



CUYAHOGA COUNTY

**CRIMINAL JUSTICE
SYSTEM ASSESSMENT:**

DETERMINATIONS

September 17, 2019

9:00AM



Cuyahoga County, Criminal Justice Center Master Plan



Westlake
Reed
Leskosky

presented to:

Cuyahoga County Justice Complex Executive Steering Committee

In Association With:



Meeting Purpose

“ . . . to further the planning process by adopting a range of litigation spaces for the Courts, and beds for the Jail, as a basis for programming and continued development . . .

. . . to establish a Jail Population Management Committee as a foundation for coordinating, monitoring and communicating Jail Population initiatives.”

1. Call to Order
2. Roll Call
3. Housekeeping & Protocol
4. Purpose of Meeting; Review of Agenda

“ . . . to further the planning process by adopting a range of litigation spaces for the Courts, and beds for the Jail, as a basis for programming and continued development . . .

. . . to establish a Jail Population Management Committee as a foundation for coordinating, monitoring and communicating Jail Population initiatives.”

5. Public Comment (Determinations #1 & #2)

6. Determination #1:

The Steering Committee unanimously agrees to amend the Memorandum of Understanding regarding the New Justice Center Project ("MOU") to add a provision providing for a super-majority vote to amend the MOU going forward.

- a) Discussion
- b) Motion by Steering Committee
- c) Further Discussion (if required)
- d) Vote

7. Determination #2:

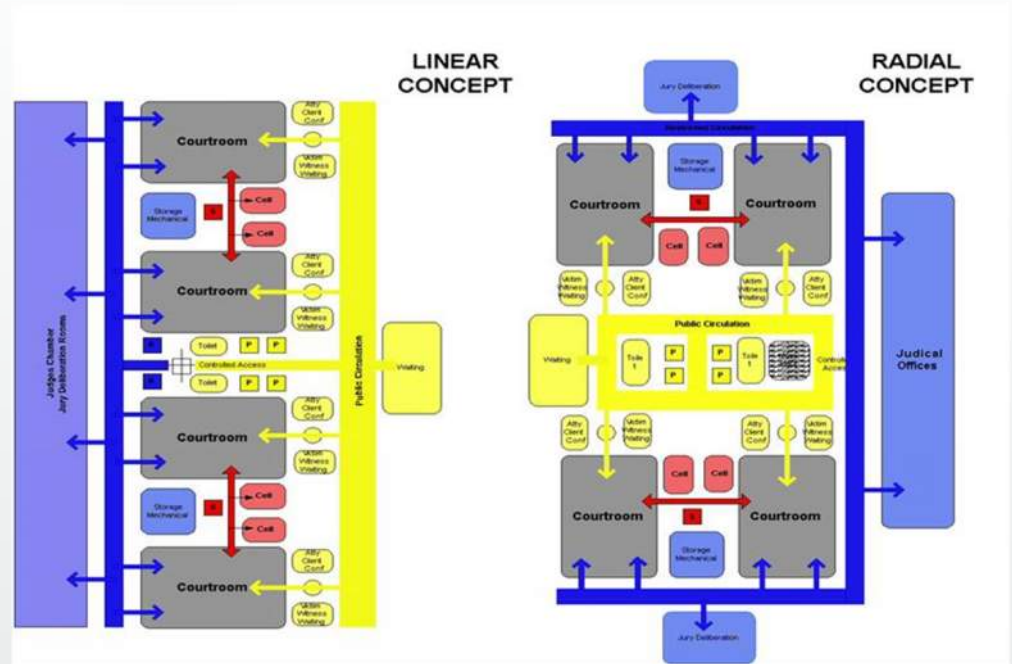
A super-majority of the Executive Steering Committee agrees to amend the MOU to add the Chief Executive Officer of the Cleveland Metropolitan Bar Association as a member of the Executive Steering Committee.

- a) Discussion
- b) Motion by Steering Committee
- c) Further Discussion (if required)
- d) Vote

8. Summary Overview of Best Practices for Court Planning for Potential Incorporation in Programming

Security Organization

- Single Point Entry
- Separate Circulation Patterns:
 - Public
 - Secure
 - Restricted (Judiciary/Staff)
- Public Corridor Widths (min 12')
- Separate Waiting Areas



Technology Integration

- **Goal: Paperless Courthouse**
- **Reduced records storage**
- **Remote access to records**
- **Improved efficiency in case processing and delays**
- **Electronic storage of case files**
- **Document/evidence display**
- **Juror Check-In**
- **Wayfinding**



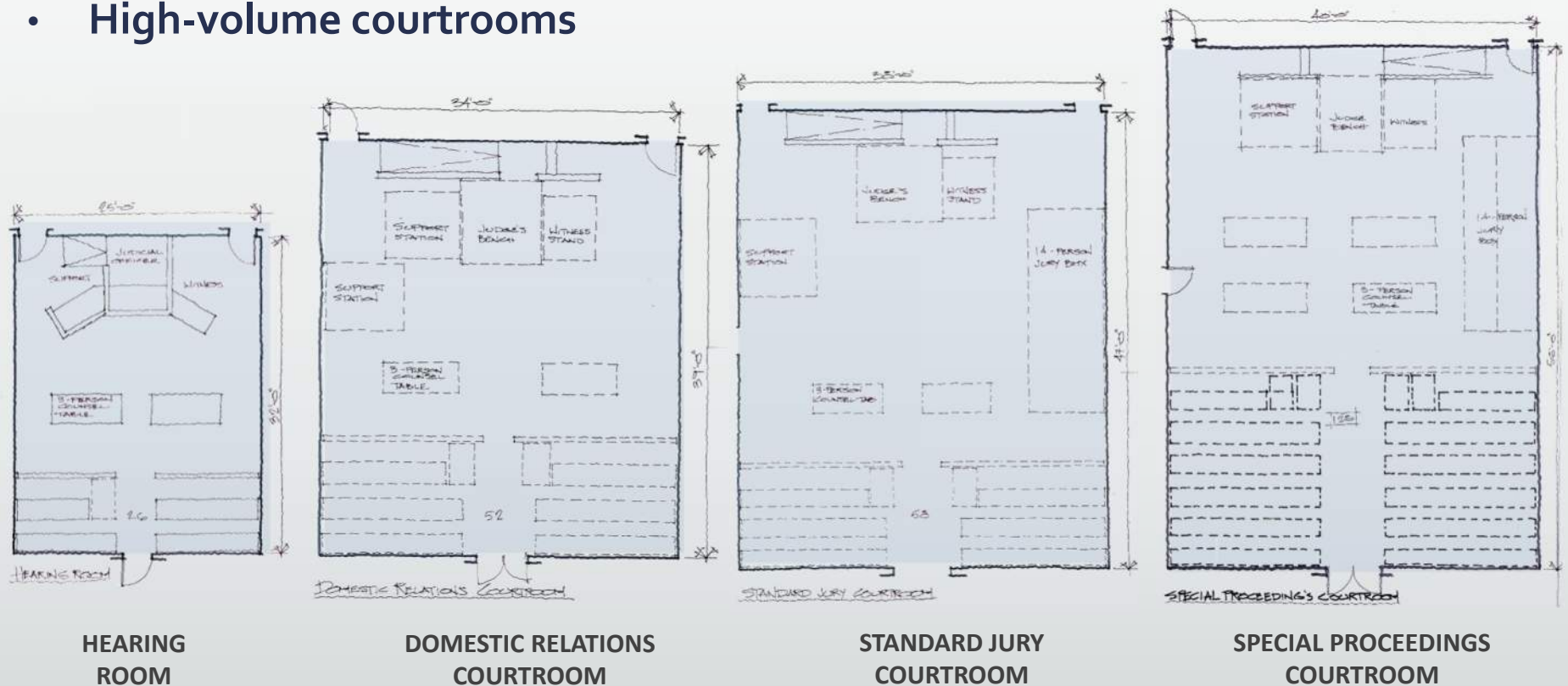
Service Orientation

- Self-Help Centers
- Resolution Support Centers
 - Assessments
 - Dispute Resolution
 - Legal Research
 - Pro-bono services
- Family resolution services



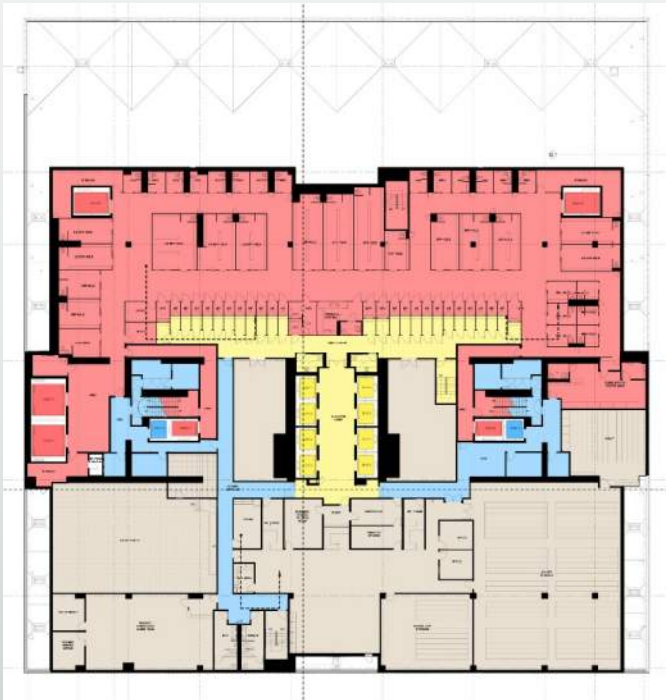
Operational Exploration

- Range of Courtroom Sizes/Configurations
- Reduced courthouse size
- Flexibility in assigning cases
- High-volume courtrooms



Operational Exploration

- **Early Disposition Courts:**
 - **Collocate Parties, Agencies and Support Staff for Collaboration**
 - **Judicial Teams with support staff**
 - **Dedicated Holding**
 - **Lower Level Presence**



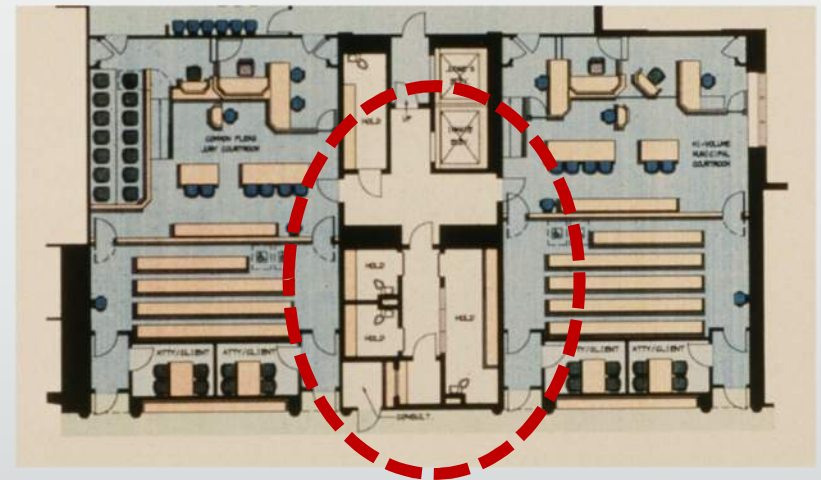
Operational Exploration

- **Shared Resources**
 - Pretrial screening
 - Jury Assembly
 - Interpreters (in person or remote)
 - Reporting (in person or remote)
 - Psychiatric Units
 - Building Security
 - Food Service
 - Custodial/Maintenance
 - Records/Scanning Management
 - Network Infrastructure
 - Parking



Operational Exploration

- Defendant Management
- Transporting Defendants
- Sufficient personnel to transport defendants
- Holding/Attorney Access
- Attorney access to defendants



9. Summary Overview of Best Practices for Jail Planning for Potential Incorporation in Programming

Best Practices to Consider



1. Housing
2. Intake/Assessment/Treatment/Programs/Recreation
3. Special Needs Housing
4. Facility Zoning & Organization
5. Video & In-Person Visitation
6. Staff Services & Training
7. Jail Information Systems
8. Integrated Electronics
9. Support Services

