



**Pennsylvania
Commission
on
Sentencing**

Harrisburg Office:
408 Forum Building
Capitol Complex

Mail:
PO Box 1045
Harrisburg, PA
17108-1045

Phone:
717.772.3776

Fax:
717.772.8892

URL:
<http://pasentencing.us>

**Rep. Frank Dermody
Chair**

**Sen. Mary Jo White
Vice Chair**

**Mark H. Bergstrom
Executive Director**

2010 Report to the Legislature

Pennsylvania's State Intermediate Punishment Program

January 2010

*The Commission is an agency of the General Assembly affiliated with
The Pennsylvania State University.*



Pennsylvania Commission on Sentencing

Commission Members

Representative Frank Dermody, Chair

Senator Mary Jo White, Vice Chair

**Members selected by the President
Pro Tempore of the Senate**

Jay Costa, Jr.
Senator (D)
Allegheny County

Mary Jo White
Senator (R)
Venango County

**Members selected by the Chief
Justice of Pennsylvania**

Linda K. M. Ludgate
Judge
Berks County

Jill E. Rangos
Judge
Allegheny County

Harold F. Woelfel, Jr.
President Judge
Union/Snyder Counties

Sheila A. Woods-Skipper
Judge
Philadelphia County

**Members selected by the Speaker
of the House of Representatives**

Frank Dermody
Representative (D)
Allegheny County

Douglas G. Reichley
Representative (R)
Berks/Lehigh Counties

**Members selected by the
Governor of Pennsylvania**

Steven J. Chanenson
Professor of Law
Villanova University School of Law

Marjorie Fox
District Attorney
Greene County

Marc S. Raspanti
Defense Attorney
Philadelphia County

Ex officio Members:

Jeffrey A. Beard, Ph.D.
Secretary
PA Department of Corrections

Carol L. Lavery
PA Victim Advocate

Catherine C. McVey
Chairman
PA Board of Probation and Parole

The Pennsylvania Commission on Sentencing was created in 1978 for the primary purpose of creating a consistent and rational statewide sentencing policy to promote fairer and more uniform sentencing practices.

Pennsylvania's State Intermediate Punishment Program

2010 Report to the Legislature

by

Cynthia A. Kempinen, Ph.D.
Deputy Director / Research Director

Leigh Tinik
Research Associate



Pennsylvania Commission on Sentencing

The Pennsylvania Commission on Sentencing would like to acknowledge the tremendous assistance provided by the staff at the Pennsylvania Department of Corrections in the preparation of this report.



TABLE OF CONTENTS

Executive Summary..... 1

Overview 2

 Legislative Background 2

 Legislative Reports 2

 Eligibility for SIP..... 2

 Procedure for Referral to SIP 3

 Recommended Changes for SIP Referrals..... 4

 The SIP Program..... 4

 SIP Program Assessments 4

Description of SIP Offenders..... 5

Program Completion:

 What Predicts Whether Offenders Will Complete SIP or be Expelled?..... 8

Recidivism:

 Are Offenders Who Complete SIP Less Likely to Recidivate Than Offenders Released From Prison? 14

 Sample..... 14

Conclusion..... 20

Appendices

Appendix A Current Sentencing Guideline Recommendations for State Intermediate Punishment
[effective December 5, 2008] 22

 §303.11. Guideline sentence recommendation: sentencing levels..... 22

 §303.12. Guideline sentence recommendations: sentencing programs..... 22

Appendix B Draft Legislation for Recommended Changes to State Intermediate Punishment 23

Appendix C Logistic Regression Models..... 35



Pennsylvania Commission on Sentencing

Pennsylvania's State Intermediate Punishment Program: 2010 Report to the Legislature



EXECUTIVE SUMMARY

- ◆ The State Intermediate Punishment [SIP] Program is a two-year substance abuse treatment program for eligible offenders sentenced to state prison.
- ◆ The SIP program became effective in May 2005. As of May 2009:
 - 6,081 offenders had been sentenced to the Department of Corrections who were statutorily eligible for the SIP Program
 - 2,023 had been evaluated for the SIP Program
 - 1,494 offenders had been admitted to the SIP Program. Among those offenders,
 - 427 offenders [29%] had successfully completed the SIP Program
 - 198 offenders [13%] had been expelled from the SIP Program
 - 869 offenders [58%] were still enrolled in SIP Program
- ◆ Thus far, judges in 57 of Pennsylvania's 67 counties have sentenced offenders to the SIP program.
- ◆ The majority of offenders referred to SIP are male [79%] white [62%], with an average age of 35 years. Most offenders are convicted of drug delivery [46%] or DUI [16%].
- ◆ About 86% of the offenders referred to SIP have previously received substance abuse treatment. Most were at high [48%] or medium [37%] risk of re-offending.
- ◆ Offenders were more likely to complete SIP if they were older, had fewer prior arrests, were assessed to be at low risk for recidivism [i.e., lower LSIR Score]; and had a greater substance abuse problem [i.e., higher TCU Score].
- ◆ The recidivism rates for the offenders who successfully completed SIP were significantly lower than those of a comparable group of offenders released from prison after both six months and one year. After six months, the re-arrest rate for SIP completers was 5.7% compared to 10.0% for the comparison group. After one year, the re-arrest rate for the SIP completers was 11.9% compared to 20.4% for the comparison group. Additionally, among offenders in the comparison prison group, 8.3% were returned to prison for a technical violation after six months and 15.3% were returned after one year. Since SIP offenders are not released to parole, they cannot be returned to prison for a technical violation.
- ◆ In addition to sentence type [SIP or prison] being a significant predictor of recidivism, offenders were also more likely to recidivate if they had been convicted of offenses other than DUI or drug delivery, had a greater number of prior arrests, were younger, and/or were at medium or high risk for recidivism.
- ◆ As a result of concerns about the underutilization of SIP, the restrictions of the ineligibility criteria for SIP, and the ability of the prosecutor to restrict sentences to SIP, the Commission recommends that the Legislature review the ineligibility criteria for SIP and allow greater discretion to the sentencing court for SIP consideration.



OVERVIEW

The State Intermediate Punishment [SIP] Program is a two-year, step-down, substance abuse program, for offenders sentenced to state prison, which became effective on May 18, 2005. Males sentenced to the SIP program are sent to SCI Chester or to the Quehanna Boot Camp, while females are sent to SCI Cambridge Springs.

Act 112 of 2004, which created the SIP program, mandates the Sentencing Commission to provide the Judiciary Committees with a Report in even numbered years, with the Department of Corrections providing the report in odd numbered years. This report will provide a brief description of the legislation, including eligibility criteria and procedure for referrals; a description of the assessment tools used by the Department of Corrections in making their SIP recommendations to the court; a description of the offenders who are referred to the SIP program; findings from an analysis examining factors that predict successful program completion, and findings from an analysis examining the impact of SIP on recidivism.

Legislative Background

The impetus behind the creation of the SIP program was the General Assembly's concern about the link between substance abuse and crime, and the finding that many persons commit crimes while under the influence of drugs and/or alcohol. Additionally, the Legislature determined that many crimes are committed by persons who are unable to secure employment because of their substance abuse problem, and committing crime allows these people to secure the necessary funds to purchase their drugs and alcohol. The SIP program was viewed as a way to both enhance public safety and reduce recidivism by punishing offenders for the harm they have brought to their victims, while at the same time offering treatment as a mechanism for offenders to address their substance abuse issues. Toward that end, the General Assembly created the State Intermediate Punishment [SIP] Program via Act 112 of 2004, which was signed into law by Governor Rendell on November 19, 2004, and became effective on May 18, 2005.

Legislative Reports

By statute, the Department of Corrections and the Pennsylvania Commission on Sentencing must monitor and evaluate the SIP program, with the Department submitting a report to the Senate and House Judiciary Committees in odd-numbered years and the Commission submitting a report to these committees in even-numbered years. The reports are to include six items [42 Pa.C.S. §9907]: (1) the number of offenders evaluated for the SIP program, (2) the number of offenders sentenced to the SIP program, (3) the number of offenders sentenced to a state prison who may have been eligible for the SIP program, (4) the number of offenders successfully completing the drug offender treatment program, (5) the six-month, one-year, three-year, and five-year recidivism rates for offenders who completed the SIP program and for offenders who were not placed in the SIP program, and (6) any recommended changes for improving the effectiveness of the SIP program.

Eligibility for SIP

Act 112 of 2004, which created the SIP program, mandated the Sentencing Commission to identify offenders who would be appropriate for SIP consideration. In accordance with its statutory mandate, the Sentencing Commission adopted sentencing guideline recommendations for SIP offenders, which became effective June 3, 2005. That set of guidelines targeted drug dependent offenders who otherwise would be serving a minimum sentence of confinement in a state facility for 30 months or more. A 30-month minimum sentence was determined to be appropriate to ensure that drug dependent offenders

who were eligible for the County Intermediate Punishment Program would not be sent to the state system for SIP consideration, and that a distinction be maintained between offenders who are considered appropriate for drug treatment through County Intermediate Punishment versus State Intermediate Punishment.

Subsequently, however, the Commission revised the sentencing guidelines that provided for greater emphasis on the recommended place of confinement, rather than sentence length, for targeting the use of State Intermediate Punishment versus County Intermediate Punishment. The current guidelines, which became effective December 5, 2008, recommend the consideration of State Intermediate Punishment in lieu of incarceration for eligible offenders who are sentenced to confinement in a state facility. [See Appendix A for Sentencing Guidelines text relevant to SIP.]

Statute also provides that an eligible offender is a defendant who is convicted of an offense that was motivated by the use of or addiction to alcohol or to drugs. Court referred offenders must undergo an assessment performed by the Department of Corrections, which determines whether the defendant is in need of drug and alcohol addiction treatment, and would benefit from the program. Offenders are ineligible for the program if they have a conviction for any of the following offenses: 1) an offense involving a deadly weapon enhancement under the sentencing guidelines, 2) a personal injury crime (as defined under the Crime Victims Act) or an attempt, conspiracy, or threat to commit such crime, and 3) crimes involving incest, open lewdness, abuse of children, unlawful contact with minors, sexual exploitation of children, or internet child pornography. [See Appendix B for a list of the ineligible offenses for SIP.] Additionally, the offender cannot have a history of present or past violent behavior.

