



May 3, 2019

Professor Lisa Servon
University of Pennsylvania
Department of City Planning
210 S 34th St
Philadelphia, PA 19104

Dear Rules Committee Members:

I am writing to register my official comments regarding modification of the rules surrounding Legal Financial Obligations in Pennsylvania. The revisions that have been made move in the right direction. However I urge the committee to further strengthen the rules, giving magisterial district judges clearer and more specific rules. It is critical that they give greater consideration to the financial situation 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. Over the past year I have also been examining the financial burdens that are placed on justice involved individuals on top of other punishments. The financial costs imposed, and the punishments levied because of an inability to pay, often amount to a “second sentence” that impairs justice involved individuals to participate in the economy and in civil society.

The current rules place an unjust and unrealistic financial burden on families and households, many of which are already struggling to make ends meet. I commented on an earlier version of these rules in a letter I wrote on XXXX. That letter cited specific data on low-income families in Pennsylvania and the economic context in which they live. Everything I wrote then holds true today.

Recent reports about the particularly egregious situation in Berks County underscore the need for reform. A recent article¹ in the Reading Eagle found an overwhelming number of cases in Berks County in which people were jailed for an inability to pay fines. Another article found that “Berks district judges sent low-level offenders to jail, typically for three days at a time, for failure to post collateral in a total of 3,565 cases in 2017 and

¹ Turner, Ford. “Five Years After a Berks Woman Died in Prison, Defendants are Still Jailed for Not Having Money.” Reading Eagle, April 25, 2019.

2018.”² Poverty is not a crime. Yet Berks County has created what amounts to a modern day debtors’ prison.

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 J. Servon

Dr. Lisa Servon
Professor and Chair, University of Pennsylvania Department of City Plannin

² Turner, Ford. “District judges in Berks County jail more people for lack of money than anywhere else in PA.” April 25, 2019.