

**OJJDP FY 2019 Title II
Compliance Data Submission and DMC Plans**

(Submit in the Compliance Monitoring Tool as part of Category 2 – OJJDP-2019-14924)

States must submit their compliance data for fiscal year 2018 (October 1, 2017 – September 30, 2018) and their DMC plans electronically to the OJJDP Compliance Reporting Tool separately from the application no later than February 28, 2019, unless the state has received a written extension of this deadline from the OJJDP Administrator.

Pennsylvania has submitted its compliance data for the fiscal year 2018 reporting period in the online Compliance Monitoring Tool. Pennsylvania’s DMC Plan is discussed below.

Plan for compliance with the disproportionate minority contact (DMC) core requirement applicable to Category 2. Pursuant to the JJDP Act at 34 U.S.C. § 11133(a)(22), states and territories must “address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system.” DMC exists if a specific minority group’s rate of contact at a particular point in the juvenile justice system is different than the rate of contact for non-Hispanic whites or other minority groups.

States achieve compliance with this core requirement when they address DMC through the following: identification, development of an action plan, and an outcome-based evaluation.

Information in this document reflects what Pennsylvania reported in its FY 2018 Title II Application and 3-Year State Plan, along with our responses to the questions in sections I and II of this document. Additional information is provided in the file: DMC Action Plan Spreadsheets; both documents are attached in the OJJDP online Compliance Monitoring Tool.

For FY 2019, states are required to provide DMC plans using a three-pronged, research-driven, outcomes-based strategy for their DMC work:

- I. Identify statewide data at research-based points of potential disparity. Data collection must occur for at least four of the five points below. At each data point, your state must provide percent of population data using the most recent U.S. Census data.**

Data collection points:

(1) ARREST

OJJDP DEFINITION	YOUR JURISDICTIONAL DEFINITION	DOCUMENT THE SOURCE
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<p>Youth are considered to be arrested when law enforcement agencies apprehend, stop, or otherwise contact them and suspect them of having committed a delinquent act. Delinquent acts are those that, if an adult commits them, would be criminal, including crimes against persons, crimes against property, drug offenses, and crimes against public order.</p>	<p>DO DEFINITION DIFFERENCES EXIST?</p> <p><u>Document jurisdictional differences:</u> Do State-level definitions deviate from the OJJDP definitions? NO</p> <p><u>Document local community differences:</u> Do certain community definitions deviate from the OJJDP and/or State definition? NO</p>	<ul style="list-style-type: none"> • Center for Juvenile Justice Training & Research (CJJT&R) • Pennsylvania Uniform Crime Report • National Incident Based Response System data [NIBRS]
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Guiding Questions

- **How do you define arrest? (Does this differ from the OJJDP definition)**

Youth are considered to be under arrest when law enforcement agencies apprehend, stop, or otherwise contact them and suspect them of having committed a delinquent act.

 - **What constitutes an arrest in this community?**

In the Commonwealth of Pennsylvania, a child can be arrested for a suspected offense or for an outstanding warrant for arrest.

The police may take a 10-17 year old into custody if:

 - ▶ They have “probable cause” to suspect the youth committed an offense and have a statement from someone supporting this;
 - ▶ There is reason to believe that youth violated probation;
 - ▶ There is a court order (such as a bench warrant for a youth failing to appear in court)
- **Who makes the decision to arrest a youth?**

While the process varies from jurisdiction to jurisdiction, when a child is arrested, the police decide whether to release, divert or to take the child to the police station or a juvenile processing center or to release youth to a parent or guardian.

If the youth is taken to the police station or a processing center, they may be photographed, fingerprinted, and information may be entered in to the police computer system.

In Pennsylvania, parents/guardians must be notified when a youth is arrested. Determining when/if the family can see their child during this period is up to the police. While locked up, youth must be separated from adults.
- **How do you define race and/or ethnicity at the arrest stage?**
 - **What are the definition categories?**

RACE CATEGORIES DEFINED	
American Indian or Alaska Native	A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.
Asian	A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
Black or African American	A person having origins in any of the black racial groups of Africa.
Hispanic or Latino	A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish Culture or origin regardless of race.
Native Hawaiian or Other Pacific Islander	A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
White	A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

