



PA House of Representatives

Republican Policy Committee

414, Main Capitol Building
Harrisburg, PA 17120
(717) 260-6144

Rep. Joshua D. Kail
Chairman

PA House Republican Policy Committee Hearing

“Keeping our Communities Safe”

May 8, 2023, at 10 a.m.

**Concord Township Municipal Complex
43 S. Thornton Rd.
Glen Mills, PA 19342**

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|------------|--|
| 10 a.m. | Welcome and Pledge of Allegiance |
| | Protecting our Communities Panel |
| 10:10 a.m. | Chief John Egan
<i>Chief of Police, Bethel Township Police Department</i> |
| 10:20 a.m. | Chris Eiserman
<i>President, Delaware County Fraternal Order of Police, Lodge 27</i> |
| 10:30 a.m. | Bob McCarron
<i>President, Chester County Fraternal Order of Police, Lodge 11</i> |
| 10:40 a.m. | Questions for the Protecting our Communities Panel |
| | Restoring Justice Panel |
| 11:10 a.m. | Professor Gregg Volz
<i>Director of Youth Courts, Harcum College</i> |
| 11:20 a.m. | Liam N. Power
<i>Chair of the Education Task Force, Office of Advocacy and Reform</i> |
| 11:30 a.m. | Questions for the Restoring Justice Panel |
| 12 p.m. | Closing Comments and Conclusion |



Testifier Biographies

PA House of Representatives Policy Committee Hearing *"Keeping our Communities Safe"*

Chief John Egan **Chief of Police, Bethel Township Police Department**

John Egan currently serves as the Chief of Police for the Bethel Township Police Department in Delaware County, Pennsylvania.

Chris Eiserman **President, Delaware County Fraternal Order of Police, Lodge 27**

Chris Eiserman has been involved in emergency services since 1993. Chris started his career as a first responder with the Folcroft Fire Company as a junior fireman while in high school and then with the Sharon Hill Fire Department. He held the positions of firefighter, President, and Treasurer with the Sharon Hill Fire Department.

After graduating high school in 1994, Chris started his career as a 911 Dispatcher in Delaware County until 1999. In February of 1999, he was hired full time as a patrolman with the Folcroft Police Department, the community that he had grown up in. Chris rose through the ranks and held the positions of Patrol Officer, K9 Officer, Narcotics Officer, Corporal, Sergeant, and today serves as Deputy Chief of the Department.

Chris currently holds the position of President of the Delaware County Fraternal Order of Police, an organization that represents over 1,200 active and retired police officers throughout Delaware County. He also proudly serves as Trustee of the Pennsylvania State Fraternal Order of Police.

Chris is unique in the positions that he has held, on both the police and fire side, that he has seen first hand the issues and problems in retaining and hiring police officers and volunteer firemen through out this Commonwealth.



Bob McCarron **President, Chester County Fraternal Order of Police, Lodge 11**

President Robert F. McCarron, is a 32-year veteran of Law Enforcement. McCarron began his career in 1991 with the Delaware County Park Police, and has served as a Deputy Sheriff for the Delaware County Sheriff's Office, a Police Officer for the Aldan Borough Police Department, Spring City Borough Police Department, and East Pikeland Township Police Department.

He is currently serving as a full time Police Officer with the West Pikeland Township Police department, where he is a Field Training officer, ASP baton instructor, de-escalation instructor, QPR Suicide Prevention instructor, is a member of the Crisis Intervention Training (CIT) coordination committee for Chester County and a CIT instructor.

Bob McCarron

President, Chester County Fraternal Order of Police, Lodge 11 (cont.)

President McCarron was appointed to the Pennsylvania Municipal Retirement System (PMRS) as the Active Police Officer representative.

President McCarron was elected delegate for the Chester County FOP Lodge #11 in 2010. He was elected to Guard in 2012 holding that position until December 2020. In December 2020 he was elected as Vice President. In December 2022 he was elected President of the Chester County FOP Lodge #11, where he proudly serves his 940 members.

Professor Gregg Volz

Director of Youth Courts, Harcum College

Gregory (Gregg) Volz is a public interest lawyer whose career has focused on legal and economic strategies to help disadvantaged populations. He currently serves as Director of Youth Courts and Instructor for Law & Justice at Harcum College.

Previously, Gregg worked in private law practice, dividing his time between corporate litigation and the development of youth courts in Chester, Pennsylvania. As a Stoneleigh Fellow from 2009-2013, Gregg worked to expand the Chester High School youth court and create mechanisms for its sustainability and replicability.

Prior to his Fellowship, he served as Executive Director of Delaware County Legal Assistance, where he integrated the organization's workforce, economic, and community development efforts and implemented various anti-poverty and youth engagement strategies. Gregg began his career as a Staff Attorney for Legal Services of Indiana and as an Appeals Referee at the Indiana Employment Security Division. During that time, he also became the first President of the Evansville Coalition for the Homeless.

Gregg holds a BA in psychology, an MS in counseling and guidance, and a JD from the University of Indiana-Bloomington.



Liam N. Power

Chair of the Education Task Force, Office of Advocacy and Reform

Liam Power currently serves as the Chair of the Education Task Force for the Office of Advocacy and Reform, under the Office of Governor Josh Shapiro.

Liam is a graduate of West Chester University of Pennsylvania, where he obtained a B.S. in Criminal Justice, holds a Masters of Curriculum Instruction and Design, Education from the University of Phoenix, and is currently pursuing his Doctorate in Education from Vanderbilt Peabody College.

