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Testimony from:

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In SUPPORT of Pennsylvania Juvenile Justice Task Force Report & Recommendations

May 19, 2022

Pennsylvania Senate Judiciary Committee

Chairwoman Baker, Minority Chairman Santarsiero and Members of the Committee,

Thank you for considering my testimony. My name is Sarah Anderson and I am the associate director of Criminal Justice and Civil Liberties for the R Street Institute, a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including criminal justice reform. That is why this hearing to consider legislation modeled off of the June 2021 report and recommendations of the Pennsylvania Juvenile Justice Task Force is of particular interest to us.

As advocates for limited, effective government, we recognize that there is perhaps nothing the government can do that encroaches more thoroughly on the lives of Americans than involving them in its carceral system. This involvement begins with initial contact, continues through incarceration and ends with the barriers associated with reentry into society—the effects of which can linger for a lifetime. Undoubtedly, it is necessary for the justice system to exist to protect public safety and ensure the liberty of Americans, but this does not preclude the justice system from being held to the same or even higher standards of limited and effective management to which we hold the rest of the government.

This is particularly necessary when it comes to how our justice systems handle youth who violate the law. Research reveals that detention results in multiple negative collateral consequences for juveniles and therefore should be avoided when possible. According to a recent study, juvenile offenders whose punishment included incarceration are 23 percent more likely to return to jail when they are adults than those whose punishment did not.¹ Furthermore, the study also found that incarceration of juveniles is correlated with higher school drop-out rates.

¹ Anna Aizer and Joseph J. Doyle, “Juvenile Incarceration, Human Capital, and Future Crime: Evidence from Randomly Assigned Judges.” *The Quarterly Journal of Economics* 130:2 (Feb. 2, 2015), pp. 759–803.
http://dspace.mit.edu/bitstream/handle/1721.1/97380/aizer_doyle_juvenile_incarceration_january2015.pdf?sequence=1&isAllowed=y.

Additionally, outside of the public safety risks of juvenile over-incarceration and the loss of human capital as a result of unnecessary youth involvement with the justice system, it is estimated that the average cost of incarcerating youth is far higher than the cost of the adult system. According to a study by the Justice Policy Institute, “40 states and Washington, D.C. report spending at least \$100,000 annually per confined child, with some states spending more than \$500,000 per youth per year.”² Pennsylvania is no exception, with the Pennsylvania Juvenile Justice Task Force finding that “[t]he average cost per youth per year is \$192,720 for state-run residential facilities and \$107,468 for privately-run residential facilities, up 54 percent since [Fiscal Year 2015].”³ These dollars could be far better used either back in the wallets of taxpayers or smartly reinvested in a justice system that is truly recidivism-reducing and rehabilitation-oriented, not the opposite.

Understanding when it is absolutely necessary to incarcerate juveniles, and in turn how to most productively and effectively rehabilitate juvenile offenders to improve behavior and discourage recidivism, is critical to the long-term success of our country and the safety of our communities. The Pennsylvania Juvenile Justice Task Force sought to uncover the specifics of the juvenile justice system in the commonwealth, and issued recommendations to accomplish the aforementioned goals. By and large, its 35 recommendations would reduce youth recidivism, save taxpayer dollars and ensure due process and liberty for youth in Pennsylvania.

We applaud the Senate Judiciary Committee, particularly the primary sponsors of the legislation being considered today and those of any legislation that may be considered in the future, for taking many of these recommendations and turning them into policy which has the potential to save more than \$81 million taxpayer dollars over five years. Additionally, while cost savings are important to sound governing, these recommendations would also improve public safety, which is the ultimate goal of the justice system.

Please find below a non-comprehensive list of suggested reforms likely to be considered today or at a future date that the R Street Institute finds most necessary to ensure the juvenile justice system works for all Pennsylvanians—juveniles, adults, law-abiding citizens and offenders alike:

- Shorten the waiting period for the expungement of certain offenses
- Employ diversion for misdemeanors and certain felonies
- Expand services and other alternatives-to-arrest
- Eliminate most fines and fees in the system
- Implement stronger data collection and reporting requirements
- Eliminate direct file and limit transfer from juvenile court to adult court
- Raise the minimum age of court jurisdiction
- Strengthen education and programming in placement
- Expand alternatives to out-of-home placement
- Ensure appropriate funding for defense services and access to counsel
- Limit the use of pre-adjudication detention
- Reserve out-of-home placement for public safety threats
- Limit the length of out-of-home placement as informed by research
- Draw on criminogenic risk and needs in developing conditions for supervision
- Create a standardized statewide expungement process
- Increase oversight and accountability
- Prohibit harmful physical practices in facilities

² “Sticker Shock 2020: The Cost of Youth Incarceration,” Justice Policy Institute, July 2020.

https://justicepolicy.org/wp-content/uploads/2022/02/Sticker_Shock_2020.pdf.

³ “Report and Recommendations,” Pennsylvania Juvenile Justice Task Force, June 2021.

https://www.pacourts.us/Storage/media/pdfs/20210622/152647-pajuvenilejusticetaskforcereportandrecommendations_final.pdf.

For all of the reasons articulated herein, we encourage the committee to consider as many of the above recommendations as swiftly as possible, creating a brighter future for Pennsylvania's youth.

Thank you for your time,

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