

Philadelphia Gun Court Fact Sheet

The Philadelphia Gun Court (Gun Court) is constituted in response to the increasing number of weapons offenses being committed in Philadelphia and the inherent danger to the community when weapons are possessed on the streets illegally. Gun Court will focus on educating the defendant about gun safety and provide the infrastructure for direct and immediate response to defendants who violate Court Orders and who are recidivists.

By consolidating all gun cases where the most serious charge is a Violation of Uniform Firearms Act (VUFA) onto one Common Pleas Court docket, the assets needed for a prompt adjudication of these types of offenses will be consolidated and the coordination of the efforts by numerous agencies and non-profit organizations in reducing the number of illegal guns on the streets of Philadelphia will be improved. Gun Court will operate from January 10, 2005 to June 30, 2006 unless further extended.

There are three components to Gun Court, to wit: Pretrial, Trial and Post-Trial.

A. Pretrial Component

Defendants charged with felony VUFA by the District Attorney's Office, where VUFA is the most serious charge, will be assigned to a Pretrial Services case manager who will monitor all such defendants who are on bail. The case manager will communicate regularly with the Probation Officer for defendants who are on active probation to determine if additional conditions are warranted. Most defendants will receive Release on Special Conditions (ROSC) Type I and Type II according to the bail guidelines. Any of the optional conditions of bail must be made on a case by case basis by the Municipal Court Bail Commissioner at the Preliminary Arraignment after consideration of the motion of the Commonwealth or Defense. See Attachment A.

1. Conditions for ROSC Type I and Type II

- a. Attend all court proceedings
- b. Submit to all orders of the Court
- c. Provide Pretrial Services with the residence where he/she will reside
- d. Notify Pretrial Services of any change in address
- e. Defendant will not possess any weapons
- f. Obey all conditions imposed by the Court and/or Pretrial Service
- g. Report to Pretrial Services four days after the preliminary arraignment for orientation
- h. Weekly contact with case manager and same day contact after any court hearing
- i. Attend a gun education program, which will be delivered by Pretrial Services and incorporated into the ROSC orientation program.

2. Violations of Release Conditions

If the defendant violates any of the release conditions, the defendant will be subject to immediate arrest and bail revocation pending review by the bail authority. At the Municipal Court level, the presiding judge will address all bail motions and violations. At the Common Pleas level, the motions judge will address all bail motions and violations.

B. Trial Component

All cases where VUFA is the most serious charge filed in the Court of Common Pleas will be assigned to Gun Court. Both bench and jury trials will be heard by the assigned judge. One courtroom will be designated for this purpose.

There are about 400 cases currently in active inventory that qualify for Gun Court. These cases will be laterally transferred into the Gun Court docket. The pretrial bail status of any defendant whose case is initially laterally transferred to Gun Court should not be affected but will be evaluated based on their current release compliance.

The Gun Court docket will be an individual calendar docket. Standard protocols will be followed for this caseload type except as follows. The cases will be assigned to Track 1. There will be an average of 10 bench trials scheduled each day. Pretrial conferences will be held before the Gun Court Judge and not the Major Felony Pretrial Judge. Motions to Quash and Bail Motion will be heard before the Motions Judge. All other pretrial motions will be heard before the Gun Court Judge. Gun Court cases will be "tagged" with a "G" in the Criminal Case Management System.

The Common Pleas life cycle of Gun Court cases is 120 days to disposition, and the event types are Arraignment, Pretrial Conference, and Trial. See Attachment B.

C. Post-Trial Component

If a Gun Court defendant is convicted or pleads guilty to a VUFA offense and receives a sentence that includes a county jail or probation sentence, the defendant will be assigned to an Antiviolence caseload of the APPD, which will include the Youth Violence Reduction Program and Safe Neighborhood Initiative with an emphasis on reduced caseloads for enhanced supervision. The defendant's plan will be individually tailored by APPD to meet the specific needs of the defendant and shall include at a minimum the following.

1. Intensive Supervision/Surveillance

- a. Gun surrender policy which is to be signed directly in Gun Court
- b. Increased Drug Detection
- c. Increased face to face contacts

- d. Police and Probation Officer targeted home visits in designated high crime police districts/divisions during regular and non-traditional work hours
- e. All violations will be promptly brought to the attention of the court

2. Social Service Component

- a. 20-50 hours community service
- b. Conflict resolution
- c. Anger management
- d. Continuing mandatory gun education program in conjunction with Mothers in Charge (MIC).

3. Standards of Measurement

Several part time research assistants will be hired by APPD to monitor and evaluate the Gun Court initiative and make regular reports to the Court.

Most community service hours can be completed through the EARN program through the APPD Community Service Liaison Office. However, we will remain flexible for those defendants who may not fit into this program. See Attachment C.

D. Conclusion

The First Judicial District (FJD) is committed to working with its Philadelphia Criminal Justice Partners to seek innovative solutions to important issues facing the community. The FJD has partnered in many other endeavors to include Drug Treatment Court, Family Violence Court, Community Court, and the Youth Violence Reduction Program.

The primary focus of the Court is to provide an impartial forum where parties are afforded a full and fair opportunity to present their cases and where the rule of law and justice dictates disposition. We believe that this format for a Gun Court will help the FJD meet these important goals while providing enhanced community safety.

