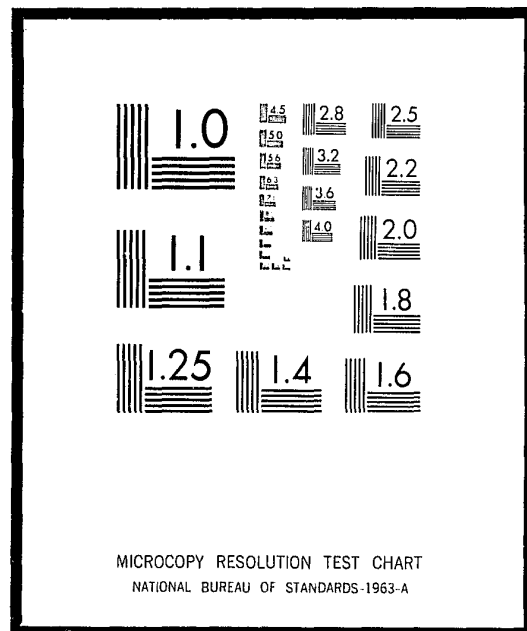


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Topic: Evaluation of the Community Release Agency,
Pittsburgh, Pennsylvania
 Author: Vera Institute of Justice
 Grant Title and Number: (DS-444-73A) Community Release Agency
 Contact Person: Christine A. Fossett, Evaluation and Monitoring Unit, Governor's Justice Commission, Department of Justice, Box 1167, Harrisburg, Pennsylvania 17120
 Objectives: To provide criminal courts with a community resource which has the capacity to provide supervision and supportive services to criminal defendants in order that a non-bail alternative of pre-trial release might be available to defendants who are unable to secure pre-trial release through court facilities.

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Vera Institute of Justice
30 East 39th Street
New York, New York 10016

Technical Assistance

February 8, 1974

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I. INTRODUCTION

This report was prepared by the Vera Institute of Justice pursuant to a contract between the Vera Institute and the Community Release Agency (CRA). Its purpose is to evaluate CRA which has been awarded funds by the Governor's Justice Commission under Subgrant Contract No. DS-444-73A in conformance with the provisions of the Federal Omnibus Crime Control and Safe Streets Act of 1968 as amended (Public Law 90-351), and to provide accurate information to the Governor's Justice Commission and the Allegheny Regional Council to allow effective decision making.

The Vera Institute is a private non-profit corporation which for thirteen years has been involved in the development of programs to make the criminal justice system more efficient and just. The success of the Institute's first project, the Manhattan Bail Project, in increasing the number of arrestees released from jail prior to trial and securing their appearance in Court when required, was the impetus for the development of similar projects throughout the United States.

A logical extension of the Manhattan Bail Project is the concept of supervised release -- releasing defendants who are detained prior to trial due to their ineligibility for release on their own recognizance (ROR) or their inability to make money bail on nominal bond but with supervision and support.

The goals outlined in the CRA grant application which was approved by the Commission define supervised release functions and provide non-bail alternatives of pre-trial release to criminal case defendants who are unable to secure pre-trial release through the facilities of

the Court of Common Pleas Bail Agency or some other means.

The Vera Institute presently administers a supervised release program under the auspices of its Pre-Trial Services Agency in Brooklyn, New York, and experience obtained at PTSA was relied upon in conducting the evaluation of CRA.

The evaluation of CRA was conducted by Vera's Technical Assistance Program under the supervision of its Director, Dan Johnston. Mr. Johnston has served as the Director of the Des Moines Pre-Trial Release Project, as an Iowa State Representative, as a Lecturer in Criminal Procedure at the Drake University School of Law, and has engaged in the private practice of law for eight years.

The field investigation was done by Allen Hellman and Perman Glenn. Mr. Hellman presently serves as a Program Supervisor with Vera's Technical Assistance Program. Prior to his employment with the Institute, Mr. Hellman was an attorney with the Legal Aid Society of Westchester County, New York. Mr. Glenn is the Director of the Supervised Release Program of the Pre-Trial Services Agency in Brooklyn, New York. Mr. Glenn has also served as the Director of the Brownsville Neighborhood Manpower Service Center in Brooklyn, New York, and as the Director of the Mayor's Committee on Youth Careers in Springfield, Massachusetts.

II. PROJECT OBJECTIVES, PROPOSED ACTIVITIES, and ANTICIPATED RESULTS

As originally described in its initial grant application, the Community Release Agency (CRA) was to operate as a community bail agency to assist indigent criminal defendants who resided in three non-contiguous sections of Allegheny County -- Homewood, Northside, and the Hill Districts -- to secure their release on nominal bond while awaiting trial. Because that design duplicated the goals and activities of the Court of Common Pleas Bail Agency (CBA), the Governor's Justice Commission did not re-fund CRA.

Upon appeal of the decision not to re-fund CRA, interim funds were appropriated to permit the reorganization of the Community Release Agency. And, although some of the proposed activities described in the grant application under which these funds were approved are similar to those which represented duplication of the efforts of the Court Bail Agency -- such as pre-arraignment interviewing and presentation of information to Magistrates at arraignment-- most of the proposed activities of CRA are those generally associated with supervised release programs.

As a supervised release project, CRA hopes not to duplicate the activities of CBA, but rather to supplement them. The CBA is a release on personal recognizance program (ROR) designed to identify criminal defendants who qualify for release on nominal bond while they await trial of their cases. CRA's primary objective is to provide the criminal courts in Allegheny County with a community resource which has the capacity to provide supervision and supportive services to criminal defendants in order that a non-bail alternative of pre-trial

release might be available to defendants who are unable to secure pre-trial release through the facilities of the Court of Common Pleas Bail Agency or some other means.

Specifically, CRA plans to implement its supervised release program through the following activities:

1. Provision of legal assistance at arraignments to defendants who reside in any of the three neighborhoods listed above and who request such assistance personally or through friends or members of their families.

