



Allegheny County Council

County of Allegheny
436 Grant Street
Pittsburgh, PA 15219
Phone (412) 350-6490
Fax (412) 350-6499

Legislation Text

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An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Part 2 (entitled “County Government Operations”), through the creation of a new Chapter 206 (entitled “Juvenile Detention”) in order to provide for diversity in the management of the County’s juvenile detention center.

Whereas, prior to 2001, the Commonwealth Pennsylvania’s Second Class County Code provided for a board to manage Allegheny County’s juvenile detention center; and

Whereas, these provisions provided for a board comprised of the three County commissioners, the County Controller, three members of the public appointed by the President Judge of the Court of Common Pleas, and three members of the public appointed by the Chair of the board of County commissioners; and

Whereas, prior to 2001, Commonwealth law provided that “[t]he management of houses for the detention and reception of juveniles under the age of sixteen years awaiting trial, hearing or judicial investigation” was committed to this board; and

Whereas, the impact of this provision was to remove management of the County’s juvenile detention center from the purview of merely the three County commissioners, and instead to place such management within the purview of a board comprised of individuals representing additional perspectives, a majority of whom would not have any incentive to politicize the center’s management; and

Whereas, pursuant to the terms of Act 80 of 2001, the Second Class County Code was amended to render this board purely advisory, to provide for an eight member board, and permitting the County Manager to appoint a director and additional staff members to manage the County’s juvenile detention center; and

Whereas, the impact of this change was to place operational control over the management of the County’s juvenile detention center in the hands of a single individual, who was an at-will employee of the County Manager and Chief Executive; and

Whereas, it is the judgment of Council that this organizational structure was deleterious to the competent management of Shuman Center, and materially contributed to the Center’s well documented licensure difficulties and eventual closure; and

Whereas, because noting contained within the Second Class County Code, specifically 16 P.S. §5538, prohibits the County from opting to restore a more broad based form of management for the County’s juvenile detention center, it is the desire of Council to do so;

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1. Incorporation of the Preamble

The provisions of the preamble to this Ordinance are hereby incorporated in their entirety by reference herein.

SECTION 2. Amendment of the Code

The Allegheny County Code of Ordinances, Part 2, entitled “County Government Operations”, is hereby amended and supplemented through the creation of a new Chapter 206, entitled “Juvenile Detention” and comprised as follows:

§ 206-1. Management of houses for detention of juveniles; appointment of board.

- A. Management of houses for the detention and reception of juveniles under the age of sixteen years awaiting trial, hearing or judicial investigation, heretofore or hereafter established under existing law or under the provision of any other law of the Commonwealth, shall be in a Juvenile Detention Board of Managers.
- B. The Juvenile Detention Board of Managers shall consist of nine members, as follow:
 - 1. The County Chief Executive;
 - 2. The County Controller;
 - 3. Two members of Allegheny County Council designated by the Council President; and
 - 4. Five private citizens, two of whom shall be appointed by the President Judge of the Court of Common Pleas and three of whom shall be nominated by members of County Council, subject to confirmation via affirmative vote of the Council.
- C. The chief executive and the controller may appoint persons to act as their designees for the purpose of attending meetings of the board, and the designees shall have the right to vote at such meetings.
- D. The private citizen members of the board shall not be officers or employees of the County of Allegheny or the Commonwealth of Pennsylvania.
- E. All Board members shall be appointed for a term of three years. Vacancies occurring in the membership of the board shall be filled for the unexpired term in the same manner in which the departing Board member was appointed.
- F. The members of the board shall serve without compensation, but may be reimbursed for travel expenses to the extent that such expenses are reasonable and approved by the full Board, and to the extent that appropriations for such reimbursements are included in the County’s operating budget.

§ 206-2. Powers and duties of the Juvenile Detention Management Board.

The powers and duties of the Juvenile Detention Management Board shall be as follows:

- A. The Juvenile Detention Management Board shall meet at least monthly. Board meetings shall comply with all provisions of the Commonwealth's Sunshine Act, and regular minutes of its proceedings shall be open to public inspection.
- B. The Board's administrative powers and duties shall include the operation and maintenance of the County's juvenile detention center and the oversight of the health and safekeeping of juvenile detainees.
- C. The Board shall ensure that the living conditions within the juvenile detention center and are healthful and otherwise adequate.
- D. The Board shall, at least twice each year, conduct an unannounced inspection of the County juvenile detention center's physical plant. During such inspections, the Board shall interview a cross section of detainees, out of the presence of the center director and any of his/her agents and/or County contractors, to determine the conditions within the detention center. After each inspection, the Board shall prepare a written report setting forth its findings and determinations which shall be available for public inspection.
- E. The Board shall ensure that the detention center is being operated in accordance with its regulations and the laws and regulations of this Commonwealth and of the United States.
- F. The Board shall investigate allegations of inadequate detention center conditions and improper practices occurring within the detention center and may make such other investigations or reviews of juvenile detention center operation and maintenance as it deems necessary or appropriate. The books, papers and records of the juvenile detention center, including, but not limited to, the papers and records of the director, the papers and records of any County contractors undertaking functions relevant to conditions at the juvenile detention center, and any other records or papers relating to the detention, discipline, education, rehabilitation, and medical or psychiatric treatment or counselling of individual detainees, shall at all times be available for inspection by the Board.
- G. The Board shall review the annual budgetary recommendations made to the Department of Budget and Finance by the juvenile detention advisory board pursuant to the terms of 16 P.S. §5540. The Department of Budget and Finance shall forward such recommendations to the Juvenile Detention Management Board and Allegheny County Council no later than September 5th of each year. To the extent that the Board concludes that additional information should be taken into account in considering annual appropriations prior to the formulation and enactment of any operating budget by Council, the Board shall provide a written delineation of such additional information to the Department of Budget and Finance and County Council no later than October 5th of each year.
- H. The Board shall, consistent with applicable law, promulgate such rules, regulations and forms it deems necessary for the proper administration of the Board and for the operation of the County

juvenile detention center.

- I. The County Manager, Director of the Juvenile Detention Center, and all County contractors undertaking functions relevant to detention of juveniles at the detention center shall each submit an annual written report to the Board which shall contain information on the population, conditions and practices in the detention center and other matters as specified by the board. The annual report shall be available for public inspection.
- J. The County Manager, Director of the Juvenile Detention Center, and all County contractors undertaking functions relevant to detention of juveniles at the detention center shall each report to the Board upon request of the Board at any public Board meeting. These reports shall be part of the minutes of such Board proceedings.

SECTION 3. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

SECTION 4. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.