

**Policies and Procedures of the  
Pennsylvania Juvenile Court  
Judges' Commission for the  
Release of Juvenile Data from  
the Pennsylvania Juvenile Case  
Management System**



**pennsylvania**  
JUVENILE COURT JUDGES' COMMISSION

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## **Section I: Laws Governing the Dissemination of Juvenile Data**

The Pennsylvania Juvenile Court Judges' Commission (hereafter referred to as "JCJC") provides leadership, advice, training, and support to enable Pennsylvania's juvenile justice system to achieve its balanced and restorative justice mission. The Commission is legislatively empowered to advise juvenile court judges in all matters pertaining to the proper care and maintenance of delinquent and dependent children, employing evidence-based practices whenever possible, and to compile and publish such statistical data as needed for efficient administration of the juvenile courts (42 Pa.C.S. §6373).

To accomplish the latter, the Center for Juvenile Justice Training and Research (hereafter referred to as "CJJT&R"), a division of the JCJC, maintains a juvenile case management system that is utilized by all sixty-seven counties in Pennsylvania. This tool, called the Pennsylvania Juvenile Case Management System (hereafter referred to as "PaJCMS"), has the capacity to collect and maintain aggregate and juvenile-level delinquency data related to almost every aspect of a youth's juvenile justice involvement, including referral and intake information, risk assessment scores, mental and physical health diagnoses, dispositional outcomes, out-of-home service history, and demographic information. While this information is collected on the front-end solely for the purpose of juvenile probation case management, these data are inherently available on the back end for research purposes.

The JCJC has a vested interest in contributing to the broader research base to better understand trends and patterns in juvenile justice, the impact of public policy decisions, and the effectiveness of evidence-based initiatives. As a result, the JCJC has made a commitment to working with independent researchers, policymakers, and other interested partners, such as service providers (hereafter collectively referred to as "Researchers") to make available both statewide and jurisdiction-specific data and data files for research analysis, as long as that research advances the knowledge of Balanced and Restorative Justice (BARJ), the Juvenile Justice System Enhancement Strategy (JJSES), and evidence-based practices. Examples of Researchers that have historically collaborated with the JCJC for research purposes include:

1. Service providers;
2. Other state agencies;
3. Third-party research entities working on behalf of a service provider;
4. Third-party research entities working on behalf of a state agency;
5. Universities or research groups completing independent research;
6. Students; and
7. Policymakers.

The JCJC is responsible, however, for protecting youth rights by understanding and following the laws, regulations, and ethical standards that act as safeguards. The concern for confidentiality exists in all studies that utilize youth data. All JCJC staff members responsible for releasing data files are trained in and knowledgeable about state and federal confidentiality regulations, along with different methods that can be used to regulate and control the amount of information released.

At the state level, the Pennsylvania Juvenile Act, the Pennsylvania Rules of Juvenile Court Procedure, and the Criminal History Record Information Act all govern the collection and release of juvenile criminal history information.

The Juvenile Act states:

**42 Pa.C.S. §6307. Inspection of Court Files and Records**

- (a) General Rule.--All files and records of the court in a proceeding under this chapter are open to inspection only by:
- (1) The judges, officers and professional staff of the court.
  - (2) The parties to the proceeding and their counsel and representatives, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court.
  - (3) A public or private agency or institution providing supervision or having custody of the child under order of the court.
  - (4) A court and its probation and other officials or professional staff and the attorney for the defendant for use in preparing a presentence report in a criminal case in which the defendant is convicted and who prior thereto had been a party to a proceeding under this chapter.
    - (4.1) A court in determining custody, as provided in 23 Pa.C.S. §§ 5328 (relating to factors to consider when awarding custody) and 5329.1 (relating to consideration of child abuse and involvement with protective services).
  - (5) A judge or issuing authority for use in determining bail, provided that such inspection is limited to orders of delinquency adjudications and dispositions and petitions relating thereto, orders resulting from disposition review hearings and histories of bench warrants and escapes.
  - (6) The Administrative Office of Pennsylvania Courts.
    - (6.1) The judges, officers and professional staff of courts of other jurisdictions when necessary for the discharge of their official duties.
    - (6.2) Officials of the Department of Corrections or a State Correctional Institution or other penal institution to which an individual who was previously adjudicated delinquent in a proceeding under this chapter has been committed, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court.
    - (6.3) A parole board, court or county probation official in considering an individual's parole or in exercising supervision over any individual who was previously adjudicated delinquent in a proceeding under this chapter, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court.
    - (6.4) The board for use in completing assessments.

