

REDUCING FAILURE TO APPEARS THROUGH COMMUNITY OUTREACH

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Acknowledgments

Every day I thank God for the ability to do all that I need to do. Sometimes it seems that I have more to do than I am able but I know that God does not give me more than I can handle.

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REDUCING FAILURE TO APPEAR THROUGH COMMUNITY OUTREACH

Franzetta D. Turner

Abstract

Imagine a day when defendants can go to court in a church, a recreational center, or even a local school. Instead of being intimidated by the traditional courthouse environment with armed guards, being in the same building where serious offenders are sentenced to death, and being on the elevator with high risk offenders, defendants would be able to go to a more comforting environment where there is no threat of being arrested and they feel safe and secure. In fact, one study in the September 2000 issue of Environment and Behavior entitled “Intimidating Buildings: Can Courthouse Architecture Affect Perceived Likelihood of Conviction” determined that the courthouse facility itself was “... seen as highly oppressive, threatening, and hostile” by study participants asked to simply record their psychological perceptions of two courthouses. Therefore, one of the questions to be answered in this project is “If the environment was different, would more people come to court on their initial court date”?

Why did they come to the courthouse by the thousands when Cleveland Municipal Court offered an Amnesty Program? Why did they come by the tens of thousands when a program like Fugitive Safe Surrender was held in a neighborhood church? Why do they continue to come by the hundreds each year in the spring and summer months when the Cleveland Municipal Court Clerk conducts In the Neighborhood events at churches and local community centers? But why did they wait until a warrant ordering their arrest was issued before going to these programs instead

of just coming to court and taking care of their case when they were originally charged? What can be done to encourage defendants to comply with orders to come to court on their initial court date and then again, if necessary, to get the case resolved? These are other issues addressed by this project.

In 2014, Cleveland Municipal Court had over 54,000 cases with outstanding arrest warrants and uncollected fines and costs totaling almost ten million dollars. The 2014 annual report indicates that the failure to appear rate was slightly less than 25 percent.

Cleveland Municipal Court is a court of record with jurisdiction in law and equity pursuant to the Ohio Revised Code. The Court has territorial jurisdiction over the City of Cleveland and the Village of Bratenahl. Cleveland Municipal Court has long been known for its innovation and for developing a justice system that is truly just. “Instead of merely moving defendants through the system, applying band aids over social problems that culminated with appearances in court, the Court seeks to create customized remedies that go to the underlying causes of behavior” (clevelandmunicipalcourt.org).

Cleveland Municipal Court has been at the forefront of the movement in establishing problem solving courts. The judges recognize that simply sending defendants to jail or making them pay a fine does not solve the larger social problems and issues. The judges are committed to the creation and execution of over a dozen programs and services designed to help break the cycle of repeat offenses in the community (See Appendix A). Several of the problem-solving accomplishments have been through the establishment of Ohio Supreme Court certified specialized dockets

such as the Greater Cleveland Drug Court, the Mental Health Docket, the Veteran Treatment Docket, and the Human Trafficking docket.

During the summer of 2014, 536 people responded to a survey that was distributed at five In the Neighborhood events in communities throughout the Cleveland area. The survey was designed to gather information from defendants with outstanding arrest warrants as a result of either failing to appear in court on their scheduled court date or failing to pay fines. Participants were asked questions about their reason for missing court and their reason for coming to the event. They were asked about a preferred location for their court hearing if their preference was not the Justice Center located in downtown Cleveland. And they were asked about their prior court experiences to determine their perception about procedural fairness.

As a result of the survey responses, this author was able to reach the following conclusions: People would be more inclined to appear in court on their initial court date if the location of the hearing was somewhere other than the Justice Center, preferably a church; the failure to appear rate could be reduced if defendants were aware of the sentencing options available for judges and magistrates and the programs and services that Cleveland Municipal Court offers to help with the underlying problems leading to criminal behaviors; the failure to appear rate could also be reduced if defendants were reminded of their court date before the actual court date; and the entire Cleveland Municipal Court staff needs training in procedural fairness in order to fulfill the mission of Cleveland Municipal Court.

Although the creation of a problem-solving court may not necessarily be the solution to encourage people to come to court on their initial court date, it may be an option to consider. Whatever the solution, this author is encouraged by the fact that the Judges of Cleveland Municipal Court have committed to improving the minds and lives of the people of our community, one at a time.

Introduction

Every day someone runs a red light, fails to stop at a stop sign, changes from one lane to another without properly signaling and gets caught by the police. Under most circumstances, the offender gets a traffic ticket. How that person handles the ticket, however, is the genesis of this project. Some people get a traffic ticket, go online and pay it. Some come to court, maybe with the hope of getting some kind of deal and pay it regardless of whatever deal, if any, is made and move on with their lives. Others, who have become the subject of this project, fail to pay online, fail to come to court, and fail to even address and/or resolve their matter.

Then they get another traffic ticket, maybe several more, and continue to fail to acknowledge any responsibility for the tickets. Their willful neglect has now caused them to become “wanted” criminals for failing to address and/or resolve their case. They have an outstanding warrant, which means that if they are stopped by the police, for whatever reason, they can be arrested for their unresolved traffic ticket(s).

Not only can they be arrested because of the outstanding warrants for unresolved traffic ticket(s) but, in addition, their right to drive has also been suspended. In Ohio, when a person fails to accept responsibility for his criminal actions by either showing up in court or paying a waiver, the law allows courts to order a forfeiture of the driver’s license. The law also allows courts to impose a warrant block if they fail to appear in court or a registration hold, if after sentence they do not pay their fine. Notwithstanding the suspension, the block or the hold, some people complicate matters

even more by continuing to drive. They still need to drive to work. They still need to take their children to school or day care. They still need to drive their elderly parents or sometimes themselves to medical appointments. They still need to go to the grocery store. They still need to drive to find a job. Sometime, they just want to drive to church. Wherever they chose to drive, they do so illegally.

Too often something else happens, something as simple as a tail-light being out, no light over the rear license plate, or just an expired tag, and they get noticed and stopped by the police, again. This time, in addition to having outstanding warrants for unresolved traffic tickets, which alone can cause them to be arrested because of the warrant, they now face additional charges and penalties because they are also driving without a valid driver's license, which is a more serious misdemeanor of the first degree. In Ohio, a person convicted of driving without a valid driver's license may be sentenced up to six months in jail and/or a fine up to \$1,000.

A minor misdemeanor offense carries a possible fine of up to \$150 and no jail time. Running a red light, failing to stop at a stop sign and changing from one lane to another without properly signaling are all minor misdemeanors. As a result of failing to accept responsibility for a minor misdemeanor traffic ticket and allowing the situation to snowball, a person could face first degree misdemeanor penalties in addition to the multiple minor misdemeanor penalties.

Once a person is in a predicament like this, they are scared of being arrested by the police. They may see a police cruiser on the other side of the street and turn at the next corner or even into someone else's driveway whom they do not know just to avoid

contact with the police. They feel overwhelmed by back fines. They may avoid leaving the house for fear of being confronted by the police. They become disengaged from their family, friends, and their community. These are the people that have benefitted from programs like Amnesty, Fugitive Safe Surrender and In the Neighborhood.

They Came by the Thousands – AMNESTY

In 2005, the Cleveland Municipal Court participated in the “28 Days of Peace Initiative”. The program, also known as Amnesty, was designed to assist offenders with outstanding non-violent misdemeanor and traffic arrest warrants. The initiative also included four daily prayer vigils in five churches rotating each day of the amnesty as well as amnesty given for weapons surrendered. An incentive for people to come to court was the waiver of warrant fees (\$25.00 per case) and the promise that no one would be arrested because all outstanding warrants were recalled. Judges were very lenient with participating defendants by reducing and/or suspending fines.

The program, held in February 2005, was conducted on Tuesday and Thursday evenings from 4:00 p.m. until all of the court sessions were completed, which many nights was after 11:00 p.m. Registration for the Amnesty docket began at 3:00 p.m. The Amnesty docket was scheduled based upon eligible walk-in requests. Only non-violent misdemeanors and traffic cases were eligible. Felonies and violent misdemeanors were not eligible. In order to be placed on a docket, an eligible defendant had to present one form of a government-issued identification card or a Social Security Card. A representative standing in place of a defendant would be

permitted to resolve a defendant's cases only if the outstanding cases were waiverable, which means the penalty did not carry jail time.

A total of eight Amnesty Court sessions were held. Defendants with waiverable offenses could pay their fines in the Clerk's Office without the necessity of a court appearance before a judge. Defendants who had non-waiverable offenses appeared before a judge and had their cases resolved and their outstanding warrants recalled. Amnesty participants ordered to pay fine and/or costs were eligible for additional time to pay if they owed \$150 or more and made a partial payment of \$150. If the participant owed less than \$150, they had to pay immediately or within 24 hours and they were not eligible for additional time to pay.

The response to this program was phenomenal. It was estimated that 14,000 cases were heard and approximately 7,000 defendants participated. Amnesty allowed the Court to reduce its backlog, increase revenue from the payment of fines and resulted in fewer people falling deeper into trouble. Appreciating the benefits of Amnesty, Judge Larry Jones, former Administrative and Presiding Judge for Cleveland Municipal Court, commented that "If someone comes in voluntarily, we are going to be in a better mood than if you come in under arrest" (www.19actionnews.com)

They Came by the Tens of Thousands - FUGITIVE SAFE SURRENDER

In 2000, Cleveland Police Officer Wayne Leon was killed in the line of duty during a routine traffic stop by a fugitive on the run from the police for a parole violation. The death of his friend made U.S. Marshal Peter Elliott of the Northern District of Ohio realize that “desperate people commit desperate acts with tragic consequences”. (Flannery, 3) Fugitive Safe Surrender was designed to encourage felons with outstanding non-violent felony or misdemeanor warrants to voluntarily surrender at events held at churches and other faith based organizations without the threat of arrest.

Recognizing that fugitive status creates a broad range of burdens and dangers for the fugitives, their families, and the community, the goal of Fugitive Safe Surrender was Community Re-entry. Fugitives live in constant fear of arrest and out of the mainstream of their communities and support themselves by continuing to engage in non-violent criminal activity such as drugs, prostitution, or theft; or non-criminal work where they are “paid under the table” and have no health care or other benefits; or do not support themselves at all but are a financial burden for their employed, law abiding family members.

The first Fugitive Safe Surrender event took place at Mt. Sinai Baptist Church in Cleveland, Ohio in 2005. In just a few days, more than 800 people showed up and the idea of Safe Surrenders quickly spread across the country. By 2010, more than 36,000 people with more than 50,000 outstanding felony and misdemeanor warrants peacefully surrendered at 22 sites across the country, including cities in Arizona, Delaware,

Florida, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New Mexico, New York, Ohio, Pennsylvania, South Carolina, Tennessee and Washington, D.C.

Interestingly, as many as 20 percent of the people who showed up at the events did not have outstanding warrants, they just thought they did or were told that they did.

(Flannery, 14)

When the program returned to the Cleveland area on September 22-25, 2010, 7,431 fugitives surrendered in a four-day event at Mt. Zion Baptist Church in Oakwood Village, Ohio and resolved 9,100 cases. (Miller) This event set the record for attendees at any other program in the country. Bishop Larry Macon Sr., the pastor at Mt. Zion described the event by saying “I saw the face of God in the hopes and dreams of those who wanted to account for their wrongs and failings. The entire community united to offer redemption to the least of these, and I am profoundly moved by what can only be described as a life-changing event”. (Cuyahoga County Reentry Review, 1)

Employees from every department in Cleveland Municipal Court, in collaboration with employees from other courts throughout Northeast Ohio, were prepared to staff the event in 2010. Bailiffs were assigned to assist in the make-shift Courtrooms, run errands, and provide security; Information Technology staff were assigned to provide technical assistance and set up equipment; Administration staff were assigned to distribute vouchers and assist in case flow; Interpreters were assigned to interpret and assist other staff as needed; Court Reporters were assigned to assist with making the record; Probation Department staff were assigned to query the dockets and update information about probation violators; Central Scheduling staff were assigned to assist

in querying dockets and schedule court dates; Clerk of Court staff were assigned to collect the money and provide case information; and the Magistrates and Judges rotated in the staffing of the three courtrooms to which they were assigned over the four day event.

Why the church?

Too often, law enforcement has been known to sponsor programs that entice people to come by notifying them that they are “winners” of a prize, super bowl tickets, or other special considerations, only to be arrested and taken to jail when they arrive. (Flannery, 7) As a result, there is distrust in law enforcement.

Fugitive Safe Surrender events temporarily transformed churches into a courthouse. Realizing that the church and its pastor who is known within the community have played such a significant role in most people’s lives, organizers thought that people would feel comfortable surrendering to law enforcement in front of clergy because they believed that they were in a safe place and were not being tricked. An added benefit to the events has been the relationships built between law enforcement and faith-based communities.

What motivated people to turn themselves in?

People arrived at the church early in the morning and waited in line for hours, regardless of the weather, as if they were waiting for the most popular ride at an amusement park or purchasing a winning ticket to a large multi-state jackpot. When

asked what motivated them to stand in line and wait to clear their name, when they seemingly had evaded the law's reach, most people responded that they were tired of running. (Flannery, 44) Fugitive Safe Surrender gave hope to people who wanted to put their lives back together and give up always having to look over their shoulder.

