

## **Criminal Justice Series**

### ***Commissions***

Legislatively established commissions that operate alongside criminal justice agencies and the judiciary make up a critical support network. The General Assembly created the Juvenile Courts Judges' Commission in 1959, which transformed the commonwealth's juvenile justice system. The Pennsylvania Commission on Crime and Delinquency and the Pennsylvania Commission on Sentencing were established in 1978.

- In 2017/18, the Pennsylvania Commission on Crime and Delinquency, which provides technical assistance and financial support to justice-related entities, provided \$108.8 million in state and federal grant funding to counties, non-profits, and other organizations.
- In 2017, 8,328 juveniles successfully completed supervision in the juvenile court system – which is supported by the Juvenile Courts Judges' Commission – without committing a new offense (83.8 percent success rate).
- The Pennsylvania Commission on Sentencing trained 1,191 criminal justice professionals in 2017, and maintained up-to-date sentencing guidelines while providing technical support to legislators, courts, and researchers.

### **Pennsylvania Commission on Crime and Delinquency**

The Pennsylvania Commission on Crime and Delinquency provides criminal justice system planning, coordination, and technical assistance. It also serves as a clearinghouse for state and federal grants to support criminal and juvenile justice.

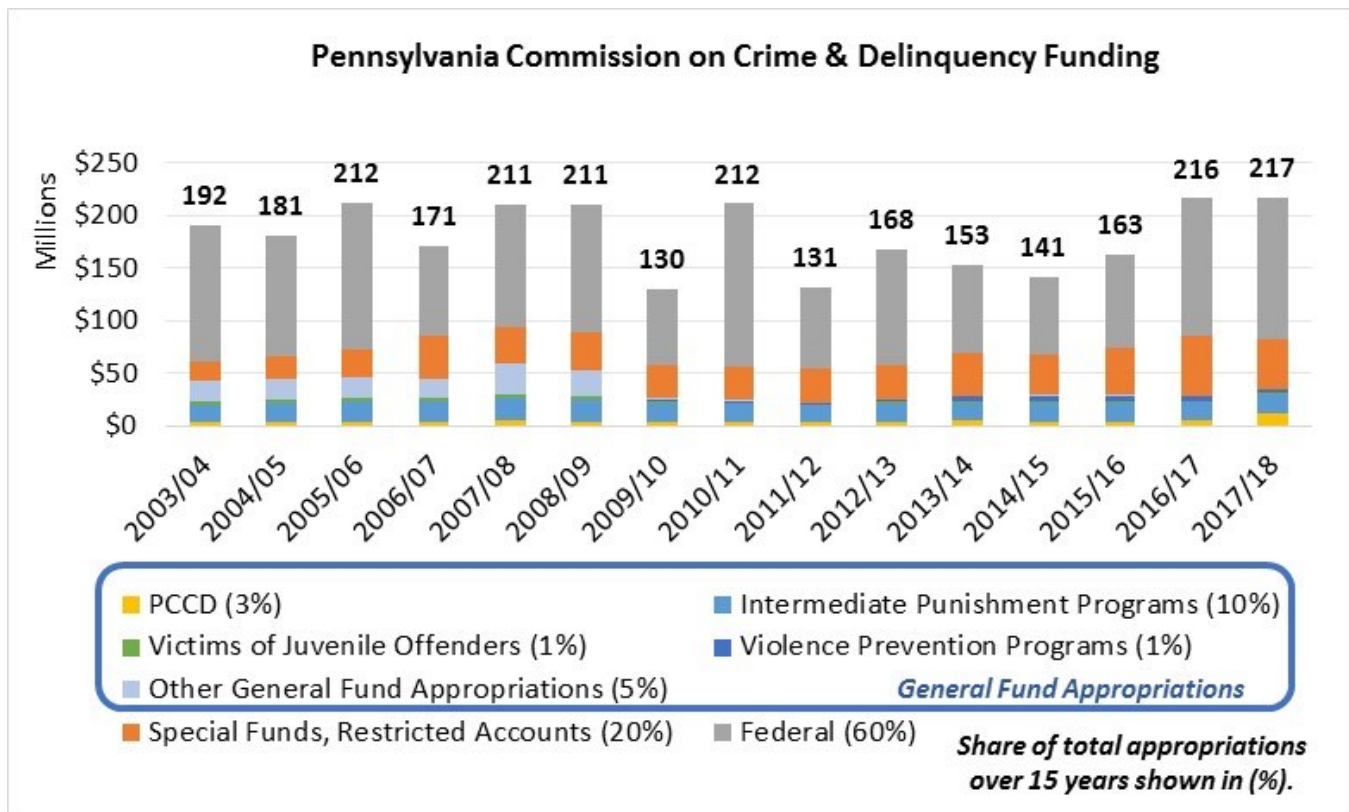
The commission is made up of 46 members who are required, by statute, to be:

- Two justices and two judicial appointments,
- Eleven members of the executive branch, including heads of criminal justice agencies,
- Seven gubernatorial appointments with specific qualifications,
- Six members of the General Assembly, of which four are appointed by leadership of each caucus, and
- Other gubernatorial appointments as needed.

Within PCCD, advisory committees and training boards spearhead the commission's work in children's advocacy, criminal and juvenile justice, mental health, victims' services, research, and sheriff and constable training. Commission members and other professionals serve on the advisory committees and training boards.

In 2018, Act 44 created a new School Safety and Security Committee in PCCD, whose responsibilities include establishing criteria for school safety and security assessments and for administering a grant program.

The Pennsylvania Commission on Crime and Delinquency is funded by its own appropriation in the General Fund, and by General Fund appropriations for violence prevention, victims of juvenile offenders, and intermediate punishment programs. More than half of PCCD's budget comes from federal funds (62 percent in 2017/18). Special funds and restricted revenue accounts that provide for specific justice-related programs make up the balance of the commission's budget.



The next two sections give additional detail on county intermediate punishment programs (CIP), which is the largest General Fund appropriation to PCCD, and special funds administered by PCCD.

## ■ Intermediate Punishment Programs

The largest General Fund appropriation to PCCD provides grants to counties for intermediate punishment programs that divert offenders from incarceration. The appropriation has been level funded at \$18.2 million since 2013/14. Eighty percent of the funds are earmarked for programs that provide drug and alcohol or mental health treatment.

Intermediate punishment programs target individuals whose criminal justice involvement is rooted in addiction, mental illness, or other needs. These sentences can take many different forms, including partial confinement, residential treatment, electronically monitored home confinement, probation supervision coupled with treatment programs, or participation in a problem solving court.

Two primary benefits of intermediate punishment programs are cost savings and improved offender outcomes. Counties avoided 127,731 days of incarceration in 2016/17 for participants in CIP programs who successfully completed – equivalent to about \$10.3 million in averted costs.

Drug and alcohol restrictive intermediate punishment programs, a specific form of CIP for drug and DUI offenders, have been shown to produce lower recidivism rates compared to state prison sentences for similar offenders. A 2017 [matched comparison study](#) showed 25.7 percent of participants were arrested within 3 years compared to 34.9 percent of the comparison group that was sentenced to state prison. The program's effect of lowering recidivism rates can generate future savings and improve public safety by reducing crime.

