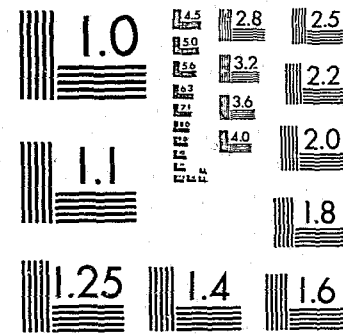


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10/25/83

CUYAHOGA COUNTY JAIL POPULATION PROJECT

U.S. Department of Justice
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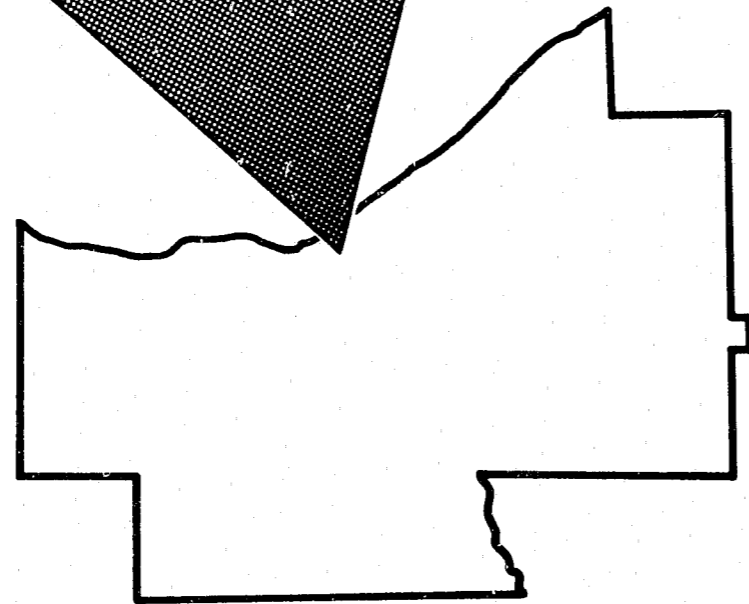
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PHASE I REPORT

FEDERATION FOR COMMUNITY PLANNING

**CUYAHOGA COUNTY
JAIL POPULATION
PROJECT**



PHASE I REPORT

FEDERATION FOR COMMUNITY PLANNING

CUYAHOGA COUNTY JAIL POPULATION PROJECT

PHASE I

REPORT

prepared for
the

CUYAHOGA COUNTY JAIL POPULATION TASK FORCE:

City of Cleveland
Cuyahoga County Board of Commissioners
Cuyahoga County Clerk of Courts
Cuyahoga County Court of Common Pleas
Cuyahoga County Police Chiefs Association
Cuyahoga County Sheriff

FEDERATION FOR COMMUNITY PLANNING

AUGUST, 1982

Funded under contract with the Board of County Commissioners through a grant from the Cleveland Foundation.

8892, 94

Acknowledgements

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The Project and Jail Population Task Force wish to thank the Cleveland Foundation for its support.

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The Cuyahoga County Jail Population Project

Phase I Report

I. Project Background, Scope, and Approach

A. Background

The Cuyahoga County Jail Population Project is the result of the determination on the part of the Board of County Commissioners, the Court of Common Pleas, and the County Sheriff's office that the Cuyahoga County Corrections Center faced a serious population problem that would continue and worsen unless the three county entities plus the Clerk of Courts, the City of Cleveland, and the Cuyahoga County Police Chiefs Association did the following:

- c obtained information about the factors and magnitude of factors influencing the creation of the overcrowded conditions in County Corrections Center;
- o formed entities to discuss, review, and act upon these factors; and
- o used the information to set the groundwork for creating ways to cope with population pressures.

The Jail Population Project was created and governed by a Task Force composed of the following persons:

Chairman Virgil E. Brown, President, Board of County Commissioners

Vincent C. Campenella, County Commissioner

Edward F. Feighan, County Commissioner

George Forbes, President, Cleveland City Council

Gerald E. Fuerst, Clerk of Courts

Gerald T. McFaul, County Sheriff

Hon. Leo M. Spellacy, Presiding Judge, Court of Common Pleas

Chief Marion Taylor, Cuyahoga County Police Chiefs Association

George V. Voinovich, Mayor, City of Cleveland

To this end, the Cuyahoga County Commissioners, with the agreement of the Task Force, entered into a consultant contract for \$60,000 in November 1981 with the Federation for Community Planning. This contract required the Federation to provide the Task Force with information on the factors influencing the size of the jail population. The Commissioners funded the Project by securing a \$60,000 grant from the Cleveland Foundation.

B. Scope

The Project's immediate tasks were to determine by how much the jail was overcrowded, determine factors influencing overcrowding, and, at least, set the groundwork for programs (both short and long term) for coping with jail population issues. It also was to develop a context and lay the groundwork for solution.

This necessitates a brief statement of what a jail overcrowding project is not or should not be.

On the surface, the task of any jail overcrowding project seems easy: determine how much the jail is overcrowded now, develop estimates for the future; and construct sufficient cells, implement

programs, and/or enforce procedures controlling the population that will provide sufficient space to house or service all those who are legally detained.

There is a tendency to reduce the overcrowding issue to one of creating new, or freeing up current, bed space. Overcrowding is more likely to be a symptom of a host of other problems rather than a problem in and of itself. These problems include increased crime, increased police efficiency, increased demands on the judicial system, procedural problems, public policies that cannot cope with the realities of the present situation; changed perception of crime; or a combination of these. The trap of dealing only with the symptom is the most dangerous, but there are others.

One trap is to conduct a search for the sole public office that is "responsible" for the problem and for "solving" it, and then blame that office without recognizing that there are many public entities at all levels of government whose policies and procedures influence jail population. Plus there are numerous forces outside the control of public officials that contribute to the population of the jail (e.g., crime, fear of crime, legal change).

Another trap is to address just one aspect of the problem. It is all well and good to introduce efficiencies that move individuals in and out of a particular jail faster and/or to construct space that will accommodate all the individuals who need incarceration. But there is a danger that additional space or increased efficiency will

simply be gobbled up by the unleashing of pent-up demand created by the very improvements made. Care must be taken to address the issue as a whole and in the context of the good of the community.

Yet another trap is to introduce a much needed, positive change while a set of circumstances for a worse situation develops. The latter serves to offset the change. This also has the effect of making those instituting a quite legitimate improvement look foolish to the outside because the change is advertised as "the jail population solution, but it fails."

Another trap can be described as that of planning by "square footage." Jail planners often seem hypnotized by the quantitative, physical aspect of the matter: the number of prisoners, of cells, of square feet. These matters cannot be ignored, but they tend to set people off on a search for a rule governing how many units are needed, if there is some unitary standard for prisoners per sq. foot, if single cells are a necessity, etc. This debate concentrates all attention on meeting the demand for space without addressing the fact that a community, through its agents, decides that certain people ought to be incarcerated. The decisions of incarceration always require serious attention.

The final trap is to couch the inquiry in terms of a "crisis." This is not to suggest that jail population problems are neither serious nor immediate -- they are! But crisis rhetoric tends to force policy debate out of balance, promote panicky decision, create undue

emphasis on the short term, and encourage people to believe that it is a one-shot problem. Solutions derived from this viewpoint imply that when the pressure is relieved, it is business as usual, that there is no need to continuously examine the factors surrounding incarceration.

Given the above stated problems, a jail overcrowding study, in addition to its primary goal of providing public officials with information that allows them to adopt rational solutions to end the jail population problem, should facilitate the examination of the following:

- o The goals and purposes to be accomplished by incarceration;
- o The purpose of the jail.

Suggestions can be made about who should be incarcerated, where, and for how long with the realization that the actual decision and the consequences of that decision rest with agents chosen by the community, to make them. (officers of the court, elected officials, or the police).

It is at this point that one must assure that these activities must aid in the community's effort to control crime.

C. Approach

The study was conducted as a research and development study. Its mission was to gather, analyze, and present data (defined below) on jail overcrowding to facilitate planning for system improvement.

1. Operations

- (a) The Project is governed and controlled by the Jail Population Task Force.

It is composed of those public officials who have responsibility for various aspects of the jail or whose entities house prisoners in the jail. (The members of the Task Force were noted earlier.)

- (b) The Project was managed on a day-to-day basis by a team of key employees of the four county units responsible for various aspects of the jail:

Melvin Mixner, Deputy Director, Office of Budget and Management, Board of County Commissioners;

Robert Pace, Director of Corrections, Cuyahoga County Sheriff's Office;

Edward Kollin, Program Coordinator, Court of Common Pleas;

John Chmielewski, Deputy in Charge, Criminal Division, Clerk of Court.

This team directed the consultant, conducted reviews of progress, and facilitated the gathering of information within the county departments. It also laid the groundwork for co-operative endeavors to improve the system and

serve as a forum for discussing the jail population issues. It met on a bi-weekly schedule.

- (c) The consultant, the Federation for Community Planning (FCP), had five tasks:

- (1) gather data (see below for types) with the assistance of the management team;
- (2) analyze the data;
- (3) work with the Task Force to produce the information it needed;
- (4) work with the management team to meet its needs and assist in helping to form this group into a unit that could comfortably exchange information and formulate recommendations about programming for their respective departments and/or joint ventures; and
- (5) present a report.

2. Data

The data used to prepare the final report consisted of the following:

- (a) Reports routinely created by the County, the Sheriff, and the Courts and Clerk as part of their respective daily operating procedures.
- (b) Extensive interviewing with individuals within the criminal justice system.

Those interviewed included the following:

- Common Pleas Court Judges
- Municipal Court Judges

- Directors of the City of Cleveland Departments of
Safety and Health and Public Welfare
- County Prosecutor's Office
- Staff Members of the Sheriff's Office
 - Director of Corrections
 - Detective Bureau personnel
 - Criminal Records/Transportation staff
 - Data Processing Supervisor
 - Warden
 - Classification Unit
 - Booking
- Staff members of the Court
 - Court Administrator
 - Probation Department Staff (Chief Probation Officer, Court Supervised Release Director, department heads)
 - Grand Jury Commissioner
 - Bail Bond Commissioner
 - Criminal Records Personnel
 - Central Scheduling Director
 - Data Processing Personnel
 - Psychiatric Clinic personnel
 - Arraignment Room Supervisor
- County Clerk's Office
 - Clerk
 - Staff of the Criminal Division
- Board of County Commissioners

Staff of the Office of Management and Budget
Staff of the Department of Institutional Supportive Services

Director

Social Services personnel

Classification personnel

Psychiatric Unit

-Spokespersons for police departments

-Municipal Court Clerks

These interviews provided information of several kinds: 1) perceptions of what caused jail population problems that would later be subject to analysis; 2) information that, in and of itself, indicated a factor in jail overcrowding (although it is difficult to measure magnitude); 3) perceptions of where program improvements could be made; and 4) perceptions of where relationships could be improved. The interviews also gave elected officials and staff an opportunity to state their views on the issue.

(c) Two sets of computerized statistical data were used. One set was data generated on cases processed by the Cuyahoga County Court of Common Pleas on case/defendants indicted between January 1980 and March 1981. These dates were chosen to assure information on completed cases. Data included information about the personal characteristics of defendants, the number and type of judicial procedures, municipal court activity, arrest and capias information, the bond amount and type, attorney information, charges, and court information. This

information set came from the Court's Judicial Information System (JIS). This information was created by the Court for its own use and transferred to the consultant with the assistance of the Cuyahoga County Data Center, the project management team, and the data personnel of the Court of Common Pleas.

The second set of information was that generated by the Sheriff via the Sheriff's Information System (SIS). The FCP obtained system and characteristic information on all individuals booked into the jail from January 1, 1980 to December 31, 1981. The SIS data used in this study was on individuals booked between January 1, 1980 and March 31, 1981, to match with JIS, and September 1, 1981 and December 31, 1981, to gain a more current pulse of the jail population and to take advantage of certain data collection improvements instituted by the Sheriff. The data was transferred to the project with the assistance of the Sheriff's personnel and the County Data Center.

During the period from January 1980 to March 1981 there were 351,120 jail days available (281,820 in 1980* and 69,300 in 1981). Jail days for the Corrections Center are calculated by multiplying design capacity (770) by days in the period. Jail capacity can increase by adding cells, by reducing the average time individuals spend in the facility, by increasing releases, by decreasing the time between the date of commitment and date of release or by overcrowding.

* Since 1980 was a leap year the inmate day is 770 cells x 366 days = 281,820; a 365 year has 281,050 days available.

These data sets were chosen because they were available since the system relies on them. And they were easily accessible and had much information. The data limitations are discussed in the appendices. This report is as accurate as the data.

- (d) Brief review of laws governing jails.
- (e) Review of the literature on jail overcrowding and jail overcrowding projects in other locations to establish a theoretical base and to benefit from the experience of others.

3. Products

The Project produced three products:

- (a) Three flow charts. The first is the "Cuyahoga Criminal Justice System and Flow Chart." It shows the flow of individuals, and paper through the criminal justice system. The second is the "Cuyahoga County Corrections System." This shows how the system is to operate. The third is the "Cuyahoga County Criminal Justice System: Disruptions." This illustrates what happens when the system encounters problems. They are in the folder as part of this report.
- (b) Joint, co-operating bodies, both at staff and policy levels, that can come together to exchange and use information and ideas and institute improvements.
- (c) This final report, which analyzes factors contributing to jail population problems and offers guidance toward future endeavors to solve problems.

II. The Cuyahoga County Corrections Center

A. A Brief Description

The Cuyahoga County Corrections Center was built at a cost of \$46,210,737. It was occupied in 1977. This was seven years after the approval of the bond issue financing it.

The Corrections Center itself was, in part, the physical response to overcrowded jail conditions that developed in the 1960s and 1970s at the old county jail on East 21st and to court-mandated improvements in jail programming and facilities (Sykes v. Kreiger). Early studies specified that a 2,000 bed facility, which would house pre-trial detainees and sentenced prisoners and provide a wide variety of services and programs, was in order. This was later trimmed to 1,200 beds in recognition of corrections trends toward satellite facilities, changes in court operations, criminal procedures, and financing considerations.

The 1,200 cell unit later was reduced to 890 single occupant cells because of cost problems. Along with this reduction in space was a reduction in planned-for services. The current jail now has 770 (design capacity) cells designated for housing prisoners. Cuyahoga County is responsible for 120 cells (3rd floor) for holding City of Cleveland prisoners. The 120 cells are under contract to the city, but the county handles daily operations. Each prisoner is, by sheriff's policy, entitled to a single cell in one of the housing pods after he has been booked and classified. It costs \$57.64 a day

to house each prisoner (this includes the cost of amortizing the facility).

The jail process itself is succinctly diagrammed in the flow chart entitled "Cuyahoga County Corrections Center." This illustrates the following:

- o the mechanisms by which one enters the jail;
- o the process of booking (the procedure of admitting an individual);
- o holding pending Classification;
- o classification (i.e., the assignment of an individual to a unit under ideal conditions) which is based on sex, age, body size, previous record, mental state, physical condition, chemical dependency, and whether under sentence;
- o housing

Ideally, the jail would house no more than 690 prisoners within the 770 bed unit if it could adhere to strict rules about keeping different types of inmates apart. Now it can only effectively separate certain classes of inmates from one another (e.g., those sentenced from pre-trial detainees).

In addition to its primary purpose of housing individuals charged with a felony and awaiting trial, the jail also detains others by law and contract. They include the following:

- o Persons found guilty of a felony and sentenced to jail for terms of varying lengths and type (not to exceed 6 months).

Often this is a condition of probation. This can include weekenders and work releases.

- o Persons found guilty of a misdemeanor violation of the Ohio Revised Code and confined when ordered by a municipal court judge.
- o Witnesses detained in the jail for trials and other judicial processes who are incarcerated in other correctional facilities but are temporarily needed in the county.
- o Individuals accused of parole or probation violations and awaiting dispositions, and individuals whose probation and parole have been terminated and are awaiting transportation to the institution.
- o Individuals sentenced but awaiting transportation to state institutions.
- o Juveniles awaiting trial as adults.
- o Federal prisoners detained for pre-trial or for transport.

B. The Legal Setting in Which the Corrections Center Operates

The major laws governing the jail need to be stated:

- o The sheriff shall have charge of the county jail and all persons confined thereof (O.R.C. 341.01).
- o The sheriff or jail administrator shall prepare written operational policies and procedures and prisoner rules of conduct, and maintain the records prescribed by these policies and procedures in accordance with the minimum standards for jails in Ohio promulgated by the Department of Rehabilitation and Correction.

The Court of Common Pleas shall review the jail's operational policies and procedures and prisoner rules of conduct. If the court approves the policies, procedures, and rules of conduct, they shall be adopted (O.R.C. 341.02, effective July 5, 1982).

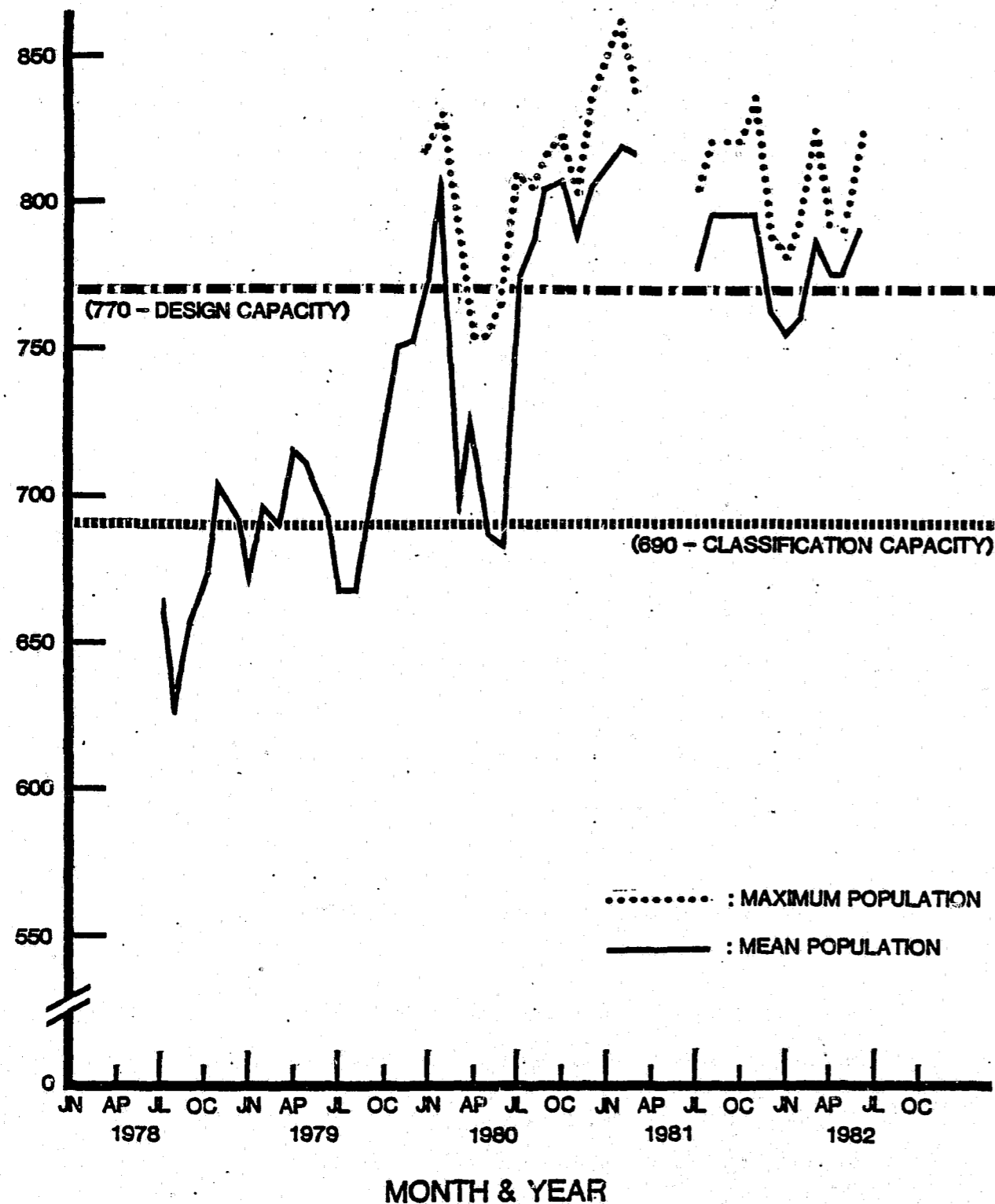
- o The Board of County Commissioners is to provide necessary service and supplies to the jail (O.R.C. 341.19).
- o The County is fiscally responsible for all inmates sentenced for Ohio Revised Code violations by municipal courts, regardless of the facility they are sentenced to.
- o Upon receipt of the documents, the County is fiscally responsible for individuals bound over to the county's grand jury, even if the individual is housed in a municipal jail or the jail of another county.
- o The Director of Rehabilitation and Correction shall, by rule, promulgate minimum standards for jails in Ohio (O.R.C. 5120.10).
- o County officials can be held monetarily liable and be forced to comply with court orders for conditions arising from overcrowding, and can be compelled to alter conditions on a court finding of overcrowding.