Youth Courts,

A Platform for Youth Development

A Presentation by Gregg Volz



Hello!

My name is Gregg Volz

I am here to share with you information
about Youth Courts



This Presentation

- What is a Youth Court?
- Why Youth Courts are helpful
- Q&A session

1

What is a Youth Court?

Definitions and Overview



What is a Youth Court?

Youth Courts are an alternative student run disciplinary program that promote *restorative justice* rather than punishment. Using the power of *positive peer pressure* youth courts block the *school-to-prison pipeline* but hold the student offender (respondent) accountable for their actions.

- Youth Courts can be operated in school or as part of a juvenile justice system.



What is a Youth Court? cont.

- Youth Courts are an example of *co-production*, in which the individuals benefiting from the program contribute to its success. In Youth Courts we witness students who would otherwise be considered problems helping to solve the underlying disciplinary problem. Youth Courts manufacture "youth as resources."



Why Youth Courts are Helpful:

- Youth Court also provides academic, socialization and civic engagement skills to participating youth.
- Youth Courts enhance the student “voice” and improve strained relationships between students and between teachers and students.

2

Block the School-to-Prison Pipeline

Youth Courts block the school-to-prison pipeline by keeping kids in school.



School-to-Prison Pipeline

- Years ago, schools shifted to a “get tough” one size fits all disciplinary policy called zero tolerance. This policy failed to take trauma into effect and resulted in massive numbers of students being suspended, expelled or arrested for *non-violent offenses*.



School-to-Prison Pipeline cont.

- Students who do not graduate from high school are eight times more likely to end up in jail or prison.
- Youth Courts keep student offenders in school where they belong while keeping disciplinary and justice costs low.

3

Positive Peer Pressure

Youth Courts empower youth by giving them a voice.



Positive Peer Pressure

- Youth Courts utilize positive peer pressure to encourage students to help their friends and peers make good decisions.
- Research has shown that enhancing the student voice is one of the major benefits of Youth Court.

4

Restorative Justice

Youth courts heal communities,
respondents and victims.



What is Restorative Justice?

- In restorative justice, the point is to repair harm and prevent the offense from happening again, not to create more harm by punishing the offender.
- The people affected by the hurt behavior should be involved in its resolution. *This includes offenders, victims and other school-community members.*
- It is the responsibility of the community to build peace. It is based on healthy, respectful relationships.

5

Trauma-Informed

Youth Courts are responsive to adverse childhood experiences (ACES).



Trauma

- Many students have experienced trauma that creates stress on their emotions/feelings. Coping with stress can result in students adapting coping behavior that is unacceptable in a school setting, which gets them in trouble. Frequently, resource-poor schools lack resources to deal with these types of behavioral challenges. Thus, *punishing such children is counter-productive.*

Trauma-Informed

- Youth courts are trauma-informed and PA has a new trauma informed plan (https://www.scribd.com/document/470553274/2020-Trauma-Informed-PA-Plan?secret_password=AcWbQ2CvooqQQ8w20WZO).
- Youth courts have the potential to be a more scientifically responsible way of helping children deal with the stresses that trauma can cause.

6

Effectiveness

Youth Courts work because they are real, interactive, and owned by youth.



Effectiveness

- Students “learn by doing” (Dewey).
- Students are more engaged because they are actively participating in running the court with no outside help.
- Students become empowered and own the Youth Court.

7

Implementation & Integration

Youth Courts can easily be integrated into school curriculum or justice systems.



Implementation & Training

- Youth Courts are normally integrated into social studies curriculum.
- Some schools create new “Youth Court curriculum” in which students process disciplinary cases and discuss “hot topics” in the news that interest them such as racial profiling, police brutality, unjust criminal justice system, national politics, and other democratic issues. Teachers have the freedom to select topics that interest their students. This is a growing trend in light of income inequality and racial justice protests.

8

Training

Youth Court training can be presented in many ways.



Training

- Professional development trainings provide instruction to teachers, climate staff and administrative personnel. Administrative staff have been known to get very interested in Youth Court once they had a chance to actually participate in a mock Youth Court hearing during training sessions.
- Higher education students and law students when properly trained can also assist Youth Court training or provide it themselves if teachers are reluctant to train their students.

9

Research

Research (local and national) supports their effectiveness.



Findings

- Philadelphia region Youth Courts have been able to *reduce school suspensions and expulsions*.
- At the national level *improved relationships* between parents and their children have been shown to occur.
- Research needs to be conducted to confirm the civic engagement, academic benefits and student voice issues that Youth Court teachers comment on.
- Youth Court should not be seen as just a better disciplinary program but as *a new teaching method* which greatly appeals to students.

10

Costs

While there are initial training costs for Youth Courts, subsequent costs are minimal.



Costs

- Costs vary based on grade level, teacher experience, district resources and cooperation. Average cost is \$5,000 - \$7,000.
- It is recommended that elementary, middle and high school personnel all be taught at the same time and a 3-year implementation plan be developed.
- Once Youth Court initial training is conducted, Youth Court additional costs are minimal to nonexistent.

11

Frequently Asked Questions

FAQ

- How do schools select the students who will participate in Youth Court?
- What kind of school offenses are suitable for Youth Court processing?
- What consequences (disposition) do Youth Courts frequently impose?
- How does a school gain broad support from its board, parents and neighborhoods?
- How often does Youth Court meet?

Quotes from students:

“If it were not for Youth Court, I would be in a gang.”

