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USSC Symposium on Alternatives to Incarceration

Pennsylvania's Implementation of Alternatives to Incarceration

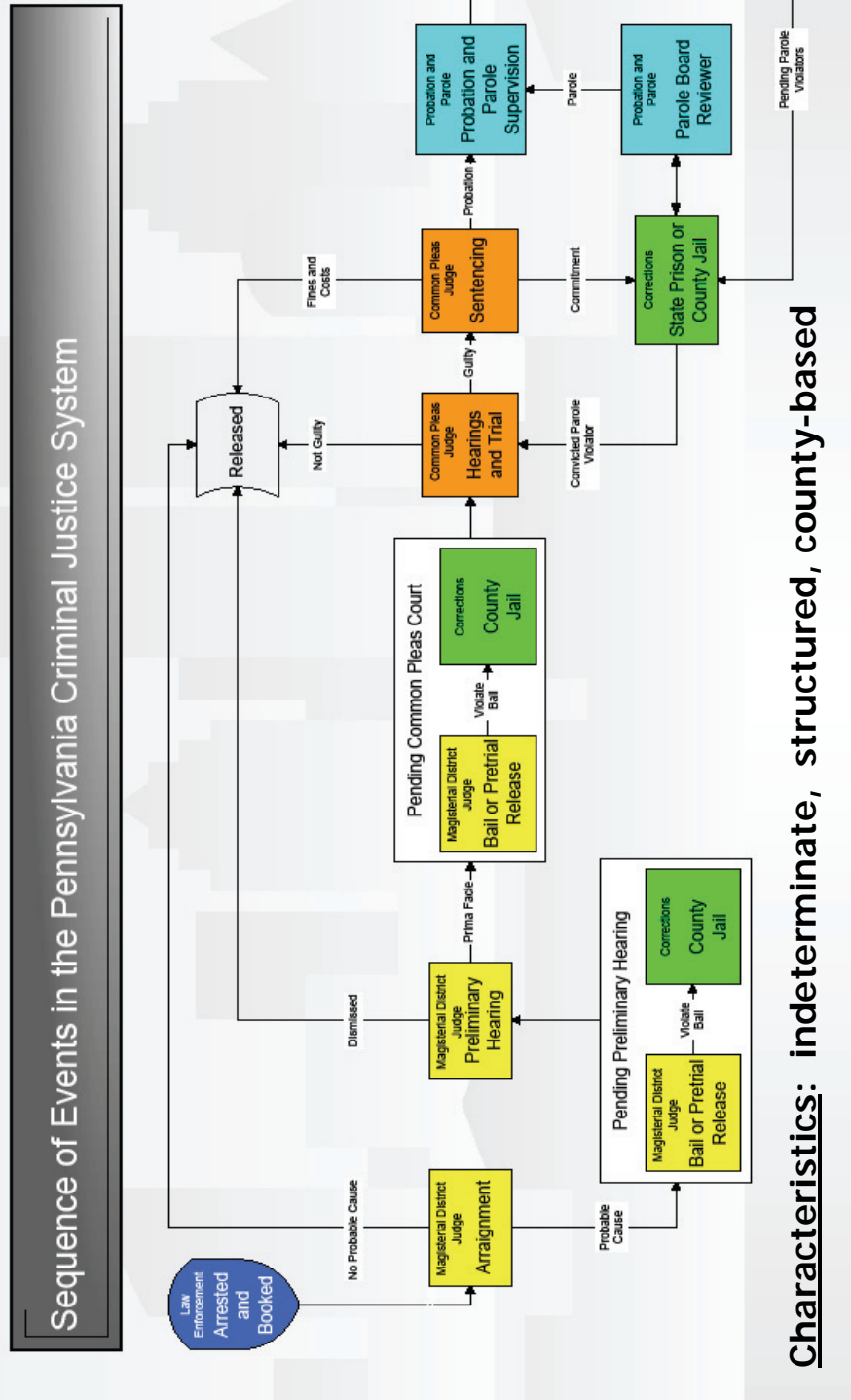
07/15/2008

Pennsylvania Commission on Sentencing



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Alternatives to Incarceration



Characteristics: indeterminate, structured, county-based

Alternatives to Incarceration

Bail & Pretrial Release

- ◆ Nonmonetary conditions (supervised release)