C. Is the Cuyahoga County Corrections Center Overcrowded?

Yes. According to the county statistics the maximum population was below the design capacity for only three months between June 1980 and May 1982. The mean population was below design capacity in only four months between July, 1981 and June, 1982. See Chart I.

CHART I COUNTY CORRECTION CENTER MONTHLY POPULATION 1978 - 1982

NUMBER OF INMATES



NOTE: DATA UNAVAILABLE FOR APRIL - JULY, 1981

SOURCE: JUNE, 1982 ADULT CORRECTIONS POPULATION REPORT, OFFICE OF BUDGET & MANAGEMENT.

The Corrections Center's mean population increased from 846 in January 1982 to 898 in May 1982. This occurred amid fears expressed by county criminal justice personnel that there would be continued pressure on the facility, engendered by such factors as increased crime, arrests and indictments. Concern was also expressed that there would be a slowdown in the movement of prisoners from the county to state facilities, caused by a possible slowdown in prisoner acceptance by the state prison system, which itself is overcrowded.

To further illustrate the problem, 370,783 jail days were used for 9,218 individuals jailed at least one night for the 15 month period. The average stay was 40.2 days per booking. This is 19,663 days more than should have been used if design capacity standard were adhered to, or 6% above capacity.

This has meant the following:

- o Inmates housed in jail space not designated for housing county prisoners. This includes holding areas, space dedicated to city prisoners, occasionally having prisoners on floors in housing areas, and using other non-housing facilities.
- o Slowdowns in serving certain types of capiases. Sheriff's detective bureau personnel report that they often have to "slow down" the service of capiases because of jail overcrowding. Capiases are issued to authorize the apprehension of those who did not appear for trial or arraignment or are alleged to be probation violators.

- o Wait listing prisoners from municipalities. When a prisoner is bound over to the Cuyahoga County grand jury (or indicted), the county has jurisdiction over that person. This is true whether he is physically in the jail or not. Some prisoners are kept in municipal jails but at cost to the county.
- o Using non-Cuyahoga County facilities to hold prisoners.

In 1981 payments to cities and other counties for housing pre-trial detainees as described in Table II.1.

TABLE II.1

Cost to County of Housing Pre-Trial Detainees 1981

	<u>Inmate Days</u>	<u>Expenditure (average per day)</u>
Cities in Cuyahoga County	194	\$ 8,205.06 (42.29)
Other Counties	839	\$30,729.81*(36.63)
Total	1,033	\$38,934.87 (37.69)

Source: Office of Management and Budget

* Does not include costs for transportation

In addition to payments for pre-trial detainees, the county must either house or pay for housing for prisoners sentenced to non-state facilities, e.g., Cleveland House of Corrections (payment) or Cuyahoga County Correction Center (actual housing and the expenses incurred).

In 1981, 33,480 inmate days were used at a cost of \$1,428,369.00 (\$42.66/day) in non-county facilities for housing sentenced prisoners (the sentencing issue is further discussed below). Most of this is paid to the City of Cleveland for the county's use of the House of Corrections.

From 1977 to 1981, the total county expenditures for housing both pre- and post-sentenced prisoners outside the Corrections Center as described in Table II.2.

TABLE II.2

County Expenditures for Prisoner Care
Outside Corrections Center 1977-1981

<u>Year</u>	<u>Inmate Days</u>	<u>Expenditure</u>	<u>(Cost/Day)</u>
1977	23,858	\$1,122,166	(47.04)
1978	16,684	\$ 830,049	(49.75)
1979	15,607	\$ 640,546	(41.04)
1980	18,776	\$ 813,851	(43.35)
1981	34,113	\$1,450,396	(42.52)

Source: Office of Management and Budget

Between 1980 and 1981, inmate days increased by 81.7% and expenditures by 78.2% despite a small decrease in the per diem cost.

Given the factors cited above, one can conclude that the County Corrections Center and the county correction system are overcrowded and will continue to be so unless corrective action is taken.

The effect is succinctly illustrated on the "Cuyahoga County Corrections System Flow Chart Disruptions" which is enclosed.

III. Jail Demographics

A. Individuals in the Jail

As a brief overview of the population composition of the jail, we looked at all individuals booked between September 1, 1981 and December 31, 1981. In that time period 4,178 different individuals were booked. There were 5,009 bookings with 831 (20%) individuals booked more than once for reprocessing, new crimes, or other violations, or for failure to appear for the processing. This averages 41.05 bookings per day; excluding Saturdays, Sundays, and Legal Holidays there were 60 bookings per day.

A summary of the characteristics of individuals who spent time within the jail for the Project's time period is on Table II.3. The average inmate is young, single, male, black. There is a significant minority of unemployed individuals.

B. Type of Prisoner

The type of prisoner within the jail is on Table II.4 and Chart II. Most inmates are pre-trial detainees (county) with a small group of sentenced inmates and state detainees.

TABLE II.3

Number of Different Individuals in Cuyahoga County Corrections Center
by Selected Characteristics
September 1, 1981 - December 31, 1981

Characteristic	% Total*	Number**
Sex		
Male	85.1	3558
Female	14.8	619
Employment ***		
Unemployed	39.8	
Employed	60.2	
Race		
White	33.2	1380
Black	65.2	2722
Other	1.6	68
Marital Status		
Married (including common law)	29.1	1241
Single	49.0	2047
Divorced, Separated, Widowed	21.2	884
Age Distribution at Booking		
16	.02	1
17	.07	3
18	3.38	141
19	5.98	250
20	6.37	266
21	5.77	241
22-24	19.14	798
25-29	24.7	1031
Under 30	65.4	2731
30-34	15.2	633
35-44	11.9	500
45-65	7.1	300
Over 65	.2	11
Average Stay in Jail (All Prisoners)		40.2 Days ****

* May not add to 100% because of rounding.

** May not add to 4,178 because of missing data on some individuals.

*** The employment data in the Sheriff's Information System is difficult to use so we took a sample of 528 individuals booked in September, 1981.

**** Data covering booking from January 1980 - March 1981. Excludes bookings for less than a day.

Source: SIS

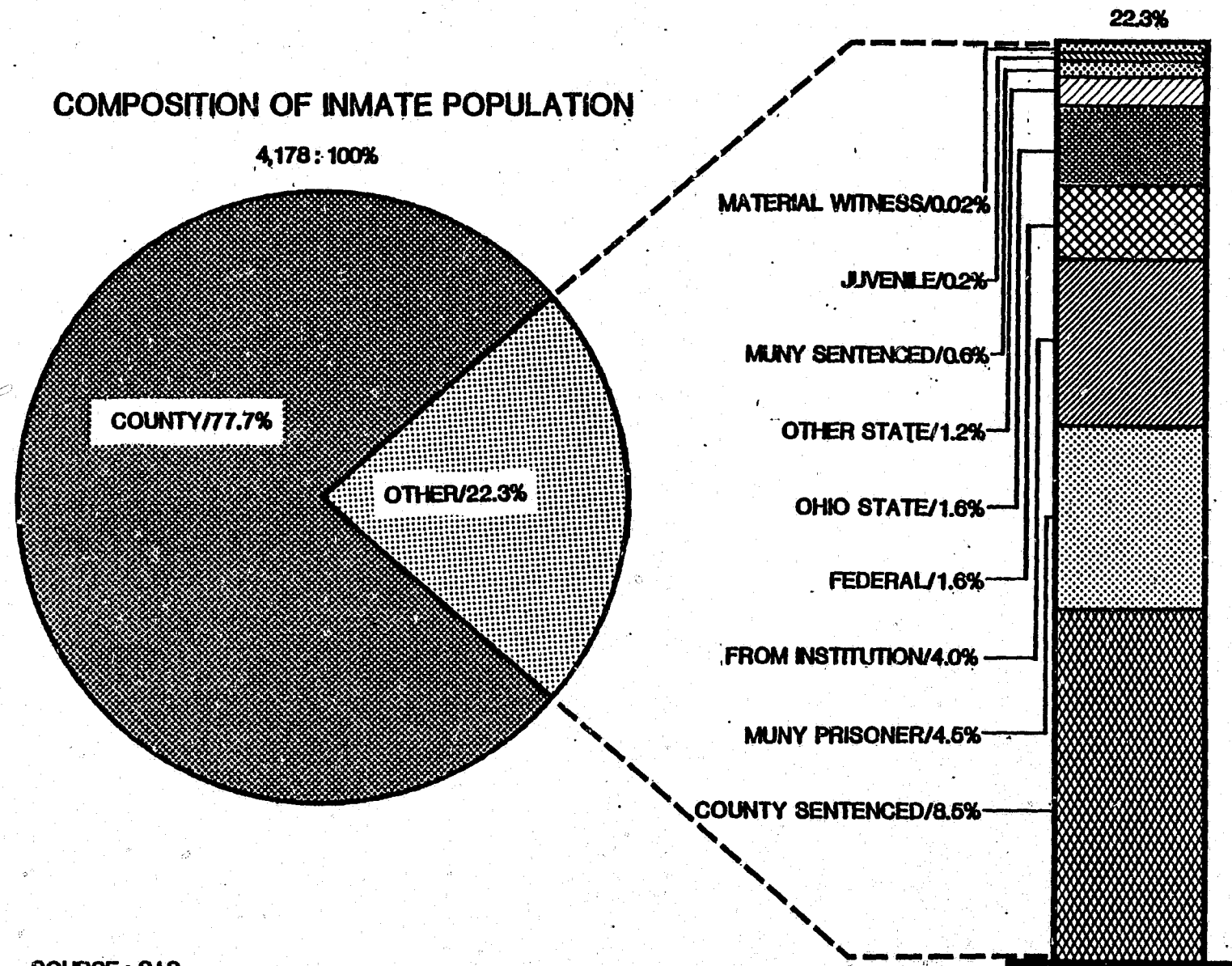
TABLE II.4

Prisoners Entering Cuyahoga Corrections Center by Type:
Arranged from Most to Least Frequent
September 1, 1981 to December 31, 1981*

TYPE	NUMBER	% TOTAL
County (pre-trial and awaiting transportation)	3244	77.7
Sentenced County Prisoners	354	8.5
Municipal Prisoners	188	4.5
Sentenced Prisoner Returned from Institution	171	4.0
Federal	68	1.6
State of Ohio (Parole-Violators)	67	1.6
Jurisdiction Outside Ohio	52	1.2
Sentenced by Municipal Court	25	.6
Juvenile	8	.2
Material Witness	1	.2
Total	4178	100%
Source: SIS		

* This time period was chosen since the Sheriff's Information System was improved to gather this data on August 27, 1981. Data from earlier periods are not available. This and other SIS data will be used below for discussion. Unfortunately, we cannot tell how long these individuals were detained since 785 were still incarcerated at the end of our data gathering period.

CHART II CORRECTION CENTER - TYPES OF INMATES 9/1/81 - 12/31/81



SOURCE : S.I.S.

IV. Jail Related Factors Outside the Control of Public Officials

As emphasized earlier, jail overcrowding is not an isolated or unitary problem. There are factors contributing to the creation of the jail population that are beyond the control of county public officials. This is in contrast to programs and policies designed to speed criminal justice processes, alter release patterns, change facility utilization which can, to a certain extent, be controlled by local public officials working within their own unit or across units - if they have sufficient resources.

A. Crime

Increase in crime has much to do with the increase in the jail population. All jail inmates share one thing in common -- each has been, at the very least, charged with a violation of a law. Most in the Cuyahoga County Corrections Center are pre-trial detainees. They have not as yet been found guilty of the particular charge levied against them. They are awaiting trial. In 1979 there were 17,470 adults arrested for felonies in Cuyahoga County; in 1981, there were 19,452 arrests, 11.3% higher. While a number of factors intervene between arrest, jailing, and time spent in jail, jail population should increase as the arrest rate increases.

This seems to be born out by jail bookings as recorded in the sheriff's annual report:

<u>Year</u>	<u>Bookings</u>
1978	12,245
1979	12,343
1980	14,068
1981	15,128

Bookings increased by 23.5% between 1978 and 1981.

The criminal docket of the Cuyahoga Court of Common Pleas has also risen substantially in the same time period:

Year	New Criminal Cases
1978	8761
1979	8594
1980	9593
1981	9752

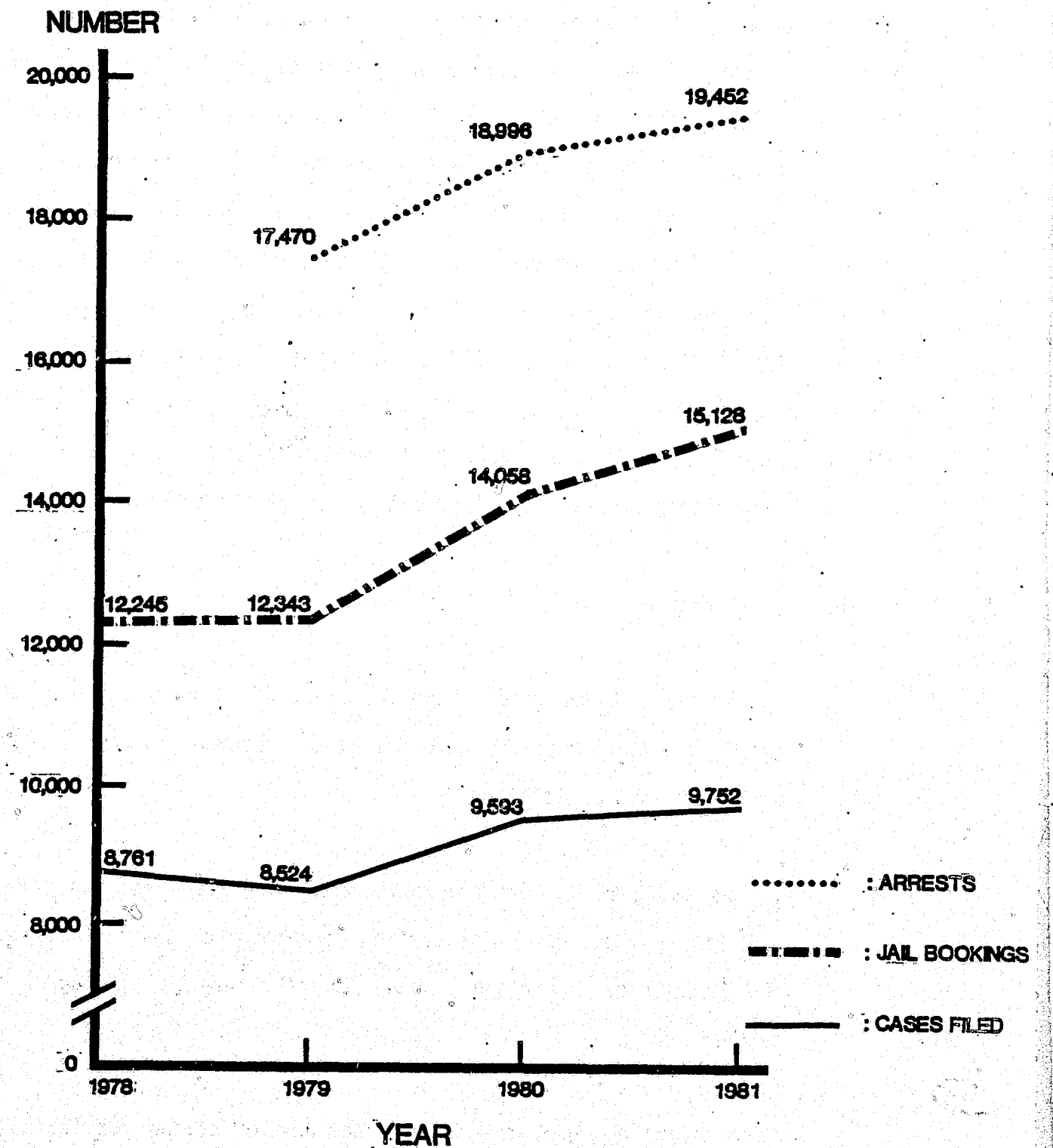
Between 1978 and 1981 new cases increased 11.3%.

The rise in arrest and in court docket correlate with the rise in jail population. This illustrates the pressure placed on the jail and upon other criminal justice agencies - especially the courts - to cope with the crime engendered problems. Chart III illustrates this problem.

B. Demographics

Earlier, we noted that the jail was populated by young adults, blacks, males, and with a large number of the unemployed. With all other things constant, if the population composition of the community changes (e.g., as unemployment rises), jail population will change -- probably, in the case of unemployment, by adding more inmates. The county officials have little control over the demographics of the community. However, they must be sensitive to these patterns and to the needs of different population types in planning for jail change.

CHART III
ARRESTS, JAIL BOOKINGS AND CRIMINAL CASES
1978 - 1981



NOTE: DATA UNAVAILABLE FOR 1978 ARRESTS

SOURCE: CUYAHOGA COUNTY SHERIFF'S OFFICE, COURT OF COMMON PLEAS, AND STATE OF OHIO, BCII

C. Fear of Crime

Chief Justice Burger reported to the American Bar Association that, "Crime and fear of crime have permeated the fabric of American life." This fear of crime seems to be translated into a demand for more jails and stricter laws. This popular perception, be it an accurate reflection of reality or not, has put the pressure on to build jails. According to Judge Seymore Gelber, "There isn't just a move away from permissiveness; a stampede is occurring. It is evident in the rush to build prisons and jails, in the demand for mandatory sentence, in cutting parole, in doing away with community based rehabilitation programs." Officials are sensitive to these community fears as they represent a mood of the public.

D. Legal Change

An inmate of the Cuyahoga County Corrections Center is placed there because he is alleged to have violated a statute or has been found guilty of such a violation.

If and as laws are added or penalties increased, one can expect a rise in inmates. The United States Department of Justice attributed the 12.1% rise in prison inmates in 1981 largely to tougher sentencing laws.

