



# An Assessment of the **Lycoming County** **Pretrial System**

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The Crime and Justice Institute (CJI), a division of Community Resources for Justice, bridges the gap between research and practice with data-driven solutions that drive bold, transformative improvements in adult and youth justice systems. With a reputation built over many decades for innovative thinking, a client-centered approach, and impartial analysis, CJI assists agency leaders and practitioners in developing and implementing effective policies that achieve better outcomes and build stronger, safer communities. CJI works with local, state, tribal, and national justice organizations to provide nonpartisan policy analysis, implementation consulting, capacity-building assistance, and research services to advance evidence-based practices and create systems-level change.

For more information, please visit:

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# Summary

The Crime and Justice Institute (CJI) compared Lycoming County (Williamsport), Pennsylvania’s pretrial release, detention, and supervision practices against recognized best practices for a high-functioning pretrial system and Pennsylvania’s current and proposed legal requirements for pretrial processing. The goal of this assessment is to identify systemic changes that may promote the release of appropriate individuals, heighten the levels of court appearance, and improve public safety. This assessment will also educate county stakeholders on best and promising practices in the pretrial field, thus creating stakeholder buy-in for proposed changes.

CJI used a proprietary assessment method based on the following criteria:

- recognized legal and evidence-based and promising practices for the pretrial field
- legal requirements for pretrial decision-making and case processing outlined in Pennsylvania law
- proposed revisions to Pennsylvania law in the above areas
- feedback from stakeholders regarding local bail decision-making and case processing

CJI found that the county’s pretrial system met most current state requirements, though the system falls short of several proposed changes, such as the routine use of the least restrictive nonfinancial forms of bail. The system also does not meet most recognized best pretrial practices, including:

- a meaningful and timely (within 48 hours of arrest) initial court appearance that includes defense representation, charges reviewed and filed by the district attorney, and judicial decision-making informed by the pretrial services agency’s risk assessment and background investigation;
- regular court date reminders to individuals with pending cases before each scheduled court date;
- sharing of pretrial risk assessment information with stakeholders to help inform bail decision-making;
- an emphasis on least-restrictive nonfinancial release conditions as the primary type of bail;
- a system to routinely review whether conditions of bail continue to match the risk levels of release and detained individuals;
- a full-service pretrial services agency that screens individuals prior to court appearance to determine appropriate conditions of bail and provides the court with suitable nonfinancial release options; and
- routinely collected and reviewed pretrial outcome and performance metrics.

Our review also found that the system lacks a 24-hour, seven-day-a-week central processing protocol to fingerprint and prepare individuals for initial bail consideration. This is a feature of nearly all other bail systems nationwide.

Our recommendations are geared to helping the county meet accepted best practices in the pretrial field and proposed changes to Pennsylvania’s bail laws. These recommendations include creating an around-the-clock central processing and holding facility; replacing current preliminary arraignment procedures with a “meaningful initial appearance” protocol that includes defense representation, prosecutor review of charges, and verified demographic and criminal history information provided to the court; instituting sequential bail review; and expanding the services provided by the county’s Bail Program.

Essential Element	Current Legal Requirements	Proposed Statutes	Best Practice
1. Available 24/7 Central Processing Unit	Not Compliant	N/A	Not Compliant
2. Release Options Following or in Lieu of Arrest	No Data to Rate	N/A	No Data to Rate
3. Meaningful and Timely Initial Court Appearance	Mostly Compliant	Not Compliant	Not Compliant
4. Court Date Reminders	N/A	Not Implemented	Not Compliant
5. Pretrial Risk Assessment	N/A	Not Compliant	Not Compliant
6. No local exclusions to bail	Fully Compliant	N/A	Mostly Compliant
7. Pres. Of Least Restrictive Nonfinancial Release	Fully Compliant	Not Compliant	Not Compliant
8. Reliance on Collaborative Stakeholder Group	N/A	N/A	Fully Compliant
9. Sequential Bail Review	Fully Compliant	Not Implemented	Not Implemented
10. Dedicated Pretrial Services Agency	Mostly Compliant	Not Implemented	Not Compliant
11. Pretrial Outcome and Performance Tracking	N/A	Not Implemented	Not Implemented

# Introduction

In 2024, Lycoming County (Williamsport), Pennsylvania contracted with the Crime and Justice Institute (CJI) to rate the county's pretrial release, detention, and supervision processes against recognized best practices for a high-functioning pretrial system and Pennsylvania's requirements for bail decision-making. The assessment would:

- identify systemic changes that may promote the release of appropriate individuals and heighten the levels of court appearance and public safety;
- determine whether racial and ethnicity disparities exist in the setting of financial bail conditions and bail amounts;<sup>1</sup>
- help the county reduce the use of costly pretrial detention resources; and
- educate local stakeholders on best and promising practices in the pretrial field, thus creating stakeholder buy-in for proposed changes.

CJI analyzed decision points from custodial arrest to case adjudication that determined an individual's release or detention and the policies, procedures, and resources in place to make or support those decisions. Decision points included:

- Arrest and custodial detention before the initial bail decision
- Jail booking and processing
- Initial bail determination
- Initial court appearance
- Prosecutor's decision to file charges
- Assignment of defense counsel
- Subsequent bail determinations
- Case adjudication
- Sentencing

CJI used a proprietary assessment method that included Pennsylvania's current statutory and constitutional requirements, proposed changes to statutory requirements, and nationally recognized best practices for high-functioning pretrial systems.

To evaluate Lycoming County's pretrial system against these criteria, CJI conducted stakeholder interviews, reviewed relevant policies and procedures, directly observed pretrial procedures, and analyzed pretrial system data. CJI received data samples from the Office of the Court Administrator covering individual-case events from January 2022 to January 2023 and a sample of bail data from January 2022 to April 2024. In addition to court event histories, information on attorney type, bail amount, demographics, and charge type were used in the assessment. These data consist of 3,510 individual-case histories, with 71 percent male individuals, 29 percent female individuals, 71 percent White individuals and 28 percent Black individuals. Additionally, CJI received some reports from the Lycoming County Bail Program and the Lycoming County Prison. As of June 20, 2024, the Lycoming County Prison held a population of 262.

## Rating Criteria

CJI first evaluated Lycoming County's pretrial system according to Pennsylvania's current pretrial statutory<sup>2</sup> and constitutional<sup>3</sup> framework to highlight the legality and constitutionality of Lycoming County's current policies, practices, and procedures within its statewide context. Lycoming County stakeholders have indicated that their pretrial system may need improvements to align with potential statutory changes that have been previously



proposed by the state legislature. Therefore, CJI also evaluated the county’s pretrial system against proposed statutory changes.<sup>4</sup>

Finally, CJI evaluated Lycoming County against nationally recognized best practices for high-functioning pretrial systems to emphasize the procedures that the county should aspire to meet. These include standards for pretrial systems and pretrial service agencies promulgated by a variety of respected nationwide associations of criminal justice stakeholders<sup>5</sup> as well as criminal justice research institutes.<sup>6</sup> (See Appendix for more detailed summary and cites of these standards). Based upon these pretrial best practice standards, CJI determined the following are essential elements within any pretrial system:

- 1. Available Central Processing Unit for “24/7” Bookings<sup>7</sup>**
- 2. Release Options Following or in Lieu of Custodial Arrest**
- 3. Meaningful and Timely Initial Court Appearance**
- 4. Court Date Reminders**
- 5. Pretrial Risk Assessment**
- 6. No Local Exclusions to Bail**
- 7. Presumption of Least Restrictive Nonfinancial Release; Requirement for a Preventative Detention Hearing**
- 8. Reliance on a Collaborative Group of Stakeholders**
- 9. Sequential Bail Review**
- 10. Dedicated Pretrial Services Agency**
- 11. Pretrial Outcome and Performance Tracking**

Current and proposed statutory and constitutional requirements were categorized based on their relevance to the 11 essential elements above.

CJI applied the three ratings criteria to Lycoming County’s pretrial system through 1) direct observation of Lycoming County’s preliminary hearing, formal arraignment, and pretrial supervision procedures, 2) virtual and on-site interviews with agency staff and criminal justice stakeholders, 3) a review of Lycoming County Bail Program policies and procedures, and 4) a review of data on program functions supplied by the Lycoming County Bail Program as well as the Office of the Court Administrator.

CJI created a ratings scale to assess Lycoming County’s Pretrial System under each ratings criterion. The scale ranged from the county fully meeting the functions and requirements of a particular criterion to the criterion not being present in the county’s pretrial policies, practices, or procedures.

- 1) **Fully Compliant** Policies, practices, and procedures fully comport with the ratings criterion.
- 2) **Mostly Compliant** Policies, practices, and procedures mostly comport with the ratings criterion. However, certain practices, policies or procedures deviate from the criterion or significant criterion functions are not present.
- 3) **Not Compliant** Policies, practices, and procedures do not comport with the ratings criterion.
- 4) **Not Implemented** Policies, practices and procedures do not include the ratings criterion.

Since Lycoming County’s Pretrial System was evaluated against 1) Current state statutory and constitutional requirements, 2) Proposed statutory requirements, and 3) Pretrial best practice essential elements, there were up to three different ratings applied to the county based on each of these criteria.



## 1. Available Central Processing Unit for “24/7” Bookings

The county lacks a 24-hour, seven day a week central processing and holding facility to hold and process individuals pending preliminary arraignment, despite the law requiring all individuals arrested for felonies and misdemeanors to be fingerprinted. This fingerprinting is a function usually performed by a jurisdiction’s jail. As a result, a substantial percentage of individuals are not fingerprinted during the pretrial phase, leading to inaccurate state level criminal history records. Bail setting judicial officers also do not have past criminal history information since criminal histories can only be initiated upon the submission of an individual’s fingerprints.

### Current statutory/constitutional requirements

*The local arresting authority must take fingerprints of all persons arrested for a felony, misdemeanor, as well as a summary offense that becomes a misdemeanor.<sup>8,9</sup> Within 48 hours of the arrest, the fingerprints must be forwarded to the central repository.*

In Lycoming County, individuals are primarily fingerprinted at the Central Processing Unit at Duboistown; however, this unit is not available 24/7, open only from 10 AM to 2 PM. Lycoming County Detectives have a fingerprinting compliance rate of 51 percent, while Williamsport City Police have a compliance rate of 70 percent. For the first quarter of 2024, Lycoming County reported an overall fingerprinting rate of 71 percent.

