

**Pennsylvania Juvenile Justice Task Force**  
**Advocates Roundtable**  
**September 22<sup>nd</sup> and 23<sup>rd</sup>, 2020**

On September 22<sup>nd</sup> and 23<sup>rd</sup>, 2020, the Pennsylvania Juvenile Justice Task Force held roundtables with over twenty individuals who advocate about juvenile justice issues, including representatives from advocacy organizations and youth currently or formerly involved with the juvenile and criminal justice systems. The meeting on the 22<sup>nd</sup> was facilitated by Rep. Mike Zabel, a co-chair of the Task Force. Sen. Lisa Baker, also a Task Force co-chair, facilitated the meeting on the 23<sup>rd</sup> with staff for Sen. Anthony Williams, a member of the Task Force.

➤ **Areas in Need of Improvement:**

- **Schools refer youth to the juvenile justice system in excessive numbers, despite the success of school-based alternatives where they are available:** Advocates said schools are a source of excessive referrals to the justice system for youth behaviors better dealt with in school or through other youth-serving systems. One participant had worked in the juvenile justice system said school-based interventions to address youth needs without court involvement are successful but generally available only in well-funded districts with more resources. He said “one of the things I’ve seen that works really well is when school districts have mentors or counselors ... who have been through the same experiences as young people. ... rather than that first phone call when there’s behavior going on that they don’t like [going] to the police department.” The participant added “the differences in outcomes I’ve seen have been extremely more positive when the school district has leaned on the local supports in the community as opposed to police officers when the kids just end up getting charged with a crime.” Other advocates said police should be removed from schools. One said schools are a source of disproportionality by race/ethnicity in the juvenile justice system, adding, “we know for sure that there are disproportionate numbers of black and brown youth in the school-to-prison pipeline.”
- **Requirements imposed by the juvenile justice system fall on youth and families unable to meet them, keeping disadvantaged youth trapped in the system unnecessarily:** Participants discussed the ways in which requirements imposed by the courts and probation such as financial obligations or required appointments fall to families and lead to disproportionate punishment on youth whose parents or guardians cannot provide financial support, transportation, or other resources. As a result, some participants said, these disadvantaged youth remain under the jurisdiction of the court far longer than those who have more family support. One participant who had worked in the delinquency and child welfare systems said, “one of the issues I see a lot on the delinquent side of things is certain standard approaches or requirements or even punishments for these children in the juvenile justice system are so closely tied to the abilities and resources of their parents. And what I see happening a lot is whether it’s a lot of standard fines on probation case ... or mandates to attend appointments, it’s so dependent on the abilities of parents. But ... there really isn’t very much support given to the whole family.” He said this can result in a situation where a “child is 14 who ends up with a couple hundred dollars of fines and has to get to several appointments each week. And if the parents can’t help, it falls back to the child. He added that “youth are having their probation extended “solely due to environmental and family circumstances that they’re navigating.”

