

# Pennsylvania Department of Corrections

## Recidivism Risk Reduction Incentive 2010 Report

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### Overview

*In accordance with Act 81 of 2008, which created the Recidivism Risk Reduction Incentive (RRRI), the Pennsylvania Department of Corrections (PA DOC) is required to provide the Judiciary Committees of the Pennsylvania General Assembly with a performance report in alternating years with the Pennsylvania Commission on Sentencing. This report provides current descriptive statistics and performance analysis of the RRRI.*

### Highlights

- Since November 2008, an estimated 5,060 offenders were admitted to PA DOC custody with a RRRI minimum sentence date. This represents 25.3% of all new PA DOC admissions.
- An inmate that enters PA DOC custody with a RRRI minimum sentence date is recommended for an average of 2.1 treatment programs during incarceration. The most commonly recommended treatment programming includes Violence Prevention, Therapeutic Community, and Outpatient Treatment. This treatment programming is in addition to education requirements for some offenders.
- An estimated 1,167 RRRI sentenced inmates have been released from PA DOC custody. Of those released with a RRRI minimum sentence, 63.7% were certified by the PA DOC as fulfilling the requirements for release at their RRRI minimum sentence.
- The average percent of minimum served for all offenders released on parole from the DOC in 2009 was 133%. The average percent of regular minimum served for the RRRI offenders released thus far was 100% or 138% of the shorter RRRI minimum sentence.
- Inmates with a RRRI minimum sentence, and those who were certified, had a higher rate of re-arrest (9.4% and 10.6%, respectively) compared to the comparison group (8.4%).
- Inmates who entered PA DOC custody with a RRRI minimum sentence were reincarcerated at a lower rate (9.6%) than the comparison group (10.2%). For those inmates who were RRRI certified, their rate of reincarceration was equal to that of the comparison group (10.5%).
- Through RRRI, the Commonwealth has saved approximately \$11.4 million (an estimated \$9,769 per RRRI inmate) due to reduced prison stays.
- RRRI has resulted in an estimated prison population reduction of 647 inmates as of December 31, 2010.

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## Background and Goals of RRRI

RRRI was created to give eligible non-violent offenders an incentive to behave well while incarcerated and participate in crime-reducing programming during incarceration. Offenders who successfully complete their programming are eligible to receive a reduced minimum sentence. The ultimate goal of RRRI is to help offenders remain crime free after release. Act 81 of 2008, which established RRRI, was signed into law on September 25, 2008 and became effective on November 24, 2008.

## Eligibility and Admission Process

Certain offenses, current or prior, preclude eligibility for RRRI. To be a candidate for RRRI, offenders must meet certain eligibility guidelines, including:

- No history of past or present violent behavior.
- Has not received a weapons enhancement sentence and has not been convicted of an offense involving a deadly weapon or an offense relating to firearms and other dangerous articles.
- Has not been convicted for a personal injury crime.
- Has not been convicted for violating any of the following: incest; open lewdness; sexual abuse of children; unlawful contact with a minor; sexual exploitation of children; internet child pornography; certain drug offenses committed with firearms resulting in a mandatory five year sentence; kidnapping; luring a child into a motor vehicle; institutional sexual assault; indecent assault; promoting prostitution; and other obscene or sexual materials and performances.
- Is not awaiting trial or sentencing for additional criminal charges if a conviction or sentence for the charges would render the offender ineligible.
- Has not been convicted of certain provisions related to drug trafficking.

It should be noted, however, that the RRRI legislation permits the prosecuting attorney to waive these eligibility requirements in some cases. This waiver can apply to a current or prior offense, and the waiver issue arises during the sentencing proceeding for the current offense. For all waivers, victims must be given an opportunity to provide input, and the court may refuse to accept the waiver.

Inmates are sentenced to RRRI after a series of steps have been completed:

Step 1 - The court determines whether the defendant is an eligible offender.

- Two minimum sentences are prescribed. One is the shorter RRRI minimum and the other is a longer regular minimum.

Step 2 - PA DOC verifies that the offender is eligible for RRRI.

- PA DOC conducts an assessment of the treatment needs and risks of the inmate.
- PA DOC develops a program plan that is appropriate for the offender based on their assessment.
- The offender is advised that he/she is required to successfully complete the program plan.
- PA DOC determines that the inmate continues to be an eligible offender and certifies the offender for RRRI release.