- (6.5) The Department of Human Services for use in determining whether an individual named as the perpetrator of an indicated report of child abuse should be expunged from the Statewide database.
- (7) With leave of court, any other person or agency or institution having a legitimate interest in the proceedings or in the work of the unified judicial system.

**42 Pa.C.S. §6308. Law Enforcement Records**

- (a) General Rule.--Law enforcement records and files concerning a child shall be kept separate from the records and files of arrests of adults. Unless a charge of delinquency is transferred for criminal prosecution under section 6355 (relating to transfer to criminal proceedings), the interest of national security requires, or the court otherwise orders in the interest of the child, the records and files shall not be open to public inspection or their contents disclosed to the public except as provided in subsection (b); but inspection of the records and files is permitted by:
  - (1) The court having the child before it in any proceeding.
  - (2) Counsel for a party to the proceeding.
  - (3) The officers of institutions or agencies to whom the child is committed.
  - (4) Law enforcement officers of other jurisdictions when necessary for the discharge of their official duties.
  - (5) A court in which the child is convicted of a criminal offense for the purpose of a presentence report or other dispositional proceeding, or by officials of penal institutions and other penal facilities to which he is committed, or by a parole board in considering his parole or discharge or in exercising supervision over him.
  - (6) The Department of Public Welfare for use in determining whether an individual named as the perpetrator of an indicated report of child abuse should be expunged from the Statewide database.

**42 Pa.C.S. §6309. Juvenile History Record Information**

- (a) Applicability of Criminal History Record Information Act.--Except for 18 Pa.C.S. §§9105 (relating to other criminal justice information), 9112(a) and (b) (relating to mandatory fingerprinting), 9113 (relating to disposition reporting by criminal justice agencies) and 9121(b) (relating to general regulations), the remaining provisions of 18 Pa.C.S. Ch. 91 (relating to criminal history record information) shall apply to all alleged delinquents and adjudicated delinquents whose fingerprints and photographs are taken pursuant to section 6308(c) (relating to law enforcement records) and to any juvenile justice agency which collects, maintains, disseminates, or receives juvenile history record information. The disclosure to the public of the contents of law enforcement records and files concerning a child shall be governed by section 6308(b).

Furthermore, the Pennsylvania Rules of Juvenile Court Procedure state:

**Rule 160. Inspecting, Copying, and Disseminating the Official Court Record**

- A. Inspecting. The official court record is only open to inspection by:

- 1) the judges, juvenile court hearing officers, juvenile probation officers, and staff of the court;
  - 2) the attorney for the Commonwealth, the juvenile's attorney, and the juvenile, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information, except at the discretion of the court;
  - 3) a public or private agency or institution providing supervision or having custody of the juvenile under order of the court;
  - 4) a court, its probation officers, other officials or professional staff, and the attorney for the defendant for use in preparing a pre-sentence report in a criminal case in which the defendant is convicted and the defendant previously was adjudicated delinquent;
  - 5) a judge or issuing authority for use in determining bail, provided that such inspection is limited to orders of delinquency adjudications and dispositions, orders resulting from dispositional review hearings, and histories of bench warrants and escapes;
  - 6) the Administrative Office of Pennsylvania Courts;
  - 7) the judges, juvenile probation officers, and staff of courts of other jurisdictions when necessary for the discharge of their official duties;
  - 8) officials of the Department of Corrections, a state correctional institution or other penal institution to which an individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act has been committed, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court;
  - 9) a parole board, court, or county probation official in considering an individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court;
  - 10) the State Sexual Offenders Assessment Board for use in completing assessments; and
  - 11) with leave of court, any other person, agency, or institution having a legitimate interest in the proceedings or in the work of the unified judicial system.
- B. Copying.** Any person, agency, or department permitted to inspect the record pursuant to paragraph (A) may copy or be provided with a copy of the record.
- C. Disseminating.** Unauthorized dissemination of any information contained in the official court record to a person, agency, or department not permitted to inspect or copy the record pursuant to this rule may result in a finding of contempt of court.
- D. Public availability.** Upon request, a public document shall be created by the clerk of courts if the case is designated eligible for public inspection pursuant to Rule 330 or 515.
- 1) For cases deemed eligible pursuant to Rule 330, the public document shall contain only the following information:

- a) the juvenile's name;
  - b) the juvenile's age;
  - c) the juvenile's address; and
  - d) the offenses alleged in the juvenile's petition
- .2) For cases deemed eligible pursuant to Rule 515, the public document shall contain only the following information:
- a) the juvenile's name;
  - b) the juvenile's age;
  - c) the juvenile's address;
  - d) the offenses alleged in the juvenile's petition;
  - e) the adjudication on each allegation; and
  - f) the disposition of the case.

