

University of Pittsburgh  
Institute of Politics

# CRIMINAL JUSTICE TASK FORCE

brief

CRIMINAL JUSTICE IN THE 21<sup>ST</sup> CENTURY:  
ALLEGHENY COUNTY LAW ENFORCEMENT

NOVEMBER 2016





## LETTER FROM THE COCHAIRS

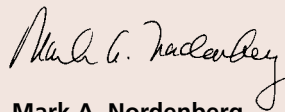
In the fall of 2015, the Institute of Politics at the University of Pittsburgh devoted much of its annual retreat for elected officials to the serious and increasingly visible issue of mass incarceration. Following that program, which generated considerable interest, Allegheny County Executive Rich Fitzgerald 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.



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# THE ROLE OF POLICE IN THE UNITED STATES

Police are relative newcomers to the justice system in the United States. They are not mentioned in the U.S. Constitution or in city charters. Instead, the country's earliest cities relied on mandated volunteers (and their paid substitutes) to sound the alarm when they saw crimes or fires and on constables, who served civil papers and warrants and arrested people, earning their living by the fees that victims paid them for this work.<sup>1</sup>

In the 1820s, England's Robert Peel reorganized the London police into the first modern police department.<sup>2</sup> American cities soon after began to shift to the London model, as it assured a clear chain of command and uniformed officers who could patrol and act as sentinels to deter criminal behavior.<sup>3</sup> The police also would be part of the community, as described in the following statement from Peel's principles of policing:

Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.<sup>4</sup>

(See Appendix A for these and other "Peelian" principles of policing.)

Police have continued since then to serve both roles (sentinels and apprehension agents), but it is that second role of investigating crimes and arresting people that is "the most scrutinized and recognized crime control function of the police. The apprehension agent function has been and continues to be glamorized by television in long running programs ... The apprehension role is also salient because it involves the police response to real victims of sometimes horrendous crimes and the ensuing efforts to bring the perpetrators to justice."<sup>5</sup>

While the focus on apprehension advances the public's interest in safety and punishment, the police's role as the community's sentinel deters criminals from committing crimes because their presence heightens people's sense that there is risk of being caught.

From a crime control perspective, the apprehension agent function protects public safety by capturing and incapacitating sometimes dangerous and repetitive offenders. However, as yet, there is no evidence that the apprehension agent role results in a material deterrent effect. By contrast, the evidence on police presence suggests that in their sentinel role, police can have a very large deterrent effect.<sup>6</sup>

Given the evidence that shows that the length or severity of punishment (incarceration) is not what deters people from committing crimes and the fact that police can actually prevent crime,<sup>6</sup> Daniel Nagin and fellow criminologist Cynthia Lum argue that "the primary metric for judging police success" in their job of securing public safety is crimes averted, not arrests.<sup>7</sup> If preventing crime is the primary aim of police forces, this has implications for how municipalities organize and deploy their police forces and casts a different light on the frequency of arrests as a measure of activity and, by extension, law enforcement's use of jail beds to detain the people they arrest.

## LOCAL LAW ENFORCEMENT AGENCIES

### MUNICIPAL AND OTHER POLICE FORCES SERVING ALLEGHENY COUNTY RESIDENTS

Allegheny County is unusual in the large number of law enforcement agencies serving its residents, any of which can arrest people and bring them to the Allegheny County Jail. Within the county, the following law enforcement agencies operate:

- **One hundred eleven police departments** serving its 130 municipalities, including Pittsburgh<sup>8</sup>
  - These departments employ more than 2,100 full-time officers and 465 part-time officers.<sup>9</sup>
  - Many of the part-time officers work for more than one municipality or law enforcement agency, as some of the smaller towns cannot afford to hire full-time officers and pay them benefits. Appendix B includes a list of these departments and their number of employees.
- **The Allegheny County Police Department**, which is responsible for law enforcement on county property; patrolling the Pittsburgh International Airport and the

<sup>A</sup> The Center for Evidence Based Crime Policy at George Mason University identifies proven strategies for preventing crime, including hot spot policing, which is when police concentrate their attention on blocks or houses with high degrees of criminal activity as opposed to randomly patrolling or saturating entire neighborhoods with police, and problem-solving policing, including removing opportunities for crime, increasing police visibility that does not have an arrest focus, and focused deterrence. Broken windows/zero tolerance is not a proven approach.

Allegheny County Airport; and assisting the municipal police forces with general investigations, homicide investigations (none of the municipal police forces conducts homicide investigations except the City of Pittsburgh Bureau of Police), and narcotics investigations.

