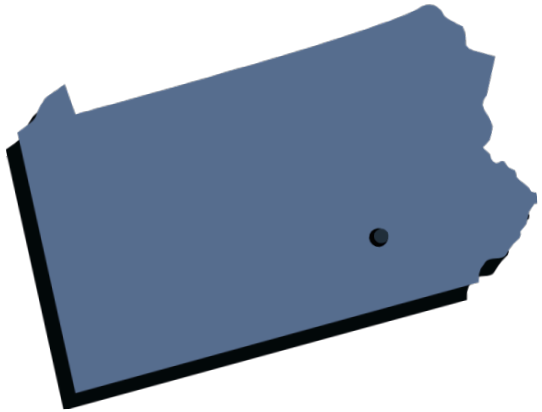
JUSTICE CENTER
THE COUNCIL OF STATE GOVERNMENTS

Justice Reinvestment in Pennsylvania



Final Summary & Policy Options for Consideration

May 23, 2012

Council of State Governments Justice Center

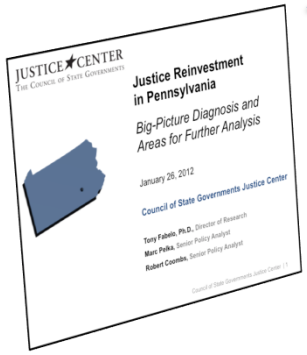
Presentation Overview

Recap of Prior Interim Reports

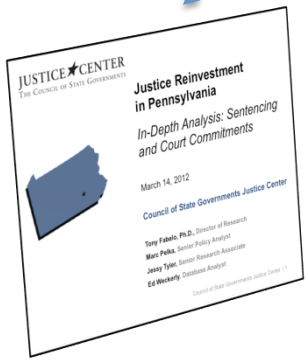
Framework of Options to Consider

Assessment of Potential Impact

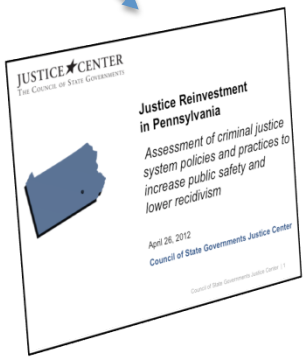
JRI Working Group Presentations



January
System Diagnosis



March
Sentencing Trends



April
Final Analysis

May
Summary & Policy Development

Pennsylvania Justice Reinvestment Analysis & Policy Development Process

January
System Diagnosis

March
Sentencing Trends

April
Final Analysis

Unpacks the Big-Picture Challenges

40 % increase in prison population
(2000-2011)

77 % increase in DOC budget
(2000-2011)

Examines Increase in Sentences and Role of CIP & Probation

156 % increase in UM & M-3 misdemeanor sentences
(2001-2011)

CIP & probation helped ease pressure on jails, and this "front-end" pressure increased number of short-min offenders sentenced to prison to prison

Program & release process delays exacerbated by this group increased population and costs

Completes Analysis with More Data & Stakeholder Input

Dwindling funding support for innovation in policing while police struggle to do more with less

Probation practices and reporting lag behind evidence-based practices

CIP only true diversion program with promising aspects and areas in need of further policy improvements

Despite DOC policies, prison programs do not seem to be assigning programs by risk and glitches in release processes are costly

CCC/CCFs program structure and prioritization of populations do not seem to be effective

Violent offenders maxing out to the street with no supervision: an issue needing further exploration

Pennsylvania Justice Reinvestment Policy Framework

Reinvest in Increasing Public Safety

A **Help Law Enforcement Deter Crime & Support Victims**

B **Expand Local Resources to Reduce Recidivism**

Generate Savings by Addressing Inefficiencies

C **Reduce Costly Inefficiencies in the Parole Process**

D **Increase Accountability & Improve CCC/CCFs**

Presentation Overview

Recap of Prior Interim Reports

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Increase Public Safety

A

Help Law Enforcement Deter Crime & Support Victims

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.

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, problem oriented policing, and to collaborate with local, state, or federal partners in order to better address specific jurisdictional challenges.
- Designate the other half to supporting statewide initiatives that will benefit all law enforcement agencies through cost-effective training strategies and improvements to criminal justice data systems.

