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PUNISHING POVERTY

CASH BAIL IN ALLEGHENY COUNTY

ACLU
Pennsylvania

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Introduction

One of the most basic principles underlying our criminal justice system is the presumption of innocence—that a person charged with a crime is “innocent until proven guilty.” Jailing people who have not yet been convicted of any crime solely because they cannot afford to pay money bail flips this fundamental presumption on its head.

Pretrial detention devastates individuals, destroys families, and profoundly harms communities.¹ People incarcerated pretrial for just a few days may lose employment, housing, and even custody of their children. Those struggling with chronic or mental illness lose access to medications, doctors, and other healthcare providers. Nationwide, three-quarters of jail deaths occur among people in pretrial detention, and more than one-third of deaths occur within seven days of incarceration.²

A number of empirical studies demonstrate that pretrial detention increases the chances of conviction and leads to longer sentences.³ Moreover, studies demonstrate that the use of money bail does not promote public safety; to the contrary, the imposition of money bail actually increases the likelihood that someone will engage in future crime.⁴

Monetary conditions of release, also referred to as money or cash bail, keeps poor residents of Allegheny County incarcerated pretrial while allowing those with the financial means to buy their freedom. Incarceration should not depend on a person’s wealth. Yet, that’s precisely what happens in Allegheny County.

The ACLU of Pennsylvania conducted an analysis of dockets from the past two years to uncover the bail practices used in Allegheny County. What we found was alarming: while the county has made slight progress over the past year in reducing its reliance on money bail, cash bail was still set in 28% of initial bail assignments from February through June 2019. Moreover, an extraordinarily high number of people charged with minor offenses were assigned money bail.

Much has been written about Pittsburgh and Allegheny County’s disturbing racial disparities.⁵ Our analysis reflects similar trends. Black defendants were initially assigned monetary bail at a 12% higher rate than their white counterparts. The population of Allegheny County is only 13% Black, yet in 58% of the dockets in which cash bail was initially assigned the defendants were Black, and 60% of Allegheny County’s jail population is Black.⁶

¹ See e.g., Paul Heaton, Sandra Mayson, & Megan Stevenson, *The Downstream Consequences of Misdemeanor Pretrial Detention*, 69 *Stan. L. Rev.* 711, 713-715 (2016); Erika Kates, *Moving Beyond Incarceration for Women in Massachusetts: The Necessity of Bail/Pretrial Reform*, Wellesley Centers for Women (2015), https://www.wcwnonline.org/images/PolicyBrief3.15.Bail.Pretrial_Reform.pdf; Colorado Criminal Defense Institute, *The Reality of Pre-Trial Detention: Colorado Jail Stories*, 6-7 (2015).

² U.S. Dep’t Of Justice, Bureau Of Justice Statistics, *Mortality In Local Jails And State Prisons, 2000-2013* – Statistical Tables 10 (2015).

³ Megan Stevenson, Ph.D. and Sandra Mayson, Ph.D. *Pretrial Detention & Bail*, 3 *Reforming Criminal Justice: Pretrial and Trial Processes*, 21, 22 (Erik Luna ed. 2017).

⁴ See e.g., Arpit Gupta, Christopher Hansman, & Ethan Frenchman, *The Heavy Costs of High Bail: Evidence from Judge Randomization*, 3 (Aug. 5, 2016); Paul Heaton, Sandra Mayson, & Megan Stevenson, *The Downstream Consequences of Misdemeanor Pretrial Detention*, 4 (2016); Christopher T. Lowenkamp, Marie VanNostrand, Ph.D., Alexander Holsinger, Ph.D., *The Hidden Costs of Pretrial Detention*, Laura and John Arnold Foundation, November 2013, at 3.

⁵ E.g., Howell, Junia, Sara Goodkind, Leah Jacobs, Dominique Branson, and Elizabeth Miller, *Pittsburgh’s Inequality across Gender & Race*, Gender Analysis White Papers, City of Pittsburgh’s Gender Equity Commission, Sept. 2019 available at https://apps.pittsburghpa.gov/redtail/images/7109_Pittsburgh’s_Inequality_Across_Gender_and_Race_09_18_19.pdf; University of Pittsburgh Institute of Politics Criminal Justice Progress Panel, *Criminal Justice in the 21st Century: Improving Incarceration Policies and Practices in Allegheny County*, November 2016.

⁶ See Allegheny County Analytics, Daily Jail Population available at <https://www.alleghenycountyanalytics.us/index.php/2018/11/29/allegheny-county-jail-population-management-dashboards/> (last accessed October 7, 2019).

We investigated the implications of poverty, age, and gender in the assignment of monetary bail.

In addition, our analysis revealed the outsized role that bail bondsmen play in Allegheny County. Between February and June 2019, bail bondsmen were responsible for 75% of all monetary bail postings.

