ADDRESSING RACIAL AND ETHNIC DISPARITIES IN PENNSYLVANIA JUVENILE JUSTICE:
PAST PROGRESS AND ONGOING REALITIES

The Juvenile Court Judges’ Commission (JCJC) was established by the Pennsylvania Legislature in 1959 with the mandate to advise juvenile court judges on all matters relating to the proper care of both delinquent and dependent children. Its mission also includes collecting, compiling, and publishing juvenile court statistics. In 2012, the JCJC was also authorized by statute to “collect and analyze data to identify trends and to determine the effectiveness of programs and practices to ensure the reasonable and efficient administration of the juvenile court system; make recommendations concerning evidence-based programs and practices to judges, the Administrative Office of the Pennsylvania Courts, and other appropriate entities; and post related information on the commission’s publicly accessible Internet website.”

It is with these mandates in mind that this article presents data for 2017 (the most recent year with published data) on the nature and extent of racial and ethnic disparities (RED) based on one commonly used measure: the Relative Rate Index (RRI). See the table on the following page from the 2019 Pennsylvania Juvenile Justice and Delinquency Prevention Plan (p. 37). For each decision-making stage, the RRI number represents the ratio of minority activity to the activity of White Non-Hispanic youth. For example, among all youth who were referred to juvenile court, Black youth were 2.76 times more likely to receive secure detention, and Hispanic youth were 1.93 times more likely to receive secure detention than White Non-Hispanic youth. Red numbers indicate that the difference between minority youth and White youth for that stage of decision making is statistically significant. The results show that RED is evident at most decision points (see chart on page 2) for Black and Hispanic youth and that the decision points with the largest disparities are arrest, diversion, detention, and secure confinement.

The Relative Rate Index, while useful, only tells us that disparities exist at a particular decision point (e.g., that among Black and White juveniles that were adjudicated delinquent, 2.56 times as many Black juveniles as White juveniles were given secure confinement). The RRI does not allow for a nuanced explanation of the reason for racial/ethnic disparities. Over the next few months, we will explore in greater detail what factors prior research shows are driving RED at each decision point. We will also discuss what efforts, past and present, are being implemented at the state and county levels to reduce disparities at each decision-making stage, and how effective those efforts have been thus far in Pennsylvania and in other states.
Along these lines, it is worth briefly reviewing the impact of previous efforts to reduce RED in Pennsylvania under the MacArthur Foundation’s Models for Change initiative of the mid-to-late 2000s. Five counties participated: Allegheny, Berks, Dauphin, Lancaster, and Philadelphia. These counties used data to identify the nature of their local RED issues, and adopted a variety of programming, including: training law enforcement on the adolescent brain and holding youth-law enforcement forums to overcome hostilities and misperceptions; translating important documents into Spanish and hiring in-court translators; and expanding the range of community-based graduated sanctions for probation violators. Several of the interventions pioneered under Models for Change, such as the development by Berks County of a detention risk assessment tool, dovetailed with JJSES and have since expanded throughout the state.

A recent study (2017) of Pennsylvania’s Model for Change initiative by Dr. Elena A. Donnelly, professor of criminology at University of Delaware, published in *Criminal Justice Policy Review*, examined whether intervention counties saw decreases in the number of petitions filed, adjudications, placements, and secure placements of Black Non-Hispanic and Hispanic juveniles following implementation of Models for Change compared to trends in non-intervention counties.

