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Special Report



January 2011

Fiscal and Structural Reform – Solutions to Pennsylvania’s Growing Inmate Population

Pennsylvania’s criminal justice system continues to grow at an unsustainable pace. From 2000 to 2010, Pennsylvania’s inmate population has grown from 36,816 to 51,487, a 40 percent increase. The Pennsylvania Department of Corrections’ (DOC) General Fund budget over the last ten years has increased from \$1.17 billion to \$1.6 billion, a 37 percent increase.

In fiscal year 2011-12, \$2.5 billion in federal stimulus funds will cease, \$3 billion in unemployment payments to the federal government come due, and Pennsylvania’s pension obligation increases by \$800 million. The result is an unprecedented \$4 to \$5 billion budget gap and a burgeoning fiscal crisis that Pennsylvania policymakers face.

With Pennsylvania facing this budget gap, smart and surgical cuts can and must be made in criminal justice programs to meet these budgetary constraints without sacrificing public safety. By doing so, we conservatively estimate that the Commonwealth could save \$50 million in fiscal year 2011-12 and \$100 million in the following years, for a total savings of \$350 million over the next four fiscal years. In addition, the Commonwealth could save hundreds of millions of dollars in capital costs by not building new prisons.

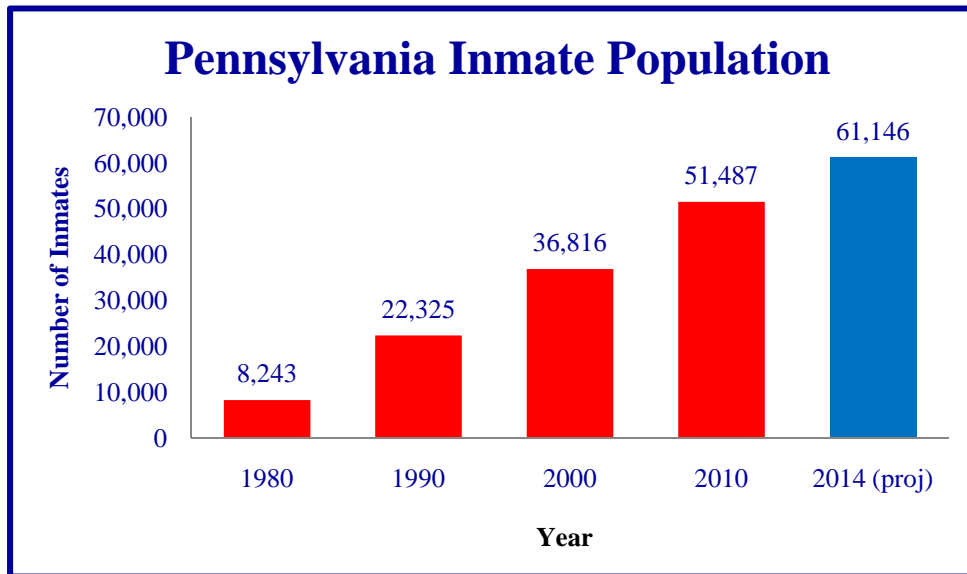
Pennsylvania’s Growing Inmate Population

Pennsylvania’s inmate population today is five times larger than it was in 1980. There are two classifications for offenses: Part I (more serious offenses) and Part II (less serious offenses). Of the 51,487 inmates, 19,931 (39 percent of the total prison population) are Part II non-violent offenders (includes narcotic drugs, drunken driving, forgery, fraud, and receiving stolen property). Another 7,668 of the inmates (15 percent) are parole violators. Less than half of the inmates (46 percent) in Pennsylvania correctional institutes are Part I violent offenders.¹

¹ Pennsylvania Department of Corrections, “Costs & Population,” 2010.

In their 2010 budget presentation, the DOC stated that 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 four percent in 1980 to 20 percent in 2008.”²

The DOC projects that the prison population will grow to 61,146, a 19 percent increase, by December 31, 2014.³



In 2009, Pennsylvania’s prison population grew more than any other state in the country:⁴

Largest Increase in Prison Population (2009)

1. **Pennsylvania +2,122**
2. Florida +1,527
3. Indiana +1,496
4. Louisiana +1,399
5. Alabama +1,053

Conversely, comparably-sized states experienced declines in prison population:⁵

Largest Decrease in Prison Population (2009)

1. California -4,257
2. Michigan -3,260

² Pennsylvania Department of Corrections, “Managing Population Growth – Budget Presentation,” February 2010.

