Summit County Jail Crowding Reduction Project

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A History of Crowding

Jail crowding has been commonplace in Summit County, Ohio for decades. Summit County officials have tried various approaches to the problem including but not limited to, court orders, double-bunking, and enough consultant studies to cover the county in the paper generated by their reports. Sadly, the attempts to address the issue have never met with more than limited or temporary success. Still, concerns over the crowding by public officials who desired to do the right thing have kept the issue on the front burner. That resulted in yet another approach that has recently paid off in significant dividends. Before we get to the good news, a brief review of Summit County’s jail crowding woes will help provide readers with some cause and effect history.

The first outward indication of a problem at the jail began back in 1973 when an inmate at the Summit County Jail filed a federal lawsuit against the county. The lawsuit cited numerous concerns at the old jail which amounted to a “totality of conditions” including crowding, insufficiencies in medical services, HVAC problems, and a lack of inmate services, inmate classification, policies and procedures and staff training. The federal judge handling the case directed county officials to make improvements in the operation as well as the physical plant issues.
Admittedly, the county’s response to the court’s decision amounted to only marginal improvements in the areas defined. One bright spot was the inception of an inmate services unit that helped make the crowded conditions more bearable for both inmates and staff alike. Status quo prevailed until 1981 when another inmate, a somewhat savvy “jailhouse lawyer,” saw the original 1973 lawsuit while working on his own unrelated lawsuit. He realized the county had never made significant improvements to the jail or its operation and filed a contempt motion in federal court. This time the case was taken over by a different federal judge (Frank Batisti) who was not about to let the status quo remain. Judge Batisti, the plaintiff’s attorneys, and the county worked out a consent decree that detailed specific changes to the areas in dispute. Not only were improvements made in all areas, but the judge eventually ordered the county to build a new jail when the average daily population consistently exceeded a predetermined cap he had imposed.

"Studied to Death!"

Shortly after the judge’s order for a new county jail a consultant funded by the Department of Justice: Bureau of Justice Assistance visited Summit County to review and report on the criminal justice system in the county and make recommendations for improving its operation. This was to be the first of six studies or proposals completed over the next 15 years to address crowding at the jail. The studies were conducted by consultants obtained through grants with the National Institute of Corrections and various consulting firms hired by the county. It became the battle cry of some county officials that, as one councilman put it, “the problem had been studied to death and what we need are real solutions!”

Although a new, state-of-the-art, direct supervision facility was completed in 1990, the new jail’s capacity was 100 beds less than that requested by former Sheriff David Troutman. Troutman’s concerns were accurate and within a few months after opening inmates were sleeping on cots in the jail’s classrooms. Because of the continuation of crowding in the new jail the county was not able to obtain a closing order in the federal consent decree. Mr. Dean Carro, faculty member at the University of Akron School of Law, was the monitor assigned by Judge Batisti to oversee the jail operation. Mr. Carro was originally scheduled to finish his assignment one year after the jail opened. Jail crowding continued to plague the county and Mr. Carro served as Monitor until mid-1994 when the judge finally issued a closing order. Mr. Carro spoke of those years, “Those were challenging times. Citizens wondered why this issue was getting attention. Local politicians publicly challenged the process, and staff was concerned about their roles. The (federal) order required weekly visits during which every aspect of jail operations had to be examined. Several views of every problem were presented by the affected inmates and the jail administrators and were discussed by the parties. The beauty of this process was that everyone involved over those years—jail administrators, county attorneys, the plaintiffs’ counsel, and the local common pleas judge assigned to oversee the case—always acted professionally, creatively, honestly, and reasonably. Without those attributes this entire process would have been rendered much more exhausting and we would not have been able to achieve what we did.”