While Magistrate court schedules individuals to be fingerprinted, it does so inconsistently. Central processing mails defendants the fingerprinting date two weeks ahead of time. Stakeholders indicate that individuals are not responding to their summonses to be fingerprinted prior to court. In addition, the county halted transporting individuals pre-release to central processing during the COVID-19 pandemic and has not re-established it. As a result of individuals not being fingerprinted prior to their preliminary arraignment, a state-wide criminal history—which is tied to an individual’s fingerprints—cannot be processed.

**Rating: Not Compliant.**

### Proposed statutory changes

None.

### Best practices

*Pretrial best practices do not explicitly address the need for a central processing facility, since the use of such a facility is standard operating procedure in most jurisdictions. However, for a judge to make the most informed decision regarding pretrial release, they must have access to a validated pretrial risk assessment; such an assessment relies partially upon an individual’s criminal history record.<sup>10,11,12,13,14</sup> A criminal history record can only be initiated upon the submission of an individual’s fingerprints. Therefore, to ensure successful pretrial outcomes, all individuals who are arrested must be brought to a central processing unit to be fingerprinted, even if they are subsequently released.*

**Rating: Not Compliant.**

## 2. Release Options Following or in Lieu of Custodial Arrest

CJI could not evaluate the county on this element due to a lack of data on the percentage of eligible individuals cited and released and the reasons used by law enforcement to deny early release.

### **Current statutory/constitutional requirements**

*A summons rather than an arrest warrant must be issued if the offense severity is limited to a second-degree or a first-degree misdemeanor. However, the arresting authority has discretion provided there is reason to believe that the individual poses a threat to others.*<sup>15,16</sup>

Compliance cannot be evaluated with current data. Data supports the finding that individuals in Lycoming County are often arrested when the most serious charge is either a first-degree or second-degree misdemeanor offense (31.63 percent of arrests in the sample); however, the data cannot establish the reason provided for declining to cite and release.<sup>17</sup>

**Rating: No Data to Rate.**

### **Proposed statutory changes**

None.

### **Best practices**

*Opportunities to cite and release lower-risk individuals should be leveraged to conserve law enforcement resources. Additionally, alternatives to arrest provide effective responses tailored to individuals with mental health or substance use disorders.*

There is no known collection of data by law enforcement on the outcomes associated with cite and release, which limits the ability to evaluate its effectiveness. Even when a summons is issued, logistical challenges such as transience and transportation often result in individuals not receiving their summons. The resultant failure to appear and subsequent issuance of arrest warrants limits the potential gains of this practice. Although State Police indicate that drug-related offenses typically result in release on summons, this claim requires further verification.

**Rating: No Data to Rate.**

### 3. Meaningful and Timely Initial Court Appearance

Preliminary arraignments occur within the timeframe required by statute. However, these hearings lack most elements of a meaningful initial court appearance. These include defense representation, prosecutorial review of arrest charges, and demographic, criminal history, and risk assessment information to help inform the bail decision.

#### **Current statutory/constitutional requirements**

**Timing of arraignment:** *A preliminary arraignment must be held without unnecessary delay following arrest.<sup>18</sup> Unless otherwise provided by local court rule, or postponed by the court for cause shown, arraignment must take place no later than 10 days after the information has been filed.<sup>19</sup>*

**Appointment of Counsel:** *Counsel must be appointed before the preliminary hearing for defendants unable to employ counsel or without financial resources.<sup>20</sup> Defendants who request assigned counsel must file an application demonstrating that they are unable to employ counsel or without financial resources.<sup>21</sup>*

**Pretrial release decision-making:** *When determining an individual's pretrial release conditions, the bail authority must consider all available information relevant to the defendant's likelihood of appearance at hearings or compliance with bail conditions, including the individual's:*

- *offense charged and the likelihood of conviction,*
- *employment and financial background,*
- *family background,*
- *residential history,*
- *demographic and psychological characteristics,*
- *history of court appearance,*
- *history of willful flight or escape,*
- *criminal record,*
- *use of false identification,*
- *and any other relevant factors.<sup>22</sup>*

Provided that the standard of “unnecessary delay” is subject to the individual interpretation of each local jurisdiction in the state, Lycoming County could be interpreted to meet this vague standard. Of note, stakeholders indicate that the preliminary arraignment typically occurs within 24 hours of arrest and is held either in person or over the phone. The data supports this observation: of the 494 individuals who had an arrest date that was the same as or prior to their case initiation date, 476 had an arrest to initiation time of less than two days. Stakeholders indicate that preliminary arraignment to formal arraignment can take one to two months. According to the data, for the sample of individuals who have an arrest date, the average time between case initiation in the magistrate court and arraignment or entrance into a diversion program was 58.18 days.

While individuals typically have been appointed a public defender by the time of their preliminary hearing, this is not always the case in Lycoming County. Individuals may appear at preliminary hearing without having submitted their application forms, which demonstrate their inability to employ counsel or lack of financial resources. While the law requires individuals requesting assigned counsel to file such application forms, there is no requirement for these forms to be filed prior to the preliminary hearing, nor is the court or defense counsel required to ensure this application is submitted prior to the preliminary hearing. Therefore, based on current requirements, Lycoming County is mostly compliant.

When determining an individual's pretrial release conditions, the bail authority in Lycoming County can consider some but not all of the information required by the law. For example, the judge is able to consider the individual's offense information, typically using the arrest report from the police, as well as the individual's self-identified employment, residential, family, and psychological background. However, this background information is not able to be verified at the time. In addition, the judge often does not have access to the individual's criminal history, which could include their history of court appearance and willful flight or escape.

**Rating:** **Mostly Compliant.**

### **Proposed statutory changes**

**Appointment of Counsel:** *An individual who is either detained 48 hours after the initial bail determination and/or has been detained for a detention hearing must be eligible for the appointment of counsel regardless of their financial resources for the review.<sup>23</sup> Counsel may represent a defendant for the limited purpose of the initial bail determination, a review of release conditions, or a detention hearing.<sup>24</sup>*

**Pretrial release decision-making:** *In determining an individual's release conditions, the bail authority must consider all available relevant information including the individual's:*

- *current charge including the nature and circumstances of the charge, possibility of imprisonment, victim's risk of harm, intent to hinder prosecution, and likelihood of witness intimidation or destruction of evidence,*
- *personal information such as family ties, employment, residence, and immediate risk of substantial physical self-harm,*
- *prior criminal history,*
- *pre-trial risk assessment, if available, and*
- *whether the prosecution has provided notice seeking pretrial detention pursuant to Rule 520.16.<sup>25</sup>*

In Lycoming County, individuals are not in practice made eligible for the appointment of counsel until they have filled out an application for assigned counsel demonstrating that they are unable to employ counsel or without financial resources. This is evidenced by the observation that individuals will arrive at a preliminary hearing without appointed counsel because they have not yet submitted their application.

When determining an individual's pretrial release conditions, the bail authority in Lycoming County is currently unable to accurately consider most of the information required by the proposed law. For example, the judge is able to consider the individual's charge; however, due to the limited information provided in the arrest report, the judge is not able to assess accurately the victim's risk of harm, the intent by the individual to hinder prosecution, or the likelihood of the individual to engage in witness intimidation or to destroy evidence. The personal information provided by the individual is not verified by the time of the initial pretrial release decision-making, there is no prior criminal history available, and there is no pre-trial risk assessment used. In addition, prosecutors in Lycoming County do not currently have to seek pretrial detention for a person to be detained; instead, the responsibility is on the judge to detain an individual without bail or on very high bail, to ensure they remain detained.

**Rating:** **Not Compliant.**

### **Best practices**

*An individual is entitled to a meaningful and timely initial court appearance.<sup>26,27,28,29,30</sup>*

**Timing of probable cause determination:** *The probable cause determination at initial appearance must be done as soon as possible and—absent emergency or exigent circumstances—within 48 hours of a person’s arrest.*

**Active defense counsel:** *Individuals charged with criminal offenses are entitled to active defense counsel, who has had adequate opportunity to consult with the client prior to initial appearance.*

**Prosecutor screening arrest filings:** *An experienced prosecutor screens arrest filings prior to initial appearance. This screening includes decisions to file or decline charges, consideration of appropriate charges, the individual’s eligibility for diversion, and recommendations for bail. An early review of detailed police reports and accurate criminal history allows for fidelity in charging decisions prior to the arraignment.*

**Pretrial agency report/recommendation:** *In all cases in which an individual is in custody and charged with a criminal offense, a pretrial service agency should investigate the individual’s background and current circumstances and share this information with the judge presiding over the initial appearance.*

**Pretrial release decision-making:** *The bail or pretrial release decision must be informed by factors associated with pretrial outcomes, both through the Pretrial Risk Assessment tool and other individualized considerations.*

In Lycoming County, a person’s first time appearing before a judicial officer for bail consideration is typically at the time of preliminary arraignment, typically within 24 hours of custodial arrest. While best practice is for defense counsel to consult with their client prior to initial appearance and play an active role at initial appearance, defense attorneys in Lycoming County often do not meet with their client for the first time until the preliminary hearing. This means that there is no defense counsel present at preliminary arraignment.

The prosecutor does not typically file charges until between the preliminary hearing and formal arraignment. Due to the limited nature of the arrest report typically provided to the judge and the lack of consistent fingerprinting prior to initial appearance, an early review of detailed police reports and accurate criminal history is often not possible prior to initial appearance.

In Lycoming County, there is no pretrial agency report nor recommendation provided to the judge prior to preliminary arraignment. The county’s Bail Program administers the Ohio Risk Assessment System-Pretrial Assessment Tool (ORAS-PAT) to the small portion of individuals who have been deemed eligible for Bail Program supervision, but only after the bail decision. ORAS-PAT results are not provided at preliminary arraignment nor any other court hearing. The judicial officer’s bail decision is typically based on the initial arrest report provided to them and other personal background information provided by the individual. This information is typically unverified, and a person’s criminal history is often not available.

**Rating:** **Not Compliant.**

## 4. Court Date Reminders

Lycoming County courts do not provide regular reminders of upcoming court dates, as recommended according to best practice standards. This function usually is carried out by defense counsel.

