

ADVANCING RACIAL EQUITY IN PENNSYLVANIA'S YOUTH LEGAL SYSTEM

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Executive Summary

Following their participation in the Center for Juvenile Justice Reform's Advancing Racial Justice and Equity in Youth Legal Systems Certificate Program, seven county teams and one state-level team in Pennsylvania developed and implemented Capstone Projects with the goal of increasing racial equity in their youth legal system.

Key Takeaways

- **Build intentional spaces for having courageous conversations regarding race and racism.**
- **Actively seek youth and family voice through community engagement and outreach to determine how the system is perceived currently and what can be done to improve fairness, neutrality, and voice in its functioning.**
- **Leverage existing partnerships and initiatives in efforts to build and sustain cross-system collaborations that allow system resources to be maximized while the burden on youth and families to be minimized.**
- **Collect and utilize cross-system data as a key to strategy development and quality assurance.**

Introduction

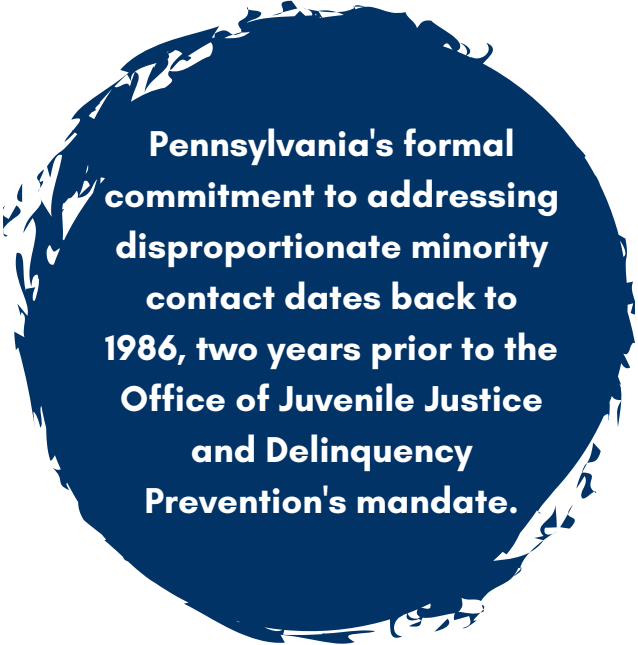
Since the creation of the great experiment known as the United States of America there have always been and continue to be inequities faced by youth and families of color in nearly every aspect of life, including the youth legal system (Racial and Identity Profiling Advisory Board, 2023; Peterson, Krivo, & Hagan, 2010; Grodsky & Pager, 2001). The U.S. is unique in that it allows for fifty independent state governments to each operate their own youth legal system to meet the needs of their various jurisdictions. This freedom has resulted in a mix of entirely state operated, mostly state operated, and locally operated youth legal systems.¹ One remarkable observation from the multitude of youth legal systems developed across the country over the past 124 years is that every state is still riddled with racial or ethnic inequities (Rovner, 2021). Ubiquitously across the United States, youth of color disproportionately come into contact with and are involved in the youth legal system (Davis & Sorensen, 2013). Large scale federal efforts to address these inequities have been slow coming, with the Office of Juvenile Justice and Delinquency Prevention only adding the Disproportionate Minority Confinement mandate to the Juvenile Justice and Delinquency Prevention Act in 1988 (OJJDP, n.d.).

¹ Recent estimates suggest that 11 states operate youth legal systems at the state level, 22 states are mostly state-operated, and 18 states use a locally operated approach (National Center for Juvenile Justice, n. d.)

In 2018, the Juvenile Justice Reform Act (JJRA) was signed into law, reauthorizing and amending the previous act. JJRA requires that jurisdictions identify and analyze data on race and ethnicity at all decision points in juvenile justice systems and then implement policy, practice, and system improvement strategies aimed at identifying and reducing racial and ethnic disparities (OJJDP, 2019).

Most recently, advocacy groups and leaders in the field have recognized the potential for increased diversion opportunities as a critical piece of effectively combatting racial and ethnic disparities (Mendel, 2022; Smith, 2022; The Annie E. Casey Foundation, 2022). Numerous studies have demonstrated that youth of color are more likely to be arrested (Griffin, 2008; Hartney, 2007) and less likely to be diverted from youth legal system involvement than White youth (The Annie E. Casey Foundation, 2020). This finding is particularly troubling given the cumulative effect of system involvement (Collier, 2019) and the host of negative collateral consequences that accompany such involvement (Goldstein et al., 2021). It is thus imperative to ensure that efforts aimed at reducing disparities in the youth legal system target the earliest time points at which youth could become system-involved (i.e. prevention, deflection, and diversion). Caution must be paid, however, that such efforts do not inadvertently widen the net of youth receiving services to include low risk and low needs youth who are not likely to enter the youth legal system (Mears et al., 2016) as over-serving such youth has been shown to have detrimental effects (Motz et al., 2020). Net widening can lead to greater surveillance as well as exposure to antisocial peers, both of which can increase a youth's likelihood of re-entering the youth legal system.

With this knowledge base in mind, the Commonwealth of Pennsylvania has recently undertaken the task of reviewing and enhancing racial and ethnic equity in the practices, policies, and programs of its youth legal system, with a strong emphasis on diversion, at both the state and county levels. This recent effort builds on the state's long-standing foundational commitment to identifying and addressing inequities not only within its youth legal system, but other state and county-run social service organizations as well (Models for Change Initiative in Pennsylvania, 2010). Indeed, **Pennsylvania's formal commitment to addressing disproportionate minority contact dates back to 1986, two years prior to the Office of Juvenile Justice and Delinquency Prevention's mandate** (Office of Juvenile Justice and Delinquency Prevention, 1998). The Commonwealth's participation in the Center for Juvenile Justice Reform's Advancing Racial Justice and Equity in Youth Legal Systems Certificate Program in September 2021 helped to re-invigorate attention to this longstanding goal.



Pennsylvania's formal commitment to addressing disproportionate minority contact dates back to 1986, two years prior to the Office of Juvenile Justice and Delinquency Prevention's mandate.

This report gives an overview of the most recent efforts to increase racial equity in Pennsylvania's youth legal system in an eight-part progression. First, a brief description of the structure of Pennsylvania's youth legal system and the Commonwealth's previous efforts to address racial and ethnic disparities. Second, an outline of the Center for Juvenile Justice Reform's (CJJR) Advancing Racial Justice and Equity in Youth Legal Systems Certificate Program, an effort brought to the Commonwealth and funded by the Pennsylvania Commission on Crime and Delinquency.

Third, the Stoneleigh Foundation’s Emerging Leader Fellowship that provided teams participating in the program with technical and evaluation assistance. Fourth, the Capstone Project plans that each team developed, applying the knowledge they gained from participating in the week-long instructional period of the Certificate Program. Fifth, the initial data submitted by each team as part of their application and additional baseline data collected after formation of their Capstone Projects. Sixth, implementation progress, successes, and hurdles. Seventh, where applicable, Capstone Project outcome measures and preliminary findings. Finally, the report concludes by outlining lessons learned from these efforts thus far.

Pennsylvania's Youth Legal System

Each state being given the freedom to develop its own youth legal system has resulted in national variation in both structure and practice, ranging from unified state-run systems to individual counties or similar jurisdictions contracting out some services while providing others through its government employees. Pennsylvania’s youth legal system is county-based, although several state level entities committed to continual improvement of the system help to coordinate policies, practices, and data collection across the Commonwealth. A few such entities that have been integral to the most recent equity work in Pennsylvania are: the Pennsylvania Commission on Crime and Delinquency (PCCD), the Juvenile Court Judges’ Commission (JCJC), and the Pennsylvania Council of Chief Juvenile Probation Officers.



Established by law in 1978, PCCD is tasked with justice planning and policymaking, and granting federal and state funds to provide monies to support best practices and innovation (Commonwealth of Pennsylvania, 2023a). PCCD oversees various subcommittees composed of county stakeholders across the Commonwealth, such as the Juvenile Reducing Racial and Ethnic Disparities Subcommittee. This subcommittee is housed beneath Pennsylvania's State Advisory Group's Juvenile Justice and Delinquency Prevention Committee.

JCJC was established in 1959 by the Pennsylvania Legislature and is responsible for administering a grant and aid program for the improvement of probation services; establishing standards for administrative practice judicial procedures used in juvenile courts, personnel practices and employment standards used in probation offices; and collecting, compiling, and publishing juvenile court statistics (Commonwealth of Pennsylvania, 2023b). JCJC oversees the Center for Juvenile Justice Training and Research at Shippensburg University which, among other responsibilities, maintains a juvenile case management systems (PaJCMS) that is utilized by all sixty-seven counties in Pennsylvania (Pennsylvania Juvenile Court Judges' Commission, 2017).



The Pennsylvania Council of Chief Juvenile Probation Officers was established in 1967 and is dedicated to continuously improving the quality of juvenile probation decisions, services, and programs in line with balanced and restorative justice ideals (Pennsylvania Council of Chief Juvenile Probation Officers, 2023).

All of these state entities have worked in partnership with each other and more localized efforts across the Commonwealth to increase equity in Pennsylvania’s youth legal system for years. In 1995, newly elected governor Tom Ridge called a Special Session of the Pennsylvania Legislature which resulted in the Commonwealth adopting a balanced and restorative justice (BARJ) approach to juvenile justice, a change codified in Pennsylvania law with the leadership of JCJC (Pennsylvania Juvenile Court Judges’ Commission, 2018). The Juvenile Act redefined the purpose of the system as, “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” (Pennsylvania Council of Chief Juvenile Probation Officers, 2012).

This commitment to BARJ was remarkable given that the prevailing ethos of the 1990s was to “get tough” with “juvenile superpredators” (Dilulio, 1995) through the passage of legislation focused on punishment and rooted in deterrence theory. Commitment to BARJ requires active partnership with the community, not just the youth-serving systems established within it (although collaboration across these systems is also necessary). Such a partnership helps to ensure that quality community services are available and accessible to all youth and their kin, without the need for system involvement. Given that historically youth of color have been disproportionately referred to the youth legal system with the goal of providing them with resources typically lacking in communities of color (National Juvenile Justice Network, 2018), such active community partnership should go a long way toward reducing disproportionate referrals to juvenile court.

Due largely to Pennsylvania’s demonstrated commitment to BARJ and holistic partnership across systems and with communities, in 2005, the John D. and Catherine T. MacArthur Foundation selected Pennsylvania as the first state to launch the Models for Change initiative (Pennsylvania Council of Chief Juvenile Probation Officers, 2023). One of the three primary goals of Models for Change was addressing disproportionate minority contact within the juvenile justice system. Under Models for Change, many counties’ probation departments implemented risk/needs assessments to help make detention and disposition decisions more objective.



Although there has been some concern regarding the use of risk assessments amplifying bias when used as the sole decision-making authority (Roberts Freeman et al., 2021; Skeem & Lowenkamp, 2016), when used as one factor of a professional’s consideration, such assessments have proven helpful in reducing bias in decision-making (Cheng et al., 2022).

In 2010, the Executive Committee of the Pennsylvania Council of Chief Juvenile Probation Officers and JCJC staff codified the gains made through Models for Change by developing the Juvenile Justice System Enhancement Strategy (JJSES). A JJSES coordinator was appointed, a leadership team was created, and The Carey Group, Inc. was retained to develop an implementation strategy for translating the best empirical research available in the field of juvenile justice into practice across the Commonwealth and collecting and analyzing the necessary data to ensure such practices were implemented with fidelity.



