

# Pennsylvania Department of Corrections

## Recidivism Risk Reduction Incentive 2012 Report

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January 2012

### 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 RRRI.*

### Highlights

- Since November 2008, an estimated 8,076 offenders were admitted to PA DOC custody with a RRRI minimum sentence date. This represents 26.2% 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 3,466 RRRI sentenced inmates have been released from PA DOC custody. Of those admitted with a RRRI minimum sentence who were subsequently released, 72.0% were certified by the PA DOC as fulfilling the requirements to be released at their RRRI minimum sentence.
- The average percent of minimum served for all offenders released on parole from the DOC is approximately 130%. The average percent of regular minimum served for the RRRI offenders released thus far was 96%, or 133% of the shorter RRRI minimum sentence.
- Inmates with a RRRI minimum sentence, and those who were certified, had a slightly lower rate of re-arrest after one year (16.1% and 15.0%, respectively) compared to the comparison group (16.9% and 15.9%, respectively).
- Inmates who entered PA DOC custody with a RRRI minimum sentence and those who were certified were reincarcerated at a higher rate after one year (21.6% and 22.6%, respectively) than the comparison group (18.9% and 19.0%, respectively).
- Through RRRI, the Commonwealth has saved approximately \$37.1 million (an estimated \$10,693 per RRRI inmate) due to reduced prison stays.
- RRRI has resulted in an estimated prison population reduction of 1,628 inmates as of December 31, 2011.

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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.

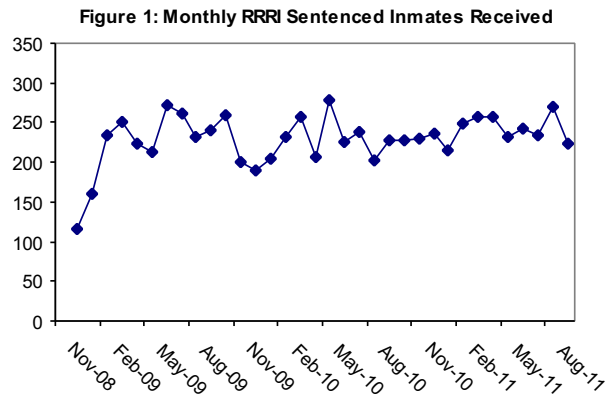
**Description**

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 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 2011, an estimated 8,076 offenders were admitted to PA DOC custody with a RRRI minimum sentence date. This represents 26.2% 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.

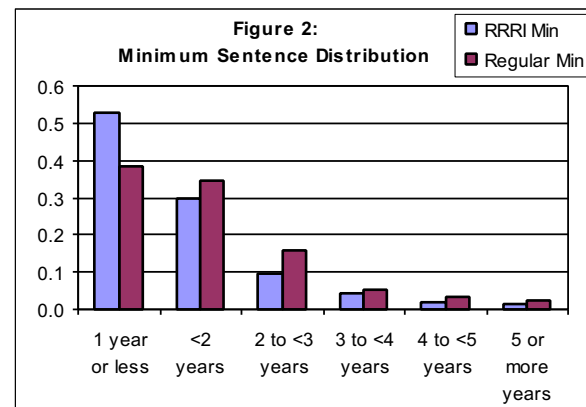


As Table 1 and Figure 2 indicate, for all RRRI admissions, 53% had a RRRI minimum sentence length of one year or less and 39% had a regular minimum sentence length of one year or less. This suggests that a sizable percentage of RRRI eligible inmates are less serious offenders.

**Table 1: Minimum Sentence Distribution for RRRI Admissions**

Min Category	RRRI Min		Regular Min	
	#	%	#	%
1 year or less	4,283	53%	3,113	39%
<2 years	2,414	30%	2,790	35%
2 to <3 years	768	10%	1,276	16%
3 to <4 years	337	4%	425	5%
4 to <5 years	151	2%	278	3%
5 or more years	123	2%	194	2%
<b>Total</b>	<b>8,076</b>	<b>100%</b>	<b>8,076</b>	<b>100%</b>

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 8,645 between November 2008 and September 2011. Of those 8,645 offenders, 93% (8,076) 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 50 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 Allegheny, Berks, Dauphin, and Philadelphia counties. The county with a high number of eligible offenders but low sentencing



