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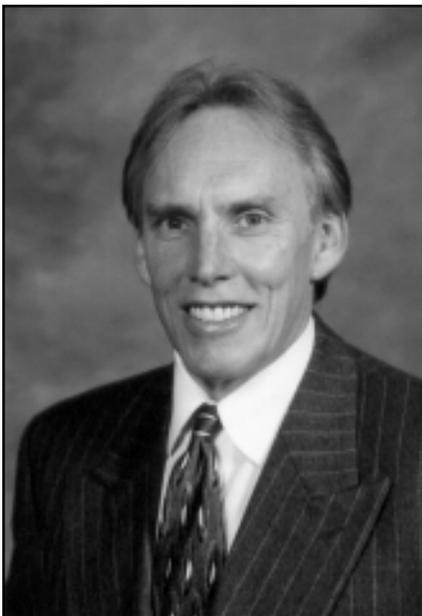
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Pennsylvania's Juvenile Justice System: A Rich Heritage, Clear Mission, and Bright Future

by Jim Anderson, Exec. Dir., Juvenile Court Judges' Commission



As the 100th anniversary of the creation of the world's first juvenile court approaches, it is important to recognize that Pennsylvania has been at the forefront in the development of juvenile law and social policy for more than a century and is uniquely positioned to continue as a model for the nation.

In April of 1899, the Illinois legislature created the world's first juvenile court. By this "act to regulate the treatment and control of dependent, neglected

and delinquent children," the legislature established a special court as a branch of the Circuit Court of Cook County, while similar jurisdiction was granted to county courts in other jurisdictions. The Illinois statute eliminated the arrests of children by warrant, the use of indictments, and most other features of criminal proceedings. It provided for a separate courtroom, for separate records and that "the care, custody and discipline of a child should approximately as nearly as may be that given by its parents."

The reforms which preceded the juvenile court movement in America were numerous and varied and the eventual creation of the court was, in retrospect, a predictable development in an era characterized by the identification of children as being in need of protection in many forms. Although the particular motivations for the Illinois law remain the subject of controversy, the development of legislation in child labor, specialized care for the handicapped, and public education all evidenced increased support for a philosophy of governmental responsibility for individuals in need of special

protection and care.

Particularly significant among the reforms that preceded the creation of the juvenile court was the "house of refuge" movement. Houses of refuge were designed to move children from the adult prisons and poorhouses, and generally provided a program for children based on strict discipline and labor, while attempting to protect them from adult criminals. Pennsylvania established a house of refuge in Philadelphia in 1826. This was the second such institution to be created in America, preceded only by the creation of the House of Refuge in New York in 1824. The Philadelphia House of Refuge initially accepted children who had been convicted of crimes or who were vagrants. In 1835, legislation was enacted to add incorrigibility as a reason for commitment. These institutions began developing rather rapidly and were the forerunners of state-operated "reform schools" and industrial schools. By the late 1800s, concern about the conditions in these facilities was a major focus for Illinois child

advocates.

Prior to the passage of the Illinois statute, Pennsylvania enacted legislation which prohibited a child under age 16 from being confined with adults charged with or convicted of crimes. This 1893 law also required children to be tried separately from adults, and provided that cases involving children be listed on separate dockets.

Pennsylvania's First Juvenile Court Act

Pennsylvania's first Juvenile Court Act was passed in 1901 and was very similar to the Illinois law. However, in 1903, Pennsylvania's Superior Court declared the new statute unconstitutional for reasons which included that an alleged delinquent would have to request a trial by jury, which was held to be in violation of the Pennsylvania Constitution. Shortly thereafter, the Juvenile Court Act of 1903 was enacted and, in 1905, the Pennsylvania Supreme Court upheld its constitutionality, citing the "parens patriae" doctrine as providing the basis for approving different procedures in cases involving children, including the denial of a jury trial. The 1903 Juvenile Court Act anticipated that all minor crimes, or those specifically certified by a magistrate or justice of the peace as not requiring criminal conviction, could fall within the jurisdiction of the juvenile court.

By the mid-1920s, all but a few states had enacted juvenile court statutes in some form, and the merits of the juvenile court systems developing throughout the nation were being widely extolled. In Pennsylvania, this culminated in a new Juvenile Court Law in 1933.

