



PENNSYLVANIANS
FOR MODERN COURTS



Beasley School of Law



PHILADELPHIA BAIL WATCH REPORT

JUNE 2024 | EARLY BAIL REVIEW

WWW.PMCONLINE.ORG

ACKNOWLEDGEMENTS

This report is a collaborative effort. The primary authors, Carlene Buccino and Genevieve Lamont, are students at Temple University James E. Beasley School of Law (“Temple Law”) who worked under the supervision of Professor Lauren Ouziel. Pennsylvanians for Modern Courts’ (“PMC”) CEO Deborah Gross provided oversight, review, and feedback. PMC also extends its gratitude to the Temple First Year Law Students who participated in this volunteer project, which was overseen by PHENND AmeriCorps Vista, Lucy Resar, on PMC’s behalf. We also thank Drexel Co-Op Student, Areha Sattar, for her digital design assistance. This diverse group of individuals and organizations came together to create this report.



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I. Introduction

As a result of a project developed by two Temple Law Students in collaboration with PMC, from August through December 2023, law students from Temple Law observed more than 50 Early Bail Review (“EBR”) hearings in Philadelphia Municipal Court.

Criminal Justice Process

In Philadelphia, less than 10% of criminal cases proceed all the way to the trial phase.¹ More than 90% of accused individuals’ cases will not end in a trial, but by some other means – a plea offer where the accused individual pleads guilty or nolo contendere to certain charges, a withdrawal of the charges, or a diversion/rehabilitation program.² Fewer than 1 in 10 accused individuals will see their case through to trial to receive either a guilty or not guilty verdict by a jury (or judge, in a “bench trial”).

For 9 out of 10 accused individuals whose cases will be resolved without a trial, the pre-trial steps of preliminary hearings, discovery, and pretrial motions have a significant impact on the outcome of their case. These are the only times the individual will appear before a judge, and at these pretrial stages, the Commonwealth’s burden of proof is lower than “beyond a reasonable doubt.” At a preliminary hearing, for example, the presiding judge is merely deciding whether there is “probable cause to believe a crime was committed and that the person standing in front of the court is the one who committed the crime”³ – a much lower threshold than the “beyond a reasonable doubt” standard required at trial.

Preliminary arraignment hearings are the first stage of a criminal case in Philadelphia. For each of these cases, the arrested individual must be given a preliminary arraignment hearing (also known as a bail hearing) within 48 hours of arrest. At preliminary arraignment, a judge determines whether and under what conditions a person charged with a crime will be released pretrial. Per Pennsylvania’s Rules of Criminal Procedure Rule 523, the judge must consider the following factors when setting bail at preliminary arraignment:

- (1) The nature of the offense charged and any mitigating or aggravating factors that may bear upon the likelihood of conviction and possible penalty;
- (2) The defendant's employment status and history, and financial condition;
- (3) The nature of the defendant's family relationships;
- (4) The length and nature of the defendant's residence in the community, and any past residences;
- (5) The defendant's age, character, reputation, mental condition, and whether addicted to alcohol or drugs;
- (6) If the defendant has previously been released on bail, whether he or she appeared as required and complied with the conditions of the bail bond;

¹ *Case Outcomes - PhilaDAO Data Dashboard, Philadelphia District Attorney Office.*

https://data.philadao.com/Case_Outcomes_Report.html

² *DAO Racial Injustice Report 2023.* <https://phillyda.org/wp-content/uploads/2023/06/RACIAL-INJUSTICE-REPORT-2023.pdf>

³ *Preliminary Hearing - Pennsylvania Office of Victim Services.* <https://pcv.pccd.pa.gov/available-services/Pages/Preliminary-Hearing.aspx>

- (7) Whether the defendant has any record of flight to avoid arrest or prosecution, or of escape or attempted escape;
- (8) The defendant's prior criminal record;
- (9) Any use of false identification; and
- (10) Any other factors relevant to whether the defendant will appear as required and comply with the conditions of the bail bond.⁴

When considering pretrial detention or release, the judge has the following options:

Release On Recognizance (ROR)	The accused individual is released from jail without paying money, after signing a document stating they will appear at their future court dates.
Release on Unsecured Bail Bond or “Sign-on Bond” (SOB):	Although a monetary bail amount is set, no money has to be posted for the accused individual to be released from jail. However, if the accused individual later fails to appear at a future court date, the original monetary bail amount becomes due.
Release on Non-monetary Conditions	The judge can release the accused individual so long as they check in with Pretrial Services on a regular basis or enroll in a rehab or therapy program.
Release on a Monetary Condition (Cash Bail):	The judge sets a level of cash bail that is “reasonable” and takes into consideration the accused individual’s ability to pay.