- **Who identifies the racial category to which the individual being arrested is assigned (e.g., self-identification, arresting officer)?** This varies. Self-identification is optimal and preferred. Barring self-identification officers/intake staff document the child's race based on their own prior experiences as it relates to the appearance of the young person.
- **How is arrest measured?**
A child between the ages of 10 and 17 may be arrested for:
 - A suspected offense;
 - An outstanding warrant for arrest.
 - A warrant for arrest may be issued if law enforcement or probation officers are not able to locate a youth, perhaps the youth is not aware that they are being sought or they are intentionally hiding from the police.
- **Is it measured by event (which can include several cases, also known as unduplicated counts) or person (which can include several charges, duplicated counts)?**
Youth arrest in Pennsylvania is measured by event.

Note: OJJDP requires the collection of unduplicated counts at each contact point.

- **How are arrest data recorded?**
Pennsylvania's arrest data is recorded via the PA UCR/NIBRS system which was designed to be an Internet-based repository for Pennsylvania's crime information. This system was built in 2000.

This system provides for the collection and reporting of information from: police departments, municipal buildings, schools, libraries, and private homes; and is available 24 hours, 7 days a week.

- **What system is used to record them (e.g., database, Excel spreadsheet)?**
The Pennsylvania Juvenile Case Management System (PaJCMS) was developed using .NET and SQL technologies and assists in effective case management. The system consists of electronic records on juvenile offenders, process allegations of delinquency, monitors compliance with conditions of supervision, and maintains other juvenile-specific information.
- **What type of data regarding arrest is available within this system (e.g., street address of incident, home address of alleged offender)?**
Data collected includes: allegations of delinquency, compliance with conditions of supervision, and other juvenile-specific information.

Remember: At the Assessment Stage, additional data may be needed, so this is a good time to assess the agency's ability to provide additional data, if needed, for the assessment.

(2) DIVERSION

OJJDP DEFINITION	YOUR JURISDICTIONAL DEFINITION	DOCUMENT THE SOURCE
Youth referred to juvenile court for delinquent acts are often screened by an intake department (either within or outside the court). The intake department may decide to dismiss the case for lack of legal sufficiency, to resolve the matter informally (without the filing of charges), or formally (with the filing of charges). The diversion population includes all youth referred for legal processing but handled without the filing of formal charges.	<p>DO DEFINITION DIFFERENCES EXIST?</p> <p><u>Document Statewide differences:</u> Do State-level definitions deviate from the OJJDP definitions? If so, note these differences. NO</p> <p><u>Document local community differences:</u> Do certain community definitions deviate from the OJJDP and/or State definition? If so, note these differences, including the specific community that deviates. NO</p>	<ul style="list-style-type: none"> • Juvenile Court Judges' Commission • Center for Juvenile Justice Training & Research • Administrative Office of Pennsylvania Courts

GUIDING QUESTIONS

- **What constitutes a diversion in Pennsylvania? (Does this differ from the OJJDP definition? The key is to determine if a diversion is formal or informal).**

Pennsylvania utilizes a comprehensive diversion model that:

- (1) prevents the unnecessary involvement of youth who are in need of mental health treatment, including those with co-occurring substance abuse disorders, in the juvenile justice system;
- (2) allows for the early identification of youth in the system with mental health needs and co-occurring disorders; and

- (3) provides for timely access by identified youth in the system to appropriate treatment within the least restrictive setting that is consistent with public safety needs.

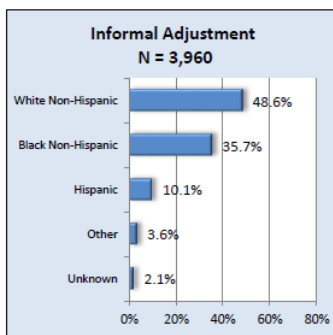
Pre-adjudication diversion is defined as providing opportunities for youth who would otherwise face formal processing in the court system so that they can avoid an adjudication of delinquency or conviction for a summary offense and instead directing them into an alternative program, that includes treatment when appropriate.

Pre-adjudication diversion can occur at various decision-making points in the juvenile justice system. It can provide alternatives for youth who have not yet entered the juvenile justice system but who are at imminent risk of being charged with a delinquent act, and can also channel youth who have been alleged to be delinquent away from formal court processing that could result in an adjudication of delinquency. Pre-adjudication diversion may be assigned by the school, law enforcement, magisterial district judge, and juvenile court levels.

