



YEAR ONE REPORT OCTOBER 2018-OCTOBER 2019

BACKGROUND

In October of 2018, the John D. and Catherine T. MacArthur Foundation awarded Allegheny County a Safety and Justice Challenge grant to reduce the population of the Allegheny County Jail by 20%. The Safety and Justice Challenge is a national initiative to prevent the misuse and overuse of jails. During the past year, stakeholders from across the county's criminal justice system worked together to reduce the number of people entering jail who could safely be in the community while awaiting resolution of their case and to decrease criminal case processing delays, which result in people staying in the jail longer than necessary. As a result of this work, the jail population was reduced by 7%. This report outlines the progress made in the first year of the project, as well as plans to continue reforms in the criminal justice system, address racial and ethnic disparities and engage community members in this work.

ABOUT JAILS

The terms "jail" and "prison" are sometimes used interchangeably, but the two kinds of facilities serve different functions. Local jails are meant to hold those awaiting court proceedings who pose a public safety or a flight risk, as well as people serving short sentences, whereas state and federal prisons hold people serving longer sentences. Individuals may be held in jail for the reasons that follow. Many individuals have a combination of reasons holding them in the jail, but the majority of people in the Allegheny County Jail are awaiting action on new charges or probation violations.

¹ Based on data from the Allegheny County Jail as of November 2019. The percentages in parentheses indicate the percent of individuals in jail who were being held for these reasons.

² Justice Related Services (JRS) provides supports to people with mental illness and/or co-occurring mental illness and substance use disorder who encounter the criminal justice system.

Violation of probation (44%)¹

If an individual is alleged to have violated a term of a local probation sentence, he or she may be held pending a probation violation hearing. Violations may be for technical reasons or a new arrest.

Pretrial detention (28%)

Following arrest, individuals may be held for a short term until they are released to await trial in the community or until their cases have been resolved in court.

External holds (15%)

Individuals may be detained in the jail due to holds from other counties, a State Correctional Institution, the Pennsylvania Parole Board or federal authorities. In some cases, an individual is being held while awaiting transport to another correctional institution, or the individual may also have local charges or violations that must be resolved prior to release to the other correctional facility.

Local sentence (10%)

Individuals in Pennsylvania may be sentenced to up to 23 months in a county jail. Sentences of 24 months or longer are served in a State Correctional Institution

Other Reasons (3%)

The Court of Common Pleas Family Division may order individuals to the jail for violation of child support orders or protection from abuse orders (PFAs). Upon resolution of charges or violations, a release condition may be imposed allowing release only to a particular entity, often a treatment provider or Justice Related Services.² Individuals may wait in the jail to be released to the location ordered by the Court.

WHY REDUCE THE JAIL POPULATION?

Nationwide, between 1983 and 2017, annual admissions to jails grew from six million to 10.6 million, despite drops in both violent and property crime.³ Mirroring national trends, Allegheny County's jail population rose 55% between 1995 and 2018,⁴ while both violent and property crime rates dropped by 41% during the same period.⁵ While 45% of individuals are released from the Allegheny County Jail within 10 days,⁶ research shows that as little as two days of incarceration for low-risk defendants is correlated with worse outcomes at trial and increased risk of rearrest while awaiting trial and after receiving a sentence.⁷

People confined or under criminal justice supervision, both nationally and in Allegheny County, are disproportionately people of color. While only 13% of Allegheny County's population is Black, nearly half of the jail population is Black. In addition, 43% of people supervised by Allegheny County Probation are Black.⁸

The jail is also very costly to taxpayers. The county spends 32% of its direct expenditures on criminal justice, including \$91 million annually on the jail.

³ Zeng, Zhen. "Jail Inmates in 2017," 2019 Report NCJ 251774 for the Bureau of Justice Statistics, U.S. Dept. of Justice, Washington, D.C.

⁴ Allegheny County Jail Population Management Dashboards, <https://www.allegenycountyanalytics.us/>

⁵ FBI Uniform Crime Reporting Program, <https://crime-data-explorer.fr.cloud.gov/explorer/agency/PAPPD0000/crime>

⁶ Allegheny County Jail Population Management Dashboards, <https://www.allegenycountyanalytics.us/>

⁷ Based on an internal analysis conducted by the JFA institute, a partner organization on the SJC initiative.

⁸ Allegheny County Adult Probation Annual Report: 2018, <https://www.allegencourts.us/>

PLAN

The criminal justice system is made up of various agencies and offices that each have some degree of influence on how a criminal case is resolved and whether an individual accused or convicted of a crime is held in jail. Collaboration among these different entities is critical to safely reducing the jail population.