- *Direct Supervision recommended as basis for Programming & Master Planning*
- *Service Delivery at the Housing Unit for Reduced Movement*
 - *Commissary/Medical Kiosks*
 - *Decentralized Programming*
 - *Recreation*
 - *Medical Triage*
 - *Dining*
 - *Visiting*
- *Multiple Classifications & Personal Space Use of Subdayrooms*
- *Multi-Occupancy Cells/Subdayrooms*
- *Housing Unit Size(s)/mix*
- *Rear Chase/Borrowed Light*
- *Quality of Environment*



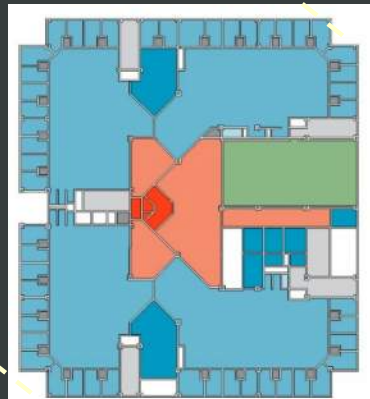
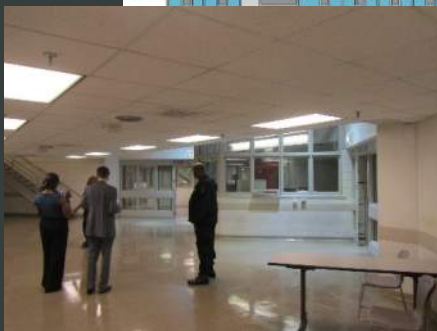
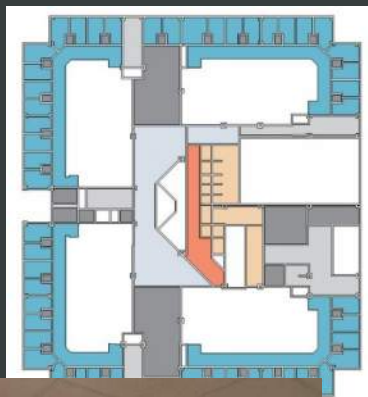
Overview of Current Housing

Jail 1

- Capacity 1,341 beds
 - 785 Cells/921 Beds
 - 420 Dormitory Beds
- ~~Primarily small units~~
 - **20 Units of 24/25 Cells- 28/29 Beds**
- ~~Limited Program Space on the floor~~
- No program space on the unit
- Movement required for medical, recreation, visiting, treatment
- No real outdoor access
- No natural light in dayrooms

Jail 2

- Capacity 1,131 beds
 - 480 Cells/960 Beds
 - 171 Dormitory Beds
- ~~Primarily Small Units~~
 - **16 Units of 24 Cells- 48 Beds**
- ~~Program Space on the floor~~
- No program space on the unit
- Limited movement required for medical, recreation, visiting, treatment
- No natural light in dayrooms



Housing – Direct Supervision



- Key Issues:
 - Adequate Staffing
 - Unit Size
 - Reducing Apparent Density
 - Quality of Environment



“ . . .reports have been *consistent in finding that direct supervision has led to reduced assaults and other serious incidents, and lower costs.*”

“ . . . this model works because it addresses the *social and psychological needs of inmates and staff by assuring personal safety, providing privacy for inmates, making it clear the officer is in charge of the living area, and setting positive behavioral expectations;*”

“**Safety and Security.** A number of managers and designers have commented on *improved staff and inmate safety and reduced incidents* through use of Direct Supervision . . . Inmates reported remarkably *low levels of tension and minimal risk of violence or sexual assault . . .*”;

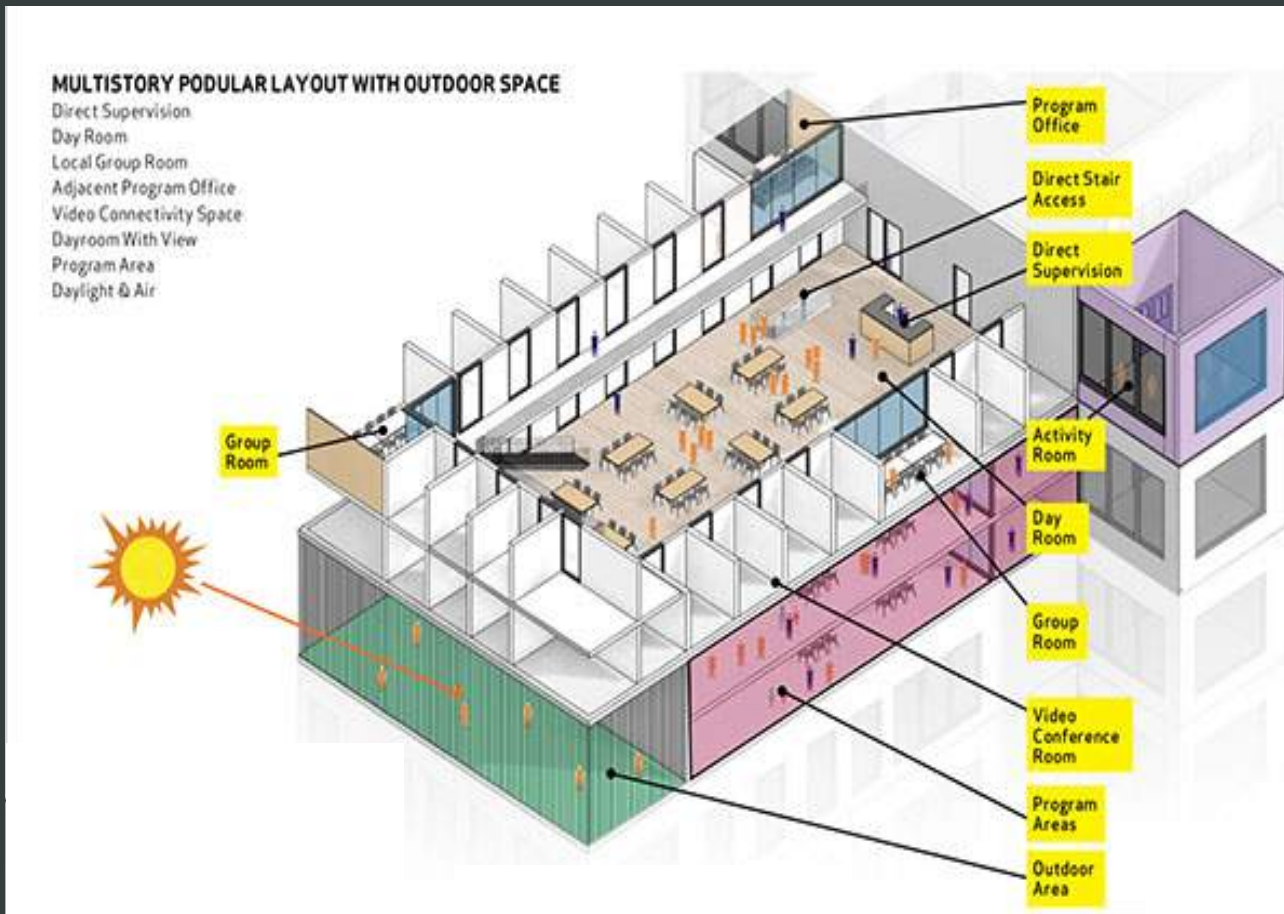
“These findings were supported by audits of other DS jails. **After 1 to 3 years, none of the audited sites had experienced a homicide, suicide, sexual assault, or inmate disturbance**”.



Source: “EFFECTIVENESS OF THE DIRECT SUPERVISION SYSTEM OF CORRECTIONAL DESIGN AND MANAGEMENT”
A Review of the Literature RICHARD WENER



Housing – Service Delivery



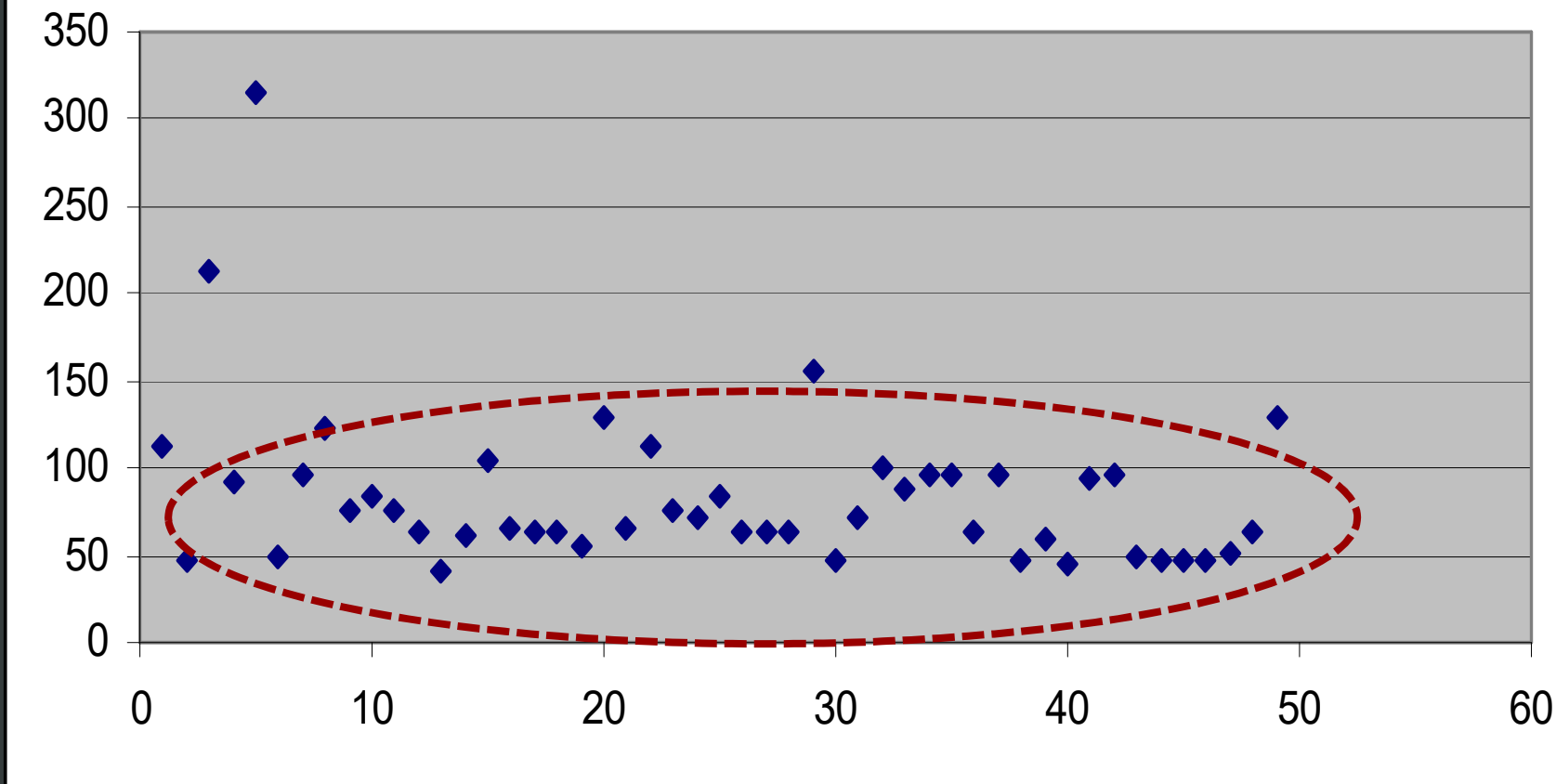
Service Delivery at the Housing Unit for Reduced Movement

- Commissary/Medical Kiosks
- Decentralized Programming
- Recreation
- Medical Triage
- Dining
- Visiting