- o **The OJJDP definition requires that, for this point to be considered diversion, the youth must first be referred for legal processing. Thus, for accurate reporting per OJJDP definitions, you need to ensure that this step occurs before the youth is diverted. If the youth is given diversion prior to referral to court, this does not count for this contact point.**

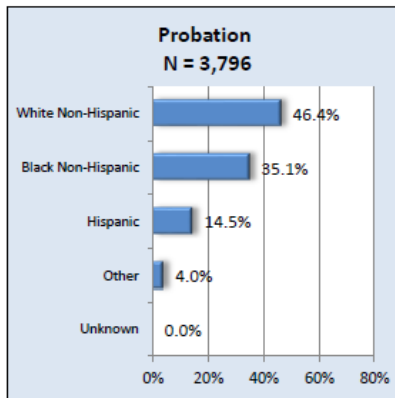
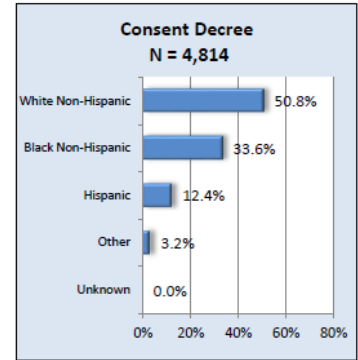
In Pennsylvania diversion programs are used to screen out youth who may have committed minor offenses. Youth entering these diversion programs are not referred to the Juvenile Court. The case is closed when the youth completes the program.

The Pennsylvania Juvenile Act and Rules of Juvenile Court Procedure provide mechanisms to divert youth away from further formal processing within the justice system. Both our legislature and state supreme court endorse the fundamental principle that pre-adjudication diversion is appropriate in certain circumstances.



(1) Informal adjustment. 42 Pa. Cons. Stat. § 6323 and Rule 312 specifically provide for informal adjustment as an alternative to filing a delinquency petition and proceeding to adjudication when doing so would be in the best interest of the public and the child, and when the juvenile and his guardian consent.

(2) Consent decrees. 42 Pa. Cons. Stat. § 6340 and Rule 370 permit the court to enter a consent decree, with the consent of the Commonwealth and the juvenile, after the filing of a delinquency petition and before adjudication to place the juvenile under court supervision as an alternative to adjudication.



(3) Deferred Adjudication. 42 Pa. Cons. Stat. § 6341b and Rule 409(b) allow the court to release the juvenile from the court's jurisdiction, if it does not find that the child needs supervision, treatment, or rehabilitation. In addition, a Pennsylvania statute provides for alternatives to convictions for summary offenses, as magisterial district judges may divert youth accused of summary offenses to community service or self-improvement programs. See 42 Pa. Cons. Stat. § 1520.

Pennsylvania's Juvenile Justice System Enhancement Strategy has a goal of diverting low risk youth away from the juvenile justice system. Diversion (as opposed to a formal petition) and probation (as opposed to residential placement or secure confinement) are viewed as positive outcomes.

- **Who is responsible for determining whether a youth is referred to a diversion program?**

Referrals to diversion programs must conform to written guidelines developed by individual counties. These guidelines set forth a formal referral process, including who is responsible for making referrals (i.e., school officials, law enforcement, probation officers, prosecutors, etc.), the screening and assessment tool(s) to be used, clearly articulated eligibility requirements, criteria for acceptance, and available community resources and other alternatives to prevent further processing into the juvenile justice system. Referrals should be made on a case-by-case determination of whether the youth meets the established eligibility requirements and criteria for acceptance.

- **How is diversion measured?**

- **Is it measured by event (which can include several cases, also known as unduplicated counts) or person (which can include several charges, also known as duplicated counts)?**

Diversion is measured by event as an unduplicated count.

Note: OJJDP requires the collection of unduplicated counts at each contact point.

- **How are diversion data captured and stored? What system is used to record it (e.g., database, Excel spreadsheet)?**

The Pennsylvania Juvenile Case Management System (PaJCMS) is sponsored by the Pennsylvania Council of Chief Juvenile Probation Officers, the Juvenile Court Judges' Commission, Center for Juvenile Justice Training and Research, and the Pennsylvania Commission on Crime and Delinquency. The software application was developed using .NET and SQL technologies and assists in effective case management.

