



Should prison sentences be partially based on possible, future crimes? Pennsylvania thinks so

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Pennsylvania judges could soon weigh the likelihood that someone will commit another crime in the future to help them determine how many months and years someone will be sentenced. (*Wavebreakmedia via Shutterstock*)

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on August 31, 2015 at 2:06 PM

Pennsylvania judges could soon weigh the likelihood that someone will commit another crime in the future to help them determine how many months and years someone will be sentenced.

It's called risk assessment and it was part of a 2009 package of reforms for the **Pennsylvania Department of Corrections**. After years of study and review by the Pennsylvania Commission on Sentencing, risk assessment could be implemented in courts in 2016.

"To me, this is a no-brainer," said **Corrections Secretary John Wetzel**. "This is inserting science and data into decision-making."

However, **there are concerns** about basing prison sentences on crimes that haven't been committed yet. Some compare it to the film 'Minority Report,' in which the police arrest people for crimes that haven't occurred yet.

Wetzel, on the other hand, compares it to setting car insurance rates. Insurance companies use factors -- like age and gender -- to determine someone's risk of getting into a collision and then set rates.

Risk assessment, he said, is similar.

"I'm kinda baffled by the controversy," Wetzel said.

Bret Bucklen, director of planning, research, statistics and grants for the department, said judges currently use two "scores" to determine someone's jail sentence.

The first is the offense gravity score, which weighs the severity of the crime. And the second is the prior record score, which takes into account past crimes. Those two scores, Bucklen said, are put into a grid and they help a judge determine a jail sentence.

Risk assessment is a new way of approaching criminal sentencing. Risk assessment uses certain factors -- including **age, prior arrests and types of prior crimes** -- to inform a judge of a person's likelihood that they will commit another crime.

Commission Executive Director Mark H. Bergstrom said a judge would have the option to use a person's risk assessment in sentencing but would not be required to.

Someone found to have a low risk of recidivism might get a lesser sentence while others with a higher risk could get a longer sentence. A risk assessment, Bergstrom said, might also help a judge determine a specific program or alternative to incarceration for a convicted criminal.

"We recognized that this is not only about increasing or decreasing the duration of the sentence, it's more about how to affect the sentence, what should be a part of that sentence," he said.

Bergstrom stressed that the factors used in a risk assessment are already available to a judge during sentencing. What the commission is working on is a tool that can put those factors together and apply them to crimes across Pennsylvania.

"We're providing the context, but the court has to individualize the sentence," he said.

Bergstrom said he understands that people are questioning the use of risk assessments and making sure it doesn't overwhelm other sentencing requirements. But, he said, he does think risk assessment can fill a critical role in sentencing.

It's important to illustrate to the courts, Bergstrom said, that there are certain factors that lead to different outcomes for convicted criminals. Risk assessments would allow the court system to determine if those factors play a part in a particular person's case, he said.

"I think you have to be careful that you don't take this general and actuarial information and assume it applies to every case," Bergstrom said. "You need someone to look at the information and make a decision whether that does apply in this case."

Bergstrom said the plan is to have the risk assessment tool developed and rolled out sometime in 2016. If the commission needs more time, Bergstrom said he hopes to have the tool beta tested in select Pennsylvania counties next year then rolled out across the state in 2017.

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