

SENTENCING IN PENNSYLVANIA

A study of sentences imposed on first and repeat felony
offenders and offenders who use a weapon
in the commission of their offense.

Conducted by:

The Pennsylvania Association on
Probation, Parole, and Correction

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Sam McClea, Project Director
Executive Director, House Judiciary
Committee

Phillip Renninger, Director
Division of Criminal Justice
Statistics

James Alibrio, Director of Research
and Statistics
Pa. Board of Probation & Parole

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James Alibrio, Director of Research
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Pennsylvania Board of Probation & Parole

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This outstanding expression of cooperation and the voluntary time and energy by correctional officials and their staff above and beyond their very demanding schedules, work loads, and responsibilities, favorably demonstrates the commitment these individuals have toward their profession and the concern for developments in the Criminal Justice System in Pennsylvania.

INTRODUCTION

During the latter part of the 1975-76 legislative session the Pennsylvania General Assembly demonstrated an interest in mandatory sentencing legislation. At that time a House-Senate Conference Committee reported out Senate Bill 995 (P.N. 2224). This bill provided for mandatory minimum prison sentences for certain repeat felony offenders and offenders who use a firearm in the commission of their offense. The Conference Report was approved by the Senate by a vote of 46-3; however, it was tabled in the House of Representatives by the narrow vote of 91-84.

When the bill was considered by the General Assembly the only information available was a joint legislative staff report containing a review of the objectives of sentencing, mandatory sentencing practices in other states, recent data on crimes reported, arrests, court processing, average sentences imposed, and prison populations and capacities in Pennsylvania.

In addition, a fiscal assessment was prepared on the potential impact of Senate Bill 995. For example, the assessment projected that if 25% of the number of known felony offenders referred to in the bill were repeat offenders or used a firearm, the mandated sentence would result in an estimated increased cost of \$28.8 million. If 50% were repeat offenders the estimated increased cost would be \$92.7 million.

This report was deficient in two crucial areas. First, it did not contain empirical information on the number of repeat felony offenders in Pennsylvania, nor the number of offenders who used a weapon in the commission of their offense. Second, it did not contain data on the types and length of sentences imposed on these offenders.

To overcome these deficiencies it was recognized that a more extensive study was necessary.

In order to finance such a study the Pennsylvania Statistical Analysis Center contracted with the Pennsylvania Association on Probation, Parole, and Correction (PAPPC). A select committee was established by the PAPPC in cooperation with the House Judiciary Committee, Governor's Justice Commission, and the Pennsylvania Board of Probation & Parole to conduct this extensive study.

The objective of this study was to present as thorough and accurate data as possible on the types and lengths of sentences imposed on felony offenders in Pennsylvania. Particular attention was given to repeat offenders and offenders who use a weapon in the commission of their offense.

The study was not intended nor designed to support or oppose any particular approach or philosophy to sentencing, but rather to provide empirical data previously unavailable. The value of this study will be determined by the extent to which the information contained in this report assists in reducing the guess-work by the decision-makers in their efforts to improve our criminal justice system.

SUMMARY

The purpose of this study was to collect and present as accurate data as possible on the types and lengths of sentences imposed on felony offenders in Pennsylvania. The study concentrated on repeat felony offenders and offenders who used or possessed a weapon during the commission of their offense.

This study was not, and is not, intended or designed to support or oppose any particular approach or philosophy to sentencing, but rather to provide empirical data previously unavailable in the Commonwealth.

Findings:

Specific sentencing data was requested on nearly 25,000 offenders sentenced to county jails or placed on probation in Pennsylvania in 1976. Data was received on approximately 90% of these cases, making this the most comprehensive study on sentencing ever conducted in the history of the Commonwealth.

Twenty-nine percent (6,633) of the offenders sentenced to county jails or placed on probation in 1976 were convicted of felony offenses.

The three offenses of burglary, robbery, and sale of narcotics accounted for two-thirds of all the felony offenders in 1976 sentenced to county jails or placed on probation.

Twenty-five percent (1,709) of all the felony offenders sentenced to county jails or placed on probation had one or more prior felony convictions with over half of the repeat offenders with only one prior felony conviction.

Fewer than one out of ten (7.2%) of the felony offenders placed on probation or committed to county jails were convicted of using or possessing a weapon during the commission of their offense.

While nearly 70% of all the felony offenders studied had no prior felony convictions nor used a weapon during their offense, only 2.7% had both a prior felony offense and used a weapon during their offense.

There were a total of 1,709 felony offenders who had one or more prior felony convictions. Forty-five percent of these offenders (767) were committed to county jails with an average minimum sentence of 8.3 months. Fifty-five percent were placed on either state or county probation for an average term of supervision of 46.6 months for state cases and 42.8 months for county cases.

Previous research conducted by a joint House-Senate Legislative staff task force through the cooperation of the Bureau of Corrections on the sentences of offenders sentenced to state prisons is provided in this report because the data was not completed when the legislative staff report was issued in September, 1976. The data collected in this study was on a random sample basis, however the data on many of the cases was incomplete, consequently the ability to forecast the findings on the total population is very limited especially when making very specific interpretations. Generally, it was found that almost 80% of the offenders studied had one or more prior felony or misdemeanor conviction and received an average minimum sentence of over two years. It was also found that approximately one-third of those state prison offenders studied had used or possessed a firearm during the commission of their offense. The average minimum sentence imposed on these offenders was also over two years. Consequently,

the impact of a sentencing policy which would require an offender to serve a two year or less minimum would be minimal on the current sentencing practices of offenders committed to state prisons.

Any significant increase in additional offenders to correctional facilities over the current sentencing pattern would probably be handled by the state prison system and not the county jails for two reasons. First is that the county jails have been over 100% capacity for several years and currently transfer their overflow to state prisons. Second is that if a one year minimum would be required then by law the maximum would have to be two years or longer and would therefore generally be committed to state prisons.

The state prison system has a capacity for 8,400 offenders although approximately 300 are in community treatment centers and another 300 would require renovation before an inmate could be confined in them. Even with the opening of a new regional center it is estimated that there would only be room for approximately 500 additional offenders (assuming all the renovation are completed). Any increase beyond 500 would require additional construction. The operation cost of confining an offender in a state prison is conservatively estimated at \$8,000 per year. The cost of constructing additional prisons is conservatively estimated at \$35,000 per cell.

The impact of a new sentencing proposal is largely dependent upon the offenses specified, the length of sentences provided, and what limitations, if any, are imposed on the prosecutor in trying the case.

If a new sentencing practice required the confinement of every offender convicted of a felony for a minimum of one year the anticipated impact based on the types and lengths of sentences imposed on felony offenders in 1976 would be an increase of 4,983 additional offenders who would need to be confined. The operational cost for this would be \$39,864,000. The construction costs for 4,483 additional cells would be \$156,905,000. This would be a staggering cost of \$196,769,000. Because of the staggering cost involved in confining every case alternatives must be considered on which felony offenders should be confined.

If the one year minimum sentence only applied to felony offenders with one or more prior felony conviction an additional 1,178 new offenders would be anticipated at a cost of \$9,424,000 for operational expenses and \$23,730,000 for construction of 678 new cells for a total cost of \$33,154,000.

If the one year minimum sentence only applied to felony offenders who used or possessed a weapon during the commission of their offense an additional 220 new offenders would be anticipated at a cost of \$1,760,000 in operational expenses with no need for additional construction.

Limitations:

Because this study was designed to concentrate on very specific information there are inherent limitations which need to be presented so that the reader does not misinterpret the findings.

The data presented is limited to only those actual cases in which documentation exist on the prior criminal record or weapon usage. There was no consideration taken into account for the few counties which did not submit any information on the cases requested. (This is estimated at 10% of the cases identified of 1976). Suspended sentences were also not taken into account, as well as any offenders placed on county pro-

bation during the last two months of 1976. In addition, there were a significant number of cases in which information on prior criminal record or weapon usage was not or could not be obtained. (Example: Bucks County jail estimated that all of their admissions for 1976 had no prior felony conviction record) and were therefore counted as first offenders and not carrying or using a weapon in the commission of their offenses.

The study did not attempt to estimate the impact a new sentencing practice would have on the court system. The experience in New York and Massachusetts with mandatory sentencing suggests that the greater impact in the criminal justice system is at the court stage, and not the correctional stage. The study does not attempt to estimate what the impact might be on jury trials, plea negotiations, or other trial, sentencing, or appellate procedures, or on the conviction rates. The impact at the correctional stage is dependent upon the ability of the court system to effectively process those alleged to commit the specific crimes enumerated. The estimates provided in this report assumes what the impact would be if the force of the sentencing proposal were to have its full impact on the offenders who were processed in 1976 in the Commonwealth in Pennsylvania.

Recommendation:

As stated in the beginning of this summary, this research was not designed to support or oppose any particular sentencing approach or philosophy be it either mandatory minimum prison sentences or the implementation of sentencing guidelines, but rather to provide the hard data on what the current sentencing practices are in Pennsylvania in relation to repeat felony offenders and those convicted of using a weapon in the commission of their offense.

Based on the findings contained in this report which demonstrate a major impact on correctional facilities in the Commonwealth should current practices be significantly altered for whatever reason that additional resources will be necessary to meet the intent of the imposed changes.

It is the responsibility of the General Assembly together with the Governor to promulgate the policy of the Commonwealth on the sentencing of those who violate our criminal laws. It is likewise the responsibility of these two bodies to provide the resources necessary to implement those policies. One cannot realistically be achieved without the other. Failing to do the former and not the latter would only result in Pennsylvania experiencing the struggles of many of her bordering states and others throughout the nation trying to squeeze people into space that doesn't exist and inviting the Federal courts into the review and operation of our state prisons.

Therefore, it is recommended that any specific sentencing reform proposal be reviewed in accordance with the rules of the General Assembly for fiscal implications and that the appropriate funding be included in the proposal for the implementation of its provision for that fiscal year.

METHODOLOGY

The objective of this study was to obtain data on the sentences imposed upon felony offenders in Pennsylvania and to determine the proportion who were repeat felons and/or used a weapon in the commission of their crime. Lacking a centralized data collection system, a survey method was chosen as the most efficient method of data collection. The study's scope was determined by several key decisions on data collection: 1) the survey was based upon a full census of 1976 cases which were sentenced to county jail and to county or state probation; 2) the data base was client records for felony and misdemeanor offenses; 3) detailed sentencing data was only collected for felony offenders and not misdemeanor offenders and 4) information was not collected on prior juvenile record. A study which had been conducted earlier on offenders in state correctional institutions, had comparable data and therefore obviated a need to extend the survey to Bureau of Correction's inmate populations. More will be said on this earlier study at the end of our review of methodology. A full census survey of 1976 felony offenders in Pennsylvania's correctional system assumes that 1976 was not a unique year and consequently statistical parameters may be generalized to subsequent years.

