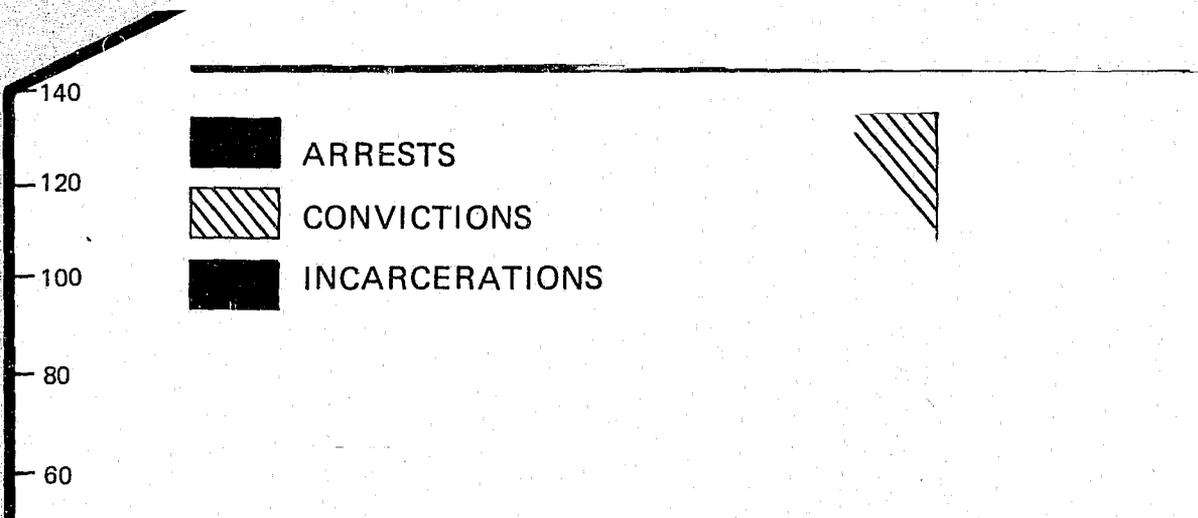


TRENDS and ISSUES

In The Pennsylvania Criminal Justice System



103061

VIOLENT
CRIME

PROPERTY
CRIME

Percent Change: 1977-1984

Pennsylvania Commission on Crime and Delinquency
Bureau of Statistics and Policy Research

Trends and Issues In The Pennsylvania Criminal Justice System

Pennsylvania Commission on Crime and Delinquency
Bureau of Statistics and Policy Research
Phillip J. Renninger, Director
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U.S. Department of Justice
National Institute of Justice

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PREFACE

The PCCD works with state and local criminal justice agencies to measure and develop an understanding of crime and the operation of the criminal justice system. A primary objective of the agency is to examine the utility that a variety of criminal justice statistical data bases have for addressing questions of practical and theoretical interest in the criminal justice field.

One product of this examination is *Trends and Issues in the Pennsylvania Criminal Justice System* which focuses attention on the analysis of current issues and questions. This report applies criminal justice statistical data from various sources to issues of interest and concern to agency administrators, public policymakers, researchers, and the public. The purpose of the report is twofold: (1) to describe and analyze offenders in various stages of the criminal justice system, and (2) to provide information that helps to evaluate the effects of policy changes.

While the report presents a broad overview of issues and trends in the criminal justice system, it contains only a flavoring of the types of information and analysis available. It is the intent of the report to provide an impetus for further discussion within the criminal justice community as we plan future courses of action. If you wish to further explore other aspects of the information presented in this report, please write or call:

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SOURCES OF DATA

Information for this report was gathered from automated data files of the Administrative Office of Pennsylvania Courts and the Department of Corrections. Statistical reports from the Pennsylvania Board of Probation and Parole and the Pennsylvania State Police were also used.

With the exception of two graphs (Figures 1 and 36), the data for this report generally spans the years 1980 through 1984. Court data reflect years 1980 through 1983 (the most recent year available). Most analysis of county jail data cannot be performed prior to 1981, since the related data are not generally available.

SECTION I: CRIMINAL ACTIVITY

	Page
A. An Historical Perspective	2
<hr/>	
<ul style="list-style-type: none">• From 1977 to 1984, arrests increased by 2% and incarcerations increased by 47%• From 1978 to 1983, convictions increased 68%	
B. Misdemeanor Offenses	3
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<ul style="list-style-type: none">• 75% of cases entering the court system are misdemeanors	
C. Weapons and Criminal Activity	4
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<ul style="list-style-type: none">• 6% of all defendants charged with a criminal offense are also charged with a weapons violation• 24% of all defendants charged with a violent crime against persons were also charged with a weapons offense	
D. Recidivism	7
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<ul style="list-style-type: none">• 42% of persons released from state institutions are rearrested within three years• 57% of all rearrests occur within the first year of release	
E. The Future of Crime in Pennsylvania	9
<hr/>	
<ul style="list-style-type: none">• Demographics indicate a decline in crime through remainder of this century	

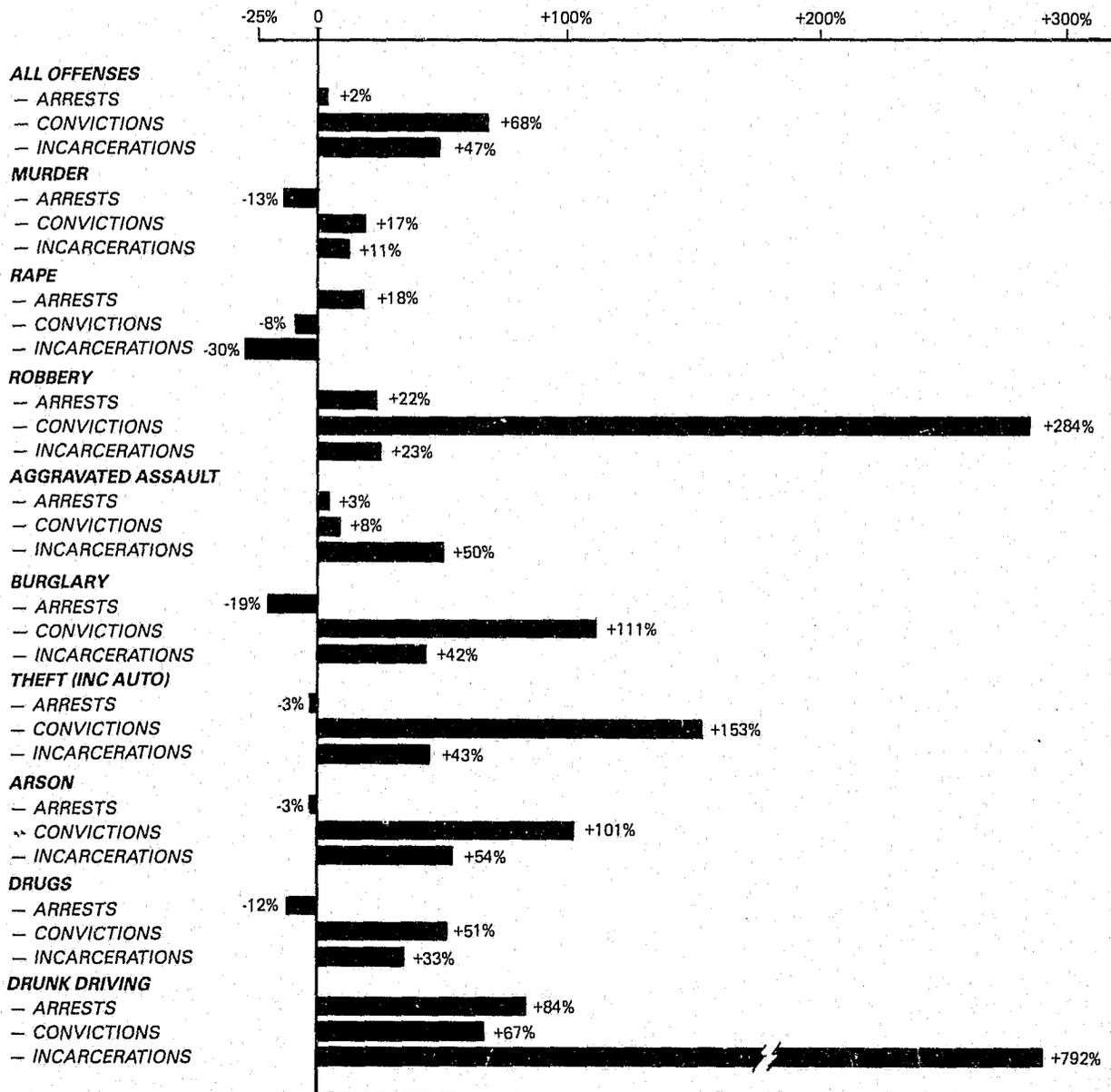
A. AN HISTORICAL PERSPECTIVE

In beginning this section, we provide the reader with a graphic presentation of the percentage change in the number of persons arrested, convicted and incarcerated from 1977 to 1984 by selected offenses of interest. It should be noted that convictions were generated from court data and reflect the percentage change from 1978 to 1983.

Indicators show the number of persons arrested increased by 2% from 1977 to 1984. However, as will be shown later in this report, a decline in crime began in the 1980s and arrests peaked in 1982.

Where increases in arrests for specific offenses are noted, the percentage increase is not of great magnitude, with the exception of Driving Under the Influence - DUI. However, the increase in the number of persons convicted and incarcerated has been substantial for most offenses shown.

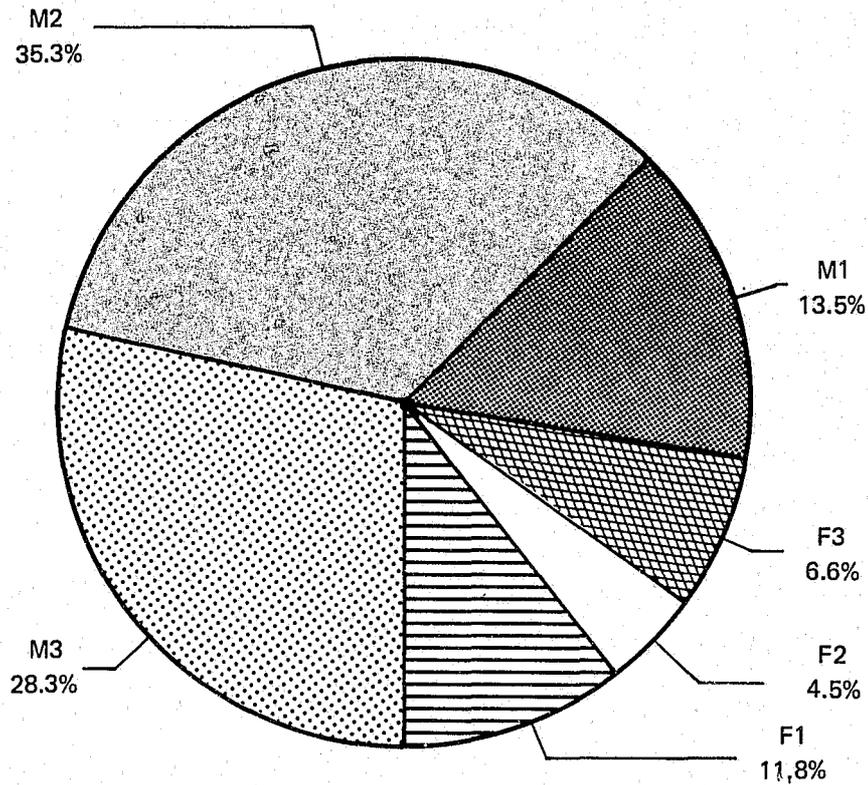
FIG 1: Percent Change in Arrests, Convictions, & Incarcerations By Selected Offense From 1977 To 1984



B. MISDEMEANOR OFFENSES

Misdemeanor offenses constitute over 75% of all cases entering the court system subsequent to arrest. This figure is based on 1983 court data and excludes summary offenses. The following pie chart summarizes the proportion of cases entering the system by offense grade.

FIG 2: Percent of Cases by Offense Grade 1983



Examples of specific offenses by grade are as follows:

Grade	Statutory Maximum Sentence	Offense Example
F1	20 years (Life/Death for Murder 1 or 2)	Murder, Rape, Robbery, Burglary
F2	10 years	Aggravated Assault, Voluntary Manslaughter
F3	7 years	Receiving Stolen Property, Theft
M1	5 years	Involuntary Manslaughter, Terroristic Threats, Firearms Violations
M2	2 years	Bad Checks, Simple Assault, Driving Under the Influence
M3	1 year	Disorderly Conduct, Harassment, Prostitution

It should be noted that drug law violations can be found from M3 up to F1. Theft and Receiving Stolen Property can also run from an M3 up to F3.

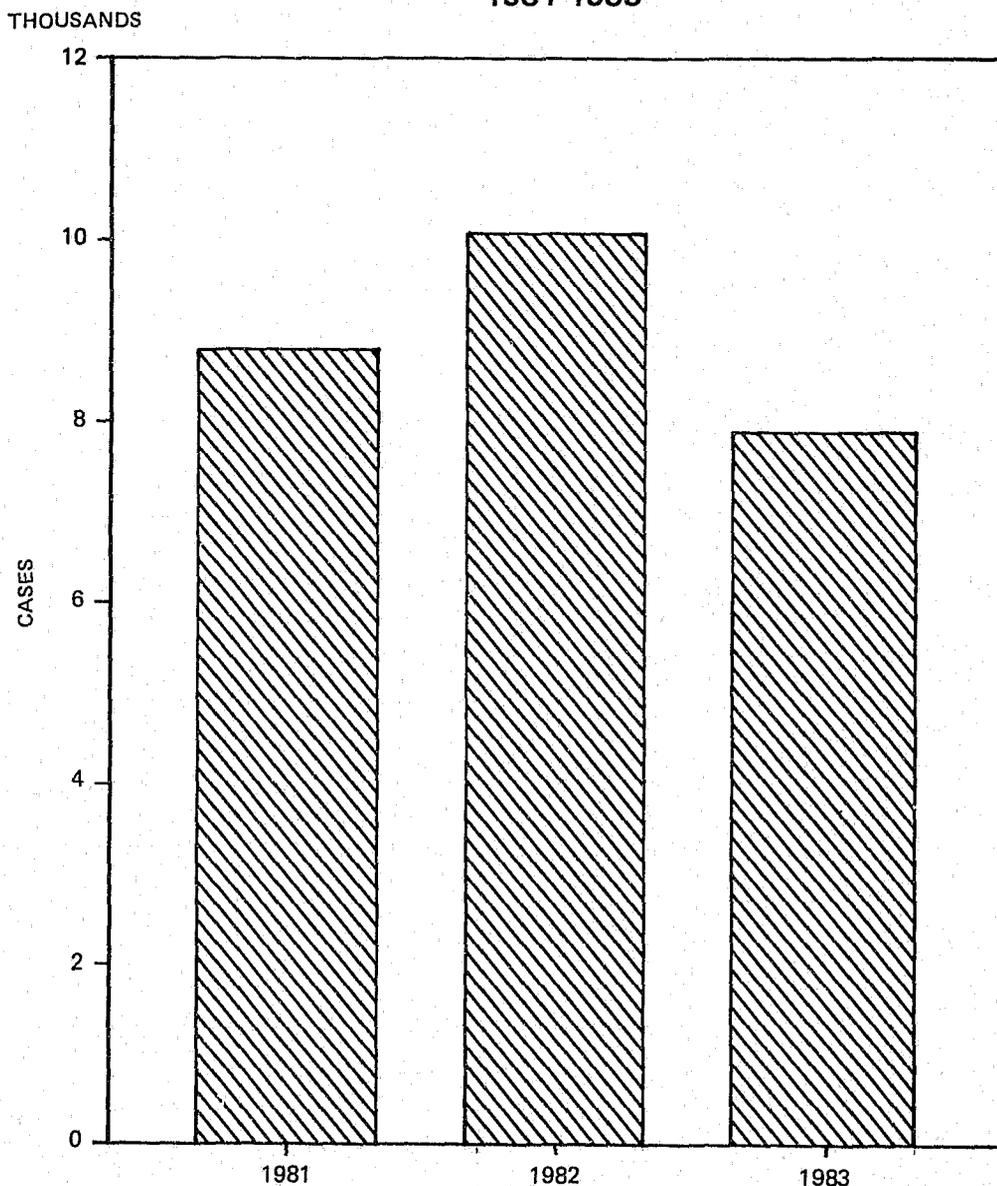
C. WEAPONS AND CRIMINAL ACTIVITY

Although Pennsylvania's Uniform Crime Report (UCR) provides weapons information associated with the offenses of murder, robbery, and aggravated assault, it sheds no light on the possible extent to which weapons may be associated with other crimes. For example, we do not know from the UCR data the proportion of the known criminal population that carries or conceals deadly weapons or how often a person who is charged with burglary also is charged with a weapons violation.

In order to provide answers to these and other questions, court data from the Administrative Office of Pennsylvania Courts was examined from 1981 to 1983. Along with cases in which the defendant was charged solely with a weapons violation, cases where a weapons offense was a companion charge to other offenses were also analyzed.

The number of court cases involving weapons charges (sole or companion charges) has declined from 8,796 in 1981 to 7,888 in 1983; a decline of over 10% even though there was an increase in 1982.

**FIG 3: Total Court Cases Involving A Weapons Charge
1981-1983**

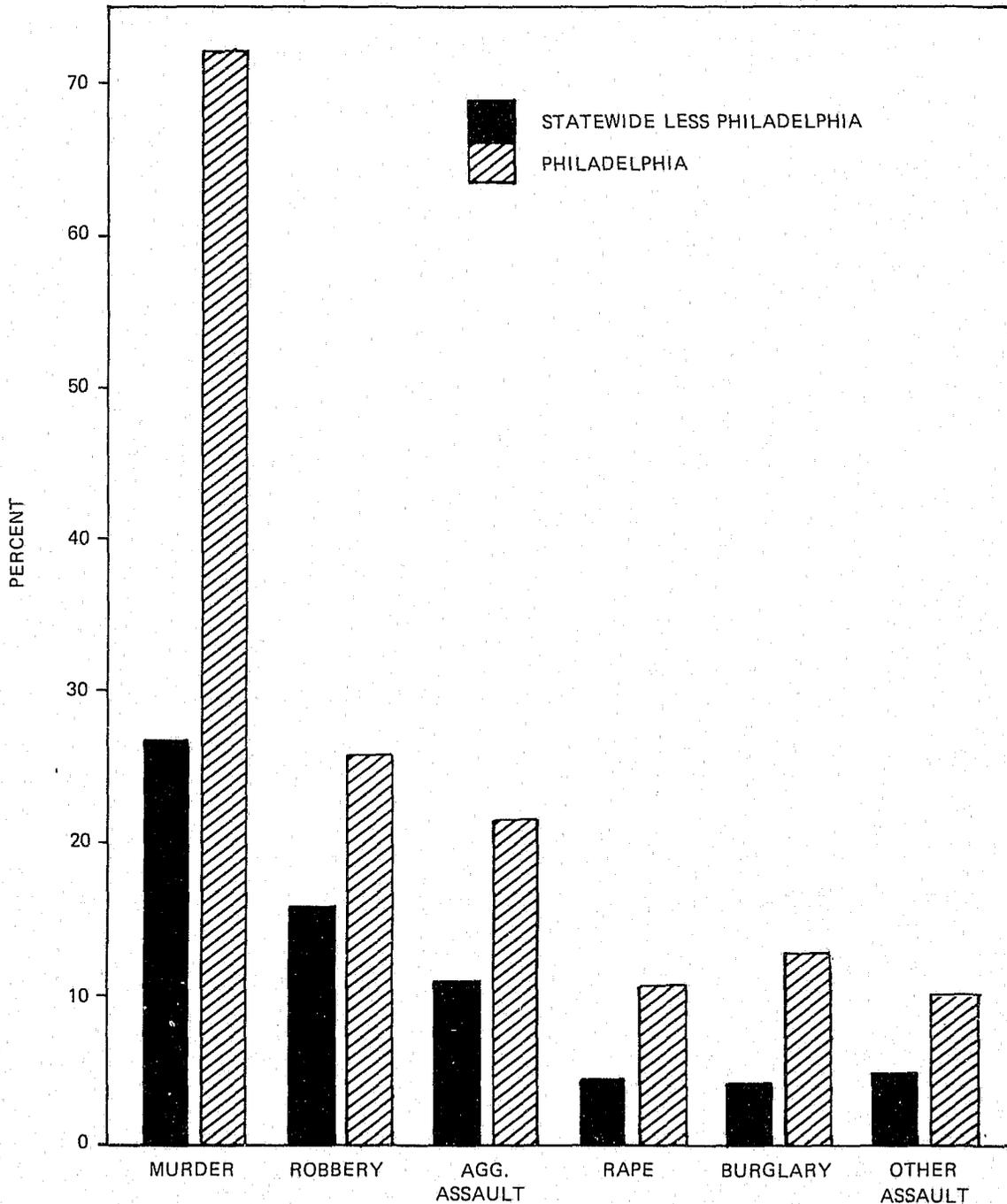


Section I: Criminal Activity

Although the sheer number of cases involving weapons has declined, the proportion of all court cases involving a weapons charge has remained about the same: about 6% statewide.

The proportion of criminal cases with companion weapons charges varies greatly by offense, as well as by region of the state. The following graph shows the major offenses in which an additional weapons charge is found. These offenses represent 80% of all cases (excluding cases with only weapons charges) where there are companion weapons charges. In addition, the graph points to consistently greater occurrences of companion weapons charges in Philadelphia compared to the rest of the state.

**FIG 4: Major Offenses That Include A Weapons Charge
By Region: 1983**



Section I: Criminal Activity

Offenses against persons as well as the crime of burglary are most likely to include weapons charges (24% of all personal crimes and 6% of all burglaries). In addition, companion weapons charges are brought more frequently in Philadelphia than in the rest of the Commonwealth. Of all weapons charges brought in conjunction with these criminal charges, 62% emanated from Philadelphia. The data indicates that defendants charged with the examined offenses are more likely to be in possession of a weapon than other defendants. In addition, the possession of a weapon is more likely in Philadelphia than elsewhere in the state.

In our analysis of weapons, the delineation between weapons in general (e.g., knife, etc.) and a firearm could not be done for Philadelphia. However, data from the rest of the state indicates that approximately 60% of weapons charges are for a firearm.

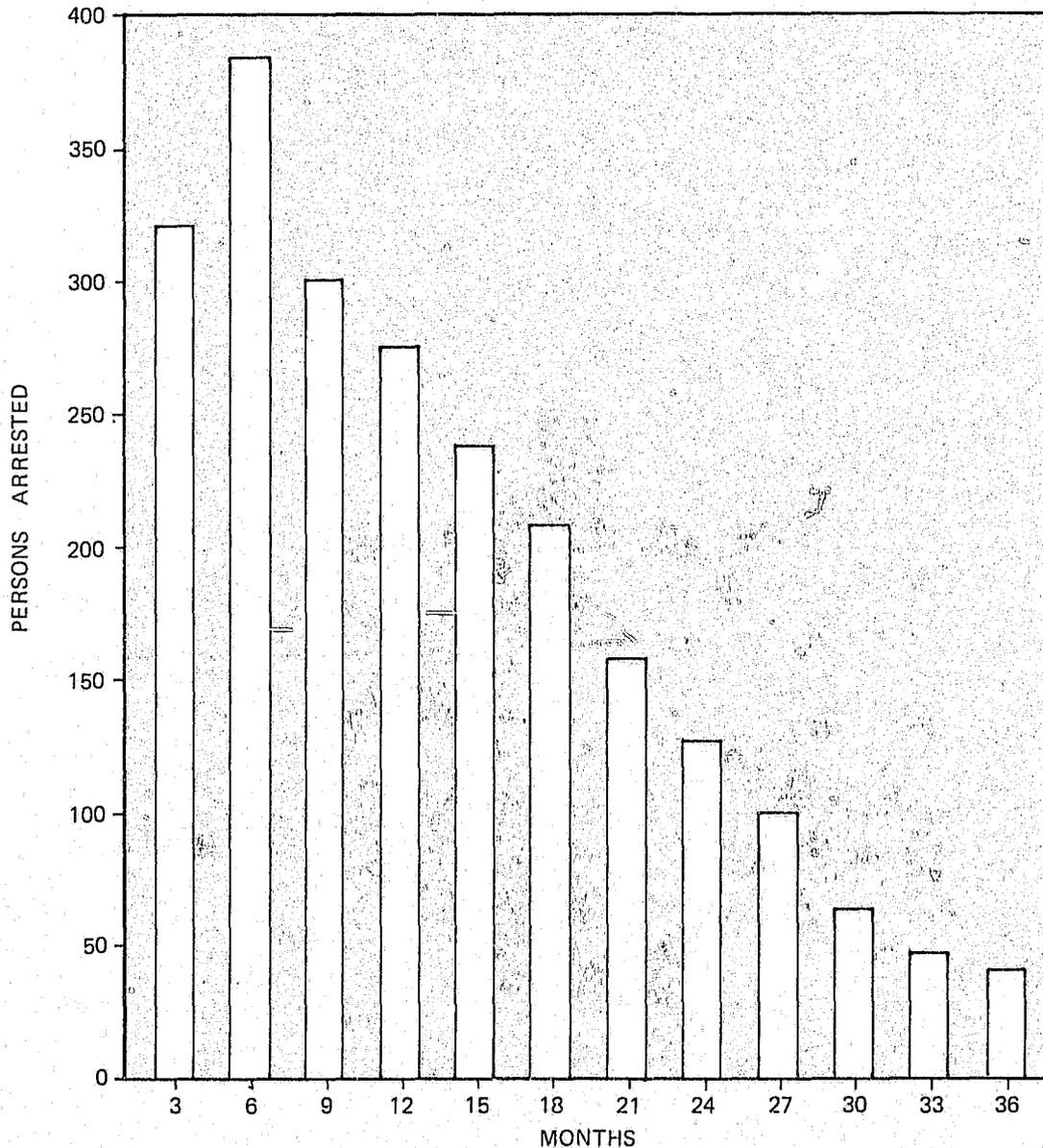
D. RECIDIVISM

Current research in the area of recidivism appears to confirm theories that the first year after institutional release is critical to the success or failure of the former inmate within the community.

Recidivism, which can be measured in a number of different ways, is presented here by (1) an arrest after release from an institution and (2) return to prison after release from an institution. The key component in both measures is time.

The Commission on Crime and Delinquency conducted a study that tracked over 6,000 inmates released from Pennsylvania's state institutions during 1980 and 1981. Releases were tracked for as long as 36 months with the majority (over 90%) being conditional (e.g. parole) releases. Of the over 6,000 inmates released, 42% were arrested during the three year period. Figure 5 points to the fact that the likelihood of sustaining an arrest after release is far greater during the first year than at any other time period.

**FIG 5: Persons Arrested Within A Given Time (Mos.)
After Release From State Institutions 1980-1981**

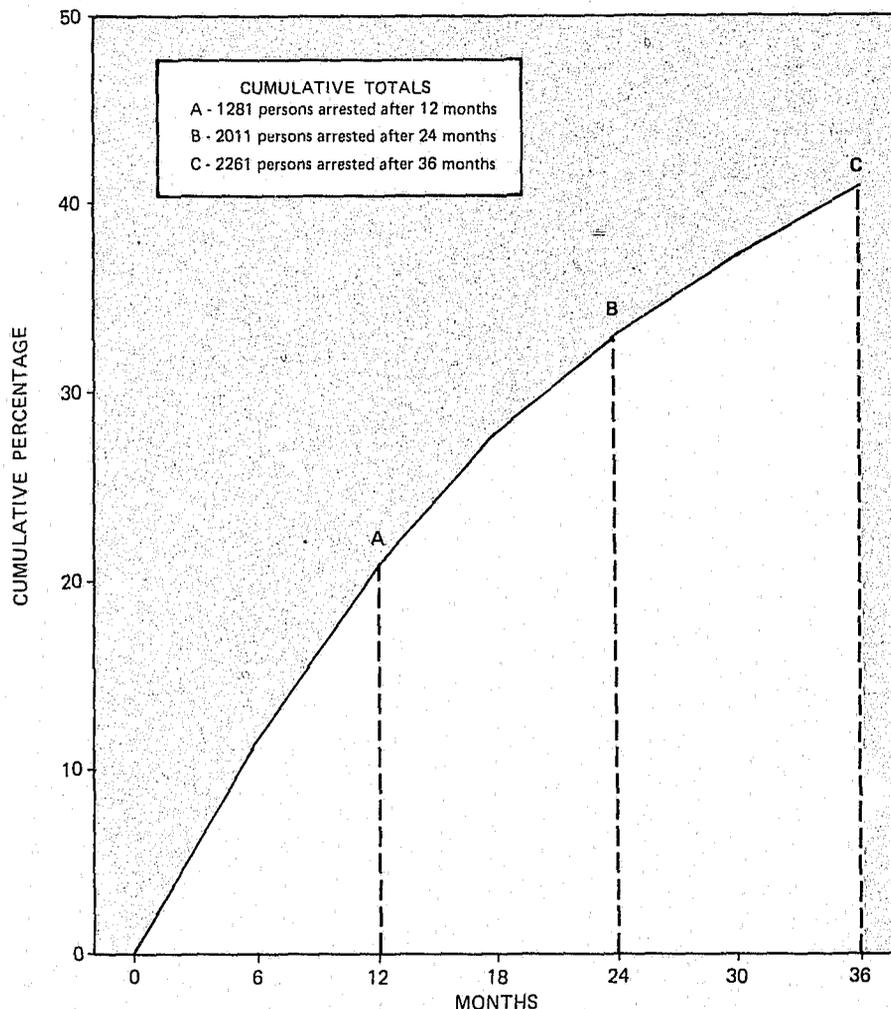


Section I: Criminal Activity

As Figure 5 indicates, the number of individuals arrested within the first 12 months is greater than at any other period in time. Of particular interest is the peak in numbers after six months. Almost one-third of all persons arrested run into trouble during the first six months, with 57% of all arrests occurring within the first year. Thirty-two percent occur during the second year and 11% during the third year.

