

Sanction Certainty:

An Evaluation of Erie County's Adult Probation Sanctioning System



Year Three Study Period: April 1, 2005 – March 31, 2006
Final Report
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Mercyhurst College Civic Institute
www.civicinstitute.org

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**Prepared on behalf of the Erie County Department of Adult Probation and Parole
and The Honorable John A. Bozza, Erie County Court of Common Pleas**



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EXECUTIVE SUMMARY

December 2005 marked the completion of the third year in which the Sanction Certainty policy has directed Erie County's approach to nearly all adult probation and parole caseloads. Shortly thereafter, March 2006 marked the completion of a fifth evaluation period of this directive, the first two of which were pilot and pilot replication studies. Sanction Certainty was a response to the somewhat subjective nature of the previous Violation Matrix sanctioning policy. The approach itself was expected to result in fewer violations per violator as well as shorter detention lengths, both of which transpired in the pilot and replication studies. Additionally, both studies revealed a decrease in the overall rate of revocation. Given the firm mandates of Sanction Certainty, the policy also resulted in an increased rate of detention. Despite this, the decreased detention lengths ultimately served to lower the average cost of incarceration per violator. Because of the long-term implementation of Sanction Certainty, it was decided that further evaluations, beginning with Year 3, would focus solely on the comparison of Sanction Certainty policy (pilot and pilot replication excluded). This would allow for data from the same program to be used for evaluation and comparison of trends.

When comparing the three full-caseload Sanction Certainty study periods, the third year of Sanction Certainty has revealed mixed results in terms of program numbers and averages when compared to the first two years. Year 3 actually resulted in many variances from Year 2; total number of violators, average number of violators per caseload, and total number of "new charge" violators are a few of the more notable increases recognized. However detention days decreased substantially from Year 2 regarding "technical only" violators and the coinciding average days detained per "technical only" violator dropped by 38%. Though the number of "new charge" violators and total days detained for this category increased, the average days detained dropped. Those violators who committed both "technical and new charges" recognized a drop in total days detained and average per violator similar to "technical only" violators. Those who enter Sanction Certainty under the "new charges" category continue to constitute a growing percentage of program participants. With the increases and decreases, several of the figures included in Year 3 seem to reflect those of Year 1 rather than those of Year 2.

It is interesting to note that when revoked offenders and outliers (defined in report) are removed, the average days detained drops by 61% from the overall population. This is a trend seen in all three years, though more evident in Year 3.

In conclusion, an emerging trend seems to be that Sanction Certainty may have the greatest impact on "technical only" violators. However, the policy seems to have a positive impact on all offenders. There has been a decrease in detention days as well as average days detained for all categories of offenders, thus reducing incarceration costs.

INTRODUCTION

This report compares the 2005-2006 (year three) Sanction Certainty (SC3) study group to the 2004-2005 (year two) study group (SC2) and 2003-2004 (year one) study group (SC1) in the areas of violations, detentions, incarceration costs, and revocations. Previous studies (Reade ZT and the MATRIX-p) were not included in this report. Sanction Certainty years one, two and three represent the first three years for which the policy replaced the Violation Matrix and has been utilized for the entire population of Erie County's adult probationers/parolees; it is guided by the *New Policy Directive Towards Violators* which became effective on December 2, 2002. It was determined to utilize three years of trend data within the same program to gauge effectiveness.

The Sanction Certainty system is characterized by sanctions imposed with clarity, celerity, and certainty, as opposed to the somewhat subjective, hierarchical method of sanctioning outlined in the Violation Matrix policy. The original hypotheses expected decreases in the number of violations per violator as well as shorter detention lengths. Because the sample sizes vary between the studies, comparisons in this report are provided in rates per thousand where appropriate, in addition to actual counts. Also, information is organized by type of violation: "technical only," "new charges only," and "technical and new charges."



