

University of Pittsburgh  
Institute of Politics

# CRIMINAL JUSTICE TASK FORCE

**brief**

**CRIMINAL JUSTICE IN THE 21<sup>ST</sup> CENTURY:  
ALLEGHENY COUNTY JAIL**

NOVEMBER 2016



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## LETTER FROM THE COCHAIRS

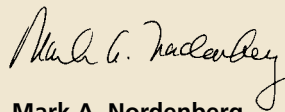
In the fall of 2015, the Institute of Politics at the University of Pittsburgh devoted much of its annual retreat for elected officials to the serious and increasingly visible issue of mass incarceration. Following that program, which generated considerable interest, Allegheny County Executive Rich Fitzgerald asked the Institute to assemble a group of distinguished civic leaders to examine what could be done to make our current system of criminal justice “fairer and less costly, without compromising public safety.”

In response to the county executive’s request, the Institute convened the Criminal Justice Task Force, consisting of 40 regional leaders. The group included criminal justice professionals currently holding positions of leadership within the system; distinguished academics with expertise in such directly relevant areas as criminology, law, and psychiatry; and respected community leaders with a strong interest in the system but generally with no direct links to it. Each task force member was recruited to serve because of the unique contributions that he or she was positioned to make by adding to the group’s collective potential to make a real difference in this area.

The members met on a monthly basis for most of a year, with regular pre-session and post-session reading assignments. Sessions typically began with a best-practices presentation from a respected professional from outside the region followed by an experienced task force member adding a sense of local context. At critical points in the process, we benefited from the help of Nancy La Vigne, director of the Justice Policy Center at the Urban Institute, who served as

its outside consultant. Though differing perspectives often surfaced, meetings were characterized by civil discussion and a commitment to consensus building, thoughtful reflection, recognition that Allegheny County already has been a leader in criminal justice reform, and a belief that we should strive to do even more to achieve ever-higher levels of fairness and cost-effectiveness.

We are privileged to lead this distinguished group and are pleased to present this report as the product of its committed efforts. In crafting this document, we deliberately chose to focus on a manageable number of targeted opportunities for reform. It is our hope, shared by the members of the task force, that the ideas advanced herein can make Allegheny County’s criminal justice system both more equitable and more cost-effective. As other communities continue to deal with similar challenges, we hope that some of these ideas also will be of help to them, just as we will continue to look for good ideas from other communities.



**Mark A. Nordenberg**  
Cochair

Chair, Institute of Politics  
Chancellor Emeritus,  
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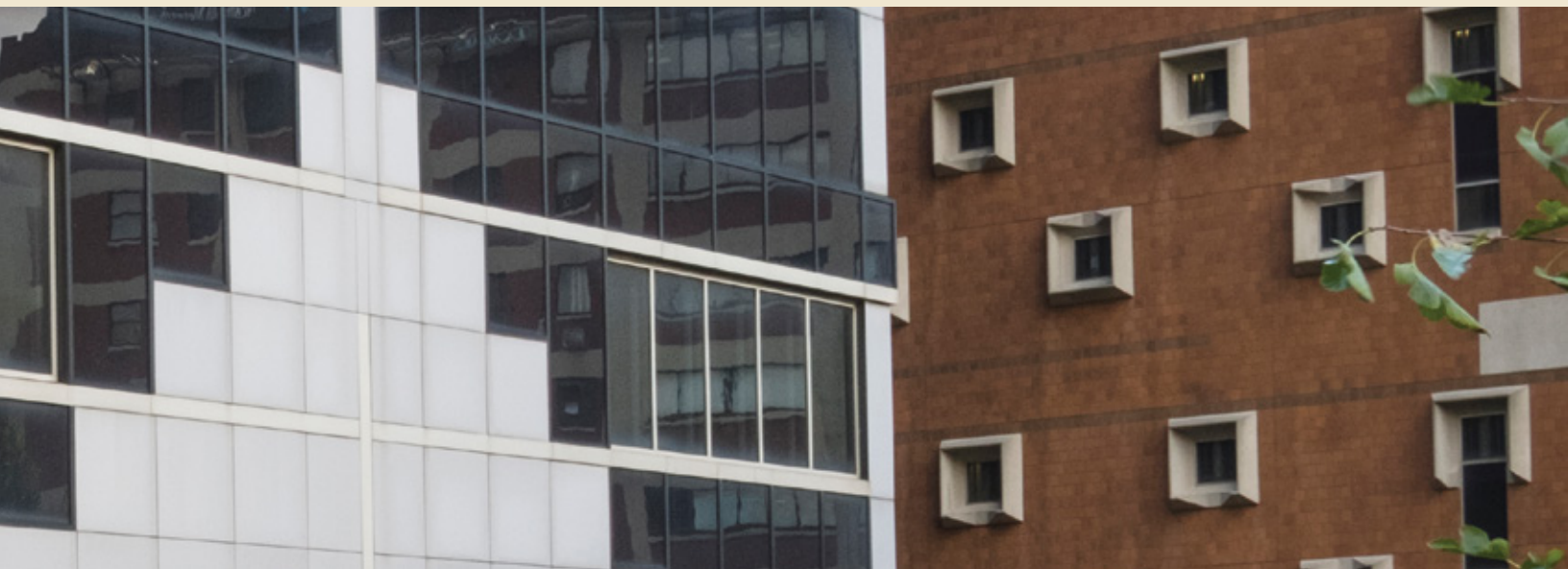
Distinguished Service  
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# BACKGROUND: CRIME IS DOWN BUT JAIL POPULATIONS ARE ON THE RISE

## THE NATIONAL DISCUSSION ABOUT CRIMINAL JUSTICE

In just 25 years, the United States doubled the number of people in its prisons and jails, bringing us to the highest incarceration rate in the world and six times that of Western European nations—all during a time when crime fell sharply.<sup>1</sup> The cost of our nation's corrections systems rose by 235 percent between 1982 and 2011—without evidence that putting more people behind bars had anything but a modest impact on public safety.<sup>2</sup>

