



Testimony of Michael Piecuch

District Attorney

Snyder County

**Before the House Judiciary Committee
Regarding Restitution in Pennsylvania**

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Good morning, members of the House Judiciary Committee. My name is Michael Piecuch, and I am the District Attorney of Snyder County. I am honored to be here today to speak about restitution in Pennsylvania and discuss recommendations for improving this vital tool.

When someone is a victim of crime, there is no way to take that crime back; the damage has been done. The effects of crime can be incapacitating—physically, emotionally and financially. While the criminal justice system cannot reverse the crime itself, it is our duty to do everything in our power to make sure justice is served and that we do our part to help make the victim whole. One concrete form of justice for victims comes through restorative measures such as restitution. Restitution has long been used as a means of restorative justice. Unfortunately, as most of you know, many victims do not receive the restitution to which they are entitled. This is a straightforward, uncontroversial statement. How do we fix the problem? This is a simple question, but unfortunately the answers are complex. That is precisely why the Office of the Victim Advocate convened the Restitution in Pennsylvania Task Force in 2011, of which I was a member.

We are fortunate to have a report from the Restitution in Pennsylvania Task Force to guide some key implementation and changes in this process, and I would like to highlight a few of them today.

Several of the recommendations are about operational improvements. And as we all know, there is no substitute for making sure that all involved in complicated projects that include different agencies, stakeholders and jurisdictions are operating as efficiently and with as much information, knowledge and guidance as possible.

Let me discuss with you two such recommendations. First, The Task Force recommended a standardized restitution order be issued from the Administrative Office of Pennsylvania Courts and/or the Court Rules Committee for use at sentencing/disposition. The objective in doing so is to make the restitution process more consistent throughout the Commonwealth. As observed by the task force, many of our 67 counties have different procedures and policies for restitution. As practices become standardized, it would benefit all parties to develop a bench book for both juvenile and criminal justice systems that would be available online. By establishing a bench book to be disseminated throughout the state, we can better identify and implement best practices for restoring financial peace to crime victims.

Additionally, the Task Force recommended addressing the gaping holes that exist in our system of information sharing. Restitution collection and compliance involves many players throughout the state: District Attorneys, Department of Corrections, Office of the Victim Advocates, Department of Probation and Parole, Department of Transportation and others. We have a communication problem when it comes to restitution. Some of this problem is due to the very nature of having a system involving multiple agencies, both state and local, where roles, policies and authority differ. However, complicating the issue further are antiquated IT systems and the lack of a unique and consistent identifier for offenders owing restitution. As recommended by the Task Force, it would benefit all involved in restitution assessment, collection and disbursement to have better collaboration between agencies, either by way of an overarching

agency or convening representatives from each agency to facilitate communication and further streamline the restitution system.

But the emphasis on changes do not solely need to be put on governmental entities and stakeholders. A consensus among task force members was that more pressure needs to be put on offenders to pay the ordered restitution. That is because many crime victims never see the full amount of restitution they deserve. Waiting for years to be repaid is not only frustrating for victims, but can actually amplify victimization. One possible way of exacting more pressure legislatively is to authorize courts to order wage attachments for defendants who have been found in contempt for nonpayment of restitution and fines, as well as authorizing wage attachment for defendants who have the ability to pay restitution. By improving the collection of restitution using these methods, we also have the potential to save money by reducing court proceedings related to payment noncompliance.

Throughout the Restitution Task Force's report, there is discussion of reinforcing, strengthening and encouraging adherence to practices that are already in place for collecting restitution funds. For example, compliance with Act 84 of 1998 to file civil judgments when a case balance reaches or exceeds \$1,000 and exercise the option to file below \$1,000 if effective for enforcing compliance in a particular case. This is tool that is already available, but not used consistently throughout the state. Additionally, we should mandate both state and county correctional facilities to make deductions from inmate personal accounts for restitution. While this practice is currently authorized under law, many correctional facilities do not utilize this practice or do so minimally.

I am pleased to point out that we have already seen legislative changes to improve the collection of restitution: earlier this year the House passed HB 1489, which included language requiring court-ordered obligations be deducted from lottery winnings. This legislation will be a valuable tool for getting restitution back into the hands of crime victims. The passage of HB 1489 is just one example of working together as different local and state agencies to bring about change and improve this important tool of justice.

Finally, as we have come to expect within many state agencies, there needs to be specific and clear performance measures related to the collection of restitution for agencies supervising probationers and parolees, and this needs to be instituted state-wide. If we are going to reinforce already existing procedure and further emphasize programs and policies to staff dealing with restitution, it is essential to establish performance measures to have a grasp on the level of adherence to these policies. Performance measures are valuable for identifying best practices and informing which specific procedural areas need clarification or refinement.

Again, we fully understand the complexity of restitution and the challenges faced in collecting funds from a population that may be notably limited in resources, but if we, as a collective criminal justice system, are to be the voice and champion for crime victims, we need to take every step possible to ensure there is restoration when possible. There needs to be better accountability for both offenders owing restitution, and those agencies that are charged with the

duty of collecting and disbursing these funds. With improved collaboration and continued focus on this area of justice, we will be able to better serve victims of crime.