

**Senate Public Health and Welfare Committee**  
**Public Hearing**

**February 10, 2009**

**Testimony of Michael J. Kane, Executive Director, Pennsylvania  
Commission on Crime and Delinquency**

**Community Supervision and Treatment  
of Non-Violent Offenders in Pennsylvania:  
A Report on the Activities of the  
Pennsylvania Commission on Crime and Delinquency**

**Good morning Chairman Erickson and members of the Committee. I am Michael Kane, Executive Director of the Pennsylvania Commission on Crime and Delinquency (PCCD).**

**Thank you for the opportunity to participate in this hearing and to speak about PCCD's role in the development and implementation of programs providing substance abuse treatment in connection with supervision of non-violent offenders. We strongly believe that our efforts to utilize alternatives to incarceration and improve offender outcomes for non-violent offenders represent a sound investment of both time and money. In addition to our work in the adult system, studies have determined that our prevention efforts that have focused on Pennsylvania's youth population are successful in reducing substance abuse risk factors and improving outcomes for youth.**

**Substance abuse remains a serious problem for the Commonwealth. Over the past 20 years, the number of persons arrested for drug offenses in Pennsylvania has tripled, while the number of persons arrested for DUI has increased by about 50%. In 2007, there were over 47,000 persons arrested for a drug offense and over 51,000 for DUI.**

**According to the Pennsylvania Commission on Sentencing there were over 141,000 sentences handed down in 2007, representing 97,438 criminal incidents. In 21,436 of these cases, the most serious offense was a violation of the Drug Act, and 21,400 were for DUI. Thus, together,**

**drug and DUI cases represented nearly 44% of all sentences reported to the Commission. Of course, these statistics do not reflect substance-abusing offenders who are arrested and subsequently sentenced for non-drug offenses such as sex assaults, aggravated assault, burglary and other serious crimes.**

**Approximately one-third of the 10,270 persons admitted to the Department of Corrections in 2008 were sentenced for a drug offense. Drug offenders account for about 22% of the department's population. The Department's diagnostics and classification process identifies drug and alcohol problems with 66% of offenders admitted to the state prison system.**

**Substance-abusing criminal justice offenders represent some of the most difficult cases to treat. Criminality and addiction usually correlate, but each can be distinct and function independently of the other: addiction can lead to and reinforce criminal behavior, and engagement in criminal behavior can lead to and reinforce addiction.**

**If reintegration of this population into the community is to be successful, both addiction and criminality must be effectively and simultaneously treated. The good news is that numerous studies show that there are treatments that can work for this population. In many cases, the level of criminal activity has shown to decline significantly after treatment, ultimately improving public safety through reduced recidivism.**

**Studies in recent years have shown that the most effective drug policies focus on reducing recidivism by implementing a holistic approach involving a multitude of agencies. These approaches include a strategy that coordinates and leverages the efforts of all the stakeholders involved in treating drug-addicted offenders, including the federal government, the Governor's Office, the Department of Corrections, the Board of Probation and Parole, the Pennsylvania Commission on Crime and Delinquency, the Pennsylvania Commission on Sentencing, the Department of Health, the Department of Public Welfare, the Juvenile Court Judges' Commission, the Administrative Office of Pennsylvania Courts, the Pennsylvania Office of Attorney General, county government and each of the counties' justice-related counterparts.**

**Current Activities:**

**PCCD administers or supports several important programs which provide funding and technical assistance related to the prevention, intervention and treatment of substance abuse. Among these are:**

- **Drug and Alcohol Treatment-Based Restrictive Intermediate Punishment;**
- **Initiatives funded through County Criminal Justice Advisory Boards (CJAB);**
- **Mental Health Initiatives;**
- **County Intermediate Punishment;**
- **Problem Solving Courts, including Drug Courts and DUI Courts;**
- **Substance Abuse Education and Demand Reduction Program; and**
- **Communities That Care (CTC) and other Juvenile Drug Prevention programs.**

**Drug and Alcohol Treatment-Based Restrictive Intermediate Punishment**

**This program began in June 1997 when the General Assembly appropriated \$10 million to PCCD in new state funds to support the development and implementation of drug and alcohol treatment-based restrictive intermediate punishment programs (D&A/RIP). The Governor's recently announced budget proposed \$17,574,000 for D&A/RIP programs in the coming fiscal year.**

**These funds are used to support drug and alcohol assessment, evaluation, treatment, case management and supervision services related to county intermediate punishment sentencing. The Commission's rules require the funds to be used for offenders who fall under Levels 3 or 4 of the Pennsylvania Sentencing Guidelines. The offender must have been determined to be dependent and in need of treatment by a drug and alcohol assessment and clinical evaluation conducted by qualified personnel. Treatment is linked to one or more restrictive sanctions such as Residential Rehabilitation Centers; Day Reporting Centers; Work Release Centers; Intensive Supervision with Electronic Monitoring, etc.**

