistrate District Judge (MDJ) on a summary offense (low-level behavior that includes use of tobacco in school and alcohol possession, among other behaviors).

The most serious offense for at least two-thirds of youth entering the juvenile justice system is either a misdemeanor or contempt from Magisterial District Court for failing to pay a fine<sup>vii</sup>—a breakdown largely unchanged since 2009 (see Figure 2). Fewer than half of felony written allegations, and just under one-third of misdemeanors, are person offenses. Disorderly conduct is the most common offense category for which youth are arrested in Pennsylvania, according to the FBI's Uniform Crime Report. 54 percent of youth entering the system on written allegations are assessed as low risk to reoffend, and 60 percent have no prior allegations. Among

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*54 percent of youth entering the system are assessed as low risk, and 60 percent have no prior written allegations.*

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kids charged in juvenile court solely for contempt from MDJ for nonpayment, most are diverted from court, but 13 percent remain under court supervision until aging out at age 21.

**Figure 2: Non-felonies make up the top offenses entering the juvenile justice system**

Top Offenses Entering the Juvenile Justice System at Written Allegation: 2018		
	Most Serious Offense (Grade)	Percent of Written Allegations
1	Contempt from MDJ (Non-Payment) (C)	18%
2	Simple Assault (M)	10%
3	Possession of Drugs (M)	10%
4	Theft-Related Offense (M)	6%
5	Terroristic Threats (M)	5%
	<b>Total</b>	<b>49% (100%)</b>

While alternatives outside of the juvenile justice system may be employed to respond to any of these behaviors in lieu of sending a youth to the juvenile justice system, the Task Force found that both the availability and use of alternatives varies. For example:

- 25 percent of counties did not send any young people to juvenile court in 2018 for contempt from MDJ for failing to pay a fine. Yet in one-third of counties, contempt for MDJ make up 20 percent or more of their filings.
- An examination of school codes of conduct showed broad variation in response to similar behaviors—with some choosing to employ school-based responses, and others leaning more on law enforcement and the justice system in response to the same youth behavior.

To better understand whether and how schools’ responses to student behavior may be feeding referrals of lower-level cases into the juvenile justice system, the Task Force examined PDE data showing which types of infractions most frequently lead to a referral to law enforcement. Federal data from the 2015-16 school year—the most recent available at the time of the analysis—show that Pennsylvania is out of step with national practice, with a rate of law enforcement referral 2.7 times greater than the national average and higher than that of every bordering state.

The most common infractions leading to law enforcement contact are fighting (defined by PDE as “a student confrontation with another student in which the altercation is mutual ... and [results in] no major injury”<sup>viii</sup>), simple assault on a student, disorderly conduct, and infractions related to drug, tobacco, or vaping possession (see Figure 3). These infractions mirror many of the top charges leading to written allegations in the juvenile justice system.

**Figure 3: Low-level behavior makes up most school-based law enforcement contact**

Top Infractions in School Leading to Law Enforcement Notification: 2019		
Rank	Infraction	Share
1	Fighting	20%
2	Possession/Use or Sale of Tobacco or Vaping	10%
3	Possession/Use of a Controlled Substance	10%
4	Disorderly Conduct	9%
5	Simple Assault on Student	8%
6	Student Code of Conduct	7%
7	All Other Forms of Harassment/Intimidation	4%
8	Threatening School Official/Student	4%
9	Possession of Knife	4%
10	Sale/Possession/Use or Under the Influence	2%
	<b>Total</b>	<b>78% (100%)</b>

Some school districts have local code of conduct policies in place to prohibit arrest for infractions like disorderly conduct. For example, the School District of Philadelphia largely prohibits law enforcement from arresting youth on many summary and misdemeanor offenses.<sup>ix</sup> In contrast, other school districts mandate notification of law enforcement for behavior like disorderly conduct, while still others leave it up to individual decision-makers—leading to wide variation in practice. When looking across jurisdictions to understand how school decisions implicate different youth, incidents in Pennsylvania involving Black girls are three times more likely than those involving White girls to incur law enforcement notification, and students with Individualized Education Programs (IEPs) make up one-third of notifications.

### Despite its success, diversion is underutilized.

The Task Force reviewed and discussed research that shows charging and bringing youth in front of a judge, for even moderately serious charges, can lead to worse public safety outcomes for communities and educational outcomes for youth compared to diverting them from formal court processing before a judge.<sup>x</sup> In her October 2020 presentation to the Task Force, Dr. Cauffman shared the results of her longitudinal study tracking more than 1,200 boys over five years arrested for common “moderate severity” offenses like assault and theft, and the impact of differing initial decisions in response to these common offenses. The study found that “youth who were formally processed during adolescence were

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*“Formally processing youth not only is costly, but it can reduce public safety and reduce the adolescent’s later potential contributions to society.”*

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more likely to be re-arrested, more likely to be incarcerated, engaged in more violence, reported a greater affiliation with delinquent peers, reported lower school enrollment, were less likely to graduate high school within five years, reported less ability to suppress aggression, and had lower perceptions of opportunities than informally

processed youth.” The authors concluded that “formally processing youth not only is costly, but it can reduce public safety and reduce the adolescent’s later potential contributions to society.”<sup>xi</sup> A wide range of other research also supports diversion from formal court processing to achieve the best public safety outcomes.<sup>xii</sup>

Indeed, Pennsylvania’s JJSES states that youth “should be diverted from formal court processing whenever appropriate,” and the Pennsylvania juvenile delinquency benchbook indicates that “diversion policies and practices must incorporate safeguards to prevent ‘net-widening’—subjecting more youth to juvenile justice system intervention than would be the case in the absence of these alternatives. Over-servicing low-risk youth can increase recidivism.”<sup>xiii,xiv</sup> Juvenile probation officers are authorized under the law to extend diversion offers to nearly any youth, and almost all JPO respondents to the Task Force questionnaire indicated that they have some form of diversion opportunity available in their jurisdiction.<sup>xv</sup> Data indicate these efforts are largely successful: more than 80 percent of kids who receive diversion complete it with no further escalation in the case. Among those who score as low risk to reoffend, an even higher proportion—87 percent—see success.

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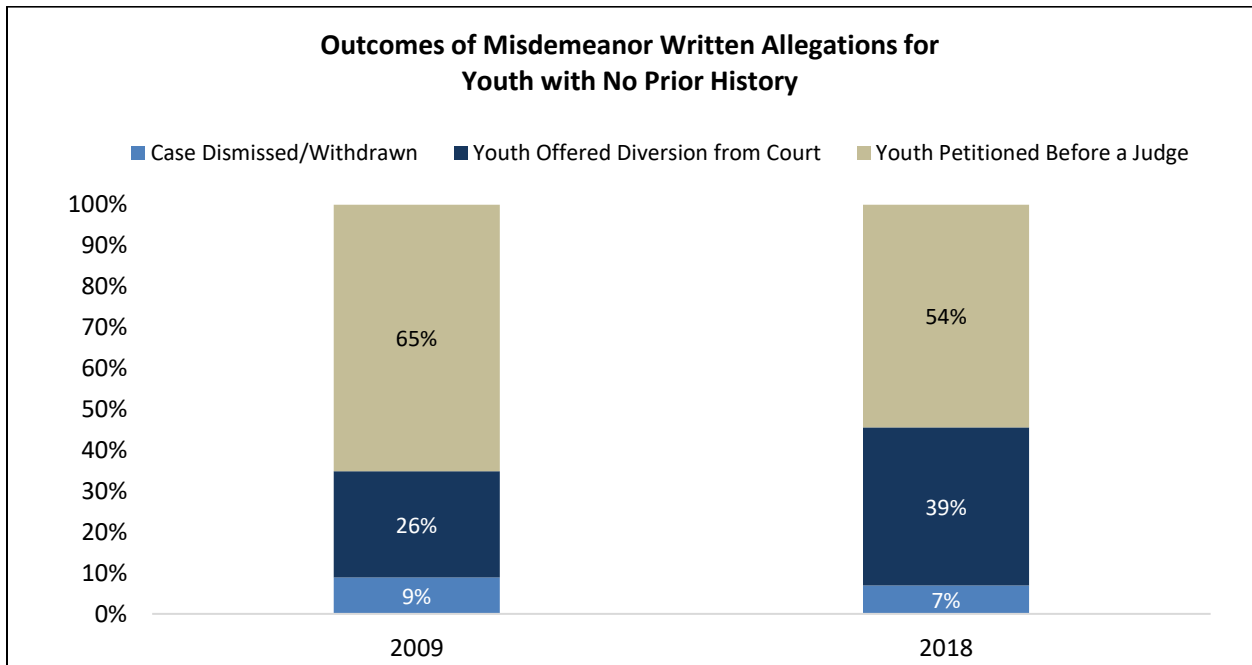
*64 percent of kids assessed as low risk—and more than half entering the system on a first-time misdemeanor—do not receive diversion before they are petitioned into court.*

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Yet most young people who score low risk, who are charged with misdemeanors, or who have little or no prior history of delinquency are not offered the chance to complete diversion before formal court processing. For example:

- 64 percent of youth assessed as low risk to reoffend do not receive diversion and are instead petitioned into court.
- More than half of misdemeanor charges do not result in pre-petition diversion—even among young people coming into contact with the system for the first time (see Figure 4).
- Just over 40 percent of youth 10-12 years old are petitioned before a judge as the initial response to their written allegation, even though nearly two-thirds score as low risk.

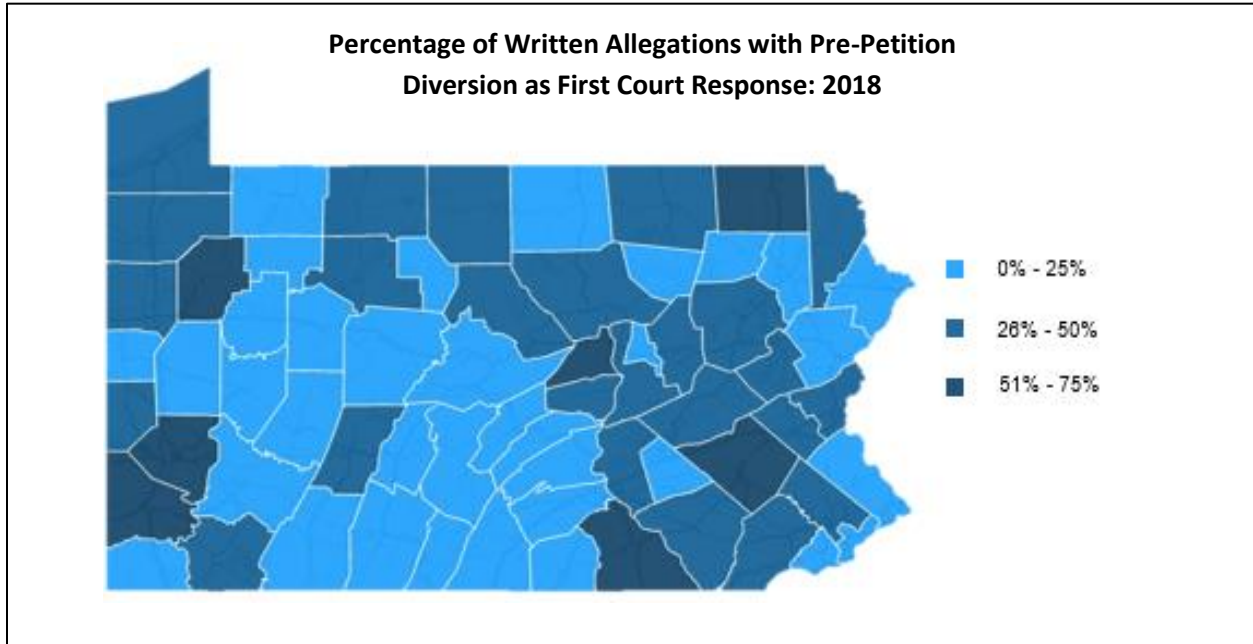
**Figure 4: More than half of misdemeanor written allegations against young people with no priors do not result in diversion before formal court processing in front of a judge**



This statewide data obscures the degree to which some counties use diversion much more frequently—and others almost not all. For example, in a roundtable hosted by the Task Force, one juvenile court judge cited the success of her county’s juvenile probation officers in diverting all misdemeanors from her courtroom, stating, “I don’t see misdemeanor charges ... unless it’s someone who has been involved many times.” Yet the Task Force found that in more than half of Pennsylvania’s counties, fewer than 25 percent of written allegations to the juvenile justice system result in diversion from formal court proceedings before a judge (see Figure 5). Only about two percent of written allegations receive pre-petition diversion in Monroe County, compared to 69 percent in York County.



**Figure 5: In half of Pennsylvania's counties, fewer than 25 percent of written allegations result in diversion from formal court processing**



In roundtables, stakeholders from a wide range of groups, including juvenile court judges, prosecutors, and victim advocates/restorative justice providers, stated that diversion from court was a strength of the system but needed to be expanded and more directly funded. [In three roundtables conducted by Anne Seymour](#), a national victim advocate, victim advocates and restorative justice practitioners emphasized that diversionary programs can often lead to greater victim satisfaction. One victim advocate and practitioner of victim-offender mediation as a diversion from court said, “We’ve had great success with mediation in our county to address root causes while also keeping the victims involved. I think maybe diversion works better because the parties involved in that diversion understand trauma-informed care and how that process works.”

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*“We’ve had great success with mediation in our county to address root causes while also keeping the victims involved.”*

*—Restorative justice practitioner*

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## **Young people with low-level cases end up on probation and in residential placement.**

The Task Force reviewed research showing that out-of-home placement, including in both secure and non-secure residential facilities, is generally not effective at reducing recidivism for most youth—and can instead be counterproductive.<sup>xvi</sup> Dr. Mulvey presented to the Task Force that the Pathways to Desistance

study showed “no effect of placement on rate of re-arrest (if anything, it may increase re-arrest).”<sup>xvii</sup> This supports a strong research consensus that out-of-home placement is not effective at reducing recidivism compared to nonresidential alternatives.<sup>xviii</sup> Research shows that the most intensive dispositions should target youth who pose the greatest risk to public safety.<sup>xix</sup>

In Pennsylvania, both statute and court rule compel the judge deciding a disposition to use the least restrictive intervention consistent with the protection of the community and the child’s rehabilitation, and to “impose confinement only when necessary.”<sup>xx</sup> In line with the 2010 recommendations of the [Interbranch Commission on Juvenile Justice](#), court rule already requires judges to explain the findings underlying their placement decisions both orally and as part of the written record.<sup>xxi</sup>

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*Nearly 60 percent of young people sent to residential placement were placed on a misdemeanor, just 39 percent committed a person offense, and almost 40 percent were removed from home on their first written allegation.*

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Yet there are no statewide criteria in statute or court rule guiding decision-making by risk, prior history, or offense, and the Task Force found that a large share of young people on probation and sent to residential placement do not have prior history of offending, have not committed a felony or a person offense, and score as low or moderate risk to commit another offense of any kind.

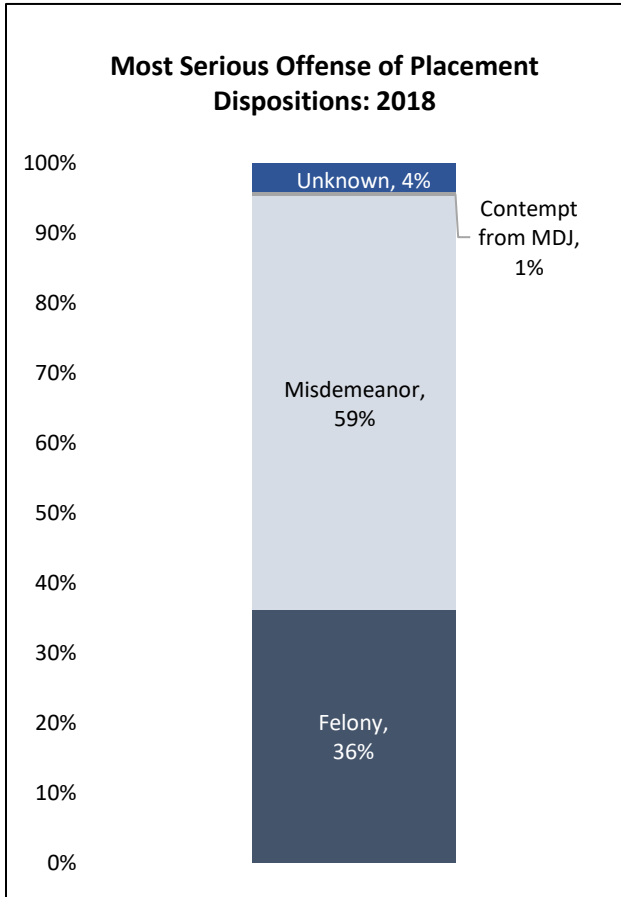
**Among youth who go straight to probation without diversion and without any further escalation:**

- 81 percent are adjudicated for a misdemeanor, and 59 percent of those misdemeanors are non-person offenses.
- 43 percent are assessed as low risk to reoffend and a majority score as low need across most criminogenic domains.

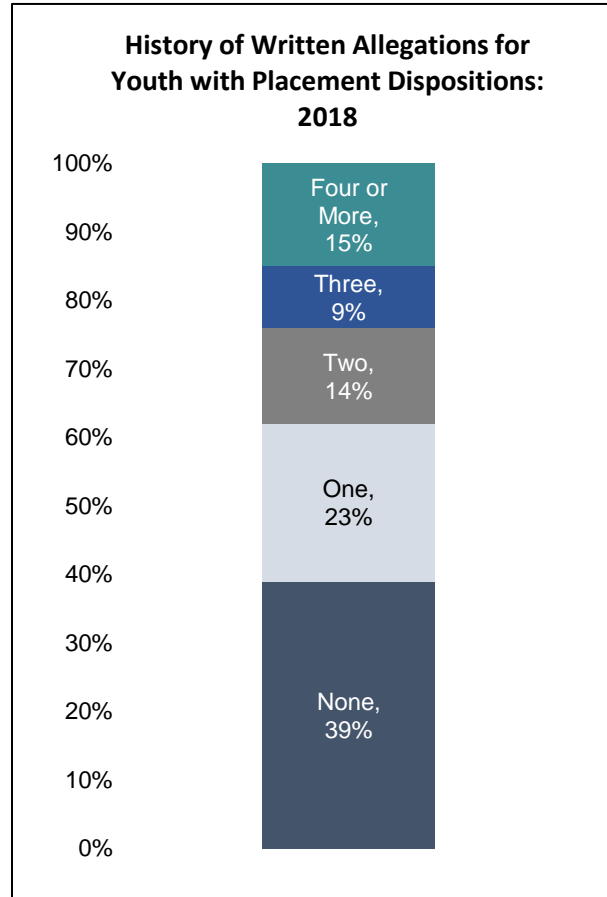
**Among youth sent to residential placement:**

- A majority did not commit a felony or a person offense (see Figure 6). The Task Force considered whether these young people had pled down to a misdemeanor from a felony, but in fact, nearly two-thirds (62 percent) had never been charged with a felony.
- Most youth are removed from home for their first adjudicated offense: 73 percent had no previous adjudications. Nearly 40 percent had no prior written allegations; 23 percent had just one (see Figure 7).
- 54 percent of young people in residential placement score as moderate risk, and 14 percent score as low risk. In some counties, youth scoring as low risk to reoffend make up nearly half of young people sent to placement.<sup>xxii</sup>
- Youth in residential placement who score as low risk also generally score as low need across most domains; 93 percent score as low need for family circumstances.