2. In cases where defendants are detained in County Jail to await trial -- due to their ineligibility for nominal bond, inability to make money bail, or detention on a parole or probation detainer-- collection of background information, through interviews conducted at the jail, on each defendant relating to his community and family ties, past and present employment, education history, health status, prior criminal record, and present charge.

3. Verification of the information collected in the interviews conducted at the jail.

4. Recommendation to the appropriate Magistrate, or Judge of the Court of Common Pleas, that certain defendants be released on nominal or other reduced bail, on the condition that the defendant comply with CRA's check-in requirements which are designed to insure a defendant's attendance at court appearances, and that he agree to fulfill certain obligations designed to help him return to his community as a productive member while he is awaiting trial.

5. Provision of direct services -- such as counseling -- to CRA clients, as well as referral to other agencies equipped to provide

additional services -- such as educational and vocational training, job placement, family counseling, etc.

6. Presentation to the appropriate court of Pre-sentence Reports on all CRA clients who are judged to be guilty either by verdict or plea.

It is anticipated in the grant application that successful implementation of the proposed CRA functions described above would serve to benefit the criminal justice system of Allegheny County in several ways. The anticipated benefits are:

1. Reduction in the number of pre-trial detainees at the Allegheny County Jail by providing an alternative to pre-trial detention for defendants who are unable to qualify for nominal bond and do not have sufficient financial resources to make the bail set, or who are detained under a parole or probation detainer. This would also result in a reduction in pre-trial detention expenditures by the county.

2. Reduction in the number of defendants who fail to appear at scheduled court appearances and reduction in the number of bench warrants issued due to the maintenance of regular contacts by CRA staff with all defendants released to the project.

3. Lessening of the impact of discrimination in the present bail system by providing for the pre-trial release of indigent defendants who, under a more traditional bail system, would be detained in jail while another defendant charged with a similar offense and possessing greater financial resources would be released on bond.

4. Start of the rehabilitative process as early as possible after arrest in order that the defendant might contribute positively to his family and community while he is awaiting trial.

5. Reduction in the number of defendants who are sentenced to prison by reporting to the court each CRA client's record of participation in the activities which are conditions of his pre-trial release. These pre-sentence reports may also serve as guides in developing probation programs for convicted defendants who were CRA clients prior to trial.

Last, CRA believes that successful implementation of its program will increase the credibility of the criminal justice system in Allegheny County by exhibiting to the predominately black and poor communities that the system is cognizant of the need to remedy the existing discrimination against the poor which is inherent in the present system of criminal justice.

The extent to which the Community Release Agency has been able to implement its program and effect the changes anticipated in its grant application are examined later in this report.

III. METHODOLOGY

Due to the fact that the period of the evaluation of the Community Release Agency served primarily as a planning period for the reorganization of the Agency into a supervised release project, there is only a limited amount of statistical information available on the project's supervised release operations. In order to compensate for the lack of available statistical and caseload information, substantial reliance was placed on interviews with representatives of agencies who are familiar with the difficulties CRA has been confronted with in the past, as well as problems presently facing the Agency. Representatives of the following agencies were interviewed:

1. Six Judges of the Criminal Division of the Court of Common Pleas, including:
 - a) Judge Samuel Strauss, Administrative Judge;
 - b) Judge Silvestri, Calendar Control Judge;
2. Three City Court Magistrates;
3. Superintendent of Police;
4. Clerk of Courts;
5. Public Defender;
6. Office of the Warden of the Allegheny County Jail;
7. Office of the Sheriff of Allegheny County;
8. Allegheny Regional Planning Council of the Governor's Justice Commission;
9. Court of Common Pleas Bail Agency (CBA); and
10. Community Release Agency (CRA).

Statistical information was collected from those agencies which had compiled data available. This included information from the Clerk of Courts, Warden of the Allegheny County Jail, Court Bail Agency, Sheriff of Allegheny County, and the Allegheny Regional Planning Council. However, since the period covered by the evaluation was not a prime operating period for CRA, the information collected from these agencies can only be employed to provide a vague estimate of CRA's potential impact on the criminal justice system.

Twenty-one open CRA files were examined to determine the types of cases and defendants being referred to the Community Release Agency by the Court of Common Pleas Bail Agency. The CRA files provided the following information on each case:

1. Defendant's age;
2. Defendant's sex;
3. Defendant's race;
4. Defendant's family status (family members with whom the defendant lives);
5. Crime defendant charged with;
6. Initial bail set;
7. Bail set upon re-evaluation;
8. Court in which new bail was set and the Magistrate or Judge setting the new bail;
9. Defendant's employment status;
10. Defendant's prior record; and
11. Services offered to defendant by CRA.

Nineteen of the twenty-one files examined represented cases that were referred to CRA by CBA. The only cases routinely referred to CRA were those in which the defendant had already secured his release through a bail reduction to nominal bail or by posting the required money bail. This procedure was implemented at the insistence of Judge Strauss and conforms to his position that the Community Release Agency should only serve to provide "follow-up" (keeping track of a defendant's whereabouts) on defendants who have already been released on nominal or money bond without any court ordered restrictive conditions as would be expected in a supervised release case. The present status of the relationship between CRA, CBA, and the Court will be explored in depth in the following section of this report.

Despite the unavailability of a substantial CRA sample "supervised release" caseload, and therefore the insufficiency of baseline data to adequately measure CRA's "actual" impact on the criminal justice system in Allegheny County, a subjective analysis of CRA's capacity to carry out a supervised release function was conducted.

In addition to the valuable information obtained in the interviews mentioned above, the educational and employment background of all CRA staff members was evaluated to determine the staff's capacity to adequately perform its functions at CRA. All forms presently in use or expected to be in use in the near future were examined to determine whether they are adequate to fulfill the function for which each is designed. Also, CRA's procedures relating to interviewing verification, intake, check-in, and follow-up, as well as court

presentation, were examined.*

* Due to the non-operating nature of the CRA during much of the evaluation term, analysis of procedures does not necessarily mean actual observation of CRA's operating procedures.