Figure 6 shows cumulative arrest rates over time. The line in the graph indicates a rather steep incline during the first 12 months with some leveling off over the remaining 24 months. Over one-fifth of the release cohort sustained an arrest during the first year, with another 20% arrested in the next two years.

**FIG 6: Cumulative Arrest Rates Over Time (Mos.)
Persons Released From State Institutions 1980-1981**



Based on both gross numbers and cumulative rates, the crucial time period for success or failure after release is during the first year.

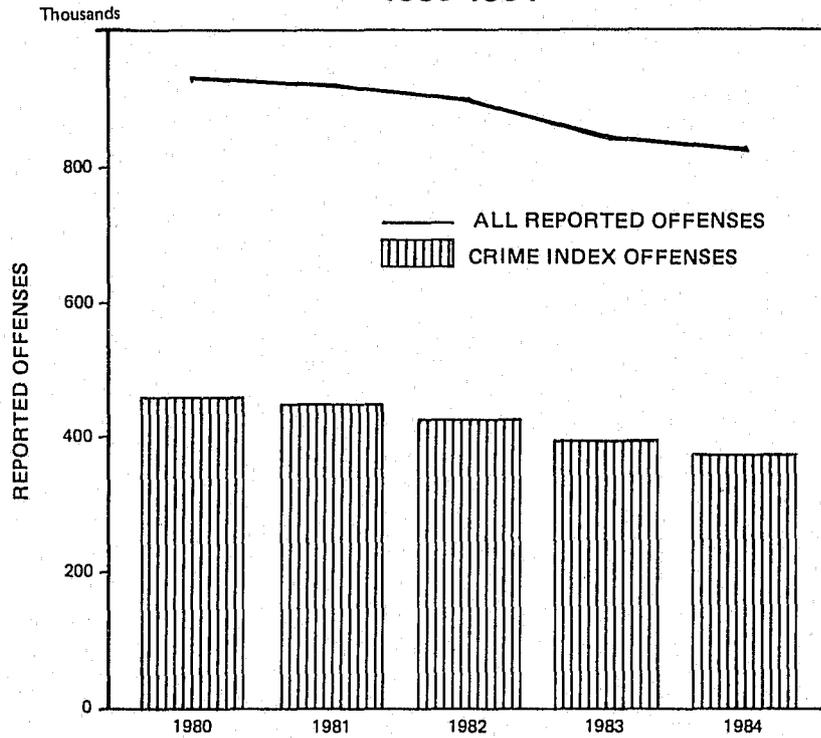
The Federal Bureau of Justice Statistics recently completed a study entitled *Returning to Prison*. The study was based on data from 14 states (Pennsylvania was not included) in which the measure of recidivism was a return to prison. Returns, or recommitments, included both new arrests and technical parole violations. The most important finding was that close to a third of the releases were returned to prison after three years and that the most critical period of risk was, again, the first year.

Over a three year period, the average rate of recidivism for all states was 30.8. Although Pennsylvania was not included in the study, the Board of Probation and Parole maintains on-going statistics that are comparable. The average three year recommitment rate for Pennsylvania is approximately 28.0 (excluding absconders).

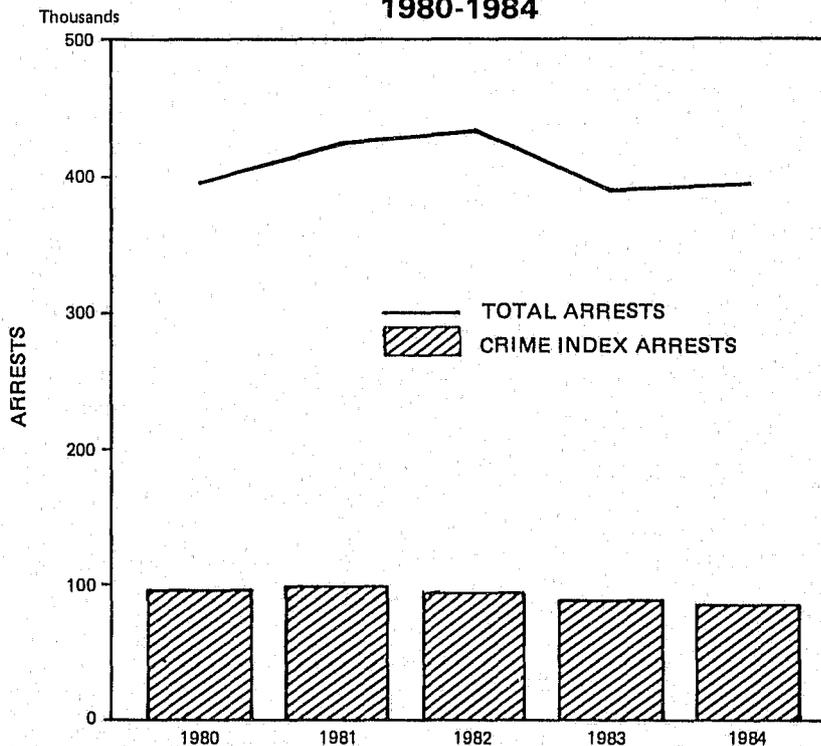
E. THE FUTURE OF CRIME IN PENNSYLVANIA

1984 marked the fourth straight year that offenses reported to the police have declined. The number of persons arrested increased by less than 1% from 1983 and remained well below the peak year of 1982. Persons arrested for the more serious crime index offenses have declined for the past three years.

**FIG 7: Offenses Reported To The Police
1980-1984**



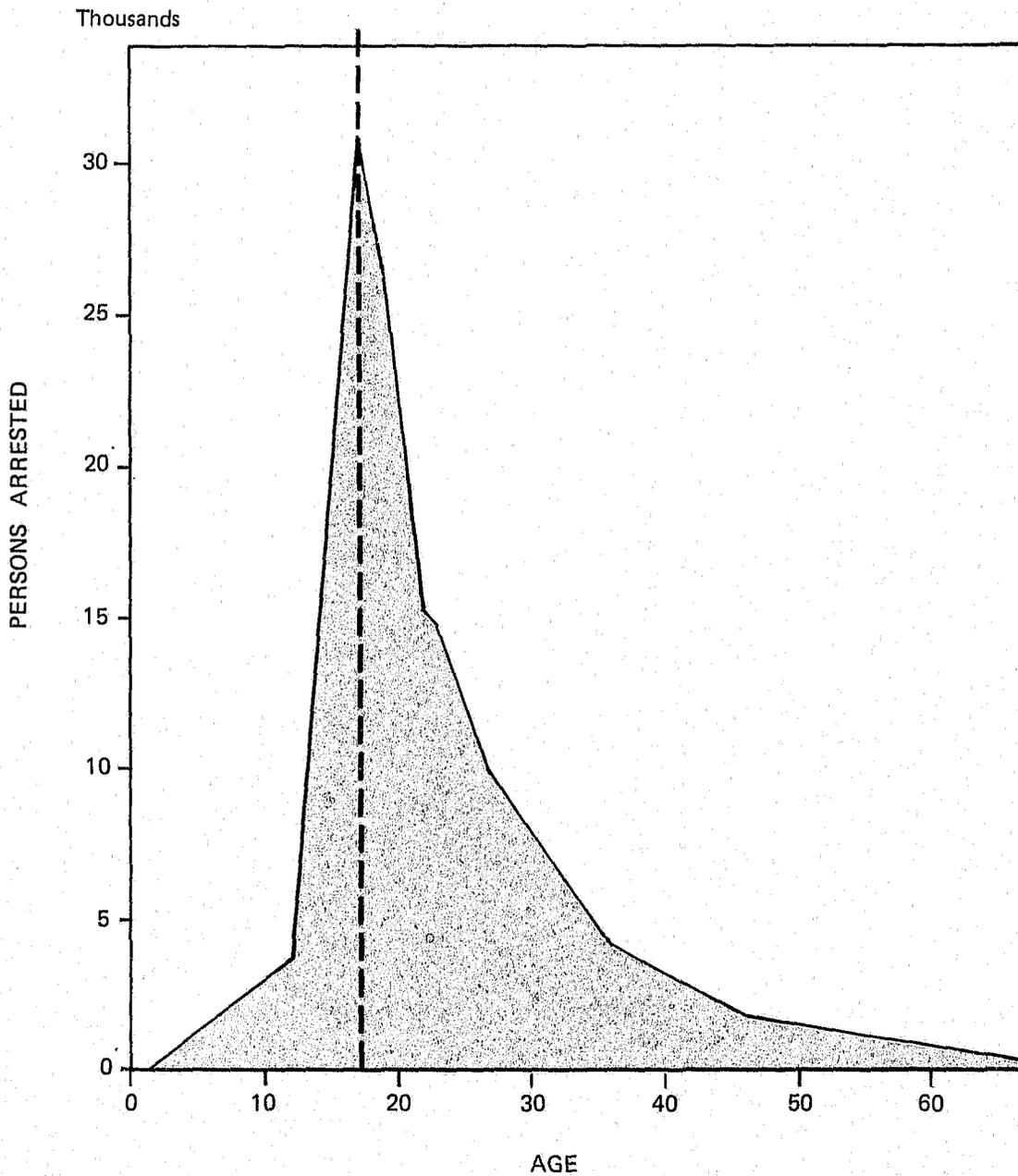
**FIG 8: Persons Arrested
1980-1984**



Section I: Criminal Activity

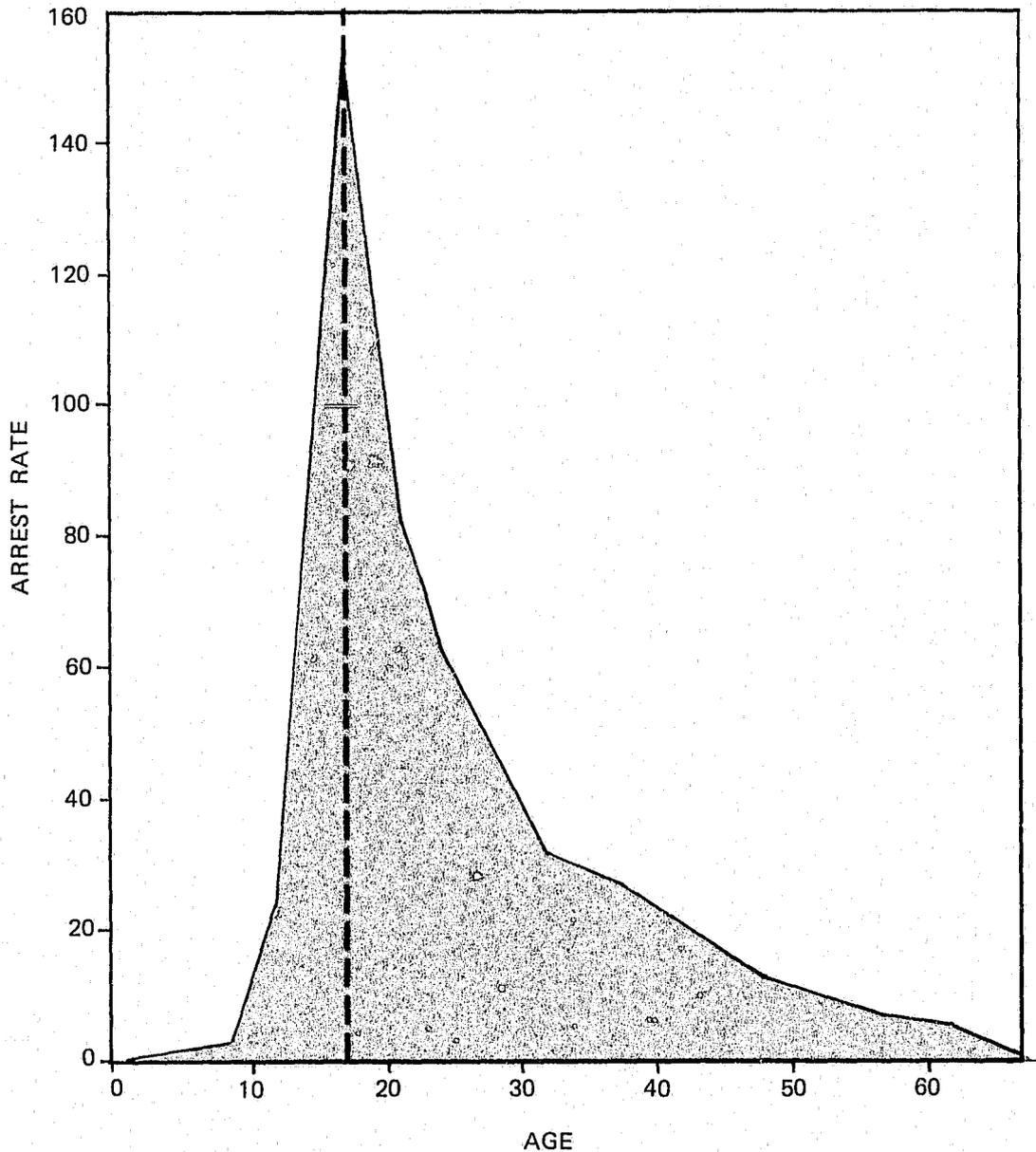
We can turn to demographics for one explanation of this decline in crime. As can be seen in the graph below, arrests begin a dramatic climb in the teens, peak at age 17 and then decrease with age. Persons aged 15-29 account for nearly 70% of all arrests.

**FIG 9: Total Arrests By Age
1984**



Analysis of arrest rates by age confirm that the 17 year olds are the most likely of any age group to be arrested.

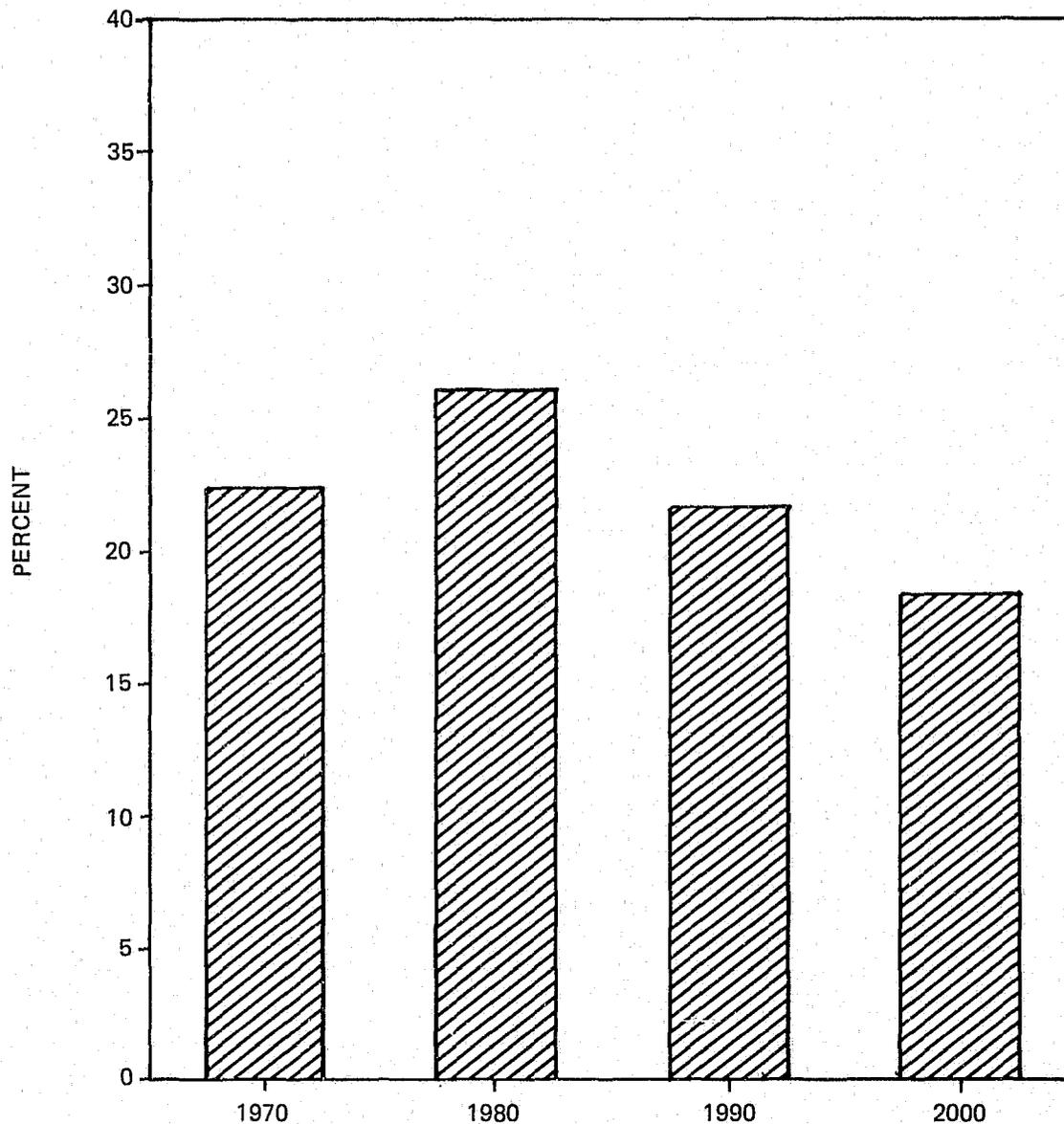
FIG 10: Arrests Per 1,000 General Population By Age 1984



Although the peak in the number of arrests as well as arrest rates at 17 is largely due to the crime involvement of 17 year olds and not simply the number of 17 year olds in the state, the sheer number of persons in this age group can have a considerable impact on crime.

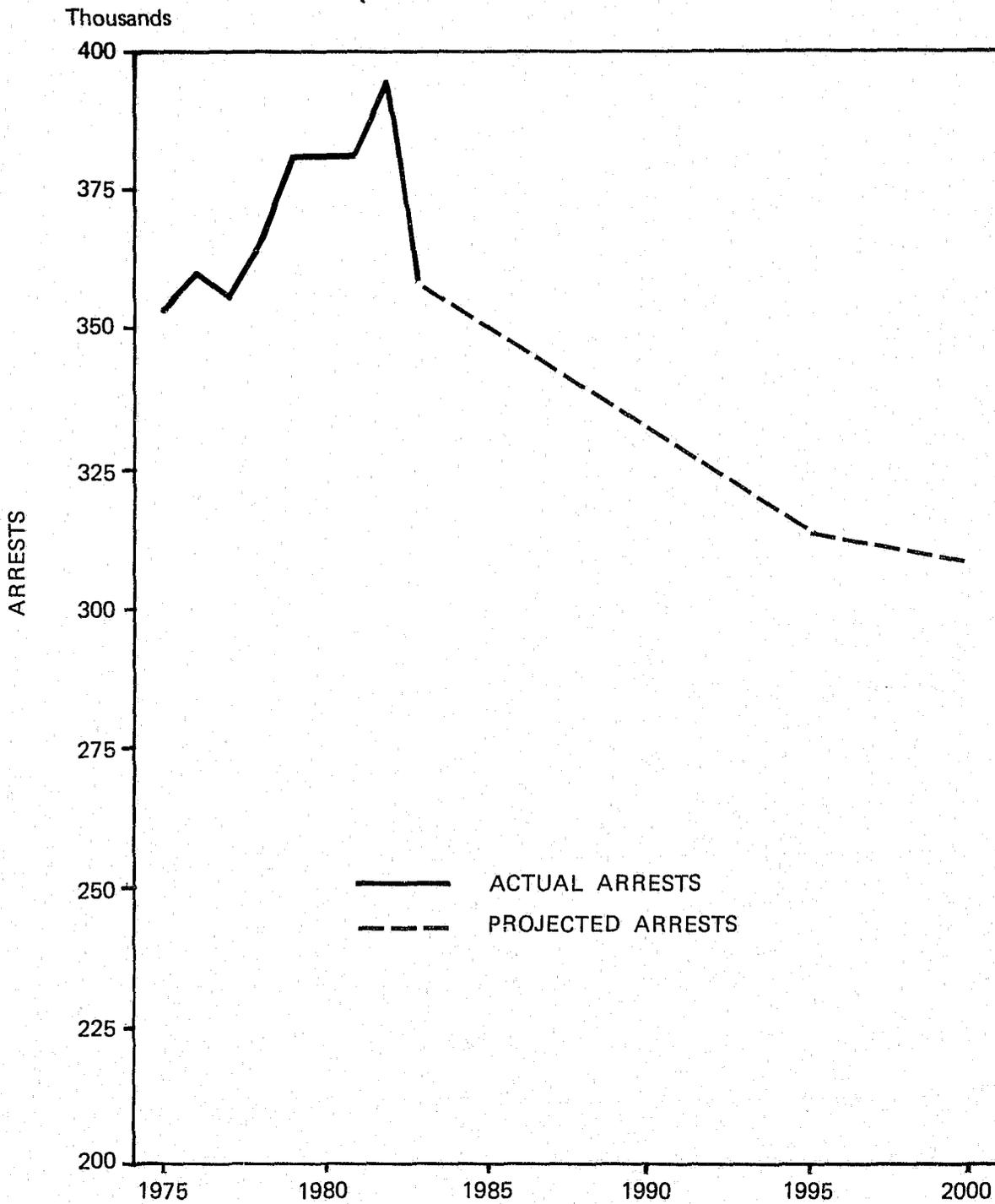
General population projections through the end of this century indicate that the number of 15-29 years olds (those most responsible for crime) in Pennsylvania will decline steadily.

**FIG 11: Percent of 15-29 Year Olds In Total Population
Pennsylvania: 1970-2000**



This brings us to the question of what the crime trend will be for the remainder of this century. Figure 12 shows actual arrests up to 1984, with projected arrests to year 2000. Arrest projections were produced by applying 1983 arrest rates for individual demographic groups to the projected demographic composition of Pennsylvania's population in subsequent years. Projections do not include arrests for status offenses committed by juveniles.

FIG 12: Actual and Projected Arrests
1975 Thru 2000



As we can see, the number of persons arrested is expected to decline to a level far below the peak of 1982.

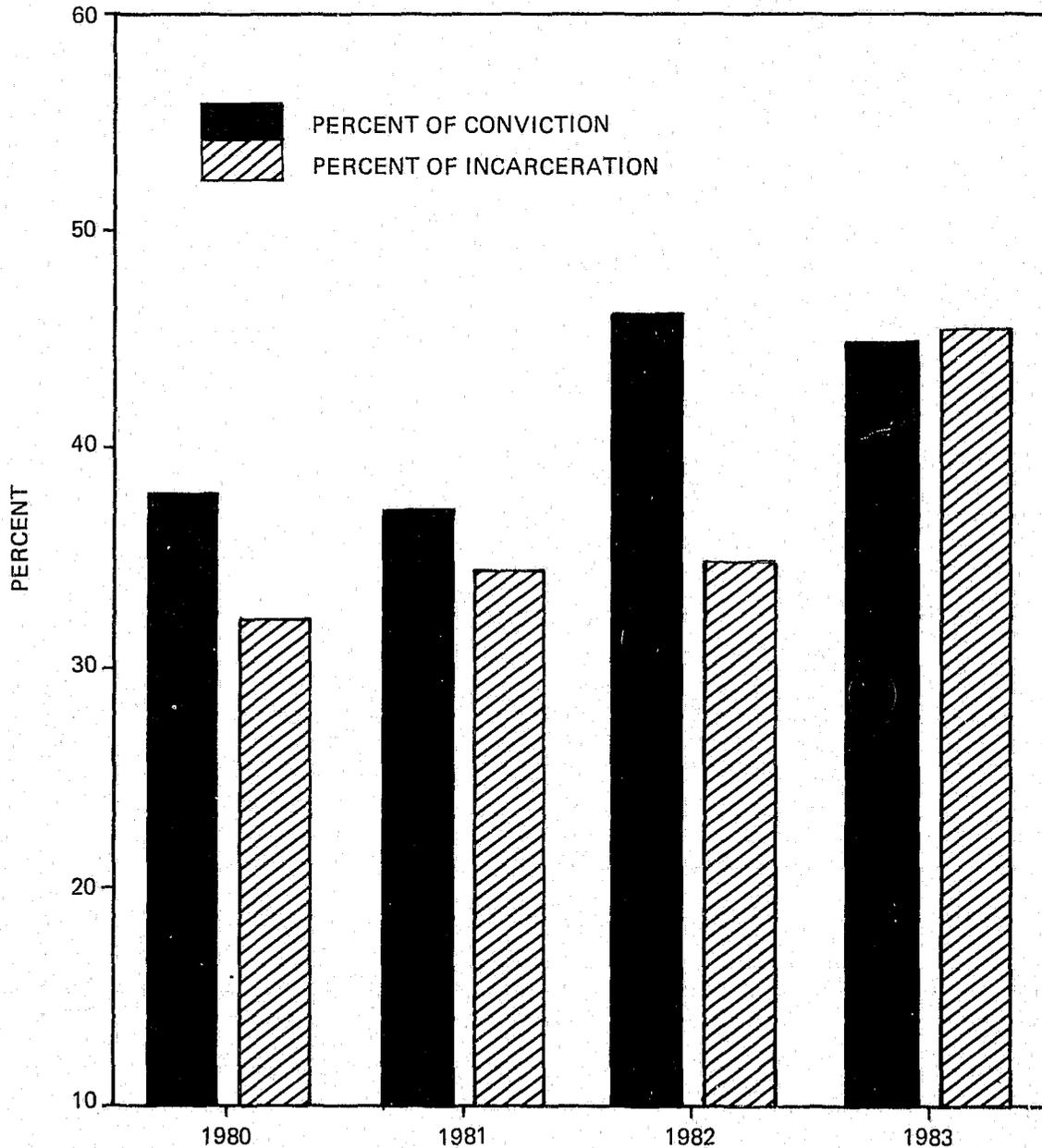
SECTION II: COURTS' RESPONSE TO CRIME

	Page
A. The Increased Probability of Conviction and Incarceration	16
<hr/>	
<ul style="list-style-type: none">• Court data from 1980 to 1983 reveals an increase in the conviction (19%) and incarceration (41%) rates	
B. Minimum Sentences to Correctional Facilities	20
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<ul style="list-style-type: none">• The number of persons sentenced by the courts to minimum terms of 3-5 years has increased 104%• Minimum terms for arson (32%) and robbery (16%) showed the largest increase	
C. The Decision to Grant Probation or to Incarcerate	22
<hr/>	
<ul style="list-style-type: none">• For every 100 cases sentenced to either probation or incarceration in 1980, 59 were granted probation and 41 were incarcerated• In 1983 this ratio changed to 47 (probation) and 53 (incarceration)	
D. Lifers	25
<hr/>	
<ul style="list-style-type: none">• Proportion of all homicide defendants convicted of first or second degree murder increased 19% from 1980 to 1983• The 1984 Department of Corrections lifer population of 1313 to exceed 3,600 by year 2000	
E. Death Row Inmates in Pennsylvania	27
<hr/>	
<ul style="list-style-type: none">• Death row population continues to grow	

A. THE INCREASED PROBABILITY OF CONVICTION AND INCARCERATION

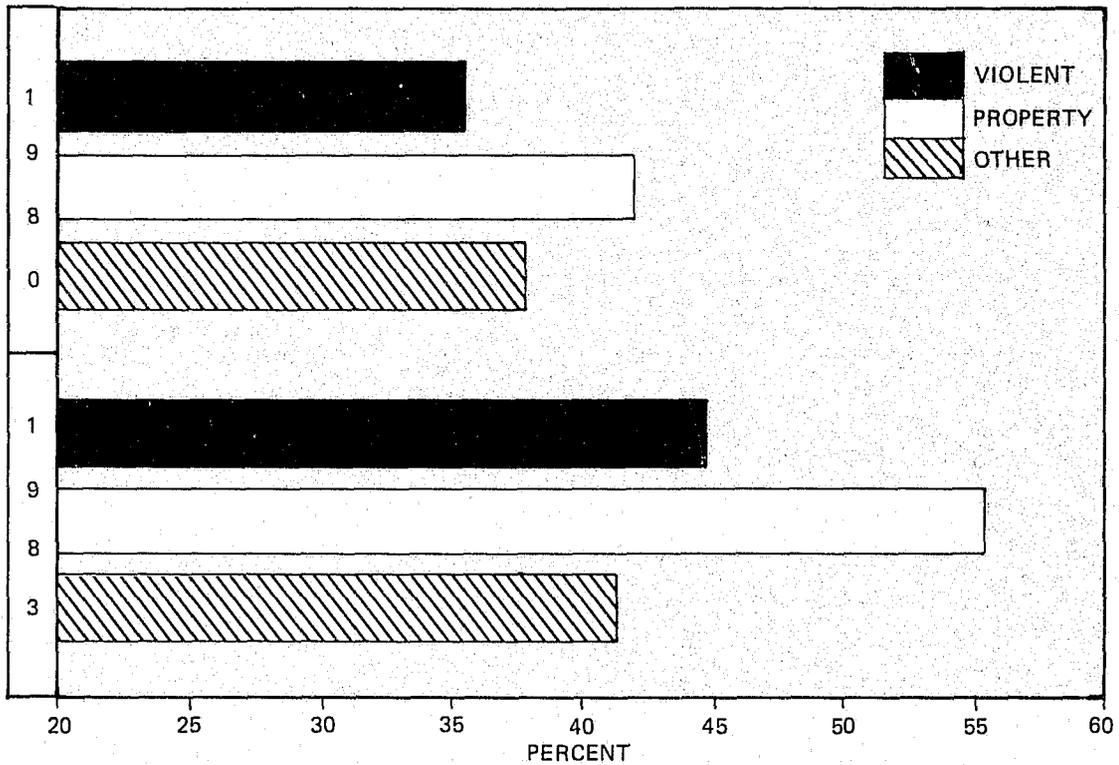
The likelihood of a defendant's conviction and subsequent incarceration has risen substantially. There was an 18.7% increase in the rate of conviction for all offenses from 1980 to 1983. Of those convicted, there was a 41.4% increase in the incarceration rate during the same period.

