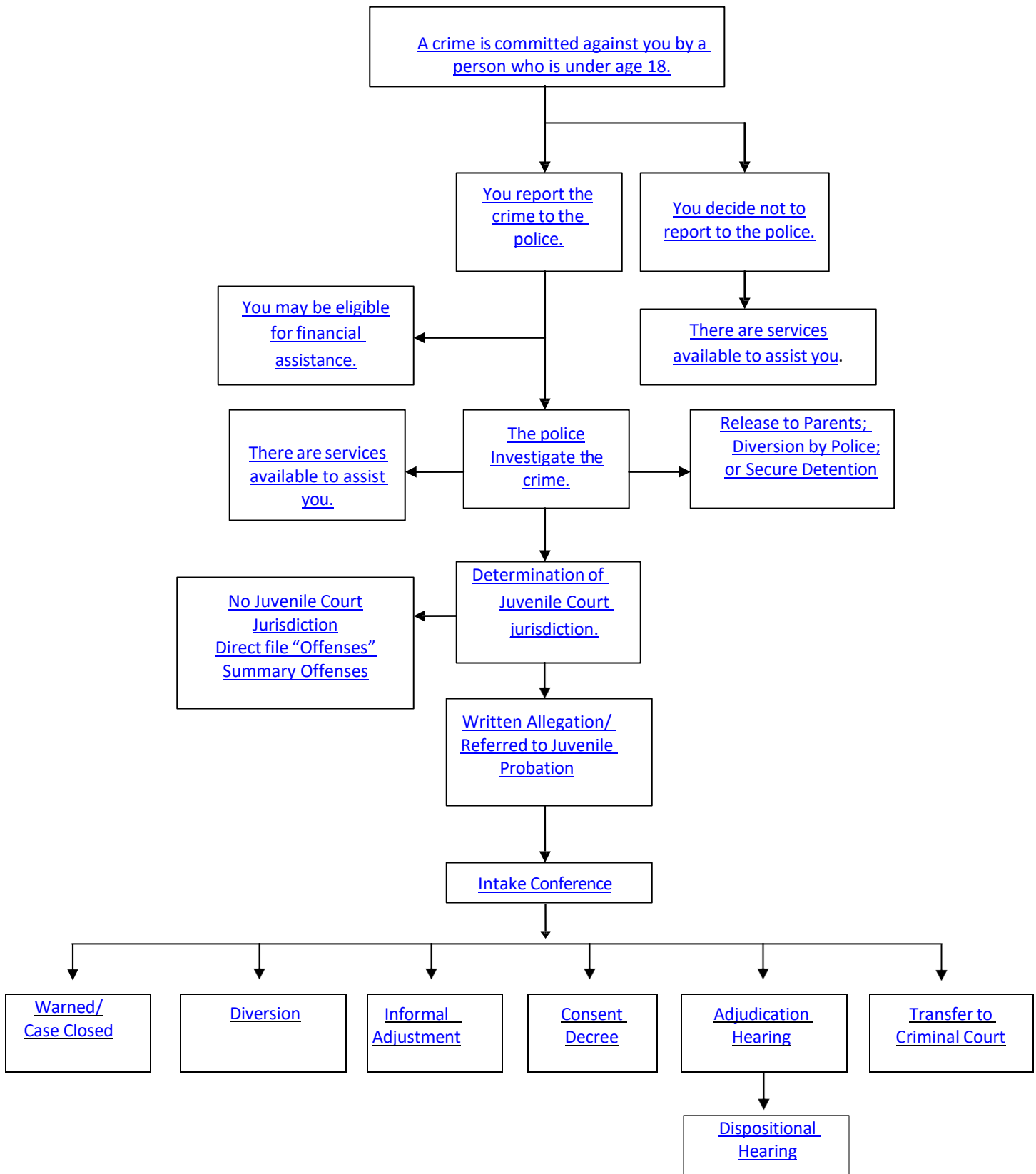




Pennsylvania
**Commission on Crime
and Delinquency**

Juvenile Justice Process Walkthrough

Pennsylvania Commission on Crime and Delinquency (PCCD)
Office of Victims' Services (OVS)



There are services available to assist you

If you or someone you know has been a victim of crime, this website may be able to help you. The website provides information about services that are available to you, information about the criminal and juvenile justice systems, and rights that victims of crime are entitled to, as well as other resources that may help you.

- Advocacy
- Counseling/Therapy
- Victims Compensation
- Understanding the Legal Process
- Register for Court Notifications
- Court Accompaniment
- Assistance with Victim Impact Statements
- Understanding Post Sentencing/Dispositions
- Register for Offender Release Notification
- Medical Advocacy and Accompaniment

You may be eligible for financial assistance

The Victims Compensation Assistance Program helps victims and their families through the emotional and physical aftermath of a crime by easing the financial impact placed upon them by the crime. As a victim of crime, you will always be treated with dignity, compassion and respect when being assisted through the victim's compensation claim process.