**Figure 6: Nearly 60 percent of young people are sent to placement for a misdemeanor**



**Figure 7: Almost 40 percent of young people are sent to placement on their first written allegation**



The Task Force found these outcomes despite strong evidence that decision-makers are already well-trained: 84 percent of juvenile court judges and 94 percent of JPOs who responded to the Task Force questionnaire reported receiving training on risk and needs assessment in the last two years. JCJC requires at least 40 hours of JPO training each year, and the Council of Chief Juvenile Probation Officers offers significant training opportunities for its members. In roundtables, many stakeholders cited these training initiatives—and the collaborative efforts of the two entities—as a strength of the system.

In roundtables, some juvenile court judges said they had increased accountability and required more implementation of evidence-based services from private residential placement providers. Yet several expressed concern over both the effectiveness and safety of residential placement. One judge said they “don’t feel a level of comfort when identifying placements that are quality,” while another judge stated that they “have concerns every time [they] send a kid to placement” and that they “never feel good about it.” In a roundtable with three girls at a BJJS-run facility, the girls described a positive environment at that facility but said privately-run residential placements to which they had been sent for delinquency were not safe, were not clean, and did not provide effective treatment or education. One girl said of other

residential placements, “It’s not safe at all.” The girls described educational environments in out-of-home placements where they were not educated well and where their school credits were sometimes invalid and did not transfer when they returned home. “I’ve been to a placement where they do kindergarten work and you can color and they say you can get credit, but you don’t get credit,” one girl said.

The Task Force found technical violations of supervision (not new offenses) are drivers of the residential placement population. 53 percent of residential placements stem from disposition review hearings—likely the result of a technical violation rather than a new offense—even though most JPO questionnaire respondents (71 percent) reported they already use a “graduated response policy” as one of the sanctions to respond to technical violations.<sup>xxiii</sup> Whether a young person is removed from home for a technical violation may depend on the JPO overseeing their case. JPO questionnaire respondents were split over whether they use detention, non-secure placement, or secure placement as a response (for example, half of respondents reported that they use detention as a response and half did not).

## **Young people spend years out of home and under court supervision, on average.**

In Pennsylvania, there are no statewide criteria by offense, prior history, or risk to reoffend guiding how long a youth stays on probation, in residential placement, or under the overall supervision of the court. Youth can be sent to hundreds of facilities across the Commonwealth—and unlike many other states across the country, such as [Connecticut](#) and [Kansas](#)—privately-run placements have broad authority to reject admission for any reason, or eject youth from their programs for “failure to adjust” and to influence the timing of when youth are released. Data show that youth sent to residential placement cycle through an average of six different facilities, including detention and shelter, over the course of their case (see Figure 8). When excluding detention and shelter facilities from those counts, youth average two placements at residential facilities, with roughly one-in-four kids sent to three or more residential placements.

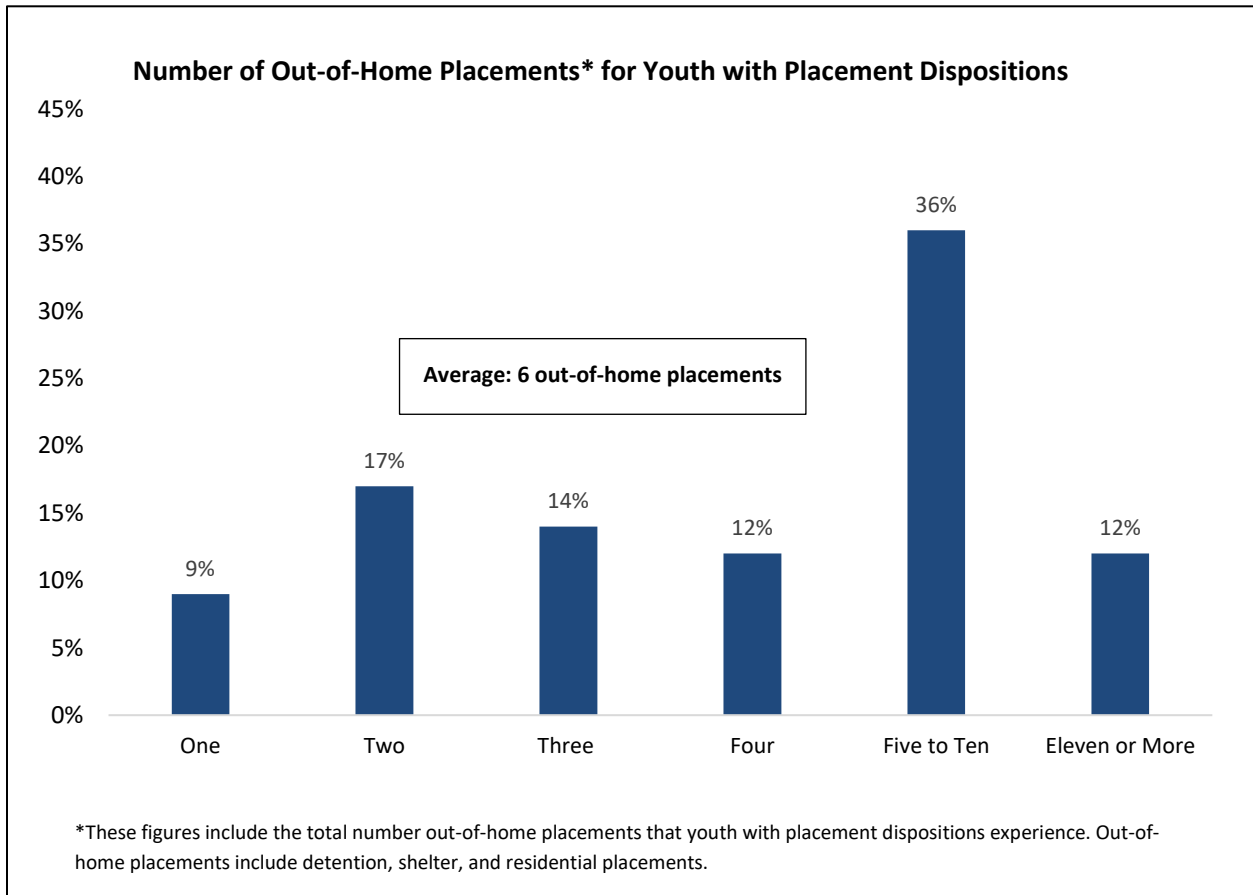
Girls in the BJS facility roundtable described an understanding that they were unwanted by these programs, which posed an obstacle both to completing treatment and successfully finishing supervision. One girl said she felt her history led to provider rejections simply based on the amount of paperwork in her case. “I know no placement in the state will take me, but I need mental health treatment,” she said, adding, “People don’t accept you or they look at you in a different kind of way. They don’t even go to interview you. They literally see a stack of papers. They don’t even read it and then they say, ‘I don’t want her.’”

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***Young people sent to residential placement cycle through an average of six different facilities, including detention and shelter, over the course of their case and cumulatively stay 16 months out of home, on average***

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**Figure 8: Youth removed from home cycle through six placements over the course of their case, on average**

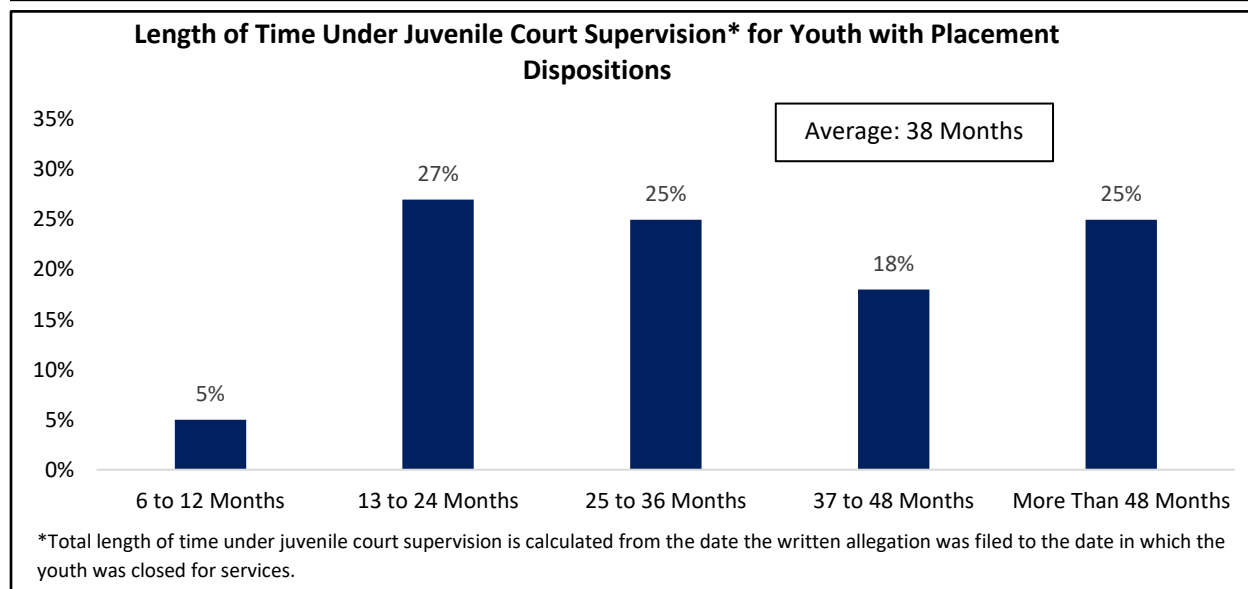


Research finds no consistent relationship between longer lengths of stay in out-of-home placements and recidivism. The Pathways to Desistance study of youth adjudicated for serious offenses, many with a prior history of delinquency, found no change in re-arrest rates for youth staying more than three-to-six months out of home compared to youth who stayed longer.<sup>xxiv</sup> Pennsylvania data show, however, that over the course of a case young people sent to residential placement spend 16 months away from home, averaging roughly 6.5 months out of home in each residential placement. Nearly one-in-five of these young people are cumulatively kept out of their homes for over two years (see Figure 9).

In a BJS facility roundtable, a young person who said she had been sent to eight facilities during her time in the juvenile justice system told the Task Force, “people are so institutionalized [and] used to being in placement. I don’t want that for people. ... I want people to be able to live successful lives in their community.” Another girl in the roundtable said that in her years of cycling through out-of-home placements, she had “learned to live in an institution but not as a person in the world.”

When considering the overall length of a youth’s case from start to finish, the timeframe is even longer. From the time youth are referred to juvenile court on a written allegation to when their case is closed, young people who are sent to residential placement average more than three years under overall court supervision. Black boys stay longest, averaging 42 months.

**Figure 9: Youth who are removed from their homes spend an average of over three years under court supervision; one-in-four spend four years or longer**



The Task Force reviewed research demonstrating that youth who perceive the juvenile justice system as fair are less likely to reoffend; conversely, youth perception that the process is unfair reinforces social disaffection and antisocial behavior.<sup>xxv</sup> Yet in roundtables with more than 50 current or former system-involved young people, many described their experiences in the system as unfair. Many said they did not know how to successfully complete their obligations to the court in order to extricate themselves from court supervision, and as a result, had lost self-agency in the outcome of their case. Youth reported that court conditions imposed significant restrictions that were difficult to follow, triggering revocation to residential placement and extensions of court supervision for small violations. In a roundtable with three youth at a BJJS secure facility, one 18-year-old said he had been in the juvenile justice system since the age of 11, another said he had been under court jurisdiction for four years since the age of 14, and a third had been in the system since he was 13.

One young person told the Task Force, “once you in the system, you stuck in the system for real. Ain’t no just getting out of there until they ready to let you go. You could do everything they want you to do. ... I tried. That’s all I can say. I tried. I just try to do what I can.”

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*“Once you in the system, you stuck in the system for real. Ain’t no just getting out of there until they ready to let you go. You could do everything they want you to do.”*

*—Young person in a BJJS secure facility*

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The Task Force found that financial obligations are among the conditions that can burden youth and keep them under court jurisdiction. Financial obligations can be part of any informal or formal resolution of a case. Data from AOPC show that the share of cases where financial obligations are assessed has nearly doubled in the past ten years to just under 60 percent. Costs/fees are the most prevalent type of financial obligation, representing 77 percent of all financial obligations, and in 2018, youth were assessed roughly \$2 million in costs/fees—up 12 percent since 2009—averaging \$173 per youth. Pennsylvania does not track in a standardized way, or report at the state level how various types of fines or fees are imposed, where the money goes, or how it is used.

Yet whether a youth must pay a financial obligation to complete their obligations to the court largely depends on where they live (see Appendix III). For example:

- The average amount of costs/fees per youth imposed across counties ranged from \$53 to \$673.
- 17 counties did not impose any fines in 2018, but seven averaged more than \$150 per youth.
- In questionnaires, nearly 40 percent of JPO respondents say fines or fees are never required as part of informal adjustment, while 32 percent say they are always required. Among those who report fines and fees are required, roughly 90 percent do not consider the youth's or family's ability to pay.

Restitution makes up 16 percent of overall financial obligations; among youth assessed restitution, the average amount imposed is just under \$1,000 per youth. The amount of restitution assessed by the courts in 2018 totaled \$2,336,007. As with juvenile court fines and fees, Pennsylvania does not track in a standardized way or report at the state level what type of restitution is imposed and to whom it is paid.

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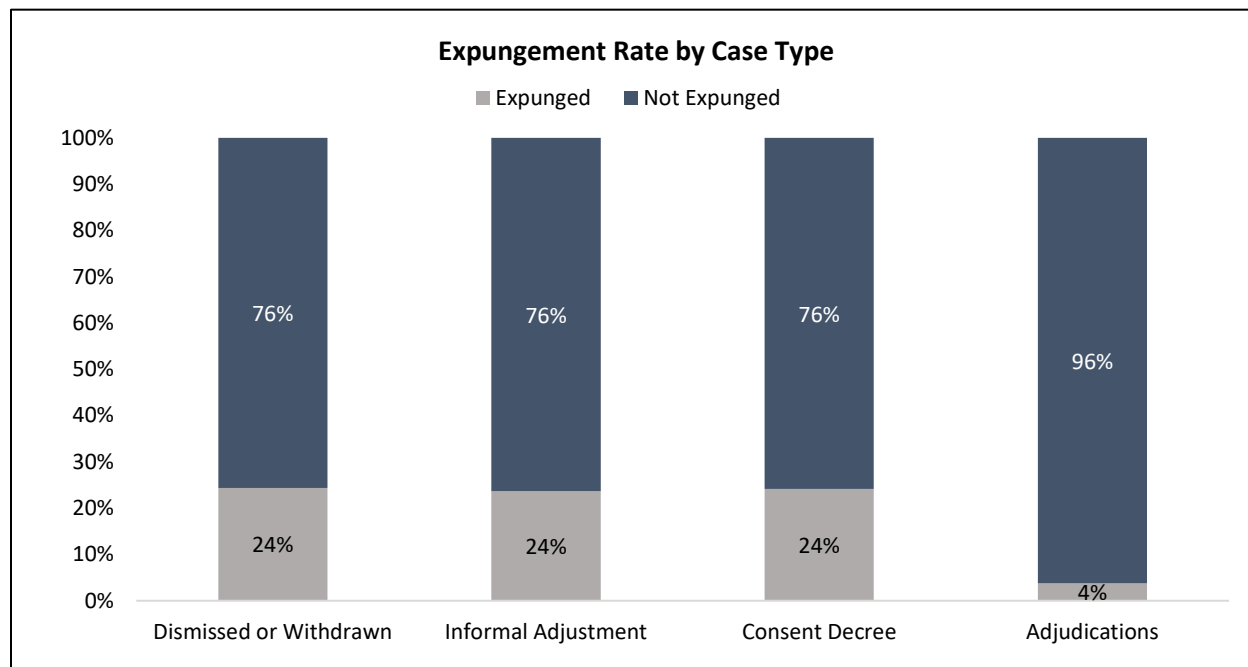
*Most cases eligible for expungement are not expunged, including 76 percent of cases that were dismissed or withdrawn and 96 percent of eligible adjudicated cases.*

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Even after completing their full length of court supervision, many youth—as well as their families—face a range of collateral consequences of their involvement with the juvenile justice system that follow them into adulthood. Records associated with a youth's juvenile justice system involvement do not automatically disappear in adulthood, even if a youth's case is dismissed or withdrawn. In Pennsylvania, those records can affect access to education, employment prospects, occupational licensing, military enlistment, family housing, ability to receive a driver's license, public benefits, and credit, among other potential consequences. Youth must wait five years—often well into their 20s—to be eligible for expungement.

Yet most cases eligible for expungement are not expunged, including 76 percent of cases that were dismissed or withdrawn and 96 percent of eligible adjudicated cases (see Figure 10).

