JUSTICE CENTER
THE COUNCIL OF STATE GOVERNMENTS

Justice Reinvestment in Pennsylvania

First Presentation to the Pennsylvania Justice Reinvestment Working Group

March 9, 2016

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Working Group Composition

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

Pennsylvania leaders have indicated strong interest in and commitment to justice reinvestment (JR).

Pennsylvania Justice Reinvestment Launch Event, February 18, 2016

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."

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."

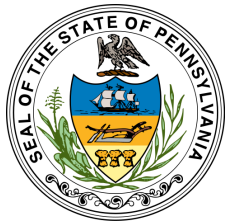
House Speaker Mike Turzai
"When legislators from both sides of the aisle work together to tackle these tough issues, we create genuine results. We proved that with a justice reinvestment approach we took in 2012."

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

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

JUSTICE REINVESTMENT

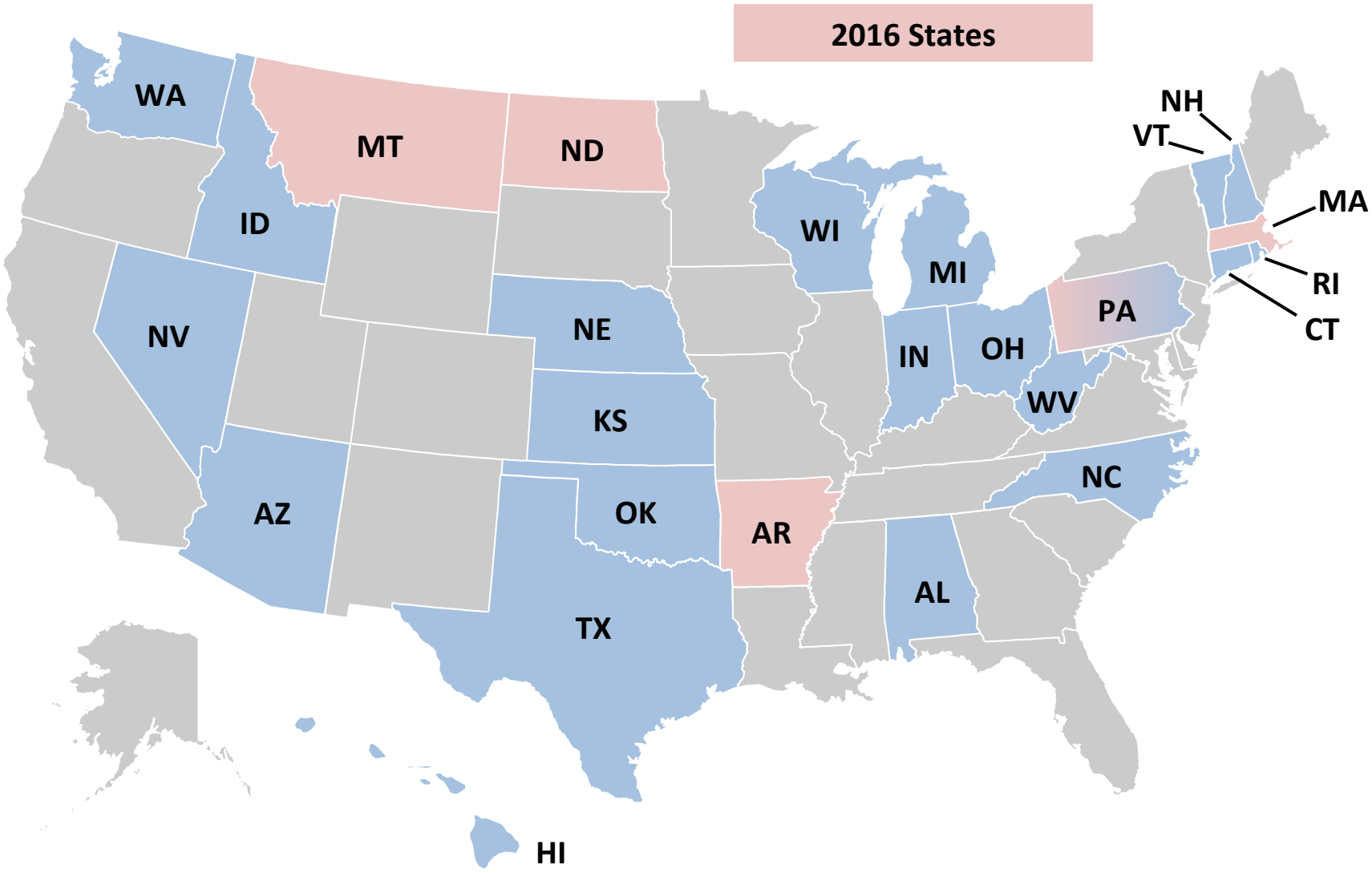
A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety

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**

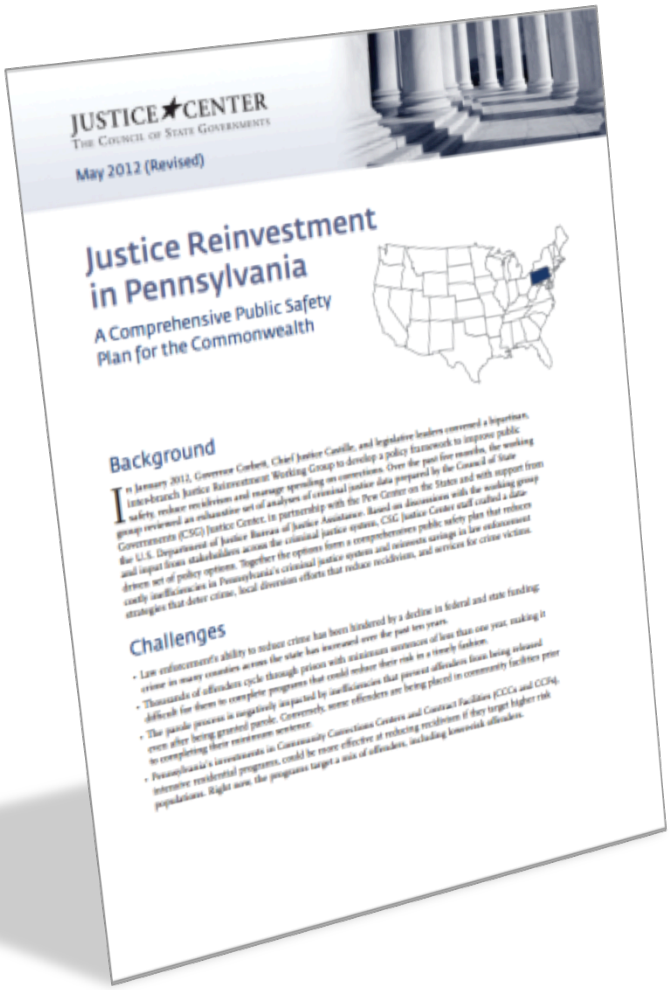
Justice reinvestment offers states a comprehensive step-by-step process.

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

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.


JUSTICE CENTER
THE COUNCIL OF STATE GOVERNMENTS
May 2012 (Revised)

Justice Reinvestment in Pennsylvania

A Comprehensive Public Safety Plan for the Commonwealth

Background

In January 2012, Governor Corbett, Chief Justice Castille, and legislative leaders convened a bipartisan, interbranch Justice Reinvestment Working Group to develop a policy framework to improve public safety, reduce recidivism and manage spending on corrections. Over the past five months, the working group reviewed an exhaustive set of analyses of criminal justice data prepared by the Council of State Governments (CSG) Justice Center, in partnership with the Pew Center on the States and with support from the U.S. Department of Justice Bureau of Justice Assistance. Based on discussions with the working group and input from stakeholders across the criminal justice system, CSG Justice Center staff crafted a data-driven set of policy options. Together the options form a comprehensive public safety plan that reduces costly inefficiencies in Pennsylvania's criminal justice system and reinvests savings in law enforcement strategies that deter crime, local diversion efforts that reduce recidivism, and services for crime victims.

Challenges

- Law enforcement's ability to reduce crime has been hindered by a decline in federal and state funding.
- Crime in many counties across the state has increased over the past ten years.
- Thousands of offenders cycle through prison with minimum sentences of less than one year, making it difficult for them to complete programs that could reduce their risk in a timely fashion.
- The parole process is negatively impacted by inefficiencies that prevent offenders from being released even after being granted parole. Conversely, some offenders are being placed in community facilities prior to completing their minimum sentence.
- Pennsylvania's investments in Community Corrections Centers and Contract Facilities (CCCs and CCFs), intensive residential programs, could be more effective at reducing recidivism if they target higher risk populations. Right now, the programs target a mix of offenders, including lower-risk offenders.

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.

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

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

FY2012–2013	FY2013–2014	FY2014–2015
$57,000	**$990,719**	**$11,812,718**

Savings required for reinvestment

FY2013–2014	FY2014–2015	FY2015–2016
75%	**100%** ($21m cap)	**25%**

Total reinvested

FY2013–2014	FY2014–2015	FY2015–2016
$43,000	**$990,719**	**$2,953,000**

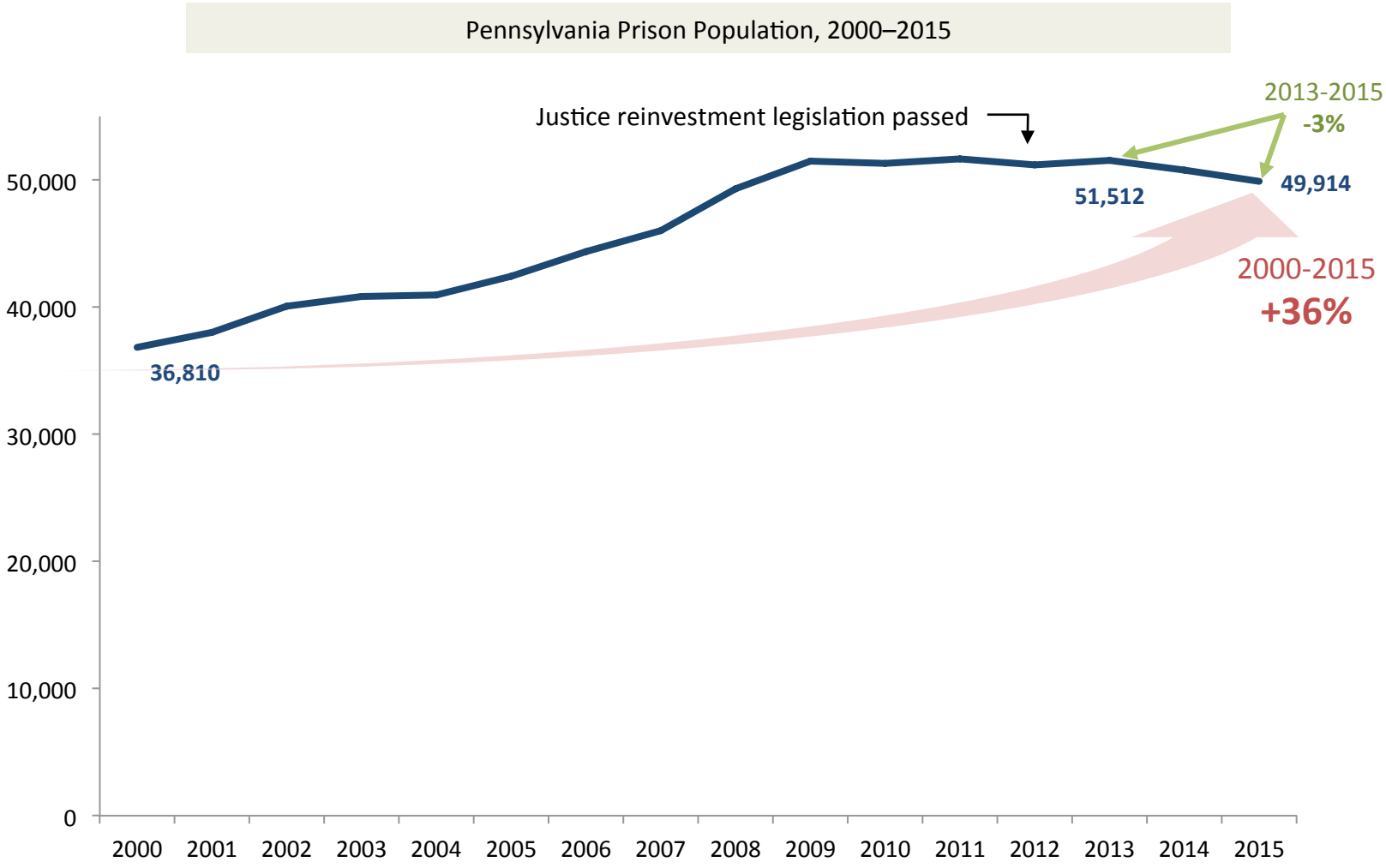
During implementation, state agencies recognized some barriers to achieving the full impact of Acts 122 and 196 of 2012. Important administrative policy adjustments were made in the latter stages of the implementation period to increase impact and generate greater savings.

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

Despite recent reductions, the prison population is 36 percent higher than in 2000.



Source: DOC Annual Statistical Reports.

The 2016 justice reinvestment project differs from the 2012 effort in timeline, scope, and data analysis.