Formal Diversion

- ◆ Pre-trial, pre-conviction, pre-sentence

Sentencing Alternatives *

- ◆ County Intermediate Punishment (CIP)
- ◆ State Motivational Boot Camp (BC)
- ◆ State Intermediate Punishment (SIP)

Parole & Re-Entry

- ◆ Pre-release, Parole conditions, Revocations

Alternatives to Incarceration

Sentencing Alternatives *

- ◆ County Intermediate Punishment (CIP)
 - ◆ Conviction for an offense which would otherwise result in sentence to county correctional facility (maximum <5 years)
 - ◆ County-based programs meeting minimum state requirements
- ◆ State Motivational Boot Camp (BC)
 - ◆ Sentenced to confinement in a state correctional facility for a minimum of not more than three years and within two years of completion.
 - ◆ Six-month intensive program with minimum one-month structured re-entry for non-violent youthful offenders.
- ◆ State Intermediate Punishment (SIP)
 - ◆ Conviction for a drug-related offense which would otherwise result in confinement sentence in state facility
 - ◆ Comprehensive 2-year confinement/treatment/re-entry program in lieu of traditional sentence

Alternatives to Incarceration

Use of guidelines to promote sentencing alternatives

- Adjust recommendation for less serious offenses
- Provide trade-offs to incarceration within guidelines
 - Other forms of retribution, incapacitation (CIP)
 - Clinically prescribed treatment (RIP/D&A)
- Recommend correctional programs to reduce time served
 - State Motivational Boot Camp (BC)
 - State Intermediate Punishment (SIP)

Statutory provisions to reduce impact of mandates

- Authorize community programs to satisfy mandatory sentence (DUI)
- Authorize correctional programs to reduce mandatory sentence (BC/SIP)

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Alternatives to Incarceration

Sentence Targeting

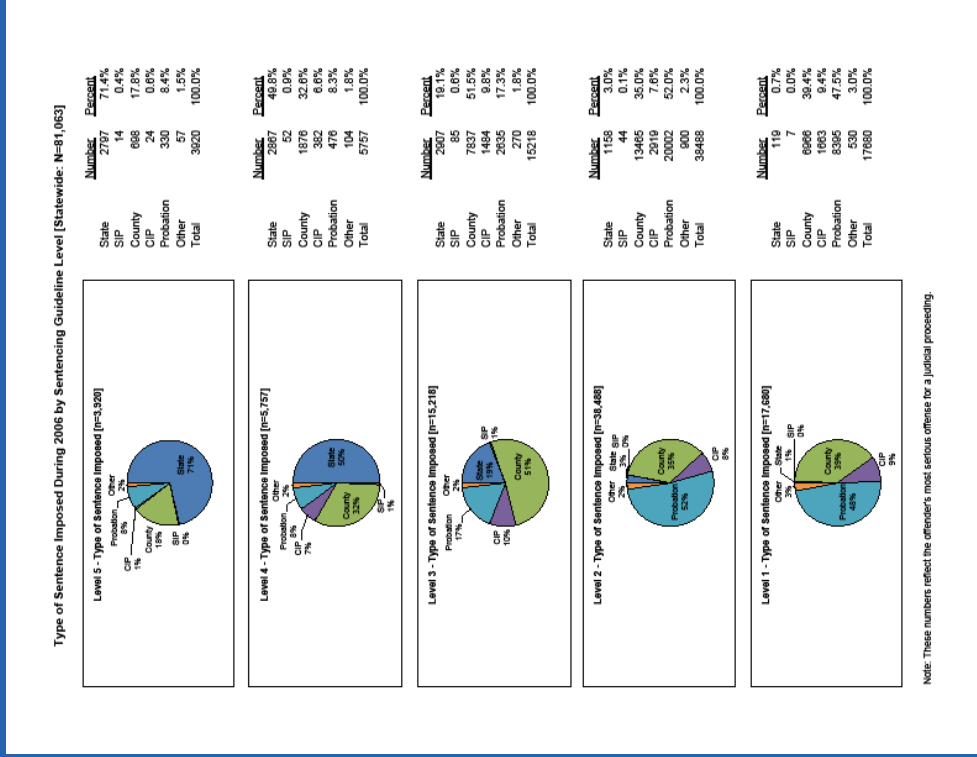
- **Level 5**
State Sentence/State Facility (SIP)
- **Level 4**
State Sentence/County Facility (CIP/SIP)
- **Level 3**
County Sentence/County Facility (CIP)
- **Level 2**
County Sentence/County Facility (CIP) or Non-confinement
- **Level 1**
Non-confinement

