



September 26, 2024

To the Commissioners and Public of Lehigh County,

As the budget season has begun, the Controller's Office has received several inquiries related to the Law and Order category of our budget. This document aims to address those questions, provide clarity, and offer a comprehensive overview of the issues raised. We have provided this information to department heads for review prior to its release.

Our goal is to assist both the public and the Commissioners in gaining a clearer understanding of the questions that are being asked and to help facilitate informed decision-making during this critical period.

We trust that this document will contribute meaningfully to the ongoing discussions and provide the resolution needed on these important topics.

Sincerely,

A handwritten signature in blue ink that reads "Mark Pinsley".

Mark Pinsley

Lehigh County Controller





*****Disclaimer: The information in this document originates from the office of the Lehigh County Controller and does not represent an audit performed under the Generally Accepted Government Auditing Standards (GAGAS).**

Over recent months, we've received numerous inquiries about various aspects of the county's policies, procedures, and finances related to items categorized under 'Law and Order' in our financial reports. This report aims to address these questions comprehensively and in a consolidated manner.

September 26, 2024

Lehigh County Jail / Bail

Q&A

Question:

Why does the County retain 30% of bail monies, irrespective of total compliance by defendant in their case.

Answer:

The County's practice involves retaining a portion of the bail monies paid when a defendant is allowed to post a bail amount, as decided by the judge (Court of Common Pleas or Magisterial District Court). It is important to note that while defendants have the option to post bail through the County's Court appointed bail agent, they also have the option of posting bail through third-party bail agents who charge a fee for posting the full amount of the bail. That fee typically ranges from 7.5% - 10% and is nonrefundable. Here's how it works:

- **Initial Bail Collection Process:** When a judge sets a monetary bail, often the defendant is allowed to pay a lesser amount—typically 10% of the total bail—as a deposit. This system is intended to make bail more accessible while still securing the defendant's appearance at trial. Here's how it breaks down:
- **Setting the Bail:** If bail is set at \$5,000, instead of paying the full amount, the defendant can pay a reduced deposit, commonly set at 10%, which would be \$500 in this scenario.
- **Retention of Deposit by the County:** If the defendant appears at their trial, the County then retains a portion of this deposit. Specifically, the County keeps 30% of the \$500 deposit, which amounts to \$150, and defendant is refunded \$350. If the defendant does





not show up the defendant/surety owes the court the balance of the initial bond (\$4,500 in this example.)

- **Calculating the Percentage of Total Bail:** It's important to note that while \$150 represents 30% of the deposited \$500, it only represents 3% of the total \$5,000 bail amount.
- **Purpose of Retention:** The retained funds are held in the county's general fund and used to support the operations of the department, covering administrative costs associated with the bail process/department.
- **Who sets the rate of 30%** - The rate is pursuant to local Court Rule Leh.R.Cr.P. 535, Return of Cash Deposits, Charges.

The policy regarding this process is encapsulated in the following directive:

"Upon full and final disposition of the case, the issuing authority or the Clerk of Courts- Criminal shall retain thirty percent of the amount deposited, but in no event less than ten dollars, as administrative costs, which includes the Clerk's poundage fee for the percentage cash bail program and shall return the balance to the depositor, unless the depositor at the time the balance is to be returned otherwise agrees in writing. Thirty percent to be retained shall be considered as earned at the time the bail undertaking is executed and the cash is deposited by the defendant or the third-party surety."

Explanation of the Quote:

- **Retention Upon Case Disposition:** This statement clarifies that upon the case's completion, 30% of the bail deposit is kept by the Clerk of Courts - Criminal, with a minimum of \$10 retained regardless of the deposit's size.
- **Administrative Costs and Fees:** The retention covers administrative costs, including what is referred to as the "Clerk's poundage fee," associated with managing the percentage cash bail program.
- **Return of Remaining Funds:** After retaining the necessary percentage, the remainder of the deposit is returned to the person who made the deposit, unless they have agreed otherwise in writing. In Pennsylvania, the Department of Court Records, Criminal Division, must turn over any unclaimed bail money to the Pennsylvania Department of Treasury after five years. To facilitate this, any escheat that is done for a bail is sent to the Fiscal Department monthly. The Fiscal Department is responsible for turning funds over to the state.





