

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Nathaniel Roberts, et al.,

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Plaintiffs,

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CASE NO. 4:03 CV 2329

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v.

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SPECIAL MASTER’S
FIFTH REPORT -- LENGTH
OF STAY AT THE MAHONING
COUNTY JUSTICE CENTER

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County of Mahoning, Ohio,

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Defendants.

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Data Source and Coding

On August 10, 2005, Vincent Nathan, the Special Master in Roberts v. County of Mahoning, initiated a telephone conference with Eric Lambert, Ph.D., Kasey A. Tucker, Ph.D., and Alki Santamas, the Administrator of the Mahoning County Justice Center (the Mahoning County jail or “jail”). Dr. Lambert is the Chairman of the Department of Criminal Justice at The University of Toledo and Dr. Tucker is an Assistant Professor of Criminal Justice in that Department. The purpose of the telephone conference was to determine how best to obtain information concerning all bookings into the jail during the year 2003. That year was selected because it was the most recent completed year that would not be significantly impacted by the early release mechanism that came into effect in early April 2005.

On or about August 12, 2005, jail officials working under Mr. Santamas' direction provided what they believed were booking sheets for all inmates booked into the jail in 2003. In fact, after entering the data, the authors of this report discovered that the representatives of the company that provided the software for the jail's computerized records system had inadvertently included all persons who had spent any time in the jail in 2003, regardless of the year in which they were booked. This information was an inappropriate basis for a scientific sample. Upon discovery of this error, the special master and Dr. Lambert spoke again with Mr. Santamas and arranged for a conference call with jail officials and representatives of the jail's software vendor's company. These representatives, as well as Mr. Santamas and his staff, cooperated fully with the special master's request for new data and were able to produce a revised data file, which they e-mailed to Mr. Nathan and Dr. Lambert on approximately August 30, 2005.

This data file contained information for all individuals booked into the jail in 2003, including the following: a unique booking number, the name of the individual, a jail identification number, information regarding gender, race, date of birth, age at the time of booking, release date, incomplete information about the type of release (when available), the highest charge code, and a brief description of the highest charge. The data file was imported into a statistical analysis program entitled SPSS (Statistical Package for the Social Sciences). An initial review of these data after their entry into SPSS determined that there were a number of cases that had been entered by mistake.¹ Those cases were identified and removed from the data file so that an accurate analysis could be preformed. After removing these cases, there were 8,408

¹ "Case" refers to each individual represented in the data file by his or her unique booking number.

unique cases remaining. That is, 8,408 individuals were booked in the jail during 2003.

The revised data were reviewed and then cleaned. Cleaning the data is an important step in the analysis process, as it identifies errors in the entry of data, including typographical errors and missing information. The booking dates were checked again to ensure that all of the cases represented individuals booked into the jail in 2003. It was determined that all of the dates ranged from January 1, 2003 to December 31, 2003, the year and target population of the current study. Cory Nafziger, the Special Master's graduate assistant, contacted jail personnel for those cases identified in the cleaning process as missing information on gender, race, charge number, information on charge, or release date. The requested information was provided and entered into the data file. In a few cases an individual who was booked in the jail during 2003 was still in the jail at the time of the data check on September 8, 2005. For those ten individuals who were still in the jail at that time the release date of September 8, 2005 was selected. This date was selected because it was the date the data were cleaned and an end date was required for data analysis purposes. Without release dates, the SPSS statistical program would have treated these ten cases as having missing values and would have excluded them from the analyses.