- **The juvenile justice system removes youth from home when it is not necessary, leading to worse outcomes for youth who have been “institutionalized”:** Participants discussed the harms that they said come from sending youth to out-of-home placement, particularly for low-level cases. One youth advocate who had been placed in a delinquency facility and later spent time as a minor in an adult jail awaiting a hearing on charges that were later dropped said “placement doesn’t do anything better than the adult system. There needs to be real intentional strategy around how young people are being treated.” One participant said youth incarceration is often driven by a lack of nonresidential alternatives. “We’re institutionalizing [youth] and removing them from their homes under the perception of ... a public safety risk when it’s really about not having alternative resources.” Another advocate made recommendations that include “limiting the number of young people who could go into placement at all” in a list of instances, including if youth are under age 14; have committed a status offense, technical violation of probation, or offenses that is “nonviolent;” are assessed as low risk to reoffend; have not paid fines, fees, or restitution; or “are pregnant and giving birth.” The participant stated that “if we were to put some of those into place, then we wouldn’t be having as many young people suffer the harms of placement.” Many advocates discussed the poor educational outcomes that they said result from out-of-home placement as a result of both inadequate education youth receive when removed from home and severe challenges in returning to school in their home communities such as schools refusing to accept their credits. One stated, “having far fewer youth going to placement and to adult facilities is the number one way we can make an impact on addressing these problems.”
- **Too many youth are placed in facilities for technical violations of probation, driving unnecessary out-of-home placement:** Advocates repeatedly discussed their views that the out-of-home placement is too often driven by youth not obeying court orders rather than from actual delinquent behavior that constituted a new offense. One said, “that’s not a safety issue for the child or the community and yet we’re incarcerating children on that basis.” Another stated that youth are sent to delinquency placements for not going to school as a violation of probation even though placing youth out of home solely for truancy is prohibited, noting that when youth miss school, it can “backdoor” them into the juvenile justice system “due to technical violations based on school attendance.” Many advocates recommended prohibiting the removal of youth from home for violations of probation that are not a new offense.
- **Funds currently spent on juvenile justice out-of-home placement should be reinvested into community-based interventions:** Several advocates stated that the juvenile justice system spends significantly on out-of-home placement when nonresidential programs are more effective and less expensive. One said, “if we could reduce our reliance on out-of-home placement, that money could be funneled and reinvested into community-based supports that are far cheaper and require less money from the state and ultimately benefit our youth.” An advocate added that “reinvesting those savings for mentoring programs and employment services – mediation, strength-based treatment and things of that nature would be a stronger way to use our resources than a focus on putting kids in placement.” Another participant cited success other states have had in reducing placements and reinvesting funding, noting, “states such as Kansas employed divert/reinvest strategy in which they were able to reduce their out of home placements by 60 percent and estimated to save upwards of 70 million dollars over five years, which is a significant amount of money.”

- **The juvenile justice system fails youth returning home from out-of-home placement, particularly regarding educational outcomes:** Advocates stated that in addition to often receiving poor education while in placement, youth face serious educational challenges when trying to return home, including credits that do not transfer and youth not being allowed to return to the school where they were enrolled before they were removed from home. An advocate called current practices for educational reentry for youth coming back from placement “a disaster,” adding “the number of young people who are coming back from placement with almost no credits is atrocious and is sort of the nail in the coffin after a series of ways the system has promised them things to bring them away from their friends and their families.” One participant spoke of a young person she worked with who had been in secure placement for several years. She said, “I read all of his placement paperwork and 15 minutes after meeting him, I knew that he could not read. I wish that those were outliers – they’re not. That’s not the first time I’ve come across that situation and it won’t be the last.”
- **Laws allowing youth to be charged as adults and held in jails awaiting trial cause harm to young people and lead to poor outcomes for youth and community safety:** Advocates discussed at length the harms they said derive from charging youth as adults and holding them in adult jails and prisons. As one stated, “all the social science points to how much worse they are in those settings compared to juvenile settings or even more so community settings in their homes receiving supports.” Many called for the repeal of Act 33, the statute excluding youth from juvenile court jurisdiction in a wide range of circumstances. Pennsylvania is “an outlier in many respects such as the wide net Act 33 casts,” one said. Advocates stated that holding teenagers in adult jails while awaiting a hearing pressures them to plead guilty simple to get out of rough conditions in the jail. One said, “the potential for abuse that we see is a reality for so many young people in these settings. And it presents a very coercive dynamic as far as their right to be presumed to be innocent.” One stated that with recent changes to the federal Juvenile Justice Delinquency Prevention Act mean that unless Pennsylvania changes its laws to prohibit youth from being placed in adult facilities, the state will lose federal funding for its state advisory group run through the Pennsylvania Commission on Crime and Delinquency. She stated that other states have already successfully made changes to their laws to comply with the new federal law.
- **Youth charged as adults suffer through difficult experiences while awaiting trial in adult jails and prisons:** Several meeting participants had been charged as adults when they were kids and spoke of their experiences. One young man in the meeting said he spent eight months in adult jail while his charged was pending. The charge was later dropped. He told the group about his experience as a youth in adult jail, saying, “there’s no resources. There’s no resources or things [for youth] to help themselves when they’re in here. So eventually when they do get out, all they know, it’s the same thing. So nine times out of 10, the person will do the same thing. ... because there’s no resources for young people when they’re in there.” A young woman at the meeting said she had been charged as an adult at 17 and held in a jail facility. She said, “I was in solitary confinement for most of that time,” adding, “there’s only one or two girls each time so they keep them girls in solitary confinement because they have to let the adults out.” Another young man in the meeting had been charged as an adult and remained in jail for a year and a half pending his court date. He said he was offering a deal for a guilty plea, which he declined because, he said, he had not committed the offense. He told the group, “most young people