### Current statutory/constitutional requirements

None.

### Proposed statutory changes

*Proposed Rule 520.18 would require the Bail Program to notify every individual on pretrial release of upcoming court appearances within 48 hours of the scheduled court date.*

At present, the Bail Program does not provide court reminders to any person with a pending case.

Rating: **Not implemented.**

### Best practices

*Court date reminder notification systems, when used at the pretrial stage, can improve court appearance rates, thereby reducing the community and court costs associated with missed hearings.<sup>31,32,33,34,35</sup> Court date reminder notification systems that have been shown in the field to most significantly reduce warrants for nonappearance include:*

- *Text message reminders*
- *Email reminders*
- *Live callers*
- *Automated calls<sup>36</sup>*

*The most effective reminder notification systems typically feature multiple reminders—for example, at seven days, three days, and one day prior to the hearing.<sup>37</sup> Local jurisdictions can save court users multiple steps by automatically enrolling them in reminders, with the option for them to choose the type of reminder that works best for them. Those who do not want reminders can opt out.<sup>38</sup>*

Lycoming County lacks a universal court date reminder notification system. The responsibility is on the public defender or private defense counsel to ensure their clients appear for their court hearings. Individuals issued a citation or summons may receive one court date reminder via mail. However, since addresses are not verified, receipt of the reminder depends on the validity of the address they provide to law enforcement or the court.

Rating: **Not Compliant.**

## 5. Pretrial Risk Assessment

The Bail Program uses a nationally recognized pretrial risk assessment. However, as would be proposed in statute, it does not share the results of that assessment with the court to help inform bail decision-making nor use data from the assessment to measure the level of risk within the pretrial population. There also do not appear to be internal procedures in place to ensure inter-rater or intra-rater reliability, as recommended according to best practice standards.

### Current statutory/constitutional requirements

None.<sup>39</sup>

### Proposed statutory changes

*Proposed Rule 520.6. Release Factors would add a “pretrial risk assessment, if available” criterion to bail setting.<sup>40</sup> Proposed Rule 520.19. Pretrial Risk Assessment Tool Parameters would allow a president judge to authorize the adoption and use of a risk assessment via local rule, subject to these parameters:*

- A. The pretrial risk assessment shall be conducted in all criminal cases prior to the preliminary arraignment or, when a preliminary arraignment is not held, the preliminary hearing.*
- B. At a minimum, the pretrial risk assessment tool shall determine a risk of failure to appear and new criminal activity.*
- C. The pretrial risk assessment tool shall be statistically validated prior to adoption and at an established interval thereafter to demonstrate racial and gender neutrality and meet a minimum level of predictability of no less than 70%. Validation reports shall be made public.*
- D. A report of aggregate outcomes of pretrial risk shall be made public at least annually following adoption of a pretrial risk assessment tool.*
- E. At a minimum, the pretrial risk assessment tool shall classify risk of pretrial failure as high, moderate, and low risk. Further sub-classifications are subject to local option. Risk classifications shall be described to users in terms of success.*
- F. The person, department, or agency responsible for completing the assessment shall be designated by local order or rule.*
- G. The bail authority, defendant, defendant’s counsel if known, and the Commonwealth shall receive the pretrial risk assessment report and bail recommendation. Reports for individual defendants shall not be publicly accessible.*
- H. A bail recommendation based upon a pretrial risk assessment tool shall be clearly marked as advisory of release and bail conditions.*
- I. A bail recommendation based upon a pretrial risk assessment tool shall not be the sole determinate for making a bail determination.*

The Lycoming County Bail Release Program adopted the Ohio Risk Assessment System—Pretrial Assessment Tool (ORAS-PAT) in September 2023. The ORAS-PAT meets the criteria for a nationally recognized and validated pretrial risk assessment.<sup>41</sup> However, the Bail Program does not conduct the assessment in all criminal cases before the preliminary arraignment nor share the assessment’s outcome with those involved in bail decision making.

**Rating:** **Not Compliant.**

### Best practices

*Courts should use a locally validated or nationally recognized pretrial risk assessment instrument to gauge an individual’s likelihood to appear in court as required and to remain arrest-free pretrial, based on factors shown*



*through research to predict these outcomes. “National” assessments must be validated to the local pretrial population at least one year after their adoption. Risk assessments should support an “adjusted actuarial” approach to outcome predictions that allows for limited and well-defined adjustments to assessment results, based on mitigating or aggravating circumstances discovered during the universal screen. Best practice also strongly encourages pretrial services agencies to develop in-house quality assurance procedures to measure inter-rater and intra-rater reliability in staff application of an assessment. Inter-rater reliability measures the consistency in risk assessment results among multiple raters. It demonstrates consistency in the rating system. Intra-rater reliability gauges how consistently individual raters apply the assessment in similarly situated cases.*

As stated above, the ORAS-PAT meets the criteria for a nationally recognized and validated pretrial risk assessment. The instrument also supports the adjusted actuarial assessment approach, where raters can consider aggravating or mitigating factors external to the risk assessment. However, since the Bail Program does not share ORAS-PAT results with the courts or other stakeholders, the instrument is not used as risk assessments are intended—to inform judicial bail decision-making and to ensure that bail types and conditions match assessed individual risk levels and risk factors. The Program uses the ORAS-PAT to determine supervision eligibility and the level and conditions of program participation, but only after the court has made its bail decision.

The Bail Program also appears to lack in-house quality assurance procedures to measure inter-rater and intra-rater reliability in staff application of an assessment.

**Rating: Not Compliant.**

## 6. No Local Exclusions to Bail

The courts do not impose restrictions on bail above those mentioned in the commonwealth's statutes. However, the Bail Program does restrict program eligibility, thus limiting the court's ability to impose nonfinancial bail options as recommended according to best practice standards.

### Current statutory/constitutional requirements

*All individuals are bailable except those charged with capital offenses, other offenses where the maximum sentence is life imprisonment, or when the court believes there are no condition or combination of conditions that would ensure court appearance or public safety.*<sup>42</sup>

In Lycoming County, there are no additional restrictions on bail eligibility beyond those cited in Pennsylvania Statute. Further, a review of Lycoming County Prison Policies and Procedures provided no indication of exclusion for bail consideration.<sup>43</sup> A review of bail data also demonstrated that charges associated with the "no bail" designation were those with maximum sentences of life imprisonment.<sup>44</sup>

Rating: **Fully Compliant.**

### Proposed statutory changes

None.

### Best practices

*Pretrial programs should evaluate all eligible individuals for pretrial release. No local policy or statute should exclude anyone from evaluation beyond what is mandated by already existing state or federal statute.*

Local exclusions to bail refers to any prohibition on bail associated with a particular charge beyond what is already dictated by state law.<sup>45</sup> Exclusions that are not grounded in assuring court appearance and public safety may limit the efficacy of a bail system.

Stakeholder interviews indicated that the Lycoming County Bail Release Program excluded from supervision consideration individuals with limited housing options and/or substance use disorders. This practice appears to impose a local limit to bail not found in state law.

Rating: **Mostly Compliant.**

## 7. Presumption of Least Restrictive Nonfinancial Release and Requirements for a Preventative Detention Hearing

Bail usually involves some type of secured or unsecured financial bail. Full cash bail is the most common form of secured bail. Detention in Lycoming County is usually the result of an individual's inability to post bail. There are no procedures in place to show that an individual poses an unmanageable risk of court nonappearance or rearrest to warrant detention; Thus, Lycoming County fails to meet the least restrictive bail determination as proposed in statute and recommended according to best practice standards.

### Current statutory/constitutional requirements

*All individuals have a right to bail except those charged "for capital offenses or for offenses for which the maximum sentence is life imprisonment or unless no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community when the proof is evident or presumption great..."<sup>46</sup> Pennsylvania law does not state a preference for nonfinancial or financial bail.*

Rating: **Fully Compliant.**

### Proposed statutory changes

*Proposed Rule 520.7. Least Restrictive Bail Determination would require bail conditions to "be the least restrictive to satisfy the purpose of bail, as provided in Rule 520.1." Proposed Rule 520.11. Determination: Release with Monetary Conditions would limit imposition of a money bail to when "proof is evident and the presumption is great that no nonmonetary special conditions exist to satisfy the purpose of bail, as provided in Rule 520.1."<sup>47</sup> Moreover, the rule would require bail to be "reasonably attainable by the defendant" and for the court to conduct an indigency screening as part of bail setting.*

Lycoming county's bail system does not appear to adhere to any of these requirements. Data show that unsecured financial bail (64.03 percent) and secured financial bail (31.65 percent) are the dominant bail types in the county. By contrast, less than one percent (0.93 percent) of defendants received a nonfinancial form of release (ROR, Nonmonetary, or Nominal Bail). Money amounts for both financial bail types appeared to increase with charge severity and not necessarily the result of a determination that nonfinancial release options are sufficient. There is no determination of ability to pay particular bail amounts made at preliminary arraignment, besides general questions to arrested individuals about employment and salary status. Also, similar to the finding of an earlier ACLU report,<sup>48</sup> mean secured and unsecured bail amounts for Black defendants were higher than for Whites while nonfinancial release rates were lower. For example, 49.19 percent of Black defendants received a secured financial bond compared to 26.69 percent of Whites.

Rating: **Not Compliant.**

### Best practices

*Pretrial detention should be "limited only to when the court finds by clear and convincing evidence that a detention-eligible person poses an unmanageable risk of committing a dangerous or violent crime during the pretrial period or willfully failing to appear at scheduled court appearances."<sup>49</sup> This wording is similar to Pennsylvania Constitution Section 14.*

Pretrial detention in Lycoming County usually is the result of financial bail, presumably involving bail amounts individuals cannot afford to post.<sup>50</sup> For example, a one-day (June 20, 2024) census of the prison's unsentenced population found that cash bail was the overwhelming reason for detention.<sup>51</sup> Pennsylvania Rules do not list the ability to pay bail as a criterion for bail decision-making.<sup>52</sup> However, best practices is clear that detention should not be based on an individual's financial ability to pay.<sup>53</sup>

Rating: **Not compliant.**

## 8. Reliance on a Group of Collaborative Stakeholders

The Lycoming County Criminal Justice Advisory Board meets the best practices criteria for a collaborative stakeholder group. The Board could strengthen its ties with county residents by including a community member seat and include a member with lived experience of the justice system.