IV. FINDINGS and ANALYSIS

Because CRA's primary emphasis throughout the evaluation term was to develop a viable supervised release project as a pre-trial release alternative to supplement Allegheny County's nominal bond program, it is difficult to state that Community Release Agency has succeeded in achieving the "Anticipated Results" described in Section II of this report. However, CRA has engaged in a commendable effort to plan and redesign its project, and has developed the capability to function as a supervised release agency with the potential to achieve its "Anticipated Results" after becoming fully operational.

A major contributing factor to CRA's inability to establish itself as an operating supervised release agency in the past has been Judge Strauss' personal opposition to the Community Release Agency, and to fully understand the problems facing CRA today, it is necessary to describe briefly the relationship among CRA, CBA, and the Court as it has developed over the past two years.

In late 1971, several agencies, including the Court of Common Pleas of Allegheny County primarily through the efforts of Judge Strauss, the Community Release Agency through the efforts of Mrs. Dorothy Richardson, and the Clerk of the Courts, Robert Pierce, each proposed the establishment of a bail agency to be administered by their respective agencies. Both the Community Release Agency and the Court's agency, the Court of Common Pleas Bail Agency, were awarded funds. At the time, there was some vague understanding that CRA's activities would be restricted to work with defendants who resided in three predominately black neighborhoods -- Homewood, Northside, and the Hill.

As it was reported in the December, 1972, evaluation of the Court Bail Agency and the Community Release Agency, CRA was effectively barred from doing its job by restrictions imposed by the Court of Common Pleas -- most specifically, Judge Strauss. It was the opinion of Judge Strauss that since the setting of bail was a judicial function, the Community Release Agency should not participate in any stage of the process.

It would serve little purpose at this time to recite the details of the ensuing personality clashes between the primary figures in the conflict over which agency would gather information on arrestees prior to arraignments, verify the information collected, and make appropriate recommendations for nominal bond to arraigning magistrates. CRA was unable to obtain the cooperation essential to its continued existence as a bail agency and CRA was denied re-funding.

Upon appeal, interim funding was awarded to CRA to redesign its program. Through the Fall, 1973, and into January, 1974, CRA has moved to develop an impressive program plan. This has been achieved primarily through the efforts of CRA's new Director, Mr. Cecil Banks, who was hired in October, 1973. However, despite CRA's hiring of a new director and other personnel, redesigning of the project to avoid duplication of CBA's activities and attempts to work closely with Mr. William Ivill, Director of the Court Bail Agency, Judge Strauss' personal opposition to CRA has been the predominant obstacle to CRA's successful implementation of its program.

Despite Judge Strauss' opposition to CRA's proposed activities, four of the six Court of Common Pleas Criminal Division Judges interviewed support the concept of a supervised release program. One Judge

has no opinion and Judge Strauss, when interviewed, opposed even the concept of supervised release.

It is clear that the acknowledgement by the majority of judges interviewed of the need to provide some type of non-money bail alternative to defendants who are ineligible for nominal bond and too poor to have adequate resources to make money bail, indicates that CRA, operating as a post-arraignment supervised release project, could have a substantial impact on pre-trial detention in Allegheny County.

The majority opinion of the judges is supported by the fact that during the period from July, 1972, to October, 1972 -- a time period during which CBA was in operation -- 59.5% of indigent defendants (those represented by the Public Defender's Office) charged with Part I offenses were detained in Allegheny County Jail after arraignment in City Court, and 52.8% of all indigent defendants arraigned in City Court were detained. These figures which apparently indicate an inherent discrimination against poor people in the criminal justice system, are further highlighted by the fact that approximately 40% of all arrests in the City of Pittsburgh are of predominately poor black residents of CRA's target areas -- the Hill, Northside, and Homewood. Without question, these figures indicate a need for an additional non-money alternative to pre-trial release in Allegheny County.

The following parts of this section of the report cover the Community Release Agency's capacity to perform supervised release functions:

A. CRA's ability to screen defendants for post-arraignment supervised release.

Assuming, based on the figures presented above, that CRA's target population is in the County Jail, it was necessary to determine CRA's ability to interview, evaluate, and screen members of that population to determine their eligibility for supervised release.

In order to be in the position to interview detainees at the County Jail, CRA must have access to detained defendants. Prior to CRA's reorganization, Judge Strauss effectively prevented access by CRA interviewers to defendants being held prior to arraignment in the Public Safety Building. However, Warden William Robinson of the County Jail has consistently provided ready access to arraigned detainees unable to secure their release for interviewing by CRA staff members.

In the past, one of Judge Strauss' objections to allowing CRA staff into the Jail or other lockup areas was based on the fact that several of CRA's interviewers had criminal records. CRA has responded to this criticism by hiring and training competent, well-mannered, and intelligent staff who do not have criminal records to conduct interviews of County Jail detainees. For example, CRA's paralegal, who will conduct most of the interviews at the County Jail, is a U.S. Army veteran and resident of Pittsburgh for 45 years who relates equally well to defendants and court personnel. And to supplement his knowledge of and experience with community agencies, he received training in the operations of supervised release projects at the Pre-Trial Services Clinic conducted by the Evaluator in New York City.

In addition to the interviewing of defendants, CRA has the need to pre-screen all defendants who are detained in the County Jail after arraignment so that CRA's interviewer does not waste time interviewing detainees who do not meet the project's general criteria. A CRA paralegal or counselor would review CBA files of defendants who did not secure their pre-trial release at arraignment the previous morning in order to determine whether the defendant is a potential CRA client. The criteria employed to determine potential eligibility at this stage of the screening process are:

1. Defendant's regular family contact;
2. His age;
3. His work and educational histories;
4. The charge on which he was arrested and whether it falls into a pattern of established criminal behavior;
5. Health condition, including whether the defendant has an alcohol or drug problem; and
6. The place and term of residence in Allegheny County.