Level	OGS	Example Offense	0	1	2	3	4	5	RFEL	REVO	AGDMIT	
LEVEL 5	14	Misdemeanor 3 Incarceration	72-240	84-240	96-240	120-240	168-240	192-240	204-240	240	+/-	12
		State Sentence/County Facility (SIP)	60-78	66-84	72-90	78-96	84-102	96-114	108-126	240	+/-	12
		State Sentence/County Facility (SIP)	48-66	54-72	60-78	66-84	72-90	84-102	96-114	120	+/-	12
		State Sentence/County Facility (SIP)	36-54	42-60	48-66	54-72	60-78	72-90	84-102	120	+/-	12
		State Sentence/County Facility (SIP)	22-36	30-42	36-48	42-54	48-60	60-72	72-84	120	+/-	12
		State Sentence/County Facility (SIP)	12-24	18-30	24-36	30-42	36-48	48-60	60-72	120	+/-	12
		State Sentence/County Facility (SIP)	9-16	12-18	15-21	18-24	21-27	27-33	40-52	NA	+/-	9
		State Sentence/County Facility (SIP)	6-14	9-16	12-18	15-21	18-24	24-30	35-45	NA	+/-	6
		State Sentence/County Facility (SIP)	3-12	6-14	9-16	12-18	15-21	21-27	27-40	NA	+/-	6
		State Sentence/County Facility (SIP)	1-12	3-24	6-16	9-16	12-18	24-36	NA	+/-	3	
		State Sentence/County Facility (SIP)	1-12	3-24	6-16	9-16	12-18	24-36	NA	+/-	3	
		LEVEL 4	[F1]	Aggravated Assault (1st Degree)	9-16	12-18	15-21	18-24	21-27	27-33	40-52	NA
LEVEL 3	[F2]	Aggravated Assault (2nd Degree)	6-14	9-16	12-18	15-21	18-24	24-30	35-45	NA	+/-	6
LEVEL 2	[F3]	Aggravated Assault (3rd Degree)	3-12	6-14	9-16	12-18	15-21	21-27	27-40	NA	+/-	6
LEVEL 1	[M1]	Aggravated Assault (4th Degree)	1-12	3-24	6-16	9-16	12-18	24-36	NA	+/-	3	
LEVEL 1	[M2]	Aggravated Assault (5th Degree)	1-12	3-24	6-16	9-16	12-18	24-36	NA	+/-	3	
LEVEL 1	[M3]	Aggravated Assault (6th Degree)	1-12	3-24	6-16	9-16	12-18	24-36	NA	+/-	3	

Alternatives to Incarceration

Resource Utilization

- **Level 5**
State = 71.8%
County = 28.2%
- **Level 4**
State = 59.7%
County = 40.3%
- **Level 3**
State = 19.7%
County = 80.3%
- **Level 2**
State = 3.1%
County = 96.9%
- **Level 1**
State = 0.7%
County = 99.3%



Alternatives to Incarceration

CIP Eligibility (County Jails)

- ◆ **Level 5**
n=291
- ◆ **Level 4**
n=724
- ◆ **Level 3**
n=4,821
- ◆ **Level 2**
n=10,786
- ◆ **Level 1**
n=5,881

Total = 22,503

3001.10 Base Sentence Matrix
1. Number of Cigarettes Equivalent (CP - Sentence) (2008)
Base Sentence Matrix
Table for reference only - not for use in sentencing