“Youth Court made me who I am.”

“Youth Court is the most interesting thing I do at school each day.”

REPUBLICAN HOUSE POLICY COMMITTEE INTRODUCTION

Safe communities/safe schools result from multiple factors. A major one is the quality or character of its population. Society needs as many of its citizens as possible to have integrity, respect rules and understand responsibility, and possess positive conflict resolution skills. Unfortunately, civic education has taken a backseat over the past 65 years. Good character and active and participatory civic engagement needed to make good citizens has taken a backseat to other priorities. Youth court promotes these needed qualities. The impact of trauma, even before the pandemic and documented learning loss that has taken place the past 3 + years, necessitates a reimagining of more relevant school curriculum and social and emotional learning programs – like youth courts.

PRESENTATION KEY ISSUES

- 1) PowerPoint handout describes major youth court issues and referenced videos show youth courts in action, with comments from youth court participants and professionals.
- 2) Petition requesting coordination of trauma and youth court legislation is based on facts and data provided by 2019, 2020, and 2021 Pennsylvania policy reports - authored by experts in their fields.
- 3) Three brief handout documents describe the impact and benefits of youth courts, evolution and need for youth court training teams, and the relationship between youth courts and violence avoidance.

SUMMARY

Trauma creates vulnerable children whose executive functioning skills don't mature until the age of 25. Punishment frequently re-traumatizes youth. Youth court allows youth to help each other deal with the mental health crisis contributing to youth behavioral problems. It keeps these troubled youth in school where normal learning can continue, while still holding them accountable for their behavior. It also introduces youth to legal concepts and processes, increasing their understanding of our legal system. It humanely deals with the youth who violate school and society norms, and simultaneously trains a classroom of students who learn to express their voice, develop conflict resolution skills, and become better citizens. This educational program diverts youth out of the school-to-prison pipeline reducing school referrals to the justice system.

Young children removed from schools in handcuffs begs us to re-examine how we allocate our resources. Youth court can strengthen relationships between law enforcement and authority figures. New funding streams for pilot youth court programs are a wise investment creating new “youth as resources”. Ideal legislation would provide funding for a pilot youth court program in both schools and the juvenile justice systems, develop a youth court resource center to provide training assistance, and written materials to schools and justice systems, and ensure research is conducted.

YOUTH COURTS

POSITIVE PEER PRESSURE, RESTORATIVE JUSTICE, & YOUTH DEVELOPMENT

Youth courts are student run alternatives to juvenile justice and school discipline. Students are trained by lawyers, law students, teachers, and other volunteers to perform all court functions (judge, bailiff, advocate, jurors, etc.). Through court imposed positive peer pressure offenders reflect on their behavior, learn their actions have consequences, and accept responsibility.

Neuroscience informs us that the stress and trauma disadvantaged youth experience impairs their decision making and impulse control. Absent nurturing relationships with stable adults, some youth fail to acquire the executive function skills to cope with their environment. Teachers confirm such youth have problems following instructions and socializing. Without effective intervention they often fall behind, becoming a danger to themselves and their community.

Youth court participation in under-resourced schools improves life outcomes for these youth. These participants report its transformative impact as they learn coping skills they otherwise fail to acquire, and will use the rest of their lives. Using restorative justice, youth court students contribute to the well-being of their school/community and seek to help the student offender rather than punish them. The most successful youth courts limit the role of adults to that of trainer and mentor, empowering youth by trusting them to control the entire process. Youth courts are integrated within social studies or language arts classes, or stand alone as an elective course. They can also act as a pre-arrest juvenile justice diversionary program.

Youth Court benefits for respondents

- 1) Offenders tell their story to their peers who understand their life situation.
- 2) Offenders experience restorative justice, instead of being suspended they stay in school.
- 3) Offenders respect peer justice more than adult discipline.
- 4) Offenders have lower recidivism rates.

Youth Court benefits for student participants (some are former offenders)

- 1) Participants learn legal concepts and processes.
- 2) Participants develop a positive attitude towards the legal system.
- 3) Participants contribute to their community through experiential and service learning.
- 4) Students acquire life-long skills: concentration, public speaking, and communication.
- 5) Students acquire socialization skills by collaborating to form a restorative disposition.
- 6) Students become engaged and empowered and learn to become good citizens.
- 7) Youth court is a drop-out prevention program; members graduate from high school.

Youth Court benefits for schools, justice systems and neighborhoods

- 1) School safety/climate is improved especially if used with other restorative practices.
- 2) Disciplinary systems gain “youth as resources”, as well as adult volunteers.
- 3) Costs of school discipline and juvenile justice diversionary programs can be reduced.
- 4) School curriculum is enhanced by hands-on application of civics education.
- 5) Communication between juvenile and educational systems can be improved.
- 6) Improved relationships among students, and between students and teachers are reported.

YOUTH COURTS AND VIOLENCE PREVENTION

A strategy to combat youth violence should target the negative and toxic culture that many youth experience on a daily basis. As studies for decades have shown, youth who grow up in neighborhoods with high levels of poverty, illegal drug use, and crime are more likely to fall victim to an oppositional culture which rejects middle-class values. They become lonely, disconnected, alienated, angry, and violent.

A Center for Civil Rights Remedies report summarized research by 16 scholars. It found that school suspensions, especially for students of color, is a delinquency predictor, but these youth don't show delinquency signs until they are suspended! Another Texas study found 2-3 times greater risk of juvenile justice contact for youth suspended from school.

