

University of Pittsburgh

INSTITUTE OF POLITICS PROJECT OVERVIEW

2023
report

CREATING A PATH FORWARD TO REDUCE RACIAL
DISPARITIES IN THE CRIMINAL JUSTICE
SYSTEM IN ALLEGHENY COUNTY



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LETTER FROM THE CO-CHAIRS

The report, *Creating a Path Forward to Reduce Racial Disparities in the Criminal Justice System in Allegheny County*, is directly responsive to a critical challenge identified in the Criminal Justice Task Force Report released by the University of Pittsburgh's Institute of Politics in 2016. That earlier report began with a statement of Guiding Principles, one of which is particularly relevant to this initiative: "The processes of the criminal justice system should be fair; socially and financially equitable; and structured to avoid even the appearance of bias, particularly racial or ethnic bias."

Allegheny County's criminal justice system fell short of that standard then and does not meet it now. In 2016, Black people made up just over 13 percent of the County's population but comprised 49 percent of the population of the Allegheny County Jail. Between 2016 and 2021, in no small measure because of efforts to implement recommendations made in that 2016 report, the total population of the Jail was reduced by 29%, and the number of Black people held in the Jail also was reduced. However, because of the demographics of the Jail and due, at least in part, to some of the population-reduction strategies that were implemented, in that same period, the percentage of Black people in the Jail's population rose to 66 percent in 2021. In 2022, that percentage was 65 percent, and it currently stands at 67 percent.

To better understand, and more effectively address, such significant disparities, it is necessary to examine each stage of the criminal justice system that affects decisions to incarcerate, measuring the racial disparities that exist at each such stage, and determining, to the extent possible, the reasons for those disparities. That was a key aim of this study, which was undertaken by two of the country's most respected research organizations, the RAND Corporation and RTI International, which worked collaboratively and employed both distinctive quantitative and qualitative methods.

Building on that analysis, the research team went markedly further by offering specific recommendations for what might be done at each critical stage of the process — law enforcement, pretrial detention, criminal court, and probation — to reduce racial disparities. As catalogued in the overview that follows, various recommendations require operational, programmatic, data collection and policy changes, with different leaders bearing the principal responsibility for driving those changes.

The report recognizes, most explicitly through its qualitative findings, that some key causes of racial disparities within the criminal justice system lie outside the system itself. Higher levels of poverty and lower levels of educational attainment are prime examples. Addressing such deeply embedded social problems is largely beyond the reach of leaders within the criminal justice system. Nevertheless, the findings and recommendations of this report, in addition to identifying actions to improve the criminal justice system, could also help shape the policy agendas of elected officials with broader responsibilities and authority.

Because this initiative is focused on improvements that could be made to the system, it also is important to note that at every step of the process, from the initial selection of the research team to the review of drafts of the final research report, professionals from within Allegheny County's criminal justice system were involved. Community members whose lives have been impacted by the

criminal justice system, as well as professionals who work with them, also were engaged, both through the qualitative research and through their participation in key committees.

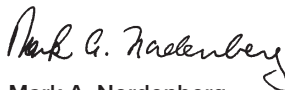
In sharing lessons that had been learned through the work of the MacArthur Foundation's years-long, 50-site "Safety and Justice Network," Laurie Garduque, who directs the Foundation's criminal justice program, said that "we cannot underestimate the importance of [local] leadership ... in addressing disparities." Instead, "these individuals set the tone, pace and urgency of reform efforts."

This Allegheny County initiative has benefited greatly from the efforts of capable, thoughtful, and determined leaders, most particularly County Executive Rich Fitzgerald, who has supported this work since its inception in 2015. One cause for concern is that some of the most actively engaged of these leaders soon will be leaving their positions. As a result, much of the important work of implementation will become the responsibility of their successors. There is no reason to believe that this region's new leaders will not be equal to that task, but a serious, sustained, and coordinated effort will be required.

Within our own team, we need to express special gratitude to three individuals. Samantha Balbier, the Director of Pitt's Institute of Politics, assumed principal responsibility for working with the research teams. Ed Mulvey, the Criminal Justice Coordinator for Allegheny County, brought indispensable insights grounded in his own career as a distinguished researcher. Erin Dalton, the Director of the County's Human Services Department, led Allegheny County to a position of national prominence for data collection and analysis and offered invaluable guidance and support in shaping this initiative and moving it forward.

Of course, we also are grateful to the talented researchers at RAND and RTI — Shamena Anwar, John Engberg, Yamanda Wright, Megan Comfort, Monica Sheppard and Ashley Lowe — who ably responded to the charge that they move significantly beyond the work to address racial disparities in criminal justice that had been done to date and who did so under challenging circumstances.

The Institute of Politics remains deeply committed to improving our home region and stands ready to remain engaged in this effort — as an advocate for positive change, as a convener of the Community Progress Review Panel, and as a facilitator of community education and implementation. However, the principal impetus for improvements to the system now must come from elected leaders and from leaders within the system itself, as well as from the broader community. This initiative has delivered a road map, but successful implementation will require leadership commitments at least equal to those that were necessary to get us to this point.



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INTRODUCTION

Creating a Path Forward to Reduce Racial Disparities in the Criminal Justice System in Allegheny County is an initiative that emerged from an intensive, eight-year criminal justice reform effort that was spearheaded by the Institute of Politics in partnership with Allegheny County, under the strong and committed leadership of County Executive Rich Fitzgerald. The Institute's 2016 Criminal Justice Task Force report advanced numerous recommendations to make the criminal justice system fairer and more equitable without compromising public safety. A number of the recommendations have been implemented and have had significant beneficial impact on the criminal justice system.

The 2016 Report also highlighted the disproportionate representation of Black individuals in the Allegheny County criminal justice system. At the time, Black people made up 13.4 percent of the population of Allegheny County yet represented 49 percent of the Allegheny County Jail population.¹ By 2021, Black people accounted for 66 percent of the Allegheny County jail population despite comprising only 13 percent of county residents.²

Such disparities caused the question to be raised, "How do we identify the drivers of racial disparities within the context of the policies and practices of the Allegheny County criminal justice system?" The intent of the initiative was to set a course that would preserve public safety, respect individual liberty, and judiciously utilize the County's scarce resources in the process of making the criminal justice system fairer; the County could also reduce the jail population and in turn make investments in critical services aimed at addressing root causes of crime to promote public safety.

County leaders, Judges of the Court of Common Pleas of Allegheny County (hereafter Common Pleas Judges or Judges), researchers, funders, numerous internal system stakeholders, and community partners, all shared a commitment to effectively address this complex and critical challenge. This initiative has been driven by a spirit of determined problem-solving paired with a recognition that the racial disparities in our system can and must be addressed in ways that do not compromise public safety.

If not for an extraordinary level of perseverance, this demanding effort might have stopped nearly as soon as it started. Most obviously, it ran head-on into the global pandemic. The overall effort also spanned the administrations of two City of Pittsburgh Mayors, three Chiefs of the Pittsburgh Bureau of Police, two President Judges, two Administrative Judges, three Allegheny County Public Defenders and numerous other personnel changes. The most important constant was the active engagement and consistent encouragement of County Executive Fitzgerald.³ The initiative



also was forced to withstand a thirteen-month data-access barrier resulting from statutory ambiguities and required the careful stewardship of a seven-month, complex transfer of sensitive and carefully de-identified data to achieve the ultimate research goal of rigorously examining racial disparities across the entire Allegheny County criminal justice system.