Pennsylvania Justice Reinvestment

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

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

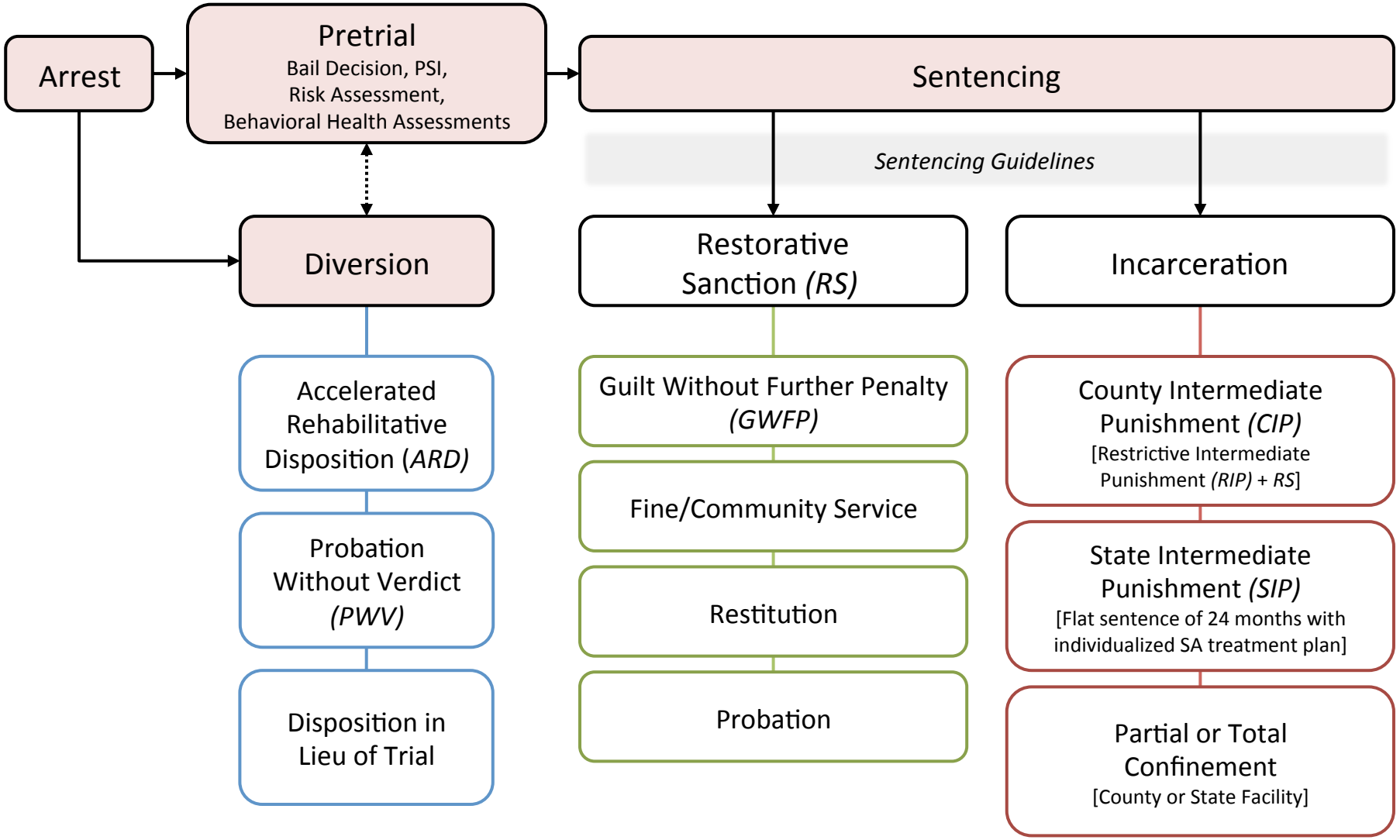
Sentencing Complexity and Variation

- 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

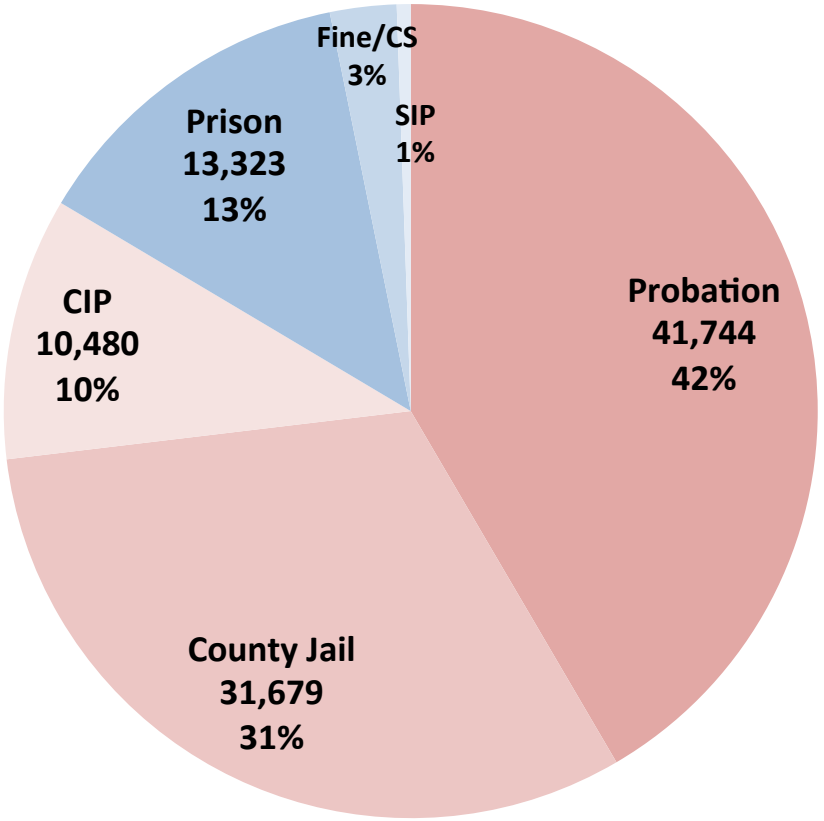
The arrest, pretrial, and sentencing stages provide numerous pathways to diversion, supervision, and incarceration options.



Over 80 percent of sentences are served at the county level, either on probation, in jail, or CIP.

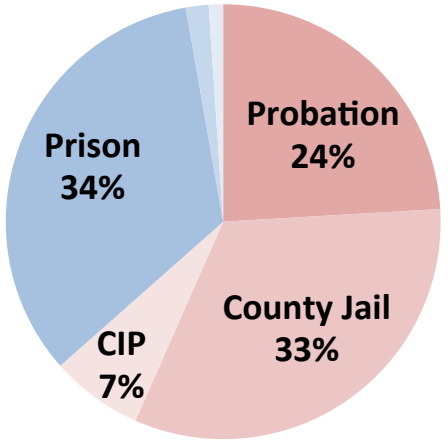
Felony and Misdemeanor Sentences, 2014

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

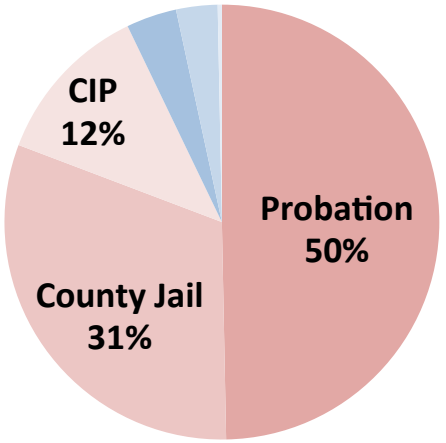


63% of felony sentences and 93% of misdemeanor sentences are handled by county agencies

Felony Sentences
31,844

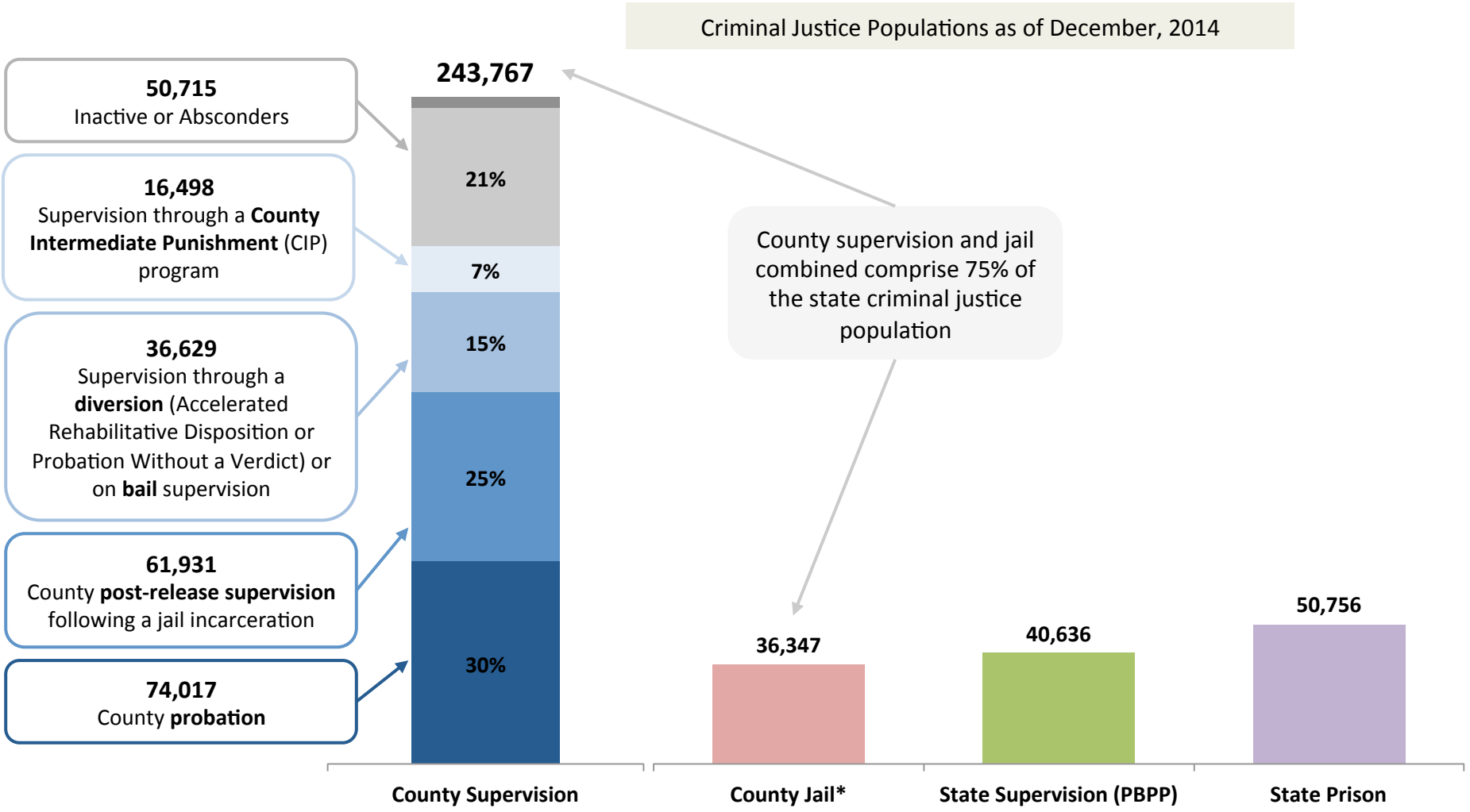


Misdemeanor Sentences
68,588



Source: Pennsylvania Commission on Sentencing Annual Report, 2014.

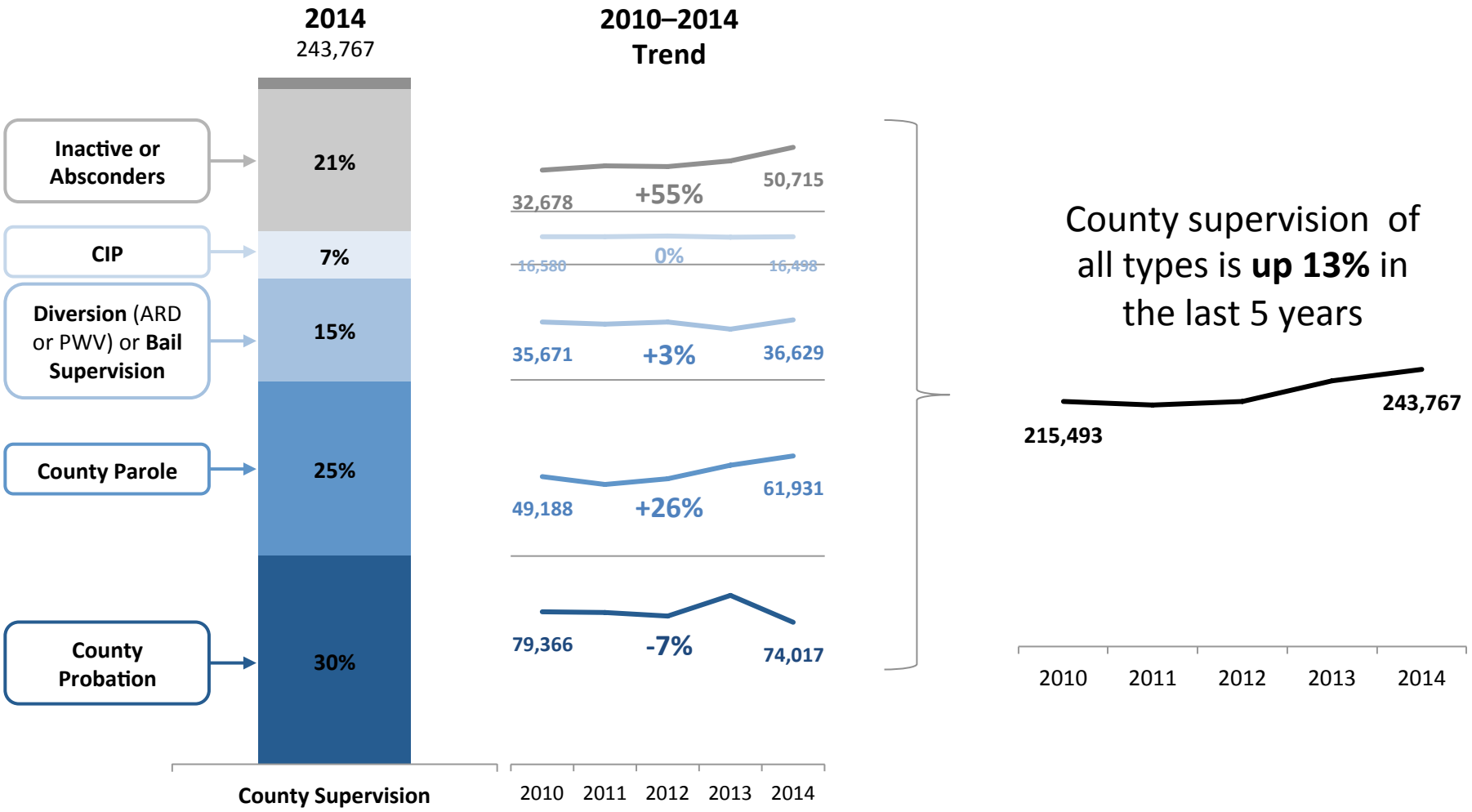
Almost a quarter million people are supervised by 65 county adult probation departments on any given day.



* 2014 jail average in-house daily population

Source: Pennsylvania Board of Probation and Parole, County Adult Probation and Parole Annual Statistical Report, 2014.