### Current statutory/constitutional requirements

None.

### Proposed statutory changes

None.

### Best practices

*An inter-agency collaborative should determine and manage justice initiatives, set system priorities, and allocate system funding and resources. Its membership should include all governmental branches and, if possible, community member representation.*

County Criminal Justice Advisory Boards (CJABs) in Pennsylvania are local planning and problem-solving groups comprised of judicial, legislative, and executive officials as well as community-based members. Lycoming County established its CJAB in September 2002 with a twofold mission: 1) to improve the safety of the citizens by providing a forum for communication regarding critical issues and concerns and 2) to foster a collaborative effort of key decision makers by promoting action that facilitates the efficiency and effectiveness of the overall system. Common Pleas Court President Judge Nancy L. Butts chairs the CJAB and its membership represents the judiciary, prosecution, defense, courts, corrections, and behavioral health sectors. The CJAB has led several county justice initiatives including a Crisis Intervention Team that serves Lycoming and Clinton counties, the Lycoming County Reentry Services Center, the Lycoming County Reentry Coalition, and the Lycoming County Substance Abuse Coalition. The Pennsylvania Commission on Crime and Delinquency recognized the group's work in 2019 with its Criminal Justice System for the 21st Century Best Practices Award. Judge Butts also was recognized for her leadership role with the 2024 Honorable Linda K.M. Ludgate CJAB Excellence in Leadership Award. While the Lycoming County CJAB meets the best practice criteria, it does not appear to include community member representation, something recommended as best practices for these collaborative efforts.<sup>54</sup>

**Rating: Fully Compliant.**

## 9. Sequential Bail Review

While Lycoming County's bail review practices meet current legal requirements, courts have no routine procedure to ensure that an individual's current bail status continues to match their likelihood of court appearance and arrest-free behavior. Instead, bail review usually depends on the diligence of an individual's defense counsel; thus Lycoming County's pretrial system has not implemented proposed statutory changes or best practice standards for a sequential bail review.

### Current statutory/constitutional requirements

*Magisterial district judges may modify a bail order anytime at the preliminary hearing. Afterwards, judges may modify these orders at any time up to adjudication. The court must explain modifications in writing or on the record.<sup>55</sup>*

Rating: **Fully Compliant.**

### Proposed statutory changes

*Proposed Rule 520.15.: Condition Review would mandate bond review within 72 hours for any individual detained 48 hours after the initial bail determination because of their inability to meet conditions of bail.*

Rating: **Not Implemented.**

### Best practices

*Courts should review whether an individual's bail status matches their likelihood of future court appearance and arrest-free behavior. Pretrial systems should target scheduled court appearances as decision points for sequential review, presenting new or updated information found in investigations and updated risk assessment results. Recognized best practice also advocates for the routine review of an individual's bail status to determine if the conditions of bail continue to match the individual's likelihood of successful pretrial outcomes.<sup>56</sup>*

According to stakeholder interviews, bail reviews depend on the diligence of an individual's defense counsel. Bail consideration usually is not a routine part of most court hearings beyond the preliminary arraignment. Further, the county's Bail Release Program does not make recommendations for bail adjustments except for supervised individuals who are allegedly noncompliant with Program conditions.

Rating: **Not Implemented.**

## 10. Dedicated Pretrial Services Agency

The Bail Program provides supervision services to the courts but does not share its risk assessment to stakeholders for bail decision-making nor provide additional verified demographic and criminal history at this decision point. The program also presents exclusion criteria to its supervision that limits the courts' options for nonfinancial pretrial release.

### Current statutory/constitutional requirements

*Lycoming County Rule of Criminal Procedure L530 established the Lycoming County Bail /Release Program as the county's bail Program pursuant to Pa.R.Crim. P 530. The rule grants the program all powers specified in Commonwealth Rule 530, including investigating whether an individual is appropriate for release on bail, supervising individuals pending trial, apprehending individuals to bring them before a bail setting court, and filing motions to the court for bail modification.*

The Bail Program does not provide investigative services to the court before a bail decision—defined as an interview of a defendant, a criminal history search, and application of a risk assessment before a court hearing—as permitted under Commonwealth law.

**Rating:** **Mostly Compliant.**

### Proposed statutory changes

*Proposed Rule 520.18. Responsibilities of Pretrial Services would allow a president judge to establish a pretrial services agency under the president judge or designee's supervision. At a minimum, the pretrial services agency would:*

- A. Advise the president judge on the feasibility of adopting and maintaining a validated risk assessment tool and recommendation matrix*
- B. Prepare and disseminate pretrial risk assessments, if adopted*
- C. Remind every defendant on release at least once of an upcoming court appearance within 48 hours of the scheduled appearance*
- D. Establish capacity for telephonic and in-person reporting of defendants on release when reporting is a condition of release*
- E. Identify and refer defendants with mental health and alcohol/substance abuse issues posing an immediate risk to the defendant for appropriate services*
- F. Identify, monitor, and report any defendants remaining in detention 48 hours after the initial bail determination*

*The pretrial services agency should affiliate with professional associations such as the Pennsylvania Pretrial Services Association to exchange information, participate in educational programs, and share best practices.*

The Bail Program adopted a pretrial risk assessment but does not disseminate assessment information to other stakeholders. It also does not provide court date reminders to released individuals. The Program has established telephone and in-person reporting procedures but does not regularly refer individuals to behavioral health services nor monitor the jail's pretrial population. Finally, while Bail Program staff are individual members of the Pennsylvania Pretrial Services Association, the Program itself has no formal affiliation with the state organization.

**Rating:** **Not implemented.**

## Best practices

*Best practice recommends that a jurisdiction's operational pretrial functions (risk assessment, bail recommendation, supervision, compliance monitoring, and performance measurement and feedback) are all performed by a single organization. The pretrial services agency should be a separate, independent entity or a component of a larger organization with the following organizational capacities:*

- *A clearly defined pretrial service-related function as its purpose;*
- *Staff assigned only to pretrial-related work with pretrial defendants; and*
- *Management that can make independent decisions on budget, staffing, and policy.*

*The pretrial services agency screens individuals eligible by statute for release consideration to make informed, individualized, risk-based recommendations to the court regarding bail and provides supervision and monitoring to promote court appearance and public safety with supervision levels and conditions matching the defendant's assessed risk level and identified risk factors.*

The Bail Program uses the ORAS-PAT as a pretrial risk assessment but does not share outcome results or data with other stakeholders, particularly the judiciary for bail decision making.

The Bail Program considers individuals upon a referral from the courts and following an internal assessment of defendant eligibility.<sup>57</sup> The eligibility screen includes an interview, application of the ORAS-PAT risk assessment, a substance abuse/mental health evaluation, home investigation, and nature of the pending charges. It was not clear from interviews with staff how the Bail Program weighs these criteria or whether program staff apply them consistently to assessed defendants. The Bail Program has exclusion criteria—gun offenses, sexual offenses, and homelessness—something not specified in Rule 530 or Lycoming County Rule of Criminal Procedure L530 and counter to best practice. “Ineligible” defendants can have a bail motion scheduled in Common Pleas Court.

Supervision includes two levels, Supervised Bail and Intensive Supervised Bail. Supervised Bail includes “field work” or home visits and regular contact with the defendant. Intensive Supervised Bail includes these conditions and the addition of a curfew and GPS monitoring. Judges also may order specific supervision conditions. According to interviewed staff, the Bail Program attempts to apply conditions only to specifically identified needs, consistent with recognized best practice.

The Bail Program only notifies the court of noncompliance with supervision and does not appear to have internal processes to address infractions to conditions or recommend reduction in supervision (or release from supervision) for compliant individuals.

The program charges a supervision fee (\$25 for Supervised Bail, \$50 for Intensive Supervised Bail), a practice allowed by Rules 530 and L530 but conflicting with best practice.

**Rating: Not compliant.**



## 11. Pretrial Outcome and Performance Tracking

The county does not track pretrial outcome or performance metrics, short of the Bail Program's tracking of the appearance rates of individuals it supervises. As a result, the county cannot track objectives for its pretrial system nor identify practices that work, need improvement or are nonproductive.

### Current statutory/constitutional requirements

None.

### Proposed statutory changes

*Jurisdictions must adopt a pretrial risk assessment to draft an annual public report on the aggregate outcomes from that assessment.<sup>58</sup>*

The Bail Program does not provide annual public information about its pretrial risk assessment aggregate outcomes.

Rating: **Not Implemented.**

### Best practices

*Jurisdictions should adopt and review metrics to track success at meeting a specific mission or strategic objective. This helps to define and measure success and identify practices that work, need improvement or are nonproductive. Suggested measures for pretrial systems support maximizing release, court appearance, and public safety:*

- 1. Appearance Rate: The percentage of supervised defendants who make all scheduled court appearances*
- 2. Safety Rate: The percentage of supervised defendants who are not charged with a new offense during the pretrial stage*
- 3. Concurrence Rate: The ratio of defendants whose supervision level or detention status corresponds with their assessed risk of pretrial misconduct*
- 4. Success Rate: The percentage of released defendants who (1) are not revoked for technical violations of the conditions of their release, (2) appear for all scheduled court appearances, and (3) are not charged with a new offense during pretrial supervision*

Besides the Bail Program tracking appearance rates of supervised individuals, the county does not regularly collect nor use outcome or performance measurement data. As a result, stakeholders do not track system outcomes, including the rate of individuals released pretrial and the rate of those released who make all scheduled court appearances, remain arrest-free, and comply with court-ordered supervision.<sup>59</sup>

Rating: **Not Implemented.**

# Findings and Recommendations

Lycoming County's pretrial system meets most of the requirements of current Pennsylvania law, with the exception of routine fingerprinting and pre-bond screenings conducted by the Bail Program. Case processing events (such as court dates, assignment of defense counsel, prosecutor charge review and filing, and bail decisions) mostly occur as mandated by statute. Bail decision-makers consider all eligible individuals and attempt to tie their decisions to the likelihood of future court appearance and public safety. However, the system is incompatible with several proposed changes to commonwealth law. This includes a presumption of nonfinancial least restrictive bail, the use of a risk assessment to help inform bail decisions, the routine review of bail decisions—particularly those that result in detention—a full service pretrial services agency, and public reporting of pretrial outcome metrics.

