

Thinking About Pennsylvania's Vital Signs

AN INITIATIVE SUPPORTED BY THE JOHN D. AND CATHERINE T. MACARTHUR FOUNDATION

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The Models For Change initiative is an effort to create successful and replicable models of juvenile justice system reform through targeted investments in key states. With long-term funding and support from The John D. and Catherine T. MacArthur Foundation, Models For Change seeks to accelerate movement toward a more effective, fair, and developmentally sound juvenile justice system.

Pennsylvania was chosen as the first Models For Change site because of its long record of progress and prominence in juvenile justice. And Models For Change work in Pennsylvania is aimed at accelerating change in parts of the system already targeted for improvement by the state's leadership. But although improvements in these areas will be useful in themselves, it is hoped that they will also serve as leverage points for broader reform, radiating change throughout Pennsylvania's juvenile justice system—and eventually beyond its borders. That's the goal.

The Models For Change initiative will attempt to measure progress toward this broad goal—to assess and quantify overall system change—by tracking five *vital sign* measures devised by the National Center for Juvenile Justice as broad indicators of juvenile justice system functioning and alignment with core values. This brief summary presents initial findings of the vital sign measurement work in Pennsylvania. In the coming years, as these measures are tracked, improved, and refined, vital sign updates will be issued regularly.

There are thousands of ways to measure a living human body, to assess its health and functioning. But when doctors want the big picture, they measure and monitor just a few key things. Pulse. Temperature. Blood pressure. Respiration. Taking these *vital signs* doesn't tell them everything, but it tells them a lot. If the signs change over time, it tells them even more.

So how do you take a juvenile justice system's vital signs?

The Models For Change initiative has begun to explore that question in Pennsylvania—to assemble, merge and reconfigure data gathered for other purposes, in an effort to build a set of standard measures that could serve as broad indicators of overall system functioning. Basic fairness measures. Effectiveness measures. Measures that, like human vital signs, are simple and comprehensible, but tell you important things—especially if you track them over time.

This brief summary will describe the Pennsylvania vital signs measurement work and present some early findings. It is intended not only to contribute useful preliminary information about the areas measured, but to stimulate discussion among Pennsylvania juvenile justice stakeholders regarding the refinement and improvement of the vital sign measures themselves.

Vital Sign #1. Fairness

One of the broad goals of the Models For Change initiative is to help create a juvenile justice system that treats all youth fairly—particularly members of racial and ethnic minorities. But what is a good, accurate, simple yet comprehensive measure of a system’s fairness to minority youth?

The vital sign measure proposed by the National Center for Juvenile Justice to express and quantify a juvenile justice system’s overall treatment of minorities is not one number but a set of “relative rate index (RRI) ratios.” RRI ratios provide the best known method of isolating disproportionate minority contact—that’s why federal law now requires states to use RRI ratios in their reporting on this issue. For each of nine key processing points (arrest, court referral, informal processing, detention, petitioning, adjudication, probation, placement, and waiver), RRI ratios compare the rate at which minority youth receive a given form of handling with the rate at which white youth receive the same form of handling. For example, if minority youth were arrested at twice the rate of white youth, the RRI ratio would be expressed as 2. If the two groups were arrested at the same rates, the ratio would be 1. Ideally, all ratios should be 1.

Preliminary black-to-white RRI ratios, for Pennsylvania as a whole and for individual counties, have been calculated on the basis of juvenile arrest data reported to the Pennsylvania State Police by local police and sheriff’s departments for the years 2000 through 2002, as well as detention admissions and juvenile case processing information submitted by counties to the Juvenile Court Judges’ Commission for the same years.

What do the results show? As a rule, both in the state as a whole and in most counties, black-to-white ratios tend to be higher at the arrest and referral stages, and lower at subsequent stages of the process. In other words, black disproportion tends to be highest at the points in the process that are largely or wholly under the control of law enforcement. But when the process comes under the control of court and probation decision-makers, the disproportion usually diminishes.

Another thing that is clearly discernible from the data is wide county-level variation at every decision stage, especially arrest and referral. For instance, black juveniles are arrested statewide at 2.2 times the rate of white juveniles, but county arrest ratios range from a low of 1.3 to a high of 8.2. Likewise, the statewide referral ratio is 4, but there are counties with ratios under 2 and others with ratios over 7.

Obviously, measures of racial disparity in case-handling don’t tell the whole story—strictly speaking, they don’t tell any story at all. They tell you where to begin *looking* for the story.

But there’s nothing final or complete about these measures, in any case—they amount to a work in progress. Among their other deficiencies, the most glaring is that they tell us nothing about the treatment of Hispanic youth. Accurate RRI ratios have so far proven impossible to calculate for this population, because of the general absence of good ethnicity data. But that points to one way in which the vital sign research, as preliminary as it is, may already be serving a useful purpose—by clearly illuminating the need for more uniform information-gathering on ethnicity.

Vital Sign #2. Recognition of Juvenile-Adult Differences

In every state, juveniles are acknowledged to be fundamentally different from adults, and are treated differently—as a rule—when it comes to assessing criminal responsibility. There are exceptions, of course. But how many exceptions?

The second vital sign measure—the annual number of criminal sentences imposed on individuals who were juveniles at the time of their crimes—is designed to answer this simple but very important question.

You'd think that would be easy. But as strange as it seems, the number of Pennsylvania juveniles transferred and sentenced to adult corrections has apparently never been monitored or reported by anyone. Since the 1995 expansion of Pennsylvania's automatic transfer laws, no one has kept systematic track of original criminal court filings against juveniles, or what happens to juveniles convicted in criminal court.

