

PENNSYLVANIA JUVENILE TASK FORCE

August 12, 2020 Meeting Executive Summary

On August 12, 2020, the Pennsylvania Juvenile Justice Task Force convened its fifth meeting, led by Task Force co-chairs Senator Lisa Baker, Senator Jay Costa, Representative Tarah Toohil, and Representative Mike Zabel. The co-chairs provided an update on stakeholder engagement and reviewed the key takeaways from the July 29th Task Force meeting. The Task Force then reviewed and discussed Pennsylvania juvenile justice system data, with a specific focus on the disposition process and probation. The meeting concluded with a discussion of logistical next steps.

Stakeholder Engagement and Key Takeaways

Stakeholder Roundtables

Rep. Zabel reviewed the dates for upcoming stakeholder roundtable meetings that will be facilitated by members of the Task Force. Rep. Zabel also reminded Task Force members that, after the next four meetings, the Task Force will reserve one hour to hear virtual testimony from the public. Any member of the public is invited to speak for up to five minutes and [can sign up](#) for a specific meeting date through a link that has been uploaded to the Task Force's website. Testimony will be limited to a certain number of sign-ups per meeting to make sure people have enough time to speak.

Key Takeaways from July 29th Task Force Meeting

Sen. Costa reviewed the key takeaways from the previous task force meeting, including:

- At intake, the law creates an array of opportunities to divert cases instead of petitioning them.
- 82% of youth who are diverted as a first response successfully complete diversion.
- Most youth score as low risk to reoffend on their first risk and needs assessment; just 7% score as high risk.
- No statewide standards guide intake decision-making as it relates to diversion (i.e. whether to dismiss, divert, or petition a case; what type of diversion to offer; and what conditions to require as a part of a diversion).
- While diversion is up from 2009, 57% of written allegations do not result in diversion prior to the filing of a petition (includes 63% of cases where youth are assessed low risk and 54% of

misdemeanor cases where youth have no prior allegations).

- In more than half of all counties, fewer than 25% of written allegations result in pre-petition diversion.
- Once a case is petitioned, prosecutors, in collaboration with the court and probation, have the discretion to offer an adjudication alternative like a consent decree.
- There is no standardized criteria guiding post-petition decision-making across the state, leading to variation in local practice.
- Overall, 56% of written allegations result in pre-petition diversion or consent decree, up from 2009, and 37% of allegations are adjudicated as a first response (Black Non-Hispanic males account for a larger share of adjudications as a first response).
- A majority of the top offenses leading to pre-petition diversion are the same as those that lead to consent decrees and adjudications as a first response.
- Youth who are petitioned (including youth with consent decrees) average twice as long under the overall jurisdiction of the court – nearly 1.5 years compared to eight months for youth with diversion.

System Assessment Data Analysis

Disposition and Decision-Making

The Task Force reviewed a system assessment of the disposition process and decision-making as it relates to juvenile probation, including the following takeaways:

- There are no criteria in juvenile court for limiting certain dispositions according to offense severity, assessed risk level, or prior history (the court may impose any conditions and remove youth from home for any offense).
- Local probation practices vary, as over 140 juvenile court judges and 67 county probation offices have broad discretion to set probation supervision practices.
- There is no limit to the length of probation supervision or overall juvenile court supervision apart from the age of jurisdiction.
- The law authorizes any party to move for early supervision termination, and the JPO must notify the court when probation terms are complete.

- 17% of JPO respondents responded that either they cannot request early termination when youth are in compliance, or that it depends.
- Judge respondents differ in whether and how cases are closed when fines and fees, or restitution are outstanding.
- A probation violation may lead to modification of the court's original disposition, including the possibility of commitment.
- JPO respondents report differences in the criteria for sanctioning probation violations.
- Nearly a third of JPO respondents do not consider graduated response policies when responding to technical violations (violations that are not new crimes).
- JPO respondents were varied in whether they report removal from the home being used as a response to technical violations.
- JPOs have the authority to arrest and detain youth, and 61% report using detention in response to a violation that is not a new crime.
- Judges and JPOs report receiving a wide range of training (40 hours of annual training is required for JPOs as a condition of JCJC funding).
- supervision – varies widely based on race/ethnicity, age, and where a youth lives.
- In nearly one-in-five counties, the average time on juvenile probation is over 1.5 years, compared six-to-nine months in roughly a third of counties.
- Black Non-Hispanic, Hispanic, and Other Non-Hispanic youth average more time on probation and overall court supervision compared to White Non-Hispanic youth and Asian Non-Hispanic youth.
- Youth age 13 and younger who are on probation and have no subsequent escalation spend the longest amount of time on probation and overall court supervision.

Task Force Discussion and Next Steps

Task Force members discussed the key findings of both the system assessment and data analysis and asked members of the technical assistance team to conduct follow-up analyses. The Task Force opened up time at the end of the meeting for public testimony, but no time was requested by the public. The next Task Force meeting will take place on August 26th from 3-5pm, with an hour from 5-6pm allotted for public testimony. All meeting material, 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>

Probation Data Analysis

The Task Force then reviewed data on juvenile probation, including the following takeaways:

- 43% of youth on probation are assessed as low risk to reoffend and just 10% score as high or very high risk. Youth assessed as low risk also generally low need across most domains.
- 81% of youth on probation are there for a misdemeanor and 59% of those misdemeanors are non-person offenses.
- Youth who are on probation and score as low risk to reoffend are also generally assessed as low need (education/employment is the only domain in which a majority of youth assessed as low risk score as having criminogenic need).
- Youth who are on probation with no subsequent escalation average just over a year on probation (13 months) and 1.5 years under overall juvenile court supervision.
- The average time of youth on probation supervision – and under overall juvenile court