

public citizens for children + youth

Testimony to the Philadelphia City Council Committee on Children and Youth

**Submitted by Laurie T. Dow, Vulnerable Youth Policy Director
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Good afternoon. I am Laurie Dow, the Vulnerable Youth Policy Director for Public Citizens for Children and Youth. It is well past time for the City of Philadelphia to follow the national trend and create a Youth Ombudsman Office to receive and investigate grievances from families and youth who have been committed to privately run residential facilities by the behavioral health, intellectual disability, child welfare, and juvenile justice systems. Having worked for the past twenty years in a variety of capacities, I have seen the atrocities that can happen to children in institutional care. I have seen it in the Family Court of Philadelphia as a judicial law clerk and fifteen years with the Law Department of Philadelphia representing the Department of Human Services as a Divisional Deputy City Solicitor. I saw the worst of what can happen at institutions as I oversaw the near fatality and fatality review process and personally worked on some of these institutional cases. After two years at one of the largest private providers of institutional care, I have also personally seen what can happen at these facilities.

For background, every year in Philadelphia around 17,000 children enter care, placed there by the behavioral health, intellectual disability, foster care, and delinquent systems. Every year, over 2,200 of those children end up relegated to residential institutions such as psychiatric residential treatment facilities, detention centers, group homes, and other institutional settings – about twelve percent of that 17,000. There is another group of children in the juvenile justice system – about sixteen hundred every year, who end up being detained pre-adjudication in a juvenile justice detention center. We have no way of knowing how many of those are counted in the 2200 who are committed to a facility longer term.

Here's what we know about the children who are sent to these facilities, 91% of the child welfare population are Black and Hispanic children. Of the juvenile justice population, 94% are Black and Hispanic. And a quarter of all the youth in all types of placements are identified as LGBTQ youth. Those percentages stand in stark contrast to the general population – which equal only 59% Black and Hispanic - far outweighing their representation in the general population.

All of these children have experienced trauma. Merely being detained is a trauma. Some of these children have a history of being physically abused, sexually abused, and psychologically



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abused. Many already have a mental health diagnosis requiring on-going treatment. Some children who are also sent through the behavioral health and intellectual disability systems are also non-verbal, have physical disabilities, and may have medical concerns, making them even more vulnerable.

These children and these institutions garner the greatest attention for all the wrong reasons. They are the most expensive placement settings – costing about 174 million annually for residential facilities in all systems and including the funds paid by the school district for on-grounds schooling at some of these facilities. They are often the most restrictive. Even for children who are in child welfare, they may not be permitted to leave the facilities where they are “placed” – including receiving their schooling – or what passes for schooling – on campus. Despite what the law says, they may not be having home visits or seeing their families. In terms of isolation, they may be placed hours from their homes and some of these programs are so secluded; they may be a fifteen minute drive from the nearest gas station or fast food restaurant, severing their family and social networks. Add the info about distance from home. They may have spotty cable or internet. This isolation is all pre-COVID. In addition to these factors, these facilities receive the greatest attention for their abuses and denial of services to the children they are intended to protect. These children are placed too far away from anyone to save their own lives. That isolation contributes to the feeling children can be harmed because no one can see.

The general public has been left to learn about these abuses through law suits and exposes reported in the Philadelphia Inquirer.

- We heard about David Hess at Wordsworth Academy who was killed after being placed in a chokehold by staff. His last words were “I can’t breathe!” In a decade police were summoned to Wordsworth more than 800 times for incidents ranging from minor disturbances and tripped fire alarms to rape. There were reports of twelve rapes, two cases of involuntary deviate sexual intercourse, seven reports of indecent exposure, four cases of corruption of the morals of a minor, and one case of child endangerment. In addition, police were called to investigate 23 other reports of sexual abuse, and six reports of physical abuse against children.
- We heard about Devereux in 2016 when, between July 2018 and January 2021, prosecutors charged 20 staffers in connection with alleged physical abuse of 18 different children at three of Devereux’s residential facilities. The State continued to license and the City continued to send children to Devereux until August 2020 when The Inquirer published its investigation about how staff sexually assaulted at least 41 children over the last 25 years at facilities in Pennsylvania and seven other states. As was revealed in The Inquirer expose, private providers are left to come up with their own plans of corrections. Add the Wordsworth Data. Inquirer stuff should come later.



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- The circumstances are eerily similar at Glen Mills School where, going back decades, in 2000, eight children told inspectors they were kicked, punched, “chopped in the throat,” and slammed into walls by at least 18 staff members. It took another Inquirer expose to bring about the closure of Glen Mills where boys were routinely abused and intimidated to prevent them from reporting offenses.

There are some existing outlets for these children. A child can report to their caseworker, if they know who that person is, report to the staff at the program – if they aren’t the abuser, they can call Philadelphia DHS directly, they can call ChildLine, and, if they know their name and contact information, they can call their child advocate. Now, in every one of the cases that I just told you about the children told the members of the Residential Placement Task Force that they did all those things. Yet, some still died, were raped, and abused even after they made the calls for help.

There are grievance processes at these private agencies, but the providers are left on their own to report the grievances either to the State or Philadelphia DHS. Many children and families aren’t even informed of their rights to report grievances or how to do so. The State is also notoriously stingy with providing information regarding reports of abuses, grievances, and their outcomes. When the state was initially asked about the outcomes of 254 child abuse reports at Devereux occurring over a two-year period, the State declined to disclose the information. It took a state legislative committee hearing for the state to finally acknowledge that just four of those reports were confirmed – despite twenty staffers being criminally charged for crimes against eighteen children.

The public learned of these atrocities because of intrepid reporters who responded to the pleas of these kids. Why don’t the current systems work? Because, often, the staff don’t believe the children; the case managers don’t believe the children. We’ve seen that the staff may be protecting themselves or others. We are suggesting that an independent office be given the responsibility because it severs the relationship of trying to protect other people in the system. Establish a completely independent place that comes with no prejudgment about the children or pre-existing relationships with the adults. There are places to call but they are not independent and calls may go without responses. An independent office will take that child on face value and not be encumbered by preconceptions and preexisting relationships. Before I close here is something else that you need to understand, the state licenses these facilities, the court commits the children, DHS sends the children, and we pay for these facilities. Nobody but these reporters put together the fragments of multiple reports. The only one who has the data is the Pennsylvania Department of Human Services but they don’t share the information that we need to keep kids safe with the courts, Philadelphia DHS, or any other part of the system. We are fighting to change that but it has taken years at the state



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level and it could take even more years. But we can act now. The current administration has made some systemic changes so that kids know where to call. On the child welfare side that is clear, but some of these providers are on the juvenile justice side and behavioral health. A third-party entity can receive calls from all those systems and put all the dots together. Our children, in all systems, deserve a safe place where they can call and have their complaints received and investigated without prejudice or self-interest. An independent office receiving calls from all systems can identify patterns of abuse long before they get reported in the newspapers. We don't have an independent office.

Now is the time to establish an independent Youth Services Ombudsperson office to receive and investigate concerns from youth and families about safety and services.



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