Most strikingly, the system falls short of most recognized pretrial best practices, including:

- a meaningful and timely initial court appearance that includes defense representation, charges reviewed and filed by the district attorney, and judicial decision-making informed by results of a pretrial service agency's pretrial risk assessment and other relevant information;
- regular court date reminders to individuals before each scheduled court date;
- the sharing of pretrial risk assessment information with stakeholders to help inform bail decision-making;
- an emphasis on the least restrictive nonfinancial release conditions as the primary type of bail;
- a system to routinely review whether conditions of bail continue to match the risk levels of released and detained individuals;
- a full service pretrial services agency that screens individuals prior to court appearance to determine the appropriate conditions of bail and provides the court with suitable nonfinancial release options; and
- routinely collected and reviewed pretrial outcome and performance metrics.

Lycoming County also does not have an around-the-clock central processing unit, a foundational piece of most pretrial systems and a function usually performed by a county's detention facility. Processing centers allow for fingerprinting and identification of arrested individuals and screening procedures before an initial bail hearing.

CJI also noted an over-arching shortcoming: the lack of coordinated data processing, collection, and review. Data analytics are key to developing informed, strategic, and evidence-based policy. However, this is not possible if data do not exist (for example, how often arrested individuals meet the criteria for citation release exclusion), are not easily available (the assessed risk levels of individuals pending trial), or never reviewed (racial disparities in setting secured cash bail). All of CJI's recommendations depend on the county improving its data capacity and developing ways to routinely collect and analyze information.

## Recommendations

### Available Central Processing Unit for Bookings 24/7

#### **1. Establish a full-time central holding and processing center.**

The county should establish a 24-hour-a-day, seven-day-a-week central holding and processing center, preferably in Williamsport. The center would be a secure detention facility where law enforcement can transport and transfer custody of arrested individuals pending preliminary arraignment. Center staff would search, fingerprint, and otherwise process individuals pending arraignment. Besides freeing law enforcement to return to their duties more quickly, the center also would allow:

- The use of Pennsylvania’s Livescan Fingerprint Computer System: Fingerprints would be submitted electronically to the Pennsylvania State Police Central Repository, helping the county meet legal requirements and enhancing the overall rate of fingerprint capture.
- Implementation of the Commonwealth Photo Imaging Network (CPIN): CPIN is a statewide computer network that captures and stores digital photographs of arrested individuals. Photos are accessible at all criminal processing centers throughout the state.
- A more convenient location for those released on citation to report for fingerprinting: Cited and released individuals have among the lowest rates of post-arrest fingerprinting. With a centralized location, courts could order—and the expanded Bail Program could enforce—individuals to report to a specific location for fingerprinting and other processing.
- Expanded and verified information for bail decision-making: The proposed expanded Bail Program’s screening staff would be located at the central holding and processing center to interview individuals pending preliminary arraignment (taking that task off the hands of judicial officers), verifying the information obtained, running full criminal history checks, and applying the Program’s pretrial risk assessment. All of this information would greatly enhance the information judicial officers have at initial bail setting, something all Magisterial District Judges interviewed agreed was critical to any system improvement. Further, the Public Defender also could use the center to screen individuals for eligibility.
- Videoconferencing: A holding and processing center also would allow the county the potential for videoconferencing of preliminary arraignment. This would eliminate unnecessary transportation to court.
- Eligibility for defense representation: A processing center would allow time and space to screen individuals for eligibility for Public Defender or assigned counsel representation. This would replace the currently inconsistent and inefficient method of individuals applying personally for representation.

#### **Release Options Following or in Lieu of Arrest**

### **2. Establish data collection processes for regional and state law enforcement agencies.**

To gauge the effectiveness of their cite and release systems, the regional and state police departments should collect information on:

- the number of arrested individuals eligible for citation release;
- the number of those individuals actually released;
- the reasons for law enforcement declining to release on citation; and
- the appearance rate of released individuals at preliminary hearing.

### **3. Investigate the practicality and benefits of police-led diversion.**

Both departments also should investigate the practicality and potential benefits of police-led diversion programming as an arrest alternative. Nationally, 34 percent of law enforcement agencies participate in diversionary practices and 21 percent operate police-led diversion programs.<sup>60</sup> These include Crisis Intervention Teams, Mobile Crisis Teams, and “Law Enforcement Assisted Diversion” LEAD programs that directly refer individuals to social services or behavioral health services programs. Law enforcement experts cite several benefits to police-led diversion programs, including:

- Increased access to social services
- Decrease in substance use, mental illness symptoms, and criminal activity<sup>61</sup>
- Enhanced community-police relations through increased trust and legitimacy
- Less personnel time spent processing custodial arrests and responding to repeat offenders<sup>62</sup>

## Meaningful and Timely Initial Court Appearance

### **4. Revise the Preliminary Arraignment to meet the criteria for a meaningful and timely initial court appearance.**

The Magisterial District Court should revamp its preliminary arraignment process to meet the criteria for a meaningful and timely initial court appearance. The revised hearing would occur daily during standard business hours and replace the current “around the clock” magisterial district judge bail decision-making. Besides a finding of probable cause, the hearing would feature:

- active defense representation for arrested individuals;
- a Bail Program report containing the results of an interview, criminal history investigation, application of the ORAS-PAT, and a recommendation regarding bail; and
- prosecutorial representation and review of the arrest charges and identification of individuals who might be suitable for diversion, specialty court application, or other alternative to adjudication.

A meaningful initial court appearance model would help standardize bail setting among magisterial district judges and help identify individuals appropriate for nonfinancial release options. Judicial officers would have additional and verified data to help make more informed bail decisions. Finally, arrested individuals would have representation at a point (bail setting) where a liberty interest is at stake.

### **5. Consider different options for Preliminary Arraignment defense representation.**

Since most individuals require Public Defender or assigned counsel services, the county should consider how best to provide representation at initial appearance. Some smaller jurisdictions use a “panel system” under which the court assigns private attorneys to represent individuals at least at initial appearance.<sup>63</sup> However, assignment in this system usually occurs during the initial appearance, leaving counsel little time to review available information and participate knowledgeably in bail decision-making. Other jurisdictions contract with private attorneys to provide representation at this decision point. Similarly, a public defender service may institute a horizontal model where different attorneys provide representation during different stages of a case such as initial appearance. Finally, several Pennsylvania counties and smaller counties in other states employ non-barred professionals (usually legal interns or law school students) to provide representation at initial appearance.

## Court Date Reminders

### **6. Create a court-based court date reminder system.**

Both courts should implement an automated system for reminders of all scheduled court appearances. All reminders should include the date and time of the next scheduled court appearance, the court address and the judicial officer’s name and courtroom. In keeping with recognized best practice, courts should send reminders close in time to the scheduled date; common cadences are seven, three, and one day prior.<sup>64</sup> The reminder also should include a means for individuals to acknowledge their receipt.

Reminders may take the form of an automated call, text message, or e-mail. (As part of its screening process, the Bail Program should ask individuals about the best mode of contact for them). Courts should enroll individuals into the notification system automatically but give them the chance to opt out of the program.

## Pretrial Risk Assessment

### **7. Share Bail Program risk assessment results with stakeholders at bail setting.**

As discussed more fully later, the Bail Program should share its risk assessment results at bail decision-making points with the courts, defense, and prosecution. CJI also recommends that the county fund a validation study in 2025 to assess if the ORAS-PAT accurately predicts outcomes for the county's pretrial population. Validations should then occur every two years afterward. CJI can work with the Bail Program to describe the processes needed for an effective validation study.

### **8. Create inter-rater and intra-rater quality assurance procedures with the Bail Program.**

The Bail Program should also develop in-house quality assurance procedures to measure inter-rater and intra-rater reliability in staff application of the ORAS-PAT. Finally, the Bail Program should reach out to the University of Cincinnati Corrections Institute (UCCI) to implement regular staff training and certification on the ORAS-PAT. The UCCI offers assessment training under agreement with the University of Cincinnati. The training protocol covers an introduction to the ORAS, review and practice scoring tools, practice interview skills, review assessment driven case planning, and a certification test. County staff also may achieve trained facilitator status. More information about training opportunities can be found at [corrections.institute@uc.edu](mailto:corrections.institute@uc.edu) or [www.uc.edu/corrections](http://www.uc.edu/corrections).

## No Local Exclusions to Bail

### **9. Eliminate Bail Program exclusions to supervision eligibility.**

The Bail Program should drop its exclusions to program eligibility and accept supervision of all individuals the courts deem suitable. The Program can make recommendations to the court based on the ORAS-PAT and its background investigation but should consider any individual eligible by statute for pretrial release.

## Presumption of least restrictive nonfinancial release; requirement for preventative detention hearing

Bail in Lycoming County most often involves unsecured or secured financial bail. When secured bail is applied, it usually requires the full posting of a cash bond. CJI's data analysis also found the same racial disparity in bail amounts first noted by the ACLU. Based on this, detention in the county is the result of an individual's inability to afford financial bail. While Pennsylvania Rules do not list the ability to pay bail as a criterion for bail decision-making, best practice is clear that detention should not be based on an individual's financial ability to pay.

### **10. Track financial bail decisions by amount and by race and ethnicity.**

If judicial officers have verified social and behavioral health data and the results of the Bail Program's risk assessment, the use of nonfinancial release would be expected to increase. Therefore, CJI recommends that the courts begin to track the types of bail imposed at mid-year and annual intervals and set an appropriate "release rate" outcome metric. Courts also should track differences in bail amounts by race and ethnicity. CJI also recommends that the courts expand on Rule 520's requirement and require judicial officers to state in writing their reasons for ordering financial bail and track whether these decisions are based on legitimate and identifiable risks of an individual's risk of court nonappearance or to public safety.

## Reliance on Collaborative Group of Stakeholders

## **11. Expand the CJAB to community members.**

The CJAB is a strong point for the county’s overall justice system. To strengthen this resource, CJI recommends that the CJAB follow established best practice by expanding its membership to community members, particularly those with lived experience in the justice system.<sup>65</sup> Community representatives can bring expertise and perspectives different than that of system stakeholder CJAB members. Their inclusion would ensure that the CJAB reflects the diverse constituencies within Lycoming County and that the Board represents the community it serves.