This report principally describes what has transpired over the past three years when the Institute, while still supporting progress on its 2016 recommendations, focused its attention on developing and providing oversight for a comprehensive examination of the drivers of racial disparities beginning with law enforcement and extending into pretrial services, the courts, probation. To maximize the generation of relevant and useable data and insights, the structure of this initiative necessarily remains ambitious — to the best of our knowledge, reaching beyond studies that have been done in any other place. With this examination complete, the Institute is confident that Allegheny County and the communities and involved agencies within it are far better-equipped to press forward with thoughtful plans for reducing racial disparities. To be clear, there is still work to be done, but by sustaining a commitment to collaboration, a drive for self-improvement, and increased data transparency, Allegheny County is now poised to become a national leader in this critical area.

This document provides a chronological overview of this initiative including:

1. development of the research model,
2. engagement of key system and community stakeholders,
3. the extent of barriers and ultimate access to data,
4. explanation of research terminology and findings, and
5. a strategic overview of the report's recommendations.

¹ University of Pittsburgh, Institute of Politics, *Criminal Justice in the 21st Century: Improving Incarceration Policies and Practices in Allegheny County*. November 2016, page 5.

² Allegheny County Analytics (2021). *Jail Population Overview*. Retrieved from: <https://analytics.alleghenycounty.us/2021/03/04/allegheny-county-jail-population-management-dashboards-2/>

³ Among those who made tireless contributions to this effort but are no longer in their positions are former County Manager William McKain, former Chief of the Pittsburgh Bureau of Police Scott Schubert, and former Chief Public Defender Matt Dugan.

BACKGROUND

In 2015, the University of Pittsburgh Institute of Politics (IOP or the Institute) devoted much of its annual Elected Officials Retreat to the topic of mass incarceration, reflecting a growing, bipartisan belief that America had unwisely over-used incarceration as a blunt tool in addressing issues of crime. That program included an overview of national developments. However, the speakers and panelists were all local, with many holding key positions within the criminal justice system in Allegheny County.

Shortly after that session, Allegheny County Executive Rich Fitzgerald requested that the Institute examine ways to improve the County's criminal justice system so that it would be "fairer and less costly, without compromising public safety." In response to this request, and in partnership with the County Executive, the Institute convened its Criminal Justice Task Force. That distinguished group of 40 individuals included criminal justice professionals holding positions of leadership within the county's criminal justice system, highly respected academics with expertise in directly related fields, and community leaders with a strong interest in the criminal justice system but with no direct links to it, as well as members who had been impacted by violent crime and who had insights into how the criminal justice system affects those most directly encountering it. The task force was cochaired by Mark Nordenberg, who chairs the Institute and is the Chancellor Emeritus of the University of Pittsburgh and Dean Emeritus of its School of Law, and Frederick Thieman, who held the Henry Buhl, Jr. Chair for Civic Leadership of the Buhl Foundation and is the former President of the foundation and who, as a former United States Attorney, had been the chief federal prosecutor in this region.

The task force met each month for the better part of a year and benefited from both the best-practice ideas shared by national experts and the perspectives of leaders from within the county's criminal justice system. Its work also was informed by information and analyses conducted by the talented data professionals working for Allegheny County and the Fifth Judicial District of Pennsylvania. In November 2016, the task force released its report, *Criminal Justice in the 21st Century: Improving Incarceration Policies and Practices in Allegheny County*.

The report was structured to build on the substantial improvements already achieved by criminal justice professionals in Allegheny County. It offered a series of recommendations for the improvement of policing, pretrial services, prosecution and defense, incarceration, and courts and probation in Allegheny County. In addition, it set forth a set of guiding principles that have framed the past eight years of reform efforts led by the Institute of Politics.⁴

IMPACT OF MASS INCARCERATION:⁵

- Incarceration practices can contribute to poverty and family disruption without advancing public safety when jails hold too many people charged with, but not convicted of, non-violent crimes.
- 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 those individuals can lose their jobs, have their benefits suspended, lose their housing, and become estranged from their families). "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."
- 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 jail or 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.



⁴ University of Pittsburgh, Institute of Politics, *Criminal Justice in the 21st Century: Improving Incarceration Policies and Practices in Allegheny County*. November 2016, page 10.

⁵ University of Pittsburgh, Institute of Politics, *Criminal Justice in the 21st Century: Improving Incarceration Policies and Practices in Allegheny County*. November 2016.

GUIDING PRINCIPLES

1. The preservation of public safety through effective law enforcement that is protective of individual rights is a fundamental responsibility of good government.
2. Depriving a person of his or her freedom through the criminal justice system, especially prior to an adjudication of guilt, is a serious and intrusive action to be used wisely by governments created to respect and preserve individual liberty.
3. Incarceration and other forms of correctional control should be used judiciously, with careful balancing of the goals of punishment and deterrence, preserving public safety, respecting victims' rights, maximizing opportunities for rehabilitation, and conserving scarce government resources.
4. The processes of the criminal justice system should be fair; socially and financially equitable; and structured to avoid even the appearance of bias, particularly racial or ethnic bias.
5. The criminal justice system and all expenditures made in support of it must be cost-effective and subject to appropriate oversight and budgetary review, as is true of all operations of government.
6. In a society characterized by dramatic advances in information systems, modern methods should be employed to obtain the most timely and pertinent data that would be useful in supporting fact-based decision making and transparency within the criminal justice system.

The first three recommendations of the 2016 task force report were directed to County Executive Fitzgerald. All were implemented by him, and each of them has had a very positive impact on continuing reform work, including this racial-disparities initiative. Briefly, those recommendations asked the County Executive to:

1. "Appoint a panel to review progress in implementing these recommendations and advancing the guiding principles, providing a new measure of accountability and a new source of information";
2. "Create a criminal justice coordinator position, reporting to the county manager and focused on monitoring the criminal justice system, to better manage the criminal justice system and advance the goals of maintaining public safety, enhancing equity and reducing costs"; and
3. "Build on [the County's] considerable technology assets to deliver timely data and analysis to manage the overall system and monitor key performance metrics, including racial disparities."

Since that time, reform work has been monitored and supported by a "community progress panel" appointed by the County Executive. The membership of that panel was increased, and its areas of experience and expertise were expanded as the work on racial disparities began. The move to higher levels of teamwork within the County clearly was advanced by the appointment of Edward Mulvey, a distinguished psychiatry professor with research experience in the criminal justice system, as the county's criminal justice coordinator. A nationally respected leader in data analytics, Allegheny County added meaningfully to its already-enviable capabilities in the criminal justice area. Those critical advances were driven largely by Erin Dalton, who led the Office of Data Analysis, Research and Evaluation of the Allegheny County Department of Human Services (DHS) at the time of the original task force report and who now serves as DHS Director.

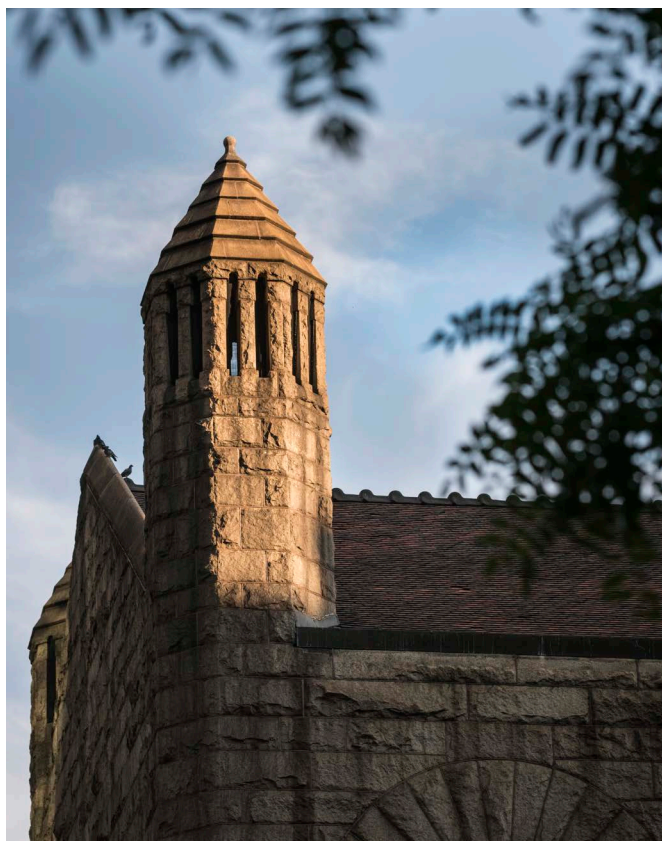
A range of encouraging regional developments relating to criminal justice reform have occurred in the years following the release of the original task force report. Among them, generous philanthropic investments have been absolutely critical to ongoing efforts. Those investments have included the following.

