

Justice Reinvestment in Pennsylvania:

Reducing Recidivism and Averting Costs by Strengthening Probation and Sentencing Practices



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Overview

Despite a declining prison population and averted corrections costs, in 2015, Pennsylvania had the highest rate of incarcerated adults in the Northeast.

There were approximately 50,000 people incarcerated in state prison, which cost the state more than \$2 billion annually.¹ Almost a quarter of a million people were supervised by 65 county probation departments with no state guidance and shrinking grant-in-aid funding from the state.² Probation sentences were allowed for up to the maximum penalty for the offense, and 35 percent of probation terms were longer than 3 years.³

An estimated 30 percent of state prison beds were occupied by people who had violated the conditions of their parole, probation, or county intermediate punishment (which is akin to probation).⁴ Insufficient county probation resources and inefficient use of parole resources limited the effectiveness of supervision and exacerbated recidivism.

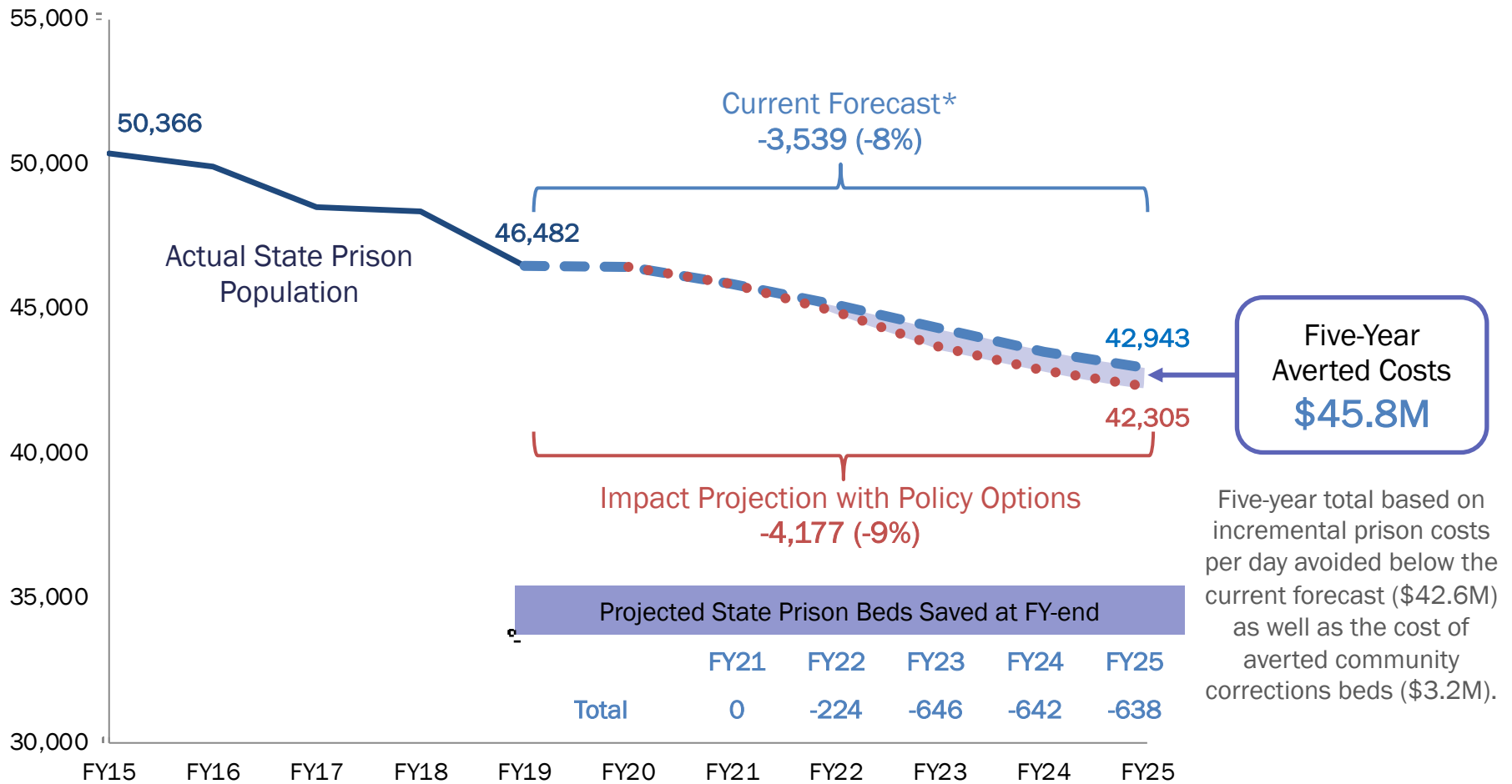
To build on prior efforts and address current challenges related to costs, supervision, and recidivism, state leaders embarked on a Justice Reinvestment approach