While granting that the forces that create prison population are somewhat different than those creating jail populations, a change in

law can add to jail population. For example, there is concern that there will be an increase in individuals under 18 in the jail because of laws (e.g., H.B. 440) that allow more juveniles to be tried as adults.

E. Summary

The above makes two distinct but interrelated points. First, some of the factors that create a jail population are beyond the control of public officials. The Project will summarize below the factors that are within the control of public officials and the balancing that must be done to achieve more jail space. Second, there are perceived trends that point to the need for increased jail space. This is as concrete as increased arrest rates or as ephemeral as the proclaimed end of the permissive society. The problem is predicting by how much and for how long a trend will last. Many criminologists predicted a decrease in crime, based upon the theory that crime was a youth phenomenon and that the youth and crime prisoner population would decline as the baby boom generation settled into adulthood, only to watch crime increase because of unforeseen changes (such as longer criminal careers).

Next is a discussion of the jail population factors, at least somewhat under the control of local officials, that can be addressed in relatively short order. Later the report will look at long-term issues such as construction.

V. Findings

This Project made findings in five areas, as described below.

- o Time: The amount of time between certain criminal justice processes is analyzed on the theory that if time between a procedure can be reduced, jail days are reduced and space gained.
- o Bail Usage: To be released from jail if one is held on a criminal charge, bail must be set and posted. If the individual cannot make bail, he cannot be released. Facilitating the making of bail should ease pressure on jail space. However, one must balance this against other problems (i.e., crime while out on bail and failure to appear for court processing). These are discussed below.
- o Utilization: Jails are used for a number of purposes. If a purpose can be eliminated or restructured, space may be gained.
- o Procedures: This study was not intended as a review of the management of the complex criminal justice system. However, wherever we found situations where improved record keeping, paper flow, or other techniques would seem to help reduce jail population, we noted them.
- o Intergovernmental Co-operation: 61 municipal police departments, 10 other police entities, 13 municipal courts, the Common Pleas Court, and the state contribute inmates and affect jail population.

The Board of County Commissioners is responsible for the jail's funding and for other services. The Common Pleas Court reviews the

jail's rules and contributes to the population. The Clerk of Court is responsible for receiving information from the facility and giving information to it. The sheriff is responsible for supervising the facility. These relationships are not perfect. Anywhere we found a place where it seemed reasonable to suppose that changing a relationship would reduce jail overcrowding, it is noted.

A. Time

As noted earlier, 77.7% of the Cuyahoga County Corrections Center population are pre-trial detainees. Of 20,143 different Common Pleas Court cases between January 1980 and March 1981, 3,098 (yearly average of 2,478) or about 16% of the total did not make bail (i.e., they spent the entire pre-trial period in jail). If this pre-trial period can be reduced, then total jail days can also be reduced. For each day of reduction in prisoner time, 2,478 inmate days per year would be saved (based on the 1980-1981 population). This would free up .8% (6.2 cells) of the design capacity of the jail.

The reader should be aware of the Ohio speedy trial rule. To guarantee the right of the accused to a speedy disposition and the interest of the public in prompt disposition of cases, defendants are to have prompt trials. Incarcerated defendants are to be given preference over other criminal cases.

Ohio law (O.R.C. 2445.71) requires that a person charged with a felony -- the bulk of the population of the jail -- shall be brought to trial within 270 days (each day, or part, in jail being counted as three days).

There are reasons by which this period of time can be extended (O.R.C. 2945.72). These include time in which mental competency is being tested or time for which a continuance has been granted to the defendant. The defendant can also waive his right to a "speedy" trial. This rule is of utmost concern to the Court. It sets the maximum time in which to begin a trial. If the time goes beyond that, without a legal extension the prisoner is freed.

An individual charged with a felony may not go through every step. For example, he may be indicted "originally" by the grand jury. This eliminates the Initial Appearance or Preliminary Hearing at the municipal court.

The time between each of the processes affects overall time. However, savings achieved between any two processes do not reduce total jail time unless those savings are carried forward (i.e., it does not help the jail inmates for arraignments to be held three days earlier if their trials do not begin earlier or if bail is not promptly arranged after arraignment). Also, there are fewer individuals at each subsequent level of the process. The process starts at the point the individual is bound over to the Common Pleas Court and the transcript is filed with the Clerk of Courts by the Municipal Court Clerk (the process starts with the county grand jury if the individual is indicted on an original or secret indictment). Greater savings can result by reductions early in the process if appropriate individuals are released.

There are points, however, where reducing time between events can, of itself, have an effect. This is true at points before arraignment where some individuals may receive reduced or different bond types that allow the individual to get out of jail. And it is true in the time between sentencing and transportation to an institution since transportation removes individuals from the county system.

1. Arrest Through Filing, Indictment, and Arraignment

An individual usually begins with his journey through the criminal justice system by being arrested, usually by municipal police. From the site of the arrest, he is taken to a municipal jail. From there, he is taken to a municipal court for an initial appearance (See Criminal Justice System and Jail Flow Chart) followed by a preliminary hearing (in our study time, a preliminary hearing had to take place in five days if the individual was jailed). This hearing or the time limit can be waived. If the preliminary hearing resulted in the individual being bound over to the grand jury, the defendant is transferred to the Cuyahoga County Correction Center (or if the jail cannot accept him, he is kept at county expense in a municipal jail or non-county facility). The case records are sent to the Clerk of Courts, and the police files are sent to the County Prosecutor.

The County Prosecutor presents the case to one of the grand juries now sitting. (During the time of our study only two grand juries were sitting. A third has since been added to cope with a congested court system.)

It took an average of 36.2 days (for 2,391 jailed individuals identified as having an arrest and indictment date and having been jailed for the entire period) to move a jailed individual from arrest to indictment. We can not tell how many of these jail days were in the county or city facilities, but five jail days is the time allowed between arrest and preliminary hearing unless waived. It took an average of 11.2 days to move a case from arrest to filing at the County Clerk's office.

There is no standard we identified that specified a time goal. 36.2 days intuitively seems long; it is more than 40.2% of the time required to have a jailed individual tried.

It seems some steps should be taken to reduce this time. Since much of the time is under municipal control, co-operation with municipal courts is necessary.

The process after bindover is under the control of the County. Indicted individuals are arraigned before a Common Pleas Court Judge (see Criminal Justice and Jail Flow Chart). The Clerk schedules the arraignment. The sheriff takes jailed individuals to and from the arraignment. The Court supervises the process. The Clerk currently sets a standard of 3 days from indictment to scheduled arraignment for jailed individuals, but within our study time, 11.2 days elapsed for 2,485 jailed individuals. (This is for completed arraignment. The Clerk has no control over the completion of an arraignment). This absorbed 27,832 jail days. If the 3 day standard were adhered

to, only 7,455 days would have been used. This would be a saving of 20,377 jail days, 7.3% of capacity, or 57 cells (assuming all are released after arraignment, see below). This is a point where crucial jail days could be saved because the arraignment judge can, and often does, reduce bail amount, change bail type, or, in the case of those indicted by the grand jury on original indictments, set bail for the first time. However, one cannot expect all the jailed inmates to be released after arraignment. 268 jailed individuals were released within 7 days after arraignment.

Reducing the time between arrest and indictment, arrest and filing, arrest and arraignment (45.7 days for 2,295 individuals for whom we had data), and indictment and arraignment could have an impact on the following: 1) jail overcrowding, 2) availability of witnesses, and 3) giving trial judges the case earlier since it is first assigned to them at arraignment. This would allow the judge the benefit of moving the case through the system sooner and reduce pressure of the ninety-day rule.

2 Time To Trial

The crucial rule governing court time is the ninety-day rule. It sets the outer allowable limits, barring a tally of the time because of a continuance, waiver or clinical investigation, in which a trial can begin.

Trial here refers to either the time an individual pleads guilty, is found guilty by a judge or jury, or the combination of both events. Table V.1 shows length of time between arrest and trial.

TABLE V.1
AVERAGE LENGTH OF TIME
BETWEEN ARREST AND TRIAL FOR
DEFENDANTS IN JAIL BY TYPE OF TRIAL

Type of Trial	Number of Observations*	Number of Days	Jail Days Used**
Plea (Defendant pleads guilty)	1,399	87.8	122,832
Trial	208	121.2	25,172
Trial or Plea	1,655***	93.7	155,073

Source: JIS

Further, the Project calculated the percentage of defendants in these categories who had spent more than ninety days in jail in each of these categories. This is shown in Table V.2.

* Includes all defendant cases that began between January 1980-March 1981.

** Includes both municipal and county jail days.

*** Includes individuals whose record stated that had both plead and had a trial. This could be the result, for example, of a plea made but withdrawn.

TABLE V.2
PERCENTAGE OF DEFENDANTS
SPENDING MORE THAN NINETY
DAYS IN JAIL BY TYPE OF TRIAL

Type	Percentage
Plea	28.4%
Trial	53%
Plea or Trial	32.9%

Source: JIS

This time has significant impact on the jail population. A reduction in time to trial for this class of individuals will lead to a reduction of time spent in the County Corrections Center.

Time from arrest to trial is the most crucial time period because of the ninety-day rule. A good part of this time is often spent in municipal process and in the indictment and arraignment portion of the proceedings. The Common Pleas trial judge is not assigned until arraignment. How does time from arraignment to trial stand? As we noted earlier, it takes an average of 45.7 days to get a jailed individual from arrest to arraignment, slightly more than half the ninety days allowed, barring a tolling period. The time elapsing from arraignment to trial is shown in Table V.3:

TABLE V.3
TIME ELAPSED BETWEEN
ARRAIGNMENT AND TRIAL
FOR THOSE IN JAIL BY TRIAL TYPE

Trial Type	Number of Observations	Average Time	Jail Days Used
Plea	1,721*	42.9 days	73,873
Trial	274	74.2	20,331
Plea or Trial	2,030	49.4	100,282

Source: JIS

* Higher number of those arraigned than arrested includes individuals who had an arraignment date but no arrest date in the data set.

Many observers suggest that different types of attorneys influence the time of processing a case. We took three different attorney types (retained, assigned, and the public defender) and calculated the average time between arraignment and trial (here defined as pleading guilty or going to trial). This is shown on Table V.4.

TABLE V.4
LENGTH OF TIME BETWEEN
ARRAIGNMENT AND TRIAL BY
ATTORNEY TYPE FOR JAILED DEFENDANTS

<u>Attorney Type</u>	<u>Average Time</u>
Retained	53.5 days
Assigned	48.1 Days
Public Defender	50.6 Days

Source: JIS

There are, of course, some differences, but the differences do not appear significant. Given the fact that the differences are not great, we will forego any further attempts to explain them.

3. Time Between Trial, Pre-Trial Investigation, and Sentence

This is a complicated area to analyze because it involves interactions of at least three entities, court, prosecutor, probation department, each of whom adds to the time. The process is as follows (for jailed cases):

- o The court orders a probation investigation if the individual is found guilty and circumstances warrant it.
- o The order for a jailed case is brought to the probation department, supposedly by the attorney. (The attorney often fails to arrive, causing a problem since the bailiff must then do it, according to probation staff.)
- o The front desk supervisor creates a file with the information available.
- o The case is assigned to an investigative unit and then to a probation officer.

- o Jail cases are to have priority.
- o Officers get the prosecutor's file. This transaction is described as very difficult, and it creates delays. The delays are caused by misplaced files and by the file being held for co-defendants. This problem is described as serious.
- o Investigations are conducted (ten day standard).
 - legal - past record checked, verified, updated
 - social
 - other
- o The report is prepared
 - writing
 - typing
- o It receives supervisory approval.
- o It is returned to the judge.
- o Judge then schedules sentencing date
- o Sentencing. (Some judges are now scheduling the sentence date at time of order to reduce delays.)

For 216 jailed defendants for whom we were able to get data on the time between the end of trial and sentence with a preliminary sentencing report ordered, it took 32.8 days (306 days for 1,856 defendants between sentence and trial or plea for individuals in jail, whether or not a report was noted) to get the individual through this period. The probation department sets a ten day standard from the time the jail case is received until it is returned to the judge. The Cuyahoga County Common Pleas Probation Department supplied the Project with its "Probation Elapsed Day Report for March, 1982." For the 70 individuals detained in

jail, it took 28 days from the date the court referred the case until the pre-sentence report was completed and an additional 19 days from completion to sentence of 47 jail days. For these 70 inmates 3,290 jail days were used.

4. Sentence to Transport

Another area that was identified as a problem was transportation after sentence. Ohio law requires prisoners to be moved from county to state facilities within five days after sentence. The process is complicated: the court must note the sentence on its records and deliver it to the clerk. The clerk prepares the journal entry that is signed by the court. The Clerk must produce sentence papers that consist of the entry, a copy of the indictment, and a cost bill. These papers are conveyed to the sheriff who arranges and then transports the individual.

Originally, the Project did not have sufficient data to produce a time figure since attempts at merging JIS and SIS data failed. However, with the cooperation of the sheriff, transportation records for 100 prisoners within the study's time frame were reviewed. The average time to move a prisoner was six days. Although this is one day over the legal requirement, it is lower than predicted.

Removing individuals from the County Corrections Center as soon as possible would save jail space. Increased effort to move these prisoners through should be encouraged, but any suggestion that this is the key to ending jail overcrowding is misplaced.

5. Continuance

Many of those interviewed asserted that the granting of continuances is a significant cause of jail overcrowding. A continuance stops the clock in that the duration of the continuance period is not counted in the computation of the maximum time allowed between arrest and trial. Waiver does the same thing, but waiver of the speedy trial right is a one time only event. A defendant who waives his right loses it forever on the particular case.

Those interviewed suggest that continuances are sought because of the following reasons: 1) defendants are hoping that by delaying trials witnesses will disappear or become discouraged and not come to court, which in turn will force a dismissal; 2) defendants are hoping that new witnesses will be found; 3) defendants are postponing the inevitable prison sentence (since the time in the local jail counts toward sentence time and jail time is perceived as easier); 4) defense lawyers are lazy or have conflicts; 5) defense lawyers are overwhelmed and need time to build cases; 6) judges are overworked; 7) illness, death or other mitigating circumstances will often intervene. Probably, there are instances of each although one does not know how many. Some of these assertions are probably true and some are false in certain instances. Data does not allow us to specify which. Judges must carefully evaluate and balance these situations. Reasons offered by defendants for continuances are legitimate. The judge must take this into account. What is suggested is that, in balancing between granting or denying a continuance, the judges

should, in addition to the many other factors, take into account the impact continuances have on the criminal justice system and on the jail overcrowding.

Of 20,143 defendants for whom we had information, 22.7% or 4,584 had at least one continuance, and 7.2%, (1,434) defendants waived their right to a speedy trial. (There was concern expressed by the Common Pleas Court that some of the individuals in our data set received "continuances" that did not legally affect the 90 day rule).

To gain some insight on the effect of these continuances on the jail, it is necessary to return to the statistics on time from arrest to trial for jail defendants. We found that of 1,655 defendants who had a trial or plead guilty, 544 or 33% plead or were tried at least ninety days after arrest:

Time Between Arrest and Trial*	Number
Less than 60 days	346
60-90 Days	765
91-100 Days	86
101-110 Days	89
111-120 Days	50
121-130 Days	39
131-145 Days	69
More than 145 Days	211

By waiving a trial, gaining a continuance, or being sent to the Psychiatric Clinic (see below), this group (whose trials began after 90 days) used at least 17,550 jail days after the initial ninety days were up. Annualized, this means a minimum of 5% of design capacity (39 cells) was devoted to housing such individuals. (We were unable within the time of the project to refine the statistics further. Calculations are based on the assumption that all individuals within a range spent minimum time.)

* The trial judge does not get the case until arraignment. The time from arrest until arraignment averages 45.7 days.

Many courts adhere to strict policies against continuance to speed trials and to ease overcrowding. The Common Pleas Court should thoroughly examine its continuance policies. A stricter continuance policy would not end jail overcrowding, but it could considerably ease it.

6. The Psychiatric Clinic

Another unit that is often cited as a "cause" of overcrowding is the Clinic. Individuals are sent to the Clinic by the judge upon the raising of a question as to the defendant's competency to stand trial or sanity at the time of the criminal act. Investigations are also made when an individual may be eligible for civil commitment, (e.g., after a finding of guilty by reason of insanity, when death is to be imposed, for certain drug dependency situations, and when psychiatric factors in the crime could mitigate penalty).

The Clinic gives jail cases priority. A case should take two weeks to handle, but court personnel note that four to six week evaluation periods are not uncommon because of delays in obtaining records or unavailability of psychiatric personnel. Missed appointments are a major complaint.

The Clinic is said to be used as an alternate for continuance by lawyers and defendants trying to gain time. No statistical data can prove or disprove this.

5.1% or 1,021 defendants in the Project's study were sent to the Clinic within the time frame. This includes jail and non-jailed inmates. These statistics for those individuals are included in the groups reported in the continuance. We had insufficient data to ascertain the exact impact that jailed individuals sent to the Clinic has on overall overcrowding,

especially since no statistics are readily available on the results of Clinic cases. The Project suggests that the Court further evaluate requests to refer individuals to the Clinic to see if the number can be reduced and evaluations completed sooner. This must be balanced against the Court's duty to assure that individuals standing trial are not incompetent.

7. Summary of Time

1. The time between processes is summarized in Table V.5 on the next page:

Above, the Project has detailed time to process a jail case through the system and summarized it in chart form. The Court must balance time efficiencies against the resources available to it and against its primary obligation to guarantee the careful handling of a case. If process could be shortened, cell space could be freed.

B. Pre-Trial Release

The Cuyahoga County Corrections Center is primarily a pre-trial detention facility. For one reason or another, many inmates awaiting trial cannot make the bail set for them (in the study's time frame, all individuals in Cuyahoga County had bail set). A seemingly simple solution to jail overcrowding would be to set bail amounts and/or types at such a level to prevent the jail from becoming overcrowded.

TABLE V.5
SUMMARY OF TIME AND JAIL DAYS USED
BETWEEN CRIMINAL JUSTICE PROCESSES
FOR JAILED INDIVIDUALS

<u>Process</u>	<u>Time (persons*)</u>	<u>Jail Days**</u>	<u>Comment</u>
Arrest to Filing	36.2 days (2391)	86,554	Jail days include municipal days; Process is often municipal and county
Filing to completed Arraignment	11.2 (2,485)	27,832	Clerk and Common Pleas Process
Arrest to Arraignment	45.7 (2,295)	104,881	Includes Municipal Jail days
Arrest to Trial or Plea	93.7 (1,655)	155,033	
Arraignment to Trial	49.4 (2,030)	100,282	Trial Judge not Assigned until Arraignment
Trial - Sentence with Pre-Sentence Report Noted	32.8 days (216)	7,084	
Trial to Sentence (Whether or not P.S.I. Report ordered)	30.6 days (1856)	56,793	
Tried or Plead after Ninety Days	26.2 days (after 90 days)	14,235 minimum	Includes Continuances, Waiver, and Clinic

* Numbers are for individuals in the data base. If data was not available, an individual was excluded.

** Municipal jail days are included if arrest is the beginning process. Savings in time and in jail space could be considerable if the processing could be shortened. This means promoting increased efficiency at each stage from arrest in the municipality to transportation. Resources must be provided to the Court and Clerk to do this.

There are two serious problems with this simplistic solution: 1) the Court that sets bail (municipal courts' at Initial Appearance or Preliminary Hearing and Common Pleas Court at arraignment) does not systematically monitor who is released on bail, so it can not tell if the population is being released. Its only responsibility is to set a bail in accordance to law. The defendant then is responsible for making it if he can, and the jail is responsible for housing those who cannot.

