

Governor's Office of Criminal Justice Services

---

# JAIL CROWDING IN FOCUS

A SNAPSHOT OF OHIO'S  
COUNTY JAIL POPULATION

JUNE, 1989

---

State of Ohio  
Richard F. Celeste, Governor

12-5-91 MFI

13/224

GOVERNOR'S OFFICE OF CRIMINAL JUSTICE SERVICES

Richard F. Celeste, Governor  
David G. Schroot, Director

JAIL CROWDING IN FOCUS

A Snapshot of Ohio's  
County Jail Population

for the

GOVERNOR'S COMMITTEE ON PRISON AND JAIL CROWDING

by

David Diroll  
Director  
Governor's Committee on Prison and Jail Crowding

June, 1989

131224

**U.S. Department of Justice  
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Ohio Criminal Justice Sentencing  
Commission

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

## CONTENTS

Introduction	1.
Acknowledgements	1.
Summary	2.
Methodology	3.
Levels of Crowding in County Jails	5.
Overview	5.
Jails Over Capacity	5.
Total Inmate Counts	8.
Restricting Population Through Waiting Lists	8.
Counties Under Court or Administrative Order	9.
Snapshot of the Jail Population	11.
Alleged Offenders Outnumber Convicted Offenders	11.
Jail Inmates are Overwhelmingly Male and Adult	13.
Inmates Serving Fine Time or Under Contract	14.
Inmates-By Day of the Week	14.
Intergovernmental Relations	16.
Who Makes the Arrests?	16.
Relationships with Municipalities	17.
Judges' Use of House Arrest	18.
Work-Release Programs	18.
Conclusion	19.
Appendix A.	
Appendix B.	23.

## FIGURES

Figure 1. Amount of Crowding in Ohio's County Jails	6.
Figure 2. County Jails Over Recommended Capacity	7.
Figure 3. County Jail Waiting Lists	9.
Figure 4. Actions Against County Jails	10.
Figure 5. Inmates Held in County Jails by Trial Status	11.
Figure 6. Drunk Drivers as Percentage of All Sentenced Misdemeanants	12.
Figure 7. Women and Juveniles in County Jails	13.
Figure 8. Offender Type by Arresting Law Enforcement Officer	17.

## INTRODUCTION

In 1984, Governor Celeste appointed the Governor's Committee on Prison Crowding. The Committee was instructed to measure the level of crowding in Ohio's prisons and make recommendations to the Governor and the General Assembly. The Committee published an Interim Report containing 16 recommendations in 1986. Six of the Committee's proposals were enacted by the Legislature during 1987 and 1988. Another recommendation was adopted by administrative rules.

Meanwhile, local officials bemoaned the growing level of crowding in Ohio's county jails. Statewide information on jail capacities, base populations, physical facilities, and staff levels is kept by the Bureau of Adult Detention of the Department of Rehabilitation and Correction (DRC). The Governor's Office of Criminal Justice Services (GOCJS) maintains information on new jail construction projects. However, further research was needed to specifically answer the question: Who is in Ohio's county jails?

The Prison Crowding Committee staff in the GOCJS sought to answer that question during late 1988 and early 1989. With the help of the Buckeye State Sheriffs Association, the staff devised a compact, yet comprehensive, questionnaire to inventory the population of each county jail. Jailors were asked to total the numbers of pretrial felons, pretrial misdemeanants, convicted felons awaiting sentencing or transfer, convicted misdemeanants, drunk drivers, fine time prisoners, contract inmates, et cetera. The results of the survey provide the State's only current, comprehensive breakdown of jail population statewide.

On November 28, 1988, the Governor issued Executive Order 88-79. The Order authorized the Governor's Committee on Prison and Jail Crowding. The Committee has been instructed to continue to address the tenacious problems of prison crowding, while systematically reviewing jail crowding statewide for the first time. This report provides an informational foundation for the Committee's work.

## ACKNOWLEDGEMENTS

This project is partially funded by a grant from the Bureau of Justice Statistics of the United States Department of Justice. The grant is administered by the National Council on Crime and Delinquency of San Francisco.

The Governor's Committee on Prison and Jail Crowding is indebted to the Buckeye State Sheriffs' Association for assistance in the survey and for the participation of its members. Several members of the GOCJS staff contributed to the

success of this project. They include Tim Stubbins, Chuck Askew, Marsha Chapman, Brian Simms, and Joanna Richards.

#### SUMMARY

The sheriffs in 85 of Ohio's 88 counties (96%) participated in the surveys. Ohio's 84 full-service county jail systems held about 8,730 inmates per day during the November, 1988, survey period. The State-recommended capacity of these facilities was about 7,000. The average county jail in Ohio held 104 inmates during the survey period, exceeding recommended capacity by 25%.

Two-thirds of the State's counties operate jails that are crowded under State standards. About 24 counties have jails with populations that also exceed the designed capacity of the facilities. The jail population has increased significantly since the early 1980's. County jails hold over 2,000 more inmates than held in 1984.

About 41% of the responding sheriffs said they control their jail populations by maintaining lists of convicted misdemeanants who are admitted to jail on a space-available basis. The average waiting list in these counties contained 123 offenders. One county's list reached 800.

Nearly one-fourth of the respondents said their jails operated under court orders or consent decrees. Typically, the lawsuits were filed in Federal courts. Another 17 counties had suits pending against their jails at the time of the survey. Thirteen county jails were under State administrative orders, usually issued by the Ohio Fire Marshal.

Slightly more than half of the inmates in county jails were not convicted of the crime for which they were held. Alleged felons who were not released on bail constituted over 42% of the county jail population. Alleged misdemeanants awaiting trial comprised another 9% of the inmates, according to the survey.

On average, about one-third of the inmates in county jails statewide in November, 1988, were sentenced misdemeanants. Of this group, nearly half were convicted of drunk driving. Convicted felons accounted for about 10% of the county jail population statewide.

Over 90% of the jail population during the survey period was male. In fact, several jails do not house females at all. The relatively few juveniles (0.16%) counted during the survey generally were "bound over" to adult courts for trial. Most jailors said they never hold juveniles in jail.

County jails held more inmates on the survey Saturday than on the weekdays surveyed. The differences based on days of

the week were small, except for convicted drunk drivers whose numbers swelled by about 10% on the Saturday of the survey.

The State Highway Patrol is responsible for a significant number of the drunk driver arrests in the State. About 43% of the drunk drivers who were in county jails at survey time were arrested by the Patrol, according to sheriffs. Municipal police brought in nearly two-fifths of the drunk drivers. Sheriffs accounted for less than one-fifth of drunk driver arrests.

