Cuyahoga County Prosecutor’s Office Efficiency Study

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**EXECUTIVE SUMMARY**

In 2012, the Cuyahoga County Prosecutor’s Office (CCPO) identified the need for an office efficiency study to examine the full scope of its current operations and to identify operational inefficiencies within the office and from a justice system and an economic standpoint. The Justice Management Institute (JMI) was hired by the County in October 2012 to conduct the Office Efficiency Study of the Cuyahoga County Prosecutor’s Office. This study has been designed to examine the strengths and weaknesses of the current operations and case processing activities in the CCPO and also to consider systemic issues that impact CCPO’s ability to operate with maximum efficiency and effectiveness. This report highlights our findings and provides a set of recommendations to address the weaknesses observed for the office as a whole, as well as the different divisions within the office.

JMI conducted extensive interviews and focus groups with CCPO staff and representatives from both the county and city justice systems. The interviews were structured around several aspects of efficiency and effectiveness including the following:

- Case backlog and processing times;
- Access to information and use of data-driven planning;
- Supervision and management;
- Staff roles, responsibilities, and utilization;
- Staff training and assignments; and
- External influences.

Our general sense is that the CCPO has taken great strides to make its operations and practices efficient and effective. In fact, there has been measurable improvement based on changes implemented to respond to earlier studies of case processing in Cuyahoga County. Nonetheless, JMI has identified a number of areas in which the CCPO could improve its efficiency and effectiveness office-wide and within individual divisions. Addressing these areas is not just an academic exercise as many of the recommendations, if adopted, have the potential to produce significant cost-benefits to Cuyahoga County and the justice system in terms of reduced duplication of effort, more efficient use of limited human and physical resources, and improved justice system outcomes in terms of revenue collection and reductions in recidivism. Moreover, achieving these efficiencies can help improve public trust and confidence in the Cuyahoga County justice system.

At the macro-level, JMI identified strategic planning, collaboration, and resource allocation/use across divisions as areas in which improvements could be made to strengthen the office as a whole. These recommendations include:

- Establishing a more formal strategic planning effort by:
  - Having the newly hired Chief of Staff serve as the chief executive to the office under the direction of the Prosecuting Attorney to act as the business manager of the office and support, coordinate, unify, and differentiate where necessary the divisions of the office.
in areas such as human resources development, staff allocation, training, due diligence compliance, support systems from IT through policy development and procedures manuals, space usage, budget management, security, and strategic planning.

- Considering mechanisms to ensure that all CCPO divisions are treated with equal regard and legitimacy. Establishing and communicating measurable goals and objectives for the office. Use the goals as the basis for developing office and individual performance measures.
- Establishing uniform access to and policies for the use of the new Justice Matters case management system for internal data analysis.
- Identifying specific data and establishing policies for the use of data in establishing new policies and practices within the CCPO.
- Addressing the inability to share case processing information across different information management platforms used by various entities within the municipal and county justice systems. The objectives should be to ensure real-time access to information, to eliminate duplication of effort for multiple entry of the same information, and to develop a common set of definitions regarding case processing data that can be used for information system-wide discussions and policy planning.

**Building trust and confidence in the system and among other parties in the county and municipal justice systems by:**

- Working to build bridges and repair relationships with agencies that have become strained by working collaboratively on system-wide improvement, such as refinement of the Expedited Case Management initiative, to better utilize defendant risk/need information that is collected by Pretrial Services, to expedite defendants’ initial court appearances, and to improve cost recovery.
- Working with county government and other justice agencies to revisit and reconstitute the Criminal Justice Governing Board to support collaborative decision-making with an eye toward overall system improvement, including advocating for the hiring of a staff person to facilitate the Governing Board and provide support for the adoption of a holistic approach to data sharing and analysis to inform policy decisions.

**Improving and standardizing the process for training, evaluation, and assignment of personnel by:**

- Developing and implementing an initial orientation training program along with an ongoing and comprehensive training to all staff, including support staff, attorneys, and supervisors.
- Developing a handbook or manual for use of the Justice Matters case management system and being sure that all users feel comfortable using the system.
- Memorializing training either through the development of formal curricula or “publication” of brown bag lunch training models, all of which should be reviewed annually or biannually to help identify areas to update or add.
- Providing support staff with performance expectations, timely feedback, and individual evaluations.
Creating an objective, performance based system for attorney advancement.

Working to address issues at the macro-level, both internally and with external justice stakeholders, is likely to have significant cost-benefits for the justice system in Cuyahoga County by reducing redundancy and duplication of effort, streamlining information management, and using data to inform system-wide decisions. Detailed discussion of these recommendations is provided in Chapter 2 of this report.

Criminal Division Recommendations
The Criminal Division is the largest division in the CCPO and is responsible for handling the bulk of the office’s overall workload. Many of the efficiencies achieved in the criminal justice system as a result of previous studies of case processing were the result of change efforts within the CCPO Criminal Division. These efficiencies, such as improvements to case processing times, unfortunately have not held and there is a general trend toward longer case processing times and a growing backlog of pending cases. The drivers for this trend fall into two categories—case processing and staffing. In many instances, the two categories are intertwined. For example, inexperience of some APAs has reportedly impacted provision of discovery, which results in longer case processing times. Other examples of inter-related issues are discussed throughout JMI’s recommendations.

Areas of concern identified through JMI’s analysis of CCPO case processing data and interviews found the greatest inefficiencies in the handling of Felony 4s and 5s (F4s and F5s), and to some extent with Felony 3s (F3s) and Misdemeanor (M1s). Of particular concern is a growing backlog of pending cases that are 90 days or older, particularly for F4s and F5s. Since these cases are the focus of the Early Case Management (ECM) initiative, which is intended to resolve low-level felonies quickly, JMI is making several recommendations regarding the ECM process. There are a number of other recommendations, while not specific to the handling of F4s and F5s, that will help to reduce case processing times at different points along the case processing continuum and lead to faster case resolution. Each of JMI’s recommendations for case processing is listed below.

- The current process of having ECM prosecutors moving from floor to floor is inefficient. A single floor, with a dedicated space, courtroom and calendar, to handle ECM cases and provide defense counsel and prosecutors opportunity to negotiate is needed. A new proposal put forth by the CCPO, that is consistent with a prior recommendation made by JMI in 2005, to create a 24-7 centralized booking facility should significantly improve the process of identifying low-risk cases at the front end of the system. Such a facility should include pretrial services to conduct on-site risk assessments to aid prosecutors, defenders, and judges in their decision making about pretrial release and diversion.

- The CCPO should review the roles and responsibilities of APAs assigned to the Cleveland Municipal Court 3D Courtroom and should coordinate with the Public Defender’s Office to ensure that case processing in that court is more productive. It is possible to begin identifying cases for ECM and cases for diversion at this point, particularly with timely risk assessment information. Good prosecutorial decision-making at this stage could reduce time to disposition.
of lower-level cases and would free up resources to handle more serious cases. In addition, additional public defender resources should be provided at this stage to allow for meaningful case review and negotiation.

- The CCPO should advocate for discussion and review of the ECM program by members of the Justice System Review (JSR) Committee or the Cuyahoga County Criminal Justice Services Governing Board, to seek ways to improve its functioning. The discussion and review should include direct public defender involvement and collaboration with the City of Cleveland Attorney to allow for appropriate and timely screening and charging decisions as well as plea negotiations.

- At initial appearance, there should be collaborative decision making about charging decisions between the CCPO and municipal prosecutors to ensure that misdemeanor cases are evaluated appropriately and retained in municipal court.

- A number of cases are placed in diversion after charging through ECM. The CCPO should implement a triage system, such as the Hawaii Proxy Tool, based on defendant risk of recidivism to identify who is eligible for diversion and to make that offer in all diversion cases prior to indictment.

- The CCPO should work with the Court of Common Pleas and Pretrial Services to obtain risk/need information that is collected by Pretrial Services through the Ohio Risk Assessment System (ORAS). A process should be in place that allows for the timely sharing of this information with the CCPO and defense counsel to inform the plea negotiation process, particularly as it relates to diversion or deferred prosecution.

- APAs in the Criminal Division should prepare plea offers, ideally informed by the ORAS or other risk/needs assessment scores, and present the offers to defense counsel. In addition, the process of “plea marking” should be revised to support the more active role of APAs in plea negotiation.

- The CCPO should consider adopting a best and final plea offer policy, under which defense counsel are advised at the time of the offer that this is the one and only offer that will be made. This can be done at the pretrial conference, after discovery and discussion with defense counsel about the case/any mitigating circumstances that they would like considered, and with pre-approval by the supervisor of the plea offer.

- Eliminate the practice of setting two pretrial conferences, particularly for lower-level felonies, which artificially lengthens the amount of time to dispose of a case.

In addition to specific case processing practices, JMI identified several areas related to personnel in the Criminal Division that the CCPO should consider addressing. Specifically, these recommendations focus on defining goals and priorities for the division, reviewing the allocation of resources within the division, and revising the training and performance evaluation of staff:

- Define the Division’s goals based on outcomes related to justice and criminal prosecution.
- The Criminal Division goal(s) should be used to inform policies, procedures, roles and responsibilities, and information management.
The CCPO should consider working with an expert in performance measurement to articulate goals and appropriate performance measures.

The CCPO should consider hiring additional administrative support for the Criminal Division or redefining roles and responsibilities of current staff.

The CCPO should create a formal training program for APAs joining the General Felony Unit. An experienced trial attorney should be charged with training development and oversight, while other CCPO staff can and should be involved with delivering training. The training supervisor should develop an initial training program and coordinate ongoing training, such as the existing brown bag lunches. Opportunities for cross-training, utilizing experts on relevant systemic issues from outside the office, should be explored. In addition, the training should incorporate modern principles and techniques of adult education. Support for appellate practice, in the form of brief banks and training in trial record preservation, should be integrated into General Felony Unit training.

The director of training for the General Felony Unit should coordinate with supervisors in the Juvenile Justice Unit and Child Support Enforcement Unit to ensure that training is not duplicative and complements what is provided in those units.

General Felony Unit supervisors should receive training and support for their management functions, and be held to similar expectations regarding APA oversight, support and development.

Supervisors should provide substantive feedback on APA case performance that includes observation and not just case file review or win/loss review as part of the annual review process. The process used for review of trial performance illustrates the value of scrutiny in improving case outcome and attorney performance.

JMI also examined how the Criminal Division handles appeals. Currently trial attorneys in the Criminal Division handle direct appeals arising from their own cases. This is a somewhat unusual practice, particularly for an office the size of the CCPO, which has an Appeals Unit, and the workload of the APAs in the various units within the criminal division. JMI’s recommendation is that APAs in the General Felony Unit should not handle appeals from judgments in cases that they had in the trial court. Three possible options for the CCPO to consider would be to 1) revise the scope of case assignment of APAs in Region 6, which is the “training” region for new APAs to the GFU, to have them prepare briefs; 2) implement a set of practices in the GFU in which trial attorneys would have an active role in perfecting the record to ensure that the Appeals Unit attorneys have a well-prepared packet for their use; or 3) consistently team a trial attorney with an appellate attorney in handling these matters, with the Appellate APA being the senior member of the team and having final responsibility for preparation of briefs and related matters.

Chapter 3 of the report shows the results of JMI’s quantitative analysis on case processing and provides details on each of the recommendations listed above.
Criminal Investigations Division Recommendations

Finally, a review of Criminal Investigations revealed no major inefficiencies or concerns about effectiveness. Nonetheless, as with all of the divisions in CCPO, JMI recommends that specific performance indicators be identified that will allow management and the unit director to monitor the workload and outcomes of the unit. At a minimum, it would be useful for the CCPO to track the length of time that elapses from the start of the investigation to its closure and the prosecution outcomes of investigations that were converted to prosecution.

Juvenile Division Recommendations

Our overall impression of work done by the Juvenile Division was quite positive. Prosecutor McGinty has expressed interest in conducting a national search for a new chief of the Juvenile Justice Unit, as the Unit’s top supervisor retired in fall 2012. Whether someone is brought in from the outside, or a current member of the Prosecutor’s staff is selected for the position, there a number of issues to be addressed if the Unit is to be a fully integrated entity with the CCPO that—consistent with Prosecutor McGinty’s statements—is goal-oriented, data-driven, transparent, and accountable. JMI’s recommendations for the Juvenile Division address those aspirations:

- Review the Juvenile Justice Unit’s mission, goals and priorities. Revise as necessary to ensure that the Unit’s mission, goals, and priorities are consistent with the Prosecutor’s overall vision for the office and that they reflect best practices in the prosecution of juvenile cases. If possible, obtain the input of prospective candidates for the position of Unit Supervisor before finalizing the statements of mission, goals, and priorities.
- Select a Juvenile Justice Unit Supervisor who is familiar with juvenile justice issues and best practices in the field, and who will be committed to the mission, goals, and priorities of the Unit.
- Clarify the scope of responsibility of the Unit Supervisor and the arrangements for supervision of the Juvenile Justice Unit by a senior manager in the Prosecutor’s central administration.
- Develop plans for staffing the Juvenile Justice Unit that (a) take account of the prospect that in the near future the Prosecutor will assume responsibility for Intake, including charging; and (b) provide for a larger complement of senior-level APAs who can provide training and mentoring for the newer APAs assigned to the Unit.
- Continue and conclude negotiations with the Juvenile Court that will provide for the Prosecutor’s Juvenile Justice Unit to take responsibility for the Intake function, including decision-making regarding diversion and preparing formal charges in cases where the decision is to proceed with prosecution.
- Develop and use a written manual or guide that sets forth the Juvenile Justice Unit’s mission, goals, key policies, and operational procedures.
- Strengthen and expand training opportunities for APAs assigned to the Juvenile Justice Unit and Unit support staff.
- Emphasize the commitment of the Prosecutor’s Office to swift resolution of cases involving offenses committed by juveniles and exercise a leadership role in reducing delays in case processing.
o Develop CCPO’s capability to produce and use statistical data and management information reports so that senior managers can track Juvenile Justice Unit performance in relation to key goals and Unit priorities.

o Develop indicators of effective performance for the Juvenile Justice Unit.

o Review personnel policies and practices that affect the work of APAs and support staff of the Juvenile Justice Unit; revise where appropriate.

o Working collaboratively with the Juvenile Court and other entities, exercise a leadership role in (a) analyzing current caseflow management policies and procedures; and (b) instituting changes that will markedly reduce the time from incident to case resolution for all categories of juvenile cases.

o Explore possible ways to enable easy electronic interchange of documents and information between the Juvenile Court’s computer system and the Prosecutor’s Justice Matters system.

o Review data on referrals by schools and school districts and the filing of delinquency cases arising from incidents at the schools, to ascertain the extent to which (if at all) schools are “dumping” disciplinary matters that could be handled internally by the schools.

o Review data on the number and nature of cases in which a juvenile is involved in cases assigned to two or more courtrooms. If it appears that this happens frequently without good cause, meet with Juvenile Court leaders and other stakeholders to develop policies enabling easy transfer or consolidation of cases before a single judicial officer.

The previous recommendations are discussed in detail in Chapter 5.

**Child Support Enforcement Division Recommendations**

The work of the Child Support Enforcement Division, as well as that of the Children and Family Services Division and the Juvenile Justice Division, takes place in locations other than the Justice Complex where the CCPO’s main office is located, and to some extent these divisions have an “out of sight, out of mind” status within the overall office. That outsider reputation is not reflective of the quality of work done by the divisions, but does affect the office’s involvement pursuing system-wide improvements. Chief among these is a significant issue with delay in adjudicating child support proceedings.

The CCPO’s Child Support Enforcement Division handles child support enforcement proceedings originated by Cuyahoga Job and Family Services (CJFS). Work is allocated among three units: the Juvenile Unit (Juvenile Establishment and Enforcement Unit), the Domestic Relations Unit (Post Decree Domestic Relations and UIFSA Unit) and the Criminal Non-Support Unit. Full explanations for JMI’s recommendations appear in Chapter 6, but are summarized here:

- Conduct an in-depth study on resource allocation and structure of the child support units to ensure that the three existing separate units are the optimal organizational structure.

- Identify and collect accurate data to provide metrics to accurately inform performance and accountability of the units and with the Cuyahoga Jobs and Family Services Agency.

- Consider a change in hiring and transfer practices to create and encourage career prosecutors in civil child support units.
Review Human Resource practices to ensure that supervisors and Attorneys In-Charge are required to and able to conduct performance reviews and implement disciplinary actions up to and including termination, if warranted.

Continue to encourage the Court’s decision makers to come to the table to resolve issues related to court scheduling and compliance expectations.

