



**Pennsylvania Juvenile Justice Task Force  
System Assessment**

## 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-jvenile-justice-task-force>

## Agenda

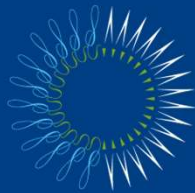
- Welcome and updates stakeholder roundtables (co-chairs)
- Placement data analysis and discussion (Pew)
- COVID-19 discussion (co-chairs)
- Expungement data analysis and discussion (Pew)
- Discussion and next steps (co-chairs)

## Stakeholder Input

Completed Roundtables	
✓ Dually-Adjudicated Youth	
✓ Crime Victim/Survivors	
✓ Restorative Justice	

Upcoming Roundtables	Date
<input type="checkbox"/> Service Providers	<u>Sept. 10</u>
<input type="checkbox"/> Service Providers	<u>Sept. 14</u>
<input type="checkbox"/> BJJS Facility Staff	<u>Sept. 15</u>
<input type="checkbox"/> Judges	<u>Sept. 16</u>
<input type="checkbox"/> BJJS Facility Staff	<u>Sept. 17</u>
<input type="checkbox"/> Law Enforcement	<u>Sept. 18</u>
<input type="checkbox"/> BJJS Facility Staff	<u>Sept. 22</u>
<input type="checkbox"/> Advocates	<u>Sept. 22</u>

Upcoming Roundtables	Date
<input type="checkbox"/> Education Stakeholders	<u>Sept. 23</u>
<input type="checkbox"/> Advocates	<u>Sept. 23</u>
<input type="checkbox"/> Education Stakeholders	<u>Sept. 24</u>
<input type="checkbox"/> Juvenile Probation Officers	<u>Sept. 25</u>
<input type="checkbox"/> County Commissioners	<u>Sept. 29</u>
<input type="checkbox"/> YDC/YFC Youth	TBD
<input type="checkbox"/> JJ-Involved Youth	TBD
<input type="checkbox"/> Defense Attorneys	TBD
<input type="checkbox"/> District Attorneys	TBD
<input type="checkbox"/> Child Welfare Staff	TBD
<input type="checkbox"/> Family Members	TBD
<input type="checkbox"/> Northeastern Pennsylvania	TBD

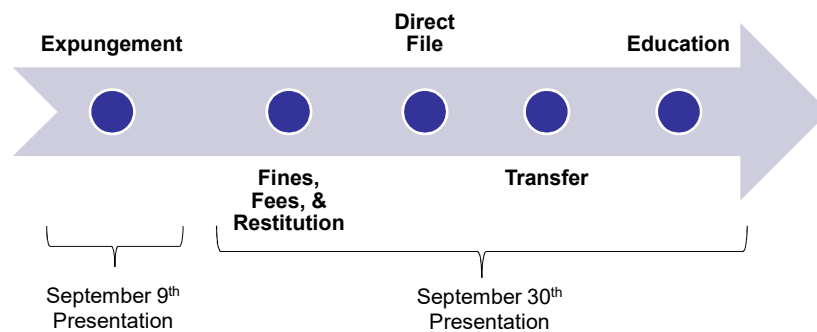


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## System Assessment: Placement (Part II)

Pennsylvania Juvenile Justice Task Force  
September 9, 2020

### Juvenile Justice System Structure (Scope of Presentations)



## System assessment and data analysis sources

System Assessment Sources	Data Reviewed
<b><u>Interviews/Meetings</u></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><u>Documents Reviewed</u></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><u>State Data</u></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><u>Questionnaires</u></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><u>National Data</u></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>

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## 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
- Placement data reflective of youth with cases closed between 2014 and 2018
- Expungement data reflective of dismissed and withdrawn cases, informal adjustments, and consent decrees from 2017; adjudicated cases from 2013

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## Placement and System Costs Abridged Takeaways

- The court may place youth for any delinquency adjudication or violation
  - Five state facilities must accept eligible youth; 400+ private facilities have broad discretion to reject youth for admission and eject for “failure to adjust”
- Over ten years, as allegations dropped 47%, placement dispositions also fell 54%

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## Placement and System Costs Abridged Takeaways

