

HOUSE OF REPRESENTATIVES

COMMONWEALTH OF PENNSYLVANIA

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 :
 Sunset Review Hearing of Pennsylvania :
 Commission on Crime and Delinquency :
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Pages 1 through 63

Room 140
 Majority Caucus Room
 Capitol Building
 Harrisburg, Pennsylvania

Wednesday, October 23, 1985

Met, pursuant to notice, at 9:40 a.m.

BEFORE:

HOUSE JUDICIARY COMMITTEE

- Representative David W. Sweet, Acting Chairman
- Representative Nicholas B. Moehlmann, Co-Chairman
- Representative John Cordisco
- Representative David Mayernik
- Representative Michael Dawida
- Representative William E. Baldwin
- Representative John F. Pressman
- Representative Lois Sherman Hagarty
- Representative Paul McHale
- Representative Jeffrey E. Piccola
- Representative Michael E. Bortner
- Bridget M. Whitley, Esquire, Chief Counsel,
 Judiciary Committee
- Mary Woolley, Esquire, Chief Counsel, Minority
 Judiciary Committee

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P R O C E E D I N G S

REPRESENTATIVE PRESSMAN: I will call this Sunset Review hearing to order.

The first witness is Mr. James Thomas, Executive Director, Pennsylvania Commission on Crime and Delinquency.

Mr. Thomas.

Whereupon,

James Thomas

was called as a witness and testified as follows:

MR. THOMAS: Thank you, Mr. Pressman.

Maybe in the interest of time, what I could do would be to read you the first couple pages, which are a fairly concise statement of why the Commission needs to exist, and then capsule the rest of the testimony and then stand for questions.

Good morning. My name is James Thomas and I am the Executive Director of the Pennsylvania Commission on Crime and Delinquency. I appreciate the opportunity to speak to you today about the Commission and to address the sunset performance audit conducted by the Legislative Budget and Finance Committee.

I would first like to give you a little background information on the Commission. The Pennsylvania Commission on Crime and Delinquency, as it has become to be known, as PCCD, was created by state Act 274 of 1978 and had its first meeting in the spring of 1979.

The membership of the Commission is a combination of

1 gubernatorial, legislative and ex-officio appointments totalling
2 24 members. The membership is reflective of police, courts,
3 corrections agencies, the Legislature, and private citizens.

4 The several ex-officio appointments assure the principal
5 state-level criminal justice agencies and the Appropriations
6 Committees of the House and Senate are represented.

7 The full Commission meets quarterly, but it relies on a
8 number of task forces and advisory committees which meet more
9 frequently as needed.

10 The Commission has general responsibility in planning for
11 and promoting coordination in the development and implementation
12 of programs to improve the Commonwealth's system of criminal
13 and juvenile justice.

14 Duties of the Commission include advising the legislative
15 and executive branches on justice policies, plans, programs and
16 budgets; developing priorities and strategies for responding to
17 justice system problems; serving as a forum for the continuing
18 examination of criminal justice issues; providing statewide
19 criminal statistical analysis services; rendering technical
20 assistance and training to components of the justice system;
21 and preparing state criminal justice and juvenile justice plans.

22 Also, the PCCD administers state Act 1984-2, the Deputy
23 Sheriffs' Education and Training Act and its grant-making role
24 includes administration of the victim services provisions of
25 state Act 1984-96, as well as the administration of federal

1 funds under the Juvenile Justice and Delinquency Prevention Act
2 of 1974, the recently passed Justice Assistance Act and the
3 victim services grant program of the Victims of Crime Act of
4 1984.

5 The Legislative Budget and Finance Committee began its
6 performance audit of PCCD in January of 1985 by widely distrib-
7 uting questionnaires and by on-site audits.

8 I am delighted with the principal finding and recommenda-
9 tion that there is a clear and present need for the agency and
10 that PCCD should continue to exist. It was the finding of the
11 auditors that the primary functions of the PCCD are to act as
12 a statewide body for the development and implementation of pro-
13 grams to improve law enforcement and criminal justice, to collect
14 and provide information on criminal justice issues to assist
15 the executive and legislative branches of state government in
16 development policies, plans and programs for improving the
17 effectiveness of the state's criminal and juvenile justice
18 system.

19 The PCCD is also mandated to collect and report statisti-
20 cal information concerning the state's criminal justice system.
21 Without such an agency, Pennsylvania would lose its eligibility
22 for federal juvenile justice funds and thus could not support
23 the development of projects to address juvenile justice programs
24 and problems.

25 The auditors' finding also stated that the Commission on

1 Crime and Delinquency serves as an impartial body with broad
2 representation and as such can serve as an unbiased forum for
3 the awarding of federal and state grants and for conducting
4 studies and making recommendations to improve the state's crim-
5 inal justice system.

6 They felt such a role might be difficult for a single
7 state agency without representation from such a broad variety
8 of interests.

9 The auditors concluded that termination of the PCCD
10 would appear to have a negative impact on the public health,
11 safety and welfare, and that there appears to be a demonstrated
12 need for the continuation of the Commission's functions.

13 I would like to briefly tell you why the agency ought
14 to continue to exist. I think if we take a familiarity with the
15 criminal justice system in Pennsylvania, as well as other states,
16 one sees that it is a complex arrangement of agencies at various
17 levels and branches of government.

18 The agencies are independent authority and yet inherently
19 interdependent in providing a system of justice. This indepen-
20 dence extends both among agencies and between state and local
21 governments. State criminal justice agencies generally set
22 standards and provide training to county and local agencies in
23 addition to their own operational responsibilities.

24 There are 11 state-level criminal justice agencies and
25 these state agencies can be envisioned at the top of a pyramid

1 with a number of agencies expanding as the levels progress down-
2 ward.

3 In Pennsylvania counties there are 59 Common Pleas Courts,
4 67 district attorneys' offices, 67 sheriffs' offices, 66 county
5 jails, and 67 county probation offices.

6 Local agencies include over 1,200 police departments and 550
7 district justice courts. It's important to remember that each
8 of these exercises various degrees of autonomy from each other.

9 The need for a separate planning and coordinating agency
10 for criminal justice is dictated by this web of levels, agencies,
11 and responsibilities. Coordination is necessary to prevent the
12 various parts of the system from isolating themselves from each
13 other.

14 This situation was identified in the late 1960s by the
15 President's Commission on Law Enforcement and Criminal Justice and
16 it established the basis for these agencies under the Omnibus
17 Crime Control and Safe Streets Act of 1968.

18 In further prompting the establishment of the PCCD was
19 the need for targeting and disbursement of funding resources
20 obtained from sources other than agency budgets. In general,
21 the targeting of grant funds requires an entity independent from
22 any state-level criminal justice agency to preclude bias in the
23 funding process and to carefully weigh the system impacts of
24 any improvements in one component of the system.

25 For instance, balancing increasing apprehension capacity

1 of the police with the courts' capacity to process defendants
2 through trial.

3 The PCCD, therefore, serves to meet the needs of inde-
4 pendance, planning, targeting of grants for criminal justice,
5 juvenile justice, delinquency prevention, and for crime victim
6 services.

7 These are the principal reasons why the agency is needed
8 to continue to exist, and the basic functions it performs. I
9 can briefly capsulize or highlight the major activities we
10 have ongoing today.

11 We do administer the Pennsylvania Crime Watch Program.
12 Our involvement is to principally train local law enforcement
13 officers in state-of-the-art crime prevention techniques. We
14 run a three-day advanced crime prevention course and a four-
15 day basic course, as well as seminars for municipal officials
16 and police chiefs.

17 We also distribute information and material for
18 the Crime Watch Program.

19 We have a very strong legislative and policy statistical
20 analysis effort... Here is where the analytical resource of the
21 agency is relied upon by both the Governor as well as
22 the legislative committees and individual legislators.

23 Recent studies that we performed were relevant to county jail
24 detentioners, clemency, career criminals, mandatory sentencing.
25 We released a bulletin earlier this summer on DUI, and a summary

1 we completed two months ago was on the guilty-but-mentally-ill
2 verdict.

3 Another effort that we are principally engaged in is
4 attempting to integrate the information systems of all those
5 11 agencies at the stated level in criminal justice. That is,
6 trying to get the Board of Probation and Parole, the Department
7 of Corrections, the State Police, the Administrative Office
8 of Pennsylvania Courts to have one compatible information
9 system and they would be able to, rather than duplicating their
10 system, have the information flow automatically and electron-
11 ically between them.

12 An effort that is past the study stage and is moving
13 to the implementation stage is our prison and jail overcrowding
14 initiative. Here, it is important to view that effort as
15 probably unique to the kind of efforts PCCD can perform.

16 The Department of Corrections certainly has the problem
17 of more inmates than what they have space for. It's not the
18 one that has handles on most of the solutions to prison crowd-
19 ing.