They're Still Coming - IN THE NEIGHBORHOOD

In the Neighborhood is a community outreach program developed to help people improve their quality of life. In response to hearing for years that people do not like to come downtown to the Justice Center because of fear of getting arrested, the difficulty in taking time off from work, or the cost of parking, Cleveland Municipal Clerk of Court Earle B. Turner and his staff have been taking laptop computers to where the people live and talking one on one with them in a relaxed atmosphere to address their outstanding court issues. No one is arrested and no money is collected at the In the Neighborhood events. Instead, participants are given a payment plan or a previously entered payment plan is re-established for outstanding fines and court costs and/or they are scheduled for a new court date. Clerk staff also tells people about programs in the Clerk's Office such as the Trusteeship Program, which prevents garnishments; or Rent Deposits, which allows tenants to legally withhold rent from negligent landlords.

When the program first started, the events were held in churches, community centers and even on corner lots. The Clerk has since determined that the best response is had when the location is a church and now most events are held in

churches. Because the response has been so good, Clerk Turner indicated that pastors throughout the City have been contacting him to have the program come to their church.

Partnering agencies with the Clerk's Office at the In the Neighborhood sites include the Ohio Bureau of Motor Vehicles, the Cuyahoga County Public Defender's Office, Court Community Service, and "Seal My Record", an organization that helps eligible participants get court records sealed for non-violent offenses. The Judges of Cleveland Municipal Court are the primary partners in supporting and endorsing the In the Neighborhood program.

Defendants become discouraged when they have to return to court multiple times. The addition of a Public Defender to the In the Neighborhood event increased the compliance rate of court appearances significantly (from 50 percent in 2012 to 86 percent in 2013). A face to face meeting with a Public Defender, which started in 2013, was found to alleviate some of the fears of coming to court and gave the defendant the opportunity to come to court more prepared which reduced the number of continuances.

Advertisement for the In the Neighborhood events is directed at targeted audiences through multi-platform messaging. Although television advertising was done in the beginning, radio, social media and mass text messaging are now used to spread the word on the street in a more economical manner.

Their story.

Obed Shelton, the Public Information Officer for the Clerk of Court's Office, described defendants who come to the In the Neighborhood events as having a "complicated mess", meaning that they owe huge fines and have not just one or two delinquent traffic or misdemeanor offenses, or parking and photo violations, but multiple cases with multiple warrants and bonds. Following are three examples of participants who have come through In the Neighborhood. The names have all been changed for privacy reasons.

Connie Brown.

Connie Brown is a 32 year old African American female. She had eight cases outstanding when she became an In the Neighborhood participant in July 2013. Her story began in 2005 when she was charged with Driving under Suspension, a first degree misdemeanor (M1) punishable by up to six months in jail (180 days) and a fine of up to \$1,000, and No rear view mirror, a minor misdemeanor (MM) that carries a possible fine of up to \$150. She failed to appear for her initial arraignment. Approximately six months later, she was able to schedule a new court date and then twice requested that her court date be continued, presumably to get a valid driver's license. She failed to appear on the third continued date, resulting in a capias (also known as a warrant for her arrest) being issued and a \$1,000 bond ordered. Within one week of the capias being issued, Ms. Brown was able to have the capias recalled, the original personal bond reinstated and she was able to schedule another new court date. She appeared in court with a valid license, resulting in a Not Guilty finding for Driving

under Suspension and a \$10 fine for the rear view mirror charge, which was suspended. For that case, she was only required to pay the court costs. She received additional time to pay the court costs multiple times between 2006 and 2014. Each time she failed to pay by the compliance date, an additional \$30.00 penalty was added to the costs. Every time that she requested more time to pay resulted in an additional \$15 fee. Ms. Brown's court costs have more than doubled because of her unwillingness and/or inability to pay by the due dates.

In 2008, Ms. Brown was charged with License Required to Operate, (M1) and Display of Plates (MM). She failed to appear for her first and second arraignment hearings in 2008 and 2011. A capias for her arrest was outstanding for three years. Later in 2011 she became a participant in In the Neighborhood. However, she failed to appear for her court hearing after becoming involved in In the Neighborhood in 2011 and another capias was issued. In 2013 she attended another In the Neighborhood event and was allowed to participate, resulting in a recommendation by the Prosecutor that the charges be dismissed. This recommendation is called a Nolle Prosequi, meaning that the Prosecutor does not want to go forward with the prosecution of the case.

In 2009, Ms. Brown was charged with License Required to Operate (M1), Failure to Display Plates (MM), No Driver Seat Belt (MM) and No Passenger Seat Belt (MM). She failed to appear for her initial court appearance and remained in a capias status until 2011. After joining the In the Neighborhood program in 2011, she failed to appear, resulting in a \$1,000 bond being ordered. She posted the bond (10 percent of the bond

amount) but forfeited the bond after failing to appear for a subsequent hearing. A new bond was set in the amount of \$5,000. After joining the In the Neighborhood program in 2013, she did not have to post the new bond and once she appeared in court, all of the charges resulted in a Nolle Prosequi by the Prosecutor.

In 2011, Ms. Brown was charged with License Required to Operate (M1), Change of Course (MM), Loud Muffler (MM), No Driver Seat Belt (MM), and No Passenger Seat Belt (MM). Although she appeared for her initial appearance at the arraignment to enter a Not Guilty Plea, she failed to appear for her court appearance before the judge in 2011. A \$5,000 bond was order, but receiving the benefit of In the Neighborhood, Ms. Brown did not have to post the bond before appearing before the judge in 2013. In this case she was found guilty of the license charge and sentenced to 180 days in jail but all of the days were suspended. She was also fined \$1,000 plus court costs but all of the fine was suspended. Ms. Brown was found indigent which relieved her of the obligation to pay court cost. She was also fined for the minor misdemeanor charges in the total amount of \$150, resulting in a total fine of \$250.00. In lieu of the payment of fines, Ms. Brown was ordered to perform 100 hours of community work service to be completed in approximately three months. She was placed on inactive probation for two years with the conditions that she not get any new cases or drive without a valid driver's license and insurance. This sentence was combined with the sentence for a 2013 case. Ms. Brown successfully completed the community work service.

In 2012, Ms. Brown was charged with Misconduct on Public Transportation, a fourth degree misdemeanor (M4) that carried a possible fine of up to \$250 and a possible jail term of up to 30 days. Once again, she failed to appear for her initial arraignment. When she finally appeared in court for the other cases, this case resulted in a Nolle Prosequi by the Prosecutor.

Another traffic case in 2012 was for a minor misdemeanor charge of Expired Sticker/Plates. Ms. Brown appeared in court for her arraignment and entered a Not Guilty plea but failed to appear in court for the next criminal pretrial resulting in a capias. Once returning to court after joining In the Neighborhood, this case was handled with the others and resulted in a Nolle Prosequi by the Prosecutor.

Ms. Brown had two traffic cases in 2013. The first case was a charge of No Headlights (MM). After failing to appear for the initial arraignment, this case was combined with her other cases after her participation in In the Neighborhood and resulted in a Nolle Prosequi by the Prosecutor. Ms. Brown was arrested and charged with Driving under Suspension (M1) in the other 2013 traffic case. After missing her second court appearance, a capias and a \$5,000 bond was set. Participation in In the Neighborhood again allowed Ms. Brown to avoid having to post the bond. In this latter case, Ms. Brown was found guilty and sentenced to 180 days with all of the days suspended and a fine in the amount of \$1,000 plus court costs and \$900 suspended and \$100 dismissed. The costs were suspended due to an indigency finding. Ms. Brown was put on two years inactive probation with the condition of no new cases and no driving without a valid license. The sentencing in this case was combined with the

2011 traffic case so completion of the 100 community work service hours also satisfied this case.

The conviction of the two license charges appears to have resulted in another license suspension for Ms. Brown. In Ohio, a person's driver's license can be suspended after an accumulation of 12 points within a two year period. Ms. Brown likely received six points for each of the license convictions. Ms. Brown has been in the process of obtaining occupational driving privileges since earlier this year but her requests have been denied twice due to her failure to appear for the hearings.

Matthew Lucas.

In mid-February of 2010, Matthew Lucas, a 29 year old African American male, was stopped by the police for Litter Thrown from Vehicle, a minor misdemeanor offense. He failed to appear for his arraignment and a warrant was issued for his arrest. Later that month, Mr. Lucas was stopped by the police for a Stop Sign violation and no Driver Seat Belt, two additional minor misdemeanor offenses. Again, he failed to appear for his arraignment for those charges and another warrant was issued for his arrest. In January 2011, Mr. Lucas was stopped by the police and charged with Driving under Suspension, a first degree misdemeanor, Expired Plates, and no Driver Seat Belt, both minor misdemeanors. Again, he failed to appear for his arraignment for those charges and a warrant was issued for his arrest. The Clerk's office also notified the Ohio Bureau of Motor Vehicles about the missed court appearances and Warrant Blocks were issued for each of those three cases.

In January 2014, Mr. Lucas was arrested for Disorderly Conduct, a minor misdemeanor offense. At the arraignment for that charge, Mr. Lucas' other files were brought into the courtroom so that all of the cases could be arraigned. Upon the entering of a Not Guilty plea to all of the charges, all of the cases were assigned to one judge for disposition pursuant to the Individual Judge Assignment Local Rule in Cleveland Municipal Court.

In light of Mr. Lucas' previous failures to appear and also a request from another jurisdiction that he be detained for another outstanding warrant, a \$1,000 bond was set which required that Mr. Lucas be held in jail until the next court date unless the bond was posted. Ten percent of the bond amount was posted two days later and Mr. Lucas was released.

Mr. Lucas appeared in court on his next court date and requested a continuance. Most likely, the request was made to allow Mr. Lucas to obtain a valid Ohio driver's license. Upon the payment of the fee, the warrant blocks were released so that he could get a license. Continuances were also granted in March and April. Mr. Lucas failed to appear for his court date in June and capiases were issued for the four cases as well as a new bond set on the most serious case, the Driving Under Suspension license charge.

When the In the Neighborhood program came to Mr. Lucas' neighborhood in August, Mr. Lucas took advantage of that opportunity. Following two more continuances of the cases, Mr. Lucas was finally able to provide proof of a valid license and insurance in December 2014. Each of the minor misdemeanor charges resulted in

a Nolle Prosequi by the prosecutor, leaving only the first degree misdemeanor charge for sentencing. Mr. Lucas was sentenced to the maximum penalty under the law: a fine in the amount of \$1,000 and 180 days in jail. However, \$900 of the fine was suspended as well as all of the days. The judge granted Mr. Lucas six months to pay his fine, until June 2015. Certainly, it is the hope by many, but especially Mr. Lucas, that he will be able to comply by the due date.

Jamal Ahmad.

An even greater success story for an In the Neighborhood participant is Jamal Ahmad. Mr. Ahmad is a 28 year old Middle Eastern male who had six outstanding warrants when he entered the In the Neighborhood program in August 2014. Had it not been for a program like In the Neighborhood, Mr. Ahmad would have had to post six bonds in the amount of \$18,000 before coming back to court, or upon arrest he would have had to post these bonds before being released. Additionally, he faced possible fines that could have totaled \$3,450 and up to six months in jail time.

Between September and December 2013 Mr. Ahmad was cited four times for traffic violations. The first complaint charged him with License Required to Operate, a first degree misdemeanor, and Illegal Plates, a minor misdemeanor. After missing his arraignment court date in September, where he would have entered a plea to the charges, a letter was sent to his last known address to inform him that a warrant had been issued for his arrest due to his failure to appear on his initial court date.

On the same date that Mr. Ahmad was scheduled to appear in court for the first ticket, another complaint was filed for a minor misdemeanor speeding violation. After

missing his court date for that charge, a second warrant was issued followed by another letter that notified him that a warrant for his arrest had been issued due to his failure to appear.

Mr. Ahmad was stopped a third time in November 2013 and again charged with a License Required to Operate (M1) and Lights Required (MM). For the third time in less than three months, he failed to appear for his initial appearance. A fourth failure to appear occurred in early January 2014 after Mr. Ahmad was stopped by the police in December and charged with only one violation, Fictitious Plates (MM). Following each of those missed court appearances, a letter was sent to Mr. Ahmad at his last known address informing him that a warrant for his arrest had been issued for his failure to appear in court.

In January 2014, Mr. Ahmad finally appeared in court and entered a Not Guilty plea to the minor misdemeanor charges of Failure to Control and Fictitious Plates, as a result of another ticket that he received that month. A search of the dockets for Cleveland Municipal Court resulted in finding the four other active criminal cases involving Mr. Ahmad. Upon entering a plea of not guilty, all of the cases were assigned to one judge for disposition pursuant to the Individual Judge Assignment Local Rule.

Prior to his court date before the judge, Mr. Ahmad was again stopped for the sixth time in less than six months by the police and charged with Driving with a Temporary Permit without a Licensed Driver (M1) and Fictitious Plates (MM). That case was also assigned to the same judge as the others. At his first court appearance before the judge, with six pending cases, three of them being license charges that carried

possible jail time, Mr. Ahmad requested a continuance. The judges in Cleveland Municipal Court will often give a continuance to allow a defendant facing possible jail time an opportunity to speak with an attorney and to get a driver's license if able. Mr. Ahmad failed to appear in court on the continued date and the judge set bonds. Five Thousand dollar bonds were set on the three cases with license charges and One Thousand dollar bonds were set on the remaining three cases with minor misdemeanor violations. The Clerk's office also notified the Ohio Bureau of Motor Vehicles about Mr. Ahmad's missed court appearances which resulted in warrant blocks on all of the cases, meaning that Mr. Ahmad would not have been able to renew his driver's license if he needed to and would not have been able to register his car. From February through July, Mr. Ahmad was "wanted" by the police.

