



## Corrections and Rehabilitation

This primer is an overview of the funding sources and cost drivers for four criminal justice agencies: Department of Corrections, Pennsylvania Board of Probation and Parole, Pennsylvania Commission on Sentencing, and Pennsylvania Commission on Crime and Delinquency.

At nearly \$2.5 billion annually, these agencies, highlighted in the figure below, comprise about two-thirds of the commonwealth's investment in the criminal justice system, which includes state police, attorney general, and the judiciary. Their role in the criminal justice system is to oversee custody and rehabilitation of individuals charged with or convicted of a criminal offense.

The Sentencing, and Crime and Delinquency commissions take on a broader role in collaboration with – and technical assistance and financial support for – offices including the attorney general, judiciary, and county agencies.

[Corrections](#) / [Probation and Parole](#) / [Commission on Crime and Delinquency](#) / [Sentencing Commission](#)

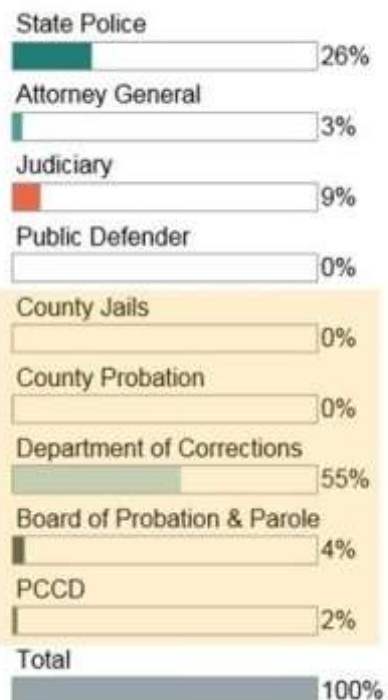
### Department of Corrections

The Department of Corrections manages state correctional institutions and community corrections facilities where offenders are housed until their sentences expire or they are paroled. Offenders are sentenced by the authority of the courts of the commonwealth (primarily, the Court of Common Pleas) and they are paroled by the authority of the Board of Probation and Parole. Corrections provides for the care, custody, and control of inmates throughout their period of incarceration.

#### Overview

The Department of Corrections was established in its current form, as a cabinet-level department, by Act 245 of 1984. Before then, individual prison boards and the Department of Public Welfare (now Department of Human Services) delivered state prison oversight.

Percent of State Spending on Criminal Justice by Agency



The department is responsible for 26 state correctional institutions, one motivational boot camp, 14 community corrections centers, 40 contract facilities, and one training academy for correctional officers. The department's facilities are divided into eastern, central, and western regions, and each are overseen by a regional deputy secretary.

Opportunities for inmate rehabilitation through education and work are provided by the Bureau of Corrections Education and Pennsylvania Correctional Industries.

Pennsylvania Correctional Industries provides vocational training and work experience for inmates at 20 of the 26 SCIs by employing them to produce more than 2,500 products, which, by law, are sold only to non-profits and government agencies. PCI operates as a business and receives no support from the state General Fund. Sales revenue is deposited into a manufacturing fund, which is used to pay for raw materials, machinery, and inmate wages. A portion of inmate wages cover court costs and restitution. Over the past 15 years, the fund has earned and spent an average of \$65 million annually, or just under 4 percent of the department's budget.

The Bureau of Corrections Education provides 10 distinct academic and training programs, including GED tracks and vocational education spanning 23 trades. The General Assembly appropriated about \$40 million annually between 2000 and 2015 for inmate education and training (2.6 percent of total general fund appropriations to the department). State funding for education and training peaked in 2007/08 at more than \$45 million.

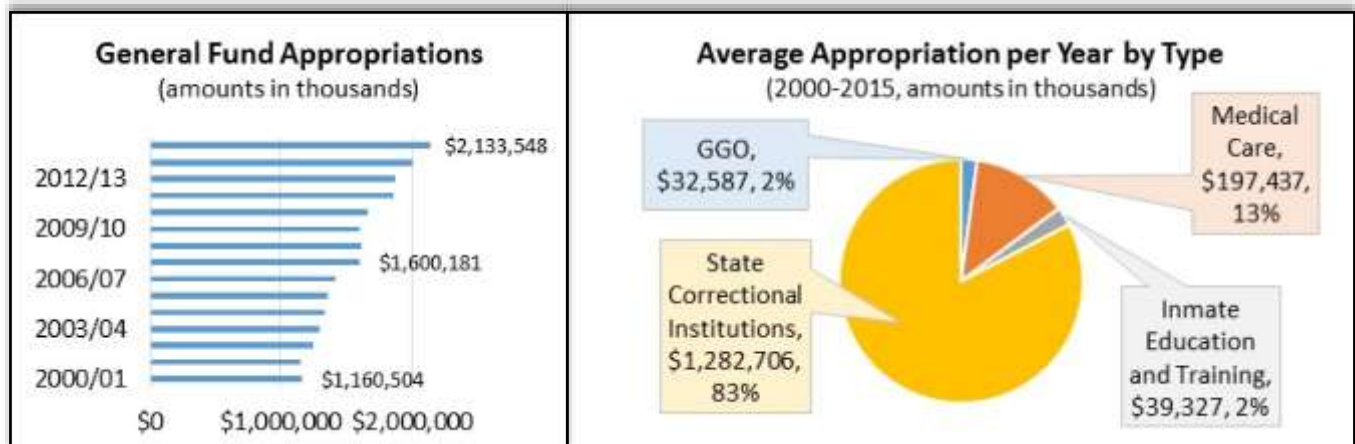
Inmates who are detained prior to sentencing (pre-trial) or who are sentenced to fewer than two years are housed in county jails and prisons. Although county prisons and jails are not under the jurisdiction of DOC and do not receive an appropriation in the state budget, they are statutorily obligated under Title 37 to regularly report to Corrections. Some counties also voluntarily agree to house state inmates. Counties are [reimbursed at a per diem rate](#) for each state inmate.

