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COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
COMMITTEE ON JUDICIARY

In re: Oversight Hearing of the Crime Victims
Compensation Board

* * * * *

Stenographic report of hearing held
in Room 140, Majority Caucus Room,
Majority Caucus Room, Harrisburg, PA

Tuesday,
April 30, 1991
10:00 p.m.

HON. THOMAS R. CALTAGIRONE, CHAIRMAN
Hon. Kevin Blaum, Subcommittee Chairman on Crime
and Corrections
Hon. Karen Ritter, Secretary

MEMBERS OF COMMITTEE ON JUDICIARY

Hon. Jerry Birmelin	Hon. Frank LaGrotta
Hon. Frank Dermody	Hon. Christopher McNally
Hon. Gregory Fajt	Hon. Robert D. Reber
Hon. David Heckler	Hon. Christopher Wogan

Also Present:

Galina Milahov, Majority Research Analyst
Mary Beth Marschik, Republican Research Analyst
Paul Dunkleberger, Republican Research Analyst
Katherine Manucci, Majority Committee Staff

Reported by:
Ann-Marie P. Sweeney, Reporter

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*56 pages
+ 32 pages attached
88 pages*

1991-098



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APPENDIX

1 CHAIRMAN CALTAGIRONE: I'd like to get
2 started.

3 If the teacher with the class would like
4 to introduce himself and the class of students that's
5 visiting here with us today.

6 THE TEACHER: We are from Cumberland
7 Valley High School visiting the Capitol and the
8 Governor's Mansion and sitting in on your hearing.
9 It's a seniors government class.

10 CHAIRMAN CALTAGIRONE: Very good.
11 Welcome. Welcome one and all.

12 This is the House of Representatives
13 Judiciary Committee. We are holding an oversight
14 hearing on the Crime Victims' Compensation Board, and
15 I'd like for the members and staff to introduce
16 themselves, those that are present today.

17 REPRESENTATIVE RITTER: Karen Ritter,
18 from Lehigh County.

19 REPRESENTATIVE FAJT: Greg Fajt,
20 Allegheny County.

21 CHAIRMAN CALTAGIRONE: Tom Caltagirone,
22 Berks County.

23 REPRESENTATIVE BLAUM: Representative
24 Kevin Blaum, city of Wilkes-Barre.

25 REPRESENTATIVE McNALLY: Chris McNally,

1 Allegheny County.

2 MS. MILAHOV: Galina Milahov, Research
3 Analyst.

4 MS. MARSCHIK: Mary Beth Marschik,
5 Research Analyst.

6 CHAIRMAN CALTAGIRONE: Okay. And if the
7 ladies at the table would like to introduce themselves
8 for the record and then start your presentation.

9 MS. McMANUS: Marianne F. McManus,
10 Chairman, Crime Victims' Compensation Board.

11 MS. CRAWFORD: Pat Crawford, member of
12 the Crime Victims' Compensation Board.

13 MS. SCHIMMEL: Judith Schimmel, Chief
14 Counsel.

15 MS. SNYDER: June Snyder, Administrative
16 Officer.

17 MS. McMANUS: Good morning,
18 Representative Caltagirone and members of the Judiciary
19 Committee. My name is Marianne F. McManus, and I am
20 Chairman of the Crime Victims' Compensation Board. I
21 am pleased to be here today to talk about this
22 wonderful program that has benefited many victims and
23 their families.

24 Act 139 of July 1976 created a crime
25 victim's compensation program as a response to

1 financial losses incurred by innocent victims of crime.
2 Individuals injured during the commission of a crime
3 not only suffer physical and psychological pain, but
4 also any out-of-pocket losses that result from medical
5 expenses or loss of income. To qualify for
6 compensation, an individual must have incurred a
7 minimum out-of-pocket loss of \$100 or two continuous
8 week's earnings, unless the victim is age 60 or older.
9 A claimant may receive up to \$35,000 for actual losses,
10 but compensation may not be paid for pain and suffering
11 or for property loss or damage. It is the mission of
12 relieving the uncompensated losses of innocent victims
13 which the board strives to achieve.

14 This program has grown significantly
15 since the days when the board received under 40 claims
16 per week. A dramatic increase occurred after the
17 passage of Act 114 of 1979, which requires that local
18 law enforcement agencies give notice of the
19 availability of compensation. However, the act
20 currently permits the required notice to be given by
21 detectives instead of the responding officers. Since
22 not all crimes go to the detective division of a
23 police department, there is a distinct possibility that
24 a number of eligible claimants remain unaware of
25 compensation availability. Accordingly, we suggest

1 that Section 17 be amend to require the provision of
2 notice by the responding officer. At our request, this
3 was done in the city of Harrisburg last summer and the
4 number of claims has increased significantly.

5 Other amendments since 1979 have expanded
6 the definition of loss of earnings to include stolen
7 cash proceeds of Social Security, railroad retirement,
8 and child or spousal support payments. House Bill 77
9 of 1991 further enlarged this eligibility class.

10 Pennsylvania may be the only State which pays for
11 stolen cash of any kind. New York reimburses \$500 for
12 a cash loss. These payments are not eligible for
13 Federal reimbursement.

14 The mission of the Crime Victims'
15 Compensation Board. The Crime Victims' Compensation
16 Board is committed to helping as many innocent victims
17 of crime as possible. To fulfill this commitment, the
18 board has a responsibility to administer the program in
19 the most efficient way possible. Included in this is
20 the continual monitoring of the Compensation Fund to
21 insure that funds remain available to cover as many
22 victims as possible. To further that goal, victims of
23 drunk driving accidents, as passed in House Bill 77 of
24 1991, will be included among those to be compensated.

25 Not all of you may be familiar with the

1 operations of the board. An individual submits a claim
2 form with supporting documentation. When all of the
3 supporting documentation is complete, the claim is
4 accepted for processing and is in an "open - no
5 verification" status. The claim is referred to the
6 verification unit, which asks for information from
7 providers and criminal justice agencies. The claim is
8 now in the "open - in verification" stage, which can
9 take three weeks or many months, depending upon the
10 cooperation of the entities involved. Hospitals,
11 doctors, employers, local law enforcement agencies and
12 clerk of courts, in that order, are most derelict in
13 responding to our requests. While Section 19, added in
14 1986, subjected a provider to a civil penalty of \$10
15 per day for failure to respond within 30 days, no
16 prosecutor is interested in pursuing this matter. We
17 suggest that more teeth be put in this section. At the
18 very least, providers who fail to respond should
19 forfeit their right to collect from the victim or other
20 responsible person.

21 Once a legal assistant has collected
22 enough information, the claim is transferred to "open -
23 board member" status, while the member assigned
24 prepares a formal report and recommendation to the
25 entire board and a decision is also written. Prior to

1 that there are many aspects beyond our control -
2 provider response, receipt of acceptance, and
3 processing of checks. Provider delays account for 45
4 days, plus another 45 for a subpoena, if necessary;
5 acceptances, another 30 to 60 days; and
6 treasury/comptroller, an average of 42 days, for a
7 total of 147 days, or 29.4 weeks, or 7.35 months.

