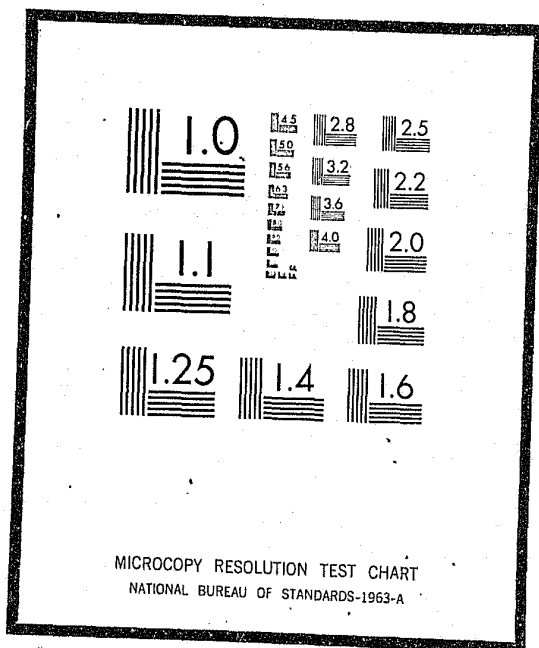


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COMPLIMENTS OF  
**JOHN J. HICKTON**  
DISTRICT ATTORNEY  
ALLEGHENY COUNTY  
355-4400

*Allegheny County (PA) -  
Office of the District Attorney*

**1974**  
annual report, 1974

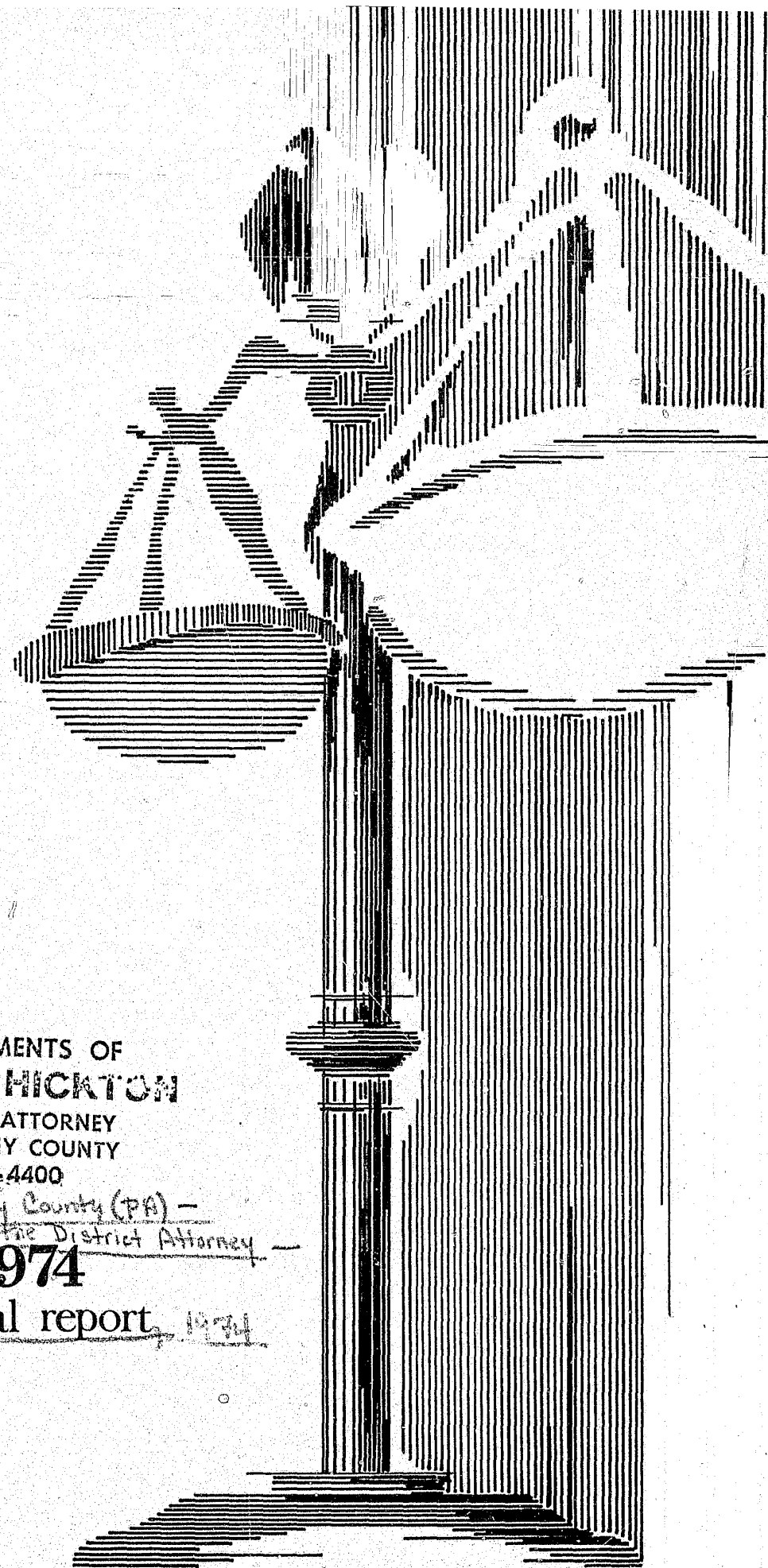


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*"I . . . do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity."*

(District Attorney's Oath of Office)



John J. Hickton, District Attorney.

It is with a great deal of satisfaction that I make the first District Attorney's report to the citizens of Allegheny County in over 25 years. During the last ten months, we have attempted to attack the various problems in the Office on three fronts. The first was to establish unquestioned integrity. The second was to adjust all priorities to emphasize the protection and rights of the *victim* of crime. The third was to establish a professional prosecutor's office:

In order to accomplish these goals, some long-overdue changes were made.

- A large part of the detective force that we inherited was dismissed, and the remainder was organized more efficiently.
- We eliminated the improper solicitations of contributions of employees and banished those infamous "flower funds."
- We designed and implemented a procedure for the proper disposal of confiscated firearms, narcotics and alcohol.
- We established the county's first Rape and Child Abuse Squad, consisting of two regularly assigned lawyers and six detectives.
- Because of the daily increase of consumer rip-offs, we established the Consumer Fraud Squad.
- We have implemented the "team" technique in prosecution by establishing regular units of lawyers to handle homicide, rape, child abuse, consumer fraud and narcotics.

- In an effort to inform the young people of our county, we present a mini-course in crime prevention to junior and senior high school students on a regular basis.

- The development of a Criminal Law Center in Allegheny County that would emphasize the "rights of the victim" is our long-range goal, and to this end we have sought and received the assistance of leading legal minds, such as Richard Sprague of Philadelphia, Dean Edward Sell of the Pitt Law School, and Dean Ronald Davenport of the Duquesne Law School.

- We have stressed cooperation with the United States Attorney's Office, the Federal Bureau of Investigation, Allegheny County Police, Pennsylvania State Police, City of Pittsburgh Police and the County Sheriff's Office.

Looking to the future there is still much to be done. We must have constant contact with Harrisburg so that the weaknesses in the laws involving the death penalty, rape, child abuse, obscenity, defendant's appeals, abortion, the blue laws and sunshine laws may be corrected.

We must continue to be unafraid to appeal the decisions of judges where we feel it will benefit the victim, and the judges themselves must be unafraid of our appeal and indeed encourage us to appeal where we feel it is our job to do so.

We must perfect our crime prevention course and get the student at even the elementary level to emblazon his mind with a sense of right and wrong.

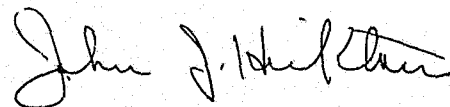
We must continue to fight for the victims of rape and child abuse with intelligent programs throughout the various fraternal organizations of Allegheny County.

We must go on further and educate doctors and other witnesses on what to expect in the courtroom and how to testify.

