

STRATEGIES TO FORECAST AND ACHIEVE COURT INCARCERATION REQUIREMENTS

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amounts of new knowledge and additional ways in which to view various scenarios, but made some very good friends along the way. June 2011 spent in Williamsburg, Virginia will always be a bright spot in my life, because of these same people.

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STRATEGIES TO FORECAST AND ACHIEVE COURT INCARCERATION REQUIREMENTS

By David D. Beach

Abstract

Findlay, located in Hancock County, Ohio is a pleasant community within which to live and work. A segment of the reason this is so can be attributed to the efficient and effective functioning of the criminal justice system and judiciary within our community. A reoccurring concern, which may threaten the efficient and effective functioning of the system, is the question of the capability of the Hancock County Jail to accommodate the totality of commitments to jail as issued by the Findlay Municipal Court. This is a question that continues to arise with an increasing frequency, due to population increases and legislative actions.

The ability to timely incarcerate is paramount in both the application of deterrence theory and to maintain court credibility as to its orders. These concerns strike at the foundational level of the court, which in turn has the potential to have significant impact on the quality of life within our communities. The Findlay Municipal Court utilizes numerous programs to divert convicted defendants from incarceration within the Hancock County Justice Center when permitted by statute. These diversionary strategies are multifold in intent, all of which ultimately strive to reduce recidivism. Regardless of the expenditure of time, talents and treasures on these worthy programs, the vast majority would be for naught without the threat of imminent incarceration should the directive to participate not be fulfilled.

The purpose of this project is multifaceted; it seeks to determine if current facilities are adequate to meet the incarceration demands of the court, with consideration given to recent legislative changes invoked by the State of Ohio, in combination with projected population

growth and other influencing factors. If the finding is that the current facilities are unable to accommodate the incarceration requirements of the court, then what is the logical method to facilitate appropriate incarceration facilities, considering the totality of circumstance with a long-term view?

Answers to these questions were achieved through comprehensive analyses of the Hancock County Jail daily inmate statistics for the years of 2008, 2009 and 2010, in conjunction with commitment issuance data from the Findlay Municipal Court for the same time span. Additionally, projective data was requested, received and incorporated from several stakeholders on this issue, as to the impact of recent legislative changes, both initially and subject to long-term probability analyses.

A clear determination was made that the Hancock County Jail is lacking in capacity to fulfill incarceration of the issued commitments. In order to facilitate the continuing efficient and effective functionality of the local criminal justice system, and judiciary striving to maintain the current notable standard of living within our communities, a review of several options as to increasing incarceration capacities were examined. Subsequent to this detailed examination a clearly defined, logical, cost-effective method of meeting the incarceration requirements of the Findlay Municipal Court became apparent, and is delineated within the findings segment of this work.

Introduction

Court Order Credibility

Incarceration is the base foundational tool through which modern courts maintain the ability to enforce orders in all aspects of operation: traffic, criminal, civil, and small claims. The ability of the Findlay Municipal Court to incarcerate grants credence to said orders. Conversely, lack of the consistent and timely ability of the Findlay Municipal Court to enforce its orders via incarceration eliminates credibility of the orders issued. Courts devoid of order-enforcing credibility are courts whose effectiveness have been seriously undermined, thereby reducing the rule of law, which is the primary adhesive binding our society together.

Incarceration Facilities Available

The focus of this research shall be local facilities and programs that are accessible to the Findlay Municipal Court to fulfill sentencing requirements. This research project will review previous studies undertaken on this issue. In addition, acquisition of data from the Hancock County Justice Center and local incarceration alternatives (both past and present) will be analyzed. The probable impact of pending legislation will then be factored into the analysis of the incarceration requirements for the court; an examination of state facilities is obligatory, as pending legislative considerations have the potential to significantly impact the state prison system and, through the trickle-down effect, impact criminal justice at the local level. It is anticipated that this research will result in a realistic determination of the ability of the current incarceration facilities to meet the courts' short-term requirements as to incarceration. Financial considerations and explanations shall also be incorporated into the research presented herein.

Identification of a need - should it exist - is for naught, if the financial particulars are not examined and integrated.

Author's Perspective

In the interest of fair disclosure, it is proper that I provide background on myself, so one may gain an understanding of my perspective and viewpoints in general. Intermittently through the course of this paper, I will interject various data items obtained in the course of my personal experiences in the criminal justice field, which is now pushing firmly upon three and a half decades. I will clearly delineate these interjections so the reader may grant what credence s/he deems appropriate to the interjection. The following is my biography from the Findlay Municipal Court – Director of Court Services (n.d.), so as to provide insight into the portal from which I view the world:

David D. Beach was appointed Director of Court Services June 25, 2000. A Findlay native, he graduated from Findlay High School in 1975 and from Owens Technical College in 1977. Prior to his employment with the Court, Director Beach served with the Hancock County Sheriff's Office for 23 years as a communications officer, road patrol deputy, K-9 handler, sergeant of the Transport Warrant Unit, road patrol sergeant and sergeant of the Emergency Response Team (ERT).

September 25, 2009, Mr. Beach achieved the status of Certified Court Manager as issued from the National Center for State Courts Institute for Court Management, the culmination of a three year course. June 24, 2011 he achieved the status of Certified Court Executive also through the National Center for State Courts. Mr. Beach is a member of several professional organizations pertinent to his function as Director of Court Services. (paras. 1-3).

The Director of Court Services is under the direction of the Judges of the Findlay Municipal Court. Responsibilities include but are not limited to the day to day administrative

responsibilities of court operations, policy development and implementation, budget preparation, fiscal administration, personnel administration, accounting functions, statistical analysis, projections, public relations, and personnel management. The Director is also the Chief Bailiff and the Chief Probation Officer for the Court.

Structure of Ohio Courts

Due to variations in the descriptions and functions of similarly-named courts throughout the nation, a brief overview of municipal courts within the State of Ohio is warranted so as to ensure clarity. By state statute, county courts and municipal courts provide the same function and are assigned to the jurisdictional area in which they serve. A municipal court can, depending on statutory assignment, serve an entire county, as can a county court; however, is it an either/or as both do not exist within the same jurisdictional venue. In the matter of Findlay Municipal Court, it serves all of Hancock County, Ohio, except for Washington Township, which is served by the Fostoria Municipal Court.

According to the Supreme Court of Ohio and the Ohio Judicial System (n.d.):

Municipal and county courts (in Ohio) are created by the General Assembly as provided in R.C. 1901 and 1907. When municipal courts exercise countywide jurisdiction, no county court is needed. A county court is needed if an area of a county is not served by a municipal court.

The subject-matter jurisdiction of municipal and county courts is nearly identical. Both municipal and county courts have the authority to conduct preliminary hearings in felony cases, and both have jurisdiction over traffic and non-traffic misdemeanors. These courts also have limited civil jurisdiction. Municipal and county courts may hear civil cases in which the amount of money in dispute does not exceed \$15,000.

Judges sitting in these courts, like probate judges, have the authority to perform marriages.

Municipal court judges are elected to six-year terms on a nonpartisan judicial ballot. A municipal court judge may have jurisdiction in one or more municipalities, across county borders, in adjacent townships, or throughout an entire county. A county court judge is elected to a six-year term on a nonpartisan ballot. All county court judges and 20 municipal court judges are part-time.

Municipal court judges and county court judges must be attorneys with at least six years of experience in the practice of law. (paras. 27-31).

Findlay Municipal Court

The Findlay Municipal Court was created by the Ohio Legislature on May 17, 1955 by passage of Amended Substitute House Bill 504. In 1993, the Ohio 119th General Assembly passed Senate Bill 371, which in part authorized the election of a second Judge to the Findlay Municipal Court (*Findlay Municipal Court Handbook*, 2011, p. 2).

Currently, the Findlay Municipal Court is served by two full-time judges, the Honorable Robert A. Fry, Administrative and Presiding Judge, and the Honorable Jonathan P. Starn. Three part-time magistrates assist the judges in the preliminary aspects of some court functions. A support staff consisting of 17 full-time employees, in conjunction with varying numbers of interns, externs and volunteers, facilitate the operation of the court; see Figure 1 for organizational structure.

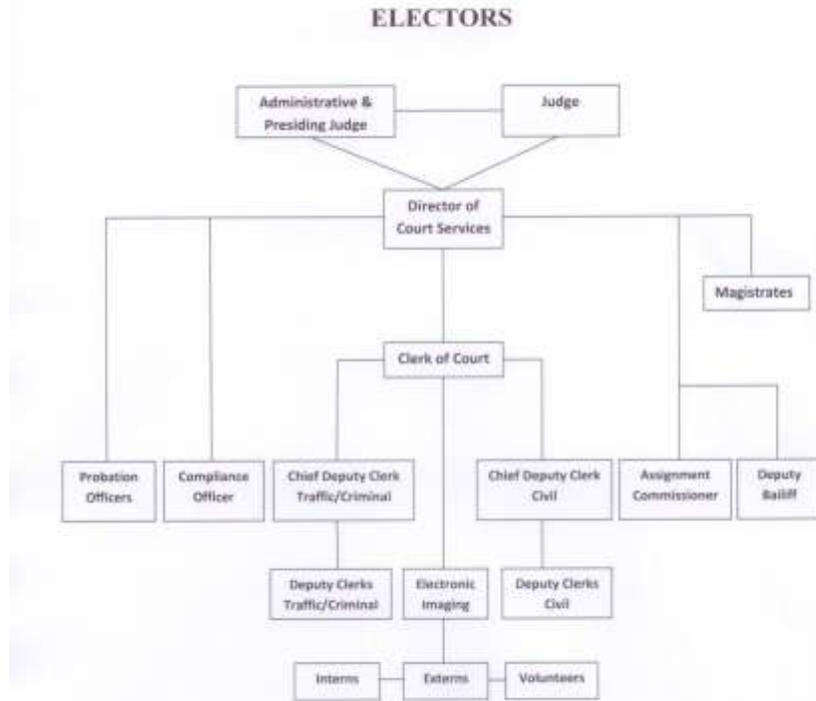


Figure 1. Organizational Structure of the Findlay Municipal Court
(Source: *Findlay Municipal Court Handbook*, 2011, p. 11).

Lou Wilin reported on March 11, 2011, in the article “Findlay, Hancock County Gain Population,” that the City of Findlay population stood at 41,202 in 2010 with the total Hancock County population at 74,782 people. Therefore, the Findlay Municipal Court serves approximately 70,342 residents (the 4,440 people living in Washington Township who are served by the Fostoria Municipal Court are deducted from the total).

Interstate 75 (I-75) traverses the entirety of the court’s jurisdictional boundaries, running approximately through the center of the county from the north to the south. I-75 adjoins State Route 15, at the southern end of Findlay, which in turn adjoins State Route 23, providing paved four-lane surfaces joining Toledo, Ohio and Columbus, Ohio. State Route 30, located in the

southern portion of the court’s jurisdictional boundaries, traverses the totality of the county from east to west, with a paved four-lane surface (see Figure 2).



Figure 2. Primary Roadways within the Findlay Municipal Court Jurisdictional Boundaries
(Source: *Ohio Official Transportation Map*, 2007, p. 1).

These primary roadways significantly increase the traffic and criminal caseload of the court. Average caseloads for Findlay Municipal Court over the past six years are as follows: 2005-2010 consisted of 10,813 traffic cases (see Figure 3). The average caseload for criminal cases within the same span of time was 1,896, and civil cases numbered 2,039. Meanwhile, small claims cases averaged 1,230 per year (see Figure 4). During the same time period, the yearly average monetary distribution from the court was \$3,333,231.00 (see Figure 5).

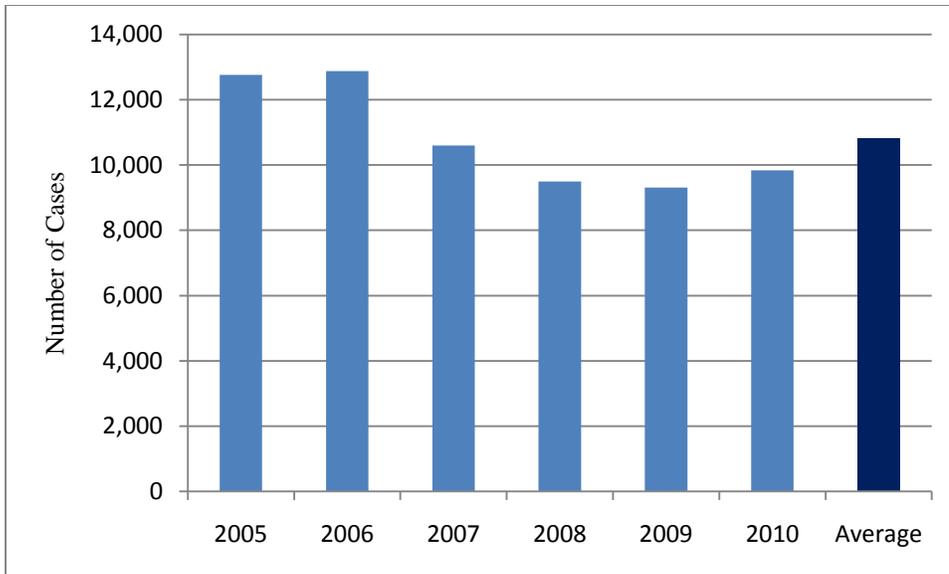


Figure 3. Findlay Municipal Court Traffic, Number of Traffic Cases 2005-2010 (Source: *Findlay Municipal Court, Annual Reports, 2005-2010, p. 1*).

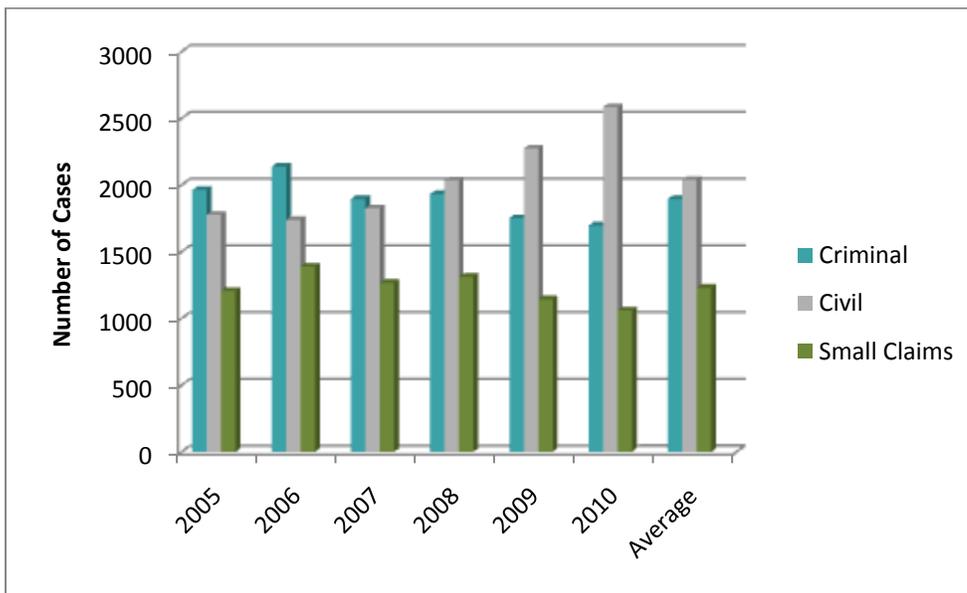


Figure 4. Findlay Municipal Court Criminal, Civil and Small Claims Cases 2005-2010 (Source: *Findlay Municipal Court, Annual Reports, 2005-2010, p. 1*).

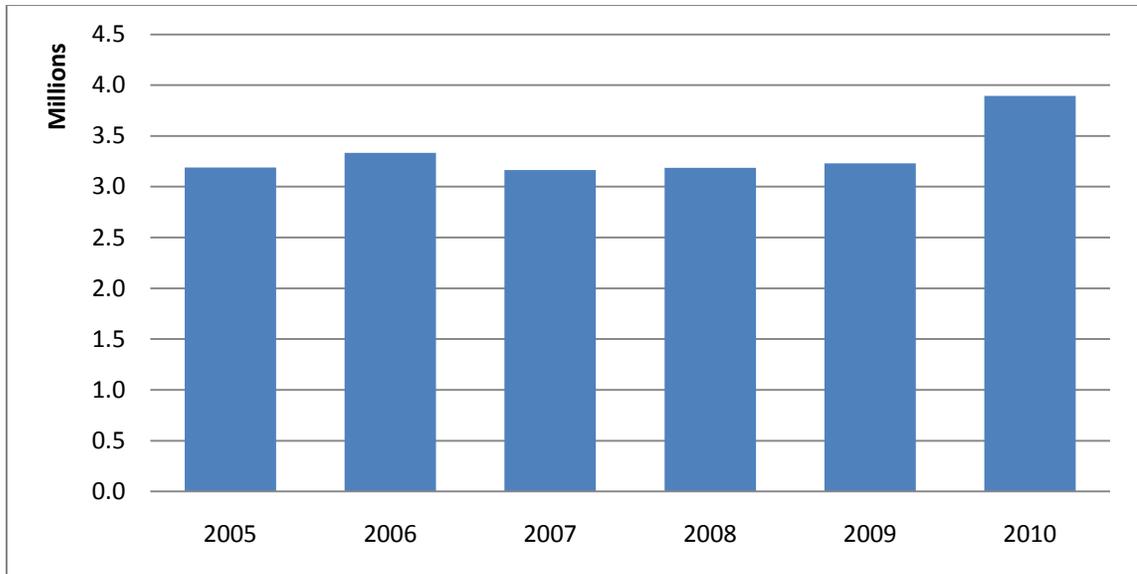


Figure 5. Findlay Municipal Court Yearly Monetary Distribution in Dollars 2005-2010 (Source: *Findlay Municipal Court, Annual Reports, 2005-2010*, p. 6).

