

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

No. 516 MD 2022

THE CITY OF PHILADELPHIA,

Petitioner,

v.

DEPARTMENT OF HUMAN SERVICES
OF THE OF THE COMMONWEALTH
OF PENNSYLVANIA and MEG SNEAD,
in her official capacity as Acting Secretary
of Human Services,

Respondents.

BRIEF OF JUVENILE LAW CENTER AND DISABILITY RIGHTS
PENNSYLVANIA AS *AMICI CURIAE* IN SUPPORT OF NEITHER PARTY
AND IN RESPONSE TO PETITIONER'S APPLICATION TO MODIFY
INJUNCTION

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STATEMENT OF INTEREST OF *AMICI CURIAE*¹

Juvenile Law Center fights for rights, dignity, equity, and opportunity for youth. Juvenile Law Center works to reduce the harm of the child welfare and justice systems, limit their reach, and ultimately abolish them so all young people can thrive. Founded in 1975, Juvenile Law Center is the first non-profit public interest law firm for children in the country. Juvenile Law Center’s legal and policy agenda is informed by—and often conducted in collaboration with—youth, family members, and grassroots partners. Since its founding, Juvenile Law Center has filed influential *amicus* briefs in state and federal courts across the country to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are consistent with children’s unique developmental characteristics and human dignity.

Disability Rights Pennsylvania (“DRP”) is the protection and advocacy system designated by the Commonwealth of Pennsylvania pursuant to federal law. DRP’s mission is to protect the rights of and advocate for Pennsylvanians with disabilities so that they may live the lives they choose, free of abuse, neglect, discrimination, and segregation. DRP has a long history of bringing litigation to protect the rights of juveniles and adults with disabilities who are incarcerated. DRP is currently litigating a case against the state Department of Human Services over

¹ Pursuant to Rule 531, no counsel for a party authored this brief in whole or in part. No person or entity, other than *Amici*, their members, or their counsel made a monetary contribution for the preparation or submission of this brief.

the abusive treatment of youths in the state's Youth Development Centers (YDCs), *Disability Rights Pennsylvania v. Pennsylvania Department of Human Services et al.*, 1:19-cv-00737 (M.D. Pa.), and a class action against the state DHS for unnecessarily institutionalizing children who are in the dependency system. *S.R., et al. v. DHS, et al.*, 1:17-cv-02332 (M.D. Pa.). DRP thus has a strong interest in ensuring that the rights of youths in the PJJSC and the state's YDCs are protected.

SUMMARY OF ARGUMENT

On June 9, the City of Philadelphia filed an Application to Modify the Injunction previously granted by this Court on November 10, 2022 regarding severe overcrowding at Philadelphia's youth detention center, the Philadelphia Juvenile Justice Services Center (PJJSC). (Pet'r's Appl. to Modify Inj.) Overcrowding has persisted unabated for months, with the PJJSC reaching an unprecedented and intolerable population of 242 children on Monday, June 5, 2023; the maximum number of licensed beds is 184. (Pet'r's Appl. to Modify Inj. 2.) At least 30 children are sleeping on mattresses on the floor in the admissions area, *id.*, in physically crowded cells with no windows. Juvenile Law Center and Disability Rights Pennsylvania submit this *amicus* brief on behalf of neither party in this action, but rather to speak on behalf of the children housed there, and to provide this Court with additional, critical information about the harms and dangers associated with removing children from their homes and placing them in secure, custodial settings.

Specifically, Pennsylvania juvenile correctional facilities and detention centers have been riddled with not only allegations, but confirmed reports of physical, emotional and sexual abuse. *See infra* Section I.A. These findings have led to the closure of several facilities in recent years. *Id.* In addition to the harms noted above, students receive limited educational programming and often fail to receive special education services. *See infra* Section I.C. Research shows that these harms

fall disproportionately on youth of color and youth with disabilities. *See infra* Section II.

Pennsylvania also confines youth, both pre-trial and post-adjudication, at significantly higher rates than many other jurisdictions around the country. *See infra* Section II. This overuse of confinement is not only contrary to Pennsylvania's statutory requirements favoring the least restrictive alternative to placement, but also flies in the face of research showing little benefit to public safety from confinement, and which in fact shows a greater risk of re-offending among incarcerated youth. *See infra* Section I.D. Available data also confirm that many youth currently confined in Pennsylvania have low risk scores on state assessment measures, suggesting that many youth do not in fact need to be in secure care. *See infra* Section I. Finally, because alternatives to secure confinement are available, we urge this court to require the parties to take concrete steps to reduce the population at PJJSC immediately.

ARGUMENT

I. OUT-OF-HOME PLACEMENTS CAUSE GRAVE HARM TO CHILDREN

Pennsylvania's juvenile justice system has always endeavored to provide youth with care, protection, and safety, and to support youth in building skills. 42 Pa.C.S.A. § 6301(b)(1)-(3); *see also In re Tasseing H.*, 422 A.2d 530, 535 (Pa. Super. Ct. 1980); *In re J.F.*, 714 A.2d 467, 471 (Pa. Super. Ct. 1998) (noting that,

even after amendments to Pennsylvania’s Juvenile Act, “concern for the juvenile remains a cornerstone of our system of juvenile justice”). Pennsylvania’s Juvenile Act explicitly limits juvenile courts’ ability to impose confinement, requiring the “least restrictive intervention,” “preserv[ing] the unity of the family whenever possible,” and permitting confinement “only if necessary and for the minimum amount of time” consistent with the Act’s goals. 42 Pa.C.S.A. § 6301(b)(1)-(3). The Pennsylvania Juvenile Delinquency Benchbook emphasizes “[t]he Juvenile Act dictates the strongest possible preference for noncustodial dispositions over custodial ones.” *Pennsylvania Juvenile Delinquency Benchbook*, Pennsylvania Juv. Court Judges’ Comm’n 9.31 (2018), https://www.jcjc.pa.gov/Publications/Documents/Juvenile%20Delinquency%20Benchbook/Pennsylvania%20Juvenile%20Delinquency%20Benchbook_10-2018.pdf.

The Juvenile Act’s limitations on youth confinement stem from a deep history and research that underscore the trauma and other harmful effects of removing youth from their homes and placing them in institutional settings with no substantial benefit to public safety. *See infra* Section I.A-I.D. Adhering to the Act’s preference to limit confinement is crucial to preventing youth from unnecessarily enduring the risk of physical abuse, disruption of healthy development, and denial of quality education that plague placements—whether pre-trial or post-adjudication—and disproportionately fall on youth of color.

In sharp contrast to the statutory requirements and Benchbook directives to limit youth confinement, twenty percent of youth in the state’s five secure facilities (Youths Development Centers or YDCs) are rated as “Low Risk” on the Youth Level of Service/Case Management Inventory that is used by judges and probation officers to determine whether a youth should be placed in a state secure facility. Bureau of Juv. Just. Servs., *April 2023 Data Report 1* (2023), attached hereto as Exhibit A. An additional 51 percent are rated as “Moderate Risk.” Only 27.6 percent are rated as “High Risk” or “Very High Risk,” *id.*, suggesting that many of the youth currently placed at the state facilities could be served at home or in a less secure placement.

Moreover, while these youths are sitting in detention, they are receiving little or no rehabilitation or treatment because of the extreme overcrowding. And youth who are awaiting placement following adjudication are receiving none of the prescribed treatment or programing that their juvenile court judge has required them to complete as a condition of returning home to their families and communities. Unlike in the adult system, these youth awaiting placement get no “credit for time served,” meaning there are days – and often months – of their young lives that are being wasted while incarcerated in this juvenile lock-up.

Moreover, there are likely a substantial number of youth currently incarcerated at the PJJSC who could be safely sent home. The City’s Application for Special Relief points out that: “Some of these youth who are waiting for adjudication

may be eligible for one or more alternatives to detention, such as GPS tracking, the Intensive Supervision Program, or a Pre-Adjudication Evening Reporting Center.” (Pet’r’s Appl. to Modify Inj. 6). Additionally, the approximately 67 youth at the PJJSC who are awaiting state placement could also be considered for release using the same alternatives to detention. *See* 37 Pa.Code §. 200.7 (permitting but not requiring post-disposition detention while awaiting placement in state YDC).

A. YOUTH IN PLACEMENTS AND DETENTION SUFFER SERIOUS PHYSICAL VIOLENCE AND HARSH CONDITIONS OF CONFINEMENT WITH LITTLE RECOURSE

Youth in Pennsylvania’s juvenile detention centers and residential placement facilities continue to be physically abused with little recourse for relief. Philadelphia found that its youth have been harmed in residential placements through assaults, solitary confinement, threats, and inappropriate use of physical restraints. Youth Residential Placement Task Force, *Report and Recommendations* 10 (2019), <https://www.phila.gov/media/20210805122144/Youth-Residential-Placement-Task-Force-report-and-recommendations.pdf>. A Children's Rights and the Education Law Center study found that children in Pennsylvania residential facilities were physically maltreated 156 times (114 times by staff), exposed to inappropriate sexual contact 73 times (39 times by staff), and suffered at least 43 incidents of verbal maltreatment by staff during the period between May 2010 and May 2018. Elissa Glucksman Hyne et al., Children’s Rts. & Educ. L. Ctr., *Unsafe and*

Uneducated: Indifference to Dangers in Pennsylvania Residential Child Welfare Facilities 9 (2018), https://www.elc-pa.org/wp-content/uploads/2018/12/2018_Pennsylvania-Residential-Facilities_Childrens-Rights_Education-Law-Center.pdf.

Additionally, the report found that 44 percent of the entities reviewed had repeated violations of physical or sexual maltreatment of children. *Id.* There were also 92 incidents involving the use of inappropriate restraints, with 28 of those incidents resulting in the documented injury of a child. *Id.*

Sadly, youth throughout the state have been victims of abuse when sent to residential placements and detention centers. Youth advocates with lived experience in various Pennsylvania facilities recalled being slammed against walls and floors, burned with flat irons, secluded in rooms without food for significant periods of time, and punched and beaten up by staff. Juvs. for Just. & Juv. L. Ctr., *Broken Bridges: How Juvenile Placements Cut Off Youth from Communities and Successful Futures* 13-16 (2018), https://jlc.org/sites/default/files/attachments/2018-12/2018_BrokenBridges-FINAL-WEB_0.pdf. These abusive encounters left the youth with scars, busted lips, and broken ribs. *Id.* Many of these physical attacks were for minor behaviors such as being on social media during school hours, not cleaning up an area in a timely manner, not doing schoolwork, and not wanting to eat breakfast. *Id.* Many youth were also subjected to extended periods of solitary confinement and isolation as a form of punishment or de-escalation; solitary confinement could last from one

day to a week with nothing more than a desk and chair, or sometimes nothing at all. *Id.* at 17-18.