with intensive technical assistance from The Council of State Governments (CSG) Justice Center and support from The Pew Charitable Trusts and the U.S. Department of Justice's Bureau of Justice Assistance.

The Pennsylvania Justice Reinvestment Working Group, which included stakeholders from all three branches of government, worked with CSG Justice Center staff to review analyses and develop policy options that culminated in legislation (Acts 114 and 115) in 2019. The legislation focused on addressing ineffective short state prison sentences, investing in more effective county probation to hold people accountable, and improving sentencing policies to further reduce recidivism.

Together, these changes are expected to reduce the prison population by at least 600 more people than otherwise projected, reduce recidivism, and avert \$45.8 million in corrections spending by 2025 (see Figure 1).

FIGURE 1. Projected Impact of Justice Reinvestment Legislation on Pennsylvania's Prison Population



* FY2025 forecast population is imputed from the FY2020 to FY2024 trend.

Justice Reinvestment Findings

Under the direction of the working group, CSG Justice Center staff conducted a comprehensive analysis of data collected from various state agencies in 2015 and 2016. Three key findings emerged:

1

High corrections spending. From fiscal year (FY) 2006 to FY2015, state spending on corrections increased 50 percent, from \$1.6 billion to \$2.4 billion, while the prison population grew 12.5 percent, from 44,365 to 44,916 people.⁵ Some of the spending—\$73 million in FY2014—was due to incarcerating people with short sentences in state prison who stayed months beyond their minimum sentence.⁶ The additional confinement time did not have a positive impact on recidivism. Most of the delay was due to detailed parole release processes required by statute,⁷ and most people who received these short sentences were convicted of property and drug offenses.

2

Insufficient support for county probation. In 2014, 66 percent of people in the criminal justice system were receiving supervision at the county level, but only 6 percent of state criminal justice spending was allocated to counties.⁸ Annually, Pennsylvania spent an average of \$830 per person for probation supervision, and the state contributed only \$100 of that cost, while counties and supervision fees funded the remainder. In comparison, Texas spent \$1,450 per person and the state's share was \$800.⁹ In Ohio and Texas, where probation is also run by county agencies, each state contributed 8–10 times more funding than Pennsylvania to support evidence-based probation services to reduce recidivism.¹⁰ Without sufficient support in this part of Pennsylvania's system, more people under supervision fail, put public safety at risk, and are revoked to county or state prison.

3

Inadequate pretrial and sentencing guidance. The legislature’s sentencing statutes were unnecessarily complex, but the sentencing commission’s guidelines provided limited information and guidance. For example, 75 percent of sentences fell in levels 2 or 3 in the guidelines, where there was wide discretion in dispositional options, and the guidelines did not address term lengths for probation, split sentences, and parole-term maximums. The following issues arose as a result:¹¹

- a. Lengths of felony probation property and drug sentences that fell within a particular sentencing guideline cell and crime type varied widely from county to county.
- b. Lengths of probation sentences were not correlated with criminal history (“prior record”) scores, which indicated a disconnect between sentencing and risk reduction; i.e., as prior record score (risk) increased, probation sentences did not change accordingly.
- c. On average, maximum sentences were more than twice the minimum, notably for property offenses, which led to long parole periods that could not be terminated early except by commutation.
- d. A growing proportion of sentences to prison—30 percent in 2014—were “split” sentences that included a median of 2 years in prison, followed by a median of 2.7 years on parole, followed by a median of another 2 years on probation.

