



# CUYAHOGA COUNTY OFFICE OF THE PUBLIC DEFENDER

Chief Public Defender – Mark A. Stanton

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COUNTY BUDGET PRESENTATION – OCTOBER, 2019

MR. CHAIRMAN/ DISTINGUISHED MEMBERS OF COUNTY COUNCIL:

We greatly appreciate and exult in the opportunity afforded our agency to appear before this august body and present a budget request that encompasses our brightest aspirations and realistic obligations. We strive continuously to fulfill our noble Mission Statement. We demand continuously that we must and will provide consummate protection and representation for the indigent of this community.

Although this Mission Statement has always remained vibrant and received spirited adherence from our uncommonly dedicated attorneys and staff, the frightening and illogical lack of available resources during the decade prior to October, 2017 had grievously endangered our ability to uphold our obligations to our clients. Fortunately, we received the godsend of an objective analysis from this Council and you perceived the critical need for us to navigate in waters that were not continually upstream.

I refrained from requesting a large ship to assist us in our travels and merely asked that you provide us with a sturdy boat and a reliable oak oar to re-direct us in a positive flow and direction.

You provided the sturdy boat. You provided the reliable paddle. But not just one paddle.

We were provided with 146 sturdy paddles and the forward movement for each and every one of our 146 employees is now consistently aggressive and productive.

The enormity and virtuous nature of your gracious gesture has been TRANSFORMATIVE for the Public Defender Office.

We are no longer subjected to closed doors, unanswered emails, and unreturned phone calls.

We are no longer minimized, dismissed, or summarily ignored by certain courts and agencies.

OUR VOICES ARE HEARD and, occasionally, if not miraculously, OUR WORDS ARE HEHEDED.

Most significantly, we can assure our clients – many of whom are forgotten or misplaced souls themselves – that our efforts on their behalf ARE NOW FORTIFIED with sufficient resources to ensure a vigorous defense on their behalf.

Once again, I must convey our indelible gratitude to all of you for this agency-changing transition in the Public Defender Office.





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Although I will comply with the directive that office accomplishments should not be highlighted, please be assured that our performance in all three COUNTY divisions – Juvenile, Felony, and Appellate have been uniformly professional and beneficial to our clients and the community at large.

I will reduce our, AHEM, HUNDREDS of significant accomplishments to the more workable number of TWO, both of which are directly reflective of our unrelenting dedication to the indigent of our community:

- 1.) Sealed/Expunged more than 1,000 felony records since 10/17; over 3,000 sealed since the program was initiated in our office;
- 2.) Opened nearly 3,600 Abuse, Neglect, and Dependency cases in Juvenile Court involving more than 1,700 distinct parents – We FIGHT RELENTLESSLY FOR REUNIFICATION when it is appropriate and necessary
  - a.) Family unit is resurrected or strengthened
  - b.) Community as a whole is enriched and stabilized

## REIMBURSEMENT

- 25% TO 45% over 15 years; 42% in 2019
- 70 m% in 2020 (Actually, this rate is already implemented – 90 days after the State Budget was approved)
- Pg. 100 of the Budget – 2020 GF is \$13, 517,154; Municipal Court is \$2,174,580 (100 % reimbursed and 3% Admin. Fee to GF on reimbursement = \$46,000; ACTUAL COST to County is \$4,028,147
- Pg. 113 of the Budget – 2021 GF is \$13, 778,779; Municipal Court is \$2,191,653 (100% reimbursed and 3% Admin. Fee to GF on reimbursement = \$46,000; ACTUAL COST to County is \$1,376,978.
- PLEASE INFORM ME WHAT OTHER AGENCY PROVIDES SUCH AN INCALCULABLE BENEFIT AND BARGAIN TO CUYAHOGA COUNTY?
- Bring out POSTER BOARD

