

PENNSYLVANIA

Commonwealth of Pennsylvania,
Tom Corbett, Governor



Juvenile Justice

THE NEWSLETTER OF THE PENNSYLVANIA JUVENILE COURT JUDGES' COMMISSION

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Six Regional Planning Sessions Provide Springboard for Local JJSES Implementation

Judge Arthur E. Grim, Chairman of the Juvenile Court Judges' Commission (JCJC), wrote to all juvenile court administrative judges on February 14, 2012 to request their assistance in coordinating the development of county teams to participate in one of six regional Juvenile Justice System Enhancement Strategy (JJSES) planning sessions designed to share information about, and serve as a springboard for, local JJSES implementation.

The response to Judge Grim's letter was outstanding. Approximately 600 individuals, representing every county in the Commonwealth, attended one of the six regional planning sessions held in Harrisburg (April 11th), State College (April 12th), Wilkes-Barre (April 20th), King of Prussia (May 1st), Warren (May 14th) and Pittsburgh (May 15th).

The composition of county teams reflected the wide array of stakeholders that comprise Pennsylvania's juvenile justice system. County teams included juvenile court judges, juvenile court masters, chief juvenile probation officers and their staff, district attorneys, public defenders, private attorneys, victim advocates, family advocates, service providers, law enforcement officers, representatives from various human services agencies, court administrators, and others.

The regional sessions were planned and facilitated by members of the JJSES Leadership Team, comprised of the following individuals: JCJC Deputy Director Keith Snyder (Coordinator); JCJC Director of Policy and Program Development Rick Steele; Berks County Chief Juvenile Probation Officer Bob Williams; Lehigh County Chief Juvenile Probation Officer Beth Fritz; Cumberland County Chief Juvenile Probation Officer Sam Miller; Adams County Director of Juvenile Pro-



INSIDE:

- [Governor Corbett Makes Appointments to the Juvenile Court Judges' Commission](#)
- [Pennsylvania Supreme Court Delinquency Rules Update](#)
- [US Supreme Court Rules on Juvenile Life Without Parole](#)
- [Service Provider Alignment](#)
- [Community Service in Forest County](#)
- [Staff Development Opportunities](#)
- [National Juvenile Justice Announcements](#)
- [JCJC Graduate education Program Accepting Applications for the Class of 2015](#)

Reminders:

[National Probation, Parole and Community Supervision Week](#) -
July 15-20, 2012

bation Services Bob Tomassini; Allegheny County Chief Juvenile Probation Officer Russ Carlino; and PCCD's Director of the Office of Juvenile Justice and Delinquency Prevention Michael Pennington.

An overview of "evidence-based practices" was provided at each session by Mark Carey, President of The Carey Group. Mr. Carey is a nationally recognized expert in providing assistance to states and local jurisdictions in the area of "evidence-based practices", and has been advising Pennsylvania's JJSES Leadership Team since 2011.

Keith Snyder provided an overview of Pennsylvania's Framework for implementing the JJSES during each session and the JJSES "Monograph", a comprehensive document that describes Pennsylvania's strategy and its rationale, was provided to every participant.



Michael Pennington gave a brief overview of the Pennsylvania Commission on Crime and Delinquency's \$1.5 million funding announcement at each of the regional sessions. The funding announcement was released in conjunction with the regional planning sessions to support local JJSES implementation.

Rick Steele described the development and purpose of a county "Evidence-based Practice Survey" that was designed to provide a benchmark from which JJSES implementation progress can be measured. JCJC juvenile court consultants will assist chief juvenile probation officers in completing the survey, and a statewide summary of the survey results will be released in the near future.

Sam Miller, President of the Pa. Council of Chief Juvenile Probation Officers, and Bob Williams, Vice-President

of Chiefs' Council, led the "Where Do I Go from Here?" segment at each of the regional planning sessions. The "Where Do I Go from Here?" document was developed to provide guidance to chief juvenile probation officers regarding "next steps", and to describe the technical assistance protocol that has been established to assist with local JJSES implementation. The document also describes the Pennsylvania Council of Chief Juvenile Probation Officers' regional meeting infrastructure, which has been designed to provide chief juvenile probation officers with a venue to discuss JJSES implementation and other issues of importance.

The JJSES Leadership Team would like to express its appreciation to the John D. and Catherine T. MacArthur Foundation, which provided funding to support the logistics associated with each of the regional planning sessions. DVDs of the regional planning session held in Pittsburgh were created, and will be distributed to chief juvenile probation officers in the near future.