8 In addition to the actual processing of
9 claims, the board has several other aspects of victim
10 compensation which has taken enormous amounts of time.
11 For example, contact is made with the appropriate
12 office of probation and parole or Clerk of Court,
13 whenever an award is made for two reasons. First, so
14 that any amounts paid in restitution can be deducted
15 from our award if appropriate; and second, to notify
16 the county that future restitution payments are to be
17 sent directly to the Commonwealth, pursuant to Section
18 13 of the act. These restitution payments are put into
19 the General Fund and not into the Crime Victims'
20 Compensation Fund, which was created by Section 15(c)
21 of the act, added in 1984.

22 The board could be doing more, such as
23 enforcing the Commonwealth's right of subrogation, but
24 this Section 12 does not make it clear that all third
25 party payments are affected, not just payments by the

1 offender, and such enforcement would require time and
2 staff, neither of which is available.

3 Even something such as the preparation
4 for this hearing has a serious effect on operations. I
5 do not have a secretary. Nobody has a secretary. All
6 staff are assigned to the processing of claims. My
7 presentation was written in longhand and given to a
8 clerk typist who could have been working on 30 claims
9 during the time it took to finalize this statement.
10 The graphs we have for you were graciously prepared by
11 the Pennsylvania Commission on Crime and Delinquency.
12 We have neither the personnel nor the equipment to draw
13 the same.

14 The staff of the board is the same as it
15 was in 1982 when there was a caseload of 129 claims per
16 staff member. At the present rate, the board could
17 receive 4,000 claims in '90-'91, or an average of 444
18 claims per staff member. This increase does not
19 include DUI claims, which will totally swamp an already
20 overworked staff. Compare our figures with that of the
21 Pennsylvania Human Relations Commission, where 174
22 staff members handle 10,000 complaints, or an average
23 of 57 1/2 per person, and I only use that comparison
24 because we happened to sit in on the Human Relations
25 hearing.

1 The fund needs major rejuvenation.
2 Figure 3 in your packet shows the trend of payouts and
3 receipts. As the board increases efficiency and
4 improves program administration, the amount of payout
5 increases and the fund balance decreases. The impact
6 of DUI claims could be as high as \$3 million, which is
7 virtually equal to the board's present annual income.
8 Payouts for 1990 calendar year exceeded revenues by
9 \$941,022.51. Calendar year payouts, \$2,854,556.26,
10 versus revenues from imposed costs of \$1,913,533.75.
11 The situation can only worsen.

12 Notwithstanding staffing and funding
13 problems, the board has accomplished a great deal since
14 I arrived:

15 The board has promulgated new rules and
16 regulations which more fairly guide the board in
17 calculating actual losses.

18 The board has expanded public speaking
19 and awareness campaigns on behalf of the Commonwealth
20 and the Crime Victims' Compensation Board.

21 Goals and objectives, both long- and
22 short-term, have been defined by the board to improve
23 proficiency and accountability.

24 The first training seminar for staff and
25 board was conducted over a three-day period.

1 A Claims Service Representative position
2 was created and filled. This representative handles
3 the inquiries from the 1-800 toll-free number, and this
4 insures consistency and communication with claimants.

5 A major revision of forms and
6 correspondence was implemented to expedite the
7 processing of claims.

8 Two statewide training seminars were
9 conducted for victim service professionals, police
10 officers, and others who assist victims in filing
11 claims.

12 A full-time attorney joined the Crime
13 Victims' Compensation Board staff.

14 The first and second issues of a
15 quarterly newsletter were published, and this is a new
16 effort to expand outreach and update colleagues on
17 program information.

18 Legislation was introduced to expand the
19 compensable coverage of the program and to bring
20 Pennsylvania into compliance with Federal qualifying
21 guidelines.

22 A bilingual staff member was added to the
23 board.

24 The Crime Victims' Compensation Board
25 Chairman was elected as an officer of the National

1 Association of Crime Victims' Compensation Boards.

2 A new claim form and application was
3 issued. This form provides more explicit instructions
4 for the claimant, thus requiring less follow-up for the
5 verifiers.

6 The board published a new brochure
7 describing eligibility requirements and program
8 benefits. 50,000 of these brochures were distributed
9 during the fiscal year.

10 The initiation of utilization of
11 homeowner's insurance to alleviate the cash loss of
12 Social Security, railroad retirement, or child or
13 spousal support, at a significant savings to the
14 Commonwealth as yet to be determined.

15 In 1989-90, we had seven hearings, one
16 appeal to Commonwealth Court, and two appeals to the
17 Supreme Court of board decisions. So far, in 1990-91,
18 there has been one hearing, out of 2,127 claims
19 adjudicated through April. Most importantly, the
20 number of claims adjudicated every month has risen from
21 90 to over 200. Once the third board position is
22 filled, we have a member retiring, and the new member
23 is comfortable with the process, we hope to be able to
24 adjudicate over 250 claims per month, thus eliminating
25 some of the mythical backlog.

1 Budget. The board's fiscal year '91-'92
2 budget request included cost to carry 14 existing
3 positions, additional hearing costs, and adequate
4 operational and equipment costs to recover from the
5 prior year's 36-percent reduction in operating costs.
6 In addition, we will submit a total program revision
7 request to maintain the existing program by providing
8 sufficient personnel, automated technology, and other
9 resources, and to allow the board to expand outreach.
10 Included in all of this is printing costs, an increase
11 in personnel, and training to eliminate the backlog and
12 handle the influx of new claims.

13 The Governor's fiscal year '91-'92 budget
14 recommends General Fund appropriation, \$617,000,
15 augmentation restricted revenue \$87,000, for a total of
16 \$704,000. This is a 14-percent increase over fiscal
17 year '90-'91 General Fund.

18 The fiscal year '90-'91 operational costs
19 of \$47,000 were depleted as indicated in the sunset
20 audit. This situation was relieved by permission of
21 usage of \$15,000 from restricted revenue to partially
22 satisfy the shortfall. This makes perfect sense since
23 everything in the office is essentially for victims.

24 I have distributed packets which contain
25 information about the board and what we need in the way

1 of information for the individual claims. This, I'm
2 sure, will be of some help if the claim is to be
3 facilitated.

4 In summary, I am pleased to report that
5 the performance of the board since the last sunset
6 hearing has substantially improved, but it cannot
7 function at optimum efficiency until it is adequately
8 staffed and funded. I would also point out the board
9 has already implemented or begun the implementation of
10 many suggestions in the sunset audit.

11 I thank you for your attention, and I
12 will try to answer any questions that you may have.

13 CHAIRMAN CALTAGIRONE: This is amazing.
14 I'll tell you why. Working without a secretary, number
15 one, I think anybody on this panel trying to work
16 without a secretary finds it absolutely impossible.
17 And number two, the job that you're doing, I must
18 compliment you. I think you're doing an extraordinary
19 job.

20 MS. McMANUS: Thank you.

21 CHAIRMAN CALTAGIRONE: For not only the
22 legislature that helped to create this but also the
23 crime victims, which is the most important thing that
24 we are here to address.

25 You have some charts that you wanted to

1 review. Did you want to do that now before we got into
2 some questions? So that the members could understand
3 what these charts are all about.

