

Interbranch Commission on Juvenile Justice

Summary of Recommendations

May 2010

The full Report and recommendations of the Interbranch Commission on Juvenile Justice are available on the Web site of Pennsylvania's Unified Judicial System at:

www.pacourts.us/Links/Public/InterbranchCommissionJuvenileJustice.htm

Recommendations:

Regarding Crime Victims (Report, Page 41)

- * The creation of a statewide office of Juvenile Justice Victim Advocate.
- * The restoration of funding for the Victims of Juvenile Offenders (VOJO) program to 2005 levels.
- * The creation of a Luzerne County Victims of Juvenile Crime Restitution Fund.

Regarding Judicial Ethics (Report, Page 42)

- * That the Supreme Court re-examine the Code of Judicial Conduct to ensure ethical provisions and reporting requirements are adequate.

Regarding Judicial Discipline (Report, Page 43)

Short term recommendations:

- * Review and revise recently adopted Judicial Conduct Board (JCB) Internal Operating Procedures.
- * Review the role and independence of JCB staff vis-à-vis the JCB members.
- * Revise and enhance the JCB annual reports.
- * Revise and enhance the JCB Web site.

Short term recommendations continued:

- * Ensure that judges and lawyers are aware of their ethical responsibility to report misconduct, and develop educational materials so the general public is aware of how to report judicial misconduct.

Long term recommendations:

- * Review the Pennsylvania constitutional provisions regarding judicial discipline to ensure the JCB is accountable.

Regarding Attorney Discipline

(Report, Page 45)

- * Create educational programming to ensure the bar and the general public understand what constitutes attorney misconduct.
- * Revise and enhance the attorney disciplinary board Web site.
- * Increase and enhance attorney Continuing Legal Education (CLE) ethics requirements.

Regarding Continuing Education

(Report, Page 46)

- * The commission endorses the training standards adopted by the Pennsylvania District Attorney' s Association (PDAA) and the Juvenile Defenders Association of Pennsylvania (JDA of PA).
- * The PDAA and JDA of PA should develop and present Continuing Legal Education courses for prosecutors and defense counsel.
- * Continuing Legal Education should be mandatory for judges, masters and hearing officers who handle juvenile cases.
- * Emphasis should be placed on the importance of working in the field of juvenile justice.

Regarding Juvenile Prosecutors

(Report, Page 47)

- * The PDAA standards for prosecutors in juvenile courts should be implemented and resources needed to achieve them should be adequately funded.

Regarding Juvenile Defense Lawyers

(Report, Page 48)

- * Creation of a state-based funding stream for indigent juvenile defense.
- * Creation of a Center for Juvenile Defense Excellence.
- * Ensuring access to defense counsel by deeming all juveniles indigent for purposes of appointing counsel; also by restricting the right of a juvenile to waive counsel, and by requiring stand-by counsel if the juvenile waives counsel.

Regarding Ethics for Juvenile Probation Officers

(Report, Page 51)

- * The Chief Juvenile Probation Officer's association and all county probation departments should adopt standards of conduct, as well as rules prohibiting partisan political activities for all employees.

Regarding Court Hiring Practices

(Report, Page 52)

- * The Court Administrator of Pennsylvania should undertake a national review to determine best practices for court hiring policies and present the findings of that study to the Supreme Court for review.

Regarding Continuing Supreme Court Oversight

(Report, Page 52)

- * Continued oversight of the Luzerne County juvenile justice system.

Regarding the Use of Data and Statistics

(Report, Page 53)

- * Ensure that adequate resources are available for the Juvenile Court Judge's Commission (JCJC) to collect appropriate juvenile justice data and conduct additional data analysis.
- * Enhanced data collection and data sharing among various entities that collect data regarding the juvenile justice system.

Regarding Stating Dispositional Reasoning on the Record (Report, Page 53)

- * Revise statutes and Rules of Court to require judges to state on the record how a juvenile disposition furthers the goals of the Juvenile Act.

Reduce or Eliminate the Practice of Shackling (Report, Page 54)

- * The Juvenile Justice Delinquency Prevention Committee of the Pennsylvania Commission on Crime and Delinquency should study and recommend ways to reduce or eliminate shackling in juvenile courtrooms.

Regarding Juvenile Placement Decisions (Report, Page 54)

- * Implement the Juvenile Detention Alternatives Initiative (JDAI) model as a detention assessment instrument.
- * The commission endorses the modification of the JCJC Standards Governing the Use of Secure Detention.

Regarding Youth Level of Services Initiative (Report, Page 54)

- * Expand as a pilot program the Youth Level of Service / Case Management Inventory (YLS/CMI) risks/needs instrument and the employment of valid research and other evidence-based risk assessment instruments.

Regarding Appellate Rights (Report, Page 55)

- * Develop a form advising juveniles of their right to appeal and seek other post dispositional relief.
- * Develop internet-based resources explaining how the post dispositional process works and how parents and children can get assistance.

Regarding Appellate Review

(Report, Page 55)

- * Expedited appellate review.
- * Creation of a statewide office to provide assistance in appeals under the Juvenile Act.

Regarding *Nunc Pro Tunc* Relief

(Report, Page 57)

- * Enhanced allowance of *nunc pro tunc* (now for then) relief.

Regarding County Commissioners

(Report, Page 57)

- * Encourage county commissioners to attend the County Commissioner's Association of Pennsylvania (CCAP) Academy for Excellence in County Government
- * Enhanced understanding of the respective roles and obligations of county-level court officials and county executive officials.

Regarding the Department of Education

(Report, Page 58)

- * Zero-tolerance policies should be discontinued.
- * Enhanced understanding of the roles and obligations among educational, law enforcement and juvenile justice stakeholders.
- * Enhanced cooperation among educational, law enforcement and juvenile justice stakeholders to maintain safety and security in schools.
- * Keep the juvenile justice status of students confidential.
- * Review educational curriculum for children in placement.

Not Recommended

While the Interbranch Commission on Juvenile Justice considered many recommendations, the following highly publicized measures were considered, but ultimately not endorsed:

- * To make all juvenile delinquency proceedings presumptively open to the public.
- * To create an office of Ombudsman to serve as a watchdog and/or public advocate investigating grievances regarding governmental abuse of power in the juvenile justice system.