The number of recent abuse scandals plaguing Pennsylvania's juvenile justice system is staggering. Maltreatment is commonplace. In October 2016, 17-year-old David Hess was killed by a staff member during a restraint. Nancy Philips & Chris Palmer, *Death, Rapes, and Broken Bones at Philly's Only Residential Treatment Center for Troubled Youth*, Phila. Inquirer (Apr. 22, 2017), <https://www.inquirer.com/philly/news/pennsylvania/philadelphia/Death-rape-Philadelphia-Wordsworth-residential-treatment-center-troubled-youth.html>. This tragic death was just one of many instances of violence at Wordsworth Academy in the last decade. The Philadelphia Inquirer found that at least 49 sex crimes, including 12 rapes, had been reported at Wordsworth, and that the police were called over 800 times in the preceding 10 years. *Id.*

In Delaware County, Glen Mills Schools (Glen Mills) closed in 2019 after the Inquirer published its investigation on the widespread violence and abuse that youth had experienced for decades at the reform school. Lisa Gartner, *Beaten, Then Silenced*, Phila. Inquirer (Feb. 20, 2019), <https://www.inquirer.com/crime/a/glen-mills-schools-pa-abuse-juvenile-investigation-20190220.html?outputType=default>. The Inquirer found that students endured rampant abuse by their peers and Glen

Mills staff, Glen Mills leadership disregarded and covered up the violence and abuse for at least two decades. *Id.*

In 2020, the Pittston Detention Center (Pittston) voluntarily closed, after being the center of the Kids for Cash scandal. *Officials: Pittston Detention Facility at Center of Scandal is Closed*, Pittsburgh Trib.-Rev. (Dec. 13, 2020), <https://triblive.com/news/pennsylvania/officials-pittston-detention-facility-at-center-of-scandal-is-closed/>. In the early 2000's, several Luzerne County judges sent youth, many of whom were first-time offenders charged with minor crimes, to Pittston in exchange for alleged monetary compensation. *Id.* Following the scandal, the Pennsylvania Supreme Court overturned the delinquency adjudications of approximately 2500 youth who had appeared before the judge at the center of the scandal. *Id.*

In March 2021, the president judge of Delaware County ordered the closing of the county's juvenile detention center following several abuse allegations. Kenny Cooper, *Grand Jury Investigating Abuse Allegations at Delaware County Juvenile Detention Center Chooses Not to Recommend Charges*, WHYY (Dec. 13, 2022), <https://whyy.org/articles/delaware-county-juvenile-justice-center-grand-jury-report/>. A grand jury eventually found that the detention center created a culture of violence, cover ups, and sexually inappropriate conduct by male staff. *Id.* The grand jury further highlighted that “the ‘collective failure of many’ allowed the detention center to function as a prison built on punishment instead of reform.” *Id.*

In September 2021, the Pennsylvania Department of Human Services revoked the license of the Shuman Detention Center in Allegheny County, citing violations of “gross incompetence, negligence, and misconduct,” including Shuman’s failure to provide at least 22 children with their prescribed medications because the facility did not have a nurse employed during that period. Tom Davidson, *Pa. Report Describes ‘Gross Incompetence’ at Shuman Juvenile Detention Center*, Pittsburgh Trib.-Rev. (Aug. 24, 2021), <https://triblive.com/local/pa-report-describes-gross-incompetence-at-shuman-juvenile-detention-center/>. In addition to the life-threatening violations found in August 2021, the facility had repeatedly violated standards dating back to 2018. *Id.*

B. REMOVING YOUTH FROM THEIR HOMES INTERFERES WITH HEALTHY DEVELOPMENT, DISRUPTING YOUTH’S TRANSITION TO ADULTHOOD

Because of their unique developmental stage, teenagers are particularly susceptible to the harms of placement and detention. Adolescence is a time of tremendous growth and personality development during which youth’s brains undergo important changes to prepare for adulthood. *See* Nat’l Acads. of Scis., Eng’g & Med., *The Promise of Adolescence: Realizing Opportunity for All Youth* 46-47 (Richard J. Bonnie & Emily P. Backes eds., 2019), <https://doi.org/10.17226/25388>. Lisa Pilnik et al., Juv. L. Ctr., *Transforming Justice: Bringing Pennsylvania’s Young People Safely Home from Juvenile Justice Placements* 9

(2019) (citing Laurence Steinberg et al., *Reentry of Young Offenders from the Justice System: A Developmental Perspective*, 2 Youth Violence & Juv. Just. 21 (2004)), https://jlc.org/sites/default/files/attachments/2019-10/Transforming_Justice_final.pdf. Residential facilities fail to provide youth with the support of parents and other caring adults, along with opportunities to exert their independence, which cuts off youths' ability to learn self-direction and responsibility. *Id.* at 10.

Teenagers' brains are particularly vulnerable to negative experiences such as resource deprivation or harsh and coercive relationships. Nat'l Acads. of Scis., Eng'g & Med., *supra*, at 58. Youth are at greater risk from the harms of toxic stress, which occurs when someone is "unable to cope effectively with the stress" due to a lack of support. *Id.* at 89. This results in long-lasting maladaptations in the brain, organ, and metabolic systems. *Id.* Children whose brains develop in response to constant threat and danger find that as they age, they are less able to control their moods and impulses and to engage in thoughtful decision making and planning. *Id.* at 91. Even periods of youth incarceration of less than one month are "associated with depressive symptoms as an adult." Pilnik et al., *supra*, at 9. Periods of one to 12 months are "associated with worse general health," and longer periods are "associated with suicidal thoughts, depressive symptoms, and other functional limitations." *Id.* Studies have also found that the suicide rate of incarcerated youth is two to four times the suicide rate of youth in the community. Karen Abram et al.,

Off. of Juv. Just. & Delinq. Prevention, *Suicidal Thoughts and Behaviors Among Detained Youth 2* (2014), <http://www.ojjdp.gov/pubs/243891.pdf>.

The impact of incarceration on the mental health of youth is compounded in the detention context, as researchers have found that about one-half to two-thirds of youth in juvenile justice settings such as pretrial detention centers meet the criteria for having a mental disorder. Thomas Grisso, *Adolescent Offenders with Mental Disorders*, 18 *Future Child*. 143, 150 (2008). These mental conditions are only exacerbated in overcrowded facilities which also contributes to the increased suicide rate of detained youth. Dale G. Parent et al., *Conditions of Confinement: Juvenile Detention and Corrections Facilities* 10 (1994), <https://files.eric.ed.gov/fulltext/ED367928.pdf>.

Further, studies have found that congregating youth in carceral settings causes youth to assimilate anti-social and negative behavior. Joel Rosch, *Deviant Peer Contagion: Findings from the Duke Executive Sessions on Deviant Peer Contagion*, 5 *Link* 1, 1, 3-5 (2006), <https://files.eric.ed.gov/fulltext/ED493381.pdf>. Youth in groups often unintentionally reinforce negative behaviors in one another by using anti-social behavior such as aggression and bullying to gain an “audience or companionship.” Thomas J. Dishion & Jessica M. Tipsord, *Peer Contagion in Child and Adolescent Social and Emotional Development*, 62 *Ann. Rev. Psych.* 189, 190 (2011). Incarcerating youth together for rehabilitation often has the opposite effect,

and youth often leave these facilities with more anti-social behavior than they had upon arrival. *Id.* at 200.

C. OUT-OF-HOME PLACEMENTS FAIL TO MEET THE EDUCATIONAL NEEDS OF STUDENTS, INCREASING OBSTACLES TO THE COMPLETION OF THEIR SCHOOLING

Residential facilities also typically fail to build the meaningful competencies the Juvenile Act envisions. Out-of-home detention and placements remove children from the familiar environments that support their learning, and instead replace them with inadequate alternatives. Facilities typically provide inferior educational opportunities, causing students in juvenile justice placements and detention centers to fall behind or drop out altogether when they return to their home communities. Glucksman Hyne et al., *supra*, at 19-20.

The PJJSC is providing minimal educational services to their youth because of the overcrowding. *Defender Statement on Conditions at JJSC*, Defender Ass'n of Phila. (Oct. 27, 2022), <https://phillydefenders.org/jjsc-october27/>. Many youth have spent more than five months at the PJJSC, and will be challenged to graduate after such a significant gap in education. See Econsult Sols. Inc., *Philadelphia's Shifting Juvenile Justice Paradigm: An Economic Analysis* 50 (2023), https://phillyda.org/wp-content/uploads/2023/05/Philadelphias-Shifting-Juvenile-Justice-Paradigm_Technical-Report.pdf. Generally in Philadelphia, 64% of youth involved in the juvenile justice system ultimately drop out. Julia Ransom et al, *A Promise Worth*

Keeping: Advancing the High School Graduation Rate in Philadelphia 12 (2015), <https://williampennfoundation.org/sites/default/files/reports/PromiseWorthKeeping.pdf>.

As noted above, youth with disabilities are also overrepresented in detention and residential facilities, and at particular risk of receiving an inadequate education. Off. of Juv. Just. & Delinq. Prevention, *Education for Youth Under Formal Supervision of the Juvenile Justice System* 2 (2019), https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/education_for_youth_under_formal_supervision_of_the_juvenile_justice_system.pdf. Out-of-home placement and detention centers are ill-equipped to properly screen students for the services they need, or to provide the necessary accommodations particularized to each student. Glucksman Hyne et al., *supra*, at 23. There is often a lengthy delay transferring IEPs and other school records. *Id.* The lack of support further compounds the myriad failings that already exist in the facility's educational environment.

