



HOUSE OF PENNSYLVANIA

COMMITTEE ON CHILDREN AND YOUTH

June 19, 2018

H.B. 1311

Testimony of Juvenile Law Center, Juveniles for Justice Youth Advocates

Thank you for the opportunity to provide this written testimony in support of H.B. 1311

Juvenile Law Center advocates for rights, dignity, equity and opportunity for youth in the child welfare and justice systems.

Founded in 1975, Juvenile Law Center is the first non-profit, public interest law firm for children in the country. Through litigation, appellate advocacy and submission of amicus (friend-of-the-court) briefs, policy reform, public education, training, consulting, and strategic communications, we fight for children who come into contact with the child welfare and justice systems. Widely published and internationally recognized as leaders in the field, Juvenile Law Center has substantially shaped the development of law and policy on behalf of youth. We strive to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are rooted in research, consistent with children's unique developmental characteristics, and reflective of international human rights values.

Recognizing that young people are experts on their own lives and their lived experiences are invaluable to informing the policies that affect them, Juvenile Law Center runs two youth advocacy programs - Youth Fostering Change (YFC) and Juveniles for Justice (J4J). These programs recruit and train young people with current or past involvement in the child welfare or justice systems to lead advocacy and policy reform efforts in their communities.

Juvenile Law Center is also part of a Coalition of advocates in Philadelphia—including the Defender Association of Philadelphia, Support Center for Child Advocates, Public Citizens for Children and Youth, Education Law Center, CASA of Philadelphia, Disability Rights Pennsylvania, and others –working to reduce the number of young people placed in institutions and improve conditions of confinement for the youth who remain.

Juvenile Law Center, together with its youth advocates, strongly supports the need for a Children’s Advocate [H.B. 1311], to give voice to the thousands of Pennsylvania youth in institutional confinement.

Pennsylvania youth removed from their homes through the child welfare or juvenile justice systems commonly face abhorrent conditions of confinement. Children in institutional placements through the juvenile justice system may experience solitary confinement, physical restraints, and strip searches – practices that would be considered child abuse if they occurred at home. Children under the supervision of the child welfare system also experience harsh conditions in residential placements, including restraints, physical abuse, bullying, medical neglect, and marginal living conditions. These children are often placed in institutional settings to address neglect, behavior, mental health issues, intellectual disabilities or school truancy, but conditions in institutional placements often re-traumatize the children they are intended to treat.

Tragically, the young people who endure these harsh conditions often lack any meaningful way to speak up and seek help.

This year, our J4J youth advocates focused their annual project on conditions of confinement in institutional placements in Pennsylvania. They documented their personal experiences facing illegal and inhumane practices within facilities. They also repeatedly noted how hard it was to speak out about these practices while in confinement – even to their lawyers or judges. We have heard similar stories from other members of our Philadelphia Coalition, who routinely work with or represent youth who have experienced similar draconian conditions in institutional placement, and likewise have often felt unable to seek help from an adult. The Juveniles for Justice advocates commented:

As young people in placement, we didn’t know that lawyers and advocates had a limited time with us. We didn’t know it was important to tell them everything that was happening in placement. We were scared about retribution and did not think we would be believed or that anything would be done.

Having a Children’s Advocate who will listen to youth in confidence and take their concerns seriously is key to ensuring youth in state custody receive the safe, appropriate treatment they need to thrive. Thank you for considering the testimony of Juveniles for Justice advocates Qilah, Lilly, and Hid below.¹

Please feel free to contact us with additional questions.

Kate Burdick, Esq.
Staff Attorney
Juvenile Law Center
The Philadelphia Building
1315 Walnut St. Suite 400
Philadelphia PA 19107
215-625-0551 x 130

.....

Aqilah “Qilah” David, age 19

Qilah’s Story:

Good Afternoon, my name is Qilah. I am 19 and am currently a youth advocate with Juveniles for Justice. Juveniles for Justice is a program through Juvenile Law Center that believes in the power of youth voices and provides programming for youth with juvenile justice and child welfare experience to create advocacy projects based on our experiences. We work to change those systems. I am so excited to have been part of J4J for the first time this year because I have gotten to learn about advocacy and what I could do to help better the systems. This year, in J4J we decided to address harmful conditions in placement facilities.

