# TESTIMONY

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## Senate Majority Policy Committee

# Examining Criminal Justice Statistics and Trends in Pennsylvania

**Pennsylvania State Capitol Complex**
**8E-B West Wing Hearing Room**
**Harrisburg, PA**

**June 21, 2023**

**Mark H. Bergstrom**
**Executive Director**

**Judge Tamara R. Bernstein**
**Chair**

**Representative Rick Krajewski**
**Vice Chair**

**Mark H. Bergstrom**
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*The Commission is an agency of the General Assembly affiliated with The Pennsylvania State University.*

Good afternoon, Chairman Laughlin and members of the Senate Majority Policy Committee. I am Mark Bergstrom, Executive Director of the Pennsylvania Commission on Sentencing. The Commission is an agency of the General Assembly, created to promote an effective, humane, and rational sentencing policy. The Commission achieves this through the adoption and implementation of guidelines for sentencing, resentencing, and parole, as well as a sentence risk assessment instrument and parole recommitment ranges. But the Commission has other duties directly related to the subject of this hearing, including the establishment of a research and development program which serves as a clearinghouse and information center to support data collection and analysis, and mandates to conduct studies and evaluations, and to provide education and technical assistance.

Thank you for providing this opportunity to offer testimony related to criminal justice statistics and trends in Pennsylvania. I hope to provide brief highlights of the following issues: (1) the sources of data and key decision points in the flow of criminal justice cases; (2) an example of the attrition of cases as they move through the criminal justice system; (3) a review of trends that illustrate areas of stability and areas of change; and (4) a discussion of outcome measures, particularly recidivism. And if time permits, I will identify gaps in data sources that limit the accuracy and completeness of the criminal justice information provided to policy makers in Pennsylvania.

I have provided a document that describes the case flow of the criminal justice system prepared by the Bureau of Justice Statistics (Attachment 1). This graphic identifies key phases and decision points as a case moves from initial contact with police through release from the system. The first phase (Entry into the system) focuses on the role of law enforcement and decisions related to arrest; the second phase (Prosecution and pretrial) involves decisions related to the filing of charges and dispositions before the minor courts (i.e., Philadelphia Municipal Court, Magisterial District Judge Courts); the third phase (Adjudication) applies to cases bound over to the Court of Common Pleas for trial or formal disposition; and the final phases (Sentencing and sanctions, Corrections) address post-conviction options and procedures.

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The ability to determine trends and analyze outcomes is linked to the quality, completeness, and granularity of data available at these key decision points. Pennsylvania is fortunate to have several good information systems, including: the Uniform Crime Report (UCR) maintained by the Pennsylvania State Police; the Magisterial District Judge System (MDJS) and Common Pleas Case Management System (CPCMS) developed and operated by the Administrative Office of Pennsylvania Courts; the Sentencing Guidelines Software (SGS Web) deployed by the Pennsylvania Commission on Sentencing; and records kept by the Pennsylvania Department of Corrections and the Pennsylvania Parole Board, related to commitment to state confinement, classification and diagnostic details, and release on state parole. But of equal importance to having these sources of data is having the ability to obtain and connect data as cases move through the system. This is made possible in Pennsylvania using common identifiers, such as the offense tracking number (OTN) and the state identification number (SID), and the applications and web services available through the Pennsylvania Justice Network (JNET), which supports secure access and virtual integration of criminal justice data.

As an example of leveraging various data sources to examine criminal justice processes, HR 111 of 2021 required the Commission to study the investigation, prosecution, and sentencing of violations of Pennsylvania's Uniform Firearms Act (VUFA). This study addressed the attrition of firearms cases, by tracking the processing of firearms charges from initial filing through final disposition. Attrition may occur at various stages of the criminal justice system, and may involve a reduction or elimination of charges, and/or a conviction or plea to lesser offenses, and/or acquittal of charges, and/or mitigation of sentences. Attrition may result from an exercise of discretion by various decision-makers, or it may reflect initial charges that could not be proven at trial. Using AOPC data, the Commission was able to determine a bind-over rate for VUFA charges of 81% from the minor courts to Courts of Common Pleas; and a finding of guilt in 83% of those cases bound over. This could then be linked to Commission data to determine the type and duration of sentence imposed, and with criminal history records from the Pennsylvania State Police to determine the overall recidivism rate, as well as recidivism rates based on other factors such as the type of sentence imposed and the processing of the case.

