



JUSTICE REINVESTMENT INITIATIVE II

Testimony of Nathan Benefield and Jessica Barnett,
Commonwealth Foundation

PENNSYLVANIA HOUSE JUDICIARY COMMITTEE

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Thank you Chairman Kauffman and Chairman Briggs, and all the members here today, for the opportunity to testify today. I'm joined by my colleague Jessica Barnett, who will speak more specifically to details of the three bills that are part of the Justice Reinvestment Initiative package. But first, I want to give a bit of background and overview of Commonwealth Foundation's criminal justice reform efforts.

Several years ago, the Commonwealth Foundation joined a transpartisan coalition of left and right groups supporting criminal justice reforms that conservatives and liberals, progressives and libertarians, socialists and fiscal watchdogs, social conservatives and law enforcement could all support. We supported reforms based on evidence, and the experiences of other states, that would improve public safety and reduce crime, control costs and prioritize resources where there were most effective, and help individuals leaving prison become productive members of society.

This effort helped culminate in the first round of Justice Reinvestment Initiative.

In 2012, the Pennsylvania General Assembly unanimously passed legislation ([Act 122 of 2012](#) and [Act 196 of 2012](#)) that reformed prison practices and reinvested savings into local law enforcement, county probation and parole, and other programs and services.

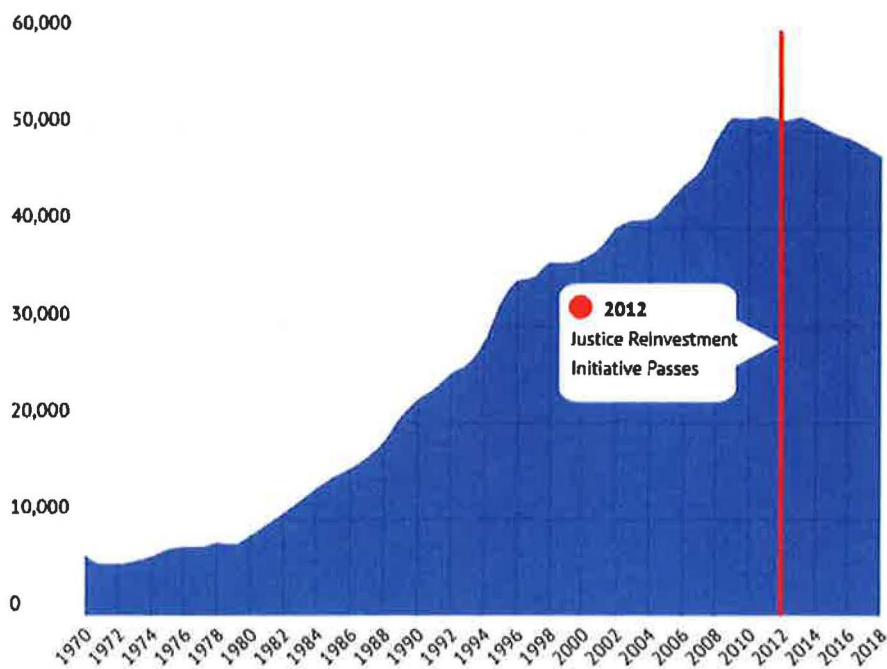
Partly as a result of these reforms, Pennsylvania has seen its prison population decline for the first time in decades. This includes the largest decline on record of more than 1,000 fewer inmates in 2018.

Most importantly, these reforms have led to safer communities. Between 2012 and 2016, the Department of Corrections (DOC) reports Pennsylvania's crime rate dropped by [more than 18 percent](#), simultaneous to inmate population decrease of 3.7 percent.¹

Lower crime, lower costs, and more effective practices. That's what we are hoping to see, and did see, following these reforms.

¹ Both Pennsylvania's violent and property crime rates declined again in 2017 (FBI, Criminal Justice Information Services, <https://ucr.fbi.gov/crime-in-the-u-s/2017/crime-in-the-u-s-2017/topic-pages/tables/table-4>); Violent crime declined 28 percent from 2012-16 (Council of State Governments, "50-State Report on Public Safety," Oct. 15 2018, <https://csgjusticecenter.org/jr/posts/new-report-combines-unprecedented-data-analyses-case-studies-to-help-states-reach-public-safety-goals/>).

PENNSYLVANIA'S PRISON POPULATION (1970-2018)



SOURCE: [Pennsylvania Department of Corrections](#)

However, more needs to be done. Pennsylvania continues to have the highest incarceration rate in the Northeast, with nearly 50,000 state prisoners² and a recidivism rate of between 42 percent (one-year rate) and 63 percent (three-year rate).³

At the request of Pennsylvania public officials, a bipartisan working group of Pennsylvania stakeholders, including appointed and elected officials, district attorneys, police officers, and county commissioners, approved the second phase of justice reinvestment, or **JRI II**.⁴

Looking to best practices from other states, these reforms aim to protect public safety more efficiently, ultimately helping the corrections population become productive members of society.

Reinvestment in County Probation and Parole

Pennsylvania's **community supervision** (e.g. probation and parole) rates rank among the **highest in the nation** and continues to climb. Nearly three-quarters of the state's corrections population

² Dr. E. Ann Carson, "Prisoners in 2016," U.S. Department of Justice, (January 2018), <https://www.bjs.gov/content/pub/pdf/p16.pdf>.

³ Pennsylvania Department of Corrections & Probation and Parole, "FY 2018-19 Budget Testimony," Winter 2018, <https://www.cor.pa.gov/Documents/2018-19%20DOC%20Budget%20Testimony.pdf>.