**Participating counties are required to report specific program measures on a quarterly basis. PCCD compiles these performance measures annually to document certain elements such as the number of offenders who successfully complete the program; the number of incarceration days saved; the financial benefits of utilizing D&A RIP as a sentencing alternative compared to incarceration; and other measures.**

**Statewide figures for 2006/2007 indicate that 1,191 offenders were sentenced to D&A/RIP during that time period and there was an average of 1,818 offenders active in the program during this same time. Fifty-one percent (51%) of the offenders sentenced to this program successfully completed the D&A/RIP portion of their sentence. A total of 611,127 incarceration days were saved as a result of using this sentencing alternative, which represents an average of 336 jail days saved per active offender. The cost savings can be substantial: The average annual cost of participating in this program was \$8,572, compared to county jail (\$17,712) or state prison (\$28,898).**

### **Criminal Justice Advisory Board (CJAB) Initiatives**

**County Criminal Justice Advisory Boards (CJABs) are collaborative bodies that include top-level county officials and other stakeholders. Their purpose is provide an opportunity for county justice policy makers to identify best practices in the administration and delivery of criminal justice and recommend ways in which public agencies can improve the effectiveness and efficiency of the criminal justice system within a county.**

**Unlike county prison boards, task forces or other issues-specific groups, CJABs provide an ongoing forum for communication and joint problem solving on a wide range of criminal justice issues. PCCD has been supporting the formation and work of the CJABs for many years. Currently, 57 counties have functioning CJABs which meet or exceed PCCD's minimum operating standards.**

Since 2005, PCCD has sought to encourage the development of Criminal Justice Advisory Boards by directing a funding announcement to CJAB-initiated programs. This funding opportunity supports projects that have been identified as priority needs developed within the county as part of a strategic planning process.

Over the last two years, PCCD has invested \$2.4 million in CJAB Initiatives on a competitive basis. PCCD has funded drug and alcohol treatment programs through this mechanism as many CJAB's have identified the need for treatment of offenders with substance abuse, mental illness or co-occurring disorders as a priority to reduce recidivism and jail populations.

### Mental Health Initiatives

There is a pressing need to address the mentally ill population in the criminal justice system. Individuals suffering from a mental illness or a co-occurring disorder are more likely to be arrested and incarcerated than someone without a mental illness. This cycle can only be broken through training, assessment, evidenced-based treatment and community resources such as the intervention of a problem-solving court in place of traditional court processing. As a result of counties seeking assistance from the Commission to deal with mental health issues, PCCD and the Department of Public Welfare, Office of Mental Health and Substance Abuse Services (OMHSAS), in a joint effort, invested \$1 million in state and federal funds for the implementation or planning of nine mental health courts in the Commonwealth.

The overall goal of a mental health court is to divert individuals with serious mental illness and co-occurring disorders charged with misdemeanor or felony offenses from incarceration and into community treatment and services and to prevent further contact with the criminal justice system.

So far, nine counties have received an initial implementation or planning grant: Chester, Delaware, Fayette, Franklin, Lackawanna, Lancaster, Luzerne, Montgomery and Washington Counties. PCCD and OMHSAS are currently in the process of assessing the possibility of

**providing second-year funding to these counties. Our goal is to have the counties sustain these programs with local funds after three years of PCCD/OMHSAS funding.**

**In February 2008, PCCD and OMHSAS sponsored a Mental Health Symposium and presented on a wide range of topics to nearly 200 participants. A second symposium was sponsored in October 2008 for the counties that had been invited to apply under the joint funding initiative. PCCD and OMHSAS worked together in developing performance measures that capture pertinent criminal justice and behavioral health data. The collection and submission of this data is required of the nine counties that received funding under this initiative.**

### **County Intermediate Punishment**

**County Intermediate Punishment is designed to divert non-violent offenders from county incarceration using a combination of restrictive intermediate punishments and restorative sanctions. Act 2000-41 extended intermediate punishment availability to offenders charged with DUI and Driving Under Suspension for a DUI-related offense. Available sanctions combine treatment with partial confinement, house arrest with electronic monitoring or inpatient treatment.**

**PCCD administers funds appropriated by the General Assembly to support County IP programs. Currently, \$3.56 million is made available to counties on a formula basis. The Governor's FY 09-10 budget proposes funding of County IP at the same level.**

**To be eligible for funding, the county Prison Board or IP Board must develop an Intermediate Punishment plan that is consistent with Commission standards for programs and services. PCCD also provides training and technical assistance to counties. At present, 57 counties participate in IP funding.**

**A sampling of counties who received County IP funding for projects, report that the number of offenders who successfully completed their IP sentence was 79%. From July 1, 2006 to June 30, 2007, counties reported a total of 10,453 offenders participating in an IP program. This represents a total of 1.1 million jail days saved, averaging 107 jail days saved per offender.**

### **Problem Solving Courts**

**Problem solving courts represent a shift in the way the justice system traditionally handles offenders with issues involving substance abuse, mental health or other behavioral health issues. The goal of these courts is to achieve long-term quality recovery and prevent repeat criminal behavior.**

**The Pennsylvania Commission on Crime and Delinquency's involvement and support of problem solving courts began in 1999, with the funding of the first drug treatment court in Philadelphia. Since that time, PCCD has provided financial and technical support to nearly two dozen drug, DUI and mental health courts statewide. At last count, over 60 problem solving courts were operating in the Commonwealth.**

**In 2005, PCCD sponsored the first Treatment Court Symposium in Pennsylvania. PCCD also provided assistance to drug court practitioners with a number of training and educational opportunities, which eventually led to the formation of the Pennsylvania Association of Drug Court Professionals. In 2006, PCCD awarded a grant to the Administrative Office of Pennsylvania Courts (AOPC) to provide interdisciplinary training to the existing and emerging drug treatment courts in Pennsylvania.**

### **Substance Abuse Education Demand Reduction Fund (SAEDRF)**

**The Substance Abuse Education and Demand Reduction Fund (SAEDRF) was established by Act 198 of 2002 and was later amended by Act 36 of 2006. The Fund is generated by a mandatory \$100 assessment on any individual convicted, adjudicated delinquent or granted Accelerated Rehabilitative Disposition for a violation of the**

**Controlled Substance Act, or for Driving Under the Influence of alcohol or controlled substance. An additional assessment of \$200 is made for DUI violations where the offender's blood alcohol content is equal to or greater than .16%.**

**One half of the funds generated remain with the county for treatment and prevention programs. PCCD administers the other half of the SAEDRF and awards grants in three statutory categories.**

- 1. Forty-five percent (45%) of the annual collections are made available to non-profit entities, either alone or through joint applications with local governments. These funds can be used to provide research-based prevention, intervention, training, treatment and education service programs to reduce substance abuse. Up to 20% of this category can be used by non-profits or other entities to assist with the start-up, study or support of victim impact panels.**
- 2. Twenty percent (20%) of annual deposits are made available to statewide organizations meeting certain experience and purpose criteria to educate youth, youth caregivers and employers about the dangers of substance abuse. Funds can be used for public service campaigns.**
- 3. Twenty percent (20%) of annual deposits are made available to statewide organizations as in (2) to educate employers, unions and employees about the dangers of substance abuse in the workplace and to provide comprehensive drug-free workplace programs.**

**All funds under these categories are awarded on a competitive basis. The balance of the fund is transferred to the Office of Attorney General for prevention grants and PCCD administrative costs.**

**The Commission has awarded a total of \$9,329,895 to date. Funds are awarded on a competitive basis. The yearly breakdown is: 2005-\$906,930; 2006-\$4,042,823; and 2007-\$4,380,142.**

Currently, PCCD is processing Category 1 requests for 2008-09. A total of \$1,645,000 is expected to be awarded. A funding announcement for Categories 2 and 3 will be released by PCCD later this year.

### Communities That Care (CTC) and Drug Prevention Programs

PCCD, through its Office of Juvenile Justice and Delinquency Prevention, has long supported the Communities That Care (CTC) initiative, a science-based community assessment and collaborative planning process that has been adopted in communities across the Commonwealth. Recent research on the impact of the CTC initiative has shown that communities that adopt this model have a lower prevalence of risk factors, and lower ratings for youth substance use and delinquency than similar communities that are not using CTC. CTC has been the foundation for research-based programming in Pennsylvania. The CTC process also provides communities with the foundation and technical assistance to best prepare for implementing evidence based programming.

The focus of funding is on supporting programs proven to be effective in reducing and/or preventing the adolescent problem behaviors of violence, delinquency, school dropout and substance abuse. Some of these programs include: Big Brother Big Sisters; Life Skills Training; the Olweus Bullying Prevention Project; Strengthening Families; Promoting Alternate Thinking Strategies (PATHS); Project Towards No Drug Abuse; and Multisystemic Therapy.

We have also worked in partnership with the Department of Public Welfare and other stakeholders to develop a Resource Center for Evidence-Based Prevention and Intervention Programs and Practices. The overall goal is to support the proliferation and sustainability of high quality and effective juvenile justice and delinquency prevention programs throughout Pennsylvania by influencing policy and practice at the state and local level. Some of the key objectives include: coordinating funding and implementation across state agencies; coordination of training and technical assistance; and ensuring program accountability and cost-effectiveness.

## **Conclusion**

**Substance abuse and dependency continue to be leading causes of crime and delinquency in the Commonwealth. Prevention, intervention and treatment are essential elements in any crime reduction strategy. The Commission is committed to developing and supporting local and community-based collaboratives and strategic planning to deal with these complex criminal and juvenile justice issues. At the same time, the Commission is itself working to develop relationships with other state agencies to ensure that program objectives and performance measures are consistent and funding is coordinated and leveraged. Wherever possible, the Commission directs funding to programs that are supported by research.**

**Thank you and I would be happy to answer any questions.**