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Statement of Support for Amending PA HB 1555

December 18, 2019

As advocates of pragmatic criminal justice reform, we write in strong support of House Bill 1555 and proposed amendments that would strengthen the bill. The legislation endeavors to reform probation in Pennsylvania in such a way that not only creates a more effective probation system but also safeguards civil liberties while alleviating public safety concerns by maintaining components of accountability. We believe the amendments in question are essential to achieving this aim.

The R Street Institute is a nonprofit, nonpartisan public policy research organization with a Criminal Justice & Civil Liberties policy team that works across the ideological spectrum to provide policymakers with reforms that prioritize human dignity, public safety, family connections and fiscal responsibility, which is why reforming probation in Pennsylvania is of special interest to us.

HB 1555 would adjust Pennsylvania's probation system to concentrate supportive resources on those who need them most, reclaim wasteful spending on inefficient and costly responses to crime, and redirect those savings to evidence-driven reforms while simultaneously enhancing public safety. We believe the bill would be strengthened by amendments that would apply retroactivity, limit punitive sanctions for technical violations, fortify constitutional protections, clearly define exclusions for probation termination, and eliminate unnecessary and intrusive suspicionless searches.

First, we strongly oppose provisions that would authorize suspicionless searches, which remove the requirement of reasonable suspicion for warrantless searches. During the process of committee review, these provisions were added ostensibly to help probation officers ensure that people under supervision comply with their conditions of probation. However, the probation officers who would be tasked with this elevated level of authority have expressed concern over these provisions, stating that the reasonable suspicion requirement in no way impedes their ability to determine compliance with conditions of probation. Thus, the very officers these provisions purport to benefit state that there is no need to remove the requirement of reasonable

suspicion, rendering these provisions gratuitous and unworkable. Given that these provisions trample on our most fundamental civil liberties without any apparent benefit, we strongly support amendments to eliminate the suspicionless search provisions.

Second, HB 1555 should be applied retroactively. During the process of committee review, new ambiguous language was added to the bill confusing the issue of retroactivity. We believe that Representative Harris' Amendment 4248 clearly articulates retroactivity as originally intended and, if enacted, would quickly and immediately improve the daily lives of hundreds of thousands of Pennsylvanians currently under supervision.

Third, the proposed amendment(s) to reduce punitive sanctions for technical violations should be included. The current version of HB 1555 sets a standard that would prevent people under supervision from even being eligible for probation review conferences if they have committed a technical violation in the last 18 months. This directly contradicts the original intent of this bill, which sought to limit the ineffective use of punitive sanctions for non-crimes, such as technical violations. In addition to the limitation on eligibility for review conferences, HB 1555 also allows for periods of incarceration for technical violations described as graduated sanctions, making it clear that there are other punitive sanctions available for technical violations if the incentive systems prove ineffective in any given case.

Maintaining lengthy probation sentences, blocking the eligibility for review of those lengthy sentences and allowing the opportunity for incarceration via graduated sanctions for technical violations will not achieve the ambitious reform goals both lawmakers and advocates have fought to secure. We believe that all are best served when incarceration for technical violations are eliminated or capped. Although HB 1555 no longer contemplates hard caps, creating reasonable and clear limits while maintaining judicial discretion remains a clear and worthy goal of essential probation reform. By passing amendments to eliminate the 18-month prohibition on technical violations in order to maintain eligibility for probation review conferences, the legislature would advance the goal of creating reasonable and malleable limits on probation sentences.

Fourth, the current language of HB 1555 includes overly broad language regarding those individuals who would not receive the opportunity for probation termination. Generalizations can lead to unduly harsh subjectivity and defeat the original purpose of the bill. Rather than include broad exceptions for "crimes of violence" or "assaultive behavior," it would benefit the legislation, and ultimately its implementation, if necessary exceptions were narrowly tailored. For example, requiring evidence that the specific conduct of an individual on probation creates an identifiable and imminent threat to public safety would allow for truly needed exceptions rather than broad exclusions from probation termination eligibility for less serious reasons. We urge the passage of amendments that would achieve that goal.

Finally, we applaud the consistent and dedicated work that Pennsylvania lawmakers have undertaken in the pursuit of reforming the state's probation system. We believe that HB 1555

would clearly be a step in the direction for reform, and we support the continued movement of this bill through the legislature. Our support for the proposed amendments to this bill stems from the sincere belief that these few changes would substantially improve the bill and align its implementation with the originally stated goals of improving and streamlining probation in Pennsylvania.

Sincerely,

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