1. Allegheny County has received two, \$2 million grants from the John D. and Catherine T. MacArthur Foundation through its Safety and Justice Challenge. Through its participation in the MacArthur Challenge, the County has been supported in its commitment to reduce the population of the Allegheny County Jail and to reduce racial and ethnic disparities throughout the criminal justice system.
2. The Pittsburgh-based Heinz Endowments announced that it would be making a \$10 million investment in criminal justice reform. As a part of that investment, the Heinz Endowments have been the principal funder of the racial disparities work undertaken by the Institute of Politics, for which the Institute is deeply grateful.⁶
3. As part of its One Northside initiative, the Buhl Foundation has funded a community policing initiative which is neighborhood-focused and multi-disciplinary and has produced some encouraging examples of progress.

⁶ The Institute also is deeply grateful to Carmen Anderson, senior program officer at the Heinz Endowments, for her encouragement and guidance.

Many of the efforts of recent years have been directed at reducing the population of the Allegheny County Jail to advance a range of objectives, including enhancing public safety, reducing taxpayer costs and avoiding family, workplace and community disruption, as well as eliminating disparate impacts. The launch of the City of Pittsburgh's LEAD (Law Enforcement Assisted Diversion) program, and efforts by the County Department of Human Services to offer crisis and diversion services to people who have behavioral health issues not only are consistent with the intent of the task force's guiding principles but also provide new and welcomed support for the advancement of many of its recommendations.

Another success in reducing levels of incarceration came when the Public Defender's Office received the financial support to hire new positions to advance another of the recommendations of the 2016 Report, to provide representation to defendants at their preliminary arraignments. Despite the successes that came from the implementation of this recommendation, sustained funding for these positions is a challenge. Maintaining these positions, to advance an important form of progress that already had been achieved, should be a high priority.



As a result of these and other efforts, the population of the Allegheny County Jail has been notably reduced. Those successes prompted the Institute to host a national forum in December of 2019 on "Repurposing Jails to Meet 21st Century Community Needs." Subsequently, the County itself launched a process "to examine how the Allegheny County Jail building might be redesigned or repurposed to promote today's goal of a smaller population that optimizes employee and incarcerated individuals' safety, health, and well-being, and better prepares incarcerated individuals for successful re-entry to the community by adding non-carceral space that supports a range of services." The collaboration that developed as a result of work on the IOP's recommendations, as well as efforts to re-imagine the County jail following the 2019 forum, helped make Allegheny County uniquely well-positioned to respond to the health risks posed to those who were incarcerated during the COVID pandemic.

More comprehensive accounts of the full eight-year criminal justice reform effort, can be found in the following Institute reports:

- 2016 *Criminal Justice in the 21st Century: Improving Incarceration Policies and Practices in Allegheny County*
- 2016, *Criminal Justice in the 21st Century: Allegheny County Courts and Probation*
- 2016, *Criminal Justice in the 21st Century: Allegheny County Jail*
- 2016, *Criminal Justice in the 21st Century: Allegheny County Law Enforcement*
- 2016, *Criminal Justice in the 21st Century: Allegheny County Pretrial Decisions*
- 2016, *Criminal Justice in the 21st Century: Allegheny County Prosecution and Defense*
- 2018, *Criminal Justice Progress Panel Report*
- 2019, *Criminal Justice Progress Panel Report*

Scan to
view the
prior reports.



DEVELOPING THE RESEARCH MODEL, 2020

Despite the successes noted above, the overall problem of racial disparities within county criminal justice systems and jails has continued and is not unique to Allegheny County; it has persisted as jurisdictions across the country continue to struggle to make progress toward reducing racial disparities. Even though Allegheny County's disparity rates regularly have exceeded national averages, in early 2020, the MacArthur Foundation offered its opinion that this County was well-positioned to make a significant contribution to solving this nationally entrenched problem. In doing so, the Foundation pointed to a unique combination of local characteristics: 1) an existing commitment of responsible leaders, 2) emerging collaborations among and within systems, 3) the availability of extensive city and county-based data, 4) an existing model of community engagement, and 5) the availability of resources.

In partnership, Allegheny County and the Institute of Politics responded by studying national models and existing literature that would be relevant to structuring an approach to creating a path toward reducing racial disparities within the Allegheny County criminal justice system. A Brennan Center for Social Justice report entitled, "Reducing Racial and Ethnic Disparities in Jails, Recommendations for Local Practice", emphasized that cross-departmental task forces are critical for understanding how change in one part of the system impacts another. The report also highlighted the importance of understanding how people move through the system over time, rather than focusing on racial disparities at a single juncture at a single point in time — a point regularly underscored by Dr. Ed Mulvey, the County's criminal justice coordinator.

In addition to Dr. Mulvey's guidance, the Institute benefited from the essential input of system leaders, including President Judge Kim Berkeley Clark and Administrative Judge of the Criminal Division Jill Rangos, from the perspectives of the Community Progress Panel, from community input offered at the 2019 Jail Forum, and from discussions with experts at the McArthur Foundation. With that as a foundation, the IOP developed a Request for Proposal (RFP) seeking a third-party objective research institution that could conduct a sophisticated quantitative analysis that would identify and make recommendations to mitigate the core drivers of racial disparities within the system. Drawing on their experience from the bench, both Judge Clark and Judge Rangos emphasized the importance of considering "upstream" variables in the research such as socioeconomic status, level of education, neighborhood of origin, and employment status.

The RFP also called for qualitative outreach to meaningfully incorporate the perspectives of those who have lived experiences with the criminal justice system, whether through firsthand experience with incarceration, as a family member of someone who has been incarcerated, or as a victim of crime. The qualitative approach envisioned also included the gathering of information about organizational norms from those who work within the system at a variety of personnel levels.

The following objectives were built into the RFP:

1. Identify the drivers of disparities across the system through a third-party, objective research institution.
2. Engage leadership and system stakeholders throughout the process, as system experts as well as agents of change.
3. Assure that extensive input is gathered from community members impacted by the system, as well as the perspectives of those who work within it at various staffing levels.
4. Determine the size of the racial disparity at each of four junctures: law enforcement, pretrial detention, criminal court, and probation.
5. Conduct an in-depth analysis of these disparities to determine their core drivers.
6. Develop actionable recommendations.

To underscore a fundamental point, even if the County's own Office of Data Analysis, Research and Evaluation had the ability to conduct such a study, all agreed that perceptions of legitimacy required that the work be done by an experienced, qualified, and independent research organization.