FIG 13: Percent of Conviction and Incarceration 1980-1983

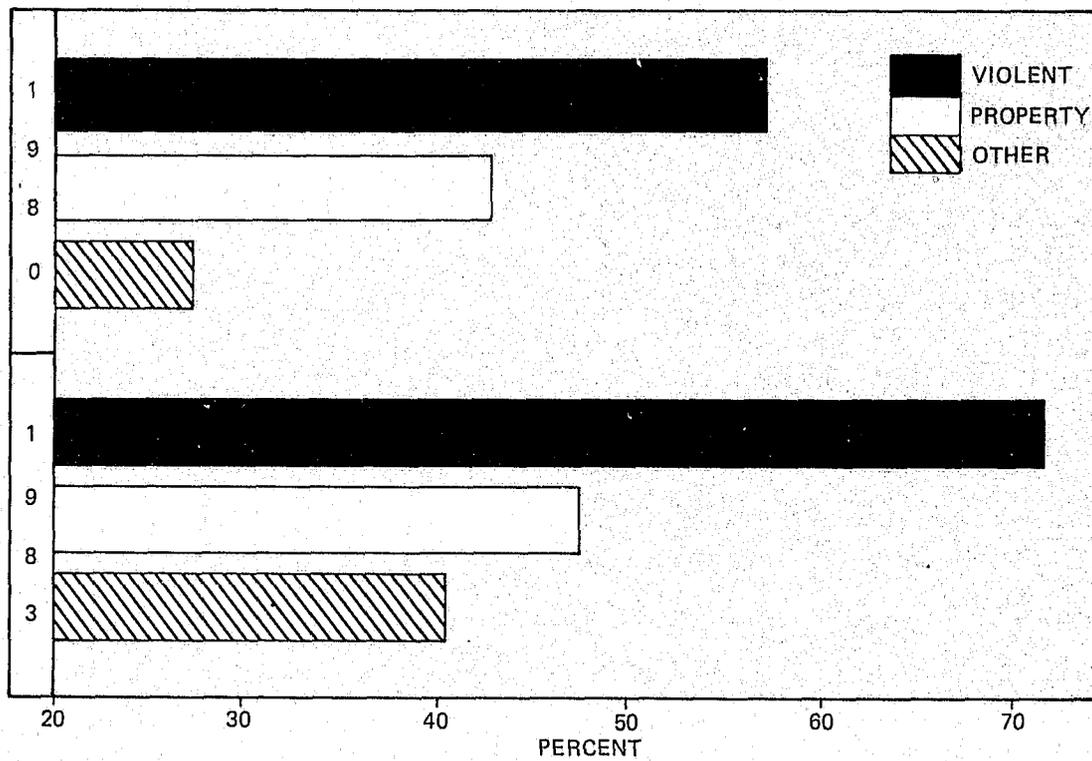


The rates of conviction and incarceration have increased across offense groups. The incarceration rate of those convicted of a violent offense rose from 57.2% in 1980 to 71.3% in 1983.

**FIG 14: Percent of Conviction By Major Offense Group
1980 vs. 1983**



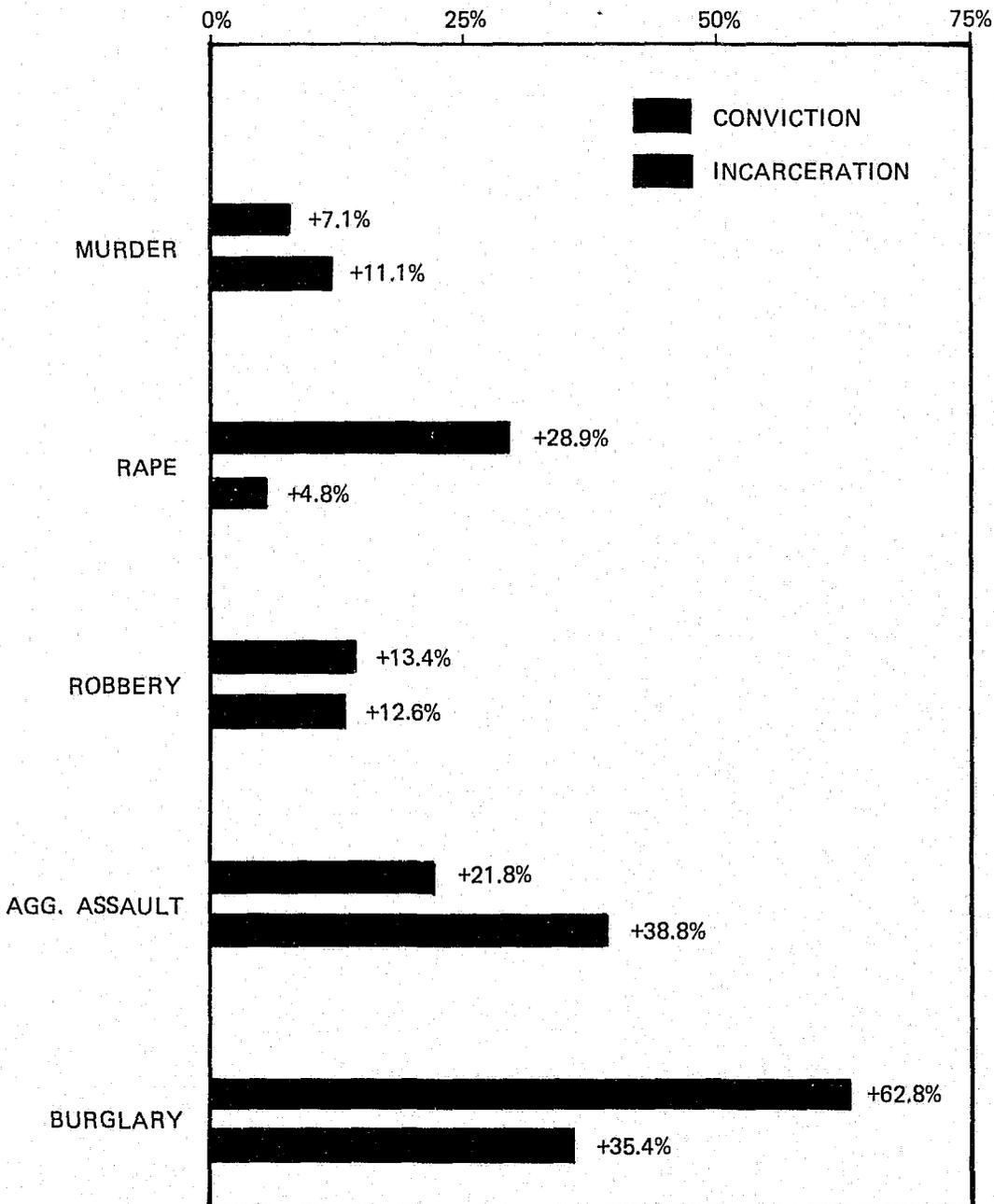
**FIG 15: Percent of Incarceration By Major Offense Group
1980 vs. 1983**



Section II: Courts' Response To Crime

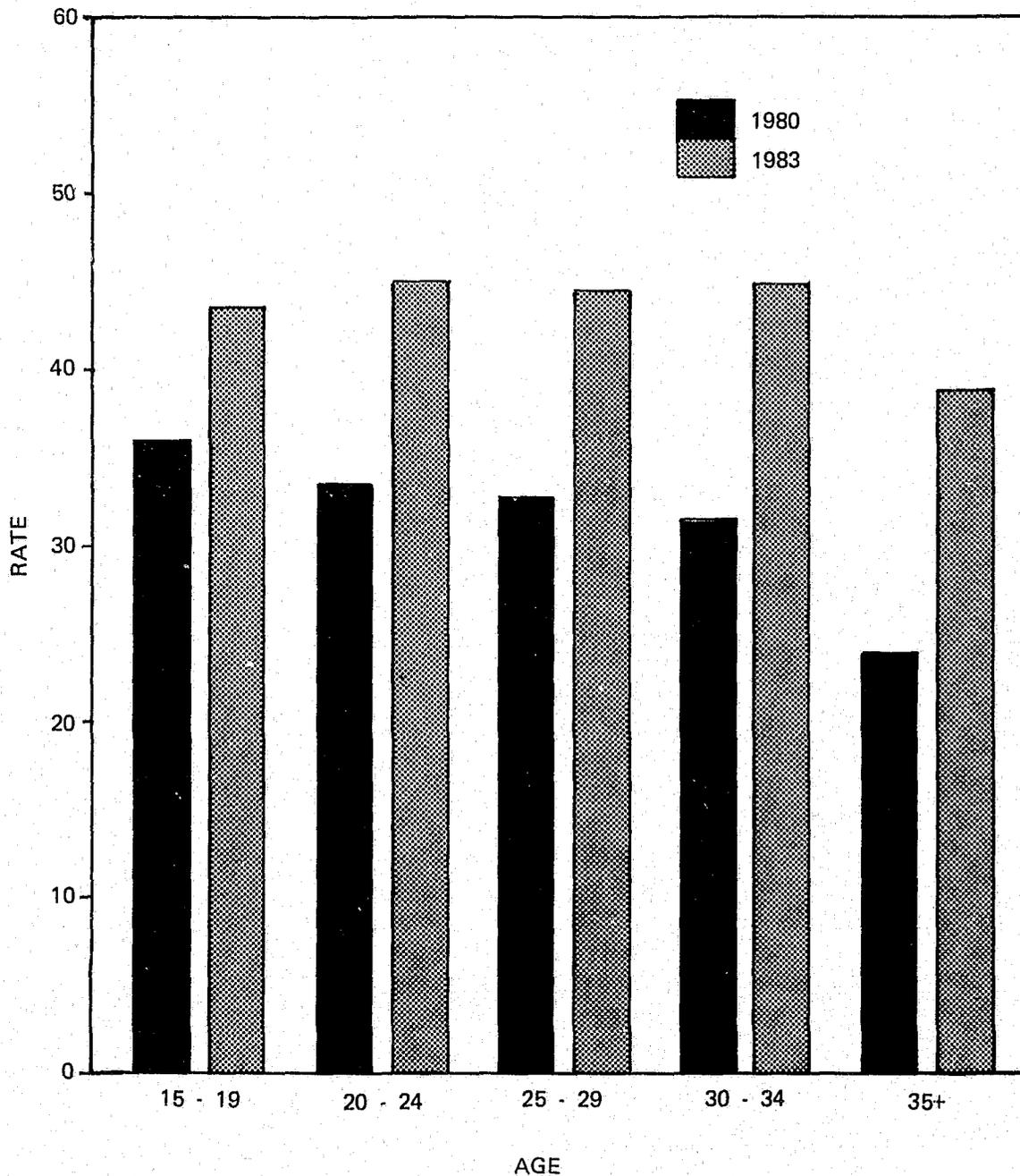
Figure 16 reveals the increase in these rates for selected offenses. What stands out here is the significant increase in the burglary conviction rate and the incarceration rates of burglary and aggravated assault.

FIG 16: Percent Increase In Conviction & Incarceration Rates From 1980 To 1983 By Selected Offense



The increases in incarceration rates have been substantial over all age groups. Younger offenders, who may have been treated more leniently in the past are now also being incarcerated at a greater rate.

**FIG 17: Incarceration Rates By Age Group
1980 vs. 1983**



B. MINIMUM SENTENCES TO CORRECTIONAL FACILITIES

Increased conviction and incarceration rates have also been associated with increases in average minimum term of sentence, depending on the offense and place of confinement. Between 1980 and 1983, the overall average minimum term of court commitments to State Correctional Institutions increased by about one month (32.4 to 33.5 months). These figures (based on court data) exclude sentences to regional facilities, as their minimum terms are more similar to those in county jails.

Perhaps of greater importance than the overall increase in average minimum are the changes that have occurred in the distribution of minimum terms.

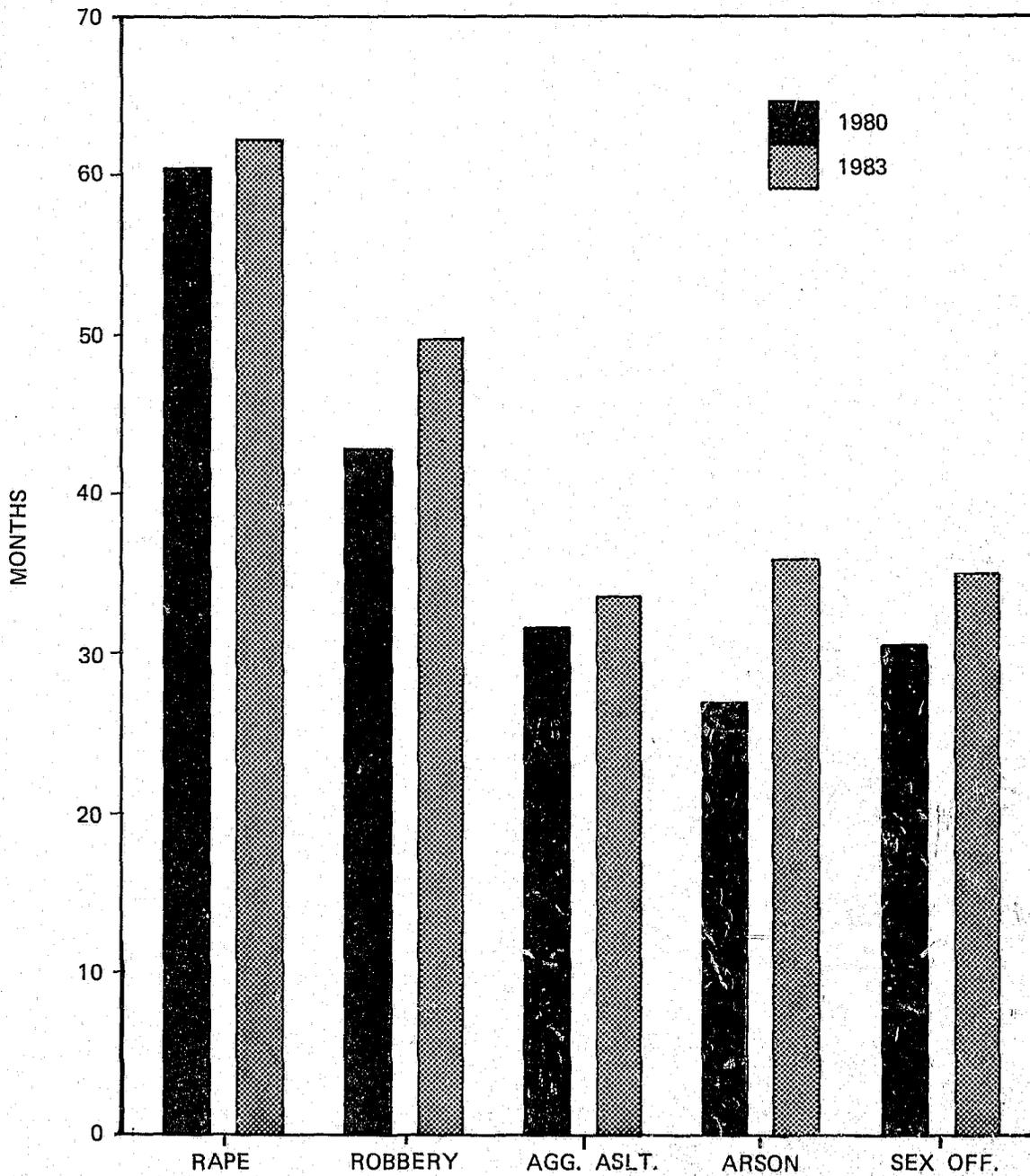
TABLE 1
Average Minimum Term Distribution to State Correctional Institutions
(excluding regionals)
1980 vs. 1983

Minimum Range	Number of Persons					Change in Average Minimum (in Months)
	1980	(% of Pop.)	1983	(% of Pop.)	% Change in Persons	
1 year or less	709	(31%)	983	(26%)	+ 39%	- .32 mos.
Over 1 yr. to 2 yrs.	692	(30%)	1179	(31%)	+ 70%	- .03 mos.
Over 2 yrs. to 3 yrs.	349	(15%)	629	(17%)	+ 80%	- .31 mos.
Over 3 yrs. to 5 yrs.	308	(14%)	628	(17%)	+ 104%	+ .11 mos.
Over 5 yrs. to 10 yrs.	221	(10%)	350	(9%)	+ 58%	-2.64 mos.
Over 10 years	*		*			

* Too small to be of significance

Table 1 reveals increases in the number of persons sentenced within all minimum term ranges. While those receiving sentences of two years or less continue to make up the majority of the population, the percentage of this population decreased from 61 % in 1980 to 57 % in 1983. The proportion of those sentenced within the over three to five year range went from 14 % to 17 % during the same period. Of further significance is that the number of persons sentenced within this range more than doubled from 1980 to 1983 and showed the only increase in average minimum term. Although the increase appears minor, this, in combination with the percentage increase in persons, was enough to increase the overall minimum term by one month. Although the sheer numbers of persons sentenced within the lower ranges can counteract any major increases in overall average minimums, it is the upper range of sentences that can have long term impact on the correctional population. Figure 18 reveals specific offenses where the largest increase in minimum terms are found.

FIG 18: Offenses Showing The Largest Increase In Minimum Term State Prison Sentences 1980 vs. 1983



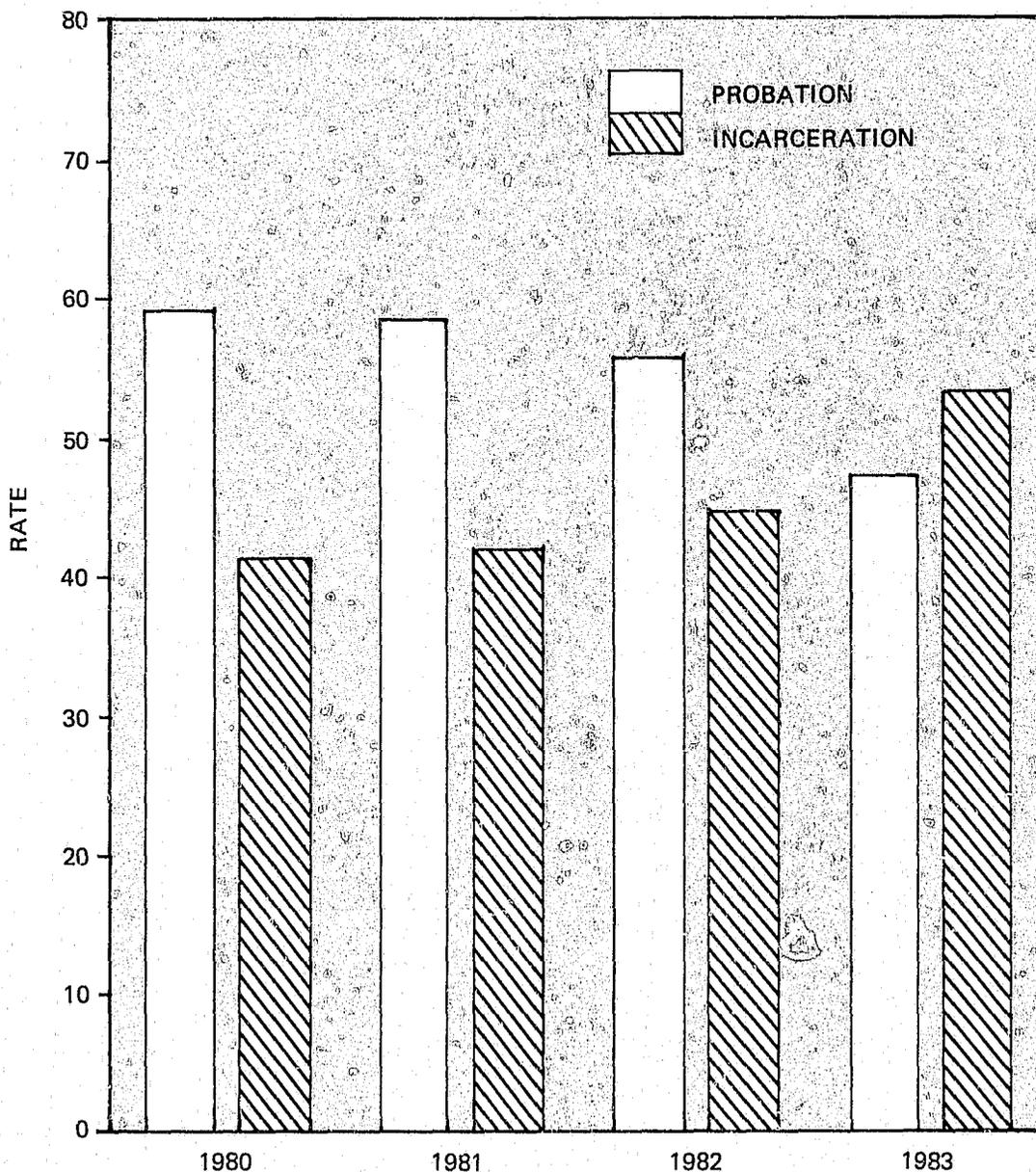
The average minimum term of sentences to county jails and regional facilities combined has not changed noticeably. Minimum terms for violent and property offenses remain, on the average, between the range of six to seven months. Minimum terms for all other offenses remain between four and five months.

C. THE DECISION TO GRANT PROBATION OR TO INCARCERATE

Over the years, probation has generally been the most frequently used sentence upon conviction. While court data indicates that the number of probation sentences increased by 16% from 1980 to 1983, it also reveals that probation as a proportion of all convictions has declined from 44.2% to 35.4%.

Particularly striking is the decrease in the probation rate as a percentage of probation and incarceration dispositions combined.

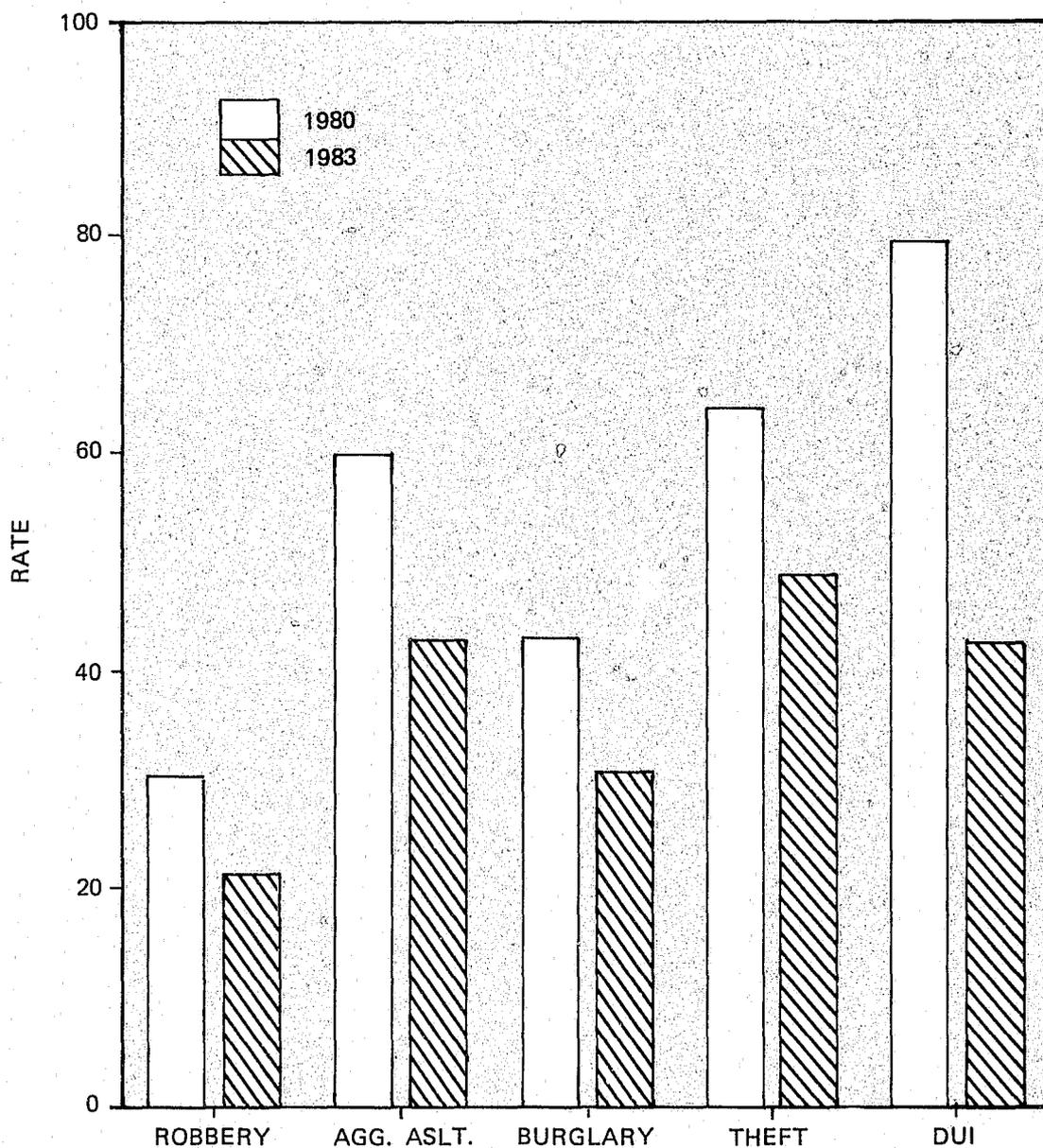
FIG 19: Probation Rate: (Prob. & Incar. Sentences Combined) 1980-1983



Probation was granted in 59% of the cases in 1980 but dropped to 47% in 1983, and so is now less common a sentence than incarceration.

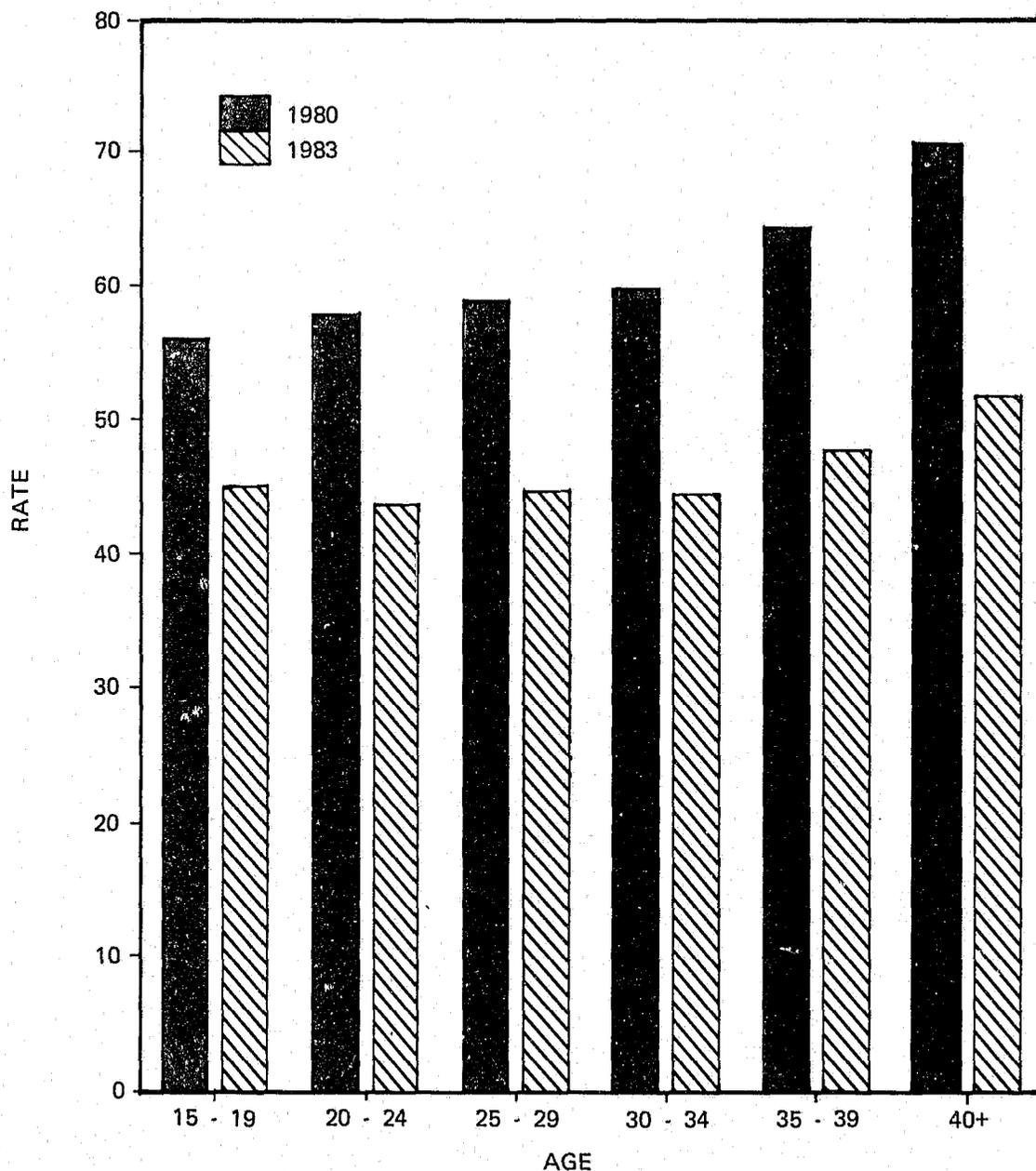
The shift in the more frequent use of the incarcerative sanction has generally occurred across all offenses - from murder, rape, robbery, and other Uniform Crime Report index offenses to crimes such as forgery, fraud, receiving stolen property, and driving under the influence (DUI). The following graph points to the decreased use of probation.