4 MS. McMANUS: Sure. This chart is
5 prepared for another purpose, but I brought it along
6 today just to give you an idea. What we have here are
7 Crime Victims' Compensation Board costs received less
8 claims paid. In other words, the payments coming in
9 from the county versus the cost or the payment going
10 out for victims. You will see the ones in red are
11 running a deficit. And I just bring that to show you
12 that in some cases the revenues coming in are keeping
13 pace. In other instances, they are not. And
14 compensation costs, recovery is a difficult situation,
15 and some counties are having a problem with it.

16 These are revenues versus expenditures
17 for fiscal year '89-'90 to fiscal year 1993-94
18 projected and actual.

19 These are the Crime Victims' Compensation
20 Board award totals for fiscal year 1987-88 to '92-'93.
21 And the Social Security is the area that you see here
22 in dark color.

23 CHAIRMAN CALTAGIRONE: I must say that
24 you have a very good track record with the
25 adjudication. I must compliment your attorney that

1 with all the cases that you have handled that you
2 haven't had more of a problem with the appeals. So
3 evidently you're handling them pretty fairly so that
4 people are not complaining.

5 MS. McMANUS: They do have the option to
6 reject a decision that we make. In that case, if they
7 can send any documentation that will help us to change
8 our mind or to look at other aspects of the claim, they
9 may receive a different report and recommendation.
10 That's report and recommendation on reconsideration.
11 After that is over and they reject that decision, then
12 they can ask for a hearing. So they have several
13 options open to them if they do not like the decision
14 that is made.

15 CHAIRMAN CALTAGIRONE: Questions from the
16 committee?

17 Ladies first.

18 REPRESENTATIVE RITTER: I just wanted to
19 -- I was making some notes on some of the suggestions
20 that you made about changes, and the one that I saw,
21 the first one that you mentioned included a requirement
22 that victims be given more information. House Bill 90
23 includes a requirement that all victims be given
24 information in writing within the first 24 hours by the
25 -- by whoever, the responding officer or whoever has

1 contact with that victim, so that is already included
2 in the bill that we passed. But the other one, you're
3 saying now that the restitution payments that you
4 receive from the counties goes to the General Fund and
5 not to your fund?

6 MS. McMANUS: Um-hum

7 REPRESENTATIVE RITTER: Does that make
8 sense?

9 MS. McMANUS: Because it says
10 restitution, in the act it says, "restitution to the
11 extent of the award shall be subrogated to the
12 Commonwealth." It does not say to the Crime Victims'
13 Compensation.

14 MS. SCHIMMEL: Of course, it's not a lot
15 of money anyway. It was only \$33,000 last year that
16 the counties managed to collect.

17 MS. McMANUS: In restitution.

18 REPRESENTATIVE RITTER: Over and above
19 what was paid out, you mean?

20 MS. McMANUS: Total.

21 MS. SCHIMMEL: They only collected
22 \$33,000 in restitution of that amount that we awarded,
23 the \$4 1/2 million that we awarded.

24 REPRESENTATIVE FAJT: Why aren't all
25 those numbers in the red then?

1 MS. SCHIMMEL: No, no, no. What's up
2 there is the \$10 cost.

3 MS. McMANUS: Those are the fine and
4 costs on the offender.

5 MS. SCHIMMEL: Those are the fines, not
6 restitution.

7 REPRESENTATIVE RITTER: Oh, all right.
8 But that goes to you?

9 MS. SCHIMMEL: That goes to us. That is
10 the Compensation's Fund.

11 REPRESENTATIVE RITTER: So anything that
12 the county manages to -- the offender walks in and
13 says, I want to pay you some money for the victim, is
14 that what you're talking about?

15 MS. SCHIMMEL: No, we're talking about
16 the court ordering the payment of restitution.

17 REPRESENTATIVE RITTER: And that's all
18 that was ordered or that's all that was collected?

19 MS. SCHIMMEL: That's all that was
20 collected.

21 REPRESENTATIVE RITTER: Do you have any
22 idea how that relates to how much was ordered?

23 MS. SCHIMMEL: As a matter of fact, we
24 did a little bit of work--

25 MS. McMANUS: Not on restitution she's

1 talking about

2 MS. SCHIMMEL: Oh, but the restitution is
3 no more successful than the collection of the cost. We
4 discovered that the district justices collect 90
5 percent of the amounts that go into the Compensation's
6 Fund, and the Courts of Common Pleas collect only 10
7 percent.

8 MS. SNYDER: We do not see this money.
9 It goes directly to the Department of Revenue and we
10 get reports.

11 REPRESENTATIVE RITTER: To tell you how
12 much money is available in your account?

13 MS. SNYDER: No, the money is not
14 available to us.

15 REPRESENTATIVE RITTER: Under this?

16 MS. SNYDER: There are two sets of money.
17 These are the imposed costs, and that goes into the
18 restricted revenue account.

19 REPRESENTATIVE RITTER: Under your
20 jurisdiction?

21 MS. SNYDER: Yes.

22 CHAIRMAN CALTAGIRONE: They would like
23 you to use the microphone so they can hear. There is
24 some very relevant testimony.

25 MS. SNYDER: Okay. Can you hear me now?

1 CHAIRMAN CALTAGIRONE: Yes.

2 MS. SNYDER: There's a great deal of
3 misunderstanding about restitution money and the
4 imposed cost. The imposed cost money goes into our
5 account and we pay victims from that account. It's in
6 a restricted revenue account in the General Fund.

7 REPRESENTATIVE RITTER: And that's where
8 the State appropriation would also go?

9 MS. SNYDER: No. No.

10 REPRESENTATIVE RITTER: Okay, never mind.

11 MS. SNYDER: The State appropriation is
12 only for administrative costs at this the point.

13 REPRESENTATIVE RITTER: Okay.

14 MS. SNYDER: And that is this money, this
15 graph. The restitution money comes in from the Clerk
16 of Courts and the district justices to Revenue. We
17 never see that. They send us reports and I pull up,
18 you may be familiar with the CMIC Report 10. I pull
19 those Revenue reports and that's how we found out it
20 was \$33,000.

21 REPRESENTATIVE RITTER: All right, so in
22 other words, Revenue just says, we collected \$33,000
23 and you can't have it, basically?

24 MS. SNYDER: Well, it goes into the
25 general operating account, and no, we can't have it.

1 It's not for us.

2 REPRESENTATIVE McNALLY: Mr. Chairman,
3 can I ask a question about the restitution?

4 REPRESENTATIVE RITTER: It's all right.

5 CHAIRMAN CALTAGIRONE: Okay.

6 REPRESENTATIVE McNALLY: I would think
7 that restitution would be restitution to the victim. I
8 mean, maybe the Department of Revenue is a conduit,
9 but, I mean, is the defendant paying restitution to the
10 Department of Revenue and then the Department of
11 Revenue sends money to the victim?

12 MS. McMANUS: No. No.

13 REPRESENTATIVE McNALLY: Oh, it's
14 restitution to the State? I see.

15 MS. McMANUS: In other words, if we have
16 made an award, restitution to the extent of that award
17 must be paid back to the Commonwealth. So if we make
18 an award for \$2,000 and then they receive \$1,900 in
19 restitution, that money must come back to the
20 Commonwealth.