As the chart on the next page illustrates, from 1997-2003, prior to the start of the intervention, Models for Change counties processed higher numbers of Black Non-Hispanic and Hispanic youth than non-intervention counties at each decision point analyzed. Indeed, a major reason that counties were chosen for Models for Change was because they accounted for a disproportionate share of the state’s juvenile justice-involved minority youth. Intervention counties experienced statistically significant decreases in adjudications of delinquency, out-of-home placements, and placements in secure confinement (though not in petitions) for Black Non-Hispanic and Hispanic youth between 1997-2003 and 2004-2011 (pre-and-post Models for Change)—and there was no such trend in the non-intervention counties. By 2010-2011, when looking at the number of adjudications, placements, and placements in secure confinement, intervention counties processed fewer or similar numbers of minority youth than non-intervention counties. Donnelly estimates that, “over the course of 7 years, declines in minority youth contact have been considerable. These figures translate into reductions in the state’s processed minority youth population of .05% at petitioning, 31.44% at adjudication, 54.21% at placement, and 41.5% at secure confinement” (p. 14). An important limitation to this study is that, because diverse reforms occurred simultaneously in Models for Change counties, it is unclear which policy changes specifically led to RED reductions.
In sum, the continued existence of large racial and ethnic disparities, as indicated by the Relative Rate Index, demonstrates the need for ongoing attention and action to address these issues. Still, the evidence from Pennsylvania’s involvement with Models for Change demonstrates that progress is possible when we prioritize reducing RED.


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**JCJC’S GRADUATE EDUCATION PROGRAM ALUMNI SPOTLIGHT**

**KATHLEEN “KATI” MCGRATH**

Kathleen “Kati” McGrath serves as the Chief Juvenile Probation Officer in Franklin County. Kati has served and continues to serve in other various roles throughout the juvenile justice system. She graduated from Shippensburg University with a Bachelor of Arts degree and began her career in juvenile justice as a youth care worker in a local residential program. In 1986, she began working at Franklin County Probation as a juvenile probation officer. Kati received her Master of Science in Administration of Justice from Shippensburg University in 1994 through the Juvenile Court Judges’ Commission (JCJC) Graduate Education Program. Her contributions to her department, community, and the state have been significant.

Kati shares her thoughts about the JCJC Graduate Education Program:

“Little did I know back in 1992 that my decision to join the class of 1994 Juvenile Court Judges’ Commission Masters of Science in Administration of Justice program at Shippensburg University would provide me with more than the personal growth in knowledge I expected. The two-year commitment seemed daunting considering working full time and family obligations. I look back and am grateful for the experience. I gained not only career-long connections with other probation officers from across the state, but lifelong friendships. Those connections surely help when transferring cases, looking for policy examples, and implementing programming ideas that I “borrow” from other counties. The classes focused on juvenile justice in Pennsylvania which helped in countless ways over the years. I was able to bring back creative ideas and improve our system locally. In every position I have held as a probation officer, supervisor, and chief I have drawn upon those years for guidance in decision making to hopefully make a positive impact on our system.”

For more information regarding the Juvenile Court Judges’ Commission’s Graduate Education Program at Shippensburg University, please contact Sonya Stokes, JCJC’s Director of Professional Development at SYStokes@ship.edu or visit [https://www.jcjc.pa.gov/Program-Areas/Graduate-Education/Pages/default.aspx](https://www.jcjc.pa.gov/Program-Areas/Graduate-Education/Pages/default.aspx).
2019 PENNSYLVANIA JUVENILE COURT ANNUAL REPORT RELEASED

The Juvenile Court Judges’ Commission (JCJC) is pleased to announce the release of the third edition of its Juvenile Court Annual Report. Prior to the publication of the 2017 report, Pennsylvania juvenile court statistics were presented in a yearly series entitled Pennsylvania Juvenile Court Dispositions. The series, which ran from 1972 to 2016, focused primarily on juvenile court dispositions.

Beginning in 2017, the annual report has been enhanced to include additional juvenile court statistics to better measure and quantify work across the state by juvenile justice professionals. Specifically, information related to delinquency allegations received by each juvenile probation department is included. Key indicators including the volume of allegations received, allegation sources, and the most serious alleged offense by youth are presented. This information is critical to understanding who is entering Pennsylvania’s juvenile justice system. It is anticipated this report will continue to evolve over time and will eventually include additional measures of juvenile justice workflow in Pennsylvania. Juvenile delinquency dispositions continue to be summarized in this report, as in the past.

