

ALC COURT WATCH, DOCKET REPORT #2

AUG 15 2020 – DEC 31 2020, 140 DAYS

PLAIN TEXT VERSION WITH REGRESSION ANALYSIS

DATE OF PUBLICATION: APR 27 2021

ALCCOURTWATCH.ORG — @ALCCOURTWATCH

ALC COURT WATCH IS A PROJECT OF THE ABOLITIONIST LAW CENTER

Introduction (3)

Methodology (4)

Race and Policing in Allegheny County's 100+ Jurisdictions (4-9)

Police Agencies (4-8)

§ *Table 1: Municipal Police Agencies with 40 or More Arrests (6-8)*

Police Officers (8-10)

§ *Table 2: Relationship between # Arrests per Officer and Likelihood of Drug Arrests (10)*

Race and Arbitrary Imposition of Bail (11- 22)

Overview of Money Bail Findings (11-12)

Race, Bail, and Misdemeanor Arrests (12-13)

§ *Table 3: Bail Type by Race & Sex for Misdemeanor Defendants with One Docket Sheet (13)*

Judges & Bail: The Impact of Judicial Discretion (13-22)

§ *Table 4: Percent secured bail by alleged offense type, race, and judges' relative likelihood of imposing secured bail based on "all offenses" (16-18)*

§ *Table 5: 19 judges who made it into the top 10 for secured bail imposition in relation to at least one offense specification (19)*

§ *Table 6: Defendant's relative risk of receiving secured monetary bail based on getting HIGH vs. LOW judge, by offense category (20-21)*

§ *Table 7: Effect of Judges, Race, and Other Variables on Risk of Having Secured Bail Imposed: Comparing the Tabular Relationship with Predicted Probabilities Based on Logistic Regression (22)*

Conclusion and Demands (23)

Appendix 1: Offense Category Description in Bail Analysis (24)

Appendix 2: Offense Charge Distribution (25-33)

INTRODUCTION

Few readers will find any parts of this report surprising. The system of apartheid in the criminal justice system is clear and uncontested. Volunteers at the Abolitionist Law Center's Court Watch program continue to be incensed by what we observe and document between arraignments and criminal court proceedings. We collect and analyze data from preliminary arraignments and publish tweets, editorial articles, reports and more to give voice and context to local policing and judicial processes that are not always accessible to publics. We acknowledge the racist practices of state actors and the hostile detainment of our community members that predate our current epoch of carceral capitalism: we are living and resisting in the outgrowths of white settler colonialism. In our work we aim to accomplish the following objectives: to keep the issues at the forefront, to offer a story in the numbers, and to create a meaningful resource intended for all those working to dismantle the prison industrial-complex.

This report covers two key stages of the Allegheny County system of (in)justice: first, police officers' decisions to arrest (and their departments' roles in sanctioning such decisions); and second, preliminary arraignments on arrest charges and magistrate-judges' decisions concerning whether and how much monetary bail to impose. In a county that is less than 13% Black, 56% of all arrests between Aug 14 and Dec 31 of 2020 were of Black residents. Black residents made up a 4.41 times greater share of the county arrest population than one would expect based on their share of the population. Black men are less than 7% of the county population, yet were subjected to 33% of all misdemeanor arrests.

Police are wielding violence through arrests. In 2019, 63% of arrests by the Pittsburgh police were of Black people; despite the fact that the city of Pittsburgh population was only 23 % Black. In the time-frame covered in this report, only 4% of the total number of police officers in Allegheny county made 20% of all arrests, and 30% of all drug arrests. The more arrests that officers made, the more likely they were to make drug arrests. If in early August police had stopped arresting people on drug charges, we could have reduced the number of arrests by more than 1,000 in just the last 4.5 months of 2020.

Bail charges continue to reflect blaring racial disparities. Despite the fact that Black residents are only about 12.7% of the county population, they were 47.7% of misdemeanor defendants. Black men are less than 7% of the county population, but they were subjected to 48% of all secured monetary bail impositions, and 54% of the total dollar value of secured monetary bail impositions for misdemeanors. Even after controlling for judges and 20 different offense variables, Black defendants are 26.5% more likely to be subjected to secured monetary bail.

There is an arbitrary function in the assignment of a Magisterial District Judge. Defendants' risk of having secured money bail imposed was nearly 5 times greater if they were assigned to one group of judges rather than another. This risk disparity hardly changes even after one statistically controls for a wide range of offense variables.

Despite the fact that the globe is in the midst of the COVID-19 pandemic, more than two people per day in Allegheny County were required to pay \$1,140 in order to avoid pre-trial incarceration for misdemeanor charge(s). Additionally, one person per day was required to front an average of \$376 in order to avoid pre-trial incarceration. More than \$3 million in bail was imposed on misdemeanor defendants.

The racial disparities apparent at the second stage (MDJs & bail) are informed by the first (policing and arrests). Although Black residents make up less than 13% of the county population, they were 56% of all people whose arrests led to preliminary arraignments between August 14 and December 31, 2020. As this report will show, the racial disparities at the first stage are increased at the second stage of preliminary arraignment. Moreover, in terms of monetary bail decisions, the arbitrariness at the second stage—evidence for which is substantial and detailed below—means that the county justice system is functioning as an apartheid system with dramatic impact on its Black population.

METHODOLOGY

Beginning in the Spring of 2020, Court Watch began analyzing preliminary arraignment dockets found on the The Unified Judicial System of Pennsylvania Website. The docket report is a product of that original research. The inaugural report focused on bail and judicial discretion and ended with a discussion of policing during a month-long period and included data points from 825 defendants each having a single docket.

This report is based on the collection of 5,950 individual docket sheets between August 14 and December 31, 2020. It focuses on the 5,664 docket sheets that involve new criminal charges. These 5,664 docket sheets involve 4,900 unique individuals, 4,788 of whom exclusively faced new criminal charges. The policing section concerns all 5,664 docket sheets. Additionally, the portion on monetary bail focuses on the 4,230 defendants who had one docket sheet during the period under consideration.

Concurrent reports will be published with regularity until there are no judicial disparities to write about.

RACE AND POLICING IN ALLEGHENY COUNTY'S 100+ JURISDICTIONS

Arrest by a police officer is nearly always the first step in a person's interaction with the county courts. Police exercise discretion when making arrests. This discretion – whether or not to arrest someone, and if so, how, is informed by police agency policies, training, and bias.

Allegheny County has a population of about 1.2 million, however, 126 different police agencies made arrests leading to preliminary arraignments between August and December 2020. More than 100 of these agencies police one or more of the county's "municipalities" (a general term we use to indicate cities, boroughs, townships, etc.).^[1] One of these is the Pittsburgh city police, which covers a population of 302,255; another 106 agencies police jurisdictions containing nearly all of the remaining 919,539 county residents.^[2]

To put this figure in perspective, across all of England & Wales (pop. 60 million) there are 43 police forces.^[3] Between 2004 and 2015, police in England & Wales fatally shot 24 people—as compared to 13 fatal shootings by police in Allegheny County between 2015 and 2020. Moreover, even though police in Allegheny County fatally shot roughly the same number of people per year in spite of having a population only 1/50 the size of England & Wales, Allegheny County's annual rate per million makes it only the 65th highest among the 100 most populous counties in the United States.^[4]

This hyper-fragmentation of police authority in Allegheny County (and elsewhere in the U.S., with its more than 15,000 police agencies) makes it difficult, to say the least, to hold the county's police agencies accountable. The Pittsburgh city police makes data on arrests available online, but this is far from the norm. Thus, compiling

data from the county docket sheets, which report the name of the arresting police agency, gives us an opportunity to learn what is going on across the fragmented jurisdictional landscape.

In this report we focus on one key question: Are the dramatic racial disparities in arrests in Pittsburgh found elsewhere in the county? Is the rest of the county even relevant to the question? If so, where in Allegheny County can Black people escape the drastic front-end disparities in the county justice system? Is there such a place?

POLICE DEPARTMENTS

One might think that the Pittsburgh city police, despite having a jurisdiction that includes 25% of the county's population, would account for the lion's share of all arrests. It doesn't: 67% of all arrests were carried out by agencies other than the Pittsburgh city police.^[5] Moreover, 56% of African Americans in Allegheny County live outside Pittsburgh (86,150 / 154,976), and 54% of their locality-specific arrests (1,542 / 2,843) were carried out by police agencies with jurisdictions outside Pittsburgh.^[6]

African Americans are arrested at rates much greater than their population share nearly everywhere in Allegheny County. The first way to show this is to examine (1) Allegheny County as a whole, (2) arrests by Pittsburgh city police, and (3) arrests by police agencies with jurisdictions outside Pittsburgh.