The Juvenile Court Law of 1933

The 1933 Juvenile Court Law gave the juvenile court jurisdiction over all crimes, except murder, committed by children under the age of 16. It also expanded the original definition of "Delinquent act" in the 1903 law to include ungovernability and truancy.

Under the 1933 statute, the adjudication proceeding was still intended to be non-adversarial in nature, where the judge was to simultaneously represent the interests of the child and those of the state. In 1939, Pennsylvania's law was amended to extend juvenile court jurisdiction over children until age 18.

The issue of the power of the juvenile courts to act in the absence of many of the procedural safeguards afforded adults increasingly became the basis of attacks on the philosophy of the system, as juvenile courts throughout the country were operating without providing alleged delinquents with adequate notice of charges, the right to counsel, or trial by jury. Beginning in the 1950s, the call for procedural reform in the states' juvenile court systems gained momentum. Although the level and frequency of criticism increased, the juvenile courts of the early 1900s functioned virtually unchanged in most states until the United States Supreme Court ruled in the case of *Kent v. United States* in 1966 and in the case of *in re: Gault* in 1967.

The Juvenile Act of 1972

The *Kent* and *Gault* decisions led to the development of a model juvenile law, known as the Uniform Juvenile Court Act,

developed by the National Conference of Commissioners on Uniform State Laws. This 1968 model code was the basis for Pennsylvania's Juvenile Act of 1972. The 1972 law embodied the procedural safeguards of the *Kent* and *Gault* decisions, as well as those in the Supreme Court's 1970 *Winship* decision requiring that proof beyond a reasonable doubt be the standard of proof in delinquency proceedings. The new law was also consistent with the Supreme Court's 1971 ruling in *McKeiver v. Pennsylvania* that a jury trial was not constitutionally required in delinquency cases. Under the 1972 Juvenile Act, the power of juvenile court judges to determine not only whether a child committed a delinquent act but to enter and enforce specific dispositional orders was reaffirmed. In addition, juvenile probation officers were provided with broad statutory authority in delinquency cases, affirming the services provided by juvenile probation officers as the core case management services within Pennsylvania's juvenile justice system.

The Reforms of the '70s and '80s

Pennsylvania's 1972 Juvenile Act underwent significant amendments, following the passage of the federal Juvenile Justice and Delinquency Prevention Act of 1974, with the passage of Act 41 of 1977. Act 41 deleted ungovernable behavior from the definition of "Delinquent act" and included such behavior in a newly created definition of "Dependent child." In addition, Act 41 established age 10 as the minimum age which a child could be determined to be a "Delinquent child," and established new time frames for the filing of a petition and for

dispositional hearings when children have been committed to or remain in detention. Act 41 also deleted provisions from the Juvenile Act which had permitted courts to commit delinquent children to a “special facility for children operated by the Department of Justice.” This amendment affected only the State Correctional Institution at Camp Hill, which had been closed to juveniles since 1975 by order of the Attorney General.

The procedural reforms contained in Act 41 of 1977 were complemented by innovative funding reforms contained in Act 148 of 1976. This law, which became effective on January 1, 1978, dramatically restructured the way services to delinquent and dependent children were funded. Act 148 was initially implemented as an entitlement program under which counties would be reimbursed by the Department of Public Welfare, at rates established by the Act, for all eligible services provided to children. Private service providers were to be reimbursed at the same rates as public sector providers, and community-based and in-home services were encouraged by providing for a 75-90 percent reimbursement rate, as opposed to a 50 percent rate for institutional-based services. Although the entitlement nature of this funding stream lasted only until the spring of 1980, Act 148 fostered the creation of many new services and programs, and by providing a fiscal incentive to utilize community-based programs, encouraged the private sector to expand their delivery of services to children.

In the 1980s, legislative concern focused on the issue of whether the juvenile justice system was adequately responding to juve-

nile crime. Act 12 of 1980 added fingerprinting and photographing provisions to The Juvenile Act, provided for notice to the district attorney when an institution was seeking the authority of the court to transfer a juvenile from a secure facility to another facility, and clarified that the transfer of a case to criminal court was possible even if the juvenile had no prior adjudications of delinquency.

