

PENNSYLVANIA JUVENILE TASK FORCE

September 30, 2020 Meeting Executive Summary

On September 30, 2020, the Pennsylvania Juvenile Justice Task Force convened its eighth meeting, led by Task Force co-chairs Senator Lisa Baker and Senator Jay Costa. The co-chairs provided an update on stakeholder engagement and then the Task Force reviewed an analysis of Pennsylvania's use of fines, fees/costs, and restitution, as well as adult prosecution for youth. The meeting concluded with a discussion of logistical next steps and public testimony.

Stakeholder Engagement and Key Takeaways

Stakeholder Roundtables

The Task Force has hosted eighteen stakeholder roundtables to-date, and executive summaries for each roundtable will be shared on the Task Force website. There are several stakeholder roundtables scheduled to take place over the course of the next few weeks. The co-chairs reminded the Task Force that members of the public [can sign up](#) to speak during the Task Force meeting on October 14th. The Task Force will reserve one hour to hear virtual testimony from members of the public beginning at 5:00pm.

Key Takeaways from September 9th Task Force Meeting

The co-chairs reviewed the key takeaways from the previous Task Force meeting:

- Almost half of youth with placement dispositions spend time in five or more out-of-home placements.
- Cumulatively, youth sent to placement average 16 months out-of-home (18% spend over two years).
- Juvenile justice records do not automatically disappear and may restrict employment, education, and military enlistment, among other aspects of a youth's life.
- 96% of eligible adjudications and 76% of dismissed/withdrawn cases are not expunged.

System Assessment Data Analysis

Fines, Fees/Costs and Restitution

The Task Force reviewed a system assessment and data analysis of Pennsylvania's use of fines, fees/costs and restitution within the juvenile justice system. The following are the key takeaways:

- Financial obligations (fines, fees/costs, and restitution) can be part of any informal or formal resolution of a case (some financial obligations are mandatory, but most are local and discretionary).
- According to a questionnaire, which was sent out by the Juvenile Court Judges' Commission, Juvenile Probation Officers were divided on whether fines or fees are required and whether they consider a youth or family's ability to pay.
- According to another questionnaire, which was sent out by the Juvenile Court Judges' Commission, Judges were split on whether as a condition of supervision they require a fine (52% do not) or a fee (64% do not).
- According to that same questionnaire, Judges vary on whether and how a youth's case may be closed if payment of financial obligations are incomplete.
- Nearly all Juvenile Probation Officers who completed the questionnaire said they have youth on supervision solely for non-payment of restitution.
- Costs/fees are the most prevalent type of financial obligation, representing 77% of all financial obligations.
- Over ten years, average costs/fees have gone up and fines have declined.
 - Youth were assessed roughly \$2 million in costs/fees in 2018, which is up 12% since 2009.
 - Youth were assessed an average of \$173 in costs/fees per youth in 2018.
- Restitution makes up 16% of overall financial obligations (among youth assessed restitution, the average amount imposed is just under \$1,000 per youth).
- The average amount of costs/fees per youth imposed across counties ranged from \$53 to \$673.
- Seventeen counties did not impose any fines in 2018, but seven averaged more than \$250 per youth.
- In 2018, individual restitution assessments ranged from \$1 to \$118,840.

System Assessment Data Analysis

Adult Prosecution

A system assessment and data analysis of Pennsylvania's use of adult prosecution for youth was reviewed by the Task Force. Key takeaways include:

- Some youth's cases are statutorily excluded from juvenile court and must be filed directly into adult court without juvenile court review (statutorily excluded cases may be decertified to juvenile court where the youth establishes that juvenile jurisdiction is in the public interest).
- Any felony alleged against a child age 14 or older may also be prosecuted criminally, upon order of the juvenile court (in general, the Commonwealth carries the burden in transfer cases, but in some circumstances, the youth's case is presumed to be appropriate for transfer and the youth must show that they should remain in juvenile court).
- Overall, prosecutions of youth in criminal court are down 56% since 2009, driven by drops in filings from Allegheny County and Philadelphia County (filings in all other counties are down just 10% over ten years).
- Most youth are charged as adults without juvenile court review.
- Nearly 60% of cases where adult prosecution is pursued get dismissed or withdrawn, or end up in juvenile court for prosecution.
- Black Non-Hispanic males make up 56% of adult prosecution filings and 57% of convictions, compared to 7% of the youth population.
- Hispanic males make up 15% of adult prosecution filings and 16% of convictions, compared to 6% of the youth population.
- Among youth convicted in criminal court, 75% are sentenced to confinement.
- Robbery and aggravated assault represent at least half of the statutory exclusion filings in both the minor courts and the court of common pleas.
- Philadelphia County and Allegheny County are driving large decreases in statutory exclusion filings, but filings in all other counties are up 35% since 2009, despite a 43% drop in violent crime arrests statewide over the same period.

- Disparities exist by county, race/ethnicity, and gender among statutory exclusion cases.
- Five counties account for 57% of statutory exclusion filings despite accounting for only 25% of the youth population.
- Black Non-Hispanic and Hispanic males' share of statutory exclusion filings make up roughly eight and three times their share of the youth population, respectively.

Task Force Discussion and Next Steps

Members of the Task Force discussed the key findings of the system assessment and data analysis. The co-chairs opened up time at the end of the meeting for public testimony and five members of the public testified. The next Task Force meeting will take place on October 14th from 2:30-5pm, with an hour from 5-6pm allotted for public testimony. All meeting materials, future meeting dates, and links to join the virtual meetings are available at the Task Force's website:

<http://www.pacourts.us/pa-juvenile-justice-task-force>