Please contact Keith Snyder, at ksnyder@pa.gov if you have any questions regarding Pennsylvania's Juvenile Justice System Enhancement Strategy.



Governor Corbett Makes Appointments to the Juvenile Court Judges' Commission

On June 14, 2012, Governor Tom Corbett appointed **Judge Carol Van Horn** (Franklin County), and reappointed **Judge Arthur E. Grim** (Senior Judge) and **Judge Dwayne D. Woodruff** (Allegheny County), to the Juvenile Court Judges' Commission. Judge Grim is currently Chair of the JCJC and has been serving as a member since October 1997. Judge Woodruff has been serving as a member since June 2006.

The appointment of Judge Van Horn fills the vacancy on the Commission created by the expiration of the term of **Judge Elizabeth K. Kelly** (Erie County). Judge Kelly served as a member since September 2003.

Pennsylvania Supreme Court Delinquency Rules Update

[Inspecting Copying and Disseminating Juvenile Probation Files](#)

On May 21, 2012, the Supreme Court approved the adoption of Pa. R.J.C.P. 161 (relating to inspecting, copying and disseminating juvenile probation files) and also made related modifications to Rules 120, 160, 163, 166, 300, 302 and 340. The adoption of Rule 161 and the related modifications will become effective on **August 1, 2012**. As described in the Explanatory Report, Rule 161 and the related modifications serve to further distinguish juvenile probation files from the official court record. In addition, specific provisions are now made for copying both the official court record and juvenile probation files.

Key elements of **Pa. R.J.C.P. 161** and the related modifications include the following:

- Rule 120 (relating to definitions) was modified to add definitions for the terms "Inspection" and "Juvenile Probation Files":
 - **INSPECTION** is the official examination of a document or evidence as authorized by Rules 160 and 161.
 - **JUVENILE PROBATION FILES** are those records formally maintained by the juvenile probation office and its officers, including, but not limited to, copies of information contained in the official juvenile court record; social studies; school records and reports; health evaluations, screenings, assessments, records, and reports, including psychological and psychiatric evaluations and reports, drug and alcohol testing, evaluations, and reports; placement reports and documents; employment records; and probation reports.
- Rule 160 has been re-titled as "Inspecting, Copying, and Disseminating the Official Court Record." Key provisions of the re-tiled Rule 160 include:
 - Any person, agency or department permitted to inspect the record pursuant to the current Rule 160(A) may copy or be provided a copy of the record.
 - The new Rule 160(C) provides that unauthorized dissemination of any information contained in the official court record may result in a finding of contempt of court.
- The New Rule 161(A) provides that, except as provided in paragraph(C), juvenile probation files shall be open to inspection/and or copying only by:
 - the juvenile's attorney;
 - the attorney for the Commonwealth;
 - the Sexual Offender Assessment Board; or

- any other person, agency, or department by order of court.
- The New Rule 161(B) provides that:
 - records which are maintained electronically by juvenile probation offices shall be subject to inspection and/or copying only pursuant to court order.
 - each juvenile probation office shall create a document which describes the information that is maintained by the juvenile probation office concerning each juvenile, and that this document shall be open to inspection pursuant to Rule 161(A).
- The New Rule 161 (C) provides that the order shall:
 - specify who shall be permitted to inspect the record or any portion of the record;
 - specify who shall be permitted to copy the record;
 - state that the information received shall not be disseminated to any person, agency, or department not listed in the court order; and
 - state that dissemination of any information received is a violation of the court order.
- The New Rule 161 (D) provides that :
 - The juvenile probation office has discretion to disseminate portions of its files to the juvenile, service providers, placement facilities, and courts and courts' professional staff of other jurisdictions when facilitating placement, the delivery of services, treatment, or transfer of the case to, or supervision by another jurisdiction consistent with applicable Federal or state law.
 - Unauthorized dissemination of any information contained in the juvenile probation file to a person, agency, or department not permitted to inspect or copy the file pursuant to this rule may result in a finding of contempt of court.
- The Comment to Rule 161 was revised to clarify that:
 - Documents contained in the juvenile probation files are not a part of the official court record unless the juvenile probation office officially files the documents in the official court record.
 - The notes of a juvenile probation officer, which describe the officer's impressions or personal observations but which are not included in a report to the court or other report, are not considered a component of a juvenile probation file that is open to inspection or copying under Rule 161 (A).
- Nothing in Rule 161 is intended to preclude the juvenile probation office from sharing information in its file with the juvenile.
- Rule 163 (relating to release of information to school) has been modified to add a new paragraph(E), which provides as follows:
 - Unauthorized dissemination of any information contained in the school record to any unauthorized person, agency, or department may result in a finding of contempt of court.
- The Comment to Rule 163 was revised to read as follows:
 - “The delinquency information in the school record is to be used only by school officials and is not to be released to the general public or third parties unless ordered by the court. In addition, information sent to the school may not be used for disciplinary purposes against the juvenile. The juvenile probation office should send a notice to the school when it sends information to the school concerning the findings of the court. The notice should state that any information received by the school should not be used against the juvenile for disciplinary reasons, including suspensions and expulsions. See 42 Pa.C.S. § 6341(b.1)(4).”
- The Comment to Rule 166 (relating to maintaining records in the clerk of courts) was revised to clarify that Rule 166 is not intended to include items contained in juvenile probation files.
- Rule 300 (relating to venue) was modified at paragraph (C) to provide that the juvenile probation office of a transferring court shall transfer its juvenile probation files to the juvenile probation office where venue has been transferred.
- Rule 302 (relating to inter-county transfer) was modified at paragraph (C) to provide that the juvenile probation office of the transferring court shall transfer its juvenile probation files to the juvenile probation office where jurisdiction has been transferred.
- The Comment to Rule 340 (relating to pre-adjudicatory discovery and inspection) was revised to explain that an attorney has the right to inspect all court records and files, including juvenile probation files.