Increase Public Safety

A

Help Law Enforcement Deter Crime & Support Victims

Continued

In focus groups, victim advocates and service providers indicated that, at the local level, the complexities of responding to the needs of victims and survivors are increasing as available resources are decreasing. At the state level, to help ensure resources are focused on the greatest needs of victims and survivors, advocates have developed an instrument, the Empowerment and Satisfaction Questionnaire (ESQ), to collect and analyze data on the impact of services.

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

- Provide funding through the Victim Services Advisory Committee (VSAC) to help meet priorities for victim services and develop performance standards.
- Target investments where the greatest level of victim and survivor need can be demonstrated through data-driven measures.

Increase Public Safety

B

Expand Local Resources to Reduce Recidivism

Pennsylvania is one of only nine states that incarcerate misdemeanants in prison. Because the lowest-level misdemeanants' average minimum sentence length is approximately four months, few are able to complete program requirements and receive timely parole consideration. As a result, most stay well beyond the minimum sentence, producing significant corrections costs and limiting the length of time they can be required to serve on parole supervision

Use prison for serious offenders and longer sentences.

- Require low-level misdemeanants (UM and M3 only) to 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.

B Expand Local Resources to Reduce Recidivism *Continued*

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.

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

- Fund counties who 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).

B Expand Local Resources to Reduce Recidivism *Continued*

Between 2000 and 2010, despite a 14 percent increase in the number of people on county probation and parole, the state share of funding decreased from 23 to 16 percent. Moreover, despite extensive information submitted annually from counties, key information on successful completion rates, use of evidence-based practices, and budgeting is unknown.

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.

B Expand Local Resources to Reduce Recidivism *Continued*

In 2011, $15 of the $18 million spent on County Intermediate Punishment (CIP) was used for intensive drug and alcohol treatment. Because a large share of the fund is used for residential treatment, a relatively small number of offenders is consuming a large share of the resources.

Examine CIP Effectiveness and Identify Ways to Increase the Number Receiving Treatment

- Require that, as a condition of receiving the grant, providers submit additional case-level data. Example requirements include length of the sentence that otherwise would have been served and amount of time participating in treatment, as well as the cost and risk and treatment level for each participant.
- Continue to evaluate whether program policies and protocols prioritize a suitable population and are cost-effectively delivering treatment and supervision.

Reduce Costly Inefficiencies

C

Reduce Inefficiencies in the Parole Process

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.

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.

Reduce Inefficiencies in the Parole Process *Continued*

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.

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 low 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.

Reduce Inefficiencies in the Parole Process *Continued*

In 2011, 2,493 people were released from prison to the street without anyone watching them. These "max out" cases are people who served their entire maximum sentence behind bars without a period of post-release supervision to follow. Of the max-outs, 904 were convicted of violent offenses, of whom 465 were convicted of sex offenses.

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.

Reduce Costly Inefficiencies

D

Increase Accountability & Improve CCC/CCFs

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 higher-risk offenders, avoiding the mixing of offender populations, and incorporating evidence-based practices in programming.

Eliminate "pre-release" and prioritize CCC and CCF placement for higher-risk offenders.

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

Reduce Costly Inefficiencies D

Increase Accountability & Improve CCC/CCFs

Continued

Approximately 15 percent, or 659 of Pennsylvania's 4,233 CCC and CCF beds, are occupied by technical parole violators (TPVs), and 2,090 are instead occupied by pre-release offenders. The shortage of these beds shifts the cost of sanctioning TPVs to prison. The current cost of sanctioning most TPVs in prison is approximately $97 million annually.

