

Pennsylvania Department of Corrections

Recidivism Risk Reduction Incentive 2014 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 14,115 offenders were admitted to PA DOC custody with a RRRI minimum sentence date. This represents 27.6% of all new PA DOC admissions.
- An inmate that enters PA DOC custody with a RRRI minimum sentence date is recommended for between 1 and 2 treatment programs during incarceration. The most commonly recommended treatment programming includes Therapeutic Community, Violence Prevention and Outpatient Treatment.
- An estimated 9,318 RRRI sentenced inmates have been released from PA DOC custody. Of those released with a RRRI minimum sentence, 77.0% were certified by the PA DOC as fulfilling the requirements for release at their RRRI minimum sentence.
- The average percent of regular minimum served for the RRRI offenders released thus far was 90% or 122% of the shorter RRRI minimum sentence.
- Inmates with a RRRI minimum sentence, and those who were certified, had lower rates of rearrest. The 3-year rearrest rate of the RRRI minimum sentence was 38.2% (4.7 percentage points lower than the comparison group). The 1-year (12.3%) and 3-year (33.7%) rearrest rates of the RRRI certified inmates were lower than the comparison group (14.8% and 42.1%, respectively).
- Inmates who entered PA DOC custody with a RRRI minimum sentence were reincarcerated at a higher 1-year rate (23.3%) than the comparison group (17.9%).
- Inmates with a RRRI minimum sentence had a significantly higher 1-year overall recidivism rate (30.5%) than the comparison group (26.6%). RRRI-certified inmates had a lower 3-year overall recidivism rate (44.9%) than the comparison group (53.4%).
- Through RRRI, the Commonwealth has saved approximately \$134.3 million (an estimated \$14,409 per RRRI inmate) due to reduced prison stays.
- RRRI has resulted in an estimated prison population reduction of 727 inmates by 2011 and thereafter.

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Background and Goals of RRR1

RRR1 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 RRR1 is to help offenders remain crime free after release. Act 81 of 2008, which established RRR1, was signed into law by Governor Rendell on September 25, 2008 and became effective on November 24, 2008.

Eligibility and Admission Process

Certain offenses, current or prior, preclude eligibility for RRR1. To be a candidate for RRR1, 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 RRR1 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 RRR1 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 RRR1 minimum and the other is a longer regular minimum.

Step 2 – PA DOC verifies that the offender is eligible for RRR1.

- 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 they are required to successfully complete the program plan.
- PA DOC determines that the inmate continues to be an eligible offender and certifies the offender for RRR1 release.

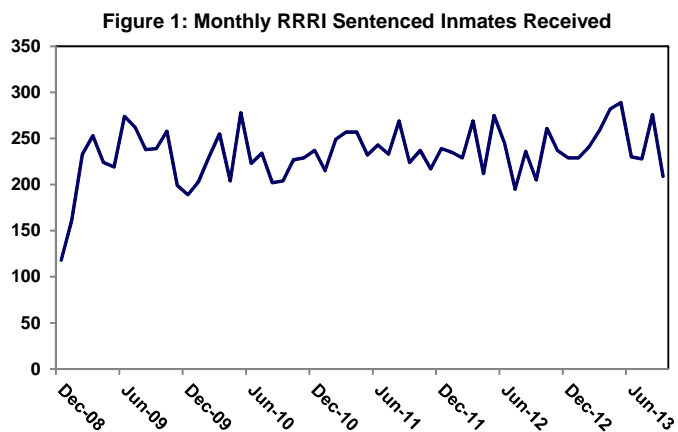
Step 3 – After completion of all required programming, the Pennsylvania Board of Probation and Parole (PBPP) verifies that the inmate meets guidelines for release. These guidelines include the following:

- The inmate has successfully completed all RRR1-required programming on the program plan.
- The inmate has maintained a good conduct record following imposition of the RRR1 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 their incarceration. While a number of offenders may be eligible to receive a RRRI sentence, only those certified by the PADOC 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 2013, an estimated 14,115 offenders were admitted to PA DOC custody with a RRRI minimum sentence date. This represents 27.6% of all new PA DOC admissions. Figure 1 shows the admission patterns by month since the first RRRI eligible inmates were received in December 2008. As Table 1 and Figure 2 indicate, for all RRRI admissions, 55% had a RRRI minimum sentence length of less than one year and 39% had a regular minimum sentence length of less than one year. This suggests that a sizable percentage of RRRI eligible inmates are receiving short sentences.