FIG 20: Decline In Probation Rate By Selected Offense
1980 vs. 1983



The decline in the rate of probation sentences can be seen as one outcome in the overall increasing severity by the courts toward convicted defendants. This trend occurs with most offenses, but also across all age groups.

FIG 21: Rate of Probation Sentences By Age Group
1980 vs. 1983



We also looked at the prevalent offenses for which probation was most often used. While these offenses have generally not changed, there has been a notable difference in Aggravated Assault. In 1980, 40% of all convictions resulted in probation. This figure decreased to 30% in 1983.

The trend toward harsher sentences has not affected the average length of a probation term, which remained fairly constant at two years.

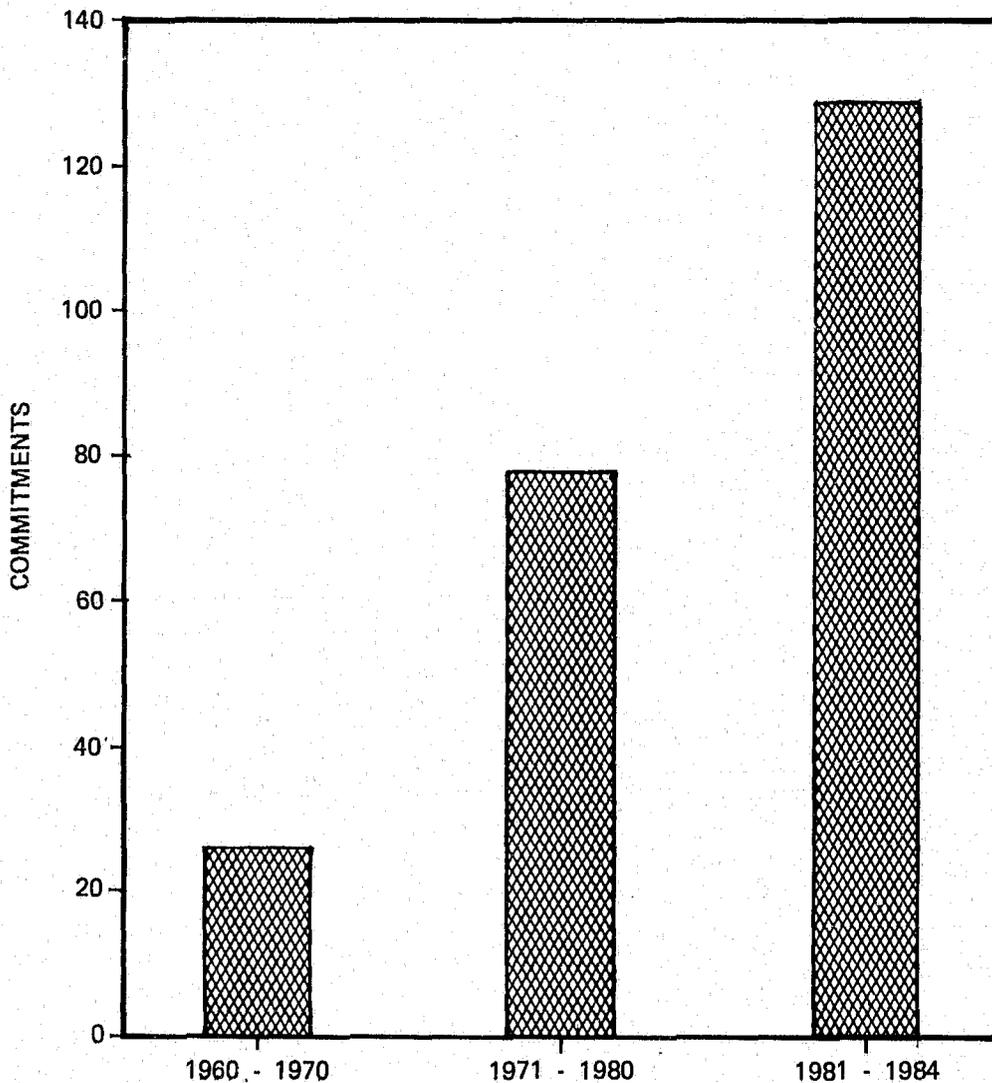
D. LIFERS

The number of inmates serving life sentences in the Department of Corrections has continued to swell over the past five years. End of year figures for 1984 indicate that this population segment has risen by 49.3% since 1980.

There are perhaps two major reasons for the rise in the lifer population. One is a greater tendency by courts and juries to convict a higher proportion of criminal homicide defendants of first or second degree murder. (Both carry automatic life sentences. First degree can result in a death sentence.) The proportion of homicide defendants convicted of first or second degree murder rose from 31% in 1980 to 37% in 1983.

Increased conviction rates have resulted in more frequent commitments of inmates serving life sentences to the Department of Corrections. This is particularly striking in the average commitments per year over the past two decades.

**FIG 22: Average Lifer Commitments Per Year
1960-1984**



Section II: Courts' Response To Crime

Another reason for the rise in lifers is the less frequent use of clemency. In Pennsylvania, the only way a life prisoner can be released is through a commutation of the sentence. This commutation basically sets a new minimum term, and upon completion the inmate can be considered for parole. Prior to 1979, there were about 30 commutations per year. Since 1979, there has been an average of one per year.

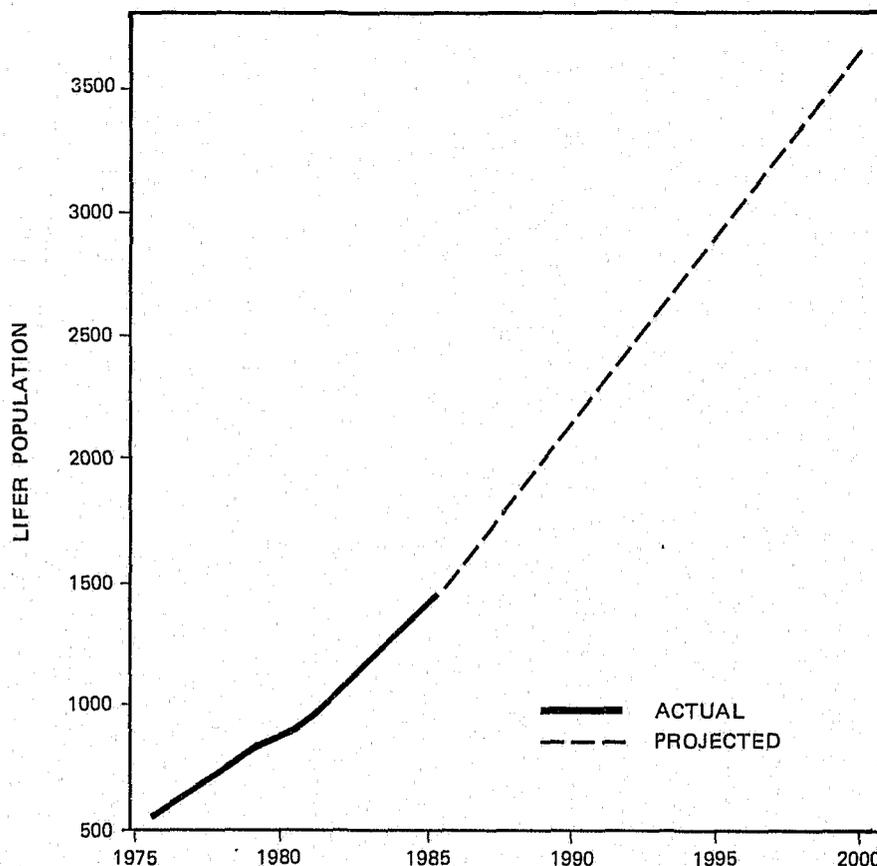
However, the impact of this reduction in commutations is far less significant than the growth in commitments. For example, historically inmates who have received commutations have served an average of 15 years before commutation. Only 10% of the present lifer population has served 15 years or more. The average time served of the current lifer population is about eight years and 69% have served less than ten years.

TABLE 2
Time Served Distribution of Lifers
Department of Corrections: December 31, 1984

Time Served to Date	Number of Lifers	Percent
Under 5 years	481	36.7%
5-9 years	420	32.0%
10-14 years	282	21.5%
15+ years	130	9.9%
Total	1313	100.0%

Continued growth in the use of life sentences and limited use of commutation will lead to continued growth of the lifer population in the Department of Corrections. If the 1984 commitment rate of 135 lifers per year were to continue and there were to be no releases, the lifer population will exceed 2,000 by 1990 and would reach 3,600 by 2000.

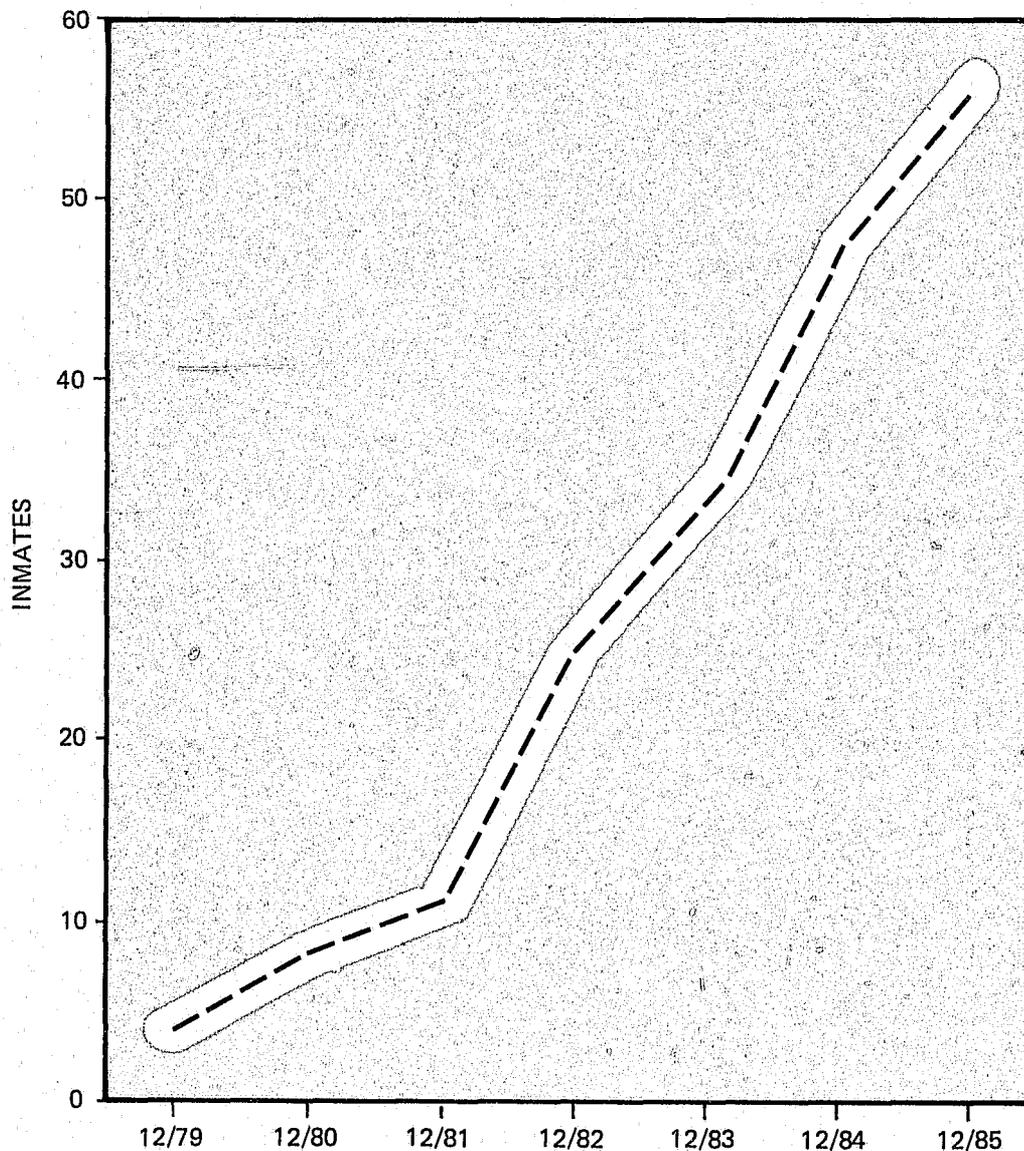
FIG 23: Lifer Population in Department of Corrections
1975-2000



E. DEATH ROW INMATES IN PENNSYLVANIA

Pennsylvania's death row population has grown quite rapidly since 1979 (the first full year after enactment of a new death penalty statute in 1978). The year end death row population rose from 4 (1979) to 56 (1985). Additionally, there are approximately 20 inmates in county jails who were sentenced to death by a jury and are awaiting formal judicial sentencing and transfer to the Department.

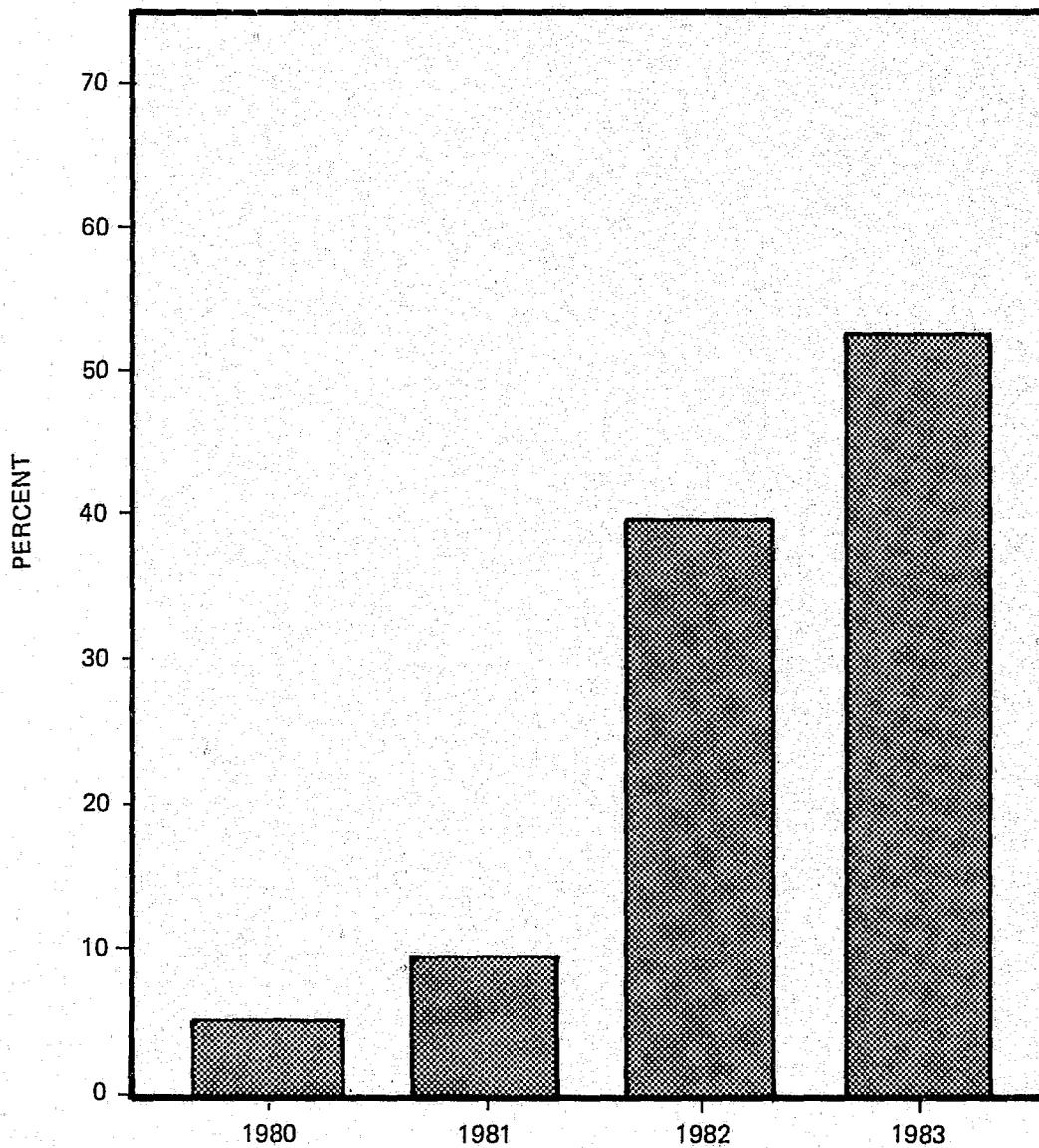
FIG 24: Death Row Inmates In Department of Corrections 1979-1985



With the rise in death sentences over the years, one might expect that first degree murder convictions have also increased, and that the propensity for death sentence renderings reflect that increase. However, court data indicate that the number of first degree murder convictions in 1983 represent a 31% decrease over 1980 figures. During the same time period, death sentences increased from 4 to 34 (+750%).

It appears that juries have become increasingly more prone to rendering a death sentence. The following graphic reveals the increase in the proportion of death sentences to Murder 1 convictions, from 5.1% in 1980 to 52.3% in 1983.

**FIG 25: Percent of Death Sentences to Murder 1 Convictions
1980-1983**



SECTION III: LEGISLATIVE REACTION TO CRIME

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A. Deterrent Effects of Five-Year Mandatory Minimum Sentencing Law	30
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<ul style="list-style-type: none">• Robberies with firearms decrease 42 %	
B. Response to Sentencing Guidelines	33
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<ul style="list-style-type: none">• 86 % of all sentences conform to sentencing guidelines• Conformance to sentencing guidelines is one factor in rising incarceration rates	
C. Pennsylvania's New Driving Under the Influence (DUI) Law	35
<hr/>	
<ul style="list-style-type: none">• Significant increases have occurred in DUI arrests (+ 55 %) and commitments to county jails (+ 900 %) from 1981 to 1984• Alcohol-related fatal accidents decreased 23 % from 1981 to 1983	
D. Sale or Manufacture of Narcotics	38
<hr/>	
<ul style="list-style-type: none">• Higher percentage of drug dealers serving longer state sentences	

A. DETERRENT EFFECTS OF FIVE-YEAR MANDATORY MINIMUM SENTENCING LAW

Act 54 of 1982 (which became effective on June 6, 1982) provides for a five year mandatory minimum prison term for certain violent felonies or attempts (third degree murder, robbery, aggravated assault, kidnapping and arson) committed by individuals who: (a) used a firearm in the commission of the offense; (b) have previously been convicted of a violent crime; or (c) commit violent crimes on public transportation systems.

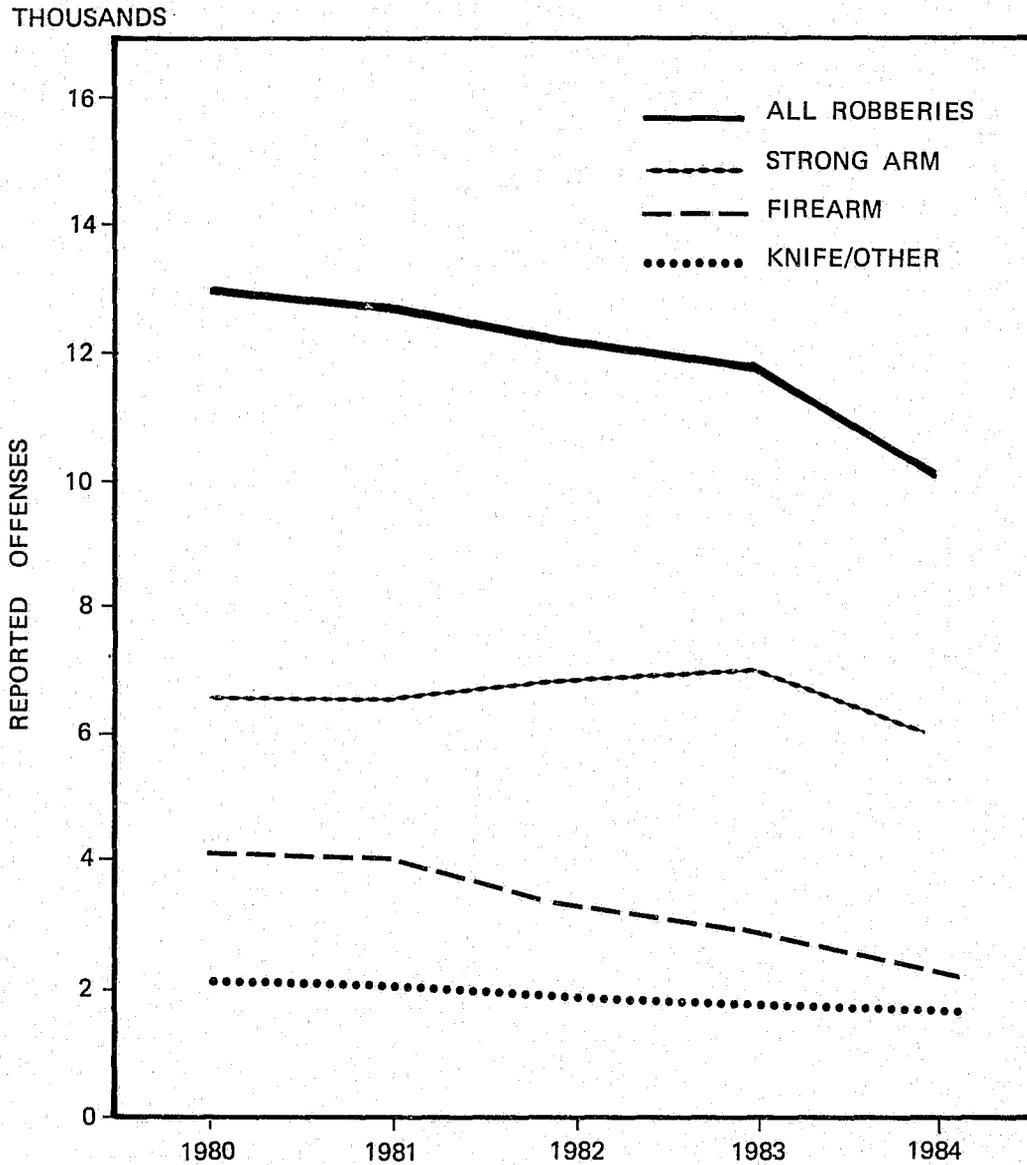
This section examines offenses reported to police before and following the effective date to determine if there were significantly fewer offenses than would have been expected without Act 54. Table 3 shows the incidence of robberies and aggravated assaults committed during the months of June through December for the year prior to the effective date of Act 54 and for two years following the effective date.

TABLE 3
REPORTED ROBBERIES AND AGGRAVATED ASSUALTS: June to December 1981-1984

	1981	1982	% Change 1981-82	1983	1984	% Change 1981-84
UCR Part I	258,173	248,568	- 3.7	226,349	218,231	- 15.4
UCR Part I Person	25,905	25,351	- 2.1	23,758	19,577	- 24.4
All Robberies	12,720	12,165	- 4.4	11,820	10,154	- 20.0
With Firearms	4,061	3,309	- 18.5	2,966	2,350	- 42.1
With Knife	1,490	1,417	- 4.9	1,342	1,255	- 15.7
With Other Weapon	584	549	- 6.0	492	502	- 14.0
Strong Arm	6,585	6,890	+ 5.1	7,020	6,057	- 8.0
(Subtotal, non-firearm)	8,659	8,856	+ 2.3	8,854	7,814	- 9.7
All Aggravated Assault	11,190	11,252	+ 0.6	10,062	10,542	- 5.7
With Firearms	1,887	1,765	- 6.5	2,459	1,402	- 25.7
With Knife	2,408	2,573	+ 6.9	2,341	2,443	+ 1.4
With Other Weapons	2,125	2,141	+ 0.8	1,978	2,245	+ 5.6
With Hands (agg.)	4,770	4,773	+ 0.1	4,284	4,452	- 6.6
(Subtotal, non-firearm)	9,303	9,487	+ 2.0	8,603	9,140	- 1.7

The data shows that robberies with guns dropped 18.5% the first year, and by 1984 the decrease was 42.1%. For comparison, all robberies fell by 20%, indicating a relative shift away from the use of guns in the commission of robberies.

**FIG 26: Robberies Statewide By Weapon
June - December 1980-1984**

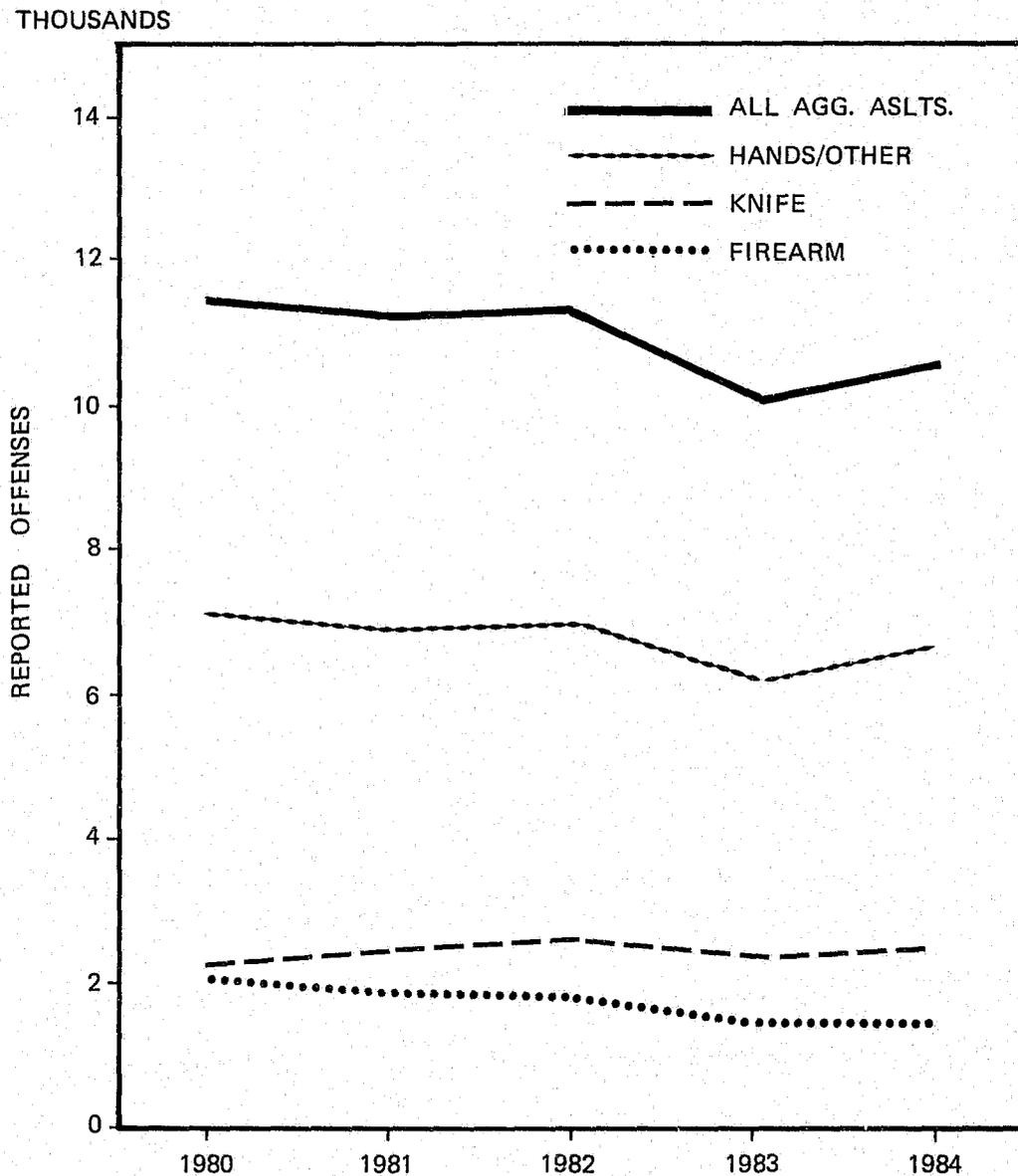


National crime data (UCR) shows that the fraction of robberies committed with guns fell from 40.1% to 35.8% from 1981 to 1984; a decrease of 10.7% (4.3 percentage points). During the same period, the fraction of robberies with guns in Pennsylvania fell more sharply from 32.7% to 24.9%; a drop of 23.9% (7.8 percentage points). The national data points to a trend, indicating that some of the decrease in Pennsylvania may have occurred without Act 54. However, it is reasonable to conclude that the enactment of five year mandatory minimum sentencing contributed to the larger reduction experienced in Pennsylvania.

Section III: Legislative Reaction To Crime

Because aggravated assault is more of a crime of passion and less premeditated than robbery, one would expect the threat of a long prison sentence to be somewhat less effective as a deterrent. The relatively less dramatic drop in aggravated assaults with guns relative to the overall drop in reported aggravated assaults is consistent with this hypothesis. In the first year, gun assaults fell 6.5% compared to a slight rise of 0.6% in the incidence of all aggravated assaults. By 1984, the third year following the effective date of Act 54, gun assaults had declined a total of 25.7% contrasted with a decrease of 5.7% overall.

**FIG 27: Aggravated Assaults Statewide By Weapon
June - December 1980-1984**



Data indicates that the shift away from the use of guns was accompanied by a relative increase in the number of strong arm robberies (no weapon) and aggravated assaults with knives.