### Funding

Ninety-three percent of the Department of Corrections' budget comes from state taxpayers while additional funding from federal grants (3 percent) and the self-sustaining manufacturing fund (4 percent) cover the rest of its revenue needs. General Fund appropriations are made for general government operations, medical care, inmate education and training, and state correctional institutions (Executive Budgets, 2000-2015). In 2014, the department began to receive annual disbursements from the [Justice Reinvestment](#) Fund. Savings incurred through the implementation of Act 122 of 2012 are transferred into that fund. Disbursements are then made to Corrections and other criminal justice agencies.

### Cost Drivers

Personnel, inmate population, and inmate healthcare (including medical and mental health treatment) are the primary expenses for the Department of Corrections. Personnel and healthcare costs go up or down depending on the size and makeup of the inmate population, but are



Source: PA Executive Budget, actual appropriations

also driven by contractual obligations, medication costs, and federal mandates.

## Personnel

Personnel represents the largest cost driver for the department. With more than 15,000 employees, personnel costs hovered around 68 percent of DOC's total budget until that tab increased to 72 percent in 2012 (see chart below).

Two of the biggest reasons personnel costs increase are pension and overtime. Pension obligations rose from \$32 million in 2006 to \$277 million in 2016. Overtime tripled to \$100 million during the same time period (DOC Budget Testimony, 2016).

In 2012, Corrections instituted a hiring freeze to cut costs, which saved money in the short run because overtime for existing staff was cheaper than hiring and training new staff. However, staff shortages over the long run forced increased overtime use and higher personnel costs.

Staffing estimates are further complicated by fluctuations in the number of military activations. The department pays \$520 per month to each employee who is on active duty, and it still must temporarily fill these vacated positions with overtime or new hires.

Training and overtime expenses must be balanced to produce long-term personnel savings and maintain an effective complement.

## Inmate Population

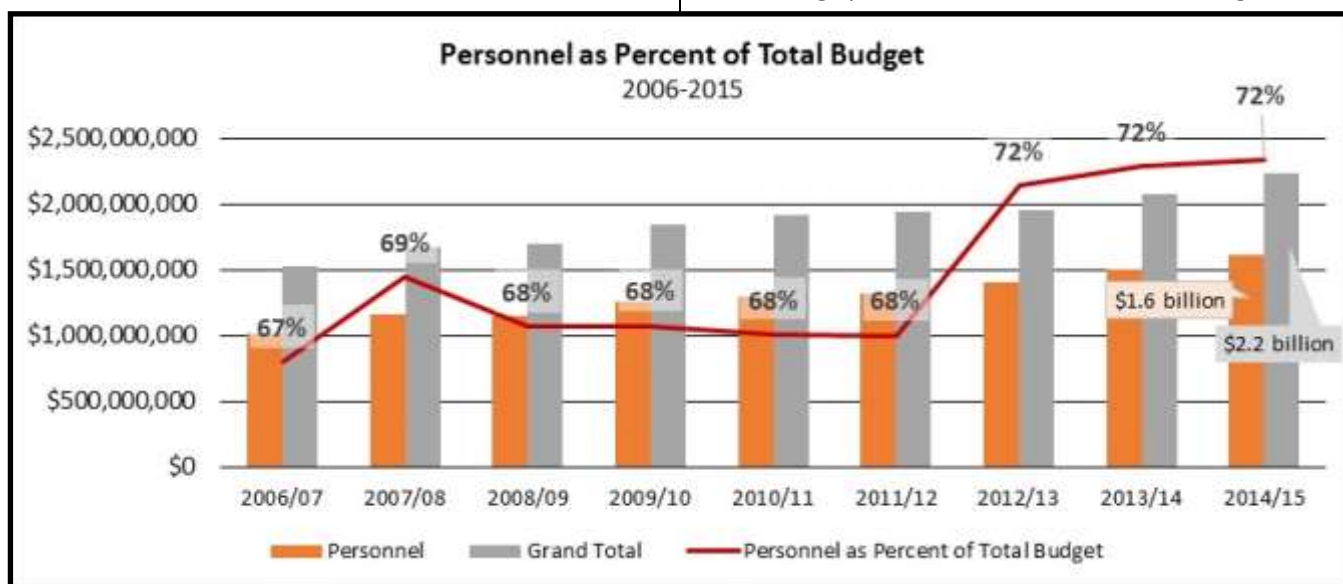
The inmate population drives personnel costs and marginal costs for food, medical care, and administration. Administrative changes in 2009 to make the parole process more efficient contributed to an increase in the number of annual inmate releases. That same year, the number of admissions from new court commitments flattened, causing the overall DOC population to begin to decline.

