



**Pennsylvania Juvenile Justice Task Force  
System Assessment**

## Rules for Today's Virtual Meeting

- Please keep your line muted if you are not speaking.
- For today's meeting, we ask that only Task Force members contribute to the discussion. Future meetings will gather public testimony.
- 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.

## Agenda

- Welcome and updates on public testimony and stakeholder roundtables (co-chairs)
- Review key takeaways from last meeting (co-chairs)
- Stakeholder roundtable updates (Pew)
- Discussion and next steps (co-chairs)

## Stakeholder Engagement

- Members of the public may sign up to give testimony following each Task Force meeting beginning August 12
- Link to sign up is now available on the PA Juvenile Justice Task Force website:
  - <http://www.pacourts.us/pa-juvenile-justice-task-force>

## Key Findings – Presentation 1

- While state law does not require law enforcement or court involvement for specific alleged behaviors, local policies may, and alternative responses to youth behavior vary in availability.
  - Written allegations and youth arrests are both down dramatically over the past ten years—declining 47 percent and 58 percent, respectively.
  - Most youth are arrested for citable and misdemeanor offenses.
  - Most youth are referred to the juvenile justice system for misdemeanor and/or non-person offenses.

## Key Findings – Presentation 1

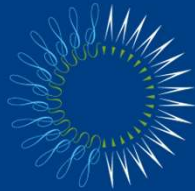
- The decision to detain youth when they are referred to the system may be informed by a wide range of tools and policies, such as statute, JCJC standards, and the PaDRAI, but wide discretion remains and youth may be detained for any offense or assessed risk level.
- Among statewide pre-adjudication detention admissions, the PaDRAI:
  - is used in just one-third of admissions;
  - is overridden in 40 percent of admissions; and
  - indicates the vast majority of detained youth who are assessed do not have a history of warrants, failure to appear, or AWOLs.

## Key Findings – Presentation 1

- Most written allegations do not result in pre-adjudication detention admissions, and most admissions are for felonies, but at least 19 percent are for misdemeanors.
- 14 percent of written allegations and 13 percent of pre-adjudication detention admissions are for youth age 13 or younger.
- Statute establishes timelines to encourage short pre-adjudication detention lengths of stay up to 24 days, but allows longer stays based on several broad factors.
  - One in five misdemeanor admissions stay longer than 25 days, in excess of statutory timelines.

## Key Findings – Presentation 1

- Disparities among written allegations and pre-adjudication detention exist by race, ethnicity, gender, and where a youth lives.
  - Disparities remain when looking only at misdemeanors and when excluding Philadelphia.



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## System Assessment: Intake and Adjudication

Pennsylvania Juvenile Justice Task Force  
July 29, 2020

### System assessment and data analysis sources

System Assessment Sources	Data Reviewed
<b>Interviews/Meetings</b> <ul style="list-style-type: none"><li>➤ Department of Human Services' (DHS) Office of Children, Youth and Families (OCYF) and Office of Mental Health and Substance Abuse Services (OMHSAS)</li><li>➤ Juvenile Court Judges' Commission</li><li>➤ Juvenile Justice System Enhancement Strategy executive leadership team</li><li>➤ Judges, prosecutors, defense attorneys</li><li>➤ Chief juvenile probation officers and juvenile probation officers</li><li>➤ Service providers</li><li>➤ Individual school districts</li></ul>	<b>State Data</b> <ul style="list-style-type: none"><li>➤ Juvenile Court Judges' Commission</li><li>➤ Administrative Office of Pennsylvania Courts</li><li>➤ Department of Education</li><li>➤ Department of Human Services</li></ul> <b>Questionnaires</b> <ul style="list-style-type: none"><li>➤ 684 juvenile probation officer respondents<ul style="list-style-type: none"><li>○ Representing all 67 counties</li><li>○ 56% response rate</li></ul></li><li>➤ 61 juvenile court judge respondents<ul style="list-style-type: none"><li>○ 42% response rate</li></ul></li></ul>
<b>Documents Reviewed</b> <ul style="list-style-type: none"><li>➤ State statute</li><li>➤ Rules of judicial administration</li><li>➤ Rules of juvenile court procedure</li><li>➤ Administrative policies &amp; regulations</li><li>➤ School disciplinary policies</li></ul>	<b>National Data</b> <ul style="list-style-type: none"><li>➤ FBI Uniform Crime Report (youth arrest rates)</li><li>➤ Center for Disease Control (youth population)</li></ul>

## Data notes

### Data limitations

- Data are correlational, not causal
- Unable to link data between state agencies (e.g., PDE, JCJC, and DHS)

### Missing data

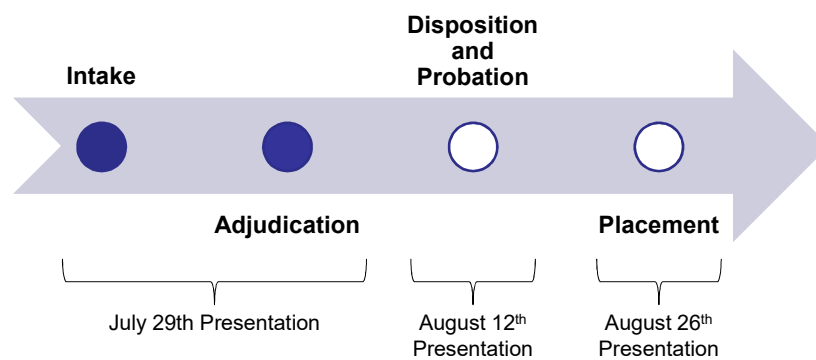
- Most recent JCJC data (2019) was not validated at time of collection, with the exception of detention

### Overall

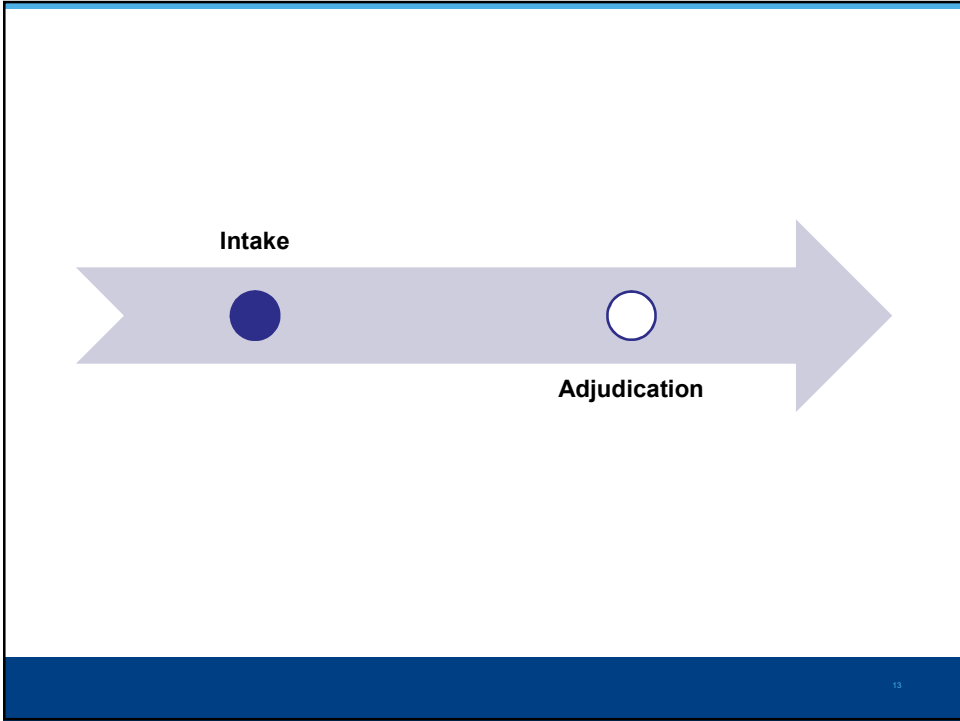
- Numbers may not equal 100% due to rounding
- All outcomes are representative of the juvenile court's initial response to the written allegation

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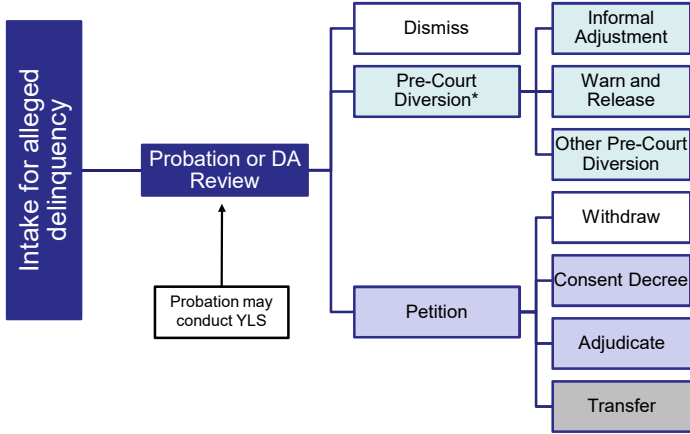
## Juvenile Justice System Structure (Scope of Presentations)



