



**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 stakeholder input (co-chairs)
- Review key takeaways from last meeting (co-chairs)
- Data analysis and discussion (Pew)
- Discussion and next steps (co-chairs)
- Public testimony (5:00-6:00pm)

Stakeholder Input

- Upcoming roundtables (additional meetings pending)
 - Law enforcement (August 21, September 18)
 - Service providers (September 10, September 14)
 - Dually adjudicated youth (September 10, September 14)
 - Northeastern Pennsylvania stakeholders (August 19)
- 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>

Key Findings – Presentation 2

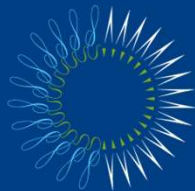
- At intake, the law creates an array of opportunities to divert cases instead of petitioning them
 - 82% of youth who are diverted as a first response are successful
 - Most youth score as low risk to reoffend on their first risk and needs assessment; just 7% score as high risk
- Yet no statewide standards guide intake decision-making, including:
 - Whether to dismiss, divert or petition a case
 - What type of diversion to offer
 - What conditions to require as 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, including:
 - 63% of cases where youth are assessed low risk
 - 54% of misdemeanor cases where youth have no prior allegations
- In more than half of counties, fewer than 25% of written allegations result in pre-petition diversion

Key Findings – Presentation 2

- Once a case is petitioned, prosecutors in collaboration with the court and probation have discretion to offer an adjudication alternative like a consent decree.
 - Criteria guiding post-petition decision-making is not standard 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

Key Findings – Presentation 2

- 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
- Yet 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



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System Assessment:
Disposition and Probation

Pennsylvania Juvenile Justice Task Force
August 12, 2020

System assessment and data analysis sources

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

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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

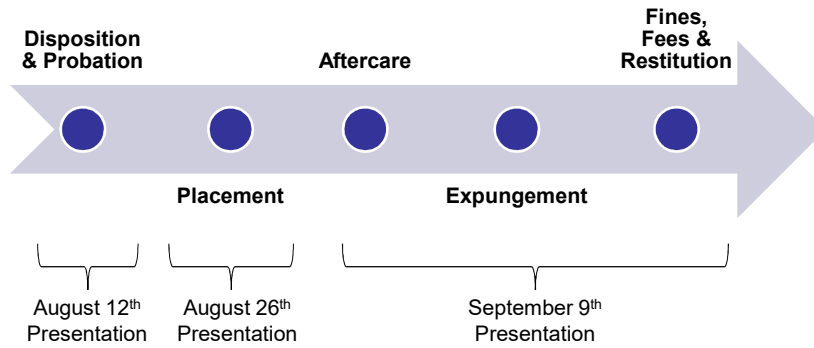
- Most recent JCJC data (2019) was not validated at time of collection, with the exception of detention

Overall

- Numbers may not equal 100% due to rounding
- Data include youth who had a probation disposition as the initial response between 2009 and 2018
 - Length of stay on probation and under court supervision data is for cases closed between 2014 and 2018 for youth on probation with no subsequent escalation

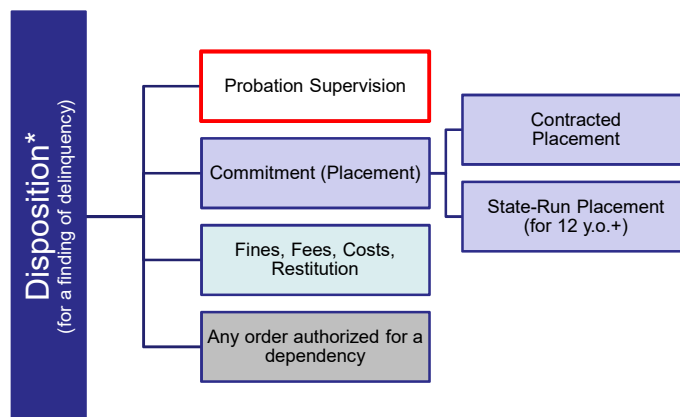
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Juvenile Justice System Structure (Scope of Presentations)



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For any finding of delinquency, the judge may order any combination of authorized dispositions

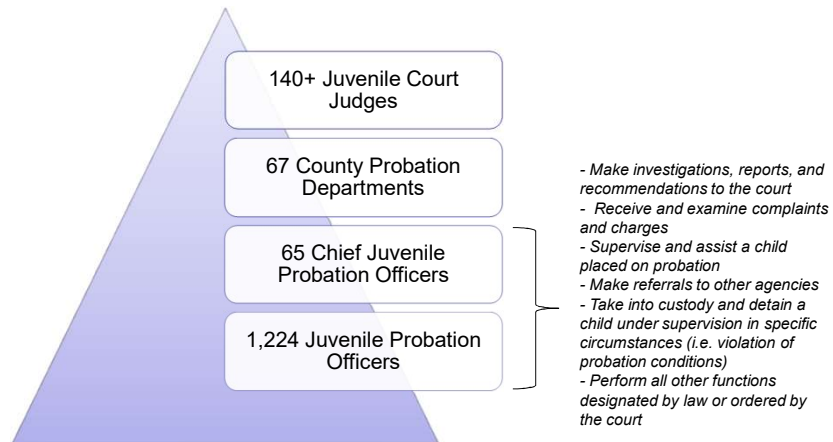


Before entering its order, the court shall state the reasons for its disposition and the goals, terms and conditions of that disposition in open court. 42 Pa.C.S. § 6352

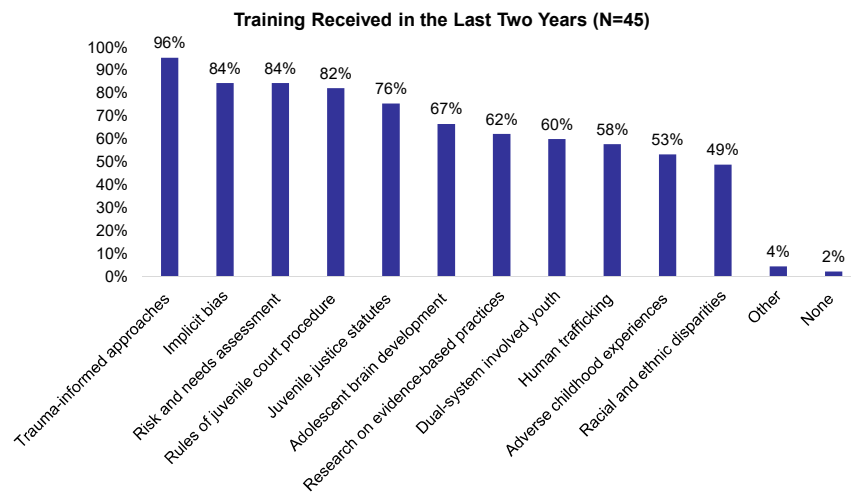
*70% of judge respondents report using a YLS to guide decision-making all the time; 30% sometimes use the results to guide decision-making