The Allegheny County Safety and Justice Challenge team includes the following partners:

- Fifth Judicial District of Pennsylvania Court Administration (the Courts)
 - Criminal Division
 - Pretrial Services
 - Adult Probation
- Executive Branch, under the direction of the County Executive
 - Department of Human Services (DHS)
 - Jail
 - The Office of the Public Defender
- The Office of the District Attorney

The Allegheny County Safety and Justice Challenge team developed its jail population strategies through a close analysis of criminal justice data, including data on jail population, data on the risk level of people being held in jail, and data on criminal court processing. The average daily population of a jail is based on the number of people being admitted to the jail and the length of time that they are held in the jail. Analysis revealed that reductions in the number of low-risk defendants who spend very short amounts of time in jail and reductions in the long lengths of stay for individuals who are awaiting a court action would make a significant impact on reducing the jail population. Reducing length of stay was a particular area of focus, since the average length of stay in the jail increased from 38 to 70 days between 2000 and 2018.⁹ Through this analysis, examination of existing practices, and research on reforms in other jurisdictions, Allegheny County selected the following strategies to reduce the jail population.

1. **Provide representation at bail hearing.** The Office of the Public Defender provides defense counsel who interview people brought to the jail and use the interview information and pretrial assessment report to advocate at the bail hearing for their release from jail while awaiting trial.
2. **Improve court processing efficiency.** The Office of the District Attorney is working to make sure that charges are filed in time for the formal arraignment (the hearing where the defendant formally sees charges against them). Preventing the formal arraignment from being postponed will speed up the court process and reduce time spent in jail for those who are awaiting trial. Court administration is also working on solutions to ensure the fair and timely disposition of cases.

⁹ Department of Human Services, 2018.

3. **Resolve probation violations and new charges with one hearing.** When someone supervised by Adult Probation is arrested for a new crime, the new charges and the violation of probation must be resolved. On average, people wait 84 days in jail between resolution of their new charges and their probation violation hearing. Adult Probation is working with the Courts to schedule these hearings on the same day, eliminating the wait time between hearings.
4. **Reduce the number and length of probation detainees.** Probation detainees hold individuals who have violated the terms of their local probation in jail while they await a probation violation hearing. Adult Probation is creating consistent guidelines for issuing detainers and recommending that they are lifted, to ensure that detention is only used when an individual on probation poses a risk to public safety.
5. **Expedite jail transfers.** The jail, the Courts and the Sheriff are working together to ensure the efficient transfer of individuals who are able to go to other county or state correctional institutions.
6. **Expedite transfers for behavioral health population.** DHS is developing a step-down facility for individuals in need of behavioral health supports as they transition to the community, which should reduce the time in jail waiting for treatment beds. DHS has also started receiving automated notifications when someone is booked into the jail who was engaged in behavioral health services within the previous six months. This allows for treatment providers to more quickly reconnect individuals who have been booked into the jail with appropriate care, and to plan for release.

IMPLEMENTATION PROGRESS

Allegheny County received the Safety and Justice Challenge funding in January 2019. Since receipt of the funds, Allegheny County hired and brought new staff on board, set up implementation work groups, and collected data to monitor progress.

- The Office of the Public Defender created three new positions to provide representation at preliminary arraignments.
- Pretrial Services now qualifies people who are arraigned at the jail for a public defender to reduce the likelihood that an individual shows up at their next hearing without representation.
- Pretrial Services hired two new staff to conduct pretrial assessments so that all Magisterial District Judges (MDJs) will have access to this information. Based on the assessment, Pretrial Services provides a recommendation for release to MDJs, who can use this information to assist with bail decisions. Pretrial Services never recommends money bail, which is ineffective and unfair to people who are poor.¹⁰

¹⁰Recommendations include: release on own recognizance; release and report to Pretrial Services by phone; release and report to Pretrial Services in person; no release.

