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COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
COMMITTEE ON JUDICIARY

In re: Information Hearing with the Pennsylvania
Commission on Crime and Delinquency

* * * * *

Stenographic report of hearing held
in Room 22 Capitol Annex, Harrisburg,
Pennsylvania

Wednesday,
February 20, 1991
10:00 a.m.

- HON. THOMAS R. CALTAGIRONE, CHAIRMAN
- Hon. Gerard A. Koksinski, Subcommittee Chairman
on Courts
- Hon. Kevin Blaum, Subcommittee Chairman on Crimes
and Corrections
- Hon. Karen A. Ritter, Secretary

MEMBERS OF COMMITTEE ON JUDICIARY

- | | |
|----------------------|----------------------------|
| Hon. Jerry Birmelin | Hon. Kenneth E. Kruszewski |
| Hon. Frank Dermody | Hon. David J. Mayernik |
| Hon. Daniel Clark | Hon. Jeffrey E. Piccola |
| Hon. Gregory C. Fajt | Hon. Michael R. Veon |
| Hon. James Gerlach | Hon. Chris R. Wogan |

Also Present:

- Galina Milahov, Research Analyst
- Mary Woolley, Republican Chief Counsel
- Mary Beth Marschik, Republican Research Analyst
- Paul Dunkelberger, Republican Research Analyst
- Katherine Manucci, Staff

Reported by:
Ann-Marie P. Sweeney, Reporter

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67 pages
+ 182 attached
249 pages
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1 CHAIRMAN CALTAGIRONE: I have a few
2 opening remarks that I would like to make before we get
3 into the comments from the PCCD.

4 I wish to thank Representative Kevin
5 Blaum and Jim Thomas for the efforts they made to make
6 this an informative introduction to the work of the
7 Pennsylvania Commission on Crime and Delinquency. This
8 being the early stages of a new legislative session,
9 the committee having acquired several new members,
10 makes this hearing a very important learning tool.
11 Member of the committee should know what each agency
12 does, and where we have oversight function we should
13 really attempt to use that in a discretionary manner.

14 We're interested in hearing about the
15 mission, your structure, your programming, and your
16 vision for the future. And I am certain that the
17 report that PCCD has compiled for the committee will
18 serve as a reference tool for the committee members of
19 the future, and again, I want to thank you for your
20 work in purging the information for us and the
21 significant contribution that your organization makes
22 to the criminal justice system.

23 Kevin.

24 REPRESENTATIVE BLAUM: Thanks, Mr.
25 Chairman.

1 I'm joined here today by Jim Thomas, who
2 is the Executive Director of the Pennsylvania
3 Commission on Crime and Delinquency; Rick Reeser, who
4 is the Director of Program Support in charge of and
5 oversees a great deal of the funding and grants and so
6 on that are handed out by PCCD; Phil Renninger, who is
7 the Director of Stats and Research, which members of
8 the committee might be interested in as far as the
9 research arm of PCCD and how that can be made available
10 not only to the Governor's Office and the legislature
11 but also to members of the Judiciary Committee as a
12 committee; and Mannie Patel, who is the Director of
13 Administration and Finance. He controls the money that
14 PCCD spends, our comptroller, et cetera.

15 PCCD was created in 1978 and replaced the
16 Governor's Justice Commission and has a broad mandate
17 as far as criminal justice systems throughout
18 Pennsylvania are concerned in planning, research, and
19 helping to improve the criminal justice entities in
20 Pennsylvania. It's a planning organization which sets
21 out plans to combat crime in Pennsylvania, something
22 which is important to me, and also provides a great
23 deal of training to criminal justice organizations,
24 local criminal justice organizations throughout
25 Pennsylvania. We are a commission -- I will refer to

1 the outline which each of you were given in addition to
2 this booklet, "Strategies for Improving Criminal and
3 Juvenile Justice Within Pennsylvania." If you open it
4 up, just on the inside of the front cover you'll see
5 the makeup of the Commission on Crime and Delinquency,
6 a group of distinguished Pennsylvanians who meet on a
7 regular basis to plan and distribute the moneys that
8 come to PCCD. You will find also in that booklet "Ten
9 Years of Achievement," a list of PCCD accomplishments
10 over the years, the kind of work, the kind of work that
11 PCCD does.

12 Page 40 of that document begins a list of
13 grants, again the types of grants that PCCD delivers to
14 various organizations throughout Pennsylvania from I
15 believe that's '86 up to '88. And then you have
16 several pages which brings those grants up to the
17 present. The last two pages, as you move towards the
18 back cover of this document, are publications, things
19 that are available at PCCD, a list of the staff, and a
20 chart showing the organization of the commission.

21 PCCD does a great deal as far as policy
22 and research goes. Again, I mention that it would be
23 of interest to the committee something that's near and
24 dear to my heart is the Victim/Witness Program at PCCD.
25 When I became chairman late last year, the one thing I

1 requested of Jim and the staff at PCCD was that by the
2 time we're done, that I wanted Pennsylvania to be first
3 in the services and protections that it provides to
4 victims throughout Pennsylvania, to be first among the
5 50 States, that if any State is doing something which
6 Pennsylvania is not doing, that PCCD should let us know
7 and really instruct us on how we could do it, whether
8 or not it's through legislation or increased funding.
9 The Chairman's bill, House Bill 77, goes a long way
10 towards making Pennsylvania number one in the services
11 and protections that we should be giving to victims by
12 increasing the fund which PCCD administers to the
13 various victims resource centers throughout
14 Pennsylvania, many of you probably have them in your
15 districts.

16 In addition in House Bill 77 which is
17 very important to PCCD, it also increases the funds to
18 the Victim's Compensation Fund, which helps victims of
19 crime meet the financial needs that that criminal has
20 imposed on them through injury or whatever. So that's
21 something that's very important to me which we are
22 going to be constantly working on. Karen Ritter's bill
23 is very helpful toward moving Pennsylvania to number
24 one in rights for victims. John Kunkle, who oversees
25 the Victim/Witness Program at PCCD, is very

1 knowledgeable, so if anybody has anything they want to
2 know about victim protection, John Kunkle at PCCD is
3 our expert and does a great job there.

4 Community crime prevention is something
5 which PCCD has long been involved in. Citizen Crime
6 Watch, citizen involvement in police departments, the
7 Neighborhood Crime Watch Program, PCCD plays a very
8 large part in administering that.

9 Training for deputy sheriffs, training
10 and education for deputy sheriffs throughout
11 Pennsylvania which is required is overseen by PCCD, and
12 it's funded by a \$2 surcharge on all civil processes
13 served by sheriffs. One thing I would point out where
14 PCCD does need some legislation is to increase that.
15 The Supreme Court has changed the rules a bit on us
16 which requires us to change the funding mechanism. I
17 believe Dave Mayernik is working on that. So that we
18 need to get this charge out of prothonotaries and not
19 where we used to get it.

20 The drug abuse and prevention training,
21 the DARE Program that PCCD trains many of your local
22 police officers throughout Pennsylvania, holding
23 various training sessions throughout the State to train
24 police officers on how to administer and provide the
25 DARE Program to the people of their communities.

1 Training for district justices, training
2 for police officers, criminal justice training for
3 many, many criminal justice organizations on a local
4 level throughout Pennsylvania is a PCCD responsibility.

5 Juvenile justice and delinquency
6 programs, Juvenile Advisory Committee, which is an arm,
7 if you look on the last page of that report I'm sure
8 it's there, you'll see the Juvenile Advisory Committee
9 is created and staffed by staff and a very important
10 part of PCCD functions under the commission itself and
11 it's responsible for the planning and organization of
12 juvenile justice programs.

13 The drug control and system improvement
14 moneys that PCCD receives, I believe it's about \$18
15 million this year, \$18.5 million, which is a huge chunk
16 of money that PCCD will administer to combat drugs in
17 Pennsylvania. Much of it was appropriated by the
18 General Assembly last session. This session in this
19 budget PCCD will be determining where it goes in
20 consultation with the administration. Many of the
21 dollars are already targeted in the Governor's budget,
22 and PCCD will be administering those.

23 Intermediate punishment, which the
24 General Assembly passed last year, is something that is
25 a new responsibility for the commission. Act 193 of

1 1990 established funding programs in PCCD for county
2 intermediate punishments. There was no funding
3 attached to that legislation so that the work begins on
4 trying to find a funding stream to meet the
5 requirements of Act 193. And also, PCCD is to provide
6 training and technical assistance and monitoring to
7 counties for the development of intermediate punishment
8 and intermediate punishment programs.

9 That is painted with a broad brush the
10 responsibilities and duties and organization of PCCD
11 and kind of what we do. I would ask Jim Thomas, at
12 this point, if he has anything to add to fill in some
13 of the spaces that I may have left and then be happy to
14 answer any of your questions.