Working in partnership with JCJC and the Pennsylvania Council of Chief Juvenile Probation Officers to address racial and ethnic inequities has been PCCD's Juvenile Justice and Delinquency Prevention Committee's Racial/Ethnic Disparities (R/ED) Subcommittee. The R/ED Subcommittee includes representation from the Department of Human Services, juvenile probation, juvenile court services, public defenders, education, and community based organizations and is responsible for developing Pennsylvania's R/ED plan to submit to the Office of Juvenile Justice and Delinquency Prevention (OJJDP; PCCD, 2023). Additionally, the R/ED Subcommittee offers support to the counties who participated in CJJR's Advancing Racial Justice and Equity in Youth Legal Systems Certificate Program and recently invested in three Juvenile R/ED Coordinator positions at the county level.

In December of 2019, the Pennsylvania Juvenile Justice Task Force was established and partnered with Pew Charitable Trusts and the Crime and Justice Institute to deliver data-driven findings and recommendations to serve as the foundation for statutory, budgetary, and administrative changes to be considered during the 2021-2022 regular session of the General Assembly (The Unified Judicial System of Pennsylvania, 2023). The Task Force delivered its final report and recommendations in June 2021 which among other findings, highlighted the importance of continuing to address racial disparities and increasing the use of diversion across the Commonwealth.



Although Pennsylvania's youth legal system has focused on innovation and the implementation of best practices over the years, the Pennsylvania Juvenile Justice Task Force helped to reiterate that there was still work to be done toward increasing equity. CJJR's Advancing Racial Justice and Equity in Youth Legal Systems Certificate Program thus offered an excellent opportunity for Pennsylvania to take its next step in bettering its youth legal system.

CJJR's Advancing Racial Justice and Equity in Youth Legal Systems Certificate Program²

The Center for Juvenile Justice Reform at Georgetown University's McCourt School of Public Policy, in partnership with the Center for Children's Law and Policy (CCLP), offers the Advancing Racial Justice and Equity in Youth Legal Systems Certificate Program, an intensive training and technical assistance program, to local jurisdictions focused on promoting racial justice and equity in their systems of care, particularly the youth legal system.



Center for
Juvenile
Justice
Reform

Prior to 2020, CJJR and CCLP had hosted the program eight times, engaging multiple jurisdictions across the U.S. In 2020, PCCD contracted with CJJR to bring the program to the Commonwealth.

² At the time that this iteration of the certificate program was held, the program was titled, "Reducing Racial and Ethnic Disparities in Juvenile Justice Certificate Program." CJJR recently moved to a more strengths-based approach to promoting racial equity which is reflected in the certificate program's new title.

To identify the program participants, PCCD's Office of Justice Programs Juvenile Unit reviewed JCJC Disposition Reports from 2015–2018 and invited the twenty-two counties in the Commonwealth with the highest dispositions/rate of dispositions for Black or Latinx youth to compose a multi-disciplinary team of up to seven members and apply to participate in this certificate program. There was a competitive application process. All submitted application packets were reviewed by staff from CJJR, CCLP, and PCCD. Seven counties (Allegheny, Chester, Lancaster, Lehigh, Montgomery, Philadelphia, and York), were selected to participate based on a variety of factors including, but not limited to: strength of the proposed team, a reflection of the diverse community and youth they serve, and their capacity and commitment to implement change.

In September 2021, the ninth iteration of this certificate program was held at the National Civil War Museum in Harrisburg, Pennsylvania. Program participants received instruction from national experts, including four Pennsylvania-based instructors (Kevin Bethel, Steve Bishop, Judge Kim Berkeley Clark, and Rhonda McKitten), during a weeklong program.

Throughout the course of the week, the following topics were explored:

- talking about race and addressing implicit bias
- understanding the impact of racial trauma
- enhancing racial equity at arrest and referral through diversion, policy, and practice
- addressing disparities in schools
- youth and family engagement
- community partnership
- structuring detention decisions through the framework of race/ethnicity
- assessment, screening, and evidence-based decision-making for racial equity
- probation practice and graduated responses to support youth supervised in the community
- addressing overarching issues and organization/agency capacity; and
- navigating racial equity reform in the context of current events

After experiencing the week-long training, each of the county-based teams along with one state-level team applied that knowledge to develop a Capstone Project designed to incorporate youth, family, and community voice toward the goal of promoting racial equity within their system. CJJR and CCLP provided technical assistance to the teams to help them design their respective Capstone Projects.

The county teams were largely led by chief probation officers, however, one team was led by an Assistant District Attorney, and one team was co-lead by a Project Director from a local community non-profit. The state team was led by Robert Tomassini, now Executive Director of JCJC, and included representation from PCCD (including both co-chairs of the R/ED Subcommittee), the judiciary, the Pennsylvania Council of Chief Juvenile Probation Officers, and law enforcement. Each county team was also asked to designate an individual to lead the data work for their Capstone Project. This role was largely occupied by juvenile probation officers; however, one team's data work was led by a Magisterial District Justice. Additionally, the county teams included representation from: academia, the judiciary, law enforcement, the district attorney's office, local non-profit organizations, the child welfare system, the public defender's office, the Department of Human Services, and volunteers with lived experience.

Stoneleigh Emerging Leader Fellowship



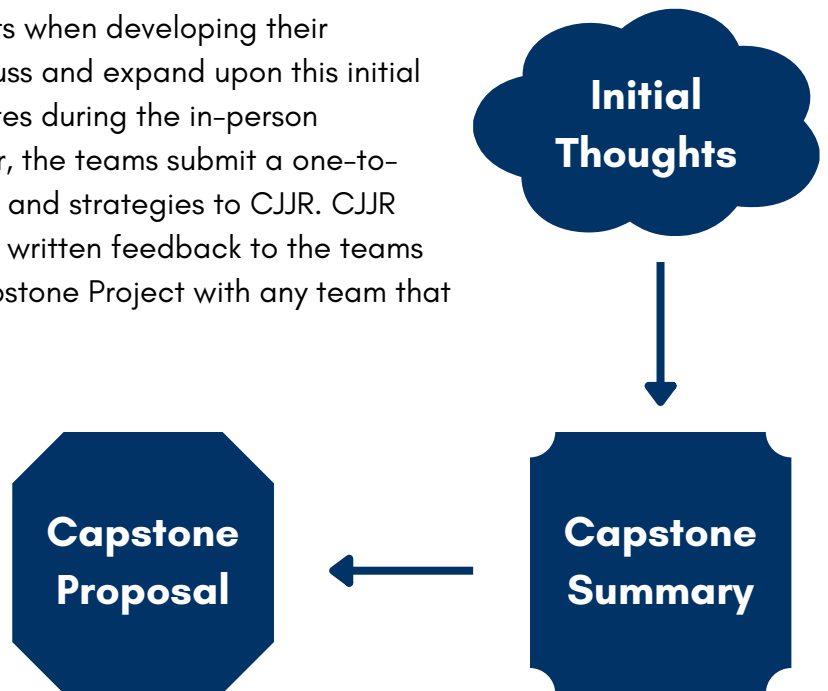
Historically, Capstone Proposals have been the final submission to CJJR, followed by technical assistance calls on an as-needed basis and annual requests to submit updates regarding the implementation and observed and measured outcomes of the Capstone Project. The September 2021 iteration of CJJR’s Advancing Racial Justice and Equity Certificate Program, however, included a partnership with the Stoneleigh Foundation which funded an Emerging Leader Fellow to assist the participating teams in evaluating their capstone projects.

Having a dedicated fellow to assist with the work allowed for monthly data discussions and quarterly cohort meetings to occur in partnership with CJJR. These regular discussions have allowed for more guided peer learning, strategizing, and mentorship than prior certificate programs. Especially given the structure of Pennsylvania’s county-run youth justice systems, these conversations have fostered important professional connections across the state that otherwise may not have occurred.

Capstone Proposals

Teams begin thinking about their Capstone Projects when developing their applications and are given the opportunity to discuss and expand upon this initial thinking with the CJJR team present for thirty minutes during the in-person instructional week. Approximately two months later, the teams submit a one-to-two-page Capstone Summary outlining their goals and strategies to CJJR. CJJR and its partners review the submission and provide written feedback to the teams with an emailed offer to meet and discuss the Capstone Project with any team that feels such a meeting would be beneficial.

Approximately two months later, teams are tasked with submitting a five-to-eight-page action plan and logic model referred to as a Capstone Proposal to CJJR. CJJR and its partners again review the submission and in addition to providing feedback to the teams, determine whether to approve the Capstone Project and induct the team’s members into the CJJR Fellows Network.



Six of the seven county teams chose to focus their Capstone Projects on diversion. Diversion has been defined as, “the decision to address delinquent conduct without involving a young person formally in the court system” (Mendel, 2022, p. 1). As such, the term covers a wide array of case handling solutions. One method of organizing these options is to differentiate between pre- and post-arrest diversion. Pre-arrest diversion is sometimes referred to as “true diversion” (Binder & Geis, 1984) or “deflection” (Charlier, 2017; Smith 2022) and prevents youth from entering the youth legal system entirely, thus avoiding the collateral consequences associated with arrest (Shah & Strout, 2016) in addition to formal system involvement (Goldstein et al., 2019). Allegheny, Chester, and Montgomery counties all included aspects of pre-arrest diversion in their Capstone Projects.

Allegheny County's Capstone Project focused on increasing one municipal police department's use of diversion for non-violent, low-level offenses by expanding the existing School-Justice Partnership in that police department's associated school district to the community. The Allegheny County team facilitated conversations between this police department, the District Attorney's Office, the Juvenile Court, Black Girls Equity Alliance, and Juvenile Probation so that all relevant parties agreed upon the eligibility criteria for this new diversion opportunity. These parties also agreed that there would be no oversight of diverted youth or conditions of compliance that youth would be required to meet to avoid being formally processed. Thus, diverted youth will be connected to community-based resources, but no delinquency petition will be filed if the youth is unable or chooses not to access those resources.

While Allegheny's Capstone Project focused on community-based offenses, the pre-arrest diversion aspects of Chester and Montgomery Counties' Projects targeted school-based offenses. Chester County's Capstone Project aimed to reduce referrals to Juvenile Probation for school-based offenses in one school district through embedding a new Diversion Coordinator within the school district. The Diversion Coordinator would be funded by Juvenile Probation, but would function as a social worker rather than a probation officer.

Recognizing that a majority of referrals from this school district's school resource officer (SRO) were motivated by wanting to connect youth and families to needed services, the Chester County team reasoned that embedding a Diversion Coordinator in the school district would allow access to those same resources without the negative effects of youth legal system involvement (see for example: Kirk & Sampson, 2013 or Shah & Strout, 2016).

The Montgomery County team took a different approach with a similar goal of reducing referrals to Juvenile Probation for school-based offenses while also reducing the use of exclusionary discipline within their targeted school districts. Three school districts, one with a school resource officer and two without, were brought on as partners to the Project. The existing Racial Justice Improvement Project (RJIP) taskforce in Montgomery County helped to catapult the work forward by providing both support to the Capstone Project and an existing model of successful diversion of which to build from, in the form of the District Attorney's Youth Aid Panel (YAP).

Youth Aid Panels (YAPs) are typically run by the District Attorney's Office and are composed of volunteer panelists from the community who meet with diverted youth to learn more about what motivated their behavior and what the youth's strengths and interests are. The panelists then craft an individualized agreement with conditions aimed at encouraging the youth's prosocial development. YAPs can function as either pre- or post-arrest diversion options depending on how the referral process works.

Given the success of the existing District Attorney's YAP (RJIP Taskforce, 2017), the Montgomery County team worked with each of the school districts to adapt the YAP for a high school context.

