IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Nathaniel Roberts, et al.,	*	
	*	
Plaintiffs,	*	
	*	
vs.	*	CASE NO. 4:03 CV 2329
	*	
County of Mahoning Ohio, et al.,	*	
	*	
Defendants.	*	

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Seventh Report of the Special Master
Report on Days Elapsed Between Major Events in Felony Cases in the Mahoning County Court of Common Pleas

Executive Summary

The report that follows contains an analysis of felony cases processed through the Mahoning County Court of Common Pleas. Using a random sampling of 187 cases representing bookings into the Mahoning County Criminal Justice Center in 2003, the authors measured the elapsed time between the following events (milestones): booking date; indictment date; arraignment date; disposition date (*i.e.*, determination or plea of guilt, finding of not guilty, or dismissal); sentencing date; date of warrant to transfer to state prison; and date of transfer to state prison. These data were drawn from the automated docket system of the Mahoning County Court of Common Pleas.

The mean or average number of days between milestones in these cases was the following:

- Booking to Indictment – 37.79 days
- Indictment to Arraignment – 21.65 days
- Arraignment to final disposition – 186.38 days
- Disposition to Sentencing – 76.95 days
- Sentencing to Issuance of Warrant to Convey – 33.96 days
- Warrant to Convey and Transport to Prison – 37.46 days

Although not all defendants spent the entire time (average or otherwise) between milestones in jail, overall they spent a substantial number of days in jail during the course of their cases. Using an average daily cost of $68 per prisoner, one can calculate the cost of the **average** length of stay between milestones.

- Booking to Indictment – 37.79 days @ $68 = $2,569
- Indictment to Arraignment – 21.65 days @ $68 = $1,472
- Arraignment to final disposition – 186.38 @$68 = $12,673
- Disposition to Sentencing – 76.95 @$68 = $5.232
- Sentencing to Issuance of Warrant to Convey – 33.96 @ $68 = $2,309
- Warrant to Convey and Transport to Prison – 37.46 days @ $68 = $2,547

To the extent that elapsed times (average of higher) between milestones reflect correctible

inefficiencies in the operation of the Mahoning County criminal justice system, they contribute to the shortage of beds in the jail; moreover, as the dollar figures that

accompany the average numbers make clear, delays between milestones are quite costly to the county.

For these reasons, this report ends with a recommendation by the special master that the Sheriff initiate an early warning system to notify the Common Pleas Court or, in the case of the issuance of warrants to convey, the clerk's office, when it appears that the time elapsing between milestones is approaching an excessive period of time. In order for the Sheriff to identify targeted time limits between milestones, the special master recommends that the Sheriff consult with the Court of Common Pleas, incorporate that court's recommended time frames into the early warning system, and share the final version of the early warning system with the Criminal Justice Working Group for its comments.

Seventh Report of the Special Master
Report on Days Elapsed Between Major Events in Felony Cases in the Mahoning County Court of Common Pleas

Data Source and Coding

The authors of this report are Eric Lambert, Ph.D., Kasey A. Tucker, Ph.D., Cory Nafziger, M.A., and Vincent Nathan, the special master in *Roberts v. County of Mahoning*.[1] The purpose of the report is to determine the length of time between major points in the process of a felony case through the Mahoning County Common Pleas Court system. It supplements the earlier *Special Master's Fifth Report – Length of Stay at the Mahoning County Justice Center* (Doc. No. 140) and *Sixth Report of the Special Master – Report on Days Elapsed Between Sentencing of Felons and Transportation to Prison* (Doc. No. 148-1). The *Fifth Report* contained information regarding the length of stay of misdemeanor and felony defendants, both pre-trial and sentenced. The *Sixth Report*, which the Court directed the special master to prepare, measured the number of days elapsing between only two steps in the processing of convicted felons: the date of sentencing and the date of actual transportation from the jail to prison. The purpose of the current report is to providing greater detail regarding the progressive steps of felony cases in the Mahoning County Court of Common Pleas.