Finally, we saw a wide variation between different Magisterial District Court Judges (MDJs), or magistrates, in their initial assignment of monetary bail. Individual magistrates varied in their rate of money bail assignments from less than 2% to 57%. Thus, a person's pretrial liberty depends in large part on which magistrate conducts their preliminary arraignment.

Over the past two decades, as the county's chief law enforcement officer, District Attorney Stephen Zappala has overseen a drastic rise in Allegheny County Jail's pretrial population. Since 2000, 95% of the growth in the overall jail inmate population was due to the increase in the unconvicted population.⁷ While the county has slightly reduced the rates of money bail, far more must be done. Magistrates should stop assigning money bail to those who cannot pay. District Attorney Steven Zappala should urge all police officers and assistant district attorneys to immediately stop requesting money bail. Allegheny County government officials should strive to prevent people from languishing in jail because they are too poor to buy their freedom; we should not have two justice systems, one for the rich and one for the poor.

How Bail Is Set in Allegheny County

In Allegheny County, initial bail can be set during a preliminary arraignment, a preliminary hearing, or a bail hearing. In most criminal cases, bail is set when a person is arrested and brought before a magistrate for a preliminary arraignment.⁸ Those charged with less serious offenses whom the police decide to release instead receive a summons to appear before a judge at a preliminary hearing or bail hearing at a later date, where bail will be set.⁹ At this initial stage, when the police decide whether to make an on-site arrest or release the person with a summons, racial disparities exist; white defendants are 33% less likely to have an on-site arrest than Black defendants.¹⁰

When assigning bail, a magistrate has five options under the law: 1) release on recognizance (a written promise to show up for their court date and follow certain conditions); 2) release on nonmonetary conditions; 3) release on unsecured bail (release conditioned upon the promise to be liable for a fixed sum of money if the person fails to appear in the future); 4) release on nominal bail (release upon a small amount of cash with the agreement that a designated person will ensure the person's return to court); and lastly 5) money bail.¹¹ Under Pennsylvania law, money bail should only be used when no other condition of bail can guarantee the person's return to court. Moreover, money bail should never be assigned unless the magistrate conducts an investigation into the defendant's financial ability and determines that the amount assigned is reasonable.¹² The law is clear: no condition of release, whether monetary or not, should ever be imposed for the sole purpose of keeping someone incarcerated until their trial.¹³

⁷ University of Pittsburgh Institute of Politics Criminal Justice Progress Panel, *Criminal Justice in the 21st Century: Improving Incarceration Policies and Practices in Allegheny County*, 6, November 2016.

⁸ Pa. R. Crim. P. 540.

⁹ Pa. R. Crim. P. 509-10.

¹⁰ University of Pittsburgh Institute of Politics, Criminal Justice Panel, *Criminal Justice in the 21st Century: Improving Incarceration Policies and Practices in Allegheny County*, 8, Fall 2019.

¹¹ Pa. R. Crim. P. 524.

¹² Pa. R. Crim. P. 528.

¹³ Pa. R. Crim. P. 524 (comment).

Money Bail Contributes to Allegheny County's Jail Population

At a public forum last year, County Executive Rich Fitzgerald indicated that over the past two decades, the population of Allegheny County Jail (ACJ) rose by 70% during a time when crime fell. This rise, Fitzgerald noted, can be attributed to the use of “monetary bail and bonds.”¹⁴ An independent analysis from the University of Pittsburgh’s Criminal Justice Progress Panel showed that 81% of the ACJ population is unconvicted compared with 62% nationally.¹⁵ This study similarly linked Allegheny County’s disproportionately high pretrial population with the county’s practice of assigning money bail to poor defendants.¹⁶

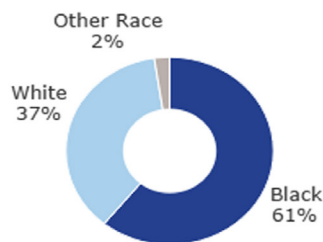
Although Allegheny County magistrates slightly reduced their reliance on money bail for the first half of 2019, this has not substantially impacted ACJ’s population. ACJ’s population dipped during the first six months of 2019; however during the most recent six months, ACJ’s population once again rose steadily. As of October 21, 2019, the jail population (2,410) is higher now than it was at this time last year (2,356 on 10/16/2018).¹⁷

Figure 1



Race

On average (1/1/18 - 10/21/19), **61%** of the individuals in jail are **Black**.



Taken from Allegheny County Analytics, Daily Jail Population, www.alleghenycountyanalytics.us (October, 21, 2019)

Overview of Allegheny County's Bail Practices

Our analysis reveals that Allegheny County uses money bail at a substantial rate. From February through June 2019, magistrates used money bail in 28.3% of initial bail assignments. Though this usage represents an 8.9% reduction in the assignment of money bail compared with the same period in 2018, our analysis demonstrates that money bail is alive and well in Allegheny County.

