

# Assessing Racial and Ethnic Disparities in Pretrial Justice

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# Background



In October 2022, PCCD released an RFP for a project to assess racial and ethnic disparities (R/ED) in the front end of Pennsylvania's criminal justice system.



Temple University Harrisburg was selected in March 2023, and project began in April.



Research questions:

What are the current levels of R/ED in pretrial justice?

What does the pretrial process look like throughout PA?

How should PA address R/ED to make pretrial justice more fair and equitable?

# Collaborative Research Activities

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## Quantitative

- Analysis of AOPC data
- Typology of communities according to Prosecutorial Performance Indicators
- Informed selection of sites for deeper study

## Qualitative

- Pretrial practices survey
- Key informant interviews
- Focus groups

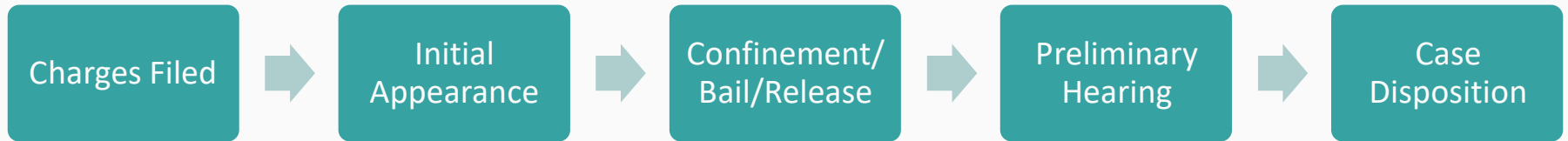
# AOPC Data

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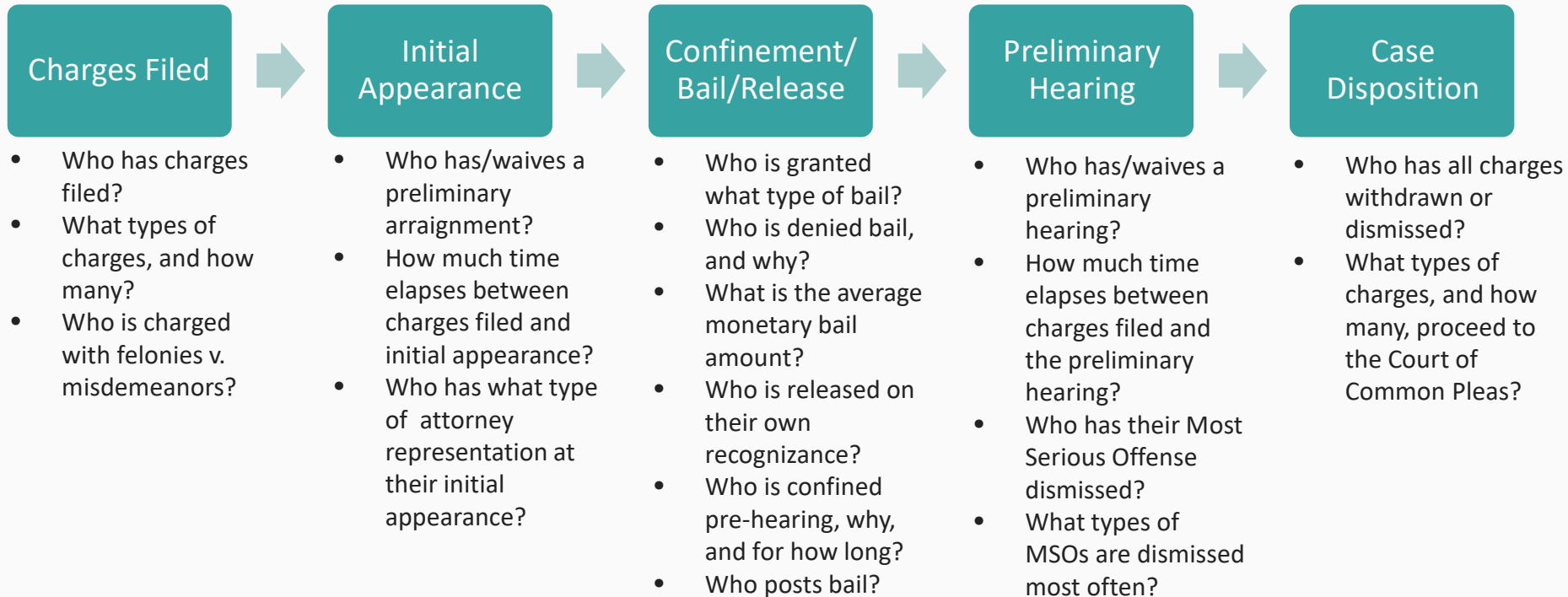
- 2017-2022, inclusive
- All adult defendants with charges filed outside of Philadelphia County
- Extensive event histories, including charge details, bail decisions, confinement, representation, and charge/case dispositions.
- Examining specifically for disparity at key points using Relative Rate Index calculation

# Pre-Trial Process

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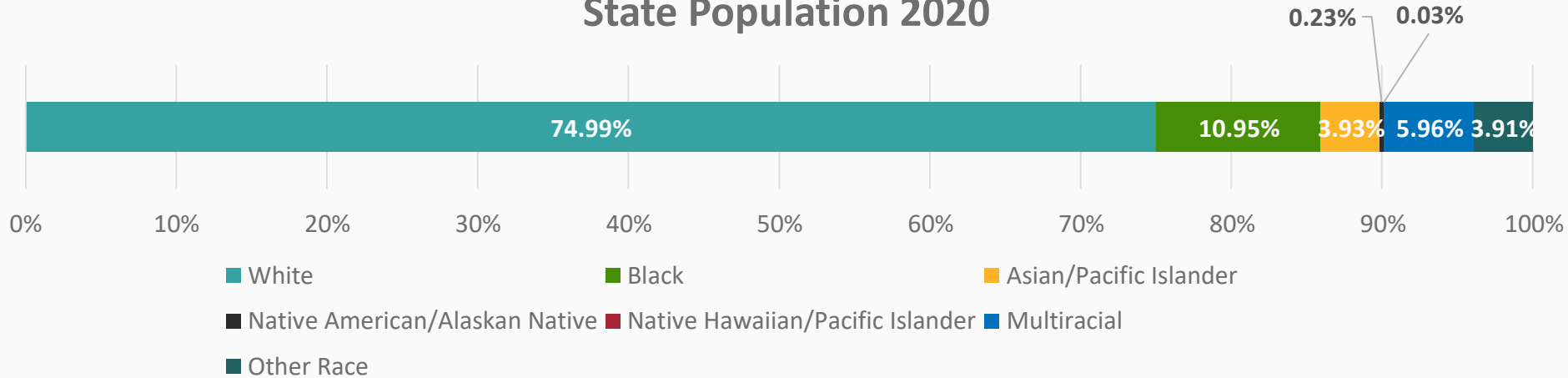