On July 31, 2014, Mr. Ahmad appeared at the Historic Greater Friendship Baptist Church for the In the Neighborhood event. Although the Clerk's staff was not empowered to lift Mr. Ahmad's warrants, they were able to give him a new court date to appear before the judge. Additionally, they were able to provide him with a "In the Neighborhood' 2014 Participant" form to show the police in the event that he was subsequently stopped. While the form is not necessarily a "get out of jail free" card, the police, in their discretion, could determine whether or not to arrest someone in light of their scheduled court appearance based upon their participation in the program. Mr. Ahmad had been fortunate not to have been arrested on any of the occasions that he was stopped after receiving the first ticket. The police are actually supposed to verify warrants each time that they stop someone for a traffic infraction and would generally

be responsible for making an arrest if they found outstanding warrants. The fact that Mr. Ahmad was never arrested is a separate problem that both compounded as well as beneficially delayed Mr. Ahmad's situation.

Mr. Ahmad had to have had a great sense of relief after his court appearance in August 2014. Of the ten charges pending, eight of them resulted in a Nolle Prosequi by the Prosecutor and he was sentenced to the remaining two charges as follows: for the case where the only charge was Fictitious Plates, Mr. Ahmad changed his not guilty plea to a plea of no contest which is not an admission of guilt but is an admission of the truth of the facts alleged in the complaint. He was found guilty of the charge and sentenced to the maximum amount allowed by law, which is \$150. However, the judge suspended \$100 of the fine and also found him indigent and therefore suspended all of the court costs, leaving only a fine of \$50. In the last case where Mr. Ahmad was cited for Driving with a Temporary Permit without a Licensed Driver, Mr. Ahmad also changed the not guilty plea to a no contest plea to that first degree misdemeanor charge. He was found guilty of the charge and again sentenced to the maximum penalty under the law: \$1,000 fine and 180 days in jail. However, all of the days were suspended as well as \$900 of the fine. That same day, Mr. Ahmad paid both of his fines and the warrant blocks on all of the cases were released.

The outcome of the cases in these three examples illustrates the judicial discretion exercised by the judges and the benefit received by those defendants who were seeking to get their lives back on track by voluntarily surrendering at the In the Neighborhood events. The outcomes may be more severe for those defendants who

continue to stay on the run until they get caught and are arrested for having outstanding warrants.

Everyone Deserves the Benefit of In the Neighborhood

For several years, certain defendants who did not go through In the Neighborhood were at a disadvantage when it came time to get a new court date. Unlike the In the Neighborhood participants, they would have to post the bond in the Clerk's Office, if one had been set when they missed their last court date, before they could get a new court date. Realizing this unfairness, the Judges unanimously agreed to bring the "In the Neighborhood" concept to the Clerk's Office. This program allowed certain defendants who did not have violent misdemeanors to get a new court date at the Clerk's office without having to post a bond (See Appendix B).

Literature Review

Community Courts

Since the early 1990's, courts have focused on the notion of problem solving and restorative justice. The need to decrease the number of people incarcerated and to increase public confidence in the judicial system led to the creation of the Midtown Community Court in 1993. Defendants charged with quality of life offenses, such as prostitution, shoplifting, vandalism, farebeating, graffiti, and illegal vending that occur in the Times Square, Clinton, and Chelsea areas of New York City are arraigned in the Midtown Community Court. The use of alternative sanctions is the key feature of the court. Instead of sentencing a defendant to jail, the judge may sentence a defendant to enroll in a treatment program, perform community service in the neighborhood, or attend a health education course. (NY Courts.gov) The alternative sentencing options allows the defendant to pay back the community for his criminal conduct in addition to receiving help for personal problems underlying the criminal behavior. (Center for Court Innovation)

Following the model of the Midtown Community Court, the Redhook Community Justice Center opened in 2000 in a vacant schoolhouse in the Red Hook neighborhood in Brooklyn, New York. The Justice Center seeks to integrate the functions of a court with the types of treatment and preventive services typically found in a community center. The Justice Center provides on-site social services that address drug abuse, poverty, family violence, unemployment and education. Additionally, community

mediation services and job training programs are available for defendants, victims and members of the Red Hook Community. (Lee, 173)

There are currently dozens of cities around the world that have opened or plan to open community courts based on the model of the Midtown Community Court. The model to be followed includes the following: Making Justice Visible – defendants pay back the community through visible community service projects like painting over graffiti, sweeping streets and cleaning local parks; Making Justice Swift – defendants begin their sentences within 24 hours of appearing before the judge which sends the message to the defendants that crimes have consequences and they will be held accountable for their actions; Engaging New Partners – creative and collaborative solutions to neighborhood problems are formulated by the court, local residents, businesses, social service providers and other governmental agencies; Offering Social Services – the court uses the arrest as a “gateway to treatment” by engaging defendants in on-site mental health and drug treatment and job training; Providing Better Information – the use of state of the art technology allows the judge to expeditiously create individualized sanctions for each offender and monitor compliance in addition to providing police officers with regular feedback about the outcomes of the cases. (Center for Court Innovation)

Ability to Pay

There are horror stories across the country about people who go to jail because they failed to pay their fines and fees associated with their criminal cases. In Augusta,

Georgia, a man was sentenced to 12 months in jail after he stole a can of beer worth less than \$2 because he could not afford to pay the cost for an electronic monitoring bracelet that would have allowed him to be released on probation. In Grand Rapids, Michigan, a homeless Iraq War veteran spent 22 days in jail because he only had \$25 when he went to court for a charge the equivalent of disorderly conduct or trespassing which are low level misdemeanors. He got drunk with his friends and climbed into an abandoned building. In each of these instances, they were not sent to jail as punishment for the crimes committed, but because they could not pay the fine.

(Shapiro)

National Public Radio, with the assistance from NYU's Brennan Center for Justice and the National Center for State Courts, conducted a year-long investigation that included interviews with lawyers, judges, defendants, government officials, advocates and other experts. They found that:

- Defendants are charged for government services that were once free- including those that are constitutionally required, like the right to be represented by an attorney. Poor people sometimes decline the use of a public defender to avoid having to pay an extra fee.
- Poor people sometimes go to jail when they fall behind paying their fees, and actually have to pay the costs of room and board for staying in jail.
- Since 2010, 48 states have increased criminal and civil court fees.

- In 1983, the U.S. Supreme Court ruled in Bearden v. Georgia, 461 U.S. 660 (1983), that people cannot be sent to jail for being too poor to pay fines and fees. The Court found that only those who had the money and “willingly” refused to pay could be sent to jail. Courts across the country have reached different conclusions about who is too poor to pay. Judges have been known to tell defendants to stop smoking or give up their cell phone service and use the money to pay their fines and court costs.
- In every state, with the exception of Hawaii and the District of Columbia, courts charge defendants to wear electronic monitors. This means that defendants with money are allowed to go home but defendants without money go to jail. (Shapiro 5/14)

Many fees can be waived for indigent defendants but the preference among judges is to give a payment plan. (Shapiro) Courts may also add extra fees when payments are not paid by the due date and some even charge interest. (Shapiro) In Washington State, for example, courts add 12% interest on court costs in felony cases that commences from the date of judgment until all fines, fees, restitution and interest are paid in full. For someone who is poor, the debt may never go away. (Shapiro)

An American Civil Liberties Union (ACLU) of Ohio report released in April of 2013 found that municipal court judges in several counties were sending people to jail who could not afford to pay fines or court costs despite the 1983 U.S. Supreme Court ruling and Ohio law. In many cases, the ACLU of Ohio found that many judges were under

pressure to collect fines from defendants to pay for their courts' operations. As a result of the report, the Ohio Supreme Court launched a campaign to educate judges about the law by sending every municipal court judge in the state a laminated bench card that explains the law and stepped up training for judges, probation officers, and court employees. According to the ACLU, the Ohio Supreme Court has done more than any other state supreme court to address the issue of jailing debtors. (Pelzer)

Many of the municipal courts criticized in the report took action: Sandusky Municipal Court recalled more than 70 warrants for failure to pay fines; Mansfield Municipal Court released 11 people from jail; Norwalk Municipal Court credited 163 debtors a total of \$180,000 for the combined 3,600 days they were incarcerated. (Pelzer)

Cleveland Municipal Court recently took an "in-depth look" at its procedures to ensure that no one is jailed illegally and made some modifications to its business practices. Previously, a person sentenced in Cleveland Municipal Court who did not pay the fine either received a walk-out capias for not paying his fine by 5:00 p.m. the next day after appearing in court, or a time to pay capias for not paying by the due date after receiving additional time to pay the fine. In either instance, an arrest warrant was issued for that person. However, in Administrative Order No. 2014-016, filed with the Clerk of Court on August 18, 2014, Judge Ronald B. Adrine, Administrative and Presiding Judge of Cleveland Municipal Court ordered that:

"[N]o person shall be imprisoned due to their inability to pay a fine or costs levied by this court. Any defendant found unable to pay by the court shall be afforded the opportunity to perform community service work commensurate to the fine

assessed, up to a maximum of 500 hours in any given case. Any defendant found able to pay the assessed fine or fines who refuses to do so, despite the court's directive, may be ordered committed to the Cleveland House of Correction, or other detention facility, and held in custody in satisfaction of the fine(s) imposed. Any person imprisoned ... shall receive credit upon the fine(s) at the rate of fifty (50) dollars per day or fraction of a day...." (See Appendix F)

Defendants who do not pay their fine and costs by the due date are referred to the Clerk of Court for collection. No longer is a warrant for their arrest issued. The fear of being arrested for having outstanding fines and no money to pay them should be eliminated. Similarly, defendants should not be afraid to go to court because they do not have money to pay a fine. Alternative methods of satisfying the debt are available in Cleveland Municipal Court.

Although judges and magistrates have discretion in the fine they impose for a certain offense, the Cleveland Municipal Court's case management system allows a person to see what the fine could be for a particular case before they come to court. In Cleveland Municipal Court, basic court costs for most cases are \$141. The minimum fine for most traffic cases is \$55. This means that the fine and costs for a basic traffic offense are \$196 on a first appearance. Defendants who look their case up in the court computer system before coming to court have an idea about how much they could be expected to pay.

There are signs in each courtroom to indicate that the fine and court costs are due on the court date. Some judges or magistrates will allow a defendant to perform a certain number of community work service hours to satisfy the fine and court costs if they are unable to pay or they may extend the time to pay 30-60 days.

Reminders as a Way to Reduce Failures to Appear

For those defendants who received a new court date following their appearance at Fugitive Save Surrender or In the Neighborhood, it would have been nice if they also received a reminder notice to come to court before their next court date. Research funded by the National Institute of Justice has shown that changes to the standard operating procedures in a court may help reduce failures to appear. After studying the effectiveness of written reminders of the court date as a way of reducing misdemeanor's failure to appear in court, the authors recommended that Nebraska courts adopt a written reminder program for defendants and engage in outreach to increase offenders' trust and confidence in the judicial system. (Bornstein)

Using principles of procedural justice, the authors looked at four scenarios to test the effectiveness of different types of reminders: no reminder; reminder only; reminder with information on the negative consequences of failing to appear; or a reminder with information on sanctions as well as procedural justice benefits. They concluded that more substantive reminders that addressed procedural justice concerns had more effect than a simple reminder. (See Appendix G)

“Procedural justice theory has developed from scholars' desire to understand the process-related factors that influence individuals' acceptance of outcomes and decisions from authorities, even when those outcomes may not be favorable to the individual. Individuals are more likely to accept adverse outcomes and follow unwanted directives when they perceive the process to be procedurally fair”. (Tyler) The study

found that defendants' lack of trust and confidence in the judicial system and their perception of procedural justice was directly related to their appearance or failure to appear in court. Defendants who had less trust in the courts were less likely to appear than those with higher trust when there was no reminder. (Bornstein)

The study showed that the failure to appear rates for minority defendants was higher than white defendants and explained that this is likely because minorities have lower levels of trust and confidence in the courts. (Bornstein) With this thought in mind, the study sought to change expectations of procedural justice before defendants made their first court appearance. The written reminder notice, therefore, contained the consequences of failing to appear as well as the benefits of coming to court. (See Appendix G)

A cost-benefit analysis was also a part of the study. The costs of failures to appear include the costs of labor in issuing warrants, arresting defendants, investigating unresolved warrants and incarceration. The benefits of reducing failures to appear are the cost savings associated with those activities based on the salaries of court personnel including the judges, clerks and probation officers. There are also costs associated with mailing the reminder notices and the labor involved in preparing them. The conclusion was that the labor benefits from eliminating even one failure to appear are substantial, especially for courts with high rates of arrests for defendants with failure to appear warrants. (Bornstein)

Procedural Fairness

“The perception of unfair or unequal treatment ‘is the single most important source of popular dissatisfaction with the American legal system”. (Burke & Leben) Research has shown that regardless of whether they “win” or “lose” their case, litigants are more likely to comply with court orders and follow the law in the future when they feel they have been treated fairly. (Center for Court Innovation) Increased compliance with court orders and decreased recidivism by defendants will occur if judges act, speak, and respond to the public’s expectations of procedural fairness. (Burke & Leben)

Professor Tom Tyler of Yale Law School, a leading researcher on the topic of procedural fairness, has identified several critical dimensions that contribute to procedural fairness: (1) voice – the litigants’ perception that their side of the story has been heard; (2) neutrality – the litigants’ perception that the decision making process is unbiased, transparent and trustworthy; (3) respectful – the litigants’ perception that the judge, attorneys and court staff treat them with dignity and respect; (4) understanding – the litigants’ comprehension of the language used in court and the decisions that are made; and (5) helpfulness – the litigants perception that judicial officials are interested in their personal situation to the extent allowed by law. (Tyler) Procedural fairness serves to bridge the gap in the differences in people regardless of gender, age, race and economic status.