- The Office of the District Attorney created two new positions within their Pretrial Screening Unit to ensure that they are able to prepare charges in time for the formal arraignment and avoid postponements.
- Staff from the Courts, the Office of the District Attorney and the Office of the Public Defender completed a workshop to make the court process more timely and more procedurally fair. This work can both ensure that people do not wait in jail longer than necessary for their trial and reduce unnecessary court appearances for victims, witnesses and family members.
- Adult Probation hired a new manager to oversee initiatives related to the Safety and Justice Challenge. The manager has overseen the implementation of consolidated probation violation and new charge hearings and increased the number of early terminations of probation for people who have been successful on community supervision. Adult Probation has also continued work in partnership with the courts to safely reduce the number of people detained in the jail on probation violations.
- The Allegheny County Jail, Courts and Sheriff have worked on ensuring that individuals who have holds from other counties or the state and no longer have a reason to be in the Allegheny County Jail are moved quickly.
- DHS is pursuing the development of a step-down facility for people with behavioral health needs who are waiting in the jail.
- Fifteen staff members from the Courts, Adult Probation, Pretrial Services, the Office of the District Attorney, the Office of the Public Defender, and the jail participated in an *Advancing Racial Equity* training. Led by the Government Alliance on Race and Equity, the training covered normalizing conversations about race and operationalizing racial equity, and included a train-the-trainer component.

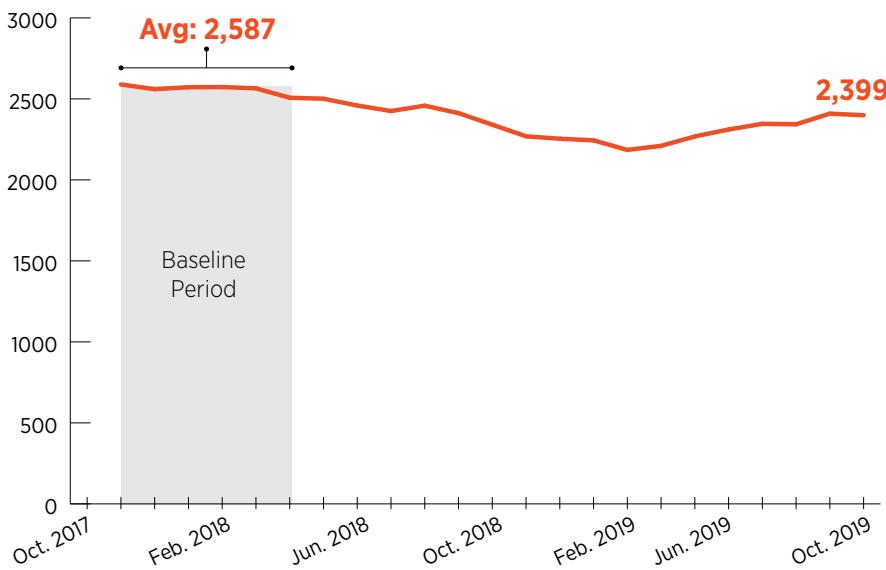
OUTCOMES

¹¹ Average daily population figures do not include individuals held by federal authorities on contract, but do include individuals held in alternative housing facilities.

The average daily jail population was 2,399 in October 2019, down 7% from the baseline average daily population of 2,587.¹¹ The reduction is attributable to decreases in the average daily population of individuals awaiting trial and in individuals awaiting probation violation hearings. During the first five months of the grant, there was a significant dip in the jail population. The population then increased by 10% from March to September of 2019 and leveled off in October. It is typical for the jail population to increase in the summer months along with crime, but the Safety and Justice Challenge team will closely monitor trends throughout the fall.

Jail Population

— SJC Target Population



The outcomes of some individual strategies have been promising, and the SJC team will continue to evaluate the effectiveness of all project activities.

- During evening and overnight preliminary arraignments where the Office of the Public Defender started providing representation, MDJs used monetary bond 39% less often versus a comparison group from the same time frame in 2018.
- Common Pleas judges heard 64 early probation violation hearings, saving an average of 84 days in jail for each case.
- The Office of the Public Defender filed 293 motions for early termination of probation, 213 of which were granted.

- After previously experiencing backlogs that resulted in case continuances, the District Attorney's Office is now ready for 90% of formal arraignments.
- Expediting transfers to other correctional institutions has resulted in a reduction of 28 in the average daily population of the jail.

NEXT STEPS

While the progress of the past year is positive, there is more work necessary to reach and sustain the 20% population reduction. The Safety and Justice Challenge partners will use the outcomes collected from the first year of implementation, as well as feedback from stakeholders and community members, to continue the work to meet the county's goal of reducing the Jail's population.

Key areas the team will focus on in the coming year are:

- Improving case processing efficiencies to reduce unnecessary jail days and increase overall procedural fairness.
- Implementing new policies and procedures to reduce the number of individuals held on local probation detainees in the jail.
- In-depth analysis of disparities in the criminal justice system and the development of concrete strategies to address them. The Safety and Justice Challenge team will bring on a consultant in racial equity and community engagement to assist in leading this work.