¹⁴ Megan Guza, *Allegheny County Aims to Cut Jail Population by 20 percent with \$2M grant*, *TRIBLIVE*, October 27, 2018 available at <https://archive.triblive.com/local/pittsburgh-allegheny/allegheny-county-aims-to-cut-jail-population-by-20-percent-with-2m-grant/>.

¹⁵ *Criminal Justice in the 21st Century*, November 2016, *supra* note 7 at 6.

¹⁶ *Id.*

¹⁷ See Allegheny County Analytics, *Daily Jail Population* *supra* note 6.

Once a person has been charged with a crime, the police may either arrest the person and hold them in custody until their preliminary arraignment a few hours later (the first hearing where bail can be set) or release the person with a summons (an order to appear at a future court date or preliminary hearing). For those who receive summons, magistrates will set bail during the defendant's preliminary hearing or at an initial bail hearing. Police have some discretion when deciding whether to hold people in custody until arraignment or release them with a summons.

Monetary bail assignment rates were considerably higher for defendants whom the police chose to keep in custody and whose bail was set at a preliminary arraignment than for those who received summons and had bail set at a preliminary hearing or a bail hearing. In Feb. - Jun. 2019, monetary bail was set in 36.5% of preliminary arraignments but was only set in 1.7% of preliminary hearings and bail hearings. The decline in monetary bail assignment rates from Feb. - Jun. 2018 to Feb. - Jun. 2019 came almost entirely from bail set in preliminary arraignments.

Allegheny's reduction in its use of money bail in Feb. - Jun. 2019 was most evident in its treatment of defendants charged with felonies. The money bail assignment rate for defendants charged with a felony offense dropped 11.9% from Feb. - Jun. 2018 to Feb. - Jun. 2019. Unfortunately, the bail rate for misdemeanors saw a more modest 5.9% drop. In both time periods analyzed, **those charged with a misdemeanor offense had their monetary bail set at a median level of \$5,000.** This is particularly troubling when you look at some of the most minor offenses. For example, 32% of people charged with disorderly conduct¹⁸ as a lead offense, 34% of people charged with retail theft¹⁹ as a lead offense, 29% of people charged with defiant trespass²⁰ as a lead offense, and 8% of people charged only with simple possession of marijuana²¹ as a lead offense all received money bail. Thus, an extraordinarily high number of people charged with minor offenses received money bail that effectively incarcerates poor residents of Allegheny County until their trial.

Demographics

Race²²

Allegheny County's criminal justice system features dramatic and highly troubling racial disparities. **Despite making up only 13% of the local population, ²³Black people make up 60% of the local jail population.**²⁴

While some existing reforms have reduced racial disparities in money bail assignment rates, significant racial disparities remain.²⁵ **Black defendants were assigned monetary bail at a 12.5% higher rate than white defendants.** Black defendants had monetary bail set in 35.0% of initial bail assignments in

¹⁸ 18 Pa. C.S. § 5503 (A)(4).

¹⁹ 18 Pa. C.S. § 3929(A)(1).

²⁰ 18 Pa. C.S. § 3503(B)(1)(i).

²¹ 35 Pa.C.S. § 780-113(A)(31).

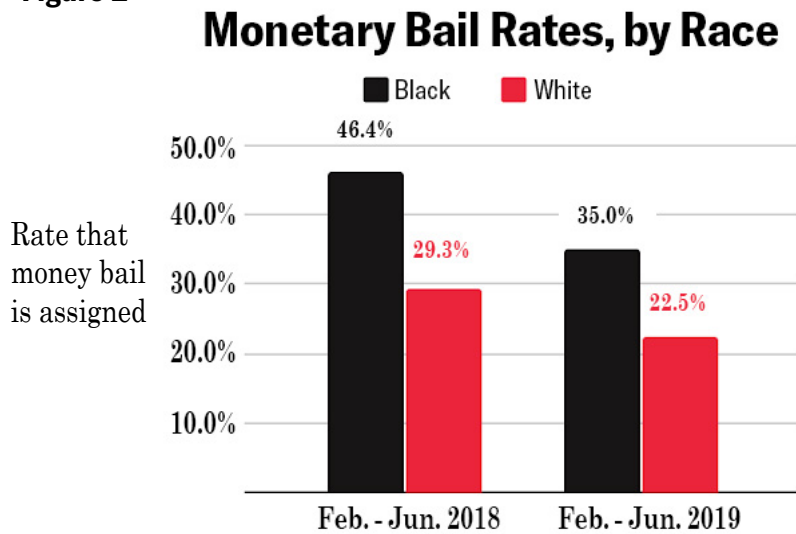
²² This section's analysis is limited to white and Black defendants. A small number of defendants have other reported races. However, Unified Judicial System of Pennsylvania (UJS) does not report Hispanic as a race. Instead, Hispanic defendants are included within the other reported races. The likely effect of UJS not properly classifying Hispanic defendants is to mute the actual disparities in monetary bail assignment rates between white and Black defendants.

