

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON CHILDREN AND YOUTH

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, May 17, 2018
1:20 p.m.

PRESENT:

COUNCILWOMAN HELEN GYM, CHAIR
COUNCILWOMAN JANNIE L. BLACKWELL
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN CURTIS JONES, JR.
COUNCILWOMAN CHERELLE L. PARKER
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILWOMAN BLONDELL REYNOLDS BROWN

BILL 180368 - An ordinance amending Chapter 9-3500 of The Philadelphia Code, entitled "Fair Criminal Record Screening Standards," by adding a section providing for prohibition on consideration of or inquiry about an applicant's juvenile records...

RESOLUTION 171142 - Resolution authorizing the Committee on Children and Youth to hold public hearings reviewing the quality of services, and namely the quality of education, that residential placements contracted with the City of Philadelphia provide...

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2 COUNCILWOMAN GYM: Good
3 afternoon, everybody. Thank you very
4 much for being here today. This hearing
5 is now called to order. This is the
6 public hearing of the City Council
7 Committee on Children and Youth. The
8 purpose of this public hearing is to hear
9 testimony on Bill No. 180368 and
10 Resolution No. 171142.

11 I recognize the presence of a
12 quorum of Committee members. I'd like to
13 acknowledge the members of the Committee
14 in attendance: Councilmembers Parker and
15 Johnson. Thank you very much for being
16 here.

17 A quick procedural note. We
18 are going to hear testimony on Bill No.
19 180368 first and then proceed into a
20 public meeting to consider action on that
21 bill before hearing testimony on
22 Resolution No. 171142. I thank everyone
23 here for their attendance and their
24 patience.

25 Councilmembers, do you have any

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2 opening remarks?

3 (No response.)

4 COUNCILWOMAN GYM: The Clerk
5 will now read the title of the bill.

6 THE CLERK: Bill No. 180368,
7 amending Chapter 9-3500 of The
8 Philadelphia Code, entitled "Fair
9 Criminal Record Screening Standards," by
10 adding a section providing for
11 prohibition on consideration of or
12 inquiry about an applicant's juvenile
13 records at any stage of the employment or
14 licensing process, and adding
15 definitions; all under certain terms and
16 conditions.

17 COUNCILWOMAN GYM: Thank you
18 very much.

19 This bill provides further
20 protections to those with juvenile
21 records who seek to gain work experience
22 and build their skills. Juvenile records
23 currently are too easily accessible, and
24 while Pennsylvania law strictly limits
25 their consideration during the hiring

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2 process, such protections are not
3 currently reflected in our local Ban the
4 Box law. This provision will cement
5 Philadelphia's Ban the Box law as a
6 national model.

7 I want to thank the Juvenile
8 Law Center, Community Legal Services, the
9 Philadelphia Human Relations Commission,
10 and the staff and administration of the
11 Philadelphia Juvenile Justice Services
12 Center, including Lindback Award-winner
13 Principal Deanna Ramsey, for their
14 tremendous contributions to making the
15 juvenile justice system work for our
16 young people.

17 Will the Clerk please call the
18 first witness to testify on the bill.

19 THE CLERK: Rue Landau, Riya
20 Shah, Jamie Gullen, and Sasha, client of
21 Community Legal Services.

22 (Witnesses approached witness
23 table.)

24 COUNCILWOMAN GYM: Hi. Good
25 afternoon. Thank you very much for being

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2 here. I'm going to make a slight
3 procedural adjustment for the purposes of
4 attendance of quorum right now with our
5 Councilmembers. Right now we're just
6 going to suspend the public hearing for a
7 moment and we're going to go into a
8 public meeting to consider the action to
9 be taken on this bill.

10 The Chair recognizes Councilman
11 Kenyatta Johnson for a motion on Bill No.
12 180368.

13 COUNCILMAN JOHNSON: Thank you,
14 Madam Chair. I move that Bill No. 180368
15 be reported out of this Committee with a
16 favorable recommendation and that the
17 rules of Council be suspended to allow
18 for first reading at our next session of
19 Council.

20 COUNCILWOMAN GYM: Thank very
21 much. Is there a second?

22 (Duly seconded.)

23 COUNCILWOMAN GYM: Thank you
24 very much. It has been moved and
25 properly seconded that Bill No. 180368 be

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2 reported from this Committee with a
3 favorable recommendation and further
4 moved that the rules of Council be
5 suspended to permit first reading of this
6 bill at the next session of Council.

7 All those in favor will signify
8 by saying aye.

9 (Aye.)

10 COUNCILWOMAN GYM: Any opposed?

11 (No response.)

12 COUNCILWOMAN GYM: The ayes
13 have it and the motion carries. Bill No.
14 180368 will be reported from this
15 Committee with a favorable recommendation
16 with a request that the rules of Council
17 be suspended to permit first reading at
18 the next session of Council.

19 So now we are going to go back
20 into our public hearing to consider Bill
21 No. 180368. And I'd like to just
22 recognize the witnesses here today.
23 Thank you so much. If you could just
24 start by stating your name for the record
25 and then proceed with your testimony.

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2 And before you start, I'm
3 sorry. The Chair recognizes
4 Councilmember Parker.

5 COUNCILWOMAN PARKER: Thank
6 you, Madam Chair. One, I want to say
7 thank you to both of you and our
8 colleague Councilman Kenyatta Johnson for
9 your leadership on this issue and just
10 want the record to reflect that while I'm
11 here and I wanted to make sure that we
12 voted so that we could have enough votes
13 present today in order to vote the bill
14 out of Committee; however, I do have to
15 leave due to a longstanding commitment in
16 the Ninth Councilmanic District, but
17 wanted to make sure that my vote was
18 counted on this issue.

19 So thank you, and to all of the
20 advocates and particularly the young
21 people in this audience, your presence
22 here today will help put us on a path to
23 bring some much-needed balance to the
24 scales of justice relative to juvenile
25 justice in the City of Philadelphia, and

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2 I want to say thank you.

3 COUNCILWOMAN GYM: And the
4 Chair recognizes Councilman Johnson.

5 COUNCILMAN JOHNSON: Just in
6 starting, I want to thank my colleague
7 Councilwoman Gym for being on the front
8 line of advocating for our youth. I come
9 from a background where I have a special
10 interest in making sure we reduce the
11 school-to-prison pipeline and, most
12 importantly, making sure that juveniles
13 do not become adult prisoners.

14 I remember as a young man
15 growing up in South Philadelphia. I
16 always wasn't on the right path and I had
17 a judge by the name of Judge Reynolds.
18 And I wasn't doing what I was supposed to
19 be doing, and I remember he sentenced me
20 to juvenile probation because during that
21 time, I was at least going to school.
22 And so now as an adult, being a graduate
23 of Mansfield University where I received
24 my degree in criminal justice with dual
25 minors in philosophy and sociology, as

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2 well as being a graduate of the
3 University of Pennsylvania Fels Center of
4 Government where I received my Master's
5 degree, as well as receiving a
6 certificate from the Harvard School of
7 Business for non-profit leadership and
8 board management, it's legislation such
9 as this that has allowed me to go on and
10 become the young man who I am today. And
11 because I got in trouble as a juvenile,
12 it didn't hinder me from being able to be
13 a Councilperson representing the Second
14 Councilmanic District as well as a former
15 State Representative.

16 And so I do want to thank all
17 of you for stepping up to the plate and
18 providing your testimony in support of
19 this legislation but, most importantly,
20 Councilwoman Helen Gym who brought to my
21 attention how seriously and important it
22 is to make sure that our young people
23 have all the opportunities that are
24 available to them to go on and follow
25 their own dreams, goals, and aspirations

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2 in spite of the decisions they may have
3 made in their lives, and so I want to
4 thank the Councilwoman.

5 And now I'm going to turn it
6 back over to the Chair.

7 COUNCILWOMAN GYM: Thank you
8 very much, Councilmember Johnson, and it
9 is really an honor to be able to partner
10 with members of City Council who have
11 long held this issue of young people in
12 our systems at the most vulnerable stages
13 of their lives in the highest levels of
14 City government. So thank you very much.

15 So if you could just please
16 state your name for the record and
17 proceed with your testimony.

18 MS. LANDAU: Great. Thank you.
19 Thank you, Chairwoman Gym and members of
20 the Committee on Children and Youth for
21 giving me the opportunity to testify in
22 support of Bill No. 180368. I'm Rue
23 Landau, Executive Director of the
24 Philadelphia Commission on Human
25 Relations, and I'm joined by my Deputy

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2 Director, Pam Gwaltney, who oversees our
3 Compliance Unit who handles the Ban the
4 Box cases.

5 The Commission is the City
6 agency that administers and enforces the
7 Fair Practices Ordinance, the law that
8 prohibits discrimination in employment,
9 housing and public accommodations, and
10 the delivery of City services. Our
11 agency also enforces the Fair Criminal
12 Records Screening Standards Act, formerly
13 called the Ban the Box law and now known
14 across the nation as the Fair Chance
15 Hiring Law found in Chapter 9-3500 of The
16 Philadelphia Code.

17 Over the years, Philadelphia
18 has amended the Fair Practices Ordinance
19 and other laws numerous times as the City
20 has taken the lead on civil rights
21 initiatives that reflect the reality of
22 our times. What brings me here today is
23 that once again the City has the
24 opportunity and responsibility to further
25 strengthen its protection of the civil

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2 rights of individuals with criminal
3 records to include those individuals
4 encountering the criminal justice system
5 as juveniles.

6 I'm going to skip over some of
7 my testimony. I know we're short on
8 time, and I've got a lot of lawyers on
9 the panel here.

10 In 2011, to combat the multiple
11 employment obstacles for people with
12 criminal records, Philadelphia passed the
13 Ban the Box law. The purpose of the law
14 was to eliminate barriers to employment
15 for people with criminal records by
16 prohibiting questions about criminal
17 history on job applications and during
18 the first interview so that people with
19 records could be reestablished with their
20 communities and become contributing
21 members of society. It also prohibited
22 questions regarding records of arrests
23 that did not lead to conviction.

24 After a few years, it became
25 clear that our Fair Chance Hiring Law

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2 needed to do more than remove the box
3 from the application to be truly
4 effective. In 2015, the law was amended
5 to prohibit an employer from running a
6 criminal background check until after the
7 applicant received a conditional offer of
8 employment. If, through a background
9 check, an employer discovers that an
10 applicant has a criminal history, the
11 applicant must be provided an
12 individualized assessment for the
13 particular job. In other words, they
14 look at the nature of the crime, when it
15 occurred, and what is the connection to
16 the job the person is seeking. These
17 standards are consistent with existing
18 state law and federal EEOC guidance.

19 After the assessment, the
20 employer may reject an applicant based on
21 their criminal record only if the
22 employer can reasonably conclude that the
23 applicant would present an unacceptable
24 risk to the operation of the business or
25 to co-workers or customers. A rejection

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2 must be presented to the applicant in
3 writing with an opportunity for the
4 applicant to respond to the
5 determination.

6 This current system removes
7 significant barriers to employment and
8 provides true assistance to people with
9 records as they reintegrate into their
10 communities. It also provides greater
11 clarity and guidance to employers.

12 Since our law was passed in
13 2011, the Commission has helped to ensure
14 effective implementation of the ordinance
15 through education as well as enforcement.
16 Through outreach efforts, partnerships,
17 and trainings, we have reached hundreds
18 of employers and thousands of people with
19 criminal records. Also we have
20 investigated and successfully resolved
21 over 160 complaints regarding
22 non-compliance with the law. This summer
23 we will expand our outreach efforts
24 through a media campaign that will allow
25 us to reach even more people with

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2 records.

3 The City now has the
4 opportunity to do more to overcome the
5 barriers to employment by closing a
6 loophole and ensuring that juvenile
7 criminal records do not create barriers
8 to employment. Across the nation,
9 juvenile records are protected according
10 to state-by-state policies regarding
11 confidentiality and expungement.
12 Nevertheless, increased access to
13 juvenile records through online databases
14 and background check companies only
15 increases the likelihood of lifelong
16 consequences of juvenile adjudications.
17 By establishing limitations on the
18 consideration of juvenile records for
19 employment, Philadelphia will remain a
20 leader in Fair Chance legislation.
21 Passage of this bill will help ensure
22 that youth who have interacted with the
23 criminal justice system are more likely
24 to have a fair chance at employment.

25 Thank you for the opportunity

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2 to testify. I'm here for any questions.

3 COUNCILWOMAN GYM: Thank you
4 very much, Commissioner.

5 Would the next witness please
6 state your name and your testimony, and
7 feel free to summarize as you see
8 necessary. Thank you.

9 MS. SHAH: Good afternoon,
10 Council. My name is Riya Saha Shah. I'm
11 an attorney with Juvenile Law Center, the
12 first public interest law firm for
13 children in this country. Juvenile Law
14 Center advocates for the rights, dignity,
15 equity, and opportunity for youth in the
16 child welfare and justice systems. Core
17 to our work for over 40 years is ensuring
18 opportunities for justice system-involved
19 youth.

20 I'd like to start by first
21 recognizing the Philadelphia Commission
22 on Human Relations and Councilwoman Gym
23 for her leadership in introducing this
24 important piece of legislation that
25 furthers opportunities for youth involved

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2 in the justice system.

3 As we just heard, this
4 ordinance that has a proposed amendment
5 today is one of the most robust laws of
6 its kind in this country, and today this
7 Council has the opportunity to make it
8 even stronger. To date, few Ban the Box
9 provisions have explicitly addressed the
10 records of young people involved in the
11 juvenile justice system. This would be
12 one of the first of its kind in the
13 country.

14 At the first moment of contact
15 with law enforcement or the court system,
16 a young person has a record. These
17 records can impede successful transitions
18 to adulthood for many youth, especially
19 when they remain available long after the
20 youth's involvement with the justice
21 system has ended. Records can create
22 obstacles for youth seeking employment,
23 education, housing, and other
24 opportunities. The common belief that
25 juvenile records are confidential or

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2 disappear after the age of 18 is false.

3 With an increase in juvenile
4 crime in the 1990s, Pennsylvania, along
5 with a number of other states, eliminated
6 earlier practices designed to protect
7 juvenile record confidentiality. As
8 juvenile crime has been on steady decline
9 over the last 15 years, states have begun
10 to rethink these policies to give youth a
11 meaningful chance at rehabilitation and
12 positive reintegration into the
13 community.

14 Yet today, records are still
15 used as an excuse to deny opportunities
16 and to protect employers and landlords
17 from liability. Research confirms, and
18 the law recognizes, that youth have the
19 capacity for change and rehabilitation,
20 and yet records continue to erect
21 barriers to youths' success as they grow
22 into adulthood. Moreover, records can
23 reinforce the pervasive racism in our
24 justice system. Black youth are five
25 times more likely to be arrested and

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2 incarcerated than white youth. Juvenile
3 records limit their future opportunities,
4 perpetuate mass incarceration of people
5 of color, and sustain cycles of poverty.
6 This new legislation will help to reduce
7 those consequences.

8 Thank you for giving us the
9 opportunity to speak on this issue today.

10 COUNCILWOMAN GYM: Thank you so
11 much for your testimony.

12 Would the next witness please
13 state your name and read your testimony
14 in the record. Thank you.

15 MS. GULLEN: Good afternoon.
16 My name is Jamie Gullen and I'm a
17 Supervising Attorney in the Employment
18 Unit at Community Legal Services where I
19 also co-lead CLS's Youth Justice Project.
20 CLS's Employment Unit has been at the
21 forefront of advocating for the rights of
22 people with records for decades. Every
23 year we work with around 1,000 low-income
24 Philadelphians who are seeking
25 employment, but are struggling because of

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2 juvenile or criminal records. Whenever
3 possible, we help our clients to clear up
4 their records through the expungement
5 process, but we also advocate for our
6 clients to be able to work so that they
7 can support themselves and their
8 families.

9 Philadelphia's Fair Criminal
10 Records Screening Ordinance, or Ban the
11 Box as it's more informally known, has
12 become a very important tool for us in
13 our office that we use every single day
14 to ensure that our clients are not being
15 unfairly denied employment opportunities.
16 Expanding the law to explicitly bar
17 consideration of juvenile records in the
18 hiring process will address the growing
19 problem we see in our office of people
20 being denied employment because of
21 juvenile records, sometimes even more
22 than a decade after their system
23 involvement has ended.

24 Especially in high-growth
25 industries like the healthcare industry

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2 where background checks are very
3 routinely conducted, juvenile records are
4 particularly likely to pop up, causing
5 unnecessary denials of employment. While
6 state law already makes clear that
7 juvenile adjudication should not be
8 considered the same way as adult criminal
9 convictions, without explicit statutory
10 language barring juvenile records from
11 consideration in the hiring process,
12 juvenile records all too often lead to
13 job denials.

14 The impact of such job denials
15 are deeply felt by individuals and
16 communities. One in four Philadelphia
17 youth are considered opportunity youth,
18 youth who are disconnected from education
19 and employment, and this is a rate far
20 higher than the national average. It is
21 also estimated that one out of three
22 youth by the time they reach age 25 will
23 have been arrested. With nearly 90
24 percent of employers conducting some kind
25 of criminal background check in their

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2 hiring process, it is absolutely
3 essential for employers to understand
4 that juvenile records should never be
5 used to deny employment.

6 The future of our city rests on
7 the ability of young adults to be able to
8 find jobs, build careers, and support
9 their families. Expanding our Ban the
10 Box law to make clear that employers
11 cannot consider juvenile records in the
12 hiring process is a critical step forward
13 to ensure opportunity for our city's
14 young people.

15 I want to thank Councilwoman
16 Gym and the Philadelphia Commission on
17 Human Relations for your commitment to
18 this important issue and for having us
19 here to speak today, and I'm particularly
20 excited to have CLS client Sasha here
21 with us today to talk a little bit more
22 about what her experience has been like
23 in being denied employment because of a
24 juvenile record.

25 COUNCILWOMAN GYM: Thank you.

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2 Thank you. Welcome to City
3 Council.

4 SASHA: Thank you. Good
5 evening, Council. My name is Sasha and I
6 am a mother of a three-year-old daughter,
7 a daughter to an aging mother, and a
8 Philadelphia native. When I was 15 years
9 old, I was living with my mom who had
10 split up with my dad and I ended up --
11 excuse me. Pardon me. And money was
12 very tight. We didn't have enough to
13 meet our daily needs. I ended up selling
14 drugs to try to get some more money for
15 our family. I was arrested and found
16 guilty of a felony drug dealing. After
17 that happened, I never got in trouble
18 again and haven't been arrested in more
19 than 15 years.

20 After graduating from high
21 school, I was able to find work, mostly
22 in the retail field. When I was pregnant
23 with my daughter, I left my job due to
24 complications within my pregnancy and
25 focused for a while on being a good

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2 mother to her. Unfortunately, then my
3 mom became very sick and I began spending
4 most of my time taking care of her. I
5 was helping her with bathing, cooking,
6 cleaning, paying bills, food shopping,
7 making sure she took her medication,
8 making doctor's appointments, and taking
9 her to doctor's appointments. Since I
10 was already helping take care of my
11 mother pretty much full time and we
12 needed more income for our family, I
13 decided to apply to be a home healthcare
14 worker so I could get paid to care for my
15 mother.

16 When I began applying to home
17 health agencies, I discovered that my
18 juvenile record was still coming up on my
19 background all these years later. I
20 thought because it was a juvenile case,
21 it would have been automatically expunged
22 or kept private, and I was very surprised
23 that it kept coming up. Unfortunately,
24 the home health agencies I applied did
25 not understand that juvenile records are

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2 different from adult records and they
3 denied me from being able to work with my
4 mother.

5 I came to Community Legal
6 Services for help getting my juvenile
7 record expunged, but that process took
8 more than six months. In the meantime,
9 my mother could not wait and had to get a
10 different home health worker. Finally,
11 my record was expunged. I was able to
12 find part-time work in the home
13 healthcare, but I went for many months
14 with no income and was denied the
15 opportunity to take care of my sick
16 mother, all because employers did not
17 understand that my juvenile record should
18 not have been held against me.

19 I am here today to support this
20 bill so that other people will not have
21 to go through what I went through and so
22 that it is very clear to employers in
23 Philadelphia that juvenile records should
24 not keep people from working to provide
25 for their families. As a kid, we all

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2 make mistakes, but it's important that
3 people are able to move past these
4 mistakes and have opportunities in life.

5 Thank you, Council.

6 COUNCILWOMAN GYM: Thank you so
7 much.

8 (Applause.)

9 COUNCILWOMAN GYM: Thank you
10 very much for your testimony. It's so
11 deeply moving and emphasizes the
12 importance of why we're moving forward on
13 this. Thank you so much for your
14 testimony today.

15 Is there anyone else -- the
16 Chair recognizes Councilman Johnson for a
17 question.

18 COUNCILMAN JOHNSON: Thank you.

19 This question is for Jamie from
20 Community Legal Services. So how many
21 cases do you receive on a yearly basis
22 that you have to help juveniles with and
23 their family members with as it relates
24 to this particular issue?

25 MS. GULLEN: I would say of the

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2 thousand clients I mentioned we help
3 every year with juvenile or criminal
4 records, at least a quarter of those
5 clients are young people who are facing
6 barriers to employment because of
7 juvenile records.

8 COUNCILMAN JOHNSON: And what's
9 your clearance rate in terms of assisting
10 them with the expungements?

11 MS. GULLEN: With the
12 expungement process we're able to be very
13 successful, but the issue is that it can
14 take a very long time for the records to
15 be removed from all the places where they
16 live, because the records need to come
17 out of the court system, out of the state
18 police system, out of the FBI system, out
19 of commercial background check companies'
20 systems, and for all of that to actually
21 be implemented can take up to even a year
22 from the time somebody comes into our
23 office. So while expungement is a great
24 remedy and should be expanded, it's not
25 enough to just rely on expungements, and

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2 not everybody qualifies for expungements
3 and not right away. So for those who
4 won't benefit from expungement or while
5 the expungement process is ongoing, these
6 additional employment protections are
7 really critical.

8 COUNCILMAN JOHNSON: All right.
9 Thank you very much.

10 And last, Sasha, just thank you
11 for stepping up to the plate and sharing
12 your testimony publicly during this
13 hearing. Thank you.

14 SASHA: You're welcome. Thank
15 you for the opportunity.

16 COUNCILWOMAN GYM: The Chair
17 recognizes the presence of our Vice Chair
18 Councilwoman Reynolds Brown. Thank you
19 very much for being here.

20 Thank you very much. Are there
21 any other questions for this panel?

22 (No response.)

23 COUNCILWOMAN GYM: Seeing none,
24 thank you very much for your testimony
25 and speaking to this.

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2 Is there anyone else who would
3 like to testify to this resolution?

4 MS. BENNETT: I would.

5 COUNCILWOMAN GYM: Mr. King, do
6 you want to come forward.

7 Ma'am, do you want to come
8 forward up here too.

9 (Witness approached witness
10 table.)

11 COUNCILWOMAN GYM: Thank you
12 very much. If you could state your name
13 for the record and proceed with your
14 testimony.

15 MR. KING: Absolutely. Yes.
16 My name is Sayid King and I am a teacher
17 at the Philadelphia Juvenile Justice
18 Service Center, and Councilwoman Gym, I
19 just thank you. Thank you very much for
20 leading the charge on getting this law
21 passed.

22 Yes. Again, I am from the
23 Juvenile Justice Service Center and we
24 see approximately 1,500 kids, and that's
25 not including the summer, in the course

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2 of a year. We have three times more boys
3 than girls, and the average student at
4 our center is there roughly about 35
5 days. And while they're there for 35
6 days, their time served, whatever time
7 they're going to be sentenced, doesn't
8 start until they actually leave. So if
9 you have a kid that is there for 35 days
10 or even longer and they're sent away for
11 four months, they're sent away for four
12 months, so they actually did -- let's say
13 if it was three months, so they actually
14 did in total seven months where they
15 maybe had a four-month charge.