Procedure for Referral to SIP

Prior to sentencing an offender to the SIP Program, the court, upon motion of the District Attorney and agreement of the defendant, commits the offender to the Department of Corrections [DOC] for comprehensive drug and alcohol and risk assessments. The following information is forwarded by the court to assist the DOC in their evaluation: (a) a summary of the offense for which the defendant was convicted, (b) information about the defendant's criminal history, (c) information about the defendant's history of drug or alcohol abuse, (d) a presentence report, and (e) any other relevant information. The Sentencing Commission has also arranged via the JNET structure to provide the DOC the ability to access the sentencing guideline forms for offenders being considered for the program, which provide additional case, offense, and criminal history information.¹

The DOC evaluation must be based on valid, nationally recognized, instruments that assess drug and alcohol addiction, as well as crime risk assessments. These evaluations are to be conducted by persons skilled in the treatment of drug and alcohol addictions and trained to conduct assessments. The Department's assessment of the defendant's eligibility for the program and treatment recommendation must be provided to the court, the defendant, the District Attorney, and the Pennsylvania Commission on Sentencing within 60 days of the defendant's commitment to the Department. The court may then sentence the offender to a period of 24 months of SIP.

¹ JNET (Justice Network) is a secure virtual system for the sharing of offender records and other justice information by statewide approved users.



Recommended Changes for SIP Referrals

In a recent report released by the Commission on Sentencing on mandatory sentences, the Commission made several recommendations relevant to the SIP Program. Concerns were raised about the underutilization of SIP, the restrictions of the ineligibility criteria, and the ability of the prosecutor to restrict sentences to SIP. As a result, the Commission recommended to the Legislature that:

- the list of ineligible offenses be reviewed, and that certain offenses be removed from the ineligible list [e.g., misdemeanor 3 offenses such as simple assault/mutual consent and harassment, which often receive probation anyway];
- consider providing the sentencing court with greater discretion in ordering participation in SIP;
- remove the requirement for a motion by the district attorney and agreement of the defendant during the referral process;
- remove the agreement of the district attorney and the defendant as a prerequisite for the commitment of an eligible offender to SIP;
- but, restrict eligibility of those sentenced under the mandatory drug statute to the first tier [e.g., 2 to less than 10 grams cocaine].

See Appendix B for the draft legislation of recommended changes and the list of SIP ineligible offenses.

The SIP Program

There are four phases to the 24 month SIP Program, allowing for a gradual step-down of treatment:

- Phase I: a minimum of 7 months incarceration in a state correctional institution that includes a minimum of 4 months in an institutional therapeutic community
- Phase II: a minimum of 2 months in a community based therapeutic community
- Phase III: a minimum of 6 months in an outpatient addiction treatment facility
- Phase IV: supervised reintegration into the community for the balance of the 24 months

Upon successful completion of the program, the Department notifies the judge, district attorney, and Sentencing Commission. If the offender is expelled from the program, the Department also notifies the judge, district attorney, and Sentencing Commission and then holds the offender in prison or jail until a revocation hearing is scheduled. Upon revocation, the court may sentence the offender to the sentencing options available at the initial sentencing. The Department provides a final report on the offender to the judge, district attorney, defendant, and Sentencing Commission. Under the statute, the Department is given maximum flexibility to administer the treatment program, both as a whole and for individual participants. The Department has the right to refuse to admit a participant to a community-based therapeutic community or outpatient addiction treatment facility, and may expel a participant from the program for failing to comply with administrative or disciplinary procedures.

SIP Program Assessments

Treatment recommendations by staff from the Department of Corrections are based on information from the county, an interview with the defendant, and four assessment instruments. Information from the county may include, depending on availability, the Pre-Sentence Investigation, the Criminal Complaint, the Order of Court Sentence, the Affidavit of Probable Cause, and the Inmate Commitment Summary Report. The four assessment instruments used by the Department of Corrections are: (1) the

Level of Service Inventory, (2) the Criminal Sentiments Scale-Modified, (3) the Hostile Interpretations Questionnaire, and (4) the Texas Christian University Drug Screen II.

The Level of Service Inventory (LSI-R) is a broad, evidence-based instrument used to determine an offender's risk for future criminal conduct and the need for treatment. Research indicates that higher scores on the LSI-R are related to higher rates of recidivism.

The Criminal Sentiments Scale-Modified (CSS-M) measures criminal attitudes and values that have been linked to antisocial behavior. Higher scores on the CSS-M indicate higher levels of criminal attitudes and values.

The Hostile Interpretations Questionnaire (HIQ) measures an offender's propensity toward anger/hostility. Research indicates that higher scores on the HIQ are related to a greater predisposition to hostility/anger, which is linked to criminal conduct, including violence.

The Texas Christian University Drug Screen II (TCU) is a comprehensive instrument for assessing alcohol and drug use in an offender population. Higher scores on the TCU Drug Screen indicate more serious substance abuse problems.

DESCRIPTION OF SIP OFFENDERS

Since the inception of the program in May 2005 through April 2009, the Department of Corrections reports that 6,081 offenders sentenced to DOC were eligible for the SIP Program.² Among those offenders, 2,023 offenders were referred and evaluated for SIP, 1,628 were approved by DOC for SIP, and 1,494 were admitted into the program. The majority of offenders who were rejected by the DOC have outstanding detainers or pending legal action that prevents participation.

This section provides a summary of the characteristics of the 1,628 offenders approved for SIP from May 2005 through April 2009, based upon information received in the SIP Assessment Reports. Table 1 shows that judges in 57 of Pennsylvania's 67 counties have sentenced offenders to the SIP program, with the highest percentage coming from Philadelphia [20%], Dauphin [7%], and Lackawanna [6%] Counties. The majority of these offenders are male [79%], white [62%], with an average age of 35 years. Most offenders were convicted of drug delivery [46%] or driving under the influence [16%] offenses. Additionally, a large percentage of the offenders had been previously arrested for drug possession [44%], driving under the influence [38%], and drug delivery [31%] offenses.

The most common substances used by the offenders approved for SIP were alcohol [86%], marijuana [58%], crack [44%] and cocaine [42%]. While there was a lower percentage of offenders who used heroin [28%], those who did use heroin were most likely to use the substance on a daily basis [67%]. Over half of crack [54%] and marijuana [51%] users also reported using those drugs daily. Offenders reported starting to use alcohol and marijuana at a young age [mean age =15 years], while they were older when they first used cocaine, heroin, and crack, [mean ages = 20, 23, and 24, respectively].

² The criteria that the DOC used to determine eligibility were: 1) did not have an offense that was ineligible to be considered for SIP (i.e., had not been convicted of a personal injury crime), 2) had a minimum sentence of 24 months or longer, and 3) had a TCU drug screen score of 3 or above, indicating AOD dependence.



Table 1. Offenders Approved for State Intermediate Punishment Program [N=1628]

COUNTY	Number	Percent		Number	Percent
Adams	29	1.8%	Union	9	0.6%
Allegheny	73	4.5%	Venago	47	2.9%
Armstrong	6	0.4%	Warren	5	0.3%
Beaver	14	0.9%	Washington	84	5.2%
Bedford	4	0.2%	Westmoreland	62	3.8%
Berks	3	0.2%	York	27	1.7%
Blair	40	2.5%	Missing	11	
Bradford	22	1.4%			
Bucks	18	1.1%	GENDER		
Butler	33	2.0%	Male	1282	79%
Cameron	1	0.1%	Female	335	21%
Carbon	1	0.1%	Missing	11	
Centre	7	0.4%			
Chester	23	1.4%	RACE		
Clearfield	1	0.1%	White	809	62%
Clinton	5	0.3%	Black	384	28%
Columbia	1	0.1%	Hispanic	115	9%
Crawford	12	0.7%	Missing	320	
Cumberland	18	1.1%			
Dauphin	108	6.7%	AGE - [Mean]	35	
Delaware	73	4.5%			
Elk	3	0.2%	CURRENT CONVICTION OFFENSE		
Fayette	56	3.5%	Drug Delivery	734	46%
Forest	2	0.1%	Driving Under the Influence	418	16%
Franklin	55	3.4%	Forgery/Theft	192	12%
Fulton	5	0.3%	Other	243	15%
Greene	23	1.4%	Missing	39	
Huntingdon	6	0.4%			
Indiana	1	0.1%	NUMBER OF PRIOR ARRESTS [Mean]	6.2	
Jefferson	24	1.5%			
Juniata	4	0.2%	TYPE OF PRIOR ARREST [n=1507]		
Lackawanna	103	6.4%	Drug possession	663	44%
Lancaster	61	3.8%	Probation/parole violations	583	39%
Lawrence	14	0.9%	DUI	579	38%
Lehigh	5	0.3%	Theft	572	38%
Luzerne	3	0.2%	Drug delivery	472	31%
Lycoming	34	2.1%	Disorderly conduct/public intoxic.	249	17%
Mercer	19	1.2%	Assault	214	14%
Mifflin	15	0.9%	Driving under suspension	206	14%
Monroe	6	0.4%	Burglary	191	13%
Montgomery	63	3.9%	Criminal Trespass	161	11%
Northampton	10	0.6%	Criminal Mischief	119	8%
Northumberland	13	0.8%	Firearms	74	5%
Philadelphia	323	20.0%	Terroristic threats	51	3%
Pike	1	0.1%			
Potter	6	0.4%			
Schuylkill	16	1.0%			
Snyder	5	0.3%			
Somerset	10	0.6%			
Susquehanna	1	0.1%			
Tioga	4	0.2%			



Table 1. [cont.]

