

**CCTV and Recording Technology Site Visit Report
Lackawanna County (Scranton), PA
Office of the District Attorney
September 22, 2008**

The CCTV and Recording Technology Grant Program recently conducted a site visit at the Office of the District Attorney, Lackawanna County Courthouse, in Scranton, Pennsylvania. The following is a brief summary of the visit. Program staff met with: the Project's Director (Adult Deputy DA); the equipment's Operator, Detective, Technical Investigator DA's Office; the Deputy DA, Juvenile Division; Assistant DA, Juvenile Division; CAC Forensic Interviewer; Victim Advocate; and a Detective from the Scranton Police Department.

Jurisdictional Information

Lackawanna County is located in northeastern Pennsylvania and has a population of roughly 210,000. The county seat is Scranton (population 73,000). Lackawanna County's residents are primarily Caucasian (96.2%) with a small number of African-Americans (2.0%), a growing Latino population (2.4%) and some South Asian and Russian immigrants. Lackawanna consists of 25 municipalities.

Grant Information

The CCTV and Recording Technology Grant Program provided \$53,908.00 to the Lackawanna Office of the District Attorney to purchase and implement a portable CCTV program so a child's testimony could be broadcast from any auxiliary room to any courtroom within the Lackawanna County Courthouse.

Child Abuse Case Processing and Flow

The DA processes 3,500 criminal cases per year through a Project Management System (PMS) which tracks all cases prosecuted; however, it lacks the capability to communicate with other agencies' tracking systems.

The Juvenile Division has three attorneys, two victim witness advocates, and a case coordinator. They work with juvenile sexual offenders, and manage juvenile probation. Their caseload of 500 per year includes 10-17 year old perpetrators, although they have supervision over those adjudicated delinquent until age 21. Juvenile cases take 30-45 days to adjudication; with a required appearance within 10 days after charging, and pleas entered the same day.

All child abuse cases are heard in the Central Court, which is in the Court of Common Pleas for the 45th Judicial District. Hearings related to these cases are held Monday-Wednesday each week.

The Scranton Detective handles about 100 cases per year. In his experience, adult defendants typically plead guilty.

The DA reports that they have an excellent relationship with the defense bar and a history of mutual respect and professionalism. The DA's office carefully reviews the recorded interviews before requesting equipment.

CAC

The Children's Advocacy Center (CAC) was developed through the Lackawanna County District Attorney's Office in 1998 and serves eight surrounding counties. It is open from 8:30 a.m. to 4:30 p.m. Monday to Friday, and can be reached at any time in emergencies. The CAC is supported by funds from The National Children's Alliance, Lackawanna County, the Pennsylvania Council on Crime and Delinquency (particularly for rape exam kits), and through other fundraising.

The goal of the CAC is to prevent further trauma to victims of physical and sexual abuse and neglect by providing professional services in one location. All of the site visit participants reported having great respect for the Child Advocacy Center, and perceive the rapport among professionals as high.

There are no Memoranda of Understanding among the multiple law enforcement offices with respect to using the Child Advocacy Center, even though many officials use the Center. There are also attorneys assigned to local schools, and an MOU on drug policy issues. The DA's Office works closely with the Child Advocacy Center.

A multidisciplinary team (MDT) approach is used in the evaluation and investigation of abuse. The CAC collaborates with each county's District Attorney's Office, Child Protective Services, Law Enforcement and Mental Health departments on a monthly basis. The DAs perceive the MDT as highly successful because they manage the expectations of the victim and the family by working closely with parents to understand the criminal justice process and providing the parents and children with the necessary resources for support and therapy.

All medical exams and interviews are done at the CAC (unless the victim is in a hospital emergency room). The local hospital has two doctors and one Sexual Assault Nurse Examiner on call 24 hours a day. Interviews are conducted only by trained forensic interviewers. Other professionals, including social workers and mental health care providers, come in to observe. All interviews are recorded in Lackawanna County. The CAC's Forensic Interviewer (4 years at the CAC, and 30 years in the field) has adapted the Huntsville National Child Advocacy Center protocol for the interviews. She works with Lackawanna County and 7-8 other counties. At the CAC there are two interviewers who handle 500 cases per year, mostly from Lackawanna County.

Equipment Set-Up and Demonstration

Prior to the CCTV Grant, the DA's office attempted to develop a CCTV system, but they did not have the proper equipment. The Technical Investigator for the DA's Office selected the equipment that was purchased, sets it up in the courtroom and the auxiliary room, and operates the camera.

There are two 20" LED flat-screen monitors: one is for the judge and one for the defendant. They use a 42" plasma screen if the case has an adult offender, for the jury. The equipment can set up in a few minutes, and the Operator is usually given one days'

notice. The equipment uses a CAV5 cable to the computer, but the Operator is hoping to hard-wire a cable through the ceiling in the near future. There are multiple courtrooms in the Courthouse, and they can usually find a free auxiliary room for the child's testimony adjacent to any of the courtrooms. When the equipment is not in use, it is stored in the Detective's lock-up room in the DA's office

In the demonstration, the victim statement room was empty with the exception of numerous plastic-molded black chairs, and the camera with a microphone on a tripod. The Operator positions the camera so the upper body and face of the victim fill the screen, and then makes no adjustment (no zoom, etc.). The attorneys are in the room, but not visible when asking questions. It is up to the judge whether to record the testimony; there is a mini-DV available and the testimony can then be burned to a DVD. There is also a second table microphone available if necessary. Sound and visual quality of the equipment were observed to be good.

Use of Equipment

Recently CCTV technology was utilized in a case involving a 6-year-old victim and 13-year-old perpetrator. In this case, the victim and perpetrator lived next door to each other and the perpetrator's grandmother did not believe her grandson committed the alleged molestation. The victim endured continuing public pressure to recant by the perpetrator's family. There was no physical evidence; and the child was 5 years old at the time of the alleged abuse and 6 years old at the time of the disclosure. According to the DA, the victim was a good witness, but could not testify in front of the defendant. The DA in the adult division informed the Juvenile Division of the CCTVs availability. The victim's family was very grateful and relieved. The defense did not object to the use of the equipment and the judge upheld the victim's motion to testify in front of the defendant. The equipment was set up in the courtroom and in a satellite room where the victim testified (juvenile trials are all bench trials; they do not seat a jury). The monitor was in the courtroom with the judge, while the victim, all attorneys, and the victim witness advocate were in the satellite room. It was reported that the CCTV equipment was easy to set up and use. The testimony was recorded, and the perpetrator adjudicated delinquent.

The DA's perception was that without the equipment, the case would not have gone to trial. The DA also believed that using the equipment reduced the trauma to the victim because the victim did not have to confront the perpetrator. It was reported that this scenario is very different from cases in the past when they did not have CCTV. Previously, the DA's options were to "force" the victim to testify in open court, clear the courtroom (with the exception of the attorneys and defendant), have the DA sit on floor and wear a "Goofy" sweatshirt to make the victim comfortable, or angle the victim so they would not have to see the defendant.

Additional cases are being scheduled and heard for motions involving the use of CCTV.

All of the participants at the site visit reported that the implementation of the CCTV program has had a positive impact on their ability to process child abuse cases. They stated that the equipment helps to reduce further trauma to the victim and acts as a safety net, if there is ever a need for a camera it is available to the victim.

Currently, they have not conducted any marketing of the availability of CCTV to neighboring municipalities and counties.

Evaluation

No evaluation has been conducted to date. The equipment has been used twice in the past year, and they anticipate 2-3 more cases in November 2008.

The Deputy DA has agreed to complete an evaluation form for each of those cases.