The CCPO Juvenile Unit should work with Juvenile Court decision makers to explore ways to reduce the time it takes from filing to the initial establishment of child support.

In conjunction with the previous recommendation, the CCPO should work with the Director of Human Services and the County Executive to assess the cost benefit of having a phlebotomist on site to further reduce the waiting time for establishing support.

Consider locating a civil APA at the Cuyahoga County Jobs and Family Agency site.

The CCPO should explore with Cuyahoga Job and Family Services and the Cuyahoga County Executive’s Office ways to increase the case referrals for the Criminal Non-Support (CNS) Unit.

The CCPO should modify Justice Matters to add the capacity to enter Ohio’s Support Enforcement Tracking System (SETS) numbers.

Explore with the Court of Common Pleas the possibility of assigning one family to one judge in the area of child support enforcement until all of the children in a given family reach the age of majority.

JMI’s review of the Child Support Enforcement Unit resulted in identification of some concerns and recommendations expressed by child support personnel at the Cuyahoga County Job and Family Services Agency (CJFS), which are included in the report:

The CCPO should establish a joint working group to examine and make recommendations on creating and sustaining consistent practices across all child support units.

The CCPO Child Support and Domestic Relations units should work with the CJFS and the courts to improve interagency communication to establish policies and procedures for the recall of arrest warrants and capiases when defendants have complied with court orders.

The CCPO Juvenile and Domestic Relations units should work with the CJFS to establish a method for tracking the receipt and return of CJFS packets.

The CCPO should work with the Probation Department to create a mechanism for the Criminal Non-Support Unit to get Presentence Investigation Reports prior to sentencing and updates to information on compliance with probation-supervised child support collection.

Children and Family Services Division Recommendations
The Children and Family Services Division of the CCPO is legal counsel and provides representation to the Cuyahoga County Department of Children and Family Services (Agency) in all matters related to child welfare and protection. Our impression of the Division’s leadership is quite favorable. Still, significant delay affects many of the abuse, neglect and dependency proceedings in which the Division is a party, not because of its lack of effort, but due to overall system inefficiencies. Many cases fall considerably outside of federal permanency planning guidelines. As with the Child Support Enforcement Division, a
number of our recommendations concern conditions resulting from other agencies’ actions. Recommendations listed below are explained in full in Chapter 7:

- Justice stakeholders should meet to develop a short-term plan to immediately address case delay and a long-term study and plan to ascertain the underlying causes of cases consistently falling outside of the permanency planning guidelines.
- The CCPO should meet with the Court to discuss the elimination of impediments to the establishment of child support at dependency hearings.
- CCPO should begin requesting that an immediate hearing date be set when filing motions in dependency cases.
- CCPO should work with the County Executive’s Office to start discussions about the creation and support of a Court Appointed Special Advocate (CASA) or voluntary guardians ad litem program in dependency cases.
- The Prosecutor’s Office should pursue a full-blown study of the dependency practices of all involved agencies and the Court in an effort to reduce continuances and improve the overall effectiveness in meeting the goals for permanency planning and reunification.
- The CCPO should examine whether pay disparity is a problem – e.g., years of practice in specialty area vs. years in the prosecutor office.

Civil Division Recommendations

The Civil Division of the CCPO is comprised of three sub-units: the General Civil division, the Board of Tax Appeals division and the Real Estate Tax Foreclosure division. JMI offered recommendations for two of these units:

**General Civil Division**

- The CCPO should assess the available options and develop a project plan for the acquisition of implementation of a quality litigation support program.
- The CCPO should consider creating a portal for remote access to the CCPO network for civil attorneys who want to access their work from their homes.
- The CCPO should adopt a method of “booking” hours for its general civil division staff.
- The CCPO should consider the creation of a law librarian attorney position.

**Board of Appeals Tax Division**

- The CCPO should work with the County Treasurer and the County Executive Office to ensure that the records needed by the CCPO to effectively represent the County Treasurer are available in a timely manner.

Details for Civil Division recommendations appear in Chapter 8.
1. INTRODUCTION

Cuyahoga County has undertaken several initiatives that focus on the efficiency of the criminal justice system in response to a Justice Management Institute (JMI) assessment of felony case processing conducted in 2005. Through the county’s Justice System Reform (JSR) Initiative, a number of structural and procedural changes were implemented by the County Prosecutor’s Office along with others throughout the county and city criminal justice system. In 2012, the Cuyahoga County Prosecutor’s Office (CCPO) identified the need for its own office efficiency study to examine the full scope of its current operations and to identify operational inefficiencies within the office. Adding to this, the newly elected prosecutor, Tim McGinty, recommended a slightly expanded assessment that looked not only at efficiencies but also effectiveness both from a justice and an economic standpoint.

The CCPO should be commended for its initiative, not only to implement changes to address areas of concern identified by JMI in 2005 but also to proactively continue to explore new strategies for improving the efficiency and effectiveness of the office itself and adjudication process overall. Toward this end, JMI was again hired by the County in October 2012 to conduct the Office Efficiency Study of the Cuyahoga County Prosecutor’s Office. This study has been designed to examine the strengths and weaknesses of the current operations and case processing activities in the CCPO and also to consider systemic issues that impact CCPO’s ability to operate with maximum efficiency and effectiveness. This report highlights our findings and provides a set of recommendations to address the weaknesses observed for the office as a whole, as well as the different divisions within the office.

Study Methodology

The goal of the Office Efficiency Study is to identify factors affecting the CCPO efficiency and effectiveness and to apply these factors to current processes and workflows. Over a three-month period at the end of 2012, JMI assessed the office’s organizational structure, staffing, roles, and processes in each of the CCPO’s divisions (criminal, criminal investigations, civil, juvenile justice, child support enforcement, and children and family services). A team of JMI expert staff and consultants conducted interviews and focus groups with division directors, line prosecutors, and support staff in all of the office’s divisions and sub-units. In addition, interviews were conducted with Court of Common

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[There is nothing so useless as doing efficiently that which should not be done at all.]—Peter Drucker
Pleas and Municipal Court judges and with senior personnel in the public defender’s office, pretrial services, law enforcement, and the county executive’s office.\(^2\)

The interviews and focus groups were structured around several aspects of efficiency and effectiveness examined by JMI in earlier studies of felony case processing in Cuyahoga County:

- Case backlog and processing times;
- Access to information and use of data-driven planning;
- Supervision and management;
- Staff roles, responsibilities, and utilization;
- Staff training and assignments; and
- External influences.

JMI has identified a number of areas in which the CCPO could improve its efficiency and effectiveness office-wide and within individual divisions. At the macro-level, JMI identified strategic planning, collaboration, and resource allocation/use across divisions as areas in which improvements could be made to strengthen the office as a whole. These office-wide recommendations are discussed in Chapter 2. Chapter 3 examines JMI’s recommendations with regard to the Criminal Division, and Chapter 4 focuses on the Juvenile Justice Division. Chapter 5 contains recommended changes to the Child Support Enforcement Division, Chapter 6 addresses the Children and Family Services Division, and finally, Chapter 7 looks at the Civil Division.

**Background**

In 2004, the Justice Management Institute (JMI) was awarded a contract to conduct a felony case processing study to identify problems and issues in the processing of criminal cases in the County and to propose solutions. The 2004-2005 felony case processing study was comprehensive, examining the entire criminal justice system, from initial contact with law enforcement onward through adjudication and sentencing. Ultimately, 36 recommendations were made by JMI to the County—ranging from the need for county-wide coordination, the timeliness of information sharing, and changes in day-to-day case processing practices.\(^3\) A number of the recommendations made by JMI focused specifically on the prosecutor’s office. The report recommended the following:

- Development of time standards for the completion of investigations and the preparation of the Grand Jury packet in all charged and direct-filed cases.
- Charging decisions in any case possibly involving a felony should be made by experienced trial attorneys employed by or supervised by the CCPO.

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\(^2\) See Appendix A for a list of persons interviewed and focus group participants.

\(^3\) It should be noted that the scope of the 2005 study only focused on criminal case processing, thus the recommendations involving the prosecutor’s office were intended largely for the Criminal Division within the CCPO.
• The drafting of felony charges should be done by experienced trial prosecutors who have the authority to approve negotiated pleas submitted by the defense.
• The Grand Jury Unit should operate 24 hours per day.
• Cases that would have been eligible for the Pre-Bindover Resolution Program should be initially charged as misdemeanors and dealt with at the initial appearance/probable cause hearing.
• Early and open exchange of discovery between prosecutors and defense counsel.
• The development of a system that would eliminate/reduce travel time of the assistant prosecutors to obtain approval of negotiated pleas.

A follow-up assessment conducted by JMI in 2007 found that the CCPO had taken steps to implement many of these recommendations. The most significant work that was done focused on the early preparation and filing of felony cases, particularly low level felonies, from arrest to indictment. In many respects this was the most difficult stage to change, because it involved cooperation among law enforcement and justice agencies, courts, and attorneys at both the county and city level. After some initial efforts to devise system-wide changes, a decision was made to implement a pilot project called Expedited Case Management (ECM), or Early Disposition Pilot Project. ECM, which was later institutionalized as the Early Disposition Calendar for Felonies 4s and 5s, showed significant outcomes at the time of JMI’s follow-up, including:

• Decreased times from arrest to disposition (decreased from 70-80 days to approximately 10-15 days).
• Shortened time from arrest to indictment (from 68 days to 11 days).
• First hearing in the Court of Common Pleas within 5-7 days, a decrease from 5-6 weeks prior to the pilot.
• Reduction in the average length of stay in city jail from 10-15 days to 1-2 days.
• Decrease in failures to appear at the arraignment on the indictment.
• More than half of low-level felony cases were assigned to treatment or a similar diversion program, avoiding the time and costs associated with a Grand Jury hearing and indictment.4

Although the pilot program demonstrated positive outcomes, JMI found that several challenges still existed:

• Insufficient time for pretrial screening and assessment,
• Insufficient time to complete the preliminary investigation, and
• Insufficient time for discovery and case preparation.5

Based on the information collected as part of the current Office Efficiency Study, these challenges, along with some additional problems, persist and are discussed in Chapter 3.

5 Ibid, pages 7-8.
Many of the other recommendations in the 2005 JMI report, related to charging and case resolution, were also addressed as part of the ECM pilot project. At the time of the current study, these too had largely been institutionalized when ECM was fully implemented as the Early Disposition Calendar (EDC). In the past year, however, the EDC process was changed in response to changes implemented by the Court of Common Pleas. These changes along with the persistent challenges, as discussed in Chapter 3, have had a detrimental effect on the outcomes EDC intended and had been producing.

Current Organizational Structure

The CCPO has 337 authorized full-time equivalent (FTE) positions, including top management, supervisors, attorneys, and support staff. The total number of staff in the office is comparable with other prosecutors’ offices in similarly sized jurisdictions. Structurally, the CCPO is a case-based office—organized into Divisions based on type of case. There are six divisions within the CCPO: Criminal Division, which also includes the Criminal Investigations Unit, Juvenile Justice Division, Civil Division, Child Support Enforcement Division, Children and Family Services Division, and Real Estate Tax Foreclosure Division.

One unique feature of the organizational structure is in the Criminal Division, which accounts for the bulk of the workload of the office. The Criminal Division is organized by geographic region to reflect one element of a community prosecution philosophy. The regional structure allows for vertical prosecution of cases, ensuring consistency for law enforcement, victims, and the communities from which the cases emanate. The underlying premise of vertical prosecution is that having a single attorney handle cases “from cradle to grave” will reduce duplication of effort and case processing times while also producing better “case outcomes” for victims and defendants.

CCPO Caseload

Specific caseload trends and issues are discussed in chapters about individual divisions. Generally speaking, with some notable exceptions in Civil Division units, the volume of cases across the various divisions has fluctuated. In the Criminal Division, between 2010 and 2012, there were 38,133 cases presented to the Grand Jury or filed by information. Case volume in 2012 was approximately 23 percent less than in 2010,

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6 Support staff includes IT personnel, investigators, public relations, and administrative staff. Some administrative staff have specialized responsibilities apart from clerical support. These responsibilities, for example, include victim/witness notification, coordinating diversion, and running the property room.

7 The CCPO defines and counts case by “criminal matter,” which may include multiple defendants and multiple charges as a single case.
indicating a downward trend that is consistent with other large urban jurisdictions. Data over a longer period of time were not available and as such little can be said about the upward or downward trends in the volume of cases referred to the Prosecutor’s Office for filing.

The work of the Criminal Appeals Unit has generally increased since 2008. Based on the unit’s annual reports, direct appeals increased 44 percent from 2009 to 2010, prior to a policy change in which trial attorneys handle their own direct appeals. The workload for other activities handled by the Appeals Unit has not increased as dramatically as the number of direct appeals, but it has increased somewhat. In particular, the number of briefs and responses to post-conviction motions prepared, oral arguments, search warrants, expungement application reviews, expungement hearings, and parole board letters all increased from 2009 to 2011.

The number of cases opened by the Civil Division inched up steadily from 484 in 2007 to 603 in 2011, with the exception of 2010, when filings dipped from the previous year’s 571 to 508. Board of Tax Appeals cases increased significantly—up more than 800% from 265 in 2007 to 2,436 in 2011. Likewise, and reflective of the country’s economic downturn, real estate foreclosure cases jumped after 2007 from 1,708 and have remained over 2,300 each year since then. The General Civil Division generated more than 180 formal legal opinions over the past 5 years as well as an uncounted number of informal opinions. Supervisors in other divisions report issuing more than 500 opinions per year. A large majority of the opinions relate to the work of the work of the Department of Children and Family Services and Child Support.

Workload increases also appear to be occurring within the Juvenile Justice Division. In 2010, the Division received 6,395 delinquency cases, compared to 7,651 in 2011. Projections were that new cases would decline somewhat for 2012, with 6,559 reported as of December 6, 2012. The Juvenile Justice Division had, on average, 2,182 delinquency cases pending each month in 2011, and slightly less - 1,998 cases – between January and September 2012. The total number of delinquency cases disposed was 3,755 in 2010, 6,343 in 2011 and 5,551 as of December 6, 2012.

The Children and Family Services Division’s average monthly ending pending inventory of abuse, dependency and neglect cases between January and September 2012 was 567 cases, down from 661 average pending cases in 2011. For child support proceedings, between January and September 2012 the office filed 2,713 new proceedings and obtained 3,182 dispositions.

In total, the volume of cases across the Divisions and for the office as a whole is consistent with the volume seen in other similarly sized jurisdictions. In addition, the trends, albeit limited by the data that were available for analysis, are similar to those observed in other metropolitan areas across the country.
2. Efficiency and Effectiveness Issues Impacting the Entire Office

Efficiency studies of complex organizations can tend toward the myopic—scrutinizing details within the organizational components without considering the whole organization. While the case processing functions and daily activities within each of the divisions will necessarily differ slightly based on the types of cases handled, there are a variety of cross-cutting issues that impact the office’s efficiency and effectiveness overall.

All staff members, regardless of current job assignment, need to be aware of the office’s overall goals and objectives. Not having a clear understanding of what the office intends to achieve and providing staff with a roadmap for achieving it through policies and training is a little like golfing in dense fog. Everyone in the organization may believe they are doing the best job possible but in fact may be swinging blindly and aiming in the wrong direction.

JMI’s observations of the individual divisions resulted in the identification of several issues that cut across all divisions and impact the efficiency and effectiveness of the office overall. These issues and our recommendations for addressing them are summarized below.

**Strategic Planning**

The CCPO is a large prosecutor’s office, with 337 authorized FTEs, a budget of $28,735,183 for FY 2012, and an average caseload, as compared with other large prosecutors’ offices nationwide. Despite the size of the office, there does not appear to be a centralized strategic planning effort in place to systematically define the office’s goals and objectives, examine technological capacity, use data for policy development, build internal and external collaboration, and allocate resources across divisions. The recent hiring of a chief of staff for the office has the potential to bridge this gap. Specific recommendations for areas in which the chief of staff can provide strategic guidance are discussed below along with other office-wide recommendations to improve efficiency and effectiveness.

**Chief of Staff**

**Recommendation #1: The Chief of Staff should serve as the chief executive to the office under the direction of the Prosecuting Attorney.** As chief executive, she should serve as business manager of the office and support, coordinate, unify, and differentiate where necessary the divisions of the office in areas such as human resources development, staff allocation, training, due diligence compliance, support systems from IT through policy development and procedures manuals, space usage, budget management, security, and strategic planning.

