
2019 PENNSYLVANIA JUVENILE JUSTICE
AND
DELINQUENCY PREVENTION PLAN

Prepared for

The Honorable Tom Wolf
Governor
Commonwealth of Pennsylvania



by

The Juvenile Justice and Delinquency Prevention Committee
on behalf of
The Pennsylvania Commission on Crime and Delinquency

January 2019

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Executive Summary and Recommendations

Executive Summary and Recommendations

In proclaiming October 2016 as National Juvenile Justice Awareness Month, President Barack Obama noted the following:

“The essential promise that we make to our young people -- that where they start must not determine how far they can go -- is part of what makes America exceptional. It is our shared responsibility to ensure all children are given a fair shot at life, including a quality education and equal opportunities to pursue their dreams. Too often in America, young people are not afforded a second chance after having made a mistake or poor decision -- the kind of chance some of their peers receive under more forgiving environments. Many of these young people lack institutional or family support and live in distressed communities. Others may have experienced trauma and violence or may struggle with disabilities, mental health issues, or substance use disorders. As a society, we must strive to reach these children earlier in life and modernize our juvenile and criminal justice systems to hold youth accountable for their actions without consigning them to a life on the margins.”

The recommendations set forth in this document are offered in furtherance of Pennsylvania’s commitment to fulfill this promise. The Pennsylvania Commission on Crime and Delinquency (PCCD) is required under 71 P.S. §1190.23 to *“prepare and, at least every two years, update a comprehensive juvenile justice plan on behalf of the Commonwealth based on an analysis of the Commonwealth’s needs and problems, including juvenile delinquency prevention.”* Responsibility for development of this Plan is delegated to the PCCD Juvenile Justice and Delinquency Prevention Committee (JJJPC).

This document provides a series of recommendations to:

- lay the foundation for a comprehensive delinquency and violence prevention strategy for the Commonwealth;
- expedite the implementation of Pennsylvania’s highly regarded Juvenile Justice System Enhancement Strategy (JJSES); and
- address key legislative and policy matters of critical importance to the achievement of these goals.

Juvenile Delinquency Prevention

- *The Commonwealth must develop, implement, and sustain a comprehensive and coordinated strategy to support the healthy development of youth; to identify children who are at high risk of juvenile justice system involvement, school failure, and/or other problems; and to equitably provide evidence-based, trauma-informed services and support to these children and their families.*

PCCD has a proven track record in leading the development and implementation of research-based approaches, including the *Communities That Care (CTC)*¹ risk-focused prevention model and the *Blueprints for Healthy Youth Development*²,

¹ www.communitiesthatcare.net.

² www.blueprintsprograms.org.

which have proven successful in preventing youth violence, delinquency, substance abuse, educational failure and many other adolescent problem behaviors. However, since FY 2001-2002, significant reductions in PCCD's research-based violence prevention appropriation, and the agency's previous evidence-based prevention and intervention appropriation, have dramatically reduced PCCD's capacity to assist communities in addressing these critically important issues. **The FY 2018-2019 appropriation of \$3,989,000 reflects a reduction of 75.4% from the combined FY 2002-2003 appropriations of \$16,200,000 for PCCD's former Evidence-based Prevention/Intervention and Research-based Violence Prevention appropriations.**

Despite the recent leveling off of the Department of Corrections (DOC) inmate population, the operating budget of the DOC has continued to climb. The FY 2016-2017 DOC general fund appropriation of **\$2.54 billion** represents an increase of approximately **101.5%** over the FY 2002-2003 appropriation of **\$1.26 billion**.

Although it is anticipated that initiatives such as the Justice Reinvestment Initiative will continue to have a modest impact in reducing the growth of the DOC inmate population, the only viable strategy to significantly reduce the state prison population in the long term is to intervene early in the lives of children who are most at risk of delinquency, youth violence, school failure and substance abuse.

The success that PCCD has had in implementing **Communities That Care (CTC)** and **Blueprints** Programs is well documented, as are the strong partnerships and working relationships that PCCD's professional staff have within state government and with local government and community leaders throughout the Commonwealth. However, the Commonwealth's current approach to assisting and providing prevention-related funding to communities is not as well coordinated as it needs to be. In addition to PCCD, the Departments of Health (DOH), Education (PDE), Drug and Alcohol Programs (DDAP), Liquor Control Board (PLCB), and Human Services (DHS) each devote financial and staff resources to preventing one or more of the aforementioned adolescent problem behaviors.

It is clear that the Commonwealth must develop and implement a comprehensive inter-departmental, evidence-based and trauma-informed strategy to prevent delinquency, youth violence, and other adolescent problem behaviors, including substance abuse, teen pregnancy, and school failure. As set forth in detail in Chapter 1, such a strategy is essential to PCCD's efforts to address the dis-

proportionate numbers of minority youth who become involved in Pennsylvania's juvenile justice system. The factors that contribute to this problem, known as Disproportionate Minority Contact (DMC), are complex and interrelated, and PCCD's DMC Reduction Plan requires that our Commonwealth's prevention efforts be better coordinated.

PCCD is uniquely positioned to coordinate such an effort by virtue of its proven track record; the technical assistance and quality assurance expertise that PCCD has made available to communities through the **Evidence-based Prevention and Intervention Support Center (EPISCenter)** at Penn State; as well as PCCD's clear statutory mandate to design research-based initiatives of this type. Among the duties of PCCD set forth at 71 P.S. § 1190.23 are the following:

"To define and collaborate with all State agencies on planning and programming related to juvenile delinquency prevention and the reduction and prevention of violence by and against children."

"To design and promote comprehensive research-based initiatives to assist communities and community-based organizations in reducing risk to and promoting the positive development of children and in preventing juvenile delinquency and youth violence."

Recommendations:

- *It is recommended that the Governor direct PCCD and DDAP to work with all Commonwealth agencies serving youth to continue the development of a strategic plan to coordinate the Commonwealth's delinquency, youth violence, and substance abuse prevention programming.*
 - *It is recommended that the Governor propose \$8,989,000 in FY 2019-2020 for PCCD's violence and delinquency prevention appropriation, representing a \$5,000,000 increase over the FY 2018-2019 appropriation, as the first step in a multi-year strategy to ultimately provide the equivalent of 1% of the Department of Corrections (DOC) general fund budget to support PCCD's evidence-based delinquency and violence prevention programming.*
- ***The Commonwealth must build on PCCD's DMC reduction initiative to develop a comprehensive strategy that raises the awareness of the disproportionate contact of***

youth of color with Pennsylvania's juvenile justice system and enact policies and practices designed to eliminate the overrepresentation of youth of color in that system.

In 1988, the federal Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974 (P.L. 93-415, 42 U.S.C.5601 *et seq.*) was amended to require states that received formula funds from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to ascertain the proportion of minority youth detained in secure detention facilities, secure correctional facilities, and lockups compared with the general population and, if the number of minority youth was disproportionate, to develop and implement plans to reduce the disproportionate representation. In 1992, the JJDPA was amended to make “disproportionate minority confinement” (DMC) a core requirement and 25 percent of a state’s formula grant funds could be withheld if states did not comply.

In 2002, Congress modified the DMC mandate to require states to implement juvenile delinquency prevention and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come “into contact with” the juvenile justice system. The 1992 JJDPA reauthorization changed the DMC core requirement from “confinement” to “contact,” and states were for the first time required to implement strategies aimed at reducing DMC.

The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) developed a five-phase DMC Reduction Strategy aimed at helping states identify and address issues of DMC. As part of the first step, **identification**, the JJDP and the DMC Subcommittee examined the **Relative Rate Index (RRI)** for youth of color at each decision point in Pennsylvania’s Juvenile Justice System. This method involved comparing the relative volume (rate) of activity for each major stage of the juvenile justice system for minority youth with the volume of that activity for White (majority) youth. The RRI provides a single index number that indicates the extent to which the volume of that form of contact or activity differs for minority youth and White youth. Examination of Pennsylvania’s statewide RRI shows multiple years of disparate treatment for youth of color, most notably at the points of arrest, detention and secure confinement, in addition to years of underutilizing diversion.

Despite considerable effort and notable progress, there remain serious disparities based on race at each stage of the delinquency system. For that reason, we recommend that the JJDP and the state continue to intensify our focus

on assessing the data and identifying interventions and policy changes that ensure that we treat all youth in the state equitably.

Recommendations:

➤ *It is recommended that the Governor:*

- *Prioritize the implementation of a comprehensive strategy that provides at-risk and delinquent youth of color with increased access to culturally responsive prevention programming, early intervention and diversion programs, and ensures that alternatives to secure detention and out-of-home placement exist within a youth’s own community/neighborhood.*
- *Continue to support the JJSES and the use of validated screening and assessment instruments - including support for protocols which ensure continuous quality improvement measures are implemented, and that statewide validation studies and a review of quality assurance protocols for these instruments are conducted every 4-5 years - to ensure that decisions impacting youth at all stages of the justice system, including arrest, diversion, detention, adjudication, and disposition, are made consistently and equitably without bias to race, class, ethnicity, gender, age, sexual orientation, wealth, community of residence or religion.*
- *Promote and encourage policies and practices that expand the equity, diversity and inclusion in recruitment, funding, hiring, promotion and retention of an ethnically and racially diverse workforce.*
- *Instruct all Commonwealth departments, agencies and commissions to focus on continuous quality improvement and accountability in areas impacting youth of color and to track data to ensure such improvement and accountability.*
- *Advocate for development and implementation of training for all staff employed by Pennsylvania’s law enforcement agencies; youth and family service providers; court system personnel; and county probation on topics that include: Implicit Bias; Racial and Ethnic Disparities; Youth and Law Enforcement Engagement; School Diversion; Trauma Informed Care; Immigration and Juvenile Justice; Mental Health; and Strategies*

for Community Engagement to develop racially diverse environments.

- Support and champion the creation of a taskforce, including entities such as JJDPCC and its DMC Subcommittee, the Pennsylvania Commission on Sentencing, and the Commissions on African-American and Latino Affairs in researching the value of enacting legislation to require all proposed legislation or Commonwealth policy include racial impact statements to determine the impact the legislation/policy may have on youth of color.

Juvenile Justice System Enhancement

- ***The Commonwealth must continue to aggressively pursue implementation and sustainability of the Pennsylvania Juvenile Justice System Enhancement Strategy (JJSES) in order to achieve the system’s balanced and restorative justice mission.***

Pennsylvania has been at the forefront in the development of juvenile law and social policy for more than a century, and Pennsylvania’s status as a national leader in juvenile justice policy and practice was further enhanced by its approach to addressing increasing rates of violent juvenile crime in the early to mid-1990s. While, at that time, the juvenile justice reform strategies of most states consisted primarily, if not exclusively, of placing more juvenile offenders within the jurisdiction of their respective criminal justice systems, Pennsylvania re-defined the very mission of its juvenile justice system.

Act 33 of Sp. Sess. No. 1 of 1995 amended the purpose clause of the Juvenile Act to establish the following mission for Pennsylvania’s juvenile justice system, based on a legislative proposal developed by the Juvenile Court Judges’ Commission:

“consistent with the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community.”³

This statutory mission for Pennsylvania’s juvenile justice system has been in effect since March 1996 and is rooted in the philosophy of “restorative justice,” which gives priority to repairing the harm done to crime victims and communities, and defines offender accountability in terms of assuming responsibility and taking action to repair harm. The “balanced attention” mandates in the Juvenile Act provide the framework for restorative justice in Pennsylvania’s juvenile justice system. These mandates are premised on the concept that the clients of the juvenile justice system include the crime victim, the community and the offender and that each should receive “balanced attention” and gain tangible benefits from their interactions with Pennsylvania’s juvenile justice system.

Pennsylvania’s strong commitment to its statutory mission, and its comprehensive approach to juvenile justice reform, continued to garner national attention and, in 2004, the John D. and Catherine T. MacArthur Foundation selected Pennsylvania as the first state to participate in its *Models for Change* juvenile justice reform initiative.

The MacArthur Foundation’s choice of Pennsylvania as the first *Models for Change* state was a tribute to all of the juvenile justice reforms that had already been accomplished. The Foundation explicitly sought to partner with a “bellwether” state—that is, a state whose leadership would be followed by other states, and whose example would be watched nationally. Pennsylvania’s *Models for Change* partnership with the MacArthur Foundation focused on three targeted areas of improvement: (1) the system of *aftercare* services and supports, (2) the coordination of *mental health services* for juvenile justice-involved youth, and (3) *disproportionate minority contact* with the juvenile justice system, each of which was already a priority of the JJDPCC.

Models for Change accelerated the pace of Pennsylvania’s efforts at reform at both the state and local levels, and supported a series of evidence-based practices, including the introduction of screening and assessment instruments and targeted evidence-based interventions.

³ 42 Pa.C.S. § 6301(b)(relating to purposes).

In June 2010, with the Commonwealth's five-year partnership with the MacArthur Foundation drawing to a close, the Executive Committee of the Pennsylvania Council of Chief Juvenile Probation Officers and Juvenile Court Judges' Commission (JCJC) staff agreed, at their annual strategic planning meeting, that it was essential to develop a strategy to consolidate the various *Models for Change*-related initiatives "under one roof," and to sustain and enhance the gains of the previous five years. Following an intensive review of the impact of and the many lessons learned through this partnership, it was agreed that the JCJC and Pennsylvania Council of Chief Juvenile Probation Officers would work together with PCCD and other system partners to develop and implement a comprehensive "Juvenile Justice System Enhancement Strategy" (JJSES) as the means to achieve this goal.

The first concrete step in developing Pennsylvania's JJSES was to articulate the purpose of the initiative. On November 4, 2010, the Juvenile Court Judges' Commission (JCJC) unanimously endorsed the following Statement of Purpose as the foundation for Pennsylvania's Juvenile Justice System Enhancement Strategy:

JJSES Statement of Purpose

We dedicate ourselves to working in partnership to enhance the capacity of Pennsylvania's juvenile justice system to achieve its balanced and restorative justice mission by

- **employing evidence-based practices, with fidelity, at every stage of the juvenile justice process;**
- **collecting and analyzing the data necessary to measure the results of these efforts; and, with this knowledge,**
- **striving to continuously improve the quality of our decisions, services and programs.**

The JCJC is coordinating the implementation of the JJSES with the assistance of the JJSES Leadership Team, comprised of key leaders from the Pennsylvania Council of Chief Juvenile Probation Officers, PCCD's Office of Juvenile Justice and Delinquency Prevention, and the JCJC.

Recent trends documenting reductions in juvenile violent crime arrest rates, juvenile delinquency dispositions, juvenile delinquency placements, juvenile detention center admissions, and juvenile delinquency placement costs all serve to confirm the efficacy of the evidence-based practices that now form the foundation of Pennsylvania's juvenile justice system.

Statewide Baseline Recidivism Rates for Pennsylvania's Juvenile Justice System

The development of statewide and county-specific baseline recidivism rates is a particularly noteworthy JJSES accomplishment. Pennsylvania is one of the few states with the capacity to develop information of this type. For the purposes of this research, recidivism is defined as a subsequent adjudication of delinquency or conviction in criminal court for a misdemeanor or felony offense within two years of case closure; with the exception of expunged cases, which were not available for inclusion in this research. The baseline statewide and county-specific recidivism rates established in conjunction with the JJSES will continue to provide an important means to measure the impact that the implementation of evidence-based practices is having. Statewide recidivism rates, by year, for the eight years studied thus far are as follows:

- 20.3 % (cases closed in 2007 n=18,882 cases)
- 21.8 % (cases closed in 2008 n=18,910 cases)
- 22.8 % (cases closed in 2009 n=18,439 cases)
- 21.6 % (cases closed in 2010 n=16,800 cases)
- 18.5 % (cases closed in 2011 n=18,203 cases)
- 19.2 % (cases closed in 2012 n=19,208 cases)
- 18.8 % (cases closed in 2013 n=19,517 cases)
- 19.6 % (cases closed in 2014 n=16,970 cases)⁴

⁴ *The Pennsylvania Juvenile Justice Recidivism Report: Juveniles with Cases Closed in 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014* (Pennsylvania Juvenile Court Judges' Commission, 2018).

The 18.5% recidivism rate for cases closed in 2011 represented approximately a 14% reduction from the 21.6% recidivism rate for cases closed in 2010, as well as a 14% reduction from the four-year average recidivism rate of 21.6% for cases closed in 2007, 2008, 2009 and 2010. This dramatic reduction in the statewide recidivism rate for cases closed in 2011 was especially significant because 2011 was the first year that the implementation of evidence-based practices through the JJSES could reasonably have been expected to have had an impact. Although the statewide recidivism rate for cases closed in 2014 rose slightly from the 2013 rate, this rate is still lower than the pre-JJSES recidivism rate for cases closed in 2007-2010.

The JCJC's Juvenile Probation Services appropriation is the state appropriation that has been most critical to the early success of the JJSES, and the evidence-based practice conditions of this grant program will be critical to the future success of the initiative as well. The JCJC's county grant-in-aid program must be increased to enable the JCJC to provide the resources, training and technical assistance needed by juvenile courts and juvenile probation departments, and to expedite JJSES-related program evaluation, enhancement, and research.

Recommendation:

- *It is recommended that the Governor propose \$23,945,000 for the Juvenile Probation Services appropriation of the Juvenile Court Judges' Commission (JCJC) in FY 2019-2020, representing a \$5,000,000 increase over the FY 2018-2019 appropriation, to support the continued implementation of Pennsylvania's Juvenile Justice System Enhancement Strategy (JJSES).*

- ***The Commonwealth must develop a comprehensive strategy that ensures lesbian, gay, bisexual, questioning/queer, gender non-conforming and transgender (LGBQ/GNCT) youth receive fair, equal, responsive, and compassionate services and support if involved in the Pennsylvania juvenile justice system.***

Pennsylvania does not currently have adequate information regarding the numbers of LGBQ/GNCT youth who come within the jurisdiction of the juvenile justice system, and there have been relatively few studies anywhere on this issue. One study, based on an analysis of the National Survey of Youth in Custody conducted in 2012 (N=8785; 9% girls) found that 39.4% of girls and 3.2% of boys in

juvenile correctional facilities identified as lesbian, gay, or bisexual.⁵ In addition, a recently published article regarding a survey of youth in seven juvenile detention facilities (Alameda and Santa Clara counties in California; Cook County, Illinois; Jefferson County, Alabama; Jefferson and New Orleans parishes, Louisiana; and Maricopa County, Arizona) is noteworthy. The survey results showed that, overall, 20% of youth in the detention centers that were surveyed identified as LGBQ/GNCT. However, there were some dramatic differences in the responses from boys and girls. While 13% of boys responding to the survey identified as GBQ/GNCT, 40% of girls identified as LBQ/GNCT. Additionally, 85% of these LGBQ/GNCT were youth of color.⁶

The Pennsylvania Council of Chief Juvenile Probation Officers (PCCJPO) has formed a "Sexual Orientation, Gender Identity and Gender Expression" (SOGIE) Committee to standardize policies and procedures and provide access to supportive services for youth and families across the Commonwealth. The PCCD will work with the Chiefs' Council SOGIE Committee and the JCJC to ensure that Pennsylvania's juvenile justice system:

- Develops quality data collection procedures to determine the number of LGBQ/GNCT youth that are involved in the system and if they are disproportionately represented in the system;
- Provides quality education and training;
- Improves policy and procedures for providers and probation that are aligned with current best practices; and
- Develops a network of resources for probation and providers.

Recommendation:

- *It is recommended that the Governor, in collaboration with his Commission on LGBTQ Affairs, support and champion the development of comprehensive nondiscrimination policies and procedures around sexual orientation, gender identity and expression (SOGIE) to prevent harm and promote fair and equitable services and support for all youth who come into contact with Pennsylvania's juvenile justice system.*

⁵ Bianca D. M. Wilson et al. "Disproportionality and Disparities Among Sexual Minority Youth in Custody". *Journal of Youth and Adolescence*, 2017.

⁶ Angela Irvine and Aisha Canfield (2018) Reflections on New National Data on LGBQ/GNCT Youth in the Justice System. *LGBTQ Policy Journal (a Harvard Kennedy School Student Publication)* 2017-2018 edition.

At a minimum these policies and procedures should:

- *Acknowledge the social stigma, family rejection and discrimination LGBQ/GNCT youth are often subject to and how that may be compounded by abuses suffered in the juvenile justice system.*
- *Implement policies and practices that ensure the safety and well-being of LGBQ/GNCT youth in juvenile justice facilities (i.e., housing based on gender identification and self-identified preference, no isolation based on SOGIE, and prevention of sexual abuse and harassment).*
- *Invest in research and data collection that will allow for the examination of the number of system-involved LGBQ/GNCT youth and whether there is overrepresentation.*
- *Examine the offense patterns and pathways leading LGBQ/GNCT youth into the system, including the incidence of sexual abuse or harassment.*
- *Develop policies which ensure that individualized services acknowledge the diversity and complexity of gender and sexuality to promote the health and well-being of all youth.*
- *Ensure no state funding supports conversion therapy.*
- *Promote professional environments that acknowledge and respect youth across the full spectrum of gender and sexuality, permitting all youth to explore their emerging identities.*
- *Create cross-disciplinary collaborations that educate Pennsylvania's juvenile justice system to the misinformation and biases that marginalize LGBQ/GNCT youth – particularly poor youth, immigrant youth and youth of color by identifying and examining the risk factors that may contribute to the number of LGBQ/GNCT youth who encounter the juvenile justice system.*
- *Ensure that LGBQ/GNCT youth are not subject to indiscriminate stops and searches; verbal, physical or sexual harassment; or other discriminatory practices that can lead to indeterminate periods of custody or supervision.*

- *Ensure confidentiality at youth screening, intake, body searches, and during health-care.*
- *Allow for individualized consideration of clothing and grooming options, names, and pronouns for transgender youth.*
- *Provide juvenile justice agencies with protocols for collecting SOGIE information from all youth and for protecting the information from inappropriate dissemination.*
- *Encourage the development of education and training tailored to judges, prosecutors, juvenile defenders, court administrators, probation personnel, facility staff, contractors, community-based providers and families on how to better serve and represent LGBQ/GNCT youth.*

➤ ***The Commonwealth must ensure there is a comprehensive system of care for justice-involved youth that includes services for youth with complex, cross-system needs.***

Youth with complex, cross-system needs are a significant problem in Pennsylvania's juvenile justice system. At this time, there are juveniles in the Pennsylvania juvenile justice system for whom it is becoming increasingly difficult to develop and implement a treatment program that addresses their complex treatment needs.

Such youth often have co-occurring disorders such as mental health diagnoses and substance use issues combined with delinquent behavior, and may also exhibit aggressive behavior toward other youth and staff. Many lack the capacity to cope in a residential facility environment and need access to higher level clinical staff. Juveniles with a history of aggressive behavior present a particular problem because of the likelihood of staff having to intervene in response to acts of violence against other youth and staff. In recent years, allegations of child abuse in residential programs, resulting from these types of staff interventions, have resulted in the necessity of removing staff from all contact with youth.

Because of the challenges these juveniles present, the private sector service delivery system is increasingly reluctant to accept these youth into care. Consequently, courts are left with committing to a DHS-operated Youth Development Center as the only resource available to them. Pennsylvania's juvenile justice system must ensure that private sector providers have the financial incentives and regulatory support to enable them to address the treatment needs of complex, cross-system youth.

Currently, Pennsylvania does not have a sound process for collecting data related to these cases beyond what is shared anecdotally. Recently, the DHS Office of Children, Youth and Families has conducted regional meetings intended to gain information regarding these types of cases. It is the hope that this will lead to a clearly defined process by which the system stakeholders are able to assess and define the service gaps and unmet needs for these youth.

Recommendation:

➤ *It is recommended that the Governor direct the Department of Human Services to work with the Juvenile Court Judges' Commission, the Pennsylvania Commission on Crime and Delinquency, and other stakeholders to assess and define the service gaps and unmet needs for justice-involved youth with complex, cross-system needs and to then develop and implement a plan to meet the identified needs.*

➤ ***Pennsylvania's juvenile justice system must be supported by a funding and regulatory structure that is consistent with the system's statutory mission.***

It is critically important that priority be given to creating and sustaining a funding and regulatory structure that is consistent with the juvenile justice system's statutory mandate to provide a disposition in the case of every delinquent child which provides "balanced attention" to the protection of the community, accountability for the offenses committed and to the development of competencies that will enable that child to become a responsible and productive member of his/her community.

The Human Services Code must be amended to include both juvenile justice and child welfare funding goals.

The Commonwealth's funding of services to children in both the child welfare and juvenile justice systems is governed by the "needs-based budgeting process" set forth in the Human Services Code,⁷ and by DHS Regulations.⁸ The objectives, service projections and service budgets in needs-based plans submitted to DHS by the counties are required by DHS regulation to be consistent with the achievement of "Commonwealth objectives for the delivery of children and youth social services" which, according to these regulations, are:

⁷ 62 P.S. § 709.1 (relating to needs-based budgeting process).

⁸ 55 Pa. Code Ch. 3140 (relating to planning and financial reimbursement requirements for county children and youth social service programs).

- (1) To protect children from abuse and neglect.
- (2) To increase the use of in-home services for dependent and delinquent children.
- (3) To use community-based residential resources, whenever possible, when placement is necessary.
- (4) To reduce the use of institutional placements for dependent and for delinquent children.
- (5) To reduce the duration of out-of-home placements.⁹

These goals, although laudable, are clearly inconsistent with the statutory "balanced attention" mandate for Pennsylvania's juvenile justice system set forth in the Juvenile Act:

"consistent with the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community."¹⁰

This inconsistency between the Juvenile Act's statutory mandates and DHS regulations must be corrected to ensure that funding is available for essential juvenile justice services. Moreover, the Commonwealth's "child welfare" goals should not be found only in DHS regulations, but should likewise be set forth in the Human Services Code. After considerable study of this issue, it is recommended that the Human Services Code be amended to establish a new purpose clause for Article VII (relating to children and youth) to specifically set forth "child welfare" goals consistent with the Juvenile Act's mandates relating to dependent children, and "juvenile justice" goals consistent with the Juvenile Act's mandates relating to delinquent children.

Recommendation:

➤ *It is recommended that the Governor support amending the Human Services Code to include both juvenile justice and child welfare goals that are consistent with the statutory mandates of the Juvenile Act.*

The proposed amendments are found on page 71.

⁹ 55 Pa. Code § 3140.16 (relating to content and plan of the budget estimate).

¹⁰ 42 Pa.C.S. § 6301(b) (relating to purposes).

➤ ***Year-round education must be provided in residential programs for delinquent youth.***

In 2017, a total of 3,318 juvenile delinquency disposition and disposition review proceedings in Pennsylvania resulted in the commitment of youth to out-of-home placement. The overwhelming majority of these youth were significantly behind academically at the time of placement. However, the Commonwealth's current funding scheme for educational programming in public and private sector residential programs limits the likelihood that these youth will make the educational gains while in placement to enable a successful return to school upon release from placement. Statutory change is needed to enable the public and private sector agencies that provide placement services to these youth to provide year-round educational programming, as well as the essential remedial educational and career/technical education support that is not otherwise available through basic education programming and funding.

As noted in a 2006 report of the Legislative Budget and Finance Committee,¹¹ the Commonwealth's funding schemes and related policies governing the delivery of educational services to youth in residential placement are both complicated and inconsistent. The great majority of residential placement services in Pennsylvania's juvenile justice system are provided by private agencies. Educational services for adjudicated youth in private residential programs are generally provided in one of three ways—by host school district employees in district facilities or in the private facility; by intermediate unit (IU) employees; or by private provider employees themselves. In all cases, the host district can seek reimbursement from the resident district for the cost of educating the students. The applicable reimbursement rate, as well as the process for reimbursement, depends on who provides the educational services and where those services are provided.

The 2006 report specifically noted that private agencies explained that the children committed to their care needed year-round educational programming, as well as remedial educational support; but that the Public School Code only provides for reimbursement of 180 days of instruction per school year. This significant shortcoming can be addressed by amending the Human Services Code to provide that the provision of educational services beyond 180 days in residential programs (up to a maximum of 250 days of instruction/year), and the provision of remedial educational support not otherwise available through basic education programming, are reimbursable through the needs-based budget process.

¹¹ *Reimbursement for Educational Services for Adjudicated Youth in Private Residential Facilities*, Legislative Budget and Finance Committee, February 2006.

Recommendation:

➤ *It is recommended that the Governor support amending the Human Services Code to provide that the provision of educational services beyond 180 days in residential programs (up to a maximum of 250 days of instruction/year), and the provision of remedial educational support not otherwise available through basic education programs, are reimbursable through the needs-based budget process.*

A legislative proposal to address this recommendation is provided on page 73.

➤ ***The Human Services Code must be amended to provide funding for indigent juvenile defense services.***

Juveniles who come within the jurisdiction of Pennsylvania's juvenile justice system are required to be represented by an attorney at every important hearing because all juveniles are presumed indigent and the waiver of counsel by juveniles has been virtually eliminated.¹² In addition, a juvenile may not enter an admission to an offense unless a mandatory written admission colloquy form has been reviewed and completed with the juvenile by an attorney and reviewed by the court.¹³

In 2015, juveniles alleged to be delinquent were represented by public defenders in 67.3% of formal delinquency proceedings.¹⁴ Even though these due process protections are mandated by the Juvenile Act and the Pennsylvania Rules of Juvenile Court Procedure, the quality of representation provided by public defenders varies widely across the Commonwealth due to the lack of a state funding stream for these essential services.

The study of the Commonwealth's indigent defense system published in 2003 by the **Pennsylvania Supreme Court Committee on Racial and Gender Bias** concluded that the Supreme Court's indigent defense mandate had been ignored by the General Assembly, and was not being fulfilled in Pennsylvania. In 2011, the **Report of the Task Force and Advisory Committee on Services to Indigent Criminal Defendants**, developed in response to Senate Resolution 42 of 2007, concluded that...“In the intervening eight years, the only significant change is that

¹² Pa. R.J.C.P. 151 (relating to assignment of counsel), Pa. R.J.C.P. 152 (relating to waiver of counsel), 42 Pa.C.S. § 6337.1 (relating to right to counsel for children in dependency and delinquency proceedings).

¹³ Pa. R.J.C.P. 407 (relating to admissions).

¹⁴ *2015 Pennsylvania Juvenile Court Dispositions*, Juvenile Court Judges' Commission, 2016, page 6.

South Dakota and Utah now do provide some state funding for indigent defense, leaving Pennsylvania as the only state that does not appropriate or provide for so much as a penny toward assisting the counties in complying with Gideon’s mandate.”¹⁵

The 2011 report specifically addressed the issue of the lack of funding for indigent juvenile defense noting that... **“Nowhere is the lack of resources, personnel, and funding available to meet the needs of indigent defense felt more keenly than in juvenile justice. Like other indigent defense, the defense of indigent juveniles receives no funding from the Commonwealth.”**¹⁶ However, the report noted in a footnote that **“Some counties received small amounts that helped support indigent defense for juveniles in FY 2010-11 and earlier fiscal years through the Department of Public Welfare (DPW), but that funding has been terminated for FY 2011-12. There has never been a line item in the Commonwealth budget specifically for funding indigent defense, nor do our statutes provide for funding through a special fund or any similar mechanism.”**¹⁷

The funding to counties for indigent juvenile defense services referenced in the 2011 Senate Resolution 42 report was in the form of reimbursement through the needs-based budget process pursuant to Section 704.1(a)(5) of the Human Services Code.¹⁸

Although 62 P.S. §704.1(a)(5) does not specifically provide for reimbursement of the costs for providing counsel or a guardian *ad litem* for a child in the context of a dependency proceeding under the Juvenile Act, or for the costs of providing counsel for an indigent child in the context of a delinquency proceeding, it had been the former DPW’s policy for a number of years to reimburse for these costs as “other like expenses” to those specifically set forth in (a) (5) incurred in proceedings under the Juvenile Act. Following the policy change by DPW in FY 2011-2012, DPW ceased reimbursing for indigent juvenile defense costs, but has continued to reimburse for the cost of providing counsel or a guardian *ad litem* for a child in the context of a dependency proceeding.

62 P.S. § 704.1(a)(5) should be amended to specifically require reimbursement for the costs of providing counsel or a guardian *ad litem* for a child in the context of a dependency proceeding, as well as the cost of providing coun-

¹⁵ *A Constitutional Default: Services to Indigent Criminal Defendants in Pennsylvania-Report of the Task Force on Services to Indigent Criminal Defendants*, Joint State Government Commission, December 2011, Page 1.

¹⁶ *Ibid.*, page 99.

¹⁷ *Ibid.*, page 1.

¹⁸ 62 P.S. § 704.1 (relating to payments to counties for services to children).

sel for an indigent child in the context of a delinquency proceeding. However, the language in (a)(5) that provides reimbursement for expenses related to the appointment of a “guardian *pendente lite*” should be deleted because the term is not relevant to Juvenile Act proceedings.

Recommendation:

- *It is recommended that the Governor support amending the Human Services Code to provide that indigent juvenile defense services are reimbursed at a 50% rate through the county needs-based budget process, the same rate as guardians-ad-litem and counsel in dependency proceedings.*

A legislative proposal to address this recommendation is provided on page 76.

- ***The Commonwealth must ensure that services to children within Pennsylvania’s juvenile justice system are provided by a diverse, experienced, well-educated, and well-compensated workforce.***

The positive correlation between a well-educated and experienced workforce and positive outcomes for youth served is well established. Unfortunately, many public and private agencies providing essential services to youth within Pennsylvania’s juvenile justice system are experiencing increasingly serious challenges in recruiting and retaining a trained, competent workforce that is racially, culturally, and linguistically diverse. The reasons for this are varied and complex, and include, but are not limited to, non-competitive salaries and benefits; evening and overnight work requirements; limited advancement opportunities; the risks associated with working with an occasionally aggressive and volatile population; implicit biases; and negative public perceptions of the value of the work.

