R LADIES PHILLY

Exploring Changes During Larry Krasner's First Two Years

2021 Datathon

R-Ladies Philadelphia

Judge Accountability Table

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"Power can wear a badge or a black robe, but it can also be nothing more than a courageous voice. Power can be any of us."

- Larry Krasner, For the People: A Story of Justice and Power

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Executive Summary

In the first two years of Philadelphia District Attorney Larry Krasner's term, there was progress:

- Reduced racial disparities related to bail

- Reduced maximum sentencing for probation

- Decriminalized certain statutes

Main Contributors

As part of the R-Ladies Philadelphia 2021 Datathon collaborating with the Judge Accountability Table (JAT), Team 3 prepared this report over the course of 8 weeks.

Katrina Gutierrez, BA is a student in Georgia Tech's Masters of Science in Analytics program.

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Problem Definition & Datasets

Larry Krasner was elected as Philadelphia's District Attorney in November, 2017 and was sworn in January, 2018. He ran for office with a progressive platform, including promises to reform the bail system and reduce the prison population.[1] Our goal was to examine changes in the courts since Krasner took office.

We analyzed datasets of defendant demographics, bail actions, and sentencing outcomes, comparing the periods of 2 years prior (2016 through 2017) and 2 years after (2018 through 2019). This particular duration was long enough to capture any changes but also short enough to avoid additional factors that may contribute to biased findings (e.g. impact of the COVID-19 pandemic on crimes and society).

Data Challenges

- NA values in offense grade and outcome

- Order of the judges' actions for any specific bail was not available

- Lack of ethnicity data (i.e. Hispanic/Latino)

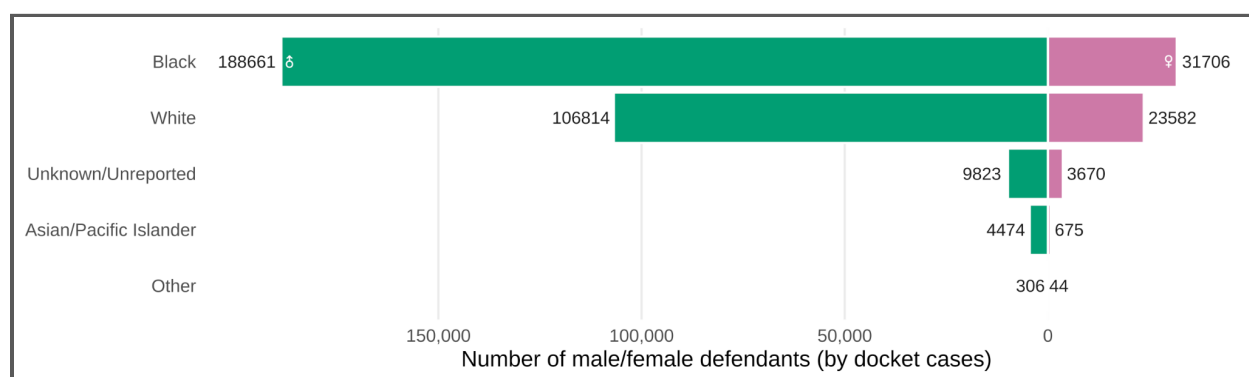- No indication of concurrent vs. consecutive sentencing

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[1] "Platform." Larry Krasner for Philadelphia District Attorney. Accessed May 01, 2021.
https://krasnerforda.com/platform

Results

Most Defendants Were Black or White Men

Black and White defendants were the most represented in our data for all years, with arrests ranging from 1988 to 2020. For this dataset, the average arrest year was 2014 and defendants were about 33 years old on average when they were arrested. Male defendants were more represented than female defendants. Like mentioned previously, we did not have ethnicity data and could not determine which defendants were Hispanic or Latino.