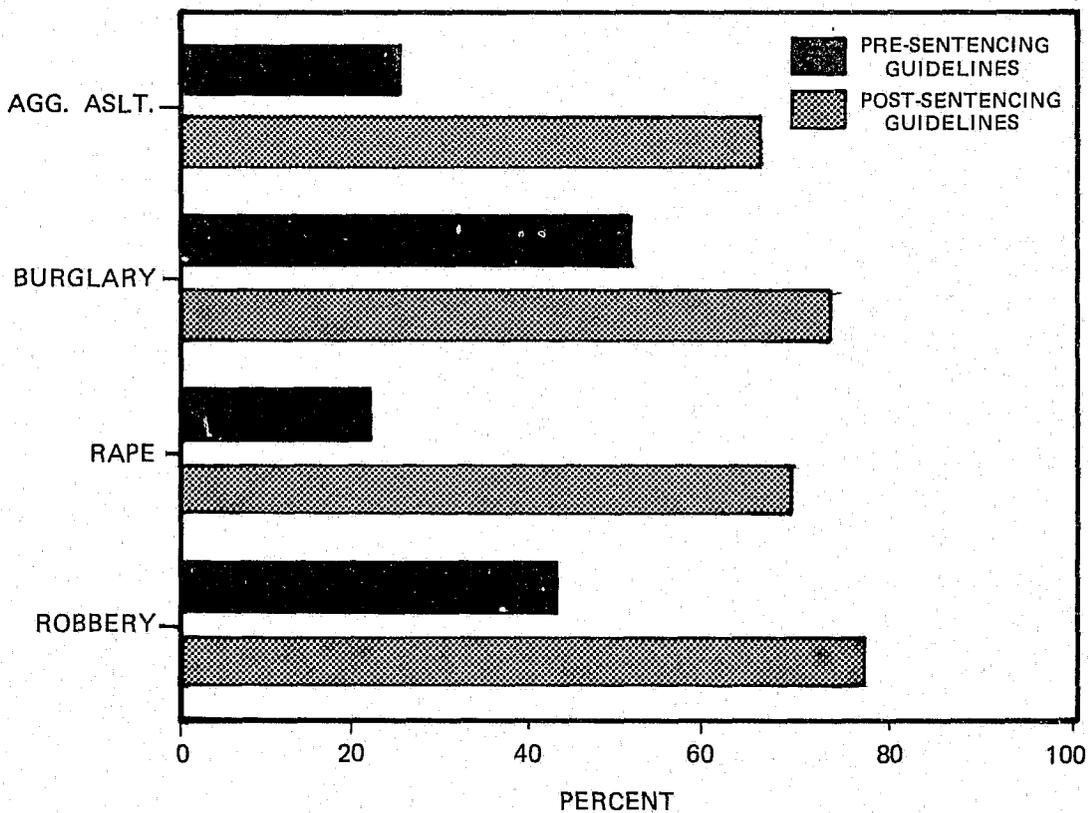
B. RESPONSE TO SENTENCING GUIDELINES

In 1979, the General Assembly established the Pennsylvania Commission on Sentencing in order to promulgate sentencing guidelines. The guidelines, which became effective in July of 1982, were intended to bring uniformity to sentencing practices and to take into account the seriousness of the offense and the criminal history of the offender. The Commission prescribed a "grid" based on offense severity and offender history in which a range of minimum terms was suggested, along with an aggravated or mitigated range. Although a judge is not required to comply with the guidelines, his reasons for non-compliance must be stated in writing. Approximately 86% of all sentences in 1984 were in agreement with those recommended by the sentencing guidelines. Twelve percent of all sentences falling outside the guidelines were less severe than the guideline recommendations and 2% were more severe.

In order to determine the impact of sentencing guidelines, we looked at compliance rates, incarceration rates, and average minimum terms for selected offenses prior to the guidelines (sentences imposed in 1980) and after the guidelines (sentences imposed in 1984). Selected offenses shown are Rape, Robbery, Aggravated Assault and Burglary, as these crimes account for over 50% of sentenced prisoners in Pennsylvania. The Sentencing Commission applied all guideline criteria, including prior record gravity scores, to 1980 sentences.

The following graph indicates that judicial sentencing has significantly shifted into conformance with the guidelines.

FIG 28: Percent of Sentences Conforming to Guidelines Pre & Post Sentencing Guideline Implementation



As sentence uniformity and compliance have increased, so has the incarceration rate and length of sentence imposed. The following graphs show that the percent incarcerated and the average length of sentence have both increased through some combination of the effect of the guidelines and the general increase in sentencing severity.

FIG 29: Percent of Convictes Incarcerated by Selected Offense Pre & Post Sentencing Guideline Implementation

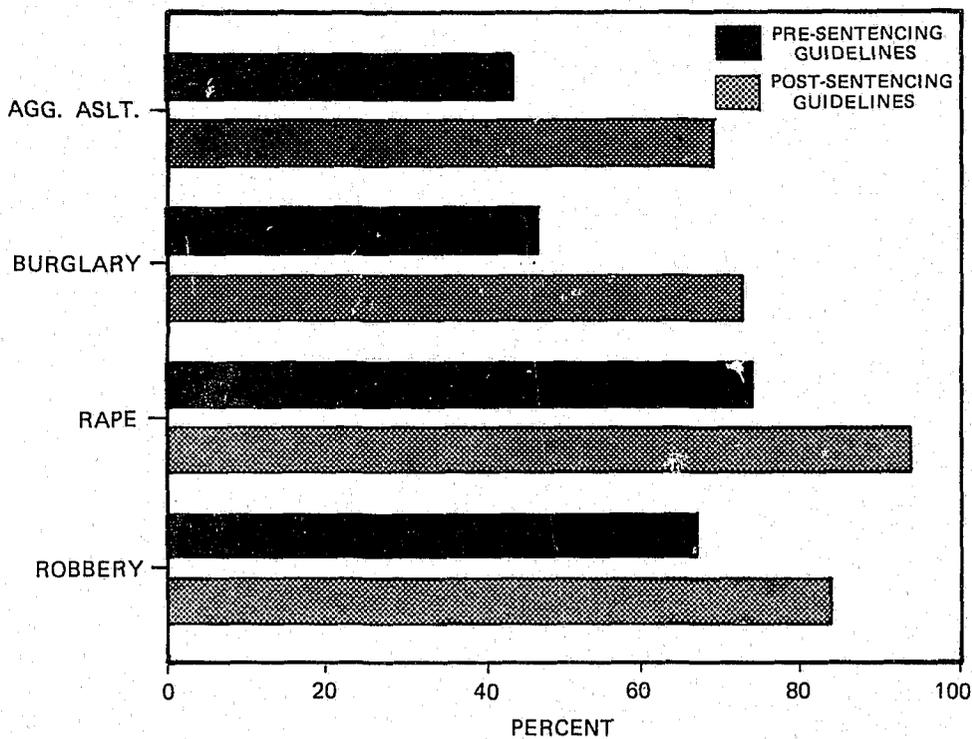
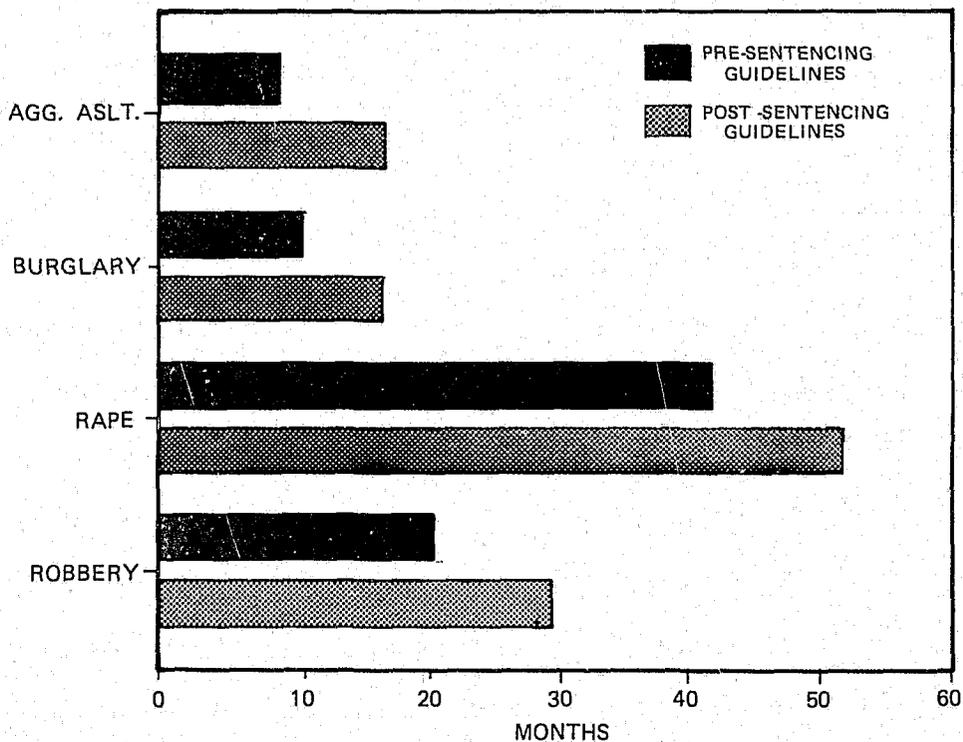


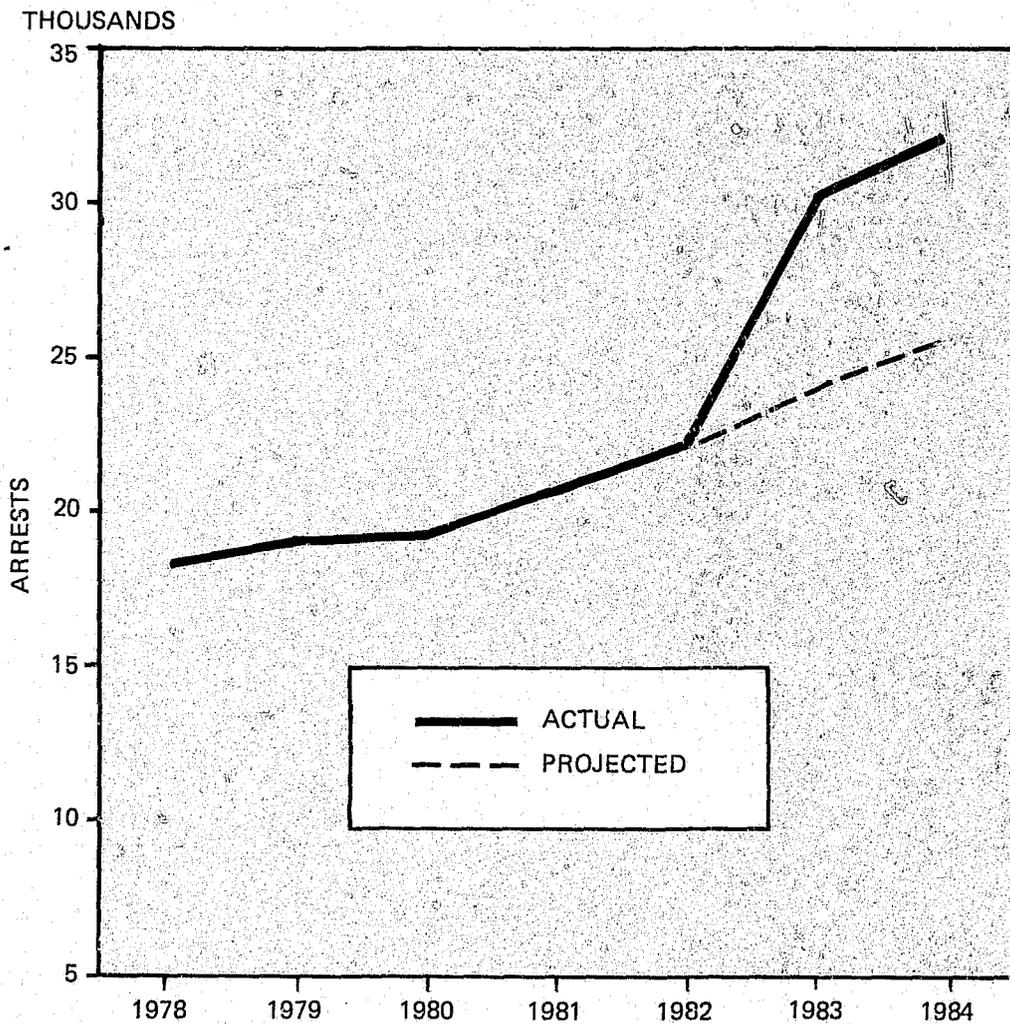
FIG 30: Average Incarceration Sentence By Selected Offense Pre & Post Sentencing Guideline Implementation



C. PENNSYLVANIA'S NEW DRIVING UNDER THE INFLUENCE (DUI) LAW

In 1982, the Pennsylvania Legislature passed Act 289 which became effective in January 1983. Act 289 was aimed at reducing drunken driving in Pennsylvania by increasing arrests and providing surer punishment for offenders. As the following graph indicates, from 1981 through 1984 actual arrests were considerably higher than would have been projected before the passage of the law. We have also witnessed a 23% decrease in alcohol-related fatal accidents from 1981 to 1983.

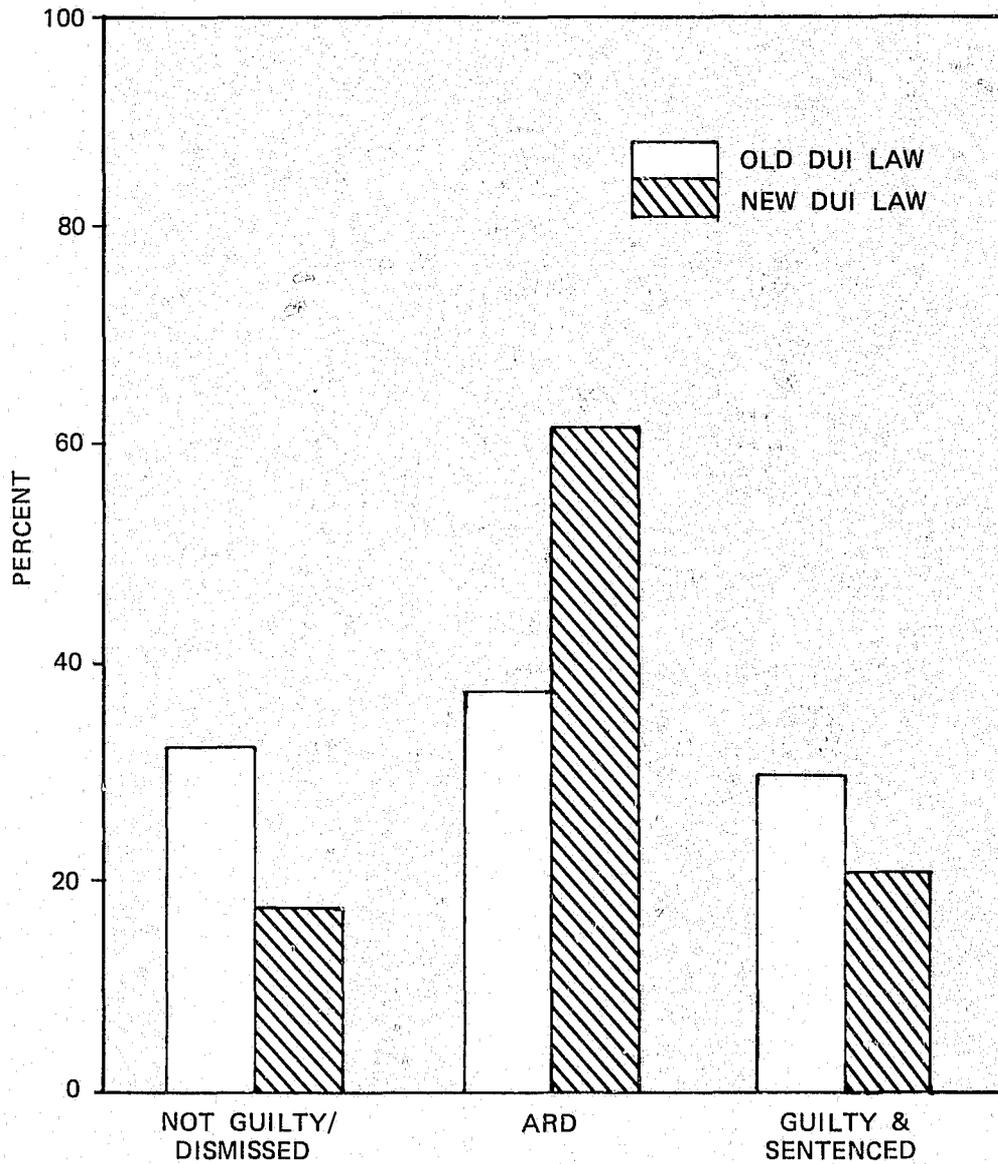
FIG 31: Actual Versus Projected DUI Arrests 1978-1984



These additional arrests constitute an increased workload for the police and the courts who must process the defendants. As Figure 32 shows, the percentage of DUI defendants receiving some sort of penalty or rehabilitative sentence (ARD*) has risen from 68% in 1981 to 83% in 1983 under the new law. The guilty fraction, however, has been reduced from 29.3% to 20.3%.

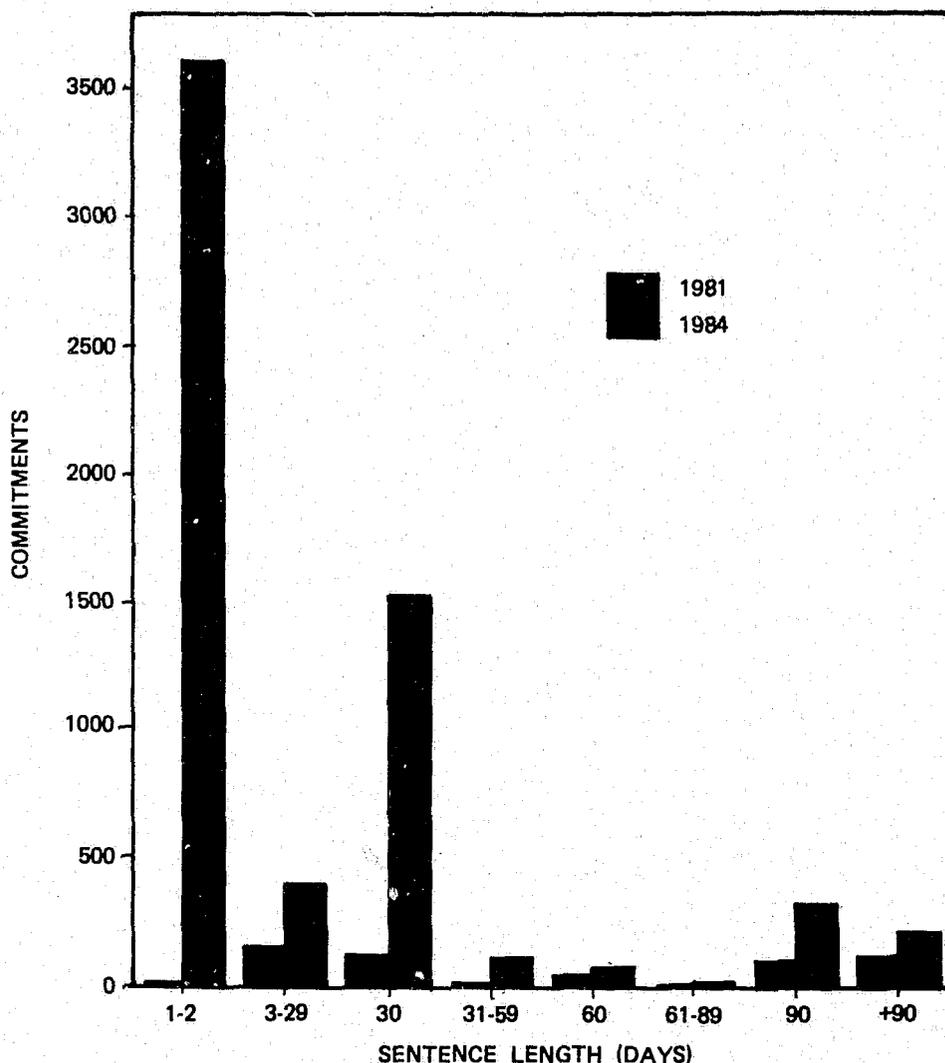
*Under the conditions of Accelerated Rehabilitation Disposition (ARD), the defendant agrees to certain restrictions and to participate in rehabilitative programs without going through the process of determining guilt or innocence.

FIG 32: Percent Distribution of Court Dispositions For DUI Offenders Processed



The combination of increased arrests and harsher or more certain punishment has resulted in dramatic workload increases in county jails and probation departments. While most DUI offenders who are jailed receive only two-day sentences, overall, DUI commitments to county jails have increased by 900% from 1981 to 1984. Also, the many people who received ARD or two-day sentences are vulnerable to longer sentences if re-convicted. This could represent a continuing factor of growth in county jail workloads.

**FIG 33: Sentence Length Distribution of
DUI Commitments To County Jails
1981 vs. 1984**



Probation departments, which supervise offenders who receive ARD sentences and also often run Alcohol Highway Safety Programs for all DUI offenders found guilty or receiving ARD, may be feeling the impact of the new law even more acutely than jails. DUI cases now account for nearly 30% of all probation cases. Table 4 details these increased caseloads.

**TABLE 4:
DUI Probation Department Caseloads
(1981 to 1983)**

	1981	1982	1983	% Increase
No. Receiving DUI Probation or ARD	12,083	13,790	18,239	+ 51 %
Average Daily DUI Caseload	11,951	13,979	18,239	+ 53 %
Alcohol Highway Safety Program Caseloads	6,291	10,595	20,151	+ 191 %

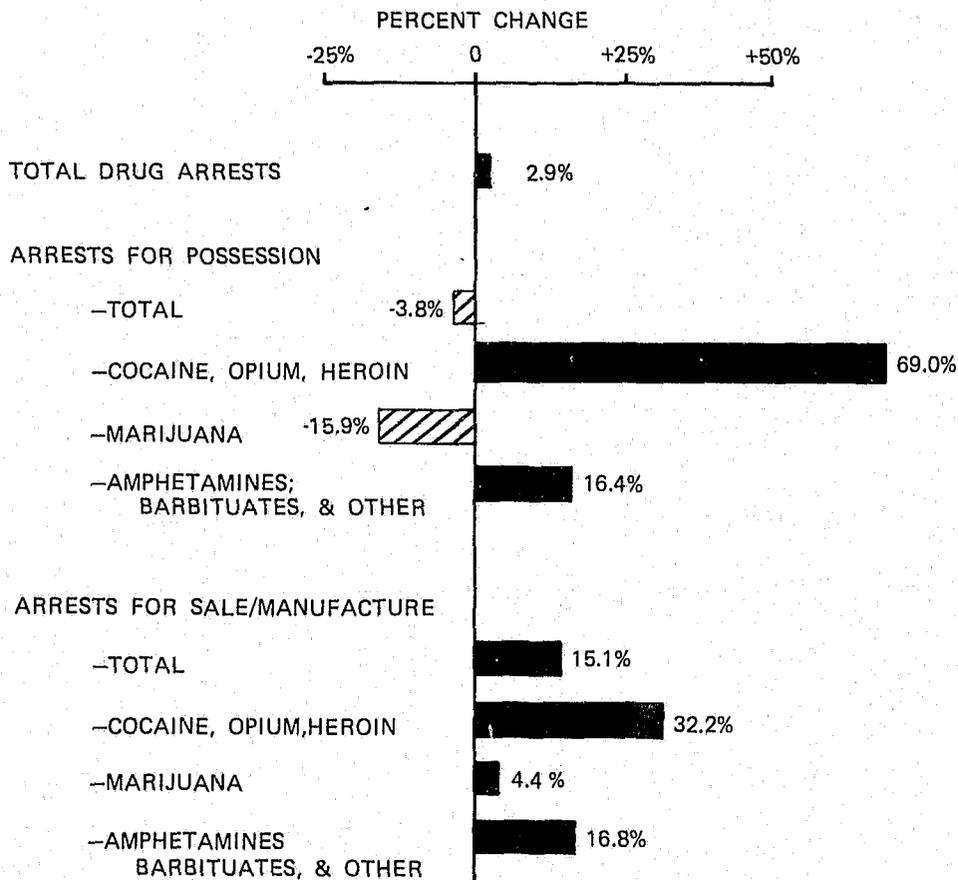
D. SALE OR MANUFACTURE OF NARCOTICS

State data for years 1980-1984 indicate that arrests for drug law violations have increased by about 3%. However, as Figure 34 points out, arrests for the sale or manufacture of various drugs have increased substantially more than overall arrests for possession. While arrests for possession of opiates have increased 69%, the number of these arrests are not large and represent less than 10% of all drug arrests.

TABLE 5
1984 Distribution of Drug Arrests

	Number of Arrests	% of All Drug Arrests
Possession Of:		
Opiates	1,405	9.7%
Marijuana	5,869	40.8%
Amphetamines, Barbituates, Other	1,327	9.2%
Sale Of:		
Opiates	1,870	13.0%
Marijuana	2,537	17.6%
Amphetamines, Barbituates, Other	1,354	9.4%

**FIG 34: Comparison of Drug Arrest Data
1980 vs. 1984**



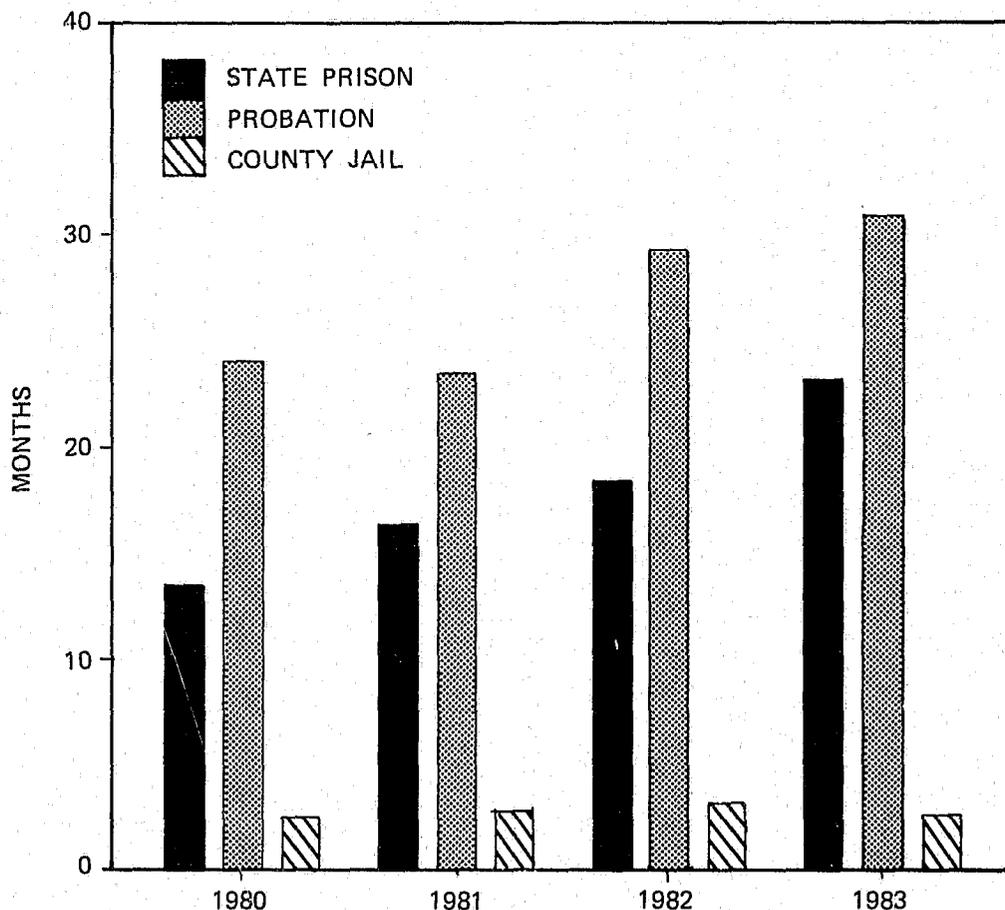
Section III: Legislative Reaction To Crime

In 1983, the issue of drugs became a target of the Legislature in the introduction of S. B. 924, which calls for stiffer penalties for drug law violations, particularly for those convicted of sale. This bill was signed by the Governor in December of 1984 (Act 1984-200). Given the present concern with drug sales, we investigated court data for years 1980 through 1983 to determine any developing trends. The general findings are that the conviction rate has declined from 45% to 40% but the incarceration rate has increased from 19% to 21%.

Since 1980, the proportion of incarceration sentences (for drug sales) to be served in state correctional institutions has risen from 26.5% to 29.5%. In 1980, 76.6% of all state prison sentences for sale of drugs had a minimum term of less than two years. In 1983, 45.8% of minimums were for less than two years.

The terms of sentence for those receiving probation have also increased. Fifty-nine percent of probation sentences in 1980 were for two years or more, while the 1983 figure was 92%. Clearly, sentence lengths imposed for the sale of drugs has increased. Figure 35 reflects this increase, and points out that the average minimum term for SCI sentences has increased substantially; from 13 months in 1980 to 23 months in 1983. Minimum terms for county jail sentences have remained about the same, reflecting the fact that more persons are being sentenced to state prison terms.

FIG 35: Average Minimum Term Received For Sale Of Drugs By Type Of Sentence 1980-1983



While it remains true that the majority of defendants convicted of drug sales receive probation (71.2%), a larger percentage of those convicted are being sent to state prisons for a longer period of incarceration than was the case a few years ago.