The quality and breadth of the private sector services provided within the juvenile justice system have been critical factors in Pennsylvania having been repeatedly recognized as a national leader in juvenile justice policy and practice. If this status is to be maintained and if the JJSES goals of lower recidivism rates through evidence-based practices and long-term positive outcomes for system-involved youth are to be achieved, it is essential that the Commonwealth develop and implement a comprehensive strategy to address this escalating workforce crisis.

In 2017, the JJDPCC made the following recommendation:

- “It is recommended that the Governor support the introduction and adoption of a joint House/Senate Resolution directing the Joint State Government*

Commission to undertake a comprehensive study of, and develop a report containing recommendations to address, the critical workforce crisis within the Commonwealth's juvenile justice and child welfare service delivery system."

No action was taken on that recommendation. It is critical that the Commonwealth address this workforce crisis as the situation continues to worsen, impacting access and quality of care as well as hindering the Commonwealth's statutory obligation to provide placement options to ensure community safety.

Recommendation:

➤ *It is recommended that the Governor direct the Department of Human Services to work with stakeholders to develop and begin the implementation of a plan no later than June 30, 2020 that includes, but is not be limited to, short-term and long-term solutions in the areas of recruitment and retention, expedited methods for necessary regulatory relief/reform, and sustainable funding strategies.*

➤ ***The Commonwealth must ensure that every county has access to high quality juvenile detention services and detention alternatives.***

Throughout Pennsylvania's juvenile justice system, there is a strong commitment to the philosophy that secure detention should be used only after less restrictive alternatives have been considered and rejected. The Juvenile Act¹⁹ and Pennsylvania Rules of Juvenile Court Procedure²⁰ authorize the secure detention of juveniles for brief periods of time and for very limited purposes. Moreover, the Juvenile Act specifically provides that its purposes are to be achieved by employing evidence-based practices whenever possible and, in the case of a delinquent child,

¹⁹ See 42 Pa.C.S. § 6325 (relating to detention of child), 42 Pa.C.S. § 6326 (relating to release or delivery to court), 42 Pa.C.S. § 6331 (relating to release from detention or commencement of proceedings), 42 Pa.C.S. § 6332 (relating to informal hearing), and 42 Pa.C.S. § 6335 (relating to release or holding of hearing).

²⁰ See Pa.R.J.C.P. 240 (relating to detention of juvenile), Pa.R.J.C.P. 241 (relating to notice of detention hearing), Pa.R.J.C.P. 242 (relating to detention hearing), Pa.R.J.C.P. 243 (relating to detention rehearings), Pa.R.J.C.P. 313 (relating to detention from intake), Pa.R.J.C.P. 404 (relating to prompt adjudicatory hearing), Pa.R.J.C.P. 409 (relating to adjudication of delinquency), Pa.R.J.C.P. 510 (relating to prompt dispositional hearing), Pa.R.J.C.P. 605 (relating to detaining juvenile for modification of the dispositional order or violation of probation), Pa.R.J.C.P. 610 (relating to dispositional and commitment review), and Pa.R.J.C.P. 612 (relating to modification or revocation of probation).

by using the least restrictive intervention that is consistent with the protection of the community, the imposition of accountability for offenses committed and the rehabilitation, supervision and treatment needs of the child.²¹

Admissions to secure juvenile detention centers declined 55.4% from 2007 to 2017 due to a variety of reasons, including the increased use of detention risk assessment instruments, and the development of evening reporting centers and other alternatives to detention. As detention center populations decline, the cost-per-juvenile to operate the programs can increase dramatically.

Although there is a strong commitment to utilizing secure detention only after less restrictive alternatives have been considered and rejected, there are situations in every jurisdiction that require the use of a secure detention facility. When this level of custody is needed in the case of a particular juvenile, it is essential that high quality secure detention services be available in close proximity to a juvenile's community.

However, at present, only 13 juvenile detention centers are providing secure detention services within Pennsylvania's juvenile justice system, and in an increasing number of jurisdictions, these services can be many hours away, limiting the access that juveniles have to their legal counsel, and to their families. In addition, access to schools and community services can be compromised, as can the scheduling of, and preparation for, assessments, evaluations and hearings.

The Juvenile Act requires the Department of Human Services to develop or assist in the development of approved shelter programs in each county for children taken into custody, and for children referred to or under the jurisdiction of the court.²² Although there is no such Juvenile Act requirement for juvenile detention services, the Human Services Code specifically provides that where the operation of an approved detention facility by a single county would not be feasible, economical or conducive to the best interest of a child needing detention care, the Department of Human Services (DHS) shall make provisions directly or by contract with a single county for the implementation and operation, in accordance with DHS regulations, of regional detention facilities serving the needs of two or more counties.²³

The secure detention centers that remain open are not distributed evenly. The Commonwealth must develop a strategy to ensure the availability of a range of deten-

²¹ 42 Pa.C.S. § 6301(b) (relating to purposes).

²² 42 Pa.C.S. § 6327(f) (relating to development of approved shelter care programs).

²³ 62 P.S. § 2078 (relating to regional detention facilities).

tion alternatives in every county and the availability of high quality secure detention services within a reasonable proximity of every county.

Recommendation:

- *It is recommended that the Governor request the Department of Human Services develop a plan no later than June 30, 2019 for the creation of regional detention facilities pursuant to 62 P.S. § 2078 to ensure that every county has access to high quality juvenile detention services.*

Introduction and Background

2019 Pennsylvania Juvenile Justice and Delinquency Prevention Plan

Introduction and Background

The Pennsylvania Commission on Crime and Delinquency (PCCD) is required under 71 P.S. §1190.23 to “*prepare and, at least every two years, update a comprehensive juvenile justice plan on behalf of the Commonwealth based on an analysis of the Commonwealth’s needs and problems, including juvenile delinquency prevention.*” Responsibility for development of this Plan is delegated to the PCCD Juvenile Justice and Delinquency Prevention Committee (JJJPC).

This document provides a series of recommendations to:

- lay the foundation for a comprehensive delinquency and violence prevention strategy for the Commonwealth;
- expedite the implementation of Pennsylvania’s highly regarded Juvenile Justice System Enhancement Strategy (JJSES); and
- address key legislative and policy matters of critical importance to the achievement of these goals.

Evidence-based Policy and Practice: PCCD’s Comprehensive Strategy for Preventing Violence, Delinquency, and Other Adolescent Problem Behaviors

PCCD has a proven track record in leading the development and implementation of research-based approaches that have proven successful in preventing youth violence, delinquency, and many other adolescent problem behaviors. However, as explained in detail beginning on page 27, significant reductions over the last decade in PCCD’s violence prevention appropriation, and the agency’s previous evidence-based prevention and intervention appropriation, have dramatically reduced PCCD’s capacity to assist communities in addressing these critically important issues.

The Communities That Care risk-focused prevention model

PCCD’s evidence-based approach to prevention began in 1994 when PCCD, the Juvenile Court Judges’ Commission (JCJC), and other juvenile justice system leaders concluded that the *Communities That Care (CTC)*²⁴ risk-focused prevention model should be the foundation of the Commonwealth’s approach to preventing juvenile delinquency and youth violence. Following initial planning and assessment grants to eight counties and a training and technical assistance grant to the JCJC’s Center for Juvenile Justice Training and Research (CJJT&R) at Shippensburg University in 1994, the CTC initiative subsequently became a key focus of the Governor’s Community Partnership for Safe Children led by then-First Lady Michele Ridge from

²⁴ www.communitiesthatcare.net.

1995-2002. The initiative gained national attention as the most comprehensive state-wide initiative of its kind and the “undisputed leader in juvenile crime prevention”²⁵ with approximately 120 CTC sites in communities throughout the Commonwealth. Each of these sites completed an exhaustive assessment of risks to youth in their respective communities using the CTC model, identified their priority risks, and selected evidence-based programs specifically to address those risk factors.

Blueprints for Healthy Youth Development

In 1996, with funding assistance from PCCD, the Center for the Study and Prevention of Violence (CSPV), at the Institute of Behavioral Science, University of Colorado Boulder, designed and launched a national youth prevention initiative to identify and replicate violence, delinquency and drug prevention programs that had been demonstrated as effective. The project, initially called “***Blueprints for Violence Prevention***” identified prevention and intervention programs that met a strict scientific standard of program effectiveness. Today, “Blueprints” has been rebranded as “***Blueprints for Healthy Youth Development***”²⁶ and is funded by the Annie E. Casey Foundation. With funding from the Casey Foundation, outcomes have been expanded to include not only problem behavior, but also education, emotional well-being, physical health, and positive relationships.

The identification of Blueprints **Model** and **Promising** programs is based upon an initial review by CSPV of a program’s evaluation evidence and a final review and recommendation from a distinguished advisory board, comprised of six experts in the field of positive youth development. More than 1,500 programs have been reviewed, but only a small portion of them have been designated as model or promising programs based on their ability to effectively improve developmental outcomes in the areas of behavior, education, emotional well-being, health and positive relationships. Currently, only 17 programs have been designated as Blueprints model programs.

PCCD’s Resource Center for Evidence-Based Prevention and Intervention Programs and Practices

In 2008, PCCD created the **Resource Center for Evidence-Based Prevention and Intervention Programs and Practices** to support the proliferation and sustainability of high quality and effective juvenile justice intervention and delinquency prevention programs in Pennsylvania. In August 2014, PCCD’s **Resource Center** was recognized by the National Criminal Justice Association (NCJA) as the **Outstanding Criminal Justice Program for the northeast region of the United States**.

The Resource Center has three main focuses:

- supporting the quality implementation of established evidence-based program models;
- incorporating research-based principles and practices into existing local juvenile justice programs; and
- supporting community planning and implementation of evidence-based prevention program models in Pennsylvania.

PCCD’s Prevention initiatives are guided by the JJDPC’s Prevention Subcommittee, which includes representatives from PCCD, the Department of Human Services (DHS), the Juvenile Court Judges’ Commission (JCJC), the Pennsylvania Council of Chief Juvenile Probation Officers, the Department of Education (PDE), Department of Health (DOH), Department of Drug and Alcohol Programs (DDAP), and other stakeholders.

The **Evidence-based Prevention and Intervention Support Center (EPISCenter)**,²⁷ which is housed within the Prevention Research Center (PRC) at Penn State University, is funded by PCCD and the DHS Office of Children, Youth, and Families. The primary goal of the EPISCenter is to advance high-quality implementation, impact assessment, and sustainability of specific evidence-based programs in order to maximize the positive impact for the Commonwealth’s youth, families, and communities. The EPISCenter plays a fundamental role in connecting science to policy and practice.

As detailed on page 46, the EPISCenter provides technical assistance and support for a series of *Blueprints* Model and Promising programs, and also provides detailed data regarding the functioning and impact of two of the *Blueprints* Model programs: Multisystemic Therapy (MST), and Functional Family Therapy (FFT).

²⁵ Hurst III, Hunter. National Center for Juvenile Justice, *Hunter of Delinquency*, 2001.

²⁶ www.blueprintsprograms.org.

²⁷ <http://episcenter.psu.edu/>.

PCCD's Evidence-based Approach: A Proven Foundation for a Comprehensive Prevention Strategy for the Commonwealth

The expansion of PCCD's *Communities That Care (CTC)* initiative and the implementation of *Blueprints* programs with fidelity have formed the foundation of PCCD's comprehensive prevention strategy. The significant benefit to the Commonwealth's citizens and communities from PCCD's evidence-based approach to prevention is well established. From 1998 through 2002, state funding for CTC and effective, evidence-based programs grew from \$2 million to \$16 million – a total of \$60 million was invested over a six-year span. In 2008, the Prevention Research Center at Pennsylvania State University completed a cost-benefit analysis of PCCD's \$60 million investment and concluded that taxpayers saved over \$317 million through reductions in crime, system processing, impact on victims, and reductions in welfare dependence, producing a conservatively estimated return of \$5.30 for every \$1.00 invested.²⁸

In another study of PCCD's *CTC* initiative, Penn State researchers reported that youth in *CTC* communities experienced significant reductions in drug abuse and delinquency while improving school performance in standardized tests. This longitudinal study by the Prevention Research Center (PRC) examined changes in youth over a 5-year period, followed 419 classroom groups of students from 2001 to 2005, and included more than 231,000 youth reports. The study found that youth in *CTC* communities using evidence-based programs showed significantly better adolescent development than youth in comparison communities. The *CTC* youth had stronger bonds to their schools, families and communities, and were less influenced by antisocial peers. Most importantly, the youth in *CTC* communities reported nearly 11% less delinquency over the 5-year period, and more than 33% better academic achievement.²⁹ Moreover, a national study of *CTC* in 12 locations showed that youth residing in *CTC* communities were significantly less likely to engage in delinquency, drug abuse, and have fewer incidents of school dropout than youth living in comparable communities without *CTC*.³⁰ These outcomes were again seen in a study published in 2018 where data from 2004-2014 was analyzed and showed that the *CTC* system increased the likelihood of sustained abstinence from early-initiation drug use by 49% and antisocial behavior by 18%, and reduced the lifetime incidence of violence by 11% through age 21 years.³¹

Currently, the EPISCenter is providing technical assistance and training to approximately 60 *CTC* coalitions throughout the Commonwealth. PCCD continues to support the provision of active and proactive technical assistance to communities through the EPISCenter as they adopt the *CTC* data-driven, comprehensive approach to prevention planning. PCCD is also working with the Social Development Research Group at the University of Washington to support one of the first broad-scale implementations of "*CTC+*," the new web-based *CTC* curriculum. It is through this multi-sector, multi-directional approach that communities increase their ability to see population-level change over time.

As explained in detail beginning on page 55, it is essential that the Commonwealth develop a comprehensive inter-departmental, evidence-based strategy to prevent delinquency, youth violence, and other adolescent problem behaviors, including substance abuse, teen pregnancy and school failure. PCCD is uniquely positioned to coordinate this effort by virtue of its statutory mandate, proven track record, and the structure it has created to provide the necessary training and technical assistance to community leaders, service providers and others.

²⁸ Bumbarger, B., et al., *The Economic Return on PCCD's Investment in Research-based Programs: A Cost-Benefit Assessment of Delinquency Prevention in Pennsylvania*. Pennsylvania State University, 2008 and Kuklinski, M. R., Briney, J. S., Hawkins, J. D., & Catalano, R. F. (in press) Cost-benefit analysis of Communities That Care outcomes at eighth grade.

²⁹ Feinberg, M.E., Greenberg, M.T., Osgood, W.O., Sartorius, J., Bontempo, D.E. (2010) *Can Community Coalitions Have a Population Level Impact on Adolescent Behavior Problems?* *CTC in Pennsylvania*, Prevention Science.

³⁰ Hawkins, J.D., et al., *Results of a Type 2 Translational Research Trial to Prevent Adolescent Drug Use and Delinquency: A Test of Communities That Care*. *Archives of Pediatrics and Adolescent Medicine*, 163(9), 789-798. 2009.

³¹ Sabrina Oesterle, Margaret R. Kuklinski, J. David Hawkins, Martie L. Skinner, Katarina Guttmanova, Isaac C. Rhew, *Long-Term Effects of the Communities That Care Trial on Substance Use, Antisocial Behavior, and Violence Through Age 21 Years*, *American Journal of Public Health* 108, no. 5 (May 1, 2018): pp. 659-665.

Pennsylvania's Juvenile Justice System: A Model for the Nation

Pennsylvania has been at the forefront in the development of juvenile law and social policy for more than a century. Several key legislative actions were especially critical to the development and evolution of a juvenile justice system that is uniquely positioned to continue as a model for the nation, including the legislation creating the Juvenile Court Judges' Commission (JCJC) in 1959; the adoption of Pennsylvania's Juvenile Act in 1972 in response to the rulings of the United States Supreme Court in the cases of *Kent v. United States* (1966)³², *In re: Gault* (1967)³³, and *In re: Winship* (1970);³⁴ the enactment of Act 148 of 1976 to create a fiscal incentive for the provision of private sector, in-home and community-based services to dependent and delinquent children; and the enactment of Act 274 of 1978 establishing the Pennsylvania Commission on Crime and Delinquency (PCCD).

Pennsylvania's status as a national leader in juvenile justice policy and practice was further enhanced by its approach to addressing increasing rates of violent juvenile crime in the early to mid-1990s. While, at that time, the juvenile justice reform strategies of most states consisted primarily, if not exclusively, of placing more juvenile offenders within the jurisdiction of their respective criminal justice systems, Pennsylvania re-defined the very mission of its juvenile justice system.

In January of 1995, then-newly elected Governor Tom Ridge called the General Assembly into special session the day following his inauguration to focus exclusively on the issue of crime. Special Session No. 1 of 1995 would see the passage of 37 separate bills, 15 of which affected the juvenile justice system in some way. Together, these laws represented the most dramatic legislative changes in the history of the Commonwealth's juvenile justice system.

The most significant of the new laws was Act 33 of Sp. Sess. No. 1 of 1995. This new law included provisions that excluded designated felonies from the definition of "Delinquent act," subjecting them to initial criminal court jurisdiction, but with the possibility that such cases could be transferred from criminal proceedings if a judge determined that it was in the public interest to do so based on criteria set forth in statute. However, the most important provisions of Act 33 amended the purpose clause of the Juvenile Act to establish the following mission for Pennsylvania's juvenile justice system based on a legislative proposal developed by the Juvenile Court Judges' Commission:

"consistent with the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community."³⁵

This statutory mission for Pennsylvania's juvenile justice system is rooted in the philosophy of "restorative justice," which gives priority to repairing the harm done to crime victims and communities, and defines offender accountability in terms of assuming responsibility and taking action to repair harm. The "balanced attention" mandates in the Juvenile Act provide the framework for restorative justice, and are premised on the concept that the clients of the juvenile justice system include the crime victim, the community, and the offender, and that each should receive "balanced attention" and gain tangible benefits from their interactions with Pennsylvania's juvenile justice system.

PCCD's then-Juvenile Advisory Committee (JAC), the predecessor to the JJDPC, would play a critical role in ensuring that this new system mission was understood and would be achieved. In a letter to former JAC/JJDPC Chair, Dr. Ronald E. Sharp, dated June 25, 1996, Governor Ridge charged the JAC with the responsibility for.....***"developing a strategic plan to take Pennsylvania's juvenile justice system into the next century."***

The JAC immediately began the process of determining how to accomplish this task. The JAC believed that the new legislative "balanced attention" mandates must be at the heart of any juvenile justice reform efforts, and serve as the foundation for the development of the strategic plan. On the basis of this belief, the JAC adopted the following mission statement for Pennsylvania's juvenile justice system:

³² *Kent v. United States*, 383 U.S.541 (1966).

³³ *In re: Gault*, 387 U.S.1 (1967).

³⁴ *In re: Winship*, 397 U.S. 358 (1970).

³⁵ 42 Pa.C.S. § 6301(b)(relating to purposes).

**“JUVENILE JUSTICE:
COMMUNITY PROTECTION;
VICTIM RESTORATION;
YOUTH REDEMPTION.”**

Community Protection refers to the right of all Pennsylvania citizens to be and feel safe from crime.

Victim Restoration emphasizes that, in Pennsylvania, a juvenile who commits a crime harms the victim of the crime and the community, and thereby incurs an obligation to repair that harm to the greatest extent possible.

Youth Redemption embodies the belief that juvenile offenders in Pennsylvania have strengths, are capable of change, can earn redemption, and can become responsible and productive members of their communities.

Furthermore, all of the services designed and implemented to achieve this mission and all hearings and decisions under the Juvenile Act—indeed all aspects of the juvenile justice system—must be provided in a fair and unbiased manner. The United States and Pennsylvania Constitutions guarantee rights and privileges to all citizens, regardless of race, color, creed, gender, national origin or handicap.

This mission statement which, in the words of former JAC member Judge Emanuel A. Cassimatis, described the purpose of the system “briefly, and yet completely,” was presented to Governor Ridge on July 21, 1997 in conjunction with the presentation of the strategic plan.

The JAC also adopted a set of “Guiding Principles for Pennsylvania’s Juvenile Justice System,” and PCCD, upon the recommendation of the JAC and subsequently the JJDPC, provided significant funding to support comprehensive system-wide training, technical assistance, and an exceptional array of high quality written materials to ensure that the system’s balanced and restorative justice mission was being achieved.

Pennsylvania’s *Models for Change* Partnership with the MacArthur Foundation

Pennsylvania’s strong commitment to its statutory mission, and its comprehensive approach to juvenile justice reform, continued to garner national attention and, in 2004, the John D. and Catherine T. MacArthur Foundation selected Pennsylvania as the first state to participate in its *Models for Change* juvenile justice reform initiative. According to the MacArthur Foundation.... “Pennsylvania was chosen because it is considered a “bellwether” state in juvenile justice, it has a favorable reform climate, and it seems poised to become an exemplary system. There are strong partnerships among Pennsylvania’s stakeholders – judges, district attorneys, public defenders, probation departments, community leaders, and city, county, and state officials – and considerable consensus about the strengths and weaknesses of the state’s juvenile justice system.”³⁶

The MacArthur Foundation’s choice of Pennsylvania as the first *Models for Change* state was a tribute to all of the juvenile justice reforms that had already been accomplished. The Foundation explicitly sought to partner with a “bellwether” state—that is, a state whose leadership would be followed by other states, and whose example would be watched nationally. The Foundation chose Pennsylvania following an extensive multi-state search, citing the commitment and vision of the state’s juvenile justice leadership, including specifically the JJDPC, PCCD, JCJC, and DPW (now DHS); the high level of communication and cooperation among its juvenile justice stakeholder groups, especially the Pennsylvania Council of Chief Juvenile Probation Officers; and the broad consensus that had formed around the system’s strengths and weaknesses, and the state’s efforts to address its priorities. The importance of the JJDPC in the MacArthur Foundation’s selection process was especially noteworthy. As described by Robert G. Schwartz, then-Juvenile Law Center Executive Director and former JJDPC member,....“The Foundation recognized JJDPC’s leadership role, and it gained enormous synergy by aligning its *Models for*

³⁶ Youth Law Center, *Keystones for Reform: Promising Juvenile Justice System Policies and Practices in Pennsylvania*, 2005. pp. 1-2.

Change themes with those that the JJDPC had identified as important. . . . The JJDPC partnership with *Models for Change* demonstrates how valuable public-private partnerships can be, especially in terms of innovation and major policy shifts.”³⁷

Pennsylvania’s *Models for Change* partnership with the MacArthur Foundation focused on three targeted areas of improvement: (1) the system of *aftercare* services and supports, (2) the coordination of *mental health services* for juvenile justice-involved youth, and (3) *disproportionate minority contact* with the juvenile justice system; each of which was already a priority of the JJDPC.

Models for Change accelerated the pace of Pennsylvania’s efforts at reform at both the state and local levels, and supported a series of evidence-based practices, including the introduction of screening and assessment instruments and targeted evidence-based interventions.

Pennsylvania’s Juvenile Justice System Enhancement Strategy (JJSES)

In June 2010, with the Commonwealth’s five-year partnership with the MacArthur Foundation drawing to a close, the Executive Committee of the Pennsylvania Council of Chief Juvenile Probation Officers and Juvenile Court Judges’ Commission (JCJC) staff agreed, at their annual strategic planning meeting, that it was essential to develop a strategy to consolidate the various *Models for Change*-related initiatives “under one roof,” and to sustain and enhance the gains of the previous five years. Following an intensive review of the impact of and the many lessons learned through this partnership, it was agreed that the JCJC and Pennsylvania Council of Chief Juvenile Probation Officers would work together with PCCD and other system partners to develop and implement a comprehensive “Juvenile Justice System Enhancement Strategy” (JJSES) as the means to achieve this goal, and that then-JCJC Deputy Director Keith Snyder would assume responsibility for coordinating the initiative.

The first concrete step in developing Pennsylvania’s JJSES was to articulate the purpose of the initiative. On November 4, 2010, the Juvenile Court Judges’ Commission (JCJC) unanimously endorsed the following Statement of Purpose as the foundation for Pennsylvania’s Juvenile Justice System Enhancement Strategy:

JJSES Statement of Purpose

We dedicate ourselves to working in partnership to enhance the capacity of Pennsylvania’s juvenile justice system to achieve its balanced and restorative justice mission by

- **employing evidence-based practices, with fidelity, at every stage of the juvenile justice process;**
- **collecting and analyzing the data necessary to measure the results of these efforts; and, with this knowledge,**
- **striving to continuously improve the quality of our decisions, services and programs.**

In addition to the JCJC, the JJSES Statement of Purpose has been endorsed by the JJDPC, the Pennsylvania Council of Chief Juvenile Probation Officers, the Juvenile Court Section of the Pennsylvania Conference of State Trial Judges, the Juvenile Detention Centers Association of Pennsylvania (JDCAP), the Pennsylvania Council of Children, Youth and Family Services, the Pennsylvania Community Providers Association, and many individual service provider agencies.

The JCJC is coordinating the implementation of the JJSES with the assistance of the JJSES Leadership Team, comprised of key leaders from the Pennsylvania Council of Chief Juvenile Probation Officers, PCCD’s Office of Juvenile Justice and Delinquency Prevention, and the JCJC.

³⁷ Robert G. Schwartz, *Pennsylvania and MacArthur’s Models for Change-The Story of a Successful Public-Private Partnership* (Juvenile Law Center, 2013) Chapter IV.

The JJSES Foundation: Evidence-based juvenile justice practices

Essential to the underlying philosophy of the JJSES is the concept that juvenile justice interventions and programs are considered effective when they reduce a juvenile's risk to reoffend and that the application of evidence-based practices will enhance public safety. As explained in the JJSES Monograph,

“‘Evidence-based practice’ simply means applying what we know in terms of research to what we do in our work with youth, their families, and the communities in which we live. It is the progressive, organizational use of direct, current scientific evidence to guide and inform efficient and effective services.”³⁸

The architects of the JJSES believe that it is through the use of research evidence and the demonstration of outcomes that Pennsylvania's juvenile justice system can achieve and confirm the effectiveness of its statutory balanced and restorative justice mission.

Statewide implementation of the YLS risk/needs assessment

The principles of *risk*, *need*, and *responsivity* form the foundation of evidenced-based juvenile justice practices. As summarized in the JJSES Monograph, the *risk principle* helps identify *who* should receive juvenile justice interventions and treatment. The *need principle* focuses on *what* about the young person must be addressed. The *responsivity principle* underscores the importance of *how* treatment should be delivered, with behavioral and cognitive behavioral skill-building techniques being the most effective.³⁹

In June 2008, the Executive Committee of the Pennsylvania Council of Chief Juvenile Probation Officers and staff from the JCJC undertook a comprehensive review of various risk assessment tools designed specifically for juvenile offenders. With the assistance of the National Youth Screening and Assessment Project (NYSAP) and support from the MacArthur Foundation, members of the Executive Committee chose to pilot the **Youth Level of Service/Case Management Inventory (YLS/CMI)** risk assessment instrument. The YLS/CMI is a valid and reliable risk instrument that assesses risk for recidivism by measuring 42 risk/need factors within eight domains: **prior and current offenses** (antisocial history); **attitudes/orientation** (antisocial thinking); **personality/behavior** (antisocial temperament); **peer relations** (antisocial companions); **family circumstances/parenting; education/employment; substance abuse; and leisure/recreation**. Any of the domains may also be identified as an area of strength. Ultimately, a youth is assigned an overall risk level of *Low*, *Moderate*, *High*, or *Very High*, based on the aforementioned domains and other factors gathered through a structured interview/information-gathering process. The assessed risk level is to be used to inform the juvenile probation officer and juvenile court judge throughout the process of determining case dispositions, as well as supervision and intervention targets for juvenile offenders.

With the strong support of the Pennsylvania Council of Chief Juvenile Probation Officers, the JCJC, and PCCD, implementation of the YLS/CMI throughout Pennsylvania's juvenile justice system became a realistic goal. In FY 2013-2014, the JCJC approved a new allocation methodology for the agency's Juvenile Probation Services grant program to counties, following endorsement of the concept by the Executive Committee of the Pennsylvania Council of Chief Juvenile Probation Officers. The new methodology included a requirement that a county's eligibility for any JCJC grant funds would be contingent upon the submission of a plan to the JCJC that must address:

- The implementation of the YLS risk/need assessment instrument;
- The development of recommendations to the court based upon the YLS results, including the identified risk and needs of each juvenile; and
- The development and implementation of a case plan based upon YLS results, which targets services to meet the identified risk and needs of each juvenile.

This policy decision of the JCJC has had a dramatic impact on the pace of YLS implementation. All 67 of Pennsylvania's counties are now in the process of implementing the YLS, and juvenile delinquency dispositions and case plans throughout the juvenile justice system are increasingly being crafted and implemented to meet the specific risk and needs of each juvenile based on the results of the YLS. The number of YLS administrations and re-administrations in Pennsylvania's juvenile justice system grew from approximately 5,600 in 2010 to nearly 24,500 in 2017.

³⁸ *Pennsylvania's Juvenile Justice System Enhancement Strategy-Achieving Our Balanced and Restorative Justice Mission Through Evidence-based Policy and Practice* (Juvenile Court Judges' Commission and Pennsylvania Council of Chief Juvenile Probation Officers, April 2012) p.5.

³⁹ *Ibid.*, p.8.

Statewide Baseline Recidivism Rates for Pennsylvania's Juvenile Justice System

The development of statewide and county-specific baseline recidivism rates is a particularly noteworthy JJSES accomplishment. Pennsylvania is one of the few states with the capacity to develop information of this type. For the purposes of this research, recidivism is defined as a subsequent adjudication of delinquency or conviction in criminal court for a misdemeanor or felony offense within two years of case closure; with the exception of expunged cases, which were not available for inclusion in this research. The baseline statewide and county-specific recidivism rates established in conjunction with the JJSES will continue to provide an important means to measure the impact that the implementation of evidence-based practices is having. Statewide recidivism rates, by year, for the eight years studied thus far are as follows:

- 20.3 % (cases closed in 2007 n=18,882 cases)
- 21.8 % (cases closed in 2008 n=18,910 cases)
- 22.8 % (cases closed in 2009 n=18,439 cases)
- 21.6 % (cases closed in 2010 n=16,800 cases)
- 18.5 % (cases closed in 2011 n=18,203 cases)
- 19.2 % (cases closed in 2012 n=19,208 cases)
- 18.8 % (cases closed in 2013 n=19,517 cases)
- 19.6 % (cases closed in 2014 n=16,970 cases)⁴⁰

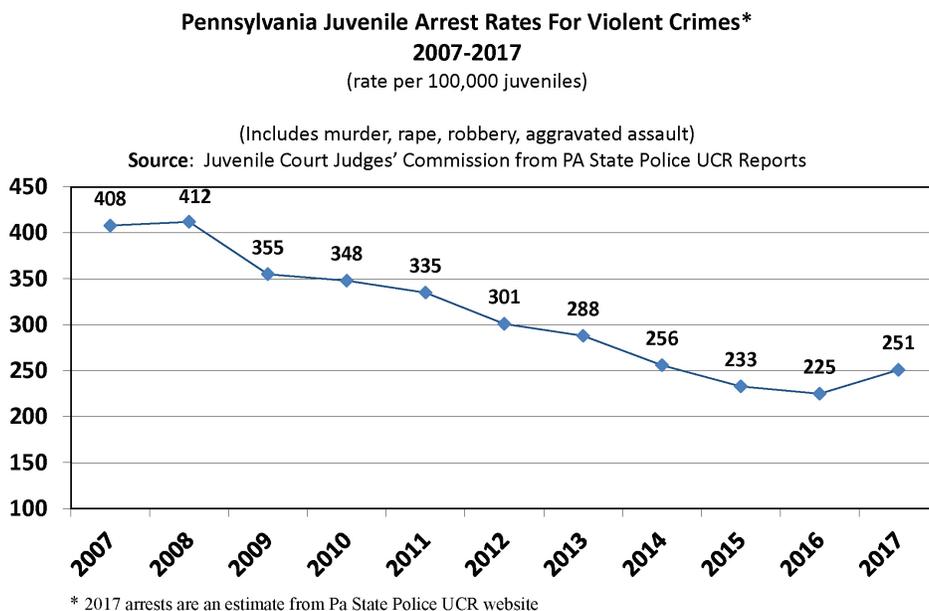
The 18.5% recidivism rate for cases closed in 2011 represented approximately a 14% reduction from the 21.6% recidivism rate for cases closed in 2010, as well as a 14% reduction from the four-year average recidivism rate of 21.6% for cases closed in 2007, 2008, 2009 and 2010. This dramatic reduction in the statewide recidivism rate for cases closed in 2011 was especially significant because 2011 was the first year that the implementation of evidence-based practices through the JJSES could reasonably have been expected to have had an impact. Although the statewide recidivism rate for cases closed in 2014 rose slightly from the 2013 rate, this rate is still lower than the pre-JJSES recidivism rate for cases closed in 2007-2010.

⁴⁰ *The Pennsylvania Juvenile Justice Recidivism Report: Juveniles with Cases Closed in 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014* (Pennsylvania Juvenile Court Judges' Commission, 2018).

