

# PENNSYLVANIA JUVENILE TASK FORCE

## July 15, 2020 Meeting Executive Summary

On July 15, 2020, the Pennsylvania Juvenile Justice Task Force convened its third meeting, led by Task Force co-chairs Representative Tarah Toohil and Representative Mike Zabel. The co-chairs reviewed the charge and goals of the Task Force and described the updated process and timeline jointly adapted by state leaders from each branch of government as a result of COVID-19. The co-chairs then provided an update on the process for receiving public testimony and stakeholder input. The rest of the meeting focused on a system assessment and data analysis of Pennsylvania's juvenile justice system, with a specific focus on written allegations and the use of detention prior to adjudication.

### **Task Force Charge, Goals and Updated Process**

#### *Review of Task Force Charge and Goals*

Rep. Toohil reviewed the charge to the Task Force established by state leaders from the three branches of government, including Governor Tom Wolf, Chief Justice Thomas Saylor, Senate President Joseph Scarnati, House Speaker Mike Turzai, House Majority Leader Bryan Cutler, House Minority Leader Frank Dermody, and Senate Majority Leader Jake Corman.

#### *Updated Task Force Process and Timeline*

Rep. Zabel reviewed the updated process and timeline for the Task Force. The Task Force will review and discuss juvenile justice system data throughout the summer and into September. In the fall, members will review juvenile justice research about what policies and practices are most effective at improving outcomes. The Task Force will then break into subgroups to develop and discuss policy solutions. In January, the Task Force will reconvene to come to a consensus on a set of recommendations to be included in a final report to Governor Wolf, Chief Justice Saylor, and legislative leadership by March 31, 2021.

### **Public Testimony and Stakeholder Roundtables**

Rep. Zabel reviewed the Task Force's process to collect public testimony. Starting 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.

Task Force members gave updates on their work to organize roundtables to receive stakeholder input. Members reported that they are in the process of

scheduling roundtables with several stakeholder groups including: juvenile probation officers, victims, district attorneys, judges, families, and youth. Task Force members were encouraged to participate in roundtable discussions and will be provided with dates, times and logistical information once finalized

### **System Assessment Data Analysis**

#### *Written Allegations*

The Task Force reviewed and discussed data regarding written allegations within Pennsylvania's juvenile justice system, including the following takeaways:

- Youth age ten and up may be referred to juvenile court for a broad array of alleged behaviors, including contempt on a summary offense in magistrate court. In addition to juvenile court, behaviors alleged against youth can lead to involvement in dependency court as well as adult prosecution.
- Rather than refer a youth to court, alternative responses outside the juvenile justice system may be used, but availability varies.
- While state law does not require law enforcement involvement for specific alleged behaviors, local policies may, such as school district codes of conduct.
- Mirroring national trends, youth arrest rate in Pennsylvania is down 58% since 2009, including a 43% drop in the violent crime arrest rate. Disorderly conduct is the top offense for which youth are arrested.
- Most youth enter the juvenile justice system for misdemeanor and/or non-person offenses. The top offenses entering the system are largely unchanged over the last ten years.
- The top offense coming into juvenile court – representing nearly one-in-five allegations to juvenile court – is Contempt from Magisterial District Judge (Non-Payment). However, a quarter of counties had no allegations for Contempt from Magisterial District Judge (Non-Payment).
- Counties' share of statewide allegations vary widely relative to youth population.
- 14% of youth receiving written allegations are 13 or younger.

- Black Non-Hispanic youth's share of written allegations is 2.5 times their proportion of the overall youth population; this disparity holds when examining misdemeanor offenses only.

### *Detention*

The Task Force then reviewed the use of detention within Pennsylvania's juvenile justice system, including the following takeaways:

- Detention decisions may be informed by a wide range of tools and policies – such as statute, Juvenile Court Judges' Commission standards, and the Pennsylvania Detention Risk Assessment Instrument (PaDRAI).
- State law establishes timelines to release those detained pre-adjudication within 24 days, but allows longer stays based on several broad factors, including whether detention "would be warranted."
- 16% of youth with a written allegation – roughly 2,700 youth – were detained prior to adjudication in 2019. Robbery and aggravated assault are the most common offenses among pre-adjudication detention admissions, but misdemeanors make up three of the top ten.
- At least 19% of pre-adjudication detention admissions are for misdemeanors.
- Approximately 13% of pre-adjudication detention admissions are for youth age 13 or younger.
- The PaDRAI is used for one-third of statewide pre-adjudication detention admissions (19 counties).
- When used, the PaDRAI is frequently overridden (more than 40% of detained youth who received the PaDRAI scored to be released home or referred to an alternative).
- Among youth scored on the PaDRAI and detained, the vast majority had no history of failure to appear, escapes, or AWOLs.
- Among all youth detained prior to adjudication, one-quarter stay longer than 24 days. One in five misdemeanor pre-adjudication detention admissions lead to stays longer than 24 days.
- Disparities in pre-adjudication detention admission exist by race, ethnicity, gender, and jurisdiction relative to written allegations and overall youth population.

- Black Non-Hispanic youth make up nearly two-thirds of statewide pre-adjudication detention admissions, nearly double their share of written allegations and more than four times their share of the youth population.
- Disparities for Black Non-Hispanic youth increase when looking only at misdemeanors.
- When excluding Philadelphia County, racial and ethnic disparities remain. Philadelphia County's share of misdemeanor pre-adjudication detention admissions is three times greater than its proportion of misdemeanor written allegations.

### **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, from The Pew Charitable Trusts' public safety performance project and the Crime and Justice Institute, to conduct follow-up analyses to look deeper at the data. The next Task Force meeting will take place on July 29<sup>th</sup> from 3-5 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>