

The Charge for Pennsylvania's Juvenile Justice System



In the 1990s, nearly every state in the nation enacted harsh new measures against juvenile crime. Faced with an apparent epidemic of serious and violent juvenile offending—with juvenile arrests for Violent Crime Index offenses climbing steeply from 1988 through 1994, the year the wave finally peaked and began to fall away¹—states responded by curtailing juvenile court jurisdiction over serious crimes, sweeping younger and younger offenders into criminal courts and adult prisons,² and dismantling confidentiality and other protections traditionally afforded to young people in trouble with the law.³

Pennsylvania's Juvenile Act purpose clause is rooted in the philosophy of restorative justice.

Pennsylvania approached the problem differently. Act 33, enacted in Special Session No. 1 of 1995, did effectively redraw the jurisdictional boundaries between the juvenile and criminal courts, placing a number of violent felonies on the criminal side of the line. (See the discussion at § 4-4.) But unlike its counterparts in other states, Act 33 made a more fundamental and thoughtful change—reorienting the juvenile justice system itself, expanding the circle of clients whose interests it serves, and broadening its stated purposes to include more comprehensive goals. Why do we have juvenile courts? What are they for? Act 33 provided a whole new answer: *“Consistent with the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide 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.”*

This purpose clause in the Juvenile Act 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 implementing restorative justice in Pennsylvania’s juvenile justice system.

Also at the foundation of this mandate is the concept that crime victims and the community, as well as juvenile offenders, should receive balanced attention and gain tangible benefits from their interactions with Pennsylvania’s juvenile justice system.

***BALANCED AND RESTORATIVE JUSTICE
FOUNDATION PRINCIPLES***

Community Protection

The citizens of Pennsylvania have a right to safe and secure communities.

Accountability

In Pennsylvania, when a crime is committed by a juvenile, an obligation to the victim and community is incurred.

Competency Development

Juveniles who come within the jurisdiction of Pennsylvania's juvenile justice system should leave the system more capable of being responsible and productive members of their community.

Individualization

Each case referred to Pennsylvania's juvenile justice system presents unique circumstances and the response by the system must therefore be individualized and based upon an assessment of all relevant information and factors.

Balance

As appropriate to the individual circumstances of each case, Pennsylvania's juvenile justice system should provide balanced attention to the protection of the community, the imposition for accountability for offenses committed, and the development of competencies to enable juveniles to become responsible and productive members of their communities. Victims of crime, the community, and the juvenile offenders should, as well, receive balanced attention from the juvenile justice system and each should gain tangible benefits from their interactions with the system.

The new purpose for Pennsylvania's juvenile justice system envisioned new roles and responsibilities for judges, juvenile justice system professionals, crime victims, and communities, in addition to juvenile offenders. Subsequently, other significant events included:

- In 1997, the Juvenile Advisory Committee of the Pennsylvania Commission on Crime and Delinquency adopted a mission statement and guiding principles for Pennsylvania's juvenile justice system in order to guide the operation and shape the policy of the system.
- In 2000, Pennsylvania's Crime Victims Act was amended to expand the Victim's Bill of Rights to include provisions relating to victims of juvenile offenders. As a result, the Crime Victims Act now requires that victims of crimes committed by juvenile offenders have the opportunity to actively participate in the juvenile justice process. Through the passage of the amendments contained in Act 33 of Special Session No. 1 of 1995 and the 2000 amendments to the Crime Victims Act, Pennsylvania's juvenile justice system has dramatically strengthened its response to juvenile crime.
- In 2001, the Juvenile Advisory Committee was renamed the Juvenile Justice and Delinquency Prevention Committee and was charged with expanded duties for planning and coordination within Pennsylvania's juvenile justice system. In conjunction with the development of a strategic plan for Pennsylvania's juvenile justice system, the Committee reaffirmed its commitment to the 1997 mission statement and strengthened the definitions of the terms comprising this mission statement as well as the accompanying guiding principles.