²³ July 1, 2018 population estimates from Allegheny County, Pennsylvania Quick Facts, United States Census Bureau, <https://www.census.gov/quickfacts/alleghenycountypennsylvania>, (last visited Sep. 26, 2019).

²⁴ See Allegheny County Jail Population Management Dashboards, *supra* note 18 (last accessed 10/1/19)(reporting that on average from 1/1/15 to 10/1/19 60% of the individuals in Allegheny County Jails are Black).

²⁵ We recognize that Allegheny County recently implemented a positive reform, increasing the number of public defenders available at preliminary arraignment. Criminal Justice in the 21st Century, Fall 2019, *supra* note 10 at 4. While we could not determine, with our analysis, whether this reform had an impact, we hope that Allegheny County will continue to expand indigent defendants' access to public defenders.

Figure 2



Feb. - Jun. 2019, while white defendants had monetary bail set in 22.5% of such assignments. During Feb. - Jun. 2019 Black defendants comprised 58.5% of the dockets in which money bail was initially assigned. Additionally, Black defendants were assigned money bail at higher rates for the same lead offenses.

Of the ten most commonly charged lead offenses in Feb. - Jun. 2019, Black defendants were assigned money bail at higher rates for all ten offenses.

Racial disparities pervade Allegheny County's criminal justice system, as white defendants are also 41% less likely to be sentenced to incarceration than Black defendants for the same charges, and Black defendants spend on average 21 more days in jail than white defendants.²⁶

Poverty

In order to be represented by a public attorney – either a public defender or a court-appointed lawyer – a person must meet a certain level of poverty. For those without the necessary funds, the assignment of almost any amount of money bail effectively functions as a detention order, keeping poor people incarcerated while the wealthy buy their way to freedom. Defendants represented by a publicly provided attorney had 12.4% higher money bail assignment rates, compared to those with private attorneys. Most strikingly, while 29% of publicly represented defendants who were charged with the lead offense of using or possessing drug paraphernalia were assigned money bail, no privately represented defendants charged with the same offense were assigned money bail.

Allegheny County did make some progress in reducing the money bail assignment rate for poor defendants in 2019 as money bail assignment rates for defendants represented by publicly appointed attorneys dropped 8.0%. Nevertheless, Allegheny County's imposition of money bail upon its poorest residents continues to effectively incarcerate people just because they are poor.

²⁶ *Criminal Justice in the 21st Century*, Fall 2019, *supra* note 10 at 8.