Summary of Legislation and Reinvestments

Senate Bills (SB) 500 and 501 stemmed from the state's Justice Reinvestment Initiative. SB 501 passed in a unanimous, bipartisan vote in the Senate and by a large majority (167 for, 20 against, 6 absent) in the House. SB 500 passed unanimously in both houses. In December 2019, Governor Tom Wolf signed Acts 114 (SB 500) and 115 (SB 501) into law. The bills included the following changes:

Short sentences to prison will be handled more efficiently (Act 115).

The bill amends parole law to streamline the parole process for people who are sentenced to short stays in prison, so they can be paroled and receive any necessary programming in the community instead of spending a few additional months in prison without receiving programming.

More people will receive substance use disorder treatment in lieu of incarceration (Act 115).

The bill creates a more efficient process to admit people convicted of nonviolent offenses who have substance use disorders into the State Drug Treatment program (renamed in Act 115 from State Intermediate Punishment). This program allows people to serve most of their sentences in treatment centers as opposed to prison, which is less expensive for taxpayers and more effective at reducing recidivism.

A new advisory committee will improve county-run probation to reduce recidivism (Act 114).

The new committee, within the Commission on Crime and Delinquency, will provide state funding for county-run probation, promote effective supervision approaches, and facilitate data collection and analysis.

Probation sentencing practices will emphasize shorter terms (Act 115).

The Pennsylvania Commission on Sentencing will update the state's sentencing guidelines to promote reductions in unnecessarily long supervision terms in future sentencing decisions, enabling probation officers to focus their time on people who are at a high risk of reoffending. The Commission will have greater flexibility in the future to explore guidelines for split sentencing and the intensity and duration of community supervision.

A new Justice Reinvestment fund will be created (Act 114).

A new Justice Reinvestment fund will accumulate and reinvest savings realized from policies in Act 115 in evidence-based probation strategies.¹²

The state is projected to avert a total of \$45.8 million in corrections costs by FY2025.

Under Act 114, an annual reinvestment of \$250,000 is required for victim compensation to account for expanded eligibility that would result from a third Justice Reinvestment bill that has yet to pass, and an annual reinvestment of \$400,000 is required for the Sentencing Commission to carry out additional mandates in Act 115.

Under Act 114, a portion of the expected averted costs achieved by decreasing the state prison population will be reinvested in evidence-based probation strategies to reduce recidivism, on top of \$16,222,000 in county probation funding, the state's current grant-in-aid funding level.¹³ Under the statutory formula for reinvestment in Act 114, county probation funding will not increase until FY2023 unless averted costs accumulate more quickly than projected. The total expected reinvestment in probation through FY2025 is \$12.15 million, and in FY2025 the state's funding of probation will increase by 50 percent (\$8 million increase over the current \$16 million). Averted costs and projected levels of reinvestment are based on projected impacts to the state prison population as calculated by the CSG Justice Center in comparison to the DOC population forecast (see Figure 2).

FIGURE 2. Projected Averted Costs and Reinvestments

		FY2021	FY2022	FY2023	FY2024	FY2025	Total
Averted Costs		\$0.00M	\$1.45M	\$9.01M	\$17.73M	\$17.62M	\$45.82M
Reinvestments	Probation Reinvestment	\$0.00M	\$0.00M	\$0.08M	\$3.86M	\$8.21M	\$12.15M
	Victim Compensation	\$0.00M	\$0.25M	\$0.25M	\$0.25M	\$0.25M	\$1.00M
	Sentencing Commission	\$0.00M	\$0.40M	\$0.40M	\$0.40M	\$0.40M	\$1.60M
	Total Reinvestment	\$0.00M	\$0.65M	\$0.73M	\$4.51M	\$8.86M	\$14.75M
Averted Costs Saved		\$0.00M	\$0.80M	\$8.28M	\$13.22M	\$8.76M	\$31.07M

Looking Ahead

Implementing Acts 114 and 115 will require continued bipartisan, interbranch support and strong collaboration among agencies.

