

PA Senate Judiciary Hearing on Probation & Parole
6/26/19 – Written Testimony of
Chris Demko, Co-Founder of PAPAID



Pending Legislation Involving Treatment – SB 500/501

SB 500/501 – Justice Reinvestment Initiative (JR12) Legislation – Our interpretation is that this legislation would move sentencing away from state to county punishment and rely on treatment in lieu of incarceration in many cases

Our concern is that the State would be moving forward with the assumption that treatment works, when the State has real deficiencies related to treatment associated with DUI and drugs as well as unreliable data. How can the State move forward with “treatment solution” for DUI and DUID offenders when existing treatment results are unacceptable?

Slides 3 – 6 provide supporting information for our position on treatment using DUI-related laws surrounding the requirement for treatment. The subsequent slides include our recommendations.



Existing PA DUI Laws and Treatment

- ▶ Mandatory treatment for alcohol and/or drug addiction can be required as a part of sentencing for DUI offenses, under Title 75, Chapter 38, Sections 3814 and 3815.
- ▶ Treatment is provided by independent drug and alcohol addiction programs licensed by the Department of Health.
- ▶ Section 3817 also requires annual state reporting on treatment outcome to various state legislative committees and departments.
- ▶ Treatment providers are not required to provide aggregate data on treatment outcome for state purposes. No ability to analyze success rate of individual providers.



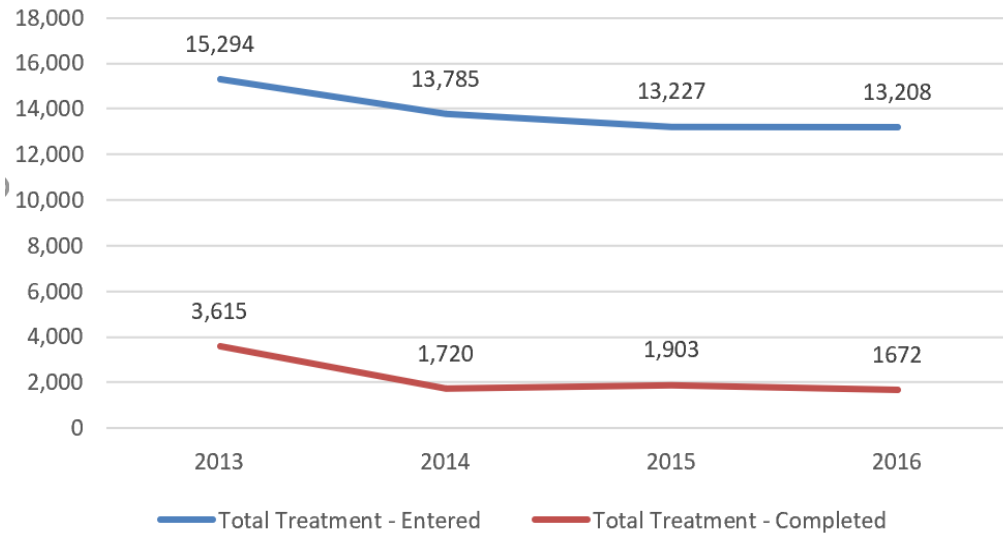
Existing PA Data on DUI Mandated Treatment

- ▶ Data shows very low completion rate for treatment at approximately 13% for most recent reported year (see slide 5).
- ▶ There have been questions about reliability of data, however source of reported data is PennDOT per requirement under existing law. From discussions with PennDOT, individual counties are responsible for reporting data to PennDOT.
- ▶ Given that treatment is large part of legal requirements at sentencing and offenders that require treatment are high risk, there needs to be a focus on treatment with reliable data provided to state legislators with the goal of improving successful treatment outcome to prevent recidivism and avoid additional deaths and injuries.

