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Dear Rules Committee Members:

I am writing to register my official comments regarding modification of the rules surrounding Legal Financial Obligations in Pennsylvania. It is my opinion that the committee must give greater consideration to the financial context of defendants during the criminal justice process.

My research focuses broadly on poverty policy, and more specifically on the financial health and mobility of low-income individuals, as well as consumer protection from predatory practices of financial institutions.

The current rules place an unjust and unrealistic financial burden on families and households, many of which are already struggling to make ends meet. Roughly 1.6 million Pennsylvanians were living below the poverty line at the end of 2017, defined as making less than \$1,200 per month.¹ When factoring in basic rent or mortgage, transportation costs, utilities, and food, the basic cost of living in Pennsylvania bumps right up against that monthly income. If a wage earner owes child support, payments on old medical bills, car payments, or other monthly obligations, any financial cushion after cost of living is, at best, completely gone. On a good week, folks may have \$20 left over. But one bad week -- a car repair, an unexpected illness causing a parent to miss hours at work, a house repair -- can quickly tip a family in an already precarious financial situation into a deep debt spiral. Judges need to take into account the real cost of living, and the limitations of low wage employment when evaluating Pennsylvanians' ability to pay.

Two additional factors compound this widespread poverty and lack of financial stability. The first is that low-wage jobs with unpredictable earnings comprise a growing percentage of employment in Pennsylvania. According to the Martin Prosperity Institute, the five major metropolitan areas in Pennsylvania saw up to 12% growth in low-wage jobs between 2011 and 2016, while high and middle-income job growth remained roughly at 5% across all metros.² Second, income has become much less

¹Pennsylvania - 2017, report, TalkPoverty, Center for American Progress (Washington, DC: Center for American Progress, 2017).

² Richard Florida, "Where the Good Jobs Are." *CityLab*, September 2, 2016.

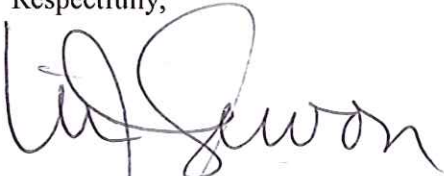
predictable, meaning that more and more people are unable to predict how much they will be bringing in from week to week or month to month. Income volatility has doubled over the past thirty years.

Further, evidence suggests that the inability of these families to meet the immediate up-front costs in the criminal justice system contribute to the overarching problem of mass incarceration in Pennsylvania. People who do not have the financial capacity to pay burdensome fees often end up losing their licenses and, as a result, their ability to work. This begins a domino effect that leaves them unable to pay for food and housing, and destabilizes families and communities. This kind of punishment is counter-productive.

I respectfully suggest that the Rules Committee reevaluate whether incarceration is an appropriate course of action when ability to pay bail is compromised by proven financial hardship. I would like to stand in support of the American Civil Liberties Union (ACLU) of Pennsylvania's proposed rules; I believe their suggested modifications for greater flexibility in determining indigence take important steps to address ability-to-pay across the state. Further, I would like to advocate for the ACLU's suggestion of wider use of ability-to-pay evaluation during criminal justice proceedings.

Thank you for your attention to this important issue. Please do not hesitate to reach out if you believe that further discussion can assist you in your decision-making process. Feel free to email servon@design.upenn.edu or call 215-746-2762.

Respectfully,



Lisa Servon
Professor and Chair

Sources Cited

Florida, Richard. "Where the Good Jobs Are." *CityLab*, September 2, 2016.

Pennsylvania - 2017. Report. TalkPoverty, Center for American Progress. Washington, DC: Center for American Progress, 2017.