ALLEGHENY COUNTY COUNCIL

COMMITTEE ON BUDGET AND FINANCE

2015 BUDGET HEARING

- - -

BEFORE:

John P. DeFazio	-	President
Nicholas Futules	-	Vice President, District 7
Heather S. Heidelbaugh	-	Council-At-Large
Tom Baker	-	District 1
Jan Rea	-	District 2
Ed Kress	-	District 3
Michael J. Finnerty	-	District 4
Sue Means	-	District 5
Robert J. Macey	-	District 9
Barbara Daly Danko	-	District 11

Allegheny County Courthouse
Fourth Floor, Gold Room
436 Grant Street
Pittsburgh, Pennsylvania 15219

Tuesday, October 28, 2014 - 5:00 p.m.

SARGENT'S COURT REPORTING SERVICE, INC.
429 Forbes Avenue, Suite 1300
Pittsburgh, PA 15219
(412) 232-3882 FAX (412) 471-8733

IN ATTENDANCE:

Jared Barker - Director of Legislative Services
Walter Szymanski - Budget Director

CHAIR FINNERTY: I'd like to call the meeting of Committee on Budget and Finance to order. This is a public hearing, and we're going to start with the Pledge of Allegiance; so would you please rise?

(Pledge of Allegiance.)

CHAIR FINNERTY: I'd just like to make a note of it. Today is the birthday of the Statue of Liberty, which was dedicated in 1886, over 120 years ago. And it's just been --- has been just restored in the last four or five years.

MS. DANKO: Is this where I get to say it's my son's 25th birthday? And I'm here.

CHAIR FINNERTY: Yeah, just raise your hand first. Okay. Walt?

MR. SZYMANSKI: Yes, sir.

CHAIR FINNERTY: We need somebody to take roll.

MR. SZYMANSKI: Jared's not here.

CHAIR FINNERTY: I guess Jared is not here.

PRESIDENT DEFAZIO: Yeah, he'll be back. He had to run somewhere.

MR. SZYMANSKI: Ms. Heidelbaugh?
MS. HEIDELBAUGH: I'm here.
MR. SZYMANSKI: Ms. Danko?
MS. DANKO: Here.
MR. SZYMANSKI: Ms. Means?
MS. MEANS: Here.
MR. SZYMANSKI: Mr. Futules?
MR. FUTULES: Here.
MR. SZYMANSKI: Mr. DeFazio?
PRESIDENT DEFAZIO: Here.
MR. SZYMANSKI: Mr. Finnerty?
MR. FINNERTY: Here.
MR. SZYMANSKI: Mr. Macey?
MR. MACEY: Here.
MR. SZYMANSKI: Ms. Rea?
MS. REA: Here.
MR. SZYMANSKI: Mr. Kress?
MR. KRESS: Here.

CHAIR FINNERTY: Thank you, sir.

MR. SZYMANSKI: No problem.

CHAIR FINNERTY: Our first --- our first business is with the Court of Common Pleas. And we have the Honorable Judge Jeffrey Manning here and the Honorable Judge David Cashman. So I don't know if you want to come forward and do you want to introduce your deputy. Well, I

don't know if she's your deputy or not. I'm overstepping my bounds here.

JUDGE MANNING: Thank you, Chairman Finnerty. At my right is Claire Capristo, the District Court Administrator for the Fifth Judicial District. And she'll actually be making the opening remarks. You already did that.

CHAIR FINNERTY: You have to talk into the ---.

JUDGE MANNING: Judge David Cashman is the Administrative Judge of the Criminal Division, and I believe Judge O'Toole will be joining us, as well as Judge Kim Clark, Administrative Judge of the Family Division.

MS. CAPRISTO: Thank you, Judge. Thank you, Mr. Chairman and members of County Council, for this opportunity to address the Fifth Judicial District's 2015 budget. The County's proposed budget of $70,126,677 is a challenging one, but the Court is committed to the responsible stewardship of these public funds by staying within our budget, as the court has done for the past three years.

Delivery of fundamental constitutional requirements of the justice system, such as access, equity, due process, timeliness, accountability, transparency and independence, come at a cost. And efficiency should never trump justice. Regrettably, difficult economic circumstances that may precipitate judicial branch funding cuts actually increase the demand for prompt resolution of public safety matters, foreclosures, business solvency and credit issues, and family relationships that are impacted by crime, unemployment and foreclosure.

All three branches of government are jointly responsible to achieve the effective allocation of these scarce resources, but each branch's budget must be stable, adequate and predictable, without the imposition of a spend it or lose it mentality, which frustrates fiscal responsibility. Budgeting is not just about dollars but about performance and outcomes. In recent years, the Fifth Judicial District has created an environment for judicial officers and staff to sustain our organizational improvement efforts and inspire the quest for new opportunities to employ evidence-based performance management. In April of 2011, the Court started to maintain a 90-day hiring freeze, resulting each year since in savings of hundreds of thousands of dollars in court

salaries alone. This freeze will continue on into the year 2015. In 2014, the Court eliminated several positions, redefined many other positions to maximize their efficacy and encouraged more cross-training of employees to better leverage our limited resources. In addition, the judicial officers who serve the Court continue to strictly adhere to the imposition of costs where appropriate to support various court row office and county functions.

This year, each division of the Court will formally adopt time standards to reduce case processing delay, which benefits not only the Court but litigants, stakeholders and our justice partners. Technological improvements were implemented this year to reduce redundant data entry and to facilitate the measurement of outcomes with greater precision. Further, the advances in competition in communications technology have permitted us to increase our use of video conferencing, save $23 on fax machine service agreements, $39,000 by utilizing Hotspot enabled smartphones, which will also result in an additional savings of $45,000 next year.

And in 2015, the Court will be selecting a new certified mail vendor, which will also result in some significant but presently undetermined savings. And due to a recent Supreme Court rule change, we also anticipate petitioning the High Court to co-locate some of our Magisterial District Courts, which will also result in some savings. Severe cuts to our legal aid providers in our community have created an additional litigation burden on our courts. Consequently and fortuitously, in January, the Family Division's universal intake self-help center was launched. The center is in operation five days a week during established court hours and has addressed many long-standing problems with assisting self-represented litigants.

Personnel for that project will re-assign from other Family Division departments to the center, so that no additional personnel costs were incurred. As of September 1st of this year, the self-help center has assisted over 3,500 potential litigants. While we continue to explore opportunities to improve, share or consolidate operations, locations or services with other county departments, we are always faced with the ever-increasing needs for personnel and equipment security without any type of guaranteed funding stream. This year

we conducted active shooter training for all judicial officers and court personnel located in downtown Pittsburgh. And we will be updating our --- the Court's Continuity of Operations Plan to include additional disaster recovery features for all of our court equipment. We also face inevitable unfunded mandates, which can wreak havoc with the most well intentioned --- well-intentioned fiscal projections.

For example, the legislative-league required furnishing of interpreters had impacted our budget in the amount of $17,000 in 2008. But this year in 2014, we've already spent over $115,000 and anticipate this will grow tremendously over the years. Again, I thank you for this opportunity and would like to now turn this over to the President Judge of the Fifth Judicial District, the Honorable Jeffrey A. Manning.

JUDGE MANNING: Thank you, Claire. Over years of watching the budget process, I've found it interesting, perplexing and often puzzling that the Constitution in 1968 puts the third branch of state government, the judiciary, in the unenviable position of submitting budget requests to the county or counties that comprise their state judicial district. Here in Allegheny County, it's the Fifth Judicial District. But I'm pleased to be present here as the President Judge, and I want to thank the members of Council, as well as the County Executive and staff, for your kindness, assistance and cooperation.

I do not hesitate to say that the relationship between the county and the courts has never been better in the 41 years I've been practicing law. We have worked together to save costs and to provide the citizens of this district with the best judicial system in the Commonwealth. I want to quickly highlight some of those efforts.

The Family Division has worked tirelessly to reduce burgeoning costs of child custody and child support. That's their biggest thing and that eats the most money. In 1996, placements costs in custody cases comprised 90 --- 69 percent of Allegheny County's child welfare budget. By 2003, the Family Division had reduced the cost to 39 percent, and by this year, less than 30 percent of the budget will be spent on foster care placements. The Family Division today establishes support orders in more than 90 percent of cases within 180 days and is collecting 83.64 percent of ongoing support orders,

earning over $1.7 million in federal incentive money that comes back to us because we have done that well. The federal government has lauded the Fifth Judicial District for having the best performance indicators of any urban jurisdiction in the country.

In our Civil Division, we're working to improve our recordkeeping and our data, so that we may conclusively establish that our dispositions of civil cases is as good or better than any other judicial district. Currently, we're disposing of civil cases within five months of the parties requesting a trial. In the Criminal Division, we have used base --- we have used risk assessments to classify defendants and provide programming. This is not soft on crime, it is smart on crime, the object, to return to the street after incarceration and supervision a better person than the one who was arrested.

I've come to the handout I used for the last three years as Administrative Judge of the Criminal Division when I address the Court here. And I'd just point out that I've handed all these out, and I'd like to begin here with this backlog which shows what the Criminal Division has done and what we've essentially done over five years, this being the sixth. It has reduced the pending cases from 15,000 sitting and waiting to be tried to just about 8,000. I think they might even as of this month gone under 8,000.

Problem solving courts. Our problem solving courts, drug court, DUI court, sex offender, mental health, veterans, domestic violence, they take care of over 1,000 people who otherwise would be housed in the county jail. Our DUI Alternative to Jail Program, better known as the DUI Hotel --- we have unfunded mandates in this state, you understand, mandatory sentences imposed by the state legislature for which there is no money provided, but that's what they do. But we've been able to do this, operating at no cost to the taxpayers, supporting it entirely by user fees. And we have no repeat offenders out of this program, no repeat offenders.

The Intermediate Punishment Program, which includes electronic monitoring, has an average of 749 offenders under supervision this month. In electronic monitoring, there is a two-percent recidivism rate. So you can figure that's 14 people out of 749. The program has saved time in the county jail by putting people on

home monitoring, home electronic monitoring. The total jail days saved is 216,000. Then I go to the last two, which I always add, and I like those two little charts, but a picture of the jail showing the present population as of the last day of 2013, 2,400. I think it's now about 2,500, 2,600, 78 percent capacity.

The next one, the last one, shows where we would be if we did not have our specialty program, our problem solving courts. We would be way over capacity, and we would be looking at another federal court order like we had in the early '90s. Monetarily, if you do the simple math, we have 216,453 jail days saved in the program, at a cost of $66 a day per inmate. It comes to more than $14 thou --- pardon me, more than $14,000,000.

Lastly, the Orphans' Court Division of three judges, what can I say about the contributions of our Orphans' Court Division? Well, the August Wilson Center.

Now I want to turn for a moment to our capital budget request which we submitted in August. I would ask you to look around for a moment at this room. The carpet does not appear to be worn or stained, clean and free from fraying. The woodwork is beautifully finished and matches throughout. The tables, chairs and audience seats are comfortable and consistent with the room décor. There's a separate matching movable podium for presentations equipped with modern sound and high tech lighting systems. You can see the high quality of work that the county trains employees to perform to.

The condition of this room is consistent with the importance and formality of its purpose. If all the courtrooms and jury rooms were in the same condition as this room, I wouldn't be talking to you today. Unfortunately, that is not the case. As I've said before and I will say again, this courthouse and the City-County Building next to it, are designated national historic landmarks on the outside. They are tenements on the inside. Courtrooms and related facilities are the public face of the justice system in Allegheny County. Over the past 40 years, the failure to properly maintain, repair and modernize the court facilities in Allegheny County Courthouse and the City-County Building has caused them to deteriorate to the point that they now exist in a constant state of disrepair and dilapidation. I can tell you, when I was in law school in 1970, I came to the courthouse to watch the trial of Stanley Hoss, who was accused of

murdering Verona police officer Edward Zanella. It was heard in Judge Strauss' courtroom, number six, which he called the Theater in the Round, because he built the courtroom in a circular fashion on the third floor: wooden chairs, Formica jury box, Formica bench and counsel table that you pull --- and if you pull up the worn carpet, a linoleum floor.

It is in the same shape today, untouched for 44 years, as it was when Sam Strauss sat in the room. We're not asking for $250,000,000 that Philadelphia spent on a new juvenile courtroom. We're not asking for the $87,000,000 that the federal government spent on the courthouse down the street. Can you believe they have Italian marble floors and walls? We're not asking for Italian marble, but the court should have something better than laminated particleboard, which is what many of our court facilities are made from. What we are asking for is swift and timely rehabilitation of courtrooms, jury rooms and bathrooms that are in dire need, our need for carpeting that is worn, frayed and bunched. The heat pumps are extremely noisy, do not adequately heat or cool and frequently break down, sometimes leaking and damaging floors and ceilings and walls below them. Furniture in the courtroom is not appropriate for a courtroom. Existing blinds often cannot be opened or closed properly. Older sound systems are not adapted to current audio equipment. Advances in technology require evidence presentation systems to be installed in each courtroom. Restrooms, particularly those attached to the jury deliberation rooms in the City-County Building, have not been updated for decades. Outdated 1960s and 1970s paneling is on the walls of the courtrooms in this very building.

At the historic rate of court requests for capital funding in these areas, and with current available resources, it would take 10 to 15 years to bring the condition of these facilities to acceptable levels of appearance and functionality expected of 21st century courtrooms. We respectfully request a commitment to bring the court facilities in these two buildings up to acceptable levels over the next 4 years, rather than the next 10 to 15. It is my hope that some or all of you will accompany the court administrators and me on a brief tour of the court facilities in this building and the City-County Building, so that you may personally assess these

problems. Your citizens and constituents, when in court as litigants and jurors, uniformly complain about the facilities. This place is a dump. That's what we hear. Thank you.

CHAIR FINNERTY: Thank you. I would like to --- I'd like to, first of all, thank you for coming in and being on time, actually, --- and we weren't on time, and we appreciate that. You being here at five o'clock will make our night a little shorter, and we thank you for that and thank Father Grabler (phonetic) and the judges for administering justice and setting up these different programs, which keep many people, many people, out of our jail. It saves us what you said, at least $14,000,000, and we thank you for that, also.

JUDGE MANNING: Credit goes to all the judges, not just the President Judge.

CHAIR FINNERTY: We're going to open this up for questions, but we'll try to keep our questions brief, so that everybody can get a chance of a couple questions as we go along. And we'll always come back, and we can go as long as you want. So we're going to start. We'll start with Mr. Kress over here, Councilman Kress.

MR. KRESS: All right. Thank you very much. Thank you, Your Honor, for coming today. In the course of the courthouse, though, if there's, like, one thing that's really pressing, what would you want to see fixed first in the courthouse?

JUDGE MANNING: Well, I'm focusing on the courts, as far as where the courts live and where the courts are. And obviously, this building has serious problems that are beyond that. We're talking about the roof, the HVAC and the windows.

BRIEF INTERRUPTION

MR. KRESS: And has there been, like, any master plan submitted yet in regards to refurbishing the courthouse?

