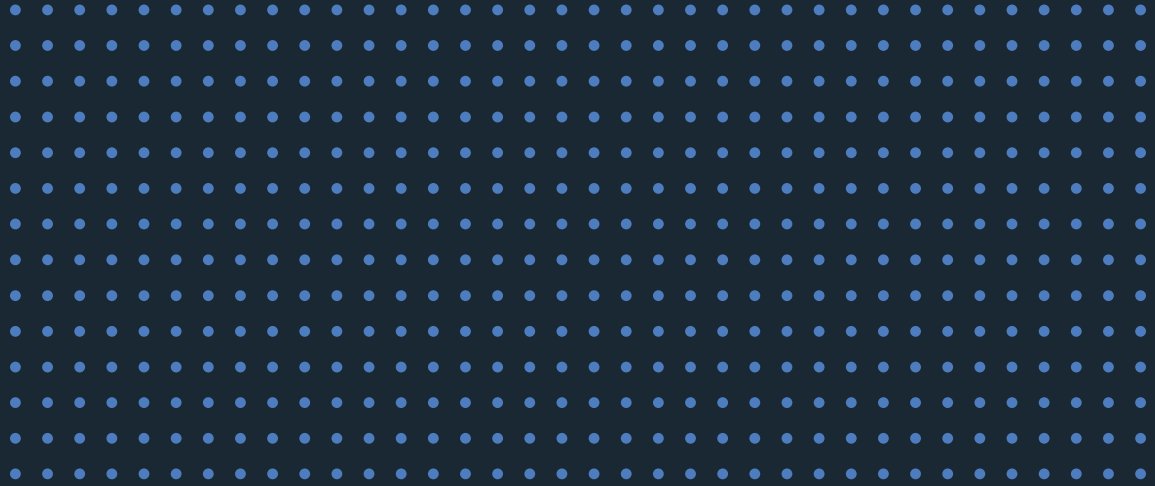




Philadelphia District
Attorney's Office



ENDING MASS SUPERVISION: EVALUATING REFORMS

IN THE PHILADELPHIA DISTRICT
ATTORNEY'S OFFICE :: APRIL 2021



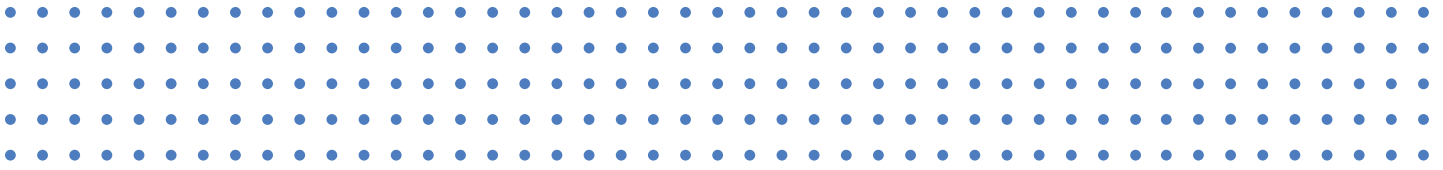


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Key Takeaways

- Under District Attorney Larry Krasner, the Philadelphia District Attorney’s Office (DAO) has moved to end mass supervision. It has primarily done so through two policies, both aimed at reducing the amount of time people spend on county and state probation and parole. The first policy was announced in February 2018, the second in March 2019.
- The policies were guided by public safety considerations and research showing that long community supervision sentences are ineffective and harmful. The policies apply to all situations except two categories of cases (sexual assault and potential felonies reduced to misdemeanors for non-trial resolutions) that allow discretion to seek longer supervision in appropriate cases.
- Overall, supervision lengths decreased markedly after the DAO policies were implemented: median community supervision sentence lengths decreased 25% for sentences reached through negotiated guilty pleas.
- Under District Attorney Krasner, the average community supervision sentence reached through negotiated guilty plea is almost 10 months shorter than under previous DAs.
- Since 2018, the number of people on county community supervision has dropped from 42,000 to fewer than 28,000.
- 42% fewer years of community supervision were imposed in the first two years of the Krasner administration than in the two years prior, accounting for all DAO policies and practices since 2018, as well as changing incident and arrest patterns. We estimate that the effects of the DAO Sentencing Policies will lead to 20% fewer newly sentenced people remaining on community supervision sentences five years after reforms than if the policies hadn’t been implemented.
- Community supervision lengths were dramatically reduced under the policies without a measurable change in recidivism (being charged with a new criminal offense).
- These anti-racist policies reduced disparities in supervision sentence lengths between Black, Latinx, and white defendants, though sentencing disparities still exist.
- The vast majority of recent pleas have been compliant with the new DAO sentencing standards: 3 of 4 negotiated guilty pleas fall within the 2019 policy’s guidelines.



Glossary

Negotiated Guilty Plea: A plea bargain where the specific sentence is agreed upon by both the prosecutor and defendant. A judge must approve the plea to finalize the sentence. For example, a defendant may plead guilty to a misdemeanor offense in exchange for a negotiated sentence of six months of probation.

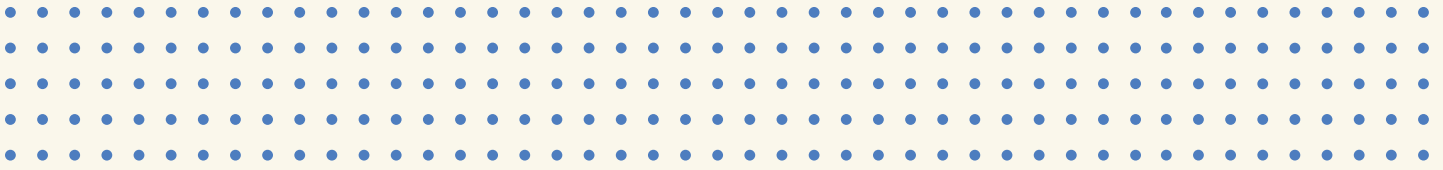
Open Guilty Plea: A plea bargain where the defendant and the prosecutor have no agreement as to the appropriate sentence. Instead, the defendant pleads guilty and is at the discretion of a judge, who decides the appropriate sentence. For example, a defendant may plead guilty to a misdemeanor offense, but reject the prosecutor's offer of one year of probation in the hopes that the judge will sentence them to less than one year of probation.

Parole: A form of community supervision where defendants can be released from incarceration to serve the remainder of their sentence in their communities with structures set in place by a parole officer. Incarceration sentences in Pennsylvania require a minimum period that is no more than half of the maximum period. Many defendants are paroled at their minimum date. Others, due to behavior in custody or other factors including the nature of the offense, are paroled later than their minimum date. Some serve out their entire sentence in custody up to the maximum date. The overwhelming majority of people sentenced to incarceration are paroled before their maximum date.

Probation: A form of supervision where people are sentenced to be supervised in their communities by a probation officer. Probation is often intended as an alternative to incarceration.

Probation "Tail": A period of probation that follows a period of incarceration and parole.

Violation of Probation/Parole: When the conditions of a community supervision sentence are not followed, either for committing a new crime, or through breaking a rule that is either not against the law or is not prosecuted.



Letter from DA Larry Krasner

Ending mass supervision is critical to reforming the criminal justice system. As this report demonstrates, over the last three years, the Philadelphia District Attorney’s Office (DAO) has made enormous strides toward ending mass supervision through two policies focused on reducing the number of people on probation and parole and reducing racial disparities in probation and parole sentences.

Probation and parole (collectively called community supervision) are less restrictive and less expensive alternatives to incarceration. Defendants are sentenced to community supervision by the court and supervised by Philadelphia’s Adult Probation and Parole Department or, in some cases, by the Pennsylvania State Parole Board. These defendants are allowed to remain in the community while being supervised for a designated period of time. They may also have to complete conditions mandated by a judicial order to facilitate rehabilitation. Excessively long terms of community supervision can frustrate rehabilitation and feed mass incarceration, as people under community supervision move in and out of our courts and jails for minor infractions and minor crimes, with little or no benefit to public safety. While this dynamic is true in most parts of the country, it has been particularly pernicious in Pennsylvania and, more specifically, Philadelphia. After Georgia and Idaho, Pennsylvania is the state with the largest number of people on supervision per capita. When I took office in 2018, about 1 in every 23 Philadelphians was under community supervision, and these were disproportionately people of color. At the present time, almost 6 out of 10 people in the county jail are incarcerated because they have been accused of violating their probation or parole.

My administration made a commitment to reduce the levels of community supervision in Philadelphia without endangering public safety. First, we studied and obtained the input of national experts, such as Vinny Schiraldi of the Columbia Justice Lab, the former Chief Probation Officer in New York City. What we know is that, in general, the first three years of supervision (especially the first two) may do some good in preventing more crime. We also know that, in general, more than three years are worse than ineffective — they tend to cause people who are supervised to fail and end up back in jail.

We noted that New York, all five boroughs, had only about 12,000 people on supervision as compared with Philadelphia’s much higher numbers, despite the fact that New York is about six times larger than Philadelphia. And we noted that New York has lower levels of crime. Philadelphia’s levels of supervision virtually doubled the caseloads of probation and parole officers as compared with national standards — strongly suggesting that significant portions of our probation officers’ less serious caseloads needed to be pruned in order to effectively supervise the rest.

In 2018, I implemented a policy instructing Assistant District Attorneys (ADAs) to ask for shorter terms of community supervision. A year later, my administration implemented a refined policy with specific caps on the terms of community supervision our ADAs were permitted to offer or ask for in the vast majority of cases. The policy allowed ADAs flexibility to go above or below the capped terms only with a supervisor's or my approval.

I am proud to report that our efforts have been successful. Enough time has now elapsed to study some of those decisions, and we are excited to report that these policies have not led to an increase in crime.

Let me be clear: Community supervision can and should play an important role in the criminal justice system. A defendant leaving jail or prison after serving a sentence can benefit from working with a probation officer and appropriate supervision has been shown to increase community safety. However, numerous reports and studies make it clear that the efficacy of community supervision decreases over time. As this report demonstrates, prior to these policies, Philadelphia community supervision terms were, on average, longer than evidenced-based practices recommend, and long terms of supervision were being handed out in a racially discriminatory manner.

Since I took office in 2018, the number of people on county community supervision has dropped from 42,000 to fewer than 28,000. This is due in large part to the policies discussed in this report, as well as the concerted effort of the DAO, the Defender Association, the Stoneleigh Foundation, and the First Judicial District to identify and terminate supervision for many defendants who simply do not need it any more. Our efforts to reduce future years of supervision promise an enormous potential savings to the city, money that can be invested in preventing crime through programs that reduce poverty, and increase employment and educational attainment.

I am proud of the work this office has done to make Philadelphians, particularly Philadelphians of Color, freer from unnecessary government intrusion, while keeping our communities safe.

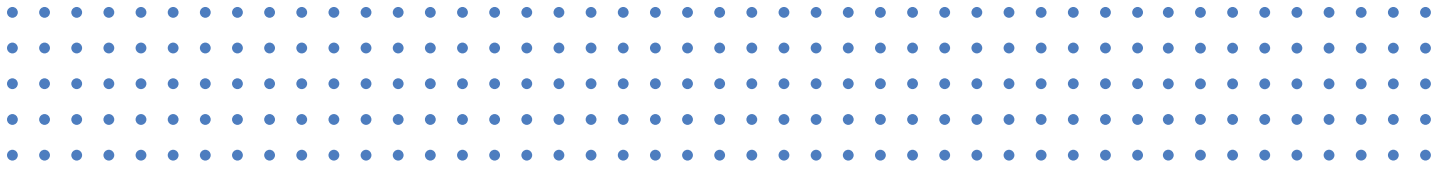


Lawrence S. Krasner

District Attorney of Philadelphia

The Philadelphia District Attorney's Office provides a voice for victims of crime and protects the community through zealous, ethical, and effective investigations and prosecutions. The Philadelphia District Attorney's Office is the largest prosecutor's office in Pennsylvania, and one of the largest in the nation. It serves the more than 1.5 million residents of the City and County of Philadelphia, employing 600 lawyers, detectives, and support staff.

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Community Supervision and DAO Policies

Historically, the movement for criminal justice reform has mainly focused on reducing mass incarceration. In this, the Philadelphia District Attorney’s Office (DAO) has made great progress: the number of people incarcerated by the Philadelphia Department of Prisons has declined each year since 2013.ⁱ The reform movement increasingly seeks to build on the success of prison population reduction and decriminalization of non-violent offenses by also addressing drivers of mass incarceration like the overuse of probation and parole, often called “mass supervision.”