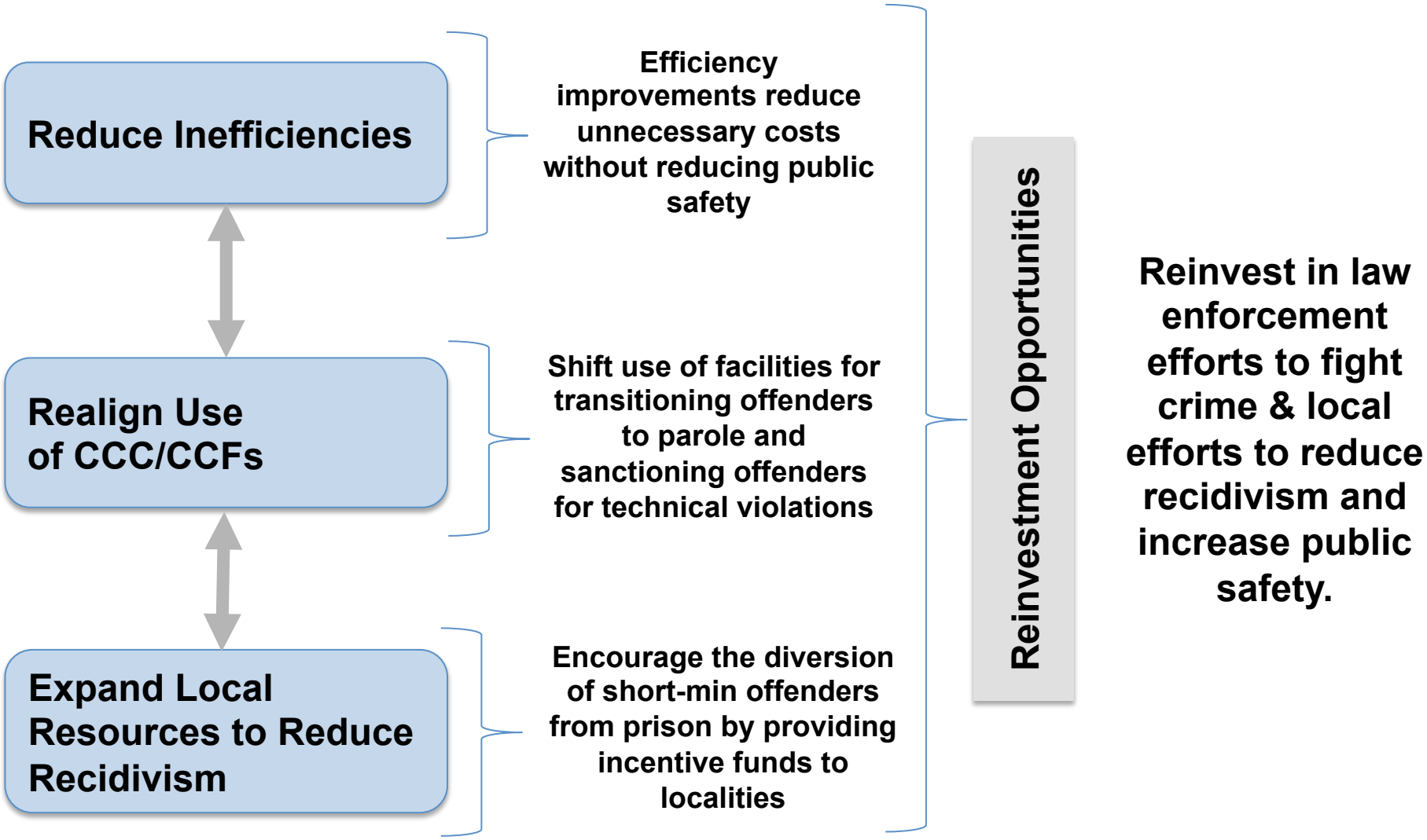
Respond to technical parole violations (TPVs) with more cost-effective sanctions.

- Redesign CCCs and CCFs as parole transition and violation centers using best practices to reduce recidivism and equip these centers to respond to TPVs with more cost-effective sanctions.
- 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.

Summary

Help Law Enforcement Deter Crime & Support Victims	Expand Local Resources to Reduce Recidivism	Reduce Inefficiencies in the Parole Process	Improve the Effectiveness of CCCs and CCFs
Launch a competitive grant program that provides resources and support for local law enforcement agencies	Use prison for serious offenders and longer sentences.	Set a joint goal to increase the number of parole board actions per month by 20 percent	Allow only people approved for parole and technical parole violators to be placed in CCCs and CCFs
Increase funding to the Victim Services Advisory Committee for statewide initiatives and community-based victim services.	Provide performance-driven funding to help counties divert the short-minimum sentence population.	Align resources and capacity to reduce use of prison for offenders approved for parole	Respond to technical parole violations (TPVs) with more cost-effective sanctions.
	Invest in strengthening the effectiveness of probation.		
	Examine CIP Effectiveness		

Maintaining Policies as a "Package" Critical for the Success of the Reinvestment Policy



Presentation Overview

Recap of Prior Interim Reports

Preliminary Framework of Options

Assessment of Potential Impact

Main Assumption to Estimate Impact Agreed with DOC and BPP Research Staff

Justice Center Developed Framework of Policy Options

Preliminary review with administration officials

Justice Center Developed Assumptions and Data Simulations

PA DOC and PBPP research staff reviewed and recommended modifications after consultation by agency officials