A third piece of Justice Reinvestment legislation—SB 502—had yet to be enacted at the time of this publication. This bill amends the Crime Victims Act to expand victim compensation eligibility and expenditures and ensure that the victim advocate has the proper authority to provide notifications to victims.

Endnotes

1. “U.S. Department of Justice, Federal Bureau of Investigation,” <https://www.bjs.gov/ucrdata/Search/Crime/Crime.cfm>; “New report reveals huge variations in correctional control among states,” Prison Policy Initiative, June 1, 2016, https://www.prisonpolicy.org/blog/2016/06/01/correctional_control_report/; Brian Sigriz et al., State Expenditure Report Fiscal 2014–2016 (Washington, DC: National Association of State Budget Officers, 2016); CSG Justice Center analysis of the Pennsylvania Department of Corrections annual jail statistics for 2014, August 18, 2016.
2. The Council of State Governments Justice Center analysis of the Pennsylvania Board of Probation and Parole, County Adult Probation and Parole Annual Statistical Report, 2014; Legislative Budget and Finance Committee, Funding of County Adult Probation Services (Harrisburg: Legislative Budget and Finance Committee, 2015). Program data from the last three months of calendar year 2016 indicates that program completion rates for the Correctional Recovery Academy (substance abuse) program has increased slightly. Ibid.
3. The Council of State Governments Justice Center analysis of Pennsylvania Commission on Sentencing data.
4. The Council of State Governments Justice Center analysis of Pennsylvania Department of Corrections admission data and Pennsylvania Commission on Sentencing data, 2014.
5. Brian Sigriz et al., State Expenditure Report Fiscal 2005–2015, (Washington, DC: National Association of State Budget Officers, 2015); Pennsylvania Department of Corrections Annual Statistical Reports.
5. The Council of State Governments Justice Center analysis of Pennsylvania Department of Corrections data, 2014.
6. See 61 Pa.C.S. §§ 6135 (investigating circumstances of the offense); 6137(a)(3.1), (e)(1), (f), and (g) (relating to parole procedure); and section 1101(e) of the Crime Victims Act.
7. The Council of State Governments Justice Center analysis of Pennsylvania Department of Corrections Annual Statistical Report, 2014; The Council of State Governments analysis of the Pennsylvania Board of Probation and Parole, County Adult Probation and Parole Annual Statistical Report, 2014; Brian Sigriz et al., State Expenditure Report Fiscal 2014–2016.
8. Pennsylvania Legislative Budget and Finance Committee, Funding of County Adult Probation Services, February 2015; Texas Board of Criminal Justice, Operating Budget for Fiscal Year 2016 (Austin: Texas Board of Criminal Justice, 2015).
9. 2015 Fact Sheet, Ohio Department of Rehabilitation and Correction Funded Community Corrections; Operating Budget FY2016 Submitted to the Governor’s Office of Budget, Planning and Policy and the Legislative Budget Board, Texas Board of Criminal Justice.
10. The Council of State Governments Justice Center analysis of Pennsylvania Commission on Sentencing data, 2014.
11. The state’s previous Justice Reinvestment fund, stemming from a first round of JRI in 2012, accumulated almost \$25 million (out of \$96 million in total savings) for reinvestment in priorities such as policing, victim services, and reentry.

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The Council of State Governments (CSG) Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The CSG Justice Center's work in Justice Reinvestment is done in partnership with The Pew Charitable Trusts and the U.S. Department of Justice's Bureau of Justice Assistance. These efforts have provided data-driven policy options to policymakers in more than 30 states. For additional information about Justice Reinvestment, please visit csgjusticecenter.org/projects/justice-reinvestment/.



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