

# PENNSYLVANIA JUVENILE JUSTICE TASK FORCE REPORT: EXECUTIVE SUMMARY

## TASK FORCE BACKGROUND

At the direction of Governor Tom Wolf, Supreme Court Chief Justice Thomas G. Saylor, House Speaker Bryan Cutler, Senate President Pro Tempore Jake Corman, Senate Minority Leader Jay Costa, and other state leaders, the [Pennsylvania Juvenile Justice Task Force](#) conducted a comprehensive data-driven assessment of Pennsylvania's juvenile justice system over 16 months, reviewing laws and policies, research about what works to improve outcomes, and input from hundreds of citizens through roundtables, public testimony, and questionnaires provided to nearly 800 judges, probation officers, and district attorneys. Representing a wide range of stakeholder groups, the 30-member bipartisan, interbranch Task Force developed 35 recommendations to serve as the foundation for budgetary, legislative, and administrative changes during the 2021-22 session.

## TASK FORCE KEY FINDINGS

- **Research shows most youth are not on a path toward adult crime and over-involvement in the system can increase their likelihood of reoffending. Yet most youth in the juvenile justice system have little or no prior history of delinquency, have not committed a felony or a person offense, and do not score as high risk to reoffend.**
  - At least two-thirds of youth enter the juvenile justice system for misdemeanors or contempt from Magisterial District Court for failing to pay fines.
- **Despite its success, diversion is underutilized.**
  - Most written allegations do not lead to diversion, even for young people who score low risk to commit another offense and for those entering the juvenile justice system for the first time on misdemeanors.
- **Young people with low-level cases end up on probation and in residential placement.**
  - No statewide criteria in statute or court rule guide responses to youth behavior by offense, risk, or prior history. A youth may be removed from home for any delinquent act or violation.
  - 43 percent of youth sent straight to probation in 2018 score low risk to reoffend and mostly low need.
  - 59 percent of adjudicated youth sent to residential placement are removed from home for a misdemeanor, just 39 percent committed a person offense, and most had no prior adjudicated offenses.
  - In some counties, nearly half of residential placements are for youth assessed as low risk to reoffend.
  - Technical violations of supervision frequently drive youth deeper into the system.
- **Young people spend years out of home and under court supervision, on average.**
  - Young people sent to residential placement cycle through six facilities, including detention and shelter facilities, and cumulatively stay 16 months out of home over the course of their case, on average.
- **Out-of-home placement consumes the vast majority of taxpayer spending—even though services for youth living at home are generally more effective.**
  - Out-of-home placement costs, on average, as much as \$192,720 per youth per year, nearly 50 times the cost per participant of high-quality family therapy.
- **Outcomes for youth show large disparities by race and geography—even for similar behavior.** ➤ Some of the largest racial disparities exist for Black Non-Hispanic youth—especially boys—who receive the most punitive system responses: removal from the home and prosecution as adults.

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## TASK FORCE POLICY RECOMMENDATIONS

The Task Force developed 35 data-driven, research-based recommendations intended to:

- **Strengthen due process and procedural safeguards**
  - Increase funding for juvenile defense
  - Ensure youth and families know their rights and how to assert them
- **Employ evidence-based practices at every stage of the juvenile justice process**
- **Raise the minimum age for when a youth can be tried in juvenile court**
- **Narrow the criteria for trying young people as adults in criminal court**
  - Eliminate the practice of “direct file” and instead require a hearing before a juvenile court judge
- **Consistently divert young people with low-level cases to community-based interventions in lieu of formal delinquency proceedings**
  - Expand services as alternatives to arrest, expand and standardize diversion, and prohibit written allegations for failure to pay a fine in Magisterial District Court
- **Focus the use of pre-adjudication detention**
- **Focus the use of residential placement on young people who pose a threat to community safety, and keep youth out of home no longer than the timeframe supported by research**
- **Reinvest averted costs in non-residential evidence-based practices and increased access to services**
- **Prioritize restitution payments to victims and prevent unnecessary system involvement by eliminating the imposition of fines and most court fees and costs**
- **Ensure that young people who have completed their obligations to the court are not held back from successful transition into adulthood by records of juvenile justice system involvement**
- **Improve oversight to ensure that every young person placed in the custody of the Commonwealth is safe, treated fairly, and receiving a quality education**
- **Increase system accountability and address inequities through enhanced data reporting to the public and wider representation on oversight bodies**

## IMPACT OF TASK FORCE POLICY RECOMMENDATIONS

If enacted together, the recommendations are projected to reduce the out-of-home placement population by 39 percent by 2026 compared to projections for the population absent policy changes, freeing up over \$81 million in averted state costs over five years. The Task Force recommends that these averted costs be reinvested into a range of priority areas, including high-quality nonresidential services across the Commonwealth, increased oversight through the Pennsylvania Juvenile Court Judges’ Commission, and restitution funds to support victims.

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