Black Men Were the Most Represented in the Data

Krasner's 2018 Bail Reform Increased Rates of Release on Recognisance (ROR)

In February 2018, Krasner implemented a bail reform policy where his office would not seek cash bail for 25 eligible charges. Instead, his office would request that defendants be released on recognisance (ROR). While the DA's office can make these recommendations, the actual bail is up to the judge's discretion. Even so, ROR did increase for both felonies and misdemeanors after the policy.[2]

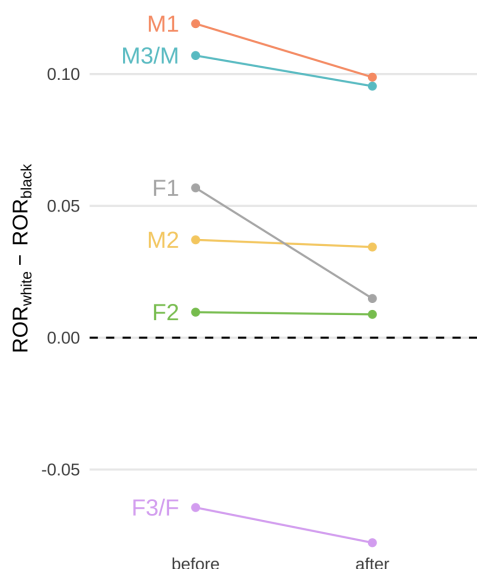Previous research[3] evaluating this reform found that:

- It did not increase recidivism or failure to appear (FTA) rates even though certain defendants did not have to pay bail.

- White defendants were overrepresented among eligible cases receiving ROR.

We wanted to explore racial disparities in ROR further and how they changed under Kranser's first two years in office. Due to limitations in the data, we explored trends for felonies and misdemeanors broadly because we could not identify all the cases eligible for the bail reform. We also chose to focus on disparities between Black and White defendants because they were the most represented in our dataset.

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[2] Aurelie Ouss and Megan Stevenson. "Bail, Jail, and Pretrial Misconduct: The Influence of Prosecutors." *SSRN*. (2020): 2 & 8. https://ssrn.com/abstract=3335138
[3] Ibid., 3 & 39.

Black Defendants Tended to Have Lower Rates of ROR

On the graph to the left, the y-axis is a measure of disparity in rates of ROR between White and Black defendants. The larger the value or the higher the data point, the larger the disparity. We see that there was some progress in reducing disparities and first degree felonies (F1) had the biggest improvement.

Before Krasner took office, for every 100 White defendants receiving ROR, about 65 Black defendants received ROR. After he took office, for every 100 White defendants receiving ROR, about 72 Black defendants received ROR. The data indicates that Black defendants tended to have lower rates of ROR but that Krasner has slightly improved the situation.[4]

Racial Disparities in Minimum Bail Decreased for First Degree Felonies

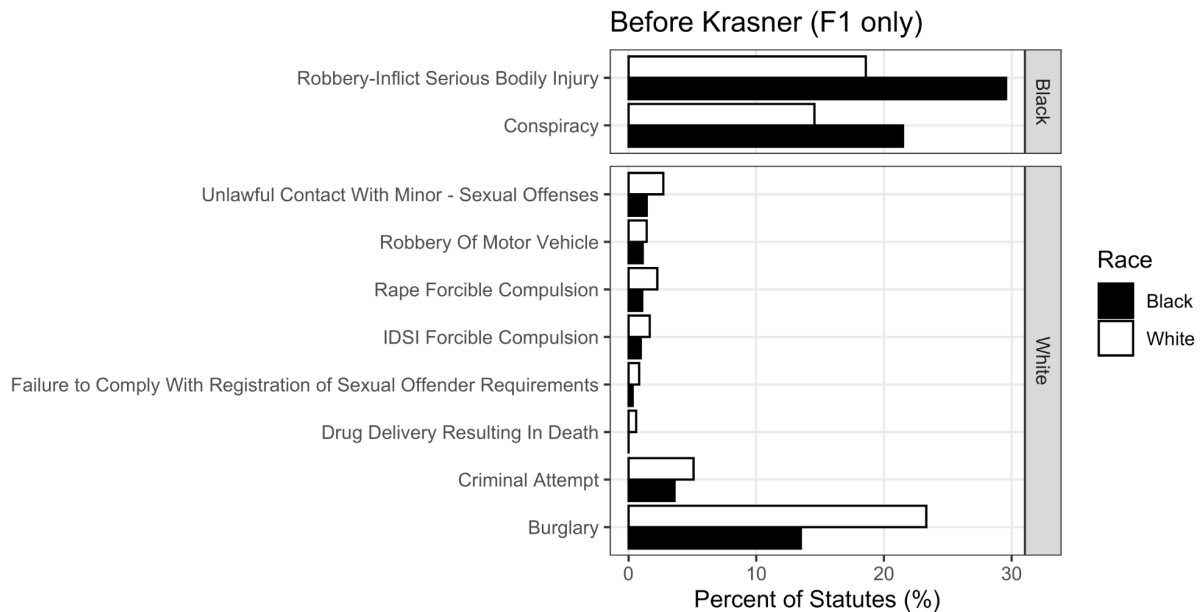
Mean minimum bail with 95% confidence intervals