And, more importantly, bail is controversial. On one side are those who want most (if not all) jailed inmates released because: "all are innocent until proven guilty;" "most show up for trial;" most do not get rearrested;" and "most are not dangerous." On the other side are those who say: "but they are guilty and will be proven so shortly;" "many are violent;" and "many do not show up."

Chief Justice Warren Burger voiced the concern of many:

It is clear that there is a startling amount of crime committed by persons on release awaiting trial It is not uncommon for an accused finally to be brought to trial with two, three or more charges pending. . . . Bail release (should include) the crucial element of future dangerousness based on a combination of the particular crime and past record, to deter crime-while-on-bail.

The Court is well aware that both sides have valid concerns. But it must set bail. Experience tells it that some of those released will not appear for trial or will commit crimes while awaiting trial, others will appear and will not commit crimes. If individuals are not released pre-trial, the jail probably will continue to be overcrowded.

1. The Bail Law

Ohio's bail policy for felonies is summarized in Rule 46 of the Ohio Rules of Criminal Procedure:

- (A) Purpose of and right to bail. The purpose of bail is to insure that the defendant appears at all stages of the criminal proceedings. All persons are entitled to bail, except in capital cases where the proof is evident or the presumption great.
- (B) Pretrial release where summons issued. Where summons has been issued and the defendant has appeared, the judge shall release the defendant on his personal recognizance, or upon the execution of an unsecured appearance bond.
- (C) Pretrial release in felony cases. Any person who is entitled to release under subdivision (A), shall be released on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judge, unless the judge determines that such release will not assure the appearance of the person as required. Where a judge so determines, he shall, either in lieu of or in addition to the preferred methods of release stated above, impose any of the following conditions of release which will reasonably assure the appearance of the person for trial or, if no single condition gives that assurance, any combination of the following conditions: (Personal)
 - (1) Place the person in custody of a designated person or organization agreeing to supervise him; (Third Party)
 - (2) Place restrictions on the travel, association, or place of abode of the person during the period of release;
 - (3) Require the execution of an appearance bond in a specified amount, and the deposit with the clerk of the court before which the proceeding is pending of either \$25.00 or a sum of money equal to ten percent of the amount of the bond, whichever is greater. Ninety percent of the deposit shall be returned upon the performance of the conditions of the appearance bond; (10% Bond)
 - (4) Require the execution of a bail bond with sufficient solvent sureties, or the execution of a bond secured by real estate in the county, or the deposit of cash or the securities allowed by law in lieu thereof, or; (Surety, Real Estate, Cash)
 - (5) Impose any other constitutional condition considered reasonably necessary to assure appearance.

(Items in parenthesis are added. They are terms generally used to describe categories.)

2. Statistics About Bail In Cuyahoga County

In Table V.6 the report presents some of the elementary statistics describing bail. Also see Chart IV.

TABLE V.6
TYPE OF BAIL BY
PERCENT OF CASES
OBTAINING BAIL
JANUARY 1980 - MARCH 1981

Type of Bail	Percent*
All- Money Types	63.4
(Surety)	(46.6)
(10% Bond)	(15.5)
(Cash)	(.7)
(Real Estate)	(.8)
Personal (Includes individuals in Court's Conditional Supervised Release Program)	20.7
All Bond Types	84
Bond Not Made Before Trial	<u>16</u>
	100

* Rounded

Source: JIS Bond Records

Three conclusions may be drawn from this table: 1) in statistical terms, money forms of bond are preferred to personal bond; 2) surety bond is the most used form; 3) in most instances, individuals are released on bond.

The mean bond amount is \$2,605. (This disregards bonds over \$40,000 that overly influence the average.) If these are included, the average amount goes to \$4,154.50. The most frequent bond amount is \$1,000. The percent distribution by amount is as follows:

Bond Amount	Percent*
Under \$500	8.2%
\$500 - \$999	16.8%
\$1,000 - \$1,499	27.0%
\$1,500 - \$1,999	5.9%
\$2,000 - \$2,499	8.0%
\$2,500 - \$2,999	10.4%
\$3,000 - \$3,499	3.4%
\$3,500 - \$3,999	.6%
\$4,000 - \$4,499	.9%
\$4,500 - \$5,000	10.2%
\$5,000 - \$10,000	4.7%
\$10,000 - \$20,000	1.62%
\$20,000 - \$30,000	1.07%
\$30,001 - \$40,000	.14%
Over \$40,000	.89%

* Contains some unusually high bonds that may be erroneously recorded.

52% of the bonds are below \$1,500, 91% are below \$5,000.

There is much discussion about freeing individuals before their trial when they have manifested violent behavior and about using different types of bonds for different offenses. For defendants that had both a charge and a bail type recorded, the Project calculated bond type and amount by charge. If there was more than one charge, we used the highest criminal charge (in order: violent crime, narcotics, serious property, other property, morals and public order offenses, failure to appear, other). The average number of charges was 177. This is summarized on Table V.7 on the next page.

TABLE V.7

HIGHEST CHARGE BY TYPE OF BOND

Highest Charge	%Not Made Bond		% Personal Bond		10% Bond		Money Types: Surety, Cash, Real Estate		
	Number	%	Number	%	Number	%	Number	%	
Violent Crime	3111	23.6	737	9.4	290	16.6	517	50.4	1567
Narcotics	1662	5.8	97	11.3	188	16.2	269	66.7	1108
Serious Property*	5993	13.8	830	35.9	2150	14.5	872	35.8	2141
Other Property	2845	11.9	336	26.2	745	14.3	407	44.7	1357
Morals/Public Order	131	6.7	9	30.5	40	20.6	27	42	55
Failure to Appear	82	0	0	23.1	19	3.7	3	74.3	61
Other	232	19.0	44	9.4	22	16.4	38	55.2	128

N=14,056

* Burglary, grand larceny, motor vehicle theft, arson.

Source: JIS

Again, even by highest charge most defendants are freed. While individuals charged with violent crimes are less likely to be released than other groups, over three quarters so charged are freed. Very few individuals with narcotics offenses (this covers a wide range of offenses from selling to use) fail to obtain release. Most individuals, regardless of charges, are freed.

3. The County Corrections Center Burden of Detaining Prisoners to Trial

As noted above, Court statistics showed that approximately 16%* of the cases it handled never made bail. We checked this against Sheriff's records. We took all county pre-trial bookings for the 15 month period (15,949). Of those, 2,496 (1,996/yr) or 15.6%* spent 22 days or more in jail and were not released on bond. The Project assumed these individuals were detained until their cases were disposed.

On an annual basis, 161,476 jail days (or 57.5%** of the 770 bed capacity of the jail) are used by pre-trial detainees never released on bond. The question remains can or should this number be reduced? Is it too high? Too low? Ultimately, the value judgements and balancing must be made by

* Discrepancies between SIS & JIS can be explained by different definitions, different individuals within the system. But the discrepancy is small.

** This estimate is conservative. Our numbers came from data in ranges; e.g., 509 pre-trial bookings were not released on bond and were detained 61-90 days. We assumed all 509 were released on the 61 days. If you use average upper jail days before bond is made to this category, the total rises to 194,084 days or 69% of the total. These "release reasons" in SIS are inadequate to make a direct calculation.

policy makers in line with legal restraints. We can offer some insight via national studies. The Lazar Institute did a major study of pre-trial release and release outcomes. It found, in evaluating eight sites, that the average number of individuals detained throughout the entire pre-trial period was 14.7%, only 1% lower than Cuyahoga County. If Cuyahoga County conformed to this average, 196 fewer prisoners would have been detained. The average detention in Cuyahoga County lasted 80.9 days. At least 15,856 jail days would have been saved if Cuyahoga County had been in line with national average.* This is 5.6% of the design capacity of the jail, or 43 cells.

Since it had insufficient data on pre-trial crime or failure to appear rates, the Jail Population Project does not have sufficient evidence to say that individuals should be freed or are detained unnecessarily. It only can say that the Court detains a certain proportion of pre-trial individuals and that it relies on money bond in general and surety bonds in particular. It would seem likely that those who do not obtain release do not have monetary resources (few would refuse release, and personal bond requires only a signature). This means that for the Court to release more prisoners, it probably would have to alter its bond type mix by using more personal bonds and 10% bonds (individuals in the latter category get 90% of their money back if they appear, as opposed to losing all to the bondsmen even if they appear). The Court has already established

* N.B. This is not an assertion that 14.7% is a standard. Different counties have different prisoner mixes and different circumstances. The figure is used as a base for calculation.

programs to this end such as the Conditional Supervised Release Program which investigates individuals who are likely candidates for personal bond but are perceived as needing supervision. The Conditional Supervised Release Program was supervising 230 individuals in June, 1982. It also retains a Bond Commissioner who recommends type and amount to the Court.

Releasing prisoners means balancing between the interests of the jail and its crowded conditions, inmate rights, and equally legitimate community concerns, such as failure to appear at trial and pre-trial criminality. Again, the Project is in no position to predict how many within the detained population are likely, if released, not to appear for court hearings. The Project presently does not have sufficient data to analyze how many were released and committed, were arrested for crime while awaiting trial, or failed to appear. It would be quite helpful to this county if data were collected and analyzed.

Below are insights on pre-trial criminality and failure to appear (F.T.A.) as gleaned from the literature and national statistics.

4. Court Appearance Performance of Released Defendants

Historically, the posting of money bail was considered necessary to insure that defendants would appear in court. The increased use of alternatives to money bail, coupled with criticism from some quarters of the use of bondsmen, has raised considerable questions about the impact money bail has on the likelihood of appearing for trial and whether other means of securing release are more practical.

The overwhelming majority of the defendants appeared for court (6% of all court appearances are missed nationally). In Cuyahoga County 494 cases had to be dismissed, 4.7% of total (10,533), because the defendant did not appear.

Individuals who miss Court dates may not do so willfully:

- o sometimes individuals are not informed properly of Court dates -- notices are not timely or are inadequately addressed;
- o individuals are ill and do not, again for a number of reasons, inform the Court;
- o individuals neglect (as opposed to willfully) to inform the Court of a new address.

A seemingly low rate does not mean that Failure to Appear is to be dismissed as a problem, but simply that it should be viewed in context. It is important to realize that F.T.A.'s do disrupt court processing, whether they are willful or negligent on the part of the defendant or due to court errors.

Nationally, defendants who fail to appear have the following characteristics:

- o more likely to have been charged with economic (property crimes) than non-violent or drug offenses;
- o have more serious prior records;
- o more likely to be unemployed;
- o live alone;
- o live in the area only a short time;

- o have more charges associated with their case;
- o have been released on 10% bond;
- o represented by the public defender.

5. Pre-Trial Criminality

The most controversial issue around pre-trial release policy concerns the criminality of released defendants and ways of adequately protecting the community against such crime. Ohio law has not permitted Courts to consider future dangerousness. Thus, an individual perceived legitimately as one likely to flee can have restrictions placed upon him; but one perceived, correctly, as dangerous cannot.

There are no tools that will allow us to accurately predict who will commit crimes while awaiting trial. 16.5% of all released defendants in the Lazar Institute study of pre-trial release were rearrested. 15.3% of those released on non-financial conditions were rearrested; 18% on bail. Even national statistics are not very useful because they are based on arrest. The drawbacks to using these include the following:

- o individuals may commit crimes for which they were not arrested,
- o arrested individuals are not necessarily guilty,
- o the arrest information is incomplete,
- o an individual who is arrested is not necessarily dangerous.

6. The Alternative of Speedier Trials

As we noted earlier 1,996 individuals were detained for an average of 80.9 days before trial for a total of 161,476 days. If these 1,996 indi-

viduals had been tried within 60 days,* a savings of 41,716 days, or 14.8% of the design capacity of the jail or 113 cells, would have been realized. This number suggests that speedier trials would help considerably to reduce overcrowding, but this would mean the following:

- o more judges,
- o more staff,
- o more Courtroom space.

These improvements would have to be balanced against the need to prepare an adequate case on the part of attorneys, prosecutors, and the Court itself.

7. National Recommendation on Pre-trial

Nationally, the following recommendations have been made. The Project offers them only as the basis for further discussion. The Project is not implying that the Cuyahoga County criminal justice system does or does not or should or should not comply:

- o Courts should implement systematic follow-up procedures to identify fugitives (i.e., defendants who have not returned to court after a certain period, such as 90 days), and law enforcement agencies should make special efforts to apprehend these individuals. No person should be permitted to evade justice without efforts by the jurisdiction to return the individual to court.

* This number was chosen because it is the National Corrections Association Standard. The Project is not recommending it as a standard. It must be realized that resources have to be available for anyone to develop.

- o Routine prosecution for failure to appear, or similar actions to punish all defendants who fail to appear, should not be undertaken. Many defendants who fail to appear do not act as if they are willfully trying to evade justice; indeed, they often return to court of their own volition within a short time. Widespread prosecution for failure to appear in such cases would be very costly to the criminal justice system and unlikely to produce significant benefits.
- o Action should be taken to reduce the extent to which defendants are rearrested repeatedly during the pretrial period. Such efforts might include improvements in the mechanisms for identifying defendant with pending charges so that this information could be brought to the court's attention, provisions to accelerate the processing of cases for defendants with pretrial arrests, and revocation of release for defendants rearrested during the pretrial period.
- o Jurisdictions should adopt a multi-faceted approach to the reduction of pretrial criminality. No single proposal is likely by itself to reduce pretrial criminality significantly. In addition to speedier trials and efforts to reduce multiple pretrial arrests, jurisdictions should consider consecutive, rather than concurrent, sentences for persons convicted of pretrial crimes. And jurisdictions should change court calendaring of cases so that cases involving defendants thought to pose high rearrest risks would be tried relatively quickly.

o Because of the great interest in preventive detention, especially for "dangerous" defendants, the experiences of jurisdictions that have authorized preventive detention should be studied. Of particular importance is the extent to which the "dangerousness" provisions have been used and the resulting impact on pretrial arrest and detention rates.

o Jurisdictions should seek ways to release more defendants pending trial. Available evidence suggests that higher release rates can be achieved without increases in rates of failure to appear or pretrial rearrest.

8. Time In Which Bail Is Made

The sooner an individual makes bail, the sooner he is released. The release pattern of the 11,228 bookings released on bond in the 15-month period is summarized in Table V.8.

Most individuals who are released on bail are quickly released -- the largest portion do not spend a night in jail. Some concern in relation to jail overcrowding can be expressed over those who are jailed for more than a week. Observations from those interviewed suggest inmates are detained due to 1) delays caused by the need to arrange for a bondsman, to sell a piece of property, or to raise cash; 2) delays in moving paperwork that prevents an individual with resources available to him to post bail; 3) legal reasons, e.g., warrant in other jurisdiction; 4) a personal

TABLE V.8
PERCENTAGE OF BOOKINGS RELEASED ON BOND
BY TIME BEFORE RELEASE

Time	% of Total	Total Jail Days Average in Category
Released Same Day	68.8	0
1 Day	6.0	661
2-7 Days	13.0	5783
8-14 Days	4.4	5165
15-21 Days	2.1	4174
22-30 Days	1.4	4080
31-45 Days	1.5	6406
46-60 Days	.9	5098
61-90 Days	.7	5661
Over 90	.8	17593
Total (exclude released same day or 1 day)	24.4%	53,600
Total (more than 7 days)	13%	47,817
Total (more than 21 days)	5.3%	38,838
Total	100%*	54,621

* May not add due to rounding

Source: SIS

decision to remain in jail for a period (apply time to sentence, receive medical care) but then a decision to leave evidenced by the posting of bond.

These explanations are set in the order believed to be most likely, but there is no numerical evidence for this conclusion.

On an annual basis, 14.7% (114 cells) of the jail's design capacity was used to detain individuals who made bail after one week and 11.0% (84.7 cells) for those detained over three weeks. For those detained over three weeks but not over 90 days, 7% of design capacity (54 cells) was used.

C. Utilization of the Cuyahoga County Corrections Center*

The Cuyahoga County Corrections Center is used by the community to house a number of different types of inmates: 1) pre-trial detainees who have not made bail; 2) prisoners sentenced by the Common Pleas Court for felonies; 3) prisoners sentenced by municipalities for Ohio Revised Code misdemeanors; 4) probation and parole violators; 5) federal prisoners; and 6) miscellaneous categories. People within the system and commentators on the system have suggested that some or all of the individuals in each of these categories should not be in the jail. The problems of pre-trial detainees (77.7% of total) are discussed in the section on "Pre-trial Release" above. The other populations are discussed below.

1. The Use of the Jail as a Sentencing Facility by Common Pleas Court

Common Pleas Court Judges have the power to sentence inmates to a county jail for certain felonies (O.R.C. 2229.51 and 2949.08). The Judges interviewed as part of this Project who use the Corrections Center as a sentencing facility stated that they use the jail because they felt incarceration is required, but the offense, age, past record, etc. of the individual did not warrant using state facilities (they are often seen as brutal and too far from Cleveland to assure adequate contact with relatives). Others (i.e., Judges, Sheriff's personnel, and Court personnel) argue that the jail should

* All statistics used in this section are minimums. The Project did not wish to over-estimate any utilization category.

not be used as a sentencing option, given that it presently has neither the facilities, services, resources, or space to act as a sentencing institution.

This subject has been with the Corrections Center for a long time. When the jail is overcrowded, Common Pleas Judges are urged not to sentence individuals to the jail, and the number of sentenced prisoners varies radically. However, no official can order Judges not to sentence (without changing the law).

In the period between September and December 1981, 354 different individuals or 8.5% of the jail population were there as sentenced county prisoners. Between January 1980 and December 1981, 1,445 individuals were booked as sentenced prisoners. Annualized, this comes to 1,156 bookings or 8.2% of total bookings.

This is the second largest category of individuals within the jail. 733 individuals spent an average of 24.8 days in the Corrections Center, or 18,178 total days. This was 6.5% of design capacity or 50 cells.

However, given the almost universal concern about dealing with criminal behavior and a need for Judges to have options open to them, it is myopic to think that the current Corrections Center can simply stop being a sentencing facility without a concurrent move to increase effective sentencing options available to the Judges.

2. Sentence Municipal Prisoners

Municipal Courts can sentence individuals to the Corrections Center if they have been found guilty of violating an Ohio Revised Code statute. There were 25 such prisoners sentenced in the last third of 1981. Data on length of detention is presently unavailable.

Many individuals interviewed suggested that this group should not be housed in the Center as it is not a sentencing facility.

3. The use of the Correction Center by the Adult Parole Authority

Interviews with jail personnel showed a concern that the jail was used inappropriately by the Ohio Adult Parole Authority, either by delayed hearings for violation or by detaining parolees as punishment in the jail and then returning them to the community. From September to December 1981, 67 jail inmates were state inmates (1.6% of the jail inmates). Most of these were parolees.

In the 1980-1981 period, 291 bookings were released by reason of parole (this does not include parolees returned to institutions) after an average of 46.7 days of incarceration. This group, on an annual basis, used 10,871 jail days - 3.9% of design capacity or 30 cells. (Due to data limitation this may slightly overestimate the size.)

The Adult Parole Authority may need the jail space to detain violators, and it has the authority to use it. However, given population pressures, specific, written rules should be developed to

expedite movement of these individuals through the jail. Parolees are under state jurisdiction, and the state is interested in preventing jail overcrowding.

4. Federal Prisoners

Cuyahoga County houses federal prisoners under contract with the United States Marshall. Between September and December 1981, 68 federal prisoners or 1.6% of individuals jailed were admitted. 235 individuals were booked in the 15 month period between January 1980 - March 1981 or 188 annually. Their average stay was 18.8 days or 3,534 days total. This was 1.3% of jail capacity or 10 cells.

