Pennsylvania Juvenile Justice Task Force

Rules for Today’s Virtual Meeting

• Please keep your line muted if you are not speaking.
• We encourage Task Force members to ask questions or make comments directly during today’s meeting, though please also feel free to use the chat box.
• Members of the public may sign up to testify after each Task Force meeting through the website:
  – http://www.pacourts.us/pa-juvenile-justice-task-force
Agenda

- Welcome and updates on stakeholder input (co-chairs)
- Education data analysis and discussion (Pew)
- Research presentation and discussion (Dr. Cauffman)
- Next steps (co-chairs)
- Public testimony (5:00-6:00pm)

Stakeholder Input

Completed Roundtables | Date
--- | ---
✔ Dually-Adjudicated Youth | Aug. 24
✔ Crime Victim/Survivors | Aug. 25
✔ Crime Victim/Survivors | Aug. 27
✔ Restorative Justice | Sept. 3
✔ Service Providers | Sept. 10
✔ Service Providers | Sept. 14
✔ Judges | Sept. 16
✔ BJJS Facility Staff | Sept. 17
✔ Defense Attorneys | Sept. 21
✔ BJJS Facility Staff | Sept. 22
✔ Advocates | Sept. 22
✔ Advocates | Sept. 23
✔ Education Stakeholders | Sept. 23
✔ Education Stakeholders | Sept. 24
✔ JISES Leadership Team | Sept. 25
✔ County Commissioners | Sept. 29

Completed Roundtables | Date
--- | ---
✔ Probation Officers | Oct. 6
✔ Probation Officers | Oct. 7
✔ District Attorneys | Oct. 7
✔ Law Enforcement | Oct. 7
✔ District Attorneys | Oct. 8
✔ JJ-Involved Youth | Oct. 8

Upcoming Roundtables | Date
--- | ---
☐ Defense Attorneys | Oct. 23
☐ Law Enforcement | Oct. 29
☐ JJ-Involved Youth | Nov. 10
☐ Family Members | Nov. 13
☐ Child Welfare Staff | TBD
☐ Northeastern Pennsylvania | TBD
☐ BJJS Facility Youth | TBD
☐ Advocates | TBD
Juvenile Justice System Structure (Scope of Presentations)

- **Education & Research**
  - October 14th Presentation

- **Follow-Up Data Analysis**
  - Date/Time To Be Determined
Policies influencing schools’ law enforcement referrals are guided by both state and local entities

Pennsylvania Department of Education (PDE)
- Administers state and federal statute and regulations affecting Pennsylvania’s public, private, and non-public schools, which include state juvenile correctional institutions
- Develops and adopts policies that impact all public and non-public entities that provide education to students

PDE, Office of Safe Schools
- Coordinates school safety programs
- Collects and publishes annual school violence statistics
- Contributes to development of education policies and strategies
- Administers grants that help fund school safety programs

Pennsylvania State Board of Education
- Reviews and adopts regulations that govern educational policies and principles and establishes standards governing the educational programs of the Commonwealth.
- Receives and administers federal grants, appropriations and program allocations

Pennsylvania Commission on Crime and Delinquency
- Administers school safety grants
- Assesses training requirements for school security personnel
- Submits annual school safety report to legislature

Pennsylvania State Police
- Assesses the training requirements for all school security personnel

Local School Districts*
- Adopts policies for the operation of districts, including district-wide discipline policies and codes of conduct
- Administers memorandum of understanding with local law enforcement

Individual School
- Each charter school must – and public schools may – publish student school code of conduct
- Responsible for implementing state and local discipline guidance in statute, regulation, MOU agreements, student codes of conduct, including notifying law enforcement when necessary

*Other actors/organizations that may influence school policy regarding schools, law enforcement, and the courts:
Pennsylvania Association of School Administrators (PASA), Keystone Teachers Association (KEYTA), PTA, Pennsylvania Education Association (PESA), Students, Parents, Teachers

Schools have various tools they may use to respond to youth behavior without implicating law enforcement or the courts

Student Behavior

School-based interventions
- Restorative justice community-building circles and restorative practice methods
- Goal setting and self-monitoring
- Loss of privileges
- Positive Behavioral Intervention Support
- Detention or in-school suspension
- Referral to student support teams or school social worker
- Behavior modification plans
- Referral to substance abuse counseling
- Referral to IEP team or 504 teams

