

Memo To: ALL PROBATION OFFICERS

From: Sandra M. Brulo  
Chief Juvenile Probation Officer

Date: February 20, 2003

By order of Judge Ciavarella .....

Youth on probation are to be violated and detained for any violation of the terms of their probation. Examples: zero tolerance, not attending school, not attending appointments, curfew.

When in doubt ask me or your supervisor. Thank you.

SMB/wam

BRULODOCS 00228

Brulo. FK1

Orientation Training			
<b>Post Orientation – Supervisor observes P.O. and may use checklist to measure P.O. competency in Core Job Tasks</b> § Intake Assessment. § Disposition Investigation § Probation Supervision § Home Visit § Community Visit § Court Hearing			
<b>Modules – Trainee completes following trainings within X years:</b> § Phase I Staff Safety – 9 hrs. § Educational Law/Working with Schools – 12 hrs. § Adolescent Substance Abuse: Trends, Intervention and Ref. Skills – 9/12 hrs. § Assessment, Case Planning, Interviewing & Counseling Skill Building – 15 hrs. § ? Cultural Competence – 9 hrs. § ? Introduction to Group Counseling Techniques - 9 hrs			

To: All Probation Staff  
From: Sandra M. Brulo  
Chief Juvenile Probation Officer  
Date: November 19, 2003

Judge Ciavarella has agreed to reinstate a graduated sanction policy for youth as well as new standards for first time offenders.

While I have outlined some basics, most of the cases will be reviewed individually to determine what consequences will be imposed for probation violators. First time offenders who are coming through intake will be reviewed every Wednesday at a staffing to make a determination as to what sanctions will be imposed.

I ask you to please ask if you have any questions.

**GRADUATED SANCTIONS POLICIES  
LUZERNE COUNTY JUVENILE PROBATION OFFICE**

- I. First Time Offenders- Youth at the Intake and Detention Center Level.
1. **Intake**— Cases will be discussed each Wednesday following the Detention Meeting.

**Please note— Youth requiring drug and alcohol rehabilitation will not necessarily be required to initially attend Camp Adams but rather go directly to drug and alcohol rehabilitation.**

- II. Releases from Drug and Alcohol Rehabilitation

Intensive drug and alcohol treatment plus other conditions of probation.

III Youth Currently on Probation: Formal/Consent Decree

1. Drug and Alcohol Violations

Exception: heroine, cocaine

A. First Time

Detention-- 72 hours  
House Arrest with monitor  
Intensive Drug and Alcohol treatment  
Extension of Probation by 2 months

B. Second Time

Detention - 72 hours  
House Arrest with monitor  
Intensive drug and alcohol treatment  
4 weekends at Camp Adams (males)  
Enrollment in Saturday Aftercare Program (females)  
Extension of Probation by 2 additional months.

C. Third Time

Residential Placement

2. General Technical Probation Violations

A. First Time

House Arrest with monitor  
Extension of Probation by 2 months

B. Second Time

Detention -72 hours  
House Arrest with monitor  
Extension of Probation by 3 additional months

C. Third Time

Residential Placement

IV Violation of Informal Probation

- A. Youth will return to Court for hearing on original charges
- B. Upon adjudication, youth will spend 72 hrs in Detention
- C. A new Probation Plan will be developed at a Wednesday Staff Meeting.

PROSECUTION OFFICE  
and  
JUVENILE COURT  
11<sup>TH</sup> JUDICIAL DISTRICT  
PENNSYLVANIA COURT OF COMMON PLEAS  
COUNTY OF LUZERNE

Waiver of Right to Counsel

I am aware I have the right to counsel in the juvenile matter before the Court. I have consulted and been advised by a responsible adult who is aware of the fifth and sixth amendment rights guaranteed to me by the United States Constitution.

I AM WAIVING MY RIGHT TO COUNSEL.

\_\_\_\_\_  
Name of Juvenile

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Advising Adult

\_\_\_\_\_  
Date

Relationship to Juvenile: \_\_\_\_\_

I have no conflict of interest in the juvenile matter before the Court and have advised the juvenile to waive counsel without bias.

