

ASSESSMENT OF INMATE POPULATION CHARACTERISTICS
AND JAIL MANAGEMENT PROCESSES IN
HAMILTON COUNTY, OHIO

Presented to the Hamilton County Corrections Review Task Force

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Executive Summary

Hamilton County, Ohio is currently facing increasing jail crowding. In response to this problem, a Correctional Master Plan, which identified the need to construct a new high-capacity jail, was developed and submitted to Hamilton County officials at the end of 2005. To supplement this plan, the Hamilton County Board of Commissioners established the Corrections Review Task Force in June 2006, charged with examining jail capacity needs, assessing alternatives to jail, and identifying options for expanding custodial capacity. The Task Force engaged the Vera Institute of Justice to assist in this work. The results of this collaborative effort are presented in this report, which addresses three primary questions. First, has the profile of offenders in Hamilton County jail changed in recent history? Second, how has the Hamilton County justice system responded to the changes in offender characteristics? Third, how does Hamilton County differ from other jurisdictions in terms of the usage of jail resources and system capacity?

Findings indicate several important differences in the profile of inmates and nature of justice processing in Hamilton County over the years 1999 to 2004. Offenders in custody in 2004 were much more likely to be unemployed, less educated, and afflicted with drug problems than in 1999. They were only slightly more likely to be charged with violent offenses, but violent offenders appear to be committing increased numbers and types of violent crime. Drug offenders, on the other hand, were not committing more violent crimes in 2004 than in 1999. Findings also indicate that in 2004, inmates spent more time in custody than in 1999. This increased length of stay is due to three discernable trends in jail usage: an increasing number of jail bookings being generated by County law enforcement – with City police departments booking fewer, yet more actively involved offenders; a decreasing use of bonds for release and longer length of stay, both prior and after court date; and a small number of cases, especially drug-related offenses, contributing to an increasing number of jail bed days consumed in 2004. Analyses also show that when comparing select county jails in Ohio and to jails in other states in the region, it appears that Hamilton County has the highest incarceration rate of those examined in Ohio, and is second only to Marion County (Indianapolis) of all jails compared in the region.

The analysis of offender characteristics and criminal justice processes in Hamilton County indicate some significant areas of change that should be taken into consideration in the development of long-term solutions to jail crowding. These long-term solutions must be guided through the creation of a collaborative and permanent body to review, analyze and identify processes within the entire county criminal justice system that can improve public safety for the community. Additionally, enhanced data collection methods and population forecasting models should be adopted to both monitor and predict future changes in the county's jail population. Another method for addressing jail crowding includes the establishment of a community-based continuum of punishments that protect public safety, but also reserves the use of expensive jail beds for offenders who pose the greatest threat of harm to the community. Indeed, the expansion, coordination, and improved implementation of specialized court models offers great promise for diverting some lower risk offenders from jail. Finally, adjunct services that address the varied and multiple needs of offenders (e.g., education, employment, and housing issues) should be offered simultaneously with substance abuse and other mental health programs to help reduce recidivism and assist offenders become productive members of society.

Introduction

This report was prepared in response to a request from Hamilton County to support the Corrections Review Task Force in the review of jail capacity needs. It is intended to foster the development of recommendations for effective treatment of offenders entering the justice system. It focuses on recent patterns jail utilization, the needs of offenders, and the manner in which the criminal justice system in Hamilton County, as a whole, effectively deals with threats to public safety. It analyzes key processes in the management of inmates such as booking and release decisions, judicial review, and sentencing in the context of system and offender needs.

The report focuses on three primary questions. First, how is the profile of offenders in jail today different than in the past? Are offenders booked into the jail today more violent or less amenable to rehabilitation than before? Are they substantially different from those who receive treatment or serve punishments outside the jail in the community? What type of offenses and problems resulted in their incarceration? Second, how is the justice system responding to changes in offender characteristics? Are the programs for treatment and rehabilitation of offenders effective, accessible, and well-integrated? Are court processes today faster or slower, more or less punitive, and how effective are they in protecting public safety? What opportunities are there for improving justice outcomes in the County? Third, how does Hamilton County differ from other jurisdictions in the usage of jail resources and system capacity? Compared to similar counties, is Hamilton County relying more on the use of detention relative to its general population?

Several important differences were identified in the profile of inmates and nature of justice processing in Hamilton County over the years 1999 to 2004. Offenders in custody in 2004 were more likely to be afflicted with drug problems, unemployed, and less educated than in 1999. They were only slightly more likely to be charged with violent offenses, and it is not clear if they were in fact more dangerous. Processing patterns in the jail in 2004 were also quite different than in 1999; inmates were spending more time in custody – partially because expedited mechanisms of release were being used less frequently. It was also determined that most of the additional bed days consumed by the 2004 sample were consumed between booking and court review. While further description of court interventions is limited by the design of the data samples, we were able to identify three discernable trends: 1) an increasing number of jail bookings generated by County Law Enforcement agencies (non-Cincinnati), with City Police Departments booking fewer offenders but with more serious charges; 2) a decreasing use of bond releases and longer lengths of stay both before and after court date; and 3) a slightly decreasing number of cases adjudicated – especially for drug-related offenses – contributing to the increase in the total number of jail beds consumed in 2004. Finally, when comparing County jails in Ohio and other states in the region, it appears that Hamilton County has the highest incarceration rate in Ohio, and is second only to Marion County (Indianapolis), a city with a much larger population.

This report contains a set of recommendations on what the County might do immediately to improve outcomes in justice administration as well as improvements that could be made in the future while awaiting any new jail capacity. These recommendations are designed to assist the County in managing its present space as well as govern the use of any additional jail capacity.

Although this report focuses on the current use of jail space, it also suggests how the county might use jail space in the future, building supportive, complementary programs for community justice and safety, and establishing a process and appropriate timeframes for solving the current jail capacity issue.

The origins and purpose of this report

On June 26, 2006, the County Board of Commissioners established the Corrections Review Task Force. The Task Force was charged with examining jail capacity needs, assessing alternatives to jail, and considering options for expanding custodial capacity. The Vera Institute of Justice was contracted to support this work. Vera staff visited Hamilton County three times, participated in the deliberations of the Task Force, and with the assistance of the Department of Pretrial Services, collected additional data about offender needs, treatment options, and court-processing patterns. Using this information in conjunction with the original data utilized by Voorhis Associates, Inc. for the Correctional Master Plan, an in-depth analysis was completed on the offenders entering in the County jail system (see Section 1: Methods and Limitations).

The questions posed by the Task Force and its subcommittees evolved over the past month. Some members asked how local patterns of jail use and justice administration compared to other jurisdictions: “Are we unusual in our use of jail?” one person asked, and “Are our offenders different?” Other members posed questions about key findings identified in the Correctional Master Plan: “How is it that such a small percentage of inmates consume a majority of jail space?” and, “How might we achieve reductions in recidivism?” Still others wanted to know more about the impact of “processing only” bookings in the jail (where offenders are brought into jail, fingerprinted, and then released with an order to appear before the court), how community corrections could be better utilized, how jail classification affected the accessibility of treatment programs, and whether or not some inmates currently incarcerated could be safely released.

This report responds to some of these questions. The short timeframe involved in preparation of this report and the limitations of the available data constrained the ability to respond to all of these questions and answer them authoritatively. Many important concerns raised by the Task Force are not addressed satisfactorily in this report. For this reason, it is recommended that the County continue to support the Task Force’s exploration of current practices and future options, and to develop a system where the ongoing issues of jail practices can be addressed appropriately as they arise.

The relationship of this report to the Correctional Master Plan

This report should be read as a supplement to the Correctional Master Plan. Completed at the end of 2005, the Correctional Master Plan described trends in justice operations over the preceding decade and then forecast future jail needs based on those patterns. The Plan did not address whether those operations were ideal or optimal; it assumed then current routines would continue into the future and did not consider the impact of justice innovations or efficiency gains on the need for additional jail space. The Plan also did not evaluate the impact of rehabilitative programming or alternatives to jail. It found the present array of treatment programs and

alternatives to incarceration “complete,” but did not assess their eligibility criteria, the success rates of participants, or their overall contribution to public safety. Further, none of these system-wide considerations were part of the projection model developed in the Plan, raising questions about its validity and predictive power. Finally, the Correctional Master Plan strongly suggested that adjustments to current routines might improve justice, especially by reducing rates of recidivism, which it considered unusually high.¹ However, the Correctional Master Plan did not recommend specific actions the County might take to achieve such reductions.

This report attempts to address some of these specific issues. First, this report focuses on offender needs. While the profile of inmates in the Correctional Master Plan focused solely on who is coming into the County jail, this report, by contrast, describes important changes in the offender population in the County jail, addressing questions about their dangerousness, their substance abuse and mental health problems or other needs. On the whole, the population incarcerated in 2004 appears to be poorer, less healthy, and more in need of treatment than in 1999.

Second, this report provides an overview of jail processing. Due to time constraints and design of the sample data, the report is limited to analyses of a set of discrete stages in the justice system; from booking patterns to court appearances, dispositions to release decisions, and lengths of stay. Particular attention was paid to the different processes by which jail bed days – a scarce resource for corrections administrators – were assigned to different populations. An attempt was also made to develop a systemic perspective emphasizing the interactions between law enforcement agencies, courts, and jail officials.

Third, this report focuses on challenges in the administration of criminal justice in the County in the present and future. Without changes in current patterns of justice administration, the County will continue to rent additional jail space and pay for the transportation, representation, and rehabilitation of offenders that cannot be accommodated in Hamilton County. The jail facility proposed in the Correctional Master Plan would not become operational until 2010, even if construction commences immediately. However as the County discusses the size and type of custodial capacity required in the future, the Board of Commissioners will continue to confront questions about the optimal utilization of jail space and administration of justice programs in the present. Over the next three years in particular, the County will need a strong cross-agency governance process to assure that justice and safety are achieved in ways that meet public goals.

Finally, it must be emphasized that this report is not a comprehensive evaluation of criminal justice in the County. An evaluation of criminal justice would not only assess the performance of the system and its individual agencies against established goals and objectives, but it would also examine the costs and benefits of alternative approaches to these same goals and objectives. Such an evaluation could help the County in its efforts to assure the most effective administration of justice and more efficient use of public funds. As an important foundation to this work, the County should develop clear expectations and guidelines for the appropriate use of

¹ “Based on incarceration alone, 70% reoffend; with evidence-based programs, that proportion can be reduced to 40%, decreasing victimization and making the community safer.” Correctional Master Plan, Executive Summary, p. 5.

jail and other justice resources. The findings contained in this report will help lay that foundation by setting a baseline against which to measure progress in the future.

Organization of the report

This report begins with a description of the methodology used in data analyses. This section not only identifies data sources and the types of analyses completed, it also outlines limitations and specific issues related to the data and/or methodology. Next, the report identifies three major differences in the profile of inmates in Hamilton County from 1999 to 2004. This section contains information that will provide task force members a clearer understanding of who is in the jail, for what reasons, and for how long. Jail processing issues follow, which include changes culled from the data regarding how inmates are processed through the county jail. In the fourth section we compare rates of crowding and incarceration in Hamilton County Jail to select other county jail systems in Ohio and in neighboring states. Finally, the last section presents conclusions and recommendations for the County, which incorporate evidence-based best practices.