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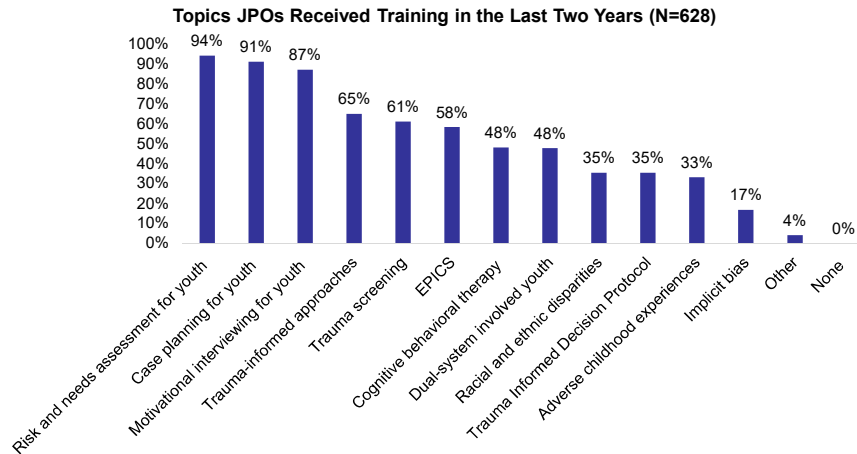
Over 140 juvenile court judges and 67 county probation offices responsible for administration of probation supervision



Judge respondents report a range of training



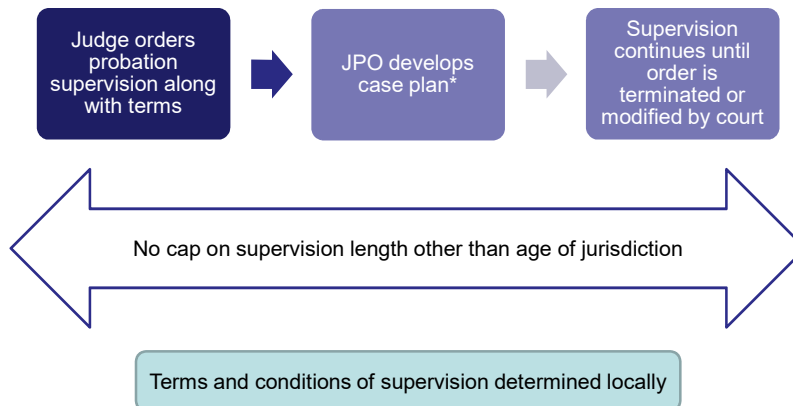
Most JPO respondents received training on risk and needs assessments, case planning; 17% trained on implicit bias



*40 hours of annual training required to receive JCJC grants

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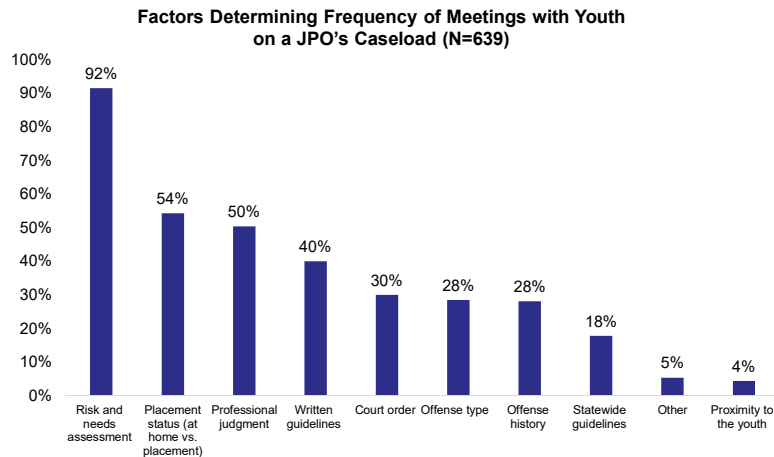
Local courts and probation offices have broad discretion to set practices around probation supervision



*Nearly two-thirds of JPO respondents complete a case plan for all youth, regardless of risk or offense severity

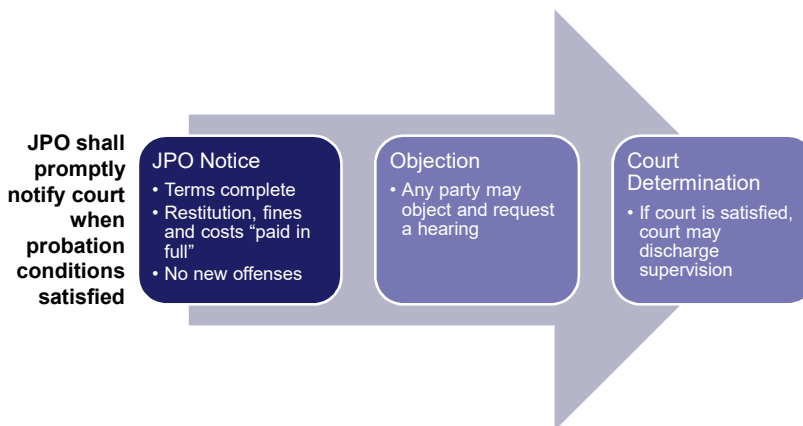
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Range of factors determine how frequently JPO respondents meet with youth; 60% do not consider written guidelines



17

JPO must notify the court when probation terms are complete and restitution, fines and costs are paid in full

