

Right-Size Interventions for Youth to Prevent Recidivism

HB 1381 (D. Miller) reduces the prosecution of children as if they were adults, expands diversion, limits detention and out-of-home placement, and tailors financial obligations in Pennsylvania's juvenile justice system.

What Problem Does the Legislation Solve?

Research shows that most youth are not on a path toward adult crime, and over-involvement in the juvenile justice system can *increase* their likelihood of reoffending. Most youth in the 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. Yet many of these youth are routinely processed through the juvenile justice system, assessed costly and ineffective fines and fees, removed from their homes, and moved from placement to placement. Findings from Pennsylvania data and research indicate:

- Most youth **enter the juvenile justice system for low-level behavior**, including misdemeanors or failing to pay fines.
- In most counties, **fines and fees push youth deeper into the juvenile justice system.**
- Most **low-level cases are not diverted** from court, despite the fact that 80% of kids complete diversion successfully.
- In cases where **young people are removed from their homes**, around 40% are for a first encounter with the juvenile justice system and 60% are for a misdemeanor.
- Nearly **50% of students receiving education services in a juvenile justice facility do not return to school.** Of those who do return, 75% subsequently drop out.

Taxpayers spend up to \$200,000 per youth per year on out-of-home placement, many times the cost of effective family therapy.

Nearly 60% of adult prosecution cases are dismissed or withdrawn or end up in juvenile court for prosecution, even after the young person may have been held for months in adult jail.

Current juvenile justice practices routinely undercut the stability of families, communities, and the economy by removing kids from homes, disrupting their education, and spending significant taxpayer money on interventions that aren't effective and can lead to increased recidivism.

Even for youth with more serious offenses, the automatic prosecution of kids as if they were adults leads to system inefficiencies, trauma, and more recidivism in the long run. And it's rife with racial disparities – **Black boys make up 56% of adult prosecution convictions** but only 7% of Pennsylvania's youth population.

What Does the Legislation Do?

This legislation will reduce victimization and promote community safety by ensuring that young people who are struggling in our communities receive the right level of intervention at the right time, no matter where they live. The bill:

- **Eliminates direct file to adult court**, ensuring all youth get a hearing in juvenile court, and increases the minimum age of transfer to adult court from 14 to 16.
- **Expands and standardizes the use of pre-petition diversion**, and clarifies the parameters of post-petition diversion, to improve outcomes for youth and communities.
- **Limits admission to juvenile detention facilities** to youth aged 14 and older who have committed a more serious offense or pose a risk of harm.
- **Reduces the length of time a young person can spend in detention** prior to adjudication and expands access to detention alternatives.
- **Reserves out-of-home placement for the most serious cases**, while limiting the default length of stay in placement and requiring more frequent review.
- **Eliminates most financial obligations** for youth in the juvenile justice system, requires restitution to go directly to victims and be within the ability of young people to pay, and ensures youth receive at least minimum wage for work while in placement.
- Improves graduation outcomes by **sending students released from placement back to their school of origin**, unless the court determines it is not in the best interest of the student or public safety.

What is the Status of the Legislation?

Several bills have been introduced this session addressing components of the policy recommendations:

- Representative Dan Miller introduced [HB 1381](#), which addresses all of the above recommendations. This bill passed the House Judiciary Committee on September 27, 2023.
- Senator Camera Bartolotta introduced [SB 751](#) (along with Senators Anthony Williams and Vincent Hughes), which reduces the adult prosecution of kids.
- Senator Bartolotta and Senator Williams also introduced [SB 752](#), which expands diversion and limits detention and out-of-home placement.
- Both of Senator Bartolotta's bills were referred to the Senate Judiciary Committee.