These school YAPs will be used in lieu of referring youth to the youth legal system for school-based offenses in the three selected school districts which have historically been identified as being in the top ten throughout the county in their arrest rates of Black or African American youth.³

While not sparing youth from experiencing the youth legal system entirely, post-arrest diversion options are still critical methods for ensuring youth do not penetrate further into the system than is necessary. Post-arrest diversion allows youth to avoid adjudication and may occur either pre- or post-filing of a delinquency petition. In Pennsylvania, one pre-petition diversion option available through the Office of Juvenile Probation is an informal adjustment. Youth given an informal adjustment have adjudication deferred and are assigned a probation officer to assist with meeting the requirements of the informal adjustment (e.g., attending school regularly) and monitoring the youth's progress.

One common post-petition diversion option permitted by 42 Pa. Cons. Stat. § 6340 and Rule 370 is a consent decree, which defers adjudication. As long as the youth successfully completes the terms of their consent decree, the youth avoids being adjudicated delinquent and their record becomes eligible for expungement six months after supervision ends so long as there are no juvenile or criminal charges pending at that time. Lehigh, Lancaster, Montgomery, and Philadelphia counties all incorporated post-arrest diversion options in their Capstone Projects. Both Lehigh and Montgomery Counties sought to increase the use of existing diversion opportunities while Lancaster and Philadelphia Counties' Capstone Projects outlined the creation of new diversion opportunities.

The IMPACT Project has won the Pennsylvania Juvenile Court Judges' Commission's Program of the Year award for its community-based services.

Lehigh County's Capstone Project sought to increase the use of informal adjustments, consent decrees, and the IMPACT Project's community and school justice panels. The IMPACT Project's community and school justice panels function similarly to the Youth Aid Panels in Montgomery County described above and have likewise shown promising outcomes for youth (The IMPACT Project, 2011; The IMPACT Project, 2013). The Capstone Project sought to increase the use of these post-arrest diversion options by: expanding the eligibility criteria for informal adjustments and consent decrees, adjusting the intake process at Juvenile Probation to ensure these diversion options are being used in as many cases as possible, and ensuring that eligible youth are re-referred to the IMPACT Project's community and school justice panels and assisted with participating in these panels as necessary.⁴

³ This report uses the term "Black youth" as a shorthand reference to all Black and African American youth. The author acknowledges the difference between Black and African American, in that the latter typically refers to descendants of people from Africa, including those who were enslaved in the United States. However, the author uses the term Black youth in recognition and celebration of the race, culture, and lived experience of Black youth, globally

⁴ Often times, youth referred to panels such as these have difficulty completing required paperwork or other administrative requirements that cause them to "fail" and be referred to the youth legal system. Family Services of Montgomery County offer case workers to assist with meeting these requirements through the previous work of the RJIP taskforce, but no such assistance currently exists in Lehigh County.

In addition to the pre-arrest diversion options discussed above, the Montgomery County Capstone Project also focused on increasing post-arrest referrals from Magisterial District Justices and Juvenile Probation to their existing District Attorney's Youth Aid Panel. The team sought to increase referrals from Magisterial District Justices through either developing a policy or issuing a directive to encourage the use of the District Attorney's YAP signed off on by the President Judge. To increase referrals from Juvenile Probation, the team wanted to create a holistic review policy/procedure whereby youth referred to Juvenile Probation or petitioned to the Juvenile Court with alleged offenses that do not automatically meet the eligibility criteria for the District Attorney's YAP due to charged-offense grading, but are consistent with the spirit of YAP would be reclassified as YAP eligible.

Lancaster County's Capstone Project sought to create a new diversion opportunity in their county by bringing the Prodigy Program, a research-based diversion program comprised of cultural art classes and a skills curriculum (Miller et al., 2008) to a local community organization. Similar to the referral mechanisms described above in Montgomery County, the Lancaster team envisioned Magisterial District Justices and Juvenile Probation intake officers referring youth to the Prodigy Program in lieu of formal system involvement.

The Philadelphia County team outlined the creation of a police-led diversion opportunity that would operate through the county's new Juvenile Assessment Center (JAC) in their Capstone Project. This diversion opportunity was modeled after the Philadelphia School Police Diversion Program. Independent evaluations of this program have found decreases in school-based arrests, serious behavioral incidents within schools, and exclusionary discipline incidents (Goldstein et al., 2021a; Goldstein et al., 2021b) and thus, modeling a new community-based diversion opportunity from this existing program appeared promising.

The new diversion opportunity outlined in the Philadelphia County Capstone Project requires JAC staff to screen cases for eligibility (as outlined by the Philadelphia Police Department), refer youth to a one-day restorative justice program with options for online participation, assist youth and families with overcoming barriers to participation or completion, track the completion of required diversion elements, send letters notifying the victim of the case's outcome as applicable, and refer youth and families to voluntary community services, activities, and other supports.

Allegheny, Chester, Lancaster, Lehigh, Montgomery, and Philadelphia Counties all chose to focus on diverting youth from formal system involvement. Although disproportionalities exist at the front end of the system (Griffin, 2008; Mendel, 2022; Pennsylvania Juvenile Justice Task Force, 2021), research suggests that they are further compounded as youth move deeper into the youth legal system (Davis & Sorensen, 2013; Fader et al., 2014; Hartney, 2007). Thus, attending to disproportionalities in system interactions with youth who do become formally involved is a worthy endeavor.



York County chose to focus their Capstone Project on their use of secure detention, both pre- and post-adjudication. The team's Capstone Proposal outlined a holistic analysis of the detention decision-making process and the root causes of racial disproportionality, coupled with an intentional partnership with youth, families, and community organizations to identify and develop more equitable solutions to young people's needs. Both quantitative and qualitative approaches were included in the proposed analysis.

First, a quantitative review of three years' worth of detention sought to identify common factors correlated with race such as family and parenting needs that may play a more causal role in the decision to place a youth in detention than race alone. Second, the Proposal sought to conduct community-led interviews with youth and families included in the quantitative dataset regarding their experiences with the youth legal system, school, and community-based services more broadly. These interviews would also ask what supports were missing for these individuals and how system actors could improve going forward. Once all of the proposed data is gathered, the Capstone Proposal outlined a team summit process whereby system leaders and community partners (including at least one youth or family member) would review the data and together, identify and prioritize needed reforms.

Baseline Data

Baseline data was collected to further refine teams' thinking regarding their Capstone Projects and to measure the status quo before implementation of the Capstone Projects began. Teams worked with the Stoneleigh Emerging Leader Fellow to identify the necessary data sources and fields relevant to their developed Projects. Cross-system collaborations and partnerships are essential to gathering the necessary data to paint a clear picture of youth experiences and system functioning. All seven of the participating counties have spent significant time building rapport across systems and organizations with otherwise limited interactions and codifying data sharing agreements throughout the course of developing and implementing their Capstone Projects.

Pre-Arrest Diversion

Perhaps the most challenging, historically unmeasured data points to collect are those regarding pre-arrest diversion practices. Most data collection efforts are motivated by case-processing necessity. Since cases that are diverted from supervision or compulsory conditions do not require records to be maintained, no systematic data collection typically exists for such cases. Thus, the Capstone Projects incorporating pre-arrest diversion elements (i.e., Allegheny, Chester, and Montgomery counties) were faced with the challenge of creating an infrastructure for pre-arrest diversion cases to be routinely measured and reviewed. Existing baseline data motivating each of these counties' Capstone Projects as well as the new data collection efforts necessitated by their Projects are reviewed below.

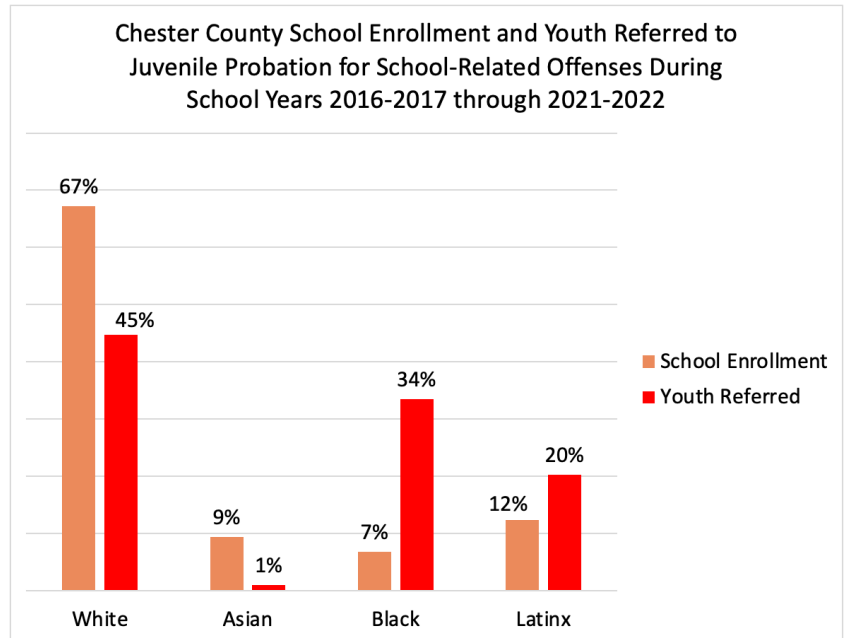
Allegheny County submitted data collected as part of required reporting to OJJDP with their application to the Certificate Program indicating that Black youth in their county are significantly more likely to experience juvenile arrest than White youth (relative rate index [RRI] = 5.37) and significantly less likely to be diverted (RRI = 0.77). This data supported the team's decision to focus on diversion, however, additional data was needed to determine in which area of Allegheny County the team should concentrate their efforts. Data from the U.S. Census and PaJCMS showed that Black male youth residing in the community targeted for their Capstone Project were referred to Allegheny County Juvenile Court at 5 times the rate of White male youth by that community's police department. Additionally, that police department accounted for the highest number of community referrals to the Juvenile Court for the past several years.

Currently, the police department partnering with the Allegheny County team does not collect data regarding diverted youth. Although the police department will begin collecting this data going forward as part of the Capstone Project, it will be impossible for the team to know whether the new diversion opportunity developed increases the use of diversion or makes its use more equitable than current practices in this jurisdiction.

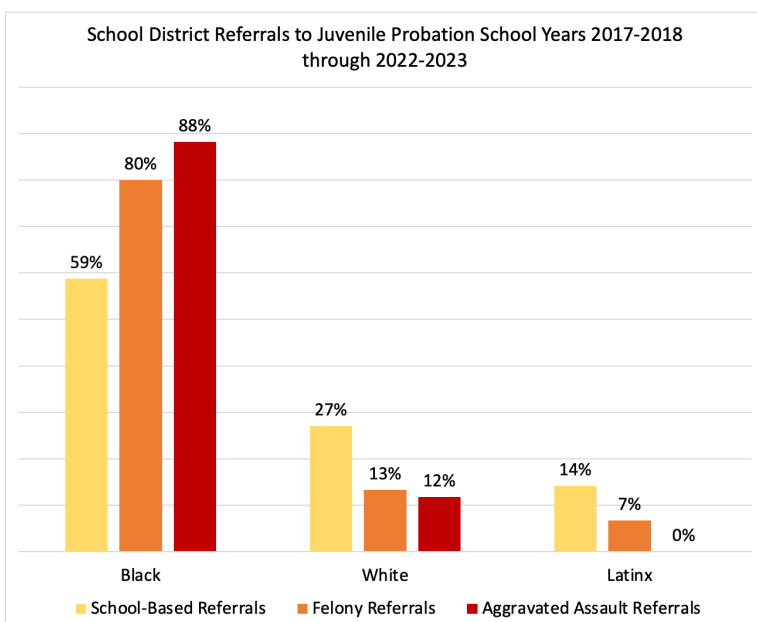
The installation of this data collection mechanism is commendable, however, given the current lack of such pre-arrest diversion data in the field at large (Anderson et al., 2022). Especially given the recent criticisms of police departments and push for greater transparency and accountability (21CP Solutions, 2022; State of Colorado Attorney General, 2021; United States Department of Justice, 2023), this aspect of the Allegheny County team’s Capstone Project will hopefully prove an invaluable asset and model for other jurisdictions going forward.

