



And Justice For All

Franklin County, Ohio Bail Practices Review Summary

Background and Methods

P3 is a non-profit firm working with public sector clients to evaluate and execute strategies that save taxpayer money while improving outcomes and service delivery.

Contact P3 to learn more about what we do:
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Public Performance Partners, Inc. (P3) was retained by the Franklin County Criminal Justice Planning Board (FCCJPB) to help county leaders understand bail practices currently in place across the county - especially in the Franklin County Municipal Court (FCMC), the effect of these practices on the Franklin County Corrections Centers (FCCC) and outcomes related to failure to appear (FTA) and new criminal activity while on bail, and recommendations to improve pretrial outcomes in Franklin County.

To accomplish this deliverable, P3 collected data from the Franklin County Sheriff's Office (FCSO) and the Franklin County Municipal Clerk

of Courts (FCMCoC), conducted secondary and primary research on the latest best practices across Ohio and the country to improve pretrial outcomes, and conducted dozens of interviews and meetings with criminal justice leadership in Franklin County and the City of Columbus, including fourteen municipal judges, three common pleas judges and one magistrate, four pretrial services leaders/managers/supervisors, four officials from the City of Columbus Prosecutor's Office and Franklin County Public Defender, and three officials from FCSO.

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Key Findings

Jail Impacts



14,595

**People booked during
the 6-month period in
Franklin County**



11,555

**Number of those
awaiting case
disposition**



148,500

**That equated to
148.5 thousand days
spent in county jail**

P3 analyzed 14,595 jail booking records with booking dates between January 27, 2018 and July 19, 2018. By analyzing court events data within the FCSO database, P3 was able to estimate that approximately 69% of the average daily population (ADP) was awaiting disposition of their court case, at an estimated cost of \$25.8M annually. While it would be impossible to completely eliminate the cost of predisposition detainment, P3 analyzed the data and court practices to understand the potential to reduce predisposition jail days and improve pretrial justice in the county.

Further analysis of the jail population revealed a preponderance of non-violent felon accused's averaging 18.6 days in jail awaiting disposition of their court case.

Detainees charged with felonies receive no risk assessment prior to arraignment in FCMC, resulting in many remaining in jail until first appearance in front of a common pleas magistrate post indictment. Addressing this gap is the greatest opportunity to safely reduce ADP; by aspirationally cutting the average days for this population in half, the county could save 180 daily jail beds.

148,500

**inmate-days
represents**

69%

**of the total inmate-
days spent at the jail
during that period**

**Taken over a year
at \$82/day**

**\$25.8
Million**

**was spent to house
people awaiting a
court appearance**

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Average Predisposition Days - Inmates w/ Predisposition Booking

	Non-Violent Charges		Violent Charges		Total	
	Inmates	Avrg. Days	Inmates	Avrg. Days	Inmates	Avrg. Days
Felony	3,324	18.6	999	44.2	4,323	24.5
Misdmnr/Traffic	5,288	5.9	1,916	7.1	7,204	5.9
Total					11,527	12.9

Days spent
just awaiting
Disposition

Misdemeanor / Traffic

5.9 days

Non-Violent Felony

18.6 days

Misdemeanor detainees account for the majority of jail bookings, but - as expected - are generally released much more quickly, averaging 5.9 predisposition jail days. While the FCMC implemented a pretrial services team in 2015 to evaluate the risk of failure to appear and pretrial recidivism, staffing and process constraints have limited the reach of the team's impact.

Out of more than 7,200 misdemeanor/traffic bookings, only about 18% (1,290) were eligible for a pretrial interview, and only about 63% (813) of those could be screened by Pretrial Services. PTS investigative staff arrive at the jail facilities between 4:30 AM and 5:00 AM, with approximately 90 minutes to conduct as many 10 minute interviews as possible. At the conclusion of one interview the PTS officer requests that another defendant be brought to

