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McCaffery: Panel Will Scrutinize Criminal Justice Costs

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The advisory panel convened by the state Supreme Court to review the criminal justice system in Philadelphia will be examining five substantive areas: the functioning of Philadelphia Municipal Court, bail issues, witness intimidation, probation and parole, and information technology, Justice Seamus P. McCaffery said.

The panel had its first meeting Wednesday with McCaffery and proposed consultant William Chadwick, a Washington, D.C., risk consultant who was second-in-command to Chief Justice Ronald D. Castille when Castille was Philadelphia district attorney.

Much of the panel's work will be examining the costs of criminal justice functions.

"We want to show the city leaders that certain programs are going to be cost-effective. ... The monies that are going to be put out will be saved in various other ways. We don't want change for change's sake. We want to make sure what is done can be implemented in the long range and does not adversely impact the partners of the criminal justice system," McCaffery said.

The justice said he would like to see savings, created by improving some criminal justice functions, reinvested in a city criminal justice budget that has left the First Judicial District, the Philadelphia District Attorney's Office and the Defender Association of Philadelphia cash-strapped because of budget cuts and with many positions unfilled because of hiring freezes.

McCaffery pointed out that the Philadelphia Prison System was able to request \$9 million less in its budget for the 2010-11 fiscal year, in part because of court programs that reduced the number of days criminal defendants spent in jail. Some of those savings could be applied back to the courts and other criminal justice stakeholders to "hire people we need to make the system better," he said.

In early 2009, the First Judicial District started a program to expedite technical probation violation hearings by consolidating them in front of one judge and started another program to consolidate criminal defendants' multiple cases at an earlier stage to try to work out plea bargains sooner rather than later.

Court-appointed lawyers who represent indigent defendants who can't be represented by the Defender Association are woefully underpaid, McCaffery said, so savings in making the system more efficient could also allow compensation of court-appointed counsel in a more reasonable fashion.

No deadline has been set for the panel's work to conclude, but the panel agreed to implement changes that can be accomplished immediately while its work is ongoing, McCaffery said.

The panel will identify changes that can be implemented by state Supreme Court order and will identify changes that will require legislative action to be implemented, he said.

The panel will not just look at short-term changes but look to the future of the Municipal Court in the next five to 10 years, McCaffery said.

The probation and parole functions, controlled by the First Judicial District, need to be examined because of their shortfall of more than 100 officers, and because of the office's efforts to assign probationers and parolees a level of supervision based upon their predicted risk of recidivism, McCaffery said.

The ultimate outcome of the panel's work will be a report with policy recommendations in the five substantive areas of examination as well as an overview of the First Judicial District's criminal system, McCaffery said.

Panel members will work through court administrators, including First Judicial District Administrator Dave Lawrence, McCaffery said.

Each panel member received a "foundational information" binder including suggestions for improving the system from court administrators, the District Attorney's Office, the criminal defense bar and the Defender Association, McCaffery said.

Two of the panel's members, Montgomery County Commissioner Bruce Castor and plaintiffs' and criminal defense attorney A. Roy DeCaro, said unlike other advisory panels that are appointed to make policy recommendations, this panel seems like it will have substantive input on policy, especially because McCaffery is chairing the panel himself.

Castor, who will be co-chairing a subcommittee on preliminary hearings with Bucks Common Pleas Judge Alan M. Rubenstein, said he is planning to view preliminary hearings in the suburbs and in Philadelphia, and also to interview judges, defense lawyers, police officers

and prosecutors.

Both Castor and DeCaro said that the panel's members have a lot of experience, a lot of suggestions and open minds regarding how to improve Philadelphia criminal cases.

DeCaro said that he watched preliminary hearings in the Criminal Justice Center last week to orient himself. McCaffery said panel members are encouraged to do as much research as possible, including courthouse visits.

Among other topics discussed at the meeting were how much input defendants should have at preliminary hearings and the constitutional right of confrontation at preliminary hearings, DeCaro said.

Castor said improving Philadelphia's criminal justice system will have a tangible benefit to his constituents in Montgomery County because appropriate adjudications in Philadelphia of criminal defendants will prevent criminals who might go unpunished in Philadelphia because of problems in the city's system from coming to the suburbs and doing the same thing.

The panel also includes Steven L. Chanenson, a law professor at Villanova University; John L. Braxton, a former Common Pleas Court judge; Michael J. Kane, executive director of the Pennsylvania Commission on Crime and Delinquency; Common Pleas Court Judges Benjamin Lerner and Renee Cardwell Hughes; Walter M. Phillips Jr., chairman of the PCCD; Syndi L. Guido, director of the Pennsylvania State Police's policy office; and private defense attorneys Charles "Joey" Grant and Thomas Bello.

Two members, Grant and Rubenstein, were not able to attend the first meeting, McCaffery said. •