



# 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, inter-branch Justice Reinvestment Working Group to find solutions 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 those savings in order to strengthen law enforcement strategies that deter crime and to support local diversion efforts that reduce recidivism.

### 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 targeted more suitable populations. Right now, the programs target a mix of offenders, including lower-risk offenders.

# Policy Framework

## A Help Law Enforcement Deter Crime and Support Victims

### Provide law enforcement with resources to deter crime through statewide efforts and competitive funding for strategic crime prevention initiatives.

- Designate half of the funding for grants to police departments to implement data-driven responses to crime, such as those involving hot spot policing or problem oriented policing, and to collaborate with local, state, or federal partners in order to better address specific jurisdictional challenges.
- Designate half of the funding for supporting statewide initiatives that will benefit all law enforcement agencies through cost-effective training strategies and improvements to criminal justice data systems.

### Increase funding to the Victim Services Advisory Committee for statewide initiatives and community-based victim services.

**Rationale:** Between Fiscal Year (FY) 2007 and FY 2011, the amount of federal and state funding awarded to local law enforcement projects was cut from \$15 million to \$2 million. To reduce crime, police chiefs need resources to improve technology, use data and mapping analysis, administer cost-effective training, and increase collaboration.

## B Expand Local Resources to Reduce Recidivism

### Use prison for serious offenders and longer sentences.

- Require that low-level misdemeanants (UM and M3 only) be sentenced to a sanction other than prison.
- These sanctions can include up to two years of incarceration locally, placement on County Intermediate Punishment, probation or any combination of these diversion approaches. Right now these offenders serve an average of four months in prison prior to their minimum sentence date.

### Provide performance-driven funding to help counties divert misdemeanants and the short-minimum sentence (<1 year in prison) population.

- Fund counties that voluntarily expand their local capacity to sanction and reduce the risk of recidivism among misdemeanor and short-min felony offenders currently admitted to prison.
- Distribute these resources on a performance basis through counties, so that funds can be incorporated into strategic plans to maximize their use for probation and diversion capacity (e.g. electronic monitoring, day reporting, intensive supervision, treatment).

### Invest in strengthening the effectiveness of probation.

- Increase grant-in-aid funding to county probation and parole departments by \$5 million based on progress toward meeting evidence-based practices and submission of key data elements.
- Overhaul the County Annual Probation and Parole (CAPP) Annual Statistical Report, which collects information about county probation systems, to streamline the report and focus on measuring the effectiveness of supervision.

**Rationale:** A third of people admitted to prison arrive within one year of their minimum sentence (“short mins”) and, consequently, remain in prison an average of 200 days beyond that sentence, in many cases in order to complete required programming. Incarcerating these short min offenders costs the state \$100 million. Pennsylvania is one of only nine states that incarcerate misdemeanants in prison.

**C****Reduce Costly Inefficiencies in the Parole Process****Increase the number of parole cases interviewed per month by 20 percent by 2015.**

- Set a joint goal, involving the Department of Corrections (DOC) and Parole Board, to increase the number of parole interviews held each month by 20 percent, from 1,807 to 2,169, by 2015.
- Address inefficiencies that delay decision-making in parole, such as eliminating the DOC Vote Sheet requirement, reducing staffing demands for videoconferencing, streamlining the joint resolution hearing process, and giving decision-makers discretion to rely on administrative records to make a Board action.

**Align resources to prepare inmates for parole, promote stable housing and pay victims compensation.**

- Promote payments to the Crime Victims Compensation Fund earlier in a person's sentence in order to avoid delays in the person's release due to nonpayment.
- Utilize CCC and CCF capacity for higher-risk individuals approved for parole but who lack a housing plan. For lower risk offenders being held awaiting a housing plan, set a window within which the plan will be submitted to the Parole Board after placement on parole.

**Work to reduce the release of offenders to no supervision.**

- In collaboration with law enforcement, victim services agencies, and community agencies, the Parole Board and DOC should work to reduce the number of offenders released to the community with no supervision after serving their entire maximum sentence in prison.

**Rationale:** Between FY 2005 and FY 2011, the percent of total cases not resulting in an interview increased from 21 to 41 percent. In FY 2011, the most frequently cited reason as to why cases did not receive an interview related to system issues, including a lack of materials and the timely delivery of reports.

As of January 31, 2012, a total of 2,339 offenders who had been approved for parole remained in prison. Each year, the state spends \$77 million to keep these offenders already approved for parole in prison. Approximately two-thirds had incomplete housing plans; and the remainder had miscellaneous reasons for remaining in prison, including failure to pay into the Crime Victims Compensation Fund.

**D****Increase Accountability and Improve CCC/CCFs****Eliminate “pre-release” and prioritize CCC and CCF placement for more suitable populations.**

- Prohibit the placement of offenders who have not been approved for parole (i.e. “pre-release” offenders.) in these facilities.
- Prioritize the placement of offenders transitioning to parole, whose level of need is compatible with the intensity of programming delivered in CCCs and CCFs.

**Respond to technical parole violations (TPVs) with more cost-effective sanctions.**

- Redesign CCCs and CCFs as parole transition and violation centers using best practices to reduce recidivism and equip these centers to respond with more cost-effective sanctions for TPVs.
- Sanction TPVs to three- to six-month terms in CCC and CCFs with targeted programming.
- Create an exemption enabling revocation to prison for the most dangerous offenders, including absconders, sex offender TPVs and for violations involving assaultive behavior or the use of a weapon.

**Rationale:** Pennsylvania operates a \$100 million network of intensive residential programs, called CCCs and CCFs, for people who are either transitioning from prison to the community or failing to comply with conditions of parole supervision. In 2009, a statewide evaluation identified significant opportunities for increasing program effectiveness, including prioritizing more suitable offenders, avoiding the mixing of offender populations, and incorporating evidence-based practices in programming. Right now, the cost of sanctioning most TPVs in prison is approximately \$97 million annually.

# Impact, Savings Generated and Reinvestment

	FY2013	FY2014	FY2015	FY2016	FY2017	Total
<b>Beds Saved</b>	955	1,956	2,565	2,856	3,174	<b>\$350.7 M</b>
<b>Gross Savings</b>	\$9,500,000	\$59,900,000	\$79,800,000	\$89,300,000	\$112,200,000	
<b>Reinvestment (%)</b>	\$8.5M (89%)	\$16 M (27%)	\$21 M (26%)	\$21 M (24%)	\$21 M (19%)	<b>\$87.5 M (25%)</b>
Law Enforcement Grant Program	\$2,000,000	\$4,000,000	\$8,000,000	\$8,000,000	\$8,000,000	<b>\$30 M</b>
Short-Min Diversion Incentive	\$2,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	<b>\$18 M</b>
Probation Improvement & Performance Grants	\$3,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	<b>\$23 M</b>
Parole Board Process	\$1,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	<b>\$9 M</b>
Victim Services Advisory Committee	\$500,000	\$1,000,000	\$2,000,000	\$2,000,000	\$2,000,000	<b>\$7.5 M</b>
<b>Net Savings</b>	\$1.0 M	\$43.9 M	\$58.8 M	\$68.3 M	\$91.2 M	<b>\$263.2 M</b>

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**Council of State Governments Justice Center** is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The Justice Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to increase public safety and strengthen communities.

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