When all the dimensions of procedural fairness are present, litigants consistently report higher perceptions of fairness and public trust in government institutions and as a

result, are more likely to be compliant. As a result of procedural justice, litigants in problem solving courts rate the fairness of the process much higher than litigants in traditional courts and therefore, recidivate at lower rates. (Frazier)

Navigating the courthouse, its rules and procedures can be daunting and stressful for many litigants, victims and members of the public. Words like “understanding” and “respect” are not routinely associated with a typical trip to court. Once in the courtroom, legal jargon and acronyms often restrict the conversation to all but the most seasoned criminal justice players. For a typical non-legal professional observer, it is not uncommon to watch a case unfold and not really know what just happened. As Malcolm Feeley, author of the seminal “The Process is the Punishment” (1982) has observed: “I’ve sat in courtrooms in Sweden and Germany and had a better sense of what was going on, even with only a smattering of the language, than I do in many American arraignment courtrooms.” (Feeley)

Different populations feel differently about the court system. African-Americans generally believe that the outcome of their case is less fair than Hispanics and Caucasians. As a result, they are less compliant with court orders. Unfortunately, their perception may be reality based given that statistics show that they are 4.8 times more likely to be incarcerated and are generally given much harsher sentences than white defendants. (Burke & Leben)

Using some of the attributes of community courts, the Clerk of Cleveland Municipal Court launched the In the Neighborhood program to address ability to pay, procedural fairness and specific techniques to reduce failure to appear among

misdemeanor defendants. This study was designed to assess the outcomes of this innovation.

Methodology

From April through September 2014, Clerk of Court Earle B. Turner and his team of specialists went to ten locations in and around the City of Cleveland and set up temporary remote locations that would assist people with active warrants. Five of these locations had already completed the program by the time of this project. The focus of this research is the remaining five locations. (See Appendix C)

At each of the locations throughout the city, the team was able to serve the first 100 people who came, with the exception of the larger Word Church locations where the first 300 people were serviced. Surveys were distributed to every participant that attended the five In the Neighborhood events between July and September. Of the approximately seven hundred people who attended the events, 536 people responded to the survey. Additionally, with the exception of one location, site visits and observation of operations were conducted at In the Neighborhood events.

Participants were given a clipboard with an information sheet and a copy of the survey to complete while they waited to be served. After they completed the paperwork, a member of the Clerk team collected the paperwork and forwarded it to another team member for processing. The surveys were kept separate from the other In the Neighborhood documentation.

There were two versions of the survey. (See Appendix D & E) The first survey was modified based on the responses after the first event. For example, the first survey asked the participants to identify their racial background. With the exception of three

participants specifically identified in the survey responses: one Native American, one bi-racial (which was not an option), and one Caucasian, all of the participants were African-American. Based on the fact that the majority of people attending the events were African-American, this question was eliminated.

Another question in the first survey asked “How many outstanding cases do you have?” This question was also eliminated following discussion with the Clerk staff because many people who attend the In the Neighborhood events really don’t know how many cases they have.

The language of a few questions was also modified. In the first survey, participants were asked: “[H]ave you ever been a party to a legal matter before?” There were three follow up questions to be answered if they answered yes to that question but the follow-up questions were not separately numbered. Of the 89 people who responded to the first survey, 33 responded that they had not been a party to a legal matter before but still answered the three follow up questions. For purposes of computing the data, those persons were treated as if they responded to the first question in the affirmative, thereby making a total of 63 people who had been to court before.

The second survey, however, changed the question to read: “[H]ave you ever been to court before? (witness, defendant, filed a lawsuit, etc)”. In bold print the following statement after that question read: **“Please answer questions 10, 11 and 12 only if you answered yes to Question 9”**. This modification resulted in only 20 people responding to the follow up questions although they previously indicated that they had

not been to court before. For purposes of computing the data, including those persons who initially responded that they had not in the first question, 413 responded that they had prior court involvement.

The first survey asked the participants to “select no more than one” answer about why they came to the event that day. Because so many people in the first survey indicated more than one reason for attending, the second survey was modified to read: “select all that apply”.

The survey included questions on both sides of the paper. Although there was an arrow at the bottom of the first side instructing participants to “[T]urn over” the paper for the remaining questions, 68 participants did not answer any questions on the second side. The questions on the second side asked questions specific to the location of the event such as: “[I]n making your decision to come to court today, how important to you was it that the location was a church?”; “[W]ould you have come to court on your first court date if the location had been different?”; and “[I]s this location closer to your house than the Justice Center (the courthouse)?” The addition of “(the courthouse)” was added to the second survey in case people did not know that the “Justice Center” is also the courthouse. The remaining questions on the second side dealt with prior court involvement, if any, with follow-up questions concerning procedural fairness.

The surveys for all five events were tabulated together since the particular location of the event did not have any effect on the outcome of the case.

Findings

Finding 1: Demographic Characteristics of Individuals Who Came to In the Neighborhood

The survey showed that fewer females than males were in need of the assistance provided by In the Neighborhood although the number of women attending was still significant. Fifty-five percent of the survey respondents were male compared to forty-five percent who were female. (Figure 1) The ages ranged from 18 to 74, with a mean of 38. The overwhelming majority of participants were high school graduates. (Figure 2)

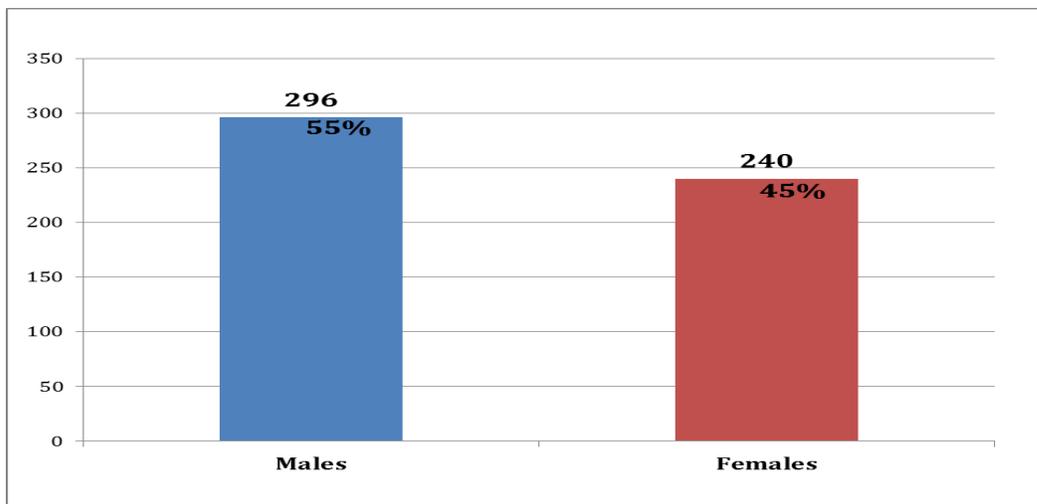


Figure 1. Gender

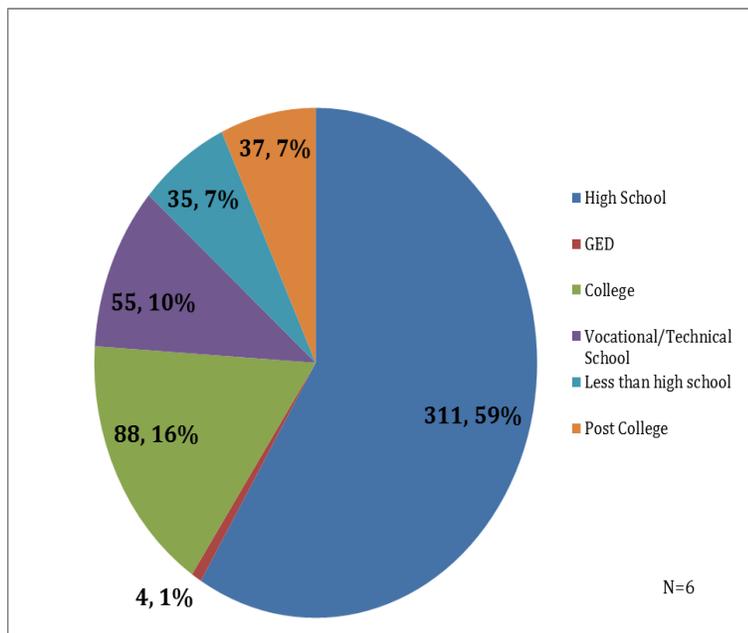


Figure 2. Highest Level of Education Achieved

Finding 2: Why Defendants Fail to Come to Court on Their Initial Court Date

The most common reason people gave for not coming to court on for their first court date was because they did not have money to pay their fine. (Figure 3) Although not an option for a response, some people indicated in the Other category of the survey that they actually came to court for their first appearance and were sentenced to a fine that they could not pay.

The second most common reason given for not coming to court on the first court date was a conflict in the court date. (Figure 3) Although respondents were not asked to identify the conflict, some respondents who answered in the Other category gave reasons which could be considered a conflict such as already in jail on the court date,

medical issue, and death in family. These responses, however, were not tabulated as a Conflict response.

Other reasons for not coming to court for the first court appearance were: afraid of arrest and forgot the court date. Fewer people responded that they did not have transportation. (Figure 3)

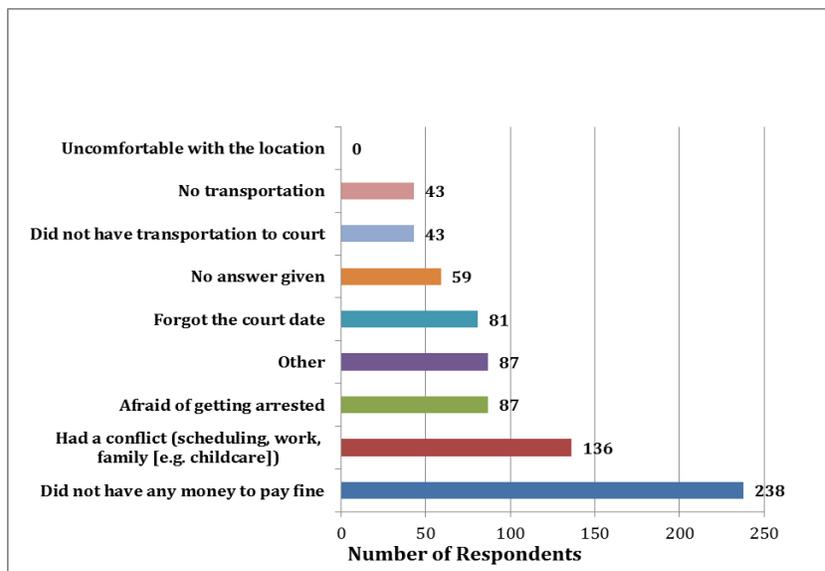


Figure 3. Why Do Defendants Fail to Come to Court?

Finding 3: Reasons for Coming to In the Neighborhood

The most common reason cited by In the Neighborhood participants for coming to the event was the need to get a driver's license followed by wanting to avoid additional penalties. (Figure 4) The next most common reasons were that they felt they should obey the law and knew they would not get arrested. Fewer people expressed that their reason for coming was because they felt better about the location and even less came because they wanted to tell their side of the story. (Figure 4)

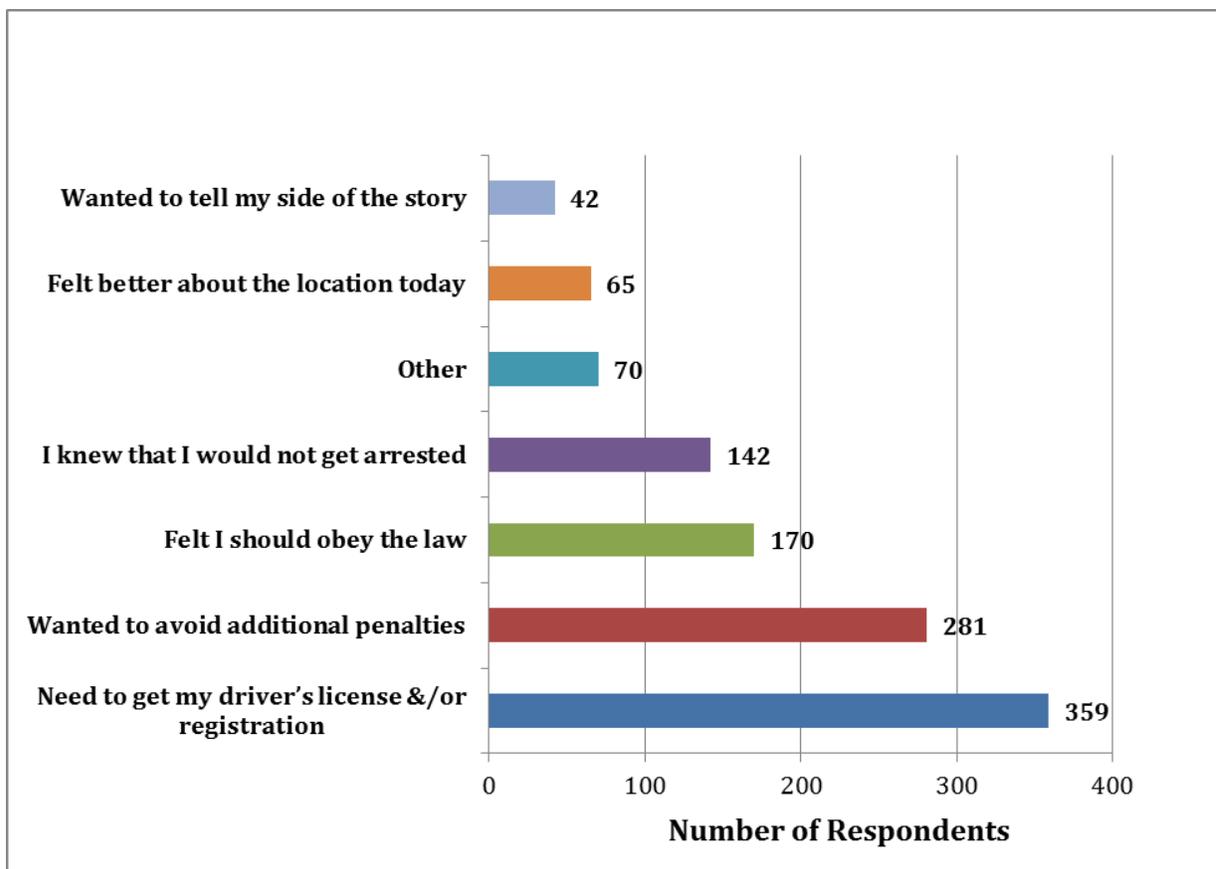


Figure 4. Reasons for Coming to In the Neighborhood

Finding 4: The Importance of the Location

In determining whether defendants would be more inclined to come to court on their initial court date if the location of the hearing was somewhere other than the Justice Center such as a church, store front building or community center, participants were asked three questions specific to the location of the In the Neighborhood events.