One can observe that the caseload remains relatively consistent, with minor deviations. The reasons for the caseload variances are diverse, ranging from the economic climate to the law enforcement philosophies applied by the various agencies involved with the court. The multitude of factors affecting case levels will be touched upon, but not addressed in-depth in this paper.

The incarceration needs of the Findlay Municipal Court are primarily satisfied by the Hancock County Justice Center, which is operated under the authority of an elected Sheriff. In addition to the Findlay Municipal Court, the Hancock County Common Pleas Court and the Fostoria Municipal Court order incarcerations within the Hancock County Justice Center.

It is my judgment that a lack of jail capacity exists at this juncture. One indication is the number of persons attempting to report to jail on commitment, and subsequently being turned away due to the lack of capacity of the justice center to house the person. According to Lt. Ryan

C. Kidwell, the Hancock County Jail Administrator, this percentage has risen steadily since 2008” (R. Kidwell, personal communication, April 22, 2011).

Literature Review

This work, “Strategies to Forecast and Achieve Court Incarceration Requirements,” shall build upon the foundation provided by previous works, while factoring in pending legislative considerations that are shifting at the time of the compilation of this paper. The primary objective is to determine if the Hancock County Justice Center can meet the incarceration requirements of the Findlay Municipal Court.

Credibility of Court Orders

A foundational assertion which was put forth within the introduction of this work requires reiteration at the commencement of the literature review: the ability of the Findlay Municipal Court to incarcerate grants credence to its orders. Conversely, lack of the consistent and timely ability of the Findlay Municipal Court to enforce its orders via incarceration undermines credibility to the orders issued. Courts devoid of order-enforcing credibility are courts whose effectiveness have been seriously undermined, thereby reducing the rule of law, which is the primary adhesive binding our society together.

Deterrence

Incarceration, in conjunction with monetary penalties, are the foundational tools used by courts within the United States of America to create and maintain deterrence, thereby encouraging compliance with the rules and laws as mandated by society. Criminologist Raymond Paternoster (2010) defines deterrence as “the omission of a criminal act because of the fear of sanctions or punishment.”

Incarceration is utilized as one tool, among others, to punish those who violate laws and rules set forth by society through its governmental structures. These foundational tools of deterrence are utilized both in the criminal and civil arenas of law by modern courts within this nation.

Throughout the history of humanity, the strategies employed to promote compliance to societal rules through the application of deterrence and punishment of violators has been limited only by the imagination of the species. What was once accepted as common practice in the imposition of governmental punishment is, in modern times, viewed as cruel and unusual punishment. As society evolves, it continues to re-define the meaning of the term “cruel and unusual punishment,” as contained within the context of the Eighth Amendment of the Constitution of the United States of America: -“Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

Methods of deterrence and punishment commonly employed during the birth of this nation are now thought to be cruel and unusual; perhaps it could even be argued that some of the punishments would be construed as barbaric today. The primary deterrents and punishments at this juncture in time focus upon the deprivation of personal liberty and monetary sanctions. The discussion as to the actual effectiveness of these categories of modern punishments, and hence the deterrence value, is a lively debate containing multifaceted viewpoints.

Modern Punishment

Currently, the structure of state-imposed punishment is definitive, typically within set parameters as applied to a delineated circumstance. As an example applicable to the Findlay Municipal Court, (and other County and Municipal Courts within the State of Ohio), the Ohio Revised Code is the defining authority. Specifically, Ohio Revised Code Section 2929.21, (A), states:

The overriding purposes of misdemeanor sentencing are to protect the public from future crime by the offender and others and to punish the offender. To achieve those purposes, the sentencing court shall consider the impact of the offense upon the victim and the need for changing the offender’s behavior, rehabilitating the offender, and making restitution to the victim of the offense, the public, or the victim and the public (Ohio Laws and Rules, 2004, Purposes, para 1”).

Ohio Revised Code Section 2929.24 delineates the following maximum jail terms by degree of misdemeanor, and Ohio Revised Code Section 2929.28 delineates the following maximum fines by degree of misdemeanor:

Table 1. Maximum Penalties for Misdemeanors

Degree of Misdemeanor	Maximum Jail Sentence	Maximum Fine
1 st	180 days	\$1,000.00
2 nd	90 days	\$750.00
3 rd	60 days	\$500.00
4 th	30 days	\$250.00
Minor Misdemeanor	None	\$150.00

Contempt Powers

In the same manner that punishments are afforded to traffic and criminal violations, consideration must be given to the authority of the court to enforce its orders in civil and small claims cases. The courts' authority in these applications gains credence and compliance again through the possible application of incarceration and monetary penalties as the primary motivators. It is my contention that a large part of the adhesive of societal fabric is the ability to conduct commerce and enter into agreements with a high degree of certainty that the agreements which come into dispute will be arbitrated justly by a neutral governmental judicial entity, resulting in a fair, equitable, and consistent application of the law. If the courts did not have the mechanisms of incarceration and monetary penalties granting credence to their orders in non-criminal cases, such orders would generally be meaningless. If the orders of the courts were rendered meaningless, that would damage the rule of law and the binding of our societal fabric.

The State of Ohio, through the Ohio Revised Code, has given courts the authority to enforce its orders. The most common in the non-criminal municipal court setting are the contempt powers. Black's Law Dictionary (1968) defines contempt as "A willful disregard or disobedience of a public authority" (p. 390). Specifically, Ohio Revised Code Section 2705.02, entitled "Acts of Contempt of Court," reads as follows:

- A person guilty of any of the following acts may be punished as for a contempt:
- (A) Disobedience of, or resistance to, a lawful writ, process, order, rule, judgment, or command of a court or officer;
 - (B) Misbehavior of an officer of the court in the performance of official duties, or in official transactions;
 - (C) A failure to obey a subpoena duly served, or a refusal to be sworn or to answer as a witness, when lawfully required;
 - (D) The rescue, or attempted rescue, of a person or of property in the custody of an officer by virtue of an order or process of court held by the officer;

- (E) A failure upon the part of a person recognized to appear as a witness in a court to appear in compliance with the terms of the person's recognizance;
- (F) A failure to comply with an order issued pursuant to section 3109.19 or 3111.81 of the Revised Code;
- (G) A failure to obey a subpoena issued by the department of job and family services or a child support enforcement agency pursuant to section 5101.37 of the Revised Code;
- (H) A willful failure to submit to genetic testing, or a willful failure to submit a child to genetic testing, as required by an order for genetic testing issued under section 3111.41 of the Revised Code. (Ohio Laws and Rules, 2001, "Acts," paras. 1-9).

To facilitate greater comprehension of the issue of contempt, I present the following points from caselaw (re Contemnor Caron) which may offer enlightenment regarding this complex concept utilized within the judicial system.

8. Contempt of court is an act or omission that interferes with the administration of justice, through conduct which disobeys judicial orders, shows disregard and disrespect for the authority and dignity of the law, or tends to impede, embarrass, or obstruct the court in the performance of its functions. (p.8)

12. All those who would by misconduct obstruct the administration of justice must be on notice that they do so at their peril. The courts of justice must not be deflected or interfered with; those who strike at it, strike at the very foundations of our society. (p.8)

13. The power of contempt is the sole means by which judges can enforce their orders and affirm the rule of law for the benefit of the public, and it may constitute a violation of their sworn duty to fail to exercise it where appropriate. Without the power of contempt, courts would be rendered powerless, no other judicial power could be exercised, and our system of justice would be in continual [***4] danger of being thwarted by the lawless. (p.8)

Ohio Revised Code Section 2705.05 puts forth the following general penalties for contempt of court.

Table 2. Maximum Penalties for Contempt

Number of Offences	Maximum Jail Days	Maximum Fine
1 st	30	\$250.00
2 nd	60	\$500.00
3 rd	90	\$1,000.00

It is clearly deduced from the sources previously delineated that contempt power is one of the cornerstones of the judiciary within the United States of America.

Jails and Prisons

Prior to delving into discussions pertaining to jails and prisons, a brief explanation of the difference should be put forth. Jails are typically operated by a municipality, county or consortium of counties, and house individuals in custody for a shorter period of time. Prisons are operated by or under the authority of the state or the federal government and house individuals expected to stay for a longer period of time and for offenses of greater seriousness.

National Incarceration Data

A 2010 study conducted by the Pew Center on the States, focuses on national incarceration statistics. The report indicates that nationwide, state prison populations have declined for the first time in 38 years; this appears very optimistic as to prison populations within the state prison systems (Pew Center on the States, 2010). The report indicates that as of January 1, 2010 there were 4,777 (.03%) fewer inmates in state prison systems than in December 2008. However, the reductions in inmate population within state prison systems were offset by an increase in the federal systems, which rose by 6,838 prisoners or 3.4 % in 2009. This offset the decrease in state prisons, and caused a net increase of 2,061 persons incarcerated within state and federal prison systems (Pew Center on the States, 2010).

Continued analysis of the Pew Center report (Pew Center on the States, 2010) draws the focus down to the State of California, due to the sheer volume of reductions in prison population which have occurred recently within that state. The State of California displayed the greatest numerical reduction, shedding 4,257 inmates (Pew Center on the States, 2010). The state of Michigan ranked second in numerical reduction of inmates, reducing prison population by 3,260 inmates (Pew Center, on the States 2010). How is this possible, after almost forty years of continual increases in prison populations? As to California, the simple response is, “In August 2009, a federal court ordered the state (California) to cut its prison population by more than 40,000 prisoners, or about 30 percent, in two years” (Pew Center on the States, 2010). The report indicates the Michigan reductions occurred for the most part by reducing the amount of time each inmate served upon their sentence (Pew Center on the States, 2010).

There are a multitude of other contributing factors to explain the reduction in state prison systems' inmate population. Examples put forth in the report include advances in supervision technology, advances in the science of behavior change, development of more accurate risk assessments and increasing focus on cost-benefit analysis (Pew Center on the States, 2010). One major contributing factor in the decreases in state prison populations is: "Conventional wisdom holds that states are facing such large budget deficits that they are simply shedding inmates in a rush to save money" (Pew Center on the States, 2010 p.3). This certainly is the case in the State of Ohio.

The prison system in the State of Ohio lost 80 inmates, according to the report (Pew Center on the States, 2010). The actions already taken by the State of Ohio, and those pending, awaiting implementation, are posed to facilitate vast change in the sentencing of inmates, and where and how sentences will be satisfied.

As the State of California posted the greatest reduction of state inmates, an expanded examination of the factors resulting in this reduction seems prudent (Pew Center on the States, 2010). The reduction of state inmates within California were court ordered, primarily through two federal cases; *Coleman v. Brown* and *Plata v. Brown*. Both of these cases commenced in United States Districts Courts (Eastern District and Northern Districts of California, respectively). The cases were subsequently consolidated before a single three-judge court. These two cases were ultimately appealed to the United States Supreme Court (*Brown v. Plata et al*), wherein a decision was issued on May 23, 2011.

The ruling of the United States Supreme Court was split. Justice Kennedy, in writing for the majority of the court, wrote in part:

At the time of the trial, California's correctional facilities held some 156,000 persons. This is nearly double the number that California's prisons were designed to hold, and California has been ordered to reduce its prison population to 137.5% of design capacity. By the three-judge court's own estimate, the required population reduction could be as high as 46,000 persons". (*Brown, v. Plata*, pp.2-3).

Justice Kennedy within the Opinion of the Court in *Brown v. Plata* describes dismal conditions in the prison system where inmates are denied minimal care and suicidal inmates are held in "telephone-booth sized cages without toilets" (p.5). Additionally, the testimony of a corrections officer indicated that in one prison, up to 50 sick inmates may be held together in a 12- by 20-foot cage for up to five hours awaiting treatment. Justice Kennedy also wrote in part:

During the pendency of this appeal, the State in fact began to implement measures to reduce the prison population. See Supp. Brief for Appellants 1. These measures will shift thousands of prisoners from the state prisons to the county jails by mak[ing] certain felonies punishable by imprisonment in county jail and require[ing] that individuals returned to custody for violating their conditions of parole serve any custody term in county jail. (*Brown, v. Plata* p.41).

Justice Scalia, with whom Justice Thomas joins, dissenting under *Brown v. Plata* writes:

"Today the Court affirms what is perhaps the most radical injunction issued by a court in our nation's history; an order requiring California to release the staggering number of 46,000 convicted criminals" (*Brown, v. Plata* p.1).

Justice Scalia also wrote in part:

“One would think that, before allowing the decree of a federal district court to release 46,000 convicted felons, this Court would bend every effort to read the law in such a way as to avoid that outrageous result”. (*Brown, v. Plata*). (p.1)

Justice Alito also dissented. The summation of his opinion in part states:

The prisoner release ordered in this case is unprecedented, improvident, and contrary to the PLRA¹. In largely sustaining the decision below, the majority is gambling with the safety of the people of California. Before putting public safety at risk, every reasonable precaution should be taken. The decision below should be reviewed, and the case should be remanded for this to be done (p.17).

I fear that today’s decision, like prior prisoner release orders, will lead to a grim roster of victims. I hope that I am wrong (p.17).

In a few years, we will see. (*Brown, v. Plata* (p.17).

The unfolding circumstances in California maintain a parallel with the circumstances evident in the State of Ohio’s political landscape and prison system. It appears that a seemingly similar end goal of inmate reduction at the *state level* for Ohio is to be pursued.

¹ Prison Litigation Reform Act of 1995.

State of Ohio Prison Data

The current status of the prison system in Ohio is one factor to be reviewed in the attempt to forecast the ability of the Hancock County Justice Center to meet the incarceration requirements of the Findlay Municipal Court. Ohio Prisons statewide are over capacity (Diroll, 2011). David Diroll, executive director of the Ohio Sentencing Commission, presents sobering data as to the prison system in Ohio within his Monitoring report. Diroll (2011) discusses how the Ohio prisons are designed for a rated capacity of 38,000 inmates, and the current inmate population is approximately 50,500 inmates. Those numbers translate into an inmate population at 31% over its rated capacity, or about 12,500 more inmates than the prisons were built to house (Diroll, 2011).

Diroll's report, however, brought forth an interesting consideration which he termed "A Perverse Bargain" (2011). The Ohio Department of Rehabilitation and Corrections is the state's largest agency, with a budget of \$1.8 billion and over 13,000 employees. However, when prisons are over capacity, the state gets a bargain. Staff does not need to expand for each new inmate forced into the system; it only needs to cover the costs of feeding, clothing and medical attention. The report suggests that these are the marginal costs of confinement, which are running about \$16.00 per day (Diroll, 2011). However, when new facilities are constructed to house the additional inmates, the cost per day elevates to or exceeds \$60.00 dollars per day. Mr. Diroll (2011) provides the following illustration:

Put another way, if an inmate gets released and isn't replaced, the crowded system only saves the \$16/day marginal costs. To achieve more meaningful savings, the population must be reduced to the point of closing a wing or an entire prison. In short, although we can debate what true capacity is, the prison system needed to move below 100% of capacity before the state can save the \$60+ a day per inmate" (Diroll, 2011 p. 4).

Court Decisions Pertinent to Prison Population

Diroll (2011) identified a line of U.S. Supreme Court cases that had a notable impact upon the Courts within the State of Ohio and subsequently upon the prison population within the state of Ohio. Specifically, the *Apprendi v. New Jersey* and *Blakely v. Washington*, cases prompted judicial modification by the Ohio Supreme Court under *State v. Foster*, of segments of Ohio Senate Bill 2 (referred to as the “truth in sentencing” bill).

