Justice Reinvestment in Pennsylvania

First Presentation to the Pennsylvania Justice Reinvestment Working Group

March 9, 2016

Carl Reynolds, Senior Legal and Policy Advisor
Marc Pelka, Deputy Director
Ed Weckerly, Research Manager
Patrick Armstrong, Policy Analyst
## Working Group Composition

<table>
<thead>
<tr>
<th>Chairman, Pennsylvania Commission on Crime and Delinquency</th>
<th>Secretary, Office of the Budget</th>
<th>Chief Probation Officer, Lebanon County</th>
<th>Executive Director, Pennsylvania Commission on Sentencing</th>
<th>Commissioner, Pennsylvania State Police</th>
<th>Executive Deputy Chief of Staff to the Governor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Josh Shapiro</td>
<td>Randy Albright</td>
<td>Sally Barry</td>
<td>Mark Bergstrom</td>
<td>Tyree Blocker</td>
<td>Mark Brunelle</td>
</tr>
<tr>
<td>Secretary, Pennsylvania Department of Human Services</td>
<td>Secretary, Governor's Office of Legislative Affairs</td>
<td>Court Administrator of Pennsylvania</td>
<td>Secretary, Governor’s Office of Policy and Planning</td>
<td>Chairman, Pennsylvania Board of Probation and Parole</td>
<td>Stewart Greenleaf</td>
</tr>
<tr>
<td>Theodore Dallas</td>
<td>William Danowski</td>
<td>Tom Darr</td>
<td>Sarah E. Galbally</td>
<td>Michael Green</td>
<td>Senator Stewart Greenleaf</td>
</tr>
<tr>
<td>Secretary, Pennsylvania Department of Human Services</td>
<td>Secretary, Governor's Office of Legislative Affairs</td>
<td>Court Administrator of Pennsylvania</td>
<td>Secretary, Governor’s Office of Policy and Planning</td>
<td>Chairman, Pennsylvania Board of Probation and Parole</td>
<td>12th Senatorial District</td>
</tr>
<tr>
<td>Ellen Greenlee</td>
<td>Hon. Jolene Grubb Kopriva</td>
<td>Michael Hanna, Jr.</td>
<td>Elliot Howsie</td>
<td>Mary Isenhour</td>
<td>Robert Jolley</td>
</tr>
<tr>
<td>Defender Association of Philadelphia (Ret.)</td>
<td>President Judge, Blair County</td>
<td>Deputy Secretary, Governor’s Office of Legislative Affairs</td>
<td>Director and Chief Public Defender of Allegheny County</td>
<td>Chief of Staff, Governor's Office</td>
<td>President, Pennsylvania Chiefs of Police Association</td>
</tr>
<tr>
<td>Kathleen Kane</td>
<td>Linda Kelly</td>
<td>Senator Daylin Leach</td>
<td>Representative Ron Marsico</td>
<td>Edward Marsico, Jr.</td>
<td>Les Neri</td>
</tr>
<tr>
<td>Pennsylvania Attorney General</td>
<td>Court Administrator, Allegheny County</td>
<td>17th Senatorial District</td>
<td>105th Legislative District</td>
<td>District Attorney, Dauphin County</td>
<td>President, Fraternal Order of Police - Pennsylvania State Lodge</td>
</tr>
<tr>
<td>Mavis Nimoh</td>
<td>Brinda Carroll Penyak</td>
<td>Representative Joseph Petrarca</td>
<td>Linda Rosenberg</td>
<td>Denise Smyler</td>
<td>Keith Snyder</td>
</tr>
<tr>
<td>Secretary, Pennsylvania Board of Pardons</td>
<td>County Commissioners Association of Pennsylvania</td>
<td>55th Legislative District</td>
<td>Executive Director, Pennsylvania Commission on Crime and Delinquency</td>
<td>General Counsel, Governor’s Office of General Counsel</td>
<td>Executive Director, Juvenile Court Judges' Commission</td>
</tr>
<tr>
<td>Jennifer Storm</td>
<td>Edward Sweeney</td>
<td>Gary Tennis</td>
<td>John Wetzel</td>
<td>Seth Williams</td>
<td>Hon. Sheila Woods-Skipper</td>
</tr>
<tr>
<td>Victim Advocate, Office of Victim Advocate</td>
<td>Director of Corrections, Lehigh County</td>
<td>Secretary, Pennsylvania Department of Drug and Alcohol Programs</td>
<td>Secretary, Pennsylvania Department of Corrections</td>
<td>District Attorney, Philadelphia County</td>
<td>President Judge, Philadelphia County</td>
</tr>
<tr>
<td>Edward Sweeney</td>
<td>Gary Tennis</td>
<td>John Wetzel</td>
<td>Seth Williams</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Pennsylvania leaders have indicated strong interest in and commitment to justice reinvestment (JR).