VIOLATORS AND VIOLATIONS

Table 1 provides a comparison of the *number of violators* detained according to the type of violation committed. To calculate the totals, each individual violator was first counted once. Then, a small number of individuals were counted twice as a result of having violated under a particular category and subsequently committing a violation in a different categorization at a later date. This latter figure was subtracted from the overall number of violators detained. Therefore, the numbers reflect the number of individual violators within each category.

Table 2 provides an overview of the *number of technical violations* committed. While only one violation is necessary to detain an offender under Sanction Certainty, all violations for a given detention can be tabulated. Note that the same information concerning “new charges only” and “technical and new charges” is not reported; only the number of violating incidents for these categories is known (see Table 3).

Table 1: Comparison of Violators

	SC Year Three	SC Year Two	SC Year One
	SC3	SC2	SC1
# Caseloads	14	15	15
N=	2,033	2,138	2,138
Technical Only:			
# Violators	325	319	372
Rate per thousand	160	149	174
% of N= caseload	16%	15%	17%
Average per caseload	23	21	25
New Charges Only			
# Violators	165	129	108
Rate per thousand	81	60	51
% of N= caseload	8%	6%	5%
Average per caseload	12	9	7
Technical and New Charges:			
# Violators	31	47	52
Rate per thousand	15	22	24
% of N= caseload	2%	2%	2%
Average per caseload	2	3	4
Total:			
# Violators	521	495	532
Rate per thousand	256	232	249
% of N= caseload	26%	23%	25%

The actual number of individual offenders within the study was 584, however, a small number of individuals (N=63) were counted twice as a result of violating under a particular category and subsequently committing a violation in a different categorization at a later date; the data reflect the number of individual violators within each category. This was the method of violator summation utilized in the previous studies.

Table 1 indicates that the impact of Sanction Certainty is most evident among “technical only” violators. The rate per thousand offenders for “technical only” violators under SC3 (160) increased from SC2 (149), yet lower than the rate for year one (174). The rate for “new charges only” violators in SC3 (81) continues to increase from the first two years of the program (51 in SC1 and 60 in SC2). The rate per thousand of those violators noted as ‘technical and new charge’ decreased during SC3 (15) from previously consistent figures from SC2 and SC1 (22 and 24, respectively). Since its inception Sanction Certainty has consistently accounted for roughly one-quarter of the caseload.

Figure 1 graphically depicts the categorization of Sanction Certainty violators.



Table 2: Comparison of Technical Violations

	SC Year Three	SC Year Two	SC Year One
	SC3	SC2	SC1
# Caseloads	14	15	15
N=	2,033	2,138	2,138
Technical Only:			
# Violations	502	529	599
Rate per thousand	247	247	280
% of N= caseload	25%	25%	28%
Average per violator	1.5	1.7	1.6

Average # of violations per violator is calculated using the number of technical violators, located in Table 1

