



Pennsylvania Juvenile Justice Task Force

Rules for Today's Virtual Meeting

- Please keep your line muted if you are not speaking.
- We encourage Task Force members to ask questions or make comments directly during today's meeting, though please also feel free to use the chat box.
- Members of the public may sign up to testify after each Task Force meeting through the website:
 - <http://www.pacourts.us/pa-juvenile-justice-task-force>

Agenda

- Welcome and updates on stakeholder input (co-chairs)
- Education data analysis and discussion (Pew)
- Research presentation and discussion (Dr. Cauffman)
- Next steps (co-chairs)
- Public testimony (5:00-6:00pm)

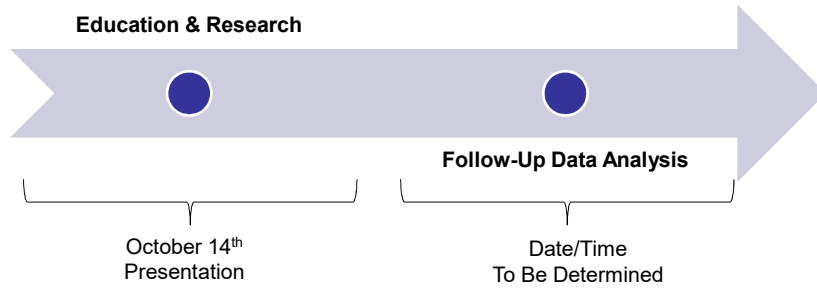
Stakeholder Input

Completed Roundtables	Date
✓ Dually-Adjudicated Youth	Aug. 24
✓ Crime Victim/Survivors	Aug. 25
✓ Crime Victim/Survivors	Aug. 27
✓ Restorative Justice	Sept. 3
✓ Service Providers	Sept. 10
✓ Service Providers	Sept. 14
✓ Judges	Sept. 16
✓ BJJS Facility Staff	Sept. 17
✓ Defense Attorneys	Sept. 21
✓ BJJS Facility Staff	Sept. 22
✓ Advocates	Sept. 22
✓ Advocates	Sept. 23
✓ Education Stakeholders	Sept. 23
✓ Education Stakeholders	Sept. 24
✓ JJSES Leadership Team	Sept. 25
✓ County Commissioners	Sept. 29

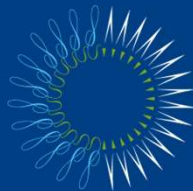
Completed Roundtables	Date
✓ Probation Officers	Oct. 6
✓ Probation Officers	Oct. 7
✓ District Attorneys	Oct. 7
✓ Law Enforcement	Oct. 7
✓ District Attorneys	Oct. 8
✓ JJ-Involved Youth	Oct. 8

Upcoming Roundtables	Date
<input type="checkbox"/> Defense Attorneys	Oct. 23
<input type="checkbox"/> Law Enforcement	Oct. 29
<input type="checkbox"/> JJ-Involved Youth	Nov. 10
<input type="checkbox"/> Family Members	Nov. 13
<input type="checkbox"/> Child Welfare Staff	TBD
<input type="checkbox"/> Northeastern Pennsylvania	TBD
<input type="checkbox"/> BJJS Facility Youth	TBD
<input type="checkbox"/> Advocates	TBD

Juvenile Justice System Structure (Scope of Presentations)



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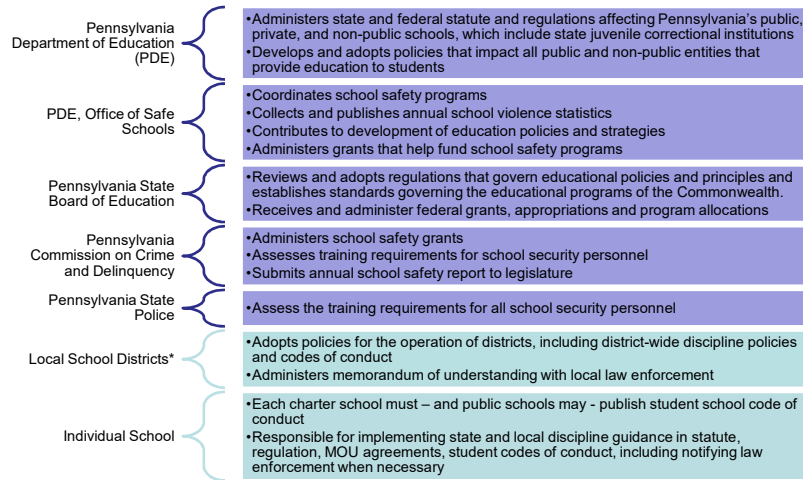