Inmate population fluctuates throughout the year with admissions and releases. A Commission on Sentencing [analysis](#) found the state inmate population peaked in 2011 at 51,638 inmates and is projected to drop to 47,350 by 2020.

Despite annual reductions in inmate population, the department's budget continues to increase by about 5 percent each year. DOC estimates the average annual cost per inmate is \$41,000, yet potential savings from decreases in population are limited by fixed costs for building maintenance and long-term contracts for personnel and services.

Significant savings cannot be realized until the inmate population declines sufficiently to close a prison, which the department estimates would require a maintained drop in total population of approximately 1,800 inmates. In 2013, the department closed SCI Cresson and SCI Greensburg but absorbed most of those prisons' employees by moving them to other institutions.

Reducing personnel remains a balancing act, as



Data Sources: PA Executive Budget multiple years, DOC Budget Requests, State Accounting Program





## What drives inmate population?

### New Court Commitments

Offenders go to a state prison if a court sentences them to a term of 2 years or longer (shorter sentences are served in county jails). The number of new commitments and the length of sentence are factors in Correction's population. Changes to sentencing legislation, like increased mandatory minimums or other sentence enhancements, can also increase DOC population. Reductions in crime can lead to fewer sentences and, therefore, a smaller DOC population.



### Releases

Initial releases and re-paroles, which are the release of inmates who had previously returned to prison as a parole violator, are the two classifications of release. The rate of release is determined by sentence length, behavior during incarceration, and the speed at which the Board of Probation and Parole can make parole decisions.

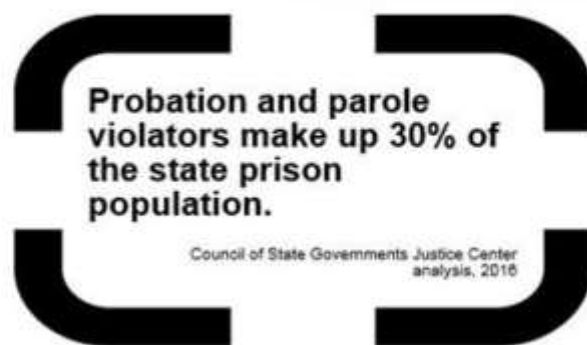
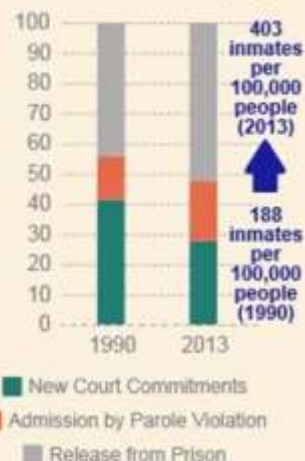


### Parole violations

Each prison sentence has a minimum and maximum length. After a minimum sentence, which is no less than half of the maximum, an inmate is eligible to be considered for parole, which is a release prior to the expiration of the maximum sentence. Once paroled at the discretion of the Board of Probation and Parole, the offender returns to the community under the board's supervision. If an offender violates the terms of their parole they may be returned to DOC to serve the remainder of their sentence or additional time in confinement. Duration of time on parole and the number of paroled offenders in the community drive the volume of violators. However, treatment or behavioral intervention and specialized parole supervision have proved to reduce recidivism. Admissions due to parole violation have increased faster than new sentences. Parole violators made up 26% of all prison admissions in 1990 and 42% by 2013; a pattern of release and re-commitment often called the "revolving door" of corrections.



Percent Admissions & Releases in Year by Type



higher standards for inmate care (which can result in long-term reductions in recidivism) require not only more personnel but more highly trained personnel. If the five-year population decline projected by the Commission on Sentencing is realized, the department could close one or more additional prisons.