⁴ The Council of State Governments Justice Center, "Justice Reinvestment in Pennsylvania: Policy Framework," June 26, 2017, <https://csgjusticecenter.org/jr/pennsylvania/publications/justice-reinvestment-in-pennsylvania-policy-framework/>. The Department of Justice and The Pew Charitable Trusts commissioned the Council of State Governments to develop these recommendations.

is on probation or parole, yet approximately 90 percent of these cases are handled by county departments that lack guidance and funding.⁵

This diminishes the effectiveness of supervision and contributes to recidivism—the measure of individuals rearrested and/or returned to prison following probation or imprisonment. Indeed, one-third of state prison beds are filled by probation and parole violators.

Senate Bill 500 reinvests savings into county probation and parole departments. Specifically, it creates the County Adult Probation and Parole Advisory Committee, a commission of stakeholders to support county probation departments with evidence-based best practices to train personnel and assess the unique needs of the probation population. It will further review county grant applications, develop an improved funding plan for the county departments, and assist in implementing county intermediate punishment programs.

This ensures resources are delivered at the point of greatest need to meet the expanding supervisory population and enhance rehabilitation at a fraction of the cost.

Fairer Sentencing to Reduce Recidivism

Sentencing should be purposeful in deterring future crime, not simply punitive. Yet, complexity in sentencing guidelines and limited guidance from the Rules of Criminal Procedure for judges on how to choose among sentencing options, restricts their practical application. As a result, the best recidivism-reducing sentencing options are underutilized and inconsistently applied across the state.

Senate Bill 501 addresses this by providing judges with uniform sentencing guidelines and eligibility requirements, highlighting the recidivism rates and costs of sentences to equip judges to best choose the most effective rehabilitative option. Notably, it streamlines and expands access to drug treatment programs, which effectively reduce recidivism and save taxpayers approximately \$33,700 per participant.⁶

These reforms will create a fairer, more effective sentencing process, fostering decreased recidivism from the start of the corrections process.

Improved Probation and Parole Practices

Individuals serving short term minimum sentences of two years or less in state prison are held, on average, five months beyond their minimum term, and inequity costing an estimated \$73 million annually.⁷

To address this unnecessary incarceration, Senate Bill 501 establishes the automatic release of qualifying short-sentence offenders who serve a minimum sentence of two years or less. Excluded are individuals who committed violent crimes, certain sexual offenses, gun or high-volume drug delivery offenses, and misconduct while incarcerated.

⁵ Ibid. Despite supervising 66 percent of the corrections population, counties received just 6 percent of overall state criminal justice spending and 12 percent of Pennsylvania Board of Probation and Parole spending (http://www.pahouse.com/Files/Documents/Appropriations/series/3007/Prob_Parole_BP_120417.pdf).

⁶ Pennsylvania Department of Corrections, "State Intermediate Punishment Program 2017 Performance Report," Feb. 2017, <https://www.cor.pa.gov/About%20Us/Statistics/Documents/Reports/2017%20SIP%20Annual%20Final.pdf>. Judges can exclude a defendant from eligibility if the prosecutor or victim objects. Further, Senate Bill 501 streamlines access to motivational boot camp.

⁷ The Council of State Governments Justice Center, "Justice Reinvestment in Pennsylvania: Policy Framework," June 26, 2017, <https://csgjusticecenter.org/jr/pennsylvania/publications/justice-reinvestment-in-pennsylvania-policy-framework/>. Based upon 2014 rates.

Additionally, Pennsylvania spends over \$400 million annually incarcerating individuals who violated their probation or parole conditions, feeding a cycle of incarceration that diminishes rehabilitation.⁸

Senate Bill 501 simplifies technical probation violation sanctions, and equips agents with swift, certain, and fair sanctions to deter probation and parole violations, keep Pennsylvanian's out of prison, and prioritize resources for more serious offenders.

Crime Victim Support

Often, victims remain unaware of the services for which they qualify, or are unable to access them during the restricted time frame to apply for assistance.

Senate Bill 502 improves communication with crime victims by requiring individual officers, rather than enforcement agencies, to notify victims of their rights, including the right to know if their perpetrator is parole or placed in a drug treatment program. Prosecutors will also be required to keep the office of Victim Advocate informed about defendant sentencing.

It further expands eligibility for victim losses compensation, including extending the statute of limitations for making claims from two to three years and halving the claim threshold to \$50.⁹

Through Senate Bill 502, victims will soon be equipped with the resources to ensure their safety and rebuild their lives following a crime.

Outcome: Cost-efficient Criminal Justice for Safer Communities

JRI II generates savings through short sentence parole for low-level offenders, increased drug treatment, and improved sanctions, then reinvests those savings into improved processes that generate long-term benefits. This ensures resources are directed at the greatest need: victim safety and recovery and county probation and parole support.

This reinvestment mechanism is a proven success. In 2018 DOC estimated \$400 million in averted costs than if the prison population had climbed at pre-JRI I rates, which would have been an estimated 23 percent higher than the current incarceration figure.¹⁰

Similarly, the Council of State Governments, which developed these recommendations, anticipates JRI II will reduce the prison population and save nearly \$50 million over 5 years. But as we see with JRI I reforms, the benefits compound over time.

Through comprehensive criminal justice reform that was built by a broad coalition of stakeholders and continues to receive bipartisan support, JRI can seize the opportunity to help individuals earn independence and success, contribute to their communities and the workforce, and prioritize victim rights—ultimately decreasing crime.

⁸ Ibid.

⁹ Senate Bill 502 also merges the Crime Victims Compensation Fund and Victim Witness Services Fund into a single, non-lapsing fund.

¹⁰ Pennsylvania Department of Corrections & Probation and Parole, "FY 2018-19 Budget Testimony," Winter 2018, <https://www.cor.pa.gov/Documents/2018-19%20DOC%20Budget%20Testimony.pdf>.