Step 3 - After completion of all required programming, the Pennsylvania Board of Probation and Parole (PBPP) verifies that the inmate meets guidelines for release. These guidelines include the following:

- The inmate has successfully completed all RRRI-required programming on the program plan.
- The inmate has maintained a good conduct record following imposition of the RRRI minimum sentence.
- The re-entry plan for the inmate is adequate.

- Individual conditions and requirements for parole have been established.
- Notice and opportunity to be heard was provided by PBPP to the sentencing court and the prosecuting attorney in a manner consistent with the legislation.
- There is no reasonable indication that the offender poses a risk to public safety.

### Description

RRRI enables eligible, non-violent offenders to reduce their minimum sentences if they complete recommended programs and maintain a positive prison adjustment. An inmate sentenced to a minimum of three years or less could earn release after serving 75% (3/4) of their minimum sentences. An inmate serving a sentence with a minimum expiration of three years or more could earn release after serving 83% (5/6) of their minimum sentence. The goal of RRRI is to promote good behavior inside the institution and ensure that the inmate participates in and completes programming designed to help him or her combat the criminality that led to his/her incarceration. While a number of offenders may be eligible to receive a RRRI sentence, only those certified by the PADOA as having completed all RRRI requirements may be released on the RRRI minimum sentence at the discretion of the Pennsylvania Board of Probation and Parole.

### Admissions

From the inception of RRRI in November 2008 through the end of September 2010, an estimated 5,060 offenders were admitted to PA DOC custody with a RRRI minimum sentence date. This represents 25.3% of all new PA DOC admissions.

Figure 1 shows the admission patterns by month since the first RRRI eligible inmates were received in November 2008.

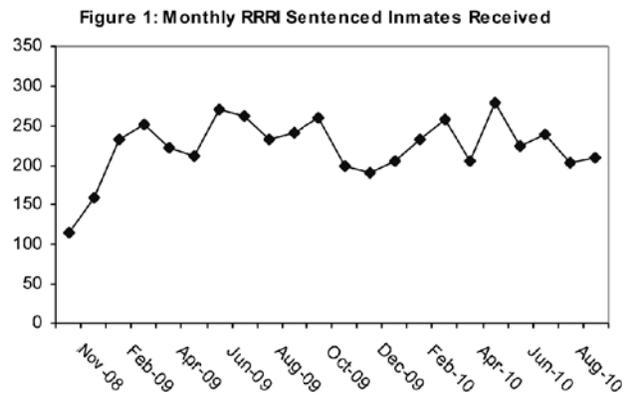
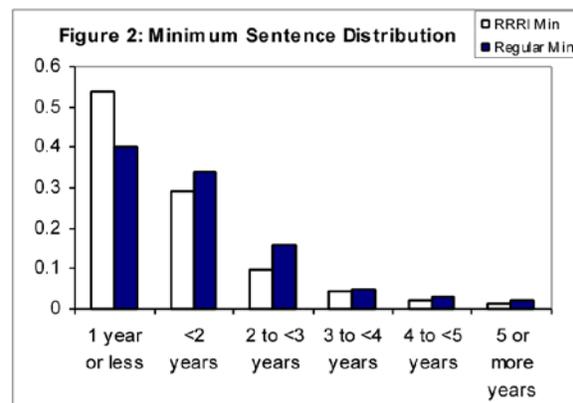


Table 1: Minimum Sentence Distribution for RRRI Admissions

Min Category	RRRI Min		Regular Min	
	#	%	#	%
1 year or less	2,711	54%	2,022	40%
<2 years	1,478	29%	1,692	34%
2 to <3 years	488	10%	791	16%
3 to <4 years	225	4%	274	5%
4 to <5 years	86	2%	171	3%
5 or more years	72	1%	110	2%
Total	5,060	100%	5,060	100%

As Table 1 and Figure 2 indicate, for all RRRI admissions, 54% had a RRRI minimum sentence length of one year or less and 40% had a regular minimum sentence length of one year or less. This suggests that a sizable percentage of RRRI eligible inmates are less serious offenders.