JUDGE MANNING: I do not know that, specifically.

MR. KRESS: Okay. All right. Thank you very much.

JUDGE MANNING: We're just trying to deal with our little world.

MR. KRESS: Sorry. I just noticed a lot of complaints. Somebody said there were offices flooded in the courthouse and there's been different things.

JUDGE MANNING: Yeah.

MR. KRESS: So I definitely know the courthouse needs to be fixed, so ---. But thank you for coming down.

CHAIR FINNERTY: Councilwoman Rea?

MS. REA: Hi, Judge Manning. I guess I didn't look in or see in here --- what type of monies are you talking about dedicating for four years, the next four years? Do you have any idea, or is that in here?

JUDGE MANNING: Well, yes. Yes, we submitted it in the budget.

MS. REA: Okay. I didn't see it.

JUDGE MANNING: We submitted in the budget a proposal, but I don't want to leave your thinking that it has to be a dollar figure, because it has a lot to do with resources. If the county has resources --- I mean, this room was done by county workers, carpenters, who do a magnificent job. They've done a number of small items in the courthouse here, and we want them to do that, as well. So it's a question of not just dollars but dollars and resources. Our figure, at as low as we could take it, was $4.2 million.

MS. REA: $4.2 million.

JUDGE MANNING: And that covers everything.

CHAIR FINNERTY: Over a period of four years?

JUDGE MANNING: Four years.

MS. REA: Thank you.

CHAIR FINNERTY: Anything else?

MS. REA: No.

CHAIR FINNERTY: Okay. Councilman Macey?

MR. MACEY: Thank you, Chairman, and thank you, Judge, for being here. There's several ways, I guess, to solve the problem, find more money or to cut costs. And obviously, you've cut costs, and we thank you for that. Some things have been stated in the past with regards to regional booking centers. Some believe that a regional booking center is going to save money, save time of the police and others coming into town. How do you view the regional booking center, as a savings or is it something on your radar screen?

JUDGE MANNING: That was actually attempted several years ago, maybe better than ten years ago, and it didn't fly. I think a lot of it had to do with the fact that we didn't have municipality police departments coming together and decided to join together in a particular area. I think there's more of that now, so it's a

possibility. We're looking at anything that could save anybody money.

MR. MACEY: My second question is with regards to certain non-violent crimes, and I'm wondering if statutes need to be changed to relieve some of the courts, magisterial courts and the county courts, of non-violent crimes. For instance, in Philadelphia, they've de-criminalized marijuana, and they've added certain fines to certain amounts of possession. What's your thoughts on that?

JUDGE MANNING: I'm not sure how Philadelphia de-criminalized marijuana, when there's a state law that says it's illegal.

MR. MACEY: Federal, too, I heard.

JUDGE MANNING: I don't know how they did that. Apparently, what they're just doing is just not arresting people for that.

MR. MACEY: They're finding ---.

JUDGE MANNING: Just as a practical matter in Allegheny County, we know that someone arrested with a small amount of marijuana who ends up with no other serious offense, like a DUI or something, in front of the magistrate, that's likely going to end up as a disorderly conduct with a fine, which doesn't impact the other issue.

MR. MACEY: Okay.

JUDGE MANNING: And the other issues, of course, are collateral consequences. For example, you're arrested with a small amount of marijuana. That ends up going to PennDOT, and PennDOT will suspend your license for six months.

MR. MACEY: Well, that was just one example. Do you feel that there are other non-violent crimes that don't have to be tying up our judicial system?

JUDGE MANNING: Well, what we have done --- I didn't mention this here, but what we've done is we have created what we call the Phoenix Docket. And the idea there is to take court --- take the case immediately from the magistrate's office to a formal arraignment, then it's signed to a docket. And of course, we have ARD for persons who have no prior criminal record, but those who may have a minor criminal record, and it's another minor crime, can go into the Phoenix Docket. That is what really has reduced the backlog, because we have two judges that disposed of more than 1,200 cases each last year

MR. MACEY: Thank you. And if I may, Mr. Chairman, ---.

CHAIR FINNERTY: Sure. Go ahead.

MR. MACEY: No, that's okay.

CHAIR FINNERTY: Thank you. Council President DeFazio?

PRESIDENT DEFAZIO: Chairman, just real quick, you were saying that we have personnel here, carpenters and different people, that could do most of this work that needs to be done?

JUDGE MANNING: Well, Mr. President, I'm not sure. I don't know the numbers, but I know they've done this work. Now whether that would involve overtime for them or hiring more people, the costs of labor are obviously the biggest thing in any type of renovation such as this.

PRESIDENT DEFAZIO: Yeah, I guess we have to look at that closely, if they can do a lot of this work, rather than going outside and paying big money.

JUDGE MANNING: We're not married to any particular figure. We're just married to the idea of getting it done.

PRESIDENT DEFAZIO: Getting it fixed?

JUDGE MANNING: Right.

PRESIDENT DEFAZIO: Nick's a carpenter. He'll start ---.

MR. FUTULES: Yeah; right.

PRESIDENT DEFAZIO: Thank you.

CHAIR FINNERTY: Thank you. Anything else, Councilman?

PRESIDENT DEFAZIO: No, that's all.

CHAIR FINNERTY: Okay. Councilman Futules?

MR. FUTULES: No. I have nothing at this time.

CHAIR FINNERTY: Councilwoman Means?

MS. MEANS: Hi, Judge Manning.

JUDGE MANNING: Yes.

MS. MEANS: Thanks for coming in. I was really happy to hear you mention the active shooter training. Can you tell me how much that costs and what that entailed? And did that also cover --- my concern is what happens to the jurors that show up? They're lucky they found the room and now there's an active shooter in the building. And so someone has to take charge to make sure that they're safe.

JUDGE MANNING: Well, we have --- I'll probably have Claire handle it. But we have designated rooms in the building that are marked, and we have shepherds, who are people who are going to make sure that those people get immediately into that designated room.

MS. CAPRISTO: We contracted with a gentleman who runs security services for Mercy Behavioral Health. And he's evaluated each of our downtown buildings where we have court employees, so that he is very familiar with what the resources are and what our capability is. So in that every single court employee was trained on this --- but also, as Judge Manning indicated, they have a responsibility for any other person who's in their area, so jurors, witnesses, defendants, clients and probation, that they are responsible for seeing to it that members of the public and the like are also to get to a safe room and be secure.

So it's a pretty comprehensive thing. We're getting ready to --- now that we've trained everybody, we're getting ready to do some drills. But each safe room has a packet of information that tells everybody how to behave, a placard that goes on the window that alerts the first responders to the presence of people in that room. I mean, it's been a long process. It took us most of the year to get it done, but it's a very important --- obviously, an important thing to guarantee the safety of our personnel and the public who enter our building.

MS. MEANS: I agree. Do you know the cost? And so it sounds like you went through training, which is like table exercises, but now you're getting ready to do the drills?

MS. CAPRISTO: So there were two kinds of training. There was basic training for every employee, plus we videotaped all the training so that all future employees, when they come in, they are given this video training. And then there was what we called shepherd training, the people who are responsible for seeing to it that people get to safe rooms or evacuation, whatever is preferable under the circumstances. It's also tied in --- we have an emergency notification system. It's tied in with all our levels of communication in the event of some tragic incident occurring. But I can't give you the figure because we're really not done with him yet.

MS. MEANS: Okay.

MS. CAPRISTO: So he's going to assist us through some of the drills. But as I indicated, we videotaped all his presentations so that we can keep this up with all the new employees.

MS. MEANS: Well, thank you very much for doing it that way. I really appreciate knowing that our court employees and all the citizens would be safe, and that we're prepared. I hope it never happens, but it's essential to have a plan. So thank you very much. That's all my questions.

CHAIR FINNERTY: Councilwoman Danko?

MS. DANKO: I do want to take the tour, so hopefully some of my colleagues will join in. I haven't had the opportunity to spend that much time in a courtroom, but I would like to see what you all are living with. You said $4.1 million; I haven't looked at the ---.

JUDGE MANNING: You already cut me; I was $4.2.

MS. DANKO: Oh, I'm sorry. You're right. Right. I wrote it down, though. Do you know what the County Executive's recommendation was for this year? Was it a million, or do we have a number?

JUDGE MANNING: We didn't get a final number.

CHAIR FINNERTY: I can give you that. Okay. the recommendation from us is $849,100.

MS. DANKO: From us?

CHAIR FINNERTY: From --- yeah.

MS. DANKO: Who's us?

CHAIR FINNERTY: No, I'm sorry, from the --- let me see. I messed it up. We're talking about --- you're talking about repair and maintenance, aren't you?

MS. DANKO: I'm on capital related to the courts.

CHAIR FINNERTY: Well, I'm just --- I'm talking about, in the operating budget for repairs and maintenance, we have $849,100. That's repair and maintenance in the operating budget.

MS. DANKO: We'll have to go over this with the county manager later, I guess, because it's my understanding that these would be significant capital improvements, not just repair and maintenance. So we can talk about that later.

CHAIR FINNERTY: Okay.

MS. DANKO: My other --- as a separate branch of government, we, the County Council, have been

contemplating getting our own computer server. And I know that you all have your own computer server with the courts. I'm wondering when you got it, if you remember, and about how much that costs you all?

MS. CAPRISTO: When Judge Robert E. Dauer was President Judge, the Court divested itself from the Department of Computer Services and began to run its own network, which is not just court employees. We also host the District Attorney's Office and the Sheriff's Office. We provide support and equipment to both of them as well.

MS. DANKO: I just have one more question. I thought you said that you started with a 90-day hiring freeze. Maybe I wasn't listening right.

MS. CAPRISTO: Yes, 90 days.

MS. DANKO: And then you've continued it?

MS. CAPRISTO: We've had it in existence continuously since April of 2011.

MS. DANKO: So it started out as 90 days and then ---?

JUDGE MANNING: No, it's a freeze on all new hiring. It's for 90 days. If someone leaves, that position remains open for 90 days.

MS. DANKO: Oh, so the individual ---?

JUDGE MANNING: The individual ---.

MS. DANKO: To see sort of how it plays out with the vacancy?

JUDGE MANNING: Well, we've done it. We've actually done it. We've come up short a lot of times because we did it, but so far this year, we've saved $533,000 in salaries. And when you add the --- that's up to this day, this year, and when you add the fringe benefits at 40 percent, you're at almost three-quarters of a million dollars. So we're on track to save almost a million dollars in salaries.

MS. DANKO: Okay. I didn't understand exactly what you were saying before. Thank you.

JUDGE MANNING: Yeah.

CHAIR FINNERTY: Councilwoman Heidelbaugh?

MS. HEIDELBAUGH: Thank you, Judge Manning, for coming.

JUDGE MANNING: Thank you.

MS. HEIDELBAUGH: A couple of questions I have. I've never really well --- understood well the law clerk policy for hiring law clerks. Usually, they're lawyers in the community who assist one of the judges with writing of

opinions. Is there some sort of written policy, in terms of how they're hired, how many each judge gets, that sort of thing?

JUDGE MANNING: There is not; there is not. There is a Second Class County Code, which says that each judge shall have and shall be able to hire a secretary, a tipstaff and a law clerk. How they deal with that is principally up to them.

MS. HEIDELBAUGH: When you look through their salaries, they're all basically the same.

JUDGE MANNING: Pretty much.

MS. HEIDELBAUGH: And why is that?

JUDGE MANNING: I couldn't really answer that. It's just the way it's been for as long as I --- I'm on the bench 26 years now, and I don't ever remember it being any different.

MS. HEIDELBAUGH: Would you view it as a --- an abrogation of the Second Class County Code, for you to have a situation where you had a pooling of law clerks or a sharing of law clerks where, if we'd have one, let's say, that would be a permanent employee and who could work a full day, do more than just one judge? Have you ever examined that?

MS. CAPRISTO: I don't think we're permitted to do that. I think there is a provision in the Judicial Code that requires that each commissioned judge each have a secretary, a law clerk and a tipstaff. Now we have a number of senior judges who serve this court, and their staff is pooled because we are not obligated to provide that type of personnel to private --- personal personnel to them. And those ---.

JUDGE MANNING: Unlike, of course, federal court, which you're familiar with. They take senior status and they keep all their staff.

MS. CAPRISTO: And those employees, admins, have got three judges to a secretary, three or four judges to a law clerk, and they have no tipstaffs. And theoretically, they're under the auspices of the president judge, as opposed to serving any particular judge. But you know, not all law clerks do opinions. Depending on where the judge they work for is assigned, they do a wide variety of different functions. For example, in Family Division, a lot of the law clerks are involved in scheduling matters and other background information on cases, working with CYF, that kind of thing, that is much less than writing

opinions. And some of the more traditional functions in civil and criminal are, in fact, straight law clerk work, writing opinions and memoranda. But it does vary tremendously in the Family Division.

MS. HEIDELBAUGH: Yeah. I was always of the opinion that you could comply with the code and pool these services, but I guess that's a discussion for another day.

The second question I had is that it appears, based on the numbers, that the Court of Common Pleas asked for $67,000,000 for '14 but will have spent $1,000,000 less. It appears your projected expenditures are $66,000,000. So the actual number spent is $66,000,000 and you're asking for ---

MS. CAPRISTO: $72,000,000.

MS. HEIDELBAUGH: --- $72,000,000. So it appears that you're asking for a $6,000,000 increase?

MS. CAPRISTO: Yes; that's correct. However, the county has reduced it to $70,276,000. And as I indicated in my remarks, we were committed to working towards that. Most of the savings in that is as a result of our freeze.

MS. HEIDELBAUGH: Okay.

MS. CAPRISTO: I don't think it's going to end up being a whole million.

MS. HEIDELBAUGH: Based on what you want, what you would like, you would be going from $66,000,000 of actual expended dollars to $72,000,000, which would be a $6,000,000 increase, four plus of which would be capital expenditures?

MS. CAPRISTO: No, that money --- the capital expenditures are not in that figure.

JUDGE MANNING: It's general operating budget; it's not a capital budget.

MS. CAPRISTO: Yeah, this is just our operating budget.

JUDGE MANNING: Right.

MS. HEIDELBAUGH: Okay; so that's outside?

JUDGE MANNING: Right.

MS. HEIDELBAUGH: So on these attachments that I've gotten, Judge, where we talk about sounds systems and this sort of thing ---

JUDGE MANNING: Yes.

MS. HEIDELBAUGH: --- this is all for ---

MS. CAPRISTO: Capital.

MS. HEIDELBAUGH: --- capital?

JUDGE MANNING: Yes.

MS. HEIDELBAUGH: Is that included in the $4.2 million?

JUDGE MANNING: Yes.

MS. HEIDELBAUGH: Or is there additional sound systems and whatnot?

JUDGE MANNING: No, no. No, that's all there.

MS. HEIDELBAUGH: Okay.

JUDGE MANNING: That's the way we designed it. We're trying to give the best case scenario here, that we'd be able to obtain the things that we really need and we desperately need to have without going overboard, obviously.

