

Pennsylvania Juvenile Justice Task Force
Pennsylvania District Attorneys Roundtables
October 7-8, 2020

On October 6th and 7th, the Pennsylvania Juvenile Justice Task Force conducted roundtable discussions with 14 district attorneys from several counties throughout the state. The roundtables were facilitated by Meghan Black, a Task Force member and deputy district attorney for Allegheny County.

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

- **Diverting youth before they are charged:** Some district attorneys talked about pre-charge diversion programming within their counties. A program described by one district attorney serves youth who are under the age of 25 and who have been arrested for a low-level offense (youth who have committed an offense in the past can participate in the program). The police must recommend a child to the program and then the district attorney's office must review the case to determine whether the child can be accepted into the diversion program. As a part of the diversion program youth participate in family group decision-making and receive services that address their criminogenic behavior. The diversion program has been expanded into the schools.
- **Counties have programs that help youth pay restitution:** Multiple district attorneys discussed programming that existed within their county to help youth pay for restitution. One district attorney said that their county has a "work crew" program where youth can complete community service and receive nine dollars per hour, which goes directly to the restitution they owe. Another district attorney said that their county has a community service program that assists youth with paying for restitution.
- **Some counties have established a victim advocate representative within the district attorney's office:** District attorneys mentioned that some of their offices have a victim advocate representative. The representative helps to serve victims and their victim advocate fund helps to pay victims for the restitution they are owed.
- **Counties have reduced their use of fines:** A district attorney said that they don't "heavily use fines," a sentiment others supported. One district attorney said that it is their "job as a prosecutor...[to advocate] that restitution be paid before fines."

➤ ***Areas in Need of Improvement:***

Youth on probation solely because they cannot afford to pay restitution can lead to worse outcomes for youth, families, and victims: Numerous district attorneys described poor outcomes resulting from youth who are on probation solely because they are not able to pay restitution. A district attorney said that they have youth who are under their supervision and who are "trying to get on the right track but have this albatross of a restitution payment" that is still due. District attorneys mentioned that youth have turned to selling drugs or have had their families take out loans in order to pay for restitution. As one district attorney stated, "victims' families are re-traumatized every six months" when youth who are on probation only for restitution have their probation hearings. One stated, "I don't view juvenile court as a civil arena in terms of a victim trying to recoup all that money" Another asked, "at what point do we keep [youth] on juvenile probation even though it is unrealistic that they will ever make that payment?" A district attorney suggested that changing the rules of juvenile court procedure to make sure that youth are not staying on probation because they don't have the ability to pay restitution. Other district attorney said that more offenses should be eligible under the victim

advocate fund so that youth who are unable to pay their restitution have more assistance. A district attorney suggested that the rules of juvenile court procedure be changed so that youth could be released from juvenile court jurisdiction if all they owe is restitution and they have completed all of the other terms of their supervision.

- **Schools refer too many youth to the juvenile justice system that could be diverted in school without filing an allegation:** Multiple district attorneys said that they would like to address the amount of youth who are being referred to the juvenile justice system from Pennsylvania schools. One district attorney said that there has “been some real efforts to try to figure out if [school-based] cases can be diverted.” Another said that there needs to be specifically earmarked funds to increase school diversion programming.
- **Not all counties have a process to automatically expunge a youth’s juvenile court record:** District attorneys reported that not all counties possess a process to automatically expunge a youth’s juvenile court record but that they understand why it could be needed. One district attorney said that their county has been working to create automatic protocols for the expungement of a youth’s record.
- **Statute on competency for a youth to stand trial needs more clarity:** A few district attorneys said that the statute that defines whether or not a youth is competent to stand trial is unclear, which makes it difficult to interpret what to do with a youth’s case until they are restored. One district attorney commented, “our general approach is to rely on mental health services if a child is not competent but there is an expectation they can be brought to competency...[but that the] problem is that treatment services depend on some kind of admission to participate fully in treatment – so we have to decide whether to withdraw the petition to get them to competency.”
- **Increase the amount of training opportunities for district attorneys:** Many district attorneys said that they would like to see more training opportunities be made available. District attorneys mentioned that the recent expansion of technology means that more virtual trainings could be held, which would cut down on transportation and hotel costs. One district attorney said that victim advocacy is “an area ripe for training.” Another stated that it might be helpful to have a training process for new juvenile prosecutors so that they can learn from prosecutors who have been working within the field for many years.

➤ **Notable quotes:**

- **On the types of offenses that youth are charged with:**
 - “Most charges against our juveniles fall into misdemeanor drug use”
- **On the goals of prosecutors within the juvenile justice system:**
 - “Our goal is to keep people from getting stuck in that cycle of probation where it is hard for them to get out”
- **On the negative consequences of the court suspending a youth’s driver’s license:**
 - “We’re a rural county. If you don’t drive you don’t go anywhere. If the kid can’t go to his job or get treatment that doesn’t help me.”