- Placement dispositions largely driven by youth with misdemeanors and non-person offenses and by youth with no prior adjudications; unchanged over time
- 54% of youth with placement dispositions score moderate risk; 14% score low
  - Those assessed low-risk also generally score low need across most domains
- Disparities for Black Non-Hispanic youth are greatest for pre-adjudication detention and placement
  - Black Non-Hispanic males represent 42% of placement dispositions for misdemeanors compared to 28% of misdemeanor written allegations

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## Placement and System Costs Abridged Takeaways

- In FY19, 80% of Pennsylvania's \$349 million juvenile delinquency services expenditures went to out-of-home placements
  - State-run facilities average \$192,720 per youth per year; private placements average \$107,468 per youth per year
  - Those figures exclude added education costs for youth in placement, costs paid by private insurance and Medicaid, and costs paid for dual-system youth

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## Number of Placements and Length of Stay For Youth with Placement Dispositions

Data

\*\*"Out-of-home placement" figures include the total number out-of-home placements for youth with placement dispositions, including detention, shelter, and residential placements.

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## Out-of-home experience for youth can vary

### Case Study 1: Youth with Case Closed in 2014



Total Length of Time Out-of-Home: 32 months  
Total Length of Time Under Juvenile Court Supervision: 53 months

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## Out-of-home experience for youth can vary

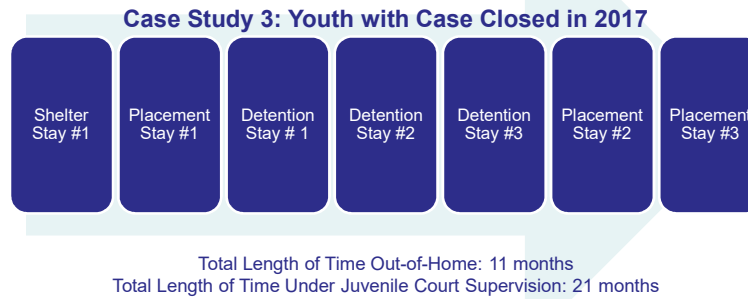
### Case Study 2: Youth with Case Closed in 2017



Total Length of Time Out-of-Home: 10 months  
Total Length of Time Under Juvenile Court Supervision: 21 months

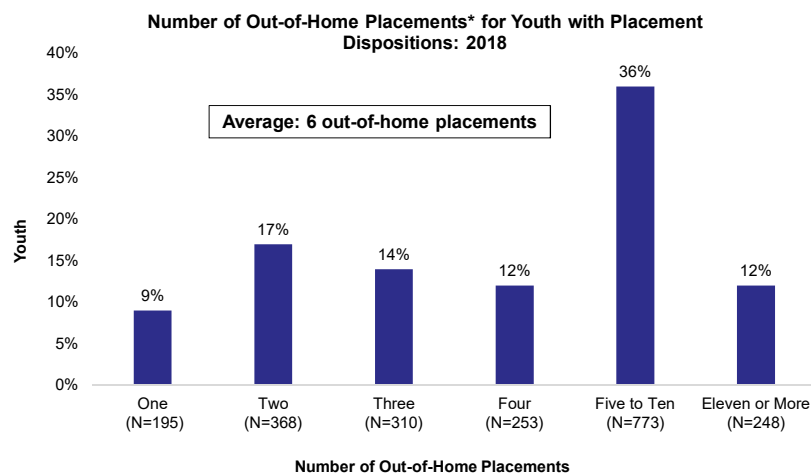
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## Out-of-home experience for youth can vary



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## Almost half of youth with placement dispositions spend time in 5 or more out-of-home placements

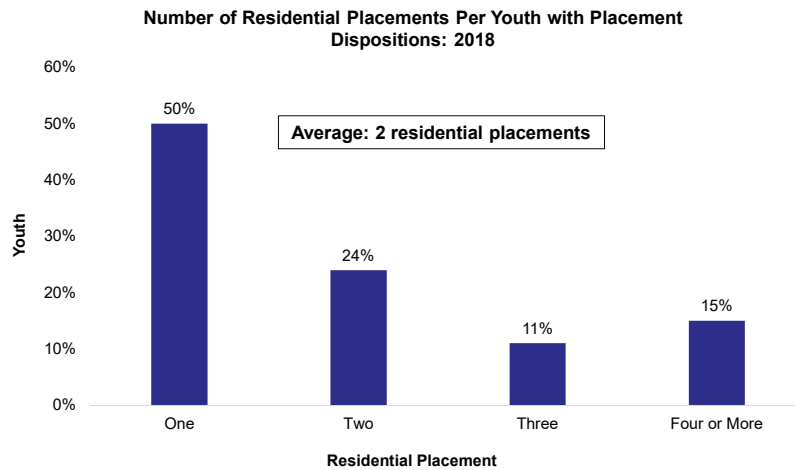


\*These figures include the total number out-of-home placements that youth with placement dispositions experience. Out-of-home placements include detention, shelter, and residential placements.