Given their importance in helping judges understand the values underlying Pennsylvania's juvenile justice system, the Mission Statement and Guiding Principles adopted by the Juvenile Justice and Delinquency Prevention Committee are set forth in their entirety on the following pages.

Judges are encouraged to refer to them in all aspects of their work in Juvenile Court. These concepts are an invaluable frame of reference for a Juvenile Court Judge; whether in the courtroom, in evaluating the effectiveness of a juvenile probation department, or in efforts to provide leadership in the community.

Pennsylvania's Juvenile Justice
Mission Statement



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

Victim Restoration emphasizes that, in Pennsylvania, a juvenile who commits a crime harms the victim of the crime and the community, and thereby incurs an obligation to repair that harm to the greatest extent possible.

Youth Redemption embodies the belief that juvenile offenders in Pennsylvania have strengths, are capable of change, can earn redemption, and can become responsible and productive members of their communities.

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.

GUIDING PRINCIPLE #1 – COMMUNITY PROTECTION

Our Belief:

The citizens of Pennsylvania have a right to be and feel safe from crime.

Guiding Principles:

Pennsylvania's juvenile justice system shall:

- Protect the community from known juvenile offenders — with a particular emphasis on protecting their victims — through a wide range of prevention, treatment, supervision and control options that correspond to the risks presented by individual juvenile offenders, and which include a continuum of sanctions, incentives and consequences that are developmentally appropriate and best suited to the needs of the offender.
- Reduce recidivism by juvenile offenders.
- Assist juvenile offenders in developing the capacity to act lawfully and responsibly.
- Structure juvenile offenders' time in productive activities that benefit the community and/or provide opportunities for competency development.
- Remove from the community those offenders who pose risks that cannot be managed effectively in a community setting.
- Assist parents and guardians of juvenile offenders in setting clear expectations for, and in monitoring the behavior of, their children.
- Encourage and support informal systems of social control—including families, schools, neighborhoods, faith communities and youth-serving organizations—in setting clear expectations for, and in monitoring the behavior of, children.
- Increase feelings of citizen safety and confidence in the juvenile justice system.

GUIDING PRINCIPLE #2 – VICTIM RESTORATION

Our Belief:

In Pennsylvania, a juvenile who commits a crime harms the victim of the crime and the community, and thereby incurs an obligation to repair that harm to the greatest extent possible.

Guiding Principles:

Pennsylvania's juvenile justice system shall:

- Ensure that the harm to the crime victim and the community is understood and considered by the decision makers throughout the juvenile justice process.
- Inform crime victims about their rights, their cases, and the juvenile justice process.
- Provide crime victims with access to a wide range of support and services and/or enable crime victims to actively participate in their cases.
- Require that community service performed by juvenile offenders is of value to crime victims and communities.
- Operate the juvenile justice system so that victims of juvenile crime regard the system as responsive, fair and just.
- Ensure that juvenile offenders understand that crimes have consequences.
- Ensure that juvenile offenders understand the impact of their crimes on their victims and their communities.
- Hold juvenile offenders accountable for restoration of crime victims and communities to their pre-crime status, to the greatest extent possible.
- Ensure that parents and guardians understand the impact of crimes committed by their children.
- Require juvenile offenders, their parents and guardians to fulfill legal obligations to crime victims, the community and the juvenile justice system.

GUIDING PRINCIPLE #3 – YOUTH REDEMPTION

Our Belief:

Juvenile offenders have strengths, are capable of change, can earn redemption, and can become responsible and productive members of their communities.