We must support the police by representation at preliminary hearings, arraignments, and through all the procedural processes so that they are encouraged and enthused and can continue to do their job without a loss of morale.

Finally, we must never give up seeking new ways to improve, to change the law, to better our efficiency, to enrich the faith of our people in this Office.

We could not have accomplished what we have done without the enthusiastic support that we have received on a daily basis from the people of Allegheny County. If that support continues, this Office will continue for the betterment of us all.



JOHN J. HICKTON  
District Attorney



John Tighe, First Assistant District Attorney.



Howard Hilner, Second Assistant District Attorney.

#### REMARKS OF FIRST ASSISTANT DISTRICT ATTORNEY JOHN TIGHE AND SECOND ASSISTANT DISTRICT ATTORNEY HOWARD HILNER

As the Chief Prosecutor of Allegheny County, the office of the District Attorney must uphold the Criminal Justice System — a system which must be responsive to those who observe the law and to those who violate it.

Under our system of law, anyone accused of a crime is innocent until proven guilty, which means the burden of proof lies with the Office of the District Attorney.

Allegheny County has joined with Criminal Justice Systems of other areas in making necessary and just improvements for the defendant, however, Allegheny County has not kept pace with other systems in recognizing and protecting the rights of the victim.

Since the appointment of Jack Hickton as District Attorney in April, 1974, a new goal to protect the rights of victims of crimes has been adopted. Much attention has been directed toward the trial team approach, especially in the areas of homicide, rape, child abuse, narcotics and consumer fraud.

Preliminary hearings are now attended by assistant district attorneys in all crimes involving homicide, rape, and serious drug offenses.

Attendance of assistant district attorneys at other preliminary hearings is determined by the seriousness of the crime and availability of personnel.

A vast majority of cases processed through a magistrate's office in Allegheny County are still being heard by the magistrate without the presence of any representative from the District Attorney's staff. This is continuing despite the allowance that a defendant be represented by private counsel or a representative of the Public Defender's Office.

Unfortunately, the vast majority of cases processed through the Criminal Courts of Allegheny County receive no attention from the prosecuting office prior to the day of trial.

For many years the procedure has been to assign an assistant district attorney to a particular trial room to handle all cases assigned to that room on that day. Regrettably, the assistant sees the case for the first time and only has an opportunity to review the case with witnesses for a few minutes prior to the beginning of the trial. District Attorney Hickton has pledged to eliminate this undesirable procedure.

Institution of the trial team approach in cases in-

volving homicide, rape, child abuse, narcotics and consumer fraud has already begun.

Most trial teams specialize in one particular crime. This specialization maximizes concept efficiency and facilitates rapid training of prosecutors. It insures that prosecution evidence will be presented to a judge or jury in a complete and professional manner.

A trial team consists of a senior and junior member. The senior is usually a veteran attorney with extensive trial experience, while the junior has lesser trial experience. The senior member assumes general supervisory responsibility including the actual trying of the case. The junior member assists by accomplishing the necessary preparatory work such as, requesting additional investigation, taking depositions, attending pre-trial conferences, answering interrogatories, and other routine matters. Both team members attend the trial with the senior handling interrogation, and the junior "second seating" him to assist in the case and to gain valuable experience.

In addition to procedural changes, District Attorney Hickton is taking steps to increase the size of the staff. Shortly after assuming the Office, Mr. Hickton realized that the existing staff was totally inadequate to insure properly handling of the existing criminal case workload, let alone to provide personnel to previously neglected areas.

District Attorney Hickton has increased the number of assistant district attorneys from 35 to 47. He did so by hiring attorneys and compensating them via detective and staff pay slots.

This modest increase in staff represents a positive first step but more assistants will be required to upgrade the quality of prosecution to the level Mr. Hickton feels the people of Allegheny County deserve.

Similarly, additional personnel is required to insure all defendants of their constitutional-guaranteed right to a speedy trial. The Pennsylvania Supreme Court has determined this to be within 180 days after filing of a complaint. Additional assistant district attorneys are required to serve juvenile courts when requested by judges.

Additional staff is required to meet the pressing need of local municipal police departments to have counsel to attend preliminary hearings with arresting officers.

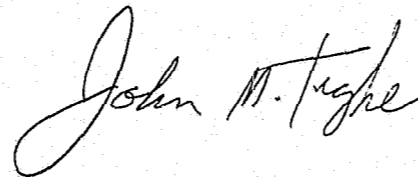
These are some of the reasons why the District Attorney has requested the Allegheny County Commissioners to give priority for future additional funding to this office. The staff of 47 assistant district attorneys and their salaries are substantially less than those for the following comparable municipal areas:

Location	No. of ADA	Salary Range
Chicago	222	\$13-33,000
Cleveland	73	\$13-26,000
Dallas	83	\$11-33,000
Detroit	100	\$15-34,000

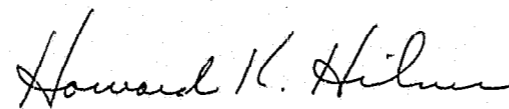
Location	No. of ADA	Salary Range
Houston	103	\$12-30,000
Philadelphia	122	\$13-40,000
Pittsburgh	47	\$11-16,000
Seattle	60	\$12-24,000

The 1974-1975 Budget for the office of District Attorney is approximately \$800,000 or approximately 1/4 of 1% of the total Allegheny County budget of \$176,000,000.

Retention of competent, experienced assistant district attorneys is paramount to providing the maximum service and benefits to the people of Allegheny County. This is only possible if the Office provides attractive career opportunities with competitive salaries, benefits, and prestige. Without additional funding, the present undesirable trend of young attorneys serving for a few years and then leaving for more attractive positions will continue.



John Tighe  
First Assistant District Attorney



Howard Hilner  
Second Assistant District Attorney

## SPECIAL SQUADS AND TEAMS

The department descriptions which follow will provide you with a basic understanding of the areas controlled by the District Attorney.

On page 15, the organizational chart of the District Attorney's Office depicts the current office structure.

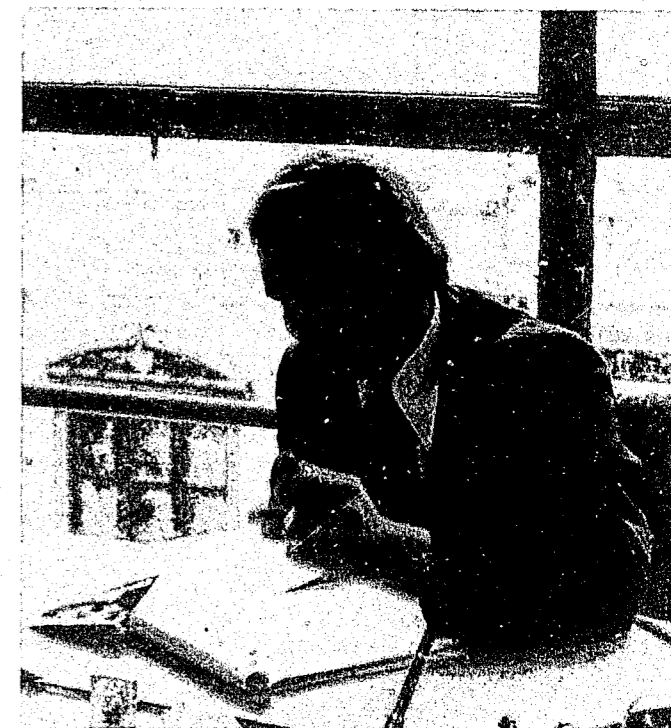
### RAPE AND CHILD ABUSE

The Allegheny County Rape and Child Abuse Squad made up of three full time detectives, four assistant district attorneys, and three women investigators was initiated in July as part of District Attorney Hickton's policy of staff specialization.