A major problem which arose in the pre-screening procedure was the reluctance on the part of CBA to provide any information in their files to CRA. After communications between Mr. Cecil Banks, Director of CRA, and Mr. William Ivill, Director of CBA, a procedure was established whereby CRA representatives would come to the CBA office and review files of cases of defendants arraigned the previous day. However, as the procedure evolved, CBA was only providing CRA with pre-selected files of defendants, the majority of whom had been released at arraignment on nominal or 8% bond, and lived in Homewood, Northside, and the Hill districts. This was apparently a continued attempt to

restrict CRA to a role in reducing CBA's non-appearance rate.

In addition, CBA did not permit CRA to duplicate "rap sheets" from the CBA files, although Superintendent Colville of the Pittsburgh Police Department had previously stated that duplication of such information, although confidential, was proper if it was to be employed to assist in the release of a defendant from jail. The inability to duplicate the records created a problem for CRA in that the employee conducting the pre-screening could not return to CRA's office with documentation of the defendant's prior criminal record which is needed by the counselors and CRA Director to determine whether the defendant is a good risk for supervised release.

It appears that much of the difficulty surrounding the relationship between CRA and CBA at this early stage in the process stems from Judge Strauss' instructions to Bill Ivill that CRA's sole purpose is to provide interviewing and verification support for CBA, and follow-up of defendants who live in the Hill, Northside, and Homewood areas of the City of Pittsburgh regardless of whether they are released on nominal, 8%, or straight bond at arraignment. Judge Strauss has stated that he does not want CRA presenting any petitions to reduce bail to Magistrates or Judges. This underscores two problem areas underlying much of the conflict between CRA and CBA: manpower and resources. If CRA is restricted in its activities to only providing follow-up to the Court Bail Agency, CRA's financial and manpower resources will be dreadfully misused. Also, if Judge Strauss' suggestion that CBA represent CRA at all court appearances, including hearings in City Court which are not presently attended by CBA representatives, is followed, the result would be an unnecessary drain on CBA's small staff.

Despite Judge Strauss' objections to almost any independent activities on the part of CRA, Ivill and Banks agreed (upon the recommendation of the Evaluator) that the following procedure be implemented:

1. Each morning, CBA will provide a copy of the County Jail Roster for that day of all the defendants who are being detained at the Jail due to their inability to make money bail or the presence of a detainer;
2. After CRA's review of the roster, CBA will provide files on any cases requested by CRA; and
3. After CRA's review of CBA's files, copies of interview sheets and "rap sheets" for certain defendants will be provided to CRA upon request. Upon completion of this pre-screening process, CRA staff will then proceed to the County Jail to interview the defendants who appear to be good supervised release candidates.

If this procedure is maintained, it should serve to provide the foundation for a more stable relationship between CRA and CBA. However, due to Judge Strauss' authority over the operations of the Court Bail Agency, and his apparent resistance to CRA's continued presence in the criminal justice area, the working relationship recently established between CRA and CBA is, at best, tenuous.

After the pre-screening of CBA files, the CRA Paralegal goes to the County Jail to personally interview defendants who, based on the information contained in the CBA file, appear to be appropriate candidates for supervised release. With the assistance of the Evaluator, CRA has designed new interview forms similar to those used at the Supervised Release Program at the Pre-Trial Services Agency in Brooklyn,

New York. The information collected at this interview supplements the information already provided on the Cash and Nominal Bond Information Form (Criminal Court Form 58). This supplemental information includes, in part:

1. Where and with whom he would live if released;
2. How he will be supported if released;
3. Whether he would consider participating in a vocational or educational training program;
4. What community organizations he belongs to;
5. The details of any alcohol or drug problems;
6. Whether he would be receptive to counseling and whether he had ever received counseling before; and
7. His prior criminal record, including whether he ever failed to appear in court.

CRA's paralegal, who will conduct most of the initial jail interviews, relates equally well to defendants and jail personnel. Of course, personnel with this ability are essential for gaining access to detainees, as well as obtaining truthful information from defendants.

Once the interviews are complete, the collected information is verified by telephone or personal contact with references provided by the defendant. In order to do the most thorough verification possible, field work is stressed. If, upon full implementation of CRA's supervised release program, verification through personal contact continues, the counselors and project director will be in a more advantageous position to determine whether an individual should be offered CRA's services.

After verification by the paralegal or other CRA personnel, the background of each prospective client is reviewed by CRA's counselors, Community Service Coordinator, and Director. The counselors appear to be well suited to the task of trying to determine, by subjective analysis, whether a defendant would make a successful supervised release client. One counselor, a male ex-offender relates well to defendants and exhibits an excellent knowledge of the dynamics of human behavior, while the project's other counselor contributes a B.A. in Sociology as well as experience as a social worker. This team, including the Community Service Coordinator who has an outstanding knowledge of available resources in the City of Pittsburgh, is well equipped to determine which defendants are good risks for release to CRA.

However, it should be noted again that the greatest problem facing CRA's ability to develop an effective intake procedure, despite recent modifications in the relationship between CRA and CBA, is the objection of Judge Strauss to allow CRA to make any court presentations. Until January, 1974, when a new Calendar Control Judge was appointed for the Criminal Division of the Court of Common Pleas, CRA was effectively prohibited from obtaining the release of qualified supervised release candidates and was forced into the position of considering only defendants who were released at hearing through the facilities of CBA.

Of the twenty-one CRA case files reviewed through January 24, 1974, one was open and being prepared for presentation by CRA to the new Calendar Control Judge, Judge Silvestri. Except for one case which had been presented to Judge Clark, and in which the defendant had his bail reduced from \$5,000 to nominal and was released on supervised release

to CRA, all the other files represented cases which, in accordance with Judge Strauss' instructions, were presented by CBA for bail reductions at hearings before City Court Magistrates. The problem inherent in this process is clear from a review of the nineteen CRA files. In eight cases the defendant was released on 8% bond, in two cases on surety bond, and in seven cases on nominal bond. One defendant had his case dismissed, and one defendant was held for trial. Since CRA was primarily restricted to offering its services to defendants after they had already secured their release through other means, most defendants (14) rejected the offer. Three defendants agreed to check-in with CRA. However, without a formal court order making certain activities part of the defendant's release, CRA can have little impact. Thus, despite the recent steps taken to develop a new relationship between CRA and CBA, a procedure must be developed allowing for CRA to make presentations to the appropriate court.