In order to get an estimate of the number of criminal sentences imposed on juveniles in Pennsylvania, it was necessary to perform a special analysis of data reported for other purposes to the Pennsylvania Commission on Sentencing. In 2000, the most recent year for which these data are currently available, there were 80,238 adult criminal sentences in Pennsylvania, of which 1,443 involved persons who were under 18 at the time of the offense.¹

But isolating this raw number is just the beginning. What were the sentences imposed *for*? Who received them? And what sanctions were imposed as a result? The purpose of this vital sign is to provide information with which to answer these questions—and to enable policymakers, at the very least, to determine whether transfer laws are operating as intended.

About 35% of all criminal sentences imposed on juvenile-age offenders in 2000 involved a property crime as the most serious offense, the most common being larceny-theft. About 31% were imposed for violent crimes, with robbery being the most common. And 21% were imposed for drug offenses—generally possession with intent to deliver.

Overall, 46% of the cases in which juvenile-age offenders were sentenced as adults involved minorities. But minority youth were involved in 65% of the drug cases and 60% of the person offense cases.

Well over half (57%) of all criminal sentences imposed included incarceration as a sanction. One-third imposed a jail term, nearly one-fourth imposed a term of imprisonment, and one sentence imposed a term of life imprisonment.

Subsequent exploration of sentencing data sets—including four more years of data not yet available for analysis—will yield more information on the dimensions, characteristics, and handling of this population of juvenile offenders in Pennsylvania.

¹ Note: This is not necessarily the number of juvenile-age offenders sentenced that year, since the same individual could have been sentenced more than once during the year.

Vital Sign #3. Diversion

No system can do without an array of local responses to delinquency that stop short of incarceration, including informal and community-based responses. But systems differ radically in the degree to which they rely on these alternatives. Accordingly, a third vital sign measures something very basic: the proportion of juveniles in a jurisdiction that are diverted at the arrest, intake, pre- and post-adjudication stages. Collectively, these measures can serve as a broad index of the system's overall reliance on community-based alternatives to formal processing and incarceration.

Data for this vital sign were obtained from juvenile arrest information reported to the Pennsylvania State Police during the 2000-2002 period, as well as Juvenile Court Judges' Commission data on disposition of juvenile referrals during the same three years. They show the proportion of juveniles diverted at four processing points:

- ◆ *Arrest.* Of all juvenile arrests during this period, 28% were diverted by law enforcement without referral to any court.
- ◆ *Intake.* The next big diversion point is at juvenile court intake, where 29% of referred cases were handled without the filing of a petition. Most of these informally diverted cases received some sanction (usually fines or costs), but about a third of them were simply dismissed.
- ◆ *Pre-adjudication.* Almost 20% of petitioned cases were resolved without formal adjudication, through consent decrees that function like informal adjustments. Another 25% were dismissed or withdrawn.
- ◆ *Disposition.* Of the cases that made it all the way to a formal adjudication of delinquency, almost three-quarters received probation or some other sanction that did not involve residential placement.

Vital Sign #4. Social Engagement

In some ways, the last two vital signs are the most basic of all: they measure success. But they measure it differently.

One valid measure of juvenile justice system success is already reported by county juvenile probation departments to the Juvenile Court Judges' Commission. As part of their quarterly outcome data on all closed cases, the counties must report (1) the total number of juveniles whose cases were closed during the reporting period and (2) the proportion who were employed or engaged in an educational or vocational activity at the time their cases were closed. This is an extremely broad measure of social engagement—it includes being in school, attending GED preparation classes, participating in vocational training, actively seeking employment, or working part- or full-time—but it is clearly a useful indicator of one kind of success with youth. During the year 2004, out of a statewide total of 17,709 cases closed following probation supervision or other services, 14,368—or 81%—closed with juveniles socially engaged in this way.

Vital Sign #5. Community Safety

The other vital sign measure of success is even simpler: the proportion of court-involved juveniles who do not reoffend. When most people speak of a successful juvenile court intervention, this is what they have in mind.

Currently, as part of their obligation to report case-closing outcomes to the JCJC, Pennsylvania counties are contributing data with which to fill in a part of this measure—namely, the part that relates to the goal of protecting community safety while juveniles are under court supervision. In 2004, a total of 15,353 cases—or more than 86%—were successfully closed without a new offense resulting in a delinquency adjudication, consent decree, Accelerated Rehabilitative Disposition, criminal conviction, or no contest plea.

But the rest of the picture—the part that comes after court supervision ends—is still missing. What proportion of offenders successfully avoid reoffending for one year following a juvenile court disposition? Because answering that question calls for tracking data on individual juveniles, using identifying information that is not usually available to researchers, the National Center for Juvenile Justice is currently seeking the county-level permissions it needs to analyze the annual juvenile court data sets and determine post-disposition success rates. When that work is accomplished, it will be possible for the first time to report annual success rates for Pennsylvania’s juvenile justice system as a whole, as well as comparative rates for individual counties.

The Future of Vital Signs

The vital signs work has been undertaken largely to test an experimental hypothesis: that investment in juvenile justice change at certain strategic points can have measurable system-wide effects over time. But it doesn’t have to end there. A standardized index of the vital signs developed and refined for Pennsylvania could one day provide practitioners, policymakers, and the public with a handy way of assessing strengths and weaknesses in juvenile justice systems generally. With help, feedback, and constructive criticism from Pennsylvania’s juvenile justice leadership, the vital signs could eventually emerge as one of the Models For Change initiative’s most enduring products: a tool to help us isolate trends, facilitate comparisons, target resources—and ultimately measure the distance between where we are and where we want to be.

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