15 CHAIRMAN CALTAGIRONE: Jim?

16 REPRESENTATIVE BLAUM: Jim.

17 MR. THOMAS: Thank you, Mr. Chairman.

18 As the Chairman and I were discussing the
19 presentation this morning, we thought it best to
20 provide more of an outline as opposed to perhaps 30 or
21 40 pages of testimony because the commission's
22 activities are so broad that really we much prefer
23 answering the questions and getting into a dialogue on
24 any of the particular activities that you're interested
25 in.

1 I think if we were to attempt to leave
2 you with a couple thoughts when we're done this morning
3 is one that the system of criminal justice demands such
4 an entity as PCCD. We have the police, the courts, the
5 Corrections, each of which have their own autonomies.
6 So overlayers on that is we have the local, State, and
7 Federal levels of government. We certainly have
8 executive branch functions as well as judicial, and
9 certainly legislative functions, and so unlike trying
10 to build a highway in the Department of Transportation
11 where things still might be rather difficult but a
12 little bit clear-cut in terms of funding and levels of
13 authority and who has responsibility for what highways
14 need to be corrected, the criminal justice system is
15 not like that, as you know. And it's an entity like
16 PCCD which is needed to get all the parts working in
17 the consistent direction, and that's our principal
18 mission.

19 The other thought that we like to leave
20 you when we're done our discussion this morning is the
21 breadth of PCCD's activities. I think the outline does
22 a good job of that, but we know from dealing with our
23 many constituencies that people know us from whatever
24 hat we're wearing at the time so that some people know
25 us as being the victim service agency for the State,

1 others know us from our prison and jail overcrowding
2 work, others know us from our deputy sheriff training
3 responsibilities. And the breadth of what we're
4 involved in now and what we can be involved in in the
5 future has really to do with resources at our disposal
6 and has to do with the interests relative to issues.

7 Certainly one of the principal leads that
8 we take in getting involved in an issue is where the
9 respective Judiciary Committees are proceeding during a
10 session to the extent that we're able to predict where
11 you'll be later in your session, it's easier for us to
12 provide you with some information that might help you
13 in your decisionmaking. To the extent that we're able
14 to anticipate what you may enact we can be more
15 prepared, and so this dialogue that the Chairman has
16 opened up is certainly something that we have looked
17 forward to and we're happy to be with you today.

18 And really, I will stand at the
19 Chairman's pleasure. If you would like to go down
20 through each of these in order in some detail, we can
21 do that, or if you would like to open it up for
22 discussion.

23 CHAIRMAN CALTAGIRONE: If we could open
24 it for discussion, I'm sure there's going to be some
25 questions.

1 Jim.

2 BY REPRESENTATIVE BIRMELIN: (Of Mr. Thomas)

3 Q. I'm Representative Birmelin. I represent
4 Pike, Wayne, and part of Susquehanna Counties, and one
5 of the common complaints about our criminal justice
6 system that I hear repeatedly is we spend so little on
7 prevention and so much on the cure after we have the
8 criminal in the criminal justice system. And one of
9 the things that I have noticed through my own personal
10 experience, because it happened in my district, was the
11 DARE Program. It was implemented last year in the
12 Delaware Valley School District, which is in eastern
13 Pike County, by the county sheriff and one of his men,
14 and I was an invited participant in a graduation, if
15 you will, of these kids. I think they were sixth
16 graders. I know they try to get them before they get
17 into the high school scene, so I think they were sixth
18 grade.

19 I was very impressed with the program. I
20 had been reading about it in the papers, I had the
21 opportunity to be at their graduation, I had been
22 involved somewhat in supplying some of the information
23 that they used in the program, and just from the
24 perspective of maybe giving you some feedback, I think
25 that's an excellent program if you have the right

1 people to do it, and in Pike County they did, I felt,
2 and I think it was the ounce of prevention avoiding a
3 pound of cure at a later time. So I would encourage
4 you at least in those lines that this is a program that
5 I think can and will work if it's handled properly, and
6 I have seen that firsthand.

7 And I just have one question for you on
8 that program. How prevalent is it in the State? Let
9 me make the assumption that you do it by school
10 district. Is that a fair assumption?

11 A. Do it by police department because some
12 police departments do overlap school districts.

13 Q. Okay, you do it by police departments.
14 How many police departments in Pennsylvania are
15 currently running an active DARE Program in the
16 schools?

17 A. I'll estimate that at about 25, but it's
18 really an estimation. The difficulty with the DARE
19 Program is that it's very intensive in terms of both
20 the training that the officers have to receive, which
21 is to be away for a full two weeks of training, and
22 then in providing the actual classroom instruction is a
23 full-time job.

24 Q. Yeah, I understand that that's all this
25 guy did for quite some time.

1 A. And so what we found is that unless the
2 department is of a medium size, if we can maybe say 20
3 to 25 personnel, it is very difficult for the
4 commitment to be made and sustained, so that we'll have
5 police chiefs or sheriffs that very much are supportive
6 of the DARE Program and maybe make even that commitment
7 to send them to the two weeks' training, but then as
8 they come back on staff to make that consistent
9 commitment to have that officer really not in the
10 operations of the police department but out doing the
11 prevention work becomes very difficult to sustain.

12 That's not to say that there are not a
13 number of departments where it hasn't worked. Even in
14 small departments it's largely the support that comes
15 from the police executive and from the city council or
16 mayor. But we think with the 1,200-plus police
17 departments we have in the State, three-quarters of
18 them being small, 10 man and under departments, that
19 what we needed to do was take the DARE Program and have
20 it offered in the State for those departments that can
21 make the manpower commitment, but not to let the other
22 departments, the vast majority of departments, out in
23 cold but to develop a modified version of the DARE
24 Program. Rather than having the police officer have to
25 come in and actually do the lesson plan, the teacher

1 really is not even needed in the classroom, it's the
2 police officer that is the educator, to allow the
3 teacher to be the educator but the police officer to
4 come in and be the color commentary, if you will, to
5 add the credibility of the uniformed law enforcement
6 officer to the "No Drugs" message. And in order to do
7 that, we've worked on contract with Villa Nova
8 University to develop a program which provides a
9 modified course. We do it in a day and a half seminar.
10 The officers are given the same sorts of messages that
11 they ought to be getting across to the youth and the
12 techniques of getting those messages across to the
13 youth of self-awareness, self-esteem, and no drug use.
14 And we found that much more useful for the large
15 majority of departments.

16 The difficulty that we faced in DARE
17 training and still do is the substantial commitment of
18 resources that are needed for handouts, for police
19 officers' overtime, and those moneys have not been
20 largely available except through the Federal drug-free
21 schools money that flows through the individual school
22 districts.

23 Q. Are you saying that some of these DARE
24 officers then are in some part financed by that
25 program?

1 A. The materials.

2 Q. The materials?

3 A. Largely the materials for the DARE
4 Program are financed through the school districts using
5 Federal funds, but its really the police department
6 having to go hat-in-hand to try and get on a school
7 district budget, if you would, to get that funding
8 available.

9 Q. Um-hum.

10 A. And as you can imagine, some school
11 districts are very open to a law enforcement presence
12 in the school district and other districts there's a
13 lot of competing demands for that money and DARE isn't
14 on the top of the list. That's going to change. The
15 Federal law now will require later this year that of
16 the drug-free schools money, that a certain percentage
17 be set aside for strictly support of DARE training.
18 That will be administered by the Governor's Drug Policy
19 Council, and I'm sure we'll be working closely with the
20 council to develop those guidelines. But I think the
21 DARE Program will get a real boost, the DARE type
22 program, not specifically DARE, and the other types of
23 programming that's drug prevention.

24 Q. I just want to make two other
25 observations on what I saw in our program, and it may

1 vary from program to program. One is that I think it's
2 extremely helpful to have the police officer in uniform
3 running this program or at least associated with it so
4 that the kids see the police officer in a friendly
5 context. You know, policemen are different things to
6 different people, and I would rather that we show our
7 elementary kids that they're human beings, that they
8 care about kids and that they're there to help them
9 ultimately, and I think that's what the positive role
10 model of police officers ought to be. So I was
11 encouraged by the fact that I saw this police officer
12 with the kids in uniform. He didn't come, you know, in
13 street clothes, if you will.

14 The second thing that I thought was
15 rather important, at least from my perspective, was
16 that he was a teacher, he wasn't just coming in and
17 lecturing them. And I have a teaching background so I
18 was a little bit familiar with what he was doing, but I
19 noticed that at least this individual, and I would hope
20 that because of his training that's what all these
21 officers do, come in more as teachers than as lecturers
22 or as, you know, people who come in and threaten or
23 point fingers and things of that sort. The kids were
24 very responsive and very warm towards this particular
25 gentleman. Now, he was able to -- he did puppets and

1 he played a guitar and I'm not sure they all can do
2 that, but, I mean, he just really was a good teacher
3 and the commitment, by the way, in the Pike County
4 Sheriff's Department comes from a workforce that I
5 believe is under 10, and the sheriff received quite a
6 bit of criticism from some of the people in the
7 community for the expense that he put into the program,
8 but I think he was right in doing it and he was able to
9 justify it, I think, enough to the public so that
10 they're doing it again this year. They did it in two
11 or three elementary schools in the school district last
12 year and I think they're expanding their base and doing
13 it a little bit more. But it is a full-time commitment
14 for that officer, except for summer hours, but, you
15 know, if you're getting feedback like that, you know,
16 from not only myself but people across the State, I
17 would encourage you to do all you can not only to
18 promote the program but also to follow up and to see
19 what its effects are. I would be curious to see in
20 four, five years if any of these kids that were in that
21 DARE Program are later on substance abusers and get in
22 trouble with the law. I mean, do we have that, by the
23 way? Are we planning to do that?