B. Community Release Agency's capacity to develop adequate resources within the community for the supervision of defendants.

It is anticipated that CRA will rely heavily on community resources from much of the daily support provided to defendants who are released while awaiting trial. Therefore, it is an essential prerequisite to the implementation of CRA's program that adequate community resources be developed.

In developing these resources, CRA made a survey of all agencies in Allegheny County that provide services similar to those that might be needed by supervised release clients. Services included are:

1. Legal assistance;
2. Health care;
3. Drug and alcohol halfway house and counseling;
4. Educational tutoring and degree study;
5. Family counseling;
6. Vocational training; and
7. Job placement.

The names, addresses and telephone numbers of approximately seventy-five public and private agencies offering these services have been compiled in a CRA publication titled "Community Service Directory." Also, since the directory is designed as a resource guide for CRA's counselors, it includes contact information relative to such individuals and agencies affiliated with the criminal justice system as:*

1. Behavior Clinic;
2. Clerk of Courts;
3. County Bail Agency;
4. County Jail;
5. District Attorney;
6. Certain Judges of the Criminal Division of the Court of Common Pleas;
7. City Court Dispositions office;
8. Pittsburgh Narcotics Squad;
9. Northside Parole Office Center;
10. City Magistrates;

* Partial listing.

11. Pittsburgh's police stations;
12. Various Federal Court offices; and
13. Components of the Allegheny County Sheriff's Department.

Many of the community agencies listed in the CRA Community Service Directory have been contacted directly by CRA personnel to determine whether they would be willing to participate in the supervision and provision of services to CRA clients. To date, approximately thirty agencies representing a wide cross-section of needed services have made informal commitments to provide services to CRA clients. However, for the most part these commitments have not been in writing. In order for CRA to be certain that they can depend on certain agencies for support, and so CRA counselors know whether these agencies are limiting the number of positions in their programs available to CRA clients, it would be advisable for the Community Release Agency to obtain letters of cooperation from participating agencies.

When a CRA client is referred to a resource agency, he will present a letter of introduction from CRA stating:

1. That he has been released by the Court to CRA;
2. His address and telephone number;
3. The date of his next court appearance;
4. Personal information on the client relating to his family and community ties;
5. His employment;
6. Training and education histories; and
7. Any health or other special needs that he might have.

Each participating agency will be provided with the names and addresses

of other agencies working with the client. This letter was designed by CRA upon the advice of the Evaluator.

In addition to the introductory letter, the Evaluator has also recommended, and the CRA plans to implement a system of weekly communications with all agencies supervising CRA clients. This will enable CRA to monitor a defendant's progress as well as the performance of agencies providing services to CRA clients. Through a system of bi-weekly check-ins with his CRA counselor, each defendant will also be able to provide feedback to CRA on the services being provided by the participating agencies.

In the area of community resources, there is little question that the Community Release Agency has done an exemplary job. Not only has CRA developed public and community resources upon which they can rely for support, they have also moved into the private sector. CRA has received an "open" commitment from a local nail factory for positions for CRA clients, and a couple of the defendants who had been released through the facilities of CBA on nominal bond have been placed at the plant. And, although the type of employment available at the nail plant does not necessarily offer long term security, it can be extremely helpful to CRA clients in developing a new sense of responsibility.

C. Community Release Agency's ability to secure the release of defendants it believes to be qualified for supervised release.

There has been serious difficulty surrounding CRA's ability to obtain the release of defendants through judicial order because of the steadfast opposition to CRA from Judge Strauss, the Administrative Judge of the Criminal Division of the Court of Common Pleas. The

background of Judge Strauss' opposition goes back to the initial proposals by CRA and the Court of Common Pleas to establish bail agencies in Allegheny County, and the basic details of that conflict were reviewed above. So long as Judge Strauss takes the position that CRA cannot make presentations for bail reduction to Courts in Allegheny County, and that CRA's activities should be restricted to "follow-up" on defendants who are released on nominal and 8% bonds through the facilities of CBA, CRA cannot comply with the proposed activities in its grant application.

Also, Judge Strauss has said that what is needed is additional manpower at CBA to keep track of the whereabouts of defendants who are released on nominal bond, and that present manpower levels at CBA are inadequate to perform that function. Although this might be an accurate statement of the reason for CBA's inability to follow-up on defendants released on nominal bond, it does not necessarily follow that the proper source of manpower is CRA, an organization designed and staffed to provide services to higher risk defendants who are detained because they are unable to make money bail or because they are being held on a detainer (probation or parole).

Since Judge Strauss has heard over 90% of the petitions to reduce bail presented to the Court of Common Pleas in the past year, he has been in a position to effectively prohibit CRA from helping to secure the release of any defendant on supervised release. But in mid-January, 1974, Judge Silvestri, as Calendar Control Judge, began to hear petitions to reduce bail. CRA felt that this presented an opportunity for the agency to try to achieve a fresh start in presenting its recommendations to a fair and objective jurist who had no personal

involvement in the past relations between CRA, CBA, and the Court.

Within a week after Judge Silvestri began to hear petitions to reduce bail, CRA presented such a petition and requested that the defendant be released to CRA. The circumstances surrounding the case are basic. The defendant, a black male, was charged with aggravated assault on two women. Although he had no prior record and had been steadily employed for more than five years, he was detained in lieu of \$5,000 bail. CRA interviewed the defendant, received a commitment from his former employer that he could get his job back, and received commitments from the defendant that he would, if released, live with a certain relative and check-in bi-weekly at the CBA office with the counselor assigned to his case. CRA, through its legal counsel and paralegal, presented a "package" to the Court requesting that the defendant's bail be reduced from \$5,000 to nominal and that the conditions of his release be his return to work, residence with a certain relative, and bi-weekly meetings with his CRA counselor. The Court so ordered.

This case established CRA's competence in preparing and presenting petitions to reduce bail to the court and its ability to secure the release of defendants who it considers good supervised release candidates.

