

Dauphin County

Victim/Witness Assistance Program

Laurie A. Reiley-Snell
Executive Director



Dauphin County Courthouse
Front and Market Streets
Harrisburg, Pennsylvania 17101
Telephone: (717) 233-3312

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Testimony of: Laurie Reiley-Snell, Executive Director
Dauphin County Victim/Witness Assistance Program
Dauphin County Courthouse, Front and Market Streets
Harrisburg, PA 17101 (717) 233-3312

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As indicated, my name is Laurie Reiley-Snell and I am the Executive Director for the Dauphin County Victim/Witness Assistance Program. I have had the privilege of working directly with crime victims and the criminal justice system for 10 years. Over my tenure, a number of significant changes have been made that enhance the rights of crime victims. Much of the change can be attributed directly to the Victim Rights Movement and the support it gets from victims, victim service providers, communities, and legislators who have come to realize there is a great need to balance the scales of justice. Much has been done but there is still a lot of work to do. I thank you for the opportunity to speak to you today. My hope is that by hearing from the various victim service providers you have the opportunity to hear about the perspective of crime victims by those of us who work directly with them daily. Maybe today's meeting will help to create another opportunity for enhancement.

I was naive to think, when I first started in this position, that it was okay for our agency to close out a case once a defendant was sentenced by a judge. What I learned was, that for many crime victims and for a number of reasons, it was the worst time to pull away. Often, the impact of the crime has an opportunity to hit the victim, once the process is completed. Prior to the sentencing, victims need to worry about court dates, testifying, filing restitution and crime victim's compensation claims. Victims need to keep their jobs and their families together after a traumatic incident. There is no time to allow the emotional effect to set in. However, once the court process is completed, there is time to grieve. It can be the ultimate time of need for support.

When a collection agency finally attempts to collect an overdue debt and it is two years after an incident, it brings the crime back to life and then the victim wonders where the restitution is.

Several years after his or her crime, a victim might pick up a newspaper and read about their offender being rearrested. It brings their incident back to life and they wonder why the system did not "fix" the offender.

There are a number of issues that crime victims are faced with in the post-trial, post-sentencing era of a crime. Probation or parole of an offender is a serious issue - and not necessarily a bad issue. It is just something that needs to be addressed for crime victims. Crime victims trust that the system will work, whatever that

means for them. Victims trust the process and for the most part trust those people who work to make the process function - until something goes wrong.

When a victim receives a letter from a district attorney's office requesting information about the loss(es) they have incurred, they may innocently assume that if they fill out the paperwork and return it and a court orders restitution that they may, in fact, someday receive the money they are owed. There is a logical order to financially restoring a victim, at least in a victim's mind, and I suspect in the minds of those who designed the system. I have used the following example in previous testimony and I apologize for those who have heard the story before. However, the case scenario I am going to mention provides a powerful message about the lack of respect in trying to financially restore a number of crime victims, and the lack of accountability of not only the offender but the "system". Please note:

In July, 1990, Angela was sentenced to 1 to 12 months in Dauphin County Prison as a result of pleading guilty to 23 counts of forgery.

Angela owes a total of \$3,340.80 in court costs, fines and restitution.

The last time I checked, which was the end of March of this year,

Angela paid \$895. She has been revoked from her parole 4 times.

The last time she went to court for these charges was March 20, 1995,

at which time the Judge resentenced her to 10 months and 11 days in

Dauphin County Prison. She was granted immediate release so that she can continue to make payments. The \$25 per month supervision fee was finally waived at that time. Today, almost 5 years later, she is still being supervised by the Dauphin County Adult Probation and Parole Department for the 1990 sentence of 1 to 12 months.

In September, 1990, Veronica, Angela's co-defendant, who has a prior history of criminal activity, was sentenced to 1 1/2 to 3 years in a state correctional institution for 45 counts of forgery. Veronica owes \$12,732 to Dauphin County for court costs, fines and restitution. To date, she has paid nothing. She was released from prison on April 22, 1992, and sent to a drug and alcohol treatment facility. In November, 1992, I spoke with a parole agent. He indicated that Veronica will be "maxing out" (will be released) from parole in January 1993. I addressed the issue of restitution at that time. Since Veronica only had two more months to be supervised it was not likely the money she owed would be paid back. In January, 1993, I again spoke to the same parole agent who indicated that Veronica absconded sometime in November and he was instructed to pick her up only if she incurred new charges. If Veronica was not picked up her case would be closed January 22, 1993. It was.