More respondents than not responded that the location of the church was closer to their house. (Figure 6) Yet, the location of the church relative to where they lived did not seem to be a determining factor in their decision to come to a church since the majority of the respondents indicated that they would have come anywhere. (Figure 5) The combined totals of those who responded that they would have only come to a church and that they strongly preferred a church was 40 percent compared to the 60 percent of people who indicated that they would have gone anywhere. (Figure 5) Several of those who responded that they would have gone anywhere, however, did write on their forms that they still liked coming to the church.

Those who missed coming to court on their first court date because of a conflict likely still would not have been able to come on their first court date regardless of the location. The majority of the respondents (46 percent), however, indicated that they would have come if the location had been different. (Figure 7) They cited the church as their preferred location, followed by a community center and then a local school. (Figure 8) Some still responded that it did not matter where the location was, the inference

being that they would have come anywhere other than the Justice Center or those responses could have related back to those who responded that they would have come anywhere.

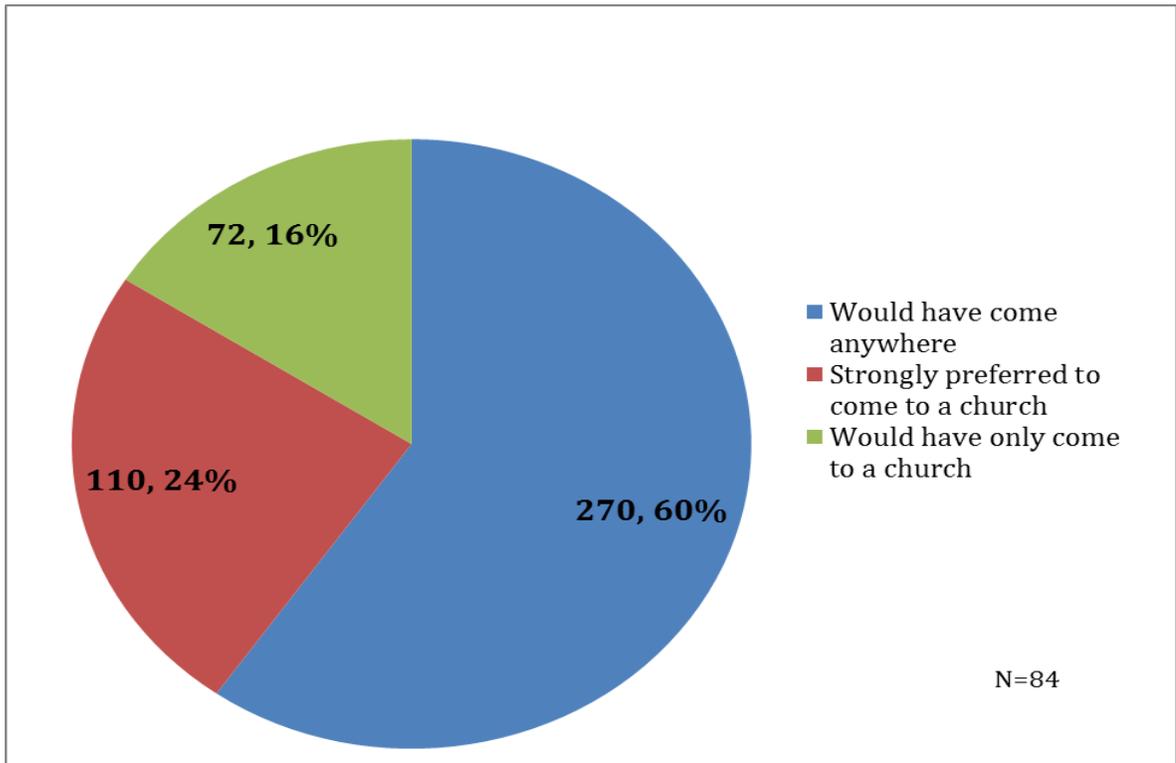


Figure 5. How Important Was Church as a Location?

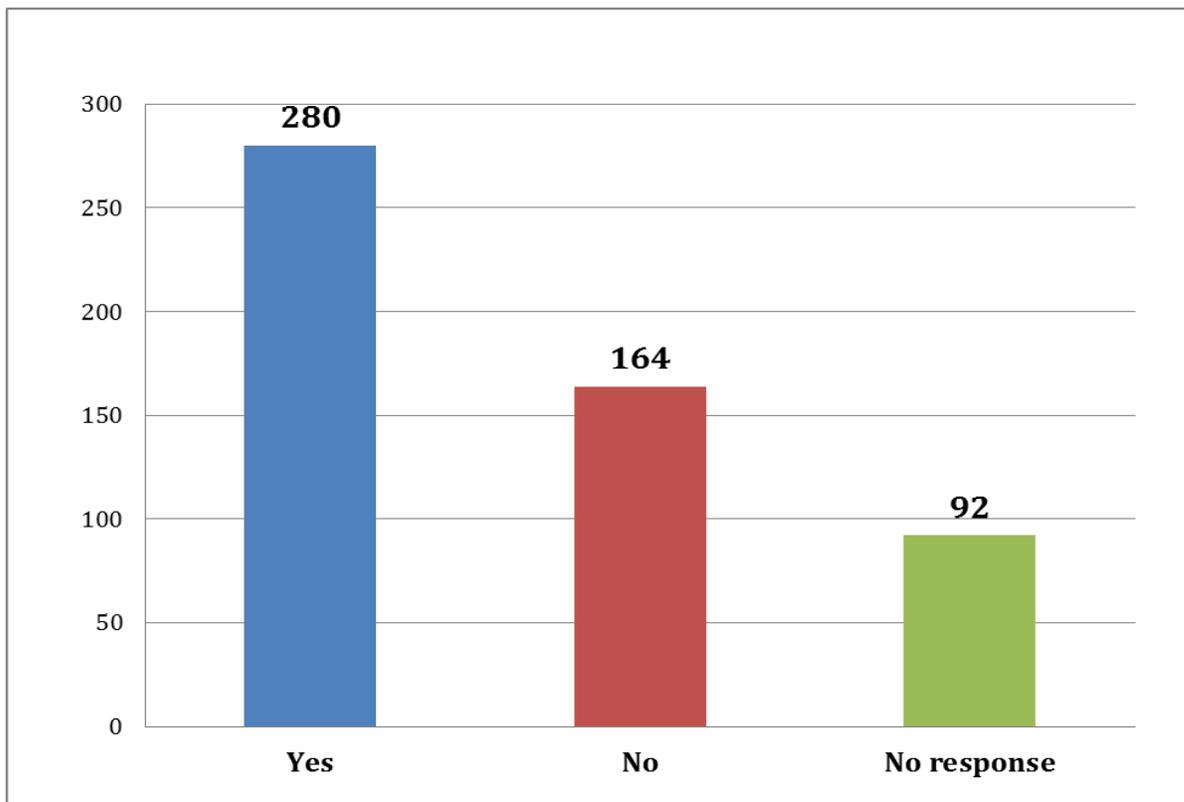


Figure 6. Is this Location Closer to Your House than the Justice Center?

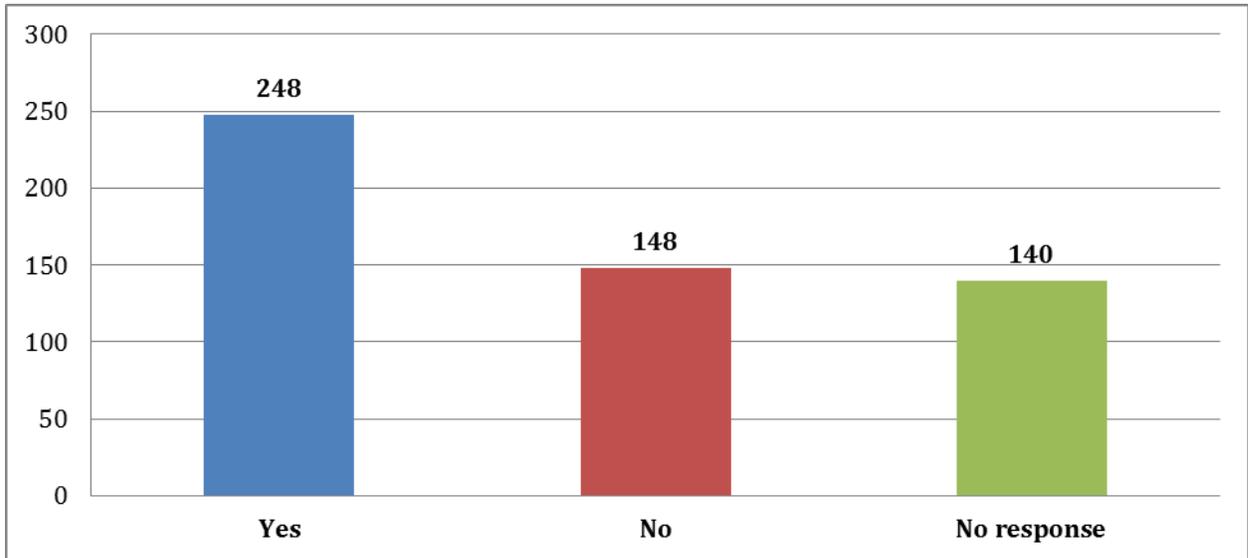


Figure 7. Would You Have Come on Your First Court Date if the Location Had Been Different?

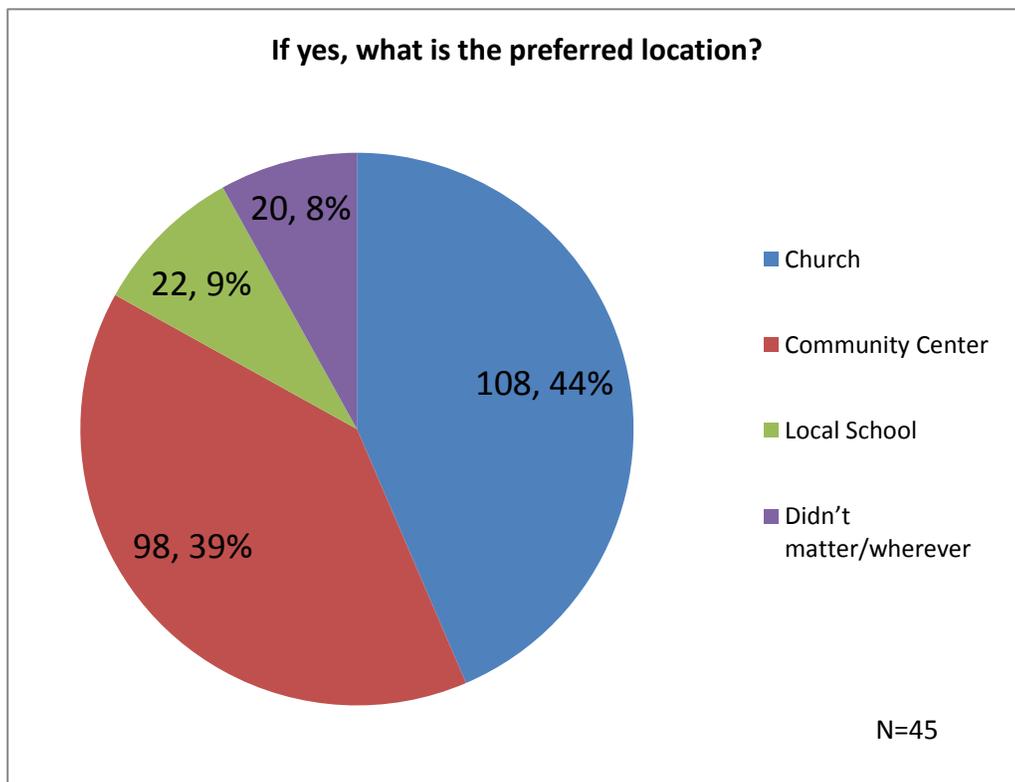


Figure 8. If Yes, What Is the Preferred Location?