SECTION IV: THE STRAIN ON SYSTEM RESOURCES - INSTITUTIONS, COURTS, AND PROBATION AND PAROLE

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<ul style="list-style-type: none">• As 1986 commences, more than 130,000 people are under correctional supervision, representing 1 % of Pennsylvania's civilian population	
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C. Commitments to Prisons and Jails	46
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<ul style="list-style-type: none">• County jail commitments up 75 % since 1980• Department of Corrections experiences 31 % increase in commitments since 1980• Excess of admissions over releases strains institutions	
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<ul style="list-style-type: none">• Average time served in the Department of Corrections expected to increase from the current 22 months to 32 months by 1990• Commitments to state prisons with minimum terms of over three years increased by 76 % from 1980 to 1984• Robbery minimums rose from 36 months in 1980 to 46 months in 1984	
E. Projections of Pennsylvania's Prison Populations	52
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F. "State Prisoners" in County Jails	54
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<ul style="list-style-type: none">• Over 22 % of sentenced prisoners in county jails could serve their sentences in state prison• 4000 inmates destined for state prison incarceration are stacking up in county jails• Time from initial detention in jail to transfer to state prison has increased	

G. Negotiated Pleas **57**

- Most often utilized in Rape, Aggravated Assault, and Arson cases
- Incarceration rates and minimum terms lower for negotiated pleas

H. Disposition of Third Degree Misdemeanors **60**

- 65% of third degree misdemeanors disposed at the District Justice level

I. Parole Caseloads and Trends **61**

- Fewer paroles of those eligible (74% in 1980 to 69% in 1984)
- The recommitment rate per 1,000 supervised cases rose from 38.8 in 1980 to 53.8 in 1984
- The average agent caseload of 64.0 increased to 74.1 from 1980 to 1984

J. Proportion of Minimum Sentence Served by Inmates **62**

- Fewer inmates are being released at the expiration of their minimum term

K. Accelerated Rehabilitative Disposition (ARD) **64**

- Volume of ARD dispositions has increased by 41% from 1980 to 1983
- DUI represents almost 50% of ARD dispositions

A. CURRENT CORRECTIONS PROFILE

As 1986 commences, the correctional system has the following populations:

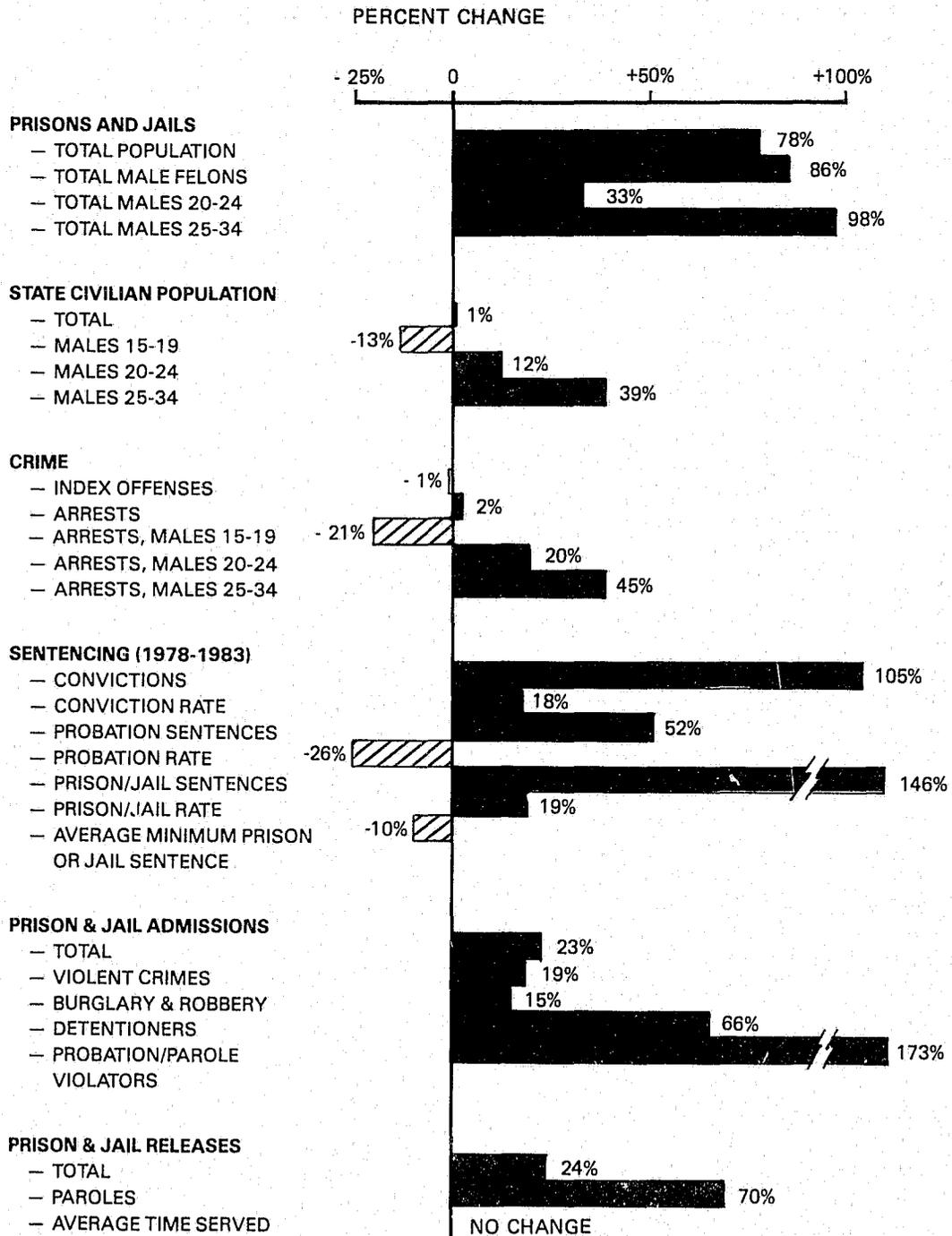
- There are approximately 25,000 inmates incarcerated in our state and county institutions.
- There are over 15,000 people under state probation and parole supervision.
- There are over 90,000 people under county probation and parole supervision.

An unprecedented number of people are passing through the criminal justice system, straining the resources of the courts, probation and parole, and correctional facilities. Today, the probability of going to prison or jail for a crime is greater than ever. Mandatory sentencing, sentencing guidelines, and driving under the influence legislation have all contributed to current crowding. In addition, the public voice for a tougher stance on crime is being heard by judges who are now imposing harsher sentences for crime in general.

B. THE FACTORS BEHIND OVERCROWDING

At year-end 1984, Pennsylvania prisons and jails housed over 23,000 inmates; approximately 10,000 more than were incarcerated in 1977. The major factors responsible for this increase are shown in the following graph.

**FIG 36: Prison and Jail Population and Related Indicators
(Change From 1977 To 1984, Except As Noted)**



Section IV: The Strain on System Resources - Institutions, Courts and Probation and Parole

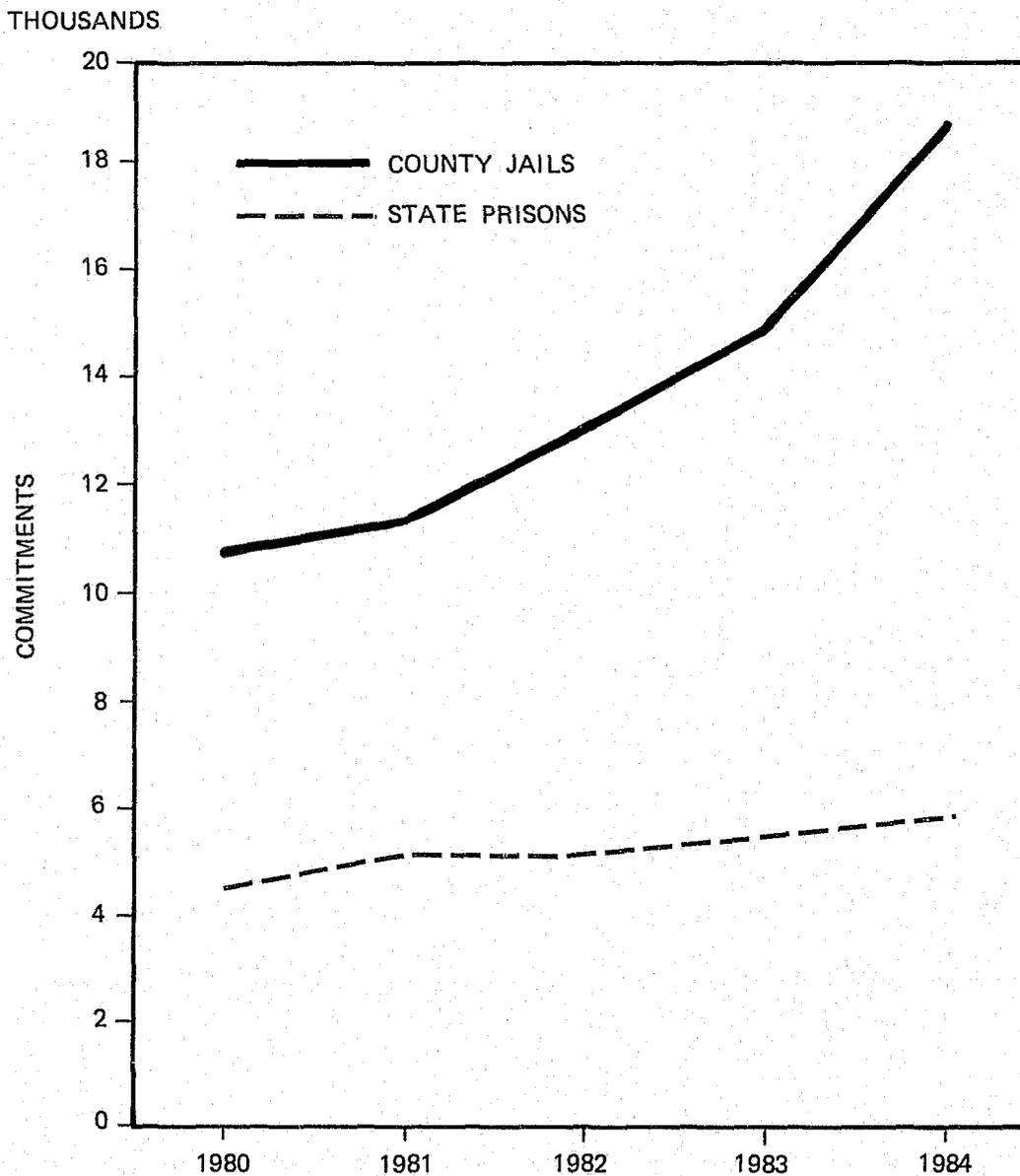
Any discussion of the prison and jail crowding must begin with the demography of the state's civilian population and how changes in demographics influence crime and prison population growth. The civilian population of Pennsylvania is aging. As shown in Figure 36, the number of males between the ages of 20-34 has increased while males aged 15-19 are declining. This demographic change is amplified by the relative growth in the number of males arrested within these age groups. The significance of this in terms of prison growth is that the individuals who have occupied the age group (15-19) of high criminal activity are moving into the later incarceration-prone years. An individual is more likely to be arrested at the age of 17, but far less likely to be incarcerated. As the criminal's career continues, however, it is more likely that an arrest and conviction will result in a prison term. What we are witnessing, then, is a continual decline in the crime rate countered by increasing prison populations.

According to the sentencing segment, the number of convictions, probation sentences and prison sentences are all up substantially from 1977. The rate of conviction is up and probation rates have declined, while the rate of prison and jail sentences rose 19%. What has happened over the past few years is that not only have we seen a large influx of adult criminals coming into the system, but we are convicting and incarcerating the repeat offender.

C. COMMITMENTS TO PRISONS AND JAILS

Commitments to both county jails and state prisons have increased every year since 1980. Court admissions to county jails increased by almost 75% (1980 to 1984), while commitments to the Department of Corrections increased 31%.

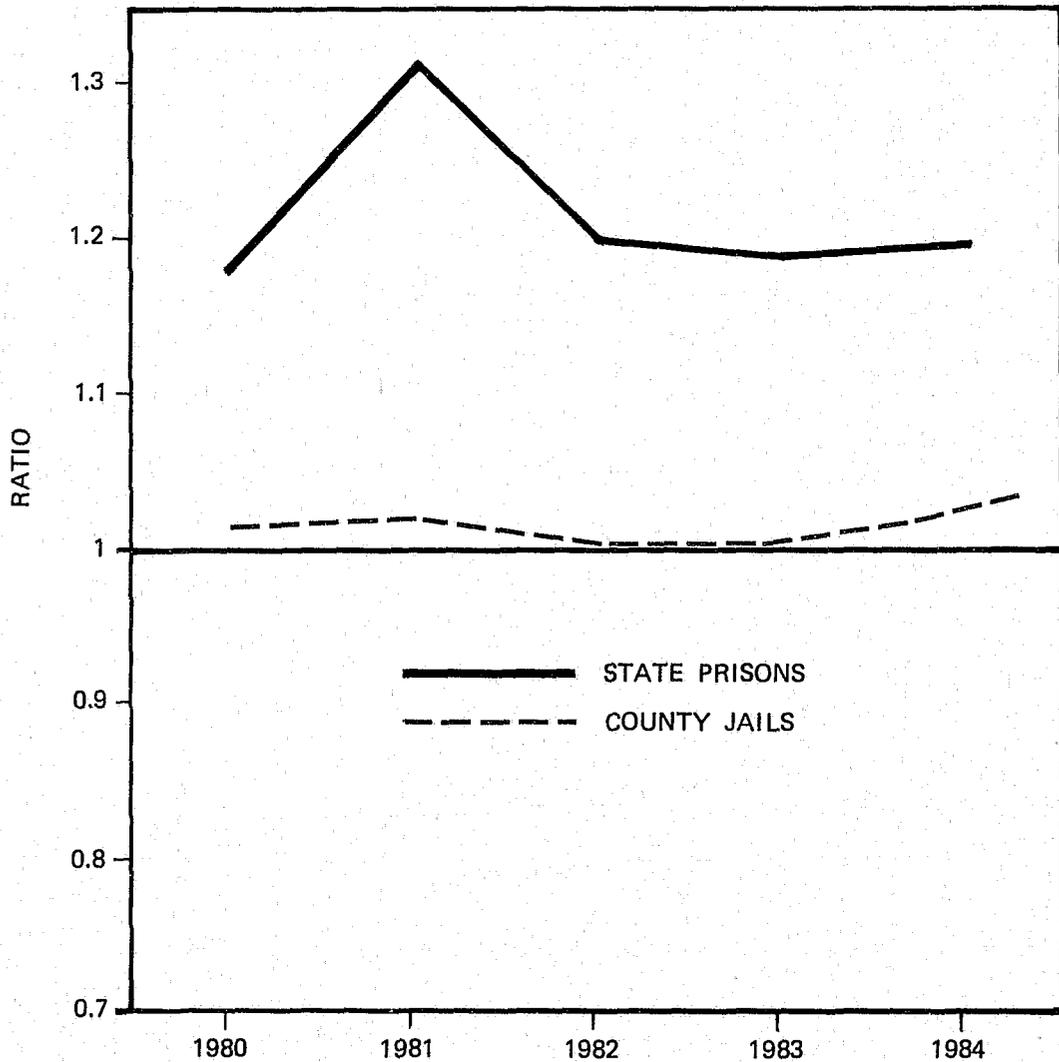
**FIG 37: Commitments To County Jails and State Prisons
1980-1984**



Section IV: The Strain on System Resources - Institutions, Courts and Probation and Parole

Over the past several years, our prisons and jails have been taking in more inmates in a year than are annually released, which contributes to the overcrowding situation. Figure 38 represents the ratio of prison and jail admissions to releases. Data points above the dotted line (a one-to-one ratio) indicate the degree of imbalance (stacking) in the admission/release flow, which was at a peak in 1981 for state prisons.

FIG 38: Ratio Of Prison And Jail Admissions To Releases 1980-1984



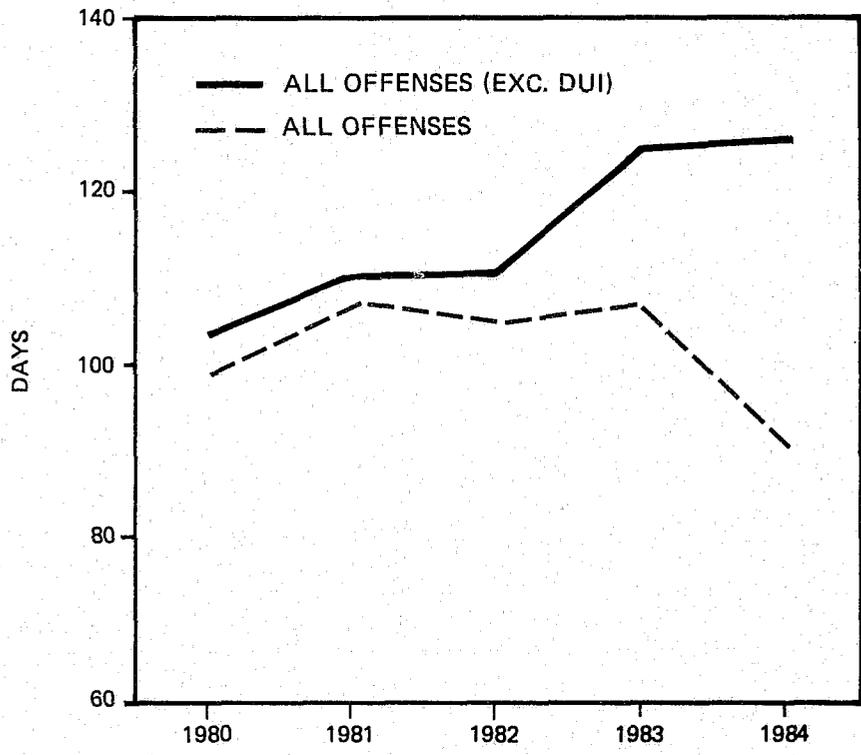
The ratio line for state prisons shows a decline and subsequent leveling off after the 1981 peak. The county jail line, with some variation, hovers close to the one-to-one ratio line. Despite the relative balance in admissions and releases, correctional facilities continue to experience overcrowding.

There are, of course, additional factors causing overcrowding other than gross numbers of admissions and releases. These interrelated factors are time served and minimum term of sentence.

D. TIME SERVED AND MINIMUM TERM IN CORRECTIONAL INSTITUTIONS

Overall time served by sentenced inmates released from county jails has decreased, on the average, by about ten days. However, this average reduction is due to the large number of very short DUI (Driving Under The Influence) sentences received since 1983. In the following graph, average time served is shown for all offenses and for all offenses excluding DUI; the latter curve shows a continuous increase of about three weeks from 1980 to 1984.

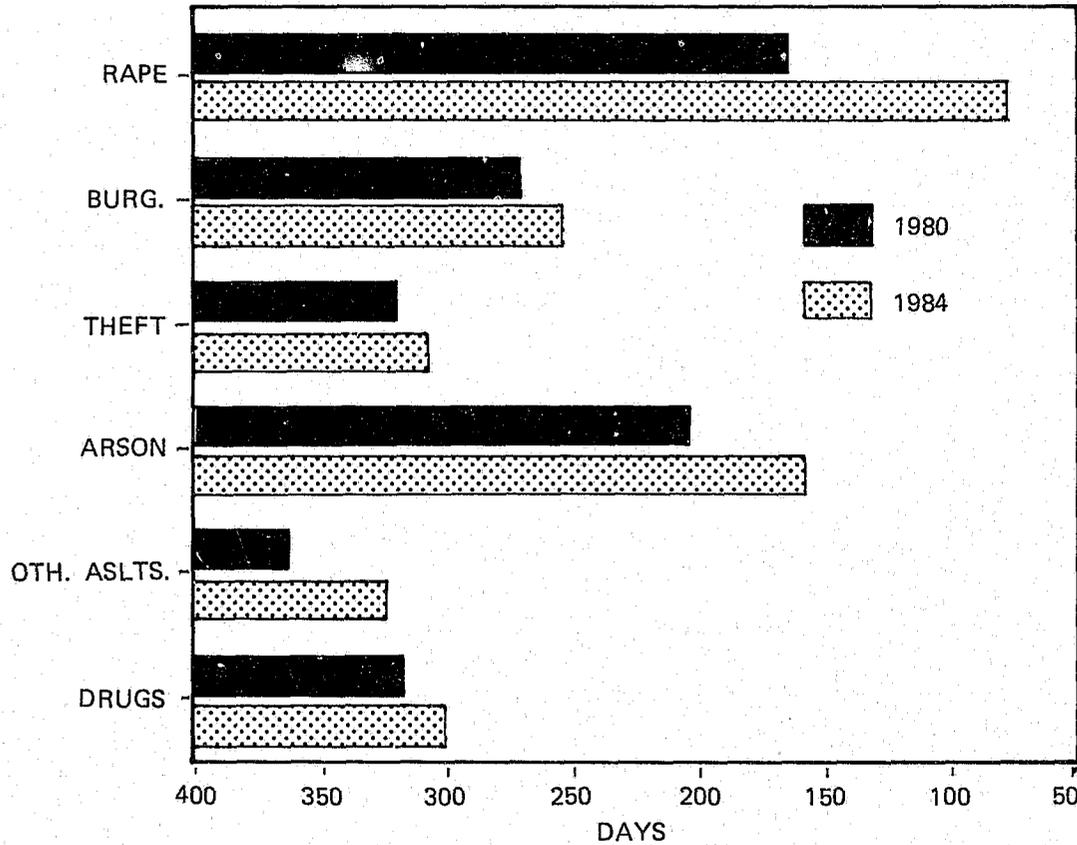
FIG 39: Time Served: Releases From County Jails 1980-1984



Section IV: The Strain on System Resources - Institutions, Courts and Probation and Parole

The large number of DUI sentences exemplify a one-to-one admission to release ratio, as the majority of these offenders are admitted and discharged within a short time frame. It is the average time served of other offenders that is the important factor in continual overcrowding. Figure 40 shows that average time served, for all selected offenses, has increased from 1980 to 1984.

FIG 40: Time Served By Selected Offense Releases From County Jails: 1980 vs. 1984



Section IV: The Strain on System Resources - Institutions, Courts and Probation and Parole

While average time served in county jails (excluding DUI offenses) has risen, it has remained stable in the Department of Corrections; about 22 months (from commitment date to release date). However, minimum terms of sentence were also analyzed, and it was found that: (1) the average minimum term increased from 30 months in 1980 to 32 months in 1984; and (2) the distribution of minimum terms is changing.

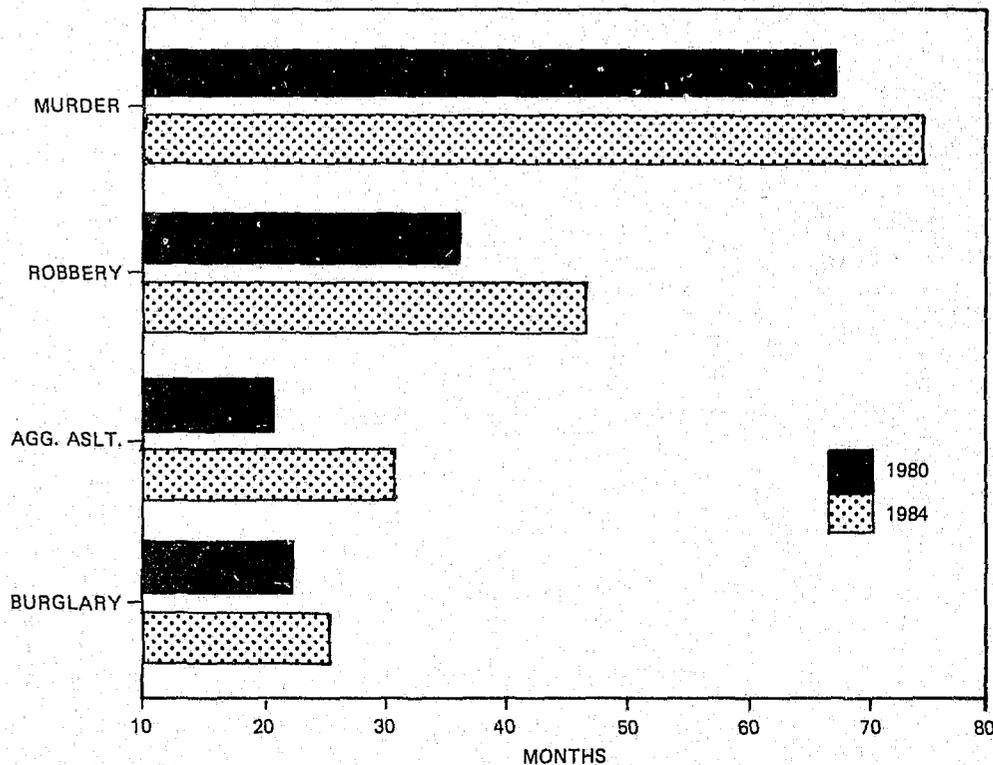
TABLE 6
Minimum Term Distribution of Commitments to
Department of Corrections: 1980 vs. 1984

Minimum (Lifers Excluded)	Commitments		Commitments		Percent Change
	1980	(% of Pop.)	1984	(% of Pop.)	
1 year or less	1,507	(46%)	1,879	(39%)	+ 24.6%
over 1 to 2 years	737	(22%)	1,086	(23%)	+ 47.3%
over 2 to 3 years	394	(12%)	680	(14%)	+ 72.5%
over 3 to 5 years	342	(10%)	652	(14%)	+ 90.6%
over 5 to 10 years	206	(6%)	359	(8%)	+ 74.2%
over 10 years	86	(3%)	104	(2%)	+ 20.9%

The table shows that those receiving minimums of two years or less made up 68% of the commitments in 1980, decreasing to 62% in 1984. Further, the largest percentage increases in sentence commitments came in the intervals between two and ten years. While those receiving minimum terms of two years or less make up the largest percentage of commitments, it is the increase in the number of commitments of those receiving longer minimums that exacerbate overcrowding and will impact the correctional population in the future.

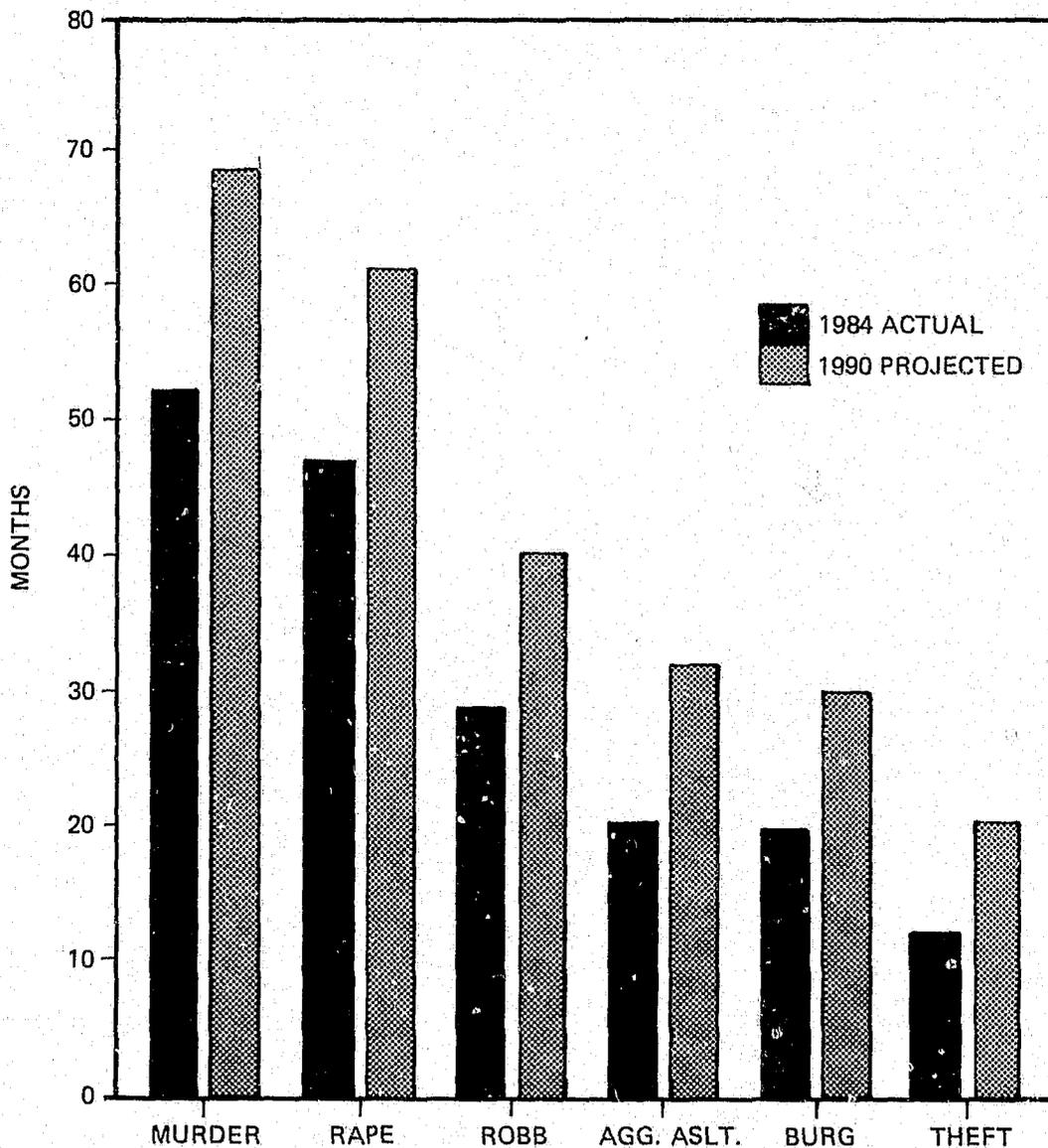
The following graphic shows the change in average minimum term by selected offenses from 1980 to 1984. Particularly noteworthy is the increase in minimum term for robbery (36 to 46 months) and aggravated assault (20 to 30 months).

