

Chapter 2

The Charge for Pennsylvania's Juvenile Justice System

In the 1990s, nearly every state in the nation enacted harsh new measures against juvenile crime. Faced with an apparent epidemic of serious and violent juvenile offending—with juvenile arrests for Violent Crime Index offenses climbing steeply from 1988 through 1994, the year the wave finally peaked and began to fall away¹— most states responded by curtailing juvenile court jurisdiction over serious crimes, sweeping younger and younger offenders into criminal courts and adult prisons,² and dismantling confidentiality and other protections traditionally afforded to young people in trouble with the law.³

Pennsylvania approached the problem differently. Act 33, enacted in Special Session No. 1 of 1995, did effectively redraw the jurisdictional boundaries between the juvenile and criminal courts, placing a number of violent felonies committed by juveniles age 15 and older within the original jurisdiction of the criminal courts.

(See the discussion at § 4-5.) But unlike its counterparts in other states, Act 33 made a more fundamental and thoughtful change—reorienting the juvenile justice system itself, expanding the circle of clients whose interests it serves, and broadening its stated purposes to include more comprehensive goals. Why do we have juvenile courts? What are they for? Act 33 provided a whole new answer: *“Consistent with the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community.”*

Pennsylvania's Juvenile Act purpose clause is rooted in the philosophy of restorative justice.

This purpose clause in the Juvenile Act is rooted in the philosophy of “restorative justice,” which gives priority to repairing the harm done to crime victims and communities, and which defines offender accountability in terms of assuming responsibility and taking action to repair harm. The “balanced attention” mandates in The Juvenile Act provide the framework for implementing restorative justice in Pennsylvania's juvenile justice system.

Also at the foundation of this mandate is the concept that crime victims and the community, as well as juvenile offenders, should receive balanced attention and gain tangible benefits from their interactions with Pennsylvania’s juvenile justice system.

The new purpose for Pennsylvania’s juvenile justice system envisioned new roles and responsibilities for judges, juvenile justice system professionals, crime victims, and communities, in addition to juvenile offenders.

In 1997, the Juvenile Advisory Committee (JAC) of the Pennsylvania Commission on Crime and Delinquency (PCCD) adopted a mission statement and guiding principles for Pennsylvania’s juvenile justice system to guide the operation and shape the policy of the system. In 2001, Act 30 renamed the JAC as the Juvenile Justice and Delinquency Prevention Committee (JJJPC) and charged with committee with expanded duties for planning and coordination within Pennsylvania’s juvenile justice system.⁴ That year, in conjunction with the development of a strategic plan for Pennsylvania’s juvenile justice system, the JJJPC reaffirmed its commitment to the 1997 mission statement, and strengthened the definitions of the terms comprising this mission statement as the accompanying guiding principles.

This mission statement which, in the words of former JAC member Judge Emanuel A. Cassimatis, describes the purpose of Pennsylvania’s juvenile justice system “briefly, and yet completely”⁵ continues to be the philosophical foundation upon which Pennsylvania’s juvenile justice system reform efforts are based.

Pennsylvania’s Juvenile Justice Mission Statement



“Juvenile Justice:

Community Protection;

Victim Restoration;

Youth Redemption”

Community Protection refers to the right of all Pennsylvania citizens to be and feel safe from crime.

Victim Restoration emphasizes that, in Pennsylvania, a juvenile who commits a crime harms the victim of the crime and the community, and thereby incurs an obligation to repair that harm to the greatest extent possible.

Youth Redemption embodies the belief that juvenile offenders in Pennsylvania have strengths, are capable of change, can earn redemption, and can become responsible and productive members of their communities.

Furthermore, all of the services designed and implemented to achieve this mission and all hearings and decisions under the Juvenile Act—indeed all aspects of the juvenile justice system—must be provided in a fair and unbiased manner. The United States and Pennsylvania Constitutions guarantee rights and privileges to all citizens, regardless of race, color, creed, gender, national origin or handicap.

In conjunction with the development of the Mission Statement, the JJDC endorsed a set of “Guiding Principles for Pennsylvania’s Juvenile Justice System”, which continue to be relevant in setting forth the goals of the system related to “Community Protection”, “Victim Restoration”, “Youth Redemption” and “Juvenile Justice System Operations.”⁶

Pennsylvania’s strong commitment to its statutory balanced and restorative justice mission solidified its status as leader in juvenile justice policy and practice. And as a result of this commitment, a series of amendments to the Juvenile Act, and the ongoing modification of the Pennsylvania Rules of Juvenile Court Procedure, the system has continued to evolve and garner national attention.