24 A. The DARE Program, as you would know,
25 originated in Los Angeles about five years ago. It's

1 now really swept the country, including found its way
2 into Pennsylvania, and there's been some effort
3 nationally to evaluate it and the results are mixed.
4 I'm not sure whether it's because the evaluation was
5 flawed and they just couldn't get the information that
6 was needed to prove what we would believe in common
7 sense terms it would be successful. The principal
8 result that was documented was that the children were
9 much more aware of drugs and much more intelligent
10 about drugs, the effects of drugs, what kind of drugs
11 were available, but they couldn't show a link between
12 lesser drug use. So it may be that I don't put a whole
13 lot of stock in the evaluation, but the evaluation
14 results to date didn't give us the evidence we wanted
15 to make even a harder push on DARE.

16 Q. Well, it's hard to isolate the effects of
17 that program when they're in society and bombarded by
18 so many other influences, I understand that.

19 A. That's right.

20 Q. But I would be interested in hearing
21 whether or not it is effective in Pennsylvania.

22 A. There certainly are some very much
23 ancillary benefits to having that uniformed police
24 officer in the classroom. It gets that communication
25 between the police officer and the children. One of

1 the things that we've found, both in anecdotal stories
2 in Pennsylvania as well as nationally, is that the DARE
3 officers often come away from a school with a series of
4 leads on child abuse and child sexual abuse. The kids
5 are in an environment where they feel comfortable
6 talking with a police officer, he's one of authority,
7 he's not presenting himself in a threatening manner,
8 and the children will come up after the session and
9 say, you know, did you know? Certainly as we're
10 talking about the kind of a law-related education of
11 people that have respect for the law enforcement
12 profession, respect for the laws of society, having
13 that police officer integrated at an early time is much
14 better than when their only contact that the youth have
15 is when they're out in the street after curfew or late
16 at night or being chased by the police.

17 Q. That's why I made the observation that I
18 thought it was good that he was in uniform when he was
19 there. I think it develops a healthy respect for and
20 appreciation for our police officers.

21 I do have one other question and then
22 I'll let the other members ask you theirs, but in the
23 Governor's budget, are you taking a hit, you know, are
24 you taking a cut in your appropriation? And in effect,
25 will that affect the DARE Program and the training of

1 its officers that you participate in?

2 A. I believe this was handed out?

3 CHAIRMAN CALTAGIRONE: Yeah.

4 MR. THOMAS: If you look at E-2.18, the
5 back of the handout that was handed out, you would see
6 that from '90-'91 to '91-'92 that we're increasing a
7 modest amount of I guess \$87,000. We feel very
8 fortunate in this particular climate of cutback that
9 PCCD has, for the moment, escaped any furlough action,
10 and the Governor's budget as presented would allow us
11 to fill our four vacancies as well as to hire two
12 additional staff during the course of the year.

13 REPRESENTATIVE BIRMELIN: This is his
14 budget figure?

15 MR. THOMAS: That would be the Governor's
16 budget figure.

17 REPRESENTATIVE BIRMELIN: Cast in
18 concrete, no doubt.

19 MR. THOMAS: At the moment.

20 REPRESENTATIVE BLAUM: We want to keep it
21 that way, too.

22 REPRESENTATIVE KOSINSKI: Unless you want
23 to vote for taxes.

24 REPRESENTATIVE BIRMELIN: No, I'm going
25 to let you do that.

1 Thank you very much.

2 REPRESENTATIVE BLAUM: I might add, we
3 talked about intermediate punishment and the additional
4 responsibilities that have been sent PCCD's way, and I
5 think the Governor's budget reflects that increase in
6 responsibilities and PCCD was fortunate and we know we
7 can count on the members of the Judiciary to keep it
8 that way.

9 CHAIRMAN CALTAGIRONE: Four additional
10 staff?

11 MR. THOMAS: Two.

12 CHAIRMAN CALTAGIRONE: Or two.

13 REPRESENTATIVE BLAUM: Four vacancies.

14 CHAIRMAN CALTAGIRONE: Four vacancies.

15 What's the total complement?

16 MR. THOMAS: 52. 51 and myself.

17 CHAIRMAN CALTAGIRONE: Questions?

18 REPRESENTATIVE CLARK: I have a question.

19 BY REPRESENTATIVE CLARK: (Of Mr. Thomas)

20 Q. I'm Representative Clark. I'm from
21 Juniata, Mifflin, and Perry Counties where we don't
22 have sheriff's departments to do any DARE projects of
23 any size. How do you develop your priorities for what
24 programs or where do you send your resources, staff
25 wise, and I would say in addition to that, what

1 percentage of your money is Federal, what percent is
2 State, and do the Federal mandates drive a lot of your
3 priorities in program development?

4 A. In answer to your last question first, it
5 depends on the Federal program. Some of the Federal
6 programs the mandates indeed drive our funding to a
7 great extent, and in other efforts the State has
8 maximum flexibility. Perhaps we can refer to the chart
9 on the last page of the outline, and these are current
10 funding streams that we're administering. They total
11 roughly about \$24 million of Federal funds per year and
12 a million dollars of State funds per year that we'd be
13 putting out into grants. As you'll notice that we have
14 a mixture of both in the purposes of the funding
15 streams and also how they're administered, we have both
16 seed money programs, that is that we're putting the
17 Federal moneys in for a short period of time to prove
18 the program and then withdraw the Federal funds so that
19 it would stay on State or local tax generated revenue.
20 We also have an ongoing subsidy program that once we've
21 started it to the extent that we continue getting the
22 money we're going to continue paying for it.

23 If you'll look at the top program, it's
24 the Federal program, the Juvenile Justice Delinquency
25 Prevention Act, it's been around since 1977, I believe,

1 about \$2 million a year, where it's seed money. We're
2 looking to move in with perhaps a six-month project and
3 have it prove itself and be picked up on county or
4 State per diems. But the most we'll fund a project
5 would be about two years and then the Federal money is
6 withdrawn. No match, as required by law. At times the
7 commission will require a match depending on the size
8 of the project.

9 That program particularly is driven
10 largely by Federal mandates. Until we satisfy the
11 Federal mandates, we really don't have a good bit of
12 discretion on where we use the money in the State. One
13 of the particular obstacles on that funding stream at
14 the moment is the Federal mandate that no child in
15 custody can be kept for longer than six hours in a
16 police lock-up before they're disposed of, before
17 they're either sent to a Children and Youth agency or
18 sent to a juvenile detention center or sent home, but
19 there's a six-hour limit that if you're holding them in
20 a police lock-up, you have to be done your business in
21 six hours after you've taken them in.

22 If you'll notice on the outline that
23 there's a Senate Bill 304 that's passed the Senate
24 Judiciary Committee and Appropriations, I believe, and
25 we're looking for that to be sent to the House this

1 spring. It's in Senate Appropriations, and we're
2 looking for it to come out, pass the Senate, and be to
3 the House this spring. If we don't come into
4 compliance with that mandate, we do risk losing that
5 funding stream. That's the ultimate penalty for not
6 coming into compliance.

7 The priorities that we set for that, and
8 so where we are right now is all our funding needs to
9 be devoted to that issue of making alternatives
10 available for processing of juveniles and for
11 alternative placements for juveniles other than keeping
12 them in police lock-ups, and our problem is primarily
13 in Philadelphia, as you might imagine, given the
14 caseload that would be down there.

15 In the absence of that mandate, the
16 priority setting would be in open session where we
17 solicit input from all the Children and Youth agencies,
18 the juvenile probation agencies, the juvenile court
19 judges, county commissioners, and through receiving
20 their sense of where the problems are, where the system
21 needs to be shored up, the Juvenile Advisory Committee
22 would develop a plan and recommend that to the
23 commission, the commission then would have the option
24 to amend, change, or adopt that plan. And following
25 that, we would then publish in the Pennsylvania

1 Bulletin as well as mail to all counties and all
2 particular eligible applicants our funding guidelines.

3 Q. Yeah, I was more interested in what your
4 total budget figure was, how much of that is State and
5 how much of that is Federal and out of that, how much
6 is discretionary on your part?

