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Commission

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# P E N N S Y L V A N I A J U V E N I L E J U S T I C E

Commonwealth of Pennsylvania, Edward G. Rendell, Governor

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June 2005

## Suicide- prevention conference held in Pittsburgh in May

*"We work with this (suicide) every day and if there is anything we can do in addition to what we're already doing, we'll do it...we can't do enough to prevent suicide."*

Click [HERE](#) for the second in a three-part series summarizing the new Rules of Juvenile Court Procedure adopted by the Pennsylvania Supreme Court on April 1, 2005



**The Pennsylvania team with the state poster:** front row, left to right: Myrna Delgado, Jan Glick, Arlene Prentice, Vick Zittle, and Mary Margaret Kerr. back row, left to right: Darlene Black, Deb Neifert, Dennis Kwiatowski, and Heidi Bryan. Missing are Ginger Biddle, Roberta Chuzie, Michael Ogden and Dawn Reese.

Pittsburgh was the site May 18-20, 2005, for the Suicide prevention Conference for Public Health Regions Three and Five. The conference was developed by the Suicide Prevention Resource Center (SPRC) and sponsored by the Substance Abuse and Mental Health Services Agency, the Centers for Disease Control, Health Resources and Administration, National Institutes of Health, and the SPRC. More than 110 people from 11 states attended the various workshops and panels presented by 52 guest speakers. These speakers included leading suicide-prevention experts in the fields of research, education, and the development of public policy; health officials; legislative assistants; plus survivors and advocates whose experiences assist in the development of local and national prevention activities and plans.

The goal of the conference was to increase the knowledge-base in current suicide-prevention theory and evidence-based practices, improve skills in building coalitions and identifying and implementing programs, and provide the state teams with support and

assistance in planning or developing a strategy of suicide prevention. The states participating in the conference from Region Three were Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Region Five was represented by members from Illinois, Indiana, Ohio, Michigan, Minnesota, and Wisconsin.

The Pennsylvania team consisted of members of the Youth Suicide Prevention Advisory Workgroup, which has been in place for more than two years. A five-year plan has been developed and is being implemented across the Commonwealth. To learn more about the plan, please visit the Department of Public Welfare's website, [www.dpw.state.pa.us/Child/BehavHealthServChildren/003670733.htm](http://www.dpw.state.pa.us/Child/BehavHealthServChildren/003670733.htm). The state planning team consisted of Myrna Delgado from the Department of Education, Sherry Peters from the Office of Mental Health and Substance Abuse Services, and Heidi Bryan, team leader and Director of Feeling Blue Suicide Prevention Council, a nonprofit organization serving Southeastern Pennsylvania.

Ms. Bryan became interested in juvenile justice after being contacted by Gary Blair, Director of the Chester County Juvenile Detention Center. Together they developed a prevention effort to supplement the intervention plan already in place at the center. This prevention effort consisted of QPR (Question, Persuade, and Refer) Gatekeeper Suicide Prevention training for the entire staff, followed by a modification of the Yellow Ribbon (YR) Suicide Prevention Program to suit the needs of the rapidly changing population. Upon admission, each child is given a description of the YR program, a film describing the program is viewed each week by the detainees, and Yellow Ribbon cards are distributed to the youth and placed in strategic places within the center. The cards are also counted periodically to determine whether or not they are being used. Ms. Bryan was

added to the roster of monthly speakers to share her experience in losing a loved one to suicide, her battle with depression, and to review the signs and symptoms of suicide and depression. As Mr. Blair said, "We work with this (suicide) every day and if there is anything we can do in addition to what we're already doing, we'll do it...we can't do enough to prevent suicide."

## Restitution and Community Service Programs Forum held in State College

April 13-14, 2005, the Juvenile Court Judges' Commission sponsored a training program on effective implementation and maintenance of restitution and community service programs. This program was designed for juvenile probation officers and/or private providers who either supervise or are directly responsible for these programs and functions, as well as staff in counties that are looking to implement such programs. There were 57 participants, representing 23 counties and five private providers.