Table 1: Min Sentence Distribution for RRRI Admissions

Min Category	RRRI Min		Regular Min	
	#	%	#	%
1 year or less	7,763	55%	5,574	39%
<2 years	4,089	29%	4,902	35%
2 to <3 years	1,259	9%	2,125	15%
3 to <4 years	560	4%	732	5%
4 to <5 years	238	2%	456	3%
5 or more years	206	1%	326	3%
Total	14,115	100%	14,115	100%

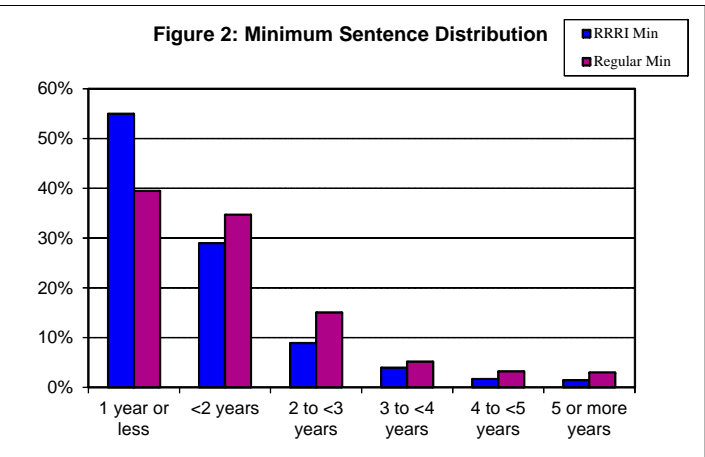


Table 2 (next page) presents eligibility and sentencing data by county since the start of RRRI in November 2008. Specifically, Table 2 indicates that the total number of eligible offenders for a RRRI sentence was 19,482 between November 2008 and September 2013. Of those, 11,366 offenders, (58%) entered PA DOC custody

*Table 2: RRR I Sentences by County				
COUNTY	ELIGIBLE		RRRI SENTENCED	
	#	#	#	%
ADAMS	312	251		80%
ALLEGHENY	858	381		44%
ARMSTRONG	41	34		83%
BEAVER	97	67		69%
BEDFORD	113	84		74%
BERKS	779	533		68%
BLAIR	321	221		69%
BRADFORD	129	38		29%
BUCKS	725	397		55%
BUTLER	193	135		70%
CAMBRIA	87	39		45%
CAMERON	9	7		78%
CARBON	54	24		44%
CENTRE	109	84		77%
CHESTER	529	336		64%
CLARION	62	51		82%
CLEARFIELD	217	155		71%
CLINTON	59	49		83%
COLUMBIA	67	38		57%
CRAWFORD	140	90		64%
CUMBERLAND	146	101		69%
DAUPHIN	601	393		65%
DELAWARE	1,338	529		40%
ELK	35	27		77%
ERIE	500	296		59%
FAYETTE	558	336		60%
FOREST	11	7		64%
FRANKLIN	229	175		76%
FULTON	24	18		75%
GREENE	56	41		73%
HUNTINGDON	82	64		78%
INDIANA	76	54		71%
JEFFERSON	158	112		71%
JUNIATA	24	17		71%
LACKAWANNA	748	439		59%
LANCASTER	725	471		65%
LAWRENCE	113	72		64%
LEBANON	251	179		71%
LEHIGH	582	303		52%
LUZERNE	319	194		61%
LYCOMING	392	260		66%
MCKEAN	118	76		64%
MERCER	180	123		68%
MIFFLIN	81	72		89%
MONTGOMERY	741	437		59%
MONROE	296	207		70%
MONTOUR	25	17		68%
NORTHAMPTON	434	204		47%
NORTHUMBERLAND	174	118		68%
PERRY	48	38		79%
PHILADELPHIA	3,313	1,517		46%
PIKE	142	76		54%
POTTER	26	15		58%
SCHUYLKILL	241	175		73%
SNYDER	61	34		56%
SOMERSET	115	75		65%
SULLIVAN	9	7		78%
SUSQUEHANNA	24	18		75%
TIOGA	71	59		83%
UNION	68	47		69%
VENANGO	156	122		78%
WARREN	131	98		75%
WASHINGTON	203	148		73%
WAYNE	78	52		67%
WESTMORELAND	220	120		55%
WYOMING	56	37		66%
YORK	602	372		62%
TOTAL	19,482	11,366		58%

