

SENATOR STEWART J. GREENLEAF
INFORMATION ON PRISON OVERCROWDING FOR THE
SENATE GOVERNMENT MANAGEMENT AND
COST STUDY COMMISSION
MAY 3, 2010

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Prison Reform Statistics and Background Information

Pennsylvania's Growing Prison Population:

- Pennsylvania's inmate population increased by **522.6%** between 1980 and 2009 (from 8,243 in 1980 to 51,326 inmates in November 2009). ***(See State Inmate Population graph)**
- Pennsylvania's total state population increased by **6.2%** between 1980 and 2009 (from 11,863,895 in 1980 to an estimated 12,604,767 in 2009). ***(See Pennsylvania Population graph)**
- Between 2000 and 2006, the state's inmate population increased by **20.5%** (from 36,816 inmates in 2000, to 44,365 in 2006).
- Between 2000 and 2007, the inmate population increased by 9,119 inmates which is about 10% more than the total inmate population in 1980.
- Today, over 51,000 inmates are held in Pennsylvania's 27 state prisons and dozens of community corrections centers.
- Between 1940 and 1980, Pennsylvania's inmate population averaged between 5,000 and 8,000.
- The population increased from 8,243 in 1980 to 51,326 in November 2009.
- Over the past decade, little more than 2% of the increase in additional inmates to our prisons is attributed to Part I offenses (violent offenders). 55% of growth is due to Part II offenses. (nonviolent property/drug crimes). ***(See PA Reported Crime (1980-2007) graph)**
- In Pennsylvania, we have 27 state prisons. Twenty-five years ago there were only nine.
- Between January 2006 and November 2009, inmate population increased 8,782 (from 42,544 to 51,326).
- Approximately 1 of out 273 Pennsylvanians are in state prisons.
- There are over 12,700 inmates in Pennsylvania's nine federal prisons.
- 63 of the 67 Pennsylvania counties have prisons holding in excess of a total of 30,000 inmates on any given day.

2008 Pennsylvania Prison Population Spike:

- A spike in the inmate population in late 2008 was caused by two very high profile cases where inmates who were granted parole were involved in the murders of Philadelphia police officers.
- A parole moratorium was issued lasting from September 30, 2008 to December 1, 2008. ***(See PA Parole Population graph)**
- It was originally believed that the increase in inmates would be flushed from the system within 6 months.
- Instead, the parole rate fell from 62% to 37.5% in response to all of the negative attention.
- While the parole rate has rebounded to the low to mid 50% range, and year to date overall is 47%, the prison system is still 1,800 inmates beyond maximum capacity.
- We have placed inmates in county jails and are moving to placing up to 2,000 inmates in out of state prisons.

Extent of Overcrowding in State Prisons:

- Most of the state's 27 institutions are operating at over 100% of capacity.
- There are 4,633 more prisoners than overall bed capacity in the state.
- 15 state institutions are operating at over 120% of bed capacity.

Pennsylvania's Rate of Recidivism:

- Department of Corrections study shows that 46% of parolees return to prison within three years of their release for violating conditions of release, or committing a new crime.
- Offenders who complete appropriate drug treatment programs are 30% less likely to reoffend.
- Education is a key component to reducing crime and recidivism. However, state surveys report 40.5% of inmates have not completed 12th grade.
- In 2006, the Pennsylvania Department of Corrections released 16,087 inmates from state prisons.
- Approximately 19% of these inmates were released at their maximum sentence dates with no supervision during re-entry. Based on recent trends, approximately two out of three will be reincarcerated within three years.
- In 2006, 40.3% of admissions to the Department of Corrections were parole violators (6,517 inmates).
- Of those 6,517 inmates, 3,120 or 51.4% were technical parole violators.
- In 2006, the DOC released 16,087 inmates and admitted 16,160 inmates.
- The system has become a revolving door.
- The less serious offenders have the highest recidivism rate.
- Persons convicted of property crimes represented 26.7% of parole violators while drug offenders represented 37.7% of parole violators.

Technical Parole Violators:

- Pennsylvania's paroling agency may want to re-evaluate their technical parole violation policy.
- Technical parole violators (TPV) are parolees who are returned to prison for violating a specific condition of their parole (about 3,000 offenders in 2008).
- A technical violation is not a criminal offense, but represents infractions like breaking a curfew or failing to report to the assigned parole agent.
- Alternatives to re-incarceration for technical parole violations could free up a considerable amount of beds.
- Additionally, TPVs spend an average of 14 months in prison with no real affect on recidivism over those diverted for shorter periods.
- More than half of all TPVs are absconders—they have stopped reporting to their parole agents.
- In 2008, absconders accounted for 1,740 (60%) of 2,901 total TPVs.
- The Board has statutory obligation to ensure these offenders serve their entire sentence under custody.
- In recent years, the Board has reduced the number of TPVs returned to DOC.
- In 2008, the Board diverted 3,370 offenders through the DOC community correction centers technical parole violator programs: PennCapp, Halfway Back, and Back on Track.
- Additional facts about how the Board manages TPVs:
 - On average, 5 sanctions are imposed on non-absconding TPVs prior to their return to prison.
 - In FY 08/09, only 4.5% (1,294) of the total state parolees released from state correctional institutions were recommended as non-absconded TPVs.
 - TPV revocations (for all state sentences) decreased 21% (3,089) in 2008 over the base year of FY 05/06 (3,808).

- TPVs managed via intermediate sanctions (2008 data).
 - PennCap: 455
 - Half-Way Back: 2,357
 - Back on Track: 558
 - Total: 3,370
- If an offender is only experiencing a drug relapse, the Board usually places them into a drug/alcohol treatment program rather than recommit them to prison. The use of the Halfway Back Program for substance abuse increased 25% between 2007 and 2008.
- The Board has calculated that the Commonwealth has realized a cost avoidance of approximately \$67 million dollars through TPV diversions since FY 05/06.

Need for High Quality Treatment Programs:

- 90% of those incarcerated will eventually return to the community.
- Treatment done in the community is more effective than treatment done in prison.

Confinement creates new problems for non-violent criminals:

- Stigma of incarceration: community does not want them back.
- Harder to obtain family sustaining jobs / appropriate housing.
- Family ties are broken.
- Further confining less serious offenders with more serious ones can make the less serious offenders more likely to fail.

Cost of Incarceration/Prison Expansion:

- In FY 1980-81, the Commonwealth spent \$110,388,000 on Corrections. In FY 2009-10, state funding for Department of Corrections is budgeted at \$1,785,240,000. ***(See Dept. of Corrections: State Funding graph)**
- This represents a 1,517.2% increase between 1980 and 2009.
- According to the Department of Corrections, the State prison population grew by 28% over the past ten years. The prison population is expected to grow another 24% over the next five years. At this rate of growth, the State will be required to build three new prisons by 2012 at the cost of \$600 million as well as an additional prison per year after 2012 at the cost of \$200 million per prison. Each prison has an annual operating cost of \$50 million.
- Prisoners who are 65 or older cost between \$65,000 and \$100,000 per year for medical care.
- Pennsylvania citizens annually pay about \$40,000 for each state prisoner and about \$18,000 for those in county prisons.
- According to the PEW Center, it costs on average, \$79 per inmate per day in prison or \$29,000 per year.
- It costs about \$3.42 per day for probation to \$7.47 per day for parolees or \$1,250 to \$2,750 per year, respectively.

