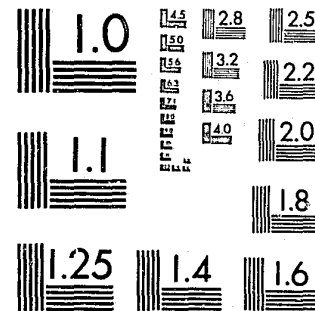


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# Pennsylvania's Criminal Justice System:

## AN OVERVIEW



March, 1984

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

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PENNSYLVANIA'S CRIMINAL JUSTICE SYSTEM: AN OVERVIEW  
MARCH, 1984

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY  
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## PREFACE

The governmental response to street crime in Pennsylvania is a multi-faceted approach involving primarily state and local agencies. The purpose of this document is to provide basic information about Pennsylvania's Criminal Justice System. This report describes how the system is designed to work by functional component citing the agencies which are responsible for maintenance of the system.

During the spring of 1983, the Pennsylvania Commission on Crime and Delinquency, in response to a request from the legislative leadership, prepared a briefing paper on the criminal justice system for presentation to freshman legislators. Based upon the favorable reaction to this initial document, the Commission surveyed state criminal justice agencies to determine the need for a primer describing the operation of the criminal justice system. With input from these agencies, the document was expanded to its present form.

It is hoped that this report will fill the need of state agencies responsible for the training of criminal justice personnel for a basic text and resource document. This report should also be useful to criminal justice personnel desiring to review the operation of portions of the system other than their own and to educating individuals unfamiliar with the system and its operation.

The information contained herein was gleaned principally from the annual reports published by the respective agencies. Due to the complexities inherent in the system and a desire to provide a concise document, the material presented should be regarded as a highlight of the system rather than an exhaustive review.

In addition, this report is based upon the information available as of December 1983. The reader must keep in mind that the criminal justice system and its components are not static. Administrative, legislative and judicial actions and the concerns of the public continually bring change to the system.

Caution should be exercised in using this document as a source of legislative mandates or judicial procedural rules since these are subject to constant change. Where appropriate, citations are provided as a guide to reference material that may be used to obtain the most current information.

Some of the terms used in describing the system may not be familiar to the reader. A glossary of terms has been offered as Appendix A to facilitate an understanding of the material presented. The following information will hopefully provide a practical base of knowledge about our criminal justice system as well as a handy reference to pertinent facts concerning the dimensions of Pennsylvania's response to crime and the criminal offender.

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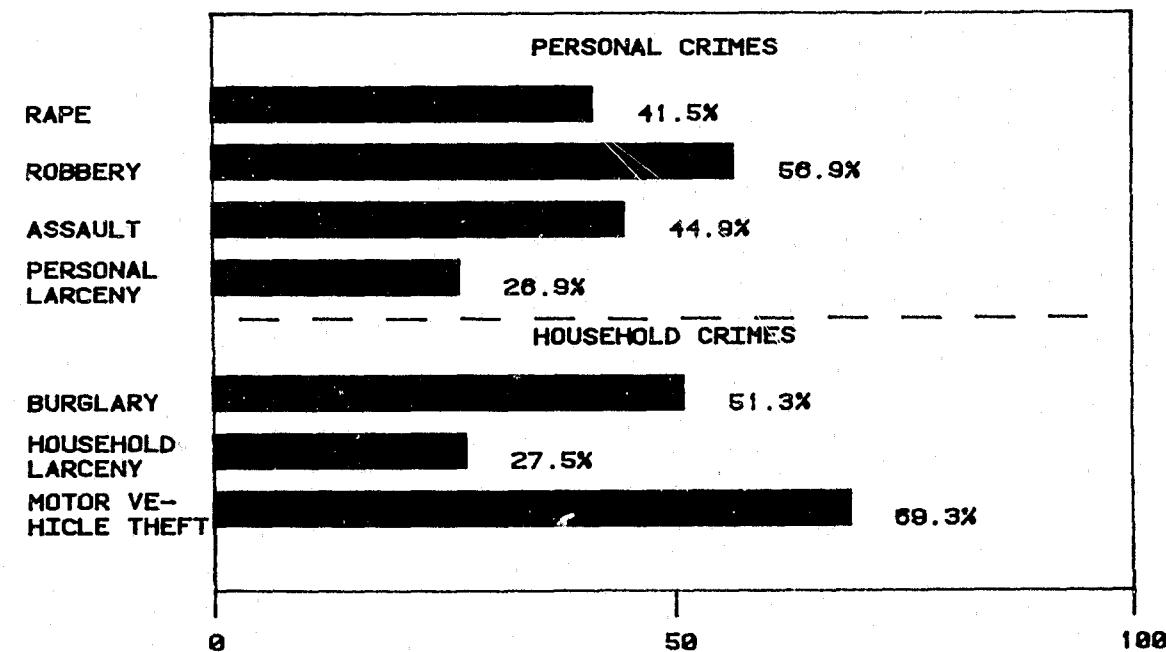
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#### CRIME IN PENNSYLVANIA

There are two methods currently employed to measure the incidence of crime. The method most widely recognized observes crimes reported to police as reflected in the Uniform Crime Reports (UCR). A second method relies upon what are referred to as victimization data, which are gathered by the Bureau of the Census as part of the National Crime Survey and reflect both reported and unreported crimes. There are advantages and disadvantages inherent in both systems of reporting.

The UCR is compiled on an annual basis, is usually available in May following the calendar year reported, and is reported by local jurisdiction. Its limitation is that only crimes reported to the police are reflected. This is a major drawback since the victimization surveys suggest that collectively less than half of all crime is reported to police. The following table offers the relationship of reported and unreported crime for 1980.

PERCENT OF VICTIMIZATIONS REPORTED  
TO THE POLICE, 1980



The extent of the underreporting problem points to a need for greater citizen involvement in and reliance upon the criminal justice system. Functioning of the system is primarily in reaction to its knowledge of criminal acts. Since the system is dependent upon the general citizenry for the vast majority of such knowledge, it is critical that citizens come forward and take an active role in preventing and reporting crimes and assisting in the prosecution of criminals.

The drawbacks attendant to the use of victimization data for analytical purposes lie in the manner of disseminating results of the National Crime Surveys. Victimization data are usually two to three years old when reported and are not jurisdiction-specific, i.e., much of the information is national in scope, some is broken down by state and very little is available by local municipality.

UCR reporting uses an offense-specific dichotomy in its display of data. Part I offenses are defined as those serious crimes which are usually reported to law enforcement authorities and include:

Homicide	Larceny
Rape	Burglary
Robbery	Auto Theft
Assault	Arson

Part II offenses are those crimes which are not included in the Part I group and include but are not limited to such activity as:

Forgery	Receiving Stolen Property
Prostitution	Drunk Driving
Gambling	Embezzlement
Narcotics	Vagrancy

The following table shows the number of Part I and Part II offenses reported to police over the last five years with the percent change 1981 to 1982.

Pennsylvania Crime Trends 1978-1982						
	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>% Change 1981-1982</u>
Part I	370,639	405,925	443,085	436,565	411,778	-6.0
Part II	<u>449,985</u>	<u>487,974</u>	<u>483,989</u>	<u>485,523</u>	<u>486,059</u>	<u>+0.001</u>
TOTAL:	820,624	893,899	927,074	922,088	897,837	-5.999

Source: Crime in Pennsylvania, Uniform Crime Reports 1978-1982, Pennsylvania State Police

As can be seen, serious reported criminal activity (Part I Offenses) showed a steady increase from 1977 to 1980 followed by a 1.5% decrease in 1981 and a 6% decrease in 1982. A similar pattern occurred in the total offense category. These figures have fueled speculation that serious crime may have peaked in 1980 and will continue a downward trend due to fewer persons within the crime prone age group (15-24) each year as a result of the aging of the "baby boom" population. Recent figures for 1982 reported crime show a continued decline in serious offenses.

The juvenile population is following the downward trend. According to Bureau of Census data, the juvenile population (ages 10-18) of Pennsylvania stood at 1,570,687. Each year between 1980 and 1989 this population group is expected to decrease in size. In 1983, this population should decrease by 8.2% to 1,441,553. By 1989, this population may be 1,208,525, a total decrease of 23.1% from 1980.

Another commonly used method of assessing criminal activity is to divide offenses into a) personal or violent crimes; and b) property crimes. Such a division aids in understanding the police capacity to apprehend suspects. The following table offers these crime types with the percent cleared by arrest. An offense is cleared by arrest when a police officer places one or more individuals under arrest for the reported crime.

Pennsylvania Clearance Rate by Offense  
1982

<u>Violent Crimes</u>	<u>% Cleared by Arrest</u>	<u>Property Crimes</u>	<u>% Cleared By Arrest</u>
Murder	87%	Burglary	18%
Rape	61%	Larceny	22%
Robbery	33%	Auto Theft	12%
Aggravated Assault	66%	Arson	22%

Source: Crime in Pennsylvania, Uniform Crime Report 1982, Pennsylvania State Police

Note the wide disparity between the two crime types. The fact that so few property offenses are solved by police may help to explain the observations of victimization surveys that victims are far less likely to report property offenses to police than violent offenses. Despite this lower reporting for property crimes, reported property crimes significantly outnumber violent crimes. During 1982, 42,660 violent crimes and 369,118 property crimes were reported to police.

As might be expected from the clearance rate for property offenses, most stolen property is never recovered. The value of stolen property reported in 1982 was \$301.2 million, down 7.3% from the \$324.8 million reported in 1981. Only about one-third of the value of stolen property is ever recovered.

A disproportionate amount of crime and arrests occurs in Philadelphia. While this jurisdiction represents only 14% of the state population, it accounts for 23% of reported Part I offenses and 31% of Part I arrests.

Arrest data indicate that Part I offenses are most likely to be committed by white males under the age of 25.

% Distribution of Part I  
Arrestees by Age, Race and Sex  
1982

Under 18	35.9%	White	60.4%	Male	82.6%
18 & over	64.1%	Non-White	39.5%	Female	17.4%

Source: Crime in Pennsylvania, Uniform Crime Report 1982,  
Pennsylvania State Police

During 1982, juveniles accounted for 23.2% of total arrests for Part I violent offenses, 38.2% of Part I property crime arrests, and 29.8% of arrests for Part II offenses. As can be seen below, juvenile arrests as a percentage of total arrests have decreased since 1979. Between 1979 and 1982 the percentage of juvenile arrests for Part I violent crimes has decreased 4.5% and for Part I property crimes has decreased 7.7%. The percentage of juvenile arrests for Part II offenses has fluctuated over the same time period, with 1982 arrests 1% below those for 1979.

Juvenile Arrestees as Percentage of  
Total Arrests

	1982	1981	1980	1979
Part I-Violent	23.2%	25.1%	26.4%	27.7%
Part I-Property	38.2%	40.7%	41.7%	45.9%
Part II	29.8%	32.5%	27.5%	30.8%

A complete accounting of Pennsylvania reported crime, arrest rates and offender profiles by municipality is published annually by the Pennsylvania State Police. The report is entitled, Crime in Pennsylvania - Uniform Crime Report and is usually available in late May.

THE CRIMINAL JUSTICE SYSTEM:  
PROCESS AND MANPOWER

Process

The criminal justice process in Pennsylvania involves a complex series of decision-making points, all premised upon a balance of the rights of the individual versus the rights of society. Thus, police officers make judgements about whether or not to arrest an individual; prosecutors decide whether or not and the extent to which to charge and prosecute an individual; judges and juries render decisions about a defendant's guilt; the judiciary determines the appropriate sentence of convicted offenders; and parole authorities decide when the offender who has been incarcerated is ready to return to the community.

The following hypothetical models offer a highly simplified account of the proportional influences as an offender traverses the system. They begin with crimes known to the police and continue through arrest, disposition and sentence.

As can be seen in Model A, roughly half of the crimes known to police are cleared by arrest (the actual figure is closer to 45%). For every one hundred individuals arrested, then, only about a third will proceed to criminal court. Over one-half are likely to be disposed at the district justice level (court of initial jurisdiction handling primarily summary offenses) and another 18% will be referred to juvenile court.

The defendants who are processed in criminal court are most likely to be disposed of either through diversion (Accelerated Rehabilitative Disposition or ARD) dismissal or via guilty plea. Trials represent the least likely form of disposition.

If an offender is convicted, he is most likely to be placed on probation, followed by incarceration at the county prison.

Of course, there are a number of factors which are considered in the determination of when and how an individual will exit the system. Every case is unique. If there is a common thread, at least in the judicial system, the primary factors which will influence an individual's route are: 1) the seriousness of the offense; 2) the prior record of the individual; and 3) his community stability. Compare, for example, the overall conviction/incarceration rates (35/27%) in Model A with the rates reflected for Robbery (59/67%) and Burglary (59/51%) in Models B and C.

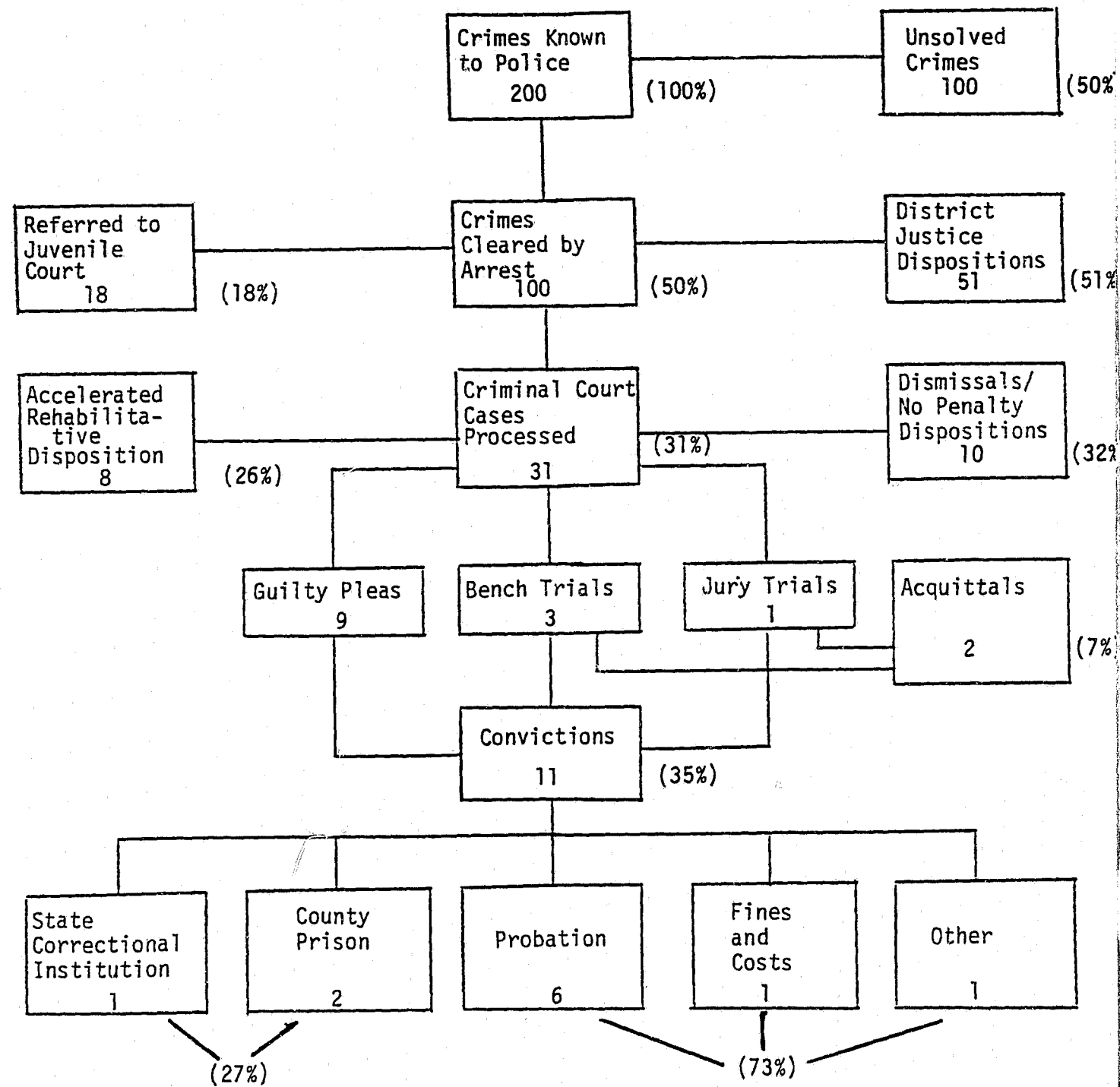
The proportions presented here are drawn from the latest available full year of data reflecting the entry/exit points of the system. While the individual proportions may vary slightly from year to year, the general trend has been fairly stable. However, recently enacted legislation regarding mandatory sentencing/sentencing guidelines should significantly affect the proportion of individuals who become incarcerated.

