



Mitigation Report – JW

Prepared by the Youth Sentencing & Reentry Project (YSRP)
Submitted to Counsel via Email on August 9, 2016

I. INTRODUCTION

The Youth Sentencing & Reentry Project (YSRP) wrote this report in support of the presentation to the Court by court-appointed counsel RB. Our goal is to help the Court determine whether Mr. RB's client, HJW (hereinafter referred to as JW), is an appropriate candidate for decertification to the juvenile justice system based upon all factors required to be addressed in rendering such a decision.

YSRP is a Philadelphia-based nonprofit organization dedicated to improving outcomes for children prosecuted in the adult criminal justice system via direct service and policy advocacy. We partner with court-involved youth, their families, and lawyers to develop holistic, humanizing narratives that mitigate the facts of each case; get cases transferred to the juvenile system or resentenced; and make crucial connections to community resources providing education, healthcare, housing and employment to improve long-term outcomes for youth and their families.

YSRP has not received any remuneration for our work on JW's case. We submit this report to counsel to supplement his advocacy on behalf of JW at his decertification hearing before Judge Lillian Ransom.

II. PROCESS

This report is based on numerous in-person interviews and communication with JW, his mother, LB, and his former teachers and support staff at Hartranft Elementary and Kensington Health Sciences Academy.¹ The preliminary reentry plan included in the report is informed by communication with JW's boxing coach, TD, his Mosque, Hyderabad House, and several community-based organizations. YSRP has also received and includes in the Appendix letters of support from JW's mentors and family, all of which attest to his background, character, and capacity for future success. This report is further supported by a review of the case file provided by his attorney, as well as his medical and education records and the forensic evaluation completed by Dr. HG.² Finally, we have also included letters of acceptance from the Glen Mills

¹ YSRP met with Hartranft School staff members PM and SBW on August 2, 2016, and spoke by phone with JW's former teacher, CM, on August 3, 2016. YSRP advocates also spoke with Officer SM from Kensington Health Sciences Academy on March 4, 2016.

² To the extent that Dr. HG's report details JW's home life and educational experiences, we offer additional insights provided by his mother, his teachers and community members to supplement and amplify the Court's understanding of him as a person, and his relationship with his community.

School and George Junior Republic, which he could attend were he to return to the juvenile system, along with letters from community-based programs that have committed to supporting JW upon his return home from a juvenile placement (as detailed further below).

III. RECOMMENDATION

JW's case, and his petition for decertification, undoubtedly present a challenging decision for the Court. We do not dispute that the nature of the allegations and charges against JW are serious, and that his previous adjudications and placements in the juvenile system complicate the Court's analysis of why the juvenile justice system is better equipped to meet his and the community's needs. Nevertheless, we strongly encourage the Court to grant JW's petition for decertification for three key reasons: 1) the significant, untreated trauma he has experienced, which could be addressed in a juvenile placement and not in an adult prison, and thereby increase community safety; 2) his young age; and 3) his proven amenability to treatment in the juvenile system, which was previously undercut by the lack of continuous supportive after-care.³ We note, also, that JW actually *asked* to be placed at Glen Mills because he could "see himself slipping," and wanted to be in an environment with more structure.⁴ We preview each argument below, and provide more extensive analysis in the ensuing sections.

First, JW has experienced significant trauma in his young life, resulting from the tragic shooting death of his father at the hands of a Philadelphia Police Officer in 2011. The grief that JW continues to experience requires ongoing treatment, and these treatment needs are more likely to be met in the juvenile system.⁵ His father's death represents the loss of his singular male role model, as well as all contact with his father's side of the family. Importantly, JW did not come into contact with the justice system until after his father's death, and he acknowledges that his poor choices reflect the untreated trauma surrounding his father's death.

Second, JW is only sixteen years old, meaning that he has five years⁶ to benefit from the structure, supervision and rehabilitation that the juvenile justice system offers to young people. While it is true that JW was re-arrested after he returned home from placement at St. Gabriel's Hall, for all of the reasons described in more detail below, this time will be different. Having spent nearly 8 months in an adult jail, JW is keenly aware of the opportunities available in the

³ YSRP's recommendation is supported by the recommendation and forensic evaluation completed by Dr. HG ("JW appears to be a low-to-moderate risk for future violence relative to other youth being considered for decertification... It is my opinion that the interventions in JW needs could be met in the juvenile justice system."). Forensic Evaluation at 8.

⁴ Visit to JW at PICC, July 20, 2016.

⁵ See, e.g., The Glen Mills Schools, where JW has been accepted pending his successful decertification. Of the many evidence based programs Glen Mills offers for youth, Moral Reconciliation Therapy, or MRT, is particularly relevant here. MRT is a "is a cognitive behavioral intervention which combines elements from a variety of traditions to progressively address ego, social, moral, and positive behavioral growth." This type of treatment is not available at SCI Pine Grove, where JW will be sent if his case is not decertified and he is sentenced to state time. See section VIII(B) for further discussion about SCI Pine Grove and what is offered there, along with a memo submitted to Judge BL in December 2014 by YSRP (Appendix).

⁶ Juvenile court can retain jurisdiction over youth until age 21, provided that the offense alleged to have been committed occurred before the youth turned 18. See 42 Pa. Cons. Stat. Ann. § 6302.

juvenile system as compared to adult prison, and he is committed to taking full advantage of the treatment and rehabilitative opportunities that the juvenile justice system offers, so that he will not end up in this Court again.⁷

Third, since his arrest in this case, JW has demonstrated the desire to reform his behavior through his decisionmaking at PICC and the articulation of distinct and accomplishable goals for the future. During his nearly eight months of incarceration at PICC,⁸ he has excelled academically and he has been an active participant in programming provided by Mothers in Charge and the Youth Art & Self-empowerment Project (YASP) (more detail provided below). He also has been reading the Quran regularly in search of spiritual guidance and attends weekly prayer services.⁹ Notably, JW obtained his high school diploma while at PICC. He was able to graduate at the early age of 16 because he is a hardworking student who has taken advantage of his time incarcerated to better himself, and excel in school. While at PICC, JW consistently received high honors, and was presented with numerous certificates of accomplishment at graduation.¹⁰ JW intends to get a job quickly when he returns home and his long term goals involve taking business and real estate classes at Community College of Philadelphia to set him up for a career in homebuilding and real estate sales. As detailed further below, JW has programming in place to assure attainment of these goals: he plans to apply for employment through PowerCorpsPHL and to continue his work with YASP upon his release from a juvenile placement.

In sum, JW's life path changed after his father died. While he continued to show sheer intellect and promise, he was unable to stay focused and on track because he did not receive the continuous behavioral health interventions that he needed. Then, although he was ultimately placed in the juvenile justice system, the lack of ongoing aftercare diminished the effect of the important work that was done while he was there. As such, we encourage the Court to grant JW's petition for decertification so he may be adjudicated in Family Court. If JW is adjudicated and placed in the juvenile justice system, he will be able to address the underlying trauma that has led to his arrest in the present case, continue his education, and accomplish his future professional goals. As will be detailed extensively below, JW's life experiences, and the circumstances of this case, make clear that placement in the juvenile system is appropriate to address both his and the public's interest.

IV. LEGAL BACKGROUND

⁷ Further, placement in the juvenile system will allow JW to avoid the lifelong consequences of an adult felony conviction. *See* Justice Policy Institute, (December 2014). Sticker Shock: Calculating the Full Price Tag for Youth Incarceration. Retrieved June 12, 2015 from http://www.justicepolicy.org/uploads/justicepolicy/documents/sticker_shock_final_v2.pdf p. 17, 28 (“Youth sentenced as adults receive an adult criminal record, are often denied employment and educational opportunities, and can be barred from receiving student financial aid.”).

⁸ JW was arrested on January 27, 2016.

⁹ As detailed further below, JW attended prayer services at Hyderabad House prior to his arrest in this case. The frequency with which he reads and studies the Quran has increased during his time at PICC.

¹⁰ *See* Appendix for transcript and certificates from PICC, including “High Honors,” “Citizenship,” and “Cleanest Cell.”

As the Court is aware, in June of 2012, the United States Supreme Court held in *Miller v. Alabama* that mandatory life without parole sentences are unconstitutional for those under 18 years old.¹¹ The ruling built on the 2010 decision in *Graham v. Florida*,¹² and focused on the growing body of developmental research that demonstrates how children – including those who commit violent crimes – possess a greater capacity for rehabilitation than do adults, and are categorically less culpable for their criminal conduct.¹³ Unlike the cases at issue in *Miller*, JW has not been charged with first or second degree murder. Nevertheless, “chronological age and its hallmark features,” as pronounced by Justice Kagan in *Miller*, are relevant to this Court’s analysis of mitigating factors as part of the decertification determination. This report highlights the characteristics or attributes that are particularly relevant to this case, including the family and home environment; nature and circumstances of the charges; age and developmental attributes; and potential for rehabilitation.¹⁴

V. JW's FAMILY AND HOME ENVIRONMENT

A. JW's Mother and Family Background

JW is the oldest son of LB and CW, and has two younger siblings, a thirteen-year-old sister, KW, and a twelve-year-old half-brother, FW. His parents met at Kensington High School and had JW after LB graduated, when his mother was 20 and his father was 19.¹⁵

LB is a Kitchen Manager at a charter school run by Universal Companies, and works from 6:30am-3:00pm on all school days during the academic year and also during the school’s summer program. In this role, she plans and serves breakfast and lunch to the school’s 400 students and manages four staff members. As noted above and described below, JW's father was shot and killed by a Philadelphia police officer in 2011.

