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To: Jim Greiner
From: Melissa Gayton
RE: John Goldkamp & Michael Gottfredson, *Judicial guidelines for bail: the Philadelphia experiment*, U.S. Department of Justice, National Institute of Justice, (1984).
Date: June 26, 2018

Title: Judicial Guidelines for Bail: The Philadelphia Experiment
Authors: John Goldkamp and Michael Gottfredson
Location: Philadelphia Municipal Courts, Philadelphia, PA
Sample: N = 1,920
Timeline: January 1981 to March 1982
Target group: Misdemeanor and felony level criminal defendants
Intervention type: Bail guidelines
RCT Registration Number: N/A
Research papers: <https://hdl.handle.net/2027/uiug.30112106855205>
Partners: National Institute of Justice

Abstract

Ineffective, disorganized bail policies can lead to overcrowded jails and suboptimal protection of the public from dangerous defendants. In this study, also known as the “Philadelphia Bail Project,” researchers partnered with judges in the Philadelphia Municipal Court system to develop and assess the impact of bail guidelines on the equity and effectiveness of bail decisions. Bail guidelines resulted in more consistent and equitable bail decisions, but they did not reduce incarceration rates, nor did they reduce new crime or FTA rates among released defendants.

I. Policy Issue

During the 1980s, debates over bail practices were becoming a matter of public attention due to two conflicting concerns. On one hand, there was serious doubt of whether bail was cost effective since it resulted in the detainment of poor, non-seriously charged defendants with little risk. On the other hand, there was a risk of releasing dangerous defendants who might commit additional serious crimes before trial. Inefficient,

disorganized bail practices contributed to both of these issues. Did having bail guidelines make any significant difference in the practice of bail?

II. Context of Evaluation

This study focused on Philadelphia Municipal Courts between January 1981 and March 1982. The researchers selected this site for the size of its criminal caseload, its history of bail reform, and the opportunity to collect data from various agencies and a judiciary interested in participating in the study. While judges in the Philadelphia Municipal Courts did not consider overcrowding as an appropriate concern for individual bail decisions, there was a general belief that bail practices were leading to the overcrowding and an interest in appropriate reforms. At the time, more than half of all residents in Philadelphia jails were detained on bail-related matters.

III. Details

Researchers partnered with judges in the Philadelphia Municipal Court system to develop and assess the impact of bail guidelines on the equity and effectiveness of bail decisions. The guidelines were a matrix with two dimensions – risk of defendant flight and/or pretrial crime and the severity of the charge. Of the 22 judges sitting on the Municipal Court bench, researchers randomized 16 into two groups:

Guidelines Group: Eight judges followed the guidelines matrix created for the study. The guidelines were voluntary, meaning that judges could depart from them according to their own discretion.

Non-guidelines Group: Eight judges continued following the traditional, non-guidelines-based bail practices.

Each of the judges adjudicated bail in roughly equal numbers of cases in the 6 categories of severity charge. Pretrial services interviewers prepared summaries of the defendants' backgrounds for the judges. For the guidelines condition, the pretrial services classified the defendant on the two dimensions of risk and severity using the guidelines matrix. Pretrial services completed the paperwork for both conditions for all cases in case the judge for a case changed at the last minute. Overall, the researchers collected data for 960 cases for each group, totaling 1,920 cases. The data collected includes over 100 items relating to demographics, rearrests, bail decision, current charge, criminal history, etc. as well as follow-up data such as re-arrests or time spent in detention.

IV. Results and Policy Lessons

In general, the judges using guidelines made decisions largely in line with the guidelines matrix, which indicates that the judges were frequently comfortable enough with the guidelines to concur with them. Comparing the treatment of similarly categorized defendants under each condition, there is less variance in the decisions of judges using guidelines, and this difference is statistically significant. The authors report results on differences between the guidelines and the control group in the broad categories of rate of detention, release on personal recognizance (ROR) or unsecured bail and rate of use of

cash bail, and cash bail amounts, but these results are not analyzed for statistical significance. They also analyze the rates of re-arrest and FTAs for each group, but these results are also not analyzed for statistical significance. I cannot tell if results are due to chance alone, so I do not summarize them here.

The researchers applied the guidelines to defendants held in detention after bail decisions and found that 11% would not have been detained according to the guidelines. For a majority of the rest, bails were higher than guidelines suggestions. These findings suggested that had judges followed the guidelines closely, they would have released more defendants. But without data on whether those defendants would have misbehaved if released, the value of this information was uncertain.

V. Quality of the Study

Most tables summarizing the various analyses excluded Judge 8, assigned to use guidelines, since he misunderstood the procedures and decided bail without the guidelines, later marking whether or not his natural decision had been a departure from the guidelines. The lack of data on Judge 8 may have impacted the results.

The authors concluded that the guidelines produce more equitable decisions, though it was unclear if the decisions were any more rational or efficient. They concluded that the decisions made under guidelines may be more equitable because they were less variable, meaning that similarly situated defendants received similar treatments. However, it was unclear why it was necessarily good for defendants to receive treatment more consistently in line with the guidelines when there is no evidence that the guidelines produce better results than traditional bail decision practices.

There was no indication that bail decisions made under guidelines were more based on severity and risk criteria or that there were lower failure rates among released defendants. Many of the study's results are not analyzed for statistical significance, including data on FTAs and rearrests. Because the goal of bail was to reduce rates of FTAs and rearrests, this study did not present particularly strong evidence in favor of guidelines for bail.