Potential Impact Estimated and Presented Here

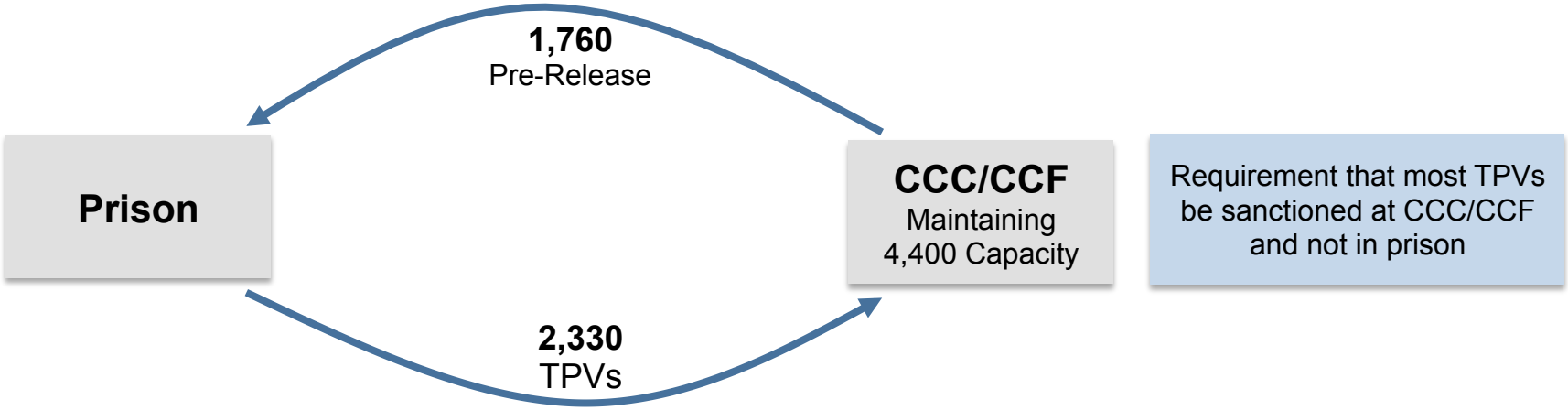
Key assumptions presented here with agreement on results between CSG Justice Center, DOC, and PBPP

Assumptions

Assumptions Agreed Upon with PA DOC and PA BPP

Policy Area	FY2013 Begin 1/1/2014	FY2014	FY2015	FY2016	FY2017
Divert M3 and UM	All	All	All	All	All
Short-Min Reduction Due to Incentive Funds (Yearly Commitment Decrease from 3,500 Baseline)	10% (350)	10% (350)	20% (700)	25% (875)	30% (1,050)
Increase Proportion of Parole Cases Heard (Target)	13%	13%	20%	20%	20%
Reduce Percentage of Population in Prison After Parole	6%	6%	23%	23%	35%
CCC/CCF Re-design and Cap TPV Time Served in Prison	None, 13 month average	None, 13 month average	None, 13 month average	Yes, 6 month average	Yes, 6 month average

Assumptions Regarding the Re-design of CCC/CCF



Reallocating Pre-Release Beds to TPVs

	TPVs in Prison	Cap for TPV in Prison	TPVs in CCC/CCF	Cap in CCC/CCF to Maintain Capacity
2013-2015	400	None 13 month average stay	2,330	5 months
2016 - 2017		6 months		6 months

Offenders with a sex offense as a controlling offense or a violation involving firearms, assaultive behaviors, or other serious condition violations can still be revoked to prison under this policy

Any surplus capacity in CCC/CCF will be filled with parolees waiting for housing plan approval

Assumptions Regarding Marginal and Full Prison Per Day Cost

Marginal Cost Calculation for Impact Analysis

Beds Saved	Cost Per Day Per Bed	Yearly Equivalent Per Bed
1-100	$15.98	$5,833
101-400	$28.67	$10,465
401-600	$71.44	$26,076
600+	$102.07	$37,256

Marginal cost for beds varies with the size of the reduction in the prison population and impact analysis accounts for this per table above

The overall savings are calculated after considering the interaction of all policies in the package

Source: PA DOC calculation of marginal costs at different levels of bed reduction.