JW has lived in the same home in the North Philadelphia neighborhood of West Kensington for his entire life.¹⁶ This is the same home where LB was raised and where she has lived for her entire 35 years. Although the home is clean and nicely furnished, it sits on a block surrounded by abandoned houses, vacant lots, and significant foot traffic. LB noted that shootings often occur in the vicinity of her home, and that a young man was shot and killed across the street from their house just a few weeks before our most recent meeting on August 2, 2016.¹⁷

¹¹ *Miller v. Alabama*, 132 S. Ct. 2455 (2012), available at <http://www.supremecourt.gov/opinions/11pdf/10-9646g2i8.pdf>. As further evidence of the building body of case law and the United States Supreme Court’s attention to these issues, the Court held *Miller* to be retroactive and affirmed its underlying principles in its January 2016 decision in *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016), available at https://www.supremecourt.gov/opinions/15pdf/14-280_3204.pdf.

¹² *Graham v. Florida*, 560 U.S. 48 (2010), available at <http://www.supremecourt.gov/opinions/09pdf/08-7412.pdf>

¹³ *Miller*, 132 S. Ct. at 2455.

¹⁴ *Id.* at 2468.

¹⁵ Visit with LB in her home, February 23, 2016.

¹⁶ The house is located at 2651 North 8th Street, near the intersection of 8th and Lehigh Avenues.

¹⁷ Visit with LB in her home, August 2, 2016.

JW's maternal grandparents, LJ and RB, live outside of Philadelphia in Delaware and Bensalem, PA, respectively. LB maintains a relationship with her father RB, but is estranged from her mother LJ.¹⁸ JW's extended family on his mother's side is relatively small, and he has only maintained a relationship with his Aunt YB, LB's sister. Both of LB's brothers, UB and SB, are incarcerated in the state prison system at SCI Mahanoy; SB was convicted of murder and sentenced to life in prison without the possibility of parole in 2007.¹⁹ JW's sensitivity and thoughtfulness are apparent when he talks about his uncles' incarceration. Although he was only seven years old at the time that they were sent away, he recognizes the impact their absence had on the family, sharing that he knows that it was a difficult time for his mother.²⁰

JW's mother, LB, is warm and friendly. On visits to her home, YSRP advocates observed positive interactions with her younger children, especially her son, FW, who clearly respects his mother. When asked about plans during her two week vacation from work, LB responded that she would be spending time at the beach and visiting Dave and Buster's, a family-style restaurant with arcade games, because that's what her kids want to do.²¹ JW's description of his relationship with his mother matches these observations. He states that they are very close, have a good relationship and that she is his main source of support.²² Since his incarceration at PICC, she has visited him frequently and they speak on the phone nearly every day.²³

B. JW's Father

Although JW's parents separated when he was young, both JW and his mother describe how involved his father remained in his life. CW lived down the street from JW and the two spent a lot of time together. JW remembers this time favorably and describes that their relationship was very close. LB shared that CW was employed at different points at Burger King, Dunkin' Donuts, and a beef processing plant.²⁴

Domestic Violence Between CW and Girlfriend

On one occasion, when JW was approximately 10 years old, he and his little sister KW were visiting their father in his home. During this visit, JW witnessed his father being beaten and stabbed after an altercation between CW, his girlfriend and members of her family. JW's mother LB remembers the incident, describing that she got a phone call to come pick up her children because their father needed to be admitted to the hospital.²⁵ Because LB was unsure what JW and KW had seen at their father's house, she did not speak with them about it or process the incident with her children.²⁶ Despite this lack of an opportunity to process, JW is able to articulate that he remembers what happened vividly. In fact, he mentioned it in to a clinician at St. Gabriel's Hall,

¹⁸*Id.*

¹⁹ See <https://ujportal.pacourts.us/DocketSheets/CPReport.ashx?docketNumber=CP-51-CR-0802281-2006>

²⁰ Visit to JW at PICC, July 20, 2016.

²¹ Visit with LB, August 2, 2016.

²² St. Gabriel's Hall Initial Comprehensive Biopsychosocial Evaluation, June 14, 2014.

²³ Visit to JW at PICC, March 30, 2016.

²⁴ Visit with LB, February 23, 2016.

²⁵ Visit with LB, August 2, 2016.

²⁶ *Id.*

and was self-aware and able to recognize that it constituted a trauma.²⁷ JW reported that he was awake during the altercation, witnessed the entire event and has flashbacks to seeing his father violently beaten and stabbed. Witnessing this violence had a clear impact on JW. He reports that he has seen “many things” and that “everything I seen [is] real bad.”²⁸

Impact of Witnessing Domestic Violence on JW's Development

Children who witness violence in their home, especially those whose experiences happen when a child is as young as JW was at the time he witnessed his father being stabbed, are “more likely to have a fatalistic view of the future resulting in an increased rate of risk taking and antisocial behaviors.”²⁹ Studies have shown that children who have both observed and experienced domestic violence within their own household are likely to manifest signs of stress, fear, anxiety, depression and more in response to their painful trauma.³⁰ If not properly treated, the long term effects of domestic violence include physical health problems, behavior problems in adolescence, including delinquent behavior and substance abuse, as well as emotional challenges in adulthood including depression, anxiety and PTSD.³¹ Decertifying JW to the juvenile justice system represents an opportunity for him to receive treatment and work through this trauma, to avoid the long term effects. This would have a significant impact not just on him but also on the safety of the community.

CW's Death During Police Altercation

Not long after the domestic violence incident described above, CW was tragically shot and killed by a Philadelphia Police Officer during a stand-off in CW's father's home on March 13, 2011. The incident was widely reported in the news media, with versions of the story differing between the police and city officials, and CW's family.³² According to the news reports, the police were called to the home of CW's family because he was acting strangely. The press reported that he had recently been released from a drug treatment facility, and his family was concerned for his safety.³³ It is further reported that CW was holding a knife to his throat when the police arrived,

²⁷St. Gabriel's Hall Initial Comprehensive Biopsychosocial Evaluation, June 14, 2014; *see also* visit with LB, August 2, 2016.

²⁸ St. Gabriel's Hall Biopsychosocial Evaluation, June 14, 2014.

²⁹ *See, e.g.*, “Witnessing Domestic Violence: The Effects on Children.” American Academy of Family Physicians. <http://www.aafp.org/afp/2002/1201/p2052.html>.

³⁰ *See, e.g.*, “Domestic Violence against women: Recognize patterns, seek help.” Mayo Clinic. April 12th, 2014. <http://www.mayoclinic.org/healthy-lifestyle/adult-health/in-depth/domestic-violence/art-20048397>

³¹ *See, e.g.*, “Children and Domestic Violence.” The National Child Traumatic Stress Network. <http://www.nctsn.org/content/children-and-domestic-violence>

³² *See* “Man fatally shot in clash with police,” Dafney Tales and Wendy Ruderman, posted March 14, 2011 and available at http://articles.philly.com/2011-03-14/news/28688542_1_shot-by-police-officer-brother-relatives; “Suspect Dead in Police Involved Shooting,” Chad Pradelli, March 13, 2011 available at <http://6abc.com/archive/8010899/>

³³ “CW, had dropped out of high school and been in trouble with the law, but was now voluntarily entering drug treatment. had been staying with his father since January, when he was released from jail after prosecutors dropped an assault charge.” *Former Trainer: Philadelphia Police Compromised De-escalation Training Despite Warnings*, Austin Nolen, The Declaration, April 1, 2016, available at

and that while trying to persuade CW to put the knife down, a struggle ensued that ended with CW being shot and killed.³⁴

It is worth noting that

In subsequent legal proceedings against Nicoletti [the police officer], however, even the city attorneys assigned to defend him dismissed the claim that was cutting into his own throat. In two separate motions, assistant city solicitor Amanda Shoffel wrote that ‘At some point, CW began to put the knife down and Officer Nicoletti lunged towards him.’ The plaintiff’s attorney argued that Nicoletti ‘senselessly created a crisis by throwing himself on the seated CW and he did so with his own gun in his hand.’ Multiple lawsuits over the shooting were eventually settled for more than 400,000 dollars.”³⁵

It is also worthwhile to note that Philadelphia police launched a Crisis Intervention Team (CIT) training in 2007, recognizing that their officers were not equipped to deal with situations like what happened with CW. While 1,900 of Philadelphia’s 6,600 police officers have been CIT-trained, “depositions from McCarthy and Nicoletti reveal they were unfamiliar with basic police protocol for dealing with people in crisis, including those in psychological distress.”³⁶ Additionally, CW’s brother, Andrew, noted how important CW’s children were to him. “He loves himself. He has two kids - a little boy and a little girl - that he left behind. There is no way he was suicidal.”³⁷

The dramatic loss of his father constituted a life-altering turning point for JW. Prior to his father’s death, JW was a model child. He received top marks in school, and his mother described

<https://phillydeclaration.org/2016/04/01/former-trainer-philadelphia-police-compromised-de-escalation-training-despite-warnings/>.