21 REPRESENTATIVE RITTER: But it goes to
22 the Commonwealth and not to you?

23 MS. McMANUS: That's correct.

24 REPRESENTATIVE RITTER: And you've paid
25 the award out of--

1 MS. McMANUS: Right.

2 REPRESENTATIVE RITTER: It doesn't make
3 sense.

4 MS. CRAWFORD: May I say something?

5 The only problem is in most cases we have
6 already awarded before restitution even starts to be
7 paid because the criminal may have been in jail for a
8 while or whatever, and as a result of that, and we
9 don't have the resources to actually go after that
10 money ourselves. So it really--

11 REPRESENTATIVE RITTER: But if it comes
12 in it should go to you, I think. To go to your fund.

13 MS. CRAWFORD: Well, it's supposed to.
14 We put in a subrogation clause in our claims that we
15 adjudicate saying that the victim must repay us if that
16 is received. Judy can explain, though, that if there
17 are other costs such as property loss costs, and I
18 think a few other things, that would come off the top
19 before we would be eligible to receive for personal
20 injury or loss of earnings or anything like that.

21 REPRESENTATIVE RITTER: Okay.

22 CHAIRMAN CALTAGIRONE: Representative
23 Fajt.

24 REPRESENTATIVE FAJT: I've got a couple
25 of questions. I'll start with the easy ones first and

1 then I want to get back into the money because I'm not
2 sure I understand it.

3 First of all, I think you ought to be
4 congratulated also with keeping your staff at the same
5 level that you had it in 1982 and with the significant
6 increase in the number of cases you handle. I really
7 think that of all the agencies that we've seen, we've
8 done oversight hearings so far this year, I can tell
9 you that you're the only one that's been able to make
10 that claim and you're really to be commended for it,
11 especially in light of these tight fiscal times.

12 BY REPRESENTATIVE FAJT: (Of Ms. McManus)

13 Q. Where are you located?

14 A. We're located at 333 Market Street, lobby
15 level.

16 Q. Okay.

17 A. That's in the Education Building.

18 Q. I thought that you had mentioned on your
19 testimony that there was a maximum on the amount that
20 somebody could be paid. Did I hear that correctly?

21 A. That's correct, \$35,000.

22 Q. \$35,000.

23 A. Um-hum.

24 Q. Okay. Back to the numbers again. Your
25 budget is \$704,000, as I saw it in the report here, and

1 that's your administrative budget?

2 A. Um-hum. That's right.

3 Q. Okay. On top of that, you made a
4 statement in there that you paid out I think this year
5 somewhere in the neighborhood of \$2.9 million, on page
6 8. Payouts for 1990 exceeded revenues by \$941,000,
7 calendar year payouts of \$2.8 million versus revenues
8 of \$1.9?

9 A. Um-hum.

10 Q. Okay, so your payouts were \$2.8 million.
11 In the sentence before that, you say that the impact of
12 DUI claims could be as high as \$3 million.

13 A. Um-hum.

14 Q. Which I guess I had a question there, how
15 could they be \$3 million when your total payouts were
16 \$2.8 million?

17 A. Okay, I'll you tell what that was based
18 on. We took the median, an average of anywhere from
19 between, what was it, 200 to 1,300 claims that we could
20 probably expect to receive for DUI.

21 Q. I see.

22 A. We took a median of that and said 500.
23 Looking at that and taking the average payout, which we
24 are understanding is consistently about 2 1/2 times the
25 average awards, 2 1/2 times higher, because most of

1 these people have personal injury and extensive medical
2 bills, we took that figure also and we came up with the
3 \$3 million. That's only a projection of what we could.
4 It may be high. We don't know.

5 Q. Okay. Just to get back to the numbers,
6 so we have a \$704,000 appropriation for administration?

7 A. Um-hum.

8 Q. These costs here, are -- is each
9 defendant assessed a \$10 charge? What is that \$10
10 charge?

11 A. Judy can answer.

12 MS. SCHIMMEL: It's part of mandatory
13 costs that are assessed against everyone who is found
14 guilty, pleads guilty or nolo contendere. It does not,
15 at this time, include drunk driving or anyone on ARD.
16 That would be added by House Bill 77.

17 REPRESENTATIVE FAJT: Who pays the \$10?

18 MS. SCHIMMEL: The defendant pays it.

19 REPRESENTATIVE FAJT: Okay.

20 MS. SCHIMMEL: These mandatory costs are
21 included in those with PCADV, the additional \$5 for
22 PCCD as well.

23 REPRESENTATIVE FAJT: Okay. So that \$10,
24 and excuse me for beating a dead horse, but I'm not
25 sure I understand it, that \$10 goes into your account,

1 your separate account?

2 MS. SCHIMMEL: Yes. Yes. It is not a
3 separate fund.

4 REPRESENTATIVE FAJT: Okay.

5 MS. SCHIMMEL: It is only a separate
6 account.

7 REPRESENTATIVE FAJT: Okay. What moneys
8 are paid from that account?

9 MS. SCHIMMEL: The only thing other than
10 actual awards to victims paid out of this account have
11 been hearing transcripts and medical bills for
12 independent medical examinations of claimants through
13 December.

14 REPRESENTATIVE FAJT: Okay.

15 MS. McMANUS: Excuse me, let me make a
16 clarification on that. We do not pay for the
17 transcripts out of the Compensation Fund. That comes
18 out of administrative costs.

19 REPRESENTATIVE FAJT: Okay, out of the
20 \$704,000?

21 MS. McMANUS: That's correct. And also
22 any -- I can only think of one instance where we asked
23 for an independent medical opinion, and that cost was
24 going to come out also of the administrative costs.

25 REPRESENTATIVE FAJT: Okay, so in

1 addition to the \$10 per defendant, they can also be
2 assessed, and often are assessed, an additional amount
3 of payment that they have to make into the General
4 Fund?

5 MS. McMANUS: No.

6 REPRESENTATIVE FAJT: Okay.

7 MS. SCHIMMEL: No. A defendant may be
8 ordered to make restitution to a victim.

9 REPRESENTATIVE FAJT: Right.

10 MS. SCHIMMEL: That is separate and
11 distinct from the mandatory costs that must be imposed
12 on a particular defendant.

13 REPRESENTATIVE FAJT: Right. That money
14 goes into the General Fund.

15 MS. SCHIMMEL: That money goes into the
16 General Fund only if the Crime Victims' Compensation
17 Board has made an award to that particular victim, and
18 only to the extent of that award for any duplication.

19 REPRESENTATIVE FAJT: Okay. I got an
20 understanding of that now. So back to the chart here,
21 you're saying that the \$10 assessed per defendant in
22 Allegheny County, for instance, Philadelphia County,
23 which are obviously the most glaring counties that are
24 operating in the red, that \$10 cost is woefully low
25 based on what we're paying out to plaintiffs in those

1 counties?

2 MS. McMANUS: The collection of those--
3 REPRESENTATIVE FAJT: Amounts are
4 woefully low.

5 MS. McMANUS: --amounts. And for
6 instance, to give you an example, in '89-'90, for
7 Allegheny County, the number of claims was 157.

8 REPRESENTATIVE FAJT: Um-hum.

9 MS. McMANUS: Okay. That amounted to
10 \$276,000, rounding it off. The collection from the
11 imposed costs was \$173,000. The year before we paid
12 out \$206,000, and then the imposed costs were \$164,000.