**Figure 10: The vast majority of cases are not expunged—even when charges are dismissed or withdrawn**

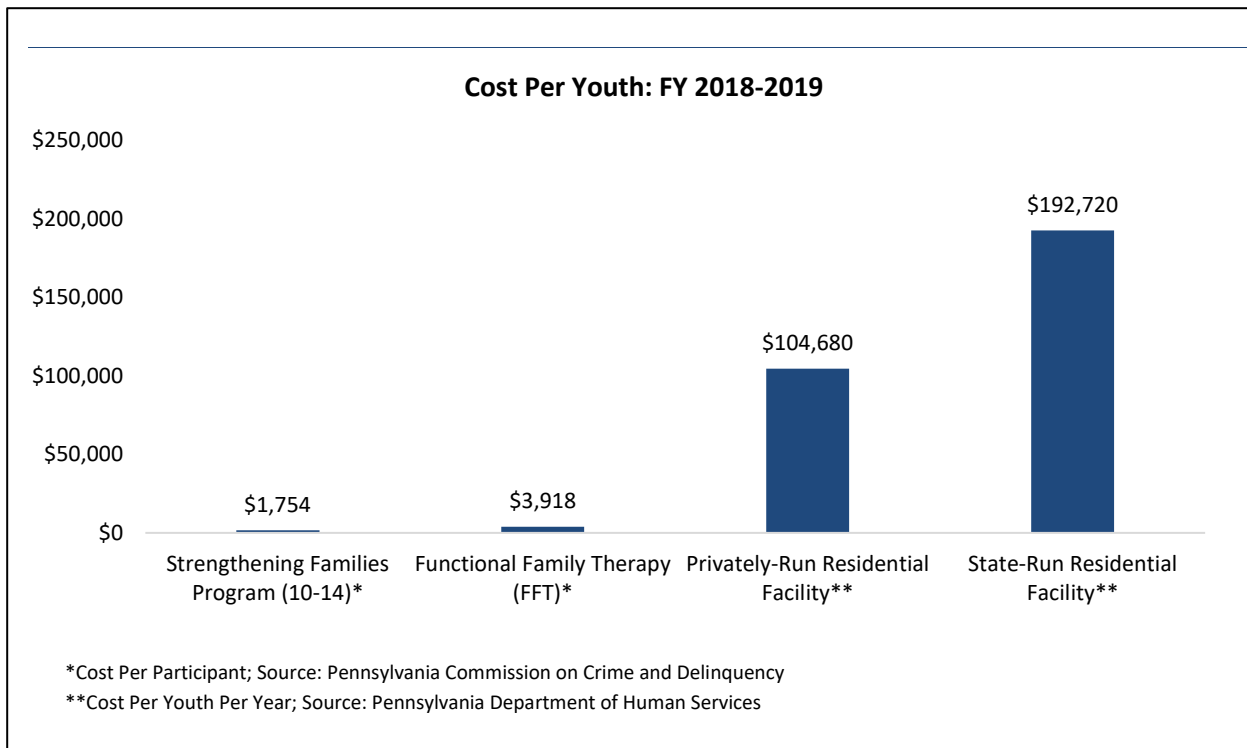


## Out-of-home placement consumes the vast majority of taxpayer spending—even though services for youth living at home are generally more effective

Just 20 percent of Pennsylvania’s nearly \$350 million in spending on delinquency services is allocated to services for youth living at home, with 80 percent focused on out-of-home placement. The average cost per youth per year is \$192,720 for state-run residential facilities and \$107,468 for privately-run residential facilities, up 54 percent since FY15. The Task Force discussed how these figures likely underestimate Pennsylvania’s spending on out-of-home placement for delinquency, as they exclude many of the costs of educating youth in residential placement and any spending on cases the court deems as shared case responsibility between the delinquency and child welfare systems. The cost per year to hold a youth at a BJS-run facility is nearly 50 times the cost per participant of Functional Family Therapy. Family-based programming for youth living at home has been repeatedly found to reduce the likelihood of reoffending and improve psychosocial outcomes, including among youth with sex offenses or those facing problems with substance abuse<sup>xxvi</sup> (see Figure 11).<sup>xxvii</sup>



**Figure 11: Residential placement costs per youth per year vastly exceed those of nonresidential alternatives**



Despite the demonstrated efficacy of these in-home services in reducing recidivism, in roundtables, some service providers described an environment of uncertainty and instability, with several noting that providing high-quality, community-based services had grown increasingly difficult in fiscal terms due to the withdrawal of state contracts previously funded by PCCD and the challenges of negotiating contracts with 67 individual counties, often at varying rates for the same services depending on the county. This includes smaller counties that may not have a large enough number of youth to sustain a program on their own. One provider told the Task Force, “If PCCD looks at grants they’ve made over the recent years, they’d find there are tons of providers who have [stopped] providing those services because there was never a plan to make it sustainable. ... There were years when we were losing \$300,000 per year on [Multisystemic Therapy] services.” Judges, chief JPOs, victim advocates, family members, and other stakeholders reported to the Task Force a lack of sufficient evidence-based alternatives to formal court processing and to residential placement, especially in smaller counties where private providers have less incentive to offer services to small numbers of youth. In a roundtable, one chief JPO said, “prevention dollars need to come into play at somewhere in this conversation because we need to prevent them from even coming into the delinquency perspective.”

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*The cost per year to hold a youth at a BJS-run facility is nearly 50 times the cost per participant of in-home family therapy shown to reduce recidivism.*

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## Outcomes for youth show large disparities by race and geography—even for similar behavior.

Serious racial disparities pervade Pennsylvania’s juvenile justice system. Disparities exist in counties across the Commonwealth and are particularly acute between Black youth and White youth and among youth who receive the most punitive system responses: removal from home and prosecution in the adult criminal system (county-level racial and ethnic disparity data is available [here](#) on the Task Force’s website). Across those same decision points, data show wide variation both in practice and in outcomes. Even for identical charges, the likelihood that a youth in one county or of one race or ethnicity will receive the same response as similar youth in another county or of another race or ethnicity is low (see county variation data [here](#) on the Task Force’s website and in Appendix II).

Black Non-Hispanic youth make up 14 percent of the statewide youth population and 38 percent of written allegations coming into the system. Yet they represent 62 percent of youth held in detention prior to adjudication, 47 percent of youth sent to residential placement, 62 percent of youth charged as adults through statutory exclusion (i.e., directly filed in adult court), and 55 percent of youth charged in adult court at the discretion of a juvenile court judge (see Figure 12).

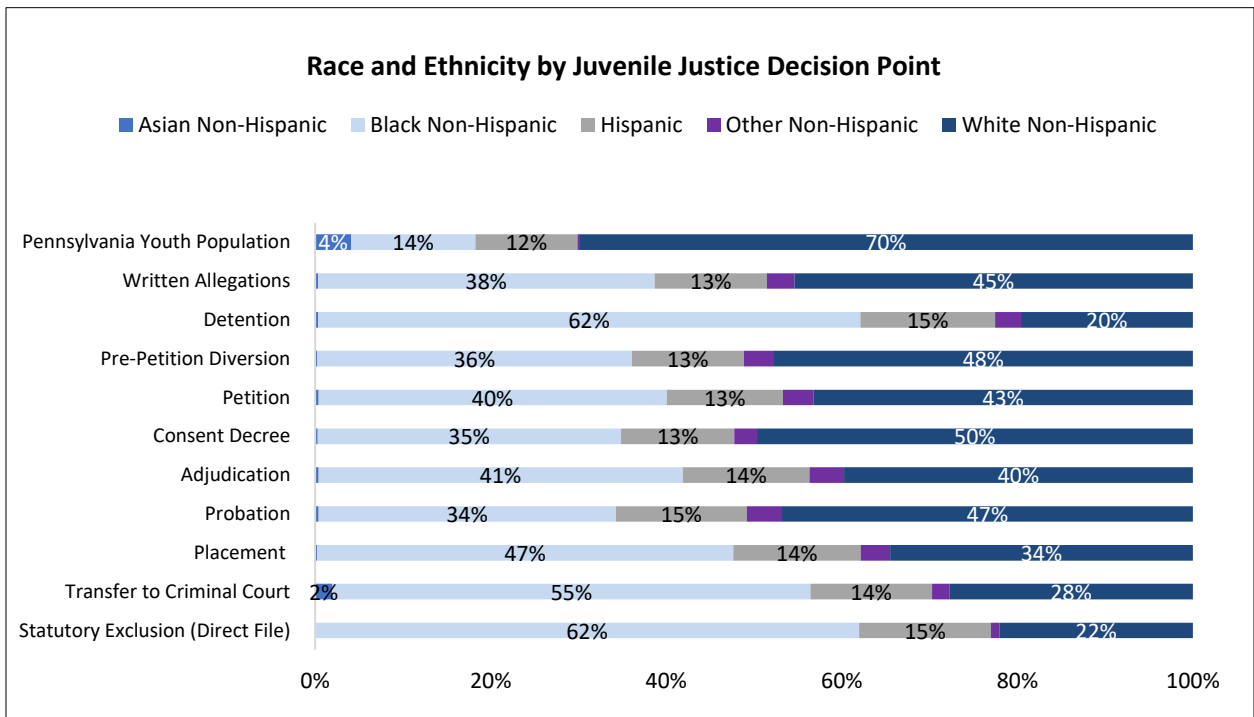
### YOUTH DETAINED PRE-ADJUDICATION

Pennsylvania law allows young people age 10 and older to be detained prior to adjudication for any type of behavior. Research shows admission to pre-adjudication detention can increase the likelihood of formal case processing and expose youth to negative peer influences. Pre-adjudication detention admissions have declined in Pennsylvania, and 16 percent of written allegations in 2018 led to detention admission. Yet at least 19 percent of detention admissions were for misdemeanors, 13 percent were for kids under age 14, and stark racial disparities exist. Black Non-Hispanic young people make up 62 percent of youth held in detention prior to adjudication compared to just 38 percent of written allegations coming to the system—a disparity that holds even when looking only at misdemeanors and when excluding Philadelphia.

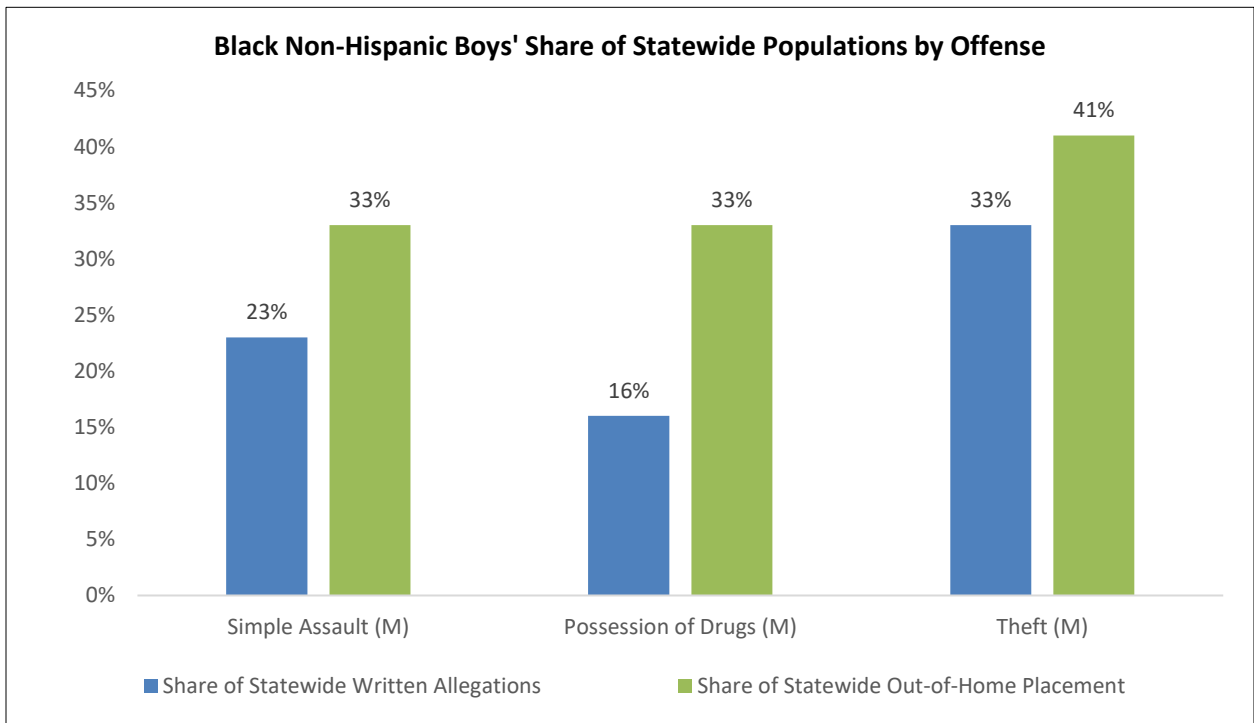
**In 2018, Black Non-Hispanic young people made up 31 percent of misdemeanor written allegations but 60 percent of misdemeanor pre-adjudication detention admissions.**

While some counties use the Pennsylvania Detention Risk Assessment Instrument (PaDRAI) to help guide which youth should be placed in detention, released, or sent to an alternative, many do not—it is used for just one-third of detention admissions statewide. More than 40 percent of detained youth who received the PaDRAI in 2019 scored to be released home or referred to an alternative.

**Figure 12: Racial disparities are largest for Black-Non-Hispanic youth removed from home and prosecuted as adults**



**Figure 13: Racial disparities for Black boys sent to out-of-home placement persist, even for the same offense**

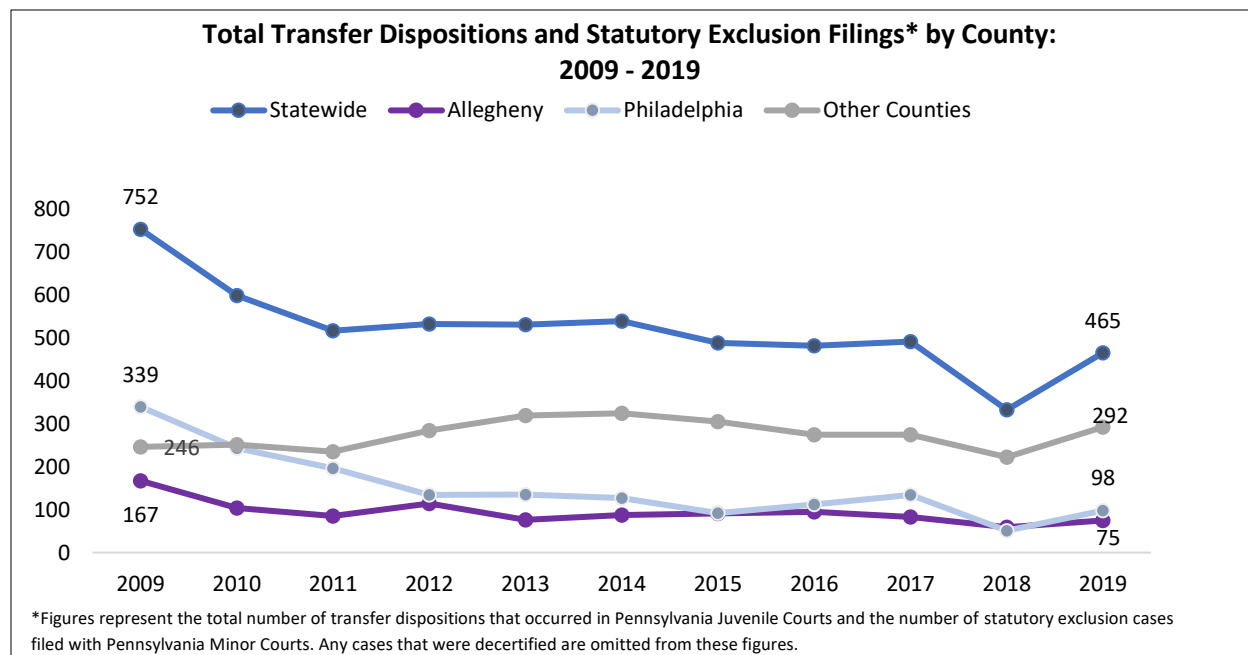


Looking at both race and gender, disparities for Black Non-Hispanic males grow larger, even when looking only at misdemeanor offenses. Black Non-Hispanic males represent 22 percent of misdemeanor written allegations, but 36 percent of youth sent to residential placement for a misdemeanor. The Task Force found that disparities by race and gender for residential placement exist, even when youth are charged with the same offense. For misdemeanor drug possession—the second-most common offense leading to the removal of youth from their homes—Black Non-Hispanic males make up 16 percent of written allegations but 33 percent of residential placements for that charge (see Figure 13).

Questionnaire data show that additional training may not be a sole solution for addressing the juvenile justice system’s racial and ethnic disparities. Indeed, the Task Force found evidence that many juvenile justice decision-makers are already trained on implicit bias, including 84 percent of juvenile court judge questionnaire respondents.

Overall, the largest racial disparities in the juvenile justice system are for youth charged as adults—Black boys make up just 7 percent of the state’s youth population, but account for 56 percent of adult prosecution convictions. Research suggests that transferring youth to the adult criminal justice system increases the likelihood of recidivism compared to keeping them within a juvenile setting, and that trying youth as adults does not have a deterrent effect.<sup>xxviii,xxix</sup> Prior to legislation enacted in 1995, only youth who committed homicide could be tried automatically as adults (this process is also called statutory exclusion, or “direct file”). Today, Pennsylvania law requires a much wider swath of charges to lead automatically to adult prosecution, without review by a juvenile court judge. These charges include murder; certain serious offenses including robbery, aggravated assault, and voluntary manslaughter when committed by a youth 15 or older; and any charge against a youth who has previously been convicted as

**Figure 14. Adult prosecution filings declined in Philadelphia and Allegheny counties but increased in all other counties combined**



an adult. Additionally, current law allows any felony alleged against a youth age 14 or older to be transferred to criminal court after a hearing. After the 1995 legislation, the burden shifted to youth in certain cases to prove in a juvenile court hearing that they should not be prosecuted as adults—transfer is now presumptive in many cases.

Prosecution of youth as adults is down 38 percent between 2009 and 2019, but the decline is driven almost entirely by Allegheny and Philadelphia Counties. During a period from 2009 to 2019 in which youth violent crime fell dramatically in the Commonwealth, adult prosecution filings in all other counties, excluding Philadelphia and Allegheny, increased (see Figure 14). Most youth are charged as adults without juvenile court review (in direct file rather than transfer cases), but when juvenile court judges do review cases for possible transfer, they send young people to be prosecuted in the adult criminal justice system at least 70 percent of the time. The top offenses for which judges transfer youth are possession with intent to deliver drugs and theft-related offenses, representing 44 percent of all transfers.

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*Black boys make up just seven percent of the state’s youth population, but account for 56 percent of adult prosecution convictions*

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Among cases where adult prosecution is pursued, nearly 60 percent are ultimately dismissed, withdrawn, or end up in juvenile court—even after youth spend time in adult jail awaiting trial. 80 percent of youth who are convicted in adult criminal court are sentenced to time in a jail or prison, with an average minimum sentence of 28 months.

The Task Force heard from numerous young people about their experiences in adult jails and prisons. In roundtables, youth recounted difficult experiences spending time in adult jail awaiting a hearing, in some cases only to have the charges dropped. Describing the experience, one young man said, “there’s no resources or things [for youth] to help themselves when they’re in there. So eventually when they do get out, all they know, it’s the same thing. So nine times out of ten, the person will do the same thing.”

In the stakeholder roundtable for juvenile court judges, some judges felt that prosecuting youth as adults is not consistent with evidence about adolescent development. One judge stated that statutorily excluding youth from the juvenile justice system does not align with evidence-based practices and should be eliminated: “The direct file seems to be going in a different direction than the recent Supreme Court cases that talk about how the brain doesn’t [fully] develop until you’re 25. If the direct file came about in the 90s, the current thinking based on the science says we should go in a different direction.” A member of the JJSES executive leadership team told the Task Force the juvenile justice system can handle youth instead of the adult criminal justice system, stating, “we have the staff, and we know that adult probation is overloaded with cases and they can’t provide the services. ... They’re just not as trained in evidence-based practices as we are.”