New for this year, the detention data within the report was extracted directly from the Pennsylvania Juvenile Case Management System (PaJCMS). Prior to 2019, this data was received from juvenile detention centers and included a significant number of unreported detention codes. By using data taken directly from PaJCMS, the number of unreported detention section codes decreased from 16.0% in 2018 to 0.5% in 2019, providing a more accurate reflection of secure detention utilization.

On July 23, 2020, Governor Tom Wolf signed into law House Bill 672 as Act 65 of 2020. Act 65 amends the act of February 13, 1970 (P.L.19, No.10), entitled "An act enabling certain minors to consent to medical, dental and health services, declaring consent unnecessary under certain circumstances", and is intended to clarify existing related statute.

Act 65 clarifies that a parent or legal guardian of a minor less than eighteen years of age may consent to voluntary inpatient mental health treatment on behalf of the minor under Article II of the Mental Health Procedures Act, and the minor’s consent shall not be necessary.

It also provides that a minor who is fourteen years of age or older may consent on the minor's own behalf to voluntary inpatient mental health treatment or outpatient mental health treatment, and the minor’s parent’s or legal guardian’s consent shall not be necessary.

Further, the minor may not abrogate consent provided by a parent or legal guardian on the minor's behalf to voluntary inpatient or outpatient mental health treatment, nor may a parent or legal guardian abrogate consent given by the minor on the minor’s own behalf. Also, a parent or legal guardian who has provided consent to voluntary inpatient or outpatient mental health treatment may revoke that consent, unless the minor who is fourteen to eighteen years of age has provided consent for continued voluntary inpatient or outpatient mental health treatment.

Additionally, a minor who is fourteen to eighteen years of age who has provided consent to voluntary inpatient or outpatient mental health treatment may revoke that consent unless the parent or legal guardian to the minor has provided for continued treatment.

At the time of admission to a mental health facility, a minor fourteen years of age or older and under eighteen years of age is to be provided with an explanation of the nature of the mental health treatment in which the minor may be involved together with a statement of the minor’s rights, including the right to object to treatment by filing a petition with the court. If the minor wishes to exercise this right at any time, the director of the facility or a designee of the director shall file a signed petition with the court. At that time, the court shall promptly appoint an attorney for the minor and schedule a hearing to be held within seventy-two hours following the filing of the petition. At the hearing, the court must make determinations as outlined regarding the inpatient treatment continuation against the minor’s wishes.

Act 65 further provides for parental consent to the release of mental health records.

Act 65 becomes effective on September 21, 2020.
COUNTY SPOTLIGHT

EDWARD R. ROBBINS RETIRES

After over 30 years of distinguished service, Edward R. Robbins retired as the Chief Juvenile Probation Officer in Lycoming County on July 10, 2020. Mr. Robbins joined Lycoming County’s Juvenile Probation Department in 1988 as a juvenile probation officer. In 1998, he was promoted to the position of Chief Juvenile Probation Officer. Throughout his career, Mr. Robbins was an active and dependable leader at both local and state levels. Several of the numerous highlights of Mr. Robbins’s career are as follows:

• During his tenure as Chief in Lycoming County, Mr. Robbins championed the department’s implementation of balanced and restorative justice, and more recently the Juvenile Justice System Enhancement Strategy.
• Locally, Mr. Robbins served on Leadership Lycoming, the Lycoming County Mentoring Advisory Board, and the Lycoming County Health Improvement Coalition.
• Mr. Robbins was an active member of the Pennsylvania Council of Chief Juvenile Probation Officers. He served on the Council’s Executive Committee as Secretary from 2008-2012, and as Chair of the Research Committee from 2017 until his retirement.
• Mr. Robbins served on the Juvenile Court Judges’ Commission Awards Committee from 2000-2010 (he served as Chair of the Committee from 2003-2005).
• Mr. Robbins was the Co-Chair of the Balanced and Restorative Justice Higher Education Workgroup from 2001-2005.
• Mr. Robbins was a member of the Children, Youth, and Families Cabinet of the Pennsylvania Department of Human Services from 2006-2008.