Act 41 of 1981 amended The Juvenile Act to expand the information to which the public may have access regarding juvenile offenders who have committed crimes. Act 165 of 1986 created the category of “Dangerous Juvenile Offender” and established new record keeping provisions regarding these offenders. In addition, a “permanent transfer concept” was added to The Juvenile Act by excluding from the definition of “Delinquent act,” crimes committed by a child who has been found guilty in a criminal proceeding. Act 165 also amended The Act to provide that a victim, counsel for the victim, and persons accompanying a victim for his or her assistance may be admitted to hearings under The Act, and to prohibit the court from entering a consent decree over the objection of the district attorney. Act 99 of 1989 amended The Juvenile Act to add the sales, delivery or possession with intent to deliver a controlled substance to the list of offenses that trigger the public access provisions of the Act.

A New Mission for Pennsylvania’s Juvenile Justice System

In January of 1995, newly elected Governor Tom Ridge called the General Assembly into special session a day following his inauguration to focus exclusively

on the issue of crime. Special Session No. 1 of 1995 would see the passage of 37 separate bills, 15 of which affected the juvenile justice system in some way. Together, these laws represent the most dramatic changes in the history of the Commonwealth’s juvenile justice system.

The most significant of the new laws was Act 33 of Sp. Sess. No. 1 of 1995. This new law set forth a statutory scheme that excludes designated felonies from the definition of “Delinquent act” and subjects them to initial criminal court jurisdiction. However, the most important provisions of Act 33 redefine the very mission of the juvenile justice system to require “Consistent with the protection of the public interest, balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community.”

The new purpose clause in Pennsylvania’s Juvenile Act is premised on the concept that the clients of the juvenile justice system include the crime victim, the community and the offender and that each should receive “balanced attention” and gain tangible benefits from their interactions with Pennsylvania’s juvenile justice system.

The new mission of our juvenile justice system is rooted in the philosophy of “restorative justice,” which gives priority to repairing the harm done to crime victims and communities, and which defines offender accountability in terms of assuming responsibility and taking action to repair harm. The “balanced attention” mandates in The

Juvenile Act provide the framework for restorative justice in Pennsylvania's juvenile justice system.

The Juvenile Advisory Committee (JAC) of the Pennsylvania Commission on Crime and Delinquency (PCCD) adopted a mission statement for Pennsylvania's juvenile justice system that, in the words of JAC member Judge Emanuel Cassimatis, describes the purpose of our system "briefly, and yet completely."

Juvenile Justice: Community protection; Victim restoration; Youth redemption

Community protection refers to the fundamental right of all Pennsylvania citizens to both be and feel safe from crime.

Victim restoration emphasizes that crime can forever change its victim and the goal of victim restoration programs and services should be to restore the victim, to the greatest extent possible, to his/her pre-crime status.

Youth redemption embodies the belief that the vast majority of juvenile offenders are capable of change and have strengths upon which treatment services can build.

Furthermore, all of the services designed and implemented to achieve this mission and all hearings and decisions under The Juvenile Act--indeed all aspects of the juvenile justice system--must be provided in a fair and unbiased manner. The United States and Pennsylvania Constitutions guarantee rights and privileges to all citizens regardless of race, color, creed, gender, national origin or handicap.

At the time this mission state

ment was adopted, Guiding Principles for Pennsylvania's Juvenile Justice System were also established by the Juvenile

Advisory Committee to guide the overall operation of the system.

Pennsylvania's Juvenile Justice System: A National Model

It is my belief that Pennsylvania's juvenile justice system emerged from the Special Legislative Session of 1995 as stronger, more focused, and, arguably, better equipped to fulfill its stated mission than ever before. While the juvenile justice systems in many states are still under attack despite significant legislative or executive branch retooling, this is not the case in Pennsylvania. It is likewise my belief that Pennsylvania's juvenile justice system of 1999 is uniquely situated as a national model due to the cumulative effective of rational laws, effective leadership, and a shared vision and sense of purpose by the individuals who work in this system.

Pennsylvania's Juvenile Act sets forth a mission for the juvenile justice system that is sound public policy. The concepts of community protection, offender accountability, and youth competency development are not only easily understood; they can be defined and measured. Furthermore, Pennsylvania's juvenile court judges have retained their extensive authority to develop, implement, and enforce juvenile delinquency dispositions tailored to meet the unique circumstances of each case. In addition, the statutory mechanism created to determine which offenses committed by juveniles should be subject to initial juvenile court jurisdiction is rational, the result

of an open legislative process that evidenced strong leadership from the Governor's Office, the District Attorneys Association, the Juvenile Court Judges' Commission, the Pennsylvania Council of Chief Juvenile Probation Officers, as well as legislative leaders.