Any anti-violence strategy should begin in school and focus resources on creating a more positive youth culture as well as correcting individual bad behavior. Concentrating attention solely on the perpetrators of violence, rather than also addressing the culture they grow up in, is ineffective. Society needs to devote resources to violence prevention. Youth courts can help transform a negative youth culture into a positive one.

Many youth in distressed communities with resource-poor schools do not share middle-class values. Many come from one-parent or no parent homes. Some lack a permanent home, or a strong family member to connect to. They experience daily poverty, and the threat of gun violence. The best friend some have is another alienated youth. Their negativity and hopelessness results in many rejecting societal values and the rule of law, because they either do not understand it, or view it as just another negative force in their lives. The rule of law seems alien, punitive, and nonresponsive to their day to day reality.

Youth courts shape positive student values by creating a structured environment in which youth experience democracy first hand, (judgment by your peers), and the values it promotes. It gives youth an opportunity to reflect on why society has rules, what harm occurs when rules are violated, and how to repair that harm and help the offender avoid repeating that bad behavior. It gives youth confidence that they can contribute to their school or neighborhood - a powerful human emotion that reinforces good actions. Youth courts teach youth that retaliation is often not the best way to respond to injury from others, and to reflect on more positive alternatives. They teach youth to work in teams and develop collaboration skills. Youth courts build character, truth telling, and integrity.

Youth courts can transform youth into human resources. They become engaged solving real disciplinary problems. They become empowered developing listening, thinking, and speaking skills they will use the rest of their lives. It gives them some control over their lives. They learn to respect rules and take responsibility for their actions. Youth courts, in schools and in the justice system, are a paradigm shift. Youth are the greatest untapped resource a school district has. Instead of being the problem, youth become the solution.

Gregg Volz, Esquire
March, 2015

October 19, 2021

PETITION FOR COORDINATION OF REPORTS ON YOUTH COURTS, TRAUMA, AND JUVENILE JUSTICE

Pennsylvania State Senators and Representatives:

Many Pennsylvania youth experience unneeded and harmful contact with the justice system. Key recommendations in three recently released state commissioned reports suggest that close coordination can dramatically mitigate this current crisis. All three reports were overseen by carefully selected experts in each field, and informed by extensive research. These reports can provide a roadmap for Pennsylvania to become trauma informed, and use student run youth courts as a new resource to improve disciplinary practices in schools and in courts. Moreover, if properly implemented, the three reports can help policy makers block the school-to-prison pipeline and save taxpayers many tens of millions of dollars.

We respectfully ask for new legislation integrating these three reports: a 2019 Joint State Government Commission youth court report; a 2020 Trauma-Informed Plan for PA; and a 2021 PA Juvenile Justice report. These reports provide current and interrelated data, statistics and ideas, findings of fact, and policy recommendations. Careful analysis should inform legislative drafting by our General Assembly to ensure that we have the most cost-effective and trauma-informed disciplinary system in the nation to help youth grow into productive citizens.

Research confirms youth do not achieve full functioning of their executive functions (impulse control, judgement, and decision making) until their mid 20s. Childhood trauma can be measured by Adverse Childhood Experiences (ACES) which negatively impact brain development. Youth are less able to differentiate right from wrong and choose correct behavior. The pandemic has caused more youth to experience psychological and mental challenges with loss of academic and socialization advancement. All of these factors call for a new strategy to help our children.

Additionally, youth are susceptible to re-traumatization by the harsh impact of punitive disciplinary systems. Research demonstrates that zero-tolerance and punitive discipline programs not only fail to help children, they cause more harm. Research confirms these disciplinary programs are not effective in improving youth behavior. Only a trauma-informed and restorative Juvenile Justice system is consistent with medical science. Hence, we seek informed, restorative, trauma-informed, and integrated juvenile justice legislation with new diversionary practices - like youth courts. Youth with difficulties conforming behavior to norms need age-appropriate help, not punishment. Public safety is best achieved by an evidence based therapeutic juvenile justice system based on modern scientific knowledge about the adolescent brain.

All three reports described in this document are extensive. Our purpose is not to integrate all the key findings of all three reports but to provide seamless recommendations for legislation dealing with the overlap and interrelated features of youth courts, trauma, and juvenile justice reform. Our recommendations for legislation appear on the next page. Following that is a policy brief using citations to each report in support of our common sense petition for coordination.

