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Pennsylvania Local Government Conference

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TESTIMONY ON H.B. 74 - DRUG FORFEITURE COUNCILS

Presented to the House Judiciary Committee

By

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Good afternoon. I am Douglas E. Hill, Executive Director of the Pennsylvania State Association County Commissioners. The Association is a nonprofit, nonpartisan organization representing all of the Commonwealth's 67 counties. I am also presenting testimony today on behalf of the Local Government Conference, which includes our Association, and the associations representing cities, boroughs, townships of the first class, townships of the second class, and school boards. Together we represent more than 3,200 units of local government.

I am pleased to have this opportunity to present our comments on H.B. 74, which amends Title 42 of the Pennsylvania Consolidated Statutes by establishing county drug forfeiture councils, and further providing for the allocation of proceeds of cash and property forfeited in drug offenses.

Before I specifically address House Bill 74, I would like to place the the drug and alcohol problem in the context of the larger crisis facing the local criminal justice system. Over the past 5 years we have been waging the "War on Drugs" on the national, state and local levels. I am not here to discuss the merits of this war, but rather the priorities we have established for fighting this war and the consequences this war is having on local government.

Before this Committee in 1988, and on numerous occasions since, we have testified, with concern, that the resources expended on drug law enforcement have

emphasized the apprehension and prosecution side of the equation. We have used the analogy, and will use it again today, that this model of the criminal justice system can be viewed as a bottle with a funnel. Our past efforts, emphasizing apprehension and prosecution, have increased the size of the funnel dramatically, while doing little for the size of the bottle. The General Assembly finally began to deal with this issue last session, passing a number of acts that address "the size of the bottle": Act 71 of 1990, the \$200 million bond issue for county jail construction and Act 193 of 1990, the Intermediate Punishment Act, are two of the most significant examples.

This brings us to H.B. 74, which for us represents another opportunity to balance the equation by addressing the capacity side of county criminal justice system. The demands on the county based drug and alcohol treatment system have grown proportionately with the increase in law enforcement activities. Unfortunately the state appropriations for treatment have remained stagnant, while the federal dollars are projected to decrease for FY 91/92. The decreasing federal dollars are stretched even further by the Governor's proposal to use federal funds to replace state funds in the PENNFREE programming.

H.B. 74, as written, would divide between the district attorney and a newly created county forfeiture council the cash and proceeds of forfeited property seized in connection with controlled substances violations. Sixty percent would go to the District Attorney and the remaining 40% would go to the county drug forfeiture council. The district attorney would use the proceeds for enforcement of the Controlled Substance, Drug, Device and Cosmetic Act, as is current law. The county drug forfeiture council would use its share of the

proceeds to fund drug education, drug abuse prevention, drug counseling and rehabilitation, and other antidrug services.

We strongly support the concept of utilizing these funds to help offset the costs of drug and alcohol treatment, prevention, and education. Each dollar spent on prevention and treatment means significant savings in funds needed later for enforcement, prosecution, and incarceration. There are also indirect savings, particularly in less child abuse, less marginal employment, and less homelessness.

We do, however, have concerns about the proposed distribution formula and the requirement for the development of county drug forfeiture councils.

We strongly suggest that the all cash and proceeds from forfeited property be divided in thirds, with one third going to the District Attorney for current uses, another third going to the local Single County Authority for distribution to drug and alcohol treatment, prevention, and education services, and the final third going to the local police departments, based on relative participation in drug task forces, both to stabilize their funding and to offset their costs for participation in antidrug efforts. We feel this proposed distribution formula represents a fair and equitable balance among the major components of the drug and alcohol interdiction system.

Our concern with the requirement to establish local forfeiture councils centers on the creation, or more particularly duplication of effort, of a county body that is already in existence. Act 63 of 1972 created the Single State Authority, now the Office of Drug and Alcohol Programs, in the Pennsylvania Department

of Health. Its mission is to provide drug and alcohol services to the residents of the Commonwealth, largely by administering state and federal drug and alcohol grants and programs.

The Single State Authority has in turn created a system of local administration through Single County Authorities. Through this system, 47 SCAs have been created (some are on a joinder basis), providing a full range of community based drug and alcohol education, treatment, and prevention services in every county.

In order to establish an Single County Authority the county commissioners must appoint a citizen's group, known as the Planning Council or the Executive Commission, consisting of eleven to fifteen members. These Councils or Commissions advise the SCA in the planning, coordinating, and administering of the local drug and alcohol services. Appointments must include representatives of criminal justice, business/industry, labor, education, health care, consumers, and human services. Appointed members serve three year terms and may serve for two consecutive terms. They are required to meet eleven times a year.

Because we have this structure in place and operating successfully, we recommend that H.B. 74 be amended to give the SCAs jurisdiction over distribution and administration of the education, treatment, and prevention funds. The creation of another county based body to oversee the delivery of drug and alcohol services, as proposed in the present version of H.B. 74, would be redundant and result in confusion and added administrative costs.

Before concluding, I want to emphasize that the amount of funds available through these forfeiture proceeds represents a fraction of the dollars needed to continue our "War on Drugs". I do not want to give members of the Committee the impression that these funds, estimated at about \$5 million per year, will be enough to provide the drug and alcohol services that the citizens of the Commonwealth need. It will, however, provide sorely needed funds for treatment, education, and prevention, and will help balance the fiscally-competing interests of apprehension, prosecution, and prevention and treatment.

Thank you for the opportunity to present these comments. We are pleased to offer our assistance in the further development of this legislation.