Pennsylvania's county-based juvenile probation system is a well-educated, well-trained, and experienced system of professionals, with an annual turnover rate of approximately 10 percent, and with approximately one third of juvenile probation officers statewide holding graduate degrees.

It is generally agreed that Pennsylvania's juvenile justice system possesses an exceptional array of residential and non-residential services and that Pennsylvania's private sector service delivery system is perhaps the strongest in the nation. Likewise, the state-operated Youth Development Centers and Youth Forestry Camps, and county-operated juvenile detention centers are, with very few exceptions, highly regarded for the services they provide to juvenile offenders whom they have no choice but to accept.

Pennsylvania is also unique by virtue of the strong working relationship that exists among the state agencies having administrative, advisory, or funding responsibilities for the system, the Juvenile Court Judges' Commission (JCJC), the Department of Public Welfare (DPW) and the Pennsylvania Commission on Crime and Delinquency (PCCD). Of particular importance in this regard is the PCCD and its Juvenile Advisory Committee (JAC). Not only does PCCD devote a considerable

portion of its discretionary federal funding to juvenile justice issues, but the JAC has been reconstituted by Governor Ridge and charged with developing and updating a strategic plan for Pennsylvania's juvenile justice system. Of significance is that the work of the JAC is supported by experienced professionals who know their jobs and the juvenile justice system. This is, unfortunately, not the case with many of PCCD's sister agencies in other states. The PCCD structure has also fostered a close working relationship between the JAC and the Victims' Services Advisory Committee (VSAC) to ensure that the policies of these committees are consistent with respect to crime victims' issues.

The Pennsylvania Council of Chief Juvenile Probation Officers is among the most highly regarded organization of its kind in the nation. The Chiefs' Council is involved in virtually every issue of significance facing our system and has developed close working relationships with state agencies and its many working committees. Likewise, Pennsylvania also benefits from the leadership of Juvenile Court Section of the Pennsylvania Conference of State Trial Judges and the strong support of the Administrative Office of Pennsylvania Courts in designing training opportunities for the Commonwealth's juvenile court judges.

The role of the Juvenile Court Judges' Commission in strengthening and enhancing the juvenile justice system must also be acknowledged. This Commission of judges, now located within the Governor's Office of General Counsel, has enabled communication between the judicial, executive, and legislative

branches of government in Pennsylvania that does not exist in other states. In my tenure with the Commission, I have been privileged to work with Commission members and staff who care deeply about their work. The Center for Juvenile Justice Training and Research at Shippensburg University, created in 1982, remains a national model. The commitment of the Commission and its staff, as well as Shippensburg University President Tony Ceddia, the University's administrative staff, and particularly the Criminal Justice faculty, has enabled 335 juvenile justice professionals to earn graduate degrees through a unique weekend graduate program developed by the University in partnership with the Commission. The overwhelming majority of these individuals are still working in Pennsylvania's juvenile justice system.

Finally, the leadership and commitment of both Governor Tom Ridge and First Lady Michele Ridge must be acknowledged. While many states looked to their criminal justice systems to form the primary foundation for juvenile justice reform, Governor Ridge expanded the YDC system, proposed a Bill of Rights for Victims of Juvenile Crime, restructured PCCD's Juvenile Advisory Committee (JAC), requested the JAC to develop a strategic plan for the juvenile justice system, and took positive action on many of the recommendations presented by the JAC including significant new funding for the JCJC to support specialized probation services.

In addition, the Governor's creation of the Children's Partnership, and the leadership of its

Chairperson, First Lady Michele Ridge, is paying real dividends in the form of enhanced coordination among agencies at the state and local levels and the dramatic expansion of "Communities That Care" risk-focused prevention initiatives throughout the Commonwealth.

To be sure, Pennsylvania's juvenile justice system has many significant issues to address and many barriers to overcome in striving to achieve the mission that has been set before us. But, for a few moments today, let's stop and smell the roses. The future is bright and there is much to celebrate.

