



May 3, 2019

Jeffrey M. Wasileski, Council
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
601 Commonwealth Avenue, Suite 6200
Harrisburg, PA 17106-2635

Dear Mr. Wasileski,

Gwen's Girls was established in Pittsburgh in 2002 to empower girls and young women to have productive lives through holistic, gender-specific programs, education, and experiences. Given that Black girls are disproportionately impacted by structural inequities and subsequent disparities, we started the Black Girls Equity Alliance (BGEA) in 2016 to further understand and address these issues. One of our workgroups is focused on juvenile justice, with a mission to collaborate with local law enforcement officials to identify communities with the highest referral rates for Black girls, the associated behaviors, and changes in order to partner with local diversion programs, community members, and policymakers to reduce rates of referral.

In 2016, Dr. Sara Goodkind, University of Pittsburgh School Social Work faculty member and BGEA co-convenor released a report entitled, *Inequities Affecting Black Girls in Pittsburgh and Allegheny County*. She found that in Allegheny County, Black girls are 11 times as likely to be referred to juvenile court, and at the same time, Black girls in Allegheny County are less likely than White girls to be diverted from formal processing in the juvenile justice system. Additionally, Black girls are 14 times as likely as White girls to be referred to the juvenile court for nonpayment of fines, likely because they are disproportionately living in poverty and simply cannot afford to pay their fines.

We have been made aware that the Criminal Procedural Rules Committee has released draft rules to address the problem of magisterial district judges (MDJs) unlawfully incarcerating indigent defendants for failure to pay legal financial obligations (LFOs). While Gwen's Girls is generally supportive of these proposed rules, we encourage the Committee to take further action to drastically reduce/eliminate the number of people incarcerated for failure to pay LFOs for summary offenses by taking the following steps:

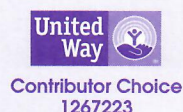
1. Provide more specific instructions to MDJs on how to evaluate a defendant's ability to pay, namely that defendants who cannot afford basic life needs without public assistance be considered indigent and unable to pay
2. Standards for payment plans based on a standardized income and expense form

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HEADQUARTERS

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RESIDENTIAL PROGRAM

220 Ridge Avenue
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3. A mechanism for closing old cases that are uncollectable due to the defendant's indigence, especially those that remain open due to court costs versus fines and restitution
4. Not suspending licenses for nonpayment prior to a payment determination hearing that finds that the defendant is able but not willing to pay

Respectfully Submitted,

A handwritten signature in black ink, reading "Dr. Kathi R. Elliott, DNP, MSW, CRNP". The signature is written in a cursive, flowing style.

Kathi R. Elliott, DNP, MSW, CRNP
Executive Director, Gwen's Girls