In those intervening years a number of measures were taken by former Sheriff Troutman and former Chief of Corrections, Michael Toth, to try to stem the tide of the ever increasing population. A commission was established in the county, the Criminal Justice Coordination Council, to help address issues and find solutions to persistent problems. First, the county’s court of common pleas issued a five-part order that addressed numerous issues that affected the jail operation. Specifically, it placed restrictions on which misdemeanor offenders were accepted into the jail, it established an emergency release mechanism for offenders, it designated population capacities, it instituted guidelines for pretrial release (and pretrial supervision) and it designated a minimum security, satellite facility (the Glenwood Jail) as an “overflow” mechanism for non-violent, sentenced offenders.

A second measure to help handle the jail’s crowding was to double bunk 48 of the lower security housing cells. Approval for the double bunking had to be obtained from both the federal judge and the state of Ohio’s Bureau of Adult Detention, the branch of the Department of Rehabilitation and Corrections that oversees jails in Ohio. The double-bunking increased jail capacity to 450 beds.

The above measures were effective in the short term and a facility addition in 1995 helped in the redistribution of inmates for classification purposes and made more effective use of the original beds. The 128-bed addition was primarily for the purpose of incorporating a misdemeanor jail run by the city of Akron into the county jail. The city was struggling with its own federal court case after being sued over that facility’s conditions. The city began a contract with Summit County for 115 misdemeanor beds. The addition brought the total jail capacity to 578 beds.

Truth in Sentencing

Summit County enjoyed a brief respite for a few years as jail staff held the line on the population at the jail. In hindsight it may have been the calm before the storm. The state of Ohio had been working on a revision of the felony sentencing laws for some time that reflected the mood of the public and the system to be tougher on crime and that sentences served were consistent with sentences given. On July 1, 1996, Ohio Senate Bill 2 went into effect. As a result, Ohio sheriffs found that although violent felons did serve longer sentences at various state institutions, they were asked to deal with larger numbers of non-violent and lower-degree felony offenders sentenced to their county jails.

As a result, by mid-1997 the bookings at the Summit County Jail began to steadily increase. New Chief Deputy Steve Finical found that despite the use of the emergency release mechanisms the jail inmates had to be boarded.
out to facilities in other jurisdictions. Those available beds were eventually filled and the overflow inmates were placed on cots. The overcrowding continued for much of the next eight years with increases in felony bookings causing the most impact. Those offenders were naturally held at the jail for longer periods of time due to the nature of their cases.

Back in Federal Court

By 2001 the crowding had reached the point where typically 100 inmates slept on cots. However, the cots were disseminated in housing pods in a manner that allowed the jail to maintain consistency of classifications. The county gained slight breathing room when it stopped accepting federal inmates from the US Marshals and adjusted its contract with the city of Akron for misdemeanor beds. (The jail’s overall capacity was then at 586 beds.) The jail began to hit new highs in population topping out at times over 800 inmates. Still there was no relief in sight and the hue and cry over crowded conditions rose up to the ears of the attorneys who represented jail inmates in the consent decree. Akron attorneys Bob Armbruster and Tom Kelly filed a contempt motion contending that the county, Chief Finical and the newly elected Sheriff Drew Alexander violated the terms of the 1994 closing order by housing inmates on cots and for the overall crowded conditions at the jail. Federal Judge Peter Economus heard the case and later ruled that although there was concern for the crowded jail, he dismissed the motion saying that the jail was well-run and there were not significant problems there.

Same Old Problem—New Solution

One of the common denominators in the many previous studies was the need for a “new and improved” pretrial services for felony defendants. The pretrial program in existence at that time was short-staffed and run from a very conservative perspective. That is, few defendants were recommended for lowered bonds or signature bonds because of a philosophy that because they were criminals they could not be trusted to show up for court. Summit County was in need of a reliable, effective pretrial program that the judges and the community could have confidence in. That message had been clear for years and it came not only from consultants but from judges, from Sheriff Alexander, and from others in the system. “Others” included County Public Safety Director Steve Libby and Natalie Michelaides who worked in the county’s Bureau of Justice Affairs Office. They had been working with members of the criminal justice system for years to explore alternatives to the status quo in pretrial services and other issues regarding inefficiencies in the system.