- (1) Allegheny County: African Americans = 12.7% of the population^[7] but 56% of all arrests.^[8]
 - o African Americans were a 4.41 times greater share of the county arrest population than one would expect based on their share of the population.^[9] Put another way, the ratio of over-representation in the arrest population was 4.41.
- (2) Pittsburgh: African Americans = 22.8% of the population (68826/302205) but 69.5% of all arrests by city police (1301/1871).
 - o This is a share of all arrests 3.05 times greater than would be expected based on their share of the population.^[10]
- (3) Allegheny County, outside of Pittsburgh: African Americans = 9.4% of the county population outside Pittsburgh (86150 / 919539) but 47.1% of all arrests by police agencies with jurisdictions outside Pittsburgh (1542/3272).^[11]
 - o This is a ratio of over-representation of 5.03.^[12]

RACIAL DISPARITIES IN ARRESTS

African Americans:

- 13% of county population but 56% of all arrests
- 23% of Pittsburgh population but 70% of all arrests by city police
- 9% of county population outside Pittsburgh but 47% of all arrests by police agencies with jurisdictions outside Pittsburgh

A more precise comparison would be to go beyond lumping more than 100 police agencies together as "not-Pittsburgh Police Dept." That's what the table just below does (Table 1). It provides agency-level data for all municipal agencies with 40 or more arrests between August and December 2020.^[13] There are several points to highlight (please note that police agencies are mentioned in the order of number of arrests rather than alphabetically, because the table is sorted by number of arrests):

- A disparity between African Americans' share of the population and share of arrests, which was noted above for the county, for Pittsburgh, and for jurisdictions outside Pittsburgh as a whole, is also strikingly evident in the arrest patterns of every single one of the 22 non-Pittsburgh police agencies in the table. For every police agency, the percent of Black arrests well exceeds the percent of Black people in the jurisdiction's population. Except for McKees Rocks (179 arrests), Penn Hills (127 arrests), Mt Oliver (95 arrests), Wilkinsburg (93 arrests), Duquesne City (88 arrests), North Braddock (48 arrests), and Millvale (46 arrests), the Black share of the arrests is at least 2 times greater than the Black share of the population; frequently it's much more than that.

- o Many police agencies should get special note, but perhaps none more than Frazer Township, where 38% of arrests were of Black people, who comprise exactly 0 percent of this locality's population (a few nearby municipalities have 10-20% African American populations: Arnold, New Kensington, Tarentum).^[14]

- § Brentwood Borough also should be highlighted: African Americans are 3% of the population but account for a jaw-dropping 53% of all arrests.

- o The issue of racial disparities receives more attention in the text that follows the table.

- For the county as a whole, the percent of secured bail during this period was 33.8% when all 5,664 docket sheets are included (which is different than the single-docket money bail analysis in the second part of this report). In relation to that figure, Pittsburgh city, Mt. Oliver, Wilkinsburg, North Braddock, Brentwood, and Robinson Township are notably high.^[15]

- The role of drug arrests varies greatly across these agencies, from a high of 40-64% of all arrests in Mt. Oliver, North Braddock, Brentwood, and Baldwin, to a low of 10-12% of all arrests in Penn Hills, Wilkinsburg, Swissvale, and Plum.

- Pittsburgh's arrest rate per 10,000 population is 61.9. The other agencies/municipalities vary greatly, but when combined their arrest rate is 48.9.

Table 1: Municipal Police Agencies with 40 or More Arrests

agency	arrests	pop ^[16]	arrests per 10,000	% misd.	% harm5 arrests	% drug	% secured bail	% black arrests	% black pop	ratio: black arrest to pop
Pittsburgh city	1,871	302,205	61.9	48.4	27.4	26.7	42.4	69.5	22.8	3.1
McKeesport	208	20,905	99.3	45.7	31.3	26.4	37.0	78.8	32.3	2.4
McKees Rocks	179	5,919	302.4	76.5	12.3	37.4	22.5	60.3	32.3	1.9
West Mifflin	172	19,834	86.7	61.6	17.4	20.9	28.5	48.8	7.3	6.7
Penn Hills	127	41,317	30.7	58.3	25.2	11.8	34.6	74.0	38.2	1.9

Monroe ville	117	27,687	42.3	50.4	16.2	35.9	35.0	46.2	12.1	3.8
Stowe Townsh ip	101	6,197	163.0	76.2	14.9	30.7	18.5	58.4	23.2	2.5
Mt Oliver	95	3,324	285.8	55.8	17.9	64.2	43.2	48.4	32.6	1.5
Wilkins burg	93	15,485	60.1	44.1	32.3	9.7	48.9	91.4	55.3	1.7
Duques ne city	88	5,543	158.8	45.5	34.1	37.5	33.0	81.8	56.7	1.4
Bethel Park	85	32,177	26.4	65.9	14.1	30.6	25.0	21.8	2.2	9.8
Ross Townsh ip	84	30,603	27.4	57.1	8.3	27.4	22.6	36.9	3.0	12.3
Shaler Townsh ip	70	28,030	25.0	77.1	14.3	24.3	10.4	12.9	1.0	12.5
Frazer Townsh ip	68	1,123	605.5	72.1	8.8	38.2	12.0 ^[17]	38.2	0.0	>38
Moon Townsh ip	58	25,489	22.8	46.6	20.7	27.6	39.7	25.9	3.9	6.6
N Braddo ck	48	4,741	101.2	37.5	29.2	52.1	43.8	66.7	45.1	1.5
Brentw ood	47	9,386	50.1	59.6	25.5	40.4	42.6	53.2	3.1	17.2
Swissv ale	47	8,760	53.7	74.5	14.9	10.6	26.3 ^[18]	74.5	32.3	2.3
Millvale	46	3,706	124.1	93.5	10.9	21.7	15.6	13.0	8.9	1.5
Baldwin	44	19,572	22.3	56.8	38.6	45.5	27.3	43.2	8.1	5.3
Plum	44	27,195	16.2	70.5	15.9	11.4	21.6	15.9	3.2	5.0

Mt Lebanon	40	32,303	12.4	47.5	25.0	22.5	27.5	22.5	1.2	18.9
Robinson	40	13,703	29.2	45.0	7.5	35.0	42.5	27.5	4.0	6.9

The table above raises the question: Is there anywhere in Allegheny County where African Americans can escape the overwhelmingly greater risk of getting arrested? The answer is a resounding “no” with reference to the 23 above jurisdictions, each with 40 or more arrests. Widening the net to focus now on the 47 municipal police agencies with 20 or more arrests, there is only one place: In Homestead (pop. 3,170), African Americans are 58.8% of the population and 58.1% of all arrests (n = 31).^[19]

- In every single one of the other 46 municipalities the ratio of overrepresentation is greater than 1.4
- in 33 municipalities it is 3.0 or more; that is, African Americans have at least a 3-fold greater share of the arrest population than one would expect based on their share of the population.
- in 26 municipalities it is 5.0 or more
- and in 16 municipalities the ratio of over-representation is greater than 10.^[20]

90% of African Americans in Allegheny County live in these 47 jurisdictions.^[21]

The ratio of over-representation can sometimes be difficult to interpret or to use for comparison. For example, in a jurisdiction that is 1% Black and where 3% of all arrests are of African Americans, the ratio of over-representation is 3.0. However, in this scenario 97% of all arrests are of people who are not Black; this is nothing like the roughly 3.0 ratio of over-representation in Pittsburgh, where African Americans are 23% of the population but 70% of those arrested. While the ratio of over-representation is the same, the percentage point difference is only 2 in the hypothetical scenario (i.e., 3-1) but it's 47 points (i.e., 70-23) in the case of Pittsburgh.

The percentage point differences between African Americans' percent share of arrests and their percent share of the jurisdictional population follows below. We'll continue to examine the 47 police jurisdictions where 90% of Allegheny County's African Americans live.

Between August and December 2020, the Black % of all arrests minus the Black % of the population was:

- less than 20 points in 11 jurisdictions with 147,910 population (Black = 6,738, or 4.6% of total)
 - o 8 of 11 jurisdictions: differences of 12-19 points
 - o 1 of 11: slight negative difference (Homestead, as mentioned above)
 - o examples:
 - § Millvale Police (3,706 pop. and 46 arrests): African Americans = 13% of arrests but 9% of population (4-point difference, the second lowest after Homestead)
 - § Springdale Borough Police (3,326 pop. and 23 arrests): African Americans = 8.7% of arrests but 0.2% of population (8.5-point difference)
 - § Mt Oliver Borough Police (3,324 pop. and 95 arrests): African Americans = 49% of arrests but 33% of population (16-point difference)

- § Bethel Park Police (32,177 pop. and 85 arrests): African Americans = 21% of arrests but 2% of population (19-point difference)
- 20 – 29.49 points in 13 jurisdictions with 172,727 population (Black = 14,519, or 8.4% of total)
 - o examples:
 - § Duquesne city police (5,543 pop. and 88 arrests): African Americans = 82% of arrests but 57% of population (25-point difference)
 - § Munhall police (11,121 pop. and 28 arrests): African Americans = 43% of arrests but 14% of population (29-point difference)
- 30 – 39.49 points in 14 jurisdictions with 221,361 population (Black = 34,064, or 15.4%)
 - o examples:
 - § Jefferson Hills police (11,200 pop. and 39 arrests): African Americans = 36% of arrests but 2% of population (34-point difference)
 - § McCandless police (28,471 pop. and 36 arrests): African Americans = 33% of arrests but 3% of population (31-point difference)
 - § Whitehall Borough police (13,517 pop. and 29 arrests): African Americans = 41% of arrests but 3% of population (38-point difference)
- 40-69 points in 9 jurisdictions with 381,453 population (Black = 83,795, or 22%)
 - o examples (see also Pittsburgh, which is included in this group):
 - § Turtle Creek police (5,197 pop. and 27 arrests): African Americans = 85% of arrests but 16% of population (69-point difference; all others in this group between 40-50 point difference)
 - § West Mifflin police (19,834 pop. and 172 arrests): African Americans = 49% of arrests but 7% of population (42-point difference)
 - § North Versailles police (10,037 pop. and 33 arrests): African Americans = 58% of arrests but 16% of population (42-point difference)
 - § Brentwood Borough police (9,386 pop. and 47 arrests): African Americans = 53% of arrests but 3% of population (50-point difference).