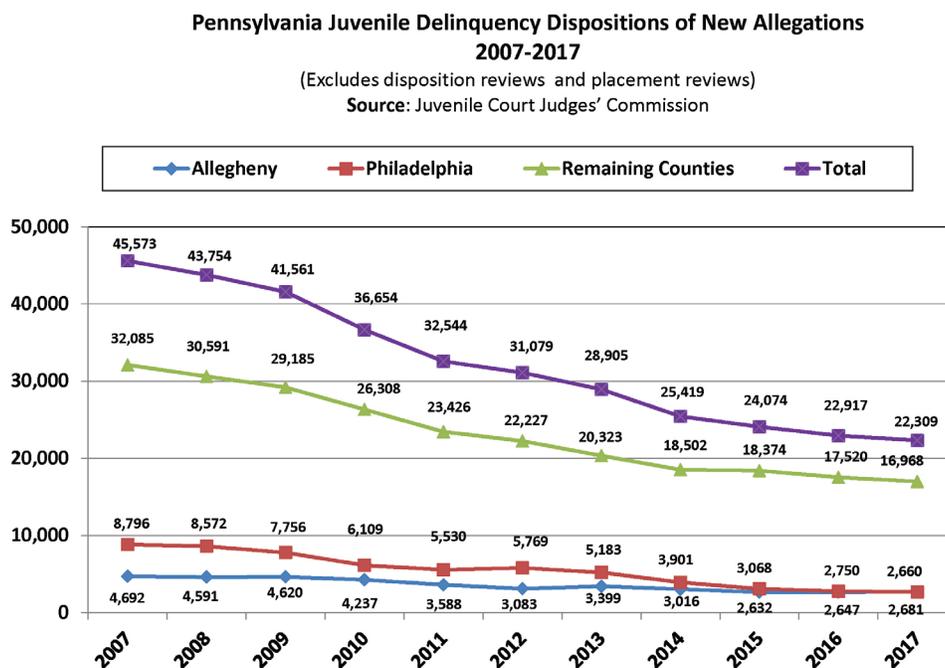
Pennsylvania's Juvenile Justice System Trends

➤ *Recent trends regarding juvenile violent crime arrest rates, juvenile delinquency dispositions, juvenile delinquency placements, juvenile detention center admissions, and juvenile delinquency placement costs all serve to confirm the efficacy of the evidence-based practices that now form the foundation of Pennsylvania's juvenile justice system.*

- In 2017, the juvenile arrest rate for violent crime, 251/100,000 juveniles, was 38.5% lower than the 2007 rate of 408/100,000 juveniles.

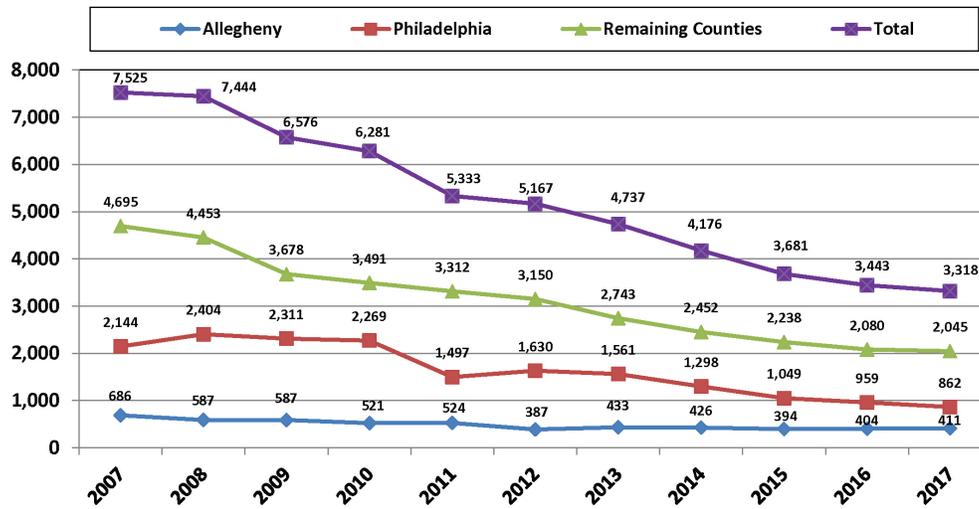


- PA juvenile delinquency dispositions of new allegations declined by 51.0% from 2007 – 2017. There were 23,264 fewer delinquency dispositions in 2017 compared to 2007.



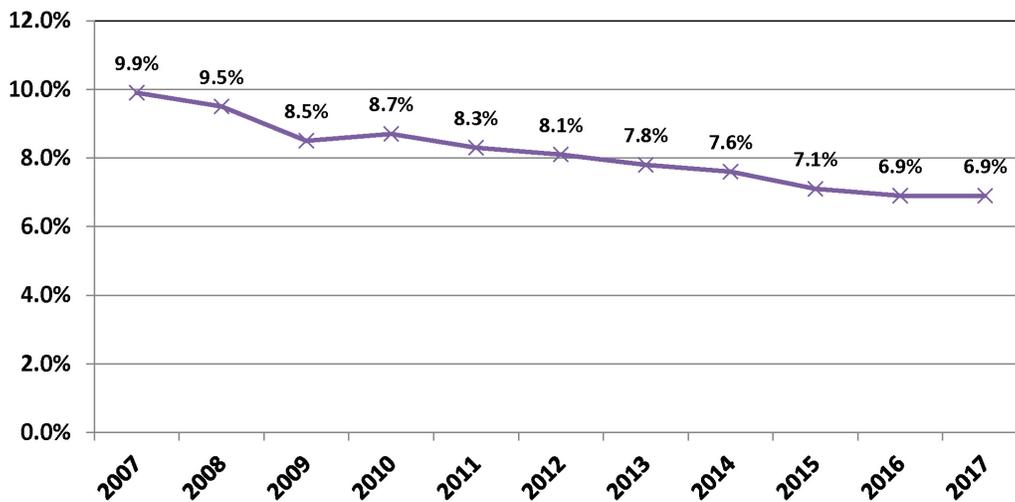
- PA juvenile delinquency placements declined by 55.9% from 2007 – 2017. There were 4,207 fewer delinquency placements in 2017 than 2007.

**Pennsylvania Juvenile Delinquency Placements
2007-2017**
(Includes disposition reviews but excludes placement reviews)
Source: Juvenile Court Judges' Commission



- PA juvenile delinquency placements, as a percent of dispositions, decreased from a high of 9.9% in 2007 to a low of 6.9% in 2017.

**Pennsylvania Juvenile Delinquency Placements as a
Percent of Dispositions
2007-2017**
(Includes disposition reviews but excludes placement reviews)
Source: Juvenile Court Judges' Commission

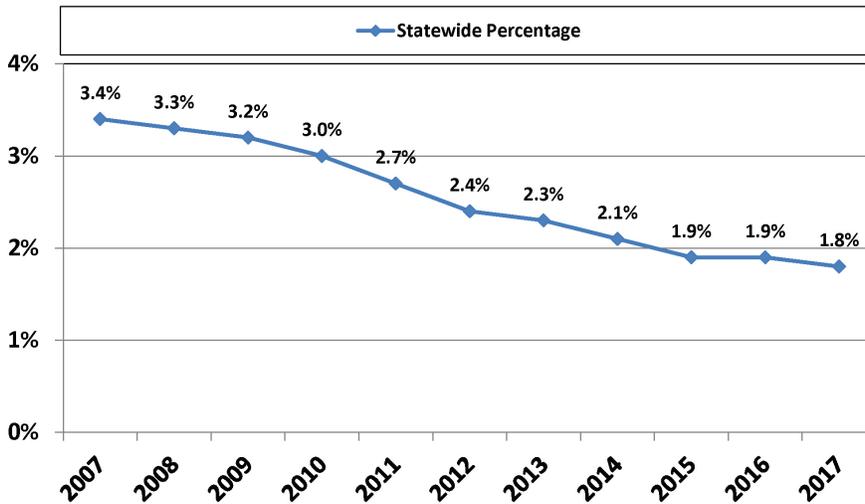


- Between 2007 and 2017, the rate of juvenile delinquency dispositions as a percent of the Pennsylvania juvenile population declined by 47.1%, from 3.4% to 1.8%.

Pennsylvania Juvenile Delinquency Dispositions as a Percent of Pennsylvania Juvenile Population 2007-2017

(Excludes disposition reviews and placement reviews)

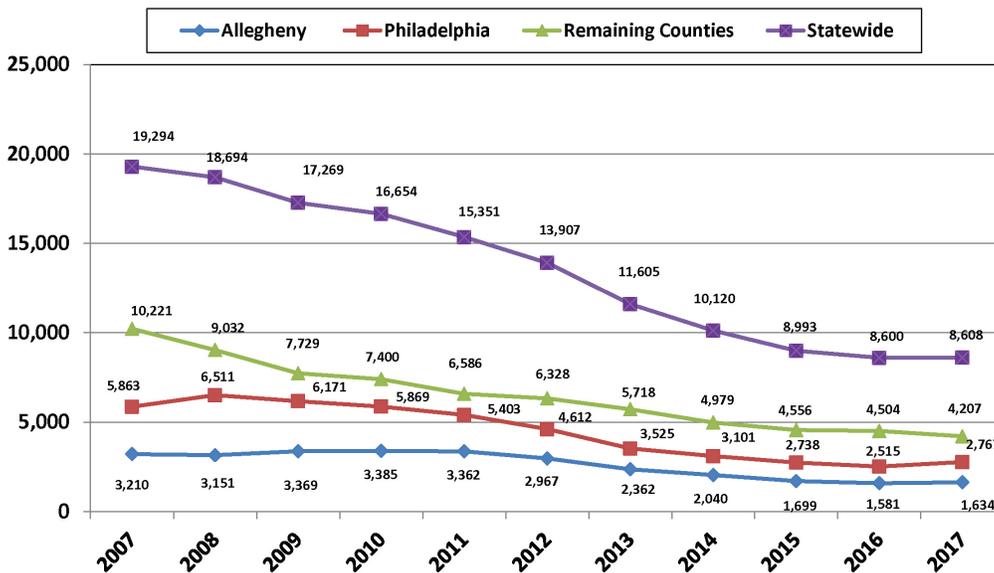
Source: Centers for Disease Control and Juvenile Court Judges' Commission



- PA secure detention admissions declined by 55.4% from 2007 – 2017. There were 10,686 fewer secure detention admissions in 2017 compared to 2007.

Pennsylvania Juvenile Secure Detention Admissions 2007-2017

Source: Juvenile Court Judges' Commission



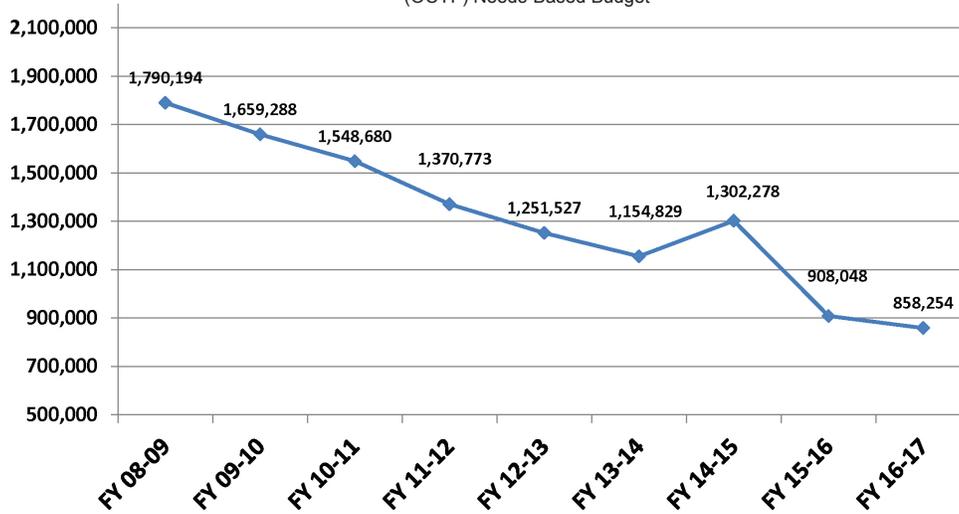
- Total PA juvenile delinquency placement days of care declined by 52.1% from FY 08-09 through FY 16-17. There were 931,940 fewer days of care in FY 16-17 than FY 08-09.

**Total Delinquency Placement Days Of Care
Fiscal Year 08-09 to Fiscal Year 16-17 ***

(Does not include secure detention days)

* It is the opinion of the JJDC that the FY 14-15 DHS OCYF data is incorrect

Source: DHS Office of Children, Youth, and Families
(OCYF) Needs-Based Budget

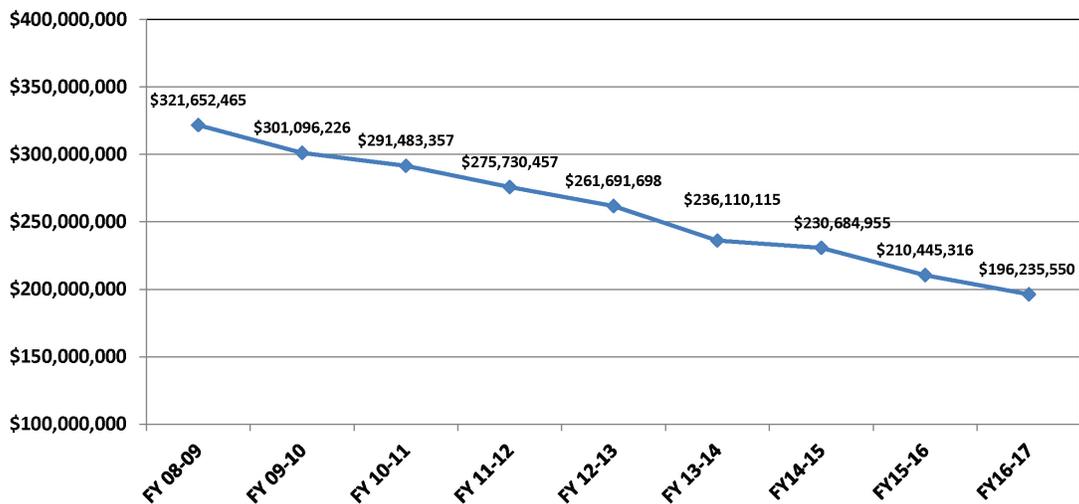


- From FY 2008-2009 through FY 2016-2017, juvenile delinquency dispositional placement expenditures have declined by \$125,416,915 (-39.0%).

**Total Delinquency Placement Expenditures
Fiscal Year 08-09 to Fiscal Year 16-17**

(Does not include secure detention costs)

Source: Office of Children, Youth, and Families (OCYF) Needs-Based Budget



The JJSES has already had a profound impact on juvenile justice practices. The JJSES was the impetus for amendments to the purpose clause of the Juvenile Act contained in Act 204 of 2012, which requires Pennsylvania’s juvenile justice system to achieve its balanced and restorative justice mission by... **“employing evidence-based practices whenever possible...and by using the least restrictive intervention that is consistent with the protection of the community, the imposition of accountability for offenses committed and the rehabilitation, supervision and treatment needs of the child...”**⁴¹

It is essential that the Commonwealth aggressively pursue implementation of the JJSES to both ensure that evidence-based practices are, in fact, being implemented whenever possible, and that the positive trends in juvenile arrests, juvenile delinquency dispositions, and juvenile delinquency placements continue.

The successful implementation of the JJSES will require that the Commonwealth ensure that the funding and regulatory structure that supports the delivery of services to juveniles is consistent with the statutory mission of the juvenile justice system. As explained in more detail beginning on page 71, the provisions of the Human Services Code that guide the Department of Human Services’ funding of these services are currently inconsistent with the statutory mandates of the Juvenile Act.

⁴¹ 42 Pa.C.S. § 6301(b)(3)(i).

Chapter 1

Juvenile Delinquency Prevention

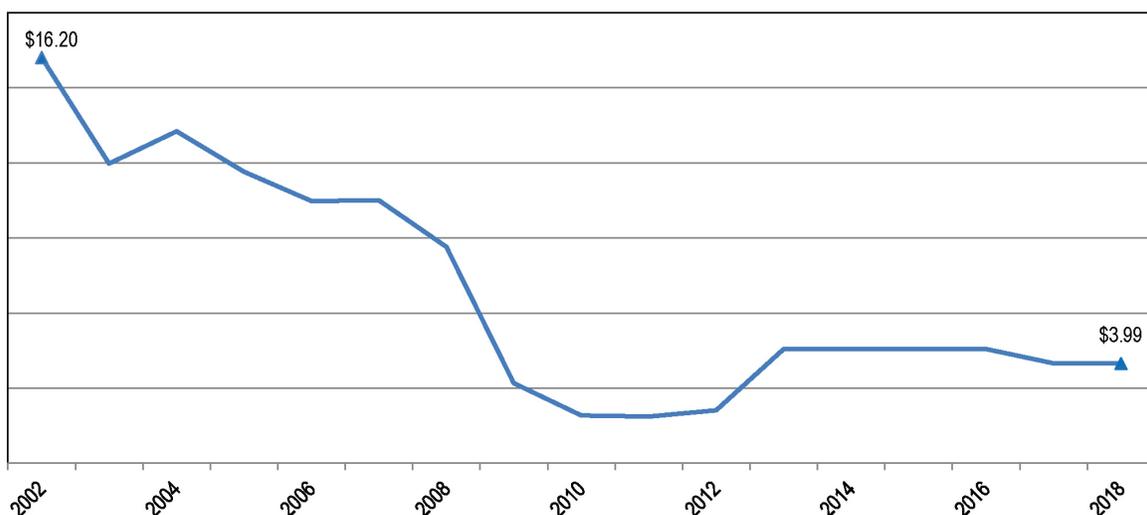
Chapter 1

Juvenile Delinquency Prevention

➤ *The Commonwealth must develop, implement, and sustain a comprehensive and coordinated strategy to support the healthy development of youth; to identify children who are at high risk of juvenile justice system involvement, school failure, and/or other problems; and to equitably provide evidence-based, trauma-informed services and support to these children and their families.*

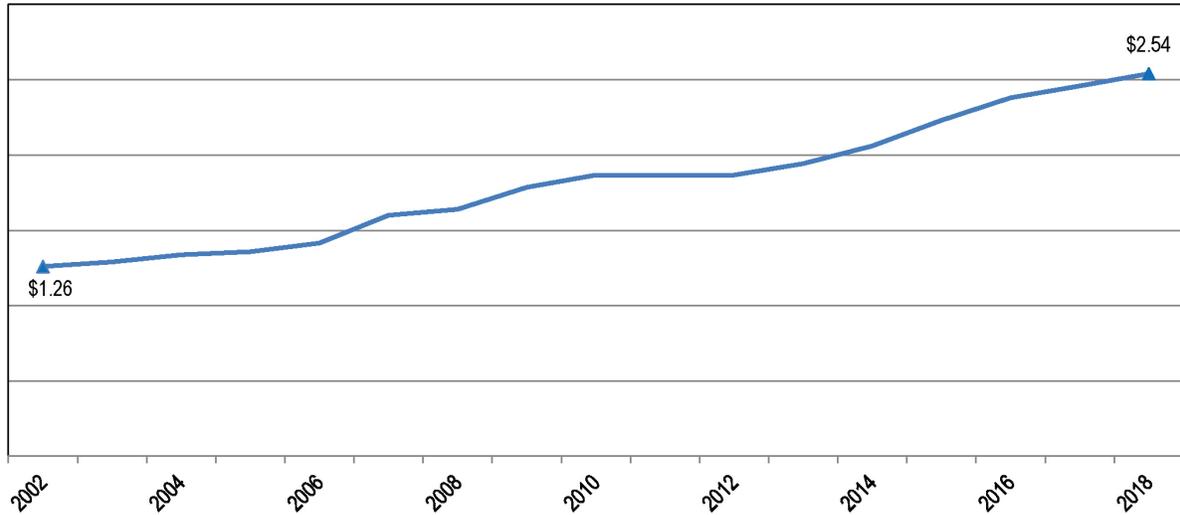
As noted briefly in the Introduction, PCCD has a proven track record in leading the development and implementation of research-based approaches that have proven successful in preventing youth violence, delinquency, substance abuse, educational failure and many other adolescent problem behaviors. However, since FY 2001-2002, significant reductions in PCCD's research-based violence prevention appropriation, and the agency's previous evidence-based prevention and intervention appropriation, have dramatically reduced PCCD's capacity to assist communities in addressing these critically important issues. **The FY 2018-2019 appropriation of \$3,989,000 reflects a reduction of 75.4% from the combined FY 2002-2003 appropriations of \$16,200,000 for PCCD's former Evidence-based Prevention/Intervention and Research-based Violence Prevention appropriations.**

PCCD Evidence-Based Violence Prevention Programs
Funding (in millions)
2002 - 2018



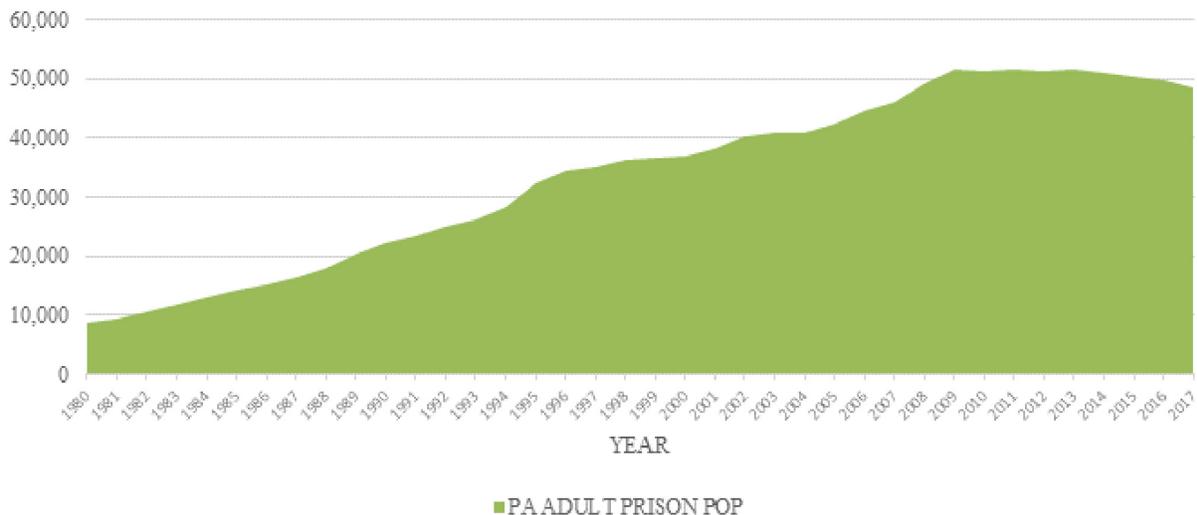
However, despite the recent leveling off of the Department of Corrections (DOC) inmate population, the operating budget of the DOC has continued to climb. The FY 2016-2017 DOC general fund appropriation of **\$2.54 billion** represents an increase of about **101.5%** over the FY 2002-2003 appropriation of **\$1.26 billion**.

PA Department of Corrections
Funding (in billions)
2002 - 2018



The current DOC population of **48,438 inmates** as of December 31, 2017, represents an **increase of 464.4%** over the **1980 inmate population of 8,582**.

PENNSYLVANIA ADULT PRISON POPULATION
1980 - 2017



Although it continues to be anticipated that initiatives such as the Justice Reinvestment Initiative will continue to have a modest impact in reducing the growth of the DOC inmate population, the only viable strategy to significantly reduce the state prison population in the long term is to intervene early in the lives of children who are most at risk of delinquency, youth violence, school failure and substance abuse.

The necessity of this strategy is confirmed by the inmate profile information compiled by the DOC. As of December 31, 2017:

Male Inmates

- 48% of male inmates are Black, 41% are White, and 10% are Hispanic.
- 27.1% of male inmates have less than a 12th grade education.
- The average reading level of male inmates is the upper 8th grade.
- 64.4% of male inmates need alcohol and other drug (AOD) treatment. (41.9% need intensive AOD treatment and 22.5% need outpatient AOD treatment.)
- 82.2% of male inmates are unskilled or possessed no skills.
- 29.5% of male inmates are on the Mental Health Roster (MHR), and 8.3% of those inmates are considered seriously mentally ill.
- 75.5% have either a high or moderate risk for re-offending.

Female Inmates

- 26% of female inmates are Black, 66% are White, and 7% are Hispanic.
- 23.5% of female inmates have less than a 12th grade education.
- The average reading level of female inmates is slightly below 9th grade.
- 71.4% of female inmates need alcohol and other drug (AOD) treatment. (59.8% need intensive AOD treatment and 11.6% need outpatient AOD treatment.)
- 73.9% of female inmates are unskilled or possessed no skills.
- 69.% are on the Mental Health Roster (MHR), and 18.9% of those inmates are considered seriously mentally ill.
- 69.2% have either a high or moderate risk for re-offending.⁴²

The racial disparity within America's prison and jail populations is well established, and the preceding data must be viewed in that context. Nationally, the incarceration rate for Whites is approximately 274 per 100,000 residents, compared to 1,609 per 100,000 for African-Americans and 857 per 100,000 for Hispanics.⁴³ In Pennsylvania, although African-Americans comprise approximately 11.7% of the population, as of December 31, 2017, 47% of the 48,438 inmates in the Commonwealth's State Correctional Institutions were African-American.⁴⁴

A particular concern is the concentrated impact of incarceration among young African-American males. The U.S. Department of Justice reported that in 2016, Black males ages 18 or 19 were 11.8 times more likely to be imprisoned than White males of the same age.⁴⁵ The impact of these rates of incarceration in minority communities is profound and must be a consideration in our efforts to understand the family structures of the juveniles who come to the attention of Pennsylvania's juvenile justice system.

Over the past 20 years single-parent families have become more common than the so-called "nuclear family" consisting of a

⁴² Pennsylvania Department of Corrections, Inmate Statistics as of December 31, 2017.

⁴³ Prisoners in 2016, U.S. Department of Justice, Bureau of Justice Statistics Bulletin, January 2018, updated August 7, 2018.

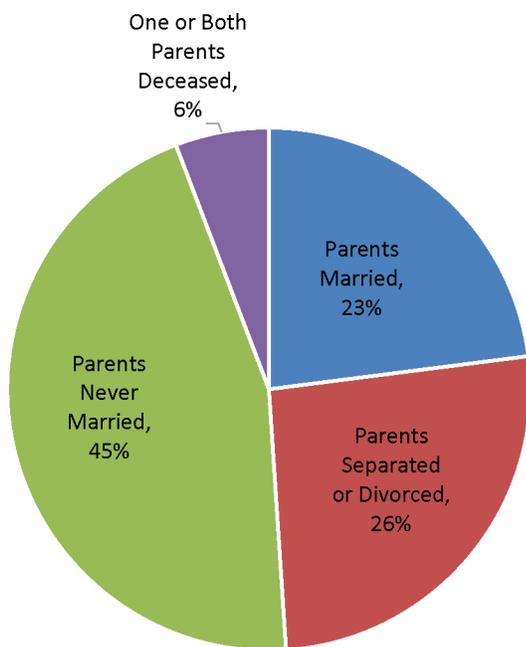
⁴⁴ Pennsylvania Department of Corrections, Inmate Statistics as of December 31, 2017.

⁴⁵ Prisoners in 2016, U.S. Department of Justice, Bureau of Justice Statistics Bulletin, January 2018, updated August 7, 2018.

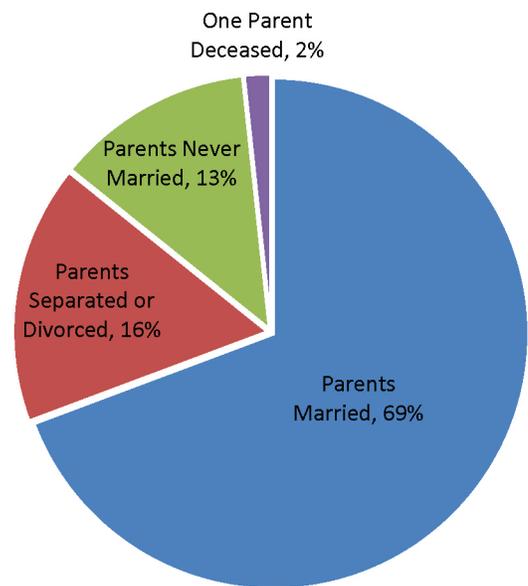
mother, father and children.⁴⁶ Rates have increased across race and income groups, but single parenthood is more prevalent among African-Americans and Hispanics. Among African-American children, 22% were living in a single-parent home in 1960; by 2001, the percentage had more than doubled to 53%. For Whites, the percentage nearly tripled, from 7% to 19% over the same period.⁴⁷ The 2018 Kids Count data from the Annie E. Casey Foundation shows a continued increase in children being raised in single-parent families, reporting 66% of African-American children, 24% of White children and 42% of Hispanic children being raised by a single parent.⁴⁸

While approximately 69% of our nation’s children are being raised in families where their parents are married, the biological parents of children whose cases were closed in Pennsylvania’s juvenile justice system between 2007 and 2014 were never married in 45% of the cases, and in another 26% of the cases, the parents of these children were separated or divorced.^{49 50}

Family Status of All Juveniles with Cases Closed 2007-2014



Family Status of All Juveniles Aged 9-17 in the United States: Estimates for 2016



The situation is even more troubling for the minority youth whose cases were closed in Pennsylvania’s juvenile justice

⁴⁶ American Psychological Association, *Single Parenting and Today’s Family*. <http://apa.org/helpcenter/single-parent.aspx>

⁴⁷ Parke, Mary (2003) *Are Married Parents Really Better for Children? What Research Says About the Effects of Family Structure on Child Well-Being*, Center for Law and Social Policy, p.2.

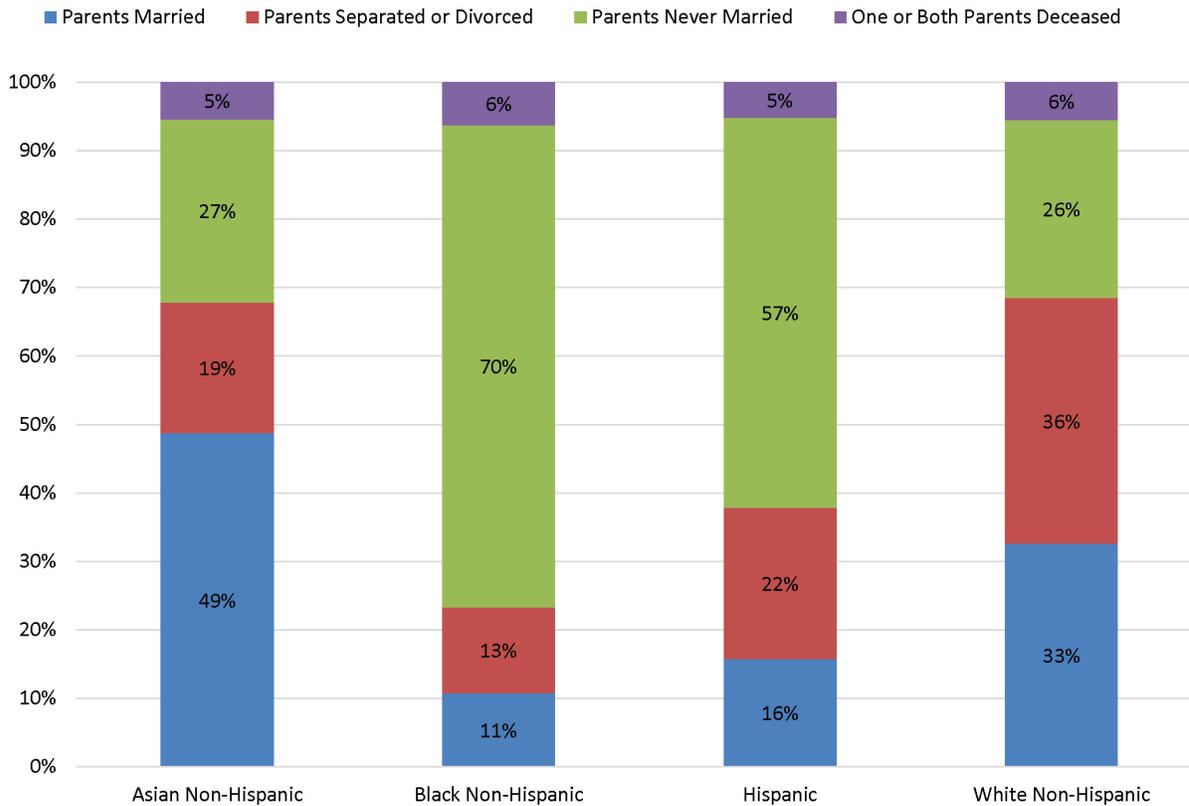
⁴⁸ Annie E. Casey Foundation, *2018 Kids Count Data Book* https://www.aecf.org/resources/2018-kids-count-data-book/?gclid=EA1aIQobChMIjNaS8uec3gIVDluGCh0Whw0nEAAYASAAEgKjbvD_BwE

⁴⁹ *The Pennsylvania Juvenile Justice Recidivism Report: Juveniles with Cases Closed in 2007, 2008, 2009, 2010, 2011 and 2012* (Pennsylvania Juvenile Court Judges’ Commission, 2016).

⁵⁰ U.S. Census Bureau, Current Population Survey, 2016 Annual Social and Economic Supplement, November 2017.

system between 2007 and 2014. Black Non-Hispanic juveniles were most likely to have a family status of parents never married (70%); Hispanic juveniles were most likely to have a family status of parents never married (57%); and White Non-Hispanic juveniles were most likely to have a family status of separated/divorced (36%). Only Asian Non-Hispanic juveniles were most likely to have a family status of married (49%).

**Family Status by Race & Ethnicity of All Youth with Cases Closed
2007-2014⁵¹**



The marital status of a child’s parents impacts the life of the child in many ways. However, regardless of marital status, it is important to provide every parent who is committed to being meaningfully engaged in the life of his or her child opportunities to do so.

It is well established that minority youth become involved in our nation’s juvenile justice systems at disproportionately high rates when compared with the proportion of juvenile justice-involved White youth. This situation has been an issue of focus and concern for juvenile justice policymakers, practitioners, and researchers for many years.