Gregg Volz. Esquire

Petitioners Recommendations for Coordinated Legislation

- 1) The Pennsylvania Department of Education should encourage the use of school-based youth courts to a) block penetration into the school-to-prison pipeline by reducing suspensions and expulsions in schools; b) reduce the number of discretionary referrals to the justice system and police arrests resulting from in school misbehavior (as recommended by the Pennsylvania Juvenile Justice Task Force Report); and c) act as a diversionary program within the juvenile justice system itself for youth previously referred for juvenile code offenses. **All three of these recommendations were part of the recent PA policy reports. (emphasis ours)** Youth courts are operated by youth in their own community, fostering greater racial equity and balance. They can prevent youth, with no prior delinquency record and at low risk to offend, from being placed in the formal juvenile justice system thereby avoiding unnecessary, punitive, and costly measures.
- 2) All Pennsylvania court related officials including DA and staff, public defenders, probation and parole, judges and magistrates should receive trauma-informed training. That training should detail trauma's impact on the adolescent brain, and the age at which the executive function skills of the pre-frontal cortex (which govern impulse control, judgment and decision making) mature. Similarly, all staff and officials in the Pennsylvania Department of Education and employed in Pennsylvania K-12 schools. and all law enforcement staff should be required to receive at least 8 hours of training on youth court and, juvenile justice report recommendations.
- 3) Funding streams from state government should be created for trauma education and training, and youth court development. These funds should be used to leverage matching funds from local government and/or philanthropy in each Pennsylvania county. Some of the state funds should be used for a professional evaluation (data and evidence-based research) in youth courts to measure: 1) reduction of disproportionate racial contact with school and justice disciplinary systems; and 2) the number of reduced suspensions/expulsions and/or juvenile adjudications. This data should be submitted to relevant state, county, justice and educational institutions within 2 years of receipt of state funds. State dollars should be spent only if youth court data is captured.
- 4) State public hearings should be conducted in geographically diverse communities throughout PA to educate citizens about the best use of youth courts, the need for a trauma-informed PA, and the key recommendations of the Juvenile Justice report. Citizens are more likely to support programs when they understand how and why they work, and what outcomes they can achieve.
- 5) Two years after implementing legislation is adopted a committee of youth court, trauma, and juvenile justice professionals in the fields of education and criminal justice should be convened to review progress in expanding youth courts in Pennsylvania schools and justice systems. This review should measure success in diverting cases away from the justice system and blocking the school-to-prison pipeline. It should review the success that youth courts and a trauma informed approach have on youth development as measured by improved academic, socialization, and civic engagement skills, student voice, and youth empowerment by participating youth. It should conduct a cost-benefit analysis of how youth courts and a trauma informed approach to errant youth behavior create "youth as resources", providing skills for youth to become resilient adults.

Language in the Three Reports Supporting Petitioner's Recommendations

Future state legislation should aim to limit the contact Pennsylvania youth have with the juvenile justice system. The use of more diversionary programs (pre-arrest and school-based) should be encouraged to prevent further harming youth who have behavioral or traumatic challenges. In support of such efforts, we call your attention to key specific language in all three reports:

Report I. Youth Court Report

On June 29, 2019 the PA Joint State Government Commission released a Youth Court Report, <http://jsq.legis.state.pa.us/resources/documents/ftp/publications/2019-07-30%20YOUTH%20COURTS%20web%20.pdf> Recommendations on pages 3-5 state:

#1: A continuum of youth court programs for adolescents should be encouraged, **from student-run courts in schools that address code of conduct and other minor disciplinary infractions to juvenile justice-based youth courts that address juvenile offenses, as well as hybrid courts such as truancy courts, (emphasis ours)** that address special school-related legal issues.

#4: Student youth courts should be considered as both a restorative justice strategy and a type of **diversionary program** that qualifies for Safe School Targeted Grants under Section 1302-A (c)(1) and (c)(1.2) of the Public School Code of 1949. Student youth courts should also be considered as both a **restorative justice practice** and a school-based **diversionary program** that qualified for School Safety and Security Grants under Section 1306-b(j)(2) and (j)(4) of the Public School Code of 1949. **(Emphasis).**

#5: Schools should consider amendments to their memoranda of understanding between schools and local police under Sections 1302.1-A and 1303-A of the Public School Code of 1949 **(which address which legal violations must be reported to local law enforcement)(emphasis ours)** to include mutually agreeable circumstances in which discretionary referrals to law enforcement or referrals without arrest or formal police activity can be **diverted** to an appropriate school-based diversionary program such as a youth court rather than the juvenile justice system.

#8: Institutions of higher education, including community colleges, should be encouraged to develop curricula related to civic engagement so that students can be (sic) learn to train and operate student youth courts. Internships and volunteer opportunities within local schools would also encourage further community engagement by residents in student youth court programs. Additionally, training in the development and oversight of student youth courts should be offered as a continuing education option for educators, principals, and administrators. Local law schools can also be a source of potential volunteer trainers. Pro bono opportunities should be offered to the county bench and bar to provide the students with “real world” mentoring experiences. Footnote 8 provides a list of regional colleges which have taught youth court classes including Harcum College, Swarthmore College, and St. Joseph's University. It states that law students from Widener University's Delaware Law School, Thomas R. Kline School of Law at Drexel University, University of Pennsylvania Law School, Beasley School of Law at Temple University, and Charles Widger School of Law at Villanova University have volunteered in youth courts over the past decade as well as Assistant U.S. Attorneys in Philadelphia. (Emphasis ours). **(NOTE: all of these schools are in eastern PA but there are law schools in central and western PA which could adopt these same practices with a robust youth court expansion plan.**

See Comment on Page 6. “The advisory committee acknowledges the role childhood trauma can play in the social development and behavior of adolescents and how it may significantly impact school discipline and juvenile justice encounters with affected youth. **The issue is beyond the scope of this report; (emphasis ours)** however, the advisory committee wishes to support the continuing efforts of the Commonwealth of Pennsylvania to include trauma-informed education in all of its schools and to enhance school safety and security in general as set forth in the amendments to the Public School Code of 1949 found in Act 18 of June 28, 2019. “

Comment by Petitioners: The fact that the youth court report specifically failed to consider trauma’s impact on adolescent behavior is more reason the Trauma-Informed Plan for PA, and the youth court report should be considered concurrently before drafting new juvenile justice reform legislation. It is incumbent on the General Assembly to reimagine how youth courts can inform both the trauma plan for PA and the Juvenile Justice task force recommendations. The Youth court report specifically encouraged increased use of student-based youth courts in schools and justice systems, (recognizing they block the school-to-prison pipeline (which plagues both our educational and juvenile justice system). They are very affordable compared to other diversionary programs. Youth courts also help school districts comply with state mandated civics assessment (**Act 35**). They are valued as one of the least expensive diversionary programs to operate in a Washington Institute for Public Policy review of justice programs. Note also that PA has no youth court statute, dedicated funding stream, or state youth court association. By contrast 25 states either have youth court legislation, a state youth court association - or both.