	<i>Number</i>	<i>Percent</i>		<i>Number</i>	<i>Percent</i>
DRUG TYPE			REPORTED PROBLEMS WITH DRUGS		
Alcohol	1398	86%	Tolerance	1265	78%
Marijuana	943	58%	Blackouts	883	54%
Crack	709	44%	Morning use	863	53%
Cocaine	677	42%	Mood swings	774	48%
Heroin	455	28%	Withdrawal symptoms	603	37%
DAILY USE OF SUBSTANCE			REPORTED PROBLEMS WITH:		
Alcohol [n=1515]	541	36%	Police	1171	72%
Marijuana [n=1405]	722	51%	Family	1165	72%
Cocaine [n=1083]	274	25%	Friends	1160	71%
Crack [n=723]	388	54%	Work	1144	70%
Heroin [n=600]	403	67%			
AGE AT FIRST USE [mean]			ASSESSMENT SCORES		
Alcohol	15		LSI-R Score		
Marijuana	15		High	757	48%
Cocaine	20		Medium	591	37%
Crack	24		Low	235	15%
Heroin	23		Missing	45	
PREVIOUS TREATMENT			HIQ Score		
Yes	1207	86%	High	528	33%
No	196	14%	Medium	539	34%
Missing	225		Low	526	33%
			Missing	35	
Number of Previous Treatments			CSS-M Score		
None	196	14%	High	410	26%
One	331	24%	Medium	472	30%
Two	293	21%	Low	709	45%
Three or more	583	42%	Missing	37	
Missing	225		TCU Score		
mean	3.2		0	18	1%
median	2		1	9	1%
mode	1		2	7	1%
			3	66	5%
			4	42	3%
			5	43	3%
			6	446	34%
			7	155	12%
			8	167	13%
			9	347	27%
			Missing	328	
			mean	6.8	
			median	7	
			mode	6	
PREVIOUS TYPE OF TREATMENT			RECOMMENDED PROGRAMS		
Inpatient/Residential	827	59%	Therapeutic community	1550	95%
Intensive Outpatient	229	16%	Violence Prevention	972	60%
Outpatient	848	60%	Thinking for a Change	269	17%
Detox	183	13%	Education Participation	162	10%
			Vocational Evaluation	253	16%
			Employment Preparation	253	16%
			Decision Making	37	2%
SUCCESSFUL COMPLETION OF PREVIOUS TREATMENT					
Inpatient/Residential	800	97%			
Intensive Outpatient	172	75%			
Outpatient	708	83%			
Detox	167	91%			



About 86% of the offenders had previously received substance abuse treatment, with an average of about 3 previous treatment episodes. The vast majority of offenders reported having successfully completed at least one type of treatment program in the past.

The most common physical problems experienced by the offenders as a result of their drug use were increased tolerance [78%], morning use [53%], blackouts [54%], mood swings [48%], and withdrawal symptoms [37%]. Most offenders also indicated that their substance abuse presented problems with police [72%], their family [72%], friends [71%], and work [70%].

Based upon the LSIR assessment tool used by the Department of Corrections to determine the offender's risk for future criminal activity, most offenders had a high [48%] or medium [37%] risk of re-offending, and a severe substance abuse problem.³ Almost all were recommended for the therapeutic community [95%], while other programming recommended included violence prevention [60%], Thinking for a Change [17%], vocational evaluation [16%], and education participation [10%].

PROGRAM COMPLETION:

WHAT PREDICTS WHETHER OFFENDERS WILL COMPLETE SIP OR BE EXPELLED?

The first offender successfully completed the two-year SIP program in July 2007, and as of July 2009 there were 525 offenders who had successfully completed the program. During that same time period, there were also 237 offenders who were expelled from the program.⁴ The major reasons for expulsion were: escaping from a community corrections center or treatment services, disregarding the rules and regulations, refusing to participate in the recommended programming, and engaging in threatening behavior toward others.

This section of the report presents findings from an analysis that was conducted to determine whether there were differences between offenders who successfully completed SIP and those who were expelled. Table 2 shows the results from the bivariate analysis, which examined how individual factors related to program completion. Overall, between July 2007 and July 2009, about 69% of the offenders successfully completed SIP, while 31% were expelled.⁵ The following factors were related to program completion: race, age, county, offense, prior arrests, drug type, frequency of use for some drugs, morning use, and scores on assessment tools used by the DOC. More specifically:

³ The TCU Score can range from 0-9, with someone scoring 3 or greater indicating a relatively severe drug-related problem. The average score for these SIP offenders was 7. See Simpson, D. D. & Knight, K. (1998). TCU data collection forms for correctional residential treatment. Fort Worth: Texas Christian University, Institute of Behavioral Research. [On-line]. Available: www.ibr.tcu.edu.

⁴ These numbers are based upon letters received from the DOC indicating when an offender has successfully completed the program and when an offender has been expelled.

⁵ Note that the expulsion rate reported here is calculated differently than that reported by the DOC, as they are calculated for different purposes. The DOC utilizes the number of admissions to calculate the percentage of completions, expulsions, and current enrollments. The expulsion rate used in our analysis utilizes only offenders who have completed or have been expelled during a specific time period, and does not include offenders still currently enrolled in the program.



Table 2. Bivariate Results for Offenders Completing SIP vs. Expelled from SIP [N=762]

	Completed %	Expelled %	Completed N	Expelled N	TOTAL N
OVERALL	69%	31%	525	237	762
GENDER					
Male	68%	32%	417	194	611
Female	72%	28%	108	43	151
RACE ***					
White	73%	27%	330	119	449
Black	65%	35%	158	84	242
Hispanic	48%	52%	30	32	62
AGE ***					
less than 26	54%	46%	117	100	217
26-39	74%	26%	243	86	329
over 39	76%	24%	162	51	213
MEAN age	35.1	31.4	522	237	759
COUNTY **					
Philadelphia	59%	41%	89	63	152
Other urban	69%	31%	177	79	256
Rural	73%	27%	259	95	354
OFFENSE **					
Drug Delivery	66%	34%	245	124	369
Driving under the Influence	81%	19%	133	32	165
Forgery/Theft	63%	37%	54	32	86
Other	66%	34%	89	46	135
DRUG TYPE					
Alcohol ***					
yes	70%	30%	519	224	743
no	32%	68%	6	13	19
Marijuana					
yes	69%	31%	477	214	691
no	68%	32%	48	23	71
Crack					
yes	68%	32%	315	148	463
no	70%	30%	210	89	299
Cocaine					
yes	69%	31%	377	167	544
no	68%	32%	148	70	218
Heroin *					
yes	64%	36%	189	106	295
no	72%	28%	336	131	467
Tranquilizers*					
yes	65%	35%	204	112	316
no	72%	28%	321	125	446
AGE AT FIRST USE [Mean]					
Alcohol	15.2	15.2	479	212	691
Marijuana *	15.2	14.4	360	192	552
Crack	24.0	23.1	234	123	357
Cocaine	20.1	19.5	258	105	363
Heroin	22.3	21.9	150	81	231
Tranquilizers #	22.9	19.6	50	28	78

* Significant at .05 level ** Significant at .01 level *** Significant at .001 level # marginally significant at .10 level



Table 2. [cont.]

	Completed %	Expelled %	Completed N	Expelled N	TOTAL N
Frequency of Use					
Alcohol #					
daily	73%	27%	181	66	247
less than daily	66%	34%	307	155	462
Marijuana ***					
daily	61%	39%	217	136	353
less than daily	75%	25%	231	76	307
Crack ***					
daily	58%	42%	108	79	187
less than daily	74%	26%	187	65	252
Cocaine					
daily	69%	31%	92	41	133
less than daily	69%	31%	259	115	374
Heroin					
daily	64%	36%	127	71	198
less than daily	61%	39%	56	36	92
Tranquilizers					
daily	61%	39%	17	11	28
less than daily	64%	36%	54	30	84
Above drugs combined *					
daily	67%	33%	425	212	637
less than daily	79%	21%	92	25	117
Substance Abuse Indicators					
Tolerance					
indicated	69%	31%	431	194	625
not indicated	69%	31%	94	43	137
Morning Use *					
indicated	66%	34%	314	161	475
not indicated	74%	26%	211	76	287
Mood Swings					
indicated	69%	31%	315	144	459
not indicated	69%	31%	210	93	303
Blackouts					
indicated	68%	32%	278	129	407
not indicated	70%	30%	247	108	355
Withdrawal symptoms					
indicated	67%	33%	211	104	315
not indicated	70%	30%	314	133	447
Received prior treatment					
yes	68%	32%	400	187	587
no	70%	30%	19	8	27
Number of prior treatments					
	3.2	3.1	519	236	755
Assessment Tools					
LSIR Score ***					
High	61%	39%	215	137	352
Medium	71%	29%	193	80	273
Low	89%	11%	117	14	131

* Significant at .05 level ** Significant at .01 level *** Significant at .001 level # marginally significant at .10 level



Table 2. [cont.]

	Completed %	Expelled %	Completed N	Expelled N	TOTAL N
HIQ Score					
High	66%	34%	180	93	273
Medium	71%	29%	183	76	259
Low	72%	28%	162	64	226
CSSM Score**					
High	61%	39%	116	75	191
Medium	69%	31%	150	66	216
Low	74%	26%	259	92	351
TCU Score ***					
High	76%	24%	282	91	373
Medium	68%	32%	187	87	274
Low	33%	67%	28	56	84
Mean***	7.0	5.8	497	234	731
Prior arrests					
DUI***					
yes	77%	23%	193	58	251
no	65%	35%	332	179	511
Drug Delivery #					
yes	64%	36%	158	87	245
no	71%	29%	367	150	517
Drug Possession ***					
yes	62%	38%	188	115	303
no	73%	27%	337	122	459
Theft #					
yes	65%	35%	171	93	264
no	71%	29%	354	144	498
Burglary #					
yes	60%	40%	50	33	83
no	70%	30%	475	204	679
Prior parole/probation violation **					
yes	63%	37%	181	105	286
no	72%	28%	344	132	476
PRIOR ARRESTS [mean] *	5.3	6.1	485	222	

* Significant at .05 level ** Significant at .01 level *** Significant at .001 level # marginally significant at .10 level



- White offenders [73%] and Black offenders [65%] were more likely than Hispanic offenders [48%] to complete the program.
- Older offenders were more likely than younger offenders to complete SIP.
- Offenders from Philadelphia [59%] were less likely complete SIP than offenders from other urban [69%] or rural [73%] areas.
- Offenders convicted of DUI [81%] were more likely to complete SIP than offenders convicted of drug delivery [66%], forgery/theft [63%], or other types of crimes [66%].
- Offenders who used either marijuana [61%] or crack [58%] daily were less likely to complete SIP than those who used marijuana [75%] or crack [74%] less than daily.
- Those offenders who indicated that they did not need their drugs in the morning [74%] were more likely to complete SIP than those who indicated they needed their drugs in the morning [66%].
- Those offenders with fewer prior arrests were more likely to complete SIP.
- Offenders who were assessed to be at low risk for recidivism [LSIR tool] were most likely to complete SIP.
- Offenders who were assessed to have a lower level of criminal attitude [CSS-M] were most likely to complete SIP.
- Offenders who were assessed to have a more serious substance abuse problem [TCU tool] were more likely to complete SIP.

