

Pennsylvania 2018/19 BUDGET BRIEFING

Report on Key Issues

House Appropriations Committee (D)

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Commonwealth Investments to Watch in Local Criminal Justice

A year ago, House Republicans introduced a spending plan to cut \$71 million from criminal justice funding for counties and local non-profits. Their proposal would have eliminated or severely curtailed state support for juvenile and adult probation, alternatives to incarceration, and county courts.

But a strong pushback from other state officials and counties stopped the Republican idea and most funding returned to prior-year levels in the enacted 2017/18 budget. Still, a \$10.2 million cut to Justice Reinvestment remained for 2017/18.

House Republicans came back for more in September, however, with recommended raids to special funds and another crack at the Justice Reinvestment Fund. GOP members also eyed a special fund for substance abuse treatment and prevention that is supported by fees paid by individuals who have been convicted of drug and DUI offenses.

This budget briefing provides an overview of what these and similar funds do for local criminal justice, and what you should know if they are targeted for cuts in the 2018/19 budget or future years.

Where to cut? Local criminal justice vs. state prison and police GGOs

Expenditures in the personnel-heavy budget lines in [Corrections](#) and [State Police](#) are difficult to cut because many cost drivers are outside of the governor's and legislature's control. Negotiated personnel contracts and pension obligations, plus other costs, must be paid and grow every year.

But this is only part of the criminal justice system. Most criminal justice system activity in Pennsylvania occurs at the local level. County jails make up 90 percent of admissions in a year (to jail and prison), and county probation accounts for 86 percent of community supervision (probation and parole). Within the Unified Judicial System, 97 percent of all judges serve a local district (magistrate or common pleas), as opposed to the two statewide appellate courts and the state supreme court.

The commonwealth invests in local criminal justice agencies and programs to ensure the overall system can function effectively, and what happens at the county level directly affects costs at the state level. State prisons are the most expensive part of the system – overall and in cost-per-inmate – and high crime and recidivism rates in county jails and probation result in more sentences to state prison.

Justice Reinvestment

The Justice Reinvestment Initiative seeks to break the cycle of crime and spending by studying data, identifying evidence-based policy changes to reduce the footprint of corrections and save money, and then reinvesting those savings into local criminal justice reforms to further reduce costs for the system. The [Justice Reinvestment Initiative of 2012](#) is credited with about half of the 3,000 inmate state prison population decline over the past five years, \$96 million in savings, and the reinvestment of \$14 million.

If enacted, JRI Phase 2 legislation will implement more reforms – including parole and sentencing changes – and reinvest in county probation and victim services ([SB1070](#), [SB1071](#), and [SB1072](#)).

Commonwealth investments in local criminal justice

Much of the state funding for local criminal justice, including Justice Reinvestment grants, flows through the Pennsylvania Commission on Crime and Delinquency. PCCD coordinates support for local criminal justice agencies through criminal justice advisory boards (CJABs) and provides grants and technical assistance to counties and local non-profits. Often, these funds allow counties to test and implement new initiatives and evidence-based practices they could not otherwise afford, such as risk assessment tools, specialty courts, and data sharing.

The 2017/18 budget process was unique in the attempted (though not carried out) elimination of long-standing state funding streams for adult and juvenile probation, and the special funds raid. These and similar proposals may resurface as long as a structural deficit remains.

The following is a breakdown of general fund appropriations, special funds, and restricted receipts that support local criminal justice in law enforcement, courts, probation, victim services, alternatives to incarceration, youth violence prevention, and substance abuse prevention.

Law Enforcement

There are 924 municipal police departments in Pennsylvania and 33 regional police departments. Appropriations from the General Fund, Motor License Fund, and restricted receipt accounts managed by State Police and PCCD provide training for these local departments as well as reimbursements to counties for training and education of sheriffs and constables.

In addition to these funding streams, the Justice Reinvestment Fund provided \$4.2 million in grants in 2015/16 and 2016/17 for innovative policing, including accreditation, online training, data sharing, and innovative crime prevention strategies such as community policing.

\$17.2 million in 2017/18 General Fund, MLF, and restricted appropriations:

- √ The Sheriff and Deputy Sheriff's Education and Training Account, funded by fees for legal services provided by sheriffs, provides for the full cost of training county sheriffs. **(\$6 million)**
- √ The Constable's Education and Training Account, funded by fees for each criminal and civil case, pays for training and continuing education of constables. **(\$2.5 million)**
- √ Municipal police training grants (from the Motor License Fund under Act 89) as well as General Fund and Motor License Fund appropriations in the State Police budget support training for municipal police officers. **(\$8.7 million)**

JRI Funds Provide Naloxone Kits for Delco -- PA Leader in Naloxone Saves

In December 2016, Delaware County was awarded a \$165,403 grant from the Justice Reinvestment Fund for innovative policing initiatives, including data sharing, community policing through the Anti-violence Task Force, and the purchase of 200 Naloxone kits. Since 2014, police officers and first responders, who are often on the front lines of the opioid crisis, have carried Naloxone to reverse overdoses and save lives in the field. Delaware County leads the state with the most Naloxone saves to date and 501 saves in 2017 alone.

