

Managing Population Growth Budget Presentation 2010

February 2010

OVERVIEW

Despite crime rates that have been mostly stable or declining, Pennsylvania's incarceration rate has risen dramatically over the past several decades (from 50 per 100,000 in 1970 to 372 per 100,000 in 2008), with especially large growth occurring during the last two years. Specific policy decisions, not crime rates or the civilian population, are primarily responsible for this large growth. Such policy decisions include the "war on drugs" and a number of mandatory minimum sentence provisions passed in recent decades. More immediately, a moratorium on all parole releases during 2008 in response to two high-profile police officer murders has led to a large increase in the prison population. The parole moratorium highlights how isolated events can have an extreme and unintended impact on the prison system. Plans by the DOC to address this growth include several prison construction projects and the transfer of appropriate state inmates to other jurisdictions. Several long-term recommendations for the criminal justice system are also made, including the expansion of a number of alternative or diversionary sentencing options for low risk offenders.

THE BIG PICTURE

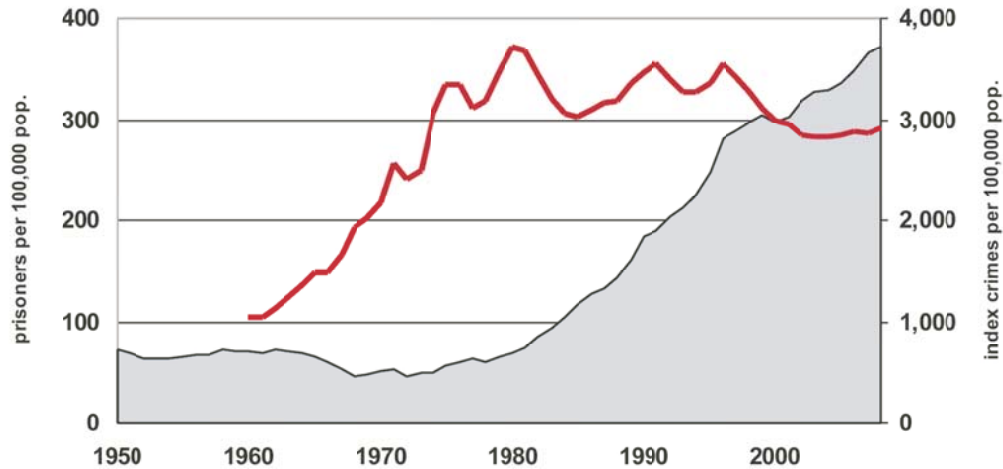
Crime Rates in PA

- The PA crime rate tripled between 1960 and the mid-1970s.
- The crime rate has remained mostly stable or decreasing since 1980.
- The crime rate in 2008 was as low as it was in 1975.

Prison Population in PA

- The incarceration rate has exploded by more than 500% since 1980, requiring the construction of 18 new prisons since 1980. The general civilian population during this same time period remained mostly stable.
- The ongoing "war on drugs" has led to a large increase in less serious offenders sent to prison. The percent of the state prison population incarcerated for drug offenses has increased from 4% in 1980 to 20% in 2008.
- The last four decades has seen a significant number of mandatory minimum sentences passed, all leading to longer prison terms. Not including later amendments, 38 mandatory minimum bills have been passed since 1980: 18 in the 1980s, 9 in the 1990s, and 11 since 2000.
- The number of parole violators sent to prison has increased by over 600% since 1980. Parole violators currently represent approximately one-third of all prison admissions, and serve approximately 14 months in prison on average.