7 A. \$25 million is the total. A million
8 dollars of it is State, 24 is Federal. Two of the 24
9 would be the Juvenile Justice Delinquency Prevention
10 moneys, at the moment little discretion. The next
11 million, still tracking on the Federal funds, there
12 would be \$3 million of the Victims of Crime Act. That
13 is a subsidy program where we're currently funding
14 around 120 contracts with social service agencies, with
15 rape crisis centers, domestic violence shelters
16 principally, and that as funds would increase at that,
17 I would expect that primarily what we'd be doing is
18 paying more moneys in those contracts, we'd be getting
19 salary levels up to a higher level of what they
20 currently are. Little discretion in that program in
21 the direction we're going.

22 The Federal Drug Control System
23 Improvement Program is, of course, our major funding
24 stream. The figure actually for this year is 18.5 that
25 we have. Of that 18.5, the process -- that program is

1 a seed money program. We're looking to start
2 something, fund it, and move out. The commission's
3 structure on the program is to require 25 percent match
4 the first year, 50 percent the second year, 75 percent
5 the third year, and no funding of the program after
6 four years.

7 The commission really kind of enters into
8 an agreement with the subgrantee that as long as
9 they're honoring their contract, as long as they're
10 making progress, as long as they're living up to the
11 aims of the project, then we'll fund it for that three
12 years, and the county commissioners can count on it at
13 that increased match ratio. Therefore, it shouldn't be
14 surprising that about half of the \$18 million that we
15 have is really committed to continuation projects. The
16 other half would be available for new projects.

17 A part of the guidance that we receive in
18 planning for those particular funds is from the
19 Governor and from the Governor's Budget Office, and we
20 would expect, as is outlined in the Governor's budget
21 proposal, that there's about \$7 or \$7 1/2 million which
22 the Governor has suggested that those moneys will go
23 to, and that leaves the commission then with about a
24 balance of about \$3 1/2 million, a long way of getting
25 around to answering your question, about \$3 1/2 million

1 then that the commission would presume to have after
2 July 1st within its discretion to target for other
3 needs throughout the system. The process for deciding
4 where that \$3 1/2 million would go we presume would be
5 part of the open public commission meeting. There will
6 be plans and thoughts and suggestions and the
7 commission, in its session, will wrestle with the
8 competing needs within the system and try to target
9 those funds and impact.

10 REPRESENTATIVE BLAUM: Let me add to
11 that. If you just look at the inside again of this
12 booklet you'll see the membership of the Pennsylvania
13 Commission on Crime and Delinquency, and basically the
14 membership there are going to decide and decides where
15 this money goes and for what types of programs. If you
16 look at this document which Jim supplied us with, with
17 just over the last year or so the grants that have been
18 handed out, you'll see that PCCD has spent an awful lot
19 of money and energy and time with prisons and prison
20 crowding and related projects. I would venture to say
21 without even going over it, just from remembering the
22 commission meetings, that a huge percentage of those
23 dollars goes towards alleviating the prison situation
24 in Pennsylvania and similar community projects, et
25 cetera.

1 I don't know if PCCD can continue to do
2 that and still be effective and fulfill its mandate, as
3 Representative Birmelin said, to try and prevent crime,
4 to get involved at the beginning instead of prisons,
5 and isn't prisons the responsibility of we in the
6 General Assembly and the Governor's Office to deal
7 with, and PCCD who has a limited amount of money every
8 year should all of it be targeted towards prisons and
9 inmates and everything else? I've been on the
10 commission for several years and mainly because no one
11 else was filling the gap PCCD was sending a lot of
12 money into all counties and municipalities throughout
13 Pennsylvania to try and correct this problem. I wanted
14 to do things a little different and find areas where
15 PCCD can make a difference, to get in and get out, to
16 go in and be kind of a SWAT team and try and solve a
17 problem and then withdraw. With some of the funding
18 policies that Jim talked about where you go in and you
19 give, you know, 75 percent of the funding to get the
20 program off the ground, the next year it's 50, the
21 following year it's 25, and then it's yours.

22 And I think PCCD can really begin to make
23 a difference that way. We're seeing an escalation of
24 crime against women, crime against women on our college
25 campuses. I want PCCD to see if we can do something

1 about that. I don't know if we can, but the staff at
2 PCCD is right now looking into that possibility.
3 That's just one example.

4 We had a meeting where we threw it out to
5 the membership for ideas and got an awful lot of
6 feedback and I think there was a great deal of pent-up
7 suggestions and ideas that have been withheld by the
8 members of the commission because of the prison
9 situation in Pennsylvania and thinking that it was the
10 commission's responsibility to do it. I don't know if
11 that could continue, and to keep spending that kind of
12 money and it's like, and you're wondering if you're
13 making a difference. Obviously, I think we are. PCCD
14 does make a difference because if they hadn't
15 participated in these projects over the last few years
16 the situation would be dramatically worse than it is.

17 That's a long way of answering your
18 question that the commission members are going to
19 decide the areas that PCCD should move in, and as that
20 \$9 million which is committed begins to free up as we
21 go from 75 percent funding to 50 percent and 25 percent
22 funding, you know, then that money becomes even more
23 discretionary for the commission members, and I would
24 like to try some new and different things. But again,
25 that policy will be laid out by the members, a very

1 distinguished group, and what their decision, the
2 consensus of this group, will be. And some of it may
3 be to continue the funding of various prison programs
4 that PCCD is already involved with.

5 REPRESENTATIVE CLARK: Thank you.

6 CHAIRMAN CALTAGIRONE: Representative
7 Ritter.

8 BY REPRESENTATIVE RITTER: (Of Mr. Thomas)

9 Q. I'm here behind you, and I'm sorry that I
10 missed your statement, although Kevin assured us today
11 that it was going to be short, so I probably would have
12 missed it even coming in the first five or 10 minutes.

13 But anyway, I have a question in terms of
14 the victims services aspect. Now, I know you just
15 covered on the Federal money, you said there's around
16 \$3 million coming in on that and you're not sure at
17 this point whether or not there's going to be an
18 increase in the next fiscal year?

19 A. \$3 million reflects the increase. That's
20 about where we're going to be.

21 Q. Okay. Now, am I reading this correctly
22 to say that your budget for '90-'91 was about \$2.1
23 million and of that about a million was used for
24 victims services?

25 A. No.

1 Q. No?

2 A. The \$2.1 million is our operating budget
3 which we support our staffing and office space rental,
4 et cetera. And that translates into the 52 staff
5 positions.

6 Q. Where does the million then--

7 A. The million is grant funds, is
8 accomplished through a State mandate, Act 96 of 1984,
9 which levies a \$5 assessment on every offender
10 convicted or pleads guilty.

11 Q. The Crime Victim's Compensation Act?

12 A. That's right. And as we worked very
13 closely with you on the development of your
14 legislation, I'm sure you realize but the other members
15 should appreciate as well that that million dollar fund
16 we're trying to spread across -- well, our goal is to
17 spread it across 67 counties. We're spreading it
18 across about 62 counties right at the moment. As you
19 can imagine, these operations are running very much on
20 a shoestring. \$3-, \$4-, \$5-an-hour salaries for a
21 person who you would expect to explain the criminal
22 justice system to a victim to help coach them to be an
23 asset to the district attorney through prosecutions is
24 a very, very small amount of funds.

25 What we've experienced in trying to live

1 up to this mandate is we have a tremendous turnover in
2 staff. We have 60 counties or so participating, but
3 the average experience of any of those staff may be 18
4 months, 2 years. For this State to claim its place in
5 the nation as being a top State in victims services, we
6 clearly have to raise that fund. We have to be able to
7 get those victim/witness coordinator positions out in
8 counties stabilized with a funding source that seems
9 reasonable. House Bill 77, of the Chairman's, would
10 accomplish that. We're suggesting that the penalty
11 assessment rise from \$5 to \$20 that goes into this
12 nonlapsing fund. Really, it needs to be looked at as
13 separate from the budgetary negotiations that we're
14 going to have. It really has no impact on the General
15 Fund appropriation and get that increased. It's taking
16 money from the offenders, it's not taking it from the
17 General Fund, from the taxpayers, it's taking it from
18 the offenders and get it into that special fund so that
19 we can, in turn, pass it along to the victims.

20 CHAIRMAN CALTAGIRONE: If I could just
21 jump in here for a just second so we don't lose that
22 train of thought. And I'm wondering, is there an
23 urgency of getting House Bill 77 moved along so that we
24 can get that over to the Senate, hopefully approved in
25 the Senate and signed into law? Is there a timeframe,

1 is there an urgency? I was given to understand
2 originally that we wanted to move that out as soon as
3 possible, to access those Federal funds. I'm being
4 told by our leadership that there's some reason why
5 they want to wait and I keep saying, let's stop
6 waiting. Let's get that bill moving along so we can
7 access that Federal funding. Is that correct?