I am writing this testimony not only because J4J decided to work on this issue but also because my story is like many other youth’s and I want to help make a change for youth still in placement. I personally have experience being in both the juvenile justice and child welfare systems.

I was 15 when I was first sent to a juvenile detention facility. The first incident I had at this facility, was when I had been having a hard time sleeping and was having menstrual cramps, so I did not feel up to eating breakfast. I was tired, and I refused to go to breakfast. When I refused, the staff grabbed and twisted me up out of the bed. Because it was hurting, I resisted. When I did, the staff woman swung me around, punched me and when I defended myself, the staff facilitator who was nearby and saw what was happening, threw her walkie-talkie at my head. After this happened, I tried reporting what happened between me and both the staff but there was

¹ Please note that a version of this testimony was previously prepared for a May 17, 2018 hearing before Philadelphia City Council addressing conditions in institutional placements. The testimony has been edited for brevity. The J4J advocates believe their testimony also highlights the need for a Children’s Advocate to investigate harmful conditions in youth institutional placements and be the voice of youth experiencing these conditions, who are often unable to speak out against them.

no disciplinary action for the staff's behavior. Instead, I lost all my phone time with my family. I was also put in solitary confinement for 1 day.

At another placement facility I spent four days in solitary, in a room by myself that only had a metal bench. I did not receive any work and only received my meals throughout the day.

The education in this facility was also at a low standard. In school, we did art every day, it was basically free time at school. I felt like it didn't challenge me, and I did not learn anything new or what I should have while I was there.

I also spent time in a residential facility through the child welfare system. The school work I received was at a 5th grade level despite that I was in 11th grade at the time. This was not just my experience but what happened to all the youth there, no matter what grade they were in. We all had 5th grade work and we didn't receive grades.

What happened to me in placement should not have happened and should not continue to happen to any other youth.

Beatriz "Lilly" Jimenez, age 16

Lilly's Story:

My name is Lilly and I am 16 years old. I am a current youth advocate with Juveniles for Justice with the Juvenile Law Center. I am a sophomore in high school. I love to shop, dance, be with my family and have fun. I have many plans for the future, including attending college for criminal justice, joining the S.W.A.T. team, becoming a lawyer and an advocate for foster youth.

When I entered the delinquency system, I was only 13 years old. My mom thought going to a juvenile holding facility would be good for me. She thought I would be safe. She did not realize that I would be abused, strip searched, mistreated, or that I wouldn't be able continue my education. I am sharing some really hard things that happened to me because I don't want them to happen to other youth.

I first went into placement in May of 2016 and was in two different facilities for a total of about seven months. First, I was at a lockdown placement in Philadelphia and it was the worst.

There was a lot of physical abuse happening in the facility. There was one staff person assigned to each floor, and the staff felt that they could do whatever they wanted to the youth. Staff fought girls, and male staff restrained female youth, which didn't feel right to me. Staff also let youth fight other youth by giving them permission to go "off sight" of the cameras so they wouldn't be seen. I had also heard about someone being pepper sprayed in response to telling a staff person "no." I had witnessed one of my roommates shackled for days and afterward she had black and blue marks everywhere.

If I acted out, they put my hands behind my back and threw me on the floor. One time, I refused to go to the main room, and a staff person body slammed me. Then, they put me in a small room with just one staff person for about a whole day. The room was in the boy's hall, and I had nothing to do in there. I had eaten around breakfast, but from 9 am - 3:30 pm, they didn't let me eat anything.

The food also was unsafe – I found worms in my food a couple times.

There was no school at the facility. We had to stay in one room all day. There was no teacher, no books, just a tv – and even that was only on when staff wanted to watch tv.