Governor Tom Wolf
“A broken criminal justice system is a failure to deliver on the promise of a fair and just society, and we must all work together to ensure Pennsylvania leads the nation in rehabilitation and not incarceration.”

House Speaker Mike Turzai
“When legislators from both sides of the aisle work together to tackle these tough issues, we create genuine results. We proved that with a justice reinvestment approach we took in 2012.”

Chief Justice Thomas Saylor
“Justice reinvestment provides a clear opportunity to do a thoughtful analysis of our criminal justice challenges.”

Senate President Pro Tempore
Joe Scarnati
“We need to reduce recidivism to benefit our communities and help ensure that taxpayer dollars that are being sent to Harrisburg are being used productively.”

Pennsylvania Justice Reinvestment Launch Event, February 18, 2016
Council of State Governments (CSG) Justice Center

- National nonprofit, nonpartisan membership association of state government officials

- Engages members of all three branches of state government

- Justice Center provides practical, nonpartisan advice informed by the best available evidence
Presentation Overview

Justice Reinvestment

Key Challenges

Next Steps
A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety

The Justice Reinvestment Initiative is supported by funding from the U.S. Department of Justice’s Bureau of Justice Assistance (BJA) and The Pew Charitable Trusts
Justice reinvestment offers states a comprehensive step-by-step process.

<table>
<thead>
<tr>
<th>Step</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bipartisan, Interbranch Working Group</td>
</tr>
<tr>
<td>2</td>
<td>Data Analysis</td>
</tr>
<tr>
<td>3</td>
<td>Stakeholder Engagement</td>
</tr>
<tr>
<td>4</td>
<td>Develop Policy Options &amp; Estimate Impacts</td>
</tr>
<tr>
<td>5</td>
<td>Implement New Policies</td>
</tr>
<tr>
<td>6</td>
<td>Target Reinvestments &amp; Monitor Key Measures</td>
</tr>
</tbody>
</table>

- **Bipartisan, Interbranch Working Group**: Assemble practitioners and leaders; receive and consider information, reports, and policies.
- **Data Analysis**: Data compiled from across the criminal justice system for comprehensive analysis.
- **Stakeholder Engagement**: Complement data analysis with input from stakeholder groups and interested parties.
- **Develop Policy Options & Estimate Impacts**: Present a policy framework to reduce corrections costs, increase public safety, and project the impacts.
- **Implement New Policies**: Identify assistance needed for implementation and deliver technical assistance for reinvestment strategies.
- **Target Reinvestments & Monitor Key Measures**: Track and monitor the impact of enacted policies and programs, and adjust implementation plan as needed.

Bipartisan, Interbranch Working Group

Present a policy framework to reduce corrections costs, increase public safety, and project the impacts

Council of State Governments Justice Center
CSG has worked on justice reinvestment in 21 states, with five underway in 2016 including a return to Pennsylvania.
Pennsylvania’s previous JR project led to a data-driven policy framework, which was then converted to legislation.

2012 Policy Framework

- Reduce inefficiencies in the corrections and parole process
- Prioritize CCC/CCFs for higher-risk parolees who benefit most from the intensive programs
- Apply shortened periods of incarceration to technical parole violators followed by supervision
- Provide performance-driven funding to help divert misdemeanants and the short-minimum-sentence prison population
- Expand local resources to reduce recidivism
Although implementation of policies enacted in 2012 has varied in timing and impact, it has still generated significant savings.