Pennsylvania has one of the highest rates of residents on community supervision in the nation, behind only Georgia and Idaho in the number of people on probation and parole per capita.ⁱⁱ Georgia, along with 37 other states, has implemented legislative reforms to address high rates of community supervision, while Pennsylvania has yet to do so. In Philadelphia, one in every 23 adults is on community supervision, compared with one in 35 adults in Pennsylvania and one in 55 adults nationwide, as of 2017.ⁱⁱⁱ

1 in 23 adults in Philadelphia was on community supervision in 2017.ⁱⁱⁱ



Although the Pennsylvania legislature has failed to adopt probation and parole reform, the DAO has worked tirelessly to reduce mass supervision since the start of District Attorney Larry Krasner’s term. District Attorney Krasner implemented a policy in line with national best practices in **February 2018** with general sentencing guidelines for Assistant District Attorneys (ADAs) and a more specific policy in **March 2019** including concrete recommendations and goals.^{iv} This report studies the results of those office-wide policy changes.

Community supervision holds people accountable for crimes without the cost to families and taxpayers of incarceration. Its goal is to allow people to remain in their communities, able to continue with work or school or caregiving, while addressing rehabilitative and restorative needs. The overuse of community supervision, however, has reinforced mass incarceration rather than act as an alternative. Lengthy community supervision terms can be a tripwire that increases the likelihood that supervision requirements will be violated, which may result in re-incarceration, contributing to mass incarceration. Instead of promoting rehabilitation, long community supervision sentences have proven ineffective and counterproductive to the goal of increasing public safety.^v While many other jurisdictions have realized this and placed limits on supervision terms,

Pennsylvania law allows for some of the nation's longest supervision terms and does not allow best practices in community supervision to be instituted: in Pennsylvania, half of state prison admissions are for supervision violations, and a quarter of admissions are for technical violations of supervision, or rule violations that are not criminal offenses.^{vi}

The harmful effects of over-using community supervision disproportionately impact Philadelphians of Color. Black and Latinx people are more likely to be supervised and more likely to be incarcerated for violations of probation and parole than white people.^{vii} Additionally, reforms in the criminal justice system often exacerbate racial disparities.^{viii} **Mass supervision drives mass incarceration, and the inequities in the criminal justice system cannot be alleviated without ending both.**

In order to reform community supervision, the Philadelphia DAO has worked toward national best practices for community supervision reform: an incentive-based model that rewards success. This stands in contrast to Pennsylvania's model, which punishes non-compliance and in which supervision terms persist long past their effective periods. Four pillars of reform efforts are (1) limiting supervision lengths, (2) re-sentencing limits and graduated sanctions for violating supervision,¹ (3) retroactively applying reforms to individuals already sentenced, and (4) credit for earned time to incentivize good behavior.² Shorter sentences allow supervision to be focused on the period just after sentencing or release from custody when re-offense is most likely to occur.^{ix}

The DAO's Sentencing Policies have charted a course to transform community supervision in Philadelphia. Specifically, these policies established reasonable supervision time limits for guilty plea offers and sentencing recommendations and limited the sentencing requests that ADAs can make if defendants violate terms of supervision. While the DAO policies are aimed at safely reducing supervision sentence lengths, many of the changes required to

meet the four pillars of supervision sentencing reform discussed above require statutory change by the Pennsylvania General Assembly.

3

DAO Policies to Reduce Mass Supervision:

2018 Policy:

- Seek shorter or no probation "tails" after a sentence of incarceration.
- Seek shorter probationary sentences where no sentence of incarceration is sought.

2019 Policy:

- Total supervision length should not exceed 36 months for felonies and 12 months for misdemeanors.
- If a sentence includes incarceration, parole periods should be accounted for to meet the above guidelines.
- Aim for an office-wide average total supervision length of 18 months or less for felonies and 6 months or less for misdemeanors.

Sentencing recommendations should do justice to each case and longer sentences may be required by law. For example, gun cases might require incarceration instead of community supervision. Additionally, exceptions to the 2019 policy were made for sexual assault cases and for downgraded felonies that allow ADAs to use more discretion to seek longer sentences based on the facts of an individual case.

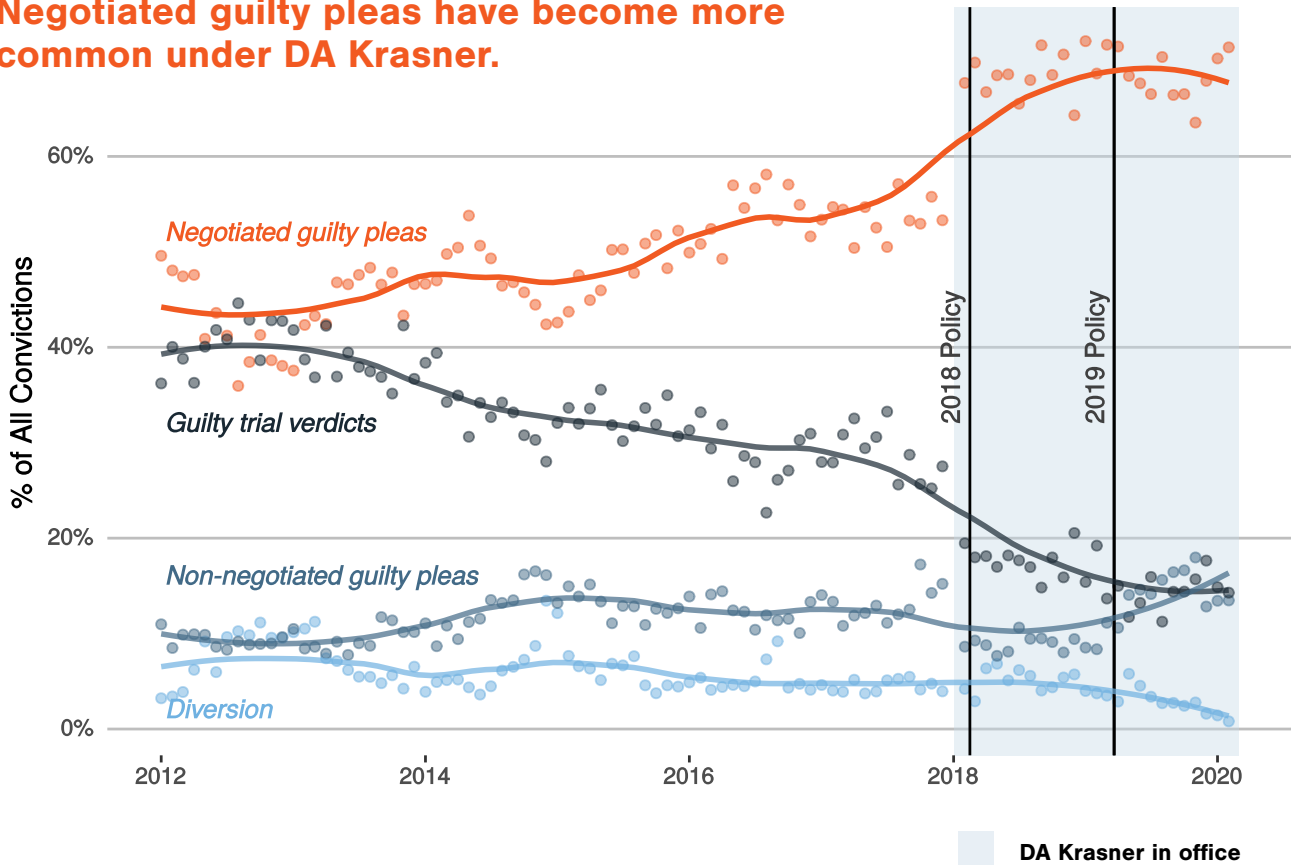


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1. With graduated sanctions, someone serving a community supervision sentence who commits a technical violation of supervision (e.g., missing an appointment with a probation officer) might have more restrictive terms applied to their supervision rather than being incarcerated.
 2. Some states have “earned time” programs to reward people on community supervision by reducing their sentence if they complete educational or rehabilitative programs.
 3. See Appendix A for a fuller description of DAO policies.

Overview of Pleas and Sentencing

Every defendant in the criminal justice system has a constitutional right to a trial before a jury of their peers. If a defendant chooses to waive that right and plead guilty, they can either accept the plea offer that the assigned ADA makes (a negotiated guilty plea), or they can plead guilty, but let the assigned judge decide the sentence (an open guilty plea). Negotiated pleas are the most common way that criminal cases are resolved in Philadelphia, and, therefore, the most common way that defendants are placed on community supervision. Following the 2018 Sentencing Policy, the proportion of cases ending in negotiated guilty pleas has increased, maximizing the effect of DAO policies on community supervision sentences.

Negotiated guilty pleas have become more common under DA Krasner.



.....

Pennsylvania law creates a system where community supervision is over-used: every jail sentence in Pennsylvania has a minimum and a maximum term, where the maximum must be at least double the minimum. For example, a sentence of 2 to 4 years in prison is a legal sentence under Pennsylvania law, but a sentence of 2 to 3 years in prison is not. A person is eligible to be released on parole at the minimum sentence date, meaning that even “incarceration-only” sentences build in a period of parole eligibility. This sentencing structure contributes to lengthy community supervision terms in Pennsylvania: if a person is released from custody after serving their minimum term in jail or prison, they will likely be on parole at least until they reach their maximum. The use of probation “tails,” where a person serves probation after their incarceration and parole end, further extends community supervision terms and increases the likelihood that people on supervision will be incarcerated for technical violations.

District Attorney Krasner’s policy reforms aim to directly reduce the supervision burden imposed by Pennsylvania law. Coincident with these changes was a large increase in the proportion of cases resolved by negotiated plea, possibly because the defense recognizes that shorter, policy-compliant sentences are more favorable to the defendant as well as the public. Relying more on negotiated guilty pleas may have both positive and negative consequences. On the one hand, this higher rate of guilty pleas can make the courts more efficient, increase certainty for victims and defendants, decrease case processing times, and allow more resources for those trials that do take place. On the other hand, plea bargaining can have a coercive nature.^x For example, if a defendant is detained pre-trial, accepting a plea offer for a community supervision sentence might allow their immediate release from incarceration. Some defendants may also have legitimate fear that they will receive a longer sentence if they go to trial and are found guilty.⁴ These are important issues that ADAs are trained on, but they are outside the bounds of this report.

4. The vast majority of criminal trials in Philadelphia are bench trials that are tried before a judge rather than a jury. Since 2018, only about 2% of trial convictions occurred in jury trials.



Evaluating Reform

To evaluate the effectiveness of the 2018 and 2019 DAO Sentencing Policies, we compared total community supervision sentences (parole + probation) in cases that were resolved 1) in the time period just prior to District Attorney Krasner taking office, 2) after the 2018 Sentencing Policy was enacted but before the 2019 policy was enacted, and 3) after the 2019 Sentencing Policy was enacted.

Three time periods were defined to allow for a comparison of pre- and post-policy outcomes as detailed in the table below. For more detailed weekly trends, see Appendix C.

PERIOD	DATES	LENGTH
Pre-Krasner	December 1, 2016 to January 1, 2018	396 days
Post-2018 policy	February 15, 2018 to March 20, 2019	398 days
Post-2019 policy	March 21, 2019 to March 13, 2020 ⁵	358 days

The evaluation of reform has four components and proceeds as follows:

- 1. Implementation Fidelity:** We look at the immediate impact of the new DAO Sentencing Policies on supervision length and the extent to which the policies were followed by ADAs to seek evenly applied justice.
- 2. Public Safety:** We assess recidivism to look at the effects of shorter community supervision sentences on public safety.
- 3. Racial, Ethnic, and Sex-Based⁶ Disparities:** We investigate whether the policies have reduced racism in sentencing and were fairly implemented with respect to defendant race, ethnicity, and sex.
- 4. Impact on Mass Supervision:** We project the future impact of the policies on mass community supervision in Philadelphia.

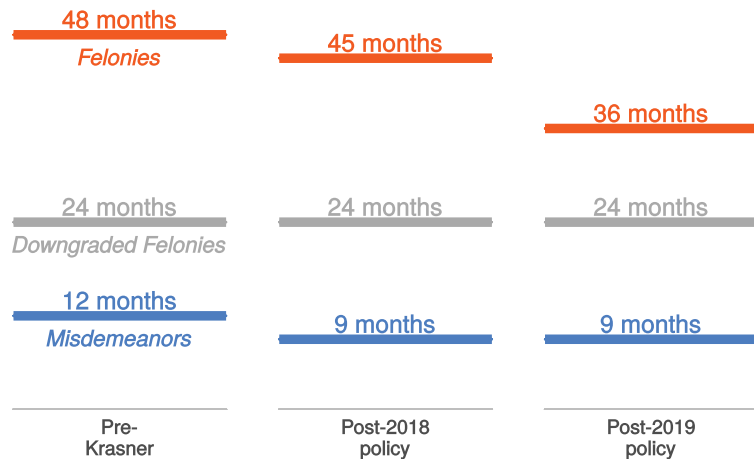
Immediate Impact of New DAO Sentencing Policies

Under District Attorney Krasner, the average community supervision sentence reached through negotiated guilty plea is almost 10 months shorter than under previous DAs.