Figure 3

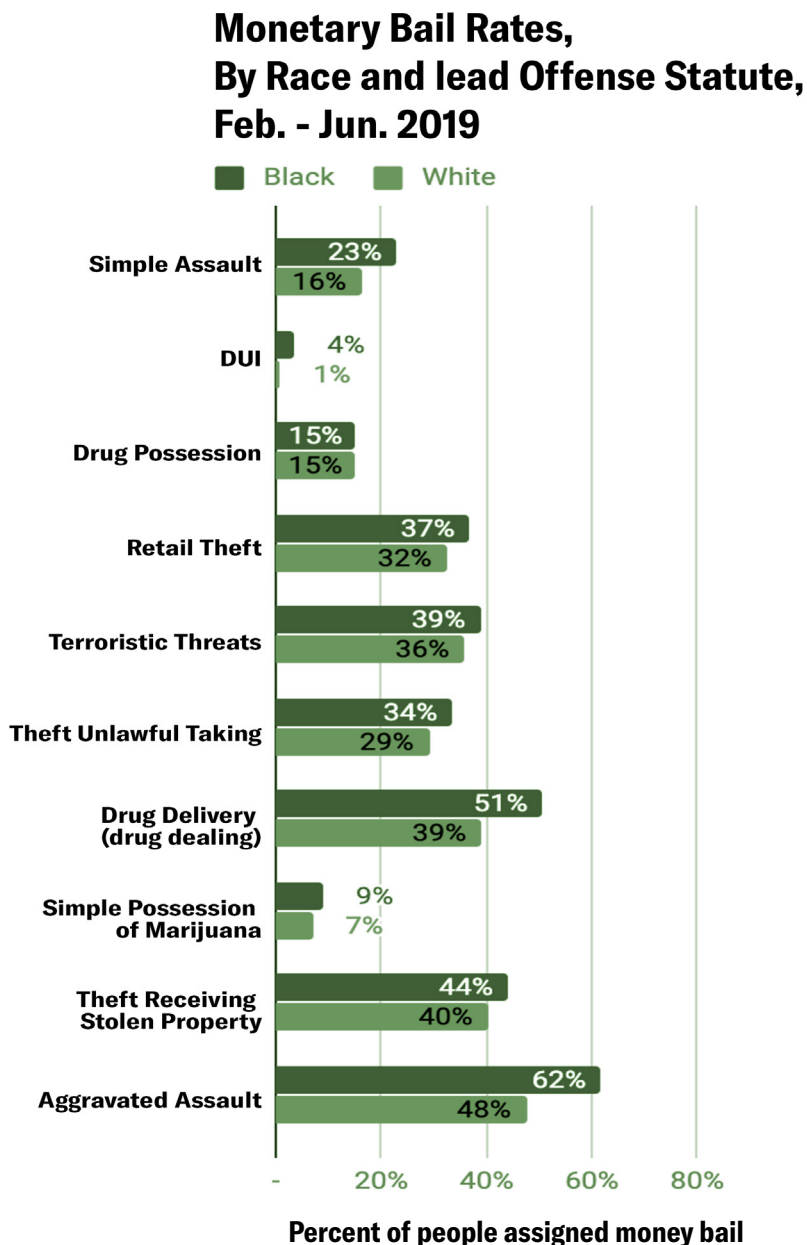
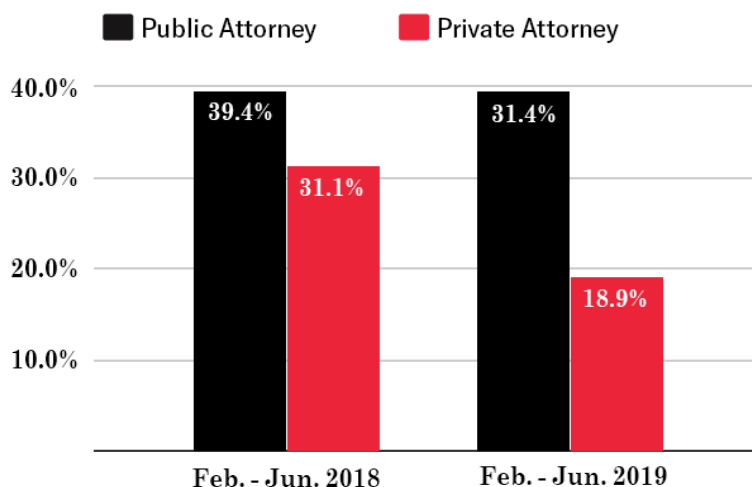


Figure 4

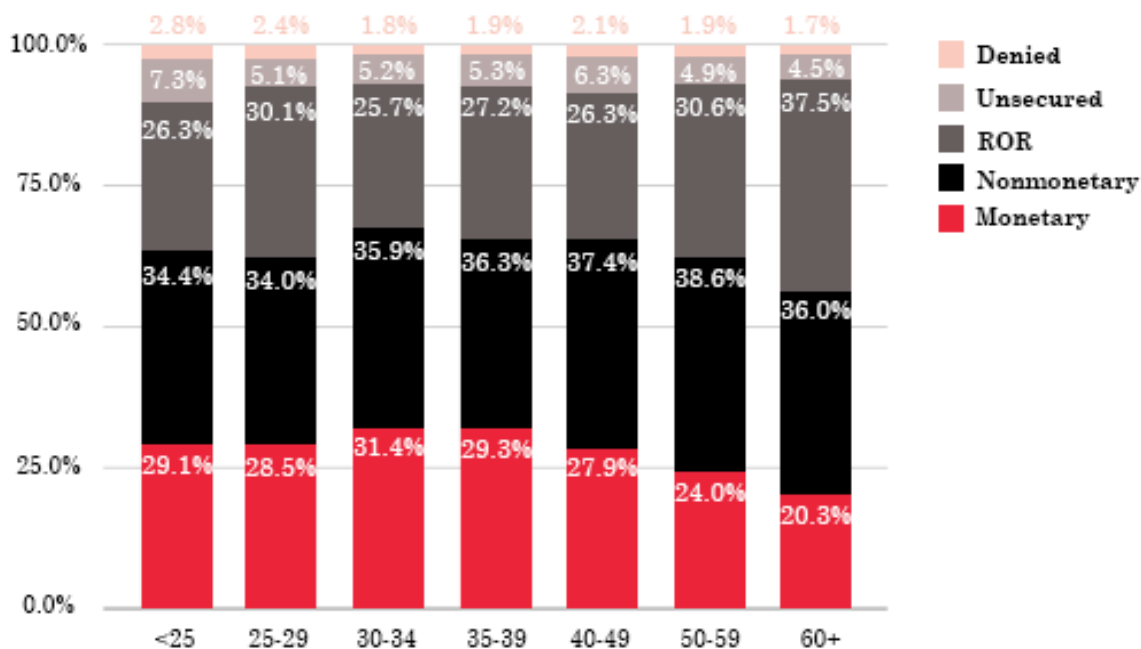
Monetary Bail Rates, by Type of Attorney