US Supreme Court Rules on Juvenile Life Without Parole

On June 25, 2012, the United States Supreme Court ruled that it is unconstitutional to sentence juvenile offenders to life in prison **without the possibility** of parole for homicide offenses, and that the imposition of such sentences violates the United States Constitution's 8th Amendment which prohibits "cruel and unusual punishment". In a 5-4 ruling, the majority ordered that states must allow at least the possibility of release to juvenile offenders in homicide cases.



The Court's ruling was based on the cases of *Miller v. Alabama* and *Jackson v. Arkansas*, which involved juvenile offenders who are serving life sentences for crimes they committed when they were 14 years of age. The decision will have an immediate and widespread impact, as more than 2,500 individuals in the United States are currently serving life sentences without the possibility of parole as a result of mandatory sentences that were applied for crimes committed when they were under the age of 18. These juveniles will now be entitled to present mitigating evidence in support of sentences that provide for review and the possibility of release.

In the [majority opinion](#), delivered by Justice Elena Kagan, she stated, "Such a [mandatory sentencing] scheme prevents those meting out punishment from considering a juvenile's 'lessened culpability' and greater 'capacity for change.'"

Justice Kagan also wrote, "Mandatory life without parole for a juvenile precludes consideration of his chronological age and its hallmark features—among them, immaturity, impetuosity, and failure to appreciate risks and consequences. It prevents taking into account the family and home environment that surrounds him—and from which he cannot usually extricate himself—no matter how brutal or dysfunctional. It neglects the circumstances of the homicide offense, including the extent of his participation in the conduct and the way familial and peer pressures may have affected him."

As such, the Court reversed the judgments of the Arkansas Supreme Court and Alabama Court of Criminal Appeals and remanded the cases for further proceedings not inconsistent with the Court's opinion.

This was the third case since 2005 in which the Supreme Court has examined whether juvenile offenders should be held to the same standards of culpability as adults.

- In the 2005 case of *Roper v. Simmons*, the Court ruled that it is unconstitutional to sentence juvenile offenders to the death penalty. This opinion was significantly based on empirical evidence regarding child/adolescent development and diminished capacity of juveniles, as well as international consensus against this practice – the United States was the only nation that permitted the use of the death penalty on juvenile offenders.
- In the 2010 case of *Graham vs. Florida*, the Court ruled that it is unconstitutional to sentence juvenile offenders to life in prison without the possibility of parole for non-homicide offenses, and that the imposition of such sentences violates the United States Constitution's 8th Amendment which prohibits "cruel and unusual punishment". In the majority opinion, Justice Kennedy referenced *Roper v. Simmons*, noting that the same standards applied in that case, the presumption of diminished culpability of juveniles, also applied to life sentences without the possibility of parole.

According to the Human Rights Watch, the United States is the only nation that currently has anyone imprisoned under this practice – over 2,500 such offenders. It has been frequently reported that Pennsylvania leads the nation with 444 juvenile offenders sentenced to life without parole, all for homicide.

