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ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

## NEWS RELEASE

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**FOR IMMEDIATE RELEASE**

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### **Interbranch Panel Issues Report and Recommendations For Improving Juvenile Justice System and Other Reforms**

**HARRISBURG, May 27, 2010**—The Interbranch Commission on Juvenile Justice today adopted its final Report on failures in the juvenile justice system of Luzerne County and made a broad series of recommendations for strengthening and improving the justice system statewide.

The commission's recommendations include strengthening the disciplinary systems for judges and lawyers, improving services to victims of juvenile crimes, improving training for lawyers and judges who work in juvenile courts and establishing statewide ethical standards for juvenile probation officers. The Report and a summary of all recommendations are available on the Web site of Pennsylvania's Unified Judicial System. (See link below.)

"The Interbranch Commission on Juvenile Justice was created last August 2009 with a mandate to investigate the juvenile justice scandal in Luzerne County and to develop appropriate recommendations for reform," said Commission Chairman John M. Cleland, a senior judge of the Pennsylvania Superior Court.

"It is our hope that, based on our understanding of how the juvenile justice system was undermined in one county, we have developed recommendations that will avoid it from happening in any other county."

The 11-member commission, whose members were appointed by the leaders of the three branches of Pennsylvania government, was given a statutory deadline of May 31, 2010, to complete its investigation and deliver a final report to the Governor, the General Assembly and the Supreme Court. The 66-page final Report was delivered today.

The Report chronicles a judicial corruption scandal in which two former Luzerne County president judges, Michael T. Conahan and Mark A. Ciavarella, Jr., were charged with receiving \$2.8 million in payoffs from the builder and owner of two juvenile detention centers. Ciavarella, the long-time judge of juvenile court, placed large numbers of juvenile defendants in the detention facilities and has been found to have violated the rights of more than 1,800 juveniles by failing to properly advise them of the right to counsel.

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In what the Report describes as a "Dickensian" judicial practice, Ciavarella periodically ordered juvenile defendants as young as 11 into detention for failure to pay fines - effectively using the county detention center as a debtor's prison for children. The practice was discontinued only when a county fiscal officer pointed out to the judge that incarcerating juveniles at county expense for \$200 a day was not a cost-effective method of collecting small fines.

The Report also examines the failure of the state Judicial Conduct Board to investigate a 2006 anonymous complaint against Conahan that made detailed allegations of unethical conduct and possible criminal conduct. The Report describes an internal breakdown within the Judicial Conduct Board that resulted in the failure to investigate, including an acknowledgement by the conduct board's chief counsel that the Conahan complaint "had fallen through the cracks."

In the overview, the Report of the Interbranch Commission on Juvenile Justice concludes that, while the most obvious blame for the failures of the juvenile justice system are attributable to Ciavarella and Conahan, the causes of the breakdown are more far-reaching.

"The Interbranch Commission on Juvenile Justice found a far more complex and nuanced picture in which many individuals may be seen to have shared the responsibility," the Report says. "Silence, inaction, inexperience, ignorance, fear of retaliation. Greed, ambition, carelessness. All these factors played a part in the failure of the system."

The commission held 11 days of hearings and heard from more than 60 witnesses during its investigation. It also received written statements and documents from many individuals who did not appear at public hearings.

A copy of the commission's final Report, a summary of its recommendations, transcripts of its hearings and related information and documents are posted on the Web site of Pennsylvania's Unified Judicial System at:

<http://www.pacourts.us/Links/Public/InterbranchCommissionJuvenileJustice.htm>

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**BROADCAST EDITORS' NOTE: Portions of commission's news conference will be available via satellite on Thursday from 3:00 p.m. to 3:15 p.m. Coordinates are: FORMAT: 16 x 9, SATELLITE: AMC - 5 (KU-Band - DIGITAL), TRANSPONDER: K 08, CHANNEL: A (9Mhz), SYM RATE: 6.380 msps, FEC: 5/6, BIT RATE: 9.799346, DOWNLINK POL: Horizontal, DOWNLINK FREQ: 11912.50 MHz, AUDIO: 6.2 / 6.8, TROUBLE: 717-772-4282**