One of the significant internal changes already introduced by Mr. McGinty is creation of a Chief of Staff position, and his appointment of Jane Platten, the highly respected recent Cuyahoga County Board of Elections Director, to that position. JMI strongly supports this development and views Ms. Platten’s position as an opportunity to bring increased congruity to the administrative operations of the entire prosecutor’s office that will lead to improvements office-wide. The Office’s Criminal, General Civil,
Juvenile Justice, Real Estate Tax Foreclosure, and Children and Family Services units have very diverse purposes and legal areas of focus, require staff with differing capabilities and training needs, and have differing staff support needs. One key function of the Juvenile Justice Division is to serve as a training ground for APAs who eventually transition to the Criminal Division yet there are no clear criteria of “readiness” for such a transition and no clear guidelines for the day-to-day work of the division. Similarly there is overlap between the work of the Juvenile Justice Division and the Children and Family Services Division, which is currently not coordinated in a way that maximizes efficiency and effectiveness. In essence, the office is notably lacking in the internal “knitting” necessary for an organization of its size, and the Chief of Staff position can correct that.

Overall, JMI had favorable impressions of the professionalism of the CCPO’s divisions that handle juvenile and family matters. However, we sensed that juvenile and family matters are perceived by CCPO staff (including senior-level leadership) as having somewhat lower status than adult criminal cases. Part of this phenomenon stems from the physical remoteness of staff working in the Juvenile Justice, Children and Family Services, and Child Support Enforcement divisions, which are not housed in the Justice Center complex where CCPO’s main offices are located. It also stems from using these divisions as entry level practice areas for Assistant Prosecuting Attorneys, with a well-known path of advancement pointing toward “moving up” to join the Adult Criminal Division. As a result, systemic problems including serious delays in child support enforcement cases and in dependency cases are left to continue without the attention devoted to increasing system efficiency seen in a number of Criminal Division reforms. Prosecutor McGinty has an opportunity to address these issues and take steps to be seen as a public official whose notion of public safety values the well-being of children and families.

**Recommendation #2: The CCPO should consider mechanisms to ensure that all divisions are treated with equal regard and legitimacy.**

One possibility to bring the voice of the juvenile and family law sectors to the forefront is to create a new, top-level position in which the incumbent would be responsible for improving all of the CCPO operations in the juvenile and family law areas. The appointment of an experienced, knowledgeable, and well-respected person as the head of the consolidated operations would begin to give these areas greater legitimacy and respect. Further, it would provide visible support for improving operations that are seriously deficient, and would place the prospective new head of consolidated juvenile and family law operations on an equivalent level as the head of the Criminal Division.

**Office Goals and Objectives**

**Recommendation #3: Establish and communicate measurable goals and objectives for the office. Use the goals as the basis for developing office and individual performance measures.**

A common misinterpretation of the words goals and objectives is that they are interchangeable or mean the same thing. Goals define, in concrete and measurable terms, the vision. Objectives, on the other hand, are measurable benchmarks that indicate progress toward goal attainment. The CCPO, with the newly elected prosecutor, has already begun to identify potential goals and objectives. However, it will be important to step back and ask the questions:
• How does the work of the Prosecutor’s Office impact the citizens of Cuyahoga County?
• What is CCPO’s role in the criminal justice system?
• What will be different in Cuyahoga County if the Prosecutor’s Office performs its role effectively?

These questions will form the basis for the overall office goals. Examples of possible goals, based on JMI’s observations and interviews, include the following:

• To ensure a fair, proportionate, and efficient justice system.
• To maximize the use of limited resources in the adjudication process.
• To reduce the likelihood of recidivism.
• To hold offenders accountable in a manner that is proportionate with the offense.
• To promote initiatives and efforts that produce cost-benefits to the county government, the justice system, and county residents.

The next step after establishing goals is to define specific objectives that can be measured to determine if goals are being met. A good process for defining objectives is to answer the questions, “What would need to happen/change to achieve the goal(s), and how would one know?” For example, if one of the goals of the Prosecutor’s Office is to maximize the use of limited resources in the adjudication process, objectives might include more use of diversion for low-risk defendants, percent of cases disposed within specified time limits, percent of cases that plead as charged, etc.

Having a well-defined set of goals and objectives offers a number of advantages for the office, which can help improve effectiveness as well as efficiency. First, the goals and objectives establish a baseline against which performance measures can be developed and implemented to assess the office’s overall efficiency and effectiveness. Second, the implementation of performance measures can help the management of the CCPO make data-driven policy decisions. Finally, good performance measures should be reflected in the staff evaluations, to ensure that criteria for individual performance, job assignment, and promotion support the overall goals and objectives of the office.

Internal Technology Capacity
Recommendation #4: Establish uniform access to and policies for the use of the new Justice Matters case management system for internal data analysis.

The new Justice Matters case management system was developed with the intent of providing real-time management information for the office to ensure case processing activities are occurring in a timely manner, to monitor caseloads, and to streamline a variety of case processing activities. Indeed, based on JMI’s observation of the system and the typical reports produced, Justice Matters is a powerful and comprehensive tool for the CCPO management and staff. However, Justice Matters has been implemented incrementally, and it has not yet been implemented for all divisions and units. At the time

[NOT HAVING A CLEAR UNDERSTANDING OF WHAT THE OFFICE INTENDS TO ACHIEVE AND PROVIDING A ROADMAP FOR ACHIEVING IT IS A LITTLE LIKE GOLFING IN DENSE FOG.]
of the Office Efficiency Study, only five of the Divisions and units were “on-line” in Justice Matters—the Real Estate Tax Foreclosure Division, which was the first division to launch the application; the Board of Tax Appeals Division; the Children and Family Services Division; the Juvenile Justice Division; and the Criminal Division. Units not yet using Justice Matters included the General Civil Division, the Child Support Enforcement Division, and Criminal Appeals. It is critical that Justice Matters is implemented in all units in a timely manner and JMI recommends that additional attention be given to implementing Justice Matters for all divisions/units to ensure that all aspects of CCPO operations have access to information to inform their policy and practices. Moreover, a common set of data, or indicators, based on overall office performance measures, should be defined, implemented, and shared office-wide.

Data-driven Policy Development

**Recommendation #5:** Identify specific data and establish policies for the use of data in establishing new policies and practices within the CCPO.

**Recommendation #6:** Address the inability to share case processing information across different information management platforms used by various entities within the municipal and county justice systems to ensure real-time access to information, to eliminate duplication of effort for multiple entry of the same information, and to define a common set of definitions regarding case processing data that can be used for information system-wide discussions and policy planning.

Increasingly, best practices in the justice system are defined by data to help fully understand the issue to be addressed, to demonstrate potential cost-savings, and to document other justice-related outcomes. The CCPO is certainly moving in this direction with the implementation of the Justice Matters case management system, which gives the office and its management the ability to produce a variety of real-time reports to inform policy development and to monitor performance. To maximize the utility of Justice Matters, the office should develop a set of standard reports, based on performance indicators (which reflect specific goals and objectives) and implement the reports office-wide. Policies should then be developed that provide guidance to mid-level managers on the frequency and use of the reports—how often should the reports be produced, with whom should they be shared and how often, at what point trends in data necessitate a discussion about policy change, etc. In addition to the individual division reports, office-wide reports should be produced for the senior management and leadership of the CCPO, particularly with regard to how well the office as a whole is meeting its overall goals and objectives, the extent to which current organizational structure and practices support maximum efficiency and effectiveness, the performance of division directors and unit supervisors, trends in caseload and workload, and areas in which system collaboration and change may be necessary.

On this latter point, at present there is little effective collaboration that occurs between the CCPO and other entities within the justice system, particularly with regard to exchange of data and information on criminal matters. Although not a specific contributor to inefficiencies per se, it does present a hindrance and creates overall justice system inefficiencies. In many instances, data are not exchanged electronically or not transmitted in real-time, requiring duplicative staff time and effort within the CCPO and other agencies within the system. This is an area that should be addressed, as discussed below. A
major challenge facing CCPO is finding a common ground with others in the system to define what will be measured, how it will be measured, from what data source information will be drawn, and how the information will be used for data-driven policy development.

In November 2011, a workgroup of the County’s Justice System Reform (JSR) Initiative proposed a list of measures for the criminal justice system grouped across six target areas: 1) charging and indictment, 2) case processing, 3) assignment of counsel, 4) pretrial incarceration, 5) alternative sentencing and 6) cost effectiveness. Unfortunately, the measures have not been implemented as disagreements arose among workgroup members, who included representatives of the Common Pleas Court, Public Defender’s Office, County Prosecutor’s Office and Sheriff’s Department, over the way in which cases are counted and the sources of information used to produce data. A lack of collaboration and sense of distrust among criminal justice agencies have limited progress on system-wide efforts for improvement. JMI strongly advises that criminal justice agencies in Cuyahoga County, not just the Prosecutor’s Office, make collective and individual efforts to reverse this climate of distrust, as discussed in the following section. The new County Executive can play a critical role in revitalizing the Justice System Reform group and the Cuyahoga County Criminal Justice Services Governing Board. In addition, hiring a staff person, to be housed in the County Executive’s Office, to provide overall coordination and support for the Council could help make the Board’s efforts more productive. (See Recommendation #8 for more detail.)

**Building Trust, Confidence, and Collaboration**

One hallmark of a successful prosecutor’s office is public confidence in its fairness and professionalism. A second is belief in the office’s integrity by others, such as such as litigants, victims, and defendants; judges; clerks of court; defense counsel; probation officers; and law enforcement officers, working in and with the justice system. A third is belief by a prosecutor office’s staff members that they are treated fairly, provided adequate support for their positions, and offered opportunities for advancement. To large extent, the tone for both external and internal perceptions of a prosecutor’s office is set by the actions of the chief prosecutor. With its first new elected prosecutor since 1999, the Office of the Cuyahoga County Prosecutor has an opportunity to strengthen its reputation across various constituencies.

**Recommendation #7:** CCPO leadership should strive to build bridges and repair relationships with agencies that have become strained. It should, along with other parts of the justice system, seek to work collaboratively on system-wide improvement, such as refinement of the Expedited Case Management initiative, to better utilize defendant risk/need information that is collected by Pretrial Services, to expedite defendants’ initial court appearances, and to improve cost recovery.

Newly elected Prosecuting Attorney Timothy McGinty is perceived by others in the justice system as being genuinely committed to his office and to improving the County’s justice system. Former experience serving as an assistant prosecuting attorney and as a Court of Common Pleas judge gives him valuable perspective into the Cuyahoga County criminal justice system and areas where changes could
strengthen its functioning. He is praised for publicly stating that he will not tolerate his office being used for political purposes, and that it will operate with transparency and accountability. He is acknowledged as being a ferociously hard worker and for promoting justice system improvements.

Cutting against this credibility is a perception by some in the justice system that the CCPO continues to move forward with a variety of reform efforts with little input or collaboration with others. It should be noted, however, that there were several examples of requests for input, offered by CCPO, that were never responded to or addressed by others in the justice system. JMI’s observation is that there continues to be distrust of the CCPO, particularly on the criminal side of the justice system. At the same time, there appears to be a tenuous hope that future reform efforts will be undertaken collaboratively rather than announced after the fact. Aggressive pursuit of desired changes on the part of CCPO should not be abandoned when other parts of the system will not participate in constructive and collaborative discussions. A willingness on the part of the CCPO to share ideas and solicit input for changes will likely win over more allies than will implementation of unilateral changes, particularly to the extent that here are system-wide benefits to be realized such as costs-savings to the county and to victims, increased public safety, and other justice system outcomes. Toward this end, others (again particularly on the criminal side of the system) must be willing to “meet halfway.” As a first step in creating a more collaborative and ultimately more effective and efficient justice system, there should be consensus among all the key stakeholders on desirable goals and outcomes for the system as a whole. JMI highly recommends that the Cuyahoga County Criminal Justice Services Governing Board (Governing Board) be used as a vehicle for these collaborative discussions and decision making.

**Recommendation #8: The Governing Board should be revisited and reconstituted to support collaborative decision-making with an eye toward overall system improvement. A staff person should be hired to facilitate the Governing Board and provide support for the adoption of a holistic approach to data sharing and analysis to inform policy discussions.**

The Governing Board presents a unique opportunity to bring together all the key stakeholders in the justice system to focus on the system as a whole. However, to be effective, the Board must embrace a system-wide view of justice and not serve as a forum for individual agency agendas to be pursued or “protected.” A key first step in moving the Board to collaborative decision making focuses on defining system goals and identifying appropriate data-driven solutions for achieving these goals. Based on its work with the National Criminal Justice Coordinating Council Network (NCJCCN), which is comprised of 14 of the most advanced criminal justice coordinating councils (CJCCs) in the country, JMI recommends that a knowledgeable and well-qualified staff person be hired to serve as a facilitator for the Governing Board and to help provide support for collecting and analyzing data to inform the Board’s discussions. JMI has found that such a staff person, ideally reporting to the county executive or county budget office, helps de-politicize discussions because of the individual’s neutral position outside the auspices of any one justice system agency and provides continuity and support to keep the Cuyahoga County Criminal Justice Services Governing Board focused on the tasks at hand and seeing them through to their completion.
Personnel Issues

The large staff employed by the CCPO and the diverse sets of experience and responsibilities present opportunity for achieving many of the outcomes that have been set forth by the new office leadership. However, JMI found that there is little consistency across the office and different positions in provision of on-going training, performance evaluation, or decision making about personnel assignments. Without such mechanisms in place, management’s ability to ensure personnel have the requisite skills and knowledge to perform effectively and efficiently in their positions is limited. There are several ways in which this can be addressed—through standardized training and evaluation and establishment of performance criteria—which are discussed in detail below.

Training, Evaluation, and Assignment

One of the areas that JMI noted for possible improvement relates to the training, evaluation, and assignment of personnel—particularly attorneys. Across the different divisions, the JMI team identified efficiencies that could be achieved by ensuring that the attorneys are well-trained for their assignments. There is currently no overall, coordinated plan to ensure that all attorneys at the CCPO, regardless of division or unit, receive adequate legal and skills training. Some divisions, notably the Juvenile Justice Division, provide relatively robust training, as they have historically served as entry level practice areas. Other units, such as the General Felony Unit of the Criminal Division, provide very little formalized initial or ongoing training. All training that is developed should incorporate modern principles and techniques of adult education. Individual chapters in this report contain recommendations for improved training specific to the various divisions. Several recommendations to improve training from an office-wide perspective follow.

Recommendation 9: The CCPO should make a priority of developing and implementing an initial orientation training program along with an on-going and comprehensive training to all staff, including support staff, attorneys, and supervisors.

Many prosecutors’ offices across the country, particularly in large urban jurisdictions, have developed training programs that all new staff members are required to complete before taking case assignments or assuming full caseloads. The trainings vary in scope and length but at a minimum all include content on overall goals and objectives of the office and the different divisions, roles and responsibilities of staff, and office policies and procedures. The implementation of an orientation training program also provides an opportunity for discussing the expectations in different assignments, the required knowledge and skills necessary for movement between divisions and into supervisory roles, and the performance criteria upon which individuals will be evaluated. Depending on how the training is designed, it could also provide specific skills training (e.g., trial advocacy) by having newly hired attorneys assigned to work closely with a supervisor who can observe case preparation and courtroom work and provide immediate feedback/suggestions for improvement.

In addition to an initial orientation training, there should be a more formal mechanism for delivering training on emerging or pertinent legal issues and prosecutorial practices. The CCPO currently uses a brown-bag lunch approach for training Criminal Division and Juvenile Justice Division staff on practices...
and legal issues relevant to those divisions. Similar approaches could be used in other Divisions where training is less prevalent. Furthermore, the Juvenile Justice Division’s more comprehensive approach to training could be used a model for other Divisions.

Finally, support staff should be cross-trained in multiple office processes to facilitate spot coverage during periodic or longer-term absences. Attorneys should receive initial and ongoing legal skills training, legal issue training, ethics training, and office procedure instruction. Supervisors should receive management training.

**Recommendation 10:** The CCPO should develop a handbook or manual for use of the Justice Matters case management system and be sure that all users feel comfortable using the system.

The manual should be easy to update and kept current, ideally in a web-based format, as new modules are added and changes are made in specific software programs. Instruction should exist for all users: support staff, attorneys and supervisors. When desired, IT staff or supervisors should provide one-on-one refreshers.

**Recommendation 11:** The CCPO should memorialize its training either through the development of formal curricula or “publication” of brown bag lunch training models, all of which should be reviewed annually or biannually to help identify areas to update or add.

