

# Justice Reinvestment in Pennsylvania

## Overview

FEBRUARY 2016

## Background

From 2011 to 2012, the Commonwealth of Pennsylvania employed a “justice reinvestment” approach to reduce corrections spending and reinvest savings in strategies to reduce recidivism and improve public safety. In 2012, the state enacted legislation based on a justice reinvestment policy framework (Act 122 and Act 196).<sup>1</sup> Since that time, state agencies and other criminal justice system stakeholders have made policy implementation a priority. These policies have helped Pennsylvania reduce inefficiencies in the parole and corrections systems, develop responses to major parole violations that include short periods of incarceration followed by supervision and treatment, as necessary, and transform state-funded community corrections programs to better reduce recidivism. As a result of these and other policy reforms, the state has experienced a decrease in the prison population, averting significant corrections costs.<sup>2</sup>

Despite the declining prison population and averted corrections costs, however, Pennsylvania has the highest rate of incarcerated adults in the Northeast and spends more than \$2 billion annually on corrections.<sup>3</sup> Over the last decade, other northeastern states, including New York and New Jersey, have seen their incarceration rates fall. Pennsylvania now seeks to make further improvements to its criminal justice system that will help generate greater savings for reinvestment in public safety strategies.

In October 2015, Governor Tom Wolf, Chief Justice Thomas Saylor, Senate President Pro Tempore Joseph Scarnati, House Speaker Mike Turzai, and Department of Corrections Secretary John Wetzel requested support from the U.S. Department of Justice’s Bureau of Justice Assistance (BJA) and The Pew Charitable Trusts (Pew) to employ a justice reinvestment approach to build on prior successes. As public-private partners in the Justice Reinvestment Initiative (JRI),

BJA and Pew approved Pennsylvania’s request and asked The Council of State Governments (CSG) Justice Center to provide intensive technical assistance to help collect and analyze data and develop appropriate policy options for the state that are designed both to increase public safety and reduce corrections spending.

To study the state’s criminal justice system and address the high incarceration rate, among other issues, Pennsylvania leaders established the bipartisan, interbranch Justice Reinvestment Working Group under the Pennsylvania Commission on Crime and Delinquency (PCCD). Along with state officials and policymakers, members include state and local criminal justice system stakeholders.

Under the direction of the Justice Reinvestment Working Group, CSG Justice Center staff will conduct a comprehensive analysis of extensive data sets collected from various relevant state agencies and branches of government to build a broad picture of statewide and local criminal justice trends. Whereas the previous justice reinvestment effort focused on corrections and parole systems, this justice reinvestment project includes an explicit focus on crime, arrest, pretrial, sentencing, county probation and parole supervision, jails, substance use and mental disorders, and community-based treatment and programs to reduce recidivism. CSG Justice Center staff will also convene focus groups and lead interviews with people working on the front lines of Pennsylvania’s criminal justice system. Based on findings from these exhaustive quantitative and qualitative analyses, the working group will develop policy options for the General Assembly’s consideration.

This overview highlights some recent criminal justice trends in Pennsylvania that the working group and CSG Justice Center staff will explore in greater depth in the coming months.

# Criminal Justice System Trends in Pennsylvania

## Pennsylvania's incarceration rate is the highest in the Northeast.<sup>4</sup>

- In 2014, Pennsylvania's incarceration rate was the region's highest, with 394 sentenced people per 100,000 residents, compared to 226 sentenced people per 100,000 residents, the combined rate of all other northeastern states.<sup>5</sup>
- Between 2004 and 2014, Pennsylvania's incarceration rate increased 20 percent, in contrast to other states in the region such as New York and New Jersey, which saw their incarceration rates fall 20 percent and 21 percent, respectively.<sup>6</sup>

## The number of reported index crimes in Pennsylvania has fallen substantially in recent years, although arrests and sentences have increased.

