



Pennsylvania Juvenile Justice Task Force

Agenda

- Welcome & review of our charge & timeline (co-chairs)
- Public testimony & stakeholder roundtables (Co-chairs)
- System assessment data analysis (Pew)
- Discussion & next steps (co-chairs)

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 and other forms of input.

Our Charge

"Our charge to this interbranch initiative is to develop data-driven policy recommendations through stakeholder consensus with the goals of:

1. protecting public safety,
2. ensuring accountability,
3. containing costs, and
4. improving outcomes for youth, families, and communities."

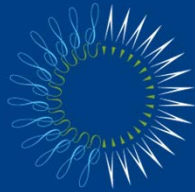
Tom Wolf Governor	Thomas Saylor Chief Justice	Joseph Scarnati Senate President Pro Tempore	Mike Turzai Speaker of the House
Jay Costa Senate Minority Leader	Bryan Cutler House Majority Leader	Frank Dermody House Minority Leader	Jake Corman Senate Majority Leader

Timeline and Process



Stakeholder Engagement

- Juvenile probation officers
- Youth
- Family members
- Law enforcement
- Judges
- Crime victims, survivors, and advocates
- Prosecutors
- Defense attorneys
- Service providers
- Educators
- Facility staff
- Others



THE
PEW
CHARITABLE TRUSTS

System Assessment: Allegations, Detention

Pennsylvania Juvenile Justice Task Force
July 15, 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>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>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>National Data</u> <ul style="list-style-type: none"> ➤ FBI Uniform Crime Report (youth arrest rates) ➤ Center for Disease Control (youth population)

Data limitations

Overall

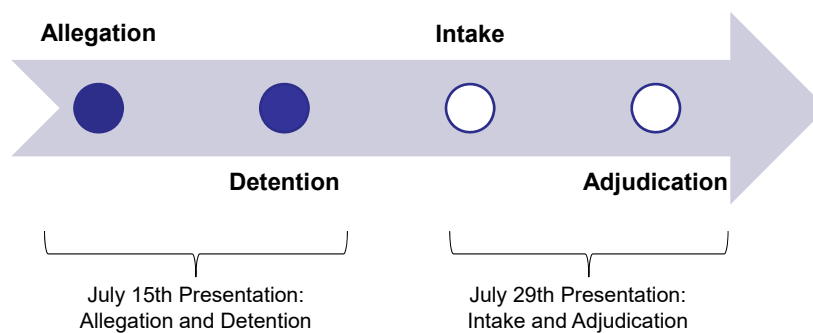
- Data are correlational, not causal
- Unable to link data between state agencies (e.g., PDE, JCJC, and DHS)

Missing data

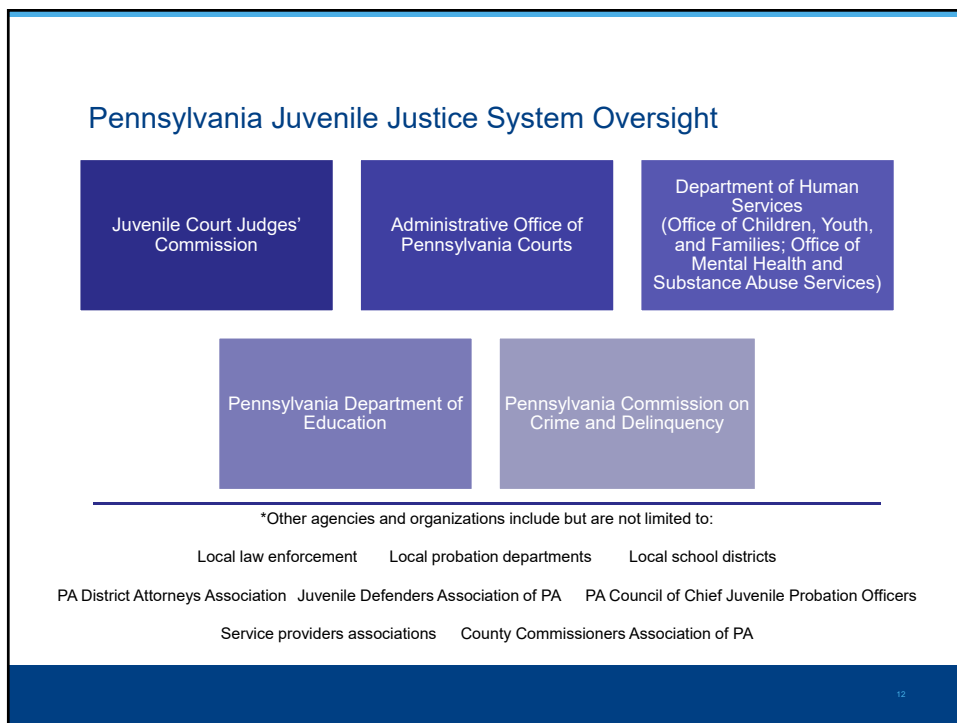
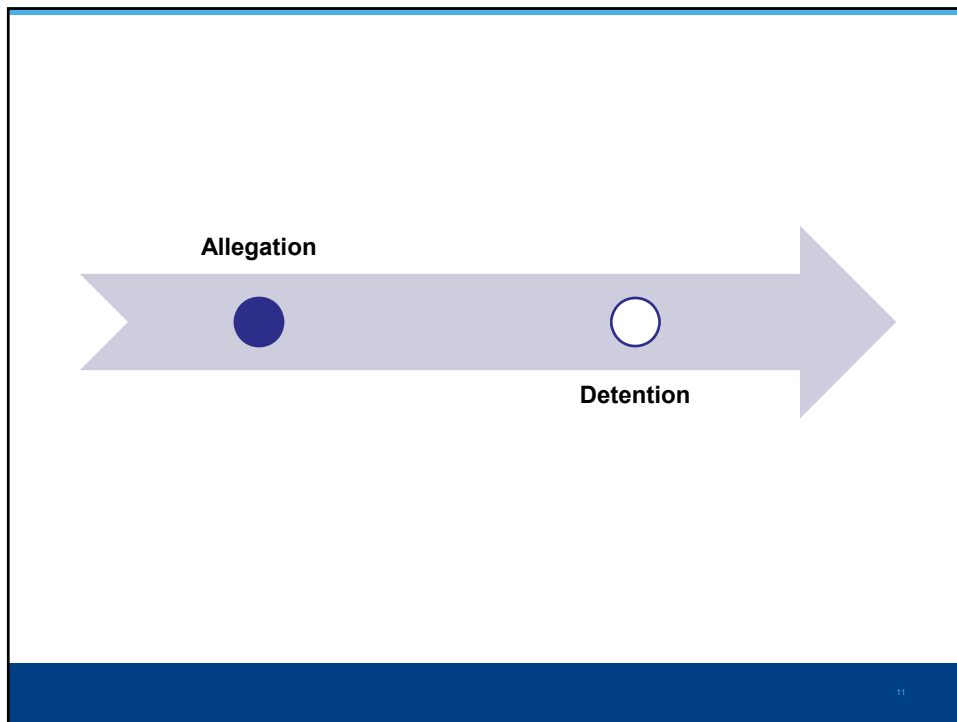
- Most recent JCJC data (2019) was not validated at time of collection, with the exception of detention