Cash bail is a monetary condition for pretrial release and an incentive to return to court. It is not a punishment for being arrested or an attempt to keep the accused individual out of the community for the safety of the public (if the judge has such concerns, they must deny bail altogether and the accused individual will be detained pre-trial).

Early Bail Review

In Philadelphia, any person accused of a crime who has their bail set at \$250,000 or below during a preliminary arraignment, cannot pay it, and is therefore incarcerated for over a week, can have an Early Bail Review (“EBR”) hearing. In October 2023, defendants who had bail set between \$100,001 and \$250,000 with detainers⁵ were removed from EBR eligibility.⁶

⁴ 234 Pa. Code § 523

⁵ Detainers are a reinstatement of bail for those who were arrested while out on bail for another case. These detainers must be resolved prior to being released on the new bail set and are usually resolved by another judge and can be in place in another county (outside of Philadelphia).

⁶ This was a determination made by the Defenders Association of Philadelphia after reviewing three months of data in which no defendant in that category was released prior to the preliminary hearing.

Early Bail Review (EBR) is a program created by the Philadelphia District Attorney’s Office (“DA”), the First Judicial District (Court), and the Defender Association of Philadelphia (the city’s public defender office) (“PD”) to implement a more equitable bail system and “to give more defendants the opportunity for a fair and impartial hearing to determine whether or not they must remain in custody pretrial.” The program started in March 2021 for defendants whose bail is set at \$250,000 or less. Defendants with parole or probation detainers are also eligible for EBRs.

EBRs are a more holistic process of determining pretrial detention, during which both the DA and defense attorney make more informed arguments regarding bail conditions. There are also more options available during EBRs than during preliminary arraignments; for example, the judge can order house arrest for the defendant and/or the development of a treatment plan for substance use and mental health.⁷

EBR is also a more robust hearing than a preliminary arraignment where the prosecution and defense can argue for reduced, increased, or no cash bail. Early Bail Review is designed to provide a more holistic assessment of a defendant’s personal situation, family, finances, witnesses, and charges than in arraignment, and consider alternatives to detention including release, house arrest, and treatment. The hearings are part of the DA’s stated goal to move away from a system of cash bail, which disproportionately punishes low-income Philadelphians before being convicted of any crime, towards a system of pretrial detention for defendants charged with serious violent crimes and no detention for defendants with lower-level charges.

However, in practice, ADAs are still requesting cash bail on all different types of charges, which perpetuates existing inequity. These Early Bail Review hearings are short, not thorough, and often do not result in significant changes to the original cash bail amount set at preliminary arraignment.

II. PMC’s Bail Watch Project Launches Temple Law’s EBR Program

Carlene and Genevieve developed this project at the end of their first year of law school, with two related goals: connect an existing court-watch program with motivated new volunteers (law students) to increase the program’s capacity, and provide law students who are interested in learning more about the criminal justice system with an opportunity to observe bail hearings, for experiential learning purposes and to inspire further engagement and research.

After exploring existing court-watch programs in Philadelphia, Pennsylvanians for Modern Courts (PMC) was approached about partnering on a bail-watch project with law student volunteers.

Partners

⁷ Philadelphia DAO, *District Attorney Krasner Announces Details of Early Bail Review Expansion to Safely Reduce Pre-Trial Detention*, <https://medium.com/philadelphia-justice/district-attorney-krasner-announces-details-of-early-bail-review-expansion-to-safely-reduce-8849570586f5>

This project was a partnership between Pennsylvanians for Modern Courts (PMC) and Temple Law School students. PMC is a statewide nonprofit, nonpartisan organization dedicated to ensuring that all can come to Pennsylvania's courts with confidence that they will be heard by qualified, fair, and impartial judges. PMC works to educate Pennsylvanians about our courts and how to navigate them with confidence, provides resources to make that possible, and advocates for judicial reforms that promote inclusion and access to justice. PMC engages in a wide variety of initiatives to accomplish these goals.

