

Consultant Report on Site Visit to Westmoreland County, Pennsylvania, 23-24  
March 1988

Introduction and Background:

According to President Judge Gilfert Mihalich, the Westmoreland County Criminal Justice Coordinating Committee (CJCC) was formed in January of this year "to develop consensus on the causes of jail crowding and to recommend to operating agencies the most promising strategies for reducing and controlling jail population levels." To explore the options available for increasing the effectiveness of the pretrial release process, the committee, through the Adjudication Technical Assistance Project, requested that Pretrial Services Resource Center staff provide consultation.

The county has been planning a new jail since mid-1986, receiving technical assistance in forecasting future capacity needs from the National Institute of Corrections, the Pennsylvania Commission on Crime and Delinquency, and Law and Policy Associates (LPA) of Pittsburgh. The latter agency, now working on a contractual basis with the county, recommended that the CJCC seek the Resource Center's assistance. Teri Martin of LPA supplied copies of relevant jail population information (based on 1985 data) for review prior to the site visit, provided background information CJCC's work, and attended the consultant's presentation on 24 March.

Very little "hard data" is available at present to describe the operation of the Westmoreland County court system or the jail population. With the scarcity of such information, the consultant was not expected to arrive at detailed recommendations regarding modifications of pretrial case processing or specific alternatives to pretrial jailing. Still, as indicated by the suggestions and comments below, the jurisdiction can be described as one in which key officials are highly interested in developing an explicit jail use plan which would maximize the use of options to jailing, improve the court's information base and the level of coordination among those who influence the size of the jail population, significantly reduce delay in pretrial case handling, and reduce disparity in bail-setting.

Committee members are aware that the planned, larger jail will not solve the crowding problem. Key officials have a realistic assessment of the cost of present jailing policies and the implications for the future if reforms are not put in place. The committee has excellent representation, knowledge of and willingness to use available technical assistance (for instance, Westmoreland County sent a team, including the District Attorney and Prison Warden, to the Resource Center's Harrisburg jail crowding seminar in November, 1986), and a keen interest in what other jurisdictions are doing to alleviate crowding.

System Walk-through Interviewees:

The following officials were interviewed prior to the CJCC presentation:

President Judge Gilfert Mihalich  
Criminal Calendar Control Judge Ackerman  
District Attorney John Driscoll

1st Assistance District Attorney Al Bell  
Court Administrator Paul Kuntz  
Assistant Court Administrator Tami Silvis  
Public Defender Dante Bertani  
Warden Kurt Scalzott  
Sheriff Regis Kelley  
Sheriff's Assistant Gary Uhrin  
Assistant Probation Director Andy Urban  
District Justice Margaret Tlumac  
District Justice Michael Giannini  
District Justice Administrator Lena Speicher

#### Consultant's Suggestions to CJCC:

Information obtained in the course of review of available data and through brief interviews of key system officials (conducted on 23 March, 1988) enabled the consultant to present several suggestions at the CJCC presentation on 24 March. Procedural and programmatic suggestions included the following:

1. Expedited handling of cases involving pretrial detainees and persons jailed on appeal, particularly to eliminate delays between the preliminary arraignment, preliminary hearing and Common Pleas Court arraignment, to make trial transcripts available on an expedited basis, and to produce opinions on appeals on a timely basis. It was also suggested that the court consider reforming its calendaring system in order to process criminal cases on a continuous basis, rather than on the present alternating-month, one-month-off system. The need to set firm time standards for processing of detention cases was strongly emphasized.

2. Programmatically, it was suggested that the court employ pretrial services/jail population monitor staff to track the court status of bail-held persons, working on an individual case and system-wide basis to reduce the average length of pretrial confinement for those denied recognizance or nominal bail release. Such staff could report regularly to the CJCC group and/or on a weekly or bi-weekly schedule to a population review committee ("pity committee") established to expedite individual cases.

(In order for the court to make optimum use of such staff in providing consistent background information on detainees appearing at preliminary hearings, preliminary hearings should be conducted at a central location, rather than in the numerous district justice offices throughout the county. However, the consultant's comments on the need for limited pretrial services addressed the issue of a central site for preliminary hearings indirectly, not as an explicit suggestion.)

Officials were urged to explore options to jailing persons arrested and convicted on drunken driving charges, mentally disabled persons, and those now being jailed for non-payment of traffic and other fines by district justices. Intensive probation supervision and supervised pretrial release were suggested for specific target groups which might be identified as appropriate through review of the present jail population.

3. A third suggestion offered during the CJCC presentation was that the court immediately establish a management information system focussing on the jail population. Such a system, updated daily, would allow systematic monitoring of the court status of the jail population, the use of various bail options, bail disparities, the characteristics of bail-held defendants, release rates, average lengths-of-stay for pretrial, sentenced, and "appeals" groups, and the effects of the present alternating month calendaring system on the jail population. Very little information is now available to enable the CJCC to investigate such issues, presenting a serious obstacle to jail use planning efforts.

#### Summary of Other Comments to CJCC:

During the CJCC presentation, the consultant reviewed the topic of jail crowding, the experience of the Resource Center and other technical assistance providers, and various strategies being used in small to medium-sized jurisdictions to alleviate crowding. The consultant provided background on the Resource Center and how PSRC staff became involved with the jail crowding issue, and reviewed the nature of the problem as one which local governments can manage successfully, but which requires the active involvement of all agencies which can influence jail admissions and length of stay, as well as careful study of each stage of arrestee/case processing.

The primary message was that of the need to develop sound information for daily use in improving the efficiency of the court case management system, since excessive length of stay for bail-held persons and those appealing convictions appears to be the principle cause of the present jail population problem. Most crowding alleviation measures offered as examples from other jurisdictions were those employed to reduce pretrial length of stay.

#### Conclusion:

It was clear from the consultant's interviews and discussions with various county officials that there is considerable interest in population reduction measures, and that clear possibilities exist for establishing a long-term jail use/management approach which could substantially diminish the size of pre- and post-adjudication groups held in the jail. The round of interviews and the Criminal Justice Coordinating Committee presentation seemed to further increase awareness of the crowding problem and practical alleviation measures. Those in attendance were urged by the consultant and by President Judge Mihalich to continue and intensify their work on the problem.

Submitted by Andy Hall, Pretrial Services Resource Center, Washington, DC  
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