Dr. Lambert is an Associate Professor and the Chairman of the Department of Criminal Justice at The University of Toledo. Dr. Tucker is an Assistant Professor in the Department Criminal Justice. Mr. Nafziger, who recently obtained his Master of Arts

[1] Because Dr. Lambert, Dr. Tucker, Mr. Nafziger, and Mr. Nathan were responsible for identifying, capturing, and evaluating the data contained in this report, they will be referred to collectively throughout as "the authors."

degree in criminal justice, has been an assistant to Mr. Nathan since the onset of the mastership in this case.

To achieve the objective of this report, Dr. Lambert and Dr. Tucker took a sample of people who were booked in the Mahoning County Justice Center (the Mahoning County jail; henceforth the jail) during the 2003 calendar year. Only people who spent ten or more days in the jail comprised the sample. The ten-day stay requirement was intended to omit from the study those persons who remained in jail only a few days awaiting the granting and posting of bail. The authors selected the year of 2003 because it was the most recent completed year that was not significantly affected by the early release mechanism that came into effect in early April 2005. The authors measured the number of days elapsing between the major points or milestones in a felony case:

Booking to Indictment

Indictment to Arraignment

Arraignment to Disposition (i.e., decision of dismissed, not guilty, guilty based on trial or plea)

Disposition to Sentencing

Sentencing to filing of the Warrant to Convey

Warrant to Convey to prison to Transport to prison

The authors selected these events because they are milestones in most felony cases and help identify points along the criminal process when delays tend to occur.[2] The data files of all individuals booked into the jail during 2003 comprised the basis the

[2] In addition to an analysis of the length of time between each milestone point, the authors analyzed elapsed time between each milestone and other milestones more than once removed from the original event (*e.g.*, the length of time between indictment and sentencing). The authors present the results of these analyses in Appendix A.

authors used to create a sample of felony cases for this study.[3] 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, information about the type of release (when available), the highest charge code, and a brief description of the highest charge. Dr. Lambert imported the data file into a statistical analysis program entitled SPSS (Statistical Package for the Social Sciences). An initial review of these data determined that there were a number of cases that contained errors preventing their use in this study. The authors identified and removed those cases from the data file to permit an accurate analysis to be preformed. After the removal of these cases there were 8,408 unique cases remaining (i.e., 8,408 individuals who were booked into the jail during 2003). Dr. Lambert then reviewed and cleaned the data. 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. Dr. Lambert checked booking dates again to ensure that all of the cases represented individuals booked into the jail in 2003. He concluded that all of the booking dates ranged from January 1, 2003 to December 31, 2003, the year and target population of the current study. Mr. Nafziger contacted jail personnel in connection with those cases identified in the cleaning process as missing information such as charge number or information on charge. Jail personnel provided this data, which Mr. Nafziger then entered into the data file.

A numerical variable was created to measure whether the highest charge reflected in the charge code was a felony (coded 2), a misdemeanor (coded 1), or other (coded 0).

[3] "Case(s)" refers to each individual represented in the data file by his or her unique booking number.

Specifically, contempt of court, material witness, other municipality charge, other state charge, and local ordinances were coded as "other." According to Mr. Alki Santamas, the Administrator of the Mahoning County Justice Center, all federal charges were for felonies, and, as such, were coded as a felony (2).[4] The authors removed all cases coded as "misdemeanor" or "other" from the data file because the focus of the current study is on state felony cases within the jurisdiction of the Mahoning County Court of Common Pleas. Of the original 8,408 cases in the file, there were only 4,589 cases in which the highest charge was felony. With the removal of the cases coded as being booked on a federal charge, 4,140 cases remained in the data file. Length of stay at the jail in days was determined by subtracting the booking date from the release date to allow for assessment, by days, of the time each individual spent in the jail in 2003. The removal of individuals who spent less than ten days in the jail left 1,360 cases in the data set.