Report II. Trauma-Informed PA Plan

On July, 27th, 2020 the PA Office of Advocacy and Reform released a Trauma-Informed PA Plan: <https://www.pacounties.org/GR/Documents/TraumaInformedPAPlan.pdf> Below is key language:

1) In addition, thirty-eight percent of all Pennsylvanians have experienced either emotional or physical abuse as a child (page 25) **so the average classroom in PA has seven or eight students out of twenty-two who are struggling with the trauma that can be created by ACEs for children with fewer resiliency factors.** Many policies and practices within services and programs have the potential to re-traumatize people. Every [one] should re-examine regulations, policies, and procedures through the lens of the people we serve...who have experienced trauma. **(Emphasis ours) Page 33.**

Comment by Petitioners: Punitive discipline can re-traumatize youth who have already been victimized once. Ending state sanctioned punishment of juveniles should be a high priority of the PA General Assembly.

2) **Since public schools represent a central location where we have access to the vast majority of the students in the commonwealth, as well as many of the parents and younger siblings, we believe that schools must be a central part of our strategy to prevent ACEs and heal the trauma that can result from them. (emphasis ours) Page 36.**

Comment by Petitioners: Youth courts are an effective prevention program blocking access to the formal juvenile justice system. They can be based in public, private and charter schools, and made trauma sensitive.

3) We recommend a deeper investigation into the disproportionate amount of contact between children and youth services **and African American families (emphasis ours)**, and the development of prevention strategies focused on the identification of client-specific, culturally appropriate, evidence-informed and community – based programs. **Page 51**

Comment by Petitioners: Diversity can begin to be achieved by involving a broader swath of the community in youth court activities. **Youth court support groups could be made up of local citizens whose children attend local schools.** They should meet and debrief youth court experiences with both students processed by the court, and those operating the court.

4) We recommend that all current law enforcement officers, judges, probation and parole, and corrections officers across the commonwealth receive ACE's and trauma-informed training and that it be mandatory as a part of basic training for all new recruits. So long as state actors are uninformed about the negative impact of trauma, youth will continue to be punished not helped. **Page 51**

Comment by Petitioners: Holding youth accountable for their actions is good policy, but state actors should not punish youth who may have experienced trauma. This contradicts what medical science has learned. State actors must learn what medical science now has established.

Report III. PA General Assembly Juvenile Justice Task Force

*In **June 2021**, the General Assembly Juvenile Justice Task Force issued this report: https://www.pacourts.us/Storage/media/pdfs/20210622/152647-pajuvenilejusticetaskforcereportandrecommendations_final.pdf*

We cite key Findings below, all from Page four (4) of the Juvenile Justice Task Force report:

Research shows most youth are not on a path toward adult crime and over-involvement in the system can increase their likelihood of reoffending. **Yet most youth in the juvenile justice 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. (emphasis ours)**

Most young people enter the juvenile justice system for low-level behavior. At least two-thirds of youth enter the juvenile justice system for misdemeanors or contempt from Magisterial District Court for failing to pay fines

Despite its success, diversion is underutilized. (emphasis ours) Most written allegations do not lead to diversion, even for young people who score low risk and for those entering the juvenile justice system for the first time on misdemeanors.

Youth with low-level cases end up on probation and in residential placement. **No statewide criteria in statute or court rule guide responses to youth behavior by offense, risk, or prior history.** A youth may be removed from home for any delinquent act or violation. **43 percent of**

youth sent straight to probation in 2018 score as low risk to reoffend and generally low need. (emphasis ours)

Approximately 60 percent of adjudicated young people sent to residential placement are removed from home for a misdemeanor offense, and just 39 percent had committed a person offense. **Nearly 40 percent of youth are sent to placement on their first written allegation. In some counties, nearly half of residential placements are for youth assessed as low risk. (emphasis ours.)** Technical violations of supervision frequently drive youth deeper into the system.

Youth spend years out of home and under court supervision, on average. Young people sent to residential placement cycle through six facilities, including detention and shelter facilities, and cumulatively stay 16 months out of home over the course of their case, on average. Youth sent to residential placement spend an average of more than three years under overall court supervision from written allegation to case closure. **Out-of-home placement consumes the vast majority of taxpayer spending—even though services for youth living at home are generally more effective. Just 20 percent of spending on delinquency services is allocated to services for youth living at home. (emphasis ours)**

Outcomes for youth show large disparities by race and geography—even for similar behavior. The likelihood that similarly situated youth of different racial or ethnic backgrounds, or youth in different counties, receive the same response from the system varies widely—even for nearly identical behavior. **Some of the largest racial disparities exist for Black Non-Hispanic youth—especially boys—who receive the most punitive system responses: removal from the home and prosecution as adults. (emphasis ours)**

On Page 5 the Juvenile Justice Task Force wrote:

The Task Force developed recommendations based on research about what works to improve outcomes, examples of effective policies and practices in other states, and Pennsylvania's own data. If enacted together, the recommendations are projected to reduce the out-of-home placement population by 39 percent by 2026 compared to projections for the population absent policy changes, **freeing up over \$81 million in averted state costs over five years (emphasis ours)**. The Task Force recommends that these averted costs be reinvested into a range of priority areas, including high-quality nonresidential services across the Commonwealth. The Task Force's full list of 35 recommendations can be found on **page 30**.