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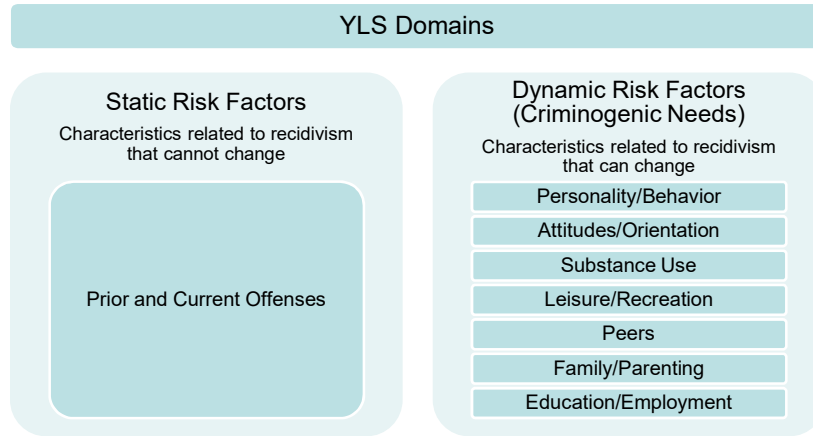


For youth who are not detained, an array of pre-court diversion options may be offered prior to filing a petition



\*Likely not available to youth detained following a detention hearing. If a youth is detained after a detention hearing, a petition must be filed within 24 hours.

A Youth Level of Service (YLS) may be used at intake to assess risk to reoffend and influence decision-making



\*64% of JPOs questionnaire respondents report using the YLS prior to disposition

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JPO and judge respondents report informal adjustment widely available; other pre-court diversion options vary

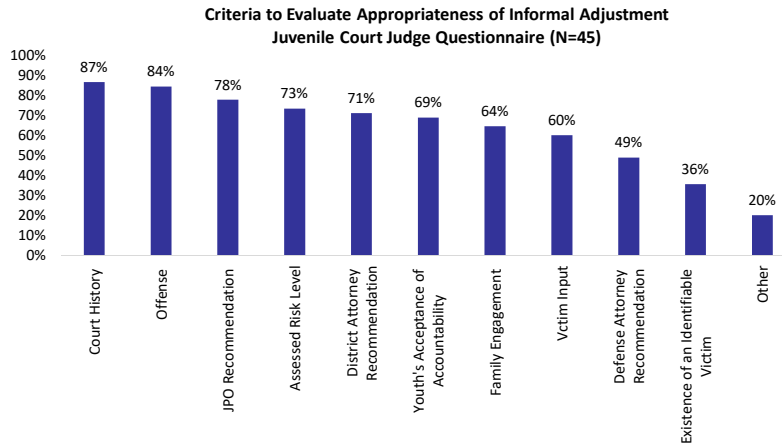
Alternative to Petition	County A	County B	County C
School or family response	X	X	X
Restorative justice program	X	X	
Youth/Teen court	X		
Youth Aid Panel/Community Justice Panel	X		
Warn and Release	X	X	X
Informal Adjustment*	X	X	X

\*95% of JPOs (and a similar portion of judges) who responded to the JCJC questionnaire report using informal adjustment for some youth in their jurisdictions

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## Judge respondents report differences in informal adjustment eligibility criteria



\*95% of JPO and 94% of judge questionnaire respondents report their counties utilize informal adjustment

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## The law provides a standard informal adjustment length, but conditions may vary across counties

Condition	County A	County B
Restitution	Required, any amount	Allowed, any amount
Apology letter	Required	Allowed
Random acts of kindness		Allowed, any amount
Essay/Research project		Allowed
Victim awareness class	Required	
Curfew	7pm	Follow parent/guardian rules
No contact requirement	Required	
Community service		Any amount allowed
Attend school daily		Allowed; GPA average can be requirement
Obtain/maintain employment		Allowed
Program completion (any)		Allowed
Random drug/alcohol tests		Allowed

\*Statute dictates informal adjustment may not exceed six months; may be extended by the court for another three months

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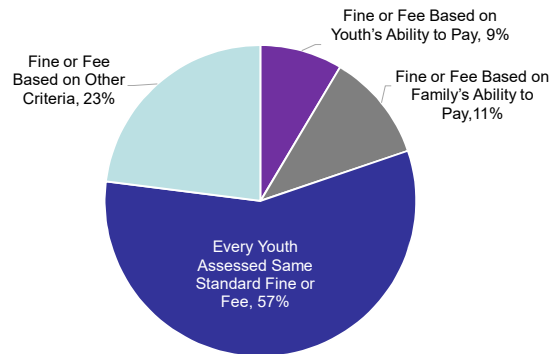
JPO respondents report whether and how financial obligations are imposed for informal adjustment varies widely

**Fine or Fee Required for Informal Adjustment  
Juvenile Probation Questionnaire (N=618)**



91% of JPO respondents do not consider youth's ability to pay informal adjustment costs; 89% do not consider family's

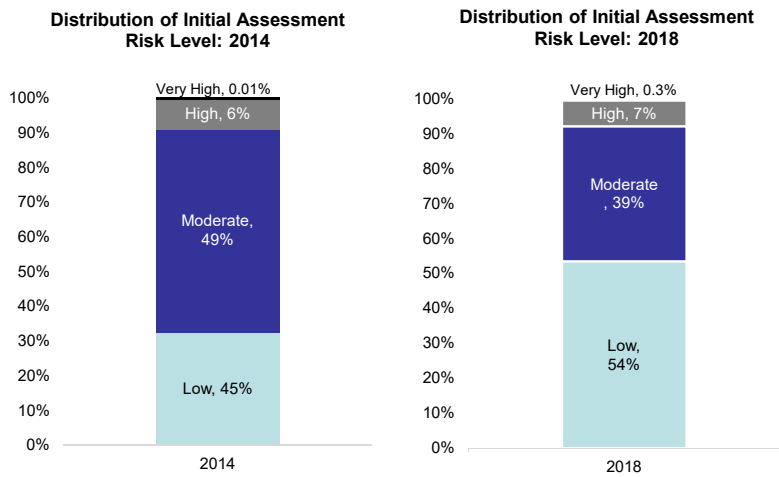
**Assessment of Fine or Fee, Informal Adjustment  
Juvenile Probation Questionnaire (N=374)**



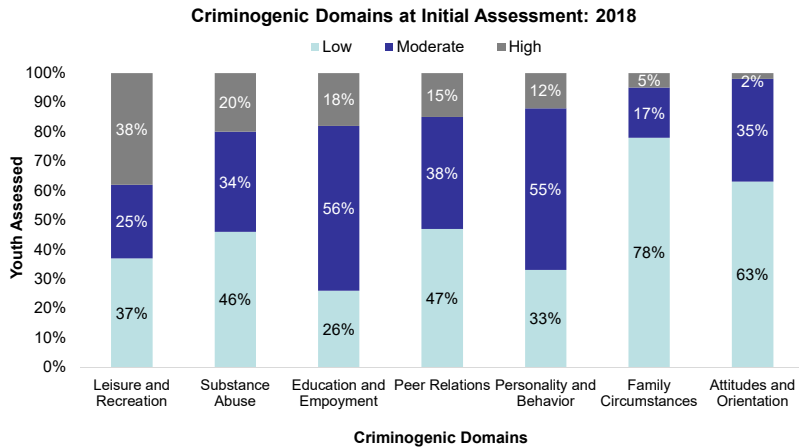
# Youth Level of Service (YLS) Risk Assessment

Data

54% of youth score low risk to reoffend on initial YLS assessment, up 20% since 2014; few score as high risk