Table 2 (next page) presents eligibility and sentencing data by county since the start of RRRI in November 2008. Specifically, Table 2 indicates that the total number of eligible offenders for a RRRI sentence was 5,397 between November 2008 and September 2010. Of those 5,397 offenders, 94% (5,060) entered PA DOC custody with a RRRI minimum sentence. The eligibility statistic by county clearly shows that the counties were generally compliant with the mandatory RRRI sentencing. This analysis reveals that 48 of Pennsylvania's 67 counties have sentenced 100% of eligible offenders with RRRI minimum sentences. Of those counties with the largest numbers of offenders eligible to receive a RRRI minimum sentence, most achieved full compliance. This includes Berks, Dauphin, Montgomery, and Philadelphia counties. The county with a high number of eligible offenders but low sentenc-



\*Table 2: RRRRI Sentences by County

COUNTY	ELIGIBLE	RRRI	RRRI
	#	SENTENCED	SENTENCED
		#	%
ADAMS	104	104	100%
ALLEGHENY	174	173	99%
ARMSTRONG	16	16	100%
BEAVER	19	19	100%
BEDFORD	29	29	100%
BERKS	235	235	100%
BLAIR	102	102	100%
BRADFORD	27	11	41%
BUCKS	179	163	91%
BUTLER	56	56	100%
CAMBRIA	22	11	50%
CAMERON	2	1	50%
CARBON	6	6	100%
CENTRE	36	36	100%
CHESTER	142	142	100%
CLARION	30	30	100%
CLEARFIELD	81	81	100%
CLINTON	32	32	100%
COLUMBIA	24	24	100%
CRAWFORD	44	36	82%
CUMBERLAND	38	38	100%
DAUPHIN	229	229	100%
DELAWARE	319	214	67%
ELK	9	9	100%
ERIE	139	118	85%
FAYETTE	176	169	96%
FOREST	6	6	100%
FRANKLIN	75	75	100%
FULTON	8	8	100%
GREENE	27	27	100%
HUNTINGDON	13	13	100%
INDIANA	21	21	100%
JEFFERSON	22	22	100%
JUNIATA	9	9	100%
LACKAWANNA	178	178	100%
LANCASTER	189	142	75%
LAWRENCE	34	34	100%
LEBANON	84	84	100%
LEHIGH	128	120	94%
LUZERNE	118	117	99%
LYCOMING	103	89	86%
MCKEAN	23	16	70%
MERCER	52	52	100%
MIFFLIN	50	50	100%
MONTGOMERY	213	213	100%
MONROE	45	45	100%
MONTOUR	14	14	100%
NORTHAMPTON	128	92	72%
NORTHUMBERLAND	52	52	100%
PERRY	23	23	100%
PHILADELPHIA	819	819	100%
PIKE	41	24	59%
POTTER	6	6	100%
SCHUYLKILL	92	92	100%
SNYDER	19	19	100%
SOMERSET	25	25	100%
SULLIVAN	2	0	0%
SUSQUEHANNA	5	5	100%
TIOGA	18	18	100%
UNION	23	23	100%
VENANGO	60	60	100%
WARREN	42	42	100%
WASHINGTON	90	90	100%
WAYNE	25	25	100%
WESTMORELAND	41	29	71%
WYOMING	14	14	100%
YORK	190	183	96%
<b>TOTAL</b>	<b>5,397</b>	<b>5,060</b>	<b>94%</b>

ing rate was Delaware, with 319 eligible offenders but 67% RRRRI sentencing rate. Other counties with lower sentencing rates include Bradford (41%), Cambria (50%), Cameron (50%), McKean (70%), Pike (59%), and Sullivan (0%).

**Population**

As of September 30, 2010, there were 3,932 inmates in the PA DOC population who had a RRRRI minimum sentence date. Table 3 presents key demographic statistics on those participants. The average inmate with a RRRRI minimum sentence is a 33 year old white male who is incarcerated with a drug-related charge. The average RRRRI inmate is assessed as having a medium risk for criminally re-offending.

On average, an inmate that enters PA DOC custody with a RRRRI minimum sentence date is recommended for 2.1 treatment programs during incarceration. This treatment programming is in addition to education requirements for some offenders. Specifically, an estimated 38.0% of RRRRI-eligible inmates are recommended for Violence Prevention, 27.3% for a Therapeutic Community, 27.0% for a Short Minimum Therapeutic Community, 21.6% for a Short-Min Violence Prevention program, and 20.1% for Outpatient Treatment.