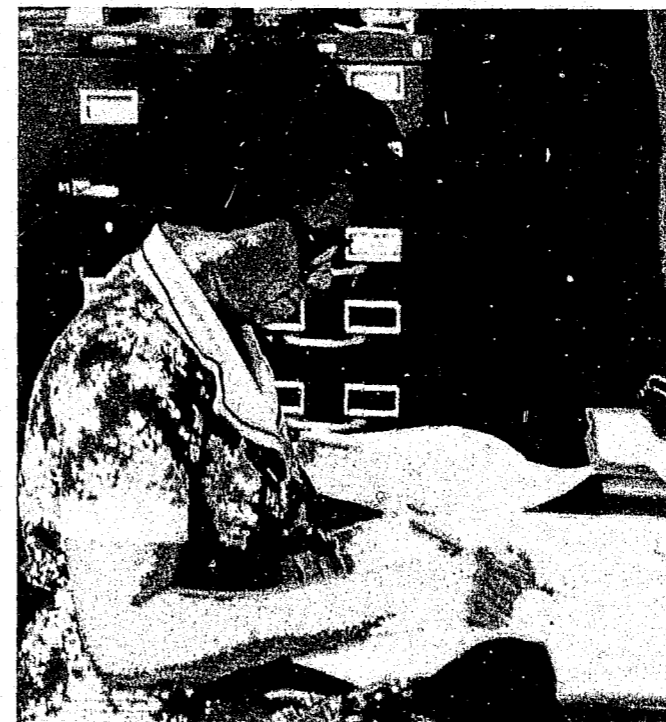
Headed by Detective Donald Durochia, the Squad follows each case from the moment it is reported until it reaches trial. Its members work as a unit with assistant district attorneys Bruce Dice, Russ Ober, Charlene Ehrenwerth and Diane Berman.

In a highly successful campaign against Rape and Child Abuse, the Squad's case load has averaged ten per month since July 1, with only six rape cases dropped at the preliminary hearing stage or by the victim. Of the 39 remaining cases which have gone to trial as of December 31, all have resulted in convictions. Twenty Child Abuse cases have been investigated and remain in various stages of the judicial system.

The Squad serves throughout Allegheny County (except for the cities of Pittsburgh and McKeesport which maintain their own Rape Squads) and responds to calls from local police by dispatching a detective



Squad Supervisor Donald Durochia.



Rape Squad Investigator Yvonne Tucker.

and woman investigator. The officers question the victim briefly and examine the scene of the crime for physical evidence, articles of clothing, tire marks, hair, fibers and the like which are turned over to the Allegheny County-Pittsburgh Crime Laboratory of the District Attorney's Office.

A few days later when she is able, the victim is brought in to make her formal statement and to assist the staff in making a composite drawing of her assailant.

If the assailant is apprehended, he is arraigned and charged within 10 days. He may be released on bond unless the crime was unusually violent.

A magistrate's hearing and grand jury determine if available evidence warrants a jury trial. Before all three of these legal steps, a member of the Rape Squad prepares the victim for the lines of questioning normally used in rape hearings.

FBI figures affirm that fewer than 20% of rape crimes are reported to authorities. The traditional police and courtroom questioning of the past attacked the victim more severely than the assailant, thereby discouraging women from initiating legal action against their attackers.

The supportive attitude of the female investigators and thorough preparation by the assistant district attorneys as well as education from women's organizations is encouraging increased reported cases.

The Squad's Yvonne Tucker comments, "We find that the younger college woman who is raped is willing to go to court. She feels that she has been violated and wants her attacker brought to trial."

"The woman who has not had much exposure outside her own community is still reluctant to call us. These victims are often too shamed and humiliated to face police."

All child abuse cases are reported by Child Welfare to the Rape and Child Abuse Squad. By law, only the District Attorney can prosecute parents or other adults involved in the abuse of a child.

Detective Durochia and the Squad members see the child, examine hospital and doctors' records and talk with parents, relatives and neighbors. In instances where abuse is severe or has been repeated, parents are charged with "endangering the welfare of a minor" an inclusive term which can include gross neglect as well as physical abuse.

To ensure the immediate safety and future protection of the child, the Squad acts in concert with other legal and social agencies.

Child Welfare assigns a case worker; Juvenile Court will often act to remove the child to a shelter; and Neighborhood Legal Services assigns an attorney to represent the child when necessary.

Other social agencies work together to counsel and rehabilitate the parents. Their primary goal is to keep the family unit together, if possible. The child who has been removed from the home will be returned as soon as Juvenile Court considers the situation to be no longer dangerous to the child.

The District Attorney monitors each case. Investigators of the Squad maintain contact with Child Welfare and other agencies until final disposition of the case insuring the child's welfare.

### HOMICIDE TRIAL TEAM

As part of District Attorney Hickton's program to develop trial specialists in the District Attorney's Office, murder cases are handled by a team of four assistant district attorneys headed by Chief Prosecutor Ted Fagan.

The Homicide Trial Team works closely with the Homicide Squad of the County Detective Bureau and local city law enforcement agencies. The trial team now receives a case immediately after the coroner's hearing. All relative information from the arresting agency, prior criminal records and pathological and Crime Lab reports comprise an initial case file of the suspect. The file is reviewed by the staff before assignment to the trial prosecutor.

With this kind of backup, the assigned assistant district attorney, together with the arresting detective, is able to review each step in the processing of the subject and the seizure of evidence for possible legal loopholes. He can then proceed with preparation of the case for court and present the best prosecution possible.



Chief prosecutor, Ted Fagan.

Over 80 murder cases were tried by the District Attorney's Office during 1974. Prominent among them were the Melvin Brown and Charles Hale cases. Hale was prosecuted by Ted Fagan and convicted of murdering Melba Cox in the West End Fire House. Brown was prosecuted by Fagan for the Koppers Building murder of Mary Lee Walters and convicted of 2nd degree murder.

Mr. Hickton was the prosecutor of one of the most difficult cases of 1974 — that of Stanley Hoss, Daniel Delker and George Butler who were indicted for the murder of Captain Walter Peterson, a Western Penitentiary prison guard. Mr. Hickton initiated the court action against Hoss and Delker and obtained 2nd and 1st degree convictions, respectively. Fagan prosecuted the third defendant Butler and secured a 1st degree verdict.

### INDICTMENTS

A citizen who commits an illegal act can be arrested and brought to trial under our code of law.

The same code, developed over centuries of English and United States law, states that no citizen can be brought to trial until he has been formally accused or "indicted".

The indictment is a complex process involving three areas of the legal branch of government, the Magistrate, the District Attorney and the Grand Jury.

Let's assume a citizen has assaulted and robbed a pedestrian. He is apprehended by police and brought before the local magistrate.

The magistrate holds a hearing and if it appears that Smith's act constitutes a crime, he sends a "complaint" to the District Attorney's Office where it is received by the assistant district attorneys of the Indictment Division.

A formal written accusation is then drawn up against him, giving his name and the charge.

The written accusation is presented to the Grand Jury by an assistant district attorney. The Grand Jury consists of 15-23 citizens selected at random from tax rolls, names from federal, state or local government programs, the telephone book, school census

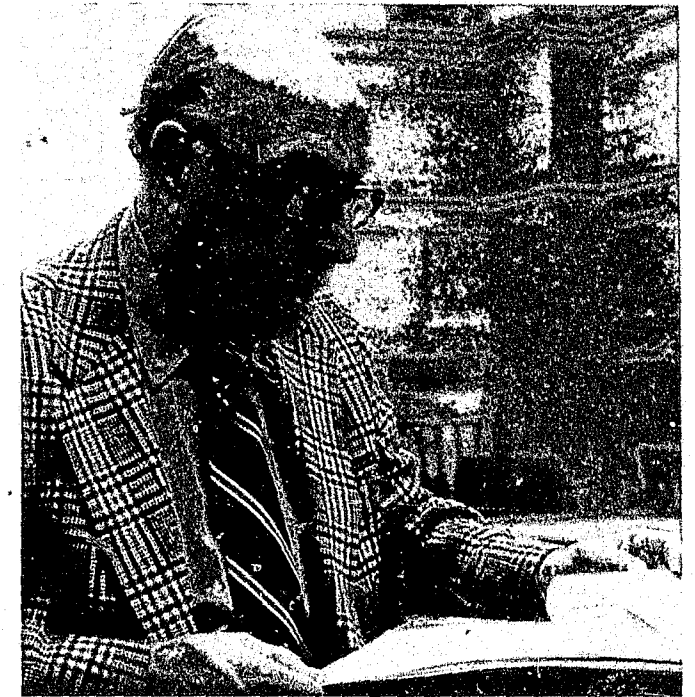


Seen above are the members of the December, 1974 Grand Jury.

lists, or those who apply to the Jury Commissioners Office. The Grand Jury does not consider the guilt or innocence nor do they listen to both sides of the case.