13 REPRESENTATIVE FAJT: Um-hum.

14 MS. McMANUS: So the costs, the imposed
15 costs are always running behind, in some areas.

16 REPRESENTATIVE RITTER: The imposed costs
17 or the collected costs?

18 MS. McMANUS: The collected costs.
19 Clarification. Collected costs.

20 REPRESENTATIVE FAJT: Is there anything
21 you can see that we can do from here to try to increase
22 those collections?

23 MS. McMANUS: I really don't know what
24 the answer is to that. I mean, we've certainly looked
25 at it. I think we were extremely surprised to find

1 that the majority of the money was being collected by
2 the district justices and not the courts.

3 REPRESENTATIVE FAJT: Um-hum.

4 MS. McMANUS: I think probably until they
5 have the uniform court system and the -- I don't know.
6 I really don't know what the answer is as far as
7 collections.

8 REPRESENTATIVE FAJT: Okay, thank you.

9 CHAIRMAN CALTAGIRONE: Representative
10 Reber.

11 REPRESENTATIVE REBER: Thank you, Mr.
12 Chairman.

13 Turning first of all in your testimony on
14 page 11, you referenced that there was one appeal in
15 '89-'90, one appeal to Commonwealth Court and two
16 appeals to the Supreme Court. Briefly, what were the
17 issues involved that brought those appeals about?

18 MS. SCHIMMEL: One of them was an appeal
19 by a young man who had lost his hand in a meat grinder.
20 He had gone to work for a meat packing company in Adams
21 County. The employer did not have workers'
22 compensation insurance. They claimed that the failure
23 to carry workers' compensation was a crime within the
24 meaning of the statute.

25 REPRESENTATIVE REBER: Next case?

1 (Laughter.)

2 MS. SCHIMMEL: Another one was a
3 challenge to the act's exception of crimes involving
4 the use of motor vehicles. The Supreme Court then
5 dismissed that appeal as improvidently granted and
6 agreed that it did not cover it.

7 The third one involved a police officer
8 who was injured in the line of duty, and we maintained
9 the act was not intended to cover police officers, and
10 the Commonwealth Court agreed.

11 REPRESENTATIVE REBER: Okay. Changing
12 the issue now, Social Security benefits. In your
13 brochures and in your application forms, when you're
14 talking about claims for Social Security loss, the
15 statement is made that it has to be the main source of
16 income. Could you give me a little bit further
17 background? Is that statutorily mandated?

18 MS. McMANUS: Yes.

19 MS. SCHIMMEL: Yes.

20 MS. McMANUS: Has to be your primary
21 source of income. In other words, more than 50
22 percent.

23 REPRESENTATIVE REBER: Is the statutorily
24 more than 50 percent language law?

25 MS. SCHIMMEL: Yes.

1 REPRESENTATIVE REBER: How many claims
2 have been made that were denied because of that in your
3 investigation?

4 MS. SCHIMMEL: That it is not their
5 primary source of income?

6 REPRESENTATIVE REBER: Yeah. Do you find
7 a lot of claims made or people just don't do it because
8 they read that and don't file?

9 MS. McMANUS: I don't think that we deny
10 a lot, and I couldn't give you accurate information,
11 but I would say maybe no more than a dozen.

12 MS. SCHIMMEL: And usually that's because
13 there's a spouse that has income, monthly income, that
14 far exceeds the Social Security benefit.

15 REPRESENTATIVE REBER: Okay.

16 MS. SCHIMMEL: Now, if both spouses
17 receive Social Security benefits, then of course
18 there's no problem, but occasionally we'll have a
19 spouse that gets like \$2,400 a month from a private
20 pension or a spouse that's still employed making more
21 than that. In that event, we do deny the claim.

22 REPRESENTATIVE REBER: Switching gears
23 now a third time, this committee has been involved over
24 the past year and a half, two years, with the
25 forfeiture issue relative to moneys confiscated from

1 drug raids and then is forfeited to be used by the
2 respective police departments, district attorneys
3 offices, if you will. There have been attempts by
4 so-called community based interest groups to have some
5 of those moneys allocated to them for worthwhile
6 activities in the war on drugs.

7 First of all, have you had any kind of
8 attempts made or claims made on the personal side?
9 Now, recognizing that personal property claims are not
10 permissible for reimbursement under the law, do you get
11 a lot of dialogue in that area or do you get any
12 contact that something like that should be carried out
13 or it should be allowed in the course of dealing with
14 victims where there's personal injuries that also have
15 certainly property that is stolen or otherwise not
16 available to them as a result of the crime? In the
17 course of that, do you have any dialogue with these
18 people? What's the reaction, if any?

19 MS. McMANUS: Well, to answer the first
20 part of your question, we really do not have a lot of
21 dialogue with the victims. I mean, our staff does, but
22 the victims service groups are very active in the
23 individual counties and they probably talk to them more
24 hands-on than we do.

25 As far as, is your question as far as

1 compensating property damage or--

2 REPRESENTATIVE REBER: I think my
3 question is two-fold. First of all, do you find that a
4 lot of victims that you do process also have had
5 property damaged that is not compensated?

6 MS. McMANUS: Yes, but I would say that
7 we have a limited number of claims that even indicate
8 that or that we even find out about them.

9 REPRESENTATIVE REBER: Now, I guess my
10 next question is, if there was a total revamping of the
11 concept, because I always have a fundamental concern
12 with the forfeiture situation as it currently is. It's
13 my feeling that virtually all -- I shouldn't say
14 virtually all, but a good majority of the fruits of the
15 drug operations are really fostered by stolen property,
16 and it just is, in essence, feeding that particular
17 situation, and it seems to me that a lot of times the
18 victims of personal property thefts in some way should
19 be reimbursed when these goods are, in essence,
20 forfeited, and I was just wondering if you people have
21 had any kind of thoughts on that issue, if there's been
22 any dialogue with your staff or internally,
23 administratively on that, you know, type of concern.
24 You probably have enough problems you don't go looking
25 for ones that aren't vested upon you already.

1 MS. McMANUS: The answer to your question
2 is no, we have not had any dialogue regarding that.

3 REPRESENTATIVE REBER: If in its infinite
4 wisdom the General Assembly in some way, shape, or form
5 could find a way to dovetail a system, would that be a
6 massive change in the necessities for your staff to
7 plug in the personal property side to adjudicate claims
8 if there could be some system set up, do you think?
9 Are we going in a monumentally large, different
10 direction than you're currently going?

11 MS. McMANUS: I think it's a different
12 direction, and I am not really sure of the answer to
13 that question.

14 REPRESENTATIVE REBER: All right.

15 MS. McMANUS: Without doing some further
16 investigation.

17 REPRESENTATIVE REBER: Okay, thank you.
18 Thank you.

19 CHAIRMAN CALTAGIRONE: Representative
20 Dermody.

21 REPRESENTATIVE DERMODY: I just had a
22 question and an observation.

23 On the fines and costs, 90 percent, I
24 believe, of the fines and costs are collected in the
25 district justice offices, is that correct?

1 MS. McMANUS: The majority of the fines
2 are collected in the district justice.

3 REPRESENTATIVE DERMODY: I'm from
4 Allegheny County, and those numbers hold up for
5 Allegheny County DJs too?

6 MS. SCHIMMEL: We just happen to have
7 Allegheny County's figures here. In Allegheny County,
8 the Court of Common Pleas collected \$16,129.20. The
9 district justices collected \$156,981.17.