The study plan was operationalized into five research stages. The five stages were: 1) project orientation and field planning, 2) study population identification, 3) data collection, 4) data tabulation and verification, and 5) data analysis. A survey form was designed to collect needed data. The first stage of study implementation involved regional meetings with county prison, county probation and state probation staff to discuss the purpose and approach of the study. This stage constituted a pretest of study instruments and an opportunity for study participants to input design changes. Study phase two was implemented by the identification of the study population from county and state probation caseload listings prepared by the Pennsylvania Board of Probation and Parole, and county prison offender listings prepared by the Pennsylvania Bureau of Corrections. Although county prison listings and state probation were available for a full twelve months, county probation listings were limited to the first ten months of 1976.

The third phase of the study involved data collection. The study instrument allowed space for correctional officials to record specific client based data on the following variables: a) race, b) sex, c) offense, d) maximum and minimum sentence, e) number of prior felony convictions and f) the number and type of convictions for possession or use of a weapon. Information was recorded on the data collection instrument in coded form. In order to insure the confidentiality of client based records source documents were assigned a randomly selected identification number by local correctional officials. Raw client based data was returned to the PAPPC while case listings with identification numbers were retained by local correctional staff.

All data collected from the survey were checked for thoroughness and accuracy during the data tabulation and verification stage of the survey. To provide some assurance that all cases were reviewed thoroughly, the race and sex of both mis-

demeanor and felony offenders were requested on the data collection form. However, only felony cases required a determination of prior felony record and of convictions for the use of weapons. Automated data processing involved the extraction, key-punching and computer and computer storage of only data on felony offenders for purposes of this study. Nearly two dozen computer program data analyses provided the aggregate information which is summarized in this report.

In light of the geographic area involved and the divergence of political opinion touched by the survey efforts, a multitude of agencies and organizations were contacted for cooperation and support in the study. Among the more important were the Pennsylvania State Police, the Pennsylvania District Attorney's Association and the Supreme Court Administrator's Office which subsequently contacted the President Judge in each county. The burden of the census survey effort was borne, however, by the county probation staff, the county warden's staff and the district staff of the Pennsylvania Board of Probation and Parole. In terms of census survey coverage, approximately 90% of all study eligible offenders were reviewed for offense and sentence. Table #1 provides a summarization of survey coverage by target population.

Table #1

1976 Study Survey Coverage

	County Probation	County Jail	State Probation	Total
Number of 1976 cases Requested	14,837	7,263	2,867	24,967
Number of 1976 cases Received	14,557	5,226	2,766	22,549
Percent received of 1976 cases Requested	98%	72%	97%	90%

Several counties and agencies did not participate in the survey despite efforts to obtain their cooperation. Relatively low survey results in county jail populations evidence this condition. A list of non-participating counties may be found in the appendix. There were eight county probation departments and seven county jails in which no information was requested because there were less than five cases placed under their jurisdiction in 1976. In total, there were five county probation departments and twelve county jails which did not submit any information on cases requested under their jurisdiction.

Since the impetus behind the survey of 1976 offenders was to obtain sentencing information on felony offenses frequently cited in legislative sentencing reform bills, eight major felony offenses were isolated in the study. These offenses in-

clude: third degree murder, arson, rape, robbery, burglary, felonious theft, aggravated assault and the sale of narcotics. These offense categories constitute 85% of all offenders sentenced to probation and county jail for felony offense in Pennsylvania during 1976.

As was mentioned earlier, the survey of 1976 offenders was not undertaken in Pennsylvania's eight state correctional institutions. This was deemed unnecessary because of an earlier study conducted by a joint legislative staff task force on sentencing in conjunction with the Bureau of Corrections. The earlier study's methodology consisted of a random sample of 566 cases which were committed to state correctional institutions between 1973 and 1976. The sample size permitted a 95% degree of confidence that the sample statistics would reflect population parameters. Specific variables included in this earlier study included the offense conviction, the sentence, the number of prior convictions and the use of a firearm in the commission of the offense. In the analysis which follows, data generated from this sample survey was used to estimate comparable population data for offenders incarcerated by the Bureau of Corrections.

Before presenting research results, a caveat regarding the limitations of the research is extended to the reader. In order to minimize the problems associated with a voluntary data collection effort, the study was highly specific and therefore limited. This study was directed toward the possible impact on sentencing reform on the correctional facilities and probation services and does not relate to the potential impact on the prosecutorial, defense, and other judicial elements of the court system. Sentencing reform in other jurisdictions have resulted in a greater impact in these areas, rather than the correctional area.* This study only concentrated on two variables: prior felony convictions and weapon usage. Other variables relating to fringe participation, waiver of jury trial, peace negotiations, employment record, etc. were not included in the study. Lastly, the report does not attempt to predict the effects that longer jail sentences will have on reducing crime which results from general deterrence or incapacitation. The literature and the limited research in these areas is generally inconclusive represent conflicting conclusions.

*See "The Nations Toughest Drug Law: Evaluating the New York Experience," published by The Association of the Bar of the City of New York, 1977, and "And Nobody Can Get You Out: The Impact of a Mandatory Prison Sentence for the Illegal Carrying of a Firearm on the Use of Firearms and in the Administration of Criminal Justice in Boston," by The Gun Law Project of the Center for a Criminal Justice: Harvard Law School, July, 1976.

Felony Offense Rate Among Offenders Sentenced
To Probation or County Jails

Before examining sentencing data, an analysis of the study population may be made in terms of major felony crime and repeat felony offenders. Table #2 provides a breakdown of the proportion of offenders who were sentenced to probation or county jail in 1976 for felony crimes. The state probation, county probation and county jail data which is shown below, resulted from information which was extracted from our special survey of 1976 cases sentenced to these sub-systems.

Table #2
Felony Offense Rate Among Offenders

	Total Cases Received	Felony Cases	Percent Felony Cases of Total
County Probation	14,557	2,735	18.9%
County Jail	5,226	2,639	50%
State Probation	2,766	1,259	45.5%
TOTAL	22,549	6,633	29.4%

Table #2 indicates that the proportion of probationers who committed felony offenses ranged from 18.9% among county cases to 45.5% among state supervised cases. Not unexpectedly, felony offenders in county prisons were slightly more prevalent at 50% of all the commitments during 1976. Since county probation cases are over one half of the sentenced offenders it is important to note that its relatively small proportion of felons (18.9%) may still have a significant impact upon prison populations should sentencing reform legislation require them to serve time in a jail or prison.

Analysis of Sentences Imposed on Felony Offenders Placed on County Probation.

Sentencing information was requested on 14,837 individuals placed on county probation during the first ten (10) months of 1976.* Data was received on over 98% of the cases requested (14,557). Of these cases only 2,735 or 18.8% had been convicted of a felony offense.

Table no.#3 provides a breakdown of the number of offenders by sex for the specific felony offenders examined in this study.

TABLE #3 Felony Offenders Placed on County Probation in 1976

OFFENSE	MALE	FEMALE	TOTAL	% of TOTAL	CUMULATIVE PERCENT
Burglary	901	28	929	34.0	34.0
Sale of Narcotics	532	95	627	22.9	56.9
Robbery	269	19	288	10.5	67.4
Theft	177	20	197	7.2	74.6
Aggravated Assault	138	15	153	5.6	80.2
Rape	28	0	28	1.0	81.2
Arson	34	14	48	1.8	83.0
Third Degree Murder	25	10	35	1.3	84.3
All Others	336	94	430	15.7	100.0
TOTAL	2440	285	2735	100.0	-

Table no.#3 indicates an overwhelming number of males felons are (89%) who received a county probation sentence for a felony conviction. The offense of burglary, sale narcotics, and robbery account for two-thirds of the felony offenses for which offenders were placed on county probation.

*The identification of offenders placed on county probation during the last two months of 1976 was not available at the time the study began.

The number of county probationers with felony convictions with a prior felony record is provided in table no.#4.

TABLE #4 Number of Felony Offenders on County Probation with Prior Felony Convictions

OFFENSE	# of Offenders	# Without Prior Felony Convictions	# With Prior Felony Convictions				% With Prior Felony Convictions
			1	2	3	4+	
Burglary	929	682	159	53	17	18	26.6
Sale of Narcotics	627	541	50	25	6	5	13.7
Robbery	288	229	43	10	2	4	20.5
Theft	197	142	29	11	7	8	27.9
Aggravated Assault	153	128	14	6	1	4	16.3
Rape	28	24	3	1	0	0	14.3
Arson	48	41	5	2	0	0	14.6
Third Degree Murder	35	35	0	0	0	0	0.0
All Others	430	379	29	19	1	2	11.9
TOTAL	2735	2201	332	127	34	41	19.5

Approximately one out of five felony offenders placed on county probation had one or more prior felony convictions (19.5% or 534). Of those with prior felony convictions 40% had two or more prior felony convictions. Those convicted for burglary or felony theft were more likely to have prior felony conviction than any other felony offender.

Table no.#5 provides a breakdown on the number felony offenders placed on probation who were convicted of using or possessing a weapon during the commission of their offense.

TABLE #5 Rate of Felony Offenders on County Probation with a Weapon Conviction

OFFENSE	# of Offenders	% Without a Weapon Conviction	% With a Firearm Conviction	% With a Conviction for Another Deadly Weapon
Burglary	929	98.7	1.1	0.2
Sale of Narcotics	627	99.8	0.2	0.0
Robbery	288	72.9	14.6	12.5
Theft	197	100.0	0.0	0.0
Aggravated Assault	153	70.6	20.3	9.1
Rape	28	89.3	3.6	7.1
Arson	48	95.8	4.2	0.0
Third Degree Murder	35	88.5	2.9	8.6
All Others	430	98.4	0.9	0.7
TOTAL	2735	94.4	3.4	2.2

Less than 6% of those placed on county probation for a felony offense were convicted of using or possessing a weapon during the commission of their offense. For those that were convicted of using a weapon a firearm was used in nearly two out of every three cases (64.5%). Weapon convictions occurred most frequently on offenders convicted for aggravated assault (29%) and robbery (27%).

Table no.#6 indicates the number of felony offenders placed on county probation who had neither a prior felony conviction nor convicted of a weapon charge.

TABLE #6 Rate of Felony Offenders on County Probation with a Prior Felony Conviction and/or a Weapon Conviction

OFFENSE	# of Offenders	% with no prior felony convictions or weapons Conviction	% with no prior felony convictions but with a weapon conviction	% with a prior felony conviction <u>but with no</u> weapon conviction	% with a prior felony conviction <u>and</u> a weapon conviction
Burglary	929	73.2	0.2	25.5	1.1
Sale of Narcotics	627	86.2	0.0	13.6	0.2
Robbery	288	56.9	22.6	16.0	4.5
Theft	197	72.1	0.0	27.9	0.0
Aggravated Assault	153	62.1	21.6	8.5	7.8
Rape	28	82.1	3.6	7.1	7.1
Arson	48	85.4	0.0	10.4	4.2
Third Degree Murder	35	88.6	11.4	0.0	0.0
All Others	430	86.9	1.2	11.4	0.5
TOTAL	2735	76.5	4.0	18.0	1.5

Three out of every four felony offenders placed on county probation did not have a prior felony conviction nor a conviction for a weapons charge during the commission of their offense. Only 1.5% of the offenders had both a prior felony conviction and a weapon conviction.