\*Table 3: Demographics of RRRRI Inmates

GENDER	Number	Percent
Male	3,361	85%
Female	571	15%
AGE	Number	Percent
Under 25	1,031	26%
25 to 39	1,915	49%
40 and Over	986	25%
RACE	Number	Percent
Black	1,343	34%
White	2,008	51%
Hispanic	552	14%
Other	29	1%
CURRENT OFFENSE	Number	Percent
Assault	32	1%
Burglary	327	8%
Drugs	2,157	55%
DUI	330	8%
Escape From Detention	56	1%
Forgery/Fraud	128	3%
Robbery	25	2%
Stolen Property/Theft	599	15%
Other	278	7%
CRIMINAL RISK	Number	Percent
Low Risk	1,065	27%
Medium Risk	1,858	48%
High Risk	968	25%
Missing	41	n/a

\* all figures are as of September 30, 2010

\*Since program inception through September 2010

## Releases

As of September 30, 2010, there have been a total of 1,167 inmates released from PA DOC custody who had a RRRRI minimum sentence date. Of those released with a RRRRI minimum sentence, Figure 3 shows that 63% were certified by the PA DOC as fulfilling the requirements for release at their RRRRI minimum sentence. A fairly large fraction (24%) of RRRRI releases to date have been released pending eligibility certification for RRRRI release. In addition, smaller percentages of inmates were decertified (6%) or had their request for certification withdrawn (7%).

As Table 4 indicates, the reasons for decertification were varied, but the most common reasons were adjustment issues (36%) and programming need (19%). Prison adjustment refers to prison misbehavior such as misconducts which would preclude an inmate from RRRRI eligibility. Other reasons for decertification included the inmate refusing to meet program requirements, new charges, having pending or prior charges, or having served the maximum sentence.

## Time Served

For the RRRRI inmates released as of September 30, 2010, they served approximately 138% of their RRRRI minimum sentence and 100% of their regular minimum sentence. A sizable portion (54%) of RRRRI eligible inmates enter the PA DOC with 12 months or less to serve until they are eligible for parole release. The combination of short sentences and required treatment and education programming contributes to some inmates not receiving RRRRI certification and therefore not being released at their RRRRI minimum sentence.

## Outcomes - Recidivism and Cost Savings

Table 5 denotes the six month recidivism rates for inmates entering PA DOC custody with a RRRRI minimum sentence as well as for a comparable group of offenders that did not receive a RRRRI minimum sentence. Two measures of recidivism are used in this table (re-arrest and reincarceration), and a comparison is provided for those who were RRRRI certified and those who were not. An explanation about the methodology used to determine these recidivism rates is available in Appendix A.

Figure 3: RRRRI Releases by Certification Type

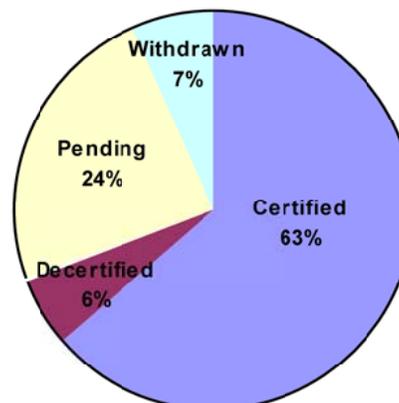


Table 4: Reasons for RRRRI Decertification

Reason	#	%
Adjustment	133	36%
Inmate Refused	31	8%
New Charges	8	2%
Other Programming	70	19%
Pending Charges	9	2%
Priors	32	9%
Served Max	10	3%
Other	77	21%
Total	370	100%

Table 5: Recidivism Rates

6-Month Recidivism Rates- RRRRI vs. Comparison Group		
	RRRI (n=489)	COMPARISON GROUP (n=2,735)
REARREST	9.4%	8.4%
REINCARCERATION	9.6%	10.2%
6-Month Recidivism Rates- RRRRI Certified vs. Comparison Group		
	RRRI (n=274)	COMPARISON GROUP (n=2,735)
REARREST	10.6%	8.4%
REINCARCERATION	10.5%	10.5%