Trends in Supervision Length

After District Attorney Krasner implemented the new sentencing policies, the median length of community supervision⁷ for sentences reached through negotiated guilty pleas decreased substantially for both felonies and misdemeanors (compared with the pre-Krasner period).⁸ Based on the nature of the policies, the 2018 Sentencing Policy targeted shorter probation sentences, while the 2019 Sentencing Policy directed ADAs to seek shorter terms of total supervision (parole + probation).⁹ Reducing a reliance on overly lengthy supervision terms is more in line with best practices while still holding people accountable and providing support to prevent recidivism.

Following DAO reforms, median supervision lengths fell for most negotiated guilty pleas, but not for downgraded pleas.



Downgraded felonies refer to felony cases that were pled as misdemeanors in the Court of Common Pleas.

In most negotiated guilty pleas, defendants plead to an offense of the same grade as the original charge (e.g., defendant is charged with a felony and pleads to a felony offense). However, downgraded felony pleas, whereby a person charged with a felony pleads to a misdemeanor, are becoming more common. When we use the term “downgraded felonies” in this report, we are referring to cases where the felony is downgraded in the Court of Common Pleas after having met an initial burden of proof. In the Court of Common Pleas, downgraded felony pleas are often made not because of insufficient evidence to convict beyond a reasonable doubt, but to provide a less punitive consequence to defendants where the equities of the case and the defendant make this outcome more just than a felony conviction. Felony downgrades are typically reserved for people without an extensive prior record and cases that do not involve more serious violent felonies. Downgrading felonies is a practice that allows defendants to avoid ineffective lengthy supervision terms while also avoiding collateral consequences that a felony conviction may carry.

Under internal guidelines, the 2019 policy allows ADAs to treat downgraded felony pleas like felonies. For example, if a defendant is originally charged with selling drugs (a felony) and the DAO has met its initial burden of proof, an ADA might offer a plea to drug possession (a misdemeanor). The plea offer would be for the maximum allowed sentence for the misdemeanor charge (one year), but a far shorter sentence than the original felony charge and under the felony ceiling in the 2019 policy.

Felonies may also be downgraded for other reasons, such as having insufficient evidence to proceed with felony charges or when the DAO believes it is not in the interests of justice to pursue a felony conviction.

Felonies with insufficient evidence that are sent back to Municipal Court were considered misdemeanors in this report.

The true effect of the DAO Sentencing Policies on misdemeanor supervision lengths may be dampened in this analysis by recent DAO policies that have ended misdemeanor charging of some low-level offenses.

The *true* effect of the DAO Sentencing Policies on misdemeanor supervision lengths may be dampened in this analysis by recent DAO policies that have ended misdemeanor charging of some low-level offenses.

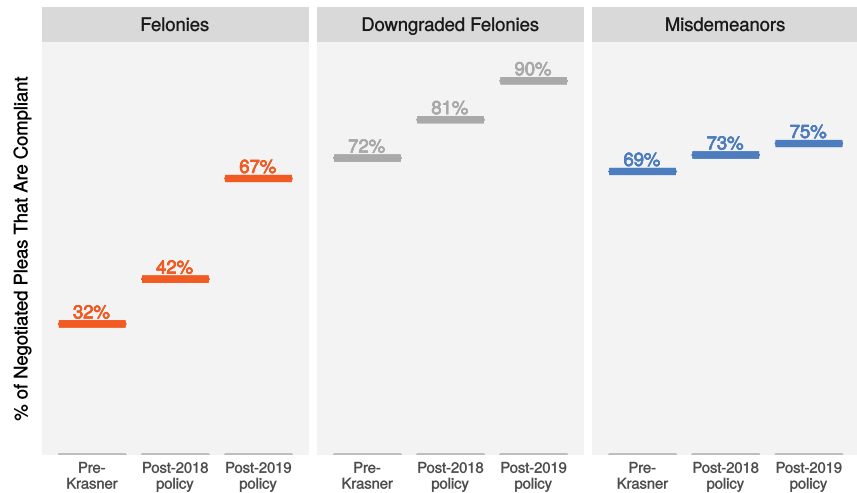
Before District Attorney Krasner took office, approximately 1 in 13 felony guilty pleas were downgraded in the Court of Common Pleas; this practice has recently increased in frequency, with about 1 in 7 felony negotiated pleas being downgraded in the post-2019 policy period. Drug sales and aggravated assault are the two most commonly downgraded felony offenses, which tend to be downgraded to drug possession and simple assault misdemeanor charges, respectively.¹⁰ Median community supervision sentence lengths for downgraded pleas have not changed over time, though the increasing frequency has led to shorter overall sentence lengths.

Implementation Fidelity

The 2018 Sentencing Policy instructed ADAs, generally, to ask for shorter probation sentences. The 2019 Sentencing Policy, by contrast, gives ADAs more specific guidance on how to resolve cases while leaving them discretion to apply individualized justice to each case. Given these differences, we were able to quantitatively measure ADAs' fidelity to the 2019 policy for each individual case, but not the 2018 policy. Compliance with the policy is important for evenly applied justice, but both policies allow for ADAs to deviate with supervisorial approval.¹¹

It is clear that ADAs have been successfully implementing the policies in negotiated guilty pleas in both misdemeanor and felony cases. More than 2 out of every 3 felony and 3 of 4 misdemeanor negotiated guilty pleas in the post-2019 policy period met the requirements of the 2019 policy. Prior to 2018, 1 in 3 felony pleas and a majority of misdemeanor pleas would have met this criteria. Most (9 of 10) downgraded felony pleas comply with the felony guidelines described in the 2019 policy. In other words, in the vast majority of negotiated guilty pleas, ADAs are offering sentences of appropriate lengths that align with best practices to end mass supervision.

Overall, 3 in 4 negotiated guilty pleas comply with the 2019 Sentencing Policy.



Downgraded felonies refer to felony cases that were pled as misdemeanors in the Court of Common Pleas.

Recidivism and Public Safety: Being Re-Charged Following a Probation-Only Sentence

District Attorney Krasner’s sentencing policies were based on the growing body of evidence which suggests that community supervision has diminishing returns over time. Long periods of supervision have not been found to enhance community safety and often lead to defendants being incarcerated for behavior that would likely go unpunished if the defendant were not on supervision. Supervision conditions can be numerous and easy to violate: in Pennsylvania, the most common technical violation of supervision is changing residences without permission.^{xi} A violation is most likely to occur within the first 18 months of a community supervision sentence.^{xii} Thus, long periods of supervision have little impact on community safety, but are costly to the City and to the defendant and their family.

To evaluate the effects of DAO policies on public safety, we analyzed the rate at which individuals were re-charged following their sentencing. We compared two different groups: people sentenced to probation before the 2018 policy was implemented versus people sentenced to probation under the terms of the 2018 policy.¹²

Because of the limited timeframe of the study (further magnified by changing arrest policies during COVID-19 in March 2020), we limited our focus to probation-only sentences, excluding sentences with incarceration and parole from the recidivism analysis. People sentenced for shootings and other violent offenses are likely excluded from this group, as it is very rare to be sentenced to only probation for a serious violent crime.

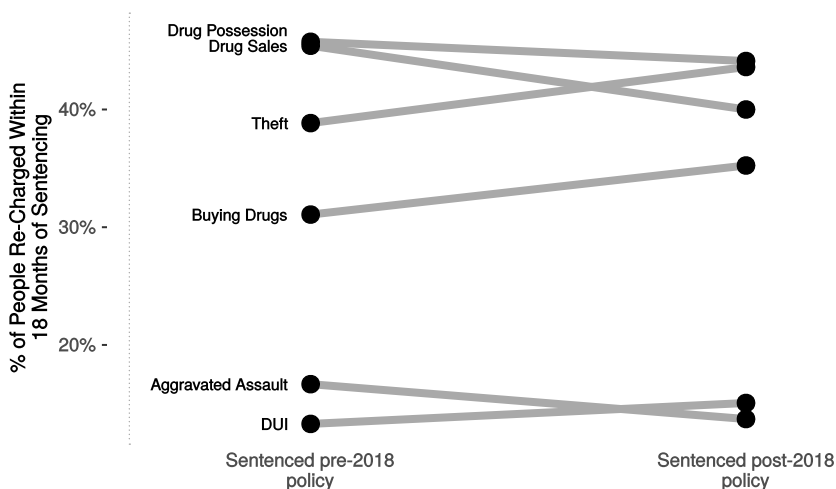
Overall, we found that our policy successfully reduced supervision without an increase in recidivism: we saw no measurable change in re-charge rates between people sentenced under District Attorney Krasner’s sentencing policies and those sentenced before the reforms took effect. As a gauge of seriousness of re-offense, we also found no discernible change¹³ in felony re-charge rates for people sentenced before and after the policies were implemented. 33% of people sentenced to probation through negotiated guilty plea before the 2018 policy were re-charged within 18 months of their sentencing, and 31% of people sentenced after the 2018 policy was implemented were re-charged within 18 months of sentencing.

When comparing people originally sentenced for the same offense pre- and post-sentencing reform (e.g., comparing someone sentenced to probation for drug possession before the DAO policies versus someone sentenced for drug possession under the 2018 Sentencing Policy), there were no statistically significant changes in 18-month re-charge rates. Different offenses generally see different levels of recidivism; for example, people sentenced for drug possession were more likely to be re-charged than people sentenced for DUIs.

Stated differently, the new DAO sentencing policies were able to safely reduce probation time substantially with no measurable change in re-charge rates. This suggests that for the vast majority of people, long periods of community supervision add little supportive value to their lives and have no discernible effect on community safety. Our findings are in line with a recent study showing that reducing probation lengths had no measurable effect on public safety in multiple states.^{xiii}

There has been no discernible change in re-charge rates between people sentenced to probation under the 2018 policy and people sentenced beforehand.

The graph shows re-charge rates in the 18 months after sentencing for people sentenced to probation through negotiated guilty plea. No changes are statistically significant.



Fair Implementation: Racial, Ethnic, and Sex-Based Disparities in Community Supervision

The 2018 and 2019 sentencing policies were enacted within the context of a criminal justice system already steeped in racial inequity.^{xiv} Specific to community supervision, Black and brown defendants tend to be supervised longer than white defendants, and studies in other jurisdictions have found that for similar violations, Black defendants are more likely than white defendants to have their supervision revoked, leading to incarceration.^{xv} While criminal justice reforms often exacerbate racial inequities, District Attorney Krasner’s reforms reduced racial disparities in sentencing, while not yet completely eliminating them.

The DAO Sentencing Policies reduced median community supervision lengths from negotiated pleas for Black, Latinx, and white defendants, while reducing overall racial disparities in supervision sentencing.

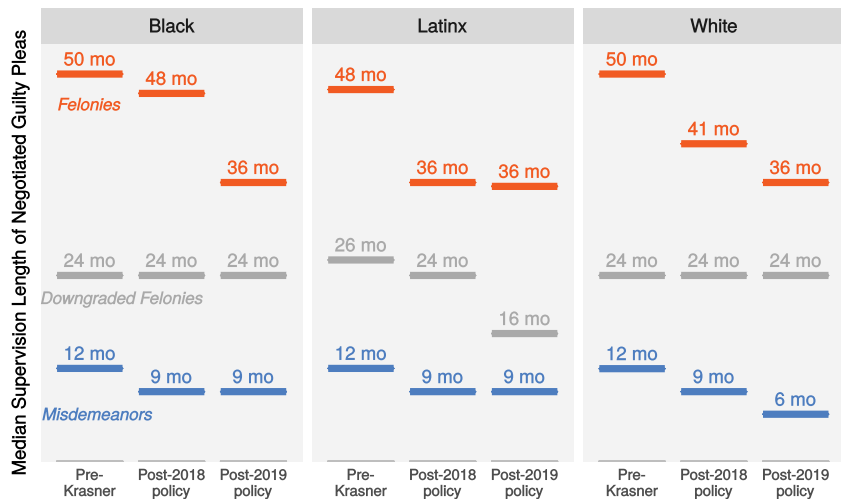
Reducing Overall Racial and Ethnic Disparities in Sentencing

In the aftermath of the two sentencing policy reforms, median supervision lengths decreased for Black, Latinx, and white defendants similarly.¹⁴ In fact, both prior to and after the Sentencing Policies were implemented, Black, Latinx, and white defendants have received similar sentences *for similar offenses* (e.g., comparing Black defendants sentenced for drug possession and white defendants sentenced for drug possession).

