



**HOW CASE REVIEWS  
TRANSFORMED  
ALLEGHENY COUNTY'S  
CRIMINAL JUSTICE SYSTEM**

By Bruce Barron  
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As president judge of the Allegheny County Common Pleas Court, I have felt a strong responsibility to provide justice in the most efficient manner possible. Judges know that we can't please everyone with our decisions, but we should strive to provide a system of justice that deals with all parties in a fair and humane manner.

When I first heard the idea of holding comprehensive case reviews to examine how our system was functioning, I responded with guarded enthusiasm. I knew many of the flaws in our performance—flaws that often resulted in costly delays, frustration for victims, resentment for defendants and their families, and inappropriate releases. I hoped that perhaps conducting a series of case reviews would get us talking openly about the problems. But my enthusiasm was constrained by the fear that the problems would prove intractable, and that the process would bog down as stakeholders with widely varying interests would fail to agree on solutions.

I was in for a wonderful surprise. Once the invitees got beyond their initial reticence to speak their minds with judges and court administrators in the room, we enjoyed incredibly candid, lively, respectful, and fruitful conversations. The case reviews brought to light many of the problems of which I had been aware, and many more that I had not realized. Even better, they built a common understanding among stakeholders and laid the groundwork for a team effort that has already resolved many of the issues raised.

Preparing case reviews well requires significant behind-the-scenes effort to identify difficult cases, painstakingly document the many actions (and inactions) comprised in the case disposition process, and present them dispassionately, yet in a way that enables others to perceive opportunities for improvement. Allegheny County is blessed to have a superb team of consummate, dedicated professionals preparing our case reviews. Without their stellar work, none of our successes could have happened. I also wish to thank the Urban Institute for its support through the Justice Reinvestment Initiative funded by the U.S. Department of Justice.

I hope this summary of our experience will encourage other communities to embark on similar efforts. If we can be of further assistance to others as they contemplate developing their own review process, it would be our privilege to do so.

**Donna Jo McDaniel**

In May 2010, several dozen professionals assembled, a bit standoffishly, around a large conference room table at the Allegheny County Courthouse in downtown Pittsburgh. Their purpose was to review the criminal cases of two local defendants and see if, by doing so, they could learn anything that would help the county deliver justice more fairly and efficiently.

Virtually everyone who had been involved with these defendants had been invited to attend and share observations: judges, prosecutors, defense counsel, human service providers, probation, police, and staff from the courts and the jail. Some came expectantly, others with skepticism that any significant changes would result.

Five months later, the third such meeting took place in a markedly different atmosphere. Following animated group discussion of the day's two cases, the president judge directed everyone's attention to several poster-size papers affixed to a side wall. The pages listed 20 issues identified for improvement through the first two case review sessions and the four working groups to which these issues would be assigned. Some issues had already been resolved administratively; others would be addressed by committee action over the next few months. Any doubts as to whether case reviews could shake up the county's criminal justice system had been thoroughly dispelled.

This article summarizes how collaborative case reviews became a surprisingly powerful tool to produce significant change in a large county's criminal justice system, helping to address—without conflict or resistance—problems that had been simmering for a decade or longer.

## **DESPERATE FOR DATA**

In retrospect, the idea of holding criminal justice case reviews may look like a stroke of genius, but it started as an act of desperation proposed by Erin Dalton, Deputy Director for Data Analysis, Research, and Evaluation at Allegheny County's Department of Human Services (DHS).

Allegheny County had been chosen as one of the first three U.S. counties in a “justice reinvestment” project funded by the U.S. Department of Justice's Bureau of Justice Assistance and guided by the Urban Institute. The concept was to examine criminal justice processes looking for ways to save money (for example, by shortening the time that defendants spend

in the county jail a waiting trial) that could then be reinvested in activities, like pre-discharge counseling and community support, that reduce recidivism rates.

Unfortunately, the project wasn't going very far, because of difficulties in interpreting the available raw data so as to yield useful insights. Dalton could not come up with key figures like the average length of time spent in jail before trial, or how probation detainees impact the time to case disposition.

Lacking sufficiently useful quantitative data, Dalton proposed a qualitative alternative: looking intensively at a small number of illustrative cases to see what they might tell reviewers about the system's operation and its weaknesses. DHS was already using this approach to improve its child welfare services.

The more adversarial nature of criminal cases raised questions as to whether the method could easily transfer into the justice system. But after county manager Jim Flynn, district court administrator Ray Billotte, and criminal court administrator Helen Lynch observed a child welfare case review, they decided to give the approach a try.