The fundamental essence of these cases can be summed up simply: “By *requiring* judges to make certain findings before imposing certain sentences, Ohio statutes violated the Sixth Amendment” (Diroll, 2011, p.12). The findings made by judges impacted the imposed sentence as required by statute. However, subsequent to the above-noted cases, the Ohio sentencing statutes are constitutional so long as judges have discretion (as opposed to findings) to sentence from the whole Ohio Revised Code Section 2929.14 range available for each offense.

The prison population between 1997 and 2007, under the influence of S.B. 2, remained relatively level. Subsequent to 2007, after various aspects of S.B. 2 had been struck down, the inmate population started to increase. Numerically, the average inmate population during the span of S.B. 2 from 1997 through 2007 was 45,790. After the court decisions neutralized provisions of S.B. 2, the average population for the years of 2007 through 2010 increased to 50,003 inmates. This reflects an increase of 4,213 inmates on average per year subsequent to the removal of the length of stay provisions of S.B. 2 (Diroll, 2011).

House Bill 86 (129th General Assembly)

As referenced previously, an area of concern pertaining to the population of the Hancock County Jail is legislation potentially changing the direction that the State of Ohio has been moving in since 1995, with the implementation of S.B. 2 (criminal sentencing). A specific concern is the recently enacted House Bill 86, entitled “Felony Sentencing & Juvenile Justice.”

The Ohio Judicial Conference Enactment News article discusses H.B. 86, signed by the Governor on June 29, 2011, to be effective September 30, 2011, “illustrating the situation as follows:”

Enacted House Bill 86 makes changes to Ohio’s felony sentencing laws and juvenile justice system. The changes are intended to reduce the amount of public funds used to operate state prisons, to reduce the number of offenders in prison for violation of low to moderate level offenses, to increase the availability of community control sanctions, to provide the right to a jury determination of all significant facts consistent with the U.S. and Ohio Constitutions, and to enhance the juvenile justice system.

From a local government perspective, a realistic translation of the above-statement (in part) is “we’re broke, so we are passing the buck to the local communities.” It appears that very little, if any, genuine practical consideration was given to the fact that most local communities are facing financial dilemmas also, but do not have the option of passing the problems on as the state just did. In exchange, the “bone” tossed to local communities is listed under Ohio Revised Code Section 2929.11, entitled “Penalties and Sentencing:”

2929.11 [Effective 9/30/2011] Purposes of felony sentencing

(A) A court that sentences an offender for a felony shall be guided by the overriding purposes of felony sentencing. The overriding purposes of felony sentencing are to protect the public from future crime by the offender and others and to punish the offender using the minimum sanctions that the court determines accomplish those purposes without imposing an unnecessary burden on state or local government resources. To achieve those purposes, the sentencing court shall consider the need for incapacitating the

offender, deterring the offender and others from future crime, rehabilitating the offender, and making restitution to the victim of the offense, the public, or both. (Ohio Laws and Rules, 1996, "Purposes," para. 1).

While the statement contained within 2929.11 has a benevolent intonation toward local resources, the realistic application will stray significantly, in this author's opinion, from the stated intent so as to not burden local resources.

One only has to look to the elevated thresholds for theft-related offences and vandalism to find some examples. In these instances, some defendants that previously would have, upon conviction, been the responsibility of the state to incarcerate, now shift to the local authorities - which are devoid of assets to address the increased caseloads and subsequent increased burden upon local jails.

To illuminate this situation, consider H.B. 86, a detailed and encompassing modification to the Criminal and Juvenile Law within the State of Ohio, which "changes every theft offence and other crimes in which penalties turn on valuation." Only the contents of the Act, which stand to impact Findlay Municipal Court operations primarily with respect to incarceration, will be highlighted here.

As an example, the threshold between misdemeanor theft offences and felony theft offenses was elevated. Prior to the enactment of H.B. 86, a theft offence of up to \$499.99 was a misdemeanor, theft offences of \$500.00 dollars or more were under the felony classification. Now under H.B. 86, theft offences up to \$999.99 are misdemeanor offences, with \$1,000.00 and over landing within the felony classification. In his report, Diroll (2011) refers to this as the 50% rule. In part, it was stated that the bill increased the thresholds for higher penalties by 50%. Theft and other cases affected by the 50% rule that would have previously been felonies and

tried in the Hancock County Common Pleas Court, will now end up on the docket of the Findlay Municipal Court. Clearly, this is one aspect that will directly impact on the caseload and incarceration requirements of the Findlay Municipal Court.

As for lower level felonies (felony 5 and felony 4), offenders are to be dealt with locally unless certain limited criteria are met. During the Hancock County Community Corrections Planning Board meeting conducted September 13, 2011, the Honorable Joseph Niemeyer, judge of the Hancock County Common Pleas Court and chair of the committee, mentioned some of the sanctions the Court could impose upon the defendants who violate community control sanctions. A couple of the examples put forth were placement of the defendant on electronic monitoring, and incarceration in the Hancock County Jail. The general opinion of local stakeholders is that the Hancock County Jail is currently running at or above capacity; if true, this will limit the incarceration space available to the Findlay Municipal Court for misdemeanants.

News media coverage of H.B. 86 demonstrated that apprehension is not contained to Findlay or Hancock County, Ohio. As evidenced by the following excerpts from the Columbus Dispatch applicable to a review of H.B. 86, Johnson (2011) wrote:

-The most sweeping changes in Ohio's criminal-sentencing laws and prisons operations in 15 years kick in today. (p.2).

-For state officials, it comes down to the bottom line: a projected drop of 3,700 inmates over current levels and \$38 million in savings by 2015 (p.2).

-Judges, prosecutors and prison officials say sentencing reform will resonate thought out the system, from county jails and courthouse to community correction programs and state prisons (p.2).

-This expands holes in the law and creates some new ones (p.3).

Similarly, as discussed in an article in the Cincinnati.com, Perry (2011) wrote:

-The difference, local officials said, is Hamilton County – which accounts for 9 percent of all Ohio prison inmates – now has to pay for providing local punishment for thousands of inmates who, under the old law, were sent to prison and paid for by state money (p.1).

-The law change comes at a terrible time for Hamilton County. The 1,240-bed jail is almost always full and Sheriff Simon Leis Jr. said he also will have to close three of its 10 floors if county commissioners cut his department's budget by \$7.9 million as they have indicated (p.2).

-Since 2009, Hamilton county judges have sent 5,787 felons to prison that, under the new law, no longer can be sent to prison:

- 2009 - 1,595
- 2010 - 1,913
- 2011 - 2,279 (as of Sept. 23) (p.3).

And Caudill (2011) of the Mansfield News Journal.com suggests:

Crawford County Sheriff Ronny Shawber questions a new law aimed at shrinking Ohio's prison population by 4,000 by 2015.

-It'll take care of the problem for the state, maybe, but it'll create a problem at the local jails (p.1).

-It's going to increase out costs and population (p.1).

-The problem is, there isn't much room at many county jails (p.1).

This sentiment was also reflected in the article by Captain Joe Masi (2011), Richland County jail administrator, who was quoted in the article as saying:

- This puts more of a burden on county jails. It affects our resources and our finances (p.1).

2006 Hancock County Justice System Report

In 2006, a study of the Hancock County Justice System was commissioned by the Hancock County Community Corrections Board (Wineburg-Ankrom, Blough & Raffay, 2006).

The study reviewed the entirety of the criminal justice processes within Hancock County, Ohio. The majority of the process review and study was focused on the Hancock County Common Pleas Court, in such areas as the number of jail days consumed while processing defendants through the Court from date of arrest or indictment to sentencing. The first report was issued September 2006, with a revision issued October 17, 2006.

Findlay Municipal Court expressed concern with the data presented in the original report, which resulted in a fractional modification and correction to the original report, in the revised version (Wineburg-Ankrom, Blough & Raffay, 2006). The data obtained from the Hancock County Jail contained within the report was thought to be generally accurate. However, the Hancock County Jail had also undergone a transition in computer programs during the same approximate time span.

Within the report's executive summary, it states that the Hancock County Justice Center has operated under a bed shortfall for the past ten years (1996-2006) (Wineburg-Ankrom, et al., 2006). The report estimates that 233 beds were required to meet the demands placed upon the Hancock County Jail for incarceration, currently and into the future. When compared to the current 96-bed facility, the need for an additional 137 beds was forecast in 2006 (Wineburg-Ankrom, et al., 2006).

The projected 233 total bed number incorporated the population from the now defunct Hancock County Rehabilitation and Opportunity Center (R.O.C.), in addition to the inmates within the jail. The R.O.C. was a work release facility separate and apart from the jail. The core function of the R.O.C. operation was to provide a defendant with the ability to maintain employment while serving an imposed sentence. A defendant housed at the R.O.C. would be

released for employment purposes and then return to the R.O.C. at the conclusion of the approved day's work hours, then to remain at the R.O.C. facility until released again for employment purposes. The R.O.C. had been operated under the authority of the Hancock County Sheriff's Office, with financial subsidies from the City of Findlay.

Subsequent to the R.O.C.'s demise, the City of Findlay opened the City of Findlay Work Opportunity and Rehabilitation Center (W.O.R.C.), which resumed the work release function. One of the primary aspects of the R.O.C. and the W.O.R.C. is that both were to be primarily resident-funded. However, the continuation of the W.O.R.C. facility is currently in question due to budgetary considerations and the continuing demise of the financial climate, impacting the ability of the defendants eligible to participate in the W.O.R.C. program to pay for participation.

Though the 2006 Hancock County Justice System Report as stated pertained to the entirety of the Hancock County Criminal Justice system, the knowledge to be built upon within this paper will primarily focus upon statistics from the Hancock County Justice Center.

The two primary courts committing defendants to the Hancock County Justice Center for the years 2001 through 2005 were the Findlay Municipal Court, which averaged 75.4% of the commitments and the Hancock County Common Pleas Court, which averaged 20.5%. The remaining commitments comprised Fostoria Municipal Court, Hancock County Juvenile Court, the Adult Parole Authority and Foreign Courts (Wineburg-Ankrom, et al., 2006).

The average length of stay by court from 2001 to 2005 had the Hancock County Common Pleas Court commitments remaining at 21.8 days. During the same time span, the Hancock County Juvenile Court commitments spent an average of 21.4 days per commitment.

Findlay Municipal Court commitments were incarcerated an average of 13.4 days between 2001 and 2005 (Wineburg-Ankrom, et al., 2006).

The Findlay Municipal Court's yearly average jail days served was 20,370, which translates into 66.4% of the jail days served at the Hancock County Justice Center through the course of 2001 to 2005. In comparison, the Hancock County Common Pleas Court's yearly average for the same time span was 8,748 jail days served, translating into 29% of the jail days served. The Hancock County Juvenile Court averaged 1,116 days during the same time, which translates into 3.6% of the jail days served (Wineburg-Ankrom, et al., 2006).

The national trend occurring at the state level is to reduce inmates incarcerated within state facilities. When boiled down to the primary causative factor, a reduction in funding resources available to the states for this purpose appears. Court decisions also cast a large shadow across the states as to the incarceration of inmates. Justice Kennedy forecasts one of the impacts of the decision in the *Brown v. Plata* case would be to "shift thousands of prisoners from the state prisons to the county jails" (p.41).

The State of Ohio is posed to emulate the State of California in its efforts to notably reduce the inmate population under its care, custody and control. One of the differences, however, is which branch of government is the motivating factor behind the reductions. In California, the judicial branch prompted the reduction, whereas in Ohio, the legislative branch, via H.B. 86, was the primary motivator for the reductions.

The feared long-term impact on localities within Ohio, as to H.B. 86, was unmistakably put forth by several local law enforcement agencies who are charged with the operation of local

jails. The sentiment was that most local facilities are currently operating at or over capacity. With the state shedding inmates, the local law enforcement is scrambling in an attempt to facilitate the anticipated influx of new prisoners.

The Hancock County Jail, according to the 2006 Hancock County Justice System Report (Wineburg-Ankrom, et al., 2006), has been operating with a jail bed shortfall since 1996. The local jail bed shortfall, in conjunction with the long-term forecast as to the impact of the implementation of H.B. 86, paints a gloomy picture for the efficient operation, not only for local criminal justice systems, but state systems as well.

Hancock County Rehabilitation and Opportunity Center (R.O.C.)

Population pressure on the Hancock County Justice Center was being experienced in the late 1990's. The jail metamorphosed from a facility that was renting its jail beds to other jurisdictions to a facility that was renting jail beds from others in order to meet the growing local incarceration demand. In response to that pressure, the Hancock County Rehabilitation and Opportunity Center (R.O.C.) was established. A 24 hour, 7 day-a-week, 52 week-a-year work release facility with separate housing areas for males and females was operated by Hancock County, Ohio in conjunction with financial subsidies from the City of Findlay. The R.O.C. was housed in a large building built in 1930 that had originally been constructed and then utilized as a county home for the county's indigent elderly. The county stopped using the facility for this purpose, in part, due to the declining condition of the building, which was resulting in high maintenance costs and increasing staffing costs.

Prior to commencing operation within the vacant areas of the building, some upgrading of the facility was done, but only the minimal amount necessary to operate the building. Due to the age of the building, repairs and excessive utility costs were a continuing financial drain upon the R.O.C. These expenses ultimately were a large contributor to the program's demise.

It is important to note that defendants were referred to the facility and agreed to become residents of the R.O.C. rather than serving their ordered incarceration time in the jail on a voluntary basis. The R.O.C. was opened in July 1999 and closed due to budgetary constrictions in October of 2008. Part of that demise was that the R.O.C. (with encouragement from the courts) permitted residents to enter into payment plans to satisfy the cost of participation in the facility. This practice, while promoting a positive effect on jail population numbers, created a significant outstanding account receivable balance that was exceedingly difficult and cost prohibitive to collect. Another reason the R.O.C. succumbed to financial pressures was due to the accounting system employed to fund the R.O.C. The expenses were channeled through the Sheriff's Office budget; however, the funds paid into the R.O.C. by residents went directly into the county general fund. In mid 2008, the government of Hancock County was experiencing significant financial stress. The county commissioners, who determine the county's budget, requested across the board midyear budget reductions. The R.O.C. was stricken from the Sheriff's budget in compliance with that request, which resulted in the facility's closure. The defendants that would have been granted a R.O.C. referral now had to serve the sentence time in jail, thus putting even more population pressure on the jail.

City of Findlay Work Opportunity and Rehabilitation Center (W.O.R.C.)

Subsequent to the demise of the R.O.C., the City of Findlay founded the City of Findlay Work Opportunity and Rehabilitation Center (W.O.R.C.). An older building that the municipality owned was converted to serve this function. The physical facility was such that it could only house one gender at time, thus limiting the in-house resident population. Some operational parameters were modified from those of the R.O.C., including discontinuing the payment plan option (subsequently reinstated with modifications). The W.O.R.C. commenced accepting residents in October of 2009. The W.O.R.C., like the R.O.C., received defendants that voluntarily agreed to serve their sentenced incarceration time at the W.O.R.C. rather than the jail.

The Findlay Municipal Court is the primary court referring defendants to the W.O.R.C. According to data supplied by W.O.R.C. Coordinator Jody Mathias, the anticipated average resident population has not been realized during the operation of the facility to date. The total court referrals in 2010 were 557 residents. Of that number, 128 failed to appear for residency, which prompted the issuance of bench warrants for the defendants' arrest and subsequent incarceration in the Hancock County Jail. An additional 63 potential residents were declined authorization to participate by the W.O.R.C. admissions staff. These denials were frequently based upon disqualifiers, such as the defendant having an open warrant when reporting for admission, the defendant having a mental status incapacitable with operational premise, or the defendant reporting for residency having recordable levels of intoxicants within the defendant's system. Most of the defendants that were declined served their sentenced time in the jail. As a result, 220 defendants successfully completed their sentenced time at the W.O.R.C. rather than the jail during 2010 (J. Mathias, personal communication October 6, 2011).

Preliminary Steps/Methods Others Have Taken

The examination of other work in the area of correctional needs assessment within the State of Ohio at the county level is prudent in this project. A “Needs Assessment for the Delaware County Jail to Facilitate in Long-Term Planning,” by the Delaware County Sheriff’s Office, conducted by Shremshock Architects, Inc. in conjunction with Blodgett and Associates in July, 2010, for the Delaware County Sheriff’s Office is examined here (Shremshock Architects, Blodgett and Associates, 2010). Delaware County, Ohio adjoins Franklin County, Ohio within which is the state capital, Columbus, Ohio. Delaware County is considered a part of the Columbus Metropolitan Area. Delaware County has experienced rapid population growth, according to the U.S. Bureau of the Census. The population has increased by 53.4% since the 2000 census (U.S. Census, “Delaware County,” 2011). Between 2000 and 2004 it was the largest growing county in Ohio and the 11th fastest growing county in the United States (U.S. Census, “Delaware County,” 2011). While this growth rate is not applicable to Hancock County, Ohio, slight but consistent growth in population within Hancock County is evident. Correlations can be made between the needs of the two counties; using methodology similar to what was employed in the Delaware County, the ability of the Hancock County Jail to accommodate the incarceration needs of the Findlay Municipal Court will be fully examined.