Finding 5: Procedural Fairness

The majority (66 percent) of people who attended In the Neighborhood events have had previous involvement with the Court. (Figure 9) Their perception of fairness is positive. Seventy four percent felt at least somewhat that the judge listened to their side of the story before a decision was made. (Figure 10) Seventy five percent felt at least somewhat that the case had been handled fairly. (Figure 11) Seventy two percent felt at least somewhat that the judge had the information necessary to make a good decision. (Figure 12) Between 25 and 28 percent responded that their experience in court was negative. (Figures 10-12)

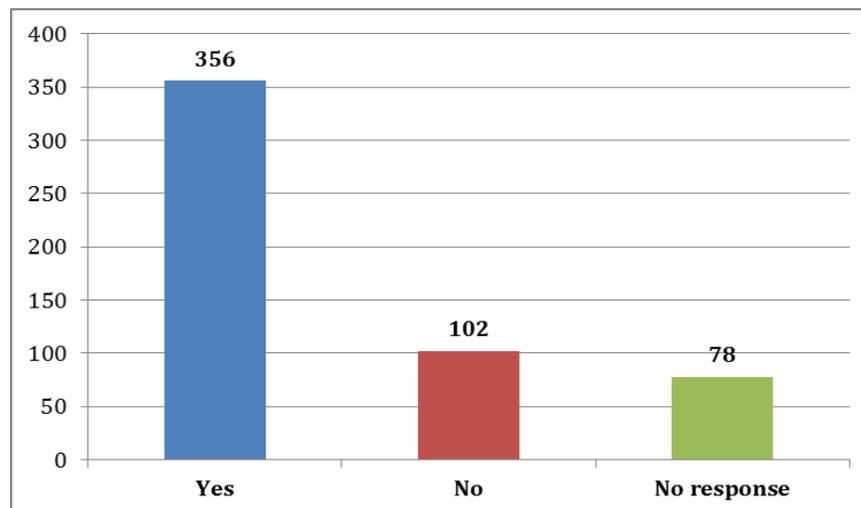


Figure 9. Have You Ever Been a Party to a Legal Matter Before?

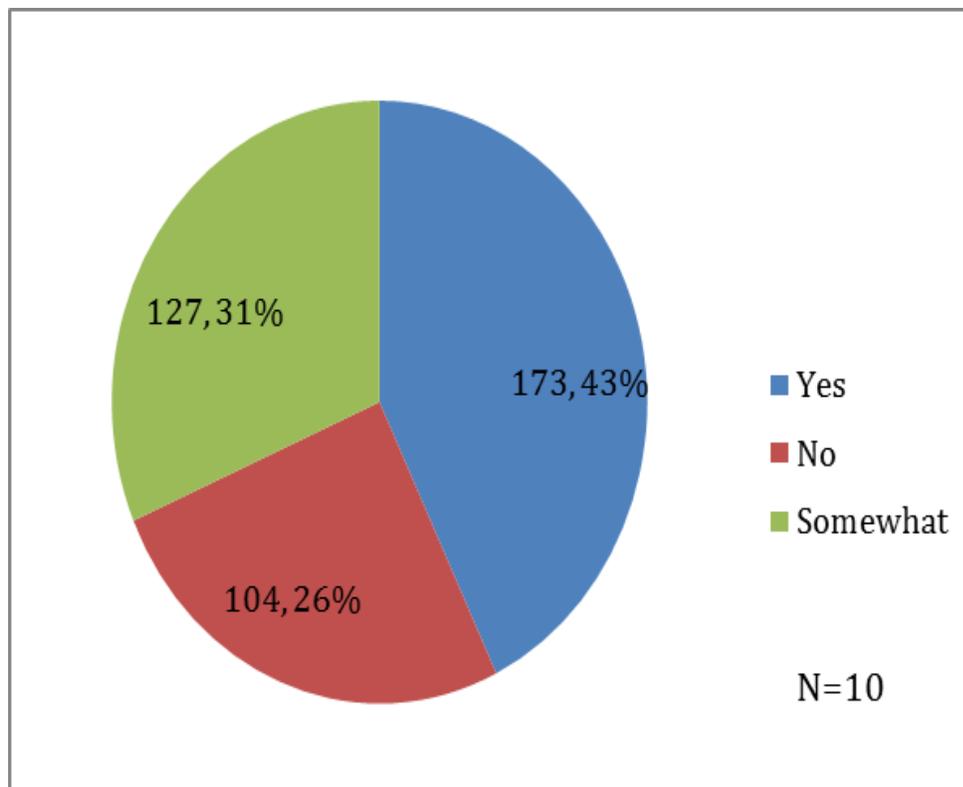


Figure 10. Felt the Judge Listened to Their Side of the Story

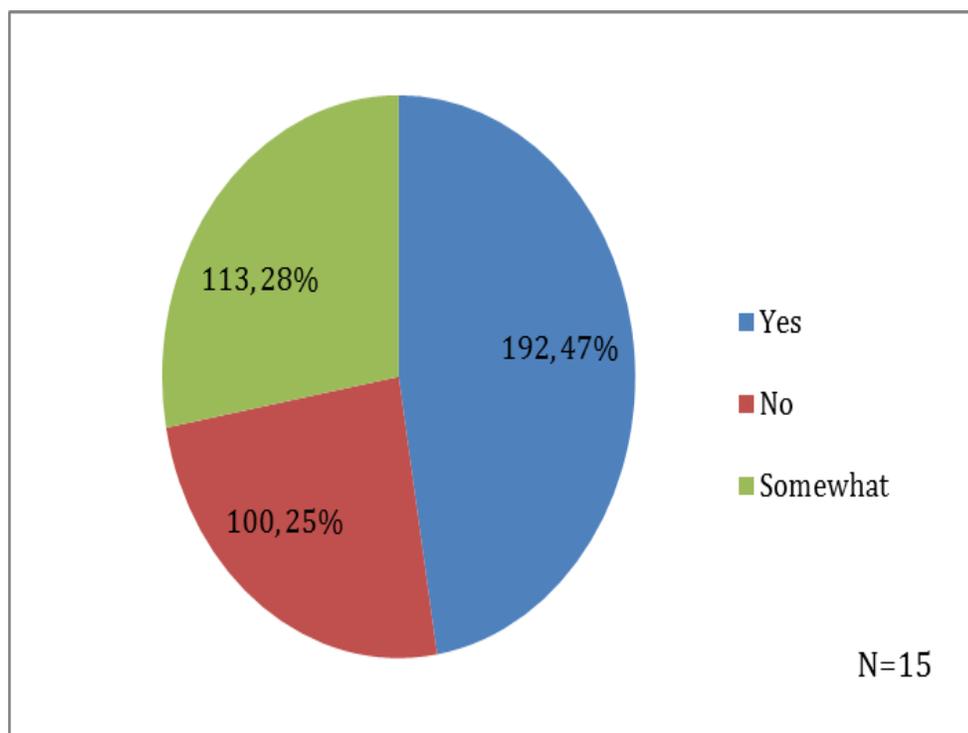


Figure 11. Felt the Case Was Handled Fairly

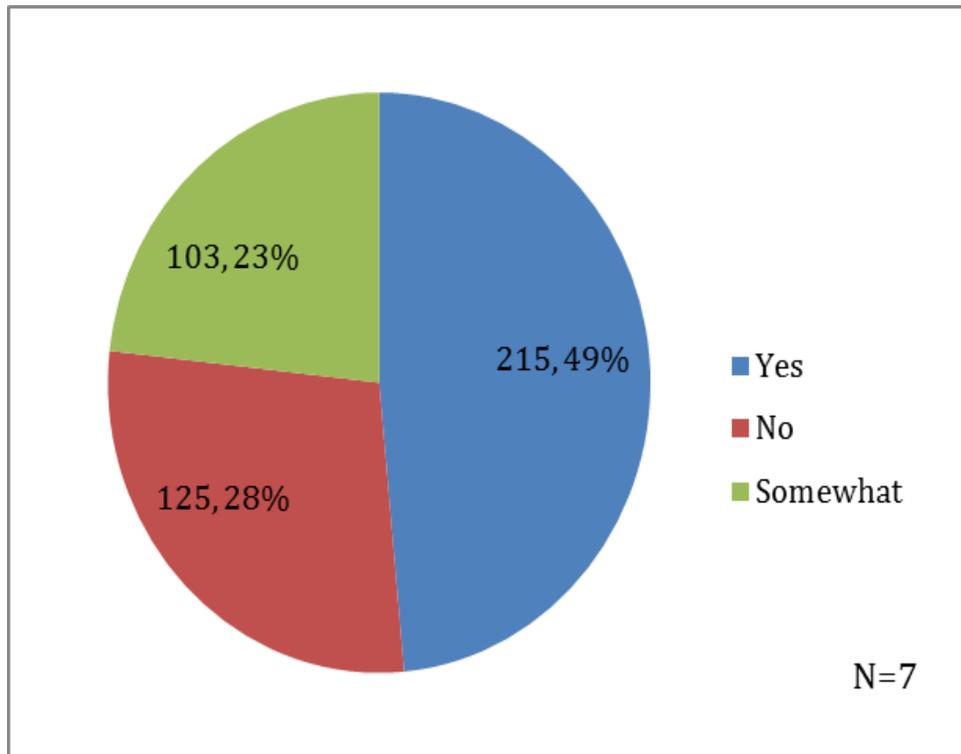


Figure 12. Felt the Judge Had the Information Necessary to Make a Good Decision

Conclusions and Recommendations

Conclusion 1: Defendants May Be More Inclined to Come to Court on Their Initial Court Date If the Location of the Hearing Was Somewhere Other than the Justice Center, such as a Church, Store Front Building or Community Center

In 2014, Cleveland Municipal Court had over 54,000 cases with outstanding arrest warrants and uncollected fines and costs totaling almost ten million dollars. The failure to appear rate in 2014 alone was just slightly less than 25 percent. There can be no doubt that improvement is needed in reducing the failure to appear rates in Cleveland Municipal Court.

Almost two-thirds of those responding to the In the Neighborhood survey said they would have appeared on their initial court date if the location been different. Forty percent responded that they preferred the church. Although sixty percent of the respondents indicated that they would have gone anywhere, even some of those people indicated that they still liked coming to the church. Given the option of a church, community center or local school, most people preferred the church. Conveniences like parking, evening or weekend hours, and a location closer to home are also factors to entice people to come.

Recommendation 1: The Court Should Consider a Pilot Program of Holding Initial Appearances at an Off-site Location to Determine if There is Any Reduction in the Capias Rate Compared to Those Who Come to The Courthouse.

Reducing failure to appears by even a few percentage points can improve docket control and reduce the number of defendants who are in jail because they failed to

appear in court. This saves costs for the jail system as well as for the defendants and their families.

Conclusion 2: More Defendants Would Come to Cleveland Municipal Court on Their First Court Date If They Were Aware of the Alternative Sentencing Options Available for Use by the Judges and Magistrates.

Community courts have been successful in large part because of the alternative sentencing options available for the judges. The judges and magistrates in Cleveland Municipal Court also recognize that simply sending defendants to jail or making them pay a fine does not solve the larger social problems and issues. As a result, there are already over a dozen programs and services in place that are designed to help break the cycle of repeat offenses in the community.

Knowledge is power. Unfortunately, people don't know what they don't know. If more defendants were aware of the sentencing options available to the judges and magistrates other than imposing a fine and jail they would feel less threatened about coming to court. Additionally, by coming to court defendants could also get the help that they need to address problems that cause them to repeat their criminal behavior.

Defendants should know that debtor's prisons are illegal. A defendant who is not able to pay a fine and cost on his court date cannot be jailed due to his inability to pay. Likewise, defendants who have been granted time to pay but for whatever reason cannot pay by the due date will not be sent to jail if they are still not able to pay. Judges and magistrates know that there are other sentencing options such as community work service in lieu of the fine and cost or additional time to pay. Defendants need to know that too.

Recommendation 2: More Outreach Efforts Should Be Made to Increase Public Awareness of Programs and Services Available for Defendants as well as Alternative Sentencing Options for Judges and Magistrates as a Means of Reducing Failure to Appear.

Cleveland Municipal Court Judges and staff should use the Town Hall Meetings to educate the public about the programs and services that the court provides.

Discussion could also be had about the available sentencing options for different kinds of cases. Although defendants are probably not the people that normally come to the Town Hall meetings, the relatives and friends of defendants do come. They can share the information with defendants and encourage them to come to court. Two of the reasons that defendants gave for not coming to court were that they could not pay the fine and they were afraid that they would be arrested. If defendants were educated on sentencing options other than fines and jail then they would know that their reasons for not coming to court are not reality.

Conclusion 3: Studies Have Shown that the Use of Reminder Notices Have Helped Reduce Failure to Appear Rates.

Eighty-one survey respondents from In the Neighborhood said they did not come to court on their initial court date because they forgot the court date. If defendants were reminded to come to court in the same way that they are reminded of medical appointments and other scheduled meetings then the failure to appear rate may be reduced.

Recommendation 3: Based on the Information Gathered, Notification Reminders Prior to the Court Date Is a Problem-Solving Option Available for Court Administrators and Judges in Cleveland Municipal Court to Ensure a Better Compliance Rate with Orders to Appear.