THE
PEW
CHARITABLE TRUSTS

**System Assessment:
Education**

Pennsylvania Juvenile Justice Task Force
October 14, 2020

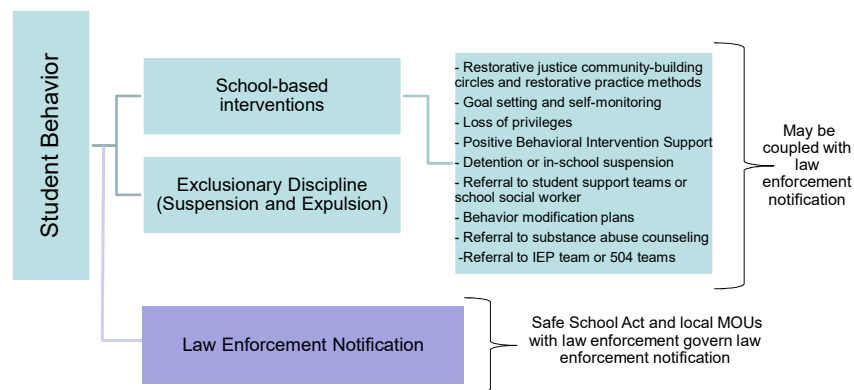
Policies influencing schools' law enforcement referrals are guided by both state and local entities



*Other actors/organizations that may influence school policy regarding schools, law enforcement, and the courts: Pennsylvania Association of School Administrators (PASA), Keystone Teachers Association (KEYTA), PTA, Pennsylvania Education Association (PESA), Students, Parents, Teachers

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Schools have various tools they may use to respond to youth behavior without implicating law enforcement or the courts



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State law requires schools to notify law enforcement for certain youth behaviors

Schools MUST notify law enforcement

- Prohibited offensive weapon and weapon possessed on school property**
- Criminal homicide
- Aggravated assault
- Stalking
- Kidnapping and unlawful restraint
- Rape, sexual assault, statutory sexual intercourse, involuntary deviate sexual intercourse, institutional sexual assault, aggravated indecent assault
- Arson
- Institutional vandalism (F3)
- Possession, use or sale of a controlled substance or drug paraphernalia

Schools MAY notify law enforcement*

- Disorderly conduct and failure of disorderly person to disperse
- Simple assault and recklessly endangering another person
- Terroristic threats and harassment
- Indecent exposure
- Institutional vandalism (M2)
- Criminal trespassing
- Theft
- Sale or use of tobacco
- Purchase, consumption, possession, or transport of alcoholic beverages

Once notified, law enforcement has discretion to investigate and file charges.

24 P.S. § 1303-A(b)(4.1); 22 Pa. Code 10.21

*Local school entities may make law enforcement notification mandatory for additional offenses
 **State law requires a 1+ year expulsion in addition to law enforcement notification

While state law does not require law enforcement involvement for specific alleged behaviors, local policy may

Disorderly Conduct at school*		
School District	Mandatory law enforcement notification?	Required responses
District A	No	None (arrest/court referral generally prohibited on first-time offense)
District B	Yes	Recommendation "for possible expulsion or another educational placement"
District C	Yes	Suspension; referral to counseling, school psychologist, or community agency
District D	No	Parent notification; parent/teacher conference; referral to Student Assistance Program for prevention/intervention services