*Since Program Inception through September 2013

with a RRR I minimum sentence. Since our last report in 2011, the RRR I eligibility calculation has been modified and improved. More importantly, now the RRR I program does not seem to be utilized as much as had been previously reported. There were another 2,748 inmates with a RRR I sentence in addition to the inmates in the "RRR I Sentenced" column on Table 2, who were admitted to PA DOC with a RRR I sentence date during this same time frame. These additional inmates may have had their eligibility requirements waived or did not appear eligible due to the limitations of the data available.

Population

As of September 30, 2013, there were 5,382 inmates in the PA DOC population who had a RRR I minimum sentence date. Table 3 presents key demographic statistics on those participants. The average inmate with a RRR I minimum sentence is a 35 year old white male who is incarcerated with a drug-related charge. The average RRR I inmate is assessed as having a medium risk for criminally re-offending.

*Table 3: Demographics of RRR I Inmates		
GENDER	Number	Percent
Male	4,696	87%
Female	686	13%
AGE	Number	Percent
Under 25	896	17%
25 to 39	2,386	44%
40 and Over	2,100	39%
RACE	Number	Percent
Black	1,721	32%
White	2,844	53%
Hispanic	784	14%
Other	33	1%
CURRENT OFFENSE	Number	Percent
Assault	61	1%
Burglary	636	12%
Drugs	2,695	50%
DUI	344	6%
Escape From Deten-	62	1%
Forgery/Fraud	127	3%
Robbery	53	1%
Stolen Property/Theft	866	16%
Other	538	10%
CRIMINAL RISK	Number	Percent
Low Risk	1,194	22%
Medium Risk	2,700	50%
High Risk	1,365	26%
Missing	123	2%

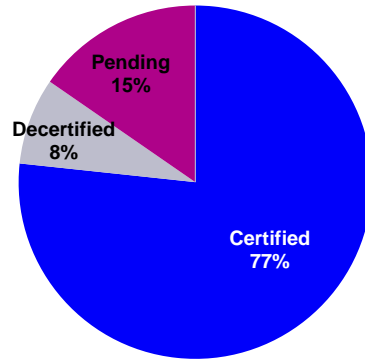
* all figures are as of September 30, 2013

On average, an inmate who enters PA DOC custody with a RRRI minimum sentence date is recommended for between 1 and 2 treatment programs during incarceration. This treatment programming is in addition to education requirements for some offenders. Specifically, an estimated 35.1% of RRRI-sentenced inmates are recommended for a Therapeutic Community, 32.9% for Violence Prevention, 14.9% for Outpatient Treatment, 9.0% for Thinking for a Change, and 8.0% for Batterers Intervention.

Releases

As of September 30, 2013, there have been a total of 9,318 inmates released from PA DOC custody who had a RRRI minimum sentence date. Of those released with a RRRI minimum sentence, Figure 3 shows that 77% were certified by the PA DOC as fulfilling the requirements for release at their RRRI minimum sentence. A fairly large fraction (15%) of RRRI releases to date have been released pending eligibility certification for RRRI release and a smaller percentage of inmates were decertified (8%).

