



PENNSYLVANIA CRIMINAL JUSTICE POPULATION PROJECTIONS

FY 2012/13 TO FY 2016/17 - UPDATED TO INCLUDE IMPACTS OF ACT 122 (PN 2272) AND ACT 195 (PN 4060) OF 2012

Prepared by the Criminal Justice Population Projections Committee, an interagency committee chaired by the Pennsylvania Commission on Crime and Delinquency, which includes representatives from the Governor's Policy Office, the Governor's Budget Office, the Pennsylvania Department of Corrections, the Pennsylvania Board of Probation and Parole, and the Pennsylvania Commission on Sentencing.

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OVERVIEW

Purpose: The Commonwealth of Pennsylvania's Criminal Justice Population Projections Committee (CJPPC), initially formed in 1988, develops consensus regarding the methodology, assumptions, and projections for statewide corrections and parole populations. The Pennsylvania Commission on Crime and Delinquency chairs the committee. The projections are prepared twice annually, once to correspond with the agency budget process and once to correspond with the re-budget process. The Committee produces the best possible offender projections as well as related impact analyses to facilitate correctional planning.

Membership: The committee includes representatives from each of the core justice agencies – PA Department of Corrections (PDOC), PA Commission on Crime and Delinquency (PCCD), PA Commission on Sentencing (PCS), and the PA Board of Probation and Parole (PBPP) as well as the Governor's Budget Office (GBO), and the Governor's Policy Office (GPO.)

Member Responsibilities: Member agencies are responsible for collecting, coordinating, and sharing data and information to develop agreed-upon assumptions used in population projections, developing those projections, and monitoring actual populations against the projections.

Trends Subcommittee: In 2011, a CJPPC subcommittee was established to review statistical trends and data across the criminal justice system, which may impact the population projection models and estimates. This subcommittee is known as the Criminal Justice Trends Subcommittee (CJTS.) The subcommittee is chaired by the CJPPC chair or a designee and makes recommendations on justice trends that need to be incorporated into CJPPC projections.

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METHODOLOGY AND PROJECTIONS – PA COMMISSION ON SENTENCING

Projections Methodology: The Pennsylvania Commission on Sentencing (PCS) develops projections based on a review of actual practices relative to convictions and sentences reported to the PCS by Common Pleas courts. This is referred to as “*status quo processing*.” One aspect of this analysis involves the review of sentences reported monthly during the preceding four years to establish a trend-line of the number and disposition of cases, to support forecasting estimates of the number of offenders placed in each sanctioning option - state prison, county jail, intermediate punishments and other sentencing alternatives - based on current sentencing practices. Another aspect of this analysis is an assessment of the potential impact of proposed or enacted legislation or of revisions to the sentencing guidelines. This analysis compares the disposition and duration of sentences imposed during the most recent sentencing year with sentences mandated or projected in the proposals. The following projections are based on this comprehensive review of conviction and sentencing activity through December 2011.

PA Commission on Sentencing Projections: First, based on a review of convictions and sentences reported during the past four years, and consistent with data received from the Administrative Office of Pennsylvania Courts, the Pennsylvania Commission on Sentencing has found a reduction in the number of offenders convicted and offenses sentenced since 2008, with a noticeable drop in 2011. In 2010, courts reported 144,593 offenses to the Commission, representing 76,435 offenders; this dropped to 138,851 offenses and 72,946 offenders in 2011. At the same time, while the number of court admissions to DOC declined, the percentage of offenders receiving a state prison sentence remained relatively stable at 12-13 percent. Therefore, it appears that the reduction in the Department of Corrections (DOC) court admissions during this period is linked more closely to a reduction in the number of convictions rather than changes in sentencing practices.

Second, a previous analysis focused on legislative changes to place of confinement, which would require individual or aggregate sentences with a maximum term of two years or greater imposed on or after November 24, 2011, to be committed to the DOC. It was estimated that nearly 1,200 offenders were serving such sentences in county jails in 2010, and thus it was projected that this category of offenders would be shifted to DOC beginning in 2012. Four factors may have mitigated this projected impact to date: (1) the reduction in the overall number of convictions and sentences may have masked any increase related to change in place of confinement; (2) courts may have changed sentencing practices (e.g., reduced maximum term from 24 months to 23 months) to retain these cases in county facilities; (3) more recent reform efforts, such as expanded program eligibility for sentencing programs and sentencing of certain misdemeanants, may be targeting the same pool of offenders; and (4) the full impact may not yet be realized.