20 The courts, the police, and the legislature and the
21 Governor's office has more of the solutions, and the PCCD was
22 able to bring this body together and to complete its report in
23 a timely fashion, which has now led to several pieces of legis-
24 lation being introduced in the House and in the Senate.

25 We have an ongoing operational element in the agency and

1 that is dealing with county jail overcrowding. We work with
2 counties to try to have them analyze their populations and to
3 make their own local choices as to who they most want to place
4 in the county jail.

5 What we found is that once they looked at actually the
6 types of individuals they are holding in their county jails,
7 that they realize they need to prioritize and keep those more
8 serious offenders in, and the ones that are able to use community
9 service or free to go on ARD or some other measures,
10 that they are able to reduce some of the pressure on their jail
11 population.

12 The PCCD also has a mental health and corrections task
13 force which has principally worked with the Office of Mental
14 Health Services and the Department of Corrections to try to
15 increase the forensic services available within the state and
16 now is beginning to focus on county jail needs in the forensic
17 area.

18 A major activity of the Commission is its Victim Services
19 Program. The Commission appointed a task force chaired by
20 Judge Kenneth Biehn from Bucks County and its first order of
21 business was to determine what are the services that ought to be
22 provided at the local level.

23 It developed a comprehensive set of standards and dis-
24 tributed these statewide to each county in hopes of urging local
25 involvement in reaching those services.

1 Clearly, a major impetus to implementing those standards
2 was a portion of Act 96, which was passed last year which pro-
3 vided a state funding source to PCCD to make grants to counties
4 to implement those services.

5 The -- last October, the Congress passed a federal
6 Victims of Crime Act and in that, Pennsylvania will stand to
7 receive this first year about 1.6 million. In follow-up years,
8 it will be over \$2 million that the Governor has designated
9 PCCD to administer. These dollars will complement nicely
10 the state dollars that are available for crime victim services.

11 We are actively engaged at this time in training the
12 Commonwealth's deputy sheriffs. By law passed last February,
13 effective last August, all of the Commonwealth's deputy
14 sheriffs who have less than five years' experience must receive
15 160 hours of basic training and 16 to 20 hours of in-service
16 training over a two-year period.

17 I think it's a reflection of the hard work and dedica-
18 tion of the Board that was appointed and chaired by Judge
19 Stranahan of Mercer County that the first school -- the Board
20 didn't meet until October of last year -- the first school was
21 up and operational by June of this year.

22 This summer we trained 185 deputies and plans are now
23 being underway for next year's class, which should meet the
24 mandate of training all the deputies by August of 1986 by the
25 effective date of the Act, and this will then set up an ongoing

1 program of in-service and basic training for the deputy sheriffs
2 in the Commonwealth.

3 In October of last year, also, part of the comprehensive
4 crime control agenda of Congress was the Justice Assistance Act.
5 Those of you who remember LEAA, this has been referred to as a
6 son of LEAA. It's really a further commitment of federal
7 dollars to local justice improvement programs.

8 It's a much more modest program than the former Law
9 Enforcement Assistance Agency and we are speaking roughly of
10 a little over two million the first year for programs at the
11 local and state level.

12 CHAIRMAN SWEET: Jim, could I interrupt you for a second?

13 Two things. One, I want to apologize for being late.
14 Two, might I suggest that in order to allow time for some of the
15 members to ask some questions, that we really sort of -- maybe
16 you could sort of summarize real quick -- I know -- I've looked
17 at some of the rest of your statement and what you are doing is
18 responding -- would you respond to a couple of things that the
19 Legislative Budget and Finance Committee raised, and then per-
20 haps yield for some questions.

21 I think many of the members are more familiar with the PCCD
22 than they might be with some other agencies, and it will allow
23 more time for some questions.

24 Let me also, before we even start -- I don't know if
25 you've met all the members before you got started.

1 Bill Baldwin on my far right from Schuylkill County;
2 Jack Pressman from Allentown; Bridget Whitley, our Chief Counsel;
3 Mike Bortner from York County; Jeff Piccola, as you know, is a
4 member of the Commission; Lois Hagarty from Montgomery County
5 is here; Nick Moehlmann, the Minority Chairman of the Judiciary
6 Committee; Mary Woolley, Chief Counsel for the Minority; John
7 Cordisco from Bucks County.

8 If you would, would you sort of quickly respond to the
9 items raised by the Legislative Budget and Finance Committee
10 and then will you yield to some questions?

11 I don't want to be rude, first be late and then cut you
12 off, but I think it would be very productive if we proceed
13 that way.

14 MR. THOMAS: If you have a copy of the report, you can
15 find our response to the Sunset Audit findings on pages 44 to
16 49.

17 The principal finding of course, in the report was the
18 agency ought to continue to exist. There was a concern raised
19 in the audit report about seven private citizens, and realizing
20 that two of our Commission members are governmental employees;
21 being the Secretary of Welfare and Judge Biehn from Bucks
22 County.

23 The language in the Act says "private citizen," and this
24 leaves some ambiguity as to what private citizen is because
25 one providing governmental services doesn't mean that they

1 lose their citizenship. It's been to the advantage of the
2 agency of the Commission itself to be able to keep the -- to
3 make appointments which best serve the agency and its functions.

4 In the case of Walter Cohen, he was a private citizen at
5 the time he was appointed. He then became the -- on to the PUC --
6 I'm sorry, the Consumer Advocate for the Commonwealth, and
7 later became the Secretary of Welfare.

8 It's because of his very active role in the juvenile
9 justice area as Secretary of Welfare that it was most useful
10 for his appointment to continue on the Commission. However, the
11 Secretary of the Department of Welfare is not an ex-officio mem-
12 ber of the Commission.

13 Likewise, Judge Kenneth Biehn is the Chairman of our
14 Victim Services Advisory Committee, having a great deal of
15 experience in victims issues, and without the flexibility of
16 interpretation of that citizen category, we would lose his
17 services as well.

18 The Commission itself does not have a concern about the
19 interpretation. If this committee does, my suggestion would
20 be to create a non-governmental category which would then
21 explicitly express the desire of the Legislature.

22 CHAIRMAN SWEET: Let me react quickly to that, Jim.

23 As a member of the Commission, I know the fine work
24 that Walter Cohen and Judge Biehn provide for the Commission.
25 I don't know if the statutory language is the same and I haven't

1 read the case, but as you may be aware, on a much more conten-
2 tious subject, was whether or not cabinet officials could be
3 members of the Catastrophic Loss Trust Fund Board in the auto
4 insurance world.

5 The Pennsylvania Supreme Court ruled that those public
6 officials who are cabinet officers were not properly seated
7 when they were appointed in vacancies that existed for private
8 citizens.

9 The statutory language may be different, and maybe your
10 counsel can hang his or her hat on that, but I would suggest
11 that the Commisison review that Supreme Court case because it
12 may well be -- if not a binding precedent -- it may well at
13 least be instructive in this case.

14 I don't have the citation, but I just thought of it as
15 you mentioned it. It might be something you might want to
16 look into.

17 If that's the case, we might want to change the statute
18 so the Secretary of Welfare is an ex-officio member.

19 MR. THOMAS: As you consider whether the Secretary of
20 Welfare should be a statutory appointment, the Welfare Department
21 is so large, it's quite possible that the next Secretary of
22 Welfare may not see the justice system -- the juvenile justice
23 system as being a primary interest area or a primary focus
24 area.

25 They might very well rather have the Deputy Secretary for

1 the Office of Children, Youth and Families be that member, and
2 that would probably be my recommendation if we were to clear
3 that legislatively.

4 CHAIRMAN SWEET: Proceed. I'm sorry to interrupt you.

5 MR. THOMAS: Several minor issues have been raised which
6 are addressed in the testimony in our response. Let me just
7 hit the more significant ones.

8 At the bottom of my testimony on page 10, the Committee
9 did raise the issue of whether our interim audits process was
10 appropriate and whether or not it was really evaluating whether
11 the results and objectives of the various projects we fund are
12 really being met.

13 Our response is simply that an interim audit is not for
14 that purpose. An interim audit is to assure that the financial
15 structures and controls are in place on a project.

16 We go into a project six months after it's funded and
17 it's remedial in nature. If we find that the controls are not
18 there, we advise them so that by the end of the project, we do
19 have a proper audit trail to be able to follow.

20 The concern of the auditors about the objectives and
21 whether or not the projects are really meeting those objectives
22 is appropriate and we do monitor, programmatically monitor
23 every project that the Commission funds, and that is, I think,
24 satisfies the auditors concerns.

25 I think another larger concern of the auditors would be

1 that, if you move to page 12 of the testimony, or page 24 in
2 the Sunset Audit report, is the auditors felt that the Com-
3 mission should prepare and periodically update a comprehensive
4 criminal justice plan and note that we have not done so for
5 several years.