- **The Pennsylvania State Police**, which is the police department of record for two boroughs in Allegheny County (Glenfield Borough and Haysville Borough)
- The sworn officers of:
  - the office of the elected **Allegheny County sheriff**, which provides court security, serves warrants, and pursues fugitives who fail to appear for trial. The office has an investigations division with a criminal fugitive and non-support detective squad, whose primary function is to execute criminal bench warrants; a K-9 patrol/narcotics unit to assist the detective squads with serving warrants; and a transportation division that transports all Allegheny County prisoners to and from prisons, courts, and hospitals throughout Pennsylvania.
  - the **Port Authority of Allegheny County Police**, who are responsible for the security of Port Authority riders, staff, and facilities. Officers have “jurisdiction on and adjacent to Port Authority property as well as throughout the commonwealth when in pursuit of Port Authority business.” This police force employs a traffic investigations unit, a detective/plainclothes unit that has a detail in downtown Pittsburgh to combat street crime, and a K-9 unit.<sup>10</sup>
  - the **Allegheny County Housing Authority (ACHA) Police Department**, which patrols the ACHA public housing properties. These police provide “an active police presence in ACHA communities. Police substations have been established within many of the ACHA sites and work in collaboration with all police departments encompassing Allegheny County. All ACHA Police Department sworn personnel are members of the Allegheny County District Attorney’s Office Drug Task Force.”<sup>11</sup> In 2014, ACHA entered into an agreement with the Housing Authority of the City of Pittsburgh for the latter to provide investigative services.
  - the investigators of the elected **Allegheny County district attorney**. These sworn detectives typically investigate “white-collar crime, public corruption, and extensive financial crimes,” and several supervise the district attorney’s Narcotics Enforcement Team, which “trains and coordinates local police officers to investigate drug activity in Allegheny County.”<sup>12</sup>

The district attorney’s investigators can make arrests and file the criminal complaint or indictment if the charges result from a grand jury presentment. If the charges are felonies, they will process the individual through the jail.

- the **University of Pittsburgh Police Department**, which is the third-largest police force in the county. Pitt police patrol, conduct investigations, and have a community services unit. They have the authority to apprehend and arrest “within 500 yards of any University-owned or leased facility” and have direct communication with city emergency responders, police, other educational institutions, and federal agencies.<sup>13</sup> Other university police departments in the county include those of Carlow,<sup>14</sup> Chatham,<sup>15</sup> Duquesne,<sup>16</sup> and Point Park universities.<sup>17</sup>

## REPORTING STRUCTURE AND FUNDING

Most law enforcement organizations are a function of the executive branch of their local governments (e.g., the police chief reports to the mayor or the municipal manager). In the Commonwealth of Pennsylvania, Act 62 of 1972 allows for municipalities to adopt home rule charters.<sup>18</sup> To date, 78 municipalities, including the three noted in Table 1, have adopted home rule charters, permitting them to establish any suitable forms of governance so long as they are not in contravention of state law.<sup>19</sup> These charters specify the executive functions, including authority to manage the police department. There are 18 home rule communities in Allegheny County, including the City of Pittsburgh.<sup>20</sup>

Local law enforcement agencies represent large portions of local government budgets. Table 1 on the next page shows the expenditures and percent of operating budget for three local municipalities. Note that these expenditures are for police functions only and exclude items like jail operations, emergency management services, and criminal courts.

Each of these police departments is funded by revenues deposited in a general fund. No specific revenues, with the exception of small direct project grants, are assigned to policing. Table 2 on the next page shows the sources of funds (revenue) for each of the three municipalities.

**Table 1: Police Budgets (\$ millions)**

Municipality	Total Operating Budget	2016 Police Budget	Share of Total Municipal Budget
County of Allegheny <sup>21</sup>	\$855	\$48 (a)	6%
City of Pittsburgh <sup>22</sup>	\$518	\$93 (b)	18%
Township of Mt. Lebanon <sup>23</sup>	\$48	\$8 (c)	17%

## Notes:

- (a) Includes \$30 million for the Allegheny County Police (reporting to the county executive); and \$18 million for office of the sheriff (reporting to the elected sheriff).  
 (b) Includes \$14 million of non-operating pension costs. The direct operating budget that is comparable with prior years is \$79 million.  
 (c) Estimate; policing is an element of public safety, which includes fire protection and other functions.