Statistically significant lower rates denoted as: \*p<.05, \*\*p<.01

The analysis of re-arrest data indicates that those inmates with a RRRI minimum sentence, including just the subset of those who were certified, had a higher rate of re-arrest when compared to the comparison group. Specifically, the analysis found that inmates with a RRRI minimum sentence were re-arrested at a rate of 9.4%, compared to a re-arrest rate of 8.4% by the comparison group. Inmates who were RRRI certified had a re-arrest rate of 10.6% compared to 8.4% for the comparison group. These findings indicate that those who had a RRRI minimum sentence date and those who completed all requirements were re-arrested at a slightly higher rate than those who were not eligible for a RRRI minimum sentence. Of note, however, is that these differences were not statistically significant, meaning that we cannot say with a high degree of certainty whether the differences are genuine or merely the result of chance, and we will continue to monitor this.

The second area of recidivism analysis involved the rate of reincarceration. The analysis found that inmates entering the PA DOC with a RRRI minimum sentence were reincarcerated at a rate of 9.6% compared to a higher rate of 10.2% by the comparison group. This indicates that those inmates who were eligible for a RRRI minimum sentence were reincarcerated at a lower rate than the comparison group. For those inmates who were RRRI-certified, their rate of reincarceration was equal to that of the comparison group (10.5%). Again, these findings were not statistically significant and suggests there was minimal if any actual difference between the reincarceration rates of these groups.

Another measure of the success of RRRI is cost effectiveness. RRRI inmates who are compliant with their prescribed prison programming and maintain good behavior while in prison are eligible to be released at their earlier RRRI minimum sentence date. Even those who are not released right at their RRRI minimum date may still be released sometime between their RRRI minimum and their regular minimum. On average, inmates who are not sentenced to RRRI serve approximately 130% of their regular minimum sentence length. Thus, for the 1,167 RRRI inmates who were released from prison through September 2010, they have spent approximately 127,793 less total combined days in prison than it is estimated they would have otherwise served. This translates into a total cost savings to the Commonwealth of \$11.4 million (or approximately \$9,769 per RRRI inmate).

RRRI also has significant potential to reduce the PA DOC's overall prison population, saving valuable prison beds. Initially at the time that the RRRI legislation was passed, it was estimated that RRRI would reduce the PA DOC prison population by 408 inmates by December 31, 2010. Based on actual observed patterns of RRRI admissions and releases to date, RRRI has had a slightly greater impact than originally expected, with an estimated reduction in the prison population of 647 inmates as of December 31, 2010.

## Appendix A: Methodology

The PA DOC typically defines recidivism as return to state custody for any reason (e.g. parole violation, new offense, etc.). For the purposes of this evaluation, recidivism was operationalized in two ways: re-arrest and reincarceration. All recidivism rates in this report compare a group of RRRI sentenced offenders to a similarly matched comparison group. RRRI recidivism rates are reported for: 1) all RRRI sentenced inmates released from PA DOC custody through May 2010, and 2) just the sub-set of RRRI sentenced inmates who were certified by PA DOC as being eligible to be released at their RRRI minimum and were released from PA DOC custody through May 2010. Details of the comparison group are described below. Examination of reincarceration rates provides insight into whether RRRI is achieving the goal of reducing prison resources. Examination of re-arrest rates, on the other hand, serves more as a proxy of whether RRRI is actually controlling the criminal behavior of RRRI offenders. Re-arrest rates have an added advantage of allowing for a broader picture of recidivism by capturing reoffending that results in a county jail or intermediate sanction sentence, which would not be captured in reincarceration rates.

A primary challenge in developing this report was to form a comparison group of similar inmates who were not sentenced to RRRI. In essence we were looking for a pool of inmates who had been released from DOC custody and met the basic statutory requirements for a RRRI sentence but did not receive a RRRI minimum sentence. Since RRRI sentencing is mandatory for all eligible offenders under statute (although Table 2 of this report provides evidence that this is not always happening), we believe that an accurate comparison would be to look at offenders who were sentenced and released just prior to the passage of RRRI, in order to enhance comparability. Thus, we identified a group of inmates who: 1) were released from PA DOC custody during the six months just prior to the start of RRRI, and 2) had an offense which was a non-violent, RRRI eligible offense.