## Policy Recommendations<sup>2</sup>

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### *Reinvest cost savings from reduced reliance on out-of-home placement into:*

- *Interventions in every county for schools, law enforcement offices, restorative justice practitioners and other stakeholders to divert kids from the juvenile court*
- *Expanded high-quality nonresidential alternatives to out-of-home placement for young people under juvenile court supervision*
- *Grant-in-aid for county probation offices to increase local compliance with JCJC standards*
- *Support for victims by filling restitution funds*

#### **Recommendation 1: Reinvest in nonresidential evidence-based practices (Consensus)**

The legislature shall appropriate seed funding, based on savings to state funds from reductions in the population of youth sent to out-of-home placement for delinquency adjudications (from FY 2017-18 to FY 2019-20 or an average over several years), to the Pennsylvania Commission on Crime and Delinquency (PCCD) to expand alternatives to out-of-home placement for youth who have been adjudicated delinquent, including, but not limited to:

- a. Increased grant-in-aid distributed through the Pennsylvania Juvenile Court Judges' Commission (JCJC) to better incentivize county probation compliance with JCJC standards and to ensure stronger monitoring of system data to measure performance metrics
- b. Diversion services, including for services as part of diversion, informal adjustment, and consent decrees
- c. Non-residential and evidence-based alternatives to out-of-home placement for youth adjudicated delinquent
- d. Regionalized contracts at the state level to ensure statewide access to evidence-based nonresidential programs to reduce recidivism, particularly to address the needs of smaller counties
- e. Expansion of nonresidential services to address young people's needs without referring them to the juvenile justice system (not otherwise supported by other funding streams)
- f. Assisting youth in paying restitution to crime victims without unnecessarily furthering their involvement in the juvenile justice system

Moving forward, the legislature shall appropriate funding annually to the PCCD, which shall be equivalent to the difference in state funds expended in the prior fiscal year as compared to the

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<sup>2</sup> Each recommendation is marked according to three threshold categories established by the co-chairs: unanimous support (all voting members), consensus support (2/3<sup>rd</sup> of voting members), and majority support (majority of voting members).

immediate preceding fiscal year on out-of-home placement for delinquency adjudications. The PCCD shall be responsible for setting eligibility criteria for counties to apply for funding (based on current PCCD practice the responsibility for developing these criteria would be delegated to the Juvenile Justice and Delinquency Prevention Committee with recommendations for these criteria to be ultimately approved by the PCCD). Any services that are initially funded by the PCCD shall be eligible for reimbursement via the Department of Human Services' needs-based budgeting process.

**Recommendation 2: Amend the Human Services Code to include both juvenile justice and child welfare funding goals (Unanimous)**

The Human Services Code shall be amended to establish a new purpose clause for Article VII (relating to children and youth) to specifically set forth "child welfare" goals consistent with the Juvenile Act's mandates relating to dependent children, and "juvenile justice" goals consistent with the Juvenile Act's mandates relating to delinquent children.

**Recommendation 3: Make prevention, independent living, and other child welfare services available to youth in the juvenile justice system (Consensus)**

With the Family First Act's extension of Title IV-E funding for prevention services, Pennsylvania should pass legislation to include youth in the juvenile justice system in the state's definition of "candidate for foster care" to ensure these youth can get the benefit of these services.

**Recommendation 4: Conduct an inventory of gaps in programs and services for reducing delinquency in Pennsylvania communities (Unanimous)**

Every three-to-five years, DHS shall coordinate with local judges, county officials, and other relevant stakeholders to conduct an inventory of programs and services to address delinquency in every county.

***Strengthen due process and procedural safeguards***

**Recommendation 5: Amend the Human Services Code to provide funding for indigent juvenile defense services (Unanimous)**

Counties shall be reimbursed at a 50% rate by the state through the needs-based budgeting process for the provision of indigent delinquency defense services (same rate as guardians ad-litem and counsel in dependency proceedings).

**Recommendation 6: Ensure youth placed in juvenile facilities and their families know their rights and how to assert them (Consensus)**

1. Training must provide youth with skills-based training on youth rights and facility grievance procedures. Youth must receive information prior to facility admission whenever possible, upon admission to a facility, and then again after admission, given the trauma of family separation at admission. Family members must also receive training and information about the grievance procedure and how to support their child.

2. Orientation must be provided in the youth and families' own language (as defined by the youth and family), in an age and developmentally appropriate manner, by a neutral third-party, such as a well-staffed independent ombudsperson office, youth's attorney, or appointed oversight agency.
3. Information on youths' rights and grievance procedures must be made available at any time requested, as well as physically posted throughout the facility and communal areas to ensure youth's regular unrequested access.
4. Facilities must document both a youth's receipt of their rights and grievance procedure orientation as well as skills-based comprehension.
5. The scope of what, how, and when a youth can file a grievance must be as broad as possible.
6. Youth should be permitted to file and assert grievances in written or oral form, formally or informally, and anonymously if desired.
7. Assistance to file a grievance must be available to all youth who request help. Any adult asked to help the youth file a grievance must be granted access to do so and must keep information shared by the youth for the purpose of filing the grievance confidential.

### *Employ evidence-based practices at every stage of the juvenile justice process*

#### **Recommendation 7: Aggressively pursue statewide implementation of the Juvenile Justice System Enhancement Strategy (JJSES) (Unanimous)**

The Commonwealth must continue to aggressively pursue the implementation and sustainability of the Pennsylvania Juvenile Justice System Enhancement Strategy (JJSES) toward the goal of achieving our juvenile justice system's balanced and restorative justice mission by:

- a. Employing evidence-based practices, with fidelity, at every stage of the juvenile justice process;
- b. Collecting and analyzing data necessary to measure the results of these efforts; and, with this knowledge,
- c. Striving to continuously improve the quality of the decisions made, and the services and programs provided in, the juvenile justice system.

### *Raise the minimum age for when a youth can be tried in juvenile court*

#### **Recommendation 8: Raise the minimum age of juvenile court jurisdiction (Consensus)**

Raise the minimum age for a written allegation of delinquency against a youth from 10 to 13, except for murder or sexual offenses which would be designated as a Felony in the First Degree if they were committed by an adult, for which the minimum age of jurisdiction shall remain 10. County Children and Youth agencies shall prioritize services to children who are alleged to have committed a delinquent act or crime, other than a summary offense, while under the age of 13 years.



## *Narrow the criteria for trying young people as adults in criminal court*

### **Recommendation 9: Narrow the criteria for trying youth as adults (Consensus)**

1. Eliminate statutory exclusion from juvenile court (“direct file”).
  - a. Amend the Juvenile Act to delete the so-called ‘direct file’ provisions added by Act 33 of Special Session No. 1 of 1995, which excluded designated felonies allegedly committed by juveniles age 15 and older from the definition of ‘delinquent act’ and subjecting them automatically to original criminal court jurisdiction. Amend the Juvenile Act to remove the exclusion of “the crime of murder” from the definition of ‘delinquent act’.
2. Raise the minimum age at which a youth may be transferred by a judge to criminal court for certain serious offenses to 16.
3. Shift the burden of establishing that the “public interest is served” by the transfer of the case to criminal court to the Commonwealth in all cases.
  - a. Remove the exceptions to this burden of proof for offenses involving the use of a deadly weapon and certain offenses where the youth is 15 years old or older.
  - b. Remove the requirement that the burden of proof be placed on the child in certain cases.
4. Youth under the age of 18 shall not be held in county jails, even if the youth is charged as an adult.

## *Consistently divert young people with low-level cases to community-based interventions in lieu of formal delinquency proceedings*

### **Recommendation 10: Expand services as alternatives to arrest and court referral (Unanimous)**

Expand statewide front-end services as an alternative to court referral, including mobile crisis teams.

- a. Create recurring funding streams for schools to expand services that serve as an alternative to arrest or court referral.

### **Recommendation 11: Expand and standardize school-based diversion (Majority)**

1. Limit arrests in schools:
  - a. Youth may not be arrested for the following offenses while attending school, on school property, or during transport to or from school or a school sponsored activity:
    - Disorderly conduct, tobacco, possession of a small amount marijuana, possession of drug paraphernalia, or alcohol offenses, or
    - For any other misdemeanor unless they have 2 prior school diversions.
2. Limit court referral from schools:
  - a. Youth may not be referred to court by schools for:
    - Disorderly conduct, tobacco, possession of a small amount of marijuana, possession of drug paraphernalia, or alcohol offenses, or
    - For any other misdemeanor unless they have 2 prior school diversions.

3. Authorize pre-arrest diversion in schools for any offense to ensure that diversion is always an option for schools and law enforcement in schools (remove all requirements for arrest and/or court referral).
4. Amend the definition of weapon to reconcile differing definitions in statute and the schools code and ensure that schools are not required to report possession of weapons on school grounds, with the exception of firearms.
5. Study alternatives to arrest and transportation to detention, including models that have worked in other states to provide services in lieu of arrest, such as “Receiving Centers.”

**Recommendation 12: Prohibit written allegations in juvenile court from contempt for failure to comply in Magisterial District Court (Consensus)**

The juvenile court (Court of Common Pleas) shall no longer have jurisdiction over contempt charges from the conviction of a summary offense. 42 Pa. C.S. § 6302 “Delinquent Act” (1) should be amended to remove failure to comply with the lawful sentence imposed for a summary offense from the definition of delinquent act.

**Recommendation 13: Expand and standardize informal adjustment and other pre-petition diversion and tailor criteria for post-petition diversion (Majority)**

1. Require Informal Adjustment or other pre-petition diversion for any youth who has fewer than two prior pre-petition diversions for:
  - a. All misdemeanors and all nonviolent felonies, except firearm related offenses.
2. Other conditions of informal adjustment:
  - a. The youth shall not be required to admit guilt, but may be required to accept responsibility, in order to receive an informal adjustment or other pre-petition diversion.
  - b. There shall be no fees associated with a pre-petition diversion or informal adjustment.
3. Limit length of consent decree to six months:
  - a. Extensions shall not be allowed except for the completion of an evidence-based program assessed as necessary for that youth by a validated risk/needs assessment or to complete community service, and then an extension is possible for three months. Each consent decree shall have no more than two extensions.
  - b. Revocations of consent decrees shall not be allowed solely for non-payment of restitution or other financial obligations including fines and fees, except for cases where the Commonwealth demonstrates that the youth was able to pay and made no effort to do so.

## *Focus the use of pre-adjudication detention*

### **Recommendation 14: Focus the use of pre-adjudication detention (Majority)**

1. The following youth shall not be placed in detention prior to adjudication:
  - a. Any youth under the age of 14, unless the court determines the youth poses a specific, immediate, and substantial risk of harm to others and there is no alternative to reduce the risk of harm to others.
  - b. Any youth on a written allegation of a misdemeanor offense or nonviolent felony
  - c. Youth who are charged with a status offense, probation violation, or non-payment of fines, fees, or restitution.
  - d. Youth who are pregnant or are parents of children born in the past year, unless the court determines the youth poses a specific, immediate, and substantial risk of harm to others and there is no alternative to reduce the risk of harm to others.
  - e. Any youth who does not pose a specific, immediate, and substantial risk of harm to another person.
2. No youth shall be placed in detention solely due to:
  - a. A lack of supervision alternatives or service options;
  - b. A parent or guardian avoiding legal responsibility;
  - c. A risk of self-harm;
  - d. Contempt of court;
  - e. Violations of a valid court order; or
  - f. Technical violations of probation or aftercare unless there is probable cause that the juvenile poses a specific, immediate, and substantial risk of harm to others.
3. At the detention hearing, a youth shall not be placed or allowed to remain in detention unless:
  - a. They have scored as detention-eligible on a validated detention risk assessment, which may not be overridden to place a youth in detention.
  - b. There is probable cause that community-based alternatives to detention are insufficient to 1) secure the presence of the youth at the next hearing as demonstrated by the record or 2) protect the safety of another person from serious threat.
4. Detention shall never be required.
5. Expand access to community-based alternatives to detention which do not include the use of electronic monitoring, such as evening and afterschool reporting centers.
6. A youth shall not spend more than 20 cumulative days in detention prior to adjudication. This 20-day limit may only be extended at the request of the youth or upon a written finding of specific, immediate, and substantial risk of harm to others.

## *Focus Pennsylvania's use of residential placement on young people who pose a serious risk of harm to community safety*

### **Recommendation 15: Reserve out-of-home placement for the most serious cases that pose a threat to community safety (Consensus)**

1. Youth may not be removed from the home as the disposition for an adjudication of delinquency, unless the court determines that one of the following applies:
  - a. The youth poses a risk to the safety of the community or a victim. In determining whether the youth poses a risk to the safety of the community or a victim, the court shall consider:
    - The results of a validated risk and needs assessment;
    - Whether the youth used a deadly weapon in the commission of the offenses;
    - Whether the youth intentionally inflicted significant bodily injury upon another person in the commission of the offenses; and
    - The nature of the offense.
  - b. The youth has been adjudicated delinquent of a sexual offense and residential treatment is the most appropriate and least restrictive dispositional option.
  - c. The court determines that the juvenile is medically in need of residential drug and alcohol or mental health services, after an appropriate evaluation or assessment.
2. The court may not remove a youth from home solely for a technical probation violation. This shall not include:
  - a. The violation of a no contact order which places the safety of the community or a victim at risk;
  - b. Repeated violations of probation for an offense involving the threat to, or use or possession of a deadly weapon or the intentional infliction significant bodily injury to a victim;
  - c. The violation of probation for a sexual offense; or
  - d. When the court determines that the juvenile is medically in need of residential drug and alcohol or mental health services, after an appropriate evaluation or assessment.
3. In all cases where the court has determined that removal and placement of the youth is the appropriate and least restrictive dispositional option after consideration of the above factors, the court shall set forth its reasons for removal and placement of the youth on the record and in writing.
4. The court shall not dispose a youth to out-of-home placement solely because treatment is not available in the community.
5. The court shall not remove a youth from home because of concerns related to the family or home environment (neglect, abuse, etc.). Where there are concerns related to abuse, neglect, or dependency, the matter should be referred to the appropriate child welfare agency.
6. The model (CPCMS) juvenile delinquency dispositional and post-dispositional review orders should be reviewed by the Juvenile Court Procedural Rules Committee and the AOPC to ensure that the court order cannot be entered unless the court's reasons for the disposition are set forth as required by Pa. P.J.C.P. 512 and 42 Pa C.S. § 6352(c) as added to the Juvenile Act by Senator Baker's Act 22 of 2012 (including, if the juvenile is removed from the home, why the court found that the out-of-home placement ordered is the least restrictive type of placement that is consistent with the protection of the public and the juvenile's treatment, supervision, rehabilitation, and welfare).

**Recommendation 16: Keep youth in out-of-home placement no longer than the timeframe supported by research (Consensus)**

1. When the court imposes a disposition of out-of-home placement in response to an adjudication of delinquency, the rebuttable presumptive period of commitment shall be six months. The court may extend the presumptive period of placement if the court finds:
  - a. An extension is necessary to complete an evidence-based program or a program rated by a standardized tool as effective for reducing recidivism, consistent with the youth's assessed criminogenic needs that is already underway, and that the program cannot be completed in the community, or
  - b. The youth still poses a risk to the safety of the community or a victim, assessed using the factors outlined in Recommendation 15, Sub-bullet (1)(a).
2. Youth who have been adjudicated delinquent of murder or a sexual offense or an attempt to commit murder or a sexual offense may be exempt from the presumptive period of placement.
3. In all cases where the court has determined that it is necessary and appropriate to extend placement beyond six months, the court shall set forth its reasons for the continued placement of the youth on the record and in writing.
4. Pa. R.J.C.P 610 should be modified to require dispositional review hearings in all cases (including those disposed to probation) to be held at a minimum every three months and to set forth the specific determinations that must be made at each proceeding (similar to the specificity of the determinations that must be made by the court in permanency hearings for dependent children under Rule 1610).

**Recommendation 17: Curb the number of out-of-home placements youth cycle through over the course of their case (Unanimous)**

DHS, in collaboration with JCJC, the Juvenile Justice and Delinquency Prevention Committee (JJJPC), and other relevant stakeholder groups, shall annually monitor data around the rejecting or ejecting of youth from private out-of-home placements and make recommendations for policy change as necessary to prevent placement instability.

**Recommendation 18: Focus supervision conditions on criminogenic risk and needs (Consensus)**

1. Conditions of supervision shall only be ordered consistent with a demonstrated need as assessed by validated risk and needs assessment.
2. Treatment shall only be ordered consistent with a demonstrated need as assessed by a validated risk and needs assessment.

**Recommendation 19: JCJC shall develop Standards Governing the Development and Application of Graduated Response Protocols in partnership with the Pennsylvania Council of Chief Juvenile Probation Officers and other relevant stakeholders, and require adherence to these standards as a condition for participation in the JCJC Grant-in-Aid program (Unanimous)**

**Recommendation 20: Consideration should be given to reassign or repurpose skilled juvenile justice staff as the juvenile justice system further shifts away from out-of-home placement and toward community-based services (Unanimous)**

*Prioritize restitution payments to victims and prevent unnecessary system involvement by eliminating the imposition of fines and most court fees and costs*

**Recommendation 21: Eliminate the use of fines and most fees/costs (Consensus)**

1. The Juvenile Act shall be amended to ensure that the court and juvenile probation does not incorporate any financial condition, except for restitution and a fee or cost that is related to the maintenance of a county restitution fund or the Crime Victims Compensation Fund, as a part of any informal resolution to a juvenile case or formal delinquency disposition, notwithstanding any other provision of the law.
2. The Juvenile Act shall be amended to provide that contribution to a restitution fund pursuant to an informal adjustment, consent decree, or a disposition following an adjudication of delinquency shall not exceed \$10.00.

**Recommendation 22: Restitution (Consensus)**

1. Restitution (Statutory 42 Pa.C.S. § 6352 (a)(5) & Rule Amendment—Rules 512 & 515) should be ordered only after:
  - a. a finding that the requested restitution is reasonable; and
  - b. a determination that the juvenile will be able to pay the restitution in the time that the juvenile is reasonably expected to be under supervision.
2. In determining whether the juvenile will be able to pay restitution, the court:
  - a. Shall consider the age of the juvenile and whether the juvenile is able to legally obtain employment;
  - b. Shall not consider the income of the parents;
  - c. Shall consider what efforts the court and probation department are able to make to assist the juvenile in paying the restitution including the existence of restitution funds or community service/work programs; and
  - d. Shall consider whether the victim is willing to accept another form of restorative justice in lieu of payment of money.
3. Restitution (Statutory 42 Pa.C.S. § 6352 (a)(5)) may only be ordered to an actual victim.
4. At every post-disposition review proceeding (Rule Amendment—Rule 610), the court shall make findings as to the progress a juvenile has made towards satisfying the order for restitution and shall inquire as to the assistance given to the juvenile by the probation department and placement providers.
5. The court may modify the order for restitution at any post-dispositional proceeding (Rule Amendment—Rule 610), provided the victim has an opportunity to object by receiving notice of the hearing in which the order for restitution may be modified.
6. If a juvenile has satisfied all conditions of supervision other than payment of restitution in full (Statutory 42 Pa.C.S. § 6352 (a)(5) & Rule Amendment—Rule 631), the court may forgive the unpaid amount of restitution and enter an order for termination of supervision, provided the victim has an opportunity to object by receiving notice of the hearing in which the court would consider terminating supervision and forgiving outstanding restitution. The court must make

findings on the record with regard to the reason for the termination of supervision and forgiveness of restitution. The court shall not index a civil judgment against the juvenile.

