The Bill of Rights, comprised of the first ten amendments of the United States Constitution, guarantees basic rights to all citizens to protect against unfair prosecution and punishment by the judicial system. However, accused and convicted offenders are not the only clients of the American judicial system. The victims and witnesses who have their lives deeply affected by the criminal behavior of others also rely upon the judicial system to provide them with a sense of justice and restoration.

The Pennsylvania State Legislature recognized the need to devise specific procedures and guarantees within the Commonwealth’s criminal justice system to address the rights of victims and witnesses. The Victims’ Bill of Rights (Pennsylvania Act 96 of 1984) specifies nine services to which every victim of crime is entitled including, among others, the following rights:

- To be notified of certain significant actions and proceedings within the criminal justice system pertaining to their case;
- To be accompanied at all public criminal proceedings by a family member, a victim advocate or another person;
- To be restored, to the extent possible, to the precrime economic status through the provision of restitution, compensation as provided under the Crime Victims’ Compensation Program, and the expeditious return of property which is seized as evidence in the case; and,
- In personal injury crimes where the offender is sentenced to a state correctional facility, to be given the opportunity to provide prior comment on and to receive state postsentencing release decision, including work release, furlough, parole, pardon or community treatment center placement and to be provided immediate notice of an escape of the offender.

This legislation marked a significant gain for the victims and witnesses of crime who had long felt their concerns were not addressed by the criminal justice system. However, the language of the Act specifically refers to the criminal justice system, public criminal proceedings, and sentencing to state correctional facilities—all of which are exclusive to the adult criminal justice system. Thus, victims and witnesses whose offenders are processed through the juvenile justice system are not necessarily guaranteed the same rights and services.

Adding to this problem are several important, yet not well known, differences between the adult and juvenile justice systems. For example, a juvenile is not convicted of a crime but “adjudicated delinquent” and he or she is not sentenced to prison but provided with a “disposition” designed to hold the youth accountable and provide for the development of competencies. These differences in procedure and terminology often lead to frustration and confusion on the part of juvenile crime victims/witnesses.

In the absence of a legislative requirement, several Pennsylvania counties have stepped forward to design innovative programs to serve this population. This
issue of *Pennsylvania Progress* highlights models designed by Pennsylvania counties to provide services to the victims/witnesses of juvenile crime and explains the types of services made available through these programs. It is important for the reader to note that the programs highlighted herein are examples of successful models identified by research and do not provide a comprehensive list of all programs and services provided throughout the Commonwealth.

**PHILADELPHIA COUNTY: THE DISTRICT ATTORNEY MODEL**

The special problems and concerns of juvenile crime victims came to the attention of the Philadelphia District Attorney almost two decades ago. In 1979, the District Attorney took action by applying for a grant through the federal Law Enforcement Assistance Administration program to hire one employee to begin providing basic services to these victims. Although specific information on the start-up of the program is no longer available, it appears the original program was designed to provide three basic services: 1) maintain a waiting room for the victims separate from the offenders; 2) inform the victims and witnesses of the final case disposition; and 3) provide transportation to elderly or ill victims and witnesses who had difficulty obtaining transportation to the court house.

The program was well received by both the juvenile court system and the victims/witnesses it was designed to serve. After the LEAA funding expired, the county incorporated this successful program into the annual budget of the district attorney’s office and, for 17 years, the program has continued to grow and expand the services provided to victims/witnesses of juvenile crime.

The Juvenile Victim Witness Unit now employs three full-time personnel—a supervisor, a volunteer coordinator and a secretary—and works with numerous volunteers and community agencies to provide comprehensive and timely services to victims/witnesses. Services currently provided by the office include: victim notification, transportation services, separate waiting facilities, on-call services, court orientation, court accompaniment, referrals to appropriate counseling services, assistance in the completion of forms (i.e. the victim impact statement, restitution forms and Crime Victim’s Compensation forms), prompt return of property used as evidence in the case, assistance in addressing threats and harassment by the offender, post-hearing notification of the final case disposition and communication with the juvenile probation office regarding the collection of ordered restitution. The sidebar on page 5 provides a more detailed description of the services most commonly provided by victim/witness programs.

Unique aspects of Philadelphia’s delivery of these services include the employment of a driver to provide transportation to victims/witnesses in need and the placement of a community-based Women Organized Against Rape advocate within its courthouse office to further assist victims of sexual crimes. Philadelphia’s Volunteer Program also warrants special mention. In 1992, the Juvenile Victim Witness Unit added the position of Volunteer Coordinator. This employee is responsible for recruiting volunteers from the community, training the volunteers in the juvenile justice system and victims/witness services, and scheduling volunteer activities. The volunteers provide much needed extra manpower to a county the size of Philadelphia in which four to five juvenile courtrooms are in session almost every day.

According to the Philadelphia Victim Witness Unit Supervisor, the primary benefits of having the program located within the district attorney’s office are name recognition and acceptance by other court personnel, expeditious access to information regarding victims and pending court hearings, and the close personal relationships that develop with the district attorneys who are very supportive of victims, witnesses and their rights.