MS. HEIDELBAUGH: Can I ask one follow up on this, on the operating?

JUDGE MANNING: The $87,000,000 in the federal courthouse down the street, you know, ---.

MS. HEIDELBAUGH: Okay. So what is the --- what is the cause of the request for the extra $6,000,000? What caused your budget numbers to go up this year?

MS. CAPRISTO: Well, a lot of it was the signing of some union contracts that had been languishing for some time. It's mostly personnel. Some leases, some of our MDJ offices, have been month to month for 10 or 15 years, and landlords are ---.

MS. HEIDELBAUGH: So if it is labor costs, and the budget proposed by Fitzgerald is $70,000,000; and your request is $72,000,000, how are you --- where are you going to get the extra $2,000,000, if it's a contract that's already been signed?

MS. CAPRISTO: Well, one of the --- one of the things we were reluctant to do is to build into our budget our 90-day hiring freeze. It seemed imprudent to do that.

MS. HEIDELBAUGH: Okay.

MS. CAPRISTO: So we recognize we have the ability to make those savings due to our freeze, but we don't want to build it into our budget. So $72,000,000 would reflect all the personnel and union increases that had occurred, plus what would happen if we filled positions normally, as we used to.

MS. HEIDELBAUGH: Okay. And in the County Executive's budget, the $70,000,000 reflects that you would, in fact, continue with the 90-day freeze policy?

MS. CAPRISTO: I don't know exactly how they arrived at that figure, but they know that we intend to do

that. And I think they're interested in, at least in some fashion, factoring that into our actual budget.

MS. HEIDELBAUGH: And Chairman Finnerty, do we have the County Executive's proposal for the capital expenditure reports?

CHAIR FINNERTY: Oh, yes, we do.

MS. HEIDELBAUGH: What is that number?

CHAIR FINNERTY: I haven't added it all up at the moment, but it's somewhere --- we're talking about the courthouse. And when you talk about the courthouse, obviously, we were talking about the whole courthouse.

MS. HEIDELBAUGH: The city-county and this building as well; right?

JUDGE MANNING: That's the problem. And that's the problem between the county and the city.

CHAIR FINNERTY: Exactly.

JUDGE MANNING: Supposedly, the county has the deed. The county owns the building ---

CHAIR FINNERTY: Yes.

JUDGE MANNING: --- but there's some kind of sharing and they go to the extent of --- that's not our light bulb, that's the city's light bulb.

MS. HEIDELBAUGH: Okay. All right.

CHAIR FINNERTY: Well, that's the city-county. That's not here.

MS. HEIDELBAUGH: But your $4,000,000 capital request is directed to the county for both buildings?

JUDGE MANNING: Yes, because that's where the courts are.

MS. HEIDELBAUGH: Yeah; okay.

CHAIR FINNERTY: Right.

MS. HEIDELBAUGH: And we don't know yet what the proposal is from the County Executive?

CHAIR FINNERTY: Well, we do, if you want to ---.

MS. HEIDELBAUGH: Does anybody have the number?

CHAIR FINNERTY: I'd have to add it up.

MS. HEIDELBAUGH: Willard (phonetic), do you know what it is?

CHAIR FINNERTY: Do you, Willard?

MR. WILLARD: Here's the capital budget for '15, that we titled, Courtroom Improvement Projects; and total, $500,000.

CHAIR FINNERTY: Okay.

MR. WILLARD: And separate from that we have what we call in-house capital construction, which was kind of wide, but we use that, you know, for all our ---. But specifically, that would change with courtrooms within ---.

MS. HEIDELBAUGH: So instead of the 4.2 that Judge Manning, who could put you in jail and is asking for, you're going to give them $500,000 to do it?

MR. WILLARD: That is true.

MS. HEIDELBAUGH: That was a joke. Ha, ha. I'm going to give you everything you want, Judge.

MR. WILLARD: For $36,000,000 of $90,000,000, we have about $90,000,000 in requests. So they're varied court requests, and we've got to give them --- and I will be going to jail, too.

CHAIR FINNERTY: Okay. We're going to move on. I'd like to ask a few questions myself. When you asked for $4.2 million over a four-year period, I believe?

JUDGE MANNING: Yes.

CHAIR FINNERTY: And if we take a look at the operating budget and say that in our operating budget, that --- not our operating budget, the Chief Executive's operating budget --- he's putting $849,100 in repair and maintenance towards the courts. So if you would take that out five years, you would have your $4.2 million. And it's --- things are a lot different in the operating budget. They get spent. Things in the capital budget sometimes don't get spent. So if you take a look at the capital budget and, overall, --- and I'm just going to read this to you. And I think that our manager has read some of it. And I didn't add it up, but courtroom improvements was $100,000.

In-house capital construction --- this is the capital budget and we're not really talking about it tonight --- $850,000. We have courthouse improvement projects of $400,000, and we have the elevator repair, which is $600,000. I probably missed a couple things, but that's a lot of money that we're going to put into this, and we have been. And I understand exactly what you're saying, because nothing has been put into this building for 20 years or maybe more years than that. But I think we, as County Council, and as the administration, have started to look at this in trying to upgrade, since it's 225 years, to try to get this building back in shape. And it's not going to happen overnight. And we know that, and

you know that. That's why you put a four-year plan. But we are putting substantial ---.

JUDGE MANNING: Exactly right. But we didn't want to be caught in the malaise of the 10, 15 years because ---

CHAIR FINNERTY: That's exactly right.

JUDGE MANNING: --- that could be like the guy that paints the Golden Gate Bridge. He starts painting, then he has to start all over again.

CHAIR FINNERTY: Exactly. I agree. And I think if we look at the amount of money and your projection, that we're pretty close to being, like, four or five years. Hopefully, it keeps up that way. Hopefully, it does. And you know, if I'm around, I'd push for that continually. But changing the subject for a second, your electronic monitoring that you do, ---

JUDGE MANNING: Yes.

CHAIR FINNERTY: --- you have 756 on EM bracelets?

JUDGE MANNING: Right. That's the average per month.

CHAIR FINNERTY: Does that mean you have had that many bracelets?

JUDGE MANNING: Oh, yes.

CHAIR FINNERTY: Great; absolutely.

JUDGE MANNING: We also have the people who monitor them, because it's no good if ---.

CHAIR FINNERTY: Right.

JUDGE MANNING: It's like what you see downstairs where they have all those cameras all over the building. And I just wonder who looks at them, you know, because if nobody's looking at it --- it's really good to have a camera to take pictures.

CHAIR FINNERTY: We have to look at it. We come in that way.

MS. CAPRISTO: Those are adult offenders. We also use EM for juvenile offenders.

CHAIR FINNERTY: Okay. Well, I think it's a great program. I really do. I think it's super that we have that. The more we can use it, the better off we're all going to be, and the better off that person is going to be, if they're not incarcerated, if they're out and they can do things; you know, and we're monitoring them. And I think it's a tremendous program, and I think ---

when did you start that, about five or six years ago; maybe longer than that, really, but ---.

JUDGE MANNING: Yeah, it's good.

CHAIR FINNERTY: I remember you coming in and beating us up about getting bracelets.

JUDGE MANNING: Right, right. There were some suggestions here from Council members, we should just get more bracelets. But the problem was, if we get more bracelets, we needed more probation officers.

CHAIR FINNERTY: Yes.

JUDGE MANNING: And in fact, agreed that we would get more bracelets and we added five more probation officers ---

CHAIR FINNERTY: Right.

JUDGE MANNING: --- to monitor more people on the bracelets.

CHAIR FINNERTY: Okay. Well, I think it's great.

JUDGE MANNING: It works.

CHAIR FINNERTY: It does work. It works tremendously well, and thank you for looking forward, you know, in a progressive way. Any other questions over here? Yes. Jan, go ahead.

MS. REA: I have a question about that 90-day freeze. What types of positions did you not fill?

MS. CAPRISTO: All of them.

MS. REA: Everything? But I mean, what were those positions? I know you're ---.

MS. CAPRISTO: Probation officers, domestic relations officers, pre-trial services, court reporters; everything.

JUDGE MANNING: Adult and juvenile.

MS. CAPRISTO: The only exceptions that we made sometimes was for our 24/7 operations, which would be pre-trial services and Pittsburgh Municipal Court. Sometimes it's very difficult to get applicants for those jobs. So in those, when we would lose somebody, sometimes we would wait for 90 days that they would actually get somebody on. But other than that, it would apply to all of them.

JUDGE MANNING: We'd waive the 90 days sometimes. In the Criminal Division, we lost three minute clerks all at the same time, you know, so we hired one that wasn't subject to the 90-day freeze.

MS. REA: I guess where I'm going is just for my own information. The technology advances, do you see where there are positions --- and kind of like, the building is antiquated and sometimes I'd look at, say, maybe a tipstaff. But maybe I'm just not understanding everything somebody does who has that position. But do you think there are more positions that are not needed in the system, that are there? And there are areas, I think, in the system that really do need the money. But, like, over the years, it seems it's just a continuum of what has been. But I feel like in every branch of government looking forward, there should be drastic changes, quite frankly; but you know, I don't know if that will ever happen, but ---.

MS. CAPRISTO: Well, I think some of the things, like the personal staff positions for the judges, it would be difficult for us to ---.

MS. REA: Yeah, you can't do anything about that.

MS. CAPRISTO: But frankly, having this freeze in place this long, it kind of gives us an opportunity that we may not have taken advantage of before if you immediately filled the position, because once a position is vacated, we actually look at it. And we say, do we have a good job description for that position? Should we be thinking about expanding the role of this person, changing the job description? Should we really absorb it into somebody else's position? So we've been consistently doing that. We have eliminated a number of positions. And we've changed a number based on this ---

MS. REA: Yeah.

MS. CAPRISTO: --- because things do change. I mean, we historically add positions that have been here for decades and things have changed.

MS. REA: So you feel like that's giving you good insight as to what we really do need or what you can --- how you can consolidate and ---?

MS. CAPRISTO: Yeah, because we're actually evaluating, do we really need to fill this position or should we be doing something different there?

MS. REA: I think that's great, so thank you for doing that.

MS. CAPRISTO: Thank you.

MS. REA: Okay.

CHAIR FINNERTY: Councilman Kress? You're all done? Councilman Macey?

MR. MACEY: Thank you, Mr. Chairman. Exactly how does the 90-day freeze affect the courts? Does it affect it ---?

JUDGE MANNING: Let me go back to that issue of minute clerks. We need a minute clerk for every judge in the division --- in the criminal division. So all of a sudden, we only have two or three in the pool. All of a sudden we lose two or three minute clerks, and now we have no one to take care of the paperwork in the Judge's room, so that's ---.

MR. MACEY: Has there ever been a thought to hiring part time?

JUDGE MANNING: Do you want to answer that?

MS. CAPRISTO: It's difficult. It's difficult to manage part-time people because they frequently want other employment. And we do have restrictions on outside employment, and it can make it difficult for them to have outside employment if it, in any way, conflicts with our code of conduct, because they're bound by our code of conduct. So it could be problematic.

MR. MACEY: Okay. And I know in all areas of first responders, whether they're volunteer firemen and police, and the judicial system, is that everybody could use more people. And I'd like to say that I would like to join Councilwoman Daly Danko for a tour, but it would have to be after 3:30.

MS. CAPRISTO: That would be fine.

MR. MACEY: All right.

JUDGE MANNING: We're thinking about like 4:30 or 5:00 some evening when it's convenient for ---.

MR. MACEY: Thank you.

JUDGE MANNING: Thank you.

CHAIR FINNERTY: Thank you. Council President DeFazio?

PRESIDENT DEFAZIO: None.

CHAIR FINNERTY: Councilman Futules?

MR. FUTULES: No, just thank you for coming, and I'd like to join in on that tour, as well.

JUDGE MANNING: Thank you.

CHAIR FINNERTY: Councilwoman Means?

MS. MEANS: Sign me up for the tour as well.

JUDGE MANNING: Thank you.

MS. MEANS: I have a question. Why do people say Family Court is like really, really busy? The judges are --- maybe have too many cases. But so many people settle out of court maybe --- is there any way to evaluate that maybe we don't need as many criminal judges or --- because more people are settling out of court? Do you see what I'm trying to get to? Do we need more --- to put more judges in Family Court and less in criminal or ---?

JUDGE MANNING: Well, that's something that's my responsibility, and we look at that all the time.

MS. MEANS: Okay.

JUDGE MANNING: And in fact, what we've done in the last two --- last two judicial assignments, went to --- directly to the Family Division. So they now have 17 judges. Criminal Division has 13 and a senior. Civil has 9. Orphans' Court has 3. We're trying to pick the spots for where we need the money and where we need the people to do the job, so --- and that's what we do. It's constantly changing. Now we have another judge who's leaving the Criminal Division and he will likely not be replaced until another judge's appointment. And once he's appointed --- once another judge is appointed, then someone else will be moved to the Criminal Division to pick up the slack.

MS. MEANS: So you're constantly evaluating?

JUDGE MANNING: Absolutely.

MS. MEANS: Thank you.

CHAIR FINNERTY: I think we were joined by Councilman Baker. I'm sorry; I didn't recognize you.

MR. BAKER: That's okay.

CHAIR FINNERTY: I didn't see you slide in there.

MR. BAKER: We see each other like four times a week. That hurts. But my only question --- and I'd like to join the tour as well. And my question is --- maybe not even for the 2015 budget, but as you move forward, what do you see as being the top increasing cost for the court system, maybe, for '16, '17, '18 and beyond? What do you think is the growing cost that we should be on the lookout for, for the future?

JUDGE MANNING: Go ahead.

MS. CAPRISTO: Well, clearly, interpreter costs are increasing, ADA accommodations for litigants and the like; and also, you know, I was talking about self-represented individuals. What we've seen, which is

truly a culture change, is not the fact that these people are all indigent, but people who have means but had chosen to represent themselves. And we have an obligation to still provide access to people who have made that choice. And those numbers increase daily. I mean, every court is facing how to deal with self-represented litigants, effective ---.

MR. BAKER: Do you think from all the TV shows people think they can do it themselves, or what's the reason for the --- for representing?

MS. CAPRISTO: Well, I think some of it is accessed information. I can tell you one story. There was a judge in Family Division who --- she and I had a meeting. And she was a little late. She was doing motions that day. And she told me that a gentleman had come and presented an emergency motion to her with a caption from the court from the State of Oregon. And, I mean, it was printed on paper. It was legible, but it clearly was in the wrong jurisdiction. She went ahead and heard the motion, and it turned out it wasn't really an emergency. She told the gentleman what he had to do, and she figured he went online and didn't bother to scroll all the way down to Pennsylvania for a form and stopped at Oregon and presented that to her. I mean, that's the kind of things, especially in the Family Division, that judges are seeing.

MR. BAKER: Thank you.