D. Community Release Agency's ability to secure the appearance of its clients in court as required.

Although CRA has not had the opportunity to test its ability to insure the presence of its clients at scheduled court appearances,

it has made a strong attempt to develop that capability.

First, at least once every other week, CRA clients are required to meet with a CRA counselor, and on alternate weeks he is required to call in by telephone. These meetings and check-in requirements will allow CRA to maintain regular contact with its clients.

Second, CRA's notification clerk obtains daily the trial lists prepared by the District Attorney's Office at least 30 days before the trial date. The clerk then screens the list for CRA clients, and enters their names in a numerical file representing each day of the next month. Each name is entered on the card representing the trial date as well as 10 days prior to the trial date. Ten days prior to the trial date a pre-typed certified letter is sent to each client notifying him of his upcoming trial. In cases where the receipt indicating delivery of certified mail is received, the notification clerk makes appropriate notation and telephones the client 3 days before his trial to remind him again of his responsibility to appear.

Third, in cases in which the certified letter described above is not delivered to the client, immediate telephone contact is attempted. In the event that the telephone communication is unsuccessful, CRA will attempt to contact people or agencies which might know the clients whereabouts. These attempts will be both telephonic and personal. If these attempts to locate the client are unsuccessful, notification would be sent to the court.

One minor modification should be made in CRA's notification procedure. That is, upon the client's receipt of the certified notification of his trial date, he should be requested to call the CRA office to inform them of such receipt. If this procedure is adopted, the notifica-

tion clerk would not have to call those clients 3 days prior to their trial, thus allowing the clerk to concentrate on trying to contact those clients whose notices are returned to CRA. Otherwise, CRA's procedures for continued contact with defendants released to CRA appear to be more than adequate to insure the presence of CRA clients at trial. This opinion might even be supported by Judge Strauss based upon his insistence that CRA provide the follow-up for defendants released through the facilities of the Court Bail Agency.

E. Record Keeping and Filing.

One of the criticisms of CRA in the past was its inadequate record keeping and filing system. To counter that criticism, CRA, upon the recommendation of the Evaluator, has overhauled its filing system to consist of three primary case categories:

1. Active supervised release cases;
2. Cases presented to Court, but rejected; and
3. Terminated cases.

All cases will be filed alphabetically -- cases rejected by the Court will also be filed by the month of their rejection -- and will be cross-referenced to CRA's numerical notation system by a master index card file. This new system will make all CRA's files readily identifiable, and the information contained therein accessible.

In addition, project forms have been redesigned, and a ledger system implemented to assist the project in recording statistical data. Some of the information that will be recorded for each case, if appropriate, is: case number and source of intake; date of intake; age, sex, and race of client; arraignment date; initial bond type and

amount; date of release to CRA; Magistrate or Judge ordering supervised release of defendant; prospective clients whose cases are dismissed at hearing; defendant's employment status at time of arrest and release; extent of prior record; charge against defendant at time of release; services and support provided by CRA; scheduled court appearances and related failures to appear; court dispositions; re-arrest of client; and community service unit disposition (whether the case is accepted, rejected, accepted and terminated, or successfully closed).

Ready access to this type of information and periodic compilation of data will facilitate future evaluation of the impact of CRA on the criminal justice system, especially with regard to re-arrest, failure to appear, fugitive rates, and the percent of convicted defendants sentenced to prison.

F. Legal Counsel.

Presently, the role of the legal counsel is to provide support to CRA's staff, especially the paralegal; to represent clients at arraignment upon request; to make presentations for the reduction of bail and supervised release to the court; and to provide legal counsel to CRA's Board of Directors. To allow CRA's regular staff to perform most of the activities outlined in its grant application and to permit CRA's concentration as a supervised release project, the activities of the legal counsel, as originally proposed, should be scaled down.

The first presentation by CRA for a reduction to nominal bond and release under CRA's supervision before Judge Silvestri was presented by CRA's legal counsel. However, the presentation was delayed for two

days due to counsel's heavy schedule of non-CRA case matters. Given the availability, knowledge of the courts, and apparent competence of CRA's paralegal and counselors, it should not be necessary for CRA to rely on legal counsel to make presentations requesting supervised release.

In addition, due to the continuation of restrictions denying CRA access to defendants in the lock-up in the Public Safety Building prior to arraignment, CRA is unable to do any pre-arraignment investigation on cases on which they might have received a request for legal representation from a defendant or one of his relatives. Coupled with the demands of legal counsel's daily schedule, it is evident that CRA will be unable to offer substantial support or services to defendants at the arraignment stage of the criminal process.

Legal counsel should be retained on a regular basis to provide support to CRA staff, and to counsel CRA's Board of Directors on legal matters.

G. Personnel.

CRA has re-organized its staff to respond to past criticism that CRA's Director lacked administrative skills, and that its staff included ex-offenders. Specifically, CRA's Program Coordinator, who is directly responsible to the Director for all fiscal matters and the supervision of clerical staff, is well educated (10 credits short of a Master's Degree) and exhibits excellent writing and administrative abilities.

While a reluctance to have ex-offenders employed by a project admitted freely into a jail is understandable, some supervised release projects find it beneficial to include reliable, rehabilitated ex-

offenders on their staffs. They add a dimension of reality and credibility to a degree not possible when the staff is made up totally of professionals who have not personally shared the experience of the defendants and offenders the projects attempt to aid. By combining the experiences of one of its counselors, a black male ex-offender, with the education and experience of a former social worker who has a B.A. in Sociology, CRA has assembled a counseling staff which responds to the criticisms of its detractors, while meeting the needs of the project.

To provide additional support to CRA staff, the Evaluator provided staff training for six CRA staffers at the Pre-Trial Services Clinic conducted by the Vera Institute in New York City. As part of the Clinic, CRA staff spent three days conferring with the staff and observing the operations of the Supervised Release Program at the Pre-Trial Services Agency in Brooklyn, New York. The three-day program was designed to provide CRA staff with a thorough understanding of their respective functions in a supervised release program, as well as the problems that might arise in relation to their roles at CRA.