Education

Data

Pennsylvania in National Context

United States Department of Education, Civil Rights Data Collection

Data notes

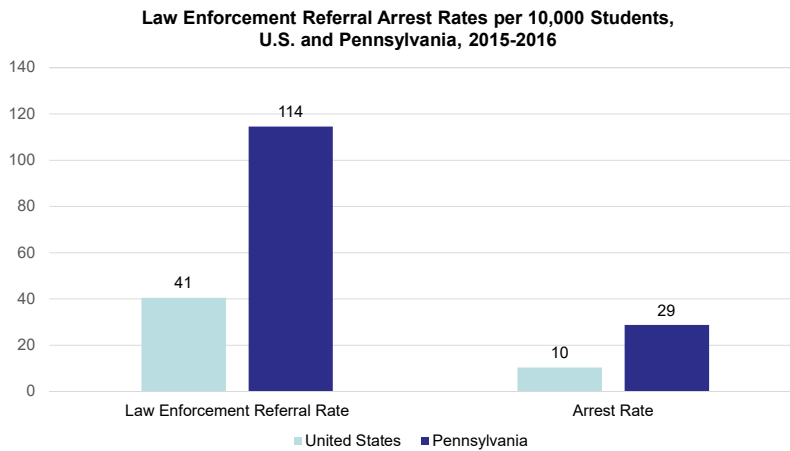
Data Source:

- Data is from the U.S. Department of Education Civil Rights Data Collection (CRDC), which contains data from all public schools and school districts in the United States, including juvenile justice facilities, charter schools, alternative schools, and schools serving students with disabilities.
 - The 2015-2016 school year is the most recent data available.

*US Department of Education, Office of Civil Rights, 2018, Master List of 2015-16 Civil Rights Data Collection.

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Pennsylvania's rate of law enforcement referral is 2.7 times greater than the national average for 2015-16 school year

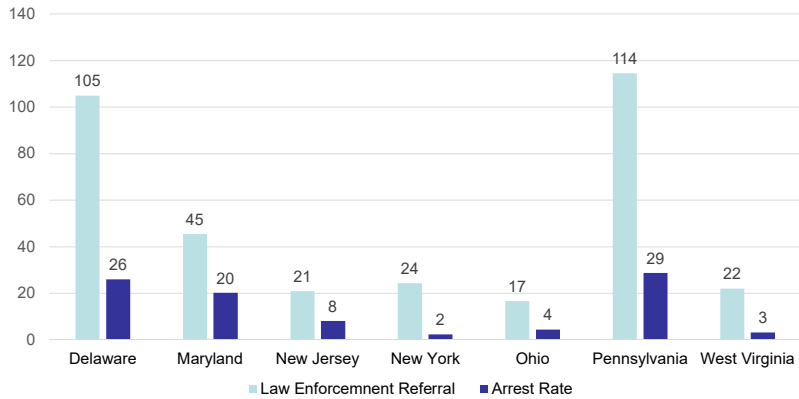


Note: The 2015-2016 school year is the most recent data available.

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Pennsylvania school law enforcement and arrest rates higher than neighboring states

Law Enforcement Referral and Arrest Rate per 10,000 Students, by State, 2015-2016

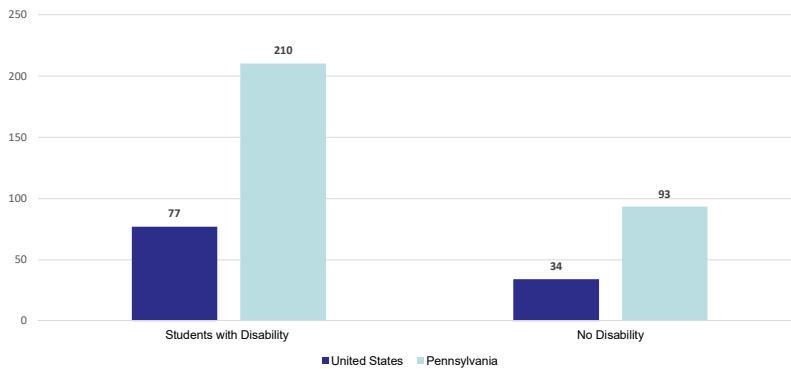


Note: The 2015-2016 school year is the most recent data available.

