

An Examination of Criminal Justice Offenders in Pennsylvania

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Executive Summary

This study analyzed data from the Pennsylvania Commission on Sentencing and the Pennsylvania Department of Corrections (DOC) to create a profile of rural and urban criminal justice offenders in Pennsylvania. The study also analyzed sentencing trends and examined treatment histories. It focused special attention on domestic violence, drug and sex crimes.

The analysis found that offenders were primarily male and had a wide variety of program needs. The two most common program needs were for alcohol/substance abuse treatment and/or managing violence and aggression. In general, the majority of offenders successfully completed the programs they entered while in custody. Those who failed to do so most likely removed themselves from the program rather than failed to meet program requirements.

The majority of individuals remanded to DOC came from urban areas, which was expected given the higher concentration of the population residing in those areas. The analysis of the number of sentences imposed over the study period suggests that, contrary to previous research, rural and urban crime rates are not converging in recent years.

The distribution of remands by race was different for rural and urban offenders. Remands from rural areas were heavily dominated by whites, while remands from urban areas were dominated by African Americans and Hispanics.

The analysis revealed that sentencing decisions are, at least in part, influenced by the location of the court. It found that rural judges were less likely than urban judges to incarcerate violent offenders, but were more likely to impose more lengthy sentences on violent offenders who were incarcerated. It should be noted that only about 19 percent of cases for violent offenses, such as homicide, sexual assault and robbery, were handled in rural courts.

Rural judges were also more likely than urban judges to impose sentences that fall within the statutory guidelines. This sentencing pattern was consistent for violent offenses, including robbery, and property offenses.

In terms of drug-related offenses, the location of the court did not have a significant impact on the length of the sentences imposed.

Rural offenders were slightly more likely to be referred to batterer intervention programs than urban offenders. More urban offenders were convicted of drug offenses than rural offenders. For both groups, the most common offense was drug trafficking, which includes the manufacture, sale, delivery or possession with the intent to sell. Rural offenders were also likely to engage in DUI.

Nearly all sex offenders were male. In rural areas, sex crimes were overwhelmingly committed by whites. Even in urban areas, whites were represented in sex offense convictions more heavily than in other types of crimes. They were more likely than any other group to complete the programs to which they were referred.

The results of this study suggest that steps be taken to improve judicial training with regard to implementing the sentencing guidelines. The results also suggest that crime reduction should be considered a problem that does not fall within the jurisdiction of the criminal justice system alone. A coordinated effort involving programs that have the potential to prevent crime - such as substance abuse treatment programs, strategies to increase employment, and mental health services - is needed.

Introduction

While much of the American population resides in cities, approximately 51 million people reside in nonmetropolitan areas (Hobbs and Stoops, 2002). In Pennsylvania, about 27 percent of the population (3.5 million people) live in rural areas (Center for Rural Pennsylvania, 2012). While crime rates are generally lower in rural areas, crime does happen with some frequency. Current research largely ignores the nature and effects of crime in nonurban parts of the country, and thus fails to address the needs of the large number of people who live there.

The lack of criminological research on rural areas is interesting in that such areas tend to be characterized by some of the factors believed to be highly criminogenic¹. Poverty tends to be more widespread, and some of the deepest pockets of poverty are found in rural areas (Lyson and Falk, 1993). Poverty in rural Pennsylvania is consistent with this description: the number of households in poverty is greater, unemployment is higher, and the number of working poor is larger than in urban areas (Center for Rural Pennsylvania, 2008). Poverty has not only been linked to crime (Pratt and Cullen, 2005) but also to an area's ability to respond to crime. Quite simply, areas characterized by poverty have fewer resources to deal with social problems. There may be fewer programs aimed at prevention or for providing services to victims and offenders, a lack of the necessary manpower to provide services, and little public transportation to the services that do exist (Weisheit, Falcone and Wells, 2006).

There is also a great deal of variation in the economic bases across rural communities. Some rural areas may have economies based on agriculture, others on tourism, mining or manufacturing, among others. The widely divergent economic bases mean that policies designed to reduce poverty will not necessarily work equally well across all rural communities. These differences may also have a significant impact on the nature of crime and offenders across different types of rural communities. "Thus, a good understanding of rural crime requires not only appreciating how it differs from urban crime, but how rural crime and rural justice vary across rural communities" (Weisheit, Falcone and Wells, 2006).

Other factors that have been linked to crime in urban areas, but that remain under-researched in rural areas,

include a higher accessibility to guns, the role of race and ethnicity (particularly among migrant farm workers), and the culture of poor whites (Weisheit, Falcone and Wells, 2006).

Rural areas are also characterized by features that affect the operation of the criminal justice system and other human service agencies necessary for crime prevention. Geographic isolation is perhaps the largest obstacle faced by practitioners in rural communities. Longer response times to an accident or violent crime may result in a higher number of fatalities (Brodsky, 1990). Moreover, services in smaller communities are generally more limited. For instance, there are fewer physicians (Ricketts, 2000) and a lack of adequate mental health services (Logan, Stevenson, Evans and Leukefeld, 2004). Shortages in the provision of human services have an impact on a community's ability to respond to the effects of crime by providing effective treatment for victims and offenders. Moreover, if human service providers are unable to adequately serve clients after a crime, it is unlikely that they will have the resources needed to identify and serve individuals at risk of committing crime.

Another characteristic of rural areas that affects the operation of the criminal justice system directly is a reliance on informal methods of social control. While rural residents are generally less tolerant of crime than their urban counterparts (Wilson, 1991; Insurance Research Council, 1993), they are more likely to reach out to offenders unofficially rather than bringing official charges (Smith, 1980)². This may be due to a greater familiarity among rural residents—including criminal justice officials (Salamon, 1997). Some research has suggested that a lower crime rate in rural areas is a positive result of the use of informal social controls (Smith, 1980; Bouffard and Muftic, 2006). However, reliance on informal methods of control also poses problems for the criminal justice system. For instance, victims may be hesitant to report offenses when they are not sure that official action will be taken or if they believe that the offense will be made public (Logan et al., 2004; Payne, Berg and Sun, 2005). In addition, the use of informal responses to lesser offenses in rural areas may affect the profile of the rural offender. That is, by the time criminal justice professionals take official action against a specific offender, his/her offending may have escalated. Thus, first-time offenders in rural areas may appear to have committed more serious crimes

1. A criminogenic factor is something that is believed to be a cause of crime.

2. While this study is quite old, more recent research on the use of informal social controls has focused on urban neighborhoods rather than exploring the differences between rural and urban areas. See Burchfield (2009) for a review of the recent research in the use of informal social controls.

than their urban counterparts even though their actual offending histories may be very similar.

Comparisons of rural and urban crime typically indicate that crime tends to be lower in rural communities (Carter, 1982; Gardner and Shoemaker, 1989; Laub, 1983; Lysterly and Skipper, 1981; Kowalski and Duffield, 1990; Bouffard and Muftic, 2006). These findings are replicated in the Uniform Crime Reports (FBI, 2007) and the National Crime Victimization Survey (Catalano, 2004). There is, however, some research that suggests the crime rates in rural and urban areas may be converging (Carter, 1982; Swanson, 1981; Lauritsen, 2009). For instance, Donnemeyer (1994) found that rural crime increased by 430 percent from 1985 to 1991, with an 18 percent increase between 1989 and 1991 alone. More recently, New Jersey data indicated that urban crime decreased 17 percent between 2005 and 2009, while rural crime decreased by only 1 percent (Dow et al., 2009). In addition, a simple analysis of Pennsylvania crime rates indicates that the difference between crime rates in metropolitan and nonmetropolitan/rural areas decreased by nearly 200 offenses per 100,000 residents between 2006 and 2010. In 2006, the crime rate in metropolitan areas was higher than the crime rate in nonmetropolitan/rural areas by about 1,017 crimes per 100,000. By 2010, this difference had decreased to about 838 crimes per 100,000 residents (Pennsylvania State Police, 2006, 2010).

Given what we know about the issues faced by criminal justice and human service practitioners in rural areas, there are three specific types of offenses that may pose particularly significant problems for these communities: domestic violence, sex offenses, and substance abuse. Each of these offenses is likely to be strongly affected by geographic isolation, lack of human services, and reliance on informal methods of social control often found in rural areas. And unlike many other offenses, these crimes tend to be relatively easy to hide.

Domestic Violence

Little research has been conducted on domestic violence in rural areas. Much of the research that exists focuses on the victims (Gagne, 1992; Websdale, 1995, 1998; Lichtenstein and Johnson, 2009; Brieding et al., 2009). These studies confirm the negative role of geographic isolation, few human services, and the use of informal social controls.

Bell (1986, 1989) examined police jurisdictions in Ohio. He found that areas with the lowest populations reported the highest rates of domestic violence. However, rural residents may tend to be disinclined to report

domestic victimization to the police (Few, 2005), which may mean that these reports actually underestimate the extent of the problem. Brieding and colleagues (2009) surveyed 25,000 residents in 16 states. Nearly 27 percent of rural women and 16 percent of rural men reported experience with intimate personal violence on some level during their lifetimes. Their results indicated that the prevalence of intimate personal violence in rural areas is consistent with the prevalence found in urban areas. However, in several states from which the sample was drawn, the lifetime prevalence of intimate personal violence was substantially higher. The authors concluded that domestic violence is a serious public health issue in rural areas that needs to be more fully addressed by policy.

Logan et al. compared rural and urban men charged with domestic violence related crimes. Their results indicated that rural men were more likely to have a prior history of domestic violence and to abuse prescription drugs, often in combination with alcohol (2001). Rural men were also more likely to own their homes and to have resided in the same location longer than urban men. Other research suggests that offenders who batter their partners are not significantly different from men whose victims are not related to them (Dale and Rogan, 2000), suggesting that violence is the issue rather than the offender's relationship to the victim.

Research on date violence may also shed some light on the differences between rural and urban domestic offenders. Bergman (1992) examined physical, sexual and verbal date violence in three Midwestern schools. He found that rural students reported the lowest levels of date violence, while suburban students reported the highest levels. However, a study by Spencer and Bryant (2000) found that rural students were more likely to report physical date violence than urban students. This study reported that sexual violence was equally distributed across urban, suburban and rural settings. Given the paucity of research on this issue and the contradictory findings, it is clear that additional research on domestic violence in rural areas is needed.