6 The difficulty that the Commission would have would be in
7 the terminology "comprehensive" and the comprehensive plan was
8 dictated by the federal requirements under the former Law
9 Enforcement Assistance Administration, which became a voluminous
10 document with much data and much information which, quite frank-
11 ly, never left the shelves once it was printed.

12 The Commission has taken on a much more useful approach
13 to planning, siezes on problems that there is some opportunity
14 given the atmosphere, either in the Legislature, the Governor's
15 office or in the agencies themselves, sieze on those problems
16 to plan, always from a systemic approach, and it's in that
17 vein that the Commission would hope to continue.

18 If there is some interest in a comprehensive statement,
19 comprehensive plan, for all facets of this rather complex system,
20 then I think it's a very useful suggestion of the auditors that
21 we would work with the Oversight Committee in defining what
22 that plan should look like.

23 There is a similar type of finding.-- you will see it
24 on page 13 of my testimony--relative to the statistical analysis
25 report. There is a requirement in the legislation for an annual

1 report. We have not done this annually, though we do have one
2 that's scheduled. It is in rough draft now and will be pub-
3 lished by the end of the year, beginning of next year.

4 Basically, the reason we do not do that is that at the
5 time the legislation was drafted, we were in the midst of
6 collecting the statistics.

7 The annual reports, statistical reports that you see
8 would be typically from the State Police, the UCR report, the
9 Bureau of Corrections annual statistical report. The Bureau of
10 Corrections annual statistical report just came out. The Board
11 of Probation and Parole publishes those.

12 At one time, the Commission collected many of those
13 statistics and did have an obligation to put out that resource.
14 Our concentration now is on analysis, and given the amount of
15 staff time that is involved and the fact that the data doesn't
16 change dramatically from year to year, it makes sense to do such
17 a report more on a need basis, probably more on a three to four-
18 year time frame.

19 The other point I can address before standing for ques-
20 tions is the auditors stated that the Commission ought to
21 enforce attendance standards, which state that those who miss --
22 have three or more unexcused absences -- should be terminated
23 from the Commission.

24 It's stated as a standard, rather than something that
25 has to occur.

1 Our position is that we clearly have excellent attendance
2 at the Commission meetings itself and also that much of the work
3 of the Commisison is done in advisory committees and task forces,
4 and so that just because a particular member would have three
5 absences doesn't mean that the member isn't very actively
6 involved in the Commisison's program.

7 We are comfortable with the language as it is in the
8 Act. Overall, we feel that the statutory language in our
9 enabling statute has proven very workable and have no changes
10 to suggest in that basic statute. I am very comfortable
11 responding to any questions that you may have.

12 CHAIRMAN SWEET: Thank you very much.

13 Do any of the members have any questions?

14 (No response.)

15 CHAIRMAN SWEET: I guess you have overwhelmed us. I'll
16 just make a comment.

17 First of all, I agree with your response on the lack of
18 enthusiasm that you may have for developing a comprehensive
19 plan. I found that one of the best uses for that big thick book
20 was the Greene County Sheriff who used to use it for a door stop.

21 I tend to think they are not studied very well. They
22 are a nice . repository of criminal justice information; but
23 since the responsibility for implementing the suggestion as
24 a result of the plan is so diffused over municipal government,
25 state government, and in some instances, even federal authorities,

1 it always seemed an exercise to me that was more academic than real
2 and that with your limited resources you probably ought not to
3 spend the time doing it.

4 I'm tempted to ask you one question since Lois came back
5 and that is whether or not you think it's unusual for the Legis-
6 lature to define a criminal justice problem, suggest a source
7 of funds, and ask the PCCD to develop a plan of action to
8 fight that ill.

9 However you answer this, you will get in the middle of
10 a debate between Lois and I.

11 MR. THOMAS: Do I find it unusual as an occurrence?

12 CHAIRMAN SWEET: Let me ask the question differently.

13 Did we not in the Crime Victims program do something
14 like that?

15 MR. THOMAS: Most definitely. The model you described
16 is exactly what occurred, and I thought it worked very well.
17 It gave us the charge; we tried to be responsive to the amount
18 of information and concerns that were expressed in the legisla-
19 tive hearing process as you were developing the legislation .
20 and delighted to stand on oversight with the Committee as we
21 proceed with that implementing the program.

22 CHAIRMAN SWEET: We had a tiff yesterday about House Bill
23 251 which set up this children's trust fund and asked the
24 PCCD to develop a set of guidelines.

25 MR. THOMAS: I think what is unique about the PCCD is

1 because of that broad membership, you won't find PCCD under my
2 leadership or my successor of going off on their own as a
3 separate executive branch agency.

4 My boss is the Chairman of the Commission and I have to
5 report back to the Commission and clearly are able to keep the
6 staff work responsive then to the legislative direction that
7 it comes in in the form of bills.

8 In response to your -- one of the things you said as far
9 as a comprehensive plan, it is useful to have a repository
10 for information. I totally agree with that, but I think
11 it can be more of a dynamic flow of information rather than
12 putting it into a document.

13 We do have an 800 number; we do publish it; we do see
14 that we are a service agency and frequently respond to requests
15 for information from all across the Commonwealth as well as
16 from legislators.

17 CHAIRMAN SWEET: I think that the kind of issue analysis
18 that you do is good, whether prison overcrowding or crime vic-
19 tims, collection of penalty assessments. There have been some
20 good studies of individual problems that have been defined and
21 requests made either by the executive branch or members of the
22 legislature to react.

23 REPRESENTATIVE HAGARTY: I just wanted to ask you because
24 you had said earlier -- I think the report was prepared on the
25 guilty-but-mentally-ill verdict. I have not seen it. Are we

1 going to be receiving that?

2 MR. THOMAS: We haven't published it. My intention at
3 this time is not to publish it. The findings are not that
4 startling. I will be happy to send you a copy.

5 Basically, what we found is that the GBMI verdict -- one
6 of the reasons for it was to reduce the not guilty by reason of
7 insanity defense. It has done that.

8 As you go further and look at whether or not people who
9 are either put into a mental institution because of the not
10 guilty by reason of insanity defense or the GBMI, actually
11 the data is very comparable. They are put away for about the
12 same length of time.

13 It's a first-year look at the use of that verdict and
14 I would be delighted to send you a copy.

15 REPRESENTATIVE HAGARTY: In other words, you are
16 suggesting that they are released in about the same amount of
17 time regardless of whether there is a verdict of guilty but mentally
18 ill -- under the guilty but mentally ill verdict, they have to
19 go back then to serve their full sentence; is that right?

20 MR. THOMAS: Guilty-but-mentally-ill verdict, they
21 would have to serve their full sentence that is imposed by
22 the judge.

23 REPRESENTATIVE HAGARTY: So when you say they are serv-
24 ing about the same amount of time, you mean only in the mental
25 institute. As I understand it, the insanity people, under

1 that verdict, would be released after their hospitalization?

2 MR. THOMAS: Their hospitalization, I think, was averag-
3 ing 6.7 years and the sentence, the incarcerative sentence, is
4 running in the neighborhood of 5.5 years. So that on the aver-
5 age, the person who is put away because of mental health problems
6 rather than because of the criminal sentence is staying about
7 the same time.

8 REPRESENTATIVE HAGARTY: You're saying the result is
9 the same under both groups?

10 MR. THOMAS: I'm saying it's rather inconclusive. We're
11 looking at about one year. They are not that startling of
12 findings and that's the rason for not publishing the report.

13 REPRESENTATIVE HAGARTY: I'd like to review it.

14 CHAIRMAN SWEET: Mrs. Hagarty wants one, Mike Bortner,
15 Paul McHale, and send one to the Committee.

16 Are there any other questions by any of the members?

17 (No response.)

18 CHAIRMAN SWEET: If there are no other questions, we
19 thank you for coming and we appreciate your comprehensive testi-
20 mony.

21 (Witness excused.)

22 CHAIRMAN SWEET: The next witness is Paul Wingard from
23 Wilkes-Barre, the Crime Watch Program.

24 You may proceed.

25

1 Whereupon,

2

Paul Wingard

3 was called as a witness and testified as follows:

4 MR. WINGARD: I am Paul Wingard, representing the Wilkes-
5 Barre City Neighborhood Associations for Crime Watch and the
6 North End Crime Watch program. I am here to testify at this
7 hearing in support of the Pennsylvania Commission on Crime and
8 Delinquency's past activities and to encourage the continuation
9 and expansion of its crime prevention technical assistance to
10 local crime watch groups.

11 First of all, I would like to present a brief descrip-
12 tion of the City's crime watch program of which I have been a
13 volunteer for the past six years.

14 Secondly, I would like to address the types of assistance
15 received from the PCCD and, lastly, offer some recommendations
16 for future considerations by the Pennsylvania Commission on
17 Crime and Delinquency.