\*Table 2: RRRI Sentences by County

COUNTY	RRRI SENTENCED		RRRI
	#	#	%
ADAMS	171	171	100%
ALLEGHENY	314	314	100%
ARMSTRONG	24	24	100%
BEAVER	41	41	100%
BEDFORD	41	41	100%
BERKS	386	386	100%
BLAIR	159	159	100%
BRADFORD	42	15	36%
BUCKS	301	301	100%
BUTLER	81	81	100%
CAMBRIA	36	24	67%
CAMERON	3	3	100%
CARBON	12	8	67%
CENTRE	58	58	100%
CHESTER	249	249	100%
CLARION	41	41	100%
CLEARFIELD	120	120	100%
CLINTON	42	42	100%
COLUMBIA	35	35	100%
CRAWFORD	65	59	91%
CUMBERLAND	67	67	100%
DAUPHIN	353	353	100%
DELAWARE	509	339	67%
ELK	19	19	100%
ERIE	222	193	87%
FAYETTE	256	237	93%
FOREST	7	7	100%
FRANKLIN	118	118	100%
FULTON	14	14	100%
GREENE	37	37	100%
HUNTINGDON	30	30	100%
INDIANA	29	29	100%
JEFFERSON	43	43	100%
JUNIATA	12	12	100%
LACKAWANNA	349	349	100%
LANCASTER	288	272	94%
LAWRENCE	64	64	100%
LEBANON	130	130	100%
LEHIGH	221	214	97%
LUZERNE	155	155	100%
LYCOMING	163	155	95%
MCKEAN	51	48	94%
MERCER	86	86	100%
MIFFLIN	62	62	100%
MONTGOMERY	347	347	100%
MONROE	276	82	30%
MONTOUR	15	15	100%
NORTHAMPTON	175	146	83%
NORTHUMBERLAND	83	83	100%
PERRY	31	31	100%
PHILADELPHIA	1,142	1,142	100%
PIKE	62	41	66%
POTTER	10	10	100%
SCHUYLKILL	134	134	100%
SNYDER	23	23	100%
SOMERSET	41	41	100%
SULLIVAN	2	2	100%
SUSQUEHANNA	16	16	100%
TIOGA	26	26	100%
UNION	30	30	100%
VENANGO	83	83	100%
WARREN	59	56	95%
WASHINGTON	164	164	100%
WAYNE	41	41	100%
WESTMORELAND	79	70	89%
WYOMING	20	20	100%
YORK	280	268	96%
<b>TOTAL</b>	<b>8,645</b>	<b>8,076</b>	<b>93%</b>

\*Since program inception through September 2011

rate was Delaware, with 509 eligible offenders but 67% RRRI sentencing rate. Other counties with lower sentencing rates include Monroe (30%), Bradford (36%), Pike (66%), Cambria (67%), and Carbon (67%).

### Population

As of September 30, 2011, there were 4,882 inmates in the PA DOC population who had a RRRI minimum sentence date. Table 3 presents key demographic statistics on those participants. The average inmate with a RRRI minimum sentence is a 34 year old white male who is incarcerated with a drug-related charge. The average RRRI inmate is assessed as having a medium risk for criminally re-offending.

On average, an inmate who enters PA DOC custody with a RRRI 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 RRRI-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 RRRI Inmates

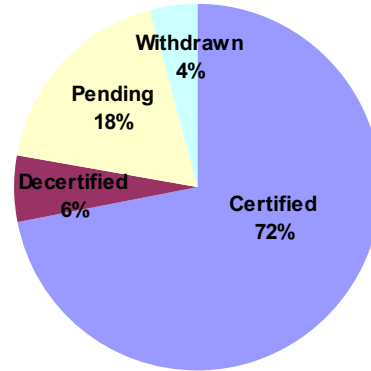
GENDER	Number	Percent
Male	4,232	87%
Female	650	13%
AGE	Number	Percent
Under 25	975	20%
25 to 39	2,571	53%
40 and Over	1,336	27%
RACE	Number	Percent
Black	1,665	34%
White	2,471	51%
Hispanic	717	14%
Other	29	1%
CURRENT OFFENSE	Number	Percent
Assault	38	1%
Burglary	473	10%
Drugs	2,570	52%
DUI	353	7%
Escape From Detention	68	1%
Forgery/Fraud	189	4%
Robbery	43	1%
Stolen Property/Theft	720	15%
Other	428	9%
CRIMINAL RISK	Number	Percent
Low Risk	1,320	28%
Medium Risk	2,336	48%
High Risk	1,111	25%
Missing	115	n/a

\* all figures are as of September 30, 2011

## Releases

As of September 30, 2011, there have been a total of 3,466 inmates released from PA DOC custody who had a RRR minimum sentence date. Of those released with a RRR minimum sentence, Figure 3 shows that 72% were certified by the PA DOC as fulfilling the requirements for release at their RRR minimum sentence. A fairly large fraction (18%) of RRR releases to date have been released pending eligibility certification for RRR release. In addition, smaller percentages of inmates were decertified (6%) or had their request for certification withdrawn (4%).

Figure 3: RRR Releases by Certification Type



As Table 4 indicates, the reasons for decertification were varied, but the most common reasons were adjustment issues (29%) and programming need (24%). Prison adjustment refers to prison misbehavior such as misconducts which would preclude an inmate from RRR 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.

Reason	#	%
Adjustment	224	29%
Inmate Refused	56	7%
New Charges	14	2%
Other Programming	183	24%
Pending Charges	19	2%
Priors	43	5%
Served Max	13	2%
Other	222	29%
Total	774	100%

## Time Served

For the RRR inmates released as of September 30, 2011, they served approximately 133% of their RRR minimum sentence and 96% of their regular minimum sentence. A sizable portion (53%) of RRR 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 RRR certification and therefore not being released at their RRR minimum sentence.