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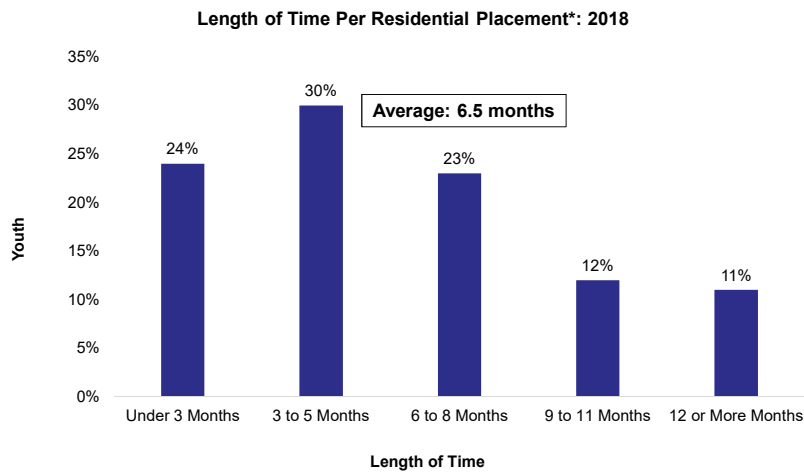


Half of youth with placement dispositions spend time in more than one residential placement; 26% sent to three or more



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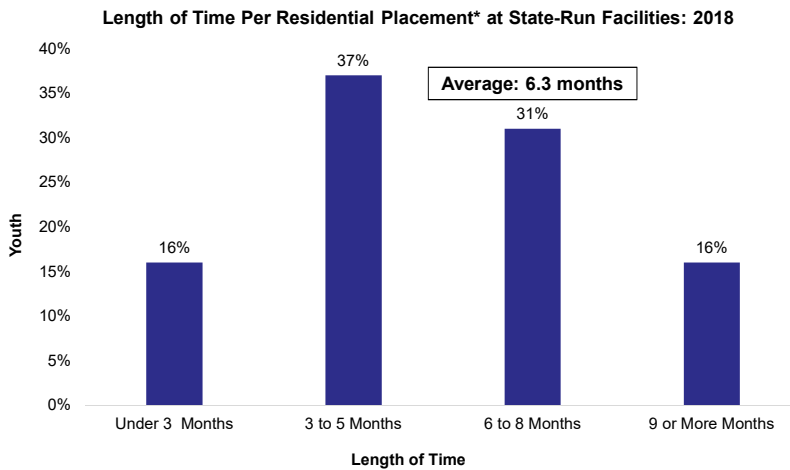
Youth average 6.5 months out of home per residential placement; 54% spend under six months per placement



\*Length of time per residential placement is calculated from the youth's service start date to the youth's service end date at the residential facility.

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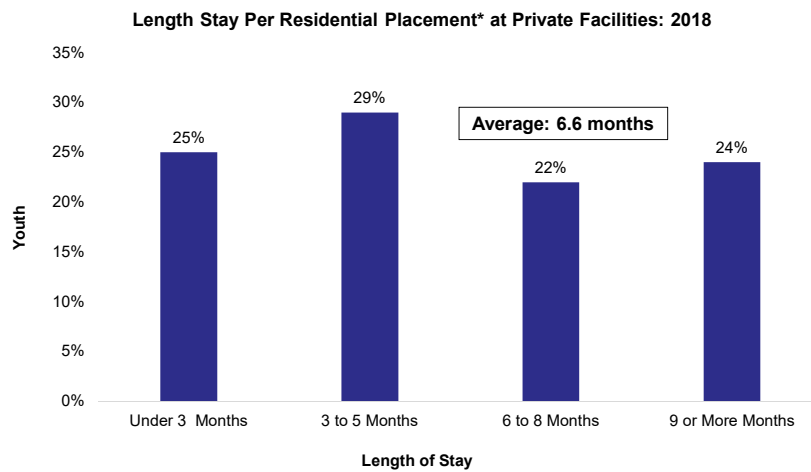
For state-run facilities, the average time youth spend out of home per placement is just over six months



\*Length of time per residential placement is calculated from the youth's service start date to the youth's service end date at the residential facility.