Estimated Five Years Savings of Package

Five Year Savings Potential						
	FY2013	FY2014	FY2015	FY2016	FY2017	Total
Beds Saved	955	1,956	2,565	2,856	3,174	**$351 M** (Rounded)
Money Saved	$9,526,243	$59,955,036	$79,848,088	$89,380,657	$112,201,049	

($350,911,073)

Full Savings Includes Considerations of the Interactive Nature of These Policies

Financial Impact by Policy					
Policy	**2013**	**2014**	**2015**	**2016**	**2017**
Divert M3 and UM	$3,788,330	$26,955,762	$26,955,762	$26,955,762	$26,955,762
Short-Min Reduction Due to Incentive Funds	$1,224,405	$2,449,043	$12,166,875	$15,189,037	$26,075,159
Increase Proportion of Parole Cases Heard (Target)	$291,650	$1,551,648	$2,327,472	$2,327,472	$2,327,472
Reduce Percentage of Population in Prison After Parole	$297,483	$1,056,920	$10,456,316	$10,456,316	$22,390,586
CCC/CCF Re-design and Cap TPV Time Served in Prison	$3,924,375	$27,941,663	$27,941,663	$34,452,070	$34,452,070
Total	**$9,526,243**	**$59,955,036**	**$79,848,088**	**$89,380,657**	**$112,201,049**

($350,911,073)

Bed Impact

Bed Impacts by Policy					
Policy	**2013**	**2014**	**2015**	**2016**	**2017**
Divert M3 and UM	362	723	723	723	723
Short-Min Reduction Due to Incentive Funds	117	233	466	582	700
Increase Proportion of Parole Cases Heard (Target)	50	149	225	225	225
Reduce Percentage of Population in Prison After Parole	51	101	401	401	601
CCC/CCF Re-design and Cap TPV Time Served in Prison	375	750	750	925	925
Total	**955**	**1,956**	**2,565**	**2,856**	**3,174**

Pennsylvania Justice Reinvestment Policy Framework

Summary of Impact, Savings & Reinvestment

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

Work Plan Completed

1 Scope of Work

1. Crime & Arrest Analysis ✓
2. Sentencing & Corrections ✓
3. Parole Supervision & Programming to Reduce Recidivism ✓

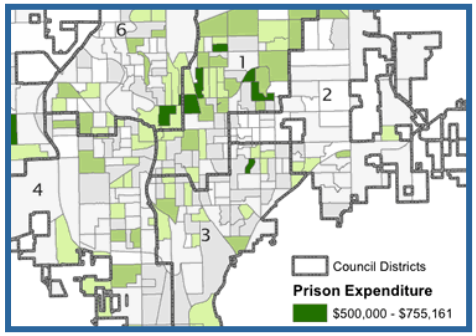
2 Working Group Meetings and Activity

✓ January	✓ February	✓ March	✓ April	✓ May
Initial Analyses	Follow-up Discussions with Members	Intermediate Analyses on Sentencing & Corrections	Second Intermediate Analyses on: Law Enforcement, and Parole & CC Facilities	Summary of Analyses & Policy Options

Next Step

3 Engagement Strategy for Adoption of Policies

- Working Group Consultation
- Stakeholder Engagement
- Administration and General Assembly Coordination



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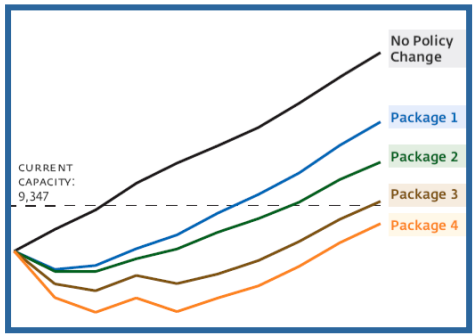

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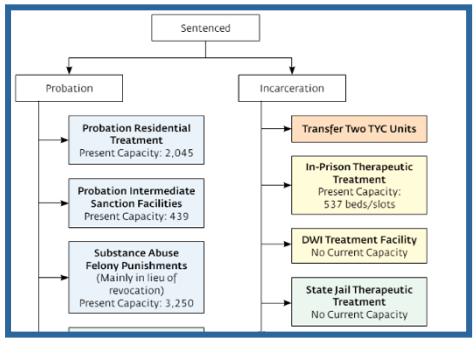

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