Housing – Right Sizing Housing Units

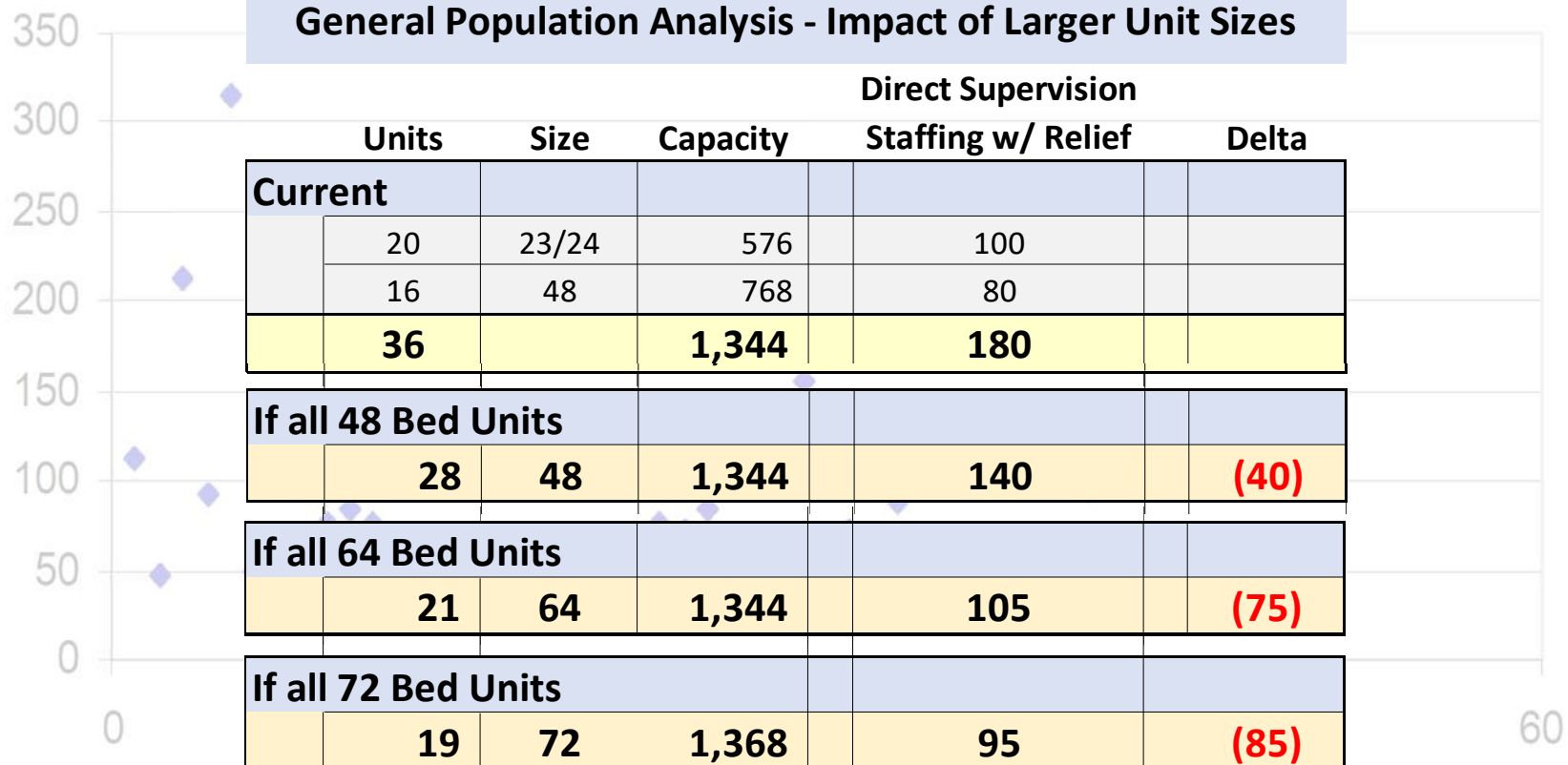
Largest Direct Supervision Unit Size



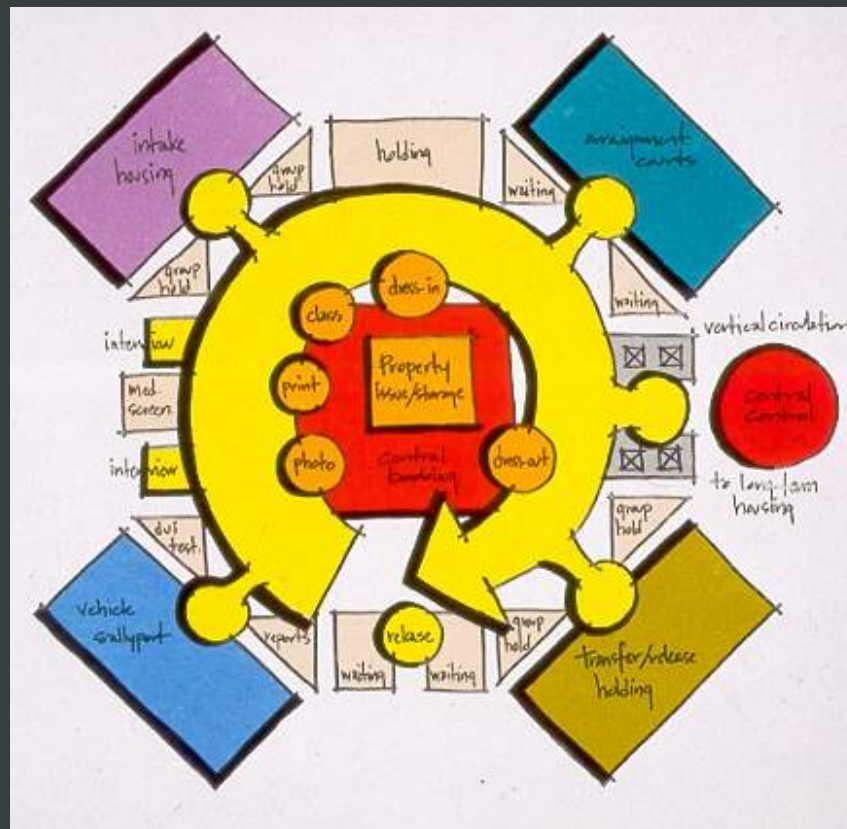
Housing – Right Sizing Housing Units

Largest Direct Supervision Unit Size

General Population Analysis - Impact of Larger Unit Sizes



Intake/Assessment/Transfer/Release



- **Flow Driven** – opportunity to include
 - Central Booking
 - Pre-trial Screening
 - Prosecuting Attorney Charging Review
 - Specialty Court Assignment
 - Expedited Disposition
 - MH Diversion

First & Best Opportunity to Engage in Pro-active Jail Population Management











Special Needs Population

• **Mental Health “Best Practices”**

- Small housing units 6 – 12 for classification and treatment
- Single level units for acute care
- No “stacked” beds
- Treatment staff co-located with housing units
- Step-up/step-down treatment units – acute, sub-acute, chronic
- Normative environment, access to the outdoors
- Provide space for staff to rest and recharge – indoor lounge with outdoor patio



April 2017

Edition 7.2



Design Guide for the Built Environment of Behavioral Health Facilities

James M. Hunt, AIA, NCARB
David M. Sine, DrBE, CSP, ARM, CPHRM

*Includes a
Patient Safety Risk Assessment Tool*

The Facility Guidelines Institute

Jail Information Systems



- Criminal Justice Decisions/Flows are dependent on the quality and speed of information
- Stakeholder Agencies need commonality to “talk” with one another
- Effective Jail Operations are significantly improved with adequate Content Management Systems.



Best Practices to Consider



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Basis for Recommendation – Determination #3

10. Explanation of Basis for Determination #3: Establish Range of Judicial Positions as Basis for Continued Programming & Planning for Court Facilities and Related Agencies

- a) Presentation of Recommendation and Background
- b) Questions from Steering Committee

Basis for Recommendation – Determination #3

Proposed Determination:

*The Steering Committee determines that planning for the Courts and related components will proceed based on an assumption of **no less than 90 Judicial positions and no more than 94 judicial positions** and will focus on taking advantage of opportunities to right size space allowing for flexibility for final decision-making as part of implementation planning due to unknowns related to future caseload and allocation of judicial positions.. At this early stage it is **estimated that the ratio of litigation spaces to judicial officers will be in the range of 75% to 85%***

Basis for Recommendation – Determination #3

Rationale and Discussion:

The reason for a projection of judicial officers is to establish a starting point for the development of a litigation space program.

1. There are uncertainties that suggest that a range from a high of 94 (the official projection) to a low of 90 should be provided – versus a current complement of 99 positions.
 - The underlying filing trends may change leading to lower expectations of judicial officers
 - Other factors impacting the judicial officer complement other than those that could be considered by the team may occur.
 - Unless there is some **factual basis** at this time to believe that funding for Common Pleas or Cleveland Municipal Court Judicial Officers will change dramatically in the coming years, (for example: legislative action changing the number of approved Judges allocated in Cuyahoga County), we are not able to recommend any further change in Judicial Officer numbers knowing that we could be risking under sizing any future facility.

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Basis for Recommendation – Determination #3

Rationale and Discussion:

The reason for a projection of judicial officers is to establish a starting point for the development of a litigation space program.

2. The space programming process will analyze and coordinate with each court the opportunities right size the number, size and mix of litigation spaces to support each court's complement of judicial officers and case management requirements and bring back a recommendation of the same to the committee for review and determination. At this time the estimated ratio of litigation spaces to Judicial Officers will be in the range of 75% to 85%.
 - Litigation spaces include more than just jury trial courtrooms and these options will be tested for feasibility.
 - There may be opportunities to economize without a negative impact on the court's efficiency or effectiveness.
 - Some level of sharing can be anticipated but cannot be determined without further investigation and testing

Basis for Recommendation – Determination #3

Base Judicial Projections – Caseload Driven

Table 26 ALT #1

Based on Existing Filings/JO		Existing	Combined Estimates of Future Judicial Officers					
			2020	2025	2030	2035	2040	2045
Common Pleas	Judges	34	34	34	34	34	34	34
	General Division Mag*	11	11	11	10	10	9	9
	Total	45	45	45	44	44	43	43
Common Pleas Domestic Relations	Judges	5	5	5	5	5	5	5
	Mag	19	19	19	18	18	17	17
	Total	24	24	24	23	23	22	22
Municipal Court General Division	Judges	12	12	12	12	12	12	12
	Mag	11	11	11	11	10	10	10
	Total	23	23	23	23	22	22	22
Municipal Court Housing Division	Judges	1	1	1	1	1	1	1
	Mag *	6	6	6	6	6	6	6
	Total	7	7	7	7	7	7	7
Combined Courts Totals	Judges	52	52	52	52	52	52	52
	Mag	47	47	47	46	44	42	42
	Total	99	99	99	98	96	94	94

Note: Magistrate count held constant through 2025

Basis for Recommendation – Determination #3

Alternate Judicial Projections – Population Driven

Table 26 ALT #2

Based on avg JO/100,000 pop		Existing	Combined Estimates of Future Judicial Officers					
			2020	2025	2030	2035	2040	2045
Common Pleas	Judges	34	34	34	34	34	34	34
	General Division Mag*	11	11	10	9	8	8	7
	Total	45	45	44	43	42	42	41
Common Pleas	Judges	5	5	5	5	5	5	5
	Domestic Relations Mag	19	18	17	17	16	16	16
	Total	24	23	22	22	21	21	21
Municipal Court	Judges	12	12	12	12	12	12	12
	General Division Mag	11	11	10	10	10	9	9
	Total	23	23	22	22	22	21	21
Municipal Court	Judges	1	1	1	1	1	1	1
	Housing Division Mag *	6	6	6	6	6	5	5
	Total	7	7	7	7	7	6	6
Combined Courts	Judges	52	52	52	52	52	52	52
	Totals Mag	47	45	43	41	40	38	38
	Total	99	97	95	93	92	90	90

Note: Magistrate count held constant through 2025

Basis for Recommendation – Determination #3

10. Explanation of Basis for Determination #3: Establish Range of Judicial Positions as Basis for Continued Programming & Planning for Court Facilities and Related Agencies

- a) Presentation of Recommendation and Background
- b) Questions from Steering Committee

11. Explanation of Bases for Determinations #4 and #5: Establish Range of Bed Space Capacity for Continued Programming & Planning for Detention Facilities, and Commitment to Jail Population Management Initiatives

- a) Presentation of Recommendation and Background
- b) Questions from Steering Committee