# THE CRIMINAL JUSTICE PROCESS

IN

PENNSYLVANIA

## MODEL A - ALL OFFENSES (HYPOTHETICAL)

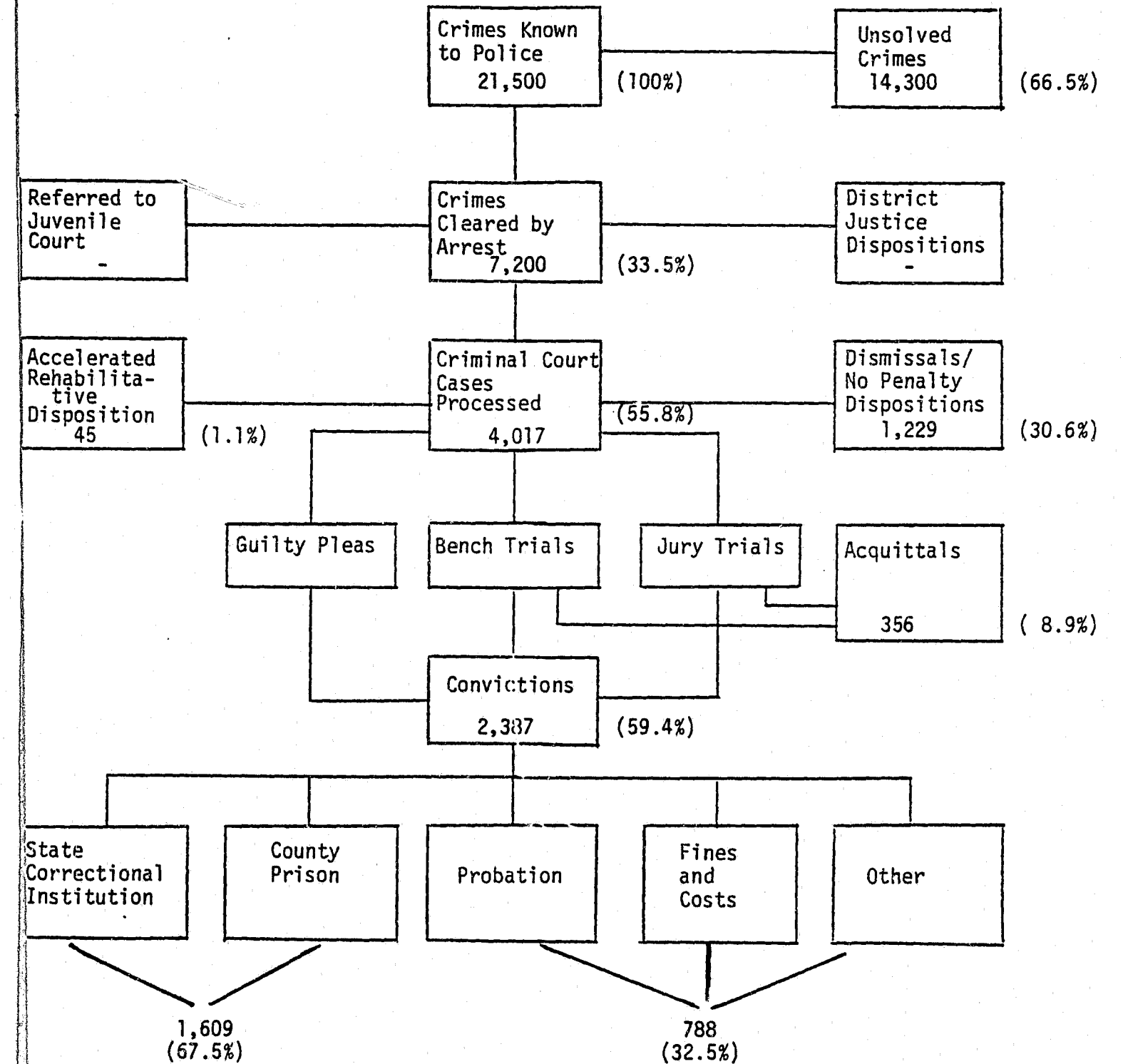


# THE CRIMINAL JUSTICE PROCESS

IN

PENNSYLVANIA

## MODEL B - ROBBERY 1981





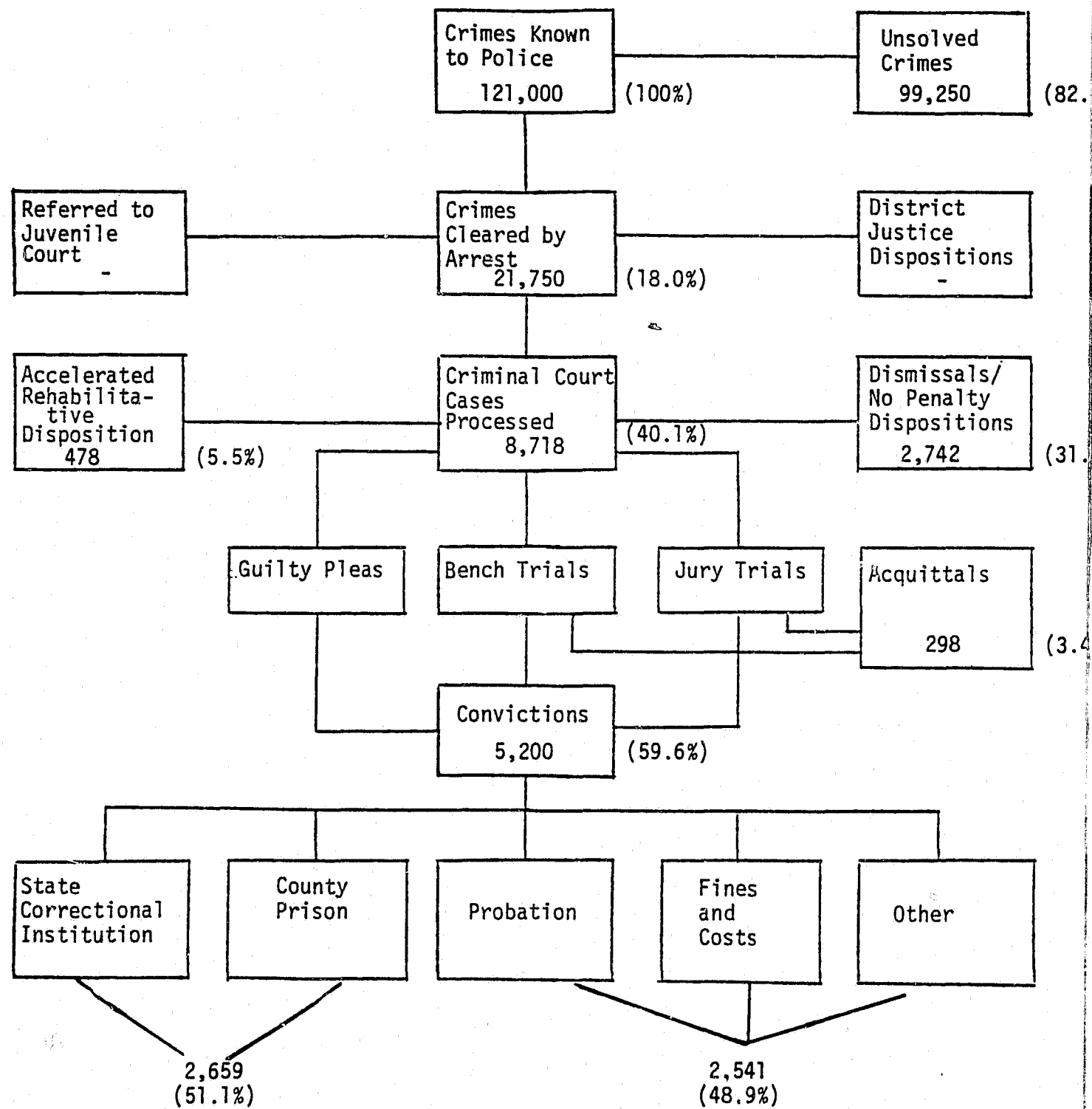
# THE CRIMINAL JUSTICE PROCESS

IN

PENNSYLVANIA

MODEL C - BURGLARY

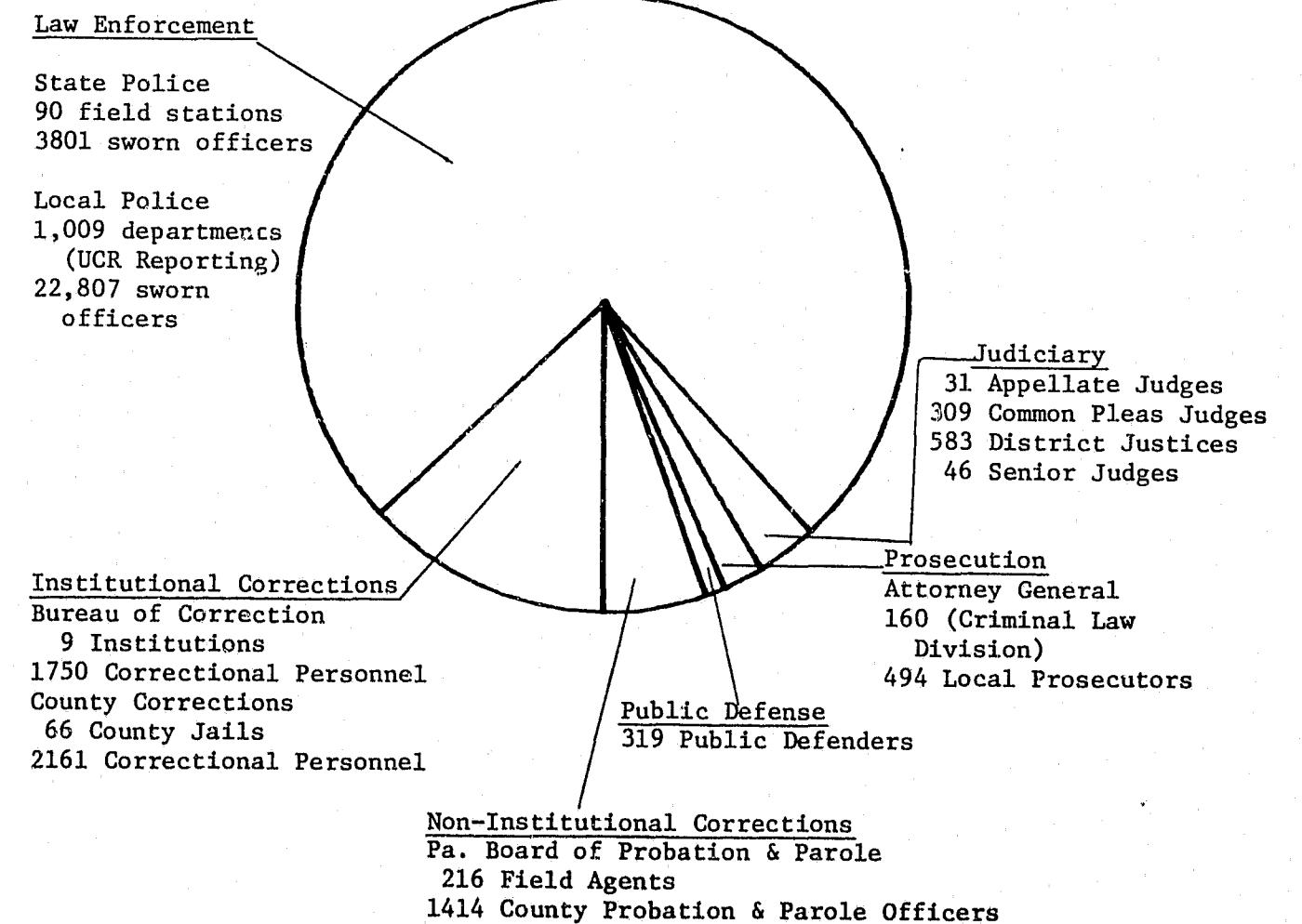
1981



## Manpower

The proportion of manpower devoted to sustaining the criminal justice system is offered below. As can be seen, the greatest number of criminal justice professionals are employed in the service of crime detection and criminal apprehension (law enforcement). A more detailed description of the resources and responsibilities of each component follows as the main body of this report.

Criminal Justice Manpower  
by  
Functional Component  
(Figures are Approximate)



# LAW ENFORCEMENT

Pennsylvania presently encompasses 2,637 units of local government including counties, cities, boroughs, incorporated towns, and townships. This diversity in local government is reflected in local law enforcement agencies. Pennsylvania contains the greatest number of local police agencies of any state, approximately 1,200, while most states have between 300 and 400 local police agencies.

Presently, 1,009 law enforcement agencies participate in the Pennsylvania Uniform Crime Reporting System (UCR), administered by the State Police, which annually reports the magnitude of crime in the state and the results of police efforts to combat crime. According to the 1982 UCR, the 1,009 participating departments employed a total of 26,611 full-time law enforcement personnel, 22,807 police officers and 3,804 civilians. The 1,006 local police agencies reporting to the UCR accounted for 80% or 21,376 of the total full-time law enforcement employees with three state agencies representing the remaining 20%.

In spite of this apparently large number of officers in the state, there is a wide range in the size of police agencies. The greatest number of full-time police officers is concentrated in Philadelphia, Pittsburgh and the State Police. Over half, 566 of 1,009 departments participating, employ less than six full-time officers each. A full 93% or 935 of all departments in the UCR employ less than 25 full-time officers while only six departments employ over 200 full-time officers each. As shown in the following table, Pennsylvania's local law enforcement is largely provided by relatively small agencies.

Distribution of Reporting Pennsylvania Police Departments by Number of Full-Time Police Officers, 1982

Number of Officers	Number of Departments	Percent of Departments
Total	1,009	100.0
0-5	566	56.1
6-10	186	18.4
11-25	183	18.1
26-50	42	4.2
51-100	16	1.6
101-200	10	1.0
More than 200	6	0.6

Source: Crime in Pennsylvania, Uniform Crime Report 1982, Pennsylvania State Police

As reported in the UCR, the 15 local police departments with the greatest numbers of full-time law enforcement employees contributed 56% of the 26,611 full-time personnel employed by local police departments.

Fifteen Largest Local Police Agencies 1982

Police Agency	Number	Full-Time Law Enforcement Employees	Number	Full-time Police Officers
		% of State Total for Local Agencies		% of State Total for Local Agencies
Philadelphia City	8,281	38.7	7,377	39.4
Pittsburgh City	1,408	6.6	1,278	6.8
Alleg. Co. Police	258	1.2	217	1.2
Erie City	234	1.1	202	1.1
Reading City	202	0.9	171	0.9
Harrisburg City	187	0.9	147	0.8
Allentown City	184	0.9	160	0.9
Scranton City	170	0.8	155	0.8
Bethlehem City	157	0.7	130	0.7
L. Merion Twp.	150	0.7	122	0.7
U. Darby Twp.	148	0.7	113	0.6
Lancaster City	143	0.7	112	0.6
Alleg. Co. Sheriff	122	0.6	107	0.6
Chester City	120	0.6	106	0.6
Wilkes-Barre City	115	0.5	95	0.5

Source: Crime in Pennsylvania, Uniform Crime Report 1982, Pennsylvania State Police

Local police departments vary greatly in their capabilities. In general, the service a department provides is directly related to the size of the department. Relatively smaller departments provide basic police services of patrol, response to calls for service and, in some cases, preliminary investigation. The relatively larger departments may encompass more services or capabilities such as investigation, juvenile dispatch, records and identification, photography, polygraph and crime laboratory. In several areas, small departments cooperatively pool their resources to provide these specialized services on a regional basis. However, many local departments rely on the State Police for such capabilities in addition to areas with no local police service which are fully reliant upon the State Police.

Of the 411,291 Part I offenses reported to Pennsylvania police during 1982, a total of 166,379 or 40% were initially reported to the three largest police agencies. Philadelphia received 92,053 reports of Part I offenses, the State Police 49,122 and Pittsburgh 30,222. The remaining 60% of reported offenses were initially received by the other 1,006 police departments. Although the number of offenses initially reported to the State Police is 10.7% of the total Part I offenses, the State Police provides investigative, laboratory and other specialized resources in a significant number of the 244,894 offenses reported to the relatively smaller local departments and, as requested, in offenses in Philadelphia or Pittsburgh.

Although there are several state level agencies which could be classified as enforcement agencies, many narrowly focus their enforcement efforts on specific regulatory responsibilities. The major state criminal law enforcement agencies in Pennsylvania are the Office of Attorney General and the State Police.

#### Office of Attorney General

16th Floor - Strawberry Square  
Harrisburg, Pennsylvania 17120  
(717) 787-3391

Prior to 1981 the Department of Justice was headed by a gubernatorially appointed Attorney General, then responsible for all criminal and civil legal matters at the state level. A 1978 constitutional amendment created the Office of Attorney General as an independent elected position. Subsequently, Act 164 of 1980, the Commonwealth Attorneys Act, realigned the Justice Department's responsibilities into the Office of Attorney General and the Office of General Counsel. The Office of General Counsel is charged with providing legal counsel to the Governor and directs the legal activities of the executive branch.

The Attorney General is Pennsylvania's chief law enforcement officer and has primary responsibility to represent the state in civil cases. The Attorney General's criminal law enforcement responsibilities include criminal prosecution in any county criminal court; prosecution of organized crime and corruption; operation of a criminal investigations unit and a drug law enforcement program; and direction of statewide and multi-county investigating grand juries. Generally stated, the other responsibilities of the Attorney General include enforcing civil rights laws governing the conduct of public employees, providing for consumer protection, and, as requested, furnishing the Governor and his departments with legal services.

The Attorney General's Criminal Law Division currently has a staff of 144 investigators, 26 attorneys, five investigative accountants, 40 clerical staff and nine other personnel which include supervisory, administrative and technical personnel. Major enforcement bureaus under the Criminal Law Division are the Bureau of Criminal Investigation and the Bureau of Narcotics Investigation and Drug Control. Three specialized units also function under the Criminal Law Division. The Organized Crime and Public Corruption Unit investigates organized crime and its related activities. The Grand Jury Section concentrates exclusively on the staffing of grand juries. The Special Prosecution Section works with local district attorneys on dealing with exceptional cases and handles unusual litigation such as illegal hazardous waste disposal.

The Bureau of Criminal Investigation (BCI) has the responsibility for investigating corruption, organized crime, any crime when requested by the local district attorney, any crime when the Attorney General supersedes a local district attorney, any crime when requested by another state agency, or appeals of such offenses. The BCI also houses the Technical Services Unit which performs electronic surveillance for state law enforcement

agencies and assists local law enforcement agencies in matters related to electronic surveillance.

The Bureau of Narcotics Investigation (BNI) is responsible for the immobilization of drug traffickers and the reduction of the availability of illicit drugs. BNI's operational activities are categorized in two functions: to enforce Act 64 and drug-related laws through in-depth investigation and prosecution of criminal violations involving controlled substances; and to assure compliance with drug laws through regulatory inspections of the legitimate handlers of controlled substances. BNI also operates cooperatively with the Pennsylvania State Police Drug Law Enforcement Division.

Information provided by the Office of Attorney General on the activities of these two bureaus for fiscal year 1982-83 shows that the Bureau of Criminal Investigations initiated 246 investigations leading to 80 arrests and 51 subsequent prosecutions, of which 46 resulted in convictions and 29 are still before the courts. BCI cases prosecuted other than through the Statewide Grand Jury resulted in the recovery/restitution of \$79,000 and the imposition of fines totalling \$41,000. BCI's Technical Services Unit performed 74 consensual electronic surveillances.

The Bureau of Narcotics Investigation and Drug Control efforts during 1982-83 resulted in 1,373 arrests statewide, including 290 subjects who were identified as major drug traffickers. BNI seized 12 clandestine drug manufacturing laboratories resulting in the arrest of 26 lab operators. Of those arrested, approximately 83% were charged with trafficking, while only 3% were charged with simple possession; the remainder were charged with various other criminal law violations. Although most of these arrests are pending adjudication, BNI's cumulative conviction rate for the past three years is 83%. Of the funds expended for the purchase of drug evidence, \$85,000 was recovered through court-ordered restitution. BNI investigations led to the seizure of \$248,000 in cash and 37 vehicles subject to forfeiture under the Drug Act.

#### State Police

1800 Elmerton Avenue  
Harrisburg, Pennsylvania 17109  
(717) 783-5558

The Act of May 2, 1905 created the Pennsylvania State Police as an executive branch agency. The State Police draws its enforcement authority from the Administrative Code of 1929, the Vehicle Code and the Crimes Code. State Police officers are authorized to make arrests without warrant for all criminal and traffic violations, and to serve warrants issued by local authorities. They are further responsible for assisting the Governor in the administration and enforcement of state laws and assisting counties and municipalities in the detection of crime, apprehension of criminals, and preservation of law and order.

Additional functions of the State Police identified in individual legislation or executive orders include: operation of a criminal records and identification system; operation of the Uniform Crime Report; municipal police training; lethal weapons training; development of a statewide emergency telephone system; control and investigation of fires; regulation of flammable liquid storage; and classifying and searching fingerprints under the Private Detective Act and the Pennsylvania Athletic Code.

The State Police is headed by a Commissioner and a Deputy Commissioner, both appointed by the Governor. Currently, the Pennsylvania State Police employs 3,801 sworn officers (authorized strength 4,156) and 608 civilians. There are five Area Commands and 17 Troops which oversee the operation of 90 local bases of operation (barracks) throughout the state. Major functions of the State Police include:

- traffic law enforcement and patrol activities;
- general criminal investigations as well as narcotics, gambling and fire investigations;
- criminalistic processing of crime scenes;
- classification of fingerprints and maintenance of Central Repository for Criminal History Information;
- operation of Commonwealth Law Enforcement Assistance Network (CLEAN);
- operation of forensic crime labs;
- administration of UCR Crime Reporting Program; and
- operation of driver examination and testing facilities.

A related responsibility of the State Police involves the provision of law enforcement training. It accomplishes this mandate through the Municipal Police Officers Education and Training Commission (MPOETC). The Commission is chaired by the State Police Commissioner and its members are the Attorney General, the Secretary of Community Affairs, a member of the Senate appointed by the President Pro Tempore, a member of the House appointed by the Speaker, and nine representatives of law enforcement, local government and the public appointed by the Governor.

MPOETC was created by Act 120 of 1974 to establish and administer basic and in-service training courses for municipal police officers. It is also responsible for the certification of schools and instructors to deliver these basic and in-service courses.

There are currently 24 schools and 2,713 instructors in Pennsylvania certified by MPOETC to conduct police training. Since its inception, the Commission has provided recruit training to 5,979 municipal police officers.

## COURTS

In 1968 the Pennsylvania Constitution created a unified judicial system which organized all of the courts of the Commonwealth under one Supreme Court. For criminal justice purposes, the primary courts are the District Justice, Philadelphia Municipal and Common Pleas courts. The Philadelphia Municipal Court is the court of initial jurisdiction in Philadelphia and functions much the same as the District Justice courts in the remainder of the Commonwealth. The distinction lies in the fact that the Philadelphia Municipal Court has 22 judges and may dispose of cases punishable by up to a maximum prison term of five years. The District Justice courts, of which there are 550 statewide, are presided over by one district justice per court and primarily settle summary cases (maximum 90 days imprisonment), except that under certain conditions they may settle third degree misdemeanors (maximum one year imprisonment).