In 1988 the federal Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974 (P.L. 93-415, 42 U.S.C.5601 *et seq.*) was amended to require states that received formula funds from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to ascertain the proportion of minority youth detained in secure detention facilities, secure correctional facilities, and lockups compared with the general population and, if the number of minority youth was disproportionate, to develop and implement plans to reduce the disproportionate representation. In 1992, the JJDPA was amended to make “disproportionate minority confinement” (DMC) a core requirement and 25 percent of a state’s formula grant funds could be withheld if states did not comply. In 2002, Congress modified the DMC mandate to require states to implement juvenile delinquency

⁵¹ *The Pennsylvania Juvenile Justice Recidivism Report: Juveniles with Cases Closed in 2007, 2008, 2009, 2010, 2011 and 2012* (Pennsylvania Juvenile Court Judges’ Commission, 2016).

prevention and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come “into contact with” the juvenile justice system. The 1992 JJDPA reauthorization changed the DMC core requirement from “confinement” to “contact,” and states were for the first time required to implement strategies aimed at reducing DMC.

As noted by the Committee on Assessing Juvenile Justice Reform in the National Research Council’s (NRC) groundbreaking 2013 publication *Reforming Juvenile Justice: A Developmental Approach*, explanations for DMC have generally fallen into broad categories, which the Committee noted have been incorrectly viewed as competing rather than complementary explanations for DMC: “Some scholars emphasize “differential offending” as the root source of disproportionate minority involvement in the juvenile justice system and of the system’s differential response. This approach points, in effect, to real, underlying differences between white and minority youth in the actual extent of engaging in (or the severity of) law-breaking behaviors. Other researchers point to “differential selection” by the justice system (by the police in enforcement and by prosecutors, intake officers, judges, and other justice system officials thereafter) as the primary source of racial disparities.”⁵²

With respect to the hypothesis of “differential offending, the Committee explained that ... “there are more similarities than differences among youth across races with respect to offending patterns in self-reported data, with the exception of participation in serious violence. As noted, minority youth (especially Black youth) tend to offend more with respect to serious person crimes, and they have also been found to persist in crime into early adulthood at a higher rate than Whites. This finding is important because research shows that serious violence is more likely to be reported to the police, more likely to result in the offender’s apprehension, and more likely to trigger severe juvenile and criminal justice sanctions. And although research shows that much of the minority overrepresentation in secure confinement and prisons can be attributed to differences among racial groups in arrests for crimes that are most likely to lead to confinement, this same research also shows that it is unlikely that behavioral differences account for all minority overrepresentation.”⁵³

With respect to the theory of “differential selection,” the Committee noted that “the differential selection hypothesis asserts that a combination of differential enforcement (differing police presence, patrolling, and profiling in minority and nonminority neighborhoods) and differential processing by the juvenile justice system (differing dispositions and placements in the courts and correctional systems) leads to more minority youth being arrested, convicted, and subsequently confined than White youth. This hypothesis may be especially pertinent to victimless crimes, such as drug use and sales and public order crimes, in which more discretion is available to formal social control agents, especially police, and virtually all interactions (especially among police and juveniles) are made out of the public eye. Thus, the differential selection hypothesis would anticipate that minority youth emerge in official records at a disproportionate rate because of differential police, court, and correctional decisions.”⁵⁴

While both of the preceding theories must be understood and considered in addressing the DMC issue, it is the theory of risk-focused prevention that must continue to be at the foundation of PCCD’s strategy. Many of the complex and interrelated issues that have been shown to place minority youth at higher risk of juvenile justice system involvement were succinctly summarized by the Committee:⁵⁵

“Minorities, especially blacks are more likely than whites to live in economically disadvantaged communities.⁵⁶ Such communities have distressed education, child welfare, and public health systems.⁵⁷ ⁵⁸ They also tend to have many social structural conditions that contribute to delinquency, crime, and violence, such as poverty, disorder, residential segregation, and neighborhood disadvantage.⁵⁹ These effects tend to compound and accumulate in mainly minority communities so

⁵² National Research Council (2013). *Reforming Juvenile Justice: A Developmental Approach*. Committee on Assessing Juvenile Justice Reform, Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, and Julie A. Schuck, Eds. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press, p.223.

⁵³ *Ibid.*, p.223.

⁵⁴ *Ibid.*, p.225.

⁵⁵ *Ibid.*, pp 224-225.

⁵⁶ Sampson, R.J., and Wilson, W.J. (1995). Toward a theory of race, crime, and urban inequality. In J. Hagan and R.D. Peterson (Eds.), *Crime and Inequality* (pp. 37-54). Stanford, CA: Stanford University Press.

⁵⁷ Sharkey, P., and Sampson, R.J. (2010). Destination effects: Residential mobility and trajectories of adolescent violence in a stratified metropolis. *Criminology*, 48(3), 639-681.

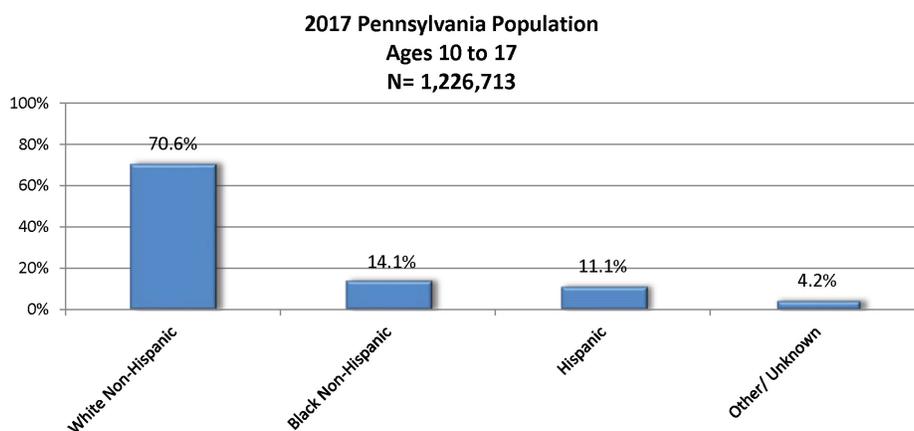
⁵⁸ Ryan, J., Chiu, Y.-L., and Williams, A. (2011). *Knowledge Brief: Is There a Link Between Child Welfare and Disproportionate Minority Contact in Juvenile Justice?* Models for Change System Reforms for Juvenile Justice. Chicago, IL: John D. and Catherine T. MacArthur Foundation.

⁵⁹ Wilson, W.J. (1987). *The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy*. Chicago, IL: University of Chicago Press.

that poor, inner-city residents find it difficult to move out of this urban core and escape to more affluent neighborhoods that come with improved opportunities for education and employment. The ramifications of these minority-centered contexts of risk include poor health care (and subsequent health) and substance abuse problems and disparities,⁶⁰ low-performing schools, absence of recreation programs or other organized activities for youth,⁶¹ disadvantaged familial and community-level socialization and controls,⁶² and greater exposure to violence and other negative experiences.⁶³ The totality of these risk factors is such that minority youth are born into and raised in severely compromised familial, community, and educational environments that set the stage for a range of adverse behaviors and outcomes, including problems in school, relationships, and engaging in pro-social behavior. Investigating this phenomenon, Fite and colleagues (2009) noted that differences observed in offending across race/ethnicity (and in subsequent juvenile and criminal justice experience) could be traced to the fact that minority (especially black) youth display and experience more risk factors for offending and risk, such as poor health care and compromised education systems. They examined the effect of exposure to early risk factors on arrest rates and found that the risk factors themselves were predictive of a juvenile arrest.⁶⁴ In fact, the risk factors accounted for 60 percent of the total effect between race and general arrest. Exposure to concentrated disadvantage can also have detrimental and long-lasting consequences even after a youth leaves a severely disadvantaged neighborhood.⁶⁵

The risk factors summarized in *Reforming Juvenile Justice* are present in the lives of minority youth in many Pennsylvania communities. While it is estimated that approximately 14% of White youth under the age of 18 are living in poverty, it is estimated that 41% of Black youth and 38% of Hispanic/Latino youth are living in poverty.⁶⁶

While there is disagreement about the various explanations for DMC, it is clear that minority youth are disproportionately involved in Pennsylvania's juvenile system when compared to the racial composition of all Pennsylvania youth age 10-17.⁶⁷



⁶⁰ Piquero, A.R., Moffitt, T.E., and Lawton, B. (2005). Race and crime: The contribution of individual, familial, and neighborhood-level risk factors to life-course-persistent offending. In D.F. Hawkins and K. Kempf-Leonard (Eds.), *Our Children, Their Children: Confronting Racial and Ethnic Differences in American Juvenile Justice* (pp. 202-244). Chicago, IL: University of Chicago Press.

⁶¹ Bishop, D.M., and Leiber, M.J. (2012). The role of race and ethnicity in juvenile justice processing. In B.C. Feld and D.M. Bishop (Eds.), *The Oxford Handbook of Juvenile Crime and Juvenile Justice* (pp. 445-484). New York: Oxford University Press.

⁶² Sampson, R.J., Morenoff, J.D., and Raudenbush, S. (2005). Social anatomy of racial and ethnic disparities in violence. *American Journal of Public Health*, 95(2), 224-232.

⁶³ Crouch, J.L., Hanson, R.F., Saunders, B.E., Kilpatrick, D.G., and Resnick, H.S. (2000). Income, race/ethnicity, and exposure to violence in youth: Results from the national survey of adolescents. *Journal of Community Psychology*, 28(6), 625-641.

⁶⁴ Fite, P.J., Wynn, P., and Pardini, D.A. (2009). Explaining discrepancies in arrest rates between black and white male juveniles. *Journal of Consulting and Clinical Psychology*, 77(5), 916-927.

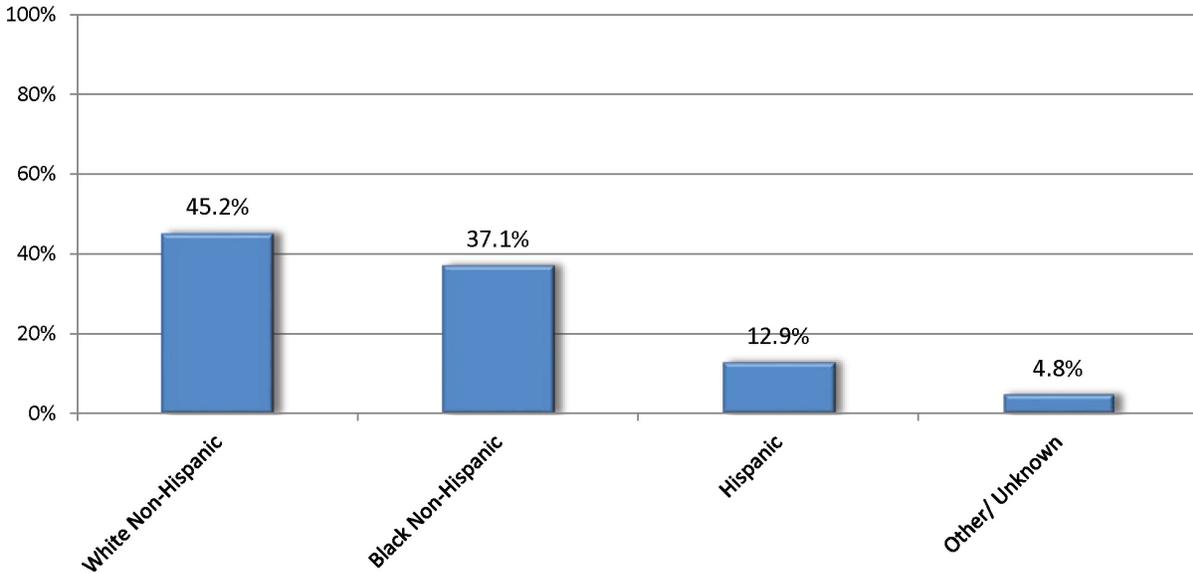
⁶⁵ Sampson, R.J., Sharkey, P., and Raudenbush, S.W. (2008). Durable effects of concentrated disadvantage on verbal ability among African American children. *Proceedings of the National Academy of Sciences of the United States of America*, 105(3), 845-852.

⁶⁶ 2017 Population Estimates retrieved from The Centers for Disease Control available online at: <http://wonder.cdc.gov/bridged-race-population.html>

⁶⁷ 2017 Pennsylvania Juvenile Court Annual Report, Juvenile Court Judges' Commission, page 32.

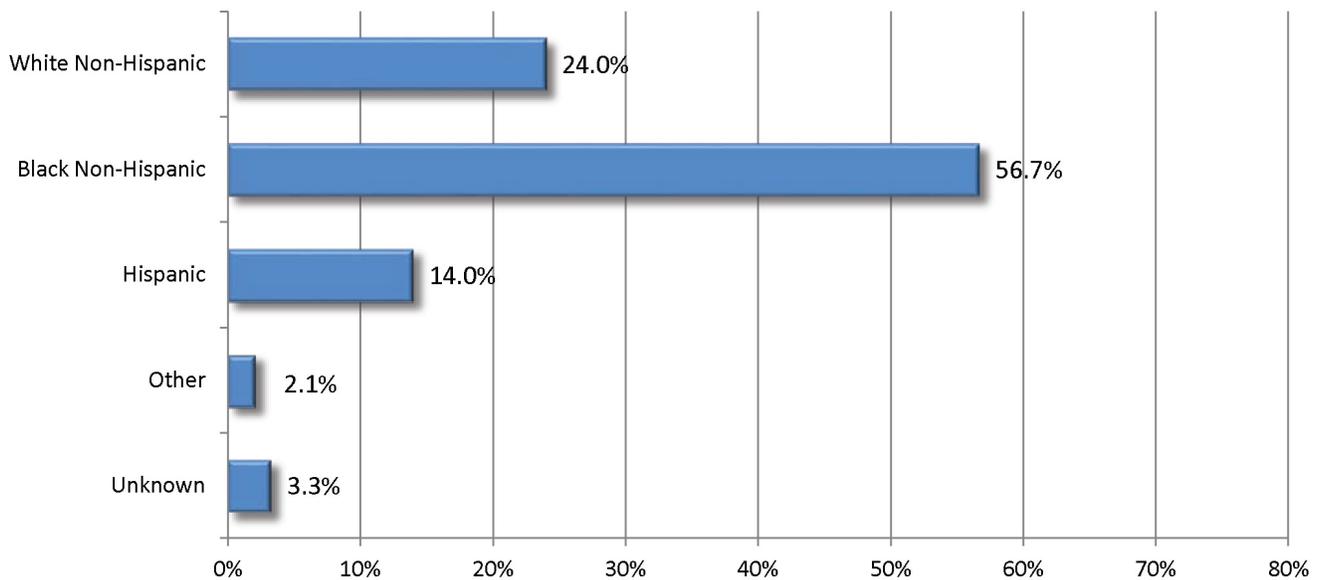
- In 2017, White Non-Hispanic youth represented the largest racial/ethnic category for all juvenile delinquency dispositions in Pennsylvania. However, in comparison to the racial/ethnic distribution of all youth in Pennsylvania ages 10-17, the representation of Black Non-Hispanic youth is disproportionate: 14.1% of the total population versus 37.1% of all delinquency dispositions.

2017 Delinquency Dispositions
N = 22,309

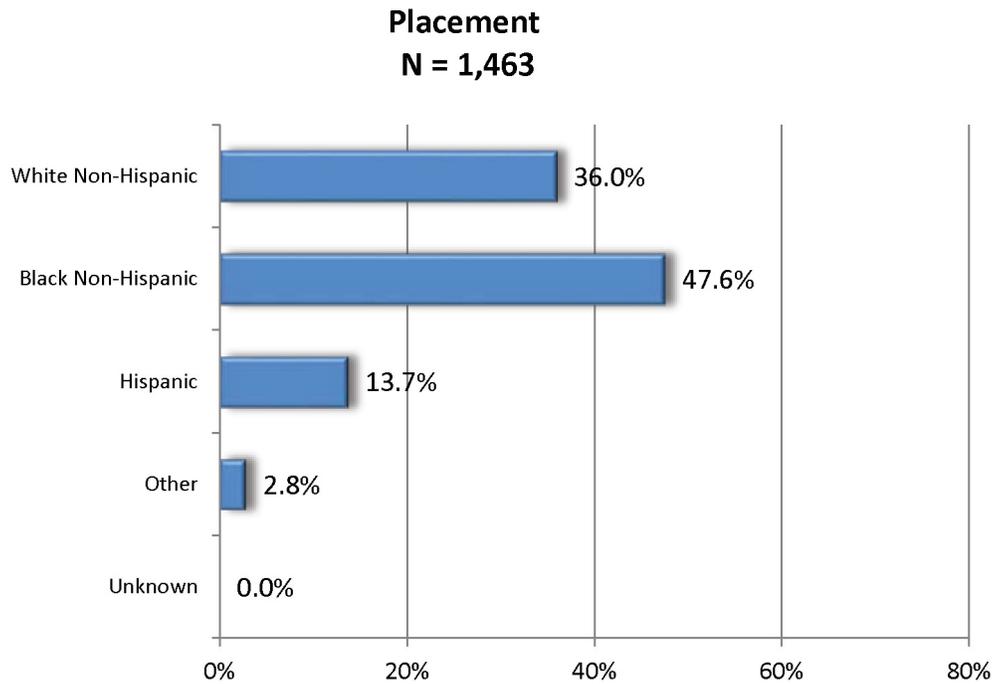


- For secure detention, the 2017 statewide rate of disproportionality was more substantial, with Black Non-Hispanic youth comprising 56.7% of all secure detention admissions in this year.

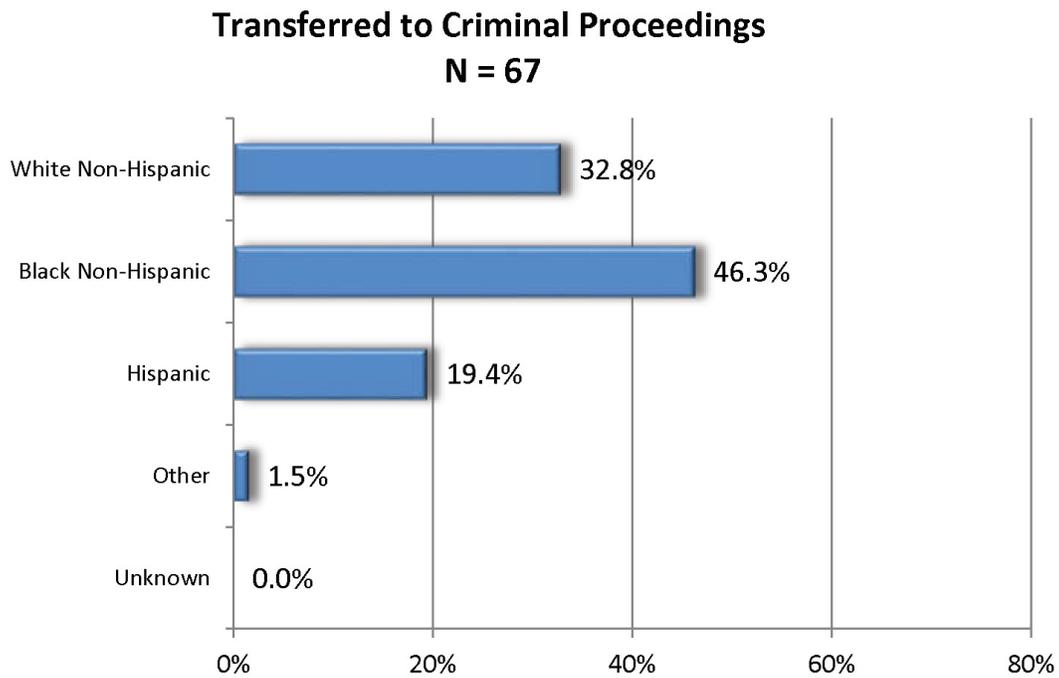
Secure Detention
N = 8,608



- In 2017, the proportion of both Hispanic (13.7%) and Black Non-Hispanic (47.6%) youth whose delinquency dispositions resulted in an out-of-home placement (not including disposition reviews and placement reviews) exceeded their respective proportions of all delinquency dispositions (12.9% and 37.1%, respectively).



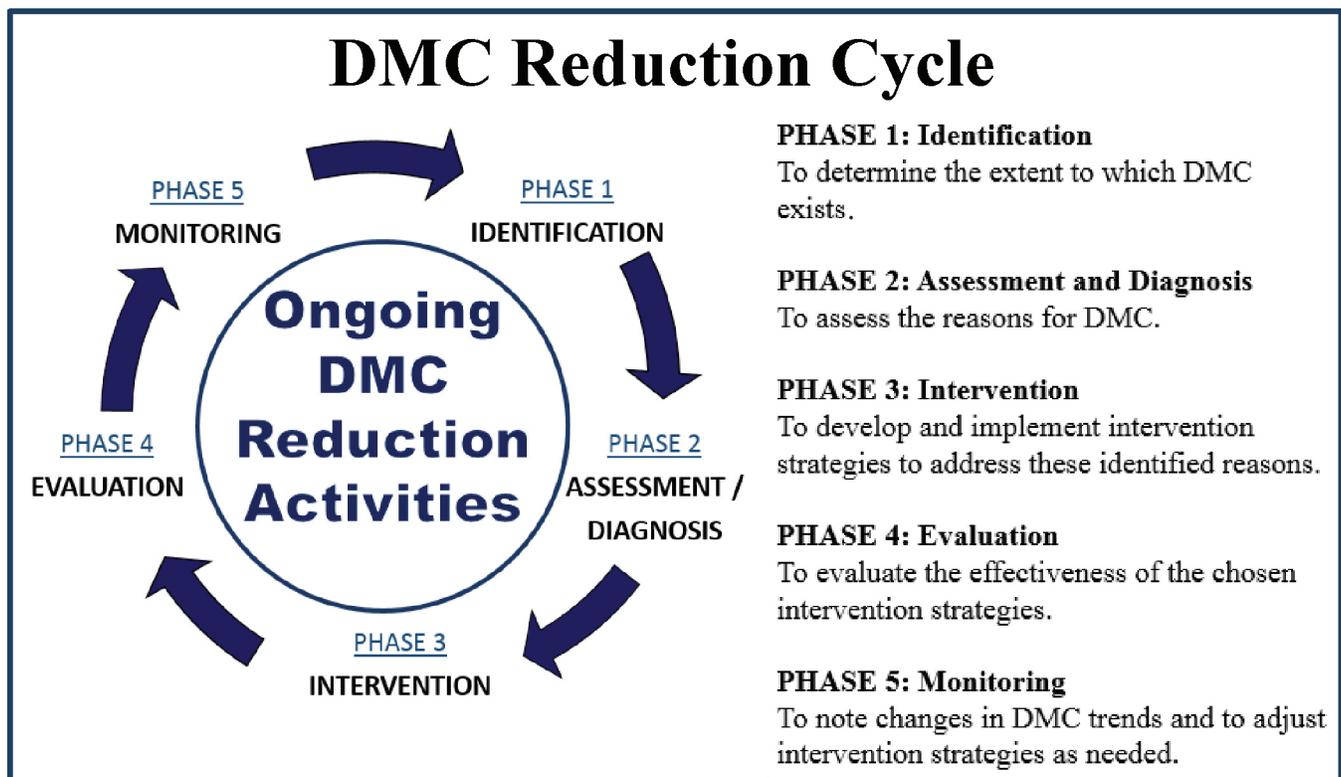
- In 2017, Black Non-Hispanic youth comprised 46.3% of the cases transferred to criminal proceedings.



Pennsylvania's DMC Reduction Strategy

- *The Commonwealth must build on PCCD's DMC reduction initiative to develop a comprehensive strategy that raises the awareness of the disproportionate contact of youth of color with Pennsylvania's juvenile justice system and enact policies and practices designed to eliminate the overrepresentation of youth of color in that system.*

In the Juvenile Justice and Delinquency Prevention (JJDP) Act of 2002, Congress required that States participating in the Formula Grants Program “address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system.”⁶⁸ The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) developed a five-phase DMC Reduction Strategy aimed at helping states identify and address issues of DMC with ongoing reduction efforts by moving through the following phases of the DMC Reduction Cycle:⁶⁹



As part of the first step, **identification**, the JJDP and the DMC Subcommittee examined the **Relative Rate Index (RRI)** for youth of color at each decision point in Pennsylvania's Juvenile Justice System. This method involved comparing the relative volume (rate) of activity for each major stage of the juvenile justice system for minority youth with the volume of that activity for White (majority) youth. The RRI provides a single index number that indicates the extent to which the volume of that form of contact or activity differs for minority youth and White youth.⁷⁰

Examination of Pennsylvania's statewide RRI shows multiple years of disparate treatment for youth of color, most notably at the points of arrest, detention and secure confinement, in addition to years of underutilizing diversion. Several strategies have been implemented by Pennsylvania's youth justice professionals to reduce the numbers of youth coming into contact with police and

⁶⁸ 34 U.S.C. § 11133(a)(22).

⁶⁹ DMC Technical Assistance Manual, 4th Edition, Chapter 1 (William Feyerherm, Howard N. Snyder, and Francisco Villarruel) Office of Juvenile Justice and Delinquency Prevention U.S. Department of Justice Office of Justice Programs, 2009.

⁷⁰ Disproportionate Contact Technical Assistance Manual, Fourth Edition, July 2009, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Chapter 1, page 2.

to reduce youth arrest rates. While there have been significant declines in the total number of youth arrested, Pennsylvania has not yet reduced the disparities experienced by youth of color.

During the **assessment/diagnostic phase**, and because of what was uncovered during the **identification phase**, Pennsylvania selected the stages and jurisdictions (Allegheny, Philadelphia and Montgomery counties) in need of additional supports. Each of these jurisdictions explored with community leaders, agency personnel, school administrators and key informants the plausible/possible explanations for the levels of DMC observed in their county. This is an ongoing process during which all jurisdictions with a large enough population of youth of color were encouraged to examine and identify the likely mechanisms that create differences when considering how youth of color are impacted by: differential behavior, mobility effects, differential opportunities for prevention and treatment, differential processing, inappropriate decision-making criteria, justice by geography and legislation, polices and legal factors with disproportionate impact. The result of the **assessment phase** is a short list of potential mechanisms that when used in conjunction with RRI data will be used in implementing an intervention.

Before starting the **intervention phase**, each jurisdiction is evaluated for readiness to prepare local stakeholders for the process for selecting and implementing intervention strategies to reduce DMC. The jurisdiction must be prepared to determine what system improvement activities (advocating for reform, changes in policy and procedure...) will be implemented to reduce disparities for youth of color. Communities consider things like: the capacity of their youth-focused direct services agencies; how they can engage at-risk or system involved youth, their families and communities allowing greater access to appropriate prevention and early intervention programming; implementing prevention and intervention strategies that impede the trajectory toward delinquency; access to diversion programming, alternatives to secure confinement; and training and technical assistance for juvenile justice personnel. After determining the readiness and capacity, the compiled data is analyzed for trends and risk indicators while considering protective factors that exist within the community.

Pennsylvania, at the Center for Juvenile Justice Training and Research, maintains relevant youth related data from a variety of sources. This data is available for use as a community moves to phase four, **evaluation**. This phase considers needs, assesses all interventions that have been implemented, and analyzes outcomes by juvenile race and ethnicity along all decision points to determine if a specific intervention had a significant impact on reducing disparities for youth of color in the Commonwealth's youth justice system.

The final phase in the DMC Reduction Cycle is **Monitoring**. Pennsylvania examines relative rate indexes annually along ten decision points to track and identify changes in DMC trends. Ongoing efforts to examine the effectiveness of the activities/strategies that subgrantees have performed/implemented continue to be monitored and guided by the DMC Subcommittee and the JJDPC. The statewide DMC Coordinator also works collaboratively with the Executive Director of the Governor's Commission on African-American Affairs.

The following chart depicts Pennsylvania's statewide 2017 Relative Rate Index (RRI).⁷¹

DECISION POINT:	Black/ African- American	Hispanic / Latino	Asian/ Pacific Islander	American Indian/ Alaska Native	Other/ Mixed	All Minorities
Juvenile Arrests	3.80	1.22	0.18	0.40	--	2.31
Refer to Juvenile Court	1.13	1.58	0.75	**	**	1.31
Cases Diverted	0.81	0.92	0.95	**	1.33	0.88
Cases Involving Secure Detention	2.76	1.93	1.72	**	2.29	2.52
Cases Petitioned	1.11	1.05	1.03	**	0.80	1.07
Cases Resulting in Delinquent Findings	1.03	1.13	1.02	**	0.93	1.05
Cases resulting in Probation Placement	0.74	0.94	**	**	0.96	0.80
Cases Resulting in Out of Home Residential Placement	1.50	1.26	**	**	1.33	1.43
Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	2.56	2.32	**	**	**	2.42
Cases Transferred to Adult Court	1.51	1.90	**	**	**	1.57

⁷¹ The data in this chart and the DMC-related charts that follow were developed from data compiled by the Juvenile Court Judges' Commission.

KEY:	
Statistically significant results	Bold font
Results that are not statistically significant	Regular font
Group is less than 1% of the youth population	*
Insufficient number of cases for analysis	**
Missing data for some element of calculation	---

The RRI has been an important tool in beginning discussions at the community level regarding DMC and in developing strategies to address DMC where it is found to exist. Its primary focus is to alert states, counties and jurisdictions of the need for further examination of the root causes of any disparities.

2013 - 2017 Pennsylvania Population of At-Risk (age 10-17) Youth, by race							
	TOTAL YOUTH	White	Black	Hispanic/Latino	Asian/Pacific Islander	American Indian/Alaska Native	All Minorities
2013 Population at risk	1,253,296	916,522	175,612	116,468	42,284	2,410	336,774
2014 Population at risk	1,246,126	903,292	174,859	120,942	44,653	2,380	342,834
2015 Population at risk	1,239,195	890,780	173,705	126,079	46,277	2,354	348,415
2016 Population at risk	1,231,417	878,315	172,383	130,824	47,560	2,335	353,102
2017 Population at risk	1,226,713	866,086	172,791	136,067	49,441	2,328	360,627

2013 PA Youth Population	2014 PA Youth Population	2015 PA Youth Population	2016 PA Youth Population	2017 PA Youth Population
73.1% White	72.5% White	71.8% White	71.3% White	70.6% White
14% Black	14% Black	14% Black	13.9% Black	14% Black
9.3% Hispanic	9.7% Hispanic	10.2% Hispanic	10.6% Hispanic	11% Hispanic

In the five years between 2013 and 2017, Pennsylvania's overall youth population experienced a 2.1% decrease. In the same time frame 2013-2017, White youth had a 5.5% population decrease; Black youth saw a 1.6% population decrease. These decreases stand in contrast to the 16.8% growth in the Hispanic and 16.9% growth in Asian youth populations. Between 2016 and 2017 there was a 0.4% decrease in Pennsylvania's youth population. The largest, recent overall one-year youth population decrease was 0.6% (1,239,195 to 1,231,417) between 2015 and 2016.

**PENNSYLVANIA STATEWIDE RELATIVE RATE INDEX (RRI) TRENDS:
Black and Hispanic youth, 2013-2017**

BLACK YOUTH: PENNSYLVANIA

Black youth population totals	2013		2014		2015		2016		2017	
	175,612		174,859		173,705		172,383		172,791	
DECISION POINTS	RRI	Raw #								
Black youth arrested	4.50	30,357	5.02	30,772	4.46	24,202	3.99	19,579	3.80	19,565
Black youth referred for court	1.02	11,120	0.88	9,789	0.92	8,864	1.08	8,731	1.13	9,525
Black youth diverted from the system	0.67	3,474	0.70	3,194	0.72	2,927	0.76	3,083	0.81	2,965
Black youth securely detained	2.59	6,773	2.83	6,029	3.08	5,318	2.93	5,001	2.76	4,881
Black youth petitioned/charged	1.29	7,646	1.26	6,595	1.24	5,937	1.21	5,648	1.11	6,560
Black youth found delinquent	0.93	3,437	0.94	2,961	0.96	2,595	0.99	2,487	1.03	2,725
Black youth assigned to probation	0.84	2,276	0.82	1,959	0.80	1,670	0.75	1,507	0.74	1,413
Black youth placed in out of home residential	1.30	892	1.49	843	1.52	715	1.67	603	1.50	962
Black youth securely confined	2.43	123	2.35	100	1.56	90	1.70	39	2.56	88
Black youth transferred to adult court	1.09	49	1.02	43	1.79	32	2.43	37	1.51	36

HISPANIC YOUTH: PENNSYLVANIA

Hispanic youth population totals	2013		2014		2015		2016		2017	
	116,468		120,942		126,079		130,824		136,067	
DECISION POINTS	RRI	Raw #								
Hispanic youth arrested	1.57	7,004	1.47	6,249	1.39	5,483	1.28	4,774	1.22	4,935
Hispanic youth referred for court	1.47	3,697	1.45	3,273	1.42	3,101	1.47	2,917	1.58	3,352
Hispanic youth diverted from the system	0.95	1,641	0.89	1,361	0.84	1,202	0.80	1,078	0.92	1,182
Hispanic youth securely detained	1.71	1,487	1.94	1,380	2.17	1,312	2.10	1,200	1.93	1,201
Hispanic youth petitioned/charged	1.04	2,056	1.09	1,912	1.13	1,899	1.18	1,839	1.05	2,170
Hispanic youth found delinquent	0.98	970	1.04	949	0.99	855	1.05	859	1.13	989
Hispanic youth assigned to probation	0.89	686	0.87	665	0.95	651	0.97	669	0.94	654
Hispanic youth placed in out of home residential	1.36	263	1.45	264	1.36	211	1.36	170	1.26	293
Hispanic youth securely confined	2.24	32	2.06	28	2.37	45	2.52	20	2.32	29
Hispanic youth transferred to adult court	0.91	11	1.23	15	1.75	10	1.61	8	1.90	15

Definition of Rate Base:
ARRESTS: rate per 1,000 youth
DIVERTED (Pre-adjudication): rate per 100 youth referred
DETAINED: rate per 100 referred
SECURE CONFINEMENT: rate per 100 youth found delinquent

PA YOUTH ARRESTS, 2013-2017, percentage of arrested by race/ethnicity

2013 PA Youth Arrested	2014 PA Youth Arrested	2015 PA Youth Arrested	2016 PA Youth Arrested	2017 PA Youth Arrested
48.1% white	45.7% white	48% white	50.4% white	51% white
41.6% black	44.5% black	41.8% black	39.4% black	38.6% black
9.6% Hispanic	9% Hispanic	9.4% Hispanic	9.6% Hispanic	9.7% Hispanic

The decision points of arrest, diversion, detention and confinement have proven challenging to impact. A brief analysis of those areas is found below and includes information on any state level efforts being used to decrease the disparities for youth of color. Between 2013, when Pennsylvania’s Relative Rate Index (RRI) for Black youth arrests was 4.50, and 2017 when the RRI was 3.80, there has been a 15.5% decrease. Considering the highest recent statewide Black youth arrest RRI of 5.02, in 2014, to the 2017 RRI of 3.80, there is a remarkable 24.3% rate decrease. That equates to about 11,200 fewer arrests of Black youth between 2014 and 2017.

