



MISSION

To build a culture of respect and improve the quality of life for three populations in southwestern Pennsylvania: women, girls, and people with disabilities

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May 3, 2019

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

Re: *Proposed Amendment of Pa.Rs.Crim.P. 403, 407, 408, 409, 411, 412, 413, 414, 422, 423, 424, 454, 456, and 470; INCARCERATION OF THE INDIGENT FOR FAILURE TO PAY IN SUMMARY CASES*

Dear Rules Committee Members

I am writing on behalf of FISA Foundation, a charitable grantmaking foundation that seeks to ~~improve the lives of women, girls, and people with disabilities in southwest Pennsylvania.~~ For the last several years, FISA has focused on better understanding and addressing the structural inequities faced by Black girls in the greater Pittsburgh area to level the playing field for young women of color. We commissioned a report in 2016, *Data Snapshot: Inequities Affecting Black Girls in Pittsburgh and Allegheny County*. This report revealed that Black girls in Allegheny County are referred to the juvenile court at a rate 11 times that of White girls (the national disparity is 3 times, in spite of the fact that significant documentation exists that the underlying behaviors of Black and White girls are not that different). Since then, FISA has been working with other local leaders in the Black Girls Equity Alliance, Allegheny County Juvenile Probation and the City of Pittsburgh Police to try to understand the drivers of this disparity. We learned:

- The top referral source into Juvenile Justice for youth in Allegheny County (by a large margin) are magistrate district justices for nonpayment of fines resulting from summary offenses (768 youth were referred for Failure to Comply in 2018). Failure to Comply referrals comprised 29% of all referrals to juvenile justice in 2018.ⁱ
- Nearly 70% (529) of these referrals for failure to pay fines were for Black youth.ⁱⁱ
- Nearly half of these Failure to Comply referrals (371) came from Magistrate District Justices in five communities. The top referring district justice referred nearly twice as many youth to juvenile justice for nonpayment of fines than any other District Justice (133 referrals vs next highest at 72 referrals in 2018).ⁱⁱⁱ

Juvenile Justice involvement has serious, potentially life-long implications for young people. It is troubling that the main driver of juvenile justice involvement is fines for non-serious offenses. The data pattern described above raises questions about whether the setting of fines for summary offenses is fair. It certainly indicates that the discretion given to Magistrate District Justices on setting fines and managing nonpayment of fines results in uneven and unjust application of the current rules.

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FISA Foundation generally supports the Criminal Procedural Rules Committee (“Committee”) in clarifying the rules for magisterial district judges in setting fees based on an assessed ability to pay.

Our hope is that this more specific guidance will result in fewer young people of color being referred to the juvenile justice system for nonfailure to pay fines for summary offenses.

Respectfully submitted,



Kristy Trautmann
Executive Director
FISA Foundation

ⁱ Data derived from Juvenile Offense Trends in Allegheny County, a public dashboard maintained by Allegheny County Department of Human Services on May 3, 2019;
<https://www.alleghenycountyanalytics.us/index.php/2017/09/25/juvenile-offense-trends-interactive-dashboard/>.

ⁱⁱ Ibid.

ⁱⁱⁱ Ibid.