### Medical Care

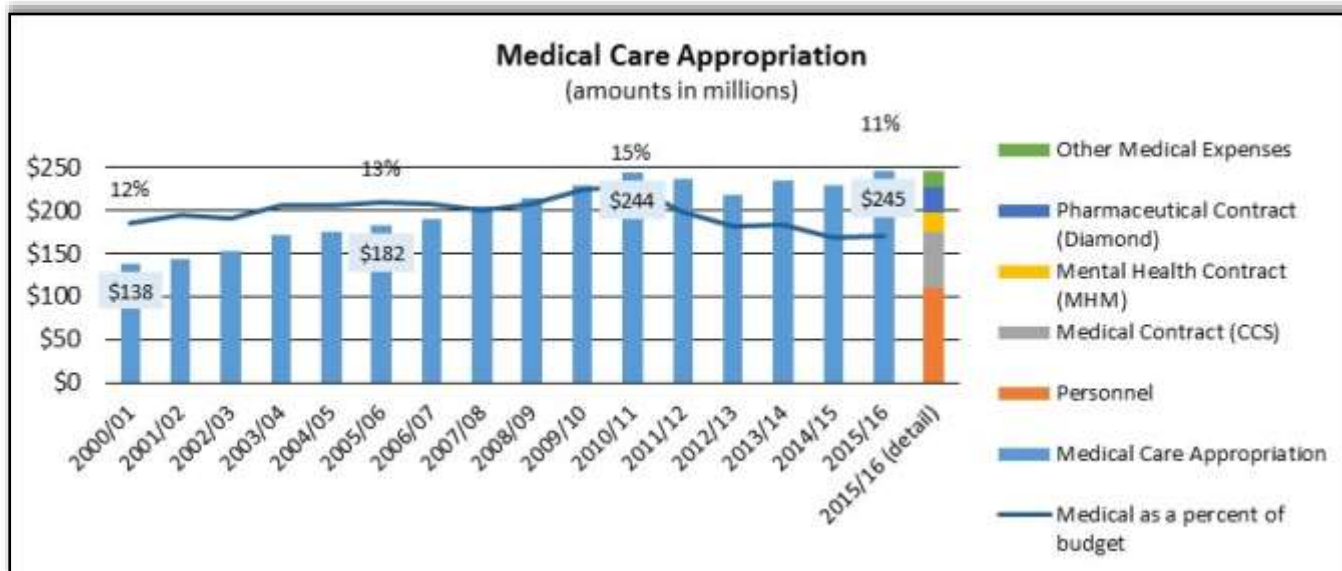
The Department of Corrections is legally obligated to provide adequate medical care to inmates in its custody in accordance with the U.S. Constitution's Eighth Amendment on "protection against cruel and unusual punishment." Inmate medical care receives an appropriation from the General Fund of approximately \$230 million annually, or 11 percent of the department's total budget. Forty percent of the medical care appropriation is personnel. Additionally, some medical and mental health personnel are included in contracts and therefore included in operational expenses. Contracts for medical and mental health treatment and

pharmaceuticals account for more than 85 percent of operational expenses for medical care.

The cost of specific treatments, pharmaceuticals, and the increasing health needs of an aging inmate population also drive medical care expenses. As reported by the department, 20 percent of the inmate population is older than 50, which is twice as large as it was in 2006 (DOC Budget Hearing Testimony 2016).

Wherever possible, the department makes use of manufacturer rebates for pharmaceuticals and federal reimbursements from Medicare and Medicaid to save money.

One way DOC saves money with federal reimbursements is when inmates leave a correctional facility longer than 24 hours for inpatient hospital treatment. During these out-of-prison hospital visits, an inmate's classification as an inmate is suspended so he or she can become eligible for Medicaid expansion savings. [Medicaid expansion](#) created a newly eligible category of



Data Sources: PA Executive Budget multiple years, DOC Budget Requests, State Accounting Program

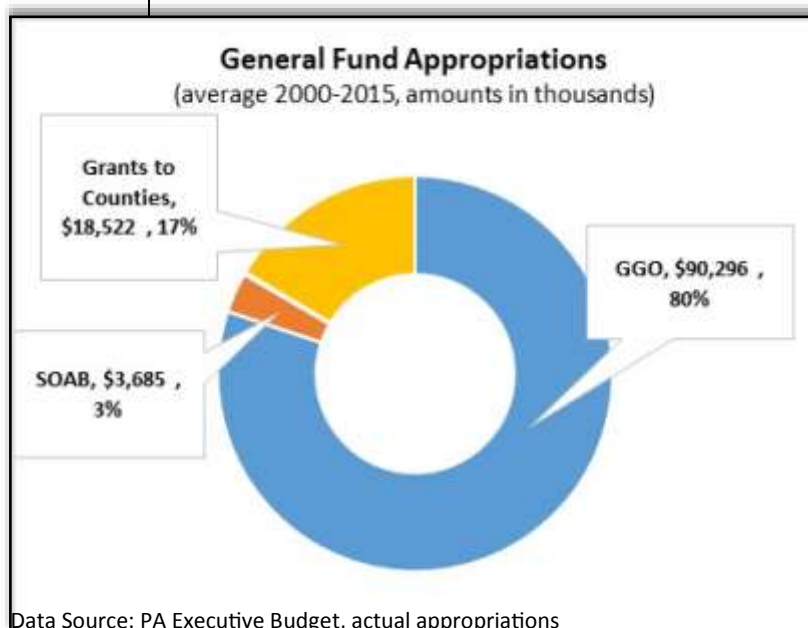
recipients and allowed 100 percent federal reimbursement for those individuals. Inmates leave SCIs for emergency room services, chest pain, radiation, CT and MRI scans. Since Medicaid expansion, Corrections says it has saved \$1.8 million, even though savings are tempered by the cost to transport inmates out of the facility, which requires two correctional officers for each inmate and, usually, overtime.

## Pennsylvania Board of Probation and Parole

### Overview

The Parole Act of 1941 established the Pennsylvania Board of Probation and Parole. The board, today, is led by a chairman who is appointed by the governor. The board is responsible for determining when inmates who have met their minimum sentence requirements in a state prison may be paroled (released), and how their supervision will work upon parole. The agency is also responsible for the supervision of individuals sentenced by the courts to a term of probation, electronically monitored home confinement, or intermediate punishment in lieu of incarceration. The Office of the Victim Advocate and the Sexual Offenders Assessment Board operate independently within the board.