Addressing the problem of domestic violence programs may be more challenging than most people anticipate. If Dale and Rogan (2000) are correct, batterer programs, which are the primary approach to treating domestic violence offenders in Pennsylvania, may not work unless they take the broad focus of addressing the problem of violence in general. To complicate matters further, it is possible that offenders may not complete the program and that failure to do so may be due to factors outside of the individual's control. An evaluation of

a rural program for domestic violence in Utah suggests that 78 percent of program outcomes, including successful completion and program attrition, can be predicted by just three factors—employment status, type of psychiatric disorder, and supervision status (Tollefson et al., 2008). These characteristics determined success far more than the features of the program itself, yet none are factors that can necessarily be changed easily by a rural resident.

According to the Treatment Services Bureau of the Pennsylvania Department of Corrections (DOC), batterer intervention programs used for offenders who need domestic violence programming are 26-week programs designed along the lines of the Duluth Model. The Duluth Model is a gender-based, cognitive-behavioral approach to counseling and/or educating men arrested for domestic violence and mandated by the courts to domestic violence programs. The curriculum first helps expose the behaviors associated with a constellation of abuse and violence, attempts to challenge the denial or minimization associated with abusive behavior, attempts to teach and develop alternative skills to avoid abuse and violence, and promote so-called “cognitive restructuring” of attitudes and beliefs that reinforce that behavior (Gondolf, 2007).

Evaluations of batterer intervention programs were mixed with regard to their impact on re-offense (Jackson et al., 2003, Gondolf, 2007). If, as Tollefson and colleagues reported (2008), social structural factors like employment status are important predictors of success, convicted felons returning to economically distressed areas may benefit very little in the long run from this type of program.

A more fruitful approach may be to attempt to reduce domestic violence by dealing more effectively with victims, rather than to attempt to “fix” offenders. Wells, and DeLeon-Granados (2002) examined the effect of criminal justice system response and federally funded domestic violence shelters on the victimization of white, African-American, and Hispanic males and females in 58 California counties from 1987 to 2000. In rural counties, shelters were associated with overall declines in female victimization. There was no net relationship between any criminal justice system response and victimization by either gender or race. These findings suggest that funds designed to reduce domestic violence may do more good if directed toward improving the reach and quality of shelter-based organizations, rather than focusing solely on criminal justice system responses to domestic violence.

For victim services to be successful, however, it is

essential not only that the programs be adequately funded, but that victims be aware of them and have the wherewithal to seek assistance. There is some evidence that residents of rural areas may not have the requisite knowledge and resources to make use of the system and may, in fact, face serious obstacles that can inhibit their ability to take advantage of services (Eastman et al., 2007). Moreover, these obstacles can be compounded by cultural norms, particularly for marginalized groups like older women and women of color (Few, 2005; Lichtenstein and Johnson, 2009).

It is also important to note that programs designed for and successfully serving urban victims may not translate especially well to rural areas. A 2006 study of women with protective orders discovered that both urban and rural women employ multiple coping strategies. However, their choices were significantly different. Rural women were much more likely to view the criminal justice system as less helpful and more likely to seek help from informal resources like family and churches (Shannon et al., 2006).

Sexual Assaults

Sexual violence is related to domestic violence in several ways. First, it is likely that the same cultural and social factors that give rise to domestic violence may play a role in sexual assaults. The studies by Bergman (1992) and Spencer and Bryant (2000) treated physical, verbal and sexual violence as related events. In addition, the geographic isolation of rural areas and lack of human services may play a similar role in the ability of communities to deal with these offenses. Examinations of sexual assault in rural areas confirm these suggestions. Rates of sexual assault were higher in rural areas and rates of reporting were lower (Brock et al., 2001; Ruback, and Ménard, 2001). The authors noted that wide variation in the characteristics of rural areas made drawing general conclusions about the nature of sexual assault in rural areas difficult (Lewis, 2003; Lewis and Reed, 2003).

Sexual assault is also a different and, in some ways, more difficult experience for rural victims. In rural communities it is more likely that the victim knows the perpetrator (Lewis and Reed, 2003), which has a specific and significant impact on the victim. It has been shown that the closer the relationship between the victim and the assailant, the less likely it is for the victim to report the crime. People in rural communities have little anonymity (Ruback and Menard, 2001). Thus, not only is the victim likely to know the perpetrator, but individuals in law enforcement may be part of the social

network. There is a consequent sense that confidentiality may be lacking. A distrust of help outside of the rural community compounds the problem (Lewis and Reed, 2003; Ruback, and Ménard, 2001).

Not only are sexual assaults a problem for victims living in rural communities, the relatively high rates of this offense pose issues for the criminal justice system, as well. Kane and DiBartolo (2002) found that 84 percent of the rural female inmates they interviewed reported physical or sexual abuse. They also suffered from other issues, including problems with drugs (63 percent) and alcohol (80 percent), and serious health problems, such as AIDS and other sexually transmitted diseases. The extent to which these problems are related to the sexual abuse is unknown.

Substance Abuse

A number of studies have documented alcohol and other substance abuse in rural areas. These studies indicate that substance abuse (including alcohol) is more prevalent in rural areas than in urban areas (Califano, 2000; Cronk and Sarvela, 1997; Warner and Leukefeld, 2001; Roerich et al., 2007; Aaronson et al., 2009; Webster et al., 2009). Most of these studies have involved self-report data, however, and few have examined the comparative relationship between substance abuse and such issues as other types of offenses or other needs of the offender.

A number of studies have recently examined the relationship between location, substance abuse and various forms of crime, with mixed results. One study examined the relationship between various characteristics of rural offenders, including substance abuse and criminal careers (Berg and Delisi, 2005). The study examined a sample of former adult correctional clients in a rural Midwestern state. They found that rural offenders tended to be relatively harmless criminals, especially compared to habitual offenders commonly found in the literature. The rural career criminal had fewer arrests, had more short-lived criminal justice system involvements, and were rarely violent. The worst 10 percent of offenders (persons in the 90th percentile of number of arrests) exhibited signs of such problems as alcoholism, substance abuse, mental health difficulties, early onset of antisocial behavior, and low educational attainment. Webster and colleagues (2009) found that abuse of controlled substances was related to multiple DUI convictions. On the other hand, Goodrum and colleagues (2004) found no differences between urban and rural violent offenders with regard to substance abuse.

Research suggests that rural drug users may be less

likely to seek treatment. Warner and Leukefeld (2001) examined substance use and treatment seeking among prisoners. Their findings show significant differences in drug use and treatment use of urban and rural offenders. Chronic drug abusers from rural areas have significantly higher rates of lifetime drug use, as well as higher rates of drug use in the 30 days prior to their current incarceration than chronic drug abusers from urban areas. Inmates classified as coming from very rural areas were least likely to have sought or seek treatment (23 percent).

According to Pearson (2009), substance abusers, in the same way as offenders who abuse their spouses, are less likely to complete treatment successfully if they are unemployed. Positive social change is best affected through treatment protocols directed at increasing employment and decreasing deviant behaviors in rural areas. The study showed that establishing effective rural alternative sentencing programs, such as treatment/rehabilitation, over incarceration enables substance abuse offenders to become productive citizens.

DOC provides four different types of treatment programs for offenders who have been identified as substance abusers (either drugs or alcohol): (1) education programs specifically for offenders with low levels of drug and alcohol use; (2) outpatient treatment programs for inmates with intermediate level drug or alcohol problems; (3) therapeutic communities for inmates in need of intensive residential treatment; and (4) ancillary programs, such as self-help, relapse prevention and peer groups, that are intended to supplement other forms of substance abuse treatment (Welsh, 2002).

According to the National Institute on Drug Abuse, corrections-based substance abuse programs can be effective. While simple exposure to such programs is beneficial, treatment is most effective when the offender successfully completes treatment (National Institute on Drug Abuse, 2012). The importance of completing treatment is highlighted in a study of the effectiveness of therapeutic communities in DOC, which found that inmates who successfully completed the therapeutic community program were less likely to be reincarcerated (Welsh, 2002). It is important to note that inmates who failed to complete the program appeared to receive no benefit from exposure to the treatment. It is also important to note that, while graduates of the program had a positive outcome regarding reincarceration, success was not unconditional. They were equally likely to fail a urine test while under parole supervision as inmates who did not participate in the program.

Sentencing

Little research on the effects of location on sentencing has been done in recent years. Early research on this topic suggested that certain groups of offenders are sentenced differently, depending on the degree of urbanization in the area (Austin, 1981; Feld, 1991). There is consistent evidence that urbanization has a strong influence on the relevance of both social background and offense factors. Urbanization tends to further disadvantage offenders who are members of less powerful groups in society. It appears to increase the imprisonment risk for African Americans while decreasing the probability of imprisonment for whites. Urbanization also increases the length of prison sentences imposed on female and unmarried offenders. In contrast, the prison sentences for male and married offenders tend to decline with urbanization. Finally, as counties become more urbanized, younger offenders receive less lenience than their older counterparts (Meyers and Talarico, 1986).

More recent research suggests that the effect of location is still significant, even under legal systems employing sentencing guidelines (Wilmot and Delone, 2010). An examination of Pennsylvania sentencing is particularly relevant here. Johnson (2006) examined sentences imposed in 1999 and 2000. While he did not specifically examine rurality, he did determine that judges in smaller courts were more likely to impose prison and lengthier sentences than larger courts. Johnson (2006) later addressed the question of whether contextual factors influence judicial decisions to sentence outside the guidelines in a sample of cases sentenced under the 1997 statute. He found that judges in larger courts were significantly more lenient with regard to departures from the guidelines. His results suggest that policies related to regulating court size be considered as a means of ensuring that sentencing is even-handed.

Given the high levels of poverty in rural areas, one factor that may shed additional light on the question of whether rurality affects sentencing may be socioeconomic status (SES). Early research was mixed on the effect of this variable (Thornberry, 1973). More recent research has focused on some of the mechanisms by which SES might impact courtroom decisions. Mazzella and Feingold (1994) conducted a meta-analysis of contributing factors of juror bias towards minority defendants and found SES to be one of the more salient predictors of bias. In another study, low SES minority defendants were found to be given more negative descriptions compared with middle-class SES majority group defendants (Sommers and Ellsworth, 2000).