Another important function of the courts of initial jurisdiction is to conduct preliminary arraignments and preliminary hearings for those cases which are beyond their final jurisdiction. In the preliminary arraignment, the defendant is advised of the formal charges being brought against him, bail may be set and the defendant elects the type of legal representation he will use in preparation for the preliminary hearing. In the preliminary hearing, the defendant is given an opportunity to confront the accusations made against him and to cross-examine witnesses or present witnesses on his behalf. If, after hearing the evidence in the preliminary hearing, the district justice is satisfied that there is probable cause to believe that an offense occurred and the defendant committed the offense, the defendant is bound over for trial in Common Pleas Court. Otherwise, the defendant is discharged.

It is in Common Pleas Court that most serious criminal cases are decided. These are the courts of general trial jurisdiction, with original jurisdiction over all cases not exclusively assigned to another court. There are 59 Common Pleas Courts in Pennsylvania, one per judicial district. The judicial districts generally coincide geographically with Pennsylvania's 67 counties, except that eight districts are comprised of two less populated counties each. There are a total of 309 authorized judgeships to serve the Commonwealth, 81 of which are delegated to Philadelphia.

Cases which are bound over by the District Justice/Philadelphia Municipal Court are immediately scheduled for formal arraignment. At this stage the defendant enters a plea of guilty or not guilty to the charges which have been bound over and are listed on the indictment/information. If the defendant pleads guilty, the judge may sentence him immediately or order a pre-sentence investigation and set a later sentencing date. Very few defendants, however, plead guilty at this stage and those that do not plead guilty have their cases scheduled for trial. It is in this period - after formal arraignment and prior to trial - that the prosecution may consider diversionary programs such as ARD or negotiating a guilty plea (plea bargaining).

ARD is the Accelerated Rehabilitative Disposition Program which was authorized by Supreme Court Rule in 1972. It is intended to divert those cases which are relatively minor or which involve social or behavioral problems that are best resolved through treatment rather than punishment. The program is voluntary, i.e., the defendant must understand and agree to the conditions of the program and abide by them for a period of up to two years. Upon successful completion, the charges may be dismissed.

Guilty pleas, whether negotiated or not, continue to represent the primary method of disposing of criminal cases. Approximately 45-50% of dispositions are recorded as pleas of guilt. The extent to which pleas are negotiated varies by jurisdiction. A study conducted by the Commission on Crime and Delinquency found that all prosecutors rely on "adjustments" in the interest of targeting their resources for priority prosecutions. In some counties, these "adjustments" manifest themselves as plea bargains; in others, low plea bargain rates are accompanied by high dismissal or diversion rates.

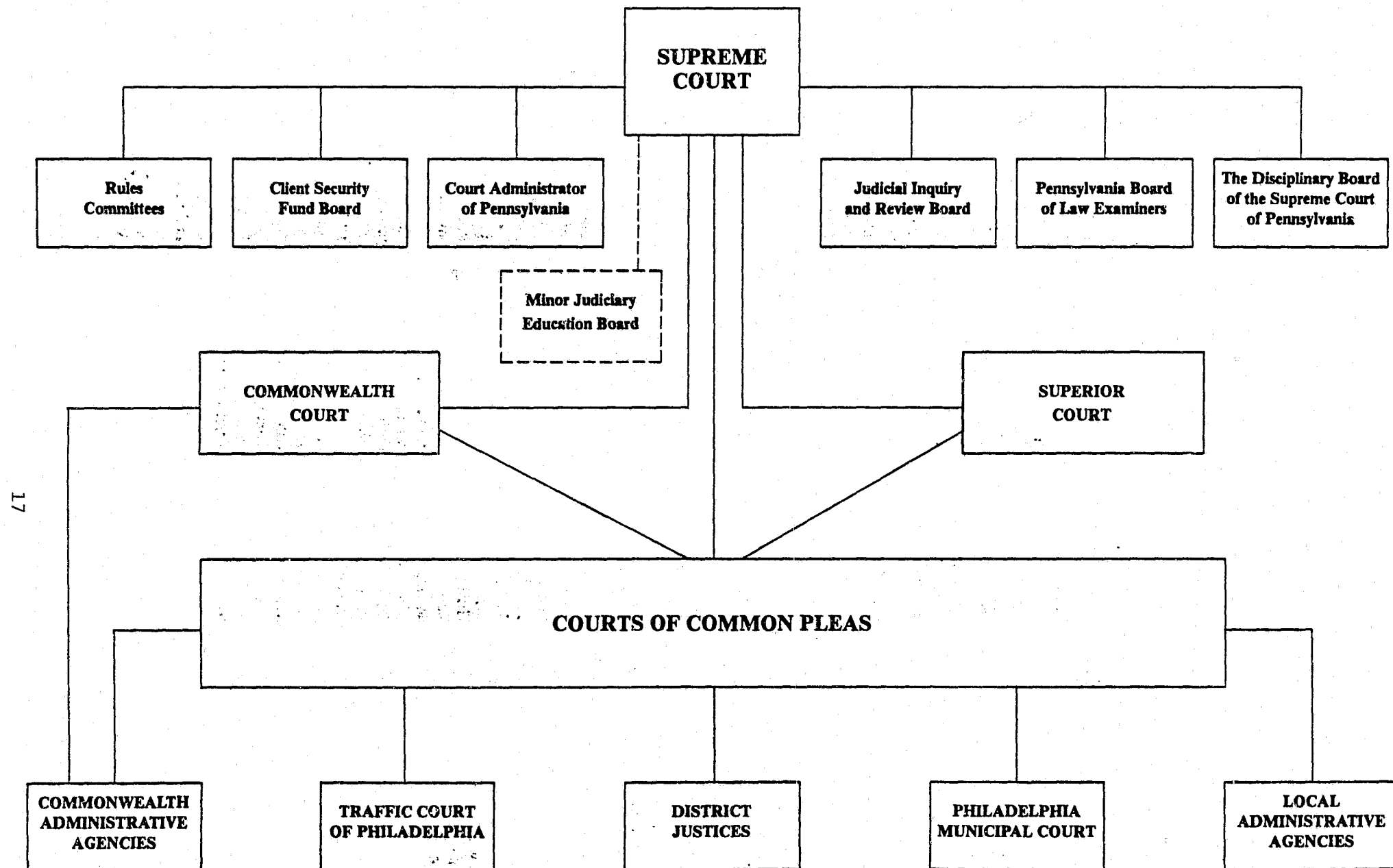
One consistent observation of judicial processing is that the commonly held belief of most cases concluding in a Perry Mason-type trial verdict is a myth. Trials in Pennsylvania are reserved for the more serious offenses or where a truly contestable issue emerges. Thus less than 15% of criminal cases are decided in this manner. This condition is a natural by-product of a judicial system where the limited resources available must be reserved for only those cases which merit exhaustive review.

A verdict or plea of guilt in a criminal case requires the pronouncement of a sentence which may occur at the time the plea is tendered or the verdict is reached or may be delayed until a pre-sentence investigation (PSI) is conducted by probation personnel.

The range of sentences includes total or partial confinement, probation supervision, and/or fines/costs. Once the offender is sentenced, further processing becomes the concern of correctional authorities, except that eventual release from confinement may require a court order from the sentencing judge.

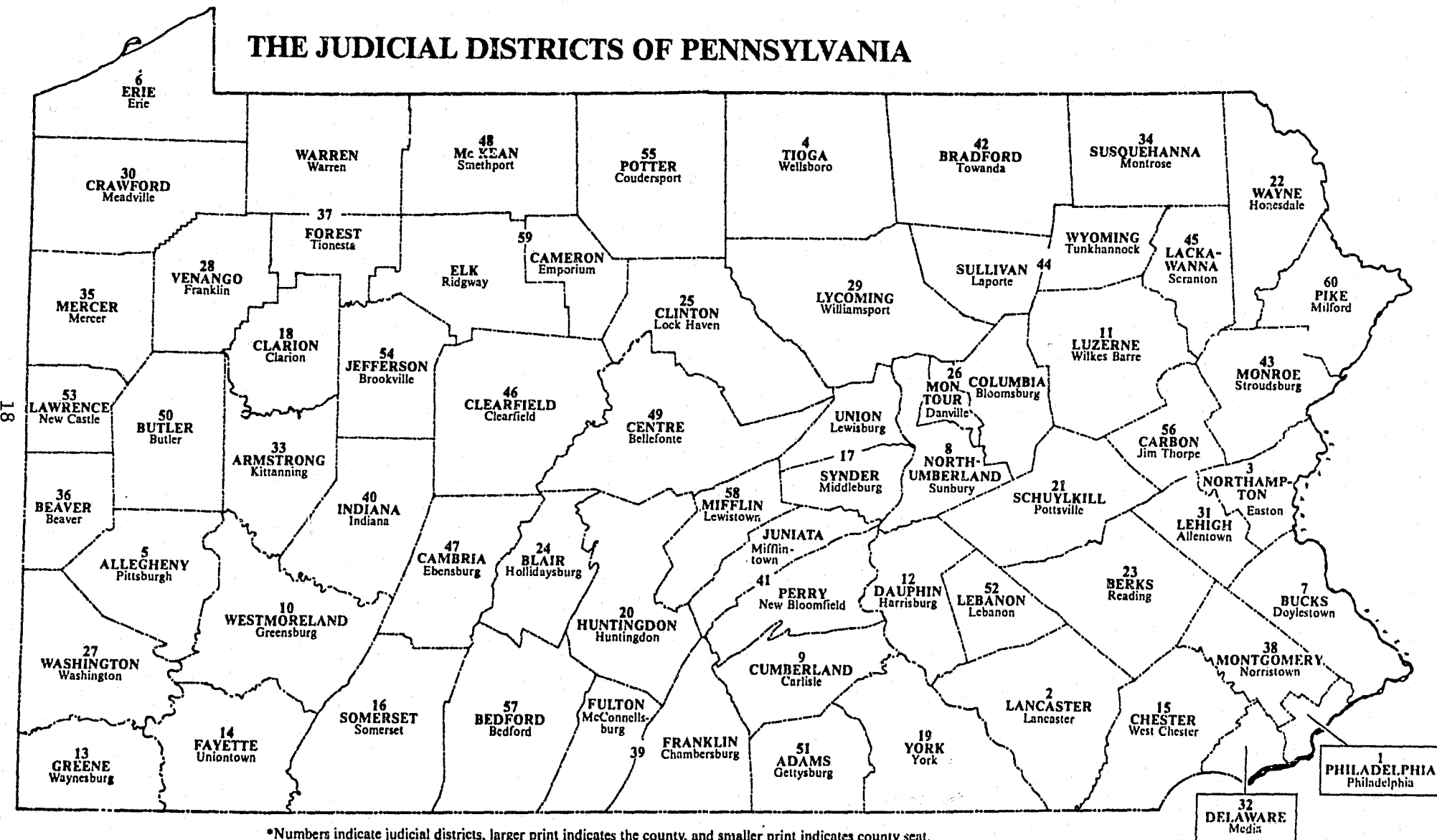
Beyond the Common Pleas and District Justice Courts lie the Appellate Courts. There are two levels: intermediate (Commonwealth and Superior); and final (Supreme Court).

Commonwealth Court is the most recently created Appellate Court (1970) and possesses both original and appellate jurisdiction. It has exclusive original jurisdiction over Election Code matters and civil actions against the Commonwealth, with the exception of writs of habeas corpus. Its jurisdiction also extends to eminent domain proceedings in which sovereign immunity has been waived. Its appellate jurisdiction encompasses primarily direct appeals from the final decision of state administrative agencies and Common Pleas courts, unless otherwise provided, in civil actions to which the Commonwealth is a party and in criminal actions arising from violations of state regulations.



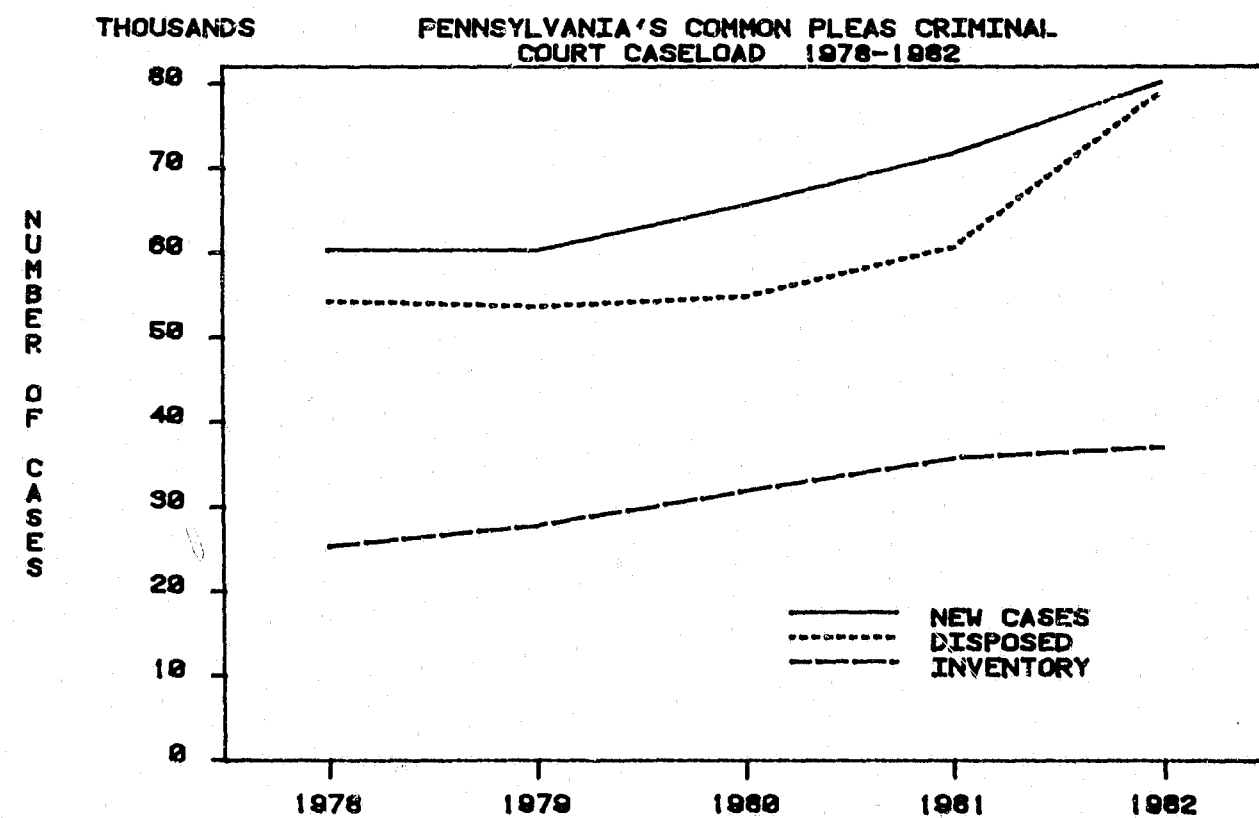
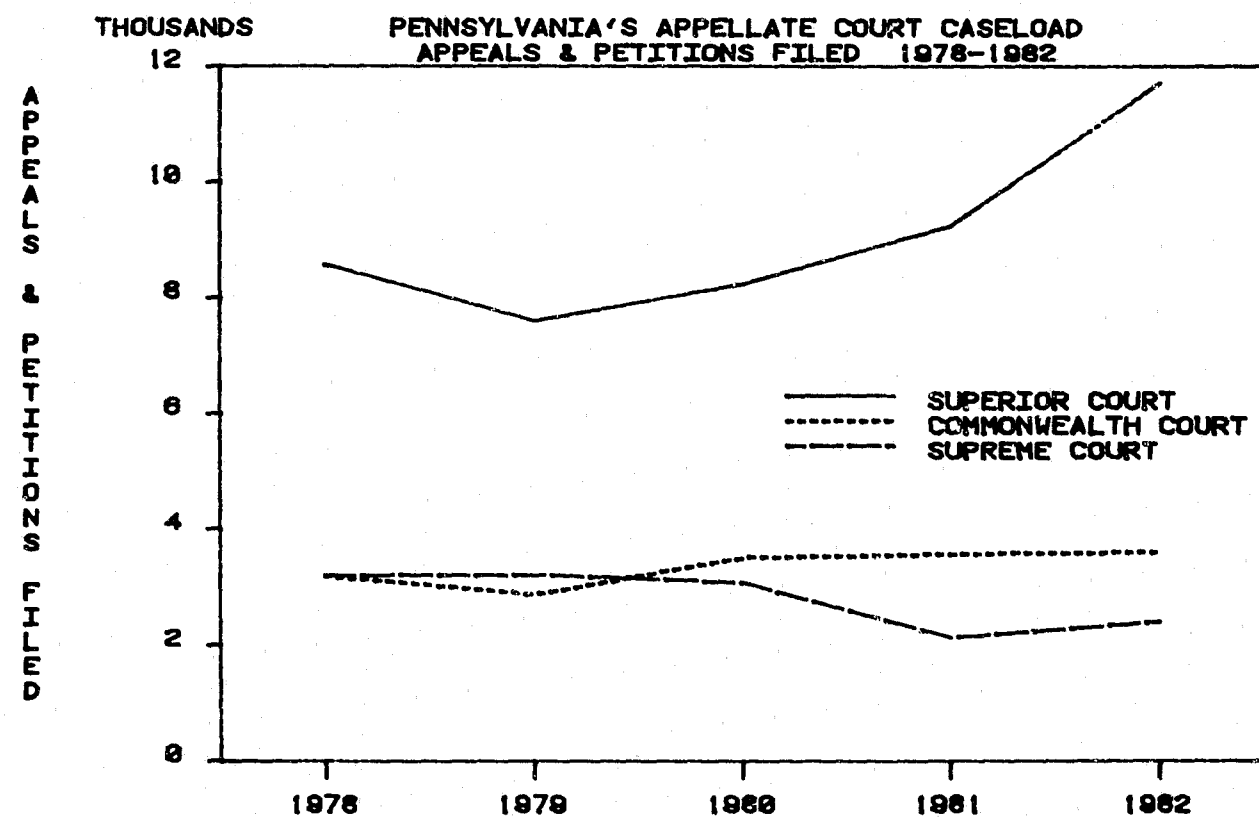
**COMMONWEALTH OF PENNSYLVANIA  
UNIFIED JUDICIAL SYSTEM** As of December 31, 1982.

Source: 1982 Annual Report, Administrative Office of Pennsylvania Courts.