<table>
<thead>
<tr>
<th>Reducing inefficiencies in parole decision making</th>
<th>Address inefficiencies that delay decision-making in parole by increasing the proportion of parole cases interviewed per month</th>
<th>Efficiencies have increased paroles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prioritizing use of CCC/CCF programs</td>
<td>Redesign CCCs and CCFs as parole transition and violation centers, prohibiting “pre-release” offenders and prioritizing the placement of higher-risk parolees</td>
<td>Some improvements but room for more</td>
</tr>
<tr>
<td>Applying shorter periods of incarceration for parole violators</td>
<td>Respond to major technical parole violations with shortened periods of incarceration in SCI followed by supervision.</td>
<td>Impact less than expected</td>
</tr>
<tr>
<td>Addressing low-level offenders in prison</td>
<td>Require low-level misdemeanants (UM and M3) to be sentenced to a sanction other than prison</td>
<td></td>
</tr>
<tr>
<td>Diverting the short-min population</td>
<td>Provide funding to help counties divert misdemeanants and short-minimum sentence population (&lt;1 year in prison)</td>
<td>Delay in funding has impaired impact</td>
</tr>
</tbody>
</table>

Through avoided construction, facility closures, and annualized operating cost savings, the DOC estimates that the total averted costs in the three years since JRI 2012 are **$285 million**.
With savings increasing each year, nearly $4 million has been reinvested since 2012.

### Act 122

- Creation of guidelines for probation and parole violators including intermediate sanctions
- Increased eligibility for boot camp, RRRI, and SIP
- Sentencing low-level offenders (UM and M3) to a sanction other than prison
- Creation of high-intensity supervision programs for county probation
- Caps on length of stay for technical parole violators

### Implementation

**Calculation of generated savings**

<table>
<thead>
<tr>
<th>FY</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012-2013</td>
<td>$57,000</td>
</tr>
<tr>
<td>2013-2014</td>
<td>$990,719</td>
</tr>
<tr>
<td>2014-2015</td>
<td>$11,812,718</td>
</tr>
</tbody>
</table>

**Savings required for reinvestment**

<table>
<thead>
<tr>
<th>FY</th>
<th>Percentage</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013-2014</td>
<td>75%</td>
<td>$43,000</td>
</tr>
<tr>
<td>2014-2015</td>
<td>100% ($21m cap)</td>
<td>$990,719</td>
</tr>
<tr>
<td>2015-2016</td>
<td>25%</td>
<td>$2,953,000</td>
</tr>
</tbody>
</table>

**Total reinvested**

<table>
<thead>
<tr>
<th>FY</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013-2014</td>
<td>$57,000</td>
</tr>
<tr>
<td>2013-2014</td>
<td>$990,719</td>
</tr>
<tr>
<td>2015-2016</td>
<td>$2,953,000</td>
</tr>
</tbody>
</table>

### Reinvestments (FY2015–2016 Total)

- **Victim services** $1,000,000
- **Risk assessment** $400,000
- **Policing** $668,000
- **Probation** $404,000
- **County short-min diversion** $326,000
- **Local reentry** $62,000
- **Parole release** $93,000

During implementation, state agencies recognized some barriers to achieving the full impact of Acts 122 and 196 of 2012. Important administrative policy adjustments were made in the latter stages of the implementation period to increase impact and generate greater savings.
Despite recent reductions, the prison population is 36 percent higher than in 2000.


Justice reinvestment legislation passed

2000-2015 +36%

2013-2015 -3%

Source: DOC Annual Statistical Reports.
The 2016 justice reinvestment project differs from the 2012 effort in timeline, scope, and data analysis.