The RFP was disseminated in March 2020. A 20-member, multi-disciplinary Selection Advisory Committee was assembled (*see Appendix D*). As had been true of the original Task Force, the Selection Advisory Committee was constituted to include wide-ranging expertise, experience, and perspectives. Its members included criminal justice professionals holding positions of leadership within the County's criminal justice system, highly respected academics with expertise in directly related fields, community leaders with a strong interest in the criminal justice system, victims of violent crime and those with insights into the impact of the criminal justice system on those most directly affected by it. A rigorous review of applications — which included both an examination of the written proposals and an extended and substantive meeting with each of the applicant research teams — took place later in the summer.

⁷ Jessica Eaglin and Danyelle Solomon, "Reducing Racial and Ethnic Disparities in Jails, Recommendations for Local Practice," Brennan Center for Justice, June 25, 2015.

The result of this process left the Institute in something of a quandary. What had been envisioned was a study including both quantitative and qualitative elements undertaken by a single research organization. However, within the Selection Advisory Committee, there was a strong belief that, among the finalist organizations, RAND's proposal was clearly the strongest in terms of its quantitative component and that RTI's proposal was the strongest in terms of its qualitative component. As that meeting adjourned, then, the prevailing question was how the IOP would choose between these two applicants. Rather than making that choice, the Institute began exploring the possibility of commissioning a collaborative effort, and by the end of the summer, arrangements had been made for the RAND Corporation to conduct the quantitative analysis and for RTI International to conduct the qualitative analysis for a single report. Over the next several months, the IOP — principally through the efforts of its Director, Samantha Balbier — was able to work with the researchers to structure a distinctive collaborative, multi-methods research plan to meet all of the project's objectives as set forth above.

Early in 2021, the final collaborative research plan was submitted to the IOP by RAND and RTI*. The initial steps of the project included building the engagement process, identifying necessary data, and securing data sharing agreements.

* The members of the RAND and RTI research teams are listed in Appendix E.



DEVELOPING THE STAKEHOLDER ENGAGEMENT PROCESS, 2021

By April 2021 several project milestones related to building the supports necessary for stakeholder engagement had been achieved or were in advanced stages of progress. That same month, the MacArthur Foundation disseminated national guidance for local jurisdictions aiming to develop approaches to reduce racial disparities. Cross-system participation, a stakeholder engagement process, and understanding lived experiences of community members were all emphasized as critical components necessary to effect change. The Institute of Politics — working with the Office of the Allegheny County Executive, the County's Department of Human Services, and leaders of Court of Common Pleas — already was moving forward with the approach.

First, the decision to maintain, but reconstitute, the 2016 **Community Progress Panel** had been made. An emphasis was placed on assuring that community advocates, public health experts, and those with lived experiences were engaged on this panel (see **Appendix B**). The roles of the Community Progress Panel continued to be reviewing progress in implementing the task force recommendations, advancing the guiding principles, and providing a new measure of accountability and a new source of information." Members of the Community Progress Panel became essential "community connectors" in conducting the qualitative portion of the research.

Concurrently, County Executive Rich Fitzgerald established an **Oversight Steering Committee** by inviting every leader of each division within the system to participate in quarterly meetings through the completion of the project. Those invited to participate included the County Manager, the President Judge, the Administrative Judge for the Criminal Division, the Chief of the Pittsburgh Bureau of Police, the District Attorney, the Public Defender, the County's Criminal Justice Coordinator, and the Director of the County's Department of Human Services, as well as the Co-Chairs of this initiative and the Director of the IOP. This committee's charge was to receive updates on the research process, trouble-shoot challenges related to data access, and encourage full system participation.

An **Interdepartmental Working Group (IDWG)**, consisting of key criminal justice system leaders, was formed to serve as a critical multi-disciplinary, cross-system participant in the initiative. Meetings with members of this group were held through the fourth quarter of 2023. Dr. Ed Mulvey, the Criminal Justice Coordinator for Allegheny County, chaired these meetings. The IDWG meetings provided the researchers with a single point of contact for full-system discussion as well as opportunities for the researchers and IDWG members to consider together the quantitative and qualitative findings and explore and craft solutions.

The IDWG had several essential roles including: 1) assuring that the researchers understood the Allegheny County criminal justice system and its current practices and procedures, 2) clarifying state statutes and county fee structures if needed, 3) identifying operational challenges and opportunities, and 4) generating discussion across divisions to develop innovative policy and practice recommendations. Invitees included judges, magistrate judges, personnel from pretrial services, representatives of the Pittsburgh Bureau of Police, as well as county and municipal law enforcement departments, the District Attorney's and the Public Defender's offices, court administration, the Department of Human Services, the Allegheny County Jail, and probation services.

A **Data Quality Assurance Team** was assembled by the County to work with RAND to identify, determine, and gain access to needed data sets. This group provided ongoing feedback to the researchers about the validity of the data being examined, the relevance of the analyses conducted, and the conclusions drawn from specific analytic findings (see *Appendix C*).

While April 2021 marked significant progress, as noted, it was also in that month that the project first confronted what became its most difficult and lengthy data-acquisition hurdle. The Pennsylvania Criminal History and Records Information Act (CHRIA) nearly prevented the researchers from obtaining deidentified pre-arrest data from the Pittsburgh Bureau of Police and other police departments. The distinctive vision of this project was to understand drivers of racial disparities across the system in its entirety. Therefore, understanding law enforcement, as the “front door” to the system, was essential.



THE LONG ROAD TO DATA ACCESS, 2021-2022

As mentioned, the timeframe of this project presented numerous challenges — not the least of which was the global pandemic beginning in 2020 and extending through 2022.⁸ Because there were an extensive number of disruptions to the standard way of operating the criminal justice system during that timeframe, the researchers were compelled to utilize data from the time period of 2017-2019 to arrive at a generalizable set of findings. It should be noted, though, that the researchers do make an effort to highlight policy and practice changes that had been made since 2019.⁹ For instance, since the time period of the research, changes have been made in the sentencing guidelines and a robust Intimate Partner Violence Task Force was created to improve the handling of domestic violence cases.

Accessing law enforcement data at the pre-arrest stage became an even more time-consuming and extended challenge. Pennsylvania has statutory requirements that govern the sharing of such data. Pennsylvania's Criminal History Record Information Act (CHRIA) of 1980¹⁰ prohibits the sharing of “intelligence, investigative and treatment information”, except with another criminal justice agency as necessary for that agency's duties. Uncertainties tied to the wording of the statute and its interpretation have led police departments across the state to take different positions with respect to data-sharing.

In terms of this project, these issues initially arose when a data request was presented to the administration of then-Pittsburgh Mayor Bill Peduto, whose law department took a risk-averse approach, seeking what essentially was a hold-harmless letter from the Office of the Attorney General. Though the Office of the Attorney General stated that this was work of real value that it believed should go forward and that it would not seek to stop the data transfer under CHRIA, that Office did not feel empowered to offer the kind of blanket protections that had been sought by the City of Pittsburgh.

⁸ The delays extended the original timeline of the project by eighteen months. The Institute is very appreciative to The RAND Corporation and to RTI International for their commitment to the project for the duration.

⁹ The researchers are unable to conclude, however, if these changes were effective in decreasing racial disparities. For this reason and because each recommendation also needs to be assessed for its impact on public safety, the researchers crafted Recommendation 29: The Allegheny County Executive and the Pittsburgh Mayor should ensure that, for any new policy implemented, an evaluation is conducted to understand its impact on racial disparities, as well as on public safety.