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Juvenile Justice System Structure (Scope of Presentations)



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Court referral possible for a broad array of youth behaviors

Juvenile Court

10-17 years old

- Misdemeanors and felonies (except those prosecuted criminally)
- Contempt on summary offenses
- Offenses decertified from criminal court

Dependency Court

<18 years old

- Abuse and neglect
- Lacks proper parental care or control, subsistence, education
- Truancy
- Habitual disobedience
- Delinquency (alleged against youth under age 10)

Criminal Court

14+ years old

- Statutorily excluded offenses ("direct file")
- Delinquencies transferred by a judge from juvenile court

Magisterial District Court

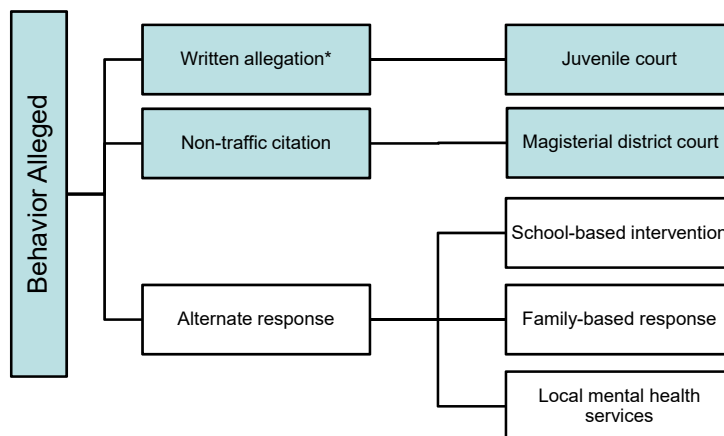
Any age

- Summary offenses ("non-traffic citations")

42 Pa.C.S. § 6302;
67 Pa.C.S. § 3102

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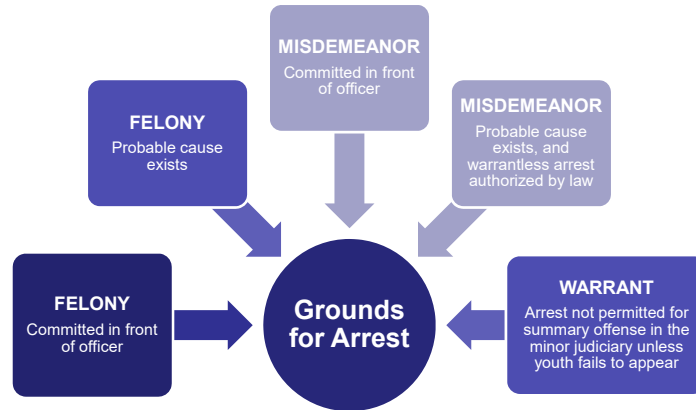
Statute does not require court referral, and alternative pathways exist



*237 Pa. Code Rule 231 specifies that in every delinquency case, the law enforcement officer shall submit a written allegation to the juvenile probation office

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Arrest is often possible, but never required, where a delinquency is alleged



Arrest is not required to commence any juvenile proceeding

42 Pa.C.S. § 6302; 42 Pa.C.S. § 6304;
237 Pa. Code Part I, Subpt A, Ch 2, Rule 200

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While state law does not require law enforcement involvement for specific alleged behaviors, local policy may

Disorderly Conduct at school*		
School District	Mandatory law enforcement notification?	Required responses
District A		None (arrest/court referral generally prohibited on first-time offense)
District B	✓	Recommendation "for possible expulsion or another educational placement"
District C	✓	Suspension; referral to counseling, school psychologist, or community agency
District D		Parent notification; parent/teacher conference; referral to Student Assistance Program for prevention/intervention services

*Policies apply regardless of whether disorderly conduct alleged meets the criteria for summary or delinquency behavior

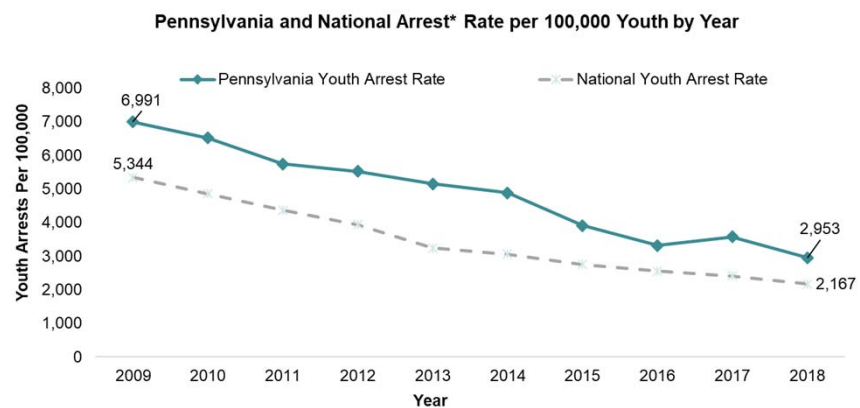
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Arrests

Data

17

Pennsylvania youth arrest rate mirrors national decline, down 58% over ten years

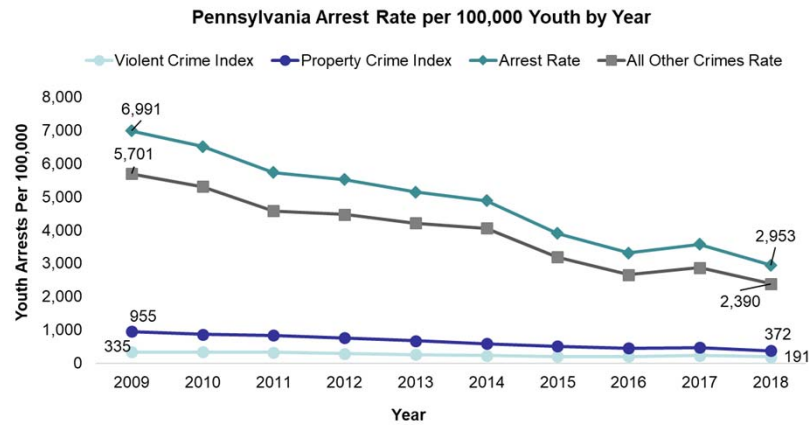


*The FBI's Uniform Crime Report (UCR) Program counts one arrest for each separate instance in which a person is arrested, cited, or summoned for an offense.

Source: FBI's Uniform Crime Report

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Pennsylvania youth violent crime arrest rate down 43%



*Violent crimes include murder and non-negligent manslaughter, robbery, and aggravated assault. Rape is excluded from these figures due to the change of its definition in 2013.