10 REPRESENTATIVE DERMODY: And the only
11 thought I have on that is that when you're at a
12 district justice's office or you're pleading guilty or
13 being found guilty at a district justice office, the
14 likelihood of going to jail is minimal, and oftentimes
15 whether it's right or not DJs sentence an alternative,
16 30 days or if you pay your fines and costs you're off.
17 So there's a little more incentive at that point to
18 pay.

19 MS. SCHIMMEL: Well, it's also
20 understandable that your collections on summaries are
21 going to be higher than your collection on
22 misdemeanors, and misdemeanors more than felonies. I
23 mean, someone doing 8 to 10 doesn't care about \$10 of
24 imposed costs.

25 REPRESENTATIVE DERMODY: In Allegheny and

1 Philadelphia, the most glaring here, most serious
2 crimes are probably committed in those two large urban
3 areas, and most of the people going to jail are
4 probably from Philadelphia and Pittsburgh.

5 MS. SCHIMMEL: Well, as the situation is
6 explained to us in Philadelphia, because of the
7 shortage of prison space, they concentrate on felonies,
8 where the collection rate is the lowest. Therefore, we
9 don't have the advantage of the summary collections out
10 of Philadelphia.

11 REPRESENTATIVE DERMODY: The \$33,000 that
12 was collected through restitution, that only involves
13 cases where there was compensation awards?

14 MS. SCHIMMEL: Yes.

15 MS. McMANUS: That's correct.

16 REPRESENTATIVE DERMODY: Thank you.

17 That's all.

18 CHAIRMAN CALTAGIRONE: Representative
19 McNally?

20 REPRESENTATIVE McNALLY: No.

21 CHAIRMAN CALTAGIRONE: Representative
22 Heckler.

23 REPRESENTATIVE HECKLER: Yes, thank you,
24 Mr. Chairman.

25 I just wanted to get it straight. I was

1 just a bit confused. When you speak of restitution,
2 the court, in most cases, will order restitution as
3 part of its sentence, that is correct?

4 MS. McMANUS: (Indicating in the
5 affirmative.)

6 REPRESENTATIVE HECKLER: And that
7 restitution is administered by the county department of
8 probation?

9 MS. SCHIMMEL: (Indicating in the
10 affirmative.)

11 REPRESENTATIVE HECKLER: You folks don't
12 get involved in that at all, is that correct?

13 MS. McMANUS: That's correct.

14 REPRESENTATIVE HECKLER: Okay. If the
15 victim, the question of whether the victim has received
16 an order of restitution at the Court of Common Pleas
17 level is one of the factors you're going to consider in
18 whatever if an application is made to your board as to
19 what relief you would grant, is that correct?

20 MS. McMANUS: If there is an indication
21 that restitution has been ordered, we try to check that
22 before the award is made.

23 REPRESENTATIVE HECKLER: Okay.

24 MS. McMANUS: When possible.

25 REPRESENTATIVE HECKLER: And you would

1 integrate that?

2 MS. McMANUS: We would deduct that from
3 any award that we would be making.

4 REPRESENTATIVE HECKLER: Okay.

5 MS. SCHIMMEL: To the extent it has been
6 paid. Because you may not--

7 MS. McMANUS: Not if it has just been
8 ordered.

9 MS. SCHIMMEL: But only to the extent
10 restitution has been paid is it deducted from an award.

11 REPRESENTATIVE HECKLER: Okay. Do you
12 have or is that subrogated? I mean, it occurs to me
13 that in many cases you have a typical sentence, let's
14 say, for somebody who is a repeated theft offense kind
15 of individual where they are going to spend a certain
16 period, say less than a year of incarceration and then
17 a fairly long tail of parole. The restitution
18 obviously isn't going to be made in any significant
19 measure during the period of incarceration, it's going
20 to be made later. Are you then subrogated in some way
21 as those restitution payments come in?

22 MS. McMANUS: They must still be paid
23 back to the Commonwealth.

24 REPRESENTATIVE HECKLER: Okay, and is
25 that--

1 MS. McMANUS: If we've made an award.

2 REPRESENTATIVE HECKLER: Okay, if you've
3 made an award. Now, is that handled by the probation
4 or parole office?

5 MS. McMANUS: Yes.

6 REPRESENTATIVE HECKLER: So that this
7 system does sort of -- the hoop closes. If a judge
8 orders Defendant X to pay back \$2,000 because he
9 vandalized a house when he burglarized it or whatever,
10 he goes to jail for say two years with a six-year tail.
11 You folks, in the meantime, award \$2,000 in restitution
12 to these folks for the damage to their property, or
13 that that may not be a good example because there might
14 not be insurance, but--

15 MS. McMANUS: We don't have a property
16 damage.

17 REPRESENTATIVE HECKLER: Oh, okay. I'm
18 sorry. You're right. Strictly personal injury.

19 MS. McMANUS: Right.

20 REPRESENTATIVE HECKLER: A personal
21 injury claim.

22 MS. McMANUS: Of \$2,000.

23 REPRESENTATIVE HECKLER: Then the fellow
24 gets out and starts making payments because the judge
25 ordered those, that restitution to be paid. Whoever at

1 the county level is administering that is going to be
2 essentially short circuiting those payments and sending
3 them to you?

4 MS. McMANUS: Not necessarily. They will
5 go into the fund. If we have made an award and they
6 know about it, then we will be reimbursed for the award
7 to the extent--

8 REPRESENTATIVE HECKLER: Well, see,
9 that's where I'm getting confused.

10 MS. McMANUS: I mean, as far as the
11 General Fund. As far as it going back into the
12 restitution fund.

13 REPRESENTATIVE HECKLER: Well, I'm not
14 worrying about where it comes. I mean, that's the
15 problem. There are several different issues.

16 MS. McMANUS: Right.

17 REPRESENTATIVE HECKLER: One is once it
18 gets paid to any part of the Commonwealth, who does it
19 go to? Does it go to the General Fund to help the
20 Governor balance his budget or does it come to you
21 folks? You know, whatever. That's one guess. What
22 I'm trying to get at is before that. You can make an
23 award and do make awards whether or not restitution has
24 been ordered. You're completely independent from the
25 judge's sentencing options?

1 MS. McMANUS: That's correct.

2 REPRESENTATIVE HECKLER: What concerns me
3 is, or interests me, let's say, is if the judge has
4 elected to order restitution to the crime victim
5 directly, and you also make an award, is there an
6 integration of that process? Now, if you make the
7 award, let's say the judge doesn't order restitution at
8 all, you make an award.

9 MS. McMANUS: Um-hum.

10 REPRESENTATIVE HECKLER: The law says the
11 defendant has to pay you back.

12 MS. McMANUS: Um-hum.

13 REPRESENTATIVE HECKLER: And that then
14 gets also administered by the county or State parole
15 officer, whoever is the supervising authority, right?

16 MS. McMANUS: Yes.

17 REPRESENTATIVE HECKLER: So that one of
18 his conditions of parole after he gets out of prison is
19 going to be to pay this back, or maybe he will or maybe
20 he won't, but to the extent that he does, the county
21 forwards that on to you?