16 In our program, students, they
17 actually receive credit toward
18 graduation. They actually attend school.
19 And our program consists of a phenomenal
20 C-tech vocational program that we just
21 started in the past couple years where
22 students are able to learn about
23 fiberoptics, copper wiring. We have an
24 audiovisual program. They learn about
25 energy management. Our goal is to

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2 prepare them for the workforce, so when
3 they leave, they're able to have a second
4 chance.

5 When I think of these students
6 that come there, some of them come from
7 impoverished backgrounds. Just because
8 they come from impoverished background
9 does not mean that they are stupid.

10 So as a teacher there, I just
11 not only teach my subject matter, but I
12 actually teach life as well. That's the
13 goal, to reduce recidivism and keep them
14 from returning. So I opened up a lesson
15 this past week about -- and wanted just
16 to get their voices, and I told them what
17 I was going to be doing here today, and
18 I'm just going to run off a couple
19 bullets of what the kids are saying.

20 When it comes to Ban the Box,
21 they said Ban the Box for juveniles
22 should be enforced because it gives
23 them -- it makes way for their future.
24 Also they said that the expungement
25 process, it takes too long. They said

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2 charges based on adult mindset instead of
3 a child mindset. They make mistakes as
4 children, and we know that in the
5 development of the brain, it's not the
6 same versus the brain of an adult. They
7 also said they're being judged based on
8 their environment, the environment that
9 they're coming from. Because some of
10 them had fell victims to be product of
11 their environment, they're being judged
12 on that.

13 They also said that the lack --
14 there is a lack of opportunities for
15 teenagers, and because there's a lack of
16 opportunity for teenagers, they tend to
17 fall victim of the circumstances around
18 them.

19 They also said that the box
20 stands in their way and it actually
21 hindered the vision of their future. And
22 one of the students was very illustrative
23 in trying to explain it and she said
24 pretty much, the box is there. They know
25 that they have committed the crime. So

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2 what's the use? All the work they have
3 put in at the center and have gained
4 certifications in the C-tech program,
5 what's the use if you're going to judge
6 me before I even get an interview?

7 So the rejection of this law,
8 if this law is rejected, this bill is
9 rejected, which I pray that it's not, it
10 will be a slap in the face to all the
11 hard work that these students have put in
12 in trying to make a difference in their
13 lives.

14 So if I can close out, I will
15 end on a quote from a mentor of mine.
16 Each of us need all of us and all of us
17 need each of us. So with the passing of
18 this bill, it will validate the voice of
19 the youth and it will give them hope that
20 they really mean something.

21 (Applause.)

22 COUNCILWOMAN GYM: Mr. King, I
23 especially just want to acknowledge you
24 and your principal, Deanna Ramsey, and of
25 course the presence of Timene Farlow for

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2 inspiring us to pursue this legislation
3 in the first place. I think that was
4 extremely moving and a really powerful
5 conversation, and we just really want to
6 thank you for your dedicated work and
7 leadership on behalf of our young people
8 in the City. So thank you.

9 MR. KING: You're welcome.

10 Thank you.

11 COUNCILWOMAN GYM: Thank you
12 very much.

13 (Applause.)

14 COUNCILWOMAN GYM: Is there
15 anyone else here who would like to
16 testify on behalf of this bill?

17 (No response.)

18 COUNCILWOMAN GYM: Seeing none,
19 this concludes the public hearing on Bill
20 No. 180368 and we will now go into a
21 public hearing to consider Resolution No.
22 171142.

23 The Clerk will now read the
24 title of the resolution.

25 THE CLERK: Resolution 171142,

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2 authorizing the Committee on Children and
3 Youth to hold public hearings reviewing
4 the quality of services, and namely the
5 quality of education, that residential
6 placements contracted with the City of
7 Philadelphia provide for the care,
8 treatment, and development of
9 Philadelphia youth.

10 COUNCILWOMAN GYM: Thank you
11 very much.

12 Before I ask my Councilmembers
13 for opening remarks, I just want to thank
14 a few people in the audience who are here
15 today. State Representative Vanessa
16 Lowery Brown, thank you very much for
17 being here. I want to recognize our
18 former Councilman Denny O'Brien. Thank
19 you very much, Councilman, for being here
20 as well. I know we have a number of
21 other people, including Commissioner Joan
22 Erney from CBH. I want to acknowledge
23 the presence of District Attorney General
24 Josh Shapiro's office, as well as our
25 Disability Rights Network, our School

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2 District, and our District Attorney's
3 office. Thank you very much, everybody,
4 for moving forward.

5 Would any of my Councilmembers
6 like to make any opening remarks before
7 we head into this resolution?

8 (No response.)

9 COUNCILWOMAN GYM: So we are
10 here today with this incredible audience
11 of advocates and people passionate about
12 the future of our young people to talk
13 about youth placement, youth confinement,
14 and youth imprisonment. We're here to
15 talk about the ways that our children end
16 up in these placements, what happens to
17 young people once they have contact with
18 the system. And today we're here to hold
19 space for an issue that has the
20 remarkable ability to be at the same time
21 both oversimplified and overcomplicated.

22 Our youth who are put in
23 placements sit at the intersection of our
24 education, justice, and child welfare
25 systems, and we need to do right by them.

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2 In almost 100 percent of the time, our
3 young people in institutional placements
4 got there because we didn't hold up our
5 end of the bargain.

6 We recognize that this is not a
7 new issue, that in the 1970s the head of
8 the Pennsylvania juvenile system called
9 the model of institutional placements
10 antiquated and a model that needed to go.
11 I have talked with my Council colleagues,
12 including Councilwoman Blondell Reynolds
13 Brown, who have talked about their years
14 of working on this issue and having to
15 bring it back up again.

16 In July, the National Council
17 of Family and Juvenile Court Judges
18 passed a resolution calling for
19 independent oversight of youth
20 confinement facilities. These judges
21 noted that nationally 54,000 youth are
22 housed in residential confinement
23 facilities every year. And since 2000,
24 youth in 29 states and the District of
25 Columbia have experienced, according to

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2 the report, systemic and recurring
3 maltreatment while confined in a juvenile
4 detention facility. This report showed
5 that over 40 percent of youth in secured
6 facilities reported feeling somewhat or
7 very afraid of being physically attacked
8 while detained; 45 percent reported that
9 staff unnecessarily used force against
10 youth; and 30 percent reported that
11 solitary confinement was used as a form
12 of discipline.

13 There were nearly 9,500
14 allegations of sexual victimization of
15 youth reported in state or local and
16 private facilities between 2007 and 2012.
17 And just today the Inquirer reported on
18 Philadelphia's overreliance on solitary
19 confinement.

20 Our city has made significant
21 progress. Fewer kids are in placement
22 than once was, but that decline is not
23 good enough, because that decline was not
24 good enough for David Hess, who was
25 murdered at Wordsworth over an iPod. The

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2 decline was not good enough for the
3 dozens of teenage girls sexually
4 assaulted by staff members at Wordsworth.
5 And it wasn't good enough for Omega
6 Leach, who was strangled and killed in
7 2007 at the Chad Youth Enhancement Center
8 in Tennessee, thousands of miles away
9 from home.

10 Omega's death brought most of
11 our kids back into our state, and David
12 Hess's death and the sexual assault of
13 teen girls did shut down Wordsworth. But
14 I know I speak on behalf of my colleagues
15 when I say that there won't be another on
16 our watch. There won't be one more
17 death, one more assault or rape in
18 facilities that we fund with taxpayer
19 dollars if we have anything to do with
20 it.

21 (Applause.)

22 COUNCILWOMAN GYM: And in the
23 last few months, we've had a chance to
24 learn from so many of Philadelphia's best
25 advocates. We've learned from

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2 jurisdictions across this country that an
3 eight-hour drive away from home is simply
4 too far. Millions of dollars in taxpayer
5 money is too much to spend on a subpar
6 education. Our systems, no matter how
7 difficult, how many, and how complex,
8 have an obligation to get it right, and
9 as elected officials, we have a role to
10 play in that process.

11 Today our City agencies - DHS,
12 CBH, the Philadelphia School District,
13 and others - will share the critical work
14 that they are doing to better support our
15 young people and uphold their commitment
16 for the coming months.

17 I'd like to especially thank
18 our DHS Commissioner, Cynthia Figueroa,
19 for her leadership and partnership on
20 this issue and for her dedication to
21 reducing the number of child welfare
22 system-involved youth in placement. It's
23 clear that you stand with our young
24 people and their families.

25 And I want to thank our legal

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2 and advocacy community who pushed my
3 office and me to look at this issue and
4 do more. Your attention to detail, your
5 commitment to supporting our young people
6 who are all too often forgotten is
7 inspiring. You are the unsung heroes of
8 our city.

9 I'd like to --

10 (Applause.)

11 COUNCILWOMAN GYM: I want to
12 thank the foundations that are here today
13 who are investing in this work to help us
14 do better - Stoneleigh, United Way, The
15 Philadelphia Foundation, and others. I
16 would be remiss if I didn't personally
17 thank Michelle Payne of PCCY for
18 organizing the groups today to stand
19 alongside united with our young people.

20 And, finally, I want to talk
21 about our youth, our young people. We
22 hold this space for you, you who have
23 come here to speak today about your
24 experiences in placement. This hearing
25 happened because of your courage and

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2 because of your pain, and your brave
3 stories bring us here today, and I want
4 to state clearly and for the record that
5 we should have done more to protect you,
6 and we are gathered here to make good on
7 that promise of going forward. And I
8 want every young person who is here or
9 who has spent time or is spending time in
10 placement to know that we see you, we
11 hear you, and we believe you. And as
12 Chair of the Committee on Children and
13 Youth and on behalf of my Committee
14 members, I know that this body is
15 committed to addressing the deep
16 inequalities embedded in our system.
17 We're committed to learning what works,
18 what doesn't work, and how we're going to
19 stand with our young people moving
20 forward.

21 So will the Clerk please call
22 the first witnesses for the panel to
23 testify on this resolution.

24 THE CLERK: Lilly Jimenez, Hid
25 Mayes, and Quilah David.

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2 (Applause.)

3 COUNCILWOMAN GYM: Good
4 afternoon and welcome. Thank you for
5 being here.

6 (Thank you.)

7 COUNCILWOMAN GYM: The Chair
8 recognizes Councilmember Reynolds Brown
9 for some opening remarks as well.

10 COUNCILWOMAN BROWN: Thank you
11 very, very much, Madam Chairwoman.

12 Good afternoon, everyone.
13 Councilwoman Gym has spoken quite
14 eloquently for our purpose and, that is,
15 to be stronger, better advocates and
16 professionals when it comes to lifting up
17 and protecting our children. So our
18 young people, you give us the purpose and
19 need for this particular hearing.

20 Historical context is
21 important. The record should reflect
22 that it was Mayor Street during the Mayor
23 Street Administration when government
24 began to look more seriously, more
25 deeply, and more strategically at why we

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2 were sending so many young people across
3 the Commonwealth boundaries, and the sad
4 news is that 15 years later, we're
5 compelled to revisit this issue to see,
6 A, learn what the better practices are,
7 what is working, and then to look to see
8 what coordinated efforts -- how
9 coordinated efforts have improved between
10 DHS, the School District, and CBH.

11 Working in silos will not get
12 us where we need to be. Working in silos
13 will not get us where we need to be if we
14 are authentic and serious about making
15 life changes for these young people. So
16 the expectation and my hope is that I
17 will hear in testimony what the progress
18 has been between DHS, CBH, School
19 District of Philadelphia, along with the
20 work that Ms. Keir does every single day.
21 Silos are not going to get us there. So
22 if there has not been an improvement,
23 then it requires us on this side of the
24 table to mandate and dictate that those
25 agencies work more coherently together.

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2 That's the only way we're going to make a
3 huge difference in this pervasive still
4 practice of sending young people out of
5 the Commonwealth. We look forward to
6 your testimony.

7 COUNCILWOMAN GYM: Thank you so
8 much, Madam Vice Chair.

9 Welcome again, and if you would
10 like to state your name first and then
11 proceed with your testimony.

12 MS. JIMENEZ: My name is Lilly
13 Jimenez, and good afternoon. My name is
14 Lilly and I am 16 years old. I am a
15 current youth advocate with Juveniles for
16 Justice with the Juvenile Law Center. I
17 am a sophomore in high school. I love to
18 shop, dance, be with my family, and have
19 fun.

20 I have many plans for my
21 future, including attending college for
22 criminal justice, joining the SWAT team,
23 becoming a lawyer and advocate for foster
24 youth. This year I started working as a
25 youth advocate at Juvenile Law Center. I

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2 am part of the Achieving Independence
3 Center, and I am getting support from my
4 case manager and parents to stay active
5 and seek out new hobbies.

6 When I entered the delinquency
7 system, I was only 13 years old. I'm
8 speaking here today to send a message to
9 the parents and leaders of Philadelphia.
10 My mother thought going to a juvenile
11 holding facility would be good for me.
12 She thought I would be safe. She didn't
13 realize that I would be abused,
14 strip-searched, mistreated, or I wouldn't
15 be able to continue my education. I hope
16 that by me sharing my story today,
17 parents and leaders will realize that
18 youth are better off staying in their own
19 homes. I am sharing some really hard
20 things that happened to me because I
21 don't want them to happen to other youth.

22 I first went into placement in
23 May of 2016 and was in two different
24 facilities for a total of about seven
25 months. First I was at a lockdown

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2 placement in Philadelphia, and it was the
3 worst. There was a lot of physical abuse
4 happening in the facility. There was one
5 staff person assigned to each floor, and
6 the staff felt that they could do
7 whatever they wanted to the youth. Staff
8 fought girls, and male staff restrained
9 female youth, which didn't feel right to
10 me. Staff also let youth fight another
11 youth by giving them permission to go off
12 site of the cameras so they wouldn't be
13 seen. I also heard about someone being
14 pepper-sprayed in response to telling a
15 staff person no. I had witnessed one of
16 my roommates shackled for days, and
17 afterwards she had black and blue marks
18 everywhere.

19 If I act out, they will put my
20 hands behind my back and throw me on the
21 floor. One time I refused to go to the
22 main room and a staff person body-slammed
23 me. Then they put me in a small room
24 with just one staff person about for a
25 whole day. The room was in a boy's hall,

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2 and I had nothing to do in there. I had
3 eaten around breakfast, but 9:00 a.m. to
4 3:30 they didn't let me eat anything.

5 Sometimes staff played
6 favorites and other youth would get
7 multiple snacks or meals while I went
8 hungry. The food was also unsafe. I
9 found worms in my food a couple times.

10 There was no school at the
11 facility. We had to stay in one room all
12 day. There was no teacher, no books,
13 just a TV, and even that was only on when
14 a staff wanted to watch TV. There was
15 nothing to do, and I hated going there.

16 Youth are strip-searched in
17 these facilities. For me, I didn't like
18 being strip-searched at all. I didn't
19 want to -- I'm sorry. I didn't want
20 anybody to see me naked. It was very
21 uncomfortable.

22 When I was at the facility, at
23 one point I had a seizure related to my
24 medication while I was in my hut getting
25 ready to sleep, and my friend noticed

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2 that I was shaking and my eyes were
3 rolling behind my head. So she notified
4 the staff on the floor, but it took five
5 to ten minutes before anyone can help me.
6 A man ended up coming. He wasn't even a
7 nurse. All he did was offer me water.

8 Another time a staff member
9 intentionally burned me with a flat iron
10 while she was straightening my hair.
11 Afterwards I was in a lot of pain and
12 asked to see a nurse, but she wasn't
13 there because she was only part time. I
14 never got to see a doctor until I went to
15 court four or five days later. By that
16 time, it was all scarred up. When my
17 judge saw what happened to me, she moved
18 me to a different floor. I had to stay
19 in the same facility because the other
20 placements where I was supposed to go
21 didn't have a bed available.

22 Even though this facility is
23 now closed, there are other juvenile
24 delinquent centers where youth may be
25 going through the same thing. It is hard

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2 for youth to speak up about these things.

3 When I was at the facility, I was too

4 scared to open up and talk. I didn't

5 think anyone would believe me. I didn't

6 think anything would be done if I ever

7 did speak up. Why should I think anyone

8 would help me as if they are sitting

9 there harming me?

10 Next I was sent to a group home

11 in the Poconos. In some ways it was

12 better than the first facility, but it

13 was still really difficult for me. I

14 missed my parents and family. I felt so

15 lonely and like I didn't have anyone who

16 loved me. Not feeling that love and

17 being away from home is the worst

18 feeling. I can't even describe it. I

19 wasn't allowed to have a home pass, so I

20 couldn't even see my mother. Eventually

21 I heard that my family went to a trip to

22 Wildwood, which was our annual tradition.

23 That hit me hard, made me realize how

24 alone I felt. I couldn't take it anymore

25 and I ended up running away so I could

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2 see them.

3 Being in placement really
4 messed up my life. I tried to go back to
5 the charter school I attended for two
6 years before going to the placement, but
7 they wouldn't let me back in. My only
8 option was to do a cyber program. I
9 didn't learn anything while I was in
10 placement. To this day, I still have
11 trouble in school. I ended up having to
12 take eighth grade classes, like
13 pre-algebra, that I should already had
14 known.

15 I also now have trust issues
16 with adults. Going to placement changed
17 the way I was. I was quiet and didn't
18 want to be around anybody else. But at
19 least once I was home from placement, I
20 was getting all that love that I was
21 missing for all those months. I wish I
22 was just able to stay home with my family
23 the whole time.

24 I am speaking here for the
25 youth that are in delinquent and child

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2 welfare centers and going through what
3 I've been through. I want to make a
4 change and hope that everybody has
5 realized that these centers are not the
6 best for youth.

7 Thank you so much for
8 listening. Have a nice afternoon.

9 (Applause.)

10 COUNCILWOMAN GYM: Thank you
11 very much, Lilly, for your powerful
12 testimony.

13 We're going to hear from all of
14 our youth advocates before asking
15 questions.

16 Good afternoon.

17 MR. MAYES: Good afternoon.

18 COUNCILWOMAN GYM: You may
19 proceed with your testimony.

20 MR. MAYES: My name is Jihid
21 Mayes. I am 19 years old. I'm from
22 North Philadelphia. I am here today to
23 share my experiences inside juvenile
24 placement facilities in Philadelphia and
25 my recommendations for change.

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2 Here are some of the things I'd
3 like to share about myself. People
4 usually ask youth -- people don't usually
5 ask youth who have been in juvenile
6 placements about ourselves. They don't
7 even really look at us or really know who
8 we are. Nobody asked me about my likes,
9 dislikes. Sometimes they don't even see
10 me as a person. I am an artist and
11 athlete. I love playing sports, video
12 games. Currently I am involved in
13 Evening Reporting Center, and this is my
14 first year as a youth advocate in
15 Juveniles for Justice at the Juvenile Law
16 Center. I am interested in cyber
17 security and the military. I also really
18 enjoy playing basketball, and before
19 placement, I was playing basketball and
20 football, but when I got out, I couldn't
21 go back to my old school and couldn't
22 play.

23 I am speaking here today
24 because too many black kids are being
25 sent away for petty crimes and are being

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2 treated unfairly in placements. We're
3 sending youth away when they should have
4 gotten advocacy or support at home. I
5 hope that judges, law enforcement, and
6 DHS understand the impact of
7 incarcerations on kids.

8 My first day in the facility I
9 refused to be strip-searched, so they
10 called a code. The code meant they
11 pulled me into another room with five,
12 six guards and a few of them held me
13 down. One guard forcibly searched me.
14 This happened more than once, because I
15 refused every time. It made me mad and
16 made me want to defend myself, but I
17 couldn't. I believe they should have
18 respected that I didn't want to be
19 strip-searched. Also, they had pat-downs
20 every visitation.

21 I also witnessed youth being
22 restrained even for talking back and
23 refusing to do something. When staff
24 yelled and argued with youth, they
25 decided they were finished arguing and

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2 suddenly they got physical and would call
3 code black or code blue and would jump on
4 the youth. It wasn't most common, but it
5 happened mostly when a staff felt like
6 they had a problem with one of the youth.
7 Staff also felt like they had to respond
8 excessively to any behavior that was
9 wrong. If one person didn't do
10 something, like cleaning up, the unit got
11 locked down for one week or more. When
12 everyone is punished for one person's
13 mistake, it makes everyone upset and it
14 isn't fair.

15 When we were on lockdown,
16 everyone had to be in their room and
17 could only come out to eat and shower and
18 then it was lights off. After this,
19 everyone came out, they would be upset,
20 angry, enraged, and ready to fight. It
21 made me feel weird being in placement,
22 you have to wait for everyone to do
23 something.

24 At the on-ground school, I also
25 felt the schoolwork was bad. It seemed

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2 like they only gave us work to keep us
3 busy from doing anything. The work
4 really didn't teach me anything. I had a
5 teacher and a computer. But when I came
6 home, I had to be home-schooled because
7 no school in the Philadelphia School
8 District would accept me back. My
9 credits from placement didn't transfer
10 when I tried to go to a regular school
11 outside of Philly. So I had to be
12 home-schooled to start 12th grade on
13 time.

14 In school on grounds one time I
15 got ten punches from a guard for not
16 doing the schoolwork, but I wasn't really
17 interested in the schoolwork. They kept
18 giving work that wasn't on my grade
19 level. Another time I was on social
20 media, and when they caught me, they
21 tapped me on my shoulder and told me to
22 step out of class. As soon as I stepped
23 out of the room, one guard held me and
24 another guard punched me. Then they made
25 me go back to class. I never told anyone

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2 at the facility, because the staff who
3 punched me would bribe me and another
4 youth with snacks not to tell the CO or
5 when it happened to me, tell me not to
6 tell when I went to court. No kid should
7 be beaten up from staff at the facility
8 and especially for refusing to do class
9 work that's not on our level. If this
10 happened in regular school, teachers
11 could be arrested and fired.

12 When this stuff happened, it
13 made me even more angry about my
14 situation, because I was sent to
15 placement for being around a fight and
16 knowing who was involved, not because I
17 participated. The people who were a part
18 of the fight took a plea deal and all got
19 house arrest, but I took mine to trial
20 because I was not involved. I ended up
21 being adjudicated and sent to placement
22 for three and a half months.

23 In the same facility I also
24 spent time in solitary for one week once.
25 They put me in solitary because someone

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2 in the cafeteria was looking at me and I
3 felt threatened. In solitary the whole
4 room was cushion, a sponge-like
5 substance. They only checked on me when
6 it was time for meals and they brought me
7 my class work. Otherwise, there was
8 nothing for me to do in the room, no one
9 for me to interact with. I slept, looked
10 at the wall, worked out in the room, and
11 I ate, that's it, for a whole week. At
12 once I didn't think it would impact me,
13 but after being in the room with nothing
14 to do for a few minutes, it started to
15 bother me. It made me feel weak because
16 there was nothing to do to get out.
17 There was only really me and the walls
18 and the floor.

19 At this placement a lot of
20 people were also physically injured,
21 including myself. I had gotten a busted
22 lip and broken ribs from a guard. So my
23 social worker took me to the hospital and
24 I was sent home on house arrest. I want
25 my judge to understand what it is like

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2 when she didn't listen to my side of the
3 story and made an example out of me. If
4 you all were behind those walls and faced
5 what we faced, would you understand how
6 horrible it was for me, especially when I
7 was placed for a crime that I did not
8 know was going to happen, but I still had
9 to do the time.

10 I recently found out this
11 placement was later shut down, but
12 despite the place being shut down, this
13 is just one of the many placements that
14 youth have and will continue to be sent
15 to and they will experience things like
16 abuse, solitary, and poor education
17 without being able to tell what happened.

18 I'm not the only youth who has
19 been sent to placement for something they
20 did not commit. Some of my friends and
21 peers in J4J also have gone through what
22 I've gone through in placement. This
23 needs to stop happening so kids don't
24 face the same things we faced. The
25 things we faced changed us and can hurt

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2 us to the point where youth want to
3 commit suicide. Kids shouldn't be sent
4 to placement, especially for petty
5 crimes, and we shouldn't be abused in
6 placement.

7 Thank you for listening.

8 COUNCILWOMAN GYM: Thank you.

9 (Applause.)