### **Sequential Bail Review**

## **12. Create an automatic review of bail decisions that result in detentions of 48 hours or more.**

Since Constitution Section 14 reserves pretrial detention partly for individuals who pose an unmanageable risk of rearrest or willful failure to appear, CJI recommends that the courts institute an automatic review of bail decisions that result in detention of 48 hours or longer. The process should include a full adversarial hearing format. Following this review, the bail authority must state in writing why they believe the current bail is appropriate to the person’s individualized risk of willful failure to appear or new criminal activity. Further, courts should treat each scheduled appearance as a chance to review the bail status for released and detained individuals. This includes compliance to court-ordered conditions of supervision or changes in an individual’s circumstances (for example, a change in financial circumstances or the presence of a new warrant) that may necessitate a reconsideration of bail.

### **Dedicated Pretrial Services Agency**

## **13. Expand Bail Program operations and consider its administrative placement.**

Consistent with Rule 530 and best pretrial practice, the Bail Program should expand its operations to include screening of individuals pending bail decisions, particularly at preliminary arraignment. The screening should include an interview to obtain the demographic and behavioral health information described in Rule 523. Release Criteria, an investigation of an individual’s criminal history, and the application of the ORAS-PAT assessment. The Program should provide this information—along with a recommendation regarding bail—in a written or virtual report to court, prosecution, and defense.

Stakeholders should discuss whether the county prison is the appropriate administrative placement for an expanded Bail Program. NAPSA Standards and NIC’s *Framework* advocate for independent pretrial services agencies. The current trend nationally—as evidenced in states such as New Jersey, Arizona, Illinois, and Michigan—are court-based pretrial agencies. At the least, CJI recommends that the expanded Bail Program have the authority to:

1. determine a distinct pretrial-related mission and set of operational objectives;
2. have a clearly defined pretrial service-related function as its purpose;
3. assign staff only to pretrial-related work with individuals on pretrial status; and
4. make independent decisions on budget, staffing, and policy.

## **14. Eliminate program eligibility requirements and standard conditions.**

The Program should discontinue its policy of set program requirements and conditions that apply to all individuals supervised. This procedure runs counter to the ideal of least restrictive conditions of supervision tied to specific factors related to court appearance or public safety. Instead, judicial officers must determine **all** conditions of supervision. The Program also should drop the practice of home visits, which are not common in

the pretrial field and—given the rights unconvicted individuals maintain—potentially inappropriate to supervise a pretrial population.

### **15. Create a policy on responding to individual conduct.**

With input from the court, defense, and prosecution, the Program should update its policy on responding to individuals' behavior on supervision. The policy should identify:

- Compliant and noncompliant conduct (for example, missed or made in-person check-ins) and appropriate responses to each event
- Conduct that the program should address internally
- Conduct that requires court action

The Program should continue to notify the court whenever an individual's conduct cannot be addressed through administrative responses, but also let the court, defense, and prosecution know when it believes that supervision levels or conditions should be lowered. The Program also should refrain from recommending termination of supervision for individuals who have not willfully missed a scheduled court appearance nor had a new criminal case filed against them.

### **16. Form an affiliation with state and national pretrial associations.**

Proposed Rule 520.18 encourages Pennsylvania pretrial services agencies to affiliate with the Pennsylvania Association of Pretrial Services Agencies (PAPSA). PAPSA is the state's pretrial practitioner membership association. It provides training and technical assistance support through its annual conference to state pretrial agencies. Several Bail Program staff are PAPSA members and CJI recommends that the Bail Program reach out to the association to establish a formal technical assistance relationship. The Bail Program also should inquire into technical assistance offered by the National Association of Pretrial Services Agencies (NAPSA) and Advancing Pretrial Policies and Research (APPR). NAPSA is the national professional association for the pretrial release and pretrial diversion fields and has engaged in numerous partnerships and collaborative projects to communicate and advance the best and promising practices in pretrial release and diversion. APPR supports pretrial professionals in the meaningful delivery of data-informed pretrial policies and practices.

#### **Pretrial Outcome and Performance Tracking**

### **17. Regularly collect and review pretrial data.**

CJI recommends that the county's CJAB take the lead in regular collection of pretrial data and routine (at least quarterly) review of these data to determine how well the pretrial system is meeting goals and objectives. At a minimum, information should include the elements listed in CJI's data request (see Appendix A) and outcome and performance measures specific to pretrial systems and agencies.

#### **Continued Technical Assistance**

### **18. Develop a strategy for receiving ongoing technical assistance.**

Our recommendations will require Lycoming County to consider adaptive changes to its pretrial system. These types of changes involve not just technical or procedural adjustments, but also potential changes in stakeholders' values, beliefs, attitudes and approaches. Given their complexity, adaptive changes require time as well as strategies and resources to modify habits and culture.



CJI recommends that the county adopt a strategy to seek ongoing technical assistance to aid in implementing our recommendations. At a minimum, future assistance should include:

- education on pretrial services programming targeting:
  - pretrial services program staff
  - evidence-based overview courses
  - staff buy in
  - local criminal bar
  - judicial staff
  - other key stakeholders including district attorney, public defender, etc.
- various pretrial services programming training to include assessment tools, fidelity of tool, etc.
  - Booster training on ORAS-PAT for staff, APO staff and judicial staff
  - separate for DA and PD offices \ local criminal bar
- data consultation
  - training on data collection, data fields and why
  - training on pretrial data module

# Conclusion

Lycoming County's justice system stakeholders are committed to nurturing a safer, more fair pretrial system. It is critical that this commitment and momentum endure, as the county looks to improve its pretrial release, detention, and supervision policies and practices. While Lycoming County's pretrial system mostly complies with current law, there is significant work to do to align the county's policies and practices with future proposed statutory changes and nationally recognized best practices for a high-functioning pretrial system. Lycoming County stakeholders can address the challenges they face with the required determination to succeed.

# Appendix

## Current Statutory and Constitutional Requirements

Statutory requirements are outlined in Pennsylvania Code Title 234, Chapter 5, Part C. Bail. Constitutional requirements for pretrial systems outlined in Article I, Section 14 of the Pennsylvania Constitution as amended in 1998.

## Proposed Legal Requirements

As of 2023, the Criminal Procedural Rules Committee was considering proposing to the Supreme Court of Pennsylvania the rescission of Pa.R.Crim.P. 520—529 and replacement with Pa.R.Crim.P. 520.1—520.19 governing bail proceedings.

## NIC Essential Elements Framework

The National Institute of Corrections' (NIC) *A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency*,<sup>66</sup> defines the fundamentals of an effective pretrial system and the essential elements of a high functioning pretrial services agency. Framework elements include:

1. Release options in lieu of custodial arrest
2. No local exclusions to bail more stringent than state requirements
3. Criminal case screening and filing by experienced prosecutors before the initial bail setting
4. Defense counsel appointed and able to assist in the bail decision at the initial bail setting
5. A collaborative stakeholder group to identify and direct bail-related issues.
6. A dedicated pretrial services agency with the following
  - a. An operationalized mission statement related to pretrial specific outcomes.
  - b. Universal screening of all bail eligible defendants
  - c. Validated pretrial risk assessment
  - d. Sequential bail review of the detained and released pretrial populations
  - e. Supervision or monitoring at levels consistent with the defendant's assessed risk
  - f. Outcome and performance measurement to track the organization's meeting of mission and strategic goals

## ABA Standards

The American Bar Association's *Standards for Criminal Justice: Pretrial Release, 3d ed. (2007)*<sup>67</sup> are based on federal and state laws that favor pretrial release and assume that most individuals can be safely released pending adjudication unless the state can prove by clear and convincing evidence that the accused will flee the jurisdiction or will pose a danger to the safety of the community or the victim. The Standards presume that individuals are entitled to nonfinancial release pretrial unless the government can show a substantial risk of nonappearance or a need for additional conditions of release. Besides a presumption of nonfinancial release, the Standards favor:

- Citations or summonses instead of custodial arrest in cases involving non-violent offenses
- Prompt arraignment and bail consideration after arrest
- Release conditioned with the least restrictive bail requirements as needed
- Prompt case filing by prosecutors
- The presence of a pretrial services agency in the justice system

## NAPSA Standards

The National Association of Pretrial Services Agencies' *National Standards for Pretrial Release: Revised 2020*<sup>68</sup> describe what the Association believes are the components of an effective, legal, and evidence-based bail system. Besides elements presented in the ABA Standards, the NAPSA Standards support:

- A systems approach to improving bail decision making, with well-defined roles for the court, prosecution, and defense
- Pretrial services agencies as an essential element of effective bail systems
- A ban on money as a type of bail, a requirement of pretrial supervision or a means of detention
- Empirically developed and validated pretrial risk assessments to help predict the likelihood of return to court and arrest-free pretrial behavior
- Conditions of pretrial release tied to identified individualized risk factors to promote successful pretrial outcomes
- Outcome and performance measurement to track and improve system operations

## NDAAs Standards

The National District Attorney's Association's *National Prosecution Standards Fourth Edition with Revised Commentary January 2023*<sup>69</sup> are a guide to professional conduct in the performance of the prosecutorial function. Part IV of the Standards outline considerations for prosecutorial functions at the pretrial stage, including:

- Case Screening
- Diversion consideration
- Pretrial release
- Role at preliminary hearing
- Grand Jury functions
- Case scheduling and priority

## APPR Roadmap

Advancing Pretrial Policy and Research's *Roadmap for Pretrial Advancement*<sup>70</sup> presents a systemic approach to improving pretrial systems and decision-making. Its critical system elements include:

- Policies to use citations/summons instead of custodial arrests in appropriate circumstances
- Diversion options for law enforcement, the prosecution, and the judiciary
- Delegated release authority for law enforcement and other designated agencies
- Meaningful first appearance hearings where individuals are represented by counsel and have the opportunity for pretrial release
- Due process protected pretrial detention limited to individuals for whom the state shows that no conditions reasonably assure pretrial success
- Use of locally validated actuarial pretrial assessment to inform decisions about pretrial release conditions
- Individualized, least restrictive conditions that reasonably assure court appearance and community safety
- Supportive pretrial services to individuals most likely to benefit from them
- Clear, consistent, and equitable policies for responding to behavior on pretrial release. Swift and effective case processing
- Regularly review of individuals who are in jail pretrial to determine why they are detained and whether they should be released