POLICE OFFICERS

Police officers act as autonomous channels leading residents to the county criminal courts. In all, 1,658 police officers working for 126 different police agencies made 5,664 arrests that led to preliminary arraignments in Allegheny County between August 14 and December 31, 2020. Just 71 officers (4% of the total) made 20% of all arrests, and 30% of all drug arrests.

Because racial disparities in arrests are pervasive across the county's police agencies, the agency-level analysis tells a great deal of the story. Analysis of individual officers reveals the following:

- 613 police officers made 1 arrest, 308 made 2 arrests, 202 made 3 arrests, 143 made 4 arrests, and 109 officers each made 5 arrests.
- 283 police officers each made more than 5 arrests that lead to preliminary arraignment during the time period. The breakdown for these 283 officers is as follows:
 - o 212 officers each made 6-10 arrests
 - o 43 officers each made 11-15 arrests
 - o 16 officers each made 16-20 arrests
 - o 8 officers each made 21-25 arrests

- o 3 officers, each made 26-30 arrests. Those officers' names are Larry Butler of North Braddock (30 arrests), Ryan Lawrence of Mount Oliver (29 arrests) and William Kelly of McKees Rocks (26 Arrests). *Larry Butler is the subject of a 2019 federal lawsuit for the excessive force, unlawful arrest, and false imprisonment of Keaira Booker, a Black woman of North Braddock who filmed Butler at a traffic stop.
- o And one officer, Eric Cersosimo, made 52 arrests, accounting for more than a quarter (29%) of all arrests in McKees Rocks from August 14th to December 31st. Thirty (57%) of Cersosimo's arrests were of Black community members.
- The 283 officers who made more than 5 arrests accounted for 17% of arresting officers, but 48% of all arrests, and 60% of all drug arrests.
- The 71 officers who each made more than 10 arrests accounted for about 4% of all officers making arrests, but 20% of all arrests (1131/5664).
 - o 42% of these arrests (476/1131) included drug charges.^[22] And these 476 drug arrests represented 30% of all arrests with drug charges (476/1575).
 - § 352 of these 476 arrests (74%) contained none of the charges listed in Appendix 2 table rows 1-8, which is basically the same as for all drug arrests.^[23]
- Regarding the 12 officers making more than 20 arrests:
 - o They worked for 6 different police departments: McKees Rocks, Mt. Oliver Boro, N Braddock Boro, Pittsburgh city, Stowe Township, and Wilkinsburg^[24]
 - § 4 of the 12 work for McKees Rocks, 2 for Mt. Oliver, 2 for Pittsburgh, 2 for Stowe Township^[25]
- In a county that is less than 13% African American, 56% of those arrested were Black. This figure was higher still—62% (700/1131)—for the 71 officers who accounted for 20% of all arrests and 30% of all drug arrests.
- As the table just below shows, the more arrests that officers made, the more likely they were to make drug arrests. Only 16% of arrests by those making 1-2 arrests were for drug charges; the same was true for 49% of those making more than 15 arrests.
 - o 231 of these 298 arrests (78%) contained none of the charges listed in Appendix 2 table, rows 1-8, which was higher than for all drug arrests.^[26]
 - o The ongoing War on Drugs continues to be a major driver for police who make a large number of arrests.

Table 2: Relationship between # Arrests per Officer and Likelihood of Drug Arrests

# total arrests per officer	# total arrests	# and % Black arrests	# drug arrests	share of arrests with drug charges
1-2 arrests	1,229	595 (48.4%)	202	16%
3-5 arrests	1,723	902 (52.4%)	399	23%
6-10 arrests	1,581	973 (61.5%)	498	31%
11-15 arrests	528	312 (59.1%)	178	34%
more than 15 arrests	603	388 (64.3%)	298	49%

Policing and arrests constitute the first stage of the county apartheid system and have an overwhelmingly disproportionate and negative impact on Black residents. The second stage is marked by the preliminary arraignment and the question of whether and how much monetary bail is imposed on defendants by magistrate judges.

MONEY BAIL, RACE, AND ARBITRARY ASSIGNMENT OF BAIL BY ARRAIGNING JUDGE

What happens to arrestees at the preliminary arraignment stage? This section of the report: (1) provides an overview of money bail findings from August 14 to December 31, 2020; (2) summarizes evidence concerning racial disparities in misdemeanor arrests and money bail; and (3) examines the impact of judicial discretion in the imposition of secured monetary bail.

Overview of Money Bail Findings

To give the examination of money bail context, Allegheny County judges generally impose three kinds of money bail: unsecured monetary bail, monetary-10% bail, and (full) monetary bail. Unsecured money bail imposes no immediate cost on the defendant, but there is a potential cost down the road: defendants must sign their names agreeing to be subject to the dollar amount of the (unsecured monetary) bail if they fail to appear in court on the scheduled date. Unsecured monetary bail, in essence, is a potentially hefty fine for failure to appear in court.

The other two types of bail are secured: defendants must pay all or a portion of the bail in order to be released from custody during the pre-trial period. The monetary-10% version of secured monetary bail requires the defendant to pay 1/10 of the bail set by the judge as a condition of release. If defendants then appear in court as scheduled, the money is returned to them. Nevertheless, in order to be released, they must have access to the 10% up front, whether it's their own money, that of their friends/family, or a professional bail bondsman. In this case, pre-trial liberty costs money, but it's money that can be recovered in full (if they put up the 10% themselves) or in part (if they use the services of a professional bail bondsman (in which case, they would pay 1/10 of the 10%, or 1% of the total bail amount, to cover the bondsman's fee). If \$10,000 is the monetary-10% amount, then defendants must pay \$1,000 up front, and would stand to lose at least \$100 if they use the services of a professional bail bondsman to put up the \$10,000.

Ordinary (full) monetary bail ("monetary bail" on the docket sheets) requires the full amount to be paid as a condition of release. For most defendants this means that they must use the services of professional bail bondsmen. This for-profit service typically costs 10% of the assessed bail amount. But despite the similarity concerning the 10%, the defendant in this case doesn't get that money back; it's the bail bondsman's fee. So, a \$10,000 bail costs the defendant \$1,000 in fees to a professional bail bondsman, assuming the defendants themselves cannot front the \$10,000.

The information that follows focuses on the 4,058 single-docket defendants for whom bail type is known.^[27]

\$23,450,587 in bail (secured, unsecured, and nominal) imposed on 1,643 defendants (\$14,273 per defendant)^[28]

\$18,522,700 in secured monetary bail (meaning defendants had to pay for their pre-trial liberty) was imposed on 1,140 defendants, an average of \$16,248 per defendant.

- 257 of these 1,140 defendants faced 10%-monetary bail totaling \$1,357,200. That's \$5,281 per defendant, for an average 10% fee of \$528. The median was \$5,000, for a median 10% fee of \$500.^[29]
- 883 of these 1,140 defendants faced full monetary bail totaling \$17,165,500. That's \$19,440 per defendant for an average 10% fee of \$1,944. The median was \$10,000, for a median 10% fee of \$1,000.

Using the median figure to represent the typical defendant in order to exclude the effect of very large bail amounts, for 257 defendants the cost of avoiding or leaving jail during the pre-trial period was \$500. Assuming the defendants themselves paid the \$500, they should get this back when they return to court for additional proceedings. For a much larger group of 883 defendants, the typical defendant was required to pay \$10,000 for pre-trial liberty. For most/all of them this meant a cost of \$1,000 (to pay the bail bondsman) that they would never again see.

The 1,140 defendants who faced secured monetary bail represented 28% of the 4,058 single-docket defendants with a known bail type.

- Of the 1,880 felony defendants with a known bail type, 694, or 37%, faced secured money bail. This included \$798,100 monetary-10% for 110 felony defendants, and \$13,686,500 full-monetary bail for 584 felony defendants.
- Of the 2,146 misdemeanor defendants for whom bail type is known, 436, or 20%, faced secured money bail. This included \$549,100 in monetary-10% for 146 defendants (\$3,761 per defendant), and \$3,307,000 in full-monetary bail for 290 defendants (\$11,403 per defendant).

To put the above misdemeanor figures in perspective: In the midst of the COVID-19 pandemic, more than 2 people per day in Allegheny County were required to pay \$1140 in order to avoid pre-trial incarceration for misdemeanor charge(s). Additionally, one person per day was required to pay an average of \$376 in order to be released from detainment.