Position Announcement

The Center for Juvenile Justice Training and Research at Shippensburg University will be hiring a full-time Training and Technical Assistance Coordinator for Communities That Care. Responsibilities for this position include providing training and technical assistance activities for current CTC projects and communities considering CTC involvement; visiting CTC projects and programs; coordinating training and network meetings; and compiling a yearly directory of CTC sites. The position will be based at Shippensburg University; some travel required.

For information please call Paul Ward at 717-532-1187 or Mike Kovacevic at 717-532-1237; or send a resume by April 15 to Paul Ward, CJJTR, Shippensburg University, 1871 Old Main Drive, Shippensburg University, Shippensburg, PA 17257-2299.

Corrections to the 1997 Juvenile Court Disposition Report

We have discovered several errors in the 1997 Juvenile Court Disposition Report. In the table Delinquency Dispositions 1993 - 1997 on page 13, the percent change 96-97 column for the following counties should read as follows:

Cameron	9.52
Dauphin	29.94
Delaware	10.17
Somerset	-146.67

The table on page 21, Delinquency Placements 1993-1997, has the following corrections for Lancaster county:

Placements 1996 should be 180
Percent Change 96-97 should be -28.33

Staff Development

Seven of the CJJT&R-sponsored workshops this spring have been closed to additional registrations due to limited class sizes. "Public Speaking Skills for Juvenile Probation Officers," scheduled for April 13-15 in Harrisburg has not received sufficient registrations to be feasible; therefore, we have been forced to cancel this workshop. If sufficient interest in this topic emerges in the future it can be rescheduled.

There is still space available in several other programs. At the Days Inn in State College, on April 28-29, the Center is holding its once-a-year training workshop for the system's support staff. This year's program is entitled "Communication Skills to Get Results and Reduce Conflict," and will be led by Ms. Elizabeth Coyle, who has taught a wide

variety of classes and seminars with businesses, schools, and agencies in Pennsylvania, Maryland and Delaware. Coyle has taught college courses at Penn State University's York Campus and The Lancaster Center. She led a different Center-sponsored workshop two years ago and received a 6.7 on our seven-point scale. Agency supervisors and directors are urged to encourage their support staff to attend this session which is scheduled on the week following National Secretaries Week.

Also, the "Phase II Safety Training—Control Tactics" program will be held at the Heiges Field House on the campus of Shippensburg University on May 11-14. This program will be taught by Keith Wetzal and Kathy Spotts, Berks County Juvenile Probation Officers and senior instructors in the control tactics model. This program is offered for staff from counties that do not have a certified trainer on their staff and would like to participate in this training now used in approximately 25 counties. For details on the program content please consult the Center's spring staff development catalog or contact the Center training staff at 717-532-1797 or 717-532-1185. Last May, Wetzal and Spotts led the same program and received an average overall evaluation score of 6.95 on our scale of 7.0—the highest score ever!

May 19-20 staff who have not yet had the opportunity to participate in the Phase I Staff Safety program which will be held at the Days Inn Penn State. This two-day workshop is appropriate for all new probation officers and support staff. It will be led by David Gianoni, a probation officer from Erie County.

JCJC Updates Juvenile Court Standards

Representatives of the Pennsylvania Council of Chief Juvenile Probation Officers and JCJC staff have been working together in an effort to review and propose revisions to the existing JCJC *Juvenile Court Standards* to reflect recent changes in juvenile court law and practice. Recommendations regarding changes to the Juvenile Court Standards were initially developed by the Standards Committee, and subsequently endorsed by both the Executive Committee and General Membership of the Pennsylvania Council of Chief Juvenile Probation Officers. Changes to the following five Juvenile Court Standards were recently approved at the February 1999 meeting of the Juvenile Court Judges' Commission: *Standards Governing the Operation of a Juvenile Probation Merit System*; *Standards Governing Juvenile Court Jurisdictional Procedures*; *Standards Governing Juvenile Court - Police Procedures*; *Standards Governing Juvenile Court Intake*; and *Standards Governing the Use of Alternatives to Secure Detention*

Additional recommendations regarding other JCJC Standards will be set forth at future Commission meetings, and an updated version of the JCJC Juvenile Court Standards handbook will be made available as soon as possible. Please call Keith Snyder at 717-787-5634 if you have any questions or need additional information.