³ Pennsylvania Department of Corrections, “Costs & Population,” 2010.

⁴ The Pew Center on the States, “Prison Count 2010: State Population Declines for the First Time in 38 Years,” Revised April 2010.

⁵ *Ibid.*

3. New York -1,699
4. Maryland -1,315
5. Texas -1,257

During the Pennsylvania Department of Corrections’ (DOC) fiscal year 2010-11 budget hearing, Dr. Jeffrey Beard, then Secretary of Corrections, stated:

The logical question then becomes, what has been the driving factor in this continued growth? The rise in incarceration numbers reflects a nationwide trend that began with a “get tough on crime” ideology and the ongoing ‘war on drugs’ initiatives. States began sending more offenders to prison and kept them incarcerated for longer periods of time.⁶

Impact on the Pennsylvania Department of Corrections

According to the DOC, the annual cost per inmate has nearly tripled, from \$11,447 in 1980 to \$32,059 in 2009. The elderly (age 50 and older) inmate population has increased from 370 in 1980 to 7,949 in 2009. The associated age-related disabilities result in increased incarceration costs. Conversely, the Pennsylvania Board of Probation and Parole reports that the cost of supervising a parolee is \$2,934 each year.⁷

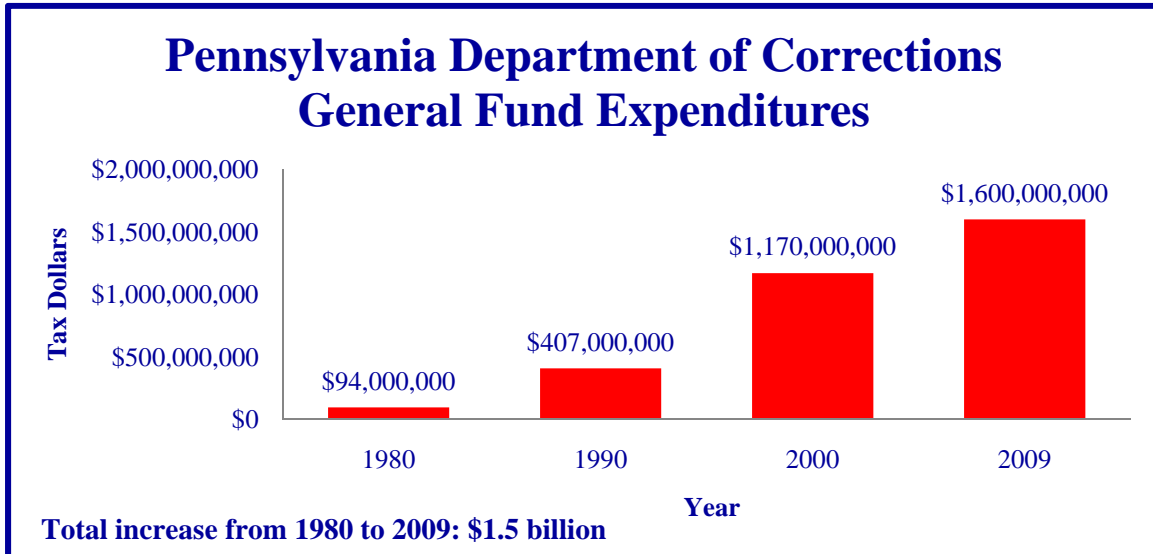


Due to the increased number of inmates and increased annual costs to house inmates, DOC’s budget and staff has increased dramatically over the last 29 years. The following chart illustrates

⁶ Pennsylvania Department of Corrections – House Appropriations Committee Hearing, PLS Committee News (subscription service), February 18, 2010.

⁷ Pennsylvania Board of Probation and Parole, “Parole Facts,” www.pbpp.state.pa.us, accessed on January 24, 2011.

the fiscal growth of the DOC during this time period.⁸ General Fund expenditures are 16 times higher today than they were in 1980, with an increase of more than \$1.5 billion. There are three times as many correctional institutions, from nine in 1980 to 27 in 2009, and five times more DOC employees, from 3,175 in 1980 to 15,836 in 2009.