This assessment utilized “snapshots” of the Delaware County Jail population from January 01, 2001 to May 15, 2010. The snapshots were take on the 1st and 15th of each month of the timeframe. Examination of the data extracted and the methods used for extraction, while not directly applicable to the research within this paper, do provide a general direction and processes which can be applied in part.

The Shremshock assessment studied the totality of the Delaware County Jail needs, and while this paper will touch lightly upon the Hancock County Jail in its entirety, the emphasis will be on the misdemeanor population as applicable to the incarceration requirements of the Findlay Municipal Court. The assessment reviewed historical trends as to daily average prisoner population, number of admissions and releases, and county population projections, in conjunction with the general population growth of the County.

A contract between the Findlay Municipal Court and Shremshock Architects, Inc. was executed on July 08, 2011. Shremshock and its consultants shall provide an “Amendment to the Existing Needs Assessment Report dated October 11, 2006,” which was prepared for the Hancock County Community Correction Board, as previously discussed. Once completed, components of the work are anticipated to be integrated into this research.

Shremshock Architects, Inc., on November 17, 2011, provided the 2011 Amendment to the existing 2006 Justice System Report for Findlay / Hancock County, Ohio, prepared for the Findlay Municipal Court (Shremshock, 2012).

Within Section III – “Detailed Analysis of the Hancock County Justice Center Including Jail Bed Space Requirements” of the draft, it was estimated that the Hancock County Jail is currently operating under a bed shortfall. The draft further projected that the bed shortfall is going to increase in magnitude going forward (Shremshock, 2012).

Shremshock made the recommendation of a medium security jail, laid out the cost estimates for this facility at \$165 per square foot, which results in a total cost of over \$6 million. An additional \$1 million was added to pay for linkage to the current facility, stilts and electronics

for the backup correctional control room within the addition which totals \$7 million. Shremshock estimated that no additional staff will be needed to man the addition. The construction of a low security misdemeanor facility was estimated at \$4.08 million. Although this is \$2.9 million less than the estimate for the addition, the costs associated with staffing push the total cost for the low security misdemeanor facility over \$26 million, which is \$19 million more than the total cost of the addition to the current facility (Shremshock, 2012).

Misdemeanant Facility Study for the City of Findlay

As a result of H. B. 86, in conjunction with an increasing inmate population at the Hancock County Jail, Judge Robert A. Fry petitioned the University of Findlay, Department of Justice Science, to conduct a study as to a misdemeanor facility for the City of Findlay.

This study entitled, “Misdemeanant Facility Study for the City of Findlay,” reported that approximately 12 million jail admissions and releases occur each year nationally, representing 9 million unique individuals, and that the national jail population has nearly doubled over the past decade and a half, from just over 400,000 in 1990 to nearly 770,000 in 2006 (Beitzel & McCandless, n.d.). Ohio has exceeded these national trends in jail population growth, partly based on its higher crime rates, combined with other factors which include legislative variances and enforcement efforts.

Within the pro-misdemeanant arguments, Todd Beitzel and Ray McCandless (n.d.) discussed that such a facility would bring an immediate sentencing option for judges to use in the event misdemeanants are displaced from jails by felony 4 and felony 5 offenders due to legislative changes (H.B. 86). This would satisfy the elements of certainty and celebrity of

punishment, as incarceration brings real and perceived punishment to offenders that thereby satisfy the element of severity, and reviewed the element of public safety, putting forth that public safety would be elevated through the reduction in recidivism as other components of the deterrence theory were met, therein reducing the probability of some quantity of recidivism.

State of Ohio Financial Strategy

The financial strategy of the State of Ohio is also a factor to be considered. Actions taken at the state level not only impact state level finances, but also have a dramatic effect on local level finances. This, in turn, directly affects the ability of the Findlay Municipal Court to meet incarceration needs. The state budget analysis gathered by Roetzel and Andress in 2011 for the 2012-2013 budget year outlines in general the state's financial plan. Within the Roetzel and Andress (2011) analysis, localities can easily predict additional financial woes as a result of actions taken by the State of Ohio. This report puts forth a brief synopsis of Ohio's operating budget. The following selected points from the Roetzel and Andress report have the potential of impacting the fulfillment of the Findlay Municipal Court incarceration requirements.

Under General Tax Provisions listed within the Roetzel and Andress (2011) analysis:

- Includes no tax increases, and preserves the previously enacted state income tax cut (p.1).
- Repeals the estate tax for estates of individuals dying on or after January 1, 2013 (p.1).
- Accelerates the phase-out of the fixed-rate tangible personal property tax loss reimbursement for nonschool taxing units, and holds reimbursements at CY 2013 levels for units of local government other than school districts (p.2).
- Reduces Local Government Fund dependent on the total amount allocated to the fund as a percentage of the total state tax revenue (p.2).

General Local Government Provisions

- Reduces funding to local governments by \$630 million over two years (p.4).
- Creates a “fiscal caution” designation for municipal corporations, counties and townships and makes other requirements for these political subdivisions(p.4).
- Allows counties, townships and municipal corporations to establish a modified work week for exempt employees, including reduction in the work week, and allows for mandatory cost savings program (p.4).
- Allows townships to merge, and makes other provisions (p.4).
- Allows townships to merge with municipal corporations, with ballot approval (p.4).

Privatization Provisions

- Allows for five state prisons to be privatized (p.6).

Local Consequence of the State of Ohio Financial Strategy

The City of Findlay is the primary funding source for the Findlay Municipal Court. The 2011 general fund budget from the City of Findlay for the Court was \$1,335,276. The 2011 Hancock County portion of the Findlay Municipal Court’s budget was \$243,041.

Deputy Auditor for the City of Findlay, Ms. Ginger Sampson (2011) reported the reduction in local government funds (funds that the state previously returned to localities, which was utilized for local budgeting) of \$591,500 will occur in 2012. Hancock County will likewise have a similar significant reduction in local government funds from the State of Ohio (G. Sampson, personal communication, July 07, 2011).

The anticipated outcome for H.B. 86 is that implementation will result in an increasing burden on various components of local governments’ criminal justice systems. Accompanying

the increased local load is a decrease in the funding with which to address the existing and newly acquired burdens, shifted to localities by the state. Clearly, this combination of increased load with decreased resources will need to be addressed. Currently, the method(s) which will be employed to address these areas have yet to be developed. Likewise, the funding source(s) for any action(s) taken are yet to be discovered.

Prison Privatization

As put forth in the Roetzel and Andress (2011) analysis, the privatization of five state prisons is purportedly designed to reduce the six-to-eight billion dollar budget gap which the State of Ohio is facing. The aspects of prison privatization were reviewed by Amy Cheung in her article, "Prison Privatization on the Use of Incarceration" (2004). The study reviews private prisons which commenced in the United States in the 1980s and presents an overview as to the history of prison privatization and what prompted it. The primary motivation for the privatization of prisons is to reduce costs associated with prisons. This work puts forth arguments by proponents' for privatization; Cheung's (2004) primary reasons for privatization are the cost savings and efficiency of operation of private facilities, as compared to facilities operated by governmental agencies.

However, Cheung (2004) concludes that the savings forecast did not come to fruition nor did the operational efficiencies. Negative issues arose within the spectrum of privately operated prisons. One such example within her study was of the Northeast Ohio Correctional Center in Youngstown, Ohio. Peter Davis, Director of the Ohio Correctional Institution Inspection Committee said, "There is nothing in Ohio's history like the violence at that prison."

In fourteen months of operation, the facility had 13 stabbings, 2 murders and 6 escaped inmates. Reviews of the facility determined that inadequately trained staff and the acceptance of maximum-security offenders to the medium-security facility promulgated the problems (Plunderbund, 2011).

It would appear that perhaps the governor's privatization plans for Ohio are questionable when applied to the Ohio Department of Rehabilitation and Corrections, based upon past performance within Ohio. It is interesting that Governor Kasich appointed Gary Mohr to be the Director of the Ohio Department of Rehabilitation and Corrections. Mohr was a managing director of the Corrections Corporation of America (CCA), which was the private corporation operating the Northeast Ohio Correctional Center in Youngstown, Ohio.

Should the additional privatizations occur as planned, with similar results, as experienced by the Northeast Ohio Correctional Center in Youngstown, Ohio, this will ultimately apply even greater pressure upon the local jails to house felons. This, in turn, could further reduce the Findlay Municipal Court's incarceration options as local jails are filled, and effectively, evict misdemeanants due to lack of space.

The sequence of events might occur as follows, or a sequence with the same ultimate conclusion. Should prison privatization not work out as projected and the financial burden be shifted back to the state, the state would not have adequate funding to re-assume operation of the formerly-privatized prisons. From the state's perspective, a solution in this type of scenario arguably could be to re-organize the state prison system, and in doing so, direct additional numbers of the lower level felons to local facilities. This action could be conducted in such a fashion that the number of prisoners the state has to house can be handled by the facilities and

staff in operation at that time, minus the closed, previously privatized prisons, providing a net operational savings to the state.

This action, however, would in the final analysis force the remainder of the felony population that the state could no longer manage into local jails. This type of response by the state would in all probability reduce the state's financial burden and reallocate it to local communities, which are just as incapable of handling it as the state.

The thinking in Columbus, Ohio could offer justification as the local jurisdictions could simply add on to existing jails, or build additional local jails to house all of the lower-level inmates that would have previously gone to prison, had it not been for the privatization and subsequent failure of the privatized prisons.

State of Ohio Jail Standards

As with most things in life, nothing is as simple as it appears, or perhaps in this application the old adage of "the devil is in the details" would be more appropriate. A citizen with just a general knowledge of the operation of state and local government might inquire as to why the costs of a new or the renovation of old jails is so high. Part of the answer can be located within the minimum jail standards as issued by the Department of Rehabilitation and Correction.

Essentially, jails in Ohio are classified under one of five terms: Full service jail, five-day facility, twelve-hour facility, minimum security jail and temporary holding facility. Brief descriptions of the classifications are:

Full Service Jail: A local confinement facility used primarily to detain adults for more than one hundred twenty hours.

Five-Day facility: A local confinement facility used primarily to detain adults for a maximum of one hundred twenty hours.

Twelve-hour facility: A local confinement facility used primarily to detain adults for a maximum of twelve hours.

Minimum Security jail: A local confinement facility used to detain sentenced adults for more than one hundred twenty hours for a misdemeanor or a felony of the fourth or fifth degree, provided the person has been classified as a minimum security risk by the jail administrator or designee. The classification must include, at minimum, the individual's propensity for assaultive or violent behavior and escape risk based upon the offender's prior and present behaviors.

Temporary holding facility: A local confinement facility used to detain arrestees for a maximum six hours for processing and/or awaiting transportation. The temporary holding facility (THF) may be a jail cell, but also may be an area which is designated for temporary holding purposes, e.g., holding area or room (Wilkinson, 2003).

The minimum standards for jails in Ohio, all outlined in the 2003 publication "Minimum Standards for Jails in Ohio," are quite complicated. The topics delineated in detail are reception and release, classification, security, holding, sanitation and environmental conditions, visitation, medical, communication, food service, recreation and programming, prisoner discipline, disciplinary hearing, administrative segregation, grievance, staffing, and staff training.

The principal emphasis of this paper is to research the incarceration requirements of the Findlay Municipal Court and to determine how those requirements can be met. However, it is this author's assertion that a brief detour down the road of why incarceration is essential should be traveled, hence the following minuscule trip into the foundational aspects of law, crime, punishment and deterrence.

What Is Law?

What is law? Several definitions exist, some concise, some extensive. One example in part, as listed by Merriam-Webster (n.d.), is:

1. a (1): a binding custom or practice of a community: a rule of conduct or action prescribed or formally recognized as binding or enforced by a controlling authority. (2): The whole body of such customs, practices, or rules. (3): Common Law.

b (1): the control brought about by the existence or enforcement of such law. (2): the action of laws considered as a means of redressing wrongs; also: Litigation. (3): the agency of or an agent of established law.

c: a rule or order that is advisable or obligatory to observe.

d: something compatible with or enforceable by established law.

In examination of my personal foundational comprehension of the law as articulated in general terms, the law is a series of abstract rules containing the potential for concrete consequences and actions so as to facilitate the functional interaction of society. Another representation would be that the law is simultaneously the lubricant and cohesiveness that compels the operation of society. Where did written law originate? The oldest known written law is the Ur-Nammu Law Code, which was inscribed in approximately 1800 B.C. The Ur-Nammu law code contained what today would be referred to as Criminal Law, Civil Law and Domestic Law. The code was written with specific penalties and monetary sanctions.

What Is Crime?

Armed with those explanations of what the law is and from where it originated, the next logical step is to inquire into what crime or a violation of the law is. Again, according to definitions supplied by Merriam-Webster (n.d.), crime is:

1: an act or the commission of an act that is forbidden or the omission of a duty that is commanded by a public law and that makes the offender liable to punishment by that law...

2: a grave offence especially against morality.

3: criminal activity.

What Is Punishment?

The definition of a crime takes us to the juncture of punishment for violation of the law.

Punishment, as defined by Merriam-Webster (n.d.), is:

1: the act of punishing.

2 a: suffering, pain, or loss that serves as retribution.

b: a penalty inflicted on an offender through judicial procedure.

Punishments for infractions or violation(s) of the law have undergone a significant transformation from the time of draconian penalties under the Ur-Nammu Law Code to modern day penalties such as monetary sanctions and or imprisonment imposed by western nations.

Three of the purposes of incarceration are: 1) the protection of society via the removal of a person from society that has caused society harm, 2) a deterrent to those who consider causing societal harm, and 3) punishment of an offender through the implementation of deprivation of liberty.

As the fulfillment of the incarceration requirements of the Findlay Municipal Court has primarily been satisfied by Hancock County Jail, a review of structures utilized by the county for this purpose is in order.

History of Hancock County Jails

On July 26, 1830, the Hancock County Commissioners ordered the construction of a one-story building, constructed from logs, that was 16 by 24 feet to serve as a jail. It was specified that the building would be divided in the middle by a room that would serve as a debtor's prison, with the remainder reserved for other prisoners. According to the Hancock County Historical Museum records, this structure cost \$450 to build. It was burnt down by an inmate in the winter of 1851-1852 (Humphrey, 1961). See Figure 6.



Figure 6. Rendering of 1st Hancock County Jail Supplied by the Hancock County Historical Museum.

According to evidence collected by the Hancock County Historical Museum and information provided in the Historic Hancock County Book, the second jail built in Hancock County, Ohio was constructed in 1852. This two story building was constructed from bricks. The

construction contract was in the amount of \$4,743 plus 175 dollars for the lot located on West Main Cross Street, Findlay, Ohio. It was subsequently sold in 1879 to Elizabeth Carlin for \$1,200 to be used as a boarding house (Weiser, 2007). See Figure 7.



Figure 7. Rendering of 2nd Hancock County Jail Supplied by the Hancock County Historical Museum.

The third jail built in Hancock County was constructed in 1879 (Weiser, 2007). This jail also served as the Sheriff's residence when initially constructed. The cost of the third jail was \$25,000. This was the jail in operation when I commenced employment with the Hancock County Sheriff's Office in 1977. See Figure 8.



Figure 8. Rendering of 3rd Hancock County Jail Supplied by the Hancock County Historical Museum.

The third Hancock County Jail was operational for 109 years. However, I can personally attest that toward the end of its operational period, the inmate population was consistently well in excess of the intended capacity. Every inch of the building was utilized for jail operations. The Sheriff's residential portion of the building, on the second floor of the structure, had long since been converted into additional holding cells, primarily for misdemeanants and females. The only access to the second level of the facility were wooden stairs never intended for the transport of inmates. I personally experienced several interesting trips up the stairs with intoxicated persons and persons afflicted with debilitating mental issues, who exerted significant combative resistance. Overcrowding was a constant occurrence within the two "cell blocks." Again from my personal recollections, so many defendants were packed into the blocks that it was not uncommon for inmates to be sleeping in the hall between the cells since all cells (double occupancy) were filled. The aroma that emanated from the blocks was strikingly distinctive. More than one hundred years of continual occupancy by persons who frequently dismissed all but the minimal hygiene practices combined with recorded temperatures in excess of 100

degrees, leaking pipes, minimal sanitation facilities and very poor ventilation contributed to the pungent odor.