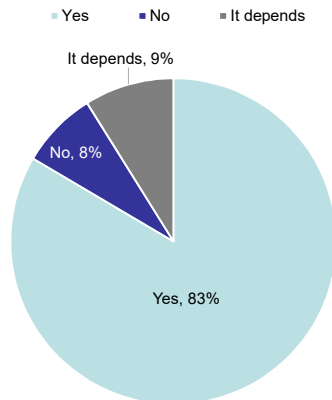


*Pa.R.J.C.P. 632 provides for any party to move for early termination of court supervision

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Most JPO respondents reported they can recommend early probation termination to the judge for youth in compliance

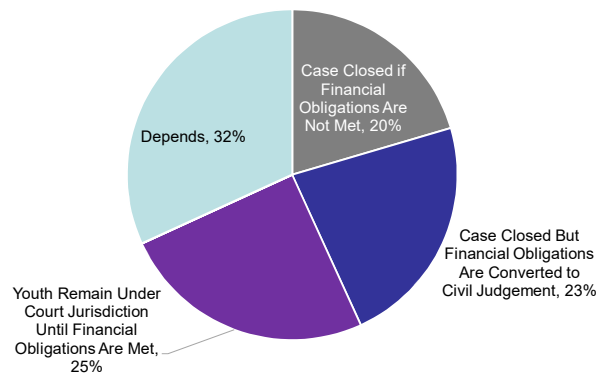
**JPO Ability to Recommend
Early Termination from Probation (N=630)**



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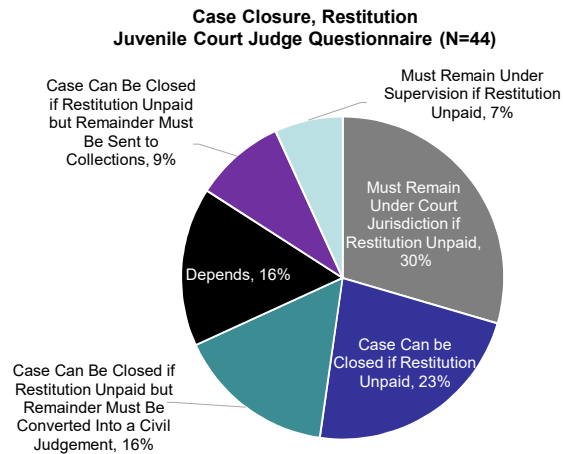
Judge respondents differ in whether and how cases are closed when fines and fees are unmet

**Are Youths' Cases Closed If Payment of Court Costs, Fines and Fees
Have Not Been Met?
Juvenile Court Judge Questionnaire (N=44)**



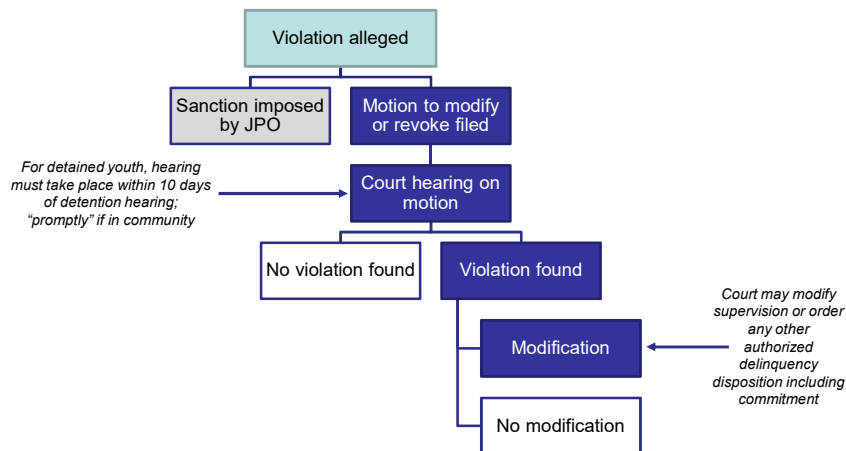
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There is wide variation among judge respondents regarding case closure if restitution is unpaid



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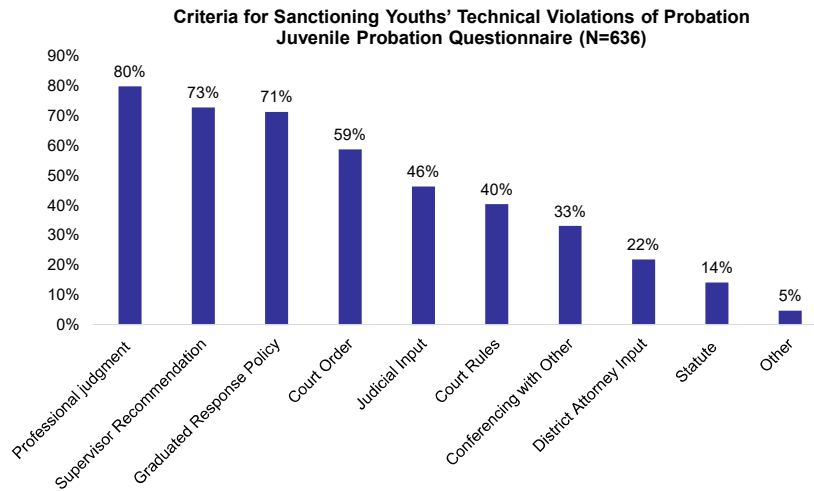
A probation violation may lead to modification of the court's original disposition, including the possibility of commitment



*A youth may be detained for a modification of a dispositional order or a violation of probation

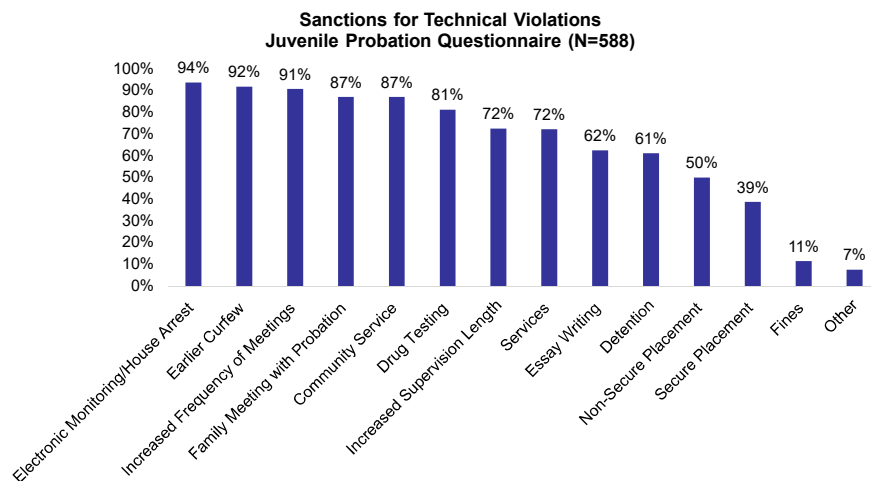
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71% of JPO respondents report using graduated response policies to guide responses to technical violations