The Chester County team obtained data from school years 2017–2018 through 2022–2023 from the Pennsylvania Department of Education and PaJCMS records from Chester County Juvenile Probation Office. The team compared aggregate counts of youth referred to Juvenile Probation to youth enrolled in non-virtual school settings in Chester County.

This comparison revealed that Black youth are over-represented in youth referred to Juvenile Probation (34%) relative to their proportion of youth enrolled in grades 5–12 throughout the county (7%). Focusing on the Capstone Project’s targeted school district, Black youth were over-represented in referrals to Juvenile Probation emanating from that school district (58%) relative to their proportion of youth enrolled in that school district (30%). This data supported the Chester County team’s decision to focus on reducing school-based referrals to Juvenile Probation their target school district.



To better understand the types of offenses being referred to Juvenile Probation from this school district, the Chester County team examined the severity of the school-based referrals as well as the number of charges per referral across racial and ethnic groups.

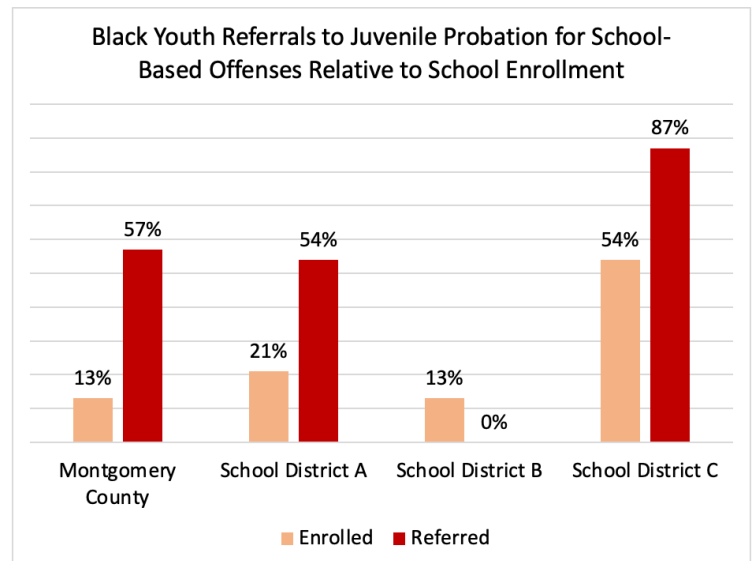


This examination revealed that within the targeted school district, Black youth were over-represented in both felony referrals (80%) and referrals for aggravated assault (88%) relative to their proportion of all school-based referrals to Juvenile Probation (59%). The reverse trend was observed for White youth who comprised 27% of all school-based referrals, but only 13% of felony referrals, and 12% of referrals for aggravated assault. Consistent with prior research (Andersen, 2015; Gase et al., 2016; Smith et al., 2009), Latinx youth referrals followed a similar trend to White youth referrals (14% of all school-based referrals, 7% of felony referrals, and 0% of referrals for aggravated assault).

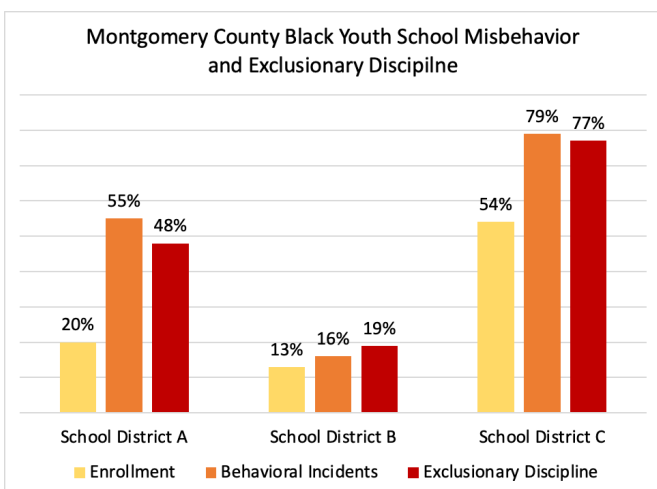
In addition to differences in offense severity, Black youth experience an average of almost 5 charges per referral from the targeted school district whereas White and Latinx youth average 4 and 3 charges per referral, respectively.

The Montgomery County team obtained data from the Pennsylvania Department of Education, PaJCMS, and the participating school districts to examine the use of school discipline and referral to Juvenile Probation in response to school behavioral incidents. School enrollment data for school years 2016–2017 through 2021–2022 were downloaded from the Pennsylvania Department of Education’s website. School-based referrals to Juvenile Probation between September 1, 2016 and August 31, 2022 were collected from PaJCMS. School behavioral incident and disciplinary response data for school years 2016–2017 through 2021–2022 was obtained from the two of participating school districts without SROs (hereafter referred to as school districts B and C) while the remaining school district (hereafter referred to as school district A) provided this data for March through May of 2022.

The data examined showed that Black youth were over-represented in school-related referrals to Juvenile Probation relative to their proportion of youth enrolled in grades 9–12 in non-virtual school districts in Montgomery County as a whole as well as in school districts A and C. School district B did not exhibit over-representation of Black youth in their school-based referrals to Juvenile Probation. One reason for this differential pattern may be the proportion of Black youth enrolled in each school district.



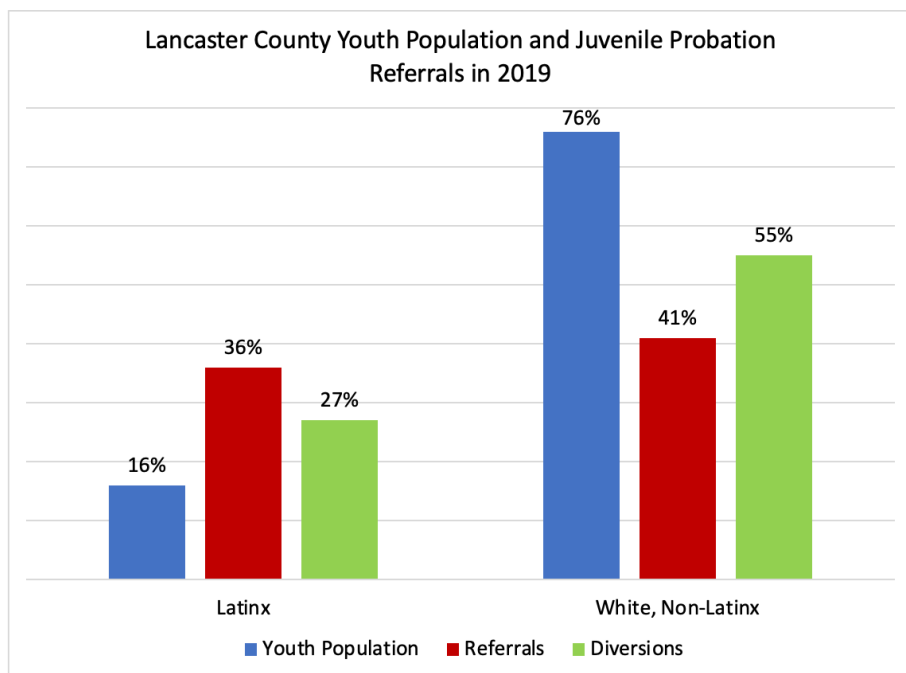
In school district B, Black youth comprise only 13% of youth enrolled, however, in school districts A and C, Black youth comprise 21% and 54% of enrolled youth, respectively. Prior research has found evidence of a threshold effect after which the proportion of Black individuals in a population becomes untenable and viewed as threatening by the majority racial group, resulting in increased efforts to socially control Black individuals (Stults & Baumer, 2007). It may be the case that in school district B, Black youth do not comprise a large enough proportion of enrolled students to reach the threshold at which perceived racial threat would be present and thus are not over-represented in referrals to Juvenile Probation in that school district.



Examining the school misbehavior and discipline data provided by the school districts, the Montgomery County team found no statistically significant effect of race on either the likelihood of exclusionary discipline or calls to local law enforcement. Overall, the data suggests that Black youth are over-represented in referrals to Juvenile Probation and documented behavioral incidents at school relative to their proportion of youth enrolled in School Districts A and C. Once cited for school misbehavior, however, Black youth are no more or less likely to receive exclusionary discipline than White youth in all three school districts.

Post-Arrest Diversion

While gathering data on pre-arrest diversion is challenging, Pennsylvania's PaJCMS offers an efficient method for measuring post-arrest diversion opportunities such as consent decrees and informal adjustments. PaJCMS is maintained by the Center for Juvenile Justice Training and Research which is overseen by JCJC. Having the state team's support of the county projects was thus critical in obtaining large scale data pulls from the system through this Center. County teams were able to request datasets specific to measuring their Capstone Projects' stated goals which were pulled from PaJCMS and swiftly sent back for analysis. The Lancaster and Lehigh County teams both examined their use of consent decrees and informal adjustments using data from PaJCMS.

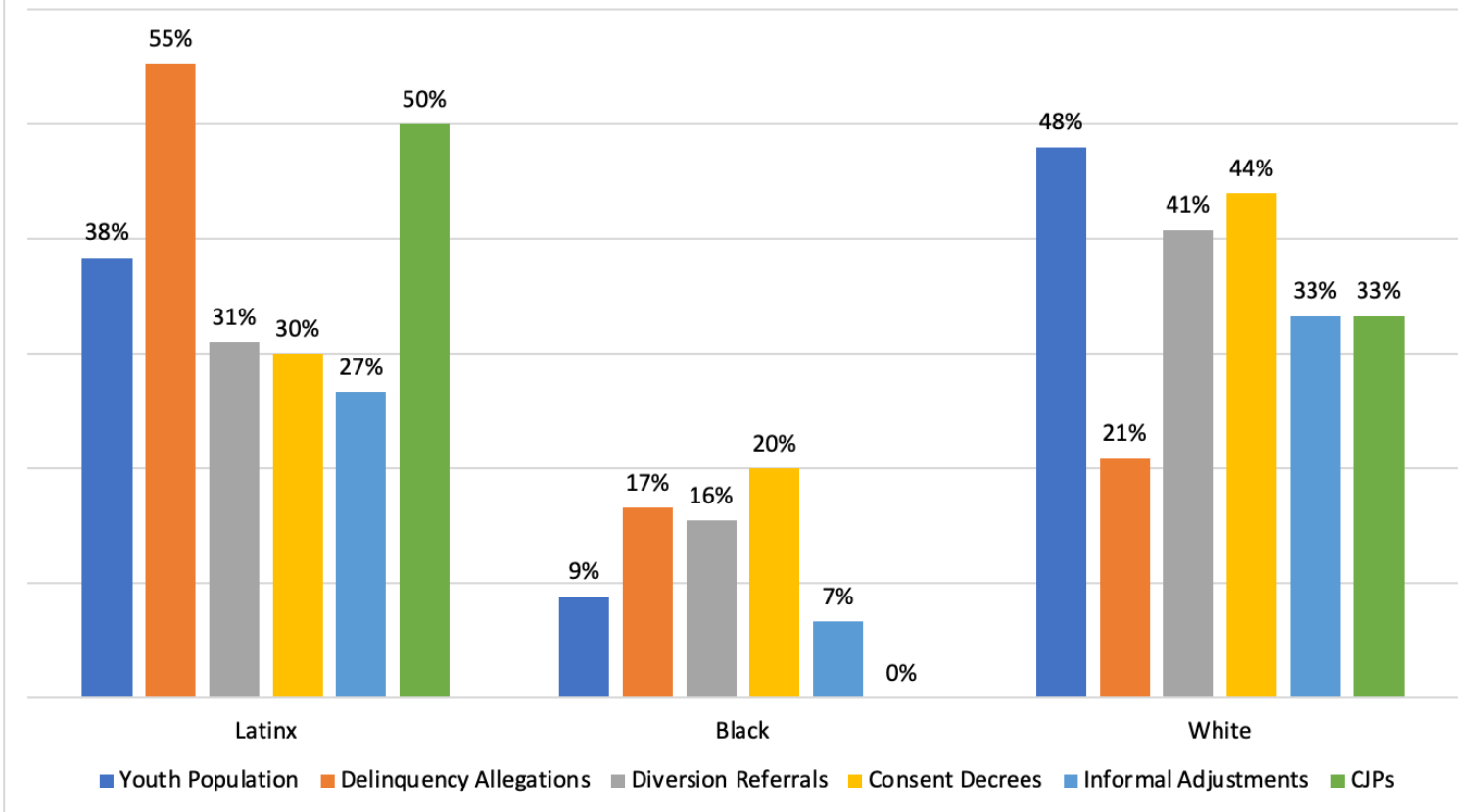


The Lancaster County team reviewed all diversion referrals (i.e., consent decrees and informal adjustments) that went through the Juvenile Probation Office from 2016 through 2022 and compared them to all referrals received by Juvenile Probation and the youth population to identify any disproportionalities. The team found that a greater share of White, Non-Latinx youth were diverted once referred to Juvenile Probation than were Latinx youth. Additionally, when compared to the youth population of Lancaster County, Latinx youth were over-represented in referrals to Juvenile Probation while White, Non-Latinx youth were under-represented.