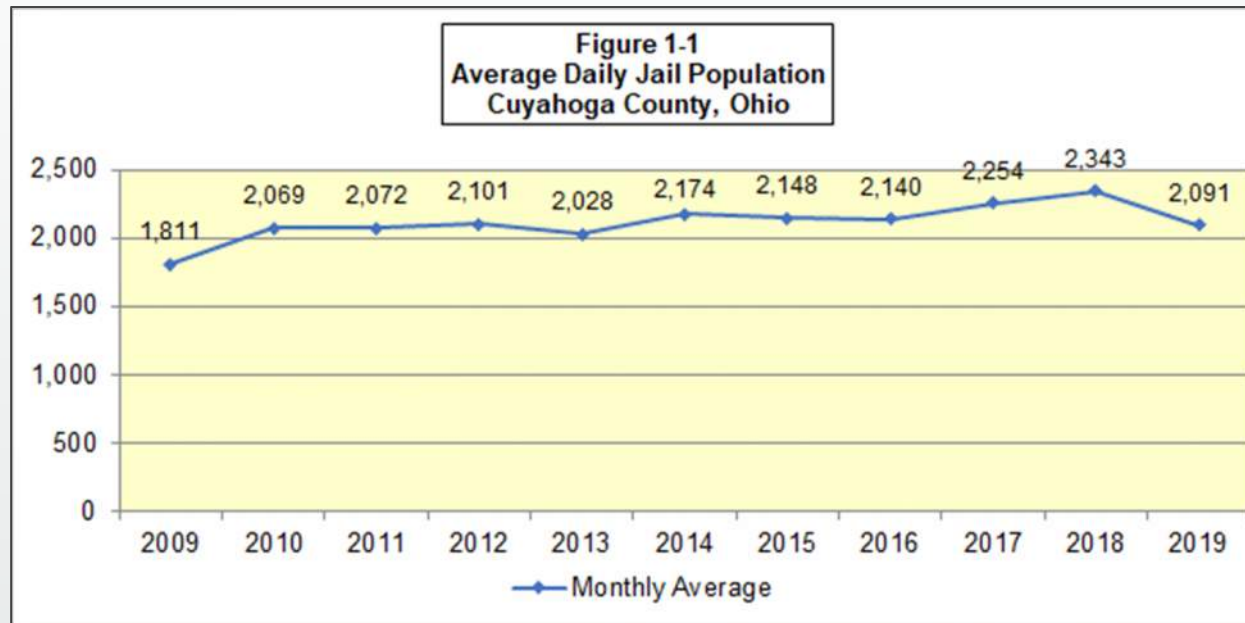
Discussion Topics

- I. Summary of Jail Population Growth Trends and Profile Characteristics**
- II. Factors Driving Jail Population**
- III. Summary of System Assessment**
- IV. Forecast of Future Capacity Requirements and Basis for Jail Planning**
- V. Key Strategies to Reduce Jail Population**
 - A. Comprehensive and Integrated Criminal Justice Information System and Jail Population Management**
 - B. Increased Diversion at All Points of the Criminal Justice System**
 - C. Development of a Mental Health Diversion Capacity**
 - D. Implementation of Central Booking**
 - E. Implementation of Pretrial Screening and Service for all Courts**
 - F. Comprehensive Bail Reform**
 - G. Enhanced Operations and Space Allocation at the Jail**



Summary of Jail Population Growth Trends and Profile Characteristics

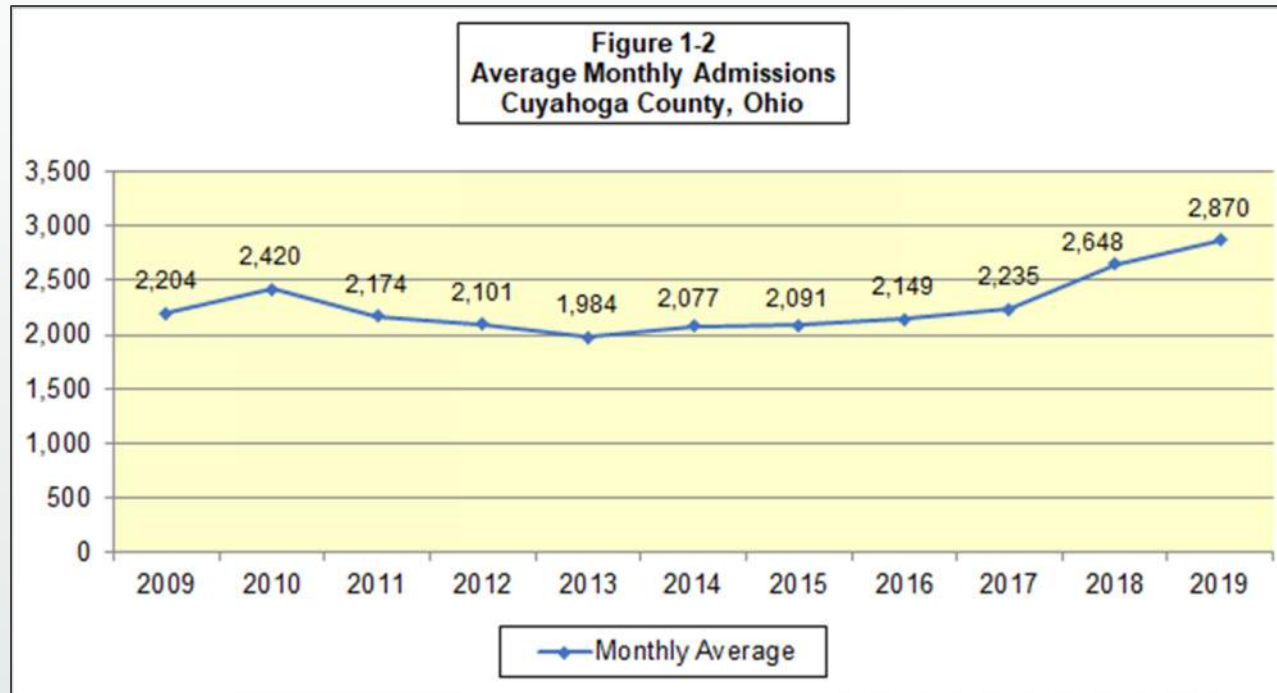
Average Daily Jail Population



Source: Cuyahoga County IT Department.

- Average daily population in the jail increases by 15.5% between 2009 and 2019, peaking at 2,343 in 2018.
- The City of Cleveland had 240 inmates in jail when they negotiated the move to the Cuyahoga County Detention Center. The City of Cleveland inmate average daily population is currently 115.

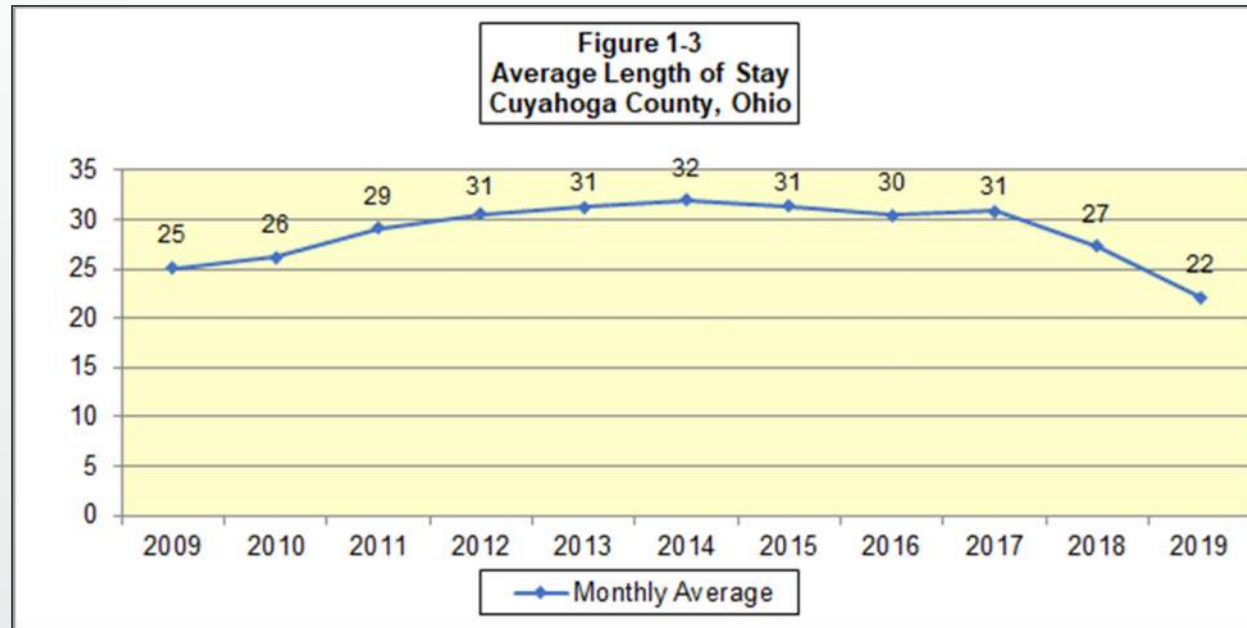
Average Monthly Admissions



Source: Cuyahoga County IT Department.

- Average monthly jail admissions increased by 30.2% between 2009 and 2019 peaking at a monthly average of 2,870 in 2019.

Average Length of Stay



Source: Cuyahoga County IT Department.

- Average length of stay in jail decreased by 12% between 2009 and 2019 peaking at a monthly average of 32 days in 2014.

Inmate Profile

Based on a snap shot profile of the offender population in jail on December 31, 2018:

- **87% of the population was Male.**
- **69% of the jail population was African American,** compared to 29.7% of Cuyahoga County population that is African American.
- **Age group 25 to 34** represented approximately **36% of the population.**
- Nearly **one-half** of defendants in jail had been there for over two months, and **one-third of the population** was **housed for 100 days or more.**
- Of the 71 different arresting agencies, **Cleveland Division of Police (32.7%) and Cuyahoga County Sheriff's Department (28.5%)** were the **arresting agencies for over 60% of the population.**
- Based on a snapshot of population on July 31, 2019 (ADP 2,282) **22.3% of the defendants in jail were detained for Felony 4 or Felony 5 offenses.**
- Roughly 65% of the jail population is the pretrial status.

Table 1-1 INMATE PROFILE (December 31, 2018) Cuyahoga County, Ohio		
	Number	Percent
SEX		
> Male	1,862	87.0%
> Female	278	13.0%
TOTAL	2,140	100.0%
RACE		
> African American	1,474	68.9%
> Caucasian	545	25.5%
> Hispanic	79	3.7%
> Other	39	1.8%
> Asian	2	0.1%
> Native American	1	0.0%
TOTAL	2,140	100.0%
Age:		
>18	14	0.7%
>18 - 24	442	20.7%
>25 - 34	762	35.6%
>35 - 44	474	22.1%
>45 - 54	285	13.3%
>55 and older	163	7.6%
TOTAL	2,140	100.0%
LENGTH OF STAY		
> Less than 1 Day	60	2.8%
>1 to 7 Days	242	11.3%
>8 to 14 Days	179	8.4%
>15 to 28 Days	248	11.6%
>29 to 59 Days	410	19.2%
>60 to 99 Days	347	16.2%
>100 Days or More	654	30.6%
TOTAL	2,140	100.0%
ARRESTING AGENCY		
> Cleveland	699	32.7%
> Cuyahoga County Sheriff's Department	609	28.5%
> Parma	52	2.4%
> Euclid	49	2.3%
> East Cleveland	44	2.1%
> Lakewood	42	2.0%
> Cuyahoga Metropolitan Housing Authority	39	1.8%
> State of Ohio	33	1.5%
> U.S. Federal	31	1.4%
> All Other Agencies	394	18.4%
> No Arresting Agency Listed	148	6.9%
TOTAL	2,140	100.0%

Source: Cuyahoga County IT Department.