Without a formal library of training curricula or a mechanism in place to ensure that staff have ready access to training materials, the benefit of the information presented is only as good as the number of individuals it reaches. It is important that even staff who could not attend live training have access to these materials. In addition, all personnel responsible for providing training, whether in office procedures or CLE, should be asked to review their materials and, where appropriate, seek input and suggestions from other training supervisors. The staff should also participate in the review by completing evaluation forms that should be collected following each training. Feedback on what staff found helpful and what additional areas they would like to see covered should inform the training curricula review. The process can be spearheaded by the Chief of Staff.

**Support Staff Evaluations and Advancement**

In a focus group interview with support staff assigned to the Criminal Division, the group reported that individuals do not receive individualized evaluations, but rather are evaluated as a group. The reason for this is not clear, but it did seem that performance review of support staff does not follow a clearly demarcated process. Support staff members can be moved into different positions or assignments with little notice or explanation. The moves are all lateral but to different divisions. JMI sensed that some of these moves were punitive, to assign low performers to less desirable or slower paced positions, while others filled need caused by staff vacancies.
**Recommendation 12: Provide support staff with performance expectations and individual evaluations.**

No matter what their position, all staff members deserve to be recognized for individual effort. Every person working for the CCPO should receive an annual individual performance review. For individuals struggling with assignments, offer a path for improvement, such as a Performance Improvement Plan, both to clarify what is expected of the staff member and to document progress toward expected performance. If improvement is not adequate, deal with low performers in a timely and fair fashion, and not simply by transferring them a different position. Treating support staff members with respect, and not as fungible entities plugging holes in a fast paced law practice, can enhance morale and performance.

**Attorney Evaluation and Advancement**

**Recommendation 13: Create an objective, performance based system for attorney advancement.**

The Juvenile Justice and Child Support Enforcement Divisions are used as training grounds for attorneys before they advance to the General Felony Unit of the Adult Criminal Division. Rotation into Adult Criminal is based primarily on seniority and availability of “slots.” The CCPO leadership has suggested formalizing the process for advancement through creation of a committee of supervisors that determines whether APA performance meets objective criteria, such as number of arguments, trials, and appeals, before promotion. JMI supports this suggested change and further recommends that similar criteria and a review process be developed for APA advancement from the General Felony Unit to Major Trial or other specialized units. Benchmarks to assess readiness for advancement should be coordinated office-wide to institutionalize uniformity to the process.
3. Recommendations for the Criminal Division

The Criminal Division is responsible for prosecuting all felony matters in Cuyahoga County. Felony cases most commonly originate in municipal courts and then are bound over to the CCPO for indictment and prosecution; felony cases can also be filed via direct indictment by the Grand Jury. In response to concerns that some cases being bound over as felonies should have originally been charged as misdemeanors, the CCPO has made arrangements with a number of municipalities in the county (except the city of Cleveland) to screen possible felony cases. As noted earlier, the majority of the CCPO’s workload is handled by the Criminal Division, which includes a number of sub-units, the largest being the General Felony Unit. APAs in the General Felony Unit are assigned to one of five teams that accept cases from defined regions across Cuyahoga County. In addition to the General Felony Unit, there are specialized prosecution units that handle specific offense types. The specialized units include the Early Disposition Unit, Major Drug Offenders Unit, Mortgage Fraud, Economic Crime, Internet Crimes against Children, Major Trial Unit, the Cold Case Unit, and a Diversion Unit. Each of the specialized units reports to the head of the Criminal Division. The Grand Jury Unit, in which attorneys work cases on a regional basis, reports to the Head of the Criminal Investigations Division but is discussed in this chapter. Finally, there is an Appeals unit. With 118 APAs and 44 support staff, the Criminal Division is the largest of all the divisions within the office. The annual volume of cases handled by the office is of average size compared with similarly sized jurisdictions. The publicly stated goal and mission of the Criminal Division, as published on the CCPO website, is to...

...ensure that all victims of crime are protected under the law by shepherding cases from pretrial preparation to trial to sentencing to defending convictions of defendants on appeal.

Although this is appropriate in terms of defining the role of the Criminal Division, the goal statement does not lend itself to easily defined and measurable impacts (discussed below).

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8 Cuyahoga County municipalities are divided into the five regions based on county geography and crime statistics. See map in Appendix B.
9 For certain units within the Criminal Division, JMI did not identify any inefficiencies specific to that unit (e.g. Major Drug Offenders, Mortgage Fraud, Economic Crime, or Internet Crimes Against Children). Many of the overall recommendations made for the Criminal Division as a whole apply for these units as well. For this reason, these units are generally not discussed in the report individually.
Our overall impression of the Criminal Division is generally favorable. The CCPO has undertaken a number of changes over the past several years to improve its efficiency and effectiveness. In fact, many of the positive outcomes found in JMI’s 2007 study have been sustained over time. In all respects, it appears that the changes adopted, such as the regional assignment of attorneys and the creation of an early case management system, have generally been positive. In addition, the implementation of the Justice Matters management information system, which enables regular reporting on office operations, is a powerful addition to the office’s capabilities, particularly in terms of its ability to monitor workload. JMI’s analysis did, however, identify several factors that affect or have the potential over the long-term to affect the Division’s efficiency and effectiveness. The major factors fall into two categories—case processing and staffing. Unless noted otherwise, these two categories apply generally to the entire division, including, where relevant, to the Criminal Investigation Division and the Appeals unit. In addition, the two categories are intertwined in many instances. For example, inexperience of some APAs has reportedly impacted provision of discovery, which results in longer case processing times. Other examples of inter-related issues are discussed throughout JMI’s recommendations.

In Part 1 of this chapter, JMI examines inefficiencies identified in the case processing activities undertaken by the Criminal Division. Some of these inefficiencies are driven by external forces outside the control of the CCPO and others emanate from within. Part 2 explores the internal organizational and staffing factors that contribute to the inefficiencies.

**Part 1: Case Processing**

In 2012, the CCPO pursued charges in 11,479 cases (10,085 were presented to the Grand Jury and 1,394 were filed by information) as shown in Figure 2. The majority of cases originated as felonies with only a small fraction (40 cases) originating as misdemeanors. Charges were filed in 95% of the cases either through True Bill or information.

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10 As discussed later in this chapter, however, the ECM system has undergone changes over the past year as a result of changed practices by the Court of Common Pleas. This has had an impact on the positive gains achieved between 2005 and 2007.
Since 2010, the total number of cases filed has decreased by 23 percent, with the largest decreases in filings observed among Felonies 1 and 2 (Figure 3). Over the same time period, the number of charges filed by True Bill decreased significantly for all but F5 cases, which decreased the least (by only 15% compared to decreases ranging from 43% to 25% for all other felonies). Interestingly, the number of cases filed by information increased for F3s and F4s but decreased by 76% for M1s.

In addition to the decreases in the volume of cases, average case processing times have generally decreased as well since 2010, with the exception of misdemeanors (see Figures 4 and 5). Looking closely at the average elapsed days to disposition shows that despite the decrease in case processing times, certain types of cases (i.e., F3s, F4s, and F5s) have relatively long case processing times compared to more serious offenses. It would not appear that the major driver, although it is a contributor, is the time between arrest and receipt of the case by CCPO since the number of elapsed days does not decrease by more than a few days for F3s, F4s, and F5s. Such a finding is an indication of an efficiency issue within the CCPO, which is discussed in further detail below.
Since the CCPO has little control over which criminal matters get referred to it (i.e., the CCPO can’t set police policy and municipal prosecutors largely do the screening of felony cases to be bound over), a more important indicator of the CCPO work is case disposition. Since filings are down, it is not surprising that the total number of disposed cases also decreased by 26 percent between 2010 and 2012; although as discussed later, this decrease in dispositions indicates a growing backlog of pending cases. Because the number of case dispositions has decreased overall, it is not surprising that the number of cases disposed through dismissal, plea, or trial also decreased between 2010 and 2012. Interestingly, there was an increase in cases disposed through alternative disposition—specifically diversion, drug court, and intervention in lieu—which suggests that at a minimum, there is increasing use of alternative disposition as a means for resolving lower-level cases earlier in the process. However, as discussed on the following pages, this increase in alternative dispositions is not translating into earlier case resolution as one might expect.

Although the volume of work and case processing times have been trending downward since 2010, JMI did identify a number of areas of concern, particularly with regard to lower-level felonies and areas in which further efficiencies could be achieved and as such our quantitative analysis focused primarily in these areas. The key questions that drove JMI’s inquiry were:

- If the volume of cases is decreasing, to what degree are case processing times changing at different stages along the case processing continuum?
- What factors are contributing to a rise in pending cases and particularly, pending cases in certain age categories?
- Are fewer cases being resolved through the Early Disposition Calendar (EDC), and/or has the amount of time to resolve cases through EDC increased?
- Are there contributing factors that come from internal policies and practices of the CCPO?
- What external influences may be contributing to changes in case processing times?
Caseload Analysis
As noted above, case processing times overall have decreased which is a positive indication that many of the changes implemented by the CCPO over the past several years have indeed increased efficiency. Yet, JMI’s analysis of case processing times shows mixed results and raises a number of red flags, particularly about early resolution of lower level felonies and misdemeanors. In fact, several questions were raised during JMI’s current study about the impact of a change implemented by the Court of Common Pleas on ECM. As originally implemented, ECM was designed to fast-track F4s and F5s for rapid disposition. Up until last year, ECM cases were handled in one courtroom, allowing the APAs and defense counsel to negotiate each case in an attempt to reach a plea agreement prior to arraignment, or shortly thereafter. In fact, in 2007, JMI’s follow-up study of felony case processing found the time from arrest to disposition had decreased from 70-80 days to 10 -15 days. However, in 2012, the Court of Common Pleas adopted a new policy that resulted in ECM cases being distributed among the 34 courtrooms throughout the Courts building. Numerous individuals within the CCPO, from upper management to regional APAs, as well as some defense attorneys, indicated that this change has negatively impacted ECM and that the time required to resolve F4s and F5s was increasing. Indeed, the data collected by JMI from 2010-2011 indicate that 1) the gains observed in 2007 were not sustained and 2) the time from arrest to disposition continues to remain well above even the pre-ECM implementation times, although they have decreased slightly from 2010 (see Figure 6). Further examination of the time data revealed that for cases intended to be resolved through ECM (F4s, 5s, and M1s and more recently some F3s), there have been increases in different points along the case processing continuum, which merit further consideration:

- For M1s, the elapsed time from receipt of case to final disposition increased by 56 percent between 2010 and 2011 (an increase of 18 days)
- For F3s and 5s, the time from receipt to charging increased by 6 percent and 24% respectively (an increase of 1 day for F3s and 4 days for F5s)


12 Please note that time data were not available for 2008 and 2009.
• The time from arraignment to pretrial conference increased by 13 percent (1 day) for F5s
• From pretrial conference to disposition, processing times increased 27 percent (up 3 days from 2010) for M1s and 25 percent (averaging 10 days longer than in 2011) for F5s

In addition to these increases, JMI noted that, on average, the total time from receipt of case to charging took longer for F4s, 5s, and M1s than it did for F1s and 2s. Although it is clear that the average number of days taken to charge a case is increasing for F3s, 4s, and 5s as well as M1s, the data also show that historically these case types averaged a longer time from receipt to charging than F1s and and F2s (Figure 7). There are several possible reasons for the increase that is observed from 2010 to 2012, and particularly the increase from 2011 to 2012.

First, JMI found that many F4s and F5s were being diverted. It is possible that the intent to divert cases requires some delay in filing an information to allow Pretrial Services time to conduct its assessment of eligibility. Because of the volume of cases, it reportedly takes an average of 3 weeks for Pretrial Services to complete its risk assessment and provide the results to the CCPO. This seems like an unusually long amount of time since the intent of diversion is to intervene very early in a case, and the less time that passes between the arrest and placement in the diversion program increases the likelihood of changing the defendant’s behavior. The sooner the decision is made to place an individual in diversion also helps conserve court resources. Moreover, the National Association of Pretrial Services Agencies’ Performance Standards and Goals for Pretrial Diversion/Intervention specifically note in Standard 4.4 that the entire diversion process should not “exceed the normal case processing [time] for such a charge and the authorized sentence for the crime, if convicted” (p. 12). It would appear, however, that for F4s and F5s that are diverted, they are taking almost as long as more serious crimes (which are not diverted) and at least as long as F4s and F5s that are not diverted.

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13 For the purposes of analysis, charging is defined as having been filed by True Bill or information.
15 Ibid, p. 5.
Second, changes implemented by the Court of Common Pleas in 2012 create undue delay since APAs and defense attorneys must now move floor to floor, rather than having a set time and location for negotiations as was done previously.

Other findings from JMI’s analysis of case processing times found the time from charging to arraignment has decreased but that F3s, 4s, 5s, and M1s take on average 3 to 4 days longer than F1s and F2s (see Figure 8). If the ECM process were working efficiently, one would not expect to see such findings, and in fact in 2007, the average time was 5-7 days for F4s and F5s. This finding raises questions since one of the efficiencies ECM was intended to achieve was to reduce the level of effort associated with Grand Jury proceedings by filing informations and attempting to resolve cases prior to arraignment. First, has the number of cases resolved through ECM prior to arraignment increased, decreased, or remained the same? Second, has ECM reduced the overall amount of time devoted to resolving F4s and F5s?

JMI’s analysis of ECM case resolutions showed that in fact the number of F4s and F5s resolved through ECM did increase between 2010 and 2012. F4s resolved through ECM increased 128% between 2010 and 2012, and F5s increased by 40 percent. Although originally not included as part of ECM, it would appear that F3s are increasingly being disposed through ECM, up from 9 cases in 2010 to 111 in 2012. Clearly there is an increasing workload in ECM, which coupled with increases in the time from receipt to charging and charging to arraignment, suggests that the efficiencies ECM is intended to achieve may be eroding.

Despite the increasing number of case dispositions through ECM, there are also an increasing number of cases not being resolved through Early Case Management. In fact, the number of F3, F4, and F5 cases presented to the Grand Jury because there was no resolution through ECM increased 32 percent from 2010 to 2012 (figure 9). Of particular note is that there has also been a dramatic increase (up 432% from 2011 to 2012) in the number of cases not resolved at ECM because of lack of defense counsel participation, which supports the CCPO.
concern that not having an established location for case negotiation acts as a disincentive for defense counsel because they can’t find or can’t wait for the ECM APAs who are continually moving floor to floor.

Additional examination of pending ECM-eligible cases provide more indication that ECM, in its current configuration, may no longer produce the efficiencies and outcomes it was intended to produce. Although trend data were not available, JMI’s analysis of the pending ECM-eligible caseload in 2012 showed a large number of cases that have been pending for 90 days or longer, as shown in Figure 10. In fact, pending for more than 90 days represent about 70 percent of the total ECM-eligible cases for 2012. Of particular concern is the number of F4s and F5s that have been pending for longer than 180 days, given that the average time to disposition for F4s and F5s historically has ranged from 89 to 120 days based on JMI’s 2005 and 2007 studies of felony case processing. As noted, the number of pending cases in the age categories of 90-180 and 181 or more days represent a significant portion of the total F4 and F5 caseload and exceed the model time standards set forth by the Conference of State Court Administrators, Conference of Chief Justices, and the American Bar Association House of Delegates.16 The model time standards for felony cases are as follows:

- 75 percent of cases disposed within 90 days
- 90 percent within 180 days
- 98 percent within 365 days

Given the lower severity level of most F4s and F5s, one would expect at least 75 percent of these cases to be resolved within the 90 day model standard and perhaps even more quickly. In fact, in 2007, shortly after the implementation of ECM, the average length of time from arrest to disposition for F4s and F5s ranged from 10 to 15 days. Given this, it would seem reasonable that F4s and F5s could generally be resolved within 30 days. As of the end of December 2012, this was certainly not the situation in Cuyahoga County. Addressing this slow pace of case processing will be a critical element of any effort undertaken by the CCPO and other stakeholders in the criminal justice system to operate

more efficiently and ensure that cases are brought to resolution in a timely manner. This is a major area for further exploration, as discussed in the case processing recommendations in the following section.

Another notable finding from our examination of the CCPO caseload focuses on the practice of setting two pretrial conferences. The amount of time that elapses between the first pretrial conference and final disposition averaged 60 days in 2012, which is a decrease from 2010 when the average was 74 days. As shown in Figure 11, the averages range from 91 days for F1s to just under 10 days for M1s. What is of interest though, is the average elapsed time for F4s and F5s. When considered in conjunction with what appears to be a growing backlog of old pending cases, the practice of setting two pretrial conferences is likely going to increase the elapsed time to disposition. As discussed later, it is unclear what benefit comes from setting two pretrial conferences. Interviewees noted that the first pretrial conference is largely used to schedule the date for the second conference and that there is little activity that occurs during the first conference to advance the case.

