

March 30, 2010

John M. Cleland, Senior Judge  
Superior Court of Pennsylvania  
P.O. Box 774  
4355 Route Six  
Kane, PA 16735

Dear Judge Cleland:

On behalf of the Victims of Juvenile Offenders Workgroup (VOJO) which is a workgroup formed under the Victims Services Advisory Committee (VSAC), I am writing to encourage the Interbranch Commission on Juvenile Justice to remember the "original" victims in Luzerne County and to consider the mission of the juvenile justice system as you continue your work to rebuild hope and trust in the juvenile justice system.

The Victims Services Advisory Committee (VSAC) was written into law in 1995. This committee was created to serve in an advisory capacity to Pennsylvania Commission on Crime and Delinquency (PCCD) to assure victims have a voice in the development of services for victims and funding of these services.

At this time, the Pennsylvania law provided services to victims of crimes committed by **adult offenders processed in the criminal justice system** as outlined in the Crime Victims Rights Act. This bill overlooked the victims of juvenile offenders. These victims were not granted basic rights simply because their offenders were processed in the juvenile justice system.

VSAC adopted a goal to correct this imbalance. To assure there were equal rights to all victims of crime in the Commonwealth, regardless of the age of the offender.

Act 86, signed into law on October 30, 2000, was an expansion of Pennsylvania's Victims' Bill of Rights to include victims of juvenile offenders which became effective on December 29, 2000. This Bill of Rights provides the victims of juvenile offenders basic rights to include notifications, accompaniment, presence in the courtroom, opportunity to prepare and present a victim impact statement, oral testimony, rights to be restored, etc. and clearly outlines the responsibilities per each stakeholder within the juvenile justice system.

The expansion of the bill of rights to include victims of juvenile offenders complemented the 1995 passage of Act 33 which changed the mission of the Juvenile Justice System to include victim restoration and community protection.

As the 67 counties were taking the steps to incorporate victim services and the provisions of the "Bill of Rights" into their existing program or creating a new program, many questions and concerns were being voiced. These questions and concerns were brought to VSAC. To address these concerns specific to the juvenile justice system a committee was developed called the Act 86 Implementation Committee which has evolved into the Victims of Juvenile Offenders (VOJO) Workgroup.

With the new mission of the juvenile justice system to include victims and the community as clients, balanced attention is to be provided to the victims of crime, the community and the juvenile offenders and each should gain tangible benefits from their interactions with the system.

When reviewing the questions and concerns brought before the workgroup some basic themes surfaced:

- Adherence to the rights
- Understanding the rights
- Lack of training among stakeholders responsible for providing the rights or portions thereof
- Implementation of the rights

All stakeholders involved in the juvenile justice system and the victims' services communities have worked diligently to assure rights are being addressed and the victims are being treated with due dignity and respect. Through surveys and individual responses and letters of gratitude we can say that the victims' views of the juvenile justice system are improving and there are more entering the system with more faith and trust. This is a tremendous achievement considering prior to 1995 there was no consideration given to the victim or the community which had the citizens within the Commonwealth not only having no faith or trust in the system but believing the system was not working.

We are speaking of major philosophical changes in juvenile justice process which has been in existence for over 100 years and although we have seen great improvement we still have many milestones to cross.

As mentioned in Carol Lavery's, State Victim Advocate, testimony, adherence to victims' legislative rights by courts, probation and prosecutors is inconsistent. We still have much work yet to be done.

Victims Services staff, positions generally funded through PCCD'S Victims of Juvenile Offenders (VOJO) Grant Funding Program are employed to (1) carryout the mandated responsibilities of probation offices and prosecutors under the act, (2) to assure all victims are treated with dignity and respect and (3) to inform and ensure the provision of all rights mandated within the Act.

The victim services staff has the major responsibility of explaining to the victims the principles and process of the juvenile justice system, which often occurs within days of the victimization while the victim is stressed and angry. We hear their complaints when they feel their rights have been violated, i.e., not being allowed to speak in court, not being notified of significant events regarding their case, not receiving restitution, on-going threats or perceived threats by the offender or individuals on behalf of the offender.... Many of these complaints are echoed through the commonwealth.

We, as victims services staff/advocates must take steps to rectify these real "injustices" and provide explanations and supportive counseling for those perceived "injustices".

We are still in the early stage of procedurally following the mandates of the Crime Victims Bill of Rights and the Juvenile Act.

We, the members of the Victims of Juvenile Offenders Workgroup urge the Interbranch Commission to consider the Balanced Approach and Restorative Justice mission of the juvenile justice system when rendering your decision regarding the Luzerne County cases.

An additional important factor to address is dedicated, stable funding for the provision of the mandated rights for victims of juvenile offenders.

According to the Office of Victims Services Annual Report for the 2008/2009 fiscal year, there were over 63,000 victims, witnesses and significant others receiving services in 2008. As the trust in the juvenile system continues to grow, we project an increase in the numbers of victims entering the system and receiving our services.

These services, for which the numbers via the PCCD Annual Report and the Luzerne County cases show the obvious need, are facing being minimally funded in the Pennsylvania State Budget and possibly being phased out entirely.

In 2004 the funding for VOJO staff to provide services was \$3,455,000.

In 2005, 2006 and 2007 the funding was \$3,358,000 each year.

In 2008 the funding was \$3,243,000

In 2009 the funding was reduced by 46% in the PA state budget to \$1,221,000. Eleven (11) VOJO programs had to be moved from regular VOJO funding to ARRA JAG (federal stimulus) funding in order to prevent any VOJO programs from taking a reduction in funding.

Additionally, in December 2009, the governor froze \$500,000 in VOJO funds. An additional VOJO Program had to be moved from regular VOJO funding to ARRA JAG (federal stimulus) in order to again avoid any programs having to take a reduction in their funding.

The Governor's proposed PA State Budget for 2010/2011 is projecting another cut of \$500,000 in VOJO funding which, if passed, will reduce the VOJO budget to \$711,000 for 74 programs providing services to victims of juvenile offenders in all 67 counties.

If VOJO funding is eliminated, services to victims of juvenile offenders will become an unfunded mandate in Pennsylvania.

There is a misconception that funding for the victim service programs under the Rights and Services Act (RSA) also includes funding for the Victims of Juvenile Offenders (VOJO). Funding for RSA only covers the victims of cases processed through the adult system.

While we, the members of the VOJO Workgroup recognize the current financial limits we recommend that a dedicated, stable funding source be created to maintain staff to assure the delivery of the mandated rights to victims of juvenile offenders which coincides with the mission of the juvenile justice system which is incorporated in the Juvenile Act.

The recommendations made are ones which we believe will take the system closer to the goal of achieving a balanced and restorative response to the victim, community and the juvenile.

We also want to thank you for the work that you and the Interbranch Commission are doing to address this misuse and abuse of power in the Luzerne County juvenile justice system.

Sincerely,

Alberta McCargo-James  
Chair, Victims of Juvenile Offenders (VOJO) Workgroup