10 COUNCILWOMAN GYM: I know how
11 incredibly hard that is. Thank you so
12 much, Jihid, for your courage.

13 Good afternoon, Quilah.

14 MS. DAVID: Good afternoon,
15 Councilwoman. My name is Quilah. I am
16 19 and I currently am a youth advocate
17 with the Juveniles for Justice.
18 Juveniles for Justice is a program
19 through Juvenile Law Center that believes
20 in the power of youth voices and provides
21 programming for youth with juvenile
22 justice and child welfare experience to
23 create advocacy projects based on our
24 experiences. We work to change those
25 systems. I am so excited to have been a

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2 part of J4J for the first time this year,
3 because I have gotten to learn all about
4 advocacy and what I could do to help
5 better the system. This year in J4J we
6 decided to address harmful conditions in
7 placement facilities.

8 I would really like to use my
9 DHS experiences and become a youth
10 mentor/counselor and mentor other youth
11 who are potentially going down the same
12 path as I was. Currently I work at
13 PowerCorps PHL. Before I was in
14 placement, I enjoyed cheerleading and
15 doing makeup, but I could not continue
16 when I was sent to placement. Now that I
17 am home, I want to be more involved in
18 civil engagement with other youth. To
19 achieve my goals, I am getting a lot of
20 support from my case manager and the
21 Achieving Independence Center.

22 I am here today not only
23 because J4J decided to work on this
24 issue, but also because my story is like
25 many other youth, and I want to help make

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2 a change for youth still in placement. I
3 personally have experiences being in both
4 the juvenile justice and child welfare
5 systems. Part of my experience going in
6 and out of these systems was related to
7 truancy and for violating my probation
8 because of latenesses to school. What
9 should have happened in my story is that
10 people should have asked me why I was
11 always late or why I felt I had to
12 violate my probation. Instead, no one
13 asked me and I was sent away.

14 I was 15 when I was first sent
15 to a juvenile detention center. The
16 first incident I had at this facility was
17 when I had been having a hard time
18 sleeping and I didn't feel up to eating
19 breakfast. I was tired and I refused to
20 go. When I refused, the staff grabbed
21 and twisted me out of the bed. Because
22 it was hurting, I resisted. When I did,
23 the staff woman swung me around, punched
24 me, and when I defended myself, the staff
25 facilitator, who was around and was

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2 nearby saw what was happening, threw her
3 walkie-talkie at my head. After this
4 happened, I tried reporting what was
5 happening between me and both the staff,
6 but there was no disciplinary action for
7 the staff's behavior. Instead, I lost
8 all my phone time, which mean I couldn't
9 talk to my family. I also was in
10 solitary confinement for three days. One
11 of the biggest part of this experience
12 that hurts the most was that I was
13 punished for what happened to me and they
14 took all of my phone time away, and it
15 meant that I could not talk to my family.

16 At another placement facility,
17 I spent four days in solitary in a room
18 by myself that only had a metal bench. I
19 did not receive any work and only
20 received my meals throughout the day.
21 Even after I was removed from solitary,
22 staff continued to put me on restrictions
23 where I was mostly sent back to my room
24 after activities or eating.

25 The education in this facility

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2 was also at a low standard. In school we
3 did artwork every day, and it was
4 basically free time. I felt it did not
5 challenge me and I did not learn anything
6 new or what I should have while I was
7 there.

8 I spent time in a residential
9 facility through the child welfare
10 system. I ended up being sent there
11 because of truancy problems in school.
12 The schoolwork I received was at a 5th
13 grade level despite that I was in 11th
14 grade at the time. This was not just my
15 experience but what happened to all the
16 youth there, no matter what grade they
17 were in. We all had 5th grade work, and
18 we didn't receive grades. However, I
19 started speaking to my CUA worker about
20 my experience on the on-school grounds
21 that I had attended, and after a few
22 months I was retested and was told I
23 could go to an off-campus school in the
24 area. I was really glad that I could go
25 to an off-ground school, because the

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2 education was so much better there, but I
3 also felt a lot of pressure because no
4 one thought that I would graduate because
5 I was in foster care.

6 I did graduate with my diploma.
7 I stayed at that facility until I signed
8 myself out of care at age 18, but because
9 I had no home to go to, I am now back in
10 extended foster care.

11 What happened to me in
12 placement should not have happened and
13 should not happen to any other youth. It
14 was wrong, and people should have asked
15 me what was going on at home instead of
16 sending me away to placement. I should
17 have received more support for me to stay
18 in school and at home with my family.

19 (Applause.)

20 COUNCILWOMAN GYM: Thank you so
21 much, Quilah, for that powerful
22 testimony.

23 Do my Councilmembers have any
24 questions?

25 COUNCILMAN JOHNSON: I just

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2 want to take a moment to thank the three
3 of you for coming and sharing your
4 testimony. It takes a lot of courage to
5 come into a building, you don't know
6 anyone in this building, to be under the
7 cameras and the lights to really shed
8 light on the very, very critically
9 important issue. And so I want to
10 encourage you also beyond today that you
11 could still follow your goals, your
12 dreams, your aspirations.

13 I was on probation as a
14 juvenile for some things I got involved
15 in. I recently gave the judge who put me
16 on probation a City Council resolution
17 honoring him in this very same room. So
18 I didn't let the circumstances that I got
19 involved in as a juvenile stop me from
20 following my dreams regardless of the
21 neighborhood that I grew up in,
22 regardless of the family issues I've
23 dealt with as a young man.

24 I mentioned earlier I have two
25 degrees from college, a certificate from

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2 an Ivy League university, and I continue
3 to advocate to improve the quality of
4 life for all young people who have gone
5 down that path and so they can recognize
6 that they deserve a second chance and
7 it's not the end of the world regardless
8 of your current situation or the
9 situations you have been through.

10 And in terms of your testimony,
11 the individuals who are up here at this
12 table take this issue very serious and
13 know that your testimony is not in vain.
14 We will be aggressively looking into this
15 issue.

16 Thank you very much.

17 (Applause.)

18 COUNCILWOMAN GYM: Thank you,
19 Councilman Johnson.

20 The Chair recognizes
21 Councilwoman Reynolds Brown.

22 COUNCILWOMAN BROWN: Your
23 stories are deeply compelling, and they
24 really tug at your heart, if you have
25 one.

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2 Secondly, I would remind you
3 that where you start has nothing to do
4 with where you end up. Nothing at all.
5 You've shown courage, you've shown moxie.
6 You care about your future. You care
7 about yourselves and, most importantly,
8 you care about your education. So let
9 that be an inspiration for you, because
10 life ain't over, and many of us get
11 second, third, fourth, fifth and sixth
12 chances to get it right. Many of us get
13 second, third, fourth, fifth, sixth,
14 seventh chances to get it right. So be
15 encouraged. Be encouraged. I thank the
16 counselor for the work that you do. It's
17 hard, but it's stories like this that
18 remind us that the work we do is
19 important and it gives us purpose.

20 Thank you for your testimony.

21 COUNCILWOMAN GYM: Thank you
22 very much, Councilwoman.

23 (Applause.)

24 COUNCILWOMAN GYM: I did have
25 one question for Jihid, if I could, if

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2 you could just stay for one moment.

3 So when you came back to school
4 after placement, did you face challenges
5 getting credit for the past schoolwork
6 that you had done?

7 MR. MAYES: Yes.

8 COUNCILWOMAN GYM: Could you
9 explain that a little bit more about why
10 you had problems getting credit for that
11 work that required you to be
12 home-schooled?

13 MR. MAYES: The school I
14 previously went to, they lost all my
15 transcripts, so the only type of
16 transcripts they had was when I was
17 living in Delaware at the time going to
18 school in Delaware.

19 COUNCILWOMAN GYM: And that's
20 why you said they had no formal record of
21 you doing any of the work and thus you
22 had to -- that's why you had to be
23 home-schooled?

24 MR. MAYES: Yes.

25 COUNCILWOMAN GYM: Okay.

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2 That's a very serious issue for us.

3 Obviously, as you know, many of these
4 placement facilities do get a significant
5 amount of support to ensure that your
6 education continues in those facilities.

7 And, Lilly, I think you also
8 spoke to this before when we spoke
9 earlier too about your struggle to have
10 the appropriate coursework. I think you
11 mentioned algebra when we met. Can you
12 talk a little bit about the kind of
13 quality of education that you received in
14 your facility?

15 MS. JIMENEZ: So the first
16 facility I went to didn't have no type of
17 education. The second facility that I
18 went to --

19 COUNCILWOMAN GYM: Does that
20 mean you never took a class or you didn't
21 have any formal schooling, no teacher who
22 came through?

23 MS. JIMENEZ: No teacher,
24 nothing.

25 The second placement I did go

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2 to school, but they was not giving me
3 pre-algebra that I needed. So when I had
4 went home, they needed pre-algebra. They
5 needed my reports for pre-algebra by my
6 report card and stuff like that, and they
7 didn't have no type of report card. And
8 I was not even doing pre-algebra. So
9 when I went home-schooled, it was really
10 hard for me to do pre-algebra, and they
11 already said that I should have already
12 been knowing pre-algebra before coming to
13 cyber school for 9th grade. So it was
14 really hard for me to get to pre-algebra,
15 because pre-algebra is a really hard
16 skill to learn. So it was really
17 challenging for me.

18 COUNCILWOMAN GYM: Thank you so
19 much.

20 And, Quilah, I think you
21 mentioned a lot of experiences about
22 being so far away. Was anyone from your
23 family able to visit you while you were
24 in placement just to see how you were
25 doing?

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2 MS. DAVID: I had DHS workers
3 coming out to see me, but family related,
4 no. Mostly my mother couldn't make it
5 that far, Ambler, PA. They just couldn't
6 make it that far.

7 COUNCILWOMAN GYM: And what do
8 you think we could have done better
9 rather than putting you so far away for a
10 placement? What do you wish we could
11 have done differently?

12 MS. DAVID: Well, make the
13 placement facilities a little bit more
14 local instead of having us travel all the
15 way out to a whole other area I think.

16 COUNCILWOMAN GYM: Yeah. Thank
17 you --

18 MS. DAVID: Just so we wouldn't
19 be far away.

20 COUNCILWOMAN GYM: Thank you
21 very much.

22 I had the chance to meet the
23 three of you a little over a month ago,
24 and you and some of your other colleagues
25 and peers -- yes, we see you know in the

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2 back. This hearing happened largely
3 because of the power of your testimony
4 and, as I said earlier, the courage that
5 you showed to be able to speak to some
6 very painful things that happened and to
7 call us to accountability and
8 consciousness that we've got to do better
9 and be better for you. So we're sorry
10 that we couldn't have been there when we
11 should have been, and thank you for being
12 with us while we try to help figure out
13 something better for other young people
14 who are going through a lot of other
15 issues too. So thank you very much.
16 Thank you all for your testimony. Thank
17 you.

18 (Applause.)

19 COUNCILWOMAN GYM: Would you
20 like to make testimony. If you could
21 just say your name --

22 MS. HOPKINS: Sure.

23 COUNCILWOMAN GYM: -- into the
24 record. Thank you.

25 MS. HOPKINS: Marcia Hopkins.

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2 I'm the Youth Advocacy Program Manager at
3 the Juvenile Law Center.

4 I just want to add a little bit
5 to the stories the young people shared,
6 is that one thing that I always get from
7 talking with them is that a lot of the
8 reasons why they went into placement are
9 things that could have been taken care of
10 in the community. So one thing I want to
11 elevate about Quilah's story is that a
12 lot of her truancy issues were already
13 heightened because her school was an hour
14 and a half away. And there may have been
15 some family issues or things that were
16 already happening that if their families
17 received support or if the young person
18 received support in the current schools
19 that they were attending, I just don't
20 believe that they would have been sent
21 away. And so really thinking about how
22 we can offer services in the Philadelphia
23 community to tackle these issues, because
24 I really think that kids are being
25 criminalized and incarcerated for reasons

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2 that are normal adolescent behavior or
3 things that we can fix within our
4 community.

5 I just wanted to add that.

6 COUNCILWOMAN GYM: Thank you
7 very much, and thanks for all the
8 advocacy you do.

9 (Applause.)

10 COUNCILWOMAN GYM: Thank you.

11 Will the Clerk please call the
12 next panel forward.

13 THE CLERK: Commissioner
14 Cynthia Figueroa providing testimony,
15 joined by Karyn Lynch and Commissioner
16 Joan Erney.

17 (Witnesses approached witness
18 table.)

19 COUNCILWOMAN GYM: Welcome.
20 Good afternoon, Commissioner. If you
21 could just say your name for the record
22 and proceed with your testimony.

23 COMMISSIONER FIGUEROA: Cynthia
24 Figueroa, Department of Human Services
25 Commissioner.

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2 Before I start my testimony, I
3 want to personally recognize Lilly, Hid,
4 and Quilah for sharing your incredible
5 story with us. Those words definitely
6 touch me and some of the really hard
7 aspects of this work that we are all
8 committed to.

9 And so to all the youth that
10 are here, the words of your experiences
11 are the things that I take home with me
12 that I believe will drive us to being a
13 better system. And so you have a
14 commitment from the Department of Human
15 Services and myself as the Commissioner
16 that we have to get this better, we have
17 to get this right.

18 Good afternoon. I'm Cynthia
19 Figueroa, Commissioner of the City of the
20 Department of Human Services. Thank you,
21 Chairwoman Helen Gym and Vice Chairwoman
22 Blondell Reynolds Brown, the entire
23 Children and Youth Committee of
24 Philadelphia City Council for the
25 opportunity to testify today.

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2 Thank you to all the young
3 people who are here and provided
4 testimony. It's their voices that are
5 most important, and we have so much work
6 that we need to do together. We must do
7 better. DHS is committed to being a
8 partner in leading the needed change. We
9 are aligned with the youth, advocate
10 partners, supporters, and critics in
11 wanting our youth to stay in their
12 communities of origin and live in family
13 settings. To begin this work, I will
14 outline the current reality for these
15 priorities and how DHS needs your help
16 and the help of the entire community to
17 make this possible.

18 First, I want to publicly thank
19 the Juvenile Law Center and the Youth
20 Fostering Change and Juveniles for
21 Justice groups. I want to thank them for
22 advocating for the issue of congregate
23 care. One of the highlights have been
24 meeting with the young people and hearing
25 specifically their perspectives. The

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2 dialogues we've had as part of these
3 meetings has helped inform some of the
4 changes that DHS has implemented,
5 including changes that we plan to make
6 related to our evaluation assessment of
7 congregate care providers.

8 I also want to recognize the
9 efforts of the advocates who have agreed
10 to work alongside in partnership with DHS
11 to develop a coalition to address the
12 issues presented during this hearing.

13 Today 1,313 Philadelphia youth
14 are in congregate care. Of this number,
15 715 are in dependent congregate care and
16 598 are in delinquent congregate care.
17 Ninety-eight percent of all youth in
18 congregate care are in Pennsylvania.

19 The tenets for Improving
20 Outcomes for Children, a model for
21 dependent youth, identify that we want
22 for youth who are in all of our systems,
23 whether dependent or delinquent, we want
24 to continue to decrease congregate care.
25 We want youth to live close to home and

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2 in family settings and with kin.

3 Since implementing Improving
4 Outcomes for Children, we've realized
5 significant gains in the child welfare
6 system. We've reduced the number of
7 dependent youth in congregate care. We
8 are at an all-time low of 12 percent.
9 That is a reduction from 22 percent in
10 2013.

11 More dependent children and
12 youth are in foster and kinship care and
13 live close to home. Seventy-six live
14 within ten miles of the home of origin
15 and 51 percent live within five miles.

16 Forty-seven percent of all
17 dependent youth live with kin. Prior to
18 Improving Outcomes for Children, that was
19 32 percent of youth.

20 Similar gains have been made in
21 the juvenile justice system where there
22 has been a 36 percent reduction in
23 congregate care placement since 2015.
24 Additionally, through alternatives to
25 placement and arrest, like the Evening

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2 Reporting Center and the Police School
3 Diversion program, we are starting to
4 make an impact. Since the start of the
5 diversion program in 2014, 1,800 youth
6 have been diverted from arrest and most
7 have been referred to our intensive
8 prevention services. Just this year, we
9 started including summary retail theft as
10 a category for diverting youth from
11 arrest.

12 We've heard testimony today
13 from youth about their experiences in
14 these facilities. We are committed to
15 improving the quality of care and working
16 with our state partner, the Pennsylvania
17 Department of Human Services, to hold
18 providers accountable. When it's clear
19 that services are not meeting our
20 standards, we close intake. We have
21 closed sites that we do not believe serve
22 the best interest of our youth. However,
23 we recognize that there is a need to
24 further enhance the evaluation process to
25 ensure that there is always quality

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2 services, and to this end, we are working
3 towards the development of a more robust
4 tool that will incorporate youth's voice
5 into future assessments.

6 In addition, we're working to
7 expand service options, and last year we
8 issued eight proposals for
9 Philadelphia-based programs. For some
10 categories like community-based detention
11 and delinquent group homes, there were
12 limited interest from providers to open
13 programs in Philadelphia. However, we
14 have been able to open two new dependent
15 group homes and emergency shelters to
16 better serve youth closer to home. In
17 addition, we secured funding to open an
18 additional Evening Reporting Center. Our
19 efforts have also focused on recruiting
20 resource parents who are willing to be
21 foster care parents to older youth.

22 Our vision, in partnership with
23 the advocacy community, youth, and other
24 City departments, is to work to keep
25 children and youth in their homes and in

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2 their communities. For youth who need
3 more intensive services, we need to
4 create local options and expand existing
5 prevention services and placement
6 alternatives.

7 We have a variety of strategies
8 that we plan to use to achieve this goal
9 and need your help. We, DHS, plan to be
10 a system leader to support the advocacy
11 group and coalition's vision to decrease
12 out-of-home placement. We will continue
13 to fund and expand alternatives to
14 placement and detention, continue to fund
15 and support intensive prevention services
16 and alternatives to arrest. DHS
17 continues to close programs that do not
18 meet our standards. We are 100 percent
19 committed to do this and stand by our
20 commitment to close intake for
21 non-compliance. We will continue to
22 issue request for proposals for services
23 in Philadelphia County. We will require
24 that all new sites selected for
25 congregate care coordinate with the

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2 School District of Philadelphia. In
3 partnership with Casey Family Programs,
4 we are working on the tool that I
5 mentioned prior to more effectively
6 evaluate the quality of our services. We
7 also commit to continue to strengthen the
8 existing partnership with the Department
9 of Human Services' Education Support
10 Center and the School District of
11 Philadelphia.

12 We believe it's better for
13 youth to remain in their communities.
14 That's why we believe DHS-funded services
15 like the Achieving Independence Center,
16 WorkReady, PowerCorps, and E3 are all
17 services that we support. Services in
18 the community make it easier for youth to
19 stay in their school of origin and with
20 fewer education disruptions.

21 The commitment to serve youth
22 in their communities of origin must be a
23 citywide priority. Making the school a
24 reality requires more resource parents
25 willing to provide foster care to older

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2 youth; advocacy at a state level with the
3 Pennsylvania Department of Education and
4 the Pennsylvania Department of Human
5 Services; support funding for potential
6 pilot programs and make this a part of
7 the needs-based plan and budget process.
8 We need quality organizations to provide
9 services in Philadelphia. We need the
10 ability to zone and license the sites,
11 and we need neighborhoods willing to
12 accept these programs.

13 In closing, the next step for
14 us is to work with the coalition to bring
15 our youth safely home. We commit to this
16 work as part of the coalition to develop
17 a comprehensive plan to move this work
18 forward together.

19 I firmly believe that with all
20 the partners working together, we can
21 make a difference in the service delivery
22 in the lives of young people.

23 I want to thank you for the
24 opportunity to provide testimony today,
25 and I'll be happy to answer questions.

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2 COUNCILWOMAN GYM: Thank you
3 very much, Commissioner.

4 Dr. Lynch.

5 (Applause.)

6 MS. LYNCH: Good afternoon.

7 For the record, I am Karyn Lynch with the
8 School District of Philadelphia. Thank
9 you so much for the opportunity to be
10 here, and I join my colleague
11 Commissioner Figueroa in extending to the
12 young people who spoke today a sincere
13 thanks and appreciation for their
14 courage, their willingness to share
15 intimate details, and for their
16 perseverance and for what I know -- I
17 heard your comments particularly. This
18 is the beginning. This is not the end.
19 This is where we start. This is not
20 where we're going to end up. And I thank
21 you, Councilwoman, for reminding us all
22 of that message, because it's extremely
23 important. Thank you for this hearing
24 today and the opportunity to talk about
25 these issues, Councilwoman Gym.

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2 And with that, I will share
3 just a couple of things. We support the
4 recommendations that have been made by
5 Cynthia Figueroa today. In particular,
6 we very much support opportunities for
7 children to remain closer to home and in
8 fact inside of Philadelphia. We urge
9 that opportunity, and we have committed
10 to providing educational services within
11 the facilities or the programs --
12 hopefully programs and not facilities --
13 that are located within the City to
14 support young people.

15 We spend in the School District
16 of Philadelphia a little less than \$30
17 million a year to educate children who
18 are going to locations all across the
19 state, and it is an investment that we
20 think that if they were closer to home,
21 we'd be in a much better position and
22 they would be in a better position to
23 receive an education that is better than
24 what we think that they are receiving
25 otherwise.

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2 We particularly want to avoid
3 silos. You talked about that earlier.
4 We want to be a collaborative
5 organization that works with others. We
6 have found that to be our success in the
7 past and currently, and so we are very,
8 very eager. We partner with DHS on a
9 good number of services and programs that
10 are related to ensuring that children
11 receive much better services than they
12 do, and we know that we can do better.
13 We know that we can make a difference.
14 We also collaborate with CBH. My partner
15 to the left is here. And we know we have
16 to do better.

17 I also wanted to share that
18 there is an opportunity in this issue for
19 the state to do much better than what
20 they do right now. We come from a
21 jurisdiction not very far from here in
22 Maryland where the state regulates this
23 process much better than is regulated
24 here in Pennsylvania. The state sets not
25 just licensing requirements but also

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2 funding requirements, salary charges, and
3 that state also monitors the efforts of
4 providers of service much more closely
5 than what is the experience that we have
6 in Pennsylvania. We know that when the
7 state is involved, that jurisdictions all
8 across the state have a much greater onus
9 and there is greater accountability and
10 responsiveness when we're talking about
11 the courses that are offered, the rates
12 that are charged, the conditions that
13 exist, the way that children are treated,
14 and the experiences they have. So we
15 urge that in your efforts. There is also
16 consideration of increasing the
17 importance with the state what role they
18 have and what opportunity they have.

19 The young man who spoke earlier
20 talked about credits and the transfer of
21 credits and what transcripts look like
22 when they come to us. Our process in the
23 District is if there's any opportunity to
24 include the credits, if there is any
25 opportunity to look at a course title and

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2 extend credits, we try and do so. Too
3 frequently we don't receive the records.
4 The courses are not courses that are
5 credit-bearing, and we see that the
6 experiences that students have is not one
7 where they are taking the courses that
8 are at their level or their ability.

9 Another trend that we see is
10 that students will leave as general
11 education students and come back as
12 special education students. We recognize
13 that this is because the providers of
14 service see an opportunity to increase
15 the rate of serving children. And so
16 when that rate is higher -- when that
17 student is special education identified,
18 that rate that they receive will be
19 higher.

20 We have in the past few years
21 increased our accountability to our
22 portion of this effort, which is
23 primarily to pay for the educational
24 services for children that we do not
25 place, and we have done everything from

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2 ensuring that the costs that they are
3 charging are within reason and more
4 standardized and not for services that
5 have not been provided. We recognize
6 that children who are in these facilities
7 across the state in instances can be
8 going to an on-ground school. In other
9 instances they could be going to a school
10 within their community where they are not
11 familiar with anyone. Their experience
12 and their backgrounds are very, very
13 different than the people that are there
14 and it's not a great opportunity.