- Although incarceration did explain 6 percent of the reduction in property crime between 1990 and 2014, it did not contribute to the decrease in violent crime during that period.<sup>3</sup> Economists determined that the increase in incarceration had zero responsibility for the drop in the nation's crime rate from the year 2000 forward.<sup>4</sup>
- A study of state prisons showed that those states that had reduced their prison populations experienced a 17 percent decrease in their crime rates, while states that had increased their prison populations saw a decrease of less than half that amount.<sup>5</sup>
- Holding lower-risk pretrial defendants in jail for even a few days "is strongly correlated with higher rates of new criminal activity both during the pretrial period and years after case disposition" (in part because they can lose their job, have their benefits suspended, or lose their housing).<sup>6</sup> "When held 2-3 days, low-risk defendants are almost 40 percent more likely to commit new crimes before trial than equivalent defendants held no more than 24 hours."<sup>7</sup>

**"Overcriminalization has led to the mass incarceration of those ensnared by our criminal justice system, even though such imprisonment does not always enhance public safety."**

– CHARLES G. KOCH AND MARK V. HOLDEN  
(<http://www.politico.com/magazine/story/2015/01/overcriminalization-of-america-113991>)

In recent years, widespread attention has been focused on dramatic increases in both the rates of incarceration and the length of incarceration terms being imposed in this country, with many concluding that these changes have pushed the system to a point where its societal harms and economic costs outweigh whatever benefits may have been produced. As a result, elected leaders as well as interested organizations and individuals from across the political spectrum are joining forces as advocates for reform.

**"While jails still serve their historical purpose of detaining those awaiting trial or sentencing who are either a danger to public safety or a flight risk, they have come to hold many who are neither."**

– VERA INSTITUTE OF JUSTICE  
(*Incarceration's Front Door*)

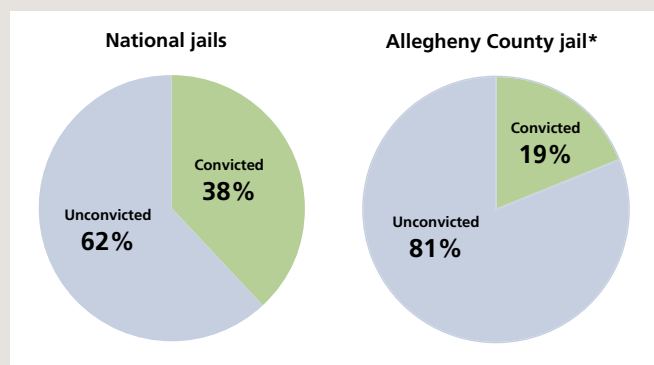
For example, U.S. senators from across the aisle have cosponsored legislation to reduce mandatory minimum sentences and allow judges to have greater discretion.<sup>8</sup> Texas, Georgia, and Louisiana,<sup>9</sup> along with California<sup>10</sup> and Ohio,<sup>11</sup> are closing prisons or adding diversion programs to avoid increasing their prison populations. More than 130 top police chiefs and prosecutors are pushing for criminal justice reforms to reduce incarceration.<sup>12</sup> Charles Koch, a very visible funder of conservative causes, has argued that improving the criminal justice system could reduce poverty by as much as 30 percent and has allied with such unlikely partners as the Center for American Progress, the Tea Party-oriented FreedomWorks, and the American Civil Liberties Union to form the Coalition for Public Safety to reduce incarceration in the United States.<sup>13</sup>

The concern about overincarceration has turned its focus to our nation's 3,200 jails,<sup>14</sup> which are detention facilities run by counties or cities (as opposed to state- or federally-operated prisons, which hold convicted individuals for longer periods of time). The reason for this shift in focus is that even as both property crime<sup>15</sup> and violent crime<sup>16</sup> rates have fallen sharply and as states are beginning to reduce their prison populations, the local jail population increased by 21 percent between 1999 and 2013.<sup>17</sup> In 2014, jails held more than 740,000 men and women,<sup>18</sup> which is about 33 percent of all people incarcerated in the country.<sup>19</sup> "As a result of the overall growth in jail populations, the nationwide jail incarceration rate in 2014 (326 per 100,000) exceeds the highest county rates registered in the 1970s, which rarely exceeded 300 per 100,000 county residents."<sup>20</sup>

Crime has been falling for years, and yet the number of people housed in jails continues to increase. We have filled our jails with more people who are not convicted, who are accused of committing relatively minor crimes, and who are sentenced for longer periods:

- A greater share of men and women in our jails are defendants who are legally presumed to be innocent of their offenses but who must wait in jail for their trials instead of in the community.<sup>21</sup> These unconvicted pretrial individuals have yet to go before a criminal court judge. “Since 2000, 95 percent of the growth in the overall jail inmate population (123,500) was due to the increase in the unconvicted population (117,700 inmates)” versus the other major category, those individuals who are sentenced.<sup>22</sup> Judges or others with the authority to release defendants to await trial in the community are increasingly choosing to detain people and setting bail at higher amounts than in the past, so fewer defendants can afford to make bail and thus are remaining in jail until their trials.<sup>23</sup>

**Figure 1: Individuals in Jails, National and Allegheny County: Unconvicted\* and Convicted**



Sources: Minton, 2014 (point-in-time 2013); Comparison of National and Allegheny County Data Points, 2015 (for June 28, 2013).

\* The definition of “unconvicted individuals” includes people in the Allegheny County Jail who are detained in the jail awaiting trial for their new crime plus awaiting a violation hearing because that new crime violates their probation (32 percent); in the jail awaiting trial (24 percent); awaiting transport to other counties, the state, or federal prison (17 percent); and detained in the jail because they were on probation and are accused of a technical violation of probation, such as providing a bad address or testing positive for drugs, and need to have a hearing for that violation (8 percent).