Their sole function is to insure as well as they are able that he has not been falsely accused. They examine evidence and listen to testimony presented by the prosecutor, an assistant district attorney.

If 12 of the jurors vote that there is "just and probable cause" for him to stand trial, the formal written accusation against him becomes a legal document, an indictment. He must then stand trial within 180 days of the complaint or arrest, whichever came first.



Assistant District Attorney, Virgil Caputo, prepares the prosecution's argument before the Grand Jury.

The person indicted may attempt to nullify either the initial complaint or the Indictment by filing a "Motion to Quash" or dismiss either charge.

Legal precedents established in the Supreme Court decisions of the 1960's have increased use of the "Motion to Quash."

Such grounds might be:

1. That the defendant was not represented by counsel at the magistrate's or preliminary hearing.
2. That the language of the indictment is not precise.
3. That too much time has elapsed between complaint and Grand Jury or trial.

In 1974, over 9,500 cases were listed for trial after passing the Grand Jury. This does not include 11,000 private complaints or cases that were processed through the Accelerated Rehabilitative Disposition Program.

The Indictment Division also handles Motions for Discovery which the defendant may file. A Motion for Discovery means that the defendant can request a copy of statements he made to police during interrogation. He also has the right to examine evidence with his attorney which could be used against him.

The District Attorney's Office appears in court to see that a defendant is accorded his just rights, and to object to these Motions of Discovery, if necessary. Otherwise, a defendant can use "suppression of evidence" to overturn the results of months of trial preparation.

Goods seized on arrest including cars, guns, money and legal drugs are the responsibility of the Indictment Division which assumes responsibility for returning

them to the owner. Money confiscated in gambling offenses is turned over to the District Attorney's Office and then to the County Treasurer's Office. (See Radio Communications)

Attorneys of the Indictment Division also appear before the Pardon Board six times a year to express an opinion in favor of, opposed to, or neutral, regarding pardon or commutation of any sentence.

They respond to legal questions the Pardon Board may have relative to the degree of violence involved in a crime, harm done to the victim, and the attitude of the community toward accepting the prisoner back into society.

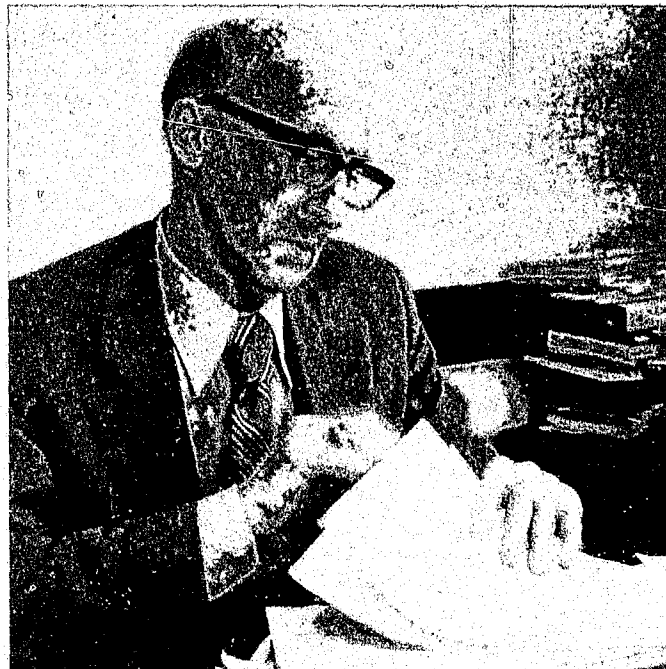
Assistant district attorneys act as a telephone advisory service to magistrates and local police officers who may need legal answers on exact procedures of arrest, proper forms of search and seizure, and the proper terminology in describing any specific crime. Assistant district attorney, Dennis Kissane, is on call 24 hours a day to provide advice on police matters.

Care at this level may save many hours of work or possible loss of the case later in the legal process.

District Attorney Hickton would like to see the office act more effectively on the preliminary hearing level in order to obviate procedural errors.

The defendant's rights appear to now be amply protected but the current legal climate neglects the victim. The District Attorney's Office is working to equalize the rights of the victim and defendant.

## DETECTIVES



Chief John F. Stack.

The Allegheny County Detective Bureau, an arm of the District Attorney's Office under Chief John F.

Stack, operates as a supplementary force to municipal police departments. The 129 local law enforcement agencies of Allegheny County handle most of their own caseloads but do call on County Detectives for help when necessary.



Captain Robert Meinert explains the work involved in a homicide case to area high school students.

Under the supervision of Chief Stack, the Bureau is divided into squads with detectives assigned to each. Two detectives are assigned to the Rape and Child Abuse Squad with three female investigators. Two are assigned to the Consumer Fraud Squad; eight to Homicide, including one woman detective. Four detectives work in General Investigation covering other areas. Ten are assigned to other detective duties and pre-trial investigations.

The Detective Bureau handles all homicides, with the exception of homicides committed in the cities of Pittsburgh and McKeesport which maintain full police services of their own. All deaths where foul play is indicated and all incidents of physical violence judged severe enough to result in death are reported to Chief Stack by the local police. Homicide takes preference over all other assignments, and occasionally the entire Bureau will be mobilized indefinitely to investigate a particular case.

A "simple" murder is when the accused is in custody, admits guilt and the weapon is recovered. A murder of this type requires 4 men working 8 hours each simply to process and prepare the case for arraignment before the Coroner. If the case is more complex,

many days or even weeks of work will be put in by detectives of the Bureau.

This year the Allegheny County Detectives have completed nearly 250 investigations, including 82 deaths, 50 Consumer Fraud cases and 64 Rape and Child Abuse cases. (The Consumer Fraud and Rape totals are for a 6 month period from July 1 to December 31.)

Homicide detectives work closely with assistant district attorneys in the new trial team approach to prepare a case for grand jury and for court. It has been disheartening in the past for detectives to see a defendant go free after they have painstakingly accumulated evidence against him and when better preparation might have resulted in a conviction.

Chief Stack, who has headed the Detective Bureau for the last two years, come to the District Attorney's Office with a strong background. He spent 31 years with the Homicide Squad of the Pittsburgh Police Department where he was a crack police officer in the top ranking squad in the nation.

## CONSUMER FRAUD

Consumer Fraud is usually one of three types: Personal Fraud, Auto Fraud, or Home Repair Fraud. The following is an example of Home Repair Fraud:

An elderly widow in Allegheny County was defrauded by a dishonest home repair company of her life's savings of \$22,000. In 1974 she could be protected under a new state crimes code which makes certain unethical business practices such as theft by deception a crime and the businessman subject, for the first time, to criminal charges. He must also make financial restitution to the victim.

To implement the code, the District Attorney's Office now has a Criminal Consumer Fraud Squad, comprised of two assistant district attorneys Robert Isacke and Harry Stump and two detectives, Robert Artman and Charles Simler.

And to make the public aware more than 2,500 copies of the book "White Collar Crime" has been distributed by the District Attorney's Office in the last three months of 1974.

Homeowners will now have a chance to be protected against the unscrupulous furnace repair and home repair companies which have preyed upon them. The new code, however, prescribes narrow limits under which the dishonest can be prosecuted. Not all consumer fraud can be construed a crime, some may only be tried in the civil courts.