15 So in closing, I would share
16 that this is something that we take very,
17 very seriously. We are positioned to do
18 better and to do more than we have in the
19 past, that we are working very, very
20 closely, as I said, with our partners and
21 that we aim to be a good participant and
22 a good partner in this effort.

23 Thank you.

24 COUNCILWOMAN GYM: Thank you
25 very much.

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2 Madam Vice Chair, Councilwoman

3 Brown, do you have any questions?

4 COUNCILWOMAN BROWN: Yes.

5 Good morning. Gee whiz, it's
6 really afternoon, isn't it?

7 So the good news I've heard is
8 that 98 percent of our young people are
9 in Pennsylvania. Speak to me about the
10 difference between congregate placement
11 and residential placement. And I would
12 ask only that you keep your responses
13 tight, because I have several and I need
14 to be able to punt the ball to the
15 Chairwoman so she could punt it back.
16 Okay?

17 COMMISSIONER FIGUEROA: I'll
18 try to do my best.

19 So congregate refers to
20 residential placement. So it's a term
21 used for various different kinds. So
22 emergency group home. Those are terms
23 that we use when we collectively refer to
24 an out-of-home placement where it's not a
25 home base, is when we refer to congregate

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2 care.

3 COUNCILWOMAN BROWN: So are
4 they synonymous?

5 COMMISSIONER FIGUEROA: Yeah.
6 So instead of saying institution, group
7 home, emergency shelter, we say
8 congregate care to apply. There's
9 different levels of care that happen and
10 there's different things that happen in
11 those particular facilities, but
12 congregate care is more of a universal
13 term used for residential placement.

14 COUNCILWOMAN BROWN: Relying on
15 the testimony offered by the young people
16 and actually looking back at my own
17 professional experience where when I
18 worked with the City, I was in the
19 division that was responsible for going
20 out and evaluating programs providing
21 services to children. And so with that
22 context, what type of evaluation
23 protocols, procedures, standards are in
24 place for anybody taking care of one of
25 our children in congregate care? What

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2 are the protocols?

3 COMMISSIONER FIGUEROA: So we
4 could send you -- because it's an
5 exhaustive list in terms of the
6 requirements, and there's a few different
7 elements. This is part of the confusion
8 that always -- the facilities are all
9 licensed by the state. So they are
10 required to meet 3,800 regulations in
11 which there are also site visits and
12 compliance that happens related to that
13 visit, where we have co-funded programs
14 with Community Behavioral Health. We've
15 actually moved to sharing some of our
16 work in terms of providers. So I would
17 say we're much better -- when you asked
18 earlier what's better now, what's better
19 now is that we work in key partnership
20 with CBH around particular the visitation
21 and issues with our residential treatment
22 facilities.

23 COUNCILWOMAN BROWN: So what
24 red flags do you get when we hear of
25 instances in children being locked in

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2 solitary confinement on metal benches?

3 Where is that fact in reports? Do we get

4 that kind of information from the state?

5 And then what's the consequence of that

6 kind of treatment of young people?

7 COMMISSIONER FIGUEROA: So

8 there's a lot of different ways to answer

9 this. One is that we do get information

10 directly from the providers. Sometimes

11 we don't get information directly from

12 the providers. There is a requirement

13 that the state is to notify us of things

14 that happen outside of Philadelphia

15 County that may not be brought to our

16 attention. This is another area I've

17 spoken actually with Councilwoman Gym

18 quite a bit about, is that a number of

19 the facilities that we use are also used

20 by other counties. So there could be an

21 incident that happens with a child that's

22 not from Philadelphia County, but I would

23 still want to know that incident

24 occurred.

25 COUNCILWOMAN BROWN:

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2 Positively, yes.

3 COMMISSIONER FIGUEROA: Right
4 now there's a delay in the notification
5 of a critical incident. We have made it
6 explicitly clear to our providers that we
7 expect to hear from them directly, and a
8 number of them provide us information as
9 it occurs well before we hear anything
10 from the state. We also work with our
11 advocate partners. The Defenders will
12 bring things to our attention that
13 they've been made aware of by the
14 children that they serve.

15 COUNCILWOMAN BROWN: Let's
16 drill down. What are the improvements
17 with regards to the linkages between the
18 School District and DHS? And that goes
19 to "continue to strengthen the
20 partnership with the DHS Education
21 Support Center and the School District of
22 Philadelphia." Is there an office? Is
23 there a department? Are there
24 professionals specifically with the
25 responsibility of tracking, monitoring

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2 everything that's happening with DHS
3 children and youth in the School
4 District?

5 COMMISSIONER FIGUEROA: Yes.

6 We do have an Education Support Center
7 that is physically located at 440. It's
8 a pretty sizable unit, and as well as we
9 also have social workers connected to
10 this unit that are deployed to a number
11 of the schools in the Philadelphia School
12 District and they work to help navigate
13 the issues with any children who are in
14 care.

15 One of the improvements that
16 we've made is that in terms of the
17 initial placement, doing an assessment in
18 partnership with the School District to
19 determine how we can maintain that child
20 in their school of origin, and if we
21 can't, what's the planning for
22 transportation, transfer, et cetera, when
23 we can stay within the District. And
24 we've been working on improving the
25 process by which when a child is sent to

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2 a placement.

3 COUNCILWOMAN BROWN: So that
4 was not in place ten years ago, so that
5 is progress.

6 Let's fast forward. It's 72
7 months from now, it's five years from
8 now. Karyn Lynch has gone on to her
9 dream gig in Hawaii. Okay? What do we
10 have in place that ensures that the work
11 that's been done under Dr. Hite's
12 administration is intact long after those
13 professionals go to Hawaii? Because this
14 happened because of the commitment of the
15 current Administration. What
16 systemically is in place to ensure that
17 after your departure, that these new
18 protocols or procedures at this Education
19 Support Center is in place forever?

20 MS. LYNCH: So for the record,
21 I will share that this is my dream job.

22 COUNCILWOMAN BROWN: Okay.
23 Welcome.

24 MS. LYNCH: And I love
25 Philadelphia and it's not in my plan just

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2 yet to move on to something else.

3 But in all seriousness, I think
4 it's really important for what I call
5 roads and bridges to exist. There has to
6 be processes that are in place.

7 We talk about sharing
8 information. We talk about the processes
9 that exist on both sides. The Education
10 Support Center is in fact physically
11 located. That does not happen overnight
12 and it doesn't happen easily. It happens
13 as a result of a process that is
14 including a lease agreement and funding
15 and a commitment, and even once
16 individuals are co-located, it's
17 absolutely essential that they are
18 sharing the work, sharing the
19 information, and focused on how they are
20 addressing the issues and needs of
21 children that we are serving in common.
22 So the short answer to your question is
23 that in order for it to be sustainable
24 over time, it's absolutely important to
25 be able to build those roads and bridges

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2 and those processes within our systems so
3 that they don't fall apart when one
4 person, two people, three people walk
5 away.

6 COMMISSIONER FIGUEROA: I would
7 just add that there is an existing
8 Memorandum of Understanding that outlines
9 a data agreement between the Department
10 of Human Services and the School District
11 that lives beyond the existing people who
12 are sitting at the table, and it's very
13 much aligned with access to information
14 that folks at the Education Support
15 Center have. So that's like an actual
16 physical live document that exists
17 between the two systems that irregardless
18 of what happens tomorrow, that that's an
19 element that keeps that infrastructure
20 going.

21 COUNCILWOMAN BROWN: Is there a
22 date attached to it?

23 COMMISSIONER FIGUEROA: I can't
24 remember if it's renewable on a ten-year
25 basis, but it's not a year to year.

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2 COUNCILWOMAN BROWN: I'll pass
3 the ball back to Madam Chairwoman. In
4 the cases of the staffers who engage in
5 that kind of conduct, what are the
6 consequences? Was that investigated?
7 What happened?

8 COMMISSIONER FIGUEROA: So not
9 knowing what particular we're talking
10 about, an exact case, when we are made
11 aware of a situation, it is required that
12 the staff member involved who is going to
13 be investigated by the Pennsylvania
14 Department of Human Services that there
15 is what's called a plan of safety. And
16 so that staff person is supposed to be
17 removed physically from the physical
18 plant. Again, that is something that we
19 work very closely with the state, because
20 we've seen some diversion from that from
21 time to time. And then there is an
22 actual child abuse investigation done on
23 that staff member, and based on the
24 outcome by the state's investigation will
25 lead to -- in a number of times there

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2 have been positions taken in the report
3 that don't necessarily align with what I
4 would like to see, and so we have told
5 providers that we refuse to pay for that
6 staff person to remain on our contract.
7 In some instances we're the majority
8 payor of that provider, so that kind of
9 is a clear message. If they're not found
10 indicated of child abuse, we can't tell
11 somebody to fire that staff person, but
12 we can say we will not pay for them.

13 COUNCILWOMAN BROWN: I see.

14 Thank you for your testimony.

15 COUNCILWOMAN GYM: Thank you.

16 Thank you, Madam Vice Chair.

17 So once again, I just want to
18 acknowledge the work that the three of
19 you in particular have done, Commissioner
20 Figueroa, Joan, and Karyn. Thank you
21 very much for the work you've done on
22 taking a look at this issue.

23 I just wanted to clarify for
24 Commissioner Figueroa, just acknowledge
25 your support in your testimony about

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2 recognizing how complicated this issue
3 is. It's been going on for a very long
4 time, and we have a lot of work to do,
5 along not just within the City end or
6 Council's end or the advocacy end but
7 really as that coalition to talk about
8 what it would take to bring our kids
9 home. And I think I heard you, but I
10 just wanted to make it clear that you
11 have a commitment to creating that
12 coalition of advocates and City agencies
13 and potentially others to see about what
14 we can do to take a look at those
15 efforts; is that correct?

16 COMMISSIONER FIGUEROA: Yes,
17 100 percent.

18 COUNCILWOMAN GYM: Thank you
19 very much.

20 I also wanted to thank both you
21 and Joan Erney on your work in shortly
22 after the Wordsworth situation and making
23 sure that you visited all these
24 residential treatment facilities in which
25 our young people are held, and I'm

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2 wondering if you can talk a little bit
3 about those visits, the assessments that
4 you've seen and some reflections on that.
5 And if you could just say your name for
6 the record.

7 MS. ERNEY: So my name is Joan
8 Erney and I'm actually the CEO of
9 Community Behavioral Health, not the
10 Commissioner. Commissioner Jones may
11 take some pause about that.

12 So I appreciate being here and
13 just want to echo -- the amazing voices
14 of our youth always inspire and I think
15 change what we do.

16 Two things I wanted to just
17 highlight. One is that I think you hear
18 from all of us a real village approach,
19 that it is -- we have all the same
20 commitments to bring young people back
21 closer to home. We have the same
22 commitment to make it a safe and secure
23 environment, to have community options,
24 and to have a future. And I think those
25 are kind of systems goals that we have

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2 really worked hard to have a lot of
3 synergy between us and with all our
4 child-serving partners. We see our role
5 at times as some of the convening to
6 bring folks together for our young
7 people.

8 Specifically to follow up on
9 the tragedy at Wordsworth, it really does
10 make us all take stock, and Council's
11 request for us to go out to the
12 residential programs, we formed a
13 multi-disciplinary team. We had young
14 adults and family members on the team.
15 They made significant contributions,
16 things that we would miss, similar to
17 what you hear here from the young people.
18 They would say, well, now what is that
19 exactly over there, and it turned out it
20 was a quiet room, which we don't permit.

21 So I think it's really
22 tremendous. And when we do our
23 monitoring, trying to include young
24 adults and family members who really have
25 a certain perspective has really made a

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2 difference for us.

3 We found that as with most
4 things, there were both strengths and
5 challenges at each of the residential
6 programs. We went to visit 18. They
7 were in the State of Pennsylvania. We
8 don't use many out-of-state resources
9 anymore, which is positive, and most of
10 anything that we are using at this point
11 is in New Jersey. So we try to keep kids
12 close to home. And we had a number
13 findings, and I think there are things
14 that we are actively working on. I think
15 one of the things that we found is an
16 issue around workforce, and we are
17 making, I think, strides on trying to
18 pull together with our provider community
19 and our advocates what is the workforce
20 that we need and how do we make sure they
21 get trained adequately and really are
22 able to be committed to public-sector
23 work, how do we keep them safe as both an
24 employee and also feeling really good
25 about the work and the commitment. So we

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2 had some best practices associated with
3 that. So we're doing a community of
4 practice session. We've done one with
5 agencies. We're doing a second, and
6 we're deep-diving into workforce and
7 finances, et cetera.

8 Secondly, we've created a lot
9 of infrastructure, particularly with DHS,
10 around the reviews of the agencies
11 ongoing. So it couldn't be just a
12 one-time effort. We now routinely and
13 monthly really meet and share provider
14 information, look for those red flags,
15 identify areas that we might have
16 concerns about, and then really try to
17 have a plan going forward.

18 We also review young people who
19 are inpatient or in settings that were
20 not -- where we want to move them on, and
21 we're doing that on a regular basis.

22 We also have found that we do
23 have to have some attention to
24 restraints. The Wordsworth death was as
25 a result of a really -- a poorly enacted

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2 restraint.

3 And so we have really seen some
4 promising work. Our goal is to have no
5 restraints. So psychiatric residential
6 treatment facilities are a little
7 different than a general congregate
8 setting, because it has some additional
9 requirements. However, there are also
10 restraints that certainly happen there.
11 And so we embarked on a lot of attention
12 as well as provided some tools and some
13 new training opportunities that really
14 are targeted to eliminate restraints, and
15 we've seen a pretty significant
16 reduction. It's not solely due to us,
17 because we believe the agencies have
18 really stepped up their work as well, but
19 we're really pleased with the direction
20 it's going and with an overarching goal
21 of being restraint free.

22 COUNCILWOMAN BROWN: Point of
23 information on the -- you called them
24 psychiatric treatment facilities. Are
25 there any in the City of Philadelphia

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2 designed specifically to serve young
3 people?

4 MS. ERNEY: There is currently
5 only one program that's in Philadelphia
6 since Wordsworth closed, and it really
7 treats a small population of individuals
8 who have mental health and intellectual
9 disabilities. We issued an RFP, request
10 for proposal. We had two organizations
11 who applied for the RFP, and we're
12 working through moving them forward.
13 They will develop two small residential
14 programs in Philly, one for nine boys and
15 one for nine girls, because that will
16 again help us stay closer to home. And
17 our commitment is to build -- continue to
18 build more community infrastructure. So
19 that was part of the other lessons
20 learned, is we can't have big facilities.
21 We can't have mixed facilities. We need
22 to have our kids in communities attached
23 to the local supports in schools and
24 family that they need. And so we've
25 built a whole crisis system up to try to

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2 respond differently to crises, and we're
3 trying to build more both trauma-impacted
4 care, et cetera.

5 COUNCILWOMAN GYM: Thank you.

6 MS. ERNEY: So we think we're
7 making some progress as a result of that,
8 but we are not going to let up our
9 attention to this.

10 COUNCILWOMAN GYM: It's my
11 understanding that after you visited, you
12 did decide to suspend intake in at a
13 couple of the facilities; is that
14 correct?

15 MS. ERNEY: Correct.

16 COUNCILWOMAN GYM: Could you
17 tell us how many after your visit that
18 you decided to suspend? Was it two?

19 MS. ERNEY: It was either two
20 or three. One of the things we did at
21 each facility was, we did review tapes
22 of -- if there were tapes available, we
23 reviewed tapes of restraints. I know
24 that at least in two instances we found
25 that tapes indicated to us that it was

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2 not appropriate restraint. So we did
3 suspend. And that's a regular activity.
4 If we have a restraint, we do close
5 admissions until we are able to kind of
6 see a record, talk to the young person,
7 talk to staff, et cetera, and see what
8 really happened.

9 COUNCILWOMAN GYM: Are those
10 facilities still closed today?

11 MS. ERNEY: They are not.

12 COUNCILWOMAN GYM: I mean, have
13 we continued to suspend intake?

14 MS. ERNEY: No. The intake is
15 open.

16 COUNCILWOMAN GYM: Intake is
17 back open.

18 COMMISSIONER FIGUEROA: We have
19 one that's --

20 COUNCILWOMAN GYM: Could you
21 just speak into the microphone, please,
22 Commissioner.

23 COMMISSIONER FIGUEROA: Just
24 for the point of clarity, DHS in terms of
25 use of one setting, we continue to have

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2 intake closed on one facility on the
3 western side of the state.

4 COUNCILWOMAN GYM: Could you
5 name that facility.

6 COMMISSIONER FIGUEROA: It's
7 George Junior.

8 COUNCILWOMAN GYM: And then in
9 December, I think we also suspended or
10 ended a contract with another facility.
11 Could you --

12 COMMISSIONER FIGUEROA: We
13 closed two facilities that were operated
14 by VisionQuest. We closed the
15 community-based detention facility as
16 well as there was a group home facility
17 that was operated also northwestern part
18 of the state.

19 COUNCILWOMAN GYM: And were
20 those based on safety reasons?

21 COMMISSIONER FIGUEROA: Yeah.
22 They were based on the quality and our
23 feeling that the kids were going to be
24 safer in areas that we -- and in one
25 instance, as you know, we had to make

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2 that decision quickly and we had to
3 temporarily bring the children back.
4 Some of them were at the Juvenile Justice
5 facility as we found the appropriate
6 placements for them.

7 COUNCILWOMAN GYM: Yeah. That
8 was a situation that we were trying to
9 deal with together, and I appreciate
10 your --

11 COMMISSIONER FIGUEROA: Yeah.
12 And I just want to highlight that's
13 another one of those circumstances where
14 the facility, while we had an opportunity
15 to visit youth on a monthly basis, there
16 were challenges happening in that
17 facility that the state was aware of that
18 we were not notified of until things had
19 really gotten to a really poor place, and
20 then we had -- then we were left no
21 choice but to act in a very expedited
22 manner.

23 COUNCILWOMAN GYM: And I think
24 during your visits, could you speak a
25 little bit as to what you felt your

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2 capacity was to evaluate the quality of
3 the educational program at these
4 facilities.

5 COMMISSIONER FIGUEROA: So at
6 the time because it was CBH and DHS, we
7 only inquired in terms of the types of --
8 certainly DHS doesn't have jurisdiction
9 to actually evaluate the educational
10 offerings. That's definitely something
11 that's on the future horizon, is how do
12 we coordinate those efforts differently,
13 how do we work with PDE. So we saw, like
14 Joan would tell you, a variety, a really
15 tremendous sort of -- from District-run,
16 to private, to some of the examples that
17 our young people talked about.

18 COUNCILWOMAN GYM: And again
19 for clarity, I think this is an issue
20 that we've been deeply concerned about,
21 but it's my understanding the School
22 District of Philadelphia does not have
23 oversight over the quality of education
24 of the facilities or is able to currently
25 at this time evaluate the educational

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2 program at any of the residential
3 treatment facilities; is that correct?

4 MS. LYNCH: Yes.

5 COUNCILWOMAN GYM: And I think
6 we -- as some of us have noted, PDE only
7 takes a look at the -- Pennsylvania
8 Department of Education only looks at the
9 educational programs once every six
10 years, and it's our understanding that
11 they primarily look at it in terms of
12 their ability to meet the needs of
13 students with IEPs, but don't necessarily
14 evaluate it against the quality of
15 instruction, grade to grade or standard
16 to standard within each school district;
17 is that correct?

18 MS. LYNCH: Yes. That's our
19 understanding.

20 COUNCILWOMAN GYM: I think we
21 heard today, Ms. Lynch, from students
22 like Jihid and Lilly who talked about
23 really troubling situations, including
24 Jihid said he had completely missing
25 records. He had no credit for work that

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2 had been completed. Lilly discussing
3 that she spent months at a facility in
4 which absolutely no educational program
5 was given.

6 What does the School District
7 do when a youth returns from placement to
8 establish whether there have been any
9 violations of the educational program and
10 needs? What is our capacity to do on
11 this end? Like are we even able to
12 interview the students and ask them
13 what's happened or at least help them get
14 their records?

15 MS. LYNCH: So yes. In fact,
16 we have transitional services. In this
17 next school year, we are enhancing our
18 transitional services so we can spend
19 more time with students before they are
20 transferred or enrolled in schools within
21 the School District of Philadelphia.

22 What we find frequently is that
23 the records are missing essential
24 documents. We make calls. We make
25 inquiries. It's really important for

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2 there to be transcripts that include
3 coursework that is transferable, and the
4 contents of the course and the
5 description of the course is frequently
6 not there. So we do make calls in order
7 to find out. We send correspondence in
8 order to find out. We establish contacts
9 at the various locations in order to find
10 out what was the course, what was the
11 course offering, and whether or not we
12 can offer credit transfer.

13 COUNCILWOMAN GYM: I mean, I
14 think as we talk about doing this
15 coalition and/or task force, whatever we
16 want to call it, to take a look at the
17 situation around the institutional
18 placements, this is one of the areas that
19 we want to figure out, because in fact
20 these individuals are paid; is that
21 right? Are they paid per diem by the
22 School District of Philadelphia for the
23 educational program?

24 MS. LYNCH: Yes.

25 COUNCILWOMAN GYM: So do you

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2 know how much we pay them per diem?

3 MS. LYNCH: The individuals who
4 work for the District who do this type of
5 work?

6 COUNCILWOMAN GYM: No, no, no.
7 For the contracts with the residential
8 treatment facilities, the School District
9 of Philadelphia is obligated to pay them
10 a per diem rate; is that correct?

11 MS. LYNCH: Yes.

12 COUNCILWOMAN GYM: Do we know
13 how much that per diem rate is? Does it
14 vary?

15 MS. LYNCH: It varies according
16 to the provider of the service.

17 COUNCILWOMAN GYM: And I know
18 that we have a little bit of questions
19 about the exact amount of money. I think
20 there was a back and forth with the CFO
21 about some clarity. The District's
22 budget book, for example, says 78 million
23 in institutional placement. There's
24 questions about whether that does include
25 about 25 million that goes into special

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2 education placement, but it's a little
3 bit confusing right now. But it's at
4 least in the tens of millions of dollars
5 that we've got with these young people,
6 that we expect them to get an education
7 for that amount.

8 MS. LYNCH: Yes. We estimate
9 that it's something slightly less than
10 \$30 million a year.

11 COUNCILWOMAN GYM: Well, thank
12 you very much. Again, I want to thank
13 the three of you for your partnership.

14 Joan, please.

15 MS. ERNEY: If you can indulge
16 me in just one moment, I did want to
17 highlight something that I think is so
18 positive and I think is indicative of the
19 strong work as a result of some of what
20 we've done.

21 The Hifi Rap Team, which is
22 over there on the side, it includes a
23 family member and a young person as well
24 as a coordinator, and their role is to
25 assist young people to get them in

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2 community, and we decided to do a little
3 bit something different as a result of
4 our reviews. We partnered with DHS to
5 have a child find. So that these are
6 young people who often don't have anyone.
7 They don't have a foster family or no one
8 has been able to find. So our team,
9 along with DHS, really looks to find an
10 opportunity for these young people to
11 come back home and have a life, and we've
12 had already one success story. And so
13 we're really excited about the
14 opportunity to really do things
15 differently and have some great
16 successes.

17 COUNCILWOMAN GYM: Thank you
18 very much.

19 One other quick question,
20 Commissioner Figueroa. Could you clarify
21 before when Councilmember Reynolds Brown
22 asked the question about what
23 requirements of notice when a child is
24 put in solitary, restrained, injured,
25 anything like that, you mentioned that

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2 these situations are self-reported by the
3 agency to DHS; is that correct?

4 COMMISSIONER FIGUEROA: To PA
5 DHS.

6 COUNCILWOMAN GYM: To the
7 state.

8 COMMISSIONER FIGUEROA: Yes.
9 And we have subsequently asked to make
10 sure that in particular we have contracts
11 that they also notify us.

12 COUNCILWOMAN GYM: And --

13 COMMISSIONER FIGUEROA: They're
14 required by law to report it to PA DHS.

15 COUNCILWOMAN GYM: And when you
16 said there's a delay, how long can that
17 delay range from, like the outer end?

18 COMMISSIONER FIGUEROA: So I
19 can only speak to what I've witnessed in
20 my time, and it could be anywhere from 15
21 days to 60 days, 90 days.