- **What type of data regarding diversion is available within this system (e.g., street address of incident, home address of alleged offender)?**

Within the PaJCMS, entered data includes individual demographic data on the youth in question, instant offense, location of the offense, referral source, issues related to the victim(s), mental health and/or substance use history, probation officer of record, recommendation with rationale.

- **How do you document race and/or ethnicity at this contact point?**

- **What are the definition categories?**

RACE CATEGORIES DEFINED	
American Indian or Alaska Native	A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.
Asian	A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
Black or African American	A person having origins in any of the black racial groups of Africa.
Hispanic or Latino	A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish Culture or origin regardless of race.
Native Hawaiian or Other Pacific Islander	A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
White	A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

- **Who identifies the racial category to which the individual against whom the petition is filed is assigned (e.g., self-identification, diversion program staff, court)?**

- This varies. Self-identification is optimal and preferred. Barring self-identification officers/intake staff document the child's race based on their own prior experiences as it relates to the appearance of the young person.

(3) DETENTION

OJJDP DEFINITION	YOUR JURISDICTIONAL DEFINITION	DOCUMENT THE SOURCE
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Detention refers to youth held in secure detention facilities at some point during court processing of delinquency cases (i.e., prior to disposition). In some jurisdictions, the detention population may also include youth held in secure detention to await placement following a court disposition. For the purposes of DMC, detention may also include youth held in jails and lockups. Detention should not include youth held in shelters, group homes, or other secure facilities.

DO DEFINITION DIFFERENCES EXIST?

Document Statewide differences:

Do State-level definitions deviate from the OJJDP definitions? If so, note these differences. **NO**

Document local community differences:

Do certain community definitions deviate from the OJJDP and/or State definition? If so, note these differences, including the specific community that deviates. **NO**

- Pennsylvania Commission on Crime and Delinquency, Office of Juvenile Justice and Delinquency Prevention
- Center for Juvenile Justice Training and Research
- Juvenile Court Judges' Commission

GUIDING QUESTIONS

- **How do you define detention?**

Admission of a juvenile to a secure juvenile detention center.

- **What constitutes detention in this community? (Does this differ from the OJJDP definition?)**

After a child is arrested, he or she may return home or he or she may be detained at a juvenile detention facility or at another out-of-home placement facility.

Secure detention in Pennsylvania is administered at the county level either through a variety of local executive agencies or local judicial (juvenile courts) agencies.

- **Who makes the decision to detain a youth?**

The juvenile probation officer or the juvenile court judge will make the decision regarding the admission of a youth to the secure detention center.

A detention hearing, is an informal hearing, where the court will determine whether youth should remain in detention, shelter care or under some other pretrial supervision until the adjudicatory hearing. A youth can be placed in secure detention before their detention hearing only if their confinement is to protect themselves or another, if it's thought that a youth might be removed from the jurisdiction/abscond and/or if a youth has no custodian to care for them. Should a youth find themselves in this situation, then a detention hearing must take place within 72 hours.

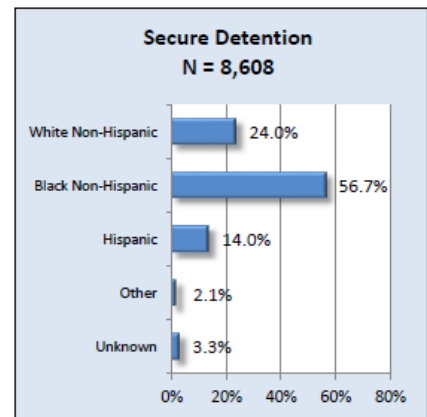
- **How do you define race and/or ethnicity at this stage?**

- **What are the definition categories?**

RACE CATEGORIES DEFINED	
American Indian or Alaska Native	A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.
Asian	A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
Black or African American	A person having origins in any of the black racial groups of Africa.
Hispanic or Latino	A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish Culture or origin regardless of race.
Native Hawaiian or Other Pacific Islander	A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
White	A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

- **Who identifies the racial category to which the individual being detained is assigned (e.g., self-identification, booking officer, intake officer)?**

- This varies. Self-identification is optimal and preferred. Barring self-identification officers/intake staff document the child's race based on their own prior experiences as it relates to the appearance of the young person.