Another benefit of collecting and analyzing justice data is the ability to create benchmarks, and to track crime and related metrics. Trend reports help to illustrate the consistency of data over time, and to draw attention to the impact of policies and practices and other disruptions of the status quo. Pennsylvania's Criminal Justice Population Projections Committee (CJPPC), supported by the Pennsylvania Commission on Crime and Delinquency (PCCD), develops consensus forecasts of capacity required in state correctional facilities and for community supervision, based on historic trends, contemporary data analysis, and assumptions regarding potential impacts. This information is also used to prepare impact analyses of legislation being considered by the General Assembly.

While those on the law enforcement and prosecution panels may have greater insights regarding crime trends in Pennsylvania, I have provided attachments that address two common measures of crime: Attachment 2 includes National Crime Victimization Survey results, in which Pennsylvania's rate of violent victimization, estimated at 21.8 per 1,000 persons, is in line with the national average; and the rate of property victimization, estimated at 80.5 per 1,000 persons, is substantially below the national average. Attachment 3 is Pennsylvania's Annual Uniform Crime Report (2018), with a rate of 5,877 crimes per 100,000, and a Crime Index rate of 1,803 per 100,000. As a point of comparison, in 2018 the FBI reported a violent crime rate in the United States of 368.9 per 100,000, with the violent crime rate in Pennsylvania of 306 per 100,000.

Sentencing trends can be used to illustrate the stability of data over time as well as modest and abrupt changes to the status quo. From 2015 through 2019, the number of sentences reported to the Commission was declining, reflecting a general decline in arrests and convictions in Pennsylvania. This was seen through four units of analysis: the number of convictions, the number of criminal incidents, the number of judicial proceedings, and the number of individuals sentenced. During this five-year period, the demographic characteristics of those sentenced, including gender, race, and age, remained stable. The slight decline in reported sentences was reflected in a slight decline in the use of state prison (13% to 11%) and county jail (31% to 27%), offset by an increase in probation (53% to 57%), but the duration of sentences remained stable. These stable trends of court filings, dispositions, and

sentences were substantially disrupted in 2020 and 2021 by COVID. Preliminary 2022 data appear to track 2018-2019 sentencing trends more closely.

Turning to recidivism and other outcome measures, Attachment 4 includes highlights from the 2022 Recidivism Report by the Pennsylvania Department of Corrections. As you will note, the measure of recidivism (e.g., overall, re-arrest, re-conviction, re-incarceration), and the duration of the follow-up period (e.g., one year through 20 years), impact the recidivism rate. But as a general baseline, the overall 3-year recidivism rate following release from DOC is around 64%. But three studies by the Commission found greater reductions in recidivism through the use of carefully targeted correctional programs (i.e., RRRI, SIP/SDTP, SSP). This is in addition to other positive outcomes, such as reduced length of confinement and reduced cost.

While Pennsylvania is a model for many other states in the collection, analysis, and integration of criminal justice data, there are several gaps that limit the accuracy and completeness of the information. Areas that require improvement include: the fingerprinting of all those convicted of misdemeanors and felonies; the reporting of all convictions to the Pennsylvania's CHRIA repository; improving the collection and accuracy of demographic information, such as race and ethnicity; and improving the information available concerning bail and pretrial release decisions, county parole, and relevant juvenile records for those subsequently convicted in criminal court. Several of these shortcomings could be addressed during the pretrial phase by introducing more standardized practices, especially at first contact with law enforcement and with the courts. Filling these gaps would improve the quality of the data used to monitor and examine aspects of the criminal justice system, and provide opportunities for intervention at an earlier phase of the case flow.

Thank you again for providing this opportunity to testify.