The Commonwealth has allocated Capital Budget funding for eight new projects – four new correctional institutions and four housing units at existing institutions. These projects will add 9,000 beds to the correctional system and cost Pennsylvania taxpayers at least \$862 million. Based on the projected increases in the prison population, the facilities will be at capacity as soon as they are completed.

Further illustrating this growing problem, in 2010, the Commonwealth entered into contracts with Michigan and Virginia to send approximately 2,000 of its inmates to prisons in those states. The five-year contracts have a minimum combined value of \$250 million over their duration. Sending additional inmates and annual increases in the Consumer Price Index potentially will drive the value of the contracts even higher. While this measure will save Pennsylvania money in the short-term, it does not address higher corrections costs and increased inmate populations in the short-term or long-term. Unless Pennsylvania implements strategies to decrease its prison population, overcrowding and increased spending will continue to climb at an unsustainable pace.

W hat Pennsylvania Has Done

Record-breaking growth in prison populations and budgets over the past decade has led states to reconsider sentencing practices. Pennsylvania has implemented

⁸ Pennsylvania Department of Corrections, “Costs & Population,” 2010.

some successful alternative sentencing programs within its criminal justice system.

Programs

1. The **State Intermediate Punishment (SIP) Program** became effective on May 18, 2005. It is a two-year, step-down, substance abuse treatment program for eligible offenders sentenced to a state correctional facility. The program was created due to concerns about the link between substance abuse and crime and the finding that many people commit crimes while under the influence of drugs and/or alcohol. As of May 2009, 6,081 offenders who were eligible for the SIP Program had been sentenced to the DOC. Of those 6,081 eligible offenders, only 2,023 had been evaluated for the SIP Program. Most offenders who the DOC rejected for the program have outstanding detainers or pending legal action that prevents participation.⁹
 - 1,494 offenders had been admitted to the SIP Program. Among those offenders, 427 offenders (29%) successfully completed the program, 198 offenders (13%) were expelled from the program, and 869 offenders (58%) were still enrolled in the program.
 - SIP offenders are not released to parole; therefore, they cannot be returned to prison for a technical violation.
 - The recidivism rates for the offenders who successfully completed SIP were significantly lower than those of comparable group of offenders released from prison after both six months and one year.
 - There is a concern that the SIP Program is underutilized. The Pennsylvania General Assembly has been asked to review the ineligibility criteria for SIP and allow greater discretion to the sentencing court for SIP consideration.
2. **Community Correction Centers (CCCs)** are half-way houses. Pennsylvania has 14 state-run facilities and 38 contracted facilities. At these centers, inmates receive supervision and can utilize counseling services while working or attending school. Offenders are transitioning from state correctional institutions back into the community. Criteria for participation in CCCs are designed to ensure that inmates who are selected to participate are those who will present the least risk to the community and who will benefit most from the program. Offenders may also be parolees who have been released but sent to a CCC because they are experiencing difficulties maintaining parole. As of October 2008, approximately 3,400 inmates were assigned to the Community Corrections program.¹⁰
3. The **Parole Violator Center Program** is a joint effort between the Pennsylvania Board of Probation and Parole and the DOC. The program’s goal is to divert technical parole violators (a parolee who does not comply with his or her supervision conditions) from incarceration while successfully addressing the behaviors within a safe and secure environment. The

⁹ Pennsylvania Commission on Sentencing, “Pennsylvania’s State Intermediate Punishment Program: 2010 Report to the Legislature,” January 2010.

¹⁰ Pennsylvania Department of Corrections, “Community Corrections,” October 2008.