22 COUNCILWOMAN GYM: All right.
23 Thank you very much to the three of you.
24 Thank you for your partnership and to
25 your -- oh, we have one more question.

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2 First of all, I'd like to acknowledge the
3 presence of my colleague Councilman
4 Curtis Jones, Jr.

5 Thank you very much,
6 Councilman, for joining us, and please.

7 COUNCILMAN JONES: Thank you,
8 Madam Chair, for having this hearing and
9 raising this important issue, but I would
10 be remiss if I didn't cite two things.
11 Number one, you have the hardest job in
12 the City of Philadelphia, and I recognize
13 that, mostly because I deal with the
14 criminal justice side of things with my
15 colleague, but I was educated by Ms. Grey
16 who also educated all of us in this room
17 that this is the flip side of the coin,
18 that if good things happen here, there
19 are better outcomes going forward for
20 young people. If bad things happen here,
21 there is a predictability that there will
22 be bad outcomes.

23 I literally am late because I
24 met with a person -- I won't say male,
25 female, who, HIPAA laws, but they were

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2 going through those kinds of crises and
3 are just now coming out of that cloud to
4 realize, okay, maybe I have a shot at
5 getting my stuff together.

6 The second thing I want to say
7 is that I appreciate, Commissioner,
8 there's a group called Forget Me Not that
9 you guys went out to see. They were a
10 community-based organization, I believe
11 Broad and York, a bunch of folks who had
12 no funding but just wanted to do good
13 things for young people in that area.
14 And, by the way, that is not my district,
15 which is like totally uncharacteristic
16 for me, but they were doing such good
17 things that we went out to take a look at
18 them, and now they are part of the system
19 because they were in fact penetrating
20 that hard case issue in that
21 neighborhood.

22 I want to thank you and say
23 that there are certain jobs that are
24 indispensable. They are hard jobs, and
25 it's not the glitz and glamor part of

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2 government. You don't put out fires and
3 things like that that make heroes and
4 sheroes out of you, but I just want you
5 to know at least for me that I recognize
6 the difficulty of your job and thank God
7 for you when I call when people are in
8 crisis, because all of the elected
9 officials swearing in in the world does
10 not make me prepared to handle some of
11 the things you have. I'm saying thank
12 you on the record.

13 COMMISSIONER FIGUEROA: Thank
14 you.

15 COUNCILWOMAN GYM: Thank you
16 very much, Councilman.

17 (Applause.)

18 COUNCILWOMAN GYM: Excuse me.
19 Sorry. One more.

20 Councilmember Reynolds Brown.

21 COMMISSIONER FIGUEROA: I'll
22 just stay seated until you say.

23 COUNCILWOMAN BROWN: Rhetorical
24 question and then a very brief comment.

25 Geography and logistics aside,

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2 when it comes to educating young people
3 who have these extraordinary
4 circumstances, at some point there was a
5 charter school that captured young people
6 in that circumstance. I know that it
7 closed. I don't fully know why, but I
8 know it had great value, because I
9 visited it many times to speak to those
10 young people, and the teachers there were
11 saviors to those kids. And so my
12 rhetorical question is, is it financially
13 more economical to place the money there
14 than the 31 million that's being spent
15 for students -- well, that's across the
16 state in education. So that's a
17 think-about-it question.

18 Secondly, meeting for meeting's
19 sake is unproductive. So to pull
20 together a task force will be important.
21 My historical experience having worked
22 closely with Mayor Street for the Blue
23 Ribbon Commission, we met for a solid
24 year. We came up with recommendations.
25 We put those recommendations in place,

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2 and then they were executed.

3 So there needs to be a
4 beginning and there needs to be an end
5 that's attached to very specific goals
6 related to the type of testimony we're
7 hearing today. To get a report and then
8 place it on the shelf wastes everybody's
9 time. So I'm for meetings, but I'm not
10 for meeting for meeting's sake.

11 Thank you, Madam Chairwoman.

12 COUNCILWOMAN GYM: Thank you
13 very much, Councilwoman.

14 (Applause.)

15 COUNCILWOMAN GYM: Will the
16 Clerk please call up the next panel.

17 (Ms. Bennett speaking without
18 microphone.)

19 COUNCILWOMAN GYM: Yes. There
20 will be time at the end for additional
21 testimony.

22 Will the Clerk please call the
23 next panel up.

24 THE CLERK: Keir Bradford-Grey,
25 Chief Defender, joined by Lisa Campbell,

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2 Ellyn Sapper, Katharine Vengraitis, Leola
3 Hardy, Representative Vanessa Lowery
4 Brown, Maura McInerney, and Gabriella
5 Labella.

6 (Brief pause.)

7 (Witnesses approached witness
8 table.)

9 COUNCILWOMAN GYM: Thank you
10 very much. Thank you for that little
11 delay. We really welcome you here.
12 Thank you so much. Thank you, Keir
13 Bradford-Grey, for being here as well as
14 the other advocates. If you could just
15 state your name for the record and
16 proceed with your testimony.

17 MS. BRADFORD-GREY: Thank you
18 so much for having me here this afternoon
19 and thank you so much for this hearing.
20 I think it's really important, and I want
21 to start off by saying that we're not
22 here to point fingers. We're here to
23 come to some resolution and solutions,
24 and we've been working with a number of
25 these agencies to do just that. We all

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2 have an ownership in this and we all want
3 to fix it. So I definitely want to start
4 off with saying that.

5 I will introduce myself. My
6 name is Keir Bradford-Grey and I am the
7 Chief Public Defender of the Defender
8 Association where we do represent youth,
9 both on what we would call dependency,
10 those are children that have been deemed
11 to be abused and neglected. I am here
12 with my remarkable team of lawyers and
13 social workers from our Child Advocate
14 Unit, and I can say this: I'm here as
15 the face presenting this, but the work is
16 being done by these professionals who are
17 committed every day, and we do recognize
18 that while we're doing the work that we
19 want to do and that we need to do, we
20 have further to go, and we're always
21 willing to make sure that we're doing
22 what we need to do for these young
23 children who are brave enough here to
24 talk about their experiences.

25 I'm also here joined today by

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2 my staff on our Delinquent Unit, and that
3 is Mr. Elton Anglada, Lisa Campbell,
4 Ellyn Sapper, who has a new role, which
5 is to look at dispositional reviews. So
6 meaning what she does is she works with
7 the kids and figures out what their
8 experience has been in the placements
9 that they have been in, and we've
10 actually hired a Fellow to do interviews
11 for these youth to talk about some of the
12 things that they probably wouldn't say
13 while they were in the placements. We
14 used to go out and actually we have a
15 contract with DHS where they provide us
16 funding to go out and visit our children
17 while they're in placement, but what we
18 found is that when we go out there and we
19 ask them how is their experience, they're
20 really afraid to talk to us while they're
21 in that placement for fear of
22 retaliation. So we felt it's a better
23 model to talk to them once they're out,
24 and we will be compiling all of that data
25 and bringing it to the forefront so that

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2 we can find out some solutions to some of
3 the glaring things that we've seen.

4 I'm also here with our
5 education specialist. Like I said, one
6 of the things that the Defender
7 Association lawyers understand is that we
8 cannot do everything and we don't know
9 everything. And one of the main drivers
10 of our juvenile justice system's access
11 to our kids have been special education
12 needs. So we did hire a woman, Katharine
13 Vengraitis, and she's been amazing to our
14 lawyers to understand what the School
15 District must do before we send kids to
16 our juvenile justice system, and we've
17 been instrumental in getting cases
18 stopped from criminal prosecution and
19 getting the school to better address
20 those needs.

21 (Applause.)

22 MS. BRADFORD-GREY: We can do
23 it much more -- thank you so much for
24 that, because I'm very proud of that. We
25 can do it much more, but the more we

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2 understand what's driving the behaviors,
3 the better off we'll be in coming to
4 resolutions.

5 And then, lastly, we have our
6 policy analyst who has been doing amazing
7 work, and she's -- her name is Leola
8 Hardy. She actually did reach out to
9 Juvenile Law Center to build this
10 coalition called Closer to Home. And,
11 Helen Gym, your office has been involved,
12 and yours too, Councilwoman Brown. And
13 we've been looking at models of people
14 who had less reliance on placement.

15 Now, with that said, I'm going
16 to go into just a brief PowerPoint
17 demonstration just to kind of illustrate
18 some of the information that we provided
19 in our written testimony. This just
20 talks about how many children we
21 represent. So we really have an
22 understanding of a vast majority of our
23 youth as to what their issues are related
24 to coming into our systems and what their
25 needs are. Unfortunately some of our

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2 resources do not fit the needs,
3 especially as it relates to our young
4 girls.

5 Now, before I show this, this
6 is kind of illustrative of the point that
7 when we're talking about using placement,
8 we need to -- when I hear that we're
9 looking at compliance, it's not just
10 compliance we need to be worried about.

11 We need to be worried about culture.

12 Some of the things that we have seen
13 before in terms of culture is that our
14 youth are shipped all over the country.

15 In some of these areas they don't have
16 the ability to understand some of the
17 urban needs that our children have, some
18 of their neighborhoods, some of their
19 experiences, all the things that we would
20 think and we would hope that children can
21 identify with those who are responsible
22 we're rehabilitating them with. So we
23 have children who I believe are overly
24 disciplined, children who are overly
25 dealt with in such aggressive manners,

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2 and it only exacerbates their feeling of
3 worthlessness and doesn't give them an
4 opportunity.

5 Now, before I show this video,
6 I want to give anyone in the audience an
7 opportunity to leave if you want. There
8 are going to be some disturbing visuals
9 in this video. The faces are blacked out
10 so we can't tell who they are. We've
11 gotten written and expressed permission
12 from our client to show this video.

13 This is going to feature what
14 happened in a situation in a case where
15 we had -- where it was recommended that a
16 child of ours go to placement because of
17 mental health needs. Once they got
18 there, there were some issues related to
19 the interaction with the staff. The
20 interaction -- the staff had some
21 physical ways of dealing with our child,
22 and our child was actually arrested and
23 put into adult custody and sat in adult
24 custody for about two months until Ellyn
25 Sapper was able to get the video, show

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2 that it wasn't our child that actually
3 was aggressive towards the staff. She
4 gave the video to our DHS partners, and
5 DHS reached out to the District Attorney
6 in Pike County, where all charges were
7 dropped. Unfortunately at the time that
8 the case went to court, our child was now
9 considered an adult and sat in adult
10 prison, which had a lot of psychological
11 trauma on him.

12 So this is a state facility.
13 It is not a local facility, but if anyone
14 would like to leave, I'll give you an
15 opportunity now. Otherwise, we're going
16 to show the video.

17 (Video playing.)

18 COUNCILWOMAN GYM: And, Ms.
19 Bradford-Grey, for clarity, we're looking
20 at the young man in the green shirt; is
21 that correct?

22 MS. BRADFORD-GREY: Yes, we
23 are. His face is blacked out. I
24 apologize. That's the focal point.

25 What you're viewing is the

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2 counselors really kind of pummelling this
3 one child and the other ones are sitting
4 back, because this is normal to them.

5 This is what happens in these placements.

6 (Audience member speaking out.)

7 COUNCILWOMAN GYM: And, Ms.

8 Bradford-Grey, can you clarify again, are
9 we looking at the same timeline or is
10 this a different day?

11 MS. BRADFORD-GREY: This is the
12 same day, just in a different section of
13 that facility.

14 (Video playing.)

15 MS. BRADFORD-GREY: Thank you.

16 I showed that not too spar up
17 emotions, but in a way to do that,
18 because I think we talk about it, but we
19 don't have a way to really see the type
20 of trauma that is being instituted to our
21 kids each time that we send them away to
22 get rehabilitated.

23 This did not rehabilitate that
24 youth. In fact, it exacerbated his
25 issues, and many of the youth around that

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2 have watched that and have felt like this
3 is normal behavior and this is how they
4 are supposed to be dealt with and
5 handled. And we never want this. So
6 when we're talking about looking at
7 placements, we're not just talking about
8 it from taking our kids away from their
9 homes. We're talking about it from an
10 area of respect and dignity that we
11 should have for our kids and an
12 understanding they are kids who are very
13 impressionable and whose trauma
14 exacerbates with some of these issues.

15 So without being able to see
16 this, we would have accepted the version
17 that our kid was the one that took an
18 aggressive posture, our kid was the one
19 that escalated the situation, and our kid
20 was the one that needed to be arrested
21 and placed in handcuffs and sent to
22 court. And I'm glad that DHS helped us
23 get that reversed.

24 I would be remiss if I didn't
25 say or talk about the fact that just

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2 yesterday I received a call from Carson
3 Valley and the judge out there who said
4 that ten of our youth that were placed in
5 Carson Valley were now arrested for
6 issues or challenges that related -- that
7 were in that facility where people were
8 acting rowdy and some were fighting. Our
9 children, the Philadelphia kids, were
10 actually arrested.

11 So sometimes we're sending
12 these kids to facilities because they
13 have dependent needs and they're coming
14 out with criminal convictions, and these
15 are the things that we do not want.
16 These are the things that the Defender
17 Association works hard to avoid, but
18 unfortunately these are now in another
19 county.

20 I used to be the Chief Defender
21 of Montgomery County and I can tell you,
22 Montgomery County does not send its kids
23 to Carson Valley, because there is an
24 influx of Philadelphia kids there. So as
25 a result, they don't want to mix them

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2 with Philadelphia kids. This is the
3 perception of the children that we send
4 there.

5 There were town halls that were
6 discussed in terms of there's going to be
7 Philadelphia kids that infiltrated the
8 schools and we would not -- we would have
9 a zero tolerance for them.

10 So people know that we are
11 using these facilities outside of our
12 county and they are looking at our kids
13 as if they are different, and they are
14 actually overly policing them, overly
15 critical of what they're going through
16 and, in fact, exacerbating their trauma
17 once again.

18 So this is what I wanted to
19 bring to the forefront of this hearing,
20 and it's a real urgent need to rely less
21 on these placements and build up
22 community resources.

23 Now, one of the things that we
24 didn't talk about a lot is race and who
25 is in these facilities, who is in our

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2 system, and as you see, 73 percent of the
3 children in our juvenile justice system
4 are black. That is glaring, and I think
5 that's worthy to be said. As we're
6 talking about race in our country and
7 issues related to how we treat people of
8 color, we know that the African American
9 kids are coming into our system and
10 they're only getting even more
11 stereotyped by the fact that they are now
12 a delinquent kid or if they go to a
13 dependent facility, they may come out a
14 delinquent kid.

15 Sixteen percent are Hispanic
16 and 11 percent are white. So this is
17 glaring when we're talking about our
18 youth and their opportunities to prosper,
19 and we're looking at the disparities in
20 who is prospering and who is not.

21 Some of the more recent studies
22 that have come out in terms of looking at
23 school discipline shows that young
24 African American kids are disciplined at
25 a rate of almost eight times more than

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2 their white counterparts. I can tell you
3 as a person that has been privileged to
4 send my children to private schools, I
5 see the difference in the way that
6 children are disciplined and I see the
7 difference between the way that children
8 are even related or referred to the
9 juvenile justice system.

10 If I were a kid growing up in
11 this day and age, I don't think I'd be
12 able to become a lawyer based on some of
13 the disciplinary practices that we have
14 here and the labeling as a result of
15 that.

16 One of our areas of main
17 concern for the Defender Association is
18 to look at and understand the effects
19 that placement have on our youth. We
20 want to understand what are the
21 residential placements and what are they
22 used for, and some of our judges make
23 determinations to place our youth based
24 on what we would call a referral process
25 through a mental health psychiatric

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2 evaluation, and sometimes the psychiatric
3 evaluation labels our kids differently
4 than what we see in terms of their life
5 experience.

6 For instance, we have seen
7 children that have been mirrored with
8 abuse and trauma, but then would be
9 labeled as oppositional defiant disorder
10 as well as at ADHD. These things set off
11 the course for treatment.

12 I recently raised with some of
13 our treatment providers why isn't there a
14 PTSD diagnosis for our kids who have
15 displayed or shown that they have been
16 abused and neglected, and I was told a
17 few different things, but right now we
18 are starting to see that diagnosis creep
19 up a little bit more, which can really
20 start to help the funding resources for
21 the therapeutic needs.

22 The Defender Association also
23 has partnered with the University of
24 Pennsylvania so that we can start looking
25 at these evaluations and making

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2 recommendations for community-based
3 options. So this is something that has
4 been a really big game changer in the way
5 we advocate for our children. Before we
6 hadn't had the wherewithal or the
7 experience to refute some of the
8 evaluations or the diagnoses that have
9 been given, but now we have what we call
10 our own in-house experts that are
11 allowing us to understand that based on
12 the information that's in the report, a
13 diagnosis of oppositional defiant
14 disorder is not warranted in this
15 particular case. Now we're able to bring
16 that information to the courts as well as
17 DHS as well as Community Behavioral
18 Health so we can have a different plan of
19 treatment, one where the kid will
20 actually get the rehabilitation that
21 addresses their needs.

22 Another area of concern is the
23 rise of young women in our juvenile
24 justice system and the lack of resources
25 that we have to deal with their issues.

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2 If you look at this map, these are the
3 placements by gender across the states,
4 and as you see the square equals the
5 placements that are strictly for women.
6 There's only one in the state. And the
7 circle are those that are strictly for
8 males, and then the shaded-in triangle
9 are those that take both. We know George
10 Junior Republic has not been taking
11 admissions, so we're really down, and as
12 a result, our young girls are forced to
13 go outside of the state to other areas of
14 the country to get rehabilitated. We
15 have sent girls as far as New Mexico.
16 And when we had a young girl that was in
17 New Mexico and she was really having a
18 hard time adjusting and she needed
19 hospitalization, and so New Mexico took
20 her to Las Vegas to be hospitalized. And
21 these are the types of things that our
22 kids are seeing all the time. We really
23 need to focus on our girls and what we
24 need to do even in our communities. For
25 those that are not even in placement, but

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2 those are on probation, we don't have a
3 lot of resources.

4 I recently did have some
5 interaction with Councilwoman Brown's
6 office through one of her aides, and we
7 started to build a community resource of
8 female mentors for some of these youth,
9 the girls that are coming into our
10 system. Our office screens them, comes
11 up with a profile of what's driving the
12 behaviors, and then matches them up with
13 someone in the community through our Big
14 Brother Big Sister program, and it's been
15 tremendous because some of these young
16 ladies, they just need someone else to
17 talk to. They need someone else to
18 understand what's going on with them.
19 And it's brought a lot of information and
20 understanding about what we need to be
21 doing for some of these girls, but we
22 have a long way to go and we need to
23 develop those resources.

24 COUNCILWOMAN BROWN: Chief
25 Defender, if I could offer up one point

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2 of information. This portion of your
3 testimony is very, very consistent with
4 the testimony that was presented by our
5 District Attorney. Underscoring the lack
6 of programming for girls, we don't even
7 have a sense of what's out there for
8 girls. So my staff and I have already
9 introduced a resolution calling for a
10 hearing to let's get a finger on the
11 pulse of what exists, what's in the
12 universe, and let that guide us on what
13 we need to do more of. So your testimony
14 only punctuates what he stated on the
15 record as well.

16 MS. BRADFORD-GREY: Thank you
17 so much for that. Thank you. Our
18 lawyers and our social workers look in
19 our community, and I will tell you, the
20 resources are very limited. So I
21 appreciate the fact that you have your
22 finger on that pulse. We really need
23 more opportunities for girls to stay in
24 their communities and get what they need.

25 Again, I talked about some of

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2 the assumptions of why kids are going
3 into placement. Thirty percent of the
4 people or the children that the Defender
5 Association represents go to placement
6 for truancy purposes, and as we've heard
7 time and time again, that they go to
8 placement because they're not going to
9 school, they're not doing well in school,
10 and they go to these placements, and
11 they're really not getting the education
12 that they need.

13 We've been working with the
14 coalition to build up this ability to
15 understand what we need for educational
16 purposes in some of these placements, and
17 I think that DHS and CBH, others, have
18 been on board, Dr. Hite, have been on
19 board with exploring this. We just need
20 to move, like you said, the meetings into
21 a plan of action as to how we're actually
22 going to attack this, but it is something
23 that Stoneleigh Foundation had done an
24 extensive research on and really found
25 that many of these placements were not

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2 meeting the educational needs of our
3 kids.

4 If you go there and you
5 actually see the areas that's designated
6 for learning, most of them are sitting by
7 themselves to do packets or some of them
8 are looking on the computer without
9 instruction, if you actually go and see
10 it. And it's something that is an
11 eye-opener, and I think that we're all
12 willing to address and I hope to be a
13 part of that movement coming soon.

14 Other reasons why we place kids
15 are because of their mental health needs,
16 but as we just learned through a hearing
17 we had called Closer to Home is that New
18 York has stopped relying on placement to
19 deal with mental health needs. They've
20 been looking at resources within the
21 community that help people navigate some
22 of the culture of their own environment
23 that exacerbates some of their mental
24 health needs. And so that's what I'm
25 hoping that we can move to, identifying

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2 those opportunities to say that while
3 kids are in their own areas, there are
4 triggers that they need to be able to
5 deal with, and if we constantly send them
6 away to deal with these in a setting that
7 is not like their own environment, then
8 when they come back, they're still not
9 going to be able to cope with some of
10 those pressures and those traumas that
11 are triggers for their mental health
12 needs.

13 So with that, I will end my
14 segment, and I think some of the possible
15 solutions is to, of course, bring our
16 youth that are in faraway residential
17 placements back to Philadelphia. We have
18 to build our understanding of our needs
19 here. I think we're all in agreement
20 that sending them away to faraway is
21 serving no purpose. And then we cannot
22 understand what's going on and that
23 culture and environment that may be
24 different than Philadelphia.

25 Two, they are looking --

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2 they're being met with people who don't
3 look like them, who don't understand some
4 of their cultural environment and
5 backgrounds. So these things are really
6 not making for the best opportunities for
7 rehabilitation. And we're going to be
8 working collaboratively with stakeholders
9 to assess these things.

10 The compliance standards that
11 we use, we need to look at culture and
12 environment as well and not think that
13 just some kind of checkmarks on a paper
14 will do it, but also understanding what
15 type of culture and environment should
16 our kids be in and working with these
17 placements to understand diversity needs,
18 diversity and inclusion needs. As you
19 saw in that video, there were no diverse
20 staff. None. And I know when I was a
21 young practitioner and I went into these
22 placements to see reviews, I often saw
23 kids getting what they called
24 disciplinary infractions for listening to
25 rap music. These are things that would

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2 tack on months in their placement because
3 they were listening to rap music when
4 they were told they could not.

5 You can't strip away someone's
6 culture. You can only talk about them
7 about the healthiness of what they're
8 listening to, but also kind of give some
9 feedback and understanding of why this is
10 a part of their culture.

11 I myself do listen to rap
12 music, and I don't feel like it's
13 something that can be stripped away, but
14 it's something that should be discussed
15 in a healthy way. We can't say that
16 people aren't who they are just because
17 they come in our placements, but we can
18 embrace the difference in diversity.

19 COUNCILWOMAN GYM: Thank you.

20 MS. BRADFORD-GREY: So I really
21 do hope that we look at not just what's
22 happening in placements, but the racial
23 component as well, because it is a big
24 deal.

25 COUNCILWOMAN GYM: Thank you so

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2 much. Thank you very much, Ms.

3 Bradford-Grey. Thank you.

4 (Applause.)

5 COUNCILWOMAN GYM: We're going
6 to have testimony from our next two
7 witnesses and then we'll have a brief
8 round of questions, but in the interest
9 of time and because we have our wonderful
10 stenographer who actually does need a
11 break, we're going to have to limit
12 testimony to four minutes a piece. Is
13 that okay? And we have written testimony
14 also for the audience members who are
15 here, if you'd like pick up any of the
16 written testimony, including the
17 testimony of the young people who spoke
18 earlier. Those are available on the
19 desks over on this side.