A numerical variable representing gender was created where females were coded as 0 and males were coded as 1. This is typically done for dichotomous measures (or data classified into two distinct categories) for use in a statistical analysis. In addition, a numerical variable was created to represent the race of the person where 1 = Black, 2 = Hispanic, 3 = White, and 4 = Other. For multi-variate analysis (where there were several different classifications or categories), the numerical measure was further collapsed (or broken down further into two categories) where 0 = Nonwhite and 1 = White. Age at the time of booking was left in its original

metric of continuous years. Based upon the highest charge code, a numerical variable was created to measure if the highest charge was a felony (coded 1), a misdemeanor (coded 2), or other (coded 0). Specifically, contempt of court, material witness, other municipality charge, other state charge, and local ordinances were coded as other. According to Mr. Santamas, all “other federal charge” cases were felonies, and, as such, were coded as a felony (2).² A numerical measure was created to indicate whether the highest charge was violent (coded as 1), non-violent (coded as 0), or unknown (coded as 3). Examples of highest charges coded as violent were aggravated assault, assault, domestic violence, and rape. Examples of highest charges coded as non-violent were driving under suspension, theft, petty theft, no operator’s license, and drug paraphernalia. Examples of highest charges coded as unknown were parole violation, probation violation, other state charge, “other federal charge,” and endangering children. Finally, length of stay at the jail in days was created by subtracting the booking date from the release date to allow for assessment by days, of each individual’s time spent in the jail in 2003.

Limitations Imposed by Data Provided by Jail Officials

The data described above permitted analysis of the average length of stay broken down into several categories: felony charge/misdemeanor charge; violent charge vs. non-violent charge; race; gender; and age. These analyses will be useful to planners attempting to identify categories of charges and prisoners who consume high numbers of days in the jail (at an

² Although the jail housed federal inmates in 2003, it does not have a contract to house such inmates at this time.

approximate cost of \$68 per day) and to determine whether some of these categories suggest practices that are leading to the inefficient use of the limited number of beds in the jail.

Data maintained by the jail, however, are not sufficient to permit analysis of the specific sources of inefficient use of jail beds. What is required for this more detailed analysis is information regarding date of arraignment, date of conviction or acquittal, length of sentence, if any, to the jail or to the Ohio Department of Rehabilitation & Correction (ODRC), date of receipt by the Clerk of Court of sentencing information from the sentencing court, date of transmission to jail staff of a warrant for transportation to the ODRC, date of actual transfer from the jail, and date of other releases based on bond, acquittal, conviction, or other reason.

During their initial trip to Youngstown to identify the scope of available data, Mr. Nathan and Dr. Tucker learned of the limitations on the data maintained in the jail. Discussions with the court administrators for the Court of Common Pleas and the Youngstown Municipal Court indicated that much, and perhaps all, of the data needed for a more detailed study might be retrievable from data files maintained by the clerks' offices. In particular, the data files maintained in the office of the Clerk of the Court of Common Pleas appeared to be complete and retrievable from Toledo. Because of several issues with the data source (e.g., a change of computer programs and other problems), the data required regarding misdemeanor defendants, while probably available and retrievable, would require a time-consuming and difficult retrieval effort in Youngstown.

Given the deadlines proposed by the special master in his Fourth Report for interim and final reports by the recommended Criminal Justice Taskforce, it became clear that it would be impossible to produce the more detailed report of docket efficiency in time for that report to be

useful to the task force in preparing its interim progress report by October 1, 2005.³ As a result, the special master informally recommended to the court that the docket evaluation project be divided into phases. The first, represented by the current report, could be produced relatively quickly and would offer some assistance to the task force; the next, if approved by the Court, will require more time and will be produced as quickly as possible after the completion of the current report. It is the special master's intention to make the next report available to the task force and the Court in time to affect final decisions concerning the defendants' final proposed remedial plan.

Descriptive Statistics

Basic descriptive statistics (examples of descriptive statistics include an average [mean] or percentage) were computed for the measures and the results are presented in Table 1 (see the Appendix for all tables). In terms of gender, 80% of those booked into the jail in 2003 were men and 20% were women. In one case the gender of the person was unknown. In terms of the race of those booked into the jail in 2003, 49% were Black, 2% were Hispanic, 48% were White, 0.2% were other, and 0.2% were unknown. The arithmetic mean age was 32.66, with a low standard deviation of 15.16. The median age was 31 and ranged from 16 to 81 years old.⁴ In terms of

³ There being no substantive objection by any party to the special master's recommendations in his Fourth Report, the Court confirmed that report and adopted the special master's recommendations by order of September 14, 2005.