Cuyahoga County could end its contract with the United States to save some cell space, but this would have to be weighed against the need to house federal law breakers, who also pose problems to the local community.

5. State Prisoners Returned from Institutions

State prisoners serving sentences in state facilities are often returned to local facilities for other proceedings against them or to testify at a trial. The days they spend in the County Correction Center are credited to their sentence, and the facility is perceived as being better and is closer to home allowing for visits.

Sheriff's personnel who must house and transport these individuals feel that these inmates take up too much jail space and time. They

cite situations where they remain in the jail long after they could be moved back to the institution or where they are brought from the institutions too early. The Sheriff points out that trips to and from institutions are made daily and could often accommodate extra prisoners. 171 inmates or 4.0% of the total different individuals were of this type between September and December 1981. The Project cannot estimate jail days for this category because release data for this group as a separate group is not available.

Inmates in this category should be brought back at a time quite near to the proceedings and returned as soon as possible thereafter.

6. Claimed Inappropriate Detention of Probationers

Some jail personnel claim that probation officers unnecessarily detain individuals on probation. It is asserted that this is done by not holding hearings promptly or by incarcerating probationers under officer-issued warrants and then letting them go.

The data indicates that probation officers do not use the jail inappropriately. All indications are that few if any probationers fit this category.

7. Material Witnesses, Individuals Not Indicted, and Weekenders.

These groups have little impact on jail overcrowding. Material witnesses are rare. Only 11 individuals, spending an average of 28

days in jail, were subsequently released because of a failure to indict. They used a total of 308 jail days in the Project time period.

The use of the jail as a weekend sentencing facility has small impact on overcrowding, but it does force the Sheriff to sequester cells that could be used to house prisoners and creates administrative burdens for him.

D. Procedures

The Project is not strictly an evaluation of Cuyahoga County's management of the criminal justice system, of the interrelationships between and among entities, of the flow of paper work, or of the utilization of data systems. However, in the course of our interviewing of and discussion with individuals in the criminal justice system, we found a number of areas where there seems to be a need for additional attention. The areas discussed below are only those where if improvements were made, the jail population size would probably decrease. Before we delve into these areas, a few observations are in order.

- o The jail and its population size and source of inmates are not controlled by any one entity. The Sheriff is responsible for the jail. He receives, classifies, houses, protects, disciplines, and releases inmates. However, he has little control over who is in his facility. This population is "created" by a number of sources. Crime, or at least alleged crime, is the driving force. Individuals are incarcerated by the police and by the Courts who are simply

following legal procedures. The Courts set bonds, create schedules, conduct judicial proceedings, and review rules governing the jail.

- o Much of the paper reflecting the decisions of the criminal justice system and impinging jail operation is created, distributed, and filed by the Clerk of Courts. The County Prosecutor presents the felony cases to entities under the Court's jurisdiction and transfers paper to the Clerk.
- o The County Commissioners are responsible for most of the fiscal and some of the programmatic aspects of the criminal justice system and jail. This means that there are five major county entities with varying but major roles in the Corrections Center.

These entities must interact with each other and operate as smoothly as possible to maximize efficiency in the jail.

1. The Flow of Paper

Every person and every process in the criminal justice system is surrounded by paper -- warrants, bonds, transcripts, notes, reports, motions, journal entries, docket entries, bills, etc. This is amply documented on the "Criminal Justice and Jail System Flow Chart." The movement into the jail, within the jail, and out of the jail is accompanied by paper. Many staff people are convinced that jail overcrowding is caused by cumbersome paper flow. The Project was not charged to prove or disprove this assertion or measure its impact, but it is obliged to relay, in context, these observations since they are pervasive. Thus,

the following problems concerning the flow of paper within the county corrections system are noted. (Paper flows between municipalities and the Court are discussed later in "Intergovernmental Relationships.")

(a) At the Stage from Indictment to Arraignment

Paper moves between and among the Prosecutor, the Clerk, and the Court. The Clerk suggests that his office and the Prosecutor do not coordinate sufficiently in the assignment of case numbers. This lack of coordination can result in a "lost" case and a delayed arraignment that could keep a very small group of individuals in jail for longer than they could be.

A larger issue is summoning the individual on bail to his arraignment. The Prosecutor issues a praecipe to the Clerk ordering the Clerk to summon an individual who is out on bond. The Clerk schedules the arraignment and mails the summons. In fact, he mails two summons. One is sent according to the Rules of Criminal Procedure (Rules 9 and 4D), i.e., by certified mail. But since many individuals refuse to pick up certified mail or pick it up after the arraignment date, a second letter is sent by regular mail to give actual, albeit not legal, notice of the date and place where the indictment can be picked up. However, if the individual does not appear, a capias for his apprehension is issued and he is subject to

confinement. This uses jail days. This occurs despite the following situations:

- o inaccurate address because the real address, though known by some entity, was not provided to the Clerk;
- o envelopes are incorrectly addressed;
- o there are delays in mailing.

Of course, there are also situations where the address is unknown or has been changed.

The Clerk and the Court both acknowledge that there could be improvement in this area and that occasionally individuals are incarcerated because of system error. The Project has no information as to how many or for how long. The Court tries not to detain individuals who "failed to appear" through no fault of their own. Capias are recalled and new arraignment dates are scheduled. In the interests of promoting maximum efficiency and further lowering unnecessary detention, additional systematic effort should be made to solve this problem.

(b) Court Notes and Journal Entries

According to an old legal maxim, "A Court speaks only through its Journal." Many of the personnel within the County criminal justice system assert that much jail overcrowding is caused by "delays" in moving paperwork out of courtrooms, into and through the Court system, and onto other entities that need the "paper" to proceed.

This "paper" can be orders setting new bail, papers indicating a sentence to an institution, and many others. At least two sets of papers move here: Judge's Calendar Books and Journal entries.

A Judge's Calendar Book, containing his daily rulings, comes from the courtroom to the Court's Central Scheduling where it is entered into the computer as Court Notes. The Court Notes are delivered to the Clerk and entered upon the Appearance Docket for the case.

As necessary, a Journal entry (an official order of the Court) is also prepared. Central Scheduling prepares a Journal entry from the Court Notes. The entry is returned to and signed by the Judge. In time, the Judge returns it to Central Scheduling. It then goes to the Clerk who distributes it to entities needing it. It is also officially filed.

Several assertions are made about problems connected with Court Notes and Journal entries: 1) Judges do not get their paper work out of their courtroom in a timely fashion; 2) the process of creating and distributing the documents takes too long; and 3) there are types of documents available that are better suited to the purposes of the Court than those used.

There is also a claim that the paper work gets delayed on bonds and at post sentence.

Above, the Project has presented places where jail delay is ascribed to paper flow. The Project has no statistical evidence that any of these claims are true or false, and, if true, it has no way of proving the impact on jail overcrowding. However, the Project feels that these claims are prevelant so that the Court, Clerk and other criminal justice agencies should further systematically examine this issue to improve paper flow itself, especially when an individual is sentenced to a state facility.

2. Improvement of Data Systems

The County maintains at least two computerized criminal justice data systems. The Court's Judicial Information System (JIS) and the Sheriff's Information System (SIS). Each contains a large quantity of information. Much of it is used for managing the complex system on a daily basis. No one within the system criticized the data, but the Project would briefly like to make some observations:

(a) JIS

This system is used to generate certain required reports, to keep judges informed about time requirements, to profile cases, and to assist court administrators. It contains a wealth of information about the criminal justice system. But, from the Project's vantage point, it seems underused in terms of analysis. The Court should increase utilization of its system to allow finer analysis. Also it should plan for the addition of certain items, e.g., prior record, arrests while on bail, failure to appear, and dispositional data.

(b) SIS

SIS' analytic potential is not systematically tapped. Certain data items need to be refined to provide more accurate information for management and analysis. The system should retain information on charges, commitment documents and committing agencies, and classification information. Absence of these information items limited Project analysis.

(c) JIS/SIS

These systems operate independently from one another. SIS monitors individuals within the jail via a sheriff's individual booking and office number. JIS monitors individual defendants within Common Pleas Court System via a case and defendant number. Many, but not all, of the individuals are common to both. Granted the purpose of each system is somewhat different. However, given the overlap of individuals and the interests both entities have in monitoring the jail, it behooves each entity to seriously study the increased sharing of systems and information.

(d) The Clerk of Courts Data

The Clerk of Courts, through his Criminal Division, creates, files, and distributes paper. He was most co-operative in supplying information to the Project, but it is not computerized. In the interests of improved management and analysis, the Clerk should seriously, systematically consider computerization and bear in mind the needs of the Sheriff and Court when doing so.

3. General Relationships

Criminal justice personnel within the criminal justice system revealed some areas in need of improvement. Whether these would help manage jail population one cannot say. However, in any number of instances where different entities interact, it was apparent from the interviews that those individuals were unaware of the mandates, process, and problems of the entity it was dealing with. Other entities were often blamed for jail problems without actually knowing if they were worthy of blame.

The Sheriff, Prosecutor, Court, Clerk, and Board of County Commissioners each have difficult, different tasks. Interactions must be as smooth as possible.

E. Intergovernmental Relationships

This study focused on the County Correction Center and the prisoners within it. These inmates, however, come from over 70 police authorities, 13 municipal courts, and the state. The Project has observed factors that contribute to jail overcrowding and that seem to result from a lack of cooperation among different levels of government.

One of the usual observations and complaints of people in the county correction system was a lack of sensitivity and cooperation by officials in the municipalities. This posed a very difficult issue to the Project because our statistical data did not give us much to confirm or deny this assertion. But the sense of the problem suggests that the Project cannot avoid some of the issues posed.

1. The Transfer of Cases from Cities to the County

There are 13 municipal courts in Cuyahoga County. In the fifteen-month Project period, 51.08% individuals were indicted by the Cuyahoga County Grand Jury after they were bound over by the Municipal Court, i.e., they were arrested within a municipal court jurisdiction and were given the opportunity for a preliminary hearing for probable cause. They either waived that hearing or it was found there was probable cause to bind them over for further action by the County Grand Jury.

A summary of defendants by municipal court is on Table V.9 on the next page.

This represents a significant number of cases and has impact both on the jail itself and on the criminal justice system.

After bindover, the municipal clerk must send the transcript to the Cuyahoga County Court Clerk, the defendant must be transferred to the jail by police (if not on bond), and police reports must be turned over to the County Prosecutor. This allegedly creates two problems: one of bond and one of paper work, both of which can have implications for the Corrections Center.

Table V.9
 Numbers of Defendants by Municipal Court
 by Most to Least Frequent:*
 January 1980 - March 1981

	<u>Number</u>	<u>%</u>
Cleveland	6816	64.7
Bedford	782	7.9
E. Cleveland	534	5.1
Euclid	371	3.5
Cleveland Hts.	308	2.9
Garfield Hts.	294	2.8
Shaker Hts.	294	2.8
Parma	237	2.3
Lyndhurst	209	2.0
Rocky River	194	1.8
Lakewood	193	1.8
Berea	162	1.5
South Euclid	29	.3
Other (Missing, Juvenile)	112	1.1
Total	10,535	100.0

Source: JIS

* Total is many more than number of indictments since more than one Court may take action on an individual, charges may be dropped, or there may be a refusal to indict (312 cases were "no billed" but not all were necessarily from Municipal Court).

The County Clerk claims that the papers often arrive late -- beyond the seven days required by law. If the individual is in jail, that individual is in a state of limbo. He now must post a bond with the clerk, but the Clerk has no file with which to proceed. If files are not there or do not contain crucial papers (another problem asserted), useless jail days are absorbed at county expense.

The Clerk can show this happens but not yet in a systematic statistical way. There is some evidence of problems, however. For example, some municipal court clerks interviewed by the Project did not know that they had seven days from the preliminary hearing to file papers with the Clerk.

The Project found that there was a mean of 11.2 days between arrest and the filing of the case with the Clerk (the average is low because it includes cases where an individual did not pass through the Municipal Court system). However, 21% of the filings were more than three weeks after arrest and 9.0% more than a month. But, the municipal clerk has a maximum of 22 days (12 days if defendant is jailed) from arrest to get papers filed unless there is a delay in the Preliminary Hearing. (This is the sum of the time from arrest in which the hearing must be held and the transcript created). These statistics of themselves, especially the latter two, do not necessarily prove a problem, but suggest validity to the Clerk's claim.

The clerks of all municipal courts and the County Clerk should develop stricter, more systematic procedures for transferring cases.

2. Municipal Court Bond Policies

A frequent observation by County Corrections Center and Court personnel who advise the judiciary about bond amounts when bond is set or reset (usually at arraignment) is that certain (suburban) municipal courts set bonds "too high," either at the Initial Appearance or at the Preliminary Hearing in the municipal court. The individual

cannot meet the requirements of the bond in that city. He spends the time in jail (a system average of 45.7 days elapsed between arrest and arraignment for those not released on bail before arraignment). Then the bail is reduced at the County hearing because it is perceived as "too high."*

The persistence of this claim throughout our interviewing suggests that it may be real, and is a factor in increasing the jail population. The Project has no way of suggesting by how much. Since any one municipal court, other than Cleveland, is responsible for only a small percentage (7.1% the highest) of bindovers and since the vast majority of individuals within the system are freed on bail, it does not seem to suggest that this would be a large number. But using the 45.7 day average between arrest and indictment and assuming that 40 of those jail days are within the County System, 40 jail days saved multiplied by the number of prisoners affected could produce a savings in cell space.

3. State Level

The Corrections Centers' relationship with the state (other than issues around housing parolees discussed elsewhere) is at present relatively dormant. The state sets jail standards (O.R.C. 5120.10) and Cuyahoga County indicates no real conflict with those standards,

* A bond is perceived as "too high" if the bail type or amount exceeds that 'normally set', given charge, known past record, personal characteristics, (e.g., family, marital status, etc.).

even though other counties have serious problems. If overcrowding persisted and led to specific violation of standards, however, the state could conceivably take action against the County.

The more important issue is how the state will react to its own overcrowding. Media reports suggest that there are 3,000 more state prisoners than capacity, and this number will grow.

The fear is that as the state's problem continues and grows, it will slow down or refuse county prisoners creating a real county crisis. This has already happened in Alabama, New Jersey, Michigan, Texas, and New York.

The County must be cognizant of this problem and be prepared to handle it. It must involve County officials at staff and policy levels and in all units that have responsibilities in the Corrections Center.

VI. SUGGESTED PLAN OF ACTION

The Project's findings are covered above. The Corrections Center population and overpopulation is created by crime and criminals, by the way the Corrections Center is utilized, by how long it takes to process a case, and by how many accused felons are detained or released.

Criminal justice agencies can and do engage in numerous activities to contain crime, and will continue to do so. These are not the concern of this Project. The Project was not charged with determining nor can it now indicate whether a new facility should be built and, if so, of what type it should be. The issue is discussed in the Appendix of this report.

What is within the Project's scope is the ability to suggest some short and intermediate term projects for controlling jail population. These projects will allow for a decrease in overcrowding, and will allow time for long range planning for Cuyahoga County's correctional needs and the communication of those needs to the public. Emphasis should be placed on the largest segment that being county pre-trial detainees with attention also to sentenced prisoners and inmates under state jurisdiction.

The Project suggests five areas where action should be taken:

A. JOINT MUNICIPAL/COUNTY PROCESS REVIEW

Over half the Common Pleas Criminal Court cases begin in a municipality. A large part of the time it takes to bring a case to trial is often absorbed by municipal processes. 36 of the 90 days available to bring an individual to trial is used in the time from arrest to filing. The Common Pleas trial judge is not assigned the case until the Arraignment after over half of the time is used.

Procedures and programs should be designed to reduce the time it takes to bring a case from arrest to arraignment. Attention would be devoted to the streamlined delivery of municipal court papers to the County Clerk and other county criminal justice entities and the county processes themselves.

The possibility of establishing pre-trial release criteria for municipal courts that would preserve the integrity of those courts but take into account the need of the County to keep jail population under control should also be explored.

This activity would have to involve municipal court judges and clerks and the Common Pleas court, the County Clerk, the Sheriff and the Board of County Commissioners.

B. INTRA COUNTY PROCESS REVIEW

If the time of the entire pre-trial criminal justice process from arrest to release from the facility and the time between processes could be reduced there would be a concurrent reduction in the use of the jail. This requires:

- o Plans for increasing the speed in which paper flows among County entities.
- o Enhancing the scheduling capabilities of the Court.
- o Fine tuning relationships among the Court, Clerk, Sheriff and Prosecutor.

- o Developing standards and policies about the timing of Court processes that, in addition to the many other factors that must take into account the problems of the Corrections Center.
- o Developing and/or redeploying resources to achieve time-savings.

This task requires the involvement of the Court, County, Clerk, Sheriff, County Prosecutor and the Board of County Commissioners.

C. INTRA COUNTY DATA REVIEW

Cuyahoga County should have the ongoing ability to monitor the County Corrections Center's inmate population, the criminal justice process, and the relationship between the two. In order to fully accomplish this, it will be necessary to improve data quantity and quality of the data retained in the current computerized Judicial Information System (JIS) and the Sheriff's Information System (SIS), to develop an effective interforce between the JIS and the SIS, and to computerize the County Clerk of Courts' criminal recordkeeping and information processing.

D. UTILIZATION REVIEW

1. Pretrial Release

Three quarters of jail inmates are pre-trial detainees. The more that are released via pre-trial programs and the sooner, the more jail space will be freed, but this absolutely must be balanced against the need to assure the appearance of an individual at judicial proceedings and the right of citizens of the community to be protected against crime. The release decision is primarily a question of law and policy that requires careful balancing.

The criminal justice system in the County needs to continue its evaluation of release programs and methods that release individuals, but reduce to an absolute minimum pre-trial crime and failure to appear. There must be constant monitoring of the latter.

The Court, Sheriff, Clerk and Board of Commissioners should examine the feasibility of additional pre-trial programming that takes into account the fact that there are already pre-trial programs operating, the need to protect the community and protect the integrity of the Court.

2. Other Types Of Utilization

The jail is used as a sentencing facility by the Court of Common Pleas and municipal courts. It is also used by the state and federal governments to house prisoners. In this regard,

- o Sentencing criteria should be developed by the courts that takes into account the impact on the Corrections Center.
- o The feasibility of increasing sentencing options, both institutional and community, needs to be thoroughly examined.
- o Procedures should be developed to minimize the time state prisoners are detained in the jail whether they are parole violators, witnesses or awaiting additional proceedings.
- o The County should also develop contingency plans to cope with a backlog of prisoners if the state, because of its own overcrowding, closes intake.

This will require the participation of the Court, Sheriff, Board of County Commissioners and the state.

VII. CONCLUSION

The report provides a summary of the findings and the suggested plan of action. Within 30 days of acceptance of this report by the Jail Population Task Force a staff group appointed by the Task Force should report on strategies for implementing the Plan of Action. This plan of action should define objectives, tasks to be completed and the activities that must be performed, resource requirements, time schedules and priorities.

APPENDICES

Appendix A

Special Problem of Construction

The question of whether or not to build a new jail, either by adding additional floors to the existing Corrections Center or by the construction or renovation of new facilities, has never been far from the surface of this Project. This study has, as outlined in its proposal, to be seen as the first phase of a comprehensive review of jail issues.

The decision to build has to be informed by a review of issues that are beyond the time and resources available to the project. These include cost, availability of revenues, architectural and land use considerations, projections of demography and crime rate, predictions of legal change and developments in the correctional field.