County officials were aware of the issues surrounding the third Hancock County Jail and made several attempts to rectify the situation. In 1972, two separate ballots were presented to voters for the construction of a new jail. The first was defeated by 2,877 votes. The second attempt made in 1972 and was defeated by 3,611 votes. In 1974, a new attempt was made to procure financing for a new facility. This time a half percent sales tax for the express purpose of the construction of a jail was put before voters. This measure was defeated by a mere 726 votes. In 1984, Hancock County officials attempted to obtain monetary resources from the voters to address the jail problem through a .75 mills² bond for 23 years. This measure was defeated by 4,008 votes. (J. O'Brien, personal communication August 16, 2011).

In March of 1986, the Hancock County Commissioners William L. Recker, William Sackmann and David Omen announced that the county was going to build a new jail. According to an article in the Courier newspaper, Commissioner Recker "half expected to be run out of town" since "voters just two years before had soundly rejected a property tax bond to replace the county's existing jail, then 106 years old" (Dillon, 1999, n.p.). Recker was also quoted within the article as saying "Looking back, I guess it was a bold move. I figured I was probably looking at being a one term commissioner" (Dillon, 1999, n.p.).

² One mill is equal to one tenth of one penny or one 1/1000 of a dollar. Mills are used to calculate property taxes. When a "Millage rate" is used to calculate a property tax, the formula is always: the Millage Rate times "Taxable Value" Equals the tax levy (Michigan Property Consultants L.L.C, 2012).

The article, “Building ‘New’ Jail was a Tough Decision” (Dillon, 1999 n.p.) indicated that both Commissioners Omen and Sackmann had made the jail a campaign issue in the 1984 election cycle. What ultimately changed the stance of the two commissioners was the State Fire Marshal’s threatened imposition of a \$1,500 per day fine for fire code violations at the old jail and new lawsuits filed by inmates of the old jail.

A jail advisory committee was formed, and considered a multitude of factors, such as whether or not to join with other area counties in the construction of a regional jail. This consideration was struck down due to the objections of local law enforcement and issues pertaining to lack of control of the 550 bed regional facility in combination with concerns as to operational costs. The committee considered several sites for construction of the new local facility, but the final decision was to build the facility in downtown Findlay, Ohio where it would be in close proximity to the Hancock County Common Pleas Court and the Findlay Municipal Court. Initial considerations for the size of the facility hovered around 60 beds; however, it was determined that it would take the same number of staff to handle 96 inmates as it would 60 and the increase from 60 to 96 would only cost an additional \$500,000. Commissioners Recker, Omen and Sackmann are to be commended for displaying the political courage to take the bull by the horns and get the job done on an issue that was unpopular but was ultimately in the best interest of the community. Construction costs on the new facility totaled \$8.2 million. The county financed \$1 million in short term notes and \$3 million in 20 year bonds that were projected to be paid off by December 1, 2008.

Should the determination be made that similar action is again in the best long-term interest of the community. One can only hope that those charged with making the decision can

display the same political courage and community interest as Commissioners Recker, Omen and Sackmann did when they built the current jail. See Figure 9.

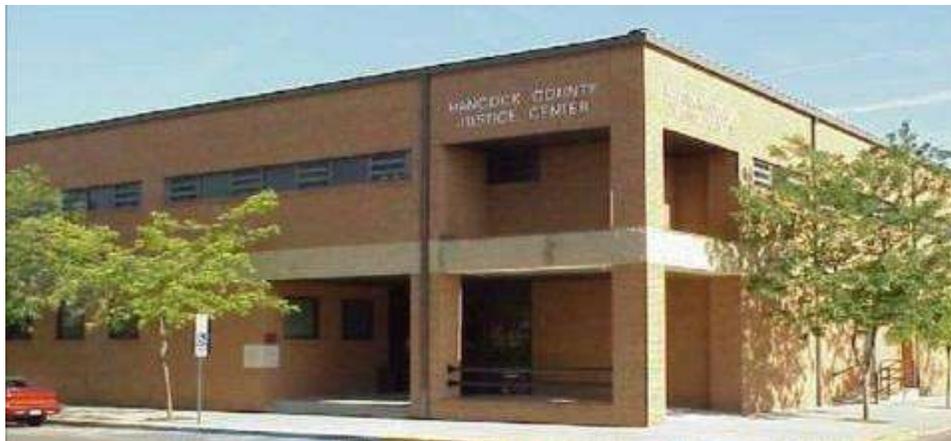


Figure 9. Current Hancock County Jail Contained within the Hancock County Justice Center.

The 129th General Assembly of the State of Ohio, through introduction and subsequent passage of H.B.86, has taken a significant deviation in criminal sentencing from the previous course implemented by the state legislature in 1996 through S.B.2 (commonly referred to as “Truth-in-Sentencing”), under which the criminal justice systems in the State of Ohio have been operating for the last 16 years.

H.B. 86 has generated considerable concern in local governments across the State of Ohio. The concern of local governmental entities within the State of Ohio with the passage of H.B. 86 is primarily two pronged. The first is that H.B. 86 will have a substantial impact as to the population composition of local jails, displacing misdemeanor offenders whom previously occupied jail beds, and replacing them with low level felony offenders, without provision for the displaced misdemeanants. The second prong is the financial impact of H.B. 86 upon localities, which is closely joined with the first prong. The essence of the financial concern is the state

government is reducing and plans to eliminate the practice of returning some monies collected by the state back to the localities. Elimination of that practice, in conjunction with the removal of estate taxes, is slated to have a significant negative impact on the finances of local governments, at a time when the state is increasing the burden upon local criminal justice systems, primarily local jails.

A review of the capabilities of current incarceration facilities available for use by the court in conjunction with statistical data as to the current use of facilities will be reviewed to determine if current facilities are lacking in the ability to satisfy the incarceration requirements of the Findlay Municipal Court. Further, this paper explores the potential local societal impact of the consequences of increased demand upon local jails, coupled with the reduction in funding for said facilities.

Methodology

To answer the research question, archival data from the Hancock County Jail pertaining to facility inmate population numbers and composition of the inmate population will be examined. The Hancock County Jail is a finite community resource, with predetermined optimal population numbers and maximum design capacity numbers within specific population segments. Analysis of the inmate population statistics will provide clear data as to what has occurred and will assist in projecting what inmate population will be going forward.

Commitment data from the Findlay Municipal Court, as the primary consumer of inmate bed space at the Hancock County Jail, will be examined in detail. How the commitments issued by the Findlay Municipal Court intermesh with the known capacities of the Hancock County Jail currently will be calculated.

Felony commitments to the Hancock County Jail as issued by the Hancock County Common Pleas Court will be tabulated. As recent legislative actions have increased the long-term pertinence of the number of defendants within the Hancock County Common Pleas Court convicted of felony 5 and felony 4 offences, in potential relationship to the number of local jail beds the Common Pleas Court consumes. A forecasting of what additional impact of defendants convicted of felony 5 and felony 4 offences may have on jail bed availability for the Findlay Municipal Court at the Hancock County Jail will be incorporated.

The potential diversion of some Findlay Municipal Court inmates from the Hancock County Jail to the City of Findlay W.O.R.C. program is another factor that impacts the research question. Archival data was obtained from the W.O.R.C. facility; it will be tabulated to

determine the previous impact that referrals to the W.O.R.C. facility has had on the number of commitments to the Hancock County Jail as issued by the Findlay Municipal Court.

The totality of analyses will provide recent historical numerical data and forecast the probable capability of the Hancock County Jail to satisfy the incarceration requirements of the Findlay Municipal Court.

Hancock County Jail

Daily population numbers and composition of the numbers as to the Hancock County Jail inmate population were obtained through the Inmate Population Spreadsheet as issued by Hancock County Jail Correctional Clerical Officer Martha E. Wolfe (M. Wolfe, personal communication July 20, 2011). The Inmate Population Spreadsheet provides raw data as to number of persons incarcerated, segmented by the following groupings in conjunction with a daily grand total population for the totality of 2008, 2009 and 2010: felony males, misdemeanor males, felony females, and misdemeanor females.

The data extracted from the “Inmate Population Spreadsheet” was divided into monthly (or 36 segments) and processed. Monthly population totals for offence level (felony vs. misdemeanor) and gender were calculated. The monthly totals in each category were then applied against the optimal population number, which is 72 males allowing for 8 fresh arrests before reaching design capacity of 80 for males; the female optimal population number is 15, allowing 3 fresh arrests before reaching design capacity of 18. (R. Kidwell, personal communication September 20, 2011). The monthly totals were then subsequently compared against the design capacity of the facility. Results are delineated by combined male population

over/under optimal per day number on a monthly basis, for gender. The data was further processed to reflect total misdemeanor population and total felony population. This information was analyzed in conjunction with the incorporation of inmates turned away due to overcrowding of the jail, as supplied by Lt. Kidwell (R. Kidwell, personal communication April 22, 2011).

This evaluation of the “Inmate Population Sheet” produces comprehensive data as to the utilization of the Hancock County Jail for all classifications of inmates contained therein. From this analysis, a solid determination shall be established as to the question if the Hancock County Jail, during 2008, 2009 and 2010, operated primarily under, at or over optimal capacity and/or design capacity and the numbers of days per month, within each category.

These data are the foundational basis to forecast the ability of the Hancock County Jail to satisfy the incarceration requirements of the Findlay Municipal Court, when incorporated with other segments of analysis contained herein.

The time span of 2008, 2009 and 2010 was selected as the primary focus of this research based upon numerous considerations. Some of the factors in selecting these time parameters included that a comprehensive study of the Hancock County Justice System was conducted in late 2006. This study, the 2006 Hancock County Justice System Report (Wineburg-Ankrom, et al., 2006), produced a thorough analysis of the Hancock County Justice system, incorporating pertinent data as to the Hancock County Jail, utilization and capacities thereof. Another consideration was the consistent use of the same software during the time span by the primary providers of information. The consistent use of the same software throughout the study period appreciably reduced problems of data extraction and terminology confusion. Lastly, at the compilation of this study, 2010 was the last full year from which to extract data.

Findlay Municipal Court

Commitment data from the Findlay Municipal Court was extracted from the case management system in conjunction with cooperation from Cynthia Kurian of Innovare Solutions, LLC, provider of the Court Master 2000 case management system utilized by the court.

The commitments are court orders, ordering defendants to serve jail days at the Hancock County Justice Center. The commitments issued from cases sentenced in 2008, 2009 and 2010 are incorporated into the research. Commitments under categories such as pending grand jury, pending hearing, and after conviction are included as well as the pertinent data points gleaned therein. Commitments to the jail without specifically delineated time segments are located under the commitment pending grand jury and commitment pending headings categories. The commitments without specific jail days were totaled devoid of the incorporation of the number of jail days imposed/served. Further investigation into the nature of sentenced jail days and suspended jail days are founded upon the applicable commitments issued. Program referrals that incorporated suspended jail days for successful completion were calculated as were bench warrants issued by the Court for failure to comply with ordered programs.

Sentenced jail days refer to the total number of jail days a judge orders a defendant to serve under a given case as punishment for the committed crime. In some instances, the sentencing judge may elect to suspend or forestall the imposition of part or all of the sentenced jail days; this is referred to as suspended jail days. The suspension of jail days is typically contingent upon abstention from certain behaviors and compliance with other imposed orders.

Objectively, if the defendant complies with the conditions put forth within the sentencing entry, then the actual jail days can be calculated as jail days imposed minus suspended jail days. Not all defendants comply with the conditions imposed upon which the jail days were suspended, which results in the re-imposition of the previously suspended jail days.

For clarification, the majority of cases in which a commitment to jail issues, additional orders are delineated based on the sentencing entry. In the example of a first offence of operating a vehicle intoxicated (OVI) within a six year period, a jail sentence of 30 days could be issued with 21 of those days suspended along with 5 days of jail time credited if the defendant participates in and successfully completes the Driver's Intervention Program and complies with any treatment recommendations. The Driver's Intervention Program (D.I.P.) is a 72 hour residential program certified by the State of Ohio. The D.I.P. is an alternative to incarceration for eligible defendants, focusing on educational aspects and evaluation of the defendant, which may result in the referral of the defendant for further evaluation coupled with the possibility of treatment.

Another two days of jail time can be credited for attending the Victims Impact Program (V.I.P.) The V.I.P. is a program comprised of a panel of persons that have been impacted by the intoxicated operation of a vehicle. The panel is comprised of victims, victims' families as well as defendants and defendants' families that have personally experienced physical and psychological trauma resulting from the consequences of operation of a vehicle by an intoxicated operator. Having facilitated V.I.P. sessions personally, I can attest to the power the panel has upon those in attendance. An additional common condition is that the suspended jail days are additionally contingent upon the defendant not having any 6 point violations for a period of one year.

Work Opportunity and Rehabilitation Center (W.O.R.C.)

The City of Findlay Work Opportunity and Rehabilitation Center (W.O.R.C.) commenced operation in 2009. It is a voluntary program for defendants in lieu of incarceration within the Hancock County Jail, when eligible. The W.O.R.C. affords defendants the opportunity to satisfy a jail sentence while maintaining employment, if so authorized by the court and in compliance with other conditions. The W.O.R.C. is a 24 hour per day, 365 day per year facility. The defendant remains at the W.O.R.C. facility and is released only for employment or community service and then returns to the facility at the conclusion of the work period. The W.O.R.C. is a pay for stay facility; eligible defendants electing to serve sentenced time at the W.O.R.C. pay \$25.00 per day to offset part of the operational costs of the facility.

An examination of the W.O.R.C. statistics as supplied by W.O.R.C. Director Jodi Mathias was conducted to determine the total number of referrals under both misdemeanor and felony classifications within 2009 and 2010 to the facility. The number of defendants who successfully completed their sentenced time either by serving the totality of the sentenced time while maintaining compliance with the operation rules and procedures or those who were granted early judicial release from the W.O.R.C. were tabulated, as were the defendants who commenced participation but failed the program and were taken to the Hancock County Jail to serve their sentence(s). Defendants who failed to appear for residency and those who declined participation were also reviewed and tabulated. (J. Mathias, personal communication October 6, 2011).

Hancock County Clerk of Common Pleas Court

Hancock County Clerk of Common Pleas Court, Cathy Prosser Wilcox, generated and subsequently issued reports termed “Action Activity Reports” for the years of 2008, 2009 and 2010 (Prosser Wilcox, 2011). The Action Activity reports delineate the cases filed within Hancock County Common Pleas Court within 2008, 2009 and 2010, sorting by degree of felony, the cases which were filed in Hancock County Common Pleas Court. Emphasis was focused upon felony 5 and felony 4 offences as these felony classifications appear to potentially have the greatest impact upon the incarceration needs of the Findlay Municipal Court within the Hancock County Jail as affected by recently enacted legislation (C. Prosser Wilcox, personal communication, August 2, 2011).

Findings

Not all commitments issued by the Findlay Municipal Court result in a term of incarceration within the Hancock County Justice Center. Several factors can intervene to modify, negate or forestall the execution of a commitment. A sampling of the factors includes motions filed by the defendant or defendant's attorney to convert the commitment to jail to some other form of sanction such as W.O.R.C. time or community service. The postponement of execution of the commitments are requested for a multiplicity of reasons, ranging from dire medical conditions and complications to the defendant electing to disobey the commitment which results in the recall of the commitment and the issuance of a bench warrant for the defendant's arrest.

An increasing reason that the commitments are not served is due to overcrowding in the jail. In a typical scenario, the defendant reports to the jail at the appointed date and time and is informed by jail staff that the facility is at or over capacity. The jail staff instructs the defendant to report back to the Court to reschedule the commitment for a later date. Based upon bed availability at the jail, this scenario is sometimes repeated several times for the same defendant in the same case (R. Kidwell, personal communication, April 22, 2011).

A prime example of this is Findlay Municipal Court case number 11TRD01473³. The initial sentence in this case was 180 days jail time with 170 days suspended with an additional 10 days jail time credited upon the successful completion of 100 hours of community service. However, subsequent to the sentencing, the defendant filed a motion, which was granted, that requested the 10 jail days be served rather than performed as community service hours. The

³ This case can be reviewed in total at <https://ci.findlay.oh.us/municourt/searchdocket.asp?pageId=32>

initial commitment per the entry on the motion was issued for 10 days jail ordering the defendant to commence serving the sentence on 07-26-11. The defendant reported to the jail as ordered to start serving the sentence but was turned away due to overcrowding. He then reported back to the court for a commitment reschedule as instructed by the jail staff. A new commitment was generated with a reporting date of 09-05-2011. Again the defendant reported and was turned away from the jail due to overcrowding. The same sequence occurred on 09-20-11, 09-27-11, 10-04-11, with the latest commitment scheduled on 10-13-11. A motion was filed on behalf of the defendant requesting a modification of sentence, and a hearing was conducted as to the motion on 10-12-11. The ruling on the motion was that the defendant could satisfy the 10 days jail sentence through the successful completion of 100 hours of community service; however, should the defendant obtain employment, the Court would convert the remaining community service hours into a W.O.R.C. facility commitment. While repetition of this magnitude is not within the norm, it does illustrate how several commitments can be issued under one case for the same jail time. Circumstances such as this seriously undermine the immediacy of punishment that is a primary component within most deterrence theories.

