

**TRANSPARENCY REPORT**  
**FEBRUARY 2019**

The background of the entire page is a dark, blue-tinted image of the seal of the City of New York District Attorney Larry Krasner. The seal is circular and features a central shield with a scale of justice and a book. The words "LARRY KRASNER" and "CITY OF NEW YORK" are visible around the perimeter of the seal. The shield itself contains a scale of justice and a book. The text "LARRY KRASNER" is at the top, "CITY OF" is in the middle, and "NEW YORK" is at the bottom. The shield is flanked by two figures, likely representing Justice and Liberty. The entire seal is set against a dark, blue-tinted background of a city street with buildings.

# **PROSECUTOR-LED BAIL REFORM: YEAR ONE**



## 10 KEY TAKEAWAYS FROM YEAR ONE OF BAIL REFORM

1. Prosecutor-led bail reform works in Philadelphia
2. Data-driven reform was implemented fifty days into District Attorney Larry Krasner's administration
3. The reform cost no money to implement, and freed up resources
4. The reform promoted the discretionary decision to not seek cash bail for 25 specific charges
5. Wide-ranging reform, with the 25 charges enumerated in the policy accounting for 61% of all charges in 2018
6. The reform successfully increased Release on Recognizance (ROR) rates, allowing approximately 1,750 additional Philadelphians to be released without cash bail in 2018
7. The reform did not increase recidivism rates
8. The reform did not increase Failure to Appear (FTA) rates
9. The reform helps make the presumption of innocence a meaningful reality
10. Instituting meaningful bail reform in Philadelphia provides an opportunity to reimagine the future of justice

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## **DISTRICT ATTORNEY'S OFFICE**

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In January, 2018 a movement for criminal justice reform took over the Philadelphia District Attorney's Office (DAO). That movement had promised to address the injustice of cash bail by bringing about bail reform. In February, 2018 the DAO announced its new policy on cash bail, which has remained in effect ever since. We call it Philly Bail Reform 1.0. We are keeping our promise.

One year later, an independent academic analysis agrees with our own internal analysis: Philly Bail Reform 1.0 is working. This freedom really is free. Substantial reductions in our recommending cash bail have freed people from jail without increasing crime and without increasing failures to appear in court. Taxpayers have saved many millions of dollars on unnecessary pre-trial incarceration. This report, bolstered by independent science, is just one example of the transparency Philadelphians deserve. It is also an example of the way forward: it is the evidence that will be the basis for further bail reform: our Philly Bail Reform 2.0.

Because we understood in early 2018 that the Pennsylvania legislature was not yet ready to join other states and eliminate cash bail statewide, we at the Philadelphia DAO in collaboration with community partners and in consultation with others in the criminal justice system developed Philly Bail Reform 1.0, a policy intended to expand the number of cases where no payment bail was required by finding types of charges for which our office would ordinarily recommend NO cash bail.

Using years of criminal justice data, our criminology, data and policy teams identified 25 charges (comprising 61% of all cases) where the courts had been setting bail very low—requiring payment of less than \$1,000. Everybody could pay the bail except the poor. None of the 25 offenses were violent offenses or sex offenses. For these specific charges, we created a presumption that ordinarily we would recommend no cash bail. We hoped this policy would allow people to return to their lives, their families, their jobs, and their communities. We hoped it would reduce our County jail population. We believed, based upon our research into other jurisdictions, that it would not cause a crime spike or result in defendants skipping court.

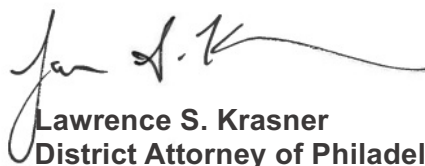
Our analysis and an independent policy evaluation show that it worked. As this report details, the reform achieved all of its goals:

- Approximately 1,750 additional Philadelphians were released without bail in 2018
- There was no increase in pretrial recidivism for people released without bail
- Defendants released without bail attended court at the same rate as before the reform
- No crime spike, as confirmed by the Philadelphia Police Department's own data: 0% overall increase in crime during 2018 and a 5% decrease in violent crime during 2018.<sup>1</sup>

Bail reform is essential to meaningful criminal justice reform. The use of cash bail in particular has fed mass incarceration and discriminated against the poor and people of color. Cash bail has degraded criminal justice in our courts by coercing those who cannot pay cash bail to plead guilty regardless of their innocence or guilt and to accept the sentence of incarceration they have already served awaiting trial even when that sentence is excessive.

The complete elimination of cash bail has been successful for 30 years in Washington, D.C., and more recently elsewhere. In general, it results in a system that holds a small portion of defendants (12% in Washington, D.C.) who are considered dangerous and/or unlikely to appear in court. This group cannot pay their way out pre-trial custody no matter how much money they have. The other group, who are not considered too dangerous and/or unlikely to appear in court are released with no requirement of any payment (88% in Washington, D.C.).<sup>2</sup>

While we look forward to the day when our Pennsylvania legislature is ready for statewide bail reform, we are not waiting. We are acting now to reform bail because we cannot wait for justice. Our power to achieve criminal justice reform now flows directly from the movement and the people we serve, all Philadelphians.



**Lawrence S. Krasner**  
**District Attorney of Philadelphia**

*The Philadelphia District Attorney's Office provides a voice for victims of crime and protects the community through zealous, ethical and effective investigations and prosecutions. The Philadelphia District Attorney's Office is the largest prosecutor's office in Pennsylvania, and one of the largest in the nation. It serves the more than 1.5 million citizens of the City and County of Philadelphia, employing 600 lawyers, detectives and support staff.*

[www.phila.gov/districtattorney](http://www.phila.gov/districtattorney)



## II. THE CASH BAIL SYSTEM: THE URGENT NEED FOR REFORM

### CASH BAIL PROCESS IN PHILADELPHIA

Bail is set at a bail hearing by a Bail Commissioner shortly after arrest. During the bail hearing, the District Attorney's Office and Defender Association of Philadelphia may recommend bail types.

#### 1. INITIAL ARREST



#### 2. BAIL HEARING



#### 3. BAIL DECISION



The final bail decision is made by the Bail Commissioner. If they set cash bail, 10% of the amount must be paid as bond for the defendant to avoid being detained.<sup>3</sup>

#### BAIL SET & CAN'T PAY

#### PRETRIAL DETENTION IN JAIL

#### BAIL SET & PAYS

#### INCARCERATION UNTIL PAYMENT

*Can take days, weeks, or months to post bond.*

#### NO CASH BAIL

#### IMMEDIATE RELEASE

*Even when there is no cash bail, the defendant must comply with non-monetary bail conditions.*

### CASH BAIL DEFINED

- “Cash Bail” refers to the money that a defendant has to pay in order to return to the community rather than be incarcerated while awaiting trial.
- It is a contract with a looming penalty: miss court or commit a crime before your case is resolved and you forfeit your bail; show up and stay out of trouble, and you get your money back.

### INTENDED PURPOSE



**Increase** the likelihood that a defendant will appear in court as required for the duration of their case.<sup>4</sup>



**Decrease** the likelihood that a defendant will pose a threat to the community or commit a new crime.<sup>5</sup>

### THE PROBLEM WITH CASH BAIL

Cash bail has been misused. In a criminal justice system that disproportionately impacts people without means, cash bail punishes the poor before a determination of guilt. Even a few days in pretrial detention due to cash bail is associated with a host of negative consequences.