FIG 41: Average Minimum Term By Selected Offense
Department of Corrections: 1980 vs. 1984



Because minimum term is a benchmark of future parole date and an indication of time served, we projected what average time served may be in the future. This projection was based on the 1984 commitment rate and minimum terms of sentence within offense groups. Based on this projection, it is estimated that average time served will rise substantially from the current 22 months to 32 months by 1990. Figure 42 shows this projected increase by selected offenses.

**FIG 42: Current and Projected Average Time Served
Department of Corrections Releases By Selected Offense: 1984 vs. 1990**



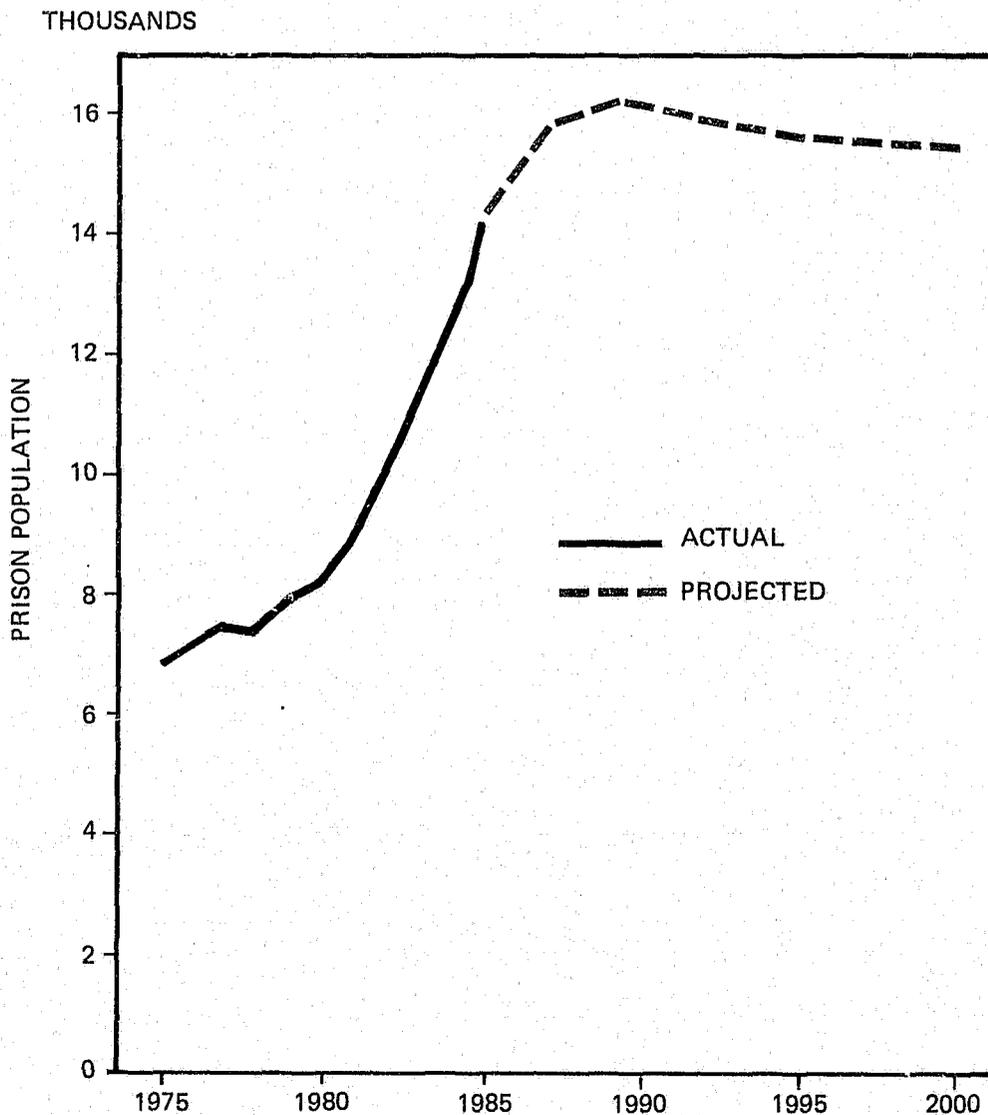
E. PROJECTIONS OF PENNSYLVANIA'S PRISON POPULATION

Although crime and the number of persons arrested is expected to decline through the remainder of this century, it does not necessarily follow that the prison population (state system) will show a corresponding decrease.

As pointed out earlier in this text, the number of arrests and the number of persons in prison within the 20-24 and 25-34 age groups have increased substantially; particularly within the 25-34 age group. These individuals are well along into their criminal careers, and many should soon be terminating their criminal activity.

We estimate that, based on current data, the average daily population in the Department of Corrections will peak in 1989, decline only slightly, then level off through year 2000. However, if the trend toward more harsh sentences we are presently experiencing continues, there may be even more growth in the prison population.

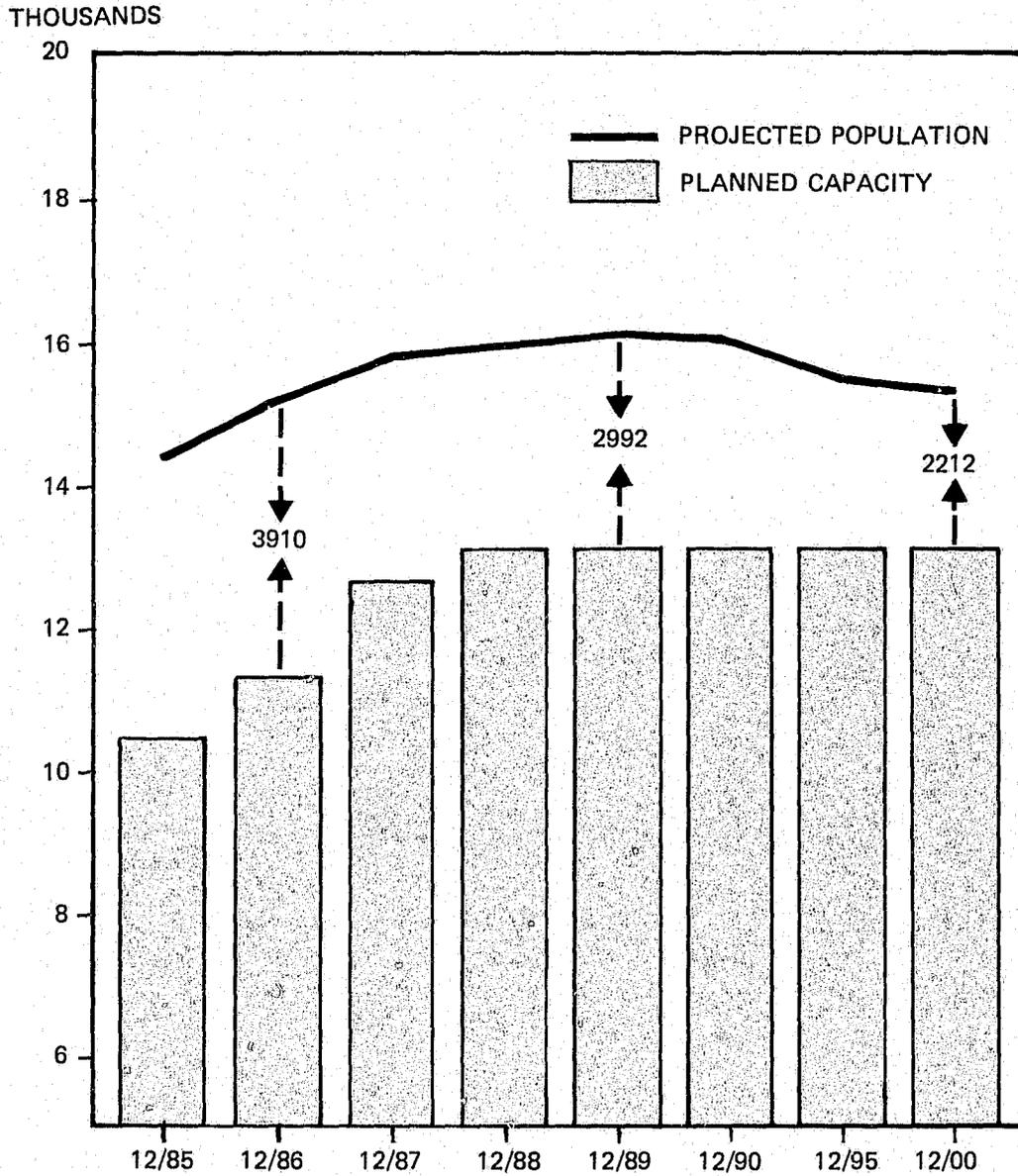
**FIG 43: Department of Corrections Average Daily Population
Actual 1975-1984, Projected 1985-2000**



Section IV: The Strain on System Resources - Institutions, Courts and Probation and Parole

Despite the current construction of an additional 3,000 cells in the Department of Corrections, the projected population is expected to continue to exceed capacity (based on the nationally recognized principle and long-standing Pennsylvania standard of one person per cell) by over 2,900 inmates during the peak years of 1989 and 1990. By the end of the century, the excess of inmates to planned capacity is projected to be about 2,200.

FIG 44: Department of Corrections Projected Population and Planned Capacity 1985-2000



F. "STATE PRISONERS" IN COUNTY JAILS

According to Pennsylvania Judicial Procedure (42 Pa. CSA 9762), all persons sentenced to a maximum term of:

- (1) five years or more shall be committed to the Department of Corrections;
- (2) two years or more, but less than five, can be committed to either the Department of Corrections or the county jail;
- (3) less than two years shall be committed to the county jail, except as facilities are designated as available by a gubernatorial proclamation.

While most county prisons house only detentioners (non-sentenced prisoners) and those sentenced to maximum terms of less than two years, some counties have traditionally housed prisoners with maximum sentences of up to and even exceeding five years. This group of prisoners with maximum sentences of two years or longer accounts for 22% of sentenced prisoners in county jails statewide and over 80% in some counties.

There were 16 counties in 1984 that did not house any prisoners with maximum sentences of two years or more; in the following 12 counties, over 50% of their sentenced jail population were prisoners with maximum sentences in excess of two years.

TABLE 7
County Jails with Over 50 Percent
of Sentenced Population Attributable to
State* Prisoners 1984

County	% of Sentenced Population
Clinton	84
Lackawanna	83
Northampton	72
Cambria	70
Union	66
Lebanon	60
Berks	60
Luzerne	57
Bradford	55
Centre	54
Somerset	53
Blair	51

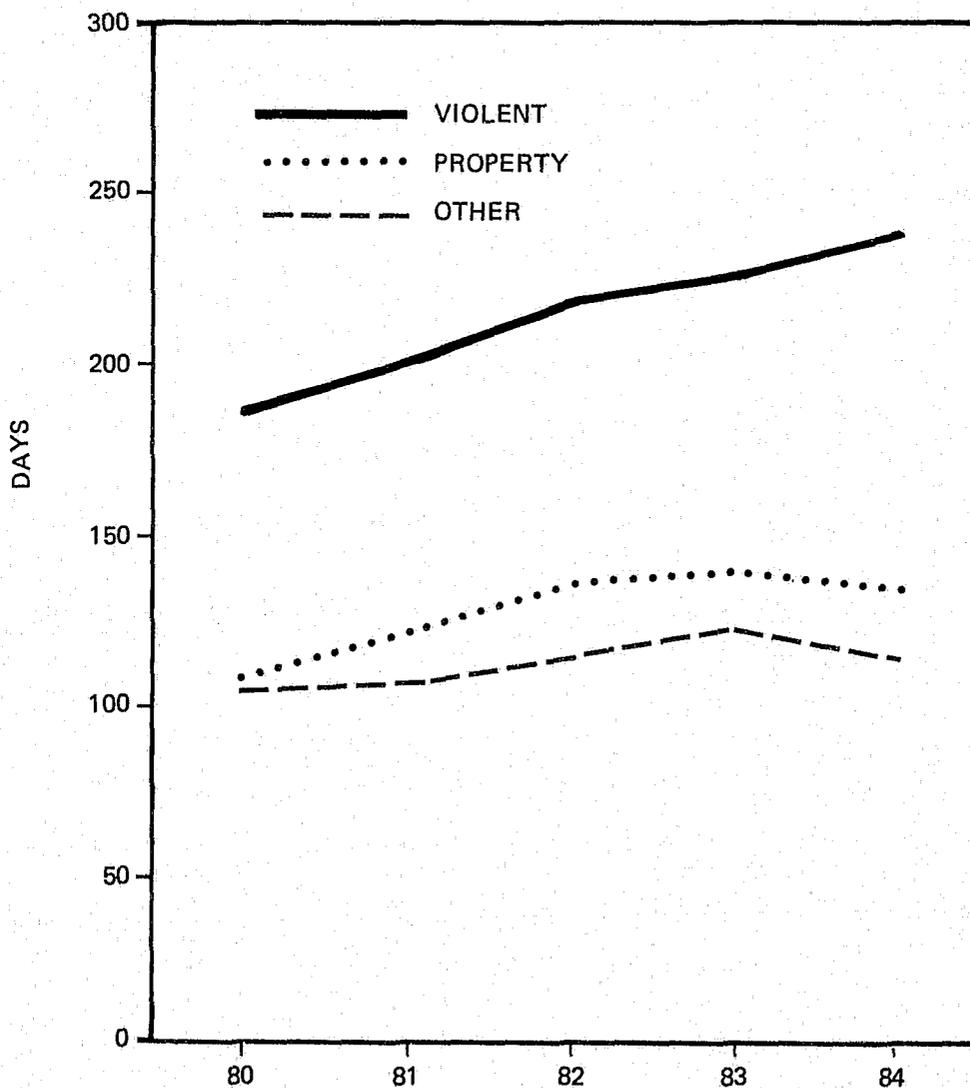
*Maximum sentences of two years or more.

Section IV: The Strain on System Resources - Institutions, Courts and Probation and Parole

Almost every term at a state correctional institution begins at the county jail level. Generally, this begins with arrest and detention, continues through the court process, and concludes with pronouncement of sentence and final transfer to the state level.

Analysis of data over the past five years indicates that the time lapse from initial detention to final transfer has increased, overall, by about 30 days. In 1984, over 4,000 convicted inmates spent an average of between five and six months in county jail before transfer to a state institution. The following graph shows the changes in the time lapse by offense type. Persons charged and eventually sentenced for a violent offense spend three to four months longer in the county jail than other inmates eventually sentenced to a state prison.

**FIG 45: Time From Initial Jail Detention To State Prison Admission
By Offense Group: 1980-1984**

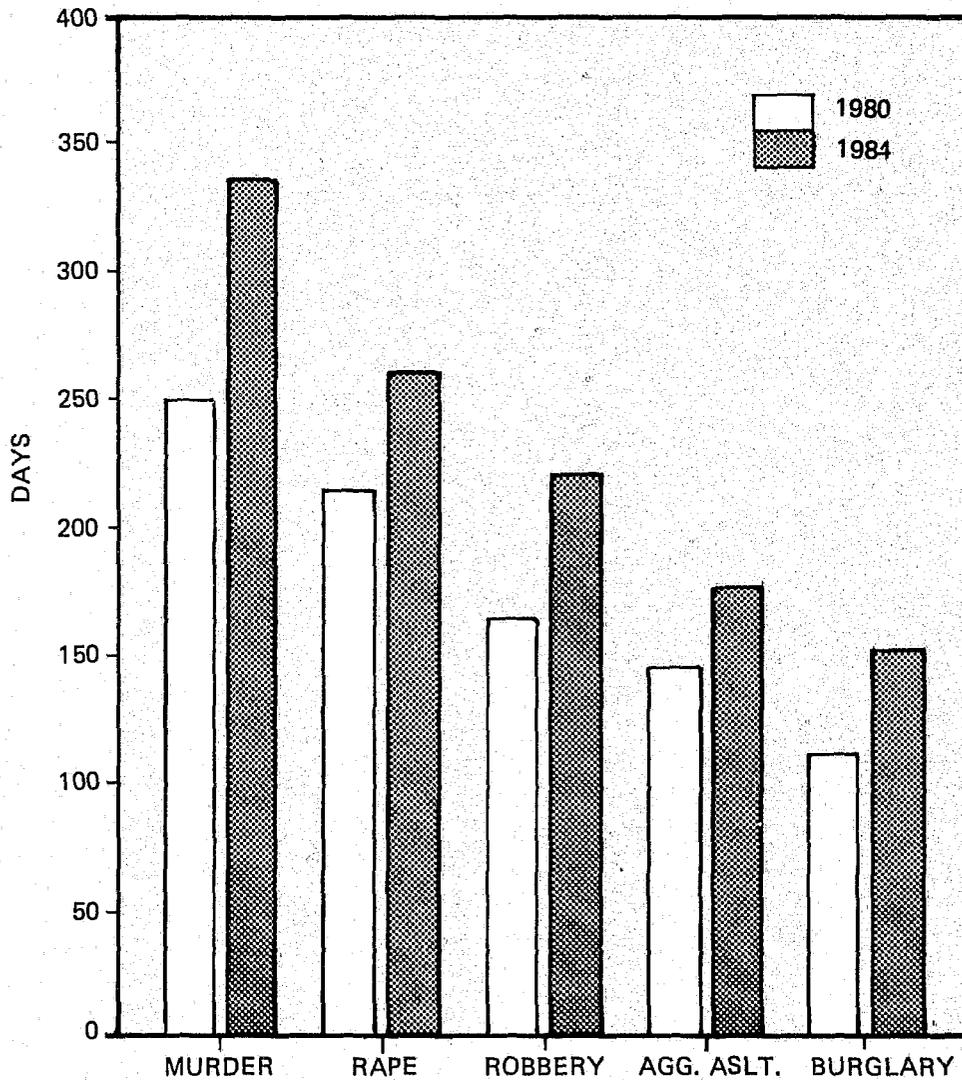


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The increase in time lapse is probably a consequence of (1) a general increase in court workload and (2) inmates charged with serious offenses, particularly those encompassed by mandatory sentencing laws choosing to go to trial.

The following bar graph indicates the top five offenses where the time lapse has increased the most.

**FIG 46: Time From Initial Jail Detention To State Prison Admission
By Selected Offense: 1980 vs. 1984**



Whatever the reason for the increase, it is clear that it has increased populations in jails. We estimate that this inmate group comprised an average daily population (ADP) of 1,100 in 1980 compared to 2,000 in 1984.

G. NEGOTIATED PLEAS

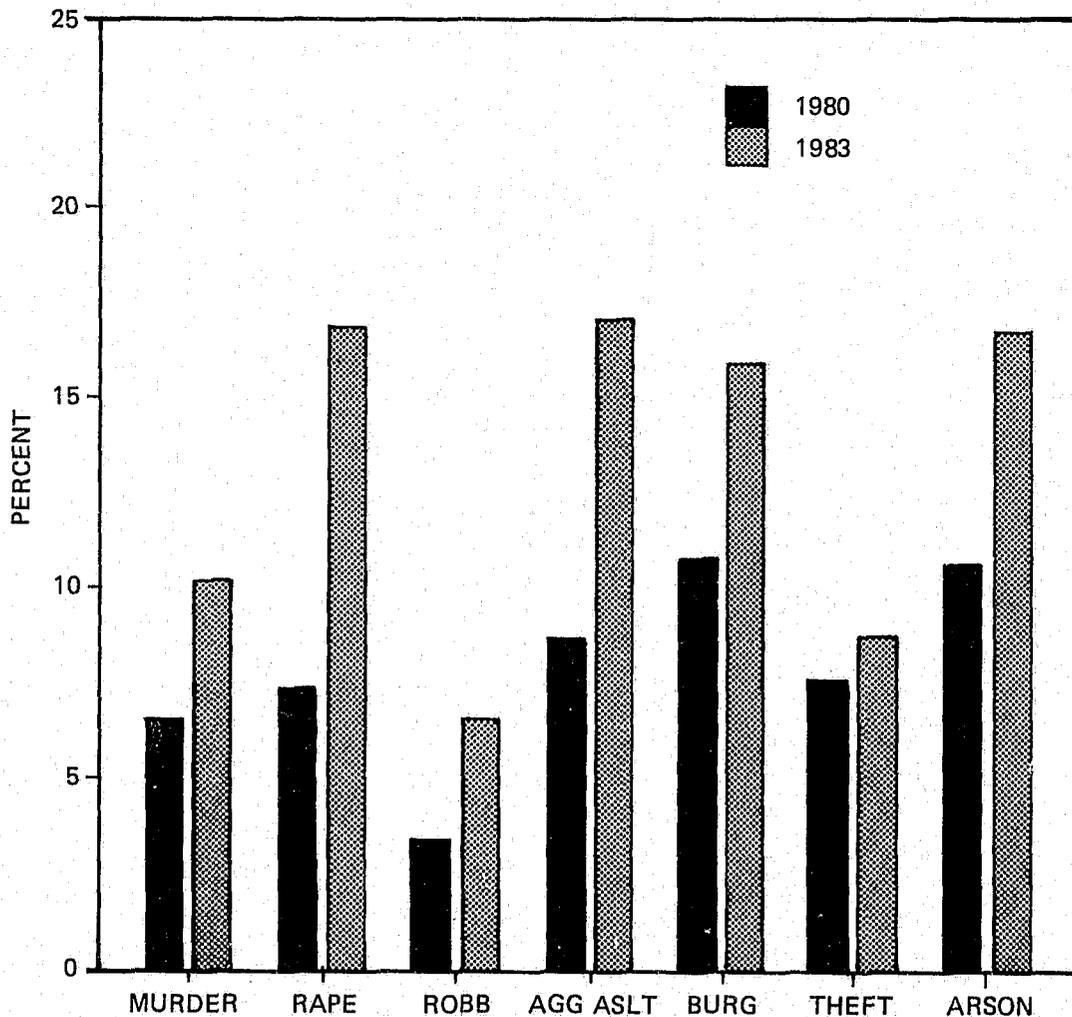
Plea negotiation is used by prosecutors and defense attorneys to develop a compromise agreement that is acceptable to both parties and generally speeds up the criminal justice process.

Defense attorneys will offer a negotiated plea, on behalf of their clients, in hopes that an accepted guilty plea to a reduced offense might result in a more lenient sentence. Prosecutors may enter plea negotiations if the possibility of a conviction to the top (most serious) charge is tenuous. Additionally, they may feel that a trade-off between a more expedient disposition and a possible incarceration term (though perhaps a less lengthy one) is fair and prudent.

How often are pleas negotiated? We examined court data from 1980 to 1983 to determine how often a guilty plea to a lesser offense is accepted. We investigated defendants charged with a Part I offense only.

Data indicates that in 1980, 8.5% of all cases in which the defendants' top charge was a Part I offense were disposed by a guilty plea to a lesser offense. In 1983, this percentage rose slightly to 11.5%. However, the extent to which a guilty plea to a lesser offense occurs varies by the original charge. It appears that negotiated pleas are most often utilized in rape, aggravated assault, burglary and arson cases.

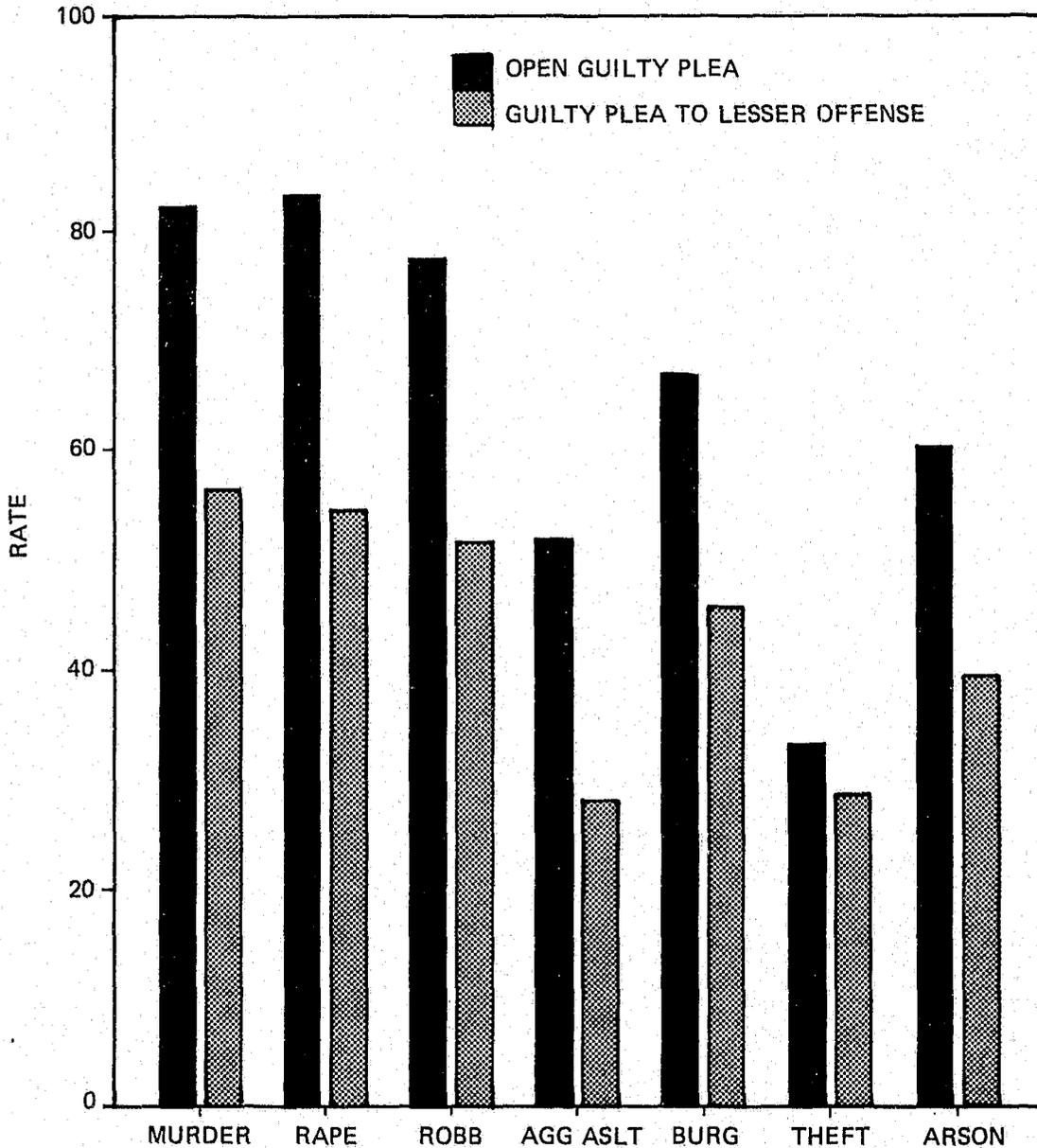
FIG 47: Percent Of Cases Disposed By Plea To Lesser Offense 1980 vs. 1983



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Incarceration rates for defendants who plead guilty to a lesser offense are lower than for those who plead guilty to the original offense. However, even this lower incarceration rate is above 50% for those charged with murder, rape or robbery.

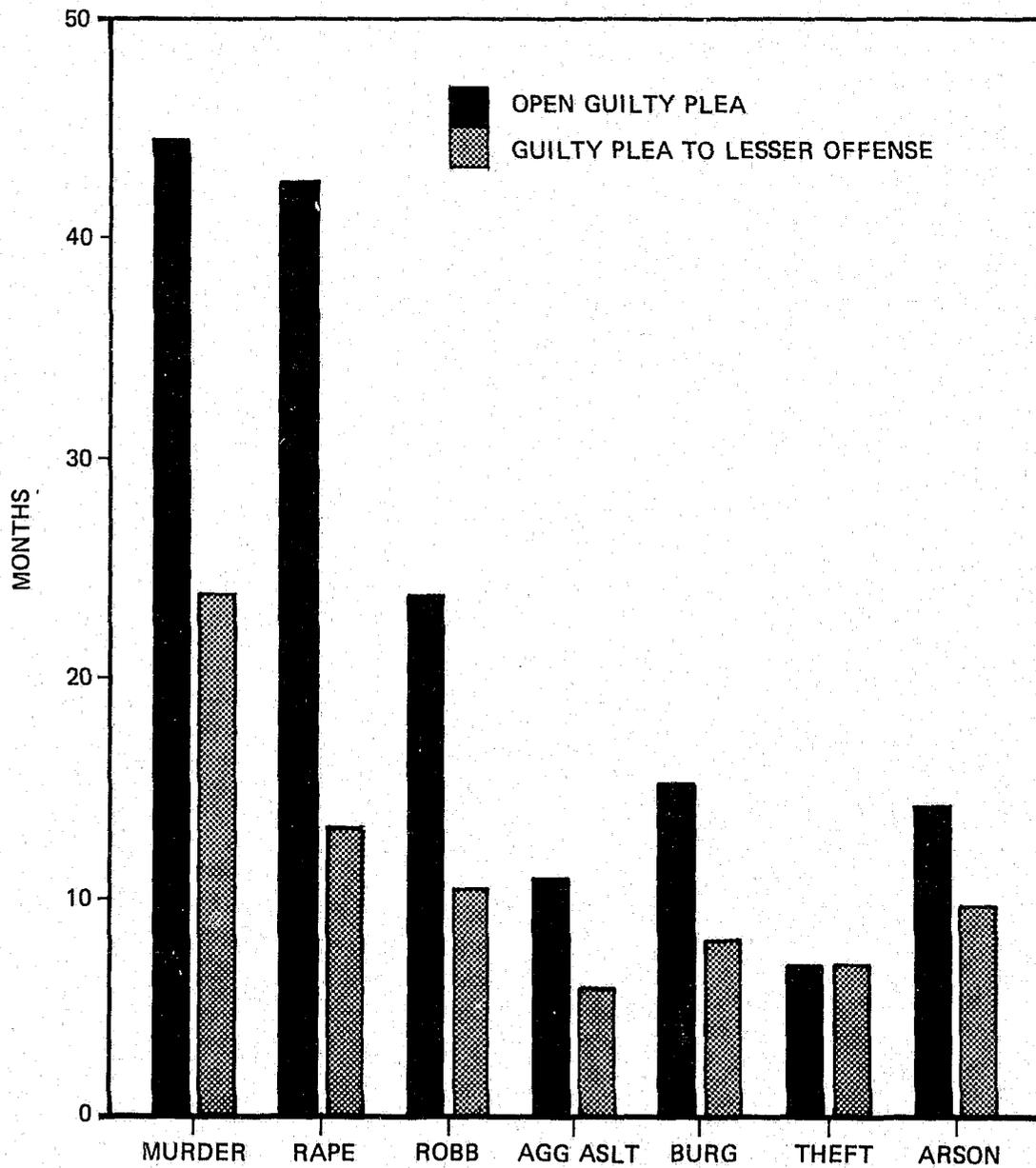
**FIG 48: Incarceration Rate By Type Of Plea
1983**



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A plea to a lesser offense results in a prison or jail term that, except for theft, is about one-half the length of a term resulting from an open plea of guilty to the original charge.

