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# The Pennsylvania Commission on Sentencing

## Research Bulletin

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### Evaluation of Restrictive Intermediate Punishment Drug and Alcohol Treatment

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#### Background of Intermediate Punishment in Pennsylvania

During the 1980's Pennsylvania experienced a tremendous increase in the use of incarceration, as did most of the nation. As a result, there was renewed interest in the development of promising alternatives that would alleviate correctional costs while at the same time hold the offender accountable, protect society, and reduce criminal activity. Toward that end, in 1990, the Pennsylvania legislature formally created Intermediate Punishment [IP] as a sentencing option for judges to use as an alternative to incarceration for non violent offenders [Acts 193 and 201 of 1990]. The legislation required that counties submit a plan outlining the services and programs they defined as appropriate for an IP sentence to the Pennsylvania Commission on Crime and Delinquency [PCCD], the agency responsible for granting IP sentencing authority.

The legislation also mandated the Commission on Sentencing to recommend appropriate offenders for this alternative sentencing option. The initial guidelines adopted for Intermediate Punishment in 1991 were limited as the Sentencing Commission decided to proceed slowly in acknowledgement of the fact that many counties had not yet developed this new sentencing alternative. In 1994, as part of a comprehensive revision to the guidelines, the Commission allowed offenders who would otherwise receive up to twelve months in jail to be considered for IP. Additionally, the guidelines provided for two levels of IP: Restrictive Intermediate Punishment and Restorative Sanctions. Restrictive Intermediate Punishment [RIP] programs were defined as those that significantly restricted the movement of an offender, such as house arrest, electronic monitoring, and

#### Evaluation of RIP Project

The Evaluation of RIP Project is part of a research partnership that the Sentencing Commission has established with faculty at the Pennsylvania State University. This project was under the direction of **Professor John H. Kramer**, who is a professor of Crime, Law, and Justice in the Department of Sociology. The project was supported by a grant awarded by The Pennsylvania Commission on Crime and Delinquency. This Research Bulletin is based upon the final report written by Professor Kramer, in conjunction with **Tara Williams**, Research Assistant at Research Triangle Institute in North Carolina, and **Carrie Williamson**, graduate student in the Crime, Law, and Justice Program at The Pennsylvania State University

residential drug treatment. The guidelines allowed for RIP to be used in lieu of incarceration for certain offenders, with the requirement that prior to imposing an RIP sentence, the offender had to undergo an assessment for substance abuse dependency by a licensed provider. For offenders found to be drug or alcohol dependent, the guidelines required that the RIP sentencing option be consistent with the treatment recommendation. In 1997, the Commission further expanded the guideline recommendations for IP so that offenders who otherwise might receive a minimum sentence of less than thirty months could also be considered for this sentencing option [i.e., 'state' sentences that could be served in the county jail].

#### MAJOR FINDINGS

- ◆ Overall, the study found that there was no major difference in the re-arrest rates of offenders who were sentenced to treatment-based RIP compared to those sentenced to jail or probation. However, offenders who *successfully completed* their treatment program were significantly less likely to be re-arrested than those sentenced to jail or probation.
- ◆ Offenders sentenced to state prison were least likely to recidivate, though a likely explanation for this finding is that a number of offenders are returned to prison on technical violations of parole, and thus are no longer at risk for re-arrest.
- ◆ The length of treatment is important, with offenders receiving 16 months of treatment being least likely to recidivate.
- ◆ Full-time employment is a major factor that contributes to both lowering recidivism and completion of treatment.

**Funding for IP.** In 1994 the legislature allocated \$5.3 million to assist counties in the implementation of IP programs. In 1998, the legislature provided for an additional allocation of \$10 million specifically for the implementation of Restrictive Intermediate Punishment programs involving substance abuse treatment, and by 2006 this funding had increased to \$15.8 million. The proposed 2007/08 budget has increased the allocation for treatment-based RIP to \$18 million.

### Evaluation of RIP.

The RIP project consisted of two phases. Phase I examined the shifts in sentencing from incarceration to RIP and found that those offenders who had been targeted by the sentencing guidelines as appropriate for RIP were in fact sentenced to RIP rather than incarceration. The study also found that funding made a difference in that judges in the counties receiving funding were more likely to sentence to IP than judges in counties without funding. [*Impact of the 1994 and 1997 Revisions to Pennsylvania's Sentencing Guidelines*, Research Bulletin, November 2003].