Nonetheless, serious disparities persist. In 2017, Black youth in Pennsylvania were arrested 3.8 times more than White youth. Over the last 5 years, Black youth have consistently made up about 14% of the population, and have just as consistently made up about 40% of youth arrested. Capturing accurate population and arrest data on the Hispanic population has proven challenging. Pennsylvania’s 2017 RRI data points to disparate treatment of Hispanic youth at all contact points, but most notably at the points of secure confinement, secure detention and adult transfer. As the population is increasing, there has been a leveling of arrest rates, but deeper end involvement is of concern. The JJDP’s DMC Subcommittee conducted a strategic planning session in 2018 aimed at developing goals that would serve to combat disparities at the point of arrest.

PA YOUTH DIVERTED, 2013-2017, percentage of referred cases diverted by race/ethnicity

2013 PA Referred Cases that were Diverted	2014 PA Referred Cases that were Diverted	2015 PA Referred Cases that were Diverted	2016 PA Referred Cases that were Diverted	2017 PA Referred Cases that were Diverted
46.5% white	50.7% white	45.9% white	46.3% white	38.2% white
29.2% black	30.5% black	33% black	35% black	33.1% black
44% Hispanic	41.5% Hispanic	38.8% Hispanic	37% Hispanic	35.2% Hispanic

Historically, youth of color in Pennsylvania have experienced lower diversion rates than White youth. The reasons are complex and varied. The data above shows the number of cases diverted as a percentage of youth referred, by their race (EX: In 2017, 11,133 White youth were referred after being arrested; of those White youth, 4,254 (38.2%) were diverted.) When comparing White youth rates of diversion to that of Black youth between 2013 and 2017, it is clear that Pennsylvania has made significant improvements in equitably diverting youth. The proliferation of validated decision-making tools may have been integral in this change. That said, Pennsylvania should assess what accounts for the overall decrease in diversion for all youth, as well as the extent to which White youth are still diverted at higher rates than Black or Hispanic youth, and should put in place strategies to further ensure equity and increased reliance on diversion.

PA YOUTH DIVERSIONS, 2013-2017, diverted cases by race/ethnicity

2013 PA Referred Cases that were Diverted	2014 PA Referred Cases that were Diverted	2015 PA Referred Cases that were Diverted	2016 PA Referred Cases that were Diverted	2017 PA Referred Cases that were Diverted
49.6% white	46.5% white	52% white	50.6% white	47.5% white
31.2% black	32.6% black	30% black	32.4% black	33.1% black
12.6% Hispanic	13% Hispanic	12.3% Hispanic	11.3% Hispanic	13.2% Hispanic

The above chart also considers diversion rates, but looks at the rates of diversion by race as a comparison to all Pennsylvania youth diverted. In 2017, a total of 8,953 youth cases were diverted after arrest. Of those diverted, 4,254 (47.5%) were White; 2,965 (33.1%) were Black and 1,182 (13.2%) were Hispanic. In 2015, 9,771 cases were diverted after arrest and referral, of those, about half, 5,085 (52%) were White; 2,927 (30%) were Black, 1,202 (12.3%) were Hispanic. Examining raw numbers and RRI's over the last five years, shows a pattern of 50% of the White youth that are referred experiencing some type of diversion programming while only about 32% of Black and 12% of Hispanic youth were diverted. The DMC Subcommittee will continue to collaborate with system stakeholders to ensure decisions to divert or detain a youth are made equitably and with no racial or ethnic bias. This should continue to be a priority for the Commonwealth.

PA YOUTH DETAINED, 2013-2017, by race/ethnicity

2013 PA Youth Cases Resulting in Secure Detainment	2014 PA Youth Cases Resulting in Secure Detainment	2015 PA Youth Cases Resulting in Secure Detainment	2016 PA Youth Cases Resulting in Secure Detainment	2017 PA Youth Cases Resulting in Secure Detainment
26% white	24.5% white	24% white	24% white	23.9% white
58.3% black	60% black	59.1% black	58.1% black	56.7% black
12.8% Hispanic	13.6% Hispanic	15% Hispanic	14% Hispanic	14% Hispanic

As the above chart depicts, reducing the detention rates for youth of color in Pennsylvania is challenging. Despite closing many juvenile detention centers and reducing the overall numbers of youth in out-of-home placement, the detention disparities are striking. In Pennsylvania, the largest detention disparity for Black youth was in 2014; of the 10,120 youths detained after referral, 24.5% (2,485) were White; 61.6% were Black and 13.6% (1,380) were Hispanic. In 2017, rates of detention decreased from the 2014 high of 10,120 down 15% to 8,608. Of those 8,608 youth, 23.9% (2,065) were White; 56.7% (4,881) were Black and 14% (1,201) were Hispanic. The JJDC and its DMC Subcommittee are committed to ensuring that equitable and validated assessments are conducted without bias so that all youth are evaluated fairly. The Commonwealth should continue to support the development and growth of community-based initiatives and alternatives to detention in impoverished communities where youth of color are most impacted. Additionally, the Commonwealth should continue to examine and respond to the causes of disparities, including implicit or explicit bias by key decision-makers and system stakeholders.

SECURE RESIDENTIAL PLACEMENT/SECURELY CONFINED, 2013-2017, by race/ethnicity

2013 PA Youth Cases Resulting in Secure Confinement	2014 PA Youth Cases Resulting in Secure Confinement	2015 PA Youth Cases Resulting in Secure Confinement	2016 PA Youth Cases Resulting in Secure Confinement	2017 PA Youth Cases Resulting in Secure Confinement
22.6% white	23.8% white	30% white	27.7% white	22.5% white
58% black	56.8% black	45.2% black	47% black	56.7% black
15% Hispanic	15.9% Hispanic	22.6% Hispanic	24.1% Hispanic	18.7% Hispanic

Pennsylvania's rates for secure residential placement/secure confinement point to the need for a more in-depth and transparent examination of data. Rates of youth being securely confined have dropped 27% between 2013 when 212 cases resulted in secure confinement to 155 in 2017; however, like diversion rates, there remains an obvious disparity in the number of youth of color with cases that result in their secure residential placement/secure confinement. A review of data suggests that nearly three quarters of youth securely confined in the Commonwealth are youth of color. The JJDC and its DMC Subcommittee are committed to conducting an in-depth review of the data and working with DHS and JCJC to conduct case studies of youth who are committed. The Commonwealth should prioritize identification of the issues driving these disparities, and support for strategies to ensure a more equitable administration of justice.

PCCD's comprehensive DMC Reduction Initiative is coordinated by the JJDP's DMC Subcommittee, which was established in 1990, and which has been lauded nationally for its work. The PCCD DMC Reduction Initiative is research-based and data-driven, and involves partnering with law enforcement, court systems and community agencies located in and serving communities of color.

PCCD has developed a competitive solicitation through which local jurisdictions could apply for federal JJDP funds to support local initiatives. To aid local jurisdictions with their DMC initiatives, PCCD has funded the Philadelphia-based DMC Youth-Law Enforcement (YLE) Corporation to provide training and technical assistance, and to disseminate training on the Pennsylvania YLE Curriculum. The Corporation's mission is to identify and develop concrete, viable and measurable strategies that will improve relationships between minority youth and members of law enforcement.

PCCD uses federal JJDP funds to support local DMC Projects in Pennsylvania. Some of these – like Montgomery and Chester – work in partnership with existing *Communities That Care (CTC)* sites operating in their counties. Most of the local DMC projects use funding to support planning and hosting DMC Youth/Law Enforcement Forums, which are designed to bring together local youth (usually middle school classes from a partnering school) and local law enforcement to meet, discuss, role play and interact for the purpose of improving police-youth relations with the hope of impacting DMC at the arrest stage.

Of importance is that these forums have opened the door to providing the opportunity for both the participating law enforcement officers and youth to understand and to begin addressing the issue of implicit bias within their communities. As an overarching strategy, PCCD, with the support of the DMC Subcommittee, is dedicated to bringing attention to and understanding of the complexities of implicit bias in the context of strengthening law enforcement, court and community relations.

In collaboration with all Commonwealth partners, PCCD's commitment to building on the strengths of minority children and their families, while striving to address the risks that are present in their communities, is a central tenet of PCCD's *Communities That Care (CTC)* risk-focused prevention strategy.

Despite all of the strong work to date, there remain serious disparities based on race at each stage of the delinquency system. For that reason, the JJDP and partners will intensify our focus on assessing the data and identifying interventions and policy changes that ensure that we treat all youth in the state equitably.

MOVING FORWARD:

The JJDP and its DMC Subcommittee will research the use of racial impact statements and make relevant recommendations to the JJDP.

In a 2009 article, Marc Mauer, the executive director of the Sentencing Project, notes that “the premise behind racial impact statements is that policies often have unintended consequences that would be best addressed prior to adoption of new initiatives. In this sense, they are similar to fiscal and environmental impact statements. Policy makers contemplating new construction projects or social initiatives routinely conduct such assessments, which are now widely viewed as responsible mechanisms of government. Racial impact statements are particularly important for criminal justice policy because it is exceedingly difficult to reverse sentencing policies once they have been adopted.”⁷²

⁷² *Criminal Justice*, Volume 23, Number 4, American Bar Association, Winter 2009.

Currently, three states – Iowa, Connecticut, and Oregon – have implemented mechanisms for the preparation and consideration of racial impact statements. Legislators in several states have introduced legislation to adopt racial impact statements, including Arkansas, Florida, Maryland, Mississippi, Texas, and Wisconsin.

Some of the ways these states utilize racial impact statements to determine effects on different racial and ethnic groups, include, but are not limited to: analyzing new criminal offense legislation; evaluating changes to existing offenses, sentencing guidelines, and parole or probation procedures; or any amendments to that state's Constitution. <http://www.sentencingproject.org/publications/racial-impact-statements/>

Moving in to the year 2019 and beyond, there will be added focus on outreach to counties or jurisdictions with high RRI scores to explore disparities and to consider their capacity for implementing youth and law enforcement (YLE) forums using the DMC Corporation's YLE Curriculum and technical assistance.

The DMC Subcommittee will collaborate with system stakeholders to explore methods that will educate and increase awareness of DMC and issues of racial and ethnic disparities across the Commonwealth.

Recommendations:

➤ *It is recommended that the Governor:*

- *Prioritize the implementation of a comprehensive strategy that provides at-risk and delinquent youth of color with increased access to culturally responsive prevention programming, early intervention and diversion programs, and ensures that alternatives to secure detention and out-of-home placement exist within a youth's own community/neighborhood.*
- *Continue to support the JJSES and the use of validated screening and assessment instruments - including support for protocols which ensure continuous quality improvement measures are implemented, and that statewide validation studies and a review of quality assurance protocols for these instruments are conducted every 4-5 years - to ensure that decisions impacting youth at all stages of the justice system, including arrest, diversion, detention, adjudication, and disposition, are made consistently and equitably without bias to race, class, ethnicity, gender, age, sexual orientation, wealth, community of residence or religion.*

- *Promote and encourage policies and practices that expand the equity, diversity and inclusion in recruitment, funding, hiring, promotion and retention of an ethnically and racially diverse workforce.*
- *Instruct all Commonwealth departments, agencies and commissions to focus on continuous quality improvement and accountability in areas impacting youth of color and to track data to ensure such improvement and accountability.*
- *Advocate for development and implementation of training for all staff employed by Pennsylvania's law enforcement agencies; youth and family service providers; court system personnel; and county probation on topics that include: Implicit Bias; Racial and Ethnic Disparities; Youth and Law Enforcement Engagement; School Diversion; Trauma Informed Care; Immigration and Juvenile Justice; Mental Health; and Strategies for Community Engagement to develop racially diverse environments.*
- *Support and champion the creation of a task force, including entities such as JJDPC and its DMC Subcommittee, the Pennsylvania Commission on Sentencing, and the Commissions on African-American and Latino Affairs in researching the value of enacting legislation to require all proposed legislation or Commonwealth policy include racial impact statements to determine the impact the legislation/policy may have on youth of color.*

PCCD's Evidence-based Approach: A Proven Foundation for a Comprehensive Prevention Strategy for the Commonwealth

Risk factors are conditions that increase the likelihood of a young person becoming involved in drug use, delinquency, school dropout, and/or violence

	Substance Abuse	Delinquency	Teen Pregnancy	School Drop-Out	Violence	Depression & Anxiety
Community	Low Neighborhood Attachment	✓	✓		✓	
	Perceived Availability of Drugs	✓			✓	
	Perceived Availability of Handguns		✓		✓	
	Community Laws and Norms Favorable Toward Drug Use, Firearms and Crime	✓	✓		✓	
Family	Family History of Antisocial Behavior	✓	✓	✓	✓	✓
	Poor Family Management	✓	✓	✓	✓	✓
	Family Conflict	✓	✓	✓	✓	✓
	Parental Attitudes Favorable Toward Drugs and Antisocial Behavior	✓	✓		✓	
School	Academic Failure	✓	✓	✓	✓	✓
	Low Commitment to School	✓	✓	✓	✓	
Peer / Individual	Rebelliousness	✓	✓	✓	✓	
	Gang Involvement	✓	✓		✓	
	Perceived Risk of Drug Use	✓	✓	✓	✓	
	Attitudes Favorable Toward Antisocial Behavior and Drug Use	✓	✓	✓	✓	
	Friend's Use of Drugs	✓	✓	✓	✓	
	Interaction with Antisocial Peers	✓	✓	✓	✓	
	Depressive Symptoms	✓			✓	✓

Crime Prevention:

Building Protection and Reducing Risk through the *Communities That Care (CTC)* risk-focused prevention model

Decades of prevention science have established the importance of understanding and addressing the root causes of problem behaviors to increase the likelihood of positive youth outcomes and reduce the problems that lead to criminal behavior. In the *Communities That Care (CTC)* model, these root causes are called **Risk and Protective Factors (RPFs)**.

These **RPFs** are based on the attitudes, beliefs, and behaviors of the individual youth and of those who interact with them including their community, family, school, and peers.

CTC Risk Factors are aspects of a child's life that are known to increase the likelihood of occurrence of the following problem behaviors:

- Substance Use
- Delinquency
- School Drop-Out
- Teen Pregnancy
- Violence
- Depression/Anxiety

Research has established, as well, that **protective factors** also exist in communities, schools, and families. **CTC Protective Factors** are key strategies that can buffer against **risk factors** and are grounded in the research into the importance of bonding to healthy youth development. Science has shown us that providing young people of all ages with opportunities, skills, and recognition strengthens bonding with family, school, community, and even among peers. Bonding is one of the most vital components in protecting a child from risky behaviors. Strong bonds motivate young people to adopt healthy standards for behavior.

The Social Development Strategy is the scientific foundation of the risk and protective factor model and is based on five key interaction strategies:

1. Provide opportunities for pro-social involvement
2. Teach skills needed to succeed
3. Provide consistent recognition and reinforcement
4. Create bonding in all areas of their lives
5. Motivated to follow clear, healthy standards



Communities That Care (CTC): Prevention Coalition Planning Model

The *CTC* model also includes a strong coalition building model that is grounded in a strategic planning framework that utilizes the identification, assessment, and prioritization of local *RPFs*. This coalition function is a key aspect of PCCD's comprehensive prevention strategy.

There are currently approximately 70 coalitions that function utilizing the *CTC* model with many other coalitions throughout the state being grounded in the functions of *CTC* and the decades-long support from PCCD funding.

CTC coalitions utilize a science-based coalition planning framework that is driven by this multi-phase process and includes the following key components:

- Developing and maintaining a high functioning coalition with strong infrastructure support;
- Assessing risk and protection to understand the root causes of problem behaviors;
- Prioritizing elevated risks and depressed protective factors;
- Developing action plans based on long-term goal setting;
- Implementing selected programs, policies, and practices with fidelity and intensity; and
- Evaluating and sharing success over time.



Coalition Technical Assistance and Training

The system mobilization staff at the **Evidence-based Prevention and Intervention Support Center (EPISCenter)** play an integral role in supporting *CTC* coalitions as well as other PA coalitions that focus on a risk-focused approach to primary-prevention strategic planning. The EPISCenter provides a variety of services to coalitions including:

1. Providing Technical Assistance for coalition building, strategic planning, and sustainability;
2. Training on the *CTC* model and other coalition strategies that focus on the key components outlined above;
3. Working with school districts and counties to interpret and integrate the PA Youth Survey into data collection efforts;
4. Scaling up usage of the Social Development Strategy by providing training and action planning activities; and
5. Supporting state-level partnerships through facilitation and advisement including the Commonwealth Prevention Alliance (CPA), the Prevention Coalition Advisory Council (PCAC), and the PA Youth Survey Advisory Group (PAYSAG).

PA Cross-Systems Prevention Workgroup (CSPW): Cross-Agency Leaders in Prevention Planning

Mission

Supporting healthy youth development by building a comprehensive continuum of effective prevention strategies with sufficient and sustained funding.

Vision

Thriving youth strengthened by flourishing families, schools, and communities across the Commonwealth of PA.

In order to develop a strategic plan to coordinate multi-system prevention programming, PCCD became the backbone agency for the ***PA Cross-Systems Prevention Workgroup (CSPW)***. With broad representation from state-level policy makers, county leadership, local human services providers, and coalitions, the CSPW has met throughout 2017 and 2018 with a focus on developing a cross-agency, comprehensive, strategic prevention plan focused on preventing and reducing youth problem behaviors. This group understands that limited resources and an insular approach to prevention will lead to weaker, more failure-prone prevention initiatives in Pennsylvania.

CSPW will develop recommendations for the use of the system-focused, proven-effective prevention strategies with the goals of:

1. Improving the stewardship of taxpayer dollars.
2. Enhancing the effectiveness of prevention across the continuum of strategies.
3. Increasing sustainable funding resources for Commonwealth prevention initiatives.

Major outcomes and work products from the group include:

- Developed Membership
- Created Mission and Vision
- Adopted Focus Areas and Processes
- Created and Implemented Cross-Systems Program Inventory

The CSPW is using a science-based, risk-focused approach to develop a cross-systems, comprehensive strategic plan that will work to reduce the following problem behaviors:

- Substance Use
- Delinquency
- School Drop-Out
- Teen Pregnancy
- Violence
- Depression/Anxiety

Included in this plan will be recommendations on implementation, monitoring progress, and evaluating overall public health impact.

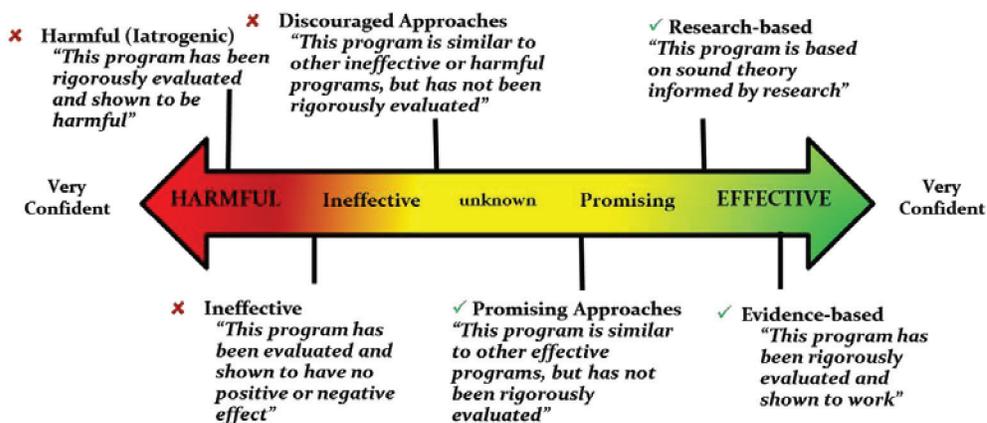


Funding What Works in Prevention

For over 20 years PCCD has been committed to using science to guide funding and policy decisions. In 1996, it helped to fund the inception of the Blueprints for Healthy Youth Development initiative at the University of Colorado Boulder’s Center for the Study and Prevention of Violence (CSPV). In the past 22 years the “Blueprints” list of promising and model programs has grown, with 66 programs now being listed as promising and 17 being given the designation of model or model plus. In addition, new lists of programs and tools for understanding evidence have emerged, and new strategies are being implemented to improve services.

With a continued commitment to evidence-based policy making, PCCD has starting to utilize the following schematic to help communities and human service providers navigate this complex landscape of scientific evidence for the wide array of programs and strategies available to address risk and protective factors:

*Bumbarger & Rhoades, 2012



The following standards, defined by the Blueprints for Healthy Youth Development, help us understand what it takes for a program to fall into the green zone of the above continuum:

Blueprints Promising programs meet the following standards:

- **Intervention specificity:** The program description clearly identifies the outcome the program is designed to change, the specific risk and/or protective factors targeted to produce this change in outcome, the population for which it is intended, and how the components of the intervention work to produce this change.
- **Evaluation quality:** The evaluation trials produce valid and reliable findings. This requires a minimum of (a) one high quality randomized control trial or (b) two high quality quasi-experimental evaluations.
- **Intervention impact:** The preponderance of evidence from the high-quality evaluations indicates significant positive change in intended outcomes that can be attributed to the program and there is no evidence of harmful effects.
- **Dissemination readiness:** The program is currently available for dissemination and has the necessary organizational capability, manuals, training, technical assistance and other support required for implementation with fidelity in communities and public service systems.

Blueprints Model programs meet these additional standards:

- **Evaluation Quality:** A minimum of (a) two high quality randomized control trials or (b) one high quality randomized control trial plus one high quality quasi-experimental evaluation.
- **Long-Term Impact:** Positive intervention impact is sustained for a minimum of 12 months after the program ends.

Blueprints Model Plus programs meet one additional standard:

- **Independent Replication:** In at least one high quality study demonstrating desired outcomes, authorship, data collection, and analysis has been conducted by a researcher who is neither a current or past member of the program developer's research team and who has no financial interest in the program.

Investing in a Widening Array of Programs

The list of models supported by the PCCD Prevention Initiative has expanded to include 16 programs that range from those focused on building protection in early childhood to those meant to prevent out-of-home placement and recidivism. Programs are added to this list to ensure that communities can access funding and technical assistance in order to address their prioritized risk and protective factors.

Promotion	Prevention			Treatment		Maintenance
Promotion	Universal (targets general population)	Selective (targets population with elevated risk)	Indicated (targets high-risk population with signs and symptoms)	Case Identification	Standard Treatment for Known Disorders	Compliance with Long-term Treatment (Goal: Reduction in Relapse and Recurrence)
Communities That Care: Strategic Prevention Planning Utilizing the Pennsylvania Youth Survey (PAYS)						
Positive Action						
Promoting Alternative Thinking Strategies						
Incredible Years Dinosaur School						
LifeSkills Training						
Olweus Bullying Prevention Program						
Project Towards No Drug Abuse						
	Familias Fuertes					
	Strong African American Families					
	Strengthening Families 10-14					
	Big Brothers Big Sisters					
	Incredible Years Basic Parent Training					
	Positive Parenting Program					
	Incredible Years Dinosaur Small Group Therapy					
	Aggression Replacement Training					
	Trauma-Focused CBT					
	Functional Family Therapy					
	Multisystemic Therapy					
	Standardized Program Evaluation Protocol: Improving Juvenile Justice Services					

Technical Assistance to Support Quality and Sustainability

The Evidence-based Prevention and Intervention Support Center (EPISCenter) plays a fundamental role in advancing high quality implementation, impact assessment, and sustainability of the evidence-based programs and strategies identified by the JJDPC. The EPISCenter is housed within the Prevention Research Center (PRC) at Penn State University, and is funded by PCCD and the DHS Office of Children, Youth and Families. This university-based technical assistance provider plays a critical role in connecting scientific research to policy and practice utilizing the following five core support strategies:

1. Learning communities
2. Implementation resources
3. Data collection, evaluation tools, processes
4. Sustainability knowledge-base
5. In-state infrastructures for evidence-based programs and strategies

Return-on-Investment for PCCD 2017-2018 Grants:

With PCCD's leadership and in partnership with the PRC and the EPISCenter, Pennsylvania policy makers have been utilizing the Washington State Institute of Public Policy Cost Benefit Analysis data since 2008. Via a new partnership with the Pew-MacArthur "Results First Initiative", these same partners have endeavored to build a Pennsylvania specific Return-on-Investment (ROI) model utilizing Pennsylvania service costs, and Pennsylvania crime and recidivism data. A report summarizing preliminary findings is under development and will point the way forward for developing a fully functional

Pennsylvania model for analyzing return-on-investment for evidence-based programs being implemented in our communities. The tables below reflect analysis utilizing the Washington State Institute of Public Policy model.⁷³

According to the EPISCenter, the Return-On-Investment (ROI) of PCCD’s Prevention Initiative based on one year of youth served in 2017–2018, is estimated to be **between \$43.6 and \$45.3 million.**⁷⁴

Program	Mean Cost Per Participant—Based on 2010–2016 Grantee Budgets (+/- Range) ⁷⁵	Benefit Per Participant (WSIPP as of Sept 2018)	Number of Participants Served by Projects Funded in FY 2017	Mean Estimated Total Return on Investment (+/- Range)
Aggression Replacement Training (probation)	\$905 (+/- \$602)	\$4,958	80	\$324,222 (+/- \$48,168)
Big Brothers/Big Sisters Mentoring Program	\$1603 (+/- \$504)	-\$1,257	538	-\$1,538,845 (+/- \$271,102)
Incredible years (Parent Only)	\$2104 (+/- \$658)	\$2,360	139	\$35,594 (+/- \$91,505)
Life Skills Training	\$131 (+/- \$60)	\$1,736	924	\$1,483,065 (+/- \$55,571)
Strengthening Families Program 10–14	\$1754 (+/- \$287)	\$5,381	245	\$888,657 (+/- \$70,273)
Promoting Alternative Thinking Strategies	\$215 (+/- \$54)	\$7,487	484	\$3,519,527 (+/- \$26,024)
Project Toward No Drug Abuse	\$117 (+/- \$47)	\$523	152	\$61,703 (+/- \$7,168)
Positive Action	\$63 (+/- NA)	\$14,002	2712	\$37,801,803 (+/- \$212,080)
Trauma Focused Cognitive Behavioral Therapy	\$1666 (+/- \$580)	\$21,728	95	\$1,905,893 (+/- \$55,118)
Triple P	\$1376 (+/- \$388)	\$1641	74	\$19,631 (+/- \$28,726)
Total			5443	\$44,501,250 (+/- 865,735)

⁷³ The Washington State Institute of Public Policy updates their cost benefit estimates twice per year, for the most current estimates please go to <http://www.wsipp.wa.gov/BenefitCost>.

⁷⁴ The Strong African American Families program is not included in this estimate due to a lack of benefit information from the Washington State Institute of Public Policy. Both the Olweus Bullying Prevention program and Familias Fuertes had no youth served by PCCD projects in 2017-2018.

⁷⁵ The range of cost per participant is calculated by analyzing the natural variation in implementation costs across PCCD grantees and is calculated at a .05 confidence interval. Presenting this range provides a more accurate reflection than presenting only the mean cost per youth.

Return-on-Investment for PCCD Supported Placement Prevention Services:

While PCCD ceased active seed funding for Multisystemic Therapy (MST) and Functional Family Therapy (FFT) in 2008, since then it has provided approximately \$30,000 per year to support replacement training and data collection to ensure the sustainability of these models. These programs are now primarily funded by the Department of Human Services to work with both juvenile justice system youth, as well as youth who are exhibiting problematic behaviors but who are not yet in the juvenile justice system. The EPISCenter has worked with program experts and service providers throughout the Commonwealth to ensure that these programs are implemented with fidelity and well utilized. In 2017-2018 the impact of these evidence-based programs was significant:

- 88% of youth remained in the community at the end of treatment.
- 87% committed no new criminal offenses while involved in the program.
- 90% of youth were attending school or gainfully employed.

MST and FFT Cost Savings Associated with FY 2017–2018

	FFT	MST (Standard)	Total
# of Clinical Discharges	653	1226	1879
# of Youth Placed at Discharge	60	144	204
Number of clinically discharged youth who were referred by Juvenile Justice	104(16%)	322(26%)	
# of JJ Youth Placed at Discharge	27	54	
EBI Cost per Youth ⁷⁶	\$3,918	\$9,030	
JJ Placement Cost per Youth ⁷⁷	\$41,975	\$41,975	
Calculations of Cost			
Estimated Potential Placement Cost for JJ Referrals (# JJ discharges x placement cost per youth)	\$4,365,400	\$13,515,950	\$17,881,350
Estimate of Actual Program Costs for JJ Youth (# JJ discharges x EBI cost per youth)	\$407,472	\$2,907,660	\$3,315,132
Estimate of Actual JJ Placement Costs (All JJ placed x placement cost per youth)	\$2,518,500	\$6,044,400	\$8,562,900
Estimated Actual Total Costs (EBI program for JJ kids + All placements)	\$2,925,972	\$8,952,060	\$11,878,032
Total Net Savings (Potential–Actual Costs)	\$1,439,428	\$4,563,890	\$6,003,318
Savings per Youth	\$2,204	\$3,722	\$3,195

⁷⁶ Program cost per youth is based on average across providers or sites for each program, using the average BH-MCO rate as reported by providers in a 2015 Rate Survey and average length of stay for completed cases in FY 2012-2013.

⁷⁷ Calculated by dividing the total FY 2014–2015 juvenile delinquency placement expenditures from DHS/OCYF data (\$230,646,228) by the total FY 2014–2015 juvenile delinquency days of care from DHS/OCYF data (1,302,278) to determine an average per diem cost of \$177.11, which was then multiplied by the 2015 median length of stay from JCJC data (7.9 months [237days]).

In addition to immediate cost savings realized from using MST and FFT in lieu of residential placement, research has also established a significant economic benefit related to the prevention of future delinquency and crime. According to the economic forecasts of the Washington State Institute for Public Policy (WSIPP), MST and FFT show significant benefits associated with future crime reduction.

MST and FFT Savings Associated with Future Crime Reduction FY 2017-2018

Program	WSIPP Benefit ⁷⁸ (Sept. 2018)	WSIPP Benefit minus PA Cost Per Youth ⁷⁹	Juvenile Justice-Referred Discharges FY 2017-2018	Estimated Economic Benefit
FFT	\$28,951	\$24,673	104	\$2,565,992
MST	\$12,655	\$3,625	322	\$1,167,250
Total Savings Associated with Juvenile Justice Referred Youth				\$3,733,242

Program	WSIPP Benefit (Sept. 2018)	WSIPP Benefit minus PA Cost Per Youth	Juvenile Justice-Referred Discharges FY 2017-2018	Estimated Economic Benefit
FFT	\$28,951	\$24,673	653	\$16,111,469
MST	\$12,655	\$3,625	1226	\$4,444,250
Total Savings Associated with All Youth Discharged				\$20,555,719

Preventing Youth Depression and Anxiety: Emerging Needs and Gaps in Services

The percent of youth who report symptoms of depression and who are at risk for or have attempted suicide has increased over the past three **Pennsylvania Youth Survey (PAYS)** administrations. Data from the Pennsylvania Youth Survey illustrates that the presence of depressive symptoms for youth is correlated with increased use of alcohol, tobacco, and marijuana.⁸⁰

Considering this data, PCCD had the EPISCenter conduct a review of available research regarding risk and protective factors for anxiety and depression and the impact of specific programs and policies. For the full report, including policies to promote mental wellness, please visit the EPISCenter website at www.episcenter.psu.edu.

PCCD is focusing on addressing this issue and will plan to take the following steps during the next two-years:

1. Continue universal prevention programs that promote social-emotional learning and mental wellness in young children.

Several such programs are eligible for start-up grants from the Pennsylvania Commission on Crime and Delinquency and a well-developed infrastructure exists to support their high-quality implementation. These include the Incredible Years, PATHS, Positive Action, Strengthening Families 10-14, and Strong African-American Families, **all of which have shown positive outcomes with respect to depression and/or anxiety.**

⁷⁸ Data used in these estimates is from the Washington State Institute for Public Policy Benefit Cost Estimates as of September 2018. For the most current estimates please go to: <http://www.wsipp.wa.gov/BenefitCost>.

⁷⁹ Program cost per youth is based on average across providers or sites for each program, using the average BH-MCO rate as reported by providers in a 2015 Rate Survey and average length of stay for completed cases in FY 2012-2013.

⁸⁰ Section 5: Mental Health Data, 2017 Pennsylvania Youth Survey State Report; <https://www.pccd.pa.gov/Juvenile-Justice/Documents/PAYS/2017%20PAYS%20State%20Report%20Final.pdf>

Continued dissemination of these program should be encouraged and accompanied by coordination of on-going funding for sustainability. Community stakeholders should be made aware of the range of positive outcomes – including prevention of depression and anxiety – that occurs when common risk and protective factors are addressed.

2. Increase access to evidence-based programs for at-risk youth.

Research suggests that youth who are at-risk of internalizing disorders or showing early symptoms may stand to benefit the most from prevention programs. Universal screening programs can identify youth at risk or showing early symptoms of an internalizing disorder, who can then be referred to selective or indicated prevention programs. Schools provide an ideal setting for screening and programming, given their day-to-day access to youth.

