



Hearing on Justice Reinvestment
Before the House Judiciary Committee
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Testimony of

Fran Chardo
Dauphin County District Attorney

Greg Rowe
Director of Legislation and Policy
Pennsylvania District Attorneys Association

Good morning, Chairmen Kauffman and Briggs, and members of the Judiciary Committee. My name is Fran Chardo, and I am the District Attorney of Dauphin County. With me is Greg Rowe, the Director of Legislation and Policy for the District Attorneys Association. On behalf of my colleagues at the Pennsylvania District Attorneys Association, thank you for the opportunity to appear before you today.

JRI 2 began in 2016 and included many important stakeholders who provided valuable insight into the JRI discussions. Indeed my predecessor, Ed Marsico, served on the JRI workgroup, and Greg attended and participated in the meetings as well.

As you know, the Council of State Governments (CSG) performed the bulk of the research and analysis for the workgroup. One of the most invaluable legacies of JRI is the extensive data collection and analysis by CSG.

While the JRI legislative package contains a number of significant changes, there are two that would have the largest effect on the day-to-day workings of the criminal justice system. The first— contained in SB 501— would streamline the process by which an eligible offender is admitted to our State Intermediate Punishment Program, although the program itself would not change. SB 501 would remove some of the operational inefficiencies regarding admission to the program. Instead of having an eligible offender first assessed by the Department of Corrections after his conviction and then having the court determine whether the offender should enter the program, the legislation makes it simpler, with the goal that more individuals will be admitted to the program. Any objections to sending the otherwise eligible offender to SIP would need to be made at sentencing, and the DOC would

subsequently determine whether the eligible offender is suitable for the program if the Commonwealth has not objected or the judge has not excluded the individual from the program.

Second, the legislation would make parole automatic in most cases where an offender meets the eligibility criteria for RRR (our earned-time credit program) and enters the DOC with 2 or fewer years on his or her minimum sentence. Those offenders are less violent because they cannot have committed a personal injury crime in order to be eligible. The legislation effectively makes their parole at minimum automatic, unless they have had a major misconduct at DOC or have a pending felony charge or outstanding felony arrest.

Here is why this legislative package is called the Justice Reinvestment Initiative: the cost savings from these initiatives would be reinvested within the criminal justice system. Indeed, a significant portion of these cost savings would be specifically reinvested into county probation. This is the crux of JRI: reinvesting cost savings in order to make our communities safer by reducing the likelihood of recidivism. Stopping the cycle of criminal activity at the county level will be enhanced if our probation officers have more tools and resources at their disposal. Providing additional resources will allow them to focus on those that need intervention, and doing so will no doubt increase the likelihood that we can reduce recidivism.

It goes without saying that our criminal justice system can be significantly enhanced if there were more and additional resources and investments put into it, such as more long-term drug treatment and additional resources for those with significant mental health issues. While doing either or both of these would require significant infusions of dollars, the result would ultimately be less crime and fewer victims. The CSG and DOC are working on a mental health project, called Stepping Up, in

Dauphin County to reduce the number of people with mental illnesses in prison. I am especially grateful to Secretary Wetzel for his tremendous leadership on this program, which we hope can become a model state-wide. But my larger point is this: as we improve the criminal justice system, let us not forget about investing time, resources, other efforts into helping to prevent crime by those with criminogenic needs.

The JRI legislation also will provide that district attorneys provide the Office of Victim Advocate victim information in personal injury cases or cases involving crimes of violence. Doing so will allow OVA to help ensure appropriate notification of and work with crime victims.

I also wanted highlight two areas we will need to consider further. As you know there has been a considerable amount of discussion about probation reform. Along with many other stakeholders, we have been extensively involved in discussions with Representatives Delozier and Harris about how to appropriately reduce the number of Pennsylvanians on probation and to ensure only the appropriate cases result in revocations that return a probationer to incarceration. JRI was drafted well before probation reform garnered the public attention that it has, and it includes provisions intended to achieve some of the same goals. For example, SB 501 authorizes the Sentencing Commission to promulgate probation guidelines, which is an appropriate way of trying to ensure the most appropriate terms of probation. We believe the discussions about Representative Delozier's probation reform legislation and JRI language—especially as it relates to probation reform and the powers of the Sentencing Commission—need to be evaluated together in order to achieve the most optimal outcomes.

Second, under current law, if the court imposes a fine of over 60 dollars, then 70 percent of that extra amount goes to the county victim's fund and 30 percent to the Commonwealth. For very technical reasons, the language in SB 502 would have the 70 percent portion go to the state victim's compensation fund instead of going to county victims' funds. We would respectfully request that the current process continue, and we have worked with PCCD in drafting language to do so.

Thank you again for inviting us to this hearing. Changes to the criminal system that are collaborative, thoughtful, data-driven, and victim-sensitive are positive, and the process here has achieved these goals. We look forward to continuing to work with all of you as the process leading to the hopeful enactment of JRI 2 continues.