National Prison Statistics:

- 1 in 138 U.S. citizens were in prison or jail as of mid 2004 and growing at a rate of 1,000 inmates per week.
- According to a 2008 report released by the PEW Center on the States, 1 in every 100 adults in the United States is now confined in a jail or prison.
- The U. S. represents 5% of the world's population but holds 25% of the world's incarcerated population, more than any other country. (*U.S. Bureau of Justice Statistics*).
- More than half of the state prison inmates are classified with "non-violent" offenses who could be diverted to less costly treatment programs that are more effective in reducing crime.
- More than half of Pennsylvania's prisoners have children. Children with parents in prison have a seven times greater chance of being incarcerated.
- Estimates show 70 to 80% of prisoners have a drug or alcohol addiction. Twenty to 25% of inmates have some form of mental illness.
- We incarcerate 756 inmates per 100,000 residents, a rate nearly 5 times the average worldwide with 158 for every 100,000.
- 5 million people who left jail remain under "correctional supervision" including parole, probation, and community sanctions. About 1 in every 31 adults in the United States is in prison, jail, or on supervised release.
- Price to taxpayers: local, state, and federal spending on corrections adds up to about \$68 billion per year.
- U.S. D.O.J. estimates that 16% of the adult inmates in American prisons and jails--which means more than 350,000 of those locked up--suffer from mental illness, and the percentage in juvenile custody is even higher.
- 16% of American inmates suffer from mental illness.
- Those imprisoned from drug offenses rose from 10% of the inmate population to approximately 33% between 1984 and 2002.
- 47.5% of all drug arrests in our country in 2007 were for marijuana offenses.
- 60% of people in state prisons serving time for drug offenses had no history of violence or any significant selling activity.
- 4 out of 5 drug arrests were for possession of illegal substances, while only one out of five drug arrests were for sales.
- 3 out of 4 drug offenders in our state prisons were there for nonviolent or purely drug offenses.

National Rates of Incarceration per Demographic According to 2008 PEW Report:

- White men ages 18 or older: 1 in 106 incarcerated.
- All men over 18: 1 in 54.
- Hispanic men ages 18 or older: 1 in 36.
- Black men ages 18 or older: 1 in 15.
- Black men ages 20 to 34: 1 in 9.
- White women ages 35 to 39: 1 in 355.
- Hispanic women ages 35 to 39: 1 in 279.
- All women ages 35 to 39: 1 in 265.
- Black women ages 35 to 39: 1 in 100.

Success in New York State

Population:

- New York's prison population has decreased by 13% in the last eight years (from 71,600 inmates in 1999 to less than 62,500 in 2007).
- By March of 2009, New York's prison population is expected to decline by an additional 300 inmates.

Changes in the Law (1987 to 2004):

- Beginning in the late 1980s and throughout the 1990s, the State Legislature approved several major programs that have reduced the state's inmate population.
- **1987:** NY Legislature established the Shock Incarceration Program to prepare young, non-violent offenders for early parole release. The six month program involves rigorous physical activity, regimentation, discipline, education and drug rehabilitation. The program is followed by intense supervision and aftercare for parolees.
- **1997:** NY Legislature approved a Merit Time Program allowing non-violent inmates a one sixth reduction of their minimum sentence if they have reached certain programmatic objective and have had very little disciplinary infractions. To qualify for merit time release, inmates must obtain one of the following: GED, alcohol and substance abuse treatment certificate, a vocational training certificate, or 400 hours of community service.
- **2004:** Several amendments to the states Rockefeller Drug Laws
 - Supplemental merit time of up to 1/6 of minimum sentence for drug offenders who achieve certain milestones in their treatment programs.
 - Allow certain drug offenders to apply to the court for resentencing.
 - Require fixes sentences for new drug offenders.
- **2006:** Report to the State Legislature:
 - After 3 years, merit time releases returned at a rate of 31% compared to the 39% rate of all other releases.
 - \$387 million has been saved since the inception of the program. This total includes construction costs and per inmate expenditures.
- **2007:** Report to the New York State Legislature:
 - 51,522 inmates entered the program between July 1987 and September 2006.
 - 35,102 have completed the program and released on parole (68% of the inmates who began the program).
 - Of the 35,102 releases, the Department saved an estimated \$1.8 billion in both operating and capital costs.
 - 80% of Shock graduates pass their GED.
 - After 3 years, 69% of Shock parolees remained in the community.
 - 92% of the drug tests on Shock parolees are negative.

Conclusion:

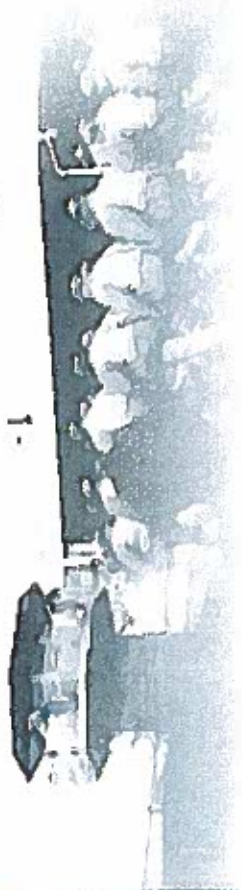
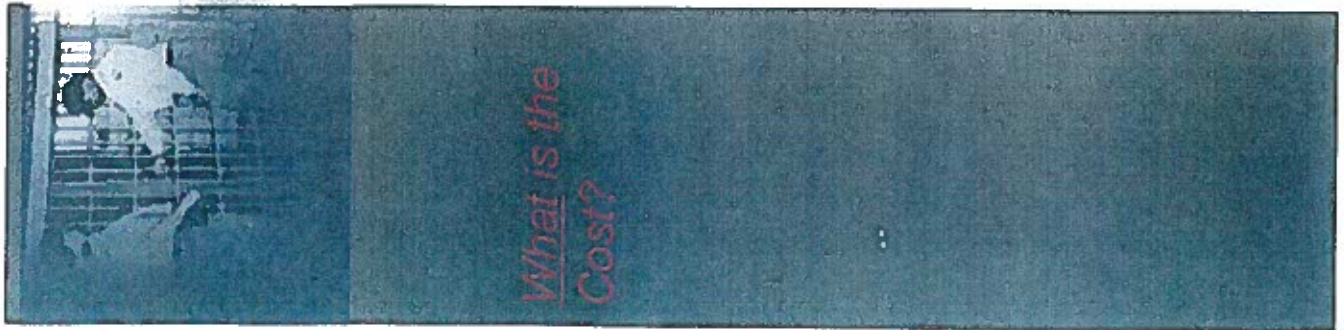
- Between 1995 and 2007, Rockefeller Law reform and earlier statutory changes resulted in the early release of 87,528 offenders, on average of 8.4 months earlier than if the laws had not been changed.
- 5,064 fewer beds were needed during this time.
- Drug Commitments in NY peaked in 1992, when DOCS received 11,225 drug offenders from the courts.
- By 1997 that number dropped to 9,810 and to 6,148 by 2007.
- Drug offenders served an average 36 months sentence from 2003 to 2005, only 30 months in 2007.