RACE, BAIL, AND MISDEMEANOR ARRESTS

Misdemeanor arrests affect African Americans much more than white residents of Allegheny County. Of the 2,298 misdemeanor defendants with one docket sheet (2,146 with a known bail type) between 14 August and 31 December, 2,234 were either African American or white. Despite the fact that African Americans are only about 12.7% of the county population, they were 47.7% of misdemeanor defendants (1,096/2,298) -- that is, defendants for whom a misdemeanor was the most serious charge.^[30]

The judicial system implements a categorization of people according to sex. To break the white and Black population down by sex and focusing on the 2,084 Black and white misdemeanor defendants for whom bail type is known, Black male misdemeanor defendants were least likely to receive the most "relaxed" form of bail, that is, nonmonetary bail: only 56% received this type of bail as compared to 70% of white male defendants.

Correspondingly, Black male misdemeanor defendants were 1.63 times more likely to have secured monetary bail imposed on them as compared to white male misdemeanor defendants.^[31]

Table 3: Bail Type by Race & Sex for Misdemeanor Defendants with One Docket Sheet

Bail Type	BLACK female	BLACK male	WHITE female	WHITE male
non-monetary	74.3%	56.4%	78.8%	69.9%
unsecured	12.0%	12.1%	9.2%	10.5%
mon-10%	6.3%	9.7%	3.8%	5.4%
monetary	7.3%	19.9%	7.9%	12.7%
denied	0.0%	1.8%	0.3%	1.3%
total number	300	713	316	755
% of all single-docket misdemeanor arrests	14.4%	33.3%	14.8%	34.6%
% of county population	6.4%	6.4%	39.1%	39.1%

Despite being less than 7 percent of the county population, Black males between August 14 and December 31 were:

- burdened with 33% of misdemeanor arrests (766 out of 2298)^[32]
- subjected to 43% of the total dollar value of unsecured monetary bail impositions for misdemeanors (\$622,000 out of \$1,463,500)
- subjected to 48% of all secured monetary bail impositions (211 of 436) and 54% of the total dollar value of secured monetary bail impositions (\$2,064,500 out of \$3,856,100) ^[33]

These arrest and bail disparities call for close scrutiny of how judges and police use their discretion. As the next section shows, both the defendant's race and individual judicial discretion have a great impact in determining who has to pay for their pre-trial liberty, even after controlling for a wide range of alleged offense variables.

JUDGES & BAIL: ARBITRARY IMPOSITION

Magisterial district judges are locally elected officials who oversee preliminary arraignments and set bail. In the typical case, magistrate judges use discretion to decide on the type of bail, the conditions of bail, and when bail is monetary, the amount of bail. The previously discussed bail figures are ultimately based on the exercise of judicial discretion. This section of the report examines whether, to what degree, and in what contexts the decisions of some judges differ considerably from the bail decisions of other judges. We focus on secured

monetary bail, that is, bail that imposes an up-front cost for pre-trial liberty. We use three different procedures to probe the extent to which the Allegheny County justice system subjects defendants to the “luck of the draw” – arbitrary bail imposition – when it comes to the issue of whether they will have to pay for their pre-trial freedom.

1. Judges and Arbitrary Bail Discretion

Based on initial analysis of all offenses for defendants with a single docket, we divided the judges into three groups, LOW, MEDIUM and HIGH. Those least likely to impose secured monetary bail (“LOW” in the table below), those most likely to do so (“HIGH”) and those in the middle (“MEDIUM”). For all offenses, the chance that a defendant was subjected to secured bail was 9% if they faced a judge in the LOW group but nearly 5 times more, 44%, if they faced a judge in the HIGH group. For Black defendants, this percentage increased from 13% to 51% (row 2 in Table 4).

Absent the requirement of detailed written rationales on the part of those making bail decisions, the reasons why secured bail is set, or not, are opaque to the public. Moreover, bail setting practices of the magistrates reflect a refusal to uphold the law. Instead, there appear to be various factors that are putatively taken into account, including a defendant’s alleged offending and court history, and the nature and context of the alleged offense when magistrates apply bail.

Is it possible that the defendants before HIGH judges were so different from those who faced LOW judges that this could explain why the HIGH judges were so much more likely to impose secured bail? We don’t have information on the defendant’s history. However, by focusing on single-docket defendants over a nearly 5-month period, we limit the impact of this factor as much as we can. Moreover, if defendants’ alleged offending history explains the differences, then we would expect the differences between LOW and HIGH judges to shrink and maybe even disappear when we examine defendants with 2 or 3 dockets during the 4.5-month time period. However, they don’t. All three sets of judges were more likely to impose secured bail on these more-than-one docket defendants, but the large gaps between LOW and HIGH judges remain: 39 percentage points for defendants with 2 dockets (i.e., 44 – 9) and 30 percentage points for 3 dockets (i.e., 74 – 44), as compared to 35 percentages points for 1 docket.^[34]

- 1-docket, % secured bail: LOW (9%); MED (31%); HIGH (44%)
- 2-dockets, % secured bail: LOW (26%); MED (54%); HIGH (65%)
- 3-dockets, % secured bail: LOW (44%); MED (64%); HIGH (74%)

A second question is whether the nature of the alleged offenses is what accounts for the major difference between LOW and HIGH judges. For this, we do have data. If very different offenses come before LOW and HIGH judges, then that could help to explain the large gap in monetary risk for defendants.

One way to tackle this question is to see if the LOW and HIGH differences remain when alleged offenses are filtered down into more specific categories. Much more detail can be found in the table below, but the takeaway is that the LOW-HIGH differences remain when such filters are applied. In other words, whether or not defendants have to pay for their pre-trial freedom is solely based on who their judge is: there is no true standard for how bail is imposed. Here are a few quick examples, with details to follow in the table (the percentages are % secured bail):

- only misdemeanors: LOW (6%); MED (23%); HIGH (35%)

- includes felony: LOW (15%); MED (39%); HIGH (52%)
- includes drug charge: LOW (11%); MED (35%); HIGH (47%)
- drug charge, not physical harm/threat: LOW (9%); MED (33%); HIGH (44%)

The table below allows one to compare not only LOW, MEDIUM, and HIGH judges but also the experiences of Black defendants in contrast to those who are not Black (nearly all of whom are white).^[35] Within every category of judge (low, medium, high) and for every alleged offense scenario, Black defendants are more likely to face secured monetary bail than non-Black defendants.^[36]

Here is information on how to interpret the table:

- Move from black text bold percent to bold percent in the secured row to see how the risk of getting secured bail changes depending on whether a defendant gets a judge-magistrate with a relatively low, medium, or high propensity to impose secured money bail. We used “All offenses” to create three categories of judges; notice the percent of secured bail increases from 9 to 31 to 44% as one moves from the low to medium to high categories. This pattern holds for all the specifications.
 - o This recurrent pattern indicates that the difference between HIGH and LOW bail-imposing judges that was found in the “all offenses” specification was not because the two sets of judges were considering different kinds of cases.
 - o A stronger test of this claim appears below in the regression analysis (the claim holds up).
- Move from red text percent to percent to see this same dynamic for Black defendants. For all offenses, for example, the risk of having secured money bail imposed increases from 13% to 34% to 51% depending on whether a Black defendant goes in front of a magistrate from the low, medium, or high group.
- Move from green text percent to percent to see this same dynamic for defendants who are not Black. “All offenses” example: 5 to 27 to 35%.
- Compare green text percent to red text percent within judicial categories (low, medium, high) in order to see whether the risk of secured bail is higher for Black defendants. It always is. Sometimes these differences are rather large, especially for the HIGH category judges. For all offenses in the HIGH judge category, this difference is 16 percentage points (51 vs. 35%), and for misdemeanors it is likewise 16 percentage points (44 vs. 28%).
- Some of the offense categories are fairly easy to understand (e.g., all offenses, felonies). “Misdemeanors” means that a misdemeanor was the most serious charge on the docket sheet.
- The harm1 category includes a range of offenses concerning interpersonal harm or threats/potential thereof; this includes everything from homicide to harassment. The harm3 category is narrower (e.g., it doesn’t include DUI or non-physical coercion charges like harassment). And the harm5 category is narrower still. More information on harm1, etc. can be found farther below in the Appendix 1 table “Offense Categories Description.” The tabular analysis in Table 4 either specifies that these are included (e.g., harm3) or excluded from the docket sheets (e.g, NOT-harm3) under consideration.
- The “total n” row indicates the number of cases heard by LOW, MEDIUM, and HIGH judges based on offense category and race of the defendant. For example, for “all offenses,” LOW judges decided bail for a total of 1,210 defendants, including 607 Black and 603 not-Black defendants.