8 MR. THOMAS: Yes, it's correct, but let
9 me give you the clarification that you'll need. One,
10 this is urgent legislation because these programs in
11 the counties are dying on the vine. They're literally
12 dying. And the report that we did that went into depth
13 in analyzing these programs was done in 1989, and we're
14 now ticking off into this summer will be two years
15 since we've even done our study. We know we're in dire
16 shape out there for these programs. The Federal
17 mandate, however, that you speak of has to do with the
18 other part of your legislation, which is the Crime
19 Victim's Compensation Board, which is also -- well,
20 it's on sunset, it also has a requirement by the -- the
21 Crime Victim's Compensation Board receives Federal
22 moneys to pay out in compensation. As we receive
23 Federal money the pay out in services, the Crime
24 Victim's Compensation Board receives funds to pay out
25 in compensation. A requirement of that Federal law is

1 that DUI victims be covered by the State's compensation
2 program. Your bill would address that issue. If that
3 is not addressed by the State legislature, then we will
4 be removed from the Federal program, costing the State
5 about \$600,000 in crime victim's compensation funds
6 from the Federal government. The current deadline is
7 October, October 1.

8 As you may recall, last year we were
9 operating on a similar deadline of the legislature
10 adjourned having not met that requirement, we were
11 prepared and expected that the Federal government was
12 going to cut the funds. It just happened to be on the
13 same day that the General Assembly was adjourning the
14 President was signing a law which gave a one-year
15 extension. It makes me very, very nervous as we're
16 going into the spring and not have that law passed,
17 particularly given the type of controversial budget
18 year that we're going to have. I think we better get
19 the work done now and not wait until May or June before
20 we're behind the eight ball again.

21 CHAIRMAN CALTAGIRONE: I think, Karen,
22 your legislation that you worked on, 90, I guess it is,
23 will also be part and parcel of what we're trying to do
24 with 77, so there really is an urgency.

25 REPRESENTATIVE RITTER: Yeah. I'd like

1 to make sure that the money that's in 77 is going to be
2 sufficient to deal with House Bill 90 as well.

3 CHAIRMAN CALTAGIRONE: So it all fits
4 together, and, you know, I've got to prevail on our
5 leadership again to indicate to them that that bill
6 should come out of Appropriations as soon as possible
7 when we get back so that we can get that legislation
8 moving over to the Senate so that we can get it to the
9 Governor for signature. I think every one of the
10 counties are going to benefit by it, and especially her
11 legislation that will be moving along and probably be
12 approved sometime before we go out on summer recess. I
13 didn't want to--

14 REPRESENTATIVE VEON: Mr. Chairman, on
15 that same point, I'm still not clear. Are there
16 dollars that we're not accessing and not spending
17 because this bill is not law?

18 REPRESENTATIVE RITTER: Not yet.

19 REPRESENTATIVE VEON: Not until October
20 1st.

21 REPRESENTATIVE RITTER: But it's got to
22 pass the Senate by that time.

23 REPRESENTATIVE VEON: I understand.

24 Thank you.

25 CHAIRMAN CALTAGIRONE: But there is

1 funding for the counties that are also tied into this,
2 and the counties, as you just stated earlier, need that
3 funding to continue the people that are working there
4 for the \$2-, \$3-, \$4-an-hour positions as the advocate
5 for the crime victims, correct?

6 MR. THOMAS: That is right.

7 CHAIRMAN CALTAGIRONE: And without that
8 flow of funds to come in, the counties are hanging on
9 the vine right now and there will probably be programs
10 that will be jeopardized, compromised, or even fold up.
11 Is that an accurate assessment?

12 MR. THOMAS: That's accurate.

13 REPRESENTATIVE VEON: Okay. I
14 understand. Thank you.

15 BY REPRESENTATIVE RITTER: (Of Mr. Thomas)

16 Q. It seemed to me in the Governor's budget
17 address it talked about crime victims and victims
18 services, and I just wondered if there was another line
19 item somewhere that he had included in his budget to
20 supplement the money for victims services that would be
21 under this grant section. As far as you know, there
22 was no other the State funds allocated to victims
23 services?

24 A. No.

25 Q. So we would be dependent on House Bill 77

1 and whatever additional money that would bring in?

2 A. (Indicating in the affirmative.)

3 Q. And clearly tripling the fine isn't going
4 to triple the amount of money that comes in, obviously,
5 because fewer people will be able to pay, and I assume
6 that was taken into account when you decided how much
7 more money you would need. The higher the fines go, we
8 talked about that I think at one other meeting, the
9 higher the fines go, the more of a drop-off in terms of
10 people who can afford to actually pay those fines.

11 A. I think you're accurate that there would
12 be some drop-off.

13 Q. Yeah. Not a lot, maybe.

14 A. But not a lot. We'll use a range of \$3
15 1/2 million to \$4 million would be what the fund would
16 end up as by going up to the \$20 assessment, from the
17 \$5 to the \$20, give us a fund of \$3 1/2 to \$4 million.

18 Q. And that \$20, that would be sufficient,
19 in your estimation, then to also implement House Bill
20 90, were it to pass?

21 A. Yes. Yes. And I guess just to
22 re-emphasize what you and the Chairman said, without
23 increasing the fund that we're extremely supportive of
24 your bill. We think it's needed, but it becomes so
25 much paper unless we have the people out in the

1 counties to be able to assure those rights.

2 REPRESENTATIVE BLAUM: I might add that
3 the bill as it came out of the Judiciary Committee was
4 \$15. We're talking \$20, and that's only because we
5 have an amendment prepared to offer in Appropriations
6 to up that to \$20. Since that bill was introduced the
7 costs have been recalculated and the need for the
8 additional \$5 is real.

9 REPRESENTATIVE RITTER: Thank you.

10 CHAIRMAN CALTAGIRONE: Jeff.

11 REPRESENTATIVE PICCOLA: On that
12 question, are you going to be able to collect that? I
13 mean actually collect it. I mean, are these people
14 going to be able to pay, I guess, is the question?

15 REPRESENTATIVE BLAUM: Well, you know,
16 that's the argument, how high do you go up before, you
17 know, it's trying to get blood from a stone and you
18 don't begin to collect it? And my answer is I don't
19 think we know until we do it, and we'll begin to find
20 out if we can raise it to \$20 what the collection rate
21 is and how it differs from the collection rate at \$5
22 and if any adjustments are needed they can certainly be
23 made, but we should try and get the full \$20.

24 REPRESENTATIVE PICCOLA: The other issue
25 I think is that by increasing the additional costs on

1 to criminal defendants, you depress any increases in
2 fines which go to the local authorities to help support
3 the local criminal justice system. It's like the Cat
4 Fund surcharges. I mean, we're not going to increase
5 fines for traffic charges any time in the near future
6 because they would be outrageous, and those fines go to
7 support the local law enforcement effort in some part,
8 do they not?

9 REPRESENTATIVE BLAUM: Yeah. But again,
10 I don't know until we begin collecting the \$20 to find
11 out how difficult it is and what kind of problems it
12 creates.

13 REPRESENTATIVE PICCOLA: You think we can
14 take it off if we put it on?

15 REPRESENTATIVE BLAUM: No, hopefully it
16 won't, but I think also that services to victims are
17 that important. We're working and looking at language
18 now, I mean, there are States that have a
19 constitutional amendment guaranteeing victims' rights,
20 and Pennsylvania does not. We guarantee, obviously,
21 the rights of all people arrested who commit crimes in
22 Pennsylvania. There are States that have it written in
23 their Constitution that guarantees victims' rights.
24 So, you know, I think what we have to do is fund these
25 kind of services and then if law enforcement obviously

1 needs additional funds from these kind of fines, you
2 have to go get them. If that kind of collection
3 becomes a problem, and again, we won't know until we
4 try it, you know, then we begin to look at fine tuning
5 and adjustments that have to be made.

6 REPRESENTATIVE PICCOLA: Well, I agree,
7 Kevin, we should have these kinds of programs, but I
8 hear repeatedly protestations from the locals that this
9 is simply another way of passing on costs to the
10 property taxpayers because--

11 REPRESENTATIVE BLAUM: No.

12 REPRESENTATIVE PICCOLA: Well, it is. It
13 is.

14 REPRESENTATIVE BLAUM: I disagree. I
15 mean, I think it's absolutely fitting that convicted
16 criminals in Pennsylvania fund victims services. To
17 the extent that we reach that point where you get every
18 dollar you can possibly get from fines and so on and
19 you still need additional dollars to provide the proper
20 level of funding for these kind of services and
21 protection for victims, you know, then you go
22 elsewhere. I mean, you can't continue forever to get
23 continued increases on convicts. But I don't think we
24 know that we have reached that point yet. When we do,
25 then we begin moving into General Fund appropriations

1 for victims services certainly is worthwhile.

2 REPRESENTATIVE PICCOLA: and I agree it
3 is appropriate that they support the program, but it's
4 also appropriate that they support the law enforcement
5 effort in the localities in addition to the restitution
6 and victims' rights.