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Pennsylvania's referral rate to law enforcement nearly three times the national average for students with disabilities

Rate of Law Enforcement Referrals by Disability Status per 10,000 Students, U.S. & Pennsylvania, 2015-2016



Note: "Students with Disability" includes those served under IDEA and those served solely under Section 504. The 2015-2016 school year is the most recent data available.

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Trends in Pennsylvania School Responses

Pennsylvania Department of Education Data

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Data notes

Data Source:

- Data were provided by the Pennsylvania Department of Education (PDE) and include school-related discipline, law enforcement notifications, and arrests
- Enrollment data are from 2019 PDE Public School Enrollment Reports

Data Limitations:

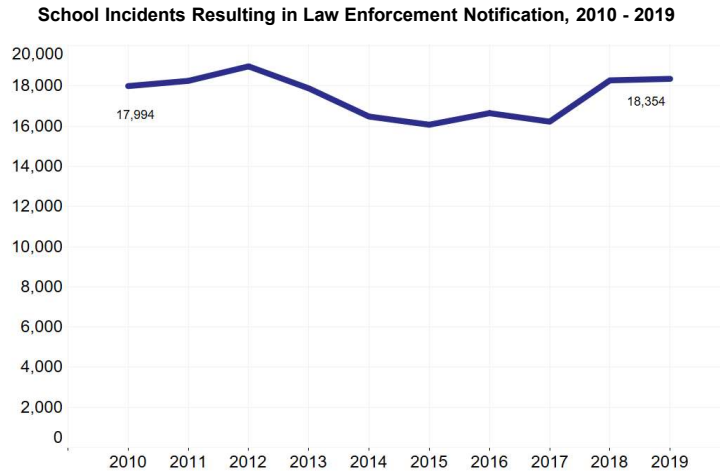
- Data are correlational, not causal
- Unable to link data between state agencies (e.g., PDE, JCJC, and DHS)
- Numbers may not equal 100% due to rounding

Data Changes:

- Most recent PDE data (2019) were updated to include Student Code of Conduct and Academic Conduct infractions that result in a suspension or expulsion. Analyses over time exclude these infractions to ensure proper comparison

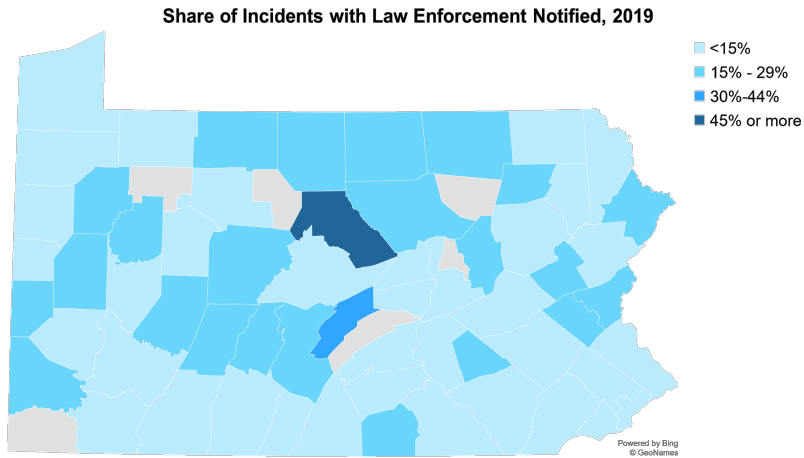
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Number of incidents resulting in law enforcement notification largely similar to 2010



Note: Excludes Code of Conduct and Academic Conduct infractions. If an incident involves multiple students (e.g. fighting), each student is counted as a separate incident.

Wide county variation in share of school-based incidents where law enforcement is notified



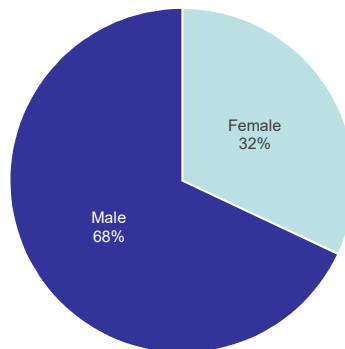
Note: Incident count includes count for each youth involved in an incident that school year. Counties with n<11 were excluded per data sharing agreements.