Phase II of the RIP Project was a multi-stage process that addressed the effectiveness of RIP sentences involving drug and/or alcohol treatment in comparison to traditional sentencing options [i.e., probation, jail, and prison]. The study addressed three major questions: 1) Are offenders sentenced to RIP treatment programs less likely to recidivate than offenders sentenced to traditional sentencing options?, 2) Are offenders who complete their treatment programs less likely to recidivate?, and 3) Does length of treatment impact recidivism?

**Data sources.** Information for the study was obtained from a variety of sources. The RIP Dedicated and Outcome Forms submitted by the counties to PCCD for program monitoring were used for offender background information, as well as for treatment program completion status. Data from the Pennsylvania Commission on Sentencing were used for demographic information, as well as current offense and prior conviction information. The re-arrest data used for the recidivism analysis were obtained from the Pennsylvania State Police, via the Sentencing Commission. For the prison sample, the Department of Corrections provided the release dates to be used in the calculation of exposure time.

**Sample.** The treatment sample consisted of offenders who were sentenced to RIP sentences involving Drug and Alcohol treatment during 1998-2001 [n=1,728]. The comparison group consisted of offenders who were sentenced to prison [n=221], jail [n=892] or probation [n=625] during 1997 but would have been eligible for RIP D&A had the programs been available. For the comparison group of offenders sentenced to prison, jail, or probation, it was decided not to use the same years as the treatment group, as the offenders not selected for RIP would have been systematically different from those who had received this sentence. Thus, the comparison sample was drawn from 1997, which was close historically to the treatment group, but prior to funding for RIP D&A. Both the treatment and comparison groups were selected from the original 12 counties that had received funding for RIP, though one county was eventually dropped due to insufficient information.

**Sample Characteristics.** Table 1 shows the sample characteristics for the entire sample and by sentence type. Overall,

Table 1. Characteristics of Offenders by Sentence Type

	Full Sample [n=3,466]	State RIP [n=1,738]	County Prison [n=221]	County Jail [n=892]	County Probation [n=625]
<i>Demographic Characteristics</i>					
Male	85%	84%	90%	89%	83%
Black	56%	56%	58%	55%	58%
Hispanic (Any Race)	29%	48%	12%	11%	6%
Mean Age	31 yrs.	31 yrs.	29 yrs.	30 yrs.	31 yrs.
<i>County</i>					
Allegheny	24%	13%	13%	24%	59%
Berks	7%	8%	15%	9%	2%
Montgomery	8%	3%	13%	15%	9%
Lehigh	7%	8%	6%	10%	3%
Philadelphia	39%	54%	37%	23%	22%
Other Rural <sup>a</sup>	14%	15%	16%	19%	6%
<i>Criminal Justice Factors</i>					
Offense Gravity Score-mean	5.2	5.6	5.3	4.7	4.7
Prior Record Score-mean	2.4	2.1	2.4	2.8	2.6
Prior Arrests - mean	5.9	5.1	6.3	6.7	6.7
Prior Convictions - mean	4.8	4.2	5.4	5.4	5.3
<i>Offense Type</i>					
Drug	63%	83%	46%	39%	47%
Property	26%	14%	34%	42%	34%
Personal	11%	3%	20%	19%	19%
<i>Dependant Variable</i>					
Re-arrest after 36 mos.	54%	52%	39%	58%	56%
<sup>a</sup> Other rural counties include Centre, Cumberland, Lycoming, Schuylkill, Tioga, and Westmoreland					

most of the offenders in the study were male, black, and had a mean age of 31 years. Offenders sentenced to RIP were more likely to have a conviction for a drug offense [83%], in comparison to offenders sentenced to state prison [46%], county jail [39%], or probation [47%]. However, offenders sentenced to RIP had a fewer number of arrests and convictions than offenders sentenced to traditional sentencing options.

Table 1 also compares the re-arrest rates of offenders sentenced to RIP D&A compared to offenders sentenced to traditional sentencing options after three years. Overall, offenders sentenced to RIP D&A treatment were less likely to get arrested [52%] than those sentenced to jail [58%] or probation [56%], but more likely than those sentenced to prison [39%].

