



Recidivism Risk Reduction Incentive 2018 Report

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Overview

In accordance with Act 81 of 2008, which created the Recidivism Risk Reduction Incentive (RRRI), the Pennsylvania Department of Corrections (PA DOC) is required to provide the Judiciary Committees of the Pennsylvania General Assembly with a performance report in alternating years with the Pennsylvania Commission on Sentencing. This report provides current descriptive statistics and performance analysis of the RRRI.

Highlights

- Since November 2008, an estimated 24,297 offenders were admitted to PA DOC custody with a RRRI minimum sentence date. This represents 26.9% of all new PA DOC admissions.
- An inmate who enters PA DOC custody with a RRRI minimum sentence date is recommended for between 1 and 2 treatment programs during incarceration. The most commonly recommended treatment programming includes Therapeutic Community, Violence Prevention and Outpatient Treatment.
- An estimated 20,607 RRRI sentenced inmates have been released from PA DOC custody. Of those released with a RRRI minimum sentence, 78% were certified by the PA DOC as fulfilling the requirements for release at their RRRI minimum sentence.
- The median percent of regular minimum sentence served for RRRI offenders is 86%, or 116% of their shorter RRRI minimum sentence.
- Rearrest and overall recidivism rates were consistently lower for RRRI-certified inmates.
- The 5-year overall recidivism rate for RRRI-certified inmates is 45.9% compared to 54.1% for non-RRRI inmates.
- Through RRRI, the Commonwealth has saved approximately \$414.4 million (an estimated \$20,110 per RRRI inmate) due to reduced prison stays.
- RRRI has resulted in an estimated prison population reduction of 1,190 inmates.

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Background and Goals of RRRI

RRRI was created to give eligible non-violent offenders an incentive to behave well while incarcerated and participate in crime-reducing programming during incarceration. Offenders who successfully complete their programming are eligible to receive a reduced minimum sentence. The ultimate goal of RRRI is to help offenders remain crime free after release. Act 81 of 2008, which established RRRI, was signed into law by Governor Rendell on September 25, 2008 and became effective on November 24, 2008.

Eligibility and Admission Process

Certain offenses, current or prior, preclude eligibility for RRRI. To be a candidate for RRRI, offenders must meet certain eligibility guidelines, including:

- No history of past or present violent behavior.
- Has not received a weapons enhancement sentence and has not been convicted of an offense involving a deadly weapon or an offense relating to firearms and other dangerous articles.
- Has not been convicted for a personal injury crime.
- Has not been convicted for violating any of the following: incest; open lewdness; sexual abuse of children; unlawful contact with a minor; sexual exploitation of children; internet child pornography; certain drug offenses committed with firearms resulting in a mandatory five year sentence; kidnapping; luring a child into a motor vehicle; institutional sexual assault; indecent assault; promoting prostitution; and other obscene or sexual materials and performances.
- Is not awaiting trial or sentencing for additional criminal charges if a conviction or sentence for the charges would render the offender ineligible.
- Has not been convicted of certain provisions related to drug trafficking.

It should be noted, however, that the RRRI legislation permits the prosecuting attorney to waive these eligibility requirements in some cases. This waiver can apply to a current or prior offense, and the waiver issue arises during the

sentencing proceeding for the current offense. For all waivers, victims must be given an opportunity to provide input, and the court may refuse to accept the waiver.

Inmates are sentenced to RRRI after a series of steps have been completed:

Step 1 – The court determines whether the defendant is an eligible offender.

- Two minimum sentences are prescribed. One is the shorter RRRI minimum and the other is a longer regular minimum.

Step 2 – PA DOC verifies that the offender is eligible for RRRI.

- PA DOC conducts an assessment of the treatment needs and risks of the inmate.
- PA DOC develops a program plan that is appropriate for the offender based on their assessment.
- The offender is advised that they are required to successfully complete the program plan.
- PA DOC determines that the inmate continues to be an eligible offender and certifies the offender for RRRI release.