Oddly enough they were instrumental in bringing yet another consultant into the picture. The difference this time was this consultant, Dr. Marie VanNostrand, was able to get the many members of the county-wide criminal justice system to work together to combat the problem of jail overcrowding.

Dr. VanNostrand, Senior Consultant for Luminosity, Inc. was obtained by the county in 2004 through a ten-day technical assistance grant through the National Institute of Corrections to assess pretrial services. During her first three-day visit Dr. VanNostrand interviewed key system players and identified a number of inefficiencies in the system processes. She reported back to the county’s Criminal Justice Advisory Board (CJAB), formerly the Criminal Justice Coordinating Council (see above) which was chaired by the county executive and made up of judges, the sheriff, prosecutors, clerks, attorneys, and other city and county officials. Dr. VanNostrand recommended to the board a re-engineering project, not only for pretrial services but for the entire criminal justice system. The board agreed and County Executive Jim McCarthy approved the funding of a seven-month project in which the consultant and criminal justice system members would address the issue of jail overcrowding.

A Partnership, Not Another Study!

The new approach to jail overcrowding was viewed from the get-go as a partnership among the players in the system. There had been some finger-pointing over the years that often left the impression that jail crowding was somehow the fault of the jail (or more specifically the sheriff’s office). Dr. VanNostrand spent much time analyzing the “in and outs” of the various processes and, although she thought there were areas the sheriff’s staff could improve on, there was no indication that they were the problem. Her plan was to sit down with the managers of those at the key levels of execution and identify problems and solutions as a partnership or team.

The partnership included judges, prosecutors, defense attorneys, pretrial services workers, probation, community corrections programmers, and of course the sheriff’s personnel who ran the jail. A sub-committee formed years earlier, the Jail Crowding Sub-Committee, was the nucleus of the team. The team developed a purpose statement that was simple: Reduce the crowding of the Summit County Jail without compromising public safety or the integrity of the justice system. The scope of the project was just as simple and was also decided upon by the team: Implement system efficiency measures that DO NOT require additional financial or human resources.

The methodology employed by Dr. VanNostrand to accomplish the project purpose was two-fold. First the team would identify unnecessary system delays through the collection and analysis of case processing and the jail’s population information. That method was made more difficult by the fact the jail’s record management system was outdated. The system, though reliable, was designed in the mid-80s and it was difficult to get programming support to develop the specific reports needed in the project. Dr. VanNostrand and sheriff’s office staff had to be creative in obtaining the data needed, sometimes relying on old-fashioned counting methods on hard copy reports. (Incidentally, the sheriff’s office is currently installing a new record management system which should be on-line by the time this article is published).
The second method the group would use to reduce crowding was to implement solutions to address the delays and thereby reduce the average length of confinement and the overall jail population. Dr. VanNostrand challenged the team to set specific goals. The team responded and set an ambitious one-year goal to reduce the jail’s average daily population (ADP) by 65 inmates by March 2006.

**Phase I**

Phase one of the project took place from March to September 2005. It included the restructuring and re-engineering of pretrial services. Although that component of the project is not the focus of this article it was an important aspect of the overall project. Dr. VanNostrand led the pretrial services committee through several steps: restructuring the organization of pretrial services and developing and implementing a pretrial investigation guide, a risk assessment instrument, and pretrial risk assessment recommendation guidelines.

As stated, the system re-engineering began when the team first met to identify system inefficiencies and delays in case processing. Delays in the following areas were recognized as areas where improvements could be made by some or all involved in those actions: prison convey transport order completion, transports to state prison following conviction, court paperwork through the system, probation violation court docketing and dispositions, and jail bookings and releases. The team also recognized other areas of concern that needed to be addressed. For example, there were delays in the identification, screening and transfer of sentenced offenders to alternative programs. In some cases offenders returned from state prisons as witnesses in other court cases were held at the jail for long periods before and after they testified.