18 First of all, the background of the City of Wilkes-
19 Barre Crime Watch Programs. The Wilkes-Barre City Neighbor-
20 hood Associations for Crime Watch is a council representing
21 15 neighborhood crime watch programs within that city. These
22 neighborhood programs involve approximately 3,000 trained crime
23 watch volunteers and have been developed in cooperation with
24 the City's Police Department and governmental officials.

25 The crime watch program in the City of Wilkes-Barre had

1 its origins in one geographic neighborhood, the North End, as a
2 pilot project in 1979. Since that time, the crime watch program
3 has expanded to 14 other city neighborhoods and 21 municipalities
4 in Luzerne County.

5 The beginning of the crime watch program came from a
6 request of the North End Citizens and Taxpayers Association, a
7 multi-issue neighborhood organization which works toward the
8 enhancement of the North End and contains approximately 6,000
9 residents of the 51,000 total population.

10 This neighborhood request was presented to the Wilkes-
11 Barre Police Department's Chief of Police and Special Service
12 Unit. The initial meeting demonstrated the Department had
13 knowledge of neighborhood crime watch programs at that time,
14 but lacked some of the essential organizational skills in
15 implementing the program locally.

16 It was at this point, six years ago, in the developmental
17 stages of the North End program that the Pennsylvania Commission
18 on Crime and Delinquency first began to provide technical assis-
19 tance and I would like to note has continued to do so as the
20 program has gone through various developmental stages, as well
21 as expanded city and countywide.

22 Secondly, what the Pennsylvania Commission on Crime and
23 Delinquency's Technical Assistance has meant to the City of
24 Wilkes-Barre.

25 One of the areas that we have used the Pennsylvania

1 Commission on Crime Delinquency was as a resource clearinghouse.

2 Since the PCCD and the City of Wilkes-Barre's crime pre-
3 vention efforts began relatively at the same time--I believe it
4 was somewhere around 1978 that the Commission started-- the
5 first assistance requested of the Commission by the City was
6 resource material which was used in designing the pilot program.

7 On the other hand the Commission met with the develop-
8 ing programs of the City of Wilkes-Barre and used some of our
9 experiences in the development of its model prevention program
10 called Model Municipal Crime Prevention Program.

11 This exchange of information and ultimately the "how-to-
12 do-manual" proved to be helpful to the City in redesigning
13 numerous aspects of its existing citywide program, as well as
14 implementing other new programs.

15 Also, the importance of this exchange of information is
16 the Commission's willingness to mix-it-up with local folk in
17 the development of a crime prevention model that has practical
18 applications.

19 I have found the Commission's staff very accessible, as
20 well as knowledgeable, and personally have used their expertise
21 on numerous occasions. For example, the PCCD provided support,
22 made presentations and conducted workshops at a 1983 statewide
23 convention, held by the Wilkes-Barre City Neighborhood Associa-
24 tions for Crime Watch for crime watch leaders, as well as crime
25 prevention officers, and will be providing similar technical

1 assistance in our 1985 convention to be held on November 1-2,
2 1985.

3 If anybody wants to come, I have brochures here.

4 These conventions were designed primarily for statewide
5 and local crime watch volunteers as a forum through which to
6 share and transfer ideas.

7 This resource clearinghouse function of the PCCD has been
8 vital to our local groups in that it provides a resource from
9 which to access information regarding other crime watch programs
10 throughout the state and nationwide.

11 This linkage to other programs is essential for the
12 maintenance of our programs in that new ideas keep interest and
13 revitalize our crime prevention efforts. The Commission's
14 staff has been most supportive in this area; and the coopera-
15 tion has been a breath-of-fresh-air as compared to some other
16 state agencies I have dealings with on a business, professional,
17 and a personal basis.

18 Another area is training of local professionals. If
19 you want to know what those other state agencies are, I can't
20 tell you right now. We'll meet for lunch.

21 The PCCD's training of local professionals has had a
22 indirect impact on our neighborhood crime watch programs.
23 These trainings include an assortment of police training. For
24 example, five, one-day seminars on elderly abuse, arson train-
25 ing, et cetera.

1 Also, human service professional training on elderly
2 abuse and municipal officials' training seminars regarding crime
3 prevention programs is held.

4 One unique item that I noticed in these local training
5 programs was the PCCD's use of local resources. They approach
6 their training through a team approach by utilizing local experi-
7 ence and expertise. This training approach is an efficient
8 and effective means of getting one's message across and increases
9 the potential of the training actually being applied at the
10 local level.

11 I think the PCCD should be commended for not projecting
12 the image of being experts in the crime prevention field and for
13 their sincere effort in listening to local practitioners which,
14 when added up, equates to an effective training mechanism.

15 The local neighborhood crime watch programs have
16 benefitted from the local training as mentioned above indirectly.
17 Being involved as a volunteer in a crime watch program requires
18 contacts with local governmental officials, police and human
19 service professionals.

20 My experiences with these local professionals relative
21 to the crime watch activities have been most favorable. I
22 attribute this cooperative atmosphere in part to the quality
23 training and publicity provided by the PCCD. This top level
24 cooperation has also been easily transferred to the neighborhood
25 volunteers which has made the operation of our neighborhood

1 crime watch program run smoothly.

2 Other benefits received from the PCCD: The PCCD's
3 literature, provision of literature.-- for example, brochures --
4 uniform crime watch street signs have been beneficial in pro-
5 moting the concept and activities of crime watch activities in
6 our neighborhood.

7 Also, the Pennsylvania Crime Watch's Governor Volunteer-
8 ism Awards have been directly responsible for maintaining a core
9 group of volunteers involved in our City's program.

10 These awards have provided an incentive for numerous
11 crime watch coordinators to continue as volunteers. Prior to
12 the Governor's Awards, there was little incentive for volun-
13 teers to continue their efforts.

14 I think the PCCD should again be commended for taking
15 the beginning initiative in developing one component of a crime
16 watch maintenance system, which is desperately needed.

17 Impact of the crime watch on the community: The crime
18 watch programs in the City of Wilkes-Barre have realized
19 approximately a 44 percent decrease in crime. But perhaps even
20 more important is that the community residents are becoming
21 neighbors.

22 Though some of the neighborhood requests for assistance --
23 for example, carrying groceries, rodent control, mowing lawns,
24 fixing garage doors, thawing pipes--are not included in crime
25 watch responsibility, one cannot help but notice the change

1 in residents' attitudes toward their community and neighbors.

2 True, the neighbor concept and decrease in crime may not
3 be directly attributable to the Pennsylvania Commission on
4 Crime and Delinquency's technical assistance; however, I
5 personally feel that the Commission has indirectly and perhaps
6 without knowledge given us the essential tool to become
7 neighbors again.

8 Lastly, I would like to offer a few recommendations.
9 Number one, overall I recommend that the members of the Sunset
10 Hearing continue to endorse the activities of the PCCD's crime
11 prevention activities.

12 Number two, I recommend that the PCCD in the next few
13 years consider the development of a crime prevention training
14 program which would certify crime prevention volunteers.

15 Number three, I recommend that the PCCD provide direc-
16 tion to local crime prevention officers regarding the necessary
17 content of local volunteer training programs.

18 Lastly, I recommend that the PCCD seriously consider the
19 development of a packet of direction materials on how to main-
20 tain a crime watch program after it is implemented. This is a
21 crucial area since many of the crime watch programs are current-
22 ly struggling with this issue.

23 Thank you for your time and I hope my comments and
24 recommendations have been helpful in assisting this committee to
25 make an important decision that will ultimately affect the crime

1 prevention program in the City of Wilkes-Barre.

2 CHAIRMAN SWEET: Thank you, Mr. Wingard. The committee
3 appreciates you taking the time to come down here from
4 Wilkes-Barre and tell us about your successful and exciting
5 program and the help and encouragement and advice and assist-
6 ance the PCCD gave you. Thank you.

7 Are there questions from any of the members?

8 (No response.)

9 (Witness excused.)

10 CHAIRMAN SWEET: Paul McHale from Lehigh County has
11 joined us and Dave Mayernik, and Michael Dawida from Allegheny
12 County is here, too.

13 Our next witness is Stephen Suknaic, President of the
14 Pennsylvania Council of Chief Juvenile Probation Officers.
15 Whereupon,

16 Stephen Suknaic

17 was called as a witness and testified as follows:

18 MR. SUKNAIC: Thank you for the opportunity to testify.
19 I'd like to do that in two capacities; one as the Chief
20 Juvenile Probation Officer for Dauphin County and also as the
21 President of the Pennsylvania Council of Chief Juvenile Proba-
22 tion Officers.

23 The Pennsylvania Commission on Crime and Delinquency has
24 made a dramatically positive impact on the services of the
25 Dauphin County Juvenile Probation Department, especially since

1 1977. Of the 12 juvenile probation officer positions added to
2 our staff since 1977, nine of those, 75 percent, were funded
3 by PCCD in the following manner: three Juvenile Probation In-
4 take Officers in 1977, two In-Home Detention Probation Officers
5 also in 1977; three Aftercare Probation Officers in 1982, and
6 one Intensive Probation Officer during the current year.

