

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
NOTICE TO THE BAR AND ALL CRIMINAL JUSTICE PARTNERS

RE: INTERIM REVISION OF PRETRIAL RELEASE GUIDELINES

The First Judicial District (FJD) Reform Initiative, under the direction of Pennsylvania Chief Justice Ronald D. Castille and Supreme Court Justice Seamus McCaffery, has been reviewing the operations of Philadelphia's criminal courts and implementing necessary reforms.

The Initiative has undertaken a comprehensive revision of the FJD's pretrial release program, including the bail guidelines that are used by judges and bail commissioners in making pretrial release decisions. The project has two key objectives: first, to improve the quality of tools available to judges and bail commissioners for assessing the risks posed by the pretrial release of criminal defendants. Enhanced tools will reduce the risk of releasing dangerous defendants into the community while ensuring that defendants who pose minimal risk are not confined to prison to await trial. The second objective is to develop a greater array of supervisory options and other conditions to mitigate the risk of defendants who are released engaging in criminal activity or fleeing. Options under consideration in this area include both cash bail and non-cash pretrial supervision programs.

The risk assessment tool under development will employ advanced data mining techniques to quantify the risk of a defendant engaging in criminal activity or otherwise failing to adhere to the conditions of release. The underlying statistical method, known as random forests, has been shown to be more predictive than models based on standard regression analysis. Currently, the FJD's Adult Probation and Parole Department (APPD) is using the random forest methodology to group supervisees by the risks they pose of violating the conditions of their probation or parole, thereby allowing limited supervisory resources to be allocated to those who are most likely to fail. Dr. Richard Berk, a statistician at the University of Pennsylvania and national expert on forecasting models, who worked with the FJD to develop the program used by the APPD, is serving as a consultant to assist the FJD in developing this risk assessment tool.

The risk assessment tool will be used to develop new release guidelines designed to impose the least restrictive pre-trial conditions consistent with the defendant's risk level. This will enable Pretrial Services to focus its limited resources on high risk defendants.

The project will also examine current pretrial supervision options and explore alternatives for mitigating the risk that released defendants will engage in criminal conduct or fail to appear at judicial proceedings. Steven Chanenson, Associate Dean for Faculty Research and Professor of Law at Villanova University, will be assisting the Initiative in this phase of the project.

In the interim, to address concerns that the current guidelines are outdated, the FJD is considering adjusting the cash ranges in the current bail guidelines to account for the effects of inflation. Since the adoption of the guidelines in 1995, the cost of living, based on the Consumer Price Index for All Urban Consumers, has risen by 50%.¹ As the value of the dollar has eroded, upward departures from the

¹An item purchased for \$1 in 1995 would cost \$1.48 in 2011, an annual rate of inflation change of 47.6% which was rounded up to 50%. Calculations were then rounded down to the nearest \$100.

guidelines by bail commissioners have risen significantly. The proposed adjustments to the guidelines are shown in the chart below:

BAIL GUIDELINES GRID

LOW <-----Charge Seriousness----->HIGH

		1	2	3	4	5	6	7	8	9	10
HIGH <-----Risk Level----->LOW	1	ROR 1	ROR 5	ROR 9	ROR 13	ROR 17	ROR 21	ROR 25	\$1,500- \$4,500 29	\$2,200- \$6,700 33	\$3,000- \$12,000 37
	2	ROR 2	ROR 6	ROR 10	ROR 14	ROR 18	ROSC 1 22	ROSC 1 26	\$3,000- \$6,700 30	\$3,700- \$8,200 34	\$3,700- \$12,000 38
	3	ROR 3	ROSC 1 7	ROSC 1 11	ROSC 1 15	ROSC 2 19	ROSC 2 23	ROSC 2 27	\$3,700- \$7,500 31	\$4,500- \$9,700 35	\$6,700- \$22,500 39
	4	ROSC 1 4	ROSC 1 8	ROSC 1 12	ROSC 2 16	ROSC 2 20	ROSC 2 24	\$3,700- \$6,700 28	\$4,500- \$7,500 32	\$4,500- \$12,000 36	\$9,000- \$75,000 40

The Court solicits and welcomes written, concise comments regarding the proposed inflation adjustments to the cash ranges in the current guidelines. Comments should be emailed to Jaime S. Henderson, Research & Information Analyst, First Judicial District, at jaime.henderson@courts.phila.gov and submitted no later than August 3, 2012.

BY THE COURT:

/s/ John W. Herron

HONORABLE JOHN W. HERRON
Chair, Administrative Governing Board
Administrative Judge, Trial Division
Court of Common Pleas
First Judicial District of Pennsylvania