These defendants were found less attractive, more aggressive, and less ethical compared with all other conditions of the study. One recent study suggests that the findings about perceptions may translate to more harsh treatment by courts (Espinoza et al., 2011). Given changes in sentencing over the last 20 years, it is important that this issue be re-examined.

Goals and Methodology

The goals of the study, conducted in 2010 and 2011, were to develop: an understanding of rural offenders, in general; a better understanding of offenders who commit specific types of offenses; and a better understanding of sentencing.

The researcher used data collected by the Pennsylvania Commission on Sentencing (PCS). The commission collects data and information to systematically monitor and report on sentencing conformity to guidelines. Reporting is mandated by statute [42 Pa.C.S. §2153(a) (14)]. The researcher also used data from DOC to investigate offender needs upon entering state custody, as well as the extent to which offenders successfully complete recommended programs.

The researcher used data for 2001 and 2004 through 2007 for the sentencing analysis. Data for the years 2002 and 2003 were unavailable.

The sentencing data reflect all Pennsylvania felony and misdemeanor offenses that were sentenced in Pennsylvania Common Pleas Courts during the study time period and were reported to PCS. The analysis was limited to all cases involving felony offenses to make the sample more consistent with the types of offenders examined in the DOC data. This decision had the added advantage of making the data files a more manageable size, as the original files were quite large.

A total of 201,943 felony cases were sentenced during the study time period (See Table 1). The number of felony sentences were fairly consistent during the study period, ranging from a low of 36,658 in 2001 to a high of 42,292 in 2004.

Table 1: Number of Felony Sentences Imposed During 2001, 2004-2007

Year	Frequency	% of Total
2001	36,658	18
2004	42,292	21
2005	41,064	20
2006	39,899	20
2007	42,030	21
Total	201,943	100

The number of offenders who enter the custody of DOC is significantly smaller than the number of felons convicted each year because many felony offenders receive sentences that do not involve incarceration. Data for the period 1996 through 2007 showed that there were 95,512 felony commitments to DOC during this period³. It is also important to note that DOC handles state offenders. Thus, the data do not include information on offenders sentenced to federal prisons or jails⁴.

Independent Variables

Rurality: Each offender was classified as rural or urban based on the county in which he/she was sentenced. The research used the Center for Rural Pennsylvania's definition of rural as follows: A county is rural when the number of persons per square mile within the county is less than 284. Counties that have 284 persons or more per square mile are considered urban.

The researcher used data from DOC to conduct a comparison of offenders sentenced in rural vs. urban areas to determine whether rural offenders differed significantly from urban offenders in terms of crimes committed, prior records, demographic characteristics, their needs as assessed by DOC, and the sentences imposed.

Using the sentencing data to classify offenders as rural or urban had its limitations, since offenders may commit crimes outside of their home counties and thus be sentenced in courts with different rural/urban designations. Thus, this variable would not adequately capture rural offenders. However, research from the 1990s strongly suggests that the likelihood of committing a crime decreases with distance from the offender's residence (Rengert et al., 1999), which indicates that the majority of offenders would be sentenced within their home counties.

Type of Crime: Neither the PCS nor DOC data contain detailed descriptions of the crime committed by the offender. They do, however, contain the statutory label of the offense for which the offender was convicted. The researcher used these labels to create variables classifying the offense in general terms as a crime against persons (violent) or property (property). The researcher conducted separate analyses for violent crimes, sex offenses, robbery, property offenses and drug offenses.

One limitation of these variables is that they are not necessarily an accurate measurement of the true nature of the offenses actually committed by the offenders. It

is common practice for defendants to plead guilty to lesser charges, and in some instances, the lesser charges are qualitatively different from the original offense. For instance, a defendant originally charged with a sex offense may plead guilty to a charge of assault. However, the researcher believed that grouping the offense labels into general categories will adequately capture the nature of the offense.

Domestic Violence: As in many other states, the only statute in Pennsylvania that specifically pertains to domestic violence is the Pennsylvania Protection from Abuse Act. Unfortunately for research purposes, violation of an order of Protection from Abuse (PFA) is classified as contempt of court. There is no way to specifically identify those instances of contempt of court that result from a violation of a PFA from other acts of contempt of court, nor is there a means of distinguishing between violence committed against a family member and assaults against nonfamily members in either the DOC or PCS data. Therefore, the researchers took a slightly more creative approach to create a variable measuring whether the offender committed domestic violence. All offenders have their needs assessed at intake into DOC, and programs are recommended at that point. Nearly all offenders with a history of domestic violence are referred to batterer intervention programs (Antonio, 2009). This study classified an offender as having committed domestic violence if he/she was referred to a batterer intervention program. It is possible that offenders who have not been convicted of an act involving domestic violence will be captured in this classification or that individuals who have committed domestic violence will have not been referred to a batterer intervention program, however, this possibility is small (Antonio, 2009).

Prior Record and Offense Seriousness: The research measured the extent and seriousness of the defendant's criminal history by the Prior Record Score (PRS). It measured the seriousness of the offense by the Offense Gravity Score (OGS), which is employed by judges under the sentencing guidelines. The PRS and OGS are defined by statute and used by judges to determine the sentencing recommendations for a typical case.

PRS is based on the number and type of prior convictions and prior juvenile adjudications. There are eight PRS categories: Repeat Violent Offender, Repeat Felony 1 Offender, Repeat Felony 2 Offender, and point-based categories of 0, 1, 2, 3, 4 and 5. The higher

3. Offenders who are returned to prison for new offenses are counted as new commitments.

4. It is important to note that some state prisoners are housed in county jails, but are considered to be under the authority of the state, rather than the county. The number of state prisoners housed in county jails is not clear from the data.

the score, the more serious and extensive the offender's prior record.

OGS is a numerical score assigned to the offense on the basis of the seriousness of the crime. Third degree misdemeanors are at the lowest end of the scale with a score of 1. First degree felonies receive the highest score of 8 points. Exceptional offenses listed in the statute diverge from the scale as listed in the statute.

Case Disposition: One additional independent variable measured a case processing issue – whether the case was disposed through a trial or via a plea on the part of the defendant. This variable included two categories. Cases disposed by trial were compared to a combined category including negotiated and non-negotiated guilty pleas, nolo contendere pleas and other forms of case disposition⁵.

Demographic Characteristics: The analysis used several demographic variables as follows:

- the race of the offender, included as two dummy variables representing African American/white and Hispanic/white defendants⁶;
- the gender of the offender;
- the age of the offender at the time of the offense;
- whether the offender had a record of prior juvenile adjudications or adult convictions for any offense included in the sentencing guidelines; and
- whether the offender had previous convictions for any violent or sex offenses.

Dependent Variables

Severity of Sentence: To better understand potential differences in sentencing patterns across rural and urban offenders, the researcher conducted analyses of each of the primary decisions in the process. PCS data include the type of sentence imposed (whether the sentence involved incarceration), the length of incarceration, and the fine amount. Since Pennsylvania is an indeterminate sentencing state, the sentence length was measured as the midpoint of the sentence range, calculated by adding the minimum and maximum sentences imposed (measured in months) and dividing the sum by 2. In addition, the researcher determined whether judges sentenced outside the sentencing guidelines. These

variables allowed an analysis of sentencing across rural and urban areas.

Offender Needs: The research also examined whether DOC programming recommendations were used to determine the needs of offenders regarding education, violence, substance abuse, offense-related needs, sex crimes and other issues. The researcher created a variable measuring the number of program recommendations made for the offender. The original research plan called for an examination of mental health issues. However, that data could not be released because of confidentiality restrictions.

Program Participation: DOC data contain information on the programs in which each offender participated while in DOC custody and whether the programs were successfully completed. The researcher examined these variables to determine whether differences exist between rural and urban offenders.

Results

Sentencing

Statewide, two-thirds of the felony sentences imposed during the study period involved prison incarceration. The average incarceration length was 35.2 months. As expected, the majority of sentences (82 percent) fell within the range recommended by the sentencing guidelines. Sentences of probation had an average minimum length of 18 months. The average fine was \$971.94 and the average amount of restitution ordered was \$6,959.76 (See Table 2).

Urban courts handled the majority of the sentences imposed in the commonwealth. Only about 22 percent of sentences imposed during the study period were given by judges in rural courts. This finding is consistent with the idea that areas with higher population densities have higher rates of crime.

Statewide, the majority of offenders were male (82 percent). The average age at the time of the offense was 30.1 years. Fifty-two percent were white. African American offenders comprised about 38 percent of the sample and Hispanics comprised about 9 percent of the sample. About 1 percent of the sample was made up of

5. A negotiated plea occurs when an agreement is reached in which the defendant enters a guilty plea in exchange for some consideration from the prosecutor. This can mean a reduction in the number of charges, a reduction of the gravity of the charges, or a recommendation for a more lenient sentence than is prescribed as the maximum. A non-negotiated guilty plea occurs when the defendant enters a guilty plea without having such an agreement in place. A plea of nolo contendere is similar to a non-negotiated guilty plea in that the defendant accepts responsibility for the offense, but does so without formally admitting guilt. Other forms of case disposition include diversion and instances where the type of plea is unknown.

6. The term "Hispanic" is more properly a designation of ethnicity rather than race. Individuals of Hispanic descent can be found in white, African American and Native American racial groups. However, in these data, the term was included as a category in the variable measuring race. Although not technically correct, this usage is common in official records. Consequently, analyses involving race in the data will compare African Americans and/or Hispanics to whites.

Table 2: Sentencing Results

Variable	Frequency	%
Type of Sentence		
Prison	134,682	67
Other	67,261	33
Within Sentencing Guidelines		
Inside	166,307	82
Outside	35,636	18
Midpoint of Incarceration	Mean = 35.2 months	
Minimum Length of Probation	Mean = 18 months	
Amount of Fine	Mean = \$971.94	
Amount of Restitution	Mean = \$6,959.76	

other racial/ethnic groups: because of the small sample size, no further analyses of this group were conducted.

The racial distribution of offenders differed across rural and urban counties. While the majority of urban offenders were people of color (45 percent African American and 11 percent Hispanic), the majority of rural offenders were white (83 percent).

There were also differences in the distribution of offense types by location, such as more property offenses in rural counties and greater incidences of offenses involving controlled substances in urban counties. It should also be noted that robbery was nearly twice as likely in urban counties (8 percent) as in rural counties (4 percent).