The average sentence imposed on felony offenders placed on county probation is provided in table no.#6 according to whether or not they had a prior felony conviction.

Table #7 Average Sentence of Felony Offenders on County Probation with a Prior Felony Conviction

OFFENSE	<u>Sentences in Months</u>				
	No Prior Felony Convictions		One or More Prior Felony Convictions		Numeric Difference between the two Sentences
	#	Average Sentence	#	Average Sentence	
Burglary	682	32.0	247	44.1	+12.1
Sale of Narcotics	541	29.4	86	36.1	+ 6.7
Robbery	229	51.8	59	50.4	- 1.4
Theft	142	26.7	55	27.9	+ 2.2
Aggravated Assault	128	30.7	25	33.3	+ 2.6
Rape	24	63.3	4	66.0	+ 2.7
Arson	41	39.2	7	39.3	+ 0.1
Third Degree Murder	35	83.0	0	-	-
All Others	379	33.2	51	58.4	+25.2
TOTAL	2201	34.5	534	42.8	+ 8.3

Offenders with one or more prior felony conviction received an average of 8.3 months longer sentence than those without a prior conviction. An exception to this was those convicted of robbery with a prior conviction which received an average sentence of 1.4 months less than those without a prior conviction.

The average sentence imposed on felony offenders placed on county probation who were convicted of using or possessing a weapon during the commission of their offense is provided in table no.#8. .

TABLE #8 Average Sentence of Felony Offenders on County Probation with a Weapon Conviction

OFFENSE	Sentences in Months				Numeric Difference Between the two Sentences
	No Prior Felony Convictions		Weapon Conviction		
	#	Average Sentence	#	Average Sentence	
Burglary	917	35.2	12	39.4	+ 4.2
Sale of Narcotics	626	30.3	1	48.0	+17.7
Robbery	210	50.5	78	54.3	+ 3.8
Theft	197	27.0	0	-	-
Aggravated Assault	108	29.1	45	36.0	+ 6.9
Rape	25	66.8	3	38.0	-28.8
Arson	46	39.1	2	42.0	+ 2.9
Third Degree Murder	31	83.2	4	81.0	- 2.2
All Others	423	35.9	7	58.3	+22.4
TOTAL	2583	35.4	152	48.1	+12.7

Felony offenders convicted of using or possessing a weapon during the commission of their offense received a 12.7 months longer sentence than those who did not.

Table no.#9 provides a breakdown of the average sentence imposed on felony offenders placed on county probation who neither had a prior felony conviction or a weapon conviction compared to those offenders who had either or both of these circumstances.

TABLE #9

Average Sentence of Felony Offenders on County Probation with a Prior
Felony Conviction and/or Weapon Conviction

OFFENSE	<u>Sentences in Months</u>				Numeric Difference: Between the two Sentences
	No Prior Convictions and No Weapon Conviction #	Average Sentence	Prior Conviction and/or Weapon Conviction #	Average Sentence	
Burglary	680	31.9	249	44.3	+12.4
Sale of Narcotics	541	29.4	86	36.1	+ 6.7
Robbery	164	50.1	124	53.4	+ 3.3
Theft	142	26.7	55	27.9	+ 1.2
Aggravated Assault	95	28.4	58	35.5	+ 7.1
Rape	23	65.3	5	56.4	- 8.9
Arson	41	39.2	7	39.3	+ .1
Third Degree Murder	31	83.2	4	81.0	- 2.2
All Others	374	32.7	56	59.4	+26.7
TOTAL	2091	33.6	644	44.4	+10.8

Those offenders who had a prior felony conviction or were convicted of using or possessing a weapon during the commission of their offense or both received nearly a year longer sentence (10.8 months) than those offenders who had neither.

Analysis of Sentences imposed on felony offenders placed on State Probation.

Sentencing information was requested on 2,867 individuals placed on probation with the Pennsylvania Board of Probation and Parole. Data was received on over 96% of the cases requested (2,766). Of these cases 45.5% or 1,259 had been convicted of a felony offense.

Table no.#10 displays the number of offenders by sex for the specific felony offenses examined in this study.

TABLE #10 Felony Offenders Placed on State Probation

OFFENSE	MALE	FEMALE	TOTAL	% of TOTAL	CUMULATIVE PERCENT
Burglary	303	28	331	26.3	26.3
Sale of Narcotics	313	39	352	28.0	54.3
Robbery	127	8	135	10.7	65.0
Theft	92	4	96	7.6	72.6
Aggravated Assault	86	12	98	7.8	80.4
Rape	22	2	24	1.9	82.3
Arson	17	2	19	1.5	83.8
Third Degree Murder	8	3	11	0.9	89.7
All Others	157	36	193	15.3	100.0
TOTAL	1125	134	1259	100.0	

Table no.#10 indicates a similar male-female percent of state probation cases as exist in county probation cases (88%-12%). The offenses of burglary, sale of narcotics, and robbery account for most felony offenses for which offenders are placed on state probation which is similar to that of county probation cases.

The number of state probationers with prior felony convictions is provided in table no. #11.

TABLE #11 Number of Felony Offenders on State Probation with Prior Felony Convictions

OFFENSE	# of Offenders	# Without Prior Felony Convictions	# With Prior Felony Convictions				% With Prior Felony Convictions
			1	2	3	4+	
Burglary	331	233	46	20	12	20	29.6
Sale of Narcotics	352	255	45	24	12	16	27.6
Robbery	135	78	32	11	4	10	42.2
Theft	96	57	14	11	8	6	40.6
Aggravated Assault	98	64	13	13	3	5	34.7
Rape	24	15	4	3	2	0	37.5
Arson	19	15	2	1	0	1	21.1
Third Degree Murder	11	10	1	0	0	0	9.1
All Others	193	124	26	20	12	11	35.8
TOTAL	1259	851	183	103	53	69	32.4

One out of every three felony offenders placed on state probation had one or prior felony convictions (32.4% or 408). Approximately 55% of those with prior felony convictions had two or more on their criminal record. Prior offenders were most prevalent for the offenses of robbery (42.2%), theft (40.6%), rape (37.5%), and aggravated assault (34.7%).

Table no. #12 displays the proportion of felony offenders placed on state probation who were convicted of using or possessing a weapon during the commission of their offense.

TABLE #12 Rate of Felony Offenders on State Probation with a Weapon Conviction

OFFENSE	# of Offenders	% Without a Weapon Conviction	% With a Firearm Conviction	% With a Conviction for Another Deadly Weapon
Burglary	331	97.0	2.4	0.6
Sale of Narcotics	352	98.0	1.7	0.3
Robbery	135	53.3	40.8	5.9
Theft	96	91.7	5.2	3.1
Aggravated Assault	98	56.1	26.5	17.3
Rape	24	95.8	4.2	0.0
Arson	19	94.7	0.0	5.3
Third Degree Murder	11	36.4	63.6	0.0
All Others	193	89.6	4.7	5.7
TOTAL	1259	87.3	9.3	3.4

Nearly 13% of felony offenders placed on state probation were convicted of using or possessing a weapon during the commission of their offense. This is more than double the proportion of felony offenders convicted of a weapons charge and placed on county probation. Weapon convictions were most prevalent for third degree murder, robbery, and aggravated assault.

Table no.#13 composes the number of felony offenders placed on state probation who had prior felony convictions or a weapons conviction with those who had neither.

TABLE #13

Rate of Felony Offenders on State Probation with a Prior Felony
Conviction and/or a Weapon Conviction

OFFENSE	# of Offenders	% with <u>no</u> prior felony convictions or weapons Conviction	% with <u>no</u> prior felony convictions; <u>but</u> with a weapon conviction	% with a prior felony conviction <u>but</u> with <u>no</u> weapon conviction	% with a prior felony conviction <u>and</u> a weapon conviction
Burglary	331	70.1	0.3	26.9	2.7
Sale of Narcotics	352	71.6	0.9	26.4	1.1
Robbery	135	36.3	21.5	17.0	25.2
Theft	96	58.4	1.0	33.3	7.3
Aggravated Assault	98	39.8	25.5	16.3	18.4
Rape	24	62.5	0.0	33.3	4.2
Arson	19	73.7	5.3	21.0	0.0
Third Degree Murder	11	36.4	54.4	0.0	9.1
All Others	193	58.1	6.2	31.6	4.1
TOTAL	1259	61.4	6.2	25.9	6.5

Sixty-one percent (61%) of the felony offenders placed on state probation did not have a prior felony conviction nor a conviction for a weapons charge during the commission of their offense. Six and a half percent (6.5%) had both a prior felony conviction and a weapon conviction.

The average sentence imposed on felony offenders with and without a prior criminal record is displayed in table no. #14.

TABLE #14 Average Sentence of Felony Offenders on State Probation with a Felony Felony Conviction

OFFENSE	<u>Sentences in Months</u>				Numeric Difference between the two Sentences
	No Prior Felony Convictions		One or More Prior Felony Convictions		
	#	Average Sentence	#	Average Sentence	
Burglary	233	37.0	98	48.5	+11.5
Sale of Narcotics	255	36.8	97	37.9	+ 1.1
Robbery	78	60.3	57	61.6	+ 1.3
Theft	57	35.9	39	44.9	+ 9.0
Aggravated Assault	64	42.6	34	42.7	+ 0.1
Rape	15	50.0	9	68.7	+12.3
Arson	15	58.4	4	45.0	-13.4
Third Degree Murder	10	107.6	1	36.0	-71.6
All Others	124	44.6	69	44.0	- 0.6
TOTAL	851	42.0	408	46.6	+ 4.6

Offenders with one or more prior felony conviction received an average of 4.6 months longer sentence than those without a prior conviction. A minimal difference existed for the offenses of robbery, sale of narcotics, and aggravated assault.

The average sentence imposed on felony offenders placed on state probation who were convicted of using or possessing a weapon during the commission of their offense is provided in table no.#15.

TABLE #15 Average Sentence of Felony Offenders on State Probation with a Weapon Conviction

OFFENSE	Sentences in Months				Numeric Difference Between the two Sentences
	No Prior Felony Convictions		Weapon Conviction		
	#	Average Sentence	#	Average Sentence	
Burglary	321	40.3	10	45.6	+ 5.3
Sale of Narcotics	345	36.9	7	46.3	+ 9.4
Robbery	72	55.4	63	67.1	+11.7
Theft	88	37.0	8	67.5	+30.5
Aggravated Assault	55	36.4	43	50.6	+14.2
Rape	23	54.3	1	120.0	+65.7
Arson	18	55.3	1	60.0	+ 4.7
Third Degree Murder	4	95.0	7	104.6	+ 9.6
All Others	173	42.5	20	60.6	+18.1
TOTAL	1099	42.5		61.5	+19

Felony offenders convicted of using or possessing a weapon during the commission of their offense received a 19 month longer sentence than those who did not.