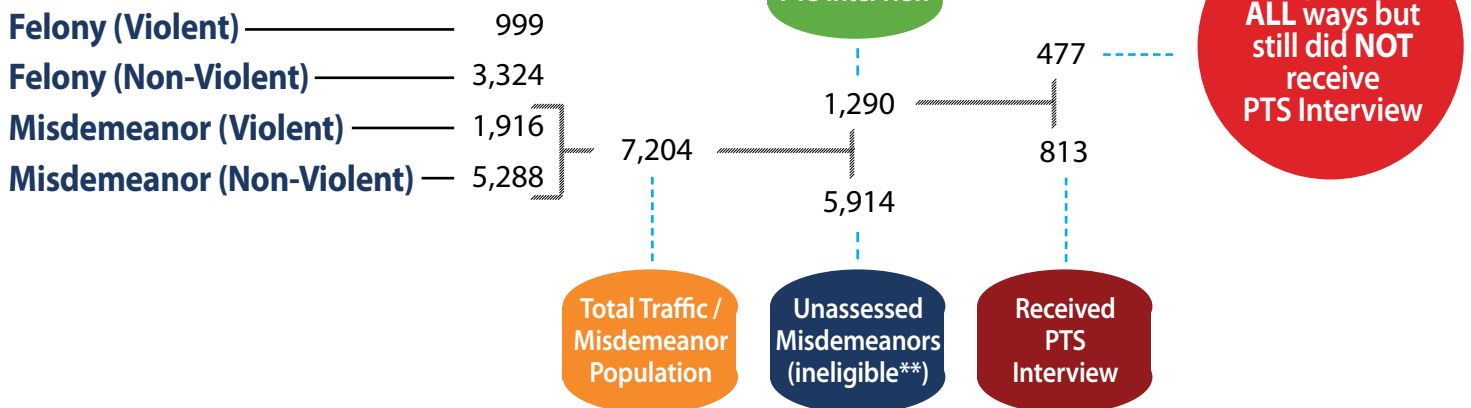
the interview room. Under the best circumstances each PTS officer can interview nine defendants in the 90 minutes allotted for interviews but delays in retrieving defendants can reduce the number of completed interviews to six or seven per officer. P3 believes up to 10.8 jail beds could be saved by expanding FCMC pretrial services capacity to interview 100% of eligible defendants.

Judicial concurrence is also an area of opportunity for the FCMC. In speaking with the judges of the FCMC, there are varying degrees of acceptance of the PTS recommendations. While all of the judges believe the additional information provided by pretrial services is of value, some judges remain hesitant to release a defendant on a recog bond with supervision by PTS except in low risk cases. Through the first six months of 2018, judicial concurrence with PTS

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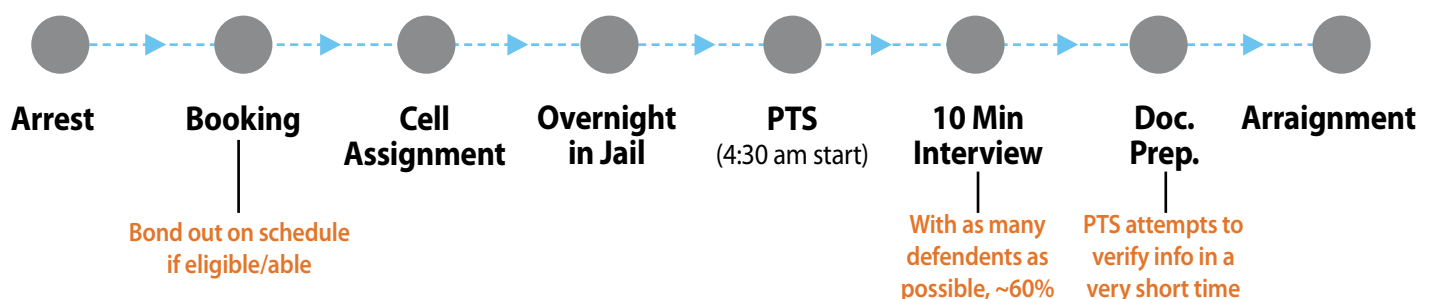
6-month booking sample period summary



recommendations averaged 58%. While 100% concurrence is not necessarily attainable, P3 did find that another 15 jail beds could be saved through 100% judicial concurrence with pretrial services recommendations.

The greatest opportunity to reduce jail beds in the misdemeanor accused population lies with the 5,900+ bookings considered out of scope for FCMC pretrial services risk screening. P3 lacked sufficient data to fully understand the nature of these bookings, but indications are that most of these are minor misdemeanor or traffic bookings arrested with an outstanding warrant. Pretrial services would not be capable of scaling up to handle this kind of volume given current process constraints, but if processes were re-designed to assess risk at the point of booking instead of immediately prior to arraignment the next day, the county could stand to gain up to 95 additional jail beds.