Gang Awareness and Interventions

A review of *Gangs in School: Signs, Symbols, and Solutions*, by Arnold P. Goldstein and Donald W. Kodluboy

In *Gangs in Schools*, authors Arnold Goldstein and Donald Kodluboy provide a helpful checklist on how to recognize the early presence of gangs in schools. They then outline effective prevention and intervention strategies on how to deal with these types of problems. The text begins with an introduction that considers the problem of defining gangs and gang behavior. Although most would agree that a gang is a visible group of youths who engage at least some of the time in troublesome and illegal behaviors, there is little concurrence in regard to its organization, leadership, territorial identification, the continuity of associations, purposes, or even the extent of illegal activities. According to the authors, the problem of defining gangs stems from the tremendous variety of membership, structure, leadership, and behavioral characteristics, but also from the numerous terms that have been used to describe shades of difference among such youth groups (p.4). To correct this they offer a list of ten definitional distinctions that involve gang behaviors that include:

Gang: a group of persons with a common identity who interact on a regular basis and whose activities the community views as intolerable, illegitimate, or criminal.

Street Gang: a group engaged in a wide variety of significant illegitimate or criminal activities that emphasize a certain location.

Posse/Crew: more than a traditional gang, this group is committed to criminal activity for economic gain, particularly drug trafficking; and may be loosely

organized and/or connected to an adult criminal organization.

Part 1: Gangs Come to School begins with a description of the characteristics of school districts, schools, and classrooms that appear to be associated with both high and low levels of gang activities. Neighborhoods fertile for the development of youth gangs have substantial numbers of minority or newly arrived immigrant populations, are economically disadvantaged, and show considerable instability, population turnover, mobility, and out-migration of the middle class. The writers make it clear that communities that are socially disorganized are ripe for gang incursion. Within the schools, the denial or minimization of the existence of gang graffiti, hand signs, clothing, and colors lends itself to stabilizing gang presence there. Consequently, the first step in any successful gang intervention effort is acknowledging that gangs have indeed come to the school (p.22).

In their discussion of Signs & Symbols (Chapter 2), the authors use Goldstein's (1991) description of gang members as "hyper-adolescents" to describe their penchant for signs and symbols. The powerful need to differentiate "us" from "them" is characteristic of all adolescents. Such striving for in-group solidarity, combined with an acute response to differences from all out-groups, reaches its zenith in juvenile gangs. The variety of words, signs, and symbols become the vehicles to declare sameness and demean rival gang differences, as

well as to define and reinforce gang affinity. Other essays in Part 1 describe the process of gang membership, the composition and characteristics of ethnic gangs, and ends with brief discussion of gang violence.

Part 2: Effective Interventions begins with an essay (Chapter 6) examining desirable program characteristics. Some of the essential elements of a successful program include prevention such as emphasizing gang resistance, coordination, youth input, theoretical integrity and reliability in implementation, as well as developing and maintaining networks of support within the community. Chapter 7 provides some useful ideas on controlling gangs by controlling the school environment. Ideas such as increasing security, locking doors, maintaining control over school lockers, or a standard dress code are covered in the chapter. The strategies covered in the final chapter (Chapter 8) offer some proactive solutions designed to "enrich students" by offering them pro-social alternatives to gang participation.

In a real sense, youths often join gangs for enrichment purposes. Gang membership is seen as meeting normal, healthy adolescent needs, such as friendship, pride, self-esteem, identity development, excitement, and more (p.175). These needs can also be met through the school through mentoring programs and cooperative learning, and in the community by way of established social and recreational programs like the Boys and Girls Clubs, or

Big Brothers and Big Sisters. Specific gang intervention projects such as The Neutral Zone in the State of Washington, Youth Works of Louisville, Kentucky, or El Puente located in Brooklyn, New York are also covered.

Gangs in School is an informative and concise book. Goldstein and Kodluboy provide much needed advice concerning two important questions on topic. Namely is there a gang problem in your school? If so, what can you do about it? The book is a helpful resource for educators,

school administrators, and community members who want to learn more about gangs and how to cope with them.

Gangs in School is published through Research Press, ISBN 0-87822-382-7. The costs for the paper bound edition is \$19.95 . For more information call or write: Research Press, 2612 N. Mattis Ave., Champaign, IL 61822, phone 800-519-2702, fax 217-352-1221, or email to www.researchpress.com. Ask for Item 5010.

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