Parole Violator Center program is operated as a secure CCC. The individuals are placed in the program are technical parole violators. No one is allowed to leave the Parole Violator Center for any reason, including job searches or to attend treatment programs. All needs are addressed at the center. The length of the individual’s stay is dependent on the programming needs and can be anywhere from 60 to 120 days. Individuals who fail to follow the center’s requirements will be unsuccessfully discharged and returned to prison.¹¹

4. The **Quehanna Motivational Boot Camp** serves as an alternative to traditional state prison and allows eligible inmates to serve a reduced six-month sentence if they successfully complete the program. The program was created due to the recognition of the severe overcrowding situation in the state correctional system. The Boot Camp is modeled after military boot camps and instills discipline and structure through regimented 16-hour days consisting of work and program activities with very little free time. The inmate may not be over the age of 35 years at the time of approval for participation in the program. The Boot Camp graduated 3,816 inmates between 1998 and 2006, a graduation rate of 88 percent.¹² In the Department of the Auditor General’s audit released in September 2010, we found that this program remained cost-effective and provided a useful approach to relieving overcrowding in prisons.¹³
5. In November 2008, the General Assembly enacted **Recidivism Risk Reduction Incentive (RRRI)** legislation. The law enables eligible, non-violent offenders to reduce their minimum sentences if they complete recommended programs and practice good prison conduct during their incarceration. The reduction provided is a percentage off of their minimum sentence that is based on the sentence length. The intent of the program is to provide more access to crime-reducing drug treatment programs and to provide incentives to less violent offenders to complete programs that will provide them with tools to help them live productive lives. Only less serious offenders are eligible for RRRI, usually drug or alcohol offenders.¹⁴ As of February 2010, 2,568 offenders were sentenced to RRRI. The DOC projects that they will house approximately 1,652 fewer inmates by December 2013 due to the RRRI program.
6. Drug and alcohol treatment-based **restrictive intermediate punishment (RIP)** sentences are directed toward nonviolent offenders who are dependent on drugs or alcohol. A sentence of RIP is a harsher sentence than probation but enables an offender to avoid incarceration. The goals of the program are to:
 - Maintain community safety;
 - Reduce criminal recidivism;

¹¹ Pennsylvania Board of Probation Parole and Pennsylvania Department of Corrections, “Parole Violator Center Program,” August 2010.

¹² Pennsylvania Department of Corrections, “Quehanna Motivational Boot Camp Performance Analysis and Evaluation,” January 2008.

¹³ Pennsylvania Department of the Auditor General, “Performance Audit of Quehanna Motivational Boot Camp,” September 2010.

¹⁴ Pennsylvania Department of Corrections, “Recidivism Risk Reduction Incentive,” www.cor.state.pa.us, accessed on January 3, 2011.

- Help an offender break his or her addiction and become a law-abiding citizen; and
- Prevent prison overcrowding by reserving jail space for more serious or repeat offenders.

Requirements of the RIP program vary from county to county, but participants may have to wear an electronic monitoring bracelet, live at a work release center, or abide by the restrictions of house arrest. During fiscal year 2008-09, the Pennsylvania Commission on Crime and Delinquency, which provides program authorization and is responsible for administering funds, gave over \$16 million in grants to 33 counties for RIP programs. In comparing equivalent costs to incarcerate offenders in a county jail or state prison, incarceration costs are greater than funds awarded to counties for the RIP program.

Enacted and Proposed Legislation

In October 2010, Governor Rendell signed **Act 95** into law. The law includes reforms that will address increasing parole for non-violent offenders and alternatives to prison for technical parole violators. It also directs the Pennsylvania Commission on Sentencing to adopt a risk assessment instrument for use by judges in sentencing criminal offenders. The assessment tool is to be used for predicting the relative risk that an offender will be a threat to public safety. Lower risk offenders should be identified for alternative sentencing programs such as county and state intermediate punishment programs.¹⁵

In January 2011, Senator Stewart Greenleaf introduced **Senate Bill 100**, the “Criminal Justice Reform Act.” The legislation combined four bills from the previous legislative session into one bill for the current session. It would amend the Judicial Code, Title 42, and the Prisons and Parole Code, Title 61, of the Pennsylvania Consolidated Statutes by:¹⁶

- Allowing the DOC to more quickly move offenders with short minimum sentences to CCCs by overturning “in part a DOC regulation that an offender may not be transferred to a prerelease center until the offender has served at least nine months in a state correctional institution.” The legislation would allow an offender with less than 12 months to serve to be moved after serving at least three months in a state correctional institution; an offender with 12 to 18 months to serve to be moved after serving at least six months in a state correctional institution; and an offender with at least 18 months to serve to be moved after serving at least nine months in a state correctional institution.
- Establishing a Safe Community Reentry Program, which is “a comprehensive program to reduce recidivism and ensure the successful reentry and reintegration of offenders into the community.” The program would “provide offenders with access to a full continuum of services during incarceration and upon release during their transition and reintegration into the community.”