Inmate Offense Profile

Table 1-2 INMATE OFFENSE PROFILE (June 26, 2019) Cuyahoga County, Ohio		
	Number	Percent
OFFENSE TYPE		
> Violent Offenses	839	39.0%
> Sex Offenses	98	4.6%
> Drug Offenses	191	8.9%
> Property Offenses	244	11.3%
> DUI	41	1.9%
> Domestic Violence	133	6.2%
> Probation Violation	175	8.1%
> All Other Offenses	431	20.0%
TOTAL	2,152	100.0%

Source: Cuyahoga County IT Department.

- Based on the June 26, 2019 snap shot of the jail population roughly 40% of the offenders in the jail are held for violent offenses. Violent offenses include murder, manslaughter, assault, aggravated arson, robbery, burglary, and kidnapping.
- Other offenses (20%) include phone harassment, carrying concealed weapon, failure to comply with order, obstructing justice, interference with custody, conspiracy, and possession of criminal tools.
- Probation violation (8.1%) represents offenders charged with violation of probation with no new charges listed.

Inmate Bond Profile

- Based on a one-day snapshot, **roughly one-third (33.1%)** of defendants in jail with a bond amount below \$25,000 (required bail at 10% would be \$2,500) **had been jail, on average, for two months (55 days).**
- Based on a study conducted in Cuyahoga County by the Pretrial Justice Institute in 2017:
 - **25% of the felony pretrial population in jail remained detained throughout the pretrial period**, with an **average length of stay in jail of 104 days**. Of the **75% what were released**, whether by financial or non-financial means, the **average length of stay was 17 days**.
 - **38% of the jail population that was released on personal bond spent more than a week** in jail before being released.
 - **28% of those with a bond of \$5,000 or less never posted it** and remained detained throughout the pretrial period.
 - The same study indicated that **defendants released on PR bonds had the lowest failure to appear rate at 12%**.

Table 1-3 INMATE PROFILE BOND AMOUNT (August 13, 2019) Cuyahoga County, Ohio			
	Number	% of Total	Average Length of Stay
Bond Amount:			
\$1,000 or Less	3	0.1%	41
\$1,001 - \$4,999	244	11.3%	47
\$5,000 - \$9,999	221	10.3%	59
\$10,000 - \$24,999	246	11.4%	71
\$25,000 - \$49,999	177	8.2%	77
\$50,000 - \$99,999	225	10.4%	106
\$100,000 - \$499,999	223	10.3%	176
\$500,000 - \$999,999	36	1.7%	243
\$1 Million or Higher	104	4.8%	306
No Bond	273	12.7%	34
Sentenced	404	18.7%	81
Total	2,156	100.0%	113

Source: Cuyahoga County Jail Census Dashboard.

Cuyahoga County Corrections Center Special Needs Population Profile

National Trends

- National data suggests the prevalence of mental illness in jail is as high as 65%, and individuals with serious mental illness in jail is anywhere from 15% to 40%.
 - National data suggests the prevalence of substance use disorder in the jail population is as high as 70%, and that 63% to 83% of arrestees had drugs in their system at the time of arrest.
 - National data confirm that three times as many people with serious mental illness are in jails and prisons than in hospitals.
- Based on a snapshot of the detention center population on *July 1st, 166 pretrial defendants and 56 sentenced inmates were flagged with mental health issues*. The *average length of stay of these 222 inmates was 94 days at the time of the snapshot*. This represents *only 10.6% of the population*, substantially lower than national data would suggest.
 - Per the Jail Housing Classification Plan *116 beds are identified as MH treatment* including step-down beds. This represents only *4.3% of the operational capacity* of the jail, *5.7% of the ODRC recommended rated capacity, or 5.5% of current ADP*.
 - The detention center **medical staff estimate that 2/3 of the jail population is on some form of medication**.
 - Data on individuals incarcerated (3) or more times during the period January 1, 2016 to December 31, 2017 reveals 5,486 unique individuals, which represents 10.5% of the admissions in 2016 & 2017.



Factors Driving Jail Population

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Factors Driving Jail Population

- **Lack of centralized booking.**
- **Lack of comprehensive pre-trial screening and services using validated risk assessment**, and identification for alternative dispositions (veterans, mental health, drug courts or mental health diversion).
- **Multiple jurisdictions/courts setting bond** (no unified risk assessment tool or bond schedule)
- **Population (8% to 10%) in jail for Violation of Probation—technical not new offense.** Excessive length of supervision can result in violations and increased lengths of stay in jail.
- **Homeless population** (NO PR bond without verified address in Common Pleas)
- **Time lapse between jail admission and release on bond**, connection into a specialty court, and availability of identified treatment bed.
- **High percentage of people in jail that cannot make small amount of bail** as reported in the PJI study, and when adding court costs there is high percentage of people in jail that do not have the capacity to pay.
- **Lack of an approach to jail population management – jail “expeditor” or “client advocate” position that would focus on daily review of the jail population to expediate processing.** Barriers, such as the lengthy process to clear warrants, could be eliminated with assistance of trained staff to navigate the system and move cases through the jail.
- Increasing **admissions have a greater impact on average daily population detention population versus length of stay.**
- **Substantial increase in opioid and heroin addiction in Ohio.**

Factors Driving Jail Population

Factors Driving Jail Population

- **Insufficient mental health and substance abuse treatment in the jail.** Community service providers have been working to map the very significant overlap of jail population with mental health, substance abuse, homeless, developmental disability services, and employment assistance populations and services in the community.
- **Medications for managing mental health and other treatment needs in the community are often disrupted** (or changed without consultation of providers in the community) in the jail. This can result in poor outcomes for the mental health population in the jail. The average length of stay in jail in 2018 was 30 days, but the average length of stay for the mental health population was 117 days.
- **Lack of programming and interviewing space in the jail, and limited access for service providers, the Public Defender & the Defense Bar** in the jail due to control by jail administration and CO's.
- **Low level offenders (Felony 4 and 5) that are in jail.**
- **MAT Services (Medication Assisted Treatment) are lacking in the community and in the jail.**
- **Insufficient capacity of residential treatment options** (shelters, residential treatment, mental health diversion and treatment, sober living homes) especially for offenders charged with sex offenses and arson.



Summary of System Assessment

Summary of System Assessment

- Although Cuyahoga County population, ***crime and arrest rates, and filings in the Court of Common Pleas and Municipal Courts are all on the decline the jail population has increased.*** Socio-economic factors that drive the jail population include mental illness, substance use disorder, homelessness, poverty, lack of education and employment, exposure to violence and trauma and recurring admissions which are prevalent in the jail population.
- ***There is not a common or unified vision and mission statement for the criminal justice system in Cuyahoga County.*** Many studies have pointed to improvements needed in the system (central booking, pretrial screening, bail reform) but while each of the individual entities that comprise the system are striving for better outcomes, the complex structure of the system and lack of a clear and unified vision for the future of the criminal justice system has deterred significant changes that could result in reduced detention capacity requirements.
- ***There are critical data and information gaps in the criminal justice system, which makes decision making difficult.*** Information systems are fragmented and disconnected, which can lead to delays in processing defendants through the system. Improved information management and data sharing can lead to program and outcome improvements by monitoring data and trends across multiple criminal justice system agencies and in turn contribute to informed management of jail capacity as a limited resource.

Summary of System Assessment

- Although *there are alternative supervision programs and services, specialty courts, and an array of community service providers in the County, the linkages and assessment to programs and services is not seamless or timely.* Due to lack of a central booking, assessment and pre-trial screening process for all offenders detained, *there is a wide discrepancy among defendants on length of stay and timely connections to services and programs that are available.*
- *The use of the detention center as a sanction for community supervision and alternative programs is problematic due to the collateral damage that results from incarceration, even for a short period of time.* This can include loss of job, housing, children and other protective factors.
- *The use of detention capacity to house low level offenders* that can not make bail is costly in both capital/operational and human costs. In areas of the country where cash bail has been eliminated crime has not increased and failure to appear rates have not increased.
- *Cuyahoga County has an abundance of system officials and service providers/programs that seek to intervene with defendants in the criminal justice system to provide better outcomes. With coordinated leadership, clear vision, improved information systems, and implementation of justice system reforms Cuyahoga County can reduce future detention center capacity requirements without jeopardizing public safety, and realize improved outcomes for individuals that intersect with the criminal justice system.*

Summary of System Assessment

Incarceration Rate Comparison

County	2018 County Population	Total Jail Capacity	2,019 ADP	Incarceration Rate	Current Vacant Capacity
Cuyahoga	1,243,857		2,188	1.76	
Franklin, Ohio	1,310,300		2,014	1.54	
Hamilton, Ohio	816,684		1,524	1.87	
Montgomery, Ohio ⁽¹⁾	532,331		807	1.52	
Summit, Ohio ⁽¹⁾	541,918		674	1.24	
Mecklenburg, NC	1,093,901	3,025	1,490	1.36	1,535
Cook, Illinois	5,180,493	10,000	5,837	1.13	4,163
Harris, Texas	4,698,619	10,566	8,073	1.72	2,493
Dallas, Texas	2,637,772	8,750	4,810	1.82	3,940
Bexar, Texas	1,986,049	5,110	3,958	1.99	1,152
Wayne, Michigan	1,753,893		1,689	0.96	
Allegheny, Pennsylvania	1,218,452		2,259	1.86	
Milwaukee, Wisconsin	948,201		885	0.93	
Bergen, New Jersey	936,692		1,150	1.23	
Denton, Texas	859,064	1,788	1,087	1.27	701
Travis County, Texas	2,148,743	3,095	2,131	0.99	964
Comparative Average	1,777,541		2,559	1.43	

Notes:
(1) ADP is FY2018.

Source: Chinn Planning, Inc.

- The Cuyahoga County *incarceration rate is 23% higher than the group average.*

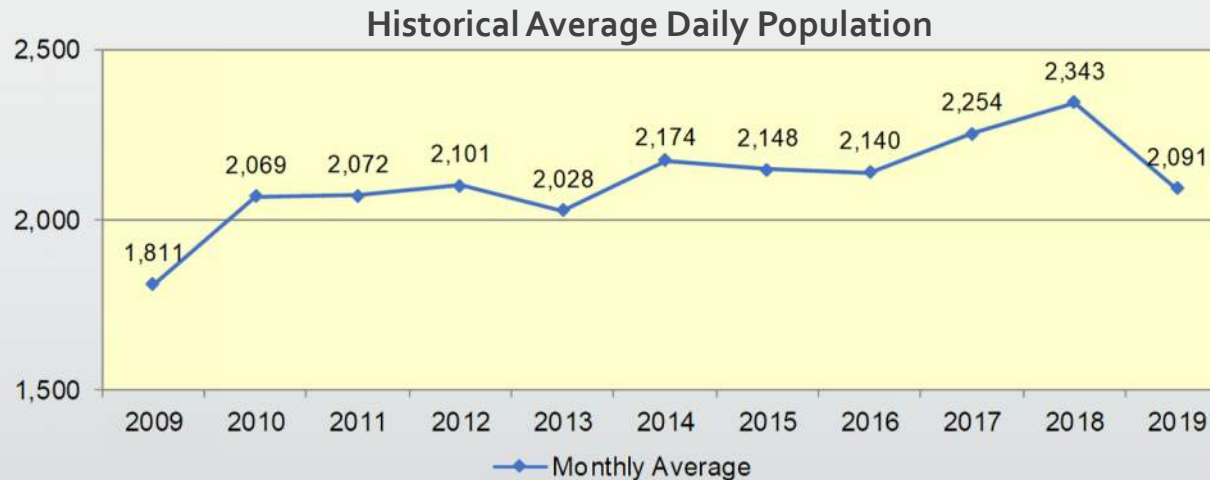
IV

Forecast of Future Capacity Requirements and Basis for Jail Planning

Forecast of Future Capacity Requirements and Basis For Planning

Baseline Forecast

- *Historical average daily population in the Cuyahoga County Corrections Center was used to develop various forecast models.*
- *A factor of 10% is added to the baseline average daily population forecasts to account for peaks in population and additional capacity required for classification of inmates based on actual historic data comparing ADP to peak populations.*