When drunk driving is melded with all misdemeanors, a different pattern emerges. Municipal police arrested about half (47%) of the misdemeanants held in county jails at survey time. Sheriffs' departments and the Highway Patrol each arrested about one-fourth of the misdemeanants held.

Ninety percent of the responding sheriffs believe that municipal police in their counties charge misdemeanants under local ordinances in cases in which fines are likely but under State law when incarceration is expected. In the latter cases, the county jail becomes the holding facility. When asked how frequently this occurs, about half of the sheriffs said "often". However, relatively few sheriffs (20%) thought that municipalities in their counties ran jails solely for municipal ordinance violators.

Only about 10% of the sheriffs said judges in their counties sentence offenders to house arrest in lieu of incarceration in the county jail. About two-thirds said that their jails have work-release programs.

#### METHODOLOGY

The survey sought to give Ohio a current, comprehensive inventory of the inmates in Ohio's county jails. In the Spring of 1988, the Prison Crowding Committee's staff approached the Buckeye State Sheriffs' Association (BSSA) about interest in jail crowding and the need for statewide data. The sheriffs said they would work with the staff to develop an appropriate survey questionnaire.

During the Summer of 1988, a list of the types of data sought and sample questions were submitted to the BSSA for comment. A questionnaire was devised based on the sheriffs' input. A copy of the questionnaire appears in Appendix A.

The questionnaire was sent to each of Ohio's 88 county sheriffs in late October and early November of 1988. Each sheriff was asked to provide information on the inmates housed on Monday, November 7, Saturday, November 12, and Wednesday, November 16. The dates were selected to reflect population fluctuations, especially on weekends, and to achieve a

representative count before the releases that sometimes occur during the late-November through early-January holiday seasons. Also, sheriffs were asked to provide the average daily inmate count for 1988. An envelope with return postage was sent with each questionnaire.

Sheriffs who did not respond to the survey by mid-December again were mailed a questionnaire and asked to respond. Those not replying by early January, 1989, were contacted by telephone and encouraged to respond. By February, 1989, 85 of Ohio's 88 sheriffs' offices responded to the survey. The 85 include the sheriffs of three counties with closed county jails (Seneca, Van Wert, and Vinton) and one sheriff who operates a limited service facility only (Pike County).



## LEVELS OF CROWDING IN COUNTY JAILS

### Overview

Ohio's county jails are crowded. According to survey responses, roughly 8,730 inmates were held per day in county jails that had a recommended capacity of about 7,000 prisoners. On average, jails were 25% over recommended capacity.

In November, 1988, two-thirds of Ohio's county jails held more inmates than recommended under State standards. Of the 81 sheriffs who operate full-service jails and who responded to the survey, 55 indicated they hold more inmates than the State recommends. The average county jail in Ohio held 34 extra inmates.

Moreover, many counties, both over and under capacity, restrict jail populations by maintaining waiting lists of convicted misdemeanants or because of court actions or administrative orders. When these more subtle indicia of crowding are considered, 79% (64) of the 81 responding full-service jail counties show some evidence of crowding.

### Jails Over Capacity

The Department of Rehabilitation and Correction has statutory authority to investigate and supervise local jails. The DRC may adopt rules to govern jails. (See Revised Code Section 5120.10.) Through its Bureau of Adult Detention (BAD), the DRC adopted the Minimum Standards of Jails of Ohio (see Administrative Code Sections 5120:1-7-01, et seq.). The BAD uses the Standards to recommend capacity levels for county jails. In older facilities, capacity levels preferred by the Bureau tend to be lower than those contemplated when the jails were designed. Although the Standards may be controversial in some counties, they have the force of law.

Sheriffs were asked to report the State-designated capacity and designed capacity of their jails. The jailors also were requested to give bed counts for three specific days in November and for 1988 as a whole. As noted above, roughly two-thirds of the responding sheriffs operate crowded jails according to State Standards. Twenty-four jails (30% of the responding counties that have full-service jails) operate with populations that also exceed their designed capacities as reported by the sheriffs.

Figure 1 shows the jail capacity and bed count situation listed by the sheriffs as of November, 1988. Under "Capacity", "State" refers to the population recommendation for the jail by the BAD, as reported by sheriffs. "Designed" means the number of inmates the facility was designed to hold, according to the respondents. Under "Inmate Totals", "1988" indicates the average number of inmates held in the jail from

January 1, 1988, through the survey dates. "November '88 is the average of the inmate counts reported for November 7, 12, and 16, 1988. Footnotes are set forth in Appendix B.

Figure 1

Amount of Crowding in Ohio's County Jails

County	Capacity		Inmate Totals		County	Capacity		Inmate Totals	
	Designed	State	1988	November,88		Designed	State	1988	November,88
Adams	38	23	22	22	Licking	161	161	108	135
Allen (a)	77	77	76	86	Logan	36	36	40	45
Ashland	64	43	49	62	Lorain	163	163	212	212
Ashtabula	112	112	94	104	Lucas (a)	318	295	320	375
Athens	42	42	32	30	Madison	27	18	21	21
Auglaize	20	20	20	27	Mahoning	160	118	133	130
Belmont	52	38	26	36	Marion	75	88	61	78
Brown	32	42	28	27	Medina	76	41	50	52
Butler (b)	139	83	164	166	Meigs (f)	--	--	--	--
Carroll	39	27	--	29	Mercer	28	12	13	18
Champaign	26	13	17	15	Miami	104	49	105	129
Clark	174	174	148	160	Monroe	16	16	1	4
Clermont	168	168	122	123	Montgomery(a)	230	177	329	352
Clinton	26	13	17	22	Morgan (f)	--	--	--	--
Columbiana	64	27	30	36	Morrow	25	15	18	19
Coshocton	35	27	32	29	Muskingum	69	36	56	54
Crawford (c)	50	27	34	20	Noble	12	12	7	8
Cuyahoga (a)	880	880	1008	1143	Ottawa	48	48	--	46
Darke	40	40	31	33	Paulding	26	16	15	16
Defiance (d)	41	19	35	36	Perry	20	13	7	8
Delaware	68	68	--	49	Pickaway	33	28	33	36
Erie	42	25	38	45	Pike	4	4	0	0
Fairfield	62	31	41	41	Portage	79	45	78	38
Fayette	50	29	23	23	Preble	15	15	21	17
Franklin (e)	1292	1067	1265	1356	Putnam	20	12	10	15
Fulton	27	11	18	21	Richland	132	45	85	108
Gallia (f)	--	--	--	--	Ross	48	16	50	49
Geauga	46	26	26	29	Sandusky	21	28	54	63
Greene	130	117	125	129	Scioto	110	35	63	71
Guernsey	30	18	23	22	Seneca	0	0	0	0
Hamilton (g)	1298	1298	1386	1337	Shelby	31	31	23	29
Hancock	42	22	--	46	Stark (j)	245	222	222	223
Hardin	16	14	9	10	Summit (a)	231	--	--	185
Harrison	8	8	4	6	Trumbull	114	84	82	101
Henry	24	12	12	16	Tuscarawas	37	21	18	20
Highland	32	8	25	28	Union	32	16	11	10
Hocking (h)	27	16	15	14	Van Wert	0	0	0	0
Holmes (i)	24	13	11	10	Vinton	0	0	0	0
Huron	32	18	20	28	Warren	76	76	83	83
Jackson	30	14	14	16	Washington	72	36	45	53
Jefferson	20	20	29	36	Wayne	73	56	97	87
Knox	44	44	40	46	Williams	32	19	14	17
Lake	112	56	111	120	Wood	56	20	--	49
Lawrence	52	27	37	55	Wyandot	18	17	13	14