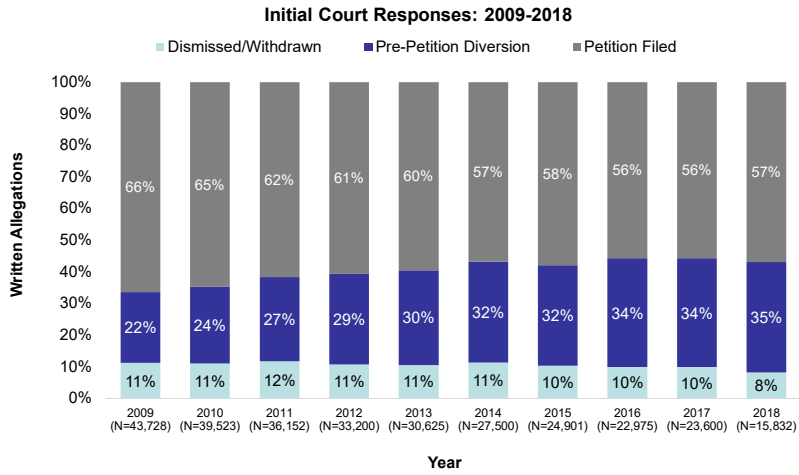
Leisure/recreation, substance abuse, education/employment are the highest assessed criminogenic needs; few score high on attitudes and orientation or family circumstances



## Pre-Petition Diversion

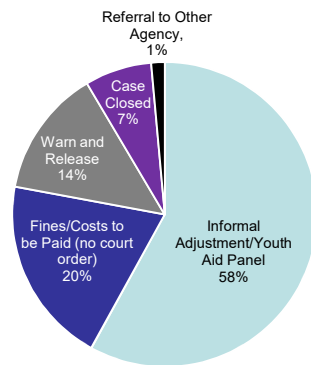
Data

Pre-petition diversion up since 2009, but 57% of written allegations are petitioned without receiving it



The most frequent pre-petition juvenile court response in 2018 was informal adjustment/youth aid panel

**Types of Pre-Petition Diversion: 2018**



\*Analysis excludes 2018 written allegations without first dispositions

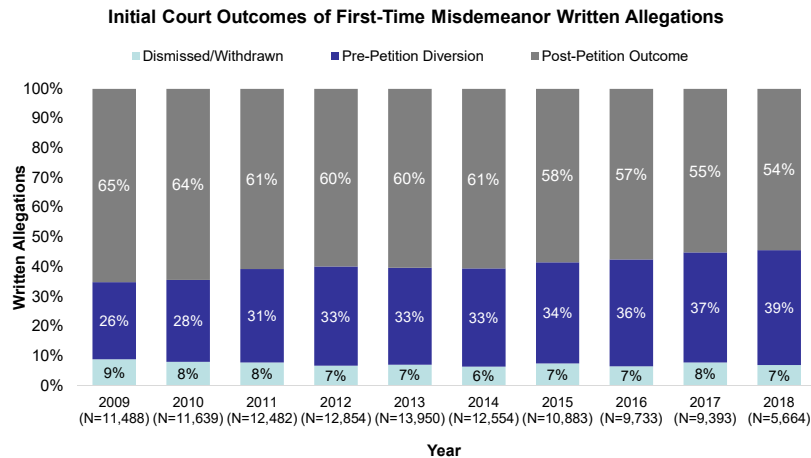
## Top petitioned offenses largely similar to top offenses leading to pre-petition diversion

Rank	Top 10 Offenses (2018): Pre-Petition Diversion	% of Pre-Petition Diversion	Top 10 Offenses (2018): Petitioned	% of Petitions
1	Contempt from MDJ (Non-Payment) (C)	43%	Simple Assault (M)	12%
2	Possession of Drugs (M)	12%	Possession of Drugs (M)	9%
3	Simple Assault (M)	8%	Aggravated Assault (F)	7%
4	Theft-Related* Offense (M)	5%	Theft-Related* Offense (F)	7%
5	Terroristic Threats (M)	3%	Terroristic Threats (M)	7%
6	Possession of Weapon on School Property (M)	3%	Theft-Related* Offense (M)	7%
7	Disorderly Conduct (M)	2%	Robbery (F)	6%
8	Retail Theft (M)	2%	Possession with Intent to Deliver Drugs (F)	5%
9	Theft-Related* Offense (F)	2%	Burglary (F)	4%
10	Aggravated Assault (F)	2%	Contempt from MDJ (Non-Payment of Fines) (C)	3%
<b>Total</b>	<b>Total</b>	82% (100%)	<b>Total</b>	66% (100%)

F = Felony; M=Misdemeanor; Includes allegations with identified initial disposition only

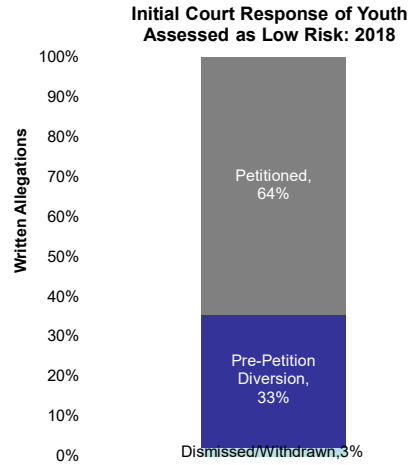
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## Among misdemeanor written allegations with no priors, pre-petition diversion is up since 2009, but 54% do not receive it

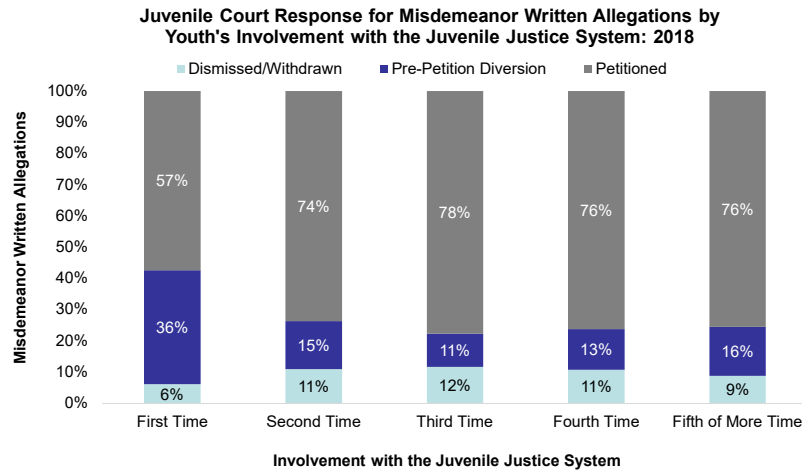


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Nearly two-thirds of written allegations for youth assessed as low risk did not result in diversion before a petition was filed

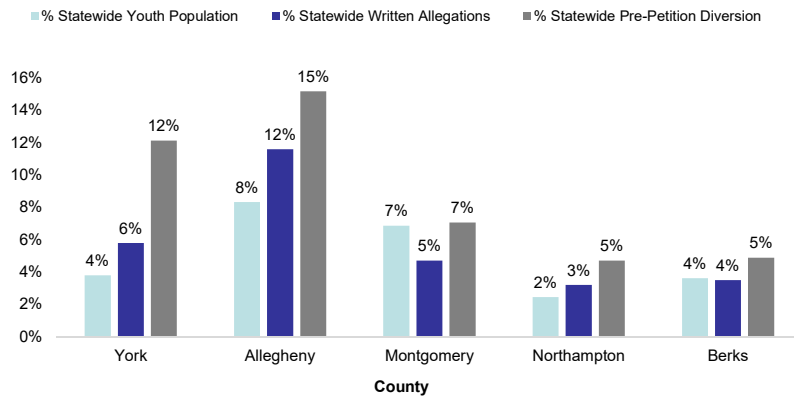


Use of pre-petition diversion for written allegations with one or more priors varies



## Multiple counties account for higher rates of pre-petition diversion relative to their share of written allegations

**Counties with Highest Percentage of Pre-Petition Diversion Relative to Statewide Written Allegations: 2018**

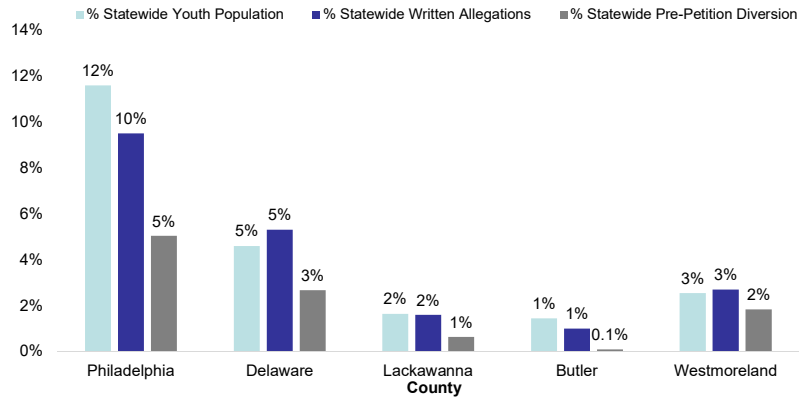


\*Pennsylvania youth population data were retrieved from the Centers for Disease Control and Prevention