**Rule 161. Inspecting, Copying, and Disseminating Juvenile Probation Files**

- A. Inspecting and copying. Except as provided in paragraph (C), juvenile probation files shall be open to inspection and/or copying only by:
- 1) the juvenile's attorney;
  - 2) the attorney for the Commonwealth;
  - 3) the State Sexual Offenders Assessment Board;
  - 4) the Juvenile Court Judges' Commission; or
  - 5) any other person, agency, or department by order of court.
- B. Electronic records.
- 1) Records which are maintained electronically by juvenile probation offices shall be subject to inspection and/or copying only pursuant to court order.
  - 2) Each juvenile probation office shall create a document which describes the information that is maintained by the juvenile probation office concerning each juvenile. This document shall be open to inspection and copying pursuant to paragraph (A).
- C. Contents of order. The order shall:
- 1) specify who shall be permitted to inspect the record or any portion of the record;
  - 2) specify who shall be permitted to copy the record;
  - 3) state that the information received shall not be disseminated to any person, agency, or department not listed in the court order; and
  - 4) state that dissemination of any information received is a violation of the court order.

D. Disseminating.

- 1) The juvenile probation office has discretion to disseminate portions of its files to the juvenile, service providers, placement facilities, and courts and courts' professional staff of other jurisdictions when facilitating placement, the delivery of services, treatment, or transfer of the case to, or supervision by another jurisdiction consistent with applicable Federal or state law.
- 2) Unauthorized dissemination of any information contained in the juvenile probation file to a person, agency, or department not permitted to inspect or copy the file pursuant to this rule may result in a finding of contempt of court.



## COMMENT

Documents contained in the juvenile probation files are not a part of the official court record unless the juvenile probation office officially files the documents in the official court record. Those documents placed in the official court record are governed by Rule 160 and 42 Pa.C.S. § 6307.

The notes of a juvenile probation officer, which describe the officer's impressions or personal observations but which are not included in a report to the court or other report, are not considered a component of a juvenile probation file that is open to inspection or copying under paragraph (A).

Nothing in this rule is intended to preclude the juvenile probation office from sharing information in its file with the juvenile.

In short, these legal provisions require that no third-party Researchers receive identifiable youth information for research purposes without "leave of court," or judicial consent.

The JCJC is also subject to Title 28 Code of Federal Regulations Part 22 (28 CFR 22), Confidentiality of Identifiable Research and Statistical Information, a statutory requirement that governs the use and release of research and statistical information identifiable to a private person. Because the PaJCMS contains identifiable information about youth in juvenile court, the research protocol developed by the JCJC prevents breaches of confidentiality of identifiable private youth information. These safeguards are particularly critical to data that contain information that can be used, either alone or in combination with other information, to identify individual youth.

Furthermore, 28 CFR 22 dictates that JCJC staff who release youth data files and Researchers (including the JCJC's own Researchers) who utilize them are subject to all of the regulatory requirements of this code. In response to these obligations, the JCJC has developed and applies procedures to all data requests to assure that all youth whose information is utilized for research purposes cannot, under reasonable circumstances, be harmed as a result of the research.

## **Section II: Overview of Data Request Types**

The JCJC's policy is divided into several different sections based on the nature of the data request. The information in the following sections is applicable to any data request from any entity other than a juvenile probation department. For more information on the policy and protocols for processing data requests from a juvenile probation department, please see Section III.

Note: While the JCJC maintains the PaJCMS to meet its statutory requirement "to compile and publish such statistical data as needed for efficient administration of the juvenile courts", the actual records are owned by the individual Juvenile Probation Departments. As such, it is the policy of the JCJC to not release county-level information to third parties without authorization from the respective Juvenile Probation Department(s) and/or Juvenile Court(s) in which the data will be drawn. Furthermore, if the Chief Juvenile Probation Officer or the Judge deny the request at any point, the JCJC will also deny the request.

