

**TESTIMONY BEFORE  
THE HOUSE JUDICIARY COMMITTEE  
MONDAY, AUGUST 24, 1992**

MR. CHAIRMAN, MEMBERS OF THE HOUSE JUDICIARY COMMITTEE, I THANK YOU FOR PERMITTING ME TO APPEAR HERE TODAY. I ALSO THANK YOU FOR YOUR CONCERN REGARDING THE POTENTIAL IMPACT OF THE GOVERNOR'S ACTION IN BLUE-LINING FROM THE 1992-93 STATE BUDGET THOSE MONIES INTENDED TO ASSIST COUNTIES IN FUNDING THE COST OF THE COURT OF COMMON PLEAS OPERATIONS IN THE 67 COUNTIES OF THIS COMMONWEALTH. YOUR CONCERN IS DEMONSTRATED BY THIS PUBLIC HEARING TODAY.

MY NAME IS JOHN E. MINNICH, AND I AM THE COURT ADMINISTRATOR FOR DAUPHIN COUNTY'S TWELFTH JUDICIAL DISTRICT. I AM HERE AT THE REQUEST OF THE PENNSYLVANIA ASSOCIATION OF COURT MANAGEMENT, HOWEVER, I WANT TO EMPHASIZE THAT I AM NOT SPEAKING FOR MY PEERS THROUGHOUT PENNSYLVANIA, AS THE SITUATION MAY VARY FROM JUDICIAL DISTRICT TO JUDICIAL DISTRICT IN THE SEVERAL COUNTIES OF THE COMMONWEALTH. MY PRESENTATION WILL ADDRESS THE FUNDING IMPACT POTENTIAL ON DAUPHIN COUNTY AND THE TWELFTH JUDICIAL DISTRICT.

AS YOU ARE AWARE, COUNTIES OPERATE ON A CALENDAR YEAR, WHILE THE COMMONWEALTH OPERATES ON A FISCAL YEAR, JULY 1 THROUGH JUNE 30. BECAUSE COUNTY BUDGETS ARE ON A CALENDAR YEAR BASIS THE DAUPHIN COUNTY COMMISSIONERS IN PREPARING THEIR 1992 BUDGET ANTICIPATED RECEIVING \$670,000.00 FROM THE COMMONWEALTH TO SUPPORT THE JUDICIAL SYSTEM. THE COUNTY COMMISSIONERS ANTICIPATED THE NORMAL \$70,000.00 PER JUDGE AND \$15,000.00 PER DISTRICT JUSTICE. THE BUDGET, BY STATE LAW, HAD TO BE ADOPTED BY DECEMBER 31 OF THE PRECEDING YEAR AND THE 1992 PROPERTY TAX RATE SET AT THE SAME TIME.

SIX MONTHS INTO THE COUNTY BUDGET, BECAUSE OF GOVERNOR CASEY'S VETO, THE COMMISSIONERS HAVE A \$670,000.00 HOLE IN THEIR BUDGET, AND NO WAY TO MAKE THAT AMOUNT OF MONEY UP BETWEEN NOW AND THE END OF THE YEAR.

AS A RESULT OUR COMMISSIONERS HAVE PLACED A FREEZE ON THE COURT AND COURT RELATED DEPARTMENTS FOR EMPLOYEE REPLACEMENT, CAPITAL EXPENDITURES, NEW PROGRAMS, EXPANSION OF EXISTING PROGRAMS AND OTHER MAJOR BUDGET ITEMS.

WHEN THE FREEZE WAS ANNOUNCED, PRESIDENT JUDGE WARREN G. MORGAN ISSUED THE FOLLOWING RESPONSE:

THE PRESIDENT JUDGE HAS BEEN INFORMED OF THE POLICY AND COMMENTED ONLY THAT THE JUDGES OF DAUPHIN COUNTY HAVE A DUTY TO SEE THAT OUR LOCAL COURT SYSTEM HAS THE RESOURCES NECESSARY TO SERVE AND PROTECT THE CITIZENS OF THIS COUNTY AND THAT THE JUDGES WILL TAKE THE MEASURES REQUIRED TO PERFORM THAT DUTY.