³⁴ See “Man fatally shot in clash with police,” Dafney Tales and Wendy Ruderman, posted March 14, 2011 and available at http://articles.philly.com/2011-03-14/news/28688542_1_shot-by-police-officer-brother-relatives; “Suspect Dead in Police Involved Shooting,” Chad Pradelli, March 13, 2011 available at <http://6abc.com/archive/8010899/>.

³⁵ See “Former Trainer: Philadelphia Police Compromised De-escalation Training Despite Warnings,” Austin Nolen, The Declaration, April 1, 2016, available at <https://phillydeclaration.org/2016/04/01/former-trainer-philadelphia-police-compromised-de-escalation-training-despite-warnings/>. See also, “Philly settles suit over suicidal man's death, continues police crisis training,” Newsworks, Sarah Whites-Koditschek, January 1, 2014 available at <http://www.newsworks.org/index.php/local/the-latest/63713-philly-settles-suit-over-suicidal-mans-death> (“In the struggle between Nicoletti and , the officer's gun discharged. Thinking his colleague had been shot, McCarthy fired twice at who died as his father watched. The lawsuit alleged willful police misconduct, unreasonable use of force and failure of police to follow established policies. It also claimed the city failed to properly train, supervise, monitor and discipline police officers prior to March of 2011.”).

³⁶ See “Philly settles suit over suicidal man's death, continues police crisis training” available at <http://www.newsworks.org/index.php/local/the-latest/63713-philly-settles-suit-over-suicidal-mans-death>

³⁷ “Man fatally shot in clash with police,” Dafney Tales and Wendy Ruderman, posted March 14, 2011 and available at http://articles.philly.com/2011-03-14/news/28688542_1_shot-by-police-officer-brother-relatives

him as quiet and “a little dorky.”³⁸ In 2011, when CW was killed, JW was in fifth grade and was just entering adolescence. Despite his father’s challenges, his death left JW without a male role model to look up to, and JW started to hang out with older boys in the neighborhood who his mother describes as a bad influence.³⁹ LB was concerned about the new crowd that JW was hanging out with, but she did not want to be “too strict” and not let him out of the house. As noted above, JW has uncles on his mother’s side of the family, but they did not provide the positive guidance that JW needed as a young boy, as they each have been incarcerated since JW was in grade school. Perhaps even more stark, JW also lost any positive role models on his father’s side of the family, as they fell out of touch with JW following his father’s death.

CW’s History of Arrests and Incarceration and Drug Abuse

According to the Philadelphia Inquirer, reporting on the subject of his death, CW had a lengthy history of arrests and short term incarceration.

CW had a lengthy arrest record. Police arrested him at least 18 times since 2000 on myriad criminal charges, including robbery, simple assault, terroristic threats and weapons possession. Judges withdrew or dismissed the charges in most cases. He either pleaded guilty or was found guilty in six cases. The guilty charges included drug possession, theft by deception, theft of a motor vehicle and criminal mischief, court records show.⁴⁰

CW’s death, coupled with the domestic violence JW witnessed, and CW’s history of arrests and incarceration has had a significant impact on JW, and has led to the poor choices for which he is now experiencing the negative consequences. The research and

Data shows an alarming collection of ‘adverse childhood experiences (ACEs),’ also known as immediate negative outcomes, affecting children with incarcerated parents. The list of such ACEs includes ‘increased risk for trauma, or toxic stress, particularly when they are cumulative.’ ... In addition, ... researchers cite related indicators that have potential long-term negative impacts for children. These indicators are frequently present in households where a parent is or has been incarcerated, and they render children vulnerable to fallout from a dynamic that psychologists call ‘loss of an attachment figure.’⁴¹

³⁸ Visit with LB, February 23, 2016.

³⁹*Id.*

⁴⁰ “Man fatally shot in clash with police,” Dafney Tales and Wendy Ruderman, posted March 14, 2011 and available at http://articles.philly.com/2011-03-14/news/28688542_1_shot-by-police-officer-brother-relatives

⁴¹ Amy Alexander, “Why Children with Parents in Prison Are Especially Burdened.” The Atlantic, December 14, 2015, available at <http://www.theatlantic.com/politics/archive/2015/12/why-children-with-parents-in-prison-are-especially-burdened/433638/>.

According to the press surrounding CW's death, JW's father also struggled with drug addiction and had recently been released from a treatment facility when he was killed. Given the sensitive nature of this topic, and JW and LB's estrangement from CW's family, YSRP was not able to gather additional detail on CW's drug use, and its potential impact on JW. Nevertheless, it is well understood that children who live in a household where someone abuses alcohol or other drugs are more likely to have poorer mental and physical health outcomes. Moreover, growing up in a household where an adult has abused alcohol or other drugs is considered a traumatic event.⁴²

C. JW's Neighborhood and Exposure to Gun Violence

According to LB, JW was a well-behaved, respectful, cooperative and quiet child.⁴³ Those who know him today agree that he still possesses these qualities.⁴⁴ These ascribed characteristics also align with JW's opinion of himself. He stated that he prefers to “keep to himself” and that he wants others to view him as a “sweet young man.”⁴⁵ Despite JW's soft-spoken and well-behaved tendencies, he has been impacted by his neighborhood and home environment, which is considered to be amongst the poorest and most violent in the city. Situated within the 26th Police District, “the median household income for the area is \$14,201, and 65 percent of households earn less than \$25,000 per year. Low household incomes translate to a high poverty rate: according to the American Community Survey (2005-2009), 60 percent of households here are living in poverty.”⁴⁶ According to the Philadelphia Inquirer, JW and LB's neighborhood of West Kensington in “North Philadelphia East” ranks 11th out of 55 neighborhoods for violent crime, and 7th out of 55 neighborhoods for property crimes.⁴⁷

The statistics about the neighborhood are corroborated by LB and JW's anecdotal accounts of their lives there. As noted earlier, LB reported that a young man was shot and killed across the street from their home just a few weeks ago.⁴⁸ She noted that such shootings are not unusual, and that the drug activity in the neighborhood is palpable (mentioning that people walk around “looking like zombies.”).⁴⁹ She has sought to contribute to improving the neighborhood by serving as Block Captain (an elected position), and often calls the City's 311 number to request

⁴² See “Findings from the Philadelphia Urban ACE Study,” Prepared by The Research and Evaluation Group at Public Health Management Corporation, September 18, 2013, available at <http://www.instituteforsafefamilies.org/sites/default/files/isffFiles/Philadelphia%20Urban%20ACE%20Report%202013.pdf>.

⁴³ Visit with LB, February 25, 2016. See also Dr. HG Forensic Evaluation at 5 (describing JW as “cooperative and polite throughout the evaluation.”)

⁴⁴ Support letter from TD, undated (see Appendix).

⁴⁵ Visit with JW at PICC, March 30, 2016.

⁴⁶ ESRI Census Profile, 2010 for study area (8th – 12th, York – Glenwood). See also “Lower North District Plan,” Philadelphia City Planning Commission Report August 2013 at 59 (“Despite decreases, the Poverty Rate in the Lower North District remains substantially higher than the citywide rate. Based on 2007-2011 ACS estimates, the Poverty Rate in the Lower North District was 47.39%, compared 25.6% citywide.”).

⁴⁷ See The Philadelphia Inquirer, Crime in Philadelphia, North Philadelphia East available at http://data.inquirer.com/crime/neighborhood/north-philadelphia_east/ (last accessed August 5, 2016).

⁴⁸ Visit with LB, August 2, 2016.

⁴⁹ *Id.*

improvements to the neighborhood's quality of life. Despite her best efforts, LB is acutely aware of the challenges and dangers inherent in living in her community, and is eager to move the family to a safer neighborhood in the Upper Northeast section of the City.⁵⁰ She has been in regular contact with a friend who recently made a similar move, and will begin looking at options for relocation once there has been a resolution in JW's case.