The Commission will continue to monitor these changes. Third, an analysis of Act 122 of 2012 (SB100 PN2272) projects a reduction of 226 DOC beds by the end of year 1 (December 2013) and 288 DOC beds by the end of Year 2 (December 2014) and remaining constant thereafter. This projection is a reduction from prior impact analyses on this bill. The bill as enacted underwent numerous changes since the last analysis. The prior versions of SB 100 did not include ineligibility from programs based on current or prior convictions or adjudications of Megan’s Law offenses as expanded by the Adam Walsh Act. They also allowed the lower tier drug offenses as eligible for County Intermediate Punishment (CIP). Additionally, this analysis of Act 122 is based upon more recent data sets from the PCS and DOC. More recent data are reflective of emerging trends and practices. More recent data may include information on new offenses for which data may not have previously been available.

Last, PCS determined resources required to carry-out the changes proposed in the 7th Edition Sentencing Guidelines which are effective December 28, 2012. The resource utilization analysis primarily focuses on changes initiated by PCS. Overall, the proposed guideline revisions will increase utilization of state incarceration by 61 beds per year. This increase is largely due to modifications of offense gravity score assignments for Megan’s Law offenses and is consistent with changes addressed in the Adam Walsh Act (Act 111 of 2011). There are several more recent developments that may impact state prison population in the future. Since the September 2012 submission of the 7th Edition Sentencing Guidelines to the Legislature and prior to the end of the 2011-2012 legislative session, several additional bills were enacted that have the potential to impact state prison population. Act 204 requires PCS to develop a sentencing enhancement for convictions of third degree murder of a victim younger than age 13. Act 200 requires a sentencing enhancement for convictions of crimes of violence or

possession with intent to deliver when committed in association with a criminal gang. Newly created offenses include recruiting criminal gang member (Act 200), transmission of sexually explicit images by a minor (Act 198), and duties of operators involved in boating accidents (Act 211) among others. Act 204 addresses juveniles convicted of first or second degree murder, bringing Pennsylvania into compliance with the U.S. Supreme Court ruling in *Miller v. Alabama* that life without parole cannot be the only sentencing option when an offender is younger than age 18 at the time of the crime. The statute provides for four mandatory minimum sentences based on the offender's age at the time of the crime as an option to life without parole.

As these mandatory minimum sentences range from 20 to 35 years, any reduction in state prison population would be in the distant future. The new statute is prospective, addressing sentences after June 24, 2012. However, two cases are before the Pennsylvania Supreme Court (*Commonwealth v. Batts* and *Commonwealth v. Cunningham*) to determine if the ruling should be applied retrospectively. If so, the decision is expected to address remedies for the more than 400 offenders currently incarcerated who were sentenced as juveniles to life without parole. This may have a short-term one-time impact on state prison population.

METHODOLOGY & PROJECTIONS – PA DEPARTMENT OF CORRECTIONS

Projections Methodology: Baseline prison population projections are determined in a two-step process. First, the number of offenders committed to prison over time must be forecast. In previous reporting periods, these counts have been generated by estimating prison admission rates by crime type based on data from U.S. Census projections for 24 demographic groups. In more recent years, this has been augmented by a more sophisticated time-series statistical technique called Auto-Regressive Integrated Moving Averages (ARIMA.) ARIMA reviews historical data, accounting for subtle data patterns and trending such as seasonality of admissions in order to estimate the expected number of future admissions. Second, the number of offenders released from prison over time must be forecast. The ARIMA method was used to estimate the number of future prison releases. These calculations enable the PA Department of Corrections to consider the number of prisoners in the system at the beginning of the projection period, the number that will be in the system at the end of the projection period, as well as the number of new offenders who will be committed during the projection period. These parameters are the necessary components for estimating how many inmates are expected to be in DOC custody at any point of time in the future.

PA Department of Corrections Projections: The baseline projections show: 1) an average increase in Parole Violator (PV) admits of 74 per month when compared to last year's projections; and 2) an average decrease of new court admissions of 46 per month when compared to last year's projections. The reduced court admissions are likely a result of not seeing the previously expected increase in admissions over the past year as a result of the new 'place of confinement' rules. It is unclear as to what has driven the increase in PV admissions.