## ■ Special Funds and Restricted Accounts

A number of statute-mandated fees and surcharges relating to criminal convictions and court processing are deposited into special funds or restricted accounts of the General Fund for a specified use, administered by PCCD. The largest five fees, described below, support victims of crime, train constables and sheriffs, and provide for substance abuse education and prevention initiatives:

- The **Victim Witness Services** and **Crime Victim's Compensation** funds provide for victim compensation, and victim and witness services. Fees levied on individuals convicted of a crime are deposited into these funds.
- The **Sheriff and Deputy Sheriff's Education and Training Account** reimburses counties for the full cost of training sheriffs. Surcharges for legal services provided by sheriffs are deposited into this account.
- The **Constable's Education and Training Account** provides for training and continuing education of constables. A fee on each criminal and civil case before a magisterial district justice is deposited into this account.
- The **Substance Abuse Education and Demand Reduction Fund** provides county and grant funding for research-based approaches to prevention, and for youth and workforce education and prevention programs. Ten percent of the fund goes to the attorney general's Community Drug Abuse Prevention Grant Program. Fees levied on individuals convicted of drug and DUI offenses are deposited into this fund.
- The **School Safety and Security Fund (NEW 2018)** provides for grants to school entities for school safety and security and grants to municipalities, institutions of higher education, and community organizations for community violence prevention programs.

In addition to these, PCCD received 70 percent of the formula-based distributions from the [Justice Reinvestment Fund](#), which was about \$9.5 million from 2013/14 to 2016/17. A portion of DOC savings generated by JRI was appropriated annually into this fund during the 5-year initiative (the 2017/18 Fiscal Code waived the transfer for the final year of the initiative). Appropriations to PCCD from the Justice Reinvestment Fund provided for victim services, innovative policing, and county probation.

### Children's Advocacy Centers

Children's advocacy centers throughout Pennsylvania provide treatment and support the investigation of suspected child sexual abuse cases. PCCD distributes state and federal funding to support the centers. The CAC Advisory Committee, established by Act 28 of 2014, facilitates this process.

In its first two years, the DARE license plate account (under Act 27 of 2014) and an appropriation from the General Fund designated in the Fiscal Code of 2014/15 financed child advocacy centers. Since 2015/16, child advocacy centers have been funded by a portion of birth certificate fees collected by the Department of Health (authorized by Act 28 of 2014), and by the Monetary Penalty Endowments Trust Fund (known as the Endowment Fund or the Penn State Settlement) created under Act 1 of 2013; both are managed by PCCD.

The commission maintains an [interactive report](#) of annual grant awards for CACs from the endowment fund. Fifty-four grants totaling \$3.5 million were awarded in 2017.

## Juvenile Court Judges' Commission

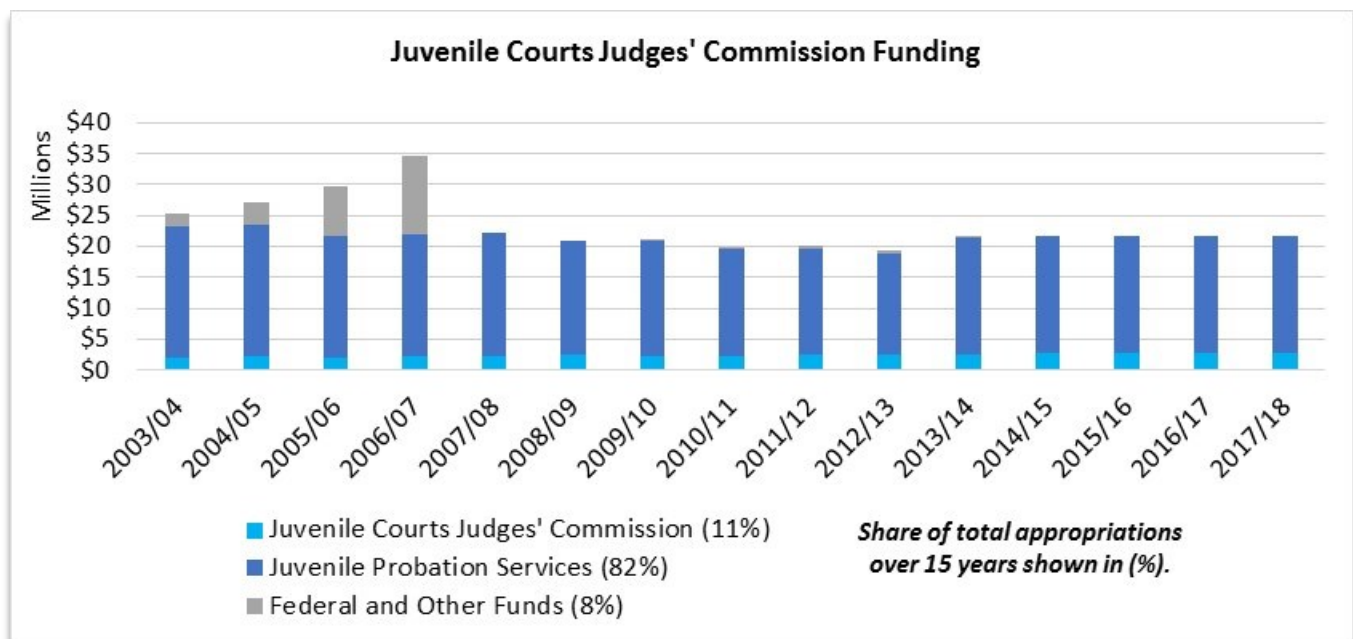
The Juvenile Court Judges' Commission advises juvenile courts, establishes and monitors standards, and provides training and grant funding for juvenile probation services. The JCJC, which is made up of nine judges who are nominated by the chief justice of the Pennsylvania Supreme Court and appointed by the governor, aims to promote the appropriate care of delinquent and dependent children, employ evidence-based practices, and maintain statistical data for the juvenile court system.