D. REMOVING CHILDREN FROM THEIR HOMES IS COUNTER-PRODUCTIVE AND IMPEDES PUBLIC SAFETY

Placements and detention centers threaten the long-term future of youth, but they also have lasting repercussions for public safety as well. There is a strong research consensus that placing youth out of the home, including in both secure and nonsecure residential facilities, does not decrease rates of re-arrest and may actually increase them. Richard A. Mendel, Annie E. Casey Found., *No Place for Kids: The*

Case for Reducing Juvenile Incarceration 11 (2011), <https://assets.aecf.org/m/resourcedoc/aecf-NoPlaceForKidsFullReport-2011.pdf>. Studies that control for youth backgrounds, offending histories, and other relevant characteristics continue to find incarceration is linked with higher rates of recidivism. Richard Mendel, Sent'g Project, *Why Youth Incarceration Fails: An Updated Review of the Evidence* 12-13 (2022), <https://www.sentencingproject.org/app/uploads/2023/03/Why-Youth-Incarceration-Fails.pdf>. Pre-trial detention has an even more pronounced impact on recidivism. Studies have found that pre-trial detention stays, regardless of the length, increase a youth's likelihood of felony recidivism by 33 percent and misdemeanor recidivism by 11 percent. Sarah Cusworth Walker & Jerald R. Herting, *The Impact of Pretrial Juvenile Detention on 12-Month Recidivism: A Matched Comparison Study*, 66 *Crime & Delinq.* 1865, 1865 (2020). Additionally, a youth's risk of recidivism increases by 1% each day they are in pre-trial detention. *Id.*

II. PENNSYLVANIA'S OVERUSE OF CONFINEMENT DISPROPORTIONATELY HARMS YOUTH OF COLOR AND YOUTH WITH DISABILITIES

Pennsylvania disproportionately removes its youth from their homes, relying on placements far more than other states. Overall, Pennsylvania confines its youth at a rate of 129 per 100,000 youth, 13 percent higher than the national average. *Statistical Briefing Book: Juvenile Residential Placement Rates by State, 2019*, Off. of Juv. Just. & Delinq. Prevention (May 21, 2021), <https://www.ojjdp.gov/ojstatbb/>

corrections/qa08601.asp?qaDate=2019. Specifically, Pennsylvania detains 29 per 100,000 youth; in comparison New York only detains 20, and New Jersey detains 24. *Id.* Pennsylvania particularly places youth at high rates for non-criminal acts such as status offenses and technical violations, with the fourth highest rate of juvenile confinement for these acts nationally. *Juveniles in Custody for Noncriminal Acts*, Pew Charitable Trusts (Oct. 15, 2018), <https://www.pewtrusts.org/en/research-and-analysis/data-visualizations/2018/juveniles-in-custody-for-noncriminal-acts>. The vast majority of youth (73 percent) statewide are removed from their homes for their first adjudicated offense. Pa. Juv. Just. Task Force, *Report and Recommendations* 18 (2021), https://www.pacourts.us/Storage/media/pdfs/20210622/152647-pa-juvenilejusticetaskforcereportandrecommendations_final.pdf.

Though institutional placement and detention can harm all youth, these harms fall disproportionately on youth of color and youth with disabilities. In Pennsylvania, Black Non-Hispanic youth make up only 14.4 percent of the statewide youth population and 37.3 percent of all delinquency allegations. Pa. Juv. Ct. Judges' Comm'n, *2021 Juvenile Court Annual Report* 7 (2021), <https://www.jcjc.pa.gov/Research-Statistics/Disposition%20Reports/2021%20Juvenile%20Court%20Annual%20Report.pdf>. Yet Black Non-Hispanic youth represent 60.8 percent of youth held in detention prior to adjudication, and 40 percent of youth sent to residential placement. *Id.* at 34-35. Judges place Black youth in

Pennsylvania at a rate over five times higher than white youth. Charles Puzzanchera et al., Nat'l Ctr. for Juv. Just., *Youth and the Juvenile Justice System: 2022 National Report* 193 (2022), <https://ojjdp.ojp.gov/publications/2022-national-report.pdf>. Racial disparities in Pennsylvania are magnified even further once gender is considered: Black Non-Hispanic males make up 7 percent of the youth population, but make up 28 percent of written allegations and 42 percent of placement dispositions. Pa. Juv. Just. Task Force, *System Assessment: Placement and System Costs* 44 (2020), <https://www.pacourts.us/Storage/media/pdfs/20210508/154427-file-9928.pdf>.

Even when youth are charged with the same offense, they are treated disparately. See Pa. Juv. Just. Task Force, *Report and Recommendations*, *supra*, at 27. For example, for “misdemeanor drug possession- the second-most common offense leading to the removal of youth from their homes- Black Non-Hispanic males make up 16 percent of written allegations but 33 percent of residential placements.” *Id.* at 28. In Philadelphia, youth in all placements are “disproportionately teens of color” (91 percent Black or Hispanic.) Youth Residential Placement Task Force, *supra*, at 7. Due to structural bias, Black youth only make up 47 percent of Philadelphia’s under 18 population but make up 75 percent of residential placements across these systems. *Id.*

Likewise, youth with disabilities are substantially overrepresented in juvenile

delinquency placements. The National Council on Disability reports that up to 85 percent of children in juvenile detention facilities have disabilities that make them eligible for special education services. Nat'l Council on Disability, *Breaking the School-to-Prison Pipeline for Students with Disabilities* 5 (2015), <https://ncd.gov/publications/2015/06182015>. Other studies have shown that 65 to 70 percent of youth involved in the juvenile justice system have mental illness. Kathleen R. Skowrya & Joseph J. Cocozza, Nat'l Ctr. for Mental Health & Juv. Just., *Blueprint for Change: A Comprehensive Model for the Identification and Treatment of Youth with Mental Health Needs in Contact with the Juvenile Justice System* 127 (2007), https://njjn.org/uploads/digital-library/resource_349.pdf. Locally, a Defender Association of Philadelphia study found 62 percent of youth in delinquency placement have a documented disability or mental health diagnosis. Pilnik et al., *supra*, at 5. Moreover, “youths with intellectual and developmental disabilities often experience worse outcomes [in the juvenile justice system] than those without an identified disability such as increased risk of abuse[,] neglect[,] and violent victimization.” Off. of Juv. Just. & Delinq. Prevention, *Youths with Intellectual and Developmental Disabilities in the Juvenile Justice System* 7 (2017) (citing Christopher A. Mallett, *The Disconnect Between Youths with Mental Health and Special Education Disabilities and Juvenile Court Outcomes*, 33 *Corrections Compendium* 1 (2009)), <https://ojjdp.ojp.gov/model-programs-guide/literature-re>

views/youths_with_intellectual_and_developmental_disabilities_in_the_juvenile_justice_system.pdf.

III. ALTERNATIVES TO DETENTION ARE AVAILABLE AND EFFECTIVE

In view of the harm and inefficacy of placement and detention, jurisdictions around the country have shifted resources from incarceration to community-based supports. See Shaena M. Fazal, Youth Advoc. Programs, *Safely Home* 3 (2014), https://www.yapinc.org/portals/0/Docs/safelyhome_es.pdf. States that made the largest reductions in youth incarceration from 1997 to 2007 saw a greater decline in youth arrest rates for violent crime than states that made smaller reductions or increased it. Mendel, Annie E. Casey Found., *supra*, at 26.

Specific ways in which the population of the PJJSC could be quickly reduced include the following:

- Enforce judicial adherence to Pa.R.J.C.P. 240(D), which states that a child should be released at the first 10-day adjudicatory hearing if the trial is continued, with a very narrow exception for only one additional 10-day period. Pa. 240(D).
- Limit the use of GPS tracking to serious cases to free up GPS trackers and to reduce the substantial numbers of young people being detained for minor technical violations.
- Reduce the use of “first violation holds” for pre-trial release (especially for

release on GPS) and “bench warrant – hold” for failing to appear in court. When these occur, there is no meaningful review of detention until 10 days after the detention hearing on the bench warrant.

- Eliminate the detention of youth where the parent refuses to take custody, which violates the Secure Detention Standards. 37 Pa. Code § 200.1(d) (“Secure detention is not to be used when a juvenile alleged to be delinquent cannot be released solely because there is no parent, guardian or custodian able to assume responsibility or adequately supervise the juvenile.”).
- Reduce detentions that are based solely on allegations of technical violations of probation.

CONCLUSION

While Philadelphia seeks specific further relief from this Court to alleviate the overcrowding at PJJSC and speed up the court-ordered commitments of children to state-run correctional facilities, the current overcrowding will continue unless measures are taken to substantially limit the use of custody and confinement for Philadelphia’s youth, both pre-trial and post-adjudication. All parties and stakeholders must commit to ensuring safety, treatment and rehabilitation for these youth; placement and detention are traumatic, abusive and harmful, and fail to achieve public safety.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that the foregoing brief complies with the word count limitation of Rule 531 and 2135 of the Pennsylvania Rules of Appellate Procedure. This brief contains 4,278 words. In preparing this certificate, I relied on the word count feature of Microsoft Word. I further certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that requires filing confidential information and documents differently than non-confidential information and documents.

Dated: June 20, 2023

/s/ Marsha L. Levick
Marsha L. Levick

Exhibit A

Bureau of Juv. Just. Servs., *April 2023 Data Report* (2023)

Bureau of Juvenile Justice Services April 2023 Data Report

Census Data and Occupancy Rates

New Admissions – 24
Average Daily Census – 181
Youth Served – 206
Releases – 27
YDC/YFC System Occupancy Rate – 106.0%
Secure Beds – 108.0%
Non-Secure Beds – 97.2%
168 Male (81.6%) / 38 Female (18.4%)

| Facility | March 2023 | | | | | April 2023 | | | | |
|---------------------|------------|--------------|---------------|--------------|----------------|------------|--------------|---------------|--------------|----------------|
| | Intakes | Youth Served | Capacity Days | Days of Care | Occupancy Rate | Intakes | Youth Served | Capacity Days | Days of Care | Occupancy Rate |
| LYDC | 5 | 37 | 868 | 941 | 108.4% | 3 | 34 | 900 | 921 | 102.3% |
| NCSTU Boys | 8 | 47 | 1116 | 1306 | 117.0% | 2 | 44 | 1080 | 1237 | 114.5% |
| NCSTU Girls | 7 | 40 | 1116 | 1060 | 95.0% | 4 | 39 | 1080 | 1075 | 99.5% |
| NESTU | 0 | 24 | 620 | 722 | 116.5% | 6 | 28 | 600 | 681 | 113.5% |
| SMSTU | 2 | 20 | 527 | 577 | 109.5% | 1 | 21 | 510 | 589 | 115.5% |
| YFC #3 | 6 | 41 | 992 | 1054 | 106.3% | 8 | 40 | 960 | 933 | 97.2% |
| System Total | 28 | 209 | 5239 | 5660 | 108.0% | 24 | 206 | 5130 | 5436 | 106.0% |