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For private facilities, the average stay per placement is 6.6 months; one-quarter average over nine months

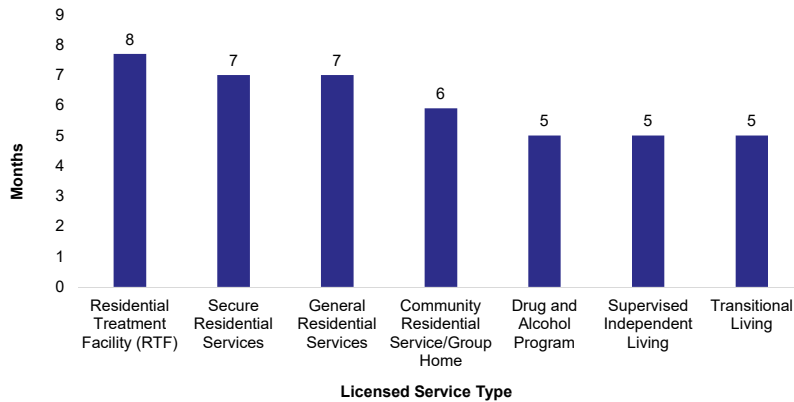


\*Length of time per residential placement is calculated from the youth's service start date to the youth's service end date at the residential facility.

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Among the private facilities, Residential Treatment Facilities (RTFs) average the longest out-of-home stays per placement

**Average Length Per Residential Placement\* by Licensed Service Type: 2018**

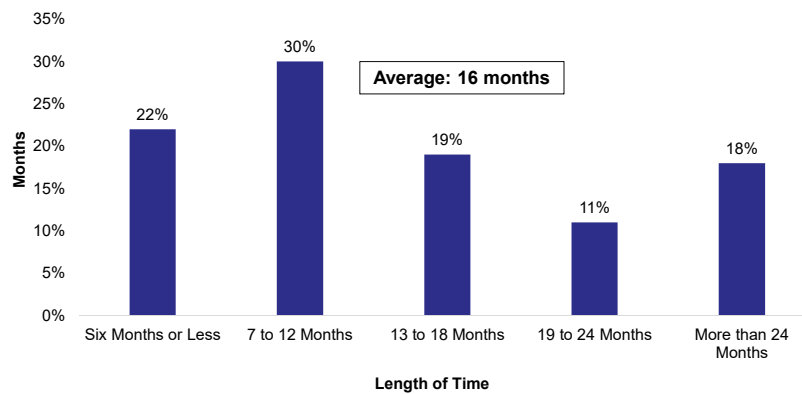


\*Length of time per residential placement is calculated from the youth's service start date to the youth's service end date at the residential facility. Excludes length of time in Community Residential Rehabilitation-Host Homes and Inpatient Mental Health facilities due to their small numbers.

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Cumulatively, youth with placement dispositions spend 16 months out-of-home, on average; 18% spend over two years

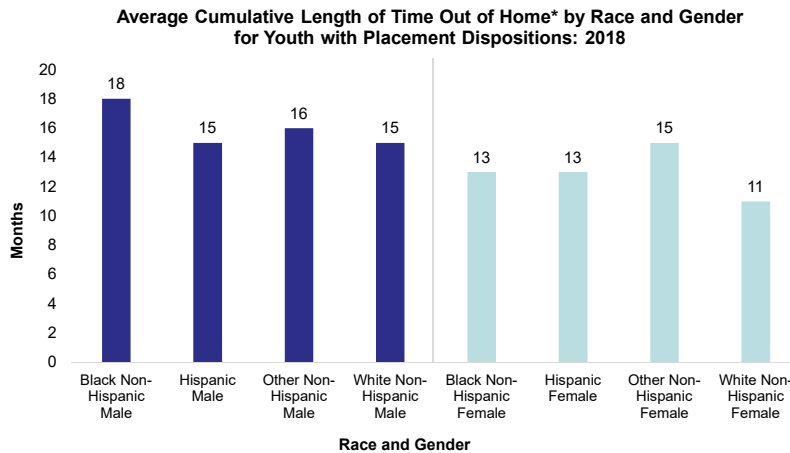
**Total Cumulative Time Out of Home\* for Youth with Placement Dispositions: 2018**



\*Includes total time spent in detention facilities, shelter facilities, and residential placement facilities. Total cumulative length of time out of home is calculated by summing together the length of time at each out-of-home placement.