Comment by Petitioners: The following juvenile justice task force recommendations can be achieved by capitalizing on what we know about trauma-awareness and youth courts:

Consistently divert young people with low-level cases to community-based interventions in lieu of formal delinquency proceedings- Page 30.

Page 33 - Recommendation 10: Expand services as alternatives to arrest and court **referral (Unanimously adopted by the task force) (emphasis ours)**

Expand statewide **front-end** services as an alternative to court referral, including mobile crisis teams

a. Create recurring funding streams for schools to expand services that serve as an alternative to arrest or court referral. (emphasis ours).

Pages 33-34- Recommendation 11: Expand and standardize **school-based diversion** (Majority of task force members agreeing) **(emphasis ours.)**

1. Limit arrests in schools: (emphasis ours.)

a. Youth may not be arrested for the following offenses while attending school, on school property, or during transport to or from school or a school sponsored activity: ▪ Disorderly conduct, tobacco, possession of a small amount marijuana, possession of drug paraphernalia, or alcohol offenses, or ▪ For any other misdemeanor unless they have 2 prior school diversions.

2. Limit court referral from schools: a. Youth may not be referred to court by schools for: ▪ Disorderly conduct, tobacco, possession of a small amount of marijuana, possession of drug paraphernalia, or alcohol offenses, or ▪ For any other misdemeanor unless they have 2 prior school diversions.

3. Authorize pre-arrest diversion in schools for any offense to ensure that diversion is always an option for schools and law enforcement in schools (remove all requirements for arrest and/or court referral). (emphasis ours).

HOUSE REPUBLICAN POLICY COMMITTEE HEARING

RESTORATIVE JUSTICE PANEL

LIAM N. POWER

EXECUTIVE BRIEF

Problem Statement

The United States of America is experiencing a multi-system crisis, which has resulted from a convergence of several system stressors. Covid-19 accelerated pre-existing trends in the rapid retirement of educators, counselors, skilled laborers, and craftspeople in high-priority occupations. The increased demand for these professionals, coupled with the explosive need for mental health services has left communities everywhere searching for solutions. The impact of these convergences on students has contributed to the likelihood of youth becoming system-involved. However, each poses a viable opportunity to prevent youth crime.

Factors which contribute to youth crime:

- Poverty and inequality:
 - A lack of resources, opportunities, or positive role models
- Substance abuse:
 - Can be a significant risk factor for juvenile crime by impairing judgment and increasing aggressive behavior
- Family dysfunction:
 - Neglect or abuse can increase the likelihood of children engaging in delinquent behavior
- Mental health issues:
 - Depression, anxiety, or conduct disorder, can contribute to juvenile crime
- Peer pressure
- Lack of access to education and employment:
 - Children who lack access may turn to crime as a means of survival or to achieve financial gain

Societal factors that have led to this point:

- Exodus of teachers and counselors from their professions
- Societal trauma

- National youth mental health crisis
- Enmeshment of juvenile justice with education
- Increased cases of aggression in public schools
- Antiquated alternative education options
- A punitive discipline system within schools

Emerging needs in school ecosystems to prevent system involvement:

- A trauma-informed school model that creates a culture of safety, develops self-efficacy, and supports the social-emotional development of youth
- Relief from (and supports for) combative/disruptive youth
- Restorative school discipline practices
- Multiple educational pathways
- Robust workforce development opportunities
- Availability of:
 - Mental health screenings & supports
 - Wrap-around services that promote student and family success
 - Family engagement and support mechanisms
 - Diversion & evidence-based programming

Key principles of restorative practices:

- The focus on building relationships and community
- The promotion of empathy and understanding
- The emphasis on repairing harm and restoring relationships
- The use of proactive and preventative strategies

Restorative practices which reduce entry points into the School-to-Prison Pipeline:

- Positive Behavioral Interventions and Supports (PBIS)
- Trauma-Informed Practices
- Peer Mediation
- *Youth Courts

Benefits of restorative practices:

- Increased student engagement and academic achievement
- Reduced disciplinary incidents and suspensions
- Improved school climate and community relationships
- Decreased likelihood of involvement with the criminal justice system

HEAL PA PREVENTION TASK FORCE EXCERPT

“THE POWER OF PREVENTION”

The role of prevention in the fight against trauma is of unequivocal importance. The prevention space broadly encompasses aspects of everyday life and arguably touches all people and organizations. The scope of prevention is potentially endless, however, efforts to merely prevent trauma illustrate the futility of combating such a complex issue on a singular front. Trauma is already everywhere and affects humanity across a large and complex continuum which includes individuals, relationships, communities, and societies. Exposure to Adverse Childhood Experiences (ACEs), unaddressed mental health needs, and lack of adequate education resources increase the likelihood of eventual system involvement.