7 This is a significant increase in staff complement and
8 specialized program development for what I would consider a
9 moderate sized juvenile probation office in the Commonwealth,
10 which currently has only 22 probation officers, total, including
11 the management staff.

12 The increase is particularly significant considering
13 the conservative fiscal climate of recent years and the
14 personnel cutbacks experienced by many criminal justice organi-
15 zations.

16 Additionally, I feel it is important to know that the
17 Dauphin County Juvenile Court and the Dauphin County Commission-
18 ers have been so impressed with the results of these PCCD
19 funded grants, that each and every position is now being funded
20 by the County of Dauphin in full.

21 In addition to PCCD's assistance with personnel and pro-
22 gram development, they have also assisted Dauphin County in
23 other significant ways.

24 In 1977, PCCD provided funding for the Robert E. Woodside
25 Juvenile Detention Center, which is a regional facility operated

1 by Dauphin County.

2 In 1983, PCCD funded the Dauphin County Juvenile Proba-
3 tion Microcomputer System Project, which has greatly enhanced
4 the operations of our office by means of electronic data process-
5 ing and word processing. And this is a model system that is
6 being replicated in other counties, in other juvenile proba-
7 tion departments.

8 Finally, PCCD funded a research project earlier this
9 year, in May of 1985, entitled the Dauphin County Adjudicated
10 Delinquents' Outcomes Research Project.

11 As the project director for most of these grants, I have
12 found the PCCD staff very helpful with technical assistance.
13 They have also been very reasonable and flexible with grant
14 modification requests when they became necessary.

15 The projects funded by PCCD have also been well coordina-
16 ted with other juvenile justice agencies, such as the Juvenile
17 Court Judges' Commission.

18 During the past six years, I have also been an officer
19 of the Pennsylvania Council of Chief Juvenile Probation Officers.
20 It's a statewide organization which has received grants from
21 the Pennsylvania Commission on Crime and Delinquency.

22 For example, in 1977 and 1978, the Council received
23 funding for the Juvenile Justice Standard Forms Grant, which
24 developed, printed, and distributed forms such as the juvenile
25 allegation form, the juvenile petition, informal adjustment,

1 consent decree, and the multi-purpose court order form, which
2 have greatly helped to standardize practice in the Probation
3 Department statewide.

4 Additionally, PCCD has funded a college student intern
5 project during the summers of 1984 and again in 1985, which
6 gave nearly 100 college students an opportunity to have a
7 practical work experience in juvenile probation offices which
8 will help them make their criminal justice career choices.

9 In conclusion, I strongly recommend the continued
10 existence of the Pennsylvania Commission on Crime and Delinquency.
11 Their services are important to the safety and the welfare of
12 the public and they are not duplicative of efforts made by
13 other agencies.

14 One specific recommendation I would have for PCCD is to
15 fund, within their means, projects involving automation and
16 research which would assist them in assessing the long-term
17 impact of programs and services that they funded during previous
18 years.

19 Thank you very much for this opportunity to present this
20 testimony.

21 CHAIRMAN SWEET: Thank you very much. We appreciate
22 you coming.

23 Are there any questions from any of the members.

24 (No response.)

25 CHAIRMAN SWEET: I guess not. You have convinced us.

(Witness excused.)

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CHAIRMAN SWEET: The next witness is Larry Baxter,
Counselor at the Dauphin County Prison.

Whereupon,

Larry Baxter

was called as a witness and testified as follows:

MR. BAXTER: Thank you for this opportunity.

In the summer of 1981 -- I'd like to preface my testimony -- a study was performed at Dauphin County Prison by the Pennsylvania Prison Society addressing the effect of overcrowded conditions at that facility.

Concluding the study were seven recommendations by the Pennsylvania Prison Society, which they felt would alleviate the extreme overcrowded conditions.

Pre-trial detainees were highlighted as the major cause of this current problem. The following recommendations were made by that society:

Number one, to set up a task force to explore the feasibility of a ten percent cash bail system.

Number two, explore the feasibility of strengthening the existing elements of centralized intake and pre-trial services.

Thirdly, work with the officers of the Public Defender's office and the District Attorney's office to determine the feasibility of accelerating processing of pre-trial detentioners.

Fourth, work on a day-to-day basis with incoming

1 detentioners in order to facilitate release through the early
2 posting of bail.

3 Five, initiate an immediate study of probation and parole
4 violations on prison population.

5 Six, initiate a search for new procedures and facilities
6 to handle work release and other minimum security prisoners.

7 Seventh, work with local police in setting up various
8 dispute resolution mechanisms as an alternative to arrest and
9 formal processing.

10 In addition to the seven above recommendations, it was
11 further strongly recommended that a full-time coordinator be
12 hired to coordinate direct implementation of the seven recommen-
13 dations or whatever other steps the County may wish to initiate
14 to address the overcrowded conditions at Dauphin County Prison.

15 With this background set, the Pennsylvania Commission
16 on Crime and Delinquency, through their established County Jail
17 Overcrowding Technical Assistance Program, reviewed and approved
18 a proposal presented by the County, including the recommenda-
19 tion of the Pennsylvania Prison Society, and thus developed
20 the Dauphin County Prison Reduction Program coordinated
21 and directed by myself.

22 It should be noted that the development of the proposal
23 was initiated by PCCD. This program ran approximately from
24 February of '82 to December of '83.

25 Oftentimes County authorities are reluctant to spend

1 funds for programs, especially unestablished programs. Although
2 they may oftentimes be openminded, as you are aware, open minds
3 may not always correlate with available funding.

4 With this point of view, Dauphin County is no exception.
5 PCCD provided the funding, which included a small county match
6 percent, and the much-needed technical assistance and support
7 to implement the stated programs.

8 Dauphin County Prison is a county institution with the
9 present intended capacity of 222 inmates. Population was
10 running on an approximate average daily population of 326, and
11 at times reaching into the 340s during the eight-month period
12 of August 1981 through March 1982. Sixty-five to 70 percent
13 were designated as pre-trial detentioners.

14 Resulting effects of overcrowded conditions included
15 the following concerns:

16 Increased line staff and managerial stress; increased
17 law suits filed against the County and prison officials;
18 inability of prison to effect an effective classification
19 due to lack of appropriate housing; and limited programming
20 for inmates.

21 With the problem being outlined, that problem being
22 overcrowded conditions, and specific areas agreed to address
23 the stated problem, I met with staff of the Overcrowding
24 Technical Assistance Program to discuss development of a system
25 of persuing objectives and presentation of those objectives to

1 County officials for support and implementation.

2 The following areas were implemented to reduce Dauphin
3 County Prison's pre-trial detentions.

4 First, increased usages of ten percent cash bail. This
5 was established through a plea to each of the counties' 12
6 District Justices with proven benefits to the County in select-
7 ed cases. Additional training was provided to the general pub-
8 lic of the option and availability.

9 Secondly, revision of the interview form used by the
10 Dauphin County Pre-trial Service Agency to collect information
11 to better identify clients eligible for pre-trial services.

12 Thirdly, development of a Night Court Volunteer Program
13 established with the cooperation of the then Warden of the
14 Dauphin County Prison, the treatment staff of said institution,
15 the Dauphin County District Justices and, later, student volun-
16 teers from the Criminal Justice Department of the Harrisburg
17 Area Community College, as well as community volunteers.

18 All volunteers were provided with approved training.
19 The objective was to interview arrestees, verify information,
20 and present to the arraigining District Justice, with the intent
21 of the setting of appropriate bail.

22 Coverage at night court was built to seven days per week,
23 16 hours per day. This program began on September 10, 1982.
24 The percentage of pre-trial commitments for October 1982 was
25 down 35 percent from August 1982. What little expense was paid

1 by the PCCD grant. At one point, the program included 33
2 volunteers providing approximately 1,788 hours of service.

3 Development of a community service program -- fourthly,
4 development of a community service program where inmates
5 serving a sentence from a District Justice for summary offenses
6 had the availability to do community service work in lieu of
7 serving prison sentences.

8 With development of this community service program,
9 summary commitments from District Justices were reduced from a
10 total of 191 commitments with an average of 15.9 days in 1981
11 to a total -- yearly total of 113, with a monthly average of
12 9.4 for 1982.

13 It should be noted that some Judges initiated their own
14 alternative programs once the concept was realized.

15 Meetings were held with the Chief Public Defender's
16 office and the District Attorney's office concerning prioritiz-
17 ing pre-trial detentioners for court. Grant monies were used
18 to purchase a word processor for the District Attorney's office
19 to increase their level of recordkeeping, and record recall with
20 the expectation of increased office efficiency.