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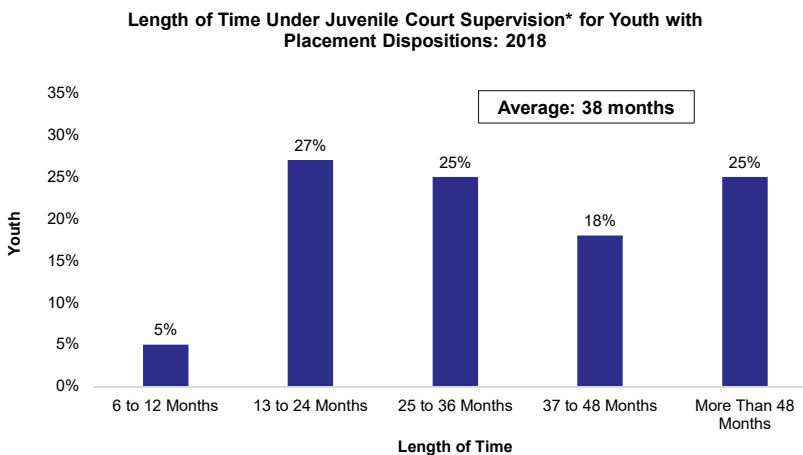
## Black Non-Hispanic males average the most cumulative time out of home



\*Includes total time spent in detention facilities, shelter facilities, and residential placement facilities. Total cumulative length of time out of home is calculated by summing together the length of time at each out-of-home placement. Asian Non-Hispanic youth have been excluded due to their low numbers.

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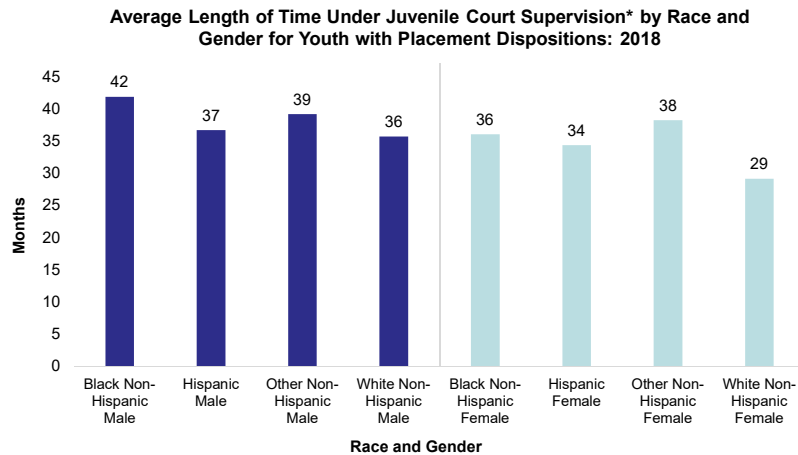
## Overall court supervision length for youth with placement dispositions is more than three years, on average



\*Total length of time under juvenile court supervision is calculated from the date the youth was open for services to the date in which the youth was closed for services.

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## Among youth with placement dispositions, Black Non-Hispanic males spend the most time under court supervision



\*Total length of time under juvenile court supervision is calculated from the date the youth was open for services to the date in which the youth was closed for services. Asian Non-Hispanic youth have been excluded due to their low numbers.

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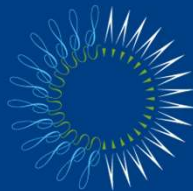
## Placement Takeaways – Length of Stay and Supervision

- Among youth with placement dispositions, almost half spend time in five or more out-of-home placements
  - Youth average two residential placements; over a quarter go to three or more
- Youth average 6.5 months out-of-home per residential placement
- Cumulatively, youth with placement dispositions spend 16 months out-of-home, on average; 18% spend over two years
- Youth with placement dispositions spend more than three years under overall court supervision, on average
- Black Non-Hispanic males with placement dispositions average the most cumulative time out of home and spend the most time under overall court supervision

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## COVID-19 Discussion

- How has COVID-19 impacted you or your colleagues work in the juvenile justice system?
- What is your understanding of the impact COVID-19 has had on youth currently involved in the juvenile justice system?
- How has COVID-19 illuminated underlying challenges in the juvenile justice system impacting youth and staff?