Pike, Seneca, Van Wert, and Vinton counties do not operate full-service jails. New jails were under construction or renovation at the time of the survey in Allen, Erie, Geauga, Greene, Hancock, Jefferson, Lake, Montgomery, Paulding, Ross, Sandusky, Stark, Summit, and Wood counties. Planning for new or remodeled jails was taking place in many other counties. A new regional jail was under construction in Northwest Ohio to serve Defiance, Fulton, Henry, Lucas, and Williams counties and the City of Toledo.

Figure 2 shows the counties where sheriffs reported inmate counts for 1988, or for the November survey period, in excess of State-set capacity.

**Figure 2**  
**County Jails Over Capacity**  
 (As of November, 1989)



### Total Inmate Counts

The average number of inmates reported by the 85 responding sheriffs for the three target days in November, 1988, was 8,647 statewide. The 85 reporting counties represent 99.37% of the State's population. Thus, the count was substantially complete. When the count was adjusted for the three non-reporting counties (which comprised 0.63% of Ohio's population), a weighted total of 8,729 jail inmates was obtained. The average county jail in Ohio held about 104 inmates.

The State-recommended capacity of Ohio's 84 full-service county jails totals about 7,000. (BAD records placed the count a little below 7,000; in the survey the cumulative responses of sheriffs placed the state-set capacity at about 7,300.) Placing 8,729 inmates in space designed for 7,000 means that Ohio's average county jail holds 25% more inmates than recommended under State Standards.

Ohio's jail population is on the rise. The roughly 8,700 inmates counted per day during the November, 1988, survey represent a significant increase over jail population levels earlier in the 1980's. In a report covering 1983 and 1984, the DRC found that Ohio's jails held about 6,600 prisoners per day each year. Thus, there were at least 2,100 more inmates in jails in 1988 than in 1984.

### Restricting Population Through Waiting Lists

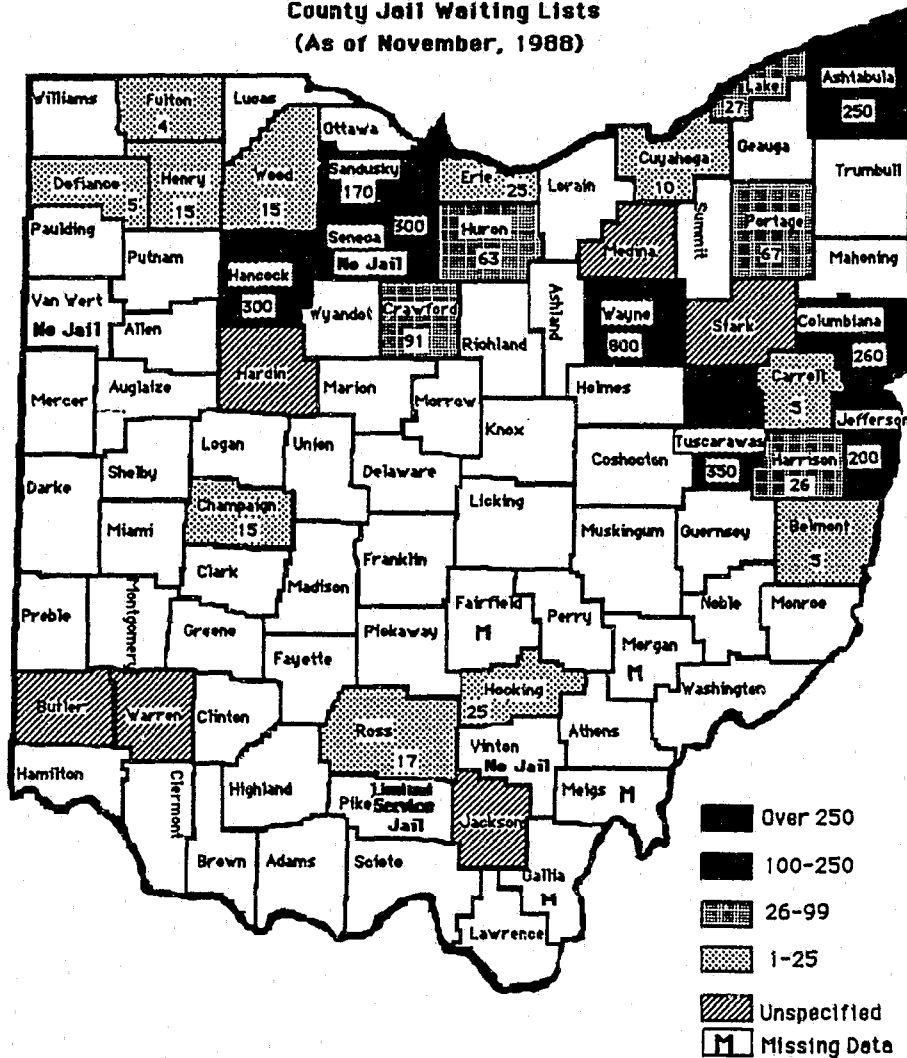
The sheriffs of several counties reported that they keep the level of crowding down in their jails by maintaining lists of convicted misdemeanants who are admitted to serve sentences only when space is available in the jail. Of the 74 sheriffs who operate full-service jails and who responded to the questions on waiting lists, 30 (41%) said they maintain such waiting lists of sentenced offenders. The lists were as short as three or four inmates (in Belmont and Fulton counties) and as long as 800 (in Wayne County). The average waiting list had 123 offenders.