Based on the study done about the effectiveness of written reminders, Cleveland Municipal Court judges and administrators should develop some type of reminder notification strategy for defendants prior to their court date. To reduce the number of defendants who fail to come to court because they forgot the court date, consideration should be given to telephone reminders, exploring both the prerecorded telephone reminders as well as a reminder from a “live” individual who could offer a more personal touch and answer questions. Given the success of the In the Neighborhood events where people are dealt with one on one, a personal phone call to remind them of the date may speak volumes in terms of ensuring a court appearance. Email reminders could also be considered as a low-cost option but given the frequency with which individuals change internet and cell phone providers, the regular (snail) mail reminder is probably a more effective written option.

Conclusion 4: At Least 25 Percent of the Defendants Coming to Court Do Not Feel that They Are Treated Fairly and with Courtesy, Dignity and Respect.

At least twenty-five percent of the In the Neighborhood survey respondents felt that they were not treated fairly, the judge or magistrate did not listen to what they had to say, and the judge or magistrate did not have all of the information before deciding their case. It would be unfortunate but this group that responded that their experience in court was negative may likely miss another court appearance before their cases are finally resolved if they continue to believe that the system is not fair. A part of the Cleveland Municipal Court motto is that all individuals having business in the Cleveland

Municipal Court shall be treated fairly, impartially, and with courtesy. The fact that the court is not completely accomplishing its mission demands attention.

Recommendation 4: Cleveland Municipal Court Officials Should Commit to Training the Entire Court Staff on Procedural Fairness Principles.

All court staff should receive training on procedural fairness principles. The training curriculum should model the training program provided by the Center for Court Innovation in partnership with the National Judicial College and the U.S. Department of Justice's Bureau of Justice Assistance and should consist of: the role of procedural fairness; verbal communication; nonverbal communication; the needs of special populations; and the development of action plans to implement procedural fairness in the courtrooms.

Recommendation 5: An Examination of Current Courtroom Procedures and Courtroom Design Should Also Be Made to Determine If They Support the Type of Communication between Judges and Litigants Required to Promote Neutrality and that Allows Litigants to Feel that They Have Been Heard and Respected.

In a high-volume court, like Cleveland Municipal Court is, it is important for judicial officials and court staff to be cognizant of the fact that what people see and hear determines their perception of fairness. In the arraignment traffic courtroom, people are often lined up like a cattle-call. There is little doubt that tactics designed to finish the docket quickly may come at a cost to the perspective of the litigants in the courtroom. It may mean that some of the people involved do not feel that they were listened to and treated with respect. People's perception becomes their reality.

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Appendix A. Outreach Programs and Services Offered in Cleveland Municipal Court

The mission of the Cleveland Municipal Court is to ensure the rule of law, administer justice and to improve public safety, by providing a forum where persons obtain the orderly resolution of disputes and related services; all done in a fair, impartial, professional, courteous and timely manner.

Programs

COMMUNICATION AWARENESS PROJECT (CAP)

The Cleveland Municipal has another tool for supervising defendants who need educational intervention, when anger management and other traditional referrals may not be adequate. The Communication Awareness Project (CAP) will teach conflict resolution skills and civility to individuals who have experienced a negative interaction with peers, neighbors, co-workers, employers, teachers and even strangers. CAP referrals may be appropriate for individuals who have been charged with offenses such as: assault, criminal damaging, menacing, discharging firearms, ethnic intimidation, minor's curfew, vicious dogs and sexual harassment. The two hour class is taught at the Cuyahoga Community College Metropolitan Campus every other month.

COMMUNITY ORIENTATION PROGRAM (COP)

In an effort to improve the relations between the community and police, the Community Orientation Program (COP) was created. Individuals who have been convicted of offenses which resulted in negative interaction with the police are required to attend. COP is an education program which teaches the rights and responsibilities of citizens when they encounter the police. The goal of the program is to educate participants on what they should and should not do when they encounter the police. The two hour class is taught by an attorney and commander of the Cleveland Police. The class provides information from both legal and police perspectives. This balanced approach provides an opportunity for instruction and dialogue between an attorney, police officer and participants. The presence of the police officer allows for a positive exchange with a law enforcement officer in a neutral, non-confrontational environment. The class is taught at Cuyahoga Community College Metro Campus.

DEDICATED DOMESTIC VIOLENCE DOCKET (DDVD)

The Dedicated Domestic Violence Docket/Deferred Judgment Program was established in 2007 under the leadership of Judge Ronald B. Adrine to improve court responses to domestic violence, increase offender accountability and enhance victim safety. This specialized treatment of domestic violence cases has proven to be effective by

coordinated court response with law enforcement, prosecutors, advocates, judges and probation officers. This docket currently serves three of the city's five police districts and will eventually serve the entire city. Three judges are assigned to hear all cases designated as appropriate for the DDVD. Compliance hearings are held for all DDVD cases assigned to probation supervision to ensure that all conditions of probation are being met.

DOMESTIC INTERVENTION, EDUCATION AND TRAINING PROGRAM (DIET)

The Domestic Intervention, Education and Training Program (DIET) began in 2006 with grant funding from the State of Ohio's Department of Rehabilitation and Correction for local community sanction activities. The program was developed and is operated by the Probation Department with the objective of diverting 300 offenders charged with domestic violence related offenses to participate in a psychosocial education program in lieu of incarceration. DIET offenders must attend one, two-hour session per week for 16 weeks. Each session, which averages 15 participants, is being led by two qualified staff facilitators who stress one of the eight themes: nonviolence, non-threatening behavior, respect, support and trust, accountability and honesty, sexual respect, partnership and negotiation, and fairness. The DIET program also serves the Cuyahoga County Court of Common Pleas and 12 suburban municipal courts.

GREATER CLEVELAND DRUG COURT

In 1998, Cleveland Municipal Court accepted a federal grant in the amount of \$385,000 to establish the Greater Cleveland Drug Court. Drug Court, currently under the direction of Judge Lauren Moore, may be offered to a felony offender charged with a fourth or fifth degree level possession of a controlled substance, who has only one non-violent felony conviction and is chemically dependent. Defendants are required to enter a plea of guilty to a first degree misdemeanor. The sentence is held in abeyance pending successful completion of the program. Upon successful completion of drug court and payment of a supervision fee, a participant's guilty plea is vacated, the charge(s) dismissed and the case sealed or expunged. The drug court offers substance abuse prevention, treatment and recovery support assistance provided by contracted providers certified by the Ohio Department of Alcohol and Drug Addition Services. Services include outpatient, intensive outpatient, residential treatment and recovery support. If needed, mental health treatment services are also available. As a sanction-based program participants are randomly drug tested at least once per week for a year to ensure abstinence. Over 1400 people have successfully completed the Greater Cleveland Drug Court Program.

GET ON TRACK (GOT)

Recognizing the link between the lack of education and crime, the Cleveland Municipal Court has partnered with several education providers and other community agencies to launch a "school, not jail" initiative, called Get on Track (GOT) in 2006. These

organizations include, among others, Cuyahoga Community College, Project LEARN, Seeds of Literacy and Employment Connection to develop a holistic approach to enable young men and women become responsible adults and law-abiding contributing members of society. This unique program emphasizes the importance of having a basic education, sustained employment, meaningful life skills, good character and positive attitude. It also encourages and facilitates the participants to acquire a valid driver's license and insurance. Averaging 35 referrals a month, over 400 people have graduated from the Get on Track program, which now gets participants from East Cleveland, Bedford, and the Cuyahoga County Common Pleas Court.

HUMAN TRAFFICKING DOCKET

In an effort to deal with the growing amount of human trafficking cases, the judges voted to establish a specialized docket under the direction of Judge Marilyn B. Cassidy. Possible victims are screened and referred to Judge Cassidy's treatment team, which includes substance abuse, trauma counseling, housing, education and advocacy. Law enforcement is also involved to aid in tracking down the traffickers themselves.

MENTAL HEALTH DOCKET

The Mental Health Docket operates in cooperation with area community health agencies to provide intensive supervision to offenders living with the challenges of mental illness. The Cleveland Municipal Court has recognized the need for behavioral health services for clinically diagnosed mentally ill and/or developmentally disabled offenders to remain in the community and function as healthy, law-abiding citizens and to reduce the likelihood that they will come back into the criminal justice system as offenders. The judges identify defendants with possible mental health issues, and an assessment of the defendant probationer is made via in-depth interview by the Court Psychiatric Unit to determine whether the defendant is a candidate for the Mental Health Docket, currently under the direction of Judge Ed Wade, by the Cleveland Municipal Court Probation Department.

If eligible, after placement into the program the offender may be linked to a variety of community programs and agencies with the assistance of specially trained Probation Officers. Certain offenders may be offered a full range of services provided by agency providers, including forensic psychiatry, medication management, intensive outpatient substance abuse treatment for dually diagnosed offenders, partial hospitalization services and support services.

MOCK TRIAL

The annual Mock Trial Competition, sponsored by the Cleveland Municipal Court, the Cleveland Metropolitan School District and the Metropolitan Bar Association, will be going into its 20th year. The program, under the direction of Judge Lauren C. Moore, involves 350-400 Cleveland students and their teachers who end up spending an entire day at the Justice Center presenting both sides of a hypothetical case that is based upon similar cases before the court, such as stalking, driving under the influence, and children getting access to firearms. The ultimate aim of the Mock Trial Competition is to improve student listening, speaking and reasoning skills.

REDIRECTING OUR CURFEW KIDS (ROCK)

In response to approximately 3,000 day and night minor curfew citations received each year, the Cleveland Municipal Court created ROCK, Redirecting our Curfew Kids, a diversion program for parents or guardians who are issued citations for a minor's curfew violation. Participants are given 90 days to fulfill the requirements, which include one monthly parent meeting, a parent/teacher conference for the child, and four hours of community service for the child at the Boys and Girls Club or City Mission. There is a \$25 dollar fee for the ROCK Program. Successful participation means parents are involved in the school, the child is held accountable for his or her actions and the case will be dismissed.

SELECTIVE INTERVENTION PROGRAM (SIP)

The Selective Intervention Program (SIP), which started in 1984, is a diversionary program for criminal defendants with no prior criminal record or pending criminal cases. It was designed to keep first offenders from being fully immersed into the criminal justice system.

Following completion of its investigation, the Probation Department makes a recommendation to the Court regarding the defendant's participation. An SIP Release/Contract must be signed by the participant agreeing to cooperate and abide by the conditions of the program. SIP, administered by the Probation Department, is an opportunity for successful participants to have their case dismissed by the court to avoid a conviction. Participants must pay the \$200 SIP fee for participation and for the application to seal their arrest record at the completion of the program.

SMALL CLAIMS MEDIATION

Mediation is an alternative dispute resolution program offered by the Cleveland Municipal Court for the parties appearing in Small Claims Court. These are in cases

where \$3,000 or less is being sought. Approximately, half of all contested small claims cases go to mediation and the majority of them are resolved.

Mediation gives parties the chance to sit down with a neutral trained mediator to amicably resolve a dispute. Mediation is voluntary and has many advantages including: resolution of the dispute on the court date; negotiating a payment schedule to avoid collection; a confidential settlement; and an outcome that is satisfactory to both sides. If mediation does not work to their satisfaction, the parties still have access to a trial on the same day.

TRAFFIC INTERVENTION PROGRAM (TIP)

Due to the increase in driver's license violations in the Greater Cleveland area, the Cleveland Municipal Court instituted the Traffic Intervention Program (TIP) in 1998. It started as a pilot program but has now become a pivotal part of Cleveland Municipal Court. The Court values TIP because it increases the number of licensed and insured drivers by allowing them an opportunity and assistance with restoring their driving privileges.

TIP consists of six officers trained and certified by the State of Ohio with the Law Enforcement Automated Data System (LEADS), and linked with the Ohio Bureau of Motor Vehicles via Withdrawal Management System (WMS)

VETERANS TREATMENT DOCKET

The Veterans Treatment Docket, now under the direction of Judge Charles L. Patton, Jr., is a specialized docket that works within the framework of the Cleveland Municipal Court. It is intended to serve court-involved active duty service members and veterans. Other specialty dockets, operated by the court, target probationers with similar behavioral issues and needs such as mental health, alcohol and other drugs, domestic violence and solicitation. The Veteran Treatment Docket, however, deals with probationers whose actions may include a range of needs and offenses. What they have in common is not necessarily their behavior, but their past military service.

By providing a specialized docket, the court increases the veteran's chance of success. Facilitating access to various treatment programs and fostering interaction with other veterans helps to ensure that those who have served receive the services they deserve.

WEED AND SEED

The Cleveland Municipal Court is proud to continue its involvement in the Weed and Seed Program, which is now in its fifth year of operation. The program targets an area to “weed” out criminals and “seed” the area with services and programs that would benefit the community.

The Court recently partnered with the 4th District Mount Pleasant Weed and Seed initiative to afford the parent and child the opportunity to complete the program in the community in lieu of paying the fine and cost. Their program consists of the parent completing a parent workshop and the child completing 10 hours of community service which is a social responsibility training course. This is a national model implemented by the Department of Justice.

SERVICES

Cleveland Justice

The Court has a very successful partnership with Channel 20 in the production of Cleveland Justice, a half hour program that gives viewers an insight on what happens in our courtrooms on a daily basis. A different judge is featured each week and the program airs twice a day. Viewers can gain a better understanding of the courts role in the community.