# Pre-Trial Process Research Questions

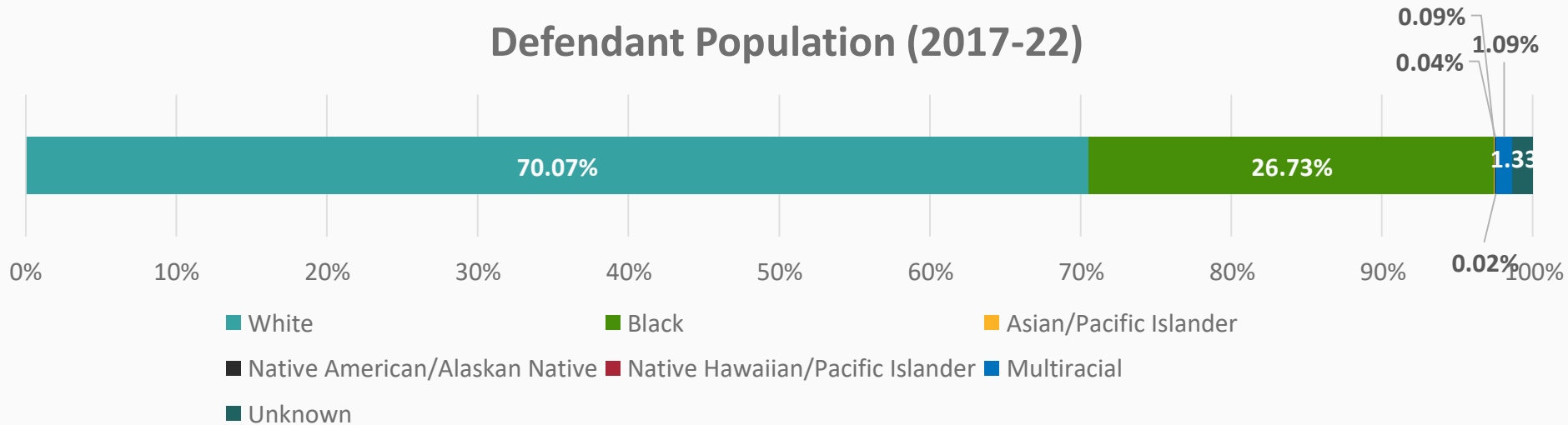


# Who has charges filed?

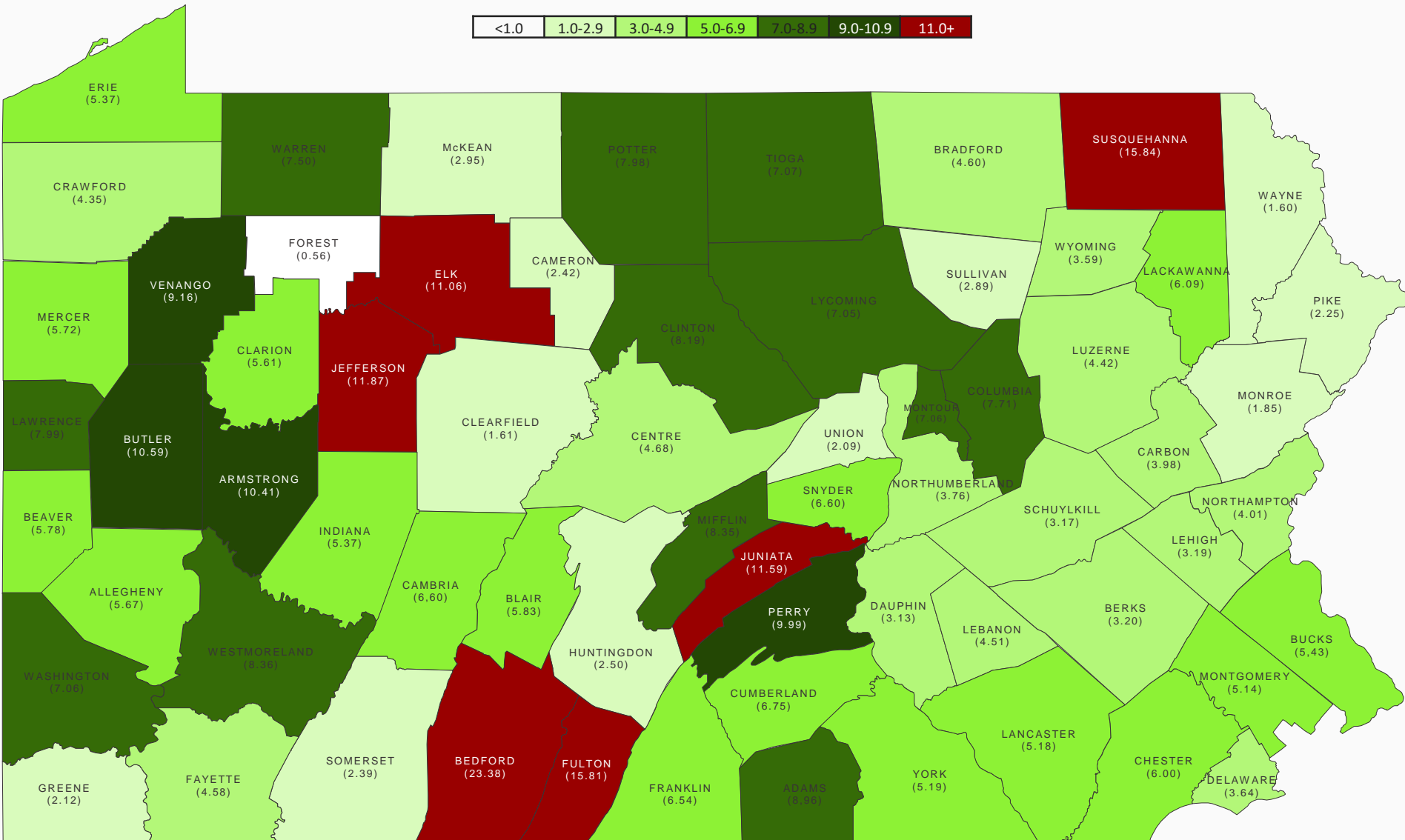
## State Population 2020



## Defendant Population (2017-22)

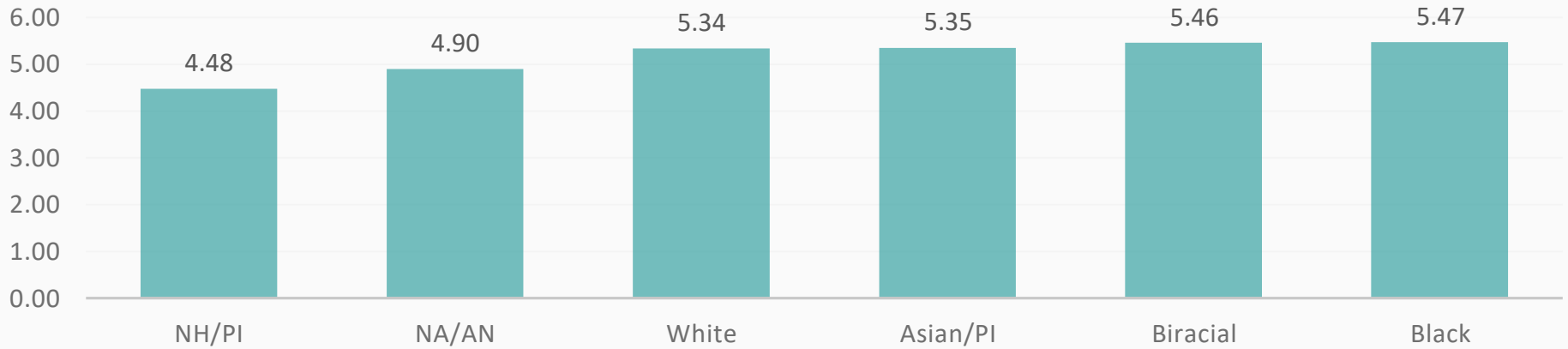


# Average Relative Rate Index for Charges Filed, Black : White Defendants 2017-22

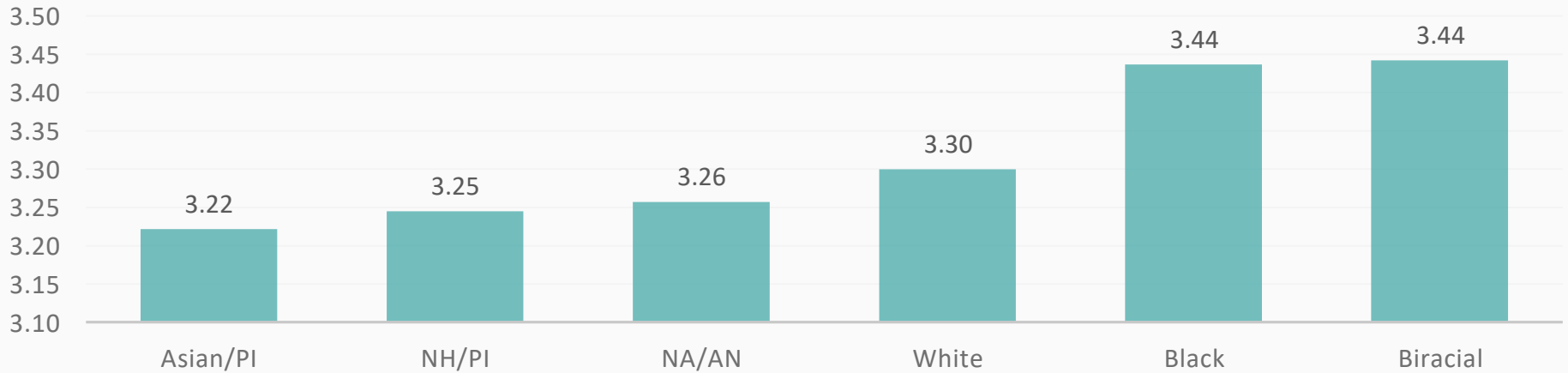




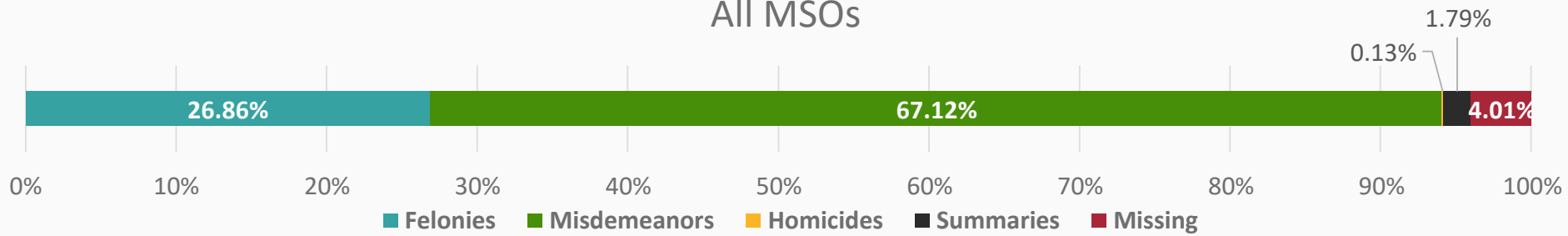
## Average Number Charges Filed



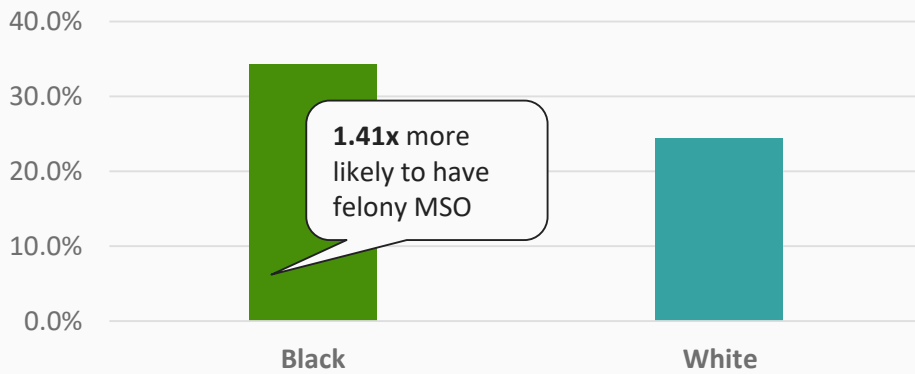
## Average Number Unique Crimes Charged



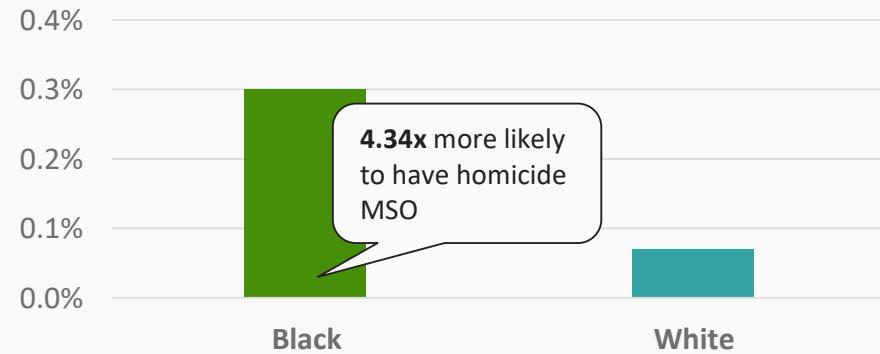
# All MSOs



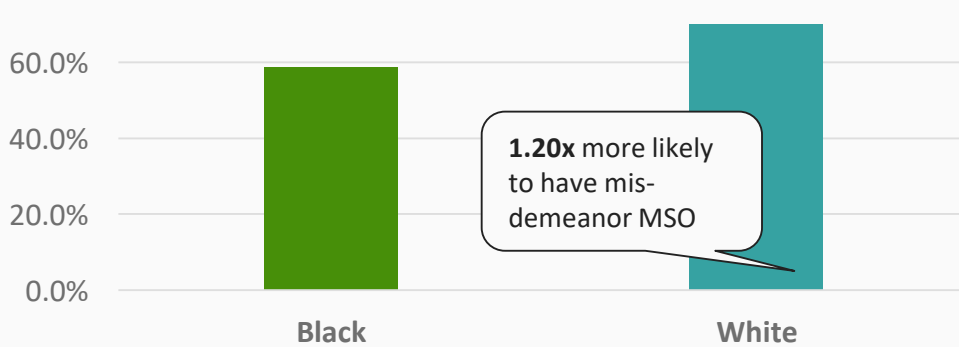
### % of Group with Felony MSO



### % of Group with Homicide MSO



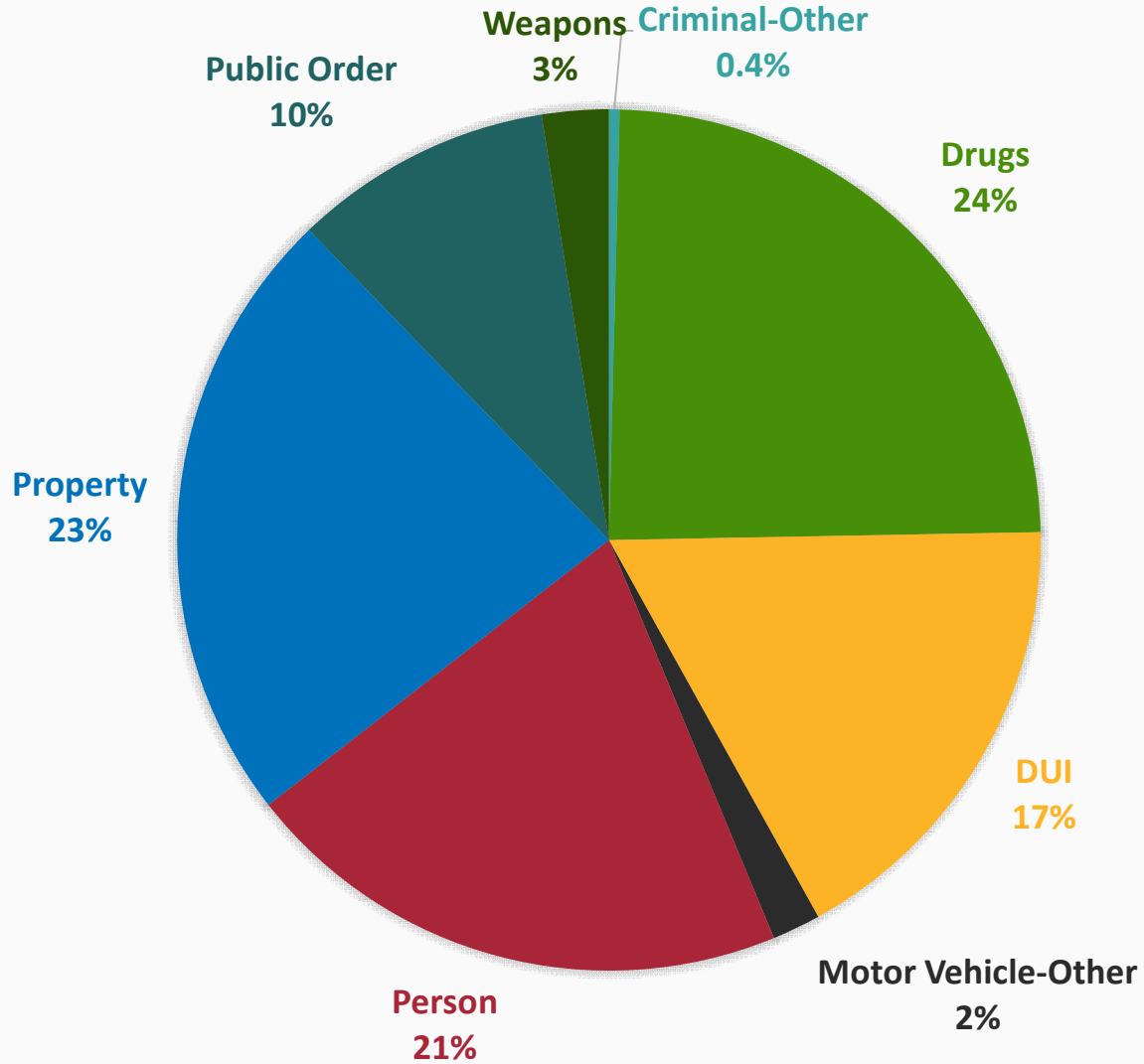
### % of Group with Misdemeanor MSO



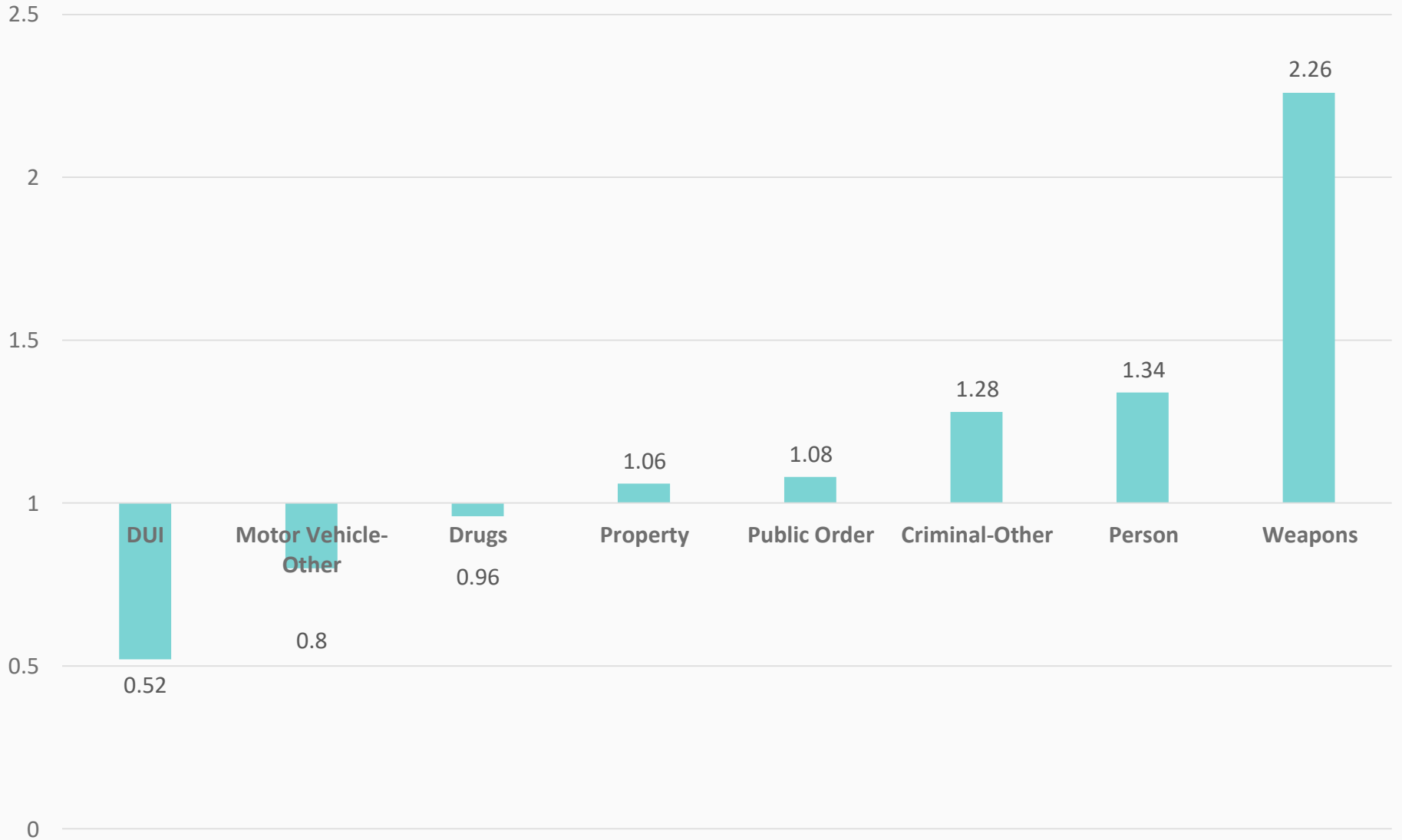
### % of Group with Summary MSO



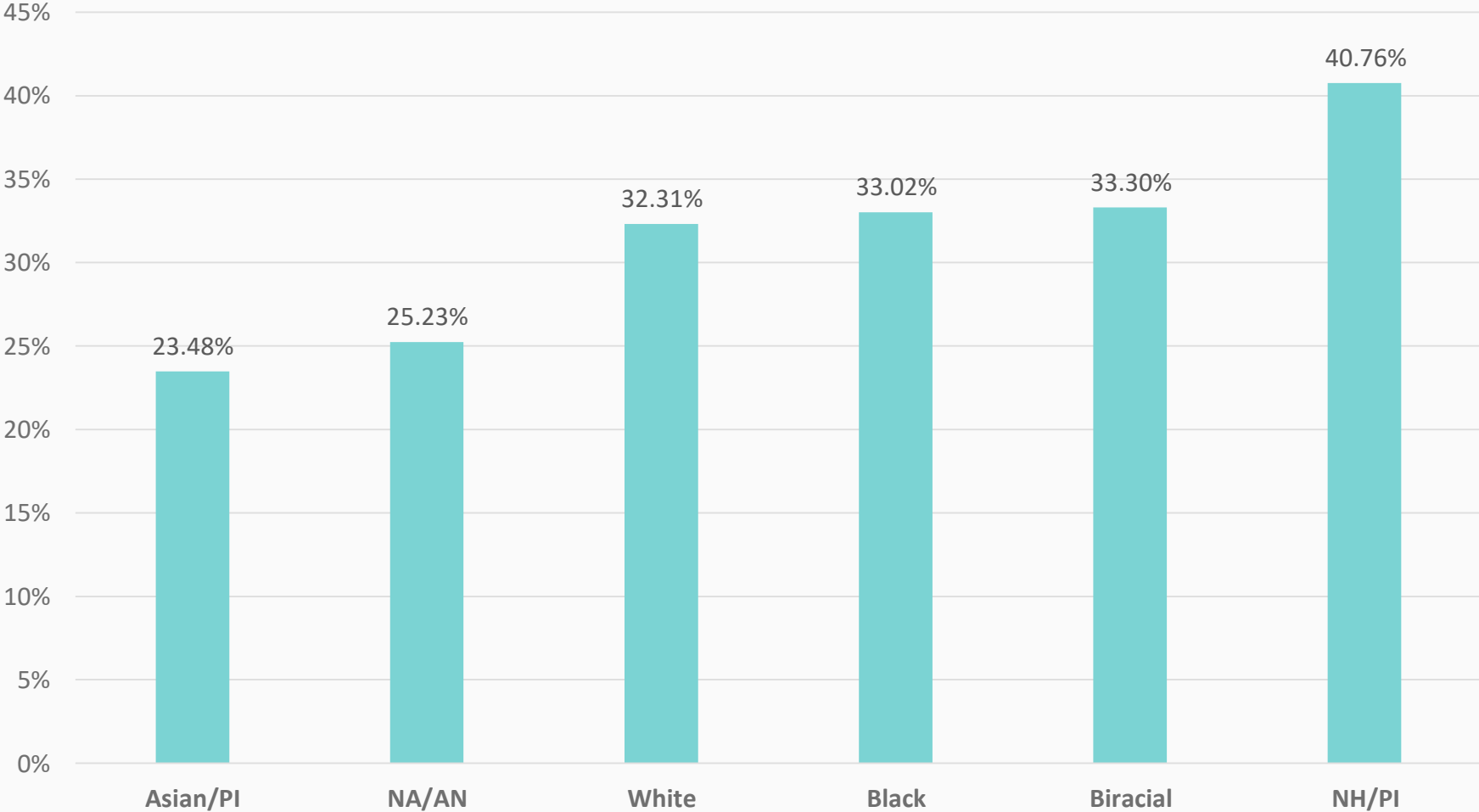
# MSO CASE TYPES



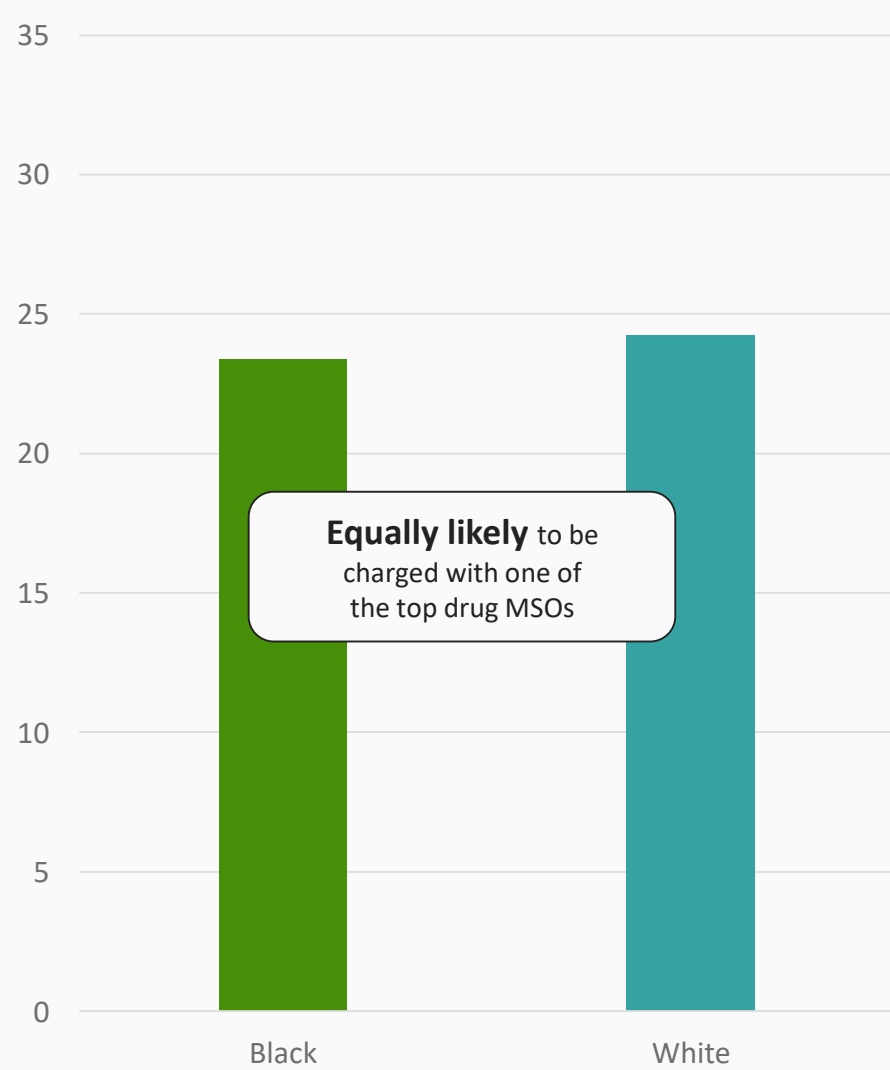
## Relative Rate of MSO Type for Black Defendants