**Recidivism Analysis.** Table 2 shows the factors that best predict re-arrest while controlling for all factors simultaneously. Models 1 and 2 are the same except that Model 1 includes all RIP offenders, while Model 2 [which is discussed in the next section] includes only offenders who *completed* RIP treatment. In looking at Model 1, the findings indicate that, upon controlling for other factors, offenders sentenced to jail were about 5% *more* likely than those sentenced to RIP to be re-arrested, while offenders sentenced probation were about 5% *less* likely to be re-arrested than those sentenced to RIP. Additionally, offenders sentenced to prison were about 50% less likely than those sentenced to RIP to be re-arrested.

With respect to offender characteristics, offenders who were young, black, and male were more likely to be arrested than those who were older, white, and female. With respect to offense characteristics, the more serious the offense, as measured

by the Sentencing Guidelines' Offense Gravity Score [OGS], the less likely the offender was to be re-arrested. The risk of re-arrest declines 7.7% with each one-unit increase on the OGS scale. On the other hand, for each one-unit increase in the Prior Record Score, as defined by the Sentencing Guidelines, the likelihood of re-arrest increases 4.5%. Additionally, persons convicted of drug and personal crimes were less likely to recidivate than those convicted of property crimes. Overall, offenders from the most urban areas of Philadelphia and Allegheny counties were more likely to get re-arrested than offenders in other counties.

Table 2. Predictors of Re-arrest at 36 months.

Variables	Model 1	Model 2
	Everyone	Completed RIP
<i>Sentence Type</i>		
Probation	0.950***	1.352**
County Jail	1.054***	1.510***
State Prison	0.498***	0.732*
Sentenced to RIP <sup>a</sup>	—	—
<i>Offender Characteristics</i>		
Age	0.972***	0.971***
Black	1.212**	1.248**
Hispanic (Any Race)	1.083	1.175
Female	0.667***	0.678***
<i>Offense Characteristics</i>		
Offense Gravity Score	0.923***	0.915**
Prior Record Score	1.045**	1.034
<i>Offense Type</i>		
Property <sup>a</sup>	—	—
Drug	0.863*	0.828*
Personal	0.725***	0.682***
<i>County</i>		
Philadelphia <sup>a</sup>	—	—
Allegheny	1.043	1.248**
Berks	0.638***	0.713*
Montgomery	0.845†	0.96
Lehigh	0.383***	0.511***
Other Rural <sup>b</sup>	0.607***	0.742**

Significance Levels: \*p < .05, \*\*p < .01, \*\*\*p < .001  
<sup>a</sup> Serves as the reference category  
<sup>b</sup> Other rural counties include Centre, Cumberland, Lycoming, Schuylkill, Tioga, and Westmoreland

### Completion of RIP Treatment Makes a Difference

Previous research on substance abuse treatment has found that it is important to keep offenders in treatment in order to successfully reduce recidivism. Thus, two follow-up questions addressed in this research were: 1) Do offenders who complete treatment recidivate less?, and 2) Does length of treatment impact recidivism? With respect to sentence type, Model 2 in Table 2 shows offenders sentenced to probation are 35% more likely to be re-arrested than offenders who completed RIP treatment and that offenders sentenced to county jail are 51% more likely to be rearrested than offenders who completed RIP treatment. On the other hand, offenders sentenced to state prison are 26% less likely to recidivate than offenders who complete RIP. Other findings were similar to those found in Model 1. That is, risk of re-arrest is greater for those offenders who are young, black, male, commit a less serious offense, commit a property offense, and come from an urban area, particularly Philadelphia.

### Who Successfully Completes Treatment?

*Data collection in the counties.* In order to obtain more detailed information on offenders receiving RIP treatment, site visits were made to the twelve counties to collect data from probation and treatment staff records.<sup>1</sup> It should be noted that since information on the offender's background was often unavailable, caution must be used in the interpreting this portion of the analysis.

Offenders receiving RIP were more likely to receive residential than non-residential treatment, with the average length of treatment being almost 11 months. Most of the offenders were single, and lived with either their family or partner. About 40% of the offenders had parents with drug and/or alcohol problems. About half had finished high school, and they were more likely to be employed than unemployed. Marijuana [40%] and cocaine [40%] were the primary drugs of addiction followed by alcohol [37%] and heroin [23%].