Pennsylvania’s Juvenile Justice System Enhancement Strategy

In 2004, The John D. and Catherine T. MacArthur Foundation selected Pennsylvania as the first state to participate in its *Models for Change* juvenile justice reform initiative. According to the MacArthur Foundation, “Pennsylvania was chosen because it is considered a ‘bellwether’ state in juvenile justice, it has a favorable reform climate, and it seems poised to become an exemplary system. There are strong partnerships among Pennsylvania’s stakeholders – judges, district attorneys, public defenders, probation departments, community leaders, and city, county, and state officials – and considerable consensus about the strengths and weaknesses of the state’s juvenile justice system.”⁷

Pennsylvania’s five-year *Models for Change* partnership with the MacArthur Foundation focused on three targeted areas of improvement: (1) the system of *aftercare* services and

supports, (2) the coordination of *mental health services* for juvenile justice-involved youth, and (3) *disproportionate minority contact* with the juvenile justice system.

Models for Change accelerated the pace of Pennsylvania's efforts at reform at both the state and local levels, and supported a series of evidence-based practices, including the introduction of screening and assessment instruments and targeted evidence-based interventions.⁸

In June 2010, with the Commonwealth's *Models for Change* partnership with the MacArthur Foundation drawing to a close, the Executive Committee of the Pennsylvania Council of Chief Juvenile Probation Officers and Juvenile Court Judges' Commission (JCJC) staff concluded that it was essential to develop a strategy to consolidate the various *Models for Change*-related initiatives "under one roof," and to sustain and enhance the gains of the previous five years. Following an intensive review of the impact of and the many lessons learned through this partnership, it was agreed that the JCJC and Pennsylvania Council of Chief Juvenile Probation Officers would work together with PCCD and other system partners to develop and implement a comprehensive "**Juvenile Justice System Enhancement Strategy**" (JJSES) as the means to achieve this goal.

In November 2010, the Juvenile Court Judges' Commission (JCJC) unanimously endorsed the following Statement of Purpose as the foundation for Pennsylvania's Juvenile Justice System Enhancement Strategy:

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:

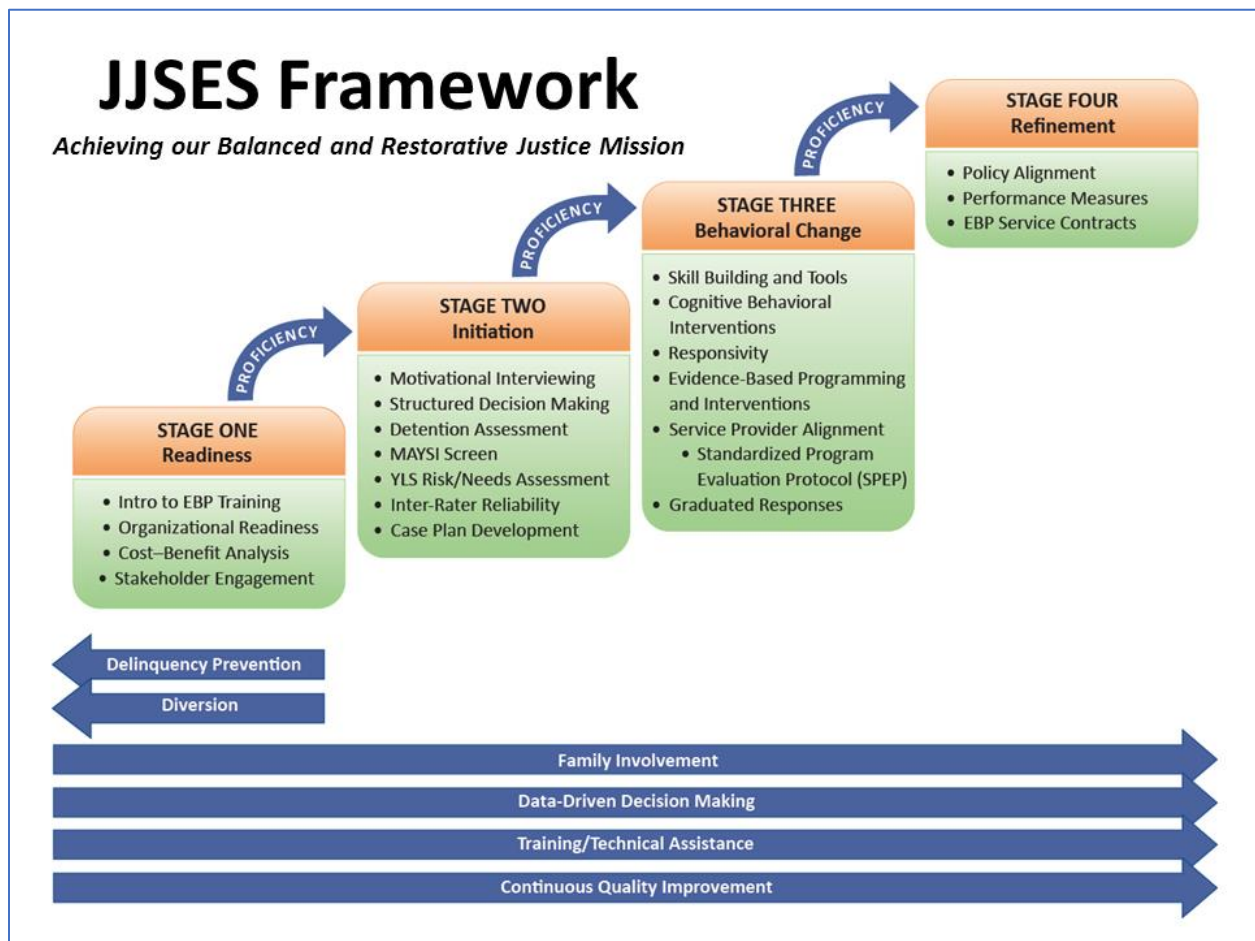
- **employing evidence-based practices, with fidelity, at every stage of the juvenile justice process;**
- **collecting and analyzing the data necessary to measure the results of these efforts; and, with this knowledge,**
- **striving to continuously improve the quality of our decisions, services and programs.**

The JJSES Statement of Purpose has been strongly endorsed throughout the juvenile justice system, and the JCJC is coordinating the implementation of the JJSES with the assistance of the JJSES Leadership Team, comprised of key leaders from the Pennsylvania Council of

Chief Juvenile Probation Officers, PCCD’s Office of Juvenile Justice and Delinquency Prevention, and the JCJC.

The recognition that change is a long-term process requiring strategic and careful planning is the foundation of the JJSES Framework (See below). The framework depicts and summarizes the stages of JJSES implementation (Readiness, Initiation, Behavioral Change and Refinement) and underlying principles and practices that are essential elements of an evidence-based juvenile justice system. The publication commonly known as the “JJSES Monograph”⁹ contains a detailed explanation of the JJSES, including the activities and practices that comprise the stages of the framework.

The juvenile court judge should be knowledgeable about the JJSES and the status of evidence-based policy and practice at the local level. The JJSES Framework guides judges in leading and supporting these efforts.



Essential to the philosophy of the JJSES is the concept that juvenile justice interventions and programs are considered effective when they reduce a juvenile’s risk to reoffend and

that the application of evidence-based practices will enhance public safety. As explained in the JJSES Monograph, “**Evidence-based practice’ simply means applying 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.**”¹⁰

The JJSES promotes the utilization of actuarial assessments to identify *criminogenic needs* (dynamic risk factors) which, when addressed through evidence-based juvenile justice practices, reduce recidivism. Pennsylvania selected the **Youth Level of Service/Case Management Inventory (YLS/CMI)** risk/needs assessment to identify these criminogenic needs and pinpoint the skill areas requiring development. (See “The Use of Evidence-Based Practices” at §9-3)

The criminogenic needs assessed by the **YLS/CMI** are:

- attitudes/orientation,
- personality/behavior,
- peer relations,
- family circumstances/parenting,
- substance abuse,
- education/employment, and
- leisure/recreation.