You may be eligible to receive financial help from the Victims Compensation Assistance Program for a variety of expenses, such as, medical and counseling expenses, loss of earnings, loss of support, stolen cash, relocation, funeral, or crime scene cleanup.

The best way to file a claim is with the help of a victim advocate at your local Victim Service Program. Or you may file a claim yourself online. If you choose, you may download the victim's compensation claim form, complete and submit to the Victims Compensation Assistance Program.

You may also contact the Victims Compensation Assistance Program directly at (800) 233-2339 for assistance in filing a claim or to speak to staff that are available to answer your questions.

- Download a Victims Compensation Claim Form
- File a Claim Online

A crime is committed against you by someone under age 18

If you are a victim of a crime, please consider reporting the incident to the police. If you do report the crime, the person who committed the crime is more likely to be arrested and kept from doing the same thing to someone else.

You can report a crime by calling your local police department or the Pennsylvania State Police. You can find the telephone number by searching online or by dialing 911, if it is an emergency.

Tell the police exactly what happened. Something that might seem like a small detail could be important. The more you tell the police, the more help you will be giving them to solve the crime. If you have any concerns, especially about your safety, you should let the police know immediately.

If you want to speak to someone before you do this, your local Victim Service Program can offer you help and support.

You report the crime to the police

If you are a victim of a crime, please consider reporting the incident to the police. If you do report the crime, the person

who committed the crime is more likely to be arrested and kept from doing the same thing to someone else.

If you want to speak to someone before you do this, your local Victim Service Program can offer you help and support.

You decide not to report the crime to the police

It is important to report a crime because if you do not, the police will not be aware of the crime and will not be able to take any action.

There are many reasons why you may not want to report a crime. It could be one or more of the following:

- **It is too petty** - It may be a minor crime, but it can still be very upsetting to you. The police understand this and will take your report seriously.
- **It is too embarrassing** - Sometimes people feel embarrassed about reporting crimes if they are of a sexual nature. The police will treat you with kindness and respect and will not judge you. Being a victim of any crime is traumatic.
- **The police will not care** - If the police are very busy, they may not be able to get to you as quickly as they would like. Their job is to protect you and they do care about doing that. They may not catch the people responsible, but they always try.
- **You do not care about what has happened** - If you are not concerned or upset by what has happened, that is fine. Some people can take these things in stride, and continue as if nothing has happened, even if it has been a serious crime. If you do not report it, the police will not have a chance to catch the person responsible, and they might do it again.
- **You are worried about what will happen** - People worry about going to the police and perhaps having to go to court and testify. There are many organizations that can support you through the many stages of the prosecution and court process. This website gives contact details. It is important for you to talk about what has happened to you and to get the help you need.

If you do not report the crime, you can still get help from your local Victim Service Program. You may find it helpful to talk to someone about what has happened and how you feel about it. An advocate can explain what options you have and the court process.

The police Investigate the crime

The police are called and begin their investigation. The police investigation may include talking to the victims, witnesses and/or suspects; gathering evidence; visiting, viewing, photographing and measuring the crime scene; identifying suspects, and many other tasks. Police may fingerprint or photograph a juvenile, age 10 or older, who has been arrested for an offense that would be classified as a misdemeanor or felony if committed by an adult.

Release to Parent; Diversion by Police; Secure Detention

Release to Parent

Depending on the seriousness of the offense, the circumstances of the case, and the availability of a responsible parent or guardian, the police may decide to release a juvenile charged with a crime to the custody of the parent or other responsible guardian. In these cases, the written allegation is sent by the police to the juvenile probation department or district attorney for processing.

Diversion by Police

In some cases involving first-time offenders and less serious offenses, the police may decide to divert a juvenile case from continuing into the juvenile justice system. This usually involves referring the juvenile to a social service agency, or to a Youth Aid Panel, Community Justice Panel, or other community-based service that exists for this purpose.

A juvenile's failure to cooperate with and abide by the conditions of the diversion program may result in the juvenile's case being forwarded to the juvenile probation department for formal processing.

Secure Detention

Secure detention is *the temporary holding of a juvenile in a secure facility pending court action*. In the more serious cases, the police may not view the release to parents or diversion as an option after an arrest. In these cases, the police must contact the juvenile probation department to request approval for the juvenile to be admitted to secure detention.

Secure detention is not mandatory, and when secure detention is requested, consideration must be given to less restrictive alternatives that would guarantee the juvenile's presence at court while protecting the community.

If secure detention is approved by the probation department, a detention hearing must be held within 72 hours of the juvenile's admission to detention. The purpose of that hearing is to determine if probable cause exists, meaning that the juvenile committed the alleged offenses. Also, to determine whether the juvenile will remain in secure detention until the adjudication hearing.