Monthly Population (N= 206)

| Top Committing Counties | | |
|-------------------------|-----------------|----------------------------------|
| County | Number of Youth | Percent of Total Youth in System |
| Philadelphia | 128 | 62.1% |
| Allegheny | 11 | 5.3% |
| Chester | 9 | 4.4% |
| Westmoreland | 7 | 3.4% |
| Montgomery | 5 | 2.4% |
| Erie | 4 | 1.9% |
| Philadelphia | 4 | 1.9% |

| Age of Residents | | | Average Age by Facility |
|------------------|-----------------|----------------------------------|-------------------------|
| Age | Number of Youth | Percent of Total Youth in System | |
| 12-13 | 1 | 0.5% | LYDC – 17.6 |
| 14 | 11 | 5.3% | NCSTU Boys – 17.4 |
| 15 | 32 | 15.5% | NCSTU Girls – 17.1 |
| 16 | 44 | 21.4% | NESTU – 17.4 |
| 17 | 51 | 24.8% | SMSTU – 16.8 |
| 18 | 39 | 18.9% | YFC #3 – 17.1 |
| 19 | 20 | 9.7% | |
| 20 | 8 | 3.9% | ALL – 17.2 |

| YLS Risk Level | | |
|----------------|-----------------|---------------------------|
| Level | Number of Youth | Percent of Youth Released |
| N/A | 3 | 1.5% |
| Low | 41 | 19.9% |
| Moderate | 105 | 51.0% |
| High | 50 | 24.3% |
| Very High | 7 | 3.3% |
| Total | 206 | 100.0% |

| Length of Stay of Residents Released (in months) | | |
|--|-----------------|------------------------|
| Facility | Number of Youth | Average Length of Stay |
| Loysville YDC | 4 | 6.2 |
| NCSTU Boys | 5 | 8.6 |
| NCSTU Girls | 3 | 6.7 |
| NESTU | 6 | 5.0 |
| South Mountain | 1 | 6.8 |
| YFC #3 | 8 | 5.1 |
| YDC/YFC System | 27 | 6.1 |

| Race | | | | |
|----------------------------------|---------------------|-----------------|----------------|------------------------------|
| | Non-Hispanic | Hispanic | Unknown | Percent of Population |
| Black/African American | 145 | 5 | 5 | 75.2% |
| White | 29 | 8 | 0 | 18.0% |
| Asian or Pacific Islander | 1 | 0 | 0 | 0.5% |
| Unknown | 2 | 11 | 0 | 6.3% |

| Previous Placements | | |
|-------------------------------|------------------------|---|
| Number of Placements | Number of Youth | Percent of Total Youth in System |
| No Prior Placements | 97 | 47.1% |
| One Prior Placement | 42 | 20.4% |
| Two Prior Placements | 28 | 13.6% |
| Three Prior Placements | 11 | 5.3% |
| Four or More Times | 28 | 13.6% |

| Top 10 Committing Charges | |
|----------------------------------|----------------------|
| Crime | Total Charges |
| Conspiracy | 114 |
| Simple Assault | 96 |
| Robbery | 88 |
| Possession of Firearm by Minor | 85 |
| Aggravated Assault | 68 |
| Theft | 60 |
| Possessing Instrument of a Crime | 40 |
| Unauthorized Use of Vehicle | 38 |
| Reckless Endangerment | 26 |
| Disorderly Conduct | 23 |

Disclaimer: These charges involve youth with multiple charges

Youth Served by Committing County and Facility

| County | LYDC | NCSTU Boys | NCSTU Girls | NESTU | SMSTU | YFC #3 | System Total | Percent of Total Youth |
|--------------|-----------|------------|-------------|-----------|-----------|-----------|--------------|------------------------|
| Philadelphia | 29 | 30 | 13 | 18 | 9 | 29 | 128 | 62.1% |
| Allegheny | 1 | 4 | 4 | 0 | 0 | 2 | 11 | 5.3% |
| Chester | 1 | 0 | 2 | 3 | 2 | 1 | 9 | 4.4% |
| Westmoreland | 0 | 1 | 4 | 0 | 2 | 0 | 7 | 3.4% |
| Montgomery | 2 | 0 | 0 | 1 | 1 | 1 | 5 | 2.4% |
| Erie | 0 | 2 | 0 | 0 | 2 | 0 | 4 | 1.9% |
| Lehigh | 0 | 1 | 0 | 1 | 0 | 2 | 4 | 1.9% |
| Monroe | 0 | 0 | 2 | 1 | 1 | 0 | 4 | 1.9% |
| Dauphin | 0 | 0 | 1 | 0 | 1 | 1 | 3 | 1.5% |
| Lycoming | 0 | 0 | 1 | 1 | 1 | 0 | 3 | 1.5% |
| York | 0 | 0 | 2 | 1 | 0 | 0 | 3 | 1.5% |
| Cumberland | 0 | 1 | 1 | 0 | 0 | 0 | 2 | 1.0% |
| Delaware | 0 | 0 | 0 | 0 | 1 | 1 | 2 | 1.0% |
| Lackawanna | 0 | 2 | 0 | 0 | 0 | 0 | 2 | 1.0% |
| Washington | 0 | 0 | 2 | 0 | 0 | 0 | 2 | 1.0% |
| Wyoming | 0 | 1 | 0 | 1 | 0 | 0 | 2 | 1.0% |
| Bedford | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0.5% |
| Berks | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0.5% |
| Bucks | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0.5% |
| Butler | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0.5% |
| Cambria | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0.5% |
| Carbon | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0.5% |
| Columbia | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0.5% |
| Crawford | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0.5% |
| Fayette | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0.5% |
| Franklin | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0.5% |
| Lebanon | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0.5% |
| Luzerne | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0.5% |
| McKean | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0.5% |
| Mercer | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0.5% |
| Schuylkill | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0.5% |
| Total | 34 | 44 | 39 | 28 | 21 | 40 | 206 | 100.0% |

Percent of Youth Served by Committing County within Each Facility

| County | LYDC | | |
|--------------|--------------------|------------------|---------------|
| | Allegheny (n=9) | Secure (n=12) | ZB (n=13) |
| Philadelphia | 88.9% | 75.0% | 92.3% |
| Montgomery | 11.1% | 8.3% | 0.0% |
| Allegheny | 0.0% | 8.3% | 0.0% |
| Chester | 0.0% | 0.0% | 7.7% |
| Schuylkill | 0.0% | 8.3% | 0.0% |
| Total | 100.0% | 100.0% | 100.0% |

| County | NCSTU Girls | | |
|--------------|-----------------------|------------------------|-----------------------|
| | Girls Haven (n=14) | Girls Honor (n= 12) | Girls Pride (n=13) |
| Philadelphia | 14.3% | 33.3% | 53.8% |
| Allegheny | 14.3% | 0.0% | 15.4% |
| Westmoreland | 7.1% | 16.7% | 7.7% |
| Chester | 7.1% | 0.0% | 7.7% |
| Monroe | 7.1% | 8.3% | 0.0% |
| Washington | 0.0% | 8.3% | 7.7% |
| York | 14.3% | 0.0% | 0.0% |
| Bedford | 7.1% | 0.0% | 0.0% |
| Berks | 7.1% | 0.0% | 0.0% |
| Carbon | 7.1% | 0.0% | 0.0% |
| Columbia | 7.1% | 0.0% | 0.0% |
| Cumberland | 0.0% | 8.3% | 0.0% |
| Dauphin | 7.1% | 0.0% | 0.0% |
| Franklin | 0.0% | 0.0% | 7.7% |
| Lebanon | 0.0% | 8.3% | 0.0% |
| Lycoming | 0.0% | 8.3% | 0.0% |
| McKean | 0.0% | 8.3% | 0.0% |
| Total | 100.0% | 100.0% | 100.0% |

| County | NCSTU - Boys | | |
|--------------|-----------------|-----------------|----------------|
| | Focus (n=14) | Power (n=14) | Rise (n=16) |
| Philadelphia | 64.3% | 78.6% | 62.5% |
| Allegheny | 14.3% | 7.1% | 6.3% |
| Erie | 0.0% | 0.0% | 12.5% |
| Lackawanna | 0.0% | 0.0% | 12.5% |
| Cambria | 7.1% | 0.0% | 0.0% |
| Crawford | 7.1% | 0.0% | 0.0% |
| Cumberland | 7.1% | 0.0% | 0.0% |
| Lehigh | 0.0% | 7.1% | 0.0% |
| Westmoreland | 0.0% | 0.0% | 6.3% |
| Wyoming | 0.0% | 7.1% | 0.0% |
| Total | 100.0% | 100.0% | 100.0% |

| County | NESTU | |
|--------------|----------------|-----------------|
| | Odin (n=14) | Titan (n=14) |
| Philadelphia | 64.3% | 64.3% |
| Chester | 14.3% | 7.1% |
| Butler | 0.0% | 7.1% |
| Lehigh | 7.1% | 0.0% |
| Lycoming | 7.1% | 0.0% |
| Monroe | 0.0% | 7.1% |
| Montgomery | 0.0% | 7.1% |
| Wyoming | 7.1% | 0.0% |
| York | 0.0% | 7.1% |
| Total | 100.0% | 100.0% |

| County | SMSTU | |
|--------------|-------------------|----------------|
| | Charlie (n=12) | Delta (n=9) |
| Philadelphia | 50.0% | 33.3% |
| Chester | 16.7% | 0.0% |
| Erie | 8.3% | 11.1% |
| Westmoreland | 0.0% | 22.2% |
| Dauphin | 8.3% | 0.0% |
| Delaware | 0.0% | 11.1% |
| Fayette | 0.0% | 11.1% |
| Lycoming | 8.3% | 0.0% |
| Monroe | 0.0% | 11.1% |
| Montgomery | 8.3% | 0.0% |
| Total | 100.0% | 100.0% |

| County | YFC #3 | |
|--------------|----------------------|-----------------------|
| | First Step (n=18) | Residential (n=22) |
| Philadelphia | 66.7% | 77.3% |
| Allegheny | 5.6% | 4.5% |
| Lehigh | 5.6% | 4.5% |
| Bucks | 5.6% | 0.0% |
| Chester | 0.0% | 4.5% |
| Dauphin | 0.0% | 4.5% |
| Delaware | 5.6% | 0.0% |
| Luzerne | 5.6% | 0.0% |
| Mercer | 5.6% | 0.0% |
| Montgomery | 0.0% | 4.5% |
| Total | 100.0% | 100.0% |

Incidents with Restrictive Procedures

(See Pages 13 through 16 for detailed analysis and annual trend data.)