\_\_\_\_\_  
Name of Advising Adult

\_\_\_\_\_  
Date

*The Court has reviewed the waiver of counsel statement with the juvenile and is permitting the case to proceed to hearing.*

BY THE COURT,  
  
\_\_\_\_\_

J.

**WAIVER OF COUNSEL**  
*(Understanding the Consequences)*

1. Does the defendant and parent/guardian understand that he or she has the right to be represented by counsel, and the right to have free counsel appointed if he or she is indigent?
2. Does the defendant and parent/guardian understand the nature of the charges against him or her and the elements of each of those charges?
3. Is the defendant and parent/guardian aware of the permissible range of dispositions (*probation, consent decree, residential placement, detention, certification*) and/or fines for the offenses charged?
4. Does the defendant and parent/guardian understand that if he or she waives the right to counsel, he or she will still be bound by all the normal rules of procedure and that counsel would be more familiar with these rules?
5. Does the defendant and parent/guardian understand that there are possible defenses to these charges of which counsel might be aware, and if these defenses are not raised at trial they may be lost permanently?
6. Does the defendant and parent/guardian understand that, in addition to these defenses, the defendant has many rights that, if not timely asserted, may be lost permanently; and that if errors occur and are not timely objected to, or the objections are not otherwise timely raised by the defendant, these errors may be lost permanently?

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent / Guardian

JUVENILE PROBATION OFFICE  
and  
JUVENILE COURT  
11<sup>TH</sup> JUDICIAL DISTRICT  
PENNSYLVANIA COURT OF COMMON PLEAS  
COUNTY OF LUZERNE

WRITTEN WAIVER OF COUNSEL

We, \_\_\_\_\_  
have been told that we have the right to have a lawyer represent the juvenile defendant,  
and the right to have a free lawyer appointed to represent the juvenile defendant without  
cost if we cannot afford to pay a lawyer. We give up these rights and knowingly and  
voluntarily choose to proceed without the assistance of an attorney.

We hereby acknowledge that we have read and signed the Waiver of Counsel  
document attached hereto and made a part hereof. We further acknowledge that we  
understand the rights as set forth in the signed Waiver of Counsel.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent / Guardian

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I have determined that the defendant has made a knowing, voluntary and intelligent  
waiver of this right to counsel.

\_\_\_\_\_  
P.J.

*Luzerne County Probation Services (Juvenile Division)*

*Policy and Procedure*

*Intake Department*

All Luzerne County Juvenile Probation Intake Officers will abide by all Pre-Adjudicatory Procedures, Commencement of Proceedings, Detention, Transfer, Adjudication, Disposition and Post-Disposition Reviews rules outlined in the Pennsylvania Supreme Court Rules of Juvenile Probation and Juvenile Act with the understanding that certain parts of the Juvenile Act are superceded by the Supreme Court Rules of Juvenile Probation.

Additional Duties of a Juvenile Division Intake Officer are as follows:

1. Intake Officer is responsible for learning and understanding the Pennsylvania Crime Codes.
2. Intake Officer is responsible for learning Medical Necessity Criteria that qualifies a youth for Medical Assistance.
3. Intake Officer, during the interview, will ask the youth if he/she admits to the charge(s) and then document the response.
4. Intake Officer will comment in writing to any questions with (YES) response on the Problem Severity Index. It is the duty of the intake officer to expound on any question in the interview process that could lead to more useful knowledge of case.
5. Intake Officer will prepare in writing recommendations to the courts containing the following information: 1) Name of client; 2) DOB of client; 3) Date of recommendation; 4) Order for Forensic Psychological, and Psychiatric when necessary; 5) Brief description of recommendation (body of recommendation must contain): Why you made the current recommendation; What underlying issues are presently occurring if any exists (define briefly); What alternatives could work for child and family; Suggestions for placements (names of facilities) that could meet the needs of the youth if placed by the Courts.
6. All recommendations must be signed by Intake Officer and a Supervisor in the Juvenile Probation Department.
7. All Intake Officers must learn and be able to perform all duties associated with the intake department, i.e., Acceptance of allegations and submission to the Clerk of Courts; Assigning court dates to the allegations; Completing record checks; Assigning cases to an intake officer; Completing Informal; Scheduling and conducting detention hearings; Preparing court materials and conducting juvenile court hearings, as well as all other duties that fall under the intake department.

