

Pennsylvania Juvenile Justice Task Force
Juvenile Court Judges Roundtable
September 16, 2020

On September 16, 2020, the Pennsylvania Juvenile Justice Task Force conducted a roundtable discussion with fifteen juvenile court judges from fourteen counties across the commonwealth. The meeting was facilitated by Task Force members Judge Kim Berkeley Clark, president judge of the family division of the Family Division of 5th judicial district, Judge Douglas Reichley from the Lehigh County Court of Common Pleas, and Rick Steele, executive director of the Pennsylvania Juvenile Court Judges' Commission.

➤ ***Strengths of the Juvenile Justice System:***

- **Judges and the juvenile justice system use evidence-based practices:** Judges stated that one of the greatest strengths of the juvenile justice system is its utilization of evidence-based practices. For example, judges cited screening tool used to achieve goals like reductions in the use of pre-adjudication detention and out-of-home placement. As one judge mentioned, the expansion of these evidence-based practices is a result of the state's Juvenile Justice System Enhancement Strategy. Another judge said that the adult system is looking to replicate what the juvenile justice system has done through its implementation of evidence-based practices. One judge stated that they are "pulling [evidence-based practices] into the courtroom." A third judge said that they had "done a lot of work looking at placement providers and demanding that specific programs be evidence-based."
- **The system effectively collects and reports data :** Judges mentioned that the use of data is a real strength of Pennsylvania's juvenile justice system. One judge said that the data system that is managed by juvenile probation is helpful. Another judge remarked that the state's juvenile justice system is "data-driven." Judges commended Pennsylvania's systemwide data collection system.
- **Statewide organizations and associations foster collaboration within the system:** Judges said that the creation of statewide organizations and associations has improved how the juvenile justice system operates. The Juvenile Court Judges' Commission, the Pennsylvania Conference of State Trial Judges and the Pennsylvania Council of Chief Juvenile Probation Officers were specifically mentioned as organizations that have facilitated improvements to the juvenile justice system. One judge said that these organizations provide educational opportunities through academies and allow judges and other stakeholders to discuss problems that they are encountering. Another judge state, "It's a strength that a lot of states don't have because it gives us an opportunity to discuss problems and issues and work on them."
- **Judges have worked to increase accountability from placement providers and institute evidence-based services:** Some judges said they had increased accountability and required more implementation of evidence-based services from private residential placement providers. One judge said judges have had success "demanding from the placement providers implement specific programs that are evidence-based and have eliminated using different placement providers that historically were used for a long time."
- **Judges are notified in a more timely manner about the use of restraints and the use of Childline when allegations surface that youth have been abused in residential placement.**

- **Judicial leaders use a “human touch” in courtroom proceedings.**
- **Judges craft individual dispositions sentences based on the circumstances of each child**

➤ **Areas in Need of Improvement:**

- **Pre-court diversion should be increased so that low-risk and misdemeanor youth are not penetrating the system and worsening community safety outcomes.** Some judges stated that there is a need to “pay closer attention to our front door” to increase diversion prior to formal court processing. “We know that once they begin in our system, when we have low-risk youth with high-risk youth, it is a significant factor in turning a low-risk youth into a high-risk youth,” a judge said. Judges said probation is “extraordinarily successful in diverting cases that do come to the system” so that “only those most serious cases come to the court.” One judge spoke about the importance of diverting low-level cases in order to focus dockets on felony cases or youth who have a long prior history of offending. Another judge said diversion of all misdemeanors from formal court processing had “been incredibly valuable,” stating, “I’m seeing primarily felony charges and other serious matters. I don’t see misdemeanor charges ... unless it’s someone who has been involved many times....”
 - **There are not yet enough front-end preventative services to divert youth out of the court system and keep them out of residential placement, especially in rural areas:** One judge stated she needed “more resources on the front end.” She added, “We’ve done a good job, but there still could be improvements providing resources to counties for mentoring, counseling programs – especially for girls – and being able to divert more cases.”
 - **Judges are concerned about sending youth to private residential placement due to questions about effectiveness and accountability:** Judges expressed frustration over the lack of information on the effectiveness of placement facilities. One judge said, “I understand we have the SPEP process for quality control, but we can do better.” Another judge said that they “don’t feel a level of comfort when identifying placements that are quality,” while another stated that they “have concerns every time [they] send a kid to placement” and that they “never feel good about it.” Judges mentioned that they would like to have a central place where there is information available about each facility. Another judge said that information she receives pitches from placement that she feels do not provide adequate information, adding “They’re sales men and women, but I don’t know that it gives us the full picture.”
- Some judges feel prosecuting youth as adults is not consistent with evidence about adolescent brain science:** One judge stated that statutorily excluding youth from the juvenile justice system does not align with evidence-based practices and should be eliminated. “The direct file seems to be going in a different direction than the recent supreme court cases that talk about how the brain doesn’t develop until you’re 25,” he said. “If the direct file came about in the 90s, the current thinking based on the science says we should go in a different direction.” Another judge said, “They weren’t talking about brain development when Act 33 came into being ... so maybe this is a time when we want to look at that.” There was discussion of raising the age that the juvenile court can retain supervision to 25 to better align with brain science.