2009 Reforms to Rockefeller Drug Laws:

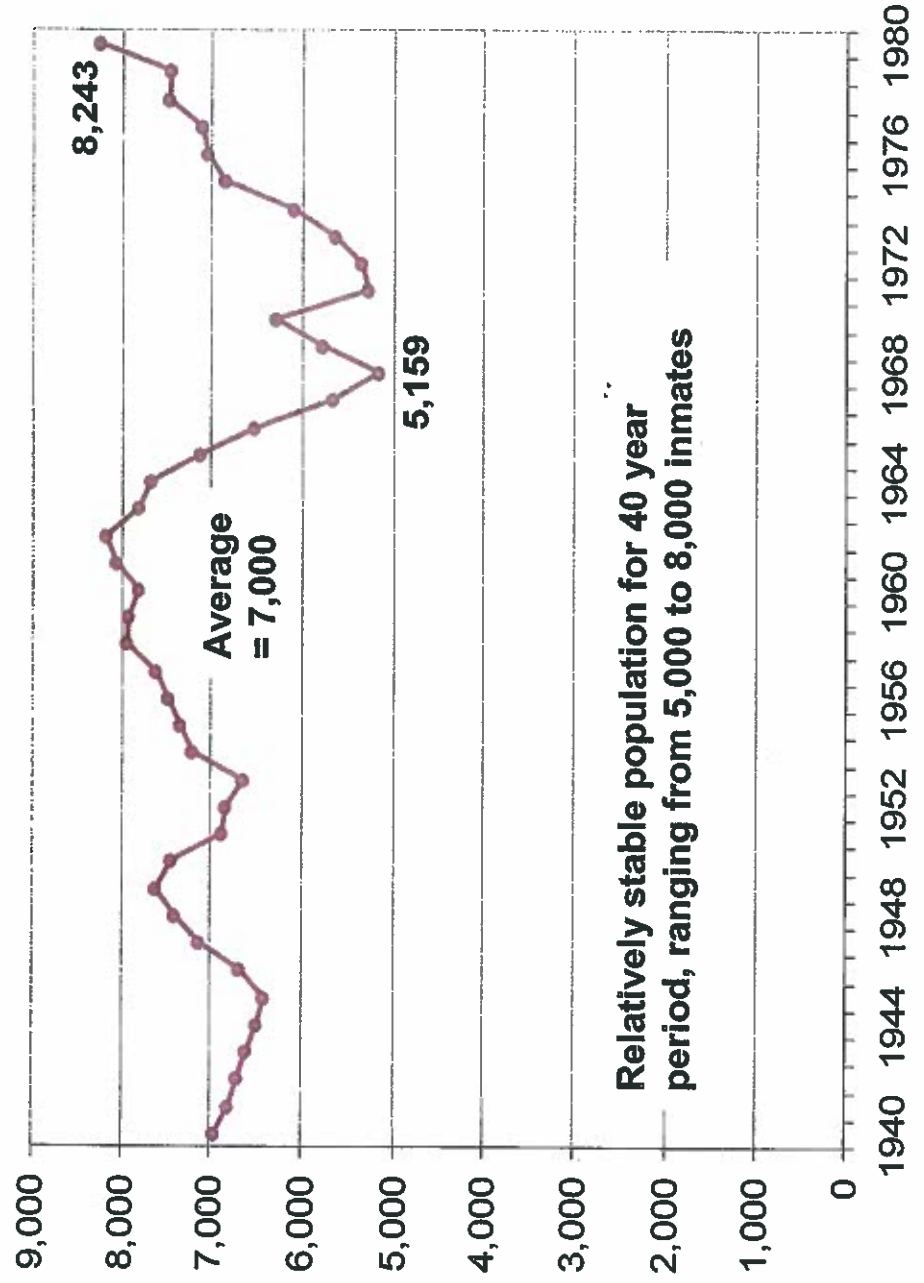
- In 2009, New York reached an agreement to repeal the last vestiges of the Rockefeller drug laws, once considered the harshest in the nation.
- It's expected to save some \$250 million per year — New York spends about \$45,000 annually per inmate while treatment cost estimates are \$15,000 or less — at a time when the state is grappling with a projected budget hole of \$17.7 billion.
- Passed in 1973, the laws were named after Republican Gov. Nelson A. Rockefeller, who insisted strict sentencing was the way to wipe out soaring street crime and heroin use.
- The penalties were severe: judges were generally required to impose minimum sentences of 15 years to life for those convicted of selling two ounces or possessing four ounces of narcotics — the same punishment for second-degree murder.
- The laws soon became highly controversial, with opponents claiming they were Draconian and locked up low-level offenders who would have better benefited from drug treatment.
- After the new rules took effect, narcotic offenders surged from 11 percent of the state prison population to a high of 34 percent in 1994, according to state corrections numbers.

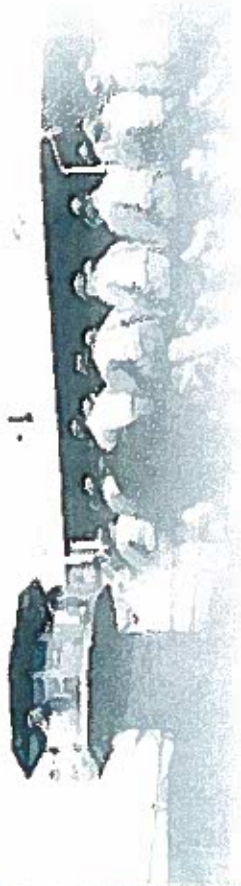
Crime Rates in PA Compared with Crime Rates in NY (DOJ Bureau of Justice Statistics)

- The violent crime rate in Pennsylvania was 420 per 100,000 people in 2000 and the violent crime rate was 416.5 in 2007.
- New York's violent crime rate was 553.9 per 100,000 people in 2000, but only 414.1 in 2007.
- For property crimes in PA, the rate was 2,575.3 per 100,000 people in 2000 and only 2,361.3 in 2007.
- New York's property crime rate was 2,545.7 in 2000 and dropped to 1,978.6 in 2007.
- Pennsylvania's violent crime rate has been steady but the property crime rate has been on a decline.
***(See PA Reported Crime graph)**
- The statistics are from the DOJ Bureau of Justice Statistics.