Forecast of Future Capacity Requirements and Basis For Planning

High, Medium, Low Growth Scenario Forecast Models

- **High Growth Forecast Models:**

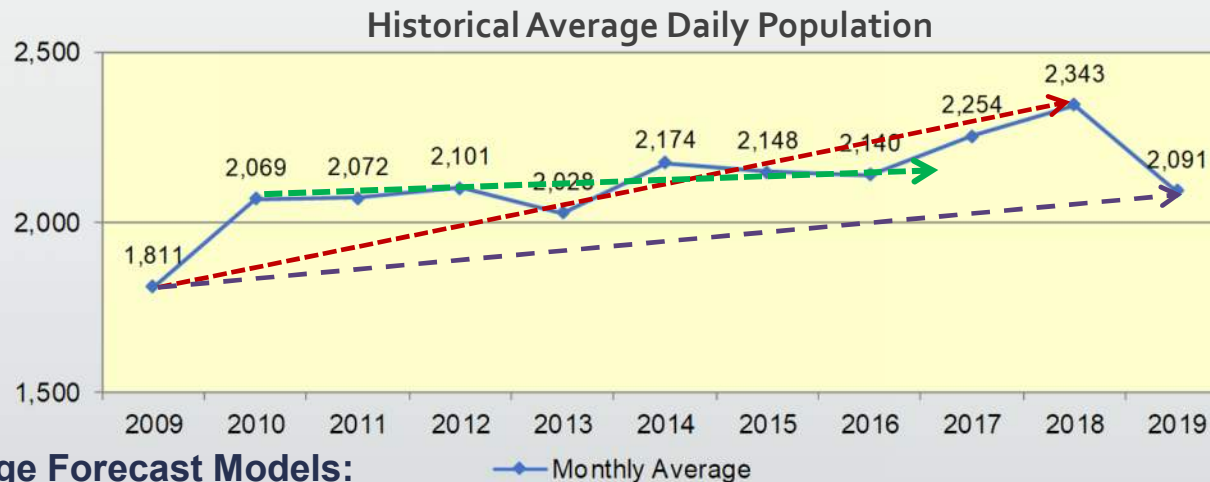
These models use **2009 to 2018 growth patterns, high incarceration rate (2018), and high 2018 average daily population of 2,343 inmates** as the base for the forecast.

- **Moderate Growth Forecast Models:**

These models use **2009 to 2019 moderate growth patterns, moderate incarceration rate (2019), and 2019 average daily population of 2,091 inmates** as the base for forecast.

- **Low Growth Forecast Models**

These models use **2010 to 2016 low growth patterns, 2010 to 2016 average incarceration rate of 1.67, and the 2010 to 2016 ADP of 2,105 inmates** as the base for forecast.



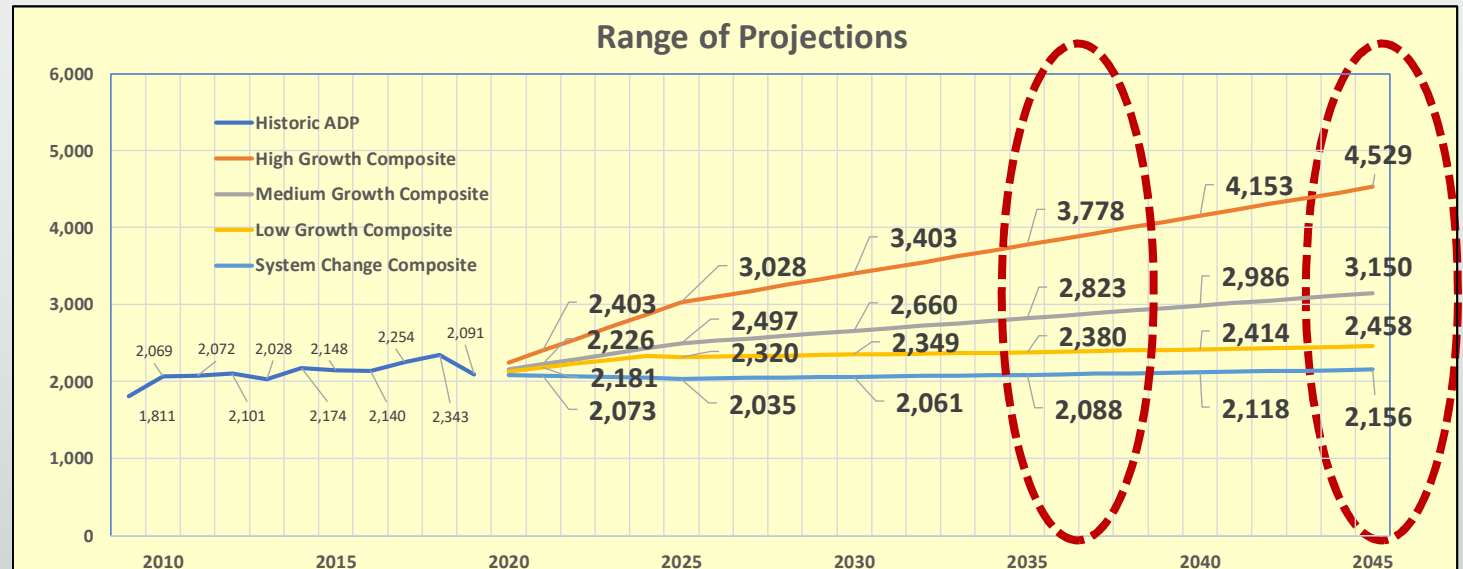
- **System Change Forecast Models:**

These models use **the low growth patterns of 2010 to 2016 and the 2010 to 2016 ADP of 2,105 as the base for forecasting**, but assume **10%, 15% or 20% reductions in ADP in the jail due to implementation of criminal justice system changes and alternatives to incarceration.**

Forecast of Future Capacity Requirements and Basis For Planning

Range of Projections:

INMATE POPULATION FORECAST MODELS					
	2025	2030	2035	2040	2045
High Growth Forecast Models					
Composite - Average of Forecast 1 & 2	2,752	3,093	3,434	3,775	4,116
+ 10% Peaking/Classification	275	309	343	378	412
Bedspace Estimate	3,028	3,403	3,778	4,153	4,529
Moderate Growth Forecast Models					
Composite - Average of Forecast 1 & 2	2,269	2,418	2,566	2,714	2,863
+ 10% Peaking/Classification	227	242	257	271	286
Bedspace Estimate	2,497	2,660	2,823	2,986	3,150
Low Growth Forecast Models					
Composite - Average of Forecast 1 & 2	2,109	2,135	2,163	2,194	2,235
+ 10% Peaking/Classification	211	214	216	219	223
Bedspace Estimate	2,320	2,349	2,380	2,414	2,458
System Change Forecast Models					
Composite - Average of Forecast 1 & 2	1,850	1,873	1,898	1,925	1,960
+ 10% Peaking/Classification	185	187	190	193	196
Bedspace Estimate	2,035	2,061	2,088	2,118	2,156



Forecast of Future Capacity Requirements and Basis For Planning

Recommended Basis for Jail Planning Capacity

“We urge counties to think twice before expanding their jail system, and instead focus on reducing jail populations by creating more options for pretrial release, ending the practice of jailing people for unpaid fees, expanding community treatment for mental illness and substance use disorders, and simply reducing the number of jailable low-level offenses, including technical violations of probation”.

Source: Prison Policy Initiative, May 8, 2019.

Forecast of Future Capacity Requirements and Basis For Planning

Recommended Basis for Jail Planning Capacity

- ❑ All forecasts are based on historic jail population trends.
- ❑ Historic jail population would be lower if reduction strategies were in place.
- ❑ National trends support reduced population with implementation of jail population management and jail population reduction strategies, with no negative impact on public safety
- ❑ **Recommended Initial Capacity - 1600 Beds**
 - Monitor Outcomes of Jail Population Reduction Strategies over next 3 to 5 years
 - Plan for Incremental Capacity Growth Based on Trends in Jail Population
- ❑ **Recommended Support Core Services Capacity for Jail Planning-2400 Beds**
 - Facility Core Services Programmed for 2400 Bed Capacity
 - Minimal Impact on Core Services Space Requirements if Housing Capacity Expansion of 800 Beds is Required



Key Strategies to Reduce Jail Population

Discussion Topics

- I. Summary of Jail Population Growth Trends and Profile Characteristics
- II. Factors Driving Jail Population
- III. Summary of System Assessment
- IV. Forecast of Future Capacity Requirements and Basis for Jail Planning
- V. Key Strategies to Reduce Jail Population**
 - A. Comprehensive and Integrated Criminal Justice Information System and Jail Population Management**
 - B. Increased Diversion at All Points of the Criminal Justice System**
 - C. Development of a Mental Health Diversion Capacity**
 - D. Implementation of Central Booking**
 - E. Implementation of Pretrial Screening and Service for all Courts**
 - F. Comprehensive Bail Reform**
 - G. Enhanced Operations and Space Allocation at the Jail**

Key Strategies to Reduce Jail Population

A. Comprehensive and Integrated Criminal Justice Information System and Jail Population Management

1. **Expansion of Cuyahoga County Criminal Justice Council to Oversee Jail Population Management Initiatives and Criminal Justice Information System Development**



Cuyahoga County Criminal Justice Council (CJC)

Key Purpose:

- Bring together **key decision makers** on a **regular basis** to openly discuss issues that affect the criminal justice system;
- **Identify problems** and issues;
- **Proactively** address issues through **planning, coordination, and cooperation**;
- **Generate data** that increases knowledge of the criminal justice system and **strengthens decision-making**; and,
- Initiate programs and policies which **enhance the functionality** of the criminal justice system and increase public safety.

Key Strategies to Reduce Jail Population

A. Comprehensive and Integrated Criminal Justice Information System and Jail Population Management

2. Implement Jail Population Management and Hire Jail Expeditor Position

Information Collection on Services within Jails

Jails should be mandated to collect and report standardized data on mental illness and/or SUDs among incarcerated individuals, as well as the availability of behavioral health services in these jails. Specifically, all jails should track:

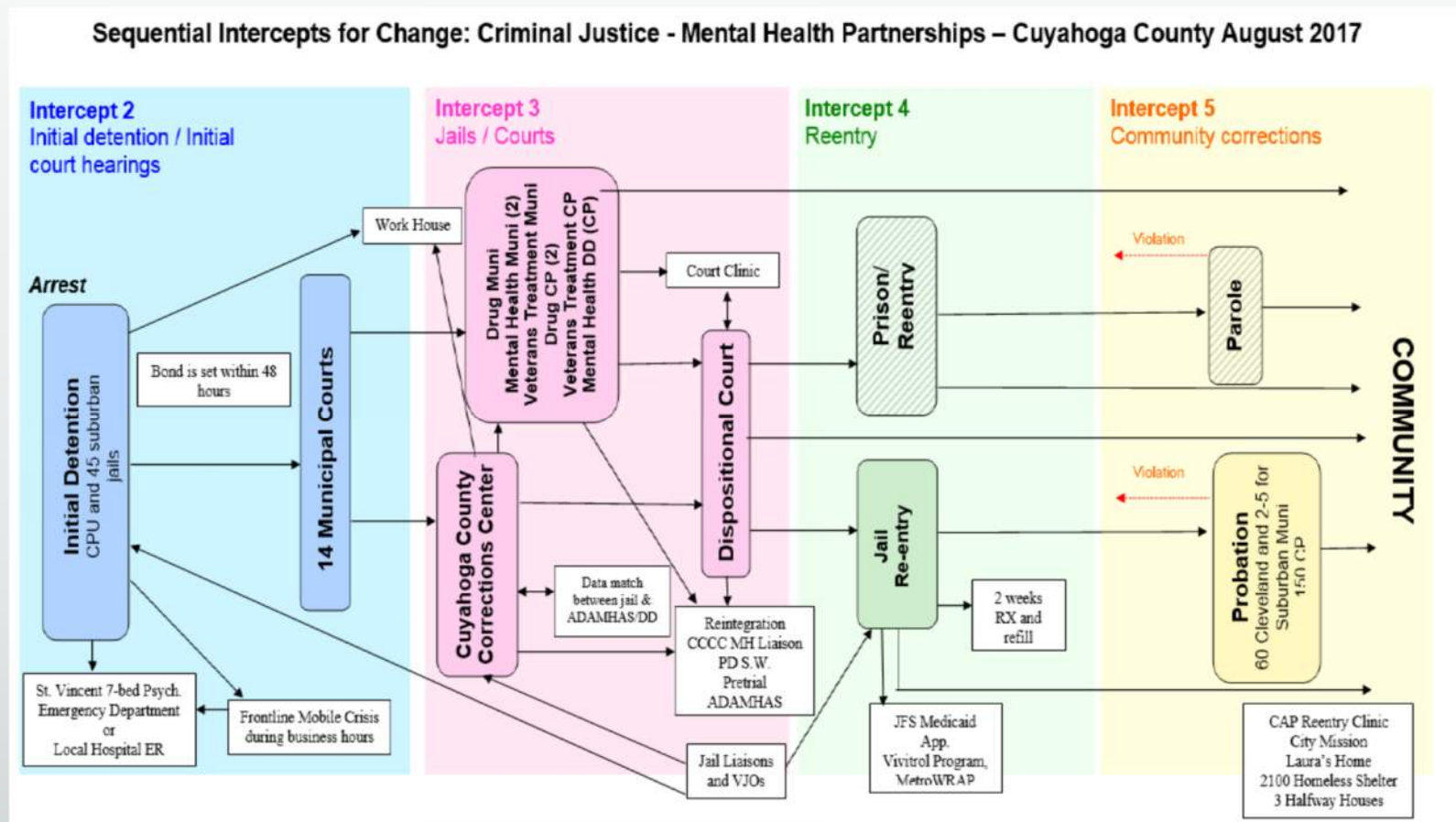
1. the number of behavioral health beds;
2. the number of hours of behavioral health staff time;
3. the number of hours of psychiatric staff time, and the availability of medications, including psychotropic medications; and,
4. detoxification services for mental health and/or SUDs.