Figure 1 Graphical Comparison of SC Violators

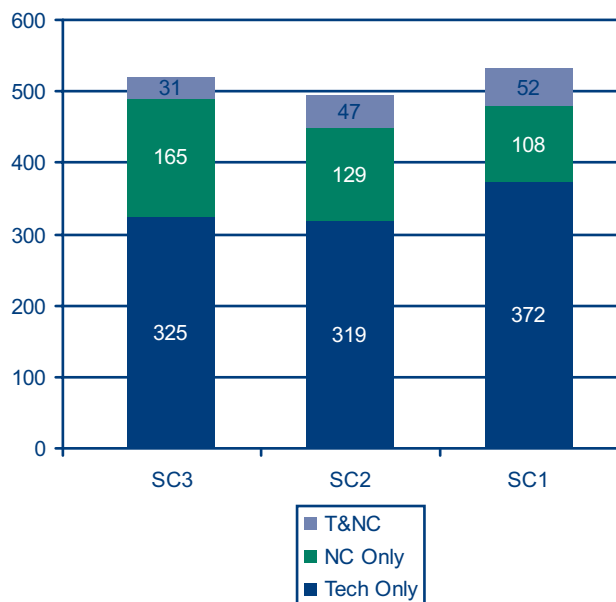
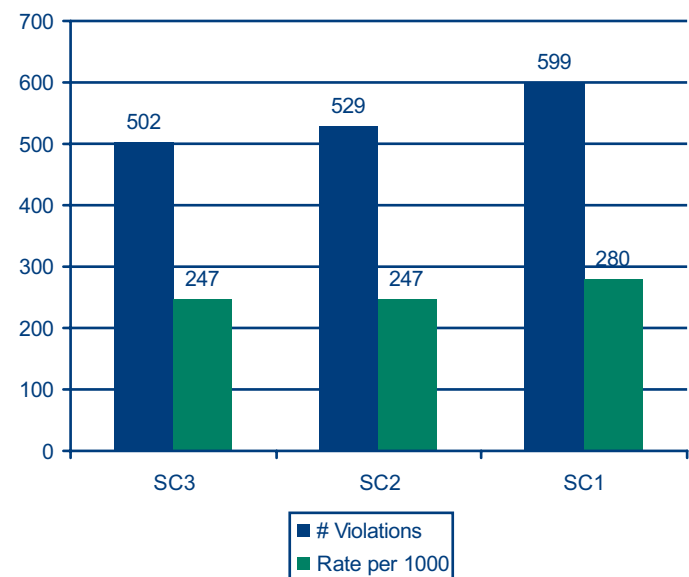


Figure 2 Graphical Comparison of Technical Only Violations



A comparison of the number of technical violations per violator (Table 2) indicates that the Sanction Certainty groups have remained consistent over the three years of Sanction Certainty. The rate per thousand of technical only violations has remained the same in SC3 from SC2 (247), down from SC1 (280). The average per violator has remained flat as well across the three years. Overall, though SC3 recognized an increase in total number of “technical only” violators from the previous year (Table 1), the rate per thousand is the lowest figure since inception of Sanction Certainty. A total of 23 violators committed more than one violation. This population accounted for 57 of the 'technical only' violations in SC3.

Figure 2 illustrates the decline in overall Technical Violations as well as the flattening of the Rate per 1000.

DETENTIONS

Information regarding the *number of detainees lodged* is provided in Table 3. Information regarding the *length of detention* for each violating incident is provided in Tables 4 and 5. Table 4 accounts for all detainees lodged. Table 5, however, makes some important distinctions. First, because some offenders will ultimately be revoked as a result of their violations (either a new charge or a second violation), they often remain detained for longer than typical periods of time while their forthcoming revocations are processed. Second, the three study groups include a small percentage of individuals who were detained for an unusually long period of time for reasons particular to their own situations; these offenders are considered



outliers from the norm. Excluding outliers and revoked offenders from calculations such as the average detention length can provide a truer picture of the study period as experienced by the majority of violators.

Table 3: Detention Comparisons

	SC Year Three	SC Year Two	SC Year One
	SC3	SC2	SC1
# Caseloads	14	15	15
N=	2,033	2,138	2,138
Technical Only:			
# Violators	387	383	429
Rate per thousand	190	179	201
% of N= caseload	19%	18%	20%
Average per caseload	28	26	29
New Charges Only			
# Violators	166	137	113
Rate per thousand	82	64	53
% of N= caseload	8%	6%	5%
Average per caseload	12	9	8
Technical and New Charges:			
# Violators	31	50	53
Rate per thousand	15	23	25
% of N= caseload	2%	2%	2%
Average per caseload	2	3	4
Total:			
# Violators	584	570	595
Rate per thousand	287	267	278
% of N= caseload	29%	27%	28%
Average per caseload	42	38	40