Mr. Robbins holds a B.A. degree in Criminal Justice Administration from Mansfield University and a M.S. degree in Administration of Justice from Shippensburg University. He also teaches criminal justice classes at Lycoming College. Mr. Robbins plans to keep busy in retirement by spending time with his family.

PENNSYLVANIA JUVENILE JUSTICE TASK FORCE


A final report was initially directed to be completed by November 30, 2020, with the recommendations intended 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 Task Force held its first meeting on February 5, 2020, however with the onset of COVID-19 and subsequent impact of this pandemic, meetings were postponed until June 2020. As a result, the final report is now scheduled to be completed by March 31, 2021.
On June 10, 2020, the Task Force convened its second meeting, led by Task Force co-chairs Senator Lisa Baker, Senator Jay Costa and Representative Mike Zabel.

Sen. Baker acknowledged the challenges and tumult that Pennsylvanians experienced over the previous several months due to COVID-19 and, more recently, as important conversations about racial justice have unfolded in Pennsylvania and across the country.

Sen. Jay Costa reviewed the charge to the Task Force and stated that the recent events of the last several weeks around issues of race and the justice system only heighten the importance of the mandate to the Task Force.

Rep. Zabel reviewed the process and timeline the Task Force was originally charged with executing. Due to COVID-19, state leaders revised the original process and extended the timeline. All the activities will be the same, but the timing and format will change. Task Force meetings will occur virtually (unless or until circumstances change and the Task Force feels they can safely meet in person) every other week for approximately two hours. During the next several meetings, the Task Force will review and discuss juvenile justice system data. In the fall, members will review juvenile justice research about what policies and practices are most effective at improving outcomes. The Task Force will then break into subgroups to develop and discuss policy solutions. Subgroup discussions will continue through the end of the year and, in January, the Task Force will reconvene to come to a consensus on a set of recommendations to be included in a final report to Governor Wolf, Chief Justice Saylor, and legislative leadership by March 31, 2021.

Overview of Data Analysis

When COVID-19 struck Pennsylvania, the Pennsylvania Juvenile Court Judges’ Commission (JCJC) and the Pennsylvania Administrative Office of the Courts had already provided data to the Task Force. Thanks to the efforts of staff within both agencies, preparations for Task Force data analysis continued. In addition, JCJC distributed two questionnaires on behalf of the Task Force to gather input from juvenile probation officers and juvenile court judges across Pennsylvania. The team from the Pew Charitable Trusts and the Crime and Justice Institute providing technical assistance to the Task Force is in the process of finalizing data sharing agreements with the Pennsylvania Department of Education to gather data about the intersection between the education and juvenile justice systems and with the Department of Human Services to receive data about where Pennsylvania’s fiscal resources are allocated across the system.

Over the next several meetings, the Task Force will review an analysis of the state’s qualitative and quantitative data to examine Pennsylvania’s juvenile justice system at each stage. Questions this data analysis will aim to address include, but are not limited to:

- Which youth are moving through each stage of the system, and for which offenses?
- How long are youth staying in each stage of the system?
- What criteria, if any, guide decision-makers at each of these stages across the system – whether that’s statute, court rules, statewide policy, or local policy?
- Where are state fiscal resources allocated across each stage of the system?

Throughout this process, the Task Force will also gather input from stakeholders throughout the Task Force process via roundtables and public testimony, among other means. Sen. Baker stated that numerous Task Force members continue to work to modify their plans for stakeholder roundtables given that many of these meetings will now need to be conducted virtually. Sen. Baker said that the Task Force co-chairs will alert members when these roundtables have been scheduled.

