



PA Senate Judiciary Committee Hearing on Youth Justice

May 23, 2022

Written testimony presented by the [Youth Sentencing & Reentry Project](#)

The Youth Sentencing & Reentry Project (YSRP) is a Philadelphia-based nonprofit organization that works with youth who are prosecuted in adult court, and advocates for the abolition of youth incarceration. We use direct service and policy advocacy to transform the experiences of children prosecuted in the adult criminal justice system, and to ensure fair and thoughtful resentencing and reentry for individuals who were sentenced to life without parole as children. Philadelphia, where we are located, has sentenced more children to die in prison than any other place in the world.

We believe that all people, and especially young people, have the capacity to evolve. This is one of many reasons that our current system of mass incarceration, in which we treat people as disposable, is especially unjust for children. We want to highlight some of the unique processes - and unique impacts - of this system for children. There are several key practices in youth sentencing in Pennsylvania, all of which are happening alarmingly frequently today, which are unjust and deeply harmful to children, including:

- Trying children as adults;
- Incarcerating children away from their homes and communities; and
- Charging fines and fees to children.

Before we get into the specifics of these areas, we want to be clear about where change must occur: **Pennsylvania's laws allow for, and in some cases require, all of the harmful practices I am going to describe. Legislation is the only possibility for meaningful,**

statewide change on these issues. Despite professions of good intentions and many, many hours of training for system actors, these practices continue. We need changes in law in order to ensure that more children are not harmed.

Trying Children as Adults

Pennsylvania law allows, and in some cases requires, children to be tried as adults. Children who are tried as adults lose access to many procedural and practical safeguards offered to them in the juvenile justice system. But, the most grave injustice of this practice is that it means that they often spend significant time in jail and prison with adults. YSRP's client-partners routinely describe being held in jail as a child as terrifying and traumatizing. YSRP has a client-partner who has been incarcerated in an adult jail for the past 15 months, was not initially enrolled in school, and over the course of his incarceration has only been provided 7 days of instruction. **Children do not belong in adult jail cells; they belong in school.**

Children are children, and there should not be exceptions. All children deserve to be treated as more than the worst thing they have ever done, and incarceration and sentencing in the adult system effectively treats them as disposable rather than redeemable, which is fundamentally contrary to the stated goals of the juvenile justice system. Charging youth as adults also subjects them to mandatory minimum sentences; a travesty for *anyone* but particularly unfair for the children who are impacted, the majority of whom are Black and brown. **According to the Pennsylvania Juvenile Justice Task Force Report released in June 2021, 465 youth were tried as adults in 2019 in Pennsylvania, with appalling racial disparities. While Black boys are 7% of the PA youth population, they make up 56% of adult prosecution convictions.** These were the starkest racial disparities the Task Force found anywhere in the system. There is just no way for Pennsylvania to have a just "justice" system while this practice continues. **We urge you**

as legislators to abolish the practice of charging, trying, and sentencing children as adults.

Incarcerating Children Away from Their Homes and Communities

Even when children are treated as children, a shockingly common outcome of cases in Pennsylvania's juvenile justice system is removal from the home to a carceral setting, commonly called "placement" – oftentimes hundreds of miles away from a young person's home community. **Research overwhelmingly shows that incarcerating children does not reduce recidivism** - if anything it increases it. It also disrupts the positive supports that youth have in their families, schools, and communities, and leads to the serious challenge that we deal with every day at YSRP - the transition from a carceral setting back into the community after a long time away. Incarcerated children are also vulnerable to abuse, as we have seen time and time and time again in Pennsylvania. It is astonishing and infuriating to us, and more importantly to the young people and families YSRP partners with - that **we keep allowing child abuse to occur in state-run and state funded facilities**. This is perhaps too obvious, but the children who were abused at Glen Mills - and so many other facilities - would not have been had they not been incarcerated.

Pennsylvania law and court rule *already* encourage judges and other decision-makers to consider incarceration as a last resort, and to use it "**only when necessary.**" Despite this, and the overwhelming evidence of its ineffectiveness, Pennsylvania incarcerates thousands of children every year, at an enormous cost in dollars to taxpayers and a staggering cost in trauma to children and families. The Task Force found that there were more than 3,000 placement dispositions in 2018, and nearly two thirds of those children were adjudicated of offenses that would most likely result in probation for an adult. Can you imagine having your child or neighbor incarcerated on a low-level charge and removed from home by the state? This happens **every day** in Pennsylvania, especially in

Black and brown communities. Given the abysmal record Pennsylvania has of incarcerating children despite stated intentions not to; **only significant changes to the law - for example, banning placement as a response to most charges - can address the fundamental injustice of this system.**

Charging Fines and Fees to Children and their Families

Children in the juvenile justice system, despite often living in poverty, are regularly charged fines, fees and restitution, and then held on probation or other supervision until they can repay their debt. This unnecessarily prolongs the amount of time that children are subject to supervision by the court, and can very often lead to re-incarceration on technical violations of probation. There is no good reason, in 2022, to be levying fines and fees against children. Many counties - including Philadelphia - have stopped elements of this practice of their own volition, but it is still common across the state. It must be abolished by law.

Closing

These are just a few examples of harmful sentencing and related practices that Pennsylvania is engaging in today, and that we witness every day in our work at YSRP. We strongly urge you to take legislative action to correct these injustices, and prevent further harm to young people like the leaders we work with every day on the *Care, Not Control* campaign. These young leaders speak from lived experience, and we strongly encourage this committee to create space to hear from those who are most directly impacted by Pennsylvania's broken carceral system.