20 I also want to acknowledge the
21 presence of my Council colleague,
22 Councilmember Quinones-Sanchez as well.

23 So if the next witness could
24 proceed. State your name and proceed
25 with your testimony. Thank you.

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2 MS. McINERNEY: Thank you so
3 much, Councilwoman Gym. Thank you for
4 this opportunity to address City Council
5 and the Committee regarding the impact of
6 residential placement on the education of
7 children and youth in foster care and the
8 juvenile justice system. My name is
9 Maura McInerney and I'm the Legal
10 Director at the Education Law Center, a
11 statewide non-profit legal organization
12 dedicated to ensuring that all of
13 Pennsylvania's children have access to a
14 quality public education. We represent
15 the most educationally at-risk children,
16 those living in poverty, children of
17 color, English learners, children with
18 disabilities, et cetera. Over our
19 45-year history, ELC has handled hundreds
20 of individual and impact cases on behalf
21 of children in foster care and the
22 juvenile justice system. My testimony
23 today stems from ELC's years of
24 experience in addressing the educational
25 needs of children and youth in

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2 residential placement. Our clients'
3 stories are heartbreaking. We've been
4 fortunate to intervene in many cases, but
5 too often youth returning from and in
6 placement find themselves far behind
7 their peers. They give up and drop out
8 of school. It's a loss that follows them
9 for the rest of their lives.

10 Children who are
11 system-involved are among the most
12 educationally at risk of all student
13 populations. They graduate at lower
14 rates, score lower on standardized tests,
15 have higher rates of special education
16 eligibility, and are more likely to
17 repeat a grade. In Philadelphia, half of
18 youth in foster care and 65 percent of
19 youth in the juvenile justice system do
20 not graduate from high school.

21 However, children and youth
22 placed in residential placements are at
23 even higher risk of school failure and
24 are more likely to drop out, and the
25 reasons for this are very clear.

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2 First, children in residential
3 settings are required to change schools.
4 They're often placed far away from their
5 families and their communities, and this
6 educational disruption undermines any
7 academic progress. A student loses four
8 to six months of educational progress
9 with every school move. In contrast, you
10 are 50 percent more likely to graduate if
11 you stay in the same school. Children in
12 residential care more often attend one or
13 more different placements, and they don't
14 have the option to remain in the same
15 school.

16 Second, children in
17 institutional placements commonly attend
18 on-ground schools rather than local
19 public schools. On-ground schools are
20 predominantly private academic schools.
21 They exist largely in the shadows, with
22 little oversight of any local education
23 agency or the state. Pursuant to state
24 policy, these programs are subject to
25 on-site monitoring only once every six

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2 years, only with regard to students with
3 disabilities. They have wide discretion
4 in educational programming. They're not
5 required to follow the same rigorous or
6 curriculum requirements or academic
7 standards of public schools.

8 So students attending on-ground
9 schools are taught in multiple-grade
10 classrooms, sometimes with uncertified or
11 improperly certified teachers, and they
12 frequently receive below grade-level
13 coursework. Fifty-two percent of child
14 welfare providers report that the
15 curriculum at on-ground school is far
16 below grade level. It's often limited in
17 instruction hours, relies heavily on
18 worksheets, and fails to advance any
19 basic skills.

20 In some cases, students receive
21 no education at all or they spend their
22 days completing worksheets or they engage
23 exclusively in credit recovery programs.
24 They receive minimal or no live
25 instruction. In addition, upon entering

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2 these schools, they're rarely evaluated.

3 Moreover, the culture that exists in

4 institutional placements undermines a

5 child's ability to learn. How can a

6 child learn if they are subject to fear,

7 intimidation, restraints, physical and

8 emotional abuse. Obviously they're going

9 to struggle in school.

10 Many parents and education

11 decision-makers are never apprised of a

12 child's legal right to attend a local

13 public school, and in many cases judges

14 are placing students in on-ground schools

15 specifically under a misguided attempt to

16 solve a truancy problem. Instead,

17 children with a history of absenteeism

18 find themselves farther and farther

19 behind then when they return to their

20 neighborhood schools and they are more

21 likely to drop out.

22 Third, students with

23 disabilities are more likely to be placed

24 in residential facilities, and these are

25 particularly harming to these children.

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2 Cyber school does not differentiate
3 instruction. They are in credit recovery
4 programs or one-size-fit-all program that
5 will not work for them.

6 The problems are myriad, from
7 not obtaining a child's IEP to failing to
8 do an appropriate and timely evaluation
9 or progress monitoring, failure of school
10 staff to differentiate instruction,
11 failure to implement an IEP and providing
12 no related services. Students with
13 disabilities are denied a free,
14 appropriate public education to which
15 they are entitled, and they are never
16 educated in the least restrictive
17 environment with non-disabled peers.

18 Finally, when youth return from
19 residential placements, they find
20 themselves, through no fault of their
21 own, far below grade level, having few
22 credits and having made little progress.
23 Because private academic schools are not
24 obligated to meet the same educational
25 standards, the courses that youth take

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2 will not align with the School District
3 of Philadelphia to which they return.

4 The courses they've had in residential
5 schools may be elective, and they will
6 not count toward graduation. A few
7 on-ground schools do not even provide
8 credit-bearing courses at all,
9 guaranteeing that a student already
10 behind academically will not be able to
11 graduate with their peers.

12 In our survey, 85 percent of
13 youth and 50 percent of child welfare
14 professionals reported difficulties
15 transferring credits at all to public
16 school. In addition, upon their return
17 to the School District of Philadelphia,
18 many of our clients experience delays of
19 days or weeks in being placed in an
20 appropriate classroom or approved private
21 school.

22 In summary, we know that
23 placing children and youth in
24 institutional placements will harm them
25 academically, emotionally, and sometimes

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2 even physically. Institutional
3 placements are highly restrictive, they
4 undermine academic progress, and they set
5 our most vulnerable youth on a path to
6 homelessness and unemployment. And all
7 of this occurs with no oversight of
8 children who are far away from families
9 and communities. Our children must be
10 safe, healthy, and receive all services
11 to which they are legally entitled,
12 including a quality education.

13 We urge City Council to devote
14 the resources that are necessary to end
15 the segregation and isolation of our
16 youth in institutional placements and to
17 build community-based, trauma-informed
18 mental health and educational services in
19 our city that will keep our children
20 close to home with the educational
21 opportunities and the stability that they
22 desperately need and deserve to succeed
23 in life.

24 Thank you.

25 COUNCILWOMAN GYM: Thank you.

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2 Thank you very much.

3 (Applause.)

4 COUNCILWOMAN GYM: Ms. Labella,
5 if you could just state your name for the
6 record. And, again, we're trying to keep
7 it to four minutes, and feel free to
8 summarize your testimony.

9 MS. LABELLA: Yes. Thank you,
10 Councilmember Gym, Councilmember
11 Quinones-Sanchez, and Committee members.
12 My name is Gabe Labella and I'm a Staff
13 Attorney at the Disability Rights
14 Pennsylvania. We are the independent,
15 statewide, non-profit corporation
16 designated as the federally mandated
17 protection and advocacy agency in
18 Pennsylvania. DRP works to advance and
19 protect the civil rights of adults and
20 children with disabilities.

21 Each year hundreds of
22 Philadelphia children with disabilities
23 are removed from their communities and
24 isolated from their families in distant
25 institutional placements for long periods

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2 of time, with some even placed out of
3 state, severing connections to family, to
4 the community where the youth will
5 return. I am here to ask that you
6 proactively support efforts to bring our
7 children home.

8 When a child is adjudicated as
9 a dependent in Pennsylvania, the
10 Commonwealth, through DHS, Office of
11 Children, Youth and Families, and the
12 child welfare programs in each of the
13 counties, is responsible for stability,
14 permanency, and meeting the children's
15 needs. According to the American Academy
16 of Pediatrics, nearly one-third of
17 children coming into care have chronic
18 medical conditions, and many more have
19 mental and behavioral health needs. Many
20 dependent children have post-traumatic
21 stress disorder or other mental health
22 disabilities due to abuse they suffered
23 in childhood. Others have existing or
24 developing mental health conditions that
25 are exacerbated by abuse, neglect or the

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2 conditions of their lives in the
3 dependency system. Still others have
4 physical or cognitive disabilities that
5 their parents have found too overwhelming
6 to deal with. For these children, the
7 child welfare system, in conjunction with
8 the medical assistance system, is
9 responsible for providing trauma-informed
10 mental health care and other
11 community-based mental health and
12 physical health services to preserve or
13 reunify children and their families.
14 When that is not possible, the child
15 welfare system must provide appropriate
16 homes, including therapeutic medical
17 foster homes and residential treatment.
18 Yet for hundreds of these children with
19 disabilities, a safe home with a parental
20 relationship and adequate healthcare is a
21 distant dream. Due to an inadequate
22 array of appropriate services in
23 placements, children and youth are caught
24 in a vicious cycle.

25 Children are left in

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2 residential treatment facilities far
3 beyond the point that such services are
4 needed or beneficial because there is
5 nowhere else for them to go. The
6 children who actually need time-limited
7 RTF placements are then left in inpatient
8 acute care units, detention centers or
9 are sent to facilities far away from
10 their families and communities because
11 the RTFs have no beds for them or do not
12 want to serve their complicated needs.

13 Here's a story about a young
14 woman, Shavon, 15 years old from
15 Philadelphia. She has bipolar disorder,
16 PTSD, and ADHD, with a history of
17 hospitalization for attempted suicide.
18 Shavon was sexually abused at the age of
19 five and was adjudicated dependent in
20 2012 at the age of ten. In 2016, she was
21 adjudicated delinquent on a simple
22 assault charge and was placed at the
23 Juvenile Justice Service Center in March
24 2017. At that time, a psychiatrist
25 recommended that she be placed at an RTF

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2 and receive trauma therapy. She was
3 needlessly locked in a juvenile detention
4 center for nine months, a place designed
5 for youth to stay an average of 10 to 15
6 days. She was there while waiting for an
7 appropriate placement and services.

8 Eventually Shavon was sent to an RTF in
9 Virginia because no one else will accept
10 her in Pennsylvania.

11 Similarly, children with mental
12 health disabilities that result in
13 acting-out behavior are often ordered
14 into punitive placements through the
15 delinquency court. This is not because
16 that is what is recommended by the
17 experts and not because it is what the
18 judges deem appropriate, but because
19 there are no other options available.
20 Rather than getting the trauma-informed
21 care that they need, they are
22 re-traumatized, resulting in more
23 acting-out behavior, leading to even
24 worse placements such as adult prisons.

25 Right now there are people -- I

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2 can skip that actually. We've had the
3 data. I'm almost done.

4 DRP urges City Council to
5 support a plan to obtain community
6 resources that our children need to
7 significantly reduce the population in
8 residential placements and to reinvest
9 funds in community-based trauma-informed
10 services and programs. City Council must
11 take an in-depth inventory of the needs
12 of all Philadelphia children who are
13 currently placed in institutional or
14 residential settings. We ask that you
15 call for a citywide task force of
16 stakeholders to address this.

17 Lastly, we ask that you require
18 contracts with current providers be
19 reassessed to ensure that all placements
20 meet the health, safety, developmental,
21 and educational needs of youth and that
22 oversight over all facilities be markedly
23 improved.

24 Thank you for your time and
25 your consideration.

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2 COUNCILWOMAN GYM: Thank you.

3 (Applause.)

4 COUNCILWOMAN GYM: Before we
5 take a break, we have time for a few
6 questions.

7 I just had like one or two
8 really quickly. For Ms. Bradford-Grey,
9 first of all, thank you very much for
10 sharing your powerful testimony.

11 How do you usually find out if
12 a child you represent is restrained or
13 injured or has issues within placement?

14 MS. BRADFORD-GREY: Based on
15 the proactiveness of our staff, Ms. Ellyn
16 Sapper sitting here, I went to the judge
17 to get an order that whenever there are
18 restraints, we receive notification and
19 the video. So we often do get that
20 information relatively soon. And so I'm
21 really thankful to the work that she did
22 with the courts to make that happen.

23 COUNCILWOMAN GYM: And many of
24 the youth, as we heard earlier, are
25 struggling or behind in school, really

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2 need assistance in receiving their
3 diplomas or GEDs while in placement. Do
4 these placements help them meet their
5 educational needs, Ms. McInerney? I
6 think your testimony was pretty
7 compelling around those concerns.

8 MS. MCINERNEY: No, they do
9 not. In fact, some of them are not
10 equipped to assist the students in doing
11 that, unfortunately. And the problem is
12 that we're not paying any attention to
13 the quality of the education when a child
14 is placed there. The court should be
15 considering it, DHS should be considering
16 it. It has to be a factor when we decide
17 whether or not to place a child in a
18 particular facility. And it should be a
19 part of the provider contracts as well to
20 ensure that a child can receive and will
21 receive quality education.

22 MS. LABELLA: May I also
23 mention, though, that the mechanism that
24 Pennsylvania uses to license educational
25 facilities at RTFs and other institutions

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2 is the private academic school
3 regulations, which were not designed for
4 that or not appropriate for that and that
5 we really need to take a look at having
6 regulations specifically addressing these
7 type of placements.

8 MS. MCINERNEY: And there has
9 been a proposal to the Private Academic
10 School Board that we revise those
11 regulations, and we proposed it for
12 publicly placed children to have academic
13 standards that align with the district
14 from which they come.

15 COUNCILWOMAN GYM: Okay. Thank
16 you. That's very helpful.

17 For clarity, the school
18 districts in the host counties in which
19 the residential treatment facilities
20 exist are prohibited from denying
21 students placement solely based on their
22 residential status; is that correct?

23 MS. MCINERNEY: That's correct.
24 Pursuant to 24 PS 1306, a child has a
25 legal entitlement to attend the local

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2 public school unless there is a court
3 order that deprives a child of that right
4 or an IEP team has made a different
5 decision.

6 COUNCILWOMAN GYM: And do we
7 have any analysis about what percent of
8 students actually get a chance to attend
9 the host public school in that county?

10 MS. McINERNEY: Based on a
11 survey that we did statewide through the
12 Office of Children and Youth as well as
13 the survey that was done with the support
14 of the Stoneleigh Foundation, the
15 majority of students are attending
16 on-ground schools and are not attending
17 the local public school. The percentage
18 is currently unknown, but before it was
19 around 80 percent that were attending the
20 on-ground school.

21 COUNCILWOMAN GYM: So only 20
22 percent were attending public schools in
23 the host, roughly?

24 MS. McINERNEY: Right, but that
25 also included congregate care settings.

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2 So those are children in group homes who
3 would attend the local public school
4 where there was no on-ground school.

5 COUNCILWOMAN GYM: Okay. Thank
6 you.

7 And my last question is, how
8 are -- we've been tracking especially
9 some of our most vulnerable communities
10 and youth populations, and in particular
11 how are our LGBTQ and gender
12 non-conforming youth usually treated in
13 systems and in placement?

14 MS. BRADFORD-GREY: Thank you
15 for asking that question. That was
16 actually something we provided in our
17 written testimony.

18 There are not many facilities
19 that can take information or support the
20 needs of our LGBTQ population. And so
21 that is one of the areas that we are
22 really lacking in an understanding for
23 their needs, for their specific
24 rehabilitation treatments. I would say
25 that there's almost -- I don't know the

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2 percentage, but I can tell you that it is
3 very abysmal if we start to look at those
4 populations and are these residential
5 treatments meeting their needs.

6 COUNCILWOMAN GYM: And the last
7 question for Ms. McInerney. Who is
8 responsible for making sure that kids in
9 on-ground schools are getting their
10 educational needs met?

11 MS. MCINERNEY: It is the
12 responsibility of the Pennsylvania
13 Department of Education, the Private
14 Academic Board that actually oversees and
15 licenses those facilities. They rarely
16 revoke one of these licenses, because the
17 standards are so lax and there's no
18 requirement for inspection or under their
19 licensing regs. However, we also need to
20 look at the responsibility of the
21 Department of DHS in terms of placing
22 publicly placed children there, because
23 we're certainly responsible for the
24 welfare of those children, and this is
25 one of the issues that must be taken into

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2 account in determining where a child is
3 placed and what 3,800 licenses will be
4 provided to these facilities. There's
5 not enough coordination. We would ask
6 that Council actually urge the state
7 lobbies, both the PDE and DHS, to revise
8 their licensing requirements to ensure
9 that they're actually monitoring these
10 placements, because they're certainly
11 harming children every day.

12 COUNCILWOMAN GYM: Thank you
13 very much.

14 Yes.

15 MS. BRADFORD-GREY: May I just
16 also bring up a quick point of reference
17 on the LGBTQ population. Some of the
18 foster homes and group homes in
19 Philadelphia are commonly rejecting these
20 youth because of their status of LGBTQ,
21 and often we are forced to send these
22 youth, who have misdemeanor cases, very
23 minor offenses, to residential placements
24 across the state. So I don't know what
25 we need to do, but if we are contracting

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2 with group homes and foster homes

3 locally, I think that we need to look at

4 whether or not they are practicing

5 discriminatory practices based on their

6 identities in whether or not they are

7 violating any state law.

8 COUNCILWOMAN GYM: And I guess
9 the last question I have would be for the
10 Commissioner. I know that, Commissioner
11 Figueroa, perhaps if you could come up
12 and maybe answer the final question,
13 which is, obviously Ms. Bradford-Grey
14 showed a very disturbing video. I know
15 that myself and my colleagues and I'm
16 sure many people in the audience who saw
17 it were deeply troubled by it. Are we
18 aware of whether we still contract with
19 this agency and whether we're still
20 sending students there, young people
21 there?

22 COMMISSIONER FIGUEROA: So what
23 was acknowledged in the testimony, it's a
24 state-run facility. We have no contract.
25 It's operated by the state. It's staffed

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2 by the state.

3 COUNCILWOMAN GYM: So the young
4 people who go there would -- how do our
5 students get there? Through the court
6 system?

7 COMMISSIONER FIGUEROA: They
8 would get court ordered to -- it's a
9 higher level of security. And so that
10 determination is not made by Philadelphia
11 DHS. But that was not a contractor of
12 ours.

13 COUNCILWOMAN GYM: So they
14 would not have been visited by DHS at
15 all?

16 COMMISSIONER FIGUEROA: They
17 would have been visited, and certainly
18 this is a case that we were familiar with
19 and worked closely with the Defenders
20 when we were made aware of the situation,
21 yeah.

22 COUNCILWOMAN GYM: So you have
23 visited this facility?

24 COMMISSIONER FIGUEROA: So
25 we're required to visit the children that

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2 we have. Probation does the case
3 management work when it's a delinquent
4 case. We don't have a case management
5 responsibility. So unless it's a
6 crossover, we don't have safety
7 obligation by law to visit that child.

8 COUNCILWOMAN GYM: All right.

9 Thank you very much.

10 Thank you all for your
11 wonderful panel.

12 We do have to take a break
13 because our stenographer is fabulous and
14 wonderful and she needs a ten-minute
15 break. So we're going to reconvene. We
16 still have two more really great panels
17 that are coming up with some really
18 powerful testimony, so I hope folks can
19 come back for the rest of that.

20 Thank you.

21 (Short recess.)

22 COUNCILWOMAN GYM: We are about
23 to get started. So if we could have
24 folks return back to their seats, we'd
25 like to reconvene the hearing. Thank you

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2 very much.

3 Will the Clerk please call the
4 next panel up to testify.

5 THE CLERK: Representative
6 Vanessa Lowery Brown, Kee Tobar, and
7 Terrill Carney.

8 (Witnesses approached witness
9 table.)

10 COUNCILWOMAN GYM: First of
11 all, thank you so much for your patience
12 and presence today. We really appreciate
13 you. And thank you for your patience in
14 this time period, but this is such an
15 important issue and we wanted to give the
16 young people especially the time that
17 they needed to spend on this issue. So
18 thank you.

19 Representative Brown, welcome.
20 Thanks for coming and visiting and
21 spending time with us today here in City
22 Council. It means a lot, because this
23 partnership is really important between
24 our state, our city, and of course all of
25 our agencies in the best interest of our

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2 young people. Thank you for being here.

3 REPRESENTATIVE BROWN: You're
4 welcome, and thank you so much, Madam
5 Gym.

6 As Councilwoman Blondell
7 Reynolds Brown had said, we cannot
8 operate in silos, and that's just not
9 exclusive of our departments but also
10 state government and city government
11 working together. So thank you for those
12 kind remarks.

13 I actually -- I just came down
14 here today to listen and hear the
15 testimony regarding our children and the
16 placement, but after hearing, I decided I
17 would like to share some of my
18 experiences of helping to advocate for
19 the children of the 190th District in
20 West and North Philadelphia.

21 Several times in our district
22 office on 52nd Street we get calls from
23 family members asking for assistance, and
24 I'd just like to share some of the
25 incidences that I've been actually an

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2 active advocate, not only a

3 Representative but an advocate in helping
4 to bring some resolution.

5 One of the things that came to
6 my attention was the issue of Wordsworth,
7 which was actually located within my
8 district. And when I found out that
9 there were some grave things that were
10 happening with the children and
11 particularly when we lost a life of, I
12 believe his name was, David Hess and I
13 found out also that some of the children,
14 the girls had been sexually violated by
15 some of the staff members, and being an
16 elected official to represent them in the
17 state, my first instinct was as a mother
18 was to protect those children and to make
19 sure that those terrible things had been
20 vindicated, and then I had to calm down
21 and become a legislator -- and I know as
22 women, you understand what I'm talking
23 about -- and then go into my official
24 role. And what I did immediately was
25 contact the Department of DHS here in the

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2 City, also the Department of Health and
3 Human Services in the state to contact
4 Wordsworth and talk to the Executive
5 Director there, and what I found was that
6 there were a lot of incidences where one
7 was not talking to the other. And often
8 here today I've heard that from the City
9 side saying that the state has
10 responsibility, the state has
11 responsibility, but then when I sit with
12 the state, the state says the City has
13 all of the responsibility, and it goes
14 back and forth. And I'm here to say that
15 that has to stop, because the only person
16 who is suffering in the end is our
17 children. And to have a child who is the
18 responsibility of both city and state
19 lose their life while their parents
20 entrusted their children to us or whether
21 they were taken away from their families
22 and given to us, we have to first of all
23 acknowledge that, and to those children
24 that are here that are not here, we have
25 to say we're sorry.

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2 We have to atone for those
3 losses and those grave mistakes, and we
4 also have to say that we will accept
5 responsibility and make sure that we can
6 do whatever we can so that no other child
7 can be hurt.

8 So I just wanted to let you
9 know that as a state lawmaker, I have a
10 hard time when we sit here and you're
11 asking these questions of accountability
12 and we hear the state, the state, the
13 state, because you have almost 17 elected
14 officials here for the state, that if
15 these incidences are occurring and you
16 see that there are things that need to be
17 changed with state regulations, you could
18 call us to a meeting at any time.

19 All of us care about these
20 children just as much as anyone else in
21 this room, and we will definitely go to
22 the Governor's Office, which I have done
23 on several times. I have sat outside his
24 door. When I found out that VisionQuest
25 and Wordsworth were having grave

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2 incidences occurring, I sat at his door
3 and demanded his attention. And there is
4 nothing that I wouldn't do to help with
5 the City to advocate for them on the
6 state level.

7 So I just want to put that out
8 there, that that is something that can
9 occur, can happen immediately as of
10 tomorrow. We can get together and we can
11 find some type of resolution between the
12 communication of the City and the state.
13 And anything in the regulations that the
14 state needs to do better, then let's
15 start working towards that tomorrow.

16 The other thing I'd like to say
17 is that I was also involved with
18 VisionQuest. When I found out that five
19 boys had run away from VisionQuest, I
20 immediately -- I did an editorial piece
21 in the Inquirer and I talked about what
22 was occurring with our children in
23 placement, and I said our children are
24 titled "armed and dangerous" and,
25 therefore, a police officer can engage

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2 them in a very aggressive force once they
3 are titled "armed and dangerous." And I
4 was very concerned about our children's
5 welfare, and I put out there that if any
6 parent wanted to surrender their child,
7 to please contact me.