Courts

The Courts of Common Pleas, the commonwealth's trial courts, are organized into 60 judicial districts that mostly correspond with county lines. Magisterial district justices and the Philadelphia Municipal Court are the entry points into the judicial system where preliminary hearings occur and bail is set. In all, the 2017/18 General Fund budget appropriated \$242.6 million for common pleas and lower level courts.

Within the common pleas and magistrate systems are problem-solving courts that divert special groups of offenders – such as veterans or substance abusers – into programs to address the underlying cause of their crimes. Problem-solving courts receive funding from a General Fund appropriation to the Judiciary (\$1.1 million) and with grants awarded to treatment courts and other alternatives to incarceration by PCCD's appropriation for county intermediate punish-

ment. This appropriation provided \$11.3 million for treatment courts through two-year grants in 2016/17 and 2017/18 (see page 4).

\$242.6 million in 2017/18 General Fund appropriations:

- √ State General Fund appropriations provide for the Courts of Common Pleas. Within this amount is *\$1.1 million for problem-solving courts. (\$124.2 million)*
- √ State General Fund appropriations provide for the Magisterial District Judges and the Philadelphia Municipal Court. **(\$91.3 million)**
- √ Grants to reimburse counties for juror costs, county courts, senior judges, and court interpreters. **(\$27.1 million)**

Statewide Judicial Computer System

The Statewide Judicial Computer System maintains court case management systems and provides for crucial criminal justice data access for criminal justice professionals and the public. Under statute, the system is funded by a restricted account that receives fines and fees collected by the judicial system. The system receives no General Fund appropriations. In 2016/17, \$49.8 million was expended from the account.

Probation

Probation and parole are forms of community supervision in lieu of, or following, incarceration. In Pennsylvania, county probation offices provide adult probation and parole supervision in 65 counties (Mercer and Venango use state parole agents instead). Overall, 86 percent of adults on probation and parole in the commonwealth are supervised at the county level. Pennsylvania’s Juvenile probation system is operated by the Court of Common Pleas, with juvenile probation offices headed by a chief juvenile probation officer who is appointed by the court.

To support the probation system in 2017/18, the commonwealth provided \$35.2 million in General Fund support through formula-based grants to adult and juvenile probation. Additional state support is provided in the form of firearms training for county probation officers and remittance of supervision fees paid by individuals on county probation.

State support for county probation has remained flat in recent years, but as costs increase, the dollars don’t go as far. In 1998/99, grants for adult probation and county supervision fees returned to counties by the commonwealth covered nearly half of county budgets for adult probation, but in 2013/14 those funding sources covered 30 percent of county probation budgets ([LBFC 2015](#)).

The 2016 Justice Reinvestment Workgroup cited [insufficient county probation funding](#) as a key challenge for Pennsylvania and estimated the cost of sending people to state prison when they fail probation (which is more likely with higher caseloads and insufficient support) is \$200 million per year – almost 6 times the total current investment of General Fund dollars in adult and juvenile probation.

In addition to the funding listed below, \$2.5 million from the Justice Reinvestment Fund was allocated for county probation from 2012/13 to 2016/17. If enacted, JRI 2 would change the state oversight and funding system for county probation and provide \$58 million in additional funds over five years.

\$54.4 million in 2017/18 General Fund and Special Fund appropriations and restricted accounts:

- √ A general fund appropriation for Juvenile Probation Services supports juvenile probation with the guidance of the Juvenile Courts Judges Commission. **(\$18.9 million)**
- √ A general fund appropriation for Adult Probation Services supports is administered by the PA Board of Probation and Parole. **(\$16.2 million)**

- √ Under statute, one half of supervision fees paid by county probationers and collected by counties is transferred to the state and placed in a restricted account. Historically, that money is then returned to the counties on a dollar-per-dollar basis. **(\$18.2 million)**
- √ The PA Board of Probation and Parole provides training support for counties through the Firearms Education and Training Commission. **(\$0.6 million)**