The Lancaster team also examined diversion success rates across racial and ethnic groups and over time. Since 2016, the success rates for diverted youth have increased by five percentage points from 85% to 90% in 2022. Both consent decrees and informal adjustments showed a 90% success rate in 2022 and success rates were similar across racial and ethnic groups.

The Lehigh County team similarly examined their use of informal adjustments and consent decrees using 2021 data from PaJCMS. Additionally, the team obtained data from their community partner The IMPACT Project regarding youth diverted from Juvenile Probation and instead referred to The IMPACT Project's Community Justice Panels (CJPs). This data revealed that both Latinx and Black youth are over-represented in delinquency allegations relative to their proportion of the youth population in Lehigh County. Looking at diversion referrals, however, showed that only Latinx youth were under-represented in opportunities to be diverted from the youth legal system. Overall, the low number of diversion referrals, particularly for informal adjustments (n = 10) and referrals to the IMPACT Project's CJPs (n = 5) suggested to the team that use of diversion across the board needed to be increased, with a particular focus on increasing these opportunities for Latinx youth.

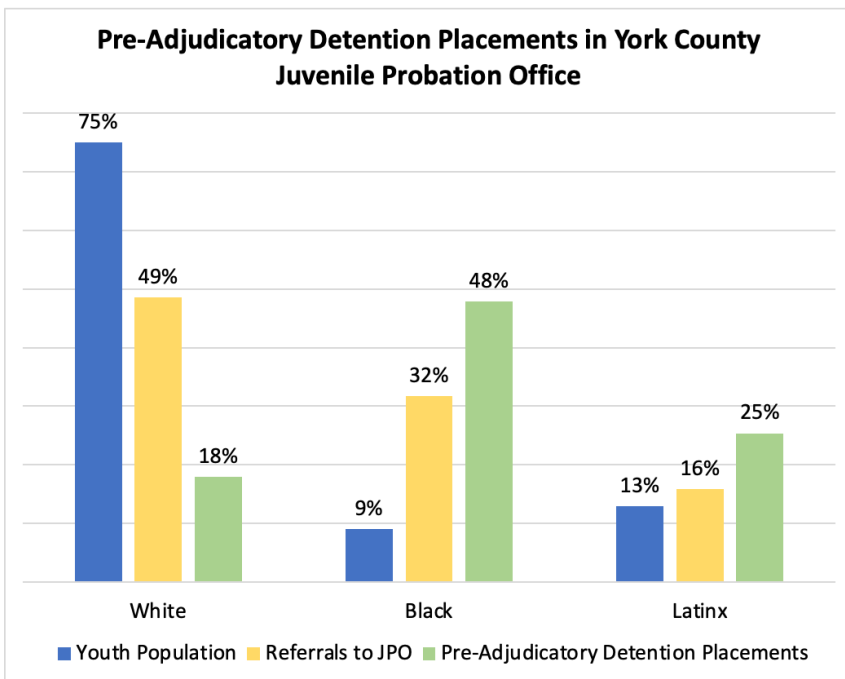
Diversion Use in Lehigh County in 2021 by Race/Ethnicity



Similar to Lehigh County’s goal of increasing referrals to the IMPACT Project’s CJs, the Montgomery County team’s post-arrest diversion focus was on increasing the use of the District Attorney’s Youth Aid Panel (YAP) particularly by Juvenile Probation, Public Defenders, and Magisterial District Justices. Accordingly, the Montgomery County team reviewed data collected by the District Attorney’s Office regarding all referrals during 2021 and 2022 to their YAP. Of the 677 referrals to the District Attorney’s YAP during this time period, only 2% came from the sources targeted for the Capstone Project. Race and ethnicity data was missing for 72% of all referrals and thus another goal of the Montgomery Team’s Capstone Project became more consistent recording of this information in the District Attorney’s Office. The team examined the 172 referrals without missing data. These referrals showed no statistically significant difference across racial groups in the proportion of referrals deemed appropriate for YAP, with approximately 79% of referrals deemed appropriate for the District Attorney’s YAP.

Detention

The York County team’s focus further into system involvement allowed data from PaJCMS to be used for the quantitative portion of their detention decision-making review. The team reviewed all 188 pre- and post-adjudication detention placements made during 2018 and 2021. This data revealed that Black and Latinx youth were disproportionately over-represented in both pre- and post-adjudicatory detention admissions relative to their proportion of referrals to Juvenile Probation and youth placed on probation, respectively.



While Black youth comprised 32% of referrals to Juvenile Probation, 48% of pre-adjudicatory detention placements were Black youth. Latinx youth comprised 16% of referrals to Juvenile Probation and 25% of pre-adjudicatory detention placements. Additionally, an examination of the 67 pre-adjudicatory detention placements included showed that Black and Latinx youth spent longer on average in pre-adjudicatory detention than White youth did. While White youth spent an average of 10 days in pre-adjudicatory detention, Black and Latinx youth spent an average of 19 and 22 days respectively.

Looking at post-adjudicatory detention decision-making revealed that while Black youth comprised 27% of youth on probation, 43% of youth placed in post-adjudicatory detention were Black. Similarly, Latinx youth comprised 16% of youth on probation and 25% of youth in post-adjudicatory detention. The team found no significant difference across racial groups in the length of time spent in post-adjudicatory detention, with an average placement time of 28 days among the 121 placements. An examination of the most recent Youth Level of Service (YLS) assessment for all post-adjudicatory placements revealed that a larger percentage of Black and Latinx youth than White youth scored high needs in the Recreation and Leisure domain.

York County Most Recent YLS Recreation and Leisure Needs Score Prior to Post-Adjudication Detention Placement						
	All Youth	White Youth	Black Youth	Hispanic Youth	Multi-Racial Youth	Native Hawaiian or Pacific Islander Youth
	Placements	Placements	Placements	Placements	Placements	Placements
No YLS Score	1% (1)	0	2% (1)	0	0	0
Low Risk	12% (14)	20% (5)	15% (9)	0	0	0
Moderate Risk	15% (18)	16% (4)	13% (8)	14% (4)	40% (2)	0
High Risk	73% (88)	64% (16)	70% (43)	86% (25)	60% (3)	100% (1)
Total	121	25	61	29	5	1

This domain assesses whether youth are involved in organized activities, display prosocial personal interests, and how youth use their free time. Thus, one potential target for reform efforts may be for the team to either ensure culturally appropriate recreation options are available in York County or to assist youth in becoming aware of and accessing existing resources.

Teasing apart which of these avenues would be a more fruitful endeavor will be aided by the inclusion of the qualitative data the York County team is currently working to collect through community-led interviews with the youth and families included in this quantitative dataset. The goal of these interviews is for the team to hear from youth and families regarding their experiences with the youth legal system, school, and community-based services in York County and to help in identifying areas for reform.

Implementation

Teams began implementing their Capstone Projects while simultaneously working to refine them shortly after the in-person instructional week in September 2021. Every team has experienced setbacks in executing their original design and they have each adapted accordingly. Perhaps the most pervasive hurdle encountered across the board has been staff turnover. Teams have brought additional partners into the work and spent significant time building rapport with predecessors in essential roles to progress their Projects amidst turnover. The teams have shown great resiliency and dedication to this work due in no small part to the leadership, support, and commitment of the state team. Each member of the state team made themselves available for the monthly county team meetings and attended as time permitted. The leader of the state team also met monthly with the Stoneleigh Emerging Leader Fellow to discuss the progress of the county teams and suggest statewide resources that the counties may access as appropriate. All state team members also attended the quarterly cohort meetings and provided feedback to each team as they shared their Capstone Projects. Currently, the teams are at various stages of implementing their outlined Projects.

Pre-Arrest Diversion

The teams focused on pre-arrest diversion were each attempting to create a new avenue for diversion that did not exist previously. One of the first steps in implementing the Allegheny County team's Capstone Project was to build rapport with the predecessor of a recently retired Chief of Police in their target Police Department. During these initial conversations, the team developed a template diversion checklist with some questions taken from the Pennsylvania Detention Risk Assessment Instrument (PaDRAI) to help police officers assess a youth's risk to public safety when determining whether the youth should be diverted.



By the beginning of 2023, the Chief of Police had committed the target Police Department to attending bi-weekly meetings focused on how officers would be trained to divert youth, how data pertaining to the diverted youth would be collected, adapting existing diversion alternatives offered in the associated School District for use in the community, and the creation of a memorandum of understanding (MOU). On June 8, 2023, the partnering Police Department received formal training on the new diversion process which reviewed how the process works in addition to how data will be collected to ensure the process is being implemented with fidelity.

The Chester County team's Capstone Project is set to fully launch this upcoming school year (2023-2024). In February 2022, Juvenile Probation joined the partnering School District's Board Meeting to introduce the Capstone Project. During the next month, the partners tentatively discussed the eligibility criteria for the new diversion option matching those of the existing District Attorney's Office Youth Aid Panel and an initial MOU draft was presented to the School District at that time. In April 2022, the Chester County team submitted an application for the Fiscal Year 2022 Byrne Justice Assistance Grant offered through PCCD. The team envisioned this grant funding the new Diversion Coordinator position at least during the pilot stage. During this time, the team learned that the superintendent of the partnering School District was going to be out on extended family medical leave. As such, the team began building rapport with the interim superintendent, but this change in leadership delayed the Project's advancement.

A community meeting was held in June 2022 to discuss youth, parents, and issues in the partnering School District. This meeting was not well attended by youth, but many parents were present. The Chester County team found the parents very helpful in identifying services that were needed in the school and took those suggestions into consideration in continuing to refine their Capstone Project.

In December 2022, the team was awarded the Byrne Justice Assistance Grant and set to work readying to post the Diversion Coordinator position that Juvenile Probation staff had already worked to outline. At this point in time, the interim superintendent was a full partner on the Project and was helping the team to iron out the specific mechanisms through which the new diversion opportunity would function. The next month, Juvenile Probation met with the District Attorney to try to finalize approval of the proposed eligibility criteria.



In the spring of 2023, the MOU was signed and a new superintendent was hired to replace the interim superintendent.

Juvenile Probation selected a candidate for the Diversion Coordinator position who was onboarded on April 24, 2023. The Diversion Coordinator did not immediately begin working in the school, but was first acquainted with the daily operations of Juvenile Probation. In June 2023, the team met with the new superintendent who thought it best to wait until the upcoming school year to begin offering the new diversion opportunity due to reorganization within the School District this summer.