**Table 2: Municipality Sources of Funds**

Revenue Source	County of Allegheny <sup>24</sup>	County of Allegheny Except Intergovernmental Grants (a)	City of Pittsburgh <sup>25</sup>	Township of Mt. Lebanon <sup>26</sup>
Property Tax	41%	61%	26%	25%
Intergovernmental Grants (U.S. and PA) (a)	33%	—	9%	—
Sales and Drink Taxes	10%	15%	—	—
Wage Tax	—	—	17%	25%
Employer Payroll Tax	—	—	12%	—
Assessments	—	—	—	24%
Other (b)	16%	24%	37%	26%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%(c)</b>	<b>100%</b>

## Notes:

- (a) Intergovernmental grant revenues for Allegheny County are principally “pass-through” funds directed to the provision of human services mandated by state and federal laws and regulations.  
 (b) “Other” includes deed transfer taxes, user fees, amusement taxes, and fines.  
 (c) Discrepancy in total percentage due to rounding error.

## KEY LOCAL DATA

### Question 1: What share of offenses result in arrest?

About one-third of offenses result in an arrest.<sup>27</sup>

**Table 3: Offense and Arrest Reports, All of Allegheny County (2013–15)**

	2013	2014	2015
Offenses	92,849	92,778	87,069
Arrests	32,085	30,364	27,444
Percent of offenses resulting in arrest	35%	33%	32%

Source: Allegheny County Department of Human Services 2016, using Uniform Crime Reporting (UCR) Program data.

### Question 2: What share of offenses are committed within/outside the City of Pittsburgh?

Roughly 60 percent of reported offenses are committed outside of the city.<sup>28</sup>

**Table 4: Offenses Reported to Federal UCR System by County Police Agencies (2013–15)**

	2013	2014	2015	Total Offenses	Share of Total for 2013–15
City	35,032	34,920	32,511	102,463	38%
Balance of County	57,817	57,858	54,558	170,233	62%
All	92,849	92,778	87,069	272,696	100%

Source: Allegheny County DHS 2016, using UCR data.

### Question 3: Which law enforcement agencies use the jail most often?

Allegheny County Pretrial Services collects information about each person who enters the jail on a new charge and documents which organization is the arresting agency. Pretrial Services' records show that:

- 40 percent of people brought to the jail for an arrest within the county were arrested by the Pittsburgh Bureau of Police;
- the Pittsburgh Bureau of Police is the most frequent committing authority to the jail, followed by Allegheny County, Monroeville, and the Port Authority; and

- at 27 arrests per 1,000 adults, the Pittsburgh Bureau of Police rate of arrests per capita is eclipsed by police in Mount Oliver (126/1,000 adults), Frazer Township (108/1,000 adults), Homestead Borough (74/1,000 adults), and several other forces. (See Table 5 on page 6.)

## POLICE IMPACT ON JAIL POPULATION

The Vera Institute contends that police can and do exercise discretion in making an arrest:

The police have several choices when responding to reported or observed criminal activity. They decide whether to decline intervention and:

- whether an arrest, summons, or verbal warning is warranted; or
- whether to refer an individual to services outside the criminal justice system, such as community mental health or substance abuse programs.<sup>29</sup>

Even when a police officer feels that circumstances justify an arrest, that decision does not have to open the door to the jail. Under most state laws, the officer may take the suspect to the station house to be photographed and fingerprinted and have a more detailed background check completed. Where available, computers in cars or hand-held tablets allow police officers to conduct some of these procedures in the field. Law enforcement can then release the defendant using a "notice-to-appear" or "desk appearance" ticket to secure a promise from the person to appear in court when required.<sup>30</sup>

## CITATION IN LIEU OF ARREST

Most states have passed laws that permit police officers or other peace officers to issue a written order (citation) instead of arresting a defendant, but the degree of impact on the jail population varies based upon which offenses are included. There is a great variety of misdemeanors for which officers can use citation in lieu of arrest. For example, the Pennsylvania Criminal Code (Rule 519) says that officers shall release people whose most serious offense is a second-degree misdemeanor or a DUI if they do not pose an immediate threat of harm to others or themselves and if "the arresting officer has reasonable grounds to believe the defendant will appear as required" in court at a later date; under these circumstances, the officer can issue a summons instead of a warrant of arrest.<sup>31</sup>

*(Continued on page 7)*

**Table 5: Total People Assessed by Pretrial Services, by Arresting Authority, 2015**

(Arrested and Brought to the Allegheny County Jail)