**Property crimes include burglary, larceny-theft, motor vehicle theft, and arson.

Source: FBI's Uniform Crime Report

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Non-person offenses represent four of the top five offenses for which youth are arrested

Top Arrests of Youth in Pennsylvania: 2018	
Offense Category	Arrests per 100,000 Youth
Disorderly Conduct	564
Other Assaults*	409
Curfew and Loitering	394
Larceny-Theft	274
Drug Abuse Violations**	265

*The category Other Assaults includes all assaults which do not involve the use of a firearm, knife, cutting instrument, or other dangerous weapon and in which the victim did not sustain serious or aggravated injuries.

**Drug Abuse Violation include the violation of laws prohibiting the production, distribution, and/or use of certain controlled substances.

Source: FBI's Uniform Crime Report

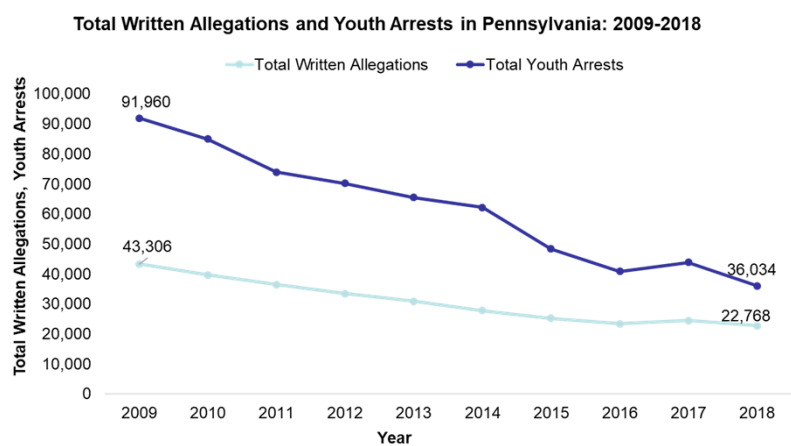
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Written Allegations

Data

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Written allegations down 47% since 2009, not keeping pace with 58% drop in youth arrests



22

Contempt from MDJ (Non-Payment) make up largest share of new written allegations

	Most Serious Offense (Grade)	Total Written Allegations in 2018	Percent Written Allegations in 2018
1	Contempt from MDJ (Non-Payment) (C)	4,025	18%
2	Simple Assault (M)	2,369	10%
3	Possession of Drugs (M)	2,150	10%
4	Theft-Related Offense* (M)	1,268	6%
5	Terroristic Threats (M)	1,169	5%
6	Aggravated Assault (F)	1,128	5%
7	Theft-Related Offense* (F)	1,099	5%
8	Robbery (F)	725	3%
9	Possession with Intent to Deliver Drugs (F)	664	3%
10	Burglary (F)	642	3%
	Total	15,239 (22,735)	67% (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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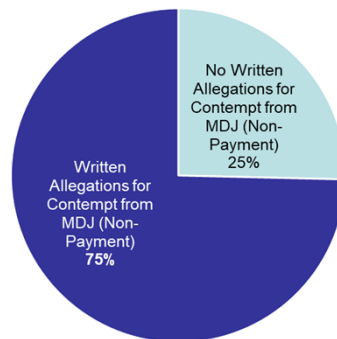
Among MDJ filings, disorderly conduct, truancy, and harassment are the most common offenses

	Offense	Total MDJ Filings in 2018	% MDJ Filings in 2018
1	Disorderly Conduct	9,735	29%
2	Truancy Offense	7,089	21%
3	Harassment	4,722	14%
4	Prohibited Use of Tobacco in School	2,346	7%
5	Purchase of Alcohol by Minor	1,952	6%
6	Retail Theft	1,520	5%
7	Criminal Mischief	1,043	3%
8	Criminal Trespass	1,021	3%
9	Theft-Related Offenses	707	2%
10	Curfew Violation	495	1%
	Total	30,630 (33,489)	91% (100%)

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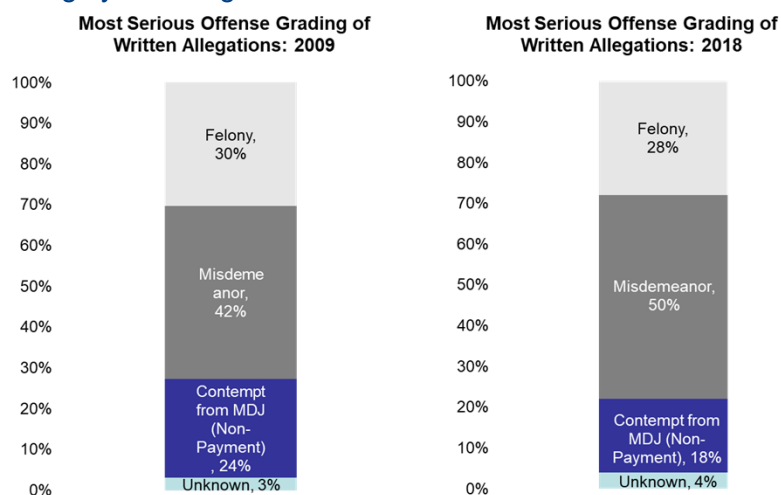
A quarter of counties reported no written allegations to juvenile court for Contempt from MDJ (Non-Payment)

Percentage of Counties with Written Allegations for Contempt from MDJ (Non-Payment): 2018



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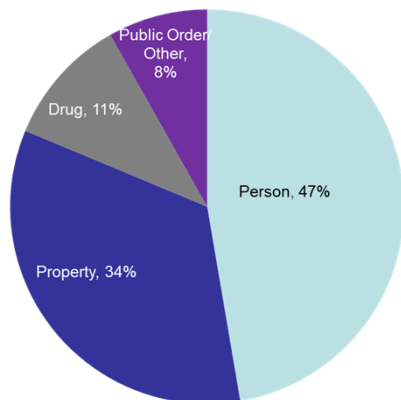
At least two-thirds of written allegations are for non-felonies, largely unchanged since 2009



29

Among felony written allegations, more than half (53%) are non-person offenses

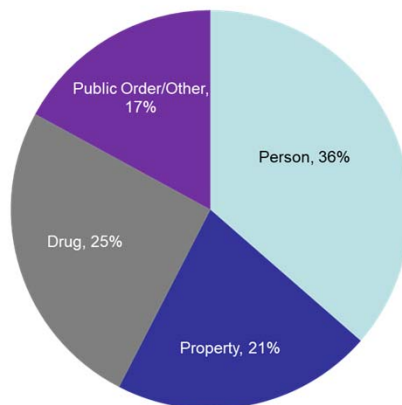
Offense Type on Felony Written Allegations: 2018



27

Among misdemeanor written allegations, nearly two-thirds (64%) are non-person offenses