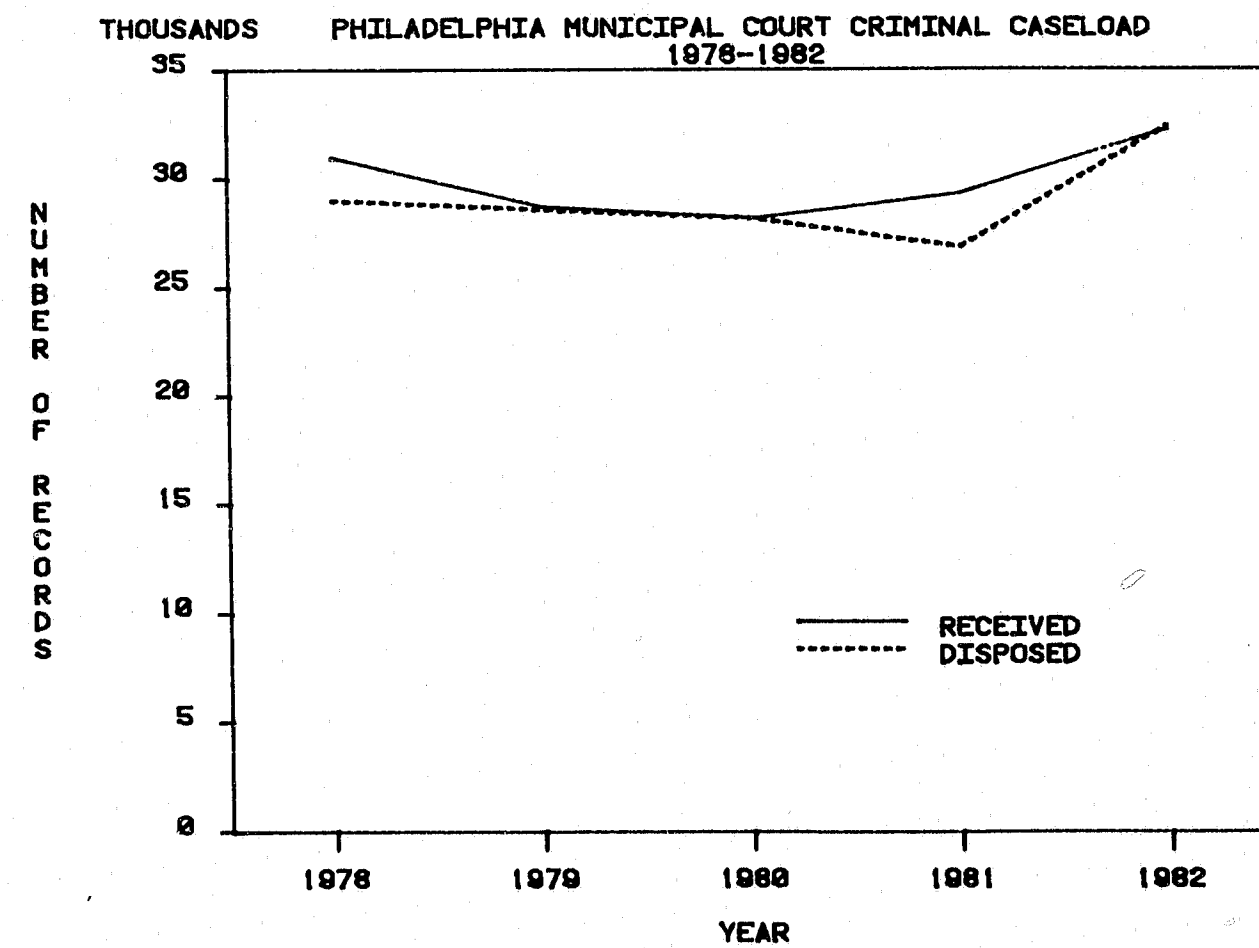
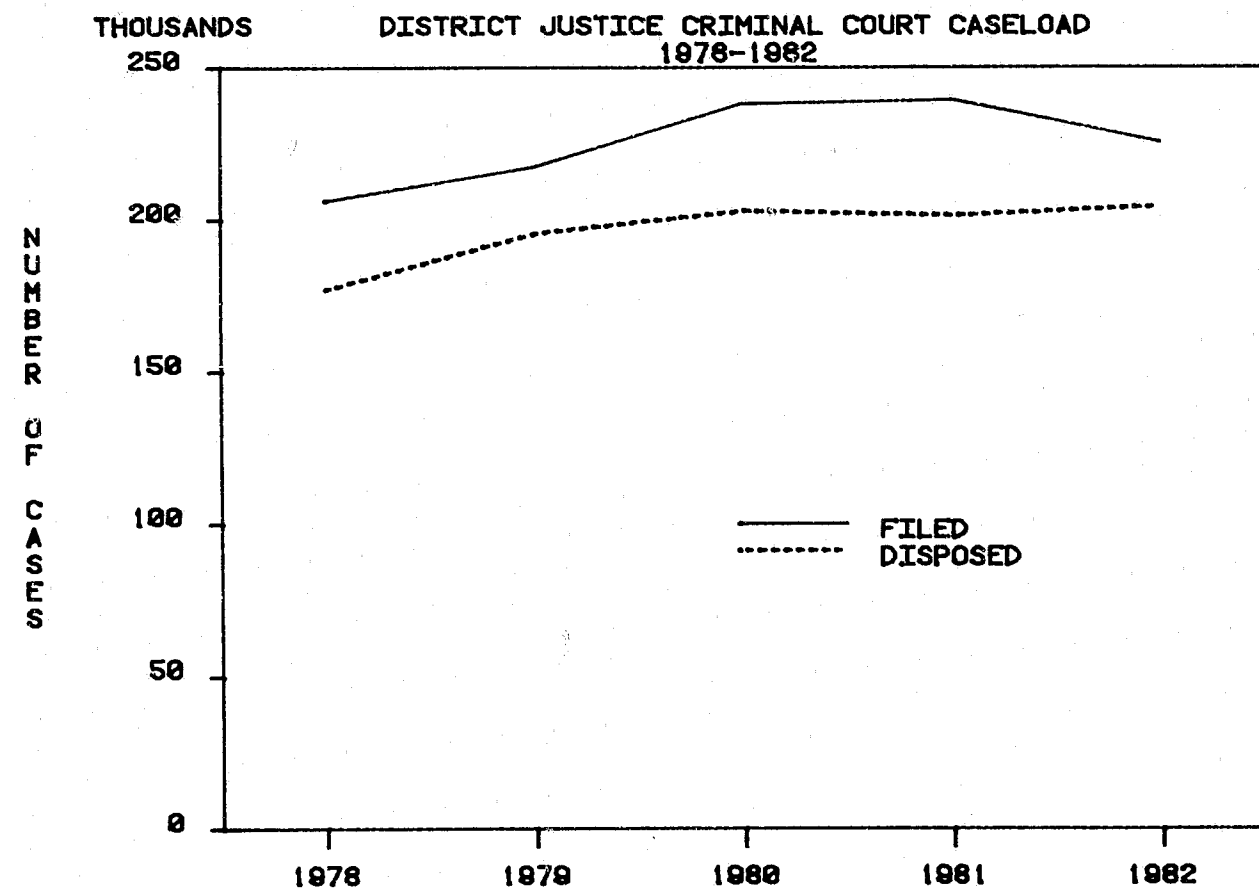


Source: 1982 Annual Report, Administrative Office of Pennsylvania Courts.

The following series of graphs offers a five year perspective of appellate/criminal case volumes by court in Pennsylvania. The final chart reflects the dispositions in Common Pleas Court by type 1978-1982. Data are taken from annual reports of the AOPC.

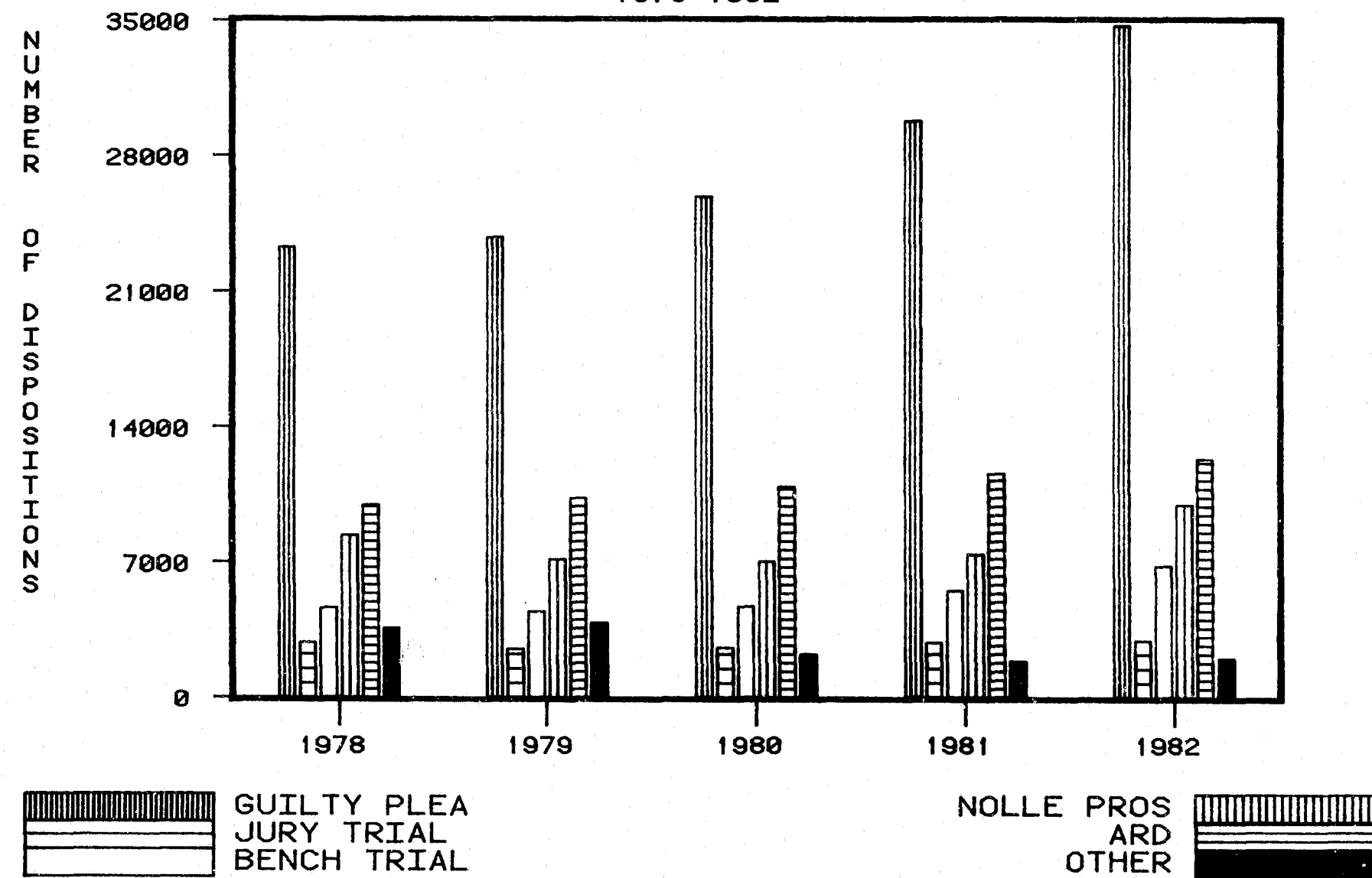






# COMMON PLEAS CRIMINAL DISPOSITIONS BY TYPE OF DISPOSITION

1978-1982



The Superior Court was created by the General Assembly in 1895 to ease the burden on the State Supreme Court. The Superior Court has limited initial jurisdiction. Its appellate jurisdiction extends to appeals from final orders of Common Pleas courts in matters not within the jurisdiction of either the Supreme or Commonwealth Courts. It is to the Superior Court that most criminal appeals from final Common Pleas decisions regarding conviction and sentence are made.

The Supreme Court was established in 1722 and is the oldest appellate court in the nation. It is the official court of last resort in the Commonwealth. The Supreme Court has both original and appellate jurisdiction - original (not exclusive) in cases of habeas corpus, mandamus or prohibition to courts of inferior jurisdiction and cases of quo warranto (questions of authority) as to any officer of statewide jurisdiction; appellate in those cases that it hears as a matter of right and those it hears upon its own discretion. It may hear appeals from both the Commonwealth and Superior Courts as well as direct appeals from Common Pleas Court under prescribed circumstances, e.g., review of death sentences.

There are numerous actors throughout the judicial system which are responsible for administering the various facets of the process. Information is provided by type of responsibility.

#### Administration

Administrative Office of Pennsylvania Courts  
Room 1414 - Three Penn Center Plaza  
Philadelphia, Pennsylvania 19102  
(215) 496-4500

The Administrative Office of Pennsylvania Courts (AOPC) was created by the Supreme Court to administer the Commonwealth's unified court system. An extensive range of duties handled by the AOPC includes: representing the judicial system before legislative bodies, managing the fiscal affairs of the system, reviewing practices, procedures and efficiency of the courts, collecting statistical data, maintaining personnel records, conducting educational programs, receiving public complaints concerning the courts, providing legal services for court personnel and developing recommendations to improve the judicial system.

The AOPC also works with 11 advisory boards which provide a variety of services to the judicial system. Five of these groups which deal with court rules and procedures are the Civil Procedural Rules Committee, the Criminal Procedural Rules Committee, the Orphan's Court Rules Committee, the Minor Court Civil Procedural Rules Committee, and the Committee for Standard Jury Instructions. Three of these groups which regulate attorneys are the Disciplinary Board, the Pennsylvania Board of Law Examiners and the Client Security Fund Board. Two of the remaining three groups which oversee the judiciary are the Judicial Inquiry Review Board and the Judicial Auditing Agency. The Minor Judiciary Education Board administers district justice training.

An annual statistical report on the judicial system's workload is published by the AOPC. The report also describes the efforts of the AOPC and the advisory boards.

#### Prosecution

There are 67 locally elected district attorneys with staffs ranging from a high of approximately 160 attorneys in Philadelphia to the one man part-time operations found in the least populous jurisdictions. The district attorney in counties of the second through fourth class may by law be appointed full-time by the county commissioners at a salary of \$54,000 per annum or may serve on a part-time basis, retaining some capacity in private practice. Regardless of employment status, the district attorney is the chief law enforcement officer in the county. It is his decision to prosecute, divert or dismiss; thus, the district attorney wields considerable power by virtue of his position.

Each prosecutor's office is afforded criminal investigation services through county detectives whose number varies with the size of the jurisdiction.

The workload per prosecutor also varies significantly with some counties processing as few as 90 cases per prosecutor while other counties handle three to four times as many cases proportionately.

#### Public Defense

In Pennsylvania, there are four avenues for legal representation in a criminal proceeding:

- 1) public defender - county financed attorney providing legal services to the indigent;
- 2) court appointed - county financed representation in lieu of public defense;
- 3) privately retained - defendant retains an attorney at his expense; and,
- 4) self representation - defendant represents himself.

The figures available on the extent of each type of representation are sketchy, although self representation is clearly the least used of the four.

Outside Philadelphia, every county must by law appoint a public defender, except that counties may share the services of one individual. In Philadelphia, defense services are provided by a private organization contracting with the city.

In general, public defenders have fewer attorneys and investigators than their counterparts in prosecution. It should be noted that district attorneys handle all local criminal prosecutions, whereas the various forms of legal representation restrict the number of cases in which the public defender will become involved.

### Other Support Personnel

In addition to judges, litigants and investigators, the courts utilize support personnel such as the local court administrators, sheriffs and constables. Court administrators construct the court calendar and handle the logistics of applying the court's resources to the cases listed for that term. Most of the larger counties employ the services of a court administrator.

Sheriffs and constables provide similar services, except that sheriffs serve the Common Pleas judges while constables serve the district justices. These services include transportation of prisoners and service of papers such as subpoenas, bench warrants, etc.

### INSTITUTIONAL CORRECTIONS

Institutional corrections in Pennsylvania can be divided into three categories, each serving a fairly specific clientele. These are:

- 1) State Correctional System for Adults
- 2) County Prisons and Jails
- 3) Forensic State Mental Hospitals

#### State Correctional System for Adults

The adult state correctional system is administered by the Bureau of Correction.

Bureau of Correction  
P. O. Box 598  
Camp Hill, Pennsylvania  
(717) 787-7480

The Bureau of Correction was, until recently, administratively housed within the Department of Justice. Effective January 20, 1981, the Bureau was placed under the Office of General Counsel by the Commonwealth Attorneys Act (164 of 1980) when Pennsylvania changed from an appointed to an elected Attorney General.

The Bureau administers a correctional system comprised of seven state correctional institutions, two state regional correctional facilities and 16 community service centers serving an inmate population in excess of 10,000 with a staff complement of approximately 3,000.

The State Correctional Institutions (SCI) are primarily reserved for inmates with maximum sentences of five or more years. However, judges may sentence an offender to a SCI with a maximum sentence of two or more years. The institution, year it was opened and its location are:

- 1) State Correctional Institution at Camp Hill - 1941  
(Cumberland County, six miles west of Harrisburg)
- 2) State Correctional Institution at Dallas - 1960  
(Luzerne County, ten miles northwest of Wilkes-Barre)
- 3) State Correctional Institution at Graterford - 1929  
(Montgomery County, 30 miles northwest of Philadelphia)
- 4) State Correctional Institution at Huntingdon - 1889  
(Huntingdon County, 20 miles east of Altoona)
- 5) State Correctional Institution at Muncy - 1920  
(Lycoming County, 20 miles east of Williamsport)
- 6) State Correctional Institution at Pittsburgh - 1882  
(Allegheny County, Pittsburgh)
- 7) State Correctional Institution at Rockview - 1912  
(Centre County, five miles north of State College)

The SCI at Muncy primarily serves females. All of the remaining institutions house males only.

The programming services provided in state correctional institutions are rather extensive. Educational/vocational programs are available at all institutions. While the vocational programs vary by institution, a diverse array of programs from auto mechanics to welding are available throughout the system.

The Regional Correctional Facilities were opened in 1969 (Greensburg - Westmoreland County) and 1978 (Mercer - Mercer County) to serve the southwestern and northwestern tiers of the state. They will accept offenders with sentences of from six months to two years in duration. The Regional Correctional Facilities, like the SCIs, are experiencing a rapidly advancing overcrowding problem. Populations currently exceed capacity by 160% at Mercer and 175% at Greensburg. As of October, 1983, the respective populations at Greensburg and Mercer were 426 and 402.

The Community Service Centers function as a reintegration opportunity for offenders who are about to be paroled. There are 16 centers located throughout the state serving a population of 306 residents as of October 31, 1983. The emphasis at the Community Service Centers is on reacclimating the offender to life outside of prison in the interest of facilitating the transition from the institution to the community.

According to the Bureau's latest annual report, the average daily population of the SCIs has risen from 9,420 inmates in 1981 to 10,572 inmates during 1982, a 12.2% increase. This recent influx of inmates has pushed the populations beyond the present capacity of 9,431. The data also reflects that the population continues to expand resulting in the necessity of double-celling 3,180 inmates in cell space designed for only one inmate. The following table shows the number of inmates, present capacity and percent of capacity by state correctional institution.

State Correctional Facilities  
Inmate Population Versus Capacity  
1981 - 1983

State Correctional Facilities	Present Inmate Capacity	Population 10/81	Population 10/82	Population 10/83	10/83 Percent of Capacity
Camp Hill	1,560	1,386	1,675	1,805	116%
Dallas	1,156	1,067	1,330	1,447	125%
Graterford	2,039	2,102	2,144	2,358	116%
Greensburg	243	326	352	426	175%
Huntingdon	1,231	1,218	1,453	1,634	133%
Mercer	252	235	274	402	160%
Muncy	308	301	352	387	126%
Pittsburgh	1,170	1,191	1,285	1,468	125%
Rockview	1,147	1,127	1,265	1,390	121%
CSCs	325	284	296	306	94%
TOTAL:	9,431	9,237	10,431	11,623	123%

Source: Pennsylvania Bureau of Correction.

Part of the overcrowding problem has been alleviated through the construction of modular units which were placed on location after October 31, 1982. Further, a planned expansion of 2,880 new cells was recently approved, but it has been estimated that a considerable period of time (three to five years) will elapse before the cells are inmate-ready. Consequently, in light of recently approved mandatory sentencing, the overcrowding problem is expected to get far worse before it gets any better.

State Correctional  
Inmate Profile by Age, Race and Facility  
as of 12/31/82

Institution	Age					Race	
	Less than 18	18-19	20-24	25-29	Over 30	White	Non-White
Camp Hill	52	222	820	350	260	846	858
Dallas	0	9	244	399	715	616	751
Graterford	0	23	297	539	1,335	500	1,694
Greensburg	1	25	122	68	90	191	115
Huntingdon	0	20	297	444	752	779	734
Mercer	2	41	125	57	53	226	52
Muncy	2	4	76	77	174	152	181
Pittsburgh	1	12	155	322	822	575	737
Rockview	0	5	379	409	483	697	579
CSCs	0	3	50	71	165	156	124
TOTAL:	58	364	2,565	2,736	4,849	4,743	5,829
% of TOTAL:	.5%	3.4%	24.3%	25.9%	45.8%	44.9%	55.1%

Source: Pennsylvania Bureau of Correction, 1982 Annual Statistical Report.

As can be seen, the overwhelming majority of inmates are in their twenties. There are slightly more non-whites than whites and, with the exception of Graterford, the racial mix at each institution is roughly equal. Three-fourths of the inmates at Graterford are non-white.