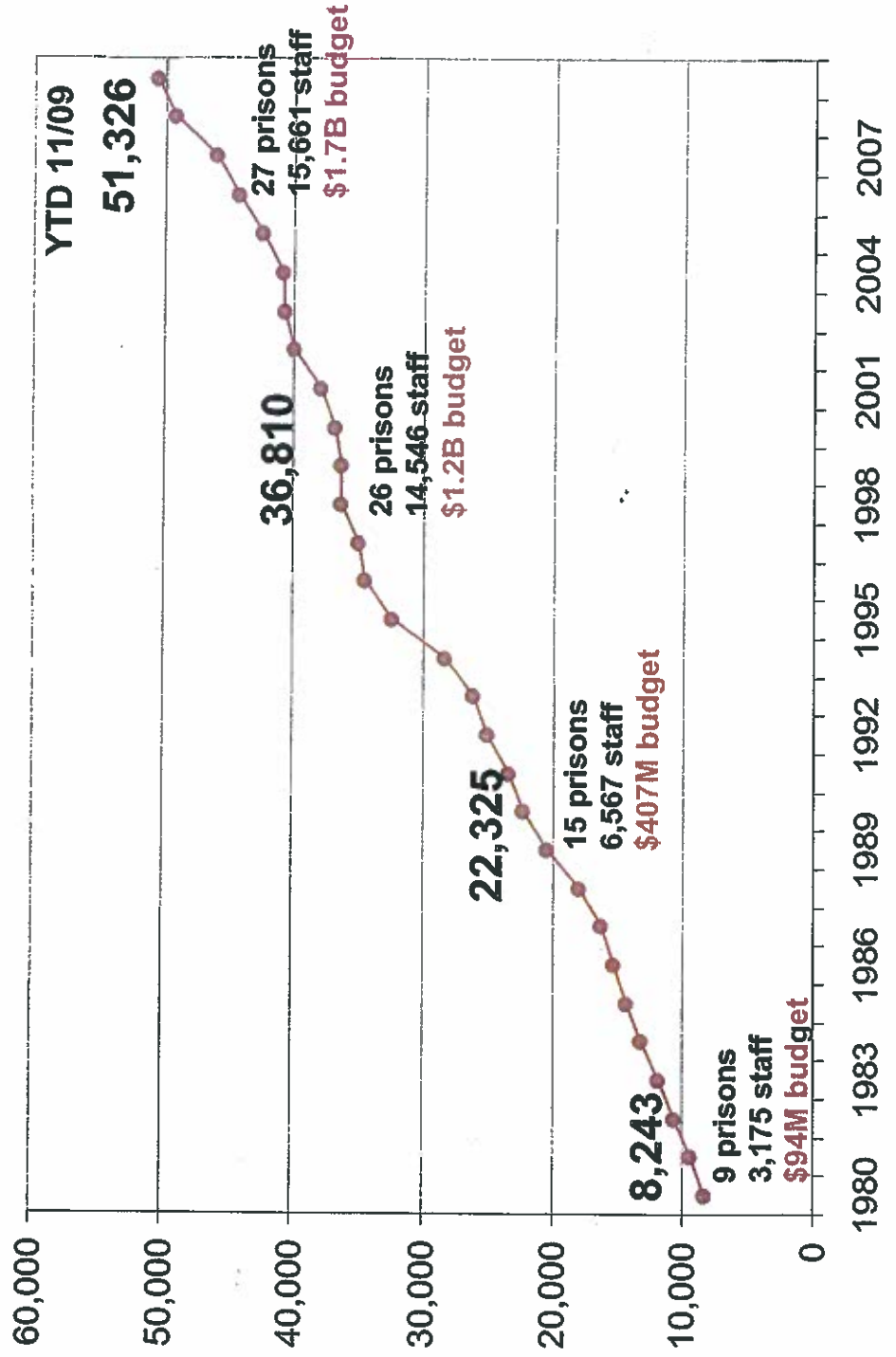


State Inmate Population 1940 -- 1980: Relatively Stable

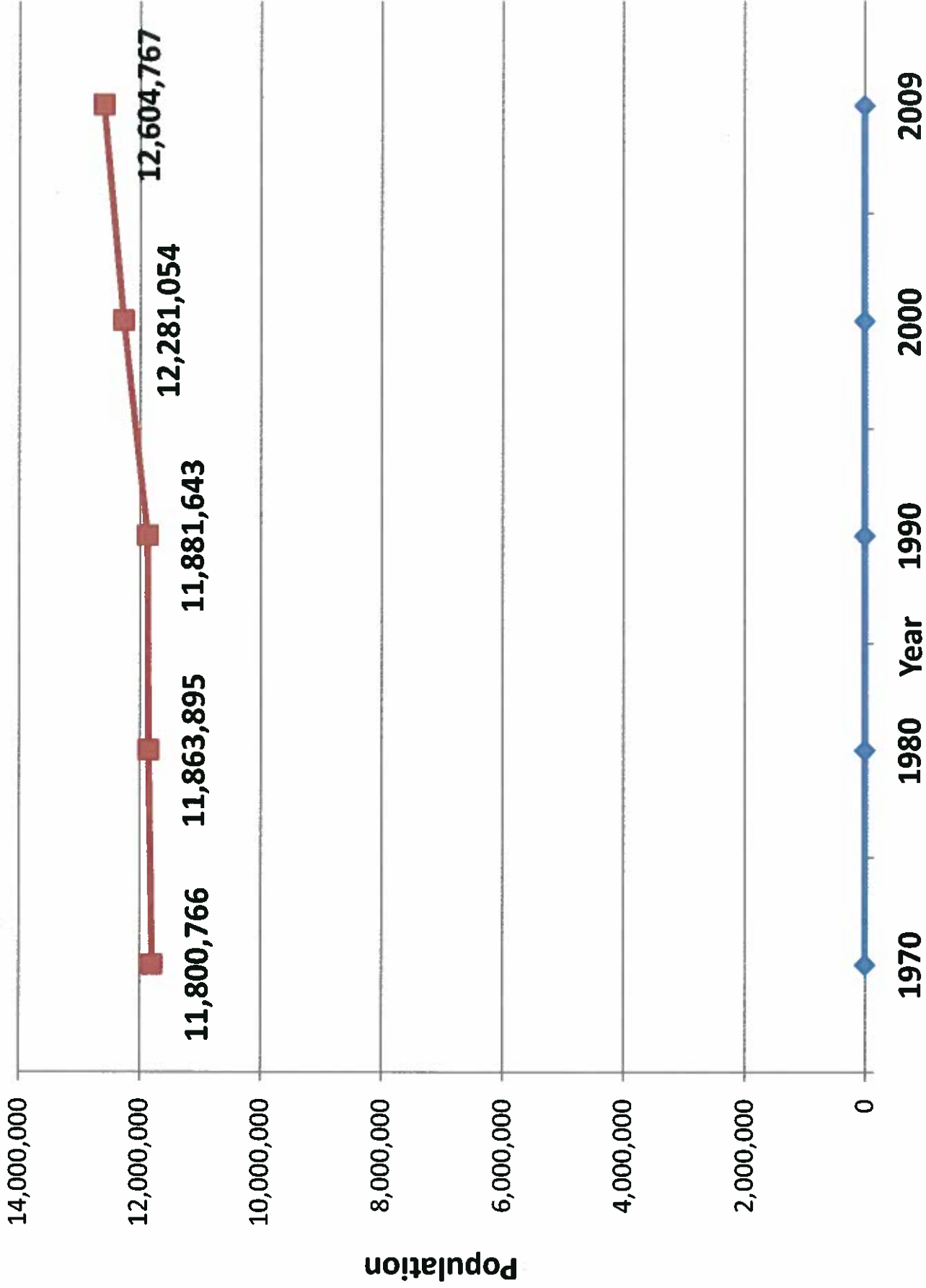




State Inmate Population 1980 – 2009 (YTD): Rapid Growth

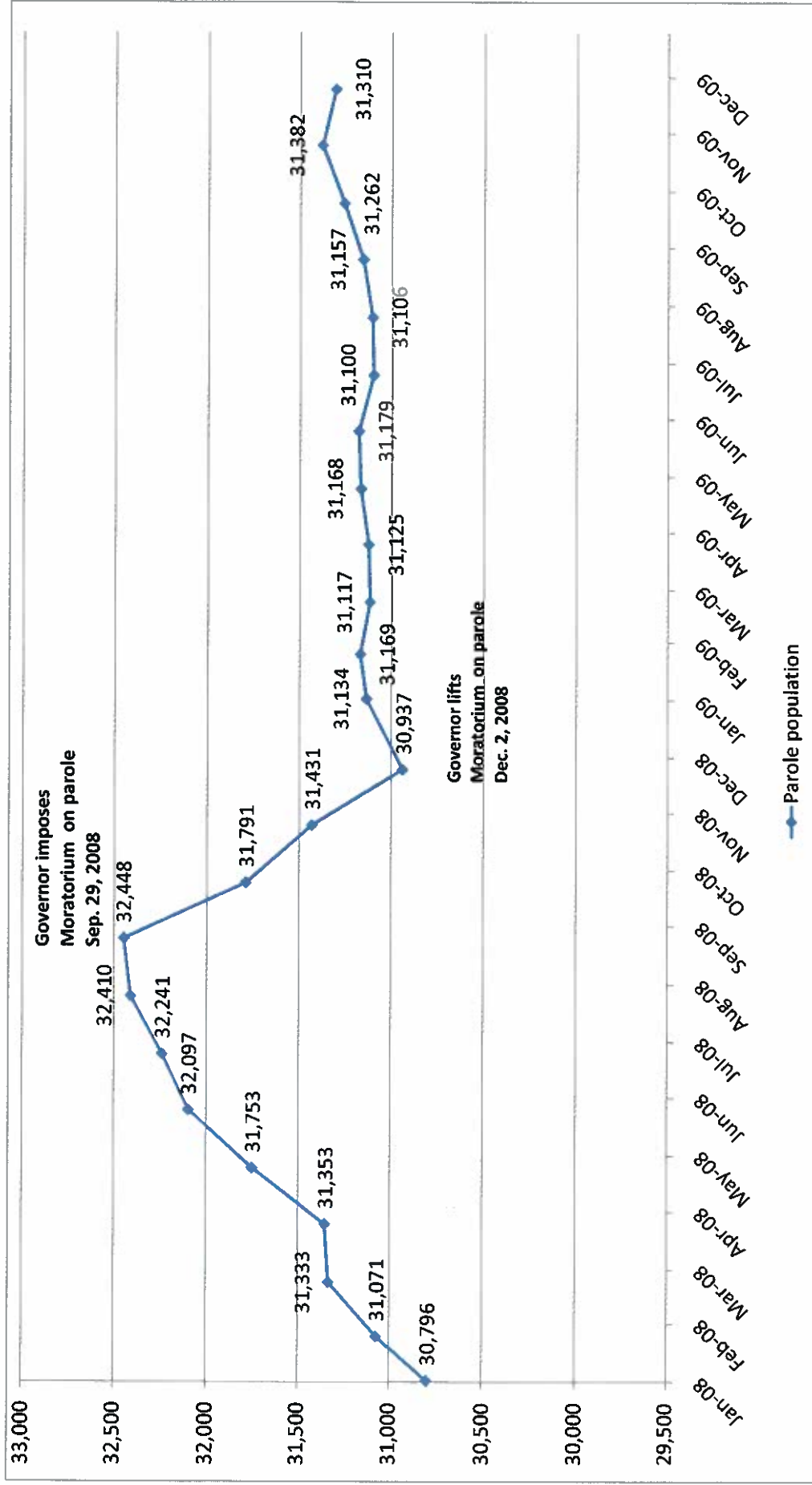