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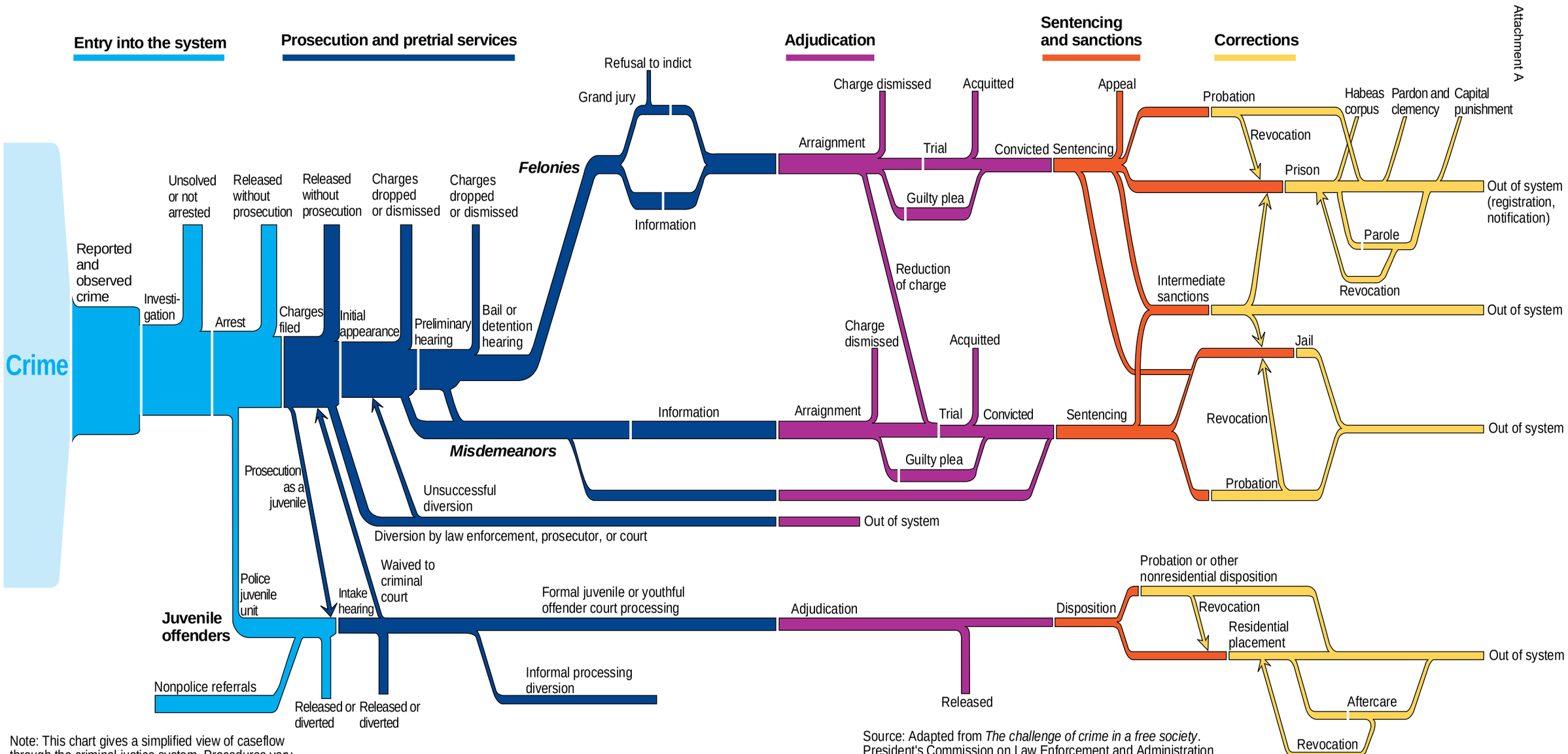
## What is the sequence of events in the criminal justice system?




Note: This chart gives a simplified view of caseflow through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.

Source: Adapted from *The challenge of crime in a free society*. President's Commission on Law Enforcement and Administration of Justice, 1967. This revision, a result of the Symposium on the 30th Anniversary of the President's Commission, was prepared by the Bureau of Justice Statistics in 1997.