The following provides an overview of the types of data requests addressed in this policy:

### **Level 1 Data Requests: Aggregate Data Only**

Level 1 data requests involve **aggregate data only**. Examples of Level 1 data requests include: the total number of females with a placement disposition in 2012 or the total number of recidivists from Class 6 counties in 2011. No youth-level data is provided within a Level 1 data request. Aggregate data may be available at the state level as well as the county level.

### **Level 2 Data Requests: Non-Identified Juvenile-Level Data**

Level 2 data requests involve the release of youth-level records in which personally identifiable information (PII) is removed. PII is defined as information that, when used alone or with other relevant data, can identify an individual. See Section III for more details on PII.

### **Level 3 Data Requests: Identifiable Juvenile-Level Data**

Level 3 data requests involve the release of youth-level records in which PII is included. It is the general policy of the JCJC to not process Level 3 data requests.

### **General Notes**

It is the responsibility of Third Parties, hereafter referred to as the "Researcher", to provide documentation to the JCJC that the Juvenile Probation Department and/or the Juvenile Court for which data is requested has approved the project. At the time of the submission of the Data Request Form, the Researcher must provide, in writing, documentation from the Chief Juvenile Probation Officer or a Judge of the department's willingness and commitment to participate in the project. This documentation allows for the initiation of the formal Data Request Review process to occur. This documentation does not replace the Juvenile Probation Release and Authorization or Judicial Release and Authorization Forms that are required as part of the formal Data Request Review process.

The Director of Research and Analytics, or a designee, will create the Juvenile Probation Release and Authorization and Judicial Release and Authorization Forms based on the initial written commitment from the Chief Juvenile Probation Officer and/or Judge. The Researcher shall be responsible for obtaining the necessary signatures for these forms.

## **Section III: Overview of Data Release Policies**

### **General**

JCJC reviews all Data Requests on a case-by-case basis and strictly adheres to all policies outlined in this document.

1. The JCJC requires all Researchers to submit data requests in writing through a Data Request Form. This formal request must include:
  - a) The purpose of the request: The Researcher must explain why they are requesting the data, the research questions to be answered, and the plans for dissemination after the completion of the project. Any supplemental materials affiliated with the project (e.g., analytic plan, literature review, formal prospectus; proposed security measures; etc.) should be submitted as Attachments to the formal Data Request Form;
  - b) A detailed description of the data requested, including specific variable names (when known);
  - c) An indication if the project has been evaluated by a federally-registered Institutional Review Board (IRB). See below for more information on the IRB process; and
  - d) A statement of data use: Researchers must acknowledge and consent to utilizing the data provided for research and statistical purposes only. Researchers are not permitted to utilize data files for investigations of specific youth.
2. For all applicable requests, it is the responsibility of the Researcher to provide documentation to the JCJC that the Juvenile Probation Department and/or the Juvenile Court for which data is requested has approved the project and is able to provide authorization for the JCJC to release the juvenile records to the Researcher. At the time of the submission of the Data Request Form, the Researcher must provide, in writing, documentation from these representatives of their willingness and commitment to participate in the project. This documentation allows for the initiation of the formal Data Request Review process to occur. This documentation does not replace the Juvenile Probation Release and Authorization and Judicial Release and Authorization Forms that are required as part of the formal Data Request Review process. If the Chief Juvenile Probation Officer or the Judge deny the request at any point, the JCJC will also deny the request.
3. The Director of Research and Analytics, or a designee, will create the Juvenile Probation Release and Authorization Form and Judicial Release and Authorization Form based on the initial written commitment from the Chief Juvenile Probation Officer and/or Judge, when required. The Researcher shall be responsible for obtaining the necessary signatures for these forms.
4. Pursuant to the Pennsylvania Juvenile Act, the Pennsylvania Rules of Juvenile Court Procedure, and the Criminal History Record Information Act, the JCJC imposes conditions on who can access PaJCMS data, the purpose for which the data can be used, when the data can be used, where the data must be stored, the plan for data security, and other factors associated with access to data files. As such, a Data Sharing Agreement will be created for

all applicable requests to establish a Researcher's responsibilities both during and after the proposed research activities.