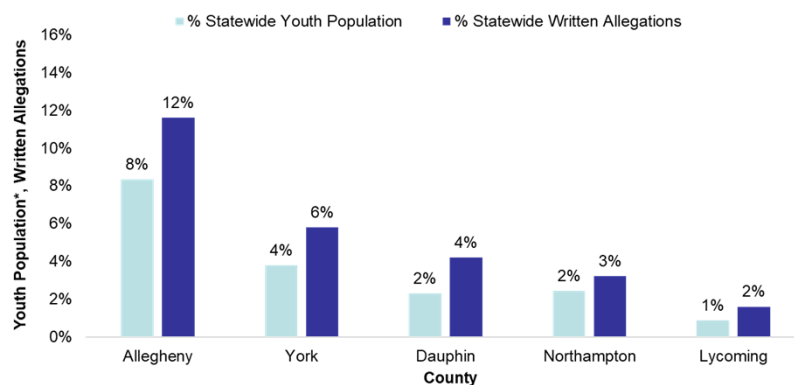
Offense Type on Misdemeanor Written Allegations: 2018



28

In some counties, share of statewide written allegations exceeds share of overall youth population

Counties with Largest Percentage of Statewide Written Allegations Relative to Percentage of Statewide Youth Population: 2018

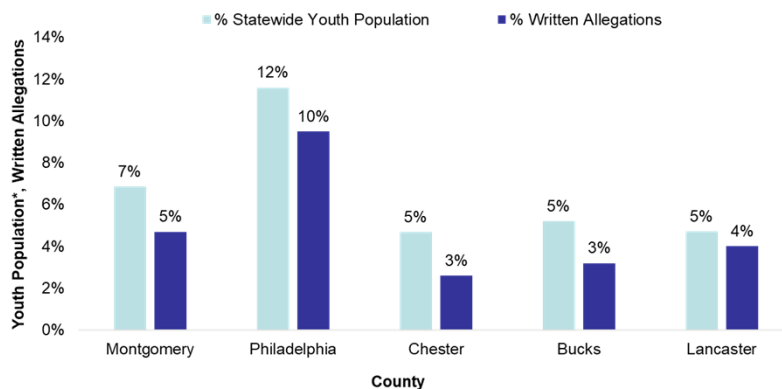


*Youth population reflects total number of youth residing in each county, ages 10-17; data were retrieved from the Centers for Disease Control and Prevention.

29

Philadelphia represents 10% of statewide written allegations compared to 12% of the overall youth population

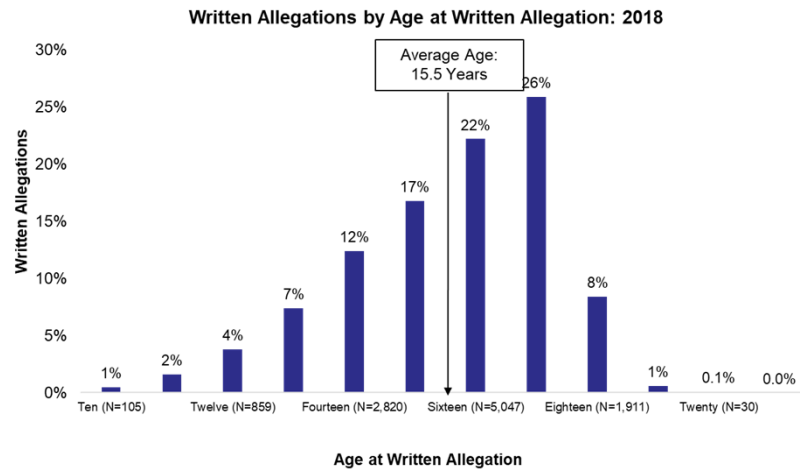
Counties with Smallest Percentage of Statewide Written Allegations Relative to Percentage of Statewide Youth Population: 2018



*Youth population reflects total number of youth residing in each county, ages 10-17; data were retrieved from the Centers for Disease Control and Prevention.

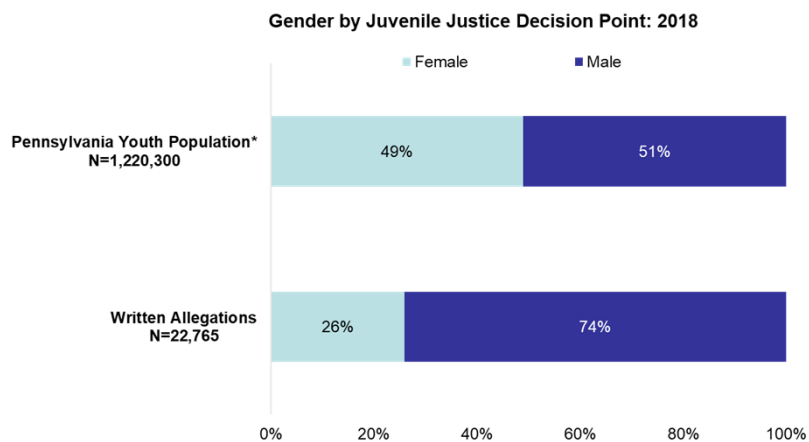
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Average age at written allegation is 15.5 years; youth 13 and younger represent 14% of statewide written allegations



31

Males receive higher proportion of written allegations than their proportion of the youth population

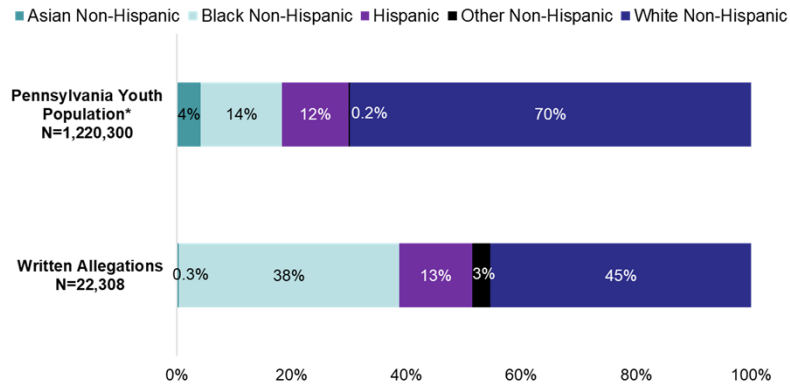


*Pennsylvania youth population data were retrieved from the Centers for Disease Control and Prevention

32

Black Non-Hispanic youth share of written allegations is 2.5 times their proportion of the overall youth population

Race & Ethnicity by Juvenile Justice Decision Point: 2018

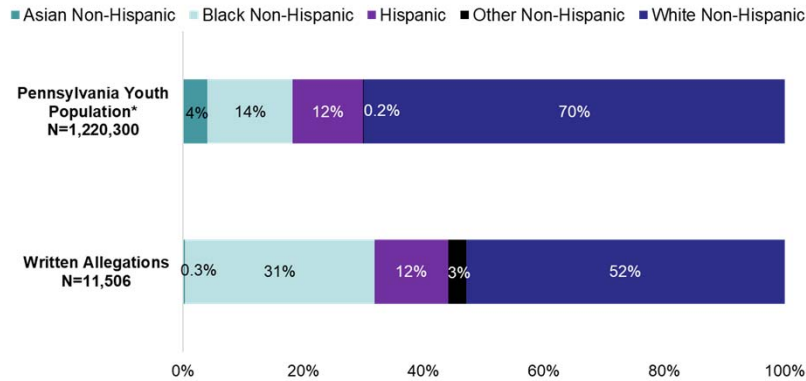


*Pennsylvania youth population data were retrieved from the Centers for Disease Control and Prevention

33

Among misdemeanor allegations, the disparity holds for Black Non-Hispanic youth relative to overall youth population

Race & Ethnicity by Juvenile Justice Decision Point: 2018



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

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Allegation Key Takeaways

- **Decision Making**

- 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 may 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.
 - » Court rule may be interpreted to require court referral when law enforcement is involved in a delinquency allegation.