- **Earning of Retained Funds:** The retained 30% is considered ‘earned’ at the moment the bail agreement is signed and the deposit is received, reflecting the administrative effort and resources utilized up to that point.

Retained Funds Per Year:

2019	2020	2021	2022	2023
\$78,536	\$55,651	\$71,710	\$73,065	\$72,677

Additional Bail Statistics:

2020: 185 refunds processed; 12 escheats; 5 bails forfeited

2021: 303 refunds processed; 12 escheats; 24 bails forfeited

2022: 340 refunds processed; 28 escheats; 16 bails forfeited

2023: 347 refunds processed; 23 escheats; 22 bails forfeited

- **Refunds Processed:** The number of bail deposits returned because the defendant attended their court date.
- **Escheats:** The number of bail deposits that weren’t collected by the defendant, even though they did show up in court. The county first holds the money and, if not claimed, it eventually goes to the state.
- **Bails Forfeited:** This is the number of bail deposits the court keeps because the defendant missed their court date. The court can also order that the bail forfeiture stands and then the bail is forfeited per the court order.

Sources:

Lehigh County Clerk of Judicial Records Fee Schedule

Lehigh County Criminal Rules Leh.R.CR.P.535

<https://www.patrealty.gov/unclaimed-property/>

Lehigh County Trend Report

Clerk of Judicial Records Statistics





Question:

What portion of the proceeds from the commissary are kicked back to the County?

Answer:

The County does not receive or accept “kickbacks” of any kind which would be in violation of the code of ethics. Per the current contract with Oasis Management Systems, Inc., the County retains 40% of the proceeds from the commissary sales, with the monies being used to fund the department to enable its operation. Prior to 2023, the County retained 43% of the proceeds, but this was reduced to help offset the rising cost of goods.

Commissary Commissions:

2019	2020	2021	2022	2023
\$388,083	\$441,304	\$578,709	\$484,656	\$418,163

Sources:

- Current contract with Oasis Management Systems, Inc.
- County of Lehigh Administrative Code Revised November 2023, Section 901
- Lehigh County Trend Report

Question:

Are the meals provided nutritious and cost effective?

Answer:

Per the vendor contract, wholesome and freshly prepared foods are provided. A licensed dietitian employed by our Vendor, Trinity Services Group, approves the menus. If an inmate cannot eat a certain type of food, due to medical problems, accommodations can be made by the facility doctor through a sick slip. The doctor will authorize special diets when it is a medical issue. Meatless diets are provided upon forwarding a request to the Deputy Warden of Treatment. Once chosen, this will be the inmate’s ongoing diet until discharge. Per the contract with Trinity Services Group, Inc., Lehigh County is in compliance with all federal, state and local laws. The quality assurance program is based upon standards of the American Correctional





Association (ACA), Title 37 standards, National Commission on Correctional Healthcare (NCCHC), and the FDA food code.

Sources:

Current contract with Trinity Services Group
Lehigh County Department of Corrections Handbook

Question:

When inmates make phone calls, are the calls limited to a certain amount of time, and what do calls cost inmates to make?

Answer:

Each phone call made by an inmate must be paid for by the inmate and is limited to 15 minutes per phone call. Per the contract with Global Tel Link Technologies, calls cost 19 cents per minute. The County retains 65% as a commission. This commission is used to fund the department to enable its operation. This falls within guidelines set by the Federal Communications Commission. In January 2023, the president signed bipartisan legislation giving the FCC the authority to rein in the rates and fees for audio and video communications between incarcerated people and their loved ones, including communications between people in the same state. The law required the Commission to implement new rules covering these expanded services after July 2024, but before January 2025.

Telephone Commissions:

2019	2020	2021	2022	2023
\$414,077	\$591,486	\$627,048	\$586,254	\$615,952

Sources:

Current contract with Global Tel Link, Corporation
FCC Media Release dated June 26, 2024
County of Lehigh Trend Report





Question:

How much is the central booking fee? Why is it so high?

Answer:

The central booking processing fee is \$300; for DUI defendants the fee is \$385. This was established by Judge Platt in 2008, as reported in the Administrative Committee meeting minutes for November 25, 2008. Prior to November, 2008, a prison reform package was passed by the state legislature that included a late term amendment which permits Central Booking to assess a greater fee to DUI offenders, due to the increased costs of booking DUI offenders. The fees collected directly cover DUI processing costs, which includes laboratory services for testing blood alcohol and controlled substance levels, and transportation services if necessary. These fees falls within guidelines set forth by the state of Pennsylvania. The fees are used to fund the department and enable its operation. A review of the Lehigh County District Attorney Regional Central Booking Center's annual budget shows that expenses historically outweigh revenue.

