

**DELAWARE COUNTY COURT OF COMMON PLEAS**

CHAMBERS OF THE HONORABLE FRANK T. HAZEL  
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October 21, 2013

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Re: Public Hearing on law enforcements response to the current heroin epidemic

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**\*\*\* CONFIDENTIALITY NOTE \*\*\***

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# COURT OF COMMON PLEAS



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**CHARLES E. BURR, II**

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**DELAWARE COUNTY**  
THIRTY-SECOND JUDICIAL DISTRICT  
COURTHOUSE  
MEDIA, DELAWARE COUNTY, PENNSYLVANIA  
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October 21, 2013

**STATEMENT OF THE HONORABLE FRANK T. HAZEL, S.J.**  
**DELAWARE COUNTY COURT OF COMMON PLEAS**  
**OCTOBER 24, 2013**

Chairman Marsico and Caltoagirone, members of the House Judiciary Committee, good morning and welcome to Delaware County on behalf of the Delaware County Board of Judges.

I have had the opportunity to review the testimony heretofore presented to you and my remarks will not address the issue of interdiction so ably addressed by those in the law enforcement community, I am proud to advise you that our District Attorney's Office under the leadership of Jack Whelan has devoted a good deal of time and effort to address this cancer which impacts upon many of our citizens.

I support recommendations that provide lifeskills in our schools to advise students of the tragedies which not only occur in their lives from substance abuse, but to the those who love and care for them as well.

The focus of my remarks is to address what occurs to those convicted of criminal offenses wherein heroin and other substances are the root cause.

After thirty years as a trial judge and five years presiding over the Delaware County Substance Abuse Court, I can assure you that the criminal justice system is as much a part of the problem as it is the solution.

The one fact that we can all agree upon is that someone sentenced to prison who suffers from substance abuse will, one day, be released. What happens next has become all too easily predictable. Without adequate treatment, supervision and required follow-up care, a significant number of these individuals will return.

October 21, 2013

Page Two

Our county and state prisons have become warehouses for addicts and the mentally ill. We are essentially the detoxification and mental institutions in Pennsylvania. They are simply not sufficiently equipped to successfully address these issues. Additional funding and training to address these issues could have a dramatic impact upon the recidivist rate.

I firmly believe that the solution to our current problem is not to construct more prisons, but to utilize our resources to address the root cause of a significant percentage of criminal behavior, substance abuse.

Specialized treatment courts have been successful throughout the United States. In our Delaware County Treatment Court, approximately sixty-five per cent (65%) of those admitted to this rigorous program graduate from it. In the last five years approximately ninety per cent (90%) of our graduates have not been arrested for any criminal offense. These Courts, properly staffed and funded provide a viable and economically sound alternative to incarceration in many cases.

In order to facilitate these special courts a review of current programs and laws is required. Insurance should be more readily available for treatment. Opportunity for job training and education at our Community Colleges should be an integral part of any special treatment court program. Adjustments are required to provide affordable housing for participants in these programs since many of them are homeless or live in an environment not conducive to their recovery. The establishment of half-way houses and recovery houses are difficult matters involving social and political issues which require attention and action.

Lastly, it is of paramount importance that we address the issue of the criminal record of an individual who successfully completes a treatment court program. During and at the time of completion of the program participants need the opportunity to get a meaningful job. Without it, the chance of relapse increases. A record of a felony conviction simply trumps the opportunity to gain meaningful employment.

I suggest that effort need be made to permit someone who successfully completes a special treatment court program to have that felony reduced to a less serious offense or be treated as one who has successfully completed an ARD program.

Please accept my sincere appreciation for the opportunity to address this most compelling issue in our society.