## THE ADVENTURE OF PREPARING CASE SUMMARIES

Several months of preparation preceded the first case review meeting. After getting input from president judge Donna Jo McDaniel and several of her colleagues, county administrators created a committee that would select cases to be reviewed and prepare the presentations. Along with Dalton and Lynch, it was composed of Chris Connors, first assistant district attorney; Janice Dean, director of pretrial services; John Matyasovsky, systems analyst and project manager for court administration; Tom McCaffrey, director of adult probation; and LaToya Warren, policy and planning administrator at the county Jail. These high-level appointees had the ability to secure comprehensive case information from their respective agencies—human services, prosecution, courts, probation, and Jail.



One of the early debates concerned the scope of each presentation; it was eventually agreed to develop a timeline depicting the defendant's full case history, so that participants could look holistically at how the defendant had been treated. "It was very time-consuming," Connors stated, "but we wanted to go through cases very thoroughly and determine exactly what happened. Often [defendants] have multiple cases, and the interrelationship between the cases and how one case affected the progress of another were important to examine."

Over the next months, the committee would select eight cases for review. The defendants had criminal histories of various lengths but shared one factor in common: all of them had spent substantial time in jail.

Warren got the job of collecting all the information and arranging it in a PowerPoint document. She developed a consistent presentation template containing the agencies involved with the defendant; the offender's background and criminal history; a summary of the most recent case and its disposition; and the policy issues that the committee had identified. Matyasovsky developed charts and timelines that clearly displayed key steps in case disposition and when they occurred. Warren said the timeline became the most effective visual tool: "It's a simple chart, but seeing that it took 700 days to dispose of a drug case opens people's eyes."

In several cases, just trying to put the defendant's whole case history on a single, sequential timeline unearthed issues for discussion. "We would see that there was a warrant out on a defendant when he was already in jail," Dean said, "or that a magistrate would make a decision not knowing about the decision another magistrate had made two days earlier. That process raised the question of how we get information to people."

Putting all this information together was quite demanding. The case review committee met about ten times before the first presentation. And beyond that, said McCaffrey of the probation office, "I couldn't even guess at the research time. I would come back [from committee meetings] and have a few of my managers pulling stuff for me on each case."

As it worked to assemble an invitation list for the first reviews, the committee discovered one data weakness: the attorneys listed as prosecutor or defense counsel in the court's database were not always the ones who eventually handled the case. Although protocol required sending invitations to supervisors, the committee also sought to include the people who had actually handled a case, such as human services agency caseworkers or municipal police.

## BREAKING DOWN THE FLOODGATES

After completing the background research and compiling the timeline and presentation details, the committee briefed administrator Billotte and President Judge McDaniel so that they could chair the review sessions. McDaniel's strong commitment to the process was essential not only in securing the full participation of other parties, but in underscoring the importance of the meetings.

Despite Billotte's emphasis that the case reviews would be an exercise in system evaluation and not in fingerpointing, the first meeting started tentatively. Some participants exhibited their hesitancy by sitting against the wall rather than around the main table. "It was eerily quiet – I thought we were doomed to fail." Billotte said.

But then, as the case presentation unfolded, the floodgates opened. People accustomed to seeing the system operate the same way for decades realized that top county leadership wanted their input on identifying problems and changing things. The first case discussion alone exposed numerous significant issues, such as the following:

- Magisterial District Judges, in their outlying district offices, were making bail decisions without having Pretrial Services interview the defendant, verify information, and apply the validated pretrial risk assessment tool to the case. Due to staffing limitations, Pretrial Services was conducting investigations only on defendants processed through Pittsburgh Municipal Court.
- No established process for collaboration between child welfare and probation staff, even if both were working with the same family.
- The probation officer was unaware of the rehabilitation programs that the defendant had completed while in jail, because the jail's offender database was not equipped to record this information.
- The defendant was held in jail for a full year awaiting trial—at great cost to taxpayers as well as to his freedom—before being acquitted.

"The review sessions allowed everyone to look at things from everyone else's viewpoint," explained Connors. "Our goal was to present the information as clearly and concisely as possible. During the preparation for the reviews, we often identified problems or issues ourselves." Billotte's advance briefings enabled him to highlight problem areas that the committee had identified, but additional ones emerged as the various parties presented their recollections of the case.



## DELAY TOLERANCE

One issue reared its ugly head in almost every case review: a chronic pattern of postponements. Most people assume that the Allegheny County Jail is overcrowded because more people have been convicted of crimes. But actually, thanks in large part to an average time period of 352 days from arrest to case disposition, more Jail inmates are awaiting trial than serving sentences, by a margin of about three to one.