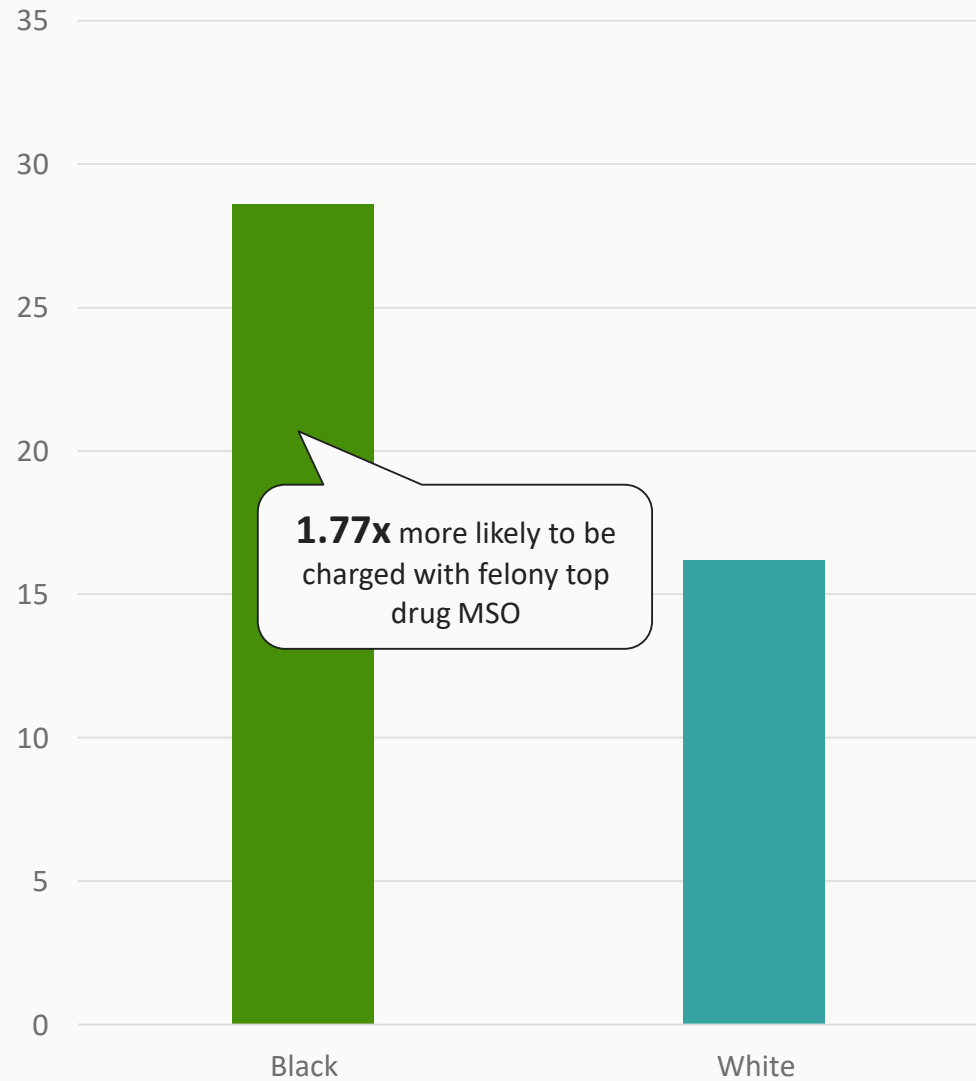
# % of Group with at least one drug charge



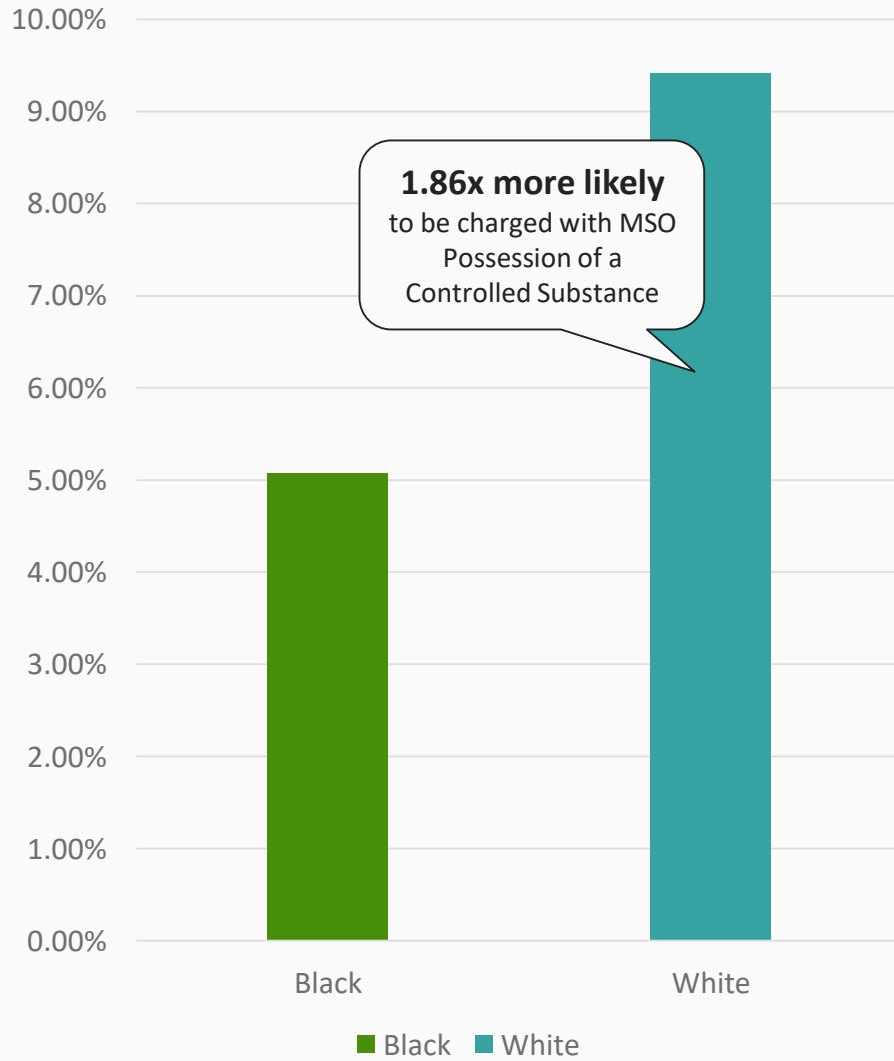
% of Group with a Top Drug Charge MSO\*



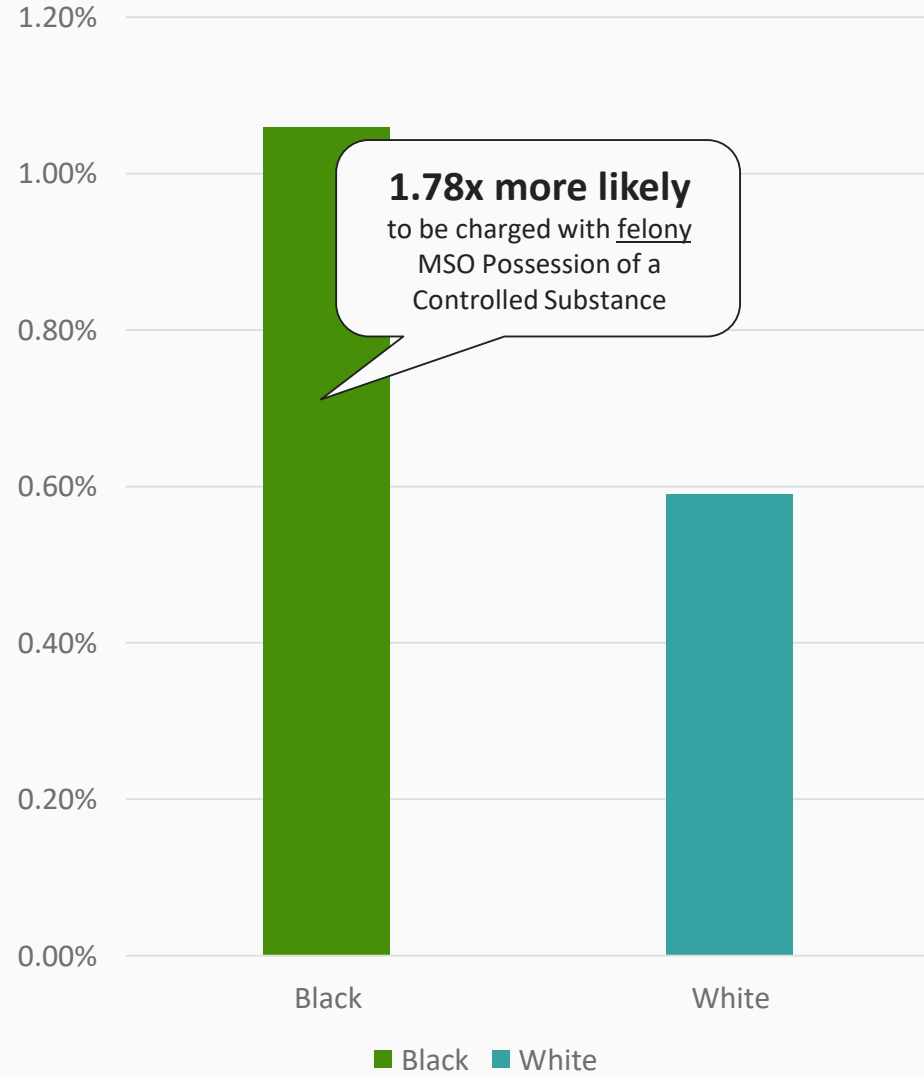
% of Group with a Felony Top Drug Charge MSO



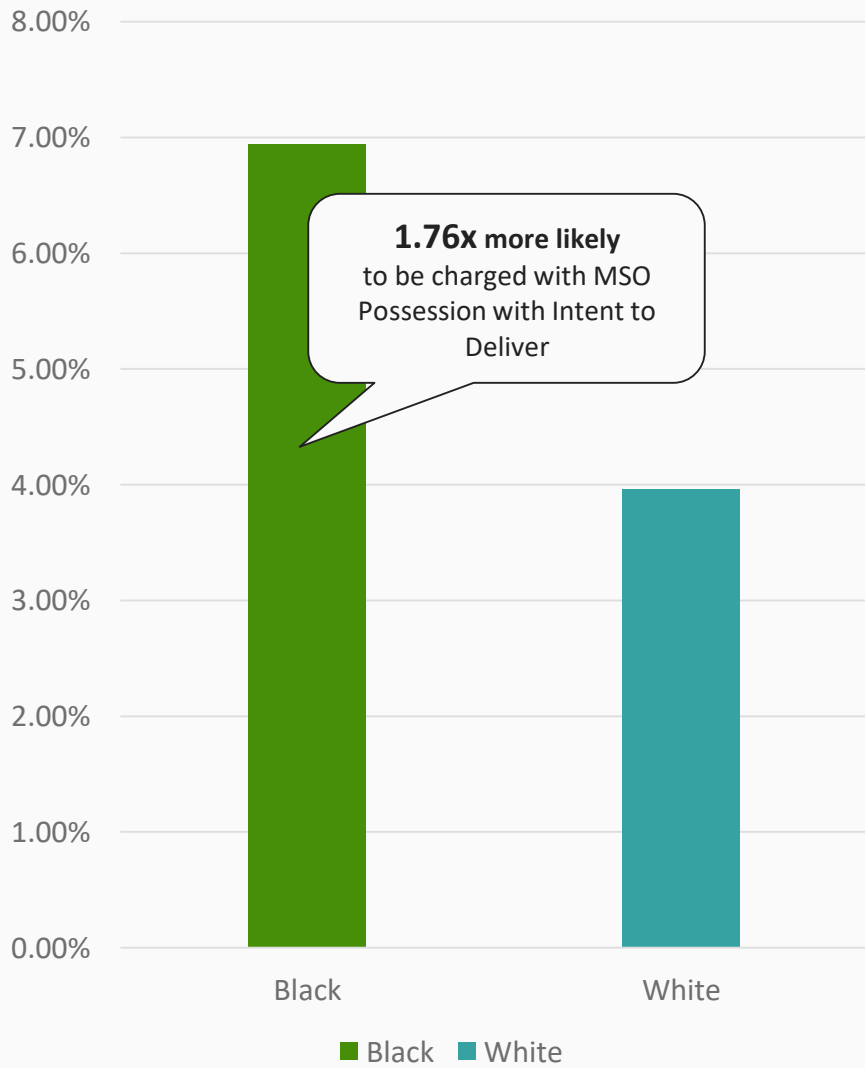
% of Group with Possession of a Controlled Substance MSO



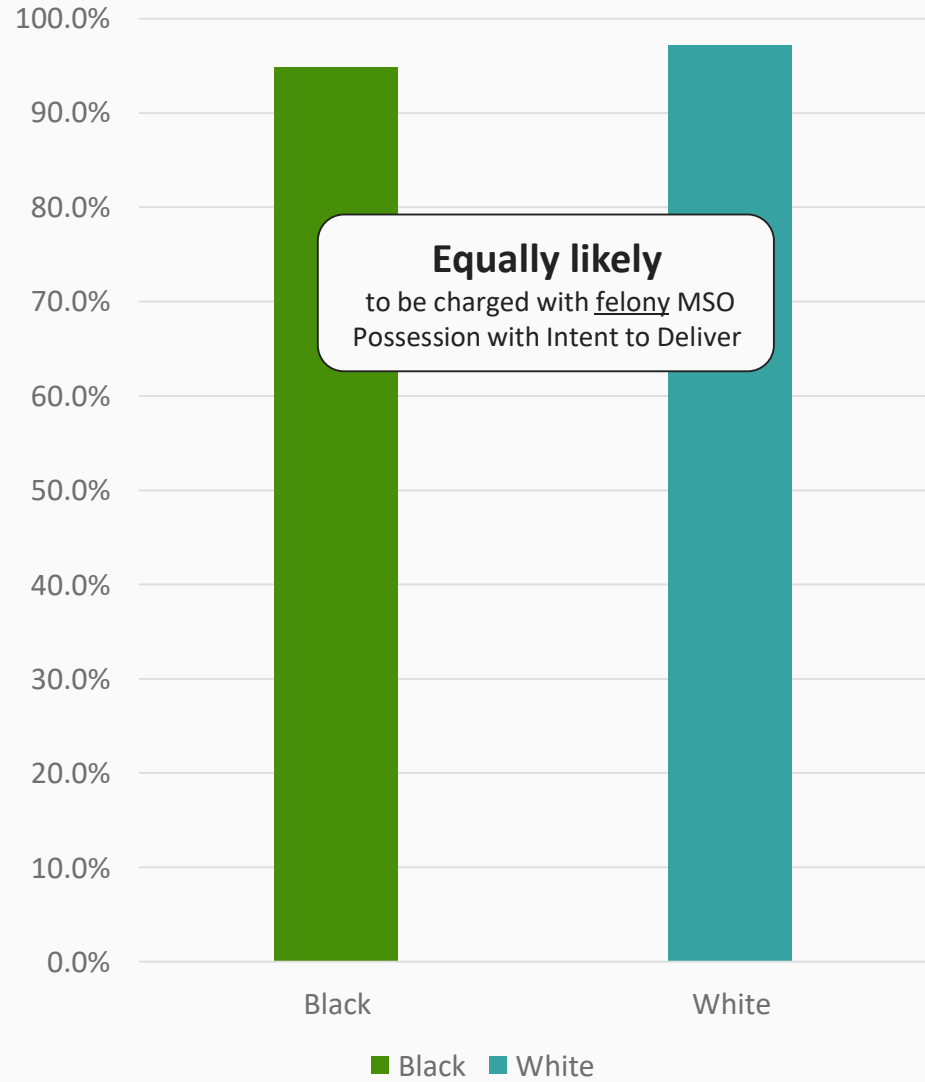
% of Group with a Felony Possession of a Controlled Substance MSO