Table 4: Percent secured bail by alleged offense type, race, and judges' relative likelihood of imposing secured bail based on "all offenses"

	LOW	MEDIU M	HIGH						
	not Black	Black	total	not Black	Black	total	not Black	Black	total
all offenses ^{37]}									
not secured	95%	87%	91%	73%	66%	69%	65%	49%	56%
secured	5%	13%	9%	27%	34%	31%	35%	51%	44%
total n	603	607	1210	736	961	1697	538	613	1151
misdem eanors									
not secured	96%	92%	94%	80%	73%	77%	72%	56%	65%
secured	4%	8%	6%	20%	27%	23%	28%	44%	35%
total n	412	341	753	413	424	837	308	248	556
felonies									
not secured	91%	81%	85%	64%	60%	61%	54%	44%	48%
secured	9%	19%	15%	36%	40%	39%	46%	56%	52%
total n	187	265	452	312	532	844	224	360	584
NOT- harm1									
not secured	94%	89%	92%	72%	70%	71%	61%	55%	58%
secured	6%	11%	8%	28%	30%	29%	39%	45%	42%
total n	264	220	484	294	309	603	205	196	401
NOT- harm3									
not secured	95%	90%	93%	76%	71%	73%	66%	56%	61%

secured	5%	10%	7%	24%	29%	27%	34%	44%	39%
total n	408	325	733	406	406	812	277	252	529
NOT-harm5									
not secured	95%	89%	92%	75%	72%	73%	69%	54%	61%
secured	5%	11%	8%	25%	28%	27%	31%	46%	39%
total n	525	467	992	586	661	1247	434	409	843
drug, NOT-harm1									
not secured	94%	87%	91%	64%	69%	67%	58%	53%	56%
secured	6%	13%	9%	36%	31%	33%	42%	47%	44%
total n	106	98	204	118	172	290	95	94	189
drug									
not secured	94%	84%	89%	66%	64%	65%	55%	52%	53%
secured	6%	16%	11%	34%	36%	35%	45%	48%	47%
total n	147	166	313	173	283	456	136	165	301
harm1									
not secured	95%	86%	90%	74%	64%	68%	67%	47%	56%
secured	5%	14%	10%	26%	36%	32%	33%	53%	44%
total n	339	387	726	442	652	1094	333	417	750
harm3									
not secured	93%	84%	88%	70%	61%	65%	63%	44%	52%
secured	7%	16%	12%	30%	39%	35%	37%	56%	48%
total n	195	282	477	330	555	884	261	361	622
harm5									

not secured	88%	81%	83%	67%	52%	57%	48%	41%	43%
secured	12%	19%	17%	33%	48%	43%	52%	59%	57%
total n	78	140	218	150	300	450	104	204	308
harm3, NOT- harm5									
not secured	97%	88%	92%	73%	72%	73%	73%	49%	61%
secured	3%	12%	8%	27%	28%	27%	27%	51%	39%
total n	117	142	259	180	255	435	157	157	314

2. The Impact of Allowing the HIGH and LOW Groups to Vary

In the approach above, the LOW and HIGH judges were determined for “all offenses” and then the groupings were carried over to each offense specification (e.g., misdemeanors). A second approach is to determine the LOW and HIGH groups for each offense specification. This has a few advantages. First, it helps ensure that the HIGH and LOW judge-groups have a more equal balance of cases for each scenario, meaning in this respect that a defendant had something close to an equal chance of seeing a HIGH or LOW judge. Second, this approach is a more direct way to measure the degree to which defendants face a “luck of the draw” situation based on their particular alleged offense category (because the high/low judge rankings are based on the offense specification).

Third, this approach allows us to see how many of the more than 50 judges make it into the top 10 for any given offense specification (meaning they are in the group most likely to impose secured monetary bail). It could be that most or all make it into the top 10 at least once, which would suggest that the alleged offenses matter a lot for judicial decisions regarding monetary bail. What we found is quite different: Analyzing the magistrate judges across 11 offense specifications and thus 110 “top 10” spots, only 19 of the 52 judges made it into the top 10 groupings likely to impose secured monetary bail.^[38] Of these 19 judges, 18 were in the top 19 for “all offenses.” The one exception, Kevin Eugene Cooper Jr., ranked 23rd on the “all offenses” list but made it on four top 10 lists, three of which are represented in the tables that appear elsewhere in the long report: (1) NOT-harm3, (2) drug, (3) NOT-harm1, and (4) harm1.

Table 5 is on the next page

Table 5: 19 judges who made it into the top 10 for secured bail imposition in relation to at least one offense specification

Name	# of cases	# secured bail	% secured bail
Robert L. Ford	27	17	63%
Regis Charles Welsh	142	87	61%
Leonard J. Hromyak	15	7	47%
Robert Paul Dzvonic	156	69	44%
Daniel E. Butler	87	38	44%
James A. Motznik	82	35	43%
Carla M. Swearingen-Batch	54	22	41%
Thomas S. Brletic	140	57	41%
Randy C. Martini	138	54	39%
Eileen M. Conroy	310	115	37%
Tom Swan	41	15	37%
Jesse J. Cramer	429	156	36%
Eugene Ricciardi	131	47	36%
Anthony M. Ceoffe	53	19	36%
Craig C. Stephens	237	80	34%
Michael W. Thatcher	42	13	31%
Thomas Miller Jr.	46	14	30%
Armand Martin	50	15	30%
Kevin Eugene Cooper Jr.	75	19	25%

Regarding defendants’ “luck of the draw,” it’s useful to think of the difference between HIGH and LOW judges as entailing, for defendants, different levels of risk that they will have to pay for their pre-trial liberty (that is, have secured monetary bail imposed). The risk ratio takes into account the total number of cases for each judge group (see the footnote to “# cases” in column 2 of the table for details).

In the table that follows, the risk ratio for each offense specification is highlighted in yellow in column 7 (the column farthest to the right). For misdemeanor offenses, a defendant’s risk of having to pay for pre-trial liberty was 6.67 times greater if they were assigned to a judge in the HIGH group as compared to the LOW group.

Referring to columns 6 then 5, HIGH and LOW judges each handled about 35% of all misdemeanor cases, but HIGH judges accounted for 62% of all secured money bail impositions, while LOW judges accounted for just 9% of this total.

Suggesting that judges react in more similar ways to felony offenses, the risk ratio is lowest for felonies. But it's still quite high. Consider this realistic scenario: For a felony defendant who was initially assigned to a LOW group judge but then re-assigned to a HIGH group judge, their risk of being subjected to secured money bail would increase nearly four-fold.

The greatest risk disparity for defendants concerns the “drug, NOT-harm1” classification (see the “Offense Categories Description” for all that is excluded by excluding cases with harm1). Here the risk of a defendant’s getting secured bail is nearly 9.63 times greater for a defendant who sees a HIGH group judge rather than a LOW group judge. Referring to column 4, HIGH group judges imposed secured bail in 55% of these cases, while LOW group judges did the same in only 6% of the cases.

Table 6: Defendant’s relative risk of receiving secured monetary bail based on getting HIGH vs. LOW judge, by offense category

(1)	(2) # cases ^[39]	(3) # secured bail	(4) % secured bail	(5) % of all secured	(6) % of all cases	(7) risk ratio-defendant ^[40]
all offenses	4,027	1,127	28%	100%	100%	n/a
HIGH	1,151	501	44%	44%	29%	4.75
LOW	1,210	111	9%	10%	30%	reference
misdemeanors	2,120	428	20%	100%	100%	n/a
HIGH	756	265	35%	62%	36%	6.67
LOW	742	39	5%	9%	35%	reference
felonies	1,857	686	37%	100%	100%	n/a
HIGH	441	245	56%	36%	24%	3.80
LOW	472	69	15%	10%	25%	reference
NOT-harm1	1,464	375	26%	100%	100%	n/a
HIGH	349	162	46%	43%	24%	6.81
LOW	484	33	7%	9%	33%	reference
NOT-harm3	2,043	465	23%	100%	100%	n/a
HIGH	522	214	41%	46%	26%	6.03
LOW	750	51	7%	11%	37%	reference

NOT-harm5	3,057	728	24%	100%	100%	n/a
HIGH	798	317	40%	44%	26%	5.11
LOW	1,081	84	8%	11%	35%	reference
drug, NOT-harm1	659	195	30%	100%	100%	n/a
HIGH	178	98	55%	50%	27%	9.63
LOW	175	10	6%	5%	27%	reference
drug	1,049	330	31%	100%	100%	n/a
HIGH	244	137	56%	42%	23%	6.57
LOW	281	24	9%	7%	27%	reference
harm1	2,542	749	29%	100%	100%	n/a
HIGH	683	307	45%	41%	27%	5.04
LOW	729	65	9%	9%	29%	reference

3. Regression Analysis

When it comes to defendants' risk of having to pay for their pre-trial liberty (or be incarcerated if they can't), how strong is the effect of HIGH and LOW judges once we take into account many other variables that can affect the likelihood of a defendant's being subjected to secured bail? We ran a statistical model predicting whether a defendant was subjected to secured monetary bail. As predictors of this outcome, we included the 3-category judge variable (high, medium, low), the 2-category race variable, and 20 variables related to offense charges.^[41] We then generated predicted probabilities based on the statistical model.^[42]

The table below allows one to compare the tabular relationship with the predicted probabilities based on the statistical model.^[43] The tabular relationship simply tells you, for example, the percent of cases in which LOW judges imposed secured monetary bail (9%) and the percent of cases in which HIGH judges did so (44%)—this is the same as the “all offenses” rows of the Tables 4 and 6 above. To give another example, the tabular relationship tells you what percent of single-docket Black defendants were subjected to secured monetary bail (33%) and what percent of non-Black defendants (22%).

One can think of the predicted probabilities as what the tabular relationship would have been if we had been able first to take into account the impact of the other 21 variables in the statistical model. A looser way to say this is that the predicted probabilities suggest what the tabular relationship would have been if the value of all other variables had been the same for LOW and HIGH judges, or for Black and not-Black defendants, or for those with a drug charge and those who didn't have a drug charge (and so on).