Guiding Principles:

Pennsylvania's juvenile justice system shall:

- Assess the strengths, needs, interests and skills of juvenile offenders.
- Identify or provide resources to build on those strengths, interests and skills and to address those needs.
- Engage juvenile offenders in activities that develop measurable competencies designed to enable them to become responsible and productive members of their communities and provide the support and assistance necessary to enable juvenile offenders to successfully complete these activities.
- Assist parents and guardians of juvenile offenders in involving their children in activities that develop measurable competencies and/or which make a positive contribution to the community.
- Enlist employers, educators and others to provide juvenile offenders with opportunities for competency development.
- Enable juvenile offenders to demonstrate competencies.
- Engage juvenile offenders in activities that are of value to crime victims and communities.
- Increase opportunities for juvenile offenders to interact with positive adult role models.
- Operate a system that accused and adjudicated juvenile offenders regard as responsive, fair and just.

GUIDING PRINCIPLE #4 – JUVENILE JUSTICE SYSTEM OPERATIONS

Our Belief:

Pennsylvania's juvenile justice system shall be driven by its mission, focused on outcomes, and measured by its performance.

Guiding Principles:

Pennsylvania's juvenile justice system shall:

- The juvenile justice system must provide developmentally appropriate and effective prevention, intervention and treatment programs.
- Every decision made—and every service offered—by the juvenile justice system must be designed to provide balanced attention to the needs of the community, the victim and the offender in an unbiased and fair manner.
- The juvenile justice system must have sufficient capacity, in terms of staffing and program resources, to achieve its mission.
- The juvenile justice system must have strong and responsible leadership.
- The juvenile justice system must have a stable and sufficient funding base that supports all aspects of service delivery. In turn, the system must be held accountable for the responsible expenditure of funds.
- Local communities provide the greatest resource in both preventing and responding to juvenile crime. The participation of community members and organizations in all aspects of juvenile justice must be encouraged and community members must be provided with basic information on the function of the juvenile justice system, its mission and guiding principles.
- The juvenile justice system must be part of a strong and integrated network of service systems, since neither the juvenile justice system—nor any other system—can address all the needs of victims, offenders, at-risk juveniles and the community.
- Educational failure often shapes and contributes to delinquent behavior. The juvenile justice system must work to meet the educational needs of all juvenile offenders, with a particular emphasis on providing year-round education and training opportunities for youths in residential placement and a successful transition to the community.

continued...

- The juvenile justice system must make placement decisions based on an assessment of the juvenile offender, input from the crime victim, considerations of community safety and the “least restrictive alternative” principle. When out-of-home placement for juvenile offenders is warranted, placements should be made to treatment facilities that—when and as appropriate—provide for the continued involvement of the family in the treatment process.
- The juvenile justice system must provide effective aftercare for every juvenile offender in residential placement. Aftercare planning and services must begin when the juvenile enters placement and must include ongoing contact with the juvenile, his or her family, and community resources while the juvenile is in placement and following release.
- Timely and accurate information enhances the quality of decision-making and is crucial to an effective juvenile justice system.
- Sufficient data collection, data management and research capabilities are critical to system coordination, program monitoring, evaluation and proactive planning to meet the needs of the future.
- The juvenile justice system must continually increase the effectiveness of programs.
- The juvenile justice system must emphasize the development of comprehensive approaches to reduce the disproportionate representation of minority youths in Pennsylvania’s juvenile justice system and as crime victims.
- Juvenile offenders and their families, crime victims and the community must be served by highly trained, competent and caring staff who are prepared to respond appropriately with sensitivity to individual and cultural differences and who treat all clients with respect, courtesy and dignity.
- All juvenile justice professionals—who serve crime victims, the community, juvenile offenders and their families—must be treated with respect and dignity, have clearly established expectations and standards for performance, be evaluated regularly and be compensated appropriately and fairly for their work.

ENDNOTES

¹ Snyder, Howard. (2002). "Juvenile Arrests 2000." *OJJDP Juvenile Justice Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

² Griffin, P., Torbet, P., and Szymanski, L. (1998). *Trying Juveniles as Adults in Criminal Court: An Analysis of State Transfer Provisions*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

³ Torbet, P., and Szymanski, L. (1998). "State Legislative Responses to Violent Juvenile Crime: 1996-97 Update." *OJJDP Juvenile Justice Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.