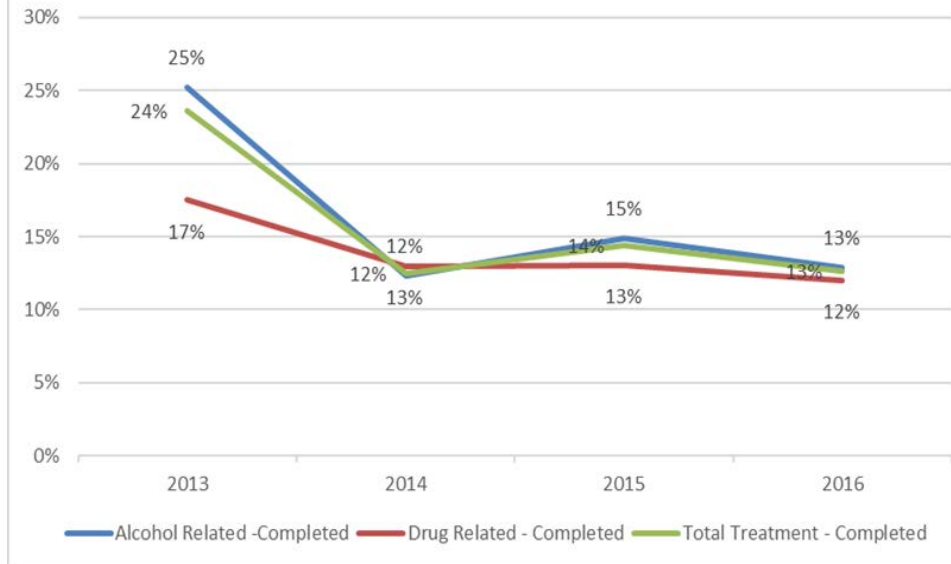


Existing PA Data on DUI Mandated Treatment

Annual # of Individuals Entering or Completing Treatment



% of Offenders Completing Treatment as Compared to Entered in a Calendar Year



Source: PennDOT



Example of Inadequate Oversight

The Inquirer
DAILY NEWS philly.com

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What Can be Done to Improve Treatment/Lower Risk of Recidivism?

7

- ▶ Take steps available to legislators and state departments to Improve data from counties related to court-mandated treatment.
- ▶ Require independent treatment providers to report aggregate data on outcome of court-mandated treatment for DUI offenders.
- ▶ Expand use of DUI and Drug Treatment Courts across the state (see slides 8 – 10).
- ▶ Improve recidivism data from government-related entities.



What Is DUI Treatment Court?

DUI court participants are 19 times less likely to reoffend. DUI courts are changing the criminal justice system's approach to impaired driving:

- ▶ Provide intense supervision
- ▶ Provide individualized, long-term treatment
- ▶ Change participants' thinking and behavior
- ▶ Demand accountability
- ▶ Save taxpayers' money
- ▶ Improve public safety



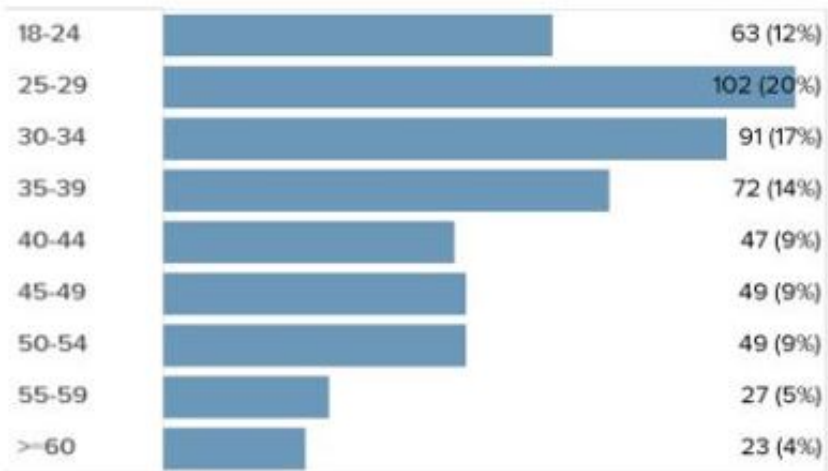
What PA DUI Treatment Courts Accomplished in 2017