For some of the predictors listed below, taking into account the other variables changes the picture to a considerable degree. For example, while 62% of defendants with robbery charges were subjected to money

bail but only 27% of those without robbery charges on their docket sheet were subjected to money bail, these numbers are 43% and 28% once all the variables in the model are taken into account; a difference of 35 percentage points (62 – 27) shrinks to a difference of 15 percentage points (43 – 28). DUI charges provide a second example of this impact. Referring to the tabular relationship column, 30% of those without DUI charges faced secured bail, but only 9% of those with DUI charges faced secured bail. Once we taken into account other variables, the predicted probabilities of receiving secured bail are 29% for those without a DUI charge as compared to 20% for those with a DUI charge.

The racial disparity evident in the tabular analysis remains after controlling for these 21 variables, although it is somewhat reduced: from 10.6 percentage points (33 – 22.4) to 6.5 percentage points (31 – 24.5). In percent comparison terms, even after controlling for judges and 20 different offense variables, Black defendants are 26.5% more likely to be subjected to secured monetary bail.^[44]

The statistical controls barely alter the difference between HIGH and LOW judges. As the tabular relationship shows, it is much riskier for defendants to go in front of HIGH judges (44% secured bail imposition) as compared to LOW judges (9% secured bail imposition). Once we taken into account the other 21 predictors in the model, this dramatic difference in risk for defendants remains basically the same: the predicted probability of secured money bail is 42% if someone goes in front of a HIGH judge and 10% if they go in front of a LOW judge.^[45] Even after controlling for nearly two dozen offense variables and focusing exclusively on defendants with a single docket, it's clear that whether defendants face liberty-threatening secured monetary bail is to a large degree the luck of the draw.

Table 7: Effect of Judges, Race, and Other Variables on Risk of Having Secured Bail Imposed: Comparing the Tabular Relationship with Predicted Probabilities Based on Logistic Regression

variable	tabular relationship	predicted probability in statistical model
judges (low à high)	9.2 à 43.5%	10.4 à 41.8%
race (not-Black à Black)	22.4 à 33.0%	24.5 à 31.0%
offense grade (M3 à F1)	14.5 à 49.9%	22.1 à 40.3%
drug (absent à present)	26.9 à 31.3%	25.9 à 34.8%
robbery (absent à present)	27.3 à 61.7%	27.8 à 43.1%
sbi ^[46] charge (absent à present)	26.5 à 48.9%	27.0 à 43.3%
dui charge (absent à present)	30.2 à 9.4%	28.6 à 20.0%

CONCLUSION

“The overrepresentation of Black people within the criminal justice system has far more to do with the impact of white supremacy than anything else. In fact, the vast racial disparities presented here are so stark, they constitute prima facie evidence of racial apartheid.” Although the results of this study are well known by people who experience the criminal punishment system and our comrades who work to free them all, the ALC Court Watch program will continue to report the findings until there is no need to. With abolition as our vision and end goal, we share the following demands:

WE AIM TO DISMANTLE POLICE SOVEREIGNTY

The threshold to courts lies largely in policing: cops occupy the entrance to the prison industrial-complex. With 1,658 police officers working for 126 different police agencies who made 5,664 arrests over the course of 140 days as detailed in this report, we believe there is far too much discretionary power in the hands of the police. The police represent a monopoly of racist state violence that has become normalized under the guise of “public safety.” A reduction in the number of police agencies, number of officers, and amount of overall police funding, would save lives and prevent many of the traumas, financial hardships and long-term social stratification that result from arrest and confinement. We suggest traffic enforcement be separated from the police departments and detainment should not be enforced automatically on all misdemeanor charges. We continue to reiterate our calls for abolitionist reforms that divest public funds from the police state and into community-led initiatives centering housing, healthcare, education, and employment.

WE SEEK PRE-TRIAL FREEDOM FOR COMMUNITY MEMBERS

We demand magistrates of Allegheny County to be proponents for justice by complying with the Constitution of Pennsylvania. Current bail habits of the Magisterial District Courts point to a continuous and intentional application of bail as a racist, punitive tactic that penalizes the poor. As observed in this report, the inconsistencies of how cash bail is imposed among magistrates reveals there is no real standard for how cash bail is imposed, thus creating a crisis of legitimacy in the District Courts. The current system renders the financial and carceral fates of community members as merely entropic: ending cash bail is urgent and necessary. The use of surveillance, algorithmic violence, and predictive policing, which rely on risk assessment “formulas” that are inherently anti-Black are also not “alternatives” to cash bail. These practices represent an expansion of the surveillance state and do not promote pre-trial freedom. Pre-trial freedom is what we demand; pre-trial freedom is what our community members deserve.

WE DEMAND OPEN COURTS

As demonstrated since January 12th of this year, ongoing remote access to courts is feasible and necessary. An open court is a fundamental component of democracy. Although the court order designating court access is temporal, there is no reason to end the current system designed by the administration – only to refine the process to make access a common part of our judicial practices. Transparency of the courts moves us closer to a participatory justice system that is satisfying to the people whom it purports to serve.

APPENDIX 1

Offense Category Description in Bail Analysis: harm1, harm3, harm5

offense criteria	harm1 ^[47]	harm3	harm5
burglary			
offenses against children			
serious bodily injury ^[48]			
robbery			
actual sex offenses (not registration)			
weapons offenses			
non-trivial bodily contact offenses (e.g., simple assault) or offenses like arson or reckless endangerment ^[49]			
dui			
coercion offense not involving bodily contact ^[50]			
Counts for bail type known (n = 5,466) ^[51]			
harm1	3,257		
harm1 + harm3	2,526		
harm1 + harm5	1,306		
harm3		2,526	
harm3 + harm5		1,306	
harm5			1,306

As the above table reveals, 731 harm1 offenses are because of a DUI or a coercion offense not involving bodily contact ($3257 - 2526 = 731$). Moreover, of the 2,526 harm3 offenses, 1,220 are limited to charges like simple assault (which alone accounts for more than 70% of the harm3-but-not-harm5 offenses and does not involve serious injury) and reckless endangerment and related offenses ($2526 - 1306 = 1220$).

APPENDIX 2

Offense Charge Distribution

focus charge	total	docket sheet contains ZERO charges related to:							
		1	2	3	4	5	6	7	8
all charges	5,664	5,298	5,182	5,104	4,936	4,753	4,344	3,105	2,738
· Pb urg h Pol ice	1,871	1,725	1,658	1,633	1,556	1,498	1,358	873	723
· oth er Pol ice	3,793	3,573	3,524	3,471	3,380	3,255	2,986	2,232	2,015
simple assault, etc. ^[52]	1,679	1,442	1,392	1,377	1,336	1,278	1,239	0	0
· Pb urg h Pol ice	669	579	555	552	532	506	485	0	0
· oth er poli ce	1,010	863	837	825	804	772	754	0	0

perceived coercion ^{53]}	1,245	1,116	1,070	1,054	1,005	976	931	367	0
· Pb urg h Pol ice	374	338	320	314	290	280	257	150	0
· oth er poli ce	871	778	750	740	715	696	674	217	0
drug	1,575	1,544	1,538	1,538	1,526	1,473	1,259	1,205	1,191
· Pb urg h Pol ice	499	492	487	487	482	470	393	371	362 ^[54]
· oth er Pol ice	1,076	1,052	1,051	1,051	1,044	1,003	866	834	829 ^[55]
property	1,647	1,596	1,534	1,531	1,407	1,382	1,283	1,114	1,018
· Pb urg h Pol ice	499	480	448	448	402	397	365	302	262
· oth er poli ce	1,148	1,116	1,086	1,083	1,005	985	918	812	756

drug or property	2,986	2,912	2,846	2,843	2,716	2,654	2,393	2,182	2,079
· Pb urg h Pol ice	923	900	865	865	817	802	710	628	584
· oth er poli ce	2,063	2,012	1,981	1,978	1,899	1,852	1,683	1,554	1,495
public order	800	747	740	725	697	685	656	476	364[56]
· Pb urg h Pol ice	213	202	199	195	186	185	180	142	108
· oth er poli ce	587	545	541	530	511	500	476	334	256
resisting arrest	298	269	267	266	260	254	232	145	121[57]
· Pb urg h Pol ice	84	77	75	74	71	71	71	47	36
· oth er poli ce	214	192	192	192	189	183	161	98	85

agg assault b/c status ^[58]	95	95	95	95	92	92	88	0	0
· Pb urg h Pol ice	31	31	31	31	29	29	28	0	0
· oth er poli ce ^[59]	64	64	64	64	63	63	60	0	0

Table notes:

total column: # of docket sheets that include focus charge

column 1: SBI/death

- include focus charge but exclude SBI/death

column 2: robbery, or charge in 1

- include focus charge but exclude robbery or SBI/death

column 3: sex crime, or any charge in 2

- include focus charge but exclude sex crime, robbery, or SBI/death

column 4: burglary, or any charge in 3

- include focus charge but exclude burglary, sex crime, robbery, or SBI/death

column 5: offense against children, or any charge in 4

- include focus charge but exclude offenses against children, burglary, sex crime, robbery, or SBI/death

column 6: weapons charge, or any offense in 5

- include focus charge but exclude weapons charge, offenses against children, burglary, sex crime, robbery, or SBI/death

column 7: variety of charges related to non-trivial bodily contact offenses, including simple assault (even if graded upward based on adult status), strangulation, false imprisonment, and unlawful restraint; or offenses like arson and reckless endangerment that create conditions for serious injury (physz2_i), or any charge in 6