7. It is recommended that the Crime Victims' Compensation Fund Act shall be expanded to allow victims to receive compensation in juvenile delinquency cases for deductibles and losses not otherwise covered by insurance in theft and property crimes up to a maximum amount to be determined by the General Assembly.

***Ensure that young people who have completed their obligations to the court are not held back from successful transition into adulthood by records of juvenile justice system involvement***

**Recommendation 23: Create a standardized statewide expungement process (Consensus)**

1. We recommend that the Pennsylvania Rules of Juvenile Court Procedure and the Juvenile Act be amended to provide that immediately upon the dismissal or withdrawal of a youth's case, the chief juvenile probation officer shall immediately notify the court and the court shall initiate the expungement.
2. We recommend that the Pennsylvania Rules of Juvenile Court Procedure and the Juvenile Act be amended to provide that the chief juvenile probation officer shall notify the court and the court shall initiate the expungement process when a youth: 1) has successfully completed an informal adjustment, a consent decree or any other diversion program; and 2) meets statutory expungement provisions outlined in 18 Pa.C.S. § 9123.
3. We recommend that the Pennsylvania Rules of Juvenile Court Procedure and the Juvenile Act be amended to provide that the chief juvenile probation officer shall notify the court and the court shall initiate the expungement process when a youth has been adjudicated delinquent for a misdemeanor offense and two years have elapsed since the final discharge of the youth from commitment, placement, probation or any other disposition and referral and since such final discharge, the youth has not been convicted of a felony, misdemeanor or adjudicated delinquent and no proceeding is pending seeking such conviction or adjudication.
  - a. Expunged records shall remain accessible only to the entities and for the purposes set forth in Pa.R.J.C.P. 173.

***Improve oversight to ensure that every young person placed in the custody of the Commonwealth is safe, treated fairly, and receiving a quality education***

**Recommendation 24: Increase oversight and accountability of out-of-home placements for youth adjudicated delinquent (Unanimous)**

1. The Department of Human Services' (DHS) "Notification Protocol for Formal Licensing Actions and Incidents" and the process for implementing that protocol shall be amended to provide more timely and specific information to judges, public defenders, district attorneys, juvenile probation, county commissioners, county DHS offices, private providers, school districts, and youth as well as their families who are adjudicated delinquent in all Pennsylvania counties when

there is 1) an allegation of child abuse involving a youth in a residential placement; 2) an indicated or founded report of child abuse involving a youth in a residential placement; 3) a licensing action taken against a program or facility; or 4) an incident that involved law enforcement that was required to be reported to DHS.

- a. DHS shall expeditiously review all allegations of abuse made by youth, their guardian, or legal counsel, as a part of a youth's treatment in out-of-home placement and notify all parties regarding the result of the review of the allegation.
  - b. DHS shall maintain and make public a cumulative record of confirmed abuses that have occurred at a private provider's out-of-home placement.
2. 55 Pa. Code Chapter 3800 shall be applied to out-of-home placements for youth adjudicated delinquent that are managed and operated by the Department of Human Services' Bureau of Juvenile Justice Services (BJJS).
    - a. Establish independent oversight by the Office of State Inspector General, with individuals who have knowledge of and expertise with 55 Pa. Code Chapter 3800, for compliance with these rules including: 1) the licensing process for out-of-home placements for youth who are adjudicated delinquent; and 2) the investigation process of incidents that occur within out-of-home placements for youth who are adjudicated delinquent.
  3. 55 Pa. Code Chapter 3800 shall be amended to require DHS to make routine announced and unannounced daytime and nighttime inspections of all residential programs.

**Recommendation 25: Create a permanent Office of the Child Advocate (Consensus)**

The General Assembly shall establish a permanent Office of the Child Advocate.

- a. The position of the Child Advocate shall be Senate confirmable.
- b. Funding shall be provided for regional staff as well as support staff and volunteers.
- c. The Office of the Child Advocate shall have statutory authority to access DHS records and data to provide independent oversight over out-of-home placements for youth.
- d. Staff within the Office of the Child Advocate shall have the authority for all trained and authorized representatives from the Office to have unfettered access to youth day or night at unscheduled, unannounced visits.
- e. The Office of the Child Advocate shall develop an avenue to receive complaints directly from youth.
- f. The Office of the Child Advocate shall issue a public report on a yearly basis.

**Recommendation 26: Authorize the use of accreditation of residential facilities used for out-of-home placements of adjudicated youth by independent accreditation agencies such as the Commission on Accreditation of Rehabilitation Facilities (CARF), The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) or the Commission on Accreditation (COA) (Consensus)**

**Recommendation 27: Pass legislation to prohibit harmful practices in facilities (Consensus)**

Restrictive procedures are measures of last resort and must only be used to protect a child or youth from behavior that poses a serious and immediate risk of physical harm to themselves or others. They



may not be used for punishment, retaliation, staffing shortages, administrative convenience, or any reason other than securing the immediate physical safety of a youth.

State 3800 Regulations, which govern the operations of residential and day facilities, currently prohibit: seclusion, chemical restraints, mechanical restraints such as shackling, and manual restraints impacting a child's respiratory system. In light of these critical issues, we request that the following legislation be passed to prohibit harmful practices in facilities.

1. Prohibit manual restraints that apply pressure or weight on the child's respiratory system, including prone position restraints. Use of such procedures is grounds for full investigation and license revocation, and may be referred to law enforcement for criminal investigation.
2. Prohibit all forms of solitary confinement<sup>3</sup>, including seclusion and exclusion, in all facilities, including secure detention and secure care, and including youth confinement to a cell or room alone even if the door is not locked. Solitary confinement is the practice of isolating an individual in a cell or room, usually for punitive or disciplinary purposes. Additional considerations:
  - a. Use of solitary confinement is grounds for investigation and revocation of license.
  - b. Limited periods of "cool down" or "time out" are not considered solitary confinement but should be limited to three hours, with release of the youth as soon as they have regained self-control.
  - c. Support staff, such as a social worker, must be notified and made available to youth to assist them in calming down.
  - d. Staff must closely monitor youth in cool down and maintain physical proximity.
  - e. Any restriction beyond three hours must be documented and reported to both state DHS and the Office of the Youth Ombudsman.
3. Prohibit strip searches and body cavity searches, both of which are extremely invasive and highly traumatic for young people, unless there is probable cause and authorization from an individual in the agency overseeing the facility. Strip searches must be performed by two staff of the same gender or medical personnel in an area that ensures the privacy and dignity of the juvenile. Incident reports must be completed for any strip searches or body cavity searches, documenting probable cause. Body cavity searches may only be performed by outside medical providers. To the degree possible, and only when searches are necessary, facilities should rely on alternatives such as wands or metal detectors. Inappropriate use of strip searches and body cavity searches is grounds for investigation and license revocation.<sup>4</sup>
4. Prohibit mechanical restraints: A mechanical restraint is a device that restricts the movement or function of a child or portion of a child's body. Examples of mechanical restraints include handcuffs, anklets, wristlets, camisoles, helmets with fasteners, muffs and mitts with fasteners,

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<sup>3</sup> Solitary confinement as defined by American Academy of Child and Adolescent Psychiatry: [Solitary Confinement of Juvenile Offenders \(aacap.org\)](https://www.aacap.org/child-adolescent-mental-health/clinical-practice/solitary-confinement)

<sup>4</sup> These guidelines are taken from Kentucky's Department of Juvenile Justice search policies.

<https://djj.ky.gov/300%20Policy%20Manual/DJJ%20325%20Searches%20040519.pdf>

poseys, waist straps, head straps, papoose boards, restraining sheets and similar devices. Use of mechanical restraints are grounds for facility investigation and license revocation.

- a. This recommendation is focused on the use of mechanical restraints in facilities and is not intended to comment upon specifics of transporting youth between facilities or in locations outside of the residential facility.

**Recommendation 28: Do not send youth to out-of-state placements, except to those located in neighboring states, and bring youth currently residing in out-of-state placements back to their communities in Pennsylvania (Consensus)**

Out-of-state placements often have decreased oversight, and there is less control over the standard of care provided in those facilities. Youth in these facilities are also especially susceptible to COVID-19 which has caused several states, such as California and Michigan, to bring out-of-state youth back to their home states.

**Recommendation 29: Adopt legislation similar to Juvenile Court Rule 148 to ensure school stability for children and youth in the juvenile justice system (Consensus)**

Ensure that all parties participate in Best Interest Determination (“BID”) meetings to ensure school stability to discuss choices about school placement and to ensure that all systems prioritize education in the least restrictive setting with appropriate support.

**Recommendation 30: Ensure quality oversight of educational services at residential facilities (Consensus)**

Pass legislation to require The Pennsylvania Department of Education to develop a licensing, oversight and monitoring process for education programs in out-of-home placement facilities. The process will include but is not limited to: annual site visits to all providers and data collection and reporting requirements for all providers on educational programming and outcomes. Youth should not be denied access to the quality of education that is required in traditional public schools, and should be supported in transitioning back to their home educational systems.

**Recommendation 31: The Juvenile Act should be amended to provide that youth working while in court-ordered placement shall be paid not less than the Pennsylvania minimum wage (Unanimous)**

***Increase system accountability and address inequities through enhanced data reporting to the public and wider representation on oversight bodies***

**Recommendation 32: Performance measurement data for Pennsylvania and for every county shall be tracked and reported publicly to determine if the recommendations are working and whether further changes may be needed. Data will include but are not limited to the impact of policies on youth by race and ethnicity (Unanimous)**

**Recommendation 33: Expand PCCD’s Juvenile Justice Delinquency and Prevention Committee (JJDP) membership to mirror the interbranch nature of this Task Force—including youth and family members**

**of system-involved youth—and alter its charge to provide oversight of the implementation of this Task Force’s recommendations (Consensus)**

JJDPC shall expand their membership to include directly impacted youth and families as well as state legislators and other relevant stakeholders to provide oversight over the implementation of recommendations that are outlined in the Pennsylvania Juvenile Justice Task Force’s report, including reporting data related to performance measures of system outcomes to ensure that the recommendations that are outlined in the report are implemented with fidelity.

**Recommendation 34: Establish a statewide youth and family advisory group and support county-level advisory groups to ensure that these alternatives and budget allocations are vetted and supported by meaningful youth and family participation. Appoint one or more of the members to the JJDPC (Unanimous)**

**Recommendation 35: Require racial impact statements and create a racial equity task force (Majority)**

Racial impact analyses should be conducted before enacting any new legislation or policies, and the Commonwealth should appoint a race equity task force to research disparities and identify solutions. This practice comports with the newly reauthorized Juvenile Justice and Delinquency Prevention Act (JJDP A) that requires states to identify and establish a plan to address racial and ethnic disparities in their justice system. The task force should include representatives of entities such as Juvenile Justice and Delinquency Prevention Committee and its Disproportionate Minority Contact Subcommittee, the Pennsylvania Commission on Sentencing, the Commissions on African-American and Latinx Affairs, along with individuals with lived experience of the justice system. The task force itself should be racially diverse and led by individuals from the communities of color most impacted by youth incarceration. The state should charge the task force with the responsibility to respond to state-level policy and practice proposals. Additionally, this task force should arrange for an independent audit of Youth Risk Assessments used in the Commonwealth for racial bias.

## **Conclusion**

The findings and recommendations in this report fulfill the charge to the Task Force by Pennsylvania leaders from both parties and all three branches of government. They reflect nearly 16 months of work by Task Force members to evaluate Pennsylvania’s juvenile justice system and develop recommendations for change based in data and research. By carefully reviewing the Commonwealth’s own data and the gathering input from hundreds of stakeholders, the Task Force conducted an inclusive, data-driven assessment of where the system is thriving – and where it is falling short. These findings reveal that action is necessary to reestablish Pennsylvania’s status as a national leader in aligning practice and policies with research about how to keep communities safe and put young people in every county on a path to a better future.

As with any consensus-based process, the Task Force recognizes that the specifics of every recommendation may not reflect the feelings of every Task Force member. Rather, this report is a roadmap for addressing stark challenges uncovered by the Task Force’s analysis. Important work

remains. The Task Force urges Governor Wolf, judicial leaders, and the General Assembly’s oversight committees to continue to engage with the views of stakeholders across Pennsylvania as they vet, enact, and implement these recommendations. Young people, families, victims, and stakeholders who work on the frontlines of the juvenile justice system deserve to be heard at every level of policymaking in the Commonwealth. Building upon the strong foundation provided by this Task Force’s recommendations, Pennsylvania can establish a more accountable, transparent, and equitable juvenile justice system—one that protects community safety, strengthens families, and redirects young people toward productive engagement in their communities.

## Appendices

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1. Appendix I: Glossary of Terms
2. Appendix II: County Data Maps
3. Appendix III: County Financial Obligations
4. Appendix IV: Data Methodology
5. Appendix V: System Flowchart

## Appendix I

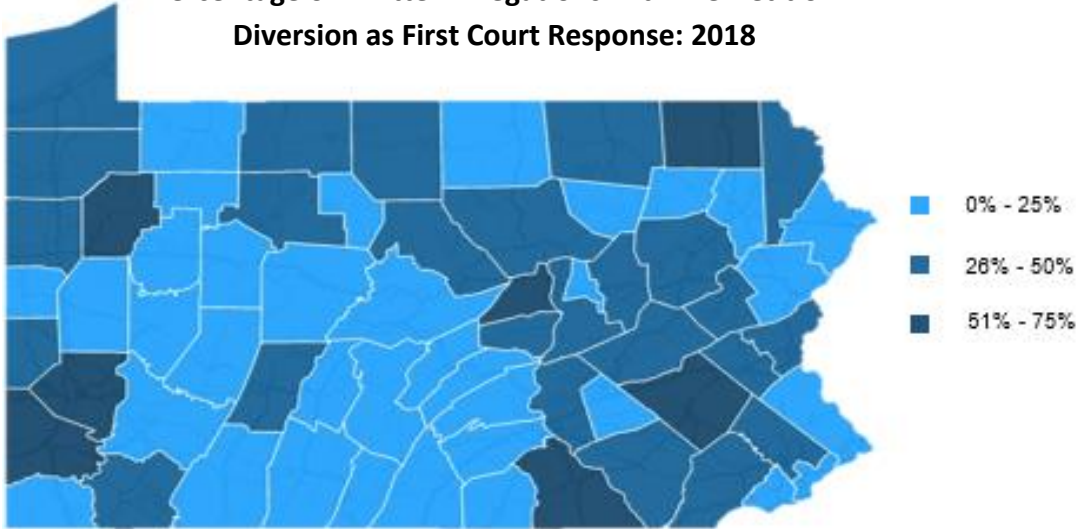
### *Glossary of Terms*

- **Adjudication** – When a youth is found by the juvenile court to have committed a delinquent act and to be in need of treatment, supervision, or rehabilitation.
- **Allegation (also known as a “referral”)** – A written complaint, alleging delinquency or dependency of a child, which is submitted to the juvenile court.
- **Consent Decree (also known as “deferred adjudication”)** – A post-petition diversion process, which must be approved by the court, the District Attorney, and the youth.
- **Decertification (also known as “reverse transfer”)** – The process of transferring a youth’s case from adult criminal court proceedings to juvenile court, after a hearing in criminal court.
- **Direct File (also known as “statutory exclusion”)** – Under current law, a youth’s case must be filed directly in adult criminal court, without an initial review in juvenile court, if they have been charged with certain serious violent offenses and are 16 years old or older.
- **Discretionary Transfer** – The District Attorney can request that a case can be transferred to adult criminal court under certain circumstances. The juvenile court must then hold a hearing to determine if the case should be transferred to adult criminal court.
- **Disposition** – Once a youth is adjudicated, the judge issues a disposition, which could include probation, residential placement, services, restitution, or other orders.
- **Informal Adjustment** – A pre-petition diversion process, in which a youth is placed on informal supervision prior to a petition being filed, initiating formal court processing before a judge.
- **Magisterial District Court** – Has jurisdiction over summary offenses, as well as certain other minor cases for adults.
- **Out-of-home placement** – When a youth is removed from their home, including placement in secure detention facilities, shelter facilities, state-run residential facilities, and contracted residential facilities.
- **Pennsylvania Detention Risk Assessment Instrument (PaDRAI)** – Statewide tool used to guide detention admission decisions by juvenile probation.
- **Pre-Petition Diversion** – Before a petition is filed, a youth’s case can be diverted from formal court processing (“informal adjustment,” above, is a type of pre-petition diversion). While all counties have access to informal adjustment, each county may have other pre-petition diversion programs, such as youth courts, youth aid panels, victim-offender mediation, or others.
- **Residential Placement** – Long-term out-of-home programs used as a juvenile court disposition.
- **Summary Contempt** – If a youth fails to fulfill their sentence for a summary offense (most often involves paying a fine), the Magisterial District Court Judge (MDJ) can hold them in contempt and refer them to juvenile court on an allegation of delinquency.
- **Summary Offense** – Any offense punishable by less than 90 days in jail (i.e., minor municipal infractions like possession of alcohol or disorderly conduct); usually results in a fine.
- **Youth Aid Panel (YAP)** – A pre-petition diversion program offered in some counties by either the District Attorney or the Juvenile Probation Office.
- **Youth Level of Service (YLS)** – A risk and needs assessment measuring the likelihood that a youth will commit another offense of any severity, as well criminogenic needs (needs that are related to a youth’s offending).