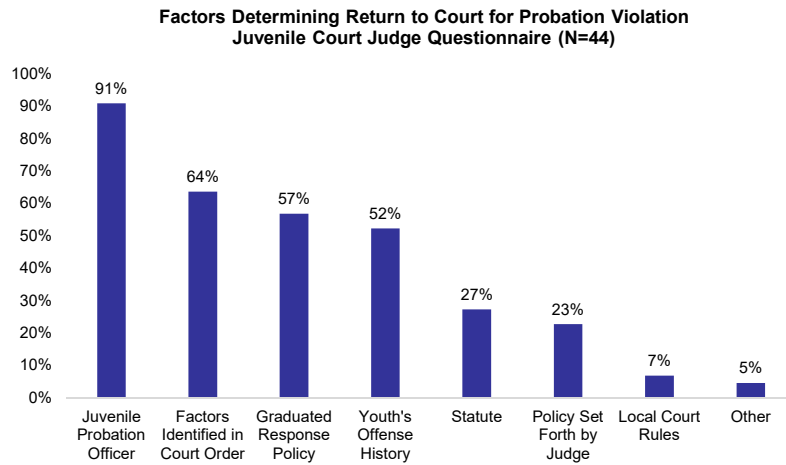
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JPO respondents report using an array of sanctions for technical violations, including detention and placement



24

Nearly one quarter of judge respondents report judicial policy determines if a youth is brought to court for alleged violations



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Probation Disposition

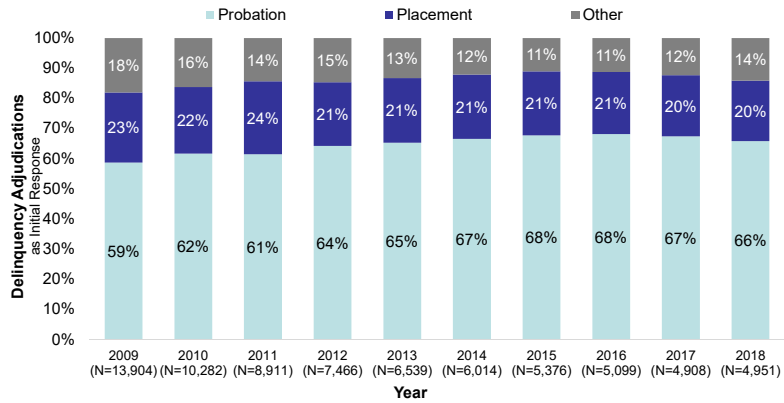
Data

NOTE: Data include youth who had a probation disposition as the initial response between 2009 and 2018

26

Among those who go straight to adjudication, majority are put on probation

**Dispositional Outcomes of Delinquency Adjudications
(Probation, Placement, Other as Initial Response): 2009-2018**

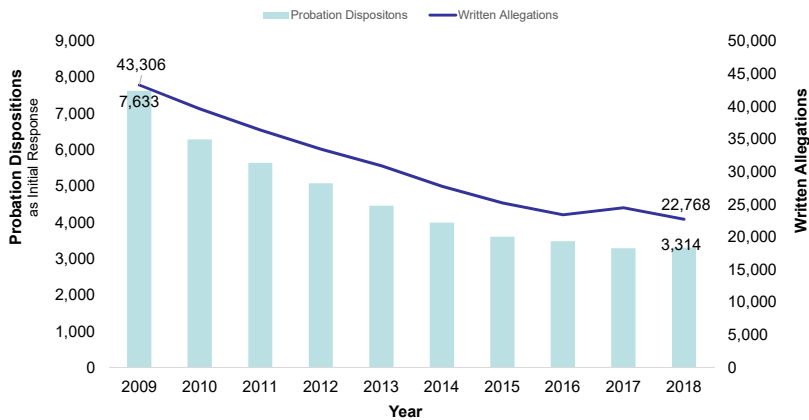


*Other includes: warned and counseled/case closed; continuance on previous disposition; deferred placement; dismissed/withdrawn; fines/fees ordered; and other.

27

Probation dispositions as a initial response have decreased 56%, compared to a 47% drop in written allegations

**Total Number of Probation Dispositions as Initial Response by Year:
2009-2018**



28

Misdemeanors, non-person offenses make up most of top offenses when probation is first response, similar to 2009

Rank	Top 10 Offenses (2009): Probation Dispositions as Initial Response	% of Probation Dispositions as Initial Response	Top 10 Offenses (2018): Probation Dispositions as Initial Response	% of Probation Dispositions as Initial Response
1	Simple Assault (M)	16%	Simple Assault (M)	18%
2	Theft-Related* Offense (M)	12%	Theft-Related* Offense (M)	9%
3	Possession of Drugs (M)	10%	Terroristic Threats (M)	7%
4	Burglary (F)	4%	Disorderly Conduct (M)	7%
5	Disorderly Conduct (M)	4%	Possession of Drug Paraphernalia (M)	6%
6	Possession with Intent to Deliver Drugs (F)	4%	Possession of Drugs (M)	5%
7	Terroristic Threats (M)	4%	Theft-Related* Offense (F)	4%
8	Criminal Mischief (M)	3%	Indecent Assault (M)	4%
9	Possession of Drug Paraphernalia (M)	3%	Possession of Weapon on School Property (M)	3%
10	Robbery (F)	3%	Robbery (F)	3%
Total	Total	63% (100%)	Total	65% (100%)