The Lehigh County Department of Corrections imposes a separate intake processing fee of \$60 on individuals who are housed in the jail. This is a one-time fee which is assessed upon admission regardless of the duration of the inmate's stay. Prior to this, the Jail charged room and board fees of \$15 per day. It is important to note that while the Central Booking Center is physically located within the Lehigh County Jail, the two are separate departments with their own adopted budgets and policies. A person who is processed in the central booking center does not suggest they are booked into the Jail.

There are several schools of thought regarding booking fees. Some believe the burden of cost should be on the taxpayers in the community; others believe that the burden of cost should be on the inmates. Regardless of the rationale behind the different schools of thought, plaintiffs have litigated fees behind bars for decades on a variety of grounds. Both state and federal courts have upheld the legality of jails' rights to deduct funds directly from prisoner commissary accounts. In most cases, the courts have held that these fees do not violate U.S. Constitution. Those arguing charges incurred in jail are unconstitutional have raised Due Process and Equal Protection arguments. Many have argued that the practice violates the Cruel and Unusual Punishment Clause of the Eight Amendment. In almost all cases, the courts have sided with the agencies that implement these practices.





Sources:

Administrative committee meeting, November 25, 2008

Misc. docket copies from 2024

“Paying for Your Time, How Charging Inmates Fees Behind Bars May Violate the Excessive Fines Clause” Brennan Center for Justice, July 31, 2014

County of Lehigh Trend Report for Revenues and Expenses

Booking Fee Revenue Per Year:

Central Booking	2019	2020	2021	2022	2023
DUI	\$639,324	\$490,951	\$371,150	\$484,056	\$482,944
Non DUI	\$675,364	\$533,348	\$538,504	\$432,618	\$430,490

Laboratory Services Expense Per Year:

2019	2020	2021	2022	2023
\$179,286	\$174,996	\$173,854	\$162,738	\$177,339

Full Time Employee Expense Per Year:

2019	2020	2021	2022	2023
\$420,422	\$374,195	\$414,246	\$410,763	\$421,111

Part Time Employee Expense Per Year:

2019	2020	2021	2022	2023
\$337,227	\$290,456	\$305,302	\$353,760	\$362,318



Question:

What are the total revenues and expenses for the Lehigh County District Attorney Regional Central Booking Center over the past five years?

Answer:

	2019	2020	2021	2022	2023
Revenues	\$1,342,723	\$1,040,861	\$932,442	\$935,459	\$929,134
Expenses	\$1,255,215	\$1,123,682	\$1,254,639	\$1,309,159	\$1,351,697

Sources:

Lehigh County Trend Report

Question:

How much do the LiveScan fingerprinting machines cost to operate per year, and where does the money come from?

Answer:

LiveScan is an inkless computer system that captures fingerprints from arrested individuals. The fingerprints are electronically submitted to the Pennsylvania State Police Central Repository and a search is made directly to the Automated Fingerprint Identification System. There are three LiveScan fingerprinting machines in Lehigh County. The approximate startup cost for all machines was \$90,000. Maintenance on the machines costs the county approximately \$25,000 annually. While some of the burden of these costs are covered by fees implemented on arrested individuals during the booking process, the department supplements these costs by providing the service of the LiveScan machines to people in the public who need fingerprints for various licenses, job requirements and backgrounds checks. Customers are given copies of the prints of both hands that are taken by a digital LiveScan machine. The cost for this service is





\$25.00. The fees go into the general county fund and help defray the cost of the Regional Booking Center.

Fingerprinting Revenue Per Year:

2019	2020	2021	2022	2023
\$12,075	\$3,025	\$3050	\$4700	\$5150

Sources:

“Public Fingerprinting Service” Lehigh County website,
<https://www.lehighcounty.org/Portals/0/PDF/DistrictAttorney/Public%20Fingerprinting%20Service.pdf?ver=QcXUMjnzglABAb33V3bf4w%3d%3d>

Lehigh County KEA system
County of Lehigh Trend Report