Step 3 – After completion of all required programming, the Pennsylvania Board of Probation and Parole (PBPP) verifies that the inmate meets guidelines for release. These guidelines include the following:

- The inmate has successfully completed all RRRI-required programming on the program plan.
- The inmate has maintained a good conduct record following imposition of the RRRI minimum sentence.
- The re-entry plan for the inmate is adequate.
- Individual conditions and requirements for parole have been established.
- Notice and opportunity to be heard was provided by PBPP to the sentencing court and the prosecuting attorney in a manner consistent with the legislation.
- There is no reasonable indication that the offender poses a risk to public safety.

Description

RRRI enables eligible, non-violent offenders to reduce their minimum sentences if they complete recommended programs and maintain a positive prison adjustment. An inmate sentenced to a minimum of three years or less could earn release after serving 75% (3/4) of their minimum sentences. An inmate serving a sentence with a minimum expiration of three years or more could earn release after serving 83% (5/6) of their minimum sentence. The goal of RRRI is to promote good behavior inside the institution and ensure that the inmate participates in and completes programming designed to help him or her combat the criminality that led to their incarceration. While a number of offenders may be eligible to receive a RRRI sentence, only those certified by the PA DOC as having completed all RRRI requirements may be released on the RRRI minimum sentence at the discretion of the PBPP.

Admissions

From the inception of RRRI in November 2008 through the end of September 2017, an estimated 24,297 offenders were admitted to PA DOC custody with a RRRI minimum sentence date. This represents 26.9% of all new PA DOC admissions. Figure 1 shows the average monthly admissions by year since 2009. The number of RRRI sentenced inmates have been trending down slightly, following the overall decline of new admissions to the PA DOC. As Table 1 and Figure 2 indicate, for all RRRI admissions, 59% had a RRRI minimum sentence length of less than one year and 43% had a regular minimum sentence length of less than one year. This suggests that a sizable percentage of RRRI eligible inmates are receiving short sentences.

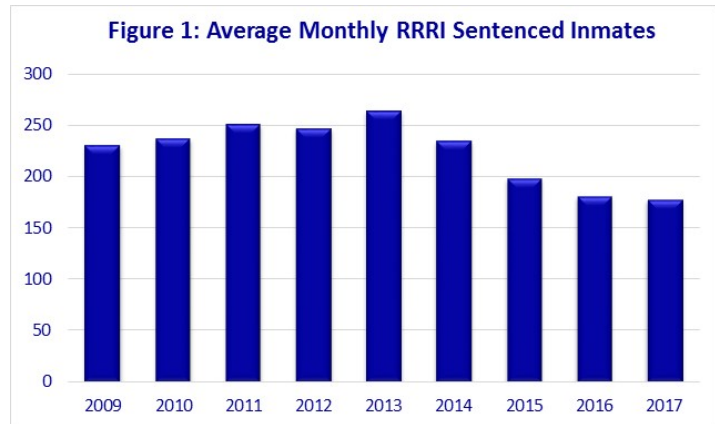


Table 1: Min Sentence Distribution for RRRI Admissions

Min Category	RRRI Min		Regular Min	
	#	%	#	%
1 year or less	14,381	59%	10,475	43%
<2 years	6,504	27%	8,286	34%
2 to <3 years	1,875	8%	3,241	13%
3 to <4 years	842	3%	1,128	5%
4 to <5 years	352	1%	631	3%
5 or more years	343	1%	536	2%
Total	24,297		24,297	