F = Felony; M=Misdemeanor; 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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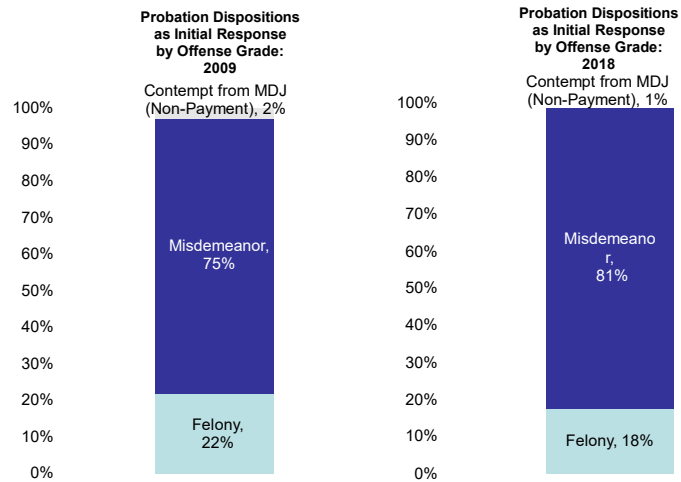
Majority of top ten offenses are the same for incoming written allegations and cases where probation is the initial response

Rank	Top 10 Offenses (2018): Written Allegations	% of Written Allegations	Top 10 Offenses (2018): Probation Disposition as Initial Response	% of Probation Dispositions as Initial Response
1	Contempt from MDJ (Non-Payment) (C)	18%	Simple Assault (M)	18%
2	Simple Assault (M)	10%	Theft-Related* Offense (M)	9%
3	Possession of Drugs (M)	10%	Terroristic Threats (M)	7%
4	Theft-Related Offense* (M)	6%	Disorderly Conduct (M)	7%
5	Terroristic Threats (M)	5%	Possession of Drug Paraphernalia (M)	6%
6	Aggravated Assault (F)	5%	Possession of Drugs (M)	5%
7	Theft-Related Offense* (F)	5%	Theft-Related* Offense (F)	4%
8	Robbery (F)	3%	Indecent Assault (M)	4%
9	Possession with Intent to Deliver Drugs (F)	3%	Possession of Weapon on School Property (M)	3%
10	Burglary (F)	3%	Robbery (F)	3%
Total	15,239 (22,735)	67% (100%)	Total	65% (100%)

F = Felony; M=Misdemeanor; 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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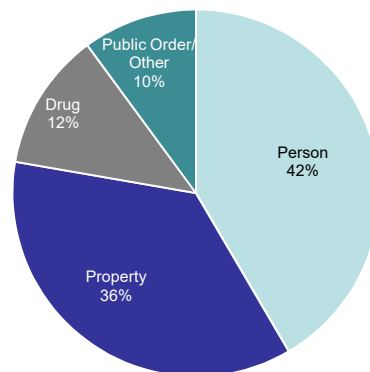
Most youth who go straight to probation committed a misdemeanor, up since 2009



31

Among felony cases where probation is first response, 58% are for non-person offenses

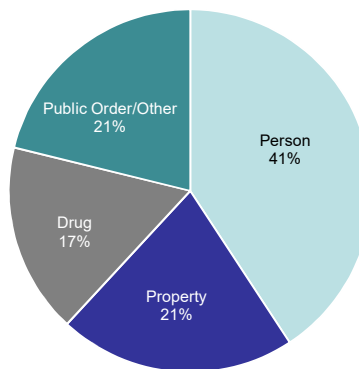
Offense Type for Youth with Probation Dispositions as Initial Response for Felony Offenses: 2018



32

Among misdemeanor cases where probation is first response, 59% are for non-person offenses

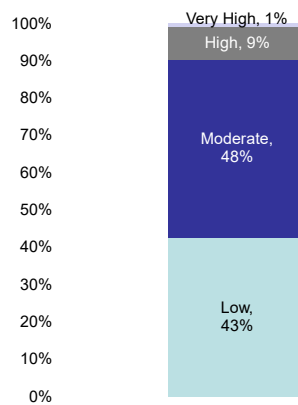
Offense Type for Youth with Probation Dispositions as Initial Response for Misdemeanor Offenses: 2018



33

43% of youth who go straight to probation score low risk to reoffend; just 10% are assessed as high or very high risk

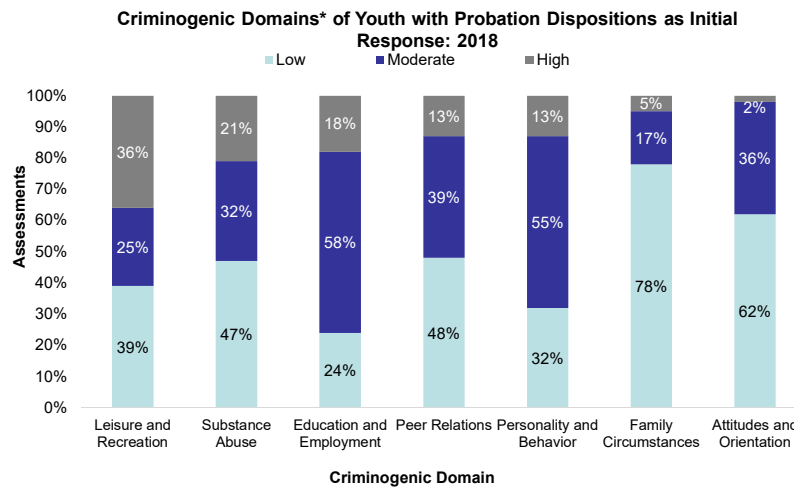
Assessed Risk Level* of Youth with Probation Dispositions as Initial Response: 2018



*The YLS that occurred closest in time to the youth's probation disposition. Any YLS assessments that occurred more than 180 days from the probation disposition date were excluded.