21 A daily review was made of pre-trial commitments and
22 probation and parole detentioners. Monthly listings were sent
23 to respective County and State probation and parole officers
24 to assure speedy handling and to decrease delay brought about
25 by an overlooked case.

1 The Dauphin County Prison Reduction Program ran approxi-
2 mately from February 1982 through September 30, 1985. Under
3 PCCD grant funding, the program was then picked up for that
4 last year and two-month period and was funded totally by the
5 County.

6 All of the seven areas recommended were addressed during
7 this period. Highlighted today are the areas which were of the
8 greatest impact. During the approximately two-year period, DCP
9 experienced a definite reduction in pre-trial commitments, as
10 well as inmates committed to serve summary sentences, thus
11 reducing prison overcrowding.

12 None of the stated programs mentioned in this testimony
13 would have been possible without the funding provided by PCCD,
14 as well as the technical assistance and how to best implement
15 approved and accepted options.

16 I feel that such an agency, such as PCCD, provides many
17 counties with experience and background and statistical
18 research to be able to implement such a program.

19 With that I conclude my testimony. Thank you very much.

20 CHAIRMAN SWEET: Thank you, Mr. Baxter. We appreciate
21 hearing about now a second success story in Dauphin County; and
22 I was particularly impressed to notice that the county govern-
23 ment, both of the juvenile probation officers. and also in some
24 instances with your program, are willing to put difficult, hard-
25 earned county dollars into these programs. after the PCCD helped

1 stimulate those efforts.

2 Are there any questions from any of the members?

3 (No response.)

4 CHAIRMAN SWEET: Thank you very much.

5 (Witness excused.)

6 CHAIRMAN SWEET: The next witness is Steven Ritner.

7 He's the Counsel to the Deputy Sheriffs' Association of Pennsyl-
8 vania, accompanied by Dr. Schneier.

9 Whereupon,

10 Steven Ritner

11 was called as a witness and testified as follows:

12 MR. RITNER: Chairman and Members of the Subcommittee,
13 my name is Steven Ritner. I'm an attorney from Philadelphia
14 and counsel for the Deputy Sheriffs' Association of Pennsylvania.

15 As the Chairman mentioned, we heard some success stories.
16 Some things I have to tell you today are really going to be in
17 the nature of what we perceive as criticism of not so
18 much of the Commission, but a Deputy Sheriff's Training Board
19 that was created under the Commission.

20 I'm sure you have all looked at the document presented
21 by the Commission. They are responsible for a number of
22 functions, and one of the functions they are responsible for
23 as of February 1984 was the administration of the Deputy
24 Sheriffs' Training Act, or Act 2 of 1984.

25 Basically, what they are responsible for is to oversee

1 the development of training, which is done by the Deputy
2 Sheriffs' Training Board which was created by the Act.

3 My comments as a representative of the Deputy Sheriffs'
4 Association are really going to be, therefore, limited to this
5 pretty much narrow function and to the Board more than the
6 Commission.

7 In order to understand the position of the Association,
8 I would like to give you a little background as to the develop-
9 ment of the legislation. I say that, not so much in the
10 Legislature, but the development of the legislation by the
11 Association.

12 Before this legislation came about, this education for
13 deputies, there were only a small portion of the 1,300 deputies
14 in the state that were even trained. They were done primarily
15 in local counties. Good examples would be Allegheny County or
16 Montgomery County. But pretty much the other 65 counties had
17 little or no training.

18 What you had here is deputies with a substantial amount
19 of responsibility; and I enumerated briefly the responsibilities
20 in my written testimony here, and I'm going to run them down
21 to you a little bit because I think they are important.

22 Deputies are mandated by the law, and have been for about
23 300 years, to carry and use firearms even though there was no
24 training required. They provide all security in courtrooms,
25

1 not only for judges but also for defendants, plaintiffs, and
2 people who happen to be sitting there.

3 They are responsible to transport prisoners from the
4 prisons to the courtrooms for trial and whatever. But they are
5 also responsible for things like transporting prisoners intra-
6 state, county-to-county, and doing extradition. They'll fly
7 from Los Angeles to Dauphin County to bring a prisoner back.

8 They serve process in civil proceedings; they serve
9 replevin actions; they go on property; they do a whole lot of
10 different things like that. They serve and enforce injunctions,
11 and they are responsible in some counties, smaller counties,
12 to imprison criminals before and sometimes after trial.

13 Despite this pretty substantial law enforcement and
14 civil responsibility, up until February 1984, there was no
15 training required. They could pretty much hire anybody they
16 wanted, just put them to work and give them a gun.

17 The Association was formed ten years ago, and about eight
18 years ago decided this wasn't a very good idea. So we began to
19 develop the basis for coming to the Legislature with a manda-
20 tory training act. And we took a two-step approach. We felt
21 we had to come to the Legislature with a pretty significant idea
22 of exactly what we wanted so that when we got asked questions of
23 whether the number of hours was right or whether the training
24 was right or whatever, we had a pretty good background for it.

25 We sat together with some of our people and got kind of

1 a bare-bones outline -- because our people include deputies with
2 a lot of experience -- and then put together what we call a
3 Blue Ribbon Panel.

4 We think it was a Blue Ribbon Panel in this regard. It
5 was about 1982 that we got together a group of sheriffs, some
6 from the east, some from the west, some from the middle, a
7 couple of Judges, wardens, police officers, people involved with
8 police training -- because we knew about the Municipal Police
9 Training Act -- and a number of other people. My recollection
10 was I think there was someone from the U.S. Marshall who we
11 also brought in, because there really wasn't any kind of
12 cohesive training you could think of for deputies, and the
13 Marshall seemed to be a close thing.

14 We brought them in to sit with us to develop a
15 curriculum over a weekend. We met in Grantville, a couple of
16 miles up the road, and spent two days together separating the
17 people off into different committees and came up with an out-
18 line for a curriculum. This curriculum was basically what you
19 had to teach deputies.

20 We had to do that for another reason, too. Because we
21 had to come to the Legislature and tell you how many hours we
22 needed. What's a minimum training program if you can't say,
23 "We need so many hours"? We recognized about 160 hours was a
24 rock bottom minimum and that's all we asked for.

25 The second thing that we did -- and this was with the help

1 of the Legislature—is we prepared and disseminated questionnaires
2 to all sheriffs. And we said to the sheriffs throughout the
3 state, because we know that there are different needs in
4 different counties -- there's rural areas, city areas, a whole
5 lot of different things -- we said, "Tell us what your deputies
6 do and rank the order," so we had some idea of what was import-
7 ant and less important.

8 After we did all this work, spent all this time, and
9 spent all this money, we then came to the Legislature and with
10 the help of some friends prepared a bill which, fortunately,
11 got passed. But we did something else, too. In 1981, '82, '83,
12 when we were coming to the Legislature with this information,
13 needless to say, was tight budget times.

14 We knew that if we came in and said, "It's going to take
15 a half a million dollars a year to do this," we were going to
16 have a lot of trouble. My recollection is we tried to get
17 \$100,000 in seed money and had a lot of trouble.

18 So we developed a funding source. What we created was
19 the idea that the people who would use the Deputy Sheriff's
20 Office or Sheriff's Office would pay for it, and we created
21 what's known as a \$2.00 surcharge on every filing made where
22 there was a service of process.

23 For example, if I filed a complaint on behalf of a client
24 and there were six defendants, I'd have to pay \$2.00 for each
25 defendant. If I filed a writ of attachment against the bank

1 account, there was a \$2.00 surcharge on that.

2 We came to that dollar amount really by a backwards
3 figuring of about how many filings and services there were
4 throughout the state, and we knew we needed about a half a
5 million dollars to do it. We ballparked that. And if you look
6 at the amount of money that came in to the PCCD, or the Deputy
7 Sheriffs' Training Board, you see we came up with about
8 \$468,000; so our figuring wasn't too bad.

9 We also knew that in order to implement a training pro-
10 gram that you had to have kind of a Board. And so we created,
11 in terms of our legislation, a Board which we thought was
12 appropriate. We have some questions now both as to interpre-
13 tion and the way it happened as to whether we were right
14 about that.

15 The Board we devised basically consisted of three deputy
16 sheriffs--they could be former or present, because we didn't
17 want to lose people who had 15 or 20 years' experience and
18 then all of a sudden were retired--two Judges, two sheriffs,
19 an educator, and a representative of the Attorney General's
20 office.

21 We felt it was important to have three deputies because
22 we wanted the insight of the day-to-day deputy, the hands-on kind
23 of experience to develop the training program because, frankly,
24 nobody else had a training program for deputies anywhere.

25

1 The Governor, however, when he exercised his authority
2 to make appointments to the Board, didn't quite see eye to eye
3 with what our perceptions were. And with respect to appointing
4 the three deputies, what he did was appointed two chief deputies,
5 who were not really hands-on, day-to-day people. They are
6 really supervisors. And he appointed a former deputy, who is
7 now a sheriff. So we ended up with three sheriffs and two
8 chief deputies.