H. Community Release Agency's impact on the criminal justice system.

Based upon the estimated caseload capacity of supervised release counselors at the Pre-Trial Services Agency in Brooklyn, New York, and the actual caseload of counselors at a similar program in Des Moines, Iowa, it is anticipated that each CRA counselor can supervise approximately 20 to 30 clients at one time. Using the average of 25 active cases per CRA counselor, and considering the anticipated re-

duction in the time between arraignment and trial in criminal cases, CRA's present staff has the capacity to supervise approximately 150 supervised release clients over the calendar year, 1974.

However, a funding level is recommended which would permit CRA to enlarge its counseling staff to at least five counselors. This would allow each counselor to have a maximum active caseload of 20 during the project's first full operating year while providing CRA with adequate staff to secure the pre-trial release of and provide supervision to approximately 300 criminal defendants who are among the nearly 1,200 committed annually to County Jail to await trial.*

In stating the impact of CRA on the criminal justice system in Allegheny County, a cost/benefit analysis should normally be provided. However, due to the planning nature of most of CRA's activities throughout much of the term of the evaluation, and the lack of caseload figures other than the Evaluator's capacity estimates, to compute a cost/benefit would be too highly speculative.

* Clerk of Courts' Criminal Court Action Summary and Statistical Information, January-December, 1973.

V. RECOMMENDATIONS

1. In light of the success of supervised release agencies in other jurisdictions, the Community Release Agency should be provided with an opportunity to test its theory that many of the criminal defendants being remanded to Allegheny County Jail to await trial can be safely released with sufficient supervision and supportive services designed to insure their appearance in court when required. This recommendation should be implemented by the provision of funds from appropriate government sources for a period of at least one year.

2. Throughout the proposed period of CRA's operation as a supervised release agency, its activities should be closely monitored and evaluated. Implementation of this recommendation has been facilitated by CRA's implementation of an orderly filing system which will provide much of the statistical information necessary for adequate evaluation of its operations. Funds should include adequate resources to provide for external evaluation as well as internal data compilation.

3. The purpose of recommendations 1 and 2 is to determine not only whether defendants who would otherwise be detained in County Jail while awaiting trial can be released without greater probability that they would commit other offenses while released or fail to appear at trial than those defendants released on other types of release (nominal, 8%, and surety bond), but also to determine whether CRA's supervised release activities should be expanded to other sections of the City of Pittsburgh and Allegheny County.

4. If, after examination of CRA's activities over a one or two year period it is determined that supervised release is a viable and

positive alternative to pre-trial detention for criminal defendants in Allegheny County, a comprehensive pre-trial services agency should be established. This could be accomplished by incorporation of the Court of Common Pleas Bail Agency and the Community Release Agency into one agency. The new agency might be established as either a public or private agency, under the direction of a director and two associate directors. The associate directors would be directly responsible to the director for the operations of the agency components they would supervise -- nominal bail evaluation and supervised release. The supervised release component would receive referrals from the nominal bail evaluation component of all criminal defendants in Allegheny County who are not released at their arraignment. Those defendants would then be screened by the supervised release component to determine whether they are good candidates for supervised release.

5. If CRA's supervised release program is expanded county-wide, new staff members that are hired should represent greater diversity of race, education, and employment experience.

6. Recommendations of more immediate import are:

a) Establishment of a formal jurisdictional relationship between CRA and CBA so that the two agencies can work together with a minimum of duplicated effort in performing their separate-related functions of pre-trial release. Progress has been made in implementing this recommendation through the adoption of procedures at CRA and CBA which provide for the orderly flow of information from CBA to CRA in cases where the defendant is detained in Allegheny County Jail after arraignment. The flow of information includes information relative to the criminal records of each defendant who is considered a good

candidate for supervised release by CRA.

b) In conjunction with the cooperation recently exhibited between CRA and CBA, both agencies should encourage the Court to permit CRA to present petitions to reduce bail in cases in which supervised release recommendations are being made regardless of the Judge who is sitting on the bench at the time.

c) CRA should not adopt the practice of "following-up" on defendants released on nominal bond through the facilities of CBA as a formal procedure. To do so would create an unreasonable drain on its manpower and other resources. Each agency should "follow-up" on the defendants released through its own efforts.

d) The activities of the legal counsel component should be reduced to include only support to CRA staff, especially the paralegal, and provision of legal advice to CRA's Board of Directors. Court presentations should be made by CRA's paralegal staff.

e) Letters sent to CRA clients to inform them of upcoming court appearances should require that the defendant contact the notification clerk at the CRA office.

f) CRA should not interview defendants prior to arraignment in order to avoid conflict with CBA.

g) CRA should receive letters of cooperation from community resource agencies in order to keep a record of slots available to CRA clients in different participating programs.

h) The Court of Common Pleas should assign to the adjudication of CRA recommendations a Judge who is willing to approach the concept of supervised release with an open mind and without a feeling that the success of CRA would jeopardize CBA or the integrity of the Court.

VI. SUMMARY (Includes update of events through February 8, 1974, which have a significant impact on the determination that CRA can perform as a Supervised Release Project in Allegheny County.)

CRA's primary objective is to provide the criminal courts in Allegheny County with a community resource which has the capacity to provide supervision and supportive services to criminal defendants in order that a non-money bail alternative of pre-trial release is available to defendants who are unable to secure pre-trial release through the facilities of the Court of Common Pleas Bail Agency or some other means.

The activities of the Community Release Agency during most of the term of this evaluation were directed not at the release of defendants from Allegheny County Jail, but rather at the planning of a program which would insure the capability of CRA to secure the release of defendants and to provide adequate supervision to them prior to trial. During the period of this evaluation, CRA hired staff, including a new Director, redesigned its forms to meet its needs as a supervised release agency, overhauled its filing system to facilitate future data collection and statistical compilation, trained its staff in the objectives and functions of supervised release projects, and formed new working relationships with other agencies in the criminal justice system with which it must cooperate in order to function as a supervised release agency.