Department of Corrections and Probation and Parole populations and costs are interdependent. Offenders who commit a technical violation (breaking the rules of their parole but not at the level of a new crime) receive graduated sanctions that may include temporary housing in a technical parole violator center (operated by DOC). Offenders who commit multiple technical violations or commit a new crime while on parole may be returned to an SCI under the jurisdiction of Corrections until they can be re-paroled to PBPP. Act 122 of 2012 standardized graduated sanctions for recommitment of non-violent technical parole violators. Offenders are recommitment to DOC for a maximum of 6, 9, and 12 months for the first three recommitments.





# What does PBPP do?

## Parole Decisions

The board prepares eligible inmates for parole hearings, conducts hearings, grants or denies parole, prepares parolees for release and supervises parolees in the community. Offenders who do not have an approved home plan are placed in a community corrections center (public) or community corrections facility (private contract) where they remain under the custody of DOC until an approved home plan is verified and all other conditions of release such as drug testing, sex offender registration, or programming, are completed.

## Offender Supervision

If parole is granted prior to expiration of maximum sentence, the offender is supervised in the community, known as field or parole supervision, until the maximum sentence expires.

## Office of the Victim Advocate

OVA was established by Act 8 of 1995 as an independent entity within the board, and is responsible for representing the interests of victims in matters considered by the board and DOC. OVA notifies registered victims and helps them testify before the board making the parole decision, it also provides victim awareness classes to offenders preparing for release and on community supervision, and collaborates with other organizations to support victim services.

## Sexual Offenders Assessment Board

SOAB was established by Act 24 of 1995 Special Session 1, commonly known as "Megan's Law," which provides for the registration of sexual offenders in Pennsylvania. The board conducts assessments of convicted offenders prior to sentencing at the request of the courts to determine if he or she is a sexually violent predator. The board also conducts assessments on behalf of the board to aid in parole and treatment decisions. Per Act 21 of 2003, the board also assesses juvenile sex offenders when they reach age 20 to determine if they will be placed in the Sexual Responsibility Treatment Program or involuntary commitment, which is administered at Torrance State Hospital. If an offender is placed in SRTP, the board conducts annual assessments to determine if that person needs to stay in treatment.

## Spending



The Board of Probation and Parole [estimates](#) that it costs \$3,497 to supervise one offender for a year compared to \$45,762 for a year of incarceration in an SCI.

## Funding

The Board of Probation and Parole is primarily funded by three state appropriations: general government operations (which provides for the parole board, field supervision, and OVA), the Sex Offenders Assessment Board, and "improvement of adult probation services (providing grant-in-aid funding to county adult probation)." The general fund appropriations accounts for 86 percent of the board's total budget. From 2000 to 2015, the department's budget grew from just over \$102 million to nearly \$180 million. During that same time, General Fund appropriations grew from just under \$90 million to over \$150 million.

Supervision fees collected from defendants on state, county or interstate probation and parole account for 12 percent of the total department budget. Federal grants for programs and initiatives account for one percent of the department budget. From

2000 to 2015, federal funds supported 28 programs or initiatives. On average, each federal appropriation is \$225,000 annually for 2.5 years. The longest running federal appropriation is funding for the Violence Prediction Model, which was funded from 2009 to 2015.

## Cost Drivers

The primary cost driver for PBPP is personnel, averaging more than \$100 million annually or 75 percent of the board's \$140 million budget (SAP 2010-2015). The complement required is a product of the volume of activity generated by DOC, courts, and the public in the form of parole cases to review, victims to register with OVA, sex offender assessments to complete, and individuals to supervise.

If the number of inmates eligible for parole, or the number of sex offender assessments requested increase beyond the capacity of the existing complement, delays or backlogs occur that, in turn, put pressure on DOC population management and the timeliness of judicial processes. As in DOC, the volume of individuals passing through the system is



largely dependent on external factors such as crime rate and sentencing practices the Board of Probation and Parole does not control.

Recent statutory changes have increased the workload for offices within PBPP. Act 122 of 2012 increased the volume of offenders on supervision by instituting graduated sanctions for technical parole infractions to allow more non-violent perpetrators to remain under parole supervision rather than returning to an SCI in the custody of the DOC. Act 14 of 2013, the Crime Victims Act, increased the workload for OVA and the parole board by allowing victims to testify in person at parole hearings rather than submitting a written statement.

Parole decisions, OVA, and field supervision are contained within the largest of the General Fund appropriations to the board, general government operations. Within this appropriation, personnel equals 87 percent of expenditures. Sixty-one percent of the Sexual Offenders Assessment Board appropriation covers personnel.

## Pennsylvania Commission on Crime and Delinquency

The Pennsylvania Commission on Crime and Delinquency provides criminal justice system planning, coordination and technical assistance. PCCD serves as a clearinghouse for state and federal grants to support reentry services, victim services and law enforcement training. Housed within the executive offices, these programs address needs and issues for adults and juveniles involved in the

criminal justice system as well as victims of crime.