5. Ensuring the privacy and confidentiality of juvenile court records is the top priority of the JCJC. Upon receiving the necessary authorizations required by this policy, the JCJC staff will use an array of methods to prevent the release of PII before sending any files to the Researcher. The following are generally categorized as PII:
  - a) Youth first and last name;
  - b) Youth social security number;
  - c) Youth SID;
  - d) Driver's license ID;
  - e) Youth address (excluding zip code);
  - f) Name(s) of youth family member(s);
  - g) Name(s) of youth victim(s);
  - h) Name of service provider; and
  - i) In some circumstances, county name.
6. The list of youth PII in Item 3 is not exhaustive. Other identifiers may be excluded at the discretion of the JCJC.
7. The release of date of birth will occur on a case-by-case basis, at the discretion of the JCJC. In instances where an age is to be calculated as a variable (e.g., age at first referral, age at first adjudication, age at disposition), the JCJC will perform the calculation for the Researcher. Alternatively, a modified version of the youth's date of birth (e.g., month and year only) may be provided to the Researcher.
8. It is the general policy of the JCJC to not release to Researchers any data contained within open-text fields of the PaJCMS. Oftentimes, these open text fields contain PII that is not readily detectible.
9. It is the general policy of the JCJC that at least ten individuals must be included in a sample to ensure the confidentiality of the individuals. This number may change at the discretion of the JCJC.
10. All data files shall be exchanged using a secure FTP process. No data files shall be exchanged via email.
11. All Researchers must agree to use the data file only for the purpose requested. If the Researcher wants to do another study with the data, they must go through this process again. Additionally, the Researcher cannot disseminate the data files to an outside party.

## **Institutional Review Board (IRB)**

### **IRB Overview**

In compliance with Title 28 part 46, the Department of Justice standards for human subjects research, Researchers must submit research proposals to an IRB with sufficient information to demonstrate that the proposed study will comply with all federal human subjects protection regulations and with the lenders' criteria for collecting, storing, using, transferring, reporting, and publishing youth data. The IRB reviews the research proposal before the research is conducted to ensure that the research plan includes assurances from the researcher that the research study will comply with (1) the legal and ethical principles of the Common Rule and (2) those privacy and confidentiality criteria required by the original data supplier. The IRB continues to review the research effort periodically until its end to ensure the procedures to protect the confidentiality and privacy of youth data are maintained.

## **Section IV: Overview of Data Release Protocols**

The JCJC's policy is divided into several different sections based on the nature of the data request.

Note: While the JCJC maintains the PaJCMS to meet its statutory requirement "to compile and publish such statistical data as needed for efficient administration of the juvenile courts", the actual records are owned by the individual Juvenile Probation Departments. As such, it is the policy of the JCJC to not release county-level information to third parties without authorization from the respective Juvenile Probation Department(s) and/or Juvenile Court(s).

### **Requests from Third Party Researchers (Non-Juvenile Probation Requests)**

#### **Level 1: Aggregate Data**

1. All Level 1 data requests shall be initiated by the submission of the Data Request Form, as outlined in the "Section V: Protocol for the Processing of Research/Data Requests".
2. If the Researcher requests aggregate statewide data that is not publicly available information, release of such records will be determined at the discretion of the JCJC. A variety of factors will be considered when determining if the request is approved.
3. If the Researcher requests aggregate county-level data that is not publicly available information, authorization (via the Juvenile Probation Release and Authorization Form) may be required from the Juvenile Probation Department from which the data will be drawn, at the discretion of JCJC, and to be determined on a case-by-case basis. A variety of factors will be considered when determining if any authorizations are required, including whether the requested figures are from the entire state vs. certain counties. If JCJC determines authorization is required for the request, it is the responsibility of the Researcher to facilitate such using JCJC's approved template. If the Juvenile Probation Department denies the request at any point, the JCJC will also deny the request. Authorization must be received before the JCJC will process the request.
4. If a Juvenile Probation Release and Authorization Form and/or Judicial Release and Authorization Form is required, JCJC's approved templates must be utilized. In addition, the following Attachments must be submitted as part of the formal Release and Authorization Forms:
  - a) Attachment A: Summary of Data Request;
  - b) Attachment B: Completed JCJC Data Request Form and any supplemental documents provided by the Researcher that describe the scope of the project; and
  - c) Attachment C: IRB Approval.
    - i. This Attachment will be blank if IRB is not applicable. If IRB is pending, documentation should be included in Attachment C indicating such.

5. Each Juvenile Probation Release and Authorization Form and Judicial Release and Authorization Form allows for the respective party to apply conditions to the release of their data. The JCJC will adhere to all conditions identified.
6. At the discretion of the JCJC, a Level 1 data request may require a Data Sharing Agreement be executed between the Commonwealth and the Researcher.
7. Each Level 1 data request will be prioritized based on the other assignments being completed by the Director of Research, Evaluation, and Policy Development and additional staff ultimately assigned to the project.

