

public citizens for children + youth

Testimony Presented to Pennsylvania Juvenile Justice Task Force Laurie Dow, Vulnerable Youth Policy Director Public Citizens for Children and Youth September 30, 2020

Thank you to the Task Force for allowing me to offer testimony. I am Laurie Dow, the Vulnerable Youth Policy Director for Public Citizens for Children and Youth.

We, like the members of this Task Force, believe we must address the doorway into the system, where the dearth of diversion programs or the failure to use them affects the decisions made by the 25,000 plus local law enforcement professionals who work for more than 1,000 local police departments. But you have an especially practical opportunity to impact the outcomes of youth by focusing a considerable portion of your work in our court and probation systems where you are affecting the methods used by a concentrated number of fewer than 2000 adults as they make decisions about the future of our youth.

Given that context and the data that Pew has compiled so far, I am proffering three specific recommendations for your consideration:

Considerable juvenile justice data has been accumulated, due in large part to the Herculean efforts of the Juvenile Court Judges' Commission. In this process, I think we have all learned that it is imperative that the Commonwealth commit the resources to create a system-wide transparent data reporting system that offers a dashboard of useful performance indicators to inform the myriad of stakeholders who administer juvenile justice services and ensure the public can gauge the system performance and identify areas for improvement. That is our first recommendation.

We need only look at the data that has already been provided to this Task Force to know that immediate change must be made to the court and probation decision making processes that all too often incarcerate youth, both pre- and post-adjudication. In 2018, more than 6,000 youth were "detained" – 3,516 pre-petition and 3,006 post-adjudication. There is no research to prove these periods of incarceration of children are good for youth and there is plenty of research to prove that these periods of out-of-home confinement are a powerful and predictable pathway to the adult system.



990 Spring Garden Street
Suite 200
Philadelphia, PA 19123

215-563-5848 Office
215-563-9442 Fax
info@pccy.org Email

@pccyteam
facebook.com/PCCYPage

pccy.org

Further, nearly 60% percent of youth detained or placed committed misdemeanors including possessing marijuana, shoplifting, or starting a fight, offenses not serious enough to warrant the trauma and pain caused by confinement. And, as the data shows, over a period of ten years, the number of youth sent to detention in any phase of the decision-making process declined dramatically with no concomitant increase in the crime rate. All of this is powerful evidence that supports our second recommendation that Pennsylvania adopt a policy already in place in other states, that summary and misdemeanor offences be mandated as “unjailable.”

Finally, youth are being subjected to wildly different standards for decision making in each of the sixty-seven counties. For instance, Pew found youth in Berks County arrested for a misdemeanor are half as likely as their peers in York County to be sent to a diversion program rather than sent before a judge.

The variance at the county level can also be a key driver to the unacceptably high level of youth of color ending up in detention at any stage in the process. White youth are seventy percent of the overall youth population and they account for only thirty-four percent of all post-adjudication placements. Contrast that with the fact that Black and Hispanic youth account for only twenty-six percent of the youth population but represent sixty-one percent of all post-adjudication placements. Black males are significantly less likely to be given the option of diversion in any county. It is clear our systems are not functioning properly. Thus, our third recommendation is to adopt legislation that establishes a standard decision-making framework while respecting the need for judicial discretion.

Pennsylvania has made commendable efforts to reduce the number of youth who enter the juvenile justice system and are subsequently incarcerated. But, to enable our recommendations, we need to shift far more funding to expand the use of diversion and prohibiting detention for misdemeanors, better data reporting systems to improve the system performance, and training to support all stakeholders to support standardized decision making processes across the state.

Those funds can be found. For instance, if the 1713 youth detained in post-adjudication placement for misdemeanors in 2018 were instead sent to diversion programs, the Commonwealth could have realize a savings of well over a \$100 million based on the data presented by Pew. Further savings would be found if no youth were detained pre-adjudication for misdemeanors. And as we know, with an 82% successful completion rate in diversion programs, the youth would be better off, and our communities would be safer.

I urge you to seriously consider these recommendations, and as more data is released, we welcome the opportunity to present additional recommendations.