Interpreters Unit

In recognition of the increasing diversity of our citizenry, the Cleveland Municipal Court has moved forward to enhance the quality of the foreign language and hearing-impaired interpretive services provided to defendants and other individuals involved in the court system. The Courts interpreters are responsible for the accurate interpretation and translation of verbal and written communication from Non-English to English in matters related to judicial proceedings. Court interpreter services provide individuals with Limited English Proficiency (LEP) access to court services and functions by facilitating communications through professionally trained interpreters as impartial officers of the court. Court interpreters are not advocates and therefore, cannot provide legal assistance or advice. Interpreter services are available in Spanish, rare languages and American Sign language.

Interpreter services are available for traffic and criminal misdemeanor arraignments, felony preliminary hearings, driving privilege hearings, small claims court cases,

wedding ceremonies, probation department referrals, psychiatric evaluations, substance abuse assessments, pretrial, jury trial assignments and jurors summoned for the Cleveland Municipal Court. There is no cost for interpreter services.

Town Hall Meetings

The Cleveland Municipal Court remains committed to continuing our annual Town Hall Meetings in an effort to give citizens a forum for expression and raise public consciousness and satisfaction with the court. We have conducted the Town Hall Meetings in conjunction with the Clerk of Courts office, which help promote the gatherings throughout the City of Cleveland.

Appendix B. Administrative Order 2013-06 – In Re: Surrender and Restoration to the Docket

IN THE CLEVELAND MUNICIPAL COURT

STATE OF OHIO
CUYAHOGA COUNTY

JUDGMENT ENTRY REASON FOR JOURNALIZATION ADMINISTRATIVE ORDER
NO. 2013-006

AUG 22 2013

EARLE B. TURNER, CLERK

IN RE: SURRENDER AND RESTORATION TO THE DOCKET

Pursuant to a vote of the judges of the Cleveland Municipal Court, taken at their joint monthly meeting on July 25, 2013, the Clerk of the Cleveland Municipal Court is hereby ORDERED to restore certain defendants who voluntarily appear at his office, having failed to appear previously on outstanding cases, to the dockets of the judges or sessions to whom those cases are assigned.

It is FURTHER ORDERED that the Clerk shall not require qualifying voluntarily appearing defendants to post any new bonds previously ordered by the court as a result of defendants' prior failures to appear.

It is FURTHER ORDERED that the Clerk shall provide to these defendants a document bearing the embossed seal of his office indicating the courtroom and the judge before whom each defendant shall next appear, as well as, the case number(s), date and time of the defendant's next scheduled court appearance on the cases for which these arrangements are made.

It is FURTHER ORDERED that outstanding capiases and warrants associated with the cases affected by this order shall remain in full force and effect pending defendants' appearances in court on any newly assigned court dates.

It is also FURTHER ORDERED that those with outstanding warrants/capiases for felony offenses, violent misdemeanors, and DUI offenses are specifically excluded from the operation of this order, as are those with outstanding warrants pending in other jurisdictions.

It is also FURTHER ORDERED that anyone who previously failed to appear in court following placement on a court's docket by operation of this order, or by operation of the Clerk's "In the Neighborhood" Program shall be required to surrender to law enforcement and post a bond, in compliance with the court's order or the court's bail schedule, as applicable.

This order shall become effective 90 days following its journalization and shall remain in effect until further order of court.

IT IS SO ORDERED.

Date:

8/21/2013



Ronald B. Adrine
Administrative & Presiding Judge

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Appendix C. In the Neighborhood 2014 Schedule

(Surveys were distributed at the highlighted events)

Saturday , April 26th	The WORD Church 18909 South Miles Rd. Warrensville Hts. 9 a.m. First 300 served
Thursday, May 8 th	Iglesia Nueva Vida 2327 Holmden Ave. 1 p.m. First 100 serviced
Thursday, May 22rd	Mega Church 3170 Sranton 1 p.m. First 100 served
Thursday, June 5th	King-Kennedy Stokes Mall 6001 Woodland Rd. 1 p.m. First 100 serviced
Thursday, June 19 th	Lee-Harvard Community Service Center 18240 Harvard (near Lee) 4 p.m. First 100 serviced
Thursday, June 26th	Mt. Olive Baptist Church 3290 East 126th St. 1 p.m. First 100 serviced

Thursday, July 31st

Historic Greater Friendship Baptist Church
12305 Arlington Ave.
1 p.m.
First 100 serviced

Thursday, August 14th

Second Calvary Missionary Baptist Church
12017 Emery Ave (near West 130th)
4 p.m.
First 100 serviced

Thursday, August 28th

Greater Faith Missionary Baptist Church
13816 St. Clair Ave.
1 p.m.
First 100 serviced

Saturday, September 13th

The WORD Church (New North Campus)
5900 Kinsman Ave.
9 a.m.
First 250 serviced

Appendix D. In the Neighborhood Participant Survey - 1st Edition

This survey is being distributed to participants of the In the Neighborhood program to gather statistical information for a court project.

IN THE NEIGHBORHOOD PARTICIPANT SURVEY

This survey is being distributed to participants of the In the Neighborhood program to gather statistical information for a court project.

1. **Are you male or female?** Male Female

2. **How old are you?** _____ years old

3. **What is your racial background?**
 African American Asian
 Caucasian Native American
 Hispanic Other _____

4. **What is the highest level of education you completed?**
 Grade School Vocational/Technical School
 Middle School College
 High School Graduate

5. **How many outstanding cases do you have?** _____

6. **What type(s) of case(s) do you have?**
 Traffic Misdemeanor (criminal) Both

7. **Why didn't you come to court for your first court appearance: (select all that apply)**
 Had a conflict (scheduling, work, family (e.g. childcare)
 Did not have transportation to court
 Forgot the court date
 Afraid of getting arrested
 Did not have any money to pay fine
 Other
Describe: _____



8. Why did you come today? (select no more than 1)

- | | |
|--|---|
| <input type="checkbox"/> Wanted to avoid additional penalties | <input type="checkbox"/> Vocational/Technical School |
| <input type="checkbox"/> Felt I should obey the law | <input type="checkbox"/> Wanted to tell my side of the story |
| <input type="checkbox"/> I knew that I would not get arrested | <input type="checkbox"/> Felt better about the location today |
| <input type="checkbox"/> Need to get my driver's license &/or registration | <input type="checkbox"/> Other |

Describe: _____

9. In making your decision to come today, how important to you was it that the location was a church?

- I would only have come to a church
- I strongly preferred to come to a church
- I would have come anywhere (e.g. office building, courthouse)
- I did not like coming to a church

10. Would you have come to court on your first court date if the location had been different?

- Yes
- No

If yes, would you rather your case be heard in a church instead of at the Justice Center?

- Yes
- No

OR

Would you rather your case be heard in another building instead of the Justice Center such as a store front building or a community center?

- Yes
- No

11. Is this location closer to your house than the Justice Center?

- Yes
- No

12. Have you ever been a party to a legal matter before?

Yes

No

If yes:

Regardless of the outcome of your case, did you feel the judge listened to your side of the story before a decision was made?

Yes

No

Regardless of the outcome of your case, did you feel the way your case was handled was fair?

Yes

No

Regardless of the outcome of your case, did you feel the judge had the information necessary to make good decisions about your case?

Yes

No

IN THE NEIGHBORHOOD PARTICIPANT **SURVEY**

This survey is being distributed to participants of the In the Neighborhood program to gather statistical information for a court project. The purpose of the project is to determine why people did not come to court on their originally scheduled court date and how important was the location of the hearing in their decision not to come. Questions are also asked to determine if changing the location of the hearing will result in more people resolving their cases before a warrant is issued.

1. Are you male or female? Male Female

2. How old are you? _____ years old

3. What is the highest level of education you completed?

- | | |
|--|--|
| <input type="checkbox"/> Grade School | <input type="checkbox"/> Vocational/Technical School |
| <input type="checkbox"/> Middle School | <input type="checkbox"/> College |
| <input type="checkbox"/> High School | <input type="checkbox"/> Graduate |

4. Why didn't you come to court for your first court appearance: (select all that apply)

- Had a conflict (scheduling, work, family (e.g. childcare))
- Did not have transportation to court
- Forgot the court date
- Afraid of getting arrested
- Did not have any money to pay fine
- Uncomfortable with the location
- Other

Describe: _____

5. Why did you come today? (select all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Wanted to avoid additional penalties | <input type="checkbox"/> Wanted to tell my side of the story |
| <input type="checkbox"/> Felt I should obey the law | <input type="checkbox"/> Felt better about the location today |
| <input type="checkbox"/> I knew that I would not get arrested | <input type="checkbox"/> other |
| <input type="checkbox"/> Need to get my driver's license &/or registration | |

Describe: _____



6. In making your decision to come today, how important to you was it that the location was a church?

- | | |
|--|---|
| <input type="checkbox"/> I would only have come to a church | <input type="checkbox"/> I strongly preferred to come to a church |
| <input type="checkbox"/> I would have come anywhere (e.g. office building, courthouse) | |
| <input type="checkbox"/> I did not like coming to a church | |

7. Would you have come to court on your first court date if the location had been different?

- Yes
 No

If yes, where would you rather your case be heard?

- Church
 Local School
 Community Center
 Other (Please List Location) _____

8. Is this location closer to your house than the Justice Center (the courthouse?)

- Yes
 No

9. Have you ever been to court before? (witness, defendant, filed a lawsuit, etc.)

- Yes
 No

Please answer questions 10, 11 and 12 only if you answered yes to Question 9

10. Regardless of the outcome of your case, did you feel the judge listened to your side of the story before a decision was made?

- Yes
- Somewhat
- No

11. Regardless of the outcome of your case, did you feel the way your case was handled was fair?

- Yes
- Somewhat
- No

12. Regardless of the outcome of your case, did you feel the judge had the information necessary to make good decisions about your case?

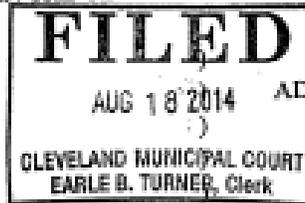
- Yes
- Somewhat
- No

Appendix F. Administrative Order 2014-16 - In Re Procedure for Collections of Fines and Costs Assessed in Criminal and Traffic Cases

FILED Manager 8/18/2014
2:48:13 PM
Cleveland Municipal Court
Earle B. Turner, CLERK

IN THE CLEVELAND MUNICIPAL COURT

STATE OF OHIO
CUYAHOGA COUNTY



ADMINISTRATIVE ORDER
NO. 2014-016

IN RE: Procedure for Collection of Fines and Costs Assessed in Criminal and Traffic Cases

All defendants assessed fines and costs in criminal and traffic cases heard before the judicial officers of this court shall be referred to the Clerk of Court to make payment immediately following assessment, or at such later time as the court allows, based upon the court's optional determination of the defendant's ability to pay.

Judicial officers, at their discretion, may conduct hearings to determine the ability of any defendant or class of defendants who appears before them to pay the fine or fines assessed in compliance with the provisions of RC §2947.14. Following such hearings, defendants found able to pay forthwith may be required to do so. Those who are not able to pay forthwith, but who can do so if afforded time to pay by the court, shall be given the opportunity to pay their financial penalties by or before a date certain. If a fine is not paid by the date set by a judicial officer, then the defendant may be required, instead, to appear before the sentencing court on the designated date to show cause as to why the obligation was not discharged. In all criminal and traffic cases where a judicial officer has not conducted an optional hearing to determine a defendant's ability to pay, the Clerk of Court shall commence procedures for the collection of any outstanding fines and costs not paid following the expiration of the time otherwise allowed for payment by the court.

No person shall be imprisoned due to their inability to pay a fine or costs levied by this court. Any defendant found unable to pay by the court shall be afforded the opportunity to perform community service work commensurate to the fine assessed, up to a maximum of 500 hours in any given case. Any defendant found able to pay the assessed fine or fines who refuses to do so, despite the court's directive, may be ordered committed to the Cleveland House of Correction, or other detention facility, and held in custody in satisfaction of the fine(s) imposed. Any person imprisoned pursuant to RC §2947.14 and this order shall receive credit upon the fine(s) at the rate of fifty (50) dollars per day or fraction of a day. If the unpaid fine(s) total(s) less than fifty dollars, the defendant shall not be imprisoned for more than one day.

This order shall become effective 90 days following its journalization by the Clerk of Court, to facilitate its implementation.

IT IS SO ORDERED.

Date: 8/15/2014


Ronald B. Adrine
Administrative & Presiding Judge

Appendix G. Example of a Written Reminder of Approaching Court Date

Dear XXX XXXX:

This notice is to remind you that you have a hearing scheduled at the XXXX County Courthouse at 1:30 PM on 5/1/2009.

Failure to appear for this hearing may result in a number of negative consequences, including:

- You may be charged with the additional crime of failure to appear, which is a Class II misdemeanor.
- You may receive up to six months in jail and/or a \$1,000 fine for this additional charge.
- A warrant may be issued for your arrest
- It may be harder to get bail in the future
- Even if you are not formally charged with a failure to appear, failing to appear may be considered by the judge in determining your sentence on the original misdemeanor charge.

This court aims to serve the best interests of both you and the public by:

- Providing neutral and consistent judgments to all defendants. The judge who presides over your hearing will be fair and open-minded,
- Treating all defendants charged with the same kind of offense in the same way.
- Treating all defendants politely, with courtesy, dignity and respect.
- Taking defendants' concerns seriously. We understand that you might be worried about the hearing and its consequences, and we are prepared to listen to your concerns and offer explanations as best we can.
- Allowing defendants to explain the situation from their perspective.

We strongly encourage you to not miss your hearing on the date and time listed above, and to be sure to appear for it!

If you have any questions about this postcard, please call: (XXX) XXX-XXXX