

## MEMORANDUM OF UNDERSTANDING REGARDING MONTGOMERY COUNTY RJIP'S YOUTH AID PANEL PILOT DIVERSION PROGRAM

This Memorandum of Understanding is entered into effective August 25, 2014 between the Montgomery County District Attorney's Office and the Montgomery County Racial Justice Improvement Project Task Force (RJIP).

The parties to this Memorandum understand that the specific racial disparity identified by the Montgomery County RJIP is the overrepresentation and Disproportionate Minority Contact of black juveniles at the arrest stage.

The parties to this Memorandum recognize that the purposes of diversion are efficient and appropriate use of community and criminal justice resources, mitigation of the lasting collateral consequences of conviction, rehabilitation of the accused, justice and proportionality in the individual case, and public safety.

The parties to this Memorandum agree that the racial disparity with regard to black juveniles can be effectively addressed through a combination of the Youth Aid Panel diversionary program, training/education for law enforcement, in addition to partnership and collaboration with the Montgomery County District Attorney's office.

The parties to this Memorandum agree that policy changes to YAP eligibility criteria, case management services, and an objective referral process will help divert more minority juveniles into YAP and consequently lower DMC arrest data.

The parties to this Memorandum agree to implement a pilot program which allows a maximum of 30 black juveniles who reside in the 19401 zip code accused of retail theft in Upper Merion Township to be offered the YAP (under the attached expanded eligibility criteria) as an alternative adjudication program.

**NOW THEREFORE**, the parties hereby enter into this agreement, incorporating by reference the above recitals, to wit:

Members of the Montgomery County Racial Justice Improvement Project's (RJIP) Task Force are The Honorable William Furber, President Judge, Montgomery County Common Pleas; Mike Kehs, Montgomery County Court Administrator; The Honorable Christopher Cerski, Magisterial District Judge; Sharon Giamporcaro, Deputy District Attorney, Juvenile Division; The Honorable Keir Bradford-Grey, Chief Public Defender; Chief Thomas Nolan, Upper Merion Police Department; Kelly Brown, Director of Prevention Services, Family Services; Steve Custer, Chief Juvenile Probation officer; Thomas Haney, Youth Aid Panel Administrator; Angela bell, Esquire, RJIP Task Force Facilitator

# MONTGOMERY COUNTY YOUTH AID PANEL PROGRAM

## CRITERIA FOR ELIGIBILITY

### 1. Juvenile:

- A. The juvenile's age was ten (10) to seventeen (17) years old at the time of the alleged incident.
- B. There is no pending delinquency petition.
- C. The juvenile is not currently on probation.
- D. A juvenile may be referred to the panel despite a prior or pending dependency matter, such as truancy or an ungovernable case.
- E. A juvenile may be referred to the panel for a summary offense, despite a prior adjudication of delinquency on a misdemeanor offense.
- F. A juvenile may be referred to the panel despite up to two (2) prior summary offenses/citations (discretionary with the referring officer).
- G. It is permissible to make a panel referral if a juvenile resides in another county, provided the offense occurred in Montgomery County.