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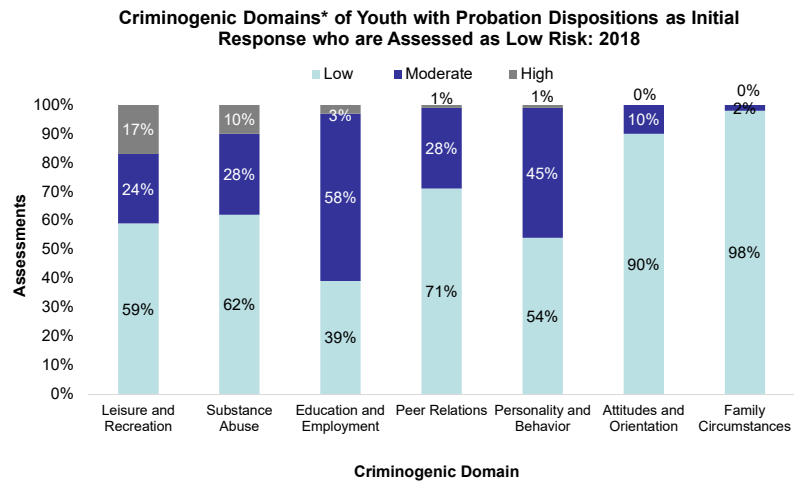
Leisure/recreation is top criminogenic need for youth who go straight to probation; family needs, attitudes/orientation low



*The YLS that occurred closest in time to the youth's probation disposition was utilized for this analysis. Any YLS assessments that occurred more than 180 days from the probation disposition date were excluded.

35

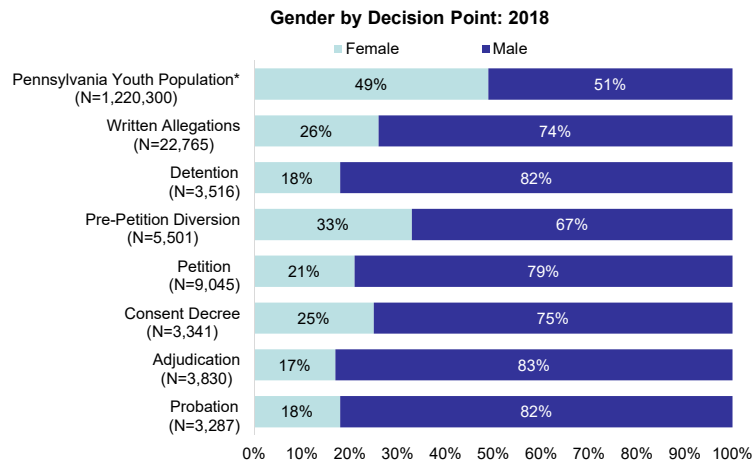
Most youth assessed as low risk who go straight to probation also score as low need, across nearly all domains



*The YLS that occurred closest in time to the youth's probation disposition was utilized for this analysis. Any YLS assessments that occurred more than 180 days from the probation disposition date were excluded.

36

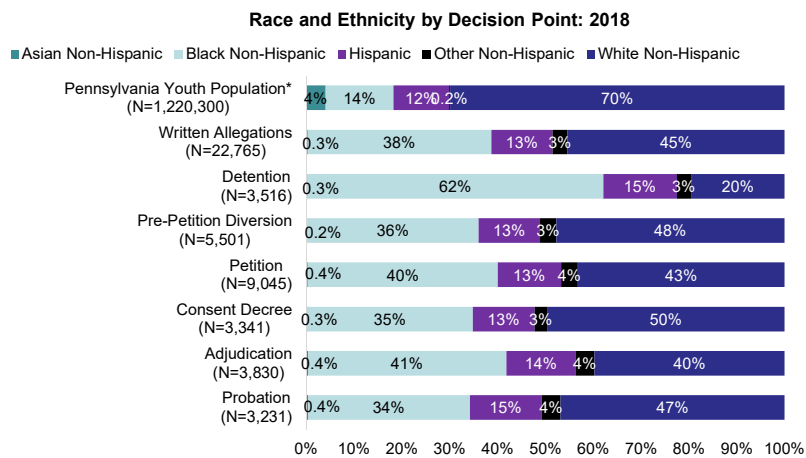
Males make up a higher share of those who go straight to probation compared to written allegations; similar share relative to adjudications



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

37

Relative to adjudications, Black Non-Hispanic youth represent a smaller share of those sent straight to probation



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

38

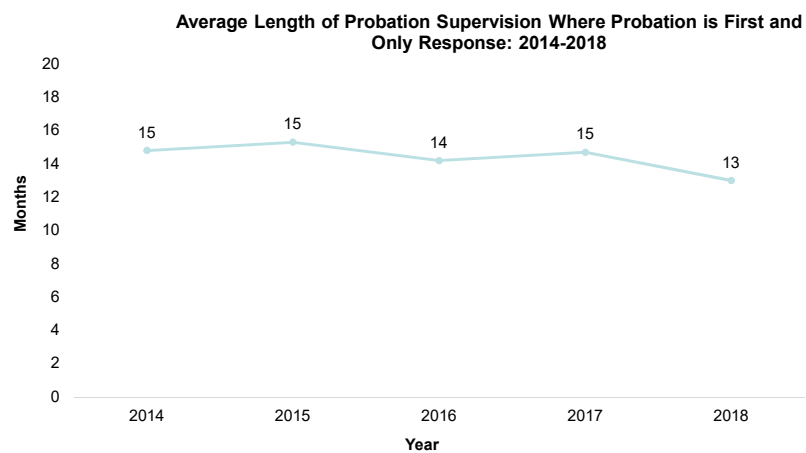
Length of Probation and Court Supervision

Data

*Data include youth who went straight to probation between 2009 and 2018 whose cases were closed between 2014 and 2018 without subsequent escalation; referred to in slides as youth "with probation as only response" or "who go straight to probation and have no subsequent escalation" or "where probation is first and only response"

39

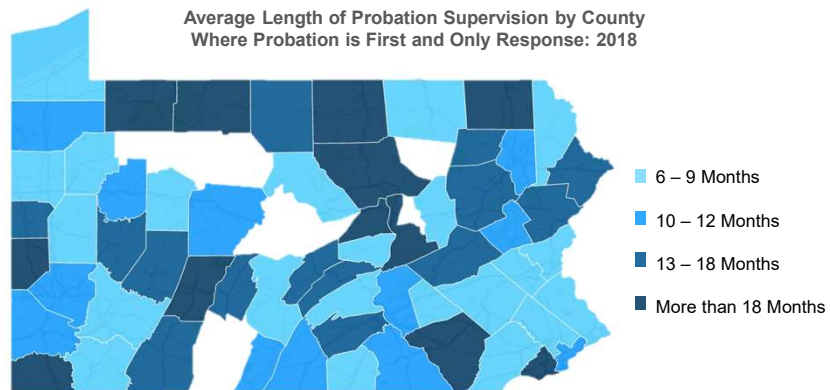
Average length of probation is just over a year for youth who go straight to probation and have no subsequent escalation



*Length of probation supervision calculated from date of probation disposition to juvenile's case closure date.