Level	Level 5	Level 4	Level 3	Level 2	Level 1	Level 0	Level 0	Level 0	
LEVEL 5 State Prison (15-30 yrs)	75-90 180-210 225-270 270-315 315-360 360-405 405-450 450-495 495-540 540-585 585-630	60-75 150-180 210-240 240-270 270-300 300-330 330-360 360-390 390-420 420-450 450-480	45-60 105-135 135-165 165-195 195-225 225-255 255-285 285-315 315-345 345-375 375-405	30-45 75-90 90-105 105-120 120-135 135-150 150-165 165-180 180-195 195-210 210-225	15-30 30-45 45-60 60-75 75-90 90-105 105-120 120-135 135-150 150-165 165-180	0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15	0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15	0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15	0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15 0-15

Legend:
○ court order
○ 10%
○ 25%
○ 50%
○ 75%
○ 100%
○ 120%
○ 150%
○ 200%
○ 250%
○ 300%
○ 350%
○ 400%
○ 450%
○ 500%
○ 550%
○ 600%
○ 650%
○ 700%
○ 750%
○ 800%
○ 850%
○ 900%
○ 950%
○ 1000%
○ 1050%
○ 1100%
○ 1150%
○ 1200%

○ = sentence
○ = sentence + 10%
○ = sentence + 25%
○ = sentence + 50%
○ = sentence + 75%
○ = sentence + 100%
○ = sentence + 120%
○ = sentence + 150%
○ = sentence + 200%
○ = sentence + 250%
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○ = sentence + 1150%
○ = sentence + 1200%

Alternatives to Incarceration

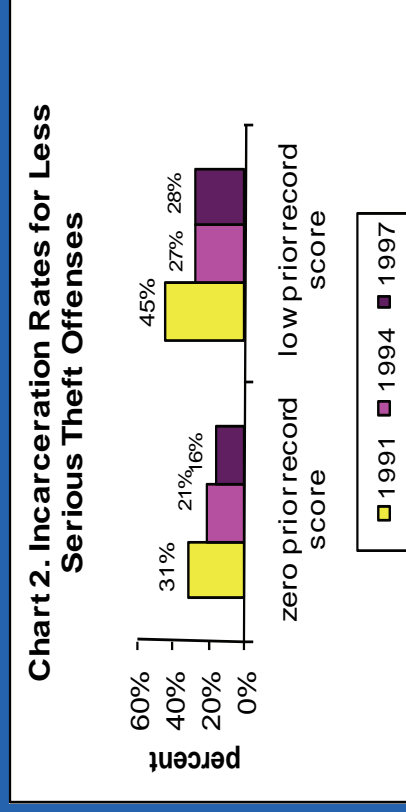
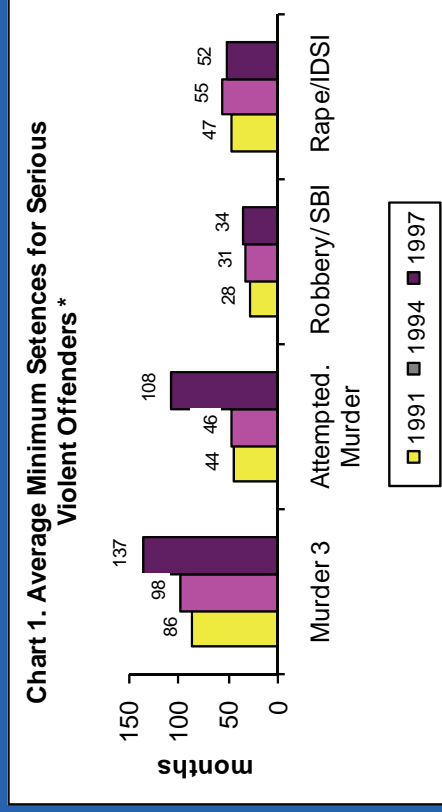
Guideline Revisions

A study of the 1994 and 1997 revisions to Pennsylvania's sentencing guidelines found...

Offenders convicted of the least serious offenses were less likely to be incarcerated.

Increases in the percentage of lower level drug dealers sentenced to treatment in lieu of incarceration.

Availability of funding (from state to county) increased court's use of community corrections.



Alternatives to Incarceration

Drug & Alcohol Treatment (RIP/D&A)

Offenders who *successfully completed* their treatment program were significantly less likely to be re-arrested than those sentenced to jail or probation.

Offenders sentenced to state prison were least likely to be re-arrested. However, re-incarceration based on technical violations substantially reduced the 'street time', thus reducing risk for re-arrest.