- Between 2004 and 2014, the number of reported index crimes in Pennsylvania dropped 18 percent, from 350,609 to 287,180 crimes; yet arrests for index crimes increased 7 percent, from 77,145 to 82,518.<sup>7</sup>
- During the same period, the number of reported violent crimes in Pennsylvania declined 21 percent, from 50,998 to 40,164 violent crimes, and the number of reported property crimes fell 18 percent, from 299,611 to 247,016 property crimes.<sup>8</sup>
- Between 2004 and 2014, the combined number of felony and misdemeanor sentences imposed increased 15 percent, from 87,168 to 100,432.<sup>9</sup>

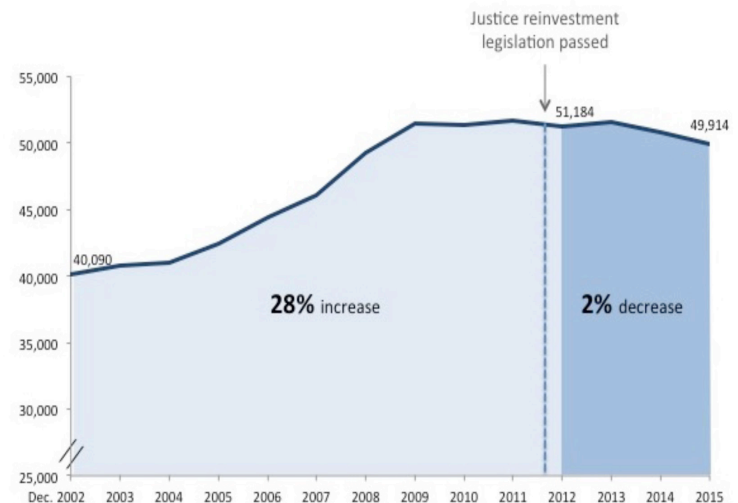
## The state's total incarcerated population in prisons and jails increased significantly in recent years.

- Between 2004 and 2014, Pennsylvania's total incarcerated population in both prisons and jails increased 17 percent, from 72,842 to 85,200 people.<sup>10</sup>
- During the same period, the percentage of people in prison alone rose from 56 to 59 percent of the total incarcerated population.<sup>11</sup>
- The number of people in jails increased 9 percent, from 31,911 to 34,777 people, over the same period.<sup>12</sup>

## Pennsylvania's prison population grew at more than four times the national rate between 2002 and 2012, after which time it began to decrease.

- Between 2002 and 2012, Pennsylvania's prison population increased 28 percent, from 40,090 to 51,184 people.<sup>13</sup> During the same period, the combined prison population across all 50 states increased 6 percent, from 1.24 to 1.32 million people.<sup>14</sup>
- After justice reinvestment legislation was passed in mid-2012, the prison population remained relatively stable and then began to decline steadily in 2014.<sup>15</sup>
- By the end of 2015, Pennsylvania's prison population had decreased slightly to 49,914 people.<sup>16</sup>

FIGURE 1: Pennsylvania Prison Population, Dec. 31, 2002–2015<sup>17</sup>



## Pennsylvania's spending on corrections has increased substantially in recent years.

- Between FY2004 and FY2014, general fund expenditures on corrections increased 40 percent, from \$1.5 billion to \$2.2 billion.<sup>18</sup>
- Even with the decrease in the prison population since 2012, the Pennsylvania Department of Corrections (DOC) has requested \$2.3 billion in state funds for FY2015–FY2016, representing a 7-percent increase over the FY2014–FY2015 budget.<sup>19</sup>

# The Justice Reinvestment Approach

## Step 1: Analyze data and develop policy options

Under the direction of the Justice Reinvestment Working Group, CSG Justice Center staff will conduct a comprehensive analysis of crime, arrest, conviction, sentencing, probation, prison, substance use and mental disorder, parole, and recidivism data, using hundreds of thousands of individual data records. Examples of analyses that will be conducted include supervision and prison population trends; length of time served in prison and on supervision; statutory and administrative policies; and availability of treatment and programs to reduce recidivism. CSG Justice Center staff will also assess how felony and misdemeanor sentencing trends impact supervision and prison populations, explore contributors to recidivism trends, and examine county jail trends. The analyses will result in findings related to the sources of prison population growth, prison and jail bed capacity, and effectiveness of agency policies and procedures.

To incorporate perspectives and recommendations from across the state, CSG Justice Center staff will collect input from criminal justice system stakeholders, including district attorneys, public defenders, judges, law enforcement executives, supervision officers, substance use and mental disorder service providers, victims and their advocates, local officials, and others.

The Justice Reinvestment Working Group, in collaboration with CSG Justice Center staff, will review the analyses and develop data-driven policy options focused on increasing public safety and reducing spending on corrections. Policy options will be available for the General Assembly's consideration in 2017.