When I was at the facility, at one point I had a seizure related to my medication while I was in my hut getting ready to sleep, and my friend noticed that I was shaking and my eyes were rolling back in my head, so she notified the staff person on the floor. But, it took 5 to 10 minutes before anyone came to help me. A man ended up coming, and he wasn't even a nurse. All he did was offer me water.

Another time, a staff member intentionally burned me with a flatiron while she was straightening my hair. Afterwards, I was in a lot of pain and asked to see the nurse, but she wasn't there because she was only part-time, and I never got to see a doctor until I went to court hearing 4 or 5 days later. By that time, it was all scarred. When my judge saw what happened, she moved me to a different floor. I had to stay at the same facility because the other placement where I was supposed to go didn't have a bed available yet.

Even though this facility is now closed, there are other juvenile delinquent centers where youth may be going through the same thing. It is hard for youth to speak up about these things.

When I was at the facility, I was too scared to open up and talk. I didn't think anyone would believe me, and I didn't think anything would be done if I did speak up—why should I think anyone would help me as they are sitting there harming me?

Jihid “Hid” Mayes, age 19

Hid's Story:

My name is Hid, I am 19 years old. I am writing this testimony to share my experiences in juvenile placement facilities here in Philadelphia and my recommendations for change.

Here are some things I'd like to share about myself. People don't usually ask (us) youth who have been in juvenile placement about ourselves, it's why they don't really know who we are. Nobody asked me about my likes, or dislikes, sometimes they don't even see me as person. I am an artist, and athlete. I love playing sports and video games. Currently, I am involved in Evening Reporting Center and this is my first year as a Youth Advocate in Juveniles for Justice at the Juvenile Law Center. I am interested in cyber security and the military. I also really enjoy

playing basketball and before placement, I was playing basketball and football, but when I got out, I couldn't go back to my old school and couldn't play.

I am giving this testimony because too many black kids are being sent away for petty crimes and are being treated unfairly in placements.

My first day in the facility, I refused to be strip searched so they called a code. This code meant that they pulled me into another room with 5-6 guards and a few of them held me and one guard forcibly searched me. This happened more than once because I refused every time.

I also witnessed youth being restrained even for talking back and refusing to do something. When staff yelled and argued with youth, they decided they were finished arguing and suddenly they got physical and would call "code black" or "code blue" and would "jump" on the youth.

I also felt the school work was bad at the on grounds school. It seemed like they only gave us work to keep us busy from doing anything. The work really didn't teach me anything. One time I got 10 punches from a guard for not doing the school work. But I wasn't really interested in the school work they kept giving work that wasn't at my grade level. Another time, I was on social media and when they caught me, they tapped me on my shoulder and told me to step out of class. As soon as I stepped out of the room, one guard held me, and another punched me. Then they made me go back to class. *I never told anyone at the facility because the staff who punched me would bribe me and other youth they hit with snacks to not tell the CO, or when it happened to me, told me to not tell when I went to court.* No kid should be beaten up from staff at the facility and especially not for refusing to do class work that's not on our level. If this happened in regular school teachers could be arrested and fired.

In this same facility I also spent time in solitary for 1 week once. They put me in solitary because someone in the cafeteria was looking at me and I felt threatened. In solitary, the whole room was cushion – a sponge-like substance. They only checked on me when it was time for meals and they brought my class work to me, otherwise there was nothing for me to do and no one for me to interact with, I slept, looked at the wall, worked out in the room, and I ate—that's it, for a whole week. At first, I didn't think it would impact me, but after even being in the room with nothing to do for a few minutes it started to bother me, it made it feel weak because there was nothing I could do to get out. There was only really me, the walls and the floor.

At this placement a lot of people were also physically injured, including myself. I had gotten a busted lip and broken ribs from a guard. If you all were behind those walls and faced what we faced you would understand how horrible it was for me.

I recently found out that this placement was later shut down. But, despite this place being shut down *this is just one of many placements that youth have and will continue to be sent to and experience things like abuse, solitary, poor education without being able tell what happened.*

The things we face change us and can hurt us to the point where youth want to commit suicide. Kids shouldn't be sent to placement, especially for petty crimes, and we shouldn't be abused in placement.