Determination of Juvenile Court Jurisdiction

When a juvenile is referred to the juvenile court for an allegation of delinquency, the juvenile probation department and/or district attorney must determine if the juvenile court has jurisdiction. For the juvenile court to have jurisdiction, the juvenile must be charged with a misdemeanor or felony offense. Juvenile court jurisdiction is terminated at age 21 for an offense which occurred prior to the juvenile's 18th birthday.

No Juvenile Court Jurisdiction; Direct file "Offenses"; Summary Offenses

Certain "direct file" offenses do not come within the jurisdiction of the juvenile court and are referred directly to criminal court for prosecution. Examples of a "direct file" offense include murder and:

Any of the following offenses where a juvenile was 15 years or older at the time of the offense, and a deadly weapon was used during the commission of the offense:

- Rape
- Involuntary deviate sexual intercourse
- Aggravated assault
- Robbery
- Robbery of a motor vehicle
- Aggravated indecent assault
- Kidnapping
- Voluntary manslaughter
- Attempt, conspiracy or solicitation to commit the above crimes

Any of the following offenses where the juvenile was 15 years of age or older at the time of the offense, and the juvenile has been previously adjudicated delinquent for one of the following offenses (even without a deadly weapon):

- Rape
- Involuntary deviate sexual intercourse
- Robbery
- Robbery of a motor vehicle
- Aggravated indecent assault
- Kidnapping
- Voluntary manslaughter
- Attempt, conspiracy or solicitation to commit the above crimes

It should be noted that a juvenile may request to be transferred from criminal proceedings, to juvenile proceedings, for any direct file offense.

Summary offenses are also not included within the jurisdiction of the juvenile court unless the juvenile fails to comply with a lawful sentence imposed by a magisterial district judge, or unless they arise out of the same incident as a misdemeanor or felony offense.

Written Allegation/Referred to Juvenile Probation

A written allegation is the document submitted to the juvenile probation office by the law enforcement officer, and in a rare case, by a private citizen, which alleges a juvenile has committed an act of delinquency. In some counties, the district attorney may require written allegations to be approved by their office before being referred to the juvenile probation department.

Intake Conference

The juvenile probation officer conducts an intake conference with the juvenile and the juvenile's parent or guardian to determine what action, if any, should be taken. In making this decision, the juvenile probation officer should consider what is best for the juvenile, the victim and the community. The juvenile probation officer must provide the district attorney with notice of the decision resulting from the intake conference.

Warned / Case Closed

In very minor cases, a decision may be made to warn the juvenile and close the case.

Diversion

In some cases, juveniles may be diverted from further court processing. This typically involves a referral to a social service agency, or to a Youth Aid Panel, Community Justice Panel, or other community-based service that exists for this purpose.

Informal Adjustment

Informal adjustment is an alternative to filing a petition for a formal court processing. A juvenile's participation in an informal adjustment may not exceed six months, unless extended by an order of the court for an additional period not to exceed three months. If the juvenile successfully completes the informal adjustment, the case will be dismissed. If the juvenile does not successfully complete the informal adjustment, a petition will be filed.

Consent Decree

At any time after the filing of a petition, but before the entry of an adjudication order, the court may, upon the agreement of the district attorney and the juvenile, suspend the proceedings and supervise the juvenile as to a consent decree in the juvenile's home under the terms and conditions negotiated with the juvenile probation office.

A consent decree remains in force for no more than six months, unless extended by the court for an additional six months. If the conditions of the consent decree are violated, the petition may be reinstated and the juvenile held accountable, as if the consent decree had never been entered.

Adjudication Hearing

The first requirement for an adjudication hearing is that a petition be filed alleging that the juvenile committed a delinquent act. If the juvenile is detained, the adjudicatory hearing must be held within ten days of the filing of the petition.

During an adjudicatory hearing, the court will hear evidence on the petition, alleging the juvenile committed a delinquent act, or accept an admission to the facts of the case. The court conducts adjudicatory hearings without a jury.

Within seven days of hearing the evidence on the petition or accepting an admission, the court must enter a finding specifying which, if any, offenses were committed by the juvenile.

Dispositional Hearing

If the juvenile is detained, the court must hold the dispositional hearing no later than twenty days after the ruling on the offenses. If the juvenile is not detained, the dispositional hearing must be held no later than sixty days after ruling on the offenses. The court may order the juvenile to undergo psychological, psychiatric, drug and alcohol, or any other examination it deems appropriate to aid in the decision of disposition. The court may order the juvenile to be supervised on probation, perform community service, pay restitution, or that he/she be removed from his/her home and placed in residential care.

Transfer to Criminal Court

Juveniles who are fourteen years of age or older and charged with a felony offense may be transferred to criminal court.

Transfer hearings ordinarily have two phases. The first phase of the transfer hearing is that the court must determine if there is a “prima facie” showing of evidence that the juvenile committed a delinquent act. The second phase is where the court must determine whether there are reasonable grounds to determine that the transfer of the case for criminal prosecution takes into account public safety by considering various factors in the law. During the second phase, the court must determine if the juvenile is agreeable to treatment, supervision or rehabilitation as a juvenile.