# CJI Data Request Form

Variable	Description	Available (Yes/No)	If yes, specify county (local) data source	If yes, specify state data source	Notes
<b>Defendant Identifier Variables</b>					
<b>County person ID</b>	Unique person (defendant) identifier				
<b>State person ID</b>	Unique person (defendant) identifier				
<b>Defendant Demographic Variables</b>					
<b>Date of Birth</b>	Date of birth of defendant				
<b>Gender</b>	Gender of defendant				
<b>Race</b>	Race of defendant				
<b>Ethnicity</b>	Ethnicity of defendant (Hispanic or Latino; not Hispanic or Latino)				
<b>Employment</b>	Employment status of defendant at time of arrest				
<b>Current Arrest Variables</b>					
<b>Arrest Number</b>	Unique arrest identifier				
<b>Arrest Type</b>	Citation or Being Physically Arrested				
<b>Arrest Date</b>	Date of arrest or citation				
<b>Arrest Charge(s) at the time of arrest</b>	A list of all the charges <i>at the time of arrest</i>				
<b>Arrest Charge(s) Statute</b>	Statute(s) for <i>current</i> arrest charge(s)				
<b>Arrest Charge Description</b>	Description(s) for the defendant's <i>current</i> arrest charge(s)				
<b>Arrest Charge Severity</b>	Severity for <i>current</i> arrest charge(s) (e.g., misdemeanor, felony)				
<b>Arrest Charge Class</b>	Class for <i>current</i> arrest charge(s) (e.g., class A, class B)				

Variable	Description	Available (Yes/No)	If yes, specify county (local) data source	If yes, specify state data source	Notes
<b>Arrest Charge Category</b>	Category for <i>current</i> arrest charges (e.g., person, property)				
<b>Most Severe Arrest Charge</b>	What was the most severe arrest charge? (e.g., class A felony)				
<b>Cite and Release Decision</b>	Whether or not a decision to cite and release was made at the time of arrest.				
<b>Arrest Flagged as Violent</b>	Did the arrest include violent charges?				
<b>Arrest Flagged as DV</b>	Did the arrest include domestic violence charges?				
<b>Arrest Flagged as DUI</b>	Did the arrest include DUI charges?				
<b>Pending Charges</b>	Does the defendant have other pending cases at time of arrest?				
<b>Court Case Variables</b>					
<b>Case Number</b>	Unique court case identifier				
<b>Case File Date</b>	Date of case filing				
<b>Judge</b>	Judge presiding over the case				
<b>Attorney Type</b>	Defendant's attorney status (e.g., none, private, public defender)				
<b>First Appearance Date</b>	Date of the first appearance or arraignment				
<b>Specialty Court</b>	If the defendant participated in a specialty court, what type of court did the defendant participate in (e.g., veteran's court, drug court)				

Variable	Description	Available (Yes/No)	If yes, specify county (local) data source	If yes, specify state data source	Notes
<b>Filing Charge Statute(s)</b>	Statute(s) for current arrest charges <i>at filing</i>				
<b>Filing Charge(s)</b>	A list of all filing charges				
<b>Filing Charge Description</b>	Description for current arrest charges <i>at filing</i>				
<b>Filing Charge Severity</b>	Severity for current arrest charges <i>at filing</i> (e.g., misdemeanor, felony)				
<b>Filing Charge Class</b>	Class for current arrest charges <i>at filing</i> (e.g., class A, class B)				
<b>Case Max Severity</b>	What was the most severe filing charge? (e.g., felony)				
<b>Case Max Class</b>	Penalty class of the most serious charge associated with the case, i.e., Felony A, Felony B, etc.				
<b>Filing Charge Category</b>	Category for current arrest charges <i>at filing</i> (e.g., person, property)				
<b>Filing Flagged as Violent</b>	Did the arrest include violent charges <i>at filing</i> ?				
<b>Filing Flagged as DV</b>	Did the arrest include domestic violence charges <i>at filing</i> ?				
<b>Filing Flagged as DUI</b>	Did the arrest include DUI charges <i>at filing</i> ?				
<b>Charge Disposition Date</b>	Date of disposition of each charge				
<b>Charge Disposition</b>	Disposition of each charge (e.g., plead guilty, dismissed)				
<b>Sentencing Date</b>	Date of sentencing				



Variable	Description	Available (Yes/No)	If yes, specify county (local) data source	If yes, specify state data source	Notes
<b>Sentence Type</b>	Type of sentence (e.g., incarceration, probation, fine)				
<b>Sentence Amount</b>	Amount of sentence (e.g., length of time or amount of money)				
<b>Bond and Release Variables</b>					
<b>Initial Bond Type</b>	Type of bond at initial setting (e.g., surety, cash, release on own recognizance)				
<b>Initial Bond Amount</b>	Total bond amount at initial setting				
<b>Initial Bond Conditions</b>	Conditions of bond at initial setting				
<b>Initial Bond Date</b>	Date of bond at initial setting				
<b>Last Bond Type</b>	Type of most recent bond				
<b>Last Bond Amount</b>	Total amount of most recent bond				
<b>Last Bond Conditions</b>	Conditions of most recent bond				
<b>Last Bond Date</b>	Date of most recent bond				
<b>Bond Paid</b>	What was the amount of the bond paid?				
<b>Bond Posted Date</b>	What date was the bond posted?				
<b>Release Decision</b>	Final release decision, likely identical to the most recent bond type				
<b>Release Outcome</b>	The way pretrial custody ended for the case				
<b>Bond Forfeiture Reason</b>	Reason for bond forfeiture				
<b>Bond Forfeiture Date</b>	What was the date of bond forfeiture?				

Variable	Description	Available (Yes/No)	If yes, specify county (local) data source	If yes, specify state data source	Notes
<b>Booking Variables</b>					
<b>Booking Number</b>	Unique booking identifier				
<b>Jail Booking Date and Time</b>	Date and time of booking into jail				
<b>Jail Booking Reason</b>	Reason for booking into jail (e.g., new arrest, warrant, probation violation)				
<b>Warrants</b>	Number of open warrants/detainers				
<b>Jail Holds</b>	The type of hold placed on the defendant (e.g., ICE, mental health, DV)				
<b>Jail Release Date and Time</b>	Date and time of release from jail				
<b>Jail Release Reason</b>	Reason for release from jail (e.g., OR, bond out, pretrial)				
<b>Prior Sentence to Incarceration</b>	Did the defendant have a prior sentence to incarceration?				
<b>Outcome Variables</b>					
<b>FTA Occurred</b>	Did the defendant have a failure to appear during the pretrial period?				
<b>FTA Date</b>	Date of first failure to appear				
<b>NCA Occurred</b>	Did the defendant commit a new crime during the pretrial period?				
<b>NCA Date</b>	Date of new criminal arrest				
<b>NCA Charge Statute</b>	Statute for new criminal arrest charges				
<b>NCA Charge(s)</b>	Include a list of all charges at the time of new criminal arrest				

Variable	Description	Available (Yes/No)	If yes, specify county (local) data source	If yes, specify state data source	Notes
<b>NCA Charge Description</b>	Description for new criminal arrest charges				
<b>NCA Charge Severity</b>	Severity for new criminal arrest charges (e.g., misdemeanor, felony)				
<b>NCA Charge Class</b>	Class for new criminal arrest charges (e.g., class A, class B)				
<b>NCA Charge Category</b>	Category for new criminal arrest charges (e.g., person, property)				
<b>Most Severe NCA Charge</b>	What was the most severe new criminal arrest charge?				
<b>NCA Violent Flag</b>	Did the new criminal arrest include violent charges?				
<b>NCA DV Flag</b>	Did the new criminal arrest include domestic violence charges?				
<b>NCA DUI Flag</b>	Did the new criminal arrest include DUI charges?				

# Endnotes

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<sup>1</sup> For example, a study by the American Civil Liberties Union of Pennsylvania found that judicial officers imposed financial bail for Black individuals twice as often than for White individuals with bail amounts for Black individuals being twice that of White individuals. ACLU of Pennsylvania. (2021). *Broken Rules: How Pennsylvania Courts Use Cash Bail to Incarcerate People Before Trial*. Philadelphia, PA: ACLU of Pennsylvania.

<sup>2</sup> Requirements outlined in Pennsylvania Code Title 234, Chapter 5, Part C. Bail.

<sup>3</sup> Requirements for pretrial systems outlined in Article I, Section 14 of the Pennsylvania Constitution as amended in 1998.

<sup>4</sup> As of 2023, the Criminal Procedural Rules Committee was considering proposing to the Supreme Court of Pennsylvania the rescission of Pa.R.Crim.P. 520—529 and replacement with Pa.R.Crim.P. 520.1—520.19 governing bail proceedings

<sup>5</sup> National Association of Pretrial Services Agencies, *National Standards for Pretrial Release* (Washington, D.C.: NAPSA, 2020). National District Attorneys Association, *National Prosecution Standards*, 4<sup>th</sup> ed., (2023). American Bar Association: Criminal Justice Standards Committee, *ABA Standards for Criminal Justice: Pretrial Release* (American Bar Association, 2007).

<sup>6</sup> Advancing Policy Practice and Research, *APPR Roadmap for Pretrial Advancement* (Center for Effective Public Policy, 2022).; Lisa Pilnik et al., eds., *A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency* (Washington, D.C.: National Institute of Corrections, 2017.)

<sup>7</sup> Note that this element is not explicitly identified as an essential pretrial element within industry standards but is widely considered to be a necessary component of any criminal justice system.

<sup>8</sup> 18 Pa. C.S. §9112 (2023).

<sup>9</sup> A summary offense that becomes a misdemeanor, following a second arrest after an initial conviction of a summary offense

<sup>10</sup> Lisa Pilnik et al. *A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency*. 2017.

<sup>11</sup> American Bar Association: Criminal Justice Standards Committee, *ABA Standards for Criminal Justice: Pretrial Release*. 2007.

<sup>12</sup> National Association of Pretrial Services Agencies, *National Standards for Pretrial Release*. 2020.

<sup>13</sup> National District Attorneys Association, *National Prosecution Standards*, 4<sup>th</sup> ed., (2023).