## Step 2: Adopt new policies and put reinvestment strategies into place

If the policy options are enacted as legislation, CSG Justice Center staff will work with Pennsylvania policymakers for a period of 24 to 36 months to translate the new policies into practice. This assistance will help ensure that related programs and system investments achieve projected outcomes and are implemented using the latest research-based, data-driven strategies. CSG Justice Center staff will develop implementation plans with state and local officials, provide policymakers with frequent progress reports, and deliver testimony to relevant legislative committees. Pennsylvania will also have the opportunity to apply for federal grant funding to meet important one-time implementation needs, such as information technology upgrades and ongoing quality assurance outcomes.

## Step 3: Measure performance

Finally, CSG Justice Center staff will continue to assist Pennsylvania officials by identifying metrics to assess the impact of enacted policies on prison populations, rates of reincarceration, criminal activity, and recidivism, and to develop the strategies to monitor these outcomes. Through previous justice reinvestment efforts, Pennsylvania has developed a “dashboard” of multiple indicators that makes it easy for policymakers to track the changes occurring in various components of the criminal justice system. The existing dashboard will be updated to reflect policy changes and populated with relevant data as necessary.

# Notes

- Information on Acts 122 and 196 can be accessed by following these respective links: [www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2012&sessInd=0&act=122](http://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2012&sessInd=0&act=122) and <http://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2012&sessInd=0&act=196>.
- Pennsylvania Office of the Governor, *Pennsylvania State Prison Population Records Largest Decrease in 40 Years*, <https://www.governor.pa.gov/pennsylvania-state-prison-population-records-largest-decrease-in-40-years/>.
- NASBO, *State Expenditure Report 2012–2014*, (Washington, DC, 2014), <http://www.nasbo.org/sites/default/files/State%20Expenditure%20Report%20%28Fiscal%202012-2014%29.pdf>; U.S. Department of Justice, Bureau of Justice Statistics, by Ann E. Carson, *Prisoners in 2014*, <http://www.bjs.gov/content/pub/pdf/p14.pdf>.
- Incarceration rate here is the prison incarceration rate, as opposed to the total incarceration referenced above, which includes jail and prison. The northeastern states include Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, as defined by the U.S. Census Bureau, [http://www.census.gov/econ/census/help/geography/regions\\_and\\_divisions.html](http://www.census.gov/econ/census/help/geography/regions_and_divisions.html).
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- U.S. Department of Justice, Bureau of Justice Statistics, by Paige M. Harrison and Allen J. Beck, *Prisoners in 2004*, NCJ 210677 (Washington, DC, 2005), <http://www.bjs.gov/content/pub/pdf/p04.pdf>; U.S. Department of Justice, Bureau of Justice Statistics, by Ann E. Carson, *Prisoners in 2014*, <http://www.bjs.gov/content/pub/pdf/p14.pdf>.
- U.S. Department of Justice, Federal Bureau of Investigation, "Unified Crime Report Data Online," [https://www2.fbi.gov/ucr/cius\\_04/offenses\\_reported/offense\\_tabulations/table\\_04.html](https://www2.fbi.gov/ucr/cius_04/offenses_reported/offense_tabulations/table_04.html); <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/table-4>; [https://www2.fbi.gov/ucr/cius\\_04/persons\\_arrested/table\\_69.html](https://www2.fbi.gov/ucr/cius_04/persons_arrested/table_69.html); <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/table-69>.
- U.S. Department of Justice, Federal Bureau of Investigation, "Unified Crime Report Data Online," [https://www2.fbi.gov/ucr/cius\\_04/offenses\\_reported/offense\\_tabulations/table\\_04.html](https://www2.fbi.gov/ucr/cius_04/offenses_reported/offense_tabulations/table_04.html); <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/table-4>.
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- Ibid.*
- Ibid.*
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This project was supported by Grant No. 2013-ZB-BX-K002 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice. To learn more about the Bureau of Justice Assistance, please visit [bja.gov](http://bja.gov).

The Council of State Governments (CSG) Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The CSG Justice Center's work in justice reinvestment is done in partnership with The Pew Charitable Trusts and the U.S. Department of Justice's Bureau of Justice Assistance. These efforts have provided data-driven analyses and policy options to policymakers in 22 states. For additional information about Justice Reinvestment, please visit [csjusticecenter.org/jr/](http://csjusticecenter.org/jr/).

Research and analysis described in this report has been funded in part by the public safety performance project of The Pew Charitable Trusts. Launched in 2006, Pew's public safety performance project seeks to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable, and control corrections costs. To learn more about the project, please visit [pewtrusts.org/publicsafety](http://pewtrusts.org/publicsafety).

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