9 It seemed to miss the point, and what we ended up with --
10 and I kind of wrote this, so I am going to read it to you --
11 an apt analogy is to consider that the Board is made
12 up of all management personnel and none from labor. In effect,
13 we had all supervisors and none of the nuts and bolts guys.

14 This was not only not our original concept, but we were
15 a little upset.

16 In addition, although we didn't put this in the legis-
17 lation, we had hoped that the Chairman would be either a deputy
18 or a sheriff, figuring that those were one of the two people
19 who really had an idea. The Chairman ended up to be a Judge.
20 The Judge ended up to also be a member of the PCCD, which was
21 then overseeing the Board. So in effect, we had a Judge over-
22 seeing himself, which we thought was a little bit of a conflict.

23 I don't know how clear it is, but it just didn't seem
24 to -- it wasn't set up the way we had anticipated in very clear
25 cut lines of somebody being responsible to oversee someone else.

1 There were some results, however, which came out in the
2 last year which we also had problems with as what we see as
3 unequal management. Maybe that's a good term.

4 The Board, when it first got together -- and I think it
5 came together in maybe August was the first time; they were
6 appointed in July. It might have been September, but I'm not
7 sure; August or September. And I guess Jim can tell us
8 exactly when it was even though he may not speak to me after
9 this testimony -- they brought in a lot of the same people
10 that the Deputy Sheriffs' Association had spent a lot of money
11 talking to over the last three years.

12 They brought in -- my specific recollection is that I
13 know they brought in a fellow from the Municipal Police Train-
14 ing Act, who was one of the first people we talked to because
15 obviously he had some experience of training law enforcement
16 people, and some other folks that we had spent a lot of
17 time talking to and gaining information from.

18 I did finally, myself and Tom McGinley, who's the
19 Executive Director, eventually got invited to the Board, but we
20 were the last people invited and it was about three, four or
21 five months later; and what we found out was that they had
22 basically spent six months finding out what we already knew.

23 And we were pretty frustrated because we felt that if
24 we had come in first and said, "Here's what we did. Here's
25 the stuff. Here's all the people we spoke to. You know, you

1 don't have to speak to the guy from the Municipal Police Train-
2 ing Board. At least you don't have to set a separate Board meet-
3 ing a month down the road to talk to him. We'll tell you what
4 he said and we'll tell you what his problems are. And if you
5 want to brush up on it, you can call him on the phone," and we
6 could have gotten it started much faster.

7 In effect, we think that the Board spent about six months
8 too much -- wasted about six months before getting off the
9 ground, and there were consequences of that.

10 The Board, and properly so, recognized that they really
11 had to develop a curriculum. We had not developed a curriculum.
12 We had a bare-bones outline. And what they did was they put out
13 a request for proposal--I think that's the proper term -- an
14 RFP, as they call it, and hired Temple University.

15 This -- I'm not sure exactly when the request went out.
16 I think late February or early March, sometime around there.
17 Temple was hired sometime in April and, in fact, even though
18 they were hired in April, had a draft into the Board sometime
19 around the 8th or 10th of May -- a real quick job.

20 CHAIRMAN SWEET: May I interrupt you for a minute? This
21 is all real interesting to me because I'm on the Commission and
22 have some oversight responsibility.

23 What I'd like you to do, and only because of the press
24 of time, I notice in the next few pages that you go into some
25 detail about, again, continuing procedural problems of getting

1 the thing going, and we can review those. What I'd really like
2 you to get to for the next few minutes of your testimony is:
3 what as a practical result are the problems of this procedural
4 morass and what ought we do about it.

5 MR. RITNER: The problem really came is that when they
6 had to teach the first class, they had instructors from Dickin-
7 son who hadn't really ever met with the people from Temple who
8 had created the curriculum.

9 The best they had was a draft to the Dickinson people,
10 but I'm not sure when the Dickinson people could have gotten it
11 and studied it since the training started June 2; the first
12 draft wasn't done until May. In fact, the curriculum wasn't
13 completed -- I don't even know if it's completed yet. in terms
14 of the final curriculum to the Board.

15 So what we had was a first class of 186 people go through
16 and I don't know what curriculum was used. If you take a look
17 at, -- and I tried to glean a little bit of the information --
18 but there were -- I think the introductory part, they actually
19 taught for eight hours; Temple had three hours.

20 I don't know where they came up with the hours of who
21 was to teach what, who the instructors were to be, what the
22 criteria of the instructors were to be, whether you should
23 have hands-on people teach some parts, law professors, regular
24 people. There really wasn't any way -- there wasn't any rules,
25 regulations, concepts, anything drawn out by the time they

1 started teaching.

2 One of the things that struck me is that there were some
3 complaints after the first week of class. Not all of the com-
4 plaints were valid; they were from deputies that we got. But
5 when we checked out some of them, I called the Board and I spoke
6 to one of the fellows there who was quite helpful, and I said
7 "Did Temple ever meet with Dickinson?" He said, "No." I said,
8 "I can't believe it."

9 I don't know how much they spent on Temple because it's
10 lumped in their administrative costs, but how could you spend
11 all the money to get the curriculum and not have the people
12 from Temple at least take a day and go sit with the people from
13 Dickinson and tell them, A, what they learned, and, B, who
14 should teach it.

15 It just didn't make any sense to me as a lawyer, a
16 normal human being, a management person, whatever.

17 There was a lot of frustration that we felt and I think,
18 I really believe, that even though the training was done, that
19 it really could have been done better, more orderly; that the
20 curriculum could have been the Temple curriculum, which obviously
21 they spent a lot of money on, and nobody quite knew who was
22 teaching what to whom and whether they were the right people to
23 be taught.

24 That's really what our problem is, is that the money that
25 we raised, the legislation that we put together -- yeah, they

1 got a training program off the ground, which is what the Chair-
2 man said he was going to do, he was going to train them, but
3 I don't know what they got trained in and I don't know what
4 curriculum they used.

5 So we wanted to make sure and we're very concerned that,
6 in fact, they are trained with the best possible curriculum.
7 That's what we put this whole thing together for.

8 CHAIRMAN SWEET: Okay. Are there specific concerns
9 that the deputy sheriffs who are in the program felt about the
10 curriculum? I don't know that it much matters whether Temple
11 or Dickinson developed it. What's important is whether or not
12 it's a good curriculum and whether it's practical and whether
13 it does what the Legislature intended it to do. That I don't
14 know. And then what we ought to do about it.

15 MR. RITNER: Let me answer your first question.

16 In Temple's development of the curriculum, they were
17 paid and spent a substantial amount of time going throughout
18 the state, interviewed one sheriff and two deputies from each
19 county in each quadrant of the state to find out everything
20 that was needed; hired eight, ten, twelve people from their own
21 internal criminal justice staff to actually write out -- write
22 out -- actually what should be taught.

23 It took them at least two or three months of hard work
24 to do that. Dickinson could not have possibly done that. They
25 just weren't hired to develop a curriculum. They were hired to

1 teach.

2 CHAIRMAN SWEET: What I'm getting at: was there too much
3 firearms, not enough history, too much of this, not enough of
4 that?

5 REPRESENTATIVE MAYERNIK: I think one of the problems
6 is that we had a lot of educators who were good in the class-
7 room, but not first-hand experience as actual law enforcement
8 officers teaching the curriculum.

9 What we need at the police academies in this case, we
10 need people who are police officers who are certified such as
11 under Municipal Police Officers Training Act 120 and have hands-on
12 experience, experience in the field of teaching, not just in
13 theory.

14 The guy you're teaching in the classroom really doesn't
15 care about the theory and history. They want to know what is
16 going to go down in the street.

17 MR. RITNER: That's a substantial part of it. The real
18 thing is that -- it's hard to explain. I don't want to get
19 into a discussion with you, because we are not the people who
20 develop curriculum. You're a legislator; I'm a lawyer.

21 CHAIRMAN SWEET: What I'm trying to get at is what do
22 you want us to do about it?

23 MR. RITNER: Good. I'm going to tell you that. I think
24 that what we need to do is a couple of things and this is what
25 we are concerned about.

1 We think that the Board should, frankly, be reconstituted
2 so that we would have a group of people on the Board who would
3 do what was originally planned to do.

4 We recommend that the makeup of the Board be written
5 legislatively this way, and that is four active or retired depu-
6 ties with a minimum of ten years' experience, who are not either
7 sheriffs or chief deputies; two sheriffs or chief deputies in
8 the supervisor category with a minimum of six years'
9 experience; one Judge; one educator; a representative of the
10 Attorney General's Office; and also a representative of the ..
11 public.