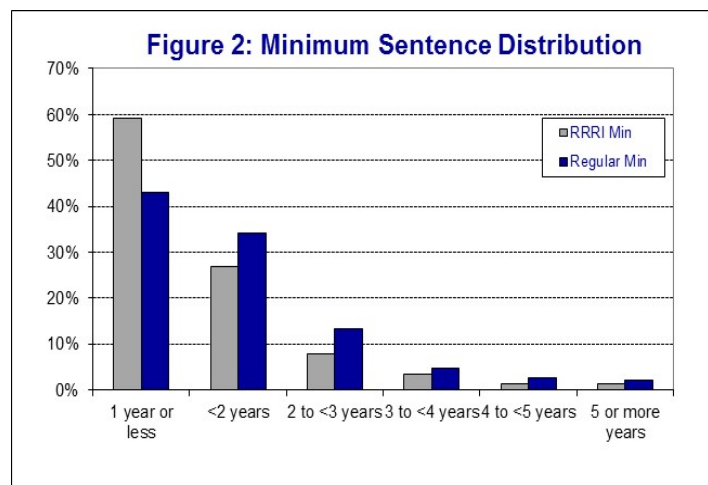


Table 2: RRRS Sentences by County*			
COUNTY	ELIGIBLE	RRRI SENTENCED	
	#	#	%
ADAMS	634	496	78%
ALLEGHENY	1,225	825	67%
ARMSTRONG	86	63	73%
BEAVER	260	203	78%
BEDFORD	244	181	74%
BERKS	1,299	1,002	77%
BLAIR	565	412	73%
BRADFORD	289	144	50%
BUCKS	1,267	801	63%
BUTLER	343	282	82%
CAMBRIA	192	128	67%
CAMERON	18	16	89%
CARBON	144	81	56%
CENTRE	277	217	78%
CHESTER	880	635	72%
CLARION	140	109	78%
CLEARFIELD	461	347	75%
CLINTON	131	112	85%
COLUMBIA	164	110	67%
CRAWFORD	305	212	70%
CUMBERLAND	331	255	77%
DAUPHIN	1,229	919	75%
DELAWARE	2,064	1,165	56%
ELK	95	58	61%
ERIE	871	591	68%
FAYETTE	1,065	720	68%
FOREST	26	23	88%
FRANKLIN	578	433	75%
FULTON	83	58	70%
GREENE	137	107	78%
HUNTINGDON	182	152	84%
INDIANA	153	120	78%
JEFFERSON	380	314	83%
JUNIATA	45	37	82%
LACKAWANNA	1,578	1,037	66%
LANCASTER	1,488	1,040	70%
LAWRENCE	263	190	72%
LEBANON	456	303	66%
LEHIGH	1,092	673	62%
LUZERNE	829	552	67%
LYCOMING	755	545	72%
MCKEAN	236	157	67%
MERCER	367	267	73%
MIFFLIN	179	142	79%
MONROE	595	395	66%
MONTGOMERY	1,350	893	66%
MONTOUR	43	34	79%
NORTHAMPTON	952	563	59%
NORTHUMBERLAND	375	267	71%
OUT OF STATE	18	9	50%
PERRY	107	92	86%
PHILADELPHIA	3,903	2,298	59%
PIKE	332	184	55%
POTTER	55	32	58%
SCHUYLKILL	488	356	73%
SNYDER	193	147	76%
SOMERSET	259	198	76%
SULLIVAN	19	16	84%
SUSQUEHANNA	72	53	74%
TIOGA	113	90	80%
UNION	184	147	80%
VENANGO	267	201	75%
WARREN	279	205	73%
WASHINGTON	504	420	83%
WAYNE	159	106	67%
WESTMORELAND	410	278	68%
WYOMING	145	109	75%
YORK	1,097	729	66%
TOTAL	35,325	24,056	68%

*Since Program Inception through September 2017

Table 2 presents eligibility and sentencing data by county since the start of RRRS in November 2008. Specifically, Table 2 indicates that the total number of eligible offenders for a RRRS sentence was 35,325 between November 2008 and September 2017. Of those, 24,056 offenders, (68%) entered PA DOC custody with a RRRS minimum sentence. Figure 3 illustrates the same information with the top 3 counties sentencing RRRS-eligible inmates being: Cameron, Forest, and Clinton.

Population

As of September 30, 2017, there were 4,610 inmates in the PA DOC population who had a RRRS minimum sentence date. Table 3 presents key demographic statistics on those participants. The average inmate with a RRRS minimum sentence is a 35-year-old white male who is incarcerated with a drug-related charge. The average RRRS inmate is assessed as having a medium risk for criminally re-offending.

On average, an inmate who enters PA DOC custody with a RRRS minimum sentence date is recommended for between 1 and 2 treatment programs during incarceration. This treatment programming is in addition to education requirements for some offenders. Specifically, an estimated 30.8% of RRRS-sentenced inmates are recommended for a Therapeutic Community, 19.9% for Violence Prevention, 9.7% for Outpatient Treatment, 8.9% for Thinking for a Change, and 5.7% for Batterers Intervention.