The primary advantage of the bivariate analysis is that it directly shows whether or not two variables are related. In Table 3, we show the results of the next level of analysis, which involved several multivariate models that considered the significant factors simultaneously to determine those that best predict successful program completion. Multivariate models are needed in order to determine whether the relationship between two variables is real and important, even after controlling for the other variables.

In Model 1, we considered two major legal variables that are utilized at sentencing: offense and prior record. In Model 2, we introduced the assessment tools utilized by the DOC that are indicators of recidivism risk, criminal attitudes, and seriousness of substance abuse. In Model 3, we introduced four extra-legal variables: age, gender, race, and county.

The findings from these models indicate that offenders are more likely to complete the SIP program if they have fewer prior arrests, score lower on the LSIR recidivism risk tool, score higher on the TCU substance abuse severity assessment tool, and are older. More specifically, holding everything constant, 1) for each additional prior arrest, there was a 7% decrease in the odds of program completion; 2) the odds of offenders at low risk for recidivism completing SIP were over three times greater than those at medium risk of recidivism, and over five times greater than those at high risk of recidivism; 3) the odds of offenders with severe substance abuse problems completing SIP were more than five times greater than those with medium substance abuse problems, and over ten times greater than those with a low level of substance abuse problems; 4) for each year increase in the age of the offender, there was a 3% increase in the odds of completing the program. Further, when including the assessment tool variables, the explanatory power for predicting successful program completion was six times greater than when only offense and prior record were considered. [See Appendix C for logistic regression model.]



Table 3. Factors that predict successful completion of SIP [N=762]

	Model 1 R ² =.035	Model 2 R ² =.217	Model3 R ² =.251
	Legal Variables	Add Assessment Scores	Add Extra legal
Legal Variables			
Current Offense [convicted of DUI compared to other offenses]	***	*	
Prior arrests [fewer prior arrests]	*		**
Assessment Scores			
LSIR [low recidivism risk]		***	***
CSSM [compared to low criminal attitude]			
TCU [more severe substance abuse problem]		***	***
Extralegal Variables			
Age [older]			***
Gender			
Race			
County			
* Significant at .05 level ** Significant at .01 level *** Significant at .001 level # marginally significant at .10 level Reference category in brackets.			
NOTES: Model 1 includes the two major legal factors current offense and prior arrests. Model 2 adds the assessment tools used by the DOC. Model 3 adds extra-legal factors: age, gender, race, county.			



RECIDIVISM:

ARE OFFENDERS WHO COMPLETE SIP LESS LIKELY TO RECIDIVATE THAN OFFENDERS RELEASED FROM PRISON?

Act 114 of 2004 mandated that the six-month, one-year, three-year, and five year recidivism rates be provided for offenders who completed the program compared to a comparable group of offenders who were not placed in the program. Since the first offender graduated from SIP in July 2007, we are only able to provide thus far the six-month and one-year recidivism rates.

Sample

For the recidivism analysis we used offenders who completed SIP or were released from prison between July 2007 and August 2008 to allow for a minimum of a one year tracking period. Because offenders are not randomly selected into the SIP program, it is difficult to determine whether the treatment effect, [i.e., the effect of completing SIP] on recidivism rates, is real or due to differences between offenders sentenced to SIP and those who met the eligibility criteria but were not sentenced to SIP. Thus, a matching procedure was conducted in order to determine which offenders would comprise the comparison group so that it would be as comparable as possible to the SIP group. First, the Department of Corrections provided us with a file containing a list of offenders who were released from prison under regular parole and had been convicted of an SIP eligible offense, received a minimum sentence of greater than 2 years, and had a TCU score of three or greater. Second, we used this list to further match the comparison group with the SIP completer group on the following factors: county, age, race, gender, prior arrests, current conviction offense, TCU Score and LSIR Score.⁶

Table 4 shows the recidivism rates of the matched sample. The recidivism rates for the SIP completers are significantly lower than those of the comparison group after six months and one year. The re-arrest rate for SIP completers after six months was 5.7% compared to 10.0% for the comparison prison group. After one year, the re-arrest rate for the SIP completers was 11.9% compared to 20.4%. Additionally, after six months, 8.3% of the comparison group was returned to prison for a technical violation and 15.3% were returned after one year. Since the SIP offender is not released to parole, they cannot be returned to prison for a technical violation.

⁶ In order to control for differences between these groups we used propensity score matching. Propensity score matching allows us to control for significant differences between groups to determine the true treatment effect. The propensity score is computed using logistic regression and is the predicted probability of being sentenced to SIP controlling for multiple offender characteristics. Cases are then matched on their propensity score ranging from 0 and 1. In this analysis we used one to one matching without replacement meaning each offender sentenced to SIP is matched with only one SIP eligible offender and each SIP eligible offender could only be matched once. Analysis showed that if we used the original sample without matching, the groups differed significantly on all factors. However, after the matching, only gender remained significant, as there were fewer women sentenced to prison than SIP.



Table 4. Recidivism Rates of Matched Sample

	<u>SIP Group</u> [n=210]	<u>Prison Group</u> [n=230]
<u>Six months***</u>		
Arrest	5.7%	10.0%
Returned to prison for technical violation	NA	8.3%
Total Recidivism	5.7%	18.3%
<u>One year***</u>		
Arrest	11.9%	20.4%
Returned to prison for technical violation	NA	15.3%
Total Recidivism	11.9%	35.7%
***Significant at .001 level		

In order to ascertain what factors best predict recidivism, we conducted additional analyses. Table 5 provides a description of the SIP completers and the matched sample of offenders who had been incarcerated in prison. As expected, the profile of the SIP offenders is similar to that presented earlier in the report. The majority of the offenders were male [86%], white [63%], from an urban county [62%], and had a mean age of 39. Most offenders had been convicted of either a drug [54%] or DUI [15%] offense, and had an average of 5 prior arrests. The scores on assessment scales indicated that these offenders did have a substance abuse problem [average score of 7 on a scale of 9], and were at either medium [39%] or high [31%] risk of recidivism.

Table 6 provides the results of the bivariate analysis that directly shows the relationship between recidivism and the factors utilized in the study. After a one year tracking period, we found that offenders were more likely to recidivate when:

- they were sentenced to prison [36%] compared to SIP [12%]
- if they were male [26%] compared to female [13%]
- they were at high [36%] or medium [25%] risk for recidivism compared to those at low [11%] risk
- they had a greater number of arrests

Table 7 shows the results of the multivariate analysis, which helps to determine whether the bivariate relationships discussed above are real and important, even after controlling simultaneously for the other variables. Model 1 included two major legal factors: current offense and prior record. Model 2 added the type of sentence: SIP or prison. Model 3 added the LSIR assessment tool, which is a measure of recidivism risk, and Model 4 added four extra legal factors of age, gender, race, and county, which previous research has often found to be related to recidivism.

In the first model we found that offenders who had prior arrests and were convicted of offenses other than drug delivery or DUI were more likely to recidivate. In the second model, we added the variable of sentence type, and found that offenders released from prison were more likely than those who completed SIP to recidivate. Current offense and prior arrests continued to also be significant. In the third model, we added the variable of LSIR Assessment [recidivism risk] and found that those offenders who were at higher risk were indeed more likely to recidivate. Again, current offense and prior arrests, along with sentence type remain significant. The final model, introduces the four legal variables. Two of the variables were significant, age and race, and two were not found to be related to recidivism, gender



and county. Younger offenders were more likely to recidivate and black offenders were more likely than white and Hispanic offenders to recidivate. Current offense, prior arrests, type of sentence and LSIR score also remained significantly related to recidivism.

More specifically, Model 4 indicates that holding everything else constant: 1) the odds of offenders convicted of offenses other than DUI or drug delivery recidivating were 2.3 times greater than those who were convicted of DUI or drug delivery offenses; 2) for each prior arrest, there was a 17% increase in the odds of recidivating, 3) the odds of offenders released from prison recidivating were 4.6 times greater than offenders who successfully completed SIP, 4) the odds of high risk offenders recidivating were 2.7 times greater than low risk offenders, 5) for each year increase in age, there was a 5% decrease in the odds of recidivism, and 6) the odds of black offenders recidivating were over two times greater than for white or Hispanic offenders. Additionally, when the type of sentence was introduced in Model 2, the explanatory power for predicting recidivism had the largest increase [from $R^2=.176$ to $R^2=.250$], providing further support for the finding that whether an offender is released from prison compared to successfully completing SIP is a strong predictor of recidivism. [See Appendix C for logistic regression model.]



Table 5. Sample Description for SIP [N=440]

	Number	Percent		Number	Percent
Gender			Number of prior arrests -mean	4.8	
Male	377	86%			
Female	63	14%	Number of prior charges -mean	13.7	
Total					
Race			Type of Prior Charges		
White	279	63%	Prior Drug Delivery		
Black	134	30%	No	174	40%
Hispanic	27	6%	Yes	266	60%
			Total		
Age			Prior DUI		
20-29	110	25%	No	272	62%
30-39	135	31%	Yes	168	38%
40-49	119	27%	Total		
50 and above	76	17%	Prior Personal		
mean age	38.5		No	265	60%
median	38		Yes	175	40%
mode	36		Total		
County Category			Prior Property Charge		
Philadelphia	70	16%	No	167	38%
Allegheny	28	6%	Yes	273	62%
Urban	176	40%	Total		
Rural	166	38%	Prior Firearms Charge		
			No	409	93%
			Yes	31	7%
Offense					
Drug	238	54%			
Burglary	38	9%			
DUI	64	15%			
Theft	43	10%			
Other	57	13%			
Assessment Scores					
LSIR					
Low	132	30%			
Medium	171	39%			
High	137	31%			
TCU Score					
1	3	1%			
2	2	<1%			
3	29	7%			
4	15	3%			
5	35	8%			
6	95	22%			
7	57	13%			
8	74	17%			
9	130	30%			
Total	440	100%			
mean	7				



Table 6. Bivariate Recidivism Results [N=440]

[after one year]

