



TESTIMONY ON PRETRIAL AND BAIL PROCEDURE REFORM
PRESENTED TO THE HOUSE DEMOCRATIC POLICY COMMITTEE

BY

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CHAIR, CCAP COMPREHENSIVE BEHAVIORAL HEALTH TASK FORCE

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Good afternoon. I am Kevin Barnhardt, Berks County Commissioner and the Chairman of the County Commissioners Association of Pennsylvania (CCAP) Comprehensive Behavioral Health Task Force. Previously, I also served as the Chair of CCAP's Courts and Corrections Committee and I am pleased to be here today to offer some comments on behalf of Pennsylvania counties. We appreciate the goals of the legislation (HB 1092) to create and implement county-based pretrial services and programs and to explore options for reform of the bail system in the commonwealth. These are issues of importance to the counties as well, and we look forward to participating in discussions both today and in the future.

The CCAP Platform serves as policy guidance for the Association, and we have several policy positions that are pertinent to the topic being discussed today. One of those goals is directly related to prevention and diversion. The Association supports development of legislation, as well as other related implementation strategies and funding sources, within both the human services and corrections fields to encourage counties and communities to take responsibility for the implementation of prevention, intervention and diversion programs, including family and individual support. Counties also encourage the development of legislation in support of the re-entry efforts developed by the counties and the communities, which are designed to slow the growth in need for expenditures for prisons and juvenile justice placements. In 2016, CCAP embarked on a study of best practices for addressing the needs of our mentally ill and substance abusing inmates. After six months of intensive review and study, the CCAP Comprehensive Behavioral Health Task Force (CBHTF) issued a report that contained a series of recommendations for counties to adopt, areas where counties need the assistance from lawmakers for certain policy changes, and the assistance to help counties identify funding opportunities.

Once the report was finished, the CCAP CBHTF began the process of helping counties implement best practices. Currently, the task force is engaged in education and training sessions through webinars, in-person trainings, and through collaboration with the national "Stepping Up Together" Initiative. We are showcasing the counties that have made gains in population control and achieving our primary goal of using jail only as a means of protecting public safety and not a waypoint for citizens who present difficult challenges to our communities, such as those with mental illness and substance abuse issues.

The Association supports joint county and state development of programs promoting statewide investment in prevention, intervention and diversion programs. That is the subject of the legislation you are considering with House Bill 1092. We appreciate the direction and agree with the concept. We are very careful, however, to assure that counties are not mandated to have specific programs or that the standards for those programs are so prescriptive that local resources and philosophies are overshadowed. The Association supports expanded awareness and the use of pretrial programs by counties to ease the financial burden of bail on poor defendants, by making use of non-financial pretrial options where there is a reasonable expectation that public safety will not be threatened. We are hopeful that discussion on this proposal will result in those outcomes.

The Association supports the enactment of policies and procedures at the federal, state and local level to support the diversion of mentally ill and substance abusing offenders, assuring collaboration with counties in defining the approaches. These policies and procedures must consider a county's capacity to provide drug and alcohol treatment and other services to facilitate diversion while assuring public safety, and must include the development of technical assistance and funding supports.

The Association supports changes to appropriate statutes or regulations to extend Medicaid, Medicare or veterans' benefits eligibility, or other sources of health care reimbursements to prisoners and detainees in county jails, as well as an amendment of state policy to allow Medicaid, Medicare or veterans' benefits eligibility to pretrial detainees. Also, the Association supports legislation requiring the Commonwealth to pay the costs for the public defender's office. Inmates with mental illness are shown to serve longer terms, and remain in jail pretrial much longer than other inmates, and often this is a result of a lack of effective public defense.

Maureen Barden, who joins me today, is working with a number of our counties on the development of pretrial programs. She is our expert and the person we turn to for policy advice and assistance to counties.

Again, we appreciate the opportunity for CCAP to offer our perspectives and look forward to working with the committee.