⁴ The arithmetic mean is calculated by summing up all the values of the cases for the variable and dividing by the total number of cases. For example, in this study, the age of each person was added together and divided by the total number of cases with an age reported. The arithmetic means is commonly referred to as the average.

The standard deviation was calculated as well. The standard deviation represents the average spread of values/scores of the cases around the mean. The standard deviation is used to tell how accurate the mean is as the

level of the highest charge, 45% of the cases were booked on a highest charge of felony, 49% for a misdemeanor, and 6% for other type of charge. The frequency (or number of cases) of the highest charge for all the cases is presented in Table 2. The most frequent types of highest charge for those booked into the jail during 2003 were drug paraphernalia (180 cases), “other municipality charge” (181 cases), failure to appear - bail (189 cases), domestic violence (197 cases), assault (222 cases), receiving stolen property (223 cases), contempt of court (287 cases), probation violation (329 cases), “other federal charge” (449 cases), domestic violence (injury involved) (468 cases), theft (477 cases), driving under the influence (525 cases), and driving under suspension (844 cases).

With respect to violent versus non-violent crimes, 70% of those booked in the jail during 2003 had a highest charge that was coded as non-violent, 16% had a highest charge that was coded as violent, and 14% were coded as unknown. Finally, the average length of stay is presented in Tables 3a and 3b (Table 3a is the raw frequency distribution and Table 3b is an interval distribution of the data). The mean length of stay was 30.15 days, with a standard deviation 68.73, while the median length of stay by individuals booked into the jail in 2003 was 4 days. The minimum number of days spent in the jail by inmates booked in 2003 was 0 days and the maximum number of days spent in the jail by individuals booked in 2003 was 905 days.

typical value for all the cases on a particular measure. The smaller the standard deviation is as compared to the mean, the more tightly packed the cases are around the mean. This implies that the mean is a good representative single value for the data. The larger the standard deviation value is as compared to the mean value means that the scores are more spread out from the mean. This implies that the mean may not be a good representative single value for the data and maybe influenced by extreme scores/values.

The median represents the 50th percentile where half of the case values fall below the median value and the other half of the case values fall above the median value. The median value is often used because it is not influenced by extreme values or outliers. The mean, however, is often influenced by extreme values. The median is often compared to the mean to see if extreme values have influenced the mean.

About 19% of the individuals spent zero days in the jail (i.e., were booked and released from the jail in the same day). Forty-seven percent of all the cases spent three or less days in the jail. Only 8.5% of all the cases spent 100 or more days in the jail. Almost 60 cases spent more than a year (i.e., 366 or more days) in the jail. As previously indicated, ten individuals booked into the jail sometime in 2003 were still in the jail on September 8, 2005 when the final data set was created.

Further Analysis of Length of Stay

The mean length of stay broken down by gender is presented in Table 4. The typical female defendant spent almost 17 days in jail, while the typical male spent about 33 days. It is important to remember that the vast majority of individuals booked in the jail were men (80%) and the seriousness of the charge was not controlled for in this analysis. The mean length of stay was broken down by race, and the results are presented in Table 5. Black individuals spent on average 37 days in the jail. Hispanic individuals spent approximately 35 days in the jail. White individuals spend about 23 days in the jail. Those of another race spent about 18 days in the jail, and those whose race was unknown spent on average 17 days in the jail. The mean length of stay was further calculated using the collapsed measure of race (i.e., whether the individual was White or Nonwhite), and the results are presented in Table 6. On average, Nonwhite individuals spent 36 days in the jail, while White individuals stayed in the jail for 23 days. It is important to note that the breakdown of the mean length of stay in the jail for each measure of race did not control for the type of highest charge. The mean length of stay broken down by age is presented in Tables 7a and 7b. There appeared to be no discernable relationship between length of stay and age, except that the three individuals under 18 spent a long time in the jail. Specifically, one 16-

year old defendant charged with murder spent 639 days in jail. A 17-year old defendant charged with rape spent 270 days in jail. Finally, a 17-year old defendant who was charged with carrying a concealed weapon spent 323 days in jail.