Current PTS Process



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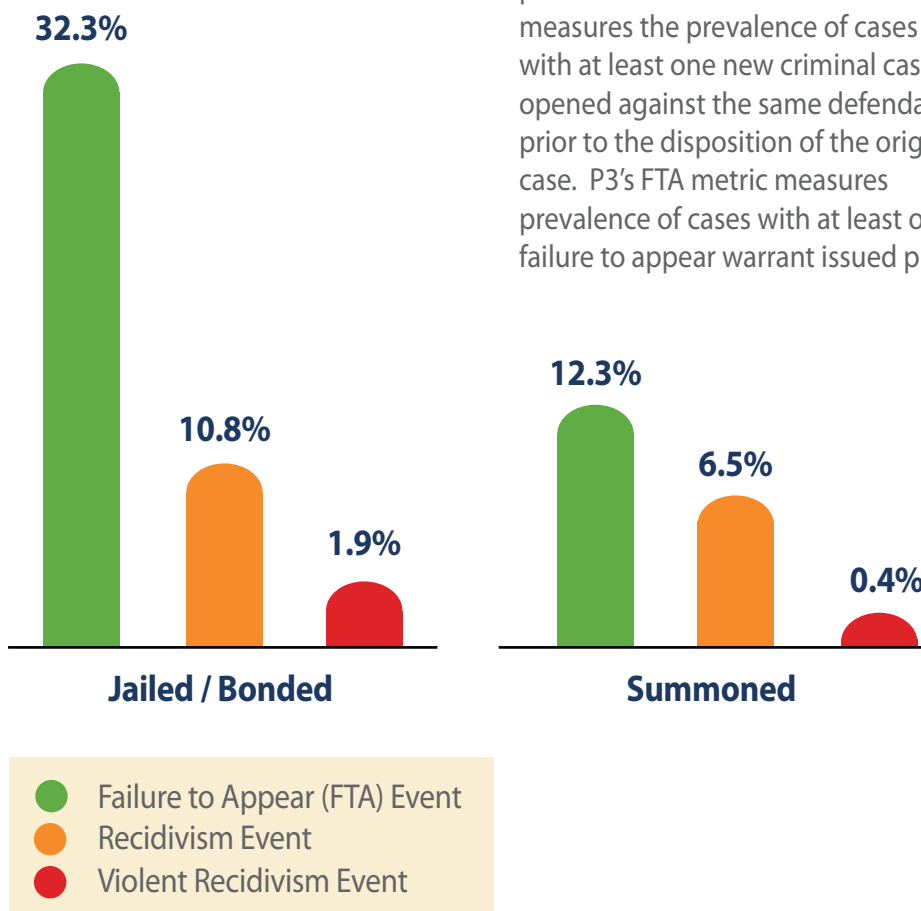
Key Findings

Bail Outcomes

Bail practices don't just influence jail populations; there are also impacts to the courts and the public safety when defendants who make bail either do not appear or commit another crime while out on bail. P3 examined 11,233 criminal case records from the FCMCoC, filed between 1/27/2018 and 6/30/2018 to understand the effectiveness of the court's bail practices. P3's bail recidivism metric measures the prevalence of cases with at least one new criminal case opened against the same defendant, prior to the disposition of the original case. P3's FTA metric measures prevalence of cases with at least one failure to appear warrant issued prior

to disposition of the case, regardless of whether the warrant was issued at or after arraignment.

P3 found 10.8% of criminal cases would have a new case filed prior to disposition of the original case, when the defendant was released from jail prior to disposition. In summons cases, where no jail record could be matched to the case, only 6.5% of cases would experience a recidivism event. Perhaps equally important, the data suggest 17.7% of recidivism events within the predisposition release population and 6.6% in the summons category will include violent charges, for an overall violent recidivism rate of 1.9% and .4% respectively. Not surprisingly, further examination of the violent recidivism events revealed strong correlation between violent charges in the original case and a violent recidivism event within the predisposition release category. Overall recidivism was actually higher in the non-violent group, at 11.7% vs. 9.1% of defendants with violent charges in the original case. However, only 6.4% of those with an original non-violent charge will have a violent re-offense, while 45.4% of violent re-offenders would have violent charges in the new case.



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FTA prevalence within both the predisposition release and summons populations was significantly higher, at 32.3% and 12.8% respectively. While it would be unfair to pass individual judgement without a broader understanding of each judge's overall FTA results, it is instructive to know that there was a significant degree of variance in FTA by judge within the recognizance bond type, with FTA ranging from 18.6% (n=129) to 42.6% (n=62).

By grouping FCMC judges into cohorts of those with better than average recognizance FTA (n=627) vs. worse than average (n=525), in the graph on right, the variance becomes more clear. P3 also noticed a positive correlation between judges who used recognizance more frequently and more favorable FTA results, although this was not the case with every judge. Three judges who used recognizance bond less than 20 times were not included in this analysis.

Worse
Than Average

36.1%

Better
Than Average

27.2%

Racial Impacts

P3's analysis revealed racial disparities not only in jail bookings, but in the FCMC court data, where whites were more likely to receive summons vs. incarceration for a criminal case, compared to blacks (48.8% of cases vs. 42.9% of cases involving a black defendant). While black defendants were more likely to obtain predisposition release on bail (40.7% of cases vs. 34.1% for white defendants), they were less likely to be granted release on a recognizance bond versus a financial bond (36.1% vs. 44.5%). These racial disparities were consistent when controlling for charge degree.

To access the full report, click on the link [here](#).

Recommendations

Franklin County can learn from the best practices laid out in our report, from other jurisdictions in Ohio and across the country to improve pretrial outcomes by:

1. Replacing the 15 municipal judge arraignment rotation with a team of dedicated magistrates responsible for carrying out FCMC's pretrial policy.
2. Providing more information to these magistrates (or judges) at arraignment.
3. Assessing the risk of non-violent felony defendants prior to arraignment in FCMC.
4. Screening 100% of predisposition misdemeanor bookings.
5. Incorporating pre-arraignment risk screening into the booking process.
6. Bringing FCMC and FCCPC judges and magistrates together in dialog around bail best practices.
7. Expanding investment in efforts to reduce failure to appear in the FCMC.