| Measure | March 2023 | April 2023 | Percent of Increase/Decrease |
|---|------------|------------|------------------------------|
| Number of Physical Restraints | 92 | 106 | +15.2% |
| Ratio per 1,000 Days of Care | 16.25 | 19.50 | +20.0% |
| Adjusted Number of Physical Restraints* | 91 | 100 | +9.9% |
| Ratio per 1,000 Days of Care | 16.08 | 18.40 | +14.4% |
| Number of Mechanical Restraints | 2 | 1 | -50.0% |
| Ratio per 1,000 Days of Care | 0.35 | 0.18 | -48.6% |

*Removed incidents that involved the use of Extended Arm Assist techniques only

Physical Restraints (N= 106) by Incident Location

| Location | LYDC | NCSTU Boys | NCSTU Girls | NESTU | SMSTU | YFC #3 | TOTAL | Percent of Total Incidents |
|------------------------|----------|------------|-------------|----------|-----------|-----------|------------|----------------------------|
| Day Room | 0 | 0 | 4 | 0 | 18 | 5 | 27 | 25.5% |
| Bedroom | 0 | 2 | 12 | 1 | 6 | 0 | 21 | 19.8% |
| Hallway | 0 | 3 | 9 | 2 | 5 | 1 | 20 | 18.9% |
| Dining Area | 0 | 0 | 1 | 0 | 10 | 1 | 12 | 11.3% |
| Basketball Court | 0 | 0 | 0 | 0 | 6 | 0 | 6 | 5.7% |
| TV Room | 1 | 0 | 1 | 1 | 2 | 0 | 5 | 4.7% |
| School | 0 | 1 | 0 | 0 | 3 | 0 | 4 | 3.8% |
| Gym | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 1.9% |
| Other | 0 | 0 | 0 | 1 | 1 | 0 | 2 | 1.9% |
| Bathroom | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0.9% |
| CCOR/ICR/Time Out Room | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0.9% |
| Classroom | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0.9% |
| Office | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0.9% |
| Outside Area | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0.9% |
| Recreation Room | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0.9% |
| Shower | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0.9% |
| Totals | 1 | 7 | 29 | 5 | 53 | 11 | 106 | 100.0% |

Note – Data in the table above is based on the number of residents who were physically restrained during an incident occurring in the respective location. For example, if two residents were involved in an altercation in the hallway resulting in both being restrained, the number of physical restraints is two even though both may have been reported via one compiled incident report.

Reasons for Restrictive Procedures by Facility (N=106)

| Reason | LYDC | NCSTU Boys | NCSTU Girls | NESTU | SMSTU | YFC #3 | TOTAL | Percent of-Total Incidents |
|-----------------------------------|----------|------------|-------------|----------|-----------|-----------|------------|----------------------------|
| Physical Aggression Towards Staff | 1 | 6 | 15 | 3 | 19 | 3 | 47 | 44.3% |
| Threat to Staff | 0 | 0 | 3 | 2 | 6 | 3 | 14 | 13.2% |
| Other | 0 | 1 | 2 | 0 | 9 | 0 | 12 | 11.3% |
| Physical Aggression Towards Peer | 0 | 0 | 0 | 0 | 6 | 5 | 11 | 10.4% |
| Attempt to Abscond | 0 | 0 | 0 | 0 | 6 | 0 | 6 | 5.7% |
| Imminent Danger to Others | 0 | 0 | 4 | 0 | 2 | 0 | 6 | 5.7% |
| Resident Self Harm | 0 | 0 | 5 | 0 | 1 | 0 | 6 | 5.7% |
| Threat to Peer | 0 | 0 | 0 | 0 | 4 | 0 | 4 | 3.8% |
| Totals | 1 | 7 | 29 | 5 | 53 | 11 | 106 | 100.0% |

Note – The table on the following page is reporting the number of incidents occurring in each location. Using the same example, the number of incidents for hallway is one and the number that included physical restraint is one.

Number of Incidents by Location

| Location | LYDC | NCSTU Boys | NCSTU Girls | NESTU | SMSTU | YFC #3 | BJJS Total | Percent of Total Incidents | % of Location with Restraints |
|--|-----------|------------|-------------|-----------|------------|-----------|------------|----------------------------|-------------------------------|
| Administration Building | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0.00% | |
| <i>Included Physical Restraint</i> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | 0.00% |
| Basketball Court | 3 | 0 | 3 | 1 | 8 | 6 | 21 | 4.22% | |
| <i>Included Physical Restraint</i> | 0 | 0 | 0 | 0 | 6 | 0 | 6 | | 28.57% |
| Bathroom | 0 | 0 | 3 | 0 | 0 | 0 | 3 | 0.60% | |
| <i>Included Physical Restraint</i> | 0 | 0 | 1 | 0 | 0 | 0 | 1 | | 33.33% |
| Bedroom | 4 | 10 | 74 | 1 | 132 | 5 | 226 | 45.38% | |
| <i>Included Physical Restraint</i> | 0 | 2 | 12 | 1 | 6 | 0 | 21 | | 9.29% |
| CCOR/ICR/Time Out Room | 3 | 0 | 3 | 0 | 0 | 0 | 6 | 1.20% | |
| <i>Included Physical Restraint</i> | 0 | 0 | 1 | 0 | 0 | 0 | 1 | | 16.67% |
| Classroom | 0 | 8 | 1 | 0 | 0 | 2 | 11 | 2.21% | |
| <i>Included Physical Restraint</i> | 0 | 0 | 0 | 0 | 0 | 1 | 1 | | 9.09% |
| Conference Room | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0.40% | |
| <i>Included Physical Restraint</i> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | 0.00% |
| Day Room | 2 | 0 | 7 | 2 | 52 | 8 | 71 | 14.26% | |
| <i>Included Physical Restraint</i> | 0 | 0 | 4 | 0 | 18 | 5 | 27 | | 36.49% |
| Dining Area | 0 | 0 | 3 | 0 | 11 | 1 | 15 | 3.01% | |
| <i>Included Physical Restraint</i> | 0 | 0 | 1 | 0 | 10 | 1 | 12 | | 80.00% |
| Gym | 0 | 0 | 0 | 0 | 0 | 7 | 7 | 1.41% | |
| <i>Included Physical Restraint</i> | 0 | 0 | 0 | 0 | 0 | 2 | 2 | | 28.57% |
| Hallway | 1 | 10 | 42 | 2 | 8 | 1 | 64 | 12.85% | |
| <i>Included Physical Restraint</i> | 0 | 3 | 9 | 2 | 5 | 1 | 20 | | 31.25% |
| Kitchen | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.00% | |
| <i>Included Physical Restraint</i> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | 0.00% |
| Lobby | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.00% | |
| <i>Included Physical Restraint</i> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | 0.00% |
| Medical Department | 2 | 1 | 5 | 1 | 8 | 0 | 17 | 3.41% | |
| <i>Included Physical Restraint</i> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | 0.00% |
| Office | 0 | 0 | 0 | 0 | 2 | 2 | 4 | 0.80% | |
| <i>Included Physical Restraint</i> | 0 | 0 | 0 | 0 | 1 | 0 | 1 | | 25.00% |
| Other | 1 | 0 | 5 | 2 | 2 | 2 | 12 | 2.41% | |
| <i>Included Physical Restraint</i> | 0 | 0 | 0 | 1 | 1 | 0 | 2 | | 16.67% |
| Outside Area | 0 | 3 | 3 | 2 | 0 | 1 | 9 | 1.81% | |
| <i>Included Physical Restraint</i> | 0 | 0 | 0 | 0 | 0 | 1 | 1 | | 11.11% |
| Recreation Room | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0.20% | |
| <i>Included Physical Restraint</i> | 0 | 1 | 0 | 0 | 0 | 0 | 1 | | 100.00% |
| School | 0 | 3 | 3 | 0 | 5 | 0 | 11 | 2.21% | |
| <i>Included Physical Restraint</i> | 0 | 1 | 0 | 0 | 3 | 0 | 4 | | 36.36% |
| Seclusion Room | 0 | 0 | 0 | 0 | 8 | 0 | 8 | 1.61% | |
| <i>Included Physical Restraint</i> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | 0.00% |
| Shower | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0.20% | |
| <i>Included Physical Restraint</i> | 0 | 0 | 0 | 0 | 1 | 0 | 1 | | 100.00% |
| Softball Field | 0 | 1 | 1 | 0 | 0 | 0 | 2 | 0.40% | |
| <i>Included Physical Restraint</i> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | 0.00% |
| TV Room | 1 | 0 | 2 | 1 | 2 | 0 | 6 | 1.20% | |
| <i>Included Physical Restraint</i> | 1 | 0 | 1 | 1 | 2 | 0 | 5 | | 83.33% |
| Volleyball Court | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0.20% | |
| <i>Included Physical Restraint</i> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | 0.00% |
| BJJS Totals | 17 | 37 | 156 | 11 | 242 | 35 | 498 | 100.00% | |
| Included Physical Restraint Total | 1 | 7 | 29 | 5 | 53 | 11 | 106 | | 21.29% |

Room Confinement

Definition: Instances in which a resident is confined for cause or punishment in the room or cell in which he or she usually sleeps, rather than being confined in an isolation cell or room. Room confinement may occur in locked or unlocked rooms but cannot occur in large dormitories. (If door is locked, also add "seclusion" as a separate restrictive procedure entry.)

| Measure | March 2023 | March 2023 | Percent of Increase/Decrease |
|----------------------------------|---------------------|---------------------|------------------------------|
| Number of Room Confinements | 128 | 151 | +18.0% |
| Number of Residents Involved | 24 | 44 | +83.3% |
| Total Room Confinement Minutes | 8,083 (134hr 43min) | 7,940 (132hr 20min) | -1.8% |
| Average Duration Per Confinement | 63.1 min | 52.6 min | -16.6% |

| Room Confinement Breakdown | | | | | | | |
|----------------------------|-----|---------|------------------|------------|-----|---------|------------------|
| March 2023 | | | | April 2023 | | | |
| Program | No. | Minutes | Average Duration | Program | No. | Minutes | Average Duration |
| SMSTU | 108 | 6,883 | 63.7 min | SMSTU | 101 | 5,871 | 58.7 min |
| NC-Girls | 18 | 739 | 41.1 min | NC-Girls | 50 | 1,797 | 35.9 min |
| LYDC | 2 | 461 | 230.5 min | | | | |

Isolation

Definition: Any instance when a youth is confined alone for over 15 minutes in a room other than the room or cell in which he or she usually sleeps. Isolation can occur in locked or unlocked rooms but cannot occur in large dormitories. This does not include protective isolation (for injured youths or youths whose safety is threatened), program separation, routine isolation at the time of the youth's admission, or isolation that is requested by the youth.

| Measure | March 2023 | April 2023 | Percent of Increase/Decrease |
|--------------------------------|---------------------|----------------|------------------------------|
| Number of Isolations | 4 | 1 | -75.0% |
| Number of Residents Involved | 1 | 1 | 0.0% |
| Total Isolation Minutes | 1,138 (18hr 58min) | 22 (0hr 22min) | -98.1% |
| Average Duration Per Isolation | 334.5 (5hr 34.5min) | 22 (0hr 22min) | -93.4% |

| Isolation Breakdown | | | | | | | |
|---------------------|-----|---------|---------------------|------------|-----|---------|------------------|
| March 2023 | | | | April 2023 | | | |
| Program | No. | Minutes | Average Duration | Program | No. | Minutes | Average Duration |
| LYDC | 4 | 1,138 | 334.5 (5hr 34.5min) | LYDC | 1 | 22 | 22.0 (0hr 22min) |
| | | | | | | | |

Segregation Dorm

Definition: Designated dormitory for placing youth with special (disciplinary, medical, handicap or protective) reasons, based on facility policy or practice. This practice usually occurs in facilities without individual single rooms for youth and/or where policy dictates that youth be transferred in order not to affect, disrupt, or interfere with the programming needs of other residents.