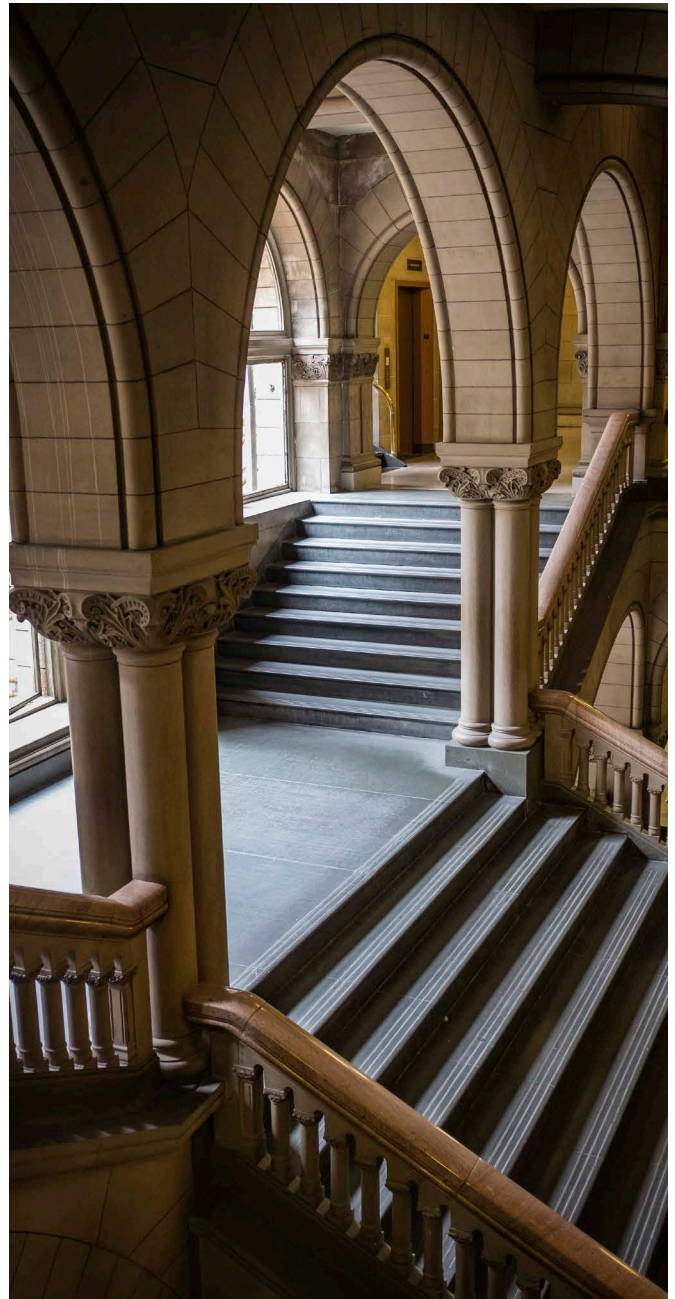
¹⁰ Chapter 91 of the Crimes Code of Pennsylvania and Pennsylvania Consolidated Statutes Annotated, 18 Pa. C.S.A. 9101 et. seq.

After several months of discussion, the Peduto administration indicated that it was prepared to move forward. By then, however, that administration was about to come to an end, so an agreement with it never was formalized or implemented. Instead, once the mayoral transition had been completed, an agreement with the administration of new Pittsburgh Mayor Ed Gainey, permitting the transfer of data, was reached more expeditiously.

It should be noted that the data in question was transferred from a criminal justice agency within the City of Pittsburgh to a criminal justice agency within Allegheny County, the kind of transfer that seems clearly to have been envisioned by CHRIA. Once the County received the pre-arrest data from the City, it deidentified that data before any of it was transferred to the researchers, providing the involved individuals with the protections envisioned by CHRIA. The County also was able to do something else, though. It could match the pre-arrest data for a particular individual with the data relating to the actions taken with respect to that individual at every subsequent stage of the criminal justice process. Those deidentified individuals, then, could be followed as they moved through the system, which is essential to measuring racial disparities at each stage of their journey through the criminal justice system.

A data-sharing agreement between the administration of Pittsburgh Mayor Ed Gainey, Allegheny County, and the RAND Corporation was signed in May of 2022. The actual compilation and transfer of data from the City of Pittsburgh police took an additional seven months.

In addition, though there are 138 additional local police departments in Allegheny County, and particularly given the time pressures, it was not practical to enter into individual agreements with each of them. However, the data that these municipal police departments collect — including information on new criminal charges — is fed into a centralized county data system and is available through the Allegheny County courts. The Pittsburgh Bureau of Police also feeds its data into the centralized data system. That court information enabled RAND to analyze considerable suburban police data and develop some findings regarding suburban policing for purposes of the Report. Some data regarding suburban police departments is not shared centrally and in the case of some suburban departments is much more limited than data regarding the Pittsburgh police. As a result, the in-depth analysis RAND was able to conduct regarding Pittsburgh policing strategies, such as pretextual stops, the precise location of the incident, and how the charge was initiated (i.e. through a police initiated action or a call for service) was not possible with suburban departments. However, both because the City of Pittsburgh accounts for such a significant portion of arrests and commitments to the County Jail, and because considerable data was available from the courts regarding charges coming from suburban communities¹¹, the project was able to proceed as originally conceived.¹²



¹¹ “While an effort was made to have Rand enter into data sharing agreements with the suburban departments, the sheer number of departments, the complexity of CHRIA issues, and the time, resources and expertise necessary to sharing the data proved too daunting given the limited time frame available. In the end, only one suburban department, Northern Regional Police Department, was able to share relevant data through a data sharing agreement similar to that executed by the City. This difficulty in accessing more extensive suburban data led to a number of Rand recommendations regarding increasing the transparency of policing practices and outcomes by improving data systems and encouraging public reporting both by agencies and independent evaluators.”

¹² Shamena Anwar, John Engberg, The Rand Corporation. Yamanda Wright, Megan Comfort, Monica Sheppard, Ashley Lowe, RTI International. “Creating a Path Forward to Reduce Racial Disparities in the Criminal Justice System in Allegheny County.” December 2023.

UNDERSTANDING THE TERMINOLOGY IN THE QUANTITATIVE ANALYSIS

One key reason that the RAND Corporation was selected for this project was the statistical method that its researchers proposed to utilize, which would provide the most complete understanding of the causes of racial disparities in the system. As explained by RAND, while prior studies “were able to document racial disparities at particular decision points within the Allegheny County criminal justice system, no study had conducted a systematic assessment of the size of racial disparities at all key junctures of the system. Further, these studies did not identify the specific reasons for these racial disparities, which is a critical step to identifying policies that can potentially mitigate these disparities.”

The quantitative method utilized by RAND was developed to examine disparities in earnings. Since then, it has been used in a number of other fields, such as studies of health, education, and housing equity. In this study it was applied to every stage of the criminal justice process (law enforcement, pretrial detention, criminal court, and probation).¹³ This approach calculates the effects of multiple factors on the observed racial disparity at each processing point. It provides estimates of both the joint effect of the set of factors considered and the individual effects of each factor considered on the observed racial disparity at that point. For each point, then, the analyses assess the amount of racial disparity observed at that processing point that can be explained by considering relevant contextual (e.g., neighborhood disadvantage) and individual (e.g., prior offense record) characteristics. It also provides an assessment of the amount of racial disparity that cannot be explained by these variables. It is when a substantial amount of system disparities is “**unexplained**” that disparate treatment could be involved, with Black individuals being treated differently than otherwise similar White people precisely because they are Black.