	Percent		Number		Percent		Number	
	Success	Failure	Success	Failure	Success	Failure	Success	Failure
Group***								
Completed SIP	88%	12%	185	25	Prior Arrest			
Released from prison	64%	36%	148	82	No	87%	13%	41 6
					Yes	74%	26%	292 101
Gender *					Type of Prior Charges			
Male	74%	26%	278	99	Prior Drug Delivery			
Female	87%	13%	55	8	No	78%	22%	136 38
					Yes	74%	26%	197 69
Race					Total			
White	78%	22%	217	62	Prior DUI			
Black	71%	29%	95	39	No	74%	26%	201 71
Hispanic	78%	22%	21	6	Yes	79%	21%	132 36
					Total			
Age					Prior Personal *			
20-29	72%	28%	79	31	No	80%	20%	211 54
30-39	73%	27%	98	37	Yes	70%	30%	122 53
40-49	76%	24%	91	28	Total			
50 and above	86%	14%	65	11	Prior Property Charge **			
mean age	38.7	36.6			No	84%	16%	140 27
					Yes	71%	29%	193 80
County Category					Total			
Philadelphia	79%	21%	55	15	Prior Firearms Charge			
Allegheny	79%	21%	22	6	No	76%	24%	309 100
Urban	73%	27%	129	47	Yes	77%	23%	24 7
Rural	77%	23%	127	39				
Assessment Scores								
LSIR ***								
Low	89%	11%	117	15				
Medium	75%	25%	129	42				
High	64%	36%	87	50				
TCU Score- mean	7.0	6.9						
Offense ***								
Drug offense	80%	20%	191	47				
Burglary	63%	37%	24	14				
Theft/forgery	53%	47%	23	20				
DUI	95%	5%	61	3				
Other	60%	40%	34	23				
Number of prior arrests [Mean] ***			4.5	6.9				
Number of prior charges [Mean] ***			12.6	21.5				

* Significant at .05 level ** Significant at .01 level *** Significant at .001 level



Table 7. Summary of Multivariate Models Predicting Recidivism [N=440]

	Model 1 R ² =.176	Model 2 R ² =.250	Model 3 R ² =.285	Model 4 R ² =.337
	Legal Variables	Add Sentence Type	Add Assessment Scores	Add Extra legal
Legal Variables				
Current Offense [convicted of offense other than drug or DUI]	***	***	***	**
Prior arrests [larger number of prior arrests]	***	***	***	***
Type of Sentence				
SIP or Prison [sentenced to prison compared to SIP]		***	***	***
Assessment Scores				
LSIR [at high risk for recidivism]			**	**
Extralegal Variables				
Age [younger]				**
Gender				
Race [blacks compared to whites and Hispanics]				*
County				
* Significant at .05 level ** Significant at .01 level *** Significant at .001 level # marginally significant at .10 level				
NOTES: Model 1 includes two major legal factors: current offense and prior record Model 2 adds the type of sentence: SIP or prison Model 3 adds the LSIR risk assessment score. Model 4 adds the extra-legal factors: age, gender, race, county.				



CONCLUSION

The SIP program opened in May 2005, and by May 2009 there were 6,081 offenders sentenced to the Department of Corrections who had been eligible for the program. Of these, about 33% [N=2,023] had been referred and evaluated for SIP. Of those evaluated, about 74% [N=1,494] had been sentenced and admitted into the program. During this same time period, 427 offenders successfully completed the program, and 198 had been expelled.

Due to concerns about the underutilization of SIP, the restrictions of the ineligibility criteria, and the ability of the prosecutor to restrict sentences to SIP, the Commission is recommending several changes to the SIP statute. These recommendations include having the Legislature review the list of ineligible offenses, remove the requirement that the district attorney must move for the referral to SIP, and allow the court greater discretion in ordering SIP.

The number of counties referring offenders for SIP has increased over the years, and currently 57 of Pennsylvania's 67 counties have sentenced offenders to the SIP program. Most offenders approved for SIP were male, white, convicted of drug delivery or DUI offenses, had previous substance abuse treatment, and were at high or medium risk for recidivism. Offenders were significantly more likely to complete the SIP program if they were older, had fewer prior arrests, were at low risk for recidivism, and had a greater substance abuse problem.

Offenders who successfully completed the SIP program were significantly less likely to recidivate than a comparable group of offenders who were released from prison. After six months, the re-arrest rate for SIP completers was 5.7% compared to 10.0% of the comparison group. After one year, the re-arrest rate for the SIP completers was 11.9% compared to 20.4%. Additionally, among offenders in comparison prison group, 8.3% were returned to prison for a technical violation after six months and 15.3% were returned after one year. Since SIP offenders are not released to parole, they cannot be returned to prison for a technical violation. It is important to note that about one-third of the SIP offenders are expelled from the program and returned for re-sentencing. Those offenders were not included in the analysis as the current analysis only examined the impact of program completion. The findings, however, do provide strong support for the success of the SIP Program in lowering recidivism for offenders who successfully complete the program. We will continue to monitor the success of SIP program completion and, in future reports, examine whether these findings hold when the tracking period is expanded from one to two years or more.



APPENDICES



APPENDIX A

CURRENT SENTENCING GUIDELINE RECOMMENDATIONS FOR STATE INTERMEDIATE PUNISHMENT [EFFECTIVE DECEMBER 5, 2008]

§303.11. Guideline sentence recommendation: sentencing levels.

(a) Purpose of sentence. In writing the sentencing guidelines, the Pennsylvania Commission on Sentencing strives to provide a benchmark for the judges of Pennsylvania. The sentencing guidelines provide sanctions proportionate to the severity of the crime and the severity of the offender's prior conviction record. This establishes a sentencing system with a primary focus on retribution, but one in which the recommendations allow for the fulfillment of other sentencing purposes including rehabilitation, deterrence, and incapacitation. To facilitate consideration of sentencing options consistent with the intent of the sentencing guidelines, the Commission has established five sentencing levels. Each level targets certain types of offenders, and describes ranges of sentencing options available to the court.

(b) Sentencing levels. The sentencing level is based on the standard range of the sentencing recommendation. Refer to §303.9 to determine which sentence recommendation (i.e. - Basic, Deadly Weapon Enhancement or Youth/School Enhancement) applies. When the individual or aggregate minimum sentence recommendation includes confinement in a county facility, county intermediate punishment should be considered in lieu of confinement for an eligible offender. When the individual or aggregate minimum sentence recommendation includes confinement in a state facility, county or state intermediate punishment should be considered in lieu of confinement for an eligible offender.

§303.12. Guideline sentence recommendations: sentencing programs.

(c) State Intermediate Punishment (SIP).

(1) Eligibility

(i) The following statute governs operation of and eligibility for State Intermediate Punishment:
42 Pa.C.S. Chapter 99

(ii) Any person convicted of a drug-related offense for which the sentence recommendation includes total confinement in a state facility may be considered for state intermediate punishment.

(2) The court may, upon motion of the Commonwealth and agreement of the defendant, commit a defendant to the custody of the Department of Corrections for the purpose of evaluating whether the defendant would benefit from a drug offender treatment program and whether treatment in a drug offender treatment program is appropriate.

(3) Upon receipt of a recommendation for placement in a drug offender treatment program and an individualized treatment plan from the Department of Corrections, and agreement of the attorney for the Commonwealth and the defendant, the court may sentence an eligible offender to a period of 24 months of state intermediate punishment.

(4) The court may impose a consecutive period of probation. The total duration of a sentence of state intermediate punishment and consecutive probation may not exceed the maximum term for which the eligible offender could otherwise be sentenced.



APPENDIX B

DRAFT LEGISLATION FOR RECOMMENDED CHANGES TO STATE INTERMEDIATE PUNISHMENT

Purdon's Pennsylvania Statutes and Consolidated Statutes
Title 42 Pa.C.S.A. Judiciary and Judicial Procedure
State Intermediate Punishment
§ 9903. Definitions

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Commission." The Pennsylvania Commission on Sentencing.

"Community-based therapeutic community." A long-term residential addiction treatment program licensed by the Department of Health to provide addiction treatment services using a therapeutic community model and determined by the Department of Corrections to be qualified to provide addiction treatment to eligible offenders.

"Community corrections center." A residential program that is supervised and operated by the Department of Corrections for inmates with prerelease status or who are on parole.

"Court." The trial judge exercising sentencing jurisdiction over an eligible offender under this chapter or the president judge if the original trial judge is no longer serving as a judge of the sentencing court.

"Defendant." An individual charged with a drug-related offense, **including an individual convicted of violating section 13(a)(14), (30) or (37) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, where the sentence was imposed pursuant 18 Pa.C.S. §7508(a)(1)(i), (2)(i), (3)(i), (4)(i) or (7)(i) (relating to drug trafficking sentencing and penalties).**

"Department." The Department of Corrections of the Commonwealth.

"Drug offender treatment program." An individualized treatment program established by the Department of Corrections consisting primarily of drug and alcohol addiction treatment that satisfies the terms and conditions listed in section 9905 (relating to drug offender treatment program).

"Drug-related offense." A criminal offense for which a defendant is convicted and that the court determines was motivated by the defendant's consumption of or addiction to alcohol or a controlled substance, counterfeit, designer drug, drug, immediate precursor or marijuana, as those terms are defined in the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

"Eligible offender." Subject to section 9721(a.1) (relating to sentencing generally), a defendant designated by the sentencing court as a person convicted of a drug-related offense who:

- (1) Has undergone an assessment performed by the Department of Corrections, which assessment has concluded that the defendant is in need of drug and alcohol addiction treatment and would benefit from commitment to a drug offender treatment program and that placement in a drug offender treatment program would be appropriate.
- (2) Does not demonstrate a history of present or past violent behavior.
- (3) Would be placed in the custody of the department if not sentenced to State intermediate punishment.



- (4) Provides written consent permitting release of information pertaining to the defendant's participation in a drug offender treatment program.

The term shall not include a defendant who is subject to a sentence the calculation of which includes an enhancement for the use of a deadly weapon, as defined pursuant to law or the sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing, or a defendant who has been convicted of a personal injury crime as defined in section 103 of the act of November 24, 1998 (P.L. 882, No. 111), known as the Crime Victims Act, or an attempt or conspiracy to commit such a crime or who has been convicted of violating 18 Pa.C.S. § 4302 (relating to incest), 5901 (relating to open lewdness), 6312 (relating to abuse of children), 6318 (relating to unlawful contact with minor) or 6320 (relating to sexual exploitation of children) or Ch. 76 Subch. C (relating to Internet child pornography).

“Expulsion.” The permanent removal of a participant from a drug offender treatment program.

“Group home.” A residential program that is contracted out by the Department of Corrections to a private service provider for inmates with prerelease status or who are on parole.

“Individualized drug offender treatment plan.” An individualized addiction treatment plan within the framework of the drug offender treatment program.

