

FORGING NEW TRADITIONS IN PRETRIAL EXCELLENCE

ALLEGHENY COUNTY PRETRIAL SERVICES (PA) INCREASES PRETRIAL FAIRNESS AND SAFETY



As an administrative judge overseeing criminal court cases, Judge Donna Jo McDaniel began to notice a trend. In 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.

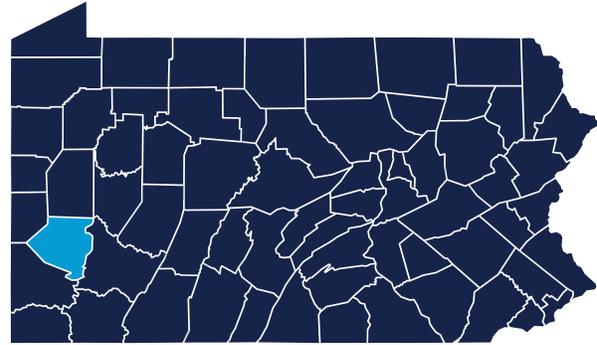


Judge Donna Jo
McDaniel

“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 Donna Jo McDaniel, then-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 who had preliminary arraignments at Pittsburgh Municipal Court, yet they failed to reach many of them. “Investigations” often consisted of incomplete written surveys self-administered by defendants. All information was manually recorded. The limited information collected on defendants led to inconsistent recommendations on setting bail. The court also set money bail in the vast majority of cases, regardless of a person’s likelihood of returning to court and not posing a danger to the community. 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 them down.

While the national field of pretrial services had advanced, using sophisticated tools to assess likelihood of success on release and reducing the number of people who failed to appear in court, the Allegheny County 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.”

Established in 2007, the newly formed Allegheny County Pretrial Services (ACPTS)

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

A NEW SYSTEM

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Justice Institute, visionary leadership, expert analysis, and dedicated frontline staff, the court revamped the outdated and overworked bail agency and combined it with other pretrial programs, including a first-time offenders program and an alcohol safety program.

The new agency began to update its operations, with an emphasis in two key areas: establishing a standardized method for assessing a person's likelihood of success on release with regard to court appearance and public safety, and establishing a menu of bail options beyond monetary bond. The agency focused on 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 nonmonetary 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."

Today, ACPTS is meeting national standards and is having a noticeable effect. Instead of struggling to make contact with arrested people, the agency now 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 conduct interviews, ensure complete responses, and verify references. With more detailed information about an individual's probability of success on release, 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 (he is now Criminal Court Administrator). "We expanded our scope far beyond the bail system."

ACPTS developed a new and comprehensive instrument for assessing a person's probability of success on release regarding community safety and court appearance. This research-based instrument ensures that people are evaluated consistently and fairly and that bail appropriately reflects their likelihood of success on release. Thanks in part to this tool,

80 percent of people are now released during the pretrial period, leading to less unnecessary jailing of people who are likely to remain arrest-free while on release.

“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.”

For people who require additional conditions of release to reasonably assure court appearance and public safety, ACPTS 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 provide supervision. Today, ACPTS supervises around 2,300 people; 10 full-time staff members manage the agency’s formal system for defendants to report in by phone or in person. Additionally, an average of 77 people per month are on electronic monitoring.

To ensure that all information is recorded accurately and centralized for easy access, ACPTS 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 interviews, criminal histories, and references. The system was updated in 2016, and included the revalidated Allegheny pretrial assessment tool. This tool is more accurate than the original and gives separate scores for appearance and rearrest. This allows the arraignment authority to make more informed decisions and set conditions of release tailored to specific concerns.

In 2015, Allegheny County began to roll out the Laura and John Arnold Foundation Public Safety Assessment to outlying court districts that do not have the staff to conduct interviews and investigations. By the end of 2017, 17 district courts were able to have a pretrial assessment before arraignment.

“When the Fifth Judicial District of Pennsylvania created our Pretrial Services Department



Janice Radovick-
Dean, Director,
Pretrial Services,
Fifth Judicial District
of Pennsylvania

in 2007, we could not have imagined the exciting ride on which we had embarked. More research has been done on risk assessment and on risk-mitigation strategies at the pretrial phase in the past five years than had been done in the previous 20 years. We are proud that Allegheny County has been on the forefront of

these discussions and reform efforts as a model program with an evidence-based approach.”