### **Level 2: De-Identified Juvenile-Level Data**

1. All Level 2 data requests shall be initiated by the submission of the Data Request Form, as outlined in the “Section V: Protocol for the Processing of Research/Data Requests”.
2. At the time of the submission of the Data Request Form for a Level 2 data request, the Researcher must provide, in writing, documentation from the Chief Juvenile Probation Officer or a Judge of the respective Juvenile Probation Department(s) and/or Juvenile Court(s) of their willingness and commitment to participate in the project. This documentation allows for the initiation of the formal Data Request Review process to occur. This documentation does not replace the Juvenile Probation Release and Authorization and Judicial Release and Authorization Forms that are required as part of the formal Data Request Review process. If the Chief Juvenile Probation Officer or the Judge deny the request, the JCJC will also deny the request.
3. All Level 2 data requests require a signed Juvenile Probation Release and Authorization Form and a Judicial Release and Authorization Form from each county in which the data will be drawn. If the Juvenile Probation Department or Juvenile Courts deny the request, the JCJC will also deny the request.
4. Each Juvenile Probation Release and Authorization Form and Judicial Release and Authorization Form allows for the respective party to apply conditions to the release of their data. The JCJC will adhere to all conditions identified.
5. The following Attachments must be submitted as part of the formal Release and Authorization Forms:
  - a) Attachment A: Summary of Data Request
  - b) Attachment B: Completed JCJC Data Request Form and any supplemental documents provided by the Researcher that describe the scope of the project and
  - c) Attachment C: IRB Approval
    - i. This Attachment will be blank if IRB is not applicable. If IRB is pending, documentation should be included in Attachment C indicating such.
5. When processing Level 2 data requests, the JCJC may be required to assign a randomized Unique ID to each juvenile. This Unique ID will be the only unique identifier supplied to the Researcher. The Researcher is not permitted to provide their own Unique ID to the JCJC.



6. All Level 2 data requests, except where noted, require IRB review. Documentation of IRB review and any supporting documents must be received before the initiation of the data pull.
7. A Data Sharing Agreement will be executed for all Level 2 data requests. In addition, all individual Researchers who will have access to the Level 2 data will be required to sign Nondisclosure Agreements.
8. Each Level 2 data request will be prioritized based on the other assignments being completed by the Director of Research, Evaluation, and Policy Development and additional staff ultimately assigned to the project.

### **Level 3: Identifiable Juvenile-Level Data**

1. Though it is the general policy of the JCJC to not fulfill such requests, in certain circumstances, such requests may be granted on a case-by-case basis.
2. All Level 3 data requests shall be initiated by the submission of the Data Request Form, as outlined in the “Section V: Protocol for the Processing of Research/Data Requests.”
3. At the time of the submission of the Data Request Form, the Researcher must provide, in writing, documentation from the Chief Juvenile Probation Officer and the Judge of the respective Juvenile Probation Department(s) and Juvenile Court(s) of their willingness and commitment to participate in the project. This documentation allows for the initiation of the formal Data Request Review process to occur. This documentation does not replace the Juvenile Probation Release and Authorization and Judicial Release and Authorization Forms that are required as part of the formal Data Request Review process. If the Chief Juvenile Probation Officer or the Judge deny the request at any time, the JCJC will also deny the request.
4. All Level 3 data requests require a signed Juvenile Probation Release and Authorization Form and a Judicial Release and Authorization Form from each county in which the data will be drawn. If the Juvenile Probation Department or Juvenile Court deny the request, the JCJC will also deny the request.
5. IRB review is required for all Level 3 data requests. Documentation of IRB review and any supporting documents must be received before the initiation of the data pull.
6. The following Attachments must be submitted as part of the formal Release and Authorization Forms:
  - a) Attachment A: Summary of Data Request;
  - b) Attachment B: Completed JCJC Data Request Form and any supplemental documents provided by the Researcher that describe the scope of the project;
  - c) Attachment C: IRB Approval
7. A Data Sharing Agreement will be executed for all Level 3 data requests. Additionally, all individual Researchers who will have access to the Level 3 data will be required to sign Nondisclosure Agreements.

8. Each Level 3 Data Request will be prioritized based on the other assignments being completed by the Director of Research, Evaluation, and Policy Development and additional staff ultimately assigned to the project.