The forum commenced with a history of restitution and community service programs in Pennsylvania. Presented by John Herb, Director of Training at CJJT&R, it was followed by a panel presentation consisting of professionals who have or are currently implementing and running successful programs. Panel presenters included David Archambault, St. Gabriel's Crime Repair Crew; Seth Bloomquist, formerly of McKean County's "Boondocs," currently Director of Detention Monitoring at CJJT&R; Kia Hansard, Neighborhood Center in Harrisburg; and Douglas Amsley, Franklin County Director of Juvenile Probation.

The panelists presented highlights of their programs including implementation, funding, supervision, and success measures. The panelists discussed with participants specific strategies and concepts for "stacking for success," such as community engagement and competency development. Each panelist emphasized the need to provide opportunities to repair harm to crime victims and the community, while enhancing offenders' ability to be productive, law-abiding citizens.

During the afternoon of the first day, participants were given information on various legal and procedural issues. These topics included Act 217 of 2004, regarding the establishment of restitution funds; Section 6310 of the Juvenile Act related to parental

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Guest articles are always welcome; please submit them by email or on a disk. We particularly enjoy your photographs, but we ask that these be mailed - we will be happy to return them to you.

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responsibility; the JCJC Advisory Standards; and, JCJC-sponsored accident insurance coverage. Participants were divided into groups to complete exercises on civic engagement and service learning. These exercises were taken from *Giving Back: A Community Service-Learning Manual for Youth Courts* which was published in conjunction with a grant through OJJDP, U.S. Department of Justice. A copy of this manual was provided to each represented agency and can also be accessed at [http://www.crf-usa.org/YouthCourt/GivingBack\\_home.html](http://www.crf-usa.org/YouthCourt/GivingBack_home.html)

Another panel of professionals working with restitution and community service programs began the session on the second day. This panel included Bob Rocki, Erie County Earn-It; Frank Borelli, Cornell Workbridge program; Abigail Runk, York County; and Jay Viola, Montgomery County. The training concluded with discussion on victims' compensation, as well as an opportunity for participants to share some of their successes with their own restitution and community service programs.

Evaluations of the forum indicated that the participants benefited greatly from learning key steps in implementation and hearing actual success stories from other professionals across the Commonwealth. Many participants noted they would like to have a repeat of the program, with more time for panelists and discussion.

## Cornell Abraxas I residents in AWE of the wilderness

By: Mike Kern, Admissions Liaison

Since the 1970s, residents at Cornell Abraxas I, in Marienville, have been participating in the Abraxas Wilderness Experience Program (AWE). These young men take part in a wide variety of outdoor activities, including canoeing, biking, backpacking, caving, and archeological digs. In addition to the adventure, the boys develop a respect for nature and an appreciation for conservation.

One program that allows the residents to not only nourish their appreciation for the outdoors, but gain a sense of community and ownership, is the trout-stocking program. In a partnership with the Pennsylvania Waterway Conservation Department and the Fish and Boat Commission, the residents stock trout in rivers and streams throughout Warren and Forest Counties.

AWE instructors Guy Bloom and Ross Stewart oversee about 70 boys as they participate in all aspects of the stocking process. According to Bloom,

"we brief them in all aspects of the program; what the hazards will be, and how to handle themselves in case of emergencies." The residents are then outfitted for the activity. They participate in classroom training conducted by the Fish and Boat Commission which includes stocking expectations and techniques. Then they travel to the stocking sites where they work hand-in-hand with other community volunteers.

The residents are expected to carry five-gallon buckets of about 20 to 25 fish to the stream through sometimes-difficult terrain. This must be done within two minutes to prevent any injury to the fish. While on site, they also assist some of the senior citizen volunteers and emotional-support students from the local schools. Once the stocking is complete, the residents are taken to a local fish hatchery to see how the trout are raised.

In addition to the privilege of working off-grounds, the program is a learning experience for the youth. They gain a working knowledge of the various aquatic ecosystems, including trout biology; they learn that a successful stocking season means an improved economy through attracting fishermen and improved waterways; and, they experience working hand-in-hand with caring and concerned adults.