The image above shows that Black Non-Hispanic youth comprised 56.7% of all secure detention admissions in 2017.

- **How is detention measured?**

- **Is it measured by event (which can include several cases, also known as unduplicated counts) or person (which can include several charges, also known as duplicated counts)?**

Note: OJJDP requires the collection of unduplicated counts at each contact point.

In accordance with the Juvenile Court Judges' Commission's Standards Governing Secure Detention all counties report their secure detention admissions to the Commission. Data is reported by event, monthly via a CJJT&R database.

Detention is measured in each county by the type of disposition (i.e., consent decree, informal adjustment, probation, fines...), number of admissions, the median length of stay in days, by standard section codes, utilization rates by facility, as a portion of the juvenile population, by allegation type, legal/attorney representation and by age, gender, ethnicity and race. A young person who is admitted to a secure detention center and subsequently transferred to another secure detention center counts as two admissions.

Detention admissions have declined statewide since 2013, with a 25.8% overall decrease. However, there was a less than 1% increase from 2016 to 2017. Allegheny County detention admissions increased by 3.4% from 2016 to 2017, and Philadelphia County admissions increased by 10.0% during the same time. Overall statewide admissions, excluding Allegheny and Philadelphia, decreased by 6.6% from 2016 to 2017. Philadelphia County and Allegheny County account for 32.1% and 19.0%, respectively, of all secure detention admissions.

Special attention is given to the utilization of Codes 206, 701, and Unreported. In instances where secure detention is authorized under Codes 206 or 701, the juvenile probation officer is required to provide a detailed written explanation of the reasons that necessitate secure detention. These codes were intended to be utilized in limited circumstances where the other codes are not applicable.

- **How is detention recorded?**
 - **What system is used to record it (e.g., database, Excel spreadsheet)?**
Through the Pennsylvania Juvenile Case Management System (PaJCMS)

PERCENTAGE CHANGE OF DETENTION ADMISSIONS				
	2013-2014	2014-2015	2015-2016	2016-2017
STATEWIDE	-12.8%	-11.1%	-4.4%	0.1%

As evidenced above, Pennsylvania has seen significant declines in secure detention rates since 2013.

- **What type of data regarding detention is available within this system (e.g., street address of incident, home address of alleged offender)?**
Within the PaJCMS, data entered includes individual demographic data on the youth in question, instant offense, location of the offense, referral source, MAYSI-2 and YLS scores if applicable, issues related to the victim(s) if known, parent or guardian contact information, past case history, current court status, mental health and/or substance use history, defense attorney, and probation officer of record.

(4) SECURE CONFINEMENT

OJJDP DEFINITION	YOUR JURISDICTIONAL DEFINITION	DOCUMENT THE SOURCE
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<p>Confined cases are those in which, following a court disposition, youth are placed in secure residential or correctional facilities for delinquent offenders. The confinement population should not include any youth placed in any form of out-of-home placement. Group homes, shelter homes, and mental health treatment facilities, for example, would usually not be considered confinement.</p>	<p>DO DEFINITION DIFFERENCES EXIST? Document Statewide differences: Do State-level definitions deviate from the OJJDP definitions? If so, note these differences. NO</p> <p>Document local community differences: Do certain community definitions deviate from the OJJDP and/or State definition? If so, note these differences, including the specific community that deviates. NO</p>	<ul style="list-style-type: none"> • Pennsylvania's Juvenile Court Judges' Commission
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GUIDING QUESTIONS

- **Who is responsible for determining whether a child is placed in secure confinement? (Check to see if the answer differs from the OJJDP definition, above.)**

Juvenile court judges make the determination as to whether a child is placed in secure confinement. In addition to ordering the placement, the judge may explore kinship or respite care, empowering families to seek other ways to support their child and avoid deeper justice system involvement.

When confinement is necessary, as may be the case for serious violent, chronic offenders, those determinations should be made only after evaluating each youth using an evidence based tool that determined that these offenders have a high risk of recidivism and extensive treatment needs. Pennsylvania's juvenile courts strive to impose the minimum amount of confinement consistent with the protection of the public and the rehabilitation needs of the child.