## CURRENT BUDGET

- Our requests are minimal, but essential
- 1 atty. For Juv. Ct. to handle the explosion in DNA cases ( Reference Pros. Request and reciprocate support for Pros. Atty. and CCP)
- ONE PARALEGAL for Juvenile Court – only have one paralegal in our entire office who attempts to assist 91 attorneys; his efforts are herculean, but he cannot remotely provide support for all of these attorneys and travel between 2 buildings 6 miles apart consistently;
- 2 DOCKET CLERKS to handle the monumental task of scanning every file that exists in the office since the inception of the office in 1977
- All storage space in County Archives has been exhausted and we must go paperless;
- ADMINISTRATIVE ASST. FOR ME (Ha!)
  - a. DAILY DEPRIVATION SINCE I ASSUMED THIS POSITION IN 5/17
  - b. No Admin. Asst., No Legal Asst./ No secretary – quite honestly, I am neither sufficiently competent nor sufficiently nimble to be in the proverbial 3 places simultaneously that this position requires





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- c. We are requesting it, but the “space “issue rears its ugly head once again – simply no space to provide an office, much less a work station;

## VIOLATION OF OHIO LAW

- OAC 120-1-06 MANDATES that the Public Defender receive adequate funding for “facilities” that allow for QUALITY REP.
- OAC 120-1-06 (C) MANDATES that each ATTY.(I still qualify as such despite the opinion of a few people behind me) SHALL have ADEQUATE office space to ASSURE PRIVACY IN CONSULTATION w. client and efficiency of operation
- In short, I am not remotely efficient w/o the essential assistance of an Admin. Asst.

## BUDGET MATTER THAT AFFECTS THE PUBLIC DEFENDER OFFICE DIRECTY AND THE GENERAL FUND ENORMOUSLY

- STEERING COMMITTEE which will decide the future of the Justice Center
- Tear it down and rebuild at another location in the county; tear down and rebuild at the same location; refurbish the existing structure
- This decision contemplates a separate discussion and will not be addressed today;

## COST OF REPLACING THE JAIL IF, IN FACT, A REBUILD IS UNDERTAKEN (There should be no discussion necessary on this issue)

- a. Cost of a new jail
- b. Space requirements
- c. Workforce requirements to ensure performance and maintenance fulfillment

## HISTORICAL PICTURE OF THE CUYAHOGA COUNTY JAIL JUXTAPOSED WITH POULATION DECLINE IN THE CITY OF CLEVELAND AND CUYAHOGA COUNTY

1. Jail I constructed in 1975 – 776 beds
2. Pop. In 75’? 650K people in the city of Cleveland; 1.6 M people in Cuy. County
3. Population continues to decline over the next 4 decades
4. 1980 – 325 homicides w/I the city of Cleveland itself
  - a. Juxtapose to 105-140 homicides in the city over the last decade
  - b. “ those numbers with the enormous decline in population over the last 4 decades
5. AND YET THE JAIL CONTINUES TO EXPAND!
6. Jail II built in 1994 – additional 612 beds
  - a. Cleve. Pop. Now under 500k in 94’
  - b. County pop. A little over 1.4M in 94’
7. POPULATION CONTINUES TO DECLINE and the JAIL CONTINUES TO EXPAND AND HOUSE INCREASING NOS. OF INMATES
8. Renovation of Jail I undertaken in 1999 – Capacity in both jails now tops out at 2229 in 1999
  - a. Cleve. Pop. in 99’ is 478K





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- b. County pop. Is 1,393K
9. CAPACITY TODAY IS STILL 2229
  - a. Jail capacity expanded from 776 beds in 1975 to 2229 in 2019 while the City Pop. Declined approx.. 300,000 people and the County Pop. Declined approx. 350,000 people over the last 45 years
10. CITY/COUNTY suddenly become more violent? WE HAVE MORE HOMICIDES AND VIOLENT CRIMES THAN AT ANY TIME IN THE PAST?
  - a. Absurdly untrue Just the opposite has occurred
  - b. Case numbers escalated and more violent crimes are indicted? Patently untrue
  - c. The County has indicted 30% fewer felonies in the past year than were indicted in the early 2000's
11. JAIL POPULATION FOR TODAY, 10/28/19, is \_\_\_\_\_
12. JAIL POPULATION IN LATE 8/19 – Close to 2,200

HERE ARE THE ARRAIGNMENT SHEETS FROM 8/14/19 to 10/25/19 of the cases (35% of all the cases indicted) that have been indicted over the past 10 weeks

13. My review of these bonds reveals \_\_\_\_ cases that received Personal Bonds that would not have received personal bonds at any time during the past 4 decades ( I don't see anyone here...1978)

WHO ESTABLISHES THE BONDS? It is not Prosecutor O'Malley – he can...