Many of the volunteers are surprised to find that these young men have been adjudicated. They often comment how helpful and polite they are. In turn, the youth are able to gain the trust of the community and take pride in doing something positive. When asked what the biggest sense of accomplishment in the program is, one young man stated "helping the community, gaining trust in the community, and the pride in earning the privilege to participate in the program."

The program's director, Guy Bloom, feels one of the biggest accomplishments for the program is the ability for the boys to experience the outdoors. Having them work with the community volunteers shows the boys that community service does not have to be ordered by the judge. "We are able to give the boys a healthy recreational alternative, and show them some career options." Bloom stated. He went on to say, "It also shows them that they are part of a larger world community and how much impact one person can have." This year alone 70 participants have logged 1,058 service hours in 30 days of stocking.

# Venango County uses SCRAM for juvenile violators

by: Jennifer R. Richards, Juvenile Intake Officer

Venango County Adult and Juvenile Court Supervision Services is the first juvenile probation department in the Commonwealth of Pennsylvania to use SCRAM technology with its juvenile offenders, and the first county in Western Pennsylvania to use SCRAM with its adult offenders. SCRAM, or Secure Continuous Remote Alcohol Monitor, allows the department to monitor offenders, both juvenile and adult, who have a history of problems related to alcohol use, especially repeated violations related to alcohol use while under supervision.

While probation departments have been able to rely on random, periodic drug-testing methods to monitor drug usage, monitoring alcohol use has been much more challenging. Alcohol is generally monitored by portable breath testing devices at specific times, with offenders attempting to “drink around” these times. The body metabolizes alcohol quickly and, once metabolized, there are no trace elements left to detect. SCRAM technology has eliminated these problems.

The founders of Alcohol Monitoring Systems (AMS) located in Highlands Ranch, Colorado, began work in 1992 in the science of transdermal alcohol testing to develop the SCRAM technology, and began delivering the first SCRAM units to agencies in 2003. The system, which utilizes a bracelet, modem, and SCRAMNET, is able to determine a person’s blood alcohol content (BAC) or in the case of SCRAM, a person’s transdermal alcohol content (TAC) by the sweat excreted through the wearer’s skin.

The unit, which is strapped to the client’s ankle and worn 24 hours a day, is able to test for alcohol use as often as 48 times per day. Alcohol does not enter the sweat until 30 to 90 minutes after it is consumed. The unit takes a reading every hour and twice an hour when it detects alcohol, and each reading is date-stamped, time-stamped, and stored in a memory chip until it is transmitted via the SCRAM modem.

The unit is water-resistant and tamper-resistant. An infrared sensor on the bracelet detects any tampering, as does a temperature sensor. AMS completed numerous tests to determine whether the system could be deceived by the client. Staff at Court Supervision Services conducted in-house tests as well, including placing items between the leg and the bracelet and washing the leg while drinking to wash away any sweat. Every attempt to circumvent the system was detected by the unit.

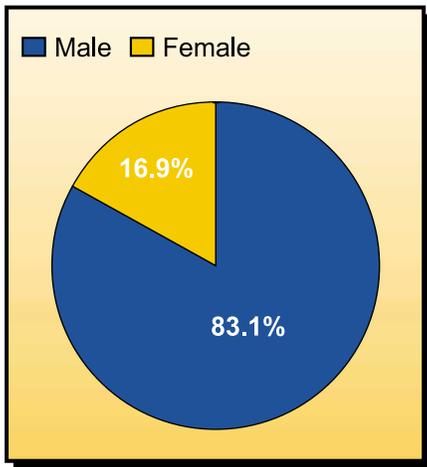
Chief Juvenile Probation Officer Robert Daugherty began talking with representatives from AMS in the Spring of 2004 and placed the first six offenders, four of whom were juveniles, on the unit in May, 2005. Daugherty has entered into a contract with AMS in Canonsburg for equipment and monitoring services. The information reported by the SCRAM bracelet and modem will be analyzed by AAMP staff, with all violations reported to the appropriate probation officer. In only a few weeks, SCRAM technology has proven useful. Officer Chris Simms, one of three officers monitoring the SCRAM technology, reported some of those successes. One juvenile with a history of alcohol-related crimes and alcohol-related violations while on probation, admitted to both using alcohol and placing a rag between his leg and the bracelet when the unit detected alcohol use and a tamper. Another juvenile with a similar history reported that he had gone to a party where alcohol was served but refrained from drinking, knowing he would be caught.