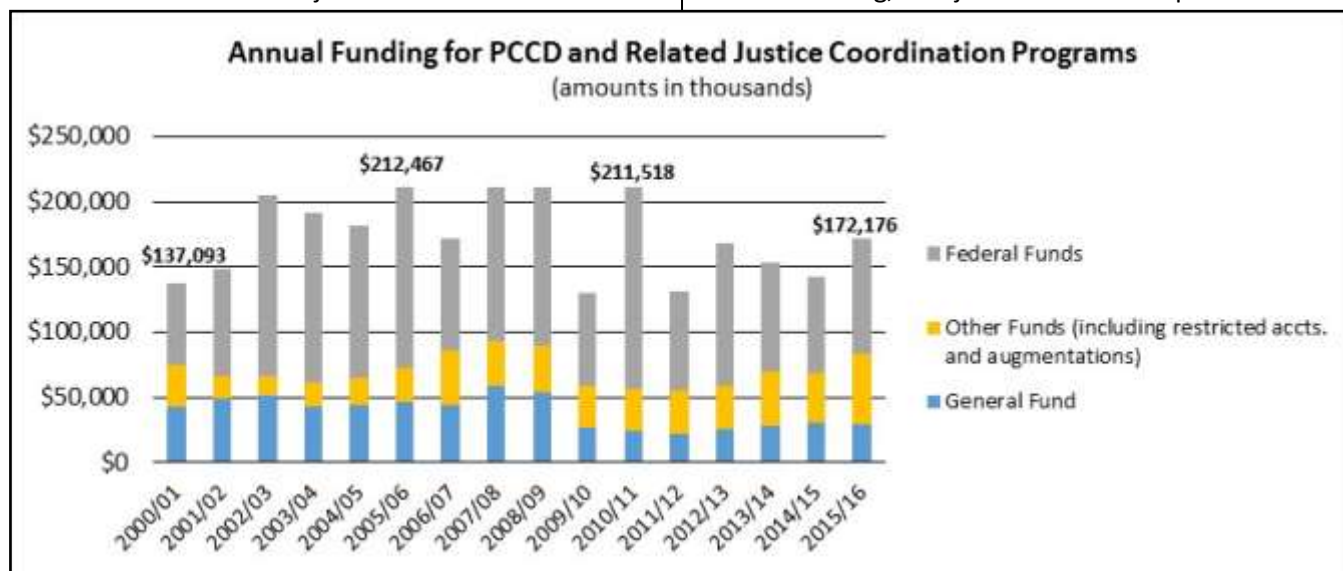
## Funding

From 2000 to 2015, PCCD administered an annual average \$70 million in state funding to justice-related programs with the largest allocations going to victim services and intervention and [diversion programs](#) (such as the grants to counties for problem solving courts and intermediate punishment treatment programs).

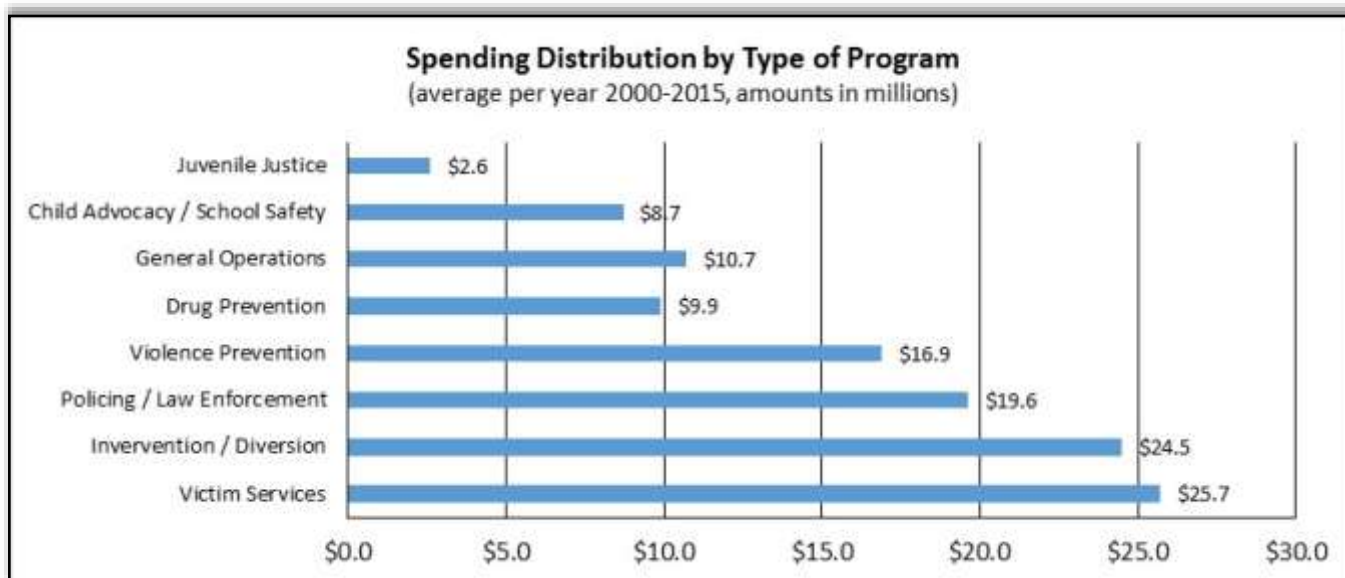
Forty-three percent of state funding for the commission comes from restricted revenue accounts (described below) and other sources, including the Justice Reinvestment Fund and Endowment Fund (sometimes called the Penn State Settlement). Less than 3 percent of its state funding is added in augmentations to the General Fund covering evidence based prevention, and intervention, and violence prevention programs.