Despite these similarities, there were marked racial disparities in sentencing prior to the policies taking effect. Several factors contribute to these sentencing disparities between Black, Latinx, and white defendants. First, Black, Latinx, and white defendants tend to be sentenced for a different *mix* of offenses. For example, Black and white defendants have proportionally more DUI convictions (which are often resolved with a relatively short six-month supervision sentence) than Latinx defendants, who have proportionally more convictions for drug offenses (which can carry longer sentences), pushing median sentences up for Latinx defendants.

Under the DAO policies, Black, Latinx, and white defendants have seen shorter community supervision sentences.

Downgraded felonies refer to felony cases that were pled as misdemeanors in the Court of Common Pleas.

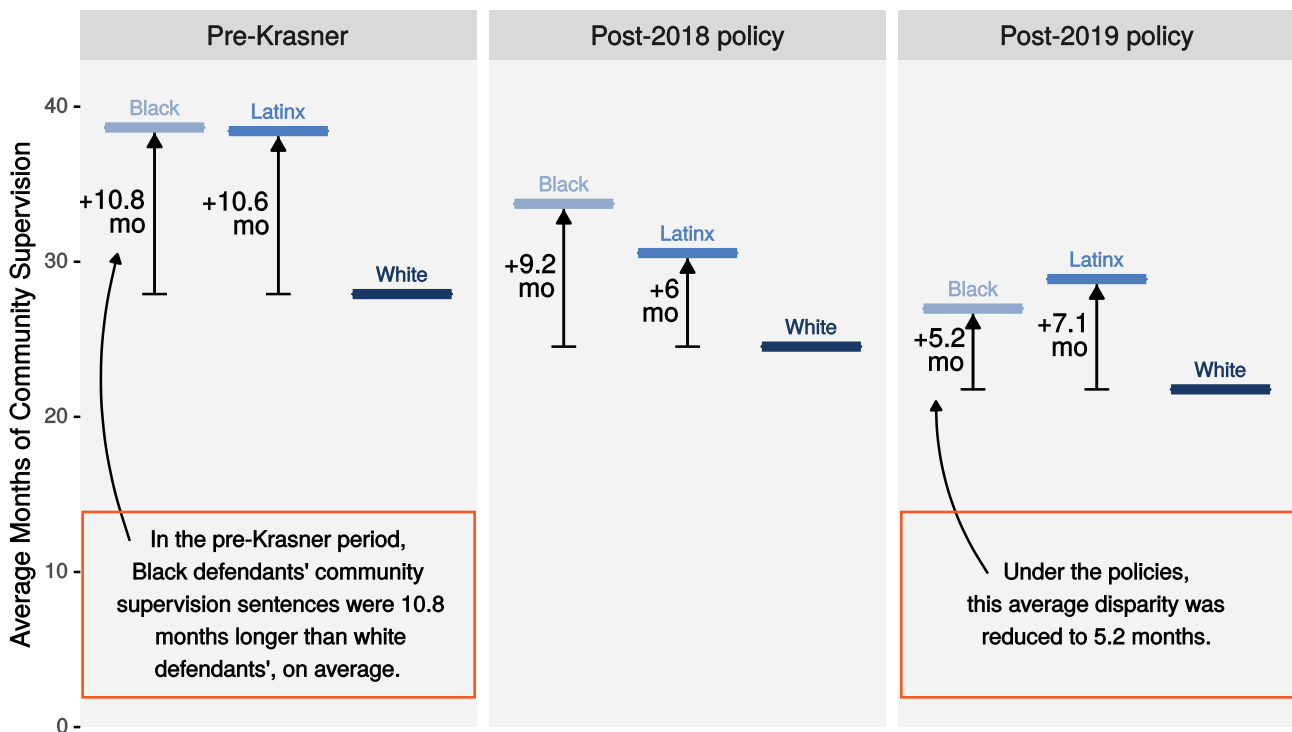


White defendants are charged with and convicted of far fewer felonies proportionally (versus misdemeanors) than Black or Latinx defendants.¹⁵ Additionally, even though white defendants are charged with fewer felonies, prior to the DAO Sentencing Policies being implemented it was more common for white defendants to have a felony case downgraded to a misdemeanor as compared with Black or Latinx defendants.

Disparities have been reduced for a number of reasons. In the post-2019 period, downgraded felony pleas were most common for Black defendants. Similarly, cases that begin as felonies, but are sent back to Municipal Court and pled as misdemeanors because of evidence insufficiency, are also more frequent for Black defendants than white or Latinx defendants.

Overall racial disparities in sentence lengths are clear when looking at average supervision length for all three groups:¹⁶

Racial disparities in community supervision negotiated guilty plea sentences have lessened under DAO policies.



Despite the relative parity in community supervision length across racial groups seen when felonies and misdemeanors are separated, the graph of combined averages shows that white defendants historically and currently face shorter average community supervision sentences than Black and Latinx defendants. The 2018 and 2019 Sentencing Policies considerably narrowed this gap: in the pre-Krasner period, Black and Latinx defendants were sentenced, on average, to 35% longer supervision periods than white defendants.

Stated otherwise, white defendants received community supervision sentences almost 11 months shorter than the average for Black and Latinx defendants prior to the implementation of these two policies. **Since the 2019 policy, that gap has decreased to 5.2 months between Black and white defendants and 7.1 months between Latinx and white defendants.**

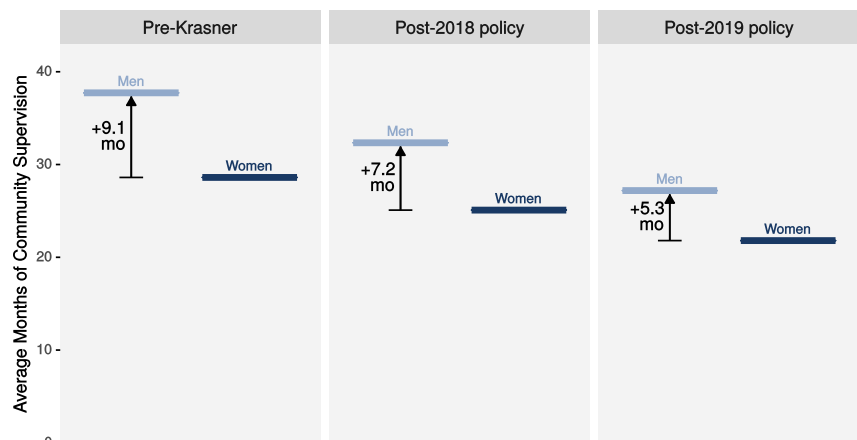
While racial disparities in supervision sentence length have decreased in recent years, the proportion of Black people and people of color sentenced under these policies has increased slightly since the pre-Krasner period.¹⁷ It is difficult to attribute this change to a particular policy, but it is clear that while parts of the system are becoming more racially equitable, disparities still exist and some may be widening.

Implementation Across Gender Groups

The DAO sentencing policies substantially reduced community supervision lengths for women and men compared with pre-sentencing reform trends. Generally, women tend to receive shorter sentences than men because of the mix of offenses they are charged with and the mix of misdemeanors versus felonies.¹⁸ Women’s and men’s supervision sentences are becoming more similar in length, as average community supervision sentence lengths decrease under the DAO policies.

Women and men saw reductions in community supervision sentence lengths through negotiated guilty plea under DAO reforms. On average, women’s and men’s sentences have become more similar in length.

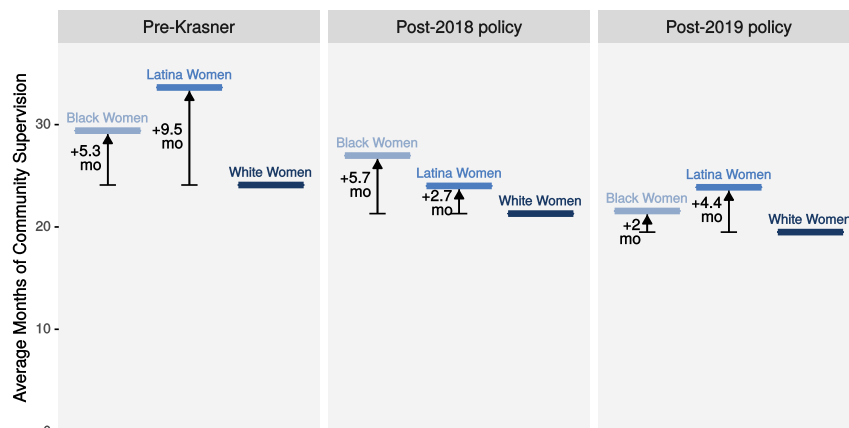
Fewer women than men are sentenced. Therefore, the trends are less consistent and clear for women’s sentences.



Black and white women saw similar reductions in average total community supervision from DAO sentencing reform, while average sentence lengths for Latina women were reduced, but remain higher than average sentences for Black and white women. Each of these three groups saw shortened sentences under the DAO policies, and disparities between the racial and ethnic groups decreased. Trends in sentencing data for women (especially Latina and white women) are less clear and consistent than trends in sentencing data for men, given that there are far fewer women than men in the criminal justice system.

Black, Latina, and white women saw reductions in average supervision sentence length under the DAO policies. Additionally, racial disparities in sentence lengths decreased under the policies.

Fewer women than men are sentenced. Therefore, the trends are less consistent and clear for women's sentences.



With shorter community supervision sentences, there is a lower chance of being incarcerated for a technical violation. Importantly, the DAO policies reduced racial disparities rather than exacerbating inequities as can often occur in criminal justice reform. Ending mass supervision and mass incarceration is a question of racial justice; the DAO policies help to chip away at racism in the system, but there is still work to do.

Long-Term Impact on Mass Supervision

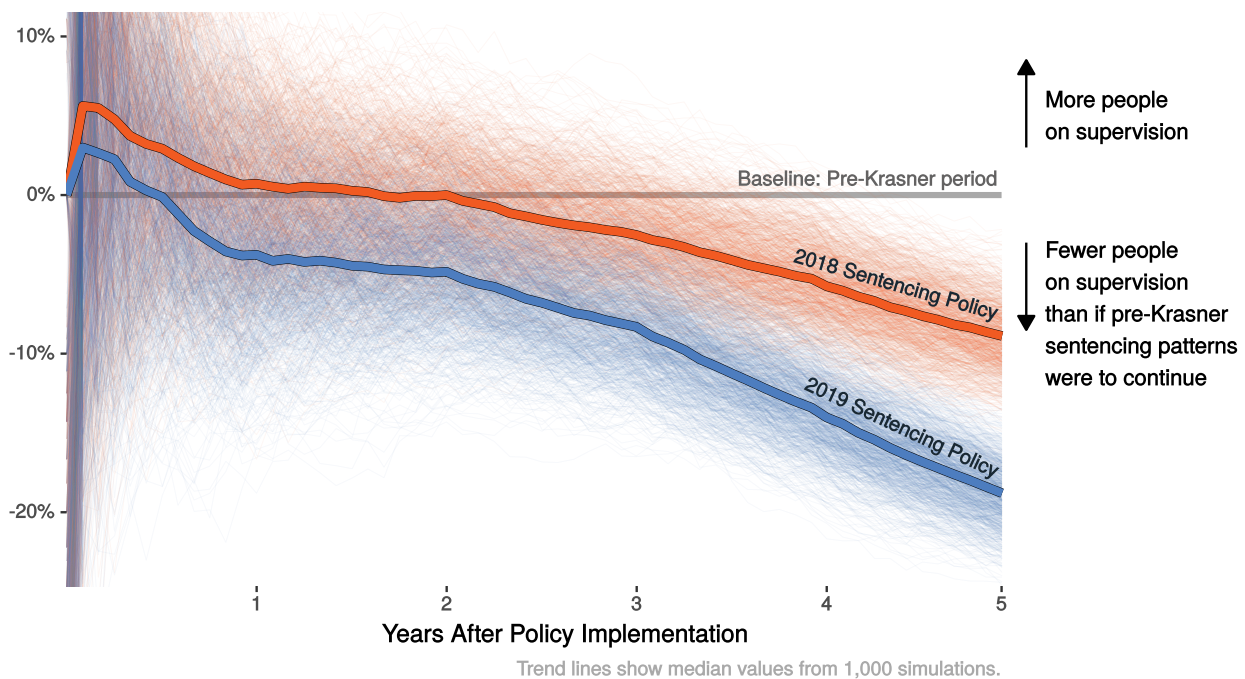
With the numerous reforms implemented under District Attorney Krasner as well as changing incident and arrest patterns, **approximately 38,000 fewer years of community supervision were imposed in the first two years of the Krasner administration compared with the two years prior — a 42% reduction in future years of supervision.**¹⁹

To better understand the long-term impact of the DAO policies, we developed a model to predict the number of people on community supervision under various scenarios. Using the model, we compared how many individuals sentenced under different scenarios would remain on community supervision at various points in time over a five-year period. We compared three groups of people: those sentenced in the pre-Krasner period, those sentenced under the 2018 Sentencing Policy, and those sentenced since implementation of the 2019 Sentencing Policy. In all three scenarios of the model, we kept the number and types of offenses the same; we only varied the length and type of the sentences that defendants received.