A review of counties committing offenders to state institutions finds a disproportionate number of inmates committed by Philadelphia. While Philadelphia's population represents 14% of the state total, the number of SCI inmates from Philadelphia represents 35% of the total inmate population.

Release data support that it is uncommon for an inmate to serve his maximum sentence. Only 329 or 8.5% of the 3,860 inmates released by the Bureau in 1982 served the maximum term of their sentence.

#### County Jails

There were 66 county jails in operation as of 1983. Philadelphia has three facilities while the counties of Forest, Fulton and Sullivan no longer maintain a facility, opting to transfer prisoners to other counties. Most county jails are antiquated. Over one-half of the facilities were built prior to the turn of the century and 27 are more than 100 years old.

These institutions are used to house inmates with maximum sentences of less than two years; however, in some cases offenders with maximum terms of under five years may be housed there. One of the primary distinctions between the state institutions and county facilities lies in the latter's concentration of detentioners, i.e., unsentenced prisoners who are awaiting trial. Of the 9,428 prisoners housed in county prisons and jails as of December 31, 1982, 6,241 or 66.3%, were unsentenced awaiting court action. Consequently, efforts to reduce overcrowding at the local level, which in some institutions has reached crisis proportions, have been directed at reducing the detentioner population through the use of bail programs and intake coordinators. The following county jails have populations exceeding capacity as of May, 1983:

<u>County</u>	<u>Capacity</u>	<u>Population</u>	<u>% of Capacity</u>
Monroe	29	70	241%
Lycoming	77	107	139%
Jefferson	15	19	127%
Philadelphia	2,889	3,573	124%
Montgomery	310	381	123%
Dauphin	255	301	118%
Bradford	26	30	115%
Chester	292	335	115%
Bucks	266	283	106%
Beaver	91	95	104%

Source: Pennsylvania Commission on Crime and Delinquency, Prison and Jail Overcrowding in Pennsylvania, August 1983.

It should be noted that 60% of the statewide total of county inmates are housed in just nine of the Commonwealth's 66 county jails. Almost 36% of county prisoners statewide are confined in Philadelphia alone.

Collectively, the county jail population has risen dramatically in recent years. The average daily population was just under 6,000 in 1972. In 1981, that figure rose to 9,622, a 60% increase.

While some county facilities excel in the level of local programming, in general, programs in county facilities are not as extensive as those at the state level. This is due partly to financial constraints but also is an outgrowth of the limited length of confinement per inmate. One program effort that is heavily relied upon at the county level is work release. Work release programs provide an opportunity to low-risk inmates to sustain employment while residing at the prison. The income thus derived goes to offset program expenses, pay fines and costs, restitution and family support.

#### Forensic State Hospitals

Division of Forensic Services  
Department of Public Welfare  
Box 2675  
Harrisburg, Pennsylvania 17105  
(717) 787-8011

The Department of Public Welfare is responsible for the provision of forensic mental health services in the Commonwealth. These services are administered through the Division of Forensic Services.

The forensic system currently consists of one maximum security state hospital and four medium security forensic units located in four of the Commonwealth's mental hospitals. The majority of patients in the forensic system have been charged with offenses or have been sentenced, although in some cases patients without criminal charges have also been involuntarily committed to forensic facilities as a result of their violent behavior within other state mental hospitals. Offenders housed in both the state institutions and county jails are transferred into the forensic system when the need for mental health care becomes acute. All involuntary commitments are made in accordance with the Mental Health Procedures Act which requires that the individual pose a clear and present danger to himself or others as a result of mental disease or defect before involuntary commitment can occur.

The maximum security hospital, Farview State Hospital, is located in northeastern Pennsylvania (Wayne County). It has a capacity of 225 male patients and admits patients from all counties in the state. Recently, the Legislature authorized a capital outlay for the renovation of currently unused facilities at Farview in anticipation of increased demand for maximum security forensic care.

The four medium security forensic units are located in the southwestern (Mayview State Hospital - Allegheny County), northwestern (Warren State Hospital - Warren County), and southeastern (Norristown State Hospital - Montgomery County and Philadelphia State Hospital) parts of the state. Collectively, they provide an additional 193 medium security beds for male patients, which, in combination with Farview State Hospital (225 beds), brings the Commonwealth's forensic capacity to 418 beds. The latest available figures show the state's forensic units operating at slightly less than capacity.

#### NON-INSTITUTIONAL CORRECTIONS

The responsibility for supervision of convicted offenders placed on probation or parole is shared by the State Board of Probation and Parole and the county probation and parole agencies.

##### Board of Probation and Parole

3101 North Front Street  
Harrisburg, Pennsylvania 17120  
(717) 787-5100

The Board of Probation and Parole was established as an independent state correctional agency in 1941 with a legislative mandate to 1) grant parole and supervise adult offenders sentenced by the courts to a maximum prison term of 2 or more years; 2) revoke the parole of technical parole violators and those who are convicted of new crimes; and 3) release from parole those who have successfully complied with the conditions set forth.

The Board also provides supervision to a limited number of special probation and parole cases not normally within its jurisdiction at the direction of the county court. According to its 1982 Report, at any one time the Board has a total of approximately 14,000 persons under supervision, of which roughly 14% are clients from other states being supervised under the Interstate Compact Agreement.

The Board further administers a state-funded grant-in-aid program to county adult probation departments which allows for the expansion and improvement of services at the local level. The Board consists of five full-time members, appointed by the Governor with the consent of a majority of the Senate, to serve staggered, renewable, six year terms. The Board employs the services of eight hearing examiners who may conduct preliminary reviews and recommend final action to the Board. The following table reflects the volume of interviews/hearings conducted.

Interviews and Hearings Conducted  
by Board Members and Hearing Examiners  
July 1, 1981 - June 30, 1982

<u>Conducted By</u>	<u>Parole Release Interviews</u>	<u>Violation Hearings</u>	<u>Total Actions</u>
Board Members	3,671	614	4,285
Hearing Examiners	1,498	2,810	4,308
TOTAL:	5,169	3,424	8,593

Source: Pennsylvania Board of Probation and Parole, 1982 Annual Report.

State supervision is provided through approximately 207 field agents assigned to ten district and 14 sub-offices. The field agents carried an average of 68 cases/agent in 1982. The following table offers the total case load by race, sex and district office effective June 30, 1982.

Total Case Load by Race, Sex  
and District Office Effective 6-30-82

<u>District</u>	<u>White</u>		<u>Non-White</u>		<u>Total</u>
	<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Female</u>	
Philadelphia	750	54	3,340	144	4,288
Chester	526	43	312	21	902
Allentown	1,025	91	404	33	1,553
Scranton	617	36	29	3	685
Williamsport	419	21	33	3	476
Altoona	466	41	36	2	545
Harrisburg	889	60	397	46	1,392
Pittsburgh	1,320	100	1,124	100	2,644
Erie	691	86	153	21	951
Butler	486	31	74	8	599
TOTAL:	7,189	563	5,902	381	14,035

Source: Pennsylvania Board of Probation and Parole, 1982 Annual Report.

The Board's Grant-in-Aid Program is administered by the Bureau of Probation Services. The fiscal year appropriation has grown steadily over the last several years from \$1.7 million 1979-80 to \$2.9 million 1982-83. Approximately 60 counties participate in the program which provides funds to offset the salary cost for approximately 537 of 700 professional adult probation personnel in the Commonwealth. According to the Board's 1981 Report, however, even with these supplemental funds, county probation officers had an average active case load of 96, far exceeding the nationally recommended case load size.

County Probation and Parole

Probation and parole supervision in Pennsylvania takes a number of forms at the local level. In the larger jurisdictions, the services are separated by adult and juvenile. In the smaller jurisdictions, one chief probation officer will oversee the provision of services to both juveniles and adults. It is only a function of adult services that parole supervision comes into play, since technically juveniles are not placed on parole. County parole supervision is distinguished from state supervision by the maximum sentence of the individual being paroled, with county personnel handling those with maximums under two years.

County probation and parole officers serve the Common Pleas judges as advisors in matters of sentence and in the rehabilitative progress of those individuals who are committed to their supervision. Thus, upon the conviction of an individual the judge may order a pre-sentence investigation. These reports, compiled by probation personnel, detail the social/psychological background of the offender and conclude with a recommendation to the court concerning the offender's dangerousness to the community and rehabilitative prospects. If the offender is sentenced to probation, the probation officer designs a plan of rehabilitation tailored to the social/psychological needs of the probationer.

In adult cases, parole supervision is much like that of probation, i.e., the parole officer supervises the client's reintegration from prison life into the community through adherence to a plan which discourages relapses into former patterns of potential criminal activity. County probation and parole services are available in every county in the Commonwealth, except that the Board of Probation and Parole supervises adult clients for the counties of Mercer and Venango.

Adult probation staffs range from a high of 246 officers in Philadelphia to the one-man operations in the rural counties. There are 764 adult probation officers statewide. Average case loads vary considerably from 30-40 cases per officer in some of the more rural jurisdictions to a high of 240 cases per officer in Lawrence County. The statewide average case load is 115 cases/officer.



## JUVENILE JUSTICE SYSTEM

### The Juvenile Act

Pennsylvania's juvenile justice process is governed by the provisions of the "Juvenile Act" (42 Pa. C.S. §6301 et. seq.). The current Juvenile Act was passed as Act 333 of 1972 and amended by Act 41 of 1977 which diverted status offenders from the juvenile justice system. Since 1977, the Juvenile Act has undergone additional, less significant amendments.

A main purpose of the Juvenile Act is "...consistent with the protection of the public interest, to remove from children committing delinquent acts the consequences of criminal behavior, and to substitute therefor a program of supervision, care and rehabilitation."

The Juvenile Act defines "delinquent act" as an act designated a crime under Pennsylvania or federal law, local ordinances, or laws of another state if the act occurred in that state. The term "delinquent act" does not include summary offenses, unless the child fails to pay a fine levied thereunder, and the crime of murder. The Act defines "delinquent child" as a child ten years of age or older whom the court has found to have committed a delinquent act and is in need of treatment, supervision, or rehabilitation. A child under the age of ten who commits a delinquent act is considered a dependent child.

The Juvenile Act makes a distinction between a delinquent child and a dependent child both in terms of handling and definition. The Act defines a dependent child as a child who:

- (1) is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals;
- (2) has been placed for care of adoption in violation of law;
- (3) has been abandoned by his parents, guardian, or other custodian;
- (4) is without a parent, guardian, or legal custodian;
- (5) while subject to compulsory school attendance is habitually and without justification truant from school;
- (6) has committed a specific act or acts of habitual disobedience of the reasonable and lawful commands of his parent, guardian or other custodian and who is ungovernable and found to be in need of care, treatment or supervision;
- (7) is under the age of ten years and has committed a delinquent act;

(8) has been formerly adjudicated dependent, and is under the jurisdiction of the court, subject to its conditions or placements and who commits an act which is defined as ungovernable; or,

(9) has been referred pursuant to section 6323 (relating to informal adjustment), and who commits an act which is defined as ungovernable.

The court of jurisdiction over juvenile matters is the Court of Common Pleas. All references to "court" will refer to the Court of Common Pleas.

### Contact with Juvenile Justice Agencies

A youth's first contact with the juvenile justice system is most likely to be through the police. At this point the police officer has a number of options. Depending upon the circumstances, the police officer can: waive and/or release the youth at the scene; bring the youth to the station; call the youth's parents and release the youth to the parents; refer to a social service agency, another police agency, the district magistrate, adult criminal court or to juvenile court intake.

According to the Uniform Crime Report for 1982 compiled by the Pennsylvania State Police, juveniles accounted for 136,360 or 31.6% of all arrests. The juvenile arrests were handled in the following manner:

- 59,519 were handled by police and released;
- 37,914 were referred to juvenile court/probation;
- 982 were referred to welfare agencies;
- 776 were referred to other police agencies; and
- 37,169 were referred to criminal/adult court (includes referrals to district magistrates for underage drinking, shoplifting, etc.)

A child may be taken into custody:

- 1) Pursuant to a court order;
- 2) Pursuant to the laws of arrest;
- 3) By a law enforcement officer or duly authorized officer of the court if there are reasonable grounds to believe that:
  - a) The child is suffering from illness or injury or is in imminent danger from his surroundings, and that his removal is necessary;
  - b) The child has run away from his parents, guardian, or other custodian; or
  - c) The child has violated conditions of his probation.

The Juvenile Act allows for informal adjustment of referrals to the court. Before a petition is filed, the probation officer or other appropriate court officer can refer certain dependent children or delinquent children and their parents to any appropriate public or private social service agency. The probation officer may also give counsel and advice to the child and parents.

### Juvenile Court

The responsibility for juvenile cases rests with the Court of Common Pleas. Juvenile cases in the more populated districts are the full-time responsibility of family court judges. In smaller districts, the President Judge determines which member or members of the bench will have responsibility for handling juvenile cases as part of the distribution of the workload of the court.

The juvenile court judge is both the judicial and administrative officer of the juvenile court. The basic function of the judge is that of adjudication. The judge is also responsible for the appointment of juvenile probation officers and other staff for the effective rehabilitation of the youthful offender. It is the judge's duty to see that each youth under the court's jurisdiction receives proper treatment.

The juvenile court has exclusive jurisdiction over all children under the age of 18. A youth between the ages of 14 and 18, subject to procedural safeguards, may be transferred to criminal court for trial if the judge feels there are reasonable grounds to believe the child is not amenable to treatment as a juvenile. The one exception to this is the crime of murder, for which jurisdiction is always under the criminal court.

A juvenile enters the court system at the probation office through the intake interview. It is during the intake interview that the probation officer determines whether the referral is substantiated sufficiently to warrant further action and, if so, whether informal adjustment, informal probation or official action is appropriate. If official action is indicated, a delinquency petition is filed with the court and a further determination whether the youth should be detained is made. The process is highlighted in the chart on page 38.

A case involving a juvenile may be handled in either the offender's home county or the locale of the offense. However, the probation services are usually provided in the county of the juvenile's residence.

### Detention

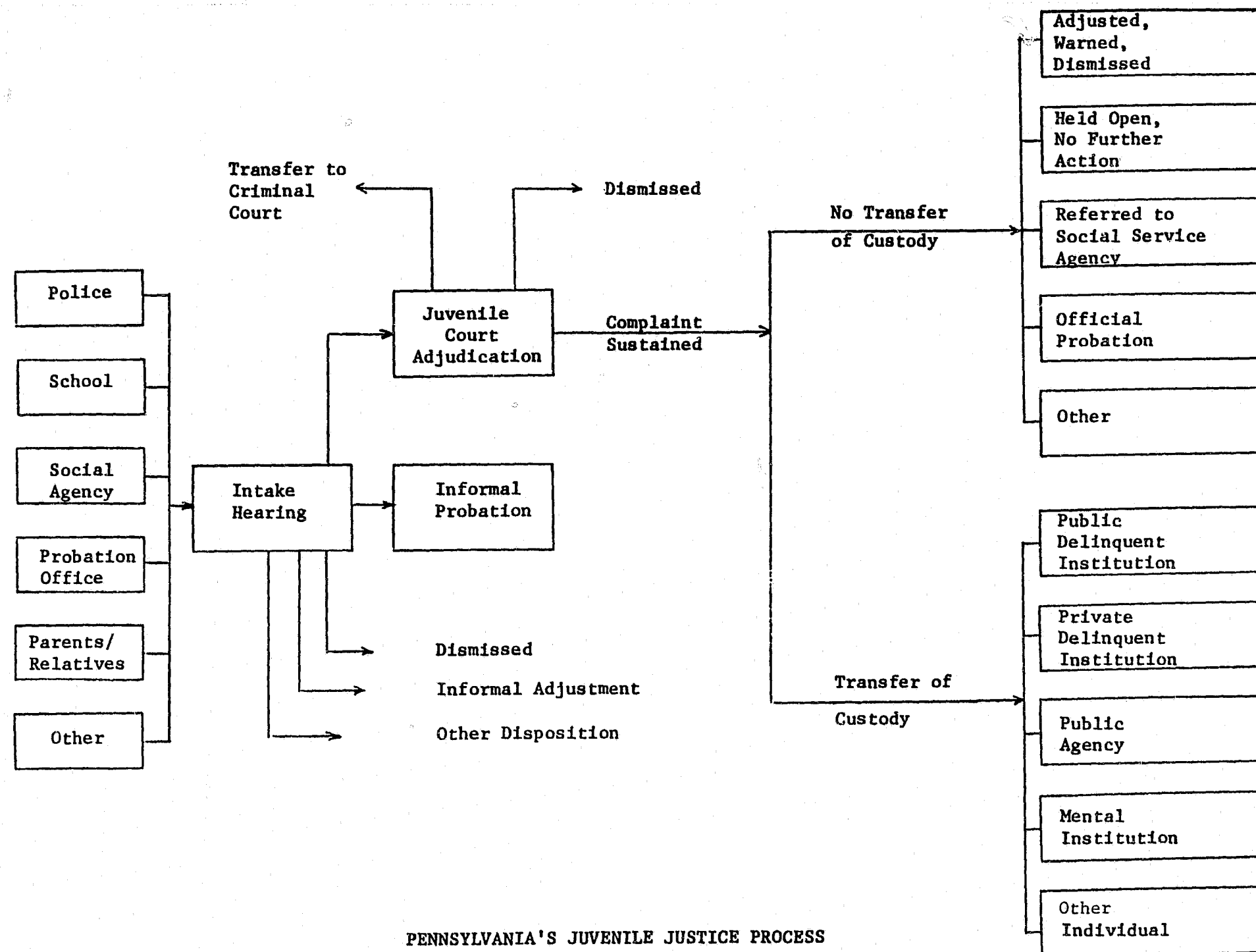
Although the judge is ultimately responsible for the control of detention, the intake officer usually initiates the decision as to whether a youthful offender should be placed in detention. The Juvenile Act specifies that a child alleged to be delinquent can be detained only in:

- (1) A licensed foster home or a home approved by the court.
- (2) A facility operated by a licensed child welfare agency or one approved by the court.
- (3) A detention home, camp, center or other facility for delinquent children which is under the direction or supervision of the court or other public authority or private agency, and is approved by the Department of Public Welfare.
- (4) Any other suitable place or facility, designated or operated by the court and approved by the Department of Public Welfare.

The Juvenile Act specifically prohibits the detention of a child in any facility with adults or any facility where the child is apt to be abused by other children.

The detention of a juvenile is further governed by other requirements of the Juvenile Act. A detention hearing must be held within 72 hours after the child is detained to determine if continued detention is required. Due notice of the hearing must be given, and all parties must be informed of their rights. If the child is in detention, a delinquency hearing must be held not later than ten days after the filing of the petition.

In 1982, 24.7% (7,854) of the 31,866 total delinquency cases involved secure detention of juveniles. The chart which follows shows the capacities and average daily population figures for juvenile detention facilities in Pennsylvania for 1981 and 1982. Although this material is not designed to provide a clear picture of actual daily populations or specific information about periods of extreme high or low usage, it does give an indication of the overall detention load.



PENNSYLVANIA'S JUVENILE JUSTICE PROCESS

# JUVENILE DETENTION CAPACITY AND USAGE

Facility	Capacity	Average Daily Population	
		1981	1982
<u>Central Region</u>			
Cambria	12	7.7	7.1 <sup>3</sup> (5) <sup>2</sup>
Dauphin	18	16.6	15.6 <sup>3</sup> (14)
Franklin	7	5.5	Closed
Lancaster	15	8	13.7
York	15	9.5	9.2
Blair	8	4.7	4.4
Northumberland	10	4.8	2.8
Centre	12	N/A <sup>1</sup>	3.7 (4.4)
<u>Northeast Region</u>			
Berks	14	12.9	13.1
Lackawanna	16	7	3.5
Luzerne	16	9.2	7.5
Lehigh (open 2/83) <sup>4</sup>	14	-	(7.6)
Northampton	13	9.5	13
Schuylkill	6	4.2	3.5
Tioga	12	7.3	4.9
<u>Southeast Region</u>			
Bucks	22	18.8	18.1 (14)
Chester	18	12.5	8.8
Delaware	36	19	18
Montgomery	36	24.3	19.2 (16)
Philadelphia	115	124.6	143
<u>Western Region</u>			
Allegheny	120	89.6	71
Beaver	25	10 (est.)	7.7
Erie	20	15	13
Mercer	12	6.7	5.8
Westmoreland	20	14.3	10
Lawrence	7	3.5	3.8
Excluding Phila.	483		277.4 (57.4%)
Philadelphia	115		143 (124.0%)

\*Footnotes next page

### Adjudication

After hearing the evidence on the petition, the court determines whether the child is a dependent child or, if the petition alleges that the child is delinquent, whether the child actually committed the acts. If the court finds that the child is not a dependent child or that the allegations of delinquency have not been established, the court must dismiss the petition and order the child discharged from any detention or other restriction.