“Institutional therapeutic community.” A residential drug treatment program in a State correctional institution, ac-credited as a therapeutic community for treatment of drug and alcohol abuse and addiction by the American Correctional Association or other nationally recognized accreditation organization for therapeutic community drug and alcohol addiction treatment.

“Outpatient addiction treatment facility.” An addiction treatment facility licensed by the Department of Health and designated by the Department of Corrections as qualified to provide addiction treatment to criminal justice offenders.

“Participant.” An eligible offender actually sentenced to State intermediate punishment pursuant to section 9721(a)(7) (relating to sentencing generally).

“Transitional residence.” A residence investigated and approved by the Department of Corrections as appropriate for housing a participant in a drug offender treatment program.



Purdon's Pennsylvania Statutes and Consolidated Statutes
Title 42 Pa.C.S.A. Judiciary and Judicial Procedure
§ 9904. Referral to State intermediate punishment program

(a) Referral for evaluation.--

(1) Prior to imposing a sentence, the court may **[, upon motion of the Commonwealth and agreement of the defendant,]** commit a defendant to the custody of the department for the purpose of evaluating whether the defendant would benefit from a drug offender treatment program and whether placement in the drug offender treatment program is appropriate.

(2) Upon committing a defendant to the department, the court shall forward to the department:

(i) A summary of the offense for which the defendant has been convicted.

(ii) Information relating to the defendant's history of delinquency or criminality, including the information maintained by the court pursuant to Chapter 63 (relating to juvenile matters), when available.

(iii) Information relating to the defendant's history of drug or alcohol abuse or addiction, when available.

(iv) A presentence investigation report, when available.

(v) Any other information the court deems relevant to assist the department with its assessment of the defendant.

(b) Assessment of addiction.--

(1) The department shall conduct an assessment of the addiction and other treatment needs of a defendant and determine whether the defendant would benefit from a drug offender treatment program. The assessment shall be conducted using a nationally recognized assessment instrument or an instrument that has been normed and validated on the department's inmate population by a recognized expert in such matters. The assessment instrument shall be administered by persons skilled in the treatment of drug and alcohol addiction and trained to conduct assessments. The assessments shall be reviewed and approved by a supervisor with at least three years of experience providing drug and alcohol counseling services.

(2) The department shall conduct risk and other assessments it deems appropriate and shall provide a report of its assessment to the court, the defendant, the attorney for the Commonwealth and the commission within 60 days of the court's commitment of the defendant to the custody of the department.

(c) Proposed drug offender treatment program.--If the department in its discretion believes a defendant would benefit from a drug offender treatment program and placement in the drug offender treatment program is appropriate, the department shall provide the court, the defendant, the attorney for the Commonwealth and the commission with a proposed drug offender treatment program detailing the type of treatment proposed.

(d) Prerequisites for commitment.--Upon receipt of a recommendation for placement in a drug offender treatment program from the department **[and agreement of the attorney for the Commonwealth and the defendant],** the court may sentence an eligible offender to a period of 24 months of State intermediate punishment if the court finds that:

(1) The eligible offender is likely to benefit from State intermediate punishment.



(2) Public safety would be enhanced by the eligible offender's participation in State intermediate punishment.

(3) Sentencing the eligible offender to State intermediate punishment would not depreciate the seriousness of the offense.

(d.1) Resentencing.--The department may make a written request to the sentencing court that an offender who is otherwise eligible but has not been referred for evaluation or originally sentenced to State intermediate punishment be sentenced to State intermediate punishment. The court may resentence the offender to State intermediate punishment if all of the following apply:

(1) The department has recommended placement in a drug offender treatment program.

[(2) The attorney for the Commonwealth and the offender have agreed to the placement and modification of sentence.]

(3) The court makes the findings set forth under subsection (d).

(4) The resentencing has occurred within 365 days of the date of the defendant's admission to the custody of the department.

(5) The court has otherwise complied with all other requirements for the imposition of sentence including victim notification under the act of November 24, 1998 (P.L. 882, No. 111), known as the Crime Victims Act.

(e) Consecutive probation.--Nothing in this chapter shall prohibit the court from sentencing an eligible offender to a consecutive period of probation. The total duration of the sentence may not exceed the maximum term for which the eligible offender could otherwise be sentenced.

(f) Applicability and program limitations.--The court may not modify or alter the terms of the department's proposed individualized drug offender treatment plan without the agreement of the department and the attorney for the Commonwealth.

(g) Videoconferencing.--The department shall make videoconferencing facilities available to allow the court to conduct proceedings necessary under this section when the eligible offender has been committed to the custody of the department pursuant to subsection (b).

Pennsylvania Commission on Sentencing
 Pennsylvania's State Intermediate Punishment Program: 2010 Report to the Legislature

18 Pa. C.S.A. §	OFFENSE TITLE	STATUTORY CLASS	Crime of Violence	Megan's Law	Sex Offender Trmt	Personal Injury	PBPP	Ineligible for CIP	Ineligible for BC	Ineligible for SIP	Ineligible for RRR1
901	Criminal Attempt	same as object offense	x	x	x	x	x			x	x
902	Criminal Solicitation (all offenses)	same as object offense	x	x	x		x				
902	Criminal Solicitation (Megan's Law offenses)	same as object offense	x	x	x		x				x
903	Criminal Conspiracy	same as object offense	x	x	x	x	x			x	x
2502 (a)	Murder, First Degree	Murder of the First Degree				x	x	x	x	x	x
2502 (b)	Murder, Second Degree	Murder of the Second Degree				x	x	x	x	x	x
2502 (c)	Murder, Third Degree	F1	x			x	x	x	x	x	x
2503	Manslaughter, Voluntary	F1	x			x	x	x	x	x	x
2504*	Manslaughter, involuntary (when there is also a conviction for DUI arising from the same INCIDENT)	M1				x				x	x
2504*	Manslaughter, involuntary (when there is not a conviction for DUI arising from the same INCIDENT)	M1				x				x	x
2504	Manslaughter, involuntary (victim under 12 years)	F2				x				x	x
2505 (b)	Suicide, Aids or Solicits	F2				x				x	x
2505 (b)	Suicide, Aids or Solicits	M2				x				x	x
2506	Drug Delivery Resulting in Death	F1				x				x	x
2604 (a)	Murder, First Degree, unborn child	Murder of the First Degree					x				
2604 (b)	Murder, Second Degree, unborn child	Murder of the Second Degree					x				
2604 (c)	Murder, Third Degree, unborn child	F1					x				
2605	Manslaughter, Voluntary, of unborn child	F1					x				
2606*	Aggravated assault of unborn child (caused serious bodily injury)	F1					x				
2606*	Aggravated assault of unborn child (attempted to cause serious bodily injury)	F1					x				
2701	Simple Assault	M2				x				x	x
2701 (b)(1)	Simple Assault (mutual consent)	M3				x				x	x
2701 (b)(2)	Simple Assault (against child by adult)	M1				x				x	x
2702 (a)(1)*	Aggravated Assault (causes serious bodily injury)	F1	x			x	x	x		x	x
2702 (a)(1)*	Aggravated Assault (attempts to cause serious bodily injury)(see §303.8 (b))	F1	x			x	x	x		x	x
2702 (a)(2)*	Aggravated Assault (causes serious bodily injury, police, etc.)	F1	x			x	x	x		x	x
2702 (a)(2)*	Aggravated Assault (attempts to cause serious bodily injury, police, etc.)(see §303.8 (b))	F1	x			x	x	x		x	x
2702 (a)(3)	Aggravated Assault (causes or attempts to cause bodily injury, police, etc.)	F2				x	x	x		x	x

18 Pa. C.S.A. §	OFFENSE TITLE	STATUTORY CLASS	Crime of Violence	Megan's Law	Sex Offender Trmt	Personal Injury	PBPP	Ineligible for CIP	Ineligible for BC	Ineligible for SIP	Ineligible for RRR
2702 (a)(4)	Aggravated Assault (causes or attempts to cause bodily injury with a deadly weapon)	F2				X	X	X		X	X
2702 (a)(5)	Aggravated Assault (teaching staff, etc.)	F2				X	X	X		X	X
2702 (a)(6)	Aggravated Assault (physical menace, fear of imminent SBI)	F2				X	X	X		X	X
2702 (a)(7)	Aggravated Assault (tear or noxious gas)	F2				X	X	X		X	X
2702.1	Assault of a Law Enforcement Officer	F1				X	X	X		X	X
2703	Assault by Prisoner	F2				X	X	X		X	X
2703.1	Aggravated harassment by prisoner	F3				X	X	X		X	X
2704	Assault by life prisoner	Murder of the Second Degree				X	X	X		X	X
2705	Recklessly Endangering Another Person	M2				X	X	X		X	X
2706	Terroristic Threats	M1				X	X	X		X	X
2706	Terroristic threats (diverted from activities)	F3				X	X	X		X	X
2707 (a)	Propulsion of Missiles into an Occupied Vehicle	M1				X	X	X		X	X
2707 (b)	Propulsion of Missiles onto a Roadway	M2				X	X	X		X	X
2707.1	Discharge of firearm into an occupied structure	F3				X	X	X		X	X
2708	Use of Tear Gas in Labor Dispute	M1				X	X	X		X	X
2709 (a)	Harassment	M3				X	X	X		X	X
2709.1 (c)(1)	Stalking (first offense)	M1				X	X	X		X	X
2709.1 (c)(2)	Stalking (second/subsequent offense or prior crime of violence)	F3				X	X	X		X	X
2710	Ethnic intimidation	18 Pa.C.S. §2710(b)				X	X	X		X	X
2712	Assault on Sports Official	M1				X	X	X		X	X
2713 (a)(1)(2)	Neglect of Care-dependent Person(SBI)	F1				X	X	X		X	X
2713 (a)(1)(2)	Neglect of Care-dependent Person(BI)	M1				X	X	X		X	X
2714	Unauthorized administration of intoxicant	F3				X	X	X		X	X
2715 (b)(1)	Threat to use weapons of mass destruction (reports or threatens)	M1				X	X	X		X	X
2715 (b)(2)	Threat to use weapons of mass destruction (diverted from activities)	F3				X	X	X		X	X
2715 (b)(3)	Threat to use weapons of mass destruction (during state of emergency)	F2				X	X	X		X	X
2716 (a)	Weapons of mass destruction (possession/first offense)	F2				X	X	X		X	X
2716 (a)	Weapons of mass destruction (possession/subsequent offense)	F1				X	X	X		X	X
2716 (b)(1)	Weapons of mass destruction (use/cause injury or illness)	F1				X	X	X		X	X
2716 (b)(1)	Weapons of mass destruction (use/results in death)	Life				X	X	X		X	X
2716 (b)(2)	Weapons of mass destruction (damage/disrupt water, food)	F1				X	X	X		X	X
2716 (b)(3)	Weapons of mass destruction (evacuation)	F1				X	X	X		X	X
2717 (b)(1)	Terrorism	M2				X	X	X		X	X
2717 (b)(1)	Terrorism	M1				X	X	X		X	X
2717 (b)(1)	Terrorism	F3				X	X	X		X	X
2717 (b)(1)	Terrorism	F2				X	X	X		X	X