Table no. #16 provides a breakdown of the average sentence imposed on felony offenders placed on state probation who neither had a prior felony conviction or a weapon conviction compared to those offenders who had either or both of these circumstances.

TABLE #16 Average Sentence of Felony Offenders on State, Probation with a Prior Felony Conviction and/or Weapon Conviction

OFFENSE	<u>Sentences in Months</u>				Numeric Difference Between the two Sentences
	No Prior Convictions and No Weapon Conviction #	Average Sentence	Prior Conviction and/or Weapon Conviction #	Average Sentence	
Burglary	232	37.1	99	48.3	+11.2
Sale of Narcotics	252	36.9	100	37.7	+ .8
Robbery	49	55.4	86	64.0	+ 8.6
Theft	56	35.7	40	45.0	+ 9.3
Aggravated Assault	39	37.2	59	46.2	+ 9.0
Rape	15	50.0	9	68.7	+18.7
Arson	14	58.3	5	48.0	- 9.7
Third Degree Murder	4	96.0	7	104.6	+ 8.6
All Others	112	43.0	81	46.3	+ 3.3
TOTAL	773	39.3	486	49.2	+ 9.9

First time offenders with no weapons received an average of ten months lighter sentence than those with priors, weapons, or both.

Analysis of Sentences imposed on felony offenders committed to County Jails.

Sentencing information was requested on 7,263 individuals committed to county jails. Data was received on approximately 72% of the cases requested (5,226). Of these cases 2,639 or 50.5% had been convicted of a felony offense.

Table no.#17 provides a breakdown of the number of offenders by sex for the specific crimes examined in this study.

TABLE #17 Felony Offenders Committed to County Jails

OFFENSE	MALE	FEMALE	TOTAL	% of TOTAL	CUMULATIVE PERCENT
Burglary	872	10	882	33.4	33.4
Sale of Narcotics	465	24	489	18.5	51.9
Robbery	438	12	450	17.1	69.0
Theft	230	2	232	8.8	77.8
Aggravated Assault	139	6	145	5.5	83.3
Rape	27	0	27	1.0	84.3
Arson	25	2	27	1.0	85.3
Third Degree Murder	15	4	19	0.8	86.1
All Others	338	30	368	13.9	100.0
TOTAL	2,549	90	2,639	100.0	-

Table no.#17 indicates that only a small fraction of the number of felony offenders committed to county jails were females (3.4%). As with felony offenders placed on county and state probation approximately two out of three are for either burglary, sale of narcotics, or robbery (69%).

The number of felony offenders committed to county jails with prior felony convictions is indicated in table no.#18.

TABLE # 18 Number of Felony Offenders in County Jails with Prior Felony Convictions

OFFENSE	# of Offenders	# Without Prior Felony Convictions	# With Prior Felony Convictions				% With Prior Felony Convictions
			1	2	3	4+	
Burglary	882	591	163	75	34	19	33.0
Sale of Narcotics	489	380	59	28	13	9	22.3
Robbery	450	314	93	32	5	6	30.2
Theft	232	165	19	25	9	14	28.9
Aggravated Assault	145	94	23	12	4	12	35.2
Rape	27	21	2	3	0	1	22.2
Arson	27	22	4	1	0	0	18.5
Third Degree Murder	19	16	2	0	0	1	15.8
All Others	368	269	40	24	15	20	26.9
TOTAL	2,639	1,872	405	200	80	82	29.1

Approximately three out of every ten felony offenders committed to county jails had one or more prior felony convictions. Nearly half (47%) of those with prior felony convictions had two or more on their criminal record. Prior offenders were most prevalent for the offenses of aggravated assault (35.2%), burglary (33%), and robbery (36.2%).

Table no.#19 displays the proportion of felony offenders committed to county jails who were convicted of using or possessing a weapon during the commission of their offense.

TABLE # 19

Rate of Felony Offenders in County Jails with a Weapon Conviction

OFFENSE	# of Offenders	% Without a Weapon Conviction	% With a Firearm Conviction	% With a Conviction for Another Deadly Weapon
Burglary	882	99.7	0.2	0.1
Sale of Narcotics	489	99.2	0.6	0.2
Robbery	450	74.2	12.2	13.6
Theft	232	98.7	0.2	0.1
Aggravated Assault	145	86.9	11.7	1.4
Rape	27	88.9	0.0	11.1
Arson	27	100.0	0.0	0.0
Third Degree Murder	19	42.1	15.8	42.1
All Others	368	97.3	1.1	1.6
TOTAL	2,639	93.6	3.3	3.1

Only 6.4% of felony offenders committed to counties jails were convicted of using or possessing a weapon during the commission of their offense. Weapon convictions were most prevalent for the offenses of third degree murder, robbery, aggravated assault, and rape. The other offenses only account for 4.1% of all of the incidents where a weapon conviction occurred.

Table no. #20 compares the number of felony offenders committed to county jails who had prior felony convictions or a weapon convictions with those who had neither.

TABLE #20

Rate of Felony Offenders on County Jails with a Prior Felony
Conviction and/or a Weapon Conviction

OFFENSE	# of Offenders	% with <u>no</u> prior felony convictions <u>or</u> weapons Conviction	% with <u>no</u> prior felony convictions; <u>but</u> with a weapon conviction	% with a prior felony conviction <u>but</u> with <u>no</u> weapon conviction	% with a prior felony conviction <u>and</u> a weapon conviction
Burglary	882	66.9	0.1	32.8	0.2
Sale of Narcotics	489	77.1	0.6	22.1	0.2
Robbery	450	52.7	17.1	21.6	8.6
Theft	232	70.7	0.1	29.0	0.2
Aggravated Assault	145	58.0	6.9	29.0	6.1
Rape	27	66.7	11.1	22.2	0.0
Arson	27	81.5	0.0	18.5	0.0
Third Degree Murder	19	36.8	47.4	5.3	10.5
All Others	368	70.9	2.2	26.4	0.5
TOTAL	2,639	66.7	4.2	26.9	2.2

Two out of every three felony offenders committed to county jails did not have a prior felony conviction nor a conviction for a weapon charge during the commission of their offense. Only 2.2% had both a prior felony conviction and a weapon conviction.

The average sentence imposed on felony offender with and without a prior criminal record is displayed in table no. #21.

TABLE # 21 Average Sentence of Felony Offenders in County Jails with a Prior Felony Conviction

OFFENSE	Sentences in Months						Numeric Difference. Between the two Sentences	
	No Prior Conviction			One or More Prior Felony Convictions				
	#	Minimum	Maximum	#	Minimum	Maximum	Minimum	Maximum
Burglary	591	7.7	23.9	291	9.0	23.9	+1.3	0
Sale of Narcotics	380	6.1	21.0	109	7.1	21.0	+1.0	0
Robbery	314	10.9	26.4	136	11.7	27.2	+ .8	+ .8
Theft	165	5.1	20.4	67	5.0	19.5	- .1	- .9
Aggravated Assault	94	6.3	21.2	51	4.4	15.8	-1.9	- 5.4
Rape	21	12.6	31.7	6	13.8	29.8	+1.2	- 1.9
Arson	22	8.3	25.9	5	10.1	26.0	+1.8	- .1
Third Degree Murder	16	13.1	34.6	3	21.0	49.0	+8.9	+14.4
All Others	269	6.2	21.2	99	6.6	20.9	+ .4	- .3
TOTAL	1872	7.5	23.1	767	8.3	22.9	+ .8	- .2

Offenders with one or more prior felony convictions received an average minimum sentence of less than one month longer than those without a prior conviction. The average maximum sentence for the repeat offender was slightly

assault a decrease in sentence exist for the repeat felony offender in both the minimum and maximum sentence. Only for the offense of rape and third degree murder is the average minimum sentence over one year for either the first or repeat felony offender.

The average sentence imposed on felony offenders committed to county jail who were convicted of using or possessing a weapon during the commission of their offense is provided in table no.#22.

TABLE # 22 Average Sentence of Felony Offenders in County Jails with a Weapon Conviction

OFFENSE	<u>Sentences in Months</u>						Numeric Difference Between the two Sentences	
	No Weapon Conviction			Weapon Conviction				
	#	Minimum	Maximum	#	Minimum	Maximum	Minimum	Maximum
Burglary	879	8.1	23.9	3	4.3	19.3	- 3.8	- 4.6
Sale of Narcotics	485	6.2	20.9	4	17.3	36.5	+11.1	+15.6
Robbery	334	11.0	26.3	116	11.6	27.5	+ .6	+ 1.2
Theft	229	5.1	20.3	3	3.2	14.0	- 1.9	- 6.3
Aggravated Assault	126	5.3	18.5	19	8.3	24.9	+ 3.0	+ 6.4
Rape	24	12.3	30.8	3	17.7	35.7	+ 5.4	+ 4.9
Arson	27	8.6	25.9	0	0	0	0	0
Third Degree Murder	8	11.0	31.8	11	16.7	40.6	+ 5.7	+ 8.8
All Others	358	6.2	20.7	10	9.4	33.9	+ 3.2	+13.2
TOTAL	2,470	7.5	22.7	169	11.4	28.4	+ 3.9	+ 5.7

Felony offenders convicted of using or possessing a weapon during the commission of their offense received a longer minimum and maximum sentence of 3.9 and 5.7 months respectively than those who did not.

Table no.#23 provides a breakdown of the average sentence imposed on felony offenders committed to county jail who neither had a prior felony record nor a weapon conviction compared to those offenders who had either or both of these circumstances.

TABLE # 23 Average Sentence of Felony Offenders in County Jails with a Prior Felony Conviction and/or Weapon Conviction

OFFENSE	Sentences in Months						Between the two Sentences	
	No Prior Convictions and no Weapon Conviction			Prior Conviction and/or - Weapon Conviction				
	#	Minimum	Maximum	#	Minimum	Maximum	Minimum	Maximum
Burglary	590	7.7	23.9	292	9.0	23.9	+ 1.9	0
Sale of Narcotics	377	5.9	20.8	112	7.5	21.7	+ 1.6	+ .9
Robbery	237	10.8	25.9	213	11.5	25.0	+ .7	- .9
Theft	164	5.1	20.6	68	5.0	19.3	- .1	-1.3
Aggravated Assault	84	6.1	20.7	61	5.0	17.4	- 1.1	-3.3
Rape	18	11.8	31.1	9	15.1	31.8	+ 3.3	+ .7
Arson	22	8.3	25.9	5	10.1	26.0	+ 1.8	+ .1
Third Degree Murder	7	12.4	35.9	12	15.4	32.5	+ 3.0	+3.7
All Others	260	6.0	20.7	108	6.4	20.9	+ .4	+ .2
TOTAL	1,760	7.3	22.7	679	8.7	23.7	+ 1.4	+1.0

The combination of both prior felony conviction and weapon usage only has a slight increasing effect on the average minimum and maximum sentence of 1.4 and 1 month respectively.

Aggregate analysis of Sentences imposed on felony offenders committed to County Jails or placed on Probation.