However, we will present a brief case both for and against construction to help set the stage for the future.

The Case for Construction:

- o The jail is overcrowded. Additional space, all things being equal, will relieve it.
- o The mere fact that the original Justice Center plan called for 1200 beds is an argument in favor.
- o The County and Municipal entities currently rely on facilities outside the Corrections Center to house pre-trial prisoners and incur cost as a result.
- o There seems to be a lack of sentencing options or facilities for judges, and a possibility that state and city facilities now available might close.

- o The public seems to want it, or at least wants a tougher stand on crime.
- o Construction can be seen as humanitarian because it grants an individual more space while he is detained.
- o New programs are themselves costly, e.g., adding judges.

Case Against Jail Construction

- o It does not solve the immediate problem. It takes a great deal of time to build a jail. What is needed are solutions that can be implemented soon.
- o The problem can be dealt with by procedural change and by changing release policy. These changes have the additional advantage of increasing overall system efficiency.
- o Detention is inappropriate for most individuals not found guilty of a crime. Alternatives to incarceration and pre-trial release program are still underutilized.
- o Building and maintaining a facility is very expensive. \$50,000 is the current cost estimate per cell.
- o Building is disruptive. It often creates community protest if it is located in a place close to residential or commercial activity. It disrupts, for long periods of time, the routine of a facility that is being added to.
- o Circumstances, correctional philosophy, and technique may change but the community is stuck with the facility.
- o It is very difficult to predict demand for space in the future.

Each of these considerations need be analyzed carefully.

APPENDIX B

Listing of Resource Materials In the Project's Library

- I. General Overview of Jail Conditions
- II. Statistical and Research Data
 - A) Surveys of Jails
 - B) Crime Statistics
 - C) Criminal Justice System Statistics
 - D) Aids for Conducting Research
 - E) Data Systems
- III. Information of the Cuyahoga County Justice System: Including the Court of Common Pleas and the County Jail
 - A) Cuyahoga County Justice System Generally
 - B) Cuyahoga County Court of Common Pleas
 - C) The Corrections Center (jail), Sheriff's Department, and Cleveland Police Department
- IV. Statutory Information
- V. The Court System
 - A) Generally
 - B) Court Management
 - C) Court Intake
 - D) Prosecution/Defense
- VI. Bail
- VII. Pre-Trial Release
 - A) Overview Materials
 - B) Issues in Pre-Trial Release
 - C) Legal Aspects of Pre-Trial Release
 - D) Pre-Trial Program Reports and Guidelines
 - E) Pre-Trial Diversion
 - F) Research Reports and Evaluations of Pre-Trial Release Programs
- VIII. Standards
 - A) Jail Standards
 - B) Legal Standards
- IX. Jail Management

CONTINUED

1 OF 2

X. Post-Conviction Materials

- A) Sentencing
- B) Correctional System Materials

XI. Aspects of Crime Prevention/Crime Control

XII. Special Projects Addressing Jail Overcrowding Issues

XIII. Collected Bibliographies of Materials Related to Jail Overcrowding

- A) Newspapers
- B) Law Review Articles/Court Cases
- C) General Materials

I. General Overview of Jail Conditions:

1. A Decade of Improvement for Our Sick Jails - by Katsampes & Neil.
2. The Department of Justice Can Do More to Help Improve Conditions at State and Local Correctional Facilities - by the Comptroller General for the U.S. Congress.
3. Jails and Justice (Chapters 3 & 4) - Edited by P. Cromwell, Jr.
4. Jails: The Ultimate Ghetto (Only Chapters 1 & 2) - by R. Goldfarb.
5. Origin and Development of Jails in America (paper) - by H. Burns, Jr.
6. Our Sick Jails - by R. McGee.
7. Overcrowding: Blight of a Nation - by Corrections Compendium, Vol. V, #8.
8. Problems in Short Term Correctional Settings - by M. Schneider.
9. Review of Jail Overcrowding Planning in Santa Clara County, California.

II. Statistical and Research Data:

(A) Surveys of Jails:

1. American Prisons and Jails, Vol. I: Summary and Policy Implications of a National Survey - National Institute of Justice, U.S. Dept. of Justice.
2. American Prisons and Jails, Vol. II: Population Trends and Projections - National Institute of Justice, U.S. Dept. of Justice.
3. American Prisons and Jails, Vol III: Conditions and Costs of Confinement - National Institute of Justice, U.S. Dept. of Justice.
4. American Prisons and Jails, Vol. IV: Supplemental Report - Case Studies of New Legislation Governing Sentencing and Release - National Institute of Justice, U. S. Dept. of Justice.
5. American Prisons and Jails, Vol. V: Supplemental Report - Adult Pre-Release Facilities - National Institute of Justice, U.S. Dept. of Justice.
6. Census of Jails, 1978, Vol. I: Data for Individual Jails in the Northeast - Bureau of Justice Statistics, U.S. Dept. of Justice.
7. Census of Jails, 1978, Vol. II: Data for Individual Jails in the North Central Region - Bureau of Justice Statistics, U.S. Dept. of Justice.

8. Census of Jails, 1978, Vol. III: Data for Individual Jails in the South - Bureau of Justice Statistics, U.S. Dept. of Justice.
9. Census of Jails, 1978, Vol. IV: Data for Individual Jails in the West - Bureau of Justice Statistics, Dept. of Justice.
10. Monthly Population Report - January 1982 - by The Cuyahoga County Correction Center.
11. Profile of Jail Inmates: Sociodemographic Findings from the 1978 Survey of Inmates of Local Jails - Bureau of Justice Statistics, U.S. Dept. of Justice.

II. Statistical and Research Data:

(B) Crime Statistics:

1. Crime in Ohio 1979: Uniform Crime Reporting Statistics - by Ohio Bureau of Criminal Identification & Investigation.
2. Crime in the United States: 1976 - Uniform Crime Reports issued by the FBI, U.S. Dept. of Justice.
3. Crime in the United States - 1980 - Uniform Crime Reports issued by the FBI, U.S. Dept. of Justice.
4. 1979 Annual Report: Cleveland Police Department - by William Hanton, Chief of Police, City of Cleveland.

II. Statistical and Research Data:

(C) Criminal Justice System Statistics:

1. 1979 Annual Statistical Report: Cuyahoga County Court of Common Pleas, Adult Probation Department - by Cuyahoga County Court of Common Pleas; Leo M. Spellacy, Presiding Judge; Joseph Janesy, Chief Probation Officer.
2. Sourcebook of Criminal Justice Statistics - 1980 - Bureau of Justice Statistics, U.S. Dept. of Justice.

II. Statistical and Research Data:

(D) Aids for Conducting Research:

1. Guide to Data Collection and Analysis: Jail Overcrowding/Pre-trial Detainee Program - by J. Bush for the American Justice Institute.
2. Handbook of Resources for Criminal Justice Evaluators - National Institute of Law Enforcement and Criminal Justice, L.E.A.A., U.S. Dept. of Justice.
3. Measuring Corrections Performance - by G. Grizzle for the National Institute of Justice, U.S. Dept. of Justice.

4. Measuring Court Performance - by Cook and Johnson for the Research Triangle Institute.
5. Measuring Police Agency Performance - by G. Whitaker, et al, for L.E.A.A., National Institute of Justice, U.S. Dept. of Justice.
6. Performance Measurement for Prosecution and Public Defense - by J. Jacoby for the Bureau of Social Science Research, Inc.
7. Performance Standards and Goals for Pretrial Release and Diversion: Release - by The Board of Directors of the National Association of Pre-Trial Services Agencies.

II. Statistical and Research Data:

(E) Data Systems:

1. Automated Bail Agency Data Base, District of Columbia Bail Agency - by I.B.M.
2. Common Pleas Court Data Base.
3. Judicial Information System (J.I.S.): Court of Common Pleas - by I.B.M.
4. Sheriff Information System (S.I.S.): Operating Instructions.

III. Information Pertaining to the Cuyahoga County Justice System: Including the Courts of Common Pleas and the County Jail:

(A) The County Justice System Generally:

1. Criminal Justice in Cleveland: Reports of the Cleveland Foundation Survey of the Administration of Criminal Justice in Cleveland, Ohio - by R. Fosdick, et al - Directed and Edited by Roscoe Pound and Felix Frankfurter.
2. Criminal Justice System Handbook.
3. Report on Bail in Cuyahoga County - by Katz & Clancy for the Commission on Catholic Community Action.
4. Various Jail Forms and Reports.

III. Information Pertaining to the Cuyahoga County Justice System: Including the Courts of Common Pleas and the County Jail:

(B) The Cuyahoga County Court of Common Pleas:

1. Common Pleas Court Data Base.
2. The Felony Processing System in Cuyahoga County, Ohio - by the Institute for Court Management.

3. 1979 Annual Statistical Report: Cuyahoga County Court of Common Pleas, Adult Probation Department - by Cuyahoga County Court of Common Pleas; Leo M. Spellacy, Presiding Judge; Joseph Janesc, Chief Probation Officer.

III. Information Pertaining to the Cuyahoga County Justice System: Including the Courts of Common Pleas and the County Jail:

(C) The Corrections Center (Jail), Sheriff's Department, and Cleveland Police Department:

1. Corrections Center Floor Plan - From Plans of the Cuyahoga County Justice Center - by Pringle, Patrick and Partners, Architects.
2. Cuyahoga County Corrections Program: 1971 Annual Report (Phase I) - by J. W. Payne, Editor; for the Governmental Research Institute Administration of Justice Committee.
3. Inmate's Information Pamphlet: Rights and Responsibilities - by Walter Brown, Warden; Cuyahoga County Sheriff's Department Correction's Center.
4. Materials Related to the Construction of the Justice Center.
5. Monthly Population Report - January 1982 - by the Cuyahoga County Corrections Center.
6. 1979 Annual Report: Cleveland Police Department - by William Hanton, Chief of Police, City of Cleveland.
7. 1979 Annual Report of the Cuyahoga County Sheriff's Department - Gerald McFaul, Sheriff.
8. Rules for the Regulation of the Cuyahoga County Jail - Promulgated by the Judges of the Common Pleas Court of Cuyahoga County, Ohio; Leo M. Spellacy, Presiding Judge.
9. Sheriff Information System (S.I.S.) Operating Instructions.

IV. Statutory Information:

1. The Criminal Code and its Interpretation - by O. Schroeder and L. Katz - From Schroeder-Katz Ohio Criminal Law (Chapter 3).
2. Jail References in the Ohio Revised Code.
3. Ohio Criminal Law: 1787-1974 - by O. Schroeder & L. Katz - From Schroeder-Katz Ohio Criminal Law (Chapter 1).
4. Ohio Revised Code Title 29: Crimes - Procedure - by Baldwin Pub. Co.

V. The Court System:

(A) The Court System Generally:

1. The Challenge of Crime in a Free Society - A Report by the Presidents Commission on Law Enforcement and Administration of Justice.
2. Criminal Violence, Criminal Justice - by C. Silberman.
3. Improving the Criminal Justice System in the United States: Selected Excerpts and References Relating to the National Debate Topics for High Schools 1976-1977 - Compiled by the Congressional Research Service, Library of Congress.
4. Sourcebook of Criminal Justice Statistics - 1980 - Bureau of Justice Statistics, U.S. Dept. of Justice.

V. The Court System:

(B) Court Management:

1. ABA Standards for Criminal Justice, 2nd Edition - The American Bar Association.
2. Court Efforts to Reduce Pre-Trial Delay: A National Inventory - Executive Summary - by P. Ebener for the Institute for Civil Justice - Available from Cleveland-Marshall School of Law Library (Call #: AS-36-R3-R-2732/1).
3. Court Efforts to Reduce Pre-Trial Delay: A National Inventory - by P. Ebener for the Institute for Civil Justice - Available from Cleveland-Marshall School of Law Library (Call #: AS-36-R3-R-2732).
4. Court Management Progress Reports, 1974-1975.
5. Judicial Information System: Court of Common Pleas - by I.B.M.
6. Measuring Court Performance - by Cook and Johnson for the Research Triangle Institute.
7. Task Force Report: The Courts - by the Task Force on Administration of Justice, The President's Commission on Law Enforcement and Administration of Justice.

V. The Court System:

(C) Court Intake:

1. Managing Case Assignments: The Burglary Investigation Decision Model Replication - by J. Eck for the Police Executive Research Forum.

2. Court Intake Services Unit Operations Manual - Lucas County Common Pleas Court, General Division.
3. Criminal Justice Central Intake Program: Concepts and Guidelines - by J. Galvin, A Product of Phase I of the Jail Demonstration Project.
4. Early Case Assessment: An Evaluation - by the Vera Institute of Justice.

V. The Court System:

(D) Prosecution/Defense:

1. Performance Measurement for Prosecution and Public Defense - by J. Jacoby for the Bureau of Social Science Research, Inc.

VI. Bail

1. Automated Bail Agency Data Base, District of Columbia Bar Agency - by I.B.M.
2. Bail Bond Reform in Kentucky and Oregon - by Kannensohn & Howard for the Council of State Governments.
3. Report on Bail in Cuyahoga County - by Katz & Clancy for the Commission on Catholic Community Action.

VII. Pre-Trial Release:

(A) Overview Materials:

1. Citation Release: An Alternative to Pre-Trial Release; Concepts and Guidelines - by Walter H. Busher for the Jail Demonstration Project.
2. Instead of Jail, Vol. 2: Alternatives to Pretrial Detention - National Institute of Law Enforcement and Criminal Justice, L.E.A.A., U.S. Dept. of Justice.
3. Pretrial Release Programs - by Thomas, et al for the National Evaluation Program.
4. Pre-Trial Screening in Perspective - by Joan E. Jacoby for the National Evaluation Program, Phase One Report, L.E.A.A., U.S. Dept. of Justice.

VII. Pre-Trial Release:

(B) Issues in Pre-Trial Release:

1. Instead of Jail: Pre and Post-Trial Alternatives to Jail Incarceration Vol. I: Issues and Programs in Brief - by National Institute of Law Enforcement and Criminal Justice, L.E.A.A., U.S. Dept. of Justice.

2. The Pretrial Reporter - by the Pretrial Services Resources Center.
3. Pre-Trial Services Annual Journal, Volume IV - Edited by Alan Henry for the Pretrial Services Resource Center.
4. Proceedings of the National Symposium on Pretrial Services 1979 - Ed: Waggner & Jacobs.

VII. Pre-Trial Release:

(C) Legal Aspects of Pre-Trial Release:

1. ABA Standards for Criminal Justice, 2d Edition - The American Bar Association.

Chapter 10 - Pretrial Release (Complete)

- Introduction
- Part I - General Principles
- Part II - Release by Police Action Without an Arrest Warrant
- Part III - Issuance of Summons in Lieu of Arrest Warrant
- Part IV - Release by Judge at First Appearance or Arraignment
- Part V - The Release Decision

Chapter 11 - Discovery and Procedure

- Introduction
- Part I - General Principles (Procedural Needs Before Trial)

2. Failure to Appear: What Does it Mean? How Can It Be Measured? - by M. P. Kirby for Pretrial Services Resource Center.
3. Ten Percent Deposit Bail - by D. Alan Henry for Pretrial Services Resource Center.

VII. Pre-Trial Release:

(D) Pretrial Program Reports and Guidelines:

1. District of Columbia Pretrial Services Agency Handbook on Procedure - April 1979.
2. District of Columbia Pretrial Services Agency Recommendation Guidelines - June 1980.
3. Jail Overcrowding and Pretrial Detainee Program - LEAA Program Brief, Dept. of Justice.
4. Report of the D.C. Pretrial Services Agency - 1979.

VII. Pre-Trial Release:

(E) Pretrial Diversion:

1. The Diversion of Felony Arrests: An Experiment in Pretrial Intervention - A Report of the Vera Institute's Evaluation of the Court Employment Program.
2. Instead of Jail, Vol. 3: Alternatives to Prosecution - National Institute of Law Enforcement and Criminal Justice, L.E.A.A., U.S. Dept. of Justice.

VII. Pre-Trial Release:

(F) Research Reports and Evaluations of Pretrial Release Programs:

1. Jail Overcrowding and Pretrial Detention: A Program Evaluation for 5/79-9/80, Executive Summary - Social Systems Research and Evaluation Division of the Denver Research Institute for L.E.A.A..
2. Jail Overcrowding and Pretrial Detention: A Program Evaluation for 5/79-9/80 - Social Systems Research and Evaluation Division of the Denver Research Institute for L.E.A.A..
3. Performance Standards and Goals for Pretrial Release and Diversion: Release - by The Board of Directors of the National Association of Pre-Trial Services Agencies.
4. Pretrial Release: A National Evaluation of Practices and Outcomes - Summary and Policy Analysis - by the Lazar Institute of Washington, D.C..
5. Pretrial Release: A National Evaluation of Practices and Outcomes - Vol. I: Chapters 4, 5, 6 and Appendix B (Methodology) - by The Lazar Institute.
6. Pretrial Release: A National Evaluation of Practices and Outcomes - The National Evaluation Program, Phase II Report - by M. Toborg for the National Institute of Justice, U.S. Dept. of Justice.
7. Pretrial Intervention Strategies: An Evaluation of Policy-Related Research and Policymaker Perceptions - National Pre-Trial Intervention Service Center.
8. Recent Research Findings in Pretrial Release - by M. P. Kirby for Pretrial Services Resource Center.

VIII. Standards:

(A) Jail Standards:

1. Minimum Standards for Jails in Ohio - Bureau of Adult Detention Facilities and Services, Ohio Department of Rehabilitation and Correction.

2. State Minimum Jail Standards - 1978 - Department of Rehabilitation and Correction.

VIII. Standards:

(B) Legal Standards:

1. ABA Standards for Criminal Justice, 2nd Edition - The American Bar Association.
2. Discovery and Procedure Before Trial (2nd Edition, Tentative Draft) - ABA Standards Relating to the Administration of Criminal Justice, by the American Bar Association.
3. Speedy Trial (2nd Edition, Tentative Draft) - ABA Standards Relating to the Administration of Criminal Justice, by the American Bar Association.
4. Felony Case Preparation: Quality Counts - Interim Report, the Vera Institute's Evaluation of the N.Y. City Police Dept.'s Felony Case Preparation Project, Executive Summary.

IX. Jail Management Materials:

1. Jail Management: A Course for Jail Administrators - Independent Study: Book 2: Personal & Fiscal Management - U.S. Bureau of Prisons.
2. Jail Management: A Course for Jail Administrators - Independent Study: Book 4: Community Relations - U.S. Bureau of Prisons.
3. Jail Population Management Plan for Toledo-Lucas County - Lucas County Corrections Coordinating Council.
4. Measuring Corrections Performance - by G. Grizzle for the National Institute of Justice, U.S. Dept. of Justice.
5. Principles of County Jail Administration and Management - by Kalinich and Postill.

X. Post Conviction Materials:

(A) Sentencing:

1. ABA Standards for Criminal Justice, 2nd Edition - The American Bar Association.
2. Alternatives to Incarceration: A Thoughtful Approach to Crime and Punishment - by the Unitarian Universalist Service Committee.
3. Instead of Jail, Vol. 4: Sentencing the Misdemeanant - National Institute of Law Enforcement and Criminal Justice, L.E.A.A., U.S. Dept. of Justice.

4. The New York Community Service Sentencing Project: Development of the Bronx Pilot Project - by M. Smith, Vera Institute of Justice.
5. The Sourcebook on Alternatives to Prison in California - Report to Joint Rules Committee of the California Legislature - by the National Council on Crime and Delinquency.

