

Senate Judiciary Committee

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Probation Reform

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My name is Deanna Weaver and I am a victim advocate from the Office of the District Attorney of Lancaster County. I am also the Co-Chair of the Legislative and Policy Committee of the Crime Victims Alliance of Pennsylvania (CVAP), a group of advocates, survivors and victim service providers from across the Commonwealth. I have worked in the field of victim services for over 25 years. The last 13 of those years, I have had the privilege to serve victims of all types of crimes which have been committed in Lancaster County. Thank you Chairwoman Baker and Senate Judiciary members for bringing us to the table as you consider probation reform.

First, let me say I think it is beneficial to examine our existing Justice Systems (both Criminal and Juvenile) to see what is working, what is not, and how we can do better for our communities across the Commonwealth. But I am here to raise concerns for members of our communities who are sometimes missing from the conversation- crime victims. There are several aspects of SB14 and probation reform in general that may negatively affect victims and I appreciate the opportunity to share them with you.

At the County level, victim advocates spend a lot of time explaining the system. We orient victims with various legal terms, the court process, and sentencing guidelines, all the while educating them about their rights and supporting them with the services they need. Our goal is to help them move toward restoration, to the extent that it is possible. Providing accurate information is essential in victim services as it restores power that is taken away when someone is victimized. I speak with many victims over the course of any given week. Those conversations often revolve around the question, "What is going to happen with my case?" At the end of a case, knowing that the defendant is held accountable for his or her actions is important to victims. For example, when a victim attends a sentencing hearing for the defendant who threatened and assaulted her, and he is sentenced to 3 years of probation,

that's what the sentence needs to be. Early termination of probation (which was not part of the original sentence) does not support truth in sentencing, which is something essential to victims. Allowing a defendant to terminate probation early can send a confusing message to a victim and may also feel very unfair in a case like the one I just mentioned. After all, there is no early termination clause for the victim when it comes to the effects the crime had on her. She cannot terminate the nightmares, her distrust of men, her loss of self-confidence. I know you have probably heard this before, but victims don't get a do-over. They are changed due to the acts of another person. Having a true and final sentence is something that can bring back some stability to their lives which have often been turned upside down.

Perhaps the next, most common question we field in our daily conversations is, "When will I receive my restitution?" Regardless of the type of crime, this is a common question of all victims and often at the top of the list when it comes to dissatisfaction with the system. Financial losses occur in an instant when someone is victimized. They rack up quickly and can take an incredible toll. Recovering financially, however, is quite the opposite. Victims who are fortunate enough to receive restitution on a regular basis often still struggle because the payments are small in comparison to the total loss. In cases with multiple victims, this is especially true. Some victims never recover financially. Allowing someone's probation to terminate early when restitution is not paid would be like pouring salt in the wounds of these victims. Likewise, not extending probation to ensure restitution is paid lessens its importance. Restitution is part of making a victim whole. There are plenty of victims who tell us they are fine with any sentence the ADA (Assistant District Attorney) feels is appropriate as long as they get the restitution they are owed. Knowing they can be brought back to court if they fail to make their payments can carry more weight with defendants than calls from collection agencies and damaged credit, and it sends a message that restitution is a priority. Termination of probation should be reserved for offenders who demonstrate that restoring a victim financially is also a priority to them.

Restoring victims drives our work. What can we do to help victims reestablish balance and peace in their lives? Special conditions of probation are an important way we do just that. Just like restitution, these conditions are very meaningful to victims. Conditions of probation are fashioned with the needs of the offender and the victim in mind. Frequently victims feel that the conditions of probation to

receive treatment/counseling or the test of supervision to see if a no contact condition will be honored is more important than incarceration. There are many cases which include a no contact provision and it is easy to see why, even with a quick look at victimization. Having the person who made you a victim stay away from you makes perfect sense. Having this condition validates a victim. It gives them some peace, knowing that there are consequences for the offender who does not abide by this condition. The same can be said of other conditions of probation as well. Conditions are part of the sentence, and fulfilling these conditions is another form of accountability for offenders. Across the board, from retail theft to murder, this is an end result victims seek.

Shorter jail sentences followed by probation is something we see often at the County level and it serves victims well. Knowing an offender is going to be on probation after completing a jail sentence brings some measure of security to victims. At the County level, it is during this period of supervision when offenders will most likely pay restitution and complete special conditions mentioned above. It is also important in sex offense cases and others that may max out of their prison sentences. This option should not be taken away.

We know that every victim is unique. The same is true of offenders. For some offenders, the crime is an aberration- a combination of poor choices, and bad judgment. Some offenders commit crimes that have a minimal effect on the victim or community. There are certainly many cases where no restitution is owed, the crime causes inconvenience to a victim rather than trauma, and it is not a repeat offense. In these cases, some changes may be appropriate. But then there are the other cases. Some offenders, through their actions, demonstrate that they need more supervision and services than others. Those who commit sex offenses, domestic violence and other personal injury crimes, those who have untreated mental health issues and addictions and those with extensive criminal histories need to be supervised long-term, not only for the sake of the victims, but for the safety of the community as well. And what about the cases with multiple victims and multiple offenses which can result in massive amounts of restitution? Are these cases going to receive the same treatment as cases with one victim and one offense? Every victim deserves justice and offenders should not receive a group discount when they are sentenced.

In examining the issue of probation reform, we must not be too broad with the brush. The same guidelines are not appropriate for everyone. There are some cases for which shorter terms of probation or early termination may be appropriate, but not in personal injury cases, cases with unpaid restitution or cases of repeat offenders. If these proposed changes are applied to all cases, victims will suffer greater harm and will once again feel powerless. And these changes should not happen without victim input and notice. If the crime has a victim, there is another voice to consider. We encourage victims to trust in the system, to take part in prosecuting those who violated them. How then can we turn around and change sentences which were imposed? Victims need to be part of any consideration of changing a sentence. We need to seek their input and provide notice of any change.

Throughout my career, I have encountered many victims and many offenders. I have been in the community long enough to see cases play out long-term as offenders enter the system and complete their sentences. In cases where there are little or no meaningful consequences, offenders can become empowered to continue their behavior and reoffend. When we talk about successful reintegration into society, accountability must be part of the plan. Taking away consequences for one's actions does not serve anyone. We all have consequences for our behavior. We have guidelines we must live by and we must follow through with commitments in order to succeed. Removing accountability may actually hurt offenders in the long run. When an offender acknowledges his or her behavior and works to repair the harm they have caused, everyone benefits- the victim, the community and the offender. We must not lose accountability at the expense of efficiency.

Pennsylvania has developed a reputation of excellence in the field of victims' services. In order to maintain that high level of quality, we cannot forget the voice of the victims when considering probation reform.

Thank you for your consideration.