

# We Demand Care, Not Control

## YOUTH RESPONSE TO POLICY RECOMMENDATIONS OF THE PENNSYLVANIA JUVENILE JUSTICE TASK FORCE

The bipartisan Pennsylvania Juvenile Justice Task Force was convened in 2019 by all three branches of government to make recommendations for system-wide reform. The Task Force released its policy recommendations in June 2021. Despite including some strong proposals, the recommendations require bolder and more comprehensive action to fix our broken juvenile justice system. To date, the General Assembly has not introduced any bills based on the Task Force recommendations.

**Care, Not Control**, a coalition of young people and youth advocates working to end youth incarceration, released a set of demands in October 2020, setting forth action steps towards ending youth incarceration in Pennsylvania. Building off these demands, the campaign's youth steering committee presents our response to several of the core policy recommendations of the Task Force. We look forward to working with legislators to build a just Pennsylvania for all youth.

### WHO WE ARE

**We are young people who have lived-experience in the youth justice systems of Pennsylvania.**

We have experienced the harms of the systems that claim to help and rehabilitate us. We use our experience to help others navigate the system and advocate for system improvement and have shared our stories and input with the Task Force.

Care, Not Control  
seeks to end youth  
incarceration in  
Pennsylvania.

[carenotcontrol.com](http://carenotcontrol.com)

*“We’ve told them our stories  
so many times.*

*We gave recommendations  
and we gave testimony.*

*They’d say they agreed,  
but every time we’d go back  
it was the same story.”*

## TREAT ALL CHILDREN AS CHILDREN

**The Problem:** The practice of automatically treating some youth as though they were adults is deeply harmful to youth, completely ineffective, and racially biased. Black males accounted for 7% of Pennsylvania's youth population but 56% of youth charged and convicted as adults. However, white males accounted for 36% of Pennsylvania's youth population, but only 21% of youth charged and convicted as adults.

**Task Force Recommendation:** Recommends eliminating Direct File, narrowing transfer of youth to adult court, and preventing youth from being incarcerated in adult jails.

**Youth Steering Committee Response:** We strongly support eliminating direct file and incarceration of youth in adult jails. We also urge the elimination, rather than the narrowing, of transfer of youth to adult court.

*“When a young person commits harm, the answer is not to harm that young person in response.”*

*“Treating youth like they’re adults is wrong and their brains aren’t developed yet.”*

*“I had to push at 14 to get decertified. I didn’t know you could do that but my cellmate told me to tell the lawyer to get me decertified. Then the lawyer filed a motion with the judge, but wasn’t going to if I didn’t say anything. I was sent back to juvenile court. I got lucky because someone told me, but our futures shouldn’t be based on luck.”*

*“Most youth don’t know they can be charged as an adult until they have been charged as an adult.”*

## DIVEST FROM PLACEMENT AND DETENTION

**The Problem:** While racial disparities are present at each stage of the system, the disparities are even worse for placement and detention: Black youth are 4 times more likely to be incarcerated than white youth. Only 1 out of 5 youth sent to placement are found to have committed a felony that involves violence. 75% of youth sent to placement have no prior record of convictions. Additionally, 80% of Pennsylvania's \$350 million juvenile justice budget is spent on placement alone, even though community based-treatment is proven to be more effective and far less costly.

**Task Force Recommendation:** The Recommendations do not propose changes to legislation that would limit the discretion of Judges to incarcerate youth.

**Youth Steering Committee Response:** We do not support these recommendations. The Task Force simply restated current law. This might give the appearance of reform, but will not change the harmful practices of youth incarceration.

*“The Task Force didn’t take what we said about detention and placement seriously”.*

*“Aren’t we supposed to be innocent until proven guilty? They may say we have this right, but we don’t actually get it.”*

*“I was in 8 different placements, and it all started with truancy. I was 14 when that happened. I didn’t get any warning. I wasn’t even able to be a kid back then.*

*I didn’t go to school all the time because I had to be an adult — I was up all night cooking and cleaning. I didn’t even want to be a kid, I just knew I wanted to be something.”*

## RAISE THE AGE

**The Problem:** Pre-teen children should not be subject to the harm and trauma of being incarcerated and prosecuted. 13% of youth incarcerated pretrial are between the ages of 10 and 13. Additionally, they spend 40% longer on probation than youth ages 14-17.

**Task Force Recommendation:** Recommended raised the minimum age of juvenile court to 13 years old.

**Youth Steering Committee Response:** We strongly support raising the minimum age of juvenile court to at least 13 years old, if not higher. Most kids don't understand the system, certainly not kids who aren't even teenagers.

*They're throwing kids' futures away —  
putting them in a rat maze so they're set up to fail.  
They don't know anything about the law.  
They're just young kids trying to have fun.”*

*“The age should be at least 15.  
I wish they would put themselves  
in other people's shoes.  
They act like kids don't make mistakes.”*

## MANDATE DIVERSION

**The Problem:** 4 out of 5 youth given diversion through Consent Decree successfully complete it without new allegations. Research has found that at least 60% of youth currently charged could be safely diverted from the system entirely.

**Task Force Recommendation:** Recommends mandatory diversion for youth with 0 or 1 prior arrest.

**Youth Steering Committee Response:** We strongly support this recommendation.

*“Diversion gives youth a second chance.  
Therapy or rehab helps give you a chance to redeem yourself.  
It's more likely that the youth will listen to you  
if you give them another chance.”*

*“I don't understand why this much harm had to happen  
in order to open the task force.  
What else has to happen for them to finally pass new laws?”*

# ELIMINATE FINES AND FEES AND LIMIT RESTITUTION

**The Problem:** Youth are forced to pay the courts for being prosecuted, most of whom cannot afford to pay. As a result, youth are kept under court supervision much longer than needed, unable to have their record expunged, and can even be incarcerated for being unable to pay.

**Task Force Recommendation:** Recommends eliminating fines and fees. Recommends only ordering restitution if youth can afford to pay, and prohibiting youth from being sent to placement or having their supervision extended for unpaid restitution.

**Youth Steering Committee Response:** We strongly support this recommendation.

*“I got into trouble stealing and had to pay restitution.  
I had the option to do community service instead.  
It was a very good option for me  
because I didn’t have the money at the time.”*

*“The state should pay—and if a kid can pay  
them back or work it off they can do that.  
But it shouldn’t hold the youth back or keep  
them on probation.”*

*“The placements are generating money and costing the state a lot.  
Why can they overpay for placements, but not reimburse victims?”*

## OUR CALL TO ACTION

We know first-hand the harms that are caused by the systems that are supposed to help us and our communities. The abuses that led to the creation of the Task Force were not isolated, but were the culmination of years of gross mistreatment and assault of children.

**We demand comprehensive legislation to protect our youth, bring accountability to the system, and generate cost-savings by divesting from incarceration.** These savings should be reinvested in community-based supports, which are proven to be much more effective than incarceration.

We call on the PA legislature to act now to pass bold and transformative legislation prioritizing the safety and well-being of our youth over preserving the status quo.

**We demand Care, Not Control.**