



HEARING ON JUVENILE JUSTICE REFORMS
SENATE JUDICIARY COMMITTEE
MAY 23, 2022

Jack Stollsteimer
District Attorney, Delaware County

Good Morning Chairwoman Baker, Chairman Santarsiero, and members of the Judiciary Committee. Thank you for the opportunity to testify before you this morning.

My name is Jack Stollsteimer, and I am the District Attorney of Delaware County. On behalf of my colleagues in the Pennsylvania District Attorneys Association, thank you for the work that you are doing to examine our juvenile justice laws and practices.

As some of you may know, issues related to the health and safety of our children is a topic of particular importance to me, and one in which I have significant professional expertise. In 2006, Governor Rendell appointed me as the Pennsylvania Safe Schools Advocate for Philadelphia, a position I held through 2009. In that position, I identified and reported on the many challenges of the Philadelphia School District's failures to report violent crimes properly. As district attorney, issues related to juvenile justice continues to be an area of tremendous importance to me.

Pennsylvania's juvenile justice system has a national reputation of being forward-thinking and thoughtful and, indeed, we know that stakeholders from throughout the country often look to Pennsylvania's system as a guide. According to the Juvenile Court Judges' Commission (JCJC), between 2009 and 2020, delinquency dispositions of new allegations fell by 65%, the delinquency disposition rate per juvenile population declined by 62%, delinquency placements declined by nearly 77%, and secure detention admissions declined by nearly 76%. In 2019, according to the JCJC, 70% of low-risk youth and 68% of first-time offenders were diverted from adjudication. Prosecutors, defense attorneys, DHS (then known as DPW), juvenile justice advocates, victim advocates, and the Macarthur Foundation all played important roles in helping to achieve these results.

Collaboration among all the stakeholders in the juvenile justice system has always been critically important. Chairwoman Baker, I want to thank you for the work that you have done to enact many critical reforms following the cash for kids scandal in Luzerne County. Working with such luminaries as Jim Anderson and George Mosee, the Interbranch Commission identified many important safeguards and improvements to our system.

Like everyone here, we have studied the recommendations of the Juvenile Justice Task Force Report, which takes a more critical eye toward Pennsylvania's juvenile justice system than the JCJC data reveals. We whole heartedly agree with the Task Force's conclusion that we should continue to work to appropriately and safely reduce the footprint of the juvenile justice system. However, we do not agree with every recommendation in the report, nor do I think that the report consistently represents how the juvenile system actually works. For example, how an offense is graded in the juvenile system holds far less importance than in the adult system because the sentencing structure is so different. Therefore, measuring results based on the crime for which an individual is adjudicated delinquent may not provide the most accurate results in the first place. Moreover, the report undercounts the percentage of cases that are diverted, in part by not including cases resolved by a consent decree.

But that is why discussing and analyzing the recommendations is important. The report forms an important backdrop as we collectively look at improving our juvenile justice system and contains recommendations that merit significant consideration, including those contained in the four bills you have introduced Chairwoman Baker.

The bills that Chairwoman Baker has introduced represent a serious effort to make meaningful changes. Standardizing the expungement process will appropriately reduce collateral consequences for those who became involved in the juvenile justice system. And while there have been important discussions about the inclusion of certain more serious misdemeanors in the category of crimes for which the time-period for expungement eligibility would be reduced, I believe the salient point of the legislation is the automatic filing of the petition seeking the expungement in the first place. The result will be more expungements in appropriate circumstances. Additionally, having more frequent review periods for out-of-home placements will ensure that the significant act of moving a juvenile outside of his or her home is reviewed by the courts and attorneys more often, while still retaining the discretion that juvenile court judges ought to have.

The remaining two bills focus on providing purposes to the human services code related to children and youth and providing more funding on the county level. The purposes set forth in the legislation provide a good framework of what the goals and purposes of our system should be. And our counties need more funding to properly manage cases, dispositions, and treatment. I must note that whenever funding is contemplated for defense services, consideration should also be given to those representing the Commonwealth. In Pennsylvania, and nationally, there is a crisis: vacancies in prosecutors' offices are enormously high; experienced attorneys are seeking other opportunities, often greener pastures; and with their departure, their experience, knowledge, and perspective is lost. Our counties struggle to provide adequate budgets that allow us to pay reasonable salaries. There are other factors at play, too, including the fact that other legal departments are better able to offer work-from-home options, and the stress levels in these other departments are often less. Everything I've said about prosecutors' offices applies to public defenders' offices as well. This is a burden we both share across the Commonwealth, and as you work on moving this legislation forward, I hope the larger conversation about helping counties better fund their attorneys who work within the criminal justice system can be meaningful.

We are also seeing an uptick in violent crimes committed by teens, often 16 and 17 years old. These pieces of legislation would not affect how we handle these cases at the front-end, which I appreciate. There are instances in which serious and violent behavior necessitates a more serious set of sanctions. But not in the majority of cases. Part of the thoughtfulness of this current legislative package is that it focuses on a different cohort and on the operations of the system as a whole.

Before concluding my testimony, I would be remiss if I did not discuss what I think may be the most significant problem that faces our children and, by extension, our juvenile justice system: the mental health crisis among our teens.

This past December, the U.S. surgeon general warned of a [“devastating” mental health crisis](#) among adolescents. [According to Dr. Tami Benton, psychiatrist-in-chief at CHOP](#), “in the first half of 2021 alone, children's hospitals reported cases of self-injury and suicide in ages 5-17 at a 45% higher rate than during the same timeframe in 2019 and, for children under 13, the suicide rate is twice that for black children than for white children.” She added more generally that young children and adolescents in the US are experiencing mental health stress at higher rates and with more dire consequences than ever before. She also stated CHOP has up to 50 patients waiting for mental health beds on any given day, she said. And because CHOP typically operates at – or over – capacity, there are fewer beds for children with more complex medical needs. Dr. Benton rightly points out that these delays can lead to the wrongful placement of children in the juvenile justice system.

I don't think I'm telling you anything you don't know. Just ask a parent. I believe in using our resources to invest in policies and strategies that reduce the likelihood of individuals, especially our young people, engaging in behavior that may bring them into the juvenile justice system. As we look at juvenile justice in general, it is incumbent upon all of us to take the mental health crisis incredibly seriously. If we do not, the tragedies will grow, and more young Pennsylvanians will come into contact with the juvenile justice system.

In Delaware County we take the crisis very seriously. Last year, we launched the Delco Healthy Kids Healthy Schools Initiative, a collaboration between county government, the District Attorney's Office and schools across Delaware County to improve the way mental and behavioral health services are provided to our school - aged children. We began this because educators unequivocally told us that the biggest challenge, they faced in keeping our kids safe was the untreated or inadequately treated mental and behavioral health needs of their students. Our goal is to develop, enact and sustain a plan that will ensure school-aged youth in Delaware County receive the behavioral, mental health, and substance misuse services they need. I am not the only district attorney to have programs that seek to address mental health issues. But across the Commonwealth we face problems, and our Delaware County program is not sufficient in and of itself, nor are the other existing county-based initiatives in other counties. Our problems relate, among other things, to a lack of bedspace, treatment providers, medical staff retention, and access to resources.

Attorney General Shapiro has rightly suggested that it's the Commonwealth responsibility to ensure that all schools have a mental health counselor, and I strongly agree. In that regard, I hope that as all of you work on implementing parts of the Task Force report, you also work in the same collaborative manner to address this mental health crisis among our youth.

We are, Chairwoman Baker, thankful for your constant and continued leadership, and, similarly, Chairman Santarsiero, we appreciate your guiding hand and collaboration.