22 MS. SCHIMMEL: No.

23 REPRESENTATIVE HECKLER: I'm sorry,
24 forwards it on to the Commonwealth, Department of
25 Revenue?

1 MS. McMANUS: Correct.

2 REPRESENTATIVE HECKLER: And they sock it
3 away. The question I have is if the defendant is
4 ordered by the judge in sentencing to pay \$2,000
5 restitution to the victim and you folks also pay the
6 victim \$2,000, what's -- who does the defendant pay
7 restitution to?

8 MS. SCHIMMEL: The defendant pays
9 restitution to the county, who in turn issues another
10 check. Whether the money is to go to the victim or the
11 Commonwealth, the money is always paid to the county
12 first, and it's usually the county clerk of courts.

13 REPRESENTATIVE HECKLER: Right. I framed
14 my question incorrectly. Let's say the defendant is
15 paying restitution and they pay it to the county. Who
16 does the county send it to?

17 MS. SCHIMMEL: Okay. That really depends
18 on the extent of the Commonwealth's right of
19 subrogation. If some of this restitution is to go for
20 property damage, then the restitution designated to
21 cover property damage goes first to the victim.

22 REPRESENTATIVE HECKLER: Uh-huh.

23 MS. SCHIMMEL: If it duplicates the bills
24 that the Crime Victims' Compensation Board paid, then
25 it is to be sent to the Commonwealth. Now, we have, we

1 had one county who refused to follow that very specific
2 section of the statute. They continued to make
3 restitution payments to the victim, even though we had
4 made awards. When I pointed out the circumstance to
5 the Solicitor, it was indicated that, well, the
6 president judge had never heard of it before. And I
7 said, well, I'm sure you will rectify that. This same
8 county now has been told by the president judge to only
9 count for restitution purposes property damage, nothing
10 that's covered by Crime Victims' Compensation.

11 REPRESENTATIVE HECKLER: Okay. Well, the
12 judge could do that in his order to begin with, if he
13 wanted to work his way around that.

14 We're curious as to what county that is.

15 MS. SCHIMMEL: Erie.

16 REPRESENTATIVE HECKLER: Okay. It's the
17 wind blowing in off the lake there.

18 Okay, I thank you. I think I understand
19 how that works then, and do we have -- we know that
20 Philadelphia is doing a miserable job, a strikingly
21 miserable job of collecting these fees from your chart,
22 just the standard defendant comes through the -- that's
23 right. They're in the thrall of just plain laziness,
24 but all these, just the regular, everybody that comes
25 through the system isn't paying their \$10. How are

1 they doing with regard to restitution where you have
2 made awards? Do we have a chart for that or do we have
3 some sense of how we're doing?

4 MS. McMANUS: No, we do not.

5 REPRESENTATIVE HECKLER: Do you have any
6 general, or do they do it well or badly? One would
7 expect badly.

8 MS. McMANUS: Well, the total amount that
9 was in the -- that was subrogated back to the
10 Commonwealth in restitution for the entire year was
11 \$30,000.

12 REPRESENTATIVE HECKLER: Oh, okay.

13 MS. McMANUS: So I don't think that, yo
14 know--

15 REPRESENTATIVE HECKLER: It's kind of
16 nobody is doing very well?

17 MS. McMANUS: Right.

18 REPRESENTATIVE HECKLER: Okay. Thank
19 you.

20 CHAIRMAN CALTAGIRONE: Representative
21 Blaum.

22 REPRESENTATIVE BLAUM: Thank you, Mr.
23 Chairman.

24 The number I heard earlier, \$704,000,
25 What is that exactly?

1 MS. McMANUS: That's the administrative
2 costs.

3 REPRESENTATIVE BLAUM: And could we have
4 a breakdown of that as to how those \$704,000 are spent?
5 I can't find that in our budget sheets or some of the
6 pages that you handed out to us.

7 MS. SNYDER: Notice the sheet I am
8 holding up, and I think Galina put it in the package.

9 REPRESENTATIVE BLAUM: Um-hum.

10 MS. SNYDER: This is, at this point, the
11 breakdown of those moneys. What will happen at
12 rebudget time, we will go back in and say we have 14
13 positions, we will need X numbers of dollars for the
14 salary moneys, we will need X numbers of dollars to
15 maintain the computer, to take care of printing costs,
16 hearing costs, and so forth. We will have to redevelop
17 and redefine where that money is going to go because
18 it's less than we asked for.

19 REPRESENTATIVE BLAUM: Um-hum.

20 MS. SNYDER: So we will now say we have
21 14 people, that's fixed. And we will calculate those
22 dollars and that will be after the budget is passed.
23 We will then say we have certain things we have to
24 spend the moneys for and then look at the other things
25 that we had asked for. So to give you a definite

1 answer now, I can't do that. I might say--

2 REPRESENTATIVE BLAUM: Why not?

3 MS. SNYDER: Why not?

4 REPRESENTATIVE BLAUM: I'm not talking
5 about the '91-'92 budget. Let's go back to the '90-'91
6 budget, the money that the Compensation Board is
7 operating under now.

8 MS. SNYDER: Okay.

9 REPRESENTATIVE BLAUM: What I'm
10 interested in is a breakdown of how each dollar is
11 spent by the board, okay?

12 MS. McMANUS: Well, we can tell you as
13 far as operating costs, everything in the board is
14 geared to victims. I mean, we have printing costs, we
15 have postage costs which consistently are increasing.
16 As we increase our payouts, the postage increases. All
17 the things that go with it. We physically mail the
18 checks from our office to every provider and every
19 victim.

20 REPRESENTATIVE BLAUM: That's okay. I'm
21 just asking, do we have that? Do we have the breakdown
22 of how--

23 MS. McMANUS: I don't know that we have
24 that with us. If we don't, I can certainly get it for.

25 REPRESENTATIVE BLAUM: That's all right.

1 MS. McMANUS: I would be happy to.

2 REPRESENTATIVE BLAUM: Yeah. Thank you.

3 MS. McMANUS: We have it in personnel,
4 operating costs, and fixed assets.

5 REPRESENTATIVE BLAUM: Right. Just
6 broken down. You know, the personnel broken down,
7 fixed costs broken down, assets broken down.

8 MS. McMANUS: I think you may get an
9 answer in a minute.

10 REPRESENTATIVE BLAUM: Is that okay?

11 MS. McMANUS: Yeah.

12 REPRESENTATIVE BLAUM: PCCD has a similar
13 problem with collections in Philadelphia, and I
14 sympathize with the Crime Victims' Compensation Board
15 because I don't know what you do, and I think it's
16 incumbent upon us to try and do something about that.
17 At PCCD we are getting to the point, I have asked our
18 staff to begin thinking very seriously about, we hand
19 out mini grants, not only having to do with victims,
20 and I have had it up to here (indicating) with, as
21 Representative Heckler said, the laziness and
22 inefficiency of Philadelphia in not collecting that
23 money which goes to victims resource centers. If you
24 were to take any action against Philadelphia, you'd be
25 hurting crime victims, and nobody wants to do that.