Hancock County Jail Turnaways

Table 3. Hancock County Jail Turnaways (R. Kidwell, personal communication April 22, 2011)

Year	Males	Females	Total
2008	16	2	18
2009	44	6	50
2010	154	33	187

Table 3 clearly demonstrates an increasing trend in the number of persons turned away from the Hancock County Jail. Inquiry was made of Lt. Ryan Kidwell for the causative factor(s) leading to the drastic increase in turnaways from 2009 to 2010. Lt. Kidwell informed that with the exception of 4, errors most likely made by new staff, all other 2010 turnaways occurred when the jail inmate population exceeded the cutoff point of 72 males and 15 females. Kidwell went on to say, that turnaways were up in 2010 due to the population counts on any given day (R. Kidwell, personal communication March 01, 2012).

A commitment pending grand jury is an order to incarcerate a person charged with a felony level offence. The municipal court has limited jurisdiction to hear felony cases committed within its territory. In all felony cases, the court may conduct preliminary hearings and other necessary hearings prior to the indictment of the defendant. They may also do this prior to the finding that there is probable and reasonable cause to hold or require the defendant to appear before a court of common pleas. The court may discharge, recognize, or commit the defendant pending action from the Common Pleas Court. The average number of commitments issued by the Findlay Municipal Court under this classification is 12 over the course of 2008, 2009 and

2010; when contrasted against the average total commitments of 2,297 per year across the same time span the infrequency of the issuance of this particular commitment category is illustrated.

A commitment pending hearing is a commitment ordering a defendant to be incarcerated until the next hearing on the case. There are multiple factors that may cause a judge to order a commitment pending hearing. Such factors include:

- The nature and circumstances of the crime charged;
- The weight of the evidence against the defendant;
- The confirmation of the defendant’s identity;
- The defendant’s ties and connections to the community; and
- Whether the defendant is on probation, a community control sanction, parole, post-release control, bail, or under a court protection order.

Findlay Municipal Court Issued Commitments by Category

Table 4. Findlay Municipal Court Issued Commitments by Category (C. Kurian, personal communication September 29, 2011)

Commitments	2008	2009	2010	Average
Pending Grand Jury	9	13	13	12
Pending Hearing	283	304	820	469
After Conviction	2212	2152	1701	2022
Totals	2504	2469	2534	2502

A cash or surety bail amount is normally established on a pending hearing. The judge, however, does have the authority to issue a commitment pending hearing with no bail or to

incarcerate the defendant until the next hearing. The average number of commitments pending hearing, spanning 2008, 2009 and 2010 is 264 per year. Normally, when a commitment pending hearing is issued, (if the defendant is not already in custody) the defendant is escorted to jail from the courtroom. It is very unusual for the jail to turn-a-way that type of commitment.

Commitments after conviction dominate the greatest majority of commitments issued by the Findlay Municipal Court when compared to other commitment classifications. Commitments after conviction are formal orders that require a defendant to serve time in jail post conviction. The vast majority of commitments after conviction issued by the Findlay Municipal Court are scheduled to commence within 30 days of the conviction. This category of commitment incurs the majority of jail turnaways.

However, when appropriate, the judge may order the commitment to commence immediately and have the defendant taken into custody and escorted from the court to the jail to immediately commence serving the ordered incarceration; this action is the exception rather than the common practice. The average number of commitments after conviction issued each year for 2008, 2009 and 2010 is 2,022.

Objectively, if the defendant complies with the conditions put forth within the sentencing entry, then the actual jail days can be calculated as jail days imposed minus suspended jail days. However, not all defendants comply with the conditions imposed upon which some jail days were suspended. Figure 10 illustrates that the number of suspended jail days in comparison to the days ordered served. Clearly the court utilizes suspended jail days as a tool to encourage compliance with court orders and the law.

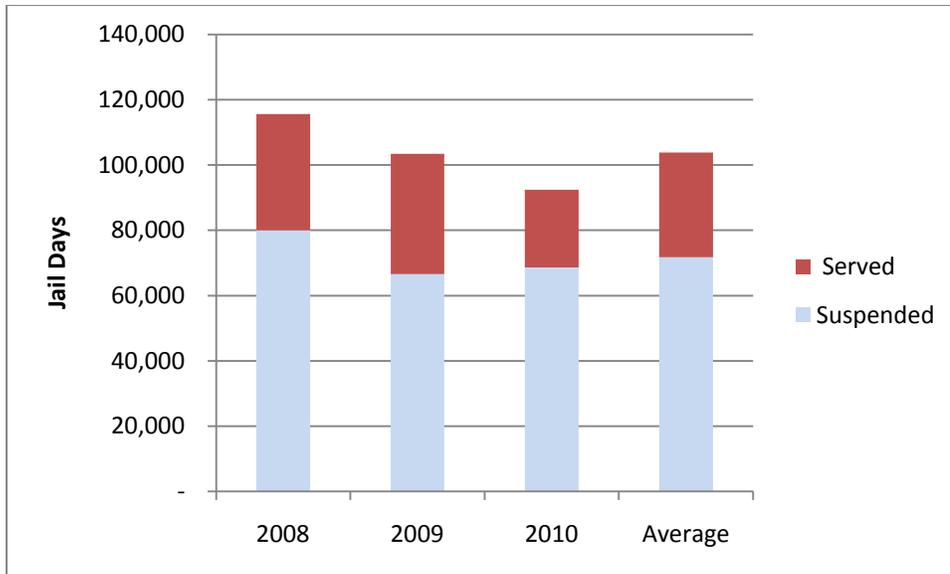


Figure 10. Findlay Municipal Court Jail Days (C. Kurian, personal communication September 29, 2011).

Table 5. Findlay Municipal Court Jail Days Data

(Source C. Kurian, personal communication September 29, 2011)

Jail Days	2008	2009	2010	Average
Sentenced	115,624	103,413	92,448	103,828
Suspended	79,991	66,583	68,631	71,735
To be served if in compliance with suspension condition(s)	35,633	36,830	23,817	32,093
Average sentence per defendant	52	48	54	51
Average suspended per defendant	36	31	40	36
Average served if in compliance with suspension condition(s)	16	17	14	16

Table 5 provides a concise overview of commitment related statistics for 2008, 2009 and 2010. This is a good example of the inducements the court puts forth in attempt to gain

compliance from convicted defendants as to attending treatment programs to eradicate or blunt the reason(s) contributing to the defendants' perpetrating act(s) against the societal laws. The inducement to participate is the suspended jail days, which average out to be 70% of the total sentenced days for 2008, 2009 and 2010. Further expounding this is additionally an example of why adequate jail beds are needed, so the inducement to participate remains meaningful.

Post-conviction commitments based upon gender remained consistent across the years examined. For 2008, males were at 73% and females were at 27%. In 2009, those percentages remained the same, and in 2010, they only fluctuated by one percentage point. Post-conviction commitments, as delineated by state statute or local ordinance, also remained steady during this time period (2008 came in at 47% state statute and 53% local ordinance). Similarly, 2009 had a 50/50 ratio and 2010 had the widest swing at 43% state statute and 57% local ordinance.

Table 6. Findlay Municipal Court Four Primary Traffic Case Filings 2008-2010

(C. Kurian, personal communication September 29, 2011)

	2008	2009	2010	Average
Combined Driving Under Suspension	635	595	556	595
Combined Operating Vehicle Intoxicated	623	634	660	639
Other Traffic	1,497	1,539	1,683	1,573
Speed	4,716	4,203	4,042	4,320

Driving under suspension is a compilation of all the driving under suspension charges both under statute and ordinance filed within the court. The same applies to the charge of

operating a vehicle while intoxicated. Example offences contained within other traffic charges are failure to maintain control, disobeying a traffic control device, expired registration, failure to yield the right of way, leaving the scene of an accident, and reckless operation. Not all of the categories within the other traffic field carry the possibility of the imposition of a jail sentence. Some of the offences within the other traffic charges category only have monetary punishment; others may include community service in conjunction with the monetary penalty, but still lack the potential imposition of jail days. These factors should be considered when reviewing jail day statistics in correlation to the total caseload.

Table 7 delineates the four highest primary criminal case filings within the Findlay Municipal Court for the years under review.

Table 7. Findlay Municipal Court Four Primary Criminal Case Filings 2008-2010

(C. Kurian, personal communication September 29, 2011)

	2008	2009	2010	Average
Drug Abuse	281	270	205	252
Other Criminal	557	573	681	604
Petty Theft	181	219	228	209
Underage Consumption	167	131	203	185

The total number of criminal cases filed in 2008 was 1,947. Within 2009, it was 1,755, and within 2010, it was 1,703. This produces an average of 1,802 cases across the three-year span.

The number of bench warrants recalled by the court may initially appear to be high in comparison to the total number issued. Several years ago, the court initiated a policy whereby a

copy of the issued bench warrant would be mailed to the defendant’s last known address. This practice resulted in a vast increase of persons inquiring to the court as to the bench warrants and what, if any remedy, could be applied to have the warrant recalled or satisfied without incarceration. Despite this increased processing time, the time invested was more than made up for in terms of the number of jail beds that were no longer needed and the time law enforcement saved pursuing the wanted persons.

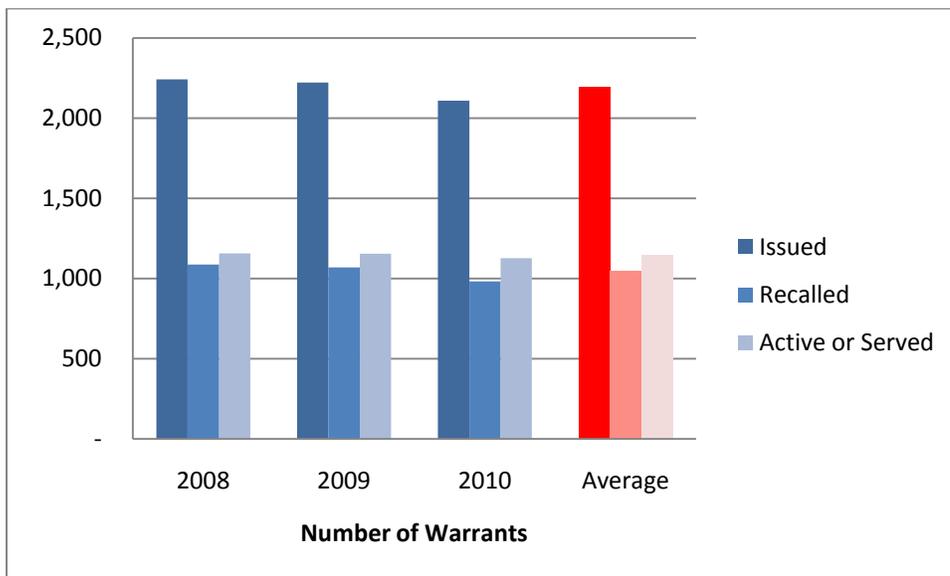


Figure 11. Number of Bench Warrants Issued, Recalled, or Served, 2008-2010. (Findlay Municipal Court Annual Reports, 2011).

Hancock County Common Pleas Court

The Hancock County Common Pleas Court for the years of 2008, 2009 and 2010 averaged 30 felony 1 cases filed, 45 felony 2 cases filed, 72 felony 3 cases filed, 105 felony 4 cases filed and 189 felony 5 cases filed. The felony 4 and felony 5 classifications hold particular potential for importance, as persons sentenced under these felony classifications conceivably could serve their sentence(s) in the Hancock County Jail. The judges of the common pleas court

have the option of sentencing felony 4 and felony 5 defendants directly to the Hancock County Jail, which as previously stated will not in all probability occur with significant frequency. What is anticipated to occur based upon the historical precedent is that approximately 50% of offenders within the felony 5 and felony 4 classifications will violate the terms and conditions of the community sanctions to the point of leaving the Adult Probation Department of the Hancock County Common Pleas Court no option other than to revoke and incarcerate (Switzer, 2011). Due to the state prison system in conjuncture with the legislature working mightily to reduce the number of low level offenders, felony 5 and felony 4 offenders from the state system, that forces only one incarceration option for the Common Pleas Court, the Hancock County Jail.

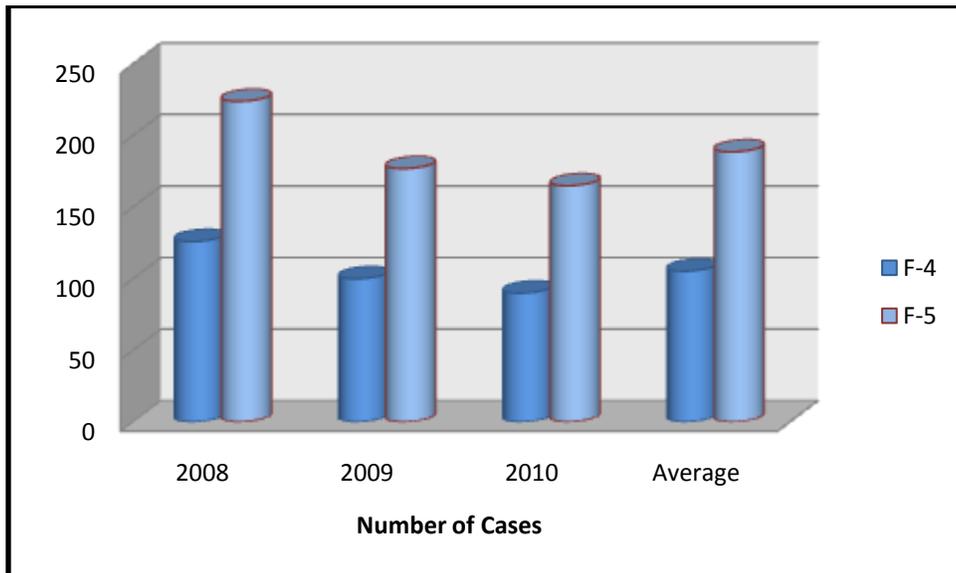


Figure 12. Felony 4 and Felony 5 Cases, 2008-2010 (C. Prosser-Wilcox, personal communication August 2, 2011).

Hancock County Jail Data

The principal finding of the data compilation and the analysis of the statistics from the Hancock County Jail for the years of 2008, 2009 and 2010 is that on average the male population exceeded design maximum capacity by 14 days out of each month. The male population on average exceeded the optimal population level 24 days out of each month. The female population numbers, while faring better than the male population, still exhibited numbers in excess of design maximum capacity on an average of 6 days per month and in excess of optimal population level 15 days per month.

An analysis of the total jail population saw male misdemeanants consuming 48% of the total facility capacity with female misdemeanors accounting for an additional 10% of capacity. The overall misdemeanor population accounted for 58% of the total population with felons and other classifications occupying the remaining 42% of the facility. The percentages are depicted in Figure 13.

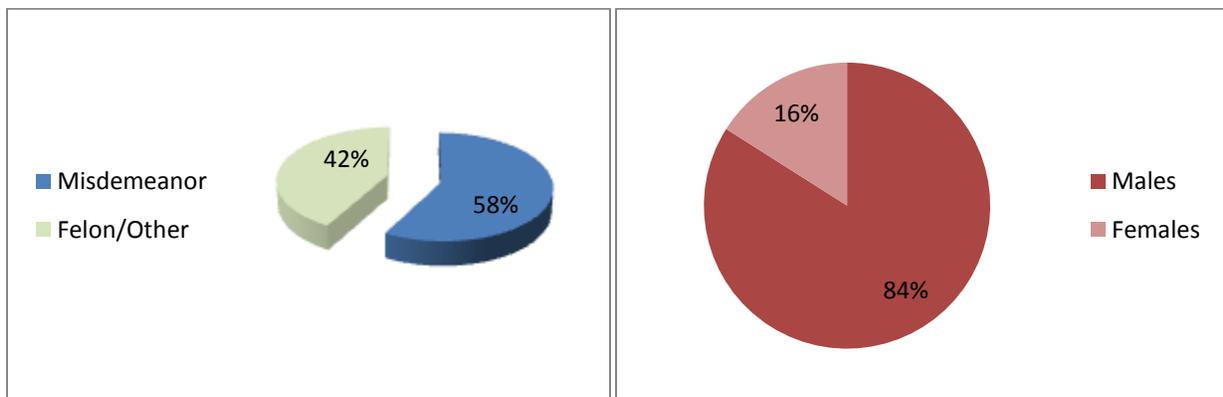


Figure 13. Analysis of Total Jail Population Compared to Design Capacity. (M. Wolfe, personal communication July 20, 2011).

