

My name is Mark Pinsley and I am your Lehigh County Controller. As the Controller I serve as a fiscal watchdog for your county tax dollars.

Here in Lehigh County, we spend 68% of each of your local tax dollars on what we call “law & order”. That includes our county courthouse, our county jail, the public defender’s office, the district attorney’s office, the sheriff, coroner and emergency management.

As communities throughout the country begin to look inward and evaluate their policing policies, our county needs to look at its “law and order” spending because our spending represents our values.

Early this year when I first took office, I decided to review the county’s spending on Law and Order - from the prison phones to commissary spending, to COVID and other matters. As a first step towards this goal the controller’s office tried to obtain data about those held on cash bail, so we could compare the costs of holding someone who cannot afford bail to those of simply letting people leave the jail on their own recognizance. Despite several attempts we failed. Our efforts were met with obstruction and a lack of transparency

My office originally sent a request to Executive Director McManus of Pre-trial Services. Pre-trial Services is the organization that Lehigh County uses to administer the bail system. The letter requested data on people stuck in prison due to their inability to pay the cash bail. For an unknown reason Executive Director McManus took this request and went to the District Attorney’s office. - This makes me concerned about the independence of Pre-Trial Services.

The District Attorney’s Office sent a letter to my office claiming that the office of the controller had no right to access the data as it contained private information. My office does have access to the type of information that the DA was concerned about but certainly pre-trial services could have redacted the information and still provided my office with what was needed.

DA **Jim Martin’s office** instructed pre-trial services not to provide the requested information. Our office then went to the Administrative Office of Pennsylvania Courts (AOPC) a state-run organization that has the information we need. We asked them for the data. To be clear, my office interacts with AOPC regularly. They provide data to us at no charge. The data that I am asking for is available to anyone for purchase, it is not considered sensitive data. I received a legal notice from AOPC’s attorney saying that they (and later I learned that their “client”) did not believe I had the right to this data. They would not tell me who their “client” was. Once again, the requested data is publicly available there is no reason not to provide me with the data at no charge.

I then went to President Judge Edward Reibman, PJ and asked him for assistance in getting this data. He said that he was concerned that I was going to use this data for political means. He further told me that if I attempted to purchase this data with county money that the controller’s office could face legal repercussions. What we’ve encountered is a system of obstruction. And a complete lack of transparency.

Recently, “Know your knowledge”, a data marketing and research firm bought the data from the AOPC and is now evaluating it. They have promised to share their findings with my office. I will make sure the public is aware of their findings.

As Controller my role is to audit the money that is used or spent by the county and then be the internal watchdog that reports to the public on my office’s findings

Once again 68% of our tax dollars is spent on “law and order”. What right does anyone have to deny the public access to information that would make them more informed on how their money is spent?

This lack of transparency and resistance to change means, we cannot research how many men and women, many of them of color, are needlessly held behind bars; how high their assigned bail is and how long they have been held while they await trial.

You can’t fix what you can’t see or understand.

Today, I’m calling on the County Executive and board to immediately form a citizen-led working group to review our local system of criminal justice and investigate how we can reorganize our priorities and policies to be less punitive and far more transparent. The time to begin work on the 2021 budget is right around the corner, this working group should dig into the budget and make recommendations on how money can be reallocated.

The working group should look at, among other things, why our District Attorney receives approximately $4.5 million more than our Public Defender. A study by the Bureau of Justice found that only 27% of county-based public defender’s offices are adequately funded.

The working group can facilitate a shift away from a system that favors prosecutorial maneuvering and incarceration to one that incorporates social justice, equity and transparency.

The working group can make sure that my office can investigate our system of cash bail to finally understand who is being held because of their inability to pay.

The working group can also investigate the lack of attention paid to preventive services. Our county system is outdated and reactionary, merely looking to jail those who have offended rather than exploring other options, like community service, and investigating the systemic problems that underlie many criminal acts.

Today, we ask what if instead of building a jail to hold those who have offended criminally, what if we invested in preventative measures to reduce the need for so many cells in the first place? What if we addressed drug addiction or homelessness rather than criminalize it?

It is estimated that roughly 1 in 5 inmates in local jails has an underlying mental illness. 90% of them are poor and impoverished. We can follow the lead of other cites like Austin Texas and explore the potential of 911 operators connecting people with mental health teams rather than only police. We can work with local health care providers to create teams of counselors and social workers to respond to issues that don’t warrant police attention. We can invest in predicting and preventing the outbreak of violence, by providing services to those most likely to commit acts of aggression or violence.

This working group should look at reducing the size of our prison population and increasing the size of our investment in preventing people from going there in the first place. It could recommend investing in anti-violence programs and youth activities that prevent conflicts from becoming violent.

The working group gives the people an opportunity to reimagine our system of justice.

Today, we recognize that our prison system, our system of punishing, represents holdouts of past policy that have yet to feel the full force of progress. Today America account for 25% of the world’s total prison population, a population that has grown 700% since the ’70s.

We must commit ourselves to fully transforming our prison, our courts and our District Attorney’s office. Transparency, Transparency, Transparency

We must build a more just, fair, and impartial system that seeks to build people up, not strip them of dignity. We should ensure that our most vulnerable are poised for success and given a chance to return to society with a fresh start. This will save money save lives and restore our Lehigh community. These should be the goals of the citizen-led working group. It is time to reimagine our criminal justice system.

