

# Right-Size Interventions for Youth to Prevent Recidivism

*SB 751 and SB 752 (Bartolotta) reduce the adult prosecution of kids, expand diversion, and limit the use of detention and out-of-home placement. SB 169 and SB 170 (Baker) ensure kids do not stay in placement longer than necessary and streamline the expungement process.*

## 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. The resulting juvenile record makes it difficult for young adults to obtain employment, further their education, and apply for housing – even years after their offense. 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 home**, around 40% are for a first encounter with the juvenile justice system and 60% are for a misdemeanor.
- **Most cases eligible for expungement are not expunged**, including 76% of cases that were dismissed or withdrawn and 96% of eligible adjudicated cases.

*Taxpayers spend more than \$100,000 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*Nearly 60% of adult prosecution cases are dismissed or withdrawn or end up in juvenile court for prosecution, even after the young person may have been held for months in adult jail.*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 home, 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 bills:

- **Eliminate direct file to adult court**, ensuring all youth get a hearing in juvenile court, and increase the minimum age of transfer to adult court from 14 to 16.
- **Streamline the process for expungement** of juvenile records and shorten the wait time until expungement eligibility for most misdemeanors from five years to two years.
- **Expand and standardize pre-petition diversion**, and clarify the parameters of post-petition diversion, to improve outcomes for youth and communities.
- **Limit admission to juvenile detention facilities** to youth aged 14 and older who have committed a more serious offense or pose a risk of harm.
- **Reduce the length of time a young person can spend in detention** prior to adjudication and expand access to detention alternatives.
- **Reserve out-of-home placement for the most serious cases**, while limiting the default length of stay in placement and requiring more frequent review.
- **Eliminate 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.

## What is the Status of the Legislation?

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

- 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.
- Senator Lisa Baker (along with Senators Jay Costa and Steven Santarsiero) introduced [SB 169](#), addressing length of stay in placement, and [SB 170](#), addressing expungement. Both bills passed the Senate Judiciary Committee and are currently pending in Senate Appropriations.
- Representative Dan Miller introduced [HB 1381](#), a comparable bill in the House, which addresses many of the above recommendations and was referred to the House Judiciary Committee.