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PRETRIAL JUSTICE INSTITUTE GUIDES INNOVATIVE REFORMS, HELPING JUSTICE TRUMP TRADITION

NEW AGENCY IN ALLEGHENY COUNTY, PENNSYLVANIA INCREASES PRETRIAL FAIRNESS AND SAFETY

■ A LEADER SPEAKS

As an administrative judge overseeing criminal court cases, Judge Donna Jo McDaniel began to notice a trend. Case after case, she encountered people who had been sitting in jail for months because they could not afford their bail – often just a few hundred dollars.



Judge Donna Jo McDaniel

“Like many other jurisdictions, we were holding people in jail because of their lack of money rather than their risk to the community and their risk of not showing up for trial,” says Judge McDaniel, administrative judge for the Court of Common Pleas for the Fifth Judicial District of Pennsylvania, which covers Pittsburgh and Allegheny County, Pa.

The Allegheny County bail agency had operated the same way since its inception in 1972. Bail agency staff attempted to investigate defendants having preliminary arraignments at Pittsburgh Municipal Court, yet failed to reach many of them. Investigations often consisted of incomplete written surveys self-administered by defendants and all information was manually recorded. The limited information collected on defendants led to inconsistent recommendations on setting bail. The court also set money bails in the vast majority of cases, regardless of a defendant’s risk to public safety. For financially strapped defendants, this led to months of jail time and overpopulation in the county’s jails. Also, because many defendants failed to appear at their next hearings, agency staff devoted many hours and resources to tracking down those defendants.

While the national field of pretrial services had advanced, using sophisticated tools to assess risk and reduce the number of people who fail to appear in court, the bail agency had not updated its protocol. A 2005 assessment of the county’s criminal justice system by the Institute for Law and Policy Planning confirmed that the bail agency had significant room for improvement.

“There was no consistency,” says Judge McDaniel. “Sometimes recommendations were based on gut feelings because there was so little information on the defendants. It is absolutely crucial for our system to hold the same standards and judge by the same criteria for all people coming into our courts, and that is why we had to change.”

Allegheny County asked the Pretrial Justice Institute to guide their reforms, investing county resources and acquiring a matching grant from the State Justice Institute. ➡

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■ A NEW SYSTEM

Allegheny County today has become one of the nation's premier jurisdictions in pretrial services. In 2007, the court established a new Pretrial Services Agency. With guidance and support from the Pretrial Justice Institute, visionary leadership, expert analysis and dedicated frontline staff, the court revamped the formerly outdated and overworked bail agency and combined it with other pretrial programs including a first-time offenders program and alcohol safety program.



Ray Billotte

"We decided to bring in the Pretrial Justice Institute because we wanted advice from the best national source on how to implement effective changes," says Ray Billotte, court administrator.

The Pretrial Justice Institute provided extensive support and recommendations to the new agency as it began to revamp its operations, particularly in two key areas – establishing a standardized method for assessing a defendant's risk to public safety and establishing a menu of bail options beyond monetary bonds. The Institute also assisted the agency in learning from best practices, developing a more efficient and accurate record-keeping system, training staff and developing formal policies and procedures.

"Before the Pretrial Justice Institute began working with us, I didn't even know what a non-monetary bond was, nor did anybody here," Judge McDaniel says. "As a judge I really appreciate the way PJI made it easier for me to make better decisions with more information and more options."

Now, the Pretrial Services Agency is meeting national standards and it is having a noticeable effect. Instead of struggling to reach defendants, the agency is successfully performing intake interviews and investigations of all people before their initial appearance in Pittsburgh Municipal Court. Instead of relying on half-completed surveys, pretrial staff members have been trained to interview defendants, ensure complete responses and verify references. With more detailed information about the defendants' risks, staff members are making more effective and consistent recommendations for bail and supervision.