PMC Watches™ is part of the PMC in the Community™ suite of programs. It is a community-oriented expansion of PMC's traditional "court watchdog" role, where citizens are trained to observe, record, and offer recommendations on court proceedings. It serves as a means of data collection, provides an opportunity for community members to gather firsthand insight into how justice is administered, and maintains the transparency of the court by having observers present during proceedings. Philadelphia Bail Watch™ is a portion of PMC Watches™ that operates in preliminary arraignment court in Philadelphia. It was launched in April of 2018, in collaboration with the Philadelphia Bail Fund, and a report was issued on October 15, 2018. Observations were halted during the COVID-19 pandemic and restarted in Philadelphia Arraignment Court without the Philadelphia Bail Fund in August of 2021, and therefore, renamed PMC's Philadelphia Bail Watch. In October 2023, PMC released a 2023 Bail Watch Report on preliminary arraignments.

The goals of PMC's Philadelphia Bail Watch™ are to invite the public and interested stakeholders to watch Philadelphia's preliminary arraignment hearing process and learn about its implications for bail policy and pretrial detention, and to collect and share individual's perceptions of the process in order to recognize good practices and advocate for improvements.

The student volunteers used PMC's training, data collection, and data entry materials. After a few weeks of hearings, we began analyzing the data we collected. We worked with PMC to create this report on EBR hearings, based on our findings and other research.

Goals and Project Development

Court watching is a great opportunity for anyone, and particularly new law students interested in litigation and/or criminal justice, to observe how the process functions, identify challenges, and generate ideas for community organizing, future research, potential career paths, and more.⁸



Photo courtesy of Thom Carroll/PhillyVoice

⁸ Steinberg, J.K., *Law School clinics and the untapped potential of the court watch*, *Scholarly Commons*. https://scholarship.law.gwu.edu/faculty_publications/1367/ (Accessed: 19 May 2024).

This project not only supports PMC's advocacy and community engagement efforts related to bail reform in Philadelphia, but also provides ongoing opportunities for law students to witness and learn from a crucial step in the criminal justice process. The objective data and personal reflections that students gain from bail watching can inform additional opportunities in the future.

The goal was to collect enough data on Early Bail Review hearings in Philadelphia to be able to analyze and share findings about these hearings in a report made available to the general public. We sought to learn more about how these hearings are working, whether they are supporting their stated goal of reducing pretrial incarceration, and what additional changes might help further these goals.

Under the guidance and technical support of PMC staff, Carlene Buccino and Genevieve Lamont created and led this project, from training, scheduling, and accompanying students to court, to data analysis and reporting. Carlene, Genevieve, and PMC staff members worked to design this program over

the summer. At the beginning of the fall 2023 semester, Carlene and Genevieve spread the word about the program through emails, flyers, and social media, inviting any interested law students to sign-up to volunteer.

Student volunteers were trained to observe Early Bail Review hearings and record their observations. Student volunteers completed a training led by PMC, Carlene, and Gen that explained the criminal justice system in Philadelphia, who is involved, and the general steps for a typical case. Volunteers were provided with the Pennsylvania Rules of Criminal Procedure dealing with the factors the court can consider when setting bail, PMC's past bail observation reports, a paper PMC form to complete while observing in court as no electronics can be used in the courtroom, and an accompanying digital form to enter their observations afterwards.

Carlene, Genevieve, and a PMC staff member accompanied groups of student volunteers to the courthouse once per week (Friday mornings) during fall 2023. All observers were provided with a PMC pin to clearly identify themselves while in the courtroom.

Data Collection Process

Carlene and Genevieve held two trainings for approximately 30 law students, who then signed up for at least 2 court watch dates throughout the semester. These student volunteers earned pro bono hours for their time.

The court watching took place on Friday mornings at the Juanita Kidd Stout Center for Criminal Justice by City Hall. Students met in the lobby and observed the entire EBR calendar together – usually five to ten hearings, and sometimes more, usually lasting for about two hours total. Students entered the data from their handwritten observation forms into an online form after the hearings.

Meeting With Representatives

The students had an opportunity to meet with a representative from the District Attorney’s Office and the Defender Association to learn about their perspective on EBR and ask questions. This was helpful in complementing the students’ understanding of the EBR process.