“Juvenile Justice System Enhancement Strategy (JJSES) Building Blocks for a Better System”



JJSES STATEMENT OF PURPOSE

To work in partnership to enhance the capacity of Pennsylvania’s juvenile justice system to achieve its balanced and restorative justice mission by: employing evidence-based practices, with fidelity, at every stage of the juvenile justice process; collecting and analyzing the data necessary to measure the results of these efforts; and, with this knowledge, striving to continuously improve the quality of our decisions, services and programs.

Part 10 of a series: *“JJSES Building Blocks”*

Service Provider Alignment

Working with higher risk juveniles to change behavior and reduce recidivism is a difficult and arduous task. Youths placed on probation present a multitude of sustaining problems and criminogenic needs. Dealing with these issues often requires types of expertise and knowledge outside the ability of any single probation officer to address. In most instances other professionals from a variety of disciplines, such as mental health, social welfare, health, and substance abuse, must become involved for purposes of assessment, case planning and the provision of treatment services.

As a result, nowhere is collaboration in juvenile justice more important than with respect to the interactions of probation officers and service providers. While collaboration for the benefit of the youth and the community sounds easy in theory, it is often difficult to implement in practice. Some of the barriers to collaboration include:

- A failure of the service provider or probation to understand the goals and practices of their colleagues in other professions;
- The application of often incompatible treatment and intervention models;
- Conflict between service provider treatment goals and the legal demands placed on the juvenile by the court; and
- Time and work pressures that preclude ongoing and effective communication among the parties dealing with the juvenile.

In order to implement evidence-based practices and the JJSES framework, these impediments to collaboration between probation and service providers have to be overcome. Several steps can be taken to ensure that

all parties dealing with a juvenile under supervision are working on the same page and moving in the same direction:

- All professionals and services providers dealing with the juvenile should be trained in evidence-based practices and the JJSES model;
- Memoranda of understanding and/or working protocols should be established among relevant agencies—public, private and not-for-profit—detailing information to be exchanged concerning the juvenile’s case and outlining appropriate forms of communication;
- Multi-dimensional teams should be established for medium- and high-risk juveniles consisting of all professionals providing assistance or treatment to the youth; and
- These teams should develop a unified case plan with the juvenile to minimize the possibility of conflicting goals and expectations, thereby hindering efforts to address important criminogenic and sustaining needs required for successful supervision.

The goal of evidence-based supervision for juveniles should be to make compliance with the orders of court and the requirements of effective behavioral change as seamless as possible. Such a goal can only be reached if all persons assisting and supervising the juvenile have the same outcomes in mind and are constantly coordinating their actions. Without such alignment of purpose and practice on the part of probation and service providers, youths may very well become confused, frustrated and resistant to learning those new cognitive and social skills that will encourage and enable them to move forward to a law-abiding and rewarding adult life.

COMMUNITY Service

Please share photos from your county that depict juveniles performing valuable community service work – emphasizing both competency development and victim/community restoration.

in Forest County

FOREST COUNTY JUVENILE PROBATION DEPARTMENT

Tionesta Lake and Shoreline Clean-Up Day

The 2012 edition of the Tionesta Lake Clean-up was held on Saturday, April 28. A total of 171 people joined in the effort from the Forest County Probation Department, US Army Corps of Engineers, US Forest Service, Forest County Sheriff's Department, Boy Scouts, and other concerned local citizens.

At least 200 bags of garbage were hauled off of the lake and surrounding-park areas, along with numerous tires, gas tanks, barrels, old lawn chairs and all manner of other debris. The day was a huge success!





National Juvenile Justice Announcements

The following announcements are reprinted from JUVJUST, an OJJDP news service:

Urban Institute Releases Report on Social Networks' Influence on Delinquent Behavior

The Urban Institute has released, "[Social Networks, Delinquency, and Gang Membership: Using a Neighborhood Framework to Examine the Influence of Network Composition and Structure in a Latino Community](#)." The report studied youth living in a high-risk predominately Latino neighborhood in suburban Maryland. It examined how these youth's interpersonal relationships and peer networks shape their social interaction and potential for delinquent behavior, including risk factors for delinquency, violence, and gang membership.

The report is free and available [online](#).

Resources:

Download the report, at www.urban.org/UploadedPDF/412519-Social-Networks-Delinquency-and-Gang-Membership.pdf.

For more information about the report, go to www.urban.org/url.cfm?id=412519&cRSSFeed=UIJusticePolicyCenter.xml.

