



**COUNTY COMMISSIONERS
ASSOCIATION OF PENNSYLVANIA**

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TESTIMONY OF

**COMMISSIONER MARCIA MYERS
CUMBERLAND COUNTY**

BEFORE THE

**SUBCOMMITTEE ON CRIME AND CORRECTIONS
OF THE
HOUSE JUDICIARY COMMITTEE**

**ON BEHALF OF THE
COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA**

***APRIL 17, 1997
HARRISBURG***



GOOD MORNING DISTINGUISHED MEMBERS OF THE SUBCOMMITTEE ON CRIME AND CORRECTIONS OF THE HOUSE JUDICIARY COMMITTEE. PLEASE ALLOW ME TO INTRODUCE MYSELF. I AM CUMBERLAND COUNTY COMMISSIONER MARCIA MYERS AND AM HERE TODAY REPRESENTING THE COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA. WITHIN THE ASSOCIATION, I SERVE AS CHAIR OF THE COURTS AND CORRECTIONS COMMITTEE WHICH HAS JURISDICTION OVER THE ISSUES IMPACTING ALL ASPECTS OF THE CRIMINAL JUSTICE SYSTEM. ALSO JOINING ME IS DIANE BOSAK, THE ASSOCIATION'S GOVERNMENT AFFAIRS SPECIALIST. THANK YOU FOR THE OPPORTUNITY TO SHARE WITH YOU OUR COMMENTS WITH REGARD TO HOUSE BILLS 231 AND 232.

UNDER HOUSE BILLS 231 AND 232, THE PRESIDENT JUDGE WOULD BE GRANTED THE DISCRETION TO REMOVE THE JUDGE POSITION FROM THE COUNTY PRISON BOARD AND THE COUNTY INTERMEDIATE PUNISHMENT BOARD RESPECTIVELY. WHILE AT FIRST GLANCE, THE LEGISLATION APPEARS INNOCUOUS, THERE ARE SEVERAL ISSUES WHICH SHOULD BE CONSIDERED. ON BEHALF OF CCAP, WE WANTED TO HIGHLIGHT SOME OF THESE ISSUES. WE HAVE NOT, HOWEVER, AT THIS TIME DEVELOPED AN OFFICIAL POSITION EITHER IN SUPPORT OR OPPOSITION TO THE LEGISLATION.

BECAUSE COUNTIES VARY IN THE ACTIVITIES AND STYLE OF THESE BOARDS AND THE RELATIONSHIPS BETWEEN AND AMONG THE RESPECTIVE MEMBERS OF THE BOARDS ARE QUITE DIFFERENT FROM ONE COUNTY TO ANOTHER, COMMISSIONERS HAVE EXPRESSED VARIOUS POINTS OF VIEW WITH RESPECT TO HOUSE BILLS 231 AND 232.

IN SOME COUNTIES, THE BOARDS ARE WELL SERVED BY THE INCLUSION OF THE JUDGE POSITION. THE JUDGE PROVIDES VALUABLE INPUT, PARTICULARLY WITH REGARD TO INTERMEDIATE PUNISHMENT BOARDS, AND MANY COMMISSIONERS FIND THE CONTACT WITH THE JUDGE TO BE MOST POSITIVE. UNFORTUNATELY, THIS IS NOT THE CASE IN ALL COUNTIES WHERE THE JUDGE HAS LITTLE TIME OR INTEREST IN FULFILLING HIS OR HER OBLIGATIONS TO THE RESPECTIVE BOARDS.

BY ELIMINATING THE JUDGE POSITION ON THE PRISON AND INTERMEDIATE PUNISHMENT BOARDS, AN EVEN NUMBER OF OFFICIALS WILL REMAIN TO MAKE DECISIONS. THIS COULD POTENTIALLY LEAD TO DIVISIVE SITUATIONS OR A STALEMATE. ALTERNATIVELY, IS THERE A POSSIBLE WAY TO PROVIDE FOR ANOTHER POSITION TO BE ADDED TO THE BOARDS IF THE JUDGE POSITION IS REMOVED? THE ANSWER WOULD SEEM TO BE YES WITH THE INCLUSION OF LANGUAGE IN THE CURRENT PROPOSED LEGISLATION TO DESIGNATE AN ALTERNATE IN INSTANCES WHEN THE JUDGE POSITION IS ELIMINATED.

PERHAPS, ANOTHER APPROACH MAY BE TO ALLOW THE JUDGE TO MAKE A REQUEST TO THE RESPECTIVE BOARD FOR THE REMOVAL OF THE JUDGE POSITION WITH FINAL APPROVAL BY THE BOARD AND THE BOARD SUBSEQUENTLY DESIGNATING ANOTHER INDIVIDUAL TO SERVE. THE REQUEST TO THE BOARD MAY ALSO SERVE TO ENCOURAGE OPEN DISCUSSION BETWEEN THE MEMBERS OF THE BOARDS AND THE PRESIDENT JUDGE AS TO THE ROLE HE OR SHE CAN PLAY, PARTICULARLY IN TERMS OF INTERMEDIATE PUNISHMENT; WHETHER AN OFFICIAL MEMBER OF THE BOARD OR NOT. MANY COMMISSIONERS DO BELIEVE IT TO BE IMPORTANT TO HAVE THE PRESIDENT JUDGE INVOLVED WITH THE INTERMEDIATE PUNISHMENT BOARD AS HIS OR HER ROLE IN ASSISTING TO IMPLEMENT AND FOSTER IP SENTENCING IS CRITICAL.

IN SOME COUNTIES, THE JUDGE IS UNABLE TO ATTEND THE MEETINGS GIVEN HIS OR HER RESTRICTED TIME DUE TO CASE LOADS AND THE LIKE. THIS CAN ALSO BE TRUE OF THE DISTRICT ATTORNEY SERVING ON THESE BOARDS. ELIMINATING BOTH OF THESE POSITIONS, THE JUDGE AND THE DISTRICT ATTORNEY, ON THE BOARDS COULD ALSO BE A METHOD TO RESOLVE THE ISSUE OF AN EVEN NUMBERED BOARD. COMMISSIONERS DO BELIEVE THE DISTRICT ATTORNEY HAS AN EVEN GREATER CONFLICT THAN THE JUDGE. CCAP HAS LONG SUPPORTED THE REMOVAL OF THE DISTRICT ATTORNEY POSITION FROM THE PRISON BOARD.

AS YOU CAN GATHER FROM THESE COMMENTS, THERE ARE NO SHORTAGE OF ANSWERS OR VIEW POINTS AS TO THE CONTENT AND IMPACT OF HOUSE BILLS 231 AND 232.

GIVEN THESE ISSUES, CCAP WOULD BE PLEASED TO WORK WITH THE PRIME SPONSOR OF THE LEGISLATION AND THE MEMBERS OF THE SUBCOMMITTEE TO ACHIEVE A VIABLE SOLUTION TO THE ISSUES RAISED BY THESE MEASURES. THE CCAP COURTS AND CORRECTIONS COMMITTEE WILL BE MEETING SHORTLY AND WE WILL BE HAPPY TO SHARE WITH YOU ANY SUBSEQUENT COMMENTS OR SUGGESTIONS WE MAY HAVE FOR YOU TO CONSIDER.

AGAIN, THANK YOU FOR THIS OPPORTUNITY TO PRESENT TESTIMONY BEFORE THIS SUBCOMMITTEE TODAY. WE WILL BE HAPPY TO RESPOND TO ANY QUESTIONS YOU MAY HAVE AT THIS POINT.