- Most pretrial defendants in jails are accused of nonviolent crimes, as are most sentenced inmates. The most recently available profile of jail inmates in the United States showed “nearly 75 percent of the population of both sentenced offenders and pretrial detainees are in jail for nonviolent traffic, property, drug, or public order offenses.”<sup>24</sup> Locally, the share is even larger: Of all the people admitted into the Allegheny County Jail in 2014, 81 percent had a nonviolent offense as their most serious offense.<sup>25</sup>

- The average length of stay in U.S. jails has been increasing, and those expanded stays help to maintain the jail population at higher levels. Nationally, the average length of stay rose from 14 days in 1983 to 23 days in 2013.<sup>26</sup> In Allegheny County, the average length of stay is nearly three times the national average, at 64 days in 2012. This has increased by 72 percent since 2000.<sup>27</sup>

Nationally, local governments spend a total of \$22 billion annually on their jails, primarily from county and city tax dollars.<sup>28</sup> Experts argue that this investment is increasingly being used for the confinement of people who may not have been in jail at all in the past and certainly not for weeks.<sup>29</sup> Researchers also argue that local incarceration practices are contributing to poverty and family disruption and that jails have become a manifestation of discrimination against poor people and racial minorities:

- “In some low-income neighborhoods, virtually everyone has at least one relative currently or recently behind bars, so families and communities are continually disrupted by people going in and out of prison. Incarceration contributes to poverty by creating employment barriers; reducing earnings and decreasing economic security through criminal debt, fees, and fines; making access to public benefits difficult or impossible; and disrupting communities where formerly incarcerated people reside.”<sup>30</sup>
- African Americans are confined disproportionately in U.S. jails. The confinement rate for African Americans is 841 per 100,000 population and for non-Hispanic Whites, it is 238 per 100,000.<sup>31</sup> In Allegheny County, the confinement rate for African Americans is 1,543 per 100,000, and for non-Hispanic Whites, it is 187 per 100,000.<sup>32</sup>

Unraveling the reasons for the increase in jail populations and its disproportionate impacts involves examining the laws, policies, and practices that drive people through the criminal justice system and into the jail—from police decisions about arrests, prosecutors’ decisions about whether to charge and which charges to level against a defendant, magistrates’ decisions about when individuals must stay in jail prior to their trials or when they can await trial in the community, and judges’ sentences for those found guilty.

# JAIL BRIEFING

## JAILS IN THE UNITED STATES

The first jails in the United States were “people pens,” built in the 1600s to dole out physical punishment and executions. For less serious crimes, towns used the public cage, stocks, or ducking stool. Penal reform came more than a century later, when Philadelphia, Pa. converted its Walnut Street Jail to the nation’s first penitentiary—so that people who had committed serious offenses were not whipped or physically mutilated but incarcerated instead. “Incarceration as punishment soon became the default response for serious law breaking, and with it the modern prison system was born.”<sup>33</sup>

The role of jails in that system was different from prisons from the start. Jails had two aims:

- 1) Detain people awaiting trial.
- 2) Incarcerate people who have been convicted and are either awaiting their sentencing or have been given short sentences.<sup>34</sup>

### Pay or Stay

Although a 1983 Supreme Court ruling (*Bearden v. Georgia*) clarified that judges cannot jail people because they are too poor to pay their court fines, a 2014 survey found that, in at least 41 states, “inmates can be charged room and board for jail and prison stays; in at least 44 states, offenders can get billed for their own probation and parole supervision; and in 49 states, there is a fee for the electronic bracelet that monitors people when they’re out of jail.” When people struggle to pay those fees, they have violated probation and can go to jail. The practice is called ‘pay or stay’: pay the fine or stay in jail.

–JOSEPH SHAPIRO  
NPR reporter

<sup>A</sup> Most states require that inmates with sentences in excess of one year serve their time in state prison. In Pennsylvania, sentences of 23.5 months or fewer are served in county jails (Pennsylvania Code, Chapter 95).

People sentenced to longer periods are to be sent to state prisons, which incapacitate people so that they are not able to commit new crimes; rehabilitate people so that they no longer commit crimes when they are released; and deter others from committing crimes because they would recognize the risk of confinement if they engaged in criminal behavior.<sup>35</sup> These differences in the basic purposes of prisons and jails are why the majority of people convicted of felonies are in state prison for sentences that average five years while jails hold pretrial defendants and inmates convicted of less serious crimes, most often for periods of less than one year.<sup>A</sup>

Over time, however, jails have begun to be used for related but arguably tangential purposes. For example, jails now hold:

- men and women with serious mental illnesses, such as schizophrenia or bipolar disorder. National estimates are that 14.5 percent of men and 31 percent of women in jails have a serious mental illness. A larger share has a history of mental health issues.<sup>36</sup> In Allegheny County, 56 percent of the individuals booked in jail in 2014 had a mental health service history with the Allegheny County Department of Human Services (DHS).<sup>37</sup>
  - o It is important to note that mental illness itself rarely causes criminal acts. Researchers reviewed the criminal files of individuals in mental health court in Minneapolis, Minn. who had serious mental illnesses and found that only 7.5 percent of the criminal incidents were directly related to the defendant’s mental illness (e.g., manic behavior leading to a fight for someone with bipolar disorder). For the majority of individuals with serious mental illness, their crimes were instead similar to those without a mental health disorder and related to poverty, unemployment, homelessness, and substance abuse.<sup>38</sup>
- people who have not paid their court fees, restitution to victims, or child support, even though the majority of them are unemployed and confinement in jail means that they cannot work to make those payments. “People in jails are overwhelmingly poor. Two-thirds of those detained in jails report their incomes prior to arrest were under \$12,000.”<sup>39</sup>
- people on probation (that is, in the community, under the supervision of the probation department) who are awaiting a hearing by a judge because their probation officer has filed technical violations because they may have tested positive for drugs, stopped going to treatment, or provided an invalid address—any of which violates the terms of their probation—or if they have been arrested for committing a new crime. They are detained in jail while they wait for a judge to rule on their probation violation.

# COUNTY JAILS

## LOCAL DISCRETION

Jails are local detention facilities under the control of the elected county executive or county commissioners (who hire a warden to manage the jail) or the county's chief law enforcement official, such as its elected sheriff. State law can set the standards for jails and, as is the case in Pennsylvania, may designate the state's department of corrections to ensure that each jail in the state meets state statutes and regulations concerned with inmate health and welfare.<sup>8</sup> Local and state governments also can specify what types of programs jails must provide and which alternatives to incarceration are permitted.

One set of choices available to counties involves how they handle people accused of crimes and awaiting trial. Depending on whether or not a judge determines a defendant is at risk of not showing up for his/her trial (flight risk) or is too dangerous to be released, county jails have the option to:

- hold people in a locked jail facility (those who are deemed dangerous);
- hold people in a locked jail facility, with work release during the day;
- assign individuals to an alternative facility with work release, treatment, or both;
- send people to live in their homes with electronic monitoring and conditions, such as freedom to go to work during certain hours or requirements that they attend drug treatment;
- send people to live in their homes with supervision by a community officer (through the pretrial services department of the courts); or
- release people to the community to await trial without supervision (release on recognizance, or ROR).