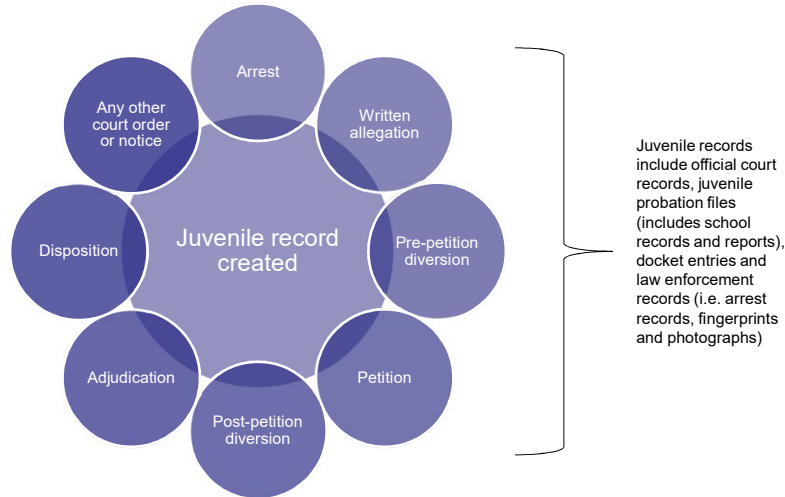


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System Assessment:  
Expungement

Pennsylvania Juvenile Justice Task Force  
September 9, 2020

At every stage of the juvenile justice system, from arrest to disposition, a record is created



237 Pa. Code Part I, Subpt A, Ch 1, Rules 160 -163 and 166, 167, 170 & 172;  
42 Pa. C.S. § 6307(b)(1)

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Juvenile records do not automatically disappear in adulthood

Status of Case	Prerequisites for Expungement Eligibility	
Dismissed or Withdrawn	<ul style="list-style-type: none"> <li>None</li> </ul>	<b>In all cases:</b> <ul style="list-style-type: none"> <li>➤ The court, youth or a guardian must initiate the expungement process</li> <li>➤ Notice must be given to the DA and JPO; objections must be received in 30 days</li> <li>➤ The court may grant or deny the motion with or without a hearing</li> </ul>
Diverted	<ul style="list-style-type: none"> <li>6 months after completion of diversion</li> <li>no adjudication or conviction pending</li> </ul>	
Consent Decree	<ul style="list-style-type: none"> <li>6 months after completion of consent decree</li> <li>no adjudication or conviction pending</li> </ul>	
Adjudication	<ul style="list-style-type: none"> <li>5 years since discharge from court supervision</li> <li>not adjudicated delinquent and no conviction</li> <li>No adjudication or conviction pending</li> </ul>	

\*The court may also expunge juvenile records by court order once a child reaches the age of 18 if the Commonwealth attorney consents to the expungement.

Pa.R.J.C.P. 170, 171, 172;  
18 Pa. C. S. § 9123; 44 Pa. C.S. § 2321  
204 Pa.Code § 303.7

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Juvenile court involvement and the associated records may lead to lasting detrimental consequences

Exclusionary Discipline (at School)	Employment/ Occupational Licensing	Housing	Military Enlistment
License to Drive	Firearm Possession	Public Benefits	College Admission
Credit	Adoption	Registration for Sex Offenses	Immigration

\*Adjudications of delinquency can be considered by the court when sentencing following a criminal conviction and may lead to sentencing enhancements in both the state and federal systems