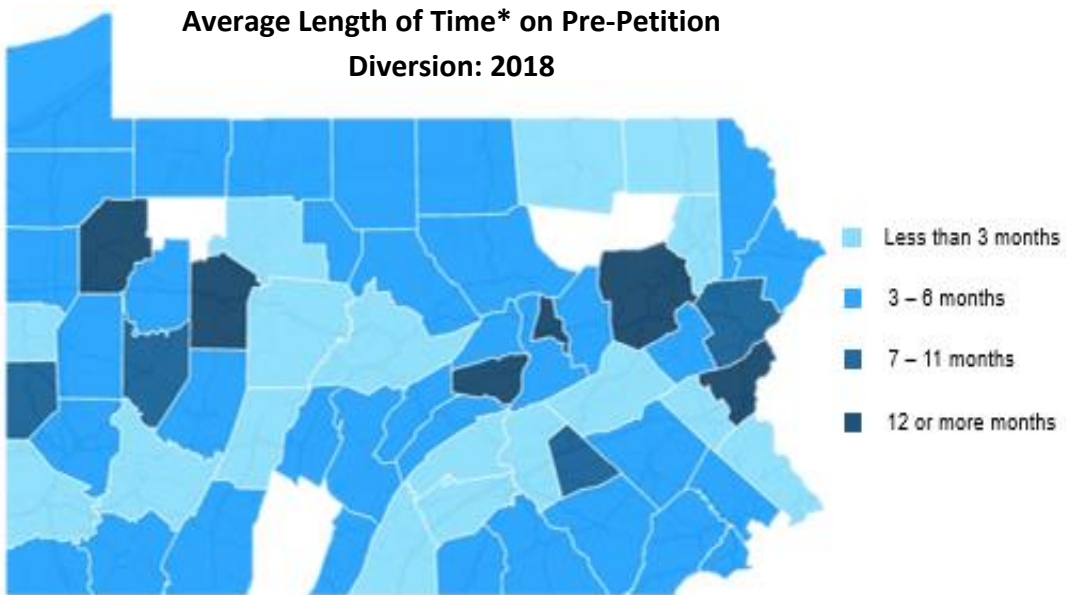
Appendix II

County Data Maps

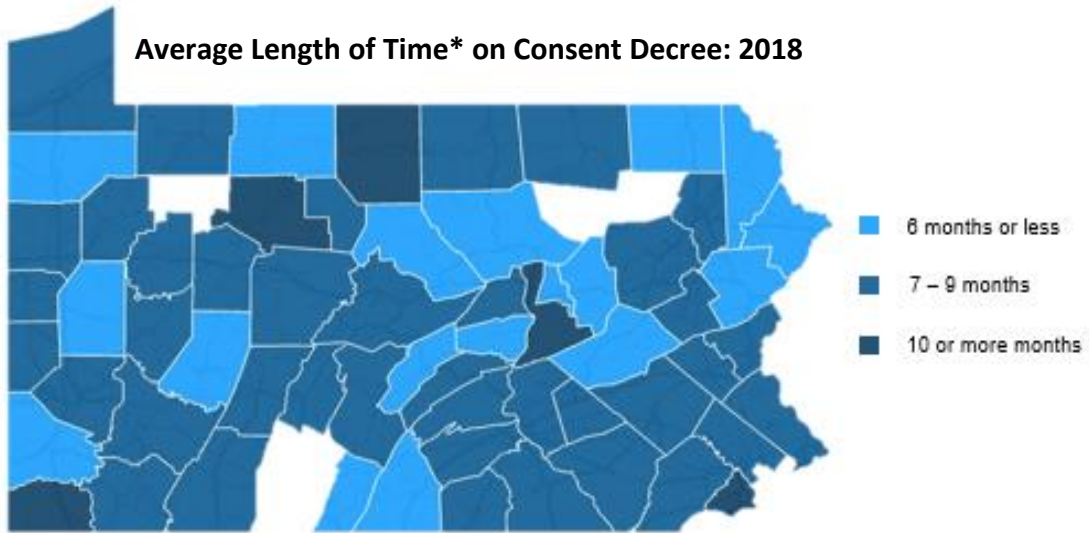
Percentage of Written Allegations with Pre-Petition  
Diversion as First Court Response: 2018



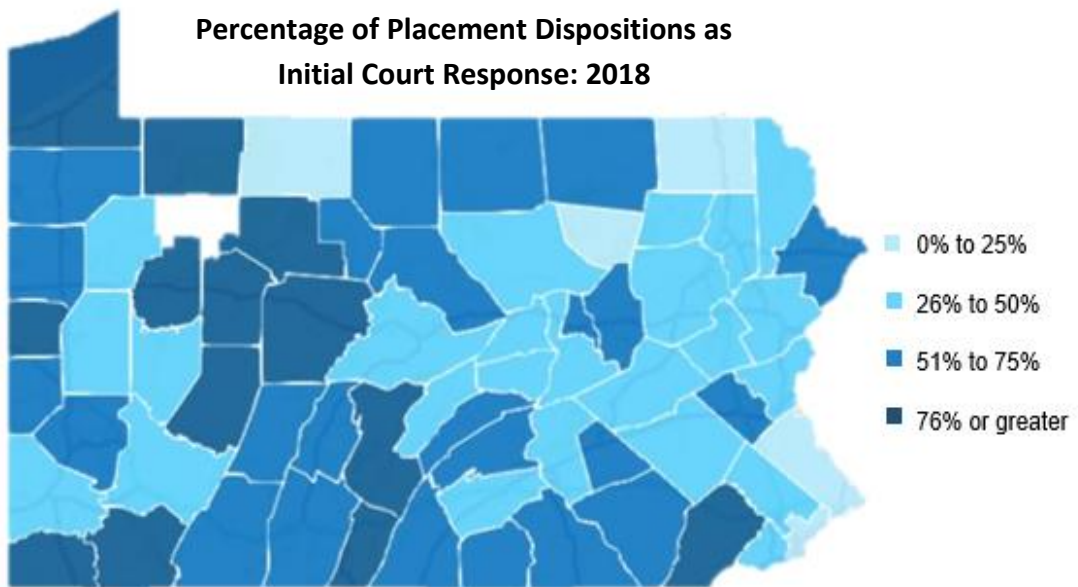
Average Length of Time\* on Pre-Petition  
Diversion: 2018



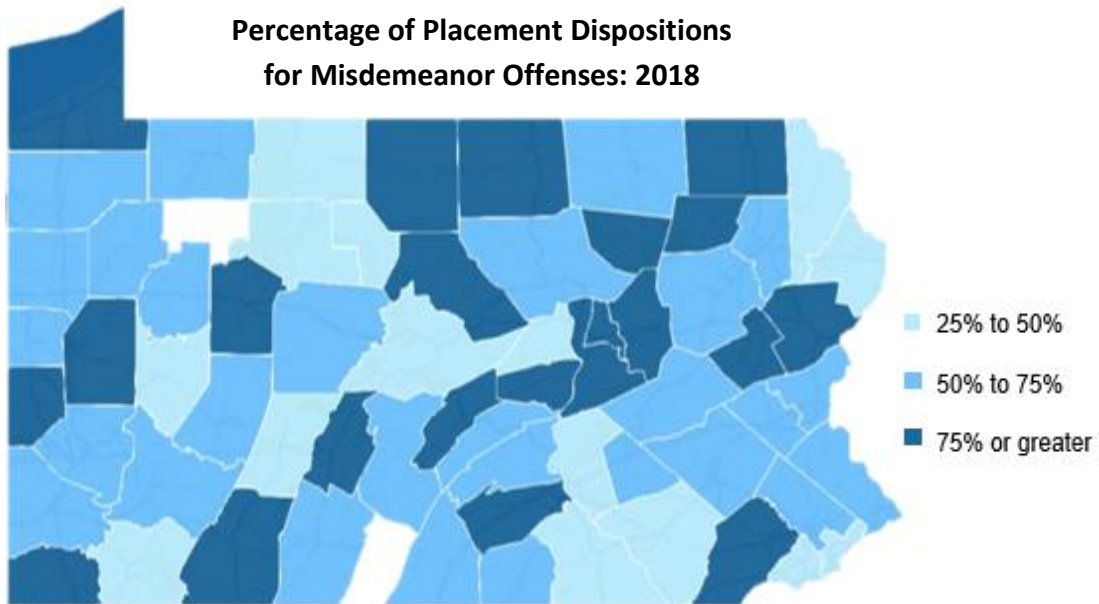
\*Length of time calculated from date of diversion decision to juvenile's case closure date.



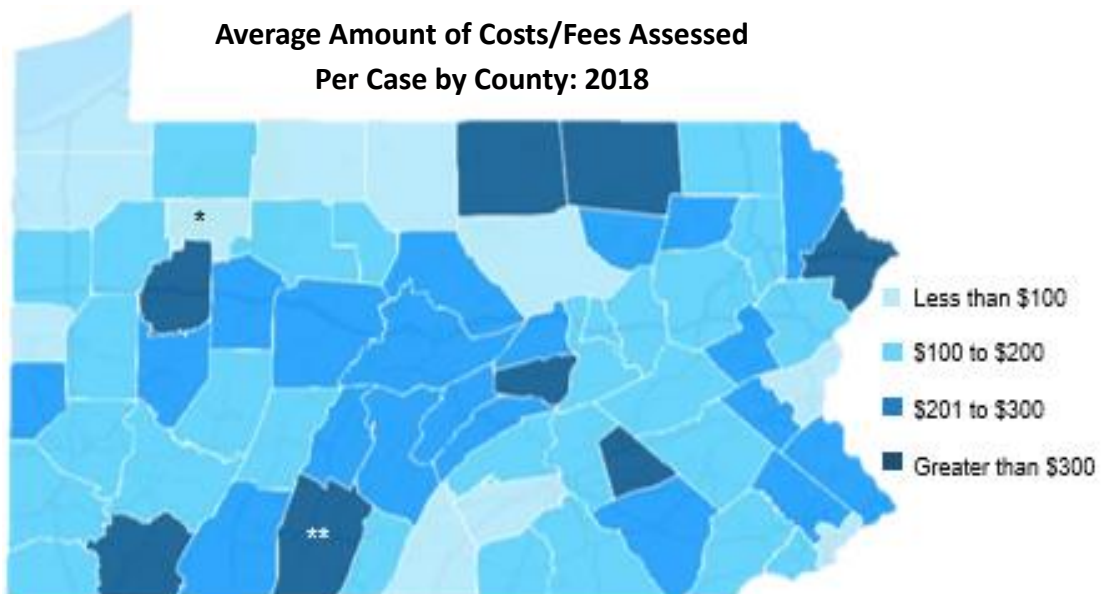
\*Length of time calculated from the date of the consent decree decision to the juvenile's case closure date.



**Percentage of Placement Dispositions  
for Misdemeanor Offenses: 2018**



**Average Amount of Costs/Fees Assessed  
Per Case by County: 2018**

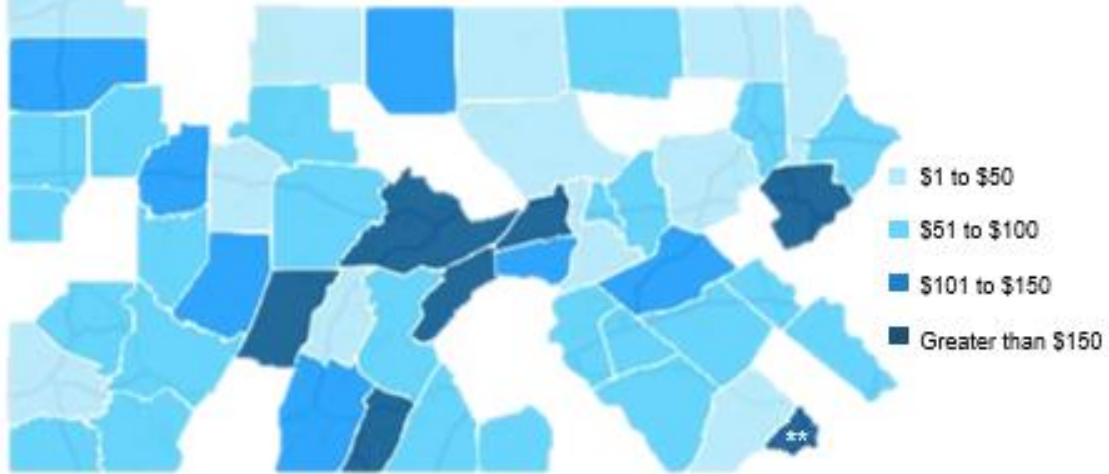


\*Forest County assessed, on average, the lowest amount (\$53) of costs/fees in 2018.

\*\*Bedford County assessed, on average, the highest amount (\$673) of costs/fees in 2018.



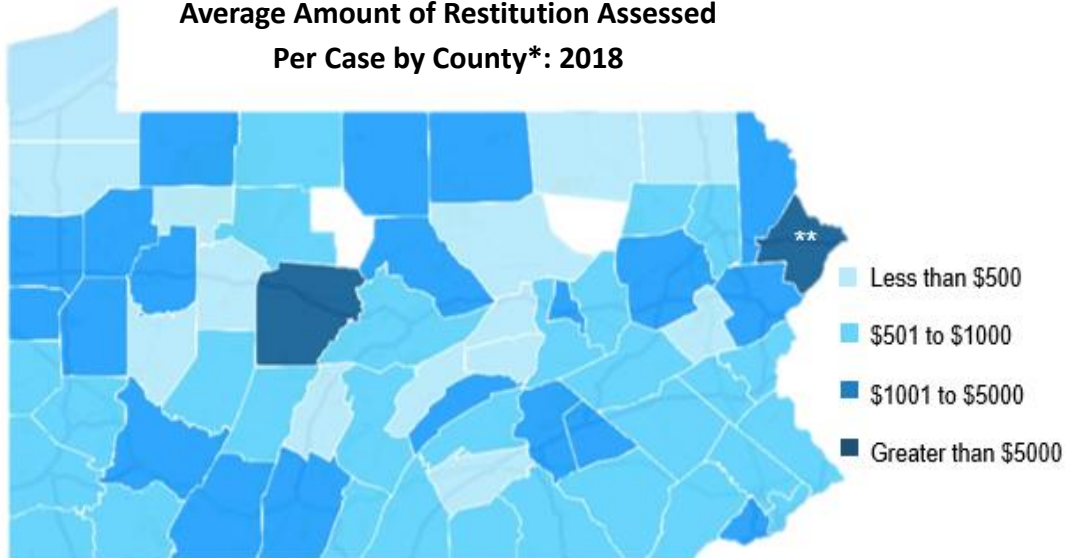
**Average Amount of Fines Assessed  
Per Case by County\*: 2018**



\*Seventeen counties did not impose any fines in 2018.

\*\*Delaware County assessed, on average, the highest amount of fines in 2018 (\$294).

**Average Amount of Restitution Assessed  
Per Case by County\*: 2018**



\*Two counties did not impose any restitution in 2018.

\*\*Pike County assessed, on average, the highest amount of restitution in 2018 (\$13,291).

## Appendix III

### *Financial Obligations by County*

The following charts show the average amount of costs/fees, fines, and restitution assessed to youth in 2009 and 2018. The total amount of obligations assessed are also included.

Average and Total Amount of <u>Costs/Fees</u> Assessed: 2009 & 2018				
County	2009		2018	
	Average Per Docket	Total Assessed	Average Per Docket	Total Assessed
Adams	\$42.68	\$4,652.15	\$129.18	\$16,663.66
Allegheny	\$110.00	\$550.00	\$132.14	\$90,381.64
Armstrong	\$107.74	\$9,696.16	\$280.86	\$16,008.90
Beaver	\$113.65	\$20,457.82	\$221.39	\$37,193.27
Bedford	\$200.03	\$7,001.00	\$672.59	\$34,974.86
Berks	\$288.18	\$1,152.70	\$177.57	\$99,971.48
Blair	\$143.74	\$17,536.69	\$211.14	\$30,615.91
Bradford	\$407.75	\$49,337.30	\$337.59	\$25,319.42
Bucks	\$111.57	\$95,727.33	\$211.17	\$53,214.84
Butler	\$156.06	\$25,281.62	\$173.31	\$11,265.15
Cambria	\$342.61	\$1,370.45	\$177.63	\$37,302.41
Cameron	\$98.20	\$981.97	\$112.45	\$562.25
Carbon	\$205.17	\$17,029.11	\$232.87	\$17,465.11
Centre	\$299.68	\$18,579.85	\$295.10	\$4,426.55
Chester	\$254.64	\$30,301.59	\$197.96	\$95,417.79
Clarion	\$524.12	\$17,819.96	\$532.30	\$19,695.25
Clearfield	\$154.45	\$22,549.50	\$240.32	\$21,628.47
Clinton	\$90.11	\$2,433.00	\$227.85	\$10,936.71
Columbia	\$226.64	\$7,932.25	\$135.59	\$3,525.39
Crawford	\$103.84	\$18,483.07	\$98.29	\$14,842.24
Cumberland	\$85.48	\$1,282.25	\$90.41	\$9,944.80
Dauphin	\$131.27	\$108,687.63	\$193.16	\$57,753.76
Delaware	\$193.05	\$40,732.63	\$146.53	\$137,004.03
Elk	\$59.57	\$2,382.99	\$113.36	\$3,741.03
Erie	\$54.25	\$27,776.80	\$70.24	\$15,241.50
Fayette	\$232.13	\$19,731.12	\$404.01	\$75,549.22
Forest	\$160.00	\$320.00	\$52.82	\$316.92
Franklin	\$147.87	\$42,734.02	\$85.53	\$16,251.47
Fulton	\$152.08	\$1,216.60	\$130.00	\$1,300.00
Greene	\$322.68	\$13,230.00	\$168.93	\$5,067.91
Huntingdon	\$112.13	\$6,055.00	\$216.12	\$16,424.96
Indiana	\$111.09	\$13,997.05	\$190.33	\$18,081.23
Jefferson	\$396.89	\$12,700.50	\$247.38	\$7,668.76
Juniata	\$147.97	\$2,219.50	\$204.71	\$3,889.55
Lackawanna	\$75.00	\$75.00	\$196.24	\$14,521.39

Average and Total Amount of <u>Costs/Fees</u> Assessed: 2009 & 2018				
	2009		2018	
County	Average Per Docket	Total Assessed	Average Per Docket	Total Assessed
Lancaster	\$283.90	\$206,677.00	\$206.37	\$103,599.18
Lawrence	\$64.26	\$10,602.32	\$84.68	\$5,843.25
Lebanon	\$130.66	\$48,215.11	\$362.76	\$43,167.94
Lehigh	\$245.14	\$298,331.39	\$259.86	\$150,719.73
Luzerne	\$418.57	\$122,640.42	\$171.63	\$44,967.84
Lycoming	\$82.42	\$21,923.74	\$60.89	\$11,752.43
McKean	\$53.93	\$2,966.00	\$94.90	\$4,460.24
Mercer	\$128.55	\$24,425.42	\$193.94	\$21,527.80
Mifflin	\$248.91	\$11,449.90	\$287.55	\$15,814.99
Monroe	\$194.67	\$66,967.43	\$194.96	\$42,501.12
Montgomery	\$265.90	\$5,318.00	\$224.12	\$170,553.22
Montour	\$87.23	\$3,576.50	\$122.90	\$2,212.25
Northampton	\$73.56	\$23,979.66	\$96.41	\$14,461.16
Northumberland	\$209.58	\$28,712.50	\$130.61	\$18,024.51
Perry	\$177.54	\$6,568.93	\$169.56	\$4,578.15
Philadelphia	\$38.14	\$71,199.25	\$69.18	\$60,530.48
Pike	\$456.62	\$42,008.77	\$344.10	\$22,710.34
Potter	\$101.26	\$2,531.41	\$56.12	\$617.33
Schuylkill	\$103.90	\$13,506.67	\$126.90	\$22,081.22
Snyder	\$398.02	\$27,065.25	\$376.97	\$25,256.90
Somerset	\$98.75	\$395.00	\$279.10	\$17,304.21
Sullivan	\$93.67	\$562.00	\$240.50	\$240.50
Susquehanna	\$137.95	\$10,760.32	\$142.52	\$1,852.70
Tioga	\$1,273.33	\$3,820.00	\$527.93	\$11,614.38
Union	\$141.61	\$3,257.03	\$225.12	\$2,476.29
Venango	\$153.45	\$14,731.21	\$147.14	\$9,710.98
Warren	\$178.41	\$11,953.41	\$121.66	\$8,759.65
Washington	\$73.04	\$17,165.19	\$159.81	\$35,637.58
Wayne	\$122.70	\$6,134.85	\$213.30	\$5,972.30
Westmoreland	\$159.53	\$67,479.94	\$149.34	\$35,543.01
Wyoming	\$168.51	\$8,593.79	\$229.03	\$8,932.00
York	\$137.03	\$3,425.63	\$152.20	\$120,846.19
<b>Total</b>		<b>\$1,848,958.65</b>		<b>\$2,068,437.70</b>