## APPENDIX TABLE 1

**Estimates and standard errors for figure 1: Rate of violent victimization per 1,000 persons age 12 or older in the 22 largest states, 2017–19**

| | Rate per 1,000 | | 95% confidence interval | | Number | |
|---|---|---|---|---|---|---|
| State | Estimate | Standard error[a] | Lower bound | Upper bound | Estimate | Standard error[a] |
| United States* | 21.6 | 0.60 | 20.42 | 22.78 | 5,937,000 | 165,100 |
| Arizona | 36.8 † | 4.99 | 27.03 | 46.59 | 220,300 | 29,870 |
| California | 22.4 | 1.93 | 18.64 | 26.18 | 745,600 | 63,880 |
| Colorado | 45.0 † | 4.49 | 36.21 | 53.83 | 215,700 | 21,250 |
| Florida | 13.2 † | 1.62 | 10.01 | 16.35 | 240,000 | 29,460 |
| Georgia | 11.5 † | 1.80 | 7.93 | 14.97 | 99,880 | 15,710 |
| Illinois | 19.8 | 3.18 | 13.53 | 26.01 | 211,900 | 34,060 |
| Indiana | 27.5 | 3.74 | 20.16 | 34.82 | 153,200 | 20,850 |
| Maryland | 21.1 | 3.49 | 14.20 | 27.90 | 107,400 | 17,810 |
| Massachusetts | 20.5 | 5.37 | 9.94 | 30.98 | 121,500 | 31,870 |
| Michigan | 21.1 | 2.81 | 15.56 | 26.56 | 178,700 | 23,790 |
| Minnesota | 20.8 | 1.75 | 17.38 | 24.22 | 97,660 | 8,200 |
| Missouri | 21.5 | 2.37 | 16.87 | 26.17 | 110,400 | 12,170 |
| New Jersey | 7.7 † | 1.34 | 5.11 | 10.35 | 58,850 | 10,160 |
| New York | 15.7 † | 2.24 | 11.25 | 20.05 | 262,500 | 37,610 |
| North Carolina | 13.3 † | 2.06 | 9.28 | 17.34 | 116,000 | 17,980 |
| Ohio | 23.6 | 2.38 | 18.97 | 28.31 | 232,300 | 23,410 |
| Pennsylvania | 21.8 | 2.57 | 16.81 | 26.87 | 238,000 | 27,970 |
| Tennessee | 25.4 | 3.79 | 18.01 | 32.85 | 144,500 | 21,500 |
| Texas | 18.3 ‡ | 1.83 | 14.69 | 21.85 | 426,300 | 42,650 |
| Virginia | 15.4 † | 1.83 | 11.78 | 18.96 | 110,200 | 13,160 |
| Washington | 36.8 † | 4.30 | 28.35 | 45.19 | 233,500 | 27,150 |
| Wisconsin | 22.1 | 4.27 | 13.76 | 30.48 | 108,700 | 20,970 |

Note: Violent victimization includes rape or sexual assault, robbery, aggravated assault, and simple assault. The U.S. Census Bureau reviewed this data product for unauthorized disclosure of confidential information and approved the disclosure avoidance practices applied to this release (CBDRB-FY20-307).

*Comparison group.

†Difference with comparison group is significant at the 95% confidence level.

‡Difference with comparison group is significant at the 90% confidence level.

[a]Standard errors rounded due to disclosure protocols.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, Restricted-use data, 2017–19.