Section 1: Methods and Limitations

The Vera Institute of Justice study of the Hamilton County Jail system is primarily based on the analysis of administrative data extracted by the Regional Crime Information Center and used by Voorhis Associates, Inc. in the Correctional Master Plan. It consists of two cross-sections of randomly-selected bookings for the years 1999 and 2004 (with sample sizes of 1,000 offenders in each) and includes offender-level records on demographic characteristics, criminal history, current charges, and jail processing. An additional dataset was obtained containing all bookings between January and May 2006 (a total population of 19,928) with a variable structure similar to the samples used in the Correctional Master Plan. Analysis of this data was limited to substantive areas not covered previously in order to effectively supplement the Plan and assist ongoing policy development efforts by the Corrections Review Taskforce.

The review of booking information was complemented by a series of structured conversations with several key criminal justice officials in Hamilton County. In July 2006, Vera staff visited Cincinnati, Ohio on three occasions and participated in various meetings of stakeholders and corrections managers. These interactions prompted the development of research questions analyzed using administrative data, and framed the overall structure of this report and its recommendations. Additional conversations with members of the Corrections Review Taskforce helped clarify jail processes and inter-agency interactions. Through this process, Vera staff had the opportunity to interact with key system actors, such as the Department of Pretrial Services. However, it must be noted that conversations with several key criminal justice agencies did not occur, which would have added to the overall understanding of jail processes and contributed to the content of this report.

Administrative data

The electronic files on jail bookings for years 1999 and 2004 were merged in order to produce booking-level estimates on current criminal charges, employment status, special needs and other relevant variables. The matching of cases was conducted in SPSS[®] using individual identifiers and booking numbers as criteria to identify unique cases. Additional analyses were conducted using the total number of offenders or charges as the unit of analysis.

The Correctional Master Plan samples were not designed to capture the variety of ways people enter the county jail system or the various means used to process them. The characterization of these flows was limited to a very small number of events and population estimates were difficult to produce due to the absence of data from key screening and assessment stages. For example, judicial interactions were only captured via a general court date and a disposition description. No information on arraignment hearings, pretrial services, multiple court appearances, or charges of conviction was included in the original data files extracted for the Correctional Master Plan. In addition to these court-processing variables, the original data did not contain information related to jail management items such as risk scores at intake and rule violations for sampled inmates, which are elements often associated with crowding problems. More generally, the use of a random sample in place of a full data set of the jail population decreased the precision of estimates of central tendency (averages, means, etc.), especially when evaluating patterns for

subpopulations (e.g., mental health, recidivists, weapon offenders, etc.).² The advantages to the usage of a full data set are even more apparent when there are no additional costs associated with expanding data collected.

There are also issues with the robustness of several data fields. The tracking of legal decisions entails complex and often unstable routines; there are particular patterns in the distribution of missing information that raise concerns about the validity of some measurements. For instance, “type of admission” could not be identified for 41.3% of the 2004 bookings – whereas in 1999 only 6.3% of the observations corresponded to missing data. Eighty-six bookings in 2004 had an “unsupported charge” as their top offense, while in 1999 this label was associated with 83 admissions. In analyzing specific instances of jail processing, the data indicated that 213 cases in the 1999 sample did not have a court date or any associated charge information; there were 223 similar cases in 2004.

Emphasize should be placed on the need to develop more complete and reliable administrative data for use in future studies and analysis. As noted, the limitations of using a non-hierarchical data collection approach significantly reduced the potential for analysis. An ongoing data gathering process with more complete access to the full population statistics would require more sustained interactions between corrections staff and researchers, and would lead to a more detailed portrait of the structure of jail assessments and processes.

Interviews with officials, managers and staff members

In all counties and states, the perceptions of justice agency leaders and the views of line staff are critical sources of insight about the meaning of key decisions and outcomes and also the quality and degree of alignment of work across justice institutions. Vera staff met and spoke with only a limited number of justice officials and managers in Hamilton County. Direct input from the Sheriff’s Department, Judiciary or Prosecutors in Hamilton County was not received. Meetings were held with representatives from pretrial services, the public defender’s office, treatment facilities and providers, and mental health providers. This limited access to important sources of information impacts, to a degree, an overall understanding of criminal justice processes in Hamilton County.

The insight of leading staff, the diversity of functions, and attention to system-level concerns in every aspect of the operation of the Department of Pretrial Service was commendable. It is not common across the United States for one organization to be responsible for so many aspects of decision-making before, during, and after the judicial process. The volume and quality of the information managed by this department is also unusually high, and this asset has the potential to be more effectively utilized by the County in the future. The skill-set within this department could support the design of indicators and routine reporting of progress on key performance targets for the system as a whole, including rates of repeat victimization, levels of untreated substance abuse problems, and the long-term impact of treatment and incarceration on the types of offenders and patterns of offending in the County.

² Additional methodological questions should be raised about the usage of identical sample sizes (n=1,000) in two significantly different environments (bookings in 1999 totaled 52,442 whereas in 2004 they represented 43,784).

The depth of interest and understanding of justice issues among members of the Corrections Review Task Force was notable. Several members posed acute questions about findings in the Correctional Master Plan and also about the accordancy of current practices with county-wide objectives. The composition of this Task Force might make it a suitable venue for the formulation of community guidelines about the use of incarceration and availability of treatment for certain types of offenders.

In addition, there is expertise within the County budget office, especially among the analysts for corrections and pretrial services. Their knowledge of processes and problems in the operation of key justice agencies is an asset to the community and, with appropriate long-term support, could help ensure that county-wide objectives and concerns are incorporated into the goals, routines, and operations of individual justice agencies.

Finally, the meetings with Commissioners provided background on the ongoing nature of the jail crowding issue. All Commissioners expressed a primary concern of protecting public safety but indicated a variety of approaches to ensure this concern was addressed. Each Commissioner did highlight the desire for the current course of action to provide for a long term solution to the County's jail crowding problem.

Section 2: The Changing Profile of Inmates in Custody

This section examines changes in the profile of jail inmates over the years 1999 to 2004. The information in this section should also assist the Corrections Review Task Force in determining whether offenders in custody today can be punished and treated safely in an alternative manner to jail or otherwise released safely to the community. However, without a clearly articulated standard for determining whether or not jail is necessary and helpful, this determination is full of uncertainty. Still, a more comprehensive understanding of who is in jail for what type of crime and problem should facilitate that kind of review.

A review of the 1999 and 2004 offender profiles revealed several important changes. First, in 2004, a greater proportion of inmates were less educated and more unemployed than in 1999. Next, in 2004, a greater portion of inmates were in custody because of drug problems or drug offenses than in 1999. While there were more drug offenders in custody in 2004, they did not appear to be more dangerous than in 1999. Additionally, in 2004, a greater proportion of inmates were in custody for acts or threats of violence against people they know or live with was greater than in 1999. Finally, these ‘person’ offenders appear to have committed an increased volume and more diverse set of crimes in 2004 than in 1999.

The data samples taken do not allow for the determination of whether these findings are interrelated – that is, whether those people arrested for violent offenses have undetected or unaddressed substance abuse problems. But it does appear that more offenders in 2004 had a host of problems that brought them into contact with the criminal justice system. Overall, the offenders in the 2004 sample appear to be older, less educated, and less frequently employed than offenders in the 1999 sample.

More inmates committed drug offenses in 2004 than in 1999

By examining the top charge for which individuals were held in custody, the distribution of offenses remained relatively stable over time, with the greatest increase observed for drug offenses (e.g., drug use, possession, trafficking, etc.), which were up from 17% in 1999 to 26% in 2004.³ The changes in the percentage of other types of offenses were relatively minor. Person offenses (e.g., assault, domestic violence, aggravated offenses, etc.) increased slightly, from 24% in 1999 to 26% in 2004 (Figures 1 and 2 below).⁴

³ The 1999 and 2004 samples were sorted in order to examine the most serious charge that individuals were admitted for at booking. Charges were prioritized by the variable ‘case court’ to determine felony, misdemeanor, DUI, or traffic status. The most serious charge from this prioritization was termed ‘top charge.’

⁴ Figures are based on bookings with valid charge information, which include not only the existence of charge data, but also actual crime categories (“unknown” and “unsupported type” were taken out). The distribution of top offenses is set to produce booking-level figures, rather than charge-level numbers, used in the Correctional Master Plan. Using charge-level data, the Plan indicated that the number of charges increased from 2,768 in 1999 to 3,591 in 2004. Using figures on the top charges, these changes were not observed. Figures produced using these two different methods are generally similar; however, top charge underestimates relatively minor co-occurring offenses.

Figure 1
Top Charge 1999 Sample
N=704 bookings

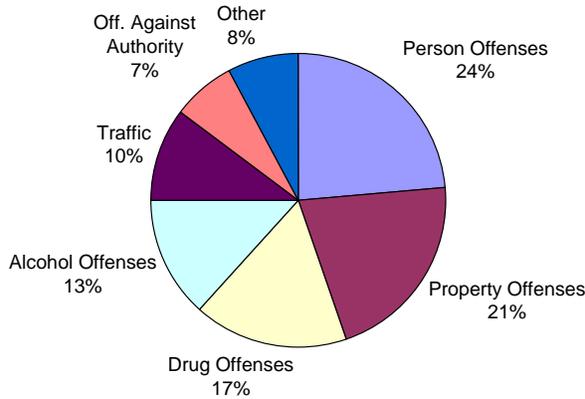
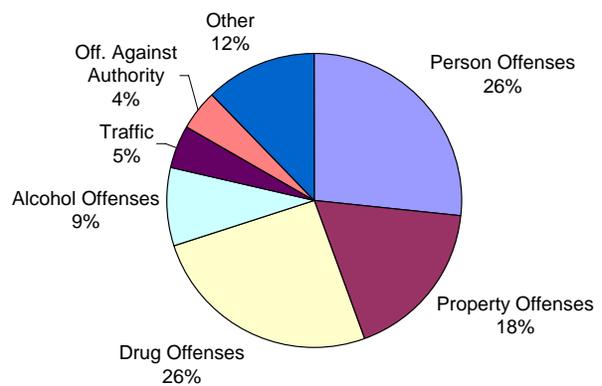


Figure 2
Top Charge 2004 sample
N=658 bookings



The specific types of offenses for which drug offenders were admitted changed from 1999 to 2004, in that 2004 drug offenders were more likely to be cocaine users and distributing drugs than offenders in 1999. As shown in Figures 3 and 4, possession of cocaine increased from less than 10% in 1999 to nearly one-third (30.4%) in 2004. Possession of drug paraphernalia decreased from 16.1% in 1999 to 14.9% in 2004. Trafficking or sale charges (of any drug) were the top charge in 12.7% of all 118 drug bookings in 1999; in 2004 this figure increased to 22%.