Approximately one third of cases in both rural and urban counties (31 percent and 38 percent, respectively) involved offenders with prior adult convictions, but few had any juvenile adjudications (7 percent and 9 percent, respectively). Only a small percentage had prior convictions for violent crimes (less than 5 percent) or sex offenses (<1 percent). The average PRS ranged from 0 to 5, with a mean score of less than 2 for both locations.

Overall, approximately 42 percent of offenses were property offenses and 17 percent were classified as violent. Only 7 percent of offenses involved some form of robbery, and 41 percent of cases were classified as other. Slightly more than 30 percent of crimes involved a controlled substance⁷. The offense grade ranged from 5 to 10. The mean offense grade was 6.6. The OGS ranged from 3 to 14. The average score on this variable was 5.94, which suggests that a significant proportion of felony offenses are relatively minor.

Not surprisingly, few cases in rural and urban courts were decided at trial (5 percent and 7 percent, respec-

7. Some controlled substance offenses overlapped with other crime classifications, so the percentages should not be added together. For instance, delivery of controlled substances resulting in death was classified as a violent offense in addition to a drug offense.

tively). The remaining cases (95 percent rural and 93 percent urban) ended in a guilty plea (negotiated or non-negotiated), a plea of nolo contendere or in some other way (See Table 3).

For the following analyses, the researcher only highlighted substantial relationships or differences rather than statistically significant relationships or differences. Since the sample size for the research was so large, even very small differences across groups resulted in statistically significant findings. In cases such as this, it is appropriate to focus more on differences or relationships that appear to be substantial rather than on those that are statistically significant alone.

With the exception of 2001, the percentage of sentences imposed in rural courts was fairly consistent, averaging about 22 percent. While the 2-year gap between 2001 and the next available year of data may explain part of the difference, it is unlikely to be a complete explanation given that the later years are so stable (See Table 4 on Page 10).

Preliminary tests of the relationship between the location of the court and the dependent variables suggest

Table 3: Distribution of Offense Types by Urban/Rural Location

Variable	Urban		Rural	
	Frequency	%	Frequency	%
Case Disposition				
Trial	10,334	7	2,287	5
Plea	148,004	93	40,779	95
Gender				
Male	132,666	84	33,383	77
Female	25,275	16	10,154	23
Race/Ethnicity				
White	67,751	44	35,810	83
African American	69,565	45	6,248	14
Hispanic	16,542	11	731	2
Other	1,639	1	182	1
Type of Crime				
Violent	27,129	17	6,249	14
Property	62,202	39	23,054	53
Standards	130	0.1	34	0.1
Other	68,876	44	14,269	33
Controlled substance	51,043	32	10,289	24
Robbery	12,637	8	1,662	4
Sex Crime	4,213	3	2,554	6
Any Violent Priors	7,805	5	1,365	3
Any Sex Priors	1,015	1	281	1
Any Adult Priors	60,667	38	13,542	31
Any Juvenile Priors	14,680	9	3,127	7
Age at Offense	Mean = 30.1		Mean = 30.4	
Offense Grade	Mean = 6.1		Mean = 6.2	
Offense Gravity Score	Mean = 6.0		Mean = 5.6	
Prior Record Score	Mean = 1.6		Mean = 1.2	

Note: Totals do not add up to 100 percent due to rounding.

Table 4: Number of Sentences Imposed in Urban and Rural Courts, 2001 and 2004-2007

2001		2004		2005		2006		2007	
Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural
30,164	6,494	31,651	10,641	32,299	8,765	30,948	8,951	33,275	8,755
82%	18%	75%	25%	79%	21%	78%	22%	79%	21%

that those sentenced in a rural court were not substantially more likely to be sent to prison. About 35 percent of the sentences imposed in rural courts involved a prison sentence compared to about 33 percent of the sentences imposed in urban courts.

The relationship between location of the court and the length of incarceration, on the other hand, was more interesting. The average length of sentences imposed by rural judges was 30 months, compared to about 37 months imposed by urban judges. A 6-month difference would seem substantial to an inmate. Similarly, urban judges were more likely to sentence outside of the sentencing guidelines. Rural judges deviated from the guidelines in about 11 percent of the cases, while urban judges did so in about 20 percent of the cases. The minimum length of a probation sentence in urban counties was about 38 months, compared to 33 months in rural counties. The amount of fines also tended to be higher in urban counties. The average fine in a rural court was \$678.94 vs. \$1,125.29 in an urban court. The mean amount of restitution ordered in rural courts appeared to be nearly \$1,000 less than the amount ordered in urban courts (\$6,213.17 and \$7,293.67, respectively), however the statistical test did not suggest that this difference was significant.

These initial findings suggest that urban judges may be more severe in their approach to sentencing than rural judges. However, it is possible that factors exist that could explain away the differences suggested here. For example, differences in the types and seriousness of the offenses would certainly have an impact on sentencing decisions. The most appropriate approach to exploring these relationships in more detail was to conduct multivariate analyses. The following sections report the results of tests that controlled for such factors.

All Crimes

The researcher used multiple logistic regression to test the relationship between the location of the court and the decision to impose a prison sentence.

The most important finding from this test was that the location of the court appeared to have an impact on the probability of an offender receiving a prison sentence. Rural judges were less likely to send offenders to prison than urban judges, even when controlling for the effects

of OGS; PRS; offense grade; whether the defendant had convictions for any prior violent, juvenile or adult offenses; whether the defendant was classified as a sexually violent predator; how the case was disposed; or the race and sex of the offender.

One somewhat surprising result of this test was that, overall, the OGS and PRS appeared to have a negative effect on the probability that an offender will be sentenced to prison. That is, offenders who committed more serious crimes and those with histories of more serious prior offenses seemed to have a lower probability of being imprisoned. To clarify this result, the researcher conducted a t-test to determine whether and how the mean scores on the OGS and PRS differed across those who received a prison sentence and those who did not. The tests revealed that the mean values for the OGS and PRS tended to be higher in the cases in which the sentence involved imprisonment. However, the differences were substantively small, and the standard deviation in both cases was quite large, suggesting that the results may be due to the effects of other variables included in the analysis. It may likely be that, in terms of the decision to imprison, having a long and serious prior record was not as important as having any conviction as an adult. The results from the test are consistent with this possibility. Having any adult convictions was more important than having a conviction for a violent offense or having been adjudicated delinquent at least once. The exception appears to be having been classified as a sexually violent predator, which substantially increases the chances of imprisonment.

In general, the age of the offender had a very small impact on the probability of incarceration. Older offenders were slightly more likely to be imprisoned. Hispanic offenders were more likely to be incarcerated than whites. African Americans, on the other hand, were not more likely than whites to be imprisoned. Cases that go to trial were more likely to result in sentences involving incarceration as well.

A multiple regression analysis of the effects of location on the length of incarceration indicated that the OGS and PRS add significantly to the length of the sentence. For each unit increase in the OGS, the offender's sentence was increased by slightly more than 10 months. The PRS added about 3 months for each unit

increase. This finding confirms expectations that the sentencing guidelines are operating as specified with regard to determining the amount of time the individual spends in confinement.

Urban judges imposed slightly more lengthy sentences than rural judges. The results suggest that offenders sentenced in urban courts received sentences that were nearly 1 month longer than those sentenced by rural judges.

Sentencing guidelines provide recommendations regarding the appropriate sentence for offenders. Judges are free to sentence outside of the guidelines if they believe the circumstances of the case warrant either mercy or a more severe sentence. The research found that urban judges were more likely than rural judges to sentence outside the guidelines. It also found that urban judges were more likely to deviate from the recommendations of the sentencing guidelines in both directions. However, the biggest difference occurred in the decision to deviate below the guideline recommendations, as urban judges were twice as likely to impose a sentence that was less severe than recommended by the guidelines. This finding suggests that judges in rural courts are more likely to conform to statutory expectations (See Table 5).

The analysis of the effect of location of the court on the amount of fine imposed found that fine amounts increased by nearly \$562 for every unit increase in the OGS. However, the PRS was not significantly related to the fine amount. Indeed, the only prior record variables that were related to fine amounts were whether the individual had a history of violent convictions and whether the individual was a sexually violent predator. It is likely that these factors had a negative effect since few individuals with these sorts of histories are likely to receive a fine, which is commonly perceived to be a less severe sentence.

Urban judges assigned larger fines than rural judges. The average fine imposed by an urban judge was approximately \$274 higher than fines imposed by rural judges.

Violent Offenses

Violent offenses include homicide, sexual assault, aggravated and simple assault, and robbery. There were a total of 33,378 violent offenses reported to PCS during the study period. The majority of these cases (81 percent) were heard in urban courts and about 19 percent were handled in rural courts. The focus of the following discussion will be on the relationship between the location of the court and sentencing decisions. Other

Table 5: Cases in Which Judges Deviated from Sentencing Guidelines by Urban/Rural Location

Deviation from Sentencing Guidelines	Location of Court	
	Urban	Rural
Above	7%	5%
Within Guidelines	81%	89%
Below	12%	6%

variables are not discussed unless a particularly important result was found.

Rural judges were less likely to impose a prison sentence on violent offenders than urban judges. Having made the decision to incarcerate, however, rural judges imposed longer sentences and were more likely to sentence within the guidelines than urban judges. Interestingly, the fine amounts imposed did not differ significantly across rural and urban courts.

Robbery

Robbery deserves to be examined in more detail due to the essential nature of the crime. It is unique among offenses in two ways. First, it is the only crime that is, by definition, both a violent crime and a property offense. More importantly, robbery can be viewed as a quintessentially urban crime (Bouffard and Muftic, 2006). Cities provide more opportunities for robbery, both in terms of the number of individuals who are potential victims and the number of businesses available for the offense.

While robbery was certainly less common in rural areas, it was by no means unknown. A total of 1,662 rural robbery offenses were reported to PCS during the study period. These offenses made up only about 12 percent of the total number of robberies in the data. Given the relatively rare occurrence of this offense, it is possible that rural judges may be more prone to deal with robbery offenders more severely than other types of rural offenders.