When utilizing the report, it is important that both the basic methodology and the terminology be understood so that findings are not misconstrued.¹⁴

KEY DEFINITIONS:

- **Racial disparity** refers to the average difference in an outcome (e.g., arrest) between Black and White individuals, regardless of the reason for this difference.
- **Disparate treatment** refers to unequal behavior toward individuals or groups on the basis of race, intentionally or unintentionally.
- **Disparate impact** refers to when a formal policy or informal discretion by system professionals has unequal consequences by race because it takes into account characteristics that differ by racial groups. Throughout the report, this is referred to as the “explained” disparity, as it represents the part of the racial disparity that is related to racial differences in characteristics that decisionmakers take into account and are controlled for in the analysis.
- **Unexplained disparity** represents the part of the racial disparity that cannot be explained by racial differences in characteristics that are controlled for in the analysis. It can reflect either racial differences in factors that decisionmakers take into account that are not controlled for in the analysis, or it can reflect disparate treatment.¹⁵

¹³ For an explanation of this method called Oaxaca-Blinder decompositions, please see page 10 Shamena Anwar, John Engberg, The Rand Corporation. Yamanda Wright, Megan Comfort, Monica Sheppard, Ashley Lowe, RTI International. “Creating a Path Forward to Reduce Racial Disparities in the Criminal Justice System in Allegheny County.” December 2023.

¹⁴ An explanation of methodologies used in the analyses can be found Shamena Anwar, John Engberg, The Rand Corporation. Yamanda Wright, Megan Comfort, Monica Sheppard, Ashley Lowe, RTI International. “Creating a Path Forward to Reduce Racial Disparities in the Criminal Justice System in Allegheny County.” December 2023. pages 7-15.

¹⁵ Shamena Anwar, John Engberg, The Rand Corporation. Yamanda Wright, Megan Comfort, Monica Sheppard, Ashley Lowe, RTI International. “Creating a Path Forward to Reduce Racial Disparities in the Criminal Justice System in Allegheny County.” December 2023. page 5.



KEY FINDINGS

As noted earlier, this Rand study was commissioned following earlier studies in Allegheny County identifying racial disparities within the criminal justice system. Hence, it is not surprising that this study made a quantitative finding, similar to many studies reviewing racial disparities in other criminal justice systems, that “there are racial disparities present at four main stages of the {Allegheny County} criminal justice system: law enforcement, pretrial detention, criminal court, and probation”. What is particularly distinctive, and unique, however, is that unlike other studies, RAND not only identified the disparities at a point in time but pressed further to identify the causes of, and contributors to, disparities at each stage of the criminal justice system by following unique cohorts through the system. Where the causes of the disparities were capable of being explained, often by using factors that are taken into account when key criminal justice decisions are made, such as recorded criminal history and the severity of the offense the individual was charged with, RAND explained them. Moreover, by following unique cohorts through the system, RAND was able to identify and explain that degree of disparity carried forward from earlier stages of the criminal justice system. Finally, where particular aspects of racial disparity could not be explained by the data, that unexplained racial disparity was identified and quantified.

These findings were also tested against and correlated with the qualitative interviews conducted in tandem by RTI. The net effect of this unique methodology is a Report of unequaled depth and detail that enabled the researchers to isolate contributors of disparity and tailor specific recommendations to alleviate them.

The report also discusses five key themes yielded by the qualitative data. These themes reflect the perspectives and observations of community members and system professionals as expressed in interviews with the research team. These are also key considerations in formulating policies and practices that make sense to those affected by involvement in the system. These are:

1. Racial and economic segregation has led to a concentration of poverty in Black neighborhoods and a dire need for investment in education, public health, housing and other resources.
2. Intensive policing and heavy surveillance have set off a chain reaction that perpetuates and intensifies racial disparities at multiple levels of the criminal justice system.
3. Cumulative trauma across the lifespan has created a dire need for resources to treat mental health issues, including substance use, that can become underlying causes for people to come into contact with law enforcement.
4. Experiences of being over-policed and over-punished while simultaneously being unprotected, unheard and endangered have created pessimism among some Black community members regarding the possibility of improving fairness in the criminal justice system.
5. The belief that individual behavior drives racial disparities — that is, that racial disparities are entirely reflective of Black people behaving differently than White people — was reported by the researchers to be a “disconfirming theme,” advanced by a small number of community members and system professionals.

In discussing the process of synthesizing the quantitative and qualitative findings, the researchers make two key points. First, “the qualitative analyses help identify the systemic and structural reasons that have led to there being differences in characteristics across racial groups that are key inputs into risk factors that are considered in most criminal justice processes — these include racial differences in criminal history and severity of charges filed.” Second, “[w]hile criminal justice system policy and practice changes have the potential to make important reductions in racial disparities, the broader influences of systemic and structural factors should not be ignored.”



RECOMMENDATIONS

RAND and RTI proposed twenty-nine recommendations¹⁶ for reducing racial disparities in the criminal justice system in Allegheny County based on both sets of findings. In their report, these recommendations have been organized first according to whether the recommendation emerged from the quantitative analysis or the qualitative analysis. For each of the recommendations that resulted from the quantitative analysis, the researchers then ordered them according to the juncture within the system to which they most closely relate.

In addition to indicating why each recommendation might reduce racial disparities, the researchers do note that when a recommendation may have a potential impact on public safety, the identification of some possible unintended consequences, and the office or governing body that ultimately should be responsible for implementing the recommendation.

The Institute has gone one step further by organizing the report's recommendations in what we believe to be a complementary and useable form — based on the four primary strategies necessary to “create a path forward to reduce racial disparities in the Allegheny County criminal justice system”. The strategies are not mutually exclusive. While a single recommendation may require more than one complementary approach, each recommendation has been assigned to a single strategic approach in the tables below.

The four strategies include:

1. change practices and procedures,
2. develop and/or replicate innovative models,
3. increase data transparency, analysis, and evaluation, and
4. conduct policy analysis.

The “levers of change” or governing bodies responsible for the implementation of the recommended action are also identified. While the governing body with primary responsibility to move each recommendation forward has been identified, it is important to remember that the implementation of many of these recommendations requires collaboration across the system along with community partners. Many of the recommendations made by the researchers will require additional public and private resources to support planning, model identification processes, financial analyses, and capacity building strategies.

¹⁶ For detailed review of the recommendations, please refer to Shamena Anwar, John Engberg, The Rand Corporation. Yamanda Wright, Megan Comfort, Monica Sheppard, Ashley Lowe, RTI International. “Creating a Path Forward to Reduce Racial Disparities in the Criminal Justice System in Allegheny County.” December 2023. pages 159-176.

Strategy

CHANGE PRACTICES AND PROCEDURES

Recommendations are numbered according to the numbers that were assigned to each recommendation in the RAND Corporation and RTI International report.

LEVERS OF CHANGE

	Allegheny County Executive	Pittsburgh Mayor	Municipalities	Courts	Pittsburgh Police Chief	Municipal Police Chiefs	Public Defender	District Attorney	PA Legislative Branch	PA Executive Branch	PA Judicial Branch	PA Commission on Sentencing
#1: Consider other methods of policing within the city of Pittsburgh that do not rely on the use of pretext stops and other low-priority police-initiated interactions with residents.		X			X							
#2: Pittsburgh Police should issue citations for minor violations that are primarily discovered through low-priority police-initiated actions.		X			X							
#6: Ensure that when individuals are arrested for a misdemeanor charge (versus receiving a summons), law enforcement would be required to document the reason.	X	X			X	X						
#7: Ensure that law enforcement officers are provided the technology such that they can fingerprint individuals out in the field.	X	X			X	X						
#8: Race-blind the paperwork provided to magistrates at the preliminary arraignment.				X								
#9: Ensure that if magistrates decide to set a monetary bail at the preliminary arraignment, they would have to conduct an ability-to-pay hearing prior to setting the bail amount.				X								
#10: Require the default decision at the preliminary arraignment to be a non-monetary release when Pretrial Services recommends this; if magistrates want to go against these recommendations, they would need to document the reason.				X								
#20: Base detainer decisions for new charges primarily on the severity of the new charges filed against the individual.*				X								
#21: Eliminate the use of detainers for new charges and instead have the pretrial detention process determine whether individuals should be in jail.*				X								

* The two recommendations on probation detainers are probably the most contentious of the recommendations made by RAND. As noted in Recommendation #29, the impact that implementing the recommendations might have on public safety must always be considered. These recommendations related to detainers seek to limit the amount of time a detainee spends in jail prior to disposition of probation violations. But they must be evaluated with an eye to the impact any modification to detainer practices might have on public safety in the period prior to a court's imposition of an appropriate remedy or punishment for individuals who violate conditions of probation.