Based on this model, we estimate that the isolated effects of the DAO Sentencing Policies would lead to **20% fewer newly sentenced people remaining on community supervision after five years than if the policies hadn't been implemented.** The reduction in the size of the supervision population is directly related to shorter supervision sentences and the limits on probation “tails” after incarceration central to the policies.

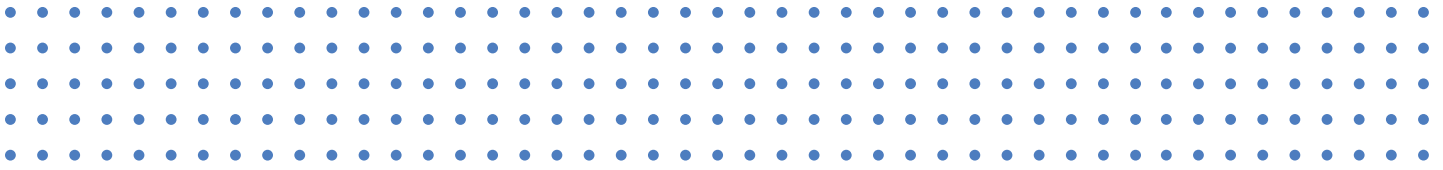
This result cannot be understated. It equates to an enormous decrease in long-term probation and parole populations and the beginning of the end for mass supervision in Philadelphia. As these systems shrink, there is an opportunity to realize significant cost savings, which could be re-invested in education, poverty reduction, and community supports for people under supervision that could in turn further reduce crime, reduce technical violations, and shrink the system. This reduction in community supervision could lead to approximate **savings to the county and state in the range of \$1.5 million to \$4 million²⁰ over five years** that could be re-invested in local communities.^{xvi} The potential savings are likely much greater if the costs of incarceration from parole and probation violation are accounted for. With almost 38,000 fewer years of supervision imposed during the first two years of DA Krasner’s administration compared with the two years prior, **savings to the county and state could range from \$15 million to \$40 million** over the course of the supervision sentences.

When compared to pre-Krasner sentencing trends, if the DAO policies were followed for five years, we estimate that 20% fewer people sentenced during the time would remain on supervision at the end of that period.



5. The post-2019 policy period ends when Philadelphia began to experience the effects of COVID-19.
6. Our data on sex and gender records binary perceptions of police instead of self-identified data by defendants. We believe the term “sex” is more accurate than “gender” in these circumstances. Additionally, all race and ethnicity data is perceived race and ethnicity, rather than a defendant’s self-identification.

- 
7. We commonly use the term “supervision length” throughout this report, referring to the length of total community supervision sentence ordered by the judge at sentencing, including an estimated parole period if a sentence includes incarceration. This length of time is not necessarily equivalent to the length of time served, as supervision can be terminated early or extended.
 8. When looking at the overall universe of negotiated guilty plea community supervision sentences (felonies + misdemeanors + downgraded felonies), average sentence length pre-Krasner was 37 months, and was reduced to 32 months under the 2018 policy and 27 months under the 2019 policy. Most of this report discusses medians of felonies and misdemeanors separately.
 9. See “Appendix C: Different Impacts of Two Policies” for a more in-depth examination of reduced parole sentences versus reduced probation sentences.
 10. See “Appendix C: Felony/Misdemeanor Breakdown” for a table of the most commonly-downgraded felony offenses.
 11. In some cases, ADAs were not legally allowed to offer pleas that were within the presumptive ceilings of the policies; for example, if an offense carries a mandatory minimum sentence of five years imprisonment, where the parole term would likely be higher than the policy’s ceiling. We considered these sentences to be policy-compliant if they did not carry an additional probation tail.
 12. The two groups were made up of people sentenced to probation in the six months before and after policy implementation. We also saw no measurable change in re-charge rates for people sentenced in the periods surrounding the 2019 policy. For more details on how we assessed recidivism, see Appendix C.
 13. Not statistically significant at $\alpha = 0.05$. See Appendix C for a fuller explanation of methods.
 14. We only examined trends in supervision for Black, Latinx, and white defendants because these are the races and ethnicities that make up most of the system-involved population. For this analysis, Black defendants includes people who are Black and not Latinx; similarly, white defendants includes people are white and not Latinx. Appendix C includes more information about median supervision lengths per offense broken down by defendant race.
 15. See “Appendix C: Felony/Misdemeanor Breakdown” for a figure showing the relative mix of felonies and misdemeanors each group is convicted of.
 16. Given the bi-modal nature of sentence length distributions (felonies versus misdemeanors), averages (means) are more appropriate than medians when looking at trends with felonies and misdemeanors combined.
 17. Black defendants made up 58% of people sentenced in the pre-Krasner period, but 62% of people sentenced in the post-2019 policy period. Latinx defendants made up 18% of people sentenced pre-Krasner and 20% of people sentenced after policy implementation.
 18. Trends comparing women and men by lead charge can be found in “Appendix C: Trends in Supervision Length by Defendant Race and Sex.”
 19. This compares the future years of supervision imposed between January 2, 2018 and March 15, 2020 before the COVID-19 pandemic began in Philadelphia (51,201 future years) and future years of supervision imposed in the same amount of time before DA Krasner took office (89,018 future years of supervision). See the DAO Public Data Dashboard for more details on this metric: https://data.philadao.com/Future_Years_Supervision_Report.html.
 20. There is limited published data on the costs of probation and parole to municipalities and states. We are using a short-run marginal daily cost estimate of \$1.25 per person and a long-run marginal daily cost estimate of \$3.06 per person. These estimates are inflation-adjusted costs from Allegheny County, PA in 2012 and were applied to our projection of community supervision population over five years. The estimates are approximate and likely only reflect orders of magnitude in potential savings.

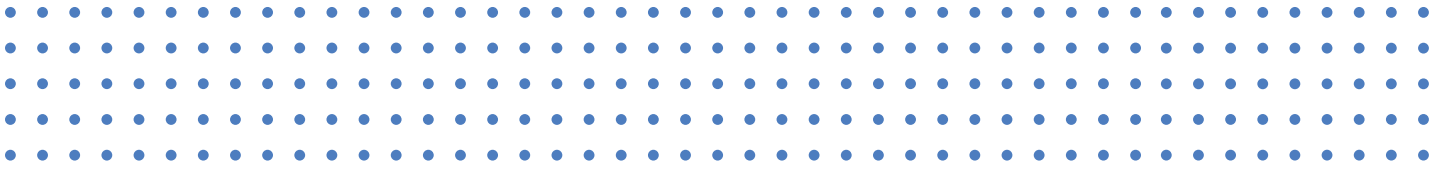


Future Research

This report is a distillation of the work we have done to evaluate the 2018 and 2019 Sentencing Policies. Prosecutors' offices have long been opaque black boxes with little accountability, but our work seeks to change that by providing transparent evaluations of District Attorney Krasner's reforms. Below is a list of areas where more research should be done.

- **Recidivism:** More time must pass in order to fully examine the effects of decreasing supervision lengths on public safety. Future evaluations will incorporate longer re-charge periods and all sentence types.
- **Individual & Community Outcomes:** While it is a goal of community supervision that people will be able to obtain employment and housing, we do not have a way to measure these outcomes at this time. Efforts by prosecutors' offices to holistically measure these types of policy outcomes have been virtually non-existent in the past.
- **Violations of Probation and Parole:** In order to simplify our analysis and because of current data limitations, this report only examines original sentences, not sentences after violations of probation and parole. We hope to explore the effects of the 2018 and 2019 Sentencing Policies on sentences after a violation, as well as whether reducing sentences reduces future violations that contribute to mass incarceration.
- **Sentence Lengths of Downgraded Felonies:** Though there has been an increase in frequency of misdemeanor offers for cases originally charged as felonies, the median community supervision sentence length for those downgraded pleas has remained stagnant at 24 months. Per the 2019 DAO policy, this is longer than the targeted average office-wide total community supervision length of 18 months for felonies.

Through a partnership with researchers at the University of Pennsylvania made possible by Arnold Ventures and the Chan Zuckerberg Initiative, a more in-depth study of many of these topics is underway.^{xvii}

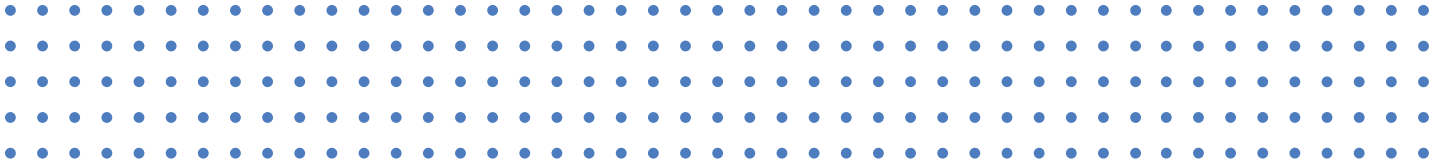


Conclusion

Mass supervision has decimated communities for too long: It is hard to hold a good job when you have to miss several hours each week to report for probation; it is difficult to remain in the community when a single misstep that isn't even a crime can send you back to jail. Reducing the reach of supervision without increasing crime benefits the defendant, the community, and government's flexibility to invest in public wants and needs such as education, healthcare, jobs, and infrastructure. When community supervision sentences are imposed at appropriate lengths on the people who stand to benefit, there will be fewer violations of probation and parole, allowing the system to focus on the most dangerous cases. Reducing the reach of the criminal justice system brings the opportunity for cost savings that could be invested in social services and public goods that benefit all Philadelphians.

Philadelphia must continue to decrease community supervision in order to meaningfully shrink the footprint of the criminal justice system in communities that have been most harmed by unjust policing and mass incarceration. Philadelphia's jail population size has undergone year-over-year reductions, and the Philadelphia District Attorney's Office Public Data Dashboard shows recent reductions in both "Future Years of Incarceration Imposed" and "Future Years of Supervision Imposed."^{xviii} **This report offers the clearest evidence to date that policies implemented by the Philadelphia DAO in February 2018 and March 2019 have reduced mass supervision and reduced overall racial disparities in community supervision sentencing in Philadelphia without harming public safety.**

Pennsylvania law limits the ability to fully follow best practices in sentencing. Practices such as mandatory minimum sentencing and allowing courts to re-sentence up to the statutory maximum after a supervision violation uphold the harmful status quo of over-supervising. County prosecutor-led reform is impactful, but collaboration by all system actors and lawmakers across the Commonwealth is necessary to end mass supervision in Pennsylvania.



Acknowledgments

This work was made possible thanks to funding from Arnold Ventures and the Chan Zuckerberg Initiative. We are grateful to Alexa Cinque, Michele Kilpatrick, Viet Nguyen, Liam Riley, Jane Roh, Vincent Schiraldi, Judge Carolyn Temin, Wes Weaver, the District Attorney’s Transparency Analytics (DATA) Lab, and the DAO Policy Team for their helpful input on this report.

Letter: District Attorney Lawrence S. Krasner

Report: Tyler Tran, Sangeeta Prasad, Dana Bazelon, Christopher Austin, Molly Pickard, Mike Lee, Oren Gur, Michael Hollander



Appendix A

DAO Policies to End Mass Supervision

The following guidelines to end mass supervision are presumptive rather than mandatory. For exceptions from the guidelines, Assistant District Attorneys (ADAs) must obtain approval from a unit supervisor, a First Assistant District Attorney, or from District Attorney Krasner.

2018 Policy (abbreviated; full policy in references^{xix}):

1. Request shorter probation tails (i.e., consecutive period of probation) or no probation tail after a sentence of incarceration.
2. Request shorter probationary sentences where no sentence of incarceration is sought.