Figure 3
Drug Offenses for 1999 sample
N=118 bookings

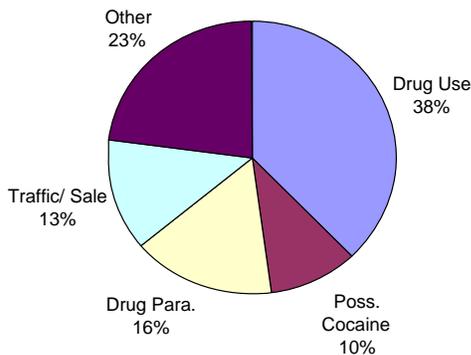
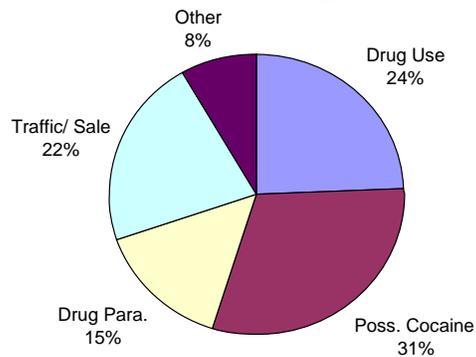


Figure 4
Drug Offenses for 2004 sample
N=168 bookings



Drug offenders are not committing more violent crime

In 2004, drug offenders were arrested for slightly fewer charges than in 1999 (1.8 vs. 2.0, respectively). Drug offenders with multiple charges in 2004 were primarily being arrested for multiple drug offenses, not violent or property offenses. Task Force members had indicated that Hamilton County is experiencing an increase in drug related violence, particularly in the use of weapons. Our findings indicate that this is not necessarily the case; very few 2004 drug offenders committed violence against another person when compared to 1999 drug offenders (Figure 5, below). However, we did find an increase in drug offenders charged with weapons offenses and offenses against authority (e.g., obstructing justice, resisting arrest, etc.). These

findings may indicate an increase in enforcement of drug dealing laws, an increase in cocaine users, and a decrease in drug related violence within the county. Thus, drug court models may be more relevant to help decrease potential recidivism among these offenders now than in the past.

Figure 5

Concurrent charges for drug offenders (top off.)
1999 and 2004 samples

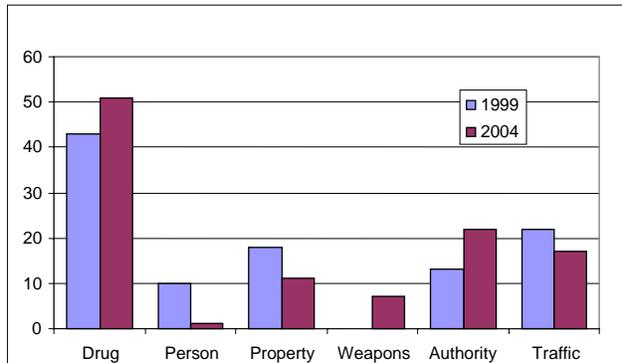
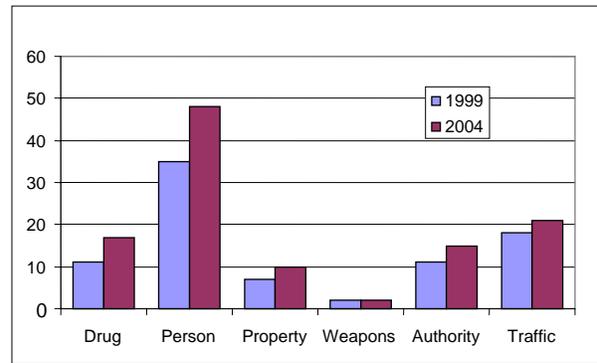


Figure 6

Concurrent charges for person offenders (top off.)
1999 and 2004 samples



In 2004, ‘person’ offenders committed more and more violent, crime

Acts of violence are not the main reason people are booked into the jail. They comprise only 26% of the top charges for which offenders were booked in 2004 (Figure 6, above). Still, there are important differences within the ‘person’ offenses between the two samples. As shown by Figures 7 and 8 (below), the most common charge within the overall category of ‘person’ offenses was domestic violence, which accounted for 50% of the top charges for this category in 1999, but decreased to 40% in 2004. Assault offenses were the second most common charge overall, and these offenses increased slightly in 2004 (27.4%) from 1999 (25.3%). The proportion of charges for menacing/stalking/intimidation in the 2004 sample of inmates was nearly twice as high—4.8% in 1999 compared to 9.1% in 2004. These differences may reflect real changes in interactions among individuals, but they also may be a consequence of greater reporting of such incidents and more swift action by law enforcement agencies in response to such complaints.

In 2004, person offenders also had more charges and counts than in 1999. In 1999, they registered an average of 1.5 charges per inmate and 3.1 counts; in 2004 those averages increased to 1.8 and 3.9, respectively. Person offenders who had multiple charges were charged with more offenses overall, and more drug and (multiple) person charges in particular, than they were in 1999. These findings could suggest a more active cohort of offenders. The 2004 person offenders committed more acts of violence, or threats of violence, and committed an increased number of all types of crime than their 1999 counterparts.

Figure 7
Person offenses for 1999 sample
N=166 bookings

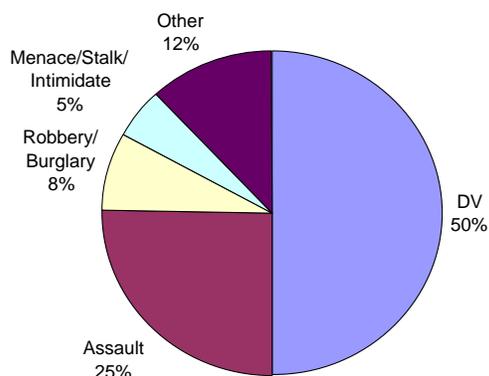
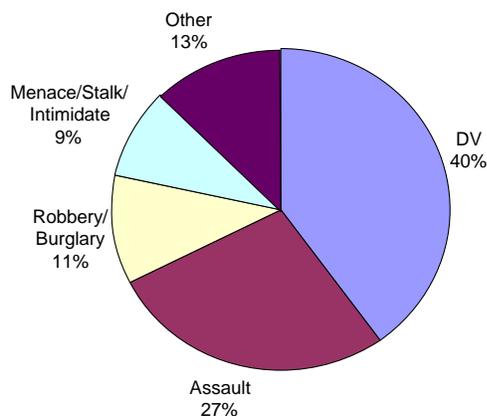


Figure 8
Person offenses for 1999 sample
N=175 bookings



More inmates had previous contact with the criminal justice system in 2004

The previous subsection helped examine whether inmates committed more crime in 2004 than in 1999. Overall, it appears that they did not. However, specific classes of offenders in 2004 appeared to be committing more crime, and in particular more violent crime, than in 1999. Additionally, drug offenders in 2004 were not committing more crime, especially violent crime, than their 1999 counterparts. Thus, analysis found that some of these offenders can be considered more criminally involved in 2004 than in 1999 when measured on variables such as previous crime committed, the duration of criminal history, volume and types of crimes for which they are currently admitted, and special needs.

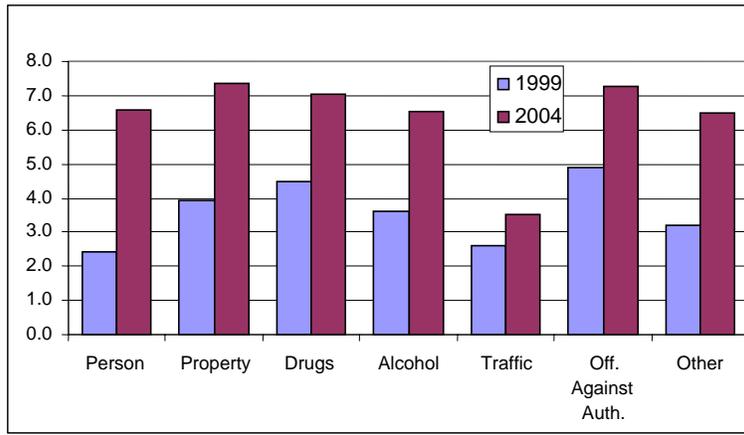
The research for the Correctional Master Plan suggested that offenders in jail in 2004 were far more dangerous than in 1999. Specifically, inmates in 2004 were charged with a greater number of offenses, had more prior contacts and a longer history of involvement with the criminal justice system, and had more special needs. Among the 1999 jail bookings with charge information (n=787), data indicate that only 299 (38%) had a single one-count, one-charge booking; in 2004, 321 (41.3%) had a single one-count, one-charge booking. On average, defendants in 1999 had 3.5 counts per booking, whereas in 2004 this figure increased to 4.6.⁵ Both averages increased whereas the fraction of single-charge individuals declined. However, as noted previously, drug offenders had slightly fewer charges in 2004 than in 1999; conversely, person offender had more charges in 2004 than in 1999. Unfortunately, we do not know for what specific types of offenses those inmates with past contact with the justice system were booked or whether or not they were convicted of the charges. This kind of information would help the County since it would indicate whether offenders are typically becoming more or less violent after incarceration, and how much time elapses between periods of offending.

The Correctional Master Plan found that inmates in 2004 had a much greater number of prior incarcerations (7.1 vs. 4.8). This finding holds true; overall, there was a sharp increase in prior criminal contacts. In 1999, 32.5% of offenders were first-time admissions, whereas in 2004,

⁵ Cases may represent multiple counts on the same charge, or multiple charges.

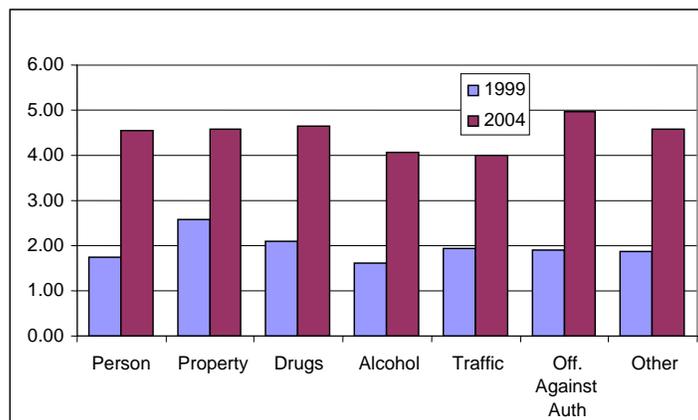
only 21.6% were first-timers. The average number of prior incarcerations was 4.7 in 1999 (median 3); in 2004, the average was 8.2 (median was 6). As shown in Figure 9, below, it appears that the number of incarcerations increased for almost all types of offenders. In 1999, 28% of person offenders were admitted for a first offense compared to only 18% in 2004 (-56% change). In 1999, 17% of drug offenders were admitted for a first offense, compared to 12% in 2004 (-42% change). Clearly, person and drug offenders in 2004 were experienced with the criminal justice system, much more so than their 1999 counterparts.