Individual county courts and county juvenile probation offices comprise the juvenile court system. Juvenile courts are part of the Court of Common Pleas. Depending on the county, these courts can be a separate division of the common pleas court overseen by a designated judge, or merely specified days or times when juvenile cases are scheduled before judges who also hear adult cases. Juvenile probation offices are led by a chief juvenile probation officer who is appointed by the court.

## A Brief History of Juvenile Courts and the JCJC<sup>1</sup>

- 1826** Children over 14 (in some cases as young as 8) are charged as adults. Philadelphia begins housing children separately from adults.
- 1901** The Juvenile Court Act establishes a separate court for juveniles (challenged and enacted again as amended in 1903). Juvenile court jurisdiction covers only minor crimes.
- 1933** Expands juvenile court jurisdiction to all crimes except murder.
- 1939** Increases juvenile age from 16 to 18.
- 1959** The Juvenile Courts Judges' Commission is established to provide guidance to juvenile courts.
- 1972** The Juvenile Act, amended throughout the 1970s and 1980s, codifies juvenile rights.
- 1995** Act 33 of the special session on crime fundamentally changes the juvenile court system to focus on rehabilitation and effective care of children who commit delinquent acts.
- 2005** Pennsylvania is selected as the first state to participate in the MacArthur Foundation's "Models for Change Initiative."

The JCJC is funded by a General Fund appropriation. The commission administers a grant program to improve juvenile probation services, which is also appropriated from the General Fund.



## Pennsylvania Commission on Sentencing

The Pennsylvania Commission on Sentencing is charged with developing and maintaining fair and uniform sentencing guidelines. The General Assembly created the commission in 1978 and it has been housed at Penn State University since 1981. The commission provides research and consulting capacity to the courts and the legislature in matters relating to sentencing and parole. Its sentencing policy specialists provide technical assistance to judges, prosecutors, public defenders, and others.