OJP Releases Fact Sheet on Drug Courts

The Office of Justice Programs, in collaboration with the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the National Institute of Justice, and the Bureau of Justice Assistance, has released the fact sheet, "[Drug Courts](#)." This fact sheet examines adult and juvenile drug court program models and OJP's support of adult and juvenile drug courts. It also provides facts, research findings, and additional resources regarding drug courts.

The fact sheet is available [online](#).

Resources:

Read the fact sheet, at <https://www.ncjrs.gov/pdffiles1/nij/238527.pdf>.

Read about OJJDP's juvenile drug courts program, at ojjdp.gov/programs/ProgSummary.asp?pi=44&ti=&si=&kw=&PreviousPage=ProgResults.

Survey of LGBT Youth Highlights Quality of Life Factors

The [Human Rights Campaign](#) recently released "[Growing Up LGBT in America](#)," a study of 10,000 lesbian, gay, bisexual, and transgender (LGBT) young people and straight youth ages 13-17.

The study is the largest known survey of LGBT youth. A major finding of the study was that LGBT youth are twice as likely as their peers to say they have been physically assaulted, kicked, or shoved at school. More than one-half of LGBT youth (54 percent) say they have been verbally harassed and called names involving anti-gay slurs.

Resources:

To view the report, go to http://www.hrc.org/files/assets/resources/Growing-Up-LGBT-in-America_Report.pdf.

To view the major findings, go to www.hrc.org/youth/view-statistics.



Juvenile Justice System Mourns the Passing of E. Hunter Hurst, III

On June 19, 2012, E. Hunter Hurst, III, the founding Director of the National Center for Juvenile Justice (NCJJ), the research division of the National Council of Juvenile and Family Court Judges (NCJFCJ), passed away. Hurst was hired in 1973 as director and first employee of NCJJ in Pittsburgh. Over his nearly 35 years as director, Hurst guided the development of NCJJ from an independently funded research division of NCJFCJ to a nationally renowned research, policy development, and technical assistance organization serving agencies, judges, and court personnel.

A native of Mississippi, Hurst began his career in Louisiana as a juvenile probation officer and later as an intake supervisor in the East Baton Rouge Parish Family Court. He moved into justice research, working for and eventually directing the National Council on Crime and Delinquency's Survey and Planning Center in Austin, Texas, before moving with his family to Pittsburgh to found NCJJ.

Hurst is survived by his wife of 45 years, Suzanne, two children, Hunter IV (a research associate with NCJJ) and Jacob, and one grandchild, Hunter V.



Upcoming Staff Development Opportunities:

As the CJJT&R's Training Program continues to evolve, please make note of a few changes and enhancements that are on the horizon.



- A “Training by Request” feature is being added to the JCJC Events Management System (JEMS). This feature will provide information on topics and trainers, from the CJJT&R catalog of trainers and programs, to counties who wish to either host in-house training, or in collaboration with neighboring counties. Hosting training locally, that most or all of your staff would benefit from, avoids costly travel expenses to attend training at the centralized sites that CJJT&R uses.
- In addition, screens that allow for the recording of both individual and departmental training activities are being added to JEMS. Users will be able to enter information related to attendance, including expenses, at in-house training programs, as well as outside programs that are not hosted by CJJT&R – all CJJT&R training programs that are attended will be automatically imported. This will create individualized “training transcripts”, and also generate departmental Training Rosters and Expenditures Reports, that can be submitted annually to satisfy reporting related the JCJC annual training requirements. This feature is also in the testing phase and is due to be released this summer.
- There are two upcoming workshops on the Staff Development Schedule during the summer months. **On July 25-26 Bruce Schaffer** will lead “**Heroin and other Narcotic Drugs**” at the **Days Inn Penn State**. This program was suggested by participants because of the resurgence in our clients’ use of Heroin and other opiate drugs. **On August 15-16 Barb Ulmer** will teach “**Solutions oriented, Strength-based Interventions**” at the Child Welfare Resource Center (formerly the Child Welfare Training Center) near Mechanicsburg. This workshop is an opportunity to learn skills that nicely complement and blend with Motivational Interviewing techniques.
- Please remember, workshops are continually added to the Staff Development Schedule. Several fall workshops are already open for registration within JEMS. Be sure to check the JCJC website regularly over the next few months for updates to the schedule.
- Finally, CJJT&R-sponsored Harrisburg-area training programs will be hosted at the Child Welfare Resource Center (formerly the Child Welfare Training Program). The Holiday Inn, New Cumberland is the recommended hotel to use when lodging is required. All of the information on workshops and locations can be reviewed at www.jcjcjems.state.pa.us

We invite you to consider some upcoming trainings around the state.