8 I was contacted by two of those
9 families, one of which we did meet with
10 Attorney Michael Coard, and we also
11 arranged for the Police Commissioner to
12 meet us at the Philadelphia Tribune, and
13 one of those children peacefully
14 surrendered himself so that we could get
15 that child some help.

16 When we talked to that child,
17 that child told us of their experiences
18 for why they ran away. And they ran away
19 because they were being abused and they
20 were being neglected. And one of the
21 nurses who had formerly worked there came
22 back after she had lost her employment
23 there and helped those children to
24 escape. So there was an adult who cared
25 enough to help those children.

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2 We're not looking at the whole
3 story. People are not telling you the
4 whole story. So the children are getting
5 labeled these problems, but we're not
6 understanding why the children are acting
7 out. And they're acting out because they
8 are not being treated with respect and
9 dignity, and that has to stop,
10 Chairwoman. That has to stop.

11 So I just wanted to also let
12 you know exactly what it is that I do.
13 So, again, I'm State Representative
14 Vanessa Lowery Brown. I am the ranking
15 member of the Health Committee. I also
16 sit on Children and Youth for Harrisburg.
17 I'm also on the National Council of State
18 Legislators. I sit on the Health
19 Committee there. In my travels across
20 the nation in trying to find methods to
21 heal our problems here in the
22 Commonwealth of Pennsylvania, I sat in a
23 conference with a Dr. Karen Burke, who
24 travels the world and is renowned and
25 known on dealing with adverse childhood

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2 trauma. And I say that to say that you
3 have to bring the criminal aspects in
4 with the health aspect. And what she is
5 proposing and what so many other
6 legislators are proposing is that
7 childhood adverse trauma is a health
8 condition, and until we declare that as a
9 health condition, there's no way that we
10 can properly address the needs of our
11 children that are placed in criminal
12 placement. The two must go hand in hand.

13 Today I would hope that the
14 Commissioner of Health would have been
15 here to hear some of these testimonies.
16 I hope that moving forward that we can
17 address it in a cohesive way where we're
18 bringing Health, Criminal Justice Center,
19 DHS, all of those parties together to
20 help solve this problem. And, Madam
21 Chair, that's what I wanted to bring to
22 this conversation.

23 As I close, I'd just like to
24 acknowledge some of our community
25 advocates that I've been working with,

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2 Hasanah Bennett, Mama Gail, and Orlando
3 Acosta. I just want to thank them for
4 their continuing effort to keep these
5 issues ever prevalent in our community.

6 Thank you, Madam Chair.

7 COUNCILWOMAN GYM: Thank you.

8 Thank you very much. It is an important
9 effort for us to work together, and as we
10 try to work together on this task force
11 or the broader coalition group, whatever
12 that may be, we'll be making sure that
13 you have a role to play around all of
14 this, because I don't think we can get it
15 done without a large group taking a look
16 at what we need to do.

17 REPRESENTATIVE BROWN: Thank
18 you.

19 COUNCILWOMAN GYM: Thank you.

20 REPRESENTATIVE BROWN: Have a
21 good day.

22 COUNCILWOMAN GYM: Welcome.

23 Thank you very much for your patience,
24 Kee, and if you could just state your
25 name for the record and proceed with your

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2 testimony. And as I said to other
3 individuals, we're just going to keep
4 everybody on a four-minute testimony
5 time, and of course we have your formal
6 testimony. If you feel like you can
7 summarize, that would be wonderful.
8 Thank you.

9 MS. TOBAR: My name is
10 Whiquitta Tobar and I'm a Staff Attorney
11 in the Youth Justice Project at Community
12 Legal Services. Thank you for the
13 opportunity to offer remarks about the
14 serious issues faced by LGBTQ youth and
15 girls in institutional placements and to
16 also discuss the types of investments and
17 resources needed to prevent unnecessary
18 institutional placements, with hopes that
19 our youth can transition safely back into
20 the community.

21 For the entirety of my career,
22 I have focused on solving issues
23 system-involved youth face, with an
24 emphasis on girls and LGBTQ youth. I
25 started my career as an attorney and

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2 Zubrow Fellow at Juvenile Law Center,
3 focusing on improving education for youth
4 in institutional placements, eliminating
5 solitary confinement, reducing unbearable
6 costs and fees for juvenile
7 justice-involved youth, and working on
8 preventing youth homelessness in
9 Philadelphia.

10 Currently as a Staff Attorney
11 at Community Legal Services, the largest
12 provider of free legal services in
13 Philadelphia, my work includes providing
14 holistic, youth-friendly, civil legal
15 advocacy to system-involved
16 transition-aged youth and young adults
17 experiencing homelessness. In
18 particular, I focus on reaching youth who
19 are overrepresented and underserved in
20 our systems, including LGBTQ youth who
21 represent over 40 percent of the youth
22 homelessness population in Philadelphia
23 and girls experiencing homelessness, 34
24 percent of whom are pregnant or
25 parenting.

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2 In addition to providing direct
3 services, I also provide trainings for
4 youth and youth-serving agencies and
5 survey youth and service providers about
6 the drivers of and solutions to youth
7 homelessness in Philadelphia.

8 I have been fortunate to gain
9 access to learn and to serve this
10 population through collaboration with
11 many youth-serving agencies and shelters,
12 including DHS and specifically Timene
13 Farlow and David Bruce, who have been
14 amazing partners in the effort to explore
15 the needs of juvenile justice-involved
16 LGBTQ youth and girls.

17 In the span of six months, I
18 have facilitated over 60 surveys, led
19 workshops for over 100 youth and youth
20 service providers, and interfaced with
21 countless housing insecure youth who have
22 been or are currently in shelter,
23 juvenile justice placements or in the
24 child welfare system. What came out of
25 those conversations was the hard truth

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2 that for many youth, their cyclical
3 interactions with homelessness and system
4 involvement first came as a direct result
5 of the lack of alternative
6 community-based housing and restorative
7 programming for LGBTQ youth and girls in
8 our community and was a result of
9 marginalization and lack of appropriate
10 resources and gender-specific programming
11 inside our institutions for girls and
12 queer youth.

13 For example, consider the case
14 of S, who is a 22-year-old
15 masculine-presenting young woman who
16 identifies as lesbian and is currently
17 homeless. S informed me that her
18 interaction with the juvenile justice and
19 homeless services system came as a result
20 of the lack of adequate resources,
21 organizations, and housing for youth with
22 her identities. S began to run away as a
23 preteen because of the tension and abuse
24 she suffered at home because of her
25 sexual identity and presentation.

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2 Luckily, S and her family were given DHS
3 prevention services, but S's parents
4 still rejected her identities and the
5 family tension remained. After running
6 away from home multiple times and missing
7 a good portion of school, which led to
8 truancy and loitering charges, S was
9 placed in a secure residential placement
10 in rural PA.

11 In her rural PA placement, she
12 faced further discrimination, targeting,
13 and punishment from staff who lacked
14 LGBTQ competence and whose personal bias
15 continuously surfaced. This targeting
16 led to not only a more restrictive
17 confinement, but also to an extended
18 confinement.

19 Once finally leased at nearly
20 age 20, S came home to the same issues
21 that drove her into placement. S's
22 family still rejected her, although they
23 were listed as her housing option in her
24 reentry plan because she had no other
25 housing option other than to remain in

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2 residential placement. Furthermore, S's
3 confinement outside of her community
4 caused her not to be aware of the limited
5 resources that were available in her home
6 community. As a non-parenting, gender
7 non-conforming lesbian, S did not feel
8 comfortable or safe with the shelter
9 options for girls and young women like
10 her. This led S back to street
11 homelessness.

12 Too many youth share stories
13 similar to S. That is why I'm eager
14 through my project to continue partnering
15 with DHS, shelter providers, and other
16 youth providers in the community to
17 ensure that girls and LGBTQ youth in
18 particular receive appropriate and
19 effective services, services that include
20 more community-based safe housing options
21 and programming for girls and LGBTQ
22 youth, including queer parenting youth;
23 more training for system-involved youth
24 on available legal and social services
25 organizations within their home

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2 community; and a continued investment in
3 LGBTQ competence and gender stereotyping
4 training, city and statewide, for youth
5 service providers.

6 By focusing on building up
7 community resources here in Philadelphia,
8 we can continue to build on the progress
9 that has already been made under the
10 leadership of Commissioner Figueroa in
11 reducing the use of congregate care for
12 all youth and working to ensure that
13 whenever safely possible, youth remain
14 with their families and in their
15 community. We can also ensure that those
16 who do end up in placement are able to
17 connect early and effectively with the
18 services and resources they need to
19 successfully transition back home into a
20 safe and affirming environment.

21 I want to thank Councilwoman
22 Gym and the Department of Human Services,
23 fellow youth advocates, and the youth who
24 shared their stories today, and I look
25 forward to continued collaboration moving

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2 forward.

3 COUNCILWOMAN GYM: Thank you
4 very much.

5 (Applause.)

6 COUNCILWOMAN GYM: Thank you.
7 Good afternoon, Mr. Carney. If
8 you could just say your name and proceed
9 with your testimony.

10 MR. CARNEY: Hi. My name is
11 Terrill Carney and I'm the Supervisor of
12 the Education Decision Makers at the
13 Court Appointed Special Advocates. I've
14 been in the child welfare system for
15 approximately nine or ten years. So CASA
16 Philadelphia, the Education Decision
17 Makers are court appointed to dependent
18 and delinquent youth. For children in
19 foster care, the role could be filled by
20 a resource peer for youth. In congregate
21 care, there is frequently a need for an
22 independent education decisionmaker. The
23 service is critical, because youth
24 without a parent or guardian acting as
25 their education decisionmaker has poor

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2 access to appropriate education supports
3 in which they are entitled.

4 At CASA we serve about 100
5 youth at this time. We know that
6 capacity is far beyond.

7 Once a juvenile is placed in a
8 residential setting, they typically
9 attend an on-ground school facility.

10 These on-ground schools, as we heard
11 before in prior testimony, Councilwoman,
12 they lack the potential need for
13 educational success and they also are
14 placed outside of Philadelphia School
15 District. Placement at an on-ground
16 school is frequently made without
17 assessment of the youth's educational
18 needs, but is rather a result of their
19 placement in congregate care facilities.
20 The CASA EDM is appointed by the court to
21 the youth who do not have a parent, a
22 resource parent, a responsible adult
23 acting as the parent for education
24 decisions. Our EDM volunteers advocate
25 that each youth is evaluated, assessed

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2 and also to determine the type of
3 placement that best meet their need.

4 Youth in residential placements
5 or other congregate care settings can
6 attend the local public school within
7 their district, as we heard prior, and
8 also with advocacy, an involved parent
9 and also the EDM can educate -- make sure
10 that the child is educated in a local
11 public school setting with support and
12 accommodations.

13 And also to illustrate this, I
14 want to bring up two cases. One is the
15 case of Mia. Mia attended Central High
16 School in Philadelphia, and due to an
17 unfortunate series of events, Mia's
18 mother had lost their home. Mia became
19 truant and flunked out of Central.

20 I'm sorry. Let me just get --
21 I'm sorry.

22 COUNCILWOMAN GYM: Take your
23 time, please.

24 MR. CARNEY: It's very
25 emotional.

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2 So Mia had flunked out of
3 Central. She was adjudicated dependent
4 and placed in a residential program with
5 an on-ground school. The facility was
6 located in an affluent area. When Mia
7 got there, Mia was immediately placed at
8 the on-ground school. She was given
9 packets of work that did not meet her
10 needs. The EDM, the school, and DHS had
11 collaborated so the child could attend
12 the local public school. Mia will be
13 graduating this year.

14 And also we have another child
15 by the name of Tyrone. He attended an
16 on-ground school facility for three
17 years. When the EDM got appointed the
18 third year, the EDM asked to get his
19 records and realized that the IEP said
20 the same thing for the last three years.
21 The EDM worked closely with the ELC to
22 bring a lawsuit against that district.
23 He is now placed in a foster home with a
24 new IEP as well as getting support
25 services in his school setting.

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2 In my experience with youth who
3 need their needs met, I see that youth
4 who often come back home to Philadelphia,
5 they often drop out because of their
6 on-ground school experience and they do
7 not have an access to educational
8 success. We stand beside our youth. We
9 make sure that our youth go to the
10 off-ground school facility. We make sure
11 that they get appropriate educational
12 evaluations and tools as well as career
13 exploration. These things do not happen
14 at the on-ground school facility.

15 The EDM volunteers walk
16 directly with the youth to make sure that
17 once they return here back to
18 Philadelphia, that all records is coming
19 back to the City as well as that they are
20 able to transition into a local high
21 school.

22 These youth that we talked
23 about, they are the youth that will be
24 contributing to our school-to-prison
25 pipeline situation. And as we talked

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2 about earlier, Councilwoman, these are
3 our youth that if we do not get them back
4 in a timely manner, if they languish for
5 too long, once they come back to our big
6 name schools, our Bartram, our West
7 Philly, they are the schools that cannot
8 handle these young people. These are our
9 young people that come back and really do
10 not matriculate well because of this
11 on-ground school experience.

12 I thank you for being a
13 proponent of CASA and Education Decision
14 Makers as well. Thanks so much.

15 COUNCILWOMAN GYM: Thank you
16 both.

17 (Applause.)

18 COUNCILWOMAN GYM: Thank you
19 both for your incredibly powerful
20 advocacy.

21 Just for a point of
22 clarification for Mr. Carney, could you
23 clarify whether foster parents can
24 enforce the educational rights on a
25 child's behalf.

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2 MR. CARNEY: Yes. So a foster
3 parent, they can enforce the rights of
4 education. I find, though, that foster
5 parents often aren't trained on the
6 rights of kids and the needs that they
7 have and, therefore, so we end up do
8 training them. But, yes, foster parents
9 can be trained.

10 COUNCILWOMAN GYM: And that's
11 why many of them need an EDM; is that
12 correct?

13 MR. CARNEY: Yes.

14 COUNCILWOMAN GYM: It's a
15 complicated system. They're there to
16 support our young people.

17 MR. CARNEY: Yes.

18 COUNCILWOMAN GYM: But EDMs are
19 specifically trained in the educational
20 rights of young people, especially around
21 special education and disabilities.

22 MR. CARNEY: Yes. Yes.

23 COUNCILWOMAN GYM: Thank you so
24 much for that.

25 MR. CARNEY: Thank you.

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2 COUNCILWOMAN GYM: Thank you
3 for clarifying.

4 And for Whiquitta Tobar, could
5 you talk a little bit about what you
6 recommend are some resources that are
7 needed to reduce those kinds of
8 institutional interactions for our LGBTQ
9 and homeless youth.

10 MS. TOBAR: Sure. Thank you
11 for that. What I find is that we need
12 more emergency shelter. I am excited
13 about the resources that were recently
14 put in place, but we definitely need more
15 emergency shelter for queer parenting
16 youth. Our youth are very
17 intersectional. They're youth who also
18 have disabilities. So we need more
19 emergency shelter.

20 We need more LGBT-affirming
21 counseling and prevention services for
22 LGBTQ youth. As I stated in my story,
23 DHS had connected with that family. We
24 need to make sure that the staff are
25 being LGBTQ trained and competent so that

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2 we can have more prevention, use that
3 more fully.

4 We need more legal services and
5 social services organization education
6 for system-involved youth. It's vital to
7 their reentry. So while they are in
8 placement, they need to be trained on the
9 resources that are available in their
10 community.

11 COUNCILWOMAN GYM: Thank you
12 both. Thank you both so much for sharing
13 your stories of hope and struggle as well
14 and thanks for being such great
15 advocates.

16 (Applause.)

17 COUNCILWOMAN GYM: Will the
18 Clerk please call the final panel.

19 THE CLERK: Shaena Fazal,
20 Randall Sims, and Kate Burdick.

21 (Witnesses approached witness
22 table.)

23 COUNCILWOMAN GYM: Hi. Thank
24 you so much for your patience. Welcome.
25 Thank you all so much. We really

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2 appreciate your being patient through
3 this hearing.

4 If you could, Ms. Burdick, if
5 you want to start, and start by stating
6 your name for the record and then you may
7 proceed with your testimony. As we say
8 with everybody else, we're keeping folks
9 to four minutes a piece, and if you feel
10 like you can summarize, that would be
11 helpful. Thank you.

12 MS. BURDICK: Certainly. I
13 think actually if it's all right with the
14 Committee, Ms. Fazal is going to begin.

15 COUNCILWOMAN GYM: Yes.
16 Please.

17 MS. FAZAL: Thank you. Good
18 afternoon. My name is Shaena Fazal. I'm
19 the National Policy Director at Youth
20 Advocate Programs. I'm here today with
21 my colleague Randall Sims, who is the
22 Regional Director for Philadelphia Youth
23 Advocate Programs, or PYAP. Our mission
24 as an agency is to deinstitutionalize
25 young people through intensive in-home

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2 supports for them and their families.

3 We were established as an
4 organization more than 40 years ago right
5 here in Pennsylvania. Our first mission
6 was in Harrisburg to get young people out
7 of Camp Hill Prison and away from adult
8 prisoners, and all of our work that
9 follows is based on a simple premise,
10 that families and communities when
11 properly resourced and supported are the
12 best places for kids in need.

13 We partner with government,
14 like here with DHS, to provide families
15 with the support they need to keep their
16 kids safely home. We do this by
17 intentionally recruiting advocates from
18 the same neighborhoods as our kids and
19 families to maximize engagement,
20 credibility, and connection. Our model
21 builds on youth and family strengths as a
22 means to address challenges, build
23 competency and confidence, and achieve
24 stability. We rely on several principles
25 to guide our work, including cultural and

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2 linguistic competency in the people that
3 work with our young people; 24/7
4 availability and individualized services;
5 partnering with government agencies for
6 our shared missions; maintaining an
7 inclusive intake policy and unconditional
8 caring. This means we don't turn away
9 any young person and we don't kick any
10 kids out of our program. Respect for our
11 families as equal partners who voice,
12 choice, and ownership over what happens
13 to them; and relentless advocacy.

14 These principals and our strong
15 partnerships with government agencies
16 like DHS, our families, young people, and
17 community members are what have led to
18 our success here at Philadelphia Youth
19 Advocate Programs. Ultimately working in
20 partnership in this way helps keep
21 communities safe, saves dollars, and
22 gives our young people the opportunity to
23 become contributors to their communities
24 and not just recipients of services.

25 And now I'll turn it over to

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2 Randall, talk a little bit more about our
3 program here.

4 MR. SIMS: Thank you.

5 Councilwoman, in the interest
6 of time, I can summarize my testimony.

7 Youth Advocate Program has been
8 in Philadelphia for 41 years.

9 COUNCILWOMAN GYM: If you could
10 just state your name for the record
11 first. Thank you.

12 MR. SIMS: My name is Randall
13 Sims and I'm the Regional Director of the
14 Philadelphia Youth Advocate Program.

15 COUNCILWOMAN GYM: Thank you.

16 MR. SIMS: Commonly known as
17 PYAP.

18 We have been in Philadelphia
19 for 41 years. We have been funded all
20 that time by the Department of Human
21 Services, and we run two programs which
22 are designed to offer post- and
23 pre-adjudicatory services to young
24 people. In the past nine months, we've
25 served over 300 young people and their

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2 families.

3 In three of our programs we've
4 achieved some results, some data which we
5 think are very noteworthy and support the
6 efforts of this Committee today to prove
7 that providing services to young people,
8 intensive support to young people in
9 their homes and in their communities
10 provides remarkable results.

11 In our ERC program, 93 percent
12 of the young people who we served
13 remained arrest free for the time they
14 were in our program. Eighty-two percent
15 of them were not adjudicated for any new
16 offenses. And of the ones who were, only
17 2 percent were adjudicated for felonious
18 offenses.

19 We helped increase the rate of
20 kids remaining in their homes from 80
21 percent to 93 percent while they were
22 servicing them.

23 In our day treatment program,
24 which is our community-based program, 93
25 percent of the young people in our

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2 program remained arrest free while we
3 served them. Eighty-four percent were
4 not adjudicated for any new offenses.

5 And in our gender-specific
6 program, a program we run specifically
7 for girls, 90 percent were not arrested
8 and 93 percent were not adjudicated.

9 We feel these numbers present
10 strong evidence that keeping kids safely
11 home with intensive support works. I
12 have stories of two young people -- we
13 have more than two, but two young people
14 who have really shown remarkable success
15 and turnaround by being involved in our
16 program. We've changed their names just
17 for privacy's sake.

18 Verdine, a young woman who was
19 sent to us through the Family Court --
20 all of our referrals come through Family
21 Court, so that means she was arrested --
22 for fighting in school. She came to our
23 program. We assigned her an advocate.
24 We helped her with some anger management
25 classes. We helped her understand what

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2 triggered her feelings of anger. We
3 helped her build a support system, a team
4 of people she could go to when she needed
5 support, guidance or direction.

6 We got her engaged in
7 activities that appealed to her
8 interests, like education and sports.
9 She wanted to be a teacher and she wanted
10 to give back, and we helped her improve
11 her socialization skills.

12 We helped her get some
13 employment and later hired her as a
14 part-time receptionist in our offices.
15 We raised funds through contributions
16 from staff and caring adults in her
17 community that enabled her to participate
18 in the international street soccer event,
19 an international event in Brazil which
20 she had participated. She completed high
21 school and is currently engaged in
22 post-secondary training at Community
23 College and works part time. She also
24 still interns occasionally at YAP.

25 Rick was assigned to us because

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2 he was arrested for theft in the
3 workplace, placed on probation. His
4 probation required him to do community
5 service, have a curfew, and be restricted
6 to places where he could go and to people
7 with whom he could associate.

8 He was assigned community
9 service at a homeless shelter. Rick
10 revealed to his advocate that he had fun
11 helping people and he realized he meant
12 something to others. He developed a
13 respect for the value of life and wanted
14 to continue giving back to the community.
15 He volunteered more than 30 hours at the
16 Chosen 300 Mission.

17 Rick worked hard to improve his
18 grades by getting involved in a number of
19 extracurricular activities. He
20 demonstrated a sense of discipline and
21 commitment by participating in various
22 after-school activities and completing
23 his program plan with YAP. He was
24 admitted to Drexel University.

25 Both of these young people

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2 received \$1,000 scholarship support from
3 YAP's endowment fund to help them with
4 their educational goals. These
5 scholarships are renewable yearly as long
6 as the student stays in good standing.

7 This approach works. We need
8 more of it in Philadelphia. We need more
9 resources, more investments in
10 communities and families and the supports
11 they need. We thank DHS for being such a
12 strong partner with us to help us bring
13 and keep so many young people safely home
14 over so many years.

15 COUNCILWOMAN GYM: Thank you.
16 Thank you very much.

17 MS. BURDICK: Good afternoon,
18 and thank you to Councilmember Gym and
19 the Committee for calling today's
20 hearing. My name is Kate Burdick and I'm
21 a Staff Attorney at Juvenile Law Center.

22 At the beginning of today's
23 hearing, you heard from Quilah, Hid, and
24 Lilly, young people from Philadelphia and
25 youth advocates with Juveniles for

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2 Justice who described the horrific
3 experiences they endured while in
4 juvenile justice and child welfare
5 institutional placements throughout the
6 Commonwealth - solitary confinement,
7 abuse from guards, strip searches, poor
8 quality education, and separation from
9 their families. They spoke at today's
10 hearing on behalf of the more than 1,300
11 Philadelphia youth placed in institutions
12 and group homes through our juvenile
13 justice or child welfare systems.

14 Quilah, Hid, and Lilly have
15 shown tremendous courage in sharing their
16 stories, stories they and other young
17 people so often keep quiet out of fear of
18 retaliation or the pain of reliving these
19 traumatic memories. Quilah, Hid, and
20 Lilly have bravely stepped up on behalf
21 of other youth today, and now we as the
22 community must all step up.