Using the random select function Dr. Lambert selected 258 cases. The 258 cases represented about 19% of the total pool of 1,360 eligible cases. In order to obtain the criminal case number, Mr. Nafziger sent the booking date, the name of the person, and the charge information to Mr. Santamas, who, in turn, obtained the case number of these 258 cases and provided this information to Mr. Nafziger. Mr. Nafziger then went to the online database of cases found at the Mahoning County Integrated Justice System website (http://courts.mahoningcountyoh.gov/) to obtain information about the selected 258 cases. Mr. Nafziger entered the case number on this website and then went into the docket to retrieve the information. Specifically, he recorded the booking date, the indictment date (if applicable), the arraignment date, the disposition date, the sentencing

[4] Although the jail housed federal inmates in 2003, it does not have a contract to house federal inmates at this time. There were 449 cases coded has having been booked on a federal charge.

date, the warrant to convey date, and the transport date for each of the 258 cases. For a few cases not all the dates were available on the docket journal on the website. In approximately half of the cases there was no information, because the person was booked into the jail in 2003 for appeal of a case previously decided in a year before 2002, the defendant was booked in the jail for a matter not involving a new crime, or the person originally charged with a felony was tried in a municipal court for a misdemeanor. The last occurred because many of the highest charges that were felonies either were reduced to misdemeanor charges or resulted in a plea of guilty to a lesser, misdemeanor charge. These cases were removed from the database because they did not meet the criteria set forth the study or lacked information to be used in the study.

In order to develop an adequate number of cases for analysis, Dr. Lambert drew a new sample from the original file of 1,360 individuals who had been charged with a felony (excluding federal charges), who were booked in the jail sometime in 2003 and who spent at least ten days in the jail sometime during 2003. Because 258 cases had been selected for the original sample, the remaining database included only 1,102 cases. In order to augment the original sample Dr. Lambert randomly selected 158 new cases (i.e., 14% of the remaining 1,102 individuals). Of these 158 cases, only 91 fit the criteria set forth for the study and had information for the necessary milestones in the online docket file. Mr. Nafziger then returned a file of 210 cases with the necessary data. Further review of these cases resulted in the exclusion of 23 cases because they had various problems that precluded them from the study. For example, in some of these 23 cases the defendant was originally charged in the middle to late 1990s but failed to appear at a scheduled court hearing. These individuals were arrested and incarcerated on bench

warrants in 2003 and their original cases then proceeded. Because the long delay from arraignment to disposition or from disposition to sentencing in these cases was not in the control of the court but rather was due to the flight of the defendant, these cases were removed from the data file. Had these cases been left in the data file, they would have skewed the results of the study. The final number of cases left in the data file for the study was 187, which is a sufficient sample for this report and for valid and meaningful results.

The demographic characteristics of the original file (*i.e.*, 1,360) and the sampled file of 187 were similar in all respects. In terms of gender, the original population of 1,360 comprised 15% women and 85% men. The sample file of 187 individuals comprised 11% women and 89% men. In terms of race, the original file of 1,360 had 51% black individuals, 48% white individuals, and 1% Hispanic individuals. For the sample file of 187, 67% were black, 31% were white, and 2% were Hispanic. In the population file (*i.e.*, 1,360 cases), the mean age was 34.35, with a standard deviation of 10.50. For the sampled group, the mean age was 29.30, with a standard deviation of 9.87. Finally, of the original population of 1,360, 71% were charged with a violent crime. For the sampled group of 187 cases, 69% were charged with a violent crime. Thus, overall the sample group is similar to the population group. Some differences are expected because sampling was used and there usually are small differences in measures between the sampled group and the larger population group.

Length of Time Between Booking Date and Indictment Date

The authors calculated the time in days between booking date and indictment date. Of the 187 cases, 14 were lacking an indictment date. These cases were excluded from the analysis for length of time between booking date and indictment date. In addition, 78 cases had a booking date after the indictment date. This was expected, as some offenders will be indicted first and then booked into the jail. These 78 cases were also excluded from the analysis of the length of time between booking date and indictment date. Therefore, this analysis used 95 cases. The frequency distribution of the number of days is presented in Table 1 (see Appendix B). The arithmetic mean number of days between booking date and indictment was 37.79 days, with a standard deviation of 24.30.[5] The median number of days was 33, with a range from 0 to 217 days. The median value of 33 means that half of the cases had 33 or fewer days between booking and indictment and half of the cases took more than 33 days from booking to indictment. In summary, it took more than a month for 65% of the analyzed cases to reach the indictment milestone after being booked in the jail. This does not mean that all the

[5] The arithmetic mean is the result of 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 number of days between booking date and indictment date for the 95 valid cases were added together and divided by 95. The arithmetic means is commonly referred to as the average or mean.