Figure 9
 Prior incarcerations (average) by top charge
 1999 and 2004 samples



Additionally, the Master Plan indicated that inmates in 2004 had a much longer history of criminal involvement. This report verifies this finding; the data indicate that those individuals in the 2004 sample had a much longer history of crime—on average, they began committing their crimes about 2.5 years earlier than those in the 1999 sample (Figure 10 below). In 2004, person offenders’ history of involvement increased by nearly 150% (2.8 years) over the 1999 sample; while 2004 drug offenders’ involvement increased by 105% (2.4 years).

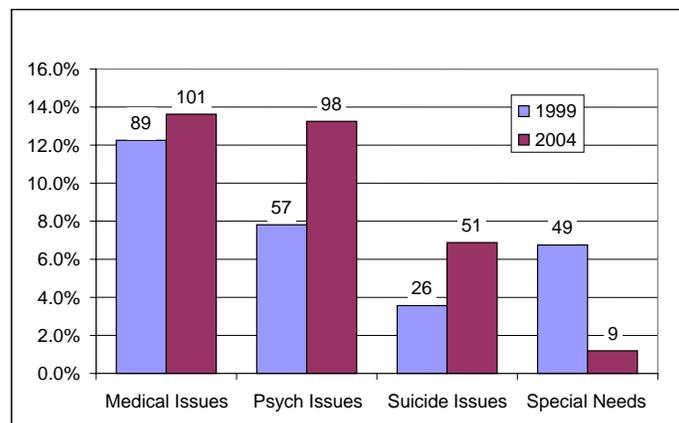
Figure 10
 Number of years since first incarceration
 1999 and 2004 samples



In 2004, more inmates had special needs

Another way that inmates changed from 1999 to 2004 was their assessed level of medical, psychiatric, and special needs. In both 1999 and 2004, the vast majority of jail inmates were judged not to have special medical, psychological, or other needs. However, the number of inmates with these special needs increased from 1999 to 2004. In 1999, 19.4% of inmates were assessed as having some special needs, and in 2004, this figure jumped to 27.9%. Inmates admitted with psychiatric issues increased (by 71%), as did inmates with medical issues (by 13.5%). Inmates with a suicide risk or past suicide attempts also increased in 2004 by 96%. Drug and person offenders' assessed needs changed slightly over the two sample periods. Overall, the number of drug offenders with these needs increased from 2.9% in 1999, to 6.3% in 2004; person offenders' needs similarly increased from 3.6% to 6.9%. Figure 11 below illustrates these trends using absolute numbers to describe special subpopulations. Findings may point to a need to evaluate and potentially expand the use of mental health services in coordination with the criminal justices system to adequately address these increasing needs.

Figure 11
Inmates with medical, psychological and other special needs
1999 and 2004 samples



Conclusions

Findings from the analysis of individual offenders in the two samples indicate that offenders in the Hamilton County jail system are indeed changing: offenders in 2004 were slightly older, less educated, and less employed than in 1999. In terms of their criminal involvement, offenders in 2004 were charged with more crimes, had more, and a longer history of, contact with the criminal justice system, and were assessed with higher needs than those offenders in 1999. These findings constitute additional support for the conclusion in the Correctional Master Plan suggesting that recidivism is an increasing issue in Hamilton County. A more disadvantaged – yet more active – inmate population may also indicate that there is the opportunity to enhance interventions provided by the criminal justice system in such environment to reduce the possibility of recidivism.

Section 3: Variations in the Processing and Management of Inmates

Correctional populations are not primarily driven by patterns of offending in the general population. Rather, they are directly associated with administrative processes and interactions across agencies ranging from arrest practices, sentencing decisions, classification protocols and categories of release. While jail admissions (bookings) reflect changes in levels and types of law enforcement routines, variations in the average length of stay (ALOS) for inmates are influenced more directly by sentencing and processing routines by the courts, pretrial services, and other local agencies. According to the Correctional Master Plan, Hamilton County experienced a sustained decrease in the number of jail bookings from 52,442 in 1999 to 43,784 in 2004; while at the same time the ALOS increased during the same period from 13.2 days to 17.2.⁶

Combining the drop in bookings (-16%) with the increase in ALOS (+28%) the average daily population for the Hamilton County Jail system grew 6.7% between 1999 and 2004. As a direct consequence of a greater inmate population, there has been a heightened pressure on county correctional resources. As indicated by the sample data employed in the Correctional Master Plan, the 2004 bookings consumed 1,776 more jail bed days (JBD) than in 1999. In addition to financial considerations, these additional bed days highlight the importance of studying potential systemic changes in the processing and classification of inmates. Are there significant differences in the structure of the jail system between 1999 and 2004? If so, do they account for the additional bed days and the associated increase in ALOS? While the trends examined in section 2 suggest that the 1999 and 2004 samples are not radically different, the Correctional Master Plan illustrates two distinct portraits of the criminal justice system – ranging from the emergence of new actors to increases in penalties for specific offenses.

Findings from this analysis expand upon the Correctional Master Plan by providing a more detailed assessment of key stages of jail processes. Results show that inmates spent more time in custody in 2004 – partially because expedited mechanisms of release are being used less frequently; ALOS for all categories of top offenses, with the exception of drugs, increased in 2004 sample. Findings also indicate that most of the additional bed days consumed by the 2004 sample occurred between booking and court review. In 1999, the days spent between these two stages of jail processing represented only 37% of all jail bed days, whereas in 2004 this figure grew to 81%. While an analysis of court interventions was limited by the design of the samples, significant changes at the front and the back ends of the correctional system were found. For example, data indicate a more active role of County Law Enforcement in the generation of bookings; changes were also noted in the mechanisms of release, implying a decline in the use of bonds.

The increase in ALOS between 1999 and 2004 raises many questions about differences in how Hamilton County processes inmates. For instance, as alternatives to incarceration become more robust, is the usage of jail decreasing over time? Also, what role does court processing play in the increase in ALOS? There are clues about changes in the functioning of the system. For example, as noted in the Correctional Master Plan, County Law Enforcement staff believed that

⁶ Figures correspond to Correctional Master Plan. The trend observed using universe data is supported by sample numbers: ALOS in the 2004 sample grew 11% from 15.2 to 16.8 - ALOS in the universe increased even more (28%). Data from our 2006 data suggests a significant decrease on ALOS to 12.3.

when “process only” arrests were established, the Cincinnati Police Department (CPD) decreased its number of minor arrests. The Correctional Master Plan however, did not establish a systemic view nor did it develop an appropriate sample for answering some of these questions. However, by connecting some of the booking-specific variables with indicators of the interaction between system actors (e.g., courts, CPD, County Law Enforcement) key patterns in population dynamics can be described.

More active County Law Enforcement⁷

Data analysis indicates that bookings associated with the intervention of County Law Enforcement increased 35.2% between 1999 and 2004. Overall, city police departments generated a smaller share of all bookings, mainly because CPD increased its total admissions from 630 in 1999 to 558 in 2004 (-11.4%). The nature of these admissions also seemed to change slightly: CPD bookings in 2004 appeared to be of a more serious nature, with more cases associated with felony courts (from 23.7% to 32.6% of all valid bookings) and more cases for violent offenses (from 21.8% to 27.1%).⁸ A different trend could be noted for County Law Enforcement, with more bookings for relatively less serious charges: in 1999, about half of jail admissions generated by County Law Enforcement originated in the misdemeanors court; in 2004, this figure increased to 64%. However, original arrests for violent offenses, while only a small fraction of all bookings, increased slightly between 1999 and 2004. It is likely that changes in the level and nature of County Law Enforcement activities are highly dependent on changes in court processing (e.g., commitments).

The increasing relevance of bookings not generated by arrests

Aggregate data on types of admissions to jail indicate that original arrests remained relatively stable between 1999 and 2004. Combining both city and county original arrests figures, data revealed that these bookings remained relatively constant, between 54% and 56% of all cases with valid data. Capias arrests (those associated with failures to appear and other court-related proceedings) dropped from 18% of all admission in 1999 to 11% in 2004. As Figures 12 and 13 (below) show, commitments also decreased from 12% to 5% of jail admissions with valid data. Some of the traditionally less frequent booking types increased their share in the total number of jail admissions. For example, warrants generated on indictment (from 14 to 49 valid bookings) and the juvenile court (from 9 to 18 valid bookings) increased, among others. It is critical to mention that this portrait of admission types may be biased due to the potential impact of number of cases without valid data; cases adhering to this pattern grew dramatically from representing 6.3% of all bookings in 1999 to 41.3% in 2004 (see Figures 12 and 13).⁹

⁷ An attempt was made to retrieve numbers on total arrests in Hamilton Co., but data were not reliable for 2003; the last year of good data shows that County Law Enforcement moved from reporting 14,399 arrests in 1999 to 14,943 in 2000; CPD moved from 40,488 in 1996 to 45,935 in 2000. Both were growing consistently. See www.ncovr.org.

⁸ These findings need to be interpreted with caution due to the prevalence of missing data: 190 of 630 bookings by CPD in 1999 lacked court information; in 2004 this figure was 236 of 558. County Law Enforcement exhibited a lower frequency of cases with missing information. In fact, the fraction of their bookings without a court date is decreasing: in 1999, 40% (50 out of 125 arrests); in 2004, 34.9% (59 out of 169 arrests).

⁹ Out of the 413 bookings without admission type in 2004, 226 were generated by CPD (54.7); 94 were commitments (22.8) and 39 (9.4) were County Law Enforcement. Missing data on type of admission is only loosely coupled with other patterns of missing data on charges or court dates.

Figure 12
Bookings by type of Admission 1999
N=937

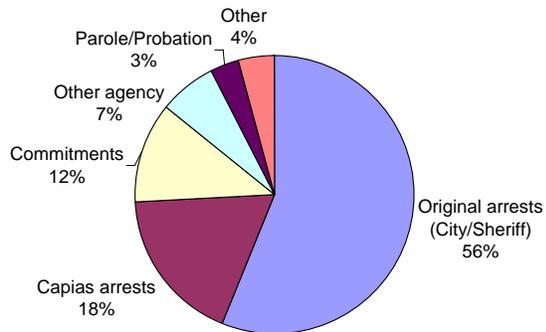
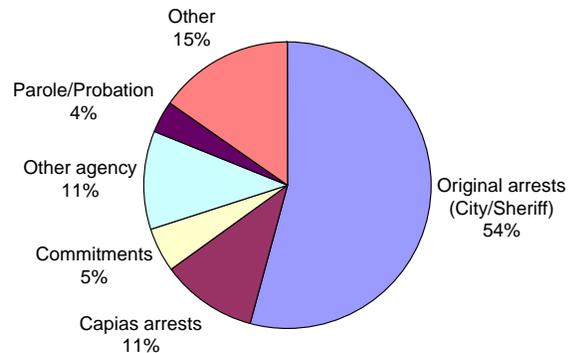


Figure 13
Bookings by type of Admission 2004
N=587



Inmates are spending more time in jail before and after court review

The Correctional Master Plan datasets contained information on the court date of individuals booked into jail. While it was not possible to associate this variable with a specific stage of the judicial process, it was revealed that about 66% of bookings did not have a record for such event at the time of jail admission.¹⁰ The absence of judicial review markers may be indicative of the pervasiveness of agency holds, commitments directly ordered by the courts, the increasing significance of warrants on indictment, or specialized processes with specific protocols for court appearances (e.g., domestic violence, juvenile offenses, drug court, etc.). The absence of court dates may also indicate the significance of process-only arrests.¹¹

Regardless of the presence of a court date record, a smaller fraction of bookings were released within 24 hours of admission. As presented in Figures 14 and 15 (below) in 1999, 64% of bookings without a court date conformed to this pattern compared to 43% in 2004. Among jail admissions with a court date, releases within 24 hours moved from representing 38% of the cases to 25.6%. Overall, early releases (within 24 hours or less of booking) declined by 48% between the two data points.