Age

In Feb. - Jun. 2019, money bail was assigned at relatively consistent rates for defendants younger than 40. Money bail assignment rates ranged narrowly from 29.1% for those in their 20s to as high as 31.4% for those in their 30s. As defendants aged into their 40s and beyond, money bail was assigned at decreasing rates: 27.9% for those in their 40s, 24.0% for those in their 50s and 20.3% for those 60 and older. Money bail was set at a median level of \$10,000 for defendants under 25 years old, and \$5,000 for all older age ranges.

Figure 5



Gender

Men were more likely than women both to be criminal defendants and to be assigned money bail in Allegheny County. Male defendants made up 71.7% of the Feb. - Jun. 2019 Allegheny County criminal dockets containing an initial bail assignment. Men had money bail set in 32.1% of their initial bail assignments in Feb. - Jun. 2019, while women had money bail assigned in only 18.7% of such cases. This discrepancy is partly a result of men being charged with more serious crimes than women (men were charged with 76.7% of the felonies in Allegheny County in Feb. - Jun. 2019). Nevertheless, men were assigned money bail more frequently even for the same offenses.

Bail Bondsmen Play an Active Role in Allegheny County

In 2019, professional sureties (bail bondsmen) were responsible for 75% of all bail postings made for monetary bail conditions assigned during February through June 2019. Bail bond companies function as predatory lenders, trapping poor people and vulnerable families in cycles of debt and loss. People who can afford it, post the amount of money bail directly with courts and get their money returned at the end of a case, regardless of the case outcome. This is not the case with bail bondsmen. Instead of paying a refundable amount to the court, they pay a non-refundable portion of the bail to a bondsman, who promises to pay the total amount if the person does not show up. Unlike if they paid bail directly to the court, people who give their money to a bail bondsman never get it back. In addition to losing the money they gave the bondsmen, to purchase their or their loved one's freedom, they are also forced into contracts with extreme interest rates. These bondsmen collect money at exorbitant rates via installment plans and fees long after the case has been closed.²⁷

The Magisterial District Court Judges Assigning Bail²⁸

Money bail assignment rates varied widely depending on which Magisterial District Court judge (or magistrate) was presiding over a defendant's preliminary arraignment. For example, in Feb. - Jun. 2019, money bail assignment rates during preliminary arraignments ranged from less than 2% for magistrate Thomas P. Caulfield to 57.5% for magistrate Michael W. Thatcher. However, the magistrates with the greatest volume of preliminary arraignments were amongst those magistrates assigning money bail most frequently. Three of the four most active magistrates had money bail assignment rates in preliminary arraignments above 50%.

Magistrates also differed in how significantly they reduced their use of money bail in Feb. - Jun. 2019. For example, magistrate Thomas S. Brletic, who had the highest money bail assignment rate in preliminary arraignments, 79.3%, in Feb. - Jun. 2018, reduced his usage by 26.2% to 53.1% in Feb. - Jun. 2019. A number of other magistrates dropped their money bail assignment rates by more than 10%. In contrast, several magistrates increased their reliance on money bail in preliminary arraignments in Feb. - Jun. 2019. The change in money bail assignment rates was also affected by the fact that magistrate Edward A. Tibbs no longer presided over preliminary arraignments in 2019. Magistrate Tibbs had assigned monetary bail at a rate of 60.4% in Feb. - Jun. 2018.

Magistrates similarly differed widely in the rates at which they denied bail. Under the Pennsylvania Constitution, a magistrate may only deny bail if the defendant faces homicide charges or in the rare instance where the defendant poses such a threat that "no condition or combination of conditions other than imprisonment" can guarantee public safety.²⁹ Our analysis of bail showed that some of the magistrates who reduced their use of money bail also increased their bail denials. For example, between Feb. - Jun. 2018 and Feb. - Jun. 2019, magistrate Regis Charles Welsh reduced his reliance on money bail from 73% to 54% during initial bail assignments, while at the same time, he increased his bail denial rate by 16%. In a similar vein, magistrate Eugene Ricciardi reduced his reliance on money bail by 4% but increased his bail denial rate by 5%. Magistrates who decrease their reliance on cash bail while increasing their rate of bail denial effectively ensure that pretrial imprisonment rates remain constant.