With SCRAM technology, Venango County Adult and Juvenile Court Supervision Services is now able to monitor its repeat alcohol violators 24-hours-a-day without extra supervision. The department has found the system to be cost-effective and easy to set up and use. More importantly, it allows for a balanced approach to the problems associated with alcohol consumption, providing the capacity to further protect the community and to ensure accountability on the part of the clients under supervision.

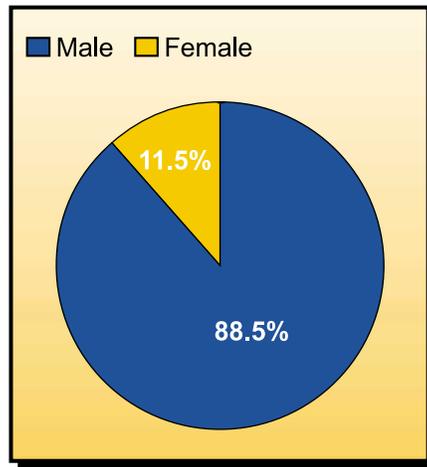
## Selected Dispositions by Gender, 2003\*

Juvenile court dispositions in Pennsylvania's juvenile justice system primarily involved males. In 2003, males accounted for 78.7% of all juvenile court dispositions, 83.1% of probation dispositions, 88.5% of dispositions involving placement and 96.4% of transfers to criminal court.

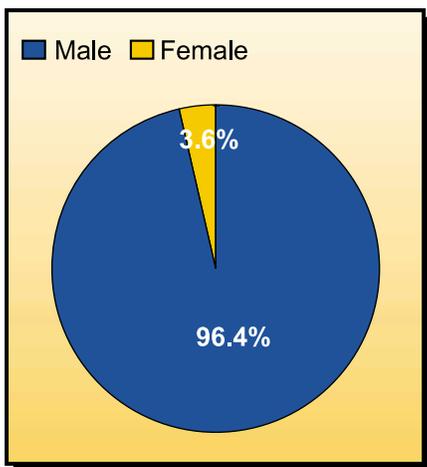
**PROBATION** N = 8,883



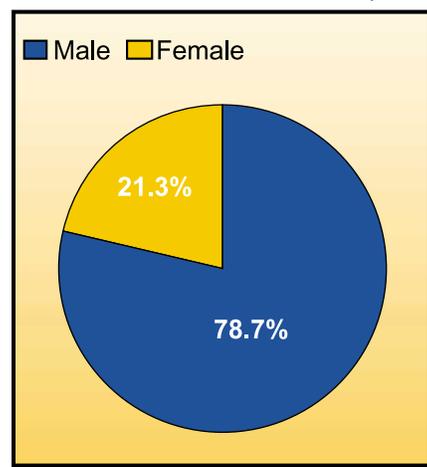
**PLACEMENTS** N = 5,701



**TRANSFER TO CRIMINAL COURT** N = 167



**TOTAL DISPOSITIONS** N = 41,036



\*Please refer to the note on page 2 regarding Philadelphia dispositions.

## County honors 30-year employees



Dauphin County Probation Supervisors Ken Hawley and Dave Sheely, (center) honored for their thirty years of service to the county, are pictured with commissioners George Hartwick, left, and Nick DiFrancesco, right.

**D**ave Sheely and Ken Hawley were recently honored by the Dauphin County Commissioners for their outstanding service to the Dauphin County Juvenile Probation Office over the past 30 years. Sheely and Hawley began their tenure with Dauphin County in 1974 as juvenile probation officers. In 1979 they became the first two juvenile probation supervisors in the county, when the county separated the adult and juvenile departments. They continued to serve in this capacity for the next 26 years.