would have taken that deal and then they would have been caught up in the system and then they keep going down the same path where they're in and out, in and out." After he declined the plea deal and a hearing was held, the criminal court judge dismissed the charge. He spoke about the schooling he received in jail, saying, "they were teaching everybody the same work, but there were different people ... all learning the same thing. And then you wonder why people aren't set up to be successful. It's set up for young people to fail." With regard to his experience in jail, he stated, "nobody checked in with me. I was literally just sitting in the cell for 18 months." When he returned home, he said, he was not permitted by his public school district to attend his regular public school, even though his charge had been dismissed. He said he was instead required to attend an alternative school for youth with disciplinary issues.

- **Disparities in how the juvenile justice system treats youth of color are a serious problem and rooted in historical inequities:** Advocates discussed how current juvenile justice racial disparities should be viewed in light of structural racism and as one put it, the "racial legacy those [juvenile justice] laws are rooted in." The advocate cited the Act 33 legislation enacted in the 1990s to charge more youth as adults, noting "that law was made in the midst of the tough on crime era and very racialized language about young people being 'superpredators' and creating this identity of fear around black and brown young people." Several advocates spoke of the importance of increasing the number of people of color who work in the juvenile justice system and of showing racial disparity data to frontline workers to better communicate where and how disparate responses to similar youth behavior are taking place.
- **Structural racism and historical context must be central to any changes to the juvenile justice system:** Advocates discussed data that may be missing from juvenile justice discussions, including "root cause analysis" of why youth may be making contact with the system and what the circumstances in their communities. One advocate said that in their community, "we have decades and decades of divestment. All the public high schools have been shuttered. There is no high school that members of the community can walk to. ... We have one of the last two high-rise projects in the city that are completely rundown. It's a complete hazard." Another advocate who had been involved as a young person in the juvenile and criminal justice systems said, "no one asks, 'why did the person steal the candy bar?' We don't think about that we just deal with it after it happens." He added about his own childhood, "why was I selling drugs? ... I had no family there to guide me. I was alone. The only people who were there was the streets. WE have to address the root causes of stuff." Another advocate said, "it's really important to think about when we're reforming the system, we talk only about low level nonviolent offenses and it's important to think about all the things young people have experienced in their lives before ... being involved in an armed robbery."

➤ **Notable quotes:**

- **On the experiences of youth who had been charged as adults:**
  - "When I was 16, I was charged as an adult for multiple robberies. I wasn't treated correctly or equally because of my age [and] ... because I was young. ... I did five years during that time I was sent upstate. ... It made me a little bit more aggressive because the way I was going to have to handle myself ... [In adult prison/jail] you have to always watch your back and stand up for yourself, and that's a scary situation."

- **On the poor outcomes that can derive from sending youth to placement:**
  - “I’ve witnessed in my own community young people being sent to placement programs in rural parts of Pennsylvania, and they’re from urban parts of the state and they come from such a challenge coming to a community that doesn’t look anything like what they come from.”
  - “We worked directly with one young person who was at a private placement for 12 months and was sent home two credits shy of his diploma at the peak of the pandemic with no plan in place.”
  - “A maddening part is the fact that so many of these young people end up the system because of school issues or not going to school and end up at a school in placement ... where their education needs are not being met and [as a result] they may not be engaging in school. And that is then held against them to hold them longer in placement. ... It makes no sense and we need to fix it.”
- **On the need to refocus juvenile justice spending away from placement and toward more effective resources:**
  - “It boils down to a resource allocation and a need to reinvest resources that are being spent frankly in a misguided way.”
  - “We are going to have a big problem if we have savings and don’t reinvest it.”
  - “The school systems are a great place to provide services because the students are already there. ... The state can save a whole lot of money by looking at quality driven nonprofits.”
- **On the need to invest in resources to address youth’ needs outside of the juvenile justice system:**
  - “When people need help, they should be given help and the juvenile justice system or criminal justice system is not the answer.”
  - “As a young person, school was under funded [and] extremely overcrowded so teachers couldn’t have time to work with me if I needed extra help. If we really want solutions, we need to address the systemic racism. It’s setup for certain communities to have less funding.”