¹⁰ It was not possible to study pretrial services and processes using the Correctional Master Plan samples for 1999 and 2004. These datasets do not identify the status of offenders at any point in their judicial process (release or admission to/from jail), nor do they take into consideration the intricate process determining placements and discharges.

¹¹ Especially when many of these cases are ‘fresh’ arrests; according to pretrial services all process-only arrests get a court date, however, it may not happen immediately at booking. There was some indication that most of these bookings were associated with actual court commitments or action by misdemeanor courts. Valid offense information shows widely distributed pattern with most offenders charged with alcohol related offenses as their top charge.

Figure 14
Bookings without a court date
1999 and 2004 samples

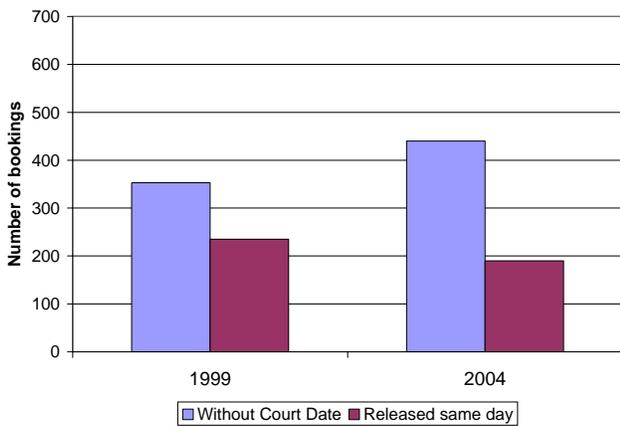
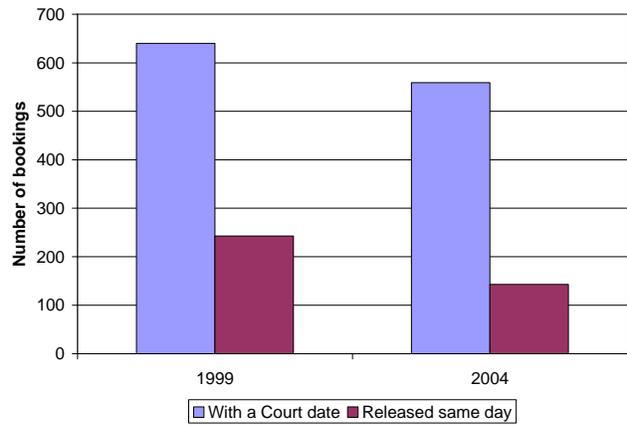


Figure 15
Bookings with a court date
1999 and 2004 samples



Both 1999 and 2004 inmates spent a substantial number of days in jail prior to their court appearance. Further, the pressure over jail resources represented in this stage of the judicial process is increasing over time, as there are more individuals waiting for a court date and because offenders with a court date are waiting longer before appearance. The share of bed days spent by individuals without a court date grew from 12.3% of all bed days in 1999 to 17.7% in 2004. Those with a court date spent 37% of bed days in 1999 between booking and judicial review (5,673); in 2004, the same population spent 81% of the bed days (13,571).

Fewer bond releases and more administrative discharges

The use of bonds decreased significantly between 1999 and 2004, from 46.3% to 28% of all releases (Figures 16 and 17, below). Forthwith releases were more prevalent in 2004 as well as other alternatives (e.g., electronic monitoring) than in 1999. Releases to “other agencies” doubled their share of the total number of discharges, from 2.9% to 5.3%, noting the impact of the increasing number of “courtesy holds.” Eight-hour releases, while growing, only represented 3.2% of releases in 2004.

Figure 16
Releases by type 1999
N=1,000

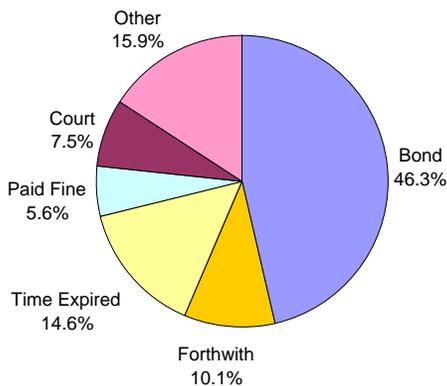
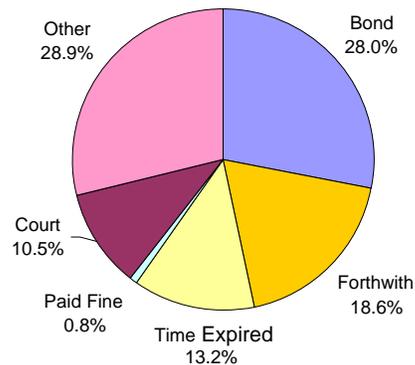


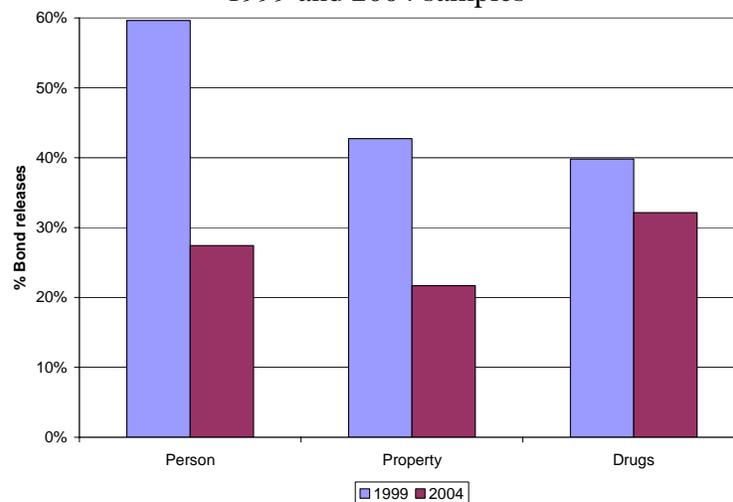
Figure 17
Releases by type 2004
N=1,000



Figures 16 and 17 (above) may also be representative of significant modifications in release mechanisms and processes. While it is possible that the decline in the use of bonds may be associated with the increasing seriousness of offenders, inmates in 2004 may be confronting more difficulties securing their own release given changes in the generation of charges at booking (i.e., more charges = more bonds) and relatively higher bond amounts.¹² Further, many release protocols may artificially increase the length of stay due to the growing number of conditions for release (i.e., phone numbers, verification of residence, etc.) for a relatively more disadvantaged population.

We also observed that the decrease in the use of bonds affected release patterns for specific offenses. For instance, the share of property-related bookings receiving bonds decreased from 17% of all bonds in 1999 to 13% in 2004. The share of drug offenses with bonds doubled, from 15% of all 308 bookings in 1999, to 32% of 171 valid bookings in 2004. However, when considering the increasing number of drug-related bookings between samples, fewer drug offenders were receiving bond releases in 2004. Figure 18 (below) shows the relative usage of bond releases for three specific top offenses (person, property and drugs).

Figure 18
Bond releases as a percentage of all bookings for selected top offenses
1999 and 2004 samples



Bonds are not only less used as a general category of release, they are also less frequently used for the most frequent form of jail booking – original arrests. In 1999, 57.4% of all original arrests were released on bond; in 2004, that percentage decreased to 30.8%. Conversely, forthwith discharges increased their share as a proportion of releases for original arrests, from 8.2% in 1999, to 23.6% in 2004. This type of release is frequently used for sentenced inmates with no holds and arguably, less serious criminal careers. As an administrative mechanism of release, forthwith releases have been increasingly employed by jail managers as a measure to control levels of jail crowding.

¹² Data on bond amounts do not appear to match bond types or release types. However, analyzing the bond amount variable, the average increased by 5.8% between 1999 and 2004. Further, in 1999, 280 bonds were set at \$0 (60.4%) with the average bond set at \$871.6. In 2004, 200 out of 280 bonds were set at \$0 with an average amount of \$922.5. These figures differ from those reported by the Correctional Master Plan.

When examining ALOS by type of release, it was found that custodial time for bond releases and time expired increased between 1999 and 2004. The former increased from 3.3 days to 4.5 days; while the latter moved from 33 to 34.2 days. Similar figures were calculated for the most significant types of releases in terms of number of bookings involved (Table 1). These four categories (bond, time expired, forthwith, and court) represented 78.5% of all jail admissions in 1999, and 70.3% in 2004.¹³ The impact of each release type on the total number of JBD should consider variations in the number of offenders subject to specific release modalities. For instance, while ALOS for forthwith decreased from 20.9 days to 15.7 days, their share in the total number of releases grew from 10.1% to 18.6%. The more frequent use of forthwith during 2004 resulted in a higher share of jail bed days (17.4% vs. 13.9% in 1999). Other types of releases, while not significant in terms of the number of bookings involved, experienced important changes between 1999 and 2004 (e.g., use of fines, probation, etc.).

Table 1
ALOS and Jail Bed Days by selected releases

Release	1999			2004		
	ALOS	JBD	% ALL JBD	ALOS	JBD	% ALL JBD
Bond	3.3	1,546	10.2%	4.5	1,264	7.5%
Time Expired	33	4,817	31.7%	34.2	4,519	27%
Forthwith	20.9	2,115	13.9%	15.7	2,912	17.4%
Court	.81	61	.4%	.83	87	.51%

Judicial dispositions are taking longer for some offenders¹⁴

Using data on the disposition for top charge we found that the data samples contained a wide array of judicial decisions addressing multiple stages of the judicial process – from pretrial releases, to conviction, dismissals, and orders to pay fines. Some of these decisions remained constant between the two samples, including guilty dispositions (22.5% in 1999 vs. 21.4% in 2004) and dismissals (3.7% in 1999 and 3.1% in 2004). Clearly identifiable pretrial releases (OR) grew from 4.2% of the bookings in 1999 to 7.3% in 2004. The sample data also contained as a disposition status the category “awaiting trial”, which dropped significantly from 17.7% of all bookings in 1999 to 4% in 2004. Still in the same data field, inmates “making bond” as a type of disposition went from 3.7% of all bookings in 1999 to 16.7% in 2004.

While the relative number of guilty dispositions has remained relatively constant between samples, Figure 19 (below) shows that the length of stay associated with these two outcomes has changed significantly, especially for dismissals. The data indicate that bookings that were ultimately dismissed spent almost twice as many days in jail as bookings associated with a guilty disposition. In 2004, the 166 guilty cases in the sample remained in custody for an average of

¹³ All four releases in Table 1 only account for slightly half of the bed days spent by both samples.