### Pennsylvania Justice Reinvestment

<table>
<thead>
<tr>
<th></th>
<th>2012</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Timeline</strong></td>
<td>5 months</td>
<td>10 months</td>
</tr>
<tr>
<td></td>
<td>Launched in January 2012 with policy options developed by May 2012</td>
<td>Project launch in March 2016; policy options targeted for January 2017</td>
</tr>
<tr>
<td><strong>Scope</strong></td>
<td>Primarily focused on</td>
<td><strong>Comprehensive Examination</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Prison and Parole</strong></td>
<td>Including arrest, diversion, pretrial, sentencing, probation, jail,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>prison and parole</td>
</tr>
<tr>
<td><strong>Analysis</strong></td>
<td><strong>State Research Staff</strong></td>
<td><strong>CSG Research Staff</strong></td>
</tr>
<tr>
<td></td>
<td>Provided discrete data sets and analytical support; cross-system</td>
<td>Partnering with state research staff</td>
</tr>
<tr>
<td></td>
<td>analyses limited</td>
<td>to conduct case-level analysis; linking of data across systems</td>
</tr>
</tbody>
</table>
Presentation Overview

Justice Reinvestment

Key Challenges

Next Steps
Key challenges as they appear at the beginning of the project

**County Impacts and Outcomes**
- Most sentences are served locally, on probation or in jail
- Resources and practices vary and outcomes are unknown

**Sentencing Complexity and Variation**
- Complexity that grows with legislative enactments over time
- Advisory guidelines enable variation

**Prison and Parole Volumes**
- Large prison population
- Highest parole supervision rate in the country
The arrest, pretrial, and sentencing stages provide numerous pathways to diversion, supervision, and incarceration options.
Over 80 percent of sentences are served at the county level, either on probation, in jail, or CIP.

Felony and Misdemeanor Sentences, 2014

Most serious offense per criminal incident, N = 100,432

- **Probation**
  - Sentences: 41,744
  - 42%

- **County Jail**
  - Sentences: 31,679
  - 31%

- **Prison**
  - Sentences: 13,323
  - 13%

- **CIP**
  - Sentences: 10,480
  - 10%

- **Fine/CS**
  - Sentences: 1,744
  - 3%

- **SIP**
  - Sentences: 1,818
  - 1%

63% of felony sentences and 93% of misdemeanor sentences are handled by county agencies.

Felony Sentences
- Sentences: 31,844
- Probation: 24%
- County Jail: 33%
- Prison: 34%
- CIP: 7%

Misdemeanor Sentences
- Sentences: 68,588
- Probation: 50%
- County Jail: 31%
- Prison: 34%
- CIP: 12%

Almost a quarter million people are supervised by 65 county adult probation departments on any given day.

County supervision growth is driven by inactive/absconder and county parole increases.

**2014**
- Inactive or Absconders: 21%
- CIP: 7%
- Diversion (ARD or PWV) or Bail Supervision: 15%
- County Parole: 25%
- County Probation: 30%

**2010–2014 Trend**

**County supervision of all types is up 13% in the last 5 years**

**Source:** Pennsylvania Board of Probation and Parole, County Adult Probation and Parole Annual Statistical Reports, 2010-2014.
Supervision practices that are demonstrated to reduce recidivism depend on manageable caseloads.

There is no accepted, universal caseload size standard, however supervision can reduce recidivism rates when the dosage of time and attention is matched with the risk and need level of the client. An example of potential caseload levels stratified by risk:

**Low:** 120–200 cases  
**Moderate:** 50–60 cases  
**High:** 20–30 cases

<table>
<thead>
<tr>
<th>2014</th>
<th>State Probation/Parole</th>
<th>County Probation/Parole</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Number of Agents</strong></td>
<td>498</td>
<td>1,724</td>
</tr>
</tbody>
</table>
| **Active Cases**  
(All supervision types and levels) | 33,082 | 187,707 |
| **Average Active Caseload per Agent** | 66 | 109 |

County caseloads are generally comprised of less serious offenders and could be higher than state caseloads. Still, these county caseloads appear to be high.

Legislative Budget and Finance Committee, Funding of County Adult Probation Services, February 2015.
State Grant-in-Aid funding has declined, and counties bear most of the cost of local supervision.

“State Grant-in-Aid funding has declined markedly in the last 10 years, both in real dollars and as a percentage of eligible salaries.”

“As state GIA funds have fallen, the amount counties contribute to their probation and parole offices has increased. On average, county funds comprised 58 percent of total funding for county probation and parole offices in FY2013–14. In FY1998–99, county funds comprised, on average, only 45 percent of total funds.”

