

TESTIMONY OF CRAIG STEDMAN
LANCASTER COUNTY DISTRICT ATTORNEY

SENATE BILL 1381

February 8, 2012

Thank you very much for the invitation to testify on Senate Bill 1381.

Allow me to introduce myself, my name is Craig Stedman and I am the District Attorney of Lancaster County. I have been the District Attorney since 2008 and a prosecutor since I graduated from law school in 1991. I have dedicated my career to public safety and welcome the opportunity this morning to share my perspective on SB 1381 and how this can assist prosecutors throughout the state as well as potentially prevent criminal activity within our schools.

Lancaster County has a population of 519,000. We typically prosecute around 8,000 criminal cases a year. We have a Special Victims Unit in my office which handles all sexual assault and child abuse cases. In 2011, we had 354 cases referred to the Special Victims Unit. We approved charges in 280 of the 354. This is a significant increase from 2010, in which we approved 170 cases. So far this year, we have approved twenty-three (23) cases.

Over the past few years, Lancaster County has unfortunately had more than its share of educators who have had inappropriate relations with their students which resulted in criminal prosecution. In particular, we have prosecuted nine (9) educators in the past three years for these crimes. We also have had a number of investigations of sexual acts by educators which did not lead to charges for various reasons. Most of the investigations were closed due to the fact that the alleged victim refused to cooperate with law enforcement. One case was closed after the investigation revealed the allegations were patently false.

Whereas we do not have specific statistics, there is no question that there has been a recent dramatic and exponential increase in the numbers of these cases for Lancaster County. I have been in the office for over twenty (20) years and it is not out of line to state that we rarely, if ever, had criminal prosecutions against educators for sexual and corruption of minors type offenses and with their students.

From my perspective, the problem is increasing rather than decreasing in Lancaster County and there does not seem to be a week which goes by in which our office is not committing resources to one or more of these cases in some shape or form. Obviously, there is no doubt I certainly support legislation which can prevent these offenses from taking place. Prevention not only spares the victim but it saves us the considerable resources which must be committed to cases like these and allows us to spend more time with other child abuse victims and cases.

Under the current state of the law, it has proven extremely difficult for us to obtain background records of the teachers we have prosecuted. There are significant legal obstacles to sharing allegations of misconduct and we have little doubt there are cases in which an institution has

pursued resignation in lieu of prosecution and thus public disclosure of misconduct. When such a severance is arranged, there is no way for a prospective employer institution or for us in law enforcement to obtain the evidence of past misconduct.

Of the nine (9) cases we prosecuted, we believe that two (2) of the offenders had questionable backgrounds with their prior employers but we were never given anything concrete. One other offender actually never had his teaching license. There did not appear to be any red flags in the backgrounds of the remaining offenders.

Because SB 1381 requires institutions to share relevant information concerning educator's backgrounds we could not otherwise obtain, the bill would certainly provide more and critical information to institutions and allow them to better screen potential employees. The above described "resign and hide" option would also be eliminated. This in turn will help to increase the chances of preventing teacher misconduct because they would be less likely to be hired by our institutions.

In addition, we have had to spend prosecutorial resources attempting to get background information from past and current employers of these offenders. Some have been more cooperative than others and we have had to make numerous requests in some cases. Because SB 1381 renders disclosure mandatory, it will save us prosecutorial resources which can be devoted to the case rather than negotiations with school administrators.

SB 1381 also could help prosecutors convict offenders in court. Depending on the circumstances, prosecutors can introduce evidence of prior bad acts or misconduct to help prove conduct in issue. In other words, if a teacher is charged with a sexual offense involving a student and has had inappropriate relations with a student in the past, we could attempt to introduce the past misconduct in the trial for the case in question. Because we are unable to obtain evidence of past sexual misconduct under the current state of the law, this is not a realistic option for us in our cases at this time.. SB 1381 opens that door and thus could thus significantly strengthen our cases and thus lead to more favorable outcomes for law enforcement, the institution and the victim.

I have consulted with the Executive Committee of the Pennsylvania District Attorneys Association concerning SB 1381 and the response was extremely favorable. The only concerns were technical in nature. They raised the issue that the burden on prior employers is significant and that the twenty (20) day response time might not be enough especially in light of the \$10,000 fine and the fact the employee could have worked there many years in the past.

The committee also raised a concern of the broad scope of "any misconduct" and suggested that a focus on the more specific allegations of sexual abuse or similar crimes might improve the bill.

The final comment I have for the committee to consider, and you may well already be doing so, would be to include the crime of Corruption of Minors in the Pension Forfeiture Act. There are sex crimes enumerated in the act at this time but corruption is not included.. Thus, a teacher convicted of corruption of minors on a student can still collect a pension.

Based on all of the above, I strongly support SB 1381 and believe it will help prevent sexual misconduct by educators on their students as well as help prosecutors throughout the state obtain justice in the cases which did take place.

Once again, I want to thank the committee for the work you do, the bill in issue, the invitation here today and the opportunity to speak to you this morning.