7 Well, I didn't want to ask a question
8 about that anyway.

9 MR. THOMAS: One of the things that I
10 might add is that we have very strong support for this
11 bill from the District Attorneys Association. The
12 district attorneys, being the chief law enforcement
13 officers, see it as an extremely valuable program that
14 they are supporting the funding mechanism in order to
15 make it viable.

16 REPRESENTATIVE DERMODY: What are the
17 collection rates right now for the \$5 or whatever it is
18 that you collect? Are people paying that?

19 MR. THOMAS: Yes, they're paying it.
20 It's very hard to assess the total extent of the
21 collections. We know the collection rates per county,
22 but assessing the total collections that are possible
23 is very difficult given the district justice
24 recordkeeping systems.

25 REPRESENTATIVE DERMODY: Well, I mean,

1 you're assessing district justices \$5; the clerk of
2 courts are also assessing, aren't they?

3 MR. THOMAS: Right.

4 REPRESENTATIVE DERMODY: I mean, I think
5 everybody agrees victims assistance, they need advocate
6 programs and they need to be funded. Maybe we need a
7 more stable funding source than defendants though.

8 REPRESENTATIVE PICCOLA: In addition, I
9 presume you've read the Governor's proposal that
10 parolees or people on probation kick in \$20 or \$25
11 bucks a head, that's on top of fines, costs, victims'
12 costs, if they get married they've got to pay another
13 fee. I mean, this kind of funding I think has to be
14 looked at very carefully. That's my point. And I'm
15 not suggesting we don't do it, but I think by
16 continuing to fund State programs out of this we're not
17 being totally honest with the -- as Representative
18 Dermody said, I think the source of funding becomes
19 unstable.

20 REPRESENTATIVE BLAUM: I think when it
21 reaches that point of diminishing returns, I think
22 PCCD, I think the Crime Victim's Compensation Board are
23 going to be the first ones to come back and say, you
24 know, it's not working right. I do not miss an
25 opportunity to point out that 66 counties do a fairly

1 decent job of collecting. Philadelphia is dismal in
2 what they collect and send to Pennsylvania for crime
3 victims services, and yet many of their crime victims,
4 you know, are some of the neediest in the State. And
5 PCCD continues to send our nastygrams and now I want to
6 begin looking at other action to take because if your
7 counties are contributing to crime victims throughout
8 Pennsylvania, certainly Philadelphia County should do
9 its best to increase the percentage of its collections
10 so that it can have input to the fund. If they don't,
11 I mean, one PCCD member who is not going to begin
12 looking favorably on some applications that come to
13 PCCD from there, but also that puts us in a bind
14 because we don't want to do that because many of the
15 grants and programs, you have a list of them, that we
16 hand out help people, you know, and you withhold this
17 kind of stuff to have the city fathers or, you know,
18 whoever makes these decisions down at the core system
19 do a better job of collection. You know, maybe the day
20 comes when we come to the General Assembly and ask for
21 some help in increasing the collections from the county
22 of Philadelphia, but we're doing our best as far as
23 helping them. From the other counties I haven't heard
24 many complaints on the collection rates, but it's
25 significant when you begin to talk about Philadelphia.

1 BY REPRESENTATIVE PICCOLA: (Of Mr. Thomas)

2 Q. I'm going to ask about intermediate
3 punishments and I apologize for being late and I don't
4 know how much of this you covered in your presentation.
5 And I think you stated in your outline here the
6 requirements of Act 193 where PCCD is to have the
7 authority to promulgate the interim regulations for the
8 implementation of the act. Where is the commission in
9 that process right now?

10 A. We're still a little confused.

11 Q. Why are you confused?

12 A. There's three separate acts which impact
13 on intermediate punishments and on PCCD. Act 71, which
14 authorized the \$200 million bond issue which was passed
15 by referendum which the Department of Corrections is
16 administering; the linkage to PCCD is Act 193, which
17 one line of it says that for a county to be eligible
18 for any of that construction moneys they need to submit
19 an intermediate punishment plan to PCCD. It's been
20 clear from the legislation history and from discussions
21 with both the House and Senate Judiciary staff that
22 that's only a requirement of submission, not a
23 requirement of approval. We're not moving very quickly
24 on that, given that we do not anticipate the Department
25 of Corrections to be making any grants for construction

1 before December. We anticipate that they will be
2 receiving grant applications by September, and so we
3 would presume to have whatever procedure we have in
4 place, whatever interim regulations we need by late
5 spring or early summer for a county to submit a plan.
6 I'm not exactly sure, I guess we're not going to do
7 anything with that plan. They submit it and having
8 submitted it they're eligible for the construction.

9 The second piece that we're trying to
10 struggle with is a requirement in Act 201 which says
11 that the PCCD must approve any intermediate punishment
12 program before the judge can sentence an offender to
13 it. We're a little surprised that an executive branch
14 agency would be given that sort of authority over the
15 sentencing court. We're certainly struggling with if
16 that's what the intention really is, and we're going to
17 approve specific programs, no State funding going to
18 them. PCCD has this responsibility of approving that
19 program before the sentencing judge can sentence to it.
20 We certainly do not have the staff capabilities on the
21 resources to do very much of a qualitative review of
22 those programs in order to qualify for approval. So I
23 take it that the guideline that we would write would be
24 very much geared strictly back to the act and if it
25 says -- if it defines its eligible defender population

1 relevant to the act, if it defines the option, the
2 punishment as and references the language back in the
3 act, then that would constitute our approval. We've
4 raised the issue of what the legislative intent was on
5 that language in Act 201 and as I understand it, it's
6 being pursued by Senator Greenleaf with the Legislative
7 Reference Bureau for that clarification.

8 Quite frankly, we're not sure what to do
9 with that requirement. At any rate, that takes effect
10 July 1st, and as soon as we have clarification, if
11 indeed we have to have an approval process in place,
12 we'll implement it this spring so that whatever
13 approval we have to provide to the judge they will have
14 the option of having that approval in place before July
15 1st.

16 Interesting enough, as we look at the
17 act, the sentencing judge could still sentence to an
18 alternative to incarceration as long as he didn't
19 sentence under the intermediate punishment provisions.
20 Under the law, PCCD approval isn't required, so you can
21 sentence to house arrest as long as you don't say it's
22 an intermediate punishment in lieu of incarceration,
23 but actually if we didn't send you to a house arrest
24 and we would have sent you to the jail, then our
25 approval comes in and it's that act that presents most

1 of the confusion.

2 The other piece, of course, is Act 193 in
3 itself. The body of the act puts the parameters on a
4 State funding program. It gives the assignment to PCCD
5 to provide this funding, gives matching ratios, says
6 what needs to be part of the plan, and there is no
7 moneys that was -- there was no State appropriation for
8 the moneys, and as you know, there's a question that
9 has been posed to the commission, is there any Federal
10 funds that can go in to support this? Perhaps we were
11 discussing the Federal funds before you arrived. It
12 would appear as though the commission will be trying to
13 develop plans for about \$3 1/2 million for new
14 projects. I suspect one of the things that they will
15 need to discuss is how much, if any, of the \$3 1/2
16 million that the commission would like to put into
17 implementing the immediate punishment act. But it's
18 only after we know that there's either State funding
19 available or Federal funding available that we are then
20 able to communicate to the counties with guidelines
21 telling them how to apply. Until we can clarify that
22 by July, then I would hope that on the initial round
23 that we could have projects in by September for funding
24 and the majority of those that would be eligible, let
25 them come in around about December of this year, but

1 that's all around the presumption that somewhere moneys
2 are going to come to implement the act.

3 Q. The \$3 1/2 million, is that the Federal
4 Drug Control Systems Improvement money?

5 A. That is right.

6 Q. And that's already committed to us at the
7 State?

8 A. There's \$18 1/2 million that is
9 Pennsylvania's allocation.

10 Q. That is--

11 A. That is Pennsylvania's allocation for
12 next year. About half of those moneys would be going
13 for continuation projects, about \$3 1/2 million, as we
14 decipher the budget, about \$3 1/2 million the
15 commission would determine where it would go, and the
16 remainder of it is spelled out in the Governor's budget
17 submission to the General Assembly, about \$7 million.

18 Q. Well, is the commission not advocating
19 for a portion of that for intermediate sanctions, given
20 the legislative--

21 REPRESENTATIVE BLAUM: No, the commission
22 has a March meeting and will be meeting to decide how
23 that \$3 1/2 million should be spent and to list its
24 priorities as to how best to do that. Intermediate
25 punishments is going to be high on that list. But

1 again, that has to be a determination of the
2 commission. Myself and Jim Thomas can't sit here
3 without the commission's approval and say that that's
4 how it will be done.

5 REPRESENTATIVE PICCOLA: I understand
6 that, but I used to be on the commission and you guys
7 had a pretty good sense as to which direction you're
8 going to try to point it.