Source: Legislative Budget and Finance Committee, Funding of County Adult Probation Services, February 2015.
County jails handle about 200,000 admissions and releases per year.

- The statewide on-hand jail population is about 36,000, but there is tremendous churn with around 200,000 admissions and releases over the course of the year.

- Pennsylvania’s jail population increased by 9,700 people from 1999 to 2013, the second highest number increase in the country and the 20th largest percentage change (+36%).

- Pennsylvania had the 11th highest jail incarceration rate among states in 2013 (360 per 100,000, excludes six states with unified systems).

- High cost per day (range from $37 to $112/day); average is $67.

Key challenges as they appear at the beginning of the project

County Impacts and Outcomes
- Most sentences are served locally, on probation or in jail
- Resources and practices vary and outcomes are unknown

Sentencing Complexity and Variation
- Complexity that grows with legislative enactments over time
- Advisory guidelines enable variation

Prison and Parole Volumes
- Large prison population
- Highest parole supervision rate in the country
Sentencing guidelines have expanded to include penalty enhancements and sentencing options, including treatment.

- **1982**: Sentencing Guidelines go into effect
- **1985**: Guidelines re-promulgated. Mandatory minimum sentences enacted for many drug offenses
- **1987**: Supreme Court invalidates all guidelines due to procedural error
- **1990**: County Intermediate Punishment (CIP) and Boot Camp established as sentencing options
- **1991**: Three strikes law enacted
- **2000**: Enacted guidelines that included funding for RIP drug and alcohol treatment with CIP
- **2004**: State Intermediate Punishment created. Mandatory minimum added for drug offenses with firearm
- **2008**: Introduction of the Recidivism Risk Reduction Initiative (RRRI) and changes to place-of-confinement rules
- **2010**: Sentencing Commission charged with developing risk assessment at sentencing
- **2015**: Commonwealth of Pennsylvania v. Hopkins (Mandatory minimums found unconstitutional)
Sentencing policies and practices have a major impact on the system in various ways.

**Policy**

- Sentencing policies, such as place of confinement and the min/max rule, can have an impact on corrections and parole practices.

**Place of Confinement:**
Length of maximum sentence determines whether the person completes the sentence in jail or prison.

**Min/Max Rule:**
Length of minimum sentence may be no longer than half the length of the maximum sentence.

**Parole Eligibility:**
People become eligible for parole at their minimum sentence date, and if released on parole must serve until their maximum sentence date.

**Practice**

Sentencing practices affect the volume going to supervision or incarceration or an incarceration alternative, such as intermediate punishment.

Probation, Fines, or Community Service

County Jail or County Intermediate Punishment

State Intermediate Punishment or Prison

Sentencing guidelines matrix provides recommended sanctions based on severity of offense and an offender’s criminal history, often giving discretion on sanctioning options.
Sentencing options are directed through a sentencing guidelines grid with five dispositional levels.

<table>
<thead>
<tr>
<th>Level</th>
<th>Recommended Sentence</th>
<th>2014 Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LEVEL 5:</strong></td>
<td>State Incarceration</td>
<td>5,605 sentences (6%)</td>
</tr>
<tr>
<td><strong>LEVEL 4:</strong></td>
<td>State Incarceration County Incarceration</td>
<td>8,211 sentences (8%)</td>
</tr>
<tr>
<td><strong>LEVEL 3:</strong></td>
<td>State Incarceration County Incarceration County Intermediate Punishment Restorative Sanctions</td>
<td>21,143 sentences (21%)</td>
</tr>
<tr>
<td><strong>LEVEL 2:</strong></td>
<td>County Incarceration County Intermediate Punishment Restorative Sanctions</td>
<td>45,239 sentences (45%)</td>
</tr>
<tr>
<td><strong>LEVEL 1:</strong></td>
<td>Restorative Sanctions</td>
<td>20,119 sentences (20%)</td>
</tr>
</tbody>
</table>

Increasing Criminal History

Increasing Offense Severity

The majority of sentences are for offenders with little or no criminal history and for lower-level offenses.