Restitution is a major factor in most of the cases my agency gets involved with. In the preceding case, the victims did what was expected of them. The system did not make Veronica completely accountable. Veronica in turn failed in her responsibilities and obligations. Would I walk away from a \$12,732 debt if no one made me or expected me to pay? It's certainly something to consider. I feel that in Dauphin County we are asking victims to choose between punishment (jail time) or financial restoration. If a defendant is sentenced to a county sentence in Dauphin County there is a much better chance of financial recovery. However, is it fair for a victim of a stabbing to agree to a lesser sentence in exchange for money? We do it.

Personally, I believe in the parole system. I am very much afraid of flat sentences in Pennsylvania. I want someone to be watching ex-inmates who have spent 10 years of their life in prison, gets released and who needs the structure and support of being reintegrated into society.

~~Victims~~ Victims trust that parole of an inmate will not only hold them accountable if they commit a new crime but the offender will be accountable for the original offense as well. Supervision is a good thing. However, supervision in terms of what victims and the community perceive it to be and what it actually is may differ. Drug dealers may be supervised by an intensive drug unit and those offenders may be seen by a parole agent 2-3 times per week. I am not suggesting

that drug offenders should not be highly supervised. I am suggesting that an offender on medium supervision may only be visually seen once every 3 months with collateral contacts in the interim. An offender, on minimum supervision, may be visually seen once per year. Assuming an offender has done well at the other level(s), after 2 years they may be transferred to administrative supervision, which means they may be seen once per year. Is this supervision in terms of what we want or think it should be?

When an offender is sentenced, whether it be to a probationary sentence or jail time, most victims want the system to somehow "fix" (habilitate) that offender. Victims are often perceived to be revengeful when in fact they just do not want anyone to ever have to feel like they are feeling. In order to prevent further victimization of others, the problem the offender has needs to be treated. Victims trust and believe, and are lead to believe, that "fixing" takes place in prison and/or while the offender is being supervised on the street. If that were the case why do we have repeaters? If the sentencing court mandates sex offender treatment the victim assumes that it will happen.

A case in point was a severe domestic violence case in which the defendant repeatedly stabbed his wife and let her lay to die. She did not. The defendant was sentenced to 2 1/2 to 5 years, less a day, in the county prison after pleading guilty but mentally ill. The defendant was to be transferred to a veteran's

hospital for inpatient counseling as soon as a bed was available. The victim was agreeable to the sentence because she truly believed the offender needed treatment. To this day, she still believes he needs treatment. The defendant spent almost 4 years in the prison, spent the remaining time on parole under the supervision of the State Parole System and has never gone to treatment except for the short-term "counseling" provided through the jail. Did the Parole Board know the details of the agreement that was made? Probably not, which leads me to the major point I would like to address in talking about reform in the State Probation and Parole system.

I would agree that there needs to be change and reform within our state system of supervision of offenders. My biggest fear, however, is that the whole system will not be addressed. We may only be band-aiding a major problem that I see as two-fold: lack of communication and lack of accountability. Quite possibly a third issue is lack of concern. Until crime hits home we conduct business as usual. We are asking the state system to handle cases from 67 different counties that handle the process differently in each county. There is no uniformity which creates confusion. In York County, for instance, judges often let restitution be determined by the State Board of Probation and Parole. We don't see restitution as being a major issue on the state level as far as collection is concerned. How can we expect the determination of an amount of appropriate restitution by the Board to happen?

Is anyone telling the Board that they are responsible for such a task?

In the case of Abdul Salaam Seifullah, another case I have previously alluded to in testifying before this Committee, he was a parole absconder. However, he was arrested twice after being listed as an absconder. Are we holding the rest of the criminal justice system accountable for his release as we are the Parole Board? I cannot understand why someone did not catch it. If it was not possible to catch it, then we need to create a way to prevent it from happening again. A life was lost in that case - it does not get any worse.

I truly believe that the reform should encourage accountability, communication and a sense of commitment to make a difference. I only have a generic sense of the inner-workings of the Board, therefore, it would not be fair to recommend suggestions for change. However, I am in support of seeing change that will not only allow for input and information for crime victims but a better support and supervision system for the offenders. Without changing the behavior of the offenders we will only continue our efforts in dealing with the aftermath that the victims are left to deal with. Maybe the concept of restorative justice system needs to be evaluated. We need to make offenders accountable to the victim, the community and to themselves.

My true sense is that the entire criminal justice system, and each and every player involved, must be responsible for his/her actions and decisions. How can

we expect offenders to be accountable and victims to be restored if the system is not being held accountable? We have a system that is structured to work, at least in the design. It may mean we don't totally revamp an existing system but it may mean tightening up the one we already have.

Again thank you for providing me with this opportunity.