Exclusionary Discipline (Suspension and Expulsion)

Law Enforcement Notification

Safe School Act and local MOUs with law enforcement govern law enforcement notification

May be coupled with law enforcement notification
State law requires schools to notify law enforcement for certain youth behaviors

**Schools MUST notify law enforcement**
- Prohibited offensive weapon and weapon possessed on school property**
- Criminal homicide
- Aggravated assault
- Stalking
- Kidnapping and unlawful restraint
- Rape, sexual assault, statutory sexual assault, involuntary deviate sexual intercourse, institutional sexual assault, aggravated indecent assault
- Arson
- Institutional vandalism (F3)
- Possession, use or sale of a controlled substance or drug paraphernalia

**Schools MAY notify law enforcement**
- Disorderly conduct and failure of disorderly person to disperse
- Simple assault and recklessly endangering another person
- Terroristic threats and harassment
- Indecent exposure
- Institutional vandalism (M2)
- Criminal trespassing
- Theft
- Sale or use of tobacco
- Purchase, consumption, possession, or transport of alcoholic beverages

Once notified, law enforcement has discretion to investigate and file charges.

24 P.S. § 1303-A(b)(4.1); 22 Pa. Code 10.21

*Local school entities may make law enforcement notification mandatory for additional offenses
**State law requires a 1+ year expulsion in addition to law enforcement notification

While state law does not require law enforcement involvement for specific alleged behaviors, local policy may

<table>
<thead>
<tr>
<th>Disorderly Conduct at school*</th>
<th>School District</th>
<th>Mandatory law enforcement notification?</th>
<th>Required responses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>District A</td>
<td>No</td>
<td>None (arrest/court referral generally prohibited on first-time offense)</td>
</tr>
<tr>
<td></td>
<td>District B</td>
<td>Yes</td>
<td>Recommendation &quot;for possible expulsion or another educational placement&quot;</td>
</tr>
<tr>
<td></td>
<td>District C</td>
<td>Yes</td>
<td>Suspension; referral to counseling, school psychologist, or community agency</td>
</tr>
<tr>
<td></td>
<td>District D</td>
<td>No</td>
<td>Parent notification; parent/teacher conference; referral to Student Assistance Program for prevention/intervention services</td>
</tr>
</tbody>
</table>

*Local school entities may make law enforcement notification mandatory for additional offenses
Education

Pennsylvania in National Context

United States Department of Education, Civil Rights Data Collection
Data notes

Data Source:
• Data is from the U.S. Department of Education Civil Rights Data Collection (CRDC), which contains data from all public schools and school districts in the United States, including juvenile justice facilities, charter schools, alternative schools, and schools serving students with disabilities.
• The 2015-2016 school year is the most recent data available.

Pennsylvania’s rate of law enforcement referral is 2.7 times greater than the national average for 2015-16 school year

![Graph showing law enforcement referral and arrest rates per 10,000 students for the United States and Pennsylvania, 2015-2016.]

Note: The 2015-2016 school year is the most recent data available.
Pennsylvania school law enforcement and arrest rates higher than neighboring states

Law Enforcement Referral and Arrest Rate per 10,000 Students, by State, 2015-2016

Note: The 2015-2016 school year is the most recent data available.

Pennsylvania’s referral rate to law enforcement nearly three times the national average for students with disabilities

Rate of Law Enforcement Referrals by Disability Status per 10,000 Students, U.S. & Pennsylvania, 2015-2016

Note: “Students with Disability” includes those served under IDEA and those served solely under Section 504. The 2015-2016 school year is the most recent data available.
Data notes

Data Source:
• Data were provided by the Pennsylvania Department of Education (PDE) and include school-related discipline, law enforcement notifications, and arrests
• Enrollment data are from 2019 PDE Public School Enrollment Reports

Data Limitations:
• Data are correlational, not causal
• Unable to link data between state agencies (e.g., PDE, JCJC, and DHS)
• Numbers may not equal 100% due to rounding

Data Changes:
• Most recent PDE data (2019) were updated to include Student Code of Conduct and Academic Conduct infractions that result in a suspension or expulsion. Analyses over time exclude these infractions to ensure proper comparison
Number of incidents resulting in law enforcement notification largely similar to 2010

School Incidents Resulting in Law Enforcement Notification, 2010 - 2019

Note: Excludes Code of Conduct and Academic Conduct infractions. If an incident involves multiple students (e.g. fighting), each student is counted as a separate incident.

