

**Senate Judiciary Committee**  
**Testimony of:**  
**Richard D. Steele, Executive Director**  
**Juvenile Court Judges' Commission**  
**May 23, 2022**

Good morning. My name is Richard D. Steele, and I am the Executive Director of the Juvenile Court Judges' Commission, otherwise known as JCJC. I wish to thank Chairs Baker and Santarsiero for the opportunity to address the Judiciary Committee about these very important issues impacting our juvenile justice system.

The JCJC was statutorily created in 1959 and is comprised of nine judges who are nominated by the Chief Justice and appointed by the Governor. Our mandated responsibilities include, but are not limited to, the establishment of standards regarding administrative practices and judicial procedures in our Pennsylvania juvenile courts, advising courts regarding the proper care of delinquent and dependent children, administering annual grants to improve county juvenile probation services, and making recommendations concerning juvenile justice-related evidence-based practices.

I am very pleased to be accompanied today by Judge David R. Workman, Juvenile Court Judge in Lancaster County and current Vice Chair of the Juvenile Court Judges' Commission, and Mr. James Anderson, past Executive Director of the Juvenile Court Judges' Commission, renowned expert on Pennsylvania juvenile justice, and a member of the Juvenile Justice Task Force.

**Background**

We have been asked today to speak to some of the proposed legislation introduced in response to the final report and recommendations of the Juvenile Justice Task Force. In order to do so, I believe a bit of background information is important to provide a context for the testimony.

Pennsylvania has always enjoyed a reputation as a progressive state regarding juvenile justice reform. Act 33 of the Special Crime Session of 1995 included amendments to our Juvenile Act purpose clause to include language now widely known as Balanced and Restorative Justice (BARJ). With this, we became the first of what has become many states to incorporate BARJ as the statutorily mandated mission of their juvenile justice system. Our BARJ implementation efforts, which are ongoing, have attracted national attention in juvenile justice circles.

Due in large part to the strong commitment to our Balanced and Restorative Justice statutory mission and history of progressive juvenile justice practices, Pennsylvania was the first state selected in 2004 by the MacArthur Foundation to participate in its Models for Change (MfC) Juvenile Justice Reform Initiative. MacArthur identified PA as a bellwether state that could serve as a model for the nation. Our

involvement in the Models for Change initiative had three main target areas of improvement:

- 1) Aftercare (sometimes referred to as re-entry) – the time when the juvenile returns to his/her home community after being released from a residential delinquent facility.
- 2) Reducing Disproportionate Minority Contact (DMC) within the system.
- 3) Coordinating mental health services for juveniles in the system.

Models for Change was a five-year initiative (2005-2010) that served as a catalyst for much of the evidence-based work that has since been implemented in PA's juvenile justice system. Throughout that timeframe, Pennsylvania provided leadership nationally to other states and jurisdictions regarding implementation of juvenile justice reform. In the summer of 2010, at the annual strategic planning session held by the JCJC in conjunction with the Executive Committee of the PA Council of Chief Juvenile Probation Officers, the focus of discussion centered on the impending formal end of the MacArthur project and the need to establish a sustainability plan for the various initiatives developed over that time period. Other juvenile justice activities and projects also needed to be managed under a single "umbrella" to not only assure sustainability, but also the coordination of projects. Much had been accomplished during the MfC activities, and there was a strong consensus to continue and expand the momentum.

The result of the strategic planning session was the creation of what is now known widely as the Juvenile Justice System Enhancement Strategy, or JJSES. The JJSES has been characterized as perhaps the most comprehensive juvenile justice reform strategy in the country. Early in the development process, a *Statement of Purpose*, widely endorsed by the various system stakeholders, was developed as follows:

#### JJSES Statement of Purpose

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

*Employing evidence-based practices, with fidelity, at every stage of the juvenile justice process,*

*Collecting and analyzing the data necessary to measure the results of these efforts; and, with this knowledge,*

*Striving to continuously improve the quality of our decisions, services and programs.*

Since an official statewide “rollout” in 2012, JJSES has impacted every level of our juvenile justice system through ongoing implementation and refinement of the critical components defined both in narrative form through the creation of a monograph, and graphically through the development of a JJSES framework.