- **Other?**

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Allegation Key Takeaways

- **Arrest and Allegation**

- 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 MDJ (Non-Payment).
 - » However, a quarter of counties had no allegations for Contempt from MDJ (Non-Payment).

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Allegation Key Takeaways

- **Arrest and Allegation (cont.)**

- 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 among misdemeanors.

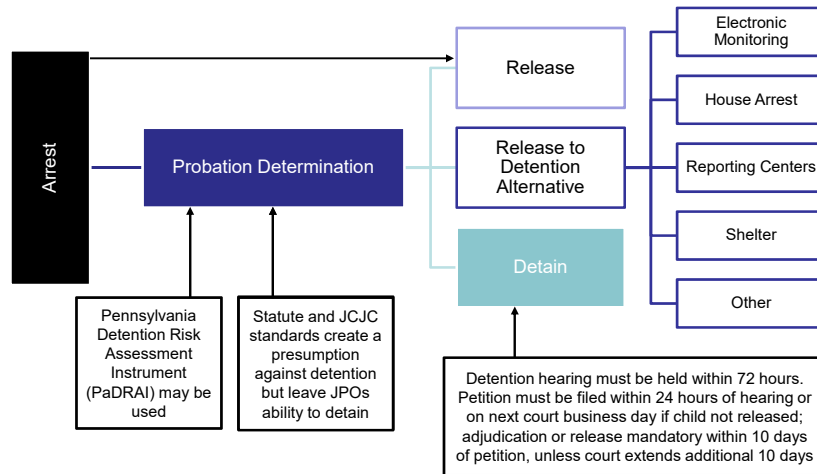
- **Other?**

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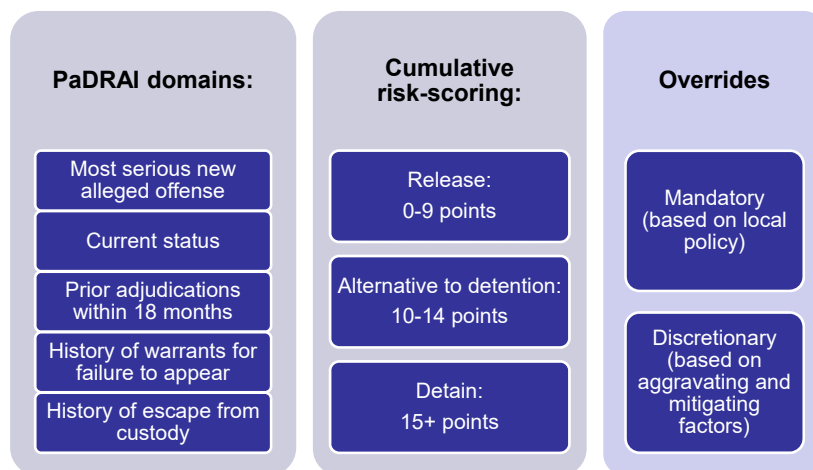
When a youth is arrested, a range of tools, policies available to guide probation detention decision; none are binding



42 Pa.C.S. § 6324-6326; 42 Pa.C.S. § 6331, 6332, 6335; 237 Pa. Code Part I, Subpt A, Ch 2, Rule 200, 220, 240, 242; 237 Pa. Code Part I, Subpt A, Ch 3, Rule 311, 313; 37 Pa. Code § 200.1., 200.2., 200.101.; Pennsylvania Juvenile Delinquency Benchbook, § 5-1 Detention in General

39

PaDRAI meant to score risk to reoffend or fail to appear at hearing; overrides discretionary, subject to local policy



JCJC standards allow detention in any circumstance where a JPO finds extraordinary and exceptional circumstances exist

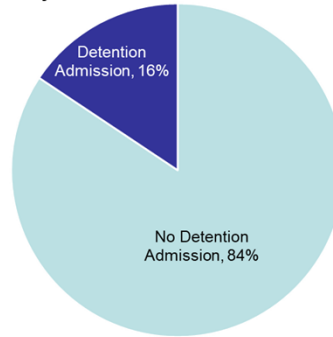
JCJC standards permit secure detention at referral on the basis of:	certain offenses alleged	Compliance with JCJC standards required for counties to receive state grant-in-aid funding
	an alleged offense and the child's current status with the court or prior record	
	child's status as an absconder or fugitive	
	child's record of failing to appear at previous juvenile proceedings	
	extraordinary circumstances require secure detention to prevent absconding	
	written request of the child or child's attorney	
	extraordinary and exceptional circumstances	

Pre-Adjudication Detention

Data

16% of youth with a written allegation were detained in 2019, just over 2,700 youth

Percentage of Youth with a Written Allegation to Juvenile Court
With a Pre-Adjudication Detention Admission*: 2019



*Only includes pre-adjudication detention admissions that occurred in 2019. A youth may have been detained in a different year for a written allegation that occurred in 2019. These figures do not include youth who were detained in 2019 but had a written allegation in a different year.

43

Robbery most common offense with pre-adjudication detention admission; misdemeanors make up three of top 10

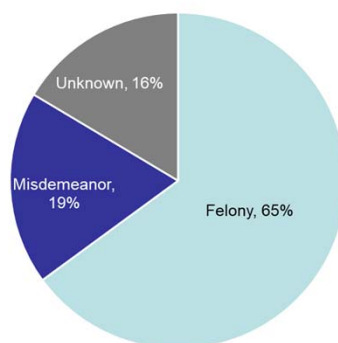
	Offense (Grading)	Total Number of Pre-Adjudication Detention Admissions: 2019	% of All Pre-Adjudication Detention Admissions: 2019
1	Robbery (F)	495	14%
2	Aggravated Assault (F)	478	14%
3	Theft-Related Offense (F)	301	9%
4	Possession with Intent to Deliver Drugs (F)	268	8%
5	Terroristic Threats (M)	186	5%
6	Burglary (F)	173	5%
7	Firearm-Related Offense (F)	147	4%
8	Simple Assault (M)	147	4%
9	Rape (F)	113	3%
10	Theft-Related Offense (M)	69	2%
	Total	2,377 (3,516)	68% (100%)

