



COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA

17 NORTH FRONT STREET • HARRISBURG, PENNSYLVANIA 17101-1624 • 717-232-7554 • 717-232-2162 FAX

September 8, 1997

The Honorable Jerry Birmelin
Chair, Subcommittee on Crime and Corrections
Pennsylvania House of Representatives
53A East Wing
Harrisburg, PA 17120

Dear Representative Birmelin:

On behalf of the County Commissioners Association, thank you for extending the courtesy to testify at the hearing on your proposed legislation providing for collection of restitution.

Unfortunately, due to previous commitments we are unable to appear before your Subcommittee. We would like to offer, however, the following comments as part of the record for the hearing.

We remain interested in working with you to further this legislation and hope that you will call upon us to assist in any way possible.

Again, thank you.

Sincerely,

Diane Bosak
Government Affairs Specialist

c: Heather Barnhart, House Judiciary Committee





COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA

17 NORTH FRONT STREET • HARRISBURG, PENNSYLVANIA 17101-1624 • 717-232-7554 • 717-232-2162 FAX

STATEMENT: PROPOSED RESTITUTION LEGISLATION
SUBCOMMITTEE ON CRIME AND CORRECTIONS
OF THE HOUSE JUDICIARY COMMITTEE
SEPTEMBER 10, 1997

THE COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA IS PLEASED TO OFFER THE FOLLOWING COMMENTS CONCERNING THE PROPOSED LEGISLATION PROVIDING FOR THE COLLECTION OF RESTITUTION.

CCAP SUPPORTS EFFORTS TO PROVIDE FOR BETTER COLLECTION OF RESTITUTION. WHILE SOME COUNTIES ARE SUCCESSFUL IN SUCH COLLECTION EFFORTS, MANY COUNTIES LACK THE INFORMATION NECESSARY TO ENSURE ADEQUATE COLLECTION.

THE PROPOSED LEGISLATION WILL ADDRESS THIS DEFICIENCY BY REQUIRING THE COURT TO TRANSMIT INFORMATION PERTAINING TO JUDGMENTS FOR RESTITUTION TO THE RESPECTIVE COUNTY OR DEPARTMENT OF CORRECTIONS. WHILE THE TRANSMITTAL OF INFORMATION IS IMPORTANT, THE SPECIFICITY OF THE LEGISLATION CAUSES CONCERN TO THE COUNTIES. AS WRITTEN, THE LEGISLATION MANDATES COLLECTION BY THE COUNTY PROBATION DEPARTMENT OR COUNTY CORRECTIONAL FACILITY. GIVEN THE DIVERSITY OF THE COUNTIES, CCAP BELIEVES THIS LANGUAGE SHOULD BE AMENDED TO ALLOW THE COUNTY COMMISSIONERS THE OPTION OF DESIGNATING THE APPROPRIATE COLLECTION ENTITY. IN SOME COUNTIES, THIS MAY INDEED BE THE PROBATION DEPARTMENT BUT IN OTHER COUNTIES, THE COMMISSIONERS MAY OPT FOR A PRIVATE COLLECTION AGENCY.

A SIMILAR AMENDMENT WOULD BE NECESSARY TO ADDRESS THE RETENTION OF A RESTITUTION FILE WITHIN THE COUNTY PROBATION DEPARTMENT. AGAIN, THE COUNTY SHOULD HAVE THE OPTION TO DETERMINE WHERE BEST TO RETAIN THIS INFORMATION. WITH RESPECT TO THESE RECORDS, SHOULD THERE ALSO NOT BE A PROCESS FOR TRANSMITTAL OF SUCH INFORMATION BACK TO THE COURTS OR OTHER APPROPRIATE ENTITY?

THERE APPEARS TO BE SOME INCONSISTENCIES WITH RESPECT TO THE COLLECTION OF RESTITUTION AND THE RECORDS. SPECIFICALLY, WE BELIEVE SOME AMENDATORY LANGUAGE IS NEEDED TO RECONCILE SECTIONS 9728 (B.1), PAGE 5, AND (G.1), PAGE 8.

CCAP HAS MANY CONCERNS WITH PROVISIONS OF THE PROPOSED LEGISLATION NOT PERTINENT TO THE RESTITUTION ISSUE. THESE CONCERNS ARE FOCUSED ON SECTION 9764 AS THIS RELATES TO OFFENDER INFORMATION. CCAP IS NOT OPPOSED TO THE SHARING OF INMATE INFORMATION. IN FACT, WE BELIEVE THIS WILL SERVE TO BENEFIT ALL INSTITUTIONS IN THAT HAVING SUCH PERTINENT



BACKGROUND INFORMATION WILL ASSIST WITH THE CLASSIFICATION PROCESS AS WELL AS IDENTIFYING ANY POTENTIAL PROBLEM AREAS WHICH MAY COMPROMISE THE SAFETY AND SECURITY OF THE FACILITY.

FIRST, WE MUST ASK IF LEGISLATION IS NECESSARY TO FACILITATE THIS INFORMATION EXCHANGE. WE BELIEVE THAT THE DEPARTMENT OF CORRECTIONS CAN ACCOMPLISH SUCH A REQUIREMENT THROUGH POLICY OR REGULATION.

ANOTHER CONCERN IS WITH THE TYPE OF INFORMATION REQUIRED. COUNTY FACILITIES DO NOT HAVE ACCESS TO INFORMATION SUCH AS THE PRESENTENCE INVESTIGATION OR THE CRIMINAL COMPLAINT, IT WOULD BE MOST APPROPRIATE, WE BELIEVE, TO REQUIRE THE COURTS TO PROVIDE SUCH INFORMATION PERTAINING TO THE CRIMINAL HISTORY. IF SUCH INFORMATION WERE SUPPLIED TO THE COUNTY OR STATE, THEN IT BECOMES MUCH EASIER TO BEGIN TO BUILD A COMPLETE FILE OF AN INMATE'S HISTORY.

FURTHER, WE BELIEVE IT IS IMPORTANT TO KEEP IN MIND THE POTENTIAL OF THE ELECTRONIC TRANSFER OF INFORMATION. INDEED, WITH THE DEVELOPMENT OF JNET, THROUGH THE ADMINISTRATIVE OFFICE OF THE PENNSYLVANIA COURTS (AOPC) AND THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY (PCCD), CERTAIN RECORDS WILL BE MORE READILY ACCESSIBLE AND TRANSFERABLE TO THE COUNTIES AND STATE. CCAP CONTINUES TO PARTICIPATE IN EFFORTS TO ENSURE FURTHER LINKAGE OF THE COURT SYSTEM WITH THE COUNTY CORRECTIONAL FACILITIES AND COUNTY PROBATION DEPARTMENTS. IN FACT, THIS ENTIRE INFORMATION NETWORK WILL BE THE HIGHLIGHT OF THE FIRST CRIMINAL JUSTICE CONFERENCE FOCUSING ON TECHNOLOGY -- TO BE HELD MARCH 16 - 18, 1998, IN STATE COLLEGE. THE CONFERENCE IS BEING CO-SPONSORED BY PCCD AND CCAP.

CCAP HAS REQUESTED AN OPPORTUNITY TO WORK WITH THE DEPARTMENT OF CORRECTIONS IN AN EFFORT TO ADDRESS CONCERNS PERTAINING TO THE SHARING OF INMATE INFORMATION. CERTAINLY, WE HOPE WE ARE ABLE TO RESOLVE THIS ISSUE THROUGH COOPERATION WITH THE DEPARTMENT.

THANK YOU FOR YOUR CONSIDERATION.