At the heart of JJSES is a commitment to the use of evidence-based practices, which simply means the application of what we know in terms of research to what we do in our work with youth, their families, and the communities in which we live. It is the progressive, organizational use of direct, current scientific evidence to guide and inform efficient and effective services. Ultimately, the measurement of success largely focuses on our system’s ability to reduce the risk of youth reoffending, which is the key to evidence-based practices as they relate to juvenile delinquency. The JJSES implementation is an ongoing process in each county that requires constant attention to refinement, collection and analysis of relevant data, and application of quality assurance practices.

The transformation of our juvenile justice system through the implementation of BARJ, supported through our JJSES efforts, is an ongoing and never-ending process. The effort and accomplishments to date by our juvenile courts and probation departments has been extraordinary, and a detailed description of how this has been accomplished would be impossible to provide in the limited time available in this format.

Nevertheless, there are some overarching evidence-based concepts that are critically important in effective implementation. They include:

- Use of a validated risk/needs assessment and other screening instruments (structured decision making);
- Diversion of low risk offenders;
- Understanding the principles of risk, need, and responsivity factors unique to each individual;
- Matching services that target identified needs;
- Promoting positive youth development;
- Use and aligning of case plans that incorporate the results of screening and assessment instruments;
- Enhancing motivation;
- Incentivizing success and encouraging accountability through the use of graduated responses (incentive and intervention strategies);
- Training staff in recidivism reduction skills to promote them as “agents of change”;
- Implementing an evidence-based community supervision model;
- Collection and analyzation of data with a focus on outcome measurements; and
- Focusing on continuous quality improvement protocols.

### **Trends from 2009 through 2020**

Ultimately, the success of any system reform effort needs to be measured in order to evaluate effectiveness. A key component of our JJSES is that of data collection and

analysis. Key trends over an extended period show a consistent improvement in a variety of areas and are summarized below.

- **Violent Crime Rate:** In 2020, the juvenile arrest rate for violent crimes (which includes murder, rape, aggravated assault, robbery,) was 150 per 100,000 juveniles in the population, which represents a decrease of 57.7% from 2009.
- **Juvenile Delinquency Placements in Residential Facilities:** Placements declined by 76.7% from 2009 to 2020. There were 5,047 fewer delinquency placements in 2020 than in 2009.
- **Juvenile Delinquency Placements as a Percent of all Court Ordered Dispositions:** Decreased from 8.5% in 2009 to 5.1% in 2020.
- **Days in Residential Placement:** Total juvenile delinquency placement days declined by 71.2% from Fiscal Year 08/09 through Fiscal Year 19/20. Juveniles spent 1,274,078 fewer days in residential delinquent placements in Fiscal Year 19/20 than in Fiscal Year 08-09.
- **Expenditures:** Total juvenile delinquency placement expenditures declined by 51.20%, a savings of over \$164 million dollars from Fiscal Year 08-09 as compared to Fiscal Year 19/20. Between Fiscal Year 18/19 and Fiscal Year 19/20 alone, expenditures decreased approximately \$29.1 million.
- **Secure Detention:** Secure detention admissions declined by 75.7% from 2009 to 2020. There were 13,067 fewer secure detention admissions in 2020 compared to 2009.

Additionally, outcome data has been collected on an ongoing basis at the time that cases are closed from probation supervision. For the over 6,000 cases closed in calendar year 2021:

- 88.1% did not reoffend while under supervision
- 95.7% completed all community service hours ordered
- 88.3% paid restitution in full to their victims
- 96.7% who were ordered completed a victim awareness curriculum/program
- 92.3% were in school or working at the time of case closing

*\* Various trend data regarding Pennsylvania juvenile justice statistics are included in graphic form as an appendix to this narrative.*

I am convinced that the incorporation of evidence-based practices into our juvenile justice system has enhanced our ongoing Balanced and Restorative Justice mission implementation. As a result, our communities are now safer, offenders are being held accountable in a restorative manner, victims have been empowered, and youth who leave the system do so with newly acquired skillsets and competencies to enable them to become responsible and productive members of the community. We have every reason to believe that we will continue to improve our system outcomes as we refine our utilization of evidence-based practices in juvenile justice. Our JJSES activities have become a reform model nationally recognized, and we are often contacted by other states and jurisdictions to provide technical assistance regarding our activities. Many of these contacts occur following referral to Pennsylvania by nationally recognized juvenile justice

individuals and organizations familiar with what we have accomplished and are striving to continue.