For most of the dependent variables (the decision to imprison, whether the sentence falls outside of sentencing guidelines, the minimum length of probation and the amount of fines imposed), the results were very similar to those for violent crimes in general. One result, however, should be noted. Sentences imposed by rural judges on robbers were, on average, about 8 months longer than those imposed by urban judges. For other violent crimes, rural judges imposed sentences that were about 3 months longer, on average, than urban judges. Therefore, when imposing a sentence of

incarceration, rural judges were more severe with robbery offenders than urban judges.

Property Offenses

Results for the sentencing decisions for offenses involving the theft or destruction of property (arson, burglary and theft) largely mirrored those for violent crimes. This was not surprising given the number of cases involving property offenses (85,256 or 42 percent) in the data. The sheer volume of property offense cases drove many of the findings in the overall analysis.

One result that merits more attention was that judges in urban courts imposed smaller fines on property offenders than rural judges. This finding was interesting since it was so dramatically different from the tests on all felonies, which suggested that felony offenders in urban courts paid an average of \$274 more in fines than rural offenders.

Drug Crimes

The final set of sentencing analyses examined offenses involving drugs. There were 61,332 drug-related offenses during the study period. Approximately 17 percent of those offenses were sentenced in rural courts. While the clear majority of these crimes occurred in urban areas, it is important to examine the way that drug offenses are handled by rural courts since the nature of some drug offenses make them particularly suited to rural areas. For instance, marijuana farming may be more practiced in rural areas (Green, Undated), along with the manufacture of methamphetamines (National Drug Intelligence Center, 2011).

Two findings were especially notable. First, unlike the findings for violent offenses, robberies and property crimes, the location of the court did not have a significant impact on the length of the incarceration sentence imposed in drug cases. This finding may very well be a function of a greater reliance on mandatory sentencing in cases involving controlled substances. Mandatory sentencing reduces the discretion of the judge, thereby greatly reducing the chances that factors like location of the sentencing court would have an impact on sentence length.

Second, fines imposed in drug cases were significantly higher in urban courts than in rural courts. According to the analysis, the average difference between fines imposed in the two locations was \$664.28. Overall, fines imposed in drug cases were substantially higher when compared to fines for other crimes. For example, average fines for the

Table 6: Frequency of Program Recommendations by Program Type

Type of Program	Frequency	%
Academic Education	21,139	6
Vocational Education	1,684	<1
Alcohol/Substance Abuse	56,992	16
Violence/Aggression	58,943	16
Offense-Related	2,039	<1
Sex Offender	21,043	6
Other	200,626	55
Total	362,466	100

Note: Totals from this table do not match other table totals due to the combination of demographic data with program data.

offenses examined in this study were \$470.06 for violent crimes, \$280.96 for property crimes, \$366.89 for robbery cases and \$2,148.38 for drug crimes. Without a more detailed analysis of the nature of the offenses committed in the two locations, it was impossible to determine whether the differences could be explained by variations in the characteristics of the cases seen by rural and urban judges or whether urban judges are more confident that offenders will be able to pay the large fines being imposed.

Offender Program Needs

Between 1996 and 2007, there were 95,512 remands to DOC. The majority of those commitments (78 percent) were from urban areas. Ninety-two percent of the commitments were male.

In terms of program needs for those remanded to DOC, the most common recommendations were for programs classified as “other” (See Table 6). This was expected, given that this category includes a number of programs that aid in the administration of the prison, such as requirements that the inmate maintain personal

Table 7: Frequency of Program Recommendations by Program Type and Urban/Rural Location

Type of Program	Urban		Rural	
	Frequency	%	Frequency	%
Academic Education	19,485	6%	4,140	5%
Vocational Education	1,425	<1%	438	<1%
Alcohol/Substance Abuse	48,944	16%	14,604	17%
Violence/Aggression	51,774	16%	13,763	16%
Offense-Related	1,636	<1%	640	<1%
Sex Offender	15,662	5%	6,770	8%
Other	176,691	56%	46,861	54%
Total	315,617	100%	87,216	100%

Note: Totals do not equal 100 percent due to rounding. Totals from this table do not match other table totals due to the combination of demographic data with program data.

Table 8: Frequency of Program Completion by Urban/Rural Location

Status	Urban		Rural	
	Frequency	%	Frequency	%
Completed	142,875	72	38,607	71
Discharged	27,333	14	7,831	14
Failed	29,666	15	8,125	15
	199,874	100	54,563	100

Note: Totals do not equal 100 percent due to rounding. Totals from this table do not match other table totals due to the combination of demographic data with program data.

hygiene, follow procedures, and maintain any medication regimens. The next two most common types of program recommendations were for alcohol/substance abuse (16 percent) and violence/aggression (16 percent). On average, an inmate received 21.4 program recommendations. Of course, it is likely that the large number of program recommendations is driven to some extent by multiple incarcerations. Nonetheless, it is clear that offenders come to DOC with a large number of program needs.

The distribution of program recommendations was largely the same in rural and urban locations. The biggest difference was the percentage of program recommendations for sex offenders. Rural offenders were somewhat more likely to be referred to sex offender programs than urban offenders (8 percent compared to 5 percent, respectively) (See Table 7).

According to Antonio (2009), programs pertaining to the administrative needs of the prison, such as housing and work, are required of all inmates. Inmates with special needs (like health issues, substance addictions) may be required to participate in programs designed to address those needs. In addition, some programs designed

Table 9: Reasons for Program Failure by Urban/Rural Location

Reason	Urban		Rural	
	Frequency	%	Frequency	%
Self-Removal	15,868	50	4,510	56
Attendance	4,032	13	1,179	15
Misconduct	8,806	28	1,636	20
Disruptive	2,278	7	544	7
Failure to Complete Required Assignments	579	2	139	2
Failed Exam	47	<1	13	<1
Removal for Court Appearance	1	0	0	0
Total	31,611	100%	8,021	100%

Note: Totals do not equal 100 percent due to rounding. Totals from this table do not match other table totals due to the combination of demographic data with program data.

8. For instance, religious organizations have developed a number of programs for inmates. Such faith-based initiatives are generally open to any interested inmates as long as space is available.

to address issues related to the conviction offense (sex offender treatment programs) may be required of certain inmates. Failure to participate in programming may result in revocation of privileges and/or a negative impact on parole decisions. In general, however, inmates are rewarded for participation and successful completion of programs rather than punished for failing to do so.

Inmates may participate in multiple programs at one time. In addition, they may participate in programs that were not specifically recommended for them, given availability. This is particularly true for programs that are offered by entities other than DOC⁸. In many instances, inmates who fail a program at one point in their sentences may re-enter the program at a later date (Antonio, 2009).

According to the research results, inmates completed 72 percent of programs they entered. Only about 15 percent of the programs were not completed. Programs that were not completed were reported as failures. There were no major differences across rural and urban offenders with regard to the likelihood of completing a program (See Table 8).

In more than half of the cases in which an inmate failed to complete a program (54 percent), he/she decided to withdraw from the program. In approximately 30 percent of the cases, failure to complete the program was a result of misconduct or the disruptive behavior of the inmate. Failure to attend or to complete required assignments accounted for about 16 percent of program failures.

The reasons for failing to complete a program were somewhat different for rural and urban offenders. Approximately 56 percent of rural offenders who failed to complete a program removed themselves from a program compared to about 50 percent of urban offenders. Rural offenders were also somewhat more likely to be removed for lack of attendance (15 percent versus 13 percent for urban offenders). Urban offenders, on the other hand, were more likely to be removed from a program as a result of misconduct (28 percent versus 20 percent for rural offenders) (See Table 9).

Gender

Nearly 12 percent of urban commitments and 7 percent of rural commitments were women. The results suggest that urban women were more likely to be incarcerated than rural women, which is consistent with the findings from the sentencing data.

Table 10: Program Recommendations by Gender and Urban/Rural Location

	Female		Male	
	Urban	Rural	Urban	Rural
Academic Education	540 (3%)	172 (2%)	18,945 (6%)	3,968 (5%)
Vocational Education	224 (1%)	98 (1%)	1,201 (<1%)	340 (<1%)
Substance Abuse	2,822 (17%)	1,467 (19%)	46,122 (15%)	13,137 (17%)
Violence and Aggression	1,413 (8%)	513 (7%)	50,361 (17%)	13,250 (17%)
Offense-Related	151 (1%)	101 (1%)	1,485 (1%)	539 (1%)
Sex Offender	245 (1%)	171 (2%)	15,417 (5%)	6,599 (8%)
Other	11,638 (68%)	5,286 (68%)	165,053 (55%)	41,575 (52%)
Total	17,033 (100%)	7,808 (100%)	298,584 (100%)	79,408 (100%)

Note: Totals do not equal 100 percent due to rounding. Totals from this table do not match other table totals due to the combination of demographic data with program data.

In terms of the differences between rural and urban offenders between gender and type of programs recommended, the research found that rural men and women were somewhat more likely to be referred to substance abuse programs. Men (regardless of location) were more likely to be referred to academic educational programs, while women were more likely to be referred to programs providing vocational education. Another striking finding was that both rural men and women were somewhat more likely to be referred to programs for sex offenders than their urban counterparts (See Table 10).

In terms of whether differences exist in the number of programs recommended for rural men and women compared to urban offenders, the results indicated that, on average, rural male offenders received about 21 program recommendations compared to 22 program recommendations received by urban males. Rural women also received fewer program recommendations than urban women (15 and 17, respectively).

Table 11: Relationship Between Race and Urban/Rural Location

	Urban		Rural	
	Frequency	%	Frequency	%
White	21,630	29	16,268	77
African American	40,625	55	4,249	20
Hispanic	11,608	16	506	2
Asian	317	<1	30	<1
Native American	88	<1	31	<1
Other	142	<1	18	0
Total	74,410	100	21,102	100

Note: Totals do not equal 100 percent due to rounding. Totals from this table do not match other table totals due to the combination of demographic data with program data.

Race

The results showed a clear discrepancy in the distribution of inmates by race. Only 29 percent of the new commitments from urban areas were white (21,630), whereas only 23 percent of new commitments from rural areas were non-white (4,834). This finding, while dramatic, was not entirely surprising, since urban areas tend to be more diverse than rural areas (Hobbs and

Stoops, 2002) (See Table 11). It was interesting, however, that so few of the commitments from urban areas were white. In addition, it is important to note that non-white offenders were still substantially over-represented in the rural commitments given the proportion of the rural population comprised of minority groups. According to the 2010 Census, the percentage of non-white residents in rural Pennsylvania counties was approximately 7 percent.