Only six of the 30 counties with waiting lists managed to keep their jail populations at or below State capacity guidelines. The others reduce crowding somewhat through waiting lists; however, they operate jails that are crowded under State Standards.

In addition, the sheriff of Seneca County, whose jail was closed by court order in 1983, said he maintains a list of about 200 convicts waiting to serve in other counties.

Figure 3 shows the counties that reported waiting lists for jail admission and the number of offenders on the list, when given.

**FIGURE 3**  
**County Jail Waiting Lists**  
**(As of November, 1988)**



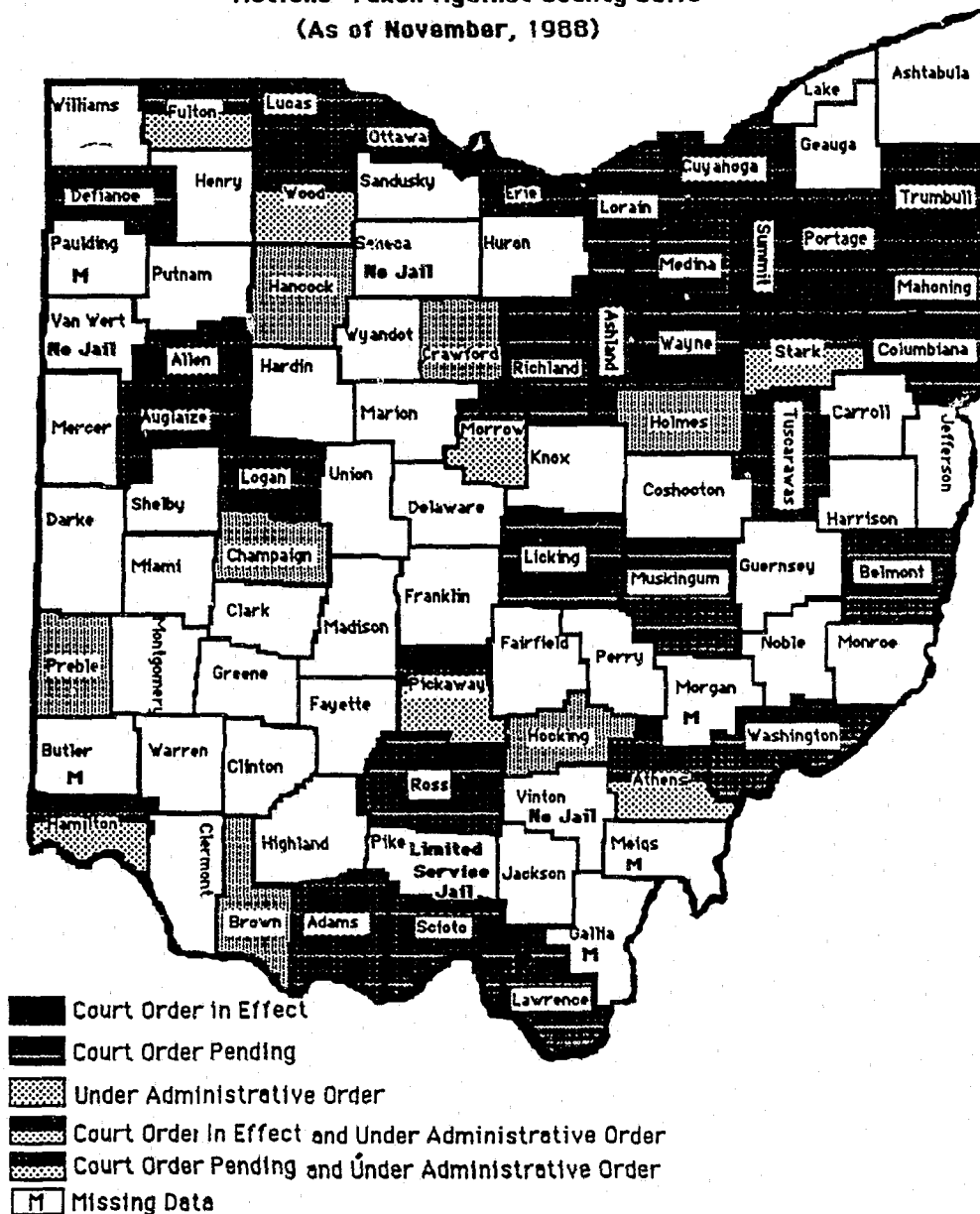
Counties Under Court or Administrative Orders

Jail crowding and other conditions of confinement often lead to lawsuits, usually in Federal courts. In November, 1988, 18 sheriffs reported that their jails operated under court orders or consent decrees (23% of the 80 sheriffs who responded and who operated full-service jails). Fourteen of the 18 jails under court order are crowded beyond State-recommended capacity.

Seventeen other counties had suits pending against their jails in November, 1988. All but two reported prisoner populations in excess of State-recommended capacity. In addition, many aging county jails are vulnerable to fire and safety problems. As of November, 1988, 13 county jails were under State administrative orders. The orders usually were issued by the Ohio Fire Marshal. Nine of these jails operated over the State-recommended capacity.

Figure 4 shows the counties with jails under court order or consent decrees, in litigation offer their jails, or operating jails subject to State administrative orders at the time of the survey.