Length of treatment is important, with offenders receiving 16 months of treatment being least likely to recidivate.

Full –time employment is a major factor that contributes to both lowering recidivism and completion of treatment.

Graph 1. Odds of Successful RIP Treatment Completion by Length of Treatment

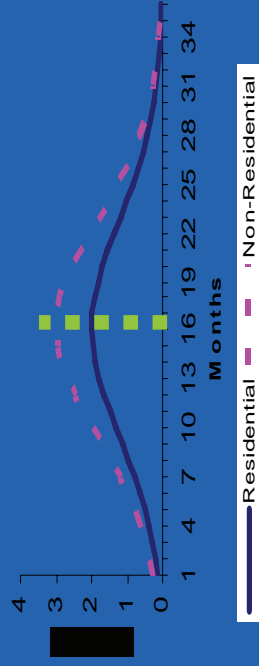


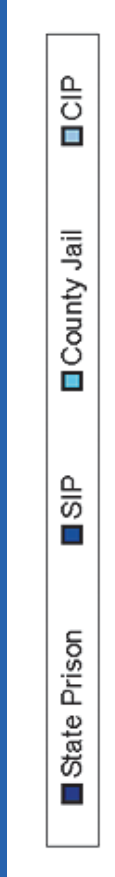
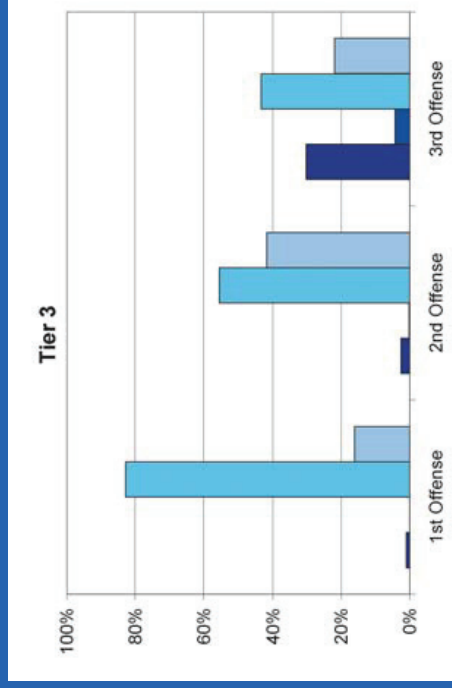
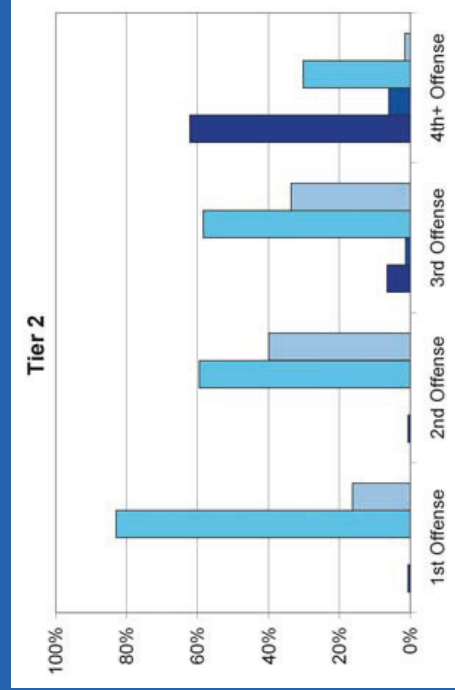
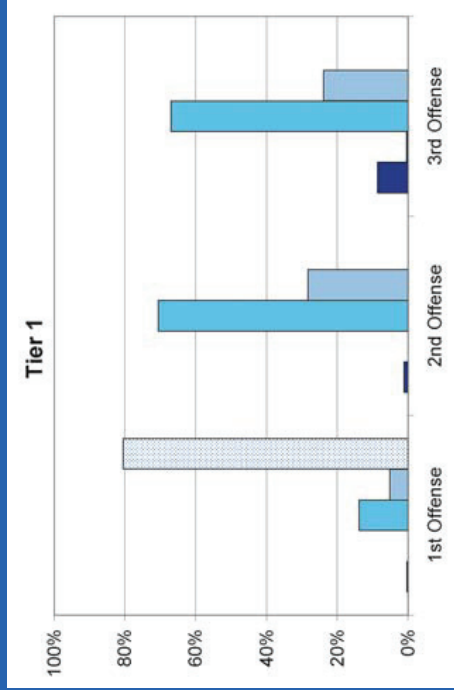
Table 2. Predictors of Re-arrest at 36 months.