Sentencing data was requested on 24,967 individuals committed to county jails or placed on county or state probation in 1976. Data was received on 22,549 or 90% of the cases requested. Of these cases only 29.4% or 6,633 had been convicted of a felony offense.

Table no.#24 provides a breakdown of the total number of offenders by sex for the specific felony offenses examined in this study.

TABLE # 24 Felony Offenders placed on Probation or Committed to County Jails in 1976

OFFENSE	MALE	FEMALE	TOTAL	% of TOTAL	CUMULATIVE PERCENT
Burglary	2076	66	2142	32.3	32.3
Sale of Narcotics	1310	158	1468	22.1	54.4
Robbery	834	39	873	13.2	67.6
Theft	499	26	525	7.9	75.5
Aggravated Assault	363	33	396	6.0	81.7
Rape	77	2	79	1.2	82.7
Arson	76	18	94	1.4	84.1
Third Degree Murder	48	17	65	1.0	85.1
All Others	831	160	991	14.9	100.0
TOTAL	6114	519	6633	100.0	-

Table no.#24 indicates that only 7.8% of all the felony offenders placed on probation or committed to county jails were females. Furthermore, that two out of three of all these offenders were convicted of either burglary, robbery, or sale of narcotics.

The number of felony offenders committed to county jail or placed on probation who had one or more prior felony convictions is provided in Table no.#25.

TABLE #25 Number of Felony Offenders on Probation or in County Jails with Prior Felony Conviction

OFFENSE	# of Offenders	# Without Prior Felony Convictions	# With Prior Felony Convictions				% With Prior Felony Convictions
			1	2	3	4+	
Burglary	2,142	1,506	368	148	63	57	29.7
Sale of Narcotics	1,468	1,176	154	77	31	30	19.5
Robbery	873	621	168	53	11	20	28.7
Theft	525	364	62	47	24	28	30.7
Aggravated Assault	396	286	50	31	8	21	27.8
Rape	79	60	9	7	2	1	24.1
Arson	94	78	11	4	0	1	17.0
Third Degree Murder	65	61	3	0	0	1	6.2
All Others	991	772	95	63	28	33	22.1
TOTAL	6,633	4,924	920	430	167	192	25.7

Approximately three out of four (74.2%) of all the offenders placed on probation or committed to county jails in Pennsylvania during 1976 did not have any prior felony convictions on their criminal record. Of those who did have a prior felony conviction about half (48%) had two or more prior felony convictions. Those convicted of property crimes such as burglary, and theft were more likely to have a prior criminal record than those convicted of personal crimes.

Table no.#26 provides a breakdown of the number of felony offenders who were convicted of using or possessing a weapon during the commission of their offense.

TABLE # 26 Rate of Felony Offenders on Probation or in County Jails with a Weapon Conviction

OFFENSE	# of Offenders	% Without a Weapon Conviction	% With a Firearm Conviction	% With a Conviction for Another Deadly Weapon
Burglary	2,142	98.9	0.9	0.2
Sale of Narcotics	1,468	99.2	0.7	0.1
Robbery	873	70.6	17.4	12.0
Theft	525	97.9	1.3	0.8
Aggravated Assault	396	73.0	18.7	8.3
Rape	79	91.2	2.5	6.3
Arson	94	96.8	2.1	1.1
Third Degree Murder	65	66.2	16.9	16.9
All Others	991	96.3	1.7	2.0
TOTAL	6,633	92.8	4.4	2.8

Fewer than one out of ten (7.2%) of the felony offenders placed on probation or committed to county jails in 1976 were convicted of using or possessing a weapon during the commission of their offense. As would be expected weapon convictions were most prevalent for the offenses of third degree murder, robbery and aggravated assault.

Table no.#27 indicates the number of felony offenders placed on probation or committed to county jails who had neither a prior felony conviction or convicted of a weapon charge.

TABLE #27

Rate of Felony Offenders on Probation or in County Jails with a
Prior Felony Conviction and/or a Weapon Conviction

OFFENSE	# of Offenders	% with no prior felony convictions or weapons Conviction	% with no prior felony convictions; but with a weapon conviction	% with a prior felony conviction but with no weapon conviction	% with a prior felony conviction and a weapon conviction
Burglary	2,142	70.1	0.2	28.7	1.0
Sale of Narcotics	1,468	79.7	0.4	19.5	0.4
Robbery	873	51.5	19.6	19.0	9.9
Theft	525	68.9	0.4	29.0	1.7
Aggravated Assault	396	55.1	17.2	17.9	9.8
Rape	79	70.8	5.1	20.3	3.8
Arson	94	81.9	1.1	14.9	2.1
Third Degree Murder	65	64.7	29.2	1.5	4.6
All Others	991	75.4	2.5	20.9	1.2
TOTAL	6,633	69.8	4.5	23.0	2.7

Nearly 70% of the felony offenders studied had no prior felony convictions nor a weapons conviction. Less than 3% had both a prior felony record and a conviction for using or possessing a weapon during the commission of their offense.

Analysis of Sentences imposed on Felony Offenders Committed to State Prisons

During the summer of 1976, a joint task force consisting of staff from the House and Senate Judiciary Committees and the House Law & Justice Committee conducted extensive research into sentencing practices in the Commonwealth and in other jurisdictions. The impetus for this research was the referral of two bills to conference committee dealing with major reforms of our current sentencing statutes. In September, 1976, the task force issued a report on their findings.

In conducting the research, the task force received the cooperation and input from numerous state agencies. The Bureau of Corrections provided the task force with their computerized sentencing data on the criminal court commitments received during the period from January 1, 1971 to June 30, 1976. Because the data did not contain specific information on whether or not a firearm was used in the commission of the offense, nor the number of prior convictions, a random sampling was chosen in order to have this information collected and coded manually. The data from this manual retrieval was not available to the task force at the time of the release of their report. Consequently, the findings were not released, but have been submitted for this report.

Methodology

A random sample size of 616 was chosen from approximately 13,500 felony commitments received by the Bureau of Corrections between January 1, 1973 and June 30, 1976. Information on nearly 92 percent of the cases requested or 567 cases was received. The size of the random sample was over-estimated in expectation that there would be some cases in which the information would not be available.

The cases were from the following correctional institutions:

Muncy27
Camp Hill21
Graterford	207
Pittsburgh76
Dallas53
Huntingdon36
Greensburg86
Total	<u>566</u>

Sentencing and Prior Criminal Record

The number of offenders and their sentences were analyzed for eight major felony offenses: third degree murder, voluntary manslaughter, involuntary deviate sexual intercourse, rape, burglary, robbery, arson and sale of narcotics. There were 257 cases from the random sample in which specific sentencing information was completed. Because this information was only completed by the Bureau of Corrections on 45% of the random sample, the ability to forecast with any confidence of accuracy is very limited especially when attempting to arrive at specific detailed conclusion. As can be seen from Table no.#28, almost 80 percent of these cases had one or more prior felony or misdemeanor convictions. Those convicted of robbery or burglary represent the highest percent of those with prior criminal

convictions, whereas those convicted of third degree murder or arson had the lowest percent of prior convictions.

The average sentence for these offenses did not show a larger sentence for an offender with prior convictions and, in fact, the sentence was shorter for many of the offenses. The notable exceptions were robbery and arson.

Table no.#28

Minimum Sentences Imposed on State Prisoners for Certain Felony Offenses
(In Months)

Offense % of Total Sample Number	Total Sample Number	Number of Prior Convictions					Average Sentence
		0	1	2	3	4 or more	
3rd Degree Murder	23 (100%)	58.9 (43%)	12 (9%)	9.6 (17%)	15 (9%)	66 (22%)	43.9
Voluntary Manslaughter	13 (100%)	27.6 (31%)	10.8 (8%)	24 (23%)	36 (15%)	26.4 (23%)	26.3
Rape	14 (100%)	31.2 (29%)	120 (29%)	51.6 (21%)	42 (21%)	36 (21%)	45.5
Robbery	95 (100%)	14.4 (16%)	32.4 (19%)	31.2 (17%)	30 (17%)	33.6 (31%)	29.4
Burglary	81 (100%)	15.6 (14%)	15.6 (16%)	15.6 (16%)	14.4 (12%)	21.6 (42%)	18.2
Arson	3 (100%)	12 (33%)	60 (33%)	0	0	24 (33%)	32
Involuntary Deviate Sexual Intercourse	1 (100%)	120 (100%)	0	0	0	0	120
Sale of Narcotics	19 (100%)	20.4 (32%)	16.8 (26%)	19.2 (16%)	22.8 (21%)	24 (5%)	20.2
Other Felony	8 (100%)	9.6 (21%)	10.8 (37%)	14.4 (25%)	12 (13%)	0	11.5
AVERAGE	257 (100%)	27.6 (21%)	25.3 (17%)	24 (17%)	25.2 (15%)	30.1 (30%)	27

*These specific offenses represent nearly two-thirds of the commitments received by the Bureau of Corrections in 1976.

If the total commitments received in 1976 reflect a similar porportion of prior criminal convictions as found in the random sample, it would consist of the following:

	<u>Committed</u>	<u>Prior Conviction</u>
3rd Degree Murder	196	112 (57%)
Voluntary Manslaughter	117	78 (69%)
Rape	179	127 (71%)
Robbery	733	616 (84%)
Arson	27	18 (67%)
Burglary	651	559 (86%)
Sale of Narcotics	346	235 (68%)
TOTAL	2249	1745 (77.6%)

Sentencing and the use of a Firearm in the Commission of an Offense.

The cases were also analyzed for the number of offenders and the sentences imposed on those who used a firearm during the commission of their offense. There were 219 cases from the random sample in which this information was completed. Because this total number only represents 39% of the random sample it is as equally limited in forecasting an specific conclusion with any degree of confidence as with the data on sentences of offenders with a prior criminal record. The results displayed in Table no.#29 suggests that only about 37 percent of the offenders were convicted of using a firearm in the commission of their offense.

The average sentence for those who used or possessed a firearm during the commission of their offense was approximately three months longer than for those who did not use a weapon.

Table no. #29

Minimum Sentences Imposed on Certain State Prisoners According to Weapon Usage
(In Months)

<u>Offense</u> (percentage of total number)	<u>Total Number</u>	<u>Firearm used</u>	<u>Firearm not used</u>
3rd Degree Murder	19	25.2 (63%)	53.2 (37%)
Voluntary Manslaughter	9	22.8 (66%)	36 (33%)
Involuntary Deviate Sexual Intercourse	1	0	120 (100%)
Rape	12	30 (25%)	43.2 (75%)
Burglary	74	13.2 (7%)	18 (93%)
Robbery	77	32.4 (60%)	25.2 (40%)
Arson	3	0	32.4 (100%)
Sale of Narcotics	16	36 (6%)	18 (94%)
Other Felonies	8	10.8 (100%)	0
AVERAGE	219	27.2 (37%)	24.5 (63%)

Summary of Findings

From the data received, the findings suggest that

1. Over three-fourths (79%) of the commitments for major felonies to our state prisons have one or more prior criminal convictions (misdemeanor or felony).
2. Approximately one-third of the felony offenders committed to state prisons (37%) were convicted of using a firearm during the commission of their offense.
3. The minimum sentences imposed on offenders committed to state prisons with prior convictions tend to be shorter than for first offenders; however, the average minimum sentence for the major offenses examined is over two years regardless of the number of prior convictions. (With the exception of burglary which the average minimum sentence is 1½ years).
4. The average minimum sentence imposed on offenders committed to state prisons who were convicted of using a firearm during the commission their offense is slightly higher than those who did not. Although, for many particular offenses, this trend was reversed.