*F = Felony; M= Misdemeanor

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At least 19% of pre-adjudication detention admissions had non-felony written allegations

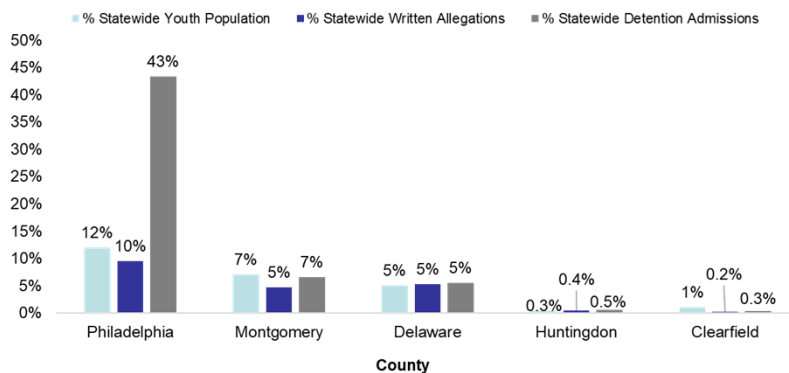
Pre-Adjudication Detention Admissions by Written Allegation Offense Grading: 2019



48

Philadelphia makes up 43% of statewide pre-adjudication detention admissions, four times its written allegations share

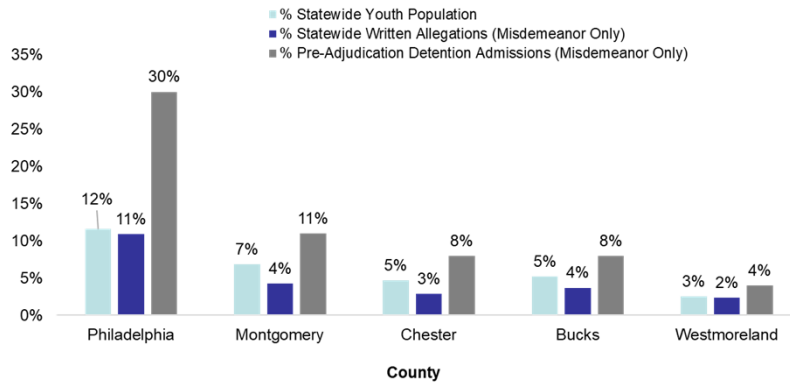
Counties with Largest Percentage of Statewide Pre-Adjudication Detention Admissions Relative to Percentage of Statewide Written Allegations: 2019



49

Among misdemeanors, several counties' shares of pre-adjudication detention admissions exceed written allegations

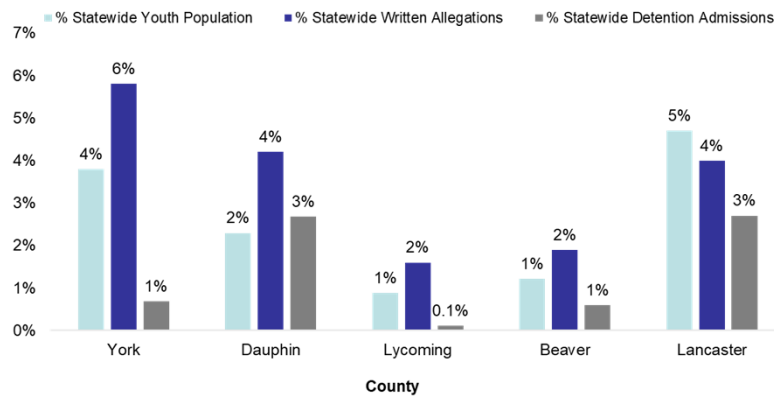
Counties with Largest Percentage of Statewide Pre-Adjudication Detention Admissions for Misdemeanor Offenses Relative to Statewide Misdemeanor Written Allegations: 2019



47

Multiple counties make up smaller shares of pre-adjudication detention admissions compared to written allegations

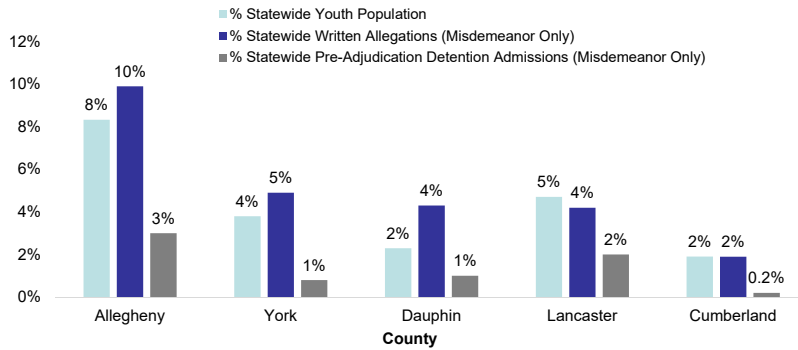
Counties with Smallest Percentage of Statewide Pre-Adjudication Detention Admissions Relative to Statewide Written Allegations: 2019



48

Among misdemeanors, multiple counties make up smaller shares of pre-adjudication detention admissions compared to the youth population and written allegations

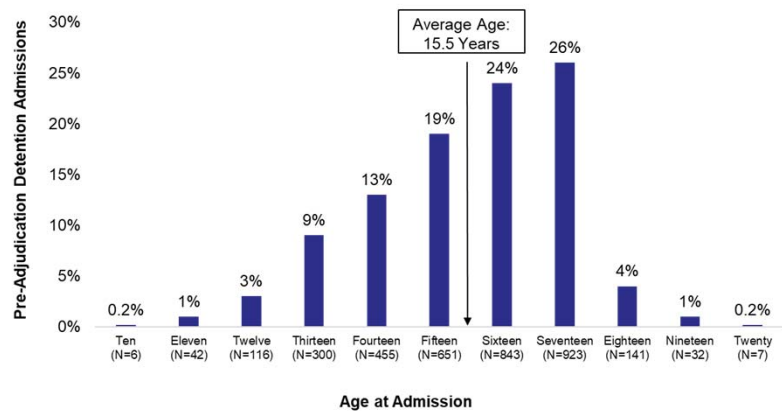
Counties with Smallest Percentage of Statewide Pre-Adjudication Detention Admissions for Misdemeanor Offenses Relative to Statewide Misdemeanor Written Allegations: 2019