It is important to address the issues surrounding the classification of inmates as Hispanic. The term “Hispanic” is a designation of ethnicity rather than race. However, the common practice in criminal justice agencies (including DOC) is to include Hispanics as a separate racial group in the data. People of African descent are usually counted as African Americans, regardless of their cultural affiliation. Consequently, it was not possible to separate out all Hispanics for analysis. Given that the criminal justice system treats Hispanics as a racial group, the research also included Hispanics in the analyses of race.

Given the small numbers of Asians, Native Americans and other races in the data, these groups were eliminated from the remaining analyses. The reduction in the number of cases did not have a significant impact on the results.

The results of analyses on the relationship between race and program recommendations by location showed that rural offenders of color were somewhat less likely to require academic programs. The other interesting finding to note was that rural Hispanic offenders were somewhat more likely than their urban counterparts to be referred to a sex offender program.

Rural whites received an average of 36 program recommendations compared to 38 recommendations for rural non-whites. Urban whites, however, received an average of five fewer recommendations than their non-whites counterparts (See Table 12).

Table 12: Race and Type of Program by Urban/Rural Location

	African American		Hispanic		White	
	Urban	Rural	Urban	Rural	Urban	Rural
Academic Education	11,551 (7%)	966 (5%)	3,674 (7%)	107 (6%)	4,148 (8%)	3,057 (5%)
Vocational Education	798 (1%)	109 (1%)	193 (<1%)	9 (1%)	421 (1%)	319 (1%)
Substance Abuse	25,246 (15%)	2,716 (15%)	7,749 (16%)	285 (15%)	15,700 (18%)	11,567 (17%)
Violence/Aggression	29,964 (17%)	2,948 (17%)	7,516 (15%)	356 (18%)	13,973 (16%)	10,422 (16%)
Offense-Related	837 (1%)	83 (1%)	219 (<1%)	8 (0<1%)	569 (1%)	548 (1%)
Sex Offender	6,512 (4%)	576 (3%)	1,659 (3%)	92 (5%)	7411 (8%)	6,063 (9%)
Other	99,861 (57%)	10,394 (58%)	28,927 (58%)	1,106 (56%)	46,618 (53%)	35,191 (52%)
Total	174,769	17,792	49,937	1,963	88,840	67,167

Note: Totals from this table do not match other table totals due to the combination of demographic data with program data.

Age

The researcher could not analyze the data based on the age of offenders remanded to DOC because offender data on birth dates and evaluation dates were not similarly formatted.

Domestic Violence

It is important to note that database construction limitations did not allow for the examination of other programs to which these offenders were referred⁹. It is also important to note that the data did not allow a discussion of the number of individuals who committed this type of offense. Discussion was limited to the referrals to the domestic violence program, which may have happened on multiple occasions for the same offender. Therefore, the results only report referrals.

There were 11,530 recommendations to the batterer program, comprising about 3 percent of the total number of program recommendations made during the study period. Rural offenders were slightly more likely to be referred to the batterer program than urban offenders. Most of the referrals to the batterer program were for male inmates (94 percent) (See Table 13).

As in the case of crimes in general, the distribution by race in rural areas was substantially different from urban areas. The majority of referrals to the batterer program in rural areas were white, whereas African Americans received more than half the referrals in urban areas. In both locations, Hispanics received the third largest number of referrals to domestic violence programming, although the percentages were quite different across location. Nearly 14 percent of urban referrals were Hispanic, compared to only about 2 percent in rural areas.

Offenders referred to the batterer program were remanded to DOC for the commission of a wide variety of offenses. It is important to note that no single type

of offense was committed by the majority of these offenders. The most common offenses were related to drugs. Specifically, the manufacture, sale, delivery or possession with the intent to sell made up the majority of these offenses. Nearly 25 percent of the referrals to this program were comprised of individuals convicted of this offense in both rural and urban areas (See Table 14).

Violent offenses raise the greatest concern for victims of domestic violence and their advocates. As one might expect, assaults were the most common violent offenses committed, comprising about 20 percent of rural referrals and 20 percent of urban referrals. More violent offenses were relatively rare. Around 5 percent

Table 13: Recommendations to Domestic Violence Programs by Urban/Rural Location

Program Recommendation	Urban		Rural	
	Frequency	%	Frequency	%
Batterer	8,462	3	3,068	4
Other	307,155	97	84,148	96
Total	315,617	100	87,216	100

Note: Totals from this table do not match other table totals due to the combination of demographic data with program data.

Table 14: Recommendations to Domestic Violence Programs by Race and Urban/Rural Location

Race	Urban		Rural	
	Frequency	%	Frequency	%
White	2,744	32	2,412	79
African American	4,534	54	592	19
Hispanic	1,154	14	54	2
Asian	17	<1	4	<1
Native American	5	<1	4	<1
Other	8	<1	2	<1
Total	8,462	100	87,216	100

Note: Totals from this table do not match other table totals due to the combination of demographic data with program data.

9. Because of the database limitations, the researcher could not conduct analyses on multiple programs to which offenders were referred if they were first identified as being referred to the batterer program. In the database, all programs had to be entered as a single variable, therefore the only program to appear was the batterer program.

Table 15: Offenses Among Individuals Referred to Batterer Programs by Urban/Rural Location

Offense	Urban		Rural	
	Frequency	%	Frequency	%
Drug-Related	2,109	25	636	21
Assault	1,723	20	603	20
Threats	108	1	88	3
Theft	302	4	253	8
Sexual Assault	452	6	146	5
Homicide	466	6	120	4
Trespass	116	1	64	2
Robbery	779	9	104	3
Burglary	475	6	172	6
Stalking, Harassment, Criminal Mischief	105	1	45	2
Kidnapping, Unlawful Restraint	62	1	24	1
Other	1,765	21	813	26
Total	8,462	100	3,068	100

Note: Totals do not equal 100 percent due to rounding. Totals from this table do not match other table totals due to the combination of demographic data with program data.

of the offenders were convicted of sexual assaults. One notable difference across location pertaining to violent offenses was that homicide was slightly more common in urban areas. Nearly 6 percent of urban referrals were to offenders who had killed someone, compared to about 4 percent of rural referrals.

The comparative rarity of the most violent offenses belies the potential for physical harm to the victims of these offenders. Consider the distribution of offenses that, while not actually physically harmful, hold the potential for such harm. In rural areas, threats comprised about 3 percent of the referrals. Stalking, harassment, and criminal mischief were found in about 2 percent of the rural recommendations to the batterer program. Kidnapping and trespass each comprised about 1 percent of the rural referrals. If robbery were included in the calculation, approximately 3 percent of the crimes committed by rural individuals referred for domestic violence treatment either actually or potentially resulted in physical harm to the victim. The same offenses comprised about 14 percent of the urban referrals.

Two differences among the crimes discussed so far should be noted. Robbery was substantially more common among urban offenders than rural offenders (9 percent versus 3 percent, respectively).

Table 16: Program Outcomes for Domestic Violence by Urban/Rural Location

Program Outcome	Urban		Rural	
	Frequency	%	Frequency	%
Completed	4,429	70	1,624	70
Discharged	622	10	249	11
Failed	1,256	20	456	20
Total	6,307	100	2,329	100

Note: Totals do not equal 100 percent due to rounding. Totals from this table do not match other table totals due to the combination of demographic data with program data.

Burglaries and thefts were the most common property offenses. Burglary was very similar across location, but the percentage of referrals for individuals convicted of theft varied. Theft was more common among rural offenders than urban offenders (8 percent versus 4 percent, respectively) (See Table 15).

The last set of analyses of domestic violence examined program outcomes. Whether inmates successfully completed a program did not vary substantially across location. About 70 percent of referrals to the batterer program successfully completed it and 20 percent failed. Successful program completion was often directly related to the parole decision, so offenders who failed were encouraged to re-enter the program at a later date.

About 10 percent of referrals were disrupted when the inmate was discharged from prison before he/she was able to complete the program. If the offender was released on parole, participation in a community-based batterer program was likely to be one of the conditions of release. If the offender served the maximum sentence and released outright, he/she may have been encouraged to enter a community-based program but could not be required to do so (See Tables 16 and 17).

One important difference on the reasons for failing the program should be noted. A higher percentage of rural failures were due to offenders removing themselves from the program. About 51 percent of rural failures resulted from self-removal, compared to about 45 percent of urban failures.

Drug and Alcohol Offenders

Drug and alcohol-related offenses were committed less frequently compared to other offenses in both rural and urban areas. Drug and alcohol-related offenses made up slightly less than 25 percent of rural remands and about 33 percent of urban remands to DOC (See Table 18).

The most common drug or alcohol-related offense in

Table 17: Reasons for Domestic Violence Program Failure by Urban/Rural Location

Reason for Failure	Urban		Rural	
	Frequency	%	Frequency	%
Self-Removal	583	45	231	51
Attendance	267	21	79	17
Misconduct	330	25	111	24
Other	124	10	35	8
Total	1,304	100	456	100

Note: Totals do not equal 100 percent due to rounding. Totals from this table do not match other table totals due to the combination of demographic data with program data.

Table 18: Drug and Alcohol-Related Offenses by Urban/Rural Location

Offense	Urban		Rural	
	Frequency	%	Frequency	%
Drug or Alcohol-Related	27,179	33	6,126	25
Other	47,002	67	14,880	75
Total	74,181	100	21,006	100

Note: Some offense data are missing, which explains why the total does not equal 95,513.

both urban and rural areas was the manufacture, sale, delivery or possession with intent to sell a controlled substance. This finding made sense, given the law enforcement focus on preventing drug dealers from being able to do business. However, there were substantial differences in the distribution of offenses across locations. The vast majority of urban drug or alcohol-related crimes involved this offense (91 percent), whereas about 66 percent of drug or alcohol crimes in rural areas did so. Slightly more than 30 percent of rural drug or alcohol-related crimes involved DUI, whereas about 7 percent of urban crimes involved DUI (See Table 19).

In terms of race, rural offenders were much more likely to be white. However, drug and alcohol-related offenses were more likely to be committed by non-whites than the average offense. This pattern was especially evident in rural areas, where 32 percent of drug and alcohol-related offenses were committed by non-whites. This was substantially higher than the 20 percent of all crimes committed by non-whites (See Table 20).