Pennsylvania Commission on Sentencing
 Pennsylvania's State Intermediate Punishment Program: 2010 Report to the Legislature

18 Pa. C.S.A. §	OFFENSE TITLE	STATUTORY CLASS	Crime of Violence	Megan's Law	Sex Offender Trmt	Personal Injury	PBPP	Ineligible for CIP	Ineligible for BC	Ineligible for SIP	Ineligible for RRRRI
2717 (b)(1)	Terrorism	F1				X				X	X
2717 (b)(2)	Terrorism	F1				X				X	X
2901	Kidnapping	F1	X	X	X	X	X			X	X
2902 (b)(1)	Unlawful restraint (victim 18 yrs. or older)	M1				X				X	X
2902 (b)(2)	Unlawful restraint (victim under 18 years of age)	F2				X				X	X
2903 (b)(1)	False imprisonment (victim 18 yrs. or older)	M2				X				X	X
2903 (b)(2)	False imprisonment (victim under 18 years of age)	F2				X				X	X
2904 (c)	Interference with the Custody of Children	F3				X				X	X
2904 (c)(1)	Interference with the Custody of Children	F2				X				X	X
2904 (c)(2)	Interference with the Custody of Children	M2				X				X	X
2905	Interference w/Custody of Committed Persons	M2				X				X	X
2906	Criminal Coercion	M1				X				X	X
2906	Criminal Coercion	M2				X				X	X
2907	Disposition of Ransom	F3				X				X	X
2909	Concealment of Whereabouts of a Child	F3				X				X	X
2910	Luring a Child into a Motor Vehicle	M1				X				X	X
3121 (a)	Rape	F1	X	X	X	X	X			X	X
3121 (b)	Rape (uses substance to impair victim)	F1	X	X	X	X	X			X	X
3121 (c)	Rape (child <13 yrs.)	F1	X	X	X	X	X			X	X
3121 (d)	Rape (child <13 yrs., sbi)	F1	X	X	X	X	X			X	X
3122.1	Statutory Sexual Assault	F2				X				X	X
3123 (a)	Involuntary Deviate Sexual Intercourse	F1	X	X	X	X	X			X	X
3123 (b)	Involuntary Deviate Sexual Intercourse (child <13 yrs.)	F1	X	X	X	X	X			X	X
3123 (c)	Involuntary Deviate Sexual Intercourse (child <13 yrs., sbi)	F1	X	X	X	X	X			X	X
3124.1	Sexual Assault	F2	X	X	X	X	X			X	X
3124.2	Institutional sexual assault	F3				X				X	X
3125 (a)	Aggravated Indecent Assault	F2	X	X	X	X	X			X	X
3125 (b)	Aggravated Indecent Assault (child)	F1	X	X	X	X	X			X	X
3126 (a)(1), (8)	Indecent Assault	M2				X				X	X
3126 (a)(2)-(7)	Indecent Assault (child <13 years)	M1				X				X	X
3126 (a)(7)	Indecent assault (if (b)(3))	F3				X				X	X
3127	Indecent Exposure (person present is 16 years of age or older)	M2				X				X	X
3127	Indecent Exposure (person present is less than 16 years of age)	M1				X				X	X
3129	Sexual intercourse with animal	M2				X				X	X
3130 (a)(1)-(4)	Conduct relating to sex offenders	F3				X				X	X
3301 (a)* (excluding (a)(1)(i))	Arson Endangering Persons (where a person is inside the structure when the fire is started or when bodily injury results, either directly or indirectly, at the scene of the fire)	F1	X			X	X			X	X

18 Pa. C.S.A. §	OFFENSE TITLE	STATUTORY CLASS	Crime of Violence	Megan's Law	Sex Offender Trmt	Personal Injury	PBPP	Ineligible for CIP	Ineligible for BC	Ineligible for SIP	Ineligible for RRR
3301(a)* (excluding (a)(1)(i))	Arson Endangering Persons (where no person is inside the structure when the fire is started and no bodily injury results either directly or indirectly, at the scene of the fire)	F1	X			X	X	X		X	X
3301(a)(1)(i)	Arson Endangering Persons (recklessly places another person in danger of death or bodily injury)	F1	X			X	X	X	X	X	X
3301(c)	Arson, Endangering Property	F2				X	X	X		X	X
3301(d)	Arson, Reckless Burning	F3				X	X	X		X	X
3301(e)	Arson, Failure to Report	M1				X	X	X		X	X
3301(f)	Arson, Possess Explosive Material	F3				X	X	X		X	X
3301(g)	Arson, Disclosure of True Owner	M3				X	X	X		X	X
3502*	Burglary (of a structure adapted for overnight accommodation in which at the time of the offense any person is present)	F1	X				X	X	X		
3502*	Burglary (of a structure adapted for overnight accommodation in which at the time of the offense no person is present)	F1					X	X			
3502*	Burglary (of a structure not adapted for overnight accommodation in which at the time of the offense any person is present)	F1					X	X			
3502	Burglary (of a structure not adapted for overnight accommodation in which at the time of the offense no person is present)	F2					X	X			
3701(a)(1)(i)	Robbery (inflicts serious bodily injury)	F1	X			X	X	X	X	X	X
3701(a)(1)(ii)	Robbery (threatens another with or intentionally puts him in fear of immediate serious bodily injury)	F1	X			X	X	X	X	X	X
3701(a)(1)(iii)	Robbery (commits or threatens immediately to commit any F1 or F2)	F1	X			X	X	X	X	X	X
3701(a)(1)(iv)	Robbery (threatens or inflicts bodily injury or intentionally puts him in fear of immediate bodily injury)	F2				X	X	X		X	X
3701(a)(1)(v)	Robbery (physically takes or removes property by force, however slight)	F3				X	X	X		X	X
3702*	Robbery of a Motor Vehicle (inflicts serious bodily injury)	F1	X			X	X	X	X	X	X
3702*	Robbery of a Motor Vehicle (does not inflict serious bodily injury)	F1	X			X	X	X	X	X	X
3922*	Theft by Deception (over \$100,000)	F3					X	X	X	X	X
3922*	Theft by Deception (over \$50,000 to \$100,000)	F3					X	X	X	X	X
3922*	Theft by Deception (over \$25,000 to \$50,000)	F3					X	X	X	X	X
3922*	Theft by Deception (over \$2,000 to \$25,000, or if the property is an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3					X	X	X	X	X
3922	Theft by Deception (\$2,000 or less; from person or by threat or in breach of fiduciary obligation)	M1					X	X	X	X	X

Pennsylvania Commission on Sentencing
 Pennsylvania's State Intermediate Punishment Program: 2010 Report to the Legislature

18 Pa. C.S.A. §	OFFENSE TITLE	STATUTORY CLASS	Crime of Violence	Megan's Law	Sex Offender Trmt	Personal Injury	PBPP	Ineligible for CIP	Ineligible for BC	Ineligible for SIP	Ineligible for RRR
3922	Theft by Deception (\$200 to \$2,000)	M1									
3922	Theft by Deception (\$50 to less than \$200)	M2									
3922	Theft by Deception (less than \$50)	M3									
3923	Theft by Extortion (firearm)	F2					X	X			
3923*	Theft by Extortion (over \$100,000)	F3					X	X			
3923*	Theft by Extortion (over \$50,000 to \$100,000)	F3					X	X			
3923*	Theft by Extortion (over \$25,000 to \$50,000)	F3					X	X			
3923*	Theft by Extortion (over \$2,000 to \$25,000, or if the property is an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3					X	X			
3923	Theft by Extortion (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1					X	X			
3923	Theft by Extortion (\$200 to \$2,000)	M1					X	X			
3923	Theft by Extortion (\$50 to less than \$200)	M2					X	X			
3923	Theft by Extortion (less than \$50)	M3					X	X			
4302	Incest	F2	X	X	X		X	X		X	X
4303	Concealing Death of Child	M1									
4304	Endangering Welfare of Children	M1			X						
4304	Endangering Welfare of Children (course of conduct)	F3									
4915 (a)(1)	Failure to Register, Sexual Offender Registration (Lifetime, 2nd & subsequent offense)	F1									
4915 (a)(1)	Failure to Register, Sexual Offender Registration (10-year, 2nd & subsequent offense)	F2					X				
4915 (a)(1)	Failure to Register, Sexual Offender Registration (Lifetime)	F2					X				
4915 (a)(1)	Failure to Register, Sexual Offender Registration (10-year)	F3					X				
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (Lifetime, 2nd & subsequent offense)	F1									
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (10-year, 2nd & subsequent offense)	F2					X				
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (Lifetime)	F2					X				
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (10-year)	F3					X				
4915 (a)(3)	Failure to Provide Accurate Information, Sexual Offender Registration (Lifetime)	F1					X				
4915 (a)(3)	Failure to Provide Accurate Information, Sexual Offender Registration (10-year)	F2					X				