¹⁵ Senator Stewart Greenleaf, “Greenleaf Bills Become Law,” www.senatorgreenleaf.com/press/2010/1010/102710.htm, October 27, 2010.

¹⁶ Memo by Senator Stewart J. Greenleaf, “Co-sponsorship – Criminal Justice Reform Act,” PLS Committee News (subscription service), December 21, 2010.

- Making more nonviolent offenders eligible for Pennsylvania’s alternative sentencing programs (CIP, SIP, Boot Camp, and RRRI). According to Senator Greenleaf and Dr. Jeffrey Beard, former Secretary of Corrections, there must be a continued dialogue about “how we should determine whether an offender is nonviolent and eligible for these programs.” According to the Pennsylvania Commission on Sentencing, reasons for underutilization of the aforementioned alternative sentencing programs 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.”
- Establishing a county probation program, similar to Hawaii’s Opportunity Probation with Enforcement (HOPE) program, which would provide “swift, predictable, and immediate sanctions on offenders who violate their probation.” In the HOPE program, “those offenders who fail a drug test while on probation are subject to immediate, brief incarceration.”

Corrections Spending Across the United States

Growing prison populations and rising criminal justice costs is not unique to Pennsylvania. In 1983, the United States’ prison population was 424,000. In 2008, the prison population had grown to more than 1.5 million. The increase in prison population resulted in a 674 percent increase in corrections spending by states.¹⁷

However, the United States has made strides recently in reducing criminal justice costs. An October 2010 survey¹⁸ of 44 states found that corrections spending decreased by 1.05 percent nationally in fiscal year 2010-11. Twenty-three of the 44 states spent less on corrections, two states spent the same, and 19 states spent more. Pennsylvania was among the top five states with increased spending:¹⁹

Largest Increase in Corrections Spending (fiscal year 2010-11)

1. Wyoming +21.4 percent
2. West Virginia +9.58 percent
- 3. Pennsylvania +4.49 percent**
4. Vermont + 4.27 percent
5. Louisiana +4.13 percent

Largest Decrease in Corrections Spending (fiscal year 2010-11)

1. New York -9.51 percent

¹⁷ Vera Institute of Justice, “The Continuing Fiscal Crisis in Corrections – Setting a New Course,” October 2010.

¹⁸ This survey was conducted by the Vera Institute of Justice, a nonpartisan criminal justice research group based in New York.

¹⁹ *Ibid.*

2. Connecticut -7.67 percent
3. Iowa -6.26 percent
4. Oklahoma -5.53 percent
5. Illinois -5.47 percent

As states grapple with budget shortfalls, many are looking to public safety expenditures for savings. Addressing growing criminal justice budgets is considered by many to be a politically-sensitive issue. Lawmakers fear being labeled as soft on crime. Attention must be given to balancing cost savings with maintaining public safety and security.

In a recent analysis by the National Governors Association’s Center for Best Practices, the organization stated the following regarding corrections spending:

Many states have found that the best opportunity for savings in this area is to stop building or even close prisons. To do so, states have moved forward with efforts to safely reduce prison populations of non-violent offenders through sentencing reform, improved re-entry programs, and enhanced community parole and probation oversight.²⁰

The Sentencing Project – Research and Advocacy for Reform also weighed on this national policy shift:

Even prior to the onset of the latest fiscal crisis, though, legislators in many states had become increasingly interested in adopting evidence-based policies directed at producing more effective public safety outcomes. In contrast to the ‘get tough’ climate that had dominated criminal justice policy development for many years, this new political environment has focused on issues such as diversion of people charged with lower-level drug offenses, developing graduated sanctions for people on probation and parole who break the rules, and enhancing reentry strategies.²¹

How Other States Have Addressed Corrections Spending

States seeking to decrease their prison populations have learned that there is not one quick fix to their challenges. Instead, they are utilizing multiple policy and administrative initiatives that range from eliminating mandatory sentences and closing prisons to reducing food services provided to inmates and renegotiating program contracts.

²⁰ National Governors Association Center for Best Practices, “State Government Redesign Efforts 2009 and 2010,” October 2010.

