

To: criminalrules <[criminalrules@pacourts.us](mailto:criminalrules@pacourts.us)>  
Sent: Thu, May 2, 2019 11:27 am  
Subject: Comments

Dear Supreme Court of Pennsylvania Criminal Procedural Rules Committee,

Thank you for accepting comments on changes needed to create a more just system of rules and procedures.

My name is Crystal Kowalski. I am a violin teacher living in Berks County. I got involved with watching our court system the Sunday morning in June of 2014 when I read of the death of Eileen DiNino in the Berks County Prison. She was serving a 48-hour sentence for her failure to pay \$2000 in fines assessed for her child's truancy. I was shocked to learn that my community ran a debtor's prison. I set out with others to lobby for legislative change to prevent something like this from ever happening again. We worked for almost 2 years to try to achieve a law that addressed the situation and in the end, we failed. The law that was passed still allows people to be jailed for an inability to pay fines and actually increased the fines.

I tracked Berks County truancy dockets from November of 2015-June of 2017. From January to June of 2016 there were 4,834 dockets. The week of June 1<sup>st</sup> there were 1081 dockets in one week. From January to June of 2017 there were 6,813 dockets. All of these cases came from the Reading School District. I would say over 90% of the defendants were women. The implementation of the state truancy law in Berks County is classist, racist, and sexist.

Recent articles by Ford Turner in the Reading Eagle show that the system has not improved. Berks is the leading county for imprisoning people for failure to post collateral.

When Eileen's Law was passed I knew it would not change the practices of the MDJs because it allowed those practices to be an option. It allowed for substantial fines that people struggling to provide for a family could not afford and it allowed for jail time.

I don't feel qualified to design criminal procedural rules, but I do know from gathering data and observing outcomes over the almost 5 years since Eileen's death that in order to stop the operating of debtor's prisons in Pennsylvania the rules must be written in a way that jail is simply not an option.

Thank you for endeavoring to fix this system!  
Crystal Kowalski