Dave Sheely has received many awards over the years, including “Juvenile Probation Professional of the Year” from PAPPC in 1993. He was named “Juvenile Supervisor of the Year” at the 2003 annual employee appreciation day held by Dauphin County. Sheely has been a Phase I Safety instructor for the Center for Juvenile Justice Training and Research since 1993. He assisted in the development of an updated version of the Phase I Safety Training program; leading an instructor training program with the new curriculum.

On July 8, 2005, Dave Sheely will be the first probation officer in more than 25 years to retire from Dauphin County. He graduated from Penn State University in 1974 and received his Masters degree in 1991 from Shippensburg University as part of the MSAJ program of the Juvenile Court Judges’ Commission. Since he was hired in September 1974, Sheely has held every supervisory position in the probation office and has put his mark on each job assignment. He has been an inspiration to those probation officers he has supervised. Many of them have gone on to higher positions in the probation office. Sheely’s experience, knowledge, and dedication to the probation office will be greatly missed.

He plans to spend a lot more of his time on the golf course and with his wife, Chris, and their grandchildren. He loves cars and enjoys working on his own cars, so he intends to begin a second career in the automobile business.

Ken Hawley began his employment with Dauphin County in June 1974. He graduated from Mansfield State College in 1974, following two years on active duty in the United States Navy. Hawley was a probation officer from 1974 until his promotion to supervisor in 1979. He supervised the supervision unit for five years and then was appointed to the position of Systems Administrator in 1984.

With financial assistance from JCJC and PCCD, Hawley assisted in the development of a computer system that could be duplicated in counties throughout the Commonwealth. He, along with another county employee, developed a system that was eventually deployed to about 15 counties. Dauphin County is still operating this system. Over the years, the system has been refined, expanded, and integrated with the Children & Youth Agency computers so the two agencies can share the same system and the same business office.

Dauphin County is now moving toward using the Pennsylvania Juvenile Case Management System and Hawley is working with JCJC staff to make that conversion. He has no plans to retire; he enjoys working and has a son who is planning to go to medical school. Hawley also plans to continue traveling with his wife.



# Supreme Court of Pennsylvania

## Adopts Rules of Juvenile Court Procedure

(Second of a three-part series)

The Pennsylvania Supreme Court adopted Rules of Juvenile Court Procedure governing delinquency cases on April 1, 2005. The majority of the rules become effective on October 1, 2005. The five rules dealing exclusively with proceedings involving juvenile court masters become effective April 1, 2006. The following are among the more significant provisions of the Rules of Juvenile Court Procedure:

### Chapter Three

#### Pre-adjudicatory Procedures

##### Part A

##### Venue

- **Rule 300 (Venue)** provides that a delinquency proceeding must be commenced in either the county in which the delinquent act was allegedly committed or the juvenile's county of residence. The juvenile may file a motion for a change of venue if there is substantial prejudice to the juvenile. The Court shall decide the motion.
- **Rule 302 (Inter-county Transfer)** provides that when the court proceeds to an adjudicatory hearing for a non-resident juvenile, it shall hear evidence on the petition or accept an admission, and rule on the offense(s). The court may then transfer the case to the juvenile's county of residence for a hearing to determine if the juvenile is in need of treatment, rehabilitation, or supervision. (The *Comment* to Rule 302 notes that when the case is being transferred, the transferring Court should enter a finding of the amount of restitution owed and to whom it should be paid, if ordered at the dispositional hearing.)

Rule 302 also provides that the Court may transfer supervision (courtesy supervision) of the juvenile to the juvenile's county of residence after a consent decree or dispositional order is entered. The county providing courtesy supervision may, with cause, withdraw supervision at any time and return the matter for further action to the county which entered the dispositional order. When a case is transferred, via inter-county transfer or courtesy supervision, the transferring court is required to order the transfer of certified copies of all documents, reports, and summaries.