Referrals come to the new Squad from the State Consumer Protection Agency, from the County Bureau of Consumer Affairs and from Pittsburgh's Better Business Bureau; all of which do preliminary screening, helping sort out criminal actions.

In the Squad's short life (six months), Isacke reports the first conviction that of a travel agent who

failed to use her client's deposits as required. Another tour agency is under investigation by the Squad, as well as several other businesses.

A man from Florida is also under indictment for theft by deception for selling suits under the name Hong Kong Tailors, collecting money, but never delivering the goods. District Attorney detectives arrested the indicted man in Florida. He is currently awaiting trial.

If you have been the victim of a criminal or civil fraud, you can begin the process of investigation by calling the County Consumer Affairs Bureau at 355-5402.



Assistant District Attorneys Joseph Vogrin III (standing), Kim Riester.

## NARCOTICS TRIAL DIVISION

Conviction of dealers in the hard drugs, cocaine, LSD, mescaline and heroin and those who deal in large quantities of marijuana, is the primary goal of District Attorney Hickton's new Narcotic's Trial Division initiated in October, 1974.

David McSorley, chief of the Division is aided by Assistant District Attorneys Joe Vogrin and Kim Riester who prosecute narcotic cases for the District Attorney.

The Narcotics Trial Division works closely with law enforcement officers of the City of Pittsburgh, Allegheny County and the Allegheny County Regional Narcotics Task Force.

Preliminary work in preparing an important drug case for Court involves working with arresting officers, interviewing witnesses and securing identification of drug samples and other evidence from the Allegheny County Crime Laboratory.

Lesser cases involving a user or a small dealer-user are also prosecuted. However, at Mr. Hickton's request, there has been an effort in 1974 to obtain probation without verdict for a first time small offender. Statistics compiled by this office during 1974 demonstrate that the majority of these minor offenders are not repeaters.

## ARD

Our criminal justice system uses three methods to control criminals — punishment, deterrence and rehabilitation.

The physical presence of the uniformed policeman walking or driving his beat is a deterrent to crime. Imprisonment of a citizen who commits a crime is punishment. Historically, these two aspects of the criminal justice system have been predominant.

But the system has a third and often neglected area: rehabilitation of the criminal to enable him to return smoothly to society.

Until recently, anyone charged with a criminal offense would have a permanent police record with him through life.

In 1972, the Pennsylvania Supreme Court introduced a new program for first offenders only. This program is called ARD (Accelerated Rehabilitative Disposition).



Director John Alford.

Under ARD, a first offender who has not committed a crime of violence and who appears to be receptive to self-improvement is "lifted" from the traditional system of justice. He is given an option of voluntarily entering a contract with the state. Under this contract, he agrees to rehabilitate himself prior to being formally charged.

The provisions of this voluntary contract are:

1. The participant must report to his probation officer.

2. The participant must in addition have a citizen sponsor with whom he spends time each week.

The sponsor must be affiliated with a church or

community service agency. Under his sponsor's supervision, the ARD participant performs volunteer work of benefit to others in the community. The contact is to give him a constructive adult "model" and to help him interact in a positive situation.

3. He must make restitution if he has caused financial damage by his crime.

4. If he does not have a high school diploma, he must work toward it or a high school equivalency degree.

When asked why Allegheny County's ARD program is more successful than those of other counties in Pennsylvania, the Program Director John Alford stated, "The program here differs in the initial screening of prospective participants. Screening is intensive and involves the arresting officer, the victim, the accused and his lawyer, all of whom meet with the trained interviewing staff of ARD."

According to Alford, interviewers have done their homework so well that in all but one of more than 1,000 cases, the court has accepted their recommendation. Once launched into the program, the individual drop out rate is extremely low, at present 1.5%.

Alford feels that the citizen sponsor program, an innovation of Allegheny County's ARD Program, has helped the participants complete the program successfully.

At the end of the prescribed period (no more than 24 months) if the court feels that the subject has fulfilled all his obligations satisfactorily, the charges against him, which have been held in abeyance, or "stayed" in the interim, are erased. The individual may then look for a place in the world without the drawback of a conviction record.

Proponents of the program feel that the public benefits as well as the participant. The first offender emerging from ARD is more likely to be a productive, self-supporting citizen; less apt to return to crime and become a burden or a danger to the state.

The judicial system benefits in that on an official level, the courts are saved valuable time in the hearing of many first offender cases leaving time for cases of a more serious nature.

## CRIME LABORATORY

The Pittsburgh and Allegheny County Crime Laboratory renders technical assistance to all county law-enforcement departments, the courts, and other justice agencies. During the first eleven months of 1974, 4,500 cases were submitted in connection with investigations of a wide spectrum of crimes including homicide, robbery, rape, burglary, and drug and firearm violations.

Under the Direction of Charles McInerny, the laboratory's principle purposes are to establish the

elements of a crime and develop information identifying the guilty and exonerating the innocent. This is accomplished by applying the multidisciplinary science of criminalistics towards identifying, comparing, and individualizing physical evidence. The kinds of evidence most commonly submitted are drugs; bullets and other firearms evidence; tool, shoe and tire impressions; residue from bombings and arsons; dried stains, whole blood, seminal material, and other physiological fluids; and hairs, fibers, paint, glass and other trace materials.

The reliance upon scholarly dedication and scientific knowledge leads many to believe that Sherlock Holmes was the primogenitor of modern crime laboratories. The hand magnifier, however, can not be equated to today's highly sophisticated instrumentation which includes the comparison and polarizing microscopes, emission spectrograph, mass spectrometer, gas chromatograph and other devices with precise analytical capability.

Although instrumentation is an essential component of a good criminalistic's operation, competency of the professional personnel is primary. The staff of 21 includes 13 criminalists selected on the basis of educational background and training in the field. The minimal prerequisite for employment as a criminalist is a master's degree.



Director Charles McInerny operates polygraph.



Crime Laboratory Criminalist analyzing evidence for a drug case.

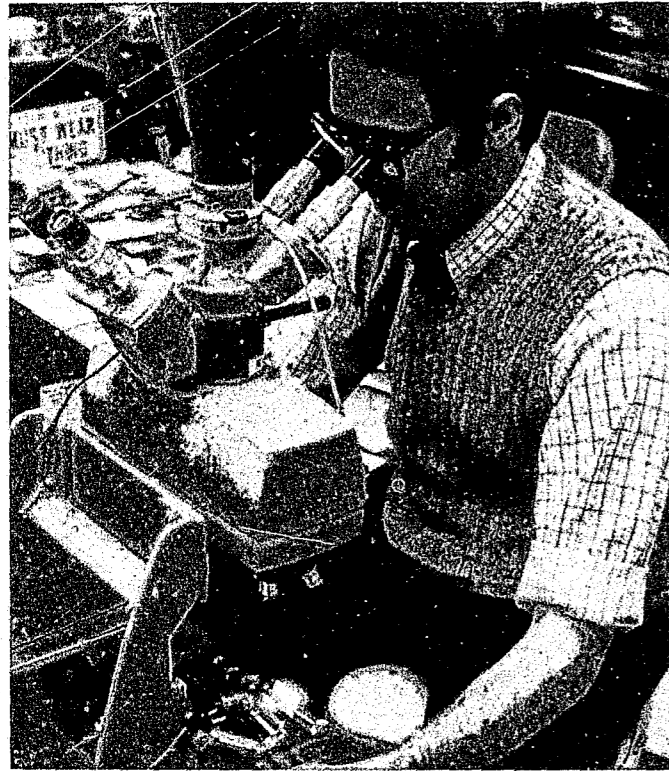
Presentation of expert testimony in court is the culmination of the laboratory effort. Although only three percent of the laboratory's cases are related to death investigations, the significance of expert criminalistic's testimony is most frequently demonstrated in homicide cases.