**FIGURE 4**  
**Actions Taken Against County Jails**  
**(As of November, 1988)**



## SNAPSHOT OF THE JAIL POPULATION

### Alleged Offenders Outnumber Convicted Offenders

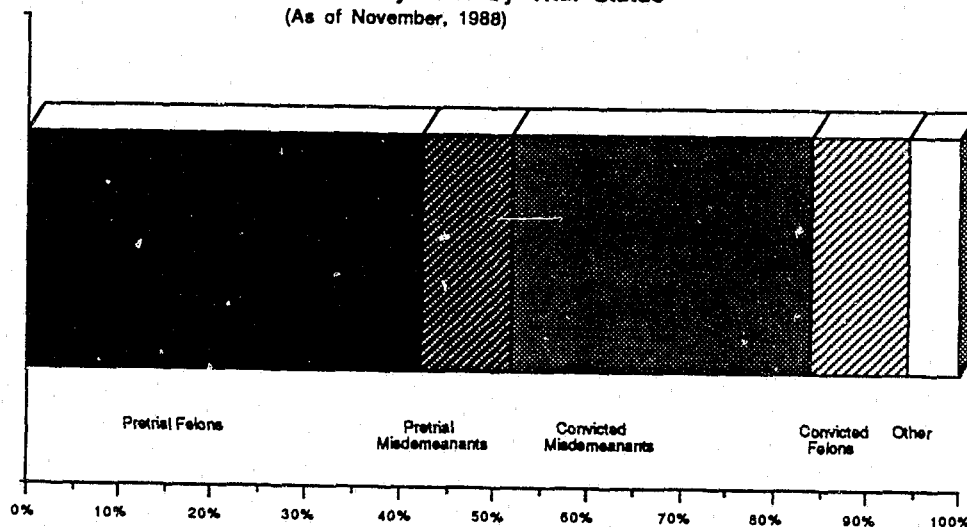
Slightly more than half of the inmates in Ohio's county jails during the survey period were held awaiting trials or release on bail, according to survey responses. Sheriffs were asked to inventory their jail populations by placing inmates in one of four basic categories: alleged felons held awaiting trial; alleged misdemeanants held pending trial; convicted felons held awaiting sentencing or transfer or who are sentenced to local incarceration; and, convicted misdemeanants.

Those held awaiting trial constituted nearly 52% of all county jail inmates. By far the largest subgroup was alleged felons who were held awaiting trial pending bail determinations of after being denied, or failing to obtain, bail. Over 42% (3,692) of the jail population fell into this category. Only two report sheriffs did not house any alleged felons at the time of the survey.

Another 9% (826) of the statewide jail population consisted of persons charged with misdemeanors and held awaiting trial or other disposition. Only four jailors said they held no alleged misdemeanants. Together, the number of pretrial detainees (felon and misdemeanant) exceeds 50%. Thus, fewer than half the persons in county jails at the time of the survey had been convicted of the crimes for which they were held.

These findings are very similar to those reported by the Bureau of Justice Statistics of the United States Department of Justice in its 1987 Annual Survey of Jails. The Bureau found that unconvicted inmates comprise 52% of the adults held in jails nationwide.

Figure 5  
Inmates Held in County Jails by Trial Status  
(As of November, 1988)

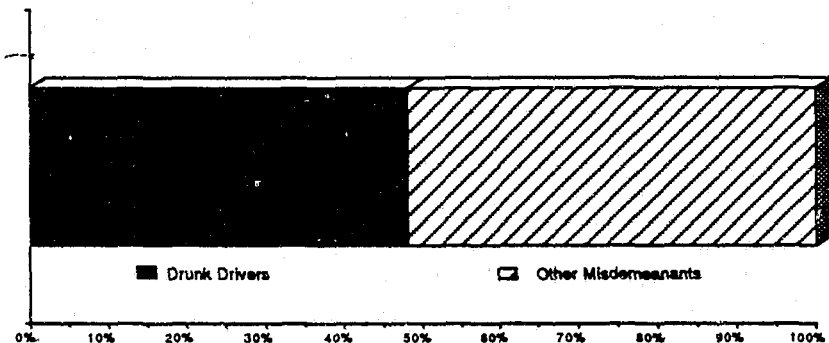


Convicted misdemeanants constituted nearly one-third (32%) of the statewide county jail population (2,818 inmates). The number would have been higher, except that in populous Cuyahoga, Lucas, Montgomery, and Summit counties, all or most misdemeanants (including drunk drivers) are held in municipal facilities, rather than the county jails. Allen County takes the same approach.

Drunk driving was, by far, the most common offense committed by sentenced misdemeanants. 48% of all convicted misdemeanants were serving time for drunk driving (over 15% of the total jail population), roughly 1,349 offenders. Only five county jails did not hold a drunk driver during the survey period.

Figure 6

Drunk Drivers as a Percentage of all Sentenced Misdemeanants



Under Ohio law, convicted misdemeanants typically serve any required term of incarceration in county jails. Felons commonly get sentenced to State prisons. However, an exception to the latter rule has become more popular recently. The Revised Code authorizes judges to suspend a felon's prison term, place the offender on probation, and, as a condition of probation, require the offender to serve a sentence of six months or less in a county jail. This can ease prison crowding, albeit at the expense of jail crowding.

Over 10% of the prisoners in county jails at the time of the survey were convicted felons (about 908 inmates). Although many of these felons were held awaiting sentencing or transfer to prison, about half were actually sentenced to serve jail time.

The 10% figure represents a 4% increase over the number of convicted felons held during the DRC's 1983 survey, attesting to the increased popularity of local incarceration for felons. Only 11 sheriffs reported that their jails held no convicted felons.



## Jail Inmates are Overwhelmingly Male and Adult

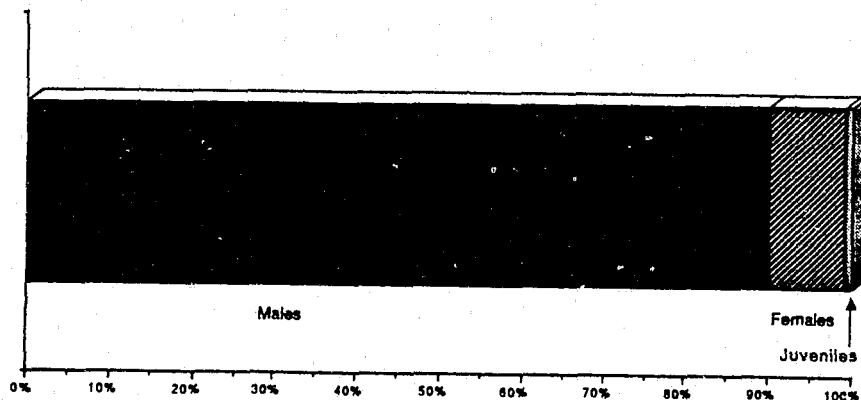
About 91% of the inmates in Ohio's county jails are male according to the survey. Roughly 9,222 males were counted in November, 1988. About 807 females were counted (9%). These figures match the findings in the BJS's annual survey in 1987. Nationally, the BJS reported that 92% of the jail population is male and 8% is female. The findings differ somewhat from the DRC's 1983-84 studies, which found that women comprised about 12% of Ohio's jail population.