Pennsylvania Population 1970-2009



Source: U.S. Census Bureau
*(1970, 1980, 1990, 2000 - Actual; 2009 - Estimated)

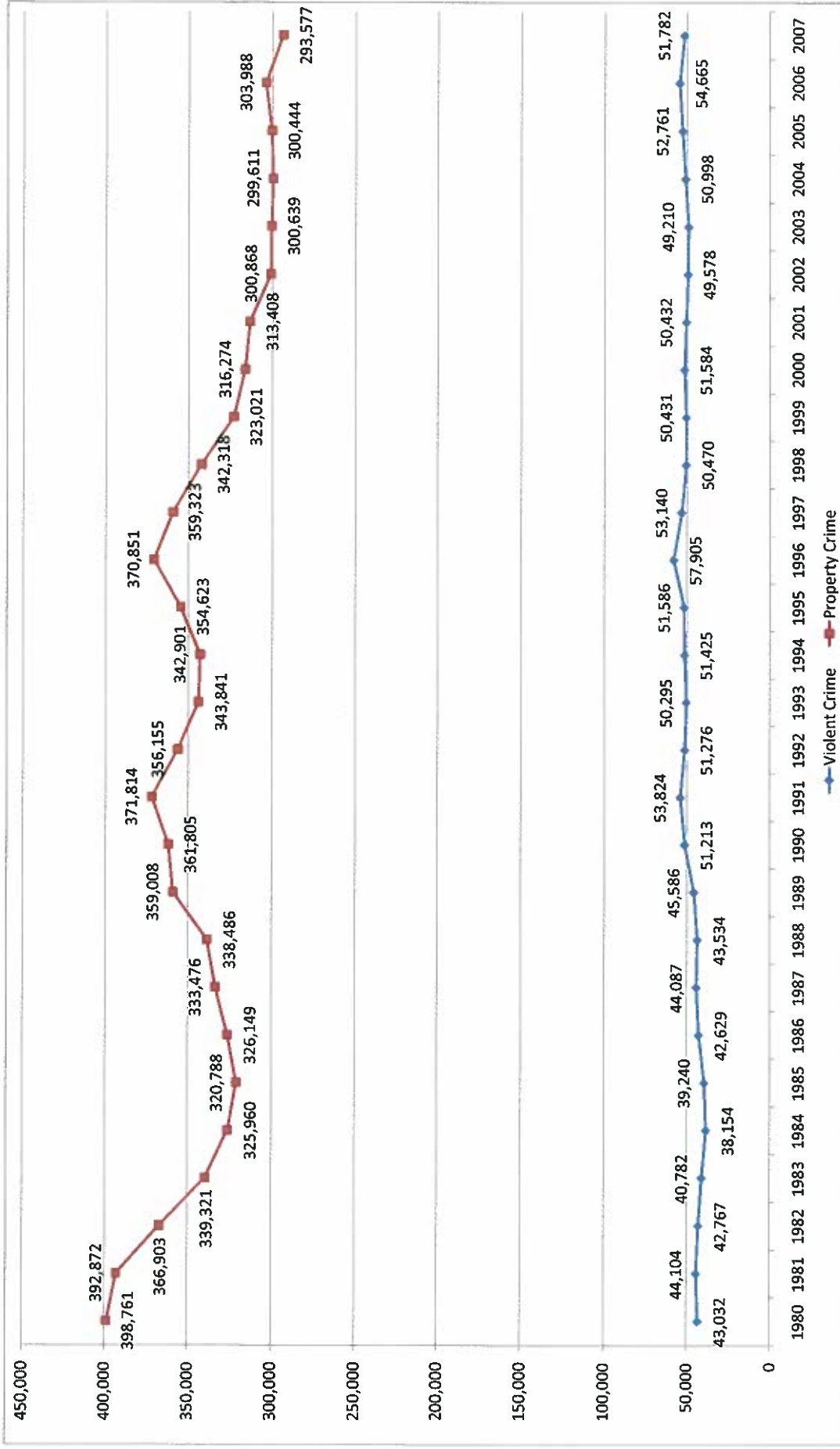
Pennsylvania Parole Population (2008-2009)