**BUCKS COUNTY: THE JUVENILE PROBATION MODEL**

Also in 1979, Bucks County officials began to sense the growing need for victim and witness services within the juvenile justice system. In Bucks County it was the juvenile probation department that first responded by assigning one juvenile probation officer the duties of victim notification and victim orientation on mornings juvenile court was in session. In a short time, however, the Deputy Chief Probation Officer realized the difficult position this employee was in—trying to advocate for both juveniles within the system and their victims. Regardless of whether the officer could effectively serve the two opposing sides, neither the juveniles nor the victims were truly able to feel they had an advocate on their side.

In 1983, the Deputy Chief Juvenile Probation Officer solved this problem by incorporating the position of Victim/Witness Coordinator into the juvenile probation
Victim Concept Paper  The Victim/Witness Coordinator provides each juvenile offender with a victim concept paper to complete. This paper asks the offender to think about and write down the effects he/she believes the offense has had and how he/she would have felt if victimized by the same crime. If the returned concept paper is completed satisfactorily, this information is later shared with the victim.

Bucks County officials believe the primary benefit of the juvenile probation-based model is the immediate access to all information provided to the Victim/Witness Coordinator. When an arrest is referred to the probation department, the case is referred to the Victim/Witness Coordinator even before a probation officer is assigned. The close relationship forged between the victim/witness staff and the juvenile probation staff allows for the sharing of important and timely information. For example, when a victim calls with a question regarding restitution payments, the Coordinator can access the information via computer or simply walk across the hall and speak personally with the probation officer in charge.

In addition, several special programs have evolved over the years that appear unique to Bucks County.

Victim/Witness Fund  The Deputy Chief Juvenile Probation Officer realized the need for extra funds to help provide special services to juvenile crime victims/witnesses. The Victim/Witness Fund was created to help pay for counseling services when the victims/witnesses are unable to pay themselves, and to pay advance restitution payments to victims in extreme hardship due to the crime when the department is facing difficulty in collecting restitution. The Fund is supported through two sources: (1) the juvenile court judge may order juvenile offenders to pay a specific amount into the fund such as $100 at the time of disposition; and (2) the juvenile court judge has handed down a blanket court order allowing the juvenile probation department to place all monies collected on cases involving the non-payment of fines into the Victim/Witness Fund.

Home-Pass Notification  The Victim/Witness Coordinator also works with the aftercare unit of the juvenile probation department to provide notification to victims/witnesses when a juvenile is being released on a home-pass. In addition to the aftercare unit, service providers have begun to provide home-pass information directly to the Victim/Witness Coordinator including the Mathom House Sex Offender Treatment Unit.

DAUPHIN COUNTY: THE PRIVATE SECTOR MODEL

In 1984, the Young Lawyers Section of the Dauphin County Bar Association started the Victim/Witness Assistance Program as a community project. At that time, the program worked mainly with the adult justice system. In 1987, the presiding Juvenile Court Judge invited the program to begin working within the juvenile system.

For the first several years, the Victim/Witness Assistance Program worked hard to build a level of trust with the juvenile probation department, district attorney’s office and other court personnel. As the program personnel learned more about the juvenile system it became evident that a specialized full-time employee would be needed to provide the level of services required to assist the victims/witnesses of juvenile crime in a meaningful way. In designing this position, careful attention was given to the ways in which services would be coordinated with the district attorney’s office and the juvenile probation department.

With the funding support of the Pennsylvania Commission on Crime and Delinquency, the Victim/Witness Assistance Program officially added the full-time position of Juvenile Justice Coordinator in 1993. The Coordinator, with the assistance of volunteers, provides many of the services highlighted in Box 1.
Victims/Witnesses. In 1988, the department looked to the community-based Center for Victims of Violent Crime for assistance in expanding the victim/witness program.

The Center, initially designed as a rape crisis center, has operated in Allegheny County for over 26 years and has established a strong reputation for providing quality services to the victims/witnesses of sexual and violent crimes. For several years, the Center provided two part-time volunteers to the juvenile probation department to assist the Victim/Witness Coordinator.

In 1992, the Center received a grant from the Pennsylvania Commission on Crime and Delinquency to create the Juvenile Court Victim Advocacy Program as a collaboration effort between the Center and the Allegheny County Juvenile Court. The program operates through the full-time employment of a Juvenile Court Victim Advocate stationed within the probation department. Services offered through this program include: separate waiting facilities, court orientation, court accompaniment and referral to counseling services when appropriate.

The Juvenile Court Victim Advocate believes the success of this model rests upon the combination of resources available through the two entities. Located within the juvenile probation department, the Advocate has been able to build strong relationships and receive timely access to information, yet, by remaining a part of a private non-profit organization, the Advocate is free to act in the best interest of the client.

DIRECTIONS

The importance of providing services and information to the juvenile crime victims/witnesses is being realized throughout the Commonwealth. Through the funding support of the Pennsylvania Commission on Crime and Delinquency, both Luzerne and Chester counties were able to begin district attorney-based juvenile victim/witness programs in 1995.

At the state level, a multitude of individual and collaborative agency efforts are also being initiated to improve the availability and quality of services provided to juvenile crime victims/witnesses. The
Juvenile Advisory Committee of the Pennsylvania Commission on Crime and Delinquency has appointed an Arrest, Prosecution and Victim Services subcommittee to develop recommendations regarding budget and policy issues to improve the provision of services to juvenile crime victims/witnesses. Their recommendations will be formally presented to the Governor in the Committee’s Comprehensive Juvenile Justice Plan for Pennsylvania.

Also, Special Session Act 33 of 1996 revised the purpose clause of the Commonwealth's juvenile justice system to encompass the principles of the Balanced Approach to juvenile justice [see Maloney et al., Juvenile and Family Court Journal 39(3)(1988)] which requires the system to address the needs of not only the juvenile offender but the community and the victims/witnesses of crime as well. In response, the Chief Juvenile Probation Officers Association has facilitated the development of a statewide Balanced and Restorative Justice (BARJ) policy group to be trained by national experts on the implementation of the Balanced Approach and Restorative Justice models. This group will then provide training and technical assistance to Pennsylvania counties in the development and implementation of related initiatives.

In addition, the Victims' Services Advisory Committee of the Pennsylvania Commission on Crime and Delinquency has appointed a Juvenile Justice Subcommittee. Among others, this subcommittee is responsible for developing a Victims’ Bill of Rights for juvenile crime victims/witnesses. Also, a joint review committee, comprised of representatives from both the Victims' Services Advisory Committee and the Juvenile Advisory Committee has been formed to review grant applications received by the Pennsylvania Commission on Crime and Delinquency for the start-up of BARJ program initiatives. In the first two cycles of funding for this initiative, the Commission has announced the availability of over $2 million.

EXPLANATION OF SERVICES

Victim Notification: This service involves making a primary contact with the victims/witnesses of juvenile crime either by mail, telephone, or both, to inform them of the time and date of their hearing and the services available to them. Many of the counties also provide assistance in completing and filing required forms for restitution, Crime Victim’s Compensation Claims, and an victim impact statement. Also, several counties follow-up with a personal phone call—especially to the victims and witnesses of violent and sexual crimes.

Transportation Services: When a victim/witness can not personally arrange for transportation to and from hearings, the victim/witness office may provide transportation directly or arrange for transportation through other agencies when appropriate.

Separate Waiting Facilities: It is often traumatic for the victims/witnesses of a crime to be in the close proximity of their offender. For this reason, all the victim/witness programs reviewed maintain separate waiting facilities.

On-Call: When a victim/witness is not able to wait directly in the courthouse for his/her case to be called, but is able to remain in close proximity, the victim/witness staff may place the person “on-call” and notify him/her when the case is called. In addition, some counties are able to provide this service to police officers and fire department officials who may or may not be needed to testify as witnesses at a hearing.

Counseling Referral Services: Often, the victims/witnesses of crime may require additional counseling to come to terms with the offense that has occurred against them or that they have witnessed. Victim/Witness staff in all programs visited have extensive lists of counseling services available in the community and work closely with community-based agencies to ensure that victims/witnesses receive needed and appropriate services to help restore their emotional and psychological well-being.

Court Orientation: This service involves briefing the victims/witnesses on the procedures that will be followed in the courtroom. In most counties, this is done early on the morning of the hearing. Several counties were able to provide this service a few days in advance for the victims/witnesses of violent and sexual crimes.

Court Accompaniment: When victims/witnesses are extremely nervous about a proceeding it often helps just to have the moral support of another who understands their fears. For this reason, many of the programs have arranged for a staff member or volunteer to accompany the victims/witnesses into the courtroom and remain by their side throughout proceedings.

Return of Property: In some cases, personal property of a victim is held by the hearing department officials who may or may not be needed to testify as witnesses at a hearing. The victim/witness office may provide this service a few days in advance for the victims/witnesses of violent and sexual crimes.

Post-Hearing Notification: This is either done in a personal de-briefing session with the victim/witness directly following the hearing, or later by telephone call or letter. The Post-Hearing Notification explains the disposition ordered and what this means to the victims/witnesses.

Restitution Payment Information: When restitution payments are ordered the juvenile probation department is then responsible for collecting payments from the offender and forwarding this money to the victim as it is collected. Unfortunately, this is often a lengthy process and victims may become frustrated waiting for the return of funds. The victim/witness staff in all counties visited work closely with the juvenile probation department to understand the problems involved in collecting restitution and to update victims on the progress of their case.
ATTENTION: RECIPIENT

If label is incorrect, please make corrections and return label to NCJJ.

This project was supported by subgrant #92/93-J-01-4608, awarded by the Pennsylvania Commission on Crime and Delinquency (PCCD). The awarded funds originate with the Office of Justice Programs, U.S. Department of Justice. Points of view or opinions contained within this document are those of the author(s) and do not necessarily represent any official position, policy or view of PCCD or the U.S. Department of Justice.