Several selective and indicated prevention programs for anxiety and depression exist and are designed for school-based delivery. These include (but are not limited to):

- The BLUES Program;
- Interpersonal Psychotherapy-Adolescent Skills Training;
- Adolescent Coping with Depression;
- Cognitive Behavioral Intervention for Trauma in Schools; and
- Coping Cat, which is designed to treat anxiety in ages 7-13 and can be delivered in a variety of settings, including schools.

3. Increase access to evidence-based, age-appropriate treatment for anxiety and depression.

Increased access to such programs requires increasing clinician access to in-state training opportunities as well as on-going training/supervision to develop competence implementing new models. Expansion of school-based mental health services can overcome barriers to traditional outpatient care, particularly in rural communities where transportation is often noted as a concern. Financial barriers to treatment must be addressed, such as lack of health insurance and high insurance co-pays/deductibles that create financial hardship for families.

The Pennsylvania Youth Survey

Since 1989, the Commonwealth has conducted a biennial survey of school students in the 6th, 8th, 10th and 12th grades to learn about their behavior, attitudes and knowledge concerning alcohol, tobacco, other drugs and violence. The **Pennsylvania Youth Survey (PAYS)** is conducted in the fall of odd-numbered years throughout the Commonwealth. The data gathered in the PAYS serve two primary needs. First, the results provide school administrators, state agency directors, legislators and others with critical information concerning the changes in patterns of the use and abuse of harmful substances and behaviors. Second, the survey assesses risk factors that are related to these behaviors and the protective factors that help guard against them. This information allows community leaders to direct prevention resources to areas where they are likely to have the greatest impact.

The **2017 Pennsylvania Youth Survey Project** was funded by PCCD, DDAP, and PDE, and this funding enabled the PAYS to be offered at no charge to any school or district (public, private, charter, and parochial) that wished to participate for the third administration in a row. The Pennsylvania State University and Bach Harrison, L.L.C. oversaw the survey process and reporting.

Participation in the 2017 PAYS continues to increase from prior administrations, with a total of 379 School Districts and 39 private/parochial school/charter/cyber schools participating, compared to a total of 356 districts in 2015. A total of 254,000 public and private school students in the eligible grades throughout the state participated in the 2017 PAYS, up from 229,845 in 2015.

The EPISCenter plays a critical role in supporting the PAYS through on-site presentations in conjunction with PCCD and local coalitions about the value of the PAYS data with the aim of encouraging ongoing local school district participation; by partnering with PCCD to present at various statewide conferences regarding the PAYS; and by working with PCCD to produce and circulate a “How to Guide” to assist local school officials in making the best use of their PAYS data. The EPISCenter also partners with PCCD to produce a series of webinars on a variety of PAYS-related topics.

Over the last several survey administrations, the PAYS has added additional questions about problem behaviors based on areas of particular interest to state and local leaders. These include questions around: illegal prescription drug use (including sources where students obtained them), gambling, depression/suicidal ideation, violence on school property, bullying

(physical and online), school climate, Internet safety, gang involvement, and use of e-cigarettes/vaping. After each survey administration, Pennsylvania stakeholders review the survey instrument to determine if there are additional areas of importance that should be included in the next cycle or if some items have outlived their value and should be removed.

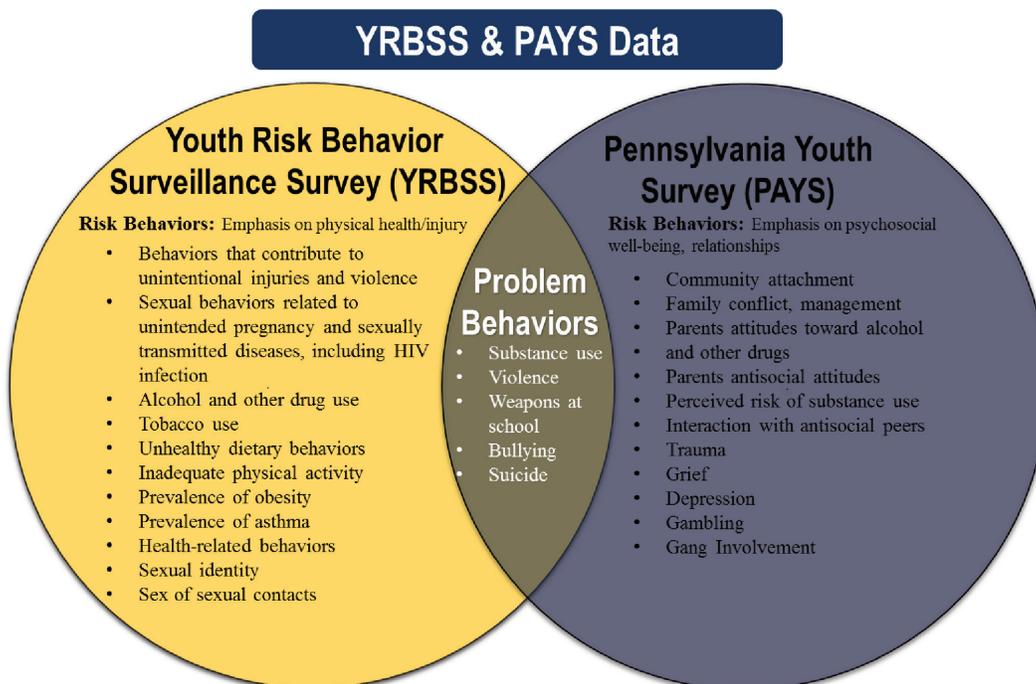
Questions are asked across four domains (community, school, family, and peer/individual) to help determine community strengths that can be brought to bear to assist students. The questions also help determine where potential problems may exist outside of school that can have an impact on a student’s readiness to learn when they arrive at their school each morning. This includes questions on having enough food; transitions in housing; trauma and grief; or loss of a close family member or friend.

The PAYS is administered in individual school buildings, using either paper/pencil or online tool at the school’s discretion. The survey is voluntary – youth are able to skip any questions they do not wish to answer or to opt out of the survey entirely. Additionally, students are made aware that their responses will remain anonymous and confidential. No individual student-level data can be obtained from the data set, and the results are reported in aggregate at the local, county, and state levels. Parents are also able to opt their child out of participation in PAYS by following their local school district’s procedures for consent.

The PAYS is a primary tool in Pennsylvania’s prevention approach of using data to drive decision making. Unlike many school surveys, PAYS provides information on **risk factors** (conditions that can increase the likelihood of students engaging in problem behaviors) and **protective factors** (people or conditions in a student’s life that can buffer them from risk). By looking not just at rates of problem behaviors, but also at the reasons behind those behaviors, the PAYS enables schools and communities to identify and address the root causes (such as a lack of commitment to school) rather than only looking at the symptoms after the fact (like poor grades). This approach has been repeatedly shown in national research studies to be the most effective in helping youth develop into healthy, productive members of their communities.

The PAYS data allows for the identification of local problems, and therefore, for the selection and implementation of the evidence-based programs to address those problems specific to a community.

While school district participation in the PAYS is increasing, it is significant that, at present, the Pittsburgh and Philadelphia School Districts continue to choose not to participate in the PAYS. In the case of Philadelphia, the most frequent reason cited is that the district utilizes the **Youth Risk Behavior Surveillance Survey (YRBSS)** developed by the Centers for Disease Control and Prevention (CDC). As detailed below, although both instruments address the problem behaviors of substance abuse, violence, weapons at school, bullying, and suicide; it is the position of PCCD that the PAYS’ focus on **risk factors**, as well as **protective factors**, is preferable to the **YRBSS risk behaviors** approach.



Other Commonalities: Both surveys are administered in odd-numbered years. YRBSS in middle and high school; PAYS in grades 6, 8, 10 and 12.

PCCD will continue to work with the school districts of both Philadelphia and Pittsburgh toward the goal of gaining their support for participation in the Fall 2019 administration of the PAYS.

It is clear that the **Pennsylvania Youth Survey (PAYS)** should be the preferred means of gathering information regarding the attitudes and behavior of our Commonwealth's children, and that ***Communities That Care (CTC)*** should be the preferred means of engaging communities in the process of identifying and developing solutions to their problems.

The success that PCCD has had in implementing *Communities That Care (CTC)* and *Blueprints* programs is well documented, as are the strong partnerships and working relationships that PCCD's professional staff have within state government and with local government and community leaders throughout the Commonwealth.

However, the Commonwealth's current approach to assisting and providing prevention-related funding to communities is not as well coordinated as it needs to be. In addition to PCCD, the Departments of Health (DOH), Education (PDE), Drug and Alcohol Programs (DDAP), Liquor Control Board (PLCB), and Human Services (DHS) each devote financial and staff resources to preventing adolescent problem behaviors.

The appropriations that support prevention-related initiatives include, but are not limited to:

- PCCD's Violence and Delinquency Prevention Programs (VDPP) appropriation, which for FY 2018-2019 provides \$3.989 million to support proven delinquency and violence prevention programs;
- PDE's Safe Schools Targeted Grant Program, which for FY 2018-2019 provides \$6.3 million for school resource officers and school police officers and \$2.08 million to address school safety and violence;
- PDE's federally funded 21st Century Community Learning Centers (21st Century) Program, which received a \$90 million award that will be granted out for 27-month projects over the next several years;
- PLCB's Alcohol Education Grant Program, through which approximately \$1.2 million was awarded in FY2018-2019;
- The prevention-related expenditures of Single County Authorities (SCAs), which totaled just over \$31 million for FY 2017-2018;
- DHS's Nurse Family Partnership Program, which totals \$13.1 million for FY 2018-2019;
- DHS's Children's Trust Fund, which in FY 2018-2019 was awarded nearly \$1.4 million for the prevention of child abuse and neglect; as well as
- a portion of DHS's FY 2018-2019 county child welfare appropriation amounting to \$1.225 million.

It is clear that the Commonwealth must develop and implement a comprehensive inter-departmental, evidence-based, and trauma-informed strategy to prevent delinquency, youth violence, and other adolescent problem behaviors, including substance abuse, teen pregnancy, and school failure. Such a strategy is essential to PCCD's efforts to address the disproportionate numbers of minority youth who become involved in Pennsylvania's juvenile justice system.

PCCD is uniquely positioned to coordinate such an effort by virtue of its proven track record; the technical assistance and quality assurance expertise that PCCD has made available to communities through the EPISCenter at Penn State; as well as PCCD's clear statutory mandate to design research-based initiatives of this type. Among the duties of PCCD set forth at 71 P.S. § 1190.23 are the following:

- ***“To define and collaborate with all State agencies on planning and programming related to juvenile delinquency prevention and the reduction and prevention of violence by and against children.”***
- ***“To design and promote comprehensive research-based initiatives to assist communities and community-based organizations in reducing risk to and promoting the positive development of children and in preventing juvenile delinquency and youth violence.”***

The broader implementation of both *Communities That Care (CTC)* and the implementation of Blueprints Model and Promising programs with fidelity will not only reduce the likelihood of adolescent problem behaviors in at-risk children, but will also reduce the likelihood that these children will be incarcerated as adults.

This will only occur though a comprehensive and coordinated strategy that includes identification of a designated funding stream to support the implementation of evidence-based prevention programs and practices.

Currently, one-year of PCCD support for evidence-based practices (EBPs) reaches an average of 5,380 youth/families. Cost-benefit analyses of EBPs demonstrate that such programs can produce powerful change. EBPs can impact a youth's ability to successfully engage in their school environment by forming pro-social relationships with teachers and peers and by developing skills for successfully managing important relationships and common life stressors. In fact, many of the EBPs supported by PCCD and the EPISCenter are estimated to produce a positive return on investment to the Commonwealth specifically through impacts associated with graduating high school. The more social and emotional skills youth develop over their educational career, the more likely they are to graduate high school, and go on to be productive citizens with paying jobs.

Moreover, some EBPs have been demonstrated to prevent prescription opioid misuse from middle school through early adulthood. Preventing just one person from advancing to prescription opioid misuse results in \$7,500 of savings to taxpayers and society (which is considered a very conservative estimate.) Researchers have demonstrated a 5 percent lower prevalence of prescription opioid misuse in youth who receive the Strengthening Families 10-14 program and the LifeSkills Training program compared to youth who do not receive these programs. In a relatively small school district of 1,000 youth, this rate of return equates to 50 youth avoiding misuse, equaling \$375,000 in savings to society (i.e., \$7,500 per youth x 50 youth).

An increase of \$5 million in funding to support proliferation of EBPs such as Promoting Alternative Thinking Strategies (PATHS), LifeSkills Training (LST), Strengthening Families 10-14 (SFP 10-14), and Project Toward No Drug Abuse (TND), would provide the following benefits to the Commonwealth:

- 9,903 additional youth per year would receive school based pro-social EBPs, with estimated additional net benefits to society of \$32,606,373 per year.
- An additional 626 youth will receive the benefit of SFP, generating an additional net benefit of \$1,199,570 per year.
- This amounts to a total of additional youth served of 10,529 over one year, and 52,646 youth over a five-year period.
- The total additional net benefit to society would be \$33,805,943 the first year (based on PCCD average cost for each model) and total net benefit across five years of \$169,029,714.

Recommendations

- *It is recommended that the Governor direct PCCD and DDAP to work with all Commonwealth agencies serving youth to continue the development of a strategic plan to coordinate the Commonwealth's delinquency, youth violence, and substance abuse prevention programming.*
- *It is recommended that the Governor propose \$8,989,000 in FY 2019-2020 for PCCD's violence and delinquency prevention appropriation, representing a \$5,000,000 increase over the FY 2018-2019 appropriation, as the first step in a multi-year strategy to ultimately provide the equivalent of 1% of the Department of Corrections (DOC) general fund budget to support PCCD's evidence-based delinquency and violence prevention programming.*

Chapter 2

Juvenile Justice System Enhancement

Chapter 2

Juvenile Justice System Enhancement

The Pennsylvania Juvenile Justice System Enhancement Strategy (JJSES)

- ***The Commonwealth must continue to aggressively pursue implementation and sustainability of the Pennsylvania Juvenile Justice System Enhancement Strategy (JJSES) in order to achieve the system’s balanced and restorative justice mission.***

As previously explained, Pennsylvania’s status as a national leader in juvenile justice policy and practice and the strong commitment throughout the juvenile justice system to achieving its balanced and restorative justice mission were key factors in the decision of the John D. and Catherine T. MacArthur Foundation, in 2004, to select Pennsylvania as the first state to participate in its ***Models for Change*** juvenile justice reform initiative.

In June 2010, with the Commonwealth’s five-year ***Models for Change (MFC)*** partnership with the MacArthur Foundation drawing to a close, the Executive Committee of the Pennsylvania Council of Chief Juvenile Probation Officers and Juvenile Court Judges’ Commission (JCJC) staff concluded that it was essential to develop a strategy to consolidate the various ***Models for Change***-related initiatives “under one roof,” and to sustain and enhance the gains of the previous five years. Following an intensive review of the impact of and the many lessons learned through this partnership, it was agreed that the JCJC and Pennsylvania Council of Chief Juvenile Probation Officers would work together with PCCD and other system partners to develop and implement a comprehensive “**Juvenile Justice System Enhancement Strategy**” (JJSES) as the means to achieve this goal.

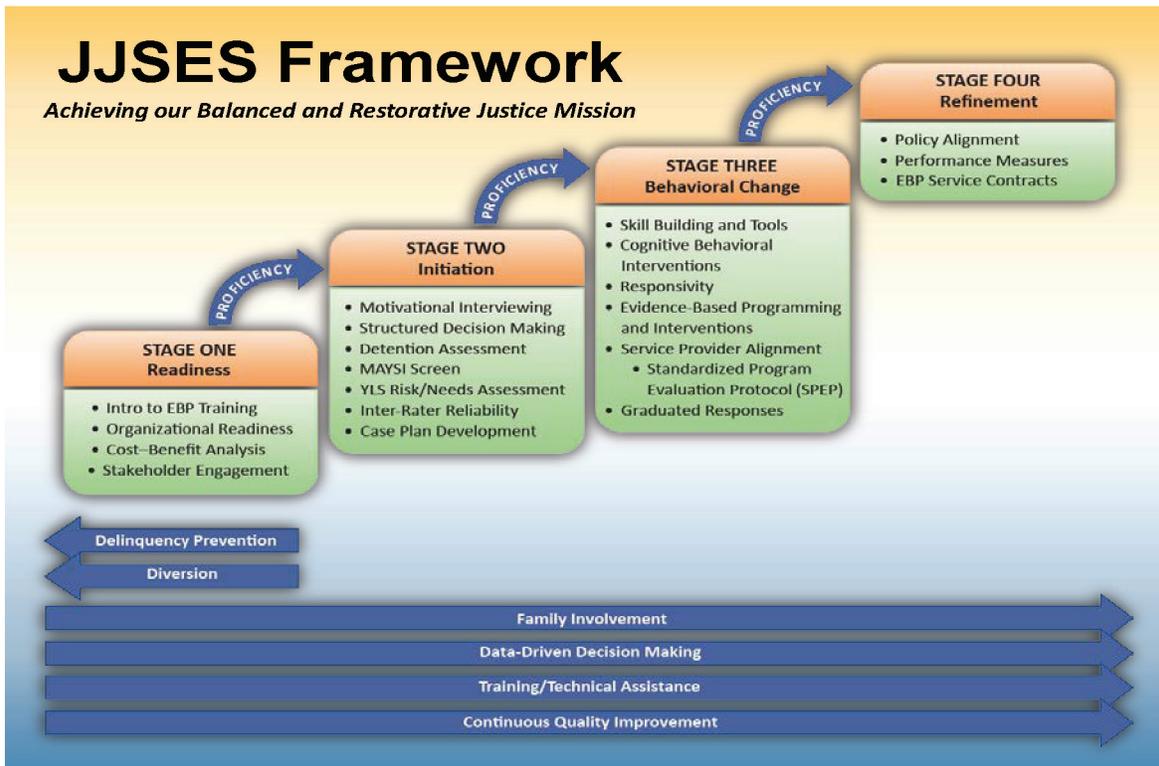
On November 4, 2010, the Juvenile Court Judges’ Commission (JCJC) unanimously endorsed the following Statement of Purpose as the foundation for Pennsylvania’s Juvenile Justice System Enhancement Strategy:

JJSES Statement of Purpose

We dedicate ourselves to working in partnership to enhance the capacity of Pennsylvania’s juvenile justice system to achieve its balanced and restorative justice mission by

- **employing evidence-based practices, with fidelity, at every stage of the juvenile justice process;**
- **collecting and analyzing the data necessary to measure the results of these efforts; and, with this knowledge,**
- **striving to continuously improve the quality of our decisions, services and programs.**

As noted in the introduction, the **JJSES Statement of Purpose** has been strongly endorsed throughout the juvenile justice system, and the JCJC is coordinating the implementation of the JJSES with the assistance of the **JJSES Leadership Team**, comprised of key leaders from the Pennsylvania Council of Chief Juvenile Probation Officers, PCCD’s Office of Juvenile Justice and Delinquency Prevention, and the JCJC.



As explained in the monograph *Pennsylvania’s Juvenile Justice System Enhancement Strategy-Achieving Our Balanced and Restorative Justice Mission Through Evidence-based Policy and Practice*, the JJSES, which is the framework within which evidence-based practices will become a reality throughout Pennsylvania’s juvenile justice system, consists of four stages of implementation: **Readiness; Initiation; Behavioral Change; and Refinement**.⁸¹

The expertise and support of PCCD’s Office of Juvenile Justice and Delinquency Prevention has been critical to the success of the JJSES initiative from the outset. Critically important, as well, has been the funding which has been awarded by PCCD, upon the recommendation of the JJDPC, to support the initiative, including funding to the Pennsylvania Council of Chief Juvenile Probation officers to support the technical assistance provided by The Carey Group; the development of the monograph “*Pennsylvania’s Juvenile Justice System Enhancement Strategy-Achieving Our Balanced and Restorative Justice Mission Through Evidence-based Policy and Practice*,” six regional training programs in Spring 2012 for teams from all 67 counties; funding for JJSES planning and implementation grants to the counties; and funding to support the development of baseline statewide and county-specific recidivism rates for juvenile delinquency cases closed in 2007, 2008, 2009, 2010, 2011 and 2012 as one means of determining the impact of JJSES implementation.

Essential to the underlying philosophy of the JJSES is the concept that juvenile justice interventions and programs are considered effective when they reduce a juvenile’s risk to reoffend, and that the application of evidence-based practices will enhance public safety. The principles of *risk*, *need*, and *responsivity* form the foundation of evidenced-based juvenile justice practices. As summarized in the JJSES Monograph, the *risk principle* helps identify *who* should receive juvenile justice interventions and treatment. The *need principle* focuses on *what* about the young person must be addressed. The *responsivity principle* underscores the importance of *how* treatment should be delivered, with behavioral and cognitive behavioral skill-building techniques being the most effective.⁸²

⁸¹ *Pennsylvania’s Juvenile Justice System Enhancement Strategy-Achieving Our Balanced and Restorative Justice Mission Through Evidence-based Policy and Practice* (Juvenile Court Judges’ Commission and Pennsylvania Council of Chief Juvenile Probation Officers, April 2012) p.4.

⁸² *Ibid.*, p.8.

Statewide implementation of the YLS risk/needs assessment

Equally important as tenets of the JJSES are the concepts of fundamental fairness and structured decision making as a tool to help system professionals make consistent, appropriate, effective, and fundamentally fair decisions. The JJSES Leadership Team recognized that if Pennsylvania's juvenile justice system was to achieve a reduction in recidivism through the prevention of delinquent behavior, an essential step in addressing the principles of risk, need, and responsibility would be the use of a valid and reliable assessment instrument to measure both a youth's risk and needs. This information can then be used to determine appropriate levels of supervision, to establish measurable, case-specific goals, and to better allocate resources in order to achieve effective outcomes for juveniles who come within the jurisdiction of our courts.

In June 2008, the Executive Committee of the Pennsylvania Council of Chief Juvenile Probation Officers and staff from the JCJC undertook a comprehensive review of various risk assessment tools designed specifically for juvenile offenders. With the assistance of the National Youth Screening and Assessment Project (NYSAP) and support from the MacArthur Foundation, members of the Executive Committee chose to pilot the **Youth Level of Service/Case Management Inventory (YLS/CMI)** risk assessment instrument. The YLS/CMI is a valid and reliable risk instrument that assesses risk for recidivism by measuring 42 risk/need factors within the following eight domains:

- prior and current offenses (antisocial history)*
- attitudes/orientation (antisocial thinking)*
- personality/behavior (antisocial temperament)*
- peer relations (antisocial companions)*
- family circumstances/parenting
- education/employment
- substance abuse
- leisure/recreation

* domains that research has shown to be the strongest predictors of recidivism

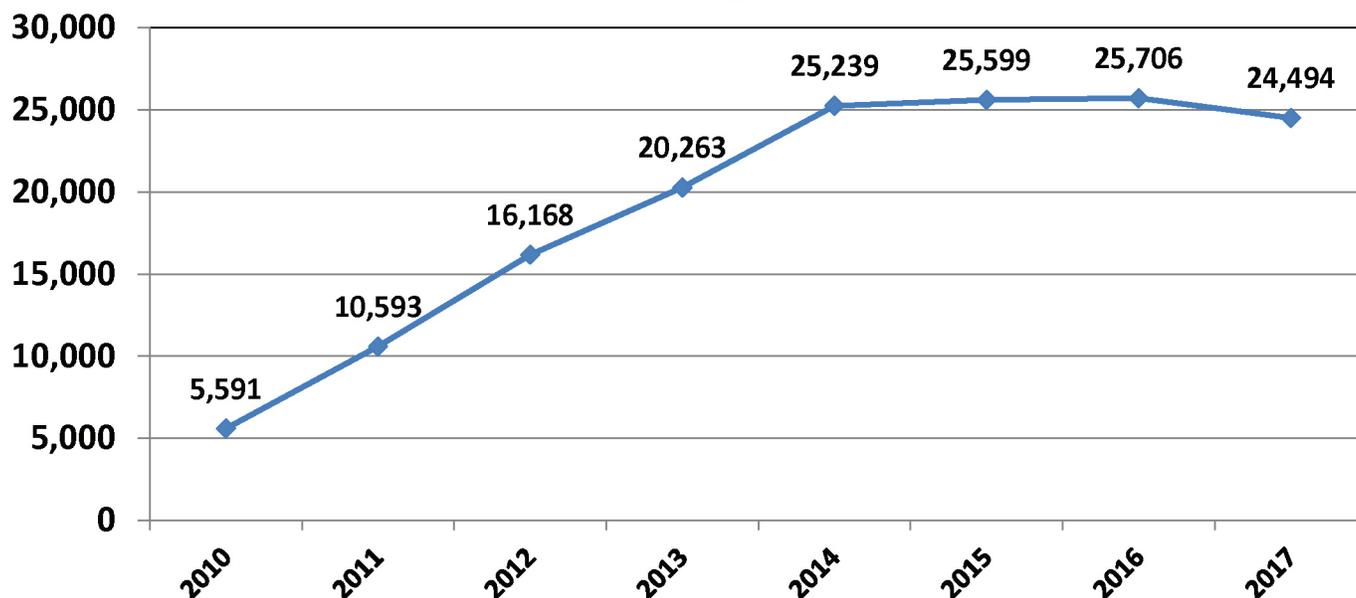
Any of the domains may also be identified as an area of strength. Ultimately, a youth is assigned an overall risk level of **Low**, **Moderate**, **High**, or **Very High**, based on the aforementioned domains and other factors gathered through a structured interview/information-gathering process. The assessed risk level is to be used to inform the juvenile probation officer and juvenile court judge throughout the process of determining case dispositions, as well as supervision and intervention targets for juvenile offenders.

Early in the pilot phase of the YLS/CMI, the JJSES Leadership Team determined that statewide implementation of the YLS/CMI would necessitate the integration of the YLS/CMI into the JCJC's Pennsylvania Juvenile Case Management System (PaJCMS). However, the Leadership Team concluded that the case plan section of the YLS/CMI did not appropriately meet the needs of Pennsylvania's juvenile justice system, and that there was the need to develop a standardized case plan format and structure to address the key elements of balanced and restorative justice, as well as the risk and needs identified by the YLS/CMI. As a result, a standardized, goal-focused, and strength-based case plan was developed that is being fully integrated into the PaJCMS. The success of the YLS pilot confirmed that statewide implementation of the YLS should be pursued as a key component of the JJSES. With the strong support of the Pennsylvania Council of Chief Juvenile Probation Officers, the JCJC, and PCCD, implementation of the YLS/CMI throughout Pennsylvania's juvenile justice system became a realistic goal.

In FY 2013-2014, the JCJC approved a new allocation methodology for the agency's Juvenile Probation Services grant program to counties which made a county's eligibility for any JCJC grant funds contingent upon the submission of a plan to the JCJC that must address the implementation of the YLS risk/need assessment instrument; the development of recommendations to the court based upon the YLS results, including the identified risk and needs of each juvenile; and the development and implementation of a case plan based upon YLS results, which targets services to meet the identified risk and needs of each juvenile.

**Youth Level of Service (YLS) Administrations
in Pennsylvania’s Juvenile Justice System
2010-2017**

Source: Juvenile Court Judges’ Commission



➤ *This policy decision of the JCJC has had a dramatic impact on the pace of YLS implementation. All 67 Pennsylvania counties are in now the process of implementing the YLS, and juvenile delinquency dispositions and case plans through out the juvenile justice system are now routinely being crafted and implemented to meet the specific risk and needs of each juvenile based on the results of the YLS.*

The availability of YLS scores, as a result of the JJSES, has become increasingly important to judges in crafting, implementing and monitoring dispositions in juvenile delinquency cases, and in complying with both statutory and procedural rule mandates. Prior to entering an order of disposition in a juvenile delinquency case, the judge is required to state the disposition and the reasons for the disposition on the record in open court, together with the goals, terms and conditions of that disposition. If the child is to be committed to out-of-home placement, the judge must also state the name of the specific facility or type of facility to which the child will be committed, and the judge’s findings and conclusions of law that formed the basis of his/her decision, consistent with the Juvenile Act’s “balanced attention” mandates. In addition, the judge is required to explain why commitment to that facility or type of facility was determined to be the least restrictive placement that is consistent with the protection of the public and best suited to the child’s treatment, supervision, rehabilitation and welfare.⁸³

Statewide Baseline Recidivism Rates for Pennsylvania’s Juvenile Justice System

The development of statewide and county-specific baseline recidivism rates is a particularly noteworthy JJSES accomplishment. Pennsylvania is one of the few states with the capacity to develop information of this type. For the purposes of this research, recidivism is defined as a subsequent adjudication of delinquency or conviction in criminal court for a misdemeanor or felony offense within two years of case closure; with the exception of expunged cases, which were not available for inclusion in this research. The baseline state-wide and county-specific recidivism rates established in conjunction with the JJSES will continue to provide an important means to measure the impact that the implementation of evidence-based practices is having. State wide recidivism rates, by year, for the eight years studied thus far are as follows:⁸⁴

⁸³ 42 Pa.C.S. § 6352(c) and Pa.R.J.C.P. 512(D).

⁸⁴ *The Pennsylvania Juvenile Justice Recidivism Report: Juveniles with Cases Closed in 2007, 2008, 2009, 2010, 2011 and 2012* (Pennsylvania Juvenile Court Judges’ Commission, 2016).

Statewide Baseline Recidivism Rates for Pennsylvania’s Juvenile Justice System					
	2007-2010	2011	2012	2013	2014
Recidivists	15,789	3,375	3,679	3,660	3,286
Non-Recidivists	57,242	15,437	15,529	15,857	13,504
Total	73,031	18,203	19,208	19,517	16,790
Recidivism Rate	21.6%	18.5%	19.2%	18.8%	19.6%

The 18.5% recidivism rate for cases closed in 2011 represented approximately a 14% reduction from the four-year average recidivism rate of 21.6% for cases closed in 2007, 2008, 2009 and 2010. This dramatic reduction in the statewide recidivism rate for cases closed in 2011 was especially significant because 2011 was the first year that the implementation of evidence-based practices through the JJSES could reasonably have been expected to have had an impact.

From the outset, the architects of the JJSES understood that the calculation of “expected recidivism rates” would be critical to effectively gauging the performance of the Pennsylvania juvenile justice system. In 2015, staff from the Juvenile Court Judges’ Commission and research staff from the University of Pittsburgh sought to determine the impact of shifting juvenile offender populations on expected recidivism rates.

The research project introduced “corrections” into recidivism calculations by assessing changes in the characteristics of youth who had cases closed from the Pennsylvania juvenile justice system between 2007 and 2011. A subsequent research project expanded on this previous work to include years 2012, 2013, and 2014.

Given the JJSES goal of diverting low risk youth away from the juvenile justice system, it would be reasonable to expect recidivism rates to increase over time because the types of youth who are entering the juvenile justice system are more likely to be youth who are at moderate and high risk to re-offend. By calculating what the expected recidivism rate should be given the case characteristics of youth who had actually been under juvenile court supervision to the observed recidivism rate, stakeholders can better gauge the performance of the Pennsylvania juvenile justice system. If the observed recidivism rate is higher than the expected recidivism rate, it can be concluded the system performed worse than predicted. Conversely, if the observed recidivism rate is lower than the expected recidivism rate, it can be concluded the system performed better than predicted.

The research staff from the University of Pittsburgh first concluded that there were indeed changes in the characteristics of juveniles with cases closed over the time period examined. For example, they discovered that a higher proportion of minority youth had cases closed in each successive year between 2007 and 2014. The researchers also determined that there was a slight downward trend in property crimes in the time period analyzed, with a slight upward trend in person crimes.

Following this, the research staff calculated expected recidivism rates. Since complete YLS data was not available for juveniles with cases closed between 2007 and 2014, a proxy risk score was assigned to each youth in the sample using the variables of gender, race, age at first written allegation, age at case closure, number of written allegations, county, prior adjudication, placement experience, serious, violent, or chronic offender status, and offense type.

Depending on how a juvenile “scored” on each of these variables, the juvenile was assigned a “likelihood to re-offend number”, ranging between 0 and 1. For example, a juvenile who was very young at the time of his first written allegation to a juvenile probation department would score higher than a juvenile who was older at the time of his first written allegation to a juvenile probation department. Once each of the juveniles was assigned a “likelihood score”, the average likelihood score of all youth was calculated, resulting in the expected recidivism rate for each cohort year.