The pre-arrest diversion aspect of Montgomery County's Capstone Project was the creation of three school-based youth aid panels (YAPs). The team approached School Districts A and C in the fall of 2021 while School District B was brought into the Project in the spring of 2022. In the summer of 2022, the team and data leads created a parent informational booklet for School Districts to distribute regarding the importance and functioning of YAP. As the school districts finalized their eligibility criteria, the team also provided school YAP manuals outlining the specific eligibility criteria for each school district.

Referral criteria for School District A's school YAP was finalized in April 2022. The Capstone team lead (also the Director of the Youth Aid Panel Program in the Office of the District Attorney) trained the school YAP panelists for School District A on May 16, 2022. The school YAP panels are composed of staff members identified by the superintendent and school board.

All participating School Districts agreed to pay staff overtime to attend the all-day trainings (9am - 4pm) offered by the team lead. In June 2022, the team met with School District A's solicitor and asked for a meeting to develop a MOU which was signed in the winter of 2022. School District A's school YAP began taking referrals on September 19, 2022. This school district operates one panel which meets up to two times a week depending on the volume of referrals.

School District B developed their school YAP eligibility criteria in the summer of 2022 and their panelists were trained by the Capstone team lead on September 24, 2022. Both School Districts B and C launched their school YAPs the week of November 14th 2022. By March of 2023, School District B's YAP had still not received any referrals. The Police Chief in this area (also a member of the both the Capstone team and RJIP Task Force) reached out to the superintendent who in turn met with the assistant principals in that school district to discuss why youth were not being referred to their school YAP. The Capstone team lead will meet with the superintendent this summer to discuss internal support for the program and how to move forward next school year.



School District C's YAP panelists were trained on October 10, 2022. The Stoneleigh Emerging Leader Fellow attended this training at the High School in this district to better understand how panelists were brought into the Project and how the school YAPs were intended to function. Once referred to a school YAP, the youth and their parent or guardian have an entrance meeting with the panelists. At this meeting they discuss what the offense is, what the youth's motivation for the behavior was and why the youth is taking part in this meeting, and the panelists get to know the youth a little more. The panelists then decide on resolution items and one panelist is assigned as the youth's point of contact to check in with weekly. Finally, the panelists, youth, and parent/guardian set a date for the panel to reconvene for an exit meeting at which point in time the youth will have been expected to complete the agreed upon resolution items. School District C's YAP began taking referrals in January 2023 and the team codified the school YAP practice through signing a MOU in February 2023.

The Capstone team lead met monthly with the school YAP panel chairs from School Districts A and C to discuss the number and type of referrals received, how they were handled, and how panelists were perceiving the YAP as a disciplinary option. The Stoneleigh Emerging Leader Fellow assisted the Capstone team in creating a data template to assess the equity and functioning of the school YAPs which each school district is required to send to the Capstone team lead quarterly. The Capstone team lead will be meeting with these same panel chairs over the summer to debrief and firm up expectations for next school year.

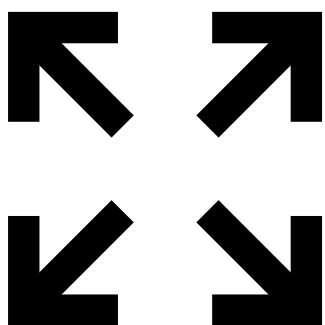
Additionally, the Capstone team, in partnership with the RJIP Task Force, is sponsoring a Police and School District Conflict Resolution Training to take place in spring/summer of 2024. Each of the three school districts have been offered six training slots to participate in a three-day Conflict Resolution Training facilitated by CORA Good Shepherd Mediation at the Montgomery County Fire Academy. All members of the existing RJIP Task Force, all Capstone team members, all case managers for the District Attorney's YAP, and six police officers will be present at the training as well.

To sustain and spread the effect of this training, the team intends for trained individuals to later team up across systems (e.g., a trained representative from Juvenile Probation teaming up with a trained police officer) and work to train other school officials who could not attend the initial training.

Post-Arrest Diversion

The Montgomery County team's Capstone Project also included aspects of post-arrest diversion in addition to the new pre-arrest options described above. Post arrest, the team's Capstone focused on increasing referrals to their existing District Attorney's YAP, particularly from Magisterial District Justices, Public Defenders, and Juvenile Probation. Importantly, youth can still be eligible for the District Attorney's YAP after being referred to a school YAP so the creation of school YAPs added to a continuum of diversion opportunities before youth are referred for formal processing in Montgomery County. To increase referrals to the District Attorney's YAP, the Capstone team lead presented at the fall meeting of Magisterial District Justices on December 9, 2022. The presentation outlined the Capstone Project and allowed the team lead to talk about the recently expanded eligibility criteria for the District Attorney's YAP and encourage the justices to utilize it.

The Lehigh County team's Capstone Project focused on increasing referrals to CJs from Juvenile Probation as well as increasing the use of informal adjustments and consent decrees through expanded eligibility criteria and adaptations to the intake process at Juvenile Probation.



Juvenile Probation and the District Attorney's Office in Lehigh County worked in concert to expand the eligibility criteria for consent decrees and informal adjustments. Youth are no longer automatically disqualified from these diversion opportunities if they have prior referrals (this standard has been changed to the more stringent prior adjudications standard) or fail a drug test at the time of intake. Previously, youth were required to admit to the totality of the charges on the police report to be eligible for diversion, however, the Capstone team changed the criteria to "taking responsibility" rather than admitting to each charge.

In addition to expanding the formal eligibility criteria for consent decrees, intake officers were also instructed to advocate for youth who appear to be good candidates for diversion in their professional judgment, but do not meet the objective eligibility criteria. In such cases, intake officers can either refer the youth to a CJP or can reach out to the District Attorney's Office with reasons why they feel the youth may be appropriate for a consent decree.

The Lehigh County team developed hypothetical scenarios where a youth could be diverted and asked intake officers to make a recommendation for how the case should be handled and to explain their reasoning for their choice. These scenarios were created to include factors commonly correlated with being a youth of color, but which should not preclude youth from being recommended for diversion (e.g., living in a single-parent household), however, the youth's race and ethnicity were not listed. The responses were then compiled by a member of the Capstone team and the intake supervisor spoke with the officers about changing their thought processes to make diversion recommendations more equitable and the collateral consequences that are associated with being adjudicated delinquent.

The first scenarios were administered in March 2022 to understand how intake officers were making their decisions before the Capstone Project was implemented. A second round of scenarios were administered in summer 2023 to determine any changes that occurred after conversations with the intake supervisor and expanded eligibility criteria. A third round of scenarios will be administered shortly after the Juvenile Probation Office receives implicit bias training from the Perception Institute in fall/winter 2023.

Detention

For youth who are not diverted from the system, the York County Capstone team has made strides toward increasing equity in detention decision-making. The York County Criminal Justice Advisory Board (CJAB) is a 21-member decision-making body that meets every month and is responsible for setting countywide justice priorities and creating three-year strategic plans to accomplish these priorities. Committees are formed under CJAB dedicated to addressing set priorities. The team's Capstone Project was adopted as a diversion priority and an inclusive committee was formed dedicated to seeing the Project through. Youth, families, and community partners are encouraged to join the working groups of this committee and take leadership positions to help advance the work.

In addition to the readily available data pulled from PaJCMS with the support of the state team, York County Juvenile Probation conducted in-depth case reviews to understand why youth were placed in detention. These reviews included factors such as: whether the detention placement was pre- or post-adjudication, who made the detention decision (e.g., probation officer, judge), whether someone else aside from the decision-maker advocated for detention (and if so, who it was), whether a release resource was available for the youth, and whether the youth had Children, Youth, & Families involvement at any point prior to their detention placement.

Supplementing this system-perspective of detention decision-making, the Capstone team is currently conducting community-led interviews of youth and families who were included in the detention dataset. The Program It's About Change and Community Action for Recovery and Diversion (CARD) have been indispensable community partners in the creation and implementation of this piece of the Capstone Project. The Program It's About Change took the lead in drafting questions for separate youth and family interviews and worked together with Juvenile Probation to create training guides for the interviewers. After creating initial drafts, The Program It's About Change sent the interview questions to CARD and then the Joint Consumer Advisory Board (composed of twelve community members with lived experience navigating the behavioral health, child welfare, and legal systems) for feedback and refinement.

Peer and mentor positions from groups in the community as well as members of the Joint Consumer Advisory Board were recruited or volunteered to conduct the interviews. The York County Bar Foundation funded youth and family incentives (\$200 gift cards) for participation in the interviews. The tentative goal is to collect interviews from 25 youth and 25 families/households to more fully inform reasons for detention placement, what the experience is like, and what community resources youth and families feel are lacking.

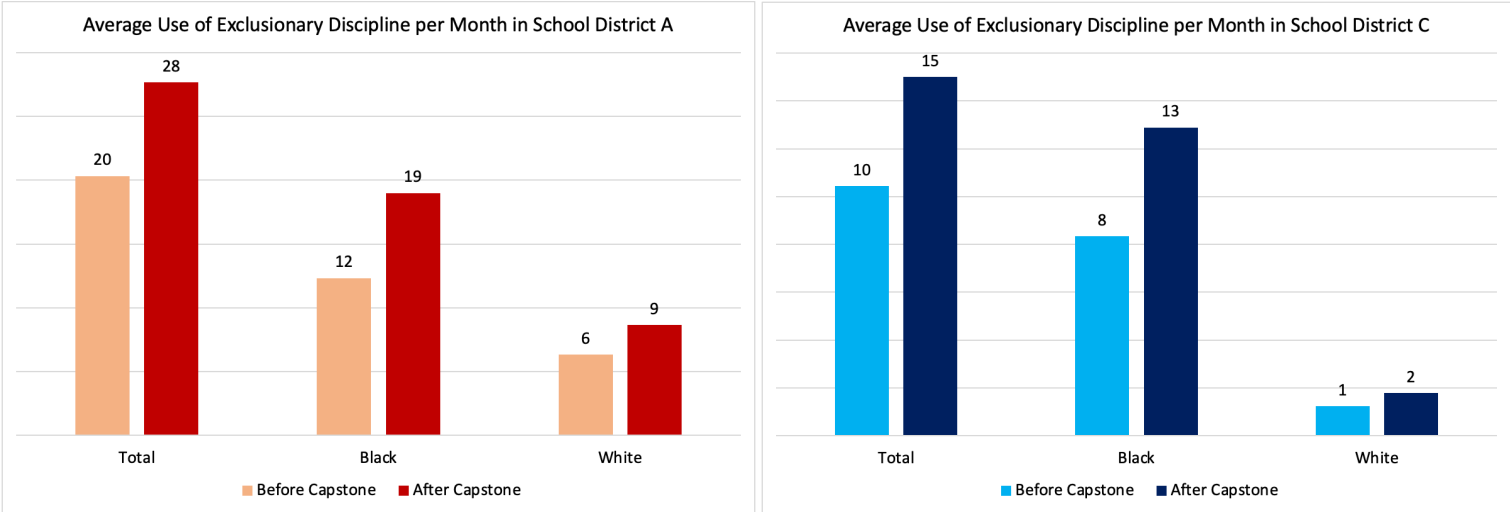


Interviewers were trained and a random number generated list of potential participants created in August 2022. In October, the team sent postcard to the identified youth and families helping to introduce the project so interviewers would not be cold calling to inquire about participation. A few of the youth identified as potential participants are currently incarcerated in York County Prison on adult charges and so Juvenile Probation is working with the prison to gain access to those youth and ask whether they are willing to be interviewed. In January 2023, interviewers began contacting individuals and conducting interviews. The Program It's About Change set up regular meetings with the interviewers to track their progress and identify barriers to participation and accessing potential participants.