PA Incarceration Rate and Index Crime Rate, 1950-2008

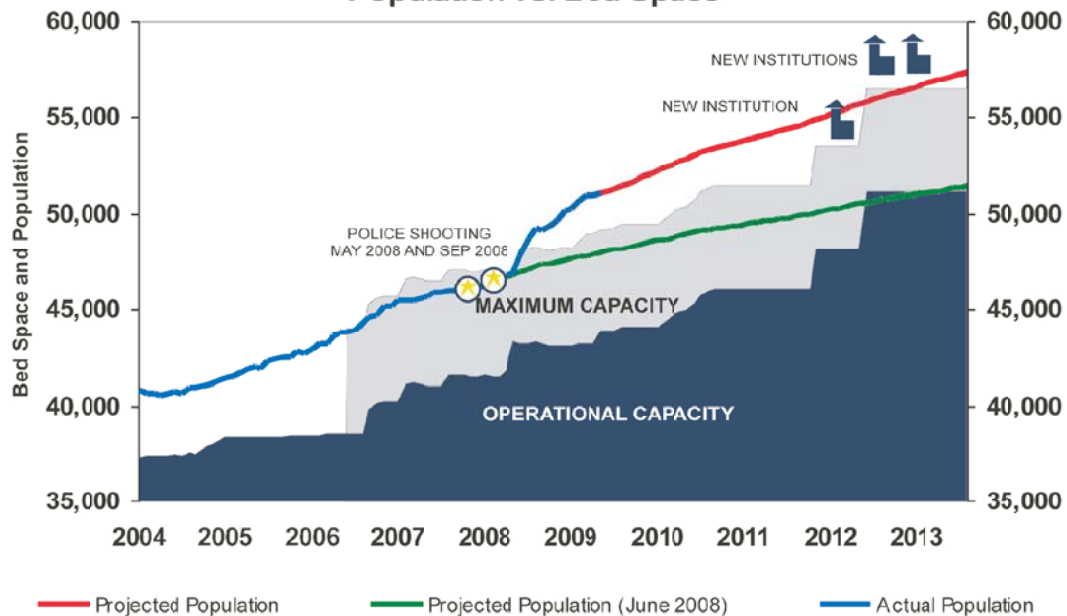


THE CURRENT SITUATION

Recent growth in the prison population has resulted in larger than previously anticipated capacity deficits. Current projections indicate a growth of 8,142 inmates over the next four years. Even with currently planned capacity expansion projects, state prisons will be operating at 115 % of operational capacity by December 2013. Reasons for this particularly sharp growth in recent years include:

- A significant proportion of short minimum sentence inmates are being admitted to prison. Approximately one-third of all new court commitments to the DOC have 12 months or less to serve until their minimum sentence at the time of reception. These offenders serve 143% of their minimum sentence on average, compared to 133% on average for the general inmate population.
- The number of less serious (Part II) prison admissions has increased at more than twice the rate as the number of more serious (Part I) offenders during the past two years.
- In response to the murders of two Philadelphia police officers by parolees during 2008, a moratorium on parole releases from prison was instituted over a nine week period (Sept. 30, 2008 to Dec. 2, 2008). In the aftermath of this moratorium, the parole rate dropped from 62% to just over 37%.

Department of Corrections - Projections - Population vs. Bed Space -



HOW DO WE RESPOND?

Given the projected long-term growth in the prison population, plans to address this growth include the following:

- The construction of four new prisons, which will expand total DOC capacity by 5,100 beds once completed. Planned new prisons include:
 - ● 1 new prison on grounds of SCI Rockview in Centre County (2,000 additional beds)
 - ● 2 new prisons on grounds of SCI Graterford in Montgomery County, to replace the existing SCI Graterford which would be mothballed (a net of 1,100 additional beds)
 - ● 1 new prison in Fayette County (2,000 additional beds)
- The addition of four new housing units at existing institutions (SCI Cambridge Springs, SCI Pine Grove, SCI Coal Township, and SCI Forest).
- The addition of eight modular units at existing institutions (SCI Rockview, SCI Laurel Highlands, SCI Pine Grove, SCI Mahanoy, SCI Houtzdale, SCI Cambridge Springs, and SCI Greensburg).
- Contracting with counties to house 500 state inmates in local jails.
- Contracting with Michigan and Virginia to send 2,100 inmates to out of state prisons (1,100 inmates to Michigan and 1,000 inmates to Virginia).
- Re-opening of SCI Waynesburg as a minimum security reentry center to house approximately 500 low-security offenders.
- Utilization of the State Intermediate Punishment (SIP) and the Recidivism Risk Reduction Incentive (RRRI) programs:
 - ● SIP began in 2005. SIP inmates are non-violent offenders in need of alcohol or other drug treatment. They serve approximately 30 fewer months in prison on average. Approximately 1,776 offenders have been admitted to the program, and 574 inmates have graduated from the program. The re-arrest rate for SIP graduates is almost half the rate of comparable non-SIP offenders (12% for SIP graduates compared to 20% for non-SIP offenders).
 - ● RRRI began in 2008. Inmates sentenced to RRRI are non-violent offenders who receive a reduced sentence if they complete in-prison programming and maintain good behavior. Approximately 2,568 offenders admitted to DOC have received a RRRI sentence to date. Current projections indicate that by December 2013, the DOC will house approximately 1,652 fewer inmates as a result of RRRI

Even with these plans, the DOC will be at 115% of operational bed capacity by December 2013. Additional steps we can take include:

- Expand/revise current eligibility criteria for County Intermediate Punishment (CIP), Boot Camp, RRRRI, and SIP, as recommended by the Sentencing Commission in order to expand utilization of these programs.
- Expand funding for Restrictive Intermediate Punishment (RIP). The Sentencing Commission notes that we would need approximately two to three times the current funding in order to make full use of this effective, less costly diversion program. An alternative to expanded RIP funding would be to fund counties for the diversion of state sentenced inmates to treatment alternatives.
- Expand funding for treatment courts (drug courts, DUI courts, mental health courts, etc.). Treatment courts are less costly and are proven effective options for diverting eligible offenders from prison.
- Consider diversion from state prison for short minimum sentence inmates. Options include (a) not permitting counties to send to state prison less serious inmates with less than one year to minimum sentence, or (b) allowing DOC to move select short term inmates to community corrections.
- Reduce Technical Parole Violators (TPV's). Proven successful programs in states like Georgia and Hawaii have sent less TPV's to state prison and for much shorter periods of time. DOC research suggests that TPVs do better in treatment in the community than in state prison.
- Provide funding for the Sentencing Commission to rapidly develop parole and recommit guidelines. This will provide more uniformity and reduce wide swings in the parole and recommit rates, which dramatically affect prison population.
- Implement a risk assessment instrument for courts to use prior to sentencing in order to help inform appropriate placement.