Wide county variation in share of school-based incidents where law enforcement is notified

Share of Incidents with Law Enforcement Notified, 2019

Note: Incident count includes count for each youth involved in an incident that school year. Counties with n<11 were excluded per data sharing agreements.
Fighting, tobacco- and drug-related incidents, and disorderly conduct are the top infractions involving law enforcement.

<table>
<thead>
<tr>
<th>Rank</th>
<th>Top 10 Infractions (2019): Law Enforcement (LE) Notification</th>
<th>% of LE Notifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Fighting</td>
<td>20%</td>
</tr>
<tr>
<td>2</td>
<td>Possession/Use or Sale of Tobacco or Vaping</td>
<td>10%</td>
</tr>
<tr>
<td>3</td>
<td>Possession/Use of a Controlled Substance</td>
<td>10%</td>
</tr>
<tr>
<td>4</td>
<td>Disorderly Conduct</td>
<td>9%</td>
</tr>
<tr>
<td>5</td>
<td>Simple Assault on Student</td>
<td>8%</td>
</tr>
<tr>
<td>6</td>
<td>Student Code of Conduct</td>
<td>7%</td>
</tr>
<tr>
<td>7</td>
<td>All Other Forms of Harassment/Intimidation</td>
<td>4%</td>
</tr>
<tr>
<td>8</td>
<td>Threatening School Official/Student</td>
<td>4%</td>
</tr>
<tr>
<td>9</td>
<td>Possession of Knife</td>
<td>4%</td>
</tr>
<tr>
<td>10</td>
<td>Sale/Possession/Use or Under the Influence</td>
<td>2%</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>78% (100%)</strong></td>
</tr>
</tbody>
</table>

Majority of law enforcement notifications are for incidents involving male youth.

Law Enforcement Notifications by Gender, 2019

- Male: 68%
- Female: 32%
Students with Individualized Education Programs (IEP) make up one-third of law enforcement notifications.

Law Enforcement Notifications by Individualized Education Program (IEP), 2019

- Student with IEP: 33%
- Student: 66%

Black students more likely to be involved in incidents resulting in law enforcement notification.

Rate of Law Enforcement Notifications by Race per 10,000 Students, 2019

- Asian: 32
- Black: 212
- Hispanic: 155
- Other: 152
- White: 86

Note: "Other" includes Multi Racial, American Indian, and Alaskan Native. "Asian" includes Native Hawaiian, and Pacific Islander.
Black females are three times more likely than white females to be involved in incidents with law enforcement notification.

Rate of Law Enforcement Notifications by Race & Gender per 10,000, 2019

Most incidents where law enforcement notified involve youth under age 16; youth under 13 make up nearly one-in-five.
Law enforcement notification for tobacco and drug-related incidents is more common for older students.

<table>
<thead>
<tr>
<th>Rank</th>
<th>Top 10 Infractions (2019): Law Enforcement (LE) Notification</th>
<th>% of LE Notification by Age Group</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>9 and younger</td>
</tr>
<tr>
<td>1</td>
<td>Fighting</td>
<td>2%</td>
</tr>
<tr>
<td>2</td>
<td>Possession/Use of a Controlled Substance</td>
<td>2%</td>
</tr>
<tr>
<td>3</td>
<td>Possession/Use or Sale of Tobacco or Vaping</td>
<td>1%</td>
</tr>
<tr>
<td>4</td>
<td>Disorderly Conduct</td>
<td>11%</td>
</tr>
<tr>
<td>5</td>
<td>Simple Assault on Student</td>
<td>3%</td>
</tr>
<tr>
<td>6</td>
<td>Student Code of Conduct</td>
<td>12%</td>
</tr>
<tr>
<td>7</td>
<td>All Other Forms of Harassment/Intimidiation</td>
<td>6%</td>
</tr>
<tr>
<td>8</td>
<td>Threatening School Official/Student</td>
<td>11%</td>
</tr>
<tr>
<td>9</td>
<td>Possession of Knife</td>
<td>19%</td>
</tr>
<tr>
<td>10</td>
<td>Sale/Possession/Use or Under the Influence</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>67% (100%)</td>
</tr>
</tbody>
</table>

When law enforcement is notified, most students are also suspended from school.

