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August 20, 2001

Honorable Thomas P. Gannon, Chairman
House Judiciary Committee
49 East Wing
Harrisburg, PA 17120

Re: House Bill 1054

Mr. Chairman Gannon:

I am the Supervisor of the Pretrial Unit of the Philadelphia District Attorney's Office. Since I have already represented the Commonwealth at hearings which provided for the remote appearance of defendants by live-feed video, I have been asked by our Legislative Unit to review House Bill 1054.

I would first like to make it clear that this office generally supports any technological innovations that enhance the efficiency of the criminal justice process. The remote appearance of defendants at hearings by live-feed video would clearly help to achieve that result. Often court proceedings are postponed because the defendant, for whatever reason, was not transported to the hearing. This problem is particularly acute in Philadelphia where Writs to transport defendants from state correctional institutions are often cancelled by city officials because of their decision that the city's prison system lacks adequate bed space to house these individuals even temporarily.

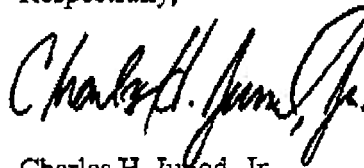
The Philadelphia Court system already utilizes live-feed video for the remote appearance by defendants. For example, all Preliminary Arraignments are conducted by live-feed video. Other hearings have been conducted through the use of live-feed video for the remote appearance of defendants in state custody. I, myself, have represented the Commonwealth at Violation of Probation hearings with the remote appearance of the defendants.

However, while embracing the use of this technology, I don't believe that it is necessary for House Bill 1054 to become law for the use of this technology in criminal proceedings to continue. In fact, it might actually hamper its use. The general rule of House Bill 1054 eliminates the use of live-feed video for the remote appearance of defendants at trials and hearings. I cannot think of many, if any, criminal proceedings other than trials that might not be labeled as hearings.

Constitutional, statutory and procedural provisions already exist to safeguard the rights of defendants at these types of hearings. In Philadelphia, none of these hearings are conducted without the presence of counsel which includes the ability of counsel to conduct private conversations with the defendant. Also, the consent of the defendant to proceed was always obtained on the record in any of these types of proceedings.

As a prosecutor and a citizen, I appreciate the Judiciary Committee's willingness to recognize new and innovative technologies for use in the administration of justice. I only hope that the Committee proceeds cautiously so as not to defeat the purpose it may have intended.

Respectfully,



Charles H. Junod, Jr.

cc: Michael Schwoyer, Chief Counsel, House Judiciary Committee