Victim Services

The Crime Victims Act of 1998 established the Office of the Victim Advocate, special funds for victim and witness services, and a grant program within PCCD for victim services that created the General Fund appropriation for victims of juvenile offenders. *(The Crime Victims Act also established county and state probation supervision fees to support the costs of probation services, described above.)*

\$18.5 million in 2017/18 General Fund and Special Fund appropriations and restricted accounts:

- √ A General Fund appropriation for victims of juvenile offenders (VOJO). State VOJO funds are supplemented by federal funds and state JRI grants (below). **(\$1.3 million)**
- √ The Justice Reinvestment Fund provides grants to localities for victim's services; grants are administered by PCCD to supplement the VOJO program. **(\$500,000)**
- √ The Victim Witness Services Fund is a restricted account, supported by fees paid by adults and juveniles convicted of a crime. PCCD uses the fund to pay for victim and witness services and technical assistance under the Crime Victims Act. **(\$6 million)**
- √ A portion of the fees imposed above is set aside in the Crime Victim's Compensation Fund, which PCCD uses to fund victim compensation and to provide related technical assistance. **(\$10.7 million)**

Alternatives to Incarceration

The commonwealth provides an annual appropriation through PCCD for county intermediate punishment treatment programs, which are an alternative to incarceration. The County Intermediate Punishment Act of 1990 established the program to allow for sentencing alternatives such as electronic monitoring, drug courts, partial confinement, and treatment programs for eligible offenders. These programs are less expensive than incarceration and produce public safety outcomes that are as good as, or better than, jail, probation, and prison.

In 2016/17, Pennsylvania awarded two-year grants totaling \$39.7 million to 57 counties. This state general fund appropriation had been level funded at \$18.2 million per year since 2014/15. These grants support programs run by county courts and probation departments, and reduce costs for county jails.

In addition to helping the county system run smoothly, intermediate punishment programs divert some offenders away from *state prison sentences*, resulting in an estimated [annual cost avoidance](#) of \$60 million for the Department of Corrections.

Youth Violence Prevention

An annual appropriation from the General Fund provides for violence and delinquency prevention programs, which are targeted interventions for youth to prevent them from entering a life of crime. The appropriation, which has been funded since 2009/10, peaked at \$4.9 million in 2015/16. In 2017/18, \$4.0 million was appropriated.

Recipients of these funds include organizations like Big Brother Big Sisters, which has been shown to [reduce violent behavior](#) in youth participants. Efforts like these are more important today in light of recent national attention to issues of school safety and gun violence.

Substance Abuse Prevention

Fees paid by individuals convicted of DUIs and drug offenses are deposited into a special fund for substance abuse education and demand reduction (SAEDR) that provides for treatment and education to prevent substance abuse. The fund, established by Act 198 of 2002, awarded \$32 million in grants from 2005/06 to 2016/17. In 2016/17, \$3.2 million worth of assessed fees were deposited into the fund and \$3.5 million in grants were awarded. Grant recipients are typically counties or local non-profits.

This is just one component of the commonwealth's strategy to fight substance abuse. The Department of Drug and Alcohol Programs, established in 2012, receives nearly \$60 million annually in state funds and more than \$100 million in federal funds.

In response to the opioid epidemic, specifically, the state budget has added new funding to address the crisis each year since 2015/16 across the departments of Health, Human Services, Drug and Alcohol Programs, and Corrections, as well as through PCCD and the Office of the Attorney General. [Under the governor's budget proposal for 2018/19, the four-year total for these new initiatives would total more than \\$100 million.](#)

New State General Funds Committed to Heroin and Opioid Initiatives under Gov. Wolf					
	2015/16	2016/17	2017/18	2018/19	Four-Year Total
<i>Amounts in \$1,000s</i>	Actual	Actual	Available	Budget	New Investment
Department of Drug and Alcohol Programs (SCAs)*	3,500	4,250	3,500	3,500	14,750
Department of Human Services (COEs, CBFC Home Visit)	-	15,000	19,032	23,532	57,564
Department of Health (ABC-MAP Registry)	2,146	3,153	3,023	3,077	11,399
Department of Corrections (MAT Pilot Program)*	1,500	-	-	-	1,500
Pennsylvania Commission on Crime & Delinquency	-	-	7,000	2,000	9,000
Office of Attorney General**	-	-	-	6,432	6,432
Total Budgeted Funds	7,146	22,403	32,555	38,541	100,645

*Gov. Wolf requested \$5 million in additional funding for the SCAs in 2015/16, the General Assembly split this amount with \$15 M to DOC

**Gov. Wolf requested \$6.432 million in additional funding for the Office of Attorney General which will be primarily directed to fighting the opioid crisis

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