Case review participants learned that postponements happen for a wide variety of reasons, not just overworked public defenders or prosecutors hoping to negotiate a plea bargain and avoid a trial. In one review a public defender described an uncooperative defendant's refusal to talk to counsel, based on the advice he was receiving from his "jailhouse lawyers"—i.e., fellow inmates—and his preference for languishing in the county jail rather than trying a case that could send him to state prison. "Our defendants are more knowledgeable than we give them credit for," Billotte observed. "They understand our system and know how to use delay tactics to their advantage."

The genial spirit that usually pervades Allegheny County's courtrooms may sometimes be another factor contributing to delays, as prosecutors and defenders sometimes tend not to dispute each other's postponement requests. And delay is a spiraling problem, since every postponement places another court date on lawyers' already squeezed calendars, necessitating more postponements down the road.

In some cases, certain players had known about problems for a long time and were thrilled by the chance to help others see the light; in other cases the research and discussions led to new discoveries. Regarding the need for better communication between DHS, outside agencies, probation, and the Jail—all of which play a role in offender rehabilitation, but often without coordination—Billotte said, "I had always assumed these agencies were collaborating. I saw this wasn't always the case."

Many people had known that delays in case disposition were creating a variety of problems, but the issue had seemed too complex and overwhelming to tackle. “The time to disposition on criminal cases is a huge problem with many factors affecting it,” said Janice Dean of pretrial services. “The case reviews helped the group break down that larger problem into several smaller categories so that we could chip away at it.”

Defendants’ failure to appear for court hearings was one of those factors ripe for improvement. “We ask people why they missed a hearing,” Dean explained, “and often it’s that they had three other hearings and forgot this one. When I need a haircut, even though I am relatively responsible, my hairdresser calls me the day before, to remind me of my appointment; I think reminder calls would help us reduce failures to appear.” The case review process generated support for Dean to investigate Philadelphia’s call system and develop a proposal for establishing a similar program for Allegheny County, to be implemented as part of phase 2 of the county’s justice reinvestment project.

Tom McCaffrey from Probation knew there were unnecessary delays in releases from jail: “We would have a detainer on a case, then the charges would be resolved, but people would sit in jail for a while longer.” The case reviews prompted a survey of criminal court judges’ policies, which found that their approaches to dealing with probation violations varied widely: some would dispose of the cases quickly, but others were scheduling hearings only once a month and developing long backlogs.

## **FROM PROBLEMS TO SOLUTIONS**

After six case reviews, the generating of problems seemed like the easy part—the challenge would be to solve them. But Allegheny County professionalism kicked in big-time at this point.

In October 2010, Judge McDaniel assigned each of the identified issues to one of four committees for resolution: Pretrial Services, chaired by Dean; Probation, Parole, and Post-Adjudication, chaired by McCaffrey; Case Processing, chaired by Lynch; and Service Coordination, chaired by Dalton and Jail Warden Ramon Rustin. Each committee was given deadlines of December 15 to submit an interim report and January 17, 2011 for a final report. High-level participation included the assignment of one criminal court judge to each committee. All four committees met their deadlines.

The Case Processing committee received the issues most directly related to undue delays in case disposition. To reduce the scheduling conflicts and inefficiencies that result when



a defendant is facing multiple criminal charges before different judges, the committee decided to recommend a “one judge, one defendant” policy. To maintain equitable treatment, defendants are assigned to a judge randomly, but now, once that assignment is made, any additional charges go onto the same judge’s docket. Judges readily agreed to the change.

To tighten the prevailing permissiveness on postponement requests, the committee recommended that postponements be granted only by the judge (not by staff members); that postponement requests be submitted at least 72 hours in advance in most cases, clearly indicating a compelling rationale and the number of previous continuances; and that advance work be done to make pretrial conferences more substantive, increasing the chance that these pretrial discussions could result in early resolution of the case.

Meanwhile, McCaffrey’s committee developed its recommendations for prompter disposition of probation violations and parole petitions, and the Service Coordination committee agreed on steps to improve coordination and upgrade antiquated forms of interdepartmental communication. The Pretrial Services committee has initiated discussions on hiring additional staff to expand the reach of pretrial investigations at the minor judiciary level. In all, the four committees addressed 21 specific administrative and policy issues in a three-month period.

## THE RECIPE FOR SUCCESS

Even the most optimistic staff were pleased by this outpouring of effort and the impressive work product. But on reflection, the participants were able to identify clear reasons for the initiative’s success.

