

The Impact of the 2018 Prosecutorial-Driven Initiative on Incarceration Sentence Lengths in Philadelphia

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This is an updated presentation varying from the original that was presented in April 2019. Revisions were made in Fall 2019 / Winter 2020 to incorporate feedback from advisors.



1. BACKGROUND

MASS INCARCERATION IN PENNSYLVANIA: OVERVIEW

Figure 1	Jail Population	People of Color	Serious Mental Illness
Philadelphia	4,536	89%	15%
Pennsylvania	48,438	58%	9%

Source: Monthly Jail Population Snapshot (March 2019), First Judicial District of Pennsylvania Monthly Inmate Statistics (December 2017), Pennsylvania Department of Corrections

CONTEXT

Election: Larry Krasner elected as Philadelphia District Attorney under a reform platform in November 2017.

Memo: New policies were released on February 2018.

Goal: Curtail mass incarceration through increased plea bargaining.

How: Charge lower gradation for certain offenses^{6a} and emphasize alternatives (diversion and probation).

Opportunity: Quantitative evaluation of reform efforts through sentencing decision outcomes.

2. DATA DESCRIPTION

Source: Administrative Office of Pennsylvania Courts

Court: Court of Common Pleas

Unit of Analysis: The “lead charge” in an individual’s case per incident.

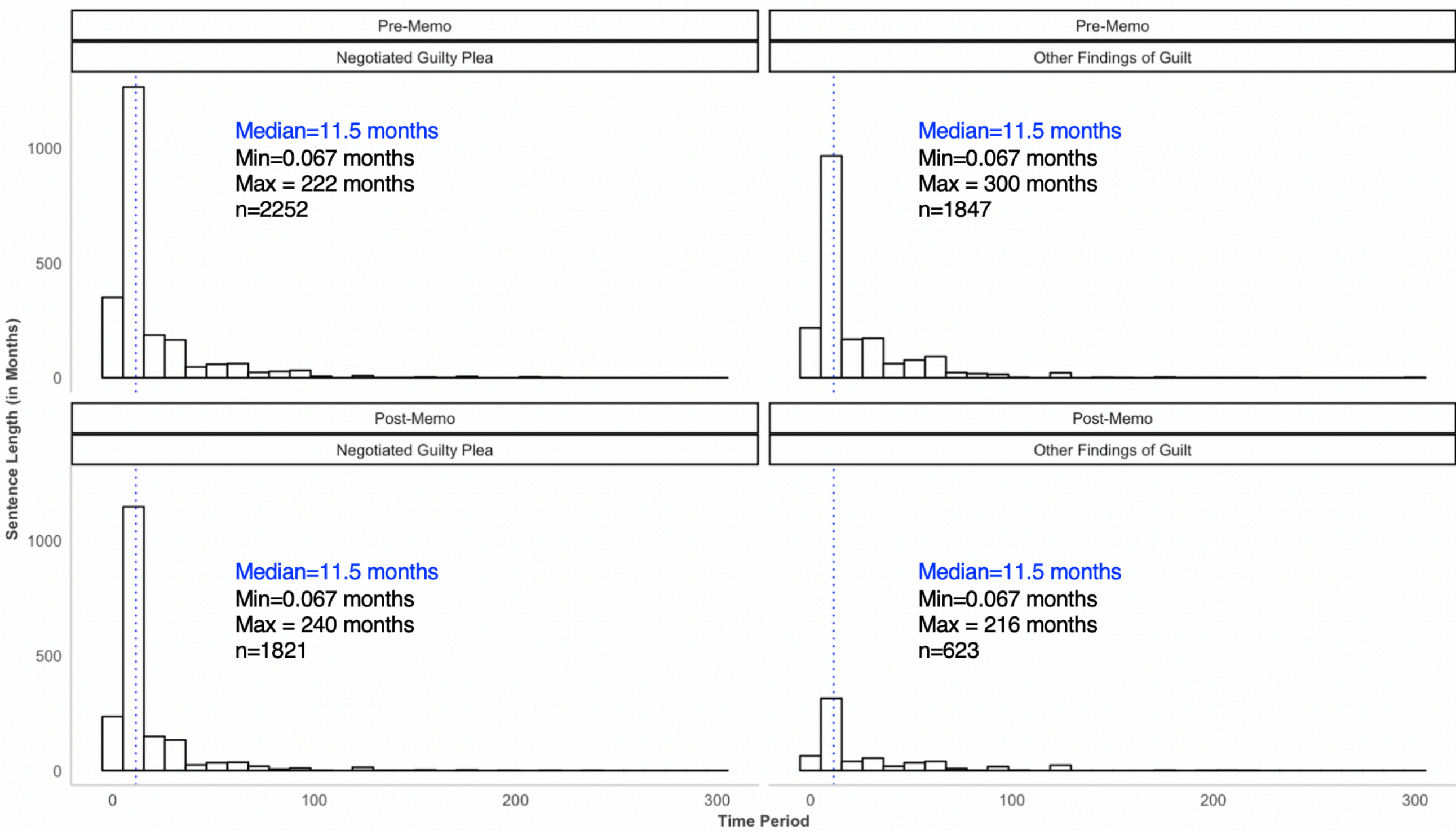
Interrupted Time Series Research Design: Pre-Memo (4/1/2017 – 2/28/2018) and Post-Memo (3/1/2018 – 1/31/2019)