If the court finds proof beyond a reasonable doubt that the child committed the delinquent acts, it hears evidence as to whether the child is in need of treatment, supervision or rehabilitation. This finding can be made immediately or not later than 20 days after adjudication if the child is in detention.

In the absence of evidence to the contrary, evidence of the commission of acts which constitute a felony is sufficient to sustain a finding that the child is in need of treatment, supervision, or rehabilitation. If the court finds that the child is not in need of treatment, supervision, or rehabilitation, the court dismisses the proceeding and discharges the child from any detention or other restriction.

### Disposition

If the child is found to be a dependent child, the court may make any of the following orders of disposition best suited to the protection and physical, mental, and moral welfare of the child.

- (1) Permit the child to remain with his parents, guardian, or other custodian, subject to conditions and limitations as the court prescribes, including supervision as directed by the court for the protection of the child.
- (2) Transfer temporary legal custody to any of the following:
  - Any individual resident within or without this Commonwealth, who, after study by the probation officer or other person or agency designated by the court is found by the court to be qualified to receive and care for the child.

<sup>1</sup>Centre County detention facility was not operating during 1981.

<sup>2</sup>Figures in parenthesis represent Average Daily Population for first quarter of 1983.

<sup>3</sup>This number did not decline as sharply as others since the Dauphin County facility is now serving Franklin County which has closed its facility.

<sup>4</sup>Facility was closed from May 1980 to February 1983.

Source: Pennsylvania Commission on Crime and Delinquency telephone survey, June 1983.

- An agency or other private organization licensed or otherwise authorized by law to receive and provide for the child.
- A public agency authorized by law to receive and provide care for the child.

- (3) Transfer custody of the child to the juvenile court of another state.

Unless a child found to be dependent is found also to be delinquent, the child cannot be committed to or confined in an institution or other facility designed or operated for the benefit of delinquent children.

If the child is found to be a delinquent child, the court may make any of the following orders of disposition best suited to the child's treatment, supervision, rehabilitation, and welfare:

- (1) Any order authorized by section 6351 (relating to disposition of dependent child).
- (2) Placing the child on probation under supervision of the probation officer of the court or the court of another state.
- (3) Committing the child to an institution, youth development center, camp, or other facility for delinquent children operated under the direction or supervision of the court or other public authority and approved by the Department of Public Welfare.
- (4) If the child is 12 years of age or older, committing the child to an institution operated by the Department of Public Welfare.
- (5) Ordering payment by the child of reasonable amounts of money as fines, costs or restitution as deemed appropriate as part of the plan of rehabilitation considering the nature of the acts committed and the earning capacity of the child.
- (6) An order of the terms of probation may include an appropriate fine considering the nature of the act committed or restitution not in excess of actual damages caused by the child which shall be paid from the earnings of the child received through participation in a constructive program of service or education acceptable to the victim and the court whereby, during the course of such service, the child shall be paid not less than the minimum wage of this Commonwealth.

A child cannot be committed or transferred to a penal institution or other facility used primarily for the execution of sentences of adults convicted of a crime.

The Juvenile Court Judges' Commission reports that there were 31,866 cases of delinquency disposed of in the Pennsylvania Juvenile Courts during 1982. Probation supervision represents the largest dispositional category (19.48%), followed by dismissal (15.4%), consent decree (14.12%), informal adjustments (13.87%), placements (11.96%), complaint withdrawn (11.08%), and all remaining dispositions accounting for (14.09%) of the dispositions.

DISPOSITION SUMMARY, DELINQUENCY CASES, 1982

Type of Disposition	Number	Percent
Total Dispositions.....	31,866	100.00
Transfer to other juvenile court.....	917	2.87
Complaint withdrawn.....	3,533	11.08
Dismissed, warned.....	3,069	9.63
Informal adjustment.....	4,421	13.87
Fines and costs ordered.....	611	1.91
Dismissed not substantiated.....	1,841	5.77
Referred to another agency.....	322	1.01
Consent decree.....	4,500	14.12
Probation.....	6,209	19.48
Continued on previous disposition.....	1,176	3.69
Certified to criminal court.....	433	1.35
Other.....	1,023	3.21
Placements.....	3,811	12.01

Source: Juvenile Court Judges' Commission, Pennsylvania Juvenile Court Disposition, 1982.

Juvenile Probation

One of the major functions of the juvenile court is the administration of a juvenile probation department. Juvenile probation services vary greatly from one county to the next. The number of staff and the case load per counselor are greatly affected by the size and wealth of the county. Smaller counties generally maintain a small staff consisting of one or two people who are likely to handle both adult and juvenile cases. Juvenile probation staffs range in size from approximately 175 officers in Philadelphia to one-person operations in the more rural jurisdictions. There are approximately 600 juvenile probation officers statewide.

The activities of the juvenile probation officer center around the process of investigation, supervision and counseling of the juvenile offender. The juvenile probation officer therefore fills a key role both before and after a case reaches the juvenile court judge. A youth need not be adjudicated by the court, but may be petitioned to the probation department. The scope of the juvenile probation office is twofold: It operates as a social service agency for the counseling of troubled youth as well as the vehicle by which the court provides supervision of delinquents after adjudication.

Institutions

The length of initial commitment to an institution is limited to a period of not longer than three years or a period longer than the child could have been sentenced by the court if convicted of the same offense as an adult, whichever is less. The initial commitment may be extended for a similar period, or modified. In such cases, the child must have notice of the extension or modification hearing and be given an opportunity to be heard. The committing court reviews each commitment every six months and holds a disposition review hearing at least every nine months.

Once the public or private institution to which a youth has been committed determines that the youth is ready to leave the institution, the institution recommends release to the court. The court, in most cases, follows the recommendations of the institution and returns the youth to 1) his own home; 2) a halfway house or group home; 3) a foster home; or 4) an independent living situation. There is usually a trial period prior to release (extended leave) which will permit the youth an opportunity to gradually become reintegrated into the community before the actual release takes place. A youth is either released outright without additional supervision by the court or is released from the institution and placed on probation. This lasts from three to six months depending upon how the youth adjusts. If a youth violates probation, a hearing is held to determine if transfer of custody or continued probation is appropriate at which point the cycle described above begins again.

Institutions caring for adjudicated delinquents in Pennsylvania function under state, semi-private and private auspices. The Secretary of Public Welfare is responsible for enforcing standards of care in these institutions. The supervisory and licensing powers are delegated to the Bureau of Youth Services in the Office of Children, Youth and Families.

Of the 23 juvenile correctional institutions in Pennsylvania, seven are state-owned dealing exclusively with juvenile delinquents and 16 are privately operated, although supported by government funds through county billings.

The seven state-owned juvenile correctional facilities include four Youth Development Centers and three Youth Forestry Camps. Youths are directly committed to these by county juvenile court. They are released upon favorable recommendation of the institution's administrator and the concurring decision of the committing court.

The following table represents a detailed breakdown of placements by type of placement service. Type of placement service was unknown for 1,252 placements (1,146 Philadelphia, 82 Delaware County and 24 other counties).

# PLACEMENT SUMMARY, 1982

Type of Placement	Number	Percent
Total placements.....	3,811	100.00
Unknown type.....	1,252	32.86
Institutional (Residential).....	1,266	33.22
Group Home.....	468	12.29
Foster Care.....	191	5.01
Security.....	129	3.39
Drug and Alcohol.....	157	4.11
Day Treatment.....	132	3.46
Outward Bound.....	204	5.36
Independent Living.....	11	0.28
Other Placement.....	1	0.02

Source: Juvenile Court Judges' Commission, Pennsylvania Juvenile Court Dispositions, 1982.

The two executive branch agencies which provide the principal oversight at the state level are:

- 1) the Juvenile Court Judges' Commission; and
- 2) the Office of Children, Youth and Families, Department of Public Welfare.

Data concerning their mandate, functions and authority are offered below:

## Juvenile Court Judges' Commission

401 Finance Building  
P.O. Box 1234  
Harrisburg, Pennsylvania 17108  
(717) 787-6910

The primary state level agency which oversees juvenile probation services is the Juvenile Court Judges' Commission (JCJC). Act 717 of December 21, 1959, created the Commission and empowered it with the following duties:

- 1) to advise the juvenile court judges of the Commonwealth in all matters pertaining to the proper care and maintenance of delinquent children;
- 2) to examine the administrative methods and judicial procedure used in juvenile courts throughout the state, establish standards and make recommendations to the courts;
- 3) to examine the personnel practices and employment standards used in probation offices in the Commonwealth, establish standards and make recommendations to the courts; and
- 4) to collect, compile and publish such statistical and other data as may be needed to accomplish reasonable and efficient administration of the juvenile courts.

In addition to the above duties, the Juvenile Court Judges' Commission, after 1962, shared administrative responsibility for the grant-in-aid program, which was then located in the Department of Public Welfare. In 1968, this grant program, which financially assists county juvenile probation efforts and is the counterpart to the adult program administered by the Board of Probation and Parole, was transferred to the Juvenile Court Judges' Commission by Act 147 of July 2, 1968. The total appropriation to augment juvenile probation service funding has grown from \$1.5 million 1979-80 to \$2.3 million 1982-83. Sixty-two counties currently participate in the program.

Since its creation in 1959, the Juvenile Court Judges' Commission had been organizationally located within the Pennsylvania Department of Justice. However, effective January 20, 1981, the Commission became an agency in the Office of General Counsel under the provisions of Act 164 of 1980, the Commonwealth Attorneys Act.

The Commission is made up of nine judges\* nominated by the Chief Justice of the Pennsylvania Supreme Court and appointed by the Governor for three year terms. Presently, the Juvenile Court Judges' Commission has a staff of 11 which serves the Commission under the direction of an Executive Director and a Deputy Director.

The JCJC has developed statewide standards for juvenile probation services, training, aftercare and specialized intensive probation. These standards have had a significant impact on improving the quality of services within the Commonwealth's Juvenile Court System. The Commission has been successful in obtaining the voluntary compliance of all 67 counties in the adoption of intake standards, participation in training programs, and participation in the statewide statistical program.

Office of Children, Youth and Families

Department of Public Welfare  
1514 North Second Street  
Harrisburg, Pennsylvania 17102  
(717) 787-4756

The state's juvenile correctional facilities are administered by the Department of Public Welfare's Office of Children, Youth and Families. As one of the six program offices in the Department of Public Welfare, the Office of Children, Youth and Families (OCY&F) draws its mandate from the Public Welfare Code. General activities of the OCY&F include planning, funding, policy and standards development, and the provision of technical assistance to a wide range of public and private programs attempting to provide for the needs of abused, neglected, dependent and delinquent youth. An emphasis is placed upon services provided to youth in their own homes through the 67 county-operated Children and Youth Agencies which are supported and supervised by the OCY&F.

In situations requiring removal of a youth from his home, the OCY&F promotes the use of the least restrictive placement alternatives available. Such alternatives include foster care, group homes, shelter facilities, and supervised independent living programs. This emphasis was supported by Act 148 of 1976 which revised the reimbursement system to counties for the cost of care of children and youth to provide a fiscal incentive to use community alternatives as opposed to institutions. In addition, Act 41 of 1977, which represented a major modification of the juvenile justice system, provided that juvenile delinquents cannot be detained in county jails or other adult facilities and that children who are runaways, truants and ungovernable (status offenders) not be treated as if they had committed a criminal offense.

In support of the juvenile justice system, the OCY&F reimburses counties for the purchase of services from privately operated facilities for delinquent youth. For those delinquent youth who require more intensive supervision, the OCY&F operates four Youth Development Centers (YDC) and three Youth Forestry Camps (YFC). These facilities can house a total capacity of 730 youth (232 maximum security/498 medium security). The following table depicts the current capacity, population, and facility location for the YDC/YFCs by type of security.

Department of Public Welfare Residential  
Programs for Delinquents, Capacity and Population

Facility	County Location	Security (includes maxi- mum and intermediate)		Open	
		Capacity	Population (% of Cap.)	Capacity	Population (% of Cap.)
<u>Youth Development Centers</u>					
Bensalem (Cornwells Heights	Bucks	82	68 ( 83%)	96	82 ( 85%)
Loysville	Perry	-	-	72	69 ( 96%)
New Castle	Lawrence	67	53 ( 79%)	96	64 ( 67%)
Waynesburg	Greene	8	8 (100%)	80	54 ( 68%)
<u>Youth Forestry Camps</u>					
Camp #1	Beaver			52	29 ( 56%)
Camp #2	Luzerne			52	29 ( 56%)
Camp #3	Huntingdon			50	31 ( 82%)
<u>Secure Treatment Units</u>					
Northcentral	Montour	20	22 (110%)	-	-
Weaversville	Lehigh	20	18 ( 90%)	-	-
Southeast	Chester	20	23 (115%)	-	-
Oakdale	Allegheny	15	11 ( 73%)	-	-

TOTAL: 232 203 ( 88%) 498 358 ( 72%)

Source: Department of Public Welfare, Population Count - YDCs/YFCs, August 17, 1983.



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Department of Public Welfare  
1514 North Second Street  
Harrisburg, Pennsylvania 17102  
(717) 787-4756

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#### OTHER STATE AGENCIES

Beyond the aforementioned agencies, there are other efforts at the state level which provide important criminal justice services of a specialized nature. There are five such agencies currently in operation:

- 1) Commission on Crime and Delinquency
- 2) Commission on Sentencing
- 3) Crime Victim's Compensation Board
- 4) Board of Pardons
- 5) Crime Commission

#### Commission on Crime and Delinquency

P.O. Box 1167  
Federal Square Station  
Harrisburg, Pennsylvania 17108  
(717) 787-2040

The Commission on Crime and Delinquency, formerly the Governor's Justice Commission, was created by Act 274 of 1978 to undertake a statewide responsibility for criminal and juvenile justice planning, coordination and policy analysis. In this capacity, the Commission functions as the Commonwealth's central source of planning, statistical analysis and program development for the improvement of the state's criminal justice system and provides data analysis, research and legislative recommendations to the Governor's Office and the General Assembly.

Two of the Commission's more recent initiatives involve the development of a Prison Overcrowding Task Force to assess and monitor factors contributing to Pennsylvania's seriously overcrowded correctional system and the creation of a Victim/Witness Advisory Group to plan for and stimulate increased services at the local level that will meet the financial, emotional, and informational needs of crime victims and promote the victim's participation in the criminal justice process.

The Prison Overcrowding Task Force has been developed to study the issues surrounding the overcrowding problems and to analyze existing legislation as well as state and local correctional policies and practices that affect the influx and release of correctional populations and the capacity of the correctional system. The results of this effort will conclude with recommendations to the Governor and Legislature regarding the need for action.

The Commission is already working on the overcrowding issue at the local level in a select number of county jails through the provision of technical assistance. In this effort Commission staff work with local officials to identify the factors contributing to overcrowding and to design specific remedies tailored to the jurisdiction's needs.

The Victim/Witness Advisory Group was established in response to a gubernatorial mandate to assess the level of victim services currently provided, identify service gaps and recommend strategies to improve services to the Commonwealth's crime victims. Over the past several years, there has been a growing national recognition of and concern for the plight of citizens who have been victimized by criminal acts. One result of this focus has been the Victim Rights Movement, which has encouraged the federal and state governments to provide the statutory basis necessary for enhanced services to crime victims. Such services as compensation for losses incurred through personal injury as the result of a crime, counseling and shelter for victims of assault and support services emanating from the criminal justice system which facilitate the criminal justice process are examples of relatively new approaches that are receiving widespread application on behalf of the nation's crime victims.

The activities of the Victim/Witness Advisory Group are intended to facilitate efforts designed to enhance the services currently available to crime victims as well as to encourage the development of further services as needed. The specific activities envisioned for the Group include the development of statewide service standards for the comprehensive provision of victim/witness services at the local level and the implementation of procedural reforms to the Commonwealth's Crime Victim's Compensation Program.

Another important initiative of the Commission is the Crime Watch Program. Under Crime Watch, the Commission provides training and on-site technical assistance to police departments in community crime prevention measures that are geared toward reducing the opportunities for criminal acts. To date over 2,000 state and local police officers have completed basic crime prevention training and over 250 have completed the advanced course. The basic objective is to stimulate community organization in the interest of reducing crime through cooperative citizen involvement.

Many of the Commission activities are organized around task forces which are created to produce a reservoir of expertise drawn to a specific agenda for review and reform. Some of the issues which the Commission has addressed are:

- alternatives to incarceration
- correctional mental health treatment
- criminal justice information systems
- unified judicial system
- career criminal prosecution

The research arm of the Commission is its Statistical Analysis Center. The Center is responsible for data analysis and produces a number of impact analyses which help to guide policy decisions at the state and local level. The SAC is presently involved in three such studies:

- 1) assessment of the impact of mandatory sentencing legislation;
- 2) a review of the recently enacted drunk driving law and its impact upon the system; and
- 3) a study of the recent modification of Supreme Court Rule expanding the charging options for local district attorneys.

The following is a list of reports prepared by the SAC in the recent past:

- Plea Negotiation in Pennsylvania - 1979
- An Analysis of the Adequacy of State Correctional Facilities Now and in the Future - 1980
- Analysis of the Pennsylvania Criminal Justice System - 1980
- A Survey of Mandatory Sentencing in the U. S. - 1981
- A Study of Recidivism Among Individuals Granted Executive Clemency in Pennsylvania - 1968-1981 - 1982

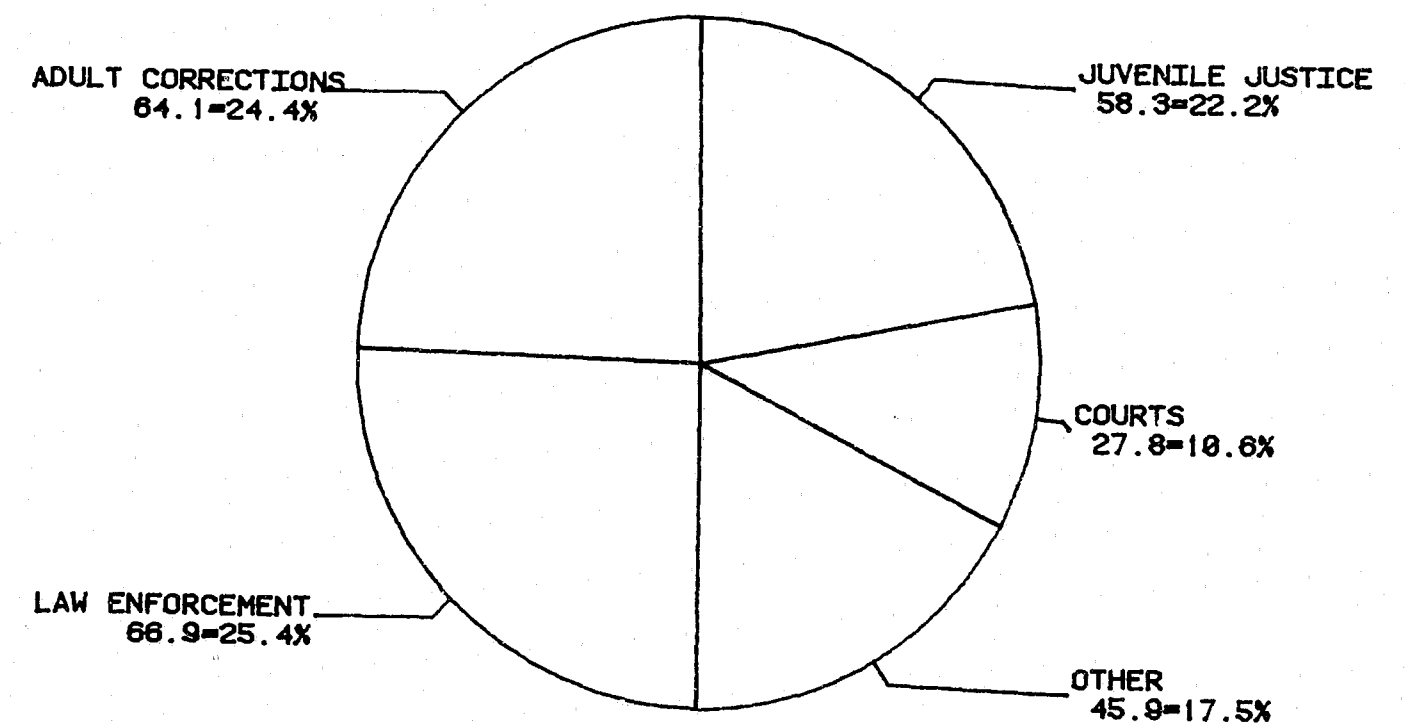
One further responsibility of the Commission is the administration of federal funds under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. It carries out this mandate through a statutorily created Juvenile Advisory Committee, which is comprised of not less than 15 nor more than 33 gubernatorially appointed members, all of whom have training or expertise in juvenile justice.