Table 4: Detention Length Comparisons

	SC Year Three	SC Year Two	SC Year One
	SC3	SC2	SC1
# Caseloads	14	15	15
N=	2,033	2,138	2,138
Technical Only:			
# Violators	387	383	429
Total Days Detained	4,132	6,680	7,592
Average per violator	10.7	17.4	17.7
New Charges Only			
# Violators	166	137	113
Total Days Detained	13,263	11,406	9,241
Average per violator	79.9	83.3	81.8
Technical and New Charges:			
# Violators	31	50	53
Total Days Detained	1,892	3,712	2,662
Average per violator	61.0	74.2	50.2
Total:			
# Violators	584	570	595
Total Days Detained	19,287	21,798	19,495
Average per violator	33	38.2	32.8



Table 5: Detention Length Comparisons

	SC Year Three		SC Year Two		SC Year One	
	SC3		SC2		SC1	
# Caseloads	14		15		15	
N=	2,033		2,138		2,138	
	Total minus Revoked and Outliers	Total All Violators (Table 4)	Total minus Revoked and Outliers	Total All Violators (Table 4)	Total minus Revoked and Outliers	Total All Violators (Table 4)
Technical Only:						
# Violators	280	387	290	383	326	429
Total Days Detained	1,088	4,132	3,407	6,680	3,920	7,592
Average per violator	3.9	10.7	11.8	17.4	12.0	17.7
New Charges Only						
# Violators	92	166	64	137	56	113
Total Days Detained	3,539	13,263	2,377	11,406	2,061	9,241
Average per violator	38.5	79.9	37.1	83.3	36.8	81.8
Technical and New Charges:						
# Violators	18	31	26	50	28	53
Total Days Detained	408	1,892	1,029	3,712	480	2,662
Average per violator	22.7	61.0	39.6	74.2	17.1	50.2
Total:						
# Violators	390	584	380	570	410	595
Total days Detained	5,035	19,287	6,813	21,798	6,461	19,495
Average per violator	12.9	33	17.9	38.2	15.8	32.8
Mode days detained	3	3	2	2	5 & 7	5 & 7
Range days detained	1-149	1-522	1-132	1-399	1-125	1-656

In SC3 there were 14 outliers; SC2 there were 6 outliers; SC1 there were 10 outliers.

Concerning “technical only” violators, this year's rate per thousand offenders detained (190) shows an increase from last year's (179) but still lower than year one of Sanction Certainty (201). The average number of days detained (10.7) dropped 38% from last year's average (17.4). Year two had a similar average to year one (17.7).

As for “new charges only” violators, the rate per thousand offenders detained (82) continues to show a steady increase from the previous two years of Sanction Certainty (SC2, 64; SC1, 53). However, the average detention length (79.9 days) for “new charge only” violators has been the lowest average of the three years of Sanction Certainty, though only slightly lower. In the first two years, these violators averaged over 80 days detained.

Finally, the rates per thousand “technical and new charges” violators dropped significantly in year three (15) from those detained during SC1 (25) and SC2 (23). The average detention length for this category of violators in year three (61 days) has decreased from its year two figure (74.2), but is still higher than the average reported in year one (50.2).

Overall, there was an increase in the total number of detainers lodged (Table 3), which coincides with the increase this year in the total number of individual violators (Table 1). This change is most reflected in the increase of “new charge only” violators. Even though there was an increase in the number of violators overall, a decrease in the total number of days detained was recognized over this period (Table 4). “Technical only” violators appear to most account for this drop. Though there were a similar number of



“technical only” violators in years three and two, the number of “total days detained” between these two years dropped by over 2,500.

Table 5 displays the same trends as exhibited in Table 4, but excludes revoked offenders and outliers. Being consistent with previous years' reports, 'outliers' were those violators detained for 150 or more days. This analysis appears to provide a truer picture of the average detention length as experienced by typical violators who will not yet face revocation. More detailed information regarding revoked offenders can be found in Table 8.

Regardless of the protocol, probationers who commit additional misdemeanor or felony criminal acts are typically incarcerated; the period of confinement may range according to circumstances and protocol, but can often be quite lengthy.