JUDGE MANNING: Let me add, just briefly, about the Americans with Disabilities Act. I'd be scared if they came into this courthouse because right down --- the floor down below, we have eight judges in eight courtrooms, and there's one jury room on the same level. All the other jury rooms are up the stairs, and these stairways are about that wide (indicating), then they take a turn to go up to the fourth floor where all the jury rooms are. It's the way they built it in 1888.

CHAIR FINNERTY: Councilwoman Danko?

MS. DANKO: I'm not sure how you'll answer this, but since you said it, I'm going to ask. You said that the relationship between the courts and --- I thought you said the County Executive and Council ---

MS. CAPRISTO: Yes.

MS. DANKO: --- okay, has never been better. I was wondering if you could explain why or why it was so bad or why it's better.

JUDGE MANNING: Well, I don't know without going into history and without maligning somebody, but I'll take a stab at it. I'll tell you this. You remember Commissioner Foerster? Tom Foerster filed a lawsuit with the Supreme Court and he got the Supreme Court basically to say that the State was required to fund the court system. At that point he said, that's fine. I'm not doing it anymore. And literally, Judge Dauer sued him twice and twice he had to capitulate and provide enough funds to even keep us going. So there was never any extra money. Now how that contributed on, I can't really talk about it, but you know, peace to Tom, anyway.

MS. DANKO: So you're happy you have an operating budget?

JUDGE MANNING: I am.

MS. DANKO: Thank you.

CHAIR FINNERTY: Councilwoman Heidelbaugh?

MS. HEIDELBAUGH: Mr. --- I mean, Judge Manning, you indicated that the cost per day for an inmate is $66. Does that also include the healthcare cost?

JUDGE MANNING: That's the warden's present figure, as I understand it. That would include the healthcare cost.

MS. HEIDELBAUGH: Okay. I'd like some clarification on that, because I was led to believe that the $66 was sort of the room and board and not the healthcare costs. That was an additional cost.

JUDGE MANNING: That could be. Then we used the lower number which means we saved even more money.

MS. HEIDELBAUGH: Yeah. I mean, that's really --- yes.

JUDGE MANNING: Okay.

MS. HEIDELBAUGH: But the Council noticed that there was a problem processing out of the jail last year. And I think it was all whittled down to really one employee. And that paperwork has now been flowing. That estimate on the savings was about $200,000,000, because it --- I had been led to believe there were about 400 inmates that weren't being processed. If you do the numbers, the 66 times the 400 times 265, you get to $12,000,000 pretty quick. Has that problem continued to remain basically fixed? Are we seeing people that are in the jail that need to be processed out of the jail on regular orders getting out into the community when they should, or do we

still have people spending too many days in jail because it's ---?

The jail is one of the largest drivers of county costs. You know, there are some big gorillas in the budget and the jail is one of them.

JUDGE MANNING: No question. When the court orders someone to be released, they are required to be released within 48 hours. The 48-hour hold is to make sure there aren't other issues in another county or somewhere else, and also, if the inmate is in some kind of program, to make sure they're processed out. For example, our Second Chance Act, one of the things we're doing with processing inmates is we're actually having probation officers come to the jail and they pick them up there. They tell them what they have to do, rather than them having to leave the jail and figure out where they report.

So we've got complete track on these people, to try and keep them tracked back into the community, back into job training and our day reporting centers. I'm sorry. I can go on and on.

MS. HEIDELBAUGH: Yeah. But you feel that the flow is working now; right?

JUDGE MANNING: Absolutely.

MS. HEIDELBAUGH: And they're going when they should go?

JUDGE MANNING: Yes.

MS. HEIDELBAUGH: All right.

CHAIR FINNERTY: Okay. I see no further questions.

PRESIDENT DEFAZIO: I do have a question.

CHAIR FINNERTY: Oh, excuse me.

PRESIDENT DEFAZIO: Yeah.

CHAIR FINNERTY: The president wants to ask a question.

PRESIDENT DEFAZIO: Real quick. This comes up every --- every budget time, once a year, and then we have to hear about it, but real quick, Foerster, you said, said I'm not paying for this no more and went to court. And it was ruled that the states were to fund the courts; right?

JUDGE MANNING: Right.

PRESIDENT DEFAZIO: All right. The ruling was favorable, and this was for the county.

JUDGE MANNING: Yes, sir.

PRESIDENT DEFAZIO: How did you get that straightened out?

JUDGE MANNING: Well, you have to find a state senator and a state legislator that wanted to pay for the courts, and that's the way you get it straightened out. That's just --- it's been that way since 1968.

PRESIDENT DEFAZIO: No, I know that. It's been a hot potato laying there. It just doesn't make sense. If you win a case --- I thought if we win, we win. This time you win and it just sits there, you know. Okay.

CHAIR FINNERTY: Okay. And I think the state has a lot of power. Thank you very much, Judge. We appreciate it; thank you. Thanks for coming, Judge. We didn't get to hear from you, Judge Cashman.

The next person on our agenda is the Honorable William Mullen, Sheriff of Allegheny County. We welcome you, and again, I'm sure that --- I haven't looked at it yet, but I'm sure that you're under budget; right, as usual?

SHERIFF MULLEN: Yes. We're at 75 percent of the fiscal year and we've spent 73.8 percent of our operating budget.

CHAIR FINNERTY: Okay. Well, we thank you again for doing such a great job over there in the Sheriff's Office. And everything you do is foreclosures, et cetera. It's just unbelievable what you've brought to that office, and we appreciate that.

SHERIFF MULLEN: We have some very good people working for us. I'd like to introduce to you the new Chief Deputy, Kevin Kraus.

CHAIR FINNERTY: Kevin.

SHERIFF MULLEN: Joe Rizzo retired after 38 years working with the county. And Marianne Divecchio, the Executive Assistant, is here also.

CHAIR FINNERTY: And thanks for being with us. We appreciate that. Okay. Sheriff, do you want to give us your presentation, and then we'll open up with questions?

SHERIFF MULLEN: Okay. Like I said, the Sheriff's Office is projecting to be on target for fiscal year 2014 by using revenue accounts. And like I mentioned before, at 75 percent of the fiscal year, we spent 73.8 percent of our operating budget. We are on pace to meet our 2014 budget appropriation. Revenues to date have had a moderate increase at $3.99 million compared to $3.83 million last year. You know, we accept the budget that you're giving us although you've cut our budget by a very

--- six percent. And the only problem I have with that is that, you know, what we spent, what we were budgeted for last year, we were budgeted for less. But the estimated cost of the increase in benefits is $480,620. Like before, like every year I've been here, I've said that we will, you know, try to make that and stay under budget. I think one other reason for the projection is that the revenues that we have gathered this year is more than we have gathered in previous years. And so that's why, I guess, the county budget department felt that that money was appropriate for the next year. And we're not going to disagree with that. We'll do our best to beat that projection.

If we do not meet that projection, I think that you'll understand that that's maybe the reason why. Some of the things that we've done this year, I gave you a booklet to look at to see exactly what we do. We can go through some of the things that we've done. The revenues to date has generated $3,999,637 in fees for Allegheny County. For reimbursement, we've received to date $117,776 in salary and wage recovery. The 4D money will come in at more than $1.2 million, and 4D money is earmarked for adult family court with the non-support gathering most of that money.

As to forfeiture money, that is the actual forfeiture money that is gathered from the seven people we have working in the federal task forces. It's going to presently be $149,460. We are projecting that we receive some more money, some of the --- if you notice, that the recent investigation which resulted in the arrest in Homewood --- not only in Homewood but in California and Cleveland was generated --- was initiated by deputies assigned to those task forces. There was $1.9 million recovered in cash in California, approximately $350,000 in Cleveland and approximately $554 --- $540,000 here.

Some of that money will come back to us; a large portion of that, for initiating the investigation which --- we will receive more money. We'll receive, excuse me, probably somewhere around 30 percent of the money that's recovered --- the asset forfeiture money that's recovered. Our budget strength is still 159 shore-in (phonetic) personnel, excuse me, and 34 civilian personnel. We are in the process of hiring. We just gave a test last Saturday. The last test will expire, I think, January 15th. We're currently short approximately five people.

We're in the process of hiring. We won't hire from this list. We'll be able to start hiring for next year.

There is some explanation about what the canine unit does. I think the most important thing is that the dogs have not bit anybody. Most of the dogs are used for bombs, for these buildings. And whatever comes into these buildings are searched every morning by bomb dogs for when people get here, to make sure that the buildings are safe, all the buildings that we service. Writ service, we served 25,624 writs. Those writs are served by writ deputies, which are broken up and distributed to different geographical districts in the county. We're the only law enforcement agency with jurisdiction throughout Allegheny County that has dedicated people in the different areas of the county, at least on the daylight shift every day of the week.

For the warrants, we made over 5,621 physical arrests this year. We make more arrests than any other law enforcement agency in Allegheny County, with the exception of the Pittsburgh police. We have cleared approximately 8,000 warrants which, you know, cleared by exceptional means, meaning they're already in jail or the people that were arrested were responsible for multiple warrants. We gather --- we did not recover so it's a misleading figure, but we've arrested people who owe money which is the arrears to non-supported children at approximately $13,540,000. It's kind of a hollow figure because very, very, very little of that goes back to the family, which is a ---.

Now we transport prisoners. We transported --- this year, we transported 29,933 prisoners. We went over 373 miles --- 373,000 miles without an accident with a prisoner in the vehicle. Unfortunately, we had one last night when a deer ran into one of the transporting vehicles. There was minor injuries to the deputy and to the prisoner. They were not admitted with minor injuries. This evidence, what we seize for weapons, we received currency which we seize, currency which we --- which we recovered. Firearms permits are down this year. As you know, they were up to 20,000 permits last year, probably because of the massacre at Sandy Hook. They have decreased this year and they're somewhere around 18,168. Now, we were a little behind last year because of the overwhelming number of people coming in. We've now

changed personnel down there, and we are now back within the 45-day period.

Again, the foreclosures have gone down to 2,587, down from 2,802. As you know, in 2008, we got a plan together and presented it to the President Judge, which went into effect in 2009, for conciliation for the mortgages. We did some background. As you know, we were able to reduce the mortgages, which were --- in 2008, I think there were 4,500, which now is down to 2,587 this year. Now, some of the things we've done, we've done our saturation patrols from a 24,000 grant, which we were able to go into the smaller communities outside the City of Pittsburgh to help them out with the gang problem. We have a gang intervention, which we are --- we received a grant of $240,000 with adult probation. We still have money left from that. It's been very successful. We've recovered firearms, arrested multiple people in violation, along with the adult probation and parole. And we've partnered with the Marshal's Office affecting violators of the Megan's Law. And that's a brief summary of what we do --- what we've done for the year.

CHAIR FINNERTY: That's a lot.

SHERIFF MULLEN: We're very busy.

CHAIR FINNERTY: Thank you for all that effort and all your men over there doing such a great job.

SHERIFF MULLEN: Yeah, I'm blessed. I have some very good people working for me.

CHAIR FINNERTY: We'll start --- let's start with this side (indicating) this time. Councilwoman?

MS. HEIDELBAUGH: No questions.

CHAIR FINNERTY: No? Councilwoman Danko?

MS. DANKO: I think you're aware of some --- like, the blight busters activities, and this goes to the sheriff's sales.

SHERIFF MULLEN: Okay.

MS. DANKO: It may not be related. I'm not sure. If you don't pay your mortgage, the mortgage company comes after you. They tell you, you have to leave your house. But then sometimes they don't take --- record that they've taken --- you know, they throw the people out so someone starts suing and they find out they're still the owner, even though they can't live in the house. I don't know. Is there anything that requires us to record the deed when a mortgage --- someone forecloses?

SHERIFF MULLEN: No, there's not. If the bank --- if the bank winds up with the deed --- we've discussed this before about --- make sure that the deed goes in the name of the bank. But they resisted doing that. We never made them do that.

MS. DANKO: So that would require a state law change?

SHERIFF MULLEN: Yes, yes.

MS. DANKO: Okay. That's all right now.

SHERIFF MULLEN: Thank you.

MS. DANKO: Thank you.

CHAIR FINNERTY: Councilman Baker?

MR. BAKER: Hi, Sheriff Mullen. My question relates to overtime. In 2011, there was a little under $700,000. This year it's projected to be $1.16 million. I'm just curious to know what the change ---?

SHERIFF MULLEN: Okay. What it is, a lot of that overtime is reimbursed. And what happens, we work closely with the F.B.I. on various cases, and they need a lot of people to do the wiretap listening. So we have people working here on overtime. They will reimburse us, not only for the overtime but also for the benefits associated with the overtime. We'll get a lot of that money back.

MR. BAKER: Okay. And then with the percent, though, we would be getting back --- do you think that's pretty comparable to, like ---?

SHERIFF MULLEN: It's very comparable to what we ask.

MR. BAKER: Okay.

SHERIFF MULLEN: Yes, it's very close every year.

MR. BAKER: Okay.

SHERIFF MULLEN: And one year before we became, you know, so closely associated with the F.B.I. ---

MR. BAKER: Right.

SHERIFF MULLEN: --- and other federal agencies that we work with; you know, we didn't do that much overtime with them, but they reimburse us for all the overtime.

MR. BAKER: Okay. Sounds good. Thank you.

CHAIR FINNERTY: Councilwoman Means?

MS. MEANS: Hi, Sheriff Mullen. Thank you so much for your service. The sheriff's department is essential for people's freedom and liberty, and I just

want to thank you for your hard work and wondered, do you need certain equipment to come up to date, that --- or if you need to hire more people ---?

SHERIFF MULLEN: You know, I know budgets are tough. You know, one thing that we don't get enough money in the budgets for are education and training. I think we're only funded in $3,000. And if you do or do not know, since I've been there, we started an emergency response team in case there's an active shooter within this building. And we received a grant so that we were able to buy equipment for that, but the training --- we train --- we were able to train every month until the money ran out. And it costs approximately 5,000 a month --- or $5,000 a month to train. We come into these buildings, the buildings that are in our campus, and we practice in these buildings on the weekends. That's something that, you know --- I've been able, you know, to do this without support. And like I said before, we have --- we just received $100,000 for being part of these investigations.

That might go into an account, and which all that training depends on how much money I have in that account. We were unable to do training for several months until we got that money. But now we've done training last month, and we'll be doing training for the next several months, until I start getting low on that money and we have to use that money for some other things. If there's something that, you know, needs to be addressed --- it's not that I had to ask for forfeiture money, I'll be okay, but there's no promise that we'll be able to make those cases, in which we'll be able to gather actual forfeiture money because the bad guys are getting smarter. They're hiding their assets, so that when they don't buy cards, you know --- but they always keep that money.

Like I said, this investigation took us to California; there was $1.9 million in cash there. There is, I think, $540,000 in cash here. That was only a couple weeks ago. But there's one thing that we need, to strengthen education for the deputies.

MS. MEANS: My other question --- and I'm sorry to ask, but ---

SHERIFF MULLEN: You can ask.

MS. MEANS: --- can you explain --- okay? In the City of Pittsburgh, that's their jurisdiction;

correct? I mean, the sheriffs don't go in their jurisdiction?