THE IMPACT OF A FREEZE ON THE COURTS COULD BE DEVASTATING, AND MAY ULTIMATELY RESULT IN FORCING OUR COURT TO FILE SUIT AGAINST THE COUNTY COMMISSIONERS. THIS WOULD BE THE FIRST SUCH CONFRONTATION IN THE HISTORY OF DAUPHIN COUNTY, AS OUR COURT HAS TRADITIONALLY TRIED TO MAINTAIN A COOPERATIVE AND SUPPORTIVE RELATIONSHIP WITH OUR COUNTY COMMISSIONERS.

WHAT CAN WE EXPECT IN THE DAYS AHEAD? IF VACANCIES OCCUR IN A DISTRICT JUSTICE OFFICE, AND THE VACANCY CANNOT BE FILLED, THE PROCESSING OF THOSE ACCUSED OF A CRIME WILL BE DELAYED AT THE

VERY LEAST. IN A TWO-PERSON DISTRICT JUSTICE OFFICE, THE LEGAL PROCESS COULD COME TO A HALT. IN A LARGER STAFFED OFFICE, WHERE EMPLOYEES ARE BARELY ABLE TO KEEP UP WITH THE DEMANDS CURRENTLY PLACED UPON THEM, THE CASE FLOW WOULD BE SERIOUSLY IMPAIRED.

IN 1990, OUR DISTRICT JUSTICES COLLECTED OVER \$5 MILLION DOLLARS. OF THAT AMOUNT, ONLY .15 AND  $\frac{1}{2}$  CENTS STAYED WITH THE COUNTY. SO WHILE A DIMINUTION OF COLLECTIONS WOULD IMPACT ON THE COUNTY, THERE WOULD BE A MAJOR IMPACT ON THE COMMONWEALTH, AS THE BULK OF THE REMAINING .84 AND  $\frac{1}{2}$  CENTS ARE COMMONWEALTH FUNDS, THUS IMPACTING HEAVILY UPON THE BRANCH OF GOVERNMENT THAT HAS CAUSED THE VERY DILEMMA WE FIND OURSELVES IN.

IF VACANCIES OCCUR IN THE PROBATION DEPARTMENTS, CASELOADS WOULD HAVE TO BE SHIFTED; PAROLE OFFICERS COULD BE OVERWHELMED AND THE PUBLIC SAFETY PUT IN JEOPARDY BECAUSE PROPER SUPERVISION COULD NOT BE GIVEN. COLLECTIONS OF FINES, COSTS AND RESTITUTION WOULD BE IMPAIRED. IF AN OVERWHELMED STAFF CANNOT CONTINUE TO ENFORCE THESE COLLECTIONS AS WE AGGRESSIVELY DO IN DAUPHIN COUNTY, THE EFFECT REACHES EVEN TO THE DOORS OF THE COMMONWEALTH.

IF VACANCIES OCCUR IN COURT RELATED DEPARTMENTS SUCH AS THE CLERK OF COURTS OFFICE, AGAIN THE TIMELY FLOW OF JUSTICE COULD BE IMPAIRED. IN AN OFFICE SUCH AS THE CLERK OF COURTS, WHERE LITTLE OR NO COMPUTERIZATION HAS OCCURRED, THE MASSIVE PAPER FLOW IS CONTINGENT ON CLERKS TO DO THE PROCESSING. OUR CLERK OF COURTS SET A RECORD FOR DOCKETED CRIMINAL CASES IN 1991, AND 1992 IS ALREADY AHEAD OF THAT RECORD PACE.

I COULD CONTINUE, BUT WOULD SIMPLY BE REPEATING MYSELF. THE POINT IS, THE WHEELS OF JUSTICE COULD BE EFFECTIVELY IMPAIRED IF FUNDING IS NOT PROVIDED IN ORDER TO ACCOMPLISH THE TASK.

INEVITABLY, THERE HAS BEEN SET IN MOTION A COLLISION COURSE THAT WILL ULTIMATELY END UP IN THE COURTS IN ORDER TO RESOLVE THE PROBLEM, IF IT CAN BE RESOLVED AT ALL.

THE COMMONWEALTH, WITH ITS PENCHANT TO PLACE MORE AND MORE RESPONSIBILITY ON THE COUNTIES, WITHOUT PROVIDING FUNDING, IS A PARTY TO THE DILEMMA THE COUNTIES HAVE BEEN PLACED IN, AND MUST RECOGNIZE ITS PART IN THE CURRENT CONFRONTATION.

THANK YOU FOR ALLOWING ME TO APPEAR HERE TODAY. SHOULD YOU HAVE ANY QUESTIONS, I WILL ATTEMPT TO ANSWER THEM.