The activities engaged in by CRA to develop the capability to perform as a supervised release agency have, for the most part, been successful. For example, the familiarity with CRA's target communities

enabled CRA to develop a wealth of community resources that can be called upon to supervise and provide support to agency clients. In addition, CRA's counselors exhibit an excellent understanding of human behavior which enables them to make subjective judgements on whether a defendant is a good candidate for supervised release, and what his specific needs are.

CRA has also performed well by redesigning forms and overhauling its filing system. The forms presently in use provide more than sufficient information on each defendant interviewed upon which a recommendation for release with supervision can be based, and the filing system will not only organize information for future data collection and evaluation but will also help to insure the appearance of CRA clients in Court when required.

CRA's ability to insure the appearance of its clients in Court is also due to the regular -- at least weekly -- telephonic and personal contact that will be maintained with defendants.

Throughout its life, CRA's greatest difficulty has been its relationships with Judge Strauss, the Administrative Judge of the Criminal Division of the Court of Common Pleas, and the Court of Common Pleas Bail Agency. Judge Strauss had refused to permit CRA to make court presentations and wanted CRA's activities limited to follow-up of defendants who are released on nominal bond through the facilities of CBA. Until very recently, CBA, probably operating pursuant to the instructions of Judge Strauss, refused to refer any cases to CRA other than those in which the defendant was able to secure his release through the facilities of CBA. This effectively prevented CRA from operating as a supervised release agency because it received no referrals of

defendants who were being detained after arraignment.

But developments in January, 1974, indicated that CRA would be able to function as a supervised release agency. Those developments were:

1. Establishment of a new cooperative effort between CRA and CBA marked by the following:

a) Agreement of CBA to inform CRA of the names of all defendants held in County Jail after arraignment, and to provide information on such defendants to CRA.

b) Agreement of CBA to duplicate "rap sheets" for use by CRA in cases in which the defendant is considered a potential candidate for supervised release.

2. In early January, 1974, Judge Clark released a defendant to CRA on supervised release.

3. The appointment of Judge Silvestri as Calendar Control Judge of the Criminal Division of the Court of Common Pleas. In this position it was expected that Judge Silvestri, rather than Judge Strauss, would hear most of the petitions to reduce bail, thus affording CRA an opportunity to make presentations for supervised release to a Judge who was not involved in past misunderstandings with CRA. In the first case presented to him by CRA, Judge Silvestri released the defendant on nominal bond with CRA supervision as one of several conditions of his release.

Despite these developments, if CRA is to function as a supervised release agency, it would at least have to dispel some of Judge Strauss' qualms about the agency. It appears that this problem is in the process of solution. Due to certain misunderstandings between Judge

Strauss and Judge Silvestri, Judge Strauss has reassumed the function of hearing most of the petitions to reduce bail. In the past, this would have meant that CRA would be prohibited from presenting a case for reduction of bail and supervised release. However, a joint presentation by CRA and CBA to reduce bail and release the defendant on nominal bond with the condition that he comply with a program of pre-trial supervision designed by CRA and approved by CBA has been implicitly approved by Judge Strauss in the release of two defendants on supervised release to CRA -- evidence that Judge Strauss has reevaluated his attitude toward supervised release generally, and CRA specifically, to a sufficient extent that CRA may now be able to prove its worth to the Allegheny County criminal justice system. Judge Strauss' release of these two defendants on supervised release to CRA appears to be the beginning of a break through the remaining barriers to the successful implementation of the Community Release Agency's supervised release program.

To insure that CRA operates in an effective and efficient manner, and to explore the possibility of further institutionalization of the concept of supervised release in Allegheny County, the following recommendations are made:

1. Funding of CRA as a supervised release agency for at least one year in order to evaluate whether it has a significant impact on the pre-trial detention of defendants who reside in the Homewood, Northside, and Hill districts of Pittsburgh and whether the program should be expanded.
2. If the decision is made to expand supervised release to defendants who reside in non-CRA communities in the county, a county-wide

pre-trial services agency should be established to perform the functions of evaluating the eligibility of defendants for nominal bond and supervised release. The nominal bail evaluation and supervised release components of this new agency should be comprised of the CBA and CRA, respectively.

In a more practical and immediate sense, CRA's present levels of effectiveness and efficiency can be improved by adopting the following recommendations:

1. Eventual phasing-out of the need for joint CRA-CBA presentations to the Court in order to secure the release of defendants to CRA. If Judge Strauss insists that William Ivill, the Director of CBA, gives prior approval to each CRA proposed supervised release "package," that requirement can be accommodated through utilization of a written approval form rather than the time consuming procedure of actual CBA court appearances in supervised release cases.
2. CRA should not provide "follow-up" of defendants who secure their release through the facilities of CBA or some other means.
3. Legal counsel should be retained only to provide support to CRA staff -- especially the paralegals -- and to provide legal advice to CRA's Board of Directors.
4. To lighten the burden of notifying CRA clients of trial dates, letters sent to such clients ten days prior to their trial should request that they contact CRA's Notification Clerk.
5. Considering the recent improvements in CRA's relationship to CBA as well as the Court, CRA should be prepared to handle a caseload of approximately 300 supervised release clients over the next year. To adequately handle this caseload, recommended staff should include

four or five counselors and at least one paralegal.

Additional recommendations not discussed in this summary are included in Section V of the report.

In conclusion, Community Release Agency has developed the capabilities necessary to insure that it can perform as a viable supervised release agency. However, implementation of the updated recommendations outlined in this summary, and the more detailed recommendations discussed in the Recommendation Section of this report will contribute to the more efficient utilization of CRA's resources than is probable through present procedures.

The Vera Institute is available to assist in the implementation of any recommendation presented in this report.

-SUMMARY-

EVALUATION OF THE COMMUNITY RELEASE AGENCY,
PITTSBURGH, PENNSYLVANIA

DS-444-73A

Vera Institute of Justice
30 East 39th Street
New York, New York 10016

Technical Assistance

February 8, 1974

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BIOGRAPHICAL SUMMARY

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