6. LIMITATIONS & CONSIDERATIONS

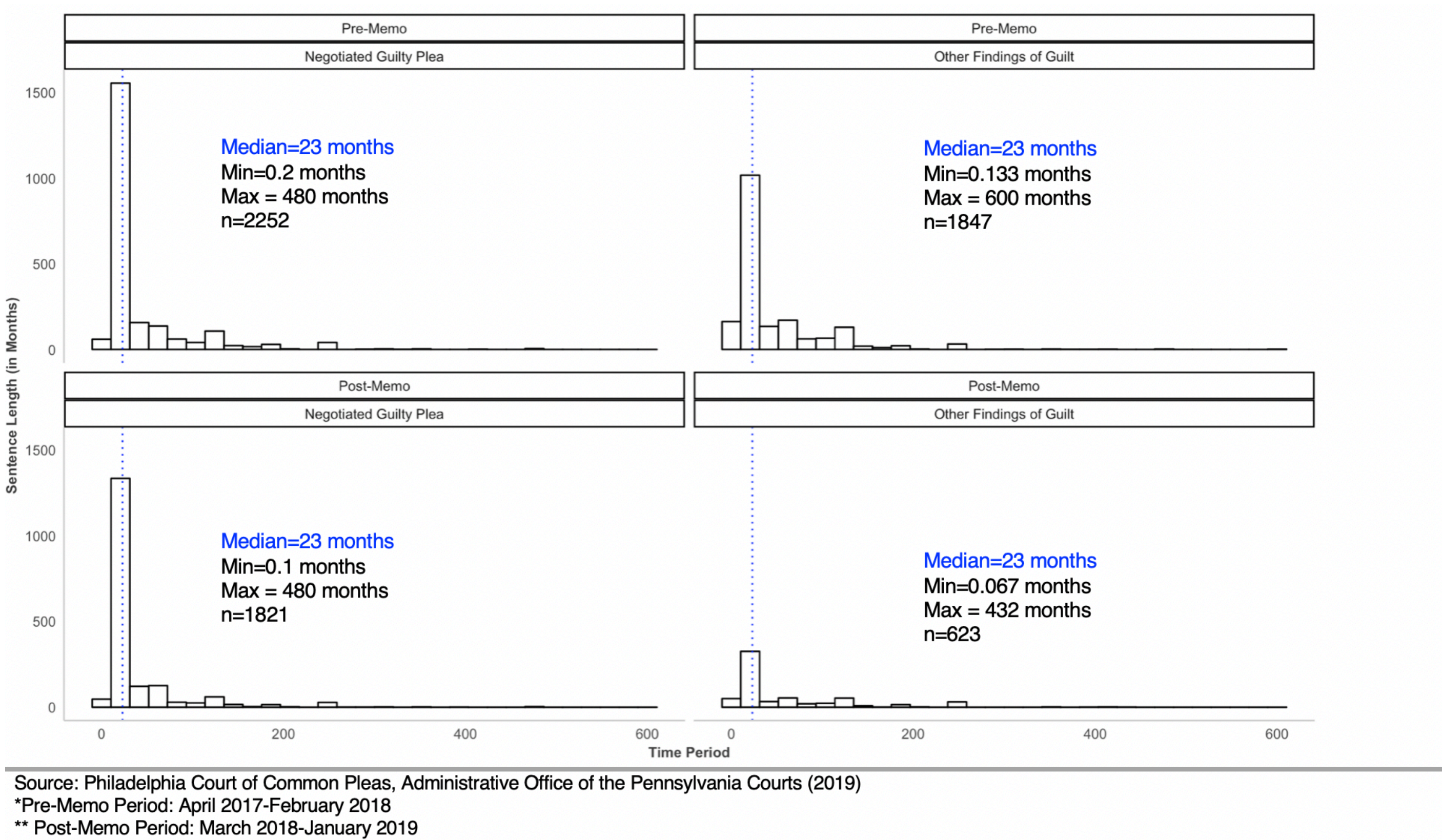
- Offenses excluded from the memo include violent crimes, sexual assaults, felon in possession of a weapon, white collar crimes over \$50,000, and attacks on the integrity of the judicial process.
- Analysis does not control for: criminal history, changes in case-level factors, and split sentencing. Thus, cases may not be comparable across time periods.
- In Pennsylvania, incarceration sentences are always of an indefinite term, with a minimum and maximum (2x the minimum) length. An individual must serve the minimum sentence length before being eligible for parole.
- Author is a Fels Institute of Government’s Public Leadership and Service Fellow (Spring 2019) at the Research Unit of the Philadelphia District Attorney’s Office.