At the time of the GOCJS survey, 53 sheriffs reported they held at least one female inmate. The highest number held was Franklin County's 143. Jails holding women averaged about 15 per jail.

Twenty sheriffs reported that their jails do not house females. In these counties, women are transferred to nearby county jails or alternatives to incarceration are found.

Figure 7

Women and Juveniles in County Jails



Juveniles constitute well under one percent of the State's jail population (0.16%). Jailing juveniles generally is not permitted under Ohio law unless the child is "bound over" to adult court for trial. The use of juvenile detention facilities and programs for troubled youth are much more common than jailing. On average, about 14 juveniles were held statewide on the survey dates. Most of the incarcerated juveniles were held after being transferred to an adult court for prosecution.

Sixty-seven county jailors specifically said they do not house juveniles in their jails. Most others did not state flatly that they do not hold children, but reported zero juveniles for each day surveyed. Only six county jails reported holding any juveniles during the survey period.

### Inmates Serving Fine Time or Under Contract

Small percentages of the jail population consist of persons serving time in lieu of paying a court-ordered fine and of inmates held pursuant to a contract between the host county and another governmental entity. Thirty of 31 reporting counties indicated they held at least one "fine time" offender during the survey period. Thirty-eight counties reported they held at least one inmate under contract.

About 133 prisoners serving fine time were counted statewide. These offenders, almost all sentenced misdemeanants, accounted for about 1.5% of the total jail population.

Contracts with the federal government accounted for about 1.76% of the jail population, roughly 154 inmates. Eighteen counties reported such prisoners. Contracts with other counties to house extra or female inmates accounted for about 115 inmates, roughly 1.32% of the statewide jail population. Contracts with the State, typically to house persons transported from prisons to testify as witnesses in local proceedings, accounted for well under one percent (about 17 inmates statewide or (0.19%) of the jail population during the survey period.

### Inmates by Day of the Week

The surveys asked sheriffs to report the number of inmates held on three days: Monday, November 7, Saturday, November 12, and Wednesday, November 16, 1988. Data from three days in one month are not sufficient to draw precise conclusions about jail population fluctuations from day to day. Nevertheless, a couple of observations can be made.

First, jails were more crowded on the survey Saturday than on Monday or Wednesday. This is not surprising since many judges sentence low-level offenders to weekend jail time to avoid disruption of employment. What may be surprising is that the overall number of inmates on Saturday was only 1.55% higher than on Monday and 2.45% higher than on Wednesday. Only about half of the reporting jails held more inmates on the survey Saturday. If the survey dates were typical, the jail population statewide is higher on Saturdays than on typical weekdays, but not appreciably higher.

Second, the number of convicted drunk drivers rose more significantly on survey Saturday. About 60 county jails held more drunk drivers on Saturday than on Monday or Wednesday. Overall, the reporting county jails held 9.1% more drunk drivers on Saturday than on Monday and 12.07% more drunk drivers on

Saturday than on Wednesday. Clearly, the fluctuation in the number of drunk drivers per survey day is greater than the fluctuation in the overall jail population. Drunk drivers tend to receive weekend jail sentences more often than other sentenced inmates.

## INTERGOVERNMENTAL RELATIONS

The sheriffs who participated in drafting the questionnaire were interested in measuring various intergovernmental relations that affect the county jail population. In particular, the sheriffs wanted to know: (1) What is the percentage of arrests of county jail inmates made by municipal police officers, the Ohio State Highway Patrol, and the sheriffs? (2) Do municipalities have a tendency to retain jurisdiction over misdemeanants likely to pay fines, while shifting offenders likely to be incarcerated to county jails? (3) How willing are judges to use house arrest and electronic monitoring? (4) How widespread are work-release programs and who collects money generated by such programs?

### Who Make the Arrests?

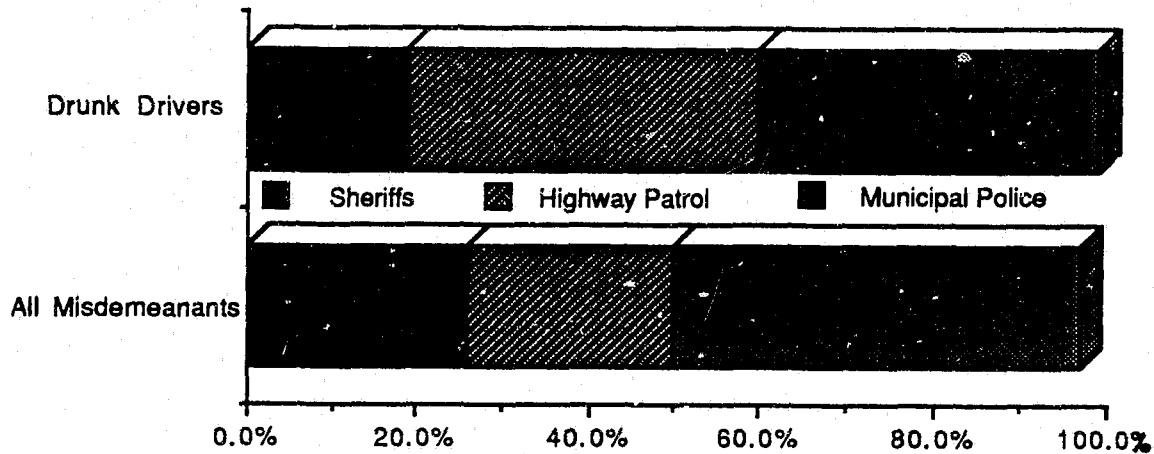
Nearly half of the misdemeanants in county jails at the time of the survey were arrested by municipal law enforcement officers (47%). Sheriffs and their deputies accounted for the arrests of 26% of the misdemeanants. The Highway Patrol was responsible for about 24% of the arrests.

Of course, these figures vary from county to county. Counties with interstate highways tended to have more Patrol arrests. A few counties do not have municipal police departments, which increases the sheriffs' and Patrol's statewide percentages slightly. Also, although only a small percentage of the arrests statewide are made by township police, college security officers, state university law enforcement officers, and other specialized peace officers, the impact of such arrests may be significant in some counties. Specialized peace officers decrease the percentage of arrests made by sheriffs, municipal police, and the patrol in a few counties.

The percentages change when drunk driving arrests are segregated from other misdemeanor arrests. According to the survey, the Highway Patrol arrested nearly 43% of the drunk drivers who were held in county jails. Municipal law enforcement officers brought in about 40% of the drunk drivers. Sheriffs accounted for less than one-fifth (19%) of the drunk drivers.