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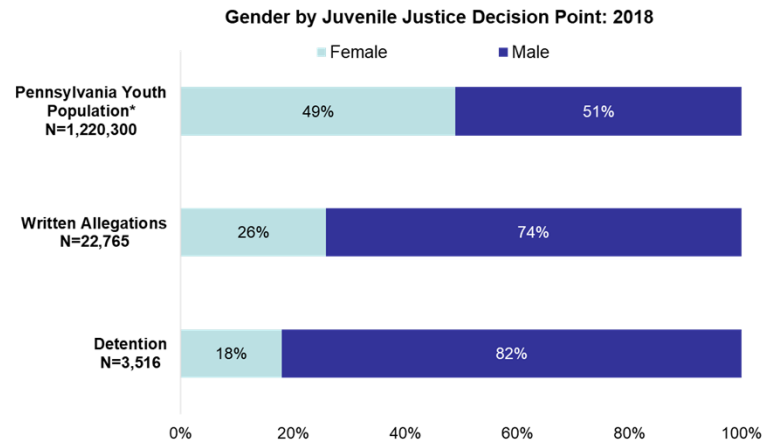
Approximately 13% of pre-adjudication detention admissions are for youth age 13 or younger

Age at Pre-Adjudication Detention Admission: 2019



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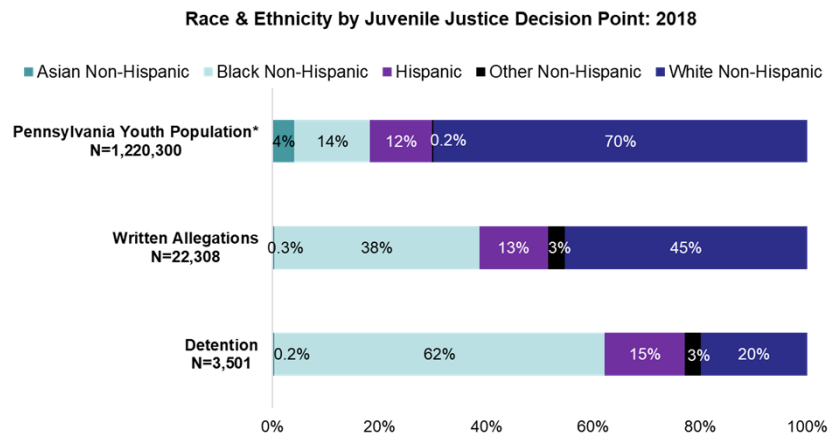
Males receive higher proportion of pre-adjudication detention admissions than their proportion of the youth population



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

51

Black Non-Hispanic youth make up 62% of pre-adjudication detention admissions, more than 1.5 times their share of statewide written allegations

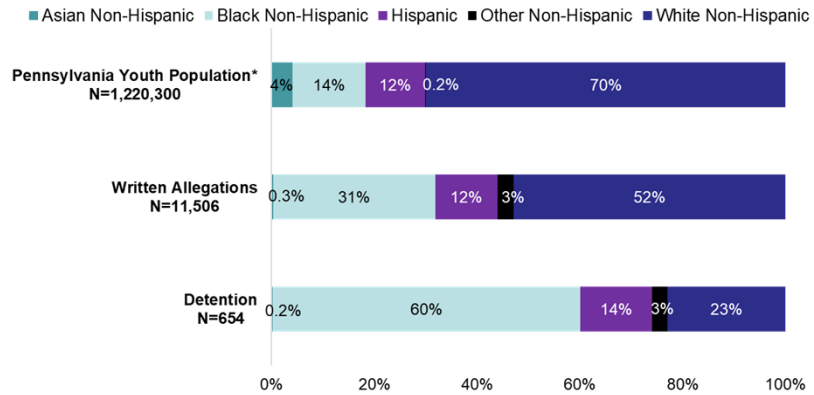


*Pennsylvania youth population data were retrieved from the Centers for Disease Control and Prevention

52

Among misdemeanors, detention admissions disparity grows for Black-Non-Hispanic youth compared to written allegations

Race & Ethnicity for Misdemeanors by Juvenile Justice Decision Point:
2018

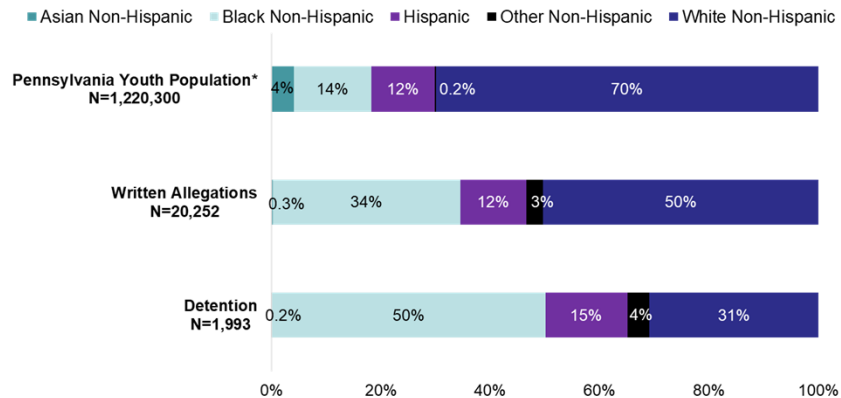


*Pennsylvania youth population data were retrieved from the Centers for Disease Control and Prevention

53

Excluding Philadelphia, disparities in pre-adjudication detention admissions remain

Race & Ethnicity by Juvenile Justice Decision Point with Philadelphia
County Excluded: 2018

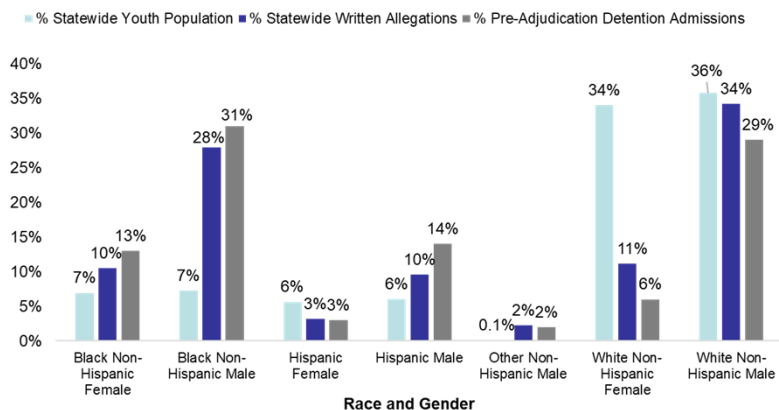


*Pennsylvania youth population data were retrieved from the Centers for Disease Control and Prevention

54

Black Non-Hispanic males account for disproportionate share of pre-adjudication detention admissions

Race and Gender* by Decision Point: 2018



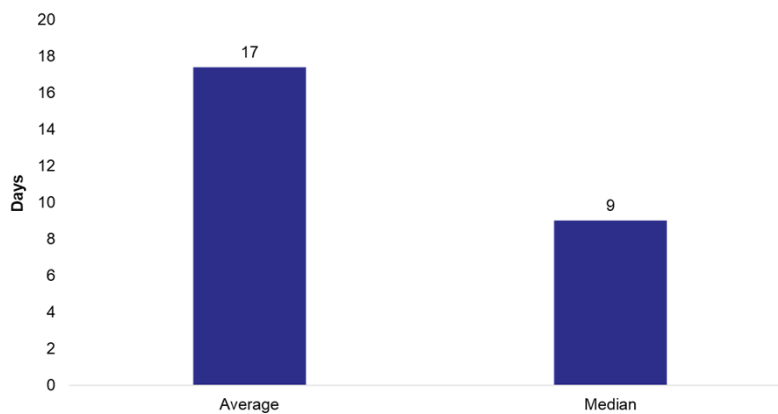
*Asian Non-Hispanic youth and Other Non-Hispanic females are excluded from this analysis due to their small numbers