Counties also determine the size and structure of their jail facilities. The national census of jail facilities indicates that most jails are small, with fewer than 100 inmates,<sup>9</sup> and only 13 percent of all jails offer medical treatment; 10 percent offer alcohol or drug treatment; and 25 percent conduct inmate classification, which is when jails use individuals'

criminal history and current charges to determine where to house them, so that violent individuals are not celled with those who have been accused of committing misdemeanors.<sup>40</sup> The Allegheny County Jail does classify individuals and provides medical care, mental health treatment, and drug and alcohol screening and treatment.<sup>41</sup>

Because most of the people in county jails are pretrial and therefore legally presumed to be innocent, these individuals are not yet considered to be in need of rehabilitation. Whether for that reason or the fact that programming is an added expense, very few jails provide defendants or inmates with education, training, family support or other rehabilitative programming beyond what is required for juveniles. Almost half of the jails in the United States, however, provide work release, and in Pennsylvania, 83 percent of jails do.<sup>42</sup>

Counties that have built or redesigned the physical configuration of their jails have been able to choose from among several approaches for their jail staff to use in supervising inmates. The primary modes of supervision used in the United States today are:

- intermittent surveillance, in which jails have rows of cells along security corridors. Staff cannot observe all inmate housing areas from one location and must patrol inmates' living areas to provide periodic observation.
- remote surveillance, in which jails use a pod design for inmate living areas and use remote surveillance. "Cells are clustered around dayrooms that are under continual observation by staff in a central control room," where staff communicate with inmates through intercom and operate cell doors electronically.<sup>43</sup>
- direct supervision, in which jails have officers stationed inside the housing units of 48-64 cells each to encourage direct interaction between staff and inmates and prevent negative inmate behavior.<sup>44</sup>

National accrediting bodies favor the direct supervision model, but most jails have inherited a design that places architectural barriers (cell doors, walls) between inmates and staff and divides inmates from one another.<sup>45</sup> Direct supervision is the design of the Allegheny County Jail's facility on Second Avenue in downtown Pittsburgh.

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<sup>8</sup> The Pennsylvania Department of Corrections Office of County Inspections and Services conducts independent on-site inspections of all county jails to ensure that they comply with state statutes (Pennsylvania Code, Chapter 95).

<sup>9</sup> This census of jail facilities shows that, of the 63 jail jurisdictions in Pennsylvania, only nine, including Allegheny County, hold 1,000 or more detainees and inmates.

## TYPICAL JAIL PROCESSES

Each day, scores of people are committed to the Allegheny County Jail while others are moved to and from court hearings or trials or released from incarceration. Jails need to be organized to handle this turnover, which involves screening people who are being newly admitted to the jail to verify their identity and criminal histories. The goal is to safely separate individuals with more violent records from those charged with misdemeanors and to determine if they have medical needs, including detox. Jails need to provide individuals with the opportunity to meet with pretrial services staff in the jail so that pretrial services can make bail recommendations to judges and provide space for video arraignment, and classification. They need to determine the appropriate place to house and feed defendants and inmates and provide secure spaces for visits with attorneys, family, friends, and case managers. They also are responsible for an organized and accurate process of responding to court orders to release individuals from jail custody. Many jails also are taking on the role of preparing men and women for their return to society (reentry).

These functions are reflected in the physical arrangement of jails, which often include units devoted to intake, booking, classification, housing (including medical and mental health), reentry, and discharge/release from the jail in addition to community-based locations.

## ALLEGHENY COUNTY'S JAIL

### NUMBER OF INMATES AND DEFENDANTS IN CUSTODY

The Allegheny County Jail is responsible for the custody of defendants and inmates at these locations:

- Its 16-story facility at 950 Second Avenue in downtown Pittsburgh (opened in 1995)
- Alternative housing sites selected through a county contract bidding process and operated by Renewal Inc.; the Program; and Goodwill of Southwestern Pennsylvania
- Other sites, including Torrance State Hospital

On December 17, 2015, the number of men and women in the care and custody of the Allegheny County Jail, by location, was as follows:

**Table 1: Number of Inmates and Defendants by Allegheny County Jail Facility**

Location	Number of inmates and defendants
Allegheny County Jail, 2nd Avenue	2,343
Alternative Housing	251
Other	71
<b>Total number of individuals in custody</b>	<b>2,665</b>

Source: Allegheny County DHS. Based on data from the Allegheny County Jail

An estimated 9 percent of all adult residents of the county have been booked into the Allegheny County Jail in their lifetimes, and 29 percent of all children in the county have had a parent in the jail (see Appendix D for calculation).<sup>46</sup>

### WHO IS IN THE ALLEGHENY COUNTY JAIL?

The population of the Allegheny County Jail (across all locations) is more African American, overwhelmingly male, and younger than the county population as a whole. Table 2 on page 7 provides the demographic profile of people in the jail compared with the county.

Most men and women in the jail have sought treatment for mental and substance use disorders in the past; a point-in-time count conducted for July 1, 2014, found that 75 percent of people at the Allegheny County Jail had a history of a mental or substance use disorder.<sup>47</sup> Those with a history of seeking mental health treatment spend an average of 14 days longer in the Allegheny County Jail than those without that background.<sup>48</sup>

In Allegheny County, the majority of defendants and inmates are parents (61 percent of the women and 53 percent of the men), only half reported having a job prior to their arrest, and 42 percent have not completed high school or earned a GED.<sup>49</sup> Many inmates and their families are from communities that struggle with poverty and violence, but even among the poorest neighborhoods, there is a geographic concentration to jail incarceration. Of all individuals in the jail, nearly half are from the City of Pittsburgh, with a significant overrepresentation from 10 neighborhoods, as shown in Table 3.