CONTINUING EXCELLENCE

With assistance from the Pretrial Justice Institute, ACPTS established one of the nation's foremost pretrial programs. The agency's successful launch resulted from the dedication and vision of numerous partners, from agency investigators to judges, and its continued track record of achievement reflects the agency's ongoing commitment to its organizational values and core beliefs, which are as follows:



John Clark, PJI
Senior Manager,
Technical
Assistance

- The fundamental belief in the presumption of innocence
- Our interaction with defendants is fair, flexible, and consistent
- Community accountability and integrity
- Enhancing public safety through conditional release options and supervision
- Proactive and innovative approach in administering services
- Services are performed with the highest professional and ethical standards
- The belief that people have the ability to become law-abiding citizens

ACPTS has extended its success by finding ways to maintain its values while pursuing innovation. For example:

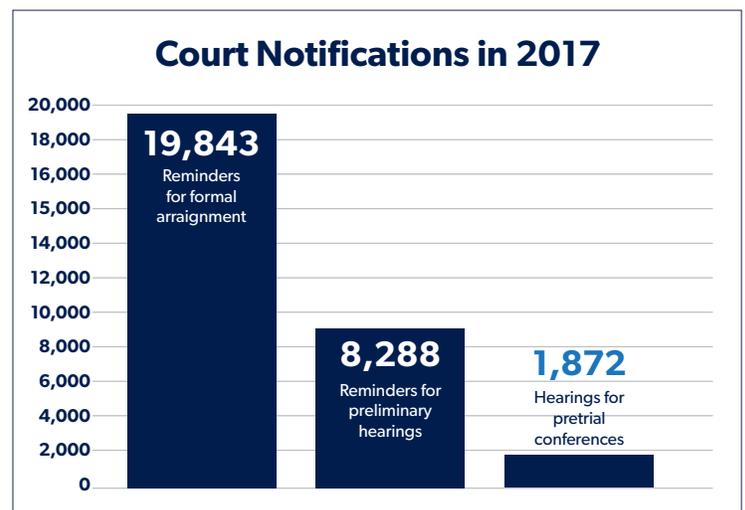
The Pretrial Developmental Change Committee was formed in 2007, with the intent of providing guidance to the broad changes the department was taking on. Realizing that the committee helped keep lines of communication open and solve problems,

the committee continues to meet monthly. This committee, formed of line staff, supervisors, and managers, provides vision and direction to practice and policy.

The Pretrial Safe Surrender Program allows people with active failure to appear bench warrants to turn themselves in to Pretrial Services to appear that day in court for a bond reinstatement hearing without getting arrested. In 2017, 931 bench warrants for failure to appear were cleared through this program. To maximize the effectiveness of this program, the agency works with the defense bar and agency staff to make clear the intent and purpose of the program.

A Population Control Manager works with the Allegheny County Jail to manage population numbers by identifying people with bonds that should be reconsidered.

A court notification program was initiated in 2014 to reduce the rate of failures to appear and has been found to be highly cost-effective. The agency sends reminders through text,



email, and landline, following internal business rules (telephone and email addresses are collected as part of the interview process). In 2017, the agency sent out 19,843 court reminders for formal arraignment; 8,288 reminders for preliminary hearings, and 1,872 hearings for pretrial conferences.

The first offender Accelerated Rehabilitative Disposition Unit (ARD), working closely with the Allegheny County District Attorney's Office, diverts DUI and non-violent cases from the court docket. The program results in successful completion of the program and the dismissal and expungement of these cases in 90 percent of cases. The program admitted 1,954 defendants into the program in 2017. Violations, including technical and convicted violations, usually result in a delayed revocation, affording defendants additional time to complete all requirements.

In 2017, the program had 382 cases in which ARD probations were closed early and the expungement process started due to early successful completion of all court-ordered stipulations. In addition, participating ARD offenders completed 26,278 hours of community service throughout Allegheny County.

Maintaining a high-quality program requires commitment. By continuously evaluating and examining its policies and procedures to ensure the best possible outcomes and to align with national best practices, Allegheny County Pretrial Services has created traditions that honor its responsibility to the community, balancing public safety with the rights of the accused.

August 2018

ALLEGHENY COUNTY PRETRIAL SERVICES MISSION STATEMENT

The mission of the Fifth Judicial District of Pennsylvania Pretrial Services is to provide accurate and timely information to assist the court in making informed decisions regarding bond, competency, and treatment, and to supervise and monitor defendants in a respectful manner while utilizing cost effective measures for the community, and to promote compliance with court orders, court appearances, and to support public safety. Service to the court is performed with the highest professional and ethical standards.