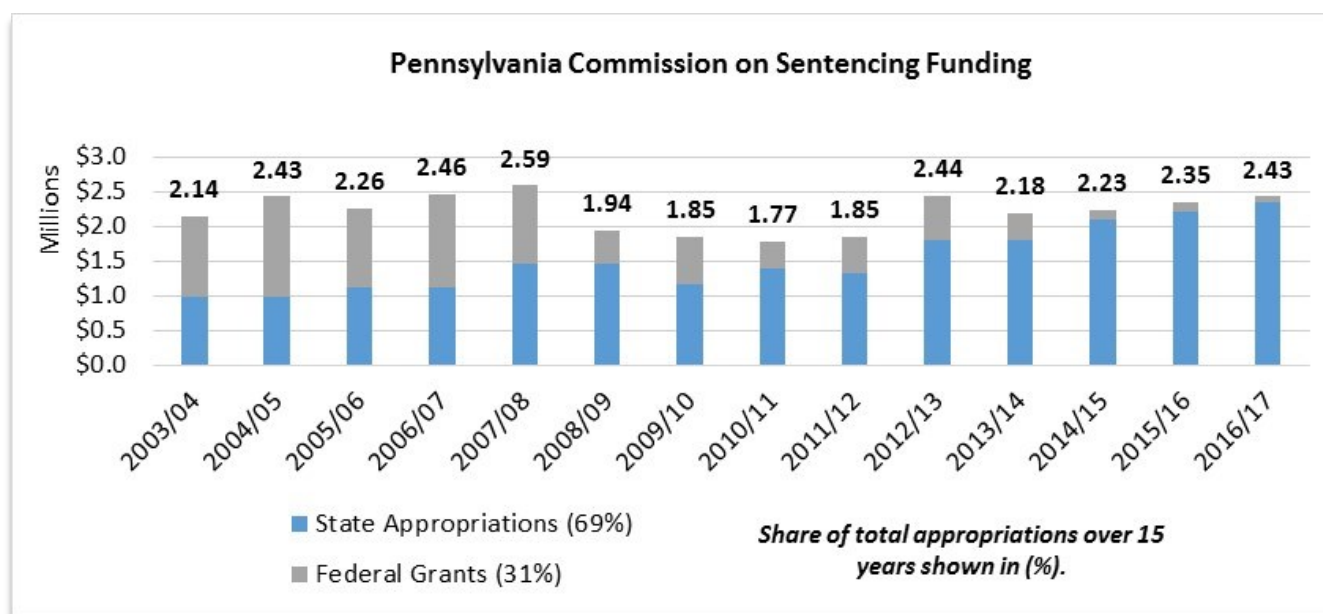
<sup>1</sup>Pennsylvania Juvenile Court Judges' Commission. (January 2008). *Pennsylvania Juvenile Delinquency Benchbook*. Harrisburg, PA: Pennsylvania Juvenile Court Judges' Commission. <http://www.jcjc.pa.gov/Publications>

Members of the commission are appointed by the leaders of the three branches of government. They include a Republican and Democratic member of each legislative chamber, four judicial appointments, a district attorney, a defense attorney, and a professor. In addition, the DOC secretary, Board of Probation and Parole chair, and the state's victim advocate sit on the commission as ex-officio members. The members are not paid a salary for their commission work. The commission is also staffed by about two dozen employees.

Updates to the sentencing guidelines to accommodate changes – such as sentencing enhancements – have become more frequent in recent years (PCS Annual Report, 2016). In 2017, the legislature enacted one law that increased the grading of an existing offense, four laws creating new offenses, and made various other changes to sentencing statutes. The Commission on Sentencing incorporates these changes into the sentencing guidelines and provides training to judges and other criminal justice professionals.

Sentencing Laws Enacted	2013	2014	2015	2016	2017
Laws creating new sentencing enhancements	1	2	0	3	0
Laws creating new offenses	4	7	4	4	4
Laws increasing the grading of an offense	1	2	0	0	1

The Pennsylvania Commission on Sentencing is funded with a General Fund appropriation, as well as with state Justice Reinvestment funds (2013/14 – 2016/17), and federal grants.



On average over the past 14 years, 31 percent of funding for the commission has come from federal grants. However, federal funding to PCS has decreased from \$1.2 million, or 54 percent of the commission's budget in 2003/04, to \$85,898, or 4 percent of the commission's budget in 2016/17.

**House Appropriations Committee (D)**

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