Fighting, tobacco- and drug-related incidents, and disorderly conduct are the top infractions involving law enforcement

Rank	Top 10 Infractions (2019): Law Enforcement (LE) Notification	% of LE Notifications
1	Fighting	20%
2	Possession/Use or Sale of Tobacco or Vaping	10%
3	Possession/Use of a Controlled Substance	10%
4	Disorderly Conduct	9%
5	Simple Assault on Student	8%
6	Student Code of Conduct	7%
7	All Other Forms of Harassment/Intimidation	4%
8	Threatening School Official/Student	4%
9	Possession of Knife	4%
10	Sale/Possession/Use or Under the Influence	2%
	Total	78% (100%)

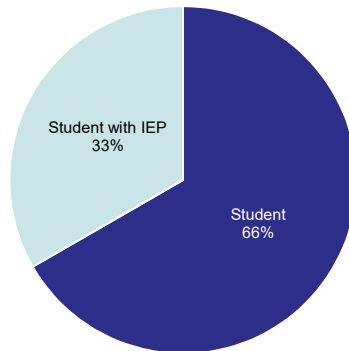
Majority of law enforcement notifications are for incidents involving male youth

Law Enforcement Notifications by Gender, 2019



Students with Individualized Education Programs (IEP) make up one-third of law enforcement notifications

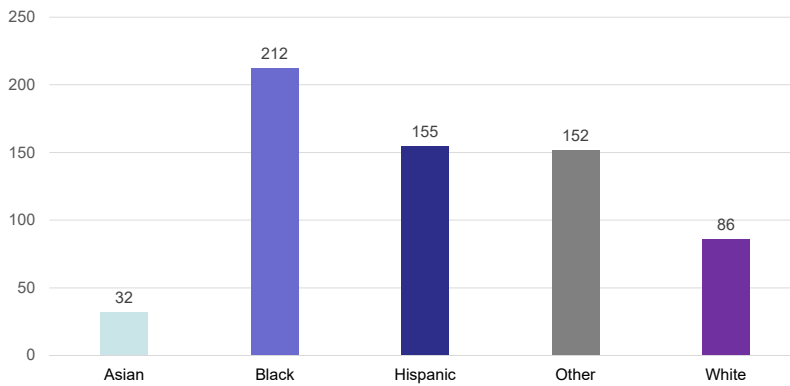
Law Enforcement Notifications by Individualized Education Program (IEP), 2019



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Black students more likely to be involved in incidents resulting in law enforcement notification

Rate of Law Enforcement Notifications by Race per 10,000 Students, 2019

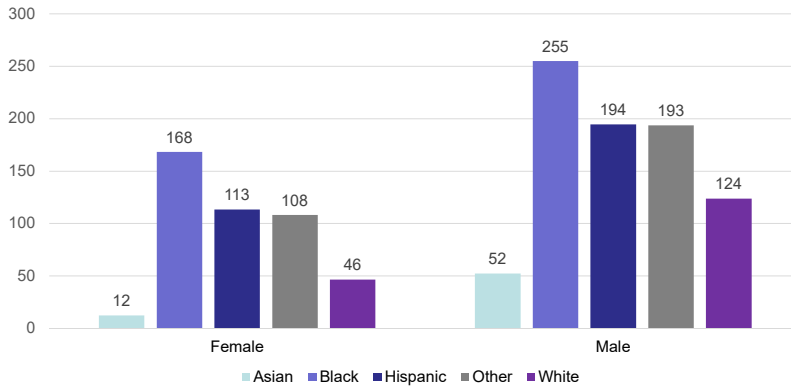


Note: "Other" includes Multi Racial, American Indian, and Alaskan Native. "Asian" includes Native Hawaiian, and Pacific Islander.