##### Part B

#### Intake and Informal Adjustment

- **Rule 310 (Pre-intake Duties, Scheduling, and Notice)** provides that after a written allegation is submitted, the juvenile probation officer shall gather pertinent information to determine whether the allegations are within the jurisdiction of the Court and whether it is appropriate to schedule an intake conference. Intake conferences must be scheduled within a reasonable time after submission of the written allegation. The juvenile probation officer is required to make all reasonable efforts to provide actual notice of the intake conference to the juvenile and the juvenile's guardian.

(The *Comment* to Rule 310 provides that if the juvenile probation officer has exhausted all methods of communication with the juvenile's guardian, the juvenile probation officer may proceed with the intake conference without the presence of the guardian. If the juvenile is detained at the intake conference without the presence of a guardian, the

juvenile probation officer is to notify the guardian of the detention of the juvenile immediately.)

- **Rule 311 (Intake Conference)** provides that the juvenile probation officer may conduct an intake conference to determine what further action, if any, should be taken. Before proceeding with an intake conference, the juvenile probation officer must:
  1. provide a copy of the written allegation to the juvenile, the juvenile's guardian, if present, and the juvenile's attorney, if present; and
  2. inform the juvenile and the juvenile's guardian, if present, of the juvenile's rights; and
  3. afford the victim the opportunity to provide prior comment on the disposition of the case if informal adjustment or an alternative resolution of the case is being considered.

Rule 311 also requires that the juvenile probation officer must provide the attorney for the Commonwealth with notice of the decision resulting from the intake conference. Within a reasonable time of receiving the notice, the attorney for the Commonwealth may file a motion requesting review by the Court of the juvenile probation officer's action. The Court shall conduct a hearing on the motion.

[It should be noted that Rule 311 requires that all victims must be afforded the opportunity to provide prior comment in these cases, not just victims in cases involving a personal injury crime or burglary as required by the Crime Victims Act, at 11 P.S. §11.201(4).]

### **Part C Petition**

- **Rule 330 (Petition: Filing, Contents, Function)** provides that the District Attorney may require that an attorney for the Commonwealth file petitions. If the District Attorney elects to require an attorney for the Commonwealth to file petitions, the District Attorney must file a certification with the Court of Common Pleas that states that an attorney for the Commonwealth shall file petitions and specify any limitations on the filing or classes of petitions.

(The *Comment* to Rule 330 provides that if a certification has not been filed, then an attorney for the Commonwealth or a juvenile probation officer may file a petition. A private citizen has the right to file a written allegation, not a petition.)

- **Rule 332 (Multiple Offenses in Petition)** provides that when more than one offense is alleged to have been committed within a judicial district by a juvenile arising from different delinquent episodes, one petition may be filed. Each incident must be described separately in conformity with Rule 330(c)(4)-(6). However, when more than one offense is alleged to have been committed within a judicial district by a juvenile arising from the same delinquent episode, a single petition must be filed.

### **Part D Procedures Following Filing of Petition**

- **Rule 340 (Pre-adjudicatory Discovery and Inspection)** requires good faith efforts to resolve all questions of discovery, and to provide information required or requested as to

which there is no dispute. (The *Comment* to Rule 340 notes that Rule 800 suspends 18 P.S. §5720 of the Wiretapping and Electronic Surveillance Act as being inconsistent with this Rule, only insofar as the section may delay disclosure to the juvenile seeking discovery of transcripts and recordings of any electronic surveillance, and the authority by which the transcripts and recordings were obtained.)

- **Rule 351 (Adjudicatory Hearing on Separate Petitions)** provides that an adjudicatory hearing may be held for:
  1. offenses alleged in separate petitions if the evidence of each of the offenses would be admissible in a separate adjudicatory hearing for the other;
  2. offenses alleged in separate petitions if the offenses alleged are based on the same act or transaction;
  3. juveniles alleged in separate petitions if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions.