### DYNAMICS/FLOW INTO AND OUT OF THE JAIL

"The Allegheny County Jail population is highly transient, with thousands of offenders booked for relatively short times."<sup>50</sup> In 2014, close to 16,000 individuals passed through the



**Table 2: Comparison of Jail and County Demographics, Allegheny County**

	Race			Age							Gender	
	African American	White	Other	15-17	18-24	25-34	35-44	45-54	55-64	65-85	Female	Male
<b>Jail</b>	49%	48%	3%	0.5%	25%	34%	21%	15%	4%	0.6%	19%	81%
<b>County</b>	13%	82%	5%	6%	11%	16%	15%	19%	16%	17%	52%	48%

Sources: 2010 Census; Changing Trends: Analysis of the Allegheny County Jail Population, 2014.

**Table 3: Communities with the Highest Annual Jail Booking/Admission Rates, 2010-12**

City of Pittsburgh Neighborhoods		Suburban Municipalities	
Neighborhood	Inmates per 100,000 residents	Municipality	Inmates per 100,000 residents
Knoxville	80.9	Mount Oliver	122.0
Garfield	63.9	Braddock/Rankin	114.3
Beltzhoover	51.4	McKeesport	90.0
Larimer	41.9	Harrison	82.5
Central North Side	36.0	McKees Rocks/Stowe	74.7
Homewood North	36.0	Wilmerding/Turtle Creek	72.9
Perry South	34.2	Glassport	41.5
Spring Hill-City View	32.4	Ingram	40.9
Middle Hill	30.9	Wilkinsburg	38.9
Homewood West	28.9	Munhall	34.6

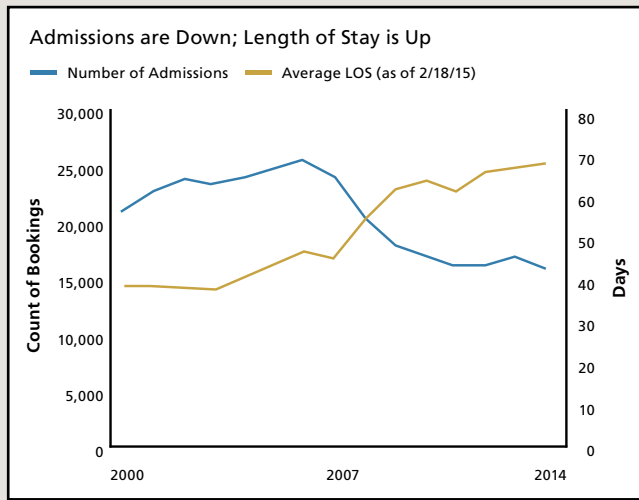
Source: Allegheny County DHS. Population is 16-64 years and for only communities/municipalities with populations of 2,000 or more.

Allegheny County Jail during the course of the year, with most spending less than a week in the jail.<sup>51</sup>

Transience is one feature of the jail, but for those who are formally assigned a bed (booked), their average length of stay in the Allegheny County Jail during 2012 was 64 days.<sup>52</sup> Length of stay has been on the rise both locally and nationally.<sup>53</sup> When the jail opened in 1995, the average length of stay was 24 days.<sup>54,55</sup>

Three of four people arrested and admitted to the jail have been there before.<sup>56</sup> The rebooking rate for African American males is much higher—10 times—than that of White males.<sup>57</sup> Nearly half the African American males who are released are rebooked within two years of their release, while most White males and most females were not rebooked.<sup>58</sup>

**Figure 2: Admissions and Average Length of Stay, 2000–14, Allegheny County Jail**



Source: Allegheny County DHS, 2015

## REASONS PEOPLE ARE IN THE JAIL

Of the nearly 16,000 people admitted to the jail in 2014, these are the offenses with which they were charged:

**Table 4: Offenses of Individuals Admitted to the Allegheny County Jail (2014)**

Type of Offense	Number	Percent of subtotal
Property offense	3,883	28%
Public order offense	2,791	20%
Violent offense	2,644	19%
Drug offense	2,545	18%
Other (miscellaneous offenses)	1,982	14%
Subtotal	13,845	100%
Unknown	2,111	—
<b>Total admitted, including unknown offenses</b>	<b>15,956</b>	—

Source: Allegheny County DHS. Based on data from the Allegheny County Jail

## HISTORY OF THE JAIL FACILITY ON SECOND AVENUE

In 1976, a group of inmates and former inmates filed a complaint in federal district court alleging that the conditions

of the county jail (the Henry Hobson Richardson-designed building connected to the county courthouse, which was built in 1886), violated their Fifth, Eighth, and 14th Amendment rights. The federal district court agreed and ordered the county to improve the safety and other conditions of the building. Two years later, the court found that the county was not in full compliance and that it needed to take “additional steps to bring treatment of the mentally ill inmates up to constitutional minimum standards.”<sup>59</sup> At that point, overcrowding was not an issue, but five years later, when the jail population had increased by 60 percent (to 690 inmates), the district court found that the county had exceeded the jail’s maximum capacity and ordered phased reductions. The jail was still “dangerously overcrowded” in 1983, with “heating problems, fire hazards and the lack of constitutionally required support services,” so the court then ordered “the release of those prisoners held on the lowest amount of bail” until the county could reduce the jail population to the upper limit set by the court.<sup>60</sup> The district court later ordered the county to plan for alternate facilities or be subject to a \$5,000 contempt fine for each prisoner release. The county began complying with the population cap by “refusing to admit inmates committed to jail. As a result, committed inmates were being detained in local police lockups not designed for overnight use. Faced with mounting fines, the county some time in 1985 commissioned a study of its criminal justice facilities and converted an office building near the jail into a jail annex that relieved some of the overcrowding and provided better conditions to detainees and inmates.”<sup>61</sup> The county sought to have the Commonwealth of Pennsylvania “take some sentenced prisoners off its hands,” but the Supreme Court of Pennsylvania rejected this in 1988. “With no relief in sight,” the federal district court then ruled in 1988 that the Allegheny County Jail could not house any inmates after June 30, 1990; in the meantime, the county jail was permitted to house inmates in the 20 utility rooms in the jail but was required to segregate convicted prisoners from pretrial detainees, “who retain the presumption of innocence and may not be held in conditions amounting to punishment.”<sup>62</sup>

At a cost of \$147 million, Allegheny County built a new jail at 950 Second Avenue with a capacity for 1,850 detainees and inmates. When the facility opened in 1995, the average daily population was well under maximum capacity.

