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TESTIMONY
HOUSE BILL 2513

13 September 1990
Allentown, Pennsylvania

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard A. Kipp', written over a horizontal line.

Richard A. Kipp
Chief Probation Officer
Lehigh County Adult Probation and Parole

Since the mid-1970s, involvement by adult probation with crime victims, has resulted in the development of programs and services, designed to meet their physical, emotional and financial needs. Many of the services now provided by District Attorneys and Crime Victim-Witness Programs were carried out, often informally, by probation and parole departments. The probation officer often became the service broker for medical care and personal counseling. The probation officer also became the victim's advocate in securing recovered property and financial compensation through restitution. There was a critical gap in victim services. Probation is clearly grateful for the victim-orientated services and programs now in operation through our District Attorney's Office and private victim service providers. Despite the suitability in probations skills to provide victim services, I believe that the impartiality of independent victim-witness programs offer greater expertise in both resources and services.

All probation departments in Pennsylvania and most throughout the country have established policy and procedure for interviewing victims when appropriate and possible. The information obtained is included in presentence investigation reports or is included in an offender's post conviction supervision and treatment plan. In Lehigh County, we have been completing a Victim's Impact Statement since 1979. We believe the single most important contact to be made after interviewing the defendant is the victim. When a probation officer is assigned a presentence investigation or has been assigned a case for supervision where there is no presentence investigation report, a certified victim restitution/impact claim letter is sent to the victim. In cases of personal injury, a personal letter is sent followed with an interview in the victim's home. The Victim's Impact Statement is important because the probation officer may often be the only person who the victim is willing to communicate. Information obtained includes:

The negative repercussions that have occurred as a result of the crime (i.e. medical bills, fear of being alone, financial hardships, feeling of worthlessness, the needs of repairing property damage);

The type of sentence the victim feels appropriate when interviewed for a presentence investigation report;

The types of special conditions need to be imposed (i.e. the defendant should have no further contact with the victim);

The victim's need for referral to a service provider (i.e. counseling); and,

The information required to establish an order of restitution.

Interviewing the victim for a presentence investigation report or supervision treatment plan allows the victim to not only tell his or her own story in his or her own words but also allows for an opportunity to vent anger and frustration. The ability to express their feelings about the type and length of punishment also gives the victim a sentiment of being heard. At the same time, the probation officer may also explain to the victim information about the offender and his or her situation.

Although information about the victim is ascertained through police reports and district attorney records, the aforementioned victim's rights have been within the domain of the probation office. I am concerned with the legislation as written (p. 10 lines 20 - 21) which could result in the District Attorney's office assuming these responsibilities. I would recommend that the intent and language be amended as follows:

The district attorney shall assist in providing information concerning any victim or victim's family statement, if necessary.

The District Attorney's office can be construed as pro prosecution while probation as impartial by virtue of being an arm of the judicial branch. This change may vacate a possible argument where defense counsel may suggest that the District Attorney has slanted or distorted the victim's statements through his or her biases or interpretation.

With respect to a victim's input at any parole hearing, Act 134 of 1986 placed this responsibility on parole departments and the Pennsylvania Board of Probation and Parole. In practice the following system is utilized:

1. Victim Notification Letter

A certified letter is sent to each victim explaining Act 134 and its consequences to the victim. It clearly identifies the offender's name and case number. It also provides the parole officer's name and phone number. The victim is explained that he or she may provide oral or written input.

2. Victim Interview/Statement

The victim is interviewed and a statement is taken that is included in the offender's parole petition and forwarded to the paroling authority.

3. Victim Input Letter

The victim will receive a copy of their statement.

4. Decision Notification

The victim will receive a letter which informs them of the paroling authorities decision and the conditions of parole if granted. If parole is denied, they will be notified of future parole consideration dates.

5. Information Filing

Information regarding the victim's input will become a permanent record in the offender's case file.

Since the Act's implementation in 1986, Lehigh County Adult Probation has contacted 1659 victims, regardless of the types of crimes, concerning parole actions. Of this number 10 victims have provided input. Although I am surprise with the low number of victim response, I do believe the

intent of Act 134 is being met. As stated previously, I believe the district attorney should assist in providing information concerning any victim or victim's family statement, if necessary, not assist in the preparation of parole input.

In addition, based upon the requirements of Act 134, I would suggest that part D and E (p. 6 lines 22 - 30) be deleted.

In the event that the aforementioned section is retained, a requirement to notify the victim 30 days prior to release may result in delays in furlough, parole and reparole. Consequently, this will have a significant effect on prison populations by creating a block to inmate release. Many jurisdictions, such as Lehigh County, will sentence offenders to time served and grant immediate parole. For example, a person may be in default of bail and actually serve his or her minimum sentence prior to a entry or finding of guilt. Especially at a time when many institutions face Consent Decrees because of prison overcrowding, the use of furloughs, early paroles, and reparoles may be required to circumvent penalties for violations of Consent Decrees where prison populations may quickly rise. The concept of "emergency leave" is vague and lacks an operational definition. Is it the intent of "emergency leave" to cover these scenarios?

Finally, I commend the Legislature for creating House Bill 2513 and encourage the Legislature to continue their recognition and focus on the rights of crime victims.