Source: By The Numbers 4, Developing a Common Understanding for the Future of Behavioral Health Care, Installment 2, The Center for Community Solutions.

Key Strategies to Reduce Jail Population

A. Comprehensive and Integrated Criminal Justice Information System and Jail Population Management

3. Comprehensive and Integrated Criminal Justice Information System Example: Information and Intercept Mapping

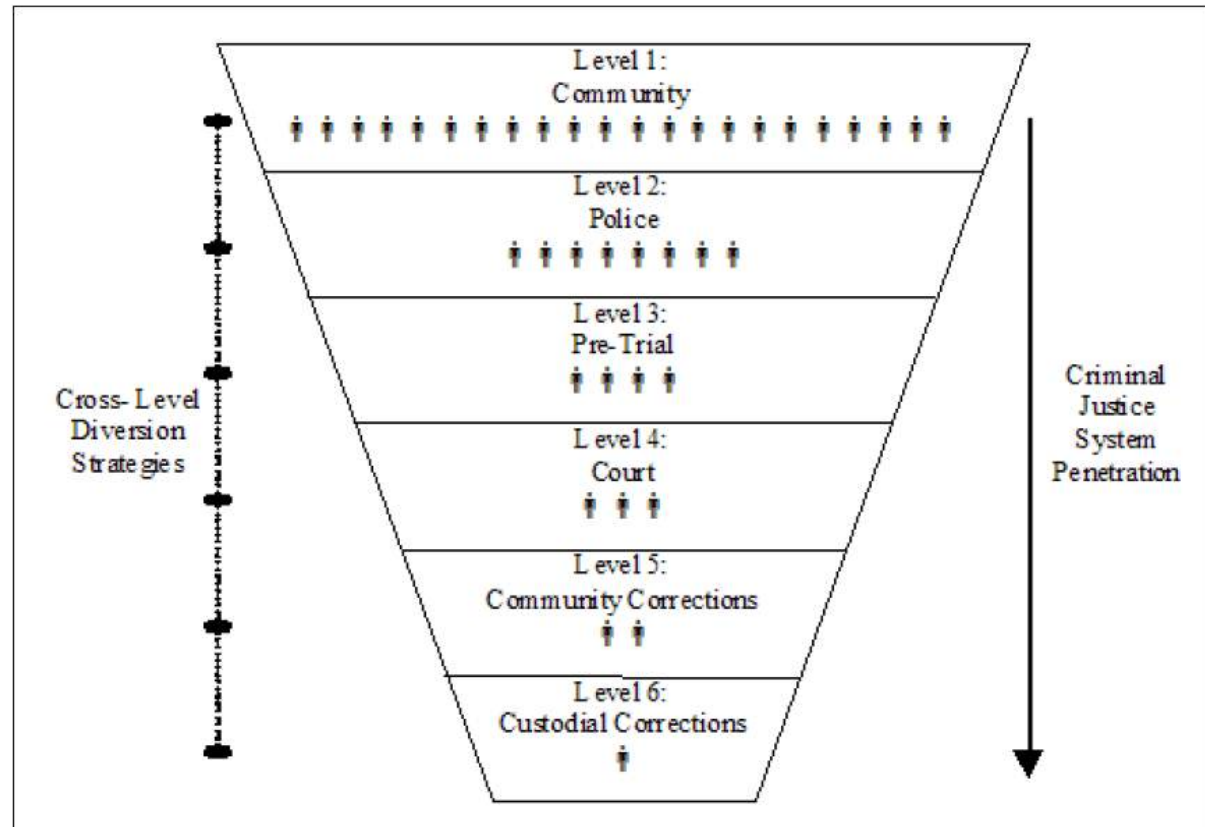


Source: Cuyahoga County Sequential Intercept Mapping Final Report, August 29-30, 2017.

Key Strategies to Reduce Jail Population

B. Increased Diversion at All Points of the Criminal Justice System

- There are many points at which diversion can impact on the Justice system.
- Many of these levels share some common goals and characteristics, but each also carries unique objectives and principles based on the population with which it comes into contact, its oversight, and its justice mandate.



Source: *Criminal Justice Diversion for Persons with Mental Disorders, A Review of Best Practices*, The Law Foundation of British Columbia.

Key Strategies to Reduce Jail Population

B. Increased Diversion at All Points of the Criminal Justice System

Typical oversight, diversion goals, and practices at three justice system “phases” of diversion

	Law Enforcement	Pretrial / Prosecution	Problem-solving / Specialty Court
<i>Oversight</i>	<ul style="list-style-type: none"> • Municipal police department • County sheriff 	<ul style="list-style-type: none"> • State’s / District / Prosecuting Attorney • Pretrial services oversight by court or probation (county or state) 	<ul style="list-style-type: none"> • Court
<i>Diversion Goals</i>	<ul style="list-style-type: none"> • Street-level safety • Reduce pressure on booking, holding in jail • Identify treatment needs of individuals that motivate crimes 	<ul style="list-style-type: none"> • Reduce docket pressure • Reduce court and jail expenses • Maximize prosecution resources for more serious cases • Address the needs of individuals that motivate crimes 	<ul style="list-style-type: none"> • Reduce recidivism • Supervision with rehabilitation best practices
<i>Diversion Practices</i>	<ul style="list-style-type: none"> • Street-level crisis intervention • Co-location with or immediate diversion to behavioral health services 	<ul style="list-style-type: none"> • Deferred prosecution • Referral to community services • Individualized conditions for success / failure • Justice supervision (for more serious crimes) 	<ul style="list-style-type: none"> • Deferred adjudication / sentencing • Multidisciplinary staffing • Referral to community services • Justice accountability • Clear rewards / sanctions

Source: No Entry: A National Survey of Criminal Justice Diversion Programs and Initiatives.

Key Strategies to Reduce Jail Population

B. Increased Diversion at All Points of the Criminal Justice System

Example: King County, WA Prosecutor Office: LEAD

Opinion

Seattle Has Figured Out How to End the War on Drugs: While Other Cities are Jailing Drug Users, Seattle has Found Another Way.

by Mikel Kowalczyk
The New York Times,
August 25, 2019

The Law Enforcement Assisted Diversion program was created in 2011. The idea is that instead of simply arresting drug users for narcotics or prostitution, police officers watch for those who are nonviolent and want help, and divert them to social service programs and intensive case management.

Almost immediately, this was a huge success. A 2017 peer-reviewed study found that drug users assigned to LEAD were **58 percent less likely to be rearrested**, compared with a control group. Participants were almost **twice as likely to have housing** as they had before entering LEAD, and **46 percent more likely to be employed** or getting job training.

LEAD isn't cheap – it costs about \$350 per month per participant to provide case managers. But it is cheaper than jail, courts, and costs associated with homelessness. As a result, this approach has spread rapidly around the country, with 59 localities now offering LEAD initiatives or rolling them out.

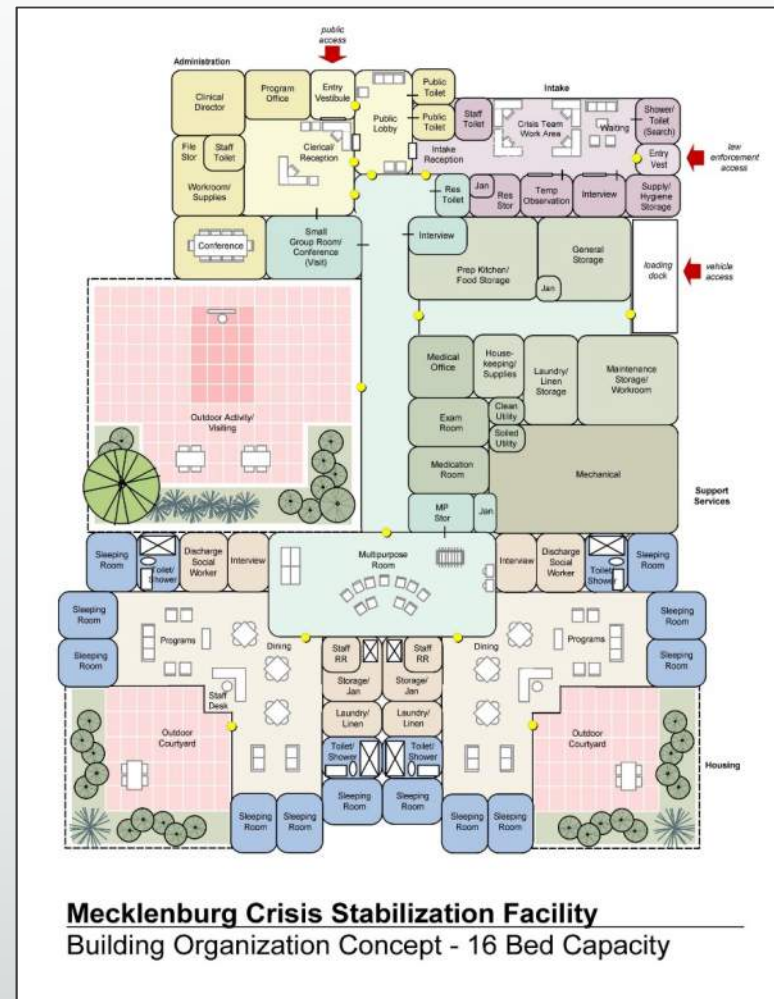
Key Strategies to Reduce Jail Population

C. Development of a Mental Health Diversion Capacity

Increased Support for Community Behavioral Health

- The role that deinstitutionalization played in increasing the number of individuals with behavioral health disorders in the criminal justice system can be significantly impacted by providing additional behavioral health resources to communities.
- Additional services and broader access to behavioral health services for communities can assist with providing the proper tools to treat an individual's behavioral health needs before a crisis may occur and provide ongoing care and treatment.
- Tools such as early screening and diversion programs can address behavioral health issues at an early stage and remediate concerns before the criminal justice system becomes involved.

Source: By The Numbers 4, Developing a Common Understanding for the Future of Behavioral Health Care, Installment 1, The Center for Common Solutions.



Source: Chinn Planning, Inc.