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 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, the more spread out are the scores from the mean. This implies that the mean may not be a good representative single value for the data and may be 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. One should compare the median to the mean to see if extreme values have influenced the mean.

individuals were confined in the jail from time of booking to that of indictment.[6] The calculation for total length of stay (booking to date of release) in these cases, however, reflects that overall these persons spent a substantial period of time in jail. The mean length of stay in jail for these 69 individuals was 181 days, with a standard deviation 145.22. The median number of total length of stay was 161, and ranged from 10 to 785 days.

Length of Time Between Indictment Date and Arraignment Date

The authors calculated the time in days between indictment date and arraignment date. Of the 187 cases, 25 were lacking an indictment or arraignment date; for this reason, these cases were excluded from the analysis for length of time between indictment date and arraignment date. In addition, one case had an arraignment date before the indictment date. This case was also excluded from the analysis. Therefore, this analysis used 161 cases. The frequency distribution of the number of days from indictment date to arraignment date is presented in Table 2 (see Appendix B). The mean number of days between indictment date and arraignment date was 21.65 days, with a standard deviation of 30.90. The median number of days was 14, with a range from 5 to 251 days. The median value of 14 means that 50% of all the cases required 14 or more days from indictment to arraignment. Among the 89 cases that took 14 or more days from indictment to arraignment, many spent a substantial amount of time in the jail. Based upon the total length of stay in the jail (i.e., booking date to release date), the mean

[6] This is true because some individuals' length of stay in the jail were shorter than the period separating the booking date from the indictment date. It is not possible to determine how many days between booking and indictment these persons remained in the jail. This observation (that all lapsed time between milestones was not spent in jail) is true of all calculations of length of stay in the remainder of this report.

number of total days in the jail was 165.04, with a standard deviation of 154.10. The median total length of stay for these 89 cases was 150 and ranged from 6 to 785 days.

Length of Time Between Arraignment Date and Disposition Date

The authors calculated the time in days between arraignment date and disposition date. Of the 187 cases, 20 were lacking disposition information, including disposition date, or were missing an arraignment date. These 20 cases were excluded from the analysis for length of time between arraignment date and disposition date. Therefore, this analysis used 167 cases. The frequency distribution of the number of days from arraignment date to disposition date is presented in Table 3 (see Appendix B). The mean number of days between arraignment date and disposition date was 186.38 days, with a standard deviation of 195.82. The median number of days was 122, with a range from 0 to 1,183 days. The median value of 122 indicates that half of the cases took more than four months arraignment to a disposition. Almost 20% of the cases analyzed took more than 300 days from arraignment to the disposition. Twenty-six of the 167 analyzed cases took more than a year from arraignment to disposition, and seven cases took almost two or more years. Many of these individuals spent substantial periods of time in jail. Forty percent of the 84 cases that took 122 or more days from arraignment to disposition spent 100 days or more total time in the jail (*i.e.*, number of days from their booking date to ultimate release date from jail). The other 60% spent 100 or more days in the jail. The mean number of total spent days in the jail of the cases above the median of 122 days from arraignment to disposition (*i.e.*, 84) was 201.61, with a standard deviation of 186.06. The median number of total days spent in the jail for this group was 168 and ranged from 6 to 781 days.