9 REPRESENTATIVE BLAUM: It's going to be
10 high on the list.

11 REPRESENTATIVE PICCOLA: How high on the
12 list? I mean, these moneys are going to the counties.
13 We're talking about a program that we told the counties
14 to implement for prison overcrowding and they sort of
15 bought a pig in a poke because we left it out there, we
16 had appropriations in that bill but the Governor
17 refused to sign it with an appropriation in it. It's
18 obviously clear now why he insisted on that, but be
19 that as it may, it seems to me we have an obligation as
20 a Commonwealth to come through with this money, and I
21 would certainly hope that the commission will honor
22 that, at least as one of the persons who worked
23 strongly on the intermediate sanctions bill I know that
24 was my legislative intent and I hope it was others.
25 What about State moneys for it? Where are we there?

1 REPRESENTATIVE BLAUM: Could I just say
2 one thing more, Jeff, on Act 193, which the plans have
3 to be submitted to PCCD but not approved by PCCD before
4 construction begins? I've asked Jim that I think his
5 staff and the expertise that they have, I've asked Jim
6 that we comment on those plans at least. I mean, you
7 may have a plan submitted which is absolutely atrocious
8 and under the law, PCCD has to just accept that, put it
9 on a shelf somewhere.

10 REPRESENTATIVE PICCOLA: Well, that's two
11 different funding sources though.

12 REPRESENTATIVE BLAUM: No, no, I'm not
13 talking about funding. I'm just going, before you get
14 off this on to something else, just that I've asked
15 PCCD to do that which is not in the law is to comment
16 on them, where those plans might be improved even
17 though PCCD has no authority to give approval or
18 rejection, but that they should comment on where they
19 see deficiencies and if the plan is absolutely awful to
20 say so to somebody and in some public way so that they
21 just don't go off and begin construction with a plan
22 that perhaps is not up to snuff, you know.

23 REPRESENTATIVE PICCOLA: Well, you're
24 talking about the funding for the construction of
25 prison projects--

1 REPRESENTATIVE BLAUM: Yeah.

2 REPRESENTATIVE PICCOLA: --and the
3 condition precedent to that is the submission of the
4 plan under Act 193.

5 REPRESENTATIVE BLAUM: Right.

6 REPRESENTATIVE PICCOLA: And I would
7 agree that there probably should be some comment from
8 somebody with some criminal -- the commission is the
9 obvious one--

10 REPRESENTATIVE BLAUM: Right. Right.

11 REPRESENTATIVE PICCOLA: --as to whether
12 the plan would even approach approvability, but I don't
13 think that should hinder the counties from obtaining
14 the construction funding.

15 REPRESENTATIVE BLAUM: Right.

16 REPRESENTATIVE PICCOLA: Because the
17 construction funding, actually those of us who
18 supported the construction funding never really
19 intended a condition precedent but we allowed that to
20 go into the bill just to get the counties started on
21 the intermediate sanctions process.

22 REPRESENTATIVE BLAUM: Right.

23 REPRESENTATIVE PICCOLA: Sort of as
24 forcing them to start the bureaucratic operations that
25 would make them start to look at an intermediate

1 sanctions program. Even if that results in them
2 submitting a stinking plan, I think we've accomplished
3 something.

4 REPRESENTATIVE BLAUM: Right.

5 REPRESENTATIVE PICCOLA: So, I mean, I
6 don't think we should do anything that's going to
7 hinder even the submission of a lousy plan. And I
8 would be very surprised if a county is going to submit
9 a really disastrous plan, but I don't think that should
10 have anything to do with their seeking the construction
11 money because that was a recognition of all the
12 mandates that we've put on sentencing that have
13 impacted the county prison overcrowding.

14 REPRESENTATIVE BLAUM: No, I agree with
15 you. I just wanted to throw that out there that these
16 plans are going to be submitted for whatever reason and
17 tucked away but before they are, I think, you know.

18 REPRESENTATIVE PICCOLA: Well, are they
19 going to be tucked away though? I mean, if there are
20 some dollars there to implement them.

21 REPRESENTATIVE BLAUM: I mean, they're
22 being submitted to PCCD, but in the law what PCCD does
23 with them, I mean, we receive them, but there's no
24 requirement in the law that they be approved or denied,
25 and that's fine. I just wanted to, before you moved

1 off of that, I wanted to throw out the one thing that I
2 have asked PCCD to do is to at least review them and to
3 comment on them as to places where they might be
4 improved just because I think that's a responsibility
5 that PCCD should have.

6 MR. THOMAS: The responsibility is much,
7 much broader than just the funding stream, so even if
8 the line item stayed in the act, it would only have
9 been \$2 1/2 million, and presumably, that could be
10 eaten up by several counties. Certainly we would have
11 counties that would be interested in the construction
12 dollars, certainly we would have counties that would be
13 interested in construction dollars that wouldn't pass
14 the threshold for funding of their intermediate
15 punishment plan. Part of the responsibilities that are
16 outlined as mandates to PCCD is that we provide
17 training and technical assistance to the counties in
18 intermediate punishments. Not only is there \$2 1/2
19 million for the grants missing, there's no additional
20 dollars that have been allocated so far for our
21 administrative costs or our training or technical
22 assistance costs.

23 REPRESENTATIVE PICCOLA: Well, I'm sure
24 as you were when I was on the commission you're out
25 lobbying for those dollars right now, are you not?

1 MR. THOMAS: Not very effectively.

2 REPRESENTATIVE PICCOLA: Kevin, you are,
3 I'm sure, aren't you?

4 REPRESENTATIVE BLAUM: Absolutely, Jeff.

5 REPRESENTATIVE PICCOLA: Thank you, Mr.
6 Chairman.

7 CHAIRMAN CALTAGIRONE: Questions?

8 REPRESENTATIVE GERLACH: I have a
9 question.

10 BY REPRESENTATIVE GERLACH: (Of Mr. Thomas)

11 Q. I'd like to refer you to page 13 of this
12 PCCD grant addendum to the report that you have and the
13 bottom of that is a project titled, "Expansion of Local
14 Drug Task Forces," and it's a \$1 million award given to
15 the Office of Attorney General for a project period of
16 September '90 through September '91 to expand local
17 drug task force operations. Can you describe that a
18 bit more specifically as to what that project is about
19 and what seems to be happening with that money?

20 A. Yes. The Federal funds that we're
21 referring to come from the congressional act of 1986.

22 Q. Um-hum.

23 A. One of the things we've seen nationally
24 as well as in Pennsylvania is that task forcing, that
25 is a pooling of resources, has been a phenomena. It's

1 occurred nationally, it's occurred throughout the
2 State, and for very good reasons. Even with all the
3 large amount of dollars that we have flowing, it's not
4 sufficient for everyone to do their own thing and be
5 supported. The efficiency of using the funds requires
6 that they work together. Certainly the ability of drug
7 traffickers across jurisdictional lines dictates that
8 we work in cooperation with one another.

9 One of the things we've found, and the
10 task forcing has really been initiated back about '87.
11 The grant you refer to is just to follow along with the
12 major Federal support that's going to the Attorney
13 General. One of the things that we discovered quite
14 quickly when we were looking for local police
15 departments to take more of an active role in going
16 after drug traffickers is that they were already
17 stretched to the limit. They just did not have that
18 additional manpower to put on and dedicate them to
19 drugs. The one way that they can is to go on overtime,
20 to work a Saturday.

21 Q. This is part of the municipal drug task
22 force program that's been instituted?

23 A. This would be part of the municipal task
24 force. The Attorney General forms the task force,
25 signs the contract, and pays for the overtime.

1 Q. Okay. I'm aware of that. Thank you.

2 CHAIRMAN CALTAGIRONE: Our researcher for
3 the committee, Galia, has some questions that she would
4 like to ask.

5 BY MS. MILAHOV: (Of Mr. Thomas)

6 Q. Could you explain your community crime
7 prevention program and what communities you've gone
8 into and the kinds of successes that you've had with
9 that program?

10 A. Our community crime prevention efforts
11 are supportive of local police departments. We provide
12 the administrative backup for local police to form a
13 crime watch. We don't believe -- I guess to put it in
14 a more positive, we believe that crime watch and
15 community groups are only effective in preventing crime
16 if they're tied totally into the local police
17 department. We're in the job of preparing the local
18 police to form those crime watch groups, to give them a
19 mission, to target their uses, and we do that through a
20 one-week training course which we offer free of charge
21 to police departments about six times a year in various
22 geographical areas in the State. We train them on how
23 to organize a block watch, train them on how to target
24 the activities of the block watch.

25 First of all, they have to analyze what

1 crime is coming in the community, whether it's
2 residential or whether it's commercial, what are the
3 types of crimes being formed, what are the vulnerable
4 places in the community, and the police officers are
5 given those tools so that whenever they begin forming
6 their group that they're able to have them become
7 effective.

8 In addition to that, we provide special
9 seminars and training for the crime prevention officers
10 as the last couple years particularly we've been
11 interested in drug prevention so that the drug
12 prevention efforts I spoke to earlier was a natural
13 outgrowth of our crime prevention program.