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## Several counties make up smaller shares of pre-petition diversion relative to their proportion of written allegations

**Counties with Smallest Percentage of Pre-Petition Diversion Relative to Statewide Written Allegations: 2018**

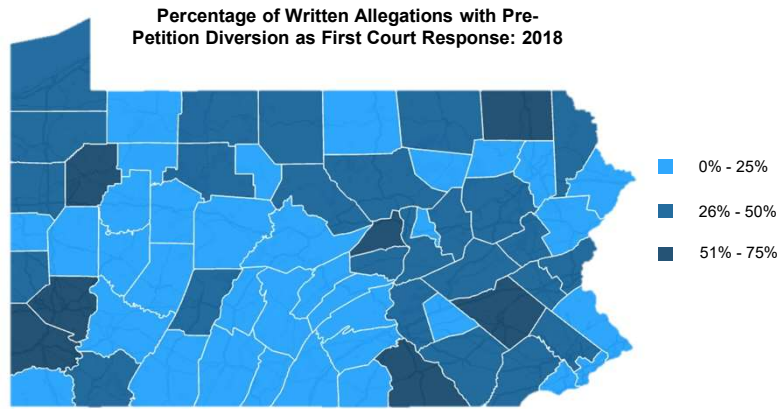


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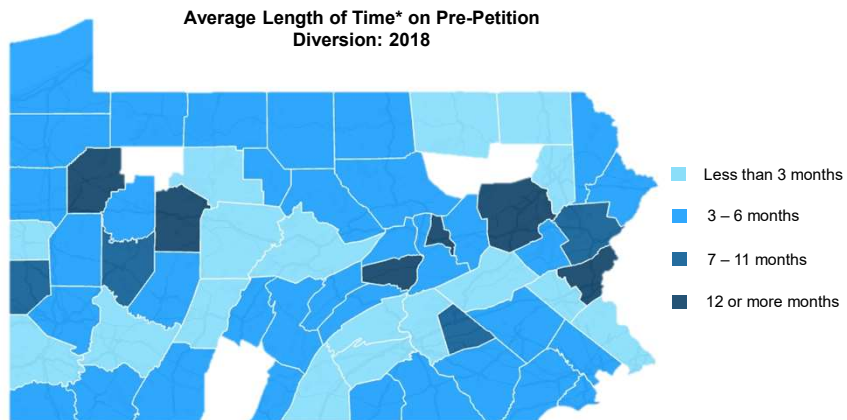


Fewer than a 25% of written allegations are diverted prior to petition in over half of all counties



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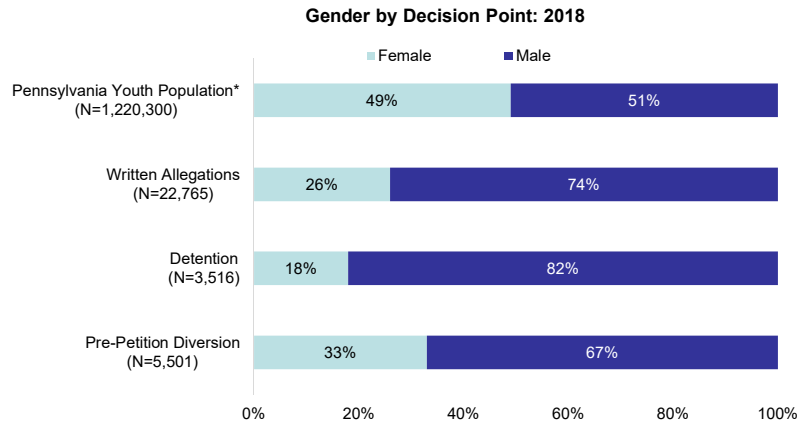
Average length of pre-petition diversion varies widely by county



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

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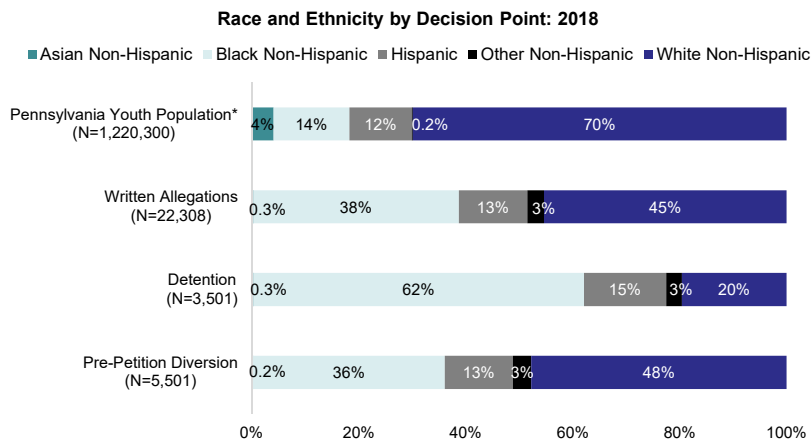
## Males account for a smaller share of diversion relative to their share of incoming written allegations



\*Pennsylvania youth population data were retrieved from the Centers for Disease Control and Prevention

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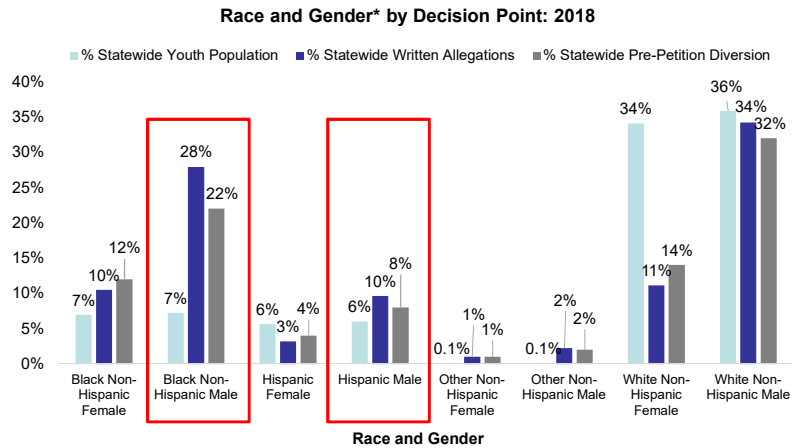
## Relative to written allegations, each race and ethnicity group accounts for similar shares of pre-petition diversion



\*Pennsylvania youth population data were retrieved from the Centers for Disease Control and Prevention

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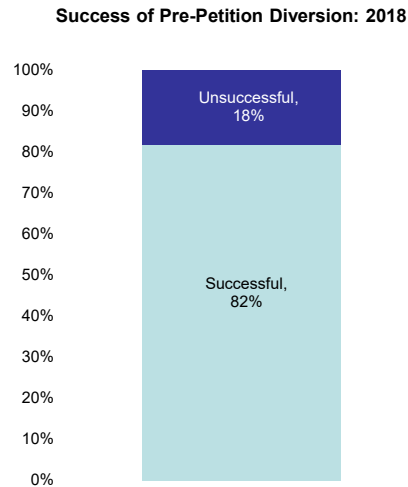
## Black Non-Hispanic males account for smaller share of pre-petition diversion



\*Asian Non-Hispanic youth are excluded from this analysis due to their small numbers; Pennsylvania youth population data were retrieved from the Centers for Disease Control and Prevention

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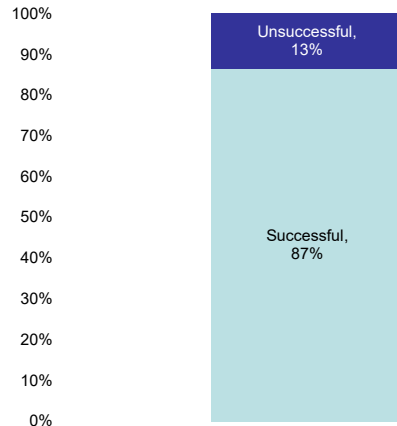
## More than 80% of youth who receive pre-petition diversion successfully complete it



