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## News for Immediate Release

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### **Auditor General DePasquale Calls for New Criminal Justice Reforms to Improve Lives, Reduce Taxpayer Costs**

*Tackling technical probation violations differently could save more than \$100 million annually*

**HARRISBURG** – Auditor General Eugene DePasquale today said Pennsylvania could potentially save millions of taxpayer dollars and make society safer and stronger by continuing to reform the state’s criminal justice system.

DePasquale released a special report outlining 18 recommendations to encourage continued bipartisan interest and cooperation in enacting criminal justice reform at the state and county levels.

“Beyond creating a more equitable approach to enforcing our laws, enacting criminal justice reforms can produce big savings for Pennsylvania taxpayers,” DePasquale said. “We also need to make sure to invest in efforts to give inmates the ability to successfully reenter society and avoid returning to prison.”

The incarceration rate in the United States is the world’s highest, with approximately 700 out of every 100,000 residents behind bars. Pennsylvania’s rate is even higher, at roughly 725 per 100,000 people.

The state Department of Corrections spent \$2.6 billion in the 2018-19 fiscal year to incarcerate approximately 46,000 people. Roughly \$101 million of that total is spent every year to incarcerate people who have committed no new crimes but have instead technically violated their probation or parole by, for example, missing curfew.

DePasquale noted that Pennsylvania has made progress, including through a Clean Slate law signed by Gov. Tom Wolf that removes some types of criminal records from public databases. The law’s goal is to make it easier for people convicted of nonviolent crimes that occurred more than 10 years ago to move past the stigma of having a criminal record.

He also pointed to the success and \$543 million estimated cost savings of Pennsylvania’s first Justice Reinvestment Initiative, enacted in 2012 under former Gov. Tom Corbett. The state’s prison population and crime rate have fallen steadily since then, showing that it’s possible to incarcerate fewer people while protecting public safety.

“It took some time, but people on both sides of the aisle finally realized that the ‘lock-‘em-up, throw away the key’ approach to sentencing that began in the 1990s ultimately caused more problems than it solved,” DePasquale said. “It’s time for Pennsylvania to build on what we’ve learned and continue our progress.”

DePasquale noted that his team solicited input from more than two dozen national, state, county and local experts and stakeholders, and heard the following concerns:

#### **Needed Pre-Trial Reforms**

Indigent defense funding: Pennsylvania remains the only state that does not provide funding for the defense of indigent defendants, instead pushing that cost onto counties. This system is overly

burdensome to poorer, more rural counties, which tend to incarcerate higher percentages of their populations.

Cash bail: Judges frequently require defendants to post cash bail, which results in low-income defendants being incarcerated prior to trial and driving additional costs to taxpayers.

Risk assessments: Critics say risk-assessment tools used to help courts determine sentences may have a disproportionately negative impact on minority defendants.

Diversions & treatment courts: Defendants struggling with addiction may benefit from being diverted to treatment rather than jail, which can produce a lasting benefit to both the individual and society while saving taxpayers millions of dollars.

### **Needed Reforms During Incarceration**

Physical and mental health care: Pennsylvania spends less per inmate on health care than the national average. Shortages of mental health services throughout Pennsylvania exacerbate the problems in both state prisons and county jails, which rely largely on contractors to provide these services.

Education/workforce training: Data shows that every \$1 spent on education in prison saves taxpayers \$5 in related incarceration costs. In addition, Pennsylvania should remove barriers to post-prison employment to ensure inmates that receive job training can use it after their release.

### **Needed Reforms After Incarceration**

Probation and parole: Currently, supervised release remains one of the biggest contributors to mass incarceration in Pennsylvania, as opposed to being a means of helping former offenders reenter society and thrive.

Pardons and clemency: The state Board of Pardons has been working to simplify the process of applying for a pardon and speed up the process of applying for clemency. Delays in receiving pardons or clemency create barriers to housing, employment and other opportunities.

“Clearly there’s room for more reform work to be done at all levels of the criminal justice system,” DePasquale said. “We can treat people more equitably while saving taxpayers millions of dollars – something that is not only possible, but also necessary.”

Review the “[Criminal Justice Reforms to Improve Lives and Save Money](#)” report and learn more about the Department of the Auditor General online at [www.PaAuditor.gov](http://www.PaAuditor.gov).

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**EDITOR’S NOTE:** The report’s 18 recommendations are as follows:

1. The General Assembly should follow the recommendations from the 2011 Joint State Government Commission report on how Pennsylvania can provide an effective indigent defense system.
2. Magisterial District Justices (MDJs, or local-level judges) should be trained on the current disparities and harmful outcomes of the cash bail system.
3. Any use of a risk assessment tool to determine pre-trial detention should be balanced by the use of a needs assessment tool to determine what basic human needs a person has – such as the need for food, shelter or clothing — to be released pre-trial and not reoffend.
4. Court officials must work with police, district attorneys, public defenders, health bureau officials, probation/parole officers and more to create robust systems that identify as early as possible those defendants who need help, not punishment, to prevent them from committing new crimes.
5. County courts that have not done so should implement diversionary courts, especially those for drug treatment, mental health and veterans.

6. All county prisons should adopt the recommendations made in the July 2019 Council of State Government's Justice Center's report on treating defendants with serious mental illness.
7. The state Department of Corrections should continue expanding the Medication Assisted Treatment programs and share how such programs are affecting relapse and recidivism rates among reentrants.
8. County commissioners and county prison boards should work together to standardize medical services based on best practices. For example, labor and delivery policies should be standardized so that a consistent level of care and safety is present across the state and so that care is guaranteed in case of complications.
9. At the state and county level, policies governing health care in prison should prioritize continuity of care.
10. At the state and county level, screenings for mental health histories, substance abuse histories and sexually transmitted diseases should be automatically performed at intake.
11. At the state and county level, accessible resources should be provided about health care in prison — a pamphlet in English is not accessible to all; there should be forms at the ready for whoever needs those resources, including counseling opportunities.
12. Congress should expand the Second Chance Pell Program and provide for more federal student aid in prisons.
13. The General Assembly should pass a law ensuring that people with criminal records cannot be automatically disqualified from obtaining professional licenses unless the crime committed relates to the practice of that profession.
14. The General Assembly should reintroduce and pass the Pennsylvania Second Chance Jobs Act so that the Department of Labor and Industry can develop and maintain a website where formerly incarcerated people can search for and apply to jobs.
15. County probation needs to be better funded so that probation officers can better support the people they supervise and help them meet the terms of their supervision. Probation should be about providing people with ways to address mistakes that amount to technical violations.
16. State and county officials should work together to reallocate resources to counties so they can provide support services to people on probation or parole.
17. The Wolf Administration should continue to automate and streamline the clemency application and pardons process.
18. The state Constitution should be amended so that the Board of Pardons requires, at minimum, a majority vote, not a unanimous vote, to send pardon and clemency recommendations to the governor in cases with sentences of life imprisonment or death.