

# PENNSYLVANIA JUVENILE TASK FORCE

## July 29, 2020 Meeting Executive Summary

On July 29, 2020, the Pennsylvania Juvenile Justice Task Force convened its fourth 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 15<sup>th</sup> Task Force meeting. The Task Force then reviewed and discussed data analysis of Pennsylvania's juvenile justice system, with a specific focus on the intake and adjudication processes. The meeting concluded with a discussion of logistical next steps.

### Stakeholder Engagement and Key Takeaways

#### *Public Testimony*

Rep. Zabel outlined opportunities for the public to provide direct testimony to the Task Force. Beginning at the August 12<sup>th</sup> meeting, the Task Force will reserve one hour after each meeting to hear virtual testimony from the public. Any member of the public who wishes to speak for up to five minutes at a time [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 receive enough time to speak.

#### *Stakeholder Roundtables*

Rep. Zabel reminded members that once dates have been finalized for the stakeholder roundtables, invites will be sent to members so that they may participate.

#### *Key Takeaways from July 15<sup>th</sup> Task Force Meeting*

Rep. Toohil reviewed the key takeaways from the previous task force meeting, including:

- Written allegations and youth arrests are both down dramatically over the past ten years.
- Among statewide pre-adjudication detention admissions, the Pennsylvania Detention Risk Assessment Instrument (PaDRAI) is used in just one-third of admissions and overridden in 40% of admissions. Additionally, the tool indicates the vast majority of detained youth who are assessed do not have a history of warrants, failures to appear, or AWOLs.
- Most youth are not detained pre-adjudication and most detention admissions are for felonies, but at least 19% are for misdemeanors.

- Youth age 13 or younger make up a sizable share of both written allegations and pre-adjudication detention admissions.
- Disparities among written allegations and pre-adjudication detention exist by race, ethnicity, gender, and where a youth lives (the disparity remains when excluding Philadelphia from the analysis and also when looking only at misdemeanors).

### System Assessment Data Analysis

#### *Intake*

The Task Force reviewed a system assessment and data analysis presentation of the intake process within Pennsylvania's juvenile justice system, including the following takeaways

- A wide array of options exists to divert cases eligible for juvenile court jurisdiction without filing a petition.
- Nearly all juvenile probation officer 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.
- Juvenile probation officer questionnaire respondents split on whether fines or fees are required as part of informal adjustment.
- Nearly 40% of juvenile probation officer questionnaire respondents say fines or fees are never required and 32% say they are always required
- Among juvenile probation officer questionnaire respondents who report fines or fees are required, 91% do not consider the youth's ability to pay and 89% do not consider the family's ability to pay.
- A majority of youth score as low risk to reoffend on their first Youth Level of Service (YLS) risk and needs assessment, and that share is up 20% since 2014. Just 7% of youth score high risk on their initial assessment.
- The YLS shows that youth rank highest amongst the following criminogenic needs: leisure/recreation, substance abuse, and education/ employment.

- 82% of youth who receive pre-petition diversion successfully complete it, including 87% of youth assessed as low risk to reoffend.
- 57% of written allegations do not result in diversion prior to the filing of a petition, including: 63% of youth assessed as low risk; 54% of misdemeanors among youth with no prior allegations, and 74% of misdemeanors among youth with one prior written allegation.
- The top offenses that result in a petition against the youth are largely similar to those leading to diversion from the formal court process.
- Youth whose written allegations result in a petition average twice as long under the overall jurisdiction of the court – nearly 1.5 years compared to eight months.
- Youth average nine months under pre-petition diversion for Contempt from Magisterial District Court (Non-payment).
- 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.
- 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.
- Unlike a pre-petition diversion, a consent decree must be approved by the district attorney and judge.
- In 2018, 56% of written allegations resulted in pre-petition diversion or a consent decree, up from 2009.
- 80% 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.
- Youth with consent decrees average 50% longer under juvenile court supervision (one year) and adjudicated youth average three times as long (nearly two years).
- 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.
- 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.
- White and Asian Non-Hispanic youth who receive consent decrees average less time under overall juvenile court jurisdiction.
- Black Non-Hispanic males account for larger share of adjudications.

### *Adjudication*

The Task Force then reviewed a system assessment and data analysis of the adjudication process, including the following takeaways:

- One a youth's case is petitioned, the case can be resolved without a formal adjudication, such through a consent decree.
- When a felony is alleged, the case can also be escalated to adult court when a youth has committed certain offenses.
- 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.

### **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 analyses. The next Task Force meeting will take place on August 12<sup>th</sup> from 3-6 pm. 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>