18 Pa. C.S.A. §	OFFENSE TITLE	STATUTORY CLASS	Crime of Violence	Megan's Law	Sex Offender Trmt	Personal Injury	PBPP	Ineligible for CIP	Ineligible for BC	Ineligible for SIP	Ineligible for RRI
4952	Intimidation of Witnesses or Victims (listed factor and most serious charged offense is F1, Murder 1 or Murder 2)	F1				X				X	X
4952	Intimidation of Witnesses or Victims (listed factor(s) and most serious charged offense is F2)	F2				X				X	X
4952	Intimidation of Witnesses or Victims (any other case in which actor sought to influence or intimidate)	F3				X				X	X
4952	Intimidation of Witnesses or Victims (any other obstruction or interference)	M2				X				X	X
4953	Retaliation Against Witness or Victim	F3				X				X	X
4953	Retaliation Against Witness or Victim	M2				X				X	X
4953.1 (b)(1)-(5)	Retaliation against prosecutor or judicial officer (listed circumstances)	F2				X				X	X
4953.1 (b)	Retaliation against prosecutor or judicial officer (all other circumstances)	M1				X				X	X
5121	Escape (from a halfway house, pre-release center, treatment center, work-release center, work-release, or by failing to return from an authorized leave or furlough)	F3						X			
5121 (d)(1)(i)(ii)(iii)*	Escape (all other escapes from this subsection)	F3						X			
5121 (d)(2)	Escape	M2						X			
5901	Open Lewdness	M3			X		X			X	X
5902 (b) when (c)(1)(iii) applies	Prostitution Involving Minors	F3			X		X			X	X
5903	Obscene Materials (victim is minor)	M1		X	X					X	X
5903	Obscene Materials (victim is minor)	F3		X	X		X			X	X
5903	Obscene Materials (victim is minor)	F2		X	X		X			X	X
Chapter 61	Firearms and other dangerous articles										
6111 (g)(1)	Sale or Transfer of Firearms	M2									
6111	Sale or Transfer of Firearms	F3									
(g)(2)(3)(3.1)(4)	Sale or Transfer of Firearms(subsequent)	F2									
6111 (h)	Certain Bullets Prohibited	F3									
6121	Corruption of Minors (when of a sexual nature)	M1			X		X				
6301 (a)(1)*	Corruption of Minors	M1									
6301 (a)(1)*	Corruption of Minors (second violation of truancy in year)	M3									
6301 (a)(2)	Sexual Abuse of Children (photographing, etc.)	F2		X	X		X			X	X
6312 (b)	Sexual Abuse of Children (dissemination, etc.; first offense)	F3		X	X		X			X	X
6312 (c)	Sexual Abuse of Children (dissemination, etc.; second/subsequent offense)	F2		X	X		X			X	X
6312 (d)	Possession of Child Pornography (first offense)	F3		X	X		X			X	X

18 Pa. C.S.A. §	OFFENSE TITLE	STATUTORY CLASS	Crime of Violence	Megan's Law	Sex Offender Trmt	Personal Injury	PBPP	Ineligible for CIP	Ineligible for BC	Ineligible for SIP	Ineligible for RRR
6312 (d)	Possession of Child Pornography (second/subsequent offense)	F2		x	x		x			x	x
6318	Unlawful contact or communication with minor (if underlying offense is less than F3)	F3		x	x		x			x	x
6318	Unlawful contact or communication with minor (if underlying offense is F3 or greater)	same as underlying offense		x	x		x			x	x
6320	Sexual exploitation of children	F2		x	x		x			x	x
7508	Drug trafficking mand. (min <= 3 years)	F						x			
7508	Drug trafficking mand. (min > 3 years)	F						x	x		
7508	Drug trafficking mand. (a)(1)(iii), (2)(iii), (3)(iii), (4)(iii), (7)(iii), or (8)(iii)	F						x	x		x
7624 (1)	Internet service provider (child pornography violation, 1st offense)	M3								x	x
7624 (2)	Internet service provider (child pornography violation, 2nd offense)	M2								x	x
7624 (3)	Internet service provider (child pornography violation, 3rd or subsequent offense)	F3								x	x
30 Pa. C.S.A. §	OFFENSE TITLE	STATUTORY CLASS	Crime of Violence	Megan's Law	Sex Offender Trmt	Personal Injury	PBPP	Ineligible for CIP	Ineligible for BC	Ineligible for SIP	Ineligible for RRR
5502.1	Homicide by watercraft while under the influence (3 year mandatory minimum)	F3				x		x		x	x
42 Pa. C.S.A. §	OFFENSE TITLE	STATUTORY CLASS	Crime of Violence	Megan's Law	Sex Offender Trmt	Personal Injury	PBPP	Ineligible for CIP	Ineligible for BC	Ineligible for SIP	Ineligible for RRR
9712.1	Certain drug offenses committed with firearms										x
75 Pa. C.S.A. §	OFFENSE TITLE	STATUTORY CLASS	Crime of Violence	Megan's Law	Sex Offender Trmt	Personal Injury	PBPP	Ineligible for CIP	Ineligible for BC	Ineligible for SIP	Ineligible for RRR
3732	Homicide by vehicle	F3				x	x			x	x
3735	Homicide by vehicle while DUI (3 year mandatory minimum)	F2				x	x	x		x	x
3735.1	Aggravated assault by vehicle while DUI	F2			x	x	x			x	x
3742 (b)(2)	Accident involving SBI (leaving scene, 90 day mandatory minimum)	F3				x		x		x	x
3742 (b)(3)	Accident involving death (leaving scene, 1 year mandatory minimum)	F3				x		x		x	x
3802 (a)(1)	DUI/accident, 1st or 2nd (bodily injury)	M				x				x	x
3802 (a)(1)	DUI/accident, 3rd or subseq. (bodily injury)	M1				x				x	x
	Other Ineligibility Provisions		Crime of Violence	Megan's Law	Sex Offender Trmt	Personal Injury	PBPP	Ineligible for CIP	Ineligible for BC	Ineligible for SIP	Ineligible for RRR
	Violation of PFA issued as result of domestic violence					x			x	x	x
	DWE/Used								x	x	x
	Any offense involving a deadly weapon										x
	Present/past pattern of violent behavior							x		x	x
	Previous conviction for ineligible offense within past 10 years							x			
	Previous conviction or adjudication for ineligible offense							x			x

Other Ineligibility Provisions	Crime of Violence	Megan's Law	Sex Offender Trmt	Personal Injury	PBPP	Ineligible for CIP	Ineligible for BC	Ineligible for SIP	Ineligible for RRRI
Awaiting trial or sentencing for additional charges; if charges would cause defendant to be ineligible									x
Mandatory minimum sentence (unless otherwise provided)						x			
Sexually Violent Predator									x
Other Eligibility Provisions	Crime of Violence	Megan's Law	Sex Offender Trmt	Personal Injury	PBPP	Eligible for CIP	Eligible for BC	Eligible for SIP	Eligible for RRRI
Minimum sentence not more than 3 years							x		
Less than 35 years of age							x		
Otherwise sentenced to county correctional facility						x			
Sentenced to state custody								x	
Assessment required								x	
Written consent permitting release of information pertaining to treatment									x
Drug-related offense									x



APPENDIX C LOGISTIC REGRESSION MODELS

Logistic regression results for prediction of program completion [Model 3]

	B	S.E.	Wald	df	Sig.	Exp(B)
Prior Adult Arrests	-.071	.026	7.709	1	.005	.931
Conviction Offense [DUI or not]	-.277	.277	1.003	1	.317	.758
TCU Score -compared to low			60.845	2	.000	
Medium	1.687	.306	30.409	1	.000	5.402
High	2.371	.306	59.838	1	.000	10.706
LSIR1-compared to Low			24.088	2	.000	
Medium	-1.298	.359	13.066	1	.000	.273
High	-1.744	.362	23.269	1	.000	.175
CSSM1-compared to low			.976	2	.614	
Medium	.013	.217	.004	1	.952	1.013
High	-.200	.229	.767	1	.381	.819
Age	.033	.010	10.368	1	.001	1.033
County-compared to rural			1.051	2	.591	
Philadelphia	-.244	.280	.758	1	.384	.783
Other urban	-.191	.221	.751	1	.386	.826
Gender	-.334	.238	1.960	1	.161	.716
Race - compared to Hispanic			2.929	2	.231	
White	.604	.358	2.852	1	.091	1.830
Black	.492	.330	2.222	1	.136	1.636
Constant	-.197	.712	.076	1	.782	.821

Logistic regression results for prediction of recidivism [Model 4]

	B	S.E.	Wald	df	Sig.	Exp(B)
Offense [offenses other than DUI or drugs]	.838	.275	9.272	1	.002	2.313
Prior Arrests	.159	.034	21.248	1	.000	1.172
SIP v Prison group	1.517	.290	27.438	1	.000	4.559
LSI_R[compared to low risk]			6.826	2	.033	
LSI_R [medium risk]	.586	.362	2.620	1	.106	1.797
LSI_R_ [high risk]	.978	.376	6.767	1	.009	2.658
Age	-.047	.015	9.893	1	.002	.954
Race [black compared to white and hispanic]	.767	.304	6.351	1	.012	2.154
Gender	-.638	.442	2.088	1	.148	.528
County [compared to rural]			3.349	2	.187	
Phil and Alleg	-.592	.402	2.170	1	.141	.553
Other urban	.068	.306	.049	1	.825	1.070
Constant	-5.178	.980	27.946	1	.000	.006



Pennsylvania Commission on Sentencing

Staff

Executive Unit

Mark H. Bergstrom
Executive Director

Cynthia A. Kempinen, Ph.D.
Deputy Director

Joseph Sabino Mistick, Esquire
Counsel (part-time)

Data Management Unit

Carol A. Zeiss
Manager

Linda M. Bell
SGS Web Support

Barbara R. Boob
Data Input Specialist

Brenda C. Cooper
Data Technologist

Robert E. Probst
Lead Data Input Specialist

Information Access Unit

Joan F. Lisle
Manager

Haiou Hu
Research Support Associate

Administrative Support Unit

Jodi R. Ripka
Fiscal/Office Manager

Catherine W. Dittman
Staff Assistant

Trevor D. Squillario
System Administrator

Outreach and Policy Support Unit

Diane E. Shoop, Ph.D.*
Manager

Carrie L. Peters
Sentencing Policy Specialist

Helene Placey*
Sentencing Policy Specialist

**located in Harrisburg Office*

Research Unit

Cynthia A. Kempinen, Ph.D.
Director

Leigh A. Tinik
Research Support Associate

R. Barry Ruback, Ph.D., J.D., Professor
Faculty Researcher



Pennsylvania Commission on Sentencing

<http://pasentencing.us>

State College Office
009 Brumbaugh Hall
Penn State University Park
Campus

Mail:
PO Box 1200
State College, PA 16804-1200

Phone:
814.863.2797

Fax:
814.863.2129

Harrisburg Office
408 Forum Building
Capitol Complex

Mail:
PO Box 1045
Harrisburg, PA 17108-1045

Phone:
717.772.3776

Fax:
717.772.8892