Average and Total Amount of <u>Fines</u> Assessed: 2009 & 2018				
County	2009		2018	
	Average Per Docket	Total Assessed	Average Per Docket	Total Assessed
Adams	\$150.00	\$1,500.00	\$68.90	\$2,135.95
Allegheny	\$0.00	\$0.00	\$64.13	\$2,950.00
Armstrong	\$59.12	\$4,434.31	\$76.39	\$4,048.45
Beaver	\$0.00	\$0.00	\$0.00	\$0.00
Bedford	\$259.33	\$777.98	\$112.24	\$1,459.13
Berks	\$0.00	\$0.00	\$97.79	\$2,249.21
Blair	\$86.21	\$431.04	\$5.31	\$85.00
Bradford	\$220.83	\$662.50	\$68.63	\$480.40
Bucks	\$50.00	\$50.00	\$62.50	\$125.00
Butler	\$0.00	\$0.00	\$0.00	\$0.00
Cambria	\$10.00	\$10.00	\$250.00	\$250.00
Cameron	\$0.00	\$0.00	\$0.00	\$0.00
Carbon	\$0.00	\$0.00	\$0.00	\$0.00
Centre	\$53.06	\$477.50	\$175.00	\$350.00
Chester	\$0.00	\$0.00	\$23.91	\$550.00
Clarion	\$100.00	\$200.00	\$150.00	\$150.00
Clearfield	\$82.74	\$3,971.50	\$71.46	\$1,857.95
Clinton	\$0.00	\$0.00	\$0.00	\$0.00
Columbia	\$0.00	\$0.00	\$96.77	\$580.61
Crawford	\$169.25	\$29,787.16	\$140.73	\$18,295.45
Cumberland	\$0.00	\$0.00	\$0.00	\$0.00
Dauphin	\$69.96	\$8,045.14	\$82.42	\$7,335.62
Delaware	\$0.00	\$0.00	\$293.95	\$1,175.79
Elk	\$0.00	\$0.00	\$84.59	\$84.59
Erie	\$0.00	\$0.00	\$12.50	\$50.00
Fayette	\$0.00	\$0.00	\$53.77	\$1,290.46
Forest	\$0.00	\$0.00	\$0.00	\$0.00
Franklin	\$126.92	\$1,650.00	\$79.48	\$1,351.17
Fulton	\$95.63	\$765.00	\$166.67	\$500.00
Greene	\$312.50	\$1,250.00	\$73.63	\$1,104.39
Huntingdon	\$0.00	\$0.00	\$99.01	\$2,178.14
Indiana	\$99.65	\$7,473.65	\$126.64	\$4,305.73
Jefferson	\$0.00	\$0.00	\$49.60	\$595.20
Juniata	\$0.00	\$0.00	\$0.00	\$0.00
Lackawanna	\$0.00	\$0.00	\$67.90	\$882.66

Average and Total Amount of <u>Fines</u> Assessed: 2009 & 2018				
	2009		2018	
County	Average Per Docket	Total Assessed	Average Per Docket	Total Assessed
Lancaster	\$117.76	\$2,590.82	\$73.34	\$4,327.29
Lawrence	\$0.00	\$0.00	\$100.00	\$500.00
Lebanon	\$90.17	\$9,377.26	\$56.00	\$1,008.06
Lehigh	\$230.62	\$146,445.85	\$97.24	\$27,517.66
Luzerne	\$125.93	\$1,763.08	\$2.08	\$50.00
Lycoming	\$0.00	\$0.00	\$47.80	\$717.00
McKean	\$100.00	\$300.00	\$35.20	\$1,055.89
Mercer	\$112.37	\$1,797.93	\$61.08	\$244.30
Mifflin	\$250.00	\$250.00	\$287.50	\$1,150.00
Monroe	\$162.38	\$5,845.81	\$200.00	\$1,600.00
Montgomery	\$0.00	\$0.00	\$0.00	\$0.00
Montour	\$0.00	\$0.00	\$70.83	\$212.50
Northampton	\$0.00	\$0.00	\$0.00	\$0.00
Northumberland	\$0.00	\$0.00	\$42.86	\$300.00
Perry	\$112.50	\$337.50	\$0.00	\$0.00
Philadelphia	\$0.00	\$0.00	\$0.00	\$0.00
Pike	\$195.52	\$13,100.00	\$57.98	\$2,377.11
Potter	\$61.16	\$428.09	\$125.00	\$250.00
Schuylkill	\$64.58	\$387.50	\$103.45	\$3,310.36
Snyder	\$125.75	\$1,886.22	\$149.64	\$5,985.73
Somerset	\$0.00	\$0.00	\$0.00	\$0.00
Sullivan	\$50.00	\$50.00	\$0.00	\$0.00
Susquehanna	\$54.60	\$382.17	\$46.25	\$185.00
Tioga	\$0.00	\$0.00	\$17.50	\$35.00
Union	\$0.00	\$0.00	\$275.00	\$550.00
Venango	\$0.00	\$0.00	\$150.00	\$300.00
Warren	\$0.00	\$0.00	\$0.00	\$0.00
Washington	\$165.25	\$495.75	\$48.09	\$577.13
Wayne	\$112.18	\$224.35	\$36.48	\$109.45
Westmoreland	\$86.76	\$10,323.93	\$81.02	\$1,458.29
Wyoming	\$0.00	\$0.00	\$0.00	\$0.00
York	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total</b>		<b>\$257,472.04</b>		<b>\$110,241.67</b>

Average and Total Amount of Restitution Assessed: 2009 & 2018				
County	2009		2018	
	Average Per Docket	Total Assessed	Average Per Docket	Total Assessed
Adams	\$476.95	\$22,416.85	\$947.00	\$12,310.45
Allegheny	\$3,481.97	\$13,927.87	\$677.70	\$157,233.46
Armstrong	\$638.91	\$13,417.21	\$265.00	\$1,854.84
Beaver	\$501.75	\$33,617.29	\$612.20	\$21,427.65
Bedford	\$440.87	\$7,935.66	\$1,792.20	\$7,169.00
Berks	\$404.95	\$1,214.84	\$869.20	\$98,219.34
Blair	\$1,056.22	\$52,811.22	\$365.80	\$4,755.85
Bradford	\$1,236.06	\$25,957.31	\$219.60	\$1,097.87
Bucks	\$392.56	\$34,938.00	\$863.70	\$48,368.42
Butler	\$1,022.61	\$44,994.86	\$1,003.10	\$25,077.21
Cambria	\$3,471.15	\$6,942.29	\$683.30	\$22,550.49
Cameron	\$75.00	\$75.00	\$0.00	\$0.00
Carbon	\$499.34	\$15,479.41	\$499.30	\$8,487.56
Centre	\$1,482.40	\$56,331.19	\$587.90	\$4,115.58
Chester	\$1,212.66	\$19,402.60	\$605.30	\$43,580.31
Clarion	\$2,367.46	\$47,349.10	\$1,483.10	\$10,381.83
Clearfield	\$544.41	\$31,575.82	\$10,563.60	\$137,326.78
Clinton	\$330.28	\$2,642.20	\$1,048.50	\$3,145.40
Columbia	\$810.63	\$15,402.00	\$788.10	\$5,516.53
Crawford	\$849.26	\$50,955.33	\$386.70	\$5,443.27
Cumberland	\$467.92	\$2,807.49	\$458.30	\$16,040.08
Dauphin	\$710.69	\$102,338.83	\$1,022.80	\$105,349.02
Delaware	\$1,632.36	\$57,132.50	\$1,612.50	\$295,078.44
Elk	\$984.23	\$12,794.96	\$561.50	\$3,369.25
Erie	\$1,002.98	\$206,613.45	\$446.30	\$30,348.89
Fayette	\$2,150.56	\$53,763.90	\$669.80	\$41,527.03
Forest	\$80.00	\$80.00	\$117.80	\$117.79
Franklin	\$1,088.45	\$62,041.90	\$981.70	\$38,286.83
Fulton	\$600.10	\$2,400.38	\$573.00	\$1,145.98
Greene	\$2,683.26	\$29,515.83	\$799.70	\$3,198.85
Huntingdon	\$631.21	\$10,730.50	\$676.30	\$16,230.05
Indiana	\$257.28	\$7,461.02	\$579.60	\$7,534.28
Jefferson	\$3,914.92	\$27,404.42	\$460.30	\$920.50
Juniata	\$276.02	\$828.05	\$4,497.50	\$8,995.00
Lackawanna	\$0.00	\$0.00	\$774.40	\$8,518.13
Lancaster	\$968.73	\$118,184.65	\$905.80	\$129,529.13
Lawrence	\$1,002.19	\$53,115.87	\$1,111.50	\$10,003.85
Lebanon	\$835.86	\$97,795.06	\$4,284.70	\$154,249.22

Average and Total Amount of <u>Restitution</u> Assessed: 2009 & 2018				
	2009		2018	
County	Average Per Docket	Total Assessed	Average Per Docket	Total Assessed
Lehigh	\$1,754.51	\$319,320.02	\$815.50	\$81,554.80
Luzerne	\$516.36	\$50,086.91	\$1,185.00	\$30,809.47
Lycoming	\$695.67	\$42,436.14	\$386.70	\$13,921.66
McKean	\$1,292.84	\$28,442.43	\$601.80	\$6,619.63
Mercer	\$2,087.00	\$112,698.08	\$1,093.40	\$22,961.05
Mifflin	\$1,393.23	\$27,864.65	\$489.40	\$4,893.71
Monroe	\$1,462.24	\$92,121.20	\$1,072.70	\$26,817.71
Montgomery	\$1,483.15	\$5,932.61	\$634.20	\$70,398.00
Montour	\$1,560.97	\$24,975.59	\$1,077.60	\$2,155.20
Northampton	\$500.91	\$47,085.33	\$555.50	\$32,217.03
Northumberland	\$919.81	\$33,113.18	\$627.40	\$13,802.10
Perry	\$596.03	\$8,344.44	\$594.50	\$5,350.87
Philadelphia	\$601.65	\$257,507.54	\$563.40	\$145,932.79
Pike	\$1,346.70	\$32,320.71	\$13,291.10	\$93,037.74
Potter	\$2,887.92	\$20,215.42	\$2,867.40	\$5,734.70
Schuylkill	\$702.93	\$42,175.96	\$616.20	\$12,324.47
Snyder	\$560.90	\$8,974.47	\$153.00	\$153.00
Somerset	\$1,598.12	\$4,794.37	\$4,761.10	\$71,416.55
Sullivan	\$237.24	\$474.47	\$0.00	\$0.00
Susquehanna	\$475.24	\$9,504.78	\$333.30	\$1,000.02
Tioga	\$3,060.00	\$3,060.00	\$2,027.40	\$14,192.05
Union	\$516.14	\$6,193.73	\$219.30	\$438.59
Venango	\$1,182.84	\$34,302.47	\$1,773.50	\$10,641.16
Warren	\$906.61	\$14,505.78	\$1,104.30	\$13,251.55
Washington	\$1,632.74	\$142,048.77	\$923.00	\$30,458.17
Wayne	\$669.22	\$14,053.56	\$1,389.80	\$11,118.26
Westmoreland	\$792.80	\$99,099.78	\$1,059.60	\$47,683.94
Wyoming	\$280.14	\$3,361.65	\$756.80	\$4,540.86
York	\$1,533.99	\$18,407.86	\$503.90	\$74,077.45
<b>Total</b>		<b>\$2,845,816.76</b>		<b>\$2,336,006.69</b>

## Appendix IV

### Data Sources and Methods

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The analysis in this report relies on data on Pennsylvania youth who are spread across a series of local, state, and national systems and agencies. The sources include data from police, probation departments, courts, and schools. Utilizing data from an array of sources allowed for a more comprehensive and nuanced analysis of youth moving through the system than one data set alone could provide.

#### Juvenile Probation Data

*The Pennsylvania Juvenile Case Management System (PaJCMS)*

The Juvenile Court Judges' Commission (JCJC) maintains the Pennsylvania Juvenile Case Management System (PaJCMS), a centralized statistical database. All juvenile probation departments in the state are responsible for collecting and entering data into the PaJCMS about youth who come into contact with the juvenile justice system.

The PaJCMS was the primary data source used for analyses. Five distinct datasets were utilized: written allegations, secure detention, case outcomes (which included: dismissed/withdrawn, pre-petition diversion, consent decree, probation, and placement), residential placement, and transfer to criminal court. Ten years (2009-2018) of de-identified, individual-level statewide data were available for analysis from each dataset, with the exception of secure detention (2019 only) and transfer to criminal court (2009-2019).

For each dataset, demographic data, offense data, and Youth Level of Service (YLS) data were analyzed. Unless otherwise noted, any data element analyzed was available for at least 90% of the cases.

#### Demographics

Race, ethnicity, gender, and age were included in every analysis completed for the Task Force, except where noted. While race and ethnicity are captured as separate fields in the PaJCMS, these two measures were combined into categories consistent with JCJC's reporting, as follows: Asian Non-Hispanic, Black Non-Hispanic, Hispanic, Other Non-Hispanic, and White Non-Hispanic. Gender is recorded as either male or female in the PaJCMS.

#### Offenses

The PaJCMS tracks offense details for every case processed by juvenile probation departments. Both alleged and, where applicable, substantiated offenses are collected. The PaJCMS ranks every charge according to severity level, from most severe (e.g., murder) to least severe (e.g., violation of a local ordinance). This ranking system takes into account the offense grading (misdemeanor, felony) and the offense type (person, property, drug, public order/other). For example, felony against-person offenses are ranked higher than misdemeanor drug offenses. If multiple charges were associated with a single written allegation, the most serious offense was identified using this ranking system.



### Youth Level of Service (YLS)

The Youth Level of Service (YLS) is a validated risk/needs assessment tool widely used by the 67 probation departments in the state, with the results entered into the PaJCMS. This dataset was used to analyze the overall assessed risk levels of youth (low, moderate, high, very high) and criminogenic needs.

### Length of Supervision

Length of supervision was calculated as two distinct measures. First, total length of pre-petition diversion, consent decree, and probation supervision were calculated as the difference between the date of the case outcome (e.g., the probation disposition date) and the date the youth was closed out from the juvenile probation department at the conclusion of their case.

Second, total length of juvenile court supervision was calculated as the difference between the date the youth's written allegation was received by the juvenile probation department and the date the youth's case was closed out from the juvenile probation department.

### Length of Stay

Length of stay in secure detention and residential placement were calculated two separate ways: length of stay for a single admission (calculated from admission date to release date) and cumulative length of stay out of home (the sum of each individual admission) for while the youth was under supervision for that case.

### Data Limitations

It is important to note the limitations to the PaJCMS datasets, in addition to those already described. First, because the state does not require it, information on the following is widely unavailable or incomplete:

- Prior or ongoing child welfare involvement
- Referral source (i.e. whether referrals come from schools, child welfare, etc.)
- Technical violations of probation
- Reasons for placing a youth and releasing a youth from placement
- Aftercare services

Second, prior to 2015 when cases were expunged by the court, the state deleted all identifying information pertaining to the case from the PaJCMS, so those cases were not available for analysis.<sup>5</sup> Since 2015, data from expunged cases remain in the PaJCMS and are therefore included in respective analyses.

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<sup>5</sup> Analyses indicate that 25% of dismissed/withdrawn cases, 24% of pre-petition diversion and consent decree cases, and less than 5% of adjudicated cases are expunged.

## Court Data

### *Common Pleas Case Management System (CPCMS)*

The Administrative Office of Pennsylvania Courts (AOPC) maintains the statewide Common Pleas Case Management System (CPCMS). The CPCMS is the state's central electronic repository for court records in civil, magisterial district court, and criminal cases. All courts across the state report to CPCMS.

The CPCMS was used to analyze data related to magisterial district courts, youth prosecuted as adults, and financial obligations (fines, fees, and restitution) imposed against youth. Ten years (2009-2018) of de-identified, individual-level<sup>6</sup> statewide data were available for analysis for each dataset, with an additional year (2019) available for adult prosecution.

Offense details are collected in the CPCMS in a nearly identical way as offense details in the PaJCMS, so JCJC's ranking system was utilized to determine the most serious charge, when appropriate.

Demographic fields are available and captured in the CPCMS as well. Race and ethnicity are captured as separate fields, but were combined together to match the JCJC's descriptions. When date of birth was available, age was calculated. Gender was captured as either male or female.

Unless otherwise noted, any data element analyzed was available for at least 90% of the cases.

### Magisterial District Courts

The CPCMS was utilized to determine the most common offenses for which youth receive citations to these minor courts. Demographic data on this population were largely missing from this dataset, so race, ethnicity, gender, and age were excluded from any analyses.

### Adult Prosecution and Decertification

The CPCMS was utilized to determine the final outcomes (dismissed/withdrawn, not guilty, guilty/pled guilty) and sentences of youth who were either transferred from juvenile court or direct filed. If more than one sentence was imposed for a case, the most serious sentencing option was analyzed using the following ranking structure: confinement, probation, intermediate punishment, and no further penalty.

### Financial Obligations

In Pennsylvania, youth involved with the juvenile justice system can receive three types of financial obligations: fines, fees, and restitution. The CPCMS has the capacity to capture information on financial assessments, youth payments, and judicial adjustments/waivers of financial obligations, but only financial assessment data were complete enough for analysis. These data points were used to calculate the average amount of financial obligations assessed against youth as well as statewide total amounts assessed.

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<sup>6</sup> Decertified cases are sealed by the AOPC, so individual-level details were unavailable for analysis. Aggregated yearly counts for decertified cases were provided.

The CPCMS also does not consistently identify which assessed financial obligations are statutorily required and which are county-specific, nor does the system consistently track where the collected money goes.

### Data Limitations

It is important to note the limitations to the AOPC datasets, in addition to those already described. First, the PaJCMS and the CPCMS systems do not communicate with one another, so there is no ability to track individual-level outcomes of youth who move from one system to another (e.g., youth transferred from juvenile court to criminal court for prosecution). Instead, these outcomes were analyzed in the aggregate. Second, the AOPC does not make available any data for expunged cases.

## **Juvenile Justice Funding**

*Department of Human Services (DHS)' Office of Children, Youth, and Families (OCYF) Bureau of Budget and Fiscal Support*

In Pennsylvania, most juvenile justice funding is provided by the DHS' Office of Children, Youth, and Families through the Needs-Based Budget. Delinquency funding is separated into three distinct categories: In-Home, Community-Based Placement, and Institutional Placement. Funding for residential placements at the state-run Youth Development Centers (YDCs) and Youth Forestry Camps (YFCs) is also provided by DHS.

Five fiscal years (FY 2014-2015 to FY 2018-2019)<sup>7</sup> of financial information were analyzed to determine how much the state spent on juvenile justice. These data were used to calculate the total dollar amount spent by the state on in-home/community-based services and out-of-home placement services. Per diem (daily) costs to the state were also calculated based on the total number of children served and total days of care available in the fiscal dataset.