The Commission is governed by a supervisory board of 24 members, comprised of ex-officio officers and both legislative and gubernatorial appointees.

The Commission's predecessor, the Governor's Justice Commission, was created in response to the federal Omnibus Crime Control and Safe Streets Act of 1968, which provided financial assistance to state and local governments to strengthen law enforcement and criminal justice under a program known as the federal Law Enforcement Assistance Administration. During the course of the LEAA program (the block grant initiative was abolished effective September 30, 1982 - Congress is currently considering a replacement program), the Commission administered over \$261 million in grants to state and local agencies for crime control purposes.

The following graph depicts the disbursement of LEAA funds by functional component for the period 1969-1982.

DISBURSEMENT OF LEAA FUNDS BY FUNCTIONAL COMPONENT IN  
MILLIONS OF DOLLARS FY 1969-1982



#### Commission on Sentencing

P. O. Box 1200  
State College, Pa. 16801

The Pennsylvania Commission on Sentencing was established by the Legislature on January 1, 1979 by Act 319 of 1978 and initiated its work on April 27, 1979. The intent of the Legislature was to create a just, yet simple, guideline system that would help reduce unwarranted disparity in criminal sentences given to defendants in the Commonwealth.

The enabling legislation provided for a broad-based 11 member Commission and a full-time support staff. The composition of the Commission calls for four legislators appointed on a bi-partisan basis from the House and Senate; four judges appointed by the Chief Justice of Pennsylvania, a district attorney, a defense attorney and a professor of law appointed by the Governor.

In developing sentencing guidelines for Pennsylvania, the Commission studied the guidelines utilized by other states and conducted an extensive study of past sentencing practices in the Commonwealth. The product of this effort was a package of guidelines originally introduced in the spring of 1981 and rejected by the Legislature that year with a mandate to resubmit guidelines which were more strict. The guidelines thus resubmitted were adopted by the Legislature on May 14, 1982 and took effect July 22 of that year (see 42 Pa. C.S.A., Sec. 9721).

The guidelines take into account the offense, aggravating or mitigating circumstances and the offender's prior record to compile an offender score which is accompanied by a presumptive range of sentences. When a judge deviates from this range, he must indicate on the record his rationale. The guidelines only apply to felonies and misdemeanors and are superseded by mandatory sentencing provisions.

The current effort on the part of the Commission is devoted to monitoring the impact of the sentencing guidelines by reviewing the sentencing practices of the judiciary since the effective date of the Act. The Commission is charged with the responsibility for periodically reporting the results of its monitoring effort to the General Assembly.

#### Crime Victim's Compensation Board

307 Finance Building  
Harrisburg, Pennsylvania 17127  
(717) 783-5153

The Crime Victim's Compensation Board was created by Act 139 of 1976. The Act established the Crime Victim's Compensation Board as the administrative entity charged with the responsibility for managing the program. The Board is comprised of three members (no more than two of whom shall belong to the same political party) who are appointed by the Governor with the consent of the Senate.

The program is designed to help alleviate some of the financial hardships (medical expenses/loss of income) for individuals who have sustained injury as a victim of crime. The victim must have out-of-pocket expenses in excess of \$100 or have lost at least two continuous weeks' earnings or support. The current maximum award is \$25,000.

The Board is responsible for reviewing all claims brought under the Act and disbursing payments for those claims which they approve. At the program's inception, approximately 40 claims/month were submitted. This work load has risen to an average of approximately 100 claims/month, the effect of which has been to create a considerable backlog of claims.

The Crime Victim's Compensation Program is unique among governmental operations in that it generates its own revenue through the statutory provision for a penalty assessment on offenders convicted of Crimes Code offenses. These offenders are assessed a \$10 surcharge which is deposited in the state General Fund for the purpose of meeting the financial demands of claims under the program. The revenue thus obtained provides an account in excess of \$2 million at the state level each year.

#### Other Victim Services

Pennsylvania Coalition Against Domestic Violence  
2405 North Front Street  
Harrisburg, Pennsylvania 17110  
(717) 233-6030

Pennsylvania Coalition Against Rape  
2200 North Third Street  
Harrisburg, Pennsylvania 17110  
(717) 232-6745

Prior to 1978, rape crisis and domestic violence services were provided by a small number of local volunteer groups concerned with the plight of victims. These groups supported their services through the contribution of time by volunteers, local fund raisers and a mixture of corporate, foundation and government funding. However, many of the rape crisis groups and a few of the domestic violence groups were also supported by Law Enforcement Assistance Administration funds received from the Pennsylvania Commission on Crime and Delinquency.

In view of the great need for victim services across the state, the local groups organized to encourage the expansion of services to unserved areas. In 1978, the Pennsylvania Commission on Crime and Delinquency received requests for funds to support these efforts to organize from 18 domestic violence and 10 rape crisis groups. These groups established the Pennsylvania Coalition Against Domestic Violence (PCADV) and the Pennsylvania Coalition Against Rape (PCAR) respectively.

Both coalitions have been quite active in improving services provided to victims by criminal justice, health care and social service agencies. In addition, they have actively kept the issues surrounding sexual assault and domestic violence before the public and the Legislature. A noteworthy achievement has been the increase in local service groups established since 1978. Presently, PCADV has 43 member domestic violence shelters and PCAR has 36 member rape crisis centers.

The funding support for local rape crisis and domestic violence groups was improved in fiscal 1980-1981 when federal Title XX funds were made available through Pennsylvania's Department of Public Welfare. This was followed by a total cutoff of Law Enforcement Assistance Administration funding by the federal government during 1981. In June 1982, the state Legislature approved Act 157 which provided a state funding source for rape and domestic violence services. This program is administered by the Department of Public Welfare through PCADV and PCAR. The program is funded by a \$10 penalty assessment on every person convicted of a Crimes Code or Drug Act violation.

#### Board of Pardons

9th Floor  
333 Market Street  
Harrisburg, Pennsylvania 17120  
(717) 787-2596

The Board of Pardons is responsible for making recommendations to the Governor concerning applications for clemency. Its composition is mandated by law:

- the Lieutenant Governor, who serves as Chairman;
- the Attorney General; and
- three members appointed by the Governor with the consent of the Senate. These members must be residents of Pennsylvania and recognized leaders in their fields; one to be a member of the bar, one a penologist and one a doctor of medicine, psychiatrist or psychologist. Their term of office is six years.

Applications for clemency may take one of five forms:

- 1) Pardon - immediate discharge from the criminal justice system free from all criminal disability except that the criminal record is not expunged;
- 2) Commutation of death sentence to life imprisonment;
- 3) Commutation of life sentence to life on parole;
- 4) Commutation of the minimum sentence of a confined person, e.g., an inmate serving 10 to 20 years could have his minimum commuted to seven years and be eligible for parole three years earlier; and
- 5) Commutation of a maximum sentence, i.e., accelerate the release date or discharge from parole for an applicant.

There is also a category known as "special max" in which the Board of Probation and Parole will request that a client who has satisfactorily served extensive parole have the remaining term commuted in the interest of terminating parole supervision.

The following table reflects actions taken in response to applications for clemency during 1980, 1981 and 1982.

As can be seen, the total number of petitions for clemency has decreased dramatically since 1980 (257 to 125) - down 51%. The number of petitions recommended to the Governor for clemency shows greater stability with a range of from 22% to 30%. Clemencies granted during the period have shown a moderate rise from six in 1980 to 15 in 1982.

Reactions to Applications for Clemency in Pennsylvania 1980-1982

Type of Application	<u>1980</u>			<u>1981</u>			<u>1982</u>		
	Peti- tions Heard	Board Recom- mendations	Governor Approvals	Peti- tions Heard	Board Recom- mendations	Governor Approvals	Peti- tions Heard	Board Recom- mendations	Governor Approvals
Commutation to Life	62	9	0	43	9	0	25	5	1
Commutation Minimum	103	5	0	74	7	2	36	2	0
Commutation Maximum	5	1	0	6	2	1	4	0	0
Pardon	50	19	5	45	32	9	39	24	12
Special Maximum	<u>37</u>	<u>22</u>	<u>1</u>	<u>29</u>	<u>7</u>	<u>0</u>	<u>21</u>	<u>7</u>	<u>2</u>
TOTAL:	257	56	6	197	57	12	125	38	15
Percent:		22	11		29	21		30	40

NOTE: Percent recommended is a percentage of petitions heard for clemency. Percent granted is a percentage of petitions recommended to the Governor.

Crime Commission

P. O. Box 45  
527 East Lancaster Avenue  
St. Davids, Pennsylvania 19087  
(215) 687-6500

The Pennsylvania Crime Commission was created by the General Assembly in 1968 as part of the Justice Department. It was later made an independent agency and received its current mandate via Act 169 of 1978. The Commission is responsible for inquiring into organized crime and public corruption; preparing reports on completed investigations including recommendations for administrative and legislative action; and the submission of an annual report to the Legislature on the status of organized crime in the Commonwealth. The Commission has the power to subpoena witnesses and may request orders of immunity from Commonwealth Court when appropriate.

The Commission consists of five members, four appointed by the Legislature and one appointed by the Governor. Regional offices, in addition to its headquarters in St. Davids, are located in Harrisburg, Pittsburgh and Scranton. The executive director, who is appointed by the Commission, oversees a staff complement of 52 full-time employees. There is an additional staff of 18 personnel for special federal projects.

Beyond its regular investigative operations, the Commission supervises one federally funded interstate project, MAGLOCLEN, and participates in another. MAGLOCLEN, the Mid-Atlantic Great Lakes Organized Crime Law Enforcement Network is a multi-state intelligence network involving law enforcement agencies from Delaware, Indiana, Maryland, Ohio, New Jersey, New York, Michigan and Pennsylvania. The Leviticus Project is a seven state investigation of organized crime influence in the coal industry involving Pennsylvania, Alabama, Virginia, Georgia, Kentucky, New York and Indiana.

# THE STATE BUDGET AND CRIMINAL JUSTICE

## Budget Program Summary

Volume I of the Governor's Executive Budget provides a broad view of all state government functions and costs by presenting the budget in eight program areas. These program areas include: Intellectual Development and Education, Health - Physical and Mental Well-Being, Economic Development and Income Maintenance, Transportation and Communication, Social Development, Protection of Persons and Property, Direction and Supportive Services, and Recreation and Cultural Enrichment.

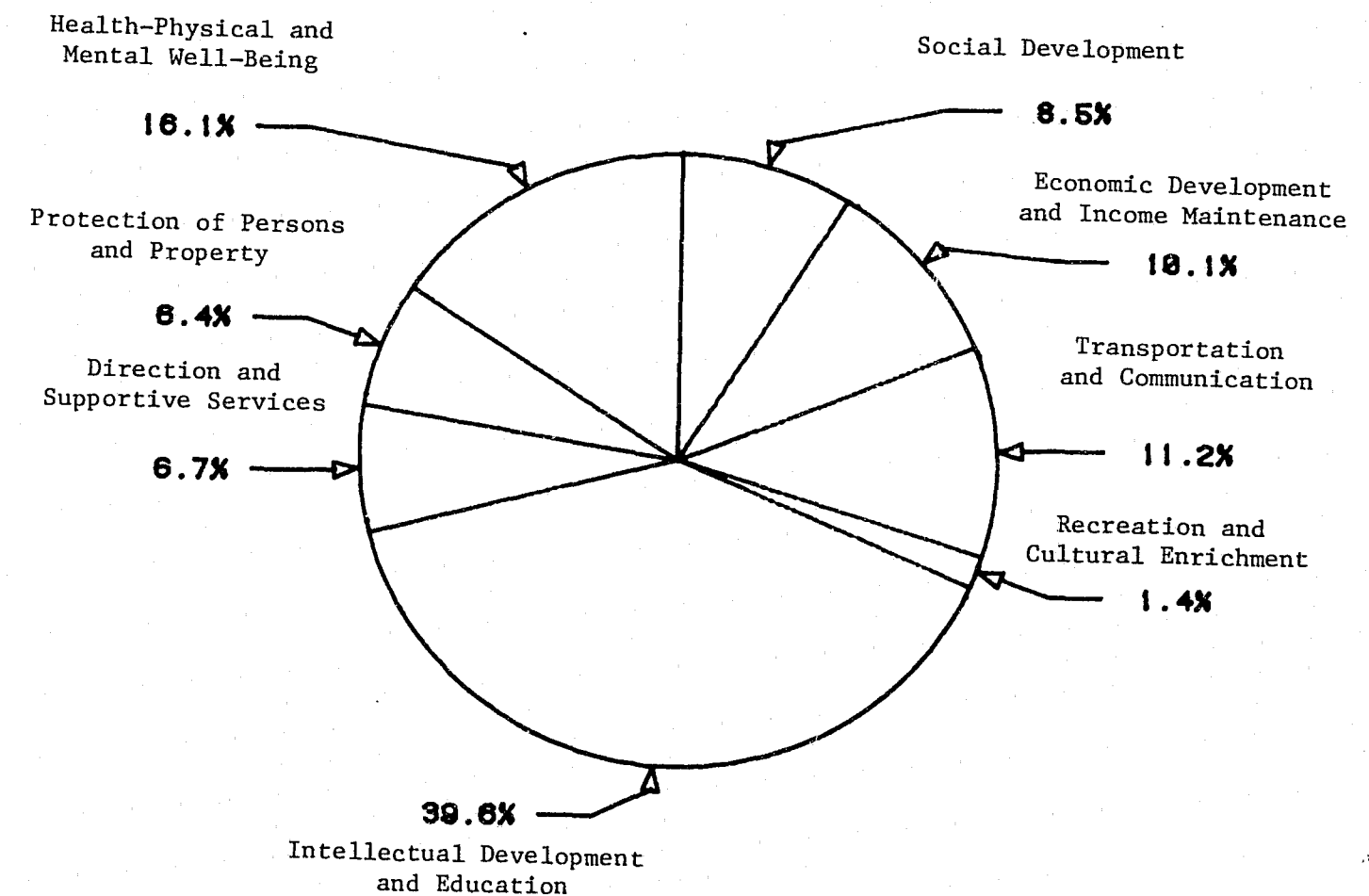
Protection of Persons and Property includes several criminal justice categories and several other categories. Criminal justice categories under Protection of Persons and Property are: Control and Reduction of Crime, Adjudication of Defendants, and Maintenance of Public Order. Other categories in this program area are: General Administration and Support, Traffic Safety and Supervision, Consumer Protection, Natural Hazards and Disasters, Community Housing Hygiene and Safety, Electoral Process, and Prevention and Elimination of Discriminatory Practices.

As shown in Table A, Protection of Persons and Property has remained stable in terms of its share of the total budget, fluctuating only + or - .5% over the past five years. Table B shows the changing sources of funds under the program. In total, Protection of Persons and Property has risen steadily, apparently reflecting factors such as increasing costs and inflation, 22% over five years. General fund and special fund contributions to this program have all increased. Federal funds, however, have decreased 40% during the five years 1980-81 to 1984-1985.

Although Protection of Persons and Property has remained at the same level, criminal justice categories under this program have increased. In 1980-1981, criminal justice categories received \$250,602,000 or 48.7% of the program total. In 1984-85, criminal justice categories are budgeted for \$390,540,000 or 56.8% of the program total. These increases are shown in Tables D and E.

Table E contains the subcategories related to criminal justice from 1980-1981 to 1984-1985. All subcategories have increased during this time period. The largest dollar amount increase occurred under the Reintegration of Offenders subcategory, from \$108,342,000 in 1980-1981 to \$180,339,000 in 1984-1985, a 66% increase.

## DISTRIBUTION OF THE COMMONWEALTH DOLLAR GENERAL FUND AND SPECIAL FUNDS 1984-85 FISCAL YEAR



TOTAL \$10,749,341,000



TABLE A - Protection of Persons and Property as Percent of Total  
General Fund and Special Fund

1984-85	6.4%
1983-84	6.4%
1982-83	6.6%
1981-82	6.1%
1980-81	6.3%

TABLE B - Protection of Persons and Property by Fund Type (000)

	1984-85 Budget	1983-84 Available	1982-83 Actual	1981-82 Actual	1980-81 Actual
General Fund	459,810	426,366	392,381	362,637	322,824
Special Funds	227,229	214,622	206,224	198,978	191,484
Sub-Total General and Special:	687,039	640,988	598,605	561,615	514,308
Federal Funds	29,082	36,298	26,577	37,779	48,132
Other Funds	281,048	269,655	274,141	249,644	254,970
TOTAL OPERATING:	997,169	946,941	899,323	849,038	817,410

TABLE C - Protection of Persons and Property Categories, General  
and Special Funds

	(000)				
	1984-85 Budget	1983-84 Available	1982-83 Actual	1981-82 Actual	1980-81 Actual
General Administration and Support	51,854	44,436	42,449	44,714	37,528
Traffic Safety and Supervision	181,559	170,347	165,089	154,969	149,354
Control and Reduction of Crime	246,078	217,115	205,751	176,810	157,569
Adjudication of Defendants	102,423	97,242	88,952	84,754	73,863
Maintenance of Public Order	12,483	11,631	10,722	10,360	11,348
Consumer Protection	52,553	59,549	48,306	51,420	47,424
Natural Hazards and Disasters	22,189	23,854	22,102	24,460	22,999
Community Housing, Hygiene and Safety	11,769	11,029	9,437	8,542	8,477
Electoral Process	1,046	1,063	1,084	1,125	1,348
Prevention and Elimin- ation of Discrimin- atory Practices	5,085	4,722	4,713	4,461	4,398
PROGRAM TOTAL:	687,039	640,988	598,605	561,615	514,308
<sup>1</sup> Criminal Justice Categories:	378,545	339,310	329,370	285,397	250,602
Other Categories:	308,494	301,678	269,235	276,218	263,706
PROGRAM TOTAL:	687,039	640,988	598,605	561,615	514,308

TABLE D - Criminal Justice Subcategories as Percent of Protection of  
Persons and Property

1984-85	55.1%
1983-84	52.9%
1982-83	55.0%
1981-82	50.8%
1980-81	48.7%

TABLE E - General Fund and Special Funds Protection of Persons and Property Criminal Justice Related Subcategories

	(000)				
	1984-85 Budget	1983-84 Available	1982-83 Actual	1981-82 Actual	1980-81 Actual
General Administration and Support*	28,520	23,551	23,375	22,715	18,276
Control and Reduction of Crime:					
Juvenile Crime Prevention	3,720	3,414	3,395	2,827	2,551
Criminal Law Enforcement	62,019	57,283	56,229	50,377	46,676
Reintegration of Offenders	180,339	156,418	146,127	123,606	108,342
Adjudication of Defendants:					
State Judicial System	102,423	97,242	88,952	84,754	73,863
Maintenance of Public Order:					
Prevention and Control of Civil Disorders	1,524	1,402	1,292	1,118	894
TOTAL:	<u>378,545</u>	<u>339,310</u>	<u>329,370</u>	<u>285,397</u>	<u>250,602</u>

\*Figure for Criminal Justice General Administration and Support = (total of Criminal Justice Subcategories without Administration and Support - Program Total less Administration and Support) x Total Administration and Support.