²¹ The Sentencing Project – Research and Advocacy for Reform, “Downscaling Prisons – Lessons from Four States,” 2010.

1. Texas

In 2007, instead of spending \$2 billion to build new prisons with 17,000 beds, Texas invested \$240 million to overhaul its criminal justice system.²² The state’s reforms included:²³

- *Offered substance-abuse treatment in jail and put some prisoners in treatment after being released (cost \$26 million).*
- *Created detention centers to provide supervised housing to punish offenders who commit minor infractions while on parole without sending them to prison (cost \$30 million).*
- *Built residential treatment centers and halfway houses to help former prisoners with the transition back into life outside of prison (cost \$110 million).*

Texas State Representative Jerry Madden “realized expanding those prisoner-treatment programs could save taxpayers millions by avoiding the costs of building more prisons.” He stated, “The public’s going to be safer – if people don’t recidivate (relapse into criminal behavior), we’re probably going to have less crime – and it’s going to cost less money.”²⁴ Representative Madden also noted that there were no changes to sentencing guidelines.

2. New York²⁵

Decades of prison population growth in New York is attributed to two sentencing laws that launched the national war on drugs: Rockefeller Drug Laws²⁶ and Second Felony Offender Laws.²⁷ To reduce its prison population and costs, New York:

- *Scaled back the Rockefeller Drug Laws to reduce the scope of mandatory sentences.*
- *Established a Drug Treatment Alternative to Prison program. The program initially was established by the Brooklyn District Attorney’s Office to divert prison-bound defendants into treatment programs and reduce the use of incarceration and was later expanded to other district attorneys’ offices statewide.*
- *Implemented “merit time” credits and other incentives for participation in education and vocational training, treatment, and other services to speed parole consideration.*

²² Rychkaert, Vic. “State bears high cost of law and order.” Indianapolis Star, 30 Aug. 2010: www.indystar.com/article/20100830/NEWS02/8300319/State-bears-high-cost-of-law-and-order.

²³ Hensley, JJ. “Ariz. Aims to cut prison costs; in Texas, a new approach.” The Arizona Republic, 18 Apr. 2010: www.azcentral.com/news/articles/2010/04/18/20100418arizona-prison-costs.html.

²⁴ *Ibid.*

²⁵ The Sentencing Project – Research and Advocacy for Reform, “Downscaling Prisons – Lessons from Four States,” 2010.

²⁶ Established minimum required sentences for sale and possession of narcotic drugs.

²⁷ Mandates a prison term for all repeat felons regardless of the nature of the offense or the offender’s background.

- *In 2009-10, closed three small minimum security prisons and annexes at six prisons, saving the state approximately \$26.3 million in the 2010-11 budget.*

As a result of these reforms, New York’s prison population has decreased by 20 percent from 1999 to 2009.

3. New Jersey²⁸

After hitting an all-time high prison population in 1999, New Jersey:

- *Revised plea negotiation guidelines in the Attorney General’s Office to permit “open pleas” in lower-level drug-free zone cases, which gave judges greater discretion in sentencing. The state expanded the model statewide and encouraged judges to consider “open plea” cases for treatment.*
- *Adopted risk assessment instruments to aid its parole board in considering release issues, along with day reporting and electronic monitoring in the community, resulting in increased rates of granting parole.*
- *Established Regional Assessment Centers to provide input to its parole board in determining if parole violators should be allowed to continue on parole supervision.*

Because of these reforms, the prison population in New Jersey decreased by 19 percent from 1999 to 2009.

4. Michigan²⁹

Michigan operates the seventh largest prison system in the United States and is one of five states that spend more on corrections than on higher education, the others being Vermont, Oregon, Connecticut, and Delaware. To rein in costs, Michigan:

- *Reformed the “650 Lifer Law” that had previously imposed life sentences for 650-gram drug offenses, even for first-time offenders.*
- *Eliminated most mandatory minimum sentences for drug offenses and incorporated sentencing provisions into the guidelines system, which enhanced judicial discretion.*
- *Began using data-driven policies to identify lower-risk cases for release, established a greater range of intermediate sanctions for rule violators, and designated two “reentry prisons” to assist in planning for release.*
- *Established the Michigan Prisoner Reentry Initiative to develop locally-based planning focusing on services in housing, employment, and substance abuse.*