Research shows that the trauma youth experience when exposed to gun violence has a lasting impact on their ability to process and appreciate the severity of the violence they encounter, and makes them more likely to engage in violent behavior.⁵¹ Children exposed to gun violence may arm themselves for protection or become desensitized.⁵² Exposure to gun violence also impairs children's ability to cope with stresses, creating a cycle in which emotional and psychological stresses resulting from exposure to gun violence increase the likelihood that they will use violence as a means of resolving problems or expressing emotions.⁵³ Additionally, exposure to gun violence may cause children to withdraw from friends and family, adding to research that shows the psychic numbing effect of gun violence in children, increasing the chances that they will become emotionally detached from others, and show a decreased interest in the activities they used to enjoy.⁵⁴ As research indicates, chronic exposure to violence impairs youth's ability to distinguish between threatening and objectively non-threatening situations, often causing youth to become conditioned to react with fear and anxiety to a broad range of circumstances. For JW, his response to the violence he witnessed and experienced was fear (*see* Appendix for letter from Pam Morton), and later to not be able to make good choices in peers: he instead sought out the companionship of older youth, directly leading to his involvement in the present case. As supported by the research, JW's ability to distinguish between threatening and objectively non-threatening situations, and peers, likely was impaired by the trauma he experienced.

While this conditioning occurs early on in the stages of adolescent brain development, *unlearning* fears can occur with brain maturation that happens later in adolescent brain development, and requires active work and evidence-based treatment.⁵⁵ If afforded the opportunity to benefit from the services and interventions of the juvenile justice system, JW will have access to evidence-based treatment programs that will enable him to take advantage of his ongoing maturation and continue developing insights into the forces that have influenced his decision making. Further, the behavioral health treatment available in the juvenile system will support JW in mitigating the long-term effects of his exposure to gun violence, as described above. Such responsive therapeutic supports would not be available to him in the adult system.

⁵⁰ *Id.*

⁵¹ Garbarino, James, Catherine P. Bradshaw, and Joseph A. Vorrasi. "Mitigating the Effects of Gun Violence on Children and Youth." *The Future of Children*, Volume 12, Number 2. Summer 2002. http://futureofchildren.org/publications/docs/12_02_05.pdf

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *See, e.g.*, "Children's Exposure to Violence: Indicators on Children and Youth." *Child Trends Data Bank*. May 2016.

http://www.childtrends.org/wp-content/uploads/2016/05/118_Exposure_to_Violence.pdf.

Although JW was sent to juvenile placements in the past, he did not have the self awareness or initiative to avail himself of the therapeutic resources that could have helped him address this trauma. Having now spent eight months incarcerated in an adult jail, he has spent time processing the life experiences and decisions that led him to his current situation and, if given the opportunity, would approach a juvenile placement very differently this time around.

VI. JW's STRENGTHS

JW is an industrious, resilient, and hardworking young man. Despite the extremely traumatic and violent circumstances of his father's death and the unstable nature of his childhood, JW has grown into an intelligent, soft-spoken, and goal oriented teenager. He cares dearly for his family and routinely speaks with his mother and siblings. Even while incarcerated, JW has shown continuous dedication to academics, athletics, and faith.

Upon first meeting JW, one might remark at the number of tattoos he has, and perhaps even develop a negative first impression. JW, however, considers his tattoos a way to express himself artistically, and to honor both his mother and father (he has their names inscribed on each arm). His perspective on his tattoos was also noted by Dr. HG in her forensic evaluation: "When asked why he got them, JW reported that he likes art and that each tattoo means something to him, such as his family. JW stated that he got his first tattoo when he was fifteen -years-old and that they make him feel distinct."⁵⁶

As JW detailed in his letter to the Court, "I would like you to know I am a changed person... Before I came to PICC I had a mindset of a child now I am mature. I learned being incarcerated don't just affects [sic] you it affects your family and the community also... I think I deserve another opportunity in the juvenile system. I think this because I have my goals set, support and determination. I would like to attend CCP for business. I also have a[n] interest in working for the City of Philadelphia...I know placements help with these kinds of opportunities."⁵⁷

A. EDUCATION

1. Overview: Excelling in Academics

JW has attended Philadelphia public schools for his entire education, excelling throughout as a noticeably bright student who loved to read.⁵⁸ He attended the John F. Hartranft School for kindergarten through eighth grade. After Hartranft, he accelerated in his courses while at St. Gabriel's Hall and was enrolled at Philadelphia Learning Academy North (PLAN), a credit recovery school, upon his return home from placement.⁵⁹ He transferred to Kensington Health

⁵⁶ Dr. HG Forensic Evaluation at 5.

⁵⁷ JW Letter to Judge Ransom, mailed May 24, 2016. The full letter is available in the Appendix.

⁵⁸ Conversation with John F. Hartranft school staff, PM, August 2, 2016.

⁵⁹ JW earned a total of 11 credits during his placement at St. Gabriel's ("[JW] was in 8th grade in Middle School when he entered in May. He began high school as of summer 2014 and will have earned a total of 11 credits at his discharge."). St. Gabriel's Hall Addendum to Progress Summary Report, May 6, 2015 at 2.

Sciences Academy because of how quickly he was able to earn credits at PLAN.⁶⁰ Due to his intelligence and work ethic, JW recently received his high school diploma while at PICC,⁶¹ graduating high school early, at only 16 years old, despite all of the barriers he has faced.

The fact that JW obtained his high school diploma while incarcerated at PICC is particularly impressive considering the odds at work against him. Specifically, those incarcerated as juveniles are 39 percentage points less likely to graduate from high school, and juvenile incarceration is estimated to decrease high school graduation by 13 percentage points.⁶² JW's successful completion of his high school diploma, significantly ahead of schedule, is a testament to his renewed sense of purpose and work ethic, which he would carry with him to a juvenile placement.

2. Elementary & Middle School

During JW's fifth grade year when he lost his father, school records show a stark change in a previously high-achieving, well-adjusted and happy child. His report cards show that JW earned B's at the beginning of fifth grade but that by the middle of the year, he started having behavioral issues and his grades suffered.⁶³ In sixth grade, JW's report card shows B's and C's and by seventh grade, he was receiving C's and D's in all of his classes.

This pattern is also reflected on standardized benchmark tests. In January of his fifth grade year, JW scored in the 95th percentile on a math benchmark. In May of his fifth grade year, two months after his father was killed and only four months after he scored in the 95th percentile on a similar test, JW scored in the 64th percentile on his math benchmark. Obviously, his father's death had a huge impact on all aspects of his life, including his academics.

JW's struggle after his father's death is also shown through his performance on statewide standardized tests, the Pennsylvania System of School Assessment (PSSA). In third grade, JW received above average results in mathematics and reading on this test. In fourth grade, he scored advanced in mathematics and science and proficient in reading. In fifth grade, his reading score dropped to basic but he was able to maintain advanced scores in mathematics.

When asked about JW, a long-time staff member at John F. Hartranft remembered him immediately and affirmed the difficulties JW had during his fifth grade year, stating "everything changed when his father died."⁶⁴

Despite these difficulties, JW's fifth grade teacher, Mr. ML, recognized that he was a very smart child and stated that he was on or above level in every subject.⁶⁵ Mr. ML also recognized how

⁶⁰ Visit with JW at PICC, July 20, 2016.

⁶¹ See Appendix for report card, graduation program, and graduation photos from PICC.

⁶² See "Juvenile Incarceration, Human Capital and Future Crime: Evidence from Randomly-Assigned Judges," Anna Aizer and Joseph J. Doyle, Jr., National Bureau of Economic Research (June 2013), available at <http://www.nber.org/papers/w19102.pdf>.

⁶³ School District of Philadelphia School Records, received April 1, 2016.

⁶⁴ Conversation with John F. Hartranft school staff, PM, August 2, 2016.

⁶⁵ School District of Philadelphia School Records, received April 1, 2016.

easily JW was influenced by his peers, stating that his “negative behavior is usually accompanied by other students’ behavior.”⁶⁶

3. Eighth Grade and High School

During his eighth grade year, JW was sent to St. Gabriel’s Hall. The reasons for his placement and his academic success there will be detailed in the section below. Upon JW’s return from St. Gabriel’s Hall, and as mentioned previously, he enrolled in PLAN, earned credits rapidly and transferred to Kensington Health Sciences Academy because of how quickly he was earning high school credit. When asked about PLAN, JW states that the staff there recognized his academic excellence and know him as the “fifteen year old that had to leave” because he was too close to graduating.⁶⁷ As the years went on, and JW got farther from his father’s death, he was able to resume his academic achievement, but he still lacked the necessary behavioral health interventions to allow him to process and fully resume his previous life.

Despite the short time that JW spent at Kensington Health Sciences Academy, school security and faculty noted that JW was able to make friends and succeed socially in the short amount of time he was enrolled. He developed a relationship with the school police officer, Officer SM. Officer SM agreed with accounts of JW being polite, never giving any bad attitude and never getting into major trouble at the school. He also noted that JW is a young man with incredible potential.⁶⁸

This trend continued when JW got to PICC. During his approximately eight months of incarceration there, JW consistently earned “high honors” at the Pennypack House High School,⁶⁹ and the school staff felt compelled to write a letter to the Court on JW’s behalf. Among the praise and compliments they were eager to share with the Court, the staff noted:

Mr. JW has been a gifted and dedicated student inside the classroom. He is the kind of student that all teachers would love to have. He is always engaged and focused on his work and learning. JW engages the class and the teachers by asking questions as he consistently remains interested in the subject area being taught to him.⁷⁰

⁶⁶ JW’s school records do reflect some tardiness, but otherwise demonstrate that he consistently maintained average and above average grades and good attendance. *See* HG Forensic Evaluation at 3 (“School records report that JW was absent as few as zero days in third grade, and as many as sixteen days in Kindergarten. However, he was late more often. JW was marked tardy forty-nine times in Kindergarten, forty-six times in first grade, sixteen times in second grade, fourteen times in third grade, and two times in fourth grade.”).