<table>
<thead>
<tr>
<th>Increasing Criminal History</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>RFEL</th>
<th>REVOC</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>2%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>2%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>8%</td>
<td>2%</td>
<td>2%</td>
<td>1%</td>
<td>1%</td>
<td>2%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>2%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>12%</td>
<td>3%</td>
<td>3%</td>
<td>2%</td>
<td>2%</td>
<td>4%</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>5%</td>
<td>2%</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>15%</td>
<td>3%</td>
<td>2%</td>
<td>1</td>
<td>1</td>
<td>2%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Justice Center analysis of Commission on Sentencing data.
Total sentencing volume is up 10 percent in the past decade.

Two-thirds of sentenced offenses are misdemeanors and the most common dispositions are probation and county jail time.

Probation sentences are largely found where expected on the sentencing grid; CIP shows sentences outside standard.

Bubble sizes only proportionate within each sentencing category.

Source: Justice Center analysis of Commission on Sentencing data.
Sentences to jail and prison also show upward and downward dispositional “departures.”

**County Jail, N=31,679**

78% of Jail upward departures were DUIs

- Bubble sizes only proportionate within each sentencing category.
- SIP (N=554) and Other Restorative Sanctions (N=2,652) not displayed.

**State Prison, N=13,208**

- Prison upward departures were a blend of offenses: theft, simple assault, burglary, DUI, retail theft, drug offenses

Source: Justice Center analysis of Commission on Sentencing data.
Despite the structure provided through the guidelines, variation in sentencing outcomes can still exist across similar cases.

2014 Sentencing Example:
Misdemeanor Simple Possession Drug Offenses
Offense Gravity Score = 3
Prior Record Score = 5
N = 1,039

Key challenges as they appear at the beginning of the project

County Impacts and Outcomes
• Most sentences are served locally, on probation or in jail
• Resources and practices vary and outcomes are unknown

Sentencing Complexity and Variation
• Complexity that grows with legislative enactments over time
• Advisory guidelines enable variation

Prison and Parole Volumes
• Large prison population
• Highest parole supervision rate in the country
Pennsylvania’s incarceration rate exceeds other states in the region, and crime rates do not provide an explanation.

2014 Index Crime Rate
(Reported index crimes per 100,000 residents in Northeast region states)

2014 Total Arrest Rate
(Total arrests per 100,000 residents in Northeast region states)

2014 Violent Offense Arrest Rate
(Violent offense arrests per 100,000 residents in Northeast region states)

2014 Incarceration Rate
(Sentenced prisoners (>1 year) per 100,000 residents in Northeast region states)

Source: BJS, Prisoners in 2014; UCR Online Data Tool.
Pennsylvania’s 2004–2014 increase in incarceration rate was the fourth highest in the nation.

Incarceration Rate Percentage Change, 2004-2014

Pennsylvania’s incarcerated population grew by about 9,500 people from 2004 to 2014, which was the 2nd largest volume increase and the 7th largest percentage change in the country.

*Imprisonment rate of sentenced prisoners per 100,000 residents (sentences greater than one year).*

Corrections spending increased 55 percent over the last decade and is currently over $2.3 billion.

The increase in general fund correctional spending from FY2005 to FY2015 was twice as large as the growth in total general fund expenditures.
A large portion of new prison commitments continue to have short minimum sentences.

New Commitments to Prison by Minimum Sentence Length in Years, 2014  (N= 10,321)

- **1 year or less**: 2,696 (26%)
- **Over 1 to 2 years**: 3,299 (32%)
- **Over 2 to 5 years**: 2,916 (28%)
- **Over 5-10 yrs**, **Over 10-20 yrs**, **Over 20 yrs to Life**: 832 (8%), 3% 3%

**Short min new court commitment volume has increased 12%**

- **Prisoners with a minimum sentence of one year or less who were released from prison in 2014 had an average length of stay of 15 months.**

**Note that DOC defines Short Mins as those with less than a year remaining on their minimum sentence at intake, after taking time served into account. This expands the number slightly.**

Source: DOC Annual Statistical Reports, Justice Center analysis of DOC data.
Nearly half of new court commitments to prison are for property or drug offenses.