The length of stay in the jail was broken down by the level of the highest charge. The results are reported in Table 8. Those who were charged with an “other offense” spent on average 12 days in the jail. Those charged with a misdemeanor spent an average of 21 days in the jail. Those charged with a felony spent about 43 days in the jail. It appears that those charged with a misdemeanor are spending almost half as long as those charged with a felony. As previously indicated, it is important to note that what is not known is the pre-conviction length of stay for misdemeanors versus the post-conviction length of stay (if any). As explained above, this information was not available in the current data set. Based on discussions with the Administrative Judge of the Youngstown Municipal Court, however, the special master concluded that it is likely that the length of stay for misdemeanors is so long because most of the misdemeanor cases in 2003 were serving a sentence rather than being in pre-trial status. Based on discussions with a wide range of county officials, Mr. Nathan has concluded that most of the felony cases held in the jail in 2003 were in pre-trial detention status and most misdemeanor cases were serving a sentence.

The length of stay also was broken down by the highest charge; in addition, violent crimes were distinguished from non-violent offenses. The results are presented in Table 9. Those cases coded as unknown spent an average of 38 days in the jail in 2003. Among the unknown cases, those spending the longest time in the jail tended to be those charged with a “federal offense.” There were more than 60 cases in which a person charged with the a “federal offense”

spent more than a 100 days in the jail. Those coded as being charged with a non-violent crime spent about 25 days in the jail, and those who were charged with a violent crime spent on average 44 days in the jail. In other words, individuals charged with a non-violent offense spent about 56% as many days in the jail as those individuals charged with a violent offense. It appears that those with a highest charge for a non-violent crime are spending substantial time in the jail. Among those coded for a non-violent highest charge, the length of stay in pre-trial status and length of stay in the jail for serving a sentence are unknown.

Further Analysis of Average Stay For Highest Charged Offense

The mean length of stay, the median length of stay, and the minimum and maximum length of stay by offense for 2003 are presented in Table 10. As previously indicated and presented in Table 2, the most frequent type of highest charges for those booked into the jail during 2003 were the following: drug paraphernalia (180 cases), "other municipality charge" (181 cases), failure to appear - bail (189 cases), domestic violence (197 cases), assault (222 cases), receiving stolen property (223 cases), contempt of court (287 cases), probation violation (329 cases), "other federal charge" (449 cases), domestic violence (injury involved) (468 cases), theft (477 cases), driving under the influence (525 cases), and driving under suspension (844 cases).

The average length of stay for individuals charged with drug paraphernalia was about 21 days, and ranged from 0 to 278 days. Sheriff Randall Wellington informed the special master that the per-day prisoner cost at the Mahoning County Justice Center in 2003 was approximately \$68

a day.⁵ Thus, in addition to exacerbating crowding, lengthy stays in the jail were very costly. For example, it cost about \$1,400 to keep the typical person charged with drug paraphernalia in jail. (Again, we note that the average length of stay for this and all the offenses listed in Table 10 includes the length of time on pre-trial status and any sentenced stay.) It cost approximately \$18,900 to house the one individual charged for drug paraphernalia who was held in the jail for 278 days. The average length of stay for those charged with “other municipality charge” was 10 days and ranged from 0 to 185 days. Thus, it cost about \$680 to house the average person charged with other municipality charge, and it cost about \$12,500 to house the defendant who was held 185 days. The average length of stay for those persons charged with “failure to appear – bail” was 17 days and ranged from 0 to 269 days. Thus, it cost about \$1,100 to house a person for 17 days, and it cost about \$18,000 to hold the one person for 269 days. The average length of stay for domestic violence cases was 26 days and ranged from 0 to 260 days. The average cost was about \$1,800, and for the maximum stay it cost almost \$18,000. The average length of stay for assault cases was 30 days and ranged from 0 to 396. It cost about \$2,000 to house a person for the average length of stay of 30 days and almost \$27,000 to house the one person for 396 days.