**Early Accomplishments**

The team worked hard to find workable solutions to the problem areas it identified. That was sometimes a difficult task since it involved a lot of introspection by various agencies and a willingness to break down some territorial boundary issues. Still, there were some huge success stories in phase one that made it all worthwhile:

- Reduced transfer time of sentenced felons to state prisons from 14 days to 9.
- Court-ordered pretrial releases increased by 700 percent through the pretrial re-engineering project.
- Release-time processing was cut by 50 percent.
- Transfers to the minimum security satellite jail nearly tripled from April to August.
- Reduced ADP by 56 inmates.

**Phase II**

Due to the early successes and the need to further implement changes, the project was continued from September 2005 through March of 2006. Obviously, Dr. VanNostrand and the stakeholders wanted to continue the improvements and maintain the positive steps in the long run. It was important to develop an infrastructure that would help ensure that the ground gained would not be lost once the consultant left town. Indeed, the original goal of the project team was to effect change in the system without incurring the cost of new or more staff. However, given the successes of the project, Summit County leaders listened to the team’s recommendation that some additional staffing would solidify the improvements already made and agreed to hire two additional pretrial services workers.

Not only that, the sheriff’s office was able to add a new position based on a recommendation from Dr. VanNostrand. That position was a “jail population control manager” whose primary responsibility was to oversee the efforts initiated by the team. The duties specifically included oversight of transfers of sentenced offenders to the county’s minimum security jail, trouble-shooting system processes, activating the emergency release process, and monitoring the jail’s statistics to watch for trends and anomalies. In short, that person would push and prod to ensure all the hard work and changes made by the team were maintained and the system didn’t fall back into old habits. Diana Kovack who knew the system well and had supervised the jail’s registrar unit for years was the obvious choice and was selected for the position.

Results of the team’s continued efforts in Phase II included reducing the jail’s average length of stay (ALOS) per inmate by 1.5 days going from 19.6 to 18.1 days. Although the team’s goal of reducing the jail’s ADP by 65 was not achieved they came close. The ADP at the Summit County Jail was reduced by 61.9 inmates.

**Continued Success!**

Sometimes when a consultant leaves town after helping a jurisdiction make improvements there is a tendency for things to revert back to status quo. That was not the case in Summit County. Although Dr. VanNostrand had her work cut out for her initially, the key players in the criminal justice system stepped up to the plate when she left. There was an underlying spirit of cooperation for the members of the system that was critical in the project’s continued success. That cooperation translated into an additional ALOS reduction of 1.3 days (18.1 to 16.8 days) and an additional reduction in the ADP by 43.1 inmates!

A follow-up report completed by Dr. VanNostrand in January 2007 indicates there were some truly outstanding results in the project:

**Follow-up Report**

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<th>Metric</th>
<th>Result</th>
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<td>ALOS six months prior to the project:</td>
<td>19.6 days</td>
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<td>ALOS July—December 2006:</td>
<td>16.8 days</td>
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<td>Total ADP reduction:</td>
<td>105 inmates (1 yr. goal was 65)</td>
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<td>ADP at project start (April 2005):</td>
<td>754</td>
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<td>ADP (December 2006):</td>
<td>663</td>
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Why it Worked

