

May 18, 1989

**TESTIMONY OF GEORGE C. YATRON, PRESIDENT
PENNSYLVANIA DISTRICT ATTORNEYS ASSOCIATION
DISTRICT ATTORNEY OF BERKS COUNTY
BEFORE THE HOUSE JUDICIARY COMMITTEE**

My name is George C. Yatron and I am President of the Pennsylvania District Attorneys Association and District Attorney of Berks County.

In my testimony today I would like to cover three (3) areas that effect law enforcement's war on drugs: namely, the proposed changes to the new Forfeiture Law (House Bills 845 and 857) that would mandate forfeiture money be used for community programs; the need for prison expansion and finally proposed drug legislation.

I. Forfeiture Funds

The current Forfeiture Law, Act 79 of 1988, effective July 1, 1988, was drafted by the Philadelphia District Attorney's Office and supported by the Pennsylvania District Attorneys Association. These important changes to the Forfeiture Law made it easier to strip drug dealers of property used in or derived from drug trafficking. However, since 1985 the Forfeiture Law has always given a District Attorney power to control assets. Section 6801(h) states that the District Attorney "shall utilize forfeited property or proceeds thereof for the purpose of enforcing the provisions of The Controlled Substance, Drug, Device and Cosmetic Act."

The General Assembly has wisely decided to use forfeited funds for law enforcement because that is where the crisis is. Everyone benefits from funds used for law enforcement. While neighborhood groups' work is undeniably valuable in fighting drugs, these activities are labor intensive, not cost intensive. They depend on widespread citizen cooperation, vigilance, and providing of information. It is expensive for law enforcement to fight the drug war. We have to pay for additional narcotics officers, expensive surveillance equipment and costly drug-analysis equipment. As a frontal assault on drug dealers and possessors through criminal prosecution is the most effective tool in reducing neighborhood crime, I am convinced it would be counterproductive to the interests of Pennsylvanians to require diversion of these limited resources away from law enforcement.

Furthermore, the new 1988 Federal Anti-Drug Omnibus Act gives consideration to communities by earmarking over 400 million dollars for program funding. This federal money, when appropriated, will be in the Pennsylvania State Treasury. This avenue, with a very large budget and less restrictions, is a more appropriate funding source for community programs.

Generally speaking, county or city government should grant and monitor funds to neighborhood groups. District Attorneys are simply not in that business. Their expertise is in prosecution, and their resources should not be diverted from that first purpose.

While we deeply appreciate and acknowledge the importance of any community effort to rid our neighborhoods of drugs, and would

support county or state funding for such efforts, it is the view of the Pennsylvania District Attorneys Association that, given the limited resources, forfeiture funds should continue to be used primarily for law enforcement purposes.

II. Prison Expansion

The Pennsylvania District Attorneys Association passed a resolution last summer urging the expansion of prison facilities. We recognized that the weakest link in the criminal justice system in Pennsylvania (and throughout the country) is the overcrowded prison system. The state prison system is now 135% over capacity, even with the new prisons built by Governor Thornburgh. This increase is largely due to increasing drug arrests and convictions. In Philadelphia and certain other large counties, county prison problems are wreaking havoc on the ability to bring criminals to trial and the ability to keep them off the streets.

From January 1, 1980 to January 1, 1988, the state prison population increased from 7,806 to 16,302. The passage of drug-mandatory minimum sentencing and tougher sentencing guidelines will increase the number of prisoners even more.

More prisons, both county and state, must be built as soon as possible. If they are not, then the state prison system faces the imminent risk of a prison-cap debacle similar to Philadelphia's Harris v. Pemsley disaster. All our gains in the legislature and courts will be seriously compromised. The pressure to formally and informally "discount" sentences to

reflect prison capacity, will continue to increase unless appropriate action is taken by the Legislature.

III. Proposed Drug Legislation

In closing, I must mention that Ronald D. Castille, Legislative Chairman of the Pennsylvania District Attorneys Association has prepared a legislative drug package which will be presented by him tomorrow in further detail. This package is supported by the Executive Committee of the Pennsylvania District Attorneys Association and I expect that the full approval of our organization will be obtained at our annual summer meetings.

On behalf of the Pennsylvania District Attorneys Association, I would like to thank the House Judiciary Committee Members for this opportunity to address them on these important issues.