²⁸ *Ibid.*

²⁹ *Ibid.*

Due to these reforms, especially job placement programs and prudent use of parole, Michigan’s prison population decreased by 15 percent from 2006 to 2011, giving them capacity to accept prisoners from other states such as Pennsylvania. Michigan spends \$56 million each year on reentry programs.³⁰

5. Kansas³¹

Faced with a budget crisis upon taking office, then-Governor of Kansas Kathleen Sebelius cut the state’s corrections budget by \$6.8 million in 2003.³² Kansas focused on drug sentencing to meet the budgetary cuts:

- *Amended state sentencing guidelines to divert convicted drug possessors to mandatory treatment rather than prison and eliminated sentencing enhancements for repeat offenders.*
- *Enhanced its Justice Reinvestment strategy and Risk Reduction Initiative to provide services under community supervision to reduce revocations for rule violators and provide funding to county-operated programs that emphasize neighborhood revitalization, substance abuse and mental health treatment, and housing services.*

Because of these reforms, the prison population in Kansas decreased by five percent from 2003 to 2009.

6. Illinois³³

In 2009, Illinois implemented a new early release program that allows as many as 1,000 nonviolent offenders to finish their sentences outside of a prison. These individuals are tracked with an electronic monitoring device provided by the Illinois Department of Corrections and are offered treatment programs. Any inmate who has a sex offense or violent criminal history over a ten-year period is excluded from the program.

7. Oregon³⁴

Oregon’s Secretary of State recently audited the state’s earned time program. The program rewards prison inmates with an earlier release if they maintain good conduct and participate in rehabilitation programs. Auditors estimated that, for inmates released in fiscal year 2009, earned time saved the state at least \$25 million based on the average daily cost per inmate reported by the Oregon Department of Corrections. Their analysis also found that inmates who were

³⁰ The New York Times, “States Help Ex-Prisoners Find Jobs,” <http://www.nytimes.com>, accessed on January 24, 2011

³¹ *Ibid.*

³² The current corrections appropriation in Kansas is \$277 million.

³³ Corley, Cheryl. “States Release Inmates Early to Cut Prison Costs.” *NPR* 13 Dec. 2009: www.npr.org/templates/story/story.php?storyID=121338571.

³⁴ Oregon Department of State, “Department of Corrections: Administration of Earned Time,” www.sos.state.or.us/audits/reports/full/2010/2010-39.pdf, accessed on January 14, 2011.

convicted of more serious offenses were less likely to be eligible for earned time and also served longer sentences than inmates with less serious offenses.

8. Indiana³⁵

Since 2000, Indiana’s prison population has increased by more than 40 percent and the cost of running prisons has increased to \$679 million, or 76 percent. The state estimates that the costs will increase to more than \$1 billion by 2017. To reduce costs, Indiana has contracted with the Pew Center on the States and the Council of State Governments to examine ways to cut prison costs. The state is paying \$100,000 for the study, with the Pew Foundation contributing \$500,000 to \$1 million. Ohio and Texas are two other states that have entered into similar agreements with these organizations. Results from reviews in other states “featured fundamental changes that transfer money away from future prison expansions and into drug counseling, anger management, and other locally-operated programs.”³⁶

Recommendations for Pennsylvania’s Future

During the Pennsylvania Department of Corrections’ fiscal year 2010-11 budget hearing, Dr. Beard cited “very specific things that we can do in Pennsylvania to improve public safety while at the same time controlling the growth of our prison system.”³⁷ The suggestions were a compilation of alternatives to incarceration recommended by the Pennsylvania Commission on Sentencing and Secretary Beard. We support many of these suggestions, and recommend that the Commonwealth:

1. Review the eligibility criteria and consider removing certain ineligible offenses with regard to the SIP, RRRI, Boot Camp, and RIP programs.
2. Remove the requirement for a motion from the prosecutor and agreement of the defendant for referral to SIP, and remove the agreement of the prosecutor and defendant for commitment of an eligible offender. This will allow the judge to determine SIP placement, as is currently the case with the Quehanna Boot Camp.
3. Expand funding for RIP to fully realize the maximum potential of this effective and less-costly program.
4. Provide funding for Treatment Court start up, another effective and less-costly program.
5. Consider not permitting counties to send to the state those inmates with less serious offenses who have less than one year to serve or allow the DOC to move selected short-term minimum cases to community corrections community-based treatment. Over 3,968 inmates

³⁵ Rychkaert, Vic. “State bears high cost of law and order.” *Indianapolis Star*, 30 Aug. 2010: www.indystar.com/article/20100830/NEWS02/8300319/State-bears-high-cost-of-law-and-order.