An analysis of gender revealed that drug offenses

Table 20: Drug and Alcohol-Related Offenses by Race and Urban/Rural Location

Race	Urban		Rural	
	Frequency	%	Frequency	%
White	5,091	19	3,931	64
African American	15,524	57	1,969	32
Hispanic	6,447	24	201	3
Asian	59	<1	7	<1
Native American	15	<1	11	<1
Other	43	<1	7	<1
Total	27,179	100	6,126	100

Note: Totals do not equal 100 percent due to rounding. Totals from this table do not match other table totals due to the combination of demographic data with program data.

Table 21: Drug and Alcohol-Related Offenses by Gender and Urban/Rural Location

Gender	Urban		Rural	
	Frequency	%	Frequency	%
Female	1,864	7	746	12
Male	25,315	93	5,380	88
Total	27,179	100	6,126	100

Note: Totals from this table do not match other table totals due to the combination of demographic data with program data.

Table 19: Type of Drug or Alcohol-Related Offense by Urban/Rural Location

Offense	Urban		Rural	
	Frequency	%	Frequency	%
DUI-Related Offense	1,828	7	1,846	30
Drug Manufacture, Sale, Delivery or Possession with Intent to Sell	24,712	91	4,017	66
Other	639	2	263	4
Total	27,179	100	6,126	100

Note: Totals from this table do not match other table totals due to the combination of demographic data with program data.

were typically committed by men (92 percent). However, more rural women committed drug and alcohol-related offenses than urban women. Only about 7 percent of drug or alcohol remands from urban areas were female, compared to about 12 percent from rural areas (See Table 21). This may, in part, be a function of including DUI in the measure. About 10 percent of female drug offenders were remanded for a DUI offense. More than 13 percent of rural female drug or alcohol-related offenders had committed DUI, whereas about 7 percent of urban female drug or alcohol-related offenders were remanded for this offense.

The analysis of program recommendations for drug and alcohol offenders by location suggests that these recommendations do not generally vary by location. The one interesting finding was that so few drug offenders were referred to substance abuse programs. It is likely that this finding was due to the overwhelming number of cases in which the offense was related to drug dealing rather than drug use. However, an examination of treatment recommendations for DUI offenders, which was clearly an offense that involved abuse of a substance, found that only about 24 percent of the recommendations for this group involved treatment for substance abuse.

Both rural and urban offenders were very likely to successfully complete the programs recommended to them. About 74 percent of the programs recommended for drug and alcohol offenders were successfully completed. Of those who failed to complete the program, the majority did so as a result of misconduct or self-removal. Nearly 55 percent of the failures resulted from self-removal in both urban and rural locations. The next most common reason for failure in both groups was misconduct on the part of the offender. Urban offenders failed for this reason about 25 percent of the time, while rural offenders failed for misconduct about 20 percent of the time. Interestingly, the rate of failure for a failed exam is relatively low compared to other reasons.

Sex Offenses

Unlike drug and alcohol-related offenses, sex offenses are fairly rare. About 9 percent of the remands

Table 22: Sex Offenses by Urban/Rural Location

Offense	Urban		Rural	
	Frequency	%	Frequency	%
Sex	4,924	7	2,205	10
Other	69,486	93	18,897	90
Total	74,410	100	21,102	100

Note: Totals from this table do not match other table totals due to the combination of demographic data with program data.

to DOC during the study period were for sex offenses. Sex offenses were somewhat more common in rural areas. About 10 percent of the remands from rural areas were sex offenders, while about 7 percent of the urban remands were sex offenders (See Table 22).

The remand to DOC for rape was substantially more common among urban sex offenders. Nearly 29 percent of urban sex offenders were convicted of rape, compared to 16 percent of rural offenders. It was more likely for a rural sex offender to be convicted of some form of indecent assault. More than 34 percent of rural sex offenders were convicted of this group of offenses, compared to approximately 23 percent of urban sex offenders (See Table 23).

Additional analyses were conducted to determine whether any differences existed between rural and urban offenders with regard to sex crimes committed

against children. The results found little variation across location. The primary difference was between rape and indecent assault. Urban offenders were remanded more often for rape against a child than rural offenders (17 percent versus 12 percent, respectively), while rural offenders were remanded more frequently for indecent assault than urban offenders (13 percent compared to 9 percent, respectively) (See Table 24).

The meaning of this finding is not clear. It may be that offense patterns differ across location. It may be that rural communities are more likely to be close knit (Onyx and Bullen, 2000) and less tolerant of crime (Wilson, 1991; Insurance Research Council, 1993). It may also be that prosecutors in rural locations are more likely to offer plea bargains that allow rural sex offenders to plead to a lesser offense. That suggestion is counterintuitive, however, especially given the evidence in the sentencing analysis suggesting that rural courts are more likely to adhere to the rules governing sentencing. It is not likely that prosecutors would somehow be less conservative than the judges in rural courts.

Nearly all of the individuals remanded for sex offenses in the data were male (98 percent). The results suggest that in rural areas the commission of sex offenses was an overwhelmingly white activity. More than 91 percent of the sex offense commitments from rural areas were white.

Table 23: Specific Sex Offenses by Urban/Rural Location

Sex Offense	Urban		Rural	
	Frequency	%	Frequency	%
Rape	1,408	29	347	16
Involuntary Deviate Sexual Intercourse	1,277	26	500	23
Aggravated Indecent Assault	706	14	460	21
Indecent Assault	421	9	300	14
Sexual Assault	774	16	407	19
Other	338	7	191	9
Total	4,924	100	2,428	100

Note: Totals do not equal 100 percent due to rounding. Totals from this table do not match other table totals due to the combination of demographic data with program data.

Sex offenders were more likely than other types of offenders to receive referrals to programs directly related to their offense, which makes sense, since these offenders all engaged in a specific kind of behavior that indicates a need for special treatment and/or supervision. It is also important to note that referrals for urban and rural offenders mirrored each other. This is one offense for which treatment recommendations appeared to be standard (See Table 25).

The majority of offenders successfully completed their programming. Approximately 22 percent failed to do so. Interestingly, a relatively small proportion (12 percent) was discharged prior to the completion of the program. This was likely due to a requirement that sex offender treatment be completed before the inmate can be considered eligible for parole (See Table 26).

Of those who failed to complete the program, the majority did so because they removed themselves from the program. Urban offenders were somewhat more likely to have misconduct issues (17 percent) than rural offenders (14

Table 24: Sex Offenses Committed Against Children by Urban/Rural Location

Sex Offense	Urban		Rural	
	Frequency	%	Frequency	%
Rape	105	17	45	12
Involuntary Deviate Sexual Intercourse	171	27	99	26
Aggravated Indecent Assault	108	17	60	16
Indecent Assault	59	9	47	13
Pornography	103	16	54	14
Other	92	14	71	19
Total	638	100	376	100

Note: Totals from this table do not match other table totals due to the combination of demographic data with program data.

Table 25: Program Recommendations for Sex Offenders by Urban/Rural Location

Program	Urban		Rural	
	Frequency	%	Frequency	%
Academic Education	870	3	325	3
Vocational Education	61	<1	31	<1
Substance Abuse	2,173	7	898	8
Violence and Aggression	3,986	16	1,661	15
Offense-Related	101	<1	45	<1
Sex Offender	10,077	40	4,545	41
Other	8,030	32	3,559	32
Total	25,298	100	11,064	100

Note: Totals do not equal 100 percent due to rounding. Totals from this table do not match other table totals due to the combination of demographic data with program data.

Table 26: Sex Offense Program Outcomes by Urban/Rural Location

Program Outcome	Urban		Rural	
	Frequency	%	Frequency	%
Completed	10,911	68	4,587	66
Discharged	1,756	11	852	12
Failed	3,408	21	1,565	22
Total	16,075	100	7,004	100

Note: Totals from this table do not match other table totals due to the combination of demographic data with program data.

percent). However, the general distribution was similar for both rural and urban offenders.

Because it was not possible to link the DOC data with the PCS data, the researcher could not investigate the sentencing of offenders convicted of domestic violence.

Conclusions

Profile of Offenders

The majority of individuals remanded to DOC were from urban areas, which was not surprising since there are more people in cities and suburbs. The analysis of the number of sentences imposed over the study period suggests that, contrary to previous research, rural and urban crime rates have not been converging in recent years.

Offenders were primarily male. While offenders had a wide variety of program needs, the two most common were for alcohol/substance abuse treatment and/or managing violence and aggression. The majority of offenders successfully completed the programs they entered while in DOC custody. Those who failed were most likely to remove themselves from the program, rather than fail to meet program requirements.

More women from urban areas were remanded to DOC, however, rural women appeared to be somewhat more likely to be referred to sex offender programs.

Both rural men and women received fewer program recommendations than urban offenders.

The distribution of remands by race was different for rural and urban offenders. Remands from rural areas were heavily dominated by whites, whereas remands from urban areas were dominated by African Americans and Hispanics. Urban whites received fewer program recommendations than urban non-whites.

Domestic Violence Offenders

Nearly 3 percent of program referrals made during the study period were for domestic violence interventions. The offenders were primarily male. Rural offenders were slightly more likely to receive this recommendation than urban offenders. The distribution by race followed the pattern for crimes in general. Urban offenders tended to be African American or Hispanic, while rural offenders were primarily white.

These offenders were convicted of a wide range of crimes. The most common included drug-related offenses and assault. Homicide and sexual assault were comparatively rare but still higher than expected given the general rate for these types of crime. A substantial proportion of the types of offenses committed by these offenders were offenses that had the potential for physical harm to the victim, even if that harm was not realized. The results reported here must be considered with the caveat that it is not possible to determine whether the conviction offense was directly related to domestic violence. Consequently, there is no way to know for certain that these offenses were instances of domestic violence. In fact, it is difficult to believe that the most common offense recorded—the manufacture, sale, delivery or possession with intent to sell a controlled substance—directly involves domestic violence in most instances.

Only about 15 percent of inmates referred to the batterer program successfully completed treatment. Urban offenders were somewhat more likely to fail because they removed themselves from the program. Rural offenders were more likely to fail due to problems with attendance.