X. Post Conviction Materials:

(B) Correctional System Materials:

1. After Conviction: A Definitive and Compelling Study of the American Correctional System - by Goldfarb & Singer.
2. Community-Based Correctional Programs Can Do More to Help Offenders - Report to the Congress by the Controller General.
3. Cuyahoga County Adult Corrections and Rehabilitation Program: 1975 - Board of County Commissioners Cuyahoga County.
4. Release Procedures - by National Information Center.
5. State of Ohio Unified Correctional Master Plan - The Ohio Department of Rehabilitation & Correction, The Ohio Department of Economic and Community Development.

XI. Aspects of Crime Prevention/Crime Control:

1. The Challenge of Crime in A Free Society - A Report by the Presidents Commission on Law Enforcement and Administration of Justice.
2. The Clinical Prediction of Violent Behavior - by J. Monahan for U.S. Department of Health & Human Services - Part of the Crime and Delinquency Series.
3. Crime Control Theory: Research on Effects of Criminal Sanctions - by the National Institute of Justice, U.S. Dept. of Justice.
4. Criminal Violence, Criminal Justice - by C. Silberman.
5. The Honest Politician's Guide to Crime Control - by Morris and Hawkins.
6. Serious Juvenile Offenders In Ohio: A Review of Trends, Programs, and Issues Related to Juveniles Who have Committed Violent and Other Serious Offenses - by J. Davis, et al for the Federation for Community Planning.

XII. Special Projects Addressing Jail Overcrowding Issues:

1. Agenda: February 26, 1981 Meeting of the Criminal Justice Coordinating Council - by the Toledo/Lucas County Criminal Justice Regional Planning Unit.

2. Agenda: March 26, 1981 Meeting of the Criminal Justice Coordinating Council - by the Toledo/Lucas County Criminal Justice Regional Planning Unit.
3. Bail Bond Reform in Kentucky and Oregon - by Kannensohn & Howard for the Council of State Governments.
4. Community Service Offers New Alternative - by J. Penna - In Criminal Justice Report.
5. Exemplary Projects - National Institute of Justice, U.S. Dept. of Justice.
6. Jail Overcrowding Project Information Report - Jail Overcrowding Project of Sacramento.
7. Jail Overcrowding Projects in Other Localities.
8. Jail Population Management Plan for Toledo-Lucas County - by Lucas County Corrections Coordinating Council.
9. Review of Jail Overcrowding Planning in Santa Clara County, California.
10. Strategies to Reduce Local Jail Overcrowding - by the Office of the Inspector General, State of Florida Dept. of Corrections.

XIII. Collected Bibliographies of Materials Related to Jail Overcrowding:

(A) Newspapers:

1. Criminal Justice Topics - The Justice Center, County Jail, Sheriff - by Cleveland Press, Plain Dealer.

XIII. Collected Bibliographies of Materials Related to Jail Overcrowding:

(B) Law Review Articles/Court Cases:

1. Law Review Articles on Prison/Jail Conditions, Jail/Prison Reforms - Compiled from Reader's Guide to Legal Periodicals.

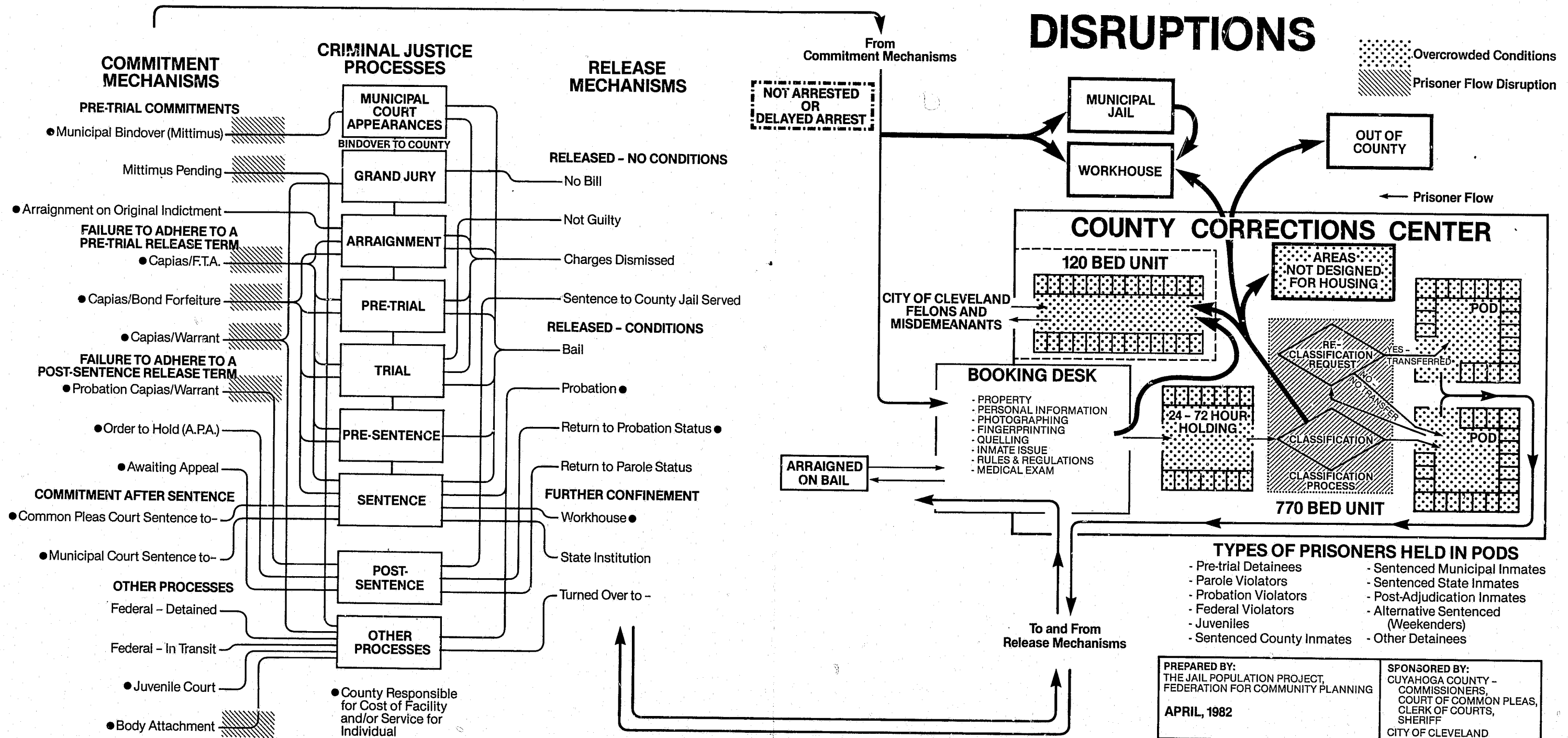
XIII. Collected Bibliographies of Materials Related to Jail Overcrowding:

(C) General Materials:

1. Overcrowding in Correctional Institutions: Selected Bibliography - by Johnson & Kravitz for the National Institute of Law Enforcement and Criminal Justice, L.E.A.A., U.S. Dept. of Justice.
2. Selective Notification of Information #172, March 1982 - by the National Criminal Justice Reference Service, National Institute of Justice, U.S. Dept. of Justice.

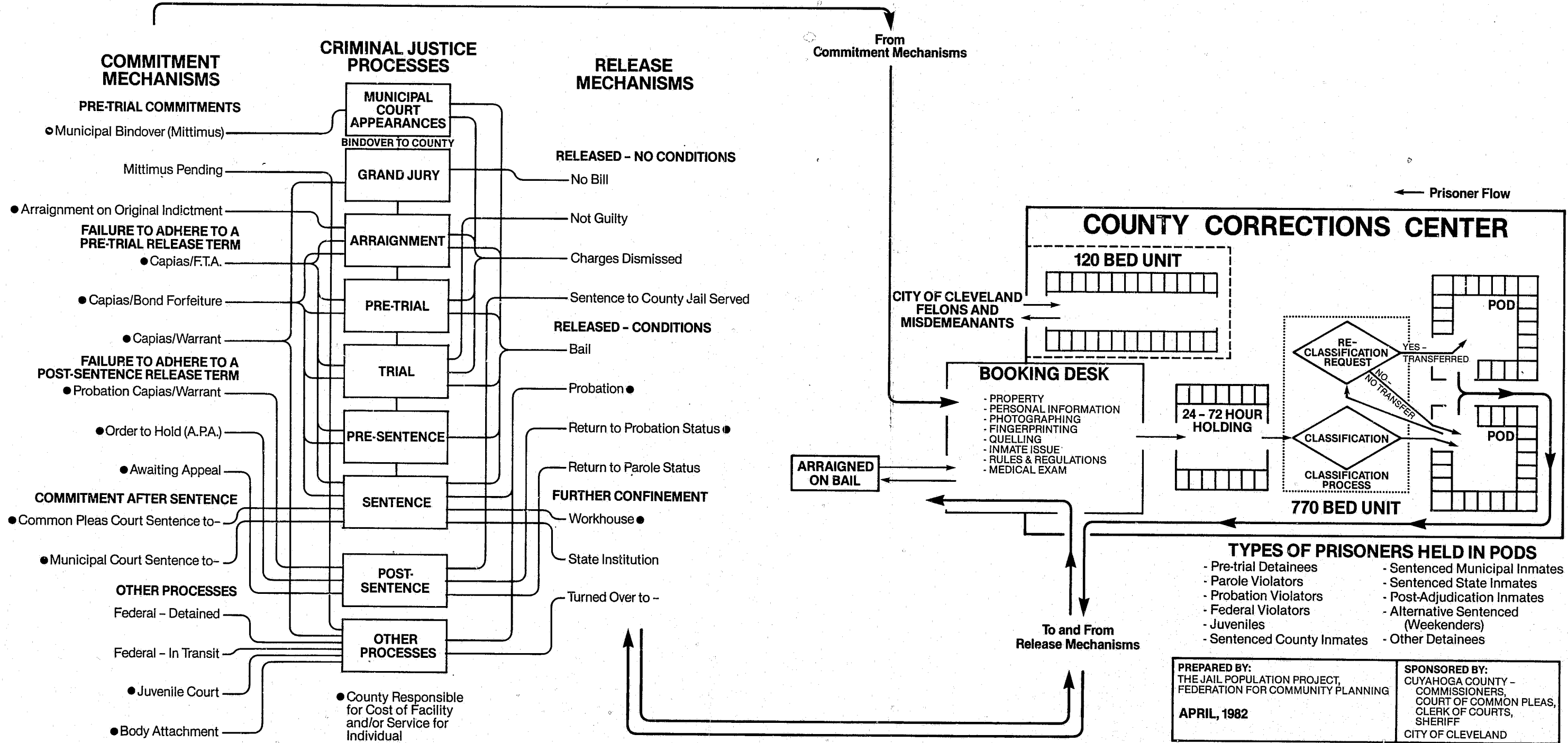
CUYAHOGA COUNTY CORRECTIONS SYSTEM

DISRUPTIONS



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CUYAHOGA COUNTY CORRECTIONS SYSTEM



PREPARED BY:
THE JAIL POPULATION PROJECT,
FEDERATION FOR COMMUNITY PLANNING
APRIL, 1982

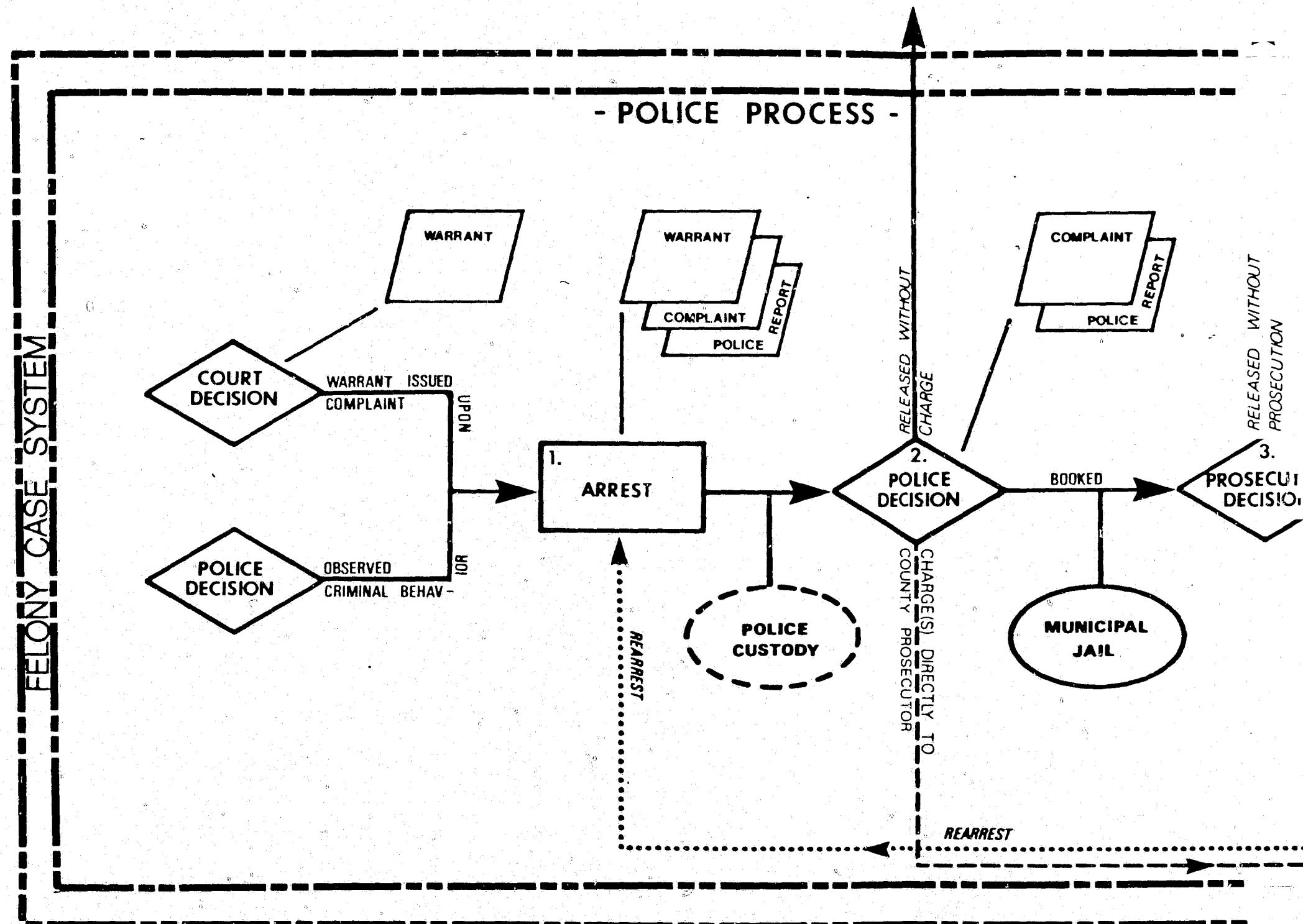
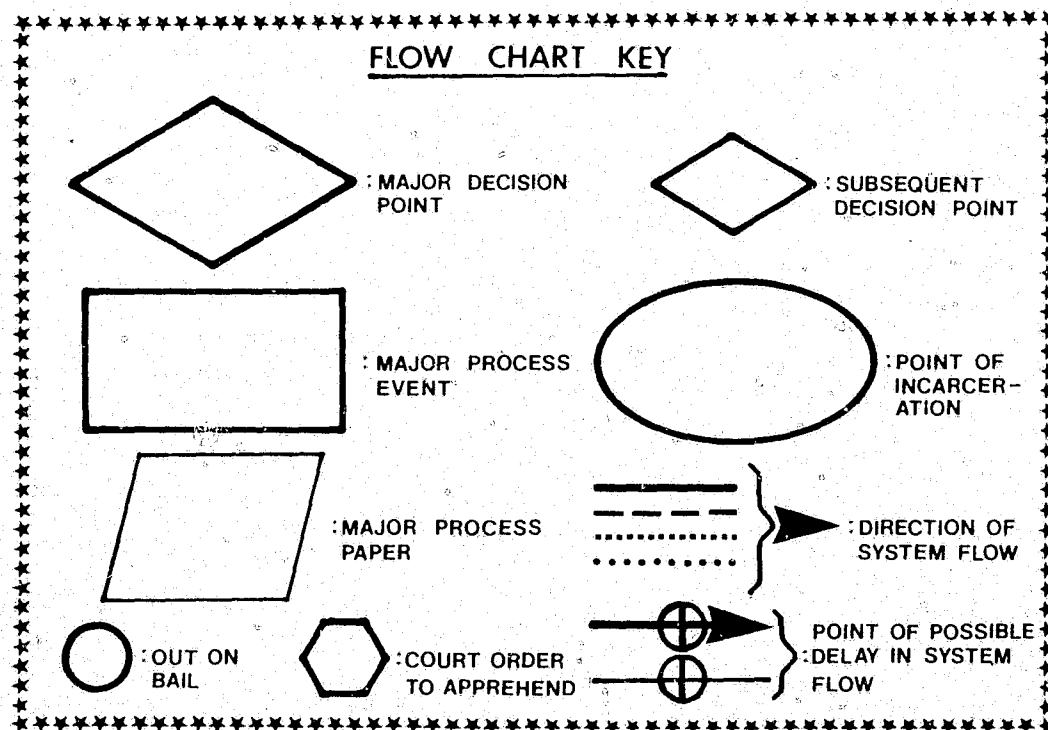
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CUYAHOGA COUNTY -
COMMISSIONERS,
COURT OF COMMON PLEAS,
CLERK OF COURTS,
SHERIFF
CITY OF CLEVELAND

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CUYAHOGA COUNTY CRIMINAL JUSTICE SYSTEM AND JAIL FLOW

PREPARED BY:
THE JAIL POPULATION PROJECT,
FEDERATION FOR COMMUNITY PLANNING

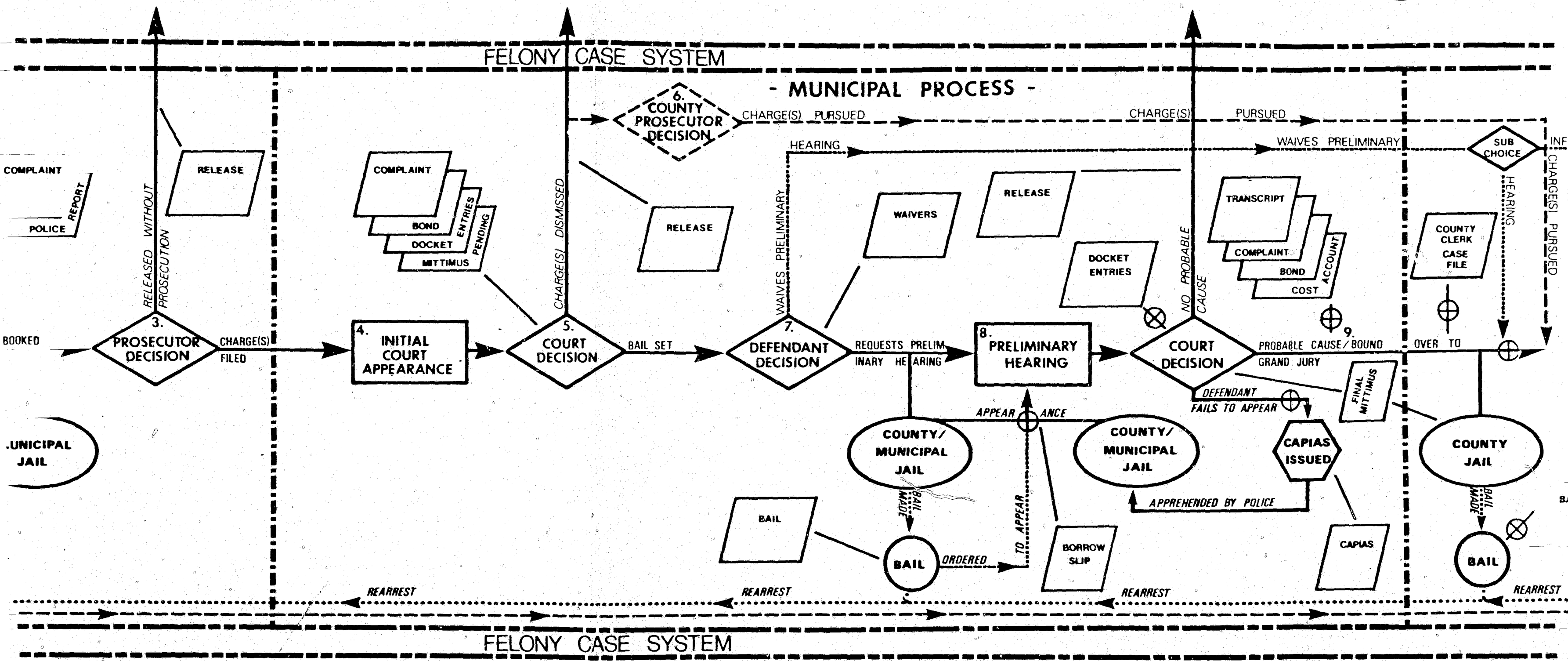
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COURT OF COMMON PLEAS,
CLERK OF COURTS,
SHERIFF
AND THE
CITY OF CLEVELAND



- 1. ARREST:** SUSPECT PLACED IN POLICE CUSTODY WITH OR WITHOUT A WARRANT.
- 2. POLICE DECISION:** WHETHER OR NOT AND TO WHOM CHARGE(S) ARE PRESENTED.
- 3. MUNICIPAL PROSECUTOR DECISION:** WHETHER OR NOT TO FILE CHARGE(S).