Figures 3 and 4 that follow depict the number of detention days based on charge category, as well as the average days detained per violator.

Figure 3 Graphical Comparison of SC Detention Days

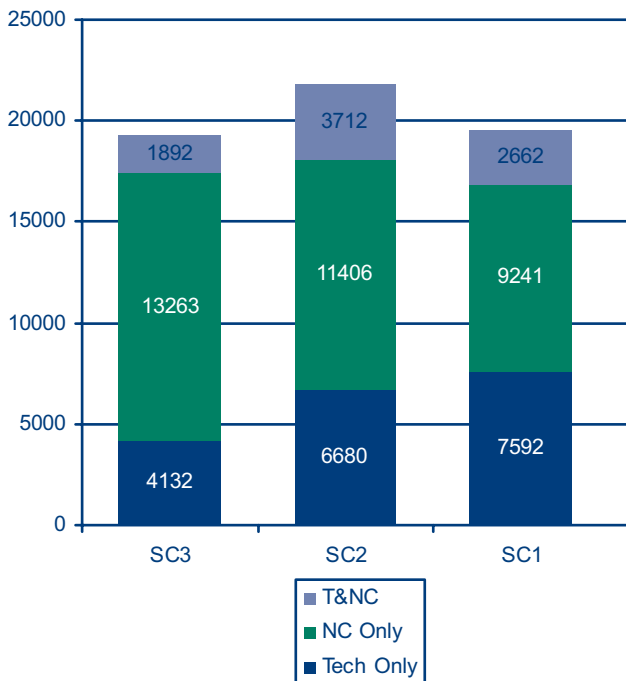
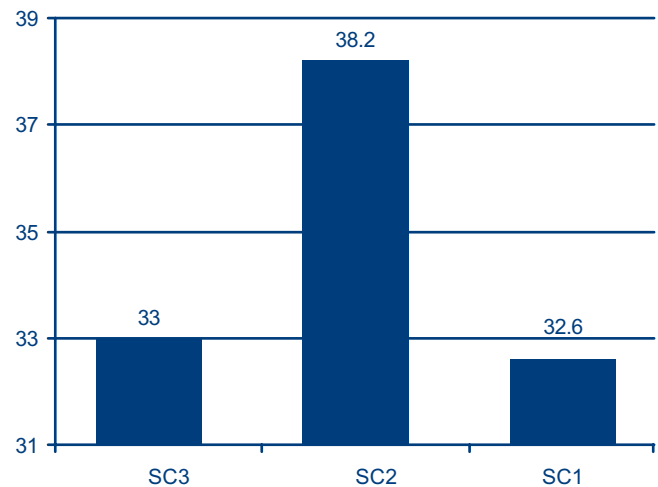


Figure 4 Graphical Comparison of Average Days Detained per Violator



Excluding outliers and revoked offenders, SC3 violators were detained for an average of 12.9 days. This average represents the lowest detention length minus revoked offenders and outliers over the three Sanction Certainty periods. SC1 violators were typically detained for an overall average of 15.8 days. SC2 violators were typically detained for an overall average of 17.9 days. Removing these revoked and outlying violators shows that the average days detained per violator decreases by more than half compared to the figure for all violators.



Figure 5 graphically shows the all total violations as well as the totals when outliers and revocations are removed. Figure 6 compares the average number of days detained for these two populations.