23 For over a year, Juvenile Law
24 Center has been working with a
25 cross-section of advocates to consider

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2 strategies to tackle the persistent
3 problem of youth institutional
4 placements. We know placements are
5 dangerous, ineffective, overused, and
6 expensive. We know they're creating a
7 host of problems for youth when they
8 reenter the community. We know
9 placements especially hurt youth of
10 color, youth with disabilities, LGBTQ
11 youth, girls, and youth with multiple
12 marginalized identities. Today we call
13 on Council to take notice of this
14 terrible problem that has too long
15 escaped public attention and outrage.

16 But also today we are
17 tremendously hopeful. We and the agency
18 leaders you heard from earlier share a
19 vision of replacing these harmful youth
20 institutional placements with family and
21 community-based services right here in
22 Philadelphia. DHS and others are already
23 working on this problem. DHS has shown
24 real success at reducing the number of
25 youth in child welfare facilities. We

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2 have a District Attorney's Office that
3 recognizes that locking up kids and
4 throwing away the key helps no one.

5 Other jurisdictions are forging
6 this path and are willing to share their
7 lessons with us. We have reached the
8 tipping point on this issue. All the
9 work DHS, advocates, youth and families,
10 and others have already set in motion on
11 this issue has prepared us to make a
12 joint commitment today, a commitment to a
13 campaign where all youth are provided the
14 services they need in their homes and
15 communities and in Philadelphia. We are
16 especially excited to announce that we
17 have begun working with DHS, advocates,
18 and other agencies to launch a citywide
19 task force to address this issue.

20 We are calling on City Council
21 to support the new task force and assist
22 our City agencies in the effort we are
23 calling Safely Home Philly.

24 Specifically, we propose these actions
25 steps:

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2 First, we ask City Council to
3 support the task force in three ways.
4 Council should ensure relevant
5 stakeholders, including Family Court
6 judges, are included and actively engaged
7 in the process. It is also essential
8 that the task force foreground the voices
9 of youth and families in all aspects of
10 the reform.

11 Second, the task force will
12 identify the services and progress that
13 can best serve our youth's needs. We ask
14 Council to support that effort by
15 committing the resources to support the
16 task force's recommendations. We are
17 specifically calling on Council to
18 approve City agencies' future budget
19 requests that reinvest the funds
20 currently spent on institutional
21 placements into community-based,
22 trauma-informed services and programs.
23 Almost any service offered in an
24 institution can be offered more cheaply
25 in the community. Let's reinvest in our

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2 communities using taxpayer dollars to
3 build up the programs and resources that
4 can meet our youth's needs right here
5 rather than using them to send youth
6 across the state.

7 Third, City Council should also
8 provide the oversight and accountability
9 necessary to keep the initiative on
10 track. Within one year, the task force
11 must develop a comprehensive plan to
12 reduce reliance on residential placements
13 and bring our youth safely home. The
14 task force must brief City Council on
15 that plan and subsequent progress.

16 In addition, we ask Council to
17 provide City agencies with the support
18 they need to reassess contracts with
19 current providers to ensure that any
20 remaining placements meet the health,
21 safety, developmental, and educational
22 needs of youth. As long as any children
23 remain in institutional placements, we
24 need mechanisms to ensure that they are
25 safe and that their needs are being met.

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2 City Council should also be a
3 voice for Philadelphia youth at the state
4 level and advocate for necessary changes
5 in state licensing, oversight, and
6 regulation of facilities.

7 In conclusion, we know that
8 institutional placements can cause
9 long-lasting harm to youth. We also know
10 that there are alternatives that work
11 better and are more cost effective. Our
12 youth have taught us how urgent and
13 devastating this problem is, and our
14 leaders have come here today openly
15 committed to reform. Dramatic lasting
16 change is absolutely within our grasp.
17 Let's commit today to supporting our
18 youth, families, and community by
19 investing in trauma-informed,
20 community-based services and programs so
21 we can bring our Philadelphia youth
22 safely home.

23 Thank you.

24 COUNCILWOMAN GYM: Thank you
25 very much to this panel.

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2 (Applause.)

3 COUNCILWOMAN GYM: Thank you
4 for your tremendous advocacy and
5 especially to Mr. Sims and Ms. Fazal for
6 your ability to show us that things
7 working locally and small and in a very
8 personal way can make such a difference
9 in young people's lives. It was very
10 encouraging to hear that, and many of us
11 who work with our young people know the
12 possibilities of their resilience and
13 their ability to overcome tremendous
14 difficulties can happen, but we need to
15 put those efforts, those concentrated
16 supports there.

17 And thank you very much,
18 Ms. Burdick, for your tremendous effort
19 to move forward on the Safely Home Philly
20 initiative. We're looking forward to
21 being partners with you on that.

22 Thank you very much.

23 I believe we have a few
24 additional individuals who would like to
25 testify. We are going to keep testimony

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2 to three minutes.

3 And if the Clerk could please
4 call the next witnesses forward.

5 THE CLERK: Jamie Fader,
6 Matrildra Kress, Kimberly Tazioli, Ms.
7 Sandra Bennett, and Mr. Orlando Acosta.

8 COUNCILWOMAN GYM: And before
9 proceeding further, I'd like to just
10 acknowledge the presence of our wonderful
11 Council colleague, Councilwoman Jannie
12 Blackwell. Thank you so much for the
13 tremendous work you've done on this
14 effort for young people.

15 (Ms. Bennett speaking without
16 microphone.)

17 COUNCILWOMAN GYM: Could the
18 Clerk please clarify again who the
19 witnesses are.

20 Excuse me, ma'am. We're just
21 checking.

22 So if the Clerk could please
23 clarify who the next speakers are.

24 THE CLERK: Jamie Fader,
25 Matrildra Kress, Kimberly Tazioli,

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2 Ms. Sandra Bennett, and Orlando Acosta.

3 (Witnesses approached witness
4 table.)

5 COUNCILWOMAN GYM: Welcome.

6 Thank you very much. You have three
7 minutes and we will -- please identify
8 your name for the record and proceed with
9 your testimony. Thank you so much for
10 your patience.

11 PROFESSOR FADER: Sure.

12 Councilwoman Gym, thank you for calling a
13 public hearing on the institutional youth
14 placements. This is an important issue.
15 It's being addressed in numerous
16 jurisdictions around the U.S., and I've
17 been worried for a while that
18 Philadelphia and Pennsylvania are falling
19 behind.

20 My name is Jamie Fader and I'm
21 Associate Professor of Criminal Justice
22 at Temple University. I've conducted
23 over 20 years of research on Philadelphia
24 system-involved youth, including an
25 award-winning book called Falling Back:

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2 Incarceration and Transitions to
3 Adulthood Among Urban Youth.

4 My research has found that even
5 the most therapeutic of youth placements
6 are punitive in nature. Therapeutic
7 messages received inside these
8 institutions are often stigmatic, telling
9 youth they are to blame for their own bad
10 decisions and that even with treatment,
11 change is unlikely. And I'm just going
12 to read a passage, a really short
13 passage, from my book.

14 The particular facility that I
15 studied does an intake process where they
16 read through kind of a treatment manual
17 and they read a series of statements to
18 each incoming youth. The last statement
19 is this: We are aware that you may go
20 through a period of monasticism where you
21 will try to avoid all criminal thinking
22 and actions. You will eventually grow
23 tired of this and start looking for
24 excitement again. Violation equals
25 excitement. You will seek it out because

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2 that is the way you are.

3 And the young men that I spoke
4 with in my book talked with me about
5 their counselors repeatedly predicting
6 their failure after the program, saying
7 that they were going to end up in the
8 adult system or even dead.

9 Also my book documents how
10 removing youth from their communities
11 does not prepare them to meet the
12 structural challenges that they face upon
13 return, including the employment issue
14 that we talked about earlier in this
15 hearing, and don't help them become
16 productive adults. These youth have high
17 rates of failure, as measured by new
18 arrests and continued involvement in
19 crime and, as we've talked today at
20 length, with getting back into school.

21 Other facts about youth
22 incarceration -- now I'm going to kind of
23 move to research done in other settings.
24 The Census of Juveniles in Residential
25 Placement, their most recent data is from

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2 2015, and that has Pennsylvania at over
3 2,400 court-committed youth in
4 residential placement, making it the
5 third ranked state in sheer numbers after
6 California, which has almost 4,000,
7 3,900, and just below Texas, also at
8 2,400, and as a reference, New York
9 state, which has engaged in reform to
10 move youth out of facilities, was only in
11 2015 at just over 1,000.

12 The use of youth confinement
13 has declined dramatically nationwide, as
14 research has noted its expense and its
15 collateral consequences.

16 COUNCILWOMAN GYM: If you can
17 just wrap up your testimony, that will be
18 helpful.

19 PROFESSOR FADER: Absolutely.

20 COUNCILWOMAN GYM: Thank you.

21 PROFESSOR FADER: The Office of
22 Juvenile Justice and Delinquency
23 Prevention reports that the conditions of
24 confinement for youth facilities are
25 cause for concern. Thirty-nine percent

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2 of youth in residential treatment
3 facilities report being afraid of being
4 attacked by staff or other residents.

5 Residential facilities are
6 disruptive to school attendance, and most
7 Philadelphia youth who come home from
8 placement ultimately drop out of school.
9 Jurisdictions that have embraced smaller
10 cottage-like placements close to home,
11 like Missouri and New York, have
12 demonstrated that it's possible to keep
13 kids in their own communities without
14 compromising public safety.

15 And, finally, incarceration is
16 a costly alternative to addressing
17 youth's needs in their own communities.
18 Leading Gladys Carrion, Director of New
19 York state's office --

20 COUNCILWOMAN GYM: If you could
21 please wrap up, that would be helpful.

22 PROFESSOR FADER: This is my
23 last couple words, I promise.

24 She says that we could send
25 system-involved youth to Harvard for the

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2 cost of out-of-home placements. The U.S.
3 spends between \$8 and \$21 billion to
4 incarcerate youth, including the cost of
5 future recidivism, lost wages,
6 Medicare/Medicaid spending, and cost of
7 sexual abuse.

8 Thank you very much for your
9 time.

10 COUNCILWOMAN GYM: Thank you.
11 Thank you very much.

12 Ms. Bennett.

13 MS. BENNETT: Hi. I'm so glad
14 to be able to tell my story one more time
15 here. This is what happened. My name is
16 Ms. Bennett and I'm here to speak for my
17 daughter and other children lost in the
18 system. She is considered missing. I
19 have called many times to DHS to try to
20 regain my daughter back, and me and
21 another lady by the name of Mary Lee -- I
22 don't know her -- she wrongfully lost her
23 daughter. And they wrongfully just
24 pulling children up in foster care
25 needlessly and even from the hospital.

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2 They took my daughter right out the
3 hospital.

4 I'm trying to get anybody to
5 support me to support finding my daughter
6 back and being a voice for all the
7 children who are wrongfully lost through
8 the DHS, slipping through the system,
9 needlessly placed in foster care.

10 My daughter's caregiver was
11 found on a criminal website.

12 I'm just asking anybody, could
13 they support me with getting her back and
14 being an advocate and being a voice for
15 all children wrongfully taken from their
16 children. And law enforcement -- I tried
17 to get law enforcement legislation in
18 Harrisburg and all around this country,
19 get law enforcement, let's get them
20 foster homes. My daughter's caregiver
21 was found on a criminal website. I don't
22 know if it's true or not. I called many
23 times year after year to get my daughter
24 back, and this happened to hundreds of
25 poor children all around the City of

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2 Philadelphia. Their daughters are
3 needlessly going in DHS, and the judges
4 stopped my parental rights needlessly
5 when she was never abused and I have four
6 parenting class certificates and I also
7 have my humanitarian certificate and all
8 of that, and I do have a house for her to
9 come to.

10 If anybody in here in City Hall
11 can help get DHS to open up the case
12 immediately as soon as possible to get my
13 daughter back with me. I have resources
14 to put her in college and I have raised
15 her (unintelligible) life, and she was
16 never abused or nothing. I had kept all
17 my WIC appointments when I was carrying
18 her, when I was expecting her. Now she's
19 lost in the system. At the age of 22,
20 she's still lost and missing in the
21 system. I think she got pregnant behind
22 my back, and I want to let y'all know
23 that some of the young girls are getting
24 pregnant in DHS. They need to call law
25 enforcement and investigate every foster

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2 home around the City of Philadelphia and
3 everywhere else.

4 I want to start something like
5 a power me movement for all the children
6 lost in DHS and families that are
7 needlessly separated for no reason. I
8 heard the judges get paid, the DHS
9 workers get paid, and the foster parents
10 get paid to keep the kids in the system.
11 That's why they in there needlessly.
12 People keep saying, what's she in there
13 for?

14 I say, I'm a good mother.
15 What's she doing in there?

16 I took care of more than 15
17 children in a certain neighborhood. I'm
18 a good mother and I'm a people person.
19 I'm also a mentor and I like to be nice
20 to children. I'm really nice to
21 children. I deserve to have my child
22 back with me.

23 That's all I -- my daughter is
24 considered missing now, and I have called
25 everywhere possible. Nobody help me get

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2 her back yet. I'm asking y'all to help
3 me and pass legislation for DHS to stop
4 taking children, the Family Court judges
5 for stopping the parental rights
6 needlessly, for keeping children in
7 foster care for profit.

8 Here's a number to our agency
9 called Mother Warriors. The number is
10 215-848-1120. They expose what DHS has
11 been doing and also the family judges. I
12 have called Community Legal Services, all
13 these free legal services. They turned
14 me down. You have to see the news when
15 they take my story. I called every news
16 station to take my story. I'm actually
17 going to help many other children get
18 reunited. I'm speaking about my
19 daughter, Latasha, and all my other
20 children who are wrongfully lost in the
21 system needlessly. She was never abused.
22 She was never sick or nothing, but when I
23 was carrying her -- when I did have her
24 in the hospital, they came up to the
25 hospital and told -- I went to

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2 (unintelligible). They put her up for
3 adoption without my permission.

4 COUNCILWOMAN GYM: Thank you
5 very much, Ms. Bennett, and we will
6 definitely have somebody circle back to
7 you about your case. Thank you.

8 MS. BENNETT: I need a pro bono
9 lawyer and get somebody to help open my
10 case and all the other children lost in
11 the system everywhere.

12 COUNCILWOMAN GYM: Thank you
13 very much.

14 MS. BENNETT: Thank you.

15 COUNCILWOMAN GYM: Thank you.

16 Mr. Acosta, thank you so much
17 for your patience.

18 MS. BENNETT: Can you help us
19 get a lawyer? I'm going to stay here
20 until the very end. Could you help us
21 get lawyers, the reason I had my
22 daughter. That's all I want to say.

23 COUNCILWOMAN GYM: Thank you
24 very much for testifying. We appreciate
25 it.

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2 Thank you, Mr. Acosta.

3 MR. ACOSTA: Thank you --

4 MS. BENNETT: Thank you.

5 MR. ACOSTA: -- Councilwoman

6 Gym, and I want to commend you on all the
7 work that you do and everything like
8 that.

9 I'm here because my family was
10 in the system. For about three years
11 they had a case open. The first two
12 years they had it open, nothing was
13 found. This was based on just truancy
14 alone. And it all started from when I
15 would testify at the SRC meetings about
16 different things that was going on in my
17 son's school, different schools around
18 and different things of that sort. And
19 how I know that is because one day when I
20 testified, that one of the DHS workers
21 showed up around 8, 9 o'clock at night
22 and said that we had a report. And then
23 when the woman realized what, she said
24 you do testify at the SRC meeting. So
25 then all that started from that point.

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2 So the point of it is that we
3 really have to look at things in a way
4 where a lot of these kids that they have
5 in DHS has to be really evaluated in
6 terms of systemically being valid cases
7 that's being open, because a lot of cases
8 that I'm coming across people I'm
9 advocating for and things that I'm
10 finding out, that a lot of these cases
11 don't have a lot of valid credibility
12 behind it. So that's the key thing. And
13 also you have to look at it from the
14 standpoint of the workers that go out,
15 the workers that -- because a lot of the
16 workers that go out to evaluate the homes
17 don't even have familiarity with the
18 cases. They don't keep abreast of with
19 each other. They don't provide
20 transportation aspect, because a lot of
21 times when they would come out to our
22 house when we were -- when they did have
23 a case open on us, they asked us, well,
24 what did you need. We would tell them,
25 you know, well, the barrier that we had

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2 was transportation. They didn't even
3 provide any transportation, any aspect of
4 resources for transportation in terms of
5 that. So these are the things that need
6 to be looked at when you look at
7 different perspectives of cases that are
8 open on top of it, you know. And I know
9 you will look at that in terms of that,
10 because I know that's what -- you've been
11 doing it for many years, and I do
12 appreciate that, and I commend you on the
13 hearings because, I mean, you do pull
14 things up from the community's
15 standpoint. And we have to have
16 community at the table of any policies
17 that get implemented, because without
18 community being at the table, the
19 framework of what the policy will look
20 like shows you can have all the
21 organizations you want at the table, but
22 if it's no aspect of community at the
23 table in framing this work, then that
24 part of it is going to be lost, because a
25 lot of organizations are not coming into

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2 the most poorest communities.

3 COUNCILWOMAN GYM: Thank you.

4 Thank you. And we share that mission.

5 Thank you so much, Mr. Acosta. I
6 appreciate it.

7 Thank you to all of you for
8 testifying and for staying here today.
9 Today is not the end. I think that there
10 were an incredible amount of things that
11 were raised today that we can pursue.
12 I'm specifically interested in
13 conversations with our state partners on
14 reforms that specifically strengthen the
15 educational component of our education
16 programs at the residential treatment
17 facilities. I think it was a great
18 partnership with State Representative
19 Lowery Brown, who was here earlier to
20 talk about how to move that forward.

21 We're going to continue talking
22 to our partners at DHS, the School
23 District, at CBH, and DBH actually, who
24 have been great partners, about truancy
25 issues so we can ensure that we keep our

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2 kids out of the system.

3 And I also want to have a
4 larger conversation about contracts to
5 see what kinds of safeguards we can put
6 in place to ensure that we aren't going
7 to pay for solitary confinement, for
8 physical restraints, and for subpar
9 education.

10 And, finally, we look forward
11 to a conversation with our District
12 Attorney and his efforts to reduce the
13 number of kids who actually make it into
14 the system. And of course a resounding
15 yes to that task force, to a
16 coalition-led, partner-built approach to
17 a very, very difficult and complicated
18 issue, but one in which I think today we
19 made great strides forward.

20 I really want to thank
21 Commissioner Figueroa. I want to thank
22 Karyn Lynch from the School District of
23 Philadelphia for staying through the
24 entirety of this testimony, some of which
25 was very difficult to hear.

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2 Again, thank you so much to our
3 incredible partners on this, the
4 Defenders Association, the Juvenile Law
5 Center, Education Law Center, Community
6 Legal Services, to our partners at
7 Disability Rights PA, at CASA, and so
8 many others. And of course this hearing
9 happened, first and foremost, because of
10 our young people, because of Jihid and
11 Quilah and Lilly who spoke their truths,
12 who spoke to their pain and called upon
13 us to do so much better than we thought
14 possible and demand us to meet their
15 needs, and that is the most important and
16 highest calling that we can have as
17 officials who are put in the position to
18 do that.

19 So I want to thank them. I
20 want to thank their advocates and
21 supporters. I know they wouldn't be here
22 without so many of the adults who
23 believed them, first and foremost.

24 So is there anybody else who
25 would like to testify to this resolution?

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2 MS. LEARY: I would.

3 COUNCILWOMAN GYM: All right.

4 If you'd like to come forward.

5 (Witness approached witness
6 table.)

7 MS. LEARY: I thank you for
8 your time.

9 COUNCILWOMAN GYM: Absolutely.
10 If you could just say your name into the
11 record and proceed with your testimony.
12 And we're keeping it to three minutes.
13 Thank you.

14 MS. LEARY: My name is --

15 COUNCILWOMAN GYM: You can have
16 a seat, please.

17 MS. LEARY: No. I'm okay.

18 My name is Vanessa Leary and my
19 daughter is in placement. While she was
20 in Mayfair School, she was attacked the
21 first three days there. Eight times in
22 one year. I kept reporting it and asking
23 for help, for services, for something.
24 They said my daughter is too sensitive.
25 So I said, okay. I asked DHS and

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2 everybody else for services. Nothing was
3 done. They said they'll look into it.

4 I had -- my daughter got to the
5 point where she started cutting herself.
6 I had her put in the hospital. She only
7 had three cuts on her due to stress. DHS
8 got involved finally. I asked them for
9 therapeutic services, behavior services,
10 something to help her for prevention of
11 cutting herself, something for bullying,
12 something.

13 I got, okay, we'll handle it.

14 While my daughter was in a
15 mental health facility, they decided to
16 block me for 43 days. And this is DHS.
17 I'm asking to speak to my daughter, make
18 sure she's okay, making sure she's
19 getting the adequate therapy that she
20 needed, talking to -- trying to talk to
21 the therapist, but I couldn't because
22 apparently I was blocked by DHS, a worker
23 from DHS.

24 So while she was there, she
25 came forward -- I finally got a call from

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2 a nurse, saying while she was there, she
3 was attacked eight separate times. One
4 of those times was by a staff member,
5 because she was showing signs of stress
6 and anger. So I said, okay. I told her,
7 let me talk to my daughter.

8 My daughter said, mom, I
9 reported that I was raped, and they told
10 me that I have to wait to make sure it
11 gets processed properly.

12 I said, okay. I said -- I was
13 always taught that DHS and Children and
14 Youth will always help you when you ask
15 for it.

16 We've only lived in the City
17 for two years, and DHS and the child
18 advocate has completely blind-sided me
19 with whatever they call help.

20 While my daughter reported it
21 twice to the child advocate and to DHS,
22 the children called me -- not the
23 children. The Police Department called
24 me asking me if I knew the person, and
25 they gave me a name. I said yes, and I

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2 told them where to locate the person.

3 It's funny, nothing was done
4 for four months. I went to the police
5 station and found out that there was no
6 call, no electronic inquiry, nothing on
7 that person, nothing at all. So I took
8 my daughter's diaries from while she was
9 in the facility and handed it over to the
10 police to have them properly investigate
11 it, so they would be getting information
12 from Children and Youth from Bucks
13 County, child advocate from Bucks County,
14 from all the services from Bucks County,
15 and I want to make sure that somebody is
16 held accountable from child advocate and
17 DHS for my child's safety, because she
18 was put through an exam, a very intimate
19 exam, and nobody was there to comfort
20 her. Nobody was there. They wouldn't
21 allow me to talk to her, to let her know
22 what she's going to be experiencing.
23 That is not right for no 12-year-old to
24 go through.

25 Once she was there, nice job

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2 that they did. While I was blacked out,
3 my daughter started cutting herself while
4 they were doing their so-called
5 interrogation. That's what my daughter
6 put it as. She said it wasn't
7 questioning, it was interrogation. They
8 kept telling her if this person didn't do
9 it, you know I'm going to -- you can't
10 see your family for the rest of the time
11 you're here, and my daughter was in fear
12 because of this. So when she was going
13 through this, the number she has when she
14 went in was only three cuts. The time
15 when they finally lifted -- DHS finally
16 lifted that blackout for me to see her
17 was 27 cuts up her arm. Somebody has to
18 be held accountable for this.

19 COUNCILWOMAN GYM: Thank you
20 very much for your testimony. I'm sure
21 that this is a very serious situation and
22 we're happy to follow up with you, and I
23 know that there are other agencies that
24 are here that we can talk with you
25 through that. I'm sorry for your pain.

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1 5/17/18 - CHILDREN & YOUTH - BILL 180368, ETC.

2 MS. LEARY: No problem. Thank
3 you very much for your time.

4 COUNCILWOMAN GYM: Is there
5 anyone else here who would like to
6 testify to this resolution?

7 (No response.)

8 COUNCILWOMAN GYM: Seeing no
9 one else here to testify on the
10 resolution, this concludes the business
11 of the Committee on Children and Youth
12 and Education for today. The public
13 hearing on Resolution 171142 is recessed
14 to the call of the Chair.

15 And thank you all very much for
16 your time, patience, and attendance.
17 Thank you.

18 (Committee on Children and
19 Youth concluded at 5:10 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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