**FIG 49: Average Minimum Term By Type Of Plea
1983**



H. DISPOSITION OF THIRD DEGREE MISDEMEANORS

District justices in Pennsylvania are empowered to dispose of both Summary and Misdemeanor 3 cases, comprising offenses such as Theft, Fraud, Receiving Stolen Property, Liquor Law Violations, Disorderly Conduct, and Simple Assault. This capability allows minor cases to be filtered out at the lower level of the judicial system.

In Misdemeanor 3 cases, a defendant can either plead guilty at the District Justice level or have the case bound over or waived to trial at the Common Pleas level. The case can also be dismissed or withdrawn at the District Justice level.

In 1983, 51 % of all cases in which a Misdemeanor 3 was the most serious charge were dismissed at the district justice level and 14 % pled guilty. Thirty-five percent of the cases were bound over or waived to Common Pleas, with all but 8% receiving some type of penalty (fine, ARD, probation, imprisonment). The following table provides this breakdown by offenses that represent the largest proportion of Misdemeanor 3 cases, along with the total caseload distribution.

TABLE 8
Disposition of Misdemeanor 3 Cases
By Selected Offense: 1983

Offense (#)	Dismissed D.J.	Guilty D.J.	Sent to Common Pleas
Theft (1039)	40%	17%	43%
Disorderly Conduct (736)	58%	19%	23%
Fraud (504)	63%	12%	25%
Simple Assault (472)	75%	4%	21%
Liquor Law Violations (401)	38%	14%	48%
Rec. Stolen Property (219)	40%	11%	49%
Other Offenses (3470)	50%	14%	36%
All Offenses (6841)	51%	14%	35%

If a case is not dismissed, the table indicates that a sizeable proportion of defendants elect to have their cases disposed at the Common Pleas level rather than enter a guilty plea before the District Justice.

The answer to the question of why a defendant would proceed in this manner may be found in the types of penalties received at both court levels and the limited availability of alternative sentencing options at the District Justice level.

Of those defendants who pled guilty at the District Justice level, 30 % were imprisoned while 70 % received a non-incarcerative penalty (usually in the form of a fine). At the Common Pleas level, on the other hand, only 17 % of guilty defendants were imprisoned.

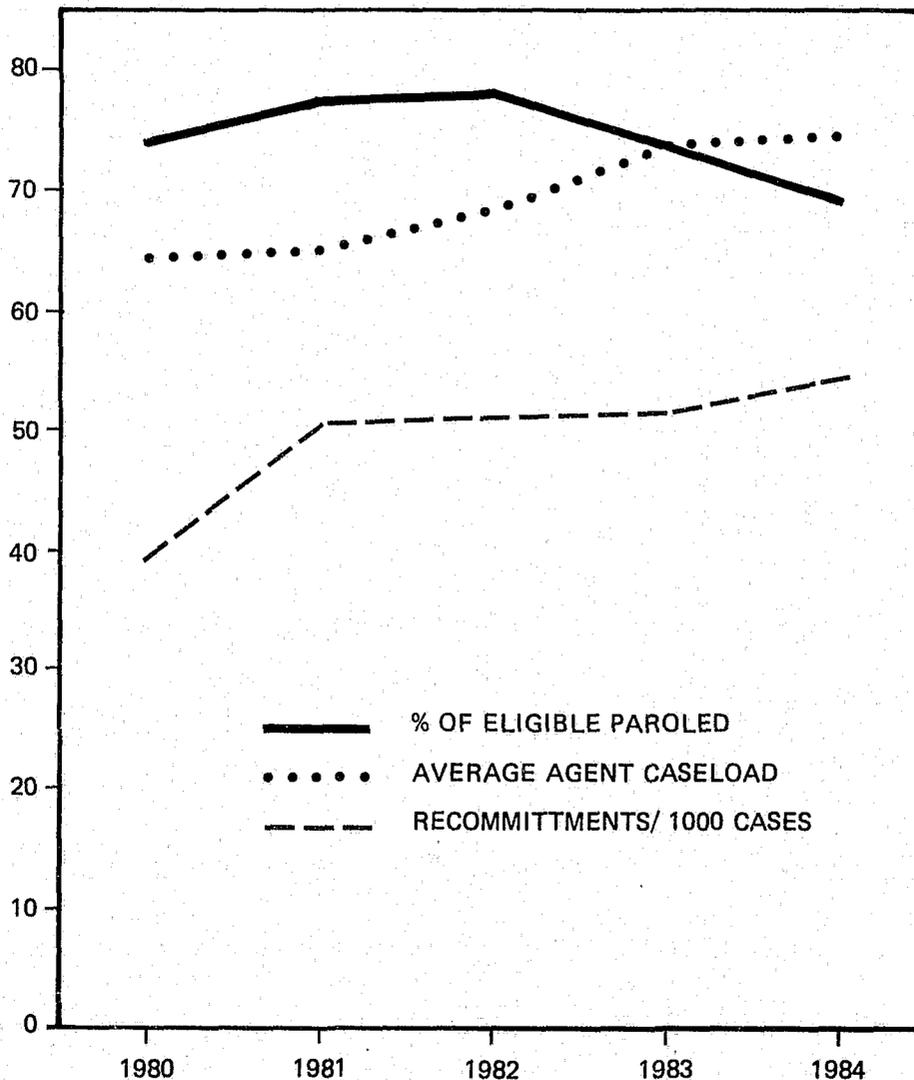
Generally, a District Justice has two sentencing alternatives available: a fine or imprisonment. A Common Pleas judge, in addition to fine or imprisonment, has the available options of probation or ARD.

In September of 1985, Act 60 was signed into law, enabling District Justices to sentence a defendant to community service for a Misdemeanor 3 or summary offense. This law may have the effect of decreasing the Common Pleas workload, as more Misdemeanor 3 defendants may elect to have their cases disposed before a magistrate.

I. PAROLE CASELOADS AND TRENDS

Over the past several years state parole resources have become strained, resulting in heavier agent caseloads, fewer paroles of those eligible, and an increasing recommitment rate.

FIG 50: Trends In Parole Board Actions And Caseloads 1980 Thru 1984



As shown, the percentage of eligible inmates paroled has first increased and then decreased while the number of recommitments per 1,000 cases has increased. It is possible that the decisions may be affected by the heavy agent caseloads. An eligible inmate who is seen as a good risk with proper supervision, but who would not be able to receive the level of supervision necessary, may thus be denied parole. Conversely, a parolee who has a problem might have, in the past, been allowed to remain in the community with closer monitoring, but current circumstances may dictate that the parolee be returned to prison because his activities cannot be followed as closely as the agent would like.

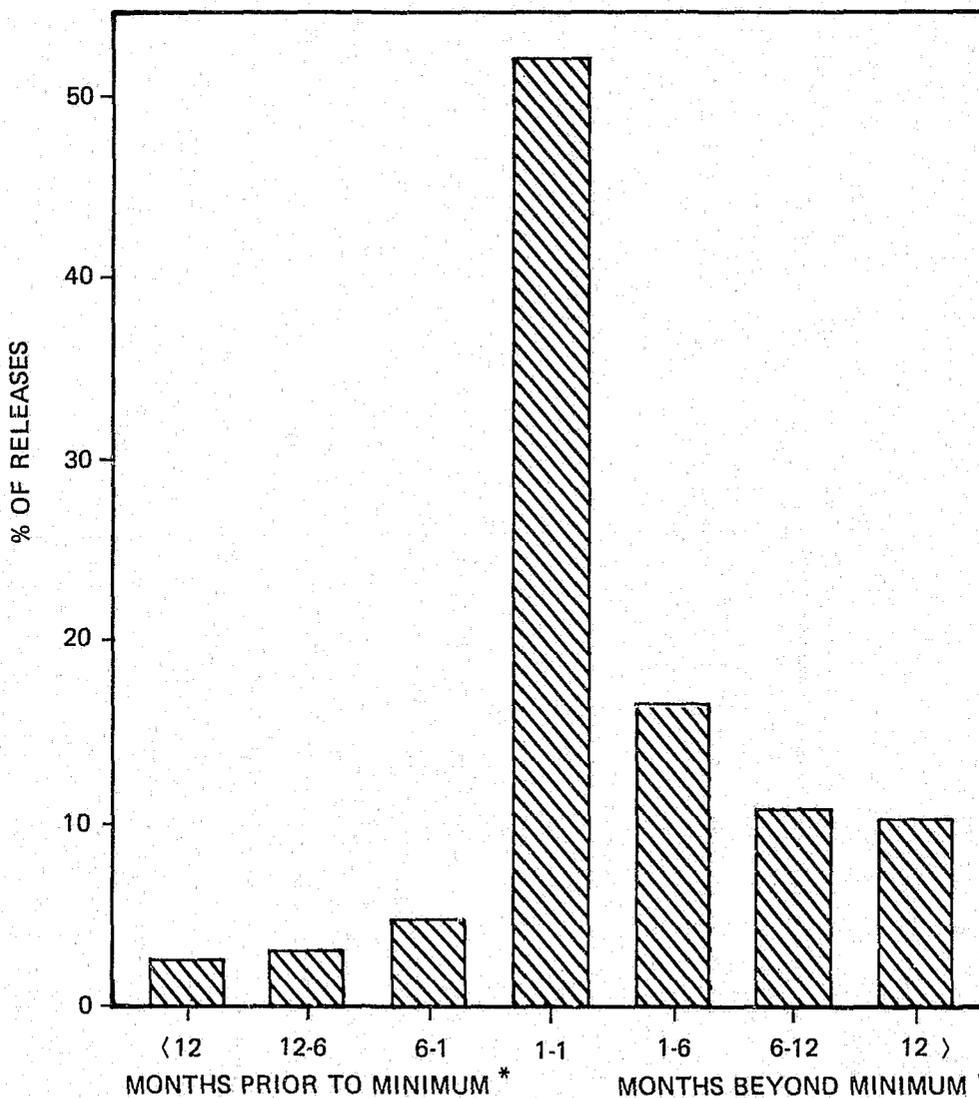
J. PROPORTION OF MINIMUM SENTENCE SERVED BY INMATES

In Pennsylvania, a convicted defendant who receives a term of incarceration is sentenced to both a maximum and a minimum term. The maximum cannot exceed the statutory limit for the particular offense and the minimum cannot exceed one-half the maximum term. The minimum term is the general benchmark for the length of incarceration.

Inmates who carry a maximum sentence of two years or more come under the paroling authority of the state Board of Probation and Parole. These inmates become eligible for release at minimum term. Those sentenced to a maximum term of less than two years come under the paroling authority of the court. They are eligible for parole at any time prior to the expiration of the maximum term, including prior to the minimum.

At the county jail level, over 60% are released within 5 days of their minimum term, with about 18% released prior to that time. At the state level, on the other hand, 52% are released within one month of minimum with only 10% released before that time. Over 38% are released after that time period, 28% less than one year after eligibility.

**FIG 51: Department of Corrections
Releases About Minimum 1984**

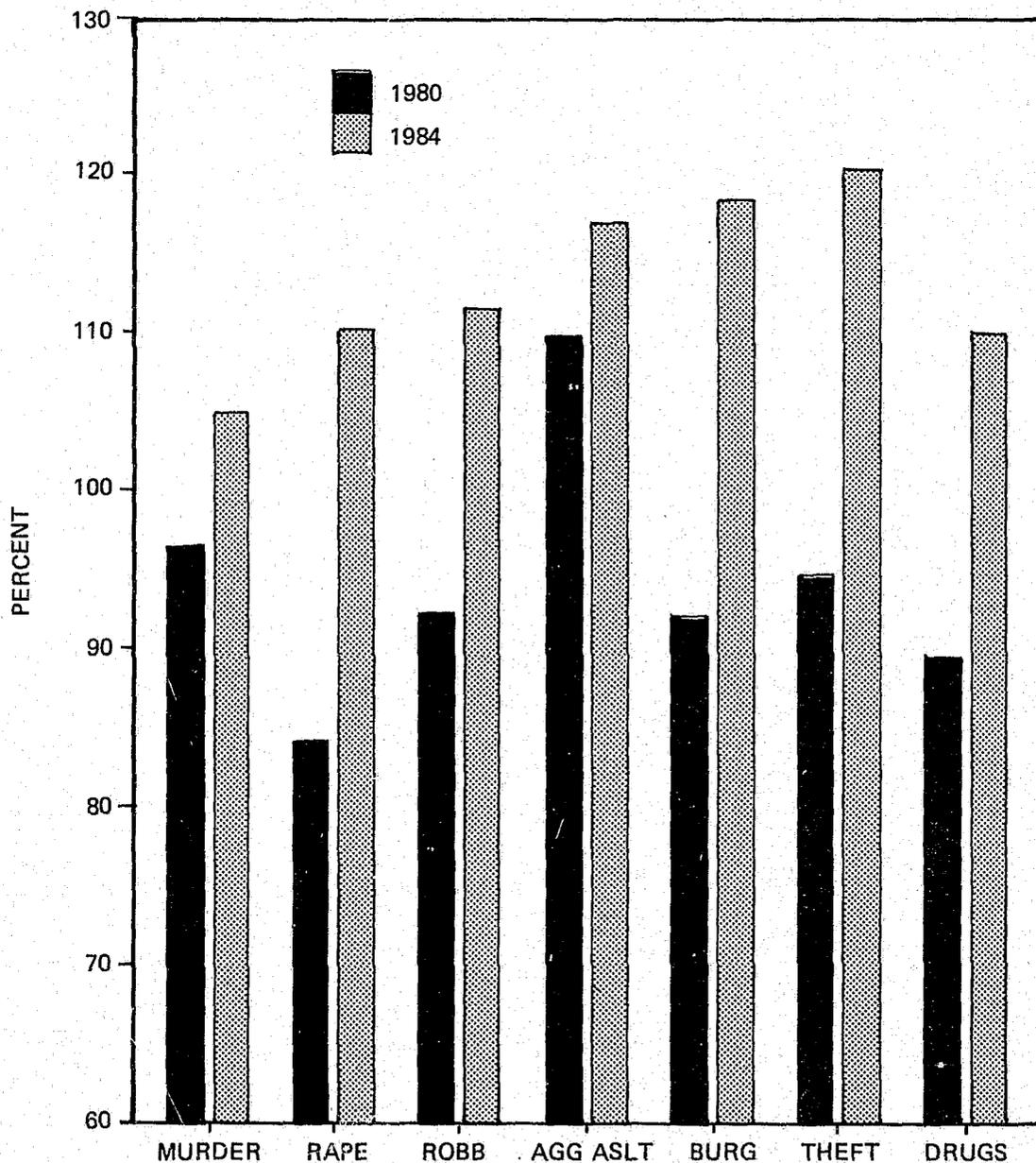


*There are inmates in the Department (primarily in regional facilities) who are released prior to their minimum. These inmates are either released via county parole or by court order. However, their numbers are small.

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Inmates released from state prison in 1980 (the majority of whom were first paroles) served an average of 95% of their minimum terms. In 1984, this figure rose to 113%. This could be interpreted as greater caution by the parole board. The following graph compares the percent of minimum terms served, by selected offenses, for those released in 1980 and 1984.

FIG 52: Percent Of Minimum Term Served By Selected Offense Releases From State Prison: 1980 vs. 1984



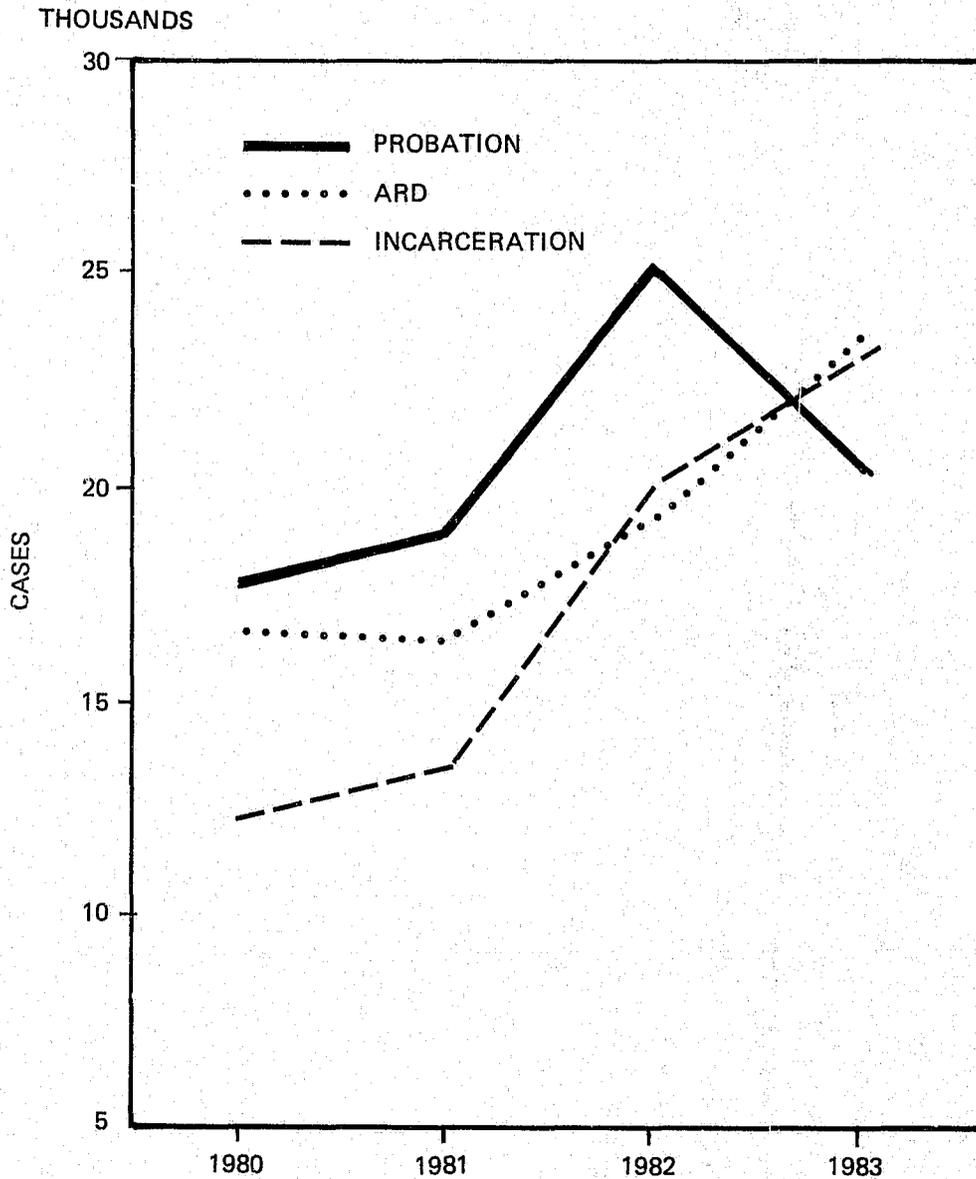
Inmates released from county jails via court parole have, historically, served less of their minimum term than state inmates. Those released from county jails in 1981 served 89% of their minimum and 94% of their minimum in 1984. Despite this relatively minor increase, there are some offenses, like robbery and assault, for which inmates are serving a larger portion of their minimum term in 1984 than in 1981.

K. ACCELERATED REHABILITATIVE DISPOSITION

Accelerated Rehabilitative Disposition (42 PA. C.S.A. 175), adopted in 1972, is a disposition available to non-violent offenders who have had no prior criminal convictions. In lieu of conviction, the defendant participates in a probationary-type period not to exceed two years. Upon successful completion of the program, the charges against the defendant are dismissed and his or her record is expunged.

Court data indicates that ARD dispositions have increased by 41.6% from 1980 to 1983. The following graph shows the increase in the volume of ARD dispositions compared with sentences of probation and incarceration.

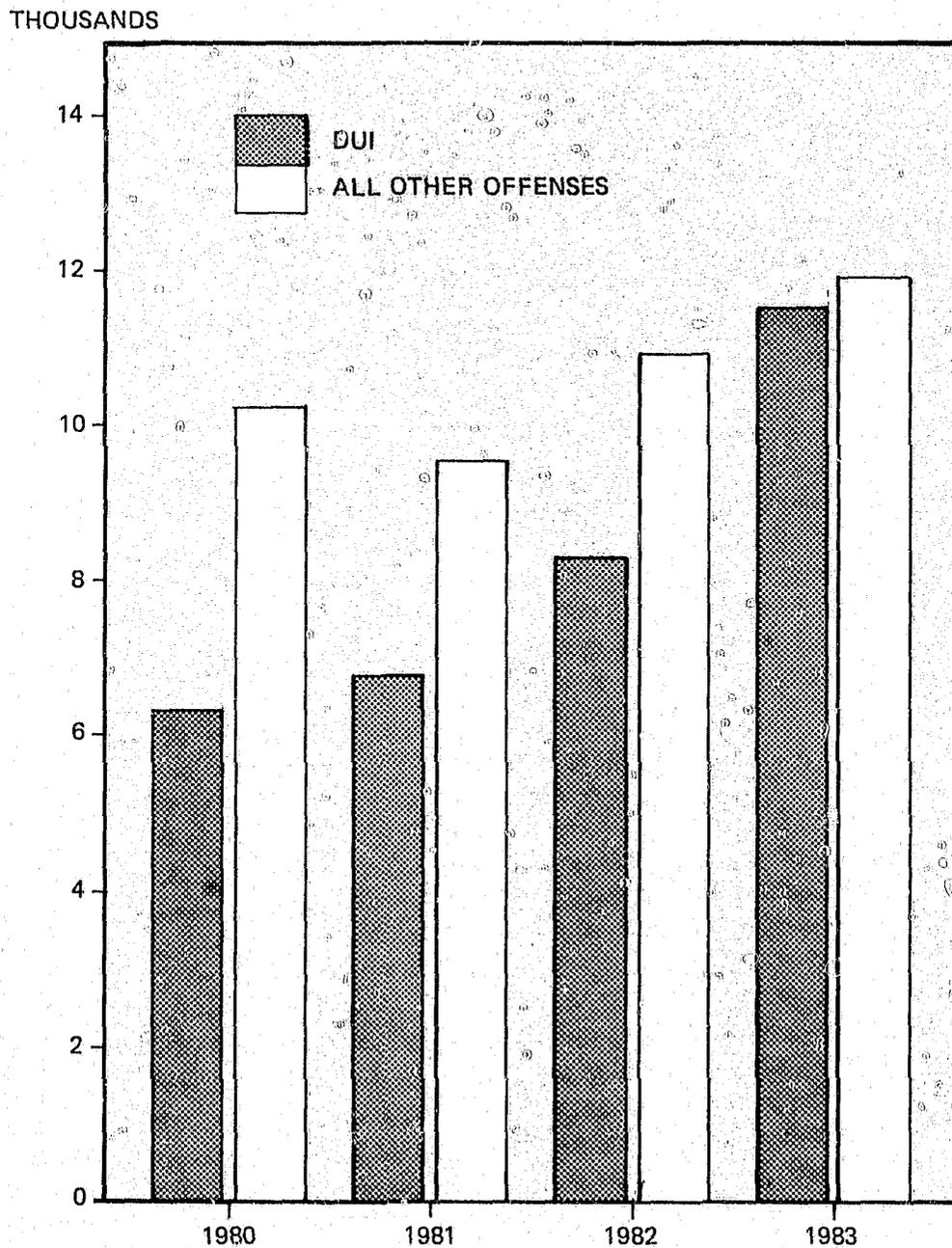
**FIG 53: ARD Dispositions And Other Sentences
1980-1983**



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While ARD dispositions have increased substantially, this is due, in large, to the offense of Driving Under the Influence (DUI). The following graph indicates that ARD dispositions increased by 81.3% for DUI, while the increase for all other offenses was 16.4%. Under the new Driving Under the Influence (DUI) law (Act 289 of 1982), the retention of the ARD program provides a one-time alternative to trial, conviction and jail for first-time offenders.

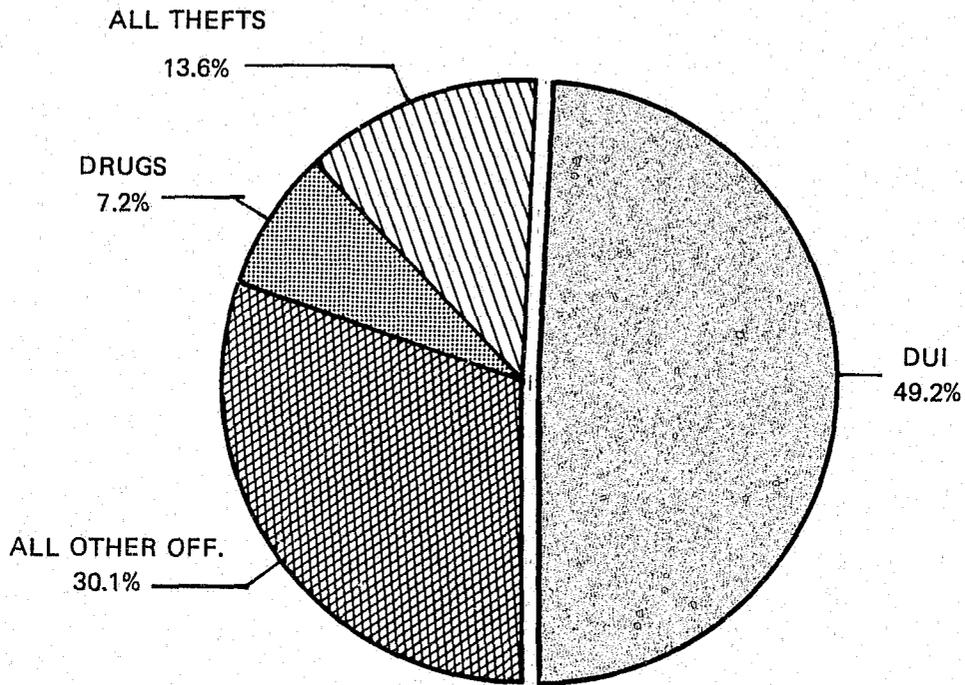
FIG 54: ARD Dispositions For DUI And All Other Offenses 1980-1983



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In 1983, ARD dispositions for DUI represented 49.2% of all ARD dispositions. Other offenses with the highest volume of ARD dispositions are theft and drug law violations.

**FIG 55: Offense Distribution Of ARD Dispositions
1983**



This report has presented a broad overview of issues and trends in the criminal justice system. The topics presented in this report represent a sampling of the available information and analysis on crime and justice in Pennsylvania. The various data bases available to us provided the foundation for this report and can be utilized to further explore those issues presented here as well as others that may be of interest.

The Bureau of Statistics and Policy Research of the Pennsylvania Commission on Crime and Delinquency has published a variety of topical reports over the past years. The following list of publications can be provided upon request:

- A Summary and Brief Analysis of Mandatory Sentencing Practices in the United States, Pennsylvania Commission on Crime and Delinquency, September 1981.
 - A Study of Recidivism Among Individuals Granted Executive Clemency in Pennsylvania 1968-1981, Pennsylvania Commission on Crime and Delinquency, May 1982.
 - An Exploratory Study of Detentioners in Pennsylvania County Prisons, Pennsylvania Commission on Crime and Delinquency, June 1983.
 - Guilty But Mentally Ill: An Assessment of Act 286 After Two Years, Pennsylvania Commission on Crime and Delinquency, July 1985.
 - Impact of Pennsylvania's Five-Year Mandatory Incarceration Law, Pennsylvania Commission on Crime and Delinquency, April 1986.
 - New Driving Under the Influence Law in Pennsylvania: First Year Observations, Pennsylvania Commission on Crime and Delinquency, July 1985.
 - Pennsylvania Recidivism After Release from State Prisons: 1980-1981, Pennsylvania Commission on Crime and Delinquency, November 1983.
 - Pennsylvania: Time Actually Served in Prison, Pennsylvania Commission on Crime and Delinquency, November 1983.
 - Plea Negotiation in Pennsylvania: An Exploratory Report, Pennsylvania Commission on Crime and Delinquency, May 1979.
 - Preliminary Assessment of the Deterrent Effects of Mandatory Sentencing: Robbery, Aggravated Assault, and Driving Under the Influence, Pennsylvania Commission on Crime and Delinquency, April 1984.
 - Prison and Jail Overcrowding in Pennsylvania: A Report to the Prison and Jail Overcrowding Task Force, Pennsylvania Commission on Crime and Delinquency, August 1983.
 - Strategy to Alleviate Overcrowding in Pennsylvania's Prisons and Jails, Pennsylvania Commission on Crime and Delinquency, February 1985.
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