



January 2019

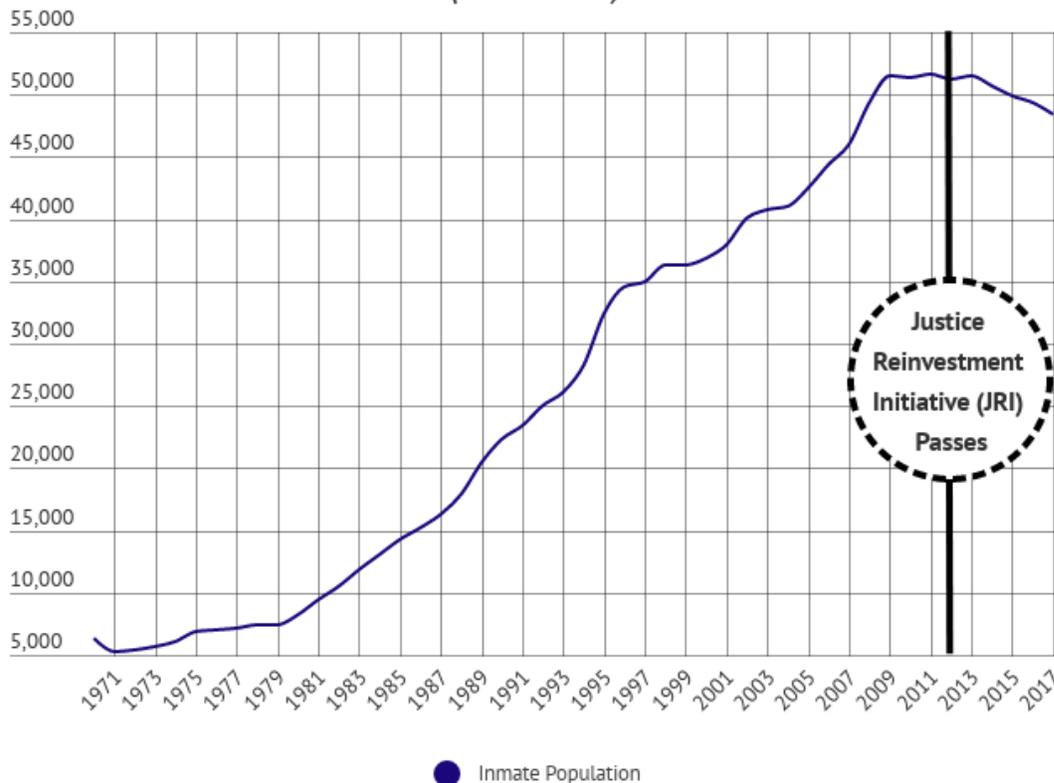
The Next Phase of Criminal Justice Reform in Pennsylvania

Executive Summary

Six years ago, Pennsylvania enacted a corrections reform package that successfully trimmed the state prison population and continued reducing Pennsylvania’s crime rate. Still, Pennsylvania maintains the highest incarceration rate in the Northeast. Too often, incarceration remains the default even when another method of punishment is more effective at deterring crime. The following reforms ensure more Pennsylvanians can achieve independence and earn success.

PENNSYLVANIA'S PRISON POPULATION

(1970-2017)



Source: Pennsylvania Department of Corrections

Since 2010, the rising prison population has spurred a nearly 25 percent increase in corrections costs. Prison population growth and costs would have been even higher if not for the 2012 Justice Reinvestment Initiative (JRI), which focused on evidence-based policies to reduce the state's prison population. According to the Department of Corrections (DOC), JRI reduced the prison population by 1,519 people and averted an estimated \$96.4 million in additional costs.

Yet further reforms are needed to address high costs, overincarceration, and recidivism rates as high as 60 percent.

Onerous sentencing and bureaucratic red tape do not make Pennsylvanians safer. They only add to an already unacceptable level of bloat in our criminal justice system. With reforms that better equip people for life outside of the criminal justice system, lawmakers can improve public safety and continue reducing the correctional population.