- Build your collaboration in advance. Said Connors, “All the stakeholders have to be involved and agreeable. In Allegheny County we may be adversarial in the courtroom, but we work well together to address systemic issues.”
- Support from the top. Clear endorsement of the process by the president judge, court administrator, and county manager was essential to gain engagement of key stakeholders, many of whom report directly to one of those three individuals.
- A strong case review committee. The five-member committee that prepared the cases for review was composed of high-level staff who could secure necessary case information and who were committed to change.

- Preparation time. Quality didn't come easily. The case review committee spent several hours discussing each case together, plus many more hours of individual research, Warren's painstaking PowerPoint development, and a briefing session with the court administrator and president judge on each case.
- Schedule in advance to get the players to attend. The discussions functioned well because almost everyone who had touched a particular case was present to share his or her perspective, and to hear and respond to all the other perspectives, in a single meeting.
- Invite everyone. Not only did the case reviews elicit unexpected and candid insights from various sources, but they communicated throughout the county's criminal justice system a sense that people's perspectives were valued.
- Engage everyone's interests. As Billotte put it, "If we had made jail overcrowding the issue, we would have had just the warden and the county manager at the table." Jail overcrowding is not the district attorney's concern—but case disposition delays are. For others, the main problem is service coordination, or data management, or getting probation violations addressed in timely fashion. Participants should not be limited as to the scope of issues and concerns they bring to the table.
- Emphasize that no one will be criticized. Many participants, when told that they were invited to a case review meeting with the president judge, figured they must have done something seriously wrong. Thus it was crucial to keep the discussions focused on how the system functioned, not on any particular person's performance.
- Break down the problem. Many players commented that they tended not to advocate for change because the systemic problems seemed so large and complex, with so many components and stakeholders. After all, eight hours of case discussions generated 21 distinct action items. But separating the task of system change into its component parts made problem-solving seem manageable.

Allegheny County will plan to resume its case reviews in October and to continue holding them periodically until the issues generated are not sufficient to justify the preparation time. If that point is reached, it will be strong evidence that the county's criminal justice system has changed for the better.

# CRIMINAL COURT CASE REVIEW ISSUES AND SOLUTIONS

ISSUES ADDRESSED	SOLUTIONS
<ul style="list-style-type: none"> <li>Managing defendants with multiple pending cases.</li> <li>Reducing the frequency and length of postponements.</li> <li>Identification of general trial attorneys.</li> </ul>	<ul style="list-style-type: none"> <li>Instituted “One Defendant, One Judge” case assignment policy</li> <li>Require that a date be selected when the postponement request is submitted for Judges’ approval.</li> <li>When an assistant District Attorney is reassigned, the District Attorney’s Office notifies the Deputy Criminal Court Admin. to enter the changes as a “batch” update.</li> </ul>
<ul style="list-style-type: none"> <li>Prompt disposition of probation violations and detained cases.</li> <li>Improve warrant coordination among stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>Judge case assignment policy will eliminate multiple probation violation hearings with single defendants.</li> <li>The J-Net notification to probation officers and supervisors has been activated by the state. Information has been provided to staff on how to access and clear notifications.</li> </ul>
<ul style="list-style-type: none"> <li>Expanding the reach of Pretrial Services.</li> <li>Failure to appear issues.</li> <li>Current bond recommendations.</li> </ul>	<ul style="list-style-type: none"> <li>Implement procedures to video interview and apply the risk assessment to defendants charged with a felony and being arraigned in a district office.</li> <li>Determine feasibility of implementing a court call reminder system.</li> <li>Develop policies on expanding current bond recommendation to formally add, “unsecured bail” under specific conditions and “hold without bail” in non-capital cases for dangerousness.</li> </ul>
<ul style="list-style-type: none"> <li>Coordinate services between Jail, Courts, and Adult Probation</li> <li>Improve communication between the jail and court to ensure alternative housing orders are promptly addressed.</li> <li>Develop methods to improve sharing of relevant defendant specific information among service providers.</li> </ul>	<ul style="list-style-type: none"> <li>The Jail Collaborative will support coordinated service delivery for jail inmates (inside and outside Jail).</li> <li>Revised the process, policies and procedures related to Alternative Housing.</li> <li>Dedicate an individual at the Courts who can advise on confidentiality and information-sharing issues for Judges.</li> </ul>



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**DONNA JO MCDANIEL**, President Judge  
**JEFFREY A. MANNING**, Administrative Judge  
**RAYMOND L. BILLOTTE**, District Court Administrator  
**HELEN LYNCH**, Criminal Court Administrator

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