The sum total of JMI’s quantitative analysis is that there are several areas in which efficiency gains can be made by the CCPO. JMI’s recommendations for case processing practices and policies are summarized below. It is important to note, however, that while a number of the recommendations can be implemented by the CCPO internally, there are other recommendations that will require collaboration with other stakeholders in the criminal justice system.

**Case Processing Recommendations**

The analyses conducted by JMI indicate that inefficiencies are most evident in the processing of F3, F4, F5, and M1 cases. Because these are the cases most likely to proceed through ECM and concerns were raised about the impact of changed practice in the Court of Common Pleas, a number of our recommendations deal specifically with ECM and more efficient processes for resolving low-level, low-risk cases.

**Recommendation 14: The current process of having ECM prosecutors moving from floor to floor is inefficient. A single floor, dedicated space, or even calendar, to handle ECM cases and provide defense counsel and prosecutors opportunity to negotiate is needed.**

The program variously known as “Early Case Management” (ECM) or “Early Disposition Conference” (EDC) utilizing APAs from the CCPO’s “Early Disposition Unit” (EDU) was originally conceived by the CCPO.
as a way to identify less serious felonies – Felony 4s and 5s – which can be adjudicated expeditiously, thereby producing system efficiencies including reduced pre-trial detention stays by defendants unable to post bond and avoidance of the grand jury with cases proceeding instead by way of information.

The current process of assigning ECM prosecutors to cases from all regions, thus necessitating that they move among nine floors of courtrooms to cover their cases, is inefficient. Region APAs in the General Felony Unit, in contrast, handle cases assigned to courtrooms on particular floors. Complicating the need for ECM APAs to physically travel among multiple floors of the courthouse, judges tend to calendar cases at the same time (e.g., 9:30 am) sometimes forcing ECM APAs to stand in for one another, defeating the intention of vertical representation introduced with regional community prosecution. ECM APAs scramble from floor to floor in the courthouse, trying to squeeze court appearances with defense counsel. JMI believes, based on its analysis of case processing times, that this process is a significant contributor to the increase in time from charging to arraignment and what appears to be a growing backlog of F4s and F5s that have been pending for 90 or more days.

If the intent is to continue ECM, JMI recommends that it be centralized either in a dedicated space, on a dedicated floor, courtroom, or even with a dedicated calendar. The CCPO is currently advancing a proposal for a centralized booking process at the jail in which defendants arrested in the city of Cleveland are brought in by police, police reports are prepared and handed off to the city prosecutor, and decisions are made about charges. This proposal will help ensure that cases are charged appropriately (i.e., cases that should be charged as misdemeanors are). In addition, the CCPO plan to place additional APA resources in centralized booking, if matched with additional public defense resources, will allow for case negotiations to begin in a more timely manner and ideally, defendants who meet the specified criteria can be screened to identify which require a full ORAS assessment, which could be completed in the Early Disposition Court the following morning, thereby allowing entry into diversion earlier and faster case resolution. The CCPO will need to coordinate closely with the city law department and city attorney as well as the Municipal Court, Pretrial Services in the Court of Common Pleas, and the Public Defender’s Office.

**Recommendation #15:** The CCPO should review the roles and responsibilities of APAs assigned to the 3D Courtroom of the Cleveland Municipal Court and should coordinate with the Public Defender’s Office to ensure that the process is more productive. It is possible to begin identifying cases for ECM at this point and cases for diversion that could reduce time to disposition of lower-level cases and would free up resources to handle more serious cases. Good prosecutorial decision-making at this stage could reduce time to disposition of lower-level cases and would free up resources to handle more serious cases. In addition, as noted earlier, additional public defender resources should be provided at this stage to allow for meaningful case review and negotiation.

For felony cases arising in municipalities throughout Cuyahoga County except Cleveland, the CCPO does not get involved in case processing until the cases are bound over to the county Court of Common Pleas. Initial appearance hearings for suburban-area cases are prosecuted by municipal prosecutors in municipal courts throughout the County. Cases bound over to the Court of Common Pleas will, from
that stage forward, be prosecuted by the CCPO. For felony cases arising from arrest or summons in Cleveland, the defendant’s initial appearance is conducted in Courtroom 3D of the Cleveland Municipal Court, located in the Justice Complex that houses the Cuyahoga County Court of Common Pleas and the CCPO’s main office. One dedicated CCPO APA answers on all felony cases in the 3D Courtroom, and one public defender represents all defendants on the docket who appear without counsel.

At the initial appearance, the judge informs the defendant and his attorney or public defender of the nature of the charges against him and advises him of his legal rights, including the right to counsel and to bail. Bond is set but the defendant is not called upon to enter a plea either at the initial appearance or the preliminary hearing. The purpose of the proceeding appears largely to be to establish bond for defendants who are in custody and to set a date for a preliminary hearing, unless the defendant waives the right, and then the case is bound over to Grand Jury. If the defendant requests a preliminary hearing, it is handled by the CCPO APA assigned to the 3D Courtroom. Based on JMI’s observations, there is no attempt in this hearing to establish probable cause other than entering the facts of the police report into the record, screen for indigence, or make a determination if the matter rises to the level of a felony.

During JMI’s time observing 3D proceedings, the charges against defendants were read and bond was set. Neither the APA nor the public defender played an active role in the proceedings. Although the initial appearance can be an opportunity to start negotiations or make determinations about whether the case can be diverted (see below), there is another challenge that must first be addressed.

The public defender, who just received the cases the morning of the hearing, appeared to know very little about the defendants or the merits of their cases and did not advocate for reduced bond, much less reduced charges, diversion, or dismissal. Similarly, we did not see the APA making bond recommendations or screening cases for participation in ECM, drug court, or other diversion tracks. The CCPO leadership indicated that it would like to place additional APAs in 3D to achieve exactly the things that JMI noted were missing. However, simply increasing the number of APAs will do little if there is not a change in public defender assignment or processes. Additional public defense resources would help ensure that the attorney has a smaller caseload for the initial appearance and thus more time to meet with the clients and get basic information that could be argued before the judge, related to reduced bond, reduced charges, diversion, or dismissal.

As a first step toward making the initial appearance more productive, the CCPO should coordinate with the Public Defender’s Office to determine whether additional defenders can be assigned to 3D if additional prosecutors are assigned by the CCPO. The parameters of what “screening” should occur and the process by which that happens should also be developed collaboratively.

**Recommendation 16:** The CCPO should advocate for discussion and review of the ECM program by members of the Justice System Review (JSR) Committee or the Cuyahoga County Criminal Justice Services Governing Board, to seek ways to improve its functioning.
The objectives of ECM—more prompt resolution of less serious felonies, reduction in the average days defendants remain in jail pre-trial, decreased costs associated with the level of effort required for Grand Jury indictment— if fulfilled will result in system-wide benefits and efficiencies. Not only will it reduce jail costs, it will also free-up CCPO and court resources to focus on more serious cases. However, in order for the program to work effectively, participation is essential from multiple criminal justice stakeholders. The JSR committee or the Governing Board should seek to improve the program by identifying processes that can be adjusted by these various parties in order to produce a fair and effective process that best serves Cuyahoga County’s criminal justice system.

**Recommendation #17:** A number of cases are placed in diversion after charging through ECM. The CCPO should implement a triage system, such as the Hawaii Proxy Tool, based on defendant risk of recidivism to identify who is eligible for diversion and to make that offer in all diversion cases prior to indictment.¹⁷

At the outset of JMI’s study, Tim McGinty informed the study team that he was interested in alternative methods for holding persons charged with low-level crimes accountable to ease the caseload burden on the APAs, giving them additional time to focus on more serious offenses. The idea has merit, and indeed is one that is being adopted around the country. JMI cautions the CCPO not to implement its own system of defining what is “low-level” since there is an overwhelming body of research that consistently identifies specific factors (known as risks and criminogenic needs) that predict a defendant’s likelihood of recidivism. Of particular note is the proven finding that the present offense with which the defendant is charged has little predictive reliability for determining the likelihood that a defendant or offender will commit another criminal offense. It is also important to note that different factors predict different types of risks—some factors, such as prior convictions, prior failures to appear, and juvenile arrests, predict the likelihood of failure to appear. Other factors, such as age at first arrest, current age, gender, and other dynamic/psychosocial issues, predict the likelihood of continued criminal activity. The factors that do predict the likelihood of recidivism with the highest statistical validity and reliability combine both static factors (those that are historical or cannot not be changed such as age at first arrest, number of prior offenses, current age, and gender) with dynamic factors (those that can be changed through intervention such as antisocial attitudes and beliefs, anti-social peers, anti-social personality and temperament, family or marital issues, substance abuse, employment, education, and leisure activities).

Having good information on a defendant’s risk of recidivist conduct at an early stage can help the CCPO assess which defendants are likely to be “self-correcting.” For those individuals, the mere act of being arrested is likely to have a significant deterrent effect; they can be held accountable through fines and minimal supervision/intervention. The CCPO can then devote more resources, in a targeted way, on cases involving those defendants who present a high risk to continue criminal activity and warrant more significant intervention by the criminal justice system through punishment, treatment, and rehabilitation.

¹⁷ The Hawaii Proxy Tool asks defendants their current age, age at first arrest (including juvenile arrests), and number of previous arrests.
Based on discussions with the CCPO leadership, it would appear that there is greatest interest in assessing risk of continued criminal activity, and thus the CCPO should work with others in the justice system to select an appropriate risk assessment instrument. Any such instrument must be validated on the local justice population to ensure that the scores are accurately predicting risk.

**Recommendation #18:** The CCPO should work with the Court of Common Pleas and Pretrial Services to obtain risk/need information that is collected by Pretrial Services through the Ohio Risk Assessment System (ORAS). A process should be in place that allows for the timely sharing of this information with the CCPO and defense counsel to inform the plea negotiation process, particularly as it relates to diversion or deferred prosecution. Moreover, if the CCPO adopts its own proxy instrument to triage cases, the CCPO assessment and the ORAS assessment should be complimentary, not duplicative.

In addition to a triage system that would allow the CCPO and the ECM prosecutors to quickly assess risk, the Court of Common Pleas’ Pretrial Services conducts a more thorough comprehensive risk/needs assessment on individuals being considered for diversion to determine eligibility. The Ohio Risk Assessment System (ORAS), which is used by Pretrial Services, is considered a model pretrial risk assessment that captures not only risk of failure to re-appear but also the risk of recidivism. ORAS results are provided to the CCPO as part of the diversion program but reportedly it takes 3 to 6 weeks to conduct the assessment and provide the information. If the CCPO implements a triage system, it could provide the risk score to Pretrial Services to help them prioritize which defendants require further assessment, helping to reduce the workload of Pretrial Services and significantly reducing the amount of time it takes to schedule and conduct the assessment and provide that information to the CCPO.

In addition, risk/needs information can be particularly useful in the plea negotiation process, particularly for negotiating proposed case dispositions. Providing ORAS information to the ECM and other GFU prosecutors, public defenders, and other defense counsel allows them to consider this information in negotiating potential sentences and making sentencing recommendations that will not just punish the defendant but, more importantly, will reduce the likelihood that he or she will recidivate. This information is currently being used by the Court of Common Plea judges. The CCPO should reach out to the Chief Judge and Public Defender to discuss how ORAS information could be shared with the CCPO and defenders.

**Recommendation #19:** APAs in the criminal division should prepare plea offers, ideally informed by the ORAS or other risk/needs assessment scores, and present the offers to defense counsel. In addition, the process of “plea marking” should be revised to support the more active role of APAs in plea negotiation.

The CCPO APAs do not play an active role in plea negotiation. This is an unusual practice, particularly among large urban jurisdictions. Instead, APAs (with the exception of ECM prosecutors) wait for defense counsel to make an offer and then the APA must secure supervisor approval (known as “plea marking”) or make a counter-offer if the plea is not approved. Assuming the case file is in order and there is full and timely discovery, the current process is undoubtedly a contributor to the amount of elapsed time between arraignment and disposition, particularly in lower-level felony cases.
Adding to the delays in securing pleas, after receiving the defense plea offer, APAs must travel from the courtroom floor to their 9th floor office to request a plea mark from their supervisor in person. The APAs in CCPO, as well as others interviewed from the courts and defense agencies, report that “leaving the floor” for plea marking is inefficient. Defense attorneys don’t have time to wait; APAs miss opportunities to meet on other cases while they are off the floor; and regional supervisors are required to be in their offices for plea marking, limiting their ability to observe and evaluate the APAs in their regions. Using a more proactive approach would allow APAs to discuss plea offers with their supervisors the day prior to meeting with defense counsel and obtaining plea mark in advance.

**Recommendation #20**: The CCPO should consider adopting a best and final plea offer policy, under which defense counsel are advised at the time of the offer that this is the one and only offer that will be made. This can be done at the pretrial conference, after discovery and discussion with defense counsel about the case/any mitigating circumstances that they would like considered, and pre-approval by the supervisor of the plea offer.

Building on recommendation #19 above, creating a more proactive approach to plea negotiation and obtaining pre-approval for plea offers can have the unintended consequence of increasing time to disposition, particularly when the offer is rejected or a counter-offer is made that will require the APA to contact his/her supervisor for a new plea mark. To avoid this, the CCPO can adopt and implement a practice of “best and final offer.” Although such a practice requires thorough case screening and evaluation at the early stages of case processing and full and timely discovery, it can be constructed in a way that promotes fairness, ensures defendants are held accountable for their crimes, and eliminates prosecutor or judge “shopping.” Best and final plea offers also help eliminate some of the reluctance among defense attorneys to negotiate a plea without first knowing who the sentencing judge will be. This is a practice that has been used successfully in King County (Seattle), Washington and has helped reduce both the backlog of pending cases as well as the overall time to disposition. In addition, it has helped increase trial date certainty.

JMI cautions the CCPO that this particular recommendation is not made lightly, nor will its adoption come easily. A change of this nature will require a cultural change and should be fully vetted with other stakeholders in the criminal justice system, particularly the public defender’s office and other defense counsel. Agreement should be reached prior to the implementation of the plea practice as to the process, the terms, and any offenses that are simply “off the table” for a best and final plea policy. Court of Common Pleas judges should also be included in the vetting process to ensure that there is no implied or explicit threat to judicial discretion and to help avoid the possibility of judges’ wholesale plea rejections, effectively undercutting the process and creating a system in which judge shopping dominates.

**Recommendation #21**: Eliminate the practice of setting two pretrial conferences, particularly for lower-level felonies, which artificially lengthens the amount of time to dispose of a case.

There is no clear basis for the practice of setting two pretrial conferences, and it is not clear what the intended benefit of such a practice would be, although this has been a long-standing practice. Often,
when such a practice is used, it is designed around specific activities that are intended to assess readiness for trial, to provide opportunity for plea negotiation, or for judges to manage their dockets and ensure that the case will be ready by the trial date. However, based on interviews with the CCPO attorneys and with others in the criminal justice system, none of these were cited as primary reasons for having two pretrial conferences. Rather, it would appear that the initial pretrial conference is generally used to schedule a second conference date, with reportedly few instances in which meaningful case advancement occurs. With changes to ECM and the plea practice, one pretrial conference should be sufficient opportunity to bring cases to resolution in F3, F4, and F5 cases. The pretrial conference should be set slightly farther out than is currently done to ensure that complete and timely discovery can be provided to defense counsel and that the defense has adequate time to meet with their clients so the case can meaningfully advance. If agreement on a non-trial resolution is not reached at the pretrial conference, the case should be set for trial. It should be noted too that adopting such practices will also require system-wide coordination to establish and preserve trial date certainty so that this new practice does not have the unintended consequence of adding multiple continuances at the trial stage.

Part 2: Internal Organization and Staffing of the Criminal Division

JMI noted three areas for consideration with regard to the internal organization and staffing of the Criminal Division: 1) clarification of the Division’s goals and priorities; 2) staffing and resource allocation; and 3) training.

Clarification of Goals and Priorities

**Recommendation #22: Define the Division’s goals based on outcomes related to justice and criminal prosecution.**

The current goal statement of the Criminal Division describes the role of the division but does not define what the outcomes are that the Division strives to achieve. The division’s goal(s) should complement the overall office goals and should state in measurable terms what the work of the Criminal Division produces. Typical goals for criminal prosecution include holding offenders accountable, ensuring victims’ safety, reducing recidivism, etc. The goals can then form the basis for establishing and communicating priorities to the staff of the Division, evaluating staff performance, and data-driven planning and policy development.