SHERIFF MULLEN: We have jurisdiction there. As a matter of fact, you know, of the 67 counties in Pennsylvania, we're the only sheriff's office that has the luxury of being, you know, certified as municipal police officers under, you know, the Municipal Police Officer Training and Education Commission, which we go to training for every year, and the sheriffs, which we go to training every other year for Act 2 training. So we're the only sheriff's office base which can do investigations of all the sheriffs' offices in the Commonwealth. So we have jurisdiction throughout Allegheny County with the same ability to enforce the laws as any other police department within the county.

MS. MEANS: Oh, that's great. Okay. So one more question that's kind of tied in there. Mr. Chairman, is that okay if I ask one more question?

CHAIR FINNERTY: Go ahead.

MS. MEANS: So tell me an example of --- the sheriff can do this, but the county police can't do this?

SHERIFF MULLEN: No, the county can do it, also. We're not the only agency, us and the county police, and the state police have jurisdiction throughout the county of Allegheny.

MS. MEANS: Okay. All right. Thank you.

CHAIR FINNERTY: Councilman Futules?

MR. FUTULES: Yeah. Thank you. Thanks for coming in. If everybody looks at statistics continued under transportation, you'll see what I'm talking about. I'm going back to the --- the judicial were just here and talked about ankle bracelets and less prisoners. And it doesn't seem to coincide. When I look at your prisoner trips, they're up by 2,000.

SHERIFF MULLEN: Yeah, I looked --- I saw that.

MR. FUTULES: Yeah. And I see prisoner transportation, transported, it's up 9,000. And of course, the mileage coincides with all that, but do you find that to be alarming, that there are more in ---?

SHERIFF MULLEN: I don't find that to be --- it's somewhat alarming. It's not affecting our budget and that's what I --- I probably looked at the most. It's not affecting the --- you know, if you remember last year, I, you know, brokered a deal with --- between the federal government and the Allegheny County Jail that we would

transport prisoners at no extra cost to us --- instead of housing prisoners up in Ohio --- they were in Youngstown, Ohio. They were housing prisoners, and then they would bring them down. Well, we provide that service now. We're storing --- we're doing it at the county jail and I think it's --- I think it's bolstered the revenues at the county jail. I mean, Mr. McKain would know, but I think it's at least $600,000 this year, projecting to be a million dollars. So we're transporting more of those federal prisoners back and forth and that.

MR. FUTULES: Okay.

SHERIFF MULLEN: The juveniles are offending probably a lot more than the adults, and that may be the reason for it. I've just seen this when we were printing this booklet up and I will find that out. I will try to get back to you with an answer in a couple days.

MR. FUTULES: Yeah, it just was a little conflicting.

SHERIFF MULLEN: Yeah. It did seem a little alarming, that ---.

MR. FUTULES: Yeah.

SHERIFF MULLEN: But we switched sergeants in transportation. They may be recording the numbers a little bit differently.

MR. FUTULES: Okay.

SHERIFF MULLEN: And that may be just an error there, but I will find out and get back to you.

MR. FUTULES: Okay. Thank you.

CHAIR FINNERTY: Councilman DeFazio?

PRESIDENT DEFAZIO: Thanks for coming in. No questions.

SHERIFF MULLEN: Okay.

CHAIR FINNERTY: Councilman Macey?

MR. MACEY: Thank you, Mr. Chairman, and thank you, Sheriff, for coming in, Kevin and Michelle. When I think about some of the things that I've asked from you in the past when you come into our --- in our communities and delivering summons and things of that nature --- and we always like to see a little bit more presence of our sheriffs in the community, you've stepped up. We like to see that sense of authority in our communities, especially in our troubled communities. Most recently, we've heard from the Health Department and that's --- a lot of what's going on in our communities health-wise is associated with crime, and of course, nutrition and education and all

that. And you've always been there. And you have a legend, I think, in your office and I mean Jason Tarap.

And Jason is always, always asked to perform or be at our community events. And I certainly --- we appreciate him.

SHERIFF MULLEN: But he's very good. As you know, probably four years ago, he was selected as the Crime Prevention Officer for the whole state of Pennsylvania.

MR. MACEY: Yeah, he's super. And one of the things --- you know, I see there's been quite a few permits issued, firearms permits. And many times I don't think people are familiar with throw-off (phonetic), so to speak, and where they can carry and where they shouldn't carry. And I was just wondering if we updated the pamphlets, you know, ---?

SHERIFF MULLEN: You know, Representative Costas put a book out. We've looked at that book, and we're going to --- we won't call it plagiarism, we'll just say copying best practice. And we'll be putting something out very similar to that.

MR. MACEY: Well, I think that's real important. And I want to thank you. Every year you come here and you're within your budget. You never ask for too much, and you deserve much more, though. Thank you.

SHERIFF MULLEN: I'm glad for what we have, really.

CHAIR FINNERTY: Councilwoman Rea?

MS. REA: I have no questions. Thank you.

CHAIR FINNERTY: Councilman Kress?

MR. KRESS: Thank you very much for coming. As an attorney who uses your office, you made it very efficient and effective, and you run a really good office. I'll say that to start with, so thank you very much for everything. Now, I just missed the --- with the deeds. I think back in 2011, the bank had to report the deed after a sheriff's sale. Is that not occurring or is that occurring?

SHERIFF MULLEN: From what I understand, they're sort of remiss in not putting their name on the deed. After it leaves and it's not --- it goes back to the bank, they're not putting their name on the deed. And you know, the suits have been brought up before and people are saying, we don't live there anymore. We're being sued and we lost our house. But it hasn't been settled.

MR. KRESS: Okay. I know Council passed a law --- and I know you were already doing it before --- that the bank had to record that deed and it went right to the sheriff's office. Are you not recording the deed? That's what I'm a little confused by.

SHERIFF MULLEN: I'll have to go back and check, but I'll get back to you.

MR. KRESS: Okay. If there's anything we can do, I'd like to see that changed.

SHERIFF MULLEN: Okay.

MR. KRESS: The second thing is, too, now when it comes to overtime, all your overtime costs in family court, are they being reimbursed by the federal government?

SHERIFF MULLEN: By 4D money, yes.

MR. KRESS: Okay.

SHERIFF MULLEN: It's from the federal government, administered by people over there in the state.

MR. KRESS: Okay.

SHERIFF MULLEN: They changed it this year. And now the generations, which is something we have to cover, they're no longer going to cover that. They're not going to cover the overtime for that. It's not going to be a whole lot of money, but I'd have to go back and see how much money they spent on it. You know, the ballpark figure is somewhere between $40,000 and $50,000 a year.

MR. KRESS: Okay. And I had another question just about the equipment. Now, we saw what happened in Dallas where it looked like one of the sheriff's deputies was going into a house where the person was infected with Ebola. I'm just wondering, do you have access ---? Do your deputies have access to HAZMAT suits?

SHERIFF MULLEN: We just --- I consulted with Superintendent Moffatt about --- with Dr. Hacker and about --- they're coming out with something and we'll be able to look at that. I talked to the union and to the association about what equipment they think they need. We'll get together and try to get that equipment as soon as possible.

MR. KRESS: Okay. And when or if you do get the HAZMAT suits, would it be in the courts ---? If something would happen in the courtroom or courthouse, if something possibly could happen, would you maybe have the suits here in the courthouse or ---?

SHERIFF MULLEN: I don't see no reason why not to, but as of yet we have made no plans other than to try to get together and try to see what we can expect. And if something does happen, what we should do and have equipment to prevent it.

MR. KRESS: Okay. Thank you very much.

SHERIFF MULLEN: But that's down the road. I mean, it's not going to be overnight, in other words.

MR. KRESS: I understand. Thank you very much for coming.

CHAIR FINNERTY: Go ahead.

MR. MACEY: Ms. Divecchio, I apologize. Your name is Marianne, not Michelle. I have a daughter named Michelle.

SHERIFF MULLEN: I thought it was me for a while and was thinking can ---.

MR. MACEY: No. But thank you for being here and thank you for what you do.

CHAIR FINNERTY: What I'd like to ask you is you talked to --- you talked about, I should say --- about getting money, that people weren't paying their --- husbands weren't paying ---

SHERIFF MULLEN: The non-support.

CHAIR FINNERTY: --- the support payments?

SHERIFF MULLEN: Yes.

CHAIR FINNERTY: And you said that very little of it goes back to the families.

SHERIFF MULLEN: Right.

CHAIR FINNERTY: What happens to that money then?

SHERIFF MULLEN: What happens is, we usually go out and we arrest those people. They're brought before a judge and if there's a new --- a new paying --- a new way of paying what they owe and what they could put down ---. I think the courts figured that they could only hold them --- the jails can only hold them for like 72 hours. They're given a new schedule for paying and they pay or try to pay. And then sometimes, a lot of times, there have been people we've arrested 10 and 11 times since I've been there.

CHAIR FINNERTY: Yeah.

SHERIFF MULLEN: You know, I'm thinking of one particular individual. I don't know what the remedy is to that. You know, maybe put them in jail, but the jails are

overcrowded and it costs money to put them in jail, so that's kind of a --- a losing situation.

CHAIR FINNERTY: Well, you're saying that they really don't pay any money then?

SHERIFF MULLEN: The $13,000,000 that they owe, that we arrest, ---

CHAIR FINNERTY: Right.

SHERIFF MULLEN: --- nobody sees that $13,000,000 or anything close to that.

CHAIR FINNERTY: That's what I was wondering, when you said they put money up and, you know, it never gets back to the family because they never pay.

SHERIFF MULLEN: That's true.

CHAIR FINNERTY: Yeah. So nobody --- no lawyer or somebody is getting that money; it's just dead?

SHERIFF MULLEN: I don't know. Maybe Mr. Kress would know.

CHAIR FINNERTY: No, I meant, you know, like ---.

SHERIFF MULLEN: Yeah, I know. I understand.

CHAIR FINNERTY: Yeah. They just don't pay is what I mean, you know.

SHERIFF MULLEN: I know.

CHAIR FINNERTY: It's not going to be some collection firm or whatever? It's nobody. They just don’t pay.

SHERIFF MULLEN: I don't believe --- yeah, I never heard of that.

CHAIR FINNERTY: Yeah. Yeah, thank you. Any other questions? Yes; Councilman Futules?

MR. FUTULES: I'll comment. Then why arrest them if they're not going to pay?

SHERIFF MULLEN: That's my feeling. My feeling is maybe they should be placed in jail. Other states do that, but we have a problem with the cost of, you know, incarceration.

MR. FUTULES: Yeah. I mean, I've seen it many times with your magistrates taking a tenant that owes money to court, and they never pay them, you're right, anyway, but he had to waste time going to court over ---. He's like, why was I here in the first place? They ask themselves that question. But that wasn't my question.

CHAIR FINNERTY: Actually, the 4D money ---.

MR. FUTULES: Yeah. I'm just following up on what he said really, because it's just --- arrest me, but I'm not paying anyway, you know, so ---.

CHAIR FINNERTY: Well, there's a warrant for their arrest.

SHERIFF MULLEN. Yeah. We have to make an attempt, you know ---

MR. FUTULES: Right.

SHERIFF MULLEN: --- to re-gain that money, you know, for those children.

MR. FUTULES: I'm sure there are some people ---.

SHERIFF MULLEN: But the bottom line is --- you know, in reality, you know, what I wanted to make clear is that we --- although we arrest people who owe $13,000,000, we don't collect that. That doesn't go to anybody, particularly to the families.

MR. FUTULES: Yeah.

SHERIFF MULLEN: Some will come and it's a game. Some will get caught. They'll get money, get money to make a down payment. They'll give them a new schedule, a new fee, and then some of them pay and then some of them we keep chasing.

MR. FUTULES: Okay. Well, my question now is the firearms. I recall last year you told us that the state controlled the fees; is that correct?

SHERIFF MULLEN: Yes, that's true.

MR. FUTULES: So we don't?

SHERIFF MULLEN: The fee is $20 now. $19 goes back to the general fund of Allegheny County, $1 goes to the State Police. We get nothing. We've got to supply --- obviously, Allegheny County supplies all the computer equipment, all the paper, you know, the copy machines, the different computers that are in there.

MR. FUTULES: Right.

SHERIFF MULLEN: You know, the city --- I'm sorry, the Commonwealth standardized that throughout the Commonwealth. And actually, the system they put in was not as efficient. It's a system we had here which we --- which was created, you know, before my --- you know, by Sheriff DeFazio at the time.

MR. FUTULES: And let's assume I wanted to get a firearm.

SHERIFF MULLEN: Yes.

MR. FUTULES: What's the process?

SHERIFF MULLEN: You can go online, which we never could do before. You could fill it out online, send it in or mail it in, come in. We'd run you through a PICS check, which is a computer check, which goes through the State Police. They'll give us a yea or nay. We do a double check. We do a check --- when I first got there, we did an NCIC check, which is a nationwide computer check. We found out that an individual who was applying for a permit, who said he was a citizen and wasn't. We ran him through the NCIC and we found that he ---. The F.B.I. called within five minutes. We were told to tell him to come down and get his permit, and they took him, and I don't know what happened. He was not a citizen of this country and the people that he used as references never heard of him.

MR. FUTULES: Okay.

SHERIFF MULLEN: So I asked if we were going to arrest him for lying on his form, and they said don't worry, so I don't worry.

MR. FUTULES: I'm pretty sure I know this answer, but they say the right to bear arms. So it's legal to actually carry a gun if you can see it.

SHERIFF MULLEN: There's an open carry in Pennsylvania. It's an open carry state. That creates problems, but you still can't possess a firearm if you're convicted. There are certain enumerated crimes, in particular, felonies and --- but it brings about a challenge when someone would see him on the street with a gun, and a police officer would challenge him about giving him the proper ID. There's always the question of why. And it creates some problems in the law. I know that, you know, when President Obama was in Beaver, a guy with an open carry tried to get in. They refused to let him in. He wound up suing and won the lawsuit against the State Police.

MR. FUTULES: Wow.

SHERIFF MULLEN: That's one of the problems with the open carry.

MR. FUTULES: So you're allowed to carry a gun openly, but of course, it's not a common practice. We don't see people carrying six shooters like in Texas.

SHERIFF MULLEN: No, you don't. No, most people --- you know, it's kind of offensive to some people.

MR. FUTULES: Yeah.

SHERIFF MULLEN: The only problem it presents to the police officers is that if they challenge him to find out if he's prohibited from carrying a firearm or owning a firearm, whether he can refuse any questions, which just escalates it. And particularly those people that do not have a --- that have a right to carry a firearm are certainly burdened by being challenged all the time.

MR. FUTULES: It would seem to be problematic for that person carrying that gun.

SHERIFF MULLEN: It is, and it's problematic for the officers.

MR. FUTULES: Both, yeah.

SHERIFF MULLEN: And getting into a confrontation with somebody who says I'm allowed to do this and I've never done anything wrong in my life. Why are you asking me for my name, to see if you can run me, to see if I am prohibited.