The percentage of total misdemeanants has been comparatively consistent over the course of the three years studied: in 2008, it was 59%, and in 2009 came in at 57% and 2010, it was 60%, with an average of 58% for all 3 years. The gender percentages also run consistent only fluctuating by a couple of percentage points a year. The months of March and October saw the largest numbers of male inmates exceeding the optimal capacity. December was the low month across the years under both categories.

The female population exceeded optimal capacity with the greatest frequency during the months of July and September and with the lowest frequency during December. December was also the lowest month for the female inmate population to exceed design capacity, whereas July and September were the highest.

The optimal male population of the facility is 72 males with the design capacity being 80. In 2008, the daily average male population was 80, 8 males over the optimal population and at the maximum capacity. In 2009, the daily average was 77 males, 5 over the optimal population and 3 under the maximum capacity. 2010, the daily average was 79 males, 7 in excess of the optimal number and 1 under the maximum capacity, the combined average for 2008, 2009 and 2010 was 79 males.

The female optimal population number is 15 with the design capacity being 18. In 2008, the daily average female population was 15 at the optimal capacity and 3 under the design capacity. In 2009, the daily average female population was 16, one in excess of the optimal number and two under the design capacity. In 2010, like in 2009, the daily average was 16 females.

The total daily misdemeanor population averaged 56 inmates in 2008, 53 inmates in 2009 and 57 inmates in 2010.

The highest recorded total facility population across the researched time span was 121 inmates in 2008, with 116 in 2009 and 115 in 2010. The lowest recorded population across the researched time span was 53 inmates in 2008 followed by 61 in 2010 and 73 in 2009. The daily average population in 2008 was 95 inmates. In 2009, it was 94, and in 2010, it was 95. See table 8 for statistical breakdown.

Table 8. Hancock County Jail Population Data (M. Wolfe, personal communication July 20, 2011)

Males		2008	2009	2010
Average Daily Count	Felony	33	34	34
Average Daily Count	Misdemeanor	47	43	45
Average Total		80	77	79
Days Per Month Exceeding	Optimal Population (72)	24	21	26
Days Per Month Exceeding	Design Capacity (80)	18	10	13
Females				
Average Daily Count	Felony	6	6	4
Average Daily Count	Misdemeanor	9	10	12
Average Total Count	Average	15	16	16
Days Per Month Exceeding	Optimal Population (15)	13	15	17
Days Per Month Exceeding	Design Capacity (18)	5	8	6
Combined Population				
Average Daily Count		96	94	95
Peak Population		114	116	117

Projected Impact of House Bill 86

Hancock County, Ohio prosecuting attorney Mark C. Miller conducted an analysis of the parameters contained within House Bill 86 as applied to the Hancock County Common Pleas Court docket. Prosecutor Miller focused upon the 110 defendants conveyed to the Ohio Department of Rehabilitation and Corrections per order of the Common Pleas Court within 2010 (61 of the 110 were within the felony 5 or felony 4 classification). Offenders charged with felony 5 or felony 4 classifications under H.B. 86 are not sent to prison. Instead, their sentenced time is to be served out in the county jail, unless certain qualifiers are met, such as prior incarceration in the prison system. Rendering defendants eligible for incarceration in the state penal system, 31 of the 61 felony 5 and felony 4 defendants had prior prison incarceration, thus reducing the number of convicted felons who may have otherwise served the felony sentence in the Hancock County Jail, to 30. Of the remaining 30 convicted felons, 16 were sent to prison for violation of community control sanctions (probation) another current prison qualifier, further reducing the number of convicted felons who may have otherwise served the felony sentence in the Hancock County Jail to 14. Of the 14 remaining, 7 had violated terms of their bond prior to conviction, which is another qualifier for incarceration of felony 5 and felony 4 defendants in the state prison system, and that reduced the number down to 7. Of the remaining 7 convicted felons, 3 were Driving Under Influence (DUI) offenders for whom mandatory incarceration time is required, reducing the total down to 4 convicted felons. Another mandatory period of incarceration in the state system occurs when a defendant is convicted of a sex offence, which excluded one additional convicted felon. The 3 remaining convicted felons would have been sent to the Hancock County Jail. In sum 3, of 110 (<3%) were passed on to the local jail.

The above estimate is the effect of H.B. 86 on the front side (or at original sentencing). What will prove to be the larger number are felony 4 and felony 5 offenders who violate community control sanctions (probation) to the point that incarceration is the only remaining response (Switzer, 2012). The State of Ohio via grants and other financial incentives is in essence monetarily awarding Common Pleas Courts for not sending offenders to prison and is encouraging courts to place convicted defendants under community control sanctions. What I foresee occurring is that the offenders who violate felony probation or community sanctions which previously would have been dispatched to the state prison system will now be incarcerated in the local jail. This class of offender will occupy a jail bed significantly longer than a misdemeanor offender would. As the numbers of this category of offenders' increases, the number of available beds for the housing of Findlay Municipal Court commitments will correspondingly decrease.

Pro-Social Behavior Modification Attempts

Striving to improve services to defendants so as to facilitate a reduction of defendants on court dockets and subsequently facing potential incarceration, the Findlay Municipal Court, in conjunction with the Hancock County Common Pleas Court and Century Health⁴, have undertaken an effort to provide enhanced services to defendants ordered for evaluation and treatment by the courts. This undertaking is focusing the coordination of effort pertaining to the population which are mutually served by Century Health and the local courts.

⁴ Local treatment provider, certified by the Ohio Department of Alcohol & Drug Addiction Services (ODADAS).

Century Health, as to its contribution, is in the midst of forming a forensic unit to provide services solely to clients whom are referred by the courts, which Century Health Director Tina Pine estimates to be approximately 50% of their total clientele (Pine 2012). In conjunction with the formation of the forensic unit, the courts are situated to commence providing Ohio Risk Assessment System (ORAS) assessments on defendants referred to Century Health. Additionally, probation officers and administrative staff from both courts, along with treatment providers and administrative staff from Century Health have mutually commenced joint training in Effective Practices in Correctional Settings (EPICS).

The expectation is that with the mutually common assessment tool (ORAS), in conjunction with the mutual training in effective practices in correctional settings (EPICS) a singularized common practical vocabulary will result, increasing efficiency of all agencies involved with a given defendant. Furthermore, knowledge as to the function of each provider will be vastly increased amongst the totality of entities involved with a given defendant. These combined efforts are anticipated to result in the elevation of success of the incarceration alternatives, treatment and other programs, prompting the reduction in recidivism and ultimately the number of inmates within the Hancock County Jail.

However, with all of the effort put forth on the assessment and treatment aspects, in conjunction with the utilization of a wide spectrum of tools, the primary motivator for compliance on the part of the defendant within all of the listed programs and tools, remains that non-compliance will result in certain and swift incarceration. Removal of the incarceration component as a motivator for attendance and compliance and the effectiveness of these efforts are logically significantly reduced.

The Findlay Municipal Court currently utilizes a wide diversity of programs, services and devices striving to afford the defendant the opportunity to advance in behavior modification so as to be compliant with societal rules and laws, while not consuming a jail bed. Unless mandated by statute, ordinance, defendant history or other compelling reason, the behavior modification efforts through the programs and tools listed herein are at the commencement of the sentencing compendium, invocation of a jail sentence devoid of attempted behavior modification is normally at the end of the sentencing compendium. Some of the more frequently employed incarceration alternatives are:

Alcohol Breath Testing. Using a portable breath testing device (PBT) probation officers routinely test probationers for the consumption of alcohol. This occurs at probation appointments and unannounced residential compliance checks conducted by probation officers.

Community Service. A designated number of hours to be served by the defendant at a court approved service or activity for the benefit of the general public. Jail days are suspended and the community service is worked in lieu of the jail days. Failure to comply with the terms and conditions of the community services prompts the re-imposition of the jail days.

Drivers' Intervention Program (D.I.P.) or Alcohol Traffic Safety Institute (A.T.S.I.). A 72-hour residential program certified by the State of Ohio. The program is an alternative to incarceration for persons who have been arrested for operating a motor vehicle under the influence of alcohol or any drug of abuse. The purpose of Safety Through Education is to provide intervention services mandated by the legal system for DUI offenders. The program helps individuals recognize the seriousness of DUI and the need to change their drinking and driving practices. Safety Through Education accomplishes this through education and referral

services. The ultimate goal of the program is to help reduce the amount of DUI cases in the community by promoting safety through education. Typically 5 days jail credit is granted upon successful completion of the program and recommended course of treatment. Failure to comply prompts the re-imposition of the 5 days jail.

Domestic Violence Program aka Violence Recovery Program. The Violence Recovery Project (VRP) is a group for individuals desiring to create a safe and healthy family through understanding, taking responsibility for and changing abusive behaviors.

Drug Testing Urine Cups. Multi-panel cups within which a urine specimen is collected from a defendant and tested for prohibited substances.

Electronic Home Monitoring (E.H.M.). Intended to restrict a defendant's movements while allowing the defendant to remain at home. Using an electronic sensor strapped to an offender's ankle and linked by telephone lines to a central computer which emits a continuous signal. If this signal is interrupted by the offender going beyond the authorized radius of the receiver, the host computer records the date and time of the signal's disappearance. The computer will also record the date and time the signal resumes.

Global Positioning Satellite Monitoring (G.P.S.). Global Positioning Satellite Monitoring permits the probation officer to know in real time the current position of the probationer. Additionally, the probation officer can observe where the probationer has been. This system will give alerts via e-mail or text to the probation officer, should the probationer enter or depart from a previously defined exclusionary zone. This technology is rapidly replacing the EHM. Some

GPS units now additionally incorporate cellular signals for triangulation when the probationer is within the building that may disrupt the satellite signal, greatly reducing dead areas.

Ignition Interlock. This device is installed within a motor vehicle and functions similar to a breathalyzer unit. Prior to starting a vehicle, the defendant must provide a breath sample without any alcohol within the same. Random checks are additionally required during the operation of the vehicle. Detection of alcohol during testing disables the vehicle from starting or renders it non-operational, if operating at the time of the positive test. Additionally, a log of test results are stored within the unit and subsequently downloaded for court review. Failure to comply with the ignition interlock system may prompt the re-imposition of suspended jail days and the removal of limited driving privileges.

Secure Continuous Remote Alcohol Monitor (S.C.R.A.M.). This is a bracelet affixed to the defendant's leg, just above the ankle. The unit monitors the defendant's blood alcohol content trans-dermally, and stores the data. The data is subsequently downloaded for analysis to determine if the defendant has consumed alcohol. The device has several anti-tamper functions and will inform if tampering has occurred. This device has been selectively employed by probation staff when an alcohol violation occurs with a probationer, rather than immediate incarceration. However, should a subsequent violation occur, typically a portion of the suspended sentence is re-invoked.

Drug Testing Sweat Patches. This is a relatively new addition to the Findlay Municipal Court compliance arsenal. These drug testing sweat patches are in essence a clear plastic film with an adhesive that holds an absorption pad against the skin. This system, while allowing the passage of oxygen, carbon dioxide and water vapor to pass allowing the skin to breathe normally, traps

larger molecules, such as drugs, within the absorption pad. This system is tamper evident. The patch is placed on and removed from the defendant by the probation officer, normally worn between 7 and 10 days. The patch is then sent in for testing and the results are returned to the probation officer. Failure to abstain from the consumption of drugs will prompt the incarceration of the offender.

Supervised Probation. This is one of the examples employed to achieve the redirection of a defendant's behavior so as to be in compliance with the laws and rules of society. A defendant convicted of an offence can, in lieu of incarceration, be placed under supervised probation. The defendant is issued a listing of general rules of probation and any special rules that would be applicable for that individual circumstance. The defendant meets with a probation officer who monitors compliance with the rules and strives to assist in the correction of the offender's deviate behavior. If the probationer complies with the rules and terms of probation, the suspended jail days are not invoked. Failure to comply can prompt the re-imposition of part of the suspended jail days or the totality thereof.

Underage Consumption Program (U.P.C.). This is an 8 hour underage education program for defendants 18 to 21 years of age relating to alcohol consumption. Jail days are typically suspended, contingent upon successful completion of the program.

Victims Impact Panel (V.I.P.) This is a program comprised of a panel of persons that have been impacted by intoxicated operation of a vehicle. It includes victims, victims' families as well as defendants and defendant's families that have personally experienced physical and psychological trauma resulting from the consequences of operating a vehicle while intoxicated.

Work Opportunity and Rehabilitation Center (W.O.R.C.) A voluntary program in lieu of incarceration within the Hancock County Jail. This program affords the defendant the opportunity to satisfy a jail sentence while maintaining employment. Failure to comply with the terms and conditions of the W.O.R.C. program result in the re-imposition of the jail sentence.

Conclusions and Recommendations

Conclusion 1: Increasingly, Misdemeanants Are Turnedaway When Reporting to the Hancock County Jail to Fulfill the Issued Commitment.

Recommendation 1: Increase Availability of Jail Beds for Use by the Findlay Municipal Court through A) Modification of an Existing Facility or B) Build a New Facility.

Recommendation 1A: Modification of an Existing Facility

Central Middle School

Significant exploration and consideration were put into the possibility of the conversion of a structure currently in existence into a correctional facility. Two such buildings quickly became possible candidates for conversion. The first was the current Central Middle School. The Central Middle School was constructed in 1923 as the “new” Findlay High School. It is located adjacent to the county jail and is within a block of the Findlay Municipal Court and Hancock County Common Pleas Court. This structure will be available in January 2013, as the Findlay City Schools are in the process of building two new middle schools to replace Central and the other two current middle schools, Donnell and Gleanwood. Students at the current facilities will be consolidated into the Donnell and Gleanwood replacements. Both of these old schools are to be demolished. Central, however, is considered reusable. During a tour of the building by court officials, the durability of the building was brought to our attention. For example, the exterior walls are twenty-four inches thick and made primarily of masonry materials. Due to a catastrophic flood on August 22, 2007, a vast majority of the building mechanical systems were replaced, including the food preparation area of the cafeteria.

Due to the size of the building, only a portion of it would be needed for the correctional facility. We focused on the large gymnasium located on the west end of the building. Its conversion to a pod-style correctional facility on the surface seemed simple and doable. The gymnasium has two sets of showers and toilet facilities. There are classrooms in close proximity to the gymnasium that could be utilized by various programs serving the inmates. There is an added bonus of a large paved and fenced-in parking area directly connected to the access doors to the gymnasium. The Findlay City Schools were even willing, at that time, to consider selling the building to the City of Findlay for the amount of one dollar.



Pictures 1, 2, & 3. From Left to Right: The Front of Central Middle School; the Fenced Parking Area behind the Gymnasium; the Interior of School Gymnasium.

Vacant Home Depot Retail Facility

Another existing structure considered is the former Home Depot retail facility on Tiffin Avenue in Findlay, Ohio. Upon initial examination, this 95,000+ square foot facility appears promising. This building has been vacant for a considerable amount of time so it may be purchasable at an amount favorable to the City of Findlay. The exterior walls are constructed out of concrete panels, it has vast open areas inside, and there is a sizeable fenced-in area and a large connected paved parking area. The vacant Home Depot retail facility would provide a good shell for modification into a correctional facility.



Pictures 4 & 5. Left: The Former Home Depot Retail Facility Fenced Area. Right: The Front of the Building.

Medium Security Addition to Current Hancock County Jail

A dormitory style addition to the current Hancock County Justice Center is my direction of choice. This course would permit incarceration of misdemeanor offenders as well as felony 4 and felony 5 offenders without limitations based upon classification of the offender. It would also be the most flexible selection because it would be able to respond to whatever subsequent supplemental legislative modifications the legislature should enact to further shift the burden of incarceration of felons from the state to the local government entities (which, frankly, is anticipated). Additionally, this option appears to be the most cost effective from both a construction and operational perspective. By connecting to the current facility, duplication of operational facilities and staff for areas such as kitchen, laundry, and medical can be eliminated.

While this paper did not strive to determine the number of additional jail beds that were currently needed and forecast what would be needed going forward within various time parameters, the need for additional jail beds was determined. The number of turnaways from the jail due to overcrowded conditions rose 374% from 2009 to 2010. Within 2010, the male jail

population was in excess of the optimal population number on average of 26 days out of each month; clearly additional beds are needed.

However, in the 2011 amendment to the existing 2006 Justice System Report, the Shremshock firm also produced a finding that there is currently and will be increasingly into the future, a jail bed shortfall within Hancock County, Ohio. For example, for the year of 2010, Shremshock estimated that a 35 jail bed shortfall was already evident. Projected out to 2012, the shortfall increased to 43 beds; continuing out to 2020, the shortfall was projected at 98 beds.

The Shremshock firm projects that initially approximately 24,000 square feet will be needed for this configuration (2011, p. 42). This figure is based on needing an additional 192 beds (the estimated demand for 2040).