In addition to this baseline population projection, the model evaluates the impact that any new legislation or administrative policy changes may have on the projections. Changes in populations resulting from such policy revisions or newly enacted legislation must be added to the initial baseline projections. For example, an adjustment to baseline projections for this projection cycle involves accounting for the expected impact of the 2012 corrections reform legislative package (Act 122 of 2012).

The two primary assumptions being incorporated into DOC's baseline projection numbers for this forecasting cycle are: 1) the baseline numbers are adjusted to account for the full expected impact of Act 122 of 2012; and 2) the baseline numbers are further adjusted to account for the impact of internal population reduction initiatives including reducing the standard length of Therapeutic Community (TC) treatment programming from six months to four months and implementing a revised and more efficient/effective parole docketing process.

Based on the above described methodology and assumptions, the following projections have been developed for DOC for FY 2012/13 to FY 2016/17. DOC is expected to be operating over its bed capacity until September of 2013 when SCI Benner is scheduled to open for a net bed increase of 2,000 beds. Thereafter, DOC is expected to be able to operate under bed capacity.

Overall, the projections are substantially lower than the 2011 numbers as a result of correctional reform implemented/enacted over the past year including Act 122 of 2012 and internal agency initiatives. The prison population is expected to drop by approximately 77 inmates per month in FY 2013/14 and by 80 per month over the full 5-year forecast.

Table 1.

Year	Projected Population*
2013	50,531
2014	49,602
2015	48,572
2016	47,668
2017	46,926

*The above figures reflect populations as of June 30 of each year.

METHODOLOGY & PROJECTIONS – PA BOARD OF PROBATION & PAROLE

Projections Methodology: The PA Board of Probation and Parole uses a simulation (PBPP Simul8) model to generate its population projection. The model uses actual end-of-month population data from a 12-month time period (July 2011 to June 2012) to generate a transitional probability matrix.¹ This projection includes data for the period from July 2011 to June 2012. The PBPP population projection is determined by forecasting four monthly addition streams – parole cases, reparole cases, county cases, and other states’ cases – and considering the probability of movement from one status to another and the likelihood of change over time.

1. Parole cases, which are state sentence cases that come to supervision from the state correctional institutions and county prisons.
2. Reparole cases, which are state sentence cases that come to supervision from the state correctional institutions and county prisons.
3. County cases, which are special county probation and special county parole cases that the county judge orders that the PBPP supervises once paroled.
4. Other states’ cases, which are those cases supervised by the PBPP, originating from another state and sent to Pennsylvania through the Interstate Compact Agreement.

Changes in the projected population resulting from newly enacted legislation or policy revisions can be addressed through the forecasted addition streams. Forecasting for these state sentence addition streams was adjusted to take into consideration the estimated impacts of Act 122 of 2012 and internal process initiatives. A change in the way technical parole violators are handled predominantly through Parole Violator Centers and not returning to DOC will effectively increase the number of reparole case additions over the forecast horizon. Additionally, joint PBPP and DOC agency initiatives such as offender release process enhancements and improved scheduling of offenders for interviews are estimated to increase the count of state sentence additions (both parole and reparole) over the next year. The forecasts for the county case additions and other states’ case additions are not expected to be impacted from legislation or policy changes and, therefore, were not adjusted.

PA Board of Probation and Parole Projections: In addition to a baseline projection of system inputs and outputs, the model evaluated the estimated impact of Act 122 of 2012 and the internal initiatives described above through the forecasted addition streams. The two broadest impacts to the PBPP population from legislative and procedural changes are offenders remaining under supervision who would have otherwise been deleted from the caseload and a greater number of offenders released to supervision. From the baseline methodology, the PBPP population model has been adjusted to account for: 1) an internal review of administrative supervision cases resulting in no weight given to the month of January 2012 population transitions and equal weights given to the other 11 months; and 2) the estimated cases not being deleted and the increase in releases.

Based on the above described methodology and assumptions, the following projection has been developed for the PBPP supervised population for FY 2012/13 to FY 2016/17. The projection estimates a five percent increase this year, which equals an increase of 147 offenders per month. Growth in the budget year is estimated at 4.5 percent or 140 offenders per month. While state sentence cases make up the majority of the PBPP supervised population, 30 percent of the PBPP population comes from outside of the PDOC (e.g., special county cases such as probation tails).

Table 2.

Year	Projected Population*
2013	37,750
2014	39,430
2015	40,420
2016	41,050
2017	41,450

*The above figures reflect populations as of June 30 of each year.