PCCD also administers \$104.2 million annually in federal funds, which equals 60 percent of its total budget. Sub-recipients of these grants include county agencies, DOC, the Board of Probation and Parole, state police, and the sentencing commission.

PCCD appropriations from the General Fund have counted 17 different budget lines since 2000. During the past three years, General Fund appropriations have been made to PCCD, violence prevention, intermediate punishment, victims of juvenile offenders, and child advocacy centers. These appropriations make up 57 percent of the agency's state funding, or just under one quarter of the



Data Source: Annual Executive Budgets



Data Source: Annual Executive Budgets

overall budget.

### *Funding for Children's Advocacy Centers*

Children's advocacy centers are located throughout Pennsylvania to provide treatment and support the investigation of suspected child sexual abuse cases. PCCD distributes state and federal funding to support the centers. The [CAC Advisory Committee](#), established by Act 28 of 2014, facilitates this process.

In its first two years, child advocacy centers were funded with fees from the DARE license plate account (under Act 27 of 2014) and by an appropriation from the General Fund that was designated in the Fiscal Code of 2014/15. Since 2015/16, child advocacy centers have been funded by a restricted receipt account, created under Act 28 of 2014, and by the Monetary Penalty Endowments Trust Fund (known as the Endowment Fund) created under Act 1 of 2013; both are managed by PCCD. The commission maintains an [interactive report](#) of annual grant awards for CACs.

Additional appropriations from the General Fund are not expected after 2015/16. The centers will be sustained by funding from birth certificate fees and the endowment fund at approximately \$3 million annually.

### *Diversion Programs Reduce Incarceration Costs*

The Commission on Crime and Delinquency provides financial and technical assistance to [programs that divert offenders](#) from incarceration.

County intermediate punishment provides a sentencing alternative for counties to place individuals in partial confinement, residential, or monitored-home confinement coupled with treatment programs and conditions rather than traditional incarceration or probation. Act 201 of 1990 established this program and required PCCD to establish guidelines and administer the programs. [Problem solving courts](#) are similar to county intermediate punishment but operate under supervision of the court. County intermediate punishment and problem solving courts target individuals whose criminal justice involvement is rooted in addiction, mental illness, or other needs and divert them wholly or partially from incarceration.

Diverting or reducing time spent in jail produces cost savings while treatment services improve recidivism outcomes. PCCD reports that participants in county intermediate punishment **spend 20 fewer days in jail** and those in drug and alcohol intermediate punishment **spend 67 fewer days in jail**. Participants who have successfully completed the programs had a one-year recidivism rate of 12.4 percent (PCCD Annual Report, 2015). The most direct cost savings for these programs are in the reported jail days avoided, although future savings may also be



realized by decreasing recidivism. The Department of Corrections reports the average cost, per day, for inmates in county jails is \$78.30 (DOC County Statistics, 2015), meaning intermediate punishment programs save \$1,566 for each participant (20 days avoided) and \$5,246 for someone in a drug and alcohol specific program (67 days avoided).

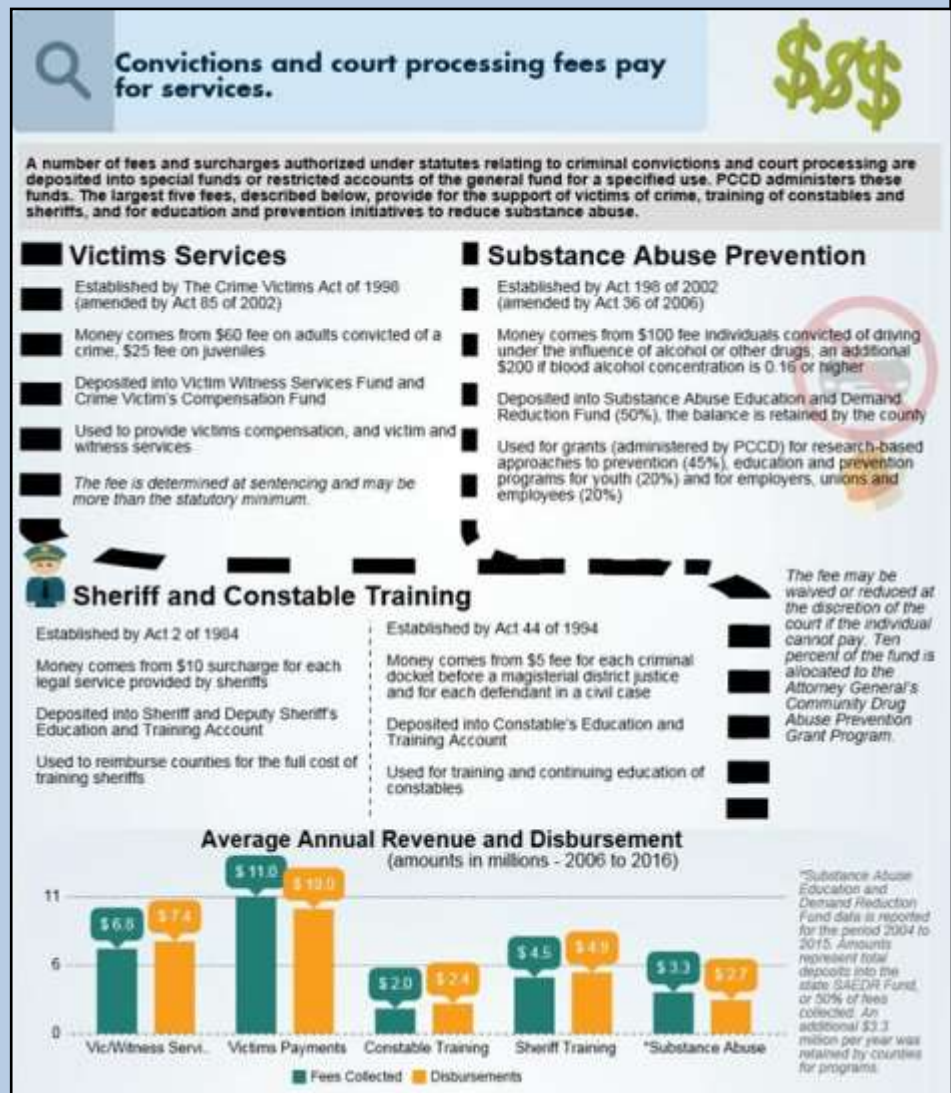
The intermediate punishment programs appropriation has been flat funded at \$18,167 since 2012/13. Under current fiscal code regulations, which require at least 80 percent of funds to be allocated to drug and alcohol based programs, **the state's investment in intermediate punishment programs breaks even after the just four participants in a year and saves counties an average of \$4,510 for each subsequent participant.**