## JAIL FUNDING AND LEADERSHIP

### BUDGET

Allegheny County spends 42 cents of every county property tax dollar on criminal justice, including the expenses of

## Jail on the River

“Surrounded by highways, the Allegheny County Jail rests on a 17-acre peninsula, inescapable and impregnable. The site is separated from the Monongahela River by the Parkway, and from the city by Second Avenue. The city proposed the location to the county as a cooperative justice facility, with the new courthouse adjacently providing efficient processing of prisoners. The structure is the creative resolution of numerous restrictions. In order not to eclipse Duquesne University’s Old Main Building on the bluff directly behind it, the structure cascades from sixteen stories at its peak and graduates to five stories at its westernmost tip. Its variegated brick and stone horizontal patterns, as well as its hue, echo the Old Main.”

– TASSO KATSELAS  
architect

operating the Allegheny County Jail.<sup>63</sup> The jail’s annual budget alone totals \$80 million,<sup>d</sup> with all but a few million dollars derived from county tax sources, such as property taxes, rather than federal or state grants. The Allegheny County Department of Human Services, the Allegheny Intermediate Unit, and other agencies receive state and federal grants that they use to support treatment, programs, and education in the jail and alternative housing. The Jail Oversight Board authorizes approximately \$2 million per year in spending for the benefit of inmates and their families from a fund formed by the profits from the jail’s commissary.<sup>64</sup> Of the jail’s \$80 million budget, \$12.5 million is spent on inmate medical care, including mental health and drug and alcohol treatment services.<sup>65</sup>

Unlike counties that operate a number of smaller jail facilities, in Allegheny County, small reductions in the jail population would not have a proportionate impact on the operating costs of the jail, as closing a 90-person housing unit within a

<sup>d</sup> Allegheny County 2015 Operating Budget, enacted December 4, 2015. Expenses are the sum of operations, booking centers, and medical.

large facility would save only a share of the costs that closing a separate 90-person jail facility would. Reducing the size of the Allegheny County Jail population back to the capacity it was built to hold in 1995 (when crime was at its peak), however, would save \$12 million each year.<sup>66</sup> (See Appendix C for details on the fixed and marginal costs of the Allegheny County Jail.)

## LEADERSHIP

The warden of the Allegheny County Jail and the county manager both have a role in the management of the jail. The warden, along with three deputy wardens, is responsible for establishing and monitoring systems that ensure safe custody and control of all individuals in his care; for setting the vision and strategic direction for the jail; for hiring and managing the staffing, training, and oversight of all correctional staff and other personnel, including medical and program staff; and for overseeing all contracts, including those with the three current alternative housing providers. In addition to supervision of the warden, the county manager is responsible for union negotiations and recommending the jail budget.

## LOCAL CONCERNS AND WHAT JURISDICTIONS ARE DOING

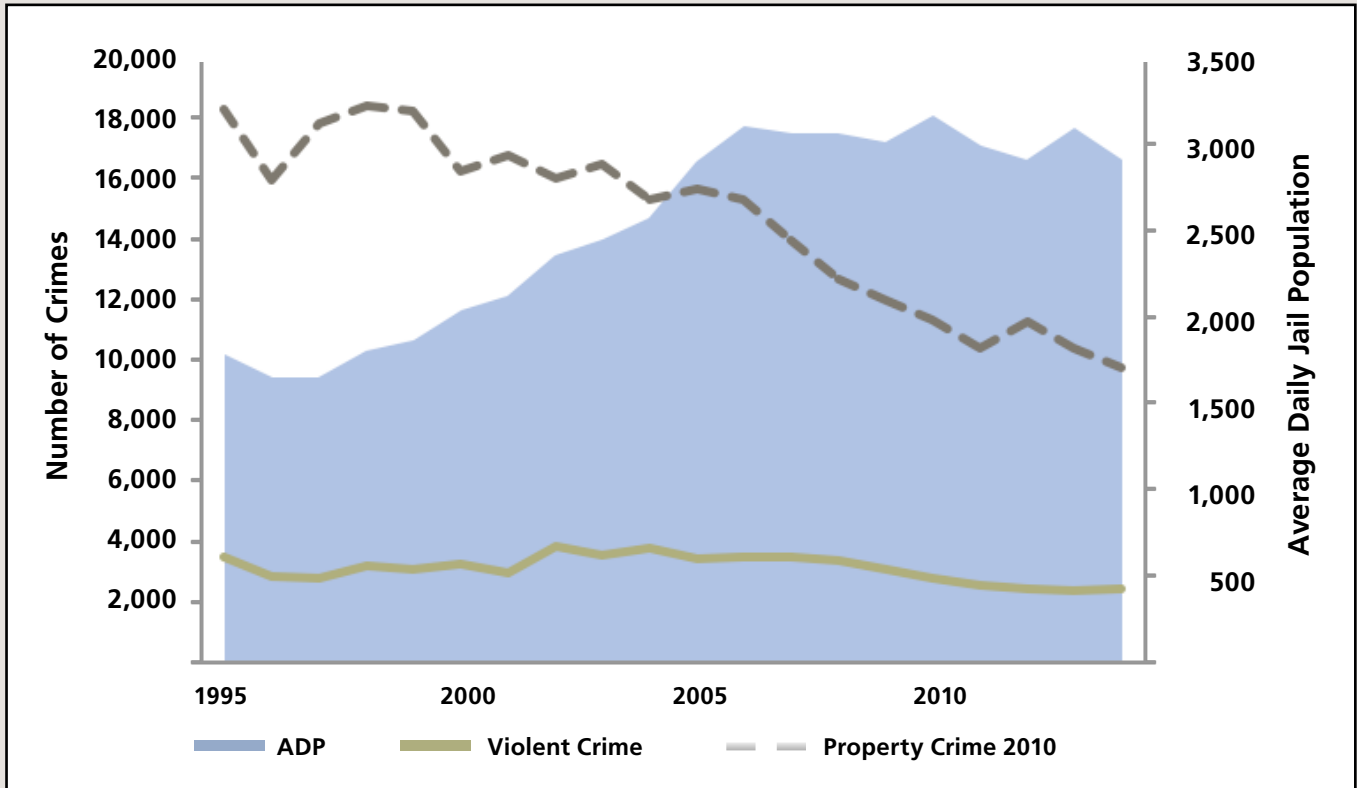
Allegheny County has had the same increase in jail population that other counties have experienced—a large increase in the jail population over a period in which crime fell, as shown in Figure 3 on the next page.