This comparison group was then further matched to the RRRI group using propensity score matching techniques in Stata v10 statistical software package. It has been demonstrated that in most cases propensity score matching is superior to traditional multivariate regression approach for estimating treatment effects where participants are non-randomly assigned to different groups, as is the case here. The two groups were matched on the following variables: age, race, gender, committing county, offense type, maximum sentence length, LSI-R criminal risk score, and RST criminal risk score. After the matching procedure, the two groups were found to be “balanced” (i.e., statistically equivalent) on all matching variables. We thus had a reasonably high degree of confidence in the equivalence of the two groups, based on all of the important variables that we were able to observe for the two groups.

Having formed the comparison group, we then were able to estimate the six month recidivism rates for both of the RRRI groups as well as for the comparison group, in accordance with reporting requirements for RRRI outlined in Act 81 of 2008. At this time it is not possible to calculate one, three, and five year recidivism rates, since very few RRRI inmates have been out of the prison for more than one year and none of the participants have been out for three years or longer. In order to calculate re-arrest rates, we examined official “rap sheet” data provided by the Pennsylvania State Police. Reincarceration rates were calculated by examining internal PA DOC databases to determine who had returned to PA DOC custody following their release.

The RRRI cost savings figures in this report were generated in the following manner. Current statistics reveal that inmates who are not sentenced to RRRI serve approximately 130% of their regular minimum sentence on average. For all 1,167 RRRI releases through September 2010, we calculated their actual time served in prison (release date minus admission date), as well as their expected time that they would have spent in prison had they not been sentenced to RRRI. We calculated each individual's expected time in prison by first calculating the time until their regular minimum sentence date (minimum sentence date minus admission date) and then multiplying this by 130% (regular minimum sentence \* 1.3). The difference between this actual time served and expected time served per individual thus became the basis for estimating our cost savings. By summing up the difference between actual and expected time served for all 1,167 RRRI releases, we found that approximately 127,793 bed-days were saved. Current PA DOC budget numbers indicate that the per diem cost of incarceration per inmate is approximately \$88.83 for a group size over 600 inmates. Thus, if we multiply the grand total

estimated bed-day savings for all 1,167 RRRI releases by \$88.83/day then we can estimate a total cost savings attributed to these 1,167 RRRI releases of approximately \$11.4 million (127,793 bed-days \* \$88.83/day). Dividing this figure by 1,167 generates an estimated cost savings per RRRI participant of \$9,769 (\$11.4 million total savings divided by 1,167 RRRI releases).

The population reduction estimates for RRRI were calculated using a simulation model built by PA DOC staff in Microsoft Excel. Any forecast of future prison population is a function of today's prison population (i.e., "stock population") plus two factors: 1) estimated future prison admissions, and 2) estimated time served. Using this basic formula, an initial forecast of the impact of RRRI on prison population was generated prior to, and in support of, the passage of the RRRI legislation. At that time, it was estimated that the PA DOC would receive approximately 317 inmates per month who would be eligible for RRRI. It was further conservatively assumed that only about 50% of these 317 inmates per month would actually be sentenced to RRRI. Thus, the PA DOC would receive approximately 159 RRRI admissions per month. It was also estimated that these RRRI cases would serve approximately 4.8 fewer months than they would have otherwise served. Based on the assumption of 159 monthly RRRI admissions and a reduction in time served of 4.8 months, the future reduction in prison population (on a monthly basis) could then be estimated. From these estimates, it was projected that by December 31, 2010, the DOC population would be reduced by 408 inmates as a result of RRRI.

At the end of 2010, however, actual RRRI performance data suggested larger than originally projected RRRI admissions per month, which would indicate a higher estimated population reduction by year-end 2010. Since the inception of RRRI, the actual number of monthly admissions to prison with a RRRI sentence averaged 225, which represents 66 more inmates per month receiving the benefit of RRRI than assumed for the original projection. Based on this, a revised projection was run using the same Excel simulation model. This resulted in a revised estimated population reduction by year-end 2010 of 647 inmates.



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*“Our mission is to protect the public by confining persons committed to our custody in safe, secure facilities, and to provide opportunities for inmates to acquire the skills and values necessary to become productive law-abiding citizens; while respecting the rights of crime victims.”*