⁶⁷ Visit to JW at PICC, July 20, 2016.

⁶⁸ Interview with Officer SM, March 4, 2016.

⁶⁹ *See* Appendix for transcripts, certificates, and graduation photographs from The Pennypack House High School, including awards for: High Honor Roll, Citizenship, and Cleanest Cell.

⁷⁰ *See* Appendix for letter to Judge LR from The Staff, Pennypack House High School, mailed July 26, 2016.

He earned High Honors in all subject areas,⁷¹ a special certificate in Citizenship for “demonstrating superior achievement and academic excellence” for a grading period,⁷² and he presented his senior project during the Family Day and Commencement Ceremony at Pennypack House School on June 18, 2016.⁷³ Outside of a traditional academic setting, JW has also sought out programs to foster his cognitive growth and problem solving skills. He reads the Quran daily and participates in Mothers in Charge and the Youth Art and Self-empowerment Project while at PICC. JW enjoys the opportunity to learn and advance his world outlook.

JW suffered a tremendous setback in all aspects of life as a result of his father’s sudden death during a key developmental age. As a result of his determination and resilience, he has been able to rebound academically, and has gone on to achieve academic success in school. Despite his recovery in one area of his life, JW has continued to struggle with the impact his father’s death has had on his mental health and social development. It is these two areas that he will have the opportunity to further nourish and develop at a juvenile placement; he will not have the same opportunity to do so in adult custody. As will be detailed further below, JW started on the road to improve these areas of personal development during his previous placements, and he was not able to continue this positive trajectory when he did not access adequate aftercare supports. He now seeks the opportunity to continue the self-improvement he began at St. Gabriel’s and Glen Mills. As his educational background proves, he has the capacity to rebound, if given the proper structure, access, and supports.

B. Dedication to Athletics

JW has played sports throughout his life, participating in basketball, baseball and football, and was later involved in boxing, which was his favorite. LB describes JW playing baseball through a nonprofit recreational league (“Heritage Baseball”), and also has fond memories of him playing football in the community with friends and neighbors.⁷⁴

In describing his experience boxing, JW explained that it not only provides a great workout, but it also provides a way to stay busy. He described that in boxing, the difficulty of the training also builds strength of character through the dedication the sport requires, and it provides a healthy outlet for channeling his emotions. At the Danny “Swift” Garcia Boxing Club (hereinafter “DSG Boxing Club”), JW was able to observe positive male role models such as TD, the strength and conditioning coach and his own personal coach, Julio.⁷⁵ According to Mr. TD, behavioral incidents are not tolerated and thus do not occur in the gym, as the students in attendance are grateful to have a place where they are able to escape the violence of their neighborhoods and express their anger in a constructive and directed way. The sport of boxing requires tenacity and fortitude. JW wishes to continue this sport upon release, and focus on releasing any pent up

⁷¹ See Appendix for High Honor Roll Certificate Awarded by Pennypack House High School on June 22, 2016.

⁷² See Appendix for Citizenship Certificate dated June 22, 2016.

⁷³ See Appendix for Commencement Ceremony Program.

⁷⁴ See also Dr. HG Forensic Evaluation at 4 (“JW also reported that he played baseball for his neighborhood team, played sports at the Police Athletic League, played basketball for the park summer league team, and enjoyed going to two different boxing gyms after returning home from placement.”).

⁷⁵ Julio’s last name is unknown.

aggression as well as developing physical strength and technical skills he can be proud of. JW has described a time when a coach complimented his skills as a highlight in his life, and a moment when he found inspiration and motivation to work hard and see the results of taking the long way to success.

JW has been seeking positive male role models since the death of his father, and he began to develop such a connection during his time at DSG Boxing Club. Unfortunately, due to the distance of the Club from his home, and LB's inability to pick him up and drop him off regularly, JW was not able to attend training sessions on a regular basis.⁷⁶ JW enjoyed the rigor and discipline the boxing club provided, and would have benefited from a more rigorous approach to attending sessions there. JW has learned from these difficult lessons, and he is eager to fully commit to more extensive participation in training at the Club upon his release from juvenile placement. As noted in the Boxing Club coach's letter to the Court, "JW is welcomed to return to our gym upon his re-entry. We are available weekdays 5-730pm. Our gym kids are good natured and without drama; it is truly a well rounded, positive atmosphere."⁷⁷ YSRP will help facilitate JW's transportation to the Club to ensure that he is not prevented from accessing this support upon his return home.

C. Commitment to Faith

Lastly, a great strength of JW's is his faith. LB reports that "for the past few years," JW would often attend prayer services on Fridays.⁷⁸ However, his devotion to Islam has increased over the past eight months that he has been incarcerated at PICC. JW has made connections with other like-minded individuals through his time there, and he describes that his favorite aspect of Islam is the principle of remaining humble.⁷⁹ Studying this tenet has contributed to and reinforced JW's soft-spoken and calm nature. JW prefers the Quran to television, or even fictional novels. Conversations with representatives from JW's mosque, Hyderabad House, reveal that their community serves a resource for young men to seek advice and access counseling. JW did not realize that such supports were available prior to his placement and incarceration. With his newfound understanding of his situation, he now knows that it is a resource he can seek out when he gets home, to prevent him from being in this situation again.

In the future, JW will find another mosque in his new neighborhood to continue staying busy with daily prayer, reflection, and engagement within his community.⁸⁰ JW's strengths and newfound perspective on the importance of his decision making and choices will enable him to chart a new path when he comes home, if he is provided with the treatment and rehabilitation opportunities that the juvenile justice system will afford him. Given the opportunity to engage in treatment and address some of the trauma he experienced as a child, JW will be able to serve as a

⁷⁶ As noted in the letter of support from TD, JW's coach at DSG Boxing Club, JW "was a student of boxing at [the] club for several months leading up to around July 2015." *See* Appendix B. *See also* visit to LB at her home, February 23, 2016.

⁷⁷ *See* Letter from TD at Appendix B.

⁷⁸ Conversation with LB by phone, August 7, 2016.

⁷⁹ Visit to JW at PICC, April 6, 2016.

⁸⁰ As noted above, LB plans to relocate the family to a new, safer neighborhood once JW's case is resolved.

positive influence on other youth in a juvenile placement setting, and back in the community upon release.

VII. JW's CHALLENGES & PRIOR JUVENILE COURT CONTACT

A. Overview

Before this incident, JW has had two prior encounters with Family Court. First, he was arrested and admitted to St. Gabriel's Hall on May 20, 2014 for a period of 12 months stemming from charges of Unauthorized Use of an Auto, Criminal Conspiracy, Engaging-Receiving Stolen Property and Attempted Theft by Unlawful Taking.⁸¹ JW was later arrested and charged with simple possession of crack cocaine, which brought him before the juvenile court again and had him placed at the Glen Mills School. JW was in placement at Glen Mills when he was arrested in the present case.⁸² Worth noting here, JW shared that he asked to be placed at Glen Mills when he was arrested and charged with simple possession; he felt that he needed the structure a juvenile placement would offer, and did not feel he was receiving what he needed as a student at Kensington Health Sciences Academy.⁸³

When asked about his previous arrests, JW attributes his involvement to poor decision making influenced by older peers. This tendency is supported by his school records from an early age, and by Dr. HG's evaluation (noting that when asked, "JW reported that he had about four friends who are about two years older than himself.")⁸⁴ JW's mother also supports this analysis, noting that JW's involvement in the events leading to his previous arrests, and the present arrest, stems from the "older boys in the neighborhood he would hang around," and his constant search for older male role models in the wake of his father's death.⁸⁵

Additionally, JW attributes some of his behavior to pressure he puts on himself to help his family. He feels a responsibility to provide as the man of the house and has concern for his mother's financial stability as a single parent. Although he describes his mother as upbeat and states that she has never complained about struggling to raise JW and his siblings, he is bothered by the fact that she is alone. He describes a desire to take care of himself and provide for his family if he can.⁸⁶ JW explicitly recognizes that needing money has been a contributing factor to his negative behavior in the past and now that he has graduated high school, he is committed to finding a job when he returns home.⁸⁷

⁸¹ See St. Gabriel's System Addendum to Progress Summary Report, May 6, 2015, at 1.

⁸² JW was admitted to Glen Mills on January 5, 2016 and discharged on January 28, 2016 as a result of his arrest on the present case. He was immediately transferred to PICC, where he has been incarcerated since that time. According to the discovery, although the incident at issue here occurred prior to his placement at Glen Mills, an arrest warrant was not issued for JW until January 19, 2016. JW was transported from Glen Mills to Family Court on January 27, 2016 and was placed under arrest on the present case that day.