Analysis of the Fiscal Impact of Mandating Sentencing for Felony Offenders.

The availability of the data obtained by this study combined with data on the current correctional system's resources permit an analysis of the impact certain sentencing reform proposals, if enacted, would have on the county and state correctional system in Pennsylvania.

The mandatory sentencing reforms introduced in both the current and previous legislative session are directed at providing a fixed minimum term of imprisonment for felony offenders who have a prior criminal record and/or offenders who use or possess a weapon during the commission of their offense. The approaches contained in the bills vary greatly as to specific offenses and penalties as well as certain prosecutorial limitations and procedures. Consequently, this analysis presents a breakdown of the possible impact on specific offenses as well as an aggregate breakdown on all felony offenses. The advantage to providing data on the basis of individual offenses is so that the data may be combined in any combination and applied to any specific legislative proposal that may be considered in the future.

The cost of operational expenses for confining a person in a correctional institution is estimated at \$8,000 annually. The Bureau of Corrections estimates the cost to be \$8,840 in a state correctional institution. While it is possible any additional offenders might be confined in a county correctional institution it is unlikely for two reasons. First, is that on the average county correctional institutions are operating at over 100% capacity and are currently transferring county sentenced offenders to state correctional facilities. Second, a mandatory minimum prison sentence of one year or more would have to by law carry a maximum of two years or longer and therefore would generally be committed to a state facility.

The cost of construction for additional correctional facilities is estimated at \$35,000 per cell. This figure was arrived at by examining the funds appropriated for the most recently completed state regional correctional facility in Mercer County. The General Assembly awarded \$6,151,000 in 1970 for the construction of this facility which will provide services for 180 offenders. The General Assembly also awarded \$4,252,605 in 1968 for acquisition of the land for the facility. Combined these awards total \$10,403,605 or an average cost of \$57,797 per cell. The \$35,000 estimate is based on the assumption that there would be minimal cost for the acquisition of land for any new facilities.

Robbery

I. Probation:

Total number of offenders. 423
Total number of offenders with a prior felony conviction 116
Total number of offenders with a weapon conviction 141

II. County Jail:

Total number of offenders. 232
Total number of offenders with a prior felony conviction 136
Total number of offenders with a weapon conviction 116
Average minimum sentence of first offenders. 10.9 months
Average minimum sentence of repeat offenders 11.7 months
Average minimum sentence of offenders with a weapon conviction . . 11.6 months

III. State Prison:

There are approximately 730 individuals committed to state prisons each year for robbery. As with those committed for burglary the average minimum sentences is over one year and therefore minimal impact would be expected with a minimum one year sentencing practice.

IV. Projected Impact:

A. If all offenders were to receive a minimum one year term of imprisonment.

1. Increase of 423 offenders formerly placed on probation.
2. Increase of 1.1 months on the average minimum sentence of 232 offenders committed to county jails, or a total of 21 additional offenders
($1.1 \times 232 = 255 \div 12 = 21$)
3. A total increase of 444 offenders who would need to be confined for one year.
4. Total increase in operational costs ($444 \times \$8,000$) \$35,520,000

B. If offenders with one or more prior felony convictions were to receive a one year minimum term of imprisonment.

1. Increase of 116 offenders formerly placed on probation.
2. Increase of .3 months on the average minimum sentence of 136 offenders committed to county jails, or a total of 3 additional offenders
($.3 \times 136 = 40.8 \div 12 = 3$)
3. A total increase of 119 offenders who would need to be confined for one year.
4. Total increase in operational costs ($119 \times \$8,000$) \$952,000

C. If offenders who use or possessed a weapon during the commission of their offense receive a one year minimum term of imprisonment.

1. Increase of 141 offenders formerly placed on probation.
2. Increase of .4 months on the average minimum sentence of 116 offenders committed to county jails, or a total of 4 additional offenders
($.4 \times 116 = 46.4 \div 12 = 3.9$)
3. A total increase of 145 offenders who would need to be confined for one year.
4. Total increase in operational costs ($145 \times \$8,000$) \$1,160,000

Felonious Theft

I. Probation:

Total number of offenders. 293
Total number of offenders with a prior felony conviction 94
Total number of offenders with a weapon conviction 8

II. County Jail:

Total number of offenders. 232
Total number of offenders with a prior felony conviction 67
Total number of offenders with a weapon conviction 1
Average minimum sentence of first offenders. 5.1 months
Average minimum sentence of repeat offenders 5.0 months
Average minimum sentence of offenders with a weapon conviction . . 3.2 months

III. State Prison:

Data is not available for this offense and therefore unable to estimate what the impact might be, if any, of a mandatory sentencing statute.

IV. Projected Impact:

A. If all offenders were to receive a minimum one year term of imprisonment.

1. Increase of 293 offenders formerly placed on probation.
2. Increase of 6.1 months on the average minimum sentence of 232 offenders committed to county jails, or a total of 118 additional offenders
($6.1 \times 232 = 1415 \div 12 = 117.9$)
3. A total increase of 411 offenders who would need to be confined for one year.
4. Total increase in operational costs ($411 \times \$8,000$) \$3,288,000

B. If offenders with one or more prior felony convictions were to receive a one year minimum term of imprisonment.

1. Increase of 94 offenders formerly placed on probation.
2. Increase of 7 months on the average minimum sentence of 67 offenders committed to county jails, or a total of 39 additional offenders
($7 \times 67 = 469 \div 12 = 39$)
3. A total increase of 133 offenders who would need to be confined for one year.
4. Total increase in operational costs ($133 \times \$8,000$) \$1,064,000

C. If offenders who use or possessed a weapon during the commission of their offense receive a one year minimum term of imprisonment.

1. Increase of 8 offenders formerly placed on probation.
2. Increase of 8.8 months on the average minimum sentence of 1 offenders committed to county jails, or a total of 0 additional offenders
(8.8)
3. A total increase of 8 offenders who would need to be confined for one year.
4. Total increase in operational costs ($8 \times \$8,000$) \$64,000

Burglary

I. Probation:

Total number of offenders. 1260
Total number of offenders with a prior felony conviction 344
Total number of offenders with a weapon conviction 22

II. County Jail:

Total number of offenders. 882
Total number of offenders with a prior felony conviction 291
Total number of offenders with a weapon conviction 2
Average minimum sentence of first offenders. 7.7 months
Average minimum sentence of repeat offenders 9.0 months
Average minimum sentence of offenders with a weapon conviction . . 4.3 months

III. State Prison:

There are approximately 650 individuals committed to state prison each for burglary. The average minimum sentence imposed is over one year for both first and repeat offenders as well as those who used or possessed a weapon during the commission of their offense. Therefore, it is anticipated that there would be minimal impact on these offenders with a minimum mandatory sentencing floor of one year or less.

IV. Projected Impact:

- A. If all offenders were to receive a minimum one year term of imprisonment.
1. Increase of 1260 offenders formerly placed on probation.
 2. Increase of 4.3 months on the average minimum sentence of 882 offenders committed to county jails, or a total of 316 additional offenders
($4.3 \times 882 = 3792 \div 12 = 316$).
 3. A total increase of 1576 offenders who would need to be confined for one year.
 4. Total increase in operational costs ($1576 \times \$8,000$) \$12,608,000.
- B. If offenders with one or more prior felony convictions were to receive a one year minimum term of imprisonment.
1. Increase of 344 offenders formerly placed on probation.
 2. Increase of 3.0 months on the average minimum sentence of 291 offenders committed to county jails, or a total of 72 additional offenders
($3 \times 291 = 873 \div 12 = 72$).
 3. A total increase of 416 offenders who would need to be confined for one year.
 4. Total increase in operational costs ($416 \times \$8,000$) \$ 3,328,000.
- C. If offenders who use or possessed a weapon during the commission of their offense receive a one year minimum term of imprisonment.
1. Increase of 22 offenders formerly placed on probation.
 2. Increase of 7.7 months on the average minimum sentence of 2 offenders committed to county jails, or a total of 1 additional offenders
($7.7 \times 2 = 15.4 \div 12 = 1$).
 3. A total increase of 23 offenders who would need to be confined for one year.
 4. Total increase in operational costs ($23 \times \$8,000$) \$ 184,000.

Aggravated Assault

I. Probation:

Total number of offenders.	251
Total number of offenders with a prior felony conviction	59
Total number of offenders with a weapon conviction	88

II. County Jail:

Total number of offenders.	145
Total number of offenders with a prior felony conviction	51
Total number of offenders with a weapon conviction	19
Average minimum sentence of first offenders.	6.3 months
Average minimum sentence of repeat offenders	4.4 months
Average minimum sentence of offenders with a weapon conviction . .	8.3 months

III. State Prison:

Data is not available for this offense and therefore unable to estimate what the impact might be, if any, of a mandatory sentencing statute.

IV. Projected Impact:

A. If all offenders were to receive a minimum one year term of imprisonment.

1. Increase of 251 offenders formerly placed on probation.
2. Increase of 5.7 months on the average minimum sentence of 145 offenders committed to county jails, or a total of 69 additional offenders
($5.7 \times 145 = 826 \div 12 = 68.8$)
3. A total increase of 320 offenders who would need to be confined for one year.
4. Total increase in operational costs ($320 \times \$8,000$) \$2,560,000

B. If offenders with one or more prior felony convictions were to receive a one year minimum term of imprisonment.

1. Increase of 59 offenders formerly placed on probation.
2. Increase of 7.6 months on the average minimum sentence of 51 offenders committed to county jails, or a total of 32 additional offenders
($7.6 \times 51 = 387.6 \div 12 = 32$)
3. A total increase of 91 offenders who would need to be confined for one year.
4. Total increase in operational costs ($91 \times \$8,000$) \$728,000

C. If offenders who use or possessed a weapon during the commission of their offense receive a one year minimum term of imprisonment.

1. Increase of 8.8 offenders formerly placed on probation.
2. Increase of 3.7 months on the average minimum sentence of 19 offenders committed to county jails, or a total of 6 additional offenders
($3.7 \times 19 = 70.3 \div 12 = 5.8$)
3. A total increase of 94 offenders who would need to be confined for one year.
4. Total increase in operational costs ($94 \times \$8,000$) \$752,000

Sale of Narcotics

I. Probation:

Total number of offenders. 979
Total number of offenders with a prior felony conviction 183
Total number of offenders with a weapon conviction 8

II. County Jail:

Total number of offenders. 489
Total number of offenders with a prior felony conviction 109
Total number of offenders with a weapon conviction 4
Average minimum sentence of first offenders. 6.1 months
Average minimum sentence of repeat offenders 7.1 months
Average minimum sentence of offenders with a weapon conviction . 17.3 months

III. State Prison:

There are approximately 350 individuals committed to state prisons each year for sale of narcotics. As with those committed for burglary the average minimum sentences is over one year and therefore minimal impact would be expected with a minimum one year sentencing practice.