Figure 3: RRRI Releases by Certification Type



As Table 4 indicates, the reasons for decertification were varied, but the most common reasons were adjustment issues (44%) and other (34%). Prison adjustment refers to prison misbehavior such as misconducts which would preclude an inmate from RRRI eligibility. Other reasons for decertification included program non-compliance, new charges, or having served the maximum sentence.

Reason	#	%
Adjustment	621	44%
Program Non-Compliance	244	17%
New Charges	26	2%
Served Max	40	3%
Other	479	34%
Total	1,410	100%

Time Served

For the RRRI inmates released as of September 30, 2013, they served approximately 122% of their RRRI minimum sentence and 90% of their regular minimum sentence. A sizable portion (57%) of RRRI eligible inmates enter the PA DOC with short minimum sentences. The combination of short sentences and required treatment and education programming contributes to some inmates not receiving RRRI certification and therefore not being released at their RRRI minimum sentence.

Outcomes – Recidivism and Cost Savings

Table 5 denotes the six month, 1-year and 3-year recidivism rates for inmates entering PA DOC custody with a RRRI minimum sentence as well as for a comparable group of offenders that did not receive a RRRI minimum sentence. Three measures of recidivism are used in this table (rearrest, reincarceration, and overall recidivism), and a comparison is provided for those who were RRRI certified and those who were not. An explanation about the methodology used to determine these recidivism rates is available in Appendix A.

Table 5: Recidivism Rates						
Recidivism Rates - RRR1 vs. Comparison Group						
	6-Month Recidivism		1-Year Recidivism		3-Year Recidivism	
	RRRI n=8,096	Comparison n=2,735	RRRI n=6,524	Comparison n=2,735	RRRI n=1,365	Comparison n=2,735
Rearrest	8.7%	8.1%	16.3%	16.2%	38.2%*	42.9%
Reincarceration	12.0%	10.3%	23.3%**	17.9%	37.1%	34.6%
Overall Recidivism	17.0%	15.2%	30.5%**	26.6%	50.9%	55.2%
Recidivism Rates - RRR1 Certified vs. Comparison Group						
	6-Month Recidivism		1-Year Recidivism		3-Year Recidivism	
	RRRI n=5,529	Comparison n=2,735	RRRI n=4,337	Comparison n=2,735	RRRI n=820	Comparison n=2,735
Rearrest	6.5%	6.3%	12.3%*	14.8%	33.7%**	42.1%
Reincarceration	8.7%	8.6%	16.1%	15.7%	31.1%	33.5%
Overall Recidivism	12.6%	12.9%	22.3%	23.3%	44.9%**	53.4%

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

The recidivism analysis of rearrest data indicates that those inmates with a RRR1 minimum sentence, including just the subset of those who were certified, had significantly lower rates of rearrest when compared to the comparison group. Specifically, the analysis found that inmates with a RRR1 minimum sentence were rearrested at a 3-year rate of 38.2%, compared to a 3-year rearrest rate of 42.9% by the comparison group. Inmates who were RRR1 certified had a 1-year rearrest rate of 12.3% compared to 14.8% for the comparison group. Also, the RRR1-certified inmates had a significantly lower 3-year rate of 33.7%, compared to 42.1%. In some comparisons, the RRR1 rearrest rate appeared higher than the comparison group, but in these cases it was not a statistically meaningful difference.

The second area of recidivism analysis involved the rate of reincarceration. The analysis found that inmates entering the PA DOC with a RRR1 minimum sentence were reincarcerated at a 1-year rate of 23.3% compared to a lower 1-year rate of 17.9% by the comparison group. For those inmates who were RRR1-certified, their rates of reincarceration were not significantly different from the reincarceration rates of the comparison group, suggesting minimal if any actual difference between the reincarceration rates of these groups.