Variables	Model 1 Everyone	Model 2 Completed RIP
Sentence Type		
Probation	0.950***	1.352**
County Jail	1.054***	1.510***
State Prison	0.498***	0.732*
Sentenced to RIP	—	—
Offender Characteristics		
Age	0.972***	0.971***
Black	1.212**	1.248**
Hispanic (Any Race)	1.083	1.175
Female	0.667***	0.678***
Offense Characteristics		
Offense Gravity Score	0.923***	0.915**
Prior Record Score	1.045**	1.034
Offense Type		
Property	—	—
Drug	0.863*	0.828*
Personal	0.725***	0.682***
County		
Philadelphia	—	—
Allegheny	1.043	1.248**
Berks	0.638***	0.713*
Montgomery	0.845†	0.96
Lehigh	0.383***	0.511***
Other Rural	0.607***	0.742**

Significance Levels: *p < .05; **p < .01; ***p < .001
 † Serves as the reference category
 ‡ Other rural counties include Centre, Cumberland, Lycoming, Schuylkill, Tioga, and Westmoreland

Alternatives to Incarceration

DUI = 21,400
 State Prison (4%)
 SIP (1%)
 County Jail (66%)
 CIP (25%)
 Probation (5%)



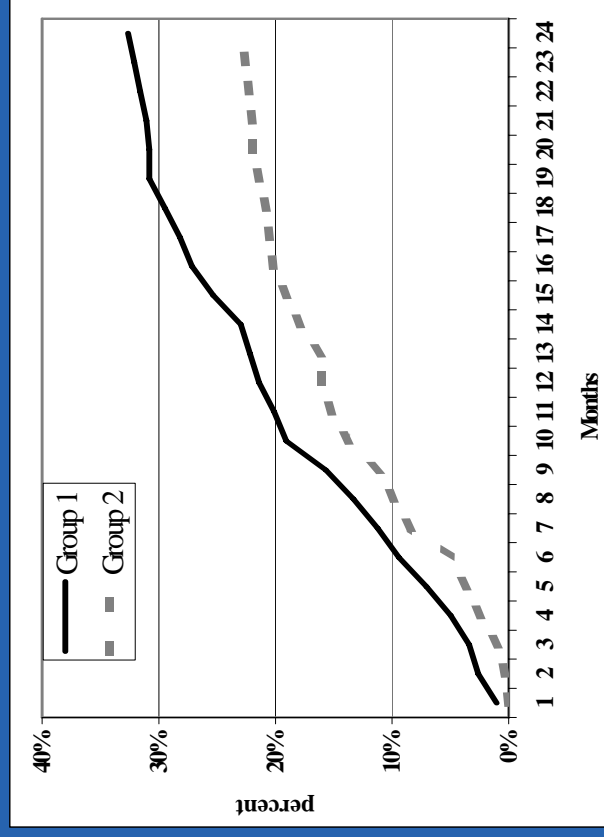
Alternatives to Incarceration

State Motivational Boot Camp (2005)

Based on a two-year tracking period, about 28% of the Boot Camp graduates were arrested for a new crime. Offenders who participated in a 90-day aftercare program were significantly less likely to be re-arrested [23%] than those who did not [33%].

In addition to aftercare, the other predictors of recidivism were race, number of prior arrests, and temper. Offenders who were non-white, had a greater number of prior arrests, and indicated difficulty with controlling their tempers were more likely to be re-arrested for a new crime.

Chart A: Cumulative Percent Re-Arrested Over Time*



* Group 1 represents offenders who were not in 90-day aftercare group.
Group 2 represents offenders who were in 90-day aftercare group.

Alternatives to Incarceration

State Motivational Boot Camp (2007)

Based on a new two year tracking period, 31% were arrested for a new crime. No significant difference in recidivism based on duration of aftercare.

Offenders who were younger when first arrested and had a greater number of prior arrests were significantly more likely to recidivate.