Releases

As of September 30, 2017, there have been a total of 20,607 inmates released from PA DOC custody who had a RRRS minimum sentence date. Of those released with a RRRS minimum sentence, Figure 4 shows that 78% were certified by the PA DOC as fulfilling the requirements for release at their RRRS minimum sentence. A fairly large fraction (14%) of RRRS releases to date have been released pending eligibility certification for RRRS release and a smaller percentage of inmates were decertified (8%). The pending and decertified RRRS-sentenced inmates were released upon their regular minimum sentence or maxed out of their sentence.

Figure 4: RRRRI Releases by Certification Type

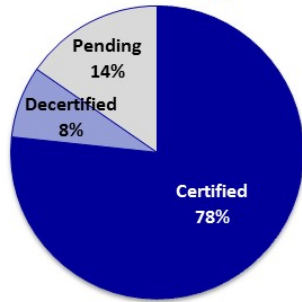


Table 4: Reasons for RRRRI Decertification for RRRRI Releases

Reason	#	%
Adjustment	815	55%
Inmate Refused	96	6%
New Charges	30	2%
Served Max	55	4%
Other	235	16%
Prog: Non-Compliance	255	17%
Total	1,486	100%

Outcomes – Recidivism and Cost Savings

Tables 5 and 6 denote the six month, 1-year, 3-year, and 5-year recidivism rates for inmates entering PA DOC custody with a RRRRI minimum sentence as well as for a comparable group of offenders who did not receive a RRRRI minimum sentence. Three measures of recidivism are used in these tables (rearrest, reincarceration, and overall recidivism). Recidivism rates are also provided for the subset of RRRRI inmates who are certified and thus receive the benefit of RRRRI. An explanation about the methodology used to determine these recidivism rates is available in Appendix A.

The recidivism analysis of rearrest data indicates that those inmates with a RRRRI minimum sentence (Table 5) did not have significantly different rates of rearrest when compared to the comparison group. However, inmates who were RRRRI certified (Table 6) had significantly lower

Table 5: Recidivism Rates *

6-Month Recidivism Rates		1-Year Recidivism Rates	
RRRI	Comparison	RRRI	Comparison
(n=13,967)	(n=14,729)	(n=12,501)	(n=13,009)
REARREST		REARREST	
9.1%	9.4%	17.9%	17.3%
REINCARCERATION		REINCARCERATION	
10.4%	9.8%	21.7%*	19.7%
OVERALL RECIDIVISM		OVERALL RECIDIVISM	
16.0%	16.5%	29.9%	29.3%
3-Year Recidivism Rates		5-Year Recidivism Rates	
RRRI	Comparison	RRRI	Comparison
(n=6,278)	(n=6,382)	(n=1,234)	(n=1,275)
REARREST		REARREST	
39.6%	39.3%	52.0%	53.4%
REINCARCERATION		REINCARCERATION	
41.8%**	37.1%	44.9%*	37.3%
OVERALL RECIDIVISM		OVERALL RECIDIVISM	
53.2%	53.4%	61.8%	61.0%

Statistically significant lower rates denoted as: *p<.05, **p<.01

***Outcomes as reported in 2016**

Table 6: Recidivism Rates *

6-Month Recidivism Rates		1-Year Recidivism Rates	
RRRI Certified	Comparison	RRRI Certified	Comparison
(n=9,180)	(n=14,729)	(n=8,130)	(n=13,010)
REARREST		REARREST	
6.1%**	7.9%	12.3%**	15.7%
REINCARCERATION		REINCARCERATION	
7.3%*	8.7%	14.9%**	17.5%
OVERALL RECIDIVISM		OVERALL RECIDIVISM	
11.3%**	14.2%	21.1%**	26.4%
3-Year Recidivism Rates		5-Year Recidivism Rates	
RRRI Certified	Comparison	RRRI Certified	Comparison
(n=3,951)	(n=6,382)	(n=752)	(n=1,275)
REARREST		REARREST	
31.4%**	36.4%	35.5%	41.7%
REINCARCERATION		REINCARCERATION	
29.8%**	35.0%	34.3%	37.3%
OVERALL RECIDIVISM		OVERALL RECIDIVISM	
41.9%**	50.0%	45.9%*	54.1%

Statistically significant lower rates denoted as: *p<.05, **p<.01

*** Outcomes as reported in 2016**

rearrest rates at three follow-up periods. Specifically, the 6-month rearrest rate was 6.1% versus 7.9%, the 1-year rearrest rate was 12.3% versus 15.7%, and the 3-year rearrest rate was 31.4% versus 36.4% in the comparison group.