There were 0 incidents of Segregation Dorm during this reporting period as well as the previous month.

Seclusion

Definition: Placing a child in a locked room with any type of door-locking device, such as a key lock, spring lock, bolt lock, foot pressure lock, or physically holding the door shut. Seclusion does not include lock down during normal sleeping hours. (You must also add "Room Confinement" as a separate restrictive procedure entry.)

| Measure | March 2023 | April 2023 | Percent of Increase/Decrease |
|--------------------------------|--------------------|---------------------|------------------------------|
| Number of Seclusions | 100 | 177 | +77.0% |
| Number of Residents Involved | 32 | 48 | +50.0% |
| Total Seclusion Minutes | 4,159 (69hr 19min) | 8,499 (141hr 39min) | +104.4% |
| Average Duration Per Seclusion | 41.6 min | 48.0 min | +15.4% |

| Seclusion Breakdown | | | | | | | |
|---------------------|-----|---------|------------------|------------|-----|---------|------------------|
| March 2023 | | | | April 2023 | | | |
| Program | No. | Minutes | Average Duration | Program | No. | Minutes | Average Duration |
| SMSTU | 76 | 3,174 | 41.8 min | SMSTU | 101 | 6,193 | 61.3 min |
| NC-Girls | 19 | 649 | 34.2 min | NC-Girls | 72 | 1,998 | 22.8 min |
| LYDC | 5 | 336 | 67.2 min | LYDC | 4 | 308 | 77.0 min |
| | | | | | | | |

Exclusion

Definition: The removal of a child from his/her immediate environment and restricting the child alone in a room or area. If a staff person remains in the area with the child or if the child restricts him/herself to a room, it is not considered exclusion.

There were 0 incidents of Exclusion during this reporting period.0

PACTT Affiliates

Total Number of Affiliates = 56

New-
None

PREA Incidents

| Facility | JJACS # | Date | Alleged Perpetrator (Youth/Staff) | PREA Incident Classification | Outcome |
|----------|--------------------------|---------|-----------------------------------|------------------------------|-----------|
| SMSTU | 2023-03633 | 4/3/23 | Staff | Staff Sexual Misconduct | Unfounded |
| SMSTU | 2023-04197 2023-04214 | 4/15/23 | Youth | Sexual Harassment | Unfounded |

PbS

- All FIPs are current and ongoing reviews have been made
- Facilities continue to review FIPs and make updates as necessary
- PbS Data Collection runs from 4/1/23 - 4/30/23

Community Service/Restitution

| Facility | Community Service Hours | | Restitution Monies Paid | |
|---------------------|-------------------------|---------------|-------------------------|-------------------|
| | March 2023 | April 2023 | March 2023 | April 2023 |
| LYDC | 12.50 | 35.00 | \$1,695.95 | \$634.61 |
| NCSTU | 92.50 | 124.75 | \$3,265.29 | \$3,033.38 |
| NESTU | 107.75 | 180.00 | \$0.00 | \$740.28 |
| SMSTU | 15.00 | 22.00 | \$0.00 | \$0.00 |
| YFC #3 | 40.00 | 11.50 | \$4,195.00 | \$305.00 |
| System Total | 295.00 | 373.25 | \$9,156.24 | \$4,713.27 |

YDC/YFC Budget: April 2023

| Measure | As of April 30, 2022 | As of April 30, 2023 | Percent of Increase/Decrease |
|---|----------------------|----------------------|------------------------------|
| Total Spending Authority | \$75,057,000 | \$75,057,000 | 0.00% |
| YDC/YFC Budget Allocation (Fiscal Year) – State Funds | \$64,565,000 | \$64,565,000 | 0.00% |
| Social Services Block Grant – Title XX – Federal Funds* | \$10,000,000 | \$10,000,000 | 0.00% |
| National School Lunch Program – Federal Funds* | \$492,000 | \$492,000 | 0.00% |
| Total Expenditures | \$50,748,349 | \$52,884,921 | +4.21% |
| Operating/Grants/Fixed Assets | \$7,395,601 | \$9,383,223 | +26.88% |
| Personnel | \$43,352,748 | \$43,501,698 | +0.34% |

*Federal funds are available up to the full amount based on expenditures meeting the funding requirements.

- Increase in operating expenditures for FY 22/23 can be partially attributed to lease payments for North East Secure Treatment Unit (NESTU). This lease was executed in FY 22/23 so there were no expenditures for NESTU in FY 21/22.
- Increase in operating expenditures for FY 22/23 can be partially attributed to payments for contracted Juvenile Justice Specialist positions. This contract was executed in FY 22/23 so there were no expenditures in FY 21/22.
- Increase in operating expenditures for FY 22/23 can be partially attributed to non-recurring Legal expenditures of approximately \$375,000.
- Increase in operating expenditures for FY 22/23 can be partially attributed to general increases over a variety of spending areas including, but not limited to, food, contracted maintenance services, HR shared services, etc.

Personnel Complement as of May 1, 2023

| Description | Salary | Wage | Total |
|--|--------|------|------------|
| Complement | 613 | 199 | 812 |
| Filled Positions | 466 | 70* | 536 |
| *70 wage positions are filled with permanent employees who receive benefits. The breakdown of these positions is 18 Injury/ESPFF, 51 YDAT, 1 non-perm | | | |

Breakdown of Vacancies

| Facility/Division | Salary | Wage | Total |
|-------------------------|------------|------------|------------|
| LYDC | 29 | 24 | 53 |
| NCSTU Boys | 22 | 29 | 51 |
| NCSTU Girls | 21 | 12 | 33 |
| SMSTU | 23 | 26 | 49 |
| YFC #3 | 10 | 10 | 20 |
| NESTU | 35 | 28 | 63 |
| Administrative Services | 5 | 0 | 5 |
| Bureau Central Office | 1 | 0 | 1 |
| PACTT | 1 | 0 | 1 |
| Totals | 147 | 129 | 276 |

New Employee Injuries: April 2023 (N=16)