¹ A transitional probability matrix estimates the probability that a particular case will move from one status to another status during a given month such as from maximum supervision to medium supervision or from minimum supervision to the offender completing his sentence.

PROJECTIONS – SUPPORTING GRAPHS

Figure 1. PA Department of Corrections, Five Year Projections

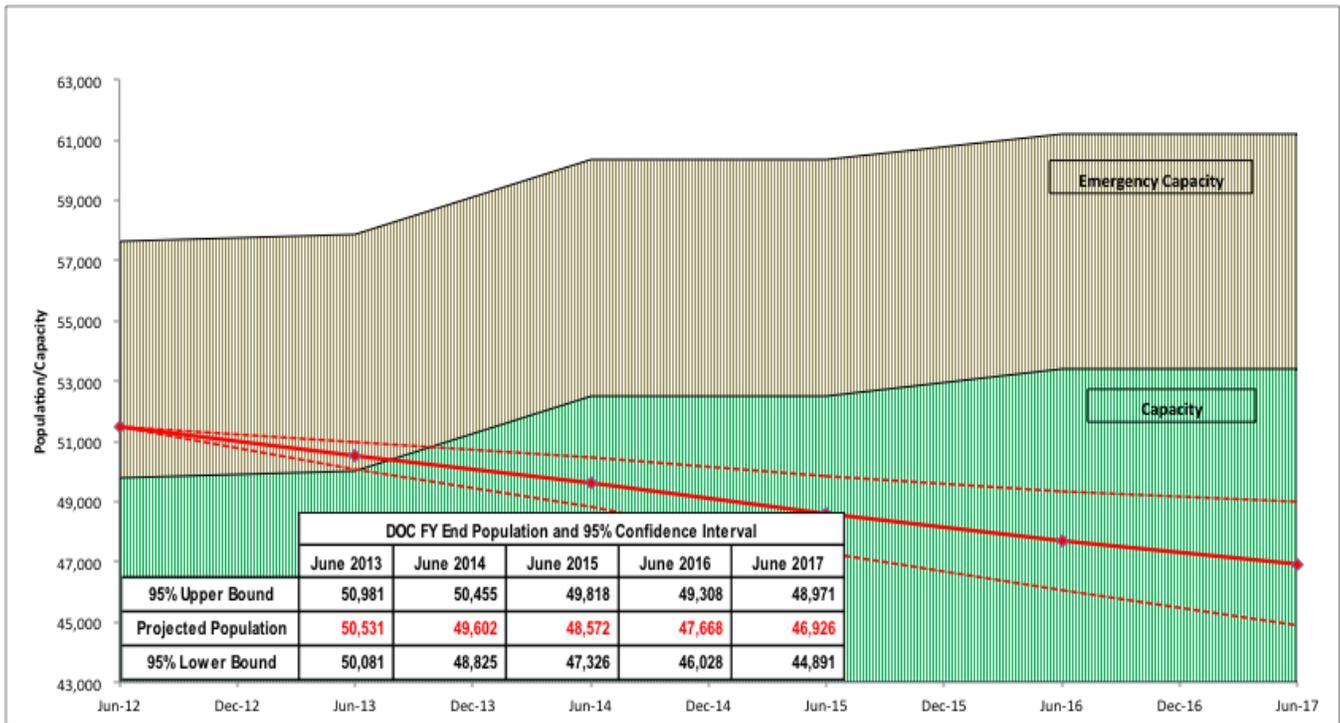


Figure 2. PA Board of Probation and Parole, Five Year Projections

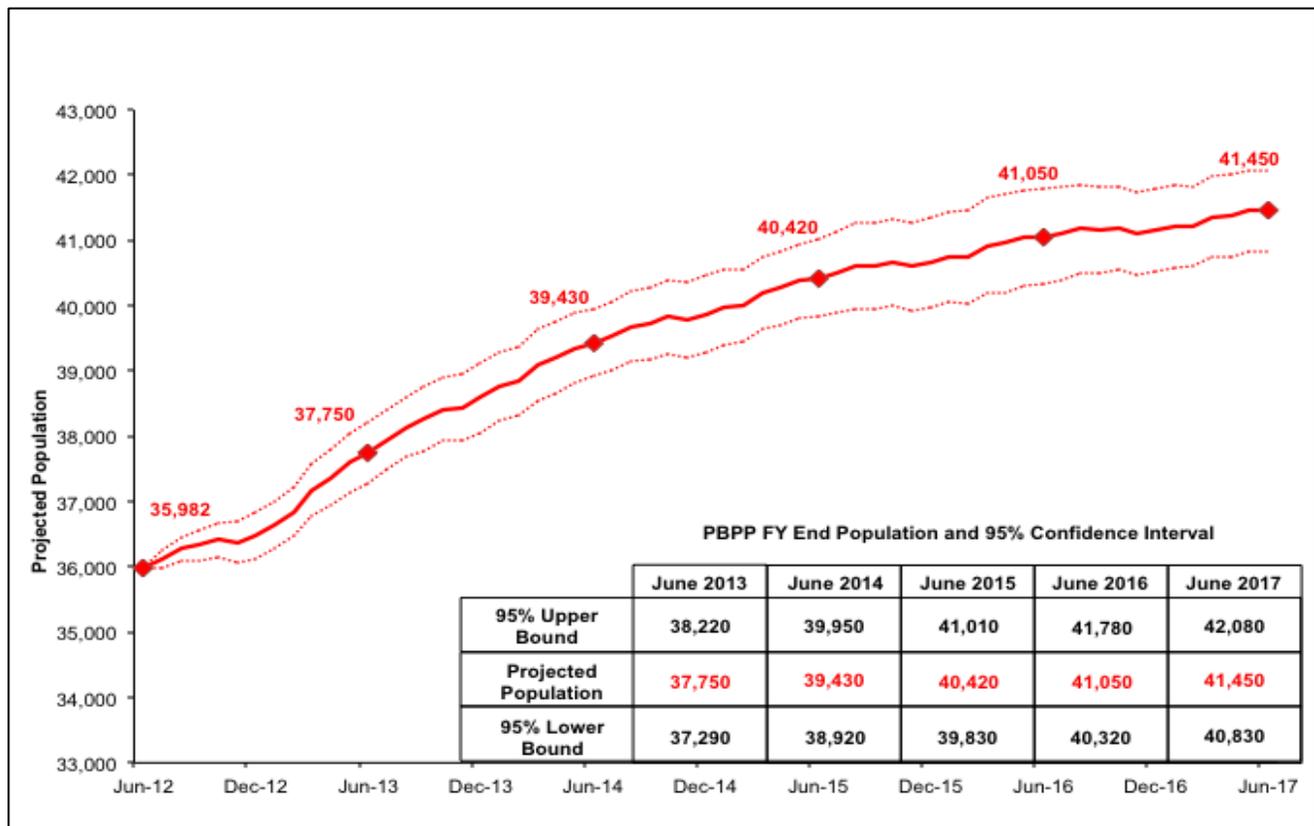


Figure 3. Projected Population Impacts of Act 122 of 2012 & Internal Process Decisions by June 2013

Population Impact Initiative	DOC	PBPP								
	Dec 2013	Dec 2013	Dec 2014	Dec 2014	Dec 2015	Dec 2015	Dec 2016	Dec 2016	Dec 2017	Dec 2017
1. Divert Aggregated <Misdemeanor-2	-38	0	-38	-38	-38	-38	-38	-38	-38	-38
2. Prerelease/Technical Parole Violator Re-design	-750	580	-750	724	-837	1087	-925	1233	-925	1371
3. Modify eligibility of Boot Camp	-35	0	-46	25	-46	60	-46	91	-46	91
4. Modify eligibility of RRR1	78	3	135	-15	135	-90	135	-167	135	-191
5. Modify eligibility to State Intermediate Punishment	0	0	-216	0	-216	0	-216	0	-216	0
6. Deport Non-Violent Illegal Immigrants	-45	0	-45	0	-45	0	-45	0	-45	0
7. County HOPE probation	-31	0	-93	0	-125	-31	-125	-93	-125	-125
8. Expand Definition of Crimes of Violence	0	0	0	0	0	0	0	0	0	0
9. Modified Eligibility to County Intermediate Punishment	0	0	0	0	0	0	0	0	0	0
Act 122 Sub-Total:	-821	583	-1053	696	-1172	988	-1260	1026	-1260	1108
10. Reduce Time to Parole Release	-138	138	-138	138	-138	138	-138	138	-138	138
11. Docket Management	-320	320	-320	320	-320	320	-320	320	-320	320
12. Four month Therapeutic Community	-152	152	-152	152	-152	152	-152	152	-152	152
Internal Processes Sub-Total:	-610	610								
TOTAL:	-1431	1193	-1663	1306	-1782	1598	-1870	1636	-1870	1718