



5 Reasons SB 913 Would Make Probation Worse

Pennsylvania

Probation in PA: Pennsylvania not only has a mass incarceration problem, it has a mass supervision problem. Probation was originally intended to serve as an **alternative to incarceration**. But PA's probation system operates like a hamster wheel, where people get re-sentenced on the same offense over and over again by making them spend years under burdensome conditions, until they inevitably violate one or more of those conditions. Violating probation then results in more time on probation and/or or incarceration—the very outcome probation was intended to avoid in the first place.

- More than 180,000 Pennsylvanians are currently on probation, contributing to the second highest rate of community supervision in the country.
- More than 50% of people sent to PA state prison each year are there for violations of probation or parole.
- Most of the people held pretrial in PA county jails are incarcerated on probation or parole detainers.

“Something is better than nothing” is only true if the ‘something’ is good: Instead of the comprehensive probation reform that criminal legal advocates have been fighting to win for years, SB 913 creates new rules that will trade one broken probation system for another. As a result, SB 913 maintains and will likely expand mass incarceration—and, therefore, is not reform. Legislation should slow the revolving door between probation and prison, not accelerate it. There is no such thing as a perfect bill, but something isn't always better than nothing— that only holds true if the “something” is good.

There are FIVE main reasons why SB 913 would be worse than nothing:

#1 | SB 913 would keep people too poor to pay restitution on probation indefinitely.

#2 | SB 913 would allow counties to use prolonged incarceration for people on supervision who are in need of drug or mental health treatment. Instead of providing community-based care, jail would be used as the default option for people struggling with drug and/or mental health issues.

#3 | SB 913 would make it easier for judges to revoke probation and incarcerate people for **minor violations**.

- SB 913 would expand the court's ability to incarcerate people following the revocation of probation, not only for new offenses but any and all technical violations.
- SB 913 would weaken the presumption against incarceration, that is, the bill allows judges to use incarceration with more discretion.
- SB 913 would create new criminal conduct which would allow judges to incarcerate people.
- SB 913 would allow judges to incarcerate people for public safety reasons inserting a vague, undefined clause that a person can be imprisoned if they pose **any** threat to public safety.

#4 | SB 913 would expand the authority to detain people pretrial for probation violations. In other words, SB 913 would allow police officers to issue probation detainers.

#5 | SB 913 will have a major negative impact on the lives of Black people in Pennsylvania who are already 54% more likely to be on probation than their white counterparts.

We cannot support bills that leave people behind.

Who supports SB 913?	Who opposes SB 913?
<ul style="list-style-type: none"> ■ American Conservative Union ■ Americans for Prosperity ■ Commonwealth Foundation ■ PA Chamber of Commerce ■ PA District Attorneys Association ■ REFORM Alliance 	<p><u>Over 50 PA grassroots & other organizations</u>, including:</p> <ul style="list-style-type: none"> ■ Color Of Change ■ Defender Association of Philadelphia ■ Philadelphia Bail Project ■ Why Not Prosper ■ 1Hood Power ■ Dignity and Power Now