Johnson

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August 20, 2008

**VIOLATION OF PROBATION / PROCEDURE EFFECTIVE IMMEDIATELY**

**Procedure after a Violation of Probation:**

1. Probation Officer is responsible to make sure that clients on their caseload who violate HIS/HER probation must be contacted face to face twice a week after their violation hearing for a period of six weeks.
2. ONE FACE TO FACE CONTACT MUST OCCUR WITH CHILD AND PARENT PRESENT; THIS CONTACT MUST OCCUR OUTSIDE NORMAL BUSINESS HOURS; AND THIS MUST OCCUR FOR A SIX WEEK PERIOD. AFTER SIX WEEKS THE CASE MAY BE REDUCED BACK TO ONE TIME PER WEEK VISIT, AND ALL COMMUNITY BASED STANDARDS WILL APPLY. A SUPERVISOR MUST SIGN OFF ON THE REDUCTION TO MAKE IT VALID. ALL MEETINGS DURING THIS SIX-WEEK PERIOD MUST BE DOCUMENTED IN THE COMPUTER SYSTEM.
3. IN ORDER TO ACCOMPLISH THIS PROCEDURE A PROBATION OFFICER CAN REARRANGE THEIR SCHEDULE, HOWEVER, ANY CHANGE TO SCHEDULES NEED TO BE PREAPPROVED ONE-WEEK IN ADVANCE. The request must be written and sent to Executive Secretary via email for placement on the weekly roster.
3. Allowable schedule changes can be any period in which a probation officer can work a full day's complement of 7 hours. This also includes working on a Saturday as well as working on a Sunday. Saturday and Sunday work if approved will require that an officer work a full 7-hour complement, and he or she take one day off during the next week. A supervisor will be available during those office times.

**Luzerne County Probation Services (Juvenile Division)**

**Policy and Procedure**

**Intake Department**

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Additional Duties of a Juvenile Division Intake Officer are as follows:

1. Intake Officer is responsible for learning and understanding the Pennsylvania Crime Codes.
2. Intake Officer is responsible for learning Medical Necessity Criteria that qualifies a youth for Medical Assistance.
3. Intake Officer, during the interview, will ask the youth if he/she admits to the charge(s) and then document the response.
4. *At the conclusion of the Intake Process, the Intake Officer shall meet with the Deputy Director of Forensic Programs to review the intake information and, if required, make an appropriate recommendation to the court. If necessary, the Deputy Director of Forensic Programs will meet with the child and the child's parents either during or subsequent to the intake process. If after a recommendation is made and the recommended placement cannot be accomplished, the case shall be returned to the Director of Forensic Programs for further recommendation.*

*Any PSI with a substance abuse indicator will be referred to the Substance Abuse Specialty Court for review and recommendation. The Specialty Courts review is to be considered part of the intake process and any Specialty Courts recommendation will be presented to the court for its dispositional consideration.*

*The Deputy Director of Forensic Programs will review and approve all after care plans for juveniles being discharged from a residential treatment facility.*

*The Deputy Director of Forensic Programs will be responsible for the training of Intake officers and any additional training required.*

*The above Policy and Procedure is hereby effective on February 26<sup>th</sup>, 2008 and will be followed by the Juvenile Division of the Luzerne County Probation Services Department.*

**Honorable President Judge & Juvenile Court Judge**

*Walter A. Curran*

**Director of Probation Services**

*W. J. Johnson* 2/24/08

*Johnson 2*

*The above Policy and Procedure is hereby effective on February \_\_\_\_\_ 2008 and will be followed by the Juvenile Division of the Luzerne County Probation Services Department.*

*Honorable President Judge & Juvenile Court Judge*

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*Director of Probation Services*

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*Deputy Chief of Administration*

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March 26, 2009

All Luzerne County Police Chiefs  
& Pennsylvania State Police Commanders

**RE: JUVENILE DETENTION**

Dear Sirs:

Please be advised that Juvenile Probation will utilize a Detention Assessment Tool and the following Detention Standards prior to admitting a juvenile to secure a detention:

**DETENTION:**

Detention may be authorized for juveniles who have committed any of the following offenses:

- Murder 18 Pa.C.S.A. § 2502 /Voluntary Manslaughter 18 Pa.C.S.A. § 2503/Involuntary Manslaughter 18 Pa.C.S.A. § 2504;
- Rape 18 Pa.C.S.A. § 3121 /DSI 18 Pa.C.S.A. § 3123 /Aggravated Indecent Assault 18 Pa.C.S.A. § 3125;
- Robbery 18 Pa.C.S.A. § 3701 /Robbery of a motor vehicle 18 Pa.C.S.A. § 3702;
- Aggravated Assault 18 Pa.C.S.A. § 2702;
- Kidnapping 18 Pa.C.S.A. § 2901;
- Arson 18 Pa.C.S.A. § 3301;
- Burglary of a structure adapted for overnight accommodation 18 Pa.C.S.A. § 3502;
- Terroristic Threats 18 Pa.C.S.A. § 2706;
- Stalking 18 Pa.C.S.A. § 2709.1;
- Risking Catastrophe 18 Pa.C.S.A. § 3302;
- Riot 18 Pa.C.S.A. § 5501;
- Drug Felonies 34 P.S. § 780-113(a)(30);
- Retaliation against victims/witness 18 Pa.C.S.A. § 4952;
- *Any Offense utilizing a deadly weapon/firearm/explosive;*
- Warrant from another jurisdiction.

*Any of the felonies against persons or felonies involving a deadly weapon shall result in automatic detention if it is deemed necessary.*

Other factors to consider when judging whether or not detention is warranted:

- Whether the juvenile is a repeat felony offender;
- If the juvenile is on probation at the time of the new violation;
- If the juvenile has a history of failure to appear (if known at the time);
- If the juvenile has previously escaped or run away from home or a facility;
- Parent/guardian refusal to provide appropriate supervision;
- Juvenile poses a risk to the community;
- Juvenile has a history of violence in the home;
- Juvenile has a serious substance abuse problem.

### **DETENTION ALTERNATIVES:**

Officers should seek alternatives when warranted prior to requesting secure detention:

- Contact Children and Youth if the child has no supervision and request that Children and Youth provide shelter care for the juvenile (they have a 24hr on call person);
- Home Detention may be considered with the request that within 24 hours electronic monitoring be established in the home;
- Request Juvenile Probation to expedite court scheduling;
- Explore options for alternative supervision with relatives of the juvenile;
- Worst case scenario, the officers may detain the juvenile in their station cells as long as the juvenile is in a cell by themselves or with their other juvenile co-defendants (i.e. no adults) and the juvenile is removed from the cell as soon as other suitable arrangements may be made.

If the juvenile is intoxicated at the time of arrest, Juvenile Probation must refuse to detain due to Detention's policy. If secure detention is warranted the juvenile may be admitted once they are medically cleared through a hospital.

**FYI: If the detention Center in Pittston Twp. is at capacity, the officer will have to transport the detained juvenile to an alternative location.**

## **DIRECT FILING TO CRIMINAL COURT:**

A juvenile over the age of fifteen (15) at the time of the offense may be charged as an adult if they are charged with the following crimes and a deadly weapon is utilized (FYI: a BB gun is considered a deadly weapon):

- Voluntary manslaughter 18 Pa.C.S.A. § 2503;
- Aggravated assault 18 Pa.C.S.A. § 2702 sections (a)(1) or (a)(2) (only);
- Rape 18 Pa.C.S.A. § 3121 /DSI 18 Pa.C.S.A. § 3123 /Aggravated Indecent Assault 18 Pa.C.S.A. § 3125;
- Kidnapping 18 Pa.C.S.A. § 2901;
- Robbery 18 Pa.C.S.A. § 3701 sections (a)(1)(i)/(a)(1)(ii)/(a)(1)(iii) (only);
- Robbery of a motor vehicle 18 Pa.C.S.A. § 3702;
- Attempt 18 Pa.C.S.A. § 901/conspiracy 18 Pa.C.S.A. § 903/solicitation 18 Pa.C.S.A. § 902 of any of above.

If a juvenile over the age of fifteen (15) at the time of the offense is charged with any of the above listed offenses and was previously adjudicated of any of the above offenses, he/she may be charged as an adult (aggravated assault is not included in this provision).