14 We provide a clearinghouse for crime
15 prevention information. As you can well imagine,
16 throughout the State and nationally there is a good bit
17 of resources that have been developed over the last few
18 years and we try to keep that cataloged and as a
19 particular police officer has an assignment to worry
20 about residential burglary, they would call us and we
21 would give them the list of the types of pamphlets and
22 resource information that might available.

23 Again, in a nutshell, that's where we
24 are. It's kind of an outreach extension of the agency.
25 These people are generally on the road, at least have

1 been. We're kind of cutting back at the moment, but
2 that's generally their job is to be out on the road.

3 Q. Does this community training successfully
4 augment the police force, whatever is in place in the
5 community, and can the citizens effectively help
6 prevent crime in their areas?

7 A. Clearly. There's no doubt that the
8 organization of a community can have a very negative
9 impact on crime. Some of the questioning is whether or
10 not you simply displace that crime in another part of
11 the city or you displace it to another community, and
12 you probably have. On the other hand, the people that
13 have taken the bull by the horns, so to speak, live a
14 little better life, and we certainly will help any
15 community to organize in that fashion.

16 Q. Good. I have one more question. I'm
17 real curious to know how your juvenile delinquency
18 program helps prevent crime in the juvenile sector and
19 what you do in that area?

20 A. As I explained earlier, at the moment
21 we're pretty much tied up into this Federal mandate of
22 worrying about jail removal. Certainly something we
23 want to worry about, something we want to solve. The
24 priorities predating that mandate, and I presume will
25 follow once we're in compliance, dealt with the

1 serious, violent juvenile offender. We're looking to
2 target that offender, prosecute him effectively and get
3 him into the institution or on probation and treat it.
4 That's kind of the gist of that priority.

5 The other priority, to respond to your
6 question, is family focus prevention, realizing that to
7 only target a prevention strategy just at the juvenile
8 itself ignores siblings, ignores the community, ignores
9 aunts and uncles and the parents, and so what we're
10 looking to do is provide treatment for the whole
11 family, to have the court, to let the program know, I
12 should say, that if you have a juvenile in trouble
13 that's still salvageable and have that juvenile and his
14 family referred to a program which will try to
15 strengthen the role of staying clear of crime.

16 Q. So do you work with juvenile detention
17 facilities or do you work simply with the court system
18 in identifying those juveniles and families that could
19 have support through you?

20 A. Well, the identifying level is really the
21 juvenile probation department--

22 Q. Okay.

23 A. --is where it would be the providers for
24 family focus prevention are principally private
25 agencies.

1 Q. Thank you.

2 CHAIRMAN CALTAGIRONE: Questions?

3 REPRESENTATIVE MAYERNIK: I believe the
4 Republican Chief Counsel has questions regarding
5 Representative Blaum and--

6 CHAIRMAN CALTAGIRONE: As she turns three
7 shades of red and gives him a shot.

8 REPRESENTATIVE MAYERNIK: Do you have
9 anything on staff abuse?

10 CHAIRMAN CALTAGIRONE: Questions?

11 BY REPRESENTATIVE KRUSZEWSKI: (Of Mr. Thomas)

12 Q. I think I'm loud enough. In regard to
13 our researcher's question with regard to juvenile
14 delinquency, it's policy, I believe, throughout the
15 State, the juvenile system, where you do not take
16 photos of juveniles without a court order. Is that
17 true?

18 A. I'm not sure.

19 Q. In our county it is.

20 MR. REESER: I believe it varies by
21 jurisdiction, but if I'm not mistaken, and I'd have to
22 research, the Juvenile Act provides that for certain
23 felony crimes, if you are 15 or above, you can be
24 printed, you can be photographed, et cetera.

25 REPRESENTATIVE KRUSZEWSKI: Well, I think

1 you're talking if they're an adjudicated adult maybe,
2 but if they're not, I think maybe we should look at it,
3 Mr. Chairman, in regards to something statewide.

4 MR. REESER: There is also a specific
5 classification in State law that provides for what is
6 called a dangerous juvenile offender, and I know
7 specifically you can be printed and photographed and
8 the record transmitted to the Central Repository of the
9 State Police if you are classified in that
10 classification. And again, that's in the juvenile
11 system, not if you're certified as an adult.

12 REPRESENTATIVE KRUSZEWSKI: Well, in our
13 county, Erie County, and I worked in law enforcement
14 for 19 years, 9 in drugs, and the problem is with the
15 juvenile system because when they start, you know,
16 that's their history then for the rest of their life.
17 And we cannot get their prints or the photos without
18 court orders. And that's up to the judge, too, which
19 maybe you ought to take it out of his hands.

20 MR. REESER: I believe that's more local
21 policy than State law.

22 MR. THOMAS: There's a bulletin that we
23 have that was published in October of '89, talking
24 about career patterns of juvenile crime, which will
25 discuss that law that Mr. Reeser was speaking of, of

1 the serious juvenile offender, the dangerous juvenile
2 offender and how it's working or how it could be
3 improved, and I'd be happy to send you a copy of that.

4 REPRESENTATIVE KRUSZEWSKI: Good.

5 CHAIRMAN CALTAGIRONE: I have one final
6 question. I'm curious what role the PCCD would have in
7 the development of the boot camp program which is
8 scheduled to be on line this year.

9 REPRESENTATIVE BLAUM: What program?

10 CHAIRMAN CALTAGIRONE: Boot camp.

11 MR. THOMAS: We will be funding it. The
12 commission has awarded a grant to the Department of
13 Corrections for the boot camp. On the developmental
14 side, we haven't been involved at all. The department
15 has its own resources in place to develop it and we
16 simply haven't -- and part of it we'll be a funding
17 source for it and certainly we'll get our crack as it's
18 submitted to us as a proposal, but we're not involved
19 in the development at this time.

20 CHAIRMAN CALTAGIRONE: Would you keep us
21 appraised of that then?

22 MR. THOMAS: Sure.

23 CHAIRMAN CALTAGIRONE: Because I know
24 that there's an awful lot of interest in that program
25 to see how effective it is and whether or not it meets

1 the goals and expectations.

2 Any other questions?

3 MS. MILAHOV: One last question.

4 BY MS. MILAHOV: (Of Mr. Thomas)

5 Q. On your programs that you choose as new
6 and innovative programs and then you fund them, what is
7 your evaluation process after the program has been
8 complete and how long do you follow up on evaluating
9 and seeing if counties are supporting it or whatever?

10 A. Our principal test of whether or not we
11 fund it, something that makes sense, is whether or not
12 the municipality will continue it when we're done. If
13 they're willing to put the county tax base dollars or
14 their local municipality tax base dollars into it, we
15 figure it's proven itself to the officials that it
16 needed to prove itself. Beyond that, however, we
17 provide -- we assess the project at least once during
18 its life with a staff monitoring visit, compare the
19 objectives as to whether or not they've actually
20 reached those objectives or if not why not is really
21 the more important question, and to make sure that the
22 project is running on track. I might say that we don't
23 have any current figures, but the last time we made an
24 assessment, about 84 percent of the projects that we
25 funded as seed fund projects were continuing, which I

1 think is a pretty decent track record.

2 Q. Have you found any really wonderful
3 programs that you'd like to recommend to other counties
4 to have them put them in place?

5 A. Yes. I mean, there's any number of
6 programs in any number of the areas, whether it be in
7 the -- whether it be a vertical prosecution program or
8 whether it be a particular family focus juvenile
9 prevention program, some counties are doing a stellar
10 job relative to victims services. Part of our
11 responsibility is to share that information, to have
12 counties learn and know what other counties are doing
13 or other municipalities.

14 One example I can take is from Berks
15 County where we have a model program, or so recognized
16 by the National County Commissioners Association, for
17 dealing with the drug offender from the time of arrest
18 through the judicial process, through prosecution,
19 through the judicial process, through Corrections,
20 through treatment, tying that whole system together.
21 We're very pleased that we've been able to provide
22 funding support for it. Having established it as the
23 model, we then invited about 30 counties to come join
24 with us and Berks County officials up in State College
25 and really spent two days explaining how the model

1 works. And it's that type of seminar where we're
2 really not passing out money but we're passing out
3 information that we find very useful in trying to
4 improve the system.

5 I might say that part of our operating
6 procedure isn't to claim all the expertise. We just
7 simply don't. There's no way that we're going to
8 explain what's occurring with the Berks County prison
9 society and that system down there. We bring those
10 people in to do that education.

11 Q. Thank you.

12 CHAIRMAN CALTAGIRONE: Okay. Chairman
13 Blaum, Director Thomas, thank you.

14 MR. THOMAS: Thank you.

15 REPRESENTATIVE BLAUM: Thank you.

16 CHAIRMAN CALTAGIRONE: That will conclude
17 the hearing.

18 (Whereupon, the proceedings were
19 concluded at 11:40 a.m.)
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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me during the hearing of the within cause, and that this is a true and correct transcript of the same.

Ann-Marie P. Sweeney
ANN-MARIE P. SWEENEY

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