Act 534 – 10

WRI/Resident Related (YFCs) – 0

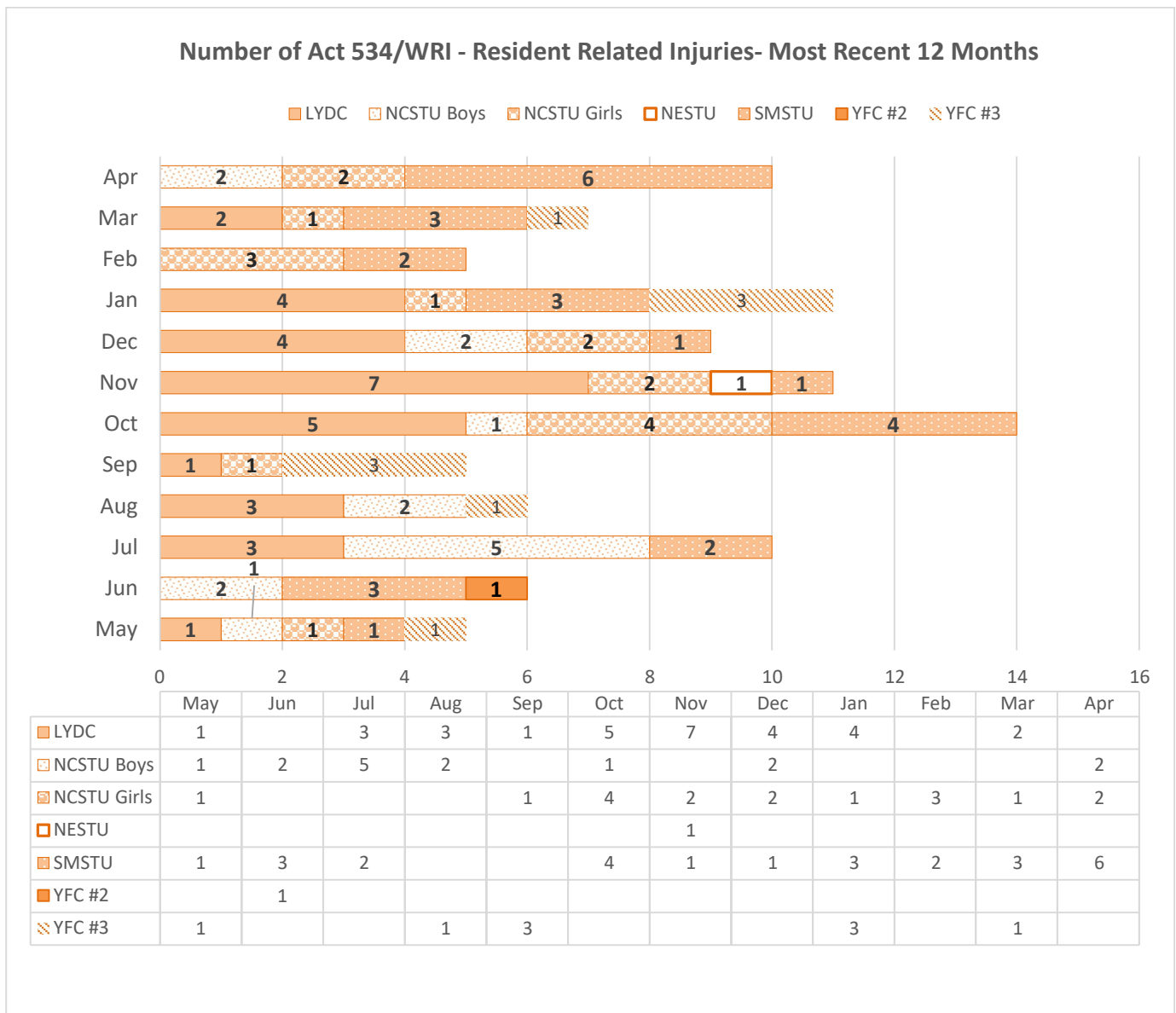
Work Related Injury – 6

| Facility | Injury Date | Act 534/WRI | Claim Type | Job | Reason for Injury |
|-------------|-------------|--------------|--------------------|---------------------|--------------------|
| NCSTU | 4/4/2023 | Act 534 | Medical Only | Soc Wkr 2 | Resident Assault |
| NCSTU-Girls | 4/4/2023 | Act 534 | Lost Time < 8 Days | Juv Jus Spcst Supv | Resident Assault |
| LYDC | 4/5/2023 | Injury Leave | Lost Time > 8 Days | Regsted Nrs | Slip/Trip/Fall |
| NESTU | 4/6/2023 | Injury Leave | Medical Only | Yth Dvpt Cnslr Supv | Resident Restraint |
| NCSTU-Girls | 4/9/2023 | Act 534 | Lost Time < 8 Days | Juv Jus Spcst | Resident Restraint |
| SMSTU | 4/10/2023 | Injury Leave | Indemnity | Yth Dvpt Cnslr | Slip/Trip/Fall |
| SMSTU | 4/10/2023 | Act 534 | Medical Only | Juv Jus Spcst Trn | Resident Restraint |
| SMSTU | 4/11/2023 | Act 534 | Medical Only | Yth Dvpt Cnslr | Resident Assault |
| NESTU | 4/11/2023 | Injury Leave | Lost Time < 8 Days | Juv Jus Spcst | Sprain/Strain |
| SMSTU | 4/13/2023 | Act 534 | Lost Time > 8 Days | Juv Jus Spcst | Resident Assault |
| SMSTU | 4/19/2023 | Act 534 | Lost Time > 8 Days | Juv Jus Spcst Trn | Resident Restraint |
| SMSTU | 4/21/2023 | Act 534 | Lost Time > 8 Days | Soc Wkr 2 | Resident Restraint |
| SMSTU | 4/21/2023 | Injury Leave | Lost Time < 8 Days | Juv Jus Spcst | Slip/Trip/Fall |
| NCSTU-Boys | 4/26/2023 | Act 534 | Incident Only | Yth Dvpt Cnslr Mgr | Resident Restraint |
| SMSTU | 4/26/2023 | Act 534 | Lost Time > 8 Days | Yth Dvpt Cnslr | Resident Assault |
| YFC3 | 4/28/2023 | Injury Leave | Lost Time < 8 Days | Juv Jus Spcst | Sprain/Strain |

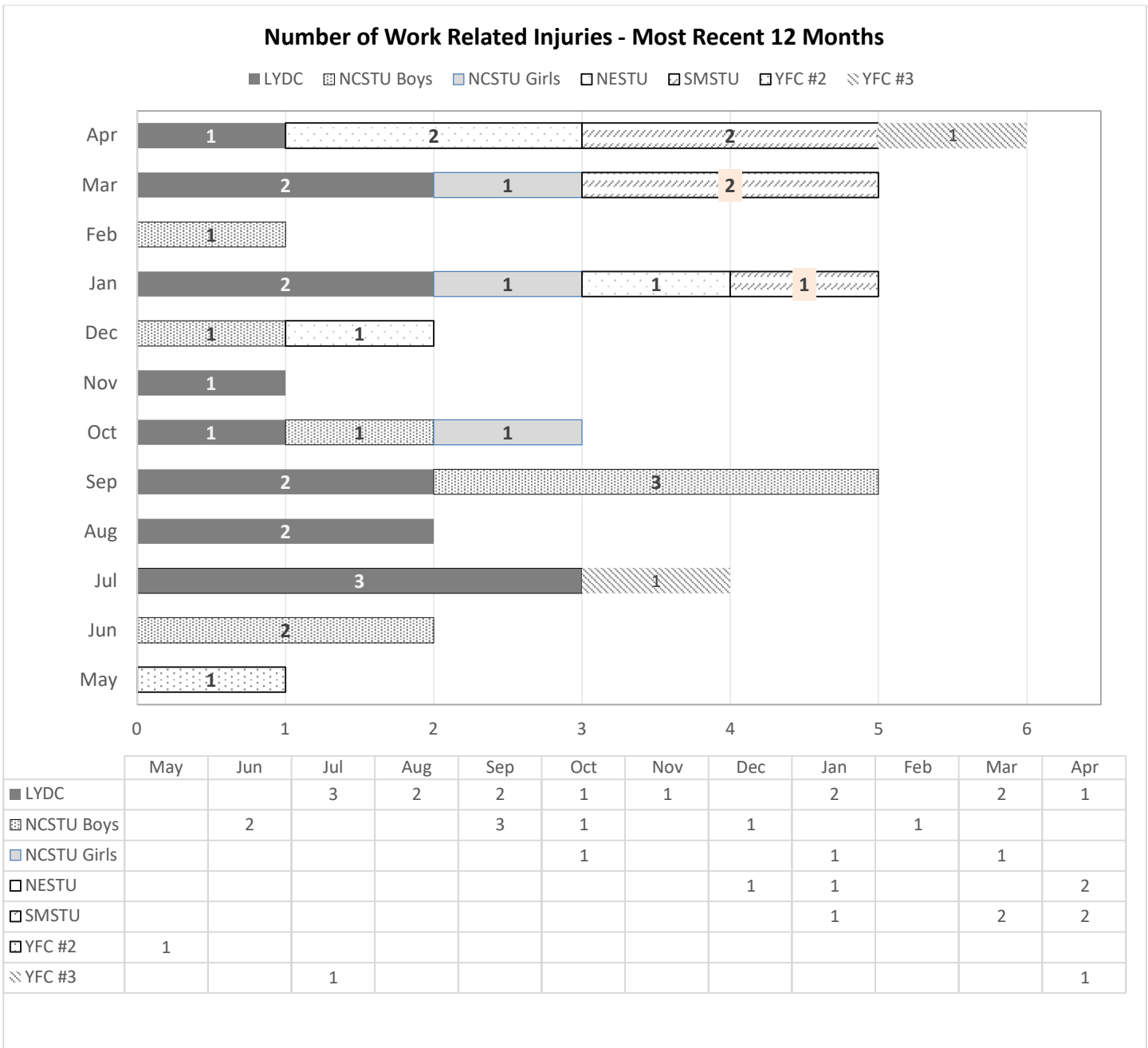
Employees on Act 534

| Facility | Salary | Benefits | Total Cost | Duration on Act 534/Number of Employees | | | | Total Number of Employees |
|--------------|-----------------|-----------------|------------------|---|--------------|---------------|---------------|---------------------------|
| | | | | Less than 1 Year | 1 to 5 Years | 5 to 10 Years | Over 10 Years | |
| NCYDC | \$13,456 | \$9,558 | \$23,014 | 0 | 0 | 0 | 6 | 6 |
| LYDC | \$7,887 | \$5,602 | \$13,490 | 5 | 0 | 1 | 0 | 6 |
| SMSTU | \$10,806 | \$7,676 | \$18,482 | 3 | 2 | 1 | 0 | 6 |
| NCSTU | \$49,824 | \$35,390 | \$85,213 | 8 | 2 | 1 | 2 | 13 |
| NESTU | \$0 | \$0 | \$0 | 0 | 0 | 0 | 0 | 0 |
| Total | \$81,973 | \$58,226 | \$140,199 | 16 | 4 | 3 | 8 | 31 |

Employee Injury Totals – May 2022 through April 2023



Employee Injury Totals – May 2022 through April 2023



April 2023 Physical Restraint Analysis

106 Physical Restraints / 19.50 Ratio per 1,000 Days of Care
Restraints increased 15.2% from March (92) / Ratio increased 20.0% from March (16.25)
6 Restraint Incidents Involved Extended Arm Assist Techniques
80 Restraint Incidents Included Floor Techniques
1 Mechanical Restraint Incidents /2 in March

CURRENT REPORT MONTH: April 2023

Loysville YDC -1 Restraints: (0 Extended Arm Assists/1 Floor Techniques)

-85.7% decrease from 7 restraints in prior report month March.

| Living Area | This Month | Prior Month | Change | Noteworthy Comments |
|--------------|------------|-------------|-----------|---|
| Allegheny | 0 | 2 | -2 | |
| Secure | 1 | 5 | -4 | |
| ZB | 0 | 0 | 0 | |
| Total | 1 | 7 | -6 | 1 resident was responsible for 1 (100.0%) of the 1 restraints. |

NCSTU Boys – 7 Total Restraints: (2 Extended Arm Assists/5 Floor Techniques)

-22.2% decrease from 9 restraints in prior report month March.

| Living Area | This Month | Prior Month | Change | Noteworthy Comments |
|--------------|------------|-------------|-----------|--|
| Focus | 3 | 2 | 1 | 1 resident involved in 2 out of the 3 restraints. |
| Power | 2 | 6 | -4 | 1 resident involved in 2 out of the 2 restraints. |
| Rise | 2 | 1 | 1 | |
| Total | 7 | 9 | -2 | 2 resident was responsible for 4 (57.1%) of the 7 restraints. |

NCSTU Girls - 29 Total Restraints: (0 Extended Arm Assist/28 Floor Techniques)

-31.80% increase from 22 restraints in prior report month March.

| Living Area | This Month | Prior Month | Change | Noteworthy Comments |
|--------------|------------|-------------|----------|--|
| Guide | 0 | 0 | 0 | |
| Haven | 10 | 5 | 5 | 3 residents involved in 7 of the 10 restraints. |
| Honor | 17 | 16 | 1 | 2 residents involved in 15 of the 17 restraints. |
| Pride | 2 | 1 | 1 | |
| Total | 29 | 22 | 7 | 5 residents were responsible for 22 (75.9%) of the 29 restraints. |

North East – 5 Total Restraints: (0 Extended Arm Assists/5 Floor Technique)

+150.0% increase from 2 restraints in prior report month March.

| Living Area | This Month | Prior Month | Change | Noteworthy Comments |
|--------------|------------|-------------|----------|---|
| Odin | 1 | 0 | 1 | |
| Titan | 4 | 2 | 2 | 2 resident involved in 4 of the 4 restraints. |
| Total | 5 | 2 | 3 | 2 resident was responsible for 4 (80.0%) of the 5 restraints |