¹⁴ The analysis of disposition data was limited by the structure of the Correctional Master Plan samples. Bookings with no charge or no court date did not have disposition data (213 in 1999; 223 in 2004). Some of the dispositions were pretrial decisions (“OR”) while others were associated to the status of cases (e.g., “awaiting trial”).

29.2 days whereas ultimately dismissed cases stayed for 51 days (23 cases). Over time, ALOS for dismissed bookings have decreased while ALOS for guilty dispositions have increased.

Figure 19
Average Length of Stay (ALOS) by Type of Disposition (top charge)
1999 and 2004 samples



Figures 20 and 21 (below) show a significant variation in the disposition patterns comparing convictions and dismissals for selected top offenses. Cases with a disposition decision follow the overall distribution of offenses (e.g., more drug-related bookings are associated with more drug-related dispositions). However, while the relative number of convictions for person and property offenses remained stable between 1999 and 2004, a lower percentage of bookings for drugs were finally disposed (19% in 1999 vs. 16% in 2004); the opposite was true for alcohol offenses.

Figure 20
Disposed cases and guilty/dismissed decisions for selected top offenses
1999 Sample

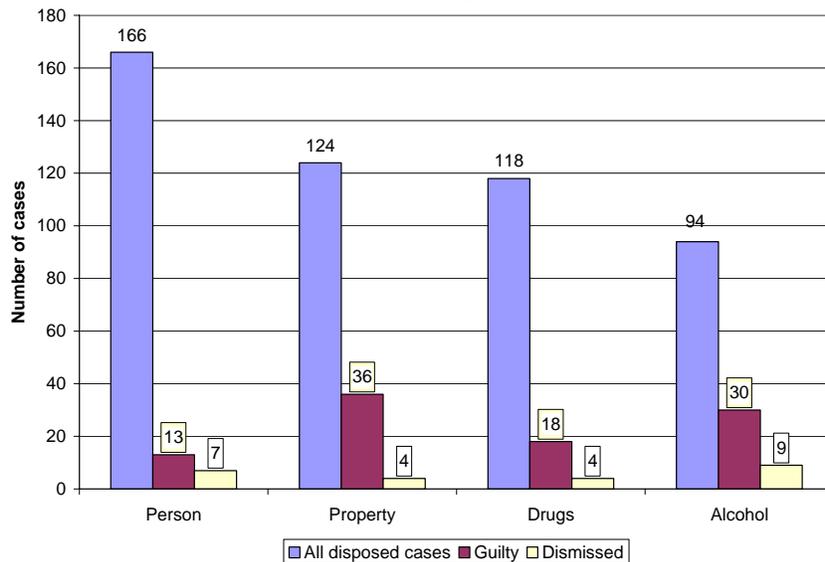
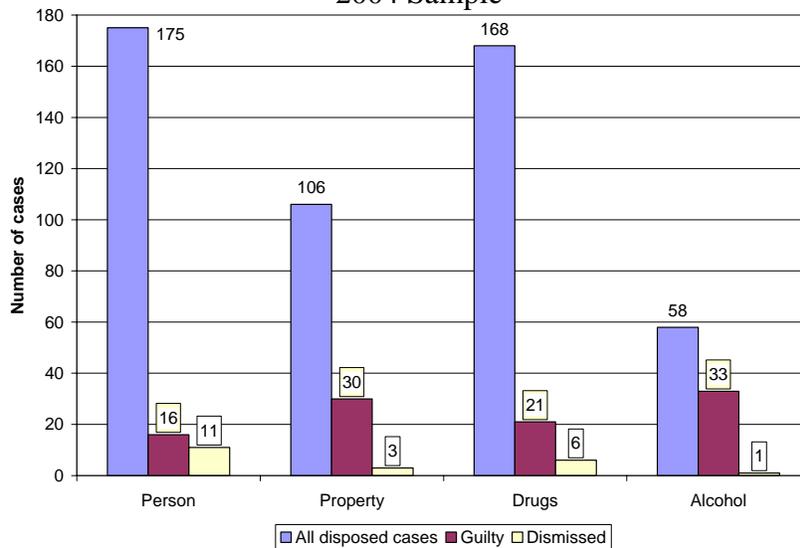


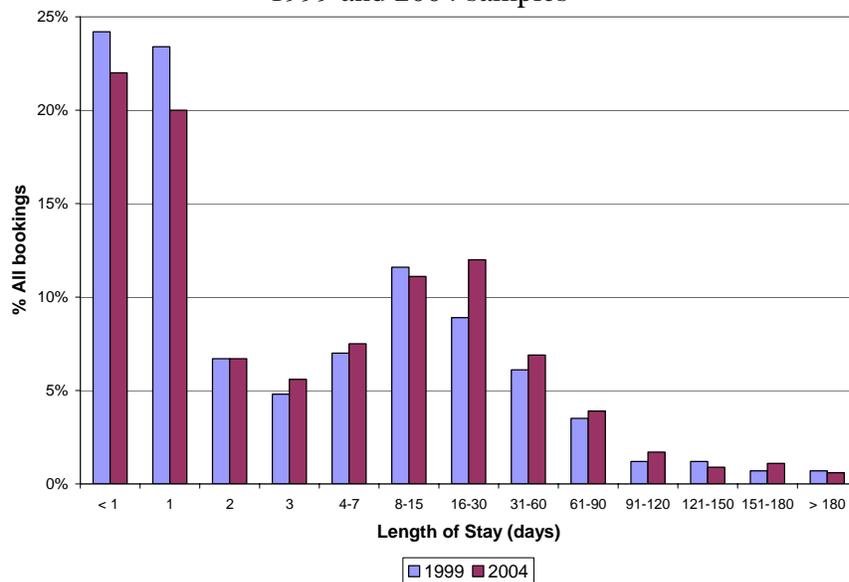
Figure 21
 Disposed cases and guilty/dismissed decisions for selected top offenses
 2004 Sample



Sources of growth in the number of jail bed days

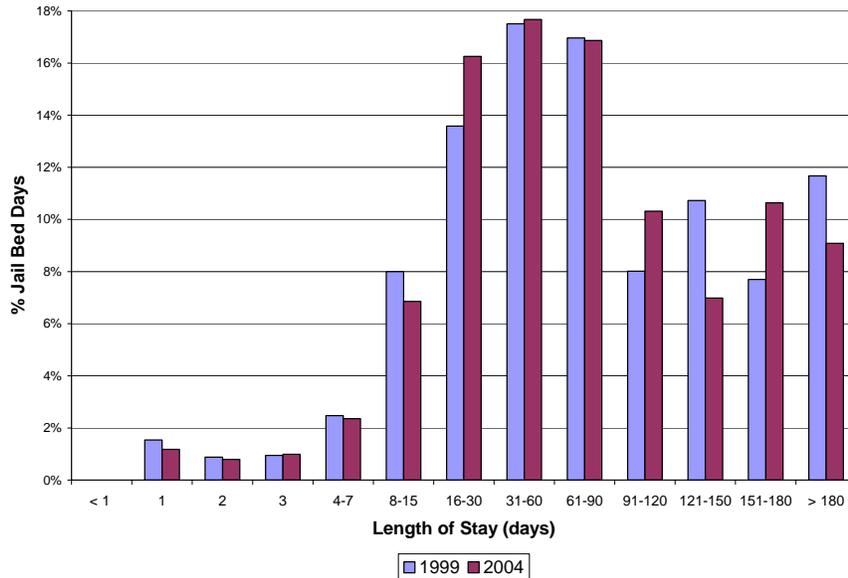
The total number of JBD consumed by the 1999 sample was 15,185. Almost half of the individuals booked into the jail stayed for 24 hours or less (474 individuals or 47.6% of the total sample). The 2004 sample spent a total of 16,758 JBD with 42% of the bookings spending 24 hours or less (Figure 21 below).

Figure 21
 Bookings by Length of Stay
 1999 and 2004 samples



As expected, the majority of the bed days were consumed by a relatively small number of bookings staying for long periods of time; half of the bed days in both samples were generated by about a fifth of the bookings (23% in 2004) (Figure 22).

Figure 22
 Jail Bed Days (JBD) by Length of Stay
 1999 and 2004 samples



Twenty individual offenders in 1999 were responsible for 27% of the JBD of the entire sample for that year (4,069 JBD). In 2004, 21 inmates consumed 23% of the JBD attributed to this cohort (3,822). In 1999, about a third of these offenders corresponded to individuals with a property offense as top charge, followed by drugs (25%) and person offenses (20%). In 2004, both property and drug offenders decreased their share among inmates with long stays (14.3% and 9.5%) while person offenders slightly increased their share in the distribution of offenses for this sub-population (23%). While the 1999 and the 2004 offenders did not differ in terms of the number of prior incarcerations (4), the most recent sample of long-staying inmates exhibit a lower average number of counts for the current offense (4.7 vs. 13.3).

Section 4: Comparing Hamilton County’s Jail to Others

The Corrections Review Task Force requested information about justice practices, incarceration rates, and offender and inmate populations in other jurisdictions, both in Ohio and comparable counties in other states. The primary questions raised were: “do we incarcerate more offenders than others?”, “Are our offenders somehow different?”, and “What is an appropriate number of jail beds for a county our size?” This and other information was requested in order to evaluate current practices in Hamilton County in a regional context.

In response to these questions, data were compiled on inmate and offender populations in four counties in Ohio with major urban centers – Cuyahoga County (Cleveland), Franklin County (Columbus), Lucas County (Toledo), and Summit County (Akron). Information was also summarized about counties in three nearby states – Allegheny County (Pittsburgh, PA), Marion County (Indianapolis, IN), and Kent County (Grand Rapids, MI). As the data in Table 2 (below) show, these counties have varying population sizes as well as different jail capacity, utilization, and incarceration rates.