- include focus charge but exclude non-trivial bodily contact offenses, weapons charge, offenses against children, burglary, sex crime, robbery, or SBI/death

column 8: wide variety of charges of perceived coercion but with neither physical contact nor specific physical action (e.g., arson) as an element of the offense (physz3_i), or any charge 7

- include focus charge but exclude perceived non-physical coercion, non-trivial bodily contact offenses, weapons charge, offenses against children, burglary, sex crime, robbery, or SBI/death

Additional Analysis of Offense Charge Distribution

For what alleged offenses are people being arrested? We'll start with the 5,664 docket sheets and reduce the total by subtracting docket sheets that contain specific kinds of offenses, starting with those that most people agree are serious. What follows is based on the above table, and it parallels variables such as "harm1" that were used in the bail analyses and which were detailed in Appendix 1:

- 5,664: all docket sheets with new offenses
- 5,298: subtracting those docket sheets containing offenses related to death or serious bodily injury (SBI)
- 5,182: subtracting those docket sheets containing robbery or death/SBI
- 5,104: subtracting those docket sheets containing sex offenses with a victim, robbery, or death/SBI^[60]
- 4,936: subtracting those docket sheets containing burglary, sex offenses with a victim, robbery, or death/SBI
- 4,753: subtracting those docket sheets containing offenses that involve children, burglary, sex offenses with a victim, or death/SBI
- 4,344: subtracting those docket sheets containing weapons offenses, offenses that involve children, burglary, sex offenses with a victim, or death/SBI^[61]

The above mirrors what is laid out in columns 1-6 of the above Appendix 2 table. Also, these charges collectively represent the "harm5" variable in the money bail analyses (see also Appendix 1). Putting aside all docket sheets that contain any of the above charges, we are still left with 77% of the original number (4344/5644).

The number declines to 3,105 (55% of the total) when we subtract docket sheets containing any of the above charges and/or those containing "simple assault" or related charges—which by their very legal definition do NOT entail serious bodily injury (column 7 in Appendix 2). Taking these into account is the equivalent of the "harm3" variable in the money bail analyses.

We've now moved from alleged offenses that clearly involve direct and non-consensual physical harm/danger to another person to offenses that may involve some non-serious injury but not serious injury (the simple assault, etc. offenses just discussed). Lastly, there are a wide variety of "threat" offenses. For these "perceived coercion" offenses (our term), neither physical contact nor any specific physical action is an element of the offense under the crime code. Taking these into account reduces the number of docket sheets to 2,738 (column 8 in Appendix 2).

Even after removing all offenses that may involve serious physical harm (columns 1-3 in Appendix 2) but more often do not (column 7 in Appendix 2), and that may entail no more than a threat (column 8 in Appendix 2), we are still left with 2,738 arrests, or 48% of the total.

If one examines docket sheets that exclude all of the above, then what kinds of alleged offenses remain? Almost all of this remaining half consist of:

- drug offenses (1,191, or 76% of all 1,575 docket sheets with drug charges)
- property offenses (1,018)^[62]
- DUIs that involve neither property nor drug charges (283)
- public order charges that involve neither drug nor property nor DUI charges (119)

vehicle charges that include none of the above (118).^[63]

^[1] Municipal police agencies that cover more than one municipality: (1) Allegheny Valley Regional PD (Cheswick Borough; Springdale Township); (2) Carnegie PD (Carnegie Borough; Pennsbury Village Borough); (3) Crafton Borough PD (Crafton Borough; Thornburg Borough); (4) East McKeesport PD (East McKeesport Borough; Wall Borough); (5) Elizabeth Borough PD (Elizabeth Borough; West Elizabeth Borough); (6) Forest Hills PD (Forest Hills Borough; Chalfant Borough); (7) McKeesport PD (McKeesport city; Dravosburg Borough); (8) Northern Regional PD of Allegheny County (Bradford Woods borough; Marshall township; Pine township; Richland township); (9) Ohio Township PD (Ohio township; Aleppo township; Ben Avon Heights borough; Emsworth borough; Kilbuck township; Neville township; Sewickley Hills borough); (10) Scott Township PD (Scott township; Roslyn Farms borough); Sewickley Borough PD (Sewickley borough; Glen Osborne borough); (11) White Oak Borough PD (White Oak borough; South Versailles township).

^[2] A handful of municipalities are covered by state or county police agencies that have broader jurisdictions: Wilmerding Borough (Allegheny County Police); Glenfield Borough and Haysville Borough (Pennsylvania State Police-Findlay); and East Pittsburgh (PSP-Troop B). The balance of the arresting police agencies consists of more than a dozen that are either non-city police agencies within Pittsburgh (e.g., UPMC police) or agencies with jurisdictions that overlap Pittsburgh and the rest of Allegheny County (e.g., Allegheny County Police Department).

^[3] source: https://fullfact.org/finder/crime_law/police/

^[4] The England & Wales figure is from Franklin Zimring (2017) *When Police Kill* (Harvard University Press), pages 81-82. The Allegheny County figure is from *Police Shooting Fatalities: 2015-2020*, page 8 (published Feb. 23, 2021 by The Ohio Alliance for Innovation in Population Health and Ohio University).

^[5] The table in Appendix 2 allows one to compare Pittsburgh with all other police agencies combined. For example, while Pittsburgh accounted for 33% of all arrests, its share of all arrests that exclude the items in columns 1-8 (similar to excluding "harm1" in the money bail analysis, except that harm1 includes DUIs) is about equal to its share of the county population ($723/2738 = 26\%$).

^[6] African Americans were named as defendants on 3,170 docket sheets; however, 327 of these were carried out either by non-city police agencies within Pittsburgh (e.g., UPMC police) or by agencies with jurisdictions that overlap Pittsburgh and the rest of Allegheny County (e.g., Allegheny County Police Department). In total, these 17 agencies made 503 arrests, and there were another 18 arrests for which no police agency was listed (62.8% Black: 327/521). Nine of these 17 agencies had fewer than 10 arrests. Those with 10 or more arrests are as follows: Allegheny County Police Department (233 arrests), Allegheny County Sheriff (90 arrests), Port Authority Police (54), UPMC (31), Office of the Attorney General (28), Allegheny County District Attorney (20), Highmark Health PD (13), and University of Pittsburgh Police (10). State agencies with clear non-Pittsburgh jurisdiction (e.g., PSP-Troop D) were included in the non-Pittsburgh Allegheny County calculation but not in later analysis of municipalities.

^[7] $154,976 / 1,221,774 = 12.7\%$. The 154,976 is for the non-Hispanic Black population. There are also 2,084 Hispanic Blacks in Allegheny County according to the 2015-19 ACS. If they were included, the Black share of the population would increase from 12.7 to 12.9%.

^[8] $3,170 / 5,664 = 55.967\%$

^[9] ratio of (over)representation: $(3170/5664) / (154976/1221744) = 4.412$ (also: $56/12.7 = 4.409$)

^[10] ratio of (over) representation: $(1301/1871) / (68826/302205) = 3.053$ (also: $69.5/22.8 = 3.048$)

^[11] If all police agencies except Pittsburgh city police are used, then African Americans were 49.3% of all arrests (1,869 / 3,793). However, this includes arrests carried out either by non-city police agencies within Pittsburgh (e.g., UPMC police) or by agencies with jurisdictions that overlap Pittsburgh and the rest of Allegheny County (e.g., Allegheny County Police Department). In total, these 17 agencies made 503 arrests, and there were another 18 arrests for which no police agency was listed (62.8% Black: 327/521). Nine of these 17 agencies had fewer than 10 arrests. Those with 10 or more arrests are as follows: Allegheny County Police Department (233 arrests), Allegheny County Sheriff (90 arrests), Port Authority Police (54), UPMC (31), Office of the Attorney General (28), Allegheny County District Attorney (20), Highmark Health PD (13), and University of Pittsburgh Police (10). State agencies with clear non-Pittsburgh jurisdiction (e.g., PSP-Troop D) were included in the non-Pittsburgh Allegheny County calculation but not in later analysis of municipalities.

^[12] ratio of (over) representation: $(1542/3272) / (86150 / 919539) = 5.030$ (also: $47.1/9.4 = 5.0106$)

[13] This excludes Allegheny County Police Dept, Allegheny County Sheriff's Dept, the PSP, and Port Authority police, all of which had 40 or more arrests.

[14] Seven of these 26 arrests involved vehicle-related charges. <DELETE> STATA: count if pd=="Frazer Township Police Dept" & otherarrest==0 & vehicle==1 & n2race==1

[15] "Misd." stands for misdemeanor arrests. For the meanings of secured bail and "harm5," see the Money Bail section of the report.

[16] Population figures are from the 5-year American Community Survey estimates for 2015-19.

[17] Bail type is known for only 50 of these 68.

[18] Bail type is known for only 38 of 47.