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

58

Youth average 17 days in pre-adjudication detention

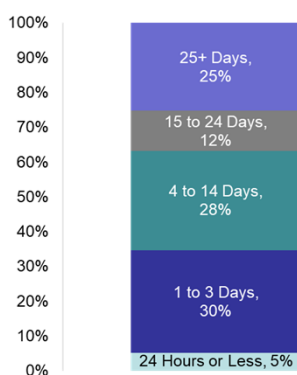
Average and Median Length of Pre-Adjudication Detention Admissions: 2019



59

One-quarter of pre-adjudication detention admissions exceed 24 days

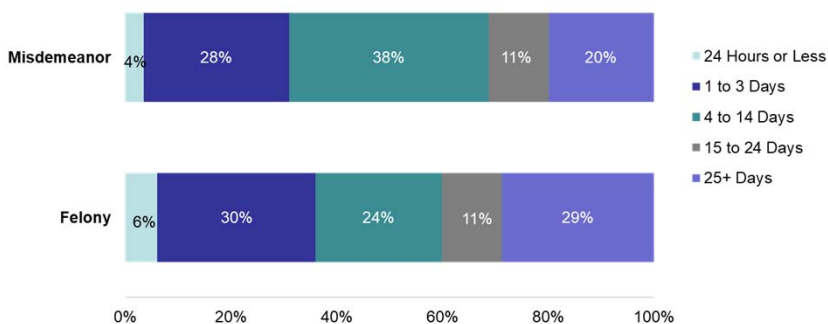
Distribution of Length of Time in Pre-Adjudication Detention:
2019



57

Among pre-adjudication detention admissions with misdemeanor allegations, one-fifth exceed 24 days

Distribution of Length of Time in Pre-Adjudication Detention by Written
Allegation Offense Grading: 2019



58

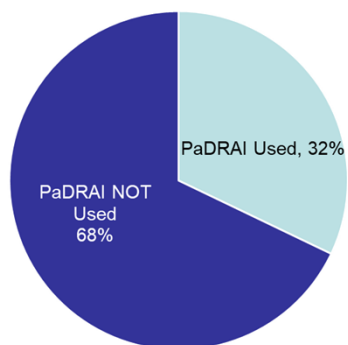
Pre-Adjudication Detention: PaDRAI

Data

59

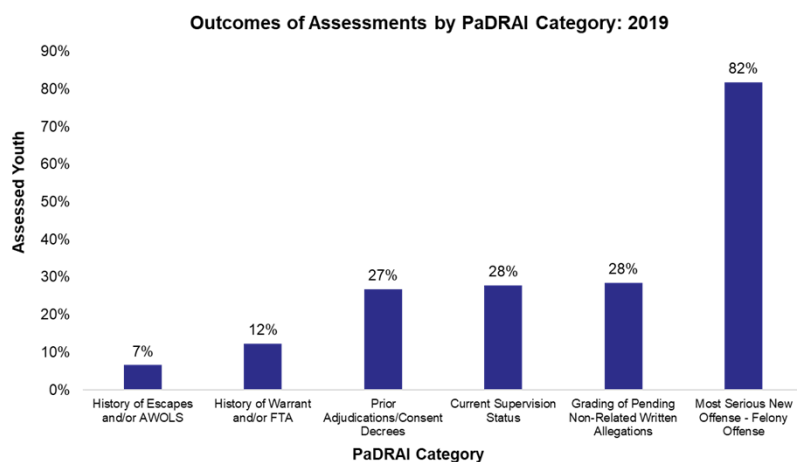
PaDRAI is not used for more than two-thirds of pre-adjudication detention admissions

Utilization of PaDRAI for Pre-Adjudication Detention Admissions:
2019



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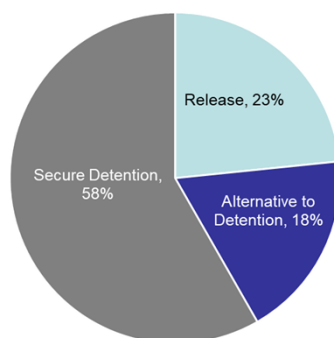
Among detained youth assessed by the PaDRAI, few meet criteria for most domains; just 12% have history of warrants and/or failure to appear



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Among detained youth assessed by the PaDRAI, the tool indicated more than 40% could be released or referred to an alternative to detention

Calculated PaDRAI Recommendation for Youth with Pre-Adjudication Detention: 2019



62

Nearly half of aggravating overrides for “other” reasons not listed on the PaDRAI

Aggravating Override Reasons by 2019 PaDRAI Assessments	
Aggravating Override Reasons	Percentage of All Aggravating Overrides
Other - Aggravating	46%
Poses Significant Threat of Failure to Appear	13%
Victim of Current Offense Resides in Home	11%
Parent Refusal	10%
History of Violence in Home or Against Family Member	6%

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Detention Key Takeaways

• Decision Making

- Detention decisions may be informed by a wide range of tools and policies—such as statute, JCJC standards, and the PaDRAI—but wide discretion remains and youth may be detained for any offense.
- 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.”

• Other?

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Detention Key Takeaways

• Pre-Adjudication Detention

- 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 detentions admissions are for misdemeanors.
 - » Approximately 13% of pre-adjudication detention admissions are for youth age 13 or younger.

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Detention Key Takeaways

• Pre-Adjudication Detention (cont.)

- The PaDRAI is used just 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.

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Detention Key Takeaways

- **Pre-Adjudication Detention (cont.)**

- 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.

- **Other?**

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Task Force Meeting Dates

- Wednesday, June 10th, 3-4 p.m.
- Wednesday, July 15th, 3-5 p.m.
- Wednesday, July 29th, 3-5 p.m.
- Wednesday, August 12th, 3-5 p.m.
- Wednesday, August 26th, 3-5 p.m.
- Wednesday, September 9th, 3-5 p.m.
- Wednesday, September 30, 3-5 p.m.
- Wednesday, October 14th, 3-5 p.m.
- *[October – January: Task Force meets in subgroups for policy development]*
- Wednesday, January 13th, 3-5 p.m.
- Wednesday, February 10th, 3-5 p.m.
- Wednesday, February 24th, 3-5 p.m.
- Wednesday, March 17th, 3-5 p.m.

Next Steps

- Data analysis and system assessment
- Stakeholder outreach
 - Roundtables
 - Public testimony
 - Dissemination of an executive summary of today's meeting

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