4. INITIAL COURT APPEARANCE: COMPLAINT IS READ; DEFENDANT IS INFORMED OF CIVIL RIGHTS AND RIGHTS TO COUNSEL, PRELIMINARY HEARING (IF NOT INDICTED), BAIL IS SET (I.E., PERSONAL RECOGNIZANCE, CUSTODY OF ANOTHER, 10%, SECURED - REAL ESTATE/SURETY/CASH) COUNSEL IS APPOINTED (IF INDIGENT; PRELIMINARY HEARING DATE IS SET; DEFENDANT CAN BE INCARCERATED IN EITHER MUNICIPAL (THE USUAL) OR COUNTY JAIL.

5. COURT DECISION: NOTE THAT CHARGE(S) AGAINST THE DEFENDANT CAN BE INCREASED OR DISMISSED.



1. PROSECUTOR DECISION: NOTE THAT CHARGE(S) MUST BE FILED WITHIN 30 DAYS OF ARREST. IF NOT FILED, CHARGE(S) ARE DROPPED. THE DEFENDANT CAN BE RELEASED OR DISMISSED.

2. INITIAL COURT APPEARANCE: THE COUNTY PROSECUTOR HAS THE POWER TO ORIGINATE A FELONY CHARGE OR TO PURSUE A CHARGE EVEN IF DROPPED BY THE POLICE OR MUNICIPAL COURT.

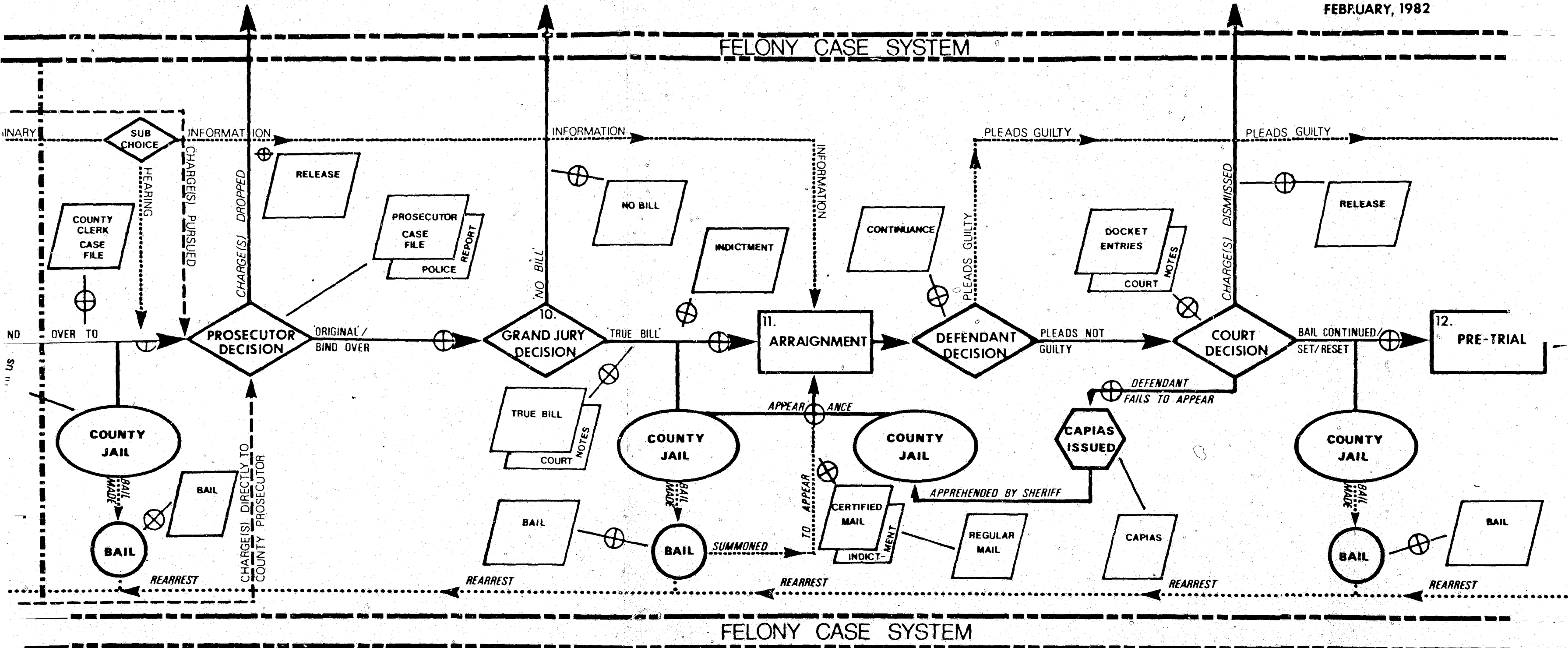
3. DEFENDANT DECISION: DEFENDANT CAN WAIVE PRELIMINARY HEARING AND PROCEED DIRECTLY TO THE GRAND JURY OR WAIVE BOTH AND GO TO ARRAIGNMENT; THE GRAND JURY IS WAIVED BY "INFORMATION."

4. PRELIMINARY HEARING: CASE EVIDENCE IS HEARD, PROBABLE CAUSE IS DETERMINED; HEARING MUST BE HELD WITHIN 10 DAYS IF DEFENDANT IS IN JAIL; 15 DAYS IF OUT ON BAIL.

5. PROBABLE CAUSE/BOUND OVER TO GRAND JURY: ENDS MUNICIPAL JURISDICTION; INDIVIDUAL, IF INCARCERATED, TRANSFERRED TO COUNTY JAIL AS SOON AS POSSIBLE; ALL PAPERS TO REACH COUNTY CLERK OF COURTS WITHIN 7 DAYS. POLICE FILE TO PROSECUTOR. COUNTY NOW HAS JURISDICTION.

CUYAHOGA COUNTY CRIMINAL JUSTICE

FEBRUARY, 1982



9. BOUND OVER TO GRAND JURY: COUNTY CLERK OF COURTS WITHIN 7 DAYS, COUNTY NOW HAS JURISDICTION; INDIVIDUAL, TRANSFERRED TO COUNTY AS POSSIBLE; ALL PAPERS TO COUNTY PROSECUTOR.

10. GRAND JURY DECISION: SECRET PROCEEDINGS; RESPONSIBLE FOR DETERMINING CHARGE(S).
 11. ARRAIGNMENT: TRIAL JUDGE IS SELECTED; BAIL IS SET, RESET OR CONTINUED; CHARGE(S) ARE READ; DEFENDANT PLEADS TO CHARGE(S) AND IS INFORMED OF RIGHTS; COUNSEL IS APPOINTED (IF INDIGENT).

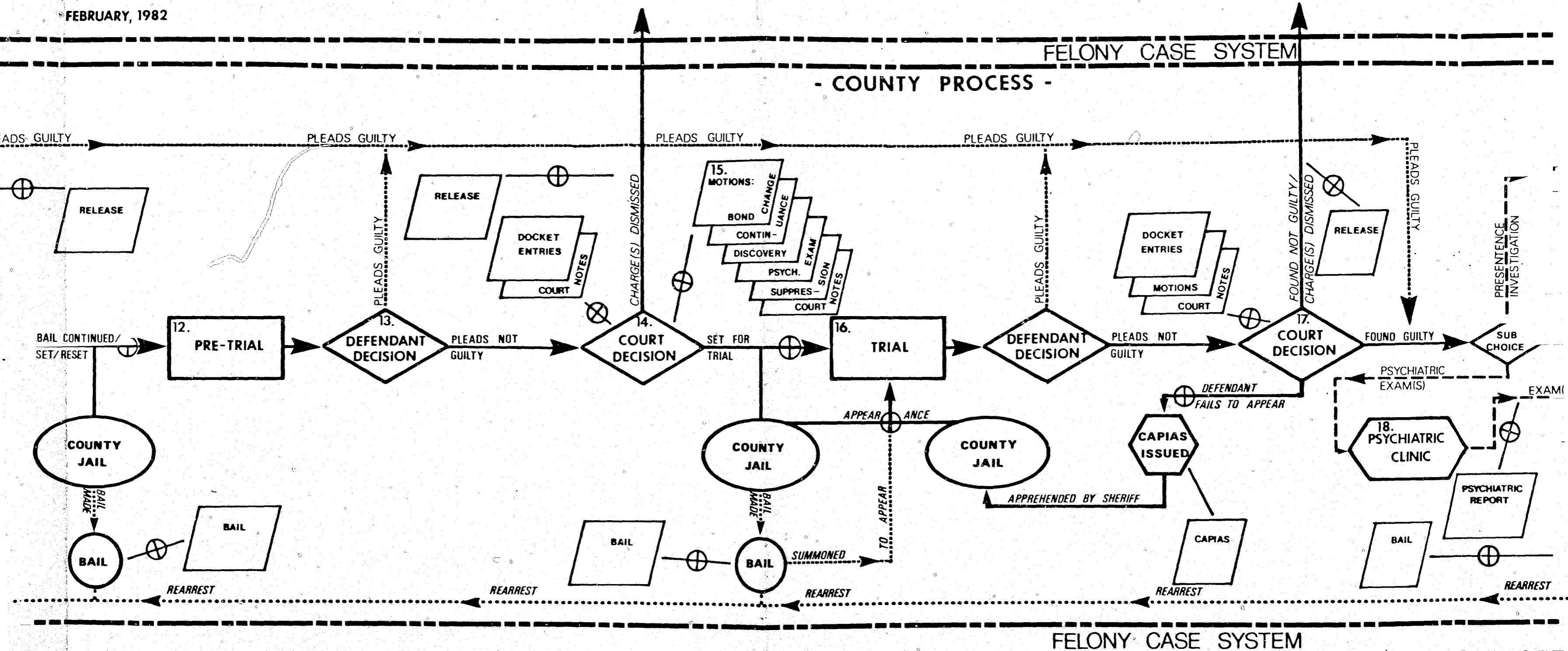
12. PRE-TRIAL: MOTIONS MADE TO THE COURT ARE DECIDED, PLEAS ARE DISCUSSED DURING THIS PERIOD.
 13. DEFENDANT DECISION: IF GOING TO TRIAL, DEFENDANT SELECTS TYPE OF TRIAL (I.E., JURY, JUDGE, 3 JUDGE PANEL).

14. COURT DECISION: JUDGE ACCEPTS PLEA(S).
 15. MOTIONS: PARTIES ASK COURT FOR VARIOUS THINGS, ESPECIALLY SIGNIFICANT ARE CONTINUANCES WHICH CAN DELAY START OF TRIAL.

16. TRIAL: COURT HEARS EVIDENCE; PROCEDURAL/SUBSTANTIVE MOTIONS MADE.
 17. COURT DECISION: FINDING(S) OF GUILT OR INNOCENCE BASED ON EVIDENCE PRESENTED AT TRIAL; JUDGE BEGINS DISPOSITION PROCESS.

JUSTICE SYSTEM AND JAIL FLOW

FEBRUARY, 1982



TRIAL: COURT HEARS EVIDENCE; PROCEDURAL/SUBSTANTIVE MOTIONS MADE.

COURT DECISION: FINDING(S) OF GUILT OR INNOCENCE BASED ON EVIDENCE PRESENTED AT TRIAL; JUDGE BEGINS DISPOSITION PROCESS.

18. PSYCHIATRIC CLINIC: INDIVIDUAL IS SENT TO CLINIC BY JUDGE OR AT REQUEST OF ATTORNEY OR PROSECUTOR TO BE EVALUATED AS TO WHETHER HE IS INSANE, INCOMPETENT TO STAND TRIAL, OR ELIGIBLE FOR CERTAIN TYPES OF TREATMENT. INDIVIDUAL CAN BE SENT TO CLINIC ANYTIME WHEN INDIVIDUAL IS UNDER COUNTY JURISDICTION.

19. SENTENCE: JUDGE CONSIDERS ALL RELEVANT FACTORS FOR FINAL SENTENCING.

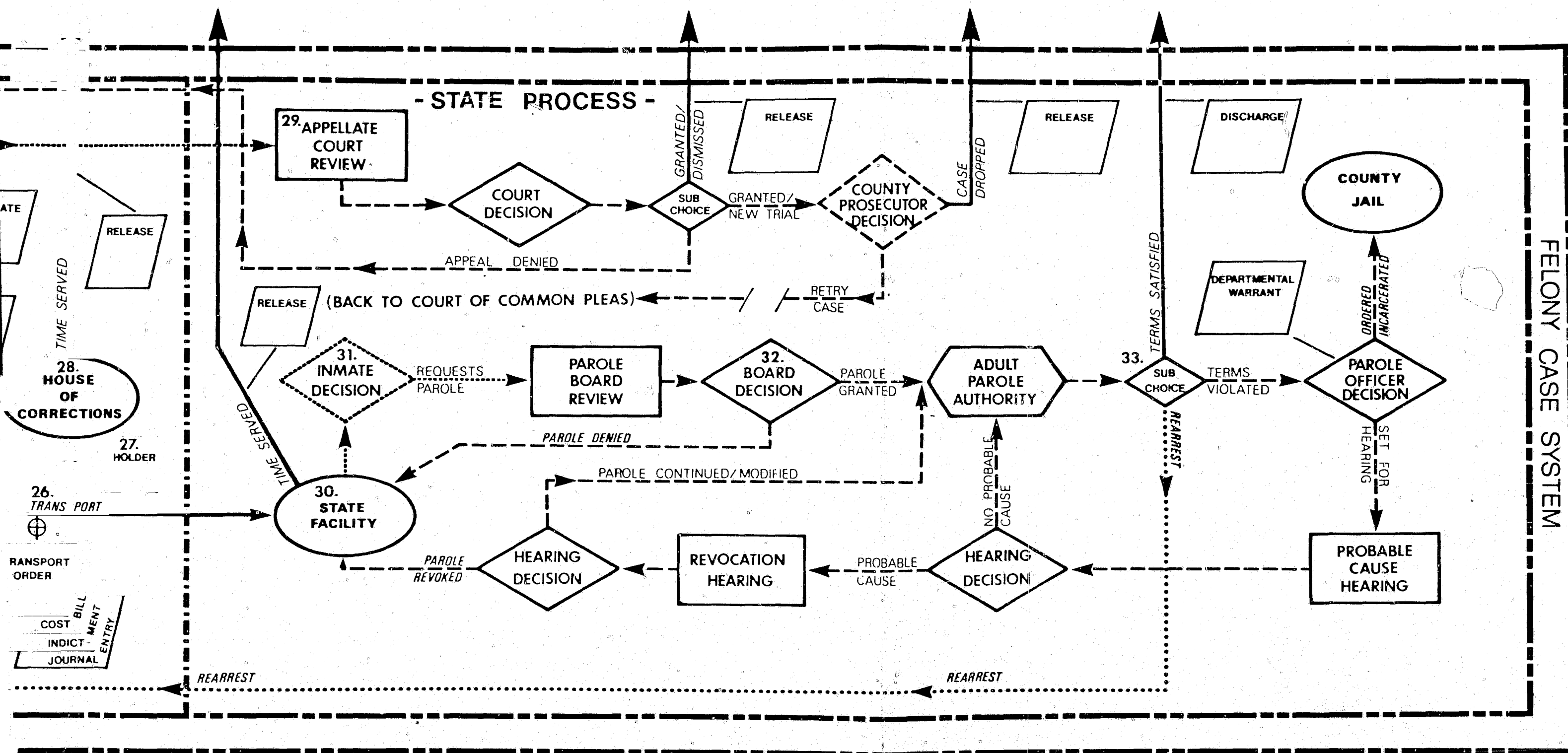
20. FINE AND/OR TIME SERVED/SUSPENDED: NOTE THAT ALL TIME SERVED IN JAIL BEFORE SENTENCING IS CREDITED TO THE INDIVIDUALS SENTENCE.

21. PROBATION: COURT SET CONDITIONS FOR RELEASE ON PROBATION.

22. INCARCERATION: INCARCERATION CAN BE IN A STATE INSTITUTION, THE COUNTY JAIL, THE HOUSE OF CORRECTIONS (WORKHOUSE) OR OTHER AVAILABLE DETENTION FACILITY.

23. VIOLATES TERMS: PROBATION OFFICER BEGINS VIOLATION PROCEEDINGS AS APPROPRIATE.

24. PROBABLE CAUSE HEARING: DETERMINE WHETHER OR NOT A PROBATION VIOLATION HAS OCCURRED.



VIEW: INDIVIDUAL
 RT FINDING;
 L, HE CAN BE
 LD IN JAIL OR
 TY DEPENDING ON

30. STATE FACILITY: IF INMATE IS TRANSPORTED TO STATE FACILITY, HE IS UNDER STATE JURISDICTION; HE MAY BE RETURNED TO COUNTY FACILITIES TO BE HELD WHILE HE SERVES AS A WITNESS, HAS A SHOCK PROBATION HEARING, FOR OTHER PROCEEDINGS, ETC.

31. INMATE DECISION: AFTER SPENDING A PRESCRIBED AMOUNT OF TIME IN THE INSTITUTION, AN INDIVIDUAL CAN ASK TO BE RELEASED ON PAROLE.

32. BOARD DECISION: THE BOARD, FOLLOWING ITS REGULATIONS, DECIDES WHETHER OR NOT TO PAROLE AND ON WHAT CONDITIONS.

33. SUB CHOICE: PAROLEE CAN FULFILL CONDITIONS, CAN BE DETECTED VIOLATING CONDITIONS OR BE ARRESTED FOR A NEW CRIME.

END