As illustrated in the graph above, the average minimum bail[5] increased for more severe offense grades. The closer the black and grey dots are together in height for each period and offense grade, the smaller the disparity. The minimum bail set for first-degree felonies (F1) was more equitable between races after Larry Krasner took office. However, there was still inequity among first-degree misdemeanors (M1).

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[4] We performed a Cochran-Mantel-Haenszel test. Before, the estimated odds ratio was 0.65 (95% CI 0.62-0.68). After, the estimated odds ratio was 0.72 (95% CI 0.69-0.76). AUC (area under curve) was 0.709.
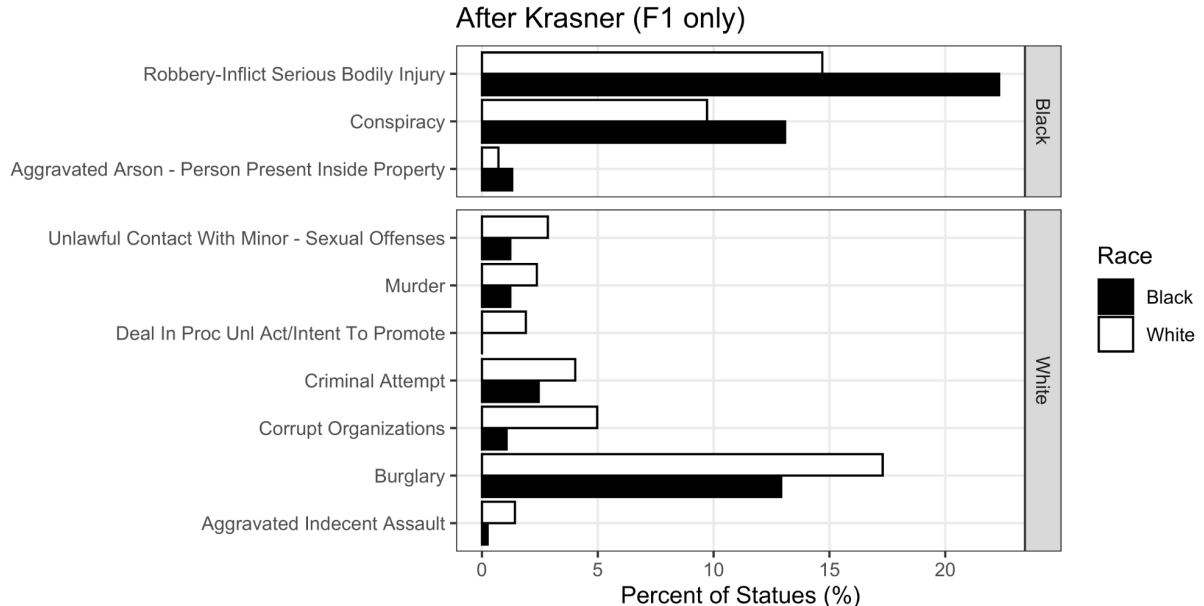[5] We explored trends in minimum bail rather than initial bail because we could not determine the order of bail actions occurring in the same month.

Representation of Statutes in First Degree Felony Dockets, by Race

A

Before Krasner (F1 only)

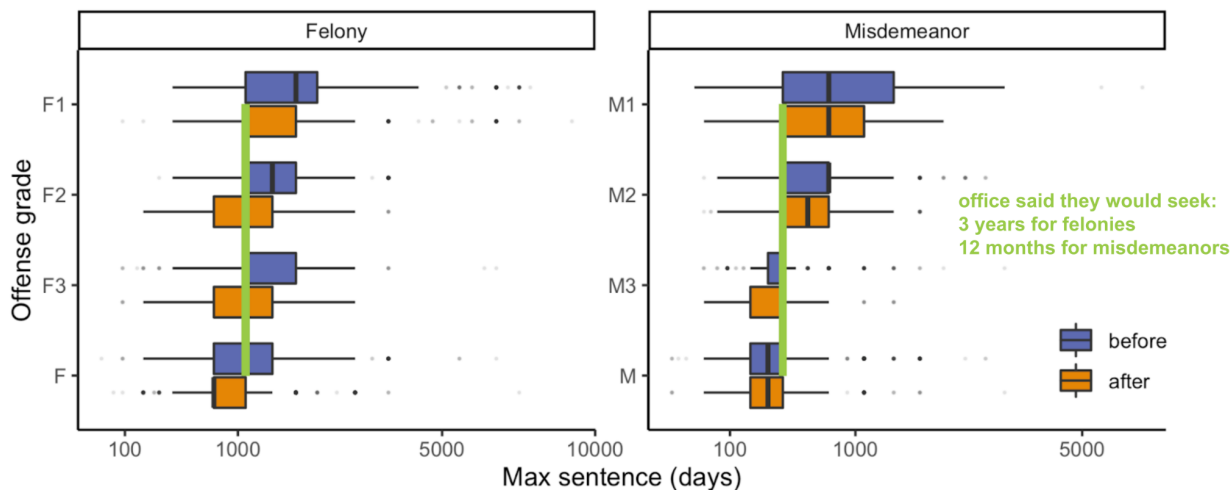**B**

After Krasner (F1 only)

We evaluated the representation of different statutes between Black and White defendants 2 years before (A) and after (B) Krasner took office. We wanted to understand if differences in statutes committed by Black and White individuals accounted for the difference in minimum bail for first degree felonies (above). Regardless of the timeframe (before/after), Black defendants were more likely charged for statutes involving robbery or conspiracy, while White defendants were more likely charged for burglary and criminal attempt.

Krasner Sought to Reduce Maximum Sentences for Probation

According to The Appeal, "In March 2019, [Krasner] instituted a policy where his office now only seeks a maximum of 12 months of probation or parole for a person convicted of a misdemeanor and a maximum of three years for a person convicted of a felony."[6]

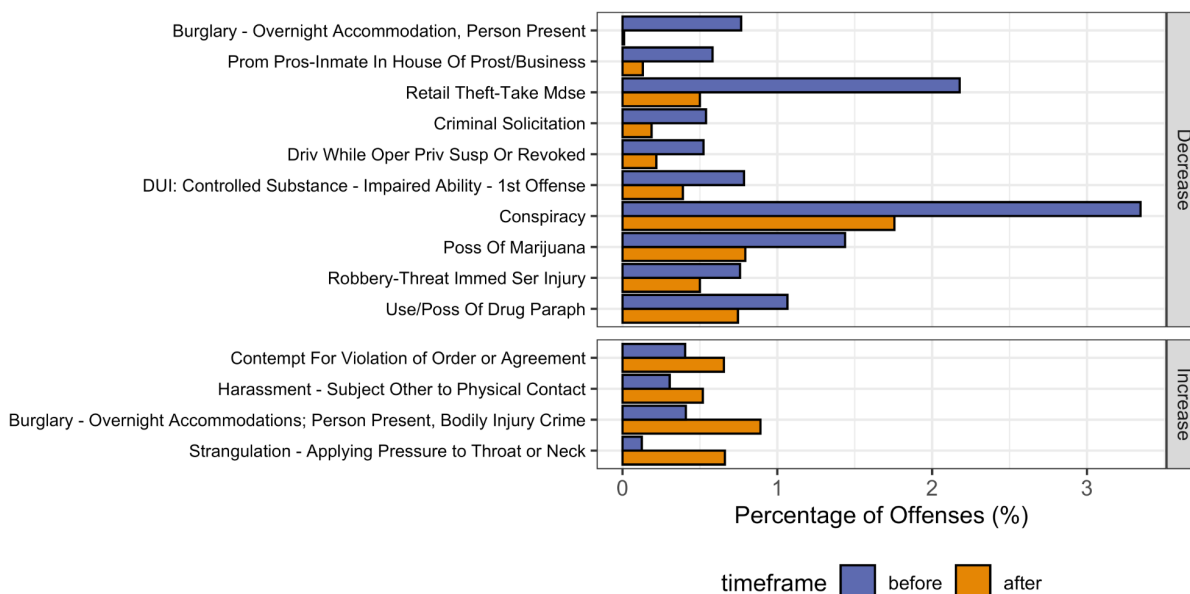**Max Sentences for Probation Lowered for Some Offense Grades**

For some offense grades, max sentences for probation were lower after Krasner took office. The medians of the max sentences for felonies were similar to the desired threshold (3 years). However, this improvement was not as clear for misdemeanors.

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[6] Vaughn, Joshua. "The Successes and Shortcomings of Larry Krasner's Trailblazing First Term." The Appeal. March 22, 2021. Accessed May 01, 2021. https://theappeal.org/

Krasner Decriminalized Certain Actions

In February 2018, Krasner's office announced that they would rarely pursue cases related to retail theft, prostitution, and possession of of marijuana.[7]

Some Charges Related to Krasner's Reforms Decrease

In the graph above, we grouped charges that decreased (top) and charges that increased (bottom) following Krasner's term. Following Krasner's commitment to decriminalize certain actions:

- Retail theft decreased by over 4.3 times

- Prostitution (prom pros) decreased by over 4.4 times

- Possession of marijuana decreased by over 1.8 times

Retail theft, prostitution, and marijuana related cases were also eligible for Krasner's 2018 bail reform mentioned previously. Other charges related to this bail reform such as DUI-first offense and burglary also decreased.[8]

The graph above reflects the percentage (%) of offenses. However, it's not necessarily clear what is driving some of these changes. For example, the changes could be due to Krasner's office choosing to pursue these cases less often, decreases in crime, or some other reason.

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[7] Ouss and Stevenson, "The Influence of Prosecutors," 43.

[8] "Prosecutor-Led Bail Reform: Year One Transparency Report." Philadelphia District Attorney's Office. February, 2019. 13. https://medium.com/philadelphia-justice/prosecutor-led-bail-reform

Conclusion

"Our power to achieve criminal justice reform now flows directly from the movement and the people we serve, all Philadelphians."

- Larry Krasner, *Prosecutor-Led Bail Reform: Year One Transparency Report*

Based on our exploratory analysis, we did see progress during the first two years of Krasner's term. These changes occurred after Krasner's policies, even though bail and sentencing were still up to the judges' discretion. Moving forward, it will be essential to continue exploring Krasner's impact, including his response to the COVID-19 pandemic. Overall, these changes can determine if someone will await their trial behind bars or how soon they can return to their family.

In summary, there was progress in Krasner's first two years:

- ROR and equity in minimum bail in first degree felonies

- Reduced max sentencing for probation

- Decriminalization of certain statutes

Next Steps:

- Continue to monitor the impacts of Krasner's term

- Evaluate impacts of the COVID-19 pandemic

- Collect other data that will help with the evaluation (e.g. ethnicity)

- Include arrest data to inform statutes increasing and decreasing

Other Resources

- [Philadelphia DA's Office Data Dashboards](#)

- [Pennsylvania Court Data Dashboards - Criminal Caseload](#)

- [Prosecutor-Led Bail Reform: Year One Transparency Report](#)