**Recommendation #23: The Criminal Division goal(s) should be used to inform policies, procedures, roles and responsibilities, and information management.**

Having well-defined goals for the division is particularly important for making policy and procedural changes. Changes in policies and procedures should reflect the Division’s priorities as articulated in the goal(s) statement. For example, based on JMI’s interviews, there is interest in changing the practice within the division to have APAs attend sentencing hearings, which they currently do not with the exception of APAs in the Major Trials Unit. The Division should have a goal that supports this change so that it is clear to APAs why they are involved in sentencing hearings, what their role is, and what the desired outcomes are. For example, is it to argue for a specific sentencing recommendation? Is it to ensure that victim impact statements are considered?
In addition, with the implementation of Justice Matters, the CCPO has the ability to produce numerous reports to assess the Division’s performance overall, by unit/region, and by attorney. The goal(s) can form the basis for appropriate MIS reporting that will help CCPO leadership proactively manage progress toward goal attainment. Listed below are several examples of Justice Matters reports that would support a variety of Criminal Division goals:

- Average length of time to dispose of cases (related to a goal of timely case processing)
- Ratio of cases plead as charged vs. lesser charge (related to a goal of offender accountability or appropriate case screening)
- Ratio of restitution ordered vs. paid (related to a goal of victim restoration)
- Percent of cases in which fines are collected, average amount of fines collected, ratio of fines ordered vs. collected (related to a goal of offender accountability)
- Number and percentage of cases pending more than 90/180 days from charging.

**Recommendation #24: The CCPO should consider working with an expert in performance measurement to articulate goals and appropriate performance measures.** Defining goals and performance measures is as much art as it is science. Seemingly simple goals and measures, particularly in criminal prosecution, are often misleading at best, and can in fact produce unintended consequences in terms of performance. Too often, the performance of prosecutors’ offices is measured based on largely on conviction rates. This is problematic for a variety of reasons. First, poor or unethical prosecutorial practice can lead to unfounded convictions, and since convictions are the basis for performance, would be counted as positive performance. Second, convictions emanate from guilty pleas and from trials—defining what a conviction is can be challenging. Is a guilty plea to a lesser charge qualitatively as good as a conviction at trial or a guilty plea as charged? Does a conviction at trial get counted if the defendant is not convicted on all charges or on a lesser charge? Finally, there is the question of whether or not a conviction is truly the only outcome that a prosecutor’s office seeks. If the intent is to seek justice, the appropriate course in some cases may mean diversion, treatment, or some other means of handling the case. Experts in performance measurement in prosecution can help facilitate discussions and arrive at consensus on appropriate goals for the Criminal Division and once defined in measurable terms, suggest performance measures to accurately capture the work of the Prosecutor’s Office.

**Staffing and Resource Allocation**
JMI’s observations of the Criminal Division found that there appear to be a sufficient number of APAs assigned to the Division for the workload. A review of other staffing resources and roles and responsibilities revealed a number of potential issues that can significantly impact the efficiency of case processing within the Division.

**Recommendation #25: The CCPO should consider hiring additional administrative support for the Criminal Division or redefining roles and responsibilities of current staff.**
The ratio of support staff to attorneys among prosecutor offices nationally is 3 to 1. Currently, the CCPO ratio is 4 attorneys to every 1 support staff in the General Felony Unit and 10 to 1 in the Major Trials Unit. The support staff to attorney ratio in the GFU is somewhat misleading, because even though support staff are assigned to regional teams in the GFU, their primary duties are to enter case materials into Justice Matters and to ready case files for assignment to attorneys. GFU APAs receive very little administrative assistance from support staff beyond typing up subpoenas. The result is that APAs can spend a significant amount of time requesting 911 tapes and medical reports, picking up police photos, checking on witnesses, copying videotapes, preparing exhibits for trial, etc. Of particular concern is the ratio of attorneys to support staff in the Major Trials Unit, where the most complex and serious cases are handled. The administrative support needs for this unit can be much more intensive than in the General Felony Unit. It should be noted, though, that the support staff assigned to MTU devote their full attention to administrative support of unit attorneys, and do not have case file preparation duties.

JMI did not have a chance to thoroughly review duties of support staff assigned to other units in the Criminal Division. It may well be that some redeployment of existing staff is possible to permit greater support for GFU attorneys. Whether new staff are added or existing staff are redeployed, CCPO should consider requiring individuals in this position to possess paralegal training. Further, oversight of support staff providing attorneys with administrative and litigation support should be provided by an attorney rather than an IT division member as is currently the case.

In addition, there appears to be inconsistency in the type of support provided. The support staff assigned to MTU reportedly provide thorough support to the extent that they can. The ratio, as noted above, most certainly affects the amount of support that can be provided. Additionally, there appears to be variation in the type of support across the regional units with some APAs reporting that they were not even aware there were support staff assigned to the region to do anything other than set up the file in Justice Matters and others reporting that they get help when they ask for it. Consistency across units within the criminal division will help ensure that the workload is appropriately distributed so that higher paid attorneys have sufficient time to dedicate to case preparation and can spend less time performing administrative tasks that could be handled more cost-effectively by the support staff assigned to the region.

Support staff may not be the only source of administrative assistance for APAs. APAs meeting in a focus group noted there is room to better utilize law clerks providing support to General Felony Unit APAs. Currently, law clerks are assigned to APAs in the Major Trial Unit. MTU attorneys carry 12-18 cases apiece, compared to the 50-80 cases GFU attorneys carry. Sometimes law clerks in the MTU are not fully engaged, depending on APA trial schedules. GFU APAs felt law clerks could also assist general felony APAs with tasks such as preparing motions, securing photos, and sitting in on trials.

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APA Training, Advancement and Performance Evaluation

To large extent, the General Felony Unit (GFU) of the Criminal Division is the heart of the Cuyahoga County Prosecutor’s Office. It employs the largest number of attorneys among the various divisions. New attorneys advance there after first practicing in other divisions and, after gaining experience, many move from GFU to units handling more serious or specialized cases. However, there is currently no formal initial or ongoing training program for attorneys with the General Felony Unit.

Attorneys advancing to the Criminal Division from the Juvenile Dependency or Child Support Enforcement units are provided some introductory guidance by Saleh Awadallah, one of the GFU’s Region Supervisors and the head of the Major Trial Unit, and are then assigned a reduced caseload, perhaps five to ten cases, to manage on their own. Attorneys in this stage are referred to as being assigned to “Region 6,” although, unlike the other five regions, Region 6 is a CCPO construct that does not correspond to a geographic area in Cuyahoga County. Cases are assigned to Region 6 by Mr. Awadallah, who requests transfers of cases from APAs in the other five regions for assignment to Region 6 APAs. The time attorneys remain in Region 6 varies from a couple of weeks to several months.

Once there is an opening in one of the official five regional teams, a Region 6 attorney is assigned to Region 3, which tends to receive slightly fewer case filings than the other four regions, to handle a full caseload. Openings are created when APAs advance to another unit, such as Major Trial, or leave the office. Ralph Kolasinski, the current supervisor of the Region 3 team, has no formal training responsibilities, but he enjoys mentoring attorneys and has taken it upon himself to provide new APAs with a binder containing copies of articles on legal issues circulated by Mr. Awadallah over the years. There is no specific trial skills training, or route toward accepting increasingly complex cases. Nor is there any training provided in perfection of direct appeals, even though APAs must handle appeals arising from their cases. Once assigned to a region, APAs are assigned cases in a fashion to equalize workload, and not to bring newer attorneys up to speed with more serious cases. Of the eight attorneys in Region 3 at the time of our visit, the most experienced reportedly had “almost” one year of experience. More experienced APAs assist newer APAs informally by fielding questions and inviting colleagues to sit second chair in trials but there is no formal coordination.

As mentioned elsewhere, the Juvenile Justice and Child Support Enforcement units have been used as training grounds for newer APAs before transferring them to the adult criminal court General Felony Unit. The training focuses principally on trial preparation, the conduct of trials, and management of a pending caseload, as well as training in screening and charging cases at the intake stage. Still, reliance on APA training provided in the Juvenile Justice Unit and CSEU is not adequate to fully familiarize attorneys with practice in adult criminal court. The accompanying chapter on the CCPO’s Juvenile Division sets out specific recommendations to enhance training provided to Juvenile Justice Unit APAs, such as opportunities to shadow APAs in the Criminal Division and enhanced mentorship opportunities to observe trials and sit second chair on trials in the Juvenile Unit. In addition, the Criminal Division would benefit from enhanced training opportunities.
Recommendation #26: The CCPO should create a formal training program for APAs joining the General Felony Unit. An experienced trial attorney should be charged with training development and oversight, while other CCPO staff can and should be involved with delivering training. The training supervisor should develop an initial training program and coordinate ongoing training, such as the existing brown bag lunches. In addition, the training should incorporate modern principles and techniques of adult education. Opportunities for cross-training, utilizing experts on relevant systemic issues from outside the office, should be explored. Support for appellate practice, in the form of brief banks and training in trial record preservation, should be integrated into General Felony Unit training.

The process of introducing new attorneys to the Adult Criminal Division on an as-needed basis is cited as a reason for not having a formal training program. Attorneys are not brought in as part of a “class,” but rather one by one as regional APAs move on. One suggestion was to institute more formalized training by hiring a retiring Major Trial Unit attorney on a part-time basis to work with attorneys new to the unit. With closer mentorship, new attorneys could be assigned less serious felonies initially, and sit second chair to assist on and observe trials. An additional possible training route is to assign Region 6 attorneys to work on direct appeals. Regional APAs are expected to handle their own direct appeals, and receive no back-up from the Appellate Unit either in the form of supervision or a brief bank. With busy trial workloads, APAs often end up working their appeals in evenings or on weekends, when they can get uninterrupted stretches of time to write. APAs in Region 6 do not carry full caseloads, and assisting with appeals would ease workload pressure for regional APAs while serving as useful training.

As for ongoing training, in 2011 the Criminal Division began holding a monthly brown bag training session that all General Felony Unit and Juvenile Justice Unit APAs must attend. Topics range from recent legislative changes that affect practice to updates to the Justice Matters system. Depending on the topic, presenters are brought in from outside or tapped from supervisors in-house.¹⁹ Based on the one such brown bag session JMI observed, we recommend CCPO devote more time to develop the content of these sessions, both to ensure that the presenter is well-versed on the subject and that the training is substantive. Ongoing training is essential to any prosecutor’s office and should not be a task heaped onto already busy supervisors. Whether the training provided is in the nature of substantive legal training, legislative updates, or covering office procedures (such as using Justice Matters), presenters should be adequately prepared. Ideally, evaluation feedback should be sought from APAs to help fine-tune and improve training.

Recommendation #27: The director of training for the General Felony Unit should coordinate with supervisors in the Juvenile Justice Unit and Child Support Enforcement Unit to ensure that training is

¹⁹ A suggested topic for training was review of 2010 updates made to Rule 16, which governs discovery. Concern was expressed over general understanding of some of the provisions as well as uneven approaches among APAs in application of certain sections (e.g., HIPPA and medical record requests). A suggestion was made to conduct cross-training of APAs by defense counsel who were involved in drafting the revised rule.
not duplicative and complements the material provided as part of the Juvenile Justice and Child Support Enforcement trainings.

In addition, the GFU training supervisor should consult with supervisors responsible for training in other units, such as Appeals and Major Trial, for input into the GFU training curriculum. Ideally, training should be considered from an office-wide perspective to ensure attorneys in all divisions receive up-to-date CLE and skills training to enhance professionalism.

Recommendation #28: General Felony Unit supervisors should receive training and support for their management functions, and be held to similar expectations regarding APA oversight, support and development.

All of the region supervisors and the ECM supervisor are experienced and dedicated attorneys. The Director of the Criminal Division leaves it to the supervisors to decide how to structure their supervisory duties, and they all do so differently. Some of this difference results from a deference to individual style and experience while some results from a lack of formal management training. The impact on staff is a varying degree of support and oversight when they are “on the floor.” A number of supervisors remain in their offices on the 9th floor, waiting for APAs to come to them to mark pleas and tending to other duties, while APAs are on courtroom floors negotiating with defense counsel and participating in court proceedings. Other supervisors are more hands on, observing attorneys in court and making themselves available for consultation by APAs on the courtroom floors. Supervisors should be instructed to provide a greater degree of uniformity in supervision and support of APAs.

Recommendation #29: Supervisors should provide substantive feedback on APA case performance that includes observation and not just case file review or win/loss review as part of the annual review process. The process used for review of trial performance illustrates the value of scrutiny in improving case outcome and attorney performance.

The CCPO has a series of performance evaluation protocols tailored to APAs working in different divisions and for support staff. Performance evaluations are to be conducted annually. Supervisors rank performance across multiple criteria according to a 1 – 5 scale, where 1 = substantially below expectations and 5 = substantially exceeds expectations. While the process looks satisfactory on paper, in the General Felony Unit, we were told that many APAs are scored with 3s, “meets expectations,” across the board, on the basis of their win/loss record. One region supervisor was critical of this process, and felt that supervisors should take time to observe APA performance and base rankings on specific case observation. The Criminal Division Director noted that each supervisor is supposed to be observing APA performance throughout the year, but there is no specified number of observations required. The observations are intended to serve as a tool for supervisors to report what they learned about APA performance as part of the overall evaluation. However, it is not clear that 1) all supervisors are observing the APAs in their regions and 2) what is learned from the observations is communicated with any consistency to the APAs in their performance evaluations.
A few years back the Criminal Division instituted a policy where in every trial case, APAs have to get final approval from a supervisor to check that everything is a go, e.g., all evidence is ready and all witnesses have confirmed they will appear, so as to avoid facing a Rule 29 Motion for Judgment of Acquittal. And after every trial case (wins and losses; jury and bench), a summary form is completed which two supervisors review. For losses, the form contains checkboxes probing reasons why a case was lost. A supervisor explained the process tells APAs 1) people care about performance 2) APAs can expect feedback and 3) if error arose from the APA’s performance, the APA is not likely to make the same mistake a second time. The process resulted in a reduction in the number of Rule 29 acquittals, and serves as a valuable pedagogical tool.

**Appeals**

The Adult Criminal Division’s Appeals Unit, which has nine APAs and a supervisor, handles post-conviction proceedings in the Eighth District Court of Appeals, the Ohio Supreme Court, and federal courts. Among other things, it also assists police officers in drafting search warrants. They respond to officer requests for assistance on warrants at night on an on-call basis, which one APA suggested should be institutionalized as a rotational shift. They also represent victims to oppose inmate parole before the Parole Board when there is a full Board hearing.

As mentioned elsewhere, APAs working in the General Felony Unit are responsible for handling appeals from their trial court judgments. One Appeals Unit APA conducts legal research and fields questions from GFU APAs regarding sentencing, pleas and complex legal issues. Appeals Unit APAs also provide legal training for trial attorneys on changes in the law that affect their cases. Beyond this assistance, there is no coordinated support provided to APAs on their direct appeals, either in the form of a brief bank or consultation, although all Ohio briefs including pleadings are now available online through Westlaw. We were told there is a sense that APAs should do their own case analysis.

One GFU APA noted that the office had 435 trials last year and that it wins, on average, 68% of those, leaving approximately 140 cases susceptible to appeal. One GFU supervisor noted that direct appeals tend to deal with the same issues, such as sufficiency of the evidence or manifest weight, thus APAs should be able to better anticipate and prepare for appeals in the trial de-brief process. Nevertheless, expecting trial attorneys to handle their own appeals is not a common practice at all among large prosecutor’s offices. In fact, JMI’s team prosecution subject matter expert has never encountered such an arrangement. Although one can argue that is sometimes wise to let attorneys who were not involved in the case review it with “a fresh set of eyes,” it is not clear that there is any benefit to having trial attorneys prepare their own appeals. Moreover, adding the preparation of briefs to the already heavy caseload of trial attorneys will mean shifting some of their time spent on felony case processing to appellate work and could create greater backlogs of pending cases and slower case resolution. Finally, the practice of having trial attorneys handle appeals in cases that they handled in the trial court seems to lack any quality control mechanisms, which can result in inconsistent arguments being made to appellate courts on points that arise in different cases. Such a practice would seem to have liabilities for the CCPO.
Attorneys in the Appeals Unit do not rotate; once they join the Unit, APAs tend to stay quite a while. The head of the Appeals Unit recruits 20 to 25 summer law clerks, who support the Major Trial and Appeals units. The law clerk program serves as a pipeline for identifying attorneys who will eventually be hired as trial or appellate APAs.