Outcome Data

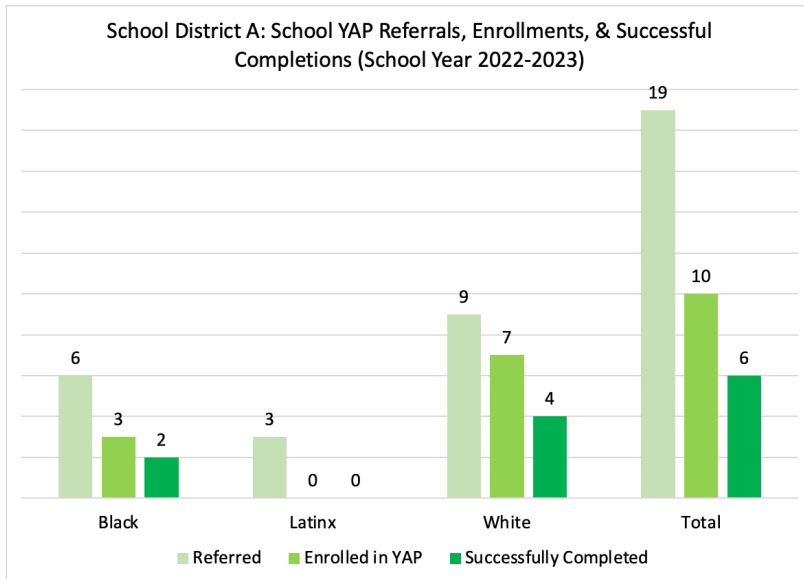
Although many counties are still in their initial stages of implementation, both Montgomery and Lehigh Counties' Projects are at a point where they were able to examine some preliminary outcome data. Montgomery County's primary goals were to: 1) reduce the use of exclusionary discipline and referrals to Juvenile Probation from the partnering school districts, 2) create and use school-based YAPs, and 3) increase referrals to the District Attorney's YAP. To assess the team's progress toward their first goal, each School Districts A and C were asked to submit their use of in-school suspensions, out-of-school suspensions, expulsions, and arrests during the most recent school year (2022-2023). **Both school districts reported no arrests for school-based incidents during the most recent school year. This is a commendable change from the 7 average annual referrals to Juvenile Probation from School District A and 3 average annual referral from School District C reported prior to the Capstone Project's implementation.**

The average monthly use of exclusionary discipline was calculated based on the baseline data submitted by each school district and compared to the average monthly use of exclusionary discipline in the most recent school year.



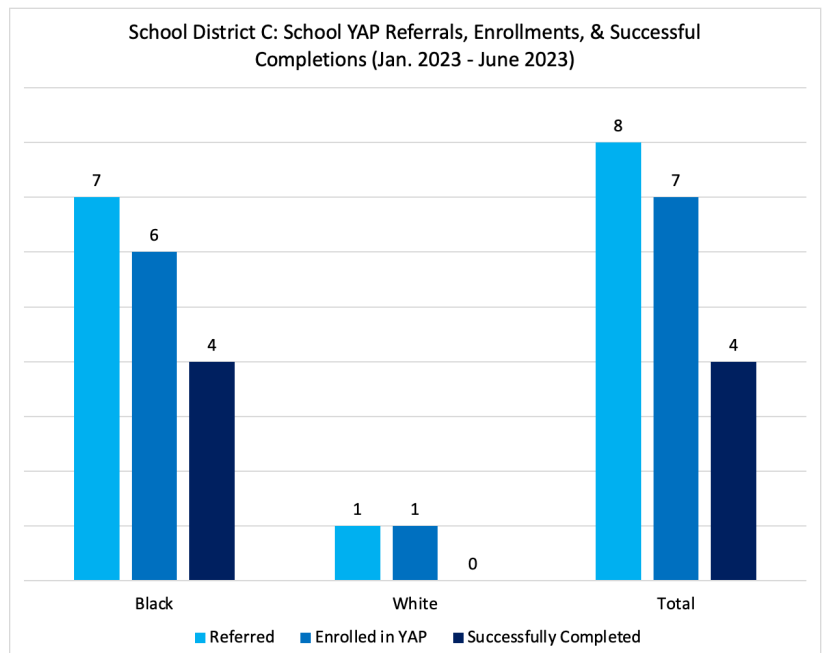
Unfortunately, both school districts are currently reporting increased use of exclusionary discipline this most recent school year as compared to their use prior to the Capstone Project. School District A reported an average of 8 more suspensions and expulsions in the most recent school year while School District C reported an average of 5 more.

The Montgomery County Capstone team plans to discuss why the school YAP panel chairs think this may be the case in the debrief meeting scheduled for this summer and also to reiterate to the chairs the negative consequences associated with exclusionary discipline use such as: lower educational attainment, less civic engagement, reduced likelihood of employment and lower financial earnings, and greater likelihood of arrest and legal system involvement (Davison et al., 2022; Kupchik & Catlaw, 2015; Pesta, 2018; Rosenbaum, 2020).



Regarding the Montgomery County team’s second goal, two of the three school YAPs that were formed received referrals and met with students during the most recent school year. Both School District A and C completed the school YAP data templates provided by the Capstone Team. The school YAP data revealed that ten youth participated in School District’s A’s YAP, three of whom were Black youth. Overall, 60% of the ten youth successfully completed and the success rate was slightly higher for Black youth (67%) than for White youth (57%).

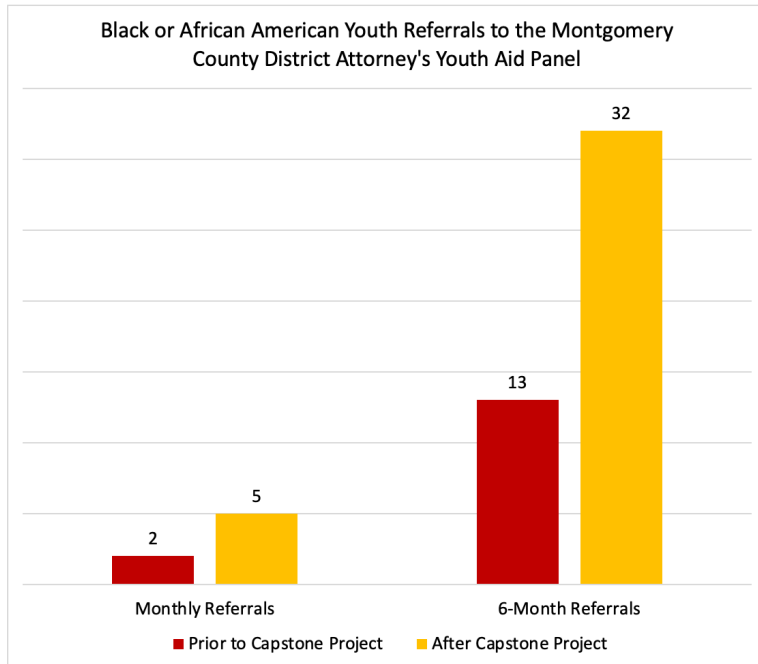
School District C’s YAP, which began halfway through the 2022-2023 school year saw seven youth, six of whom were Black. The overall successful completion rate was 57%, with 67% of Black youth successfully completing and the one White youth who was enrolled unfortunately did not successfully complete.



Finally, the third goal of Montgomery County’s Capstone Project was measured using data collected by the District Attorney’s Office regarding referrals to the District Attorney’s YAP. Although not statistically significant,⁵ **the proportion of referrals to the District Attorney’s YAP for White and Black youth is becoming more equal.**

⁵ The lack of statistical significance is likely due to the small sample size of post-Capstone referrals given that only six months of outcome data has been collected thus far.

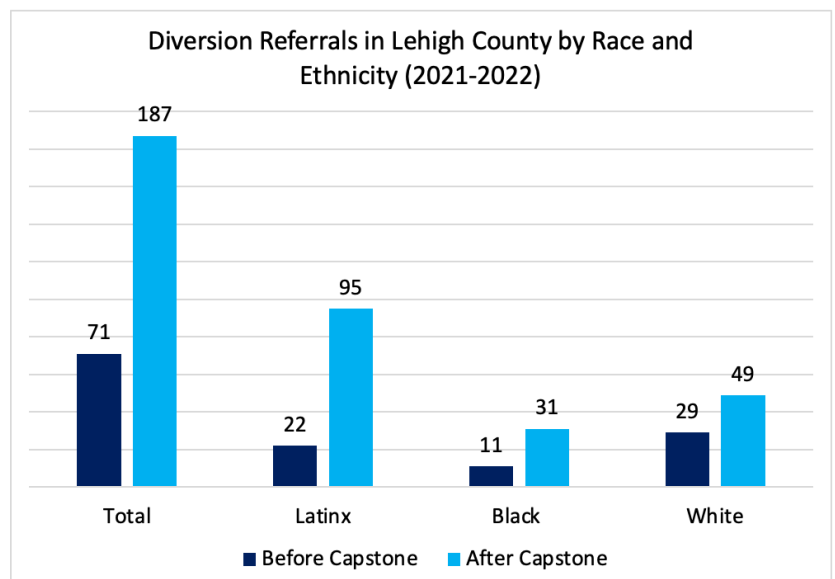
Prior to the Capstone Project, 65% of referrals were for White youth and 27% were for Black youth. Now, 57% of referrals to the District Attorney’s YAP are for White youth and 29% are for Black youth. Additionally, the proportion of referrals with missing race and ethnicity data dropped from 72% prior to the Capstone Project to 51% after the Capstone was implemented.

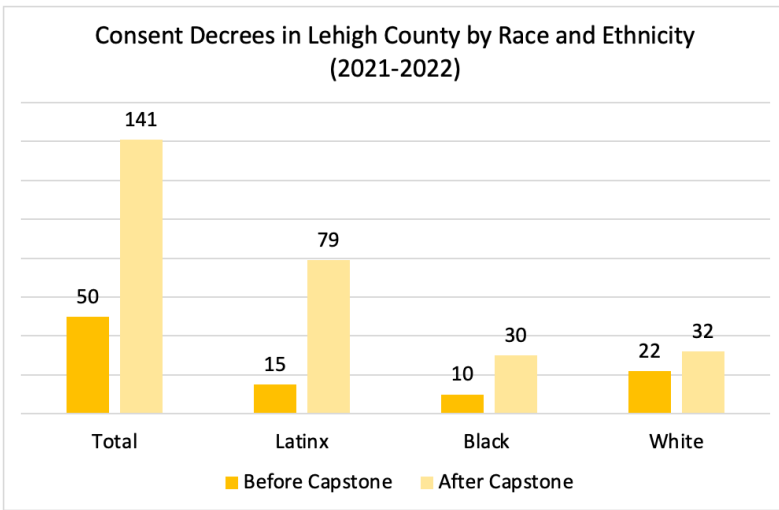


The average monthly referrals increased from 29 to 38 after implementing the Capstone Project. Once removing referrals with missing race and ethnicity data, the average monthly referrals increased by approximately 138% from 8 to 19. Importantly, the average number of referrals monthly for Black youth increased by 150% from 2 to 5 while the average number of monthly referrals for White youth increased by 120%. Thus, initial outcome data suggest that not only are the proportion of referrals to the District Attorney’s YAP for Black youth increasing, but the number of referrals for Black youth are increasing as well.

Lastly, the proportion of referrals to the District Attorney’s YAP made by Magisterial District Justices, Juvenile Probation, and Public Defenders, increased from 2% to 7% after the implementation of the Capstone Project. Thus, the Montgomery County team appears to have been successfully in increasing the number of referrals from entities other than police departments. Diversifying referral sources to the District Attorney’s YAP is critical to ensuring that all potentially eligible youth are given a chance to participate in this diversion opportunity in lieu of formal system processing.