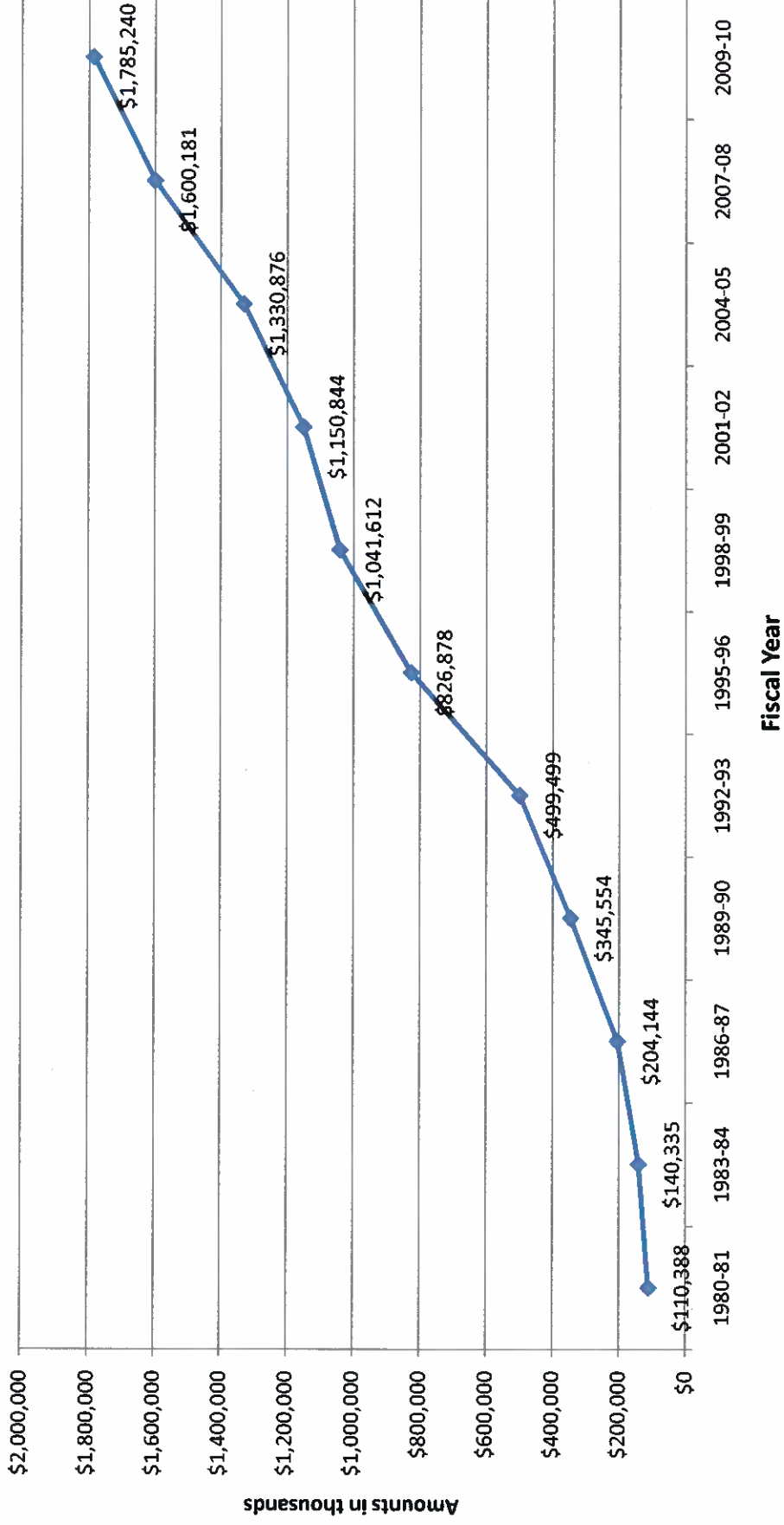
Source: Pa Board of Probation and Parole: Monthly Program Report (Dec. 2008 and Dec. 2009).

Pennsylvania Reported Crime (1980-2007)

Violent and Property Crime



Department of Corrections: State Funding (FY 1980-81 through FY 2009-10)



PRISON REFORM LEGISLATION, 2008 ACTS 81-84

- **Place of confinement (Act 81):** Beginning three years after the effective date, offenders sentenced to a maximum term of five or more years shall be committed to the Department of Corrections. Offenders sentenced to a maximum term of two years or more but less than five years shall be committed to the department unless the county has certified that the county is available for the commitment of these offenders, the prosecuting attorney has agreed to the confinement of the offender in the county prison, and the sentencing court has agreed to the confinement of the offender in the county prison. Offenders sentenced to a maximum term of less than two years will continue to be committed to county prison. *While this provision takes effect in two years, the Department of Corrections reports that it is already receiving more offenders with short sentences. Corrections Secretary, Jeffrey Beard, reports that "Over 3,563 inmates entered our prison system in 2008 with less than a year to serve. The average offender in this group has eight months to minimum. But because of the need for processing and programming, this group will serve an average 143 percent of their minimum." Parole Board Chairman, Catherine McVey, concurred, commenting that "the DOC has received an unprecedented number of short minimum cases in which the offenders are received by the DOC within eight months or less of completion of their minimum sentence, thereby greatly taxing programming capacity to be rapidly completed at the time of parole consideration."*
- **Recidivism risk reduction incentive program (Act 81):** The RRRI program establishes a "merit time" program for eligible offenders (no history of violent behavior, deadly weapon enhancement, personal injury crime, sex offense or serious drug trafficking offense) who complete their program requirements with a good prison conduct record. At the time of sentencing, the court must state whether or not the defendant is eligible to participate in the RRRI program. If the minimum sentence is three years or less, the eligible offender shall serve three fourths of his minimum; if the minimum sentence is greater than three years, the offender shall serve five-sixths of his minimum sentence. Once released the offender will be under parole supervision. The RRRI program is intended to encourage eligible offenders to participate in and successfully complete evidence-based programs that reduce the likelihood of recidivism and improve public safety. *The RRRI program has been underutilized. Corrections Secretary, Jeffrey Beard, commented that the "problem with both SIP [see below] and RRRI is that the eligibility criteria limits some offenders who could benefit from these programs from participation. We should look closely at the criteria for both and consider changes that would expand the eligible pool." Also, because many offenders are credited with time served in county jail while awaiting trial, when they are sentenced to state prison they are bumping up against their minimum sentence date without having had a chance to participate in the programs required.*
- **State intermediate punishment program (Act 81):** The Department of Corrections 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 the State intermediate punishment program be sentenced to the SIP program. The court may resentence the offender if the department has recommended placement in a drug offender treatment program, and the prosecuting attorney and the offender have agreed to the placement and the modification of the sentence. *While this provision was intended to expand the use of the SIP program, the program has been underutilized. Sentencing Commission Executive Director, Mark Bergstrom, commented "One reason for the low utilization is that the prosecution controls the referral process and must agree to any SIP sentence. But even beyond referrals, the list of ineligible offenses is extensive, excluding offenders for participation in SIP due to current or prior personal injury crimes for which probation is the most commonly imposed sentence." Also, many offenders are credited with time served in county jail while awaiting trial so they may not want to participate in this drug treatment program because they will be eligible for parole in a relatively short time.*