## GLOSSARY OF TERMS

ACCELERATED REHABILITATIVE DISPOSITION (ARD) - A voluntary program for non-violent offenders set up by the Supreme Court of Pennsylvania in 1972, involving the concept of probation supervision without conviction. Offenders are temporarily diverted for a period of up to two years after which, if they successfully comply with the program conditions, the charges are dismissed.

ACQUITTAL - A judgement of a judge or jury that the defendant is not guilty of the offense(s) for which he has been tried.

ADJUDICATION (JUVENILE) - The juvenile court proceeding which determines whether or not a juvenile is dependent or delinquent. If a juvenile is found to be delinquent, the court may determine at the time of adjudication whether the juvenile is in need of treatment, supervision, or rehabilitation. If a juvenile is found to be dependent, the court may determine at the time of adjudication the proper disposition of the case.

ADULT - A person who by virtue of his age, 18 or older, is within the jurisdiction of criminal court.

APPEAL - A petition to a higher court for a reversal or modification of the judgement of a lower court.

ARRAIGNMENT - The appearance of a person before a court in order that the court may inform him of the accusation(s) against him and enter his plea.

ARREST - Taking a person into custody by authority of law, for the purpose of charging him with a criminal offense or for the purpose of initiating juvenile proceedings, terminating with the recording of a specific offense.

BACKLOG - The number of pending cases which exceed the capacity of the court, in that they cannot be acted upon because the court is occupied in acting upon other cases.

BOOKING - A police administrative action officially recording the arrest and identifying the person, place, time, the arresting authority and the reason for the arrest.

CASELOAD (CORRECTIONS) - The total number of clients registered with a correctional agency or agent during a specified time period, often divided into active and inactive, or supervised and unsupervised, thus distinguishing between clients with whom the agency or agent maintains contact and those with whom it does not.

CASELOAD (COURT) - The total number of cases filed in a given court or before a given judicial officer during a given period of time.

CASELOAD, PENDING - The number of cases at any given time which have been filed in a given court, or are before a given judicial officer, but have not reached disposition.

CHARGE - A formal allegation that a specific person(s) has committed a specific offense(s).

CITATION (APPEAR) - A written order issued by a law enforcement officer directing an alleged offender to appear in a specific court at a specified time in order to answer a criminal charge.

COMMITMENT - The action of a judicial officer ordering that an adjudicated and sentenced adult or adjudicated delinquent who has been the subject of a juvenile court dispositional hearing be admitted into a correctional facility. (A juvenile is not permitted to be committed or transferred to a penal institution or other facility used primarily for the execution of sentences of adults convicted of a crime.)

COMMUNITY FACILITY (Syn NON-CONFINEMENT FACILITY, ADULT OR JUVENILE) - A correctional facility from which residents are regularly permitted to depart, unaccompanied by any official, for the purpose of daily use of community resources such as schools or treatment programs, and seeking or holding employment.

COMPLAINT - A formal written accusation made by any person, often a prosecutor, and filed in a court, alleging that a specified person(s) has committed a specific offense(s).

CONSENT DECREE - A disposition available to the juvenile court in which the court, after the filing of a petition and before the entry of an adjudication order, suspends the proceedings and continues the child under supervision in his own home, under terms and conditions negotiated with the probation services and agreed to by all parties affected. A consent decree remains in force for six months unless the child is discharged sooner by probation services with the approval of the court. A consent decree may be extended by the court for an additional six months.

COUNT - Each separate offense, attributed to one or more persons as listed in a complaint, information or indictment.

CRIME INDEX OFFENSES (Syn INDEX CRIMES) - A UCR classification that includes all Part I Offenses with the exception of involuntary (negligent) manslaughter.

CRIMINAL HISTORY RECORD INFORMATION - Information collected by criminal justice agencies on individuals, consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations or other formal criminal charges, and any disposition(s) arising therefrom, sentencing, correctional supervision and release. Also referred to as an offender's "prior record".

CRIMINAL JUSTICE AGENCY - Any court with criminal jurisdiction and any other government agency or subunit, which defends indigents, or of which the principal functions or activities consist of the prevention, detection and investigation of crime; the apprehension, detention and prosecution of alleged offenders; the confinement or official correctional supervision of accused or convicted persons, or the administrative or technical support of the above functions.

CRIMINAL JUSTICE SYSTEM - The combination of police, courts and corrections agencies which operate collectively to prevent and reduce crime and enforce the criminal law. This term covers the prevention, detection and investigation of crime, the apprehension of offenders, the prosecution and defense of criminal cases, the trial, conviction and sentencing of defendants, and the correction and rehabilitation of convicted persons, including imprisonment, probation, parole and treatment.

DEFENDANT - A person against whom a criminal proceeding is pending.

DELINQUENT ACT - An act designated a crime under Pennsylvania or Federal law, local ordinances or laws of another state if the act occurred in that state. The term "delinquent act" does not include summary offenses, unless the child fails to pay a fine levied thereunder, and the crime of murder.

DELINQUENT CHILD - A child ten years of age or older whom the court has found to have committed a delinquent act and is in need of treatment, supervision, or rehabilitation.

DE NOVO - Literally anew, as in trial de novo - the granting of a new trial.

DETENTION - The legal confinement of a person subject to criminal or juvenile proceedings.

DIAGNOSTIC CLASSIFICATION CENTER (DCC) - A functional unit within a correctional institution charged with the responsibility for determining to which facility or program an offender should be placed. There are three such units in the state institutional system, one each at the Western, Camp Hill and Graterford state correctional institutions.

DISMISSAL - A decision by a judicial officer to terminate a case without a determination of guilt or innocence.

DISPOSITION - The action by a criminal or juvenile justice agency which signifies that a portion of the justice process is complete and jurisdiction is relinquished or transferred to another agency; or which signifies that a decision has been reached on one aspect of a case and a different aspect comes under consideration, requiring a different kind of decision.

**DIVERSION** - The official halting or suspension, at any legally prescribed processing point after a recorded justice system entry, of formal criminal or juvenile justice proceedings against an alleged offender, and referral of that person to a treatment or care program administered by a non-justice agency, or a private agency, or no referral.

**EXPUNGE** - The sealing or purging of arrest, criminal or juvenile record information.

**FELONY** - A criminal offense punishable by death or by incarceration in a state or federal confinement facility for a period of which the higher limit is prescribed by statute in a given jurisdiction, typically one year or more. In Pennsylvania, felonies may be of the first, second or third degree. The penalties are as follows: 1st degree - imprisonment up to 20 years; fine to \$25,000; 2nd degree - imprisonment up to ten years; fine to \$25,000; and 3rd degree - imprisonment up to seven years; fine to \$15,000.

**GROUP HOME** - A non-confining residential facility intended to reproduce as closely as possible the circumstances of family life, and at minimum providing access to community activities and resources.

**HALFWAY HOUSE** - A non-confining residential facility for adjudicated adults or juveniles, intended to provide an alternative to confinement for persons needing a period of readjustment to the community after confinement.

**HEARING, PRELIMINARY** - A proceeding before a judicial officer in which arguments, witnesses or evidence is presented and in which it is determined whether there is sufficient cause to hold the accused for trial or the case should be dismissed.

**INDICTMENT** - A formal written accusation made by a grand jury and filed in a court, alleging that a specified person(s) has committed a specific offense(s).

**INFORMATION** - A formal written accusation made by a prosecutor and filed in a court, alleging that a specified person(s) has committed a specific offense(s). The vast majority of criminal actions in Common Pleas Court are initiated via this instrument.

**INTAKE** - The court process during which a juvenile referral is received and a decision is made either to file a petition, to release the juvenile or to place him under informal adjustment.

**JURISDICTION** - The territory, subject matter, or person over which lawful authority may be exercised.

**JURISDICTION, ORIGINAL** - The lawful authority of a court or an administrative agency to hear or act upon a case from its beginning and to pass judgement on it.

**JUVENILE** - A person who by virtue of his age, under 18, is within the sole jurisdiction of the juvenile court unless bound over for cause for adult processing.

**JUVENILE ADVISORY COMMITTEE** - Consisting of not less than 15 members nor more than 33 members appointed by the Governor and including representatives of units of government, law enforcement and juvenile justice agency probation personnel, juvenile court judges, public and private agencies and organizations concerned with delinquency prevention or treatment and services to dependent children. Duties include serving in an advisory capacity to the Commission on Crime and Delinquency, reviewing applications, developing standards, methods and procedures for evaluating and monitoring services and upon request, providing assistance and advice to the Commission on matters relating to juvenile justice and delinquency prevention.

**JUVENILE COURT** - The commonly used term for the court of jurisdiction over juvenile matters, which is the Court of Common Pleas.

**JUVENILE JUSTICE AGENCY** - A government agency, or subunit thereof, of which the functions are the investigation, supervision, adjudication, care or confinement of juveniles whose conduct or condition has brought or could bring them within the jurisdiction of a juvenile court.

**JUVENILE RECORD** - An official record containing arrests and dispositions of juveniles as a result of juvenile court processing. In Pennsylvania, these records are usually maintained by the probation office.

**MASTER** - An attorney used in juvenile proceedings to hear the facts of the case and decide issues/make recommendations to the judge as the need dictates. The parties involved must agree to have the matter handled by the appointed master. Otherwise, the hearing is conducted before a judge.

**MISDEMEANOR** - An offense usually punishable by incarceration in a local confinement facility, for a period of which the upper limit is prescribed by statute in a given jurisdiction, typically limited to a year or less. Misdemeanors in Pennsylvania may be of the first, second or third degree. The penalties are as follows: first degree - imprisonment up to five years; fine to \$10,000; second degree - imprisonment up to two years; fine to \$5,000 and third degree - imprisonment up to one year; fine to \$2,500.

**MODEL PENAL CODE** - A generalized modern codification of that which is considered basic to criminal law, published by the American Law Institute in 1962.

**NATIONAL CRIME SURVEYS** - Criminal victimization surveys formerly conducted for the Law Enforcement Assistance Administration by the U.S. Bureau of the Census, which gauge the extent to which persons age 12 and over, households, and businesses have been victims of certain types of crime, and describe the nature of the criminal incidents and their victims. Crimes are grouped by the National Crime Panel into three major categories: crimes against persons, crimes against households, and crimes against businesses. Crimes against persons are further divided into crimes of violence and crimes of theft.

NOLO CONTENDERE - A formal plea in court wherein the defendant maintains that he will not contest the charges being brought against him.

NOL PROS - "Nolle Prosequi" - A decision by the local prosecutor not to pursue the prosecution of a particular charge or case.

OBTS - An abbreviation for "offender-based transaction statistics". Offender-based transaction statistics are derived from information concerning law enforcement, court and corrections proceedings recorded in such a way that the system identity of the person subject to the proceedings is preserved throughout data collection and analysis.

OFFENSES, PART I - A class of offenses selected for use in UCR, consisting of those crimes which are most likely to be reported, which occur with sufficient frequency to provide an adequate basis for comparison, and are serious crimes by nature and/or volume. The Part I offenses are:

1. Criminal homicide
  - a. Murder and non-negligent (voluntary) manslaughter
  - b. Manslaughter by negligence (involuntary manslaughter)
2. Forcible Rape
  - a. Rape by force
  - b. Attempted forcible rape
3. Robbery
  - a. Firearm
  - b. Knife or cutting instrument
  - c. Other dangerous weapon
  - d. Strong arm
4. Aggravated Assault
  - a. Firearm
  - b. Knife or cutting instrument
  - c. Other dangerous weapon
  - d. Hands, fist-feet, etc. - aggravated injury
5. Burglary
  - a. Forcible entry
  - b. Unlawful entry - no force
  - c. Attempted forcible rape
6. Arson
7. Larceny-Theft
8. Motor Vehicle Theft
  - a. Autos
  - b. Trucks and buses
  - c. Other vehicles

OFFENSES, PART II - A class of offenses selected for use in UCR consisting of specific offenses and types of offenses which do not meet the criteria of frequency and/or seriousness necessary for Part I offenses. The Part II Offenses are:

Other assaults (simple, non-aggravated)  
Forgery and counterfeiting  
Fraud  
Embezzlement  
Stolen property; buying, receiving, possessing  
Vandalism  
Weapons; carrying, possessing, etc.  
Prostitution and commercialized vice  
Sex offenses  
Narcotic drug laws  
Gambling  
Offenses against the family and children  
Driving under the influence  
Liquor laws  
Drunkenness  
Disorderly conduct  
Vagrancy  
All other offenses (excepting traffic law violations)

PAROLE - The status of an offender conditionally released from a confinement facility prior to the expiration of his sentence, and placed under the supervision of a parole agency.

PETITION (JUVENILE) - A document filed in juvenile court setting forth the facts that bring the child within the jurisdiction of the court and stating that it is in the best interest of the child and the public that the proceeding be brought and, if delinquency is alleged, that the child is in need of treatment, supervision, or rehabilitation.

PLEA - A defendant's formal answer in court to the charges being brought against him. In Pennsylvania, a defendant may plead guilty, not guilty, nolo contendere or guilty but mentally ill.

PLEA BARGAINING - The exchange of prosecutorial and/or judicial concessions, commonly a lesser charge, the dismissal of other pending charges, a recommendation by the prosecutor for a reduced sentence, or a combination thereof, in return for a plea of guilty.

PLEA, FINAL - The last plea, to a given charge, entered in a court record by or for a defendant.

PRE-SENTENCE INVESTIGATION REPORT (PSI) - The document resulting from an investigation undertaken by a probation agency or other designated authority, at the request of a criminal court, into the past behavior, family circumstances, and personality of an adult who has been convicted of a crime, in order to assist the court in determining the most appropriate sentence. ("Social History" in juvenile cases.)

PROBABLE CAUSE - A set of facts and circumstances which would induce a reasonably intelligent and prudent person to believe that an accused person had committed a specific crime.

PROBATION - The conditional freedom granted in lieu of incarceration by a judicial officer to an alleged offender, or adjudicated adult or juvenile, as long as the person meets certain conditions of behavior.

PROBATION WITHOUT VERDICT (PWV) - A disposition authorized by the Drug Act which permits the diversion of offenders with drug problems into treatment programs in lieu of further prosecution.

PRO SE - Acting as one's own defense attorney in criminal proceedings.

PROSECUTOR - An attorney employed by a government agency or subunit whose official duty is to initiate and maintain criminal proceedings on behalf of the government against persons accused of committing criminal offenses.

PUBLIC DEFENDER - An attorney employed by a government agency or subdivision, whose official duty is to represent defendants unable to hire private counsel.

PURGE - The complete removal of arrest, criminal, or juvenile record information from a given records system.

RAP SHEET - A chronological list of an adult offender's prior record of criminal arrests and dispositions. Access to this document in Pennsylvania is restricted by law. See Criminal History Record Information Act (18 C.P.S.A. 9101 et. seq.). These records are maintained in the Central Repository for Criminal History Information at the Pennsylvania State Police Headquarters in Harrisburg.

RECIDIVISM - The repetition of criminal behavior; habitual criminality.

RELEASE ON BAIL - The release by a judicial officer of an accused person who has been taken into custody, upon his promise to pay a certain sum of money or property if he fails to appear in court as required, which promise may or may not be secured by the deposit of an actual sum of money or property.

RELEASE ON RECOGNIZANCE - The release, by a judicial officer, of an accused person who has been taken into custody, upon his promise to appear in court as required for criminal proceedings.

RESIDENTIAL TREATMENT CENTER - A facility which serves juveniles whose behavior does not necessitate the strict confinement of a training school, often allowing them greater contact with the community.

RESTITUTION - A monetary or non-monetary commitment on the part of the offender pursuant to a court order or other agreement whereby the victim or community is compensated for a loss arising out of the actions of the offender.

REVOCATION HEARING - An administrative and/or judicial hearing on the question of whether or not a person's probation or parole status should be revoked.

SENTENCE - The penalty imposed by a court upon a convicted person, or the court decision to suspend imposition or execution of the penalty.

SENTENCE, MANDATORY - A statutory requirement that a certain penalty shall be imposed and executed upon certain convicted offenders.

SENTENCE, SUSPENDED - The court decision postponing the pronouncing of sentence upon a convicted person, or postponing the execution of a sentence that has been pronounced by the court.

SHELTER CARE - Temporary care of a child in physically unrestricted facilities.

SUBPOENA - A written order issued by a judicial officer requiring a specified person to appear in a designated court at a specified time in order to serve as a witness in a case under the jurisdiction of that court, or to bring material to that court.

SUMMARY OFFENSE - In Pennsylvania, a lesser violation of law punishable by imprisonment of up to 90 days and/or a fine to \$300.

SUMMONS - A written order issued by a judicial officer requiring a person accused of a criminal offense to appear in a designated court at a specified time to answer the charge(s).

TRIAL - The examination of issues of fact and law in a case or controversy, beginning when the jury has been selected in a jury trial, or when the first witness is sworn, or the first evidence is introduced in a court trial, and concluding when a verdict is reached or the case is dismissed.

UCR - An abbreviation for the Federal Bureau of Investigation's uniform crime reporting program. UCR's published summary crime statistics represent all Part I Offenses reported to police minus those found by police investigation to be false or baseless. UCR Offense Classifications divide offenses into two major categories: Part I offenses and Part II offenses. Part I offenses are those crimes which are the most likely to be reported, which occur with sufficient frequency to provide an adequate basis for comparison and which are serious crimes by nature and/or volume.

VENUE - The geographical area from which the jury is drawn and in which trial is held in a criminal action.

VERDICT - In criminal proceedings, the decision made by a jury in a jury trial, or by a judicial officer in a court trial, that a defendant is either guilty or not guilty of the offense(s) for which he has been tried. In Pennsylvania, judges and juries may also return verdicts of guilty but mentally ill or not guilty by reason of insanity in cases where the insanity defense has been raised.

WARRANT, ARREST - A document issued by a judicial officer which directs a law enforcement officer to arrest a person who has been accused of an offense.

WARRANT, BENCH - A document issued by a judicial officer directing that a person who has failed to obey an order or notice appear or be brought before the court.

WARRANT, SEARCH - A document issued by a judicial officer which directs a law enforcement officer to conduct a search for specified property or persons at a specific location, to seize the property or persons, if found, and to account for the results of the search to the issuing judicial officer.

STATE CRIMINAL JUSTICE AFFILIATED ASSOCIATIONS

Pennsylvania Chiefs of Police Association  
2941 N. Front Street  
Harrisburg, Pennsylvania 17110

Pennsylvania District Attorneys Association  
17 North Front Street  
Harrisburg, Pennsylvania 17101

Pennsylvania Association on Probation, Parole and Corrections  
2149 North Second Street  
Harrisburg, Pennsylvania 17110

Pennsylvania Prison Society  
311 South Juniper Street  
Philadelphia, Pennsylvania 19107

Pennsylvania Bar Association  
100 South Street  
Harrisburg, Pennsylvania 17101

The location of the offices of the following associations change as new officers are elected. Generally the office of the association is located with its president.

Public Defenders Association of Pennsylvania

Pennsylvania Wardens Association

Pennsylvania Conference of State Trial Court Judges

Chief Juvenile Probation Officers Association

Pennsylvania District Justices Association

Pennsylvania Council of Voluntary Child Care Agencies

Pennsylvania Council of District Court Administrators

Pennsylvania State Constables Association

Pennsylvania Sheriffs Association

Pennsylvania Deputy Sheriffs Association

Juvenile Detention Centers Association of Pennsylvania

Pennsylvania Juvenile Officers Association

**END**