Length of Time Between Disposition Date and Sentencing Date

The authors calculated the time in days between disposition date and sentencing date. Of the 187 cases, 15 were lacking either a disposition date or a sentencing date. This was expected. Some of the dispositions were dismissed or found not guilty, and, thus, the court would not have sentenced these individuals. These 15 cases were excluded from the analysis for length of time between disposition date and sentencing date. Therefore, this analysis used 172 cases. The frequency distribution of the number of days from the disposition date to the sentencing date is presented in Table 4 (see Appendix B). The mean number of days between the disposition date and sentencing date was 76.95 days, with a standard deviation of 115.84. The median number of days was 57, and ranged from 0 to 693 days. The median value of 57 indicates that 50% of the cases took almost two months from disposition to sentencing. Almost 20% of the cases took three or more months from disposition to sentencing. For reasons stated above, not all of these 172 defendants spent the entire time from disposition to sentence in jail. Some received bail at some point during the process of the case through the court system. Many of these individuals, however, spent substantial time in jail. The mean length of total stay in jail (i.e., number of days from their booking date to ultimate release date from jail) for this group was 163.72 days, with a standard deviation of 154.50. The median length of total stay in the jail for this group was 134.50, with a range of 6 to 785 days. The 87 individuals who spent 57 or more days from disposition to sentence spent an average 170.91 total days in jail (*i.e.*, number of days from their booking date to ultimate release date from jail), with a standard deviation of 177.06. The median number of total days in

jail for these 87 individuals was 120 days and ranged from 7 to 785. Almost one third of this group spent six months or more in jail, and 10% spent a year or more in the jail.

Length of Time Between Sentencing Date and Warrant to Convey Date

The authors calculated the time in days between sentence date and date of warrant to convey. Of the 187 cases in the sample, 78 were lacking either a sentencing date or warrant to convey date. This was expected, as some of the cases would be dismissed or result in a finding of not guilty. In addition, other cases in which the person was found guilty (based on a plea or otherwise) would not necessarily result in a sentence to the Ohio Department of Rehabilitation and Correction. These 78 cases were excluded from the analysis for length of time between sentencing date and date of warrant to convey. Therefore, this analysis used 109 cases. The frequency distribution of the number of days from the sentence date to the warrant to convey date is presented in Table 5 (see Appendix B). The mean number of days between the sentence date and the warrant to convey date was 33.96 days, with a standard deviation of 99.38. The median number of days was 10, with a range from 0 to 683 days. The median value of 10 means that half of the cases took 10 or more days from the date of sentencing to the date of the warrant to convey. More than a quarter of the cases took two or more weeks. Approximately 10% of the cases took a month or longer from the sentence date to the warrant to convey date. In addition, this group of 109 individuals spent a good deal of total time in the jail. As has been noted earlier, the total time in the jail was calculated from the booking date to the ultimate release from the jail date. The mean total length of time in the jail for these 109 cases was 195.05 days, with a standard deviation of 173.34. The median total length of

stay in the jail was 154 days and ranged from 8 to 785 days. One third of the individuals spent 200 or more total days in jail, and 12% spent one year or more total time in the jail.

Length of Time Between Warrant to Convey Date and Transport Date

The authors calculated the time in days between the warrant to convey date and the transport date. Of the 187 sampled cases, 83 were lacking either a warrant to convey date or a transport date. This was expected, since some of the cases would be dismissed or result in findings of not guilty. In addition, other cases in which the defendant was found guilty (based on a plea or a trial) would not necessarily result in a sentence to the Ohio Department of Rehabilitation and Correction, and, thus, would not have either a warrant to convey date or a transport date. These 83 cases were excluded from the analysis for length of time between date of warrant to convey and date of transport. Therefore, this analysis used 104 cases. The frequency distribution of the number of days from the warrant to convey date and the transport date is presented in Table 6 (see Appendix B). The mean number of days between the warrant to convey date and the transport date was 37.46, with a standard deviation of 35.35. The median number of days was 27 and ranged from 3 to 200 days. The median value of 27 indicates that 50% of the cases took about a month or more to be transported to a prison facility after the issuance of the warrant to convey. More than a quarter of the cases took six or more weeks from the date of the warrant to convey and the date of transport. In addition, this group of 104 individuals spent a good deal of time in the jail. The mean total length of time in the jail for these 104 cases was 194.50 days, with a standard deviation of 166.07. The median total length of stay in the jail was 162.50 days, and ranged from 8 to 785 days. One third

of the 104 individuals spent 200 or more days in jail and 12% spent one year or more in the jail.