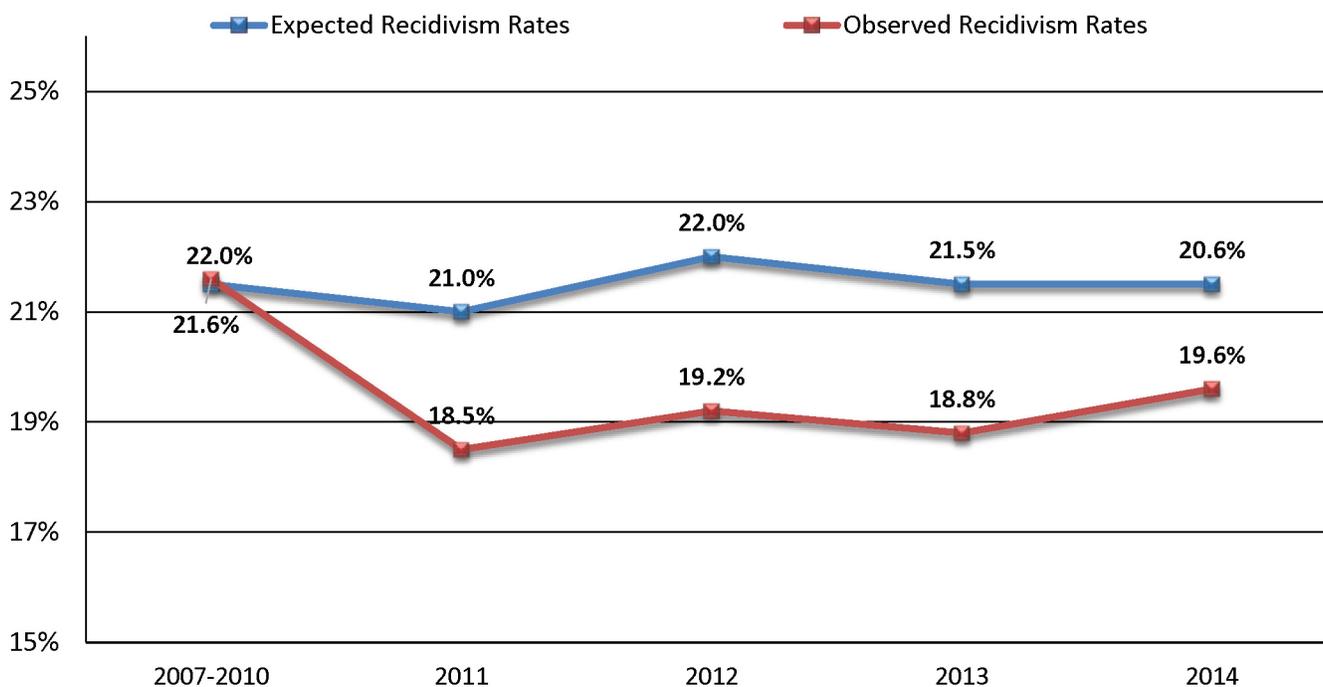
After calculating the “expected recidivism rates” for each cohort year, the “observed recidivism rates” were then compared to each year. Years 2007-2010 were combined into one baseline rate (21.6%). The “expected recidivism rates” for each subsequent year were measured against the baseline rate.

It should be noted that the expected recidivism rates do not take into account the specific treatment and services that were provided to juveniles while under supervision, and therefore cannot be linked to specific JJSES activities or evidenced-based practices that have been implemented. However, this analysis serves to confirm that even though the juvenile offender population has changed over time, the juvenile justice system is doing a better job of reducing the likelihood of recidivism for youth under its jurisdiction.⁸⁵

As shown in the graph below, the “expected recidivism rate” for years 2007-2010 was 22.0%, while the observed average recidivism rate was 21.6%. This indicates the system was performing generally as expected. In years 2011 and forward, however, the observed recidivism rates were significantly lower than the “expected recidivism rates,” indicating that the system was performing much better than anticipated. Again, this was the time period in which evidence-practices were initially implemented across the state via the JJSES.

Expected Recidivism Rate vs. Observed Recidivism Rate by Year: Juveniles with Cases Closed in 2007-2014

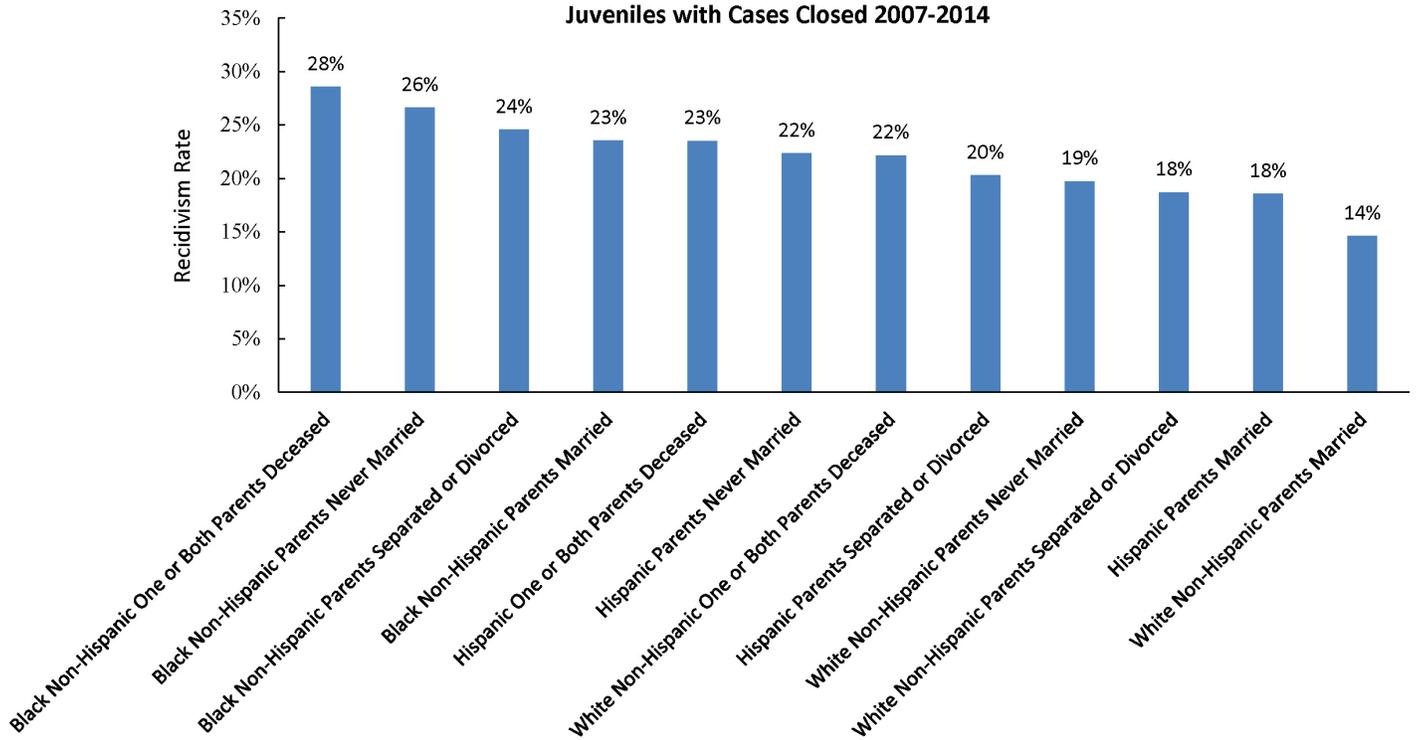
Source: Juvenile Court Judges’ Commission



As explained in Chapter 1, minority youth are disproportionately represented in Pennsylvania’s juvenile justice system. The recidivism research conducted by the Juvenile Court Judges’ Commission also confirmed that minority youth also have some of the highest recidivism rates. Between the three major race groups, Black Non-Hispanic juvenile offenders were generally most likely to recidivate across the eight years examined, regardless of their family status, compared to White Non-Hispanic juvenile offenders and Hispanic juvenile offenders. Within each race group, juveniles with a family status of one or both parents deceased re-offended at the highest rates.

⁸⁵ *Ibid.*, pp 8-10.

**Recidivism Rate by Race/Ethnicity and Family Status:
Juveniles with Cases Closed 2007-2014**



The Pennsylvania Detention Risk Assessment Instrument (PaDRAI)

Detention-related decisions are among the most significant decisions made in the juvenile justice system, and these decisions should be based on clearly defined, objective criteria. The Pennsylvania Detention Risk Assessment Instrument (PaDRAI) is a concise, structured decision-making instrument used to assist in the critical decision of whether to securely detain a youth, release to an alternative to detention (ATD), or release to the custody of a parent or responsible adult during the period that the youth is awaiting his/her juvenile court hearing. The instrument is designed to assess the risk of a youth, while awaiting his/her juvenile court hearings, to: 1) commit additional offenses; and/or 2) fail to appear for scheduled juvenile court hearings. It is not designed to assess longer term risk outside of the period of time the youth is awaiting his/her juvenile court hearings.

The PaDRAI is modeled after instruments developed through the Juvenile Detention Alternatives Initiative (JDAI) of the Annie E. Casey Foundation that have been in use for 20 years and replicated in over 300 jurisdictions in 39 states and the District of Columbia. The use of JDAI-type detention risk assessment instruments was one of the recommendations contained in the *Interbranch Commission on Juvenile Justice Report* (May 2010) and is an important component of Pennsylvania's Juvenile Justice System Enhancement Strategy (JJSES).

The PaDRAI was developed by the PCCJPO Detention Committee and specifically its PaDRAI Workgroup through a deliberative, consensus-building model which utilized the best available evidence regarding detention practices and involved representatives from the following counties: Allegheny, Berks, Chester, Franklin, Lancaster, Lebanon, Lehigh, and Philadelphia. These counties were extensively involved in the design, as well as participated in an Implementation and Validation Study. Technical assistance and support were provided throughout the process by the Juvenile Court Judges' Commission, the Center for Juvenile Justice Training & Research, and the Center for Children's Law & Policy with funding support through JDAI of the Annie E. Casey Foundation.

The principles that underlie the use of the PaDRAI are to promote fair, unbiased, and transparent detention decisions. The use of detention for a youth is a critical decision in the juvenile justice system process. The PaDRAI aids in the decision to target the use of secure detention for youth who pose a significant risk to community safety or are at risk to not appear for

their subsequent juvenile court hearings. When utilized properly, the PaDRAI can minimize the costly, unnecessary use of secure detention for youth who do not pose a risk to reoffend or abscond while awaiting their juvenile court proceedings.

The following principles are central to the use of detention risk assessment instruments:

- **Objectivity:** *Detention decisions should be based upon neutral and objective factors rather than on the screener's subjective opinion about an individual youth. Objective criteria anchor detention decisions in ascertainable facts such as the nature and severity of the offense, the number of prior referrals, or the youth's history of flight from custody.*
- **Uniformity:** *Local criteria should be uniform in the sense that they are applied equally to all youth referred for a detention decision. To achieve the desired level of uniformity, the criteria must be in a written (or electronic) format and must be incorporated into a screening process that is standardized for all referrals.*
- **Risk-based:** *The criteria should be risk-based, meaning that they should measure specific detention-related risks posed by the minor. These risks are: the risk of reoffending before adjudication and the risk of failing to appear at a court hearing.⁸⁶*

An extensive review and testing process, involving representatives from county juvenile probation departments and state juvenile justice officials, resulted in the development of the Pennsylvania-specific PaDRAI. The involved counties conducted retrospective reviews and field tests of the instrument, participated in an implementation study to identify best practices, and were subjected to a rigorous scientific study to validate the instrument across multiple counties. The counties of Allegheny, Chester, Lancaster, Lebanon, Lehigh, Franklin, and Philadelphia participated in the validation study. The validation study (N=954) resulted in a 93% success rate in which youth, who were released to a responsible adult or placed on an alternative to secure detention while awaiting their juvenile court hearing, did not re-offend or fail to appear for their hearing.

Currently, 39 counties are engaged in some aspect of implementation of the PaDRAI, including: stakeholder education; policy and protocol development; staff training; use of the instrument; and ongoing management and evaluation. As the PaDRAI is an evidence-based decision making tool, the collection and analysis of detention and detention related data is crucial to monitoring and managing the effective use of the instrument, as well as its ongoing validation. The PaDRAI was integrated into the JCJC's Pennsylvania Juvenile Case Management System (PaJCMS). Use of the PaJCMS PaDRAI/Detention Module provides the ability to generate county-specific and state-wide management reports to enable evidence-based decisions regarding the use of detention and detention alternatives.

The Standardized Program Evaluation Protocol (SPEP)

The Standardized Program Evaluation Protocol (SPEP™) is a validated, data-driven rating scheme for determining how well an existing program matches research evidence for the effectiveness of that particular type of intervention for reducing the recidivism of juvenile offenders. The SPEP™ is based on a meta-analysis of over 748 studies conducted by Dr. Mark Lipsey of Vanderbilt University and his colleagues over the last 20 years.⁸⁷

In late 2011, Pennsylvania was one of four states chosen to participate in the Juvenile Justice System Improvement Project (JJSIP)⁸⁸ of Georgetown University's Center for Juvenile Justice Reform, with Berks County as a pilot site. The JJSIP took the vast amount of knowledge gained through Dr. Lipsey's meta-analysis of effective juvenile justice programs, which he utilized to develop the SPEP™, and imbedded it within the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders of the federal Office of Juvenile Justice and Delinquency Prevention.

The JJSIP model was designed to assist states in improving outcomes for juvenile offenders by translating existing research on evidence-based practices into policy and practice—an approach very consistent with Pennsylvania's Juvenile Justice System Enhancement Strategy (JJSES). One of the primary factors that influenced Pennsylvania's decision to participate in the JJSIP was the opportunity to learn more about the SPEP™ for possible inclusion into the JJSES. The SPEP™ process includes provider interviews and the review of data from the JCJC's Pennsylvania Juvenile Case Management System (PaJCMS) database, which has been used to identify statewide utilization rates of delinquency service providers. Probation officers and service providers jointly contribute to the SPEP™ assessment process and work together to create and implement Performance Im-

⁸⁶ Steinhart, David, Esq., *Juvenile Detention Risk Assessment: A Practice Guide to Juvenile Detention Reform*, (2006), pg. 7. Juvenile Detention Alternatives Initiative, The Annie E. Casey Foundation, Baltimore, MD.

⁸⁷ <https://my.vanderbilt.edu/spep/>.

⁸⁸ <http://cjjr.georgetown.edu/jjsip/jjsip.htm>.

provement Plans. Cooperation throughout this process has deepened systemwide understanding of provider programs and services. As a result, judges and probation officers can more easily refer “the right kids, to the right programs, for the right amount of time.”

With funding from PCCD, the role of the EPISCenter at Penn State was expanded in July 2012 to support the implementation of the SPEP™ beyond Berks County, to providers utilized by Allegheny, Dauphin, Lehigh, and Bucks Counties. Juvenile Justice System Improvement Specialists (JJSIS) from the EPISCenter support the evaluation of both brand name and locally developed programs against evidence-based best practice standards in conjunction with implementation of the JJSES. In October 2014, Dr. Mark Lipsey trained and certified seven individuals from Pennsylvania to be trainers of SPEP™, making Pennsylvania the first state to develop “in-house” SPEP™ training expertise.

In 2015, six additional counties—Luzerne, Lycoming, McKean, Mercer, Venango, and York—had juvenile probation officers trained as SPEP™ Specialists by Pennsylvania’s Level 2 Trainers, who were responsible for the creation and delivery of the curriculum. In 2017, Lebanon County had a probation officer trained to implement the SPEP™ and in 2018, five additional counties – Chester, Erie, Franklin, Lancaster, and Montgomery requested to have probation officers trained to implement the SPEP™. Several other counties expressed interest in becoming more informed of the SPEP™ with the hope of having a probation officer trained to implement the SPEP™ in the future. In 2018, Vanderbilt University in collaboration with the EPISCenter, began the development of a Level 3 Master Trainer program to build additional Level 2 Trainer capacity within Pennsylvania for the expansion of the SPEP™ into additional counties.

To date, more than 200 community-based and residential services have been assessed or reassessed. Since 2016, SPEP™ assessments of residential services have been prioritized. Focusing SPEP™ assessments on these services has increased the capacity of the SPEP™ to impact youth from Pennsylvania counties not currently participating in the SPEP™ project. Over 40 services have been assessed by the SPEP™ twice and five services have been assessed by the SPEP™ three times.

SPEP™ findings have been promising to date. More than 85% of services evaluated have achieved an initial SPEP™ score of more than 50, which implies that those services are likely contributing to reducing recidivism. Ninety-three percent of services assessed or re-assessed thus far are operating with medium or high quality of service delivery. The project has also revealed that more effective information sharing is occurring between service providers and juvenile probation officers. The EPISCenter also provides training and technical assistance to probation departments and service providers to assist with the implementation of the SPEP™ as needed or when requested.

Dr. Ed Mulvey from the University of Pittsburgh is conducting a validation study to determine if the implementation of the SPEP™ impacts youth recidivism. To date, Dr. Mulvey has received SPEP™ cohort data for approximately 4,000 youth from the Juvenile Court Judges’ Commission and will be receiving data for several hundred more youth within the next two months. The validation study is expected to take over one year to complete and will include additional cohort data as the implementation of the SPEP™ expands throughout the state. The study was funded by PCCD to verify if the effort and funds invested in the implementation of SPEP™ impacts public health as anticipated.

Reforming Juvenile Justice: A Developmental Approach

In 2013, *Reforming Juvenile Justice: A Developmental Approach*⁸⁹ was published by the National Research Council (NRC). In that report, a committee charged with assessing recent initiatives in juvenile justice strongly endorsed a framework of reform based on a scientific understanding of adolescent development. The report was very well received nationally, and shortly after its publication the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) discussed the possibility of a follow-up study with the NRC to develop an implementation plan for OJJDP. With funding from the John D. and Catherine T. MacArthur Foundation and the Annie E. Casey Foundation, the project was funded and an expedited study was undertaken. Early in 2014, *Implementing Juvenile Justice Reform: The Federal Role*⁹⁰ was completed to provide specific guidance to OJJDP regarding the steps that OJJDP should take to facilitate juvenile justice reform throughout the nation

⁸⁹ National Research Council (2013). *Reforming Juvenile Justice: A Developmental Approach*. Committee on Assessing Juvenile Justice Reform, Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, and Julie A. Schuck, Eds. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.

⁹⁰ National Research Council. (2014). *Implementing Juvenile Justice Reform: The Federal Role*. Committee on a Prioritized Plan to Implement a Developmental Approach in Juvenile Justice Reform, Committee on Law and Justice, Division of Behavioral and Social Sciences and Education Washington, DC: The National Academies Press.

based on knowledge about adolescent development. *Implementing Juvenile Justice Reform: The Federal Role* identified seven hallmarks of a developmental approach to juvenile justice, which would put into practice what is known from research about adolescent development and about the effectiveness of various juvenile justice interventions. According to the report, these seven hallmarks provide a template to guide system reform:

- Accountability without Criminalization;
- Alternatives to Justice System Involvement;
- Individualized Response Based on Assessment of Needs and Risks;
- Confinement Only When Necessary for Public Safety;
- A Genuine Commitment to Fairness;
- Sensitivity to Disparate Treatment; and
- Family Engagement.⁹¹

The report explains in detail how these hallmarks of a developmental approach to juvenile justice should be incorporated into policies and practices within OJJDP, as well as into the policies and practices of state juvenile justice systems. It is notable that the JJSES embodies these principles, further solidifying Pennsylvania's status as a national leader in juvenile justice reform, and placing Pennsylvania in a unique position to provide a template for other states seeking to undertake juvenile justice reform based on the principles of the developmental approach.

Recent trends regarding juvenile violent crime arrest rates, juvenile delinquency dispositions, juvenile delinquency placements, and juvenile detention center admissions all serve to confirm the efficacy of the evidence-based practices that now form the foundation of Pennsylvania's juvenile justice system. If these trends are to continue, it is essential that the Commonwealth aggressively pursue implementation of the Juvenile Justice System Enhancement Strategy (JJSES). Moreover, the JJSES is the means through which the higher recidivism rates of minority youth can best be addressed.

The JCJC's Juvenile Probation Services appropriation is the state appropriation that has been most critical to the early success of the JJSES, and the evidence-based practice conditions of this grant program will be critical to the future success of the initiative as well. The JCJC's county grant-in-aid program must be increased to enable the JCJC to provide the resources, training and technical assistance needed by juvenile courts and juvenile probation departments, and to expedite JJSES-related program evaluation, enhancement, and research. These additional funds will also enable the JCJC to increase expectations regarding the use of the YLS risk/needs assessment instrument; to increase the grant-in-aid allocations for the smaller, more rural counties; and to enhance the agency's JJSES quality assurance capacity.

Recommendation

- *It is recommended that the Governor propose \$23,945,000 for the Juvenile Probation Services appropriation of the Juvenile Court Judges' Commission (JCJC) in FY 2019-2020, representing a \$5,000,000 increase over the FY 2018-2019 appropriation, to support the continued implementation of Pennsylvania's Juvenile Justice System Enhancement Strategy (JJSES).*

⁹¹ *Ibid.*, p.2.

Ensuring that LGBTQ/GNCT youth receive fair, equal, responsive, and compassionate services

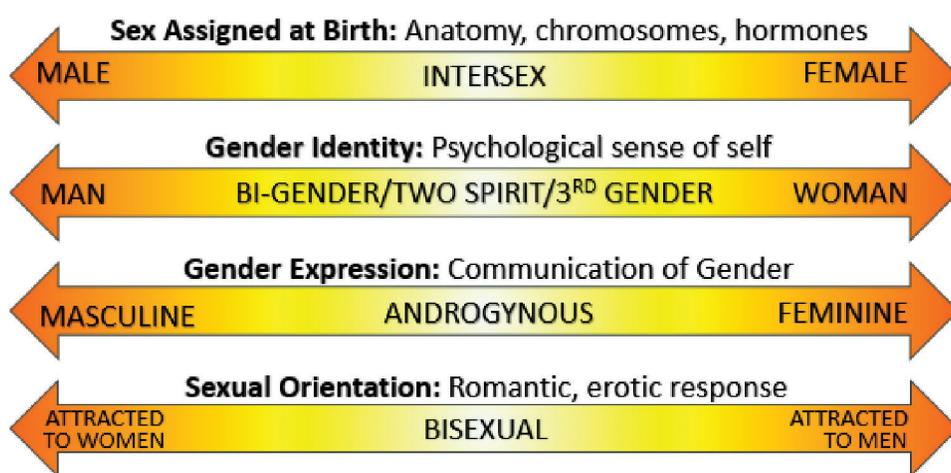
- *The Commonwealth must develop a comprehensive strategy that ensures lesbian, gay, bisexual, questioning/queer, gender non-conforming and transgender (LGBQ/GNCT) youth receive fair, equal, responsive, and compassionate services and support if involved in the Pennsylvania juvenile justice system.*

Pennsylvania does not currently have adequate information regarding the numbers of LGBTQ/GNCT youth who come within the jurisdiction of the juvenile justice system, and there have been relatively few studies anywhere on this issue. One study, based on an analysis of the National Survey of Youth in Custody conducted in 2012 (N=8785; 9% girls) found that 39.4% of girls and 3.2% of boys in juvenile correctional facilities identified as lesbian, gay, or bisexual.⁹² In addition, a recently published article regarding a survey of youth in seven juvenile detention facilities (Alameda and Santa Clara counties in California; Cook County, Illinois; Jefferson County, Alabama; Jefferson and New Orleans parishes, Louisiana; and Maricopa County, Arizona) is noteworthy. The survey results showed that, overall, 20% of youth in the detention centers that were surveyed identified as LGBTQ/GNCT. However, there were some dramatic differences in the responses from boys and girls. While 13% of boys responding to the survey identified as GBQ/GNCT, 40% of girls identified as LBQ/GNCT. Additionally, 85% of these LGBTQ/GNCT were youth of color.⁹³

The Pennsylvania Council of Chief Juvenile Probation Officers (PCCJPO) has formed a “Sexual Orientation, Gender Identity and Gender Expression” (SOGIE) Committee to standardize policies and procedures and provide access to supportive services for youth and families across the Commonwealth. The SOGIE Committee will have four workgroups – education and training; probation policy and procedure; data collection; and resources.

To ensure mutual understanding of the fluidity of a youth’s SOGIE, the chart below, adapted from the Trevor Project, provides visual clarity to the SOGIE Scale. SOGIE considers all the dimensions of identity that exist in every human being, and shows that there is considerable variation within each dimension.

SOGIE Scale



This chart is adapted from <http://www.thetrevorproject.org/pages/spectrum>

⁹² Bianca D. M. Wilson et al. “Disproportionality and Disparities Among Sexual Minority Youth in Custody”. *Journal of Youth and Adolescence*, 2017.
⁹³ Angela Irvine and Aisha Canfield (2018) Reflections on New National Data on LGBTQ/GNCT Youth in the Justice System. *LGBTQ Policy Journal (a Harvard Kennedy School Student Publication)* 2017-2018 edition.

As the PCCJPO's SOGIE Committee works toward building a more competent system, focused on education, training and data collection, we can look to national data to better understand self-reports from today's youth. Results from the Centers for Disease Control's (CDC) 2017 Youth Risk Behavior Survey (YRBS) report that 85.4% of students surveyed identify as heterosexual, 2.4% as gay or lesbian, 8.0% as bisexual, and 4.2% as not sure of their sexual identity.⁹⁴

One can gain a better understanding of some of the daily traumas LGBQ/GNCT students experience by examining the results of the CDC 2015 YRBS National Survey of Lesbian, Gay and Bi-sexual (LGB) Students. The report shows that 10% of the LGB students surveyed had been threatened/injured with a weapon on school property; 34% had been bullied on school property; and 28% had been bullied electronically. When asked about sexual dating violence over the last 12 months, 23% of students responded that they had been subject to dating violence; 18% had experienced physical dating violence, and that 18% of LGB students had been forced to have sexual intercourse at some point in their lives.

In the Annie E. Casey juvenile detention reform guide on *Lesbian, Gay, Bisexual and Transgender Youth in the Juvenile Justice System*, (<http://www.calcasa.org/wp-content/uploads/2015/12/NCLR-LGBT-Youth-in-JJ-Systems.pdf>) it is noted that many youth involved in the juvenile justice system today also experience collateral consequences and disparities like: denials of due process rights; overly punitive responses to minor and fairly typical adolescent behavior; inappropriate detention/placement (housing without consideration of gender identity, isolation...); mistreatment by staff or other youth; inadequate health care; family visitation challenges (fears of being "outed" to their family/bio family can visit – family of choice cannot visit); lack of supportive services; and inappropriate community supervision.

The guide shares how social stigma, family rejection, and discrimination suffered by LGBQ/GNCT youth can lead to an increased risk of substance use/abuse, homelessness, school dropout or push-out, depression and suicidality. These risks are well-documented and devastating, driving disproportionate numbers of LGBQ/GNCT youth into the justice system.

The PCCD will work with the Chiefs' Council SOGIE Committee and the JCJC to ensure that Pennsylvania's juvenile justice system:

- o Develops quality data collection procedures to determine the number of LGBQ/GNCT youth that are involved in the system and if they are disproportionately represented in the system;
- o Provides quality education and training;
- o Improves policy and procedures for providers and probation that are aligned with current best practices; and
- o Develops a network of resources for probation and providers.

⁹⁴ Centers for Disease Control Morbidity and Mortality Weekly Report – June 15, 2018. Youth Risk Behavior Surveillance — United States, 2017.

Recommendations

➤ *It is recommended that the Governor, in collaboration with his Commission on LGBTQ Affairs, support and champion the development of comprehensive nondiscrimination policies and procedures around sexual orientation, gender identity and expression (SOGIE) to prevent harm and promote fair and equitable services and support for all youth who come into contact with Pennsylvania's juvenile justice system.*

At a minimum these policies and procedures should:

- Acknowledge the social stigma, family rejection and discrimination LGBTQ/GNCT youth are often subject to and how that may be compounded by abuses suffered in the juvenile justice system.*
- Implement policies and practices that ensure the safety and well-being of LGBTQ/GNCT youth in juvenile justice facilities (i.e., housing based on gender identification and self-identified preference, no isolation based on SOGIE, and prevention of sexual abuse and harassment).*
- Invest in research and data collection that will allow for the examination of the number of system-involved LGBTQ/GNCT youth and whether there is overrepresentation.*
- Examine the offense patterns and pathways leading LGBTQ/GNCT youth into the system, including the incidence of sexual abuse or harassment.*
- Develop policies which ensure that individualized services acknowledge the diversity and complexity of gender and sexuality to promote the health and well-being of all youth.*
- Ensure no state funding supports conversion therapy.*
- Promote professional environments that acknowledge and respect youth across the full spectrum of gender and sexuality, permitting all youth to explore their emerging identities.*
- Create cross-disciplinary collaborations that educate Pennsylvania's juvenile justice system to the misinformation and biases that marginalize LGBTQ/GNCT youth – particularly poor youth, immigrant youth and youth of color by identifying and examining the risk factors that may contribute to the number of LGBTQ/GNCT youth who encounter the juvenile justice system.*
- Ensure that LGBTQ/GNCT youth are not subject to indiscriminate stops and searches; verbal, physical or sexual harassment; or other discriminatory practices that can lead to indeterminate periods of custody or supervision.*
- Ensure confidentiality at youth screening, intake, body searches, and during health care.*
- Allow for individualized consideration of clothing and grooming options, names, and pronouns for transgender youth.*
- Provide juvenile justice agencies with protocols for collecting SOGIE information from all youth and for protecting the information from inappropriate dissemination.*
- Encourage the development of education and training tailored to judges, prosecutors, juvenile defenders, court administrators, probation personnel, facility staff, contractors, community-based providers and families on how to better serve and represent LGBTQ/GNCT youth.*

Ensuring services for youth with complex, cross-system needs

- *The Commonwealth must ensure there is a comprehensive system of care for justice-involved youth that includes services for youth with complex, cross-system needs.*

Youth with complex, cross-system needs are a significant problem in Pennsylvania's juvenile justice system. At this time, there are juveniles in the Pennsylvania juvenile justice system for whom it is becoming increasingly difficult to develop and implement a treatment program that addresses their complex treatment needs.

Such youth often have co-occurring disorders such as mental health diagnoses and substance use issues combined with delinquent behavior, and may also exhibit aggressive behavior toward other youth and staff. Many lack the capacity to cope in a residential facility environment and need access to higher level clinical staff. Juveniles with a history of aggressive behavior present a particular problem because of the likelihood of staff having to intervene in response to acts of violence against other youth and staff. In recent years, allegations of child abuse in residential programs, resulting from these types of staff interventions, have resulted in the necessity of removing staff from all contact with youth.

Because of the challenges these juveniles present, the private sector service delivery system is increasingly reluctant to accept these youth into care. Consequently, courts are left with committing to a DHS-operated Youth Development Center as the only resource available to them. Pennsylvania's juvenile justice system must ensure that private sector providers have the financial incentives and regulatory support to enable them to address the treatment needs of complex, cross-system youth.

Currently, Pennsylvania does not have a sound process for collecting data related to these cases beyond what is shared anecdotally. Recently, the DHS Office of Children, Youth and Families has conducted regional meetings intended to gain information regarding these types of cases. It is the hope that this will lead to a clearly defined process by which the system stakeholders are able to assess and define the service gaps and unmet needs for these youths.

Recommendation

- *It is recommended that the Governor direct the Department of Human Services to work with the Juvenile Court Judges' Commission, the Pennsylvania Commission on Crime and Delinquency, and other stakeholders to assess and define the service gaps and unmet needs for justice-involved youth with complex, cross-system needs and to then develop and implement a plan to meet the identified needs.*

High Priority Juvenile Justice System Funding and Regulatory Issues

➤ *Pennsylvania's juvenile justice system must be supported by a funding and regulatory structure that is consistent with the system's statutory mission.*

It is critically important that priority be given to creating and sustaining a funding and regulatory structure that is consistent with the juvenile justice system's statutory mandate to provide a disposition in the case of every delinquent child which provides "balanced attention" to the protection of the community, accountability for the offenses committed, and to the development of competencies that will enable that child to become a responsible and productive member of his/her community.

The Human Services Code must be amended to include both juvenile justice and child welfare funding goals.

The Commonwealth's funding of services to children in both the child welfare and juvenile justice systems is governed by the "needs-based budgeting process" set forth in the Human Services Code,⁹⁵ and by DHS Regulations.⁹⁶ The objectives, service projections and service budgets in needs-based plans submitted to DHS by the counties are required by DHS regulation to be consistent with the achievement of "Commonwealth objectives for the delivery of children and youth social services" which, according to these regulations are:

- (1) To protect children from abuse and neglect.
- (2) To increase the use of in-home services for dependent and delinquent children.
- (3) To use community-based residential resources, whenever possible, when placement is necessary.
- (4) To reduce the use of institutional placements for dependent and for delinquent children.
- (5) To reduce the duration of out-of-home placements.⁹⁷

These goals, although laudable, are clearly inconsistent with the statutory "balanced attention" mandate for Pennsylvania's juvenile justice system set forth in the Juvenile Act:

⁹⁵ 62 P.S. § 709.1 (relating to needs-based budgeting process).

⁹⁶ 55 Pa. Code Ch. 3140 (relating to planning and financial reimbursement requirements for county children and youth social service programs).

⁹⁷ 55 Pa. Code § 3140.16 (relating to content and plan of the budget estimate).

*"consistent with the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community."*⁹⁸

This inconsistency between the Juvenile Act's statutory mandates and DHS regulations must be corrected to ensure that funding is available for essential juvenile justice services. Moreover, the Commonwealth's "child welfare" goals should not be found only in DHS regulations, but should likewise be set forth in the Human Services Code. After considerable study of this issue, it is recommended that the Human Services Code be amended to establish a new purpose clause for Article VII (relating to children and youth) to specifically set forth "child welfare" goals consistent with the Juvenile Act's mandates relating to dependent children, and "juvenile justice" goals consistent with the Juvenile Act's mandates relating to delinquent children.

Recommendation

➤ *It is recommended that the Governor support amending the Human Services Code to include both juvenile justice and child welfare goals that are consistent with the statutory mandates of the Juvenile Act.*

The following legislative proposal is offered for consideration:

62 P.S. § 701.1. Purpose.

- (a) The purpose of this article is:
- (1) To protect children from abuse and neglect.
 - (2) To provide for the care, protection, safety and wholesome mental and physical development of chil-

⁹⁸ 42 Pa.C.S. § 6301(b) (relating to purposes).

dren coming within the provisions of the act of July 9, 1976 (P.L. 586, No. 142), known as the “Juvenile Act” or children who are receiving services enumerated in this Article.

(3) To preserve the unity of the family whenever possible or to provide an alternative permanent family as soon as possible when the unity of the family cannot be maintained.

(4) Consistent with the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community.

(5) To achieve these purposes in a family environment whenever possible, separating the child from parents only when necessary for the child’s welfare, safety or health or in the interests of public safety.