<sup>14</sup> Advancing Policy Practice and Research, *APPR Roadmap for Pretrial Advancement*. 2022.

<sup>15</sup> 234 Pa. Code § 510 (2024).

<sup>16</sup> 234 Pa. Code § 509 (2024).

<sup>17</sup> Court Data as of 04/24/2024. Data supplied by the Lycoming County Courts Administration Department. June 10, 2024.

<sup>18</sup> 234 Pa. Code § 519 (2024).

<sup>19</sup> 234 Pa. Code § 547 (2024).

<sup>20</sup> 234 Pa. Code § 122 (2024).

<sup>21</sup> 234 Pa. Code § 123 (2024).

<sup>22</sup> 234 Pa. Code § 523 (2024).

<sup>23</sup> 234 Pa. Code § 520.5 (Proposed as of 2023).

<sup>24</sup> *Ibid*.

<sup>25</sup> 234 Pa. Code § 520.6 (Proposed as of 2023)

<sup>26</sup> Lisa Pilnik et al. *A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency*. 2017.

<sup>27</sup> American Bar Association: Criminal Justice Standards Committee, *ABA Standards for Criminal Justice: Pretrial Release*. 2007.

<sup>28</sup> National Association of Pretrial Services Agencies, *National Standards for Pretrial Release*. 2020.

<sup>29</sup> National District Attorneys Association, *National Prosecution Standards*, 4<sup>th</sup> ed., (2023).

<sup>30</sup> Advancing Policy Practice and Research, *APPR Roadmap for Pretrial Advancement*. 2022.

<sup>31</sup> Lisa Pilnik et al. *A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency*. 2017.

<sup>32</sup> American Bar Association: Criminal Justice Standards Committee, *ABA Standards for Criminal Justice: Pretrial Release*. 2007.

<sup>33</sup> National Association of Pretrial Services Agencies, *National Standards for Pretrial Release*. 2020.

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<sup>34</sup> National District Attorneys Association, *National Prosecution Standards*, 4<sup>th</sup> ed. 2023.

<sup>35</sup> Advancing Policy Practice and Research, *APPR Roadmap for Pretrial Advancement*. 2022.

<sup>36</sup> Shannon McAuliffe et al., eds., *National Guide to Improving Court Appearances* (ideas42, 2023).

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> 234 Pa. Code § 523 (2024) Comment: “Nothing in this rule prohibits the use of a pretrial risk assessment tool as one of the means of evaluating the factors to be considered under paragraph (A). However, a risk assessment tool must not be the only means of reaching the bail determination.”

<sup>40</sup> 234 Pa. Code § 520.6 (Proposed as of 2023).

<sup>41</sup> Kawamura, Shirley M. “The Judiciary, State of Hawai‘i: Testimony to the (Hawaii) Senate Committee on Public Safety, Intergovernmental, and Military Affairs.” Testimony presented at the Senate Bill No. 1540, Relating to Correction, Hawaii State Capitol, February 5, 2019. [https://www.courts.state.hi.us/wp-content/uploads/2019/02/19-SB1540\\_Corrections\\_2-5-19\\_final.pdf](https://www.courts.state.hi.us/wp-content/uploads/2019/02/19-SB1540_Corrections_2-5-19_final.pdf). Lawson, E.M., Grommon, E., and Ray, B.R. Five-County Validation of the Indiana Risk Assessment System – Pretrial Assessment Tool (IRAS-PAT) using a Local Validation Approach. *Justice Quarterly*, Volume 37, 2020, pp. 1241-1260. <https://doi.org/10.1080/07418825.2020.1829006>.

<sup>42</sup> 234 Pa. Code § 519 (2024).

<sup>43</sup> Lycoming County Prison. *17.5 - Bail Release Program – Detainers/Warrants*. Lycoming County Prison, 2008.

<sup>44</sup> Bail Amounts as of 04/24/2024. Data supplied by the Lycoming County Courts Administration Department. June 10, 2024.

<sup>45</sup> Lisa Pilnik et al. *A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency*. 2017.

<sup>46</sup> Pennsylvania Constitution Article 1, Section 14.

<sup>47</sup> 234 Pa. Code § 520.11 and 520.7 (Proposed as of 2023).

<sup>48</sup> ACLU, 2021.

<sup>49</sup> National Association of Pretrial Services Agencies, *National Standards for Pretrial Release*. 2020.

<sup>50</sup> Our review found “No Bail” holds whose charges were not a capital offense or one subject to life

imprisonment. We assume that these are individuals detained based on a finding that no conditions would assure court appearance or community safety.

<sup>51</sup> Status of Lycoming Prison Population as 06/20/2024 10:41:38AM. Data supplied by the Lycoming County Prison June 20, 2024.

<sup>52</sup> 234 Pa. Code § 523 (2024).

<sup>53</sup> National Association of Pretrial Services Agencies, *National Standards for Pretrial Release*. 2020.

Standard 1.6. Also see *In re Kenneth Humphrey on Habeas Corpus*, No. S247278 (Supreme Court of California March 25, 2021). *Valdez-Jimenez vs. Eighth Judicial Court*, No. 76417 (Supreme Court of the State of Nevada April 9, 2020).

D.C. Code § 23-1321(c)(3)-(4) (2019). Woods, A. “Two Steps Forward, One Step Back: A Cautionary Tale About Bail ‘Reform’ in Georgia,” ACLU, September 24, 2020, <https://www.aclu.org/news/smart-justice/two-steps-forward-one-step-back-a-cautionary-tale-about-bail-reform-in-georgia/>.

Van Brunt, A. and Locke, B.E., “Toward a Just Model of Pretrial Release: A History of Bail Reform and a Prescription for What’s Next,” *The Journal of Criminal Law and Criminology* 108, no. 4 (Fall 2018): 763–64.

“Rules of Criminal Procedure,” *Indiana Rules of Court*, January 1, 2021, [https://www.in.gov/courts/rules/criminal/index.html#\\_Toc60037666](https://www.in.gov/courts/rules/criminal/index.html#_Toc60037666).

Kramer, D. “Bail Reform: A Possible Solution to Missouri’s Broken Public Defender System?” *Missouri Law Review* 85, no. 1 (Winter 2020): 297–319.

Townes, C. “A County in North Carolina Wants to Give Its Bail System a Serious Makeover,” *The Appeal*, October 13, 2017, <https://theappeal.org/a-county-in-north-carolina-wants-to-give-its-bail-system-a-seriousmakeover/>.

“Ohio Crim. R. 46 (Pretrial Release and Detention),” July 1, 2020, <https://university.pretrial.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=6762089b9df3-947a-8feb-768d54cef812&forceDialog=0>.

<sup>54</sup> Justice Management Institute (2023). *CJCC Essential Elements: A Companion to the National Standards for Criminal Justice Coordinating Councils*. Washington, D.C.: National Institute of Corrections. <https://jmijustice.org/wp-content/uploads/2023/05/CJCCEssential-Elements.pdf>.

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<sup>55</sup> 234 Pa. Code § 529 (2024).

<sup>56</sup> Lisa Pilnik et al. *A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency*. 2017. American Bar Association: Criminal Justice Standards Committee, *ABA Standards for Criminal Justice: Pretrial Release*. 2007. Advancing Policy Practice and Research, *APPR Roadmap for Pretrial Advancement*. 2022.

<sup>57</sup> We would note that the pretrial services agency in Prince George’s County, MD is being sued in Federal court for its similar practice of screening defendants for eligibility after a judicial order of release. Plaintiffs argue that this practice usurps judicial authority by an executive branch office (that county’s pretrial agency is part of its department of corrections) and results in unreasonable delays in releasing defendants following a court order. *Butler, et al., v. Prince George’s County*. No. 8:22-cv-01768.PJM.

<sup>58</sup> 234 Pa. Code § 520.19 (D) (Proposed as of 2023).

<sup>59</sup> An example of a pretrial-related data dashboard can be found at:  
<https://app.powerbigov.us/view?r=eyJrjoiZTQ3YjI5M2QtNGE2ZC00OTc0LTk2OWEtYjA0ZDE1ZDM2YTE4liwidCI6ImRjNjQxZWU0LTViNWQtNDlhMC04ZmY0LTdhYWZjNjExOGE0Mi9&pageName=ReportSection99b6c765d104500ed9cc>.

<sup>60</sup> Jennifer A. Tallon, Joseph C. Spadafore, and Melissa Labriola, “Creating Off-Ramps: Lessons Learned from Police-Led Diversion Programmes,” (*Policing: A Journal of Policy and Practice*, 11, 2 2017): 214–228.

<sup>61</sup> DeMatteo, D., LaDuke, C., Locklair, B.R., and Heilbrun, K. “Community-based Alternatives for

Justice-involved Individuals with Severe Mental Illness: Diversion, Problem-solving Courts, and Reentry,” (*Journal of Criminal Justice* 41, 2 2013): 64-71.

<sup>62</sup> International Association of Chiefs of Police. *Reassessing Arrest: Exploring Pre-Arrest Diversion as an Alternative to Arrest for Vulnerable Populations*. Alexandria, VA: IACP. (2020).

<sup>63</sup> April Simpson, *Wanted: Lawyers for Rural America*, (Pew June 26, 2019), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2019/06/26/wanted-lawyers-for-rural-america>.

<sup>64</sup> McAuliffe, S., Hammer, S., Fishbane, A., and Wilk, A. *National Guide to Improving Court Appearance*. Ideas42 2023)at <https://www.ideas42.org/wp-content/uploads/2023/05/national-guide-improving-court-appearance.pdf>.

<sup>65</sup> Standard 3.3: The CJCC shall include at a minimum one representative from the community as a voting member. (Justice Management Institute, 2023).

<sup>66</sup> Pilnik, et. al. *A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency*. 2017.

<sup>67</sup> American Bar Association: Criminal Justice Standards Committee, *ABA Standards for Criminal Justice: Pretrial Release*. 2007.

<sup>68</sup> National Association of Pretrial Services Agencies, *National Standards for Pretrial Release*. 2020.

<sup>69</sup> National District Attorneys Association, *National Prosecution Standards*, 4<sup>th</sup> ed. 2023.

<sup>70</sup> Advancing Policy Practice and Research, *APPR Roadmap for Pretrial Advancement*. 2022.