Arresting Agency	Number of Incidents	Percent of Total	Per 1,000 Adults
Pittsburgh (City of)	6,997	40%	27
All other police forces:	9,918	60%	—
Allegheny County Police	549	3%	—
Monroeville	412	2%	18
Port Authority Police	384	2%	—
McKeesport (City of)	348	2%	23
Penn Hills	325	2%	10
Mount Oliver Borough	322	2%	126
McKees Rocks Borough	318	2%	68
West Mifflin Borough	305	2%	19
Wilkesburg (Borough of)	278	2%	22
North Versailles Township	276	2%	33
Ross Township	248	1%	10
Stowe Township	236	1%	48
Allegheny County sheriffs	230	1%	—
Homestead Borough	180	1%	74
Robinson Township	176	1%	16
Bethel Park	153	1%	6
University of Pittsburgh Police Department	148	1%	—
Swissvale Borough	143	1%	20
Clairton (City of)	133	1%	25
Moon Township	125	1%	7
Brentwood (Borough of)	122	1%	16
Duquesne (City of)	120	1%	30
Munhall Borough	116	1%	13
Crafton (Borough of)	113	1%	23
Plum Borough	111	1%	5
Pennsylvania State Police	109	1%	—
Baldwin Borough	103	1%	6
Frazer Township	102	1%	108
Shaler Township	102	1%	4
Scott Township	101	1%	7
Agencies with fewer than 100 incidents (104 Agencies)	3,530	20%	—
<b>Total</b>	<b>16,915</b>	<b>100%</b>	—

Sources: Allegheny County DHS 2016, using Allegheny County Pretrial Services data.



New Orleans, La., has had measurable success in reducing arrests from 59 percent to 30 percent after enacting an ordinance requiring “the use of a summons when police encounter people who commit a municipal offense other than domestic violence.”<sup>32</sup> Louisiana and Oregon also allow citations for specific felonies.<sup>33</sup>

Additionally, some states specify when the citation must be delivered (i.e, immediately before arrest or after an arrest). Nineteen states allow citations to be issued following an arrest, nine states only allow citations to be issued prior to arrest, and 10 states allow citations to be issued in either instance.<sup>34</sup>

Ten states, including California and Pennsylvania, have a presumption that citations be issued for certain crimes, except in situations in which the person poses a risk to the public or has outstanding warrants.<sup>35</sup> In Maryland, for example, police officers are required to issue a citation for any misdemeanor that does not carry a penalty of imprisonment, most misdemeanors punishable by up to 90 days imprisonment, and for misdemeanor possession of marijuana.<sup>36</sup>

One of the limits that police face in being able to issue citations prior to arrest is the lack of tools to positively identify defendants. To address this problem, departments are currently working to provide additional hand-held tablets to officers on patrol.<sup>37</sup>

## DIVERSION

For certain groups of nonviolent defendants, police and community partners have developed options for diverting individuals from jail. These include the following:

- Diversion of low-level defendants to services
  - The King County, Wash., Law Enforcement Assisted Diversion program diverts low-level defendants to community-based services.
- Diversion of defendants with mental health issues
  - Officers in police departments across the country, including the Pittsburgh Bureau of Police, Port Authority Police, Mt. Lebanon Police Department, and other local agencies, have been trained in the Crisis Intervention Team (CIT) program, which better prepares them for responding to individuals who have a serious mental health issue.
  - Police in many jurisdictions can turn to mobile crisis units composed of trained therapists/social workers who will come to the scene.
  - Some jurisdictions (including Allegheny County) have established recovery/drop-off centers

where law enforcement officers or others can take individuals with mental health issues for stabilization, referral, or connection to treatment and support. These triage centers, usually created in connection with a CIT model, are a preferable alternative to psychiatric hospitals, where there can be long check-in times or staff who refuse to accept these patients.

Allegheny County DHS funds the Central Recovery Center, located on the South Side. This center is currently being underused by police. ■

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# APPENDICES

## APPENDIX A: THE NINE PRINCIPLES OF POLICING

Developed by Robert Peel and early London Metropolitan Police commissioners, 1829 *Citation: The New York Times, 2014*

1. The basic mission for which the police exist is to prevent crime and disorder.
2. The ability of the police to perform their duties is dependent upon public approval of police actions.
3. Police must secure the willing cooperation of the public in voluntary observance of the law to be able to secure and maintain the respect of the public.
4. The degree of cooperation of the public that can be secured diminishes proportionately to the necessity of the use of physical force.
5. Police seek and preserve public favor not by catering to the public opinion but by constantly demonstrating absolute impartial service to the law.
6. Police use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of persuasion, advice, and warning is found to be insufficient.
7. Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.
8. Police should always direct their actions strictly towards their functions and never appear to usurp the powers of the judiciary.
9. The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with it.