IV. Projected Impact:

A. If all offenders were to receive a minimum one year term of imprisonment.

1. Increase of 979 offenders formerly placed on probation.
2. Increase of 5.9 months on the average minimum sentence of 489 offenders committed to county jails, or a total of 240 additional offenders
($5.9 \times 489 = 2885 \div 12 = 240$).
3. A total increase of 1219 offenders who would need to be confined for one year.
4. Total increase in operational costs ($1219 \times \$8,000$) \$9,752,000

B. If offenders with one or more prior felony convictions were to receive a one year minimum term of imprisonment.

1. Increase of 183 offenders formerly placed on probation.
2. Increase of 4.9 months on the average minimum sentence of 109 offenders committed to county jails, or a total of 44 additional offenders
($4.9 \times 109 = 534 \div 12 = 44$).
3. A total increase of 227 offenders who would need to be confined for one year.
4. Total increase in operational costs ($227 \times \$8,000$) \$1,816,000

C. If offenders who use or possessed a weapon during the commission of their offense receive a one year minimum term of imprisonment.

1. Increase of 8 offenders formerly placed on probation.
2. Increase of 0 months on the average minimum sentence of 4 offenders committed to county jails, or a total of 0 additional offenders
3. A total increase of 8 offenders who would need to be confined for one year.
4. Total increase in operational costs ($8 \times \$8,000$) \$64,000

Rape

I. Probation:

Total number of offenders.	52
Total number of offenders with a prior felony conviction	13
Total number of offenders with a weapon conviction	4

II. County Jail:

Total number of offenders.	27
Total number of offenders with a prior felony conviction	6
Total number of offenders with a weapon conviction	3
Average minimum sentence of first offenders.	12.6 months
Average minimum sentence of repeat offenders	13.8 months
Average minimum sentence of offenders with a weapon conviction . .	17.7 months

III. State Prison:

There are approximately 180 individuals committed to state prison each for rape. The average minimum sentence imposed is over one year for both first and repeat offenders as well as those who used or possessed a weapon during the commission of their offense. Therefore, it is anticipated that there would be minimal impact on these offenders with a minimum mandatory sentencing floor of one year or less.

IV. Projected Impact:

A. If all offenders were to receive a minimum one year term of imprisonment.

1. Increase of 52 offenders formerly placed on probation.
2. Increase of 0 months on the average minimum sentence of 27 offenders committed to county jails, or a total of 0 additional offenders
3. A total increase of 52 offenders who would need to be confined for one year.
4. Total increase in operational costs (52 x \$8,000) \$416,000

B. If offenders with one or more prior felony convictions were to receive a one year minimum term of imprisonment.

1. Increase of 13 offenders formerly placed on probation.
2. Increase of 0 months on the average minimum sentence of 6 offenders committed to county jails, or a total of 0 additional offenders
3. A total increase of 13 offenders who would need to be confined for one year.
4. Total increase in operational costs (13 x \$8,000) \$104,000

C. If offenders who use or possessed a weapon during the commission of their offense receive a one year minimum term of imprisonment.

1. Increase of 4 offenders formerly placed on probation.
2. Increase of 0 months on the average minimum sentence of 3 offenders committed to county jails, or a total of 0 additional offenders
3. A total increase of 4 offenders who would need to be confined for one year.
4. Total increase in operational costs (4 x \$8,000) \$32,000

Arson

I. Probation:

Total number of offenders.	67
Total number of offenders with a prior felony conviction	11
Total number of offenders with a weapon conviction	3

II. County Jail:

Total number of offenders.	27
Total number of offenders with a prior felony conviction	5
Total number of offenders with a weapon conviction	0
Average minimum sentence of first offenders.	8.3 months
Average minimum sentence of repeat offenders	10.1 months
Average minimum sentence of offenders with a weapon conviction . .	0 months

III. State Prison:

There are approximately 27 individuals committed to state prison each for arson. The average minimum sentence imposed is over one year for both first and repeat offenders as well as those who used or possessed a weapon during the commission of their offense. Therefore, it is anticipated that there would be minimal impact on these offenders with a minimum mandatory sentencing floor of one year or less.

IV. Projected Impact:

A. If all offenders were to receive a minimum one year term of imprisonment.

1. Increase of 67 offenders formerly placed on probation.
2. Increase of 3.7 months on the average minimum sentence of 27 offenders committed to county jails, or a total of 8 additional offenders
($3.7 \times 27 = 99 \div 12 = 8$)
3. A total increase of 75 offenders who would need to be confined for one year.
4. Total increase in operational costs ($75 \times \$8,000$) \$600,000

B. If offenders with one or more prior felony convictions were to receive a one year minimum term of imprisonment.

1. Increase of 11 offenders formerly placed on probation.
2. Increase of 1.9 months on the average minimum sentence of 5 offenders committed to county jails, or a total of 1 additional offenders
($1.9 \times 5 = 9.5 \div 12 = .8$)
3. A total increase of 12 offenders who would need to be confined for one year.
4. Total increase in operational costs ($12 \times \$8,000$) \$96,000

C. If offenders who use or possessed a weapon during the commission of their offense receive a one year minimum term of imprisonment.

1. Increase of 3 offenders formerly placed on probation.
2. Increase of 0 months on the average minimum sentence of 0 offenders committed to county jails, or a total of 0 additional offenders
3. A total increase of 3 offenders who would need to be confined for one year.
4. Total increase in operational costs ($3 \times \$8,000$) \$24,000

Third Degree Murder

I. Probation:

Total number of offenders.	44
Total number of offenders with a prior felony conviction	1
Total number of offenders with a weapon conviction	11

II. County Jail:

Total number of offenders.	19
Total number of offenders with a prior felony conviction	3
Total number of offenders with a weapon conviction	11
Average minimum sentence of first offenders.	13.1 months
Average minimum sentence of repeat offenders	21.0 months
Average minimum sentence of offenders with a weapon conviction . .	16.7 months

III. State Prison:

There are approximately 196 individuals committed to state prison each for third degree murder. The average minimum sentence imposed is over one year for both first and repeat offenders as well as those who used or possessed a weapon during the commission of their offense. Therefore, it is anticipated that there would be minimal impact on these offenders with a minimum mandatory sentencing floor of one year or less.

IV. Projected Impact:

A. If all offenders were to receive a minimum one year term of imprisonment.

1. Increase of 44 offenders formerly placed on probation.
2. Increase of 0 months on the average minimum sentence of 19 offenders committed to county jails, or a total of 0 additional offenders
3. A total increase of 44 offenders who would need to be confined for one year.
4. Total increase in operational costs (44 x \$8,000) \$352,000

B. If offenders with one or more prior felony convictions were to receive a one year minimum term of imprisonment.

1. Increase of 1 offenders formerly placed on probation.
2. Increase of 0 months on the average minimum sentence of 3 offenders committed to county jails, or a total of 0 additional offenders
3. A total increase of 1 offenders who would need to be confined for one year.
4. Total increase in operational costs (1 x \$8,000) \$8,000

C. If offenders who use or possessed a weapon during the commission of their offense receive a one year minimum term of imprisonment.

1. Increase of 11 offenders formerly placed on probation.
2. Increase of 0 months on the average minimum sentence of 11 offenders committed to county jails, or a total of 0 additional offenders
3. A total increase of 11 offenders who would need to be confined for one year.
4. Total increase in operational costs (11 x \$8,000) \$88,000

Other Felony Offenses

I. Probation:

Total number of offenders.	623
Total number of offenders with a prior felony conviction	120
Total number of offenders with a weapon conviction	27

II. County Jail:

Total number of offenders.	368
Total number of offenders with a prior felony conviction	99
Total number of offenders with a weapon conviction	10
Average minimum sentence of first offenders.	6.2 months
Average minimum sentence of repeat offenders	6.6 months
Average minimum sentence of offenders with a weapon conviction . .	9.4 months

III. State Prison:

Data is not available for other felony offenses and therefore, unable to estimate what the impact might be, if any, of a mandatory sentencing statute.

IV. Projected Impact:

A. If all offenders were to receive a minimum one year term of imprisonment.

1. Increase of 623 offenders formerly placed on probation.
2. Increase of 5.8 months on the average minimum sentence of 99 offenders committed to county jails, or a total of 48 additional offenders
($5.8 \times 99 = 574 \div 12 = 47.9$)
3. A total increase of 671 offenders who would need to be confined for one year.
4. Total increase in operational costs ($671 \times \$8,000$) \$5,368,000

B. If offenders with one or more prior felony convictions were to receive a one year minimum term of imprisonment.

1. Increase of 120 offenders formerly placed on probation.
2. Increase of 5.4 months on the average minimum sentence of 10 offenders committed to county jails, or a total of 4 additional offenders
($5.4 \times 10 = 54 \div 12 = 4$)
3. A total increase of 124 offenders who would need to be confined for one year.
4. Total increase in operational costs ($124 \times \$8,000$) \$992,000

C. If offenders who use or possessed a weapon during the commission of their offense receive a one year minimum term of imprisonment.

1. Increase of 27 offenders formerly placed on probation.
2. Increase of 2.6 months on the average minimum sentence of 10 offenders committed to county jails, or a total of 2 additional offenders
($2.6 \times 10 = 26 \div 12 = 2$)
3. A total increase of 29 offenders who would need to be confined for one year.
4. Total increase in operational costs ($29 \times \$8,000$) \$232,000

All Felony Offenses

I. Probation:

Total number of offenders.	3994
Total number of offenders with a prior felony conviction	942
Total number of offenders with a weapon conviction	212

II. County Jail:

Total number of offenders.	2639
Total number of offenders with a prior felony conviction	767
Total number of offenders with a weapon conviction	169
Average minimum sentence of first offenders.	7.5 months
Average minimum sentence of repeat offenders	8.3 months
Average minimum sentence of offenders with a weapon conviction . .	11.4 months

III. State Prison:

The average minimum sentences imposed on felony offenders in state prisons is over one year. Therefore, a minimal impact is anticipated if a minimum sentence of one year or less would be required.