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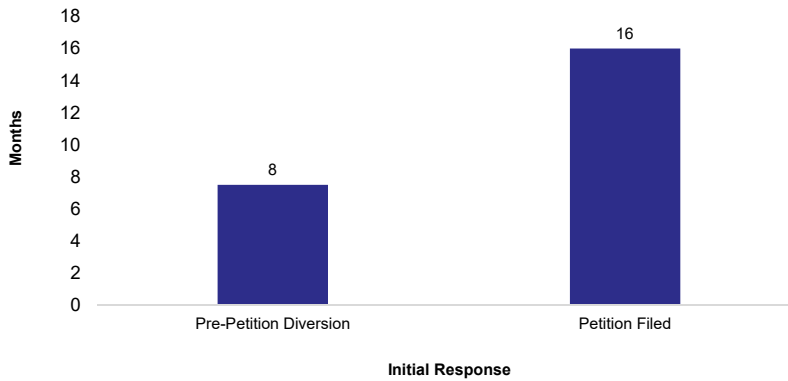
Approximately 87% of youth assessed as low risk who receive pre-petition diversion successfully complete it

**Success of Pre-Petition Diversion for Youth Assessed as Low Risk: 2018**



Youth who are petitioned average twice as long under court supervision as youth who receive pre-petition diversion

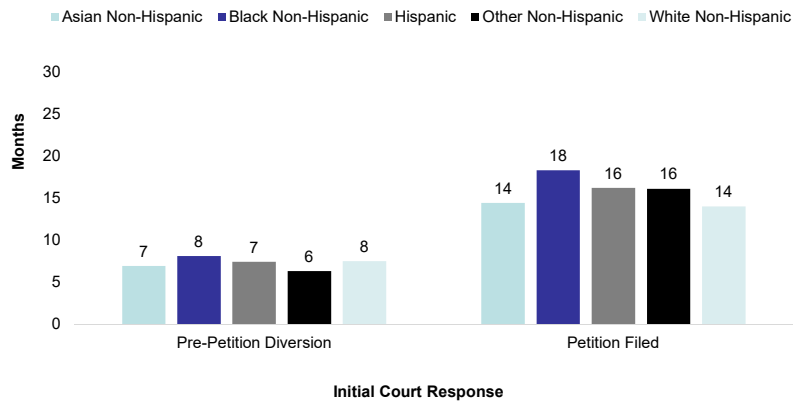
**Average Length of Time\* Under Supervision by Initial Court Response: 2018**



\*Length of time calculated from the juvenile's open for services date to the juvenile's closure date. The average length of time on pre-petition diversion, calculated from date of diversion decision to juvenile's closure date, is 4 months.

## Fewer racial and ethnic disparities by length of court supervision for youth diverted, though variation remains for those petitioned

Average Length of Time\* Under Supervision by Initial Court Response by Race and Ethnicity: 2018



\*Length of time calculated from the juvenile's open for services date to the juvenile's closure date. The average length of time on pre-petition diversion for every race and ethnicity group, calculated from date of diversion decision to juvenile's closure date, is 4 months.

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## Intake Key Takeaways

### • Decision Making

- A wide array of options exists to divert cases eligible for juvenile court jurisdiction without filing a petition.
- Nearly all JPOs and judge questionnaire respondents report informal adjustment is available in their jurisdictions.
- No statewide standards or eligibility criteria exist, and there is local variation in:
  - » Criteria for evaluating eligibility;
  - » Types of diversions available; and
  - » Conditions required for completion.

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## Intake Key Takeaways

- **Decision Making (cont.)**

- JPO questionnaire respondents split on whether fines or fees are required as part of informal adjustment.
  - » Nearly 40 percent say it is never required, while 32 percent say it is always required.
  - » Among those who report fines and fees are required, 91 percent do not consider the youth's ability to pay and 89% do not consider the family's ability.

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## Intake Key Takeaways

- **YLS and Pre-Petition Diversion**

- A majority of youth score as low risk to reoffend on their first YLS assessment and that share is up 20 percent since 2014; just seven percent score high risk.
- Leisure/recreation, substance abuse, education/employment are the highest criminogenic needs.
  - » Few score as high on attitudes and orientation or family circumstances.

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## Intake Key Takeaways

- **YLS and Pre-Petition Diversion (cont.)**

- 82 percent of youth who receive pre-petition diversion successfully complete it, including 87 percent of youth assessed as low risk to reoffend.
- Yet 57 percent of written allegations do not result in diversion prior to the filing of a petition, including:
  - » 63 percent of youth assessed as low risk,
  - » 54 percent of misdemeanors among youth with no prior allegations, and
  - » 74 percent of misdemeanors among youth with one prior written allegation.

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## Intake Key Takeaways

- **YLS and Pre-Petition Diversion (cont.)**

- The top offenses among written allegations petitioned as a first response are largely similar to those resulting in pre-petition diversion.
  - » But petitioned youth average twice as long under the overall jurisdiction of the court—nearly 1.5 years compared to eight months.
  - » Youth who receive pre-petition diversion for Contempt from MDJ (Non-payment) average nine months.
- Racial and ethnic disparities in how long youth stay under court jurisdiction are less pronounced among youth receiving pre-petition diversion, though disparities remain for Black Non-Hispanic, Hispanic, and Other Non-Hispanic males.

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## Intake Key Takeaways

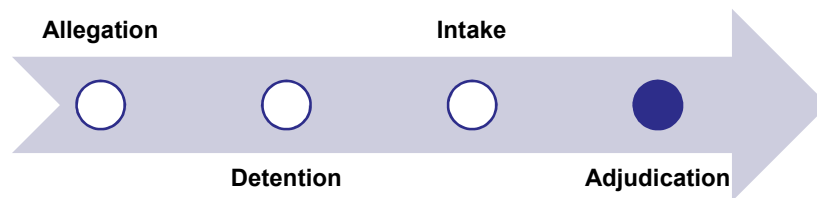
- **YLS and Pre-Petition Diversion (cont.)**

- Whether a youth receives diversion or has a petition filed against them—and how long court jurisdiction lasts—can vary widely by county.

- » Fewer than 25% of written allegations result in pre-petition diversion in more than half of all counties.

- **Other?**

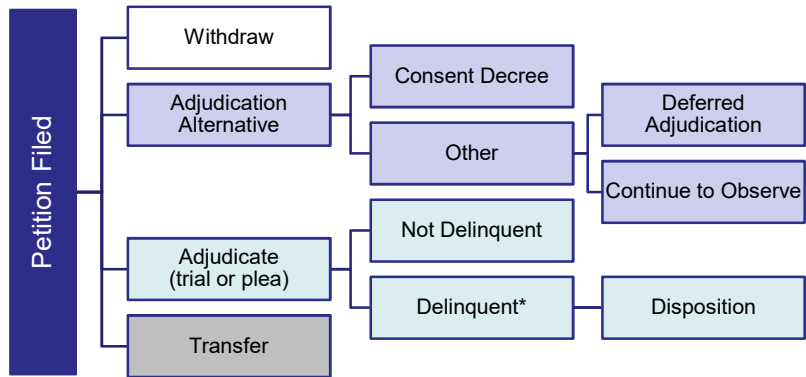
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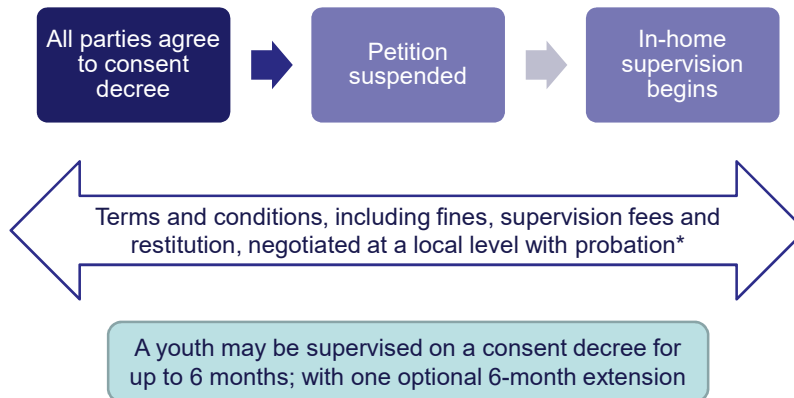


Upon petition, a youth's case may be resolved without a formal adjudication, adjudicated, or escalated to adult court



\*Prior to disposition, the court must determine whether a child needs treatment, supervision, or rehabilitation. If the court determines the child does not have those needs, the case is dismissed.