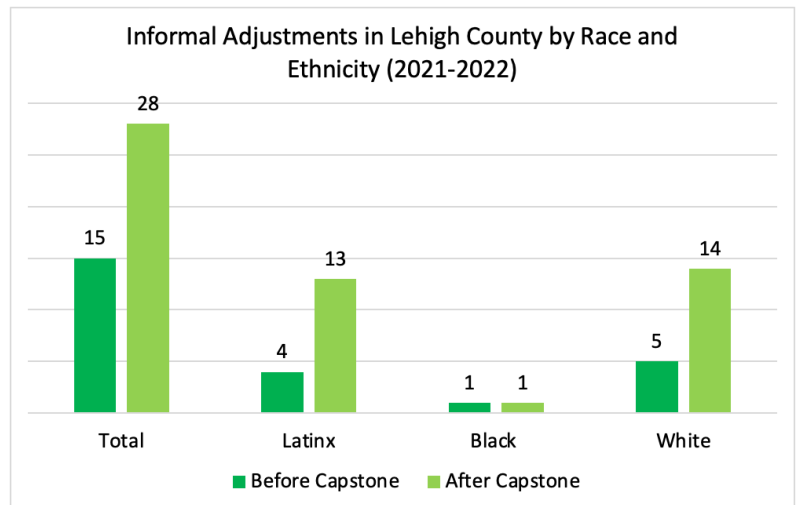
The Lehigh County team examined 2022 referral data collected in PaJCMS to determine whether their Capstone Project’s efforts to increase diversion use were successful. This data showed that between 2021 and 2022, the number of referrals resulting in diversion increased by 163% in Lehigh County from 71 referrals in 2021 to 187 referrals in 2022. Latinx youth accounted for a much larger share of these referrals after the Capstone Project (51%) than prior to its implementation (31%). Looking at the specific types of diversion referrals, the use of both consent decrees and informal adjustments have increased while the number of referrals to the IMPACT Project’s CJP’s has remained constant.





The use of consent decrees increased by 182% from 50 referrals in 2021 to 141 referrals in 2022. Latinx youth saw the greatest increase in consent decree referrals from 15 in 2021 to 79 in 2022. Not only is the sheer number of consent decrees increasing, but the proportion of consent decree referrals for Latinx youth increased from 30% to 52% in the time period observed.

The number of referrals resulting in informal adjustment increased by 87% from 15 referrals in 2021 to 28 referrals in 2022. Similar to consent decrees, Latinx youth experienced the greatest percentage increase in informal adjustment referrals from 4 in 2021 to 13 in 2022, a 225% increase. During this same time period, White youth informal adjustments also increased by 9 referrals, however, this reflected a 180% increase from 5 referrals to 14. In both years, only one informal adjustment referral was for a Black youth.



Finally, the number of referrals to the IMPACT Project's CJPs from Juvenile Probation remained constant over the time period examined with six referrals each year. Given that the primary referral source to CJPs is the police, it may be that the majority of eligible cases are being directly referred to CJPs by police and so these cases are never entering Juvenile Probation. The Lehigh County Capstone team is currently working to undergo a more exhaustive review of referrals received by Juvenile Probation and the IMPACT Project to determine exactly how many cases were eligible for diversion, what proportion of those cases were ultimately diverted, and how successful these different diversion opportunities appear to be in a birth cohort of youth who have now aged out of the youth legal system.

Taken together, the preliminary outcome data examined in both Montgomery and Lehigh Counties is encouraging. These sites have increased not only the number of youth referred to diversionary programs, but have increased access to these opportunities for youth of color specifically. Going forward, both teams have worked to foster meaningful partnerships across youth-serving agencies to ensure continued data collection and monitoring. In this way, the teams can continue to examine the success of their reform efforts and make adjustments as necessary.

Lessons Learned

Although the preliminary outcome data appears promising, the implementation section of this report made clear that working to advance racial justice and equity can often be slow to progress and challenging. This final section of the report identifies common challenges that emerged across the teams' work and highlights some of the promising strategies that other jurisdictions looking to embark on this work may build from and adapt to their unique context.

Common Challenges:

- Competing demands due to day-to-day responsibilities and multiple initiatives
- Stakeholder engagement and turnover
- Supporting youth in the context of the ecosystems in which they reside
- Data capacity

Through the monthly check-ins and quarterly cohort meetings, perhaps the most common challenge observed and discussed was building and maintaining momentum for the work. After the in-person instructional week, many teams found it difficult to reconvene and carve out time to develop, refine, implement, measure, and continually monitor and adjust their Capstone Projects. Every partner in this work had daily responsibilities they returned to while working on their Capstone Projects. Undertaking any reform effort effectively requires not only time, but a relentless dedication to the uphill battle of changing a system comprised of individuals who by human nature favor consistency over change.

Adding this stress to daily responsibilities is difficult in and of itself, however, many of the partners in this work were already involved in other change initiatives and some new reform efforts were taken on in addition to this one. Juggling the work of this project with other initiatives was difficult for some of the partners, particularly in larger counties. Such counties often experience pressure to partake in every opportunity for change due to their potential to affect the lives of more youth. It becomes difficult, however, to balance how many initiatives can simultaneously be embarked on without compromising the efficacy and efficiency of the efforts. Thus, some counties took longer than others to find the space and time to fully embrace the work required by the Capstone Project.

In addition to carving out time, building and sustaining momentum was often impeded by turnover. Indeed, staffing shortages within social services, particularly the youth legal system has received national attention recently (The Council of State Governments, 2022). Thus, some teams spent a considerable amount of time building rapport with partners only to re-build rapport with the predecessors in those roles months later. Engaging stakeholders can be further complicated when individuals are unable or unwilling to commit the necessary time and resources to system change. Some teams were unable to bring potential partners into the work and were forced to adjust their Capstone Projects accordingly.

When working to implement their Capstone Projects, some teams noted that their efforts to assist youth were limited by the youth's caregivers. Similar to the notion that removing an individual from an anti-social environment by placing them in a secure facility is unlikely to lead to sustained prosocial behavior once the individual is released and returns to that anti-social environment (Kirk, 2012), teams noted that efforts to address youth behavior were futile when the family or caregivers surrounding the youth had unmet needs. This observation is in line with ecological models of human development which argue for the importance of attending to all aspects of a youth's ecosystem when attempting to understand or effectively change youth development (Bronfenbrenner, 1994). Such models posit five socially organized subsystems within a youth's ecosystem. The most directly connected subsystem to the youth is composed of their family, school, peer group, and workplace. Among the needs of this subsystem identified by the cohort was the need to build rapport between families/caregivers and system partners. Redefining essential partners in youth legal system reform efforts to include such non-traditional partners as families and caregivers, is a focus of the upcoming 2023 James E. Anderson Pennsylvania Conference on Juvenile Justice hosted by JCJC.

Lastly, while PaJCMS is an excellent data resource, the multi-disciplinary nature of increasing racial justice and equity requires additional data to be collected by other partners and then shared with the Capstone Team. In some instances, specifically in the context of measuring pre-arrest diversion, this data simply did not exist and so teams were challenged with identifying the data fields necessary for their Project and then asking the appropriate partner to ensure these fields were collected with fidelity. Additional challenges occurred with sharing data across entities that have historically been siloed. Sharing data that is not publicly available requires trust and vulnerability that time will be spent understanding how the sharing entity functions and how those functions are reflected in the data collected so that the data is not misrepresented in any way. Additional rapport building was necessary to facilitate data sharing in many of the Capstone Projects both among the internal county partners and between the Capstone Team and the Stoneleigh Emerging Leader Fellow.

As mentioned previously, the teams that participated in this project were incredibly resilient and thus even while fighting an often uphill battle, many promising strategies for increasing racial justice and equity were identified.

Promising Strategies:

- Bringing a multi-disciplinary team together in a shared space of learning and collaboration
- Collaboration across leadership/funding entities and local leaders
- Lifting up youth and family voice
- Commitment to data collection and empirically-driven reform

Across the board, teams benefitted from breaking down silos between different youth serving organizations and bridging these partnerships with families in the community. Each of the Capstone Projects relies on collaboration between partners to be successful. Reform efforts are often unnecessarily limited by the scope of influence that a single entity can affect without partnering with others. This fellowship project has demonstrated that creating space for potential partners to have courageous conversations regarding race and racism is essential to meaningfully advancing racial justice and equity. The Certificate Program's in-person instructional week was a pivotal springboard to beginning these conversations and introducing the skills to continue having such conversations in a more localized context. During that week, national experts guided the teams in exploring how to talk about race and address implicit bias, understanding the impact of racial trauma, partnering with communities, and navigating racial equity reform in the context of current events. These conversations were critical to teams developing familiarity with and strategies for building safe spaces to talk about race and racism, an essential element in working toward increasing equity. Creating such safe spaces where partners can learn from one another is possible and necessary to embarking on promising reforms.

Collaboration across different levels of influence and experience benefitted the development and implementation of the Capstone Projects. The cohort meetings in particular allowed counties to learn from one another and the state team so that promising strategies were shared across otherwise siloed locales. State team members were often much closer to funding opportunities which they shared with the county teams as appropriate. In particular, the state team circulated information and encouraged teams to apply for the Byrne Justice Assistance Grant which the Chester County team ultimately secured and used to kickstart their Capstone Project. Additionally, Pennsylvania's longstanding commitment to increasing racial justice and equity has resulted in a multitude of subcommittees and initiatives operating at different levels (i.e., locally, regionally, or statewide) throughout the Commonwealth. By bringing together leaders of this work at both the state and local levels, the cohort was able to develop a better understanding of what has been done in the past, what work is currently being done, and what resources are available to access or build from while working on their Capstone Projects.

One topic of frequent discussion at the quarterly cohort meetings was how best to partner with youth and families to develop and implement the Capstone Projects. Peer learning and support were critical to developing promising strategies that would work to build rapport between youth serving systems and organizations and members of the community. Some counties were already working toward this goal when the fellowship project began and were able to share their innovative practices with the rest of the cohort. In Lehigh County for example, community meetings were being held in arcades to increase youth attendance. Other counties used this Capstone Project as an opportunity to devote time and resources to building rapport with youth and their support systems. For example, York County's commitment to interviewing those who have previously been detained and their caregivers, summarizing the responses, and inviting community partners to a team summit process where both the quantitative and qualitative data will be reviewed to identify and prioritize needed reforms. Meaningfully partnering with youth and their support systems in this manner has been recognized nationally as a best practice for driving effective reform (Biddle, 2017; Coalition for Juvenile Justice, 2022; Humowitz, 2022).

Finally, each of the county teams and the state team are thoroughly committed to empirically-driven reform and the data collection and sharing it necessitates. Many counties formed and signed memorandums of understanding (MOUs) which outlined and codified the data practices required to measure both the fidelity of implementing the Capstone Projects and the outcomes they produce. Investing in accurate data collection and allowing empirical analysis of that data to drive reform efforts helps to decrease both confirmation and implicit bias from decision-making. Confirmation bias occurs when individuals anticipate a certain outcome and are more likely to find and highly regard evidence that supports that outcome being correct even if ample evidence to the contrary exists. Collecting and routinely examining data from multiple and independent sources (i.e., those who have less of a stake in seeing the Capstone Project succeed than the core team members) allows concerning trends in implementation and preliminary outcomes to be identified and addressed.

As the teams work to implement their Capstone Projects, they should keep in mind the following:

- **Keep youth and family voice at the forefront of planning, development, and implementation**
- **Ongoing focus on data collection and evaluation.**
- **Communication with and engagement of stakeholders such as judges, law enforcement officials, the district attorney's office, youth, and families.**
- **Ongoing commitment to internal training of staff on issues pertinent to racial equity and justice.**

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