

Electronic monitoring bracelets often in short supply in Philadelphia

by Joseph A. Slobodzian, Inquirer Staff Writer, Posted: July 3, 2012

Two men charged in the Jan. 14 beating death of Temple University graduate Kevin Kless during an early morning fight in Old City were granted reduced bail Monday by a Philadelphia judge.

When they will be released, however, is an open question.

Demand for electronic ankle bracelets that ensure that people on house arrest stay inside the house has sometimes outstripped supply, resulting in waits of weeks to months. Common Pleas Court Judge Benjamin Lerner approved the reduction of the bail for Steven Ferguson, 21, from \$500,000 to the \$150,000 agreed upon by Assistant District Attorney Brendan O'Malley and defense attorney Stephen P. Patrizio. He also reduced bail from \$500,000 to \$40,000 for codefendant Felix Carrillo, 23, after argument by defense attorney **Scott P. Sigman**.

Lerner's ruling followed a similar one June 5 for a third defendant, Kenneth Enriquiz-Santiago, whose bail was cut from \$500,000 to \$20,000.

But as O'Malley noted, four weeks later Enriquiz-Santiago remains in prison waiting for a bracelet.

Prosecutors and defense lawyers have complained of the wait for electronic monitoring bracelets for months.

Last week, for example, it came up at the bail hearing of Msgr. William J. Lynn, the Archdiocese of Philadelphia official who was taken into custody June 22 after being found guilty of child endangerment in the church sex-abuse trial.

At a June 26 hearing, Judge M. Teresa Sarmina said she was inclined to release Lynn, 61, on bail pending sentencing on Aug. 13 if he is electronically monitored.

Assistant District Attorney Patrick Blessington said the idea was meaningless because Lynn would be sentenced by the time his ankle bracelet was ready.

Lynn remains in prison, though Sarmina said she would revisit the issue at a hearing Thursday.

In an interview after Monday's hearing, Lerner said he believes it must be more cost-efficient for a cash-strapped city to invest in electronic monitoring than prison cells. "It's

tremendously frustrating for judges and lawyers to have this situation . . . where somebody who is entitled to house arrest and doesn't pose any serious danger." Common Pleas Court Judge Sheila Woods-Skipper, supervising judge of the criminal division, said the reason for waits for electronic monitoring is more complicated than it seems.

Woods-Skipper acknowledged that "sometimes the situation is very fluid in terms of the number of monitors available."

Some days, the judge said, there is a rush of defendants approved for house arrest. Often, however, Woods-Skipper said, delays are caused because the defendant's house does not meet the criteria for house arrest, or does not have a landline phone without call-forwarding or other unacceptable services.

In Monday's hearing, Lerner said he would consider releasing the men on unmonitored house arrest if no units are available by Aug. 1.

Enriquez-Santiago, of Juniata Park; his cousin Carrillo, of Olney; and Ferguson, of Fox Chase, were originally charged with a general count of murder. The charge was subsequently reduced to third-degree, which qualified them for bail.

Kless, 23, was killed about 2:30 a.m. Jan. 14 at Fourth and Chestnut Streets. All the parties had been clubbing before the incident, police said, and the autopsy showed Kless had a blood-alcohol level of 0.262 percent - more than three times the legal threshold for intoxication in Pennsylvania.