#### **Requests from Juvenile Probation Departments**

1. Levels 1, 2, and 3 requests from representatives of Juvenile Probation Departments for data owned by that department will be automatically processed. If the request is submitted by anyone but the Chief Juvenile Probation Officer or their designee, a Juvenile Probation Release and Authorization Form shall be completed.
2. Students participating in the JCJC-sponsored Master's in Administration of Juvenile Justice program at Shippensburg University must adhere to the same steps outlined in this policy, with limited exceptions. The Juvenile Probation Release and Authorization Form must be signed by the Chief Juvenile Probation Officer for the county in which the student is requesting data. Neither the Judicial Release and Authorization Form nor a Data Sharing Agreement are required.
3. IRB review is not required to release data to Juvenile Probation Departments.
4. Each data request from a Juvenile Probation Department will be prioritized based on the other assignments being completed by the Director of Research, Evaluation, and Policy Development and additional staff ultimately assigned to the project.

## **Requests from Media**

1. All Level 1, 2, and 3 media requests for juvenile justice data must follow the protocols established above for Researchers, including the signed Juvenile Probation Release and Authorization Form and the Judicial Release and Authorization Form from each county in which data is requested, as well as a formally executed Data Sharing Agreement.

## **Requests from Statewide Workgroups and Committees**

1. The release of Data to statewide workgroups and committees will be evaluated on a case – by – case basis. Depending on the nature and circumstances of the Request, the JCJC will identify the most appropriate procedures for the release of the Data.

## **General Notes**

1. The JCJC understands the limitations of conducting outcome and other related studies without access to juvenile-identifying information. The following options exist for the Researcher after the Data Request has been formally approved:
  - a) The JCJC will use the list supplied by the Researcher to retrieve the requested outcome variables. De-identified juvenile-level data will be returned to the Researcher.
  - b) The JCJC will use the list supplied by the Researcher to retrieve the requested outcome variables. Aggregate information only will be returned to the Researcher.
2. In instances where the Researcher will receive de-identified juvenile-level data from the JCJC, the JCJC shall assign a randomized Unique ID to each juvenile. This Unique ID will be the only unique identifier supplied to the Researcher. The Researcher is not permitted to provide their own Unique ID to the JCJC.
3. For all data requests, it shall be the responsibility of the Researcher to provide to the JCJC the information required to facilitate the data request (e.g., youth name, youth date of birth, youth social security number). If such information is not provided, the JCJC has no obligation to complete the data request.
4. All compiled datasets will be provided to the Researcher in Excel format.
5. In instances when a Data Sharing Agreement is required between the JCJC and the Researcher, the Commonwealth-approved Data Sharing Agreement shall be utilized. The following elements are contained in the approved Data Sharing Agreement.
  - a) The purpose of the Data Sharing Agreement;
  - b) A description of the project design and the activities of each party;
  - c) The terms and conditions of the Data Sharing Agreement;
  - d) A list of Authorized Data Users; and

- e) Exhibits. Each Data Sharing Agreement will have standard Exhibits, which are listed below. Depending on the nature of the Data Request, additional Exhibits may be necessary.
  - i. Exhibit 1: Summary of the research request and all supplemental documents describing and supporting the project. If Judicial Release and Authorization and/or Juvenile Probation Release and Authorization were required, the entirety of that document should be included as an Exhibit;
  - ii. Exhibit 2: A copy of Pennsylvania's Right to Know Law.
- 6. The Researcher shall agree that any publication of the data contain the following: "This data was retrieved from the Pennsylvania Juvenile Case Management System and is reflective of information entered by county Juvenile Probation Departments." The Researcher should note that the JCJC makes all attempts to confirm the accuracy of the data within the PaJCMS, but the JCJC is not responsible for missing or inaccurate information.
- 7. The Researcher shall agree that any publication of the data contain the following attribution of the data to the JCJC: "This data was supplied by the JCJC and belongs to the Pennsylvania Juvenile Probation Departments. Any further use of this data must be approved by the JCJC and the Juvenile Probation Departments."
- 8. The Researcher shall agree to insert within any report citing data analysis conducted using JCJC Data, whether published or unpublished, the following disclaimer: "Points of view or opinions contained within this document are those of the author(s) and do not necessarily represent the official position or policies of the JCJC or individual Juvenile Probation Departments."
- 9. The Researcher must provide their final report to the JCJC for review before it is published or disseminated. The JCJC shall also be permitted to comment and offer suggestions regarding use of the Data to avoid any erroneous or ambiguous interpretation of its Data. If requested by the JCJC, a conference call or meeting will be set up to discuss findings. The JCJC will make a reasonable effort to review proposed publications within 10 days of receipt. The substantive feedback that the JCJC offers will not interfere with the Researcher's right to publish their results.
- 10. In the event juvenile-identifying information is inadvertently disclosed to the Researcher, the Researcher will be instructed to destroy all such information immediately. The Researcher shall notify the JCJC of the disclosure within three (3) business days. In addition, the Director of Research, Evaluation, and Policy Development and/or their designee will document such disclosure immediately.
- 11. In the event of any security incident involving JCJC Data while it is in possession of the Researcher, the Researcher shall report such to the JCJC within three (3) business days. In addition, the Director of Research, Evaluation, and Policy Development and/or the Lead Project Owner will document such disclosure immediately.