#### Increases

- Disparate impact on poor people and people of color<sup>6</sup>
- Coerced guilty pleas<sup>7</sup>
- Negative outcomes such as lost jobs and housing, missed medical care, and loss of custody of one's children<sup>8</sup>
- Pre- and post-trial recidivism among low-risk defendants<sup>9</sup>
- Incarceration<sup>10</sup>

#### Decreases

- Fairness, racial equity<sup>11</sup>
- Long-term public safety<sup>12</sup>
- The ability of the accused to support their family, receive public benefits, and stay attached to their community<sup>13</sup>
- Pre- and post-trial employment<sup>14</sup>
- The presumption of innocence<sup>15</sup>

## II. THE CASH BAIL SYSTEM: REFORM EFFORTS

### BAIL REFORM COAST TO COAST

Efforts to reform the bail system are ongoing throughout the United States at the federal, state, and local levels. Change at the federal and state levels has generally been intentionally driven by legislation or forced through court decisions following lawsuits challenging the constitutionality of the cash bail system. A range of other factors have motivated bail reforms, including a broader rethinking of the value in spending 17% of our total correctional budgets—an estimated \$14 billion annually—on incarcerating people who have not yet been found guilty.<sup>16</sup>

#### Examples of Jurisdictions with Legislation or Court Decisions:

Washington, D.C.; New Jersey; California; Massachusetts; New Mexico, Illinois (Cook County); Georgia (Atlanta & Calhoun Counties); Alabama (Cullman & Randolph Counties); Texas (Dallas & Harris Counties); Louisiana (Lafayette & Orleans Parishes); Missouri (Jennings County); Oklahoma (Tulsa County); Ohio.<sup>17</sup>

### BAIL REFORM IN PHILADELPHIA

In Philadelphia, bail reform has been accomplished through policy changes implemented by District Attorney Krasner to correct clear inequities and unfairness and to safely end unnecessary pretrial incarceration caused by the cash bail system. DAO policies supported Philadelphia's participation in the MacArthur Safety & Justice Challenge and turned a resolution passed by City Council calling for bail reform into a practical reality.<sup>18</sup>

### THE DISTRICT ATTORNEY'S NEW CASH BAIL POLICY

On February 21, 2018, the District Attorney's Office implemented a new policy intended to reduce reliance on cash bail in Philadelphia.

61%

#### BIG IMPACT

Based on an analysis of five years of historical data, the policy identified 25 charges, listed below, for which the DAO would not seek cash bail, with some exceptions. These charges represented **61% of all charges brought in Philadelphia in 2018.**<sup>19</sup>



#### PROSECUTORIAL DISCRETION

Although the policy presumes no cash bail for the enumerated charges, **Assistant District Attorneys have discretion** to seek cash bail in individual cases when necessitated by the facts.

### CHARGES IN THE BAIL POLICY<sup>20</sup>

Offense grade level indicators: M = Misdemeanor, F = Felony, S = Summary.

<b>Theft Related</b>	Access Device Fraud <sup>M,F</sup> , Burglary (only of locations not for overnight accommodation when no person is present) <sup>F</sup> , Forgery <sup>M,F</sup> , Fraud in Obtaining Food Stamps and Public Assistance <sup>M,F</sup> , Identity Theft <sup>M,F</sup> , Retail Theft <sup>S,M,F</sup> , Receiving Stolen Property (not graded F2) <sup>M,F</sup> , Theft by Deception or False Impression <sup>M,F</sup> , Theft by Unlawful Taking (not graded F2) <sup>M,F</sup> , Theft from Motor Vehicle (not graded F2) <sup>M,F</sup> , Trademark Counterfeiting <sup>M,F</sup> , Unauthorized Use of Motor Vehicles <sup>M</sup>
<b>Controlled Substance Related</b>	Contraband <sup>M,F</sup> , DUI <sup>M</sup> , Intentional Possession of a Controlled Substance <sup>M</sup> , Paraphernalia <sup>M</sup> , Possession of Cannabis <sup>M</sup> , Possession with Intent to Deliver (less than 5lb of cannabis, non-cannabis subject to caveats) <sup>F</sup> , Unlawful Purchase of a Controlled Substance <sup>M</sup>
<b>Other</b>	Criminal Mischief <sup>M,F</sup> , Sex Work <sup>M</sup> , Providing False Identification to Law Enforcement <sup>M</sup> , Resisting Arrest <sup>M</sup> , Trespass (non-residential) <sup>M,F</sup>

### III. EVALUATING REFORM: TRANSPARENCY AND ACCOUNTABILITY

#### POLICY TRACKING AND INDEPENDENT EVALUATION

The District Attorney's Office (DAO) developed **internal metrics** to track the new cash bail policy, and invited an **independent assessment** by academic experts in the area of cash bail.<sup>21</sup> While this report focuses on the DAO analytics developed to assess the policy, the external evaluation rigorously considers the policy's impact. These efforts reflecting our belief in public transparency and scientific accountability are outlined below.

#### DAO METRICS FOR MEASURING SUCCESS

The DAO policy balances **maximizing** the number of people who safely remain in the community before a determination on guilt with **minimizing** the potential that those released may not show up for court or commit new offenses.

Metric	Definition	Successful Outcome
<b>Release on Recognizance (ROR) Rate</b>	Percentage of people released with \$0 bail (see page 14).	Large increase (see page 6)
<b>Pretrial Recidivism Rate</b>	A pretrial arrest for a new incident within 4 months (see page 14).	No/minimal increase (see page 8)
<b>Failure to Appear (FTA) Rate</b>	Failure to appear at one or more hearings within 4 months (see page 14).	No/minimal increase (see page 8)

#### INDEPENDENT EVALUATION OF PHILADELPHIA DAO'S 2018 BAIL REFORM

"Evaluating the Impacts of Eliminating Prosecutorial Requests for Cash Bail," by Dr. Aurélie Ouss, Ph.D., and Dr. Megan Stevenson, Ph.D. (February 15, 2019; see [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3335138](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3335138)).<sup>22</sup>

##### POLICY OUTCOMES

↑ **23%**

12 Percentage Points

Increase in the eligible defendants released with no monetary or other conditions (ROR).

↓ **41%**

7 Percentage Points

Decrease in the use of monetary bail in amounts of \$5,000 or less.

↓ **22%**

5 Percentage Points

Decrease in the number of defendants who spent at least one night in jail.

##### PUBLIC SAFETY SUCCESS

- **No detectable evidence** that the decreased use of monetary bail, unsecured bond, and release on conditions had adverse effects on appearance rates or recidivism.
- **No detectable change** in appearances or recidivism for ineligible defendants, suggesting that there were no concurrent policy changes that led to overstating or understating how accountability affects compliance among eligible defendants.



### III. EVALUATING REFORM: INDIVIDUAL LIBERTY

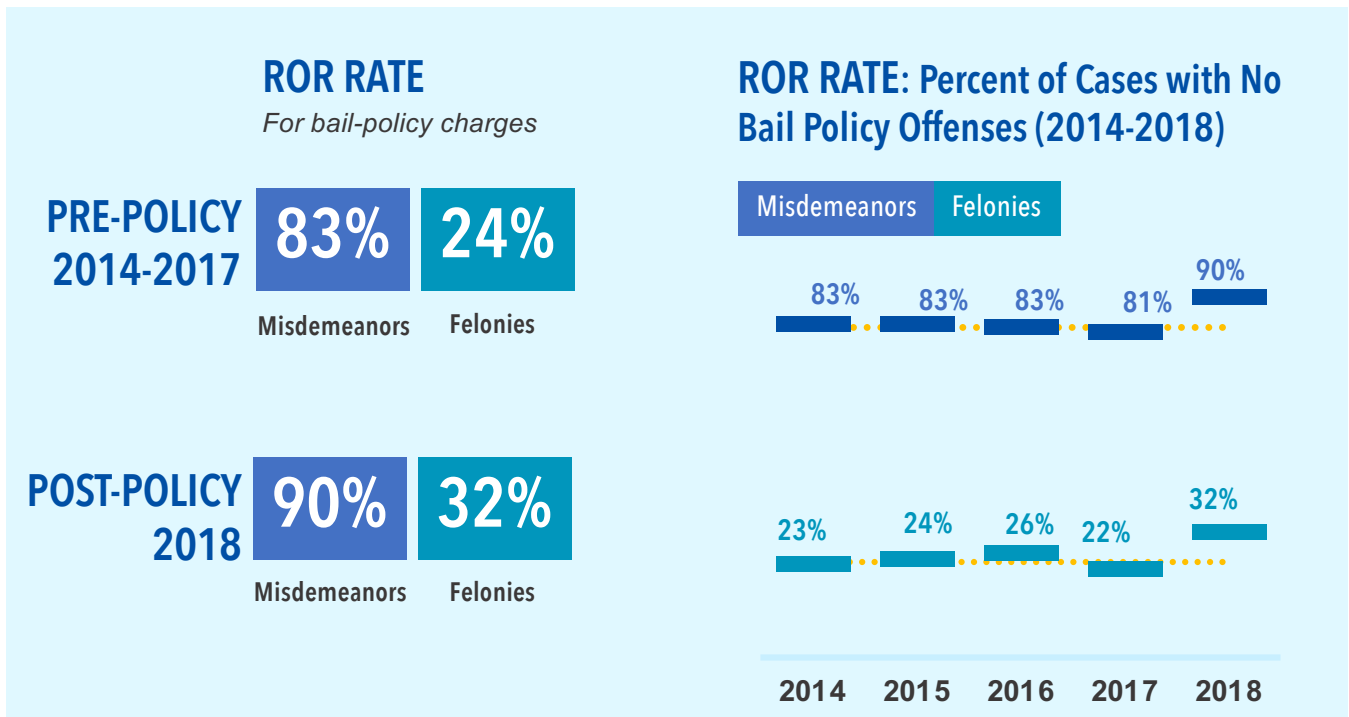
The bail policy successfully increased the percentage of people who did not have to pay to secure their release following an arrest . Approximately 1,750 additional people were released without monetary bail as a result of the bail policy from February to December 2018.<sup>23</sup>

Over the four years prior to the implementation of the bail policy, defendants facing one of the 25 charges targeted by the bail reform were **Released on Recognizance (ROR)**:

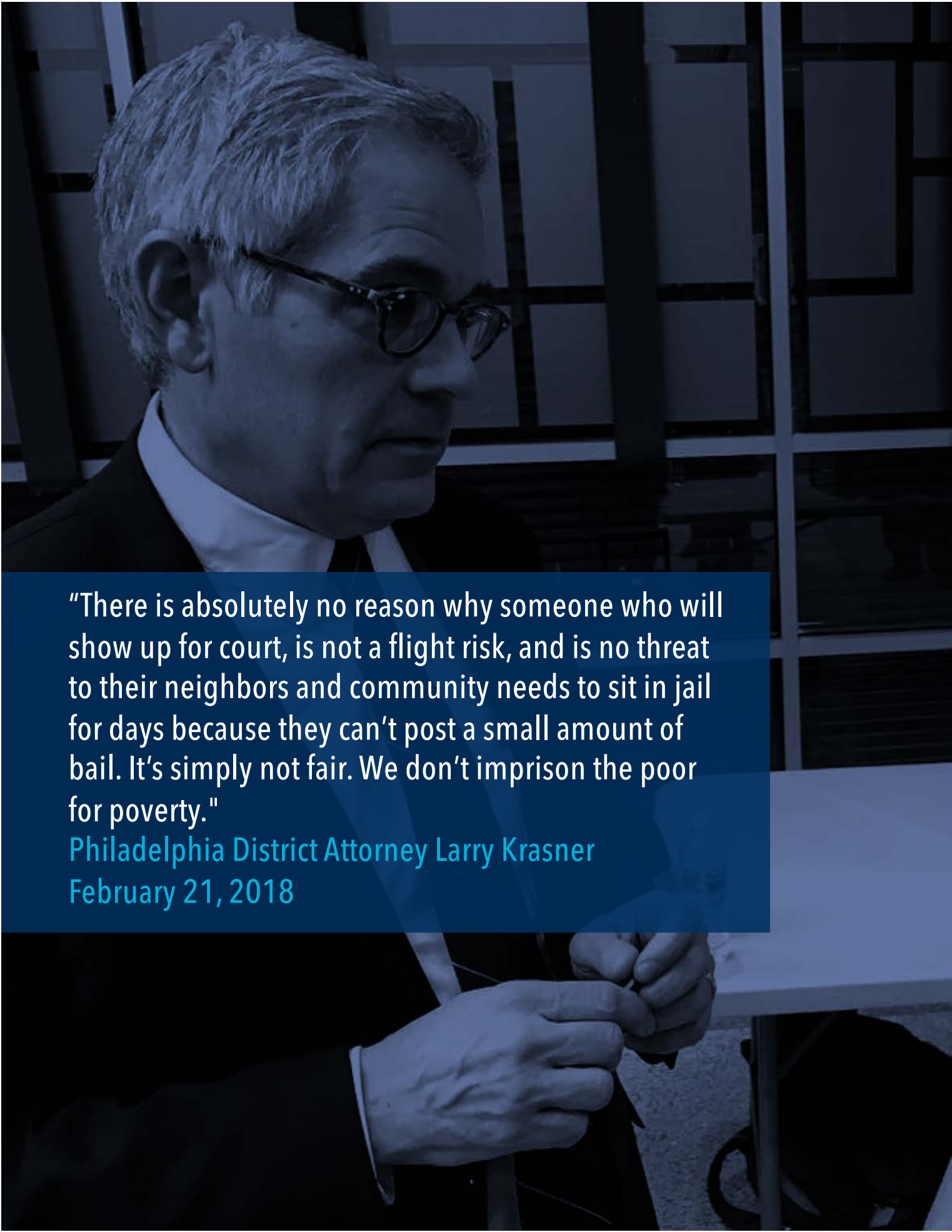
- **82.6% of the time for misdemeanors**
- **23.9% of the time for felonies**

Compared to average rates from 2014-2017, the ROR rate in the 10.5 months following the cash bail reform increased to:

- **89.9% for misdemeanors** (+8.84% increase, +7.3 percentage points)
- **31.5% for felonies** (+31.8% increase, +7.6 percentage points)



Source: DAO analysis of regularly shared court data

A photograph of Philadelphia District Attorney Larry Krasner, an older man with grey hair and glasses, wearing a dark suit and white shirt. He is looking down and slightly to the right, with his hands clasped in front of him. The background is a blurred office setting with a window showing a grid pattern. The image has a blue tint.

"There is absolutely no reason why someone who will show up for court, is not a flight risk, and is no threat to their neighbors and community needs to sit in jail for days because they can't post a small amount of bail. It's simply not fair. We don't imprison the poor for poverty."

Philadelphia District Attorney Larry Krasner  
February 21, 2018

### III. EVALUATING REFORM: PUBLIC SAFETY

One year after implementation we can conclude that the DAO bail policy successfully allows people to safely return to their lives while awaiting a determination in their case with minimal effects to the community.

#### RECIDIVISM RATE

*For bail-policy charges receiving no bail*

**PRE-POLICY  
2017**

**13%**

Misdemeanors

**19%**

Felonies

**POST-POLICY  
2018**

**12%**

Misdemeanors

**17%**

Felonies

- There were no significant increases in the **Failure to Appear (FTA)** and **Pretrial Recidivism** rates in the period immediately following the implementation of the policy.
- For the charges targeted by our policy, people released without bail in 2018 had slightly lower recidivism rates than people released in 2017, and were rearrested at rates similar to people released with bail.
- Although there was an increase in the FTA rate, it is not attributable to the bail policy. This is because the FTA rate was trending up for several years prior to the policy implementation.<sup>24</sup>

#### FTA RATE

*For bail-policy charges receiving no bail*

**PRE-POLICY  
2017**

**12%**

Misdemeanors

**5.9%**

Felonies

**POST-POLICY  
2018**

**14%**

Misdemeanors

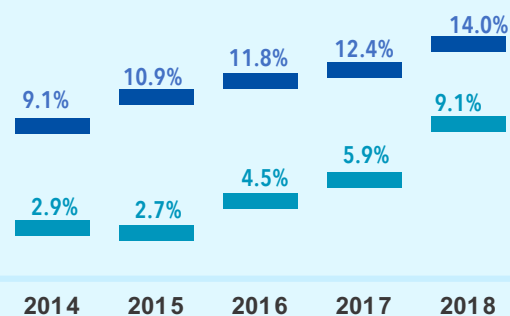
**9.1%**

Felonies

#### FTA RATE: Percent of Cases with No Bail Policy Offenses (2014-2018)

Misdemeanors

Felonies



Source: DAO analysis of regularly shared court data

Historically, a proportion of people who are released before trial fail to appear for court or are re-arrested pretrial. This predates our policy and is based on factors unrelated to bail. We will continue to monitor these public safety metrics, recalibrate the policy accordingly, and find new ways to support people who are released.

While the DAO policy took responsibility for increasing the ROR rate, all stakeholders share credit for maintaining the high percentage of people who successfully appear in court and stay arrest-free pretrial—especially the people released to their communities and those who support them.

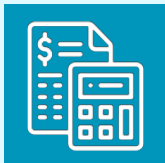
## IV. TRANSFORMING JUSTICE



### A MAJOR DRIVER OF MASS INCARCERATION

The use of cash bail to detain people accused of crimes is a major driver of mass incarceration in Philadelphia and nationally.

- Reducing the reliance on cash bail is a key part of DA Krasner's broader vision to end mass incarceration and transform the justice system.
- Cash bail unfairly punishes poor people solely because of their inability to pay even a small amount of bail, while those who can afford to pay can be released even when charged with serious offenses.
- The presumption of innocence and the right to liberty should apply to everyone, not just to those who can afford to pay for their freedom.



### COST-BENEFITS

It is challenging to calculate how much money the system saves by allowing people to immediately return to their lives while awaiting trial. Criminal justice agencies incur the costs of transporting people to and from jail, booking and screening people entering jail, and incarcerating people waiting for their trial or to be bailed out. Making the entire system more efficient by safely removing individuals from this process saves money while simultaneously improving long-term public safety.

Prison costs are complex. A prison construction project might anticipate upwards of a billion dollars in capital and operating expenses over two to three decades. Adding or subtracting incarcerated people does little to change that picture because the greatest costs associated with a prison come from building and running it, not the number of people who reside in it. Once the project starts, the residents of Philadelphia are locked in to paying the bill.<sup>25</sup>



### INVEST IN PHILLY

The greatest savings associated with the DAO 2018 Bail Reform Policy will be what Philadelphia can save in the future by reinvesting in people rather than building new jail facilities. Reinvestment means fighting poverty and eliminating the causes of crime—improving education, workforce development, neighborhood stability, housing and food security—and strengthening infrastructure for mental health treatment, drug and alcohol treatment, rehabilitative options while people are incarcerated, and restorative reentry services when they are released.<sup>26</sup>

## IV. TRANSFORMING JUSTICE

Beyond monetary benefits, there are **broad social benefits** that flow from not needlessly incarcerating people awaiting trial. The fabric of Philadelphia's communities is strengthened when a defendant, presumed innocent and not a danger to the community, is allowed to return home shortly after arrest.

FAMILIES	COMMUNITIES	EQUITY
<ul style="list-style-type: none"> <li>A person who can return home shortly after arrest will be able to keep a job that may otherwise be lost due to unexcused absences, avoid the destabilizing effect of losing housing, or continue receiving medical treatment that might be lost if absent for a few days.</li> <li>Children benefit when parents and neighbors are not incarcerated pretrial. Parental incarceration can be psychologically traumatizing, cause economic strain, and lead to placement in the foster care system.</li> </ul>	<ul style="list-style-type: none"> <li>Communities benefit from stability and local businesses benefit when people remain in the community, keep their jobs, and maintain public benefits. Individuals who are incarcerated often lose these benefits, which expands poverty rather than offering support and stability when they are needed most.</li> </ul>	<ul style="list-style-type: none"> <li>The justice system benefits when people are not needlessly held in pretrial detention. Removing people from pretrial detention reduces the jail population, allowing for safer staff-to-detainee ratios. Rather than process and support thousands of people each year accused of committing low-level crimes, jails can focus on supporting a smaller number of inmates, keeping them safe, and helping them reenter society.</li> <li>People released prior to trial are also less likely to plead guilty solely to gain their freedom, leading to a more fair and just system.<sup>27</sup></li> </ul>

### MOVING FORWARD

The success of the cash bail policy isn't just about rates and percentages. There is a very real human impact to the policy. Approximately 1,750 additional individuals were released without cash bail because of the bail policy, allowing them to return to their families, communities, and lives without having to pay to secure their freedom.

#### ROOM FOR IMPROVEMENT

The ROR rate did not reach 100% for any individual charge, and there is room for targeted improvement. That some individual offenses have somewhat low rates is not necessarily a failure of implementation, but rather a sign that the DAO and ADAs are being thoughtful about how we approach bail.

#### MORE ANALYSIS

Given the success of the 2018 reform, we will identify policy changes for Philly Bail Reform 2.0.

#### MORE OPTIONS

Prosecutor-led bail reform sets presumptions for one actor in the system, and is limited by the options available. With additional stakeholder engagement and community-based resources, more defendants can remain in the community without bail conditions.



## V. RESEARCH NOTES: TERMINOLOGY

### TERMINOLOGY

The following technical terms are used in the report. The same definitions and approaches were used for charges targeted by the Philadelphia District Attorney's Office 2018 Bail Reform, and those not targeted by the reform; for analyzing 2018 data, and for data from prior administrations. The terms are defined as follows:

Metric	Definition
<b>Release on Recognizance (ROR) Rate</b>	<p>The Release on Recognizance (ROR) rate is the number of cases that received ROR divided by the total number that were considered for bail. A person is released on their own recognizance if they are released with \$0 bail. People who were released with cash bail, but were able to pay no bond to be released (a practice called "signing one's own bond"), are not included in this figure.</p>
<b>Pretrial Recidivism Rate</b>	<p>The Pretrial Recidivism rate is the percentage of cases in which the defendant is rearrested by the police and recharged by the District Attorney's Office in the first four months after the start of a case or before the resolution of the case, whichever is earlier. Although this report is generally concerned only with misdemeanors and felonies (because summary offenses do not lead to money bail), new summary charges are counted as recidivism for the purposes of this report.</p> <p>Recidivism can refer to a wide variety of behaviors, from re-arrest to re-conviction to reincarceration. Accordingly, it is calculated in different ways. Generally, recidivism is considered at the person level—how many people were rearrested—not at a case level. The rate provided in this report is for case-level recidivism: the percentage of cases for which a defendant is recharged. If a single defendant has four (4) pending cases and is recharged with a new offense, that is counted as four (4) instances of recidivism. This was done to measure the effect of bail on defendants in individual cases while those cases are pending, not longer-term recidivism questions that may not be tied directly to bail. While measuring the overall pretrial recidivism rate would be ideal, cases can take longer than six (6) months to resolve. Measuring only pretrial recidivism in the first four (4) months allowed for an evaluation of the bail policy through September 2018 and recidivism through January 2019.</p>
<b>Failure to Appear (FTA) Rate</b>	<p>The Failure to Appear (FTA) rate is the percentage of cases in which the defendant missed at least one hearing in the first four (4) months after the start of a case. The frequency with which defendants were asked to appear over time was not accounted for in this report. Therefore, it is possible that in recent years defendants were asked to appear more frequently in the first four (4) months of their case—i.e., for systemic reasons unrelated to bail or the DAO cash bail reform.</p>

## V. RESEARCH NOTES: LIMITATIONS

### LIMITATIONS

There are limitations in what can be measured that stem from measurement systems, data quality, and analytical constraints. A responsible analysis should not attempt to do or say more than the data allow, while acknowledging limitations. The analysis presented herein is strong despite the acknowledged limitations. By consistently applying the same analytical methods to cases over time, the same standards were applied to data from before and after the 2/21/18 bail reform.

Limitations include:

- All of data came from information entered into CPCMS, the Administrative Office of Pennsylvania Courts unified criminal case management system.
- Some data may have been entered incorrectly, e.g., by clerks at the First Judicial District. Though there are no specific problem, human error is endemic to criminal justice data, and those errors may be incorporated into the analysis in this report. There is no reason to believe that human error in the system is prevalent enough to affect the conclusions of this analysis.
- Trends can be complex. For example, a one- or two-month increase in the pretrial recidivism rate may be the start or middle of a trend, a few aberrant months, or part of seasonal fluctuations.
- The data presented here are annual data. That was done to smooth out some of the seasonal fluctuations, standardize the time periods for comparison, and make this report more readable. Internally, more granular data is used to inform decision-making as to the effectiveness and potential unintended consequences of the policy.
- The follow-up periods used to measure Pretrial Recidivism and Failure to Appear (FTA) rates are limited to four (4) months because the bail policy is being analyzed less than one (1) year into its existence, limiting the amount of data available.
- The analysis is based on the final bail set in each case, rather than the bail offers made by the District Attorney's Office (DAO). An evaluation of the 2018 DAO Bail Policy might also consider the frequency that \$0 bail was requested or not objected to by the DAO in relation to the final bail set.
- A number of charges were excluded from the analysis because they were rarely pursued by the DAO in 2018. Cannabis possession and charges related to sex work are rarely filed by the office, and retail theft charges are rarely processed as misdemeanors or felonies. Including these charges could therefore skew comparisons of 2018 data to statistics from previous years.

## V. RESEARCH NOTES: TABLES

**TABLE 1: 25 BAIL REFORM CHARGES, BY VOLUME**

Statute	2014	2015	2016	2017	2018
18 Pa.C.S. 3304 Criminal Mischief	172	184	155	164	192
18 Pa.C.S. 3502 Burglary	1531	1393	1296	1338	1105
18 Pa.C.S. 3503 Criminal Trespass	284	337	348	371	415
18 Pa.C.S. 3921 Theft by Unlawful Taking	1696	1571	1576	1466	1418
18 Pa.C.S. 3922 Theft by Deception	146	128	133	148	144
18 Pa.C.S. 3925 Receiving Stolen Property	654	730	707	663	591
18 Pa.C.S. 3928 Unauthorized Use Motor/Other Vehicles	81	48	63	78	105
18 Pa.C.S. 3929 Retail Theft	2469	2417	2386	2029	365
18 Pa.C.S. 3934 Theft from a Motor Vehicle	139	145	129	244	130
18 Pa.C.S. 4101 Forgery	304	347	335	286	228
18 Pa.C.S. 4106 Access Device Fraud	21	8	14	35	46
18 Pa.C.S. 4119 Trademark Counterfeiting	46	12	4	6	10
18 Pa.C.S. 4120 Identity Theft	33	28	28	20	16
18 Pa.C.S. 4914 False Identification to Law Enforcement	57	65	37	34	27
18 Pa.C.S. 5104 Resisting Arrest	156	133	117	86	79
18 Pa.C.S. 5123 Contraband	54	69	61	28	19
18 Pa.C.S. 5902 Prostitution	1352	1030	956	1040	362
35 PS 780-113 A16 Intentional Possession of a Controlled Substance	4243	3190	2951	3439	3010
35 PS 780-113 A19 Purchasing a Controlled Substance	1870	2433	2157	3176	3154
35 PS 780-113 A30 Possession with Intent to Deliver	5504	5302	4945	5605	5217
35 PS 780-113 A31 Possession of Marijuana	2460	994	1014	1276	209
35 PS 780-113 A32 Paraphernalia	59	125	59	50	64
62 PS 481 Fraud in Obtaining Food Stamps & Other Public Assistance	NA	NA	NA	NA	2
75 Pa.C.S. 3802 DUI 1st Off	3658	3782	3524	3227	2902

## V. RESEARCH NOTES: TABLES

**TABLE 2: 25 BAIL REFORM CHARGES, RELEASE ON RECOGNIZANCE (ROR) RATES**

Statute	2014	2015	2016	2017	2018
18 Pa.C.S. 3304 Criminal Mischief	42.33	46.39	38.67	45.96	42.59
18 Pa.C.S. 3502 Burglary	8.32	5.07	6.2	7.78	14.21
18 Pa.C.S. 3503 Criminal Trespass	40.29	46.06	42.65	37.4	47.67
18 Pa.C.S. 3921 Theft by Unlawful Taking	47.98	54.85	56.38	55.83	65.47
18 Pa.C.S. 3922 Theft by Deception	82.07	68.8	78.63	70.55	81.36
18 Pa.C.S. 3925 Receiving Stolen Property	50.49	57.12	59.67	59.35	71.66
18 Pa.C.S. 3928 Unauthorized Use Motor/Other Vehicles	81.25	89.58	82.26	85.71	94.79
18 Pa.C.S. 3929 Retail Theft	72.11	75.91	78.8	74.19	78.67
18 Pa.C.S. 3934 Theft from a Motor Vehicle	44.53	53.96	55.04	60.74	65.25
18 Pa.C.S. 4101 Forgery	55.81	60	70.95	60.64	78.65
18 Pa.C.S. 4106 Access Device Fraud	52.38	57.14	57.14	50	50
18 Pa.C.S. 4119 Trademark Counterfeiting	82.61	90.91	100	83.33	80
18 Pa.C.S. 4120 Identity Theft	54.55	64.29	64.29	26.32	76.92
18 Pa.C.S. 4914 False Identification to Law Enforcement	68.42	65.08	72.97	88.24	92.31
18 Pa.C.S. 5104 Resisting Arrest	80.65	72.73	80.87	81.18	83.82
18 Pa.C.S. 5123 Contraband	22.22	19.4	26.67	22.22	18.75
18 Pa.C.S. 5902 Prostitution	88.86	90.69	90.44	87.35	93.57
35 PS 780-113 A16 Intentional Possession of a Controlled Substance	88.3	89.49	87.47	86.26	94.64
35 PS 780-113 A19 Purchasing a Controlled Substance	93.34	93.47	93.78	90.38	98
35 PS 780-113 A30 Possession with Intent to Deliver	12.92	12.28	11.17	7.55	23.26
35 PS 780-113 A31 Possession of Marijuana	96.2	95.74	92.86	80.26	78.12
35 PS 780-113 A32 Paraphernalia	75.86	74.59	80.7	88	92.98
62 PS 481 Fraud in Obtaining Food Stamps & Other Public Assistance	NA	NA	NA	NA	100
75 Pa.C.S. 3802 DUI 1st Off	69.68	70.05	73.11	72.73	82.83

## V. RESEARCH NOTES: TABLES

**TABLE 3: 25 BAIL REFORM CHARGES, PRETRIAL RECIDIVISM RATES**

Statute	2014	2015	2016	2017	2018
18 Pa.C.S. 3304 Criminal Mischief	23.19	9.09	6.9	5.41	13.04
18 Pa.C.S. 3502 Burglary	18.03	11.76	12.82	8.91	11.82
18 Pa.C.S. 3503 Criminal Trespass	15.18	25.66	20	17.04	16.96
18 Pa.C.S. 3921 Theft by Unlawful Taking	14.62	12.53	12.74	15.41	20.86
18 Pa.C.S. 3922 Theft by Deception	3.36	1.16	0.97	0	4.23
18 Pa.C.S. 3925 Receiving Stolen Property	9.23	15.54	13.69	17.77	16.74
18 Pa.C.S. 3928 Unauthorized Use Motor/Other Vehicles	7.69	13.95	25.49	9.09	15.52
18 Pa.C.S. 3929 Retail Theft	22.92	21.59	24.49	24.7	29.13
18 Pa.C.S. 3934 Theft from a Motor Vehicle	19.3	30.67	21.13	27.21	27.59
18 Pa.C.S. 4101 Forgery	6.55	5.88	6.47	1.75	4.72
18 Pa.C.S. 4106 Access Device Fraud	18.18	0	12.5	5.88	14.29
18 Pa.C.S. 4119 Trademark Counterfeiting	2.63	20	0	0	0
18 Pa.C.S. 4120 Identity Theft	0	0	0	0	0
18 Pa.C.S. 4914 False Identification to Law Enforcement	15.38	14.63	7.41	13.33	6.25
18 Pa.C.S. 5104 Resisting Arrest	17.6	12.5	9.68	18.84	17.39
18 Pa.C.S. 5123 Contraband	8.33	15.38	6.25	0	0
18 Pa.C.S. 5902 Prostitution	23.33	18.16	13.36	15.59	7.18
35 PS 780-113 A16 Intentional Possession of a Controlled Substance	15.63	12.7	12.61	13.29	15.3
35 PS 780-113 A19 Purchasing a Controlled Substance	16.41	14.01	10.95	15.39	13.7
35 PS 780-113 A30 Possession with Intent to Deliver	23.57	17.94	20.73	25.84	19.82
35 PS 780-113 A31 Possession of Marijuana	11.52	8.05	4.98	8.87	7.69
35 PS 780-113 A32 Paraphernalia	11.36	9.89	6.52	4.55	8.51
62 PS 481 Fraud in Obtaining Food Stamps & Other Public Assistance	5.18	4.76	4.86	4.12	4.97
75 Pa.C.S. 3802 DUI 1st Off	23.19	9.09	6.9	5.41	13.04



## V. RESEARCH NOTES: TABLES

**TABLE 4: 25 BAIL REFORM CHARGES, FAILURE TO APPEAR (FTA) RATES**

Statute	2014	2015	2016	2017	2018
18 Pa.C.S. 3304 Criminal Mischief	1.64	6.78	6.45	8.11	8.11
18 Pa.C.S. 3502 Burglary	3.7	0	3.7	4.69	7.59
18 Pa.C.S. 3503 Criminal Trespass	10.75	12.04	9.76	8.82	17.14
18 Pa.C.S. 3921 Theft by Unlawful Taking	6.4	6.54	10.9	10.4	9.49
18 Pa.C.S. 3922 Theft by Deception	3.03	1.69	13.33	10.61	8.51
18 Pa.C.S. 3925 Receiving Stolen Property	3.85	3.99	7.28	9.06	10.08
18 Pa.C.S. 3928 Unauthorized Use Motor/Other Vehicles	6.35	14.63	5	15.69	11.67
18 Pa.C.S. 3929 Retail Theft	14.36	12.07	15.88	15.59	14.74
18 Pa.C.S. 3934 Theft from a Motor Vehicle	12.5	5.41	15.22	12.5	15.79
18 Pa.C.S. 4101 Forgery	1.72	3.7	1.34	3.12	10.39
18 Pa.C.S. 4106 Access Device Fraud	14.29	0	14.29	12.5	6.25
18 Pa.C.S. 4119 Trademark Counterfeiting	0	0	0	0	33.33
18 Pa.C.S. 4120 Identity Theft	0	0	7.14	0	0
18 Pa.C.S. 4914 False Identification to Law Enforcement	2.78	10.53	8.7	10	0
18 Pa.C.S. 5104 Resisting Arrest	15.79	10	8.62	10.64	15.38
18 Pa.C.S. 5123 Contraband	12.5	0	0	0	0
18 Pa.C.S. 5902 Prostitution	10.34	17.32	18.83	20.86	8.39
35 PS 780-113 A16 Intentional Possession of a Controlled Substance	10.85	13.09	12.38	14.07	16.38
35 PS 780-113 A19 Purchasing a Controlled Substance	12.57	15.08	17.83	16.91	21.84
35 PS 780-113 A30 Possession with Intent to Deliver	4.11	3.11	5.29	6.96	10.24
35 PS 780-113 A31 Possession of Marijuana	0.84	0.97	3.12	0.97	5.13
35 PS 780-113 A32 Paraphernalia	4.76	11.76	15.22	9.76	8.89
62 PS 481 Fraud in Obtaining Food Stamps & Other Public Assistance	1.94	1.74	0.99	1.78	2.76
75 Pa.C.S. 3802 DUI 1st Off	1.64	6.78	6.45	8.11	8.11

## V. RESEARCH NOTES: REFERENCES

### REFERENCES

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1. Crime Stats Reports: Citywide Year End 2018. Philadelphia Police Department, 7 Jan. 2019, [drive.google.com/drive/folders/1vb9uu5K6priz-oBhfVQNhi\\_M8PJEOmQP](https://drive.google.com/drive/folders/1vb9uu5K6priz-oBhfVQNhi_M8PJEOmQP).
2. Court Services and Offender Supervision Agency for the District of Columbia FY 2018 Agency Financial Report, November 15, 2018, [www.csosa.gov/wp-content/uploads/bsk-pdf-manager/2018/11/CSOSA-FY-2018-Agency-Financial-Report.pdf](http://www.csosa.gov/wp-content/uploads/bsk-pdf-manager/2018/11/CSOSA-FY-2018-Agency-Financial-Report.pdf), pg. 29; Interview with Truman Morrison, Senior Judge on the D.C. Superior Court, Interview and transcript: [www.npr.org/2018/09/02/644085158/what-changed-after-d-c-ended-cash-bail](http://www.npr.org/2018/09/02/644085158/what-changed-after-d-c-ended-cash-bail); Marimow, Ann. "When It Comes to Pretrial Release, Few Other Jurisdictions Do It D.C.'s Way." Washington Post, 4 July 2016, [www.washingtonpost.com/local/public-safety/when-it-comes-to-pretrial-release-few-other-jurisdictions-do-it-dcs-way/2016/07/04/8eb52134-e7d3-11e5-b0fd-073d5930a7b7\\_story.html](http://www.washingtonpost.com/local/public-safety/when-it-comes-to-pretrial-release-few-other-jurisdictions-do-it-dcs-way/2016/07/04/8eb52134-e7d3-11e5-b0fd-073d5930a7b7_story.html).

THE CASH BAIL SYSTEM

3. Pennsylvania Rule of Criminal Procedure 528: Monetary Condition of Release on Bail, [www.pacode.com/secure/data/234/chapter5/s528.html](http://www.pacode.com/secure/data/234/chapter5/s528.html). The different types of bail are enumerated in Pennsylvania Rule of Criminal Procedure 524. [www.pacode.com/secure/data/234/chapter5/s524.html](http://www.pacode.com/secure/data/234/chapter5/s524.html). They include Release on Recognizance, Release on Nonmonetary Conditions, Release on Unsecured Bail Bond, Release on Nominal Bail, and Release on Monetary Conditions. To learn more about the arraignment process in Philadelphia, see Stevenson, Megan T. "Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes." *The Journal of Law, Economics, and Organization*, 34(4), 1 November 2018, pp. 511–542, [doi.org/10.1093/leo/ewy019](https://doi.org/10.1093/leo/ewy019); "Philadelphia Bail Watch Report" (2018), [www.phillybailfund.org/bailreport/](http://www.phillybailfund.org/bailreport/).
4. Pennsylvania Rule of Criminal Procedure 523: Release Criteria, [www.pacode.com/secure/data/234/chapter5/s523.html](http://www.pacode.com/secure/data/234/chapter5/s523.html), and Rule 524: Types of Release on Bail [www.pacode.com/secure/data/234/chapter5/s524.html](http://www.pacode.com/secure/data/234/chapter5/s524.html).
5. Pennsylvania Rule of Criminal Procedure 523: Release Criteria.
6. Research has for some time suggested that "Racial minorities are sentenced more harshly than whites if they ... are detained in jail prior to trial." See Spohn, Cassia. "Thirty Years of Sentencing Reform: The Quest for a Racially Neutral Sentencing Process." *Criminal Justice*, 3, 2000, <http://www.justicestudies.com/pubs/livelink3-1.pdf>, pp. 462, citing Chiricos, Theodore G., and William D. Bales. "Unemployment and punishment: An empirical assessment." *Criminology*, 29, 1991, pp. 701–724; and Crew, Keith. "Race differences in felony charging and sentencing: Toward an integration of decision-making and negotiation models." *Journal of Crime and Justice*, 14, 1991, pp. 99–122.
7. Stevenson, "Distortions of Justice": In Philadelphia, pretrial detention increases chances of conviction by 13%, mostly by increasing the likelihood of a guilty plea. See Dobbie, Will, Jacob Goldin, and Crystal S. Yang. "The Effects of Pretrial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges." *American Economic Review*, 108(2), 2018, pp. 201–40, [www.aeaweb.org/articles?id=10.1257/aer.20161503](http://www.aeaweb.org/articles?id=10.1257/aer.20161503); Gupta, Arpit, Christopher Hansman, and Ethan Frenchman. "The Heavy Costs of High Bail: Evidence from Judge Randomization." *Journal of Legal Studies*, 45(2), 2016, pp. 471–505; Heaton, Paul., Sandra G. Mayson, and Megan T. Stevenson, "The Downstream Consequences of Misdemeanor Pretrial Detention." *Stan. L. Rev.*, 69, 2017, pp. 711–794, [digitalcommons.law.uga.edu/fac\\_artchop/1148](http://digitalcommons.law.uga.edu/fac_artchop/1148).
8. Stevenson, "Distortion of Justice": In Philadelphia, pretrial detention leads to more court fees than for similarly situated people who are released. "83% of defendants who were charged court fees [between 2006–2013] are still in debt by December, 2015, with an average debt of \$725, or 86% of the total amount." See Dobbie et al. "The Effects of Pretrial Detention"; Heaton et al. "The Downstream Consequences." Gupta et al. "The Heavy Costs of High Bail."
9. Heaton et al. "The Downstream Consequences"; Lowenkamp, Christopher T., Marie VanNostrand, and Alexander Holsinger. "The Hidden Costs of Pretrial Detention." *LJAF Report*, Nov. 2013, [craftmediabucket.s3.amazonaws.com/uploads/PDFs/LJAF\\_Report\\_hidden-costs\\_FNL.pdf](http://craftmediabucket.s3.amazonaws.com/uploads/PDFs/LJAF_Report_hidden-costs_FNL.pdf).
10. "95% of all jail population growth between 2000–2014." Why We Need Pretrial Reform. Pretrial Justice Institute, [www.pretrial.org/get-involved/learn-more/why-we-need-pretrial-reform/](http://www.pretrial.org/get-involved/learn-more/why-we-need-pretrial-reform/), citing Zhen Zeng, "Jail Inmates in 2016." (NCJ 251210), Bureau of Justice Statistics, February 2018, [www.bjs.gov/content/pub/pdf/ji16.pdf](http://www.bjs.gov/content/pub/pdf/ji16.pdf); Why We Need Pretrial Reform. Pretrial Justice Institute, [www.pretrial.org/get-involved/learn-more/why-we-need-pretrial-reform/](http://www.pretrial.org/get-involved/learn-more/why-we-need-pretrial-reform/).

## V. RESEARCH NOTES: REFERENCES (CONTINUED)

### REFERENCES (CONTINUED)

#### THE CASH BAIL SYSTEM (CONTINUED)

11. Stevenson. "Distortion of Justice": In Philadelphia, pretrial detention is applied to black defendants 40% more frequently. Pretrial detention is applied to defendants from poor neighborhoods 17% more frequently than to defendants from wealthy neighborhoods. Half the detention rate gap would disappear if black defendants or defendants from poor neighborhoods posted bail at the same rate as non-black defendants or defendants from wealthy neighborhoods.
12. Lowenkamp et al. "The Hidden Costs"; Dobbie et al. "The Effects of Pretrial Detention"; Heaton et al. "The Downstream Consequences." Gupta et al. "The Heavy Costs of High Bail."
13. Dobbie et al. "The Effects of Pretrial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges"; Gupta et al. "The Heavy Costs of High Bail"; Heaton et al. "The Downstream Consequences."
14. Dobbie et al. "The Effects of Pretrial Detention."
15. Dobbie et al. "The Effects of Pretrial Detention"; Gupta et al. "The Heavy Costs of High Bail"; Heaton et al. "The Downstream Consequences"; Stevenson. "Distortion of Justice."
16. Stevenson, Megan, and Sandra G Mayson. "Pretrial Detention and Bail." Academy for Justice, A Report on Scholarship and Criminal Justice Reform, vol. 17-18, 23 Mar. 2017, [papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2939273](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2939273).
17. Marimow, Ann. "When It Comes to Pretrial Release, Few Other Jurisdictions Do It D.C.'s Way." Washington Post, 4 July 2016, [www.washingtonpost.com/local/public-safety/when-it-comes-to-pretrial-release-few-other-jurisdictions-do-it-dcs-way/2016/07/04/8eb52134-e7d3-11e5-b0fd-073d5930a7b7\\_story.html](https://www.washingtonpost.com/local/public-safety/when-it-comes-to-pretrial-release-few-other-jurisdictions-do-it-dcs-way/2016/07/04/8eb52134-e7d3-11e5-b0fd-073d5930a7b7_story.html); Wykstra, Stephanie. "Bail Reform, Which Could Save Millions of Unconvicted People from Jail, Explained." Vox, 17 Oct. 2018, [www.vox.com/future-perfect/2018/10/17/17955306/bail-reform-criminal-justice-inequality](https://www.vox.com/future-perfect/2018/10/17/17955306/bail-reform-criminal-justice-inequality); Brangan v. Massachusetts, SJC-12232 (Mass. Aug. 25, 2017), from <https://www.vera.org/state-of-justice-reform/2017/bail-pretrial>; Morgan Lee. "Bail reforms take hold in New Mexico as legal culture shifts." AP, 5 June 2017, [www.santafenewmexican.com/news/local\\_news/bail-reforms-take-hold-in-new-mexico-as-legal-culture/article\\_4455815f-772a-50b3-bed7-a36089d23b6a.html](https://www.santafenewmexican.com/news/local_news/bail-reforms-take-hold-in-new-mexico-as-legal-culture/article_4455815f-772a-50b3-bed7-a36089d23b6a.html); Gonzalez, Suzannah. "Illinois judge orders reform of Cook County bail system." Reuters, 17 July 2017, [www.reuters.com/article/us-illinois-bail/illinois-judge-orders-reform-of-cook-county-bail-system-idUSKBN1A22EB](https://www.reuters.com/article/us-illinois-bail/illinois-judge-orders-reform-of-cook-county-bail-system-idUSKBN1A22EB); Following that ruling by a Cook County Circuit Judge, the State Circuit Court of Cook County revised their procedures for bail hearings and pretrial release. See State of Illinois Circuit Court of Cook County. "GENERAL ORDER NO. 18.8A - Procedures for Bail Hearings and Pretrial Release." 18 September 2017. [www.cookcountycourt.org/Manage/DivisionOrders/ViewDivisionOrder/tabid/298/ArticleId/2562/GENERAL-ORDER-NO-18-8A-Procedures-for-Bail-Hearings-and-Pretrial-Release.aspx](https://www.cookcountycourt.org/Manage/DivisionOrders/ViewDivisionOrder/tabid/298/ArticleId/2562/GENERAL-ORDER-NO-18-8A-Procedures-for-Bail-Hearings-and-Pretrial-Release.aspx); See Civil Rights Corps for additional information, [www.civilrightscorps.org/work/wealth-based-detention](https://www.civilrightscorps.org/work/wealth-based-detention).
18. Philadelphia City Council Resolution 180032, "Encouraging the Philadelphia District Attorney's Office and the First Judicial District of Pennsylvania to institute internal policies that reduce reliance on cash bail; and further calling on the Pennsylvania State Legislature and the Pennsylvania Supreme Court to revise state laws and procedure codes governing bail to allow for the elimination of cash bail statewide, or to provide for an exemption in the law for cities of the first class." Adopted 1 Feb 2018. [phila.legistar.com/LegislationDetail.aspx?ID=3320331&GUID=26509E32-9EA2-426D-A521-5CEE7484C3EF](https://phila.legistar.com/LegislationDetail.aspx?ID=3320331&GUID=26509E32-9EA2-426D-A521-5CEE7484C3EF); MacArthur Safety & Justice Challenge: Philadelphia, PA. [www.safetyandjusticechallenge.org/challenge-site/philadelphia/](https://www.safetyandjusticechallenge.org/challenge-site/philadelphia/).
19. The bail reform charges represent 61% of all "lead charges" in 2018. Commonly thought of as "most serious charge," lead charge refers to a single charge identified out of all charges on a transcript, algorithmically in a relational database that integrates police and court data, as most representative of the type of crime a case is considered to be. It is in the vast majority of cases the most serious charge on a transcript; however when charge grades (i.e. levels of felony and misdemeanor offenses) are equal, a case will be assigned the charge considered to be more representative by the authors of the algorithm.

## V. RESEARCH NOTES: REFERENCES (CONTINUED)

### REFERENCES (CONTINUED)

#### THE CASH BAIL SYSTEM: THE URGENT NEED FOR REFORM (CONTINUED)

20. The offenses in the bail policy can be found at: 18 PaCS 3304 (Criminal Mischief), 18 PaCS 3502 (Burglary), 18 PaCS 3503 (Criminal Trespass), 18 PaCS 3921 (Theft by Unlawful Taking), 18 PaCS 3922 (Theft by Deception), 18 PaCS 3925 (Receiving Stolen Property), 18 PaCS 3928 (Unauthorized Use of Automobiles), 18 PaCS 3929 (Retail Theft), 18 PaCS 3934 (Theft from Motor Vehicles), 18 PaCS 4101 (Forgery), 18 PaCS 4106 (Access Device Fraud), 18 PaCS 4120 (Identity Theft), 18 PaCS 4119 (Trademark Counterfeiting), 18 PaCS 4914 (False Identification to Law Enforcement), 18 PaCS 5104 (Resisting Arrest), 18 PaCS 5123 (Contraband), 18 PaCS 5902 (Prostitution/Sex Work), 35 PS 780-113 A16 (Knowing and Intentional Possession of Controlled Substance), 35 PS 780-113 A19 (Purchase of a Controlled Substance), 35 PS 780-113 A30 (Possession with Intent to Distribute a Controlled Substance), 35 PS 780-113 A31 (Possession of Small Amounts of Marijuana), 35 PS 780-113 A32 (Drug Paraphernalia), 62 PaCS 481 (Fraud in Obtaining Public Assistance), 75 PaCS 3802 (DUI).

#### EVALUATING REFORM

21. Dr. Aurélie Ouss, Ph.D., is an Assistant Professor of Criminology at the University of Pennsylvania. Dr. Megan Stevenson, Ph.D., is an Assistant Professor of Law at the George Mason University Antonin Scalia School of Law.
22. Ouss, Aurélie, and Megan T. Stevenson. "Evaluating the Impacts of Eliminating Prosecutorial Requests for Cash Bail." 15 February 2019, [papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3335138](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3335138).
23. The estimate that roughly 1,750 additional people were released on their own recognizance because of the policy was calculated by comparing the number of people who were actually released ROR in 2018 (post-policy) to the number of people who theoretically would have been released in 2018 post-policy had the 2017 ROR rates remained unchanged in 2018. For each of the 25 charges, the formula was: (2018 ROR Rate for charge i X 2018 number of cases charge for charge i) - (2017 ROR Rate for charge i X 2018 number of cases charge for charge i). The final result was 1745 people. It is an approximation of 1750 because the number represents a counterfactual—there is no way to know how many people would have been given ROR had the policy not come into effect.
24. Ouss and Stevenson. "Evaluating the Impacts of Eliminating Prosecutorial Requests for Cash Bail." Furthermore, the frequency with which defendants were asked to appear over time was not accounted for in this DAO report. Therefore, it is possible that in recent years defendants were asked to appear more frequently in the first four (4) months of their case—i.e., for systemic reasons unrelated to bail or the DAO cash bail reform.

#### TRANSFORMING JUSTICE

25. John F. Pfaff, JD, PhD, Personal Communication, 31 January 2019. Dr. Pfaff is a Professor of Law at Fordham University School of Law.
26. Ibid
27. The broad social benefits enumerated in this section are informed by literature already cited in this report.



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**TRANSPARENCY REPORT**  
**FEBRUARY 2019**