- It is solely the function of the Judiciary with assistance from the Bond Commissioner's Office
- But the Bond Commissioner only makes the recommendation; the relevant Arraignment Room Judge makes the final decision and establishes the bond that is posted

SO YOU MAY ASK HOW DID THIS JAIL POPULATION SUDDENLY DECLINE BY \_\_\_\_ INMATES OVER THE RELATIVELY BRIEF PERIOD OF 10 WEEKS?

HOW DID WE GO FROM OVERCROWDING AND FILLED BEYOND CAPACITY TO A MUCH MORE MANAGEABLE NUMBER?

The judges of this county suddenly experienced transformative epiphanies?

What life-altering experiences occurred over the past 10 weeks for our esteemed bench to suddenly embrace a modified version of authentic BAIL REFORM?

Our clients suddenly adopted new identities and were no longer perceived to be dangers to the community?

Our clients who were previously perceived as "flight risks" have miraculously converted themselves to non-flight risks?

NINE PEOPLE DIED IN COUNTY JAIL AND THE IGNOMINY OF THIS SITUATION PERVADES EVERY SECTOR OF COUNTY GOVERNMENT – THAT'S THE TRANSFORMATIVE EVENT!

JUDGES'S QOUTE AT THE 8<sup>TH</sup> DISTRICT JUDICIAL CONFERENCE A FEW WEEKS AGO





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- a. Mind numbing and appalling: “Out of a bad situation, sometimes we move forward in a positive manner and good things get done”
- b. BAD SITUATION? That’s the Heartfelt comprehension of this catastrophic series of events?
  1. Explain to those families/wives/children and parents that it’s too bad what happened to their loved one;
  2. Explain to those same folks that their loved ones death will hopefully lead to better things for the county –HIGHLY COMFORTING I’M SURE

TELL THAT to the 1000’s of unfortunate souls who sat in that decrepit and dysfunctional jail over the past 4 decades solely b/c they were poor and couldn’t afford an unconstitutionally imposed bond;

WHO COMPENSATES those same folks for the loss of jobs, division of families, and irretrievable loss of self-worth and esteem?

WHO COMPENSTAES those same folks for the inherent and inevitable rise in recidivism risk which attaches to individuals at a rapidly escalating rate after just 3, 10, or 30 days in jail?

- a. 32% more likely to recidivate w/I 12 months
- b. 4x more likely to receive a jail sentence and 2x the length of sentence vs. the person on bond 3x more likely to receive a prison sentence and receive a sentence 3x longer than a person who was released on bond

BOTTOM LINE: ABOUT WHICH SEGEMNT OF OUR POPULATION ARE WE SPEAKING?

- a. GO INTO THE JAIL TODAY AND VISIT ANY POD – it will be 85-95 % African- American
- b. That is not an embellishment

BUT NO WORRIES – THE PUBLICITY HAS ALREADY BEGUN TO RECEDE

MATTERS ARE QUIETING DOWN – But PDs and defense attys. still cannot see their clients in jail w/o great difficulty in the few hours available each week (3 visiting rooms for 400 crim. Def. attys. in N.E. Ohio)

We’ll build a jail with the capacity for 2,400 inmates?

I guarantee you that it will be stocked w. human beings w/o any difficulty or sense of regret

IF THIS SIZE OF JAIL IS BUILT, it will be a FINANCIAL ALBATROSS THAT WILL SUFFOCATE THIS COUNTY AND EXHAUST 100S OF Millions of dollars for decades

YOU MIGHT AS WELL STRAP THE COUNTY BUDGET ON A PERMANENT GURNEY and wheel it into ICU

ONE FINAL NOTE: I see that “Centralized Booking” was just trotted out again – coincidentally, I guess, with these budget hearings! Although it could be utilized to a beneficial degree, it is a specious, if not meaningless concept without the advent of authentic BAIL REFORM.





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I APOLOGIZE FOR MY WIND-BAG TENDENCY, but I cannot apologize for the critical need to address these issues for the PD Office and the County respectively.