Key Strategies to Reduce Jail Population

D. Implementation of Central Booking

OBJECTIVES OF CENTRAL BOOKING

- Quicker release of arrestees by conducting the initial municipal court probable cause/bond hearings within 24 hours of arrest;
- Allow police officers to spend less time processing arrests and return to patrol;
- Commence plea bargain negotiations by better determining realistic and appropriate charges earlier in the booking process;
- Save taxpayer dollars by more accurately determining eligibility for court appointed representation;
- Ensure that an appropriate level of medical services and other treatment options are available to all detainees, whether arrested in Cleveland or other municipalities;
- Save taxpayer dollars and relieve jail overcrowding by reducing the overall length of time that those arrestees, who are not assessed as high risk or do not present other exceptional circumstances, are detained in jail pretrial; and,
- Early resolution of certain criminal cases, serving the interests of victims, defendants, and the public.

Source: National Center for State Courts, Cuyahoga County, Ohio Booking Process and Pretrial Services Report, May 2015.

Key Strategies to Reduce Jail Population

D. Implementation of Central Booking

RECOMMENDATIONS

- Arresting officers deliver arrestees to central booking immediately.
- Workstations available where arresting officers can complete arrest reports.
- Cleveland Police Department assigned officer to central booking to review case information and arrest reports.
- Begin conducting interviews and risk assessment process for each arrestee to allow for informed bonding decision at the probable cause/bond hearing.
- Interview process should include financial screening, including verification of reported information, to determine if arrestee is eligible for representation by the public defender.
- Criminal justice partners involved in the booking process should enter data/reports into an integrated information system, permitting the exchange of information.
- A Public Defender should be present at probable cause/bond hearings.
- Probable cause/bond hearings should be scheduled within 24 hours of arrival at the jail.
- Outfit Courtroom 3D with audio/video equipment so that suburban municipal court hearings could be conducted remotely with detainees.
- Establish and enforce standards that all persons arrested for probation violation should appear before a judge within 2 days of arrest and revocation hearings held within 10 to 14 days.
- Establish quantifiable goals to measure outcomes. The measures should include elapsed time from arrest to hearing, time in pretrial detention, court appearance rate, public safety rate, and pretrial supervision success rate.

Source: National Center for State Courts, Cuyahoga County, Ohio Booking Process and Pretrial Services Report, May 2015.

Key Strategies to Reduce Jail Population

D. Implementation of Central Booking – Conceptual Space Graphic Design



Source: National Center for State Courts, Cuyahoga County, Ohio Booking Process and Pretrial Services Report, May 2015.

Key Strategies to Reduce Jail Population

E. Implementation of Pretrial Screening and Service for all Courts

RECOMMENDATIONS

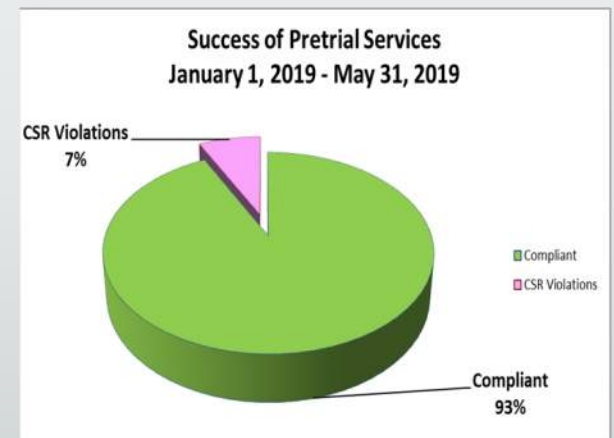
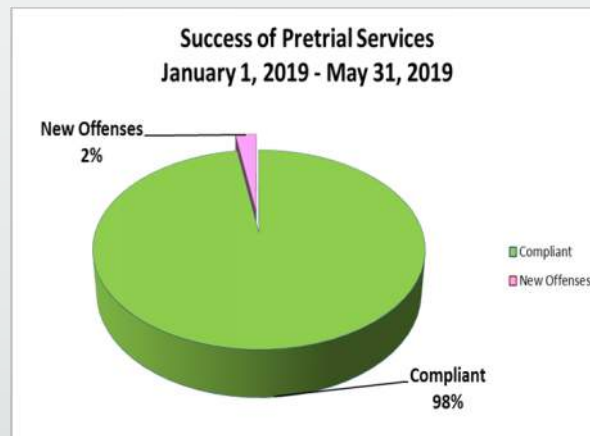
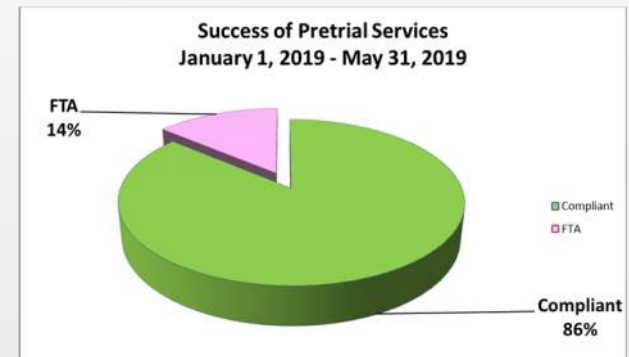
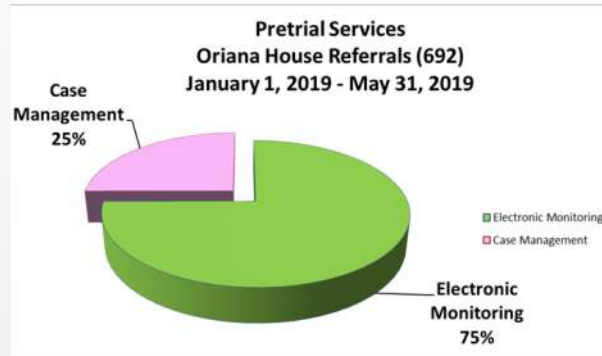
1. Conduct a training on the fundamentals of pretrial justice for the Judges of the Court of Common Pleas and of the municipal courts.
2. Conduct a one-to-two-day summit of the Judiciary in Cuyahoga county to identify a clear vision statement pertaining to pretrial practices within the county.
3. Pilot test 2-4 projects in both the Municipal and Common Pleas Court introducing research and evidence-based practices in pretrial improvements.
4. Actively and consistently communicate the plans, progress, and outcomes of the pilot sites to the entire judiciary, as well as other key stakeholders, such as prosecutors, defenders, law enforcement, victim advocates, and the community at large.
5. Based on the results of the pilot sites, plan and implement an expansion of new practices system-wide.
6. Conduct a thorough analysis of the impacts of the pretrial release decision making by race and ethnicity.

Source: Pretrial Justice Institute: Enhancing Pretrial Justice in Cuyahoga County: Results from a Jail Population Analysis and Judicial Feedback, September 2017.

Key Strategies to Reduce Jail Population

E. Implementation of Pretrial Screening and Service for all Courts - Cleveland Municipal Court – Example:

- Relatively new initiative *January 2019 – May 2019 data*
- **692 Defendants placed on Court Supervised Release**
 - **515 (75%) Electronic Monitoring Devices**, mostly GPS.
 - **177 (25%) case management supervision without device monitoring.**
- Measures of Success:
 - **Failure to appear rate** reduced from 42% before implementation to **14% year to date**;
 - **Only 7%** (51) defendants out of 692 had **warrants issued for non-compliance**; and,
 - **Only 2%** (7) defendants out of 692 were **arrested for new offense**.



Source: Cleveland Municipal Court Pretrial Services, 2019.

Key Strategies to Reduce Jail Population

F. Comprehensive Bail Reform

Based on a 2018 national survey, voters found the following statement tested in the survey to be a convincing reason to support cash-bail reform: “People who cannot afford their bail are locked up while their cases go through the courts, which can take weeks, months, or even years. While waiting for a trial, these defendants are at risk of losing their job, custody of their children, and their home, all without being convicted of a crime” (74%).



Every year, thousands of innocent people are sent to jail only because they can't afford to post bail, putting them at risk of losing their jobs, custody of their children - even their lives.

By Nick Pinto

Task Force Recommendations

- Require a validated risk assessment tool be available to the judge in every municipal, county, and common pleas court when setting bond or condition of bond.
- Require counties with more than one municipal or county court to adopt a uniform bond schedule to be used by each court in the county.
- Require amendments to Crim.R.46 by the Commission on the Rules of Practice and Procedure to allow for changes in pretrial release and detention.
- Require the presence of counsel for the defendant at the initial appearance for any offense carrying the potential penalty of confinement, unless the defendant is being released on an unsecured financial condition or on personal recognizance.
- Require Pretrial Services in Ohio courts to offer appropriate supervision and services that correspond to the level of a defendant's risk/needs.
- Require courts to consider all alternatives to pretrial detention.
- Require courts to leverage technology solutions, such as text/email reminders and remote video conferencing, to implement low-cost improvements to pretrial services in Ohio courts.
- Require education and training be offered and encouraged for court personnel, including judges, clerks of court, prosecutors, defense counsel, and other stakeholders critical to the pretrial process.
- Require implementation of a statewide, uniform data collection system to ensure a fair, effective, and fiscally efficient pretrial process.

Source: The Supreme Court of Ohio Task Force to Examine the Bail System in Ohio, July 2019.

11. Explanation of Bases for Determinations #4 and #5: Establish Range of Bed Space Capacity for Continued Programming & Planning for Detention Facilities, and Commitment to Jail Population Management Initiatives

- a) Presentation of Recommendation and Background
- b) Questions from Steering Committee

12) Public Comment (Determinations #3, #4 and #5)

13. Determination #3:

The Steering Committee determines that planning for the Courts and related components will proceed based on an assumption of no less than 90 Judicial positions and no more than 94 Judicial positions and will focus on taking advantage of opportunities to right size space allowing for flexibility for final decision-making as part of implementation planning due to unknowns related to future caseload and allocation of judicial positions. At this early stage it is estimated that the ratio of litigation spaces to judicial officers will be in the range of 75% to 85%.

- a) Discussion
- b) Motion by Steering Committee
- c) Further Discussion (if required)
- d) Vote

14. Determination #4:

*The Steering Committee determines that there are significant opportunities to reduce the population of the jail through a systemic approach to jail population management and reforms consistent with our commitment to public safety. We therefore determine that planning should proceed based on an assumption of a rated capacity for the jail of no less than 1,600 beds with a support core planned for no more than 2,400 beds, **planned to allow adjustment upward or downward.***

We recognize that these are bold initiatives but believe that this reflects current national trends and with a concerted effort of all parts of our justice system is achievable. However, should circumstances change, we further determine that the planning for the jail should allow for an incremental adjustment upward or downward within this range to a maximum capacity up to the 2,400 beds based on projections thru the year 2045.

- a) Discussion
- b) Motion by Steering Committee
- c) Further Discussion (if required)
- d) Vote

15. Determination #5:

The Steering Committee determines that significant evidence exists nationally to indicate that criminal justice system reform initiatives, if implemented, can reduce jail capacities significantly with no negative impact on public safety. Many of the reform initiatives will require (or will be enhanced through) the construction or renovation of jail facilities to reflect best practices, but implementation of many of the key reform initiatives can begin immediately.

Implementation of jail population reduction strategies does not come without cost, but actual cost in human capital and jail operating and construction costs will be significantly reduced if reform strategies are implemented and the jail population is reduced. We therefore determine that funding for jail population management initiatives should be given equal weight to funding for an improved Justice Center.

15. Determination #5 (cont'd):

*A Jail Population Management Committee, representative of all stakeholders, should be appointed by **representatives of the Steering Committee** to begin the process of developing a comprehensive and integrated approach to jail population management including the development of a criminal justice information system that will provide data on key management indicators for informed decision-making and allow monitoring over the multi-year planning period of jail renovation and/or construction and beyond.*

The Steering Committee determines and supports implementation of jail population reduction strategies and overall justice system reform initiatives to assure that jail resources are used appropriately to serve our community.

- a) Discussion
- b) Motion by Steering Committee
- c) Further Discussion (if required)
- d) Vote

16. Next Steps / Next Meeting

17. Adjournment



CUYAHOGA COUNTY

CRIMINAL JUSTICE SYSTEM ASSESSMENT:

DETERMINATIONS

September 17, 2019

9:00AM



Cuyahoga County, Criminal Justice Center Master Plan

presented to:

Cuyahoga County Justice Complex Executive Steering Committee



Westlake
Reed
Leskosky

In Association With:

