

Senator Lisa Baker
Juvenile Justice Reforms and Remedies
April 1, 2009

Unfortunately, we find ourselves in a time when all sorts of corrupt and unethical practices are coming to light, in both the private and public sectors. All are deplorable, but it is hard to imagine anything worse than what happened in Luzerne County. There, for an extended period of time, the dispensers of justice were selling vulnerable kids into undeserved detention for substantial financial profit.

The cold calculation of judges taking scant minutes to impose sentences of months or years, the many years this corrupt practice existed, the many people in the system who failed to speak out, the thousands of cases that were handled improperly, the facts are staggering.

This is extremely corrosive to the image of justice and to public confidence in the ability of government to operate honestly. When you listen to the stories told by the kids and their parents, it is hard to contain the sense of outrage. The 20/20 report that aired Friday evening was chilling in its depiction of personal greed served and individual rights denied. Kids still in shock that their lives were derailed for relatively minor matters, or no offense at all. Parents still in anguish over their inability to protect their kids. A judge still arrogant about his contemptible violations of the Constitution, his oath of office, and the fundamental precepts of justice.

The individuals subjected to improper commitments have lost time, they have lost reputations, and they have lost opportunities. Many face obstacles in making their way in society. In the cases of those who committed offenses that deserved penalty, the penalties may not have been properly determined. And short-circuiting the process denied the crime victims their opportunity to be heard.

Everyone fervently hopes the Luzerne County mess is an appalling anomaly. Yet, too many eyes were averted, too many voices were held silent, too many people were intimidated, too many troubling statistics were discounted, too many warning signs were ignored, for people to accept the argument this cannot happen again. What we announce today is a start, to remedy injustice and to reform a system that lacks sufficient openness or oversight to prevent corruption. We have asked a wide range of people – in the professional community and in the general public – for their suggestions and their reactions.

Pennsylvania has a clear obligation to compensate the individuals and the families who were victimized by corruption. That process must begin now, not wait until every detail is revealed, every investigation is complete, and every prosecution is conducted.

The first compensation fund is for the kids who received inappropriate or excessive detention. This money can go to a wide variety of services – counseling, education, training – based on determinations made by a team of professionals. We cannot replace what was taken from these kids, but we can give them a fresh chance to make life right.

The second fund is for reimbursing parents who paid assessments for commitments improperly imposed or diagnoses that were inappropriate. This can cover housing fees, treatment costs, court costs and fines, probation supervision fees, and victim compensation fees. In short, whatever charges stemmed from improper commitments.

Defining the cost of the compensation funds will depend on the review and analysis of cases being done by Senior Judge Arthur Grim. The state Supreme Court made an outstanding choice in designating him to review the cases. We believe his work will be credible and useful.

The source of funding is not certain yet. There is a suggestion that federal money might be available for this purpose. Granted, these are tough budgetary times, but the money must be found.

There are two measures aimed at ensuring this situation cannot happen again. It is necessary to insist that juveniles have legal counsel. Wholesale denial of counsel or the casual waiving of the right to counsel made it too easy to railroad these kids.

The second will grant media access to the hearings, while sustaining the confidentiality at the heart of juvenile proceedings. Such access has been a long-sought goal, but court decisions, including a state Superior Court case from 2003, have gone the other way. Given the situation we confront, the value of a neutral set of eyes viewing the proceedings is a necessary safeguard.

This sad story is not without heroes. The heroes include the Juvenile Law Center, who for more than a decade pressed their complaints despite a system that seemed deaf to the problem. I am proud they join us today. The Juvenile Law Center has additional proposals – relating to licensing, data review, and appeals options – that I expect to introduce.

Pennsylvania is blessed with many fine, thoughtful, and dedicated Juvenile Court Judges. It is a shame that a corrupt few have brought a national stain on an otherwise highly regarded system. These judges, and their Commission, personified by Jim Anderson, will be instrumental in this effort to make things right.

Several people, including Judge Grim, have indicated how exceptionally difficult it will be to untangle the legal mess. It is vital that the painstaking review of cases be undertaken. It is equally important that we do the two things this legislation aims at – providing a measure of

justice to those who have suffered serious injustice, and preventing the possibility that such a perversion of justice could be visited on any courtroom in this Commonwealth again.