



**Testimony of Molly Gill
Vice President of Policy, FAMM
Hearing on SB 14
June 25-26, 2019
Pennsylvania Senate Committee on Judiciary**

I thank Chair Baker, Minority Chair Farnese, and members of the Senate Judiciary Committee for the opportunity to submit testimony on behalf of FAMM. **We support SB 14 because it provides reasonable and necessary solutions to address Pennsylvania’s bloated probation population, while still maintaining public safety.**

FAMM is a nonpartisan, nonprofit sentencing and prison reform advocacy group founded in Washington, D.C. in 1991. FAMM’s mission is to protect public safety and promote efficiency in the criminal justice system by advocating for individualized, proportional criminal sentencing laws and prison policies.

Pennsylvania urgently needs probation reform. The manner in which probation is currently administered is not in the best interest of public safety, nor is it effective resource allocation. Pennsylvania’s sentencing laws require lengthy probation sentences, lack evidence-based limits on duration of probation terms, and lack incentives for people to earn their way off probation supervision sooner or have their supervision automatically terminated after a period of compliance. Pennsylvania is one of only four states where felony probation terms can be the maximum felony sentence, and the only state where misdemeanor probation terms can be the maximum misdemeanor sentence. The state also allows probation “stacking,” where people can be sentenced to multiple probation terms that run consecutively.

As a result, the state has the third highest probation supervision rate in the nation—a rate that is 19 percent higher than the national average.¹ A large probation population is a heavy burden on taxpayers. Even though probation costs less than incarceration, many people on probation end up going to prison for minor technical violations like missing a meeting with a probation officer. A report published this month by the Council of State Governments Justice Center found that 54 percent of prison admissions in 2017 were a result of supervision violations—probation violations accounted for 10 percent of this total.² Technical supervision violations alone cost the state \$101 million, annually.³

FAMM supports SB 14 because it is evidence-based policy. Research shows that lengthy probation terms are unreasonable, unnecessary, and counterproductive. If passed, SB 14 would

¹ “The Pennsylvania Community Corrections Story,” Columbia University Justice Lab, April 2018.
<https://justicelab.columbia.edu/sites/default/files/content/PACCommunityCorrections4.19.18finalv3.pdf>

² Pennsylvania Supervision Violation Data Snapshot,” Council of State Governments Justice Center,
<https://csgjusticecenter.org/confinedandcostly/?state=PA>

³ Pennsylvania Supervision Violation Data Snapshot,” Council of State Governments Justice Center,
<https://csgjusticecenter.org/confinedandcostly/?state=PA>



cap probation terms at five years for felonies, and three years for misdemeanors, and allow early termination of probation for people who remain compliant for 18 months. Research shows that the likelihood of reoffending is highest in the first year of supervision and decreases each year after that—making lengthy probation terms not only unnecessary but a poor use of scarce community correction resources.⁴ SB 14 effectively limits probation sentences to the highest-risk years of a person’s supervision, ensuring we pay the costs of probation when it will protect the public most, and stop paying those costs when the public safety value of probation diminishes.

Should Pennsylvania enact SB 14, it would join 43 other states that currently cap the length of probation and 33 states that cap the maximum length of probation at five years.^{5,6} SB 14 is also aligned with the American Legal Institute’s *Model Penal Code* recommendations against the use of consecutive probation terms, which Pennsylvania currently imposes but would be unlawful under SB 14.

Furthermore, **SB 14 will save taxpayer dollars by limiting the use of incarceration for probation revocations.** As stated earlier, more than half of prison admissions in 2017 were for probation and parole supervision violations. Prison space and resources are scarce, expensive, and need to be used wisely. Incarcerating people who commit minor violations of conditions of their probation comes at huge cost to Pennsylvania taxpayers. This is money that would be better used to provide quality probation services that meet the risk and needs of each individual and are conducive to rehabilitation. Simply put, communities are not safer when people who don’t pose a risk to public safety are held in prison because of probation violations. In these cases, swift and short terms of confinement for probation revocations as proposed in SB 14 are more appropriate.

Most importantly, SB 14’s reforms will support and strengthen families. FAMM represents hundreds of Pennsylvania families impacted by lengthy probation sentences. These families know that their loved ones have committed crimes and need to be held accountable and, for a time, monitored. But these families also need to be able to move on with their lives and experience real freedom after a reasonable period of time. Years and decades of probation supervision, conditions, and fear of a mistake leading to incarceration are stressful and traumatic for parents and children. Long probation terms and the conditions that come with them make it more difficult for people to participate in everyday family life, find and keep jobs, relocate when new opportunities arise, or even take a family vacation. Pennsylvania’s current probation laws tell people that even if they have been completely rehabilitated, they will still be treated and surveilled like a criminal. In short, people on probation and their families need closure and the recognition that their debt to society is paid in full. SB 14 will provide this.

For these reasons, **we urge you to support SB 14, and to consider adding to it even more reforms that will further incentivize compliance and eliminate onerous or unnecessary conditions of supervision.** Thank you for considering our views, and please contact us if we can be of further assistance as you consider this important issue.

⁴ “Justice Reinvestment in Pennsylvania Second Presentation to the Working Group,” Council of State Governments Justice Center. <https://csgjusticecenter.org/wp-content/uploads/2016/05/PA-Second-Presentation.pdf>

⁵ “Overview: Probation and Parole in PA,” ACLU of Pennsylvania. https://www.aclupa.org/files/2415/4878/7087/ACLU-PA_Overview_Probation_and_Parole_in_PA.pdf

⁶ “Justice Reinvestment in Pennsylvania Second Presentation to the Working Group,” Council of State Governments Justice Center. <https://csgjusticecenter.org/wp-content/uploads/2016/05/PA-Second-Presentation.pdf>