The following trainings and their links are sponsored by the indicated agency.

July			
7/25	Heroin and other Narcotic Drug Abuse CJJT&R	8/27	Juvenile Justice Academy: Orientation For The New Professional Session I CJJT&R
August		September	
8/3	Signs & Symptoms of Posttraumatic Stress Disorder in the Adolescent Population Westmoreland County Juvenile Court	9/13	Understanding Adolescent Substance Abuse Regression, Resumption and Relapse CJJT&R
8/15	Solution-Oriented/Strength-Based Interventions CJJT&R	9/14	Stress in Adolescence Westmoreland County Juvenile Court
		9/19	Conduct Disorder in Juvenile Offenders: Linking
			9/19-21
			Victim Impact Curriculum Westmoreland County Juvenile Court
		9/24	Juvenile Justice Academy: Orientation For The New Professional Session II CJJT&R

Hosting a training you would like to see listed here? E-mail us the details and we'll list it in our next issue.

JCJC Graduate Education Program Accepting Applications for the Class of 2015

Looking to advance in Juvenile Justice?

Applications are now being accepted for the Juvenile Court Judges' Commission-sponsored Graduate Education Program at Shippensburg University. Members of the class of 2015 will begin classes in the Summer of 2013. **The deadline to apply is September 1, 2012.**

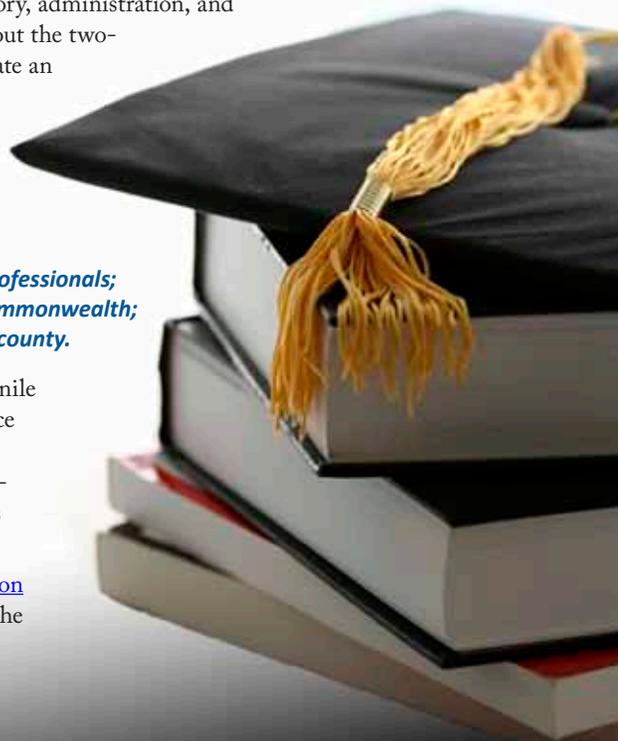
The Shippensburg University program offers students a Master of Science degree in the Administration of Justice. This is a 36-credit hour program that includes courses in research methods, theory, administration, and policy analysis. Also featured is a practicum study which is conducted throughout the two-year program. This practicum study provides students the opportunity to evaluate an existing program or practice that serves juvenile offenders in their home county.

What are the benefits of the JCJC Graduate Education Program?

- **Free tuition;**
- **Free lodging on class weekends** (for students traveling more than 50 miles);
- **No weekday or evening classes;**
- **A Master's curriculum specifically tailored to working juvenile justice professionals;**
- **Networking with other juvenile justice professionals from across the Commonwealth;**
- **Opportunity to learn how to evaluate juvenile justice programs in your county.**

This program is available to county juvenile probation officers – and county juvenile detention staff – who will have at least two years of post-baccalaureate experience in the juvenile justice field prior to the start of classes. Other juvenile justice professionals – such as residential placement staff and victim services providers – may also apply and be accepted into the program on a “self-pay” basis as space is available.

Additional information about the program is available on the [Graduate Education](#) pages at www.jcjc.state.pa.us. If you have any questions regarding eligibility or the application process, please contact [Stephen Bishop](#) at 717-477-1294.



This publication is produced monthly at the Center for Juvenile Justice Training and Research at Shippensburg University. Guest articles are always welcome; please submit them by e-mail or on a disk.

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