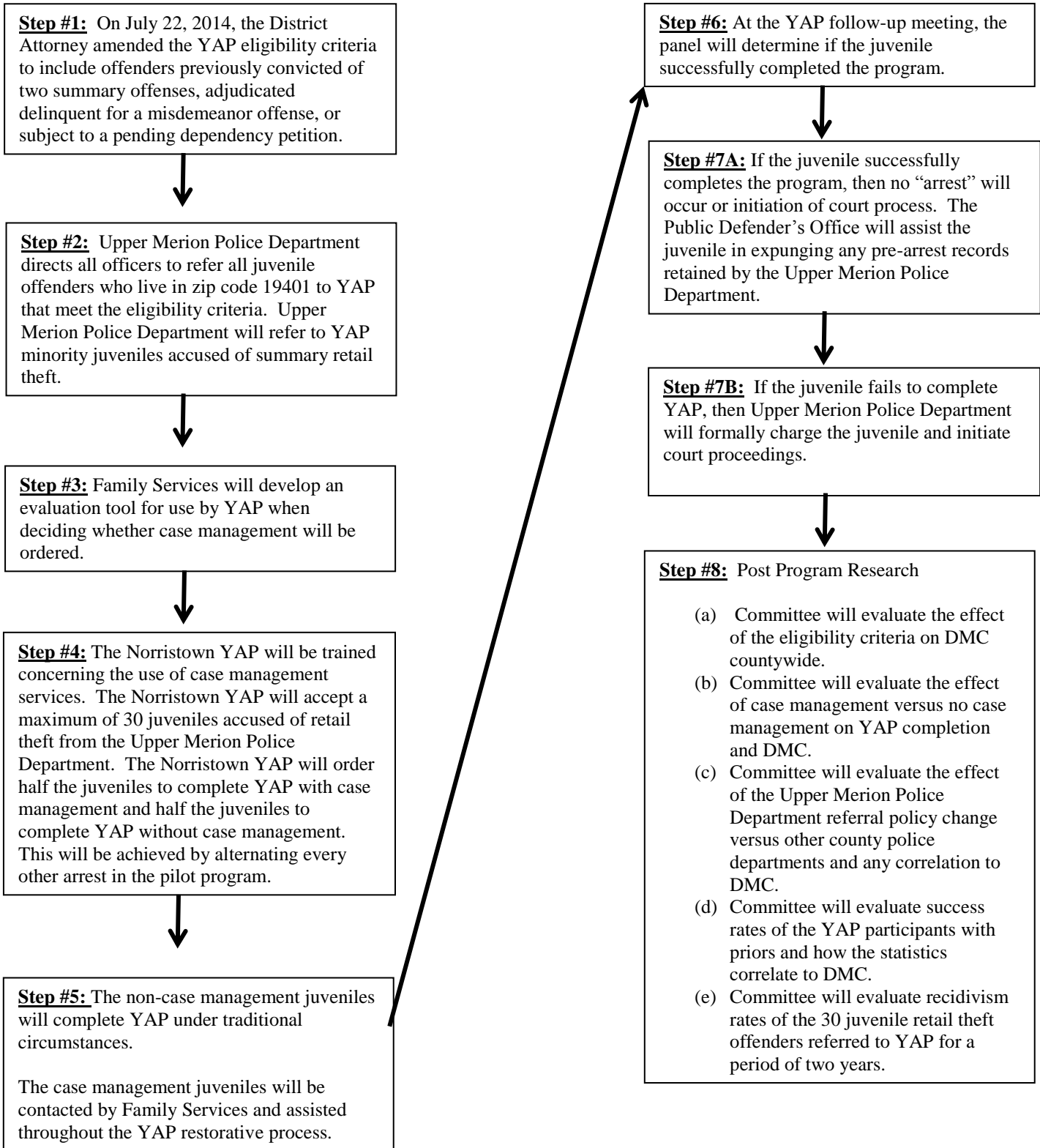
### 2. Eligible Offenses:

- A. All summary offenses, **except** traffic offenses.
- B. Violation of the Drug Act (VODA):
  - 1. Possession of a small amount of marijuana, Title 35 Pa. P.S. §780-113(a)(31), if less than 30 grams and less than 5 bags;
  - 2. Possession of paraphernalia, Title 35 P.S. §780-113(a)(32), if for personal use;
  - 3. Receipt in Commerce (marijuana only), Title 35 P.S. §780-113(a)(19), if less than 30 grams received.

- C. All misdemeanor offenses **except** the following:
1. All sexual offenses;
  2. Any weapons offense;
  3. Any offense involving the threat of violence;
  4. Ethnic Intimidation/Violence;
  5. Recklessly endangering another person, Title 18 P.S. §2705;
  6. Stalking, Title 18 P.S. §2709.1;
  7. Cruelty to animals, Title 18 P.S. §5511;
  8. Identity theft, Title 18 P.S. §4120;
  9. Propulsion of a missile;
  10. Assault, **except** simple assault by mutual combat.

Any referrals for Youth Aid Panel consideration that fall outside of the above guidelines require prior consultation and approval of the Chief of the Juvenile Division of the Montgomery County District Attorney's Office.

**The policy amendments will be implemented as follows:**



The RJIP task force in conjunction with the ABA will continue to seek additional funding to support this program.

8/2014

**THIS DONE AND SIGNED ON THE DAY AND YEAR FIRST SET FORTH ABOVE.**

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Judge William Furber, Chief Judge  
Montgomery County Common Pleas Court

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Risa Ferman  
Montgomery County District Attorney

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Judge Christopher Cerski  
Magisterial District Judge

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Mike Kehs  
Montgomery County Court  
Administrator

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Sharon Giamporcaro  
Deputy District Attorney  
Juvenile Division

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Keir Bradford-Grey  
Chief Public Defender

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Chief Thomas Nolan  
Upper Merion Police Department

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Steve Custer  
Chief Juvenile probation officer

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Kelly Brown  
Family Services

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Thomas Haney  
Youth Aid Panel Administrator

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Angela Bell  
RJIP Task Force Facilitator