A juvenile previously convicted of any offense graded above a summary in any jurisdiction should be charged as an adult for any offense they commit regardless of the grading (once an adult, always an adult).

If you have any questions, please don't hesitate to contact us at (570) 825-1674. Thank you for your attention to this matter.

Very truly yours,

BY:

JACQUELINE MUSTO CARROLL  
District Attorney

STEFANIE L. POLLOCK  
Assistant District Attorney

JMC:sl

**JOHNSON, JOHN**

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**From:** Gold, Richard J [rgold@state.pa.us]  
**Sent:** Wednesday, January 16, 2008 10:53 AM  
**To:** JOHNSON, JOHN  
**Cc:** Ambrose, Anne Marie; Coleman, Edward J.  
**Subject:** RE: Kids Peace

Dear J.J.,

I have a weekly telephone conference call with Kidspeace and discuss all referrals to and discharges from their program. This week, we discussed [REDACTED] and the referral from Luzerne JPO to their RTC for dual diagnosis children. I questioned what were the discharge recommendations from St. Michael's (where he was for approximately 12 months) and what are the recommendations by the BH-MCO. I was advised that the recommendations by CCBHO was for a residential D&A facility, licensed by the PA Department of Health and funded by the BH-MCO. I have no reason to disagree with this recommendation and therefore I am questioning why CCBHO is not making the proper referrals and reimbursing for the service and why Luzerne County JPO is making the referral and offering to pay. OCYF funds should not be used when treatment services are medically necessary. That is the responsibility of the BH-MCO. Please advise and thanks.

Richard J. Gold  
Deputy Secretary  
Office of Children, Youth and Families  
Pennsylvania Department of Public Welfare  
Rm. 131, Health & Welfare Bldg.  
Commonwealth Ave. & Forster Street  
Harrisburg, PA 17105-2675  
717-787-4756  
Fax: 717-787-0414  
rgold@state.pa.us

*Richard  
Gold  
Question*

2/3/2008

*Johnson 41*

**JOHNSON, JOHN**

**From:** Gold, Richard J [rgold@state.pa.us]  
**Sent:** Sunday, January 27, 2008 12:12 PM  
**To:** JOHNSON, JOHN  
**Cc:** SABA, LARRY  
**Subject:** RE: [REDACTED]

Dear Mr. Johnson,

If the Problem Severity Index Tool indicates the need for a psychiatric evaluation, then a referral should be made to the BH-MCO in Luzerne County to work with the county on providing such an evaluation as soon as possible and within the time constructs outlined in the Juvenile Act. Such an evaluation will be face-to-face and not only based on the PSI assessment tool and the record. It is the responsibility of the BH-MCO to arrange for the evaluation and for all 3 systems (probation, ME and child welfare) to work together in an integrated manner. OCYF will not reimburse the county for psychiatric evaluations if the child is MA eligible since the BH-MCO has already been funded for such services.

Richard Gold

-----Original Message-----

**From:** JOHNSON, JOHN [mailto:JJOHNSON@luzcojuvprobation.com]  
**Sent:** Thu 1/24/2008 12:04 PM  
**To:** Gold, Richard J  
**Cc:** SABA, LARRY  
**Subject:** Re: [REDACTED]

Dear Richard,

In regards to your questions about [REDACTED] case, my response is as follows: Juvenile Probation does not make any recommendations to the courts about placement of youth, or recommend the need for Psychiatric evaluations. The Deputy Director of Forensics Program (Sandra M. Brulo, M.P.A., L.S.W.) makes these recommendations to the courts based on her expertise as a clinician in the realm of mental health. She reviews the Problem Severity Index Tool completed by the JPO Intake staff who interviews the child and parent. Juvenile probation makes the referral once the recommendation has been made by Ms. Brulo. I would ask that you refer your questions to Ms. Brulo; she can be reached by phone or email (570) 825 1728, email sbrulo@luzcojuvprobation.com

Thank You,  
JJ

John E. Johnson, M.S.  
Deputy Chief of Administration  
' (570) 825-1850  
\*mailto:jjohnson@luzcojuvprobation.com

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