The individual effects of trauma do not impact all people equally. There are myriad factors for this including access to support systems, healthy relationships, and a general abundance of other Protective and Compensatory Experiences (PACEs) which facilitate healing. Conversely, the abundance of poverty, community violence, generational trauma (causing epigenetic changes in DNA), and general exposure to Adverse Childhood Experiences (ACEs) are facilitators which contribute to re-traumatization. These effects are further compounded by disparities in race, ethnicity, and socio-economics (to name only a few). For instance, ACEs are more prevalent in Black and Hispanic children with 61% and 51% of children, respectively, experiencing at least one ACE. This is discordant when compared to white children, of whom 40% experience at least one ACE (Id.)

As children grow, they may experience multiple ACEs and carry the weight of those ACEs with them throughout their lives without acknowledgment, help, or treatment. Some children have protective factors to aid in their coping and recovery... many do not. Biologically wired for survival, children develop behaviors to adapt. These adaptive (and maladaptive behaviors) are necessitated by their survival instincts and vary greatly based on the abundance or absence of protective factors. The development of one type of adaptation over the other often plays a profound role in the eventual life trajectory of youth.

Schools are a community ecosystem where children have the propensity to flourish. Schools are, therefore, a natural focal point for efforts to nourish and develop young people to their maximum potential. In the best of circumstances, schools can develop young people to become the best they can be. At present (in 2022) however, school funding is disparate, teachers are leaving their profession in unprecedented numbers, and an insufficiency of school counselors is contributing to learning environments enduring a period of unprecedented need. This decline comes at a time when ACEs are increasing on the heels of the COVID-19 pandemic.

The prevalence of suspected child abuse is a barometer for understanding how commonplace certain ACEs are. In Pennsylvania, a total of 38,013 reports of suspected child abuse were made in 2021, with 5,438 of those reports being substantiated. Among the founded allegations were 2,171 substantiated reports of sexual abuse and 1,418 substantiated reports of physical abuse (Id.). As these students (often silently) carry their trauma with them to and from school, the lack

of sufficient school resources makes it more difficult to identify and support students who may need the most help. This lack of access to critical student support has contributed to the deterioration of student mental health.

In Pennsylvania schools, 40.1% of students have reported feeling depressed most days of the past year. Further, 17.6% of students have self-harmed, and 18.6% have seriously considered suicide in the past year (Id.) These frightening statistics are directly impacted by ACEs and PACEs experienced by students. ACEs are often mirrored in other community settings, leading to negative or threatening interactions spilling over into the learning environment. For instance, 16.7% of students have reported being threatened at school (Id.) These numbers are considerably higher for LGBTQ+ youth, 86.3% of whom report experiencing harassment or abuse based on personal characteristics across the country.

Further along this social continuum are the relational effects of trauma which impact a child's home environment, and family dynamics. Adults are no less susceptible to the effects of trauma than children and carry a lifetime of varying trauma exposure with them. These experiences directly affect their relationships at home and with their children. The statistics are concerning: 67% of adults surveyed across 25 states reported at least one ACE and 1 in 6 (16.7%) reported 4 or more ACEs. Therefore, access to support is not only needed in schools but is also paramount to successfully supporting adult mental health – although access remains an issue.

According to the National Alliance on Mental Illness (NAMI), 1,814,000 people in Pennsylvania have a mental health condition, but in 2022, 1,710,371 people in PA live in a community without enough mental health professionals. Unsurprisingly, these data indicate disparities in communities of color, other minority populations, and rural communities as well. However, these statistics highlight only one portion of the problem. Mental health is directly correlated with criminal justice system involvement. One in four people (25%) with a mental health condition will be arrested in their lifetime, and 7 in 10 (70%) youth in the juvenile justice system have a diagnosed mental health condition (Id).

Recent data categorically underscores the prevalence of trauma in our society, its impact on education, relationships, and its connection to juvenile and adult criminal justice involvement. These same data relate how trauma reaches children, parents, grandparents, and even transcends generations. Simply put, trauma impacts all individuals, relationships, communities, and societies. Restorative practices, diversionary programs (such as Youth Courts), access to mental health supports, and workforce development opportunities all represent opportunities to improve the lives of young people at risk of system involvement, and prevent youth crime.

To read the HEAL PA Criminal Justice Action Team (CJAT) report and recommendations in full, visit: <https://www.healpa.org/criminal-justice-reform>

REFERENCES

- ^I National Conference of State Legislatures. (2022, August 23). *Adverse Childhood Experiences*. Retrieved September 6, 2022, from <https://www.ncsl.org/research/health/adverse-childhood-experiences-aces.aspx>
- ⁱⁱ Pennsylvania Youth Study (PAYS) 2021 - <https://www.pccd.pa.gov/Juvenile-Justice/Pages/2021-PAYS-County-Reports.aspx>
- ⁱⁱⁱ K Kosciw, Ph.D., J. G., Clark, Ph.D., C. M., Truong, Ph.D., N. L., & Zongrone, M.P.H., A. D. (n.d.). *The 2019 National School Climate Survey - Glsen*. Retrieved September 6, 2022, from https://www.glsen.org/sites/default/files/2021-04/NSCS19-FullReport-032421-Web_0.pdf
- ^{iv} Centers for Disease Control and Prevention. (2021, April 2). *Adverse childhood experiences (aces)*. Centers for Disease Control and Prevention. Retrieved September 6, 2022, from <https://www.cdc.gov/violenceprevention/aces/index.html>
- ^v See www.nami.org; National Association on Mental Illness. (n.d.). *Mental health in had thoughts of suicide in the last year*. Retrieved September 6, 2022, from <https://nami.org/NAMI/media/NAMI-Media/StateFactSheets/PennsylvaniaStateFactSheet.pdf>