The second area of recidivism analysis involved the rate of reincarceration. The analysis found that inmates entering the PA DOC with a RRRI minimum sentence were reincarcerated at significantly higher rates at three follow-up periods. Specifically, the 1-year rate was 21.7% compared to 19.7% for the comparison group, the 3-year rate was 41.8% versus 37.1% comparison, and the 5-year rate was 44.9% versus 37.3% comparison. For those inmates who were RRRI-certified, their rates of reincarceration were significantly lower than the reincarceration rates of the comparison group at three follow-up periods. The 6-month reincarceration rate for the RRRI certified group was 7.3% versus 8.7%, the 1-year reincarceration rate was 14.9% versus 17.5%, and the 3-year reincarceration rate was 29.8% versus 35.0% in the comparison group.

The third area of recidivism analysis involved the rate of overall recidivism, combining both rearrest and reincarceration rates. The analysis found that RRRI sentenced inmates' overall recidivism rates were not different at a statistically significant level. From a statistical standpoint, it should be concluded that the rates are equal. When looking at the RRRI certified group (Table 6), all overall recidivism rates were lower at a statistically significant level. Specifically, the 6-month overall recidivism rate was 11.3% versus 14.2%, the 1-year overall recidivism rate was 21.1% versus 26.4%, the 3-year overall recidivism rate was 41.9% versus 50.0%, and the 5-year overall recidivism rate was 45.9% versus 54.1% in the comparison group.

In summary, recidivism figures for RRRI paint a mixed picture. The RRRI sentenced inmates appear to have higher reincarceration rates across the board, but the RRRI certified group have

substantially lower rates in all recidivism measures. Overall, the safest assumption from this data is that RRRRI appears to neither appreciably lower nor raise recidivism rates compared to similarly situated non-RRRI sentenced inmates.

Another measure of the success of RRRRI is cost effectiveness. RRRRI inmates who are compliant with their prescribed prison programming and maintain good behavior while in prison are eligible to be released at their earlier RRRRI minimum sentence date. Even those who are not released right at their RRRRI minimum date may still be released sometime between their RRRRI minimum and their regular minimum. On average, inmates who are not sentenced to RRRRI serve approximately 130% of their regular minimum sentence length. Thus, for the 20,607 RRRRI inmates who were released from prison through September 2017, they have spent approximately 3.5 million less total combined days in prison than it is estimated they would have otherwise served. This translates into a total cost savings to the Commonwealth of \$414.4 million (or approximately \$20,110 per RRRRI inmate).

RRRI also has significant potential to reduce the PA DOC's overall prison population, saving valuable prison beds, with an estimated reduction in the prison population of 1,190 inmates as reported in 2016.

Appendix A: Methodology

The PA DOC typically defines recidivism as return to state custody for any reason (e.g. parole violation, new offense, etc.). For the purposes of this evaluation, recidivism was operationalized in three ways: rearrest, reincarceration, and overall recidivism. All recidivism rates in this report are as reported in 2016 and compare a group of RRRJ sentenced offenders to a similarly matched comparison group. RRRJ recidivism rates are reported for: 1) all RRRJ sentenced inmates released from PA DOC custody through May 2015, and 2) just the subset of RRRJ sentenced inmates who were certified by PA DOC as being eligible to be released at their RRRJ minimum and were released from PA DOC custody through May 2015. Details of the comparison group are described below. Examination of reincarceration rates provides insight into whether RRRJ is achieving the goal of reducing prison resources. Examination of rearrest rates, on the other hand, serves more as a proxy of whether RRRJ is actually controlling the criminal behavior of RRRJ offenders. Rearrest rates have an added advantage of allowing for a broader picture of recidivism by capturing reoffending that results in a county jail or intermediate sanction sentence, which would not be captured in reincarceration rates. Overall recidivism combines these two measures to get a fuller picture of the state of recidivism in Pennsylvania.