## Outcomes - Recidivism and Cost Savings

Table 5 denotes the 6-month and 1-year recidivism rates for inmates entering PA DOC custody with a RRR minimum sentence as well as for a comparable group of offenders that did not receive a RRR minimum sentence. Two measures of recidivism are used in this table (re-arrest and reincarceration), and a comparison is provided for those who were RRR certified and those who were not. An explanation about the methodology used to determine these recidivism rates is available in Appendix A.

Recidivism Rates- RRR vs. Comparison Group				
	6-Month Recidivism		1-Year Recidivism	
	RRRI (n=2,680)	COMPARISON (n=2,670)	RRRI (n=1,620)	COMPARISON (n=2,670)
REARREST	7.8%	8.3%	16.1%	16.9%
REINCARCERATION	11.2%	9.2%	21.6%	18.9%
Recidivism Rates- RRR Certified vs. Comparison Group				
	6-Month Recidivism		1-Year Recidivism	
	RRRI (n=1,891)	COMPARISON (n=2,670)	RRRI (n=1,071)	COMPARISON (n=2,670)
REARREST	7.7%	8.5%	15.0%	15.9%
REINCARCERATION	11.4%	8.8%	22.6%*	19.0%

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

The analysis of re-arrest data indicates that those inmates with a RRR minimum sentence, including just the subset of those who were certified, had a slightly lower rate of re-arrest when compared to the comparison group. Specifically, the analysis found that the inmates with a RRR minimum sentence had a 6-month re-arrest rate of 7.8% and a 1-year re-arrest rate of 16.1%, compared to a 6-month re-arrest rate of 8.3% and a 1-year re-arrest rate of 16.9% for the comparison group. Inmates who were RRR certified had a 6-month re-arrest rate of 7.7% and a 1-year re-arrest rate of 15.0%, compared to a 6-month re-arrest rate of 8.5% and a 1-year re-arrest rate of 15.9% for the comparison group. These findings indicate that those who had a RRR minimum sentence date as well as those who completed all requirements for RRR were re-arrested at a slightly lower rate than a comparable group of offenders who did not receive the benefit of RRR sentencing. 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 thus from a statistical standpoint must conclude that the rates are equal.

The second area of recidivism analysis involved the rate of reincarceration. The analysis found that inmates entering the PA DOC with a RRR minimum sentence were reincarcerated at a slightly higher rate than a comparable non-RRR group. Specifically, RRR inmates had a 6-month reincarceration rate of 11.2% and a 1-year reincarceration rate of 21.6%, compared to a 6-month reincarceration rate of 9.2% and a 1-year reincarceration rate of 18.9% for the comparison group. For the subset of RRR inmates who were certified as completing the requirements of RRR, they had a 6-month reincarceration rate of 11.4% and a 1-year reincarceration rate of 22.6%, compared to a 6-month reincarceration rate of 8.8% and a 1-year reincarceration rate of 19.0% for the comparison group. Again, most of these findings were not statistically significant and suggests there was minimal if any actual difference between the reincarceration rates of these groups. One noted exception, however, was the 1-year reincarceration rate for the RRR certified group, which demonstrated a statistically significant higher reincarceration rate than that of the comparison group.

Another measure of the success of RRR is cost effectiveness. RRR inmates who are compliant with their prescribed prison programming and maintain good behavior while in prison are eligible to be released at their earlier RRR minimum sentence date. Even those who are not released right at their RRR minimum date may still be released sometime between their RRR minimum and their regular minimum. On average, inmates who are not sentenced to RRR serve approximately 130% of their regular minimum sentence length. Thus, for the 3,466 RRR inmates who were released from prison through September 2011, they have spent approximately 417,227 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 \$37.1 million (or approximately \$10,693 per RRR inmate).

RRR also has significant potential to reduce the PA DOC's overall prison population, saving valuable prison beds. Initially at the time that the RRR legislation was passed, it was estimated that RRR would reduce the PA DOC prison population by 971 inmates by December 31, 2011. Based on actual observed patterns of RRR admissions and releases to date, RRR has had a slightly greater impact than originally expected, with an estimated reduction in the prison population of 1,628 inmates as of December 31, 2011.

## 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 2011, 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 2011. 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 one year and 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 three, and five year recidivism rates, since very few RRRI inmates have been out of the prison for three years or more. 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 3,466 RRRI releases through September 2011, 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 3,466 RRRI releases, we found that approximately 417,227 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 3,466 RRRI releases by \$88.83/day then we can estimate a total cost

savings attributed to these 3,466 RRRI releases of approximately \$37.1 million (417,227 bed-days \* \$88.83/day). Dividing this figure by 3,466 generates an estimated cost savings per RRRI participant of \$10,693 (\$37.1 million total savings divided by 3,466 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, 2011, the DOC population would be reduced by 408 inmates as a result of RRRI.

At the end of 2011, 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 2011. The actual number of monthly admissions to prison with a RRRI sentence has averaged 238, which represents 79 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 2011 of 1,628 inmates.



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*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.*