The third area of recidivism analysis involved the rate of overall recidivism, combining both rearrest and reincarceration rates. The analysis found that RRR1 inmates had a 1-year overall recidivism rate of 23.3%, significantly higher than the comparison group's 1-year overall recidivism rate of 17.9%. When looking at the RRR1-certified inmates, the 3-year overall recidivism rate was 44.9%, significantly lower than the 3-year overall recidivism rate (53.4%) of the comparison group. All other overall recidivism rates were not different at a statistically significant level, meaning that we cannot say with a high degree of certainty whether the differences are genuine or merely the result of chance, and thus from a statistical standpoint should conclude that the rates are equal.

In summary, recidivism figures for RRR1 paint a mixed picture. Overall, the safest assumption from this data is that RRR1 appears to neither appreciably lower nor raise recidivism rates compared to similarly situated non-RRR1 sentenced inmates.

Another measure of the success of RRR1 is cost effectiveness. RRR1 inmates who are compliant with their prescribed prison programming and maintain good behavior while in prison are eligible to be released at their earlier RRR1 minimum sentence date. Even those who are not released right at their RRR1 minimum date may still be released sometime between their RRR1 minimum and their regular minimum. On average, inmates who are not sentenced to RRR1 serve approximately 130% of their regular minimum sentence length. Thus, for the 9,318 RRR1 inmates who were released from prison through September 2013, they have spent approximately 1.4 million 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 \$134.3 million (or approximately \$14,409 per RRRI inmate).

RRRI also has significant potential to reduce the PA DOC's overall prison population, saving valuable prison beds. Based on 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 727 inmates by 2011 and thereafter.

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 three ways: rearrest, reincarceration, and overall recidivism. 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 2013, 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 2013. 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 rearrest rates, on the other hand, serves more as a proxy of whether RRRI is actually controlling the criminal behavior of RRRI offenders. Rearrest 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. Overall recidivism combines these two measures to get a fuller picture of the state of recidivism in Pennsylvania.

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 felt 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. However, we acknowledge that this comparison group's primary weakness is that the time difference (about 5 years old) may now be confounding the results. Un-modeled overall recidivism rates appeared to be increasing slowly in the 2013 Recidivism Report.

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, and LSI-R 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 6-month, 1-year, and 3-year 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. In order to calculate rearrest 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. Overall recidivism is measured as the first instance of any type of rearrest or reincarceration after the inmate's release from prison.

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 9,318 RRRI releases through September 2013, 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 9,318 RRRI releases, we found that approximately 1.4 million bed-days were saved. Current PA DOC budget numbers indicate that the per diem cost of incarceration per inmate is approximately \$97.46 for a group size over 600 inmates. Thus, if we multiply the grand total estimated bed-day savings for all 9,318 RRRI releases by \$97.46/day then we can estimate a total cost savings attributed to these 9,318 RRRI releases of approximately \$134.3 million (1.4 bed-days * \$97.46/day). Dividing this figure by 9,318 generates an estimated cost savings per RRRI participant of \$14,409 (\$134.3 million total savings divided by 9,318 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. At the end of 2013, actual RRRI performance data suggested larger than originally projected RRRI admissions per month, which would indicate a higher estimated population reduction by year-end 2013. Since the inception of RRRI, the actual number of monthly admissions to prison with a RRRI sentence averaged 242. Further, RRRI data suggests that RRRI sentenced inmates spend an average of approximately 3 months less in prison than a comparable group of inmates who appear RRRI eligible but are not sentenced with a RRRI minimum date. Based on these assumptions, it is estimated that RRRI reduced the DOC population by 727 inmates by calendar year 2011 and thereafter.



The Pennsylvania Department of Corrections operates as one team, embraces diversity, and commits to enhancing Public Safety. We are proud of our reputation as leaders in the corrections field. Our mission is to reduce criminal behavior by providing individualized treatment and education to offenders, resulting in successful community reintegration through accountability and positive change.