Pennsylvania is aware that research has shown damaging effects from out of home placement to detention or secure confinement pre-court. Youth who are securely detained are more likely to become more deeply involved in the juvenile or criminal justice system and are more likely to re-enter the criminal justice system than children who participate in community-based programs. Pennsylvania's Rules of Juvenile Court Procedure require that in cases of out-of-home placements, the judge must state on the record the name or type of the facility to which the youth is committed, the judge's findings and conclusions of law that formed the basis of the placement decision, consistent with the Juvenile Act's balanced attention mandates. The judge is required to explain why commitment to that facility or type of facility was determined to be the least restrictive placement that is consistent with the protection of the public and best suited to the youth's treatment, supervision, rehabilitation and welfare.

- **How do you define race and/or ethnicity at this stage? What are the definition categories?**

RACE CATEGORIES DEFINED	
American Indian or Alaska Native	A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.
Asian	A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
Black or African American	A person having origins in any of the black racial groups of Africa.
Hispanic or Latino	A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish Culture or origin regardless of race.
Native Hawaiian or Other Pacific Islander	A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
White	A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

- **Who identifies the racial category to which the youth who was securely confined is assigned (e.g., facility staff, State juvenile justice agency)?**
 - This varies. Self-identification is optimal and preferred. Barring self-identification officers/intake staff document the child’s race based on their own prior experiences as it relates to the appearance of the young person.
- **How are cases resulting in secure confinement measured? Are they measured by event (which can include several cases, also known as unduplicated counts) or person (which can include several charges, also known as duplicated counts)?**

Note: OJJDP requires the collection of unduplicated counts at each contact point.

- **How are these data captured and stored? What system is used to record it (e.g., database, Excel spreadsheet)?**
Data related to the time a youth is in an out-of-home placement is entered by the juvenile probation officer into the PA JCMS, this includes treatment, education, vocational if applicable, family engagement, reentry planning between the facility, the youth, youth’s family, and juvenile probation. Each facility maintains its own record on the commitment, services provided, and progress made by each youth in its care.
- **What type of data regarding secure confinement is available within this system (e.g., street address of incident, home address of alleged offender.)?**
Within the PaJCMS, data entered includes Individual demographic data on the youth in question, family information, case history with past offenses and past interventions, instant offense, referral source, YLS scores, issues related to the victim(s) if known, social summaries and education records, mental health and/or substance use history, defense attorney, and probation officer of record.

Remember: At the Assessment Stage, additional data may be needed, so this is a good time to assess the agency’s ability to provide additional data, if needed, for the assessment.

(5) TRANSFER TO ADULT COURT

OJJDP DEFINITION	YOUR JURISDICTIONAL DEFINITION	DOCUMENT THE SOURCE
<p>Waived cases are those in which a youth is transferred to criminal court as a result of a judicial finding in juvenile court. During a waiver hearing, the juvenile court usually files a petition asking the juvenile court judge to waive jurisdiction over the case. The juvenile court judge decides whether the case merits criminal prosecution. When a waiver request is denied, the matter is usually scheduled for an adjudicatory hearing in the juvenile court. If the request is granted, the juvenile is judicially waived to criminal court for further action. Juveniles may be transferred to criminal court through a variety of other methods, but most of these are difficult or impossible to track from within the juvenile justice system, including prosecutor discretion or concurrent jurisdiction, legislative exclusion, and the various blended sentencing laws.</p>	<p>DO DEFINITION DIFFERENCES EXIST?</p> <p><u>Document Statewide differences:</u> Do State-level definitions deviate from the OJJDP definitions? If so, note these differences. NO</p> <p><u>Document local community differences:</u> Do certain community definitions deviate from the OJJDP and/or State definition? If so, note these differences, including the specific community that deviates. NO</p>	<ul style="list-style-type: none"> • Pennsylvania Commission on Crime and Delinquency, Office of Juvenile Justice and Delinquency Prevention • Center for Juvenile Justice Training and Research • Juvenile Court Judges' Commission • Pennsylvania Department of Corrections

GUIDING QUESTIONS

- **How do you define “transfer to adult court”? or What constitutes transfer to adult court in this State? (Does this differ from the OJJDP definition)**

In 1995, in response to the growing concern over juvenile offending, Pennsylvania legislation modified the Commonwealth’s Juvenile Act (Act 33). The modified Act 33 went into effect in March 1996 and excluded from juvenile courts any juveniles between the ages of 15 and 18 who were charged with murder or a violent offense (rape, involuntary deviate sexual intercourse, aggravated assault, robbery, robbery of a motor vehicle, aggravated indecent assault, kidnapping, voluntary manslaughter, or an attempt, conspiracy, or solicitation to commit any of these offenses); and used a deadly weapon during the offense. Additionally, the act excluded from juvenile court any juveniles who had been previously adjudicated delinquent of any of the offenses, except for aggravated assault.