- **Risk of injury within placement facilities:** Judges stated that they are concerned with the safety of youth when they are in a placement facility. One judge said that “when I send a kid to placement, I’m very concerned that [the child] could be hurt.” Another judge commented that there is “no way to avoid the risk of injury [when placing youth] in congregate care,” which is why that judge recommends that community-based services be prioritized. The group discussed a desire for amendments to child protective services laws to allow more detailed and specific information to be given to a judge.

Fines and costs keep youth tied up in the court system: Judges were concerned with the amount of fines and costs that youth are assessed through their involvement with the juvenile justice system. One judge said that they have “roughly 3,000 juvenile offenders with something like \$2.7 million in outstanding costs and fines,” with an average sum of just under \$300. The judge added, “some of these juvenile offenders trying to make their way have this cost hanging over them.” Some judges stated that statute should be changed so that fines and costs are eliminated. As one said fines and fees delay victims receiving restitution, noting “you really want to get the victim whole and focus on the restitution [but] then you’re also saddled with \$800 dollars in crime lab fees.” Other judges stated that the statute should be changed so that youth can participate in community service to pay off the fines and fees that they have been assessed. There was also discussion of changing law to permit the use of restitution funds to pay for fees and costs.

- **Youth sit in secure detention for months awaiting placement, leading to worse community safety outcomes:** Judges were concerned with the amount of time that youth are sitting in detention awaiting placement. One judge said that they have youth that are waiting 4 to 6 months before being placed in a residential treatment facility. Another judge mentioned that it takes private providers too long to make recommendations and referrals, specifically for youth with mental health issues, which leads to “children waiting in [their county’s] detention facility for months.” The judge went on to say that when these youth “don’t get the attention, medical assistance, that they need they are committing more crimes.” A judge said that the “state secure units are the de-facto mental health placements because they don’t have the right to reject [kids].”
- **Youth of color are significantly over-represented throughout the juvenile justice system:** Judges stated their belief that disproportionate minority contact (DMC) is a major issue in every county across the state. One judge said that the state has spent “many years talking about DMC” but hasn’t been able to solve the problem. Another judge said “It’s time to stop talking about it. We have to figure out what we need to do about it.” Yet another judge commented that DMC is a result of “systemic racism” and that the juvenile justice system needs to take a “30,000-foot look.”
- **There are stark racial disparities in the number of girls of color in placement and facilities are not culturally competent:** A judge said when she visited a state-run facility, she was struck by the high number of girls of color in the facility, saying “When you go to the Danville girls program, the disproportionality ... reaches out and smacks you in the face. ... It’s same thing in the private programs—the number of children of color.” The judge added that the facilities are

not culturally competent., For example, she said, girls did not have access to African-American hair products and as a result, did not have their hair cared for properly. “What does that do to a girl who might have self-esteem issues but looks terrible?” the judge asked.

- **Need for more resources for serious cases, including telehealth evaluations, licensed therapists, trauma-focused services, secure residential treatment facilities, and therapeutic placements.**
- **Need for more services for transgendered youth:** A judge stated that there is a need for more services for youth who identify as transgendered. He said, “a youth may identify as a certain gender but only be allowed in placement with the other gender. That’s unacceptable, but it’s a quandary that judges have to face.”

➤ ***Notable quotes:***

- On how judges work to keep placements accountable to improve outcomes for youth even after they’ve received their initial disposition:
 - “We’re clearly looking at what happens to a child after they leave us and not just leaving a youth in a program for an extensive period of time.”
- On safety within placement facilities:
 - “I have seen numerous instances [of violence in placements] in just two months.”
 - “I still have concerns about the reporting [in facilities].”
- On youth waiting in detention:
 - “It troubles me when I have a child sitting in detention because I have no place to send them and the entities that are supposed to be helping me find referrals are just not doing their jobs.”
- On disproportionate minority contact within the juvenile justice system:
 - “This issue of disproportionate minority contact is everywhere in every county.”
 - “For so many years we’ve been talking about this persistent disproportionately—so many kids in the system across every measure you can look at.”