Recommendation #30: APAs in the General Felony Unit should not handle appeals from trial court judgments in which they have been the trial attorney. Three possible options for the CCPO to consider would be to 1) revise the scope of case assignment of APAs in Region 6, which is the “training” region for new APAs to the GFU, to have them prepare briefs; 2) implement a set of practices in the GFU in which trial attorneys would have an active role in perfecting the record to ensure that the Appeals Unit attorneys have a well-prepared packet for their use; or 3) consistently team a trial attorney with an appellate attorney in handling these matters, with the Appellate APA being the senior member of the team and having final responsibility for preparation of briefs and related matters.
4. **Recommendations for the Criminal Investigations Division**

In addition to criminal matters referred for prosecution from law enforcement sources, the CCPO has a Criminal Investigations Division (CID) that conducts its own investigations, working in conjunction with various task forces. Specifically, the CID consists of a number of specialized units within the office that have direct contact with law enforcement during the course of an investigation. These units include the Economic Crime Unit, the Statewide Internet Crimes Against Children Task Force, the Cold Case Unit, and the Grand Jury Unit which reviews police investigations and approves or declines cases for further investigation by law enforcement. Between 2010 and 2012, there has been a significant increase in the number of investigations initiated by the CCPO, particularly for Internet Crimes Against Children (ICAC) and Mortgage Fraud. The number of ICAC investigations increased from 196 in 2010 to 586 in 2012. It is important to note that the ICAC investigations include both in-county investigations and statewide investigations. Among in-county investigations, the number of investigations increased from 113 to 128 during the same time period. Between 2010 and 2012, approximately half of in-county investigations were converted to prosecution (i.e., indicted). Similarly, investigations initiated by the Mortgage Fraud Task Force increased from 56 in 2011 to 62 in 2012, of which there were 8 indictments of 65 defendants.

Although the percentages of cases converted for prosecution may seem low, the work by its very nature can be labor intensive and span over the course of several months or years depending on the scope of the investigation. Given the number of investigators, the workload seems appropriate and manageable. Indeed, none of JMI’s observations or interviews identified any areas of major concern with regard to the workload. Moreover, since the Division is designed to allow for special attention to high profile cases pre-indictment to both direct police work and to prepare the cases for trial, this specialized work does not affect greater efficiency issues within the CCPO. JMI’s only recommendation with regard to criminal investigations is to identify specific performance measures so that the overall effectiveness and efficiency of the unit can be monitored over time. Specifically, the CCPO might consider tracking the age of active investigations from the point at which the investigation is opened to its closure or conversion to prosecution. CCPO should also consider tracking the prosecution outcome (i.e., did the case result in a conviction) for investigations that were converted for prosecution.

**Recommendation #31:** Develop performance measures to monitor the work of the Criminal Investigations Unit, which could include average elapsed time for investigations by unit and prosecution outcome of investigations that were converted for prosecution.
5. RECOMMENDATIONS FOR THE JUVENILE JUSTICE DIVISION

Our overall impression of the work and personnel of the Juvenile Justice Unit is very positive. It is clear from numerous interviews that the attorneys assigned to the Unit like working at Juvenile Court, appreciate the opportunity it provides to learn about how to competently perform a number of prosecutorial functions including case screening, charging, negotiations with defense attorneys, preparation for trial and other court proceedings, the actual conduct of trials, and use of the Prosecutor’s Justice Matters computer software. The Juvenile Justice Unit has traditionally been viewed as a primary training ground for recently hired APAs, and most of the attorneys in the Unit have been with the office for less than two years. Six to twelve months is the usual range of time spent with the Unit.20

The Unit currently has two senior-level APAs (Rob Christyson and John Clough) who provide orientation and training for the newer APAs, review and “mark” proposed plea agreements, assist in trial preparation, sometimes sit as second chair for trials, and generally make themselves available for consultation with the younger APAs. As a group, the attorneys appear to be bright, highly motivated, interested in their work, pleased to be working at the Prosecutor’s Office, and eager to learn.

As of November 2012 the Juvenile Justice Unit has 18 attorneys including Acting Supervisor Rob Christyson. They are divided functionally into two groups: five attorneys (including the two senior APAs, Rob Christyson and John Clough) work principally in Intake, while the other thirteen attorneys are assigned to specific courtrooms, with responsibility for handling all aspects of the prosecution of delinquency cases in those courtrooms. A single APA is assigned to the courtroom of one of the six Magistrates who handle delinquency cases and one APA is assigned to the courtroom of one of the six judges, except that a second attorney is assigned to Judge Floyd’s courtroom because it has an especially heavy caseload.

The typical sequence of assignments in the Unit is for a new APA to work first in Intake, where he or she will gain a sense of the full range of types of cases that are referred to Juvenile Court and gain experience in the screening and charging functions under the supervision of the two senior-level APAs. While in Intake, the new APA should also learn about use of the Justice Matters software for the charging function. Following the time in Intake (which can range in time from as little as a week to one or two months), the APA will move first to a Magistrate’s courtroom, where the most serious cases are misdemeanors and low-level felonies. While in the Magistrate’s courtroom, the attorney should gain experience in docket management, use of the office’s Justice Matters system for case management functions including scheduling and exchange of discovery information, and pretrial and trial practice. From there, the APA moves to a Judge’s courtroom, where he or she will again have docket

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20 The names Juvenile Justice Division and Juvenile Justice Unit are both used in CCPO materials referring to the section responsible for prosecuting juvenile delinquency cases. The names are used interchangeably here but for consistency, one name should be selected by the CCPO.
management responsibilities and should also gain experience in handling more serious cases including Felony 1 and Felony 2 cases. Historically, considerable emphasis has been given to enabling young APAs to learn about trial preparation and the trial of cases during their time in the Juvenile Justice Unit.

The former Unit Supervisor, Michael Horn, left the Prosecutor’s Office recently, having served for five years as the Supervisor after about 15 years doing felony trials. Rob Christyson is currently serving as Acting Supervisor. The Prosecutor, Tim McGinty, has indicated that he is considering undertaking a national search for a new chief of the Juvenile Justice Unit, though that would not preclude eventual selection of a current member of the Prosecutor’s staff as the Unit Supervisor. Regardless of the course that is ultimately followed in selecting a new Juvenile Justice Unit Supervisor, there will be a strong base upon which to build. However, there are also a number of issues to be addressed if the Unit is to be a fully integrated entity within the Prosecutor’s Office that—consistent with Prosecutor McGinty’s statements—is goal-oriented, data-driven, transparent, and accountable. The following recommendations address these issues:

**Recommendation #32: Review the current statements of the Juvenile Justice Unit’s mission, goals and priorities. Revise as necessary to ensure that the Unit’s mission, goals, and priorities are consistent with the Prosecutor’s overall vision for the office and that they reflect best practices in the prosecution of juvenile cases. If possible, obtain the input of prospective candidates for the position of Unit Supervisor before finalizing the statements of mission, goals, and priorities.**

At present, the mission of the Juvenile Justice Unit, as set forth on the Prosecutor’s Office web site, is two-fold: to hold juveniles accountable to the community and to victims and to seek rehabilitation of juvenile offenders. The web site also indicates that the priorities of the Unit are to address cyber crime and gang violence. Presumably, the mission, goals, and priorities of the Unit will be re-assessed in light by Prosecutor McGinty in the course of the selection of a new Supervisor of the Juvenile Justice Unit, and optimally with input from whoever is selected to be the new Unit Supervisor. In any event, for purposes of developing indicators of effective performance, it will be important to be clear about the Unit’s mission, goals, and priorities.

The goals of holding juveniles accountable for misbehavior and seeking rehabilitation of juvenile offenders seem sensible and desirable. These goals can be aligned with Prosecutor McGinty’s basic approach of “triaging” incoming cases to identify and vigorously prosecute serious offenders who pose significant risk to the community while also rapidly identifying low-level cases (and low-risk kids) that are appropriate for early diversion to an effective diversion program.

Although it is not mentioned on the CCPO web site, one of the key functions of the Juvenile Justice Unit has long been to serve as a training ground for new APAs learning how to prepare and try cases. One key issue for the future is to determine the extent to which the training of new APAs should continue to be a high priority for the Unit.
Recommendation #33: Select a Juvenile Justice Unit Supervisor who is familiar with juvenile justice issues and best practices in the field, and who will be committed to the mission, goals, and priorities of the Unit.

Recruitment and selection of a new Supervisor of the Juvenile Justice Unit will send messages concerning the mission, goals, and priorities of the Unit, as well as about the importance that the Prosecutor places upon the handling of offenses committed by juveniles and the role that rehabilitation should play in juvenile justice decision-making. As the recruitment process is initiated, it seems desirable to consider what goals and priorities are especially important for the Prosecutor with respect to juvenile justice. Then, in going through the recruitment and selection process, it will be important to have thorough and candid discussions with persons under consideration for the position regarding goals and strategies for operation of the Unit. Whoever is selected as the new Supervisor of the Juvenile Justice Unit should be someone with whom the Prosecutor has confidence and who will be supportive of the key priorities of the Prosecutor.

Because juvenile justice is (or should be) a key area of prosecution policy, recruitment and selection of a top-quality Supervisor of the Juvenile Justice Unit should be a high priority for the Prosecutor’s Office during the coming weeks. Juvenile justice is a field in which a considerable amount of experimentation and research has been undertaken in recent years. It should be possible to identify experienced prosecutors who are familiar with recent developments and best practices and to explore their interest in heading the Unit and playing a leading role in justice system improvement in Cuyahoga County.

Recommendation #34: Clarify the scope of responsibility of the Unit Supervisor and the arrangements for supervision of the Juvenile Justice Unit by a senior manager in the Prosecutor’s central administration.

The Prosecutor’s Office’s current organization chart shows the Supervisor of the Juvenile Justice Unit reporting directly to the First Assistant Prosecutor. However, from interviews conducted by the JMI team in October and November 2012, it appears that in the recent past the Juvenile Justice Unit has functioned relatively autonomously, with little oversight from central administration. This is not too surprising in view of the physical separation of the Unit (which is located at the Juvenile Court building, several miles from the main courthouse) from the main office of the CCPO. If Prosecutor McGinty chooses to make juvenile justice a relatively high priority area (as indicated by the prospect of a national search for a chief of the Unit), it will be important to clarify the reporting and communications relationships between the Unit Supervisor and the new Chief of Staff or the First Assistant. Developing clarity about the Unit Supervisor’s scope of responsibility, as well as about the reporting relationship between the Supervisor and a major figure in CCPO central administration, will be helpful for successful recruitment of a new Unit Supervisor. In any event, such clarity is essential for the effective functioning of the Unit.

Recommendation #35: Develop plans for staffing the Juvenile Justice Unit that (a) take account of the prospect that in the near future the Prosecutor will assume responsibility for Intake, including
charging; and (b) provide for a larger complement of senior-level APAs who can provide training and mentoring for the newer APAs assigned to the Unit.

(a) Staffing for a potentially expanded Intake function. Prosecutors were seldom actively involved in juvenile court proceedings during the first 70 years of juvenile court history in the U.S. However, in the years since the U.S. Supreme Court’s Gault decision (In re Gault, 387 U.S. 1 [1967]), juvenile court processes have become much more formal, with much more attention to due process. Since Gault, not only have juveniles charged with delinquency become entitled to an attorney to assist in their defense as a result of that decision, but prosecutors in most jurisdictions have had increasingly active roles in the charging and prosecution of cases.

In Cuyahoga County, prosecutors have been involved in the active prosecution of delinquency cases once they have been filed for several decades, but it is only since 2001 that they have become actively involved in early decisions about whether to charge a juvenile as a delinquent and, if so, what offenses to charge. Through a gradual evolution over the past decade, the Juvenile Justice Unit of the Prosecutor’s Office has now become the entity that screens and charges cases referred from the following entities:

- Cleveland Police Department
- Cleveland Metropolitan Housing Authority
- Cleveland Metropolitan School District
- Cleveland State University Police
- Regional Transit Authority

Additionally, the Prosecutor’s Juvenile Justice Unit does the screening and charging in all cases involving sex crimes and firearms, regardless of the referring entity, and in all cases in which the juvenile is held in detention following an arrest. All other cases—including the vast majority of cases initiated in parts of Cuyahoga County outside the city of Cleveland—are handled initially by the Juvenile Court’s Intake and Diversion Unit. Acting Unit Supervisor Rob Christyson’s rough estimate is that approximately 80 percent of the delinquency cases filed in Juvenile Court are initiated by the Court’s Intake and Diversion Unit; only about 20 percent by the Prosecutor’s Juvenile Justice Unit.

From the prosecution perspective, there are several major disadvantages and inefficiencies that stem from having the Intake function (including charging) performed by staff of the Juvenile Court’s Intake and Diversion Unit. First, the members of the Court’s staff are not lawyers. Reportedly, they do a good job of determining whether a referral report provides facts indicating that the Juvenile Court has jurisdiction of a case, including whether the referral report contains assertions of fact sufficient to establish that there is probable cause to believe that the juvenile committed a chargeable offense. However, they are not familiar with the Rules of Evidence and law governing the admissibility of evidence, or with the practical needs for credible evidence that will establish commission of a crime by an individual beyond a reasonable doubt. One result is that there is reportedly a considerable amount of mis-charging that requires APAs in the Juvenile Justice Unit to amend the complaint or dismiss the
original complaint and re-file a new complaint in a significant proportion of cases. Second, the Juvenile Court’s Intake and Diversion staff uses the Court’s computer system, which is apparently incompatible with the Prosecutor’s Justice Matters computer system. For cases initiated by the Court’s staff, support staff in the Prosecutor’s Juvenile Justice Unit must scan complaints and related papers into the Justice Matters system so that the APAs can obtain essential information and manage the cases. Third, lacking authority to charge in most cases, it is difficult for the Juvenile Justice Unit to follow consistent practices regarding prosecution of the full gamut cases that the Unit will be responsible for prosecuting and maintain county-wide prosecution policies.

If the CCPO assumes responsibility for Intake (see Recommendation #36 below), it will mean a substantial increase in workload, for which additional staffing will be necessary. Conceivably, some of the staff that currently works in the Juvenile Court’s Intake and Diversion Unit could simply move to the CCPO, thus enabling the CCPO to take advantage of their experience and familiarity with diversion options, while bringing the charging function clearly within the purview of the Prosecutor’s Office. In any event, the workload and staffing needs should be thoroughly explored as part of the negotiation process.

Rob Christyson noted another advantage of having the Juvenile Justice Unit become responsible for the entire Intake function: it would enable regionalization of the function, consistent with the regionalization framework developed for other functions of the Prosecutor’s Office. While more staff would be required for an expanded Intake function (Christyson’s estimate: 2-3 additional APAs plus 2 additional support staff), the change would enable staff of the Juvenile Justice Unit to forge closer relationships with law enforcement agencies and other referring sources in the region for which the staff members had responsibility.

(b) A larger staff complement of senior-level APAs. As noted above in the “Overview” section, historically the Juvenile Justice Unit has been mainly a temporary assignment for relatively new APAs—their first experience with what is involved in the exercise of front-end discretion (through the screening and charging functions in Intake) and in pretrial practice and the preparation and trial of cases. Of the eighteen attorneys now assigned to the Unit, only the two senior attorneys have had extensive experience handling trials in adult criminal cases and making difficult front-end decisions regarding charging and plea negotiations. Both of them now generally supervise (and sometimes participate directly in) the Unit’s Intake work while also handling the marking of proposed pleas, making themselves available for handling questions and issues that arise on a day-to-day basis, mentoring the new APAs, and conducting training of the APAs. There is a sense, on the part of both the two senior-level APAs and many of the newer APAs, that the Unit would benefit from having a somewhat larger contingent of experienced prosecutors to provide supervision, mentoring, and support for the attorneys who are getting their first active litigation experience. Additionally, because some of the cases in juvenile court involve serious and complicated cases (even if they do not involve transfer to the adult system), it seems desirable to have at least two additional experienced APAs at Juvenile Court, both to aid in an expanded Intake function and to help handle the day-to-day prosecution caseload.
Recommendation #36: Continue and conclude negotiations with the Juvenile Court that will provide for the Prosecutor’s Juvenile Justice Unit to take responsibility for the Intake function, including decision-making regarding diversion and preparing formal charges in cases where the decision is to proceed with prosecution.

Because the Prosecutor’s Office will be responsible for (and accountable for) the effective prosecution of delinquency cases, it makes sense for the Prosecutor’s Juvenile Justice Unit to have responsibility for the Intake function. This area of responsibility should include conducting pre-charging investigations that may involve contacts with law enforcement agencies and other referring sources, making initial “triage” decisions regarding acceptance or rejection of a case; referring the juvenile to a diversion program in appropriate cases (and pursuant to established criteria consistent with Rule 9 of the Ohio Supreme Court’s Rules of Juvenile Procedure); and preparing formal charges in cases where the decision is made to prosecute. For cases where the decision is made to file charges, the Juvenile Justice Intake Unit should also be able to make initial assessments of case seriousness and complexity that will enable early resolution of less serious cases and a heightened emphasis on the most serious offenses. In conducting negotiations with the Juvenile Court, consideration should be given to possible ways in which the experience of the Juvenile Court’s Intake and Diversion staff can be utilized as the charging function is moved to the Prosecutor’s juvenile Justice Unit.

