



Testimony from:

Arthur Rizer, Director of Criminal Justice & Civil Liberties, R Street Institute

In Support of Probation and Parole Reform in the Commonwealth of Pennsylvania

June 25, 2019

Senate Judiciary Committee

Chairman and members of the committee,

My name is Arthur Rizer, and I am the Director of Criminal Justice and Civil Liberties for the R Street Institute, which is a nonprofit, nonpartisan, public policy research organization. I am also an Adjunct Professor of Law at George Mason University and a Visiting Lecturer at both the University of London, UCL and Yale Law School. Formally, I was a civilian police officer, retired Army Lieutenant Colonel (Military Police), and a prosecutor. Our mission at R Street is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including community supervision reforms and reentry for formerly incarcerated people. Today, I am testifying on behalf of the REFORM Alliance.

Currently, Pennsylvania has the highest incarceration rate in the Northeastern United States. In order to decrease the number of individuals incarcerated in the state's penal institutions, legislation should be seriously considered and quickly implemented. Well-executed terms of probation alongside increased community supervision mechanisms can decrease Pennsylvania's incarceration rate and lead to meaningful criminal justice reforms.

By addressing the issues outlined in SB 14 and by broadening the scope of the reforms, legislation can strengthen community supervision, improve public safety, and ensure that people leaving prison are given every opportunity to succeed. Easing the burdens of probation while maintaining imposition of justice are both key components to an effective criminal justice system.

Primarily, we support imposing caps for the length of probation terms. SB 14 proposes to limit the term of probation to three years for a misdemeanor conviction, and we agree that this cap will be beneficial to probation success rates and fully support its implementation.

Since both chambers of the Pennsylvania legislature are proposing probation reforms, it is necessary to compare both so that the best practices can be agreed upon since we all have the same goal of reforming probation to be more effective for those under supervision and for the betterment of our justice system, and therefore, for increased public safety in our communities.

With that said, we believe that SB 14 could add allowances for early termination of probation when the supervised individual has completed a significant portion of their probation in good standing. For example, the House's legislation outlines a plan where after two years or half the length of probation, whichever is longer a probationer might be eligible for early supervision

release. Adopting this provision would create an incentivized compliance with the terms of supervision.

Secondly, we believe that providing people with incentives to encourage success while on probation is beneficial in reducing Pennsylvania's incarceration rate since fewer people will be detained for violating the terms of supervision. Similar probation reform legislation, HB 1555, would allow people to earn time off their probation sentence for complying with conditions and completing a high school diploma, GED, or a certified vocational training program.

By expanding SB 14 to include provisions for earning good time credit and for reduction of supervision length due to progressive accomplishments can strengthen the bill and can bolster currently proposed reforms.

As a former prosecutor, I understand how many restrictions can be placed on a person once they have been placed on supervised probation. From regular check-ins with probation officers, payment of supervision fees, random drug screenings, mandatory rehabilitation classes and a myriad of other court-imposed supervision requirements, probation is a land-field with mines of potential violations at every step.

Probation cannot create a meaningful second chance for those convicted of a crime if the provisions are not flexible enough for those individuals to maintain employment and to actually fulfill probation requirements. Overzealous and overly burdensome probation requirements are counterproductive to the goals supervisions outside of incarceration actually aim to achieve.

Finally, we ask that you continue to support legislation to cap the length of probation sentences and to discuss expanding incentives to improve probation success rates.

Very Respectfully,

Arthur Rizer
Director of Criminal Justice & Civil Liberties
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