In a recent trial, a 17 year-old defendant was successfully prosecuted for the fatal strangulation of a 26 year-old Pine Township woman. The laboratory testimony linking him to the crime in a classical case of scientific "blood hounding". One of his shoes was compared with an impression at the scene; debris adhering to his shoes was compared to materials collected near her abandoned stolen car; fibers from the scene were associated to his clothing; and, hairs found at the scene, were found to be similar to the defendant's. The hairs were associated to those of the defendant by a species of lice common to both.

In another case, comparative work on blood and fibers resulted in solving the homicide of a fisherman whose body was found near the North Park Lake. The assailant lost a shoe at the scene. A microscopic examination of the fibers found in the shoe connected 141 fibers to the environment of the suspect. This indicates the volume of work that can be related to one piece of evidence, and the precision involved in physical evidence examinations.



The Crime Laboratory has a mobile unit which responds to requests on major cases, particularly mysterious homicides, crimes against property where extensive damage has occurred, and crimes against persons where physical injuries were sustained. In most cases, the evidence is collected by the individual police department. However, the laboratory has a major responsibility in training officers. In 1974, evidence collection kits and cameras were given to 40 separate agencies during classes conducted by the Crime Laboratory at the Police Academy.



Crime Laboratory Criminalist completes a ballistics study on a murder weapon.

The laboratory also provides information to assist drug investigators in locating higher echelon dealers of clandestinely manufactured drugs, such as heroin and LSD. This is accomplished by comparing packaging, color, dilutents, and quantitating the active ingredients. In some instances, 30 separate seizures trace back to a common source. Allegheny County may be the only jurisdiction in the country where technology is ahead of field investigators.

An ancillary program of the laboratory is known as Analysis Anonymous. This was set-up to assist educators and parents concerned with drug abuse by students, relatives, and friends. Under this program there is no involvement by police. Citizens can use this free service by bringing the suspect drugs to the laboratory where they will be given a reference number and instructed to call for the results. Further information can be obtained by calling 355-4426.

The Crime Laboratory was given national recognition in 1974 when it was given a coveted research award by the National Institute of Law Enforcement, \$118,000, to improve techniques for identifying sub-factors in dried blood. This is the only municipal crime laboratory in the country involved in major research.

Polygraph examinations are also given in the Crime Laboratory. This technique, commonly referred to as lie-detection, is based on the psychological principle that a person experiences involuntary bodily changes when he answers untruthfully to questions of consequence. It is an investigative aid and cannot be admitted in evidence unless the court approves a stipulation by opposing attorneys.

### BUREAU OF CRIMINAL IDENTIFICATION

When a police officer makes an arrest, it is necessary for him to determine, as soon as possible, if the suspect has previously committed any crimes.

The Bureau of Criminal Identification (BCI) of the District Attorney's Office offers this information to local law enforcement agencies throughout the county on a 24 hour/7 day a week basis.

The Allegheny County Police and the District Attorney's County Detectives bring their prisoners directly to BCI for identification and processing. Most local police officers usually call for information and only occasionally do they bring a suspect into BCI Headquarters.

The Bureau begins a file when an arrested suspect is fingerprinted or lodged in the County Jail overnight. The BCI then assigns the suspect a number and cross-files the information numerically and alphabetically under the defendant's proper name and all known aliases and nicknames. A copy of the prints is immediately filed with the Pennsylvania State Police and the FBI. These agencies respond with a "rap sheet" giving the complete arrest record of the suspect.

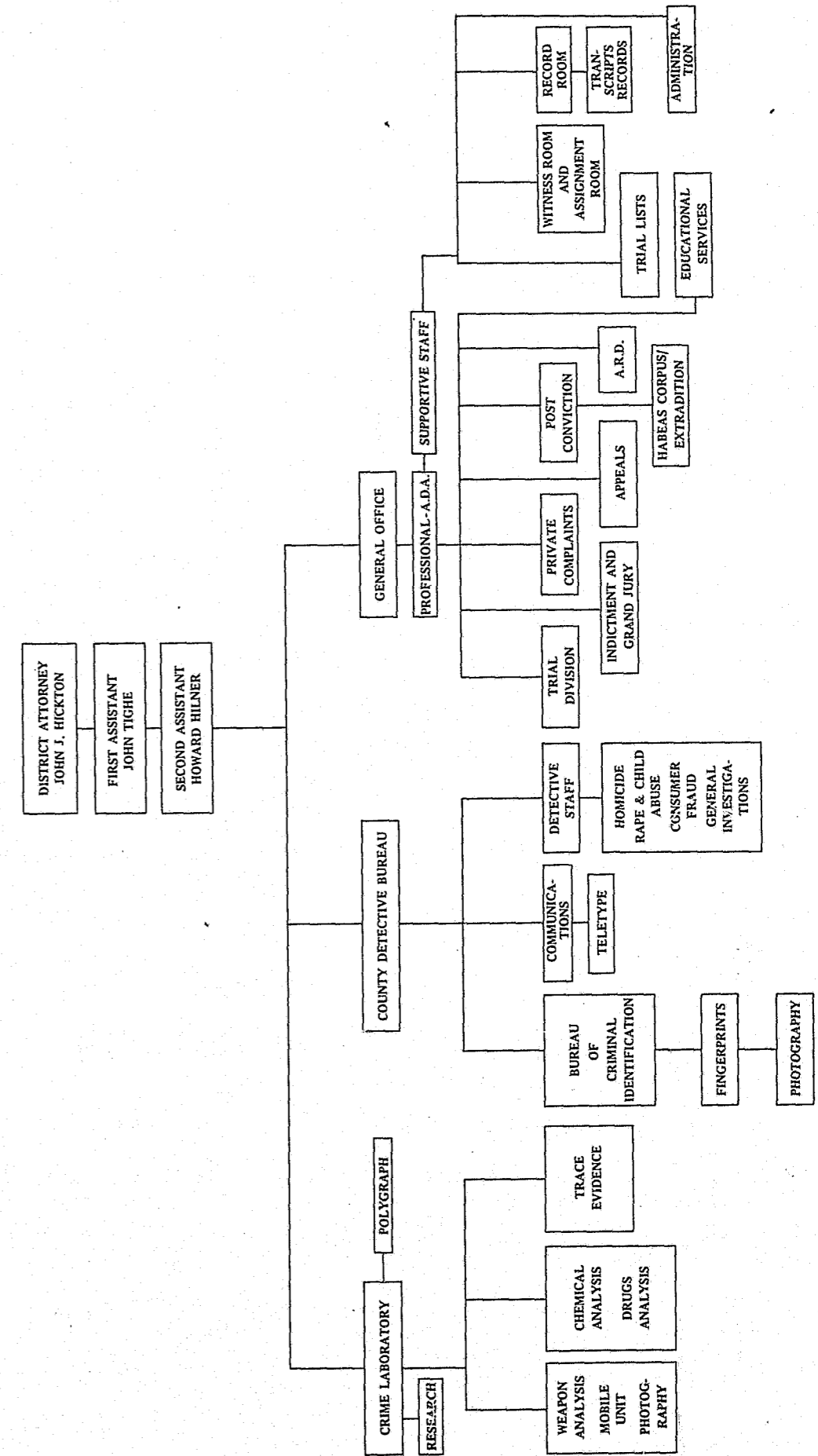
This year, five months were devoted to checking all files to make certain all aliases had been indexed. Immediate access to a suspect's record is of vital importance in serving Federal and State agencies as well as law enforcement officials of Allegheny County.