Summary of Results

The data described above permitted analysis of the average length of time between various salient points in the process in Common Pleas Court proceedings for felons: booking, indictment, arraignment, disposition, sentence, warrant to convey, and transport to prison. The summary of the length of time between each of the major points, the length of total time spent in jail, and the average cost per person are presented in Table 22 (see Appendix B). These analyses should be useful to planners attempting to identify length of time between various points in a felony case in the criminal justice system in Mahoning County. The results are helpful in identifying the points at which excessive delays occurred, as well as those at which the system operated more efficiently. Identifying the points at which many cases appear to be taking too long to reach the next decision stage allows planners to focus their attention on much narrower areas than the entire process to determine why there are delays and what can be done to alleviate unnecessary time spent in jail.

While the authors have noted that not all the individuals in this study spent every day between the various decision points in the jail, many defendants spent substantial periods of time in jail. Delays between milestones that result in additional jail time lead to an inefficient use of finite resources, especially in light of the per diem cost of $68 a day to house a person in the Mahoning County Justice Center. These delays also reduced the number of available beds for other prisoners. A few illustrations will suffice:

If a person spent 122 days (i.e., median number of days) between arraignment and disposition in the jail, it would cost $8,296 to keep this person in the jail. When multiplied by hundreds and thousands of cases in this category, this cost becomes enormous. Accordingly, a reduction in this the average length of time would result in very substantial savings. For example, if a case that took 180 days from arraignment to disposition were expedited and the defendant spent only 90 days in jail, the result would be a cost savings of $6,120 in per diem incarceration costs. Extremely long periods of incarceration in jail are astonishingly costly. For example, there were 31 cases in which 300 or more days elapsed from arraignment to disposition. If the person remained in jail for 300 days, the costs of incarceration were $20,400.

Another example of high costs is the length of time that elapses between disposition (finding of guilt) to sentencing. As previously indicated, the median length of time from the disposition of a case to sentencing was 57 days and ranged from 0 to 693 days. While not every person spent the entire length of time from disposition to sentencing in jail, this group cost the county a substantial amount of money. If a person spent 57 days in jail, it cost $3,876 to house this individual while he or she was awaiting sentencing.[7] About 15% of the cases took 81 or more days from disposition to sentencing. If a person spent 81 days in jail after disposition awaiting sentence, the cost to the county for housing this individual in jail was $5,508. A number of cases (*i.e.*, 8%) took 200 days. If a person remained in the jail for 200 days, the cost to the county was $13,600. Thus,

[7] A significant part of this delay probably results from the time consumed in preparing a pre-sentencing report. Increasing the efficiency of this component of the criminal justice system would pay substantial dividends. Ohio Department of Rehabilitation and Correction officials have indicated a willingness to consider providing assistance to Mahoning County to address this problem.

this is another area in which substantial savings, both in jail beds and in dollars, could be realized.

There are additional costs (in money and beds) involved in housing a person in the jail between sentencing and the clerk's issuance of a warrant to convey. For example, about 12% of the cases took a month or more from sentencing to obtain the warrant to convey. It costs over $2000 to house a person in the jail for a month. Likewise, there are unnecessary costs entailed in holding a person in jail from the date of the issuance of a warrant to convey to the actual transportation of the prisoner to the Ohio Department of Rehabilitation and Correction. As previously indicated, the median length of time from the warrant to convey date to the transportation date was 27 days, and 10% of the cases took 61 or more days. If a person remains incarcerated for the 27 days, the cost is $1,836. If the time elapsed between these two points is 61 days, the cost rises to $4,148. The impact of these delays on crowding are perhaps the least defensible this report has described.

While not the focus of this study, the average person in the study spent a mean of 161.53 days in jail. This means that it cost about $10,984 to house the typical person in this study in the jail using the mean of 161.53 days. When multiplied by the 187 people in the study, the total cost for the group using the mean number of days was over $2 million. One person spent a total of 785 days in the jail at a cost of $53,380. Putting aside the impact on the efficient use of jail beds, this individual cost the county enough to implement a significant reform in the operation of the criminal justice system.

