

# COMMONWEALTH OF PENNSYLVANIA



## INTERBRANCH COMMISSION ON JUVENILE JUSTICE

October 1, 2009

The Interbranch Commission on Juvenile Justice was created by Act 32 of 2009 and charged with reviewing the operations of the Luzerne County juvenile justice system. To assist in its investigation the Commission is soliciting comments and will be holding hearings to obtain testimony from individuals involved with that system. The accompanying documents provide an opportunity for individuals who were adjudicated delinquent between the years 2002 and 2008, and their family members or other relevant individuals, to provide information to the Commission regarding individual experiences.

The Commission's task is to investigate what happened to cause the juvenile justice system in Luzerne County to breakdown and to consider whether similar events may occur elsewhere. The Commission will issue a report to the three branches of Commonwealth government and make recommendations to prevent similar breakdowns in Luzerne County and elsewhere. We ask for your assistance so we can conduct the most thorough investigation and provide the most complete report as possible.

If you are interested in providing the Commission with the details of your case or situation, please fill out and submit the accompanying questionnaire. If you would like testify before the Commission at a public hearing, please complete the attached form and send it along with the completed questionnaire to the Commission at the address indicated.

If you are called to testify, we will make every attempt to assure your comfort. You will be permitted to be accompanied by a friend, family member or an attorney while you testify.

To find out more about the Commission and its charge, please go to our web site, available through <http://www.pacourts.us/Links/Public/InterbranchCommissionJuvenileJustice.htm> under "additional information." Opportunities for testifying will be limited as the Commission must complete its investigation by May, 2010. However since the

Commission will review every questionnaire and will read all comments submitted, please be as complete as possible.

Please be aware that it would not be appropriate for the Commission to get involved in any ongoing cases or to pass judgment on the outcome of any adjudication. That is not the Commission's role. Questions about individual cases or questions of a legal nature should be referred to an attorney.

Thank you for your consideration of this matter. We look forward to hearing from you. Please submit completed questionnaires to the address listed below. Also, if you have any questions, you may contact us by writing to the commission at the same address:

Pennsylvania Interbranch Commission on Juvenile Justice  
c/o Darren M. Breslin, Counsel  
Administrative Office of Pennsylvania Courts  
1515 Market Street, Suite 1414  
Philadelphia, PA 19102  
215-560-6300 (office)  
215-560-6315 (fax)

E-mail communications may be sent to: [darren.breslin@pacourts.us](mailto:darren.breslin@pacourts.us).

Sincerely,

John M. Cleland  
Chairman

## **Questions for individuals who wish to share their experiences with the Luzerne County juvenile justice system**

Answers to these questions will be reviewed by the members of the Interbranch Commission on Juvenile Justice ("Commission.")

Please answer the following questions truthfully and to the best of your ability. Feel free to provide any additional details concerning your experiences or any unique circumstances you feel the Commission should know about. Use extra pieces of paper if necessary. Answers to these questions will help the Commission fulfill its obligation to review the Luzerne County juvenile justice system and to make recommendations for its improvement.

1. Please provide a brief description of the acts for which you were adjudicated.
  - a. If you were represented by an attorney, please provide the attorney's name and whether the attorney was privately retained or court-appointed?
  
2. What police department was involved in the investigation?
  
3. Were you interviewed by a police officer or a state trooper in connection with the investigation?
  - a. If you were interviewed, did you discuss the need to retain an attorney to represent you in the juvenile proceedings?
  
  - b. Did the police officer encourage you to obtain legal counsel?
  
  - c. Did the police officer provide you with any information as to how to obtain a public defender to represent you?
  
  - d. Did the police officer tell you that you did or did not need an attorney?

- e. Did the police officer discuss with your parents whether you should have an attorney? (Throughout this questionnaire, the word "parent" refers to parents or legal guardians).
4. Did you undergo an intake interview with a juvenile probation officer prior to any court proceeding?
- a. If so, what was the name of the juvenile probation officer?
  - b. Did the juvenile probation officer inform you that you had a right to be represented by an attorney?
  - c. Did the juvenile probation officer provide you with any information as to how to apply for a public defender?
  - d. Did the juvenile probation officer discuss with your parents whether you should obtain legal counsel?
  - e. Did the juvenile probation officer indicate to you what he or she intended to recommend to the judge if adjudicated delinquent?
5. Do you recall the name of the judge that you appeared before in your juvenile proceeding? If so, what was that judge's name?
- a. Did the judge advise you of your right to counsel?
  - b. Did the judge ask you any questions about whether you wanted counsel?
  - c. Did the judge ask your parents any questions about whether they wanted you to have counsel?
  - d. Did the judge ask you or your parents if you waived your right to legal counsel?

- e. Was there an assistant district attorney present at your hearing?
  - f. If so, do you recall the name of the assistant district attorney?
  - g. Did the judge state the recommendation of the juvenile probation officer?
  - h. If so, was this recommendation the same as what the juvenile probation officer told you it would be?
  - i. Did the judge follow the recommendation of the juvenile probation officer?
6. Did the judge order that you be placed into a juvenile detention or placement facility?
- a. If so, which facility and how long did you spend in that facility?
  - b. If placed in a facility, did you appear back before the judge to review your case?
  - c. Were you represented by counsel at that time?
7. Please discuss the impact your experience with the Luzerne County juvenile justice system has had on your life. This may include positive or negative experiences.
8. How much of an impact has your experience with the Luzerne County juvenile justice system had on your family or friends? Please describe that impact.
9. How did your experience with the Luzerne County juvenile justice system affect your family financially?

10. How do you and your family feel about your experience?
  
11. What changes, if any, have occurred in your life as a result of your experience?
  
12. Please provide any additional information or details you feel are relevant or important for the Commission to understand regarding your experiences.

For all of the above questions, please feel free to elaborate and expand on your answers as much as you desire. Use additional pieces of paper as needed.

The Commission will be conducting public hearings in the coming months to gather more facts. Those hearings will include testimony from individuals who were adjudicated delinquent in Luzerne County between the years of 2002 and 2008. While the number of witnesses called to testify will necessarily be limited, if you are interested in testifying, please fill out and return the form below.

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**Witness Request Form**

Please complete the form below if you wish to testify. A representative of the Commission will be contacting you if you complete and return this form and if your testimony is requested.

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**CITY:** \_\_\_\_\_ **STATE:** \_\_\_\_\_ **ZIP CODE:** \_\_\_\_\_

**HOME PHONE:** \_\_\_\_\_ **CELL:** \_\_\_\_\_ **WORK:** \_\_\_\_\_

**E-MAIL ADDRESS:** \_\_\_\_\_

**BEST TIME TO CALL** \_\_\_\_\_

\* Note: completing this form does not guarantee you will be invited to testify.

Please return the completed form to:

Pennsylvania Interbranch Commission on Juvenile Justice  
c/o Darren M. Breslin, Counsel  
Administrative Office of Pennsylvania Courts  
1515 Market Street, Suite 1414  
Philadelphia, PA 19102  
[darren.breslin@pacourts.us](mailto:darren.breslin@pacourts.us)

Feel free to write or e-mail questions to Mr. Breslin at the address or e-mail address above.