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Pennsylvania

Another legislative session, another push for juvenile justice reform

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(The Center Square) – House Democrats are once again making the attempt to turn 2021 recommendations from the bipartisan, bicameral Juvenile Justice Task Force into legislative action.

Last year, they were successful in passing laws derived from just two of the task force's 35 recommendations. According to Rep. Dan Miller, D-Mt. Lebanon, when broken down into action items the recommendations are more than double that. This year, they're proposing 10 bills to begin to close the gap in what has been dubbed the CARE package.

“Over the last couple of years, we have tried a variety of ways to try and get more attention to those recommendations,” said Miller. “Two is better than zero, but that’s the best I can say.”

Their efforts this session include addressing the issue of Miranda warnings with the understanding that children aren’t able to understand their rights and available choices in the same way that adults do.

“Study after study shows that you do not yet have the understanding as to how to exercise your rights,” said Miller. “Now working with psychologists and psychiatrists, we have seen how a different approach to Miranda warnings is developmentally appropriate and can safeguard rights in that process.”

Several of the bills serve to further make the distinction between children and adult offenders, first and foremost by prohibiting the courts from automatically charging children as adults.

“Irrespective of the bad choice that that child may have made for whatever reason, it does not make them magically an adult,” said Rep. Chris Rabb, D-Philadelphia. “So if you just want to punish young people, then just say it, but don’t call it justice.”

Additional bills limit the use of solitary confinement for children and eliminate fines and court fees imposed on them.

Aqilah David Stoneleigh Youth Advocacy Fellow at the Juvenile Law Center experienced incarceration herself at the age of 15.

“How can you expect a 15-year-old to pay thousands if they’ve never had a job or if their family is struggling to make ends meet? This is not justice. It will only put families in debt and increase poverty in Pennsylvania,” she said.

Extending the basic rights of children, including their right to a suitable education, is another aim of the package. Bills seek to ensure that children with 504 plans can’t be put in placements that can’t offer the resources they need for schooling. They would also exclude vulnerable children from being placed in the state’s overtaxed juvenile detention facilities.

Rep. Rick Krajewski, D-Philadelphia, described a tour of the Juvenile Justice Services Center, a juvenile detention facility in his district for children awaiting adjudication or placement. Conditions and overcrowding there are so bad that the city of Philadelphia has taken legal action against the Department of Human Services for failing to offer children suitable long-term placements.

“I was completely horrified and sick to my stomach by what I saw at JJSC. I saw 10-year-olds, kids who were not even taller than this podium in shackles and gray sweatsuits being taken to facilities, being taken to holding cells,” said Krajewski. “And in those holding cells, they didn’t even have beds. They were on the floor.”

Perhaps most fundamental to juvenile justice reform is the attempt to keep children out of the justice system altogether. Diversion programs work with first-time and low-level offenders to offer an alternative. Advocates say these programs decrease recidivism and give youth a chance to perform meaningful restitution for their actions.

“Keeping kids in their homes and their communities gives them the opportunity to learn from mistakes and stay on track,” said Stefanie Arbutina, juvenile justice policy director at Children First. She said they’re “prioritizing community-based solutions ensuring that serving kids in their homes and neighborhoods becomes the default, not the exception.”

The package is being supported by Democratic Representatives Miller; Emily Kinkead, Bellevue; Anthony Bellmon, Philadelphia; Rick Krajewski; Chris Rabb; and Melissa Shusterman, Paoli.



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