⁸³ Visits to JW at PICC.

⁸⁴ See Dr. HG Forensic Evaluation at 4.

⁸⁵ Visit to LB, August 2, 2016.

⁸⁶ Visit to JW at PICC, July 20, 2016

⁸⁷ Visit to JW at PICC, April 6, 2016.

B. Placement at St. Gabriel's & Glen Mills

1. Positive Acclimation and Success

During his 12 month placement at St. Gabriel's Hall, JW excelled.⁸⁸ According to the Progress Summary Report recommending his discharge from placement, JW

[R]emains compliant and follows directions when given. He continues to take pride in being a mediator for his peers. He also attempts to calm others down when they are upset but need to talk. He will reassure them that the problem can be worked out. [JW] tends to show more maturity than some of the other 15 years olds on the unit. He is able to control the anger in a more responsible way.⁸⁹

He earned a total of 11 credits towards his high school diploma, completed 28 hours of community service, and completed a number of certificates, including the Microsoft Specialist CTE, which was described as "extremely intense" by the Residential Manager.⁹⁰ JW also did exceedingly well during all of his home passes (four total);

[JW] was compliant on all of his home passes by making his check in calls, home for curfew, returning with his home pass paperwork and producing negative drug screens. His mother comments how pleased she is when he comes home, is helpful around the house and enjoys spending time with the family."⁹¹

Again, JW was sent to placement because of poor decisionmaking, common to teenagers, and exacerbated by the trauma he experienced surrounding his father's death, and the poverty his family has experienced (contributing to his desire to provide for his mother and siblings). It is clear that JW did well in placement, and thrived in a structured and supportive environment. JW also has matured significantly since his initial placement at St. Gabriel's, and he knows that the decisions he made were misguided. Unfortunately, as detailed in the following section, JW would have benefitted from more structured, ongoing aftercare supports once he was released from placement. The lack of support, coupled with his ongoing mental health needs and limited structure at home and at school, led to his subsequent placement at Glen Mills and his arrest in this case (for a charge that pre-dates his placement at Glen Mills).

2. Mental Health Needs and Lack of Aftercare

⁸⁸ JW was admitted to St. Gabriel's Hall on May 20, 2014 and released on May 19, 2015.

⁸⁹ See St. Gabriel's Hall Addendum to Progress Report, May 6, 2015 at 1.

⁹⁰ See *id.* at 2.

⁹¹ *Id.*

St. Gabriel's reports that while JW was in placement at St. Gabriel's Hall ("SGH"), he engaged in grief counseling, and was prescribed medication for sustained sleep and a decrease in hearing voices.⁹² Notably, JW was prescribed

200 mg of Seroquel for sustained sleep and a decrease in hearing voices. He stated to the psychiatrist that he would hear voices telling him to do 'things' approximately 2 times per hour. He also stated that while at SGH he awoke to find a translucent figure standing by his roommate's bed that looked like his father early in his stay. He has not been reporting hearing voices or seeing figures since he started taking the medication.⁹³

Unfortunately, the treatment JW received at St. Gabriel's did not continue once he returned home. His mother discontinued his medication, and noted that JW did evidence some signs of "withdrawal" during that period.⁹⁴ In discussing her decision to discontinue JW's medication, LB said that she "doesn't believe in it," and asked JW if he felt that he needed it to sleep.⁹⁵ LB would have benefited from guidance and instruction from professionals on the importance of maintaining a stable medication regimen, and not abruptly disrupting a treatment JW had started while in placement.

It is well-documented that abrupt discontinuation of psychotropic medications like Seroquel can have negative consequences, especially for adolescents.⁹⁶ Moreover, neither JW or LB received support in accessing the individual therapy that JW clearly needed to address the challenges that led to his placement. As the St. Gabriel's Residential Manager noted in the May 2015 Progress Report, "Individual therapy has also focused on helping [JW] to develop positive coping skills to deal with life stressors, including *all of the violence he has seen.*" (Emphasis added).⁹⁷ It is clear that this type of individual therapy was needed post-placement. Although the discharge report discusses the provision of ongoing individual therapy and medication management, LB reports that therapy and medication promptly stopped shortly after he returned home.⁹⁸

Put simply, JW did well when he was placed in a therapeutic environment with attention to his emotional and mental health needs. He did not have access to the same supports when he returned to the community, and he quickly recidivated. It is particularly troubling that the potential pitfalls were accurately predicted by his clinical therapist, who "expressed concern that when [JW] returns to his violent neighborhood where he experienced severe trauma (the death of his father and the stabbing of his father prior to his death), poor peer choices could continue to

⁹² See St. Gabriel's System Addendum to Progress Report, May 6, 2015 at 2.

⁹³ *Id.*

⁹⁴ Visit to LB, August 2, 2016.

⁹⁵ *Id.*

⁹⁶ See e.g. "How to Discontinue Seroquel," Terri Peerenboom (October 21, 2015), available at <http://www.livestrong.com/article/89294-discontinue-seroquel/> ("Stopping Seroquel without talking to a doctor first could prove risky...Discontinuing this medication should be done under the direct care of a physician.").

⁹⁷ St. Gabriel's Hall Addendum to Progress Report, May 6, 2015 at 2.

⁹⁸ *Id.*; See also visit to LB, August 2, 2016.

leave [JW] vulnerable to behavioral health challenges.”⁹⁹ The lack of continuity of care is a significant factor in JW's multiple placements, and should be considered by the Court in rendering a decision on his petition for decertification. The juvenile system can be provided with an opportunity to rectify the lack of support that was needed when he left St. Gabriel's in 2015.

The challenges JW has experienced, as described throughout this report, have manifested in ongoing physical and emotional symptoms. As he described to Dr. HG during the forensic evaluation, “he has difficulty staying asleep, and [shared] that he did not feel like eating when he felt nervous, and that his stomach gets upset when he feels nervous, that he has been getting frustrated a lot, and that he had *something very bad happen to him.*” (emphasis added).¹⁰⁰ Notably, JW also shared his reflections on his incarceration and the impact it has had on his loved ones: “JW also reported feeling frustrated a lot being in prison because he ‘keeps disappointing my family,’ and he ‘rarely gets to see them.’ Finally, JW reported that losing his father was very bad for him.”¹⁰¹

Finally, JW and his family (particularly his mother LB) have spent the last 8 months reflecting on JW's situation, and the supports that could have been provided to avoid his current circumstances. LB is now fully committed to supporting JW in all of the ways that he needs, including advocating for more hands-on aftercare, regular attendance at therapy, and medication management. Both JW and LB are committed to breaking the cycle of incarceration that has been too prevalent in JW's life, and throughout their family. They seek the opportunity for one final placement in the juvenile system as a means by which to accomplish this goal.

VIII. JUVENILE PLACEMENT OPTIONS & ADULT PRISON

As noted above, JW excelled during his 12 month placement at St. Gabriel's Hall. Because he was only at Glen Mills Schools for less than one month, detailed records of his achievements there are not available.¹⁰² Nevertheless, JW was re-accepted to Glen Mills pending his decertification in the present case, evidencing his positive acclimation there. As further noted above, because JW did not receive the prescribed aftercare upon leaving St. Gabriel's (in terms of ongoing therapy and medication management), he quickly and predictably recidivated.

Worth noting here, JW *asked* to be placed at Glen Mills when he was arrested for the second time. He shared that he could “see himself slipping,” and wanted to be in an environment with more structure.¹⁰³ JW summoned an impressive degree of self-awareness to request placement in the juvenile system. Unfortunately, that placement was cut short as a result of his arrest on the case currently pending before the Court.¹⁰⁴ We encourage the Court to provide JW with the

⁹⁹ St. Gabriel's Hall Comprehensive Behavioral Re-Evaluation (CBR) - Psychological, April 29, 2015 at 4.

¹⁰⁰ Dr. HG Forensic Evaluation at 6.

¹⁰¹ *Id.*

¹⁰² JW's transcript from his time at Glen Mills is available in the Appendix.

¹⁰³ Visit to JW at PICC, July 20, 2016.

¹⁰⁴ See FN 81, *supra*. (“JW was admitted to Glen Mills on January 5, 2016 and discharged on January 28, 2016 as a result of his arrest on the present case. According to the discovery, although the incident at issue here occurred prior to his placement at Glen Mills, JW was not positively identified by the complainant, and an arrest warrant was not

opportunity to continue and complete his original placement at Glen Mills, with a period of structured supervision and after-care, which may last for several years post-placement (pursuant to the Juvenile Court’s jurisdiction until JW turns 21, close to five years from now). More information about the programming available at Glen Mills is provided below.