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Black females are three times more likely than white females to be involved in incidents with law enforcement notification

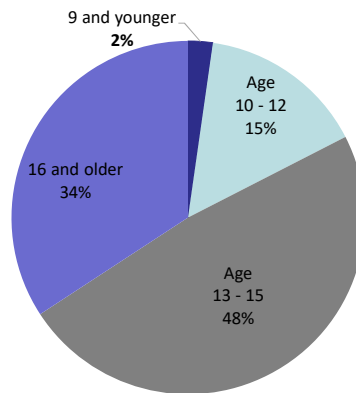
Rate of Law Enforcement Notifications by Race & Gender per 10,000, 2019



Note: "Other" includes Multi Racial, American Indian, and Alaskan Native. "Asian" includes Native Hawaiian and Pacific Islander.

Most incidents where law enforcement notified involve youth under age 16; youth under 13 make up nearly one-in-five

Law Enforcement Notification by Age, 2019

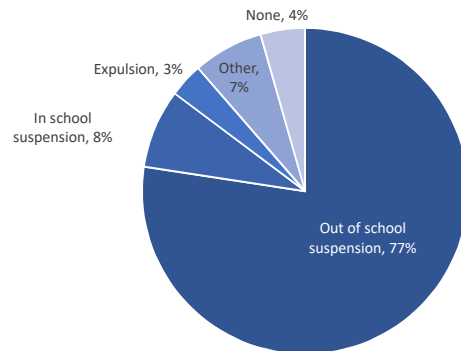


Law enforcement notification for tobacco and drug-related incidents is more common for older students.

Rank	Top 10 Infractions (2019): Law Enforcement (LE) Notification	% of LE Notification by Age Group				
		9 and younger	Age 10 - 12	Age 13 - 15	16 and older	All ages
1	Fighting	2%	19%	22%	19%	20%
2	Possession/Use of a Controlled Substance	2%	4%	9%	16%	10%
3	Possession/Use or Sale of Tobacco or Vaping	1%	4%	10%	14%	10%
4	Disorderly Conduct	11%	10%	9%	8%	9%
5	Simple Assault on Student	3%	10%	9%	6%	8%
6	Student Code of Conduct	12%	8%	7%	6%	7%
7	All Other Forms of Harassment/Intimidation	6%	6%	4%	3%	4%
8	Threatening School Official/Student	11%	6%	4%	3%	4%
9	Possession of Knife	19%	6%	2%	3%	4%
10	Sale/Possession/Use or Under the Influence	0%	1%	3%	3%	2%
	Total	67% (100%)	74% (100%)	79% (100%)	81% (100%)	78% (100%)

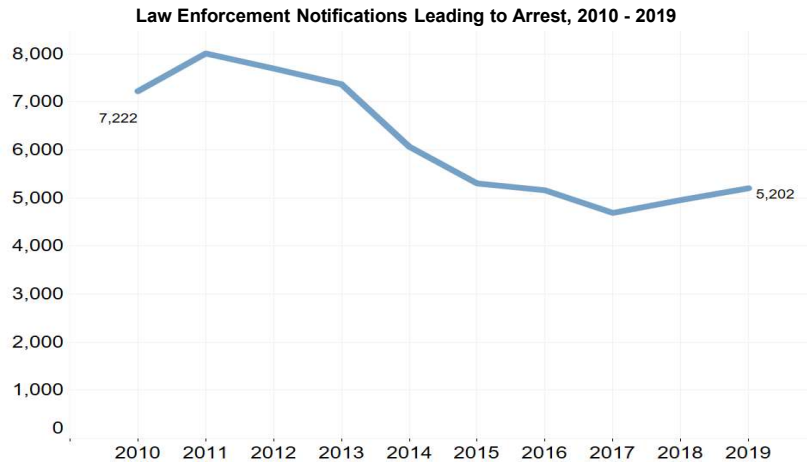
When law enforcement is notified, most students are also suspended from school

Law Enforcement Notifications by Disciplinary Response, 2019



Note: "Other" includes alternate education, detention, guidance counseling, anger management, drug/alcohol treatment, home study instruction, among others.