Offenders convicted of a non-drug crime and with stronger need for help with drug problem more likely to have technical violations.

Offenders who were non-white, not employed or going to school, have a greater problem controlling their temper, and don't like complicated tasks more likely to be arrested for a new crime.

Chart 1a. After Boot Camp, more offenders report being employed.

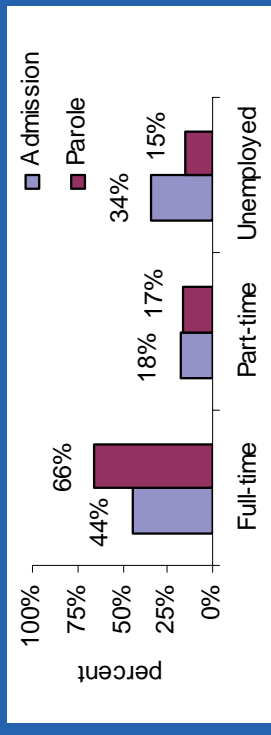
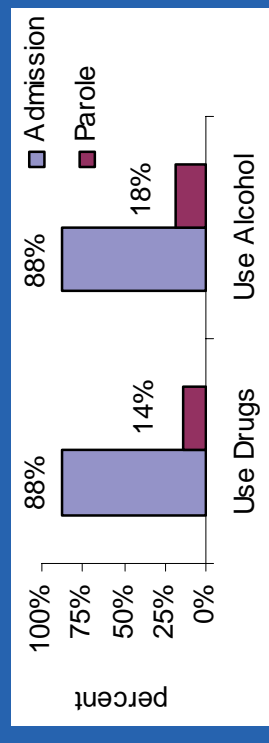


Chart 1b. After Boot Camp, offenders report less use of drugs and alcohol.



Alternatives to Incarceration

State Intermediate Punishment (SIP)

- SIP Program became effective on May 18, 2005. As of September 30, 2007...
- 1,022 offenders referred for evaluation.
- 662 offenders sentenced to the program.
- 22 offenders successfully completed.
- 44 offenders expelled from the program.

Majority convicted of...

- drug delivery
- driving under the influence

Most offenders had previously received some type of treatment, with outpatient treatment being the most prevalent treatment modality.

Offenders who use crack, are younger, and score higher on the recidivism risk assessment scale are more likely to be expelled from the program.

Table 2. Comparison of offenders who complete and who are expelled from SIP.

VARIABLE	Completed SIP		Expelled from SIP		Total
	N	%	N	%	
<i>CURRENT DRUG USED</i>					
Alcohol	18	34.0	35	66.0	53
yes					
no	4	30.8	9	69.2	13
Marijuana	12	30.0	28	70.0	40
yes					
no	10	38.5	16	61.2	26
^a Cocaine	13	44.8	16	55.2	29
yes					
no	9	24.3	28	75.7	37
*Crack	6	19.4	25	80.6	31
yes					
no	16	45.7	19	54.3	35
Heroin	4	21.1	15	78.9	19
yes					
no	18	38.3	29	61.7	47
<i>ASSESSMENT SCALES</i>					
**LSI-R [risk of recidivism]	N	%	N	%	
High	2	8.7	21	91.3	23
Medium	12	40.0	18	60.0	30
Low	8	66.7	4	33.3	12
HIQ [propensity toward anger]					
High	4	21.1	15	78.9	19
Medium	9	32.1	19	67.9	28
Low	9	50.0	9	50.0	18
^a CSS-M [criminal attitudes]					
High	2	11.1	16	88.9	16
Medium	9	40.9	13	59.1	22
Low	11	44.0	14	56.0	25
	N	Mean	N	Mean	
Number of previous treatments	15	2.0	33	2.4	48
Number of prior adult arrests	21	3.7	40	4.8	61
* Offender's age	22	37.6	44	31.2	66
Age at first alcohol use	20	15.2	36	15.5	56
Age at first marijuana use	17	16.0	35	14.9	52
^a Age at first crack use	6	30.2	29	23.0	35
Age at first cocaine use	13	22.8	20	19.2	33
Age at first heroin use	6	29.8	17	22.5	23

* significant at .05 level
 ** significant at .01 level
 a - approaches .05 level of significance

Alternatives to Incarceration

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