There has certainly been no shortage of people in the Summit County criminal justice system who worked over the years to improve the system or at least their portion of it. In fact, Summit County has been blessed with many bright, conscientious employees who have worked day-in and day-out to make it better. Despite their efforts it's been difficult at best to maintain efficiency levels when faced with the volume of offenders in the system and the increased complexities of their cases. The case-loads of prosecutors, judges, probation officers, etc. have increased. New records management systems have been slow in coming and staffing levels in most cases have not increased with increased work loads. If all of that sounds familiar it should. It's what nearly all jurisdictions across the country deal with each day. As stated previously, the problems in Summit County were indeed studied to death. Unfortunately some of the "fixes" never happened because the responsible stakeholder didn't accept responsibility, didn't have the resources to deal with the problem, or simply didn't know how to work within the larger system to make change happen. Summit County Sheriff Drew Alexander understood the frustrations experienced by previous sheriffs. "From the time I started my campaign to run for sheriff overcrowding was one of my top priorities. Once in office we tried everything we could as an agency to reduce the daily jail population but continued to see daily populations over 800. Despite the high numbers we committed ourselves to use sound correctional practices to operate the jail while we tried to convince stakeholders that this was a problem for the entire criminal justice system. Once the project was underway it was evident that the system-wide approach reduced the strains on our jail and made the Summit County criminal justice system more streamlined and efficient."

So what was different this time? A number of factors must be recognized. First, the project and the consultant received the support of the county executive and the CJAB. The top administrator of the county must be on board with a project of that scope. If the various stakeholders in the county and cities involved were to commit to make changes in their operation they needed to see that support from the top officials. Second, the major stakeholders (represented by their go to players) developed a partnership with each other and agreed to follow the lead of the consultant. The consultant had the freedom to be objective and ask the hard questions of all stakeholders to get to the root of the inefficiencies in the system. Third, those questions and the resulting discussions to work out the answers were held in open, group meetings. Although there was no intent to embarrass any agency or leader there was the incentive for representatives to do their part to make whatever improvements were necessary to get the desired results.

There were several important keys to the success of the team to reach their goals. First, team members who were "close to the action" identified the problem areas. Good managers know that good workers on the front lines can best define what areas need improvement. This project was no exception and those workers were consulted. Second, the goals for the project were based on measurable outcomes. It was not left to someone's opinion as to whether there was progress made (e.g., the measure of success in reducing the time it takes to convey a prisoner to a state institution was easy to determine: the number of days for processing was shortened or it wasn't!). Third, the project team members were accountable to several layers of authority: the project team itself, the CJAB, their own office holders, the criminal justice system as a whole and, of course, the public. Although that seemed like a lot of pressure on the team members the rewards were worth it. The work done on the project by Dr. VanNostrand and the team members was recognized by local officials; however, the rewards of seeing real, positive changes made to the system they've worked with for so long was a reward in itself. Certainly, the local criminal justice system and the public can be proud of what it accomplished on behalf of the citizens they serve. The work of Dr. VanNostrand was outstanding. Though she was a hired consultant her efforts were much more like that of a fellow public servant who wanted to see the system made better for everyone.

Epilogue

It's one thing to make changes and improvements to a process. It's another to maintain them. There will be (and indeed have been) challenges to the new and improved system since the project's official end that will threaten to impact the improvements made. For example, the mayor of the city of Akron, plagued with a high number of guns present on the city's streets, authorized funding for a series of sweeps by the police department. The sweeps have been fruitful but despite the increased numbers of bookings the "re-engineered system" has been able to assimilate those new felony bookings without losing significant ground. There were some issues that had to be worked out such as rescheduling those sweeps through the week when the courts were open. The bottom line was the mechanisms (and lines of communication) were in place to "take the hits" and keep moving forward. There are still issues to be faced in Summit County. The jail has seen consistent increases in felony bookings and will still wrestle with the need for expansion. But assessing the need will be much easier now. Because county officials know the system is working efficiently they won't have to ask the age-old question, "have we done all we can to improve the system before we look at new construction?"

Steve Finical is the Assistant Sheriff and Chief for the corrections division of the Summit County Sheriff's Office in Akron, Ohio. He has been with the sheriff's office since 1977 and has served in his current position since 1997. Steve has worked in the training, court services, and patrol bureaus. He also serves as the chaplain for the agency. He has a B.A. in Sociology from Heidelberg College in Tiffin, Ohio. He can be reached at (330) 643-2118. His e-mail is sfinical@sheriff.summitoh.net