III. Observations

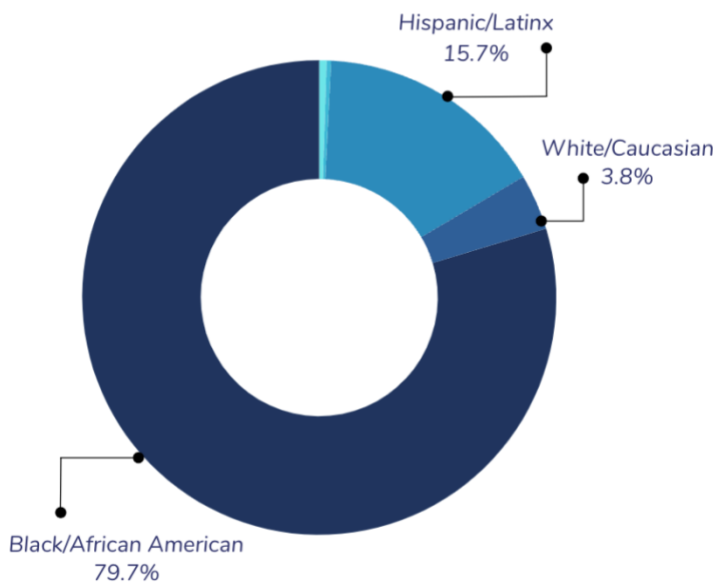
Quantitative Observations

In total, we observed 100 EBR hearings between September 1 and December 1, 2023. Of these hearings, the judge reduced bail in about 50% of the hearings.

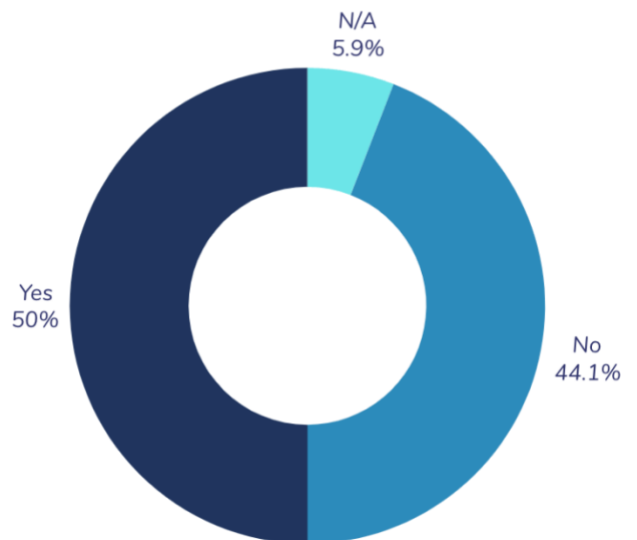
In terms of racial demographics, the majority of accused individuals at EBR hearings were Black. Almost 80% of accused individuals were Black, 15% were Hispanic/Latino, 4% were white, and a small minority were of other races/ethnicities. This data comes from the perceived race of the accused individuals, as logged by the students observing EBRs.

In contrast, the city of Philadelphia as a whole is about 39% Black, 15% Hispanic/Latino, 36% non-Hispanic white, and 8% Asian as of the 2020 Census.⁹ This means that Black accused individuals charged in Philadelphia are disproportionately represented at EBR hearings – they make up 80% of accused individuals, almost twice the percentage representation in the city’s population. Hispanic/Latino accused individuals appeared at a rate about proportionate to their percentage of city’s population, while white and Asian accused individuals appeared at much lower rates than their percentage of the population.

PERCEIVED RACE OF ACCUSED INDIVIDUAL



JUDGE REDUCED ACCUSED INDIVIDUAL'S BAIL



⁹ United States Census Bureau, 2020 Census Demographic Profile, Philadelphia County, Pennsylvania, https://data.census.gov/table/DECENNIALDP2020.DP1?g=040XX00US42_050XX00US42101&d=DEC%20Demographic%20Profile

Qualitative Observations

Did you feel as though the Public Defender (PD) was prepared and professional? Why or why not? Did you notice a difference between the treatment of individuals represented by a Public Defender vs. a private defense attorney? (Total # of responses: 48)

Most observers found the representatives from the Public Defender's office to be prepared and professional and advocating well on behalf of their clients. Observers noted that the attorneys from the PD's office were well-organized and prepared with relevant details, including facts of the case and reasons for requesting reduced or no bail. There were a few exceptions where the PD's office had not been able to interview the accused individual before the hearing, but for the most part, they were prepared to make arguments for a bail reduction given the allegations and the accused individual's personal situation.