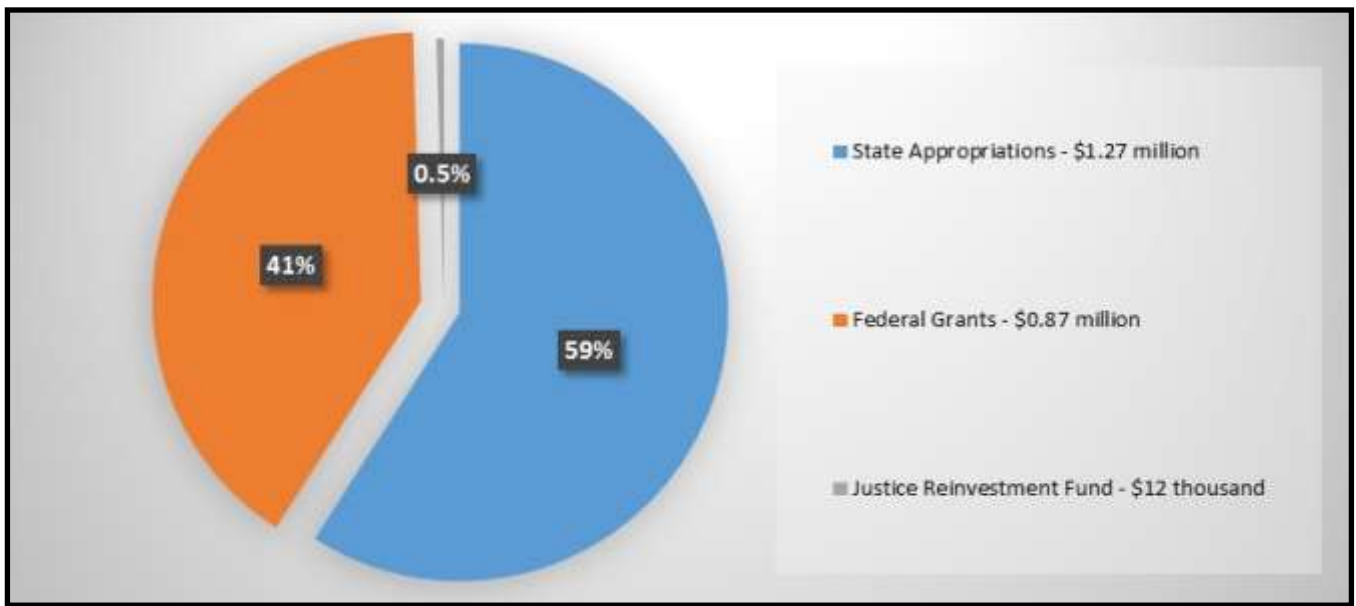
## Pennsylvania Commission on Sentencing

The Pennsylvania Commission on Sentencing is a government support agency charged with developing and maintaining fair and uniform sentencing guidelines. It was created by Act 142 of 1980 and has been housed at Penn State University since 1981. The commission provides research and consulting capacity to the courts and the legislature in matters relating to sentencing and parole. Its sentencing policy specialists provide technical assistance to judges, prosecutors, public defenders, and others.

The average annual budget for the commission from 2001/02 to 2013/14 was \$2.2 million, over 90 percent of which was allocated to personnel (PCS Annual Report, 2014).

Members of the commission, who are appointed by the leaders of the three branches of government, in addition to three fixed positions (DOC secretary, Board of Probation and Parole chair, and the state's victim advocate), are not paid a salary for their role with the Pennsylvania Commission on Sentencing.





Data Source: Annual Executive Budgets

**House Appropriations Committee (D)**

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