

Pennsylvania Bar Institute Criminal Law Update 2018



Sentence Risk Assessment Instrument

Pennsylvania Commission on
Sentencing

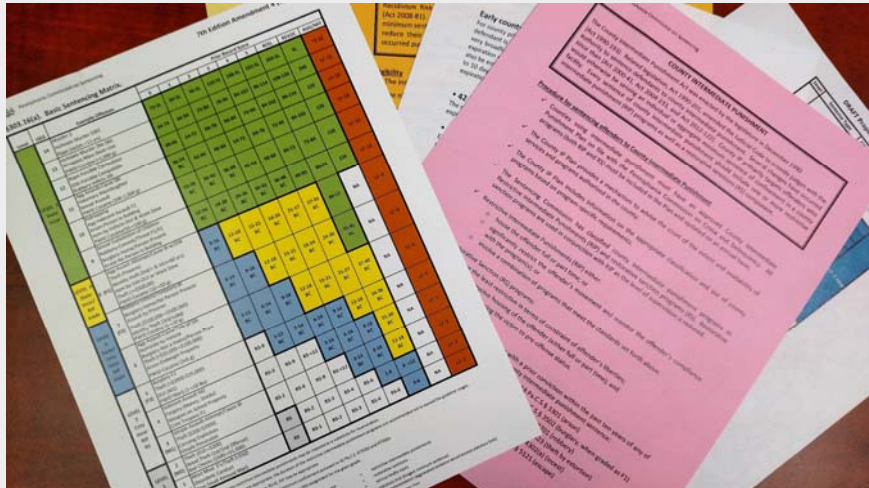
Documents

Responses to
public comments

RFP/Solicitation

Sample RNR PSI

Revised Proposal



All risk assessment documents posted at:
<http://pasentencing.us>



Legislative Mandate

Act 2010-95

Adopt a risk assessment instrument

to help the court determine the appropriate sentence
felonies and misdemeanors

May be used to evaluate

relative risk of re-offense
threat to public safety

May be incorporated into

sentencing guidelines

May be used to determine

need for more thorough assessment and/or PSI
candidates for alternative sentencing programs

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Sentence Risk Assessment Instrument

Proposal
(April 2018)

Development

Purpose

Use

2nd Generation;
Empirically Based;
Static Factors

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Sentence Risk Assessment Instrument

Proposal
(April 2018)

Development

2nd Generation;
Empirically Based;
Static Factors

Purpose

Identify Low & High Risk;
Any Offense /
Offense Against Person

Use

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Sentence Risk Assessment Instrument

Proposal
Published
(April 2018)

Development

2nd Generation;
Empirically Based;
Static Factors

Purpose

Identify Low & High Risk;
Any Offense /
Offense Against Person

Use

Screening Tool;
Obtain Additional Info;
RNA or RNR Assessments

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Sentence
Risk
Assessment
Instrument

Comments
from Public
Hearings
(June 2018)

Development
Data
Risk Factors
Recidivism Measures
Threat to “public safety”

Accuracy
Transparency
Labeling
Resources

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Sentence
Risk
Assessment
Instrument

Actions by
Commission
(June 2018)

Postponed Adoption

Earliest consideration – Spring 2019

Directives

Publish summary of issues & staff responses
Solicit proposals from public
Publish findings of external review
Hold minimum of 3 public hearings

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Sentence
Risk
Assessment
Instrument

Modification to
April Proposal
(September 2018)

Reduced number of risk scales

10 scales (9 OGS + 1 Person) → 2 scales
Reduces complexity
Accommodates future changes

Redefined recidivism

Arrest resulting in conviction
(Excludes technical violations)

Revised text of Risk Guidelines

Strengthen language → ~~Not Intended~~ Prohibit
(use as aggravating/mitigating factor)

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Sentence
Risk
Assessment
Instrument

Schedule

Modifications to Revised Proposal

Published in *PA Bulletin* November 3, 2018

Request for Proposals

Due no later than November 30, 2018

December Public Hearings

Hearing I: Harrisburg, December 6th
Hearing II: Stroudsburg, December 10th
Hearing III: Philadelphia, December 12th
Hearing IV: Pittsburgh, December 13th
Hearing V: Warren, December 14th

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Presenters

Mechanicsburg (December 3, 2018)

Mark H. Bergstrom
Executive Director
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Philadelphia (December 13, 2018)

Mark B. Sheppard, Esq.
Montgomery McCracken Walker & Rhoads LLP
Commission Member

Pittsburgh (December 14, 2018)

Hon. Jill E. Rangos, Judge
Court of Common Pleas of Allegheny County
Commission Vice Chair