Tom McCaffrey

"We took an innovative approach by becoming a full-service pretrial agency, managing all of the court's work that takes place before trial and sentencing," says Tom McCaffrey, who oversaw the shift as director of the Pretrial Services Agency. "We expanded our scope far beyond the bail system."

With guidance from the Pretrial Justice Institute, the Pretrial Services Agency developed a new, comprehensive instrument for assessing defendants' risks both as a danger to the community and for failing to appear in court. This research-based instrument ensures that defendants are evaluated consistently and fairly and that bail appropriately reflects their risks. Thanks in part to this tool, 90 percent of defendants are now released during the pretrial period, leading to less unnecessary jailing of defendants who are not a risk to public safety.

"We do not want to just reduce the jail population," McCaffrey says. "We want to be wise about how we are setting bail and jailing defendants. If a person is not a public hazard, then he should not have to sit in jail because he is poor and doesn't have \$200." ➔

CASE STUDIES

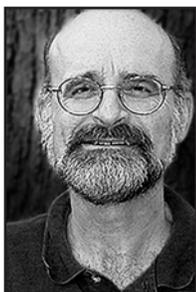
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For defendants who are a risk to public safety, the Pretrial Services Agency has implemented more options for supervision, including electronic monitoring, a call-in and in-person reporting system, drug testing and other measures. Use of these non-monetary bond options has increased significantly. Previously limited by lack of staff and resources, the bail agency could not easily supervise defendants and could only manage to electronically monitor about 60 people. Today, the Pretrial Services Agency is supervising almost 2,000 defendants, including 170 on electronic monitoring. Five full-time staff members manage the agency's formal system for defendants to report in through phone or in person.

To ensure that all information is recorded accurately and centralized for easy access, the Pretrial Services Agency launched a new computer system for information gathering and supervision. The Allegheny County Pretrial Services Case Management System allows staff members to efficiently store and access information on defendants' interviews, criminal histories and references. Through its tracking system, the Pretrial Services Agency also is evaluating its success and impact on the rate of defendants failing to appear in court and the rate of defendants re-arrested while out on bail. This data will be available in the near future.

"We deal with 22,000 bail investigations a year, so an automated system is vital to recording information and tracking our outcomes," McCaffrey says.

■ WORKING TOGETHER FOR CHANGE



John Clarke, PJI
Technical Assistance Director

With technical assistance from the Pretrial Justice Institute, the agency has established one of the nation's most innovative pretrial programs. The Pretrial Services Agency's successful launch is a reflection of the dedication and vision of numerous partners, from agency investigators to judges, to create a more just pretrial system.

The dramatic changes in the court's pretrial procedures resulted from the behind-the-scenes leadership of McCaffrey and dedication of pretrial staff. McCaffrey took several steps to ensure a smooth transition and launch of the Pretrial Services Agency.

With input and involvement from frontline staff, the agency established a developmental change committee, which included bail agency staff, to plan for changes to risk assessment procedures and share the vision of the revamped agency. Committee members also joined McCaffrey in site visits to innovative pretrial programs in other jurisdictions.

"When the committee saw these model programs and became part of the decision-making process, the vision spread, and that changed the culture of thinking within the agency," McCaffrey says.

The Pretrial Justice Institute conducted training sessions for all staff of the new agency that covered the historical and philosophical underpinnings of pretrial services. These sessions also educated staff about national standards and taught effective interviewing skills.

The Pretrial Services Agency developed a new mission statement reflecting its enhanced role: "The Allegheny County Pretrial Services' mission is to provide accurate and timely information to assist the court in making informed decisions regarding bond, competency, and treatment, and to supervise

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and monitor defendants in a respectful manner, utilizing cost-effective measures for the community, to promote compliance with court orders and court appearances, and to support public safety.” The agency also developed written policies and procedures, which were never previously made formal.

“The Pretrial Justice Institute offered us a whole new approach to handle pre-trial release decisions that lets us release more people with confidence that they pose little danger to the community and will return to court,” says Judge McDaniel. “We have made an enormous step forward in making our system more equitable.”

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