A primary challenge in developing this report was to form a comparison group of similar inmates who were not sentenced to RRRJ. In essence we were looking for a pool of inmates who had been released from DOC custody and met the basic statutory requirements for a RRRJ sentence but did not receive a RRRJ minimum sentence. Thus, we identified a group of inmates who: 1) were admitted to PA DOC custody as a new court commitment after RRRJ sentences were available (November 2008), 2) were released from PA DOC custody during the same time the RRRJ-sentenced inmates were released, and 3) had an offense which was a non-violent, RRRJ-eligible offense.

This comparison group was then further matched to the RRRJ group using propensity score matching techniques in Stata v11 statistical software package. It has been demonstrated that in most cases propensity score matching is superior to traditional multivariate regression approach for estimating treatment effects where participants are non-randomly assigned to different groups, as is the case here. The two groups were matched on the following variables: age, race, gender, committing county, offense type (violent, property, drug), maximum sentence length, prior arrests, prior incarcerations, and RST criminal risk score. After the matching procedure, the two groups were found to be “balanced” (i.e., statistically equivalent) on all matching variables. We thus had a reasonably high degree of confidence in the equivalence of the two groups, based on all of the important variables that we were able to observe for the two groups.

Having formed the comparison group, we then were able to estimate the 6-month, 1-year, 3-year, and 5-year recidivism rates for both of the RRRJ groups as well as for the comparison group, in accordance with reporting requirements for RRRJ outlined in Act 81 of 2008. In order to calculate rearrest rates, we examined official “rap sheet” data provided by the Pennsylvania State Police. Reincarceration rates were calculated by examining internal PA DOC databases to determine who had returned to PA DOC custody following their release. Overall recidivism is measured as the first instance of any type of rearrest or reincarceration after the inmate’s release from prison.

The RRRJ cost savings figures in this report were generated in the following manner. Current statistics reveal that inmates who are not sentenced to RRRJ serve approximately 130% of their regular minimum sentence on average. For all 20,607 RRRJ releases through September 2017, we calculated their actual time served in prison (release date minus admission date), as well as their expected time that they would have spent in prison had they not been sentenced to RRRJ. We calculated each individual’s expected time in prison by first calculating the time until their regular minimum sentence date (minimum sentence date minus admission date) and then multiplying this

by 130% (regular minimum sentence * 1.3). The difference between this actual time served and expected time served per individual thus became the basis for estimating our cost savings. By summing up the difference between actual and expected time served for all 20,607 RRRI releases, we found that approximately 3.5 million bed-days were saved. Current PA DOC budget numbers indicate that the per diem cost of incarceration per inmate is approximately \$117.52 for this group size. Thus, if we multiply the grand total estimated bed-day savings for all 20,607 RRRI releases by \$117.52/day then we can estimate a total cost savings attributed to these 20,607 RRRI releases of approximately \$414.4 million (3.5 million bed-days * \$117.52/day). Dividing this figure by 20,607 generates an estimated cost savings per RRRI participant of \$20,110 (\$414.4 million total savings divided by 20,607 RRRI releases).

The population reduction estimates for RRRI were calculated in 2016 using a simulation model built by PA DOC staff in Microsoft Excel. Any forecast of future prison population is a function of today's prison population (i.e., "stock population") plus two factors: 1) estimated future prison admissions, and 2) estimated time served. Since the inception of RRRI, the actual number of monthly admissions to prison with a RRRI sentence averaged 238. Further, RRRI data suggests that RRRI sentenced inmates spend an average of approximately 4.8 months less in prison than a comparable group of inmates who appear RRRI eligible but are not sentenced with a RRRI minimum date. Based on these assumptions, it is estimated that RRRI has reduced the DOC population by 1,190 inmates.



The Pennsylvania Department of Corrections operates as one team, embraces diversity, and commits to enhancing Public Safety. We are proud of our reputation as leaders in the corrections field. Our mission is to reduce criminal behavior by providing individualized treatment and education to offenders, resulting in successful community reintegration through accountability and positive change.