**Law Enforcement Notifications by Disciplinary Response, 2019**

- Out of school suspension, 77%
- In school suspension, 8%
- Expulsion, 3%
- Other, 7%
- None, 4%

Note: “Other” includes alternate education, detention, guidance counseling, anger management, drug/alcohol treatment, home study instruction, among others.
Youth arrests for school-based incidents referred to law enforcement are down

Share of law enforcement notifications resulting in arrest has declined
Among most common infractions leading to law enforcement notification, disorderly conduct most likely to lead to arrest

<table>
<thead>
<tr>
<th>Rank</th>
<th>Top 10 Infractions (2019): Law Enforcement (LE) Notification</th>
<th>% of LE notifications by Arrest</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Arrest</td>
</tr>
<tr>
<td>1</td>
<td>Fighting</td>
<td>26%</td>
</tr>
<tr>
<td>2</td>
<td>Possession/Use or Sale of Tobacco or Vaping</td>
<td>22%</td>
</tr>
<tr>
<td>3</td>
<td>Possession/Use of a Controlled Substance</td>
<td>34%</td>
</tr>
<tr>
<td>4</td>
<td>Disorderly Conduct</td>
<td>40%</td>
</tr>
<tr>
<td>5</td>
<td>Simple Assault on Student</td>
<td>27%</td>
</tr>
<tr>
<td>6</td>
<td>Student Code of Conduct</td>
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<tr>
<td>8</td>
<td>Threatening School Official/Student</td>
<td>15%</td>
</tr>
<tr>
<td>9</td>
<td>Possession of Knife</td>
<td>25%</td>
</tr>
<tr>
<td>10</td>
<td>Sale/Possession/Use or Under the Influence</td>
<td>29%</td>
</tr>
</tbody>
</table>

**Education Takeaways**

**Decision Making:**

- Various state and local entities may guide policies influencing schools’ law enforcement referrals, but local districts and individual schools have wide latitude
- State law requires law enforcement referral for a handful of alleged behaviors; local policy varies and may require law enforcement referral for others
- Schools have various tools they may employ to respond to youth behavior without implicating law enforcement or the courts, but their use is not required, and resources may vary
Education Takeaways

School Responses:

• Pennsylvania makes school referrals to law enforcement and school-based arrests at a rate 2.7 times the national average and higher than most bordering states, according to federal data for the 2015-16 school year.
  – Youth with disabilities are referred to law enforcement at the three times the rate of youth without documented disabilities.
• PDE data show school incidents that result in law enforcement notification are up slightly since 2010, but share resulting in arrest are down.
  – Stark variation exists by county in the share of incidents involving law enforcement; fewer than 15% of incidents involve law enforcement in many counties, while in others, nearly half of all incidents result in notification.
  – And whether a youth is arrested when law enforcement is notified varies widely for the same type of infraction.

Education Takeaways

School Responses:

• The most common incidents leading to law enforcement involvement are fights that did not result in serious injury, drug- and tobacco-related infractions, and disorderly conduct.
• Incidents involving Black and Hispanic youth are the most likely to involve law enforcement among racial and ethnic groups.
  – Black girls are three times more likely to be referred to law enforcement than white girls.
• Youth aged 15 and younger make up the majority of incidents where law enforcement is notified.
  – Nearly one-in-five are ages 12 and under, and they are generally referred for similar incidents as older youth.
Research Discussion

“Adolescent Development and Juvenile Justice”

Dr. Elizabeth Cauffman
Professor of Psychological Science, Education and Law
University of California, Irvine

Next Steps

• Survey to determine date for additional meeting
• Additional meeting to review follow-up data and discuss roundtables
• Stakeholder outreach
  – Roundtables
  – Public testimony
  – Dissemination of meeting executive summaries
• Policy development subgroups
Contact Information

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Pennsylvania Juvenile Justice Task Force  
Public Testimony