40

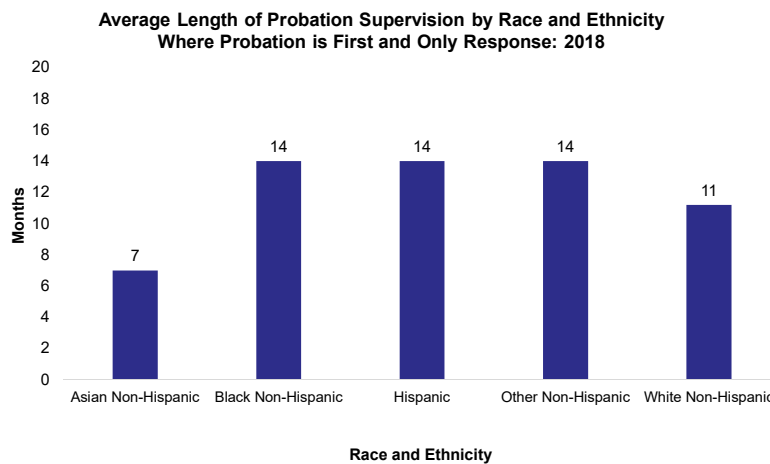
In nearly one-in-five counties, youth who go straight to probation and have no subsequent escalation average at least 1.5 years on probation



*Length of probation supervision calculated from date of probation disposition to juvenile's case closure date.

41

Length of probation for youth who go straight to probation and have no subsequent escalation varies by race/ethnicity

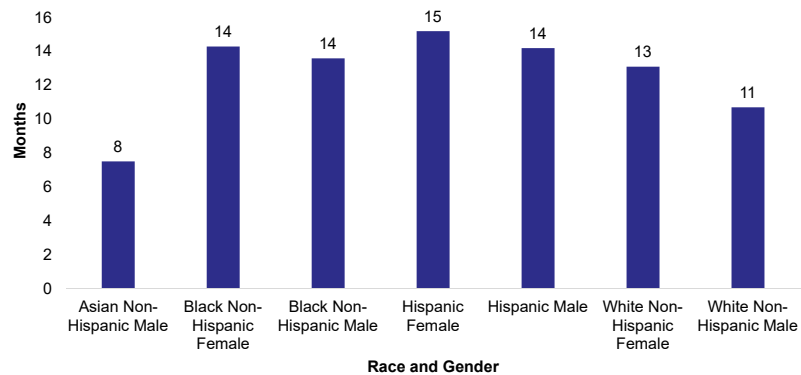


*Length of probation supervision calculated from date of probation disposition to juvenile's case closure date.

42

Hispanic females average the longest time on probation where probation is the only response

Average Length of Probation Supervision by Race and Gender* Where Probation is First and Only Response: 2018

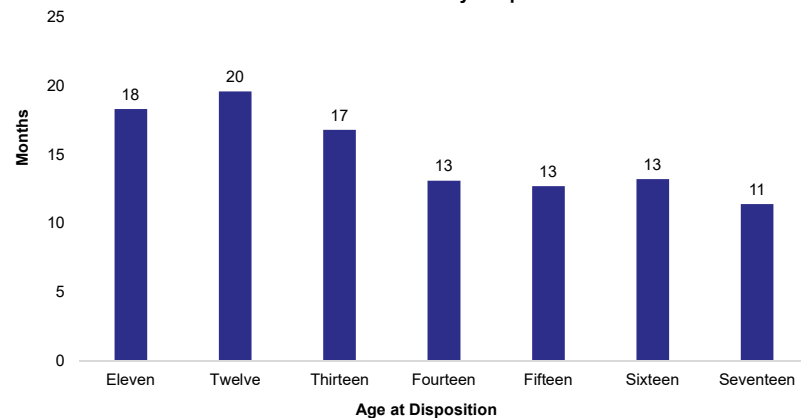


*Asian Non-Hispanic females and Other Non-Hispanic males and females have been excluded from this analysis due to their small numbers in this population. Length of probation supervision calculated from date of probation disposition to juvenile's case closure date.

43

Youth age 13 and younger who go straight to probation and have no subsequent escalation spend longest on probation

Average Length of Probation Supervision by Age at Disposition Where Probation is First and Only Response: 2018

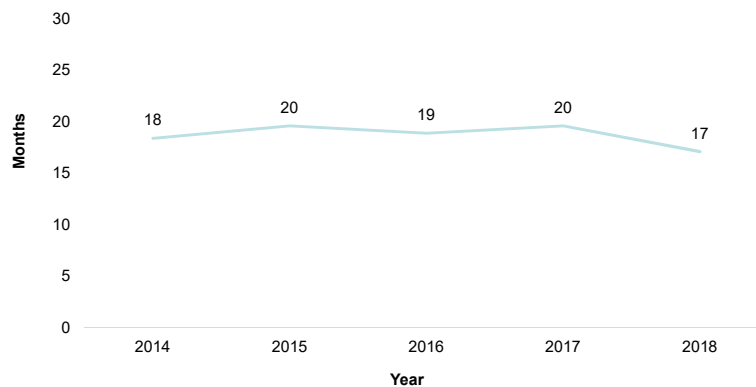


*Length of probation supervision calculated from date of probation disposition to juvenile's case closure date.