Table 2
Characteristics of Jail Systems for Selected Counties

County	Population	Jail Capacity	Beds Per 1,000	Avg. Daily Population	Avg. % of Rated Capacity	Avg. daily Incarceration Rate
<i>Hamilton, OH</i>	845,303	2,470	2.9	1,999	81	236
Cuyahoga, OH	1,393,978	1,749	1.3	2,150	123	154
Franklin, OH	1,068,978	2,659	2.5	2,514	95	235
Lucas, OH	455,054	348	0.8	411	118	90
Summit, OH	542,899	762	1.4	708	93	130
Marion County, IN	860,454	2,405	2.8	2,467	103	287
Kent County, MI	593,898	1,225	2.1	1,172	96	197
Allegheny County, PA	1,281,666	2,971	2.3	2,474	83	193

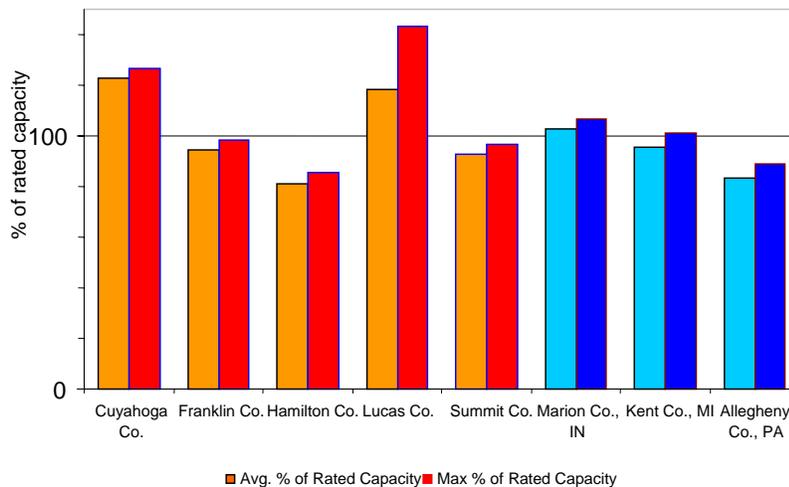
Source: U.S. Census, 2000; BJS Survey of Jail Populations, 2002¹⁵

Two patterns stand out in this table. First, Hamilton County is in the middle of the range of this group in terms of population but has the second highest number of jail beds per 1,000 persons (2.9), and the second highest rate of incarceration (236 per 100,000). Only Marion County, IN, whose major city population (Indianapolis) is more than twice that of Cincinnati, has a higher rate of incarceration. Columbus, Ohio, a city with twice the population of Cincinnati, has a fractionally lower rate of incarceration. And, Cuyahoga County, whose major city is larger than Cincinnati, has a substantially lower rate of incarceration.

¹⁵ Data from these tables were taken from BJS’s Survey of Jail Populations, 2002. According to Paige Harrison at BJS, the data from 2003 and 2004 were generally quite similar. Because data were incomplete for the states, and because the data was essentially the same, BJS has not published the data from 2003 or 2004.

Second, jail crowding in 2002 was substantially lower in Hamilton County than other major counties in Ohio and also lower than in selected jurisdictions in other states (Figure 23, below). As the chart below shows, only Allegheny County, PA had a comparably low occupancy rate for its jail. Of course, rates of crowding in the Hamilton County jail have grown in recent years, and the county jail operates at a higher rate of occupancy than it would like. But this information should be placed in context too, since other counties have developed other strategies for managing crowded facilities without significantly expanding jail capacity.

Figure 23
Jail Occupancy Rates, Selected Jurisdictions



Source: BJS Survey of Jail Populations, 2002

More recent figures suggest that the increasing use of incarceration in Hamilton County remains below observed trends for other jurisdictions. According to the Bureau of Justice Statistics, between 2002 and 2004, Hamilton County jail’s Average Daily Population (ADP) grew 5.5% whereas nationally, the ADP for the 50 largest jails grew 6.2%.

Explanations for Variations

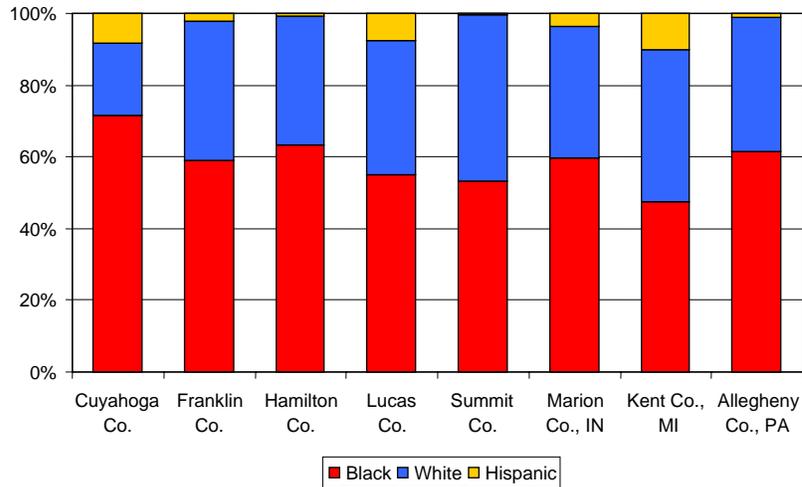
Exploring why Hamilton County has a comparatively high rate of incarceration, and relatively low rate of crowding is limited by both the short time frame for producing this report and also the data available in published sources. Sound data on rates of victimization and reported crime for all these jurisdictions are not readily available. Reliable information is also lacking on the ways in which the justice systems in these counties respond to crime and process offenders. Furthermore, good data on prison commitment rates is lacking, and even the data on average length of stay in jail may not be suitable to compare.¹⁶

Still, in order to shed light on the possible reasons for the variation in incarceration rates and jail crowding, a small set of data on offender populations in three jurisdictions was examined – Grand Rapids, Michigan, Pittsburgh, Pennsylvania, and Cincinnati, Ohio. Two attributes were

¹⁶ ALOS in Cincinnati in the data examined was 17.16, twice what was found for Grand Rapids, and half that reported for Pittsburgh.

examined: the race of inmates, and the offenses for which they were brought to jail. Figure 24 (below) contains data on the race of incarcerated inmates in the three county jails. It shows generally small amounts of variation in the race of inmates; in all Ohio counties, the proportion of African Americans exceeded 50% of the inmate population. The number of African American inmates was the highest in Cuyahoga County, followed by Hamilton County.

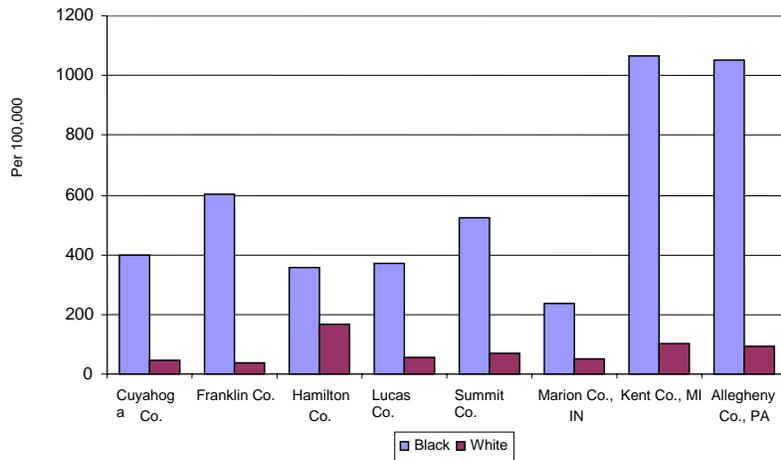
Figure 24
Breakdown of Jail Population by Race, 2002



Source: U.S. Census, 2000; BJS Survey of Jail Populations, 2002

Although African Americans in Hamilton County account for more than 63% of the jail population, compared to 23% of the total population, Hamilton County had the least disparity between African Americans and Whites for the counties examined. Other jurisdictions show remarkably higher differences in their jail populations (Figure 25 below).

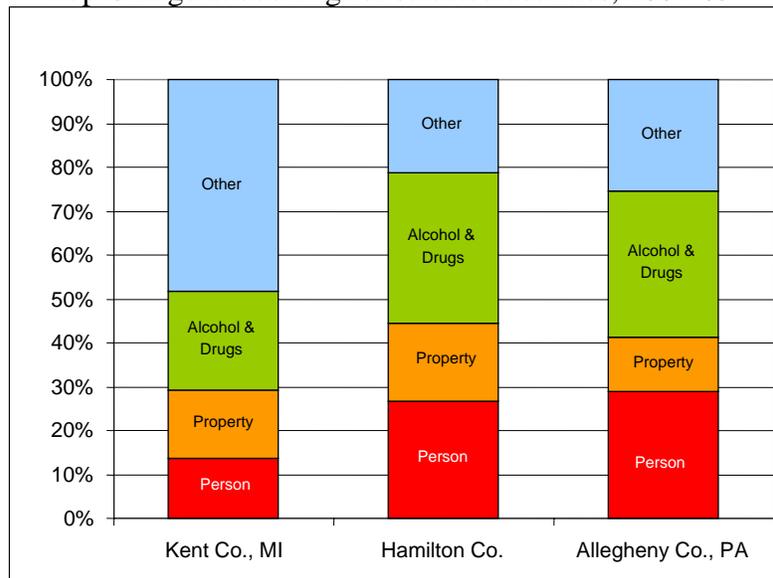
Figure 25
Race of Jail Inmates for selected counties, 2002



Source: BJS Survey of Jail Populations, 2002

Turning to types of offense, Figure 26 (below) contains information on offenders in custody by the type of offense for which they were booked. It shows that in Hamilton County, nearly 18% of inmates were booked on property offenses, compared to 12% for Allegheny County, PA. The large variation in the number of inmates booked for “other” reasons may conceal important information about the diverse types of offending and needs of inmates, and thus, should caution drawing firm conclusions at this time. It is also unknown whether the offenses for which these inmates were convicted were identical to the offenses for which they were booked into the jail. Nevertheless, this information suggests that differences in offender characteristics do not explain the higher rate of incarceration in Hamilton County than in Allegheny, PA.

Figure 26
Top Charge at booking for selected counties, 2004-05



Source: BJS Survey of Jail Populations, 2002

To fully understand the reasons for the high rate of incarceration in Hamilton County, a much more thorough investigation is necessary, including an examination of the variation in crime and drug addiction across these jurisdictions (not just the general category of offenses). It would also be useful to know the different rates of pretrial release and the range of non-custodial options available to courts and how they are utilized. Further, the rates of prison commitment and average lengths of sentence for those who are punished in the county jail would help sharpen comparisons.

Nevertheless, despite its limitations, this contrast provokes two important observations that should shape the deliberations of the Corrections Review Task Force. First, at least in 2002, the jail in Hamilton County was not more crowded than the jails in other jurisdictions in Ohio or similar counties in neighboring states. Second, the incarceration rate in Hamilton County is higher than other major counties in the state, despite what appears to be an unusually rich array of alternatives to jail.

Section 5: Conclusions and Recommendations

Jail crowding may be a cause of some justice problems – by forcing decisions about who is released or expediting the release of inmates without adequate release planning. But it is more fundamentally the consequence of a series of problems within the community to which the criminal justice system is struggling to adequately respond. The number of people in jail on any given day depends on two factors – the quantity of individuals placed in the jail and the duration of their confinement. However, the impact of both of these factors is associated with a wide range of variables, many of which can be directly influenced by various criminal justice policies.

The decision to initially bring a suspect to jail, for example, can be shaped by guidelines, as well as the priorities set by various police forces and law enforcement agencies. The rate of release for those booked into jail can be shaped by the bail schedule, availability of community supervision services, and efficiency of screening processes for defendants. The public and government agencies can also re-evaluate how public resources should and need be allocated to address various forms of deviant and criminal behavior. Across the country, communities are reconsidering whether it serves the public interest to incarcerate low level offenders whose offenses are driven by drug or alcohol, or offenders with mental illness. Is there a more cost effective manner in which to punish and hold these offenders accountable for behavior while addressing the underlying causes? There is in fact a wide array of experiences and knowledge about how to avoid and address jail crowding. Although it is dispersed around counties and states in the United States as well as public universities and government resources, there is a large virtual library of “best practices” in criminal justice.¹⁷ This knowledge however, is not like a cookbook: few practices can be replicated instantly or without adjustments to local policies and practices. Still, some of this knowledge could be used by Hamilton County to improve justice and better manage the jail population.