While the jail population has leveled off in recent years, the population of the jail facility on Second Avenue is much higher than its intended capacity (1,850)<sup>67</sup> or the average daily population (1,475)<sup>68</sup> in the year it opened—a year in which crime was at its peak. The additional costs to taxpayers and the community of holding more defendants and inmates, with significant racial disproportionality, for longer periods of time is a matter of serious concern.

Counties across the country are working to identify the factors that have been driving their jail populations upward, and many are strategizing ways to reduce their jail populations without compromising public safety. Some examples of ideas (only some of which require state action) include the following:

**Police:** Monitoring arrest jail-to-admission ratios by jurisdiction and flagging years in which jurisdictions are admitting more people to the jail than their crime rate and population would indicate. A recent innovation takes this a step further, conveying the reality that jails are precious, finite resources

**Figure 3: Crime and Average Daily Population (ADP), Allegheny County Jail (1995-2014)**



Sources: Federal Uniform Crime Reporting (UCR) program; Allegheny County Jail; City of Pittsburgh Bureau of Police

with specific purposes; by using a logical formula involving crime rates, population, and poverty rates, counties set caps on the maximum number of beds in the jail that each law enforcement body can use and then reward those that use only their allotment or charge those who exceed their allotment.<sup>69</sup>

**Prosecution:** Conditional discharge (sometimes called alternative disposition), a form of diversion in which “the prosecutor reaches an agreement with the defendant early on in the pretrial process that if the defendant agrees to enter into treatment (usually drug treatment) and complete that program without incurring subsequent arrests, the original charges are dropped;”<sup>70</sup> a sentencing commission (with neighborhood courts and a sentencing planner) that does careful risk assessments to keep low-level offenders from entering the system.<sup>71</sup>

**Minor Court:** Follow the recommendations of evidence-based risk assessments to determine if defendants are at low risk of flight or of committing new crimes and therefore can be released during the pretrial period on their own recognizance or with stipulations, such as electronic monitoring.<sup>72</sup>

**Criminal Court:** Reduce the time it takes to dispose of cases, reduce the length of probation sentences when these exceed national or state standards, and establish graduated responses

with probation so that probation officers can respond to probationer behaviors (positive or negative) with agreed-upon rewards or sanctions that do not always involve jail.<sup>73</sup>

**Jails:** Manage jail capacity toward a set of established goals and report to partners in the criminal justice system on key indicators of efficiency in processes (e.g., time to booking). One model is the Jail Capacity Management Board, a multi-agency board (law enforcement, jail, courts) that sets population management policies and procedures and “shares responsibilities for the political risks that their decisions may bring.”<sup>74</sup> Also use evidence-based models for pretrial defendants who are a low risk to public safety but who judges require be detained, including work release and alternative housing.<sup>75</sup>

## CONCLUSION

The new strategies that Allegheny County chooses to employ to reduce its jail population will need to address the local drivers of the population with local solutions. Groups of taxpayers set expectations for our schools, health, and the environment—and should likewise influence decisions regarding the criminal justice system, which is expensive and individually impactful to many citizens. ■



# COUNTY JAIL

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# APPENDICES

## APPENDIX A: LOCAL EXAMPLES OF INNOVATION (JAIL)

**Reentry Program:** The Allegheny County Jail Collaborative prepares men and women who are sentenced to the jail for their release and their successful reentry into society. Through a coordinated jail/probation/human services program, it screens and assesses individuals using a validated tool; develops individualized service plans that build on strengths and address needs; enrolls clients in evidence-based services (shown to reduce criminogenic risk); and provides effective, consistent service coordination, both inside and outside the jail, so that clients actually receive the services they need as well as the encouragement and accountability that matter paired with supervision by dedicated reentry probation officers. The program begins while participants are serving their sentences in the jail or alternative housing, where all clients receive cognitive behavioral therapy and, depending on their needs, also can receive D&A treatment, education, job training, job skills development and placement, parenting or relationship classes, family visits, and support from mentors. The Urban Institute’s evaluation of this program found that it significantly reduces recidivism. (Janeen Buck Willison, Samuel Bieler, and KiDeuk Kim, *Evaluation of the Allegheny County Jail Collaborative Reentry Programs: Findings and Recommendations*, October 2014.)

**Community Resource Centers** (also known as Day Reporting Centers): “Allegheny County... is a pioneer in applying the day reporting centers (DRC’s) concept to the probation context. In doing so, it has inverted the traditional model of probation, in which officers (when not tracking down a violator or in court) worked mainly in their offices, waiting for offenders to report in on their fulfillment of probation conditions, and were quick to apply the ‘nail them and jail them’ solution to those who did not comply. Now the probation officers are mobile, and the office primarily serves the offender’s. ... The Arlington DRC opened in 2009, followed by a second facility in East Liberty two years later [the third DRC, called the Mon Valley Community Resource Center, opened in the fall of 2015]. DRCs are open from noon to 8:00 p.m. ... and provide banks of computers available for use by people on probation as they compose resumes, conduct job searches, or complete educational requirements. Classrooms at the

center host a regular schedule of GED course work and life skills instruction. Drug and alcohol assessments, treatment programs, anger management classes, batterer intervention programs, cognitive behavioral therapy, parenting classes, and Alcoholics Anonymous and Narcotics Anonymous meetings also take place on site. ‘The initial vision was a one-stop shop of services to work on the issues that we recognized as coming under our supervision,’ explained Probation Office Director Ron Seyko. The risk of recidivism for each person on probation is assessed using three factors that have proved to be highly accurate in predicting the likelihood of re-offending: age at first arrest, total number of arrests, and current age. Those classified as medium-or high-risk receive a needs assessment, resulting in development of an individualized case plan. Low-risk individuals are shifted onto an administrative caseload and have minimal, routine reporting requirements as long as they stay out of trouble.” (Bruce Barron, *Day Reporting Centers: The New Face of Probation in Allegheny County*, January 2014, Allegheny County DHS).