We understand that the Juvenile Court is receptive to the idea of the Prosecutor’s Juvenile Justice Unit taking responsibility for charging, but has two major concerns: (1) concern about the loss of employment of the members of the Court’s Intake and Diversion Unit; and (2) concern that transfer of the Intake function to the Prosecutor could result in fewer cases being diverted from the formal juvenile justice system. The two concerns are related: reportedly, the Court’s Intake and Diversion Unit does a good job of screening cases and linking diverted juvenile to appropriate diversion programs that can meet apparent needs. Notably, the guiding criteria for screening by the Court’s Intake and Diversion Unit is Rule 9 of the Ohio Supreme Court’s Rules of Juvenile Procedure, which provides that “In all appropriate cases formal court action should be avoided and other community resources utilized to ameliorate situations brought to the attention of the Court.” The Juvenile Court has formally incorporated the guidance of Rule 9 into its own Local Rules and has established detailed guidelines governing the exercise of discretion by the Court’s Intake and Diversion staff. The guidelines were developed with input from the Prosecutor’s Juvenile Justice Unit, and the prosecutor uses the same guidelines in making decisions regarding diversion or filing in the cases that it handles on direct referrals.

The problems related to transfer of the charging function to the Prosecutor’s Juvenile Justice Unit should be solvable in a fashion that retains a role for members the Court’s Intake and Diversion staff. That staff clearly performs valuable screening functions and is knowledgeable about diversion programs in Cuyahoga County’s many communities. From discussions with Acting Unit Supervisor Rob Christyson, it is clear that he supports the overall policy of diverting minor cases to community programs and minimizing unnecessary utilization of formal court processes while still finding ways to hold the juveniles accountable for their actions. He has also emphasized that the relationship between the Juvenile Justice Unit and the Court’s Intake and Diversion Unit is not a hostile one. Indeed, the two entities have jointly
developed guidelines for the exercise of discretion in screening some categories of cases and have worked out procedures for the Court staff to contact the Juvenile Justice Unit in some types of situations involving potentially serious charges.

**Recommendation #37: Develop and use a written manual or guide that sets forth the Juvenile Justice Unit’s mission, goals, key policies, and operational procedures.**

Currently, the Juvenile Justice Unit does not have any manual or handbook that describes the Unit’s mission, goals, policies, and operational procedures. Prosecutorial work in Juvenile Court is similar in many ways to prosecutorial work in adult criminal court, but there are also some unique features of the Juvenile Court and the juvenile justice system generally. New APAs coming into the Juvenile Justice Unit should have useful resource materials that address both the common features and the significant differences between adult courts and juvenile courts. Particularly if juvenile justice is to be an area that receives increased attention in the overall work of the Prosecutor’s Office, it makes sense to develop such a guide.

In addition to furnishing an overview of the commonalities and differences between adult and juvenile prosecution, a written manual should cover all aspects of Unit operations in the handling of cases and caseloads, from the inception of a case to resolution and post-adjudication proceedings. It should provide basic information about the organization of the Unit and its relationship to overall operations and goals of the Prosecutor’s Office; should provide information about personnel policies and expectations regarding work at the Juvenile Court; and should provide references to other relevant sources of information. If the Juvenile Justice Unit assumes substantially expanded screening and charging functions (see Recommendation #36 above), it will be especially important to have such a guide. The manual should be in electronic form and easily accessible to APAs and support staff in the Unit, and should be updated frequently to take account of turnover in Unit personnel and changes in relevant laws and policies.

**Recommendation #38: Strengthen and expand training opportunities for APAs assigned to the Juvenile Justice Unit and Unit support staff.**

The two senior-level APAs in the Juvenile Justice Unit, Rob Christyson and John Clough, have primary responsibility for training new APAs who rotate through the Unit. It appears that, consistent with the long-standing practice of using the Juvenile Justice Unit as a training ground for newer APAs that will enable them to move on to adult criminal court, the training has tended to focus principally on trial preparation, the conduct of trials, and management of a pending caseload, as well as some on-the-job training in screening and charging cases at the Intake stage. John Clough has prepared a number of packets of materials that he uses for training the new APAs in aspects of trial preparation and the conduct of trials.

The training provided by the two senior-level APAs is generally regarded by the newer APAs as being very good, as is the mentoring that they provide. However, there is also broad agreement that training
is an area that warrants attention and improvement. From discussions with staff at all levels currently working in the Juvenile Justice Unit, the following areas stand out as ones that should be considered:

1. Opportunity for new APAs to shadow more experienced APAs in adult court before coming to the Juvenile Justice Unit. A couple of the newer APAs commented that it would be helpful to have had more familiarity with adult court before coming to the Juvenile Justice Unit. They recognize, intellectually, that the Juvenile Court philosophy (including the prosecution philosophy) is somewhat different from the adult criminal court philosophy, but they would like to have a better feel for what they will be experiencing when they move from prosecuting juveniles to prosecuting in adult criminal court.

2. Enhanced mentoring of new APAs by senior-level APAs. The new APAs were unanimous in emphasizing the two senior-level attorneys in the Unit—Rob Christyson and John Clough—are readily available to answer questions and provide advice. However, it seems clear that, with the departure of the former Unit Supervisor, the two senior attorneys are stretched rather thin for time. The younger attorneys would like to have more opportunity for direct mentoring by experienced senior APAs, including having them observe trials and sit second chair on some trials.

3. Upgraded instruction and resource materials for learning the Justice Matters software system. New APAs have initial exposure to the charging functions of the Justice Matters software when they are in Intake, and apparently receive helpful training on using the system for charging purposes. However, several of the newer APAs commented that they would have like to have more help in learning how the Justice Matters software system is used for managing cases and dockets once they move into a Magistrate’s room and are required to manage a docket of cases for the first time. The APAs suggested that it would be useful to have a handbook or web-based set of instructions that could easily be updated as new modules are added and changes are made in specific software programs. Additionally, several APAs indicated that it would be helpful to have more hands-on training as they started their assignments in Magistrates’ rooms.

4. Learning about key aspects of Juvenile Court practice, including new developments that may also affect prosecution of adult cases. There has been a considerable amount of research and development recently in aspects of juvenile court operations. Some of the research is also likely to be increasingly relevant to prosecution in adult criminal courts. Key areas include:

- Research on adolescent and youth brain development;
- Use of evidence-based practices (especially the desirability of linking dispositional recommendations to identifiable risks and needs of juveniles charged with delinquency);
- Handling of cases involving issues of competency and mental health; and
- Effective use of out-patient treatment programs and other community services.

Additionally, of course, the basic philosophy and mission of juvenile court is different in significant respects from adult criminal courts, and it is important for attorneys assigned to the Juvenile Justice Unit to understand the differences. None of these aspects of prosecution in juvenile court are currently part
of the training of new APAs assigned to the Juvenile Justice Unit, although doubtless there are some informal discussions of the differences between adult and juvenile court prosecution.

5. Training on human resources management and related issues for supervisors and staff. There does not appear to be any formal training in HR management or in related areas (for example, handling concerns about gender or racial bias) for persons assigned to serve as supervisors of attorneys or support staff. This should be an area of increased attention.

**Recommendation #39: Emphasize the commitment of the Prosecutor’s Office to swift resolution of cases involving offenses committed by juveniles and exercise a leadership role in reducing delays in case processing.**

From a review of data extracted from the Justice Matters system plus interviews with APAs, it appears that there are significant delays at every stage of the process—from incident to referral of the case to the Prosecutor or the Juvenile Court’s Intake Office; from referral to filing or diversion (especially for cases referred to the Court’s Intake office); from filing to adjudication for cases that are filed; and overall, from incident to resolution and from filing to resolution.

The delays are apparently much more serious in non-custody cases than in cases where the juvenile is arrested and held in custody at the Detention Home. Reportedly, it is common in non-custody cases for one to two months to elapse between the incident and referral of a case to Intake; varying periods of time to elapse at Intake (with the Prosecutor’s Juvenile Justice Unit making decisions more speedily than the Court’s Intake unit); and one to three weeks for the case to be filed from the time it is sent to the Clerk’s office for filing. Times after filing can also be very lengthy—often one to three months from filing to arraignment, and varying periods of time (depending on the case management practices of individual judges and magistrates) from arraignment until the holding of a pretrial conference and from the pretrial to a trial date. Data from the Justice Matters system shows the following time periods for significant proportions of the cases disposed during 2012:

- From incident to filing of complaint: 22.6% of cases took over 90 days. 7.9% took over 180 days.
- From complaint to disposition: 40.7% took over 90 days. 11.2% took over 180 days.
- From incident to disposition: 67.3% took over 90 days. 31.7% took over 180 days.

The problem of court delay is one that has many sources, but it is one that should be of particular concern to institutions and practitioners involved in handling cases involving juveniles. There are some obvious reasons why swiftness is important in handling cases involving kids:

- Adolescents experience the passage of time differently than adults. When there is a lapse of several months between an incident that results in charges and the disposition of the charges, kids often fail to see the relationship between the two events. Delay impairs deterrence and dilutes lessons about accountability and responsibility.
• Delays can mean that a juvenile becomes involved in more unlawful activity (and sometimes is charged with additional offenses) before the court has responded to the initial offense that resulted in charges. Slow case processing impairs the court’s ability to achieve goals of early intervention and rehabilitation.
• Delays in resolution of cases involving kids not in custody correlate with increased rates of failure to appear, creating new offenses for the kids and complicating court scheduling.
• Delays, and related continuances, result in repeated court appearances that take kids, parents, witnesses, and victims away from school and work.

Case processing delay is a problem that has many sources. Delays are essentially a system problem—a product of the policies and practices of many different institutions and agencies including the court, the prosecutor’s office, defense counsel, law enforcement agencies, and a host of other actors. Delays in the resolution of cases affect the entire system and the community, and will require collaborative efforts to address successfully. This is an area in which the Prosecutor should be able to have a constructive role in initiating positive changes in system operation, working collaboratively with the Juvenile Court, law enforcement agencies, and other entities involved in the juvenile justice system.

From a prosecutor’s perspective, cases don’t get better as they get older, and accountability for misbehavior is lost as time passes. In many instances, effective early decision-making can lead to rapid entry of a juvenile into a diversion program, thus providing effective accountability for misbehavior without over-burdening system resources. In cases involving more serious offenses, speedy case processing will also enable accountability while acknowledging the interests and concerns of victims and seeking appropriate rehabilitative services for the offender.

**Recommendation #40: Develop CCPO’s capability to produce and use statistical data and management information reports so that senior managers can track Juvenile Justice Unit performance in relation to key goals and Unit priorities.**

Rob Christyson, the Acting Supervisor of the Juvenile Justice Unit, has indicated that he does not currently receive any statistical or management information reports about the work of the Unit. This situation may simply have been an inadvertent result of the departure of the former Unit Supervisor (Michael Horn), but it suggests that the use of data for management purposes is not deeply ingrained in the culture of management of the Unit. In light of Prosecutor McGinty’s interest in developing a prosecutor’s office that is goal-oriented, data driven, accountable, and transparent, it seems highly desirable to address the utilization of statistical information and management information reports. The statistics and management reports should be closely linked to the goals of the Unit, producing information that is relevant to assessing progress in achieving goals, measuring Unit and individual APA performance, and helpful in identifying problems that impair effectiveness and efficiency.

At a minimum, the Unit Supervisor should regularly (at least monthly) receive reports that show, for the Unit as a whole and for each courtroom (or each APA), key data on Unit and attorney workload and on
performance in relation to goals that are set for the Unit and for individual APAs. The reports on workload and timeliness should provide information on at least the following:

- Referrals of delinquency charges from law enforcement agencies and other sources, by case type/level of charge;
- Diversions prior to filing, by level of charge referred and status of juvenile (e.g., first offense charged, second offense, etc.);
- Filings, by highest charge type;
- Total active pending cases;
- Age of pending cases, by charge level by custody status;
- Number of scheduled appearances per case by custody status; and
- For resolved cases, by custody status and age from
  o Incident to filing
  o Filing to adjudication
  o Incident to adjudication.

Discussions with APAs and supervisors should help to identify other types of information that will be useful to have for purposes of problem identification and management of the Unit.

**Recommendation #41: Develop indicators of effective performance for the Juvenile Justice Unit.**

At present, the Juvenile Justice Unit has no explicit performance goals or measures, either for the Unit or for individual APAs or support staff members. In discussions with APAs on this topic, there was understandable resistance to the idea of developing quantitative measures of effective Unit or individual performance. However, if the Unit is to fit within the framework of the accountable and transparent organization sought by Prosecutor McGinty, it will be important to develop some practical ways of assessing the performance of the Unit as a whole and of individual attorneys assigned to the Unit.

Development of performance measures for the Juvenile Justice Unit is (or should be) closely linked to the goals and priorities of the Unit (see Recommendation #32 supra). We anticipate that the mission, goals, and priorities of the Unit will be re-examined in the course of recruiting and selecting a new Supervisor for the Unit. Identification of specific performance measures should be undertaken simultaneously with the development of Unit goals and priorities. The new Supervisor should have a role in identifying the goals and measures, and it should also be helpful to have the input of staff assigned to the Unit.

In discussing ideas about possible performance measures for the Unit with Acting Supervisor Rob Christyson, we identified several possible measures that, subject to further review and discussion, could be relevant to assessing overall Unit performance:

1. **Trial rates.** Since development of APAs’ abilities to prepare for trials and conduct trials is one of the key functions of the Juvenile Justice Unit, it seems desirable for the Unit to have a reasonably significant proportion of its cases go through to an actual trial of the case. Although we heard in
interviews that the percentage of cases that go to trial is relatively high, data extracted from the Justice Matters system indicates that the actual percentage of cases tried may be as low as about 3.9%. Once such data is obtained and analyzed, a determination could be made regarding the optimal proportion of cases to be tried through to completion of presentation of evidence and findings by a judge or magistrate. The rate should be higher in judges’ courtrooms, where the most serious cases are filed. It should be possible to regularly produce management information reports that would show the number and percentage of cases that are tried (as well as those resolved by other means), broken out by level of charge. Such data would be useful in managing the Unit in a way that takes account of the desirability of new APAs receiving solid trial experience. However, there is a caution: It would be highly undesirable to create incentives for APAs to seek to bring cases to trial that could be fairly and satisfactorily resolved through negotiated non-trial disposition.

2. Timeliness—Size and age of pending caseload and other indicators. As discussed above, timeliness is an especially important factor in cases involving juveniles. The swiftness with which juvenile delinquency cases are resolved is to a considerable extent dependent on the case management practices of the judicial officers in whose courtrooms the cases are assigned. However, the Prosecutor’s Office can be influential in moving the system toward more timely resolution of juvenile cases through advocacy with respect to timeliness in terms of the caseload as a whole and in individual cases and through attention to performance indicators relevant to timely resolution. Indicators of effective performance could include:

- Size and age of the active pending caseloads of courts and individual APAs;
- Time to disposition in cases of different categories of seriousness;
- Number of continuances per case;
- Clearance rates (i.e., ratio of resolved cases to filed cases); and
- Time from receipt of referral to:
  o Diversion of the juvenile or
  o Filing of formal charges.

3. Effectiveness in prosecution of most serious cases. Because Juvenile Court has traditionally been viewed as a training ground for new APAs, there is an understandable reluctance to assess performance in terms of the number or percentage of cases that result in adjudications of guilt. However, particularly in the most serious cases—e.g., Felony 1 and 2 cases, especially those in categories that are identified as high priority—succeeding in the prosecution would seem to be of particular importance. It seems desirable to develop ways to assess the Unit’s effectiveness in prosecuting these categories of cases.

**Recommendation #42: Review personnel policies and practices that affect the work of APAs and support staff of the Juvenile Justice Unit; revise where appropriate.**

In discussions with APAs assigned to the Juvenile Justice Unit, three aspects of the Prosecutor’s personnel practices arose as topics that warrant particular attention:
1. “On Call” requirements. Attorneys assigned to the Juvenile Justice Unit are on call nights (4 PM to 8 AM the following day) and/or weekend days approximately once every two weeks. Their principal responsibility is to take phone calls from law enforcement officers and other sources in cases where the police recommend taking a juvenile to the Detention Home and in cases arising from a fight or