²⁷ See American Civil Liberties Union, *Selling our Freedom: How Insurance Companies Have Taken Over Our Bail System*, May 2017 available at <https://www.aclu.org/report/selling-our-freedom-how-insurance-corporations-have-taken-over-our-bail-system?redirect=SellingFreedom>, Gillian B. White, Who Really Makes Money Off of Bail Bonds?, *The Atlantic*, May 12, 2017 available at <https://www.theatlantic.com/business/archive/2017/05/bail-bonds/526542/>.

²⁸ The metrics reported in this section includes only those initial bail assignments that occurred during a preliminary arraignment and not a preliminary hearing or bail hearing, thus excluding those bail assignments following summons.

²⁹ Pa. Const. Art. 1 §14.

Conclusion

Allegheny County has a problem with money bail. Allegheny County's current bail practices promote the pretrial incarceration of poor residents while allowing the wealthy to buy their freedom. The racial disparities in the data also remain a stark reminder of the inequities in the money bail system. Pretrial detention causes untold harm to individuals, families, and our communities. Despite county stakeholders understanding that money bail leads to unequal pretrial detention, magistrates continue to impose money bail at significant rates in racially discriminatory ways.

District Attorney Stephen Zappala should take bold action to urge all police officers and all assistant district attorneys to immediately stop requesting money bail. Elected magistrates should likewise commit to eliminating the use of money bail so that poor defendants don't languish in jail pretrial while wealthy defendants buy their way to freedom.

To the elected officials who publicly acknowledge the money bail system in Allegheny County must be reformed, the data reveals the depths of this crisis and illustrates that merely admitting the problem is not enough. Allegheny County officials must match their actions with their well-meaning words.

Appendix A: Monetary Bail Assignment Rates by Magisterial District Judge

Monetary Bail Assignment Rates by Magisterial District Judge

Includes only those initial bail assignments made during preliminary arraignments. Limited to the 25 most active presiding authorities during Feb. - Jun. 2019.

Presiding Authority	Total Dockets Feb. - Jun. 2018	Total Dockets Feb. - Jun. 2019	Monetary Rate Feb. - Jun. 2018	Monetary Rate Feb. - Jun. 2019
Magisterial District Judge Jesse J. Cramer	498	687	63.3%	52.8%
Magisterial District Judge Eileen M. Conroy	466	618	48.5%	37.1%
Magisterial District Judge Regis Charles Welsh	359	433	73.0%	54.3%
Magisterial District Judge Thomas S. Brletic	343	397	79.3%	53.1%
Magisterial District Judge Craig C. Stephens	263	285	54.0%	47.7%
Magisterial District Judge David J. Sosovicka	178	234	49.4%	29.1%
Magisterial District Judge Daniel J. Konieczka	198	205	9.6%	16.1%
Magisterial District Judge James J. Hanley, Jr.	173	205	28.3%	22.4%
Magisterial District Judge Elissa Marie Lang	150	181	19.3%	12.2%
Magisterial District Judge Carolyn S. Bengel	206	180	47.6%	31.1%
Magisterial District Judge Robert Paul Dzvonick	0	171	NA	36.3%
Magisterial District Judge Mik Pappas	78	161	0.0%	3.7%
Magisterial District Judge Kevin Eugene Cooper	180	161	52.2%	39.1%
Magisterial District Judge Richard D. Olasz, Jr.	127	160	32.3%	16.3%
Magisterial District Judge James A. Motznik	169	152	50.3%	57.2%
Magisterial District Judge Derwin Rushing	167	149	28.7%	20.1%
Magisterial District Judge Eugene F. Riazzi, Jr.	149	148	48.3%	37.2%
Magisterial District Judge Leonard J. Hromyak	104	140	49.0%	30.0%
Magisterial District Judge Bruce J. Boni	112	137	2.7%	12.4%
Magisterial District Judge Richard G. Opiela	92	128	26.1%	15.6%
Magisterial District Judge Thomas P. Caulfield	150	127	11.3%	1.6%
Magisterial District Judge Daniel E. Butler	126	120	46.0%	48.3%
Magisterial District Judge Ronald A. Arnoni	103	117	38.8%	40.2%
Magisterial District Judge Eugene Ricciardi	129	111	31.8%	27.9%
Magisterial District Judge Thomas Miller, Jr.	113	111	37.2%	15.3%