## APPENDIX B: DAILY LIFE IN THE ALLEGHENY COUNTY JAIL ON SECOND AVENUE

The Allegheny County Jail has 35 housing units with 56 cells each (originally designed to hold one person per cell, but many are now double-bunk cells and can hold up to 110 people on a housing unit). The housing units (sometimes called pods) have an upper and lower level, with cells on both levels; a walkway around the upper level; and staircases in each corner. The large, open center of the housing unit is the common area, which includes the correctional officer’s station, tables and chairs for inmates to use, pay phones, a kiosk for accessing legal materials, and televisions hung from the ceilings. Housing pods also have showers and a gymnasium whose barred windows can be opened to allow fresh air to enter, an area on the upper tier for window visits, and a room for clients to meet with attorneys. Video monitoring is used throughout the building.

Inmates usually do not leave their housing units: They go to the upper level of the pod for scheduled window visits, they take showers and exercise on the pod, the kitchen brings food to each housing unit on trays, and nurses bring medication to the pods. Inmates who leave the pod to visit the medical unit, educational classes, or the chapel are escorted by guards. Sentenced male inmates who are eligible for work or reentry program services often live together on Level 1 of the jail.

Beginning at the upper most level (8), the jail facility is organized as follows:

Level	Type of Pod
<b>Level 8</b>	Max Security and Disciplinary Male Housing Units 8D and 8E
<b>Level 7</b>	Max Security Housing Units 7D and 7E
<b>Level 6M</b>	Inmate Visiting; Staff and Caseworkers' Offices
<b>Level 6</b>	Max Security Male Housing Units 6D, 6E, and 6F; Protective Custody
<b>Level 5M</b>	Medical Office and Records; Inmate Visiting; Pod 5MD Female Mental Health; Pod 5MC Male Drug Program Unit
<b>Level 5</b>	Medical Department; Pod 5B Infirmary Pod; 5C and Pod 5D Male Mental Health; Pod 5E Drug Program; Pod 5F Male Step-down Mental Health
<b>Level 4M</b>	Inmate Visiting; Staff and Caseworkers' Offices
<b>Level 4</b>	Male Classification Housing Units 4A, 4B, 4C; Female Housing Units 4D, 4E Female HOPE Pod, and 4F Female Max Security Unit
<b>Level 3M</b>	Staff and Caseworkers' Offices; Inmate Visiting
<b>Level 3</b>	Medium and Max Security Male Inmate Housing Units 3A, 3B, 3C, 3D, 3E, and 3F
<b>Level 2M</b>	HOPE Offices; Staff Offices
<b>Level 2</b>	General Housing Units 2A, 2B, 2C Male HOPE Pod, 2D, 2E, and 2F Male
<b>Level 1M</b>	Administration; main lobby; Shift Commanders' Offices; Internal Affairs; Training Employees Lounge; Locker Rooms; Central Control
<b>Level 1</b>	Sentenced and Minimum Security Male Inmates 1A, 1B, and 1C; Video Arraignment; Inmate Education; Chaplain Services; Contact Visiting; Reentry Center; Reentry Pod
<b>Ground</b>	Intake Department (receiving and booking of all inmates); Food Service; Supply; Laundry; Maintenance

## APPENDIX C: JAIL FIXED AND MARGINAL OPERATING COSTS

Table 5 on the next page shows the change in marginal costs at the jail using data for 2010–12.

## APPENDIX D: CALCULATION OF INDIVIDUALS DIRECTLY IMPACTED BY THE ALLEGHENY COUNTY JAIL

An estimated 9 percent of all adult residents of the county have been booked into the Allegheny County Jail in their lifetimes, and 15.6 percent of all children in the county have had a parent in the jail. This is calculated as follows:

- Across the 10-year period of 2000-11, **71,472** individuals who had not been in the jail before entered the jail (Changing Trends, 2014). The age range of this group is overwhelmingly in the 18–64 year range. This represents a conservative, unduplicated count of the number of people who have been in the jail in their lifetimes.
- The total population of Allegheny County in the 18–64 years age range is **773,949** (2010 Census).
- Dividing the unduplicated jail population by the total population for their age range yields a rate of **9 percent**. This is a conservative estimate of the total number of adults in the county who have been in the Allegheny County Jail.
- Fifty-three percent of men and Sixty-one percent of women in the Allegheny County Jail are parents (Dalton and Warren, 2008), and the average number of children per family in Pennsylvania is 1.85 (Census 2010). Multiplying the number of unique defendants/inmates (71,472) x 53 percent parents x 1.85 children per person = **70,078** children and youths with a parent in jail during this period.
- The total number of children and youths ages 0-17 from 2000 to 2011 (birth-age 28 in 2011) in Allegheny County was around **450,194** (Census Estimate 2011). Dividing 70,078 children and youths with parents in the jail by the total number of children and youths in the county means that **15.6 percent** of children/youths/young adults) in the county have had a parent in jail.

**Table 5: Change in Jail Operating, Average, and Marginal Costs, 2010–12**

Category	Year			% Change 2010-12	Source/Calculation
	2010	2011	2012		
<b>Total Annual Cost</b>	\$64,233,005	\$65,611,252	\$69,501,807	8%	Allegheny County Jail (equipment and building depreciation costs excluded)
<b>Average daily population</b>	2,732	2,588	2,549	-7%	Allegheny County Jail
<b>Inmate capacity</b>	2,100	2,100	2,100	0%	Allegheny County Jail
<b>Total cost of supplies, materials, food services, and medical services</b>	\$15,688,456	\$15,406,732	\$15,832,320	1%	Allegheny County Jail
<b>Calculated Costs:</b>					
<b>Average cost per day (per inmate)</b>	\$64.41	\$69.46	\$74.70	16%	Calculation total annual cost/(average daily population x 365)
<b>Marginal cost per day (per inmate)</b>	\$15.73	\$16.31	\$17.02	8%	Calculation total cost of supplies, materials, food services, and medical services/(average daily population x 365)

Source: Kathryn Collins, Emily Kulick, Chengyuan Zhou, and Erin Dalton. Calculating Unit Costs in Allegheny County: A Resource for Justice System Decision-making and Policy Analysis, Allegheny County DHS, October 2014.

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