

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 80 Session of 2023

INTRODUCED BY KAZEEM, DELLOSO, BOROWSKI, CURRY, MADDEN, WAXMAN, FLEMING, PARKER, CEPEDA-FREYTIZ, TAKAC, HILL-EVANS, FIEDLER, SANCHEZ, GUENST, HANBIDGE, KHAN, SHUSTERMAN, N. NELSON, HOWARD, CIRESI, D. WILLIAMS, FREEMAN, GREEN, OTTEN AND KRAJEWSKI, APRIL 24, 2023

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 4, 2023

A RESOLUTION

1 Directing the Joint State Government Commission to conduct a
2 study and issue a report on the best practices and
3 recommendations for the operation of juvenile detention
4 centers within this Commonwealth.

5 WHEREAS, A grand jury investigated abuse allegations at the
6 now closed Delaware County Juvenile Detention Center (DCJDC) and
7 found that the DCJDC "existed like a prison intent on
8 punishment, not reform, and allowed a dangerous, unprofessional
9 culture to pervade"; and

10 WHEREAS, The grand jury found that an extreme lack of
11 available activities led to residents spending "most of their
12 time in their rooms doing nothing"; and

13 WHEREAS, The grand jury found, based on witness testimony,
14 that although education should have been provided, "staff would
15 not always bring the juveniles to the classroom as required" and
16 "the school work was...frequently below the juveniles' actual
17 grade level"; and

1 WHEREAS, The grand jury found that the facility frequently
2 cursed at and bullied residents; and

3 WHEREAS, The grand jury found that the facility failed to
4 intervene in fights between residents and to deescalate episodes
5 effectively; and

6 WHEREAS, The grand jury heard testimony of sexually
7 inappropriate conduct by male detention staff, including making
8 sexually inappropriate comments to female residents and making
9 sexually inappropriate advances toward female staff members; and

10 WHEREAS, The grand jury found that "there has been no
11 comprehensive examination of best practices for operating secure
12 juvenile detention facilities," but "so long as there is a need
13 for such facilities to operate, there is a need to establish
14 standards for how they should operate consistently with the goal
15 of rehabilitation"; and

16 WHEREAS, The grand jury recommended that the General Assembly
17 make use of the Joint State Government Commission's research
18 ability to develop policies and practices; therefore be it

19 RESOLVED, That the House of Representatives direct the Joint
20 State Government Commission to conduct a study and issue a
21 report on the best practices and recommendations for the
22 operation of juvenile detention centers within this
23 Commonwealth, including:

24 (1) The implementation of total video surveillance of
25 the facility, excluding bedrooms and bathrooms, by a video
26 surveillance system with the capacity to store footage for a
27 minimum of 90 days and a requirement that a supervisor review
28 and preserve video footage whenever a physical restraint is
29 used by staff on a juvenile AND THE PROCEDURES NECESSARY TO <--
30 ENSURE THAT THE FOOTAGE IS USED TO ENSURE JUVENILE SAFETY AND

1 NOT TO INCRIMINATE JUVENILES.

2 (2) Expanding the list of required training categories
3 beyond the requirements of the 3800-series regulations,
4 including training on deescalation techniques, handling
5 children with trauma and mental health issues and respecting
6 the specific rights of children in detention as specified in
7 the 3800-series regulations.

8 (3) Requiring that such training be conducted in person
9 and allow detention staff to practice techniques prior to
10 supervising children.

11 (4) Creating additional minimum qualifications for
12 management and staff, which may include raising the minimum
13 age of detention staffers.

14 (5) INCENTIVIZING EMPLOYMENT FOR PEOPLE WITH LIVED <--
15 EXPERIENCE WHOSE BACKGROUNDS ARE REFLECTIVE OF THE
16 DEMOGRAPHICS OF THE JUVENILES IN THE FACILITY AND FOR
17 JUVENILES IN THE FACILITY WITH MULTIDISCIPLINARY BACKGROUNDS.

