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BEFORE THE SUBCOMMITTEE ON CRIMES AND CORRECTIONS OF THE
JUDICIARY COMMITTEE OF THE HOUSE OF REPRESENTATIVES OF
PENNSYLVANIA

TESTIMONY OF CHARLES H. JUNOD, Jr.
SUPERVISING ASSISTANT DISTRICT ATTORNEY OF THE PRE-TRIAL
UNIT OF
THE PHILADELPHIA DISTRICT ATTORNEY'S OFFICE
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Good afternoon Mr. Chairman and Members of the Sub-committee. Let me first thank you for allowing me this opportunity to present testimony before you regarding this very important issue.

I am here to express the support of Philadelphia District Attorney Lynne Abraham for House Bills 1744 and 1745. She also wishes to inform you that she will be working with the entire Pennsylvania District Attorneys Association to seek its full support for this proposed legislation.

In my capacity as Supervising Attorney of my office's Pre-Trial Unit, I am responsible for overseeing my office's participation in the Philadelphia Court of Common Pleas Expedited Case Management Program (commonly referred to as the

Track Program). I have been involved with this program since its inception in January 1990.

The purpose of the program is to institutionalize a mechanism for the speedy disposition of cases at a conference scheduled in advance of the actual trial listing. This program is responsible for the final disposition of an average of 3,000 cases in the Court of Common Pleas in Philadelphia each year. This figure represents nearly one-third of all Common Pleas criminal dispositions. The types of cases which are scheduled in the program include what can be described as the less serious property crimes. I am reluctant to use the term "less serious" because, to the victims of these crimes and to my office, they are indeed serious.

In order to cope with this enormous volume of cases my office has dedicated two full-time victim witness coordinators to the Track Program. These persons, as their title suggests, are responsible for contacting the thousands of victims and witnesses whose cases are scheduled in the program I have just described. One thing that has become evident to me, both through personal experience and through my interaction with the victim witness coordinators, is that victims of crime are extremely interested in obtaining restitution for the losses they suffered. In fact, if I

were to choose a greatest concern of victims of these types of crimes, it would be restitution.

To many victims the Criminal Justice System's recognition that they should be made whole is the best indication to them that the system is intended to work for them too. Understanding this, we have developed an extensive system for contacting these victims and obtaining a restitution figure to present to the Judge at sentencing. For a number of reasons (such as continuing medical treatment or an unresolved insurance claims) we are not always able to have an exact restitution figure available at the time of sentencing. When this occurs, we ask the Judge to order that the restitution be left to be determined after sentencing. This "Restitution to be Determined" is made a part of the sentencing order. When we have determined a restitution figure the Judge then enters an order for that amount of restitution. One suggestion I would like to make is that the law be made clearer to explicitly allow for restitution to be determined after sentencing.

There have been many recent changes in the legislation in this Commonwealth concerning restitution to crime victims. In my opinion all of these recent changes have truly benefited victims of crime. Providing for mandatory

restitution and the prioritizing of restitution, as set forth in the 1995, amendments are particularly important.

What continues to be a problem is the collection of the restitution after it is ordered as part of a sentence. I sometimes feel when I report to a victim that restitution was ordered, that I am making them a false promise.

House Bills 1744 and 1745 address this concern. It includes many significant improvements in the actual collection process. Particularly useful are the provisions for entering and docketing of judgments and for wage attachments. It is predictable that many defendants may be unable to pay restitution when ordered or for some time thereafter. For this reason it's important that once a restitution order is reduced to judgment, it will not go away. If there comes a time when a defendant has assets, they can be used to satisfy the restitution order.

There are also defendants who can pay restitution orders but simply refuse to do so. Of course, the sentencing judge can find that defendant in violation of the court order and impose sanctions such as incarceration. But both the judgment provisions and the wage attachment provisions of this legislation would be greatly helpful in obtaining the goal sought--to get the money into the hands of the victim.

Ensuring the payment of restitution is not just something to satisfy crime victims. I sincerely believe that imposing a requirement of restitution on defendants instills in them a recognition of their responsibility for their acts and enhances the likelihood of their rehabilitation. It is for this reason that not only prosecutors but all citizens of this Commonwealth should support this important legislation.

Again let me thank the Chairman and Members of the Committee for allowing me this opportunity to appear here in support of House Bills 1744 and 1745.