A. Glen Mills

As noted above, JW has been provisionally re-accepted to Glen Mills School (“Glen Mills”).¹⁰⁵ He viewed his time at Glen Mills as an opportunity to improve himself. Again, the fact that Glen Mills welcomes JW back is evidence of his success during his time there. Glen Mills can continue to provide JW with the appropriate structure and discipline he needs to succeed. Glen Mills is a Balanced and Restorative Justice (BARJ) compliant residential program that utilizes a Sociological Model designed to effectuate long-term behavioral changes and enhance life skills development. The program includes room and board, clothing, behavior management, individual and group counseling, academic and vocational programming, medical and dental services, as well as athletic and recreational opportunities.¹⁰⁶

Additionally, Glen Mills offers intervention programming designed to enhance youths’ understanding of their own actions, and to address underlying challenges that can lead to delinquent behavior. It offers a number of evidence-based programs, including Moral Reconciliation Therapy (MRT), Coping with Anger, Parenting and Family Values, and Botvin LifeSkills training on drug and alcohol use.¹⁰⁷ These programs are integrated into the framework of their well-established behavior management system, which includes Drug & Alcohol Education, Gun Violence Prevention, Wellness & Nutrition and Independent Living Skills.¹⁰⁸

Finally, Glen Mills offers a number of vocational programs, which align well with JW's interests in construction, business and entrepreneurship. These programs include: Career Readiness courses, retail services, and technical and maintenance trades such as: Building Trades, Masonry, Paint, Residential Carpentry, Welding and Indoor/Outdoor Maintenance.¹⁰⁹ Because JW has already achieved his high school diploma, the focus during his time at Glen Mills, if provided the opportunity for placement there, will be on participation in the trades programs. Such engagement will have JW well-positioned to attend Community College upon his return to the community, and to participate in the pro-social vocational and educational opportunities described below.

B. SCI Pine Grove

issued until January 19, 2016. JW was transported from Glen Mills to Family Court on January 27, 2016 and was placed under arrest on the present case that day.”).

¹⁰⁵ See Glen Mills Acceptance Letter, Appendix D.

¹⁰⁶ See <http://www.glenmillsschool.org/student-life/special-programs/>.

¹⁰⁷ *Id.*

¹⁰⁸ See <http://www.glenmillsschool.org/admissions/regulatory-compliance/>.

¹⁰⁹ See <http://www.glenmillsschool.org/education/careers-technical-education>.

If JW is not decertified, and if he is then convicted and sentenced in the adult criminal justice system, he will be incarcerated at SCI Pine Grove as a result of his young age. YSRP visited SCI Pine Grove in December 2014, and authored a memorandum on our reflections from that visit, which we shared with Judge Benjamin Lerner.¹¹⁰ It is indisputable that SCI Pine Grove differs from the available juvenile placements in significant ways; it is not a treatment facility designed for juveniles. Rather, it is a wing of an adult prison where youth are housed in cells on pods. The most notable distinction between the adult and juvenile sides of Pine Grove is that the juvenile side is structured more as a boot camp, where youth are subjected to military drills, and are forced to “drop and give fifty pushups” if they step on a crest that is painted on the ground.¹¹¹

There has not been a lot of press about the conditions for youth at SCI Pine Grove, although the unit received some attention in 2014 when a teenage inmate committed suicide by hanging himself in his cell.¹¹² Also worth noting, more recently, a young person’s reflections on his time at Pine Grove were published by the San Francisco Bay View (National Black Newspaper), titled “Pennsylvania’s torture chamber for juveniles.”¹¹³ Much of what the young person reports comports with YSRP’s own reflections on our visit there: “On this block, guards literally scream in your face when you didn’t do anything wrong, command you to do push-ups and even tell you to tap dance for them. When a white guard steps on the pod, every inmate has to stand up straight as in the military and scream at the top of their lungs, ‘Attention on deck!’ all to be told to carry on.”¹¹⁴

If JW is not decertified and is sentenced to incarceration at SCI Pine Grove, he will not receive the therapeutic interventions he clearly requires to process the trauma he has experienced. Moreover, because JW has obtained his high school diploma at such a young age, he will have limited programming options available to him; he will be too advanced to participate in high school classes with his peers, and too young to engage in vocational activities with the adults at the prison.¹¹⁵ If he is provided with the opportunity to be placed in the juvenile system, he will be

¹¹⁰ See SCI Pine Grove Memorandum, Appendix F.

¹¹¹ See *id.*

¹¹² See “Inmate hangs himself in cell,” by The Indiana Gazette on September 10, 2014 (“A teenage inmate serving a term for the murders of his grandparents committed suicide Monday in his cell at State Correctional Institution Pine Grove in White Township, prison officials said. Zachary Proper, 15, was found hanging in his cell about 11 p.m. during a security check by corrections officers. Efforts by prison officials and paramedics failed to revive Proper, and he was pronounced dead at 11:48 p.m., said Eric Bush, the superintendent at SCI Pine Grove.” Available at <https://www.indianagazette.com/news/police-courts/inmate-hangs-himself-in-cell.20574485/>.

¹¹³ “Pennsylvania’s torture chamber for juveniles,” LeQue Ball, March 27, 2016, available at <http://sfbayview.com/2016/03/pennsylvanias-torture-chamber-for-juveniles/>.

¹¹⁴ See *id.*

¹¹⁵ During YSRP’s visit to Pine Grove, officials commented on the challenges in providing programming to the youth housed there because of PREA regulations requiring them to remain separate from adults. See YSRP Memorandum on Visit to Pine Grove, Appendix F (“Staff noted the difficulty with providing programming to the Youthful Offenders because of PREA and the lack of adequate staff to maintain separation from the rest of the prison population during transport to programming. Staff also noted that the ratio of treatment staff to youthful offenders is approximately 7:1, but that the treatment staff are noncontact, which makes it more difficult for them to do programming because they need contact staff in the room with juveniles at all times. They also noted that if Youthful Offenders get released prior to their 18th birthdays, they cannot participate in stepdown or other reentry programs because they cannot be with adults.”).

able to build on his high school education by actively engaging in vocational programs and preparing for community college and employment upon release.¹¹⁶

IX. REENTRY PLAN

It is clear that the lack of ongoing aftercare and reentry support provided to JW post-placement directly contributed to his subsequent re-offending. For a number of reasons, JW will not face the same circumstances when released from placement in the future. JW's mom has stated that she is planning to move from their old neighborhood, so JW will have a fresh start. Away from his former peers and negative influences, JW will continue pursuing his passion for boxing, with a newfound focus and commitment (as detailed above). JW will continue this activity as a means of processing and releasing any anger or agitation in a healthy and monitored environment. Another way in which JW will be able to succeed in his life following incarceration will be through his dedication to his faith and the Muslim community.

Besides these points of internal strength and drive, external resources will aid JW in his transition home and into adulthood. JW's success in the programs he has already participated in, such as YASP and Mothers in Charge, have given him the motivation to continue in similar programs when he comes home. YASP has invited him to continue working with them once he returns home, and he will also have the opportunity to participate in Men in Motion in the Community (MIMIC).¹¹⁷ MIMIC provides previously incarcerated youth with the opportunity to positively engage in the community through peer mentoring and violence prevention programming, and with the goal of avoiding further involvement in the criminal justice system. JW has indicated his interest in pursuing this program, and MIMIC's Executive Director knows about JW's situation and is excited to welcome him to the program upon his return home.¹¹⁸

A. Education

As noted above, JW earned his high school diploma while at PICC, and he is eager to continue his education upon release. Specifically, he is interested in pursuing his long-term goal of rehabilitating houses and engaging in construction work. Both JW and his mother agree that he will be more likely to excel in a hands-on learning environment, with a focus on building skills and trades.

JW has also expressed sincere and informed interest in attending college. He has requested detailed information about the Community College of Philadelphia and the classes offered.¹¹⁹ He hopes that after he completes an Associate's Degree he can continue getting more advanced jobs as his expertise grows. JW's goals are both sincere and informed: he is practical and understands that he may not be able to become a full-time student right away. He has articulated that his plan

¹¹⁶ See <http://www.glenmillsschool.org/education/careers-technical-education> for more information about the vocational programs available to JW at Glen Mills. He will have the opportunity to develop a trade, as described above, and also to study for and take the SATs, in furtherance of his goal to attend college.

¹¹⁷ See <https://phillymdo.wordpress.com/2013/10/09/mimic-men-in-motion-in-the-community/>.

¹¹⁸ See Letter from ED, Executive Director of MIMIC, August 8, 2016, Appendix B.

¹¹⁹ Visit to JW at PICC, March 30, 2016.

is that when he is released, he will first try to find a job to both stay busy and earn money to save for college courses. He plans to be proactive in a pro-social and legal way in addressing the same feelings about wanting to support his family: he knows now that the choices he made before were not the right ones. As will be detailed further below, YSRP is supporting JW's commitment to seeking positive, gainful employment by connecting him with programs such as PowerCorpsPHL and Orleans Technical College.¹²⁰ JW has also expressed an interest in applying for jobs at commercial businesses such as Kicks and Rita's for seasonal employment. JW's ability to visualize his dreams in a concrete and realistic way shows great maturity and foresight for a sixteen-year-old.

Placements in the juvenile justice system are organized around education, and provide services and supports that enable young people to access higher education.¹²¹ Decertification in this case would enable JW to continue this trajectory of growth and improvement, without being saddled with a lifelong felony conviction, which will diminish his ability to get a job and enroll in college.