Juvenile Justice Task Force meetings are open to the public and juvenile justice stakeholders are strongly encouraged to observe these meetings. Details regarding meeting dates and instructions on how to access these meetings are included on the Pennsylvania Juvenile Task Force website: [http://www.pacourts.us/pa-juvenile-justice-task-force](http://www.pacourts.us/pa-juvenile-justice-task-force)
Pennsylvania’s Juvenile Justice System Enhancement Strategy recognizes that effective behavioral change efforts must include a juvenile’s family as they play a crucial role in supporting and supervising youth during probation and after completion of court involvement. This includes helping youth move through needed restorative actions, such as repairing harm to the victim, learning accountability, and developing competencies as they grow into adulthood. Familial relationships are crucial in helping all youth make good decisions as they mature—this is no less true for youth involved in the juvenile justice system.

With the above stated knowledge in mind, the Family Involvement Committee of the Pennsylvania Council of Chief Juvenile Probation Officers, along with consultative assistance from The Carey Group, developed a series of workbooks designed to provide tools for juvenile justice professionals to work with parents on enhancing relationships with their children, and improving skills essential to parenting adolescents.

Four workbooks have been developed on the following topics: Setting Boundaries, Understanding Motivation, Respect in the Home, and Dealing with Frustrations. These workbooks are currently available through the JCJC’s (www.jcjc.pa.gov) and PA Council of Chief Juvenile Probation Officer’s (www.pachiefprobationofficers.org) websites.

Most recently, these resources have been translated to Spanish, and will be available on the JCJC and Chief Council websites on August 3, 2020. Information on how to purchase printed versions of these resources is also available on the Chief Council’s website.

**TECHNOLOGY CORNER**

**PaJCMS Reports - YLS Reports – Closed Cases**

This group of reports will be available soon in a new format that makes the information easier to read. The format is similar to the YLS chart information format from the Statewide Outcome Measures report, only broken out by risk level instead. To the right is an example of the new format.

Along with this change, there will be a new Department Summary report which will include separate charts/totals by All Juveniles, by Age, by Gender, and by Race and Ethnicity. The other Assessor related reports will still be available. The YLS Report Resource Document will also be updated to reflect these changes as well.
Each time a case is closed within a juvenile probation office, juvenile probation officers are required to provide information specific to the services that the youth received and their behavior while under court supervision. Through a collaboration between JCJC and the Pennsylvania Council of Chief Juvenile Probation Officers, additional fields were added this year to allow for deeper analysis. This is the second of several articles that takes a closer look at findings from the report, with a focus on these new fields.

This month's report examines Victim Restoration outcomes. New fields for Victim Restoration include a section on Fines, Fees, and Court Costs—not including the Crime Victims' Compensation Fund fees (analyzed elsewhere in the report). To complement the regular section of the report on juveniles ordered to pay restitution (as well as for the new section on other fines, fees, and court costs), additional data was collected on how courts handled juveniles who had not paid off their monetary obligations at the time of case closing, and whether or not a monetary judgment was entered against them. The data presented below comes from the new section of the report on Fines, Fees, and Court Costs.

1. 70.4% of juveniles closed in 2019 had been ordered to pay fines, fees, or court costs. Of the juveniles closed that were ordered to pay fines, fees, or court costs, the great majority of youth (89.6%) successfully paid these off in full. Although we do not presently collect data on the amounts of fines/fees ordered, we do know that the median and mean amounts that juveniles paid in full were $90.25 and $189.22, respectively.
Among the youth ordered to pay fines, fees, or court costs that did not pay in full \((n=671)\), 34.7\% \((n=233)\) had a judgement entered against them and 64.0\% \((n=429)\) had their costs waived and no further action was taken by the court. The remaining 1.3\% \((n=9)\) were deceased. Thus, a small, but not insignificant number of juveniles closed in 2019 \((2.6\% \text{ or } 233/9,128)\) left the juvenile court owing money for fines, fees, and court costs.
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This publication is produced monthly by the Juvenile Court Judges’ Commission. Guest articles are welcome; please submit by e-mail to ra-oajcjcnews@pa.gov.

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