18 ~~(5)~~ (6) Restricting the use of overtime, including <--
19 limiting the number of hours a detention officer or
20 supervisor can work either consecutively or in a 24-hour to
21 48-hour period, WITH ATTENTION TO HOW STAFFING LEVELS WILL <--
22 IMPACT THE USE OF ISOLATION AND SOLITARY CONFINEMENT OR OTHER
23 HARMFUL PRACTICES.

24 ~~(6)~~ (7) Reviewing any options that may be available to <--
25 ensure a living wage that can attract and retain qualified
26 candidates.

27 ~~(7)~~ (8) Adding programming requirements for juveniles, <--
28 including standards on how juveniles should be educated in
29 ways that support age-appropriate educational
30 activities, WITH CONSIDERATION ON HOW BEST TO SUPPORT <--

1 EDUCATION AND OTHER PROGRAMMING OUTSIDE OF THE FACILITY.

2 ~~(8)~~ (9) Adopting policies to ensure the rights of <--
3 juveniles and staff to file incident reports and grievances
4 without retaliation, including ~~a policy to~~ POLICIES TO ENSURE <--
5 THAT GRIEVANCES ARE ACCESSIBLE TO ENGLISH LANGUAGE LEARNERS
6 AND INDIVIDUALS WITH DISABILITIES, TO internally track
7 ChildLine reports, facility-specific incident reports and
8 grievances filed against employees, whether by juveniles or
9 other employees, TO COLLECT AND ANALYZE DATA ON THE <--
10 DEMOGRAPHICS OF JUVENILES WHO FILED GRIEVANCES AGAINST
11 EMPLOYEES BASED ON SUBSTANTIATED REPORTS AND TO ASSESS THE
12 GRIEVANCES ON THE BASIS OF RACE, ABUSE, ORIENTATION, GENDER
13 BIAS OR DISCRIMINATION, SEXUAL VIOLENCE AND ASSAULT.

14 (10) IDENTIFYING JUVENILES WHO CAN BE SERVED IN THEIR
15 HOMES AND COMMUNITIES AND METHODS TO SUPPORT THEIR RELEASE TO
16 THOSE SETTINGS.

17 (11) IDENTIFYING POLICIES THAT CONTRIBUTE TO
18 OVERCROWDING IN THE FACILITY, INCLUDING THE USE OF DETENTION
19 FOR JUVENILES WITH ELECTRONIC MONITORING VIOLATIONS, THE USE
20 OF DETENTION FOR JUVENILES WITH TECHNICAL PROBATION
21 VIOLATIONS AND REDUCED AVAILABILITY OF POST-DISPOSITION
22 PLACEMENT AS A RESULT OF JUVENILES NOT BEING CREDITED FOR
23 TIME SERVED IN DETENTION;

24 AND BE IT FURTHER

25 RESOLVED, THAT THE HOUSE OF REPRESENTATIVES DIRECT THE JOINT
26 STATE GOVERNMENT COMMISSION TO ESTABLISH AN ADVISORY COMMITTEE
27 OF NO LESS THAN 13 MEMBERS TO CONSULT WITH THE JOINT STATE
28 GOVERNMENT COMMISSION IN CONDUCTING THE STUDY, INCLUDING
29 REPRESENTATIVES OF THE JUDICIARY, DISTRICT ATTORNEYS, LAW
30 ENFORCEMENT OFFICIALS, PUBLIC ORGANIZATIONS INVOLVED IN JUVENILE

1 JUSTICE REHABILITATION, REPRESENTATIVES OF COUNTY CHILDREN AND
2 YOUTH AGENCIES AND JUVENILE JUSTICE AGENCIES AND ANY OTHER
3 SIMILAR ORGANIZATIONS AS DETERMINED BY THE JOINT STATE
4 GOVERNMENT COMMISSION.