1 MS. McMANUS: That's correct.

2 REPRESENTATIVE BLAUM: You don't have
3 another hammer, another angle that you can use against
4 the city of Philadelphia or the county of Allegheny,
5 and one or two others. I think as we go into the
6 sunset of the Crime Victims' Compensation Board
7 hearings that we have to begin looking at ways to tie
8 lack of collections in these counties to other funding
9 that the State hands out, and that is if they are not
10 going to make these collections, the money of which
11 goes to the most vulnerable people in this
12 Commonwealth, then they are going to suffer in other
13 ways. And we don't want the crime victims to have to
14 pay for the inefficiency of the courts, but those
15 counties should have to pay in some other ways, and I
16 think that our committee should begin looking at that.

17 One question I have--

18 MS. McMANUS: Excuse me.

19 REPRESENTATIVE BLAUM: Go ahead.

20 MS. McMANUS: This chart was prepared for
21 another reason, and so I didn't single these counties
22 out. It was just merely something that we had that we
23 brought along for today.

24 REPRESENTATIVE BLAUM: I understand, you
25 know, where you're coming from.

1 MS. McMANUS: Right.

2 REPRESENTATIVE BLAUM: But when we see
3 those numbers, if you didn't put them in red we see red
4 anyway because, I mean, the other counties are doing
5 their job. Here is a county where we would expect a
6 huge amount of funding to come into the State to help
7 victims, and they're not doing their job, yet you are
8 doing your job by paying out money to victims who
9 happen to reside in those counties. And it's not fair
10 to crime victims across the Commonwealth. Those moneys
11 should be coming in from those elected and appointed
12 officials in those places. When I look at your chart,
13 I look at other things. Like the county of Montgomery,
14 who last year had a deficit of \$38,000. What did they
15 do to, in one year, turn that deficit, which is
16 somewhat substantial, into a surplus of \$4,000? And if
17 they can do it, why can't these other counties do it?

18 MS. McMANUS: I'm not sure I know the
19 answer to that. I can tell you that '88-'89 in
20 Montgomery County we paid 152 claims. The payments
21 amounted to \$154,000, rounded off. The costs collected
22 were \$115,000. In '89-'90, we paid 45 claims to
23 Montgomery County, \$121,000, and then their costs
24 collected increased to \$126,000. So they collected
25 more.

1 REPRESENTATIVE BLAUM: I'm just
2 wondering. I look at Washington County, which was
3 running a surplus of \$18,000, and all of a sudden now
4 has a deficit of \$3,000. Do you, you know, when you
5 see those numbers, you know, take action either to
6 congratulate Montgomery County and find out what they
7 did and use them as an example for Allegheny and
8 Philadelphia to follow? And at the same time, you
9 know, get in touch with Washington County to see what
10 in God's name is going on down there that all of a
11 sudden they fall into a deficit situation? Now, if
12 they have a couple of huge claims--

13 MS. SCHIMMEL: That's what's going to do
14 it. If you have a large death claim with a \$20,000
15 loss of support payout in some of these smaller
16 counties, that's going to skew everything.

17 REPRESENTATIVE BLAUM: Okay, so that
18 might be something that is responsible for the deficit
19 in Washington County?

20 MS. McMANUS: That's correct.

21 REPRESENTATIVE BLAUM: Okay. Thank you
22 very much.

23 CHAIRMAN CALTAGIRONE: Berks County, of
24 course, ranks third. I'm curious as to what the
25 explanation is in my home county.

1 MS. SCHIMMEL: We hope you get the
2 answer.

3 MS. McMANUS: Berks, in '88-'89, we paid
4 76 claims to Berks County for a total of \$68,000.
5 Their costs collected were \$44,000. In '89-'90 in
6 Berks we paid 38 claims for \$59,000, and their costs
7 collected were \$47,000.

8 CHAIRMAN CALTAGIRONE: Is the PJ and the
9 Clerk of Courts cooperating with you then, if you have
10 that information? I happen to have lunch with the PJ
11 every month.

12 MS. SCHIMMEL: Berks County, you had
13 \$40,000 collected from the district justices, and
14 \$7,410 collected in the Court of Common Pleas.

15 CHAIRMAN CALTAGIRONE: Could you get that
16 in letter form to me, if you wouldn't mind, so that
17 when I sit down with him next time we have lunch I can
18 tell him?

19 REPRESENTATIVE BIRMELIN: That's where
20 he's spending the money, taking guys out to lunch.

21 CHAIRMAN CALTAGIRONE: He hasn't sprung
22 yet.

23 I think one of the things to be pointed
24 out to the members of the committee, the importance of
25 House Bill 77 and how it impacts on your total

1 operation, especially as it is tied into the Feds. Do
2 you want to get into that?

3 MS. McMANUS: Okay. We are mandated by
4 the Federal government to cover drunk driving or lose
5 our Federal grant money. So if we lost our Federal
6 grant money, that would have a significant impact on
7 us. House Bill 77 includes that and includes the
8 increase in the fines and costs, which we feel are
9 specifically needed. And so we don't want to lose our
10 Federal money. We are one of, and I'm not sure that we
11 are not the only State now but I won't say that, who
12 has not passed the legislation to include drunk
13 driving.

14 CHAIRMAN CALTAGIRONE: As a matter of
15 fact, what they are doing is they are holding money
16 down there, there's money down there waiting for us to
17 tap into, and the longer we delay, the longer that
18 money just sits there, is that correct?

19 MS. McMANUS: That's correct, but
20 actually we will not realize that until the grant
21 process is finished, and that would probably be around
22 October that we would actually get that money. But we
23 need to be prepared, we need to start building up the
24 fund and so forth, and so it's very important that the
25 legislation pass. We only skimmed through by the

1 extension that was granted or we would have lost our
2 Federal funding.

3 CHAIRMAN CALTAGIRONE: So before we go on
4 summer break, we really should deal with that issue in
5 the Senate so that could it get to the Governor's desk?

6 MS. McMANUS: Absolutely.

7 CHAIRMAN CALTAGIRONE: Is that your
8 timeframe?

9 MS. McMANUS: Absolutely. Yes.

10 CHAIRMAN CALTAGIRONE: Have you had any
11 indication from our counterparts in the Senate as to
12 how they feel about that?

13 MS. McMANUS: We are coming up for sunset
14 review.

15 MS. SCHIMMEL: Thursday.

16 MS. McMANUS: Maybe they will let us
17 know.

18 CHAIRMAN CALTAGIRONE: Are there any
19 other questions?

20 REPRESENTATIVE BIRMELIN: When do they
21 come up for sunset review?

22 MS. SCHIMMEL: Thursday.

23 MS. McMANUS: We have a sunset hearing.

24 CHAIRMAN CALTAGIRONE: Any other
25 questions?

1 (No response.)

2 MS. McMANUS: I think our Administrative
3 Officer has the information that Representative Blaum
4 wanted.

5 MS. SNYDER: I apologize. I'm always
6 looking to next year and forget about this year when
7 it's almost over.

8 We were initially, in this fiscal year,
9 allotted \$617,000. The breakdown was \$568,000 for
10 salaries.

11 REPRESENTATIVE BLAUM: You don't have to
12 give that to me now. I just would like a copy of it
13 and how those salaries, break down the salaries,
14 everything broken down into number of positions and so
15 forth.

16 MS. SNYDER: Okay. All right. We'll
17 do.

18 MS. McMANUS: We'll get back to you.

19 CHAIRMAN CALTAGIRONE: Thank you. We
20 will now adjourn the meeting.

21 (Whereupon, the proceedings were
22 concluded at 11:12 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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