2019 Policy (full policy in references^{xx}):

The basis of the policies is for ADAs to request shorter periods of total supervision, which includes both parole and probation.

1. In all cases, the appropriateness of a sentence of incarceration (if any) and how much incarceration is appropriate are to be determined first, consistent with all the DAO's policies, including those to end mass incarceration. Once that is determined, the following policies shall be used to determine supervisory aspects of the sentence.
2. In a **felony** matter, all negotiated guilty plea offers and sentencing recommendations shall do **individual justice to each case, but shall be aimed at an office-wide average period of total supervision among cases of around 18 months or less of total supervision, with a ceiling of 3 years of total supervision or less on each case**, except where total supervision is required to be longer by law. This means that for any felony sentence of 3–6 years or more, there will be no tail.
3. In a **misdemeanor** matter, all negotiated guilty plea offers and sentencing recommendations shall do **individual justice to each case, but shall be aimed at an office-wide average period of total supervision among cases of 6 months or less of total supervision, with a ceiling of 1 year of total supervision or less on each case**, except where required to be longer by law. This means that for a misdemeanor sentence of 1–2 years or more, there will be no tail.
4. Negotiated plea offers and sentencing recommendations shall be for **concurrent sentences within a case and among consolidated cases**. Obviously, the plea offer and sentencing recommendation on a group of cases will reflect all consolidated cases.
5. Negotiated plea offers and sentencing recommendations in all cases that involve incarceration shall be for a **period of parole that is no longer than the period of incarceration**.



6. These policies apply to all forms of plea and to all recommendations at sentencing (e.g. negotiated and open pleas of guilty, nolo contendere, etc.), including post-trial sentencings and sentencings after open guilty pleas.
7. ADAs are to make recommendations in all violation of probation (VOP) hearings on whether or not the court should find the defendant to be in violation and, if so, the consequence. For technical violations, do not recommend more than 30-60 days in custody; in most instances of technical violations, recommend no custody. For direct violations, do not seek more than 1-2 years in custody that are additional to the sentence for the new conviction that is the direct violation. Sentencings for the new crime that is the direct violation should reflect the fact that the new offense occurred while the defendant was under supervision and reflect this policy.



Appendix B

Limitations

- Our data captures final sentences in cases rather than offers made by ADAs to the defense. In any particular case, it is possible that negotiations between the prosecution and defense occurs, and that the final sentence differs from the initial offer made by an ADA. However, dockets usually indicate whether a plea is “negotiated”—in other words whether the sentence was agreed to by the parties in advance or whether the Court decided upon the sentence after an “open” plea. The DAO recently implemented a digital form to track offers that will provide more robust data in the future.
- We do not know the exact dates that a person is incarcerated after being sentenced. Therefore, we estimate parole time with the assumption that, on average, defendants with county sentences (incarceration sentences fewer than two years) will serve their minimum sentence in confinement before being paroled and defendants with state sentences (incarceration sentences of two years or more) will serve 1.31x their minimum sentence length in confinement before being paroled.
- Because of the relatively short amount of time that has passed since the Sentencing Policies were implemented, our recidivism analysis should be viewed as preliminary; as more time passes, a more robust analysis will be possible with more data and all sentence types included (the recidivism analysis in this report focuses on probation-only sentences).
- The lead charge of a case at the time of charging is not always the same charge that a defendant pleads to and is sentenced for. This can happen because of insufficiency of evidence to proceed on the original lead charge or because plea negotiations lead to a downgrade, perhaps to avoid the collateral consequences of a felony conviction. In this report, we focus on both the grade of the most serious offense pled to as well as the court where a case was resolved (to account for downgraded felonies).
- Because of data limitations, this analysis operates under the assumption that multiple incarceration sentences will be served concurrently, and that probation sentences will be consecutive to incarceration and parole. Under Pennsylvania law, sentences are served concurrently unless the Court specifically states otherwise.
- It is possible that some data were entered incorrectly, as data entry is manually done. However, it is unlikely that any occasional human errors in data entry would affect the results of this analysis.

Appendix C

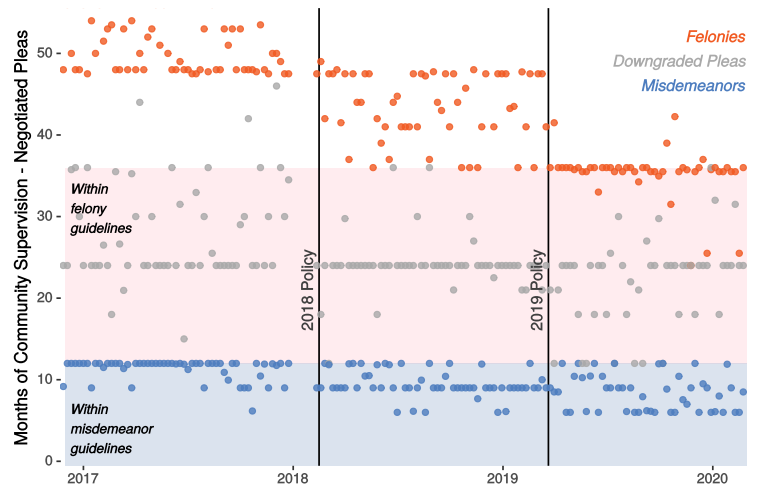
Supplementary Material

Weekly Trends in Supervision

The figures below show median and average lengths of supervision in negotiated plea cases by week. Median supervision lengths show more clearly the immediate effects of the DAO Sentencing Policies. For more information on the changes in supervision length in relation to DAO policies, see the Evaluating Reform section of this report.

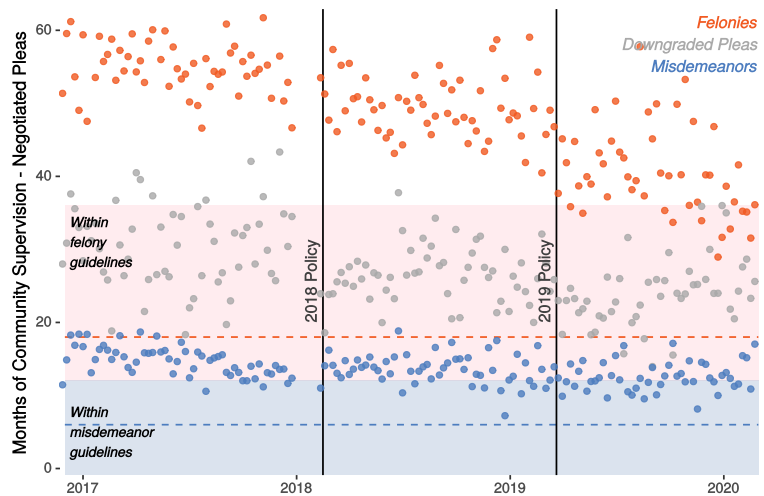
Median Community Supervision Lengths by Week

Downgraded felonies refer to felony cases that were pled as misdemeanors in the Court of Common Pleas.



Average Community Supervision Lengths by Week

Downgraded felonies refer to felony cases that were pled as misdemeanors in the Court of Common Pleas.

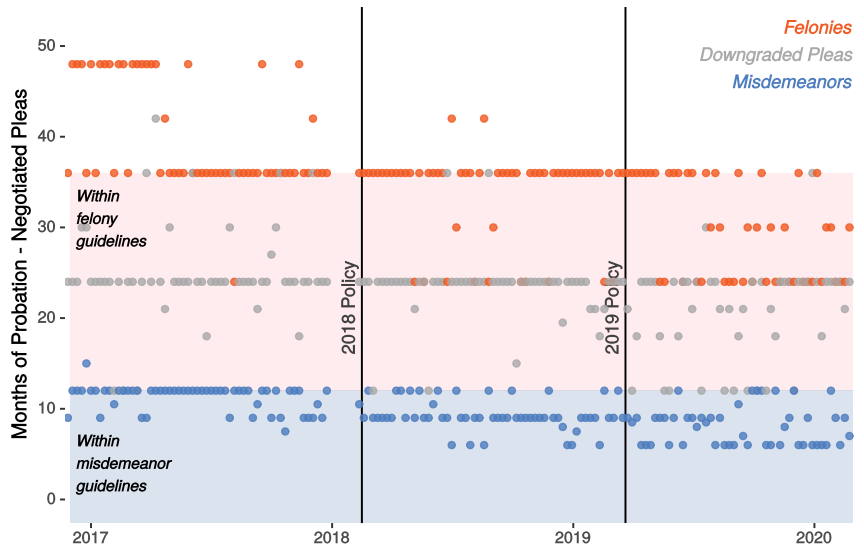


Different Impacts of Two Policies

While both the 2018 Sentencing Policy and the 2019 Sentencing Policy contributed to the DAO's overall goals of reducing mass supervision, they achieved reductions through different approaches. The 2018 policy directed ADAs to seek shorter probation terms (including shorter or no probation "tails"), and the 2019 policy directed ADAs to seek shorter terms of total supervision (parole + probation). The graphs below show total supervision lengths for probation-only sentences and for sentences with parole.

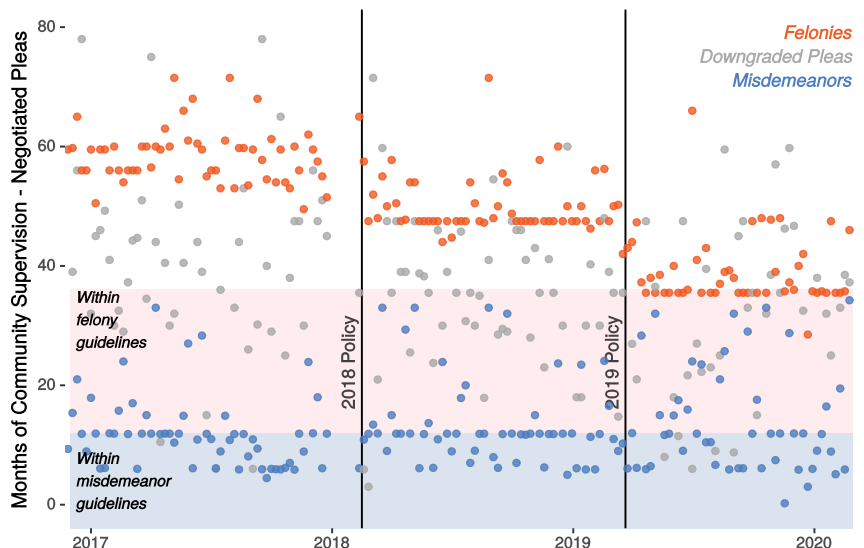
Median Community Supervision by Week - Probation-Only Sentences

Downgraded felonies refer to felony cases that were pled as misdemeanors in the Court of Common Pleas.



Median Community Supervision by Week - Sentences with Parole

Downgraded felonies refer to felony cases that were pled as misdemeanors in the Court of Common Pleas.



Assessing Recidivism

Methods

We compared the re-charge rate of people sentenced in the six months prior to the 2018 Sentencing Policy implementation (February 15, 2018) to the re-charge rate of people sentenced in the six months immediately following the policy announcement. For each person who was sentenced, we looked at whether they were re-charged during the 18 months after their original sentencing. We also compared people sentenced in the six months pre- and post-2019 Sentencing Policy implementation with six-month re-charge periods. We used chi square and Fisher's exact tests to compare proportions.

Results

33% of people sentenced to probation through negotiated guilty plea before the 2018 Sentencing Policy were re-charged within 18 months of their sentencing, and 31% of those sentenced after the policy was announced were re-charged within 18 months. Using six-month re-charge periods to evaluate the 2019 Supervision Policy, 15% of people sentenced before the 2019 policy was implemented were re-charged, compared to 17% of those sentenced under the 2019 policy. These are not statistically significant differences at a significance level of $\alpha = 0.05$.

When comparing re-charge rates by offense type, there were no statistically significant differences in pre-policy re-charge rate versus post-policy re-charge rate.

We were able to analyze more robustly the effects of the 2018 Sentencing Policy on public safety than the 2019 Sentencing Policy. Only about one year passed between the announcement of the 2019 policy and the anomalies of COVID-19. Future assessments will be able to fully evaluate recidivism for both policies once more time has passed.

Simulating Effects on Community Supervision Population Size

To simulate the effects of the 2019 Sentencing Policy on the number of people on community supervision, we compiled data on offense types, sentence types, and sentence lengths from the three defined time periods of this analysis. For each of the three "sentencing scenarios," we simulated the number of people that would be on community supervision over a five-year period with sentencing patterns from each scenario in place. We held the number of people sentenced constant over the three sentencing scenarios to isolate the effects of the Sentencing Policies on sentence type and sentence lengths.