Strategy

DEVELOP AND/OR REPLICATE INNOVATIVE MODELS

Recommendations are numbered according to the numbers that were assigned to each recommendation in the RAND Corporation and RTI International report.

LEVERS OF CHANGE

	Allegheny County Executive	Pittsburgh Mayor	Municipalities	Courts	Pittsburgh Police Chief	Municipal Police Chiefs	Public Defender	District Attorney	PA Legislative Branch	PA Executive Branch	PA Judicial Branch	PA Commission on Sentencing
#17: Consider the feasibility of developing diversion problem solving courts that would handle offenses that are currently excluded from receiving ARDs—this includes a problem problem-solving court for weapons offenses, as well as a problem problem-solving court focused on emerging adults (ages 25 and younger).*				X			X	X			X	
#24: Adopt a multi-systemic approach to reform.	X	X	X	X	X	X	X	X				X
#26: Invest in unarmed, trauma-informed crisis intervention services.	X	X	X		X	X			X	X		
#27: Prioritize prevention, not punishment.	X	X	X	X	X	X	X	X	X	X	X	
#28: Draw on the expertise of local leaders and organizations.	X	X	X	X	X	X	X	X	X	X	X	X

* There are diverging opinions concerning the effectiveness of diversionary courts for weapons charges and any corresponding impact on public safety. The Courts emphasized that this recommendation requires an in-depth analysis of evidence-based court models along with the identification of community partnerships and programming solutions that demonstrate rehabilitative effectiveness and the prevention of recidivism.

Strategy

INCREASE DATA TRANSPARENCY, ANALYSIS, & EVALUATION

Recommendations are numbered according to the numbers that were assigned to each recommendation in the RAND Corporation and RTI International report.

LEVERS OF CHANGE

	Allegheny County Executive	Pittsburgh Mayor	Municipalities	Courts	Pittsburgh Police Chief	Municipal Police Chiefs	Public Defender	District Attorney	PA Legislative Branch	PA Executive Branch	PA Judicial Branch	PA Commission on Sentencing
#3: Compare policing practices for suburbs that have relatively low racial disparities in criminal charging rates with suburbs that have relatively high racial disparities in criminal charging rates.	X					X						
#4: Increase transparency of policing practices and outcomes by improving data systems and by encouraging public reporting both by agencies and by independent evaluators (CHRIA).	X	X							X			
#11: Publicly report judge and magistrate concurrence with the recommendation from Pretrial Services at regular intervals — these statistics could be presented for each judge overall, as well as show how the results differ by race of defendant for each judge or magistrate.				X								
#12: Identify whether an offense involves domestic violence.				X	X	X	X	X				
#14: Collect data on plea deal terms and examine whether the terms that are being offered are commensurate to the public safety risk posed by individuals.				X			X	X				
#16: Track and report on who is offered an ARD, whether individuals decline the ARD option, and the reason for any declination.				X			X	X				
#19: Track the reasons why cases are closed without conviction.				X			X	X				
#22: Conduct an impartial audit to better understand why racial disparities in probation revocation rates occur.				X								
#23: Record information on all factors that are being used in detainer decisions for all individuals for whom a detainer for a new charge decision is being made.				X								
#29: Ensure that, for any new policy implemented, an evaluation is conducted to understand the impact on racial disparities in relevant outcomes, as well as the impact on public safety.	X	X	X	X	X	X	X	X	X	X	X	X

Strategy

CONDUCT POLICY ANALYSIS

Recommendations are numbered according to the numbers that were assigned to each recommendation in the RAND Corporation and RTI International report.

LEVERS OF CHANGE

	Allegheny County Executive	Pittsburgh Mayor	Municipalities	Courts	Pittsburgh Police Chief	Municipal Police Chiefs	Public Defender	District Attorney	PA Legislative Branch	PA Executive Branch	PA Judicial Branch	PA Commission on Sentencing
#5: Modify the rules that provide instructions on how the arrest versus summons decision is to be made such that the default for a misdemeanor charge would be to issue a summons unless there is reason to believe that either victim safety or defendant safety is an issue, or the individual cannot be identified.											X	
#13: Conduct an in-depth study on how the sentencing guidelines are contributing to racial disparities in sentencing decisions to determine if it is possible to make further revisions to the guidelines that would reduce racial disparities.									X		X	X
#15: Consider whether it is possible to expand the eligibility criteria for ARDs; the required \$250 entry fee for an ARD should be waived where appropriate.				X			X	X	X			
#18: Expand the Clean Slate Law such that when a conviction is sealed from public view, it is also no longer included in an individual's prior record score (PRS).									X			
#28: Draw on the expertise of local leaders and organizations.	X	X	X	X	X	X	X	X	X	X	X	X

CONCLUSION

The report produced by RAND and RTI International can fairly be viewed as path-breaking. Consider, again, some of the principal features of the underlying work:

1. this independent study was undertaken collaboratively by two of the country's strongest research organizations;
2. the engaged research organizations were selected through a competitive review process in which they were recommended by a selection advisory committee that included professionals from within the system, academic specialists, civic leaders, and individuals positioned to advance perspectives from the broader community;
3. the quantitative methods employed were distinctive in breaking down racial disparities and identifying their causes;
4. throughout the process professionals from all areas and levels of the Allegheny County criminal justice system were actively engaged in the consideration of both general and specialized matters: and
5. this collaborative, mixed-methods initiative, included a very clear commitment to qualitative outreach that would capture and consider the perspectives of community members whose lives had been affected by the criminal justice system.

This does not mean, of course, that the study is perfect, that it provides all of the answers, or that its release should be viewed as the end of this process. Instead, in the report itself, the researchers acknowledge some of the limitations of their work, and advance recommendations “for better data collection, additional analyses, [and] further discussions among relevant system professionals ...” Further, as has been noted, the report’s final recommendation specifically states that “any new policy implemented should be evaluated to understand the impact it has on racial disparities as well as the impact it has on public safety.” What such statements signal is something that everyone involved always has known — that the pursuit of progress is a never-ending process and that there always will be more work to be done.

The 2016 Task Force Report, which helped launch this initiative, concluded with a paragraph that included the following thoughts:

Improving a system as important as the criminal justice system, which has so many complex, dynamic, and interdependent parts, is a considerable challenge. The fact that Allegheny County has built a national reputation as a center of excellence in criminal justice is a tribute to the men and women who work every day administering the system to advance the safety of the public while protecting the rights of citizens. Even so, there is always room for improvement ...

As also was true then, the recommendations in the current report are advanced with the firm belief that, if implemented, Allegheny County can become an even safer, more equitable, and more livable community. Everyone should be supportive of that goal!