Figure 5 Graphical Comparison of Violators, and Violators minus Revocations and Outliers

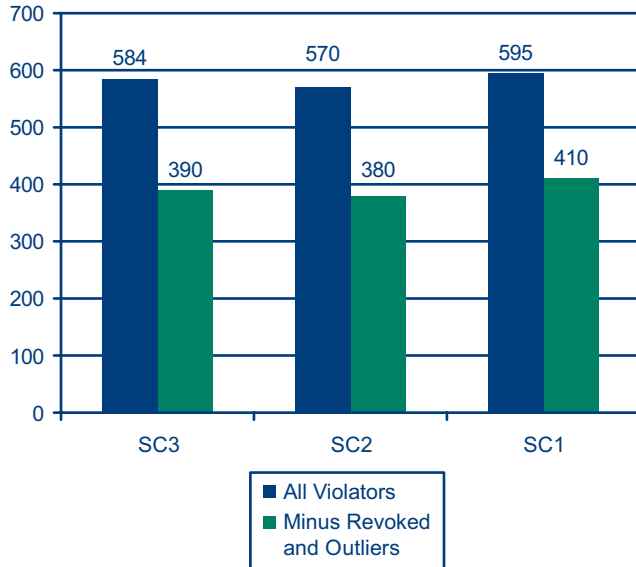
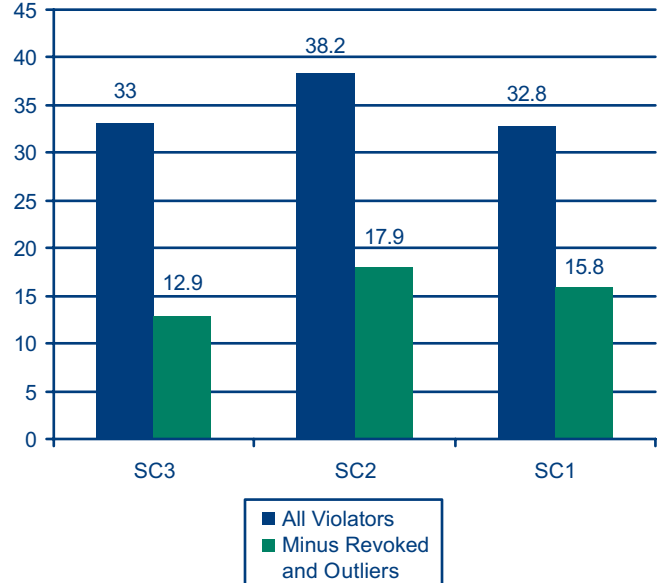


Figure 6 Comparison of Average Days Detained per Violator



DETENTION COST COMPARISONS

Table 6 shows the average *cost of incarceration* per violator for each of the policies regardless of the violation type, calculated by multiplying the average number of days detained by the daily cost of incarceration. The Erie County Prison utilized a daily cost of approximately \$53.00 for housing individuals detained in their facilities during 2006.

Table 6: Cost of Incarceration

	SC Year Three	SC Year Two	SC Year One
	SC3	SC2	SC1
Total # Violators Detained	584	570	595
Total # Days Detained	19,287	21,798	19,495
Average # Days Detained	33	38.2	32.8
Total Cost of Incarceration	\$ 1,022,211	\$ 1,115,294	\$ 1,033,235
Average Cost of Incarceration per Violator	\$ 1,750	\$ 2,025	\$ 1,738

Based on \$53 daily rate to house inmates at Erie County Prison

Due to the decrease in detention length as well total number of days detained, the average cost of incarceration per violator dropped approximately 14% from year two (\$2,025) to year three (\$1,750).

Cost of incarceration per thousand is provided in Table 7. These calculations utilize the total rate of violators detained per thousand offenders, the average incarceration length of detainees per specific sanctioning policy, and the daily cost of incarceration as reported by the Erie County Prison. The total rate of violators detained per thousand offenders was multiplied by the average incarceration length. The product was then multiplied by the Erie County Prison's daily cost of incarceration.



Table 7: Cost of Incarceration per 1000

	SC Year Three	SC Year Two	SC Year One
	SC3	SC2	SC1
Total Rate of Violators Detained per Thousand	287	267	278
Average # Days Detained	33	38.2	32.8
Cost of Incarceration per Thousand	\$ 501,963	\$ 540,568	\$ 483,275

Calculated using the daily cost of incarceration of \$53.00, as reported by the Erie County Prison.