## APPENDIX B: POLICE OFFICERS BY MUNICIPALITY\*\*

Municipality	Full-time employees	Part-Time Employees
Allegheny (County)	284	0
Aspinwall (Borough of)	6	5
Avalon (Borough of)	6	8
Baldwin Borough	24	0
Baldwin Township	6	0
Bell Acres Borough	3	7
Bellevue (Borough of)	15	0
Bethel Park	36	0
Blawnox Borough	3	2
Brackenridge Borough	4	4
Braddock (Borough of)	1	13
Braddock Hills (Borough of)	2	14
Brentwood (Borough of)	14	0
Bridgeville Borough	8	3
Carnegie (+ Covers Pennsbury Village, Borough of)	13	0
Castle Shannon Borough	14	0
Cheswick Borough	1	8
Churchill Borough	10	0
Clairton (City of)	10	11
Collier Township	17	0
Coraopolis Borough	9	10
Crafton (Borough of) (+ Covers Borough of Thornburg)	9	0
Crescent Township	3	11
Dormont (Borough of)	13	0
Duquesne (City of)	14	0
East Deer Township	1	9
(Borough of) East McKeesport (+ Covers Wall Borough)	3	8
East Pittsburgh Borough	1	8
Edgewood Borough	9	5
Edgeworth Borough	4	5
Elizabeth Borough (+ Covers West Elizabeth Borough)	2	8
Elizabeth Township	10	0
Etna (Borough of)	7	1
Fawn Township	1	1

Findlay Township	16	2
Forest Hills (Borough of) (+ Covers Chalfant Borough)	9	3
Forward Township	1	8
Fox Chapel Borough	11	0
Franklin Park Borough	12	6
Frazer Township	2	11
Glassport (Borough of)	5	10
Green Tree Borough	10	0
Hampton Township	18	4
Harmar Township	8	3
Harrison Township	13	7
Heidelberg (Borough of)	4	4
Homestead Borough	12	12
Indiana Borough	10	5
Ingram Borough	4	5
Jefferson Hills (Borough of)	17	0
Kennedy Township	10	2
Leet Township	4	7
Leetsdale (Borough of)	4	4
Liberty Borough	1	10
Lincoln (Borough of)	2	8
McCandless (Town of)	29	0
McKees Rocks Borough	10	5
McKeesport (+ Covers Dravosburg, Borough of)	50	4
Millvale (Borough of)	5	7
Monroeville	46	0
Moon Township	29	0
Mount Oliver Borough	10	4
Mt. Lebanon Township	45	0
Munhall Borough	21	0
North Braddock Borough	1	9
North Fayette Township	20	3
North Versailles Township (+ Covers Borough of Wilmerding)	19	5
Oakdale Borough	0	12
Oakmont (Borough of)	7	10
O'Hara Township	14	0
Ohio Township (+ Covers Aleppo Township, Ben Avon Borough, Ben Avon Heights Borough, Emsworth Borough, Kilbuck Township, Neville Township, and Sewickley Hills Borough)	13	15
Penn Hills	53	0
Pitcairn Borough	3	12
Pittsburgh (City of)	866	0

Pleasant Hills Borough	18	0
Plum Borough	25	0
Port Vue Borough	2	13
Rankin (Borough of)	1	12
Reserve Township	4	3
Robinson Township	29	0
Ross Township	43	0
Scott Township (+ Covers Rosslyn Farms Borough)	21	0
Sewickley Borough (+ Covers Glen Osborne Borough)	9	16
Sewickley Heights Borough	3	4
Shaler Township	26	0
Sharpsburg (Borough of)	6	6
South Fayette Township	16	0
South Park Township	14	0
Springdale Borough	4	4
Springdale Township	4	0
Stowe Township	7	8
Swissvale Borough	15	6
Tarentum Borough	7	4
Turtle Creek (Borough of)	4	10
Upper St. Clair Township	27	0
Verona Borough	3	7
Versailles (Borough of)	2	7
West Deer Township	12	5
West Homestead (Borough of)	6	6
West Mifflin Borough	34	0
West View (Borough of)	13	2
Whitaker	0	9
White Oak Borough (+ Covers South Versailles Township)	12	0
Whitehall Township	20	0
Wilkins Township	12	0
Wilkesburg (Borough of)	24	0

\*\* Glenfield Borough and Haysville Borough receive police service from the Pennsylvania State Police.  
Sources: DCED "Municipal Statistics–Municipal Police Service"; Census of Governments, 2012; and Police by Municipality, Allegheny County Website



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