MR. FUTULES: Yeah, that's amazing.

CHAIR FINNERTY: Councilwoman Means?

MS. MEANS: I don't have any more questions.

CHAIR FINNERTY: Okay.

MS. MEANS: I'll say something silly about carrying a gun, but ---

CHAIR FINNERTY: Oh, good.

SHERIFF MULLEN: Everybody has their right. Everybody has the right to do it. And I believe we honor that right.

CHAIR FINNERTY: Except in here. Anybody else? Councilman Kress, and this is going to be our last question for you.

MR. KRESS: Okay. Regards to the gang problem, are you seeing activity with violence in regard to gang-related violence in Allegheny County?

SHERIFF MULLEN: Yeah. I think it's easy to track with the amount of murders in the city right now. I think they're at 60, and I think it's unusually high from past years. I think that we were pretty quiet during, you know, the early part of this year, but you can see some of them flaring up within the county, outside the city. But I still think the county police are below last year's figure. But you know, there's going to be problems until they can somehow find a solution, which obviously no one has done yet.

MR. KRESS: Right. Now in regards to the gang problems, is it home grown, or is it people coming from the outside?

SHERIFF MULLEN: I don't see that many people coming from the outside. I don't have the intelligence the city police have or the county police, but from what I read and when I talk to Chief Moffatt and then Chief McDonald, it doesn't appear to be that way.

MR. KRESS: Okay.

SHERIFF MULLEN: All right.

MR. KRESS: Okay. Thank you very much.

SHERIFF MULLEN: Thank you very much.

CHAIR FINNERTY: Well, we thank you. Do you want to make a comment?

MR. MACEY: Just one last comment. And I just want to thank you for sheriff's reserves, and I don't get a chance to thank them enough, so would you please go back ---. I think I can speak for all of us, for all of our church fairs, all of our community days and all of the events we have in our communities, the sheriff reserves are very, very important.

SHERIFF MULLEN: They save a lot of money and they're very well trained.

MR. MACEY: Thank you.

SHERIFF MULLEN: Thank you.

CHAIR FINNERTY: Thank you. Thank you for the great work that you do. We appreciate it.

MR. KRESS: See you, Marianne.

CHAIR FINNERTY: And I believe we have the Honorable Controller Chelsa Wagner, here.

CHAIR FINNERTY: We do have representatives from District Attorney Zappala's office --- don't we have some here? Okay. Well, thank you for being here. We appreciate it, and we appreciate all the work your office does to keep us knowledgeable about what's going on with the money. So if you would like to give us a presentation, and then we'll have questions after that. Okay. Thank you.

MS. WAGNER: Sure. First, thank you for having us, and I know and respect your role very much so in the budgetary process and, from my standpoint, it is always the most important legislative role for any body of government. So I know that this is a very serious endeavor, and we want to be here to make sure that we're

giving you all of the full information about the work that the Controller's Office does.

I have said before, so you know, the principles on which we operate the office. And there are four of those, and those are innovation, transparency, efficiency and accountability. There are many different functions within the Controller's Office, and we see those four principles as guiding principles that can really be embodied in the work, and we should be striving towards those in all of the work that goes on in the Controller's Office.

With respect --- well, let me first just keep briefly --- I know that all of you are familiar with the different departments, but let me just go over very briefly how our office is organized. So at present count, we have 87 employees within the Controller's Office. Those are our full-time employees. And the majority of those employees are in the Accounting Department. That's about half of our employees at any given point in time, basically responsible for all of the money that comes in and goes out of Allegheny County, as you're familiar with the operating and capital budgets combined of roughly $1.5 billion. So a lot of work that goes on in our office is in that Accounting Department. And I do want to recognize, our Deputy of Accounting is also here, Bob Lentz. There he is.

MR. LENTZ: Okay.

MS. WAGNER: And Bob and his group do really tremendous work. Bob is here on many weekends, and so when the sheriff was talking about some of their drills that happen on the weekends, Bob can certainly witness those. Then we have the Auditing Department, and we also have the IT Department. And then a smaller group within our office is the Administrative Division. So those are the four different divisions within the Controller's Office, and I wanted to emphasize Accounting because I think frequently the Controller's Office is misinterpreted as an audit office only. And we certainly do a lot of very good audit work, but when you're looking proportionately with respect to our staff, the largest group of our staff, the largest group of our staff is within that Accounting Department.

I also just want to draw attention to some of the different efforts that we have done. And when I look over many of the efforts, specifically in this past year

within the Controller's Office, a lot of them center around innovation and efficiency specifically. As I mentioned before, we strive to follow the different principles of innovation, transparency, accountability and efficiency. Many of the efforts that we have successfully implemented in the last year involve different sorts of paperless processing, which is, of course, utilizing technology more with different processes of the county. In general, we're working with different departments to ensure that they are supported to do paperless invoicing, to use that as an example.

Prior to 2013, you had --- DHS Administrative Services and the Health Department were the only three departments utilizing paperless invoicing. This year, we added the Budget Office, the Law Department, Parks Facilities Management and the District Attorney's Office. And then going live next week, you have EMS and also Public Works. So there is a tremendous amount of work going on in that regard. We have also, with respect to that theme of innovation/efficiency, we have moved Workmen's Compensation to payroll. And what that basically means is that you have more efficient process, so there are no longer printed checks; but instead, there is direct and quicker access to cash by way of direct deposit to one's bank account. You also have seen over the last year, we're processing invoices against purchase orders.

So this is a more efficient process than what was going on previously, because it enables those invoices to also be processed without paper, or electronically. So what we are doing is having all of those established vendors within the county e-mail invoices to us instead of that just coming in by the regular snail mail. And this also allows us to utilize the employees in the Controller's Office much more effectively and efficiently.

So instead of pushing paper, they're spending more of their time scrutinizing the documents that are coming in and making sure that they are correct in terms of what the county is paying. So that is an initiative that's projected to save the county between $15,000 and $20,000 a year in just paper and postage and ink. And of course, there are additional savings being related to the reassignment of employees, as I mentioned, to other more critical tasks within the office.

With just six months into that, we see 5,332 fewer pages coming into the office. So when you think of that number, think of the time saved and the efficiencies, and also, again, those employees really focusing their work hours on more important and critical tasks. We also have a Fixed Asset Transfer Form. That is now online. So we're doing away with the monitoring of all of the county's fixed assets to be a more cumbersome process of pushing paper, to one that is also now electronic. And one of the initiatives that I'm very excited about, and I know I've spoken to this council about before, is that very soon --- if it's up to me, it's tomorrow --- but very soon within the coming weeks, we're going to have all of the county contracts accessible online.

And we have a number of employees throughout our office who have been working on this, because, of course, there are privacy concerns. So we're making sure that any Social Security numbers that have been on documents are redacted. And we're also recommending a policy, because per the Second Class County Code, the controller is the repository of contracts. So our office is recommending and implementing a policy so that when we do receive the contracts from other departments within the county, that they do not include that sort of information, so that we can ensure that when we're sharing public --- sharing information with the public, that personal information is protected.

And then just to move on to the bottom line, the numbers, of course, which is why I'm here to present to you and answer your questions today. When I look at the budget that we have had in the Controller's Office since I took office, so almost at the three-year mark, I'm very, very proud to say that we have really held the line. And so I look at the budgeted --- the operating budget for 2012, which was the year that I came into office, and that was $6.35 million as compared to the proposed budget for this year of $6.48 million.

So when you look at the change from 2012 to the proposed budget for 2015, you can see a difference of $128,821. And why I say I'm very proud of that is because I think that shows not only has my office completely held the line with respect to the line items that are under our control --- really, the only one outside being in the fringe benefit category of healthcare that, as we know, is something that is negotiated with the budget office, and

then depending on the year, the departments and the row offices are getting that number after the fact to basically backfill their budget.

So when I look at the fact that fringe benefits for our office going back to 2013 audited numbers were $1.4 million versus $1.7 million that is --- or $1.8 million, rather, that is budgeted for 2015, I can very conclusively say to you that this Controller's Office has not only lived well within our budget, but has lived under budget and has really held the line on the budget, which is something that I believe is critically important, because not only am I elected to be the fiscal watchdog for the county, but it's something that I know if I'm not doing that within my own office, I cannot be making the same recommendations for this county.

So with that, I again thank you for having me here. We are happy to answer any questions.

CHAIR FINNERTY: Well, thank you. I just want to mention something to you about these microphones. If you get real close to it, that's when it cuts out on you so you have to stay a little back of it, you know. But that happens all the time.

MS. WAGNER: Did you ask for anything in your capital budget for that?

CHAIR FINNERTY: No, I didn't, but we're getting it anyhow. We'll start with this side (indicating), and we'll start with Council President DeFazio.

PRESIDENT DEFAZIO: Nothing.

CHAIR FINNERTY: Nothing at this time. Councilman Futules?

MR. FUTULES: Yeah, when you started talking, you talked about less paper and things. I'll use myself as an example. I get notification that I've been paid, not necessarily a check, but something in the mail that says you've gotten paid. Will that discontinue and go to e-mail?

MS. WAGNER: So that is something as a function that is shared between the Controller's Office and the Treasurer's Office. I would be more than happy to implement that. It is a discussion that we have had ongoing with the Treasurer's office, but we would certainly be in favor of that. I, too. I always have automatic deposit, but I get my own pay stub as, you know, many private employers do and also different governmental

units, they allow the employees to access that online when you need to access it.

MR. FUTULES: Right.

MS. WAGNER: That's something that we certainly have the functionality to support, so it's something that I would like to see happen.

MR. FUTULES: Yeah, I wasn't sure if that was part of it, because the same thing happens with our --- I guess with our stipend? Is that what you get?

MS. WAGNER: Uh-huh (yes).

MR. FUTULES: And I'm sure that a lot of people in the county still get a check instead of it going direct deposit.

MS. WAGNER: Yeah, this is actually a 2015 initiative of ours, to move all travel, all stipends, from accounts payable to payroll.

MR. FUTULES: That's great. Thank you.

CHAIR FINNERTY: Councilwoman Means?

MS. MEANS: Well, I thank you so much for your job. It's really important to us, counting all the pennies and making sure everybody stays in budget. I wanted to ask you a question. I know that in a previous presentation, you said you did work for the City of Pittsburgh. In fact, I'm probably going to blow it --- something Edward ---.

MS. WAGNER: JD Edwards.

MS. MEANS: JG Edwards; okay.

MS. WAGNER: JD Edwards.

MS. MEANS: JD Edwards. How is that going? And do you think --- I guess before my question was, are we losing money by doing this? Are we making money? Do we have to hire people to do this work for them? I guess ---.

MS. WAGNER: Right. So first, with respect to JD Edwards --- and that has been one of the thorns in my side with the name. Since I came into office, we refer to this project as the vendor, as opposed to what I'd like to even remind myself on a daily basis to refer to it as a shared services center. But with that --- so we certainly have economies of scale that we realize because of the city being a partner on that project. So whereas before the city came on to JD Edwards, we basically were paying for the entire license by ourselves, we now have the city, because they're sharing that, taking, actually, a more significant share of the license --- or the maintenance

fees, I should say, on an annual basis, because our original license fee, they recognized that the county had an investment of approximately $11,000,000 when that started in and around 2002. So that the city, by realizing that benefit and not having to pay to really get up on the system in the same way that the county did with that really big initial investment, they pay a little bit more in terms of the annual maintenance costs.

So we do get benefit from that, although we will and would get significantly more benefit if and when that system is extended to other governmental units such as the authorities. And so we have always been in talks with them.

Right now the city is in what I would describe as a sort of holding pattern, in that they are analyzing the payroll system. They have a new vendor who recently came on, and we're happy with the vendor that they selected, because they were former employees of the Controller's Office who went out and started their own company. So we know that they're very familiar with the advantages that this system brings to the City of Pittsburgh.

So my hope is that very soon that sort of holding pattern will end, and they'll be ready to move forward with the implementation specifically that's waiting right now for the city as their payroll system. And we've already implemented all of the retiree payroll for the city, so it's a proven system. It's worked effectively. It obviously works for the payroll of Allegheny County, which is, I believe, more than twice the size than that of the city. So it's a proven system, but if they should --- and this is not anything that I have any control over --- if they should to go --- decide to go a different route, then likewise we would then be prepared to pursue different authorities and other entities to realize the cost savings in the same way.

MS. MEANS: Thank you.

CHAIR FINNERTY: Okay. Councilwoman Danko?

MS. DANKO: All right. This is sort of a philosophical question here. As independently elected officials, the sheriff, the DA, the treasurer, you can make your own requests to County Council. But it seems to me the way you worked with the administration and then they put it in here; I mean, is your budget request that's

reflected in the Comprehensive Fiscal Plan exactly what you would have initially requested?

MS. WAGNER: It is not, no. So we submit, as you know, our budget requests to the Budget Office, and they certainly collaborate with us so that they understand the budget requests. And then my understanding is that that, in part, shapes the budget that is proposed by the Executive.

MS. DANKO: For my colleagues, that doesn't always work that way in government, just --- you know, it's an alternative that perhaps at some time in the future we might explore.

My second question has to do with --- you know, we're going through all this to the paperless. What provisions do you have in place and at how many levels are there electronic signatures for people in your office? You said they get to scrutinize it more. Is there a way that you've got an electronic signature on those documents that you know, okay, so-and-so has looked at it?

MS. WAGNER: So I don't want to get too techy in this conversation, but --- so this is for purchase orders that are entered in the system in JD Edwards. We have to have the department do what's called a receipt entry in the system, so that we know beyond a shadow --- you know, that they have received those goods. Then the invoice comes in. It clearly indicates that purchase order number, and then we match up the quantities of these invoices or the quantity the department has said that they received. The invoice number, we've got controls in the system to make sure the invoice numbers aren't a duplicate invoice number. So it's all --- all of the controls. We don't have electronic signature, but we have transactions that we know are done by people who are authorized to do them by security to the system.

MS. DANKO: Thank you.

CHAIR FINNERTY: Councilwoman Heidelbaugh?

MS. HEIDELBAUGH: I'd like to talk to you about your audit function. You have how many auditors in your department, approximately?

MS. WAGNER: Yeah, 15. There is frequently attrition in the audit department, so it's always a challenge for us to bring key people in who can frequently get paid much higher salaries than in the private ---.

MS. HEIDELBAUGH: Right. So I guess the question I would have for you, and I want an answer now

because I don't think you could give it to me --- it's more of a philosophical question, but you said today most of your office staff is Accounting, which totally makes sense. But the Controller's Office does have this audit function, so what I'm wondering is, has your office ever done an analysis of how much money you've saved as a percentage of your cost of auditing and an analysis of whether, if you --- if we had more auditors at some exponential level, you know, would we be able to ferret out waste, fraud and abuse such that it would end up basically paying for itself?