Once a juvenile is formally charged with an Act 33 offense, they are automatically processed in the adult justice system. Charged offenders bypass the juvenile court completely, thereby removing juvenile court judges' authority to waive a case to adult court or keep the case in the juvenile system. Act 33 allows juveniles to request a hearing to decertify or reverse the waiver to transfer them back to juvenile court, if the juveniles establish, by a preponderance of the evidence, that the transfer would serve the public interest.

- **Who is responsible for determining whether a youth is transferred to adult court? (*What types of waivers are available.*)**

Juvenile prosecutors determine how a case will proceed in Pennsylvania courts.

The types of waivers used across PA to transfer youth to adult courts include: judicial waiver, statutory exclusion or direct file. There are also presumptive waivers, which mandates juvenile transfer unless the juvenile offender can prove he or she is suited to juvenile justice system rehabilitation. Decisions are approved by the Court through recommendations at formal hearings.

- **How do you define race and/or ethnicity at the transfer to adult court stage?**

- **What are the definition categories?**

RACE CATEGORIES DEFINED	
American Indian or Alaska Native	A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.
Asian	A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
Black or African American	A person having origins in any of the black racial groups of Africa.
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Native Hawaiian or Other Pacific Islander	A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
White	A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

- **Who identifies the racial category to which the individual being transferred is assigned (e.g., self-identification, booking officer)?**

- This varies. Self-identification is optimal and preferred. Barring self-identification officers/intake staff document the child's race based on their own prior experiences as it relates to the appearance of the young person.

- **How are cases resulting in transfer to adult court measured?**

- **Are they measured by event (which can include several cases, also known as unduplicated counts) or person (which can include**

several charges, also known as duplicated counts)? Note: OJJDP requires the collection of unduplicated counts at each contact point.
In Pennsylvania, cases resulting in transfer to adult court are measured as unduplicated counts.

- **How are transfer data captured and stored? What system is used to record it (e.g., database, Excel spreadsheet)?**
The Pennsylvania Juvenile Case Management System (PaJCMS)
- **What type of data regarding transfer to adult court is available within this system (e.g., street address of incident, home address of alleged offender)?**

Within the PaJCMS, the data entered includes individual demographic data on the youth in question, family information, case history with past offenses and past interventions, instant offense, referral source, YLS scores, issues related to the victim(s) if known, social summaries and education records, mental health and/or substance use history, defense attorney, and probation officer of record.

Remember: At the Assessment Stage, additional data may be needed, so this is a good time to assess the agency's ability to provide additional data, if needed, for the assessment.

Note: States can provide more data collection points but must provide four of the five listed above. Also, this plan does not disallow the use of the Relative Rate Index (RRI) but is not required and should not be used in lieu of the data required above.

II. Develop an Action Plan.

Provide answers to the questions below.

1. What do your DMC numbers tell you about your jurisdiction?
Pennsylvania's DMC numbers point to the fact that there have been fewer youth arrests. Lower arrest rates statewide is notable. However, deeper examination reflects a clear disparity and there is room for improvement. While Pennsylvania as a state has arrested a smaller portion of the population of color consistent over the last three years, there remains evidence of disparities.

In 2017:

- Black youth were 14.1% of Pennsylvania's population and 38.7% of all arrests. 11.3% of PA's Black youth population was arrested in 2017.
- White youth were 70.6% of Pennsylvania's population and 51% of all arrests. 3% of PA's White youth population was arrested in 2017.
- Hispanic youth were 11.1% of Pennsylvania's population and 9.8% of all arrests. 3.6% of PA's Hispanic youth population was arrested in 2017.