## APPENDIX TABLE 2

**Estimates and standard errors for figure 2: Rate of property victimization per 1,000 households in the 22 largest states, 2017–19**

| | Rate per 1,000 | | 95% confidence interval | | Number | |
|---|---|---|---|---|---|---|
| State | Estimate | Standard error[a] | Lower bound | Upper bound | Estimate | Standard error[a] |
| United States* | 105.9 | 1.33 | 103.30 | 108.50 | 13,220,000 | 175,200 |
| Arizona | 151.5 † | 8.50 | 134.84 | 168.16 | 399,700 | 22,130 |
| California | 145.9 † | 6.88 | 132.41 | 159.39 | 1,962,000 | 100,600 |
| Colorado | 161.3 † | 8.31 | 145.01 | 177.59 | 370,100 | 17,850 |
| Florida | 71.7 † | 4.30 | 63.32 | 80.16 | 581,500 | 40,120 |
| Georgia | 72.4 † | 5.65 | 61.29 | 83.43 | 287,900 | 21,800 |
| Illinois | 79.4 † | 5.62 | 68.41 | 90.43 | 394,900 | 27,340 |
| Indiana | 121.1 † | 6.43 | 108.49 | 133.71 | 325,700 | 17,600 |
| Maryland | 109.8 | 6.62 | 96.82 | 122.78 | 235,900 | 26,300 |
| Massachusetts | 78.1 † | 4.89 | 68.50 | 87.66 | 212,600 | 13,670 |
| Michigan | 74.3 † | 5.13 | 64.28 | 84.38 | 300,900 | 19,350 |
| Minnesota | 114.0 | 8.02 | 98.29 | 129.71 | 259,300 | 20,540 |
| Missouri | 117.6 | 11.74 | 94.59 | 140.61 | 295,000 | 29,780 |
| New Jersey | 51.5 † | 4.14 | 43.37 | 59.59 | 166,400 | 13,280 |
| New York | 64.8 † | 4.44 | 56.13 | 73.53 | 496,400 | 34,550 |
| North Carolina | 63.5 † | 4.46 | 54.74 | 72.24 | 257,900 | 19,900 |
| Ohio | 91.8 † | 5.61 | 80.84 | 102.84 | 438,100 | 24,780 |
| Pennsylvania | 80.5 † | 4.46 | 71.72 | 89.22 | 397,400 | 27,300 |
| Tennessee | 104.5 | 6.68 | 91.41 | 117.59 | 283,200 | 20,000 |
| Texas | 117.3 † | 5.12 | 107.26 | 127.34 | 1,189,000 | 56,590 |
| Virginia | 87.0 † | 5.65 | 75.96 | 98.10 | 286,000 | 17,230 |
| Washington | 202.5 † | 9.65 | 183.59 | 221.41 | 598,900 | 29,160 |
| Wisconsin | 73.9 † | 4.44 | 65.21 | 82.59 | 179,600 | 13,020 |

Note: Property crime includes burglary or trespassing, motor vehicle theft, and other household theft. The U.S. Census Bureau reviewed this data product for unauthorized disclosure of confidential information and approved the disclosure avoidance practices applied to this release (CBDRB-FY20-307).

*Comparison group.

†Difference with comparison group is significant at the 95% confidence level.

[a]Standard errors rounded due to disclosure protocols.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, Restricted-use data, 2017–19.

# CRIME IN PENNSYLVANIA

## ANNUAL UNIFORM CRIME REPORT

During 2018, the Pennsylvania Uniform Crime Reporting (UCR) Program received data for 1,913 jurisdictions. Contributions to the program may range from the submission of data for one month, to the submission of data for the entire year. Individual agencies may have submitted data for multiple jurisdictions. Contributing jurisdictions and the corresponding number of submissions are identified in the contributing Jurisdictions table.

Prior to June 1, 2005, reporting of UCR data by Pennsylvania law enforcement agencies was not mandatory. However, on that date, Act 180 of 2004 became law, mandating UCR for all state, county, and local law enforcement agencies within the Commonwealth.

Information contained in this complete report is based on actual data submitted as of the date of compilation. Analysis is based on data that may have been updated after release of preceding years' reports.

**Summary of Crime in Pennsylvania**

There were 752,697 actual crimes of all types reported to the UCR Program by Pennsylvania law enforcement agencies in 2018. This represents a rate of 5,877.2 crimes per 100,000 population, a decrease of 5.8 percent from the previous year's total of 799,417 actual crimes. Crime Index offenses are considered to be both the most serious and most likely to be reported, and are used nationally as the standard base for comparisons. They include: murder and nonnegligent manslaughter, rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. Manslaughter by negligence is a Part I offense, but is not considered part of the Crime Index.

In 2018, 231,001 Crime Index offenses were reported and confirmed by Pennsylvania police after investigation. Overall, 236,552 Crime Index offenses were reported, but 2.3 percent or 5,551 were unfounded following investigation, ranging from 10.1 percent unfounded for rape to 1.1 percent unfounded for assault other dangerous weapon. Crime Index offenses decreased by 8.3 percent from last year's total of 251,809. The Crime Index rate in 2018 was 1,803.7 per 100,000 population.

In addition, 521,652 Part II offenses were reported in 2018, with a rate of 4,073.2 per 100,000 population. This is a decrease of 4.7 percent from the 547,573 Part II offenses reported the previous year. Part II offenses include: other assaults, forgery and counterfeiting, fraud, embezzlement, stolen property, vandalism, weapons, prostitution, other sex offenses, drug abuse violations, illegal gambling, offenses against the family, driving under the influence, liquor law violations, drunkenness, disorderly conduct, vagrancy, and all other offenses.

In 2018, 47.8 percent of all offenses were cleared (30.9 percent of the Crime Index offenses, and 55.3 percent of all Part II offenses). An offense is considered cleared when at least one person involved in the commission of the offense has been arrested, charged, and turned over to the court for prosecution. An offense can be cleared by exceptional means when an element beyond law enforcement control prevents filing of formal charges against the offender.

## Crime Reported to Police

| Offense Category | Offenses | Percent Distribution | Rate per 100,000 Population | Percent Change From 2017 | Clearances | Percent Cleared |
|---|---|---|---|---|---|---|
| Part I Offenses | 231,045 | 30.7 | 1,804.0 | -8.3 | 71,401 | 30.9 |
| Part II Offenses | 521,652 | 69.3 | 4,073.2 | -4.7 | 288,396 | 55.3 |
| Statewide Total | 752,697 | 100.0 | 5,877.2 | -5.8 | 359,797 | 47.8 |
| Crime Index Offenses | 231,001 | 30.7 | 1,803.7 | -8.3 | 71,358 | 30.9 |

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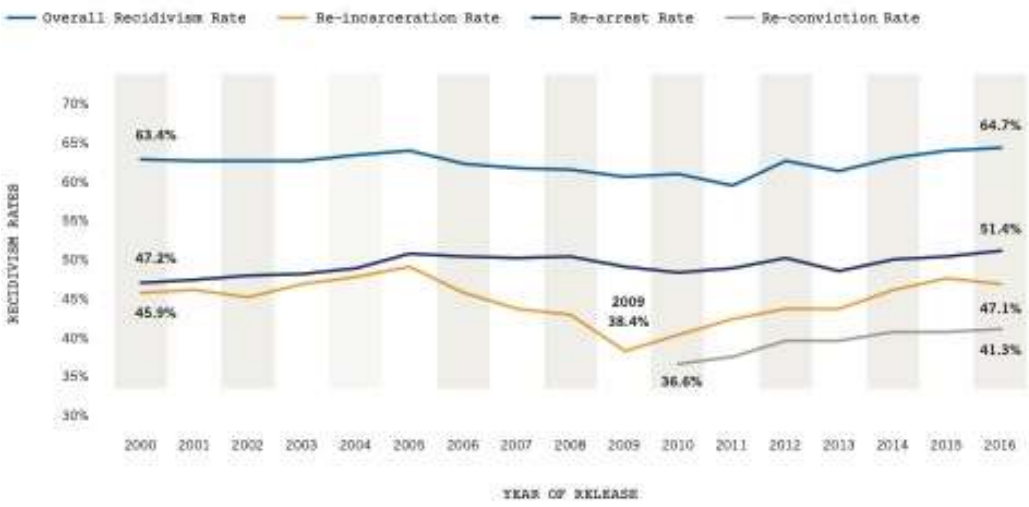
## 3-YEAR RECIDIVISM RATES HAVE INCREASED SLIGHTLY BUT REMAIN MOSTLY UNCHANGED OVER THE PAST 16 YEARS

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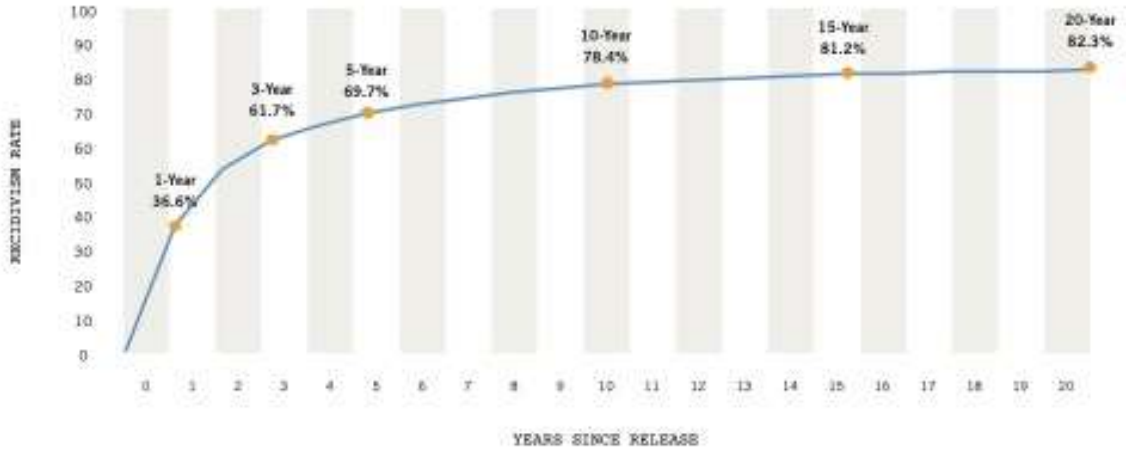
## 20-YEAR RECIDIVISM FOLLOW-UP FOR RELEASES IN 1999 – RECIDIVISM REMAINS MOSTLY FLAT AFTER 10 YEARS POST-RELEASE

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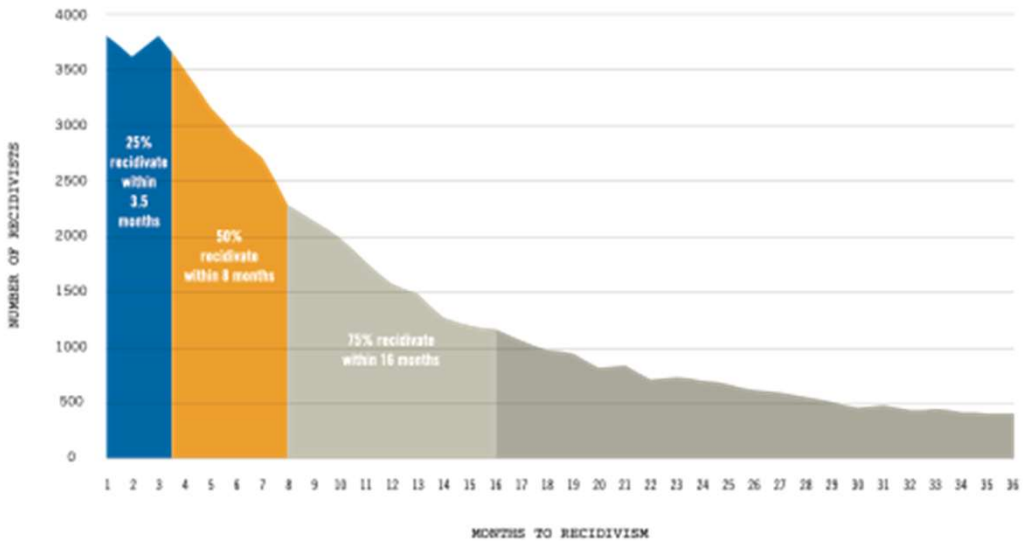
## OF REENTRANTS WHO RECIDIVATE IN 3 YEARS, 75% RECIDIVATE WITHIN THE FIRST 16 MONTHS

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