Other felonies primarily include firearms offenses.
Other misdemeanors primarily include DUI.
Violent misdemeanors primarily include simple assault and involuntary manslaughter.

Source: Justice Center analysis of DOC data.
Pennsylvania’s recent decline in the prison population has been limited to drug offenders.

Pennsylvania DOC Prison Population by Offense Type, 2010–2014

**Violent**
- 2010: 27,015
- 2011: 27,123
- 2012: 27,358
- 2013: 27,748
- 2014: 27,752

Increased by 3%

**Property**
- 2010: 6,721
- 2011: 7,044
- 2012: 7,080
- 2013: 7,264
- 2014: 7,119

Increased by 6%

**Drug**
- 2010: 10,759
- 2011: 10,632
- 2012: 9,941
- 2013: 9,658
- 2014: 8,810

Decreased by 18%

**Other**
- 2010: 6,826
- 2011: 6,839
- 2012: 6,805
- 2013: 6,842
- 2014: 7,075

Increased by 4%

“Other” includes firearms, DUI, and other nonviolent sex offenses. Parole violators are included with the original offense.

Source: Justice Center analysis of DOC data.
Pennsylvania has the highest parole supervision rate in the country.
State supervision population has increased and is projected to continue growing.

Note that only roughly 80% of state supervised cases are state sentence paroles; the remainder are county special probation/parole or interstate compact probation/parole cases.

The number and proportion of state parole releases have increased, reducing max-outs but increasing supervision.

*Other includes releases by court order, deaths, transfers to other jurisdictions, and released detentioners.*

Source: DOC Annual Statistical Reports.
Since 2011, parole admissions have outpaced parole closures, and lengths of stay for some closures have increased.
The largest proportion of state sentence parole case closures are recommitments to DOC.

*Other includes administrative closures, deaths, and early discharges.*

Source: Justice Center analysis of Pennsylvania Board of Probation and Parole data.
Total parole violator admissions have increased but the diversion of some to PVCs has limited bed consumption.

Parole violators comprise the same proportion of the DOC total population (~15%) despite more admissions. This is due to shorter lengths of stay for technical parole violators.

Parole Violator Average Length of Stay at DOC by Facility Type in Months, 2014

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>FY2010</th>
<th>FY2011</th>
<th>FY2012</th>
<th>FY2013</th>
<th>FY2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCI</td>
<td>9.0</td>
<td>5.5</td>
<td>2.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CCJ</td>
<td></td>
<td></td>
<td></td>
<td>5.5</td>
<td>9.0</td>
</tr>
<tr>
<td>PVC</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2.5</td>
</tr>
</tbody>
</table>

SCI = State Correctional Institution
CCJ = Contracted County Jail
PVC = Parole Violator Center

Source: PBPP’s “201406 JPM Dashboard.xlsx”
Summary of Initial Findings

**County Impacts and Outcomes**

- The vast majority of the criminal justice population is controlled at the local level through a combination of jail, CIP, probation, county parole, and other supervision.
- County probation/parole caseloads are high, and the supervision population is on the rise.
- 58% of probation funding is from counties and trending upward.
- The jail incarceration rate is relatively high, and a huge number of people cycle through jails every year.

**Sentencing Complexity and Variation**

- An array of options and mandates overlays the guidelines and basic rules.
- 100,000 incidents are sentenced in a year, and 65% are in the lowest two levels of the grid.
- Sentencing volume is up 10%, but the proportion to prison remains stable at +/- 13%.
- Significant variation exists in spite of the guidelines.

**Prison and Parole Volumes**

- In the region, Pennsylvania has a high incarceration rate that is consuming more and more of the state’s budget.
- Half of new prison commitments are for property or drug offenses and a quarter of new commitments are Short Mins.
- Pennsylvania has the highest parole supervision rate in the country, and state parole numbers continue to rise.
- Parole violator returns to prison are up, but their length of stay has been reduced.
Presentation Overview

Justice Reinvestment

Key Challenges

Next Steps
Questions for Further Research

**County Impacts and Outcomes**
- What is the volume of missed opportunities for diversion to treatment in lieu of arrest, at the pretrial stage, and at sentencing?
- What are pretrial lengths of stay in different counties, and what release decisions/processes are in place?
- What are recidivism outcomes for: diversion options, probation, intermediate punishments, and jail?
- What are the opportunities and obstacles for increasing evidence-based practices at the local level?
- What is behind the large and growing number of inactive/absconders on county supervision?