## **Section V: Protocol for the Processing of Data Requests**

1. All data requests shall be initiated by the submission of the Data Request Form. This form must be submitted to: ra-oajcjcddata@pa.gov. A staff member from the JCJC will acknowledge receipt of the submission within two (2) business days.
2. For all Level 2 and Level 3 requests, the Researcher shall provide written documentation to JCJC at the time of the submission of the Data Request Form that the Juvenile Probation Department and/or Juvenile Courts from which the data will be pulled are in agreement with the project prior to moving forward with the processing of the request.
3. All Level 3 data requests will be shared with the Director of the Center for Juvenile Justice Training and Research, the Deputy Director of the JCJC, and the Executive Director of the JCJC for review.
4. For all Level 2 and 3 data requests, the Director of Research, Evaluation, and Policy Development (or a designee) will develop a Juvenile Probation Release and Authorization Form and, when applicable, the Judicial Release and Authorization Form. The Researcher shall be responsible for obtaining the necessary signatures on these forms. A copy of the Juvenile Probation Release and Authorization Form and the Judicial Release and Authorization Form will be retained by the JCJC.
5. For Level 1 data requests, the Director of Research, Evaluation, and Policy Development will determine if any supplemental documents must be completed in order to process the data request (e.g., Juvenile Probation Release and Authorization Form). If the Juvenile Probation and/or Judicial Release and Authorization Forms need to be completed, the Director of Research, Evaluation, and Policy Development (or a designee) shall develop the documents. The Researcher shall be responsible for obtaining the necessary signatures. A copy of the Juvenile Probation Release and Authorization Form and the Judicial Release and Authorization Form will be retained by the JCJC.
6. Upon receipt of signed Authorization(s), the Director of Research, Evaluation, and Policy Development will create a Data Sharing Agreement using the Commonwealth-approved template.
7. The completed, unsigned Data Sharing Agreement will be sent to the Researcher for review. Upon review, the Researcher will sign the Agreement and return it to the Director of Research and Analytics.
  - a) If the Researcher proposes changes to the established Data Sharing Agreement, the Commonwealth's Office of General Counsel must review and approve such changes before proceeding.
8. Next, the Director of Research, Evaluation, and Policy Development will coordinate with the Director of Administration and Grant Programs to obtain the remaining signatures required to fully execute the Data Sharing Agreement via the Commonwealth's protocol. The following signatures need to be obtained: Executive Director of JCJC, JCJC's Liaison Counsel, a representative from the Office of General Counsel, and a representative from the Office of Attorney General.

9. After the Data Sharing Agreement is fully executed, a meeting with the Researcher will be scheduled to discuss the specific project details. For this a meeting, a Specifications Document will be created and disseminated to the Researcher for approval. This specifications document outlines the timeline parameters for the data pull (e.g. all 2020 written allegations), the specific fields from PaJCMS to be pulled, and any exclusion criteria for the sample.
10. Upon the Researcher's approval of the Specifications Document, the data will be compiled from PaJCMS. In some scenarios, small "test" samples of the data will be shared with the Researcher for their review and approval.
11. At the completion of the data pull, various forms of internal quality assurance reviews will be conducted to ensure the accuracy of the dataset.
12. For any requests that require the completion of Nondisclosure Agreements, such agreement must be signed and submitted for each person who will have access to the data prior to receiving the datasets.
13. All data files shall be exchanged using a secure FTP process. No data files shall be exchanged via email.
14. Researchers should anticipate a minimum of 4 – 6 weeks before the data file is available for release.
15. If the Director of Research, Evaluation, and Policy Development is unavailable for more than five business days (e.g., vacation, extended sick leave, etc.), a temporary policy will be established to determine the ongoing processing of requests.