



ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

NEWS RELEASE

CONTACT:

Amy Kelchner
(717) 231-3328

FOR IMMEDIATE RELEASE

www.PACourts.us

Chief Justice Releases Interim Status Report of the First Judicial District Reform Initiative

PHILADELPHIA, Aug. 1, 2011 –Chief Justice of Pennsylvania Ronald D. Castille today released an interim report on the substantial steps taken by all participants in Philadelphia’s criminal justice system to address problems chronicled in a series of articles published by *the Philadelphia Inquirer* beginning in December 2009.

“This interim report outlines the work of the First Judicial District Reform Initiative and specific reforms that have been implemented during the last 18 months,” Chief Justice Castille said. “It is encouraging that empirical evidence is beginning to show progress in improving the performance of Philadelphia’s criminal court system. However, much remains to be done as we work to instill public confidence in this critical institution.”

Among the report’s key findings are that more cases are being resolved on their merits earlier in the process; fewer cases are being dismissed; minor cases are being diverted into special programs; bail collections are up substantially; and accurate data regarding case activity is now available.

For example, the percentage of felony cases that proceed at the first listing of the preliminary hearing rose from 13% to 27% following the implementation of the reforms. Similarly, the percentage of felony cases dismissed at preliminary hearings declined from 16% to 9%. Bail collections increased from \$40,000 to \$1.6 million in the first year after the First Judicial District took over the functions of the Clerk of Quarter Sessions.

Chief Justice Castille, who is also the Supreme Court’s liaison to the First Judicial District, noted the leadership of Supreme Court Justice Seamus McCaffery, who was assigned to initiate the comprehensive review of Philadelphia’s criminal courts and to implement necessary reforms. Justice McCaffery was uniquely qualified to lead the review based on his experience as a Philadelphia police officer, an administrative judge of the Philadelphia Municipal Court and a Pennsylvania Superior Court judge.

"The Initiative established as its mission the implementation of reforms necessary to ensure that Philadelphia's criminal courts afford fair, prompt and cost-effective adjudications of cases, with special attention to the rights of victims and witnesses, to instill public confidence in, and respect for, the administration of justice in Philadelphia," said Justice McCaffery.

An advisory board of judges, attorneys and criminal justice experts with diverse backgrounds to represent the system's many perspectives are assisting McCaffery on the Reform Initiative (the Initiative).

The Supreme Court believed the problems revealed by the *Inquirer* presented an unprecedented opportunity to repair a flawed court system. In January 2010, Justice McCaffery began a series of meetings to discuss the *Inquirer's* findings with judges, court officials and other criminal justice stakeholders. Each was given the opportunity to respond to the *Inquirer's* findings, provide an assessment of the problems from the perspective of his or her agency and offer recommendations for reform.

Since then, Justice McCaffery, the advisory board and Chadwick Associates, Inc., an independent consultant chosen because of its extensive experience in the FJD, worked with the justice partners to identify systemic problems and to implement reforms, many of which have been implemented by the Supreme Court already.

The *Inquirer* examined data concerning the outcomes of four categories of violent felonies (homicide, rape, robbery and aggravated assault) committed in Philadelphia during 2006 and 2007. The series pointed out high withdrawal and dismissal rates, low conviction rates, evidence of witness intimidation and witness fear, a massive fugitive problem and a bail system in disarray.

The Initiative confirmed a compelling need for a comprehensive examination of the operations of the FJD's criminal courts. The mission of the initiative is the implementation of reforms necessary to ensure that Philadelphia's criminal courts afford fair, prompt and efficient adjudications of cases, with special attention to the rights of victims and witnesses, to instill public confidence in, and respect for, the administration of justice in Philadelphia.

The Initiative took a two-pronged approach to accomplish its review – first, to implement performance-based management for the FJD criminal courts and, second, to address readily identifiable problems on an expedited basis so that necessary reforms could be implemented while work proceeded on the initiative.

The four areas of focus for the initiative included:

- Case processing in Municipal Court
- Ensuring the appearance of criminal defendants at judicial proceedings
- Witness intimidation
- Information technology

Among the highlights are:

Case Processing

The Initiative concluded that preliminary hearing practices in Municipal Court impaired fair, prompt, and cost-effective hearings and should more closely conform to practices already in use in other Pennsylvania counties. Consequently, the Supreme Court established specific rules for Municipal Court judges to reduce unnecessary case continuances and, subsequently, amended state rules of criminal procedure to ensure that cases are adjudicated in a fair, prompt and cost-effective manner.

A key provision of the Initiative's work in the area of case processing was to recommend total reform of the Clerk of Quarter Sessions' office, which was found to be inadequately performing many of its core functions, including accurate record-keeping and proper collection of disposition of court fines, fees and cost collections. The Supreme Court, along with Mayor Michael Nutter and Philadelphia City Council, facilitated this reform within four months of the Initiative's beginning its work.

Expanded diversionary programs to reduce case inventories and conserve criminal justice system resources for more serious cases have also been an Initiative emphasis, as the Interim Report outlines.

Ensuring the appearance of criminal defendants at judicial proceedings

This was the second area of focus because of its severe breakdown. In the FJD, the failure to appear in court rate exceeded 30 percent, there was approximately \$1 billion owed by defendants who had jumped bail and there were 61,000 bench warrants dating back 50 years.

Reforms are being implemented to impose meaningful sanctions on those who violate the conditions of release, reduce the inventory of outstanding bench warrants, ease the burden on the Philadelphia Sheriff's Office for transporting incarcerated defendants to court from state prison, reduce the failure to appear rate and collect owed bail.

Witness Intimidation

Witness intimidation affects the entire criminal justice system because the testimony needed to achieve justice can put the victims' and witnesses' safety in jeopardy. Witness intimidation can be difficult for law enforcement to identify and quantify. Prosecutors, detectives and even some defense lawyers say witness fear has become an unspoken factor in virtually every court case involving violent crime in Philadelphia.

The Initiative recommended several reforms to address these issues including the use of indicting grand juries as an alternative to preliminary hearings, which is regularly done in 48 states; the possible use of video surveillance cameras in and around courtrooms; and the distribution and use of a bench book for Pennsylvania judges addressing witness intimidation.

Information Technology

The Initiative examined whether information technology was being used effectively to advance the objectives of the FJD and the larger criminal justice system. It looked at the integrity and accuracy of case activity information, the FJD's capabilities for analyzing data and producing standardized reports and the ability to share data among criminal justice agencies.

As a result, steps are underway to ensure that accurate information is entered into the system. A statistician will be hired to analyze data and assist in the development of standardized management reports. In addition, an independent group studied information flow between criminal justice agencies, identified major gaps and recommended measures to address them. A group is currently working on a strategic plan to implement those improvements.

A top priority of the initiative in the coming months is to complete the implementation of performance based management so that the system's performance can be measured objectively and reported publicly. The initiative will continue its work of identifying problems and implementing solutions based on established best practices.

The second phase of reforms for study and implementation are under way. To review the interim report, [click here](#).

#