44

Youth average almost 1.5 years under overall juvenile court supervision when probation is the only response

Average Length of Juvenile Court Supervision Where Probation is First and Only Response: 2014-2018

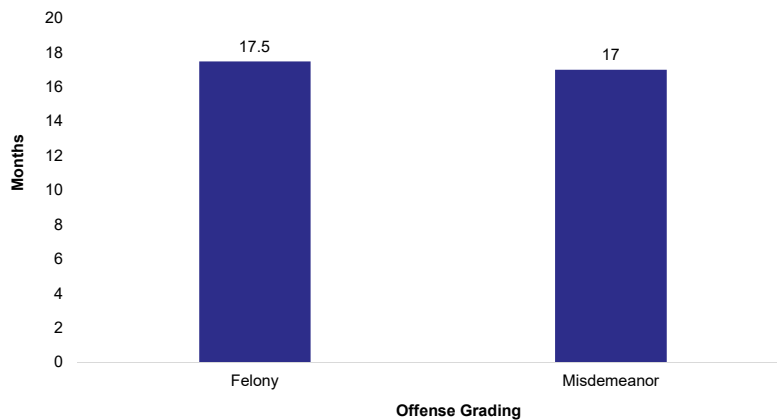


*Length of overall juvenile court supervision calculated from date of juvenile's open for services date to juvenile's case closure date.

45

Average overall court supervision length similar for felonies and misdemeanors when probation is the only response

Average Length of Juvenile Court Supervision by Offense Grading Where Probation is First and Only Response: 2014-2018

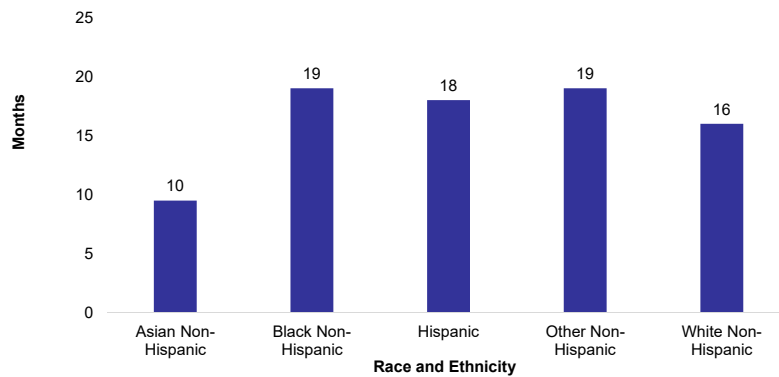


*Length of overall juvenile court supervision calculated from date of juvenile's open for services date to juvenile's case closure date.

46

Black Non-Hispanic, Hispanic, and other Non-Hispanic youth average the most time under court supervision, among those with probation as the only response

**Average Length of Juvenile Court Supervision by Race and Ethnicity
Where Probation is First and Only Response: 2018**

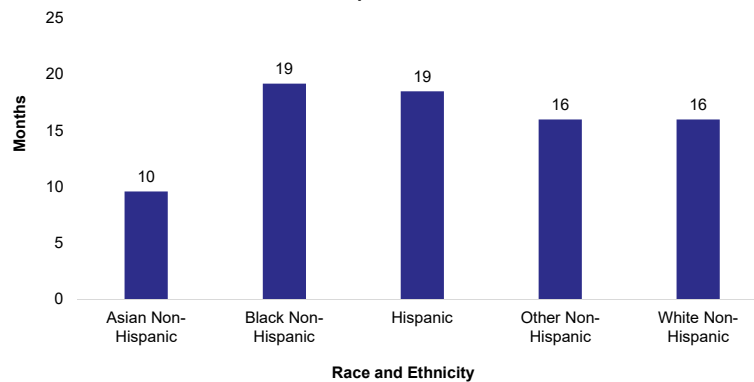


*Length of overall juvenile court supervision calculated from date of juvenile's open for services date to juvenile's case closure date.

47

Among youth with misdemeanors and probation as only response, Black Non-Hispanic and Hispanic youth average the longest time under juvenile court supervision

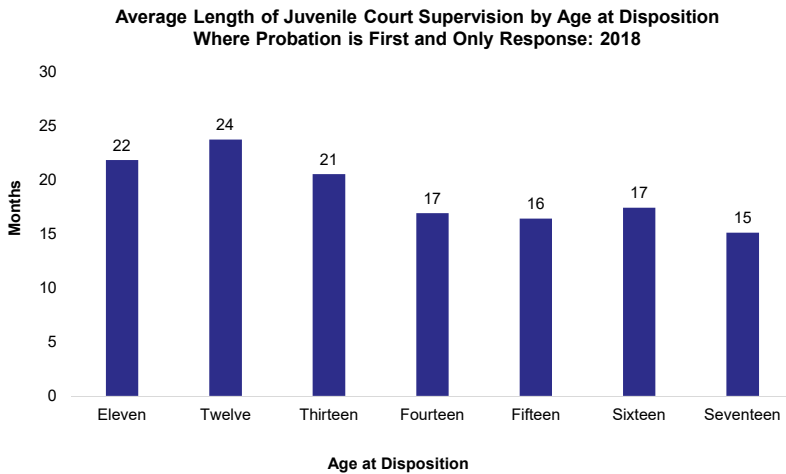
**Average Length of Juvenile Court Supervision by Race and Ethnicity
for Misdemeanor Offenses Where Probation is First and Only
Response: 2018**



*Length of overall juvenile court supervision calculated from date of juvenile's open for services date to juvenile's case closure date.

48

Youth under age 14 with probation as only response average nearly two years under overall court supervision



*Length of overall juvenile court supervision calculated from date of juvenile's open for services date to juvenile's case closure date. 49

Disposition and Probation Key Takeaways

• Decision Making

- 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 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.

Disposition and Probation Key Takeaways

- **Decision Making (cont.)**

- 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 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 required for JPOs as a condition of JCJC funding.

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Disposition and Probation Key Takeaways

- **Probation**

- Among those youth who go straight to probation:
 - » 43% are assessed as low risk to reoffend; just 10% score as high or very high risk
 - » 81% are there for a misdemeanor; 59% of those misdemeanors are non-person offenses
- Youth who go straight to 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

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Disposition and Probation Key Takeaways

- **Probation (cont.)**

- Youth who go straight to probation with no subsequent escalation average just over a year on probation (13 months) and 1.5 years under overall juvenile court supervision
- Yet the average time youth who go straight to probation spend on probation supervision—and under overall juvenile court supervision—varies widely based on where a youth lives, race/ethnicity, and age:
 - » In nearly one-in-five counties, the average 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 go straight to probation and have no subsequent escalation spend longest on probation and overall juvenile court supervision

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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-jvenile-justice-task-force>

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**Pennsylvania Juvenile Justice Task Force
Public Testimony**