³⁶ *Ibid.*

³⁷ Pennsylvania Department of Corrections – House Appropriations Committee Hearing, PLS Committee News (subscription service), February 18, 2010.

entered the prison system in 2009 with less than a year to serve, yet served on average more than 140 percent of their minimum sentence.

6. Implement guidelines that would require diversion of most offenders who commit technical parole violations and/or place limits on re-incarceration periods for Technical Parole Violators.
7. Implement a risk assessment instrument for use prior to sentencing to help inform appropriate placement.

In addition, we recommend that the Commonwealth:

8. Implement greater use of intensive, effective electronic monitoring as an alternative to incarceration for non-violent offenders. In July 2008, the Department of the Auditor General issued a special report, “Using GPS technology to track sex offenders: Should Pennsylvania do more?” At the time the report was issued, 33 states and 14 Pennsylvania counties were using GPS to track registered sex offenders. Pennsylvania counties using GPS typically charge sex offenders one-time hook-up fees of \$30 to \$50 and daily rates of \$5 to \$20 to cover equipment costs. County officials said that most offenders were able to pay the fees. Because the costs are passed on to the offenders, this technology provides a cost savings opportunity as opposed to incarceration.
9. Enact Senator Greenleaf’s “Criminal Justice Reform Act.” The provision for creating a “Safe Community Reentry Program” is particularly important and would help reduce recidivism. According to the federal Bureau of Labor Statistics, two out of three former inmates will be re-arrested for new crimes within three years of release.
10. Build on to existing modern and efficient prisons if additional capacity is needed rather than building brand new prisons that require additional capital and administrative costs.
11. Adopt a long-term objective to become a state that could receive inmates from other states and the subsequent revenue from those agreements. Michigan reduced its costs and inmate population, rendering that state able to take Pennsylvania inmates and receive payment for taking those inmates.
12. Provide state tax incentives, similar to the federal “Work Opportunity Tax Credit,” to businesses who hire former offenders. According to the Pennsylvania Board of Probation and Parole, “research has proven that employment reduces recidivism” and “in fiscal year 2009-10, 67 percent of parolees who were able to work were employed.”³⁸

³⁸ Pennsylvania Board of Probation and Parole, www.pbpp.state.pa.us/portal/server.pt/community/did_you_know___/18272, accessed on January 21, 2011.

Conclusion

The safety and security of Pennsylvanians must remain a top priority. However, with Pennsylvania continuing to rank among the highest states for increased corrections costs and inmate population, it is imperative that policymakers carefully consider all possible solutions to address this challenge.

Pennsylvania has alternative sentencing programs that have proven to be effective; unfortunately, most are not used to their full potential. These programs are more cost-effective than prison and have many positive benefits to the offender as well as to the citizens of Pennsylvania. In addition, the Commonwealth should focus on ensuring that reentry programs are structured to do everything they can to help offenders successfully become productive members of society and lessen the chance that they commit new crimes.

Along with the suggestions of former Secretary Beard and the Pennsylvania Commission on Sentencing, we should follow the lead other states have taken in addressing this issue. As this report illustrates, other states have been successful in their implementation of alternative sentencing programs.

These recommendations do not apply to the most serious and violent offenders. They are directed toward nonviolent offenders, many of which have drug and/or alcohol addictions or are technical parole violators.

With Pennsylvania facing a \$4 to \$5 billion budget gap, smart and surgical cuts can and must be made in criminal justice programs to meet these budgetary constraints without sacrificing public safety. By doing so, we conservatively estimate that the Commonwealth could save \$50 million in fiscal year 2011-12 and \$100 million in the following years, for a total savings of \$350 million over the next four fiscal years. In addition, the Commonwealth could save hundreds of millions of dollars in capital costs by not building new prisons.