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



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**

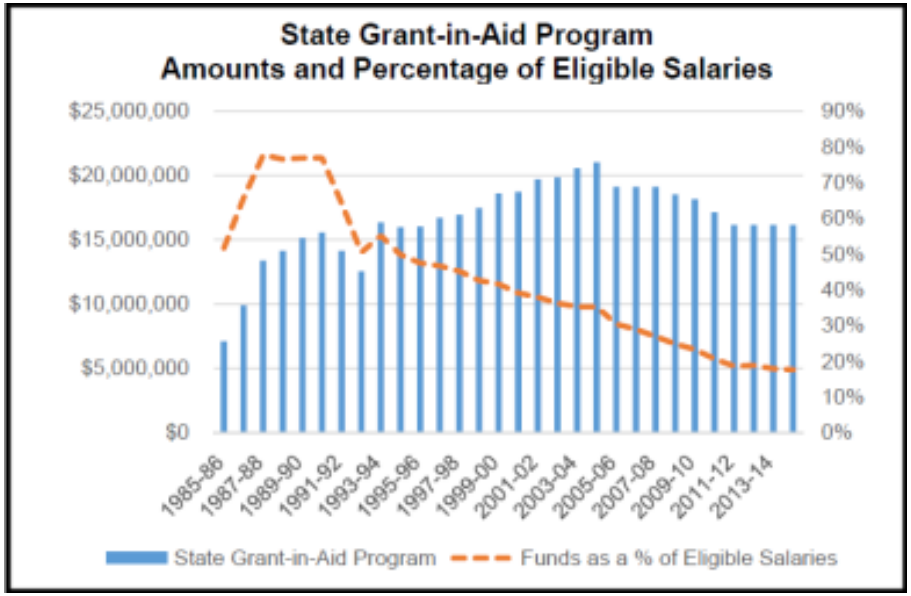
2014	State Probation/ Parole	County Probation/ Parole
Number of Agents	498	1,724
Active Cases (All supervision types and levels)	33,082	187,707
Average Active Caseload per Agent	66	109

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

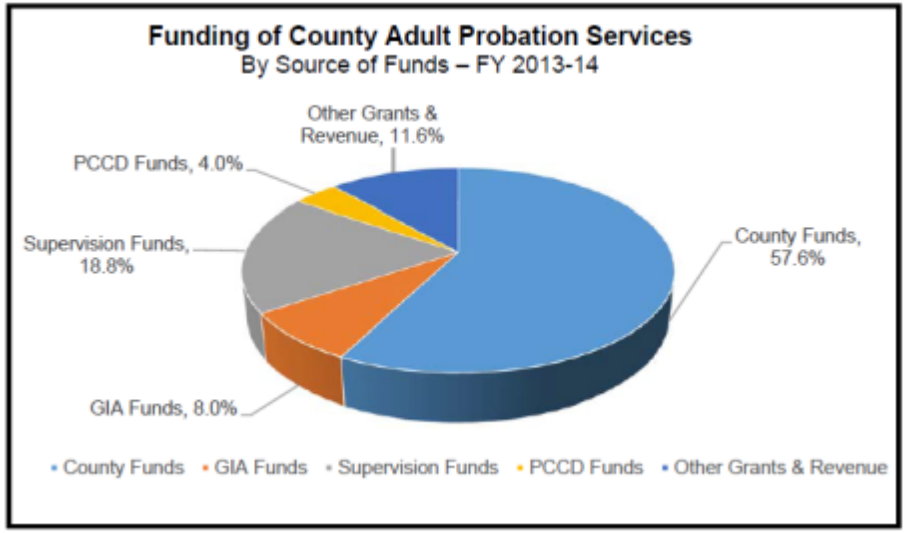
Source: APPA https://www.appa-net.org/eweb/docs/APPA/stances/ip_CS.pdf, https://www.appa-net.org/eweb/docs/APPA/stances/ip_CSPP.pdf.
PBPP County Adult Probation and Parole Annual Statistical Report, 2014. PBPP Monthly Program Report, December 2014.
Legislative Budget and Finance Committee, Funding of 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."

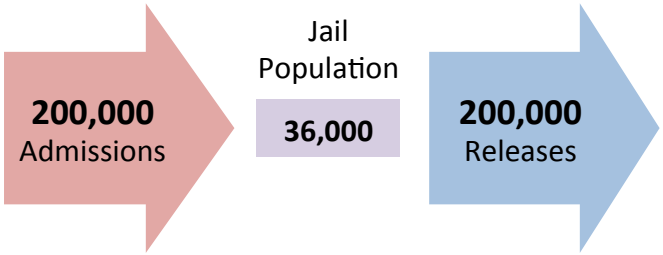


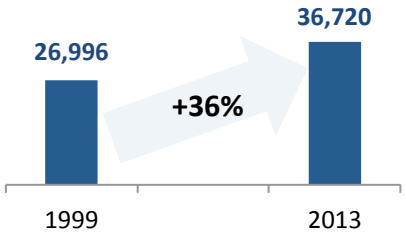
"As state GIA funds have fallen, the amount counties contribute to their probation and parole offices has increased. On average, county funds comprised 58 percent of total funding for county probation and parole offices in FY2013–14. In FY1998–99, county funds comprised, on average, only 45 percent of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

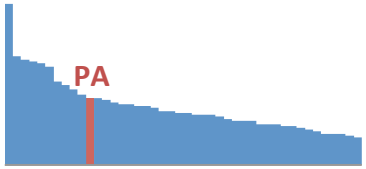


Source: Legislative Budget and Finance Committee, Funding of County Adult Probation Services, February 2015.

County jails handle about 200,000 admissions and releases per year.







Average Cost
$67 per day

- 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.

Source: BJS Census of Jails: Population Changes, 1999–2013,
2014 PA County Prison Statistics http://www.cor.pa.gov/Facilities/CountyPrisons/Pages/Inspection-Schedule,-Statistics-And-General-Info.aspx

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

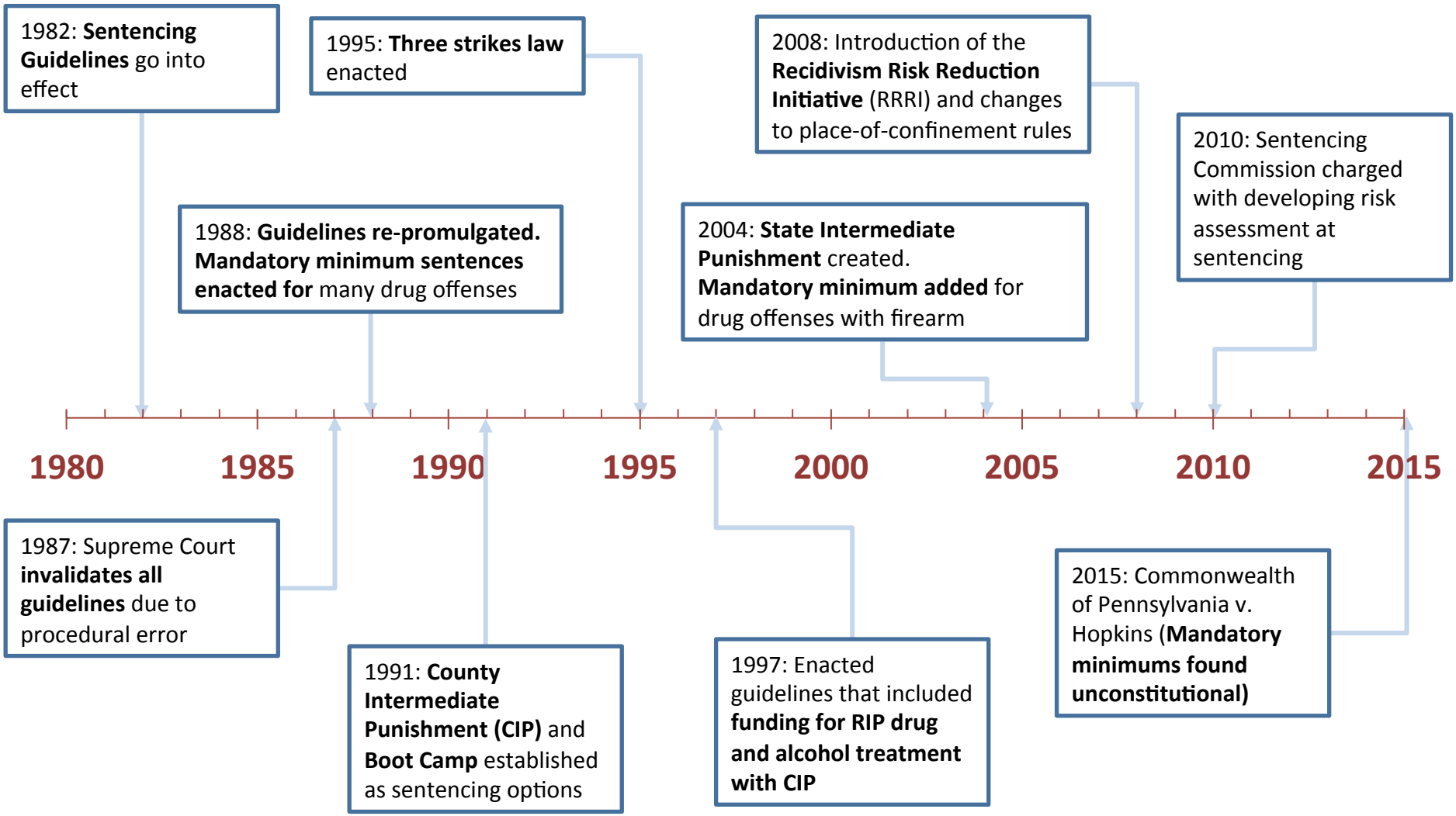
Sentencing Complexity and Variation

- 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.



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.

Sentencing guidelines matrix provides recommended sanctions based on severity of offense and an offender's criminal history, often giving discretion on sanctioning options.

Probation, Fines, or Community Service

County Jail or County Intermediate Punishment

State Intermediate Punishment or Prison

Sentencing options are directed through a sentencing guidelines grid with five dispositional levels.

Increasing Criminal History

Increasing Offense Severity

Level	OGS	Example Offenses	Prior Record Score 0	1	2	3	4	5	RFEL	REVOC	AGG/MIT
LEVEL 5 State Incar	14	Murder 3 Inchoate Murder (SBI) Rape (victim <13 yrs)	72-SL	84-SL	96-SL	120-SL	168-SL	192-SL	204-SL	SL	~/-12
	13	Inchoate Murder (No SBI) Weapons Mass Destr-Use PWID Cocaine (>1,000 g)	60-78	66-84	72-90	78-96	84-102	96-114	108-126	240	+/- 12
	12	Rape-Forcible Compulsion IDSI-Forcible Compulsion Robbery-Inflicts SBI	48-66	54-72	60-78	66-84	72-90	84-102	96-114	120	+/- 12
	11	Agg Assault-Cause SBI Voluntary Manslaughter Sexual Assault PWID Cocaine (100-1,000 g)	36-54 BC	42-60	48-66	54-72	60-78	72-90	84-102	120	+/- 12
	10	Kidnapping Agg Indecent Assault F2 Arson-Person in Building Hom by Vehicle-DUI & Work Zone PWID Cocaine(50-<100 g)	22-36 BC	30-42 BC	36-48 BC	42-54	48-60	60-72	72-84	120	+/- 12
	9	Sexual Exploitation of Children Robbery-Commit/Threat F1/F2 Burglary-Home/Person Present Arson-No Person in Building	12-24 BC	18-30 BC	24-36 BC	30-42 BC	36-48 BC	48-60	60-72	120	+/- 12
LEVEL 4 State Incar/ RIP trade	8 (F1)	Agg Assault -Cause BI w/DW Theft (Firearm) Identity theft (3rd/+ & Vic>=60 yrs) Hom by Veh-DUI or Work Zone Theft (>$100,000) PWID Cocaine (10-<50 g)	9-16 BC	12-18 BC	15-21 BC	18-24 BC	21-27 BC	27-33 BC	40-52	NA	+/- 9
LEVEL 3 State/ Cnty Incar RIP trade	7 (F2)	Robbery-Inflicts Threatens BI Burglary-Home/No Person Present Statutory Sexual Assault Theft (>$50,000-$100,000) Identity Theft (3rd/subq) PWID Cocaine (5-<10 g)	6-14 BC	9-16 BC	12-18 BC	15-21 BC	18-24 BC	24-30 BC	35-45 BC	NA	+/- 6
	6	Agg Assault-Cause Fear of SBI Homicide by Vehicle Burglary-Not a Home/Person Prsnt Theft (>$25,000-$50,000) Arson-Endanger Property PWID Cocaine (2<5 g)	3-12 BC	6-14 BC	9-16 BC	12-18 BC	15-21 BC	21-27 BC	27-40 BC	NA	+/- 6
LEVEL 2 Cnty Incar RIP RS	5 (F3)	Burglary F2 Theft (>$2000-$25,000) Bribery PWID Marij (1-<10 lbs)	RS-9	1-12 BC	3-14 BC	6-16 BC	9-16 BC	12-18 BC	24-36 BC	NA	+/- 3
	4	Indecent Assault M2 Forgery (Money, Stocks) Weapon on School Property Crim Trespass F2	RS-3	RS-9	RS-<12	3-14 BC	6-16 BC	9-16 BC	21-30 BC	NA	+/- 3
	3 (M1)	Simple Assault-Attempt/Cause BI Theft ($200-$2000) Carrying Explosives Simple Possession	RS-1	RS-6	RS-9	RS-<12	3-14 BC	6-16 BC	12-18 BC	NA	+/- 3
LEVEL 1 RS	2 (M2)	Theft ($50-<$200) Retail Theft (1st/2nd Offense) Bad Checks ($500-<$1,000)	RS	RS-2	RS-3	RS-4	RS-6	1-9	6-<12	NA	+/- 3
	1 (M3)	Most Misd. 3's;Theft (<$50) DUI (M) Poss Small Amount Marij	RS	RS-1	RS-2	RS-3	RS-4	RS-6	3-6	NA	+/- 3

Recommended Sentence

LEVEL 5:
State Incarceration

LEVEL 4:
State Incarceration
County Incarceration

LEVEL 3:
State Incarceration
County Incarceration
County Intermediate Punishment
Restorative Sanctions

LEVEL 2:
County Incarceration
County Intermediate Punishment
Restorative Sanctions