MS. WAGNER: I can answer generally. From my observations, I certainly believe that we should have more auditors and more resources that are allocated towards that function. And I see it every day. Today we had meetings, and we'll very soon be releasing our audit of Corizon, which is the jail health provider. And you take that, which is roughly $11,000,000 a year. One of the themes of that meeting today, which I think speaks to your question, is the fact that there seems to be no one really looking at contract compliance there. So what we're finding in that audit, which we --- certainly, with 50 auditors, we don't have the resources to be able to go through a budget that is combined $1.5 billion and really scrutinize in that way.

But the discussion today highlighted the point that this wasn't unique to the jail. This wasn't unique to the jail, that there's nobody scrutinizing contract compliance. One example is that it seems to be very clear that they should have been penalized $20,000 in one instance. And maybe I'm speaking out of turn a little, but I mean, this is going to be drafted and will be released next week. But I mean, that is just one isolated --- or I shouldn't say isolated, but one instance of many that we see. So we do quantify our audit savings, and I keep what is sort of a running ticker of sorts. And one of the, sort of, philosophical or culture changes that I have tried to implement in the office has been making sure that we're auditing the biggest cost drivers or some of the biggest cost drivers to the extent possible within the county, but also to be sort of lean and mean in a way so that we can react to a Corizon example which I think deserved attention initially, because we're aware of some different problems.

MS. HEIDELBAUGH: Well, I'd like you to, if your office can, in the next year, to think about, you know, what it would take for you to begin a process of increasing the audit staff, what it would cost, what your historical savings have been, and come to us and make a presentation, because I think that it's quite probable that the county would save much more than it spent. And you know, the county is increasing in population. We're going to be increasing the revenue base. This is a problem that's going to only increase, not go away, because we're getting so big.

MS. WAGNER: I'd be happy to and I appreciate that opportunity.

CHAIR FINNERTY: Councilman Macey?

MR. MACEY: Thank you, Mr. Chairman. Thank you, Chelsa, for being here and --- doing your audits, I know you will look at accounts receivable, accounts payable. And rather than mention anybody's name or contractors, vendors or even people in the county, have you seen any problems with receivables, late payments coming into the county by any particular vendors or ---? You needn't mention any names or anything.

MS. WAGNER: Yeah, we have. And Amy may want to elaborate on this, but I mean, we're not frequently looking at --- we're looking more frequently, I would say, at our expenditures than our revenues. You know, I was just going to say that we're constantly looking at the forecast in tax receivables. We're looking at who the creditors are who are delinquent and, you know, what kind of work Jordan (phonetic) is doing in collecting delinquencies. But other than that, the large revenues coming into the county are state and federal payments. And there certainly has been quite a significant slowdown of receiving and underpaying the implemented, state implemented, something we call prudent pay, ---

MR. MACEY: Uh-huh (yes).

MS. WAGNER: --- which just means slow down in payments to counties. I know historically there's been slow payments that come into Children, Youth and Families because of delays with the state approving placement costs or you know, the placement facility rights. And I've seen some improvement there but certainly there is just a delay of receiving monies. PennDOT monies from the state, we've had $8,000,000 outstanding at any given time. Some of the bills are months or even years old.

MR. MACEY: Do you consider that just like a family living from paycheck to paycheck, or is it a plan, like, rather than using another term, by those agencies who just slow it down?

MS. WAGNER: I think it's very intentional at the state level to slow down payments, but fortunately, we've seen increases in other local revenues such as sales tax and because the real estate tax millage was increased, that brought in an additional $55,000,000 a year. In our presentation that we provided to Council Budget and Finance, the county fortunately is not having to live paycheck to paycheck. The coffers are pretty healthy right now.

MR. MACEY: And are we paying our bills monthly?

MS. WAGNER: I think this is something that I am also proud to say I think has improved significantly over the course of the last three years. When I came into office --- and you may have heard this in your council district --- I was so frequently hearing, particularly on construction projects, that vendors weren't being paid. And I could share with you without naming names examples of companies that would come and say, you know, we're a $6,000,000 annual revenue company, and the county has owed us $1,000,000 for over a year, which you can only imagine what that's going to do to a company. So we're tracking that right now. We have actually a meeting tomorrow where we're looking more at the data on what we refer to as our vendor tracking, but I can tell you just anecdotally that we really don't get those anymore. And that's something that has really changed. One of our very early audits was of the Public Works process, and we looked at that. We recommended some changes. So I can't tell you exactly why until we analyze why that has changed. I'm sure a part of it is that we do have more cash now. So there's not a cash flow problem, but it appears that many of the problems that there were with paying vendors in a timely fashion, have drastically improved in the last few years.

MR. MACEY: Thank you.

CHAIR FINNERTY: Councilwoman Rea?

MS. REA: I have no questions, but thank you. You're doing very well, and thank you.

CHAIR FINNERTY: Councilman Kress?

MR. KRESS: Yeah, I just have one question. Thank you very much for coming. Health and Human Services, you have a lot of different vendors. And my

question is, do you audit those vendors and how many --- do you normally audit every year, or do you normally audit all of them?

MS. WAGNER: We certainly don't.

MR. KRESS: Well, yeah, that's the reason I ---.

MS. WAGNER: Right. So that is something that we are currently looking at. Over the years we have essentially audited sort of a potpourri of different vendors. My understanding is frequently at times there was some sort of complaint or inquiry that has basically initiated more interest in how one vendor might be doing --- or one program in that area might be doing work. My concern with that approach, and we're still working through what I would call a different approach, is that if we're looking at one vendor who might have a contract with the county for $100,000 --- and as you all know, Human Services is really the lion's share of the county's budget.

We're really not focusing on the bigger picture, so we've tried to step back --- and you know, I would certainly appreciate ideas in this regard from anybody here or anyone in the public --- that while we do and we continue to look at the specific programs, I think that looking at just the specific programs, we're sort of missing the forest for the trees. So we have done a lot of brainstorming in trying to kind of recalibrate that process, so that our auditing function is looking at more systematically --- or will be looking more systematically at how Human Services is doing their programs. And we'll still certainly audit individual programs, but not just audit the individual programs without looking at the larger system as a whole.

MS. GRISER: And I would just add that if a provider of Human Service --- from Human Services receives over $500,000 in federal award --- out of funding, they're required under federal law to have something called a single audit. So they're audited specifically to the county grants that they're provided.

MR. KRESS: Thank you very much.

CHAIR FINNERTY: Thank you. Any other questions? Councilman Futules?

MR. FUTULES: Sorry. We talked about auditing. Thank you for giving us the information by email, by the way. Your reports, I read them. And I used to notice that some of the hotels were audited. And I see as a

result, it looked like over 90 percent of them owed less than $100 in back money. There may be mistakes, but I don't see them anymore for some reason, but maybe you're not focusing on that. But what leads you to the point that you would want to audit a specific vendor? What red flag sets that off and puts you in that direction?

MS. WAGNER: So hotels/motels are in a different category, so that is ---. We have a number of audits that we have to do every year, that we have to do every two years, every three years, from a number of different sources. So whether it's the Second Class County Code, the Administrative Code, some of the requirements with the drink tax and the car rental tax ---; so one of the reasons that our office --- we do some of the hotel audits, but may of those are essentially farmed out through the Treasurer's Office.

So we tend to now focus on the ones that have been more problematic in some way, so those that they don't get the same follow-through or need a second look are the hotel audits. And one of the reasons, to be very candid, why we continue to do those is because, for our audit team, they are good training hours. So they're able to really bring some of our new auditors on and making sure that they're getting their hours of training through those audits, even some of our interns, and also, for their own professional compliance.

MR. FUTULES: Thank you.

CHAIR FINNERTY: Okay. Seeing no other questions, thank you very much for coming in. I appreciate the work you do for the county. You too, Amy.

MR. MACEY: Oh, yeah, don't forget Amy.

CHAIR FINNERTY: District Attorney, you have some --- I think you have to introduce yourself.

MS. SPANGLER: Rebecca Spangler, First Assistant District Attorney.

CHAIR FINNERTY: All right.

MS. JAWORSKI: And I'm Melissa Jaworski. I'm Project Manager.

CHAIR FINNERTY: I've seen you. Roberta and Melissa; correct?

MS. SPANGLER: I'm sorry?

CHAIR FINNERTY: Roberta and ---.

MS. JAWORSKI: Rebecca.

MS. SPANGLER: Rebecca.

CHAIR FINNERTY: Rebecca; okay. Okay. Well, we thank you for everything you do for us and for the county, more for the constituents of the county than for us. And do you want to give us a presentation, and then we'll ask some questions in regard to it.

MS. JAWORSKI: No, I have no presentation to make tonight. We've made our budget, and you know, we've made our proposal with the County Manager.

CHAIR FINNERTY: Yeah.

MS. JAWORSKI: His Budget Office provided their proposal. We're just here to answer any questions that Council may have, if we can.

CHAIR FINNERTY: That's fantastic. Okay. We'll give everybody a second here to get their breath here. I got to turn this --- okay. Is there any questions? We'll start with Councilwoman Danko.

MS. DANKO: I'm not sure you'll be able to answer this. This is a policy, but you may know the answer. I was watching, I don't know if it was 60 Minutes or something like that, a couple weeks ago. And they talked about, you know, these old cases where people have been convicted now because of new DNA evidence. Some of those convictions really need a review, and they said that every major city, the D.A.'s Office should have some kind of Conviction Review Unit. Do you have in the D.A.'s office anybody that's assigned to that at all?

MS. SPANGLER: Well, actually, I'm one of those people.

MS. DANKO: Okay then.

MS. SPANGLER: We would like to be able to start a separate conviction --- we call it Conviction Integrity Unit. And you know, if there were money in the budget, we would like additional personnel to be able to do that. However, understanding budgets are tight and with the needs of the people of the Commonwealth and of the county, what we have done in our office, is Mr. Zappala currently has cast myself as First Assistant, our deputy in charge of investigations and homicide and our attorney in charge of the Post-conviction Unit. We are the individuals who would review cases where there would be claims that --- I just went over a case with one of our --- that attorney from the Post-Conviction Unit today, where an individual is asking for his 30-year-old homicide conviction to be reviewed for the 26th time.

And one of the things we do is we look at these items and make a determination if there's any new evidence, if there's new claims that are being raised or it's just re-hashing the same claim in a different form. At this point, you know, it's the First Assistant, one of our deputies and our Assistant District Attorney in charge of the Post-conviction Unit, that collaborate on those. You know, we would like to have a more active unit to do that, but we understand the realities. And you know, our office --- our sort of informal motto is to try and do more with less.

MS. DANKO: My other question --- you know, sometimes you hear things on the street and since I live in Regent Square, I heard that the District Attorney's Office was considering leasing some space in Swissvale in some kind of offsite something. But I don't know how far that's gone or if that's just a rumor or, you know, for maybe, like, offsite grand jury. I don't know.

MS. SPANGLER: Well, we currently have our grand jury set up in a location I prefer not to say right now but --- and we have a lease there. And at this point in time, it's my understanding that we're happy with the way it's configured. But there frequently are facilities where we're approached that there's a facility that is in a specific location that's not being utilized, perhaps a school or something that's been closed. And you know, our office is approached and asked if we would be interested in, you know, reviewing that and perhaps moving some of our --- because we currently have people set up in McKeesport, a small office that serves the Mon Valley District Justice offices. And we have a facility in Homestead where our auto theft and our insurance fraud units are separately housed. So we're approached and asked about these, you know, alternative sites. As to whether there's anything specifically in the works dealing with Swissvale, I'm not aware of that. That's not to say that someone hasn't approached our office in that regard.

MS. DANKO: So there's a particular need for security around these ---

MS. SPANGLER: Yes.

MS. DANKO: --- facilities that you might look at?

MS. SPANGLER: Yes, there would be.

CHAIR FINNERTY: Councilwoman Heidelbaugh?

MS. HEIDELBAUGH: If you can't answer this, that's perfectly fine. There's been a proposal by the County Executive to move county police officers into positions known as park rangers and to utilize county police officers for --- to divert their use into areas in which there's high crime, drug problems and what you talked about when you came here year and were asking for the five detectives. Is District Attorney Zappala in favor of this?

MS. SPANGLER: Yes.

MS. HEIDELBAUGH: And why?

MS. SPANGLER: It would be a use of the resources that the county already has and a re-application of them to other areas, you know, taking the resources and distributing them, as you said, to the high crime areas, perhaps, you know, having dedicated task forces. We're very happy to work with the county police and the administration in any way that we can to help impact these areas of high crime and violence and gun violence and gang violence that arise in the county and the city. And if there's some way --- you just said that you want measures --- we would be more than happy to be involved.

MS. HEIDELBAUGH: And when did these discussions begin to do this?

MS. SPANGLER: I don't know.

MS. HEIDELBAUGH: Okay. And are there specific proposals that have been outlined?

MS. SPANGLER: I do not know that.

MS. HEIDELBAUGH: And do we know what the costs associated are with the changeover?

MS. SPANGLER: I have not been involved in those discussions, and I'm unaware of the specifics.

MS. HEIDELBAUGH: Sure. And who's going to train these individuals?

MS. SPANGLER: I'm sorry?

MS. HEIDELBAUGH: Who's going to train them?

MS. SPANGLER: Which individuals?

MS. HEIDELBAUGH: The folks that are going to go from --- basically, that have been patrolling the county parks, to then be diverted into very high crime tense situations.

MS. SPANGLER: Well, it's my understanding that most of those officers who have been patrolling the parks are County Act 22 certified officers who were previously assigned to other areas. There had, at one point in time,

been a sex assault unit in the county police. There had been a dedicated narcotics unit. And at one point, the county police was reorganized, and they have homicide and then general investigations. And all of these officers that --- here again, talking about the county police ---.

MS. HEIDELBAUGH: That's what I said at the beginning.

MS. SPANGLER: But I mean, it's my understanding that these are officers who have all of that training and currently have been reassigned from other areas to these areas. And I believe that they're required to maintain their training. It may just be a different focus.

MS. HEIDELBAUGH: And will they just be patrolling or is there --- is there a task force that's been started to try to root out the root cause of --- maybe, the District Attorney Hickton --- strike that.

U.S. Attorney Hickton just announced this past week that he had made a number of arrests in the East Hills, which is where my concern was, principally last year. And he thought he had gotten to the root of a lot of this, which was drug traffic, I think, from Cleveland or Detroit or the West Coast. Now is there going to be coordination with the District Attorney's Office and the U.S. Attorney's Office?

MS. SPANGLER: Here again, as I said, I've not been involved in those discussions, but I would imagine that this would be something that would be coordinated between our office, the U.S. Attorney's Office, the Attorney General's Office and, you know, with the county police, and I would envision that this would be a focus and coordinated effort to, you know, put the resources where they could be best utilized.

MS. HEIDELBAUGH: Right, which, you know, we had to address as a county. We had to address what's going on in the East Hills. So to the extent that the fathers and mothers of this county are getting together and deciding to take what we have to try to address it, you know, many accolades. I do think that we --- as members of Council, we represent, you know, all the people here, that we have not been given any specifics. We haven't been given specifics from the county police, from the administration, from the District Attorney. I'm not blaming anyone. I'm just saying that we don't have it.