Those charged with receiving stolen property spent on average 39 days in the jail in 2003, and the length of stay ranged from 0 to 410 days. The cost for 39 days was approximately \$2,600 and the cost for 410 days was about \$28,000. The typical person charged with contempt of court stayed about 13 days, and the length of stay ranged from 0 to 412 days. It cost about \$2,600 to hold the typical person charged with contempt of court; it cost approximately \$28,000 to hold the

⁵ As of the date of this report this figure had not been recalculated.

one person for 412 days. The average length of stay for those individuals charged with probation violation was 38 days and ranged from 0 to 905 days. Thus, it cost about \$2,600 to house a person for 38 days, and it cost about \$61,000 to house the one person for 905 days. The typical defendant charged with driving under the influence spent 11 days in the jail, and the length of stay ranged from 0 to 180 days. For 11 days, it cost about \$750 to house a person, and it cost approximately \$12,200 to house a person for 180 days.

The average length of stay in 2003 for those charged with domestic violence (injury involved) was 17 days and ranged from 0 to 400 days. Thus, the cost to house a person in the jail for 17 days was about \$1,200 and the cost for 400 days was approximately \$27,000. The typical person charged with theft spent on average 31 days, and the length of stay ranged from 0 to 524 days. It cost about \$2,100 for the average stay of 31 days for theft, and it cost about \$35,600 to house a person for 524 days. Finally, those individuals charged with driving under suspension spent on average 20 days in the jail, and the length of stay ranged from 0 to 779 days. The cost for a 20-day stay is about \$1,400, and the cost for a 779-day stay is approximately \$53,000.

More In-Depth Analysis of Length of Stay

The length of stay was calculated for the various types of charges by whether they were non-violent, violent, or unknown. The results are presented in Table 11. The average length of stay for all non-violent other charges was 12 days. The mean length of stay for non-violent misdemeanor was 18 days and the average length of stay for non-violent felony was 37 days. No “other” cases were coded as violent other charges. Violent misdemeanor cases spent on average 19 days. The mean length of stay for cases with violent felony charges was 68 days. Those with

an unknown other charge spent an average of 2 days in the jail. The mean length of stay for unknown misdemeanor charges was 38 days. Finally, the average length of stay for unknown felony cases was 39 days.

There is only a difference of one day separating the mean stays of non-violent and violent misdemeanor cases. There were 2,993 cases that were classified as non-violent misdemeanors. Based on the mean length of stay of 18 days, it cost an average of \$1,200 to house a non-violent misdemeanor defendant, and it cost about \$28,000 to keep the one non-violent misdemeanor person in the jail for 412 days. Combined, the 2,993 non-violent misdemeanor defendants spent a total of 54,472 days in the jail. This translates to a total cost of about \$3,704,000.

There were 479 cases classified as non-violent "other" charge. To house a defendant charged with a non-violent other charge for the average length of stay (12 days) it cost about \$800. The cost for holding the one non-violent "other" charge person for 412 days was \$28,000. A total of 5,657 days in jail were spent by all the non-violent other charge defendants. The total cost was approximately \$384,000.

There were 666 violent misdemeanor cases. It cost about approximately \$1,300 to house a person for the average length of stay of 19 days, and it cost about \$27,000 to keep the one defendant who was held for 400 days. When summed together, all the violent misdemeanors spent a total of 12,960 days in the jail, with a total cost of \$881,000.

There were 698 cases which were classified as "felony unknown" charge. It cost about \$2,600 to hold a "felony unknown" charge defendant for the average length of stay of 39 days, and the cost was approximately \$37,600 to have held the one person for 554 days. All the "felony unknown" charge cases spent a combined total of 27,369 days in the jail, which cost the county

approximately \$1,861,000.