Consent decree terms and conditions are determined locally; statute dictates length and restricts placement



\*If the child fails to fulfill express terms and conditions of the decree or a new petition is filed, the DA in consultation with probation may, but need not, reinstate the petition

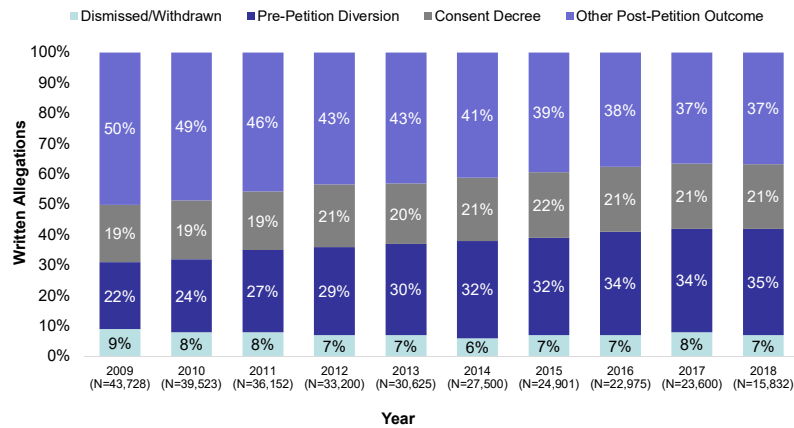
## Consent Decree

Data

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56% of written allegations result in pre-petition diversion or consent decree, up from 2009; 37% proceed to adjudication

Written Allegations by Initial Court Response: 2009-2018



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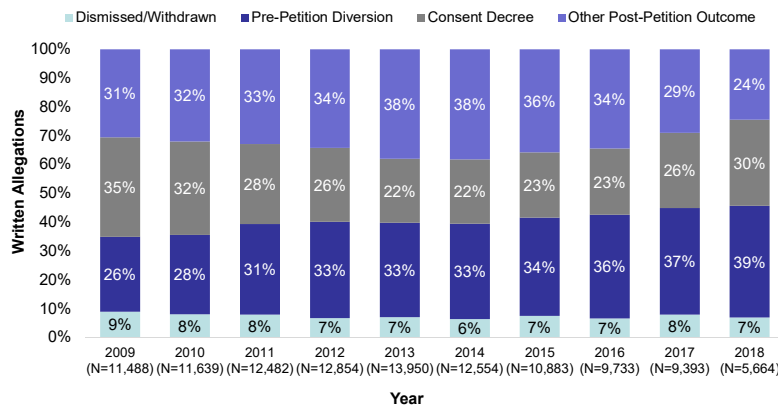
### Top offenses resulting in consent decree similar to those leading to pre-petition diversion

Rank	Top 10 Offenses (2018): Pre-Petition Diversion	% of Pre-Petition Diversion	Top 10 Offenses (2018): Consent Decree	% of Consent Decree (2018)
1	Contempt from MDJ (Non-Payment) (C)	43%	Simple Assault (M)	13%
2	Possession of Drugs (M)	12%	Possession of Drugs (M)	10%
3	Simple Assault (M)	8%	Terroristic Threats (M)	8%
4	Theft-Related* Offense (M)	5%	Aggravated Assault (F)	6%
5	Terroristic Threats (M)	3%	Theft-Related* Offense (M)	6%
6	Possession of Weapon on School Property (M)	3%	Possession with Intent to Deliver Drugs (F)	6%
7	Disorderly Conduct (M)	2%	Theft-Related* Offense (F)	4%
8	Retail Theft (M)	2%	Robbery (F)	4%
9	Theft-Related* Offense (F)	2%	Possession of Drug Paraphernalia (M)	4%
10	Aggravated Assault (F)	2%	DUI (M)	3%
<b>Total</b>	<b>Total</b>	<b>82% (100%)</b>	<b>Total</b>	<b>63% (100%)</b>

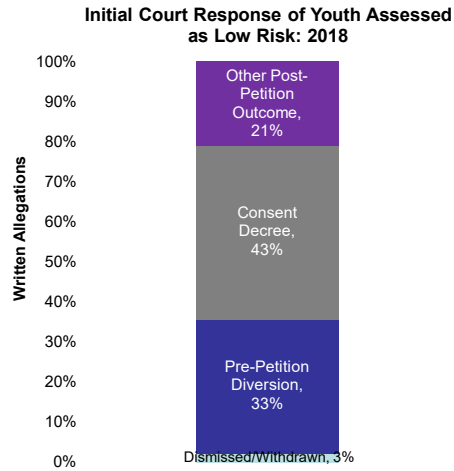
F = Felony; M=Misdemeanor; Includes allegations with identified initial disposition only  
 \*A theft-related offense includes: theft, theft by unlawful taking, theft by deception, theft by receiving stolen property, and theft from a motor vehicle

### 69% of youth with misdemeanor allegations and no priors receive pre-petition diversion or consent decree, up from 61%; one-in-four proceed to adjudication

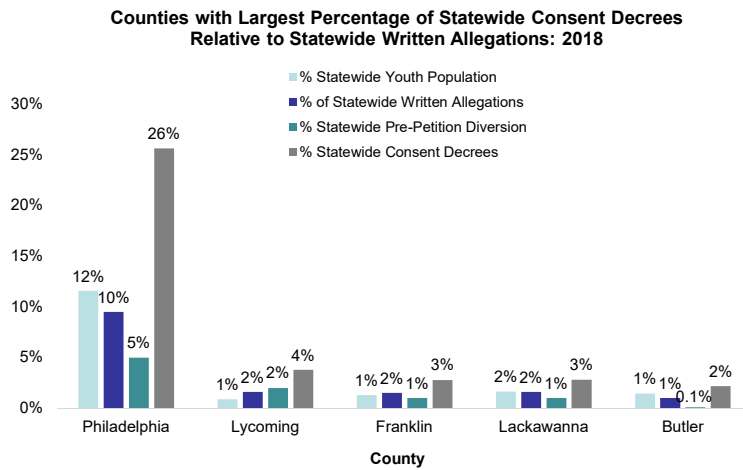
Initial Court Response for First-Time Misdemeanor Written Allegations: 2009-2018



43% of youth assessed as low risk receive consent decree as a first response, higher share than pre-petition diversion



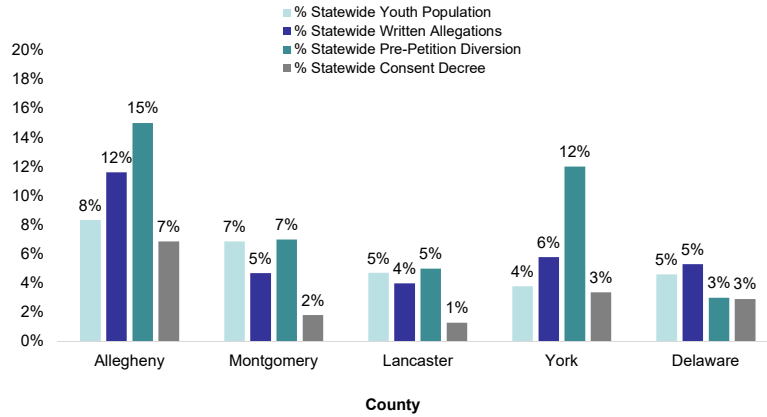
Multiple counties represent larger shares of statewide consent decrees relative to statewide share of written allegations



\*Pennsylvania youth population data were retrieved from the Centers for Disease Control and Prevention

## Multiple counties represent smaller proportions of statewide consent decrees relative to share of written allegations

**Counties with Smallest Percentage of Statewide Consent Decrees Relative to Statewide Written Allegations: 2018**

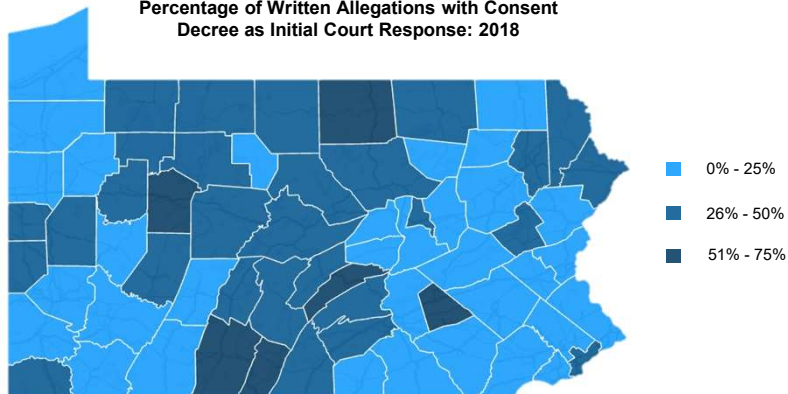


\*Pennsylvania youth population data were retrieved from the Centers for Disease Control and Prevention

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## Wide county variation in use of consent decrees