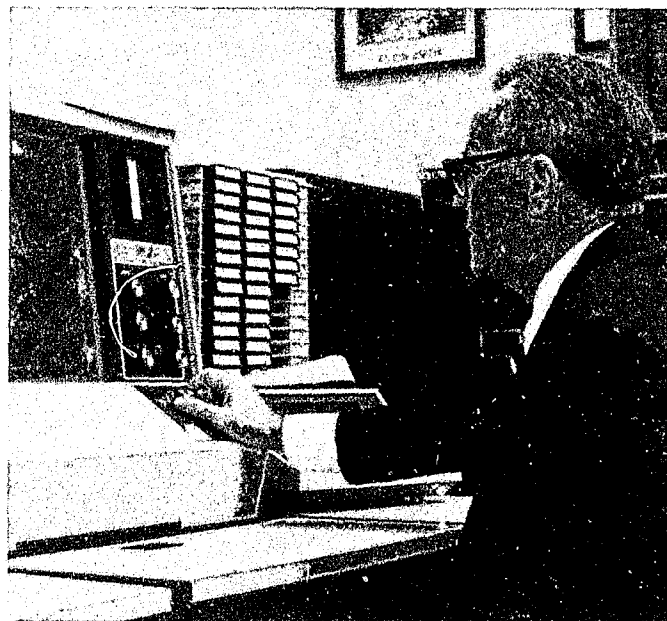
Part of the Bureau's duties include the efforts of the photography staff, under Anthony Greco. Mug shots or arrest photos comprise most of the photo work done, but special work is done in the areas of murder and rape to establish the scene of the crime.

While the photographer works on "shooting" the scene, fingerprint experts lift prints for examination and check them against the Bureau and FBI files. Since no two sets of fingerprints are identical, this serves as positive identification in linking a suspect with a crime.

During 1974, the Bureau of Criminal Identification

## ORGANIZATION CHART DISTRICT ATTORNEY'S OFFICE





Director William Cavanaugh operating new microfilm machine.

under the direction of William Cavanaugh, began work on a new computerized service. All current arrests are being recorded on 4" x 6" transparent microfilm sheets or cards called "jackets". Eventually, all records will be transferred to these microfilm sheets. Each will hold complete information on a subject: his name and alias, his description including social security number, date of birth, country of origin, his arrest record, his photograph and fingerprints.

This year, BCI also installed a Telecopier capable of projecting the jacket to matching machines anywhere in the county.

## RADIO COMMUNICATIONS

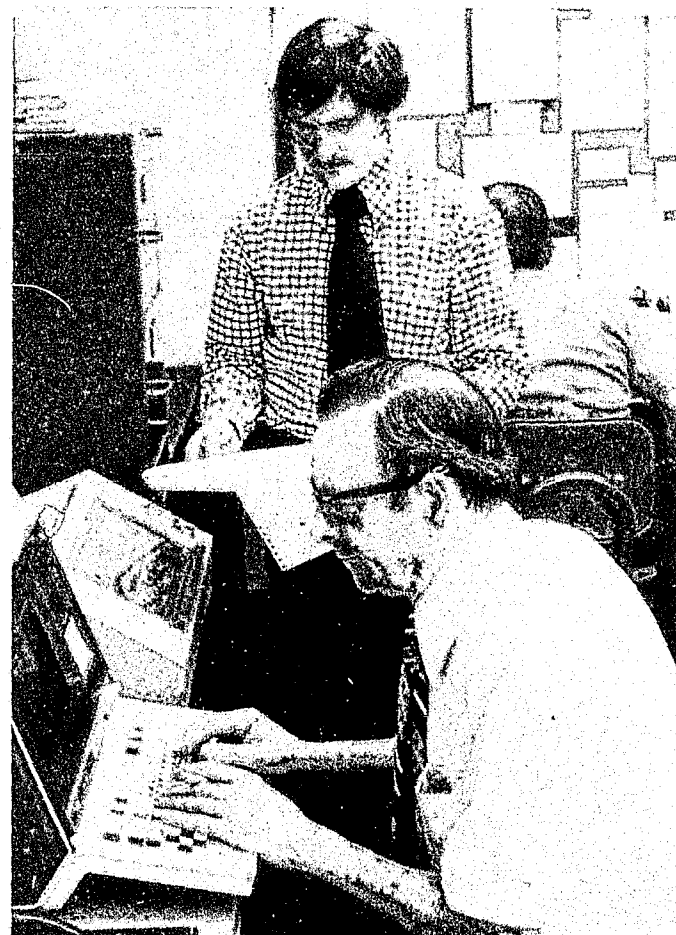
Today's criminal is more mobile and difficult to apprehend than he was in the past. Law enforcement officers have always depended upon communication with each other to help apprehend criminals but until recently were forced to rely largely on the teletype machine.

In 1974, the District Attorney's Radio Communications Department installed a new computer system through which Director Leonard Bronowicz and his associates can now send and receive information on police inquiries.

This year, the Radio Communications Department received over 100,000 messages from throughout the United States and sent another 45,000 messages. The member stations broadcast information lists including prison escapees, missing persons, descriptions of suspected felons — even weather forecasts if they involve danger to the community.

"Experienced criminals who are dangerous to society can be hard to find. We feel our new computer is an important tool in police work," says Bronowicz.

A suspect who is picked up for robbery in Florida, for example, may be wanted for a crime in Pittsburgh. When Florida's officers ask for information on him either from NCIC's (National Crime and Information Center) computer in Washington or from the new computer network, they will receive his complete record, if he has one. Even if the suspect is using another name, his alias may be registered with the computer.



Radio Communications Director Leonard Bronowicz (standing) checks NCIC data with Ray Metz filing a request for information.

"Look, another policeman shot and killed," Bronowicz read from the computer screen in the Communications Room. "Just on a routine stop for speeding. Now if he had radioed here to have the license number of the speeder checked by the computer, he might have been advised to proceed with caution."

Any stolen item with a serial number can be filed with the computer. With the aid of the N.C.I.C. Computer network many stolen cars are returned to their owners.

In addition to the Department's duties with Radio Communication, this area of the District Attorney's Office prepares Bench Warrants to apprehend defendants who fail to show for trial.



Robert Dinwiddie making a radio broadcast.

Another duty of this area is to turn money confiscated in gambling and lottery cases over to the County Treasurer's Office.

In a system designed by District Attorney Hickton, all money used as evidence in gambling and lottery cases is given to Bronowicz of the Radio Communications Department. He then issues a receipt for the money received.

Bronowicz turns the money over to the County Treasurer's Office and in return receives a receipt. Since May of 1974 when the program was begun, \$3,590.06 has been turned over to the Treasurer's Office.

## POST CONVICTION DIVISION

The Post Conviction-Fugitive Division of the District Attorney's Office is headed by Assistant District Attorney Michael F. Dalfonso, Jr. It is staffed by Assistant District Attorney Robert Zunich, an investigator, a secretary, and a part time law student.

The Post Conviction Hearing Act of 1966 provides a means, in addition to a direct appeal, for a prisoner to challenge his original pre-trial, trial or sentencing proceedings. Once a post conviction petition is filed, it becomes the duty of this Division to investigate the allegations raised in the petition and file an answer.

In more than 90% of the cases, the court subsequently schedules a post-conviction hearing, where the petitioner is given an opportunity to present evidence in support of the allegations contained in his petition. The Commonwealth through the Post-Conviction Division presents evidence to rebut those allegations.

Preparation for Post-Conviction Hearings involves extensive investigation including conferences with various police officers, the original trial attorneys, civilian witnesses, and reviewing arrest and search warrants.

Since the early 1960's, the number of Post-Conviction petitions has increased by 500%. According to Dalfonso, "There is no doubt that those accused and convicted are much better off legally than they were fifteen years ago. It's more difficult and expensive to obtain and sustain a conviction. Both the police and district attorney must possess a higher degree of professional skill. Additional manpower and equipment is needed, but the rights of the citizens are better protected."

## Fugitives

Shortly after assuming office, District Attorney Hickton initiated the Fugitive Section within this office at no additional expense to the taxpayers. It simply involves the "team" concept employed by Mr. Hickton throughout the rest of the office. A County investigator was removed from the general pool and placed under the direct supervision and control of Dalfonso and his staff.

"In the past, fugitive and interstate matters were handled in an off the cuff fashion. As a result, cases were delayed causing additional expense. Some cases were even dismissed due to delay in prosecution. There was no central responsibility for these matters," Dalfonso said.