About 41% of the RIP sample were successfully discharged from treatment. Multivariate analyses indicated that there were the following significant differences between offenders who completed treatment compared to those who did not complete treatment:

\* The length of treatment is important, with offenders receiving 16 months of treatment being least likely to recidivate. [Graph 1].

\* Offenders placed in residential treatment were 27% less likely than those in non-residential treatment to complete treatment.

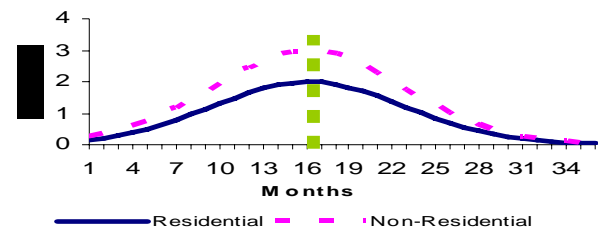
\* The odds of offenders who were employed full-time completing treatment were increased by 49% compared to offenders who were unemployed.

\* The odds of offenders who were employed full-time completing treatment were increased by 49% compared to offenders who were unemployed.

\* The odds of women completing treatment increased by 70% compared to those of men.

\* The odds of completing treatment decreased by 34% for offenders with heroin addiction compared to offenders with cocaine addiction.

Graph 1. Odds of Successful RIP Treatment Completion by Length of Treatment



<sup>1</sup> The information contained in these files are confidential, and the treatment files are subject to regulations promulgated by the Department of Health and federal HIPPA regulations. Thus, the study protocol was not only reviewed and approved by Penn State's Office of Research Protections, but also by the Department of Health and the director of treatment services in each of the 12 counties.

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The Pennsylvania Commission on Sentencing is an agency of the General Assembly located on the University Park campus of The Pennsylvania State University. The Commission was created in 1979 for the primary purpose of creating a consistent and rational statewide sentencing policy to promote fairer and more uniform sentencing practices.

## Summary and Conclusion

Substance abuse is a critical issue facing the criminal justice system. Research shows that many of the offenders arrested for crime are not only using drugs and/or alcohol at the time of the offense, but also have addiction problems. While drugs and alcohol may not necessarily be the cause of criminal activity, studies certainly indicate that there is an important link. As a result, policies such as substance abuse treatment in lieu of traditional incarceration have been advanced as a way to address a problem strongly associated with criminal activity.

The purpose of the current research was to evaluate the effectiveness of substance abuse treatment in Pennsylvania that was implemented as part of the introduction of Intermediate Punishment Sanctions during the 1990s. Of particular importance to this study was the fact that the sample included a group of offenders who were more serious than those typically targeted for alternative programs.

One of the major findings from the study is that offenders who successfully *completed* their treatment were significantly less likely to be re-arrested than those sentenced to jail or probation, indicating the importance of program completion. Furthermore, length of treatment was found to make a difference, with the effectiveness threshold being about 16 months. The results of the study do suggest that there is no major difference in the recidivism of offenders sentenced to RIP, jail or probation when the comparison included both offenders who complete and those who do not complete their RIP treatment program. However, considering that offenders who are sentenced to RIP treatment programs have serious addiction problems, it is actually not surprising that, as a group,

they don't do better with respect to recidivism, and perhaps encouraging that they do no worse.

The finding that the offenders sentenced to prison had the lowest re-arrest rate is contrary to what one would expect. However, one explanation might be that these offenders received treatment in prison, information unavailable to this study. Future research by the Sentencing Commission on the relatively new State Intermediate Punishment Program will hopefully help advance our knowledge on the effectiveness of prison based treatment. A second explanation could be that a number of offenders were re-incarcerated for technical violations, and thus no longer at risk in the community to commit new crimes. Further, it is plausible that offenders who received a technical violation may have actually committed a new offense, but were handled administratively rather than formally processed for a new crime through the courts. Future research on recidivism would benefit from taking a closer look at the extent and nature of technical violations.

Finally, consistent with the findings of other recidivism research, this study found that offenders who were employed full-time were less likely to recidivate. Additionally, young, black, males were found to be most at risk for recidivating and for dropping out of treatment, suggesting that they present a significant challenge for existing treatment strategies.

The study concludes that, overall, RIP substance abuse treatment is a worthwhile investment and that keeping offenders in treatment for about 16 months is a key to success.