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James D. Crawford
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February 16, 2000

The Honorable Jerry Birmelin
Chair, House Judiciary Committee's
Subcommittee on Crimes and Corrections
PA House of Representatives
House Box 202020
Harrisburg, PA 17120-2020

RE: DEFERRED ADJUDICATION LEGISLATION

Dear Representative Birmelin:

I am unable to attend the public hearing on February 24, 2000, on Representative Kenney's deferred adjudication legislation. Therefore, I respectfully request that you accept this letter in lieu of live testimony. My comments will focus on the potential impact of this legislation on Philadelphia as it is my understanding that this proposal is intended to address the situation in Philadelphia.

Over the last nine weeks I have had the privilege of participating in the transition process of Philadelphia's new mayor, the Honorable John Street. I served on a committee that looked at various issues relating to children in Philadelphia. We spent a lot of time examining various problems in the Philadelphia juvenile justice system and how they are interrelated.

Much of our discussion centered on the need for a new Youth Study Center in Philadelphia. Almost every single participant in the committee felt that building a new Youth Study Center was a priority. This task was seen as an urgent matter by representatives of the Commonwealth's Department of Public Welfare, the Philadelphia District Attorney's Office, the Public Defender's Office, the Juvenile Law Center and the ACLU. All other concerns about the juvenile justice system were deemed to be of secondary importance.

In order to move forward with the construction of a new Youth Study Center several thorny issues must be resolved including the question of how large a facility is needed and where it will be located. Those issues involve decisions about how many resources will be devoted to staffing and maintaining the secure facility and how many resources will be left over for a range of other placements and programs for juveniles.

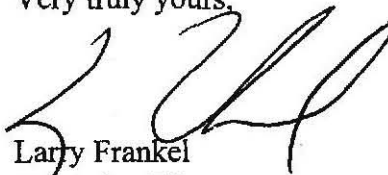
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My concern with the proposed legislation is that it complicates the process of resolving the thorny issues mentioned in the previous paragraph. Surely it is problematic to focus on one aspect of the juvenile justice system without considering the impact the proposed solution will have on where juveniles are detained and whether there are enough appropriate facilities for them. Proponents of this legislation should be asked to consider what effect it will have on the ability of the juvenile justice system to accommodate all of the demands on it and its ability to realistically promote public safety. We fear that this legislation will divert needed resources from programs that prevent juveniles from committing crimes.

This point seems to be similar to that raised by your legislation on assessing the potential impact of crime legislation before it is voted on by the General Assembly. Policy makers should not view these kinds of bills without a thorough consideration of the effects that proposed changes will have on the entire justice system. This is true whether it is in the context of the adult criminal system or the juvenile justice system.

The ACLU hopes that members of the Judiciary Committee will look at the big picture in the juvenile justice system and not lose sight of the need to concentrate on the construction of a new detention facility that better serves the community and the youth who are detained there.

Very truly yours,



Larry Frankel
Executive Director

cc: Brian J. Preski, Esquire