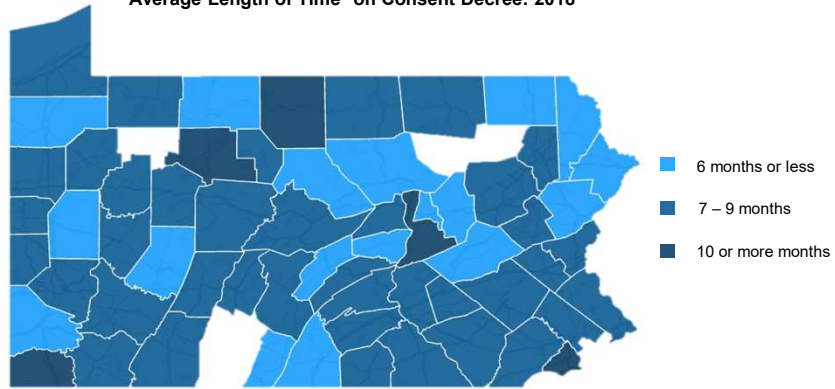
**Percentage of Written Allegations with Consent Decree as Initial Court Response: 2018**



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In two-thirds of counties, youth are spending between seven and nine months on consent decrees

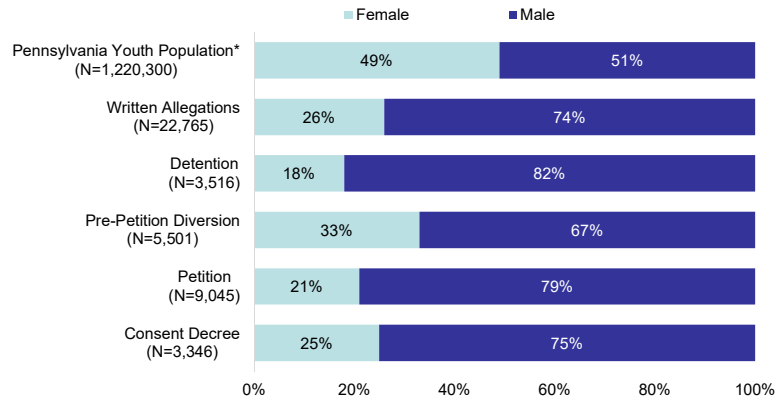
Average Length of Time\* on Consent Decree: 2018



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

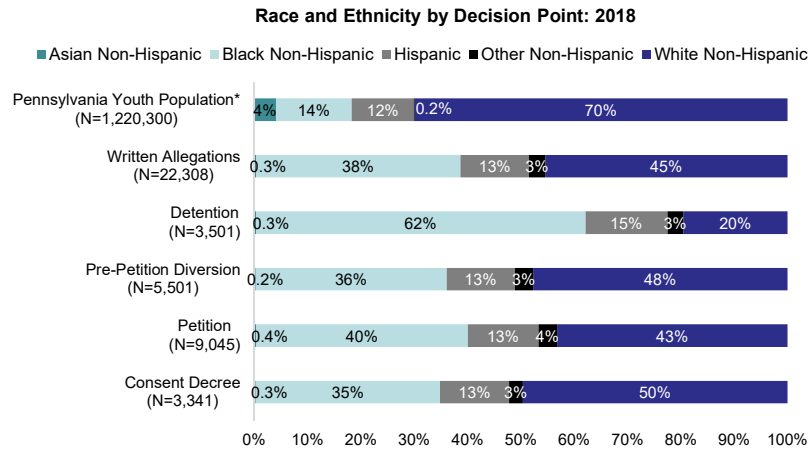
Relative to written allegations, males and females account for similar shares of consent decrees

Gender by Decision Point: 2018



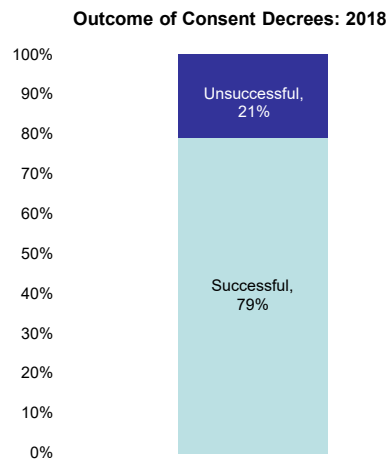
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Relative to written allegations, each race and ethnicity group accounts for similar shares of consent decrees

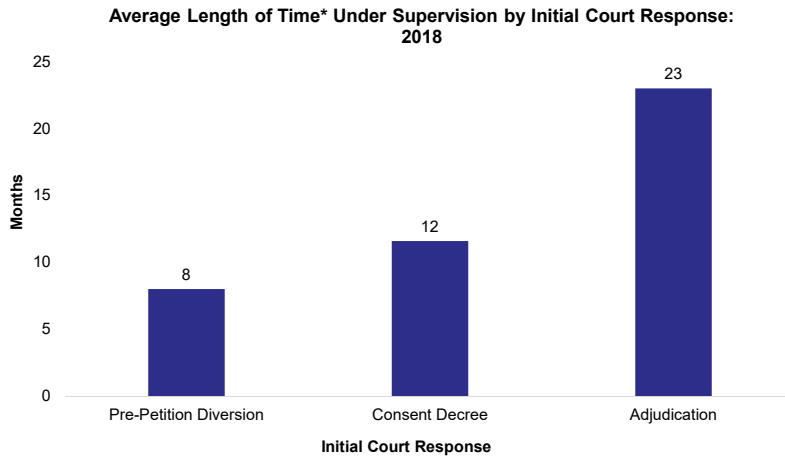


\*Pennsylvania youth population data were retrieved from the Centers for Disease Control and Prevention

Nearly 80% of youth who receive a consent decree as an initial court response successfully complete it



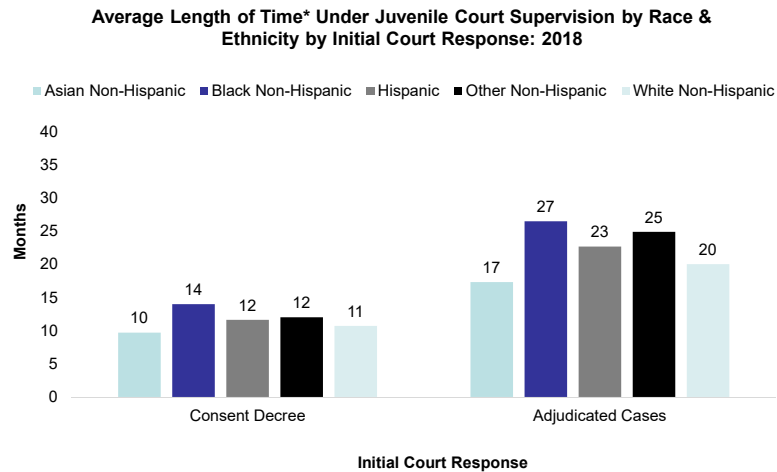
Adjudicated youth, on average, spend three times as long under court supervision than youth with pre-petition diversion



\*Length of time calculated from the juvenile's open for services date to the juvenile's closure date. Youth average 4 months on pre-petition diversion and 8 months on consent decrees, calculated from the date of the initial court response to the juvenile's closure date.

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White Non-Hispanic, Asian Non-Hispanic youth on consent decrees average less time under juvenile court supervision



\*Length of time calculated from the juvenile's open for services date to the juvenile's closure date.

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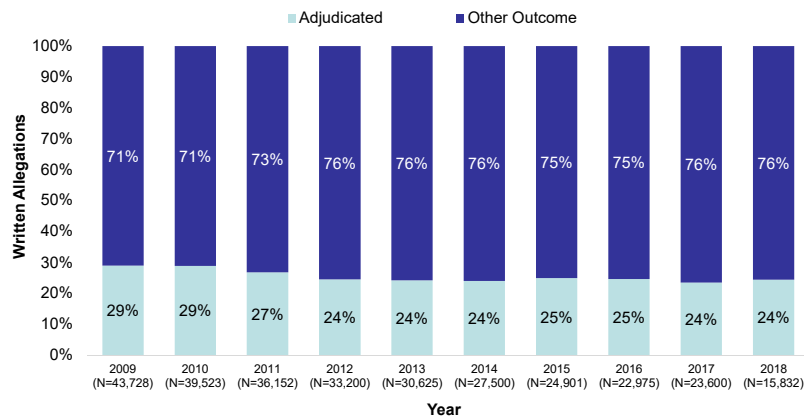