B. Counseling & Mental Health: Hall Mercer

For many children who experience extreme trauma, if that trauma is not treated, they continue to exhibit symptoms for years after initial exposure to the traumatic event.¹²² However, there are several evidence-based treatments for children and adolescents who have experienced trauma that have significant support for effectiveness.¹²³ It is clear that JW has substantial, ongoing mental health treatment needs, which he will have the opportunity to access in a juvenile placement and upon return to the community. The program described in detail below is aware of JW's situation and has expressed a willingness to treat him upon his return to the community after a juvenile placement. As noted above, JW will not receive the therapeutic interventions he needs if he is sentenced in the adult criminal justice system.

¹²⁰ See <https://orleanstech.edu/our-programs/building-trades-training-programs/>. Orleans Technical College offers hands-on training programs that provide students with technical knowledge needed for a successful career in the Building Trades. Students have the opportunity to learn job skills and train under experienced instructors with years of industry experience. The program offers courses in carpentry, building maintenance, plumbing, heating, and electrical (among others). Both day and evening courses are available (the evening program runs for approximately 13 months, and the day classes are full time for 6 months). As noted above, JW is particularly interested in hands-on, technical training related to his ultimate goal of working in home remodeling and real estate. If placed at Glen Mills, JW would have the opportunity to engage in building maintenance and carpentry trades, and continue his training in those fields at Orleans Technical College. JW would likely participate in the evening courses, allowing him to secure part-time employment during the day with PowerCorpsPHL or YASP, as described below.

¹²¹ See, e.g., "Glen Mills hosts College Fair Day," available at: <http://www.glenmillsschool.org/battling-bulletin/news/glen-mills-hosts-college-fair-day> (describing that "Glen Mills students and their parents had the opportunity to explore further education at the second annual College Fair Day on Saturday, December 13th. Students enjoyed meeting with more than a dozen universities, colleges, and technical schools and found the information to be useful.").

¹²² "PTSD in Children and Adolescents." PTSD: National Center for PTSD. http://www.ptsd.va.gov/professional/treatment/children/ptsd_in_children_and_adolescents_overview_for_professionals.asp.

¹²³ "Treatments for Children and Families." The National Child Traumatic Stress Network. <http://www.nctsn.org/content/treatments-children-and-families>.

YSRP has connected with the Coordinator of Child Trauma Services and the Coordinator of PHICAPS (Philadelphia Intensive In-home Child and Adolescent Psychiatry Service), who have confirmed that Hall-Mercer can provide JW with clinical care after he returns from a juvenile placement. This would be a distinct change from the last time he was released from a placement, when he did not have access to a community-based mental health provider. Specifically, the clinicians at Hall-Mercer will work with JW to address the various challenges he has experienced. As the first outpatient community mental health center in Pennsylvania, Hall-Mercer distinguishes itself from other community based services through its affiliation with Pennsylvania Hospital and Penn Medicine. This special relationship offers immediate access to a wide range of behavioral health programs and some of the area's most recognized clinicians. It is the only program of its kind connected directly to a teaching hospital in Philadelphia, which facilitates access to a comprehensive spectrum of clinically renowned behavioral health and medical services.¹²⁴

JW will be referred to Hall-Mercer's Penn Center for Youth and Family Trauma Response and Recovery Program ("The Center"). The Center provides a range of interventions and treatment to young people who suffer from symptoms of traumatic stress and other difficulties after exposure to violence, crime and abuse. Specifically, The Center assists individuals and families in coping with many of the related issues that frequently occur in the aftermath of traumatic events, and is the only provider in the Philadelphia area that offers an effective early intervention for youth who have had a recent traumatic experience as well as treatment for youth with existing PTSD and posttraumatic difficulties. Specifically, The Center's therapists will be able to work with JW to process traumatic difficulties including the death of his father, the violence he has witnessed and his period of incarceration. By receiving therapeutic supports to address the challenges he has faced, JW will be well-positioned to achieve his goals of furthering his education and obtaining employment while at home in the community.

C. Employment

1. Youth Art & Self-empowerment Project (YASP)

YASP provides ongoing, year-round workshops for youth under 18 in the Philadelphia Prison System's adult jails and continued support and leadership development for youth who have come home from those jails. YASP also hires many young people who were previously incarcerated in the adult jails to assume leadership roles as primary decision-makers in the organization.¹²⁵

"Through its work in the Philadelphia jails, YASP provides space for incarcerated young people to express themselves creatively and to develop as leaders both within and beyond the prison walls."¹²⁶

JW has taken full advantage of the programming options available to him at PICC, and his participation in YASP's weekend workshops has been among the most meaningful. As YASP

¹²⁴ See <http://www.med.upenn.edu/hallmercer/>.

¹²⁵ See <http://www.yasproject.com/about-us.html>.

¹²⁶ See <http://www.yasproject.com/>.

Co-Coordinator SM notes in her letter to the Court, “I have nothing but positive things to say about JW. It has been an absolute pleasure to have him in our workshops for the past six months. Since he joined our program, JW has been a regular and consistent participant.”¹²⁷ In addition to providing him with meaningful programming at PICC, and an opportunity to express himself artistically while reflecting on his past behaviors, YASP is also eager to provide JW with paid employment when he returns home. As SM goes on to note, “In addition to our work in the jails, YASP trains and employs young people post-incarceration to help keep other young people out of the system. I believe JW would be very well suited for this work, and we hope that he will be able to join us in the community in the very near future.”¹²⁸

2. PowerCorpsPHL

As the PowerCorpsPHL website indicates, “PowerCorpsPHL engages disconnected young adults, ages 18 to 26, in transforming their lives through service. Corps members participate in 6-months of AmeriCorps service that provides them the opportunity to develop the skills required to become environmental stewards, secure meaningful work, and become civically engaged members of society. During their AmeriCorps term of service, corps members work with partner City departments to tackle pressing environmental challenges, including the need for improved stormwater management, increased tree coverage, and revitalized public land. Upon completion of their service, alumni receive intensive transition support designed to enhance their chances for success in career-track employment, post-secondary education, and/or additional national service.”¹²⁹

As a high school graduate, JW would be eligible to apply for the program once he turns 18. This timing will work well if he plans to apply after a period of placement in the juvenile justice system. Participation in PowerCorpsPHL will advance JW's goals of developing practical skills and advancing his employment prospects in partnership with supportive City agencies. As PowerCorps Director of Innovation, Julia Hillengas, details in her letter to the Court on JW's behalf: “It is our belief and our experience that young people, much like JW, who have faced significant challenges in their young lives, have tremendous potential and talent to share with our communities. By completing his high school diploma at PICC, JW has already taken significant steps towards a positive future. We are dedicated to supporting JW on his pathway to success and look forward to his application to join PowerCorpsPHL.”¹³⁰

D. Ongoing Support from YSRP

As part of YSRP's holistic model of service provision, we will continue working with JW and his family throughout and after his juvenile placement to make sure they have all supports needed to ensure JW's successful reintegration and the continuation of his positive trajectory. As detailed above, we have already begun working with JW to identify programs he could access upon release from a juvenile placement.

¹²⁷ See SM Letter to Judge Ransom, August 4, 2016, Appendix B.

¹²⁸ *Id.*

¹²⁹ See <http://powercorpssphl.org/>.

¹³⁰ See Julia Hillengas Letter to Judge Ransom, August 5, 2016, Appendix B.

There are many people in JW's life who are invested in his success, particularly his mother, who constitutes a strong support system and continues to be there for him. However, JW's treatment and services in the past have been haphazard and inconsistent, and the support services provided have been uncoordinated. Going forward, YSRP will help connect JW with necessary services and ensure that JW's transition home is supported, and that he returns to a stable environment where he will continue to receive consistent, coordinated and structured supports.

X. CONCLUSION

We encourage the Court to grant JW the opportunity to take advantage of the services and interventions available to him in the juvenile justice system, by decertifying him in this case. JW has proven himself to be intelligent, hard-working, motivated, and penitent for his transgressions; he is determined to turn his life around.

With JW's case, the Court has an opportunity to stop the intergenerational cycle of incarceration in the family, and the tragedy that has been perpetuated from his father's death. JW currently lives in a world where he is too often confronted with images and news stories about men like his father being shot and killed during interactions with the police. Each of these events is re-traumatizing for a young man who has not had a full opportunity to process his father's death at a young age. By decertifying JW in this case, he can be reminded that the system is invested in his success. He will not take this trust lightly, or take lightly the responsibility to follow through on his commitments to move forward on a positive trajectory. This is of course in his personal interest, but it is also in the community's interest. The community will not be safer with JW in an adult prison where access to treatment is scarce. He will come home no better off than when he left, and with fewer pathways to education, legal and stable employment, and a healthy perspective on his life and the trauma he and his family experienced.

Thank you for this opportunity to weigh in on JW's case, and if there is any additional information that might be helpful to the Court, we would be happy to provide it.

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