We ran a Monte Carlo simulation 1,000 times that randomly pulled from the three compiled datasets (one for each time period of analysis) of existing sentencing data to simulate the number of people serving community supervision under sentencing patterns from the three time periods. The table below shows minimum, median, and maximum estimates of community supervision populations from 1,000 simulations under sentencing patterns from each of the three time periods.

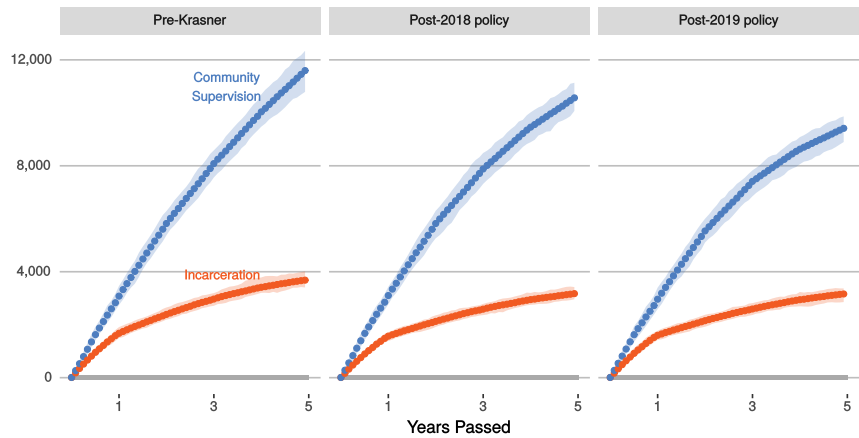
Summary statistics of 1,000 simulations of community supervision size after five years under three sentencing scenarios compared to projections of pre-Krasner sentencing patterns.

SENTENCING PATTERN	MEDIAN CHANGE*	MINIMUM CHANGE*	MAXIMUM CHANGE*
Post-2018 policy	-8.9%	-3.2%	-18.4%
Post-2019 policy	-18.8%	-8.6%	-27.9%

*Percent change from pre-Krasner projections of community supervision size after five years.

Projected Number of People Incarcerated and on Community Supervision

Shaded areas show the range of output from 1,000 simulations and bold points show median values from those 1,000 simulations. These projections assume initial populations of 0.

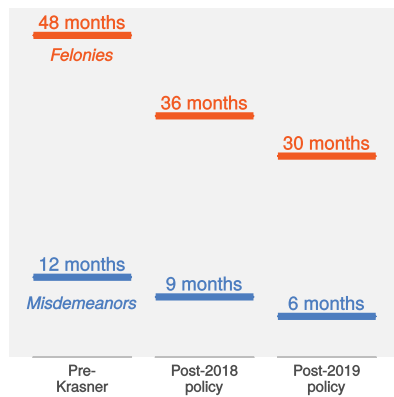


Felony/Misdemeanor Breakdown

Alternative ways to distinguish classes of cases

In this report, we displayed felonies, downgraded pleas, and misdemeanors as three separate groups. Below, we show three alternative ways to look at the data that account for downgrades from felonies to misdemeanors differently. No matter the method, the findings stand: the DAO policies dramatically reduced community supervision sentence lengths without a measurable effect on public safety.

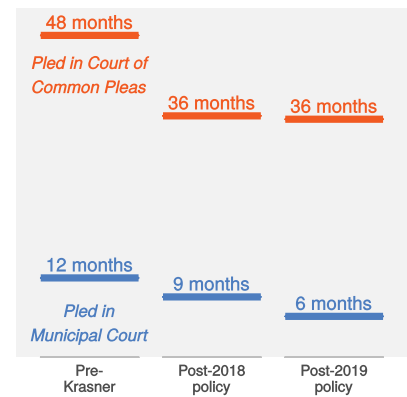
Original Offense Grade



Final Offense Grade



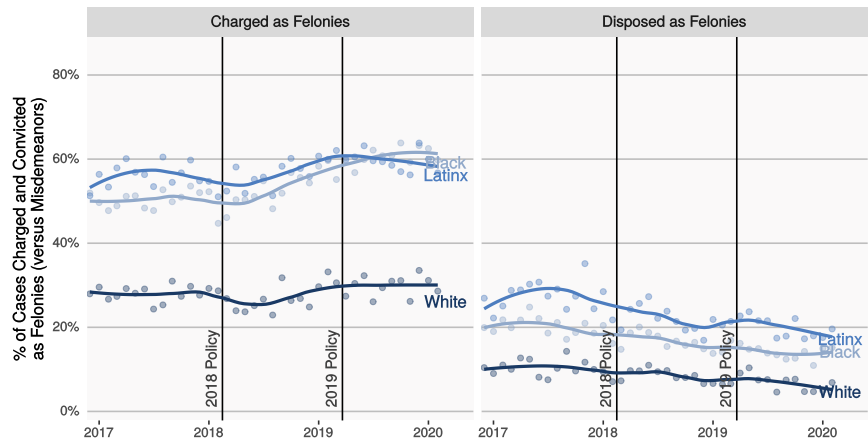
Court of Disposition



Since the 2019 Sentencing Policy was implemented, Black, Latinx, and white defendants all saw increases in the percent of negotiated guilty pleas charged and disposed as felonies, with the largest increases seen for white defendants. These changes are in line with the notion that prosecution should focus more on violent offenses than petty crimes. However, Black and Latinx defendants are still charged with a higher proportion of felonies than white defendants.

Black and Latinx defendants are charged with and convicted for a higher proportion of felonies than white defendants. This contributes to longer overall supervision terms for Black and Latinx defendants than white defendants when considering all cases combined.

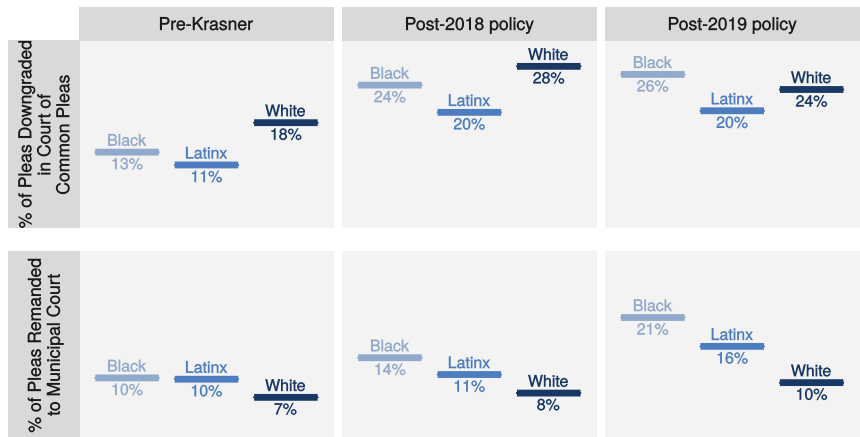
White defendants are charged with and convicted for proportionally fewer felonies than Black and Latinx defendants, leading to overall longer supervision sentences for Black defendants.



The graph below displays the proportion of negotiated guilty pleas that were originally charged as felonies but disposed as misdemeanors by defendant race. Felonies sent back to (remanded to) Municipal Court are likely to have been downgraded for insufficiency of evidence, while cases downgraded in the Court of Common Pleas are more likely a result of a pre-trial decision by an ADA. Pre-Krasner, white defendants saw a higher proportion of negotiated guilty pleas downgraded in Common Pleas than Black or Latinx defendants; the proportions between groups are more similar post-2019 policy.

Negotiated Guilty Pleas Downgraded from Felony to Misdemeanor by Race

After sentencing reform, Black, Latinx, and white defendants have seen similar rates of felony negotiated pleas being downgraded to misdemeanors in the Court of Common Pleas. However, Black defendants have consistently seen more of their pleas being sent back to Municipal Court.



The table below lists the five most common felony offenses that are downgraded to misdemeanors in the Court of Common Pleas and the number of cases downgraded in each period. Downgrading felonies has become a more frequent practice under District Attorney Krasner, even while the size of the system has decreased.

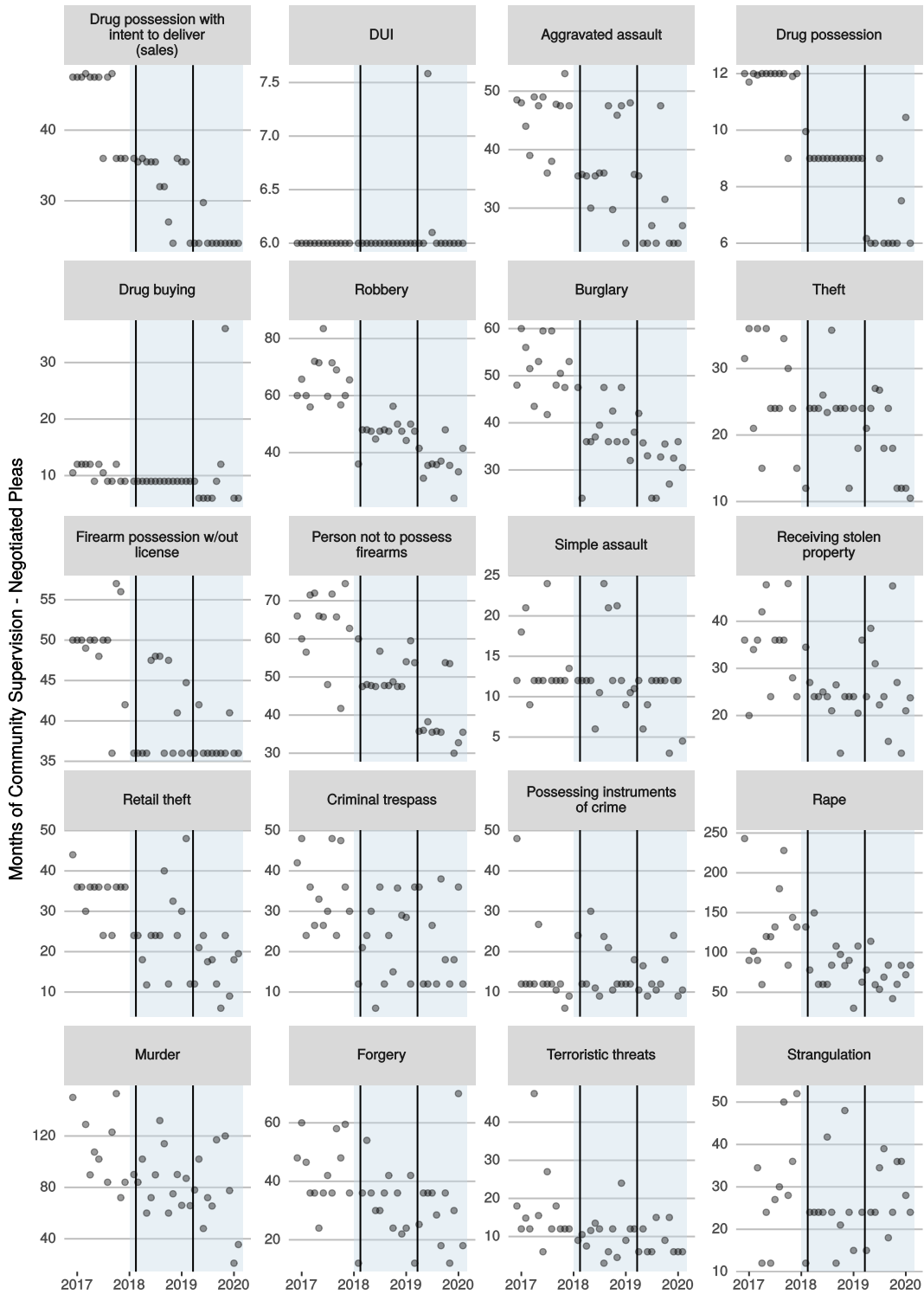
Most frequent felony offenses to be downgraded to misdemeanors and the number of cases downgraded in each period. The percentages in parentheses show the downgrades as proportions of all negotiated guilty pleas in each time period (e.g., downgrades of drug sale felonies made up 5% of all negotiated guilty pleas in the post-2019 policy period).

	PRE-KRASNER	POST-2018 POLICY	POST-2019 POLICY
Drug sales	114 (2%)	280 (4%)	177 (5%)
Aggravated assault	197 (3%)	247 (4%)	133 (4%)
Carrying firearms without a license	18 (<1%)	114 (2%)	54 (1%)
Robbery	45 (1%)	62 (1%)	32 (1%)
Burglary	43 (1%)	59 (1%)	27 (1%)

Supervision Trends by Lead Charge

The graphs and tables below show median total community supervision lengths for negotiated guilty pleas by offense. Some of the most dramatic reductions in community supervision length can be seen with drug offenses. Some violent offenses also saw reductions in median total supervision; in most of those cases, defendants' custodial sentences are not being shortened, but the use of probation tails (after release from prison and parole) are being used less frequently by the DAO.