A total of 2,416 non-violent felony cases were housed in the jail. It cost about \$2,500 to hold the typical non-violent felony case for the average length of stay of 37 days, and it cost approximately \$53,000 to hold the one defendant for 785 days. When summed together, non-violent felony cases spent a total of 89,416 days in the jail, which cost about \$6,080,000.

Finally, it cost about \$4,600 to have held a defendant classified as a violent felon for the average length of stay of 68 days. The cost was \$58,000 for holding the one person for 854 days. There were 674 individuals classified as violent felony cases. All the violent felony cases spent a total of 45,596 days in the jail. The total cost was slightly more than \$3,100,000.

Multi-Variate Analysis

To see the impact of variables on length of stay, while controlling for the shared effects, Ordinary Least Squares (OLS) regression was computed. OLS regression allows for the direct effect of an independent variable to be calculated while holding constant the effects of the other independent variables. The dependent variable was length of stay in days. The independent variables were gender, race, age, level of charge, and if the charge was for a violent offense. Gender was coded as 0 = females and 1 = males. Race was coded as 0 = Nonwhite and 1 = White. Age was measured in continuous years. Level of charge was recoded so that 0 = misdemeanor and 1 = felony. A charge was coded as 0 = non-violent and 1 = violent. The results of the OLS regression equation are presented in Table 12. All the independent variables, but one (i.e., age), had a statistically significant effect on length of stay. Men, even when controlling for the other independent variables, spent on average longer in the jail than did women. Nonwhite

individuals also had longer stays in the jail than did white individuals. Age did not have a statistically significant effect on length of stay. Those charged with a felony spent longer in jail than those charged with a misdemeanor. Finally, those charged with a violent crime spent longer in jail than those charged with a non-violent crime.

Based upon the standardized regression coefficient (i.e., the numbers reported in the β column in Table 12, level of charge (i.e., misdemeanor or felony) had the greatest magnitude of effect on length, when controlling for the other variables of gender, race, age, and the nature of the offense (violent vs. non-violent). It is no surprise that felony cases stay longer in the jail. The fact that the violent nature of the offense did not have as great an effect as expected was an interesting finding. Gender and race had slightly larger sized effects than the variable representing the violent or non-violent nature of the highest charge. The finding that race was related to the length of stay in the jail, even when controlling for gender, age, level of charge, and if the highest charge was for a violent or non-violent offense, is probably related to the release mechanism (posting of bail) typically used to release pre-trial offenders.

Conclusions

Although many conclusions can be reached from the results of this study, we feel that there are three primary conclusions the reader should note.

First, it appears that there is an overuse of jail beds for misdemeanor cases, particularly for non-violent misdemeanor cases. It is expensive to keep people incarcerated in the jail. According to conversations that Mr. Nathan has had with various county and municipal officials, many of the misdemeanor cases were housed in the jail serving a sentence. It would be more

financially efficient use of other sanctions, particularly community-based resources for these offenders. In general, community-based correctional resources tend to cost less than the cost of incarceration in a jail. Examples of more cost-effective community-based sanctions are probation, community service, seizure of property, evening reporting centers, half-way houses, work-release facilities, open/minimum security facilities, local treatment facilities and service, and home confinement with or without electronic monitoring. Based on information collected by Mr. Nathan, it does not appear that community-based correctional resources are being used as frequently as they should be to minimize unnecessary expense and crowding.

The second conclusion is that a warning system should be put in place so action can be taken when a person has spent an exceptionally lengthy period of incarceration in the jail. While not the majority, there are many cases that have spent more than 100 days in the jail. Given the fact that 100 days of incarceration costs \$6,800, a system that notifies appropriate county officials of prisoners who exceed the selected length of stay in the jail could help reduce crowding and save substantial dollars. Pre-trial prisoners could be reconsidered for release on lower bail or transferred to a less expensive community setting, and convicted misdemeanants could be reviewed for shock probation or other forms of release. Such a system should be used to track both violent and non-violent misdemeanor and felony cases. Automatic review of such cases (the presumptive review point being a matter to be established by the Criminal Justice Taskforce) could result in substantial savings in terms of use of jail beds and money. Allowing defendants to remain in the jail for unnecessary extended periods of time wastes valuable resources. The development of an inter-agency information system like that in Stark County would make implementation of such an automatic notice and review relatively simple.