2017

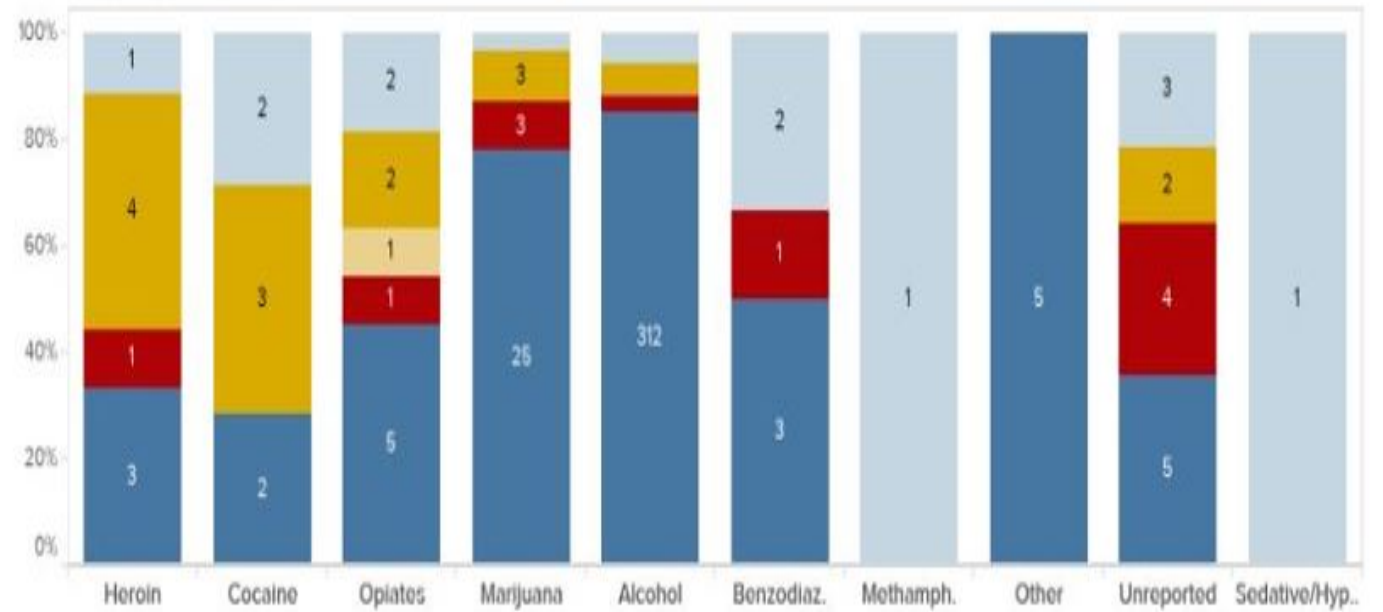
There were **523 admissions**.

76% of admissions were male.

Average age at screening was **38**.



Discharge Type by Drug of Choice



Discharge Type

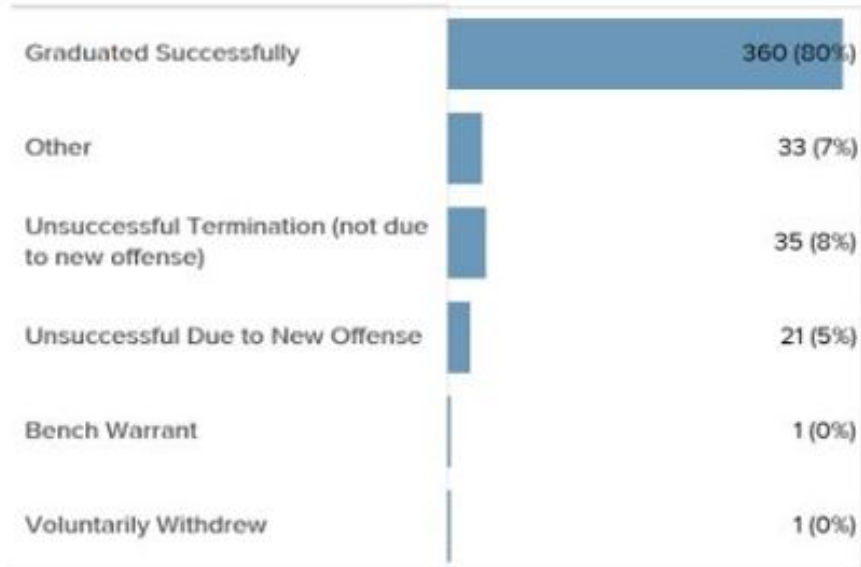


What PA DUI Treatment Courts Accomplished in 2017

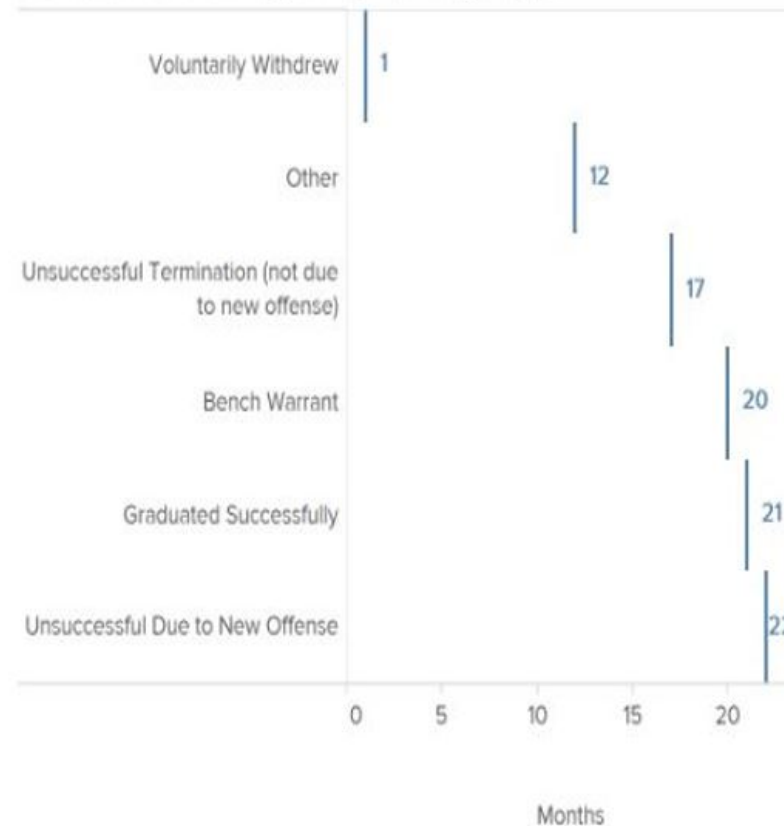
State Total

There were **451** total discharges.

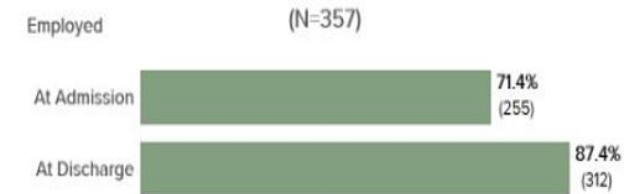
80% of all discharges graduated successfully.



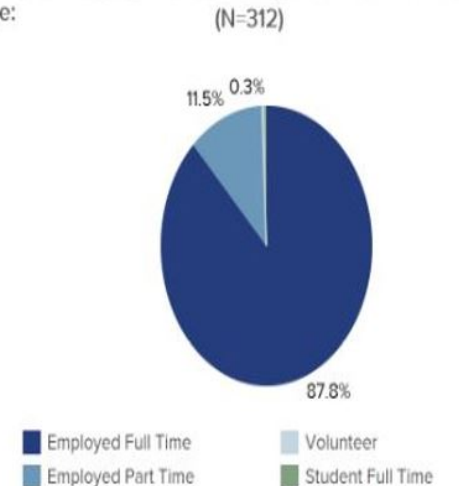
Median Months in Program by Discharge Type



Among successful graduates, there was a 22% increase in employment.



88% of the employed successful graduates were employed full time:



Our Recommendations

- ▶ Address inadequate reporting/oversight of treatment providers
- ▶ Improve data collection/sharing to measure recidivism
- ▶ Expand DUI and Drug Treatment Courts across Pennsylvania
- ▶ If SB500/501 is moving forward to passage, require treatment to be measured with accountability for the offender and treatment provider. Expand the use of monitoring bracelet as part of probation/parole/treatment for DUI offenders.



Improving DUI Laws in the State of Pennsylvania

Pennsylvania Parents Against Impaired Driving (PAPAID) is a grass-roots organization of parents across Pennsylvania who have lost children to impaired drivers. Our members' children have all paid the ultimate price of ineffective DUI/DUID laws in our state and our goal is to prevent additional senseless deaths and injuries by improving Pennsylvania's ineffective DUI and DUID laws.

Since its founding in 2016, PAPAID has been on the forefront of advocacy for improving PA DUI laws and was integral to the passage of recent DUI laws including SB961/Act 153 of 2018 and SB290/Act 33 of 2016. It continues to focus on the complex issues of DUI, including treatment and enforcement.