Justice Reinvestment Initiative II

Last June, the Justice Reinvestment Working Group—a bipartisan, multiagency taskforce—released a report identifying three key challenges still facing Pennsylvania's corrections system: high corrections spending, insufficient support for county probation, and inadequate pretrial and sentencing guidance.

Specifically, the report endorsed the following reforms:

- 1. Address inefficient parole practices**
- 2. Establish effective sentencing guidelines**
- 3. Customize parole supervision**
- 4. Provide resources to the county probation system**
- 5. Expand support for crime victims**
- 6. Adopt fair pretrial practices**

The report recommended six reforms to address these challenges, some of which passed the state Senate in May 2018. If adopted, the changes could help **reduce the prison population and save approximately \$48.2 million over five years.**

Restructure Pennsylvania's Probation System

Nearly 74,000 people are on probation in Pennsylvania. When those on post-release supervision, bail supervision, and other forms of supervision are included, the total county-supervised population is even higher—approximately 254,000.

Pennsylvania's statewide community supervision population—defined as those on probation and parole—is the second highest rate among reporting states. In 2015, probation violators made up 17 percent of Pennsylvania's prison population. This abnormally high number stems from unnecessarily long probation sentences that increase the likelihood of a technical violation.

Most instances of recidivism occur within the first year of probation. Lawmakers should consider reducing probation lengths after a year and allowing **for early termination of probation for good behavior**, as proposed by Sen. Anthony Williams in Senate Bill 1067 of 2018.

Empower Pennsylvanians to Reduce their Criminal Justice Debt

Senate Bill 1036 of 2018 requires judges to determine if a defendant can pay. For those unable, judges can provide for installment payments, require community service, or impose a combination of the two. Additionally, the bill prohibits driver license suspensions for failure to pay due to economic circumstances.

Reduce Barriers to Employment After Reentry

To address this problem, the Institute for Justice (IJ) and Right on Crime recommend passage of the Occupational Licensing Review Act.

Another option is the elimination of licenses for certain occupations and eliminating automatic ten-year licensing bans for felonies. The Wolf Administration released a report calling for an end to 13 different occupational licenses and automatic bans. This is a good start, but more can be done to ensure Pennsylvanians with records aren't barred from work. Eliminating licenses for low-income occupations identified in IJ's License to Work report is the next logical step after adopting the recommendations in the Wolf Administration's report.

Provide Parole Eligibility for Certain Offenders Serving Harsh Sentences

Lawmakers should consider parole for older offenders, who have a low likelihood of reoffending. In fact, of the 99 Pennsylvanians 50 years of age or older who have had their sentences commuted since the inception of parole, only one returned to prison—a recidivism rate of just 1.01 percent.

Although commutation of life sentences is an option for today's prisoners it is rare. This is one reason why Sen. Sharif Street introduced Senate Bill 942 in 2018 to allow for the possibility of parole for those serving life sentences. The legislation does not guarantee parole and requires offenders to spend at least 15 years in prison before becoming eligible for parole.

Facilitate Medical and Geriatric Release

According to the Pennsylvania Department of Corrections, 642 inmates have passed away in prison since 2015 (as of July 1, 2018). This figure puts the number of inmate deaths at approximately 180 annually.

In contrast, 160 inmates died each year between 2005-2014. The increase in annual deaths is attributable to an aging prison population. In 2001, there were 1,892 geriatric inmates (classified as 55 years of age or older) in Pennsylvania. Today, the number of geriatric inmates in DOC custody has risen to 6,663. Keeping seriously sick, elderly, or terminally ill patients in prison when they pose no threat to the public is immoral and costly.

Conclusion

About 95 percent of those confined to state prison will eventually re-enter the community. Policymakers should ensure these individuals are equipped to become productive members of society. This requires focusing attention on reducing recidivism and balancing the "tough on crime" practices of the past with proven "right on crime" practices that protect victims' rights and keep communities safe, while also helping offenders rebuild their lives.