It is noted that, at the conclusion of the Task Force deliberations, the group unanimously endorsed the “aggressive” pursuit of statewide implementation of the JJSES as a recommendation.

It was with this as background that we entered into the work of the Juvenile Justice Task Force in February of 2020. At that time, I was convinced that it would be through our commitment to ongoing system reform and improvement, and with our recent successes serving as a starting point, that the work of the Task Force could be used to inform ongoing efforts to improve our juvenile justice system.

### **Support for Currently Introduced Legislation**

The Juvenile Court Judges’ Commission has been kept informed and updated on the Juvenile Justice Task Force activities since their inception. In addition to my membership on the Task Force, the Commission’s Chair, the Hon. Kim Berkeley Clark, President Judge of Allegheny County, was also an active member and participant. Our Commission members have been kept abreast of the various activities and have specifically reviewed the final report and recommendations in an effort to develop consensus as a Commission around all 35 recommendations. As such, I would like to provide this input as it relates to the currently introduced legislation based on Task Force recommendations.

#### **SB 1226**

Senate Bill 1226 would amend Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) to provide for a standardized statewide process for expungement proceedings of juvenile delinquency records. It would require the Juvenile Court Judges’ Commission to implement technology that would notify county chief juvenile probation officers that a juvenile delinquency case is eligible for expungement considerations based on the original disposition of the case and related statutory requirements for expungement. This would be accomplished through JCJC’s statewide Juvenile Case Management System (JCMS) data extraction. Chief juvenile probation officers, in turn, would be required to notify the court that the juvenile delinquency case is eligible for expungement and shall request an expungement proceeding in accordance with applicable statute. Further, SB 1226 would allow for expungement of most misdemeanor adjudications two years after the final discharge of the child from court supervision. Current statute allows for this expungement to occur after five years following final discharge, which is the same time requirement as that of felony adjudications.

Over the last several years, the Juvenile Court Judges’ Commission (JCJC) has been analyzing statewide data and practices around the expungement of juvenile court delinquency records. Surveys have been completed and data has been collected showing

that expungement practices and procedures vary widely across the state. JCJC data shows that in 2020 only 20% of the cases that were eligible for expungement were expunged. This appears to be due in large part to a lack of dependable notification systems for when a case is eligible for expungement and the requirement in many jurisdictions that the juvenile be the one to ascertain when their records become eligible for expungement and initiate the process.

Expungement of juvenile court records is a very important process considering the myriad of collateral consequences of a juvenile adjudication that can adversely affect an individual. These collateral consequences include limitations in obtaining certain employment opportunities, publicly open records following certain juvenile proceedings, limitations on access to public housing, inability to enter the military, inability to legally carry firearms, adverse public school reactions, and others. Most of these collateral consequences are eliminated or mitigated following the expungement of a juvenile record.

I believe that the provisions of SB 1226 would substantially increase the number and consistency of expungement proceedings through the initiation of a statewide, mandatory process for review of all cases eligible for expungement, thus greatly reducing the impact of the collateral consequences of a juvenile adjudication. In my opinion, this is one of the Task Force recommendations that would have the most significant impact.

The Juvenile Court Judges' Commission supports the intent of SB 1226.

#### SB 1227

SB 1227 would amend the Human Services Code under *Article VII Children and Youth* in relation to the annual "needs-based budgeting process" to provide both juvenile justice and child welfare goals that are consistent with the statutory mandates of the Juvenile Act. Currently, the Human Services Code does not contain either of the system goals. It is expected that, by this amendment, establishing a new purpose clause for Article VII will specifically set forth "child welfare" goals consistent with the Juvenile Act's mandates relating to dependent children, and the "juvenile justice" goals consistent with the Juvenile Act's mandates relating to delinquent children. In turn, this will serve to further clarify and guide the planning process and requests for annual budget allocations by counties to support the provision of necessary services relative to the two sets of goals.

SB 1227 reflects recommendations from PCCD's Juvenile Justice and Delinquency Prevention Committee (JJDPC) and is also supported by the Juvenile Court Judges' Commission.