LEVEL 1:
Restorative Sanctions

2014 Total = 100,317 incidents

5,605 sentences **6%**

8,211 sentences **8%**

21,143 sentences **21%**

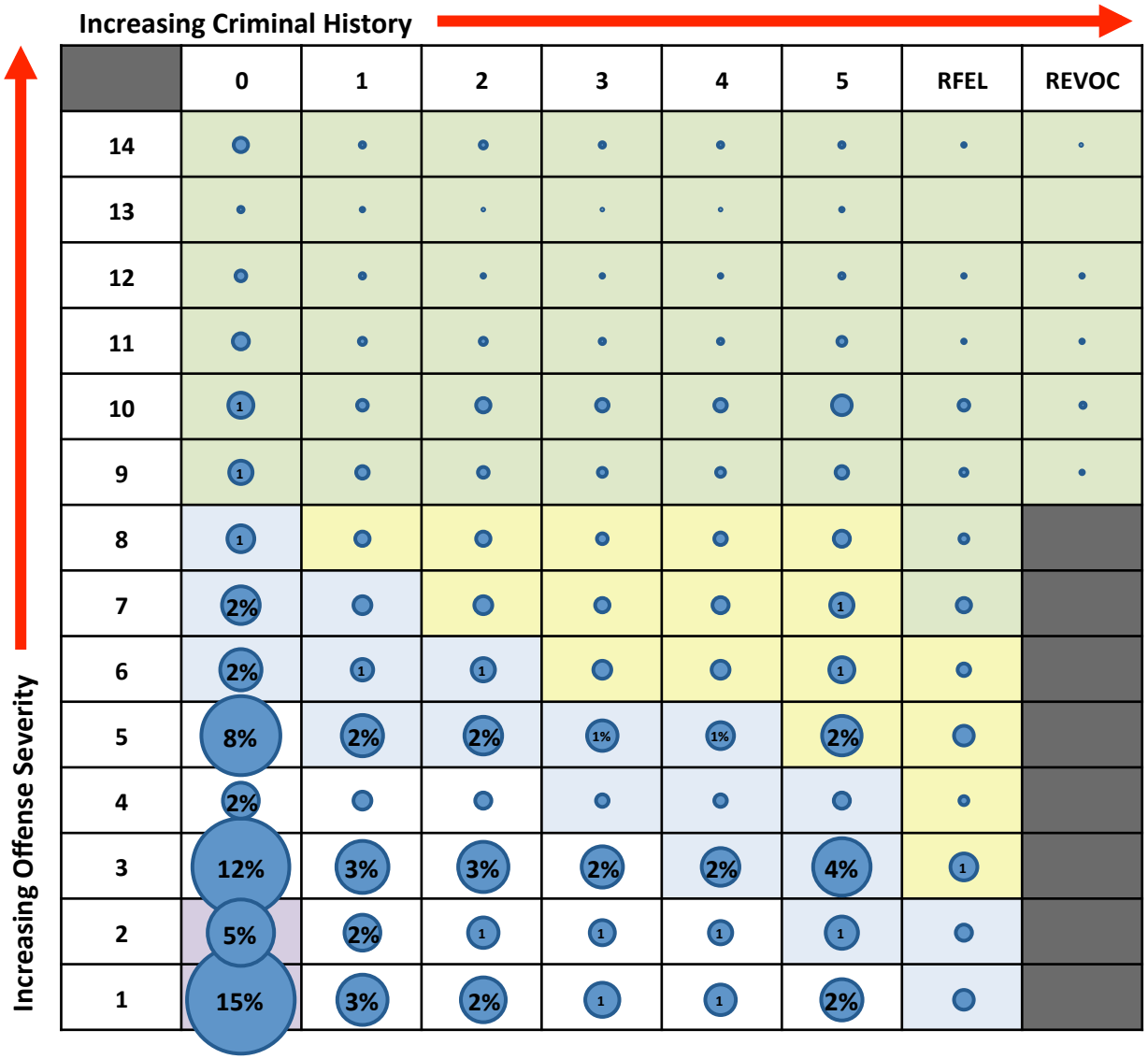
45,239 sentences **45%**

20,119 sentences **20%**

Source: Pennsylvania Commission on Sentencing Annual Report, 2014.

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

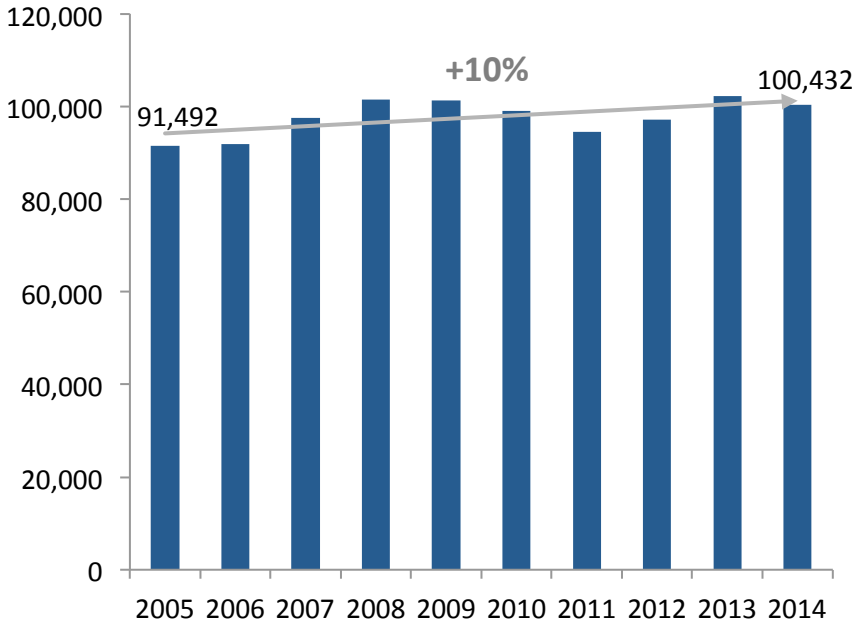
Criminal Incident Sentencing, 2014



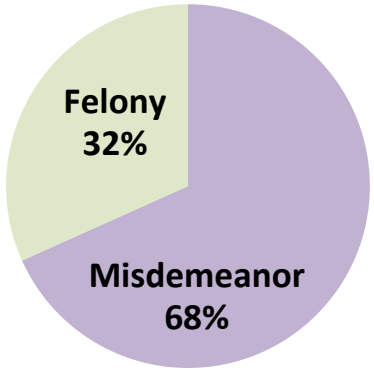
Source: Justice Center analysis of Commission on Sentencing data.

Total sentencing volume is up 10 percent in the past decade.

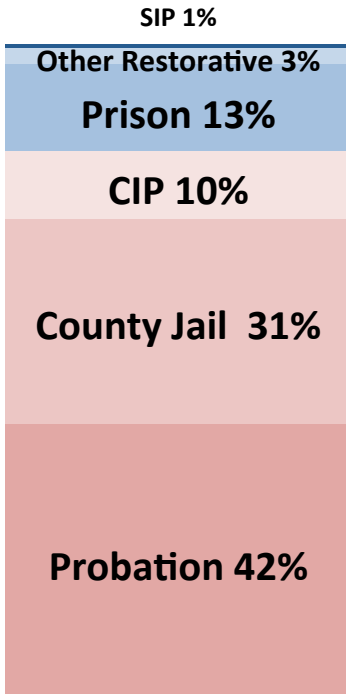
Total Number of Criminal Incidents, 2005–2014



Total Incidents by Offense Level and Disposition Type, 2014



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

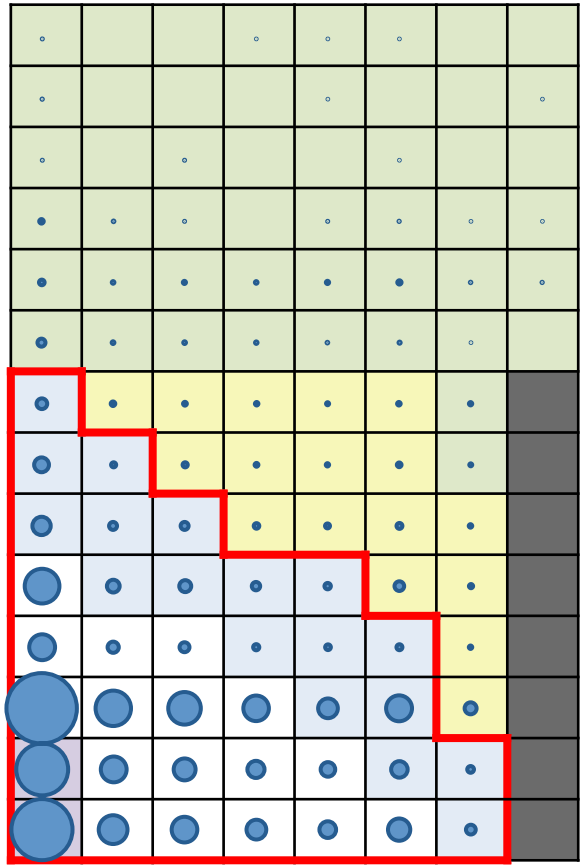


Source: Pennsylvania Commission on Sentencing Annual Report, 2014.

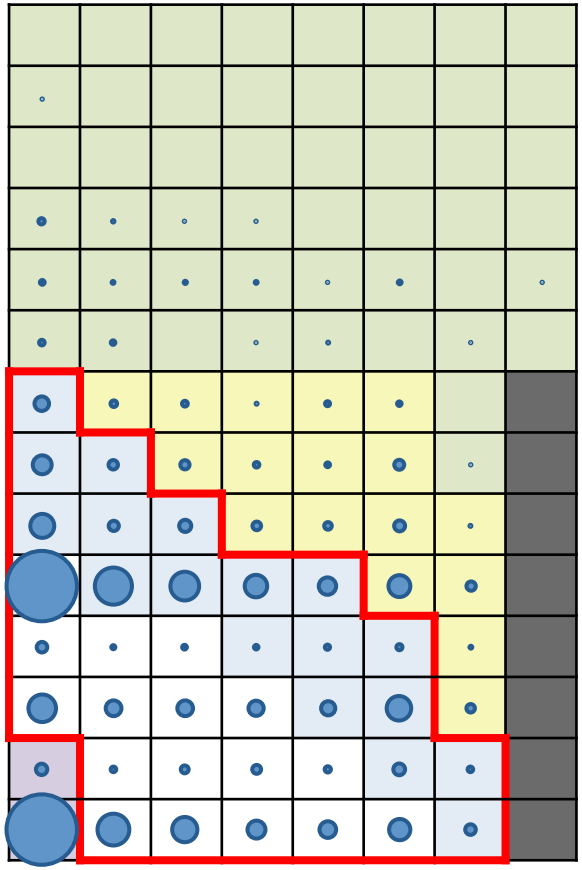
Probation sentences are largely found where expected on the sentencing grid; CIP shows sentences outside standard.

Criminal Incident Sentencing, 2014

Probation, N=41,744



CIP, N=10,480



95% of CIP upward departures were DUIs

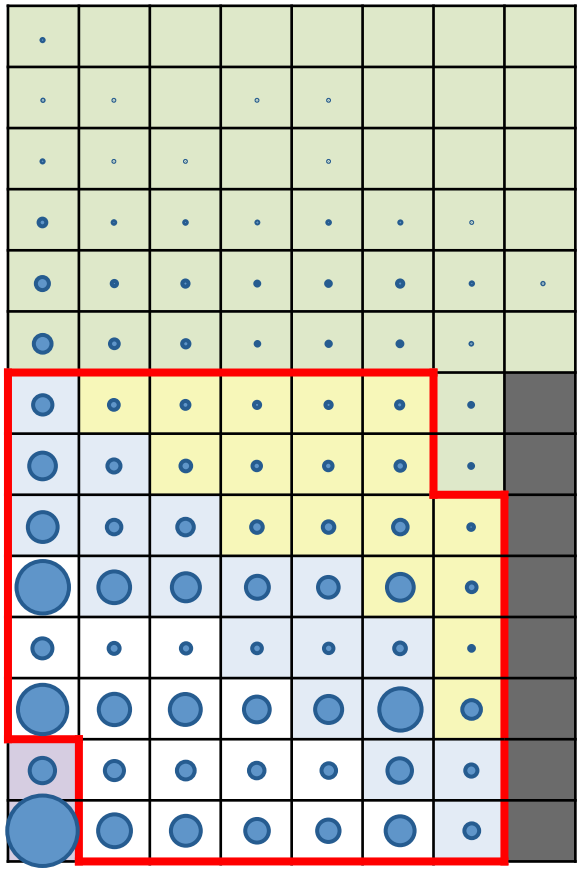
Bubble sizes only proportionate within each sentencing category.

Source: Justice Center analysis of Commission on Sentencing data.

Sentences to jail and prison also show upward and downward dispositional "departures."

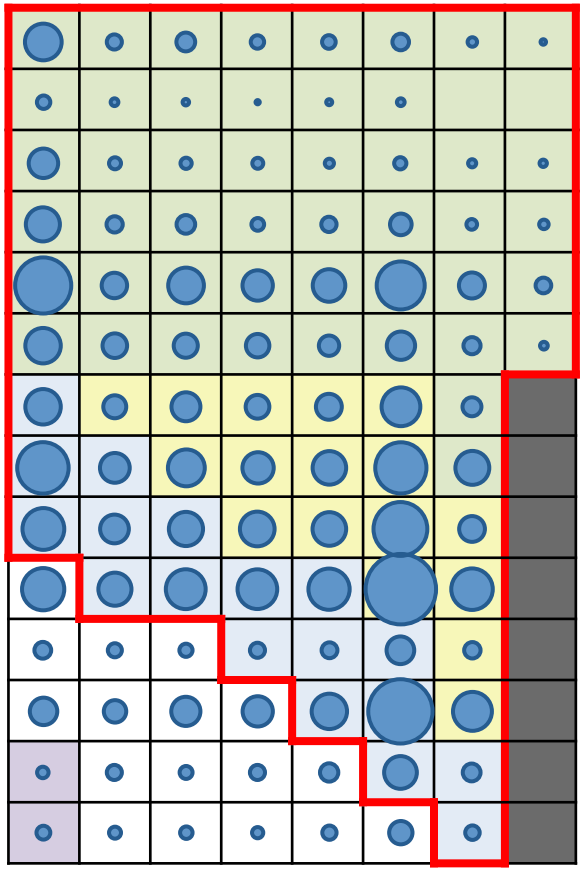
Criminal Incident Sentencing, 2014

County Jail, N=31,679



78% of Jail upward departures were DUIs

State Prison, N=13,208



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

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

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.