South Mountain – 53 Total Restraints: (1 Extended Arm Assists/39 Floor Techniques)

+35.9% increase from 39 restraints in prior report month March.

| Living Area | This Month | Prior Month | Change | Noteworthy Comments |
|--------------|------------|-------------|-----------|--|
| Charlie | 17 | 10 | 7 | 4 residents involved in 17 of the 17 restraints. |
| Delta | 36 | 29 | 7 | 4 residents involved in 34 of the 36 restraints (2 had 26 combined) |
| Total | 53 | 39 | 14 | 8 residents were responsible for 51 (96.2%) of the 53 restraints. |

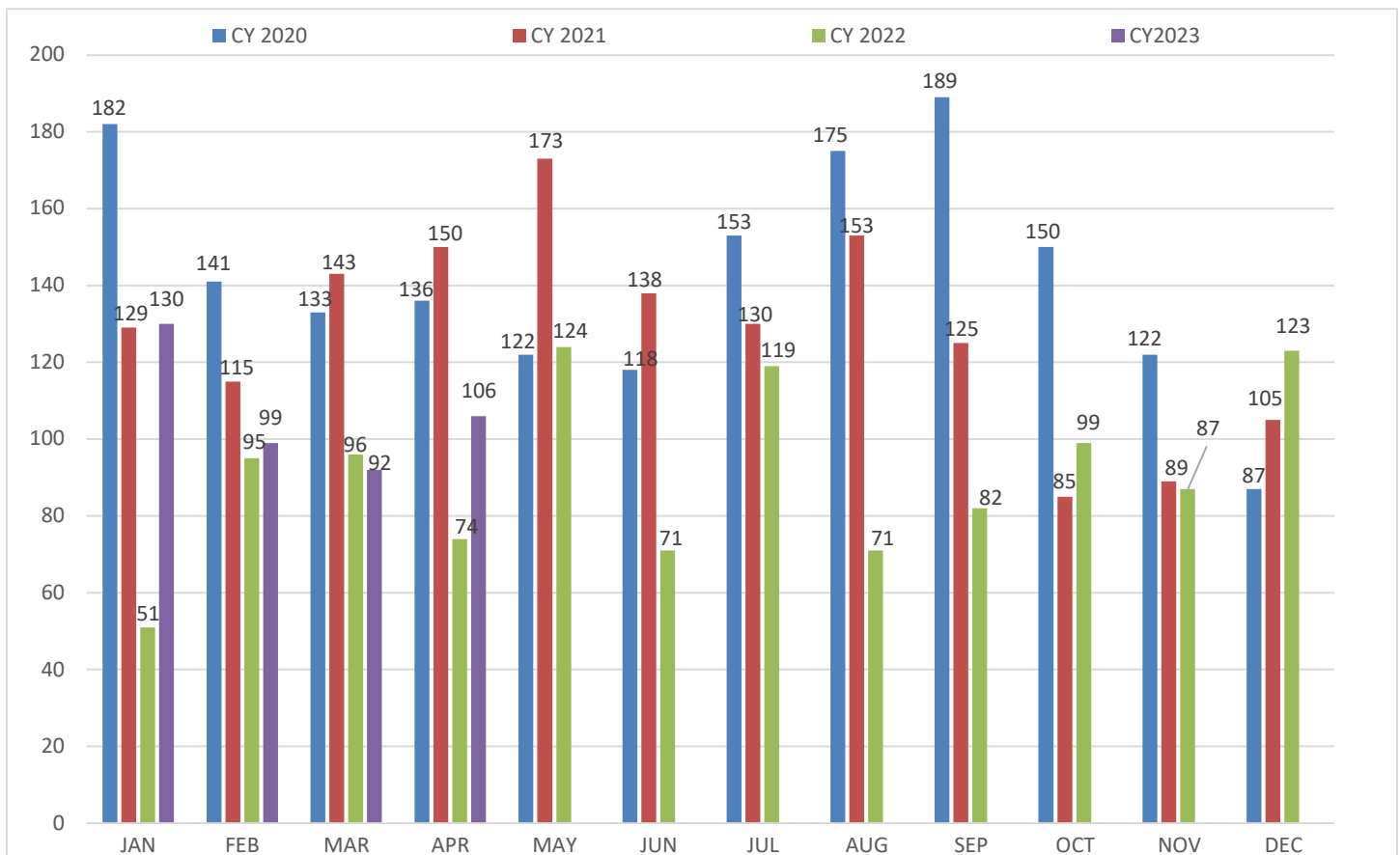
YFC #3 – 11 Total Restraints: (3 Extended Arm Assists/2 Floor Techniques)

-15.4% decrease from 13 restraints in prior report month March.

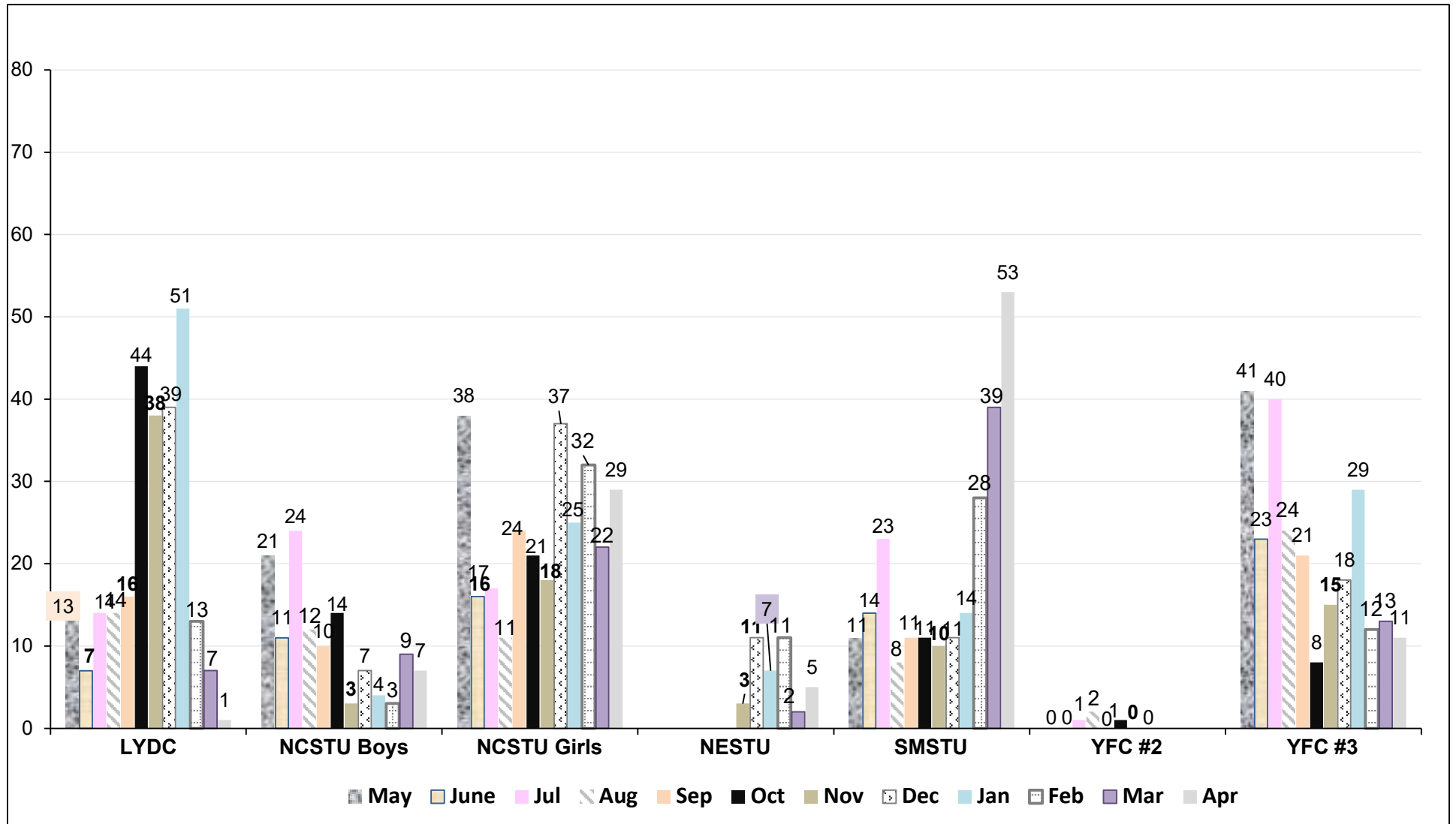
| Living Area | This Month | Prior Month | Change | Noteworthy Comments |
|--------------|------------|-------------|-----------|---|
| First Step | 4 | 7 | -3 | 1 resident involved in 2 out of the 4 restraints. |
| Residential | 7 | 6 | 1 | 3 residents involved in 7 of the 7 restraints. |
| Total | 11 | 13 | -2 | 4 residents were responsible for 9 (81.8%) of the 11 restraints. |

| Physical Restraints and Ratios per 1,000 Days of Care Increase/Decrease Percentages by Month for 12 Month Period | | | | | |
|---|--------------|---------------------|--|------------------------------|--|
| Month | Days of Care | Physical Restraints | Percent of Increase/Decrease from Previous Month | Ratio per 1,000 Days of Care | Percent of Increase/Decrease from Previous Month |
| May | 5,953 | 124 | +67.6% | 18.98 | +43.7 |
| June | 5,955 | 71 | -42.7% | 11.92 | -10.30% |
| July | 5,963 | 119 | +67.6% | 19.96 | +67.4% |
| August | 5,724 | 71 | -40.3% | 12.38 | -38.0% |
| September | 5,198 | 82 | +15.5% | 15.77 | 27.2% |
| October | 5,547 | 99 | +20.7% | 17.85 | 13.2% |
| November | 5,410 | 87 | -12.1% | 16.08 | -9.9% |
| December | 5,607 | 123 | +41.8% | 21.94 | +36.4% |
| January | 5,532 | 130 | +5.7% | 23.50 | +7.1% |
| February | 5,098 | 99 | -23.8% | 19.42 | -17.4% |
| March | 5,660 | 92 | -7.1% | 16.25 | -16.3% |
| April | 5,436 | 106 | +15.2% | 19.50 | +20.0% |

YDC/YFC System: Total Number of Physical Restraints for Calendar Years 2020 – 2023



**Physical Restraints for Most Current 12-Month Period
May 2022 through April 2023**



Physical Restraint Ratios per 1,000 Days of Care for Most Current 12-Month Period

May 2022 through April 2023