- **Parole guidelines (Acts 81 and 83):** The Pennsylvania Commission on Sentencing shall adopt guidelines for consideration when the parole board or other paroling entity is exercising its power to parole and to reparole offenders. The guidelines shall give primary consideration to public and victim safety, provide for the consideration of victim input, encourage inmates and parolees to conduct themselves in accordance with applicable conditions and rules of conduct, encourage inmates and parolees to participate in programs demonstrated to be effective in reducing recidivism, prioritize criminal justice resources for offenders posing the greatest risk, and use validated risk assessment tools. The commission also shall adopt recommitment ranges that shall be considered by the board when exercising its power to reparole, commit and recommit for violations of parole. *The sentencing commission has not been able follow through on this legislation because of budget cuts. Sentencing Commission Executive Director, Mark Bergstrom, commented that despite being given these new duties "no state funding was provided to the Commission to undertake these new duties; in fact, the Commission's FY09/10 appropriation, along with that of other legislative service agencies, was cut by more than 20%."*
- **Administrative parole (Act 83):** Once an eligible offender is paroled, the offender may be placed on administrative parole one year after release on parole and until the maximum sentence date if the eligible offender has not violated the terms and conditions of parole or has not been subject to the extensive use of sanctions; and there is no substantial information indicating dangerousness. An eligible offender who is placed on administrative parole shall continue to be subject to recommitment at the board's discretion. The eligible offender who is on administrative parole must have supervision contact at least once a year; provide updated contact information upon a change in residence or employment; continue to pay restitution; and comply with any other requirements imposed by the board. *Parole Board Chairman, Catherine McVey, reported that "Administrative parole reduces the reporting requirements for eligible offenders, which allows parole agents to focus their time on higher risk cases. Currently [November 16, 2009], 5% (1,434) of our parole population is on administrative parole."*
- **Medical release (Act 84):** Often referred to as the Compassionate Release Act, the bill facilitates the transfer of certain prisoners who are seriously or terminally ill to a medical facility (hospital, long-term nursing care facility or hospice care location) outside of the correctional institution. There must be clear and convincing proof that the medical needs of the prisoner can be more appropriately addressed in the medical facility, the medical facility has agreed to accept the placement of the prisoner, the prisoner is seriously ill and not expected to live for more than one year or terminally ill, and there is no risk of escape or danger to the community. Prisoners released under this law are subject to electronic monitoring. If circumstances change, the court may recommit the prisoner. There are similar provisions for prisoners committed to the Department of Corrections and county prisons. *According to the Department of Corrections, Act 84 made the rules even tighter for medical release and there may have been only one inmate released from the Department of Corrections under this legislation in 2009.*
- **Prisoner transfer (Act 82):** For the purpose of attending judicial proceedings, the provisions facilitate the temporary transfer of inmates between correctional facilities. The Department of Corrections shall temporarily transfer an inmate confined in a state correctional institution to the state correctional institution nearest to the location of the judicial proceeding. The department only has to transfer an inmate under this temporary transfer provision if a court order has been entered directing the presence of the inmate at a judicial proceeding. This law will relieve the counties from having to house these offenders.

PENDING PRISON REFORM LEGISLATION

SB1145: This legislation amends the Judicial Code (Title 42) directing the Pennsylvania Commission on Sentencing to adopt a risk and needs assessment instrument for use by judges in sentencing criminal offenders. The assessment tool shall be used for predicting the relative risk that an offender will reoffend and be a threat to public safety, and also for identifying the rehabilitative needs of an offender.

In developing sentencing guidelines, the sentencing commission should address resource utilization by prioritizing incarceration, rehabilitation and other criminal justice resources on offenders who pose the greatest public safety risk. Lower risk offenders should be identified for alternative sentencing programs such as county and state intermediate punishment programs.

Sentencing Commission Executive Director, Mark Bergstrom, commented that "In recent years, a number of states have incorporated aspects of risk and/or needs assessments into sentencing guidelines, moving their attention from punishment to public safety, and resulting in reductions in prison populations and reductions in crime rates."

On December 15, 2009, the Senate Judiciary Committee reported Senate Bill 1145 from committee. On February 1, 2010, the Senate re-referred Senate Bill 1145 to the Senate Appropriations Committee for a fiscal note.

SB1161: This legislation amends the Prisons and Parole Code (Title 61) addressing issues relating to prerelease and parole, and to the completion by offenders of prescribed programming. If an inmate is within 18 months of completing his minimum sentence when the inmate is committed to the Department of Corrections, this legislation authorizes the department to transfer the inmate to a prerelease center. While confined in the prerelease center, the inmate may complete the prescribed programming as part of the inmate's prerelease plan. The bill overturns a departmental regulation that an inmate may not be transferred to a prerelease center until the inmate has served at least nine months in a state correctional institution.

Corrections Secretary, Jeffrey Beard, reported that "Over 3,563 inmates entered our prison system in 2008 with less than a year to serve. The average offender in this group has eight months to minimum, but because of the need for processing and programming, this group will serve an average 143 percent of their minimum. In many ways, it makes little sense to tie up our valuable and costly prison beds for what, in large part, are less serious offenders."

On December 15, 2009, the Senate Judiciary Committee reported Senate Bill 1161 from committee. On February 1, 2010, the Senate re-referred Senate Bill 1161 to the Senate Appropriations Committee for a fiscal note. Senator Greenleaf has prepared an amendment to Senate Bill 1161. When the Pennsylvania Board of Probation and Parole recommits an offender to prison for a parole violation, this amendment will authorize the board in its discretion to give the offender credit for the time served on parole.

SB1193: This legislation amends the Judicial Code (Title 42) adding a section that authorizes each county court of common pleas to establish a program that will impose swift, predictable and immediate sanctions on offenders who violate their probation. The court shall emphasize that the participant must remain drug-free and comply with any treatment or services ordered by the court as a condition of the participant's probation. The program shall include random drug-testing. The court shall put the participant on notice that each probation violation, including missed appointments and positive drug tests, will result in jail time.

In Hawaii Judge Steven S. Alm developed a program called HOPE (Hawaii's Opportunity Probation with Enforcement) focusing on offenders who have committed drug-related crimes. Through HOPE those offenders who fail a drug test while on probation are subject to immediate, brief incarceration. This legislation is based on the Hawaii program.

The HOPE program has been a success and is gaining national attention. The Institute for Behavior and Health reports that "An independent evaluation of HOPE shows that it is effective in reducing drug abuse, crime and incarceration in the population of offenders in the community on probation." The independent evaluation shows that HOPE reduces "drug use by more than 90% and new crimes by more than 50% while shrinking the average number of days a probationer spends behind bars." The HOPE program in Honolulu has 1,200 participants so the program can be operated on a large scale.

On January 26, 2010, the Senate Judiciary Committee reported Senate Bill 1193 from committee. On March 9, 2010, the Senate re-referred Senate Bill 1193 to the Senate Appropriations Committee for a fiscal note.

SB1198: This legislation amends the Prisons and Parole Code (Title 61) establishing a comprehensive program to reduce recidivism and ensure the successful reentry and reintegration of offenders into the community. The Safe Community Reentry Program will provide offenders with access to a full continuum of services during incarceration and upon release during their transition and reintegration into the community. The Department of Corrections shall coordinate the specifics of the offender's reentry plan with the educational, vocational training, and treatment services that will be provided to the offender during the offender's incarceration. The programs in prison should be structured to make it likely that the offender will be successful in becoming a productive member of society.

The legislation directs the Department of Corrections and the Pennsylvania Board of Probation and Parole to make use of community and faith-based programs to provide reentry services. These programs to name a few may assist offenders in securing housing and employment, link offenders with medical and mental health services and drug and alcohol treatment, provide for the literacy and educational needs of offenders, work with offenders and their family members to re-establish relationships, and create mentoring programs to help offenders develop personal responsibility.

On March 16, 2010, the Senate Judiciary Committee reported Senate Bill 1198 from committee. On April 13, 2010, the Senate re-referred Senate Bill 1198 to the Senate Appropriations Committee for a fiscal note.