So you know, I would invite the District Attorney, please, to come before us and to the extent ---

ensure the public safety and confidentiality --- come before us and tell us what this new effort is going to look like. I think that the people deserve to know that some solutions are coming forward. There's going to be a concentrated effort in, you know, high crime areas or whatever it's going to be and when this is going to be rolled out. And I think it would be very important for us, as representatives of the people, to know that; and then for the people who are watching and listening to know that as well

CHAIR FINNERTY: Okay. Let's see. Councilwoman Means.

MS. MEANS: Thank you for coming this evening. I wonder if you can just explain a little bit about the District Attorney has like --- almost like a police force or an investigative team; is that correct?

MS. SPANGLER: Yes.

MS. MEANS: Can you tell me a little bit about that?

MS. SPANGLER: Every District Attorney's Office has the ability to have the District Attorney's detective force. In fact, in some counties --- Allegheny County is sort of unique in having a county police force. Not every county has that. With a lot of the other counties, the equivalent of the county police would be the District Attorney's detectives. But our detectives do very specialized investigations, focused on political corruption cases, white collar crime cases, cases involving misuse of electronic communications and in assisting us also in our grand jury functions, because we have always had the investigative branch. But most recently, the Supreme Court changed the rules and added back the ability to have an indicting grand jury in cases where there's --- witness intimidation has been alleged. And so in homicide cases, assaults, robberies, a lot of the gang-type of activities, we now have the ability to bypass a preliminary hearing and have an indicting grand jury and have citizens of the county, when we present the evidence, bring witnesses in. In confidentiality, they can give their testimony and then those citizens, that grand jury, would make a recommendation whether to indict or not.

And so our detectives assist in doing the investigation in those crimes. We're called in to investigate --- oftentimes municipalities will refer to us

cases that they believe they cannot investigate because of a conflict of interest if there's some allegation of wrongdoing within the municipal government. Whether it be the police force or some other area of the government, we refer those to our office and we investigate in that regard and then make a decision whether to charge or not. And police-involved shootings, we are called in. The county calls us, the city calls us in whenever there's a police-involved shooting involving those agencies instead of them looking just themselves at whether it was a justified action, our office does an independent review.

MS. MEANS: Your revenues come from not just us, from other sources.

MS. SPANGLER: I'm sorry?

MS. MEANS: Your revenues come from not just the county but other sources. Do you know the percentage of who gives you what and where they all come from?

MS. JAWORSKI: Well, as far as --- I mean, we have grant funding that comes through the state and federal government. I don't have those numbers in front of me tonight, if you're looking at the operating budget, but I can get those for you.

MS. MEANS: Okay. Thank you.

CHAIR FINNERTY: Yeah. Would you send them to me ---

MS. JAWORSKI: Uh-huh (yes).

CHAIR FINNERTY: --- and I'll get them out to everybody?

MS. JAWORSKI: Sure.

CHAIR FINNERTY: Thank you.

MS. MEANS: Thank you.

CHAIR FINNERTY: Or send them to Walt, actually. That would be the easiest way to do it. Okay. Councilman Futules?

MR. FUTULES: Yeah. I really didn't have a question until Heather asked a question, and you asked a good question about the county police moving into a different area. But I believe that that's still on the drawing board.

MS. SPANGLER: And like I said, I'm not involved in those discussions.

MR. FUTULES: Yeah, we have to adopt it.

MS. SPANGLER: I'm only speculating that, based on what I was asked.

MR. FUTULES: I assume we'll have to adopt a budget first before we could move forward with that. But my question is now, last year, Steve Zappala came here and asked us for more money ---

MS. SPANGLER: Uh-huh (yes).

MR. FUTULES: --- to start a task force.

MS. SPANGLER: Right.

MR. FUTULES: Did he?

MS. HEIDELBAUGH: We said no.

MR. FUTULES: No?

MS. SPANGLER: We did not. We agreed with the County Executive to withdraw that request and tried to focus on these things with the resources we currently have. And we've been trying to do that within our existing budget.

MR. FUTULES: Okay. I wasn't sure if it actually began yet.

MS. SPANGLER: It hasn't.

MR. FUTULES: I know it was proposed, but I didn't know if it was actually implemented. That was the question. That's all.

CHAIR FINNERTY: Council President DeFazio?

PRESIDENT DEFAZIO: Yeah. It's a little different type of question. For example, if someone died and maybe the coroner rules that it's natural causes, but then there's questions maybe from other people or the family as such, and it's in the City of Pittsburgh, now if they want to push this or pursue this or try to find out, wait a minute, there's more to the story, would that go to city homicide, to the District Attorney? Who gets involved with that?

MS. SPANGLER: Well, if it occurred in the city, then it should naturally first go --- and someone came to us, we would refer them to first go to the city police and ask for assistance there. We don't want to step on people's toes and just come in and look at things. And so we would recommend that the first review be with the jurisdiction in which it arises.

PRESIDENT DEFAZIO: In the city; right.

MS. SPANGLER: If there's still something --- they're not happy with that, then someone could step in and, you know, ask for us to review that process.

PRESIDENT DEFAZIO: You would make a decision then after you had dealt with Pittsburgh's homicide and ---?

MS. SPANGLER: Right; after looking at their investigation, talking to those detectives and just, you know, in general, looking at all of the circumstances, reviewing the coroner's report and any unanswered questions that there may be.

PRESIDENT DEFAZIO: Thanks a lot.

CHAIR FINNERTY: Councilwoman Rea?

MS. REA: Thank you. I just have a question on the numbers, the proposed budget in your budget. And there is maybe a $600,000 difference there or more, and it's with personnel and fringe benefits; correct?

MS. JAWORSKI: Yes.

MS. REA: And is that additional personnel or is that ---?

MS. JAWORSKI: Yes.

MS. REA: How many additional personnel does that cover?

MS. JAWORSKI: In our ---?

MS. REA: And I may have missed that. It's in their system?

CHAIR FINNERTY: It's eight.

MS. REA: Eight; okay.

CHAIR FINNERTY: If they wanted to know about it, we were claiming 197.

MS. HEIDELBAUGH: We haven't voted yet.

MS. REA: Yeah, I know, but ---.

CHAIR FINNERTY: But that's where it's at.

MS. REA: Okay. The other thing is --- and then there's, like, $70,000 to put some new computers in and for storage of something; correct?

MS. JAWORSKI: Yes, electronic storage. Yeah.

MS. REA: Okay. So that's what, you were asking for eight additional employees and then those monies for storage and computers, ---

MS. JAWORSKI: Yes.

MS. REA: --- to replace some computers?

MS. JAWORSKI: Yes. That was what we --- what we submitted to the budget office included eight additional employees. However, what is being proposed in the budget tonight, the $17.1, does not include those people.

MS. REA: Yeah; okay. I see that. Okay.

MS. JAWORSKI: Yeah, we don't know.

MS. REA: Okay. And who are those employees, or what type of employees are they? I'm just ---.

MS. JAWORSKI: They were four detectives and four attorneys, and they were involved --- they would be part of --- I think six of those people would be part of the integrity squad that was proposed by Mr. Zappala.

MS. REA: And what's that, just because I don't know the ---?

MS. SPANGLER: That would be looking at cases --- reviewing cases at the beginning where there may be some issues or questions about whether charges were filed correctly or if there's a misidentification, do we have the right person? And addressing --- Councilwoman Danko had raised an issue of old cases where someone is coming forward, claiming to have new evidence of their innocence and asking us to review those.

And so we were looking at --- not just looking at it on the back end. One of the reasons for that number of people was that --- to have people reviewing those closed cases on the front end, so that we could make an informed decision as to whether more investigation would be needed to be done, identifying the right perpetrator, because the reason it's so important is not only do you not want to arrest or incarcerate or accuse an innocent person, but if you've done that, that means the real perpetrator is still out there. And so our interest is in getting the right person, not just any person.

MS. REA: So this integrity unit, or whatever, they already have X amount of people there, and you're just looking to make it a larger ---?

MS. SPANGLER: Right now, there are existing attorneys who are doing that function; myself as the deputy and the ---.

MS. REA: And detectives.

MS. SPANGLER So along with our ordinary court's duties, we've taken on this additional responsibility ---

MS. REA: Oh, I see.

MS. SPANGLER: --- with the ---.

MS. REA: So this would be designated just to do that. Okay. Thanks a lot; thank you.

CHAIR FINNERTY: I just mention one thing, that our budget isn't finished or anything, but you made the same requests to our budget department that you made to the Chief Executive's budget department. If you look at the budget book, you'll see that that's on --- I don't know what page it would have been, so ---.

MS. REA: It's in there.

CHAIR FINNERTY: It's in there under District Attorney, if you go back to it. It's in the last page in District Attorney --- what the District Attorney requested from County Council, in relation to that. And usually, it amounts to the same thing. The departments have requested funds from the Chief Executive the accounting. Yeah. And I really don't have any questions. I just think that District Attorney Zappala does a fantastic job and, obviously, you do a fantastic job, since you work for District Attorney Zappala, or I guess you wouldn't be working for him. But I don't have any other questions. There are some other questions, though. Councilwoman Danko?

MS. DANKO: I heard that in the case earlier this year where the man was accused --- I think it was in Garfield near old Rogers School. There were the two sisters living together and one sister was murdered and ---. And anyway, the evidence in the case was basically the result of commercial cameras in the area, where they were able to track the path of the alleged person. And it was my understanding that the District Attorney was going to ask for more cameras. Is that in this budget?

MS. JAWORSKI: That is not in this budget.

MS. DANKO: But the cameras --- and some of those things are items that we have provided in the past, I believe, using forfeiture funds?

MS. JAWORSKI: Yes.

MS. SPANGLER: And you know, from, like, you know, the drug forfeiture money to ---. We tried to do that and we have done it, and many communities have put up those cameras. And we find they're invaluable, but the Boston Bomber --- Boston Marathon Bomber, that it was a commercial camera. And you know, commercial establishments have them. You know, we should have them in a lot of the public places as well. One of the things we would like to try and do, as well, is work with --- as other jurisdictions have found --- have a registry of all the commercial cameras, so that if we know that someone has a camera when a crime is committed, the police don't have to go around and look for them to know where to ask.

CHAIR FINNERTY: That's a great idea.

MS. DANKO: Thank you.

CHAIR FINNERTY: Ms. Heidelbaugh?

MS. HEIDELBAUGH: One of my largest concerns this year has been the apparent lawlessness of the killing of witnesses in certain communities. And I think when our witnesses are murdered at point blank range, it creates a feeling that things have completely tilted out of control. I know that there was some efforts in this most recent killing to try to text some of these young people that actually see these crimes and this whole thing, and certain communities about --- don't be a snitch and all this. So the question is, what is your office doing to try to think of some innovative ways to address this problem of witness intimidation and witness murder, as well as witness protection?

MS. SPANGLER: Well, one of the things we're doing actively, besides the Grand Jury thing, in addition to that --- you know, you do the traditional witness protection when somebody --- you know, we offer witness protection. And it's really not witness protection. We don't send somebody with the witness and who's with them 24/7 like you would see on TV. It's witness relocation. And we actively try to work with jurisdictions to do that. And in fact, we were very successful --- to use an anecdotal experience, we had a case where a gentleman was robbed at an ATM machine and it was in an outlying --- one of the municipalities, and I'd prefer not to name where it happened just to protect the individuals.

MS. HEIDELBAUGH: Uh-huh (yes).

MS. SPANGLER: But an individual was --- he was going to an ATM machine at night. He was robbed by two individuals who were caught on camera. They robbed him at gunpoint, left, went to --- they're in Municipality A. They walked two blocks into Municipality B, dumped the gentleman's wallet and driver's license and such, in a parking lot and leave with the money. A concerned citizen finds the wallet the next day in the parking lot, takes it to Municipality B Police Station. They link that back to the crime that was reported in Municipality A, so they worked together.

We have the victim. We make identification. Preliminary hearing is scheduled. We find out through a secondary means that the defendant who's arrested on the armed robbery is in the jail calling his girlfriend, arranging for the victim to be warned off; and if not, taken care of. And it was very explicit language used in these conversations. The police chief in that

jurisdiction called, got me on the phone and within less than --- it was less than 16 hours, we had that witness in official witness relocation because what the police chief had done, contact me, had already contacted the witness and arranged for him to move out of the jurisdiction and stay with relatives on an informal basis out of county until we could get all the paperwork and all of the costs covered for something else.

So those are the types of things that we do on, you know, an ad hoc basis. But we try to respond as quickly as we can and we try to convince people to use witness relocation when they can and when they're --- you know, they're inclined. But it is a difficult process if you think about it. You're working, you have your family, you have your life, and you're told you need to move to another neighborhood. You need to temporarily ---. It's hard for people not in the system to understand why people decline to do so, but it is a disruption and oftentimes they really don't think something bad could happen to them, as surprising as that is.

MS. HEIDELBAUGH: You know, I'm a daily reader of newspapers, and it's just anecdotal to me that the killing of witnesses has exponentially increased in culture, at least in this culture, in the last several years, or we just didn't hear about it. And now you hear about it all the time.

MS. SPANGLER: And that's why the Supreme Court made the change to the rules. The new indicting Grand Jury rules were passed specifically to address the issue of witness intimidation and attacks on witnesses. And it first arose --- the largest problem was in Philadelphia. And because of the issues there, they brought it to the attention of the Supreme Court and the legislature. And there were changes made. Statutes were passed, and the Supreme Court rules were changed to allow us to do this now.

MS. HEIDELBAUGH: Two questions, and then I'll be done, Mike. Are there heightened penalties for any sort of threat? Do you get a multiplier on your original charge if you're involved in aiding and abetting or conspiracy to intimidate witnesses?

MS. SPANGLER: There are. It's an additional charge; it's an additional charge.

MS. HEIDELBAUGH: Okay. So then the last question, I guess, would just be, you know --- and maybe

this is so obvious you'll --- you'll guffaw at it, but to just be on the lookout for innovative programs across the country that are dealing with witness intimidation in all of its forms, and to see if anything's working, because it is --- I think it feels like lawlessness, when we're coming up and killing people, straight --- you know, blowing their brains away because they're going to testify against somebody. We're going to have --- we're going to have complete lawlessness without witnesses.

MS. SPANGLER: And our goal is to not have that. And we are actively working and looking at programs to address those issues.

MS. HEIDELBAUGH: Thanks.

CHAIR FINNERTY: Well, we just thank you, Rebecca and Melissa, for coming forward and enlightening us on the many things that the DA does. And we want to thank him for the great job. I'll have to mention to him that you did a great job.

MS. SPANGLER: Well, I appreciate that.

CHAIR FINNERTY: Okay. Thank you. We're adjourned.

PUBLIC HEARING RECESSED AT 7:50 P.M.

CERTIFICATE

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

Barbara J. Jones

Court Reporter