18 Pa. C.S. § 6105; 42 Pa. C.S. § 9795.2; 75 Pa. C.S. § 1503, 1532, 3804; 8 U.S.C. § 1227, 1427; 42 U.S.C. § 13663

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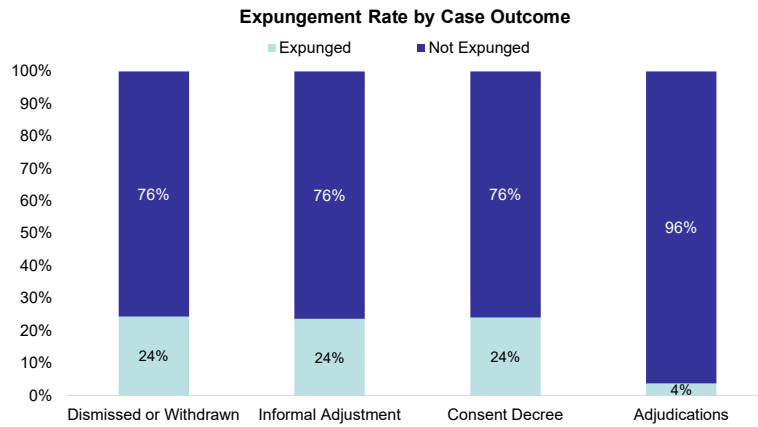
## Expungements

Data

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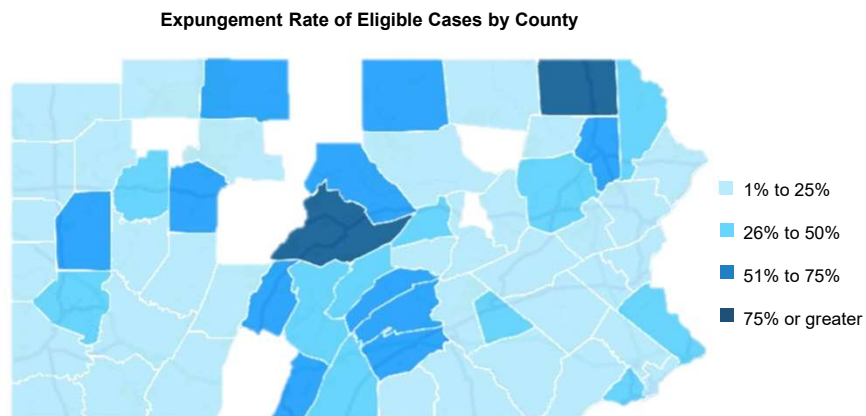


The majority of eligible cases are not expunged, including 96% of eligible adjudicated cases



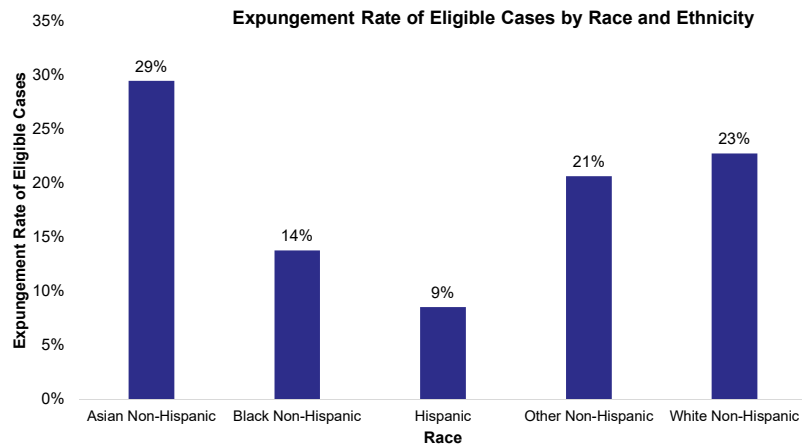
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Wide variation in county expungement rates among eligible cases, ranging from zero to 75% or greater



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Wide variation among expungement rates by race; less than 10% of eligible cases for Hispanic youth are expunged



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## Expungement Takeaways

- Records associated with a youth's juvenile justice system involvement do not automatically disappear in adulthood, even if their case is dismissed or withdrawn
- Those arrest and court records may have lasting detrimental consequences, affecting employment prospects, military enlistment, family housing, education, among many other areas
- Most cases eligible for expungement are not expunged, including:
  - 76% of cases that were dismissed or withdrawn
  - 96% of eligible adjudicated cases
- Wide variation in county expungement rates among eligible cases, including two counties with 75% or more of eligible cases expunged and seven counties with none
- **Other?**

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## Next Steps

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

## Contact Information

**Task Force Website:** <http://www.pacourts.us/pa-juvenile-justice-task-force>

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