The principles of *risk*, *need*, and *responsivity* are identified through the administration of the YLS/CMI and form the foundation of evidenced-based juvenile justice practices. The *risk principle* helps identify *who* should receive juvenile justice interventions and treatment. The *need principle* focuses on *what* about the young person must be addressed. The *responsivity principle* underscores the importance of *how* treatment should be delivered, with behavioral and cognitive behavioral skill-building techniques being the most effective.¹¹

- **From a criminogenic risk perspective:** the evidence is clear that low-risk juveniles should be given the least amount of attention because they are already largely connected to prosocial communities and are likely to be self-correcting. Juvenile justice intervention beyond arrest and prosecution will likely only increase the probability of reoffense for this population. Medium and high-risk youth are much more likely to respond positively to interventions, if administered correctly. The

intensity of treatment programs should be matched to each juvenile's risk level, with higher dosages, lengths, and intensities applied to higher-risk offenders.

Therefore, in terms of supervision and treatment, the juvenile justice system should:

- **Use minimal intervention with low-risk juveniles.** Supervision staff should manage the risk of re-offense but avoid vigorously applying juvenile justice system interventions to low-risk juveniles unless individual traits change, resulting in a youth's increased risk level. Interventions should be the least restrictive in nature.
 - **Focus programs and services specifically on medium and high-risk juveniles.** Levels of risk can especially be reduced for medium and high-risk juveniles by applying appropriately matched services and supervision. These youths' risk levels can be reduced through the strategic application of interventions that match their risk levels (with more intensive interventions being reserved for higher-risk cases), criminogenic needs, and responsivity traits (e.g., learning disabilities, mental health, gender).
 - **Maximize external control and monitoring with extremely high-risk juveniles.** Employ techniques such as surveillance, electronic monitoring, curfew, and police-probation partnerships to control the risk. These youths' risk levels can also be reduced through interventions that match their risk, criminogenic need and responsivity traits, but they may need external control until these interventions take hold.
- ***From a criminogenic need perspective:*** Traits that contribute to delinquency and are changeable should be targeted for intervention. Attention to non-criminogenic needs will not yield positive recidivism results and may even do harm.
- ***From a responsivity perspective:*** Interventions should be closely matched to each individual's unique qualities and attempts should be made to increase the youth's intrinsic motivation to engage in behavior change. The most effective interventions create a match between a youth's traits, the characteristics of treatment, and the counselor/facilitator's attributes, and acknowledge the youth's current stage of change.¹²

It is through the use of research evidence and the demonstration of outcomes that judges can best ensure that the juvenile justice system mission of ***community protection; victim***

restoration; and youth redemption can be achieved for the juveniles who come within the jurisdiction of the court.

¹ Snyder, Howard. (2002). "Juvenile Arrests 2000." OJJDP Juvenile Justice Bulletin. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

² Griffin, P., Torbet, P., and Szymanski, L. (1998). Trying Juveniles as Adults in Criminal Court: An Analysis of State Transfer Provisions. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

³ Torbet, P., and Szymanski, L. (1998). "State Legislative Responses to Violent Juvenile Crime: 1996-97 Update." OJJDP Juvenile Justice Bulletin. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

⁴<http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2001&sessInd=0&smthLwInd=0&act=30>

⁵ Presentation to Governor Tom Ridge of the "Mission Statement for Pennsylvania's Juvenile Justice System" on July 21, 1997 in conjunction with the Juvenile Advisory Committee's 1997 Strategic Plan.

⁶ <http://www.jcjc.pa.gov/Publications/Documents/Mission%20Guiding%20Principles.pdf>

⁷ Youth Law Center, *Keystones for Reform: Promising Juvenile Justice System Policies and Practices in Pennsylvania*, 2005. pp. 1-2.

⁸ 2017 Pennsylvania Juvenile Justice and Delinquency Prevention Plan prepared for Governor Tom Wolf, Juvenile Justice and Delinquency Prevention Committee on behalf of the Pennsylvania Commission on Crime and Delinquency, January 2017. P.18.

⁹ *Pennsylvania's Juvenile Justice System Enhancement Strategy-Achieving Our Balanced and Restorative Justice Mission Through Evidence-based Policy and Practice* (Juvenile Court Judges' Commission and Pennsylvania Council of Chief Juvenile Probation Officers, April 2012).

¹⁰ *Ibid.*, p.5.

¹¹ *Ibid.*, p.8.

¹² *Ibid.*, pp.9-10.