This report has demonstrated that, indeed, the offender population entering the Hamilton County jail is changing. Offenders are slightly older with increased special needs, more likely to be unemployed and less educated. However, it is difficult to determine based on the data reviewed whether they are more dangerous. The distribution of offense types for which offenders are booked into jail has remained rather stable, with the exception of drug offenses which show a 53% increase. However, offenders in 2004 have a history of more interactions with the criminal justice system and are more likely to have multiple charges and counts than offenders booked into jail in 1999. The analysis of offender characteristics and current criminal justice processes in Hamilton County indicate some significant areas of change that should be taken into consideration when determining a future course of action regarding jail crowding and potential modifications to the community’s criminal justice policy.

In addition, the sample data indicates changes in processes between 1999 and 2004. More offenders are being booked into the jail on an annual basis and fewer offenders are being released within a 24-hour time period. In addition, there is an increase in the number of jail bookings not generated by arrests. Offenders are spending more time in jail both before and

¹⁷ The Division of Criminal Justice at the University of Cincinnati is an outstanding resource on community corrections research and practice, see www.uc.edu/criminaljustice.

after court review. Finally, fewer offenders are being released on bond and more releases are attributed to administrative discharge.

Based upon the limitations of the data outlined in the methodology section of this report, the need for additional jail beds cannot be determined within scope of this analysis. However, if current processes and practices are not modified, it can be expected that jail crowding in Hamilton County will not be alleviated.

The changes in offender population combined with changes in processes may be an indication that the jail is currently facing an offender population that it is not adequately equipped to handle. As the County decides whether a new facility is to be constructed and what the number of beds required should be, it is imperative that the County understand that jail overcrowding is just a single piece of the problem facing its overall criminal justice system. Even if a new jail is constructed that adequately addresses inmate substance abuse problems and other special needs, there must be equal emphasis placed on community-based treatment options and wraparound services, since each and every one of those inmates will exit from jail back into the community in a relatively short period of time. Incarceration alone will not reduce recidivism. Addressing this revolving door syndrome requires changes in how the criminal justice system responds as a whole – prior to incarceration, during incarceration, and following incarceration. Incarceration is expensive and necessary for only a certain portion of the offender population. However, fully developing a continuum of punishment options and appropriately utilizing alternatives to incarceration that are effective and hold the offender accountable will maximize the use of incarceration in the County, not only from a resource perspective but also in terms of reducing recidivism.

The recommendations put forth below identify what Hamilton County can do in the short term to improve outcomes in justice administration as well as what it could do future, before any new jail capacity comes on line. These recommendations are presented to help the County better manage present space as well as govern the use of any additional jail beds. And although the report focuses on the present and near future, it also suggests how the County might use jail space over time, building supportive, complementary programs for community justice and safety, and establishing a process and appropriate timeframes for addressing the current jail capacity issue.

Recommendation #1: Establishing a process for long-term solutions to jail crowding

Creating a permanent body to review, analyze and identify areas or processes within the entire County criminal justice system that, through more effective and efficient procedures and operations, can improve public safety for the entire community. This body should be composed of key criminal justice representatives, treatment providers, and members of the community. Representatives from law enforcement, jail, judiciary, prosecutors, public defenders/defense council, probation, parole, victims, treatment, mental health, medical community, faith-based organizations, housing, employment agencies, academic institutions, business community, county government, and geographically distributed members of the community should all be included. The membership should be comprised of individuals who have decision-making capacity to make changes and implement policies and specific issues can be explored and

examined by subcommittees formed from within the larger body. Most importantly, the body needs to be adequately funded and have direct interaction with the County Commissioners in order to succeed.

Similar bodies are often found at the state level in the criminal justice arena. They include sentencing commissions, criminal justice policy commissions, and corrections oversight committees. Similar organization structure could be applied easily to the county level and stated goals and deliverables defined. The purpose of this body would be to define what the top criminal justice priorities are for the County, as well as the various tasks each individual organization or group responsible must undertake to support those priorities. This system-wide approach will provide a forum for all parts of the community to share ideas and approaches, and take ownership for enhancing public safety for the citizens of Hamilton County.

Recommendation #2: Improved data quality and use of data in decision-making

In addition to the creation of this collaborative, it is strongly recommended that data collection methods for the County be developed, which support reliable and valid information for offender movements throughout the entire criminal justice process – from arrest to release. This information system should allow for both input and access by the various criminal justice entities so that information regarding arrest, charging, court actions, treatment, placements, and dispositions are using consistent data elements for descriptions and measurements. This will permit a more transparent and more comprehensive understanding of offenders within the system as well as provide the ability to evaluate various actions and measure recidivism.

With the proposed construction of a new jail facility, the development of a more sophisticated jail population projection model should also be considered. A simulation projection model would enable the County to project jail population in a more detailed manner (e.g., by offense type or geographic area). In addition, simulation projection models can be developed to allow for impact analysis of policy changes. This would be a valuable analytical tool to assess the use of jail beds and the cost benefit associated with a specific use pattern, or to determine the impact of a policy change at either the state or local level.

Recommendation #3: Establish a comprehensive community-based continuum of punishments

A full continuum of community based punishment options that protect public safety but also reserve the use of expensive jail beds for offenders who pose the greatest threat of harm to the community should be designed to meet the needs of the offender population and allow for adjustments in the level of punishment based on the offender progress, or lack thereof, that does not result automatically in incarceration. Community-based punishments should be designed with sufficient capacity to adequately address the offender population and should be developed on a performance based model, incorporating best practices. These programs should have the same level of accountability that we expect from the offender. Additionally, evaluation and monitoring of these programs should be ongoing and rigorous.

Diversion is an important way of preserving jail resources for offenders who represent the greatest danger to the community. From the information presented in the Correctional Master

Plan, it is apparent that Hamilton County offers many alternatives to incarceration. However based upon the data analyzed in this report, it is unclear what the range of these alternatives are, and what processes are involved in the discharge of inmates to these alternatives. Additionally, because it is unknown how much time in jail was spent by the large proportion of potentially eligible defendants who were not diverted, estimates cannot be made as to the likely gains from changes to this program. Nevertheless, the county should consider reviewing and potentially modifying the eligibility criteria and working more closely with prosecutors to increase the rate of participation, as well as the expansion of these alternatives.

In 2005, approximately 2666 defendants in Hamilton County were deemed eligible for diversion. That number represents 6% of all jail admissions – a small, but not negligible sum. Slightly more than one-third of those considered eligible were actually diverted. Among the population diverted, there was still a substantial use of jail beds.¹⁸ An evaluation of the eligibility criteria and efficiency of placement in diversion programs for eligible offenders could provide some relief on crowding issues and better utilize current resources.

Other options that may be further explored include day reporting centers, work release programs, day fines or therapeutic communities.

Recommendation #4: Improved implementation, coordination, and access to specialized courts

With the establishment of a number of specialized courts, including Drug Court, Domestic Violence Court, and Mental Health Court, to address specific offender populations, there is the need for improved implementation and coordination among the entities involved to minimize the time an offender is held in jail prior to appearing in the specialized court.

The data indicated that drug offenders are increasing (a 53% increase from 1999 to 2004) and that there was significant increase (71%) in the number of inmates with psychiatric issues from 1999 to 2004. Jurisdictions across the country are increasingly diverting of these offenders to drug and mental health courts at the earliest stage possible. Although the data is still being compiled at this stage, many of these programs show promise in reducing recidivism and thereby improving public safety by treating the underlying substance addiction or mental illness, at substantial cost-savings when compared to incarceration. Specialized courts for drug-involved offenders have proliferated throughout the U.S. Research has shown that drug courts achieve, on average, a statistically significant reduction in the recidivism rates of program participants relative to treatment-as-usual comparison groups.¹⁹ Additionally, many mental health courts across the country have made significant inroads at reducing recidivism, and in particular, in reducing their parole and probation violations.²⁰ The key to these programs is addressing the root cause of the offending behavior and diverting offenders from incarceration to these

¹⁸ In particular, individuals diverted to drug court treatment programs still spent some days in jail. The National Association of Drug Court Programs' prioritizes early identification and prompt placement in drug court programs as one of their 10 Key Components. See <http://www.nadcp.org/whatis/>

¹⁹ For further information, see Aos, S, Miller, M and Drake, E. *Evidence-Based Adult Corrections Programs: What Works and What Does Not*. Olympia: Washington State Institute for Public Policy, 2006.

²⁰ See GAINS Center, U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, "Diverting Probation Violators in Mental Health Treatment" (2006).

specialized courts immediately. Drug and mental health courts show great potential to reduce a broad range of offense categories if applied timely and effectively.

Recently Lancaster County, Pennsylvania took an innovative approach with specialized courts and established a “Job Court” which focuses on assisting offenders secure and maintain employment. Since housing and employment are two key factors in preventing recidivism among offenders released from incarceration, focus on this specific risk factor is believed to directly impact recidivism rates.

Recommendation #5: Improve opportunities for, and coordination of, community-based sanctions

Hamilton County should develop a full continuum of graduated community-based substance abuse treatment options to address the varying needs of offenders who are either diverted or released from jail to directly impact the “revolving door” practice experienced by many drug offenders. Although the proposed jail expansion recognizes the need for the establishment of “special needs beds,” it is critical that equal importance be focused on community treatment options. The continuum of treatment options should include services ranging from education, basic outpatient group sessions, and short and long term residential treatment. In addition, services addressing the mental health, as well as, the physical health of the offender are crucial. The data indicated a growing trend in the number of offenders with mental health issues, which if not addressed makes the treatment of an offender’s substance abuse problem difficult and ineffective in most situations. In addition, it is imperative that there be coordination between treatment providers and providers that focus on the skills needed by offenders to reduce the risk of recidivism. Adjunct services such as education, employment, housing, and parenting issues need to be addressed simultaneously with substance abuse issues if offenders are become productive members of society.

As mentioned previously, offenders in Hamilton County are getting older, less educated, and less employed. These and other types of problems are common among offenders throughout the United States. Thus, numerous programs have been adopted with the intent of improving offenders’ skills and opportunities for resources that will help them become more stable once in the community. The types of skill building and resource allocation programs that have the strongest research support include education and employment programs, which focus on improving offender chances and thereby influencing recidivism rates. Researchers have in fact found that a number of these programs do have an influence on recidivism rates. These programs include basic adult education programs that teach remedial educational skills to incarcerated adult offenders have been shown to reduce the recidivism rates of program participants. Additionally, employment training and job assistance programs in the community have been shown to produce a modest but statistically significant reduction in recidivism. Finally, vocational education programs offered to adult inmates appear to reduce recidivism.²¹

²¹ For further information, see Aos, S, Miller, M and Drake, E. *Evidence-Based Adult Corrections Programs: What Works and What Does Not*. Olympia: Washington State Institute for Public Policy, 2006.