The percentages in Figure 8 do not add to 100 in part because of rounding and in part because of inconsistent or double reporting.

Offender Type by Arresting Law Enforcement Official



Relationships with Municipalities

When the survey questionnaire was being prepared, several sheriffs felt that municipal police officers charge offenders with violations of municipal ordinances in revenue-producing cases, while charging under State law when jail time is likely to be imposed. The county jail becomes the holding facility for those charges under State law. This approach would financially aid the municipalities that employ the police officers, while shifting the costs of incarceration to county jails. Sheriffs asked that the survey include two questions designed to learn how widespread this practice is. No attempt was made to corroborate the results with a survey of municipal officials.

Seventy-two of 80 responding sheriffs (90%) said that municipal police in their counties charge misdemeanants under local ordinances in cases in which fines are likely and under the Revised Code when jail time is expected. When asked how often this occurs, 28% of 71 respondents said "always", 48% said "often", and 24% replied "infrequently".

In a related question, sheriffs were asked whether any municipalities in their counties operate jails exclusively for persons convicted of local ordinance violations. In such cases, all other alleged and convicted offenders would be held in the county jail unless sent to State facilities. Of 81 respondents, only 16 (20%) said municipalities in their counties ran jails solely for municipal ordinance violators.

### Judges' Use of House Arrest

Sheriffs were interested in the willingness of judges to sentence offenders to house arrest in lieu of county jail time. In January, 1989, the GOCJS released a report prepared for the Governor's Committee on Prison and Jail Crowding entitled The Use of Community Corrections and the Impact of Prison and Jail Crowding on Sentencing. The report discussed the opinions of judges on sentencing alternatives. Less than 10% of the common pleas court judges reported that they used house arrest when sentencing felons. Only a few common pleas jurists ordered offenders to wear electronic monitoring devices. About one-sixth of the municipal and county court judges surveyed reported they used house arrest in sentencing misdemeanants. About 11% said they used electronic monitoring in conjunction with house arrest.

The survey of sheriffs also shows that house arrest is a little-used tool. Of the 82 sheriffs responding to the question, only eight (10%) said that judges in their counties used house arrest as an alternative to sentencing an offender to jail. Of the eight, five sheriffs added that electronic monitoring was used in conjunction with house arrest in their counties.

### Work-Release Programs

Sheriffs were asked to report whether their jails have programs in which inmates may be released from jail to obtain or retain employment. Nearly two-thirds of the 81 sheriffs responding to the question said they have work-release programs. When asked who collects any money generated by such programs, 38% of the respondents said the county's common pleas court gets all or part of the money, 28% said the sheriff gets all or part, and 26% said that a municipality or the county general fund gets it. Twenty-eight percent identified other recipients. (Percentages totalled more than 100 because more than one answer could be given).

## CONCLUSION

Ohio's county jail population is rising. There were over 2,000 more inmates in county jails during the 1988 survey period than in 1984. According to the sheriffs' responses, two-thirds of the county jails hold more inmates than recommended by the State. Many jailors manage population by maintaining lists of offenders waiting to serve sentences. Many jails are under Federal court orders. Only about 20 counties had jails that were not over state-set capacity, keeping a waiting list, or under court order at the time of the survey.

More than half of the inmates in county jails were pre-trial detainees. Persons accused of felonies and held pending trial comprise the largest segment of the county jail population.

Persons convicted of drunk driving make up about half of the misdemeanants sentenced to county jails. Because of weekend sentencing, the drunk driver population exerts extra pressure on jailors on Saturdays. According to the sheriffs' replies, the Ohio Highway Patrol accounts for about 43% of all drunk driver arrests, but relatively few of the arrests of other inmates housed in county jails.

What would be done? The Governor's Committee on Prison and Jail Crowding faces a daunting task. Jail and prison crowding continue to worsen while the General Assembly contemplates enhancing criminal penalties. Meanwhile, it is unclear whether the public wants to pay for expensive jail and prison construction. Nevertheless, in spite of these constraints, this report may be useful to the Committee in quantifying jail crowding and in pointing out target areas. The report underscores the need for discussion in three areas. Two are fairly obvious, one is more subtle.

First, since most jail inmates are unsentenced, the time may be right to develop, expand, and institutionalize programs designed to reduce the number of nonviolent people taken into custody as well as the number held awaiting trial. Programs that substitute citations for custodial arrests or that encourage dispute resolution and mediation rather than arrest may be successful in reducing jail populations. Similarly, programs that expedite, or add latitude to, bail options and prosecutorial diversion programs may be effective in easing jail crowding.

Second, since drunk drivers constitute half of all misdemeanants sentenced to county jails, different sanctions or alternative placements may be considered. New technologies, such as ignition breathalyzers and electronic monitors could be

used more often in drunk driving cases. If changing the terms of incarceration required for drunk driving proves to be impolitic, the Committee may consider the practicality and legality of using surplus public facilities to house drunk drivers and others who will remain safely confined without incurring the costs of secure county jail confinement.

Third, through the Community Corrections Act (Revised Code section 5149.30 through 5149.37), the General Assembly appropriates funds for community corrections programs. Administered by the Department of Rehabilitation and Correction, the funds are used for felony community corrections. No misdemeanor programs are funded currently. Pending revisions to the Act would partially address the issue. However, the Committee may wish to review the Act and determine whether State funding and organization is appropriate for misdemeanor community alternatives. Community service work, restitution, and other punitive alternatives could be considered in this context.

Numerous other options may be available. Some construction is needed to replace antiquated facilities. Regional facilities may be an efficient solution in some areas. Formal recognition of shock probation for misdemeanants and time off for good behavior may be warranted. House arrest, aided by new technology, seems to be more than a fad, but is not widely used in Ohio. The list could continue. What is clear is that jail crowding has become a major problem in the 1980's. Something must be done to halt or reverse the trend.



APPENDIX A

JAIL SURVEY

Dear Sheriff and Jail Administrator:

To help us measure the level of crowding in Ohio's county jails, we ask that you answer the questions below. The survey includes questions suggested by your fellow sheriffs when an earlier list was circulated through the BSSA. The questions on this page are general. On the second page, the survey asks you to inventory your jail population on three specific days in November. Your answers should help the Governor's Committee on Prison and Jail Crowding better understand local jails. Please return this survey form by November 30. Thank you in advance for your help.

Governor's Committee on Prison and Jail Crowding  
David Diroll, Director (614) 466-1833  
Governor's Office of Criminal Justice Services  
65 E. State Street, Suite 312  
Columbus, Ohio 43215

GENERAL QUESTIONS

1. County: \_\_\_\_\_
2. Sheriff: \_\_\_\_\_
3. Name, position, and phone number of person completing survey:
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_
4. What is the designed capacity of your jail? \_\_\_\_\_
5. What is the State's recommended capacity? \_\_\_\_\_
6. What is your jail's average daily count for 1988? \_\_\_\_\_
7. a. Do any municipalities in your county operate jails exclusively for persons convicted of local ordinance violations?  
\_\_\_\_\_ Yes \_\_\_\_\_ No
  - b. If yes, how many municipalities? \_\_\_\_\_
  - c. If yes, how many such prisoners are held on average? \_\_\_\_\_
8. a. Do municipal police in your county charge offenders with violations of municipal ordinances in revenue-producing cases and charge under the Revised Code when jail time is likely?
  - b. If yes, does this occur: \_\_\_\_\_ Always \_\_\_\_\_ Often \_\_\_\_\_ Infrequently
9. a. Does your jail have a work release program? \_\_\_\_\_ Yes \_\_\_\_\_ No
  - b. If yes, who collects the money generated? \_\_\_\_\_ Sheriff  
\_\_\_\_\_ Common Pleas Court \_\_\_\_\_ Municipalities \_\_\_\_\_ Other
10. a. Do any common pleas judges in your county use house arrest? \_\_\_\_\_ Yes \_\_\_\_\_ No
  - b. If yes, is electronic monitoring used? \_\_\_\_\_ Yes \_\_\_\_\_ No
11. a. Do you have a waiting list for admission into your jail? \_\_\_\_\_ Yes \_\_\_\_\_ No
  - b. If yes, how many sentenced offenders are waiting for admission? \_\_\_\_\_
12. a. Is your jail under a consent decree or court order? \_\_\_\_\_ Yes \_\_\_\_\_ No
  - b. If no, is there a lawsuit pending against the jail? \_\_\_\_\_ Yes \_\_\_\_\_ No
13. Is the jail under a State administrative order (e.g., Fire Marshal, Industrial Commission)? \_\_\_\_\_ Yes \_\_\_\_\_ No

JAIL INVENTORY

Please answer the questions below for each day specified at right.

	Monday, November 7	Saturday, November 12	Wednesday, November 16
14. What is the TOTAL number of prisoners held?	<input type="text"/>	<input type="text"/>	<input type="text"/>
15. a. How many prisoners are FEMALES?	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. Check here if you don't house females.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. a. How many prisoners are JUVENILES?	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. Check here if you don't house juveniles.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. How many prisoners are charged and held AWAITING arraignment or trial or held DURING TRIAL?	<input type="text"/>	<input type="text"/>	<input type="text"/>
a. Alleged FELONS	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. Alleged MISDEMEANANTS	<input type="text"/>	<input type="text"/>	<input type="text"/>
18. How many convicted FELONS are held AWAITING SENTENCING OR TRANSFER to a State facility?	<input type="text"/>	<input type="text"/>	<input type="text"/>
19. How many convicted prisoners are	<input type="text"/>	<input type="text"/>	<input type="text"/>
a. FELONS?	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. MISDEMEANANTS?	<input type="text"/>	<input type="text"/>	<input type="text"/>
20. Of the MISDEMEANANTS in 19b, how many are:	<input type="text"/>	<input type="text"/>	<input type="text"/>
a. State PATROL cases?	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. MUNICIPAL cases?	<input type="text"/>	<input type="text"/>	<input type="text"/>
c. SHERIFF'S cases?	<input type="text"/>	<input type="text"/>	<input type="text"/>
21. Of the MISDEMEANANTS in 19b how many are DRUNK DRIVERS?	<input type="text"/>	<input type="text"/>	<input type="text"/>
22. Of the DRUNK DRIVERS in 21, how many are:	<input type="text"/>	<input type="text"/>	<input type="text"/>
a. State Highway PATROL cases?	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. MUNICIPAL cases?	<input type="text"/>	<input type="text"/>	<input type="text"/>
c. SHERIFF'S cases?	<input type="text"/>	<input type="text"/>	<input type="text"/>
23. How many prisoners are serving FINE TIME?	<input type="text"/>	<input type="text"/>	<input type="text"/>
24. How many prisoners are held under CONTRACT with:	<input type="text"/>	<input type="text"/>	<input type="text"/>
a. FEDERAL government?	<input type="text"/>	<input type="text"/>	<input type="text"/>
b. STATE?	<input type="text"/>	<input type="text"/>	<input type="text"/>
c. ANOTHER COUNTY?	<input type="text"/>	<input type="text"/>	<input type="text"/>

25. Please use the reverse side to comment on the level of crowding in your jail and any solutions that you would propose. Individual comments will be kept confidential.

## APPENDIX B

The following footnotes relate to the inmate totals and capacity figures reported by the sheriffs and compiled in Figure 1.

<sup>a</sup>The Allen, Cuyahoga, Lucas, Montgomery, and Summit county jails held few or no sentenced misdemeanants.

<sup>b</sup>Butler County used December 7, 10, and 18, 1988, as reporting days.

<sup>c</sup>One 15-bed unit in the Crawford County jail was closed for renovation at the time of the survey. A hold was placed on non-felony warrants. As a result, the respondent said the November, 1988, inmate count reported was "way low".

<sup>d</sup>Defiance County used December 13, 1988, as a reporting day.

<sup>e</sup>Franklin County totals are for two facilities. One primarily holds pretrial males accused of felonies, the other holds females and sentenced male misdemeanants.

<sup>f</sup>No data were reported by the sheriffs' offices in Gallia, Meigs, and Morgan counties.

<sup>g</sup>A Federal court allows a 1,298 base capacity in Hamilton County, plus 168 beds. By this measure, the county jail is below capacity.

<sup>h</sup>Hocking County stays below capacity by putting sentenced misdemeanants on a waiting list and by not taking most offenders arrested by the State Highway Patrol and the Logan Police Department. Almost all inmates are accused felons.

<sup>i</sup>On occasion, when capacity is reached, the Holmes County Sheriff suspends serving warrants and asks the judge to place offenders on a waiting list.

<sup>j</sup>48 beds in the Stark County jail were unavailable for over eight months in 1988 under a Federal court order. The average daily population in 1987 was 253. Also, the respondent used data from November 11 in lieu of November 12.