

# Justice Reinvestment in Pennsylvania

In 2016, Pennsylvania state leaders established the Justice Reinvestment (JRI 2) Working Group, a bipartisan, interbranch group of state policymakers and criminal justice system stakeholders, to analyze the state's justice system.<sup>1</sup> The group was charged with developing recommendations to help manage the continued growth in Pennsylvania's corrections budget and reinvest savings in strategies that can reduce recidivism, increase public safety, and better serve victims of crime. The leadership requested that The Council of State Governments (CSG) Justice Center assist the Working Group. CSG Justice Center staff analyzed more than seven million individual data records, conducted focus groups, and helped craft research-backed policy options—SB 11070, SB 1071, and SB 1072—are now in legislation to address the state's criminal justice system challenges.

## Key Challenges

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### 1. HIGH CORRECTIONS SPENDING

- From FY2006 to FY2015, state spending on corrections increased 50 percent, from \$1.6 billion to \$2.4 billion, and some of this money is spent inefficiently. Short sentences to state prison, particularly for people convicted of drug and property crimes, do not improve recidivism and result in a backlog of people in state prison who have exceeded their minimum sentence. Similar sentences to county prison do not feature this inefficiency. In 2014, the state spent \$73 million incarcerating people with short state prison sentences beyond the length of their minimum sentence.

### 2. INSUFFICIENT SUPPORT FOR COUNTY PROBATION

- In 2014, 66 percent of people in the criminal justice system were receiving supervision at the county level, but only 6 percent of criminal justice spending was allocated to county supervision. Annually, Pennsylvania spends an average of \$830 per person for probation supervision, and the state contributes only \$100 of that cost while counties and supervision fees fund the remainder. Texas, another county-based state, spends more on probation (\$1,250 per person) and contributes a greater share of state funding (\$800). Without sufficient support in this part of Pennsylvania's system, more people under supervision fail, put public safety at risk, and are revoked to county or state prison. The state spends almost \$200 million per year incarcerating people who are revoked from probation, but only about \$37 million to strengthen probation and prevent costly recidivism from occurring.

### 3. INADEQUATE SENTENCING GUIDANCE

- Sentencing statutes are unnecessarily complex, and sentencing guidelines provide limited information and guidance. The cumbersome sentencing process for state intermediate punishment, a prison drug treatment program, contributes to low usage. For 75 percent of sentences, the sentencing guidelines allow a wide range of dispositional options but do not provide much direction for judges on how to choose among them. As a result, the use of different sentencing options varies from county to county, and disparities in sentencing exist even among people convicted of the same offense.

## Recommendations

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The Working Group unanimously approved a policy framework and forwarded their recommendations to the General Assembly for consideration in the 2017 legislative session. These policies are:

### 1. Realize savings by addressing ineffective short state prison sentences (SB 1071).

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<sup>1</sup> Governor Wolf, Chief Justice Saylor, Senate President Pro Tempore Scarnati, House Speaker Turzai, then-Pennsylvania Commission on Crime and Delinquency Chairman Shapiro, and Department of Corrections (DOC) Secretary Wetzel.

- Make time served for short state prison sentences more predictable in length and less expensive. Release people after they serve their minimum sentence, as long as they have served without incident, and require state parole supervision along with community-based programs designed to reduce recidivism.

**2. Invest in more effective county probation to hold people accountable (SB 1070).**

- Structure increased state funding for county probation to give judges and prosecutors confidence that people under supervision will receive effective monitoring and interventions based on their risk and needs.
- Provide local departments with increased state support and training for effective supervision, expand standards for probation departments to increase the use of evidence-based practices, and drive adoption of swift and certain sanctions for probation and parole violations.

**3. Improve sentencing policies to further reduce recidivism (SB 1071).**

- Simplify the multiple sentencing options in statute, particularly county intermediate punishment. Also streamline the selection process for state intermediate punishment.
- Require the Commission on Sentencing to update the sentencing guidelines to emphasize risk reduction and continue the strategic revisions already underway.

**Projected Impact and reinvestments**

Policies in Pennsylvania’s justice reinvestment framework (SB 1070, 1071, and 1072) are estimated to reduce the commonwealth’s forecasted prison population by 696 people. The policy to make time served for short sentences to state prison more predictable and less costly is the primary driver of the impact. Reducing the prison population and avoiding use of community corrections beds are estimated to avert about \$48.26 million in corrections costs by FY2022–23.<sup>2</sup>

The \$48.26 million in averted costs from the three bills comprising the justice reinvestment policy framework should be reinvested in strategies to increase public safety, such as increasing access to victim compensation (SB 1072), strengthening county probation and parole supervision (SB 1070), and improving sentencing policies to further reduce recidivism (SB 1070). The justice reinvestment package is cost-neutral. (See Figure 1.)

**Figure 1. Estimated prison beds saved, averted costs, and recommended reinvestments**

	FY2018-19	FY2019-20	FY2020-21	FY2021-22	FY2022-23	Total
Projected Beds Saved at FY-end	0	225	706	701	696	—
Averted Costs	0	\$1.37M	\$9.37M	\$18.82M	\$18.7M	\$48.26M
Total Reinvestment	\$3.7M	\$3.7M	\$9.14M	\$15.86M	\$15.86M	\$48.26M
• Victim Compensation Access (SB 1072)	\$0.25M	\$0.25M	\$0.25M	\$0.25M	\$0.25M	\$1.25M
• Strengthening Probation (SB 1070)	\$2.95M	\$2.95M	\$8.39M	\$15.11M	\$15.11M	\$44.51M
• Sentencing Commission (SB 1070)	\$0.5M	\$0.5M	\$0.5M	\$0.5M	\$0.5M	\$2.5M

<sup>2</sup> The impact projections of the policy options in this document decreased 24 percent, from 1,032 to 787 people, and the averted costs dropped 49 percent, from \$108 to \$55.3 million, from the projection provided in the June 2017 *Justice Reinvestment in Pennsylvania: Policy Framework* report. The changes are the result of revisions to the original policy package based on feedback during bill development and updated admission and population trends provided by Pennsylvania DOC in March 2018. In April 2018, impacts dropped further — with savings decreasing from \$55.3 to \$48.3 million and from 787 to 696 people — following adoption of an amendment to SB 1070 made prior to Senate passage of the amended bill.