APPENDIX A

RECOMMENDATIONS BASED ON QUANTITATIVE FINDINGS

Recommendations Based on Law Enforcement Findings

1. Pittsburgh's mayor and city council and PBP leadership should consider other methods of policing within the city of Pittsburgh that do not rely on the use of pretext stops and other low-priority police-initiated interactions with residents.
2. Pittsburgh's mayor and city council and PBP leadership should consider having police issue citations for minor violations that are primarily discovered through low-priority police-initiated actions.
3. The Allegheny County Executive should compare policing practices for suburbs that have relatively low racial disparities in criminal charging rates with suburbs that have relatively high racial disparities in criminal charging rates.
4. The Allegheny County Executive and the Mayor of Pittsburgh should work to increase transparency of policing practices and outcomes by improving data systems and by encouraging public reporting both by agencies and by independent evaluators.

Recommendations Based on Pretrial Detention Findings

5. The Supreme Court of Pennsylvania should modify the rules that provide instructions on how to make a decision on an arrest versus summons such that the default for a misdemeanor charge would be to issue a summons unless there is reason to believe that either victim safety or defendant safety is an issue or the individual cannot be identified.
6. The Allegheny County Executive and the Pittsburgh Mayor should ensure that law enforcement document the reason why when individuals are arrested for a misdemeanor charge (versus receiving a summons).
7. The Allegheny County Executive and Pittsburgh Mayor should work to ensure that law enforcement officers are provided the technology such that they can fingerprint individuals out in the field.
8. The Allegheny County courts should race-blind the paperwork provided to judges at the preliminary arraignment.
9. The Allegheny County courts should ensure that if judges decide to set a monetary bail at the preliminary arraignment, they will have to conduct an ability-to-pay hearing prior to setting the bail amount.

10. The Allegheny County courts should require the default decision at the preliminary arraignment to be a nonmonetary release when Pretrial Services recommends this; if judges want to go against these recommendations, they will need to document the reason why.
11. The Allegheny County courts should publicly report judge concurrence with the recommendation from Pretrial Services at regular intervals — these statistics could be presented for each judge overall, as well as show how the results differ by race of defendant for each judge.
12. Identify whether an offense involves domestic violence.

Recommendations Based on Criminal Court Findings

13. The Supreme Court of Pennsylvania should conduct an in-depth study on how the sentencing guidelines are contributing to racial disparities in sentencing decisions to determine if it is possible to make further revisions to the guidelines that would reduce racial disparities.
14. The Allegheny County courts should collect data on plea deal terms and examine whether the terms that are being offered are commensurate to the public safety risk posed by individuals.
15. The Pennsylvania State legislative and executive branches should consider whether it is possible to expand the eligibility criteria for ARDs; the required \$250 entry fee for an ARD should be waived for those who have an inability to pay.
16. The Allegheny County courts should track and report on whom is offered an ARD, whether individuals decline the ARD option, and the reason for any declination.
17. System professionals within Allegheny County should consider the feasibility of developing diversion problem solving courts that would handle offenses that are currently excluded from receiving ARDs — this includes a problem solving court for weapons offenses, as well as a problem solving court focused on emerging adults (age 25 and younger).
18. The Pennsylvania State legislative and executive branches should expand the Clean Slate Law such that when a conviction is sealed from public view, it is also no longer included in an individual's prior record score (PRS).
19. The Allegheny County courts should track the reasons why cases are closed without conviction.

Recommendations Based on Probation Findings

20. The Allegheny County courts should base detainer decisions for new charges primarily on the severity of the new charges filed against the individual.
21. The Allegheny County courts should eliminate the use of detainers for new charges and instead have the pretrial detention process determine whether individuals should be in jail.
22. The Allegheny County courts should conduct an impartial audit to better understand why racial disparities in probation revocation rates occur.
23. The Allegheny County courts should record information on all factors that are being used in detainer decisions for all individuals for whom a detainer for a new charge decision is being made.

Recommendations Based on Qualitative Findings

24. Adopt a multi-systemic approach to reform.
25. Recognize the complex history of race relations in the United States as a root cause of modern-day racial disparities.
26. Invest in unarmed, trauma-informed crisis intervention services.
27. Prioritize prevention, not punishment.
28. Draw on the expertise of local leaders and organizations.

Overarching Recommendation

Although the recommendations proposed above were tailored to address the specific causes of racial disparities within the Allegheny County criminal justice system, new policies can often have unintended consequences, or the underlying causes of racial disparities might change over time. Furthermore, some system professionals felt that some of the proposed recommendations might reduce public safety. To ensure that new policies are having the intended effect, as well as understand the trade-offs present, this report makes one last recommendation:

29. The Allegheny County executive and the Pittsburgh Mayor should ensure that, for any new policy implemented, an evaluation is conducted to understand the impact on racial disparities in relevant outcomes and the impact on public safety.

APPENDIX B COMMUNITY PROGRESS PANEL

Empaneled by the County Executive, this community progress panel is presented with updates, and it provides feedback on issues related to project direction, quality, and community perspectives.

Dr. Alfred Blumstein

J. Erik Jonsson University Professor of Urban Systems and Operations Research, Emeritus Carnegie Mellon University

Kenya Boswell

Senior Vice President, Community Affairs Highmark Health

Dr. Quintin Bullock

President, Community College of Allegheny County

Leon Ford

Survivor and Activist, Leon Ford Speaks

Anna Hollis Kander

Executive Director, Amachi Pittsburgh

Matt Smith

Chief Growth Officer of the Allegheny Conference on Community Development

Taili Thompson

Director of Violence Prevention, Operation Better Block

Dr. Michael Yonas

Vice President of Research, Public Health, & Learning, The Pittsburgh Foundation

APPENDIX C QUANTITATIVE DATA, QUALITY ASSURANCE GROUP

The data quality assurance group meets with RAND to assure that RAND is utilizing the correct data sets.

Dr. Katy Collins

Chief Analytics Officer, Allegheny County Department of Human Services

Dr. Heath Johnson

Crime Analysis Coordinator, Pittsburgh Bureau of Police

Sanjeev Baidyaroy

Allegheny County Data Analyst, Criminal Court

Dr. Ed Mulvey

Allegheny County Criminal Justice Coordinator

APPENDIX D

SELECTION ADVISORY COMMITTEE MEMBERSHIP

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Kenya Boswell

President, BNY Mellon Foundation, Progress Panel Member

Quintin Bullock

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Erin Dalton

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Larry Davis

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Janice Dean

Director, Pretrial Services, Fifth Judicial District of Pennsylvania

Matt Dugan

Director, Allegheny County Public Defender's Office

Rev. Glenn Grayson

Senior Pastor, Wesley Center A.M.E. Zion Church, Progress Panel Member

David Harris

Sally Ann Semenko Endowed Chair and Professor of Law, School of Law, University of Pittsburgh

Anna Hollis

Executive Director, Amachi Pittsburgh

Eric Holmes

Commander and Chief of Staff, City of Pittsburgh Bureau of Police

Heath Johnson

Criminal Analyst, City of Pittsburgh Bureau of Police

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Ed Mulvey

Criminal Justice Coordinator, Allegheny County

Dan Nagin

Teresa And H. John Heinz III University Professor of Public Policy and Statistics, Carnegie Mellon University

Mark Nordenberg

Chancellor Emeritus and Chair, Institute of Politics, University of Pittsburgh*

Rebecca Spangler

First Assistant and Chief of Staff, Allegheny County District Attorney's Office

Frederick Thieman

Former U.S. Attorney, Western District of Pennsylvania
Former President and Henry Buhl Jr. Chair for Civic Leadership, The Buhl Foundation *

** Co-Chairs IOP Criminal Justice Reform Initiative*

APPENDIX E

RESEARCH TEAM MEMBERS

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RTI International

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