12 That's our basic request in terms of reconstituting the
13 Board so it will be clear. We thought it was clear before
14 as to how it was going to be set up. It wasn't.

15 The second thing is we really believe it may be appropri-
16 ate to relocate the Board also out of the PCCD. We leave this
17 to the thinking of the committee, but they are obviously a
18 busy Commission. They are very successful in a lot of other
19 areas and we certainly don't want to take anything away from
20 them in that regard.

21 But I think there is a problem in adding this additional
22 burden to them, and we therefore think that that should be
23 looked at also.

24 CHAIRMAN SWEET: Where? Where do you think that
25 should be looked at?

1 MR. RITNER: That's a good question. I think there's a
2 couple of possibilities. Although I'm not that familiar with
3 government to really let you know, but possibly under the
4 Attorney General, possibly under the Department of State. There
5 is the Professional Occupational Affairs Board.

6 CHAIRMAN SWEET: Let me make a suggestion, because I
7 think this is going to take more time than obviously we can
8 devote to it today.

9 Somewhat usurping the power of the Chairman of the
10 Judiciary Committee, at least for the day, could I ask Mr.
11 Mayernik, who has experience in this field as a former deputy
12 sheriff and a member of the committee -- Mike, are you interested
13 in this to the extent that you want to participate in a meeting?

14 REPRESENTATIVE BORTNER: I don't have any overriding
15 interest.

16 CHAIRMAN SWEET: I know it's hard for you to say no, I
17 don't care, but I suggest Mr. Mayernik, Mr. Bortner and Mary,
18 could you find one of your members and we'll have sort of an
19 informal subcommittee of those three people set up a meeting
20 with you either separately or together with the PCCD, however
21 they think is best to do, and explore this matter a little bit
22 and see whether or not a new piece of legislation is necessary.

23 REPRESENTATIVE MAYERNIK: That would be fine, Dave,
24 because I see three major concerns. One is the makeup of the
25 Board; the other is the training and certification of officers,

1 and the location of the training.

2 CHAIRMAN SWEET: I think that would be more appropriately
3 handled as a separate piece of legislation than in the Sunset
4 Bill, and so I think that would be a better way to proceed. I
5 think some of these problems can get aired and also some of
6 those practical concerns can be addressed.

7 Thank you very much.

8 (Witness excused.)

9 CHAIRMAN SWEET: Our next witness is Maureen Nolan from
10 the Network of Victim Assistance in Bucks County.

11 Whereupon,

12 Maureen Nolan

13 was called as a witness and testified as follows:

14 MS. NOLAN: Good morning. I have prepared a brief written
15 statement to try to be as concise as possible. I am the Execu-
16 tive Director of the Network of Victim Assistance in Bucks
17 County. It was formerly Women Organized Against Rape in Bucks
18 County.

19 We provide a 24-hour hotline and services to crime
20 victims from medical, police, and court accompaniment, group
21 and individual counseling to victims and their families, crime
22 victims compensation application assistance, and direct systems
23 advocacy on behalf of victims and their families.

24 I wanted to testify here today on how the Pennsylvania
25 Commission on Crime and Delinquency has impacted on our agency

1 and the services to crime victims and their families in Bucks
2 County.

3 In 1975, a year after our inception as a rape crisis
4 center, we received LEAA funding through the Pennsylvania Com-
5 mission on Crime and Delinquency.

6 These monies enabled us to really come together as an
7 agency as our first real funding sources to help us come from
8 a grassroots agency to an established agency. And it was not
9 only the money that helped us do that; it was through the
10 technical assistance of the Pennsylvania Crime and Delinquency
11 staff.

12 In our first year of funding, we saw 54 victims, but
13 last year we saw 609 sexual assault victims and 145 other victims.
14 So, obviously, we have grown a lot in the past ten years.

15 As Executive Director of NOVA for the past two-and-one-
16 half years, I have had other dealings with the Pennsylvania
17 Commission on Crime and Delinquency, which resulted in better
18 coordination of victim services to Bucks County citizens and
19 technical assistance to my agency.

20 To address the problem of services to crime victims and
21 witnesses, the Victim Services Advisory Committee was established
22 by PCCD, made up of representatives from various disciplines
23 from all over the Commonwealth.

24 The work of this Committee and the PCCD staff resulted
25 in what I feel is the most equitable means to ensure victims

1 rights for the Commonwealth. This committee first addressed the
2 need for statewide standards for Victim/Witness services very
3 much needed criteria to evaluate how each county fares in terms
4 of the kinds of services they offer crime victims and their
5 families.

6 The victim rights movement is a relatively new area of
7 social concern. Each county has its own formula for meeting
8 the needs of crime victims. The PCCD committee works hard --
9 committee and staff -- worked hard to gather information from
10 all the counties, and brought this material back to the committee
11 to review and come up with a substantial profile of what counties
12 are doing to address these needed services.

13 As a comprehensive crime victim center, this material
14 has been invaluable to my center, not only in helping us modify
15 and develop our own services, but in planning for the future.

16 The PCCD has also worked on reform of procedures in the
17 Crime Victims Compensation Board. As our agency assists vic-
18 tims and their families in applying for these monies, I know
19 firsthand that it took up to six months and a year and even
20 more sometimes for these families to get reimbursement after
21 their victimization. Now, it's six to eight weeks, which is a
22 really significant change.

23 Victim services centers worked hard to gain passage of
24 Act 96, the Victim Rights Bill, and I know many of the legisla-
25 tors did as well.

1 However, with its passage, the problem became how to
2 allocate the financial grants included in the legislation and
3 provide for the technical assistance that was needed. These
4 became priority concerns.

5 Having attended the meeting where the various possibili-
6 ties were discussed, I know what a struggle it was to come up
7 with a mechanism to distribute the funds and to be sure the
8 victim services that were needed were being met.

9 As you know, it's not just in social services, but we all
10 feel our particular service is the most important need, and
11 there are, of course, the rape crisis centers, domestic violence,
12 office on aging, all of whom -- to name a few -- all of whom
13 feel that their service is the most needy.

14 So to coordinate all of us and make us all happy with
15 the outcome was a major task, I think. It became apparent also
16 that the diversity and perception of need in victim services
17 programming throughout the Commonwealth was so great that the
18 mechanism to be developed needed to allow room for each county
19 to set up their own priorities and, at the same time, the Com-
20 mission needed to be sure that basic needs were met.

21 I feel the work of the PCCD staff and the committee was
22 exceptional and that they were able to address both concerns.
23 Local policy boards in each county, made up of individuals
24 directly involved with crime victims, were developed to work
25 out a plan of action for their own counties, and to submit their

1 proposals to the PCCD Advisory Committee to be reviewed on the
2 basis of meeting the standards that they developed is, by far,
3 the most equitable way to distribute the funds and ensure the
4 quality of services to crime victims.

5 In summary, the Network of Victim Assistance in Bucks
6 County feels that -- supports the work of Pennsylvania Commis-
7 sion on Crime and Delinquency, feels that they have made a
8 major impact on our agency functions, and we would like to see
9 it continue as a separate agency.

10 We don't feel that any other department addresses the
11 same concerns that PCCD does. The Department of Public Welfare
12 has its own area of focus and PCCD is very different.

13 Were there any questions?

14 CHAIRMAN SWEET: Thank you very much for your testimony.

15 Are there any questions?

16 (No response.)

17 CHAIRMAN SWEET: Thank you.

18 (Witness excused.)

19 CHAIRMAN SWEET: Our last witness is Robert Iobst. He
20 is from the Crime Victims Center/People Against Rape.

21 Whereupon,

22 Robert Iobst

23 was called as a witness and testified as follows:

24 MR. IOBST: I'd like to apologize right off the bat
25 because I didn't finish my comments until an hour-and-a-half

1 ago.

2 CHAIRMAN SWEET: That's okay. We'll probably return the
3 apology by mentioning to you that the House is going into ses-
4 sion now; so we would appreciate it if you could highlight the
5 points that you want to make.

6 MR. IOBST: That's what I'll do and I'll have them
7 typed up and sent. How would that be?

8 CHAIRMAN SWEET: Fine.

9 MR. IOBST: Essentially, I come from working with -- I
10 come from a background of having worked with Office of Children,
11 Youth and Families for seven years with the Department of
12 Public Welfare.

13 Through that period of time, I have attended several
14 different training sessions that PCCD has either done alone or
15 in combination with other agencies, and I have had quite a bit
16 of experience with the different bureaucratic structures.

17 One of the things that I think is really important from
18 my viewpoint, as far as PCCD, is the fact that it is one of
19 the least bureaucratic organizations that I have ever personally
20 or organizationally had to deal with.

21 There is always some kind of a dynamic tension between
22 any funding agency and any funded agency. But I think that PCCD
23 has been one of the organizations that has worked to try to
24 work through that more than any other organization that I have
25 ever dealt with.

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C E R T I F I C A T E

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

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