[19] For municipal police agencies that cover more than one locality (see footnote ____), the totals for all relevant localities were summed

[20] These 47 municipalities account for 75.8 % of the county population (926,151 / 1,221,744), 78.6% of all docket sheets with new offense charges (4,453 / 5,664), 81.2% of all docket sheets that name a Black defendant (2,574 / 3,170), and 89.8% of Allegheny County's African American population (139,116 / 154,976).

[21] The remaining 10% live in either 51 jurisdictions with 1-19 arrests (13,029 Black / 266,792 total pop = 4.9% Black) or in one of 9 jurisdictions with 0 arrests leading to preliminary arraignment between Aug-Dec 2020 (1,155 Black / 13,029 total pop = 4.6% Black). Although only 177 of African Americans 3,170 docket sheets were linked to the <20 arrest jurisdictions (5.6% of the total; the rest of the balance comes from Allegheny County Police Dept, etc. and university police agencies, etc.), these 177 arrests were out of a total of 493 for these 51 jurisdictions (35.9%). This is a ratio of over-representation of 7.35.

[22] <DELETE> STATA: count if s_officerid_count>10 & drug==1 & otherarrest==0

[23] <DELETE> STATA: count if s_officerid_count>15 & drug==1 & otherarrest==0 & ~(physz1_i==1 | robz_all==1 | sexcrime1==1 | burglary==1 | child1==1 | weaponz_all==1 | physz2_i==1 | physz3_i==1)

[24] <DELETE> STATA: tab pd if otherarrest==0 & s_officerid_count>20

[25] MCKEES ROCKS: Jonathan R. Bawkey (21 arrests), Jeffrey C. Bowser (24 arrests), Eric Cersosimo (52 arrests), William J. Kelly (26 arrests).

MT OLIVER: Jacob D. Alexander (22 arrests), Ryan J. Lawrence (29 arrests)

PITTSBURGH: Nathan L. Dettling (23 arrests), Adam H. Pernelli (21 arrests)

STOWE TOWNSHIP: Michael A. Apicella (23 arrests), Nicholas D. Dimichele (21 arrests)

NORTH BRADDOCK: Larry L. Butler (30 arrests)

<DELETE> STATA: tab officer_id if otherarrest==0 & s_officerid_count>20

[26] More information on the appendices can be found in the section on money bail. <DELETE> STATA: count if s_officerid_count>10 & drug==1 & otherarrest==0 & ~(physz1_i==1 | robz_all==1 | sexcrime1==1 | burglary==1 | child1==1 | weaponz_all==1 | physz2_i==1 | physz3_i==1)

[27] This is out of a total of 4,230 single-docket defendants. Defendants with more than one docket sheet are typically subjected to money bail more often than those with one docket sheet, so focusing on defendants with only one docket sheet somewhat underestimates the full scope of money bail impositions. 28% of single-docket defendants were subjected to secured money bail. In contrast, among the 558 defendants with more than one docket sheet, 374 (67%) faced secured money bail on at least one of their docket sheets. [<delete> excel output sheet: "docket-multiple"; filter tally_secured and use Excel count]

[28] 3 single-docket defendants faced "nominal" bail of \$1 each.

[29] <DELETE> STATA for median figures: table nbt if (nbt==4 | nbt==5) & s2_defid_count==1, contents (freq sum bail10pct p50 bail10pct sum bailmonetary p50 bailmonetary)

[30] <delete> excel output: race-sex1b

[31] $(9.7 + 19.9) / (5.4 + 12.7) = 1.63$

[32] The docket sheets reported bail type for 713 of these, which is thus the figure in the table above.

[33] <delete> excel output sheet: rs2b

[34] <DELETE> STATA for 2-docket: tab rank_3 tally_secured if tally2_btknown==1 & s2_defid_count==3

[35] Among the single-docket defendants for whom bail type is known, 1,768 of the 1,877 “not Black” defendants were white, 36 were from other groups, and 73 had no race information listed.

[36] Here is how we created the low/medium/high categories. For “all offenses” judges were ranked from 1-52 based on the percentage of secured bail impositions. This was done for judges with at least 5 known bail type cases. The rankings excluded “Kim Berkeley” because her name is a placeholder for some Pittsburgh cases. Those ranked 1-10 were placed in the HIGH category. The LOW category was then constructed with the other end of the distribution, choosing as many judges at that end as was necessary to get a roughly equal number of cases. All other judges, including “Kim Berkeley Clark” and those with less than 5 cases were placed in the MEDIUM category. We then applied the list of LOW, MEDIUM, and HIGH judges to all other offense scenarios. The roughly equal weighting holds for “all offenses” but is sometimes less balanced for other offense scenarios. This is addressed in the subsequent analysis.

[37] <DELETE> STATA: all offenses: bysort rank_3: tab tally_secured n2race if s2_defid==1 & tally2_btknown==1, col //all offenses//

[38] This number is 52, because the 53rd judge, “Kim Berkeley Clark,” is a placeholder for cases where the actual magistrate is not listed.

[39] The overall total for this table will differ slightly from the related table, because the totals in this table remove “Kim Berkeley Clark” and judges with fewer than 5 cases for a given offense type; these cases were added to the “MEDIUM” category for the 3-group classification used in the earlier table.

[40] The risk of going for before a HIGH judge as compared to a LOW judge. Example of risk ratio calculation using “all offenses”: $(501/1151) / (111/1210) = 4.7448752$

[41] <DELETE> STATA: logistic tally_secured i.n2race i.rank_3 offgradeserious i.drug i.robz_all i.physz1_interp1 i.physz2_interp2 i.physz3_interp3 i.compliance i.obstruction i.coerce_18s2706_a1 i.property i.vehicle i.oui i.weaponz_all i.sexcrime1 i.child1 i.child3 i.title_18 i.publicorderz_all i.phys_18s2702 i.phys_18s2701 if s2_defid==1 & offgrade<8 & tally2_btknown==1, cluster(njpa)

[42] <DELETE> STATA: margins i.n2race rank_3 i.offgrade i.drug i.robz_all i.physz1 i.oui i.coerce_18s2706_a1

[43] All of the variables listed are statistically significant: $p < 0.001$ for judges, race, and offense grade; $p < 0.01$ for drug, robbery, and sbi charge.

[44] $(31-24.5) / 24.5 * 100\%$

[45] The predicted probability for MEDIUM judges is 30% as compared to 31% in the tabular relationship.

[46] These are charges related to “serious bodily injury” (sbi) plus kidnapping.

<DELETE> STATA: mark physz1_interp1 if (phys1a==1 | phys_18s2606==1 | phys_18s2702_a1==1 | phys_18s2702_a2==1 | phys_18s2702_a4==1 | phys_18s2702_a7==1 | phys_18s2702_a8==1 | phys_18s2702_a9==1 | phys_18s2901==1 | veh_agg_assault==1)

[47] A brief description of harm1: offenses concerning interpersonal harm or threats/potential thereof; most involve a direct non-consensual chain of causation between the alleged offender and a victim; others exist purely in the realm of “creating conditions for” but are treated seriously by courts and police (e.g. weapons possession and sales)

[48] <DELETE> STATA: physz1_i

[49] <DELETE> STATA: physz2_i

[50] <DELETE> STATA: physz3_i

[51] <DELETE> STATA: tab2 harm1 harm3 harm5 if tally2==1 & otherarrest==0

[52] Same as what is excluded in #7 (physz2_i)

[53] Same as what is excluded in #8 (physz3_i)

[54] 68% (247) = Black

[55] 46% (379) = Black

[56] 131 of these involve neither drug nor property charges.

[57] 47 of these involve neither drug nor property charges. The total is 88 if property offenses are also excluded, 70 if drug offenses are excluded, and 47 if both property and drug offenses are excluded.

[58] physz_aggassault_adultstatusonly: mark as this if: (phys_18s2702_a3==1 | phys_18s2702_a5==1 | phys_18s2702_a6) & phys_18s2702_a1~=1 & phys_18s2702_a2~=1 & phys_18s2702_a4~=1 & phys_18s2702_a7~=1 & phys_18s2702_a8~=1 & phys_18s2702_a9~=1

[59] Of these 64: UPMC Police (9 total); Highmark Health PD (8—only 2 distinct officers, 5 for one and 3 for the other); Allegheny County Police (5); Penn Hills PD (4); McKeesport Police (3); N Braddock Police (3); West Mifflin Police (3); and 27 other police agencies with 1-2 of these. <DELETE> STATA: tab pd if physz_aggassault_adultstatusonly==1 & otherarrest==0 & pd~="Pittsburgh Police Dept"

[60] The sex offenses figure excludes failure to register—hence “sex offenses with a victim.”

[61] 134 of these 409 dockets with weapons charges are based strictly on carrying a weapon without a license; no other weapons charges are involved.

<DELETE> STATA: count if weaponz_license==1 & otherarrest==0 & ~(physz1_i==1 | robz_all==1 | sexcrime1==1 | burglary==1 | child1==1)

[62] The count of dockets with drug or property offenses is 2,079 (see column 8 in Appendix 2, row “drug or property.”

[63] These numbers sum to 2,279. In reality, the sum is 130 less because of a slight overlap between drug and property charges (see “drug or property” row, column 8, in Appendix 2).