2. What would success in DMC reduction look like for your state?
Pennsylvania's State Advisory Group (SAG) developed its legislatively-required 2019 Juvenile Justice and Delinquency Prevention Plan to the Governor with specific recommendations to address Disproportionate Minority Contact. The 2019 Plan to the Governor reflects the FY2018 3-Year State Plan submitted in the PCCD Title II Application last year, and includes the following:

- Provide at-risk and delinquent youth of color with increased access to culturally-responsive prevention programming, early intervention and diversion programs to avoid formal involvement with the juvenile justice system.
- Develop a curriculum to provide guidance to local organizations to identify DMC in their communities and identify and/or develop culturally-responsive interventions to address these as a means of diverting youth from formal involvement with the justice system.
- Develop culturally-responsive prevention and diversion programs that will partner police departments, schools, and local service providers to successfully divert youth from formal involvement with the justice system.
- Continue programming that has shown success in improving relationships between youth of color and law enforcement, such as local community forums.
- Continue support of the Juvenile Justice System Enhancement Strategy and the use of validated screening and assessment instruments.
- Ensure decisions impacting youth at all stages of the justice system (arrest, diversion, detention, adjudication and disposition) are made consistently and equitably without bias to race, ethnicity, gender, sexual orientation, religious affiliation or community of residence.
- Promote policies and practices that expand the equity, diversity and inclusion in recruitment, funding, hiring, promotion and retention of an ethnically and racially diverse workforce.
- Instruct all Commonwealth departments, agencies and commissions to focus on continuous quality improvement and accountability in areas impacting youth of color and to track data to ensure such improvement and accountability occurs.
- Develop training for law enforcement and juvenile justice professionals on Implicit Bias, Racial and Ethnic Disparities, Trauma-Informed Care, School Diversion, Mental Health, and Community Engagement.
- Convene a task force of representatives from the SAG, its DMC Subcommittee, and the Pennsylvania Commissions on Sentencing, African-American Affairs, and Latino Affairs to explore inclusion of racial impact statements on proposed legislation and/or new policies.

3. How much do you want to reduce DMC next year?

The Pennsylvania Commission on Crime and Delinquency has a goal of eliminating DMC/RED across the Commonwealth. Additional goals include a continued reduction in the percentage of Pennsylvania's population of color being arrested. For arrest parity, fair and equitable treatment in 2017 to be accomplished, 5,183 fewer black youth needed to be arrested.

Rates have been reducing for youth of color at a rate of about 1% annually since 2013. The hope is that this type of reduction continues and/or accelerates.

4. Is that reasonable? If yes, why?

Yes. With continued focus on current efforts, and further implementation of the JJSES.

Also, the newly signed JJDPa will help states dig deeper into data and to develop new and creative publications and resources to promote change in how state, county and local level work is done to lessen racial and ethnic disparities for youth of color.

5. What do you need from OJJDP to be successful with your plan?
Clear guidance and assistance on what states can do to reduce DMC. Details on successful reduction strategies other states have implemented. What has worked in moving RED;

Posting of a 5th Edition of the DMC Technical Assistance Manual;

Commitment to a broader conversation of the role historical racism has contributed to issues of DMC and RED that we experience today;

Promoted prioritization of efforts to bring police and youth together to fellowship and build relationships;

Increased funding and resources under Title II that support full time DMC/RED coordination allowing Pennsylvania's ability to take its existing DMC plans to full fruition and demonstrate more successes.

6. What safeguards will you put in place to ensure that as you work to reduce DMC, you are still protecting the public, holding youth accountable, and equipping youth to live crime-free, productive lives?

The statutory mission for Pennsylvania's juvenile justice system is rooted in the philosophy of "restorative justice," which gives priority to repairing the harm done to crime victims and communities and defines offender accountability in terms of assuming responsibility and repairing harm while building competencies. This is the philosophical foundation of Pennsylvania's Juvenile Act. The framework through which our system practitioners achieve this mission is the Juvenile Justice System Enhancement Strategy (JJSES). In Pennsylvania this mission and the JJSES are safeguards that ensure PCCD is moving forward toward the reduction of DMC and RED.

III. Outcome-Based Evaluation (not applicable for FY 2019).

Note: In FY 2020, states must address the following questions designed to assist in determining progress toward reductions:

1. What are your new numbers?
2. Did you meet your goal?
3. If yes, what worked? What drove the success?
If no, what were the barriers? How might you overcome those next year? What partners do you need?
4. How can OJJDP help you next year? What do you need from us?
5. How did you protect the public, hold kids accountable, and equip them to live crime-free?
6. What are your goals for next year?