#### **Part D(2)**

#### **Adjudicatory Summons and Notice Procedures**

- **Rule 360 (Summons and Notice)** requires that the Court must issue a summons compelling the juvenile and the juvenile's guardian to appear for the adjudicatory hearing. The Court must give notice of the adjudicatory hearing to the attorney for the Commonwealth, the juvenile's attorney, and the juvenile probation office.

(The *Comment* to Rule 360 provides that the attorney for the Commonwealth or the juvenile probation officer should notify the victim of the hearing)

- **Rule 363 (Service of Summons and Notice)** requires that the summons must be served in-person or by first class mail. If the juvenile is detained, the summons or notice must be served no less than seven days prior to the adjudicatory hearing. If the juvenile is not detained, the summons or notice must be served no less than fourteen days prior to the adjudicatory hearing.

#### **Part E**

#### **Consent Decree**

- **Rule 370 (Consent Decree)** requires the Court to explain on the record, or in writing, the terms, conditions, and duration of the consent decree and the consequences for violating the conditions of the consent decree. [It should be noted that the *Comment* to Rule 370 provides that all victim(s) should be consulted before placing the juvenile on a consent decree, not just victims in cases involving a personal injury crime or burglary as required by the Crime Victims Act, at 11 P.S. §11.201(4).]
- **Rule 373 (Conditions of Consent Decree)** provides that a consent decree shall remain in force for no more than six months, as agreed upon, unless the juvenile is discharged sooner upon motion. Upon motion, the Court may discharge the juvenile at an earlier time or extend the time period not to exceed an additional six months. (The *Comment* to Rule 373 notes the Rule departs from the Juvenile Act at 42 Pa. C.S. §6340(c) in that an agreement for a consent decree of less than six months is allowed.)

## Part G Transfer for Criminal Prosecution

- **Rule 391 (Time Restrictions for Detention of Juveniles Scheduled for Transfer Hearing)** provides that if the transfer hearing is not held within ten days of the filing of the notice of request for transfer to criminal proceedings, the juvenile shall be released, except that:
  1. A juvenile may be detained for an additional single period not to exceed ten days when the Court determines:
    - a. that evidence material to the case is unavailable, including a psychological or psychiatric evaluation;
    - b. that due diligence to obtain such evidence or evaluation has been exercised;
    - c. that there are reasonable grounds to believe that such evidence or evaluation will be available at a later date; and
    - d. that the detention of the juvenile would be warranted.
  2. A juvenile may be detained for successive ten-day intervals if the result of delay is caused by the juvenile. The court shall state on the record if failure to hold the hearing resulted from delay caused by the juvenile. Delay caused by the juvenile shall include, but not be limited to:
    - a. delay caused by the unavailability of the juvenile or the juvenile's attorney;
    - b. delay caused by any continuance granted at the request of the juvenile or the juvenile's attorney; or
    - c. delay caused by the unavailability of a witness resulting from conduct by or on behalf of the juvenile.

(The *Comment* to Rule 391 notes that the filing of a request for transfer to criminal proceedings resets the ten-day clock for a hearing for the juvenile in detention. The transfer hearing is to be held within ten days of the filing of a request for transfer to criminal proceedings, not ten days from the date of detention for the juvenile.)

The *Explanatory Report* noted that the Committee agreed that this rule should provide that the attorney for the Commonwealth may file a notice for intent to transfer up to or on the tenth day following a child's admission to detention. The *Explanatory Report* also noted that the juvenile should normally have a transfer hearing within ten days of the filing of the notice of intent to transfer. However, the juvenile may be detained for one additional ten-day period if the requirements of paragraph (1) above are met. Thus, a juvenile may be detained for up to thirty days for a transfer hearing. However, if the juvenile requests a continuance under paragraph (2) above, the juvenile may be detained longer than thirty days in ten-day intervals.)

Rule 800 suspends 42 Pa. C.S. §6335, which provides for a hearing within ten days of the juvenile's detention unless the exceptions of (a)(1)&(2) or (f) are met, only insofar as the Act is inconsistent with Rule 301, which provides for an additional ten days of detention if a notice of intent for transfer to criminal proceedings has been filed.