Monthly Median Community Supervision by Original Lead Charge



Blue box shows period DA Krasner in office. Black lines mark when two supervision policies were announced. Lead charges for the 20 most common negotiated guilty plea offenses since 2018 are included.

Change in median supervision sentence lengths (in months) of 20 most frequent negotiated plea offenses. Offenses are presented from most frequent to less frequent.

STATUTE	PRE- KRASNER	POST-2018 POLICY	POST-2019 POLICY	CHANGE AFTER POLICIES
Drug possession with intent to deliver (35 PaCS 780-113 A30)	48	36	24	-50%
DUI (75 PaCS 3802)	6	6	6	0%
Aggravated assault (18 PaCS 2702)	48	36	24	-50%
Drug possession (35 PaCS 780-113 A16)	12	9	6	-50%
Purchasing controlled substances (35 PaCS 780-113 A19)	12	9	6	-50%
Robbery (18 PaCS 3701)	66	48	36	-45%
Burglary (18 PaCS 3502)	50	36	33	-34%
Theft (18 PaCS 3921)	24	24	18	-25%
Firearm possession w/out license (18 PaCS 6106)	50	36	36	-28%
Person not to possess firearms (18 PaCS 6105)	66	48	36	-45%
Receiving stolen property (18 PaCS 3925)	36	24	24	-33%
Simple assault (18 PaCS 2701)	12	12	9	-25%
Retail theft (18 PaCS 3929)	36	24	18	-50%
Criminal trespass (18 PaCS 3503)	36	24	18	-50%
Possessing instruments of crime (18 PaCS 907)	12	12	12	0%
Murder (18 PaCS 2502 NA)	102	75	72	-29%
Rape (18 PaCS 3121)	120	84	72	-40%
Forgery (18 PaCS 4101)	36	36	34	-6%
Terroristic threats (18 PaCS 2706)	12	12	6	-50%
Strangulation (18 PaCS 2718)	24	24	24	0%

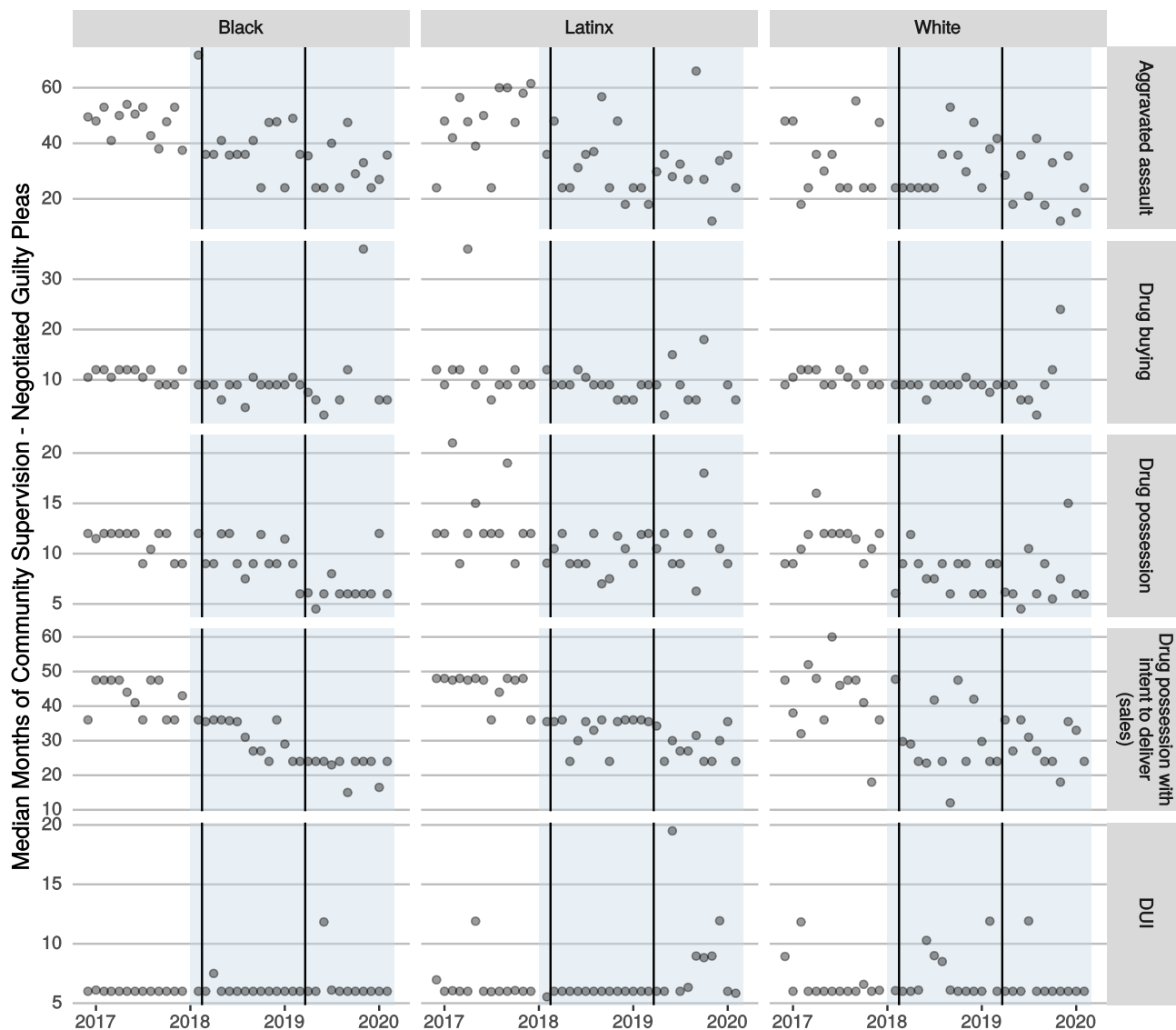
Policy compliance of 20 most frequent negotiated plea offenses. Offenses are presented from most frequent to less frequent.

STATUTE	PRE-KRASNER	POST-2018 POLICY	POST-2019 POLICY	CHANGE AFTER POLICIES (PERCENTAGE POINTS)
Drug possession with intent to deliver (35 PaCS 780-113 A30)	45%	65%	84%	39%
DUI (75 PaCS 3802)	66%	71%	76%	10%
Aggravated assault (18 PaCS 2702)	45%	54%	72%	27%
Drug possession (35 PaCS 780-113 A16)	78%	84%	85%	7%
Purchasing controlled substances (35 PaCS 780-113 A19)	91%	95%	92%	1%
Robbery (18 PaCS 3701)	23%	36%	65%	42%
Burglary (18 PaCS 3502)	31%	52%	69%	38%
Theft (18 PaCS 3921)	52%	62%	74%	22%
Firearm possession w/out license (18 PaCS 6106)	22%	43%	71%	50%
Person not to possess firearms (18 PaCS 6105)	10%	32%	56%	46%
Receiving stolen property (18 PaCS 3925)	55%	68%	71%	16%
Simple assault (18 PaCS 2701)	61%	67%	76%	15%
Retail theft (18 PaCS 3929)	50%	57%	70%	21%
Criminal trespass (18 PaCS 3503)	52%	68%	68%	16%
Possessing instruments of crime (18 PaCS 907)	63%	56%	67%	4%
Murder (18 PaCS 2502 NA)	31%	32%	58%	26%
Rape (18 PaCS 3121)	7%	12%	31%	24%
Forgery (18 PaCS 4101)	46%	69%	62%	17%
Terroristic threats (18 PaCS 2706)	64%	70%	86%	22%
Strangulation (18 PaCS 2718)	67%	90%	72%	5%

Trends in Supervision Length by Defendant Race and Sex

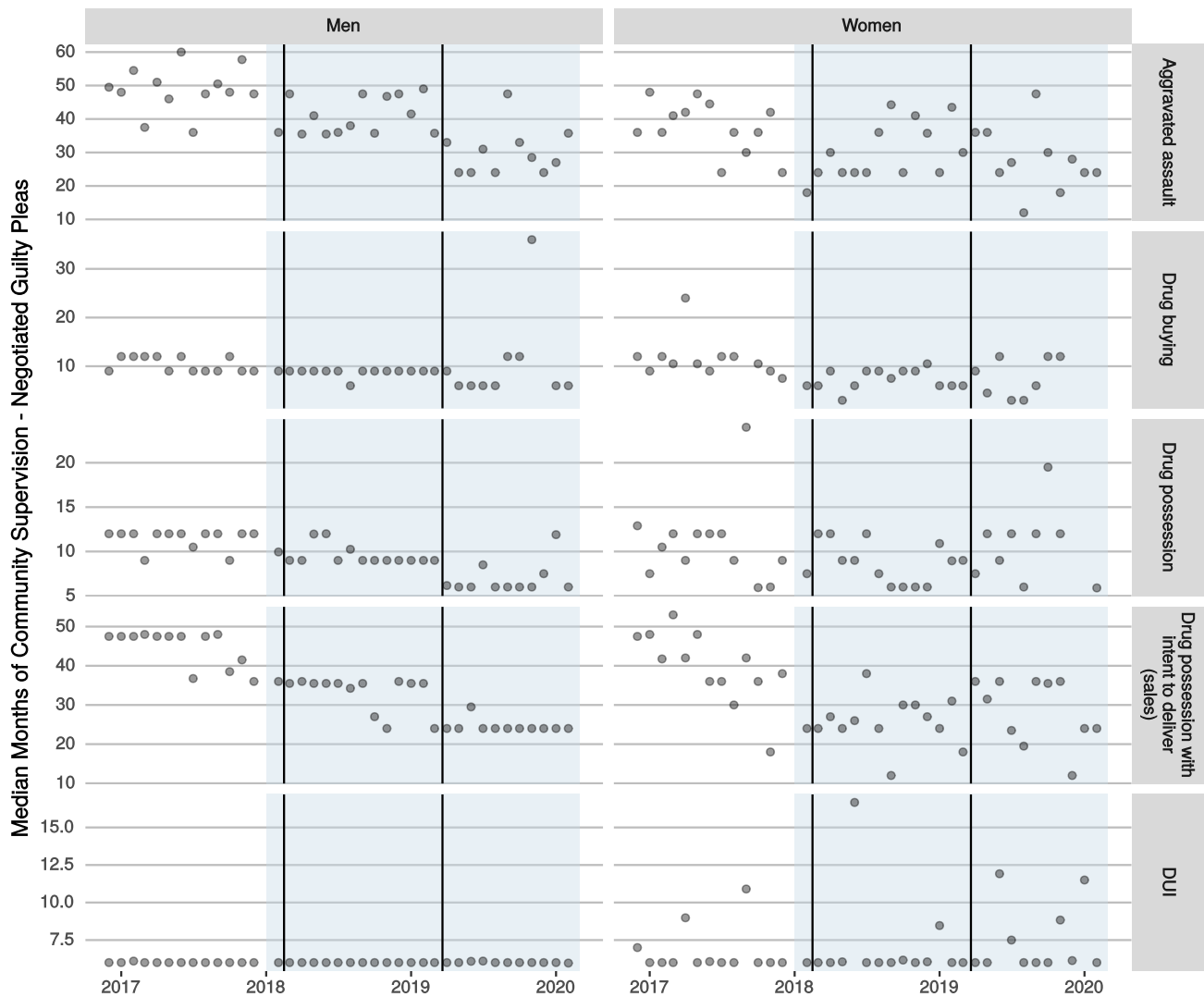
The graphics below show the five most common negotiated plea offenses since District Attorney Krasner took office in 2018. Each pane in the two graphs displays monthly median supervision lengths for that offense by race, ethnicity, and sex. Generally, supervision lengths for common offenses are similar across defendants of different groups. For some offenses, the trends are not as clear as the aggregate data as a whole because sample sizes are lower.

At the offense level, defendants of different races receive similar community supervision sentences



Pink box shows period DA Krasner in office. Black lines mark when two supervision policies were announced. Lead charges for the 5 most common negotiated guilty plea offenses since 2018 are included.

At the offense level, men and women receive similar community supervision sentences




Fewer women than men are sentenced. Therefore, the trends are less consistent and clear for women. Pink box shows period DA Krasner in office. Black lines mark when two supervision policies were announced. Lead charges for the 5 most common negotiated guilty plea offenses since 2018 are included.



Appendix D

References

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