



**Testimony of Megan French-Marcelin, PhD, Campaign Director for Criminal Justice at
Color of Change**

**PENNSYLVANIA SENATE DEMOCRATIC POLITICAL HEARING ON
ELIMINATING LIFETIME PAROLE
NOVEMBER 4TH, 2021**

Submitted via Email

I want to thank Senators Muth, Street, Williams and Schwank for sponsoring this critical hearing on ending Pennsylvania's harsh and unusual use of lifetime and long-term parole. Thank you to the Pennsylvania Senate Democratic Caucus for their support in organizing this hearing and for convening us today. My name is Megan French-Marcelin, and I am the Campaign Director for Criminal Justice and Democracy at Color of Change. Color of Change is the largest digital racial justice organization in the country with more than seven million members nationwide. Our work seeks to end mass incarceration and its disproportionate impact on Black people and their families.

In partnership with Dignity and Power Now and the Abolitionist Law Center, we have formed the Coalition for Parole Justice in Pennsylvania to push this elected body to end lifetime and long-term parole. I hope that the testimony you have heard this morning throws into sharp relief the onerous and cruel design of the current parole system – a system that is working precisely as designed to extend carceral punishment through invisible shackles.

Parole as it is said to function is community supervision, allowing people to leave prison and return to their families, find meaningful employment all under the premise that parole will assist in this reentry. This is the stated goal. Yet, as you have heard, this is not at all how parole functions. Indeed, people live under the thumb of the Department of Parole and often, the individual supervising parole officer. They are subject to rules and practices that are as dehumanizing as they are

destructive not simply to individuals under supervision, but to the entire fabric of communities most impacted.

These restrictions include random and unwarranted searches, capricious drug and alcohol testing that must be paid for by the individual on parole, and seeking written permission to travel - even across county lines. There are also restrictions on who people on parole can associate with, where they can go within city lines, and pointless curfews that often undermine a person's ability to support themselves and their families. Violations, even the slightest infraction, can result in a person being sent back to prison -- all at the discretion of the parole department.¹

Today, with the support of Senator Muth, who has been a true champion for criminal legal reform in Pennsylvania, we are asking for support on policy that would entirely reshape the draconian system of parole. I say draconian because it accurately describes a system that is geared to punish people. Pennsylvanians are three times more likely to be on parole when compared to the adults in the rest of the United States. In fact, Pennsylvania has the highest rate of parole in the nation. The result? In 2016, more people were sent to state correctional facilities for parole violations than any other crime.²

While we do not know the specific number of folks that were returned on a technical revocation, according to a 2018 report by Human Rights Watch, the number one reason for parole violations stems from individuals moving without the permission of their parole officers.³ While people on parole are often house-insecure and struggle to maintain an address because of stigma, discrimination, and the conditions that govern in what environments a person on parole can live, parole is by design a surefire pipeline back to prison in this particular way, and in so many more.

If we are truly dedicated to ending mass incarceration and addressing the profound racial disparities that play out at every intercept of the criminal legal system, we can, at least in Pennsylvania, start with the parole system. If we know that more than half of people in state prisons are there on parole

¹ <https://www.prisonpolicy.org/reports/correctionalcontrol2018.html>

² <https://www.hrw.org/report/2020/07/31/revoked/how-probation-and-parole-feed-mass-incarceration-united-states>

³ <https://www.hrw.org/report/2020/07/31/revoked/how-probation-and-parole-feed-mass-incarceration-united-states>

violations, we could cut the prison population in half – thus ending family separation and encouraging the socioeconomic stability of families and communities. If we were to take a real look at the way parole functions – currently as a mechanism of indefinite control that burdens people’s lives in often degrading ways – we would see very clearly that Pennsylvania’s system of parole is not a mechanism of public safety at all. In fact, it may be the opposite.⁴

Research has proven time and time again that lengthy parole sentences do not and have not led to better public safety outcomes. As a matter of fact, Pew Charitable Trusts found that for people serving time on parole, if they are to commit a new crime, it is likely within the first weeks or months of release; by the end of a year, recidivism is largely negligible. As quoted by Pew, researchers have largely accepted that there is no public safety rationale to extending parole terms past 24 months.⁵

The same report revealed that longer sentences can actually have an adverse impact exposing people to revocation and incarceration while driving up the cost to taxpayers. Several states have taken steps to shorten the terms of their parole by implementing “earned compliance credits” that allow sentences to be reduced by 30 days for every 30 days a person goes without a violation. The state witnessed an 18 percent drop in the number of people on community correctional control with no impact on public safety.⁶ This has been replicated in other states that have taken on similar measures. Most recently, New York State passed a similar law that will not only provide earned compliance credits, but also establishes robust reentry plans for people who are being released to supervision.⁷ Finally, studies have found that when incentives are attached to parole, like those which we are proposing, that people on parole are far more likely to abide by the terms of their supervision.⁸

⁴ <https://www.pewtrusts.org/en/research-and-analysis/reports/2020/04/policy-reforms-can-strengthen-community-supervision>

⁵ M. Finkel, “New Data: Low Incomes—but High Fees—for People on Probation” (Prison Policy Initiative, 2019), https://www.prisonpolicy.org/blog/2019/04/09/probation_income/.

⁶ <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2016/08/missouri-policy-shortens-probation-and-parole-terms-protects-public-safety>

⁷ <https://www.google.com/search?q=katal+less+is+more&oq=katal+less+is+more&aqs=chrome..69i57j69i59l2j0i27112j69i60l3.2850j0j7&sourceid=chrome&ie=UTF-8>

⁸ <https://www.pewtrusts.org/en/research-and-analysis/reports/2020/04/policy-reforms-can-strengthen-community-supervision>

In Pennsylvania, Pennsylvanians that are subject to lifetime and long-term parole, disproportionately Black Pennsylvanians, remain trapped in a cycle of prison and parole – a cycle that as a result of onerous restrictions and draconian punishment is not set up to provide reentry support, access to care, or a roadmap to reintegration. If that were true, people on parole would be connected to resources rather than forced to pay for supervision and people were given transition plans that included supportive housing and employment rather than violated an individual for lacking stability. Our current prison population would drop, and it would drop immediately.

We believe in care over cages, and the critical importance of creating infrastructures to implement those systems of care. That is why we are urging the Pennsylvania State Legislature to take up legislation that would sunset lifetime and long-term parole, thus allowing people to return to their lives and communities in truly free ways.

The policy we are supporting would draw on all the research we have gathered, including but not limited to the research on desistance to crime, the improvement to public safety and the role incentives can play. The proposed policy would do two critical and related things: First, it would cap parole sentences at six years, thus eliminating people from a lifetime of surveillance, debt, and unfreedoms. Second, it would, much like New York and Missouri, utilize the time of earned good time, to potentially reduce that sentence in half by incentivizing people through a 30:30-day system of earned good time per month. In a perfect world, all Pennsylvanians would be subject to just three years of parole.

We are not asking the Pennsylvania State Legislature to end supervision in all forms. We are asking that you simply weigh the benefits for public safety, community health, and economic growth to reform the system based on scientific data instead of fear mongering about crime. It is time to reform the system in a way that supports reentry and provides a pathway forward for each and every person currently in the system. Thank you.