The third conclusion is that the criminal justice system should rely more heavily on release methods other than cash or property bail to allow release from the jail. Information relayed to Mr. Nathan indicates that there is little use of alternative pre-trial release methods in felony cases such as release on recognizance (ROR) in Mahoning County.⁶ Using still other forms of pre-trial release, such as pre-trial diversion, evening reporting centers, and house arrest with or without electronic monitoring are all effective pre-trial release mechanisms. Heavy reliance on monetary or property bond makes it more difficult for lower socioeconomic individuals to gain pre-trial release from a jail. As pointed out in the section of the multi-variate findings, this means a greater number of Nonwhite individuals will not be able to obtain release by posting bail, which means that they will remain in jail longer than their white counterparts. In the end, using other pre-trial release methods will save money, have a positive effect on crowding in the jail, and reduce the impact of structural disadvantages related to poverty and race.

Recommendations for Further Study

The special master recommends that the court authorize further study of the efficiency of the criminal justice system in Mahoning County. As has been noted, this study has limitations. The major limitation is that it is not possible to determine from jail records the length of stay during pre-trial and sentenced status for a random sample of inmates. As a result, the data were insufficient to support a comprehensive analysis of prisoners' length of stays in each of these

⁶ For example, information obtained by Mr. Nathan from Community Corrections Association, Inc. indicates that only 16 felons were released to home confinement without bond during the 2003/2004 year. Of these, Common Pleas Court judges released 11, Municipal Court judges released 4, and a County Court judge released 1.

statuses. The incomplete information the jail was able to supply, however, contained examples of astonishingly long pre-trial incarcerations in the jail. For example, one prisoner entered the jail on March 18, 2003 charged with probation violation, rape, and gross sexual imposition. He remained in the jail as of September 22, 2005, the date this report was written. He was awaiting a suppression hearing that the court had reset from August 15 to October 25, 2005.⁷

Closely related to the issue of length of stay by pre-trial and sentenced inmates is the issue of the type of release by posting bond, completing a sentence, or acquittal. What is required for this more detailed analysis is information regarding the date of arraignment, the date of conviction or acquittal, the length of sentence, if any, to the jail or to the Ohio Department of Rehabilitation & Correction, the date of receipt by the Clerk of Court of sentencing information from the sentencing court, the date of transmission to jail staff of a warrant for transportation to the ODRC, the date of actual transfer from the jail, and the date of other releases based on bond, acquittal, conviction, or other reason.

The special master recommends that the Court authorize a supplemental report that will identify the length of stay in the jail by pre-trial and sentenced felons, as well as the types of release that occur in felony cases. The special master is suggesting that this study be limited to persons charged with felonies for two reasons. First, he believes that information on which the instant report is based demonstrates that days spent in jail by misdemeanants are substantially weighted in favor of days spent serving a sentence rather than days awaiting trial. Second, earlier discussions with the Court Administrator of the Mahoning County Court of Common Pleas have indicated that case information for misdemeanants will be difficult to extract from the

⁷ <http://courts.mahoningcountyoh.gov/> (Case No. 2003 CR 401)

computerized files in the clerk's office; it appears, however, that the information needed for a study of persons charged with a felony is readily available and easily retrievable from the officer of the Clerk of the Court of Common Pleas directly by computer in Toledo. Thus, if limited to felony cases, the supplemental report the special master is recommending can be available much more quickly (and at less expense) than a broader report addressing length of stay by misdemeanor as well as felony cases.

This supplemental study and report will be a highly useful tool to county officials for future planning. Indeed, the proposed study should be a regular and routine part of the planning process in connection with the operation of the Mahoning County Criminal Justice system.

Respectfully submitted,

/s/ Eric G. Lambert

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