Level	OGS	Example Offenses	Prior Record Score								
			0	1	2	3	4	5	RFEL	REVOC	AGG/MIT
LEVEL 5 State Incar	14	Murder 3 Inchoate Murder (SBI) Rape (victim <13 yrs)	72-SL	84-SL	96-SL	120-SL	168-SL	192-SL	204-SL	SL	+/-12
	13	Inchoate Murder (No SBI) Weapons Mass Destr-Use PWID Cocaine (>1,000 g)	60-78	66-84	72-90	78-96	84-102	96-114	108-126	240	+/- 12
	12	Rape-Forcible Compulsion IDSI-Forcible Compulsion Robbery-Inflicts SBI	48-66	54-72	60-78	66-84	72-90	84-102	96-114	120	+/- 12
	11	Agg Assault-Cause SBI Voluntary Manslaughter Sexual Assault PWID Cocaine (100-1,000 g)	36-54 BC	42-60	48-66	54-72	60-78	72-90	84-102	120	+/- 12
	10	Kidnapping Agg Indecent Assault F2 Arson-Person in Building Hom by Vehicle-DUI & Work Zone PWID Cocaine(50-<100 g)	22-36 BC	30-42 BC	36-48 BC	42-54	48-60	60-72	72-84	120	+/- 12
	9	Sexual Exploitation of Children Robbery-Commit/Threat F1/F2 Burglary-Home/Person Present Arson-No Person in Building	12-24 BC	18-30 BC	24-36 BC	30-42 BC	36-48 BC	48-60	60-72	120	+/- 12
LEVEL 4 State Incar/ RIP trade	8 (F1)	Agg Assault -Cause BI w/DW Theft (Firearm) Identity theft (3rd/+ & Vic>=60 yrs) Hom by Veh-DUI or Work Zone Theft (>$100,000) PWID Cocaine (10-<50 g)	9-16 BC	12-18 BC	15-21 BC	18-24 BC	21-27 BC	27-33 BC	40-52	NA	+/- 9
LEVEL 3 State/ Cnty Incar RIP trade	7 (F2)	Robbery-Inflicts/Threatens BI Burglary-Home/No Person Present Statutory Sexual Assault Theft (>$50,000-$100,000) Identity Theft (3rd/subq) PWID Cocaine (5-<10 g)	6-14 BC	9-16 BC	12-18 BC	15-21 BC	18-24 BC	24-30 BC	35-45 BC	NA	+/- 6
	6	Agg Assault-Cause Fear of SBI Homicide by Vehicle Burglary-Not a Home/Person Prsnt Theft (>$25,000-$50,000) Arson-Endanger Property PWID Cocaine (2<5 g)	3-12 BC	6-14 BC	9-16 BC	12-18 BC	15-21 BC	21-27 BC	27-40 BC	NA	+/- 6
LEVEL 2 Cnty Incar RIP RS	5 (F3)	Burglary F2 Theft (>$2000-$25,000) Bribery PWID Marij (1-<10 lbs)	RS-9	1-12 BC	3-14 BC	6-16 BC	9-16 BC	12-18 BC	24-36 BC	NA	+/- 3
	4	Indecent Assault M2 Forgery (Money, Stocks) Weapon on School Property Crim Trespass F2	RS-3	RS-9	RS-<12	3-14 BC	6-16 BC	9-16 BC	21-30 BC	NA	+/- 3
	3 (M1)	Simple Assault-Attempt/Cause BI Theft ($200-$2000) Carrying Explosives Simple Possession	RS-1	RS-6	RS-9	RS-<12	3-14 BC	6-16 BC	12-18 BC		+/- 3
LEVEL 1 RS	2 (M2)	Theft ($50-<$200) Retail Theft (1st/2nd Offense) Bad Checks ($500-<$1,000)	RS	RS-2	RS-3	RS-4	RS-6	1-9	6-<12	NA	+/- 3
	1 (M3)	Misd. 3's;Theft (<$50) DUI (M) Poss Small Amount Marij	RS	RS-1	RS-2	RS-3	RS-4	RS-6	3-6	NA	+/- 3

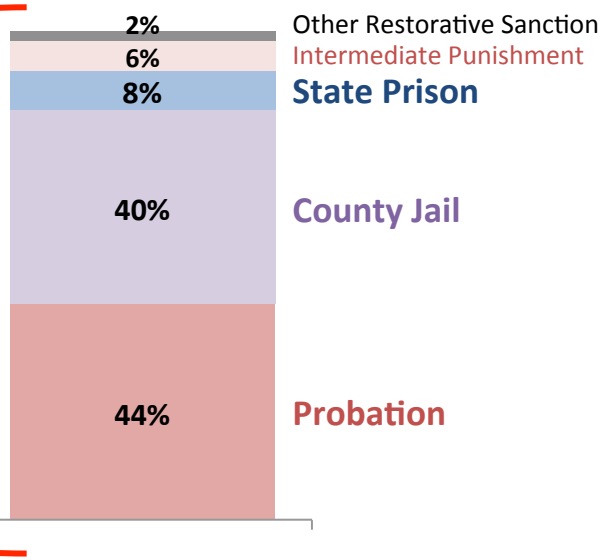
2014 Sentencing Example:

Misdemeanor Simple Possession Drug Offenses

Offense Gravity Score = 3

Prior Record Score = 5

N = 1,039



Source: Pennsylvania Commission on Sentencing Annual Report, 2014.

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

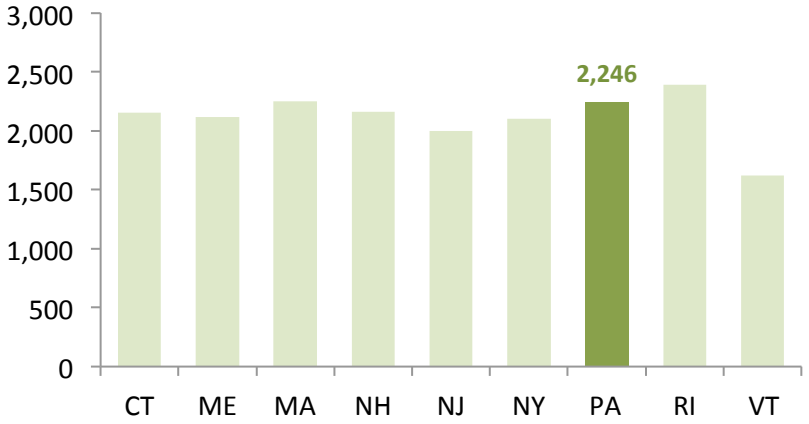
Prison and Parole Volumes

- 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.

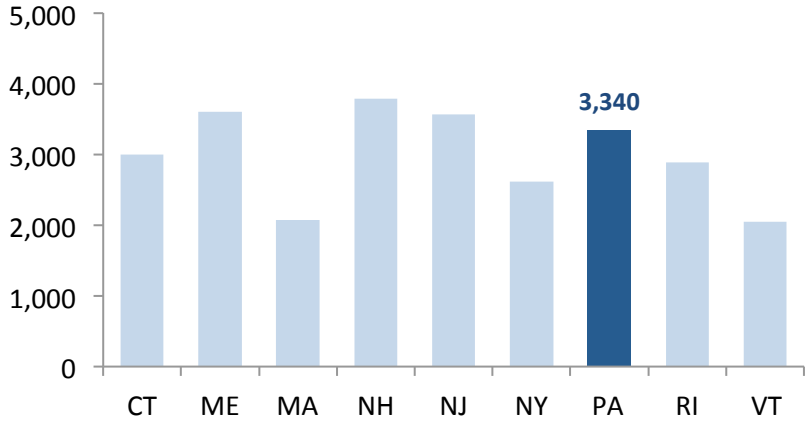
2014 Index Crime Rate

(Reported index crimes per 100,000 residents in Northeast region states)



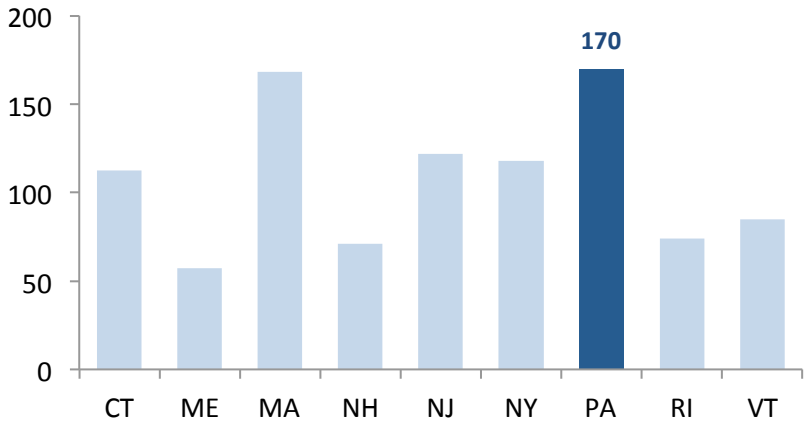
2014 Total Arrest Rate

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



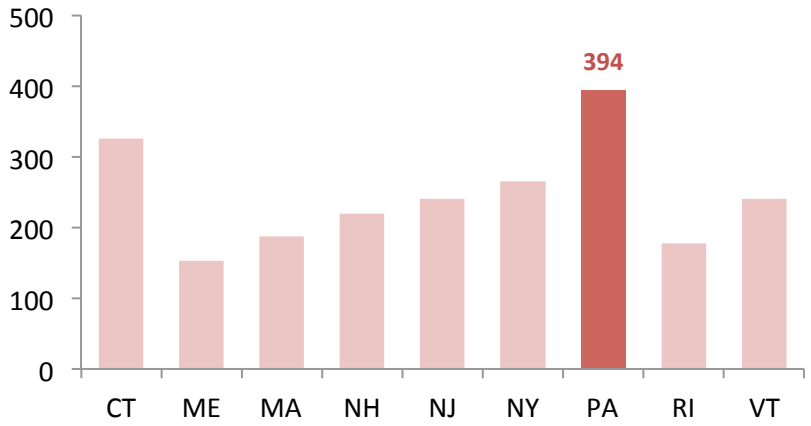
2014 Violent Offense Arrest Rate

(Violent offense arrests per 100,000 residents in Northeast region states)



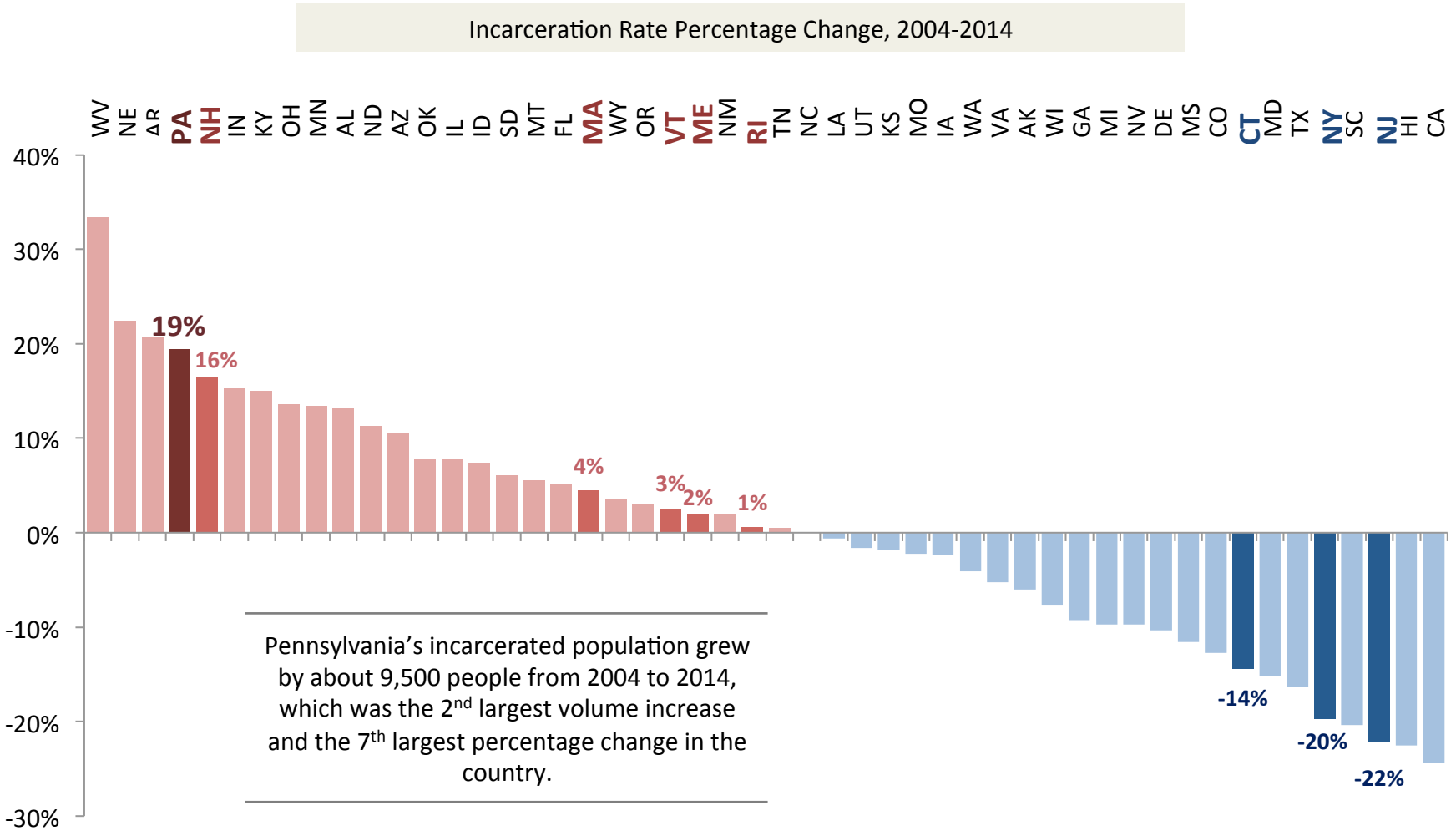
2014 Incarceration Rate

(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.

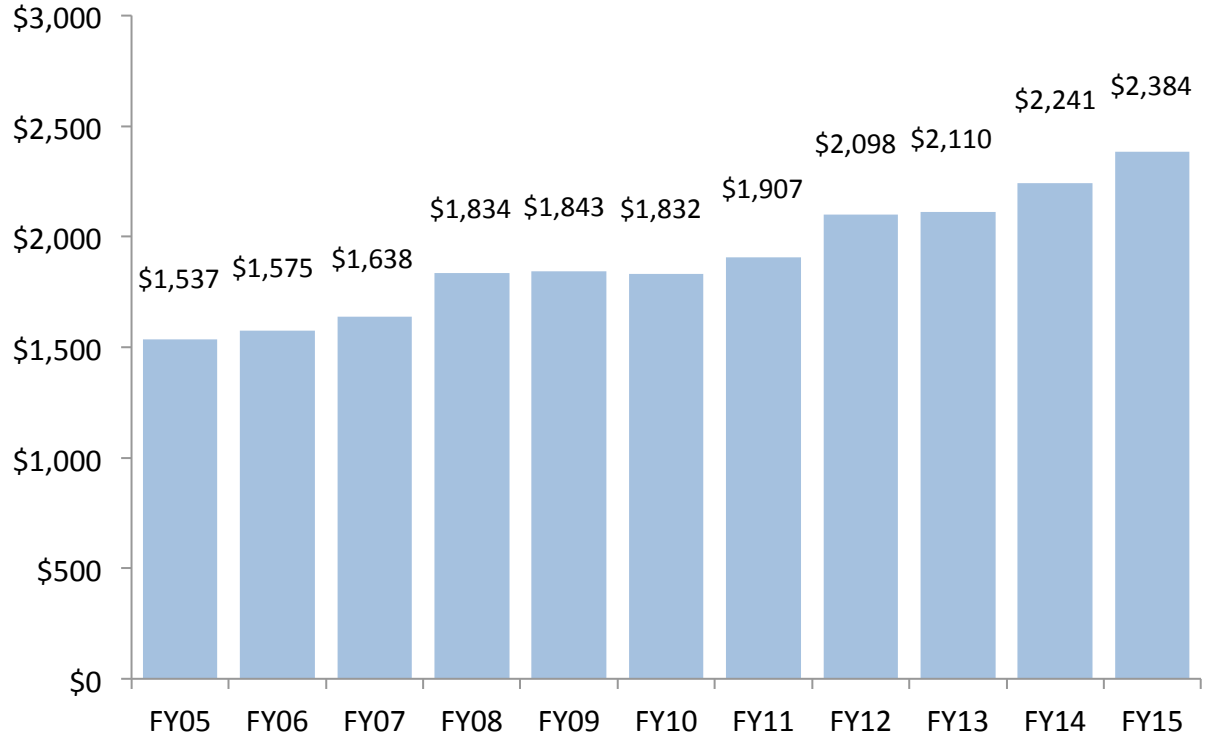


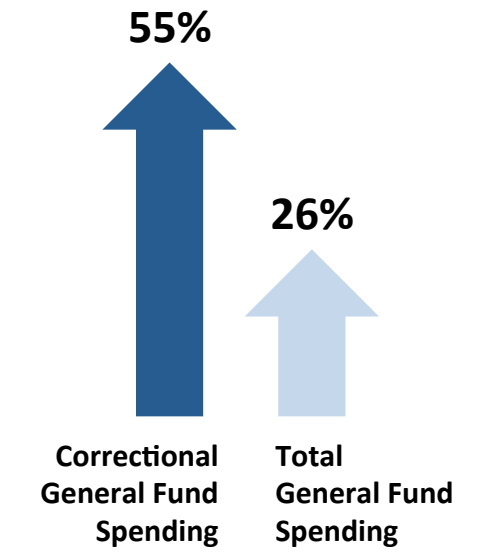
Imprisonment rate of sentenced prisoners per 100,000 residents (sentences greater than one year).

Source: BJS Corrections Statistical Analysis Tool, http://www.bjs.gov/index.cfm?ty=nps

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

General Fund Corrections Expenditures (in millions), FY2005–FY2015

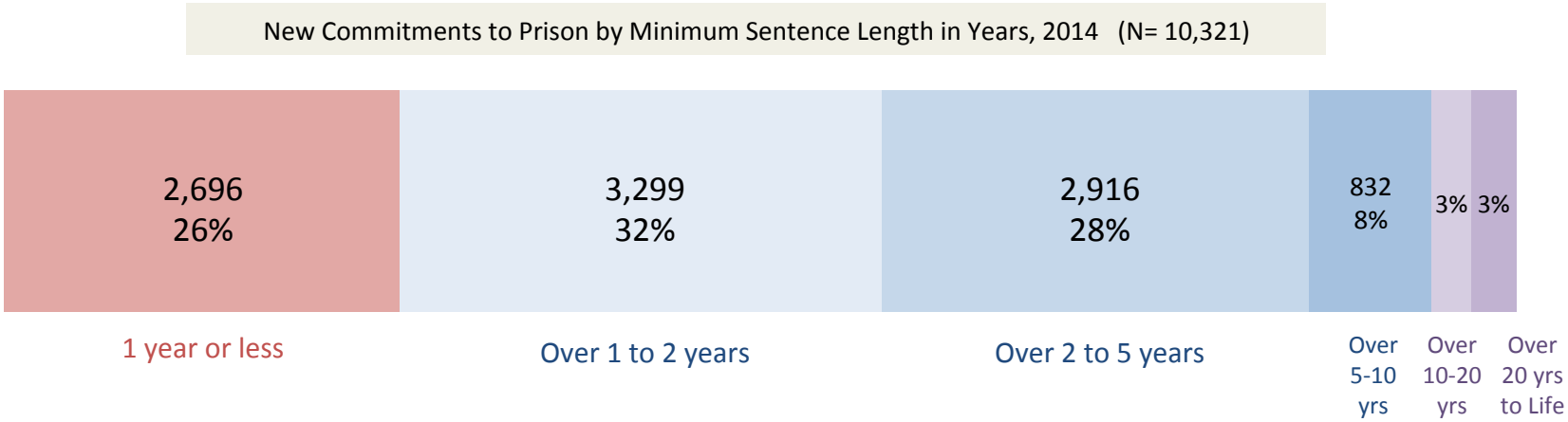


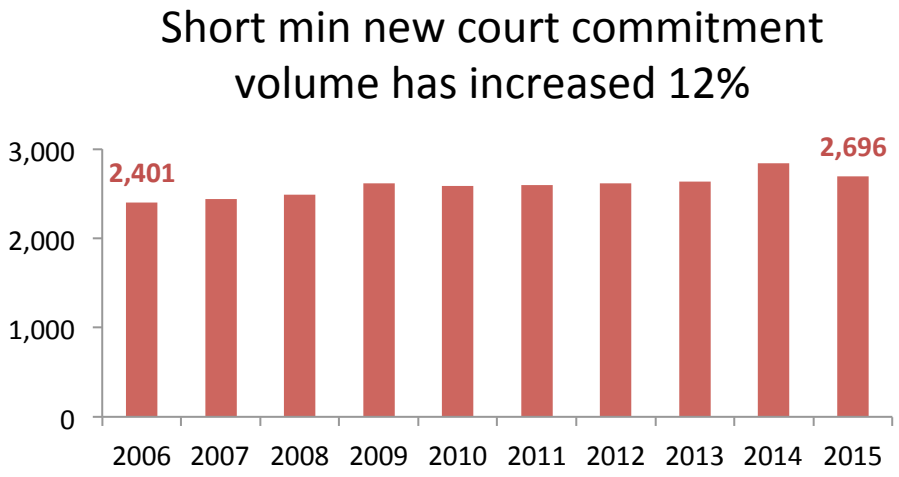


The increase in general fund correctional spending from FY2005 to FY2015 was twice as large as the growth in total general fund expenditures.

Source: NASBO State Expenditure Reports, 2005-2015

A large portion of new prison commitments continue to have short minimum sentences.



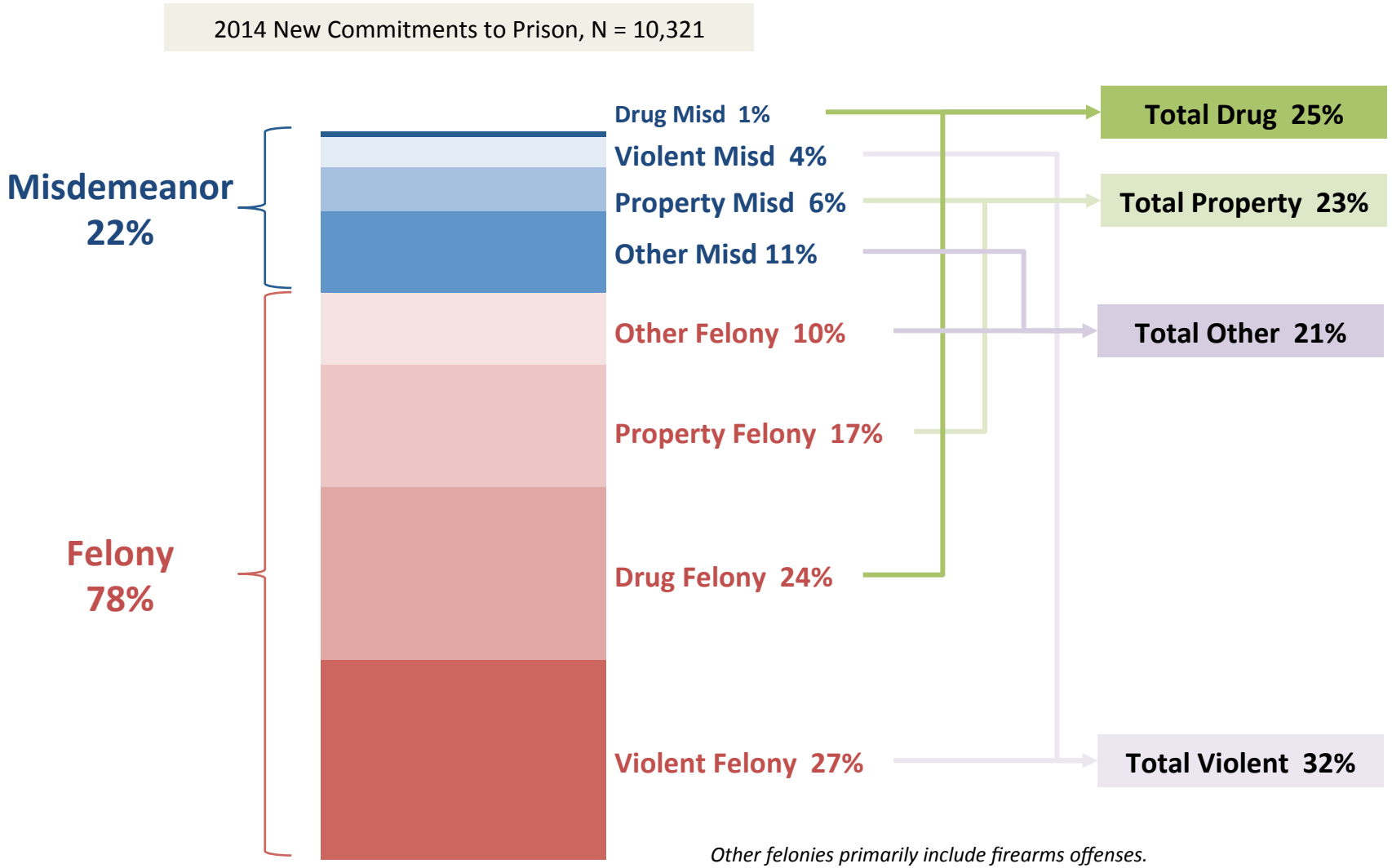


Prisoners with a minimum sentence of one year or less who were released from prison in 2014 had an average length of stay of 15 months.

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.

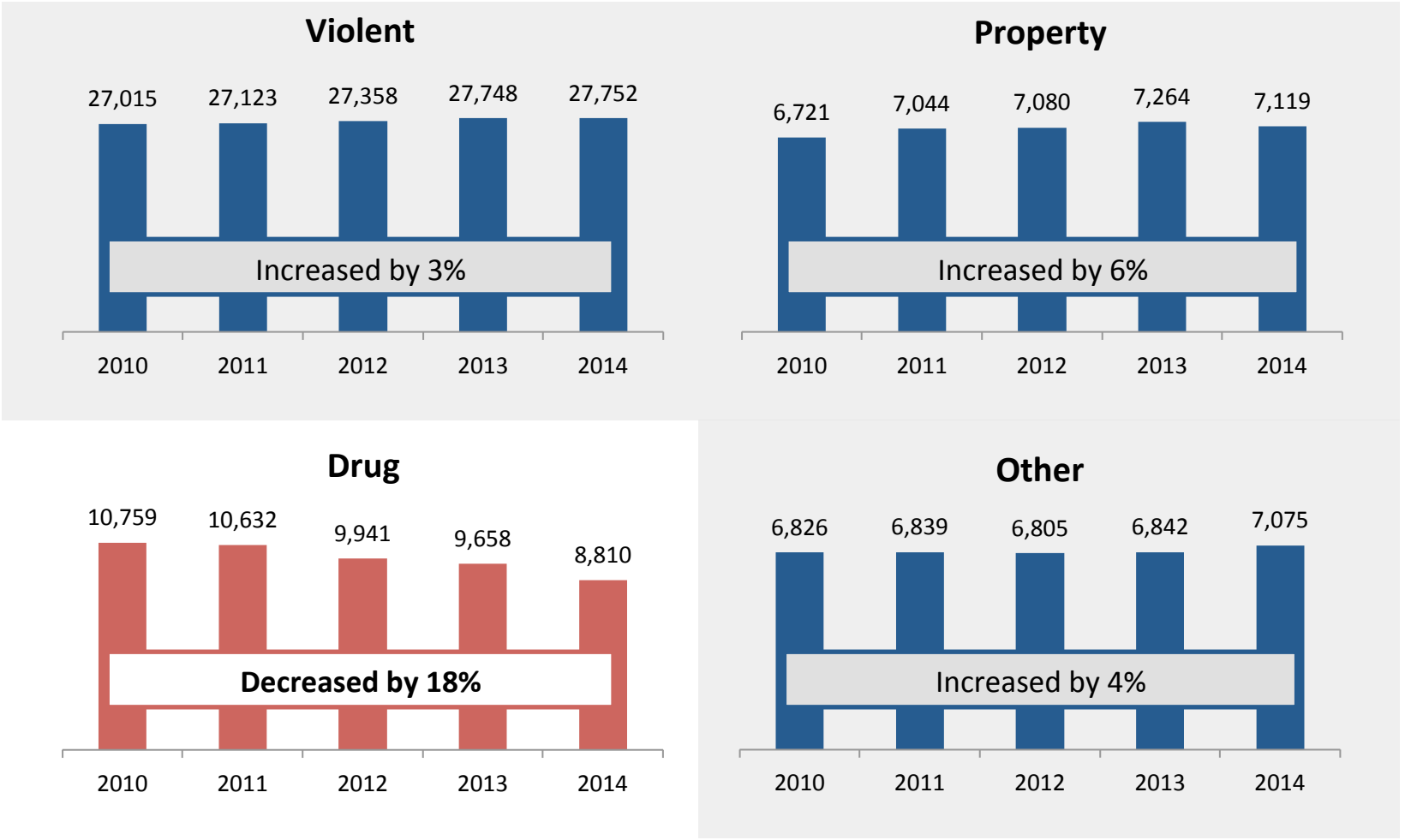


Other felonies primarily include firearms offenses.
Other misdemeanors primarily include DUI.
Violent misdemeanors primarily include simple assault and involuntary manslaughter.

Source: Justice Center analysis of DOC data.

Pennsylvania's recent decline in the prison population has been limited to drug offenders.

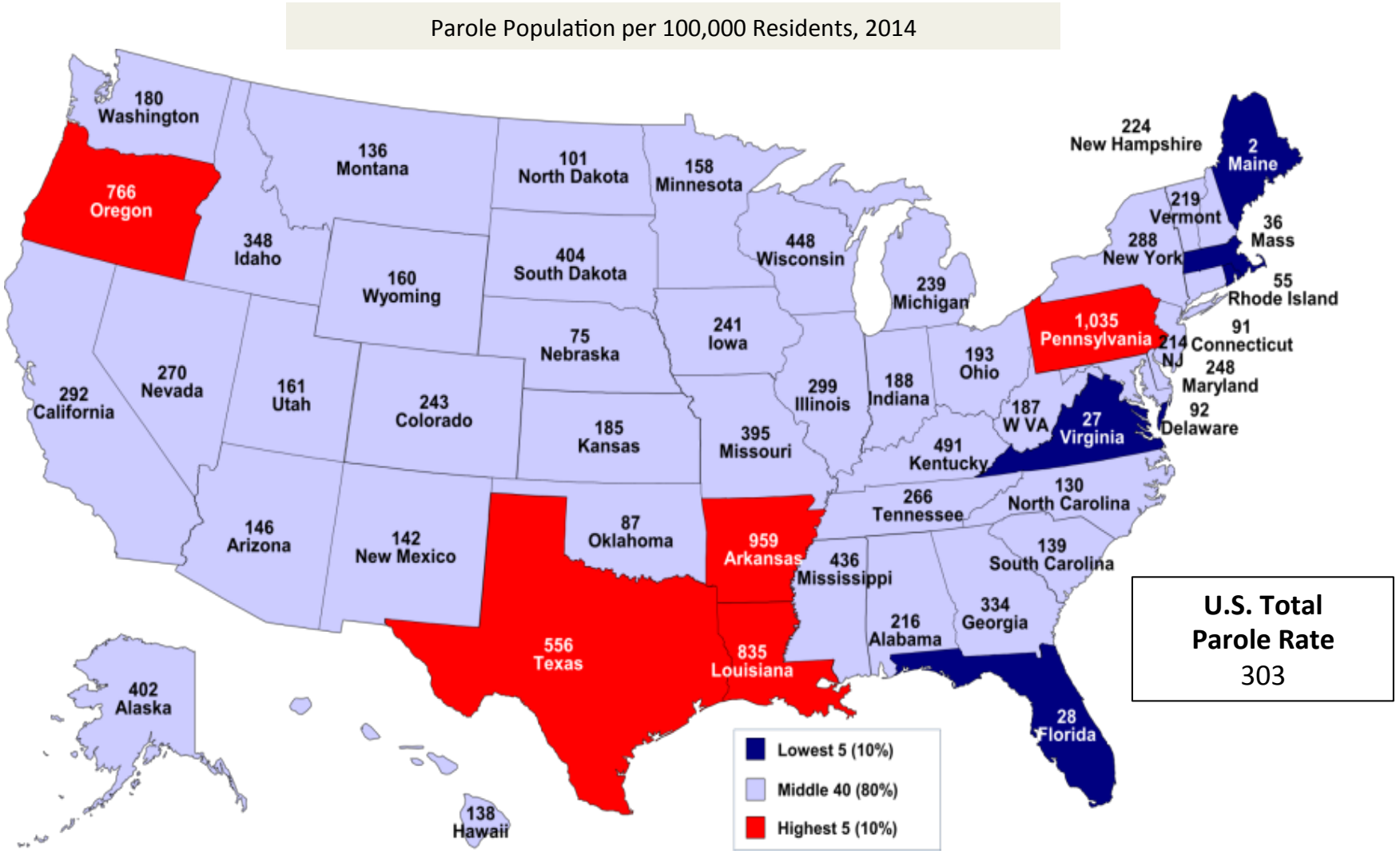
Pennsylvania DOC Prison Population by Offense Type, 2010–2014



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

Source: Justice Center analysis of DOC data.

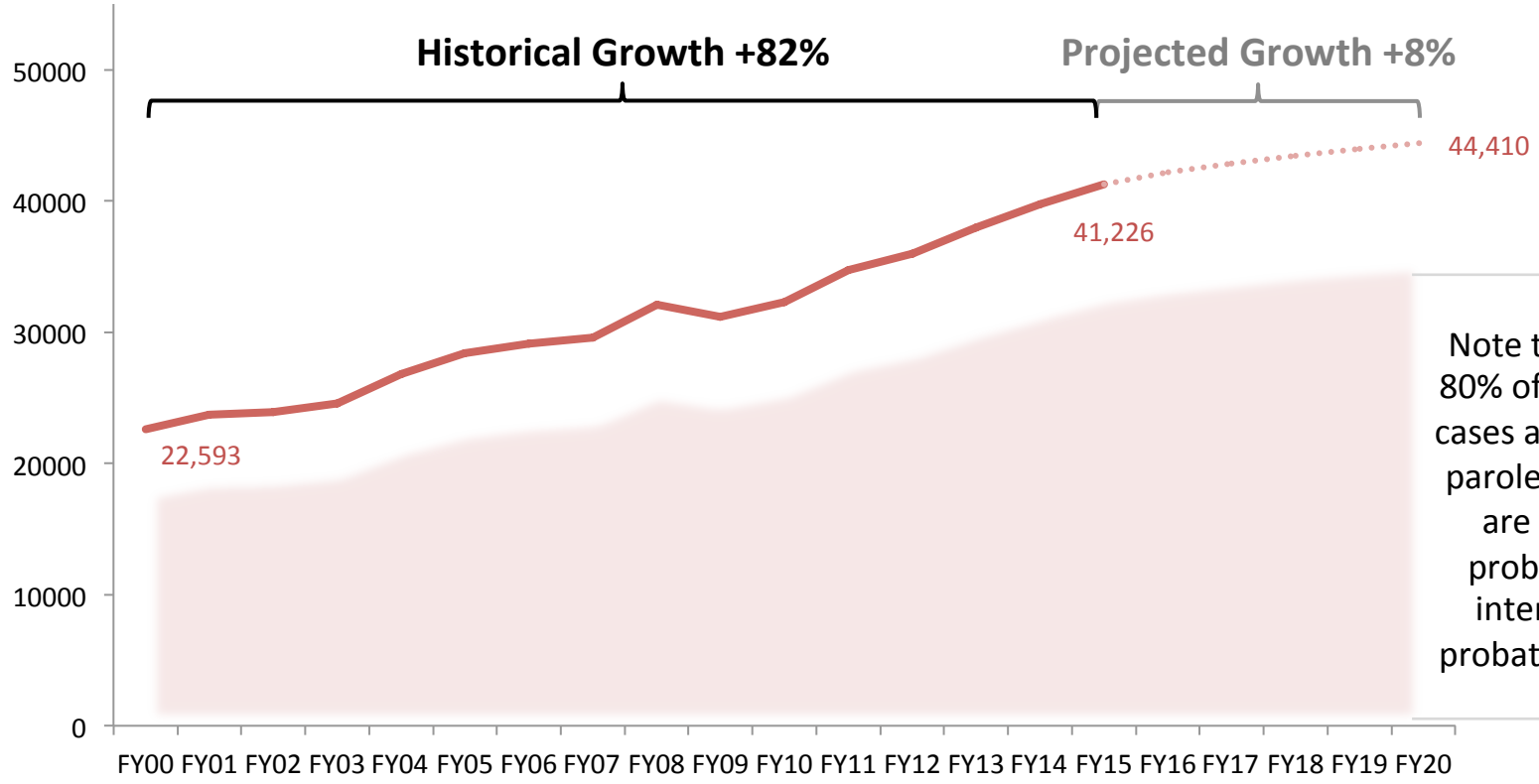
Pennsylvania has the highest parole supervision rate in the country.



Source: Office of Justice Programs, Bureau of Justice Statistics, *Probation and Parole in the United States, 2014.*

State supervision population has increased and is projected to continue growing.

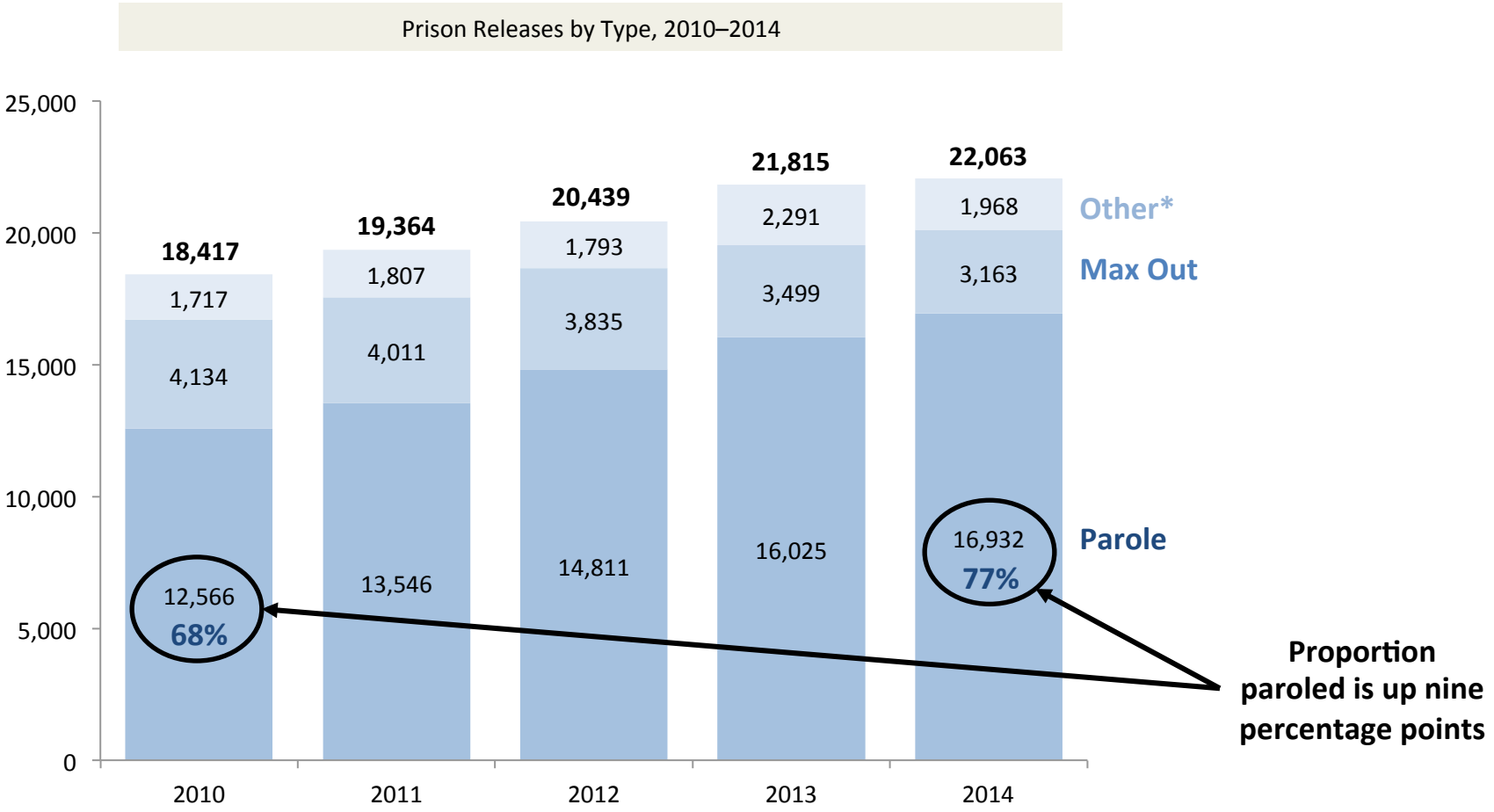
State Supervision Population, FY2000–FY2015, Parole Population Projection, FY2016–FY2020



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.

Source: PA Board of Probation and Parole, Monthly Statistics Reports. Criminal Justice Population Projections Committee, Pennsylvania Criminal Justice Population Projections, FY2015/16 to FY2019/20.

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

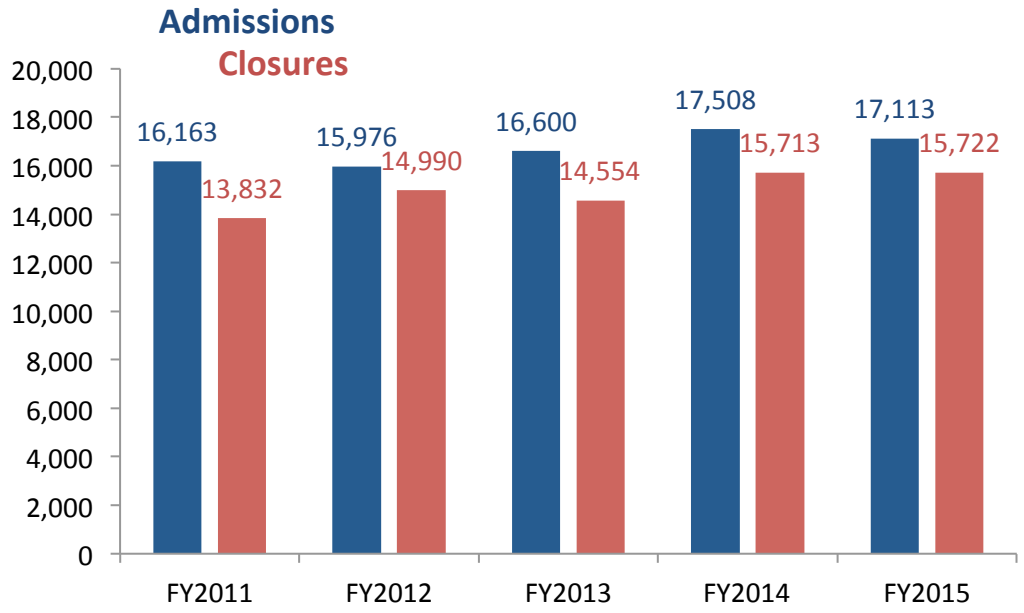


** Other includes releases by court order, deaths, transfers to other jurisdictions, and released detentioners.*

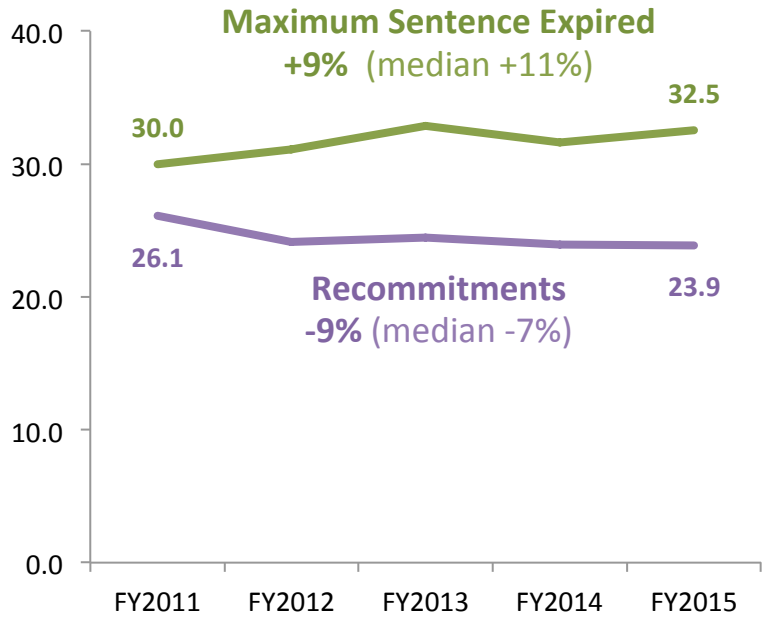
Source: DOC Annual Statistical Reports.

Since 2011, parole admissions have outpaced parole closures, and lengths of stay for some closures have increased.

State Parole Admissions and Closures, FY2011–FY2015

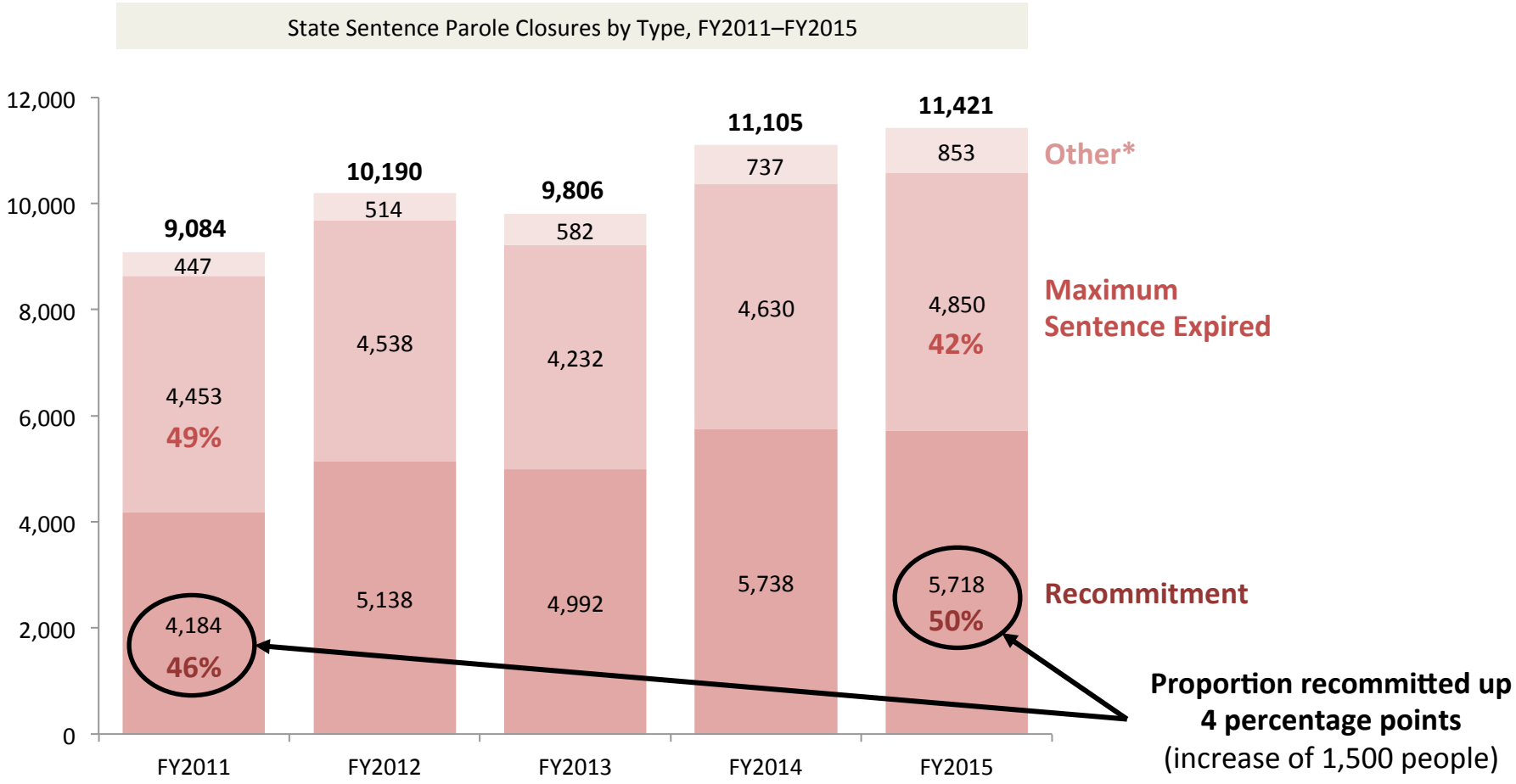


Average Length of Stay on Parole in Months by Closure Type, FY2011–FY2015 (State parole only)



Source: Justice Center analysis of Pennsylvania Board of Probation and Parole data.

The largest proportion of state sentence parole case closures are recommitments to DOC.

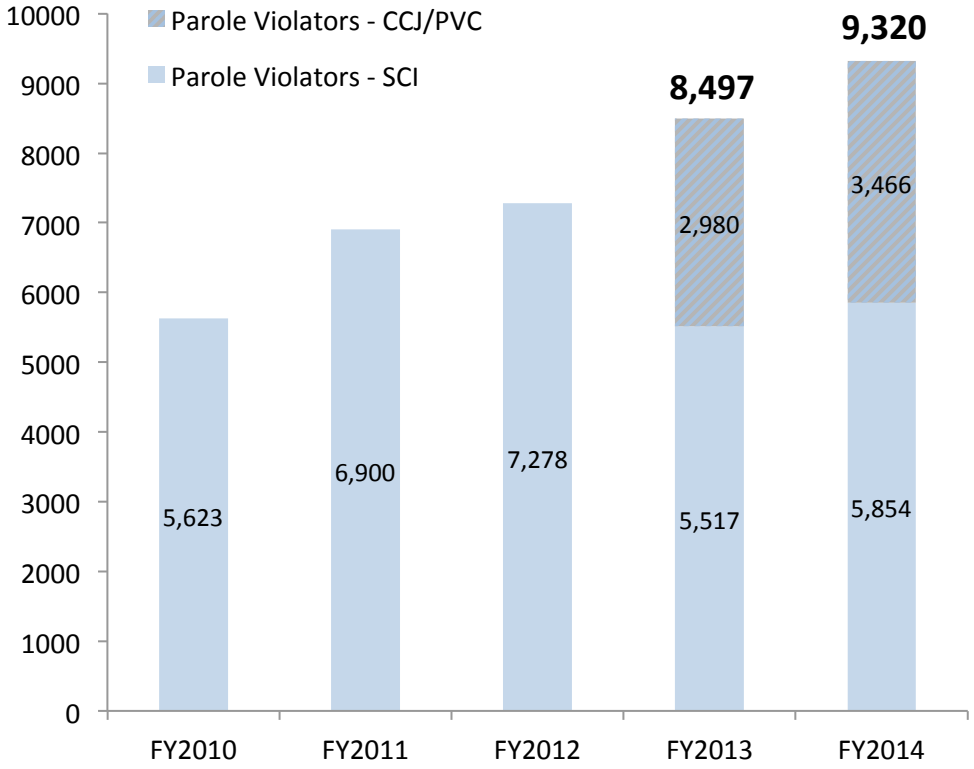


* *Other includes administrative closures, deaths, and early discharges.*

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.

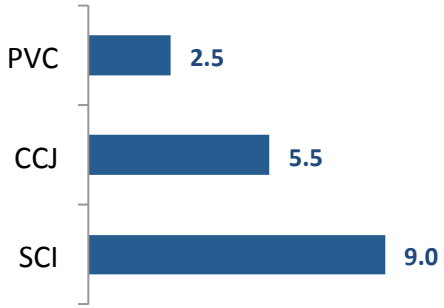
Parole Violator Admissions by Facility Type, FY2010–FY2014



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

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



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?

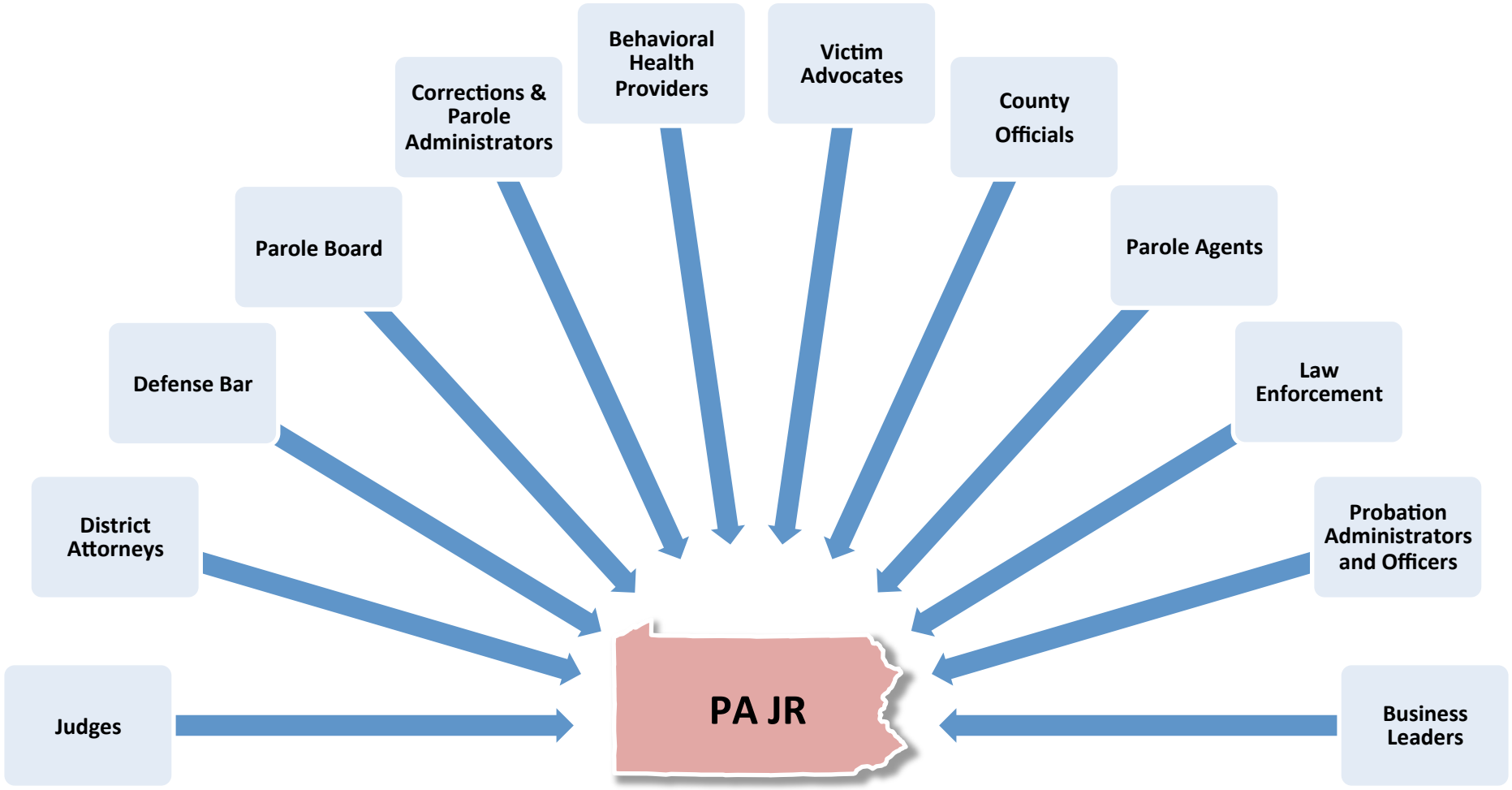
Prison and Parole Volumes

- 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.

Data Type	Source	Status
Arrests	Pennsylvania State Police	Scoping underway
Jail	Counties/JNET	Scoping underway
Court Filings	Administrative Office of Pennsylvania Courts	Pending
Sentencing	Pennsylvania Commission on Sentencing	Received
Prison	Pennsylvania Department of Corrections	Received
Parole Supervision	Pennsylvania Board of Probation and Parole	Received
Parole Decision Making	Pennsylvania Board of Probation and Parole	Received
Probation Supervision	Counties/CCAP/JNET	Scoping underway
Behavioral Health	Pennsylvania Department of Corrections Department of Drug and Alcohol Programs/Department of Human Services	Received Pending

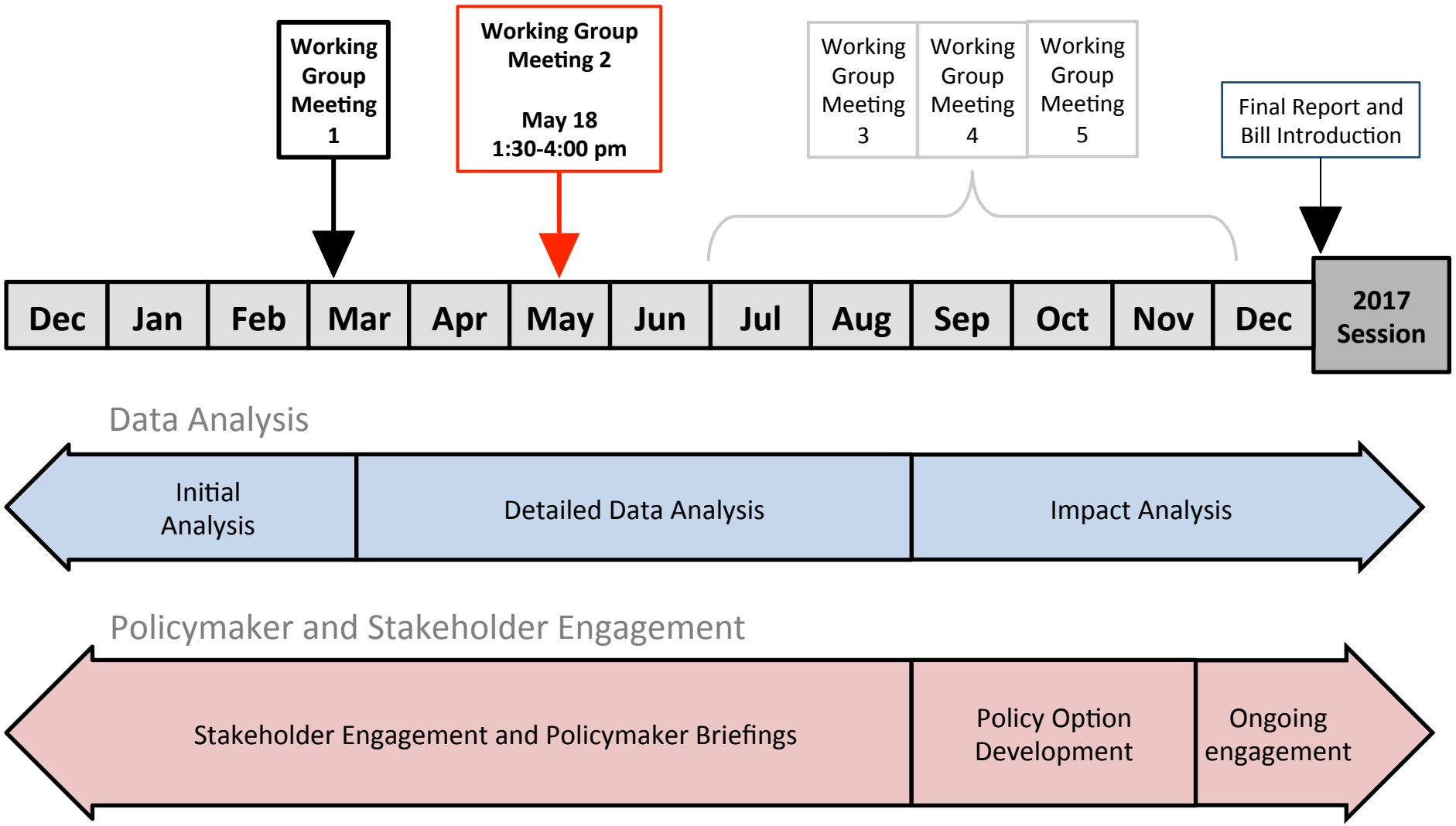
Stakeholder engagement will raise additional issues.



The Justice Center and the Working Group will combine efforts to achieve a successful project outcome.

CSG Justice Center Staff		PA JR Working Group
Serve as dedicated staff to the state	Interpret data and assess trends	Endorse project scope of work
Analyze data	Identify additional stakeholders	Provide expertise on system dynamics and structures
Engage stakeholders	Develop data-driven policy framework	Approve policy package
Deliver presentations and facilitate discussion	Identify priorities for reinvestment	Identify legislative versus judicial policies
		Create momentum for adoption of justice reinvestment policies

Proposed timeline leading to the 2017 legislative session



Thank You

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