Drug Offenders

More urban offenders were convicted of drug offenses than rural offenders. For both groups, the most common offense was the manufacture, sale, delivery or possession with the intent to sell. This was particularly true for urban offenders. Rural offenders were more

likely to engage in DUI than urban offenders. It is possible that the high rate of DUI for both rural men and women is indicative of more drug/alcohol use in rural areas. Disentangling these alternatives was not possible with the data. While most drug-related remands were male, it is important to note that rural women were more represented than urban women in the data. This may be due to the inclusion of DUI in the definition of drug crimes.

Program referrals did not vary across rural and urban offenders. However, few drug offenders were referred to substance abuse programs. This is likely due to the nature of the drug crimes for which the offenders were convicted. Most drug offenders completed the programs to which they were referred. When they failed, it was most often the result of self-removal from the program.

Sex Offenders

Sex offenses made up a small proportion of the remands to DOC. Less than 10 percent of the conviction offenses were sex crimes. They appeared to be somewhat more common in rural areas, although the type of offenses for which the individuals were convicted tended to be less serious than those committed in urban areas. This pattern was true both for crimes against adults and those against children.

Nearly all sex offenders were male. In rural areas, these crimes were overwhelmingly committed by whites. Even in urban areas, whites were represented in sex offense convictions more heavily than in other types of crimes.

Approximately 40 percent of sex offenders were referred to sex offender programs. This percentage was higher than for any of the other offenses in the study. Still, the majority of sex offenders was referred to a wide range of programs, rather than specifically to sex offender programs. Sex offenders had the highest completion rate of all the offenders examined in this study. Around 65 percent successfully completed their programs. Of those who failed, most removed themselves from the program. Urban offenders were somewhat more likely to have misconduct issues, but in general, the reasons for failure were similar across location types.

Sentencing

Consistent with DOC data, felony offenders sentenced in Pennsylvania were primarily male. The majority was white, although minority offenders were substantially over-represented. More than one third had

prior convictions as adults, but few of these were for violent or sex crimes.

Property crimes constituted the largest group of offenses, with violent offenses being comparatively rare. This finding is consistent with the results concerning prior record. The average OGS suggests that a significant proportion of the offenses were for less serious felony offenses. As the analysis demonstrated, very few cases were decided at trial; the vast majority ended in a plea of some sort.

Between 2001 and 2007, the number of felony sentences imposed remained fairly stable. The average number of sentences imposed during that period was 40,388. The distribution of sentences by location also remained stable. Sentences imposed in rural courts comprised about 22 percent of the sentences imposed during this time period. These data suggest that crime in Pennsylvania remained relatively constant during this time period, a conclusion which is also supported by the Uniform Crime Report produced by the state police (Pennsylvania State Police, 2012a and d).

Regardless of the type of crime, rural courts were somewhat less likely to incarcerate offenders than urban judges, although the length of sentence for those who were incarcerated tended to be somewhat longer. This was particularly true in the case of robbery, which is often viewed as a quintessentially urban offense. Rural judges imposed sentences that averaged 8 months longer than urban judges in robbery cases. Rural judges were also less likely to deviate from the sentencing guidelines.

In the case of drug sentences, two findings are of note. First, the length of sentence did not vary across rural and urban jurisdictions, as was reported for the other crimes analyzed here. The second interesting finding was that the amount of fines imposed on drug offenders were substantially higher than the fines seen for other crimes. Both findings are probably due to the minimum requirements set in legislation, particularly since many of the offenders were convicted of drug trafficking. Higher fines may also be imposed on drug offenders if judges believe that the offenders are more likely to have funds with which to pay them.

Policy Considerations

Offender Needs

For the most part, the results from this study suggest that rural and urban offenders are very similar in regard to their profiles and program histories in DOC. Consequently, there are no recommendations to provide different types of programs dependent upon location.

The focus of this discussion, then, will be on suggestions to improve services for different types of offenders and for those at risk of offending.

Domestic Violence Offenders

The data here suggest that a significant proportion of individuals engaging in domestic violence have problems with drugs. Although the data did not allow a direct examination of whether these offenders were also referred to drug treatment programs, the number of referrals given to individuals whose conviction offense was drug-related suggests substance abuse problems (Floyd et al., 2010; Steinman, 2005). The high proportion of convictions for violent offenses suggests that violence, in general, is also an issue, consistent with the findings of Dale and Rogan (2000). These findings suggest that attempts to treat individuals who engage in domestic violence need to address a broad spectrum of issues in addition to interpersonal relationships. Given the mix of needs suggested in the present study, a program based on the Duluth Model alone is unlikely to have a significant impact on offenders remanded to DOC. Thus, even offenders who complete the program successfully are still at significant risk of reoffending. Offenders who do not complete the program—and the evidence suggests that a substantial number of offenders in Pennsylvania either fail to complete the program or are discharged prior to its completion—are at even greater risk for re-offense. This would be consistent with experimental research that compared offenders in programs based on the Duluth Model with those who received no treatment (Babcock et al., 2004). Moreover, it has been suggested that such programs will be more effective if consequences for non-attendance are strong (Day et al., 2009).

It has been suggested that batterer intervention programs “... may be effective only in the context of broader criminal justice innovations.” It may be helpful to see interventions as part of a broader criminal justice and community response to domestic violence that includes arrest, restraining orders, intensive monitoring of batterers, and changes to social norms that may inadvertently tolerate partner violence (Jackson et al., 2003: 27). These data suggest that the addition of programs designed to address the other problems faced by batterers, such as addiction and lack of employment, would have the best chance of reducing domestic violence. Further, it is suggested that intervention has the greatest chance of being effective if the offender is reached prior to reaching the point where incarceration is required. Clearly, programs that hold family therapy as a critical

component are less likely to be effective if the aggressor is in prison.

Drug Offenders

With regard to substance abuse, the data suggest that drug offenders have the highest likelihood of successfully completing treatment (around 75 percent) compared to the other types of offenders considered here. Even among those who failed to complete the program, few did so because of continued drug use. This offers some hope that the programming is successful at altering behavior. Evaluations of the program’s impact on whether the inmate relapses upon returning to society are needed. Given research that indicates that unemployment is related to relapse, rural offenders returning to economically stressed communities may be at particular risk. The potential for relapse is also higher for rural residents if they are unaware of available services or if services are limited due to funding issues, as is true in Pennsylvania (Roehrich et al., 2007).

Sex Offenders

Sex offenders pose a particularly thorny problem for policy. The majority of such offenders in the custody of DOC complete their programming, and few are discharged without doing so. Moreover, they receive a wide range of program recommendations in addition to treatment specifically aimed at sex offenders. It is also important to note that DOC offers a fairly large number of different programs for sex offenders. Nine programs were identified in the data, including programs for offenders who are also addicted to drugs and/or alcohol. Thus, DOC is clearly not taking a “one program fits all” approach. However, there is widespread debate about the degree to which such programs are effective (Brown, 2005). Although it is generally agreed that graduates of sex offender treatment programs remain in the community without re-offending longer than those who do not complete programs, they do not appear to be successful in preventing the majority of offenders from committing new crimes (Belcher, 2008).

Coordinated Effort

The problems presented here suggest that a simplistic approach to dealing with crime that relies on the criminal justice system alone is unrealistic. The wide range of program needs found in these offenders, regardless of offense type, suggests that policy should be directed at the development of a coordinated effort aimed at those who are at risk of committing crime. In rural areas, such an approach would entail strategies like those

designed to increase employment (Findeis et al., 2009), to enhance delivery of substance abuse prevention and treatment in the community (Roehrich, 2007), and to ensure that adequate health care (including mental health services) are available.

In essence, the recommendation of this report is that policymakers address the “big picture” rather than focusing on smaller, more specific problems. As prior studies of these issues have indicated, treatment for problems like domestic violence, substance abuse, and sex offenses is of little practical significance if the offender returns to a community in which the conditions that gave rise to the problem remain unchanged.

Sentencing

The findings presented here are consistent with those produced by Johnson (2006), which indicated that contextual factors influence court decisions in regard to sentencing in Pennsylvania. The sentencing guidelines, provided in Title 204, Part VII, Section 303 of the Pennsylvania Code, created a system by which offenders are sentenced based on the gravity of the offense, their prior criminal histories, and the existence of factors that would suggest the penalty be enhanced. It is a logical system that, in ideal circumstances, should produce even-handed sentencing throughout the state. However, sentencing does not occur in ideal circumstances. It is clear that contextual factors, like whether the court is located in a rural or urban area, do influence decisions regarding sanctions.

The solution to the problem does not lie within the statute. The guidelines properly include only those legal factors that should influence penalties. Further, it is reviewed regularly to determine whether it is working properly¹⁰. Yet, significant disparities based on extra-legal characteristics remain. As Johnson notes, the source of the disparity is that guidelines “are filtered through individual courtroom actor interpretations... and...they are colored by informal, locally varying courtroom norms” (2006). Therefore, it is not surprising that guidelines have failed to eliminate judge and court variation in sentencing in Pennsylvania.

A better policy choice would be to provide more training to judges on how to use the guidelines properly and to providing more stringent oversight of sentencing patterns that vary with extra-legal factors. To be clear, Pennsylvania does provide training for judges. With regard to the sentencing guidelines, PCS regularly

updates its manual—most recently in 2008. In addition, the Judicial Services Department of the Administrative Office of the Courts schedules a number of conferences, seminars and meetings each year for the purposes of judicial education on various issues. There is even a portal for online judicial education. However, the amount and types of education that are required for judges (both as they ascend to the bench and ongoing) is not clear. While magisterial judges are required to take 32 hours of judicial training within 12 months of ascending to the bench and 32 hours of continuing education each year, no requirement for judicial training (beyond a law degree) was found for judges serving in other types of courts in Pennsylvania. Moreover, the extent to which judges make use of the educational opportunities available to them is not known. Finally, the impact of the training on judicial behavior does not appear to have been assessed.

While it is certain that more needs to be known about judicial training and its impact and the ways in which contextual factors work to influence sentencing, it is likely that specific and ongoing training on the implementation of Pennsylvania’s sentencing guidelines that includes ways in which contextual factors may work to undermine the rationality of sentencing will minimize variations.

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10. Sentencing patterns are reviewed at least annually. These reviews have led to six revisions of the statute since 1988. The statute has also sometimes been amended between revisions.

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