3. DATA CHARACTERISTICS

FREQUENCY DISTRIBUTION OF INCARCERATION LENGTHS PRIOR TO PAROLE ELIGIBILITY



FREQUENCY DISTRIBUTION OF TOTAL SENTENCE LENGTH



Source: Philadelphia Court of Common Pleas, Administrative Office of the Pennsylvania Courts (2019)
*Pre-Memo Period: April 2017-February 2018
** Post-Memo Period: March 2018-January 2019

4. SENTENCING LENGTH ANALYSIS

THE MEMO HAD A **HIGHLY SIGNIFICANT** ($p < 0.01$) EFFECT ON SENTENCE LENGTHS

	Dependent Variables:	
	Minimum Sentencing Range Value (1)	Maximum Sentencing Range Value (2)
Post-memo	1.664*** (0.498)	0.663*** (0.245)
Negotiated Guilty Plea	-2.584*** (0.337)	-0.605*** (0.166)
Post-memo x Negotiated Guilty Plea	-2.039*** (0.602)	-1.126*** (0.296)
Constant	15.074*** (0.250)	25.121*** (0.123)
Observations	6,543	6,543
Residual Std. Error (df = 6539)	9.067	3.375

Note: *p < 0.1, **p < 0.05, ***p < 0.01

5. KEY FINDINGS IN THE POST-MEMO PERIOD

TREATMENT GROUP (PLEA-BARGAINED CASES)

On average, there was a decrease of 2.039 months that an individual must stay incarcerated before being eligible for parole.

Individuals return sooner to their communities and can take advantage of reentry opportunities.

On average, the total length of incarceration sentences decreased by 1.126 months.

In general, cases in the post-memo period were harsher due to DAO’s emphasis on diversion. Examining probation rates can better capture the effect of the memo.

OVERALL

The percentage of plea-bargained incarcerations sentences increased to 75% from 55%. The volume cases sentenced to incarceration decreased by 40%.