The newly created Fugitive Section now co-ordinates all of these matters with local law enforcement agencies, State Police, FBI, the Attorney General, the Governor's Office, and other similar organizations.



Assistant District Attorney Michael Dalfonso, Jr. (left) speaking to A.D.A. Robert Zunich.

A different situation arises where an Allegheny County defendant is serving a sentence in another state for a crime he committed there. Once the District Attorney in Allegheny County becomes aware of

the accused's whereabouts the fugitive unit must proceed, under an interstate compact known as the Agreement on Detainers, to borrow the accused from that other state, bring him here for trial and sentencing on our charges, and then return him to that state at the conclusion of our proceedings to serve the remainder of his sentence in the other state.

Procedures similar to these are also used to obtain an unwilling witness from another state to testify at a criminal trial in Allegheny County.

Even in the short time the Fugitive Unit has been in existence, the Office has already had a significant number of compliments from local police agencies and from agencies with whom the District Attorney's Office deals in other states, receiving sincere cooperation from these other agencies.

#### Mental Health

Since July, 1974, Assistant District Attorney Robert Zunich has specialized in all cases involving the mental stability of any defendant whose mental stability or capabilities to stand trial are in question.

"Our Office knows that some defendants with whom we deal are mentally ill and not criminals," Zunich said. "Under the Mental Health and Retardation Act of 1966 we can now petition to have an individual committed to a state institution if he is not able to defend himself.

"Within a minimum of sixty days but not more than one year, he is examined again and if he is considered able, he will stand trial. If not, we may ask for a civil commitment on a longer term basis," he said.

If the defendant comes to trial and is convicted, the judge may want him to serve his sentence in a mental institution instead of a penal one.

If he is not guilty by reason of insanity, he may be assigned to a probation officer and be required to undergo treatment.

The Mental Health area of criminal prosecution is in the evolving state. Additional areas we will eventually cover are not yet defined. We are reviewing all old cases involving mental patients — this has never been done before," he said.

#### APPELLATE DIVISION

A convicted defendant in a case prosecuted by the District Attorney has a right to appeal that conviction.

Initially, the defendant may question the validity of the decision in post-trial motions filed within seven (7) days of the verdict. He may point out errors in pre-trial or trial procedures or insufficiency of evidence. If his motion is granted, a new trial may be ordered or the defendant may be released from custody.

If the court does not grant his post-trial motion, he has 30 days to appeal to an appellate court. Ninety per cent of criminal cases are appealed to Superior Court. The remainder, usually homicides, go directly

to the Pennsylvania Supreme Court. For the most part, these appeals are orally argued before the Superior Court or Supreme Court when they convene in Pittsburgh.

After the Superior Court acts, the losing party has the right to appeal to the Supreme Court of Pennsylvania.

If the Supreme Court agrees to hear the case, both sides prepare briefs which are studied by the court.

Following a decision by the Pennsylvania Supreme Court, the loser may, within 90 days, petition the Supreme Court of the United States to review the state court decisions.



Appellate Chief Robert Eberhardt (sitting) and assistant Robert Campbell.

Approximately 250 cases in 1974 were handled by four assistant district attorneys and a back-up force of eight minimally compensated law students.

Recent Supreme Court decisions dealing with the rights of the accused are responsible for the rising number of appeals according to the Chief of the Appellate Division, Robert L. Eberhardt.

The defendant now has more issues on which to base an appeal. He can plead lack of counsel at his preliminary hearing, violation of his right against self-incrimination, an unduly harsh sentence, suppression of evidence by the state, or any other problem which occurred.

As in other areas of the judicial process, the Appellate Division sees a continuing emphasis in the 1970's on drug related cases. According to Eberhardt, "Fully 1/3 of the appeals heard by the Superior Court involve drugs, the remainder deal for the most part with offenses against the property or person of others."

## BUDGET ANALYSIS

The Allegheny County District Attorney's Office is funded primarily through three sources exclusively underwritten by the taxpayers of Allegheny County. These payrolls cover salaries, general office expenses, the Detective Bureau and Crime Laboratory.

Additional support is received via the Law Enforcement Assistance Agency (LEAA) revenue sharing funds for special programs within the District Attorney's Office such as the Accelerated Rehabilitative Disposition Program, Improved Records System, and full-time assistant district attorneys.

Comparative 1974 and 1975 figures are shown below:

During January, 1974, there were forty assistant district attorneys (of which only nine were obligated

on a full-time basis to the office). These forty assistant district attorneys required a yearly expenditure of \$549,456.00 for salaries of which \$144,000.00 was supplied by special LEAA grants.

To upgrade the quality of prosecution the District Attorney increased the number of assistant district attorneys to forty-eight by hiring attorneys and compensating them via detective and staff pay slots. Thus, in December 1974, \$631,137.00 was the figure required to underwrite the assistant district attorney portion of the District Attorney's staff. Again though, \$146,687.56 of this total was supplied by special LEAA grants from federal government revenue sharing funds.

	1974 Adjusted Budget	1975 Preliminary Budget
General Office . . . . .	\$ 822,728.87	\$ 858,999.28
Salaries . . . . .	787,942.00	814,799.28
Misc. Services . . . . .	15,700.00	19,400.00
Supplies & Printing . . . . .	5,455.09	10,000.00
Repairs . . . . .	1,078.28	1,300.00
Equipment . . . . .	12,553.50	13,500.00
County Detectives . . . . .	\$ 682,345.60	\$ 730,203.78
Salaries & Wages . . . . .	663,730.65	700,693.78
Misc. Services . . . . .	5,525.00	9,175.00
Supplies . . . . .	6,032.56	9,600.00
Repairs . . . . .	250.00	250.00
Equipment . . . . .	6,807.39	10,485.00
Crime Laboratory . . . . .	\$ 219,219.62	\$ 233,337.28
Salaries . . . . .	190,009.62	198,637.28
Misc. Services . . . . .	5,210.00	4,950.00
Supplies . . . . .	20,500.00	21,550.00
Repairs . . . . .	1,000.00	2,500.00
Equipment . . . . .	2,500.00	5,700.00
<b>TOTAL . . . . .</b>	<b>\$1,724,294.09</b>	<b>\$1,822,540.34</b>

# STATISTICS

## SUMMARY OF CRIMINAL COMPLAINTS FILED IN ALLEGHENY COUNTY DURING 1974 BY MAJOR OFFENSE TYPES

	<u>Offense Type</u> <u>% Total</u>	<u>Category</u> <u>% Total</u>
<b>I. CRIMES AGAINST:</b>		
<b>A. The Person . . . . .</b>		(21.9)
Homicide (123) . . . . .	1.5	
Assault (937) . . . . .	11.1	
Kidnapping (33) . . . . .	.1	
Sexual Offenses (307) . . . . .	3.6	
Robbery (469) . . . . .	5.6	
<b>B. Property . . . . .</b>		(26.6)
Burglary . . . . .	10.7	
Theft/Receiving Stolen Goods (1,066). . . . .	12.6	
Forgery/Fraud (280) . . . . .	3.3	
<b>C. Narcotics (1,602) . . . . .</b>	19.0	(19.0)
<b>D. Uniform Firearms Act (226) . . . . .</b>	2.7	( 2.7)
<b>E. Motor Vehicle Code . . . . .</b>		(12.8)
Driving while intoxicated (868) . . . . .	10.2	
Other M.V.C. (218) . . . . .	2.6	
<b>F. Public Administration . . . . .</b>		( 2.1)
Bribery/Perjury/Obstructing Governmental Operations (175) . . . . .	2.1	
<b>G. Public Order . . . . .</b>		( 7.9)
Public Order/Disorderly Conduct (309) . . . . .	3.6	
Lottery/Gambling (351) . . . . .	4.3	
<b>II. INCHOATE CRIMES (206) . . . . .</b>	2.4	( 2.4)
<b>III. ALL OTHER CRIMES (382) . . . . .</b>	4.6	( 4.6)
<b>GRAND TOTAL</b>	100.0%	(100.0%)

**END**