% Change Between Feb. - Jun. 2018 and Feb. - Jun. 2019

	Held without Bail	Monetary	Nominal	Nonmonetary	Released on recognizance (ROR)	Unsecured
Magisterial District Judge Jesse J. Cramer	0%	-10%	0%	0%	3%	7%
Magisterial District Judge Eileen M. Conroy	0%	-11%	0%	9%	2%	0%
Magisterial District Judge Regis Charles Welsh	16%	-19%	0%	0%	2%	0%
Magisterial District Judge Thomas S. Brletic	1%	-26%	0%	26%	-2%	1%
Magisterial District Judge Craig C. Stephens	0%	-6%	0%	-4%	0%	10%
Magisterial District Judge David J. Sosovicka	0%	-20%	0%	4%	15%	1%
Magisterial District Judge James J. Hanley, Jr.	0%	-6%	0%	12%	-7%	0%
Magisterial District Judge Daniel J. Konieczka	-1%	7%	-1%	3%	-9%	0%
Magisterial District Judge Elissa Marie Lang	1%	-7%	0%	0%	6%	0%
Magisterial District Judge Carolyn S. Bengel	1%	-16%	0%	5%	7%	3%
Magisterial District Judge Robert Paul Dzvonick						
Magisterial District Judge Kevin Eugene Cooper	0%	-13%	0%	12%	0%	1%
Magisterial District Judge Mik Pappas	-9%	4%	4%	-13%	4%	11%
Magisterial District Judge Richard D. Olasz, Jr.	6%	-16%	0%	-1%	11%	1%

% Change Between Feb. - Jun. 2018 and Feb. - Jun. 2019

	Held without Bail	Monetary	Nominal	Nonmonetary	Released on recognizance (ROR)	Unsecured
Magisterial District Judge James A. Motznik	2%	7%	0%	-16%	7%	1%
Magisterial District Judge Derwin Rushing	1%	-9%	0%	8%	0%	0%
Magisterial District Judge Eugene F. Riazzi, Jr.	0%	-11%	0%	0%	11%	0%
Magisterial District Judge Leonard J. Hromyak	1%	-19%	0%	16%	2%	0%
Magisterial District Judge Bruce J. Boni	-1%	10%	0%	-25%	10%	6%
Magisterial District Judge Richard G. Opiela	-1%	-10%	1%	6%	-4%	9%
Magisterial District Judge Thomas P. Caulfield	-1%	-10%	0%	10%	2%	-1%
Magisterial District Judge Daniel E. Butler	0%	2%	0%	-9%	6%	1%
Magisterial District Judge Ronald A. Arnoni	-5%	1%	0%	-2%	0%	6%
Magisterial District Judge Eugene Ricciardi	5%	-4%	0%	-3%	2%	0%
Magisterial District Judge Thomas Miller, Jr.	-1%	-22%	0%	5%	17%	1%

Methodology

This report was produced by collecting and analyzing Allegheny Magisterial District Court criminal dockets published on the Unified Judicial System of Pennsylvania’s web platform (the “UJS Portal”). The Allegheny Magisterial District Court maintains jurisdiction over preliminary arraignments and preliminary hearings in criminal cases, and, thus, Magisterial District Court dockets contain information on initial bail assignments in criminal cases in Allegheny County. The ACLU of Pennsylvania downloaded all known dockets with a filing date of January 1, 2018, through June 30, 2019. The compiled data set consists of 44,795 dockets, of which 34,059 contained record of an initial bail assignment.³⁰ Of the dockets with bail records, 9,195 had initial bail assignments between February 1 and June 30, 2018, and 9,834 had initial bail assignments between February 1 and June 30, 2019. This data set is believed to represent a significant majority of all Magisterial District Court criminal dockets filed in the above mentioned periods. However, because of the potential for delay between when a docket is filed and when a defendant is arraigned and assigned bail, the data set is missing some initial bail assignments.³¹

The term “monetary bail assignment rate,” which is used throughout this report, represents the fraction of initial bail assignments in which monetary bail was assigned, as opposed to other bail outcomes (i.e. unsecured bail, nonmonetary bail, ROR, denial of bail).³²

³⁰ Because dockets sometimes contain multiple bail records, we determined the initial bail assignment to be represented by the earliest bail record that occurred after the docket was filed. To determine which judge presided over the initial bail assignment, we selected the presiding authority at the defendant’s preliminary arraignment, or if no preliminary arraignment occurred on the day bail was initially set, we selected the presiding authority at the defendant’s bail hearing or preliminary hearing.

³¹ Because dockets sometimes contain multiple bail records, we determined the initial bail assignment to be represented by the earliest bail record that occurred after the docket was filed. To determine which judge presided over the initial bail assignment, we selected the presiding authority at the defendant’s preliminary arraignment, or if no preliminary arraignment occurred on the day bail was initially set, we selected the presiding authority at the defendant’s bail hearing or preliminary hearing.

³² “Nominal” bail, which was set in less than 0.1% of initial bail assignments, is treated as “ROR” for the purposes of this study.

Credits

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PUNISHING POVERTY:

CASH BAIL IN ALLEGHENY COUNTY





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