(b) In accordance with the purposes and the mandate of the act of July 9, 1976, (P.L. 586, No. 142), known as the “Juvenile Act” that the court, upon finding a child to be a dependent child, shall enter an order of disposition that is best suited to the safety, protection and physical, mental, and moral welfare of the child, the department will seek to accomplish the following objectives with respect to dependent children:

(1) To increase the use of non-placement services designed to prevent child abuse and neglect and to strengthen families so that children’s safety is increased and the risk to children is minimized.

(2) When placement is necessary, to use kinship care as the first priority. If kinship care is not available or appropriate, to use family foster care as an alternative.

(3) To reduce the use of congregate-living and institutional placements.

(4) To improve permanency for children and to reduce the duration of out-of-home placement.

(c) In accordance with the purposes set forth in paragraph (a), and the mandate of the act of July 9, 1976 (P.L. 586, No. 142), known as the “Juvenile Act” that the court, upon finding a child to be a delinquent child, shall enter an order of disposition that is determined to be consistent with the protection of the public interest, best suited to the child’s treatment, supervision, rehabilitation, and welfare, and which provides balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable the child to become a responsible and produc-

tive member of the community, the department will seek to accomplish the following objectives with respect to delinquent children:

(1) To increase the use of in-home services when consistent with the protection of the public and the rehabilitation needs of delinquent children.

(2) With respect to the placement of delinquent children:

(i) To encourage use of the least restrictive placements that are consistent with the protection of the public and the treatment, supervision and rehabilitation needs of delinquent children.

(ii) To operate and encourage the development of placement resources that provide for a duration of placement that is consistent with the protection of the public and the treatment, supervision and rehabilitation needs of delinquent children.

(iii) To encourage use of community-based residential resources as alternatives to institutional placements when consistent with the protection of the public and the treatment, supervision and rehabilitation needs of delinquent children.

(iv) To encourage the development of services and programming to facilitate the successful transition of delinquent children to their communities from periods of residential placement.

Year-round education must be provided in residential programs for delinquent youth.

In 2017, a total of 3,318 juvenile delinquency disposition and disposition review proceedings in Pennsylvania resulted in the commitment of youth to out-of-home placement. The overwhelming majority of these youth were significantly behind academically at the time of placement. However, the Commonwealth’s current funding scheme for educational programming in public and private sector residential programs limits the likelihood that these youths will make the educational gains while in placement to enable a successful return to school upon release from placement.

Statutory change is needed to enable the public and private sector agencies that provide placement services to these youths to provide year-round educational programming, as well as the essential remedial educational and career/technical education support that is not otherwise available through basic education programming and funding. In addition, it is essential that the Department of Education be committed to developing and maintaining a strong working partnership with PCCD, JCJC, DHS,

and the Supreme Court's Office of Children and Families in the Courts to address this issue, and the myriad of other critical issues facing court-involved youth.

As noted in a 2006 report of the Legislative Budget and Finance Committee,⁹⁹ the Commonwealth's funding schemes and related policies governing the delivery of educational services to youth in residential placement are both complicated and inconsistent. The great majority of residential placement services in Pennsylvania's juvenile justice system are provided by private agencies. Educational services for adjudicated youth in private residential programs are generally provided in one of three ways—by host school district employees in district facilities or in the private facility; by intermediate unit (IU) employees; or by private provider employees themselves. In all cases, the host district can seek reimbursement from the resident district for the cost of educating the students. The applicable reimbursement rate, as well as the process for reimbursement, depends on who provides the educational services and where those services are provided.

When a school district or IU provides the educational services at the private facility, the adjudicated youth's resident school district is responsible for paying for actual costs incurred for educational services, up to 150 percent of the host district's tuition rate per child. This is also the case for a special class of private providers known as "private residential rehabilitation institutions" (PRRIs). Under Act 30 of 1980, as amended,¹⁰⁰ PRRIs are allowed to receive up to 150 percent of the host district's tuition, even if they educate the youth with their employees. PRRIs are also eligible to receive reimbursement for indirect costs and an "occupancy cost" allowance. However, other private residential facilities (non-PRRIs) who educate their youth using their own employees are only allowed to receive the actual costs of education up to 100 percent of the host school district's tuition rate. Non-PRRI facilities are also not eligible for the "indirect cost reimbursement" or the "occupancy allowance."

Although the 2006 report of the Legislative Budget and Finance Committee offered several options for the General Assembly to consider in addressing the educational reimbursement inequities between PRRIs and non-PRRIs, no action has been taken to address the issue, due in part to the complexity involved with any funding-related Public School Code legislation.

⁹⁹ *Reimbursement for Educational Services for Adjudicated Youth in Private Residential Facilities*, Legislative Budget and Finance Committee, February 2006.

¹⁰⁰ See Public School Code of 1949 §914.1-A (relating to contracts with private residential rehabilitative institutions; certain criteria in department audits).

However, the 2006 report specifically noted, as well, that private agencies explained that the children committed to their care needed year-round educational programming as well as remedial educational support, but that the Public School Code only provides for reimbursement of 180 days of instruction per school year. This significant shortcoming can be addressed by amending the Human Services Code to provide that the provision of educational services beyond 180 days in residential programs (up to a maximum of 250 days of instruction/year), and the provision of remedial educational support not otherwise available through basic education programming, are reimbursable through the needs-based budget process.

Recommendation

- *It is recommended that the Governor support amending the Human Services Code to provide that the provision of educational services beyond 180 days in residential programs (up to a maximum of 250 days of instruction/year), and the provision of remedial educational support not otherwise available through basic education programs, are reimbursable through the needs-based budget process.*

The following legislative proposal is offered for consideration:

62 P.S. § 704.1. Payments to Counties for Services to Children.

(a) The department shall reimburse county institution districts or their successors for expenditures incurred by them in the performance of their obligation pursuant to this act and [the act of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile Act,"] [42 Pa.C.S. Ch. 63 \(relating to juvenile matters\)](#) in the following percentages:

- (1) Eighty percent of the cost of an adoption subsidy paid pursuant to subdivision (e) of Article VII of this act.
- (2) No less than seventy-five percent and no more than ninety percent of the reasonable cost including staff costs of child welfare services, informal adjustment services provided pursuant to [section 8 of the act of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile Act,"] [42 Pa.C.S. § 6323 \(relating to informal adjustment\)](#), [and] such services approved by the department, including but not limited to, foster home care, group home care, shelter care, community residential care, youth service bureaus, day treatment centers and service to children in their own home and any other alternative treatment programs approved

by the department, and the cost of providing year-round educational programming for children receiving group home care, shelter care, community residential care, or care by a public or private agency included in clause (4), in excess of costs reimbursed by the school district of a child's residence or the Commonwealth and to a maximum of 250 days of instruction per year, as well as the cost of providing remedial educational support to children, including remedial career and technical education support, not otherwise available through basic education programs.

(3) Sixty percent of the reasonable administrative costs approved by the department except for those staff costs included in clause (2) of this section as necessary for the provision of child welfare services.

(4) Fifty percent of the actual cost of care and support of a child placed by a county child welfare agency or a child committed by a court pursuant to the act [the act of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile Act,"] 42 Pa.C.S. Ch. 63 (relating to juvenile matters) to the legal custody of a public or private agency approved or operated by the department other than those services described in clause (2). The Auditor General shall ascertain the actual expense for fiscal year 1974-1975 and each year thereafter by the Department of [Public Welfare] Human Services for each of the several counties and each city of the first class whose children resident within the county or city of the first class directly received the benefit of the Commonwealth's expenditure. The Auditor General shall also ascertain for each Commonwealth institution or facility rendering services to delinquent or deprived children the actual average daily cost of providing said services. The Auditor General shall certify to each county and city of the first class the allocated Commonwealth expenditures incurred on behalf of its children and notify the Secretary of [Public Welfare] Human Services and each county and city of the first class of same.

(5) Fifty percent of the reasonable cost of medical and other examinations and treatment of a child ordered by the court pursuant to the act of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile Act," and the expenses of the appointment of a guardian *pendente lite*, summons, warrants, notices, subpoenas, travel expenses of witnesses, transportation of the child, and other like expenses incurred in proceedings under the act of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile Act."

(6) Effective July 1, 1991, the department shall reimburse county institution districts or their successors

one hundred percent of the reasonable costs of providing adoption services.

(7) Effective July 1, 1993, the department shall reimburse county institution districts or their successors eighty percent of the reasonable costs of providing foster home care, community residential care, supervised independent living and community-based alternative treatment programs.

(8) The department shall reimburse county institution districts or their successors for the reasonable costs of institutional services for dependent and delinquent children other than detention services for delinquents in accordance with the following schedule:

(i) Effective July 1, 1992, fifty-five percent.

(ii) Effective July 1, 1993, sixty percent.

The Human Services Code must be amended to provide funding for indigent juvenile defense services.

In the landmark case of *Gideon v. Wainwright*, the U.S. Supreme Court ruled that free counsel for criminal defendants who cannot afford to hire an attorney is mandated by the Sixth Amendment of the U.S. Constitution.¹⁰¹ The U.S. Supreme Court has subsequently extended the requirement of free counsel from the felony prosecution involved in *Gideon* to misdemeanor prosecutions and juvenile proceedings and from the trial itself to all "critical proceedings" after arrest.

Juveniles who come within the jurisdiction of Pennsylvania's juvenile justice system are required to be represented by an attorney at every important hearing because all juveniles are presumed indigent and the waiver of counsel by juveniles has been virtually eliminated.¹⁰² In addition, a juvenile may not enter an admission to an offense unless a mandatory written admission colloquy form has been reviewed and completed with the juvenile by an attorney and reviewed by the court.¹⁰³

In 2013, juveniles alleged to be delinquent were represented by public defenders in 72.7% of formal delinquency proceedings.¹⁰⁴ Even though these due process protections are mandated by the Juvenile Act and the Pennsylvania Rules of Juvenile Court Procedure, the quality of

¹⁰¹ *Gideon v. Wainwright*, 372 U.S. 335, 344, 83 S.Ct. 792, 796-97 (1963).

¹⁰² Pa. R.J.C.P. 151 (relating to assignment of counsel), Pa. R.J.C.P. 152 (relating to waiver of counsel), 42 Pa.C.S. § 6337.1 (relating to right to counsel for children in dependency and delinquency proceedings).

¹⁰³ Pa. R.J.C.P. 407 (relating to admissions).

¹⁰⁴ *2013 Pennsylvania Juvenile Court Dispositions*, Juvenile Court Judges' Commission, 2014, page 6.

representation provided by public defenders varies widely across the Commonwealth due to the lack of a state funding stream for these essential services.

The study of the Commonwealth's indigent defense system published in 2003 by the **Pennsylvania Supreme Court Committee on Racial and Gender Bias** concluded that the Supreme Court's indigent defense mandate had been ignored by the General Assembly, and was not being fulfilled in Pennsylvania:

“Despite the expansive procedural rights afforded under law, indigent criminal defendants in Pennsylvania are not assured of receiving adequate, effective representation. Notably, Pennsylvania, South Dakota, and Utah are the only three states that provide no state funds to ensure that indigent citizens are afforded adequate criminal defense services. Pennsylvania also does not provide any statewide oversight of indigent defense systems. The study reported here . . . indicates that Pennsylvania is generally not fulfilling its obligation to provide adequate, independent defense counsel to indigent persons. Contributing factors include the Commonwealth's failure to provide sufficient funding and other resources, along with a lack of statewide professional standards and oversight. In addition, efforts to improve the indigent defense system have been impeded by the lack of reliable, uniform statewide data collection.”¹⁰⁵

In 2011, the **Report of the Task Force and Advisory Committee on Services to Indigent Criminal Defendants**, developed in response to Senate Resolution 42 of 2007, concluded that. . . . “In the intervening eight years, the only significant change is that South Dakota and Utah now do provide some state funding for indigent defense, leaving Pennsylvania as the *only state* that does not appropriate or provide for so much as a penny toward assisting the counties in complying with *Gideon's* mandate.”¹⁰⁶

The 2011 report specifically addressed the issue of the lack of funding for indigent juvenile defense noting that. . . . **“Nowhere is the lack of resources, personnel, and funding available to meet the needs of indigent defense felt more keenly than in juvenile justice. Like other indigent defense, the defense of indigent juveniles receives**

no funding from the Commonwealth.”¹⁰⁷ However, the report noted in a footnote that **“Some counties received small amounts that helped support indigent defense for juveniles in FY 2010-11 and earlier fiscal years through the Department of Public Welfare (DPW), but that funding has been terminated for FY 2011-12. There has never been a line item in the Commonwealth budget specifically for funding indigent defense, nor do our statutes provide for funding through a special fund or any similar mechanism.”**¹⁰⁸

The funding to counties for indigent juvenile defense services referenced in the 2011 Senate Resolution 42 report was in the form of reimbursement through the needs-based budget process pursuant to Section 704.1(a)(5) of the Human Services Code.¹⁰⁹

62 P.S. § 704.1. Payments to Counties for Services to Children.

(a) The department shall reimburse county institution districts or their successors for expenditures incurred by them in the performance of their obligation pursuant to this act and the act of December 6, 1972 (P.L.1464, No.333), known as the “Juvenile Act,” in the following percentages:

- (1) Eighty percent of the cost of an adoption subsidy paid pursuant to subdivision (e) of Article VII of this act.
- (2) No less than seventy-five percent and no more than ninety percent of the reasonable cost including staff costs of child welfare services, informal adjustment services provided pursuant to section 8 of the act of December 6, 1972 (P.L.1464, No.333), known as the “Juvenile Act,” and such services approved by the department, including but not limited to, foster home care, group home care, shelter care, community residential care, youth service bureaus, day treatment centers and service to children in their own home and any other alternative treatment programs approved by the department.
- (3) Sixty percent of the reasonable administrative costs approved by the department except for those staff costs included in clause (2) of this section as necessary for the provision of child welfare services.
- (4) Fifty percent of the actual cost of care and support of a child placed by a county child welfare agency or a child committed by a court pursuant to the act of December 6, 1972 (P.L.1464, No.333), known as the

¹⁰⁵ *Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Judicial System (Racial and Gender Bias Report)* (n.p.: Pennsylvania Supreme Court, 2003), 164-65.

¹⁰⁶ *A Constitutional Default: Services to Indigent Criminal Defendants in Pennsylvania-Report of the Task Force on Services to Indigent Criminal Defendants*, Joint State Government Commission, December 2011, Page 1.

¹⁰⁷ *Ibid.*, page 99.

¹⁰⁸ *Ibid.*, page 1.

¹⁰⁹ 62 P.S. § 704.1 (relating to payments to counties for services to children).

“Juvenile Act,” to the legal custody of a public or private agency approved or operated by the department other than those services described in clause (2). The Auditor General shall ascertain the actual expense for fiscal year 1974-1975 and each year thereafter by the Department of Public Welfare for each of the several counties and each city of the first class whose children resident within the county or city of the first class directly received the benefit of the Commonwealth’s expenditure. The Auditor General shall also ascertain for each Commonwealth institution or facility rendering services to delinquent or deprived children the actual average daily cost of providing said services. The Auditor General shall certify to each county and city of the first class the allocated Commonwealth expenditures incurred on behalf of its children and notify the Secretary of Public Welfare and each county and city of the first class of same.

(5) Fifty percent of the reasonable cost of medical and other examinations and treatment of a child ordered by the court pursuant to the act of December 6, 1972 (P.L.1464, No.333), known as the “Juvenile Act,” and the expenses of the appointment of a guardian *pendente lite*, summons, warrants, notices, subpoenas, travel expenses of witnesses, transportation of the child, and other like expenses incurred in proceedings under the act of December 6, 1972 (P.L.1464, No.333), known as the “Juvenile Act.”

(6) Effective July 1, 1991, the department shall reimburse county institution districts or their successors one hundred percent of the reasonable costs of providing adoption services.

(7) Effective July 1, 1993, the department shall reimburse county institution districts or their successors eighty percent of the reasonable costs of providing foster home care, community residential care, supervised independent living and community-based alternative treatment programs.

(8) The department shall reimburse county institution districts or their successors for the reasonable costs of institutional services for dependent and delinquent children other than detention services for delinquents in accordance with the following schedule:

(i) Effective July 1, 1992, fifty-five percent.

(ii) Effective July 1, 1993, sixty percent.

((a) amended Aug. 5, 1991, P.L.315, No.30).

Although 62 P.S. § 704.1(a)(5) does not specifically provide for reimbursement of the costs for providing counsel or a guardian *ad litem* for a child in the context of a dependency proceeding under the Juvenile Act, or for the

costs of providing counsel for an indigent child in the context of a delinquency proceeding, it had been DPW’s policy for a number of years to reimburse for these costs as “other like expenses” to those specifically set forth in (a) (5) which are incurred in proceedings under the Juvenile Act. Following the policy change by DPW in FY 2011-2012, DPW ceased reimbursing for indigent juvenile defense costs, but has continued to reimburse for the cost of providing counsel or some guardian *ad litem* for a child in the context of a dependency proceeding.

62 P.S. § 704.1(a)(5) should be amended to specifically require reimbursement for the costs of providing counsel or a guardian *ad litem* for a child in the context of a dependency proceeding, as well as the cost of providing counsel for an indigent child in the context of a delinquency proceeding. However, the language in (a)(5) that provides reimbursement for expenses related to the appointment of a guardian *pendente lite* should be deleted because the term is not relevant to Juvenile Act proceedings.

Recommendation

- *It is recommended that the Governor support amending the Human Services Code to provide that indigent juvenile defense services are reimbursed at a 50% rate through the county needs-based budget process, the same rate as guardians-ad-litem and counsel in dependency proceedings.*

The following legislative proposal is offered for consideration:

62 P.S. § 704.1. Payments to Counties for Services to Children.

(a) The department shall reimburse county institution districts or their successors for expenditures incurred by them in the performance of their obligation pursuant to this act and [the act of December 6, 1972 (P.L.1464, No.333), known as the “Juvenile Act;”] **42 Pa.C.S. Ch. 63 (relating to juvenile matters)** in the following percentages:

(1) Eighty percent of the cost of an adoption subsidy paid pursuant to subdivision (e) of Article VII of this act.

(2) No less than seventy-five percent and no more than ninety percent of the reasonable cost including staff costs of child welfare services, informal adjustment services provided pursuant to [section 8 of the act of December 6, 1972 (P.L.1464, No.333), known as the “Juvenile Act;”] **42 Pa.C.S. § 6323 (relating to informal adjustment)** and such services approved by

the department, including but not limited to, foster home care, group home care, shelter care, community residential care, youth service bureaus, day treatment centers and service to children in their own home and any other alternative treatment programs approved by the department.

(3) Sixty percent of the reasonable administrative costs approved by the department except for those staff costs included in clause (2) of this section as necessary for the provision of child welfare services.

(4) Fifty percent of the actual cost of care and support of a child placed by a county child welfare agency or a child committed by a court pursuant to the act [the act of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile Act,"] 42 Pa.C.S. Ch. 63 (relating to juvenile matters) to the legal custody of a public or private agency approved or operated by the department other than those services described in clause (2). The Auditor General shall ascertain the actual expense for fiscal year 1974-1975 and each year thereafter by the Department of [Public Welfare] Human Services for each of the several counties and each city of the first class whose children resident within the county or city of the first class directly received the benefit of the Commonwealth's expenditure. The Auditor General shall also ascertain for each Commonwealth institution or facility rendering services to delinquent or deprived children the actual average daily cost of providing said services. The Auditor General shall certify to each county and city of the first class the allocated Commonwealth expenditures incurred on behalf of its children and notify the Secretary of [Public Welfare] Human Services and each county and city of the first class of same.

(5) [Fifty percent of the reasonable cost of medical and other examinations and treatment of a child ordered by the court pursuant to the act of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile Act," and the expenses of the appointment of a guardian *pendente lite*, summons, warrants, notices, subpoe-

nas, travel expenses of witnesses, transportation of the child, and other like expenses incurred in proceedings under the act of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile Act.,"] Fifty percent of the following costs incurred in proceedings under 42 Pa.C.S. Ch. 63 (relating to juvenile matters):

(i) the reasonable cost of medical and other examinations and treatment of a child ordered by the court;

(ii) the appointment of a guardian ad litem for a child in the context of dependency proceedings;

(iii) the appointment of counsel for a child in the context of dependency proceedings;

(iv) the appointment of counsel for an indigent child in the context of delinquency proceedings;

(v) summons, warrants, notices, subpoenas, travel expenses of witnesses, transportation of the child; and

(vi) other like expenses incurred in these proceedings.

(6) Effective July 1, 1991, the department shall reimburse county institution districts or their successors one hundred percent of the reasonable costs of providing adoption services.

(7) Effective July 1, 1993, the department shall reimburse county institution districts or their successors eighty percent of the reasonable costs of providing foster home care, community residential care, supervised independent living and community-based alternative treatment programs.

(8) The department shall reimburse county institution districts or their successors for the reasonable costs of institutional services for dependent and delinquent children other than detention services for delinquents in accordance with the following schedule:

(i) Effective July 1, 1992, fifty-five percent.

(ii) Effective July 1, 1993, sixty percent.

Ensuring that services are provided by a diverse, experienced, well-educated, and well-compensated workforce

- *The Commonwealth must ensure that services to children within Pennsylvania's juvenile justice system are provided by a diverse, experienced, well-educated, and well-compensated workforce.*

The positive correlation between a well-educated and experienced workforce and positive outcomes for youth served is well established. Unfortunately, many public and private agencies providing essential services to youth within Pennsylvania's juvenile justice system are experiencing increasingly serious challenges in recruiting and retaining a trained, competent workforce that is racially, culturally, and linguistically diverse. The reasons for this are varied and complex, and include, but are not limited to, non-competitive salaries and benefits; evening and overnight work requirements; limited advancement opportunities; the risks associated with working with an occasionally aggressive and volatile population; implicit biases; and negative public perceptions of the value of the work.

The quality and breadth of the private sector services provided within the juvenile justice system have been critical factors in Pennsylvania having been repeatedly recognized as a national leader in juvenile justice policy and practice. If this status is to be maintained and if the JJSES goals of lower recidivism rates through evidence-based practices and long-term positive outcomes for system-involved youth are to be achieved, it is essential that the Commonwealth develop and implement a comprehensive strategy to address this escalating workforce crisis.

In 2017, the JJDPCC made the following recommendation:

“It is recommended that the Governor support the introduction and adoption of a joint House/Senate Resolution directing the Joint State Government Commission to undertake a comprehensive study of, and develop a report containing recommendations to address, the critical workforce crisis within the Commonwealth's juvenile justice and child welfare service delivery system.”

To date no action has been taken on the 2017 recommendation. It is critical that the Commonwealth address this workforce crisis as the situation continues to worsen impacting access and quality of care as well as hindering the Commonwealth's statutory obligation to provide placement options to ensure community safety.

Recommendation

- *It is recommended that the Governor direct the Department of Human Services to work with stakeholders to develop and begin the implementation of a plan no later than June 30, 2020 that includes, but is not be limited to, short-term and long-term solutions in the areas of recruitment and retention, expedited methods for necessary regulatory relief/reform, and sustainable funding strategies.*

Ensuring Access to high quality secure juvenile detention services and alternatives

➤ ***The Commonwealth must ensure that every county has access to high quality juvenile detention services and detention alternatives.***

Throughout Pennsylvania's juvenile justice system, there is a strong commitment to the philosophy that secure detention should be used only after less restrictive alternatives have been considered and rejected. The Juvenile Act¹¹⁰ and Pennsylvania Rules of Juvenile Court Procedure¹¹¹ authorize the secure detention of juveniles for brief periods of time and for very limited purposes. Moreover, the Juvenile Act specifically provides that its purposes are to be achieved by employing evidence-based practices whenever possible and, in the case of a delinquent child, by using the least restrictive intervention that is consistent with the protection of the community, the imposition of accountability for offenses committed, and the rehabilitation, supervision and treatment needs of the child.¹¹² The JCJC's *Standards Governing the Use of Secure Detention under the Juvenile Act*¹¹³ provide even further due process protections and best practice guidance.

As previously explained, the Commonwealth became involved with the Juvenile Detention Alternatives Initiative (JDAI) of the Annie E. Casey Foundation¹¹⁴ in 2011 as an important component of the JJSES. The counties of Allegheny, Lancaster, Lehigh and Philadelphia were selected as pilot sites because each of these counties had been utilizing a detention risk assessment instrument (DRAI) to provide a more structured approach to detention decision-making in conjunction with their development of evening reporting centers through grants from PCCD.

The development of a DRAI that could be used throughout the Pennsylvania juvenile justice system was a major priority of the JDAI initiative. Considerable progress has been made toward the achievement of that goal with the development of the Pennsylvania Detention Risk Assessment Instrument (PaDRAI), which is modeled after instruments developed through the JDAI. The PaDRAI is a brief structured decision-making instrument used to assist in the critical decision of whether to securely detain a youth, release to an alternative to detention (ATD), or release to the custody of a parent or responsible adult during the period that the youth is awaiting his/her juvenile court hearing. The instrument is designed to assess the risk of a youth to: 1) commit additional offenses while awaiting his/her juvenile court hearing; and/or 2) fail to appear for his/her scheduled juvenile court hearing. Currently, 39 counties are engaged in some aspect of PaDRAI implementation.

As explained in the Introduction, admissions to secure juvenile detention centers declined 55.4% from 2007 to 2017. This dramatic reduction is due to a variety of reasons, including the increased use of detention risk assessment instruments, and the development of evening reporting centers and other alternatives to detention. As detention center populations decline, the cost-per-juvenile to operate the programs increases dramatically.

Although there is a strong commitment to utilizing secure detention only after less restrictive alternatives have been considered and rejected, there are situations in every jurisdiction that require the use of a secure detention facility. When this level of custody is needed in the case of a particular juvenile, it is essential that high quality secure detention services be available in close proximity to the juvenile's community. However, in an increasing number of jurisdictions, these services can be many hours away, limiting the access that the juvenile has to his attorney, and to his family. In addition, access to schools

¹¹⁰ See 42 Pa.C.S. §6325 (relating to detention of child), 42 Pa.C.S. §6326 (relating to release or delivery to court), 42 Pa.C.S. §6331 (relating to release from detention or commencement of proceedings), 42 Pa.C.S. §6332 (relating to informal hearing), and 42 Pa.C.S. §6335 (relating to release or holding of hearing).

¹¹¹ See Pa.R.J.C.P. 240 (relating to detention of juvenile), Pa. R.J.C.P. 241 (relating to notice of detention hearing), Pa.R.J.C.P. 242 (relating to detention hearing), Pa.R.J.C.P. 243 (relating to detention rehearings), Pa.R.J.C.P.313 (relating to detention from intake), Pa.R.J.C.P. 404 (relating to prompt adjudicatory hearing), Pa.R.J.C.P.409 (relating to adjudication of delinquency), Pa. R.J.C.P.510 (relating to prompt dispositional hearing), Pa.R.J.C.P.605 (relating to detaining juvenile for modification of the dispositional order or violation of probation), Pa.R.J.C.P.610 (relating to dispositional and commitment review), and Pa. R.J.C.P.612 (relating to modification or revocation of probation).

¹¹² 42 Pa.C.S. §6301(b) (relating to purposes).

¹¹³ See 37 Pa. Code §200.1 *et seq.*

¹¹⁴ www.aecf.org

and community services can be compromised, as can the scheduling of, and preparation for, assessments, evaluations and hearings.

Since 2006, eleven juvenile detention centers have ceased operations:

Facility	Bed Capacity	Closure Date
N.W. Academy	18	January 2006
Blair County (Operated by Adelphoi Village)	8	August 2008
Beaver County	25	July 2009
Dauphin County	36	January 2010
Pa. ChildCare	12	June 2010
York County	24	July 2010
Berks County	48	June 2012
Lehigh County	48	March 2014
Tioga County	12	July 2014
Cambria County	12	June 2016
Lackawanna County	10	June 2018

At present, only thirteen juvenile detention centers are providing secure detention services within Pennsylvania's juvenile justice system:

Detention Facility	Licensed Capacity	Operational Capacity
Abraxas Academy (Berks County)	24	12
Abraxas Youth Center (Franklin County)	18	18
Allegheny County	120	80
Bucks County	36	36
Centre County	14	14
Chester County	48	30
Delaware County	66	34
Erie County	20	20
Lancaster County	48	18
Montgomery County	36	36
Northampton County	36	36
Philadelphia County	184	184
Westmoreland County	16	12
Statewide	666	530

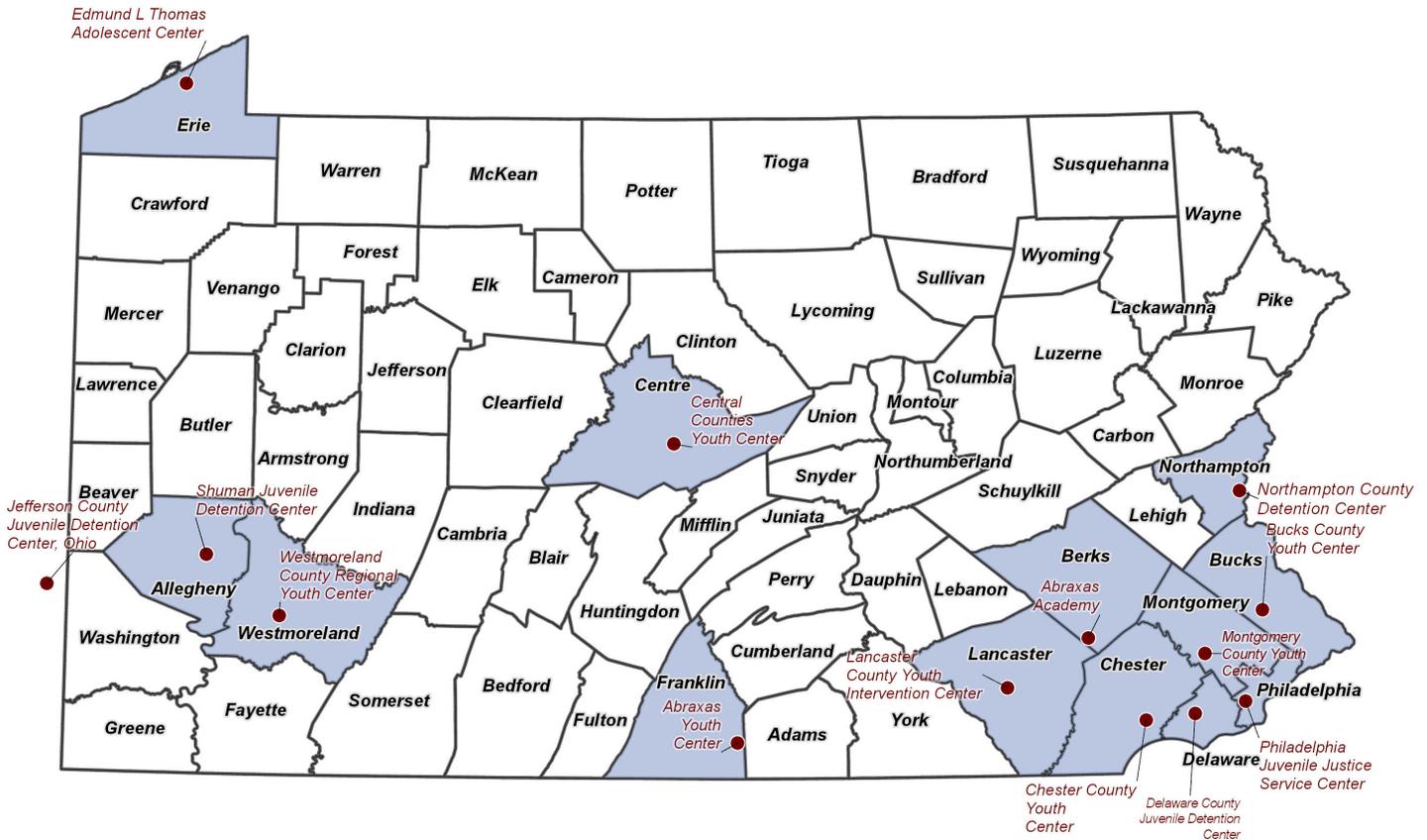
In this regard, it should be noted that, according to data compiled by the Juvenile Court Judges' Commission, in 2017 there were 221 juvenile detention commitments from eight Pennsylvania counties to the Jefferson County Juvenile Detention Center in Steubenville, Ohio. The following counties detained juveniles in the Ohio facility in 2017:

- Allegheny County – (1 admission)
- Armstrong County – (1 admission)
- Beaver County – (30 admissions)
- Butler County – (12 admissions)
- Fayette County – (18 admissions)
- Greene County – (2 admissions)
- Washington County – (156 admissions)
- Westmoreland County – (1 admission)

The Jefferson County, Ohio facility is being used due both to its proximity to these counties, and a per diem cost that is lower than detention centers in Pennsylvania.

The Juvenile Act requires the Department of Human Services to develop or assist in the development of approved shelter programs in each county for children taken into custody, and for children referred to or under the jurisdiction of the court.¹¹⁵ Although there is no such Juvenile Act requirement for juvenile detention services, the Human Services Code specifically provides that where the operation of an approved detention facility by a single county would not be feasible, economical or conducive to the best interest of a child needing detention care, the Department of Human Services (DHS) shall make provisions directly or by contract with a single county for the implementation and operation, in accordance with DHS regulations, of regional detention facilities serving the needs of two or more counties.¹¹⁶

The secure detention centers that remain open in the Commonwealth are not distributed evenly throughout the Commonwealth:



The Commonwealth must ensure the availability of a range of detention alternatives in every county, and the availability of high quality secure detention services within a reasonable proximity of every county.

Recommendation

- *It is recommended that the Governor request the Department of Human Services develop a plan no later than June 30, 2019 for the creation of regional detention facilities pursuant to 62 P.S. § 2078 to ensure that every county has access to high quality juvenile detention services.*

¹¹⁵ 42 Pa.C.S. § 6327(f) (relating to development of approved shelter care programs).

¹¹⁶ 62 P.S. § 2078 (relating to regional detention facilities).



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