



PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

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**TESTIMONY OF JAMES STRADER
PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY
BEFORE THE SUBCOMMITTEE ON CRIME AND CORRECTIONS
OF THE HOUSE JUDICIARY COMMITTEE
PUBLIC HEARING ON HOUSE BILLS 231 AND 232
THURSDAY, APRIL 17, 1997**

Good morning, Chairman and members of the Subcommittee. My name is James Strader and I am Chief of the Community Corrections Division of the Pennsylvania Commission on Crime and Delinquency (PCCD). Thank you for the opportunity to provide testimony on House Bill 231 and House Bill 232. These bills include language which would allow the president judge of the Court of Common Pleas to remove himself or his designee from the County Prison Board or Intermediate Punishment Board.

Before providing you with our recommendations, I would like to highlight the general responsibilities of PCCD. Additionally, I will describe our activities relative to the provision of assistance to counties in the operation of their correctional systems, including local intermediate punishment planning and program development.

The PCCD was created by statute and serves as an administrative commission within the Governor's Executive Office. The agency serves as a catalyst for the prevention and reduction of

crime and delinquency within the Commonwealth. We are dedicated to service, and, as such, assist the criminal and juvenile justice systems in functioning effectively and productively. The agency supports local efforts to improve the apprehension and prosecution of those involved in illegal activities and promotes the use of automated data technology to enhance the operational effectiveness of the criminal and juvenile justice systems. We work to improve the criminal and juvenile justice systems by examining problems, proposing solutions and monitoring and evaluating the impact of new or enhanced strategies. The agency administers both state and federal funds for the purpose of providing financial support to program initiatives consistent with the Commission's mission and related goals and objectives.

Turning our attention to the specific area of county corrections, PCCD is heavily involved in providing technical assistance and funding for the purpose of assisting local units of government in the development and implementation of needed programs. Although PCCD has a long history in this area, the agency's efforts were enhanced with the passage of Act 193 of 1990, known as the "County Intermediate Punishment Act." At the same time that Act 193 was passed, companion legislation (Act 201 of 1990) was also enacted amending Title 42 and providing a mechanism for judges to sentence to "intermediate punishment." This legislation provides the court of common pleas with a sentencing option that falls between standard probation supervision and county incarceration. The legislation provides a mechanism for counties to develop intermediate punishment plans and to receive authority from PCCD to sentence eligible offenders to specific intermediate punishment programs. Although no state funding was appropriated when the legislation was passed in 1990, the General Assembly began appropriating

funds in the amount of \$5.3 million in Fiscal Year 1994-95. The funding level for this program has remained level in subsequent fiscal years and \$5.3 million is again recommended by the Governor for Fiscal Year 1997-98. In addition, the Governor is proposing \$10 million in new state funds for Fiscal Year 1997-98, to be administered by PCCD for the purpose of supporting county drug and alcohol treatment services for non-violent offenders.

Section 5 of Act 193 of 1990 states that in order for counties "to qualify for funding under this act, a (prison) board must develop a county intermediate punishment program plan" to be submitted to the Pennsylvania Commission on Crime and Delinquency. This section of the act further states that "if a county of the sixth, seventh or eighth class does not have a prison board, the county shall establish an intermediate punishment board for the purpose of complying with the requirements of this act. The intermediate punishment board will consist of the president judge of the court of common pleas or his designee, the district attorney, the sheriff, the controller and the county commissioners."

Based on statutory requirements, PCCD has promulgated regulations which require counties to develop and update their intermediate punishment plans on an annual basis. Further, counties must request sentencing authority for specific programs per Act 201 of 1990. Both the intermediate punishment plan and request for sentencing authority must be signed and approved by the president of the county prison board or intermediate punishment board and the chairperson of the county commissioners. This action, along with a properly executed grant application, makes the county eligible to receive state funding for its intermediate punishment initiatives.

While this process has been used to develop county intermediate punishment strategies, we believe many important groups and individuals have not had the opportunity to provide input into this county planning process. In an effort to rectify this problem, we believe that language similar to that in Senate Bill 636, sponsored by Senator Stewart Greenleaf, would lead toward the development of a county intermediate punishment plan which has broad-based local input and support.

Senate Bill 636 would require the board to consult with county criminal justice and related human service providers in the development of the county intermediate punishment plan. The bill states that "at a minimum, the following shall be consulted for the purpose of developing the plan:

- Court of Common Pleas;
- Board of County Commissioners;
- Intermediate Punishment Office;
- Adult Probation and Parole Office;
- County Jail;
- District Attorney;
- Public Defender or Defense Bar;
- Single County Authority (Drug and Alcohol);
- Mental Health/Mental Retardation Office;
- Citizen Input; and
- Victim Input.

Senate Bill 636 also permits the board to elect one of several methods to solicit input from the above list. Options include expanding membership of the board, for the purposes of developing the county intermediate punishment plan, appointing an Intermediate Punishment Advisory Committee to include those listed above, or developing an alternative process approved by PCCD which must involve those listed above.

PCCD believes such a planning process at the county level will lead toward the development and implementation of coordinated programs which will have a positive impact on management of offender populations as well as improved offender outcomes. The passage of Act 193 of 1990 has been the impetus for counties to take a comprehensive and systemwide view of their correctional strategies. However, it is believed that the composition of county prison boards is not sufficient to ensure the development of a broad-based plan with the needed representation.

Historically, prison boards have focused on the operation of the county jail and its various programs. Although the president judges' participation on the county prison board may be seen as necessary in some counties, we are in agreement with the proposed language in House Bill 231 and House Bill 232 of 1997, which would allow the president judge to remove the judge position from the prison board or intermediate punishment board. However, we would only endorse this language if provisions similar to that found in Section 5 of Senate Bill 636 were enacted, which would require input from a wide array of groups and individuals, including the court of common pleas, in the development of the county intermediate punishment plan. We are encouraged by the efforts of a number of counties which have developed broad-based

intermediate punishment advisory boards which has led toward the examination of the correctional system as a whole and not just the operation of the county jail. Our recommendation is to require input from the court of common pleas in the development of the county correctional plan (i.e., intermediate punishment plan), and to give the president judge discretion on whether judicial representation on the county prison board is necessary.

To summarize, PCCD supports the efforts of a number of counties which have formed intermediate punishment advisory boards. Advisory board members (including the court of common pleas) have the opportunity to see and understand the overall intermediate punishment process and the relationships between various organizations in the county correctional system. Through regular meetings, team members develop a common frame of reference and agree to a shared understanding of goals, objectives, and outcomes of sentencing strategies. The shared goals, values, and judgements of the advisory committee are key to a successful intermediate punishment and overall corrections strategy. The advisory board meetings serve as a forum for gathering information necessary in the recommendation of policies aimed at improving the workings of the entire system.

The court of common pleas must be a required participant in this process. Given the time constraints on public officials, we believe the court's involvement in the administration of the prison board/intermediate punishment board should be optional as called for under House Bill 231 and House Bill 232 respectively. However, as the county develops its intermediate punishment plan, the court of common pleas must be represented on the county advisory

committee as decisions are made regarding overall direction for the county as it implements various correctional strategies, including intermediate punishment programs.

Again, thank you for the opportunity to testify before you today and provide information which may benefit you in your decision-making.