**Sentencing Complexity and Variation**
- How does the system sort out sentenced populations to supervision and incarceration, locally and at the state level?
- How are high-volume sentences (such as DUI) affecting resource capacity and utilization?
- What are recidivism rates for people convicted of lower-level felonies and misdemeanors among the available sentencing options: probation, intermediate punishments, jail, and prison?
- Are there intolerably wide variations in sentencing across geographic or demographic categories?

**Prison and Parole Volumes**
- What factors contribute to Pennsylvania’s incarceration rate and how do they compare to neighboring states?
- What is causing Pennsylvania’s high rate of adults on county and state parole, and what is the effect on: supervision resources, use of community corrections and violator centers, and recidivism?
- What is driving the large volume of state parole violators returning to prison?
Acquisition of data is almost complete.

<table>
<thead>
<tr>
<th>Data Type</th>
<th>Source</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrests</td>
<td>Pennsylvania State Police</td>
<td>Scoping underway</td>
</tr>
<tr>
<td>Jail</td>
<td>Counties/JNET</td>
<td>Scoping underway</td>
</tr>
<tr>
<td>Court Filings</td>
<td>Administrative Office of Pennsylvania Courts</td>
<td>Pending</td>
</tr>
<tr>
<td>Sentencing</td>
<td>Pennsylvania Commission on Sentencing</td>
<td>Received</td>
</tr>
<tr>
<td>Prison</td>
<td>Pennsylvania Department of Corrections</td>
<td>Received</td>
</tr>
<tr>
<td>Parole Supervision</td>
<td>Pennsylvania Board of Probation and Parole</td>
<td>Received</td>
</tr>
<tr>
<td>Parole Decision Making</td>
<td>Pennsylvania Board of Probation and Parole</td>
<td>Received</td>
</tr>
<tr>
<td>Probation Supervision</td>
<td>Counties/CCAP/JNET</td>
<td>Scoping underway</td>
</tr>
<tr>
<td>Behavioral Health</td>
<td>Pennsylvania Department of Corrections</td>
<td>Received</td>
</tr>
<tr>
<td></td>
<td>Department of Drug and Alcohol</td>
<td>Pending</td>
</tr>
<tr>
<td></td>
<td>Programs/Department of Human Services</td>
<td></td>
</tr>
</tbody>
</table>
Stakeholder engagement will raise additional issues.
The Justice Center and the Working Group will combine efforts to achieve a successful project outcome.

**CSG Justice Center Staff**

- Serve as dedicated staff to the state
- Analyze data
- Engage stakeholders
- Deliver presentations and facilitate discussion

**Interpret data and assess trends**

- Identify additional stakeholders
- Develop data-driven policy framework
- Identify priorities for reinvestment

**PA JR Working Group**

- Endorse project scope of work
- Provide expertise on system dynamics and structures
- Approve policy package
- Identify legislative versus judicial policies
- Create momentum for adoption of justice reinvestment policies
Proposed timeline leading to the 2017 legislative session

Data Analysis

Initial Analysis

Detailed Data Analysis

Impact Analysis

Policymaker and Stakeholder Engagement

Stakeholder Engagement and Policymaker Briefings

Policy Option Development

Ongoing engagement

Working Group Meeting 1

Working Group Meeting 2

May 18 1:30-4:00 pm

Working Group Meeting 3

Working Group Meeting 4

Working Group Meeting 5

Final Report and Bill Introduction

2017 Session
Thank You

Patrick Armstrong, Policy Analyst
parmstrong@csg.org

This material was prepared for the State of Pennsylvania. The presentation was developed by members of the Council of State Governments Justice Center staff. Because presentations are not subject to the same rigorous review process as other printed materials, the statements made reflect the views of the authors, and should not be considered the official position of the Justice Center, the members of the Council of State Governments, or the funding agency supporting the work.