Though the SC3 rate of violators detained per thousand increased, the average detention length still decreased from SC2. Thus, the cost of incarceration per thousand in SC3 has dropped from the average in SC2. All SC3 figures however are greater than those reported in SC1.

While these incarceration cost figures indicate how alterations in the number of detainees lodged and length of detentions might affect incarceration costs, they should not be mistaken for a complete cost-benefit analysis. For instance, costs due to revocations are not included. Also, since potential recidivism rates are not available for the individuals subsumed under the Sanction Certainty policy, it is impossible at this time to say whether or not the policy has dissuaded offenders from committing future crimes, the cost savings of which would be immense.

REVOCATIONS

Probation revocations under Sanction Certainty result from frequent violations or as a response to new criminal charges. Table 8 documents the *number of revocations* according to type of violation committed.

Table 8: Revocation Comparisons

	SC Year Three	SC Year Two	SC Year One
	SC3	SC2	SC1
# Caseloads	14	15	15
N=	2,033	2,138	2,138
Technical Only:			
# Violators Revoked	107	91	102
Rate per thousand	53	43	47
% of N= caseload	5%	4%	5%
New Charges Only			
# Violators Revoked	61	69	50
Rate per thousand	30	32	23
% of N= caseload	3%	3%	2%
Technical and New Charges:			
# Violators Revoked	12	24	23
Rate per thousand	6	11	11
% of N= caseload	1%	1%	1%
Total:			
# Violators Revoked	180	184	175
Rate per thousand	89	86	82
% of N= caseload	9%	9%	8%
Average per caseload	13	12	12



The overall number of revocations in SC3 (180) has only slightly decreased from the SC2 level (184) and is in line from SC1 (175). Though the figure remained relatively consistent it should be noted that the “technical only” violators revoked increased, but the “new charge only” and “technical and new charge only” violators decreased over the SC3 and SC2 period. Those revoked from Sanction Certainly accounted for 9% of the overall caseload in SC3, on par with SC2 and SC1.

CONCLUSION

Over the past three years Sanction Certainty continues to show that the policy does work for many violators, reducing the number of technical violations committed by offenders. Since SC1 the policy has resulted in a 16% decrease of total number of “technical only” violations, while only recognizing a 2% decrease in the total number of violators. In addition, despite an increase in overall detentions in SC3 from SC2, there was a decrease in the total number of days detained, and subsequently, a decrease in incarceration costs. These decreases are primarily accounted for by significant drops in days detained for those “technical only” and “technical and new charge” violators. Those “new charge only” violators continued to show increases from Year one.

Concerning revocations, SC3 saw a slight decrease from SC2 in the total number, but still higher than SC1. The rate per thousand reached its highest figure of all the study periods. This is best accounted for by an increase in the number of “technical only” offenders who were revoked as a result of their violations. In fact, the other two categories showed decreases in both number of violators revoked and rate per thousand.

In terms of the data tracking for Sanction Certainty there has been much fluctuation from Years 1 to 2 and Years 2 to 3. However, it is important to note that no matter the number of violators, there are many positive trends; a decrease in detention days, fewer technical violations, a stable population of revoked participants, and decreased detention costs to name a few. One of the most notable findings is the dramatic drop in average days detained for the total Sanction Certainty populations compared to those revoked and specific outliers.

There will most likely always be a population that will re-offend, no matter what sanctions are handed out. It may be reasonable to think that individuals who perpetrate additional crimes cannot be deterred by such a sanctioning policy, perhaps because they are more criminally-minded. Other circumstances that may have an impact include substance addiction, low educational achievement, or lack of employment, all of which emerged in the previous evaluation study (SC1) as important variables when considering offenders who commit multiple violations. There is a trend regarding an increase in “new charge” violators and violations falling into place. Because of this a concentrated effort to decrease detention days for this population has been in place. Continual development and evaluation of the Sanction Certainty policy will help to identify more trends and findings on how offenders behave under this guidance.

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