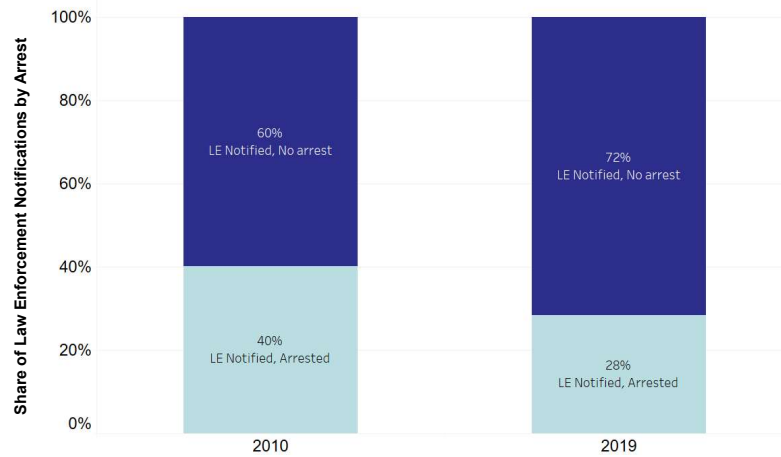
Youth arrests for school-based incidents referred to law enforcement are down



Note: Excludes Code of Conduct and Academic Conduct infractions. Pending arrests are included. A small portion of all arrests (6%) did not result from law enforcement notification and are not captured in the total.

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Share of law enforcement notifications resulting in arrest has declined



Note: Excludes Code of Conduct and Academic Conduct infractions. Arrest includes 'pending' arrests.

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Among most common infractions leading to law enforcement notification, disorderly conduct most likely to lead to arrest

Rank	Top 10 Infractions (2019): Law Enforcement (LE) Notification	% of LE notifications by Arrest	
		Arrest	No Arrest
1	Fighting	26%	74%
2	Possession/Use or Sale of Tobacco or Vaping	22%	78%
3	Possession/Use of a Controlled Substance	34%	66%
4	Disorderly Conduct	40%	60%
5	Simple Assault on Student	27%	73%
6	Student Code of Conduct	12%	88%
7	All Other Forms of Harassment/Intimidation	27%	73%
8	Threatening School Official/Student	15%	85%
9	Possession of Knife	25%	75%
10	Sale/Possession/Use or Under the Influence	29%	71%

Education Takeaways

Decision Making:

- Various state and local entities may guide policies influencing schools' law enforcement referrals, but local districts and individual schools have wide latitude
- State law requires law enforcement referral for a handful of alleged behaviors; local policy varies and may require law enforcement referral for others
- Schools have various tools they may employ to respond to youth behavior without implicating law enforcement or the courts, but their use is not required, and resources may vary

Education Takeaways

School Responses:

- Pennsylvania makes school referrals to law enforcement and school-based arrests at a rate 2.7 times the national average and higher than most bordering states, according to federal data for the 2015-16 school year
 - Youth with disabilities are referred to law enforcement at the three times the rate of youth without documented disabilities
- PDE data show school incidents that result in law enforcement notification are up slightly since 2010, but share resulting in arrest are down
 - Stark variation exists by county in the share of incidents involving law enforcement; fewer than 15% of incidents involve law enforcement in many counties, while in others, nearly half of all incidents result in notification
 - And whether a youth is arrested when law enforcement is notified varies widely for the same type of infraction

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Education Takeaways

School Responses:

- The most common incidents leading to law enforcement involvement are fights that did not result in serious injury, drug- and tobacco- related infractions, and disorderly conduct
- Incidents involving Black and Hispanic youth are the most likely to involve law enforcement among racial and ethnic groups
 - Black girls are three times more likely to be referred to law enforcement than white girls
- Youth aged 15 and younger make up the majority of incidents where law enforcement is notified
 - Nearly one-in-five are ages 12 and under, and they are generally referred for similar incidents as older youth

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Research Discussion



“Adolescent
Development and
Juvenile Justice”

Dr. Elizabeth Cauffman
*Professor of Psychological
Science, Education and Law*
University of California,
Irvine

Next Steps

- Survey to determine date for additional meeting
- Additional meeting to review follow-up data and discuss roundtables
- Stakeholder outreach
 - Roundtables
 - Public testimony
 - Dissemination of meeting executive summaries
- Policy development subgroups

Contact Information

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**Pennsylvania Juvenile Justice Task Force
Public Testimony**