Attachment A

ROSC Types I and II	Optional Special Gun Court Conditions
<p>1. Defendant shall attend all court proceedings.</p> <p>2. Defendant shall submit to all orders of the Court.</p> <p>3. Defendant shall provide Pretrial Services with the residence at which he/she will reside.</p> <p>4. Defendant will notify Pretrial Services of any address change.</p> <p>5. Defendant will not possess any weapons.</p> <p>6. Defendant will obey all conditions imposed by the Court and/or Pretrial Service.</p> <p>7. Report to Pretrial Services four days after the preliminary arraignment for orientation.</p> <p>8. Weekly contact with case manager and same day contact after any court hearing.</p>	<p>1. Defendant shall attend all court proceedings.</p> <p>2. Defendant shall submit to all orders of the Court.</p> <p>3. Defendant shall provide Pretrial Services with the residence at which he/she will reside.</p> <p>4. Defendant will notify Pretrial Services of any address change.</p> <p>5. Defendant will not possess any weapons.</p> <p>6. Defendant will obey all conditions imposed by the Court and/or Pretrial Service.</p> <p>7. Report to Pretrial Services four days after the preliminary arraignment for orientation.</p> <p>8. At a minimum, make weekly contact with case manager and same day contact after any court hearing.</p> <p>9. Attend a gun education program.</p> <p style="text-align: center;"><i>Optional Conditions</i></p> <p>10. Sign firearm surrender agreement</p> <p>11. Drug Detection</p> <p>12. Electronic Monitoring</p>

Attachment B

Standard CP Case Life Cycle 180 Days to Disposition	Gun Court Life Cycle 120 Days to Disposition
<p>1. Common Pleas Arraignment, Room 504 CJC, 21 days after case is held for court. Attorney appearances and date set for Pretrial Conference.</p> <p>2. Pretrial Conference (PTC), Room 707 CJC, 14 days after Arraignment. Pretrial motions are heard. PTC may be continued several times before next event. When ready, case is "spun" to trial judge for a scheduling conference.</p> <p>3. Scheduling Conference, Trial Room, 21 days after last PTC. Participants calendars are checked, type of trial determined and earliest possible trial date is set consistent with the court's calendar.</p> <p>4. Trial within 180 days of CP Arraignment. Continuances in the interest of justice may be granted by the trial court. Pretrial motions are generally heard immediately prior to trial.</p>	<p>1. Common Pleas Arraignment, Room 504 CJC, 21 days after case is held for court. Attorney appearances and date set for Pretrial Conference.</p> <p>2. Pretrial Conference (PTC), Gun Court, 14 days after Arraignment. Pretrial Motions are heard. PTC may be continued several times before next event. Participants calendars are checked, type of trial determined and earliest possible trial date is set consistent with the court's calendar.</p> <p>3. Trial within 120 days of CP Arraignment. Continuances in the interest of justice may be granted by the trial court. Pretrial motions are generally heard immediately prior to trial.</p>

Attachment C

Standard Conditions of Probation and Parole	Enhanced Special Conditions of Probation and Parole for Gun Court Cases
<p>1. Offender may not possess firearms or any other deadly weapons. (Sign Firearm surrender policy)</p> <p>2. Report as directed to probation/parole officer and permit the officer to visit the home or place of employment as needed.</p> <p>3. Respond promptly to any summons to appear in court.</p> <p>4. Report any change of address to the probation/parole officer within 72 hours. Do not leave Philadelphia without permission from APPD.</p> <p>5. Make every effort to seek and maintain employment and notify the probation/parole officer of any change in employment status.</p> <p>6. Obey all federal, state, county criminal laws and city ordinances.</p> <p>7. May not possess, use, sell, or distribute any type of controlled substance.</p> <p>8. Notify probation/parole officer within 72 hours of any new arrest.</p> <p>9. Offender subject to pay a supervision fee to the APPD unless waived by the court.</p> <p>10. Per Act 35, Pa Gen Assembly, offender is subject to a personal or property search if there is reasonable suspicion to believe they are in violation of any of the conditions of probation supervision.</p>	<p>1. Offender may not possess firearms or any other deadly weapons. (Sign Firearm surrender policy)</p> <p>2. Report as directed to probation/parole officer and permit the officer to visit the home or place of employment as needed.</p> <p>3. Respond promptly to any summons to appear in court.</p> <p>4. Report any change of address to the probation/parole officer within 72 hours. Do not leave Philadelphia without permission from APPD.</p> <p>5. Make every effort to seek and maintain employment and notify the probation/parole officer of any change in employment status.</p> <p>6. Obey all federal, state, county criminal laws and city ordinances.</p> <p>7. May not possess, use, sell, or distribute any type of controlled substance.</p> <p>8. Notify probation/parole officer within 72 hours of any new arrest.</p> <p>9. Offender subject to pay a supervision fee to the APPD unless waived by the court.</p> <p>10. Per Act 35, Pa Gen Assembly, offender is subject to a personal or property search if there is reasonable suspicion to believe they are in violation of any of the conditions of probation supervision.</p> <p>11. At a minimum, weekly contact with probation/parole officer.</p> <p>12. Home visits through targeted patrol (police/probation partnership).</p> <p>13. Continued mandatory firearms violence education program.</p> <p>14. Increased random drug detection.</p> <p>15. Firearm surrender form signed before sentencing Judge.</p> <p>16. 90 day status hearing before sentencing judge to review compliance with court ordered conditions.</p> <p>17. 20 - 50 hours of community service (based on employment status)</p> <p>18. Conflict resolution/anger management evaluation/counseling.</p>