# Adjudication

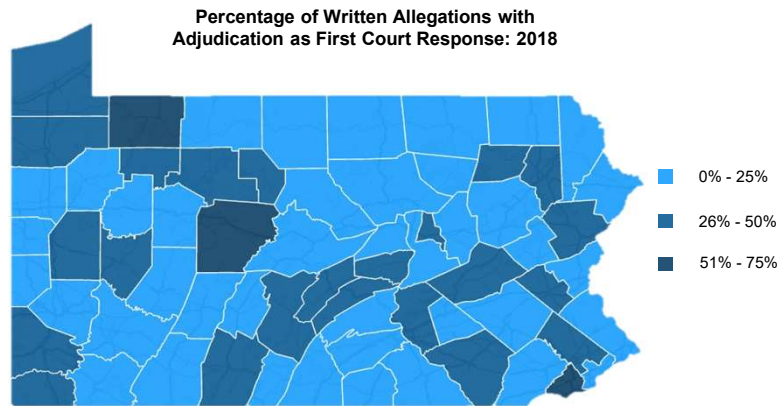
Data

Approximately three-quarters of written allegations result in a response other than adjudication as the initial court response

Percentage of Written Allegations with Adjudication as First Court Response: 2009-2018



## County variation in the share of written allegations adjudicated as a first response



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## Seven of the top ten offenses adjudicated as a first response are the same as those offered pre-petition diversion

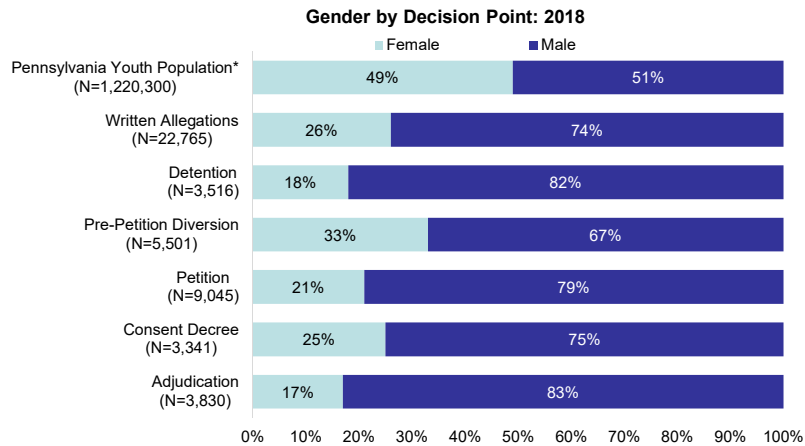
Rank	Top 10 Offenses (2018): Pre-Petition Diversion	% of Pre-Petition Diversion	Top 10 Offenses (2018): Adjudicated Allegations	% of Adjudicated Allegations (2018)
1	Contempt from MDJ (Non-Payment) (C)	43%	Simple Assault (M)	11%
2	Possession of Drugs (M)	12%	Theft-Related* Offense (F)	9%
3	Simple Assault (M)	8%	Possession of Drugs (M)	7%
4	Theft-Related* Offense (M)	5%	Aggravated Assault (F)	7%
5	Terroristic Threats (M)	3%	Terroristic Threats (M)	7%
6	Possession of Weapon on School Property (M)	3%	Robbery (F)	7%
7	Disorderly Conduct (M)	2%	Theft-Related* Offense (M)	6%
8	Retail Theft (M)	2%	Burglary (F)	5%
9	Theft-Related* Offense (F)	2%	Possession with Intent to Deliver Drugs (F)	4%
10	Aggravated Assault (F)	2%	Possession of Weapon on School Property (M)	2%
<b>Total</b>	<b>Total</b>	<b>82% (100%)</b>	<b>Total</b>	<b>64% (100%)</b>

F = Felony; M=Misdemeanor; Includes allegations with identified initial disposition only

\*A theft-related offense includes: theft, theft by unlawful taking, theft by deception, theft by receiving stolen property, and theft from a motor vehicle.

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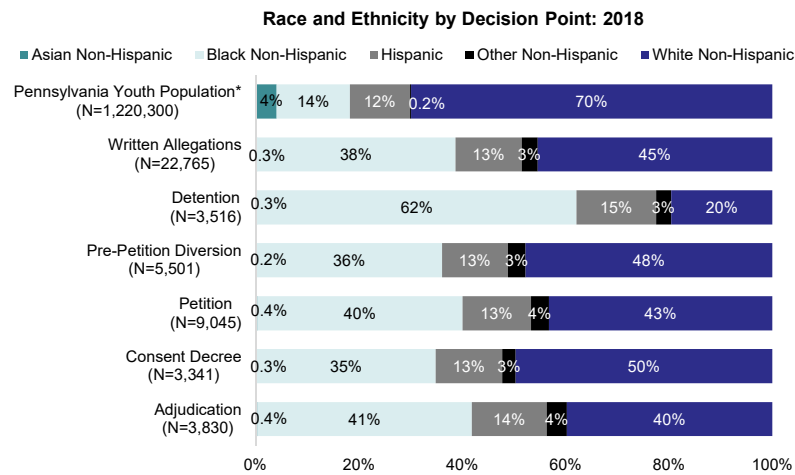
## Males account for a larger share of adjudications relative to their share of written allegations



\*Pennsylvania youth population data were retrieved from the Centers for Disease Control and Prevention

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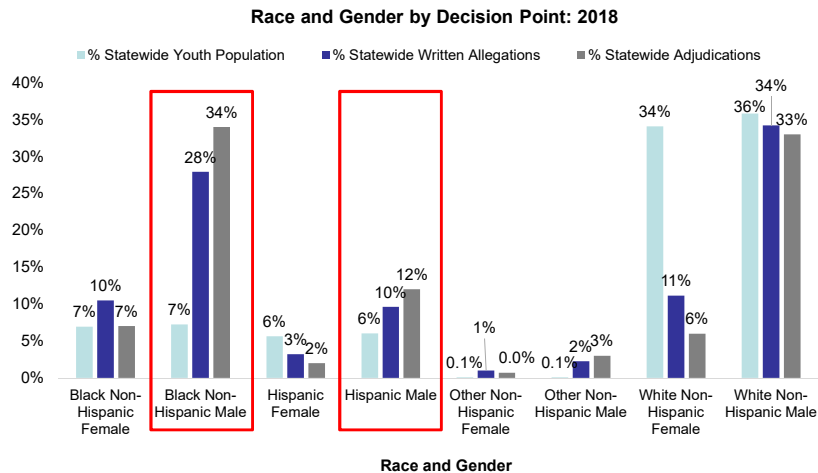
## Share of adjudications relative to written allegations is largely consistent across racial and ethnic groups



\*Pennsylvania youth population data were retrieved from the Centers for Disease Control and Prevention

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## Black Non-Hispanic males account for larger share of adjudicated written allegations



\*Asian Non-Hispanic youth are excluded from this analysis due to their small numbers. Pennsylvania youth population data were retrieved from the Centers for Disease Control and Prevention

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## Adjudication Key Takeaways

- **Decision Making**

- Once a youth's case is petitioned, it can be resolved without a formal adjudication, such through a consent decree. And, when a felony is alleged, it can also be escalated to adult court.
- Statute caps consent decree length at one year and prohibits out-of-home placement, but eligibility criteria and conditions are at the discretion of local actors.
- Unlike a pre-petition diversion, a consent decree must be approved by the district attorney and judge.

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## Adjudication Key Takeaways

### • Consent Decree and Adjudication

- 56 percent of written allegations result in pre-petition diversion or consent decree, up from 2009.
  - » Share receiving consent decree largely unchanged over the same period (roughly one-in-five); 37 percent are adjudicated directly as a first response.
- 80 percent of youth who receive a consent decree successfully complete it.
- A majority of the top offenses resulting in pre-petition diversion are the same as those leading to both consent decrees and adjudications as a first response.
  - » Yet youth with consent decrees average 50 percent longer under juvenile court supervision (one year) and adjudicated youth average three times as long (nearly two years).

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## Adjudication Key Takeaways

### • Consent Decree and Adjudication (cont.)

- Whether a youth receives a consent decree – and how long they stay under overall court supervision – varies across counties.
  - » In many counties, consent decrees are used as a first response for fewer than 25% of written allegations.
- Approximately three-quarters of written allegations result in a response other than adjudication as the initial court response
  - » However, seven of the top ten offenses adjudicated as a first response are the same as those offered pre-petition diversion
- Relative to written allegations, each racial and ethnic group generally account for similar shares of consent decrees and adjudications.
  - » However, White and Asian Non-Hispanic youth who receive consent decrees average less time under overall juvenile court jurisdiction; and
  - » Black Non-Hispanic males account for larger share of adjudications

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## Next Steps

- Data analysis and system assessment
- Stakeholder outreach
  - Roundtables
  - Public testimony
  - Dissemination of meeting executive summaries

## Contact Information

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