Limitations Imposed by Data and Recommendations for Further Study

The data used in this study did not permit the analysis of the specific reasons why some cases took much longer than others to move through the various stages of the process. In order to do this, a more detailed analysis of a sample of cases processed through the Mahoning County Common Pleas Court system would be needed. The automated Mahoning County Integrated Justice System website, while valuable, does not contain enough detailed information to permit one to learn what is occurring at points in a case other than the major milestones the authors have addressed. In order to obtain more detailed information (for example, the extent to which continuances contribute to delays), the actual court files would need to be examined. Although the information such an analysis would provide would be extremely valuable, such a study would be both time-consuming and expensive. The authors and the special master believe that the three studies they have submitted to the Court on the general subject of length of stay in the jail provide a sufficient basis for planning for enhanced efficiency through shorter periods of incarceration of misdemeanants and felons in Mahoning County.

The major limitation of this study is that it only sampled cases identified as felony cases. The special master's *Fifth Report* established that half of the cases that were booked into the jail during 2003 represented persons charged with misdemeanor offenses. As previously indicated, 8,408 unique cases were processed through the jail in 2003. Of these cases, 4,140 had a misdemeanor as the highest charge, 3,788 had a felony as a highest charge, and 480 had other as the highest charge. In addition, many (up to one-third) of the felony cases were reduced to misdemeanor case. Those cases originally coded as a misdemeanor case spent a mean of 20.65 days in jail. While the length of time

appears to be low, the cost is high considering the number of misdemeanor cases that pass through the jail. Thus, county officials should be concerned about the efficiency of the processing of misdemeanor as well as felony cases and a study of the length of time elapsing between major milestones in these cases would be useful. Such a study, however, would be difficult (and perhaps impossible) to complete and would require a major expenditure of time and money.

During a trip to Youngstown to identify the scope of available data, Mr. Nathan and Dr. Tucker learned of the problems of data collection for misdemeanor cases. 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. Unlike that for the felony cases discussed in the instant report, the data for misdemeanor cases cannot be collected using the internet. In order to collect the data a person would need to be in Youngstown to use a computer terminal in the office of the clerk of the Youngstown Municipal Court. In addition, many of the cases from 2003 are filed in an outdated computer program that the Municipal Court Clerk's office no longer uses. Although the data could be obtained from the computer system of the Youngstown Municipal Court, the process would be an exceedingly slow one. In addition, data would need to be obtained for each individual case. Thus, while a study of the length of time between major decision points of misdemeanor cases would provide useful information, the cost of such a study appears to be prohibitive.

For all these reasons, the special master recommends against further studies of data relating to the length of incarceration of individuals in the Mahoning County Justice

System. If county officials, including municipal and common pleas judges, will take action to reduce the delays the special master's fifth, sixth, and seventh reports have identified and make studies of the kind set forth in those reports a regular part of the planning and monitoring process, however, they will be able increase substantially the efficiency of the use of beds in the Mahoning County Justice Center; they also will be able to eliminate unnecessary costs associated with unduly lengthy periods of confinement during the pre-trial stage of adjudications.

Substantive Recommendations

In addition to exacerbating crowding, unnecessarily lengthy stays in the jail are very costly. If the time between the major decision points can be reduced in the cases of incarcerated defendants, the effect will be to reduce jail overcrowding and to conserve limited financial resources. For this reason, the special master strongly recommends that the Sheriff initiate an early warning system to notify the Common Pleas Court or, in the case of the issuance of warrants to convey, the clerk's office, when it appears that the time elapsing between milestones is approaching a targeted appropriate period of time. In order to identify targeted times elapsing between the various milestones, the special master recommends that the Sheriff consult with the Mahoning County Court of Common Pleas and incorporate that court's recommended time frames into the early warning system. The special master further recommends that the Sheriff present this early warning system to the Criminal Justice Working Group for its comments.

Respectfully submitted,

s/ Eric Lambert

Eric Lambert, Ph.D.

/s/ Kasey Tucker

Kasey Tucker, Ph.D.

/s/ Cory Nafziger

Cory Nafziger, M.A.

/s/ Vincent M. Nathan

Vincent M. Nathan
Special Master