#### SB 1228

SB 1228 would amend Title 42 (Judiciary and Judicial Procedure) through the Juvenile Act providing that a judicial disposition review hearing shall be held by the court for all youth who have been committed to out-of-home placement following an adjudication of delinquency at a minimum of once every three months. Currently these hearings are

required to occur minimally once every six months. It would also require the court to determine, on the record, a minimal set of findings from the course of the hearing regarding the youth's circumstances. These findings include a determination about the receipt of necessary services or treatment while in placement, the assessment of any continued threat posed by the child to the community, whether additional services are necessary, whether the child should remain in treatment or be released to aftercare services, and the date of the next hearing when applicable.

The intent of SB 128 would be to provide that youth in out-of-home placement remain in that placement only for the minimum period necessary to assure the goals and reasons for placement are addressed. Given the responsibility of judges in initially determining the need for out-of-home placement, as well as when to end the placement, mandatory increased frequency of judicial reviews will aid in ensuring that placements are as limited in duration as necessary.

The Juvenile Court Judges' Commission supports the intent of SB 1228.

#### SB 1229

SB 1229 would amend the Human Services Code by providing for reimbursement to counties for the costs of the appointment of counsel for indigent children in the context of delinquency proceedings. This reimbursement would be through the current needs-based planning and budget process utilized by each county to receive state reimbursement through DHS for authorized services to children who are involved through the dependency and/or delinquency systems.

Juveniles who come within the jurisdiction of Pennsylvania's juvenile justice system are required to be represented by an attorney at every important hearing. All juveniles are determined to be indigent and the waiver of counsel by juveniles has been virtually eliminated as a response to the Luzerne County judicial scandal, and the ensuing recommendations of the Interbranch Commission on Juvenile Justice established in response by Act 32 of 2009. The quality of representation provided to youth varies widely across the Commonwealth due in part to the lack of state funding for these essential services. Currently, Pennsylvania is the only state that does not appropriate or otherwise provide for any level of funding for juvenile indigent defense.

SB 1229 would provide for reimbursement at a rate of 50% for indigent defense costs. It is noted that counties currently receive 50% reimbursement for the costs of assigned guardian ad litem representation, as well as separate counsel assignment, to youth involved in dependency proceedings. These reimbursements are provided through the needs-based process and allocations from DHS.

The Juvenile Court Judges' Commission supports SB 1229.

## **Further Considerations**

The Juvenile Justice Task Force initiated activities in February of 2020. By the time the second meeting was to have occurred, the COVID-19 pandemic had initiated in full force. As a result, the remainder of the Task Force activities occurred virtually, with varying success at times given technical issues common to these types of meetings early in the pandemic. For over a year Task Force activities occurred intensely in both frequency and duration, culminating with the release of the *Pennsylvania Juvenile Justice Task Force Report and Recommendations* document on June 22, 2021. The report was authored by staff of the Pew Charitable Trusts, who had provided the research, agenda and direction for most of the Task Force proceedings.

The report contains 35 recommendations voted on by the Task Force members. Some of the recommendations were supported unanimously, while others were supported by consensus (2/3 voting members) or by majority (over 50% vote).

While the Task Force members were provided opportunity to vote on the main recommendation statements contained in bold typeface within the report, it is important to note that the document also contains additional sub-recommendations, in some cases many in number, that were not subject to the Task Force vote of support. These details in many cases were not fully vetted by the entire Task Force. Of importance, it is these details that appear to be the center of the most controversy occurring in ensuing discussions. It is imperative to distinguish the actual Task Force supported recommendations versus the additional details not subject to full Task Force vetting or voting. This will more than likely lead to lively debate around additional anticipated Task Force-related legislative activities.

Nevertheless, I believe that there are additional priority issues identified by the Juvenile Justice Task Force that should be considered for legislative and other response in an effort to strengthen the juvenile justice system in Pennsylvania. Without additional detail, a few of these items might include:

- A reinvestment strategy for funds saved by the decrease in the use of out-of-home placements.
- Elimination of the assessment of most fines, fees and costs associated with juvenile case processing
- Elimination of the “direct file” provisions of the Juvenile Act
- Elimination of the “failure to comply” juvenile court certifications from Magisterial District Courts
- Expanded guidelines/considerations for restitution determination

In closing, I want to thank the members of the Senate Judiciary Committee for the opportunity to provide input regarding currently proposed juvenile justice-related legislation. I welcome the opportunity to share deliberations from the Juvenile Court Judges’ Commission in the ongoing discussion regarding these and future related matters, and offer my assistance as deemed appropriate.



# Pennsylvania Juvenile Justice Trends: 2009-2020

A Presentation Prepared for the  
Senate Judiciary Committee  
May 23, 2022

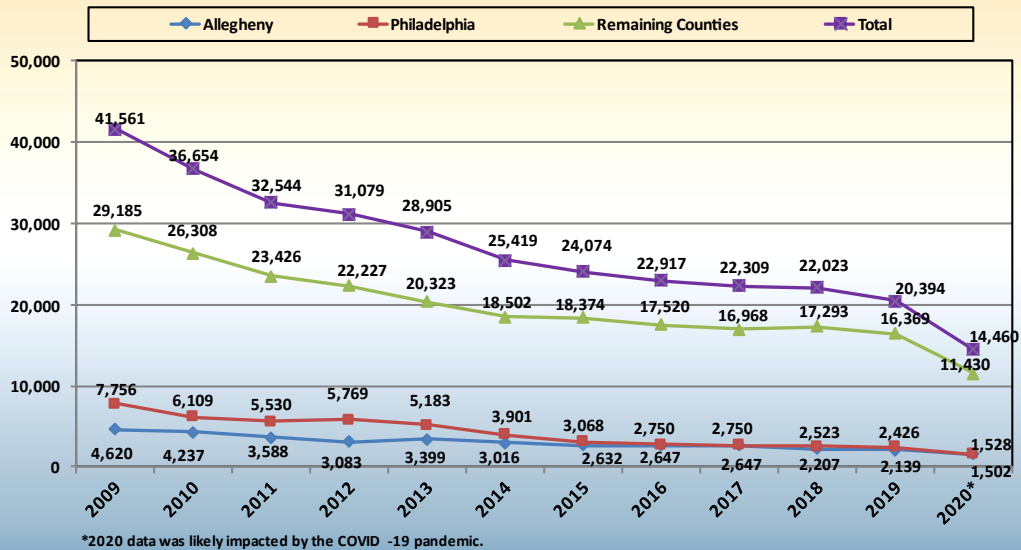


## PA Juvenile Delinquency Dispositions of New Allegations

2009-2020

(excludes disposition reviews and placement reviews)

Source: Juvenile Court Judges' Commission

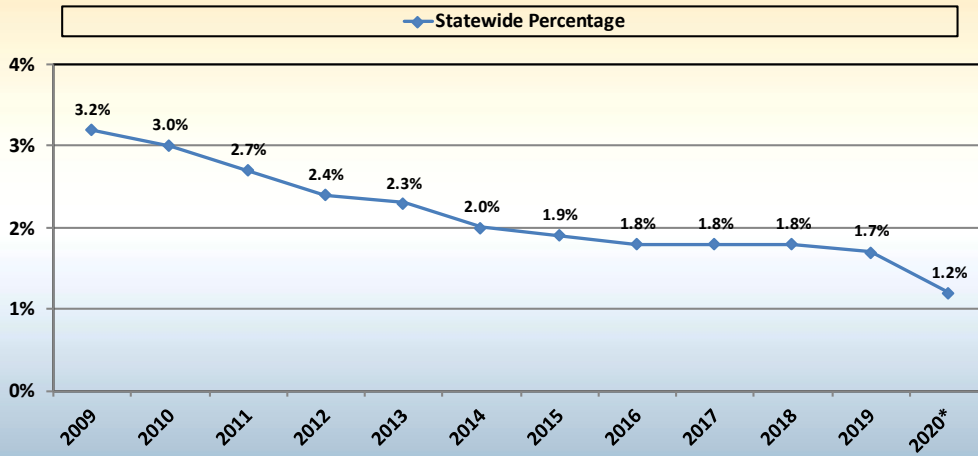


- PA juvenile delinquency dispositions of new allegations **declined by 65.2%** from 2009–2020. There were 27,101 fewer delinquency dispositions in 2020 compared to 2009.

## Pennsylvania Delinquency Disposition Rate per Juvenile Population 2009-2020

(Excludes disposition reviews and placement reviews)

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



\*2020 data was likely impacted by the COVID -19 pandemic.

- Between 2009 and 2020, the Pennsylvania delinquency disposition rate per juvenile population **declined by 62.5%**, from 3.2% to 1.2%.

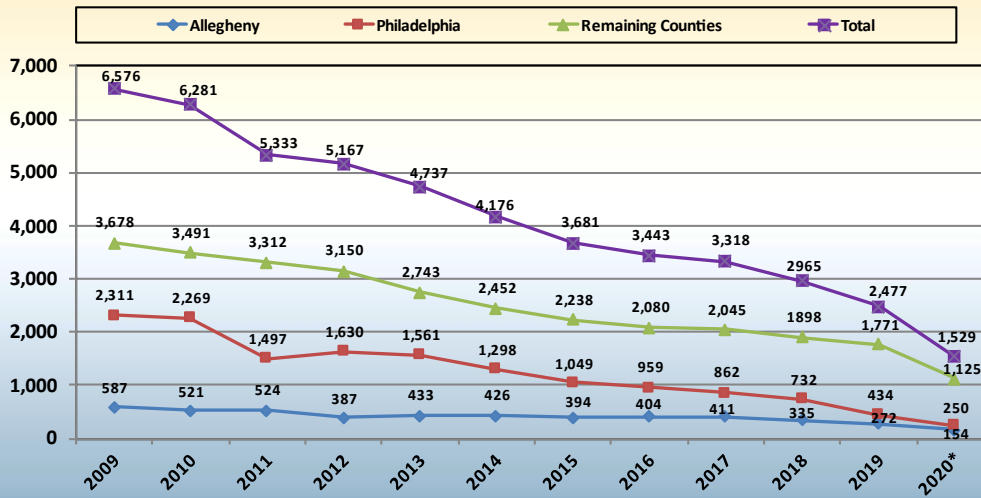
3

## PA Juvenile Delinquency Placements 2009-2020

2009-2020

(Includes disposition reviews but excludes placement reviews)

Source: Juvenile Court Judges' Commission



\*2020 data was likely impacted by the COVID -19 pandemic.

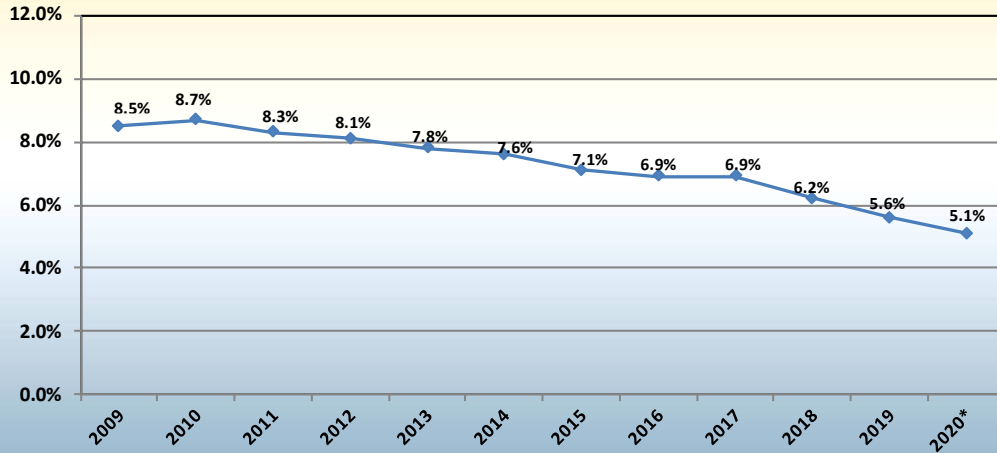
- PA juvenile delinquency placements **declined by 76.7%** from 2009–2020. There were **5,047** fewer delinquency placements in 2020 than in 2009.

4

## PA Juvenile Delinquency Placements as a Percent of Dispositions

2009-2020

(Includes disposition reviews but excludes placement reviews)  
Source: Juvenile Court Judges' Commission



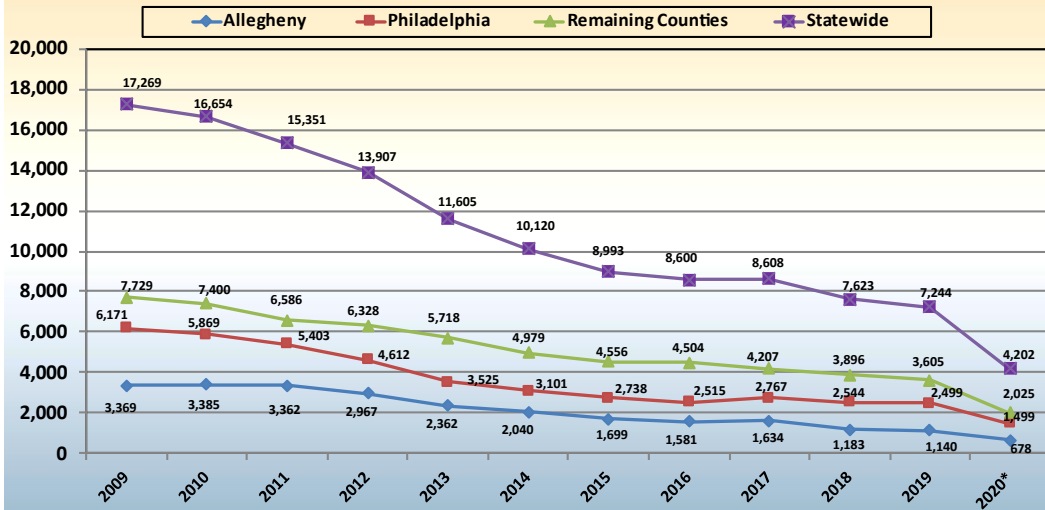
\*2020 data was likely impacted by the COVID -19 pandemic.

- PA juvenile delinquency placements as a percent of dispositions **decreased 40.0%** from 8.5% in 2009 to 5.1% in 2020.

## PA Juvenile Secure Detention Admissions

2009-2020

Source: Juvenile Court Judges' Commission



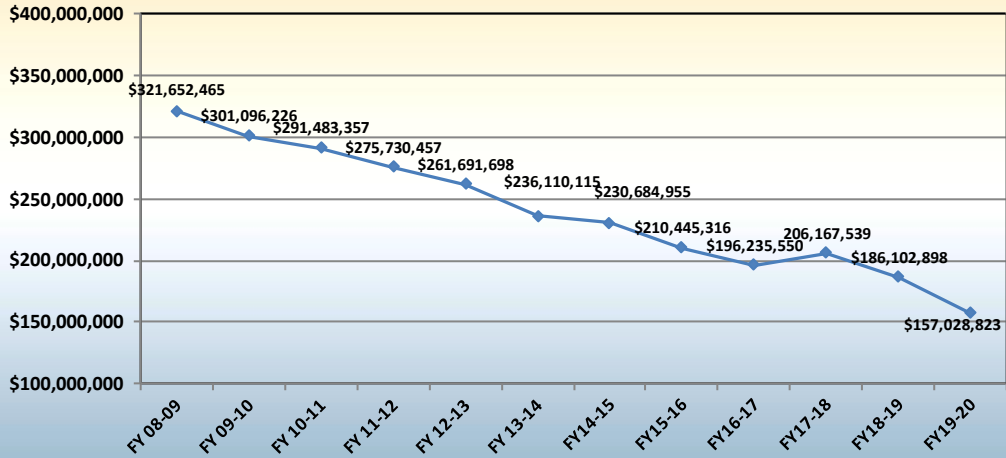
\*2020 data was likely impacted by the COVID -19 pandemic.

- PA secure detention admissions **declined by 75.7%** from 2009– 2020. There were 13,067 fewer secure detention admissions in 2020 compared to 2009.

## Total Delinquency Placement Expenditures Fiscal Year 08-09 to Fiscal Year 19-20

(Does not include secure detention costs)

Source: Office of Children, Youth, and Families (OCYF) NeedsBased Budget



\*FY19-20 data was likely impacted by the COVID-19 pandemic.

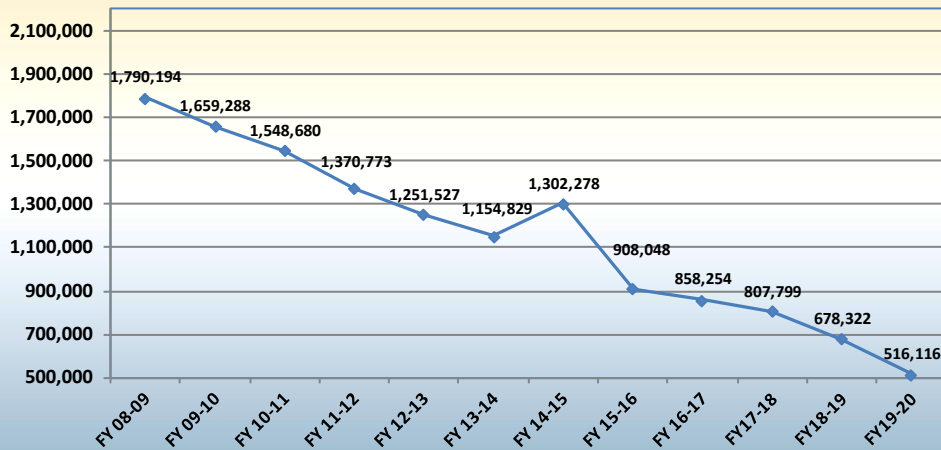
- Total PA juvenile delinquency placement expenditures **declined by 51.2% (\$164,623,642)** from FY 08-09 through FY 19-20. Between FY18-19 to FY19-20, expenditures decreased approximately **\$29.1 million**.

7

## Total Delinquency Placement Days Of Care Fiscal Year 08-09 to Fiscal Year 19-20

(does not include secure detention days)

Source: Office of Children, Youth, and Families (OCYF) NeedsBased Budget



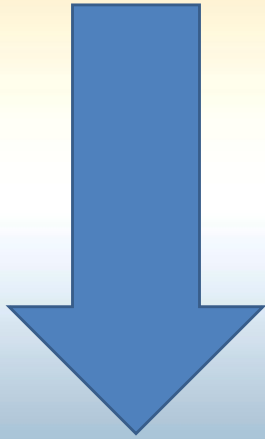
\*FY19-20 data was likely impacted by the COVID -19 pandemic.

- Total PA juvenile delinquency placement days of care **declined by 71.2%** from FY 08-09 through FY 19-20. There were **1,274,078** fewer days of care in FY 19-20 than FY 08-09.

8

## Risk Reduction as Measured by Change in Youth Level of Service Score

Source: Juvenile Court Judges' Commission



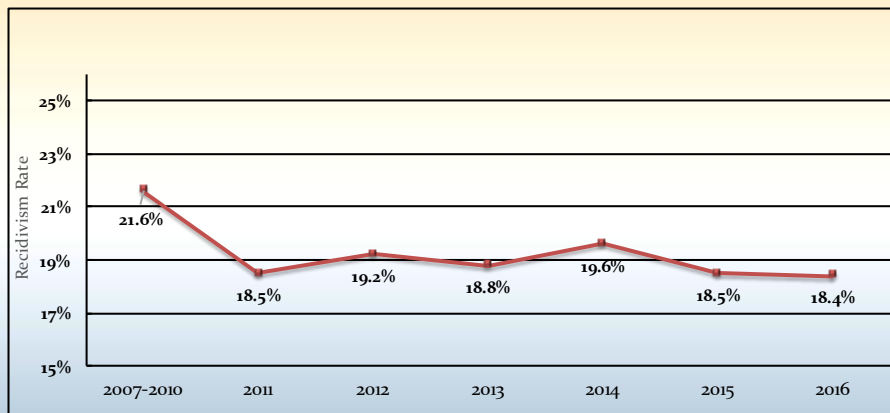
Among juveniles with cases closed in 2020:

- **68%** had a lower risk score at case closing compared to their initial assessment.
- **69%** of moderate risk youth had a lower risk score at case closing compared to their initial assessment.
- **84%** of high risk or very high risk youth had a lower risk score at case closing compared to their initial assessment.

9

## Recidivism Rate by Year: Juveniles with Cases Closed in 2007-2016

Source: Juvenile Court Judges' Commission



- For juveniles whose cases were closed in 2015 and 2016, the recidivism rate was 18.5% and 18.4%, respectively. The recidivism rates in 2015 and 2016 continue the trend post-JJSES rates being below the pre-JJSES rate (an average of 21.6% for the years 2007-2010).

10