## **Education Data**

*Pennsylvania Information Management System (PIMS)*

The Pennsylvania Department of Education (PDE) maintains the Pennsylvania Information Management System (PIMS), a statewide longitudinal data system used by schools in the state. A module within the system captures individual-level, school-based incident and discipline data. Ten years (2010-2019) of PIMS data was used to examine infraction details, school-based notification of law enforcement for infractions and arrests, and incident-specific demographic information. A small portion of law enforcement notifications (3%) included multiple infractions for each youth. In those instances, a single infraction was identified for analysis, based on a ranking of each offense. Law enforcement referral rates were calculated as the number of referrals for every 10,000 students enrolled in public schools.<sup>8</sup>

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<sup>7</sup> These figures include amounts spent on juvenile justice by the state only. Costs to counties (e.g., certain community-based programs) and expenses funded outside of the Needs-Based Budget (e.g., education in residential facilities) are not included here.

<sup>8</sup> Enrollment data are accessible at: [Public School Enrollment Reports \(pa.gov\)](https://www.pde.pa.gov/Reports-and-Data/Reports/Pages/Public-School-Enrollment-Reports.aspx)

## *Civil Rights Data Collection (CRDC)*

The Civil Rights Data Collection (CRDC) is a biennial survey completed by the Office for Civil Rights in partnership with the U.S. Department of Education that is designed to collect data from nearly all public local educational agencies (LEA) and schools, including juvenile justice facilities, charter schools, and alternative schools. The 2015-2016<sup>9</sup> school year CRDC survey results were reviewed to compare Pennsylvania's trends in school-based notification of law enforcement and arrests against the national landscape.

### **Juvenile Arrest Data**

The Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program<sup>10</sup> tracks arrests for 28 different types of crimes from law enforcement agencies across the country. This public dataset, which includes only aggregate figures, was used to track juvenile arrest trends from 2009-2018, including the top crimes leading to arrest. No demographic details were utilized from this dataset. UCR's categories for defining and ranking offenses, which are different from the JJC's, were used when analyzing this dataset. The arrest rate was calculated as the number of arrests per 100,000 youth residents.

### **Juvenile Population Data**

The U.S. Census Bureau releases annual resident population estimates at the state and county level by race, ethnicity, age, and sex. The population estimates are for July 1 of each year and are based on census counts. An online database of these population estimates, created by the National Center for Health Statistics, is publicly available and was used in this report.<sup>11</sup>

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## **Residential Placement Population Projections**

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Part of the Task Force's charge was to consider recommendations that would achieve savings and establish sustained reinvestment resources. To inform the Task Force on the potential impact of its policy recommendations, models were developed to forecast Pennsylvania's youth residential placement population over five years, with or without the adoption of the Task Force's recommendations. These projections rely primarily on residential placement trends, though data on pre-petition diversion, transfer to criminal court, and adult prosecution, all described previously, were included as well.

### **Baseline and Policy Impacts**

To forecast future residential placement populations, the model relies on the most recently available data on youth entering placements (admissions) and how long they stay in placement (length of stay), as well as the youth already in placement (the stock population) and their remaining length of stay.

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<sup>9</sup> At the time of analysis, the 2015-2016 school year was the most recent dataset available. These data are accessible at [Civil Rights Data Collection \(ed.gov\)](https://ed.gov/civil-rights-data-collection).

<sup>10</sup> The data are accessible at <https://ucr.fbi.gov/crime-in-the-u.s.>

<sup>11</sup> The data are accessible at <https://wonder.cdc.gov/>.

Before considering the impact of specific policy changes on the residential placement population, a “baseline projection” was developed of Pennsylvania’s residential placement population over the next five years, assuming no changes in policy or practice. This projected population reflects recent trends in admissions and length of stay, namely the growth or reduction seen over the past five years.

Because of the COVID-19 pandemic, individual-level data from 2020 was not available for analysis, so the model utilizes data from 2019 as the basis for future cohorts in the projections. However, over the course of 2020, the residential placement population declined substantially and this projection assumes this reduction will be sustained. Accordingly, the model uses the residential placement population on January 1, 2021 as the starting point for the projection.

After formulating a baseline, a projection was developed for the placement population to demonstrate the impact of adopting and implementing the policies and practices recommended by the Task Force. Because the projection is built on historical, individual-level data, youth flowing through the model were excluded or manipulated based on the characteristics of each policy. If youth who would be impacted by certain policies were not represented in the historical data, they were imputed into the model based on other data sources. For example, data on youth in the adult system was used to model the increase in youth admitted to placement stemming from the elimination of direct file.

The following recommendations were included in the projection:

- Admission to residential placement
- Presumptive length of stay in residential placement
- Narrowing adult prosecution
- Expanding pre-petition diversion
- Raising the minimum age of jurisdiction
- Elimination of the juvenile court’s jurisdiction over contempt ordered by a magisterial district judge for failure to pay a fine related to a summary offense

The projection of the residential placement population that assumes adoption of the Task Force’s policy recommendations includes all of the applicable policies modeled together (See Figure 1). Some policies have overlapping or additive effects and, thus, would not equal the sum of each policy recommendation modeled individually.

## **Fiscal Impact**

Averted state costs were calculated by comparing the baseline projection to the residential population projection with the Task Force’s recommendations over a five-year period. The sum difference between the two populations was multiplied by the state’s daily costs associated with a single youth in placement.

The state’s daily cost included the per diem costs of privately-run facilities and the state’s share of the estimated marginal daily cost for state-run facilities. According to financial data from DHS from FY 2018-

2019, the average daily cost per child for private facilities<sup>12</sup> was \$187. For state-run facilities, the state's share of the marginal daily cost was calculated using a conservative percentage of the actual per diem, resulting in \$7 per child.<sup>13</sup>

Costs averted were calculated based solely on changes to the residential placement population and do not include any costs related to policy implementation. Additionally, costs averted are calculated based on the state's expenditures; it is likely that additional costs will be averted at the local level as well, which are not accounted for here.

### **Conservative Assumptions**

The policy impact projection includes only those recommendations that can reliably be measured and expected to have an effect on residential placement. Some Task Force recommendations, like reinvesting savings into the front-end of the juvenile justice system, expanding school-based diversion, or investing in indigent defense, will likely result in additional reductions to the placement population, but they are not specifically accounted for in these projections.

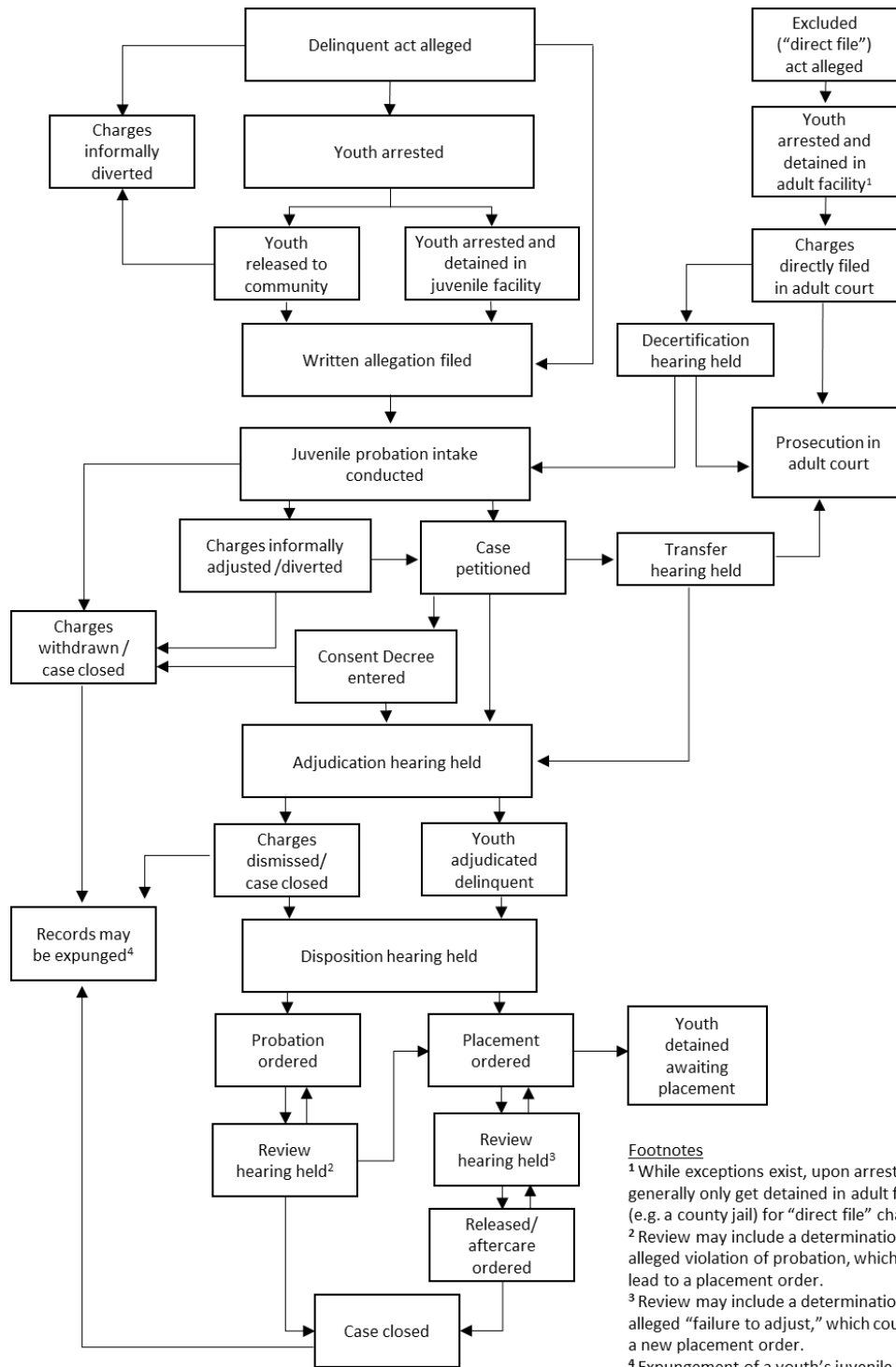
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<sup>12</sup> Each privately-operated facility in Pennsylvania that accepts delinquent youth must be licensed by DHS. Each licensed facility is designated by a service type. The following licensed service types were included in this analysis: Community Residential – Delinquent, Supervised Independent Living – Delinquent, Residential Services – Delinquent, and Secure Residential Services. The state-run YDCs and YFCs, though not licensed in the same way as the privately-operated facilities, were included in this analysis as well.

<sup>13</sup> Due to the funding structure of the state-run facilities, average per diem costs were not appropriate for projecting fiscal impacts. Instead, marginal costs, which offer a more conservative estimate of true costs averted from policy changes, were utilized.

# Appendix V

## System Flowchart



**Footnotes**

<sup>1</sup> While exceptions exist, upon arrest, youth generally only get detained in adult facilities (e.g. a county jail) for “direct file” charges.

<sup>2</sup> Review may include a determination on an alleged violation of probation, which could lead to a placement order.

<sup>3</sup> Review may include a determination on an alleged “failure to adjust,” which could lead to a new placement order.

<sup>4</sup> Expungement of a youth’s juvenile record is not automatic, and the conditions and waiting periods vary by case outcome.

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<sup>i</sup> 42 Pa.C.S. § 6301b

<sup>ii</sup> *OJJDP Statistical Briefing Book*. Online. Available: <https://www.ojjdp.gov/ojstatbb/corrections/qa08601.asp?qaDate=2017>. Released on October 31, 2019.

<sup>iii</sup> Unless otherwise cited, all data analyses in this report were conducted by The Pew Charitable Trusts and the Crime and Justice Institute at Community Resources for Justice using data provided by the Juvenile Court Judges' Commission, the Administrative Office of the Courts, the Department of Education, and the Department of Human Services. See Appendix III.

<sup>iv</sup> [Dr. Ed Mulvey, Presentation to the Pennsylvania Juvenile Justice Task Force, February 24, 2021.](#)

<sup>v</sup> Dr. Elizabeth Cauffman, Presentation to the Pennsylvania Juvenile Justice Task Force, October 14, 2020.

<sup>vi</sup> *Ibid.* See also: Cauffman, E., Beardslee, J., Fine, A., Frick, P.J., & Steinberg, L. (in press). Crossroads in juvenile justice: The impact of initial processing decision on youth five years after first arrest. *Development and Psychopathology*.

<sup>vii</sup> Among kids charged in juvenile court for contempt from MDJ for nonpayment, 77% receive pre-petition diversion, but 13% remain under court supervision until aging out at age 21. Black Non-Hispanic youth were the most likely to be in this group, making up 31% of cases of contempt from MDJ for nonpayment but 57% of youth who remained under court supervision until age 21 for that offense.

<sup>viii</sup> See Appendix Z in the [PIMS User Manual – Volume 2](#).

<sup>ix</sup> Goldstein, N.E.S., Cole, L. M., Houck, M., Haney-Caron, E., Brooks Holliday, S., Kreimer, R., & Bethel, K. (2019). Dismantling the school-to-prison pipeline: The Philadelphia police school diversion program. *Children and Youth Services Review*, 101, 61-69.

<sup>x</sup> Dr. Elizabeth Cauffman, Presentation to the Pennsylvania Juvenile Justice Task Force, October 14, 2020.

<sup>xi</sup> Cauffman, E., Beardslee, J., Fine, A., Frick, P.J., & Steinberg, L. (in press). Crossroads in juvenile justice: The impact of initial processing decision on youth five years after first arrest. *Development and Psychopathology*.

<sup>xii</sup> Wilson, H., & Hoge, R. (2013). The effect of youth diversion programs on recidivism. *Criminal Justice and Behavior*, 40, 497-518; Petrosino A., Turpin-Petrosino C., & Guckenburg, S. (2010). Formal system processing of juveniles: Effects on delinquency. *Campbell Systematic Reviews*, 1; Gatti, U., Tremblay, R. E., & Vitaro, F. (2009). Iatrogenic effect of juvenile justice. *Journal of Child Psychology and Psychiatry*, 50(8), 991–998.

<sup>xiii</sup> *Achieving Our Balanced and Restorative Justice Mission Through Evidence-Based Policy and Practice*, April 2012.

<sup>xiv</sup> [Pennsylvania Juvenile Delinquency Benchmark](#)

<sup>xv</sup> Diversion prior to petition can take many forms. Informal adjustment is typically an agreement that the youth will comply with a set of conditions such as community service or writing a letter of apology over a period of no more than six months, with a possible three-month extension. Other diversion prior to petition can include youth aid panels that involve an interdisciplinary group of local stakeholders; youth courts wherein other youth decide a punishment for an alleged offenses in lieu of charging them in juvenile court; or victim-offender mediation, a process where a victim and the youth alleged to have committed the crime meet and resolve the issue through restorative justice practices.

<sup>xvi</sup> Loughran, T. A., Mulvey, E. P., Schubert, C. A., Fagan, J., Piquero, A. R., & Losoya, S. H. (2009). Estimating a dose-response relationship between length of stay and future recidivism in serious juvenile offenders. *Criminology*, 47, 669-740; National Research Council. (2013). *Reforming juvenile justice: A developmental approach*. Washington, DC: The National Academies Press.

<sup>xvii</sup> [Dr. Edward Mulvey, Presentation to the Pennsylvania Juvenile Justice Task Force, February 24, 2021.](#)

<sup>xviii</sup> National Research Council. (2013). *Reforming juvenile justice: A developmental approach*. Washington, DC: The National Academies Press.

<sup>xix</sup> Vieira, T. A., Skilling, T. A., & Peterson-Badali, M. (2009). Matching court-ordered services with treatment needs. *Criminal Justice and Behavior*, 36(4), 385–401; Bonta, J. & Andrews, D. A. (2007). Risk-need-responsivity model for offender assessment and rehabilitation. *Public Safety Canada*, 1-19.

<sup>xx</sup> 42 Pa.C.S. § 6352

<sup>xxi</sup> 42 Pa.C.S. § 6301; 42 Pa.C.S. § 6352; Pa.R.J.C.P. 512; Pa.R.J.C.P. 515

<sup>xxii</sup> The Task Force investigated whether the population of youth sent to placement who score low risk is driven by sex offenses. In fact, the profile of these youth is similar to the population sent to placement as a whole, with only a slightly larger share of sex offenses. Seven of the top ten offenses leading youth who score low risk to placement are misdemeanors, and just one is a sex offense.

<sup>xxiii</sup> JJC does not specifically track which youth are removed from home for technical violations.

<sup>xxiv</sup> [Dr. Edward Mulvey, Presentation to the Pennsylvania Juvenile Justice Task Force, February 24, 2021](#); Loughran, T. A., Mulvey, E. P., Schubert, C. A., Fagan, J., Piquero, A. R., & Losoya, S. H. (2009). Estimating a dose-response relationship between length of stay and future recidivism in serious juvenile offenders. *Criminology*, 47, 669-740.

<sup>xxv</sup> [Dr. Edward Mulvey, Presentation to the Pennsylvania Juvenile Justice Task Force, February 24, 2021.](#)

<sup>xxvi</sup> Baldwin, S. A., Christian, S., Berkeljon, A., & Shadish, W. R. (2012). The effects of family therapies for adolescent delinquency and substance abuse: A meta-analysis. *Journal of Marital & Family Therapy*, 38(1), 281-304; Borduin, C. M., Schaeffer, C. M., & Heiblum, N. (2009). A randomized clinical trial of multisystemic therapy with juvenile sexual offenders: Effects on youth social ecology and criminal activity. *Journal of Consulting and Clinical Psychology*, 77(1), 26-37; Farrington, D. P. & Welsh, B. C. (2003). Family-based prevention of offending: A meta-analysis. *Australian and New Zealand Journal of Criminology*, 36(1), 127-151; Tanner-Smith, E. E., Wilson, S. J., & Lipsey, M. W. (2013). The comparative effectiveness of outpatient treatment for adolescent substance abuse: A meta-analysis. *Journal of Substance Abuse Treatment*, 44(2), 145–158.

<sup>xxvii</sup> [2019 Pennsylvania Juvenile Justice and Delinquency Prevention Plan](#)

<sup>xxviii</sup> Loughran, T. A., Mulvey, E. P., Schubert, C. A., Chassin, L., Steinberg, L., Piquero, A. R., Cota-Robles, S., Fagan, J., Cauffman, E., & Losoya, S. H. (2010). Differential effects of adult court transfer on juvenile offender recidivism. *Law and Human Behavior*, 34(6), 476–488; Johnson, K., Lanza-Kaduce, L., & Woolard, J. (2011). Disregarding graduated treatment: Why transfer aggravates recidivism. *Crime & Delinquency*, 57(5), 756-777.

<sup>xxix</sup> Redding, R. E. (2008). *Juvenile transfer laws: An effective deterrent to delinquency?* Juvenile Justice Bulletin, Office of Juvenile Justice and Delinquency Prevention. Washington, DC.