SB1275: This legislation establishes a graduated sanctioning process for state parole violators. The system is designed to hold the parolee accountable for a technical parole violation while avoiding the cost of recommitting the parolee to prison. A violation sanctioning grid will be developed that divides violations into high, medium and low range violations. An example of a high range violation is assaultive behavior; a medium range violation is the possession of unauthorized contraband; and a low range violation is the failure to pay supervision fees. The grid will include high, medium and low sanction ranges. An example of a high sanction is shock incarceration; a medium sanction is electronic monitoring; and a low sanction is increased reporting requirements.

Secretary Beard reported that the recommitment of technical parole violators to state prison is a significant factor in prison overcrowding. Secretary Beard explained that "Technical parole violators (TPVs) are parolees who are returned to prison for violating a specific condition of their parole (about 3,000 offenders in 2008). The technical violation is not a criminal offense but includes infractions such as breaking a curfew or failing to report to the assigned parole agent. Alternatives to re-incarceration for technical parole violations could free up a considerable amount of beds. Additionally, TPVs spend an average 14 months in prison [following their recommitment] with no real affect on recidivism over those diverted for shorter periods."

Senator Greenleaf has codified the tiered sanctioning process currently used by PA Board of Probation and Parole and included language as well from other states and the Pew Center on the States model legislation for administrative sanctions. Our parole system needs flexibility. In correcting human behavior, there are sometimes failures, bumps in the road, before final success.

On April 13, 2010, the Senate Judiciary Committee reported Senate Bill 1275 from committee. On April 20, 2010, the Senate re-referred Senate Bill 1275 to the Senate Appropriations Committee.

SB1298: This legislation will invest an additional \$50 million into criminal justice agencies and programs that will help reduce our state and county prison populations and, in the long run, improve public safety and save money for the Commonwealth and counties.

1. An appropriation in the amount of \$2,275,000 for the Pennsylvania Commission on Sentencing. This amount includes a base appropriation of \$1,525,000 to support the commission's long-standing statutory duties and an additional \$750,000 to support the new duties and responsibilities specified in Acts 81 and 83 (parole guidelines), and in Senate Bill 1145, which directs the commission to develop a risk and needs assessment tool for use in sentencing.

2. An appropriation in the amount of \$2 million for the Administrative Office of Pennsylvania Courts to provide start-up grants to counties for treatment courts.

3. An additional appropriation in the amount of \$30 million for county intermediate punishment and drug and alcohol treatment programs.

4. An additional appropriation in the amount of \$15 million for the Pennsylvania Board of Probation and Parole to support parole supervision and reentry services.

At the Senate Appropriations Committee's budget hearing, Secretary Beard said that Pennsylvania could save \$60 million and 2,000 prison beds by providing alternatives for offenders with short minimum sentencing (Senate Bill 1161), revising the eligibility requirements for intermediate punishment programs, and reducing the number of technical parole violators recommitted to prison. By reinvesting half of those savings, Secretary Beard said the Commonwealth could save \$120 million and 4,000 prison beds. We must spend some money now to avoid huge additional costs in the future. We must fund programs that will help divert low level offenders from state prison and support reentry services that lessen the chance that offenders commit new crimes and return to prison.

Parole board chairman Catherine McVey concluded that "The challenge now is adequate funding and correct implementation of early offender interventions and recidivism reducing strategies. When comparing those states that have been successful, typically significant funding has been invested in recidivism reducing strategies rather than ongoing prison bed construction." Texas, for example, decided not to spend \$523 million on prison expansion and instead spent \$241 million addressing substance abuse and mental health issues and providing intermediate sanction facilities and programs that focused on people under supervision who would otherwise likely have been recommitted to prison. As a result, Texas' prison population has leveled-off.

Secretary Beard said that investments in diversion and intermediate punishment programs "make sense, given the results. The primary outcome is improved public safety through reduced recidivism and crime. The secondary benefit is reduced cost by allowing us to target resources for more serious cases, and use valuable prison beds for offenders posing the greatest risk to public safety. These initiatives provide a good foundation to begin reversing the trend of ever increasing bed space and spiraling cost associated with incarceration."

On March 30, 2010, Senate Bill 1298 was referred to the Senate Appropriations Committee.

SB1299: This legislation makes more nonviolent offenders eligible for Pennsylvania's alternative sentencing programs. These programs include county intermediate punishment (CIP), state intermediate punishment (SIP), state motivational boot camp, and the recidivism risk reduction incentive (RRRI).

Currently, if an offender has committed a "personal injury crime" the offender is ineligible for SIP and RRRI. The term "personal injury crime" is defined by the Crime Victims Act and includes an extensive list of offenses many of which are graded as misdemeanors. This legislation instead uses the definition of "crime of violence" from 42 Pa.C.S. §9714 which includes the most serious offenses, all felonies.

SIP is an intensive drug treatment program involving incarceration in state prison initially followed by community-based treatment. Currently the district attorney must request that a defendant be referred to the Department of Corrections for an assessment that will determine whether SIP is appropriate. The defendant must agree to be referred. Once the assessment takes place, the district attorney and the defendant must agree to the commitment. The legislation removes these requirements so that the judge may refer the defendant for assessment and the judge may commit an eligible offender to SIP.

The legislation allows an eligible defendant to receive a RRR minimum sentence even if a mandatory sentence would otherwise be provided by law.

The provisions relating to CIP are amended to allow certain offenders convicted of low-level drug dealing to be eligible for CIP but only if the offender undergoes an a diagnostic assessment for dependency on drugs or alcohol.

In its October 2009 report on mandatory minimum sentences, the Pennsylvania Commission on Sentencing noted that "Many of the sentencing alternatives created by the General Assembly to serve as rehabilitative alternatives to traditional incarceration . . . are presently underutilized. Contributing factors include: prohibitions to use certain programs to satisfy mandatory minimum sentencing provisions; extensive ineligibility criteria, particularly as related to present or past offenses; and/or other restrictions of a sentencing judge's ability to consider the program, such as approval by the prosecutor."

During the November 16, 2009 Senate Judiciary Committee public hearing on prison overcrowding witnesses explained how these very worthwhile programs are being underutilized. Secretary Beard commented that "The problem with both SIP and RRR is that the eligibility criteria limit some offenders who could benefit from these programs from participation. We should look closely at the criteria for both and consider changes that would expand the eligible pool. We also need to give the judge broader discretion to decide who receives SIP."

On April 13, 2010, the Senate Judiciary Committee reported Senate Bill 1299 from committee. On April 20, 2010, the Senate re-referred Senate Bill 1299 to the Senate Appropriations Committee.

SB150: This legislation enacts the Law Enforcement Drug and Violence Task Force Act. The legislation establishes a grant program administered by the Pennsylvania Commission on Crime and Delinquency (PCCD) to help fund law enforcement drug and violence task forces. These task forces will provide a comprehensive crime-fighting effort in designated geographical areas to remove violent felons, illegal drugs, illegal firearms, and other criminal activity, and to improve the quality of life for residents of that area. Political subdivisions may apply to PCCD for grants to help fund these task forces.

This legislation was based on the Philadelphia police department's Strategic Intervention Tactical Enforcement (SITE) unit that focused on fighting crime and improving the quality of life in specific neighborhoods. It is also closely related to the "broken windows" theory of policing which suggests that the reduction in minor crimes will lead to a decrease in major ones. A variation on this concept has been successfully implemented in New York City, significantly reducing the number of offenders being sent into the New York state prison system.

On January 30, 2009, Senate Bill 150 was referred to the Senate Judiciary Committee. During the 2007-2008 legislative session, the Senate Judiciary Committee reported this legislation (SB542) from committee. It was re-referred to the Senate Appropriations Committee.