Implementing this expansion can easily be facilitated land-wise. Directly to the west of the jail is a City of Findlay property within which the W.O.R.C. facility is located. Through intergovernmental cooperation, a mutually beneficial arrangement could be reached for the use of the W.O.R.C. facility property for jail expansion. Directly north of the jail is a large vacant lot, owned by Hancock County, which could also be utilized for the purpose.



Picture 6. Looking South from the Front Steps of Central Middle School, the Building on the Left Is the Findlay Municipal Building (Where the Findlay Municipal Court Is Housed), the Building in the Middle Is the Hancock County Justice Center, and the White Building on the Right is the City of Findlay W.O.R.C. Facility.

This option additionally provides a central location within the city/county and offers close proximity to the courts. This option maintains the totality of local jail operations under the authority of the Sheriff's Office, which already has the staffing, administration and expertise to successfully operate a correctional facility. This option also avoids confusion on the part of the general public as to where an inmate may be housed. In addition, it will reduce the duplication of services in addition to those previously mentioned such as counseling, in-house GED classes, and various other educational and rehabilitative services currently conducted within the justice center. It also reduces duplication of electronic equipment, such as video and recording systems for remote court interaction with inmates. Should an inmate be required to physically be before a judge in the Findlay Municipal Court, a catwalk between the justice center and the court facilities is already in existence and being utilized.



Picture 7. Catwalk between Municipal Building and Justice Center

Recommendation 1B: Build a New Facility

Minimum Security Jail

This type of facility, as defined within the Ohio Administrative Code Section 753.21, detains adults for more than 120 hours for misdemeanor, felony 5 or felony 4 offences. However, the Minimum Security Jail can only house persons that the Jail Administrator or the Jail Administrator's designee has classified as a minimal security risk. So while for the most part the Minimum Security Jail meets the requirements of the immediate need, the limitation of non-violent persons is of concern since it may limit the usefulness of the facility in the long-term.

Misdemeanant Facilities

The 2010 Misdemeanant Facility Study for the City of Findlay, as conducted by the University of Findlay Justice Department, focused on a misdemeanor facility. A Misdemeanant Facility would address the housing needs of the Findlay Municipal Court; however, the very strong potential exists that numerous defendants convicted of felony 5 and felony 4 offences will soon be occupying an increasing amount of space at the justice center. Prudence demands that

further examination be conducted to put forth ideas that not only address the misdemeanor needs, but also incorporate the ability to incarcerate those defendants charged or convicted of felony 4 or felony 5 offences. This line of reasoning would reserve the hard cells of the justice center for felony 3 offenders (and on up) who are awaiting trial or transport to prison.

Community Alternative Sentencing Centers

H.B. 86 provided authorization for counties to create Community Alternative Sentencing Centers (CASC). Misdemeanants could be directly sentenced to the CASC; however, the 30 day maximum term for most misdemeanants (up to 60 days for eligible offenders convicted of operating a vehicle while intoxicated and/or driving under suspension emanating from an operating a vehicle while intoxicated conviction) precludes the admission of any other mandatory misdemeanor sentences. This severely limits and removes judicial discretion to sentence within the totality of parameters as authorized by state statute or local ordinance as applicable in each individual case. Additionally, it would appear that CASC would not be a valid facility to use for offenders who are not directly sentenced, such as in the case of offenders who have violated probation, offenders being held pending hearing, or offenders on bond. Due to the statutory limitations of CASC facilities, a CASC facility is not a viable option for augmenting the jail bed capacity of the Findlay Municipal Court.

Conclusion 2: To Remedy the Lack of Capacity Issues, Funding Will Have to be Secured to Provide Additional Capacity.

Recommendation 2: Issuance of Long-Term Bonds

Within the foreseeable future, the current environment of ever-shrinking local governmental monetary resources, in conjunction with the increasing unfunded mandates imposed by the state upon local governments, appears slated to continue. Coupled with the historical precedent of Hancock County, Ohio voters to deny supplemental tax dollars for correctional facilities, only one option remains to finance the needed additional jail bed space. The issuance of long-term bonds, just as was previously secured for the construction of the current Hancock County Jail.

Political Will

Currently, per the City of Findlay Auditor, Jim Staschiak II, 47% of the City of Findlay's long-term debt is related to recreational costs (Staschiak II, 2011). The City of Findlay has an exceptional variety of recreational facilities for usage by the populace. Recreational facilities are generally popular and encouraged by the general public, whereas jails are not. I believe most citizens would verbally support a hard line on crime and encourage strict enforcement of statutes and ordinances by local law enforcement agencies as well as encourage courts to impose sentences upon convicted defendants with a comparable judicial philosophy; however, when asked if they would support a new recreational facility or a new correctional facility, the prevalent choice is the recreational facility as previously demonstrated. That mindset, in my opinion, will exist until the point in time where criminal activity runs amok. Criminal activity will predictably increase in direct proportion to the lack of effectiveness and deterrence on the part of the criminal justice system (albeit in a delayed manner). As stated by Robert Keel within Rational Choice and Deterrence Theory in part:

General Deterrence: "People will engage in criminal and deviant activities if they do not fear apprehension and punishment. Norms, laws and enforcement are to be designed and implemented to produce and maintain the image that "negative" and disruptive behaviors will receive attention and punishment" (Keel, 2005).

One example of this is evident when the (local) voters consistently rejected various methods of increasing taxation for the expressed purpose of a larger or new jail, as previously noted (rejected in 1972, 1974 and 1984), but consistently vote to implement and then retain tax levies for the Hancock County Park District. The voters approved the first parks levy for 0.5 mills for a 10 year period in 1976; this was renewed by voters for another 10 year period in 1986. The voters in 1990 approved an additional 0.3 mills for a 6 year period. 1996 saw the voters

approve 0.8 mill levy to replace two that had expired. This pattern continues to manifest itself (Hancock County Park District, 2012).

As presented in the Literature Review, it has been established that the Hancock County Jail will be unable to meet the incarceration requirements of the Findlay Municipal Court. The number of additional jail beds required was not addressed in this study; however, the 2006 Hancock County Justice System Report projected a 75-bed shortfall by the year 2020 (Wineburg-Ankrom, et al., 2006). That projection was based on the R.O.C. still being in operation. Without the R.O.C., the estimate is that an additional 135 beds will be needed (a total of 233 beds overall) (Wineburg-Ankrom, et al, 2006). The 2011 Amendment to the Existing 2006 Justice System Report for Findlay/Hancock County, Ohio prepared by Shremshock estimates that the 2012 jail bed shortfall is 78 beds, which translates into a 176 bed capacity needed. Shremshock projected that the shortfall will increase to 96 beds (total needed capacity of 194 beds) by 2020 and 233 beds (a total of 331 beds) by 2040 (Shremshock, 2012).

Facts, numbers, percentages, while necessary in detail to portray the totality of a situation, can on occasion overwhelm the essence of the underlying message they are striving to portray. As such, at this juncture I am going to bring forward a very limited summation of the findings of this research, and allow it to reflect upon the bed requirements as put forth by Shremshock (Shremshock, 2012). The total design capacity of the Hancock County Jail is 98 inmates. 2010 saw an average daily population count of 95 inmates; add onto that the 3 additional felony 5 and felony 4 defendants that are going to be housed at the Hancock County Jail, per Prosecutor Miller's calculations, and that brings the total to the maximum design capacity of the structure. This does not incorporate the increased caseload of the Findlay

Municipal Court as a result of H.B. 86, nor the corresponding reasonably anecdotal increase in jail bed consumption in accompaniment with the increased caseload. Neither does it incorporate the concerns of Director Switzer of the Hancock County Common Pleas Court as to the local incarceration of felony 5 and felony 4 offenders which violate the terms and conditions of community control sanctions as opposed to their previous incarceration at the state level (Switzer, 2012).

It is my contention that it would be reasonable to consider that an increasing crime rate and reduction in the local criminal justice system effectiveness would have a compounding effect upon the community's ability to retain current and recruit new employment opportunities for its populace. Failure to maintain current employers and the unsuccessful recruitment of new employers reduces tax revenues, which ultimately leads to reduction in the effectiveness of the local criminal justice system (therein reducing the deterrence aspect, resulting in an increase in criminal activity, which in turn deters the selection of that community for the retention or recruitment of employment opportunities for its citizens). Put in simpler terms, once you start down the slippery slope, it is difficult to recover.

So what is it going to take? It will take the exercise of political will to create the jail space needed by the Findlay Municipal Court and Hancock County Common Pleas Court. When Hancock County Commissioners, William L. Recker, David Oman and William Sackmann went against the local political climate of their time, they took into consideration the best long-term choice for their community and knowingly jeopardized their personal political careers for the sake of that community's future. We must be willing to act in that same way now. It will require intergovernmental cooperation at a previously unprecedented level between the City of Findlay

and Hancock County, Ohio. Perhaps, once again, we will see the emergence of local leaders who are willing to step up during our time of need—leaders who are willing to risk their political careers to deliver what is truly best for their community.

As Louis L'Amour wrote in *Fair Blows the Wind*,

How complacent we become when we set secure, hedged round by laws and protections a government may provide! How soon we forget that but for these governments and laws there would be naught but savagery, brutality and starvation. For our age-old enemies await us always, just beyond our thin walls. Hunger, thirst and cold lie waiting there, and forever among us are those who would loot, rape and maim rather than behave as civilized men. If we set secure this hour, this day, it is because the thin walls of law stand between us and evil. A jolt of the earth, a revolution, and invasion or even a violent upset in our own government can reduce all to chaos, leaving civilized man naked and exposed. (1978, p. 6-7).

References

- Acts of Contempt of Court (2001) in Ohio Revised Code section 2705.02. *Ohio Laws and Rules*. Retrieved from <http://codes.ohio.gov/orc/2705.02>.
- Beach Biography. (n.d.) Findlay Municipal Court Website. Retrieved from <https://ci.findlay.oh.us/municourt/info.asp?pageId=100>.
- Beach, David (in progress). Findlay Municipal Court Handbook.
- Beasley, James G (2007). The State of Ohio Official Transportation Map.
- Beitzel, Todd and Ray McCandless (n.d.). Misdemeanant Facility Study for the City of Findlay. The University of Findlay Justice Science Dept.
- Caudill, Mark (2011, October 2). "Sentencing reform to affect jails." *Mansfield New Journal*. Retrieved from www.mansfieldnewsjournal.com.
- Cheung, Amy (2004). "Prison privatization on the use of Incarceration." *The Sentencing Project*. Washington, D.C. Retrieved from <http://www.inthepublicinterest.org/article/prison-privatization-and-use-incarceration>.
- Contempt Powers (1968) in *Black's Law Dictionary* (4th Edition) St. Paul, MN: St. Paul Minnesota West Publishing, Co.
- Crime (n.d.). in *Merriam-Webster Dictionary*. Retrieved from <http://www.merriam-webster.com/dictionary/>
- Definite (2009) in Ohio Revised Code Section 2929.24. *Ohio Laws and Rules*. Retrieved from <http://codes.ohio.gov/orc/2929.24>
- Dillon, Steven (1999, February 9). "Building new jail was a tough decision" *Courier*.
- Diroll (2011). "Prison crowding: the long view, with suggestions." Report from the Ohio Criminal Sentencing Commission
- Enacted house bill 86 felony sentencing and juvenile justice (n.d.) in The Ohio Judicial Conference Enactment News. Retrieved from http://www.ohiojudges.org/_cms/tools/act_Download.cfm?FileID=3475&/HB%2086%00Enactment%20News%20hyperlinked.pdf
- Financial (2008) in Ohio Revised Code Section 2929.28. *Ohio Laws and Rules*. Retrieved from <http://codes.ohio.gov/orc/2929.28>

- Hancock County Park District, about HPD, Hancock Parks History (n.d.). Retrieved from <http://www.hancockparks.com/AboutHPD/ParksHistory.aspx>
- Hancock County Sheriff's Office annual reports (n.d.). Retrieved from http://www.hancocksheriff.org/sheriff2_051_AnnualReport.htm
- Hearings (1986). In Ohio Revised Code section 2705.05. *Ohio Laws and Rules*. Retrieved from <http://codes.ohio.gov/orc/2705.05>
- Humphrey, William D (1961). *Findlay: the story of a community*. Findlay, Ohio: Findlay Publishing Company.
- Innovare Solutions, LLC. (2011). Findlay Municipal Court, Annual Report, 2005-2010.
- John Kasich names private, for-profit prison executive to run the Ohio Department of Rehabilitation and Corrections (2011, January 4). *Plunderbund*. Retrieved from www.plunderbund.com/2011/01/04/john-kasich-names-private-for-profit-prison-executive-to-run-the-ohio-department-of-rehabilitation-and-corrections/
- Johnson, Alan (2011, September 30). "Law will open prison doors for thousands." *Columbus Dispatch*. Retrieved from <http://www.dispatch.com/content/stories/local/2011/09/30/law-will-open-prison-doors-for-thousands.html>
- Keel, Robert O. (2005), Rational Choice and Deterrence Theory. Retrieved from <http://www.umsl.edu/~keelr/200/ratchoc.html>
- L'Amour, Louis (1978). *Fair Blows the Wind*. New York, NY: E.P. Dutton.
- Law (n.d.). in *Merriam-Webster Dictionary*. Retrieved from <http://www.merriam-webster.com/dictionary/>
- Municipal and County Courts. (n.d.). The Supreme Court of Ohio & The Ohio Judicial System Website. Retrieved from <http://www.sconet.state.oh.us/JudSystem/default.asp>.
- Ohio Department of Development. (2011) Ohio County Indicators
- Paternoster, Raymond. (2010). "How much do we really know about criminal deterrence?" *Journal of Criminal Law & Criminology*, 11.3. Retrieved from www.law.northwestern.edu/jclc/symposium
- Penalties and sentencing (1996) in Ohio Revised Code Section 2929.11. *Ohio Laws and Rules*. Retrieved from <http://codes.ohio.gov/orc/2929.11>

- Perry, Kimball (2011, September 30). "Ohio's new sentencing laws put stress on local resources." *Cincinnati.com*. Retrieved from www.news.cincinnati.com/fdcp/?unique=1317652597262
- Prison Count (2010) in Pew Center on the States. Retrieved from http://www.pewcenteronthestates.org/report_detail.aspx?id=57653
- Punishment (n.d.). in *Merriam-Webster Dictionary*. Retrieved from <http://www.merriam-webster.com/dictionary/>
- Purposes (2004) in Ohio Revised Code Section 2929.21, (A). Ohio Laws and Rules. Retrieved from <http://codes.ohio.gov/orc/2929.21>
- re Contemnor Caron, Nos. 92DR-04-2101 and 99DP-04-427. 110 Ohio Misc. 2d 58; 744 N.E. 2d 787; 2000 Ohio Misc. LEXIS 53. April 27, 2000, Decided.
- Roetzel and Andress (n.d.) Analysis of the 2012-2013 operating budget for the state of Ohio. Retrieved from <http://www.ralaw.com/resources/documents/School%20Law%207-1211%20Alert%20FINAL.pdf>
- Shremshock Architects (2010). Needs assessment for the Delaware County jail to facilitate in long-term planning.
- Shremshock Architects (2012). Amendment to the existing 2006 Justice System Report for Findlay /Hancock County prepared for the Findlay Municipal Court DRAFT.
- State of Ohio, Department of Rehabilitation and Correction (2003). *Minimum Standards for Jails in Ohio*.
- U.S. Const. amend. VIII. Retrieved from <http://www.usconstitution.net/const.html>
- Weisner, Paulette (2007). Historic Hancock County. Findlay, Ohio: Findlay, Hancock County Chamber of Commerce.
- Wilcox, Cathy Prosser (n.d.). Action Activity Report for all judges for the years of 2008, 2009 and 2010.
- Wilin, Lou. (2011, March 11) "Findlay, Hancock County gain population." Courier. Retrieved from http://www.thecourier.com/Issues/2011/Mar/11/ar_news_031111_story1.asp?d=031111
- Wineburg-Ankrom, Melissa, Scott Blough, and April Raffay (2006). Hancock County Justice System Report.

Table of Cases:

Apprendi v. New Jersey, 530 U.S. 466 (2000)

Blakely v. Washington, 542 U.S. 296 (2004)

Coleman v. Brown, No.10-17546 United States Court of Appeals, Ninth Circuit

Brown, Governor of California, ET AL., v. Plata Et AL., No.09-1233, 563 U.S.____(2011)

State of Ohio v. Ryan D. Ludwig Findlay Municipal Court Case Number 11TRD01473.
Retrieved from <https://ci.findlay.oh.us/municourt/searchdocket.asp?pageId=32>

State v. Foster, 109 Ohio St.3d 1, 2006-Ohio-856