### % of Group with Possession with Intent to Deliver MSO

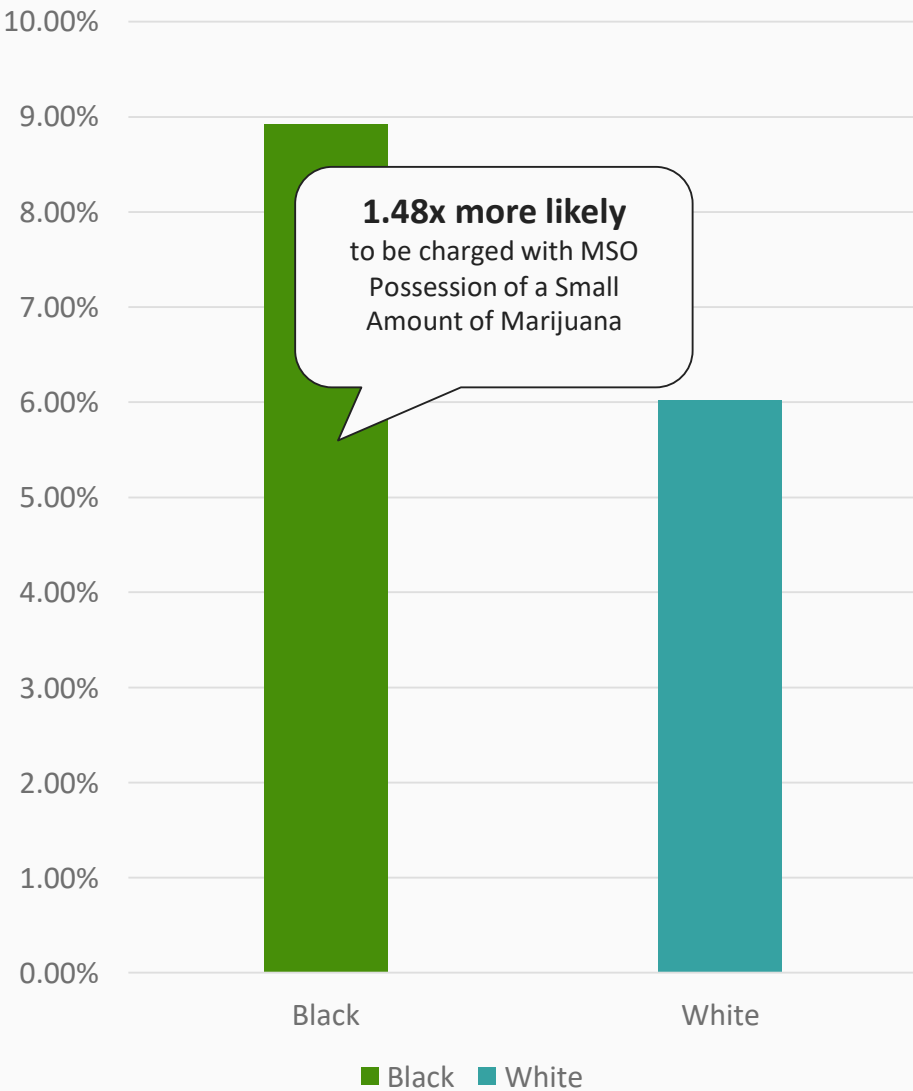


### % of Group with a Felony Possession with Intent to Deliver MSO

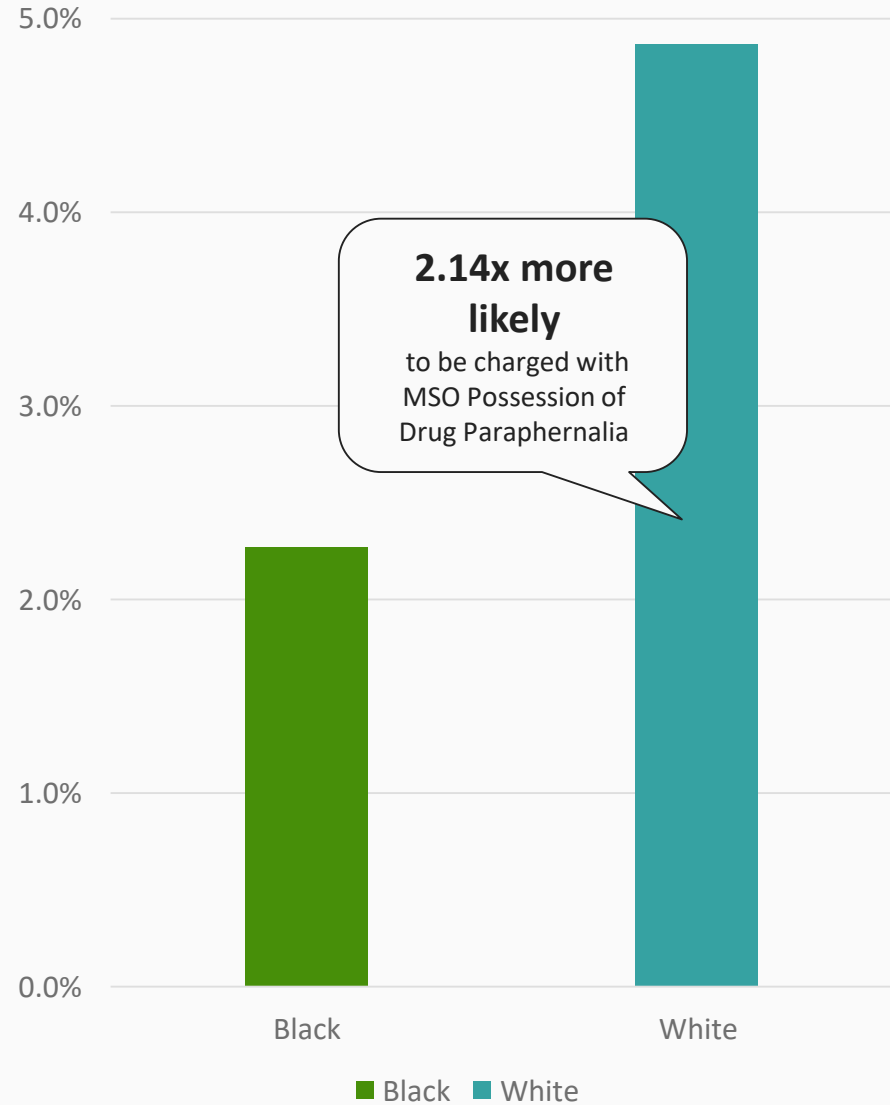




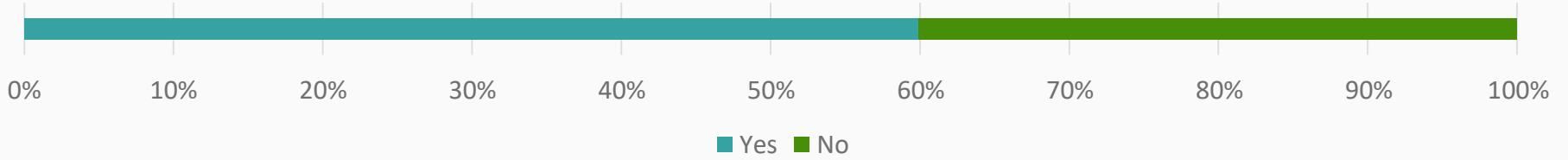
% of Group with Possession of a Small Amount of Marijuana MSO



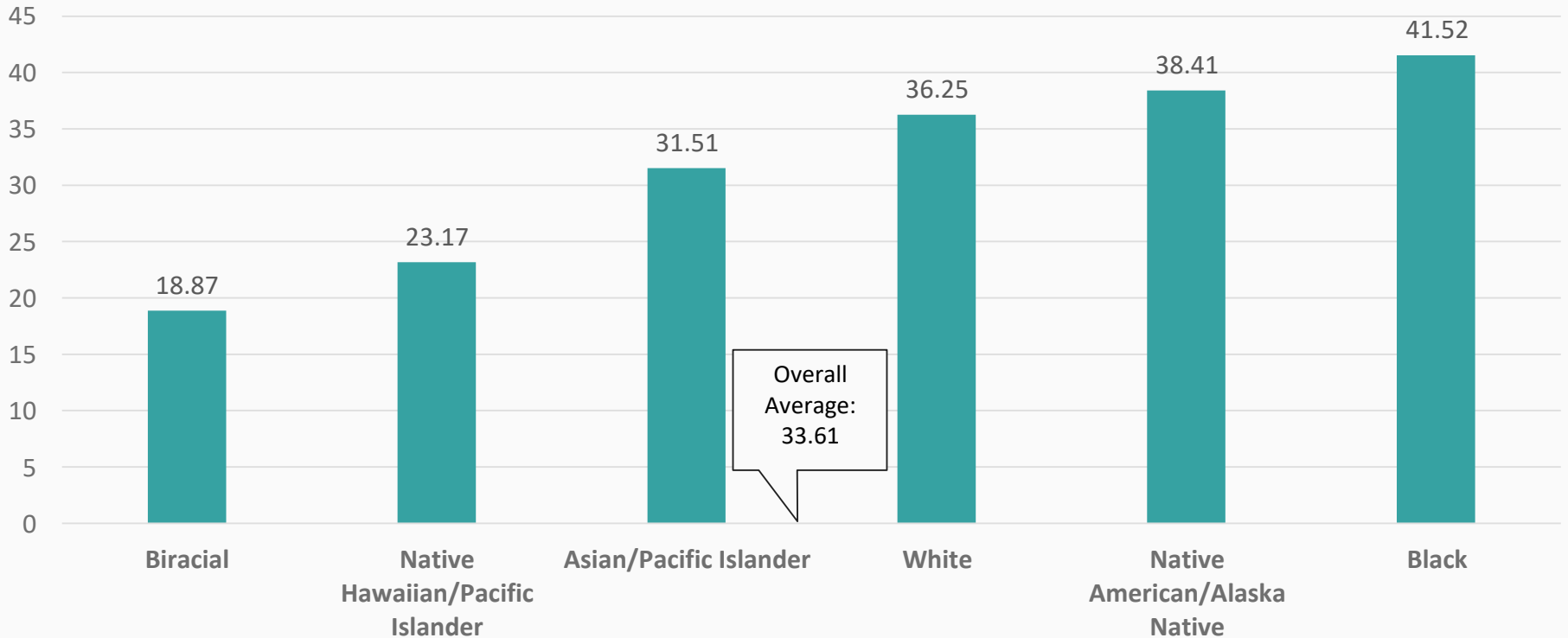
% of Group with Possession of Drug Paraphernalia MSO



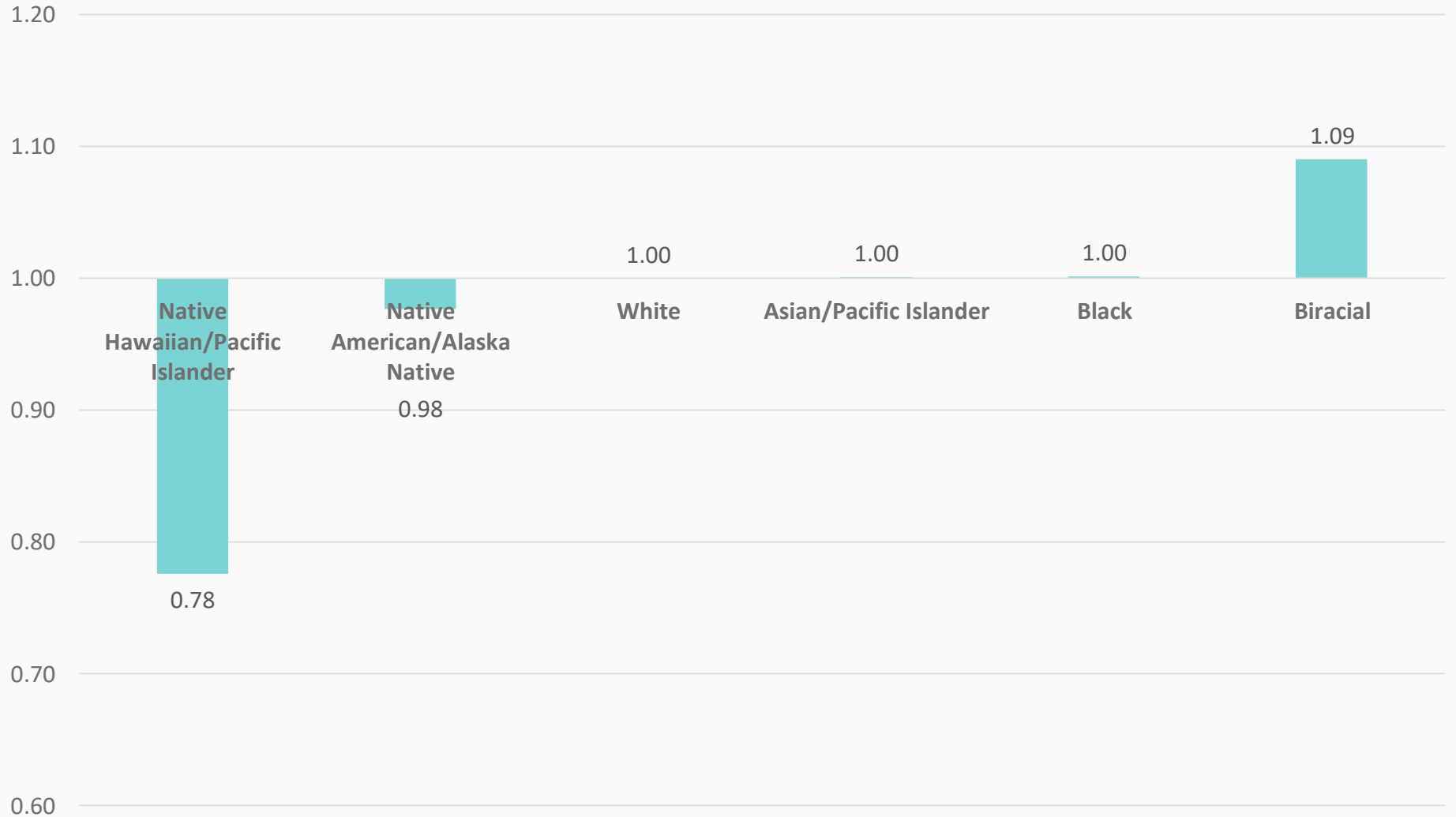
# Preliminary Arraignment



## Average Number of Days from Charges Filed to Preliminary Arraignment



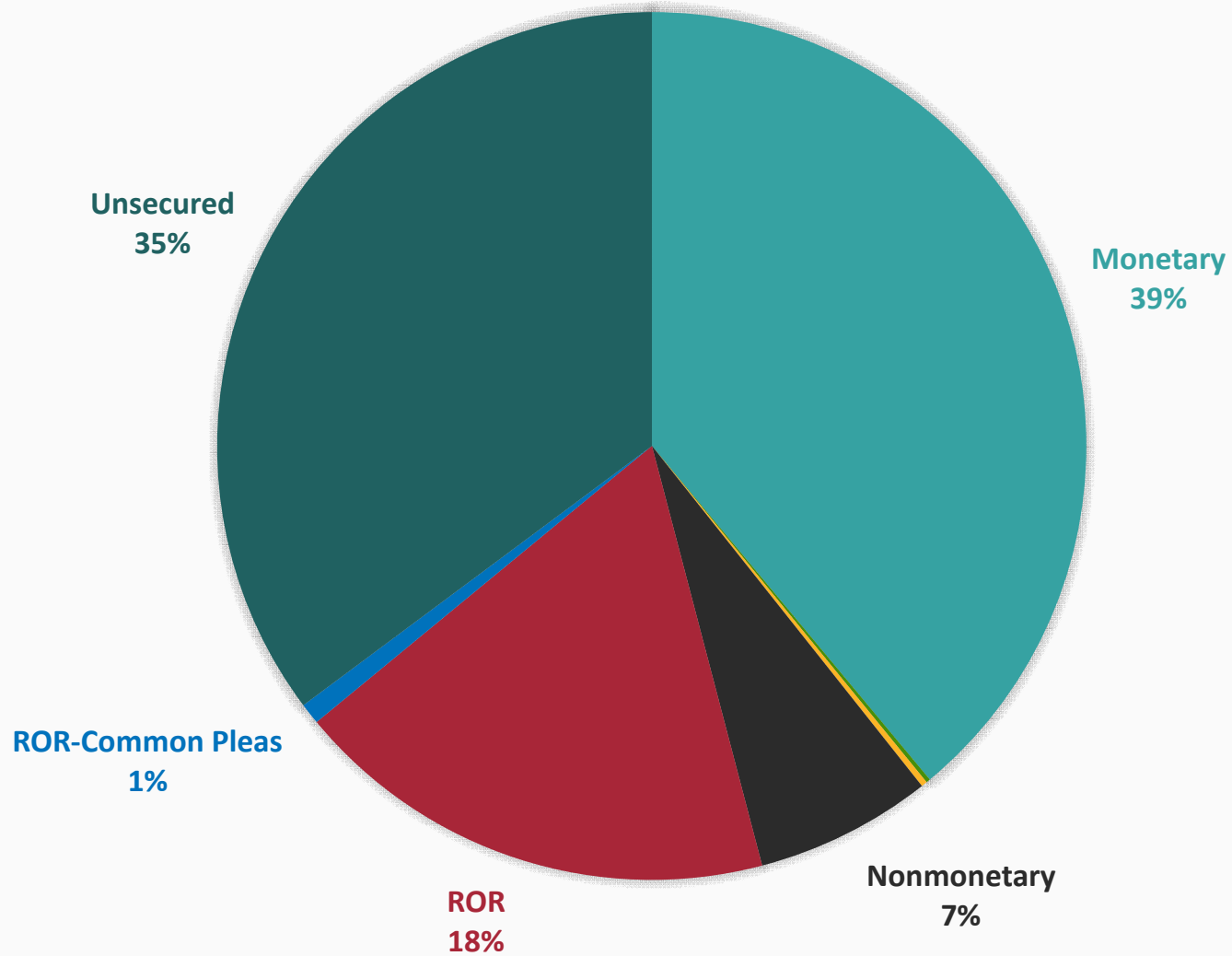
# Relative Rate Index for Bail Set



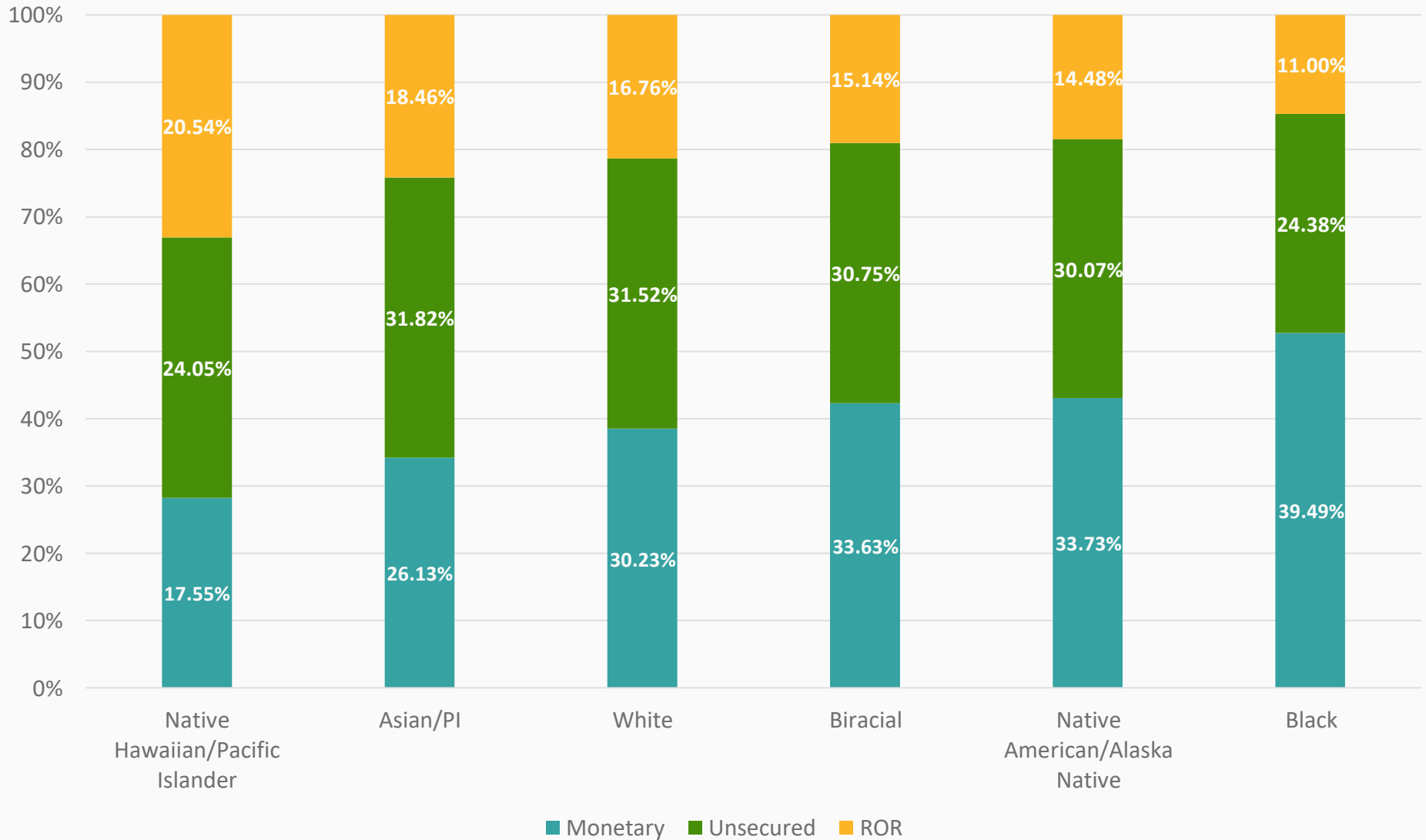
# Relative Rate Index for Bail Set with Felony MSO



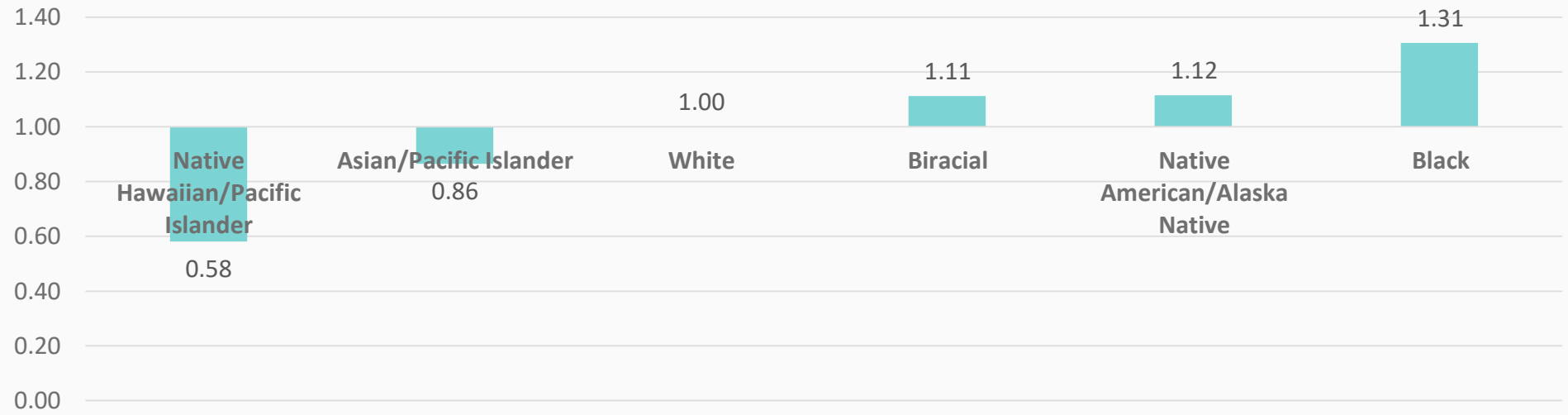
# FIRST BAIL TYPES



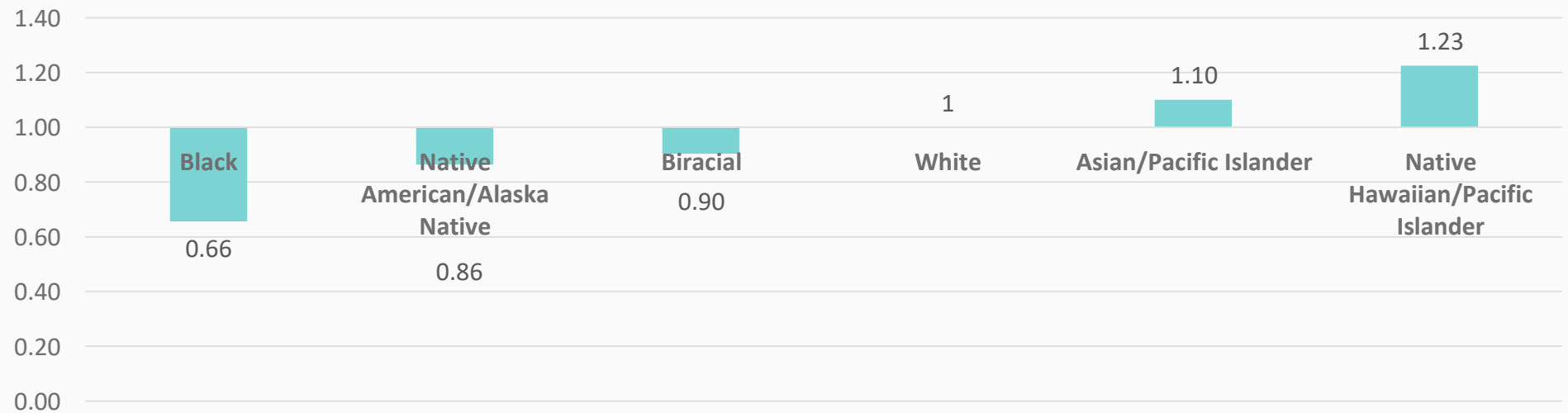
# Most Common First Bail Types by Race



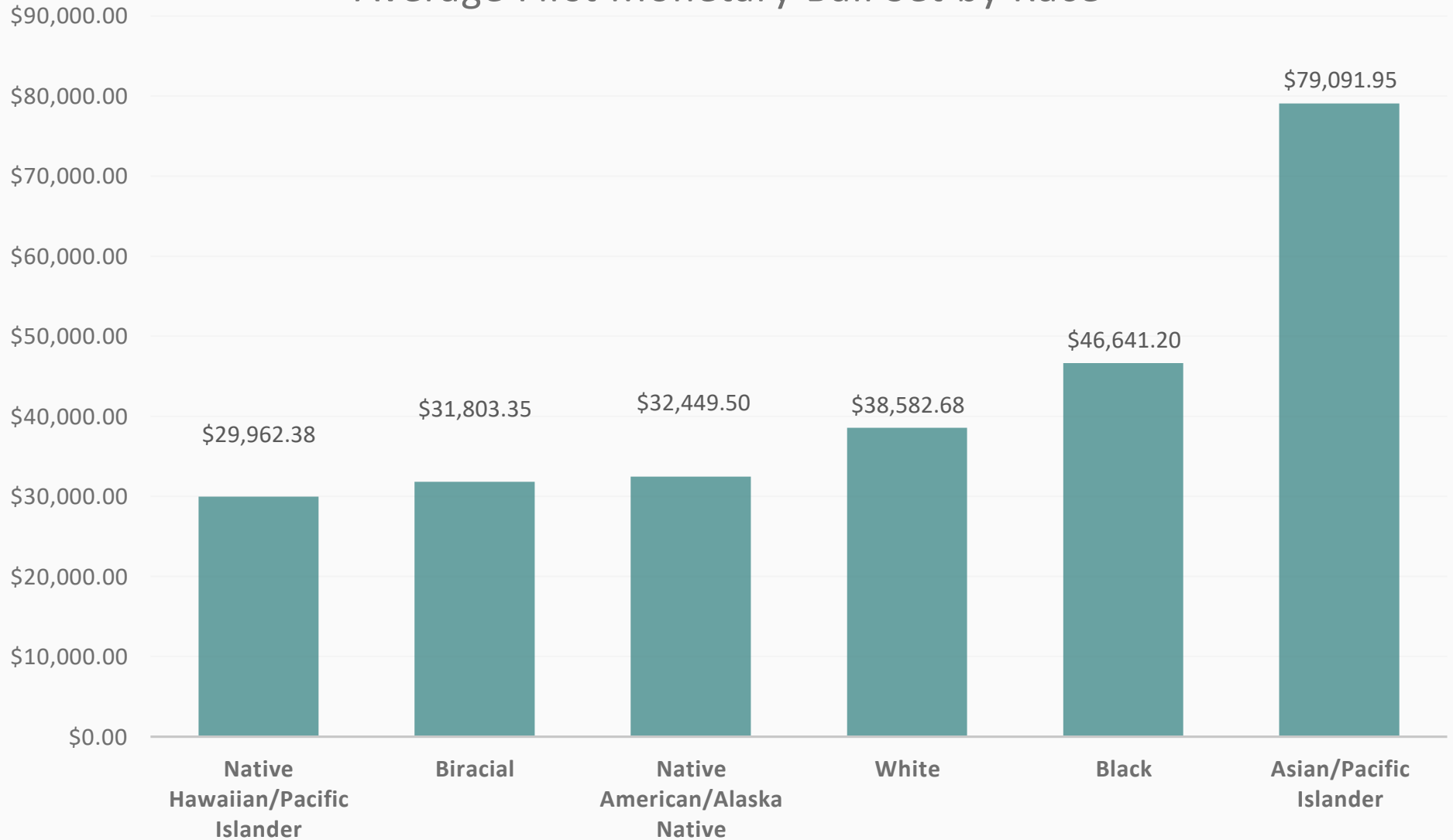
## Relative Rate Index for Monetary Bail Set



## Relative Rate Index for ROR Bail Set

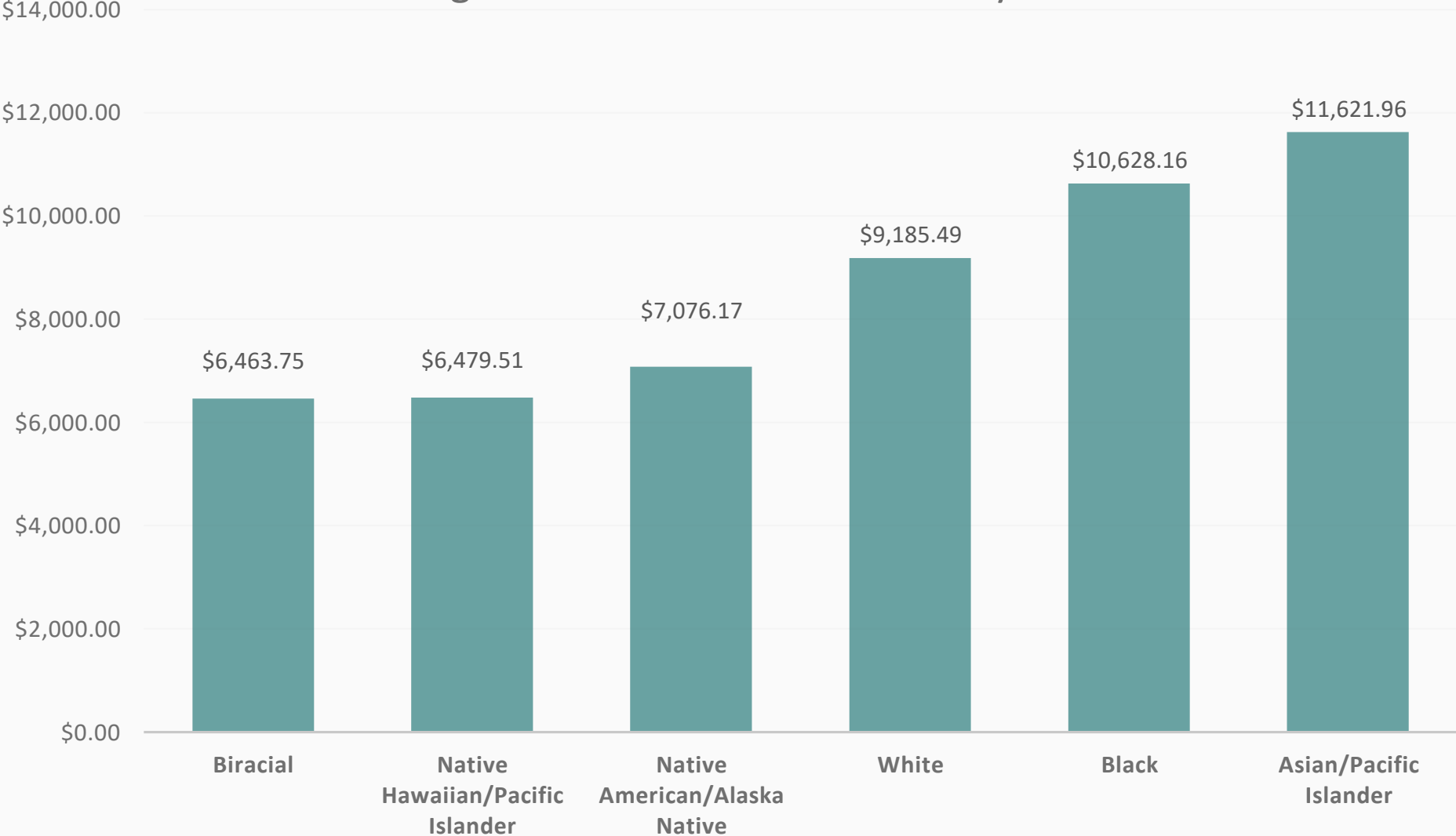


# Average First Monetary Bail Set by Race

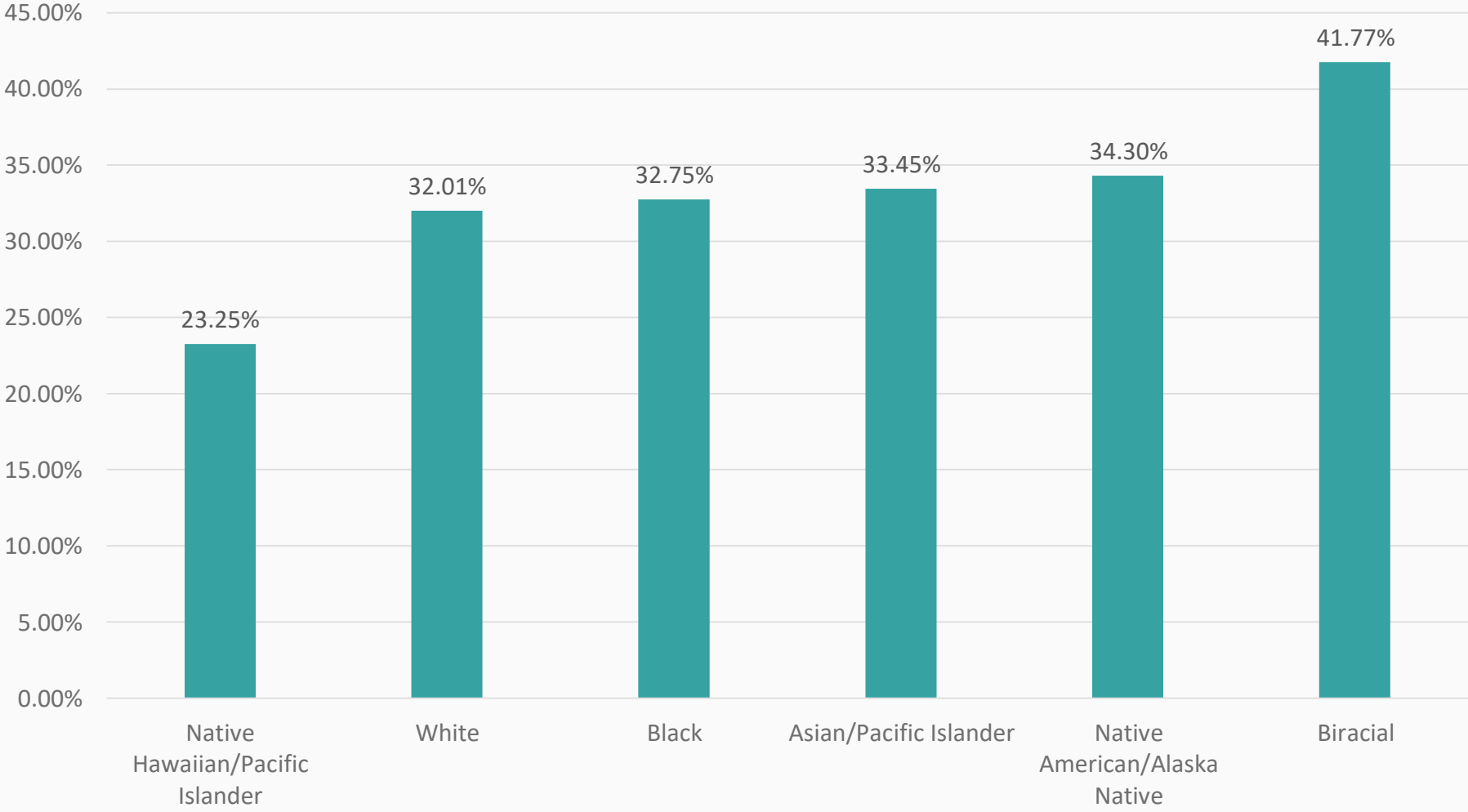




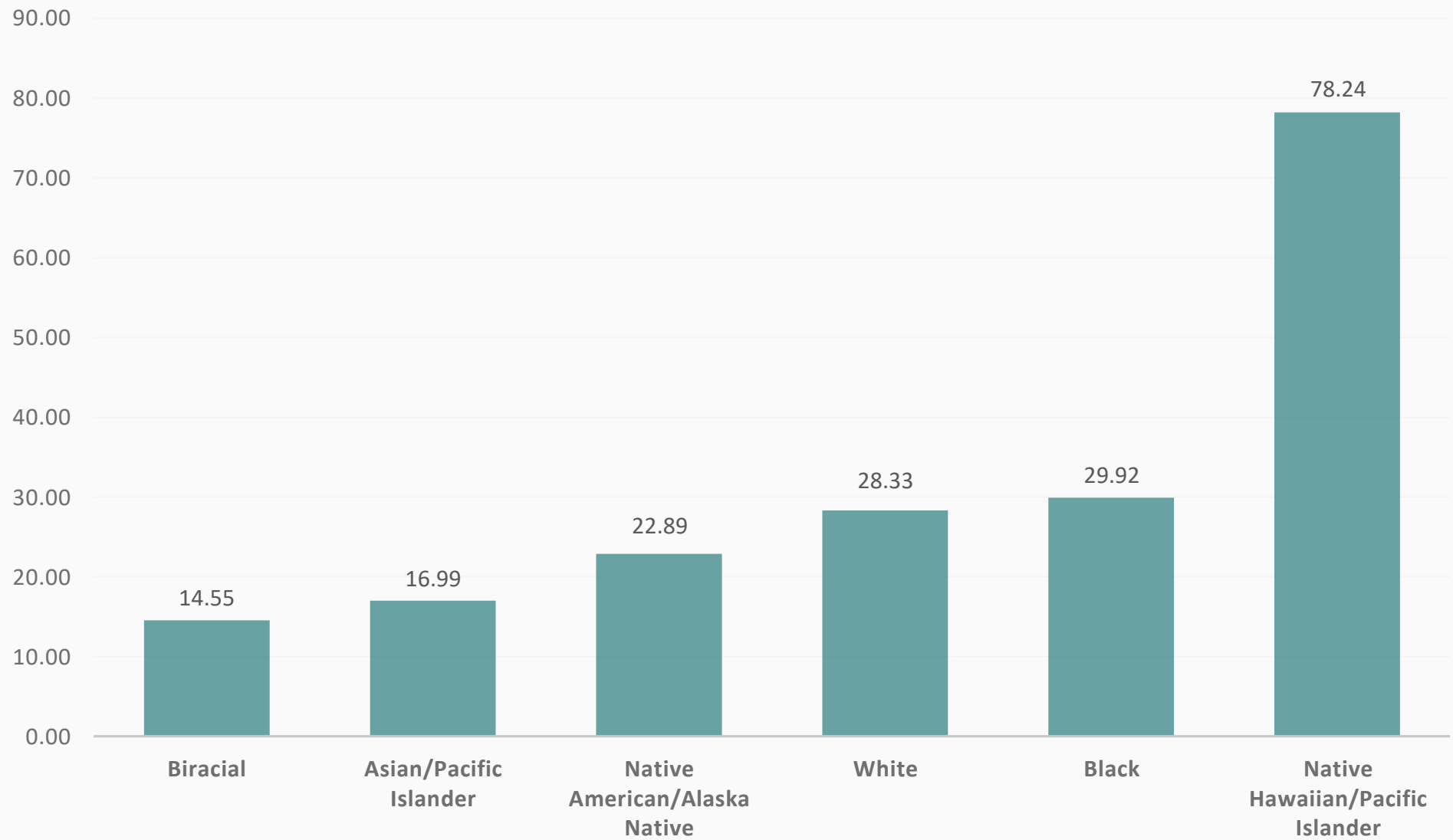
# Average First Unsecured Bail Set by Race



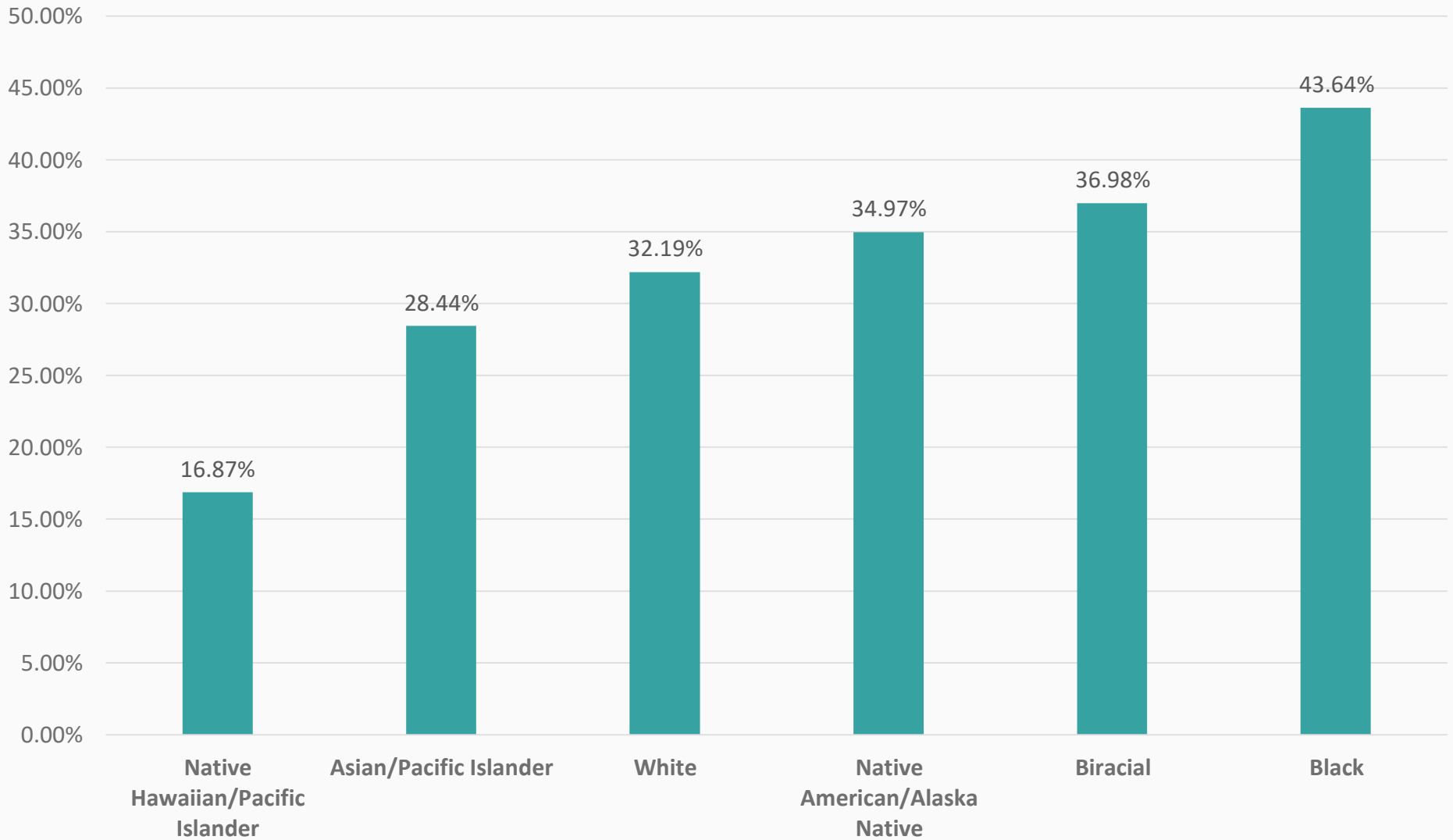
# % of Group Posting All Types of Bail



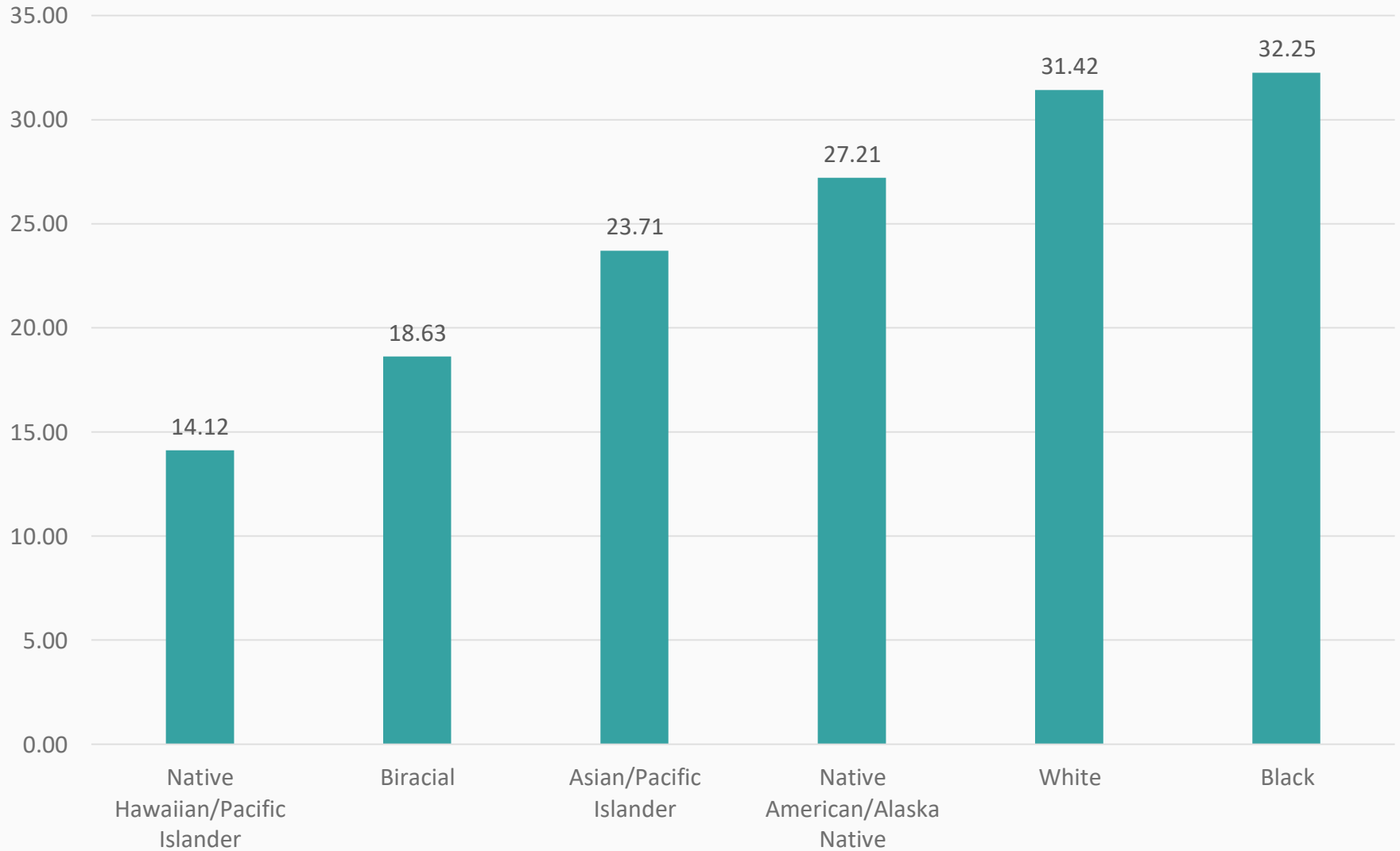
# Average # Days Between First Bail Set and Post



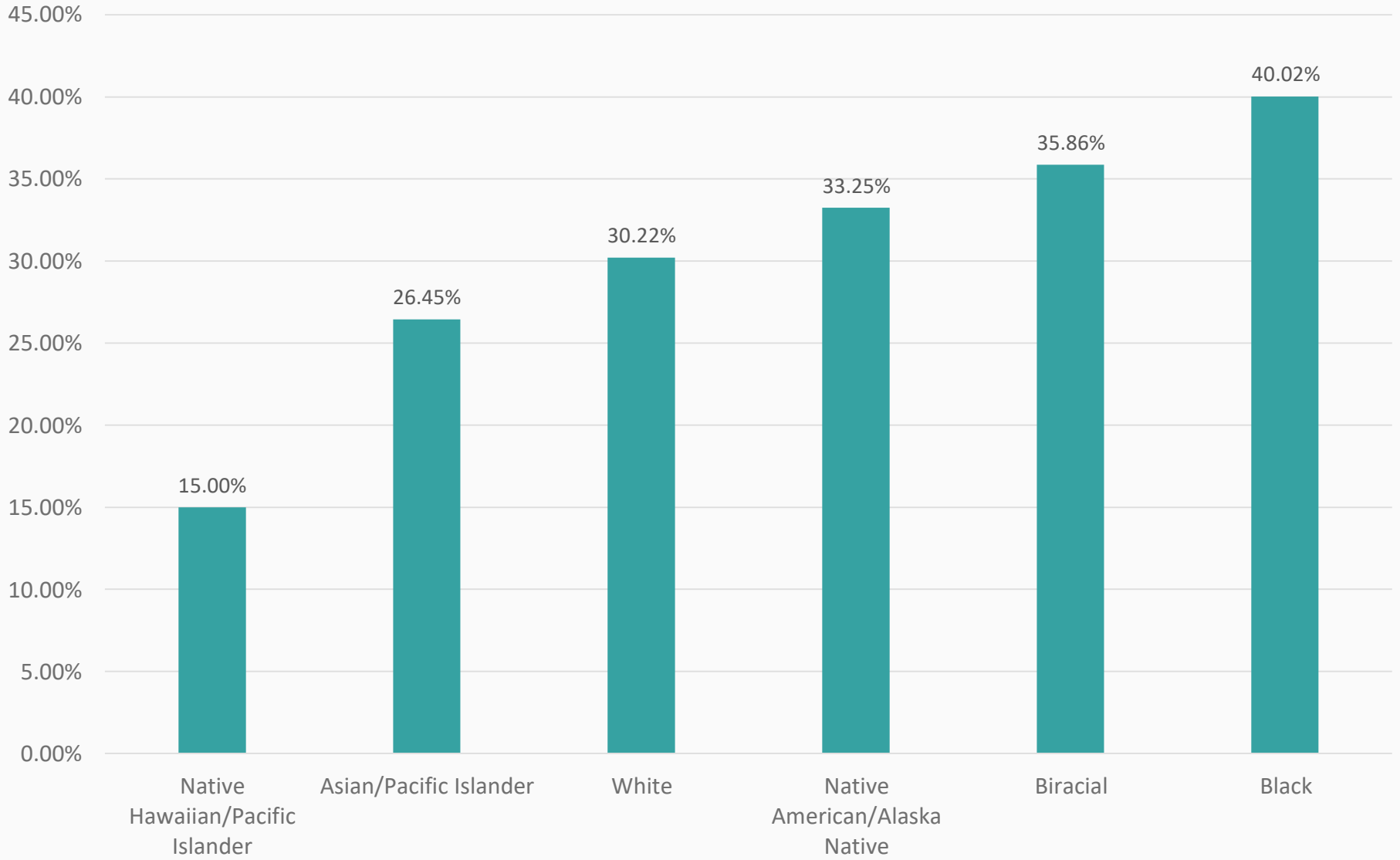
# % of Group Confined for Any Reason



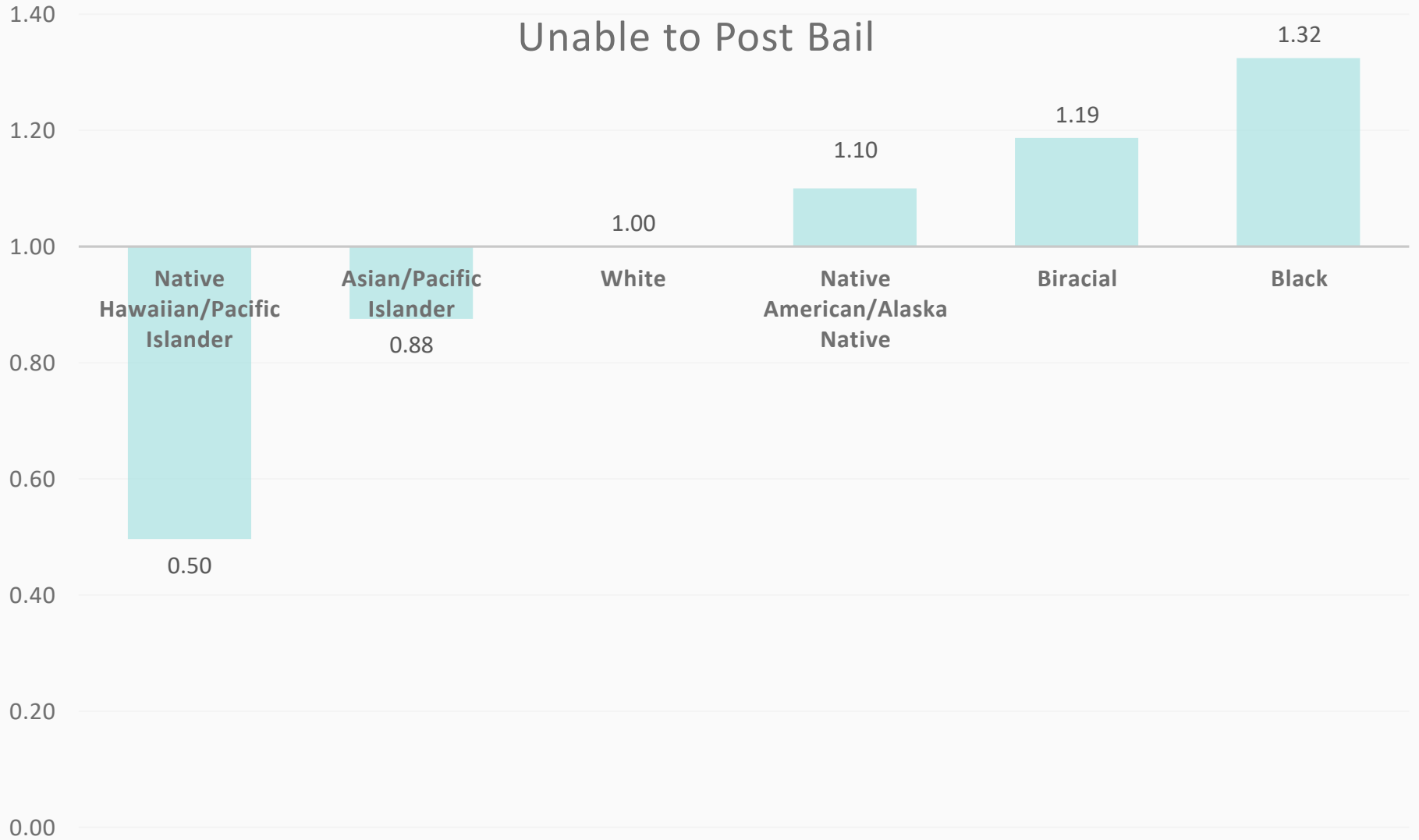
## Average Number of Days Confined by Race



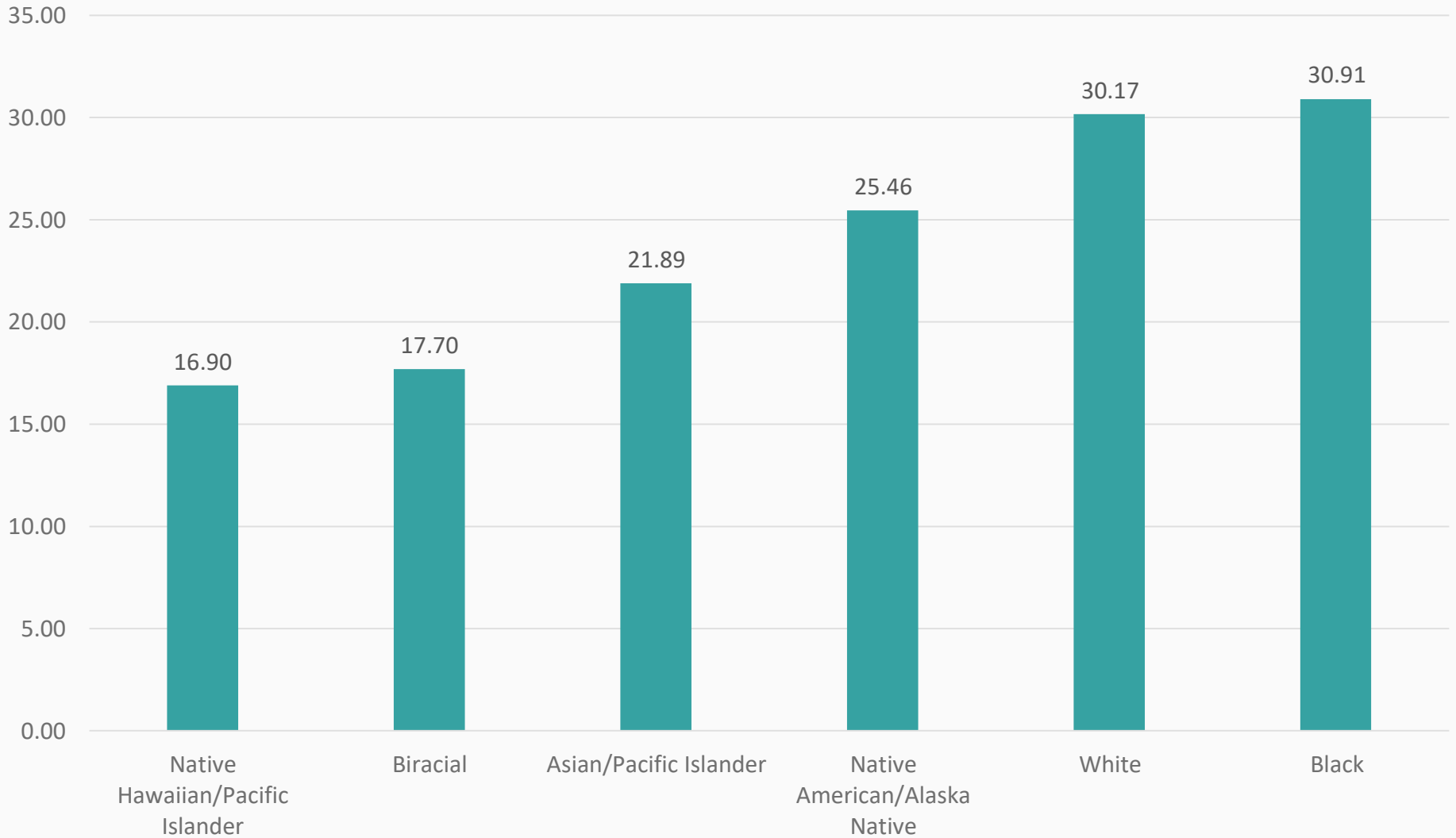
## % of Group Confined due to Unable to Post Bail



# Relative Rate Index for Confinement Due to Unable to Post Bail

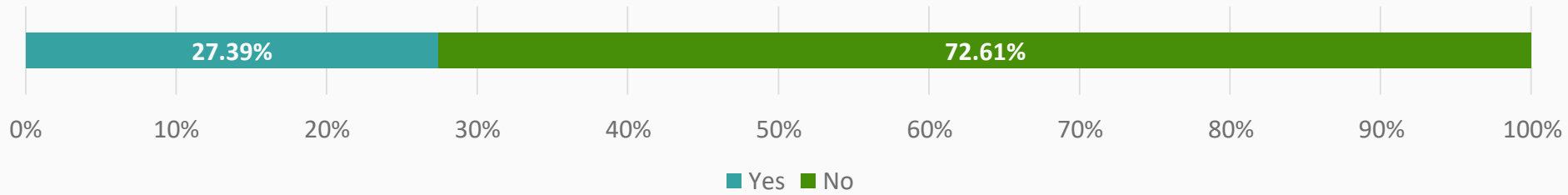


## Average # Days Confined due to Unable to Post Bail by Race

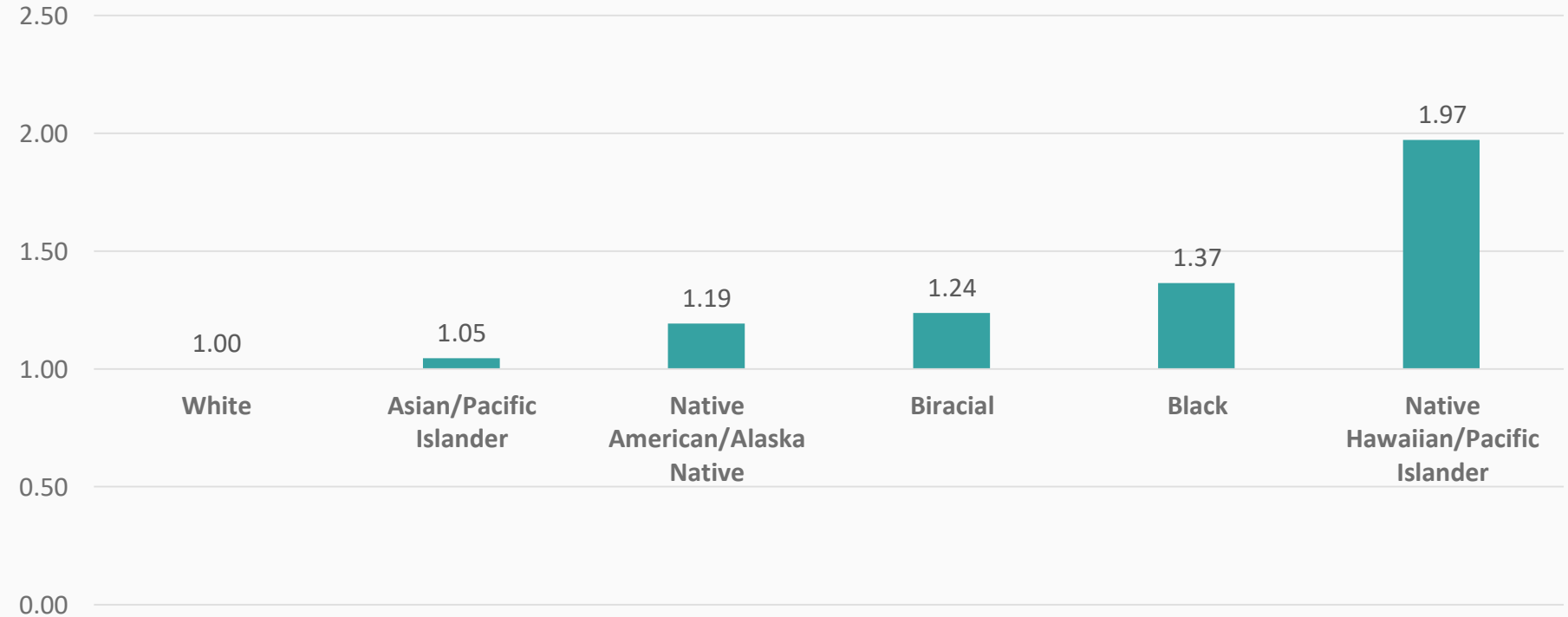




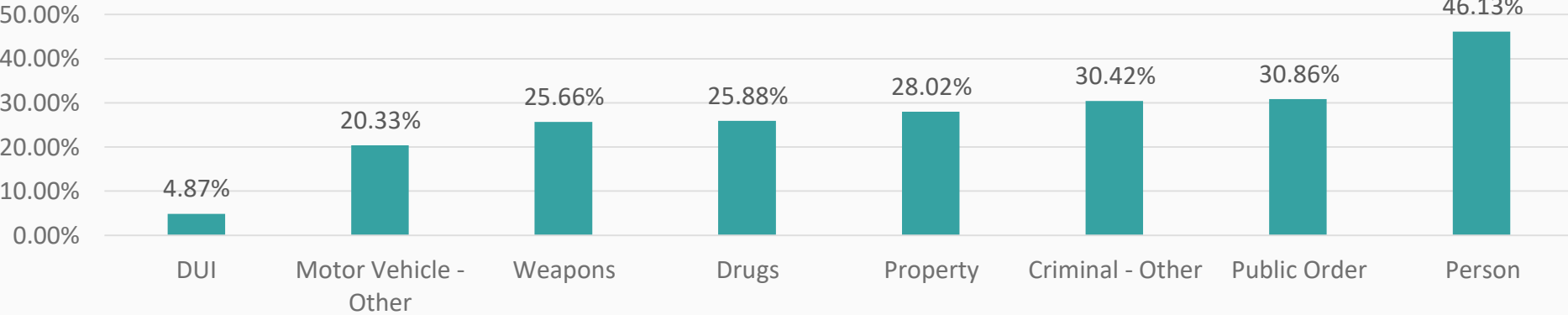
## MSO Dismissed



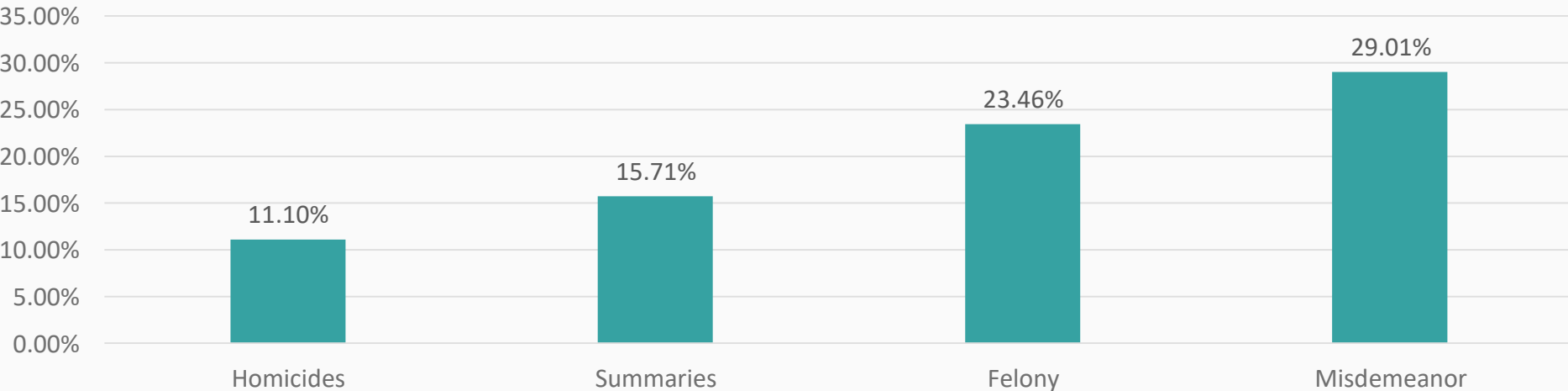
## Relative Rate Index for MSO Dismissed



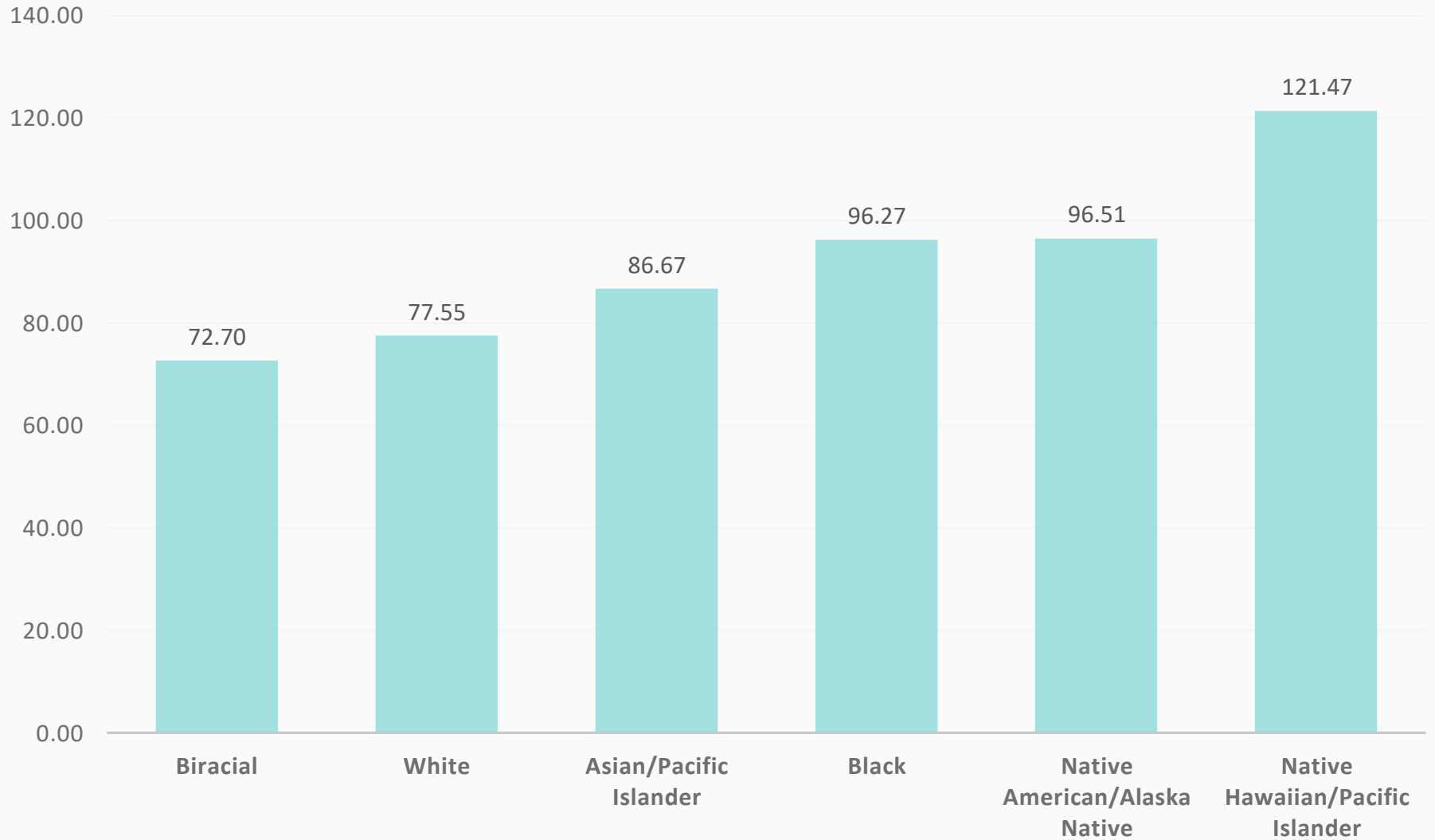
### % of MSO Charge Type Dismissed



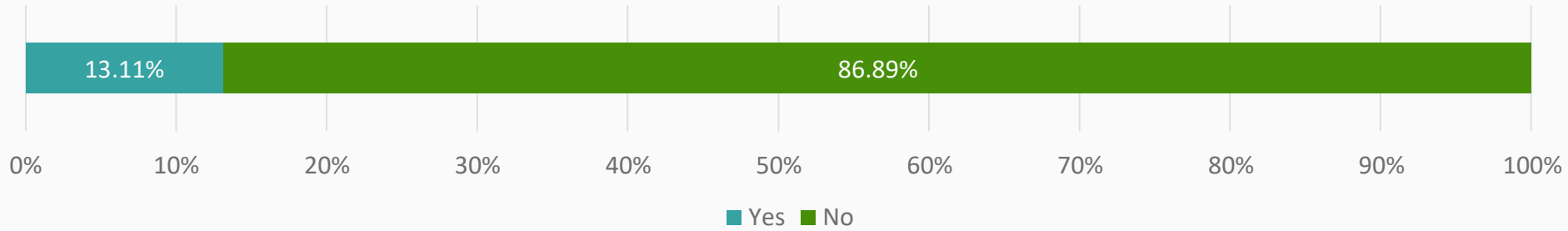
### % of MSO Grade Dismissed



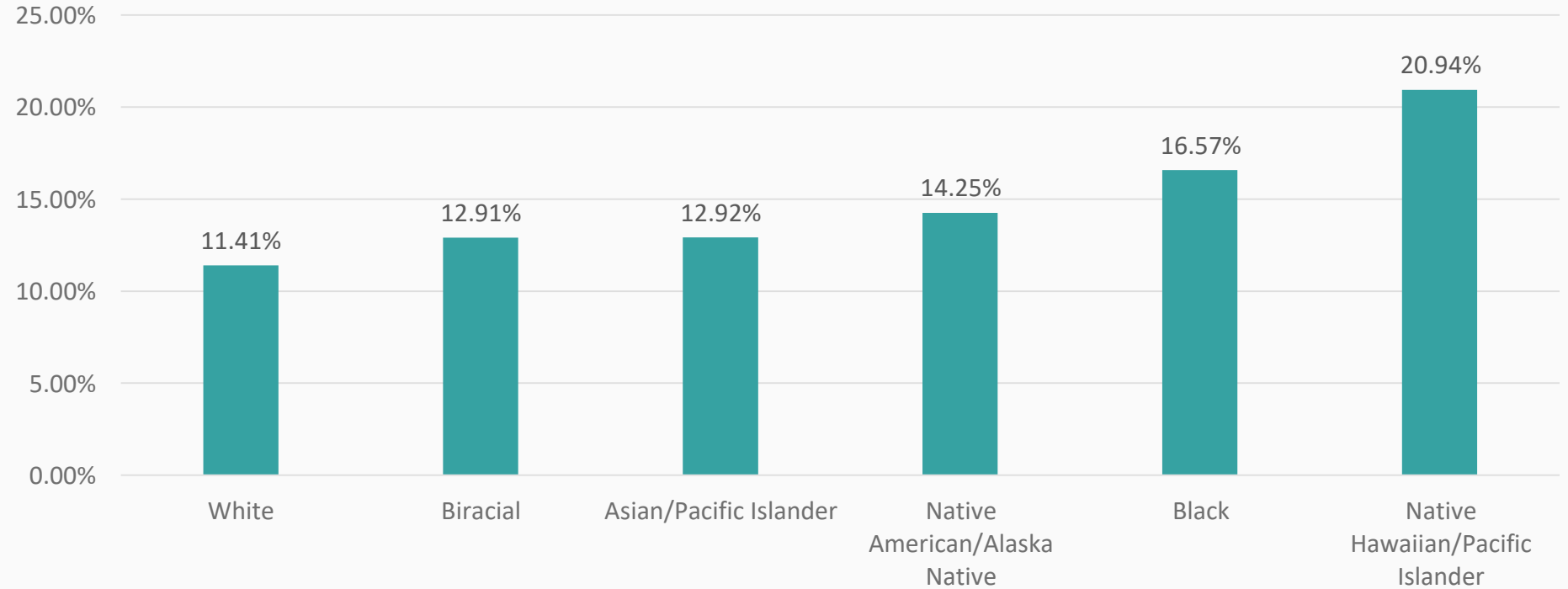
# Average # Days from Charges Filed to MSO Dismissed



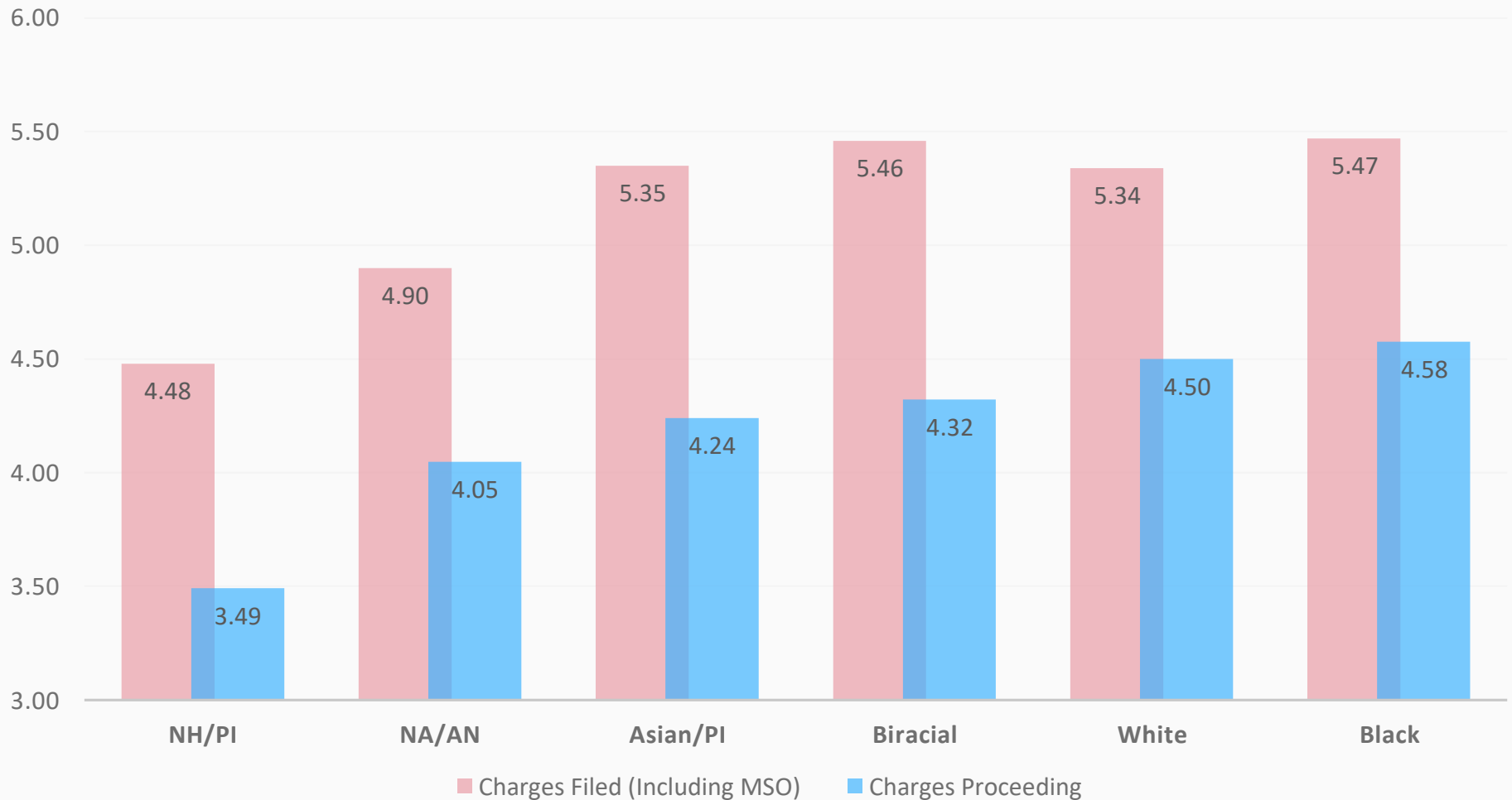
## All Charges Dismissed



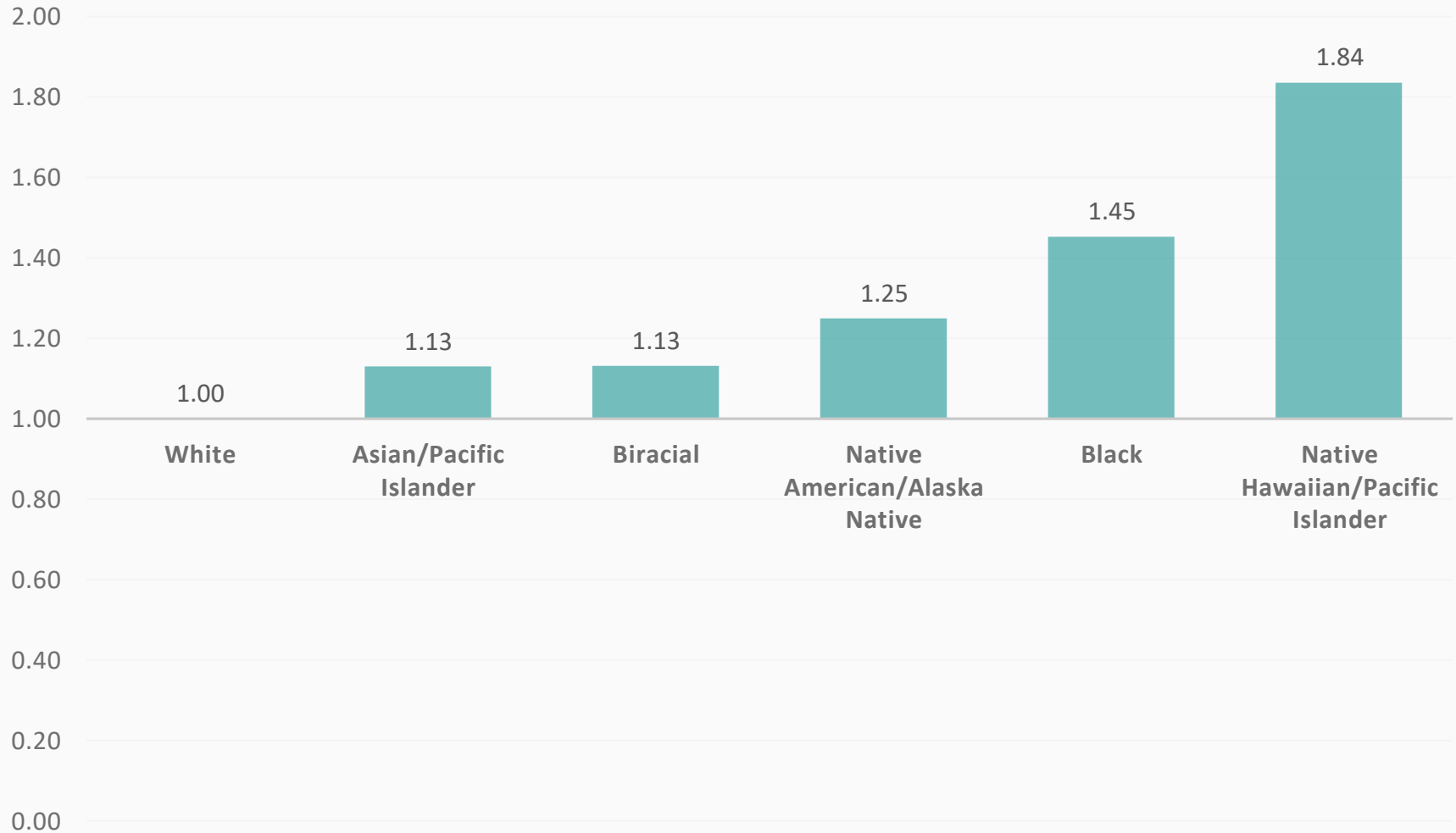
## % of Group with All Charges Dismissed



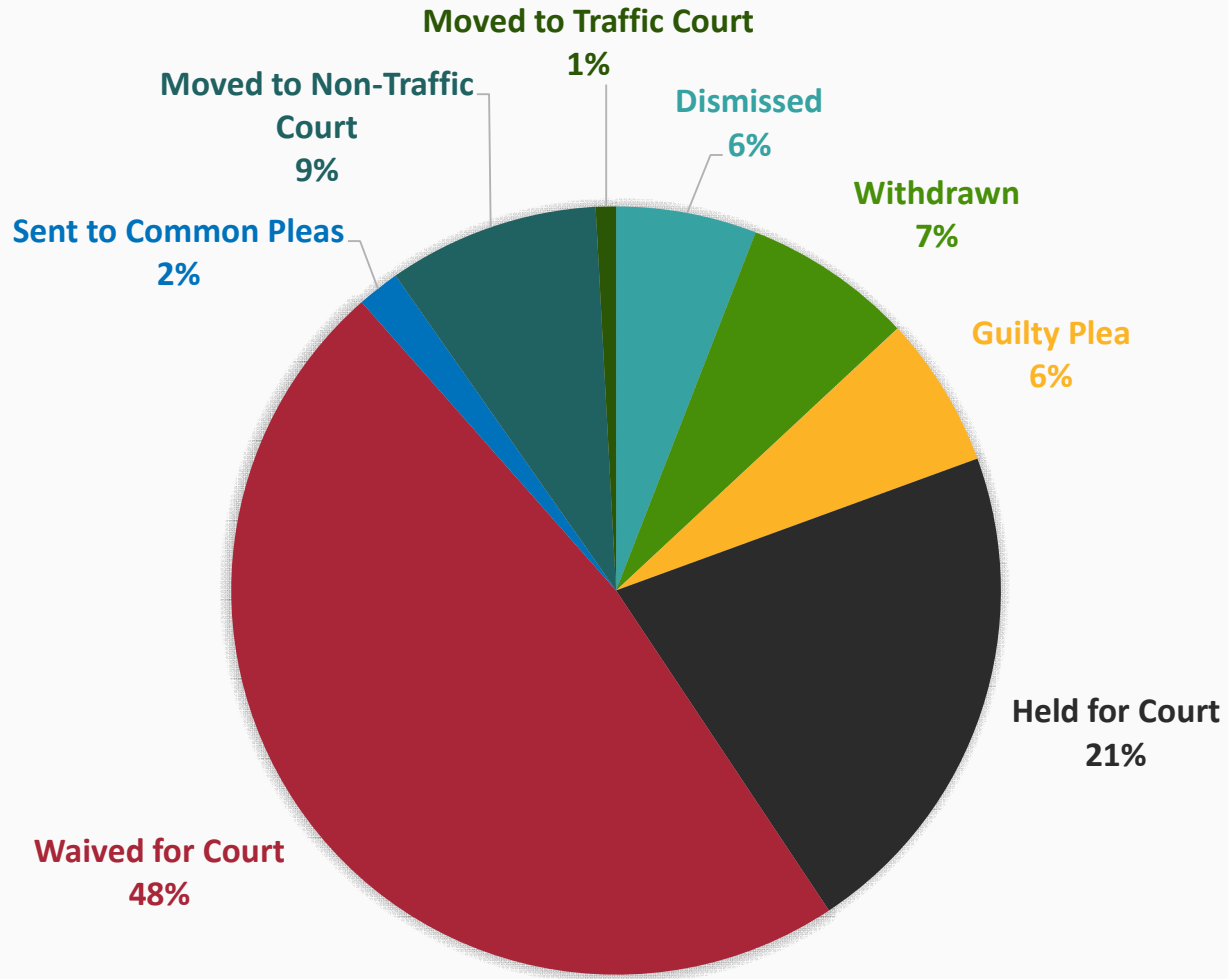
## Average Charges Filed (Including MSO) and Charges Proceeding



## Relative Rate Index for All Charges Dismissed



# CASE DISPOSITION



# Pretrial Practices Survey

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- Based on Pretrial Justice Institute Scan of Pretrial Practices Survey (2019)
- Created in collaboration with pretrial practices survey workgroup members representing seven counties (Armstrong, Dauphin, Lancaster, Lehigh, Montgomery, Philadelphia, York)
- Survey will be piloted in these seven counties this spring, then rolled out statewide via CJABs.



# Pretrial Practices Survey

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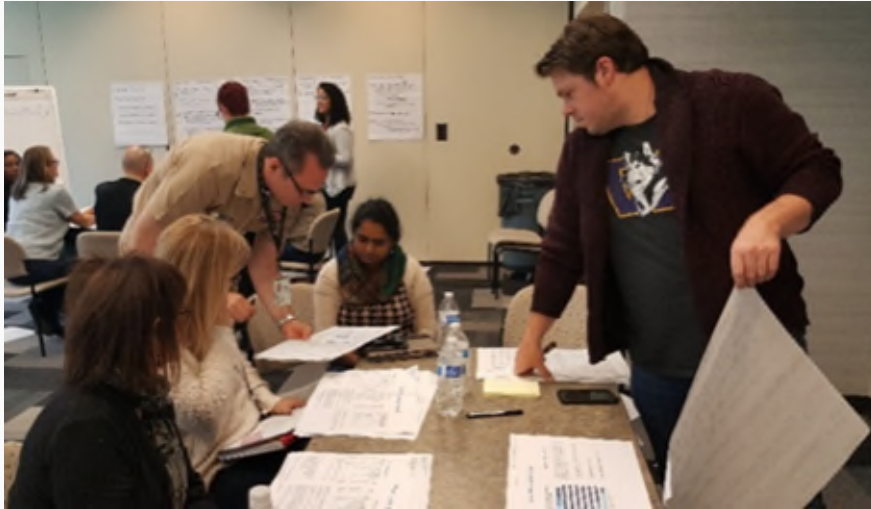
- Six focus areas:
  - Front-end diversion
  - Release
  - Use of pretrial assessment
  - First appearance and detention hearings
  - Supervision/supportive services
  - Community engagement

# Future Project Activities

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- Interviews with key stakeholders
- Focus groups
  - Justice system representatives
  - Community representatives/advocates
  - Individuals with lived experience of pretrial justice

# Graphic Facilitation & Journey Scrolling



# Thank You!

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