IV. Projected Impact:

A. If all offenders were to receive a minimum one year term of imprisonment.

1. Increase of 3994 offenders formerly placed on probation.
2. Increase of 4.5 months on the average minimum sentence of 2639 offenders committed to county jails, or a total of 989 additional offenders
($4.5 \times 2639 = 11875 \div 12 = 989$)
3. A total increase of 4983 offenders who would need to be confined for one year.
4. Total increase in operational costs ($4983 \times \$8,000$) \$39,864,000

B. If offenders with one or more prior felony convictions were to receive a one year minimum term of imprisonment.

1. Increase of 942 offenders formerly placed on probation.
2. Increase of 3.7 months on the average minimum sentence of 767 offenders committed to county jails, or a total of 236 additional offenders
($3.7 \times 767 = 2837 \div 12 = 236$)
3. A total increase of 1178 offenders who would need to be confined for one year.
4. Total increase in operational costs ($1178 \times \$8,000$) \$9,424,000

C. If offenders who use or possessed a weapon during the commission of their offense receive a one year minimum term of imprisonment.

1. Increase of 212 offenders formerly placed on probation.
2. Increase of .6 months on the average minimum sentence of 169 offenders committed to county jails, or a total of 8 additional offenders
($.6 \times 169 = 101 \div 12 = 8$)
3. A total increase of 220 offenders who would need to be confined for one year.
4. Total increase in operational costs ($220 \times \$8,000$) \$1,760,000

Contruction Costs

Should certain change in current sentencing practices increase the number of offenders requiring confinement beyond the facilities available additional construction will be necessary.

During the past three years the county correctional facilities have operated over 100% of their capacity. Therefore, the burden of any additional increase would be expected to be carried by the state prison system.

The state prison population has been increasing for the past several years with signs of leveling off during the last six months. The Bureau of Corrections has a capacity for approximately 8,400 offenders. Although 300 of these are in community treatment centers and another 300 would require renovation before an inmate could be confined in them. In late 1977 the population began leveling off at approximately 7,700.

The opening of a new regional facility in Mercer County for 180 offenders is not expected to provide any relief for the current state prison population; however, even if half of those new cells would be available there would then be space available for approximately 500 new offenders. Therefore, construction costs would only be applicable if more than 500 new offenders were committed to the state prison system than is currently being received.

If all felony offenders were to receive a minimum one year term of imprisonment an additional 4,483 cells would need to be constructed. The cost of this at \$35,000 per cell would be a staggering \$156,905,000.

If all felony offenders with one or more prior felony convictions were to receive a minimum one year term of imprisonment an additional 678 would need to be constructed. The cost of this at \$35,000 per cell would be \$23,730,000.

There would not be any anticipated need for additional construction cost in order to provide for the confinement of all felony offenders who are convicted of using a weapon during the commission of their offense for at least one year.

If all of the offenders of the eight major felony offenses specifically examined in this study were to be confined for a one year minimum an additional 3812 additional cells would need to be constructed at a total cost of \$133,420,000. However, if only repeat offenders of these specific crimes were to receive a minimum one year prison sentence only 554 additional cells would need to be constructed at a total cost of \$19,390,000.

APPENDIX

COUNTIES NOT PARTICIPATING

IN THE

SENTENCING SURVEY

Probation Departments

A. Not Submit Information:

1. Adams
2. Fayette
3. Lancaster
4. Monroe
5. Montgomery

B. Not Requested Due to Few
Cases or None at all:

1. Cameron
2. Clarion
3. Forrest
4. Greene
5. Mercer
6. Snyder
7. Union
8. Venango

County Jails

A. Not Submit Information:

1. Armstrong
2. Berks
3. Blair
4. Bradford
5. Dauphin
6. Erie
7. Franklin
8. Indiana
9. Perry
10. Somerset
11. Tioga
12. Washington
13. Wayne

B. Not Requested Due to Few
Cases or None at All:

1. Adams
2. Cameron
3. Fayette
4. Forrest
5. Fulton
6. Montour
7. Sullivan

REVISED DIRECTIONS FOR PAPPC'S FELONY SURVEY

For each offender placed under your jurisdiction in 1976 and recorded on the attached list, please record the following information on the sheets provided:

1. List County and Agency on every page of the form submitted. State Agency - list the district office number.
2. Code all names on your list with a 4-digit number using your own code system. (Your office alone will have the master list of which name goes with which number). List only code numbers in Column A. (Ex. - 3001, 3002, etc., or similar method).
3. In Column B - Sex - Insert the number one (1) if the offender is a male. Insert the number two (2) if a female.
4. In Column C - Race - Insert the number one (1) if the offender is white. Insert the number two (2) for non-white.
5. In Column D - Current Offense - Use the attached revised Felony Code List to determine which number to insert. If an offender has multiple convictions, insert the code for the offense which received the longest sentence or in the case of identical sentences on several counts, list the felony with the lowest code number on the Felony Crime List.

Ex. - If a person was convicted of burglary (08), criminal trespass (17), and misuse of credit cards (27), the most serious felony would be burglary, and "08" would be entered. For any crime not on this list, (misdemeanors, summaries, ARD, probation without verdict) insert the code number "000". On these cases, leave blank the remaining columns.

Those crimes marked with an asterisk (*), may in certain cases be either a misdemeanor or a felony. Felony situations are described in the attached revised crime code. If the instant offense does not comply, insert the code "000" and disregard the remaining columns. If you are unable to determine the circumstances, please record the code as a misdemeanor ("000").

6. In Column E - Probation - Insert the length of the sentence imposed IN MONTHS. If there are multiple sentences and they are concurrent - insert the longest sentence. If multiple sentences are consecutive, insert the total number of months.

In Column F - Prison Sentence - Insert the minimum and maximum IN MONTHS. If there are multiple sentences and they are concurrent, insert the longest sentence. If multiple sentences are consecutive, add the sentences together and insert the total minimum and maximum.

7. In Column G - Use of Weapon - If the offense in Column D was one of these: First, second, or third degree murder, kidnapping, rape, involuntary deviate sexual intercourse, robbery, voluntary manslaughter or aggravated assault, complete Column G. If there is a conviction for possession or use of a firearm to commit one of these offenses, insert the number one (1). If there is a conviction for possession or use of any other deadly weapon (ODW), insert the number two (2).

If there is no conviction for a weapon, insert the number three (3).
If the information is unknown or unavailable, insert the number four (4). (Firearm - any pistol, revolver, rifle, shotgun, hand made gun).

8. In Column H - Number of Prior Felony Convictions - Insert the number (quantity) of prior felony convictions. (Use the attached revised felony crimes list to determine whether the conviction was a felony). Insert the number "99" if the information cannot be determined. Juvenile offenses are not to be included in counting the number of prior felony convictions.

If the response in Column G is a "1" or a "2", and the offender has "1" or more in Column H, complete Columns I, J, K, and M. For all other cases, omit Columns I, J, K, and M.

9. In Column I - Number Firearm Used - Insert the total number of times for which there is a known conviction for possession or use of a firearm during the commission of the prior felonies. (Firearm - any pistol, revolver, rifle, shotgun, hand made gun).
10. In Column J - Number ODW Used - Insert the total number of times for which there is a known conviction for possession or use of Other Deadly Weapon during the commission of the prior felonies.
11. In Column K - Number No Weapon Used - Insert the total number of times for which there was no conviction for the use of a weapon in the prior felonies.
12. In Column M - Weapon Information Not Available - Insert the total number of prior felonies for which you are unable to determine whether or not there was a conviction for the use of any weapon.

REVISED FELONY CRIMES

<u>CODE NUMBER</u>	<u>CRIME</u>
01.....	First Degree Murder
02.....	Second Degree Murder
03.....	Third Degree Murder
04.....	Kidnapping
05.....	Rape
06.....	Robbery
07.....	Arson
08.....	Burglary
09.....	Involuntary Deviate Sexual Intercourse
10.....	Voluntary Manslaughter
11.....	Statutory Rape
12.....	*Aggravated Assault: Misdemeanor if directed toward a police officer, or if a weapon was used.
13.....	Forgery
14.....	Assault by prisoner
15.....	Causing or aiding suicide
16.....	Causing or risking a catastrophe
17.....	*Criminal Trespass: Misdemeanor <u>unless</u> the offender remained in or occupied the building.
18.....	Escape
19.....	Riot
20.....	Disposition of Ransom
21.....	Default in Required Appearance
22.....	Perjury
23.....	*Theft: <u>Only</u> if the amount exceeds \$2000, or if the property stolen is a firearm, auto, motorcycle or airplane.
24.....	*Criminal Mischief: <u>Only</u> if damage occurs over \$5000, or involved in a public service.
25.....	Promoting Prostitution (Not prostitution itself)
26.....	Bribery in official and political matters.
27.....	Dealing in vehicles with removed or falsified numbers, knowledge of fraudulent intent.
28.....	Fraudulent Conversion, removal or concealment of recordable instruments.
29.....	*Misuse of credit cards: <u>Only</u> if over \$500.
30.....	*Aiding in consummation of a crime: <u>Only</u> if the attempted crime is a felony.
31.....	*Theft of Trade Secrets: <u>Only</u> if by force or entering a building.
32.....	*Hindering apprehension of prosecution: <u>Only</u> if the offense charged is a felony.
33.....	*Tampering with witness and informants: <u>Only</u> if by force or threat.
34.....	Witness or informant taking bribe.
35.....	*Tampering with public records or information: <u>Only</u> if the intent is to defraud or injure anyone.
36.....	Threats in official or political matters.
37.....	*Conspiracy: <u>Only</u> in those cases where the offense conspired to commit is a felony.
38.....	*Sale, delivery, manufacturing, possession with intent to deliver, or dispensing narcotic drugs. (See Controlled Substance Act for more detail)

CODE NUMBERCRIME

- 39.....Injury of destruction of property or apparatus of fire companies.
- 40.....Causing fire to woodlots, forests or wildlands.
- 41.....Display or use a false liquid fuels permit.
- 42.....Bribery of an officer or employee of a Third Class County.
- 43.....Production of possession of a counterfeit motor license or vehicle registration card.
- 44.....Violation of the mining act.
- 45.....Defraud or reproduction of a facsimile signature of public officials.
- 46.....False procurement of funds from the Pennsylvania Higher Education Assistance Agency.
- 47.....Illegal borrowing or renting of securities by insurance companies or personnel.
- 48.....Sale, possession or counterfeiting unstamped cigarettes.

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MANDATORY SENTENCING SURVEY

[illegible]

STATE PRISONS

DIRECTIONS

For each inmate, please record the following information on the attached sheets:

Current Offense: Check appropriate column to indicate use of firearm, other deadly weapon (ODW), or no deadly weapon.

Previous Offenses: Number of convictions and number of commitments. If firearms or ODW were used in previous offenses, indicate (a) number of times, and (b) offense(s).

Missing Data: Record a "B" if information is missing from the records. For example, if no "official version of offense" is given, write "B" in the columns under "Current Offense" on the sheet.

It is frequently difficult to determine whether weapons were used in the commission of previous offenses since the "Previous Offense History" section usually lists only the offense and disposition. Do not use "B" unless the "Previous Offense History" section is missing. If no previous offenses were committed, an "O" would be used.

Note: You will find that some BC numbers are asterisked (*). This indicates a convicted parole violator. Please record information on the convicted parole violation in the "Current Offense" section on the sheets.

Other parole violators are not asterisked (*). Record information on the current sentence for these individuals.

[illegible]

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END