11 observers noticed a difference in the judge's treatment of cases where the accused individual was represented by a private attorney instead of a public defender. First, hearings where the accused individual is represented by a private attorney are almost always heard before individuals represented by a public defender. Private attorneys often had more information than PD's – especially family information – and seemed to have had more time with their client than the public defender had, highlighting the differences in caseload. Several observers noted that private attorneys had a higher rate of a bail reductions, the judge was more willing to grant the private attorney's request, and private attorneys were able to use the fact that they had been hired to argue their client's commitment to showing up to court. On the other hand, a couple observers noted no difference between private attorneys as opposed to public defenders, and some private attorneys were not as prepared as the public defender.

Did you feel as though the DA (District Attorney) was prepared and professional? Why or why not?

Overall, most observers found the DA to be professional. In a few instances, observers found that the DA did not seem fully prepared, or less prepared than the public defender even though they have easier access to information from the police, as evidenced by not having access to key facts about the allegations that seemed important to the judge. A few observers noticed that one DA seemed distant and unengaged in the proceedings, not arguing to maintain or raise bail except in one case and not looking at the judge, and another seemed confused about the facts the cases and the rulings the judge made.

Did you feel as though the Judge was prepared and professional? Why or why not? (Total # of responses: 47)

In general, observers found the judges to be prepared for the EBR hearings, but not always completely professional or measured in their judgment. Observers highlighted judges who did not rush the hearings, appropriately questioned both the DA and defense attorney, and fully considered their arguments.



Although most observers commented on the professionalism, thorough questions, and thoughtful deliberations of the presiding judge, five observers noted that the judge they observed behaved in ways that appeared to observers to be paternalistic, patronizing, or “talking down” to accused individuals. These behaviors included rolling eyes and threatening to lock accused individuals up for stepping out. A few other observers commented on the judge acting in ways that did not seem to match the seriousness of the proceedings – such as cracking jokes, or lecturing or speaking disdainfully to accused individuals or their family members.

Did the Judge show any admirable patterns or practices that you felt other Judges should implement? (Total # of responses: 38)

Showing compassion towards accused individuals, explaining the outcome of the hearing, thanking family members who were present, and addressing the accused individual directly, even if briefly, were the kinds of practices that many observers noted as positive. Additionally, demonstrating patience – by listening to both sides’ arguments, asking questions, considering the specific facts of a situation, incorporating family members, acknowledging the gravity of the circumstances, and explaining the rationale for a decision – showed respect for the accused individual.

These practices were not consistently implemented by all judges, however. One observer noted that the judge “lectured” accused individuals.

What did the Judge consider in denying and reducing bail amounts? (Total # of responses: 46)

Previous failures to appear (FTAs) seemed to be the most significant factors that judges considered. Some observers noted that no accused individual with prior FTAs received a bail reduction. Prior criminal convictions and the facts of the present case also played a big role. Observers noted that judges tended not to reduce bail when the charges involved a gun.

In some cases, judges asked about the accused individual’s employment and housing situation, particularly if family members were present in the courtroom. In cases that involved a victim, the judge asked about the DA’s contact with the complaining witness and their willingness to testify.

Did any particular case stand out to you? (Total # of responses: 34)

A few observers highlighted cases where the judge commented that the original bail seemed to be set extremely high given the facts of the case and lowered or removed bail. Involving family members in the hearing also stood out, because this tended to make the hearings more emotional and personal, though it did not always result in bail being reduced.

Observers also highlighted cases where the judge learned that the accused individual needed medical or substance use treatment while in jail and was not receiving such care but did not personally take steps to resolve this issue.

Approximately how many observers were in the courtroom? To what extent do you think that the number of observers might have influenced the outcomes of each case?

Most observers felt that having observers present influenced how the judge acted in reducing bail and interacting with accused individuals and/or the PD and DA. Temple Law students commented that judges interacted with the students in between hearings and commented on their presence. Others commented that family members were influential on the judge, who also commented on their presence.

A couple of people felt that the observers had no real influence on the judge's decision making or felt that it would be difficult to ascertain how much influence the observers actually had.

Do you have any questions or concerns about how the hearings are conducted? (Total # of responses: 26)

Several observers noted concerns with how short the hearings are – most hearings are about five minutes, and rarely more than ten minutes. The livestream set-up, where everyone but the accused individual is together in the courtroom and the accused individual is livestreamed from jail, created some challenges. Technical difficulties sometimes caused issues with hearing the proceedings. This set-up also makes it impossible for an accused individual and their attorney to confer privately.

Conclusion

The expansion of the EBR program represents an important and necessary step in improving Philadelphia's criminal justice system. It allows individuals assigned a high monetary bail a second chance to appear before a judge and advocate for adjusted pre-trial conditions. As observers' comments suggest, however, much work remains to ensure that each accused individual has an equitable and fair pre-trial experience. This is where our volunteers and Temple Law students come in. They continue to witness the pressing need for a more standardized approach to bail adjustment and judicial conduct, an improvement to the technical gaps that adversely affect accused individuals, and clear recommendations for EBR hearings to ensure that adequate attention and time are given to each hearing, regardless of the judge presiding each day.



At PMC, we greatly appreciate the efforts of these individuals who are shedding light on these urgent issues to work towards improving Philadelphia's pre-trial system. PMC and Temple Law plan to continue our partnership next fall to complement students' classroom instructions with first-hand observation of the criminal justice system. We hope to also look beyond EBR to other courtrooms and observe additional elements of criminal proceedings. By volunteering with PMC, students actively ensure that our justice system serves our communities in the best possible way.

Notice at the Center of Criminal Justice

Appendix



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EBR Data Collection Form

Early Bail Review (EBR) is a program created by the Philadelphia District Attorney’s Office (DA), the First Judicial District (Court), and the Defender Association of Philadelphia (the city’s public defender office) to implement a more equitable bail system and “to give more defendants the opportunity for a fair and impartial hearing to determine whether or not they must remain in custody pretrial.” The program started in March 2021 for defendants whose bail is set at \$250,000 or less. Defendants with parole or probation detainers are also eligible for EBRs. EBRs are a more holistic process of determining pretrial detention, during which both the DA and defense attorney make more informed arguments regarding bail conditions. There are also more options available during EBRs than during preliminary arraignments; for example, the judge can order house arrest for the defendant and/or the development of a treatment plan for substance use and mental health.¹⁰

Please use the following pages to record the process and outcomes of the bail hearings you observe. Specifically, what the Judge considers when assigning bail, and the bail recommendations. Please review the form in full to familiarize yourself with its content prior to filling out. Per Courthouse rules, electronic devices are not allowed to be on and/or used in the courtroom, so our **observations must be taken via pen and paper**.

Helpful Information Before you Arrive :

- **Location:** Bail Hearings take place on the 4th floor in Courtroom 403, 404 or 405, in the Juanita Kidd Stout Center for Criminal Justice at 1301 Filbert St, Philadelphia, PA 19107.
 - If anyone in the courthouse asks what you are looking for, say “observing Early Bail Review hearings” – courthouse staff may not have heard of “bail watch.”
 - You will have to go through a metal detector.
 - When you enter the courtroom, sit in one row. If the courtroom staff asks what you are here for, tell them you’re just observing. They need to know that you are *not* there as a friend, family member, or attorney of one of the defendants.

¹⁰ Philadelphia DAO, *District Attorney Krasner Announces Details of Early Bail Review Expansion to Safely Reduce Pre-Trial Detention*, February 9, 2021, available at: medium.com/philadelphia-justice/district-attorney-krasner-announces-details-of-early-bail-review-expansion-to-safely-reduce-8849570586f5

- Covid restrictions may be in effect, which mean that no more than five members of the public can observe hearings at one time.
- **Timing:** In general, EBRs are scheduled to start at 9am and last for at least an hour, sometimes several hours.
- **Technology:**
 - **Your phone MUST be totally silent** (not even on vibrate) and stowed away for the entire time you're sitting in the courtroom. If you're not sure, turn it on airplane mode or completely off!
 - **Any photography and recording is NOT** permitted the in courthouse
- **Data Collection:**
 - Do not worry about writing every charge against the defendant, this is not meant for exact data collection. Data is released on bails assigned, but not the process. The goals of this project are to observe the process of bail assignment and gather community input.
 - The reflections are the most important part! Read the reflection questions (on the next page) first, and answer them after you leave the courthouse.
 - Use a single page for each hearing you observe, as space permits.

For more information about PMC Watches, visit: www.pmconline.org

With questions or concerns, email: watches@pmconline.org

Glossary:

Actors in the courtroom:

- **DA:** District Attorney (prosecutor)
- **PD:** Public Defender (defense attorney appointed to represent the defendant, from the Defender Association of Philadelphia)
 - If the defendant is represented by a private attorney, please indicate this at the top of the page! This is important data to capture.

Charges:

- **FTA:** Failure To Appear – occurs when a person accused of a crime is ordered to appear in court and does not. A person who fails to appear is subject to a bench warrant for their arrest. Prior FTAs may impact a defendant's eligibility for bail/pretrial release because the court may view previous FTAs as "proof" that the accused person is a flight risk and should be detained pending trial rather than released.
- **PFA:** Protection From Abuse order (sometimes called a "restraining order"). PFAs are common in cases involving allegations of intimate partner violence and/or child abuse.
- **Priors:** Prior conviction or charges
- **DV:** Domestic violence case
- **Detainer:** Issued after a defendant is arrested for a violation of probation or parole. Often issued at the request of the parole or probation officer. The defendant is held in jail without bail.
 - **6100 Series:** Charges relating to gun possession. Most commonly seen at EBRs:
 - **6105:** persons prohibited from possessing, using, manufacturing, controlling, selling or transferring firearms (due to a prior felony conviction)
 - **6106:** possession of firearm without a license to carry
 - **6108:** carrying firearms on public streets or public property in Philadelphia

Types of bail the judge can set:

- **Release On Recognizance (ROR):** Release on recognizance. Defendant is released from jail without paying money, after signing a document stating they will appear at their future court dates
- **Release on Unsecured Bail Bond or "Sign-on Bond" (SOB):** Although a monetary bail amount is set, no money has to be posted for the defendant to be released from jail. However, if the defendant later fails to appear at a future court date, the original monetary bail amount becomes due.
- **Release on Non-monetary Conditions:** the judge can release the defendant so long as they check in with Pretrial Services on a regular basis or enrolls in a rehab or therapy program.
- **Release on a Monetary Condition (Cash Bail):** the judge sets a level of cash bail that is "reasonable" and takes into consideration the defendant's ability to pay.

Date: _____

Judge: _____

Time: _____ Defense Counsel: Public Defender Private Attorney Other:

Charges and allegations			
Prior convictions and FTAs (if any)			
Current bail	Defense request	DA's request	Revised bail (\$, ROR, etc.)
What is the perceived gender of the defendant? <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other	What is the perceived race of the defendant? <input type="checkbox"/> American Indian/Native American <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Black/African American <input type="checkbox"/> Hispanic/Latinx <input type="checkbox"/> White/ Caucasian <input type="checkbox"/> Other		

Did the Judge explain why they were in court?

What, if any, questions about the preliminary arraignment did the judge ask?

Did the PD provide the defendant's criminal history?

How strongly did a prior FTA affect the judge's consideration of the Defendant's bail?

Did the Judge state the defendant's next court date? Yes ___ No ___

How much time was spent on this case? _____ minutes

Miscellaneous comments made by Judge (i.e. recommend them to treatment, comment on presence of family members, comment of past/present behavior of defendant, etc.) :

Additional comments:

Observation Reflections. Your reflections serve as a powerful advocacy tool. Quotes from this reflection may be used anonymously for reporting and promotional purposes. *If you have any concerns with your comments being shared, please indicate here:*

Did the Judge, Defense Attorney or DA explain the Early Bail Review process to the defendant?

Did you feel as though the Defense Attorney was prepared and professional? Why or why not? Did you notice a difference between the treatment of individuals represented by a PD vs. private attorney?

Did you feel as though the DA was prepared and professional? Why or why not?

Did you feel as though the Judge was prepared and professional? Why or why not?

Did the Judge show any admirable patterns or practices that you felt other Judges should implement?

Did you feel as though any biases took part in the Judge's decisions or treatment of the defendants?

What did the Judge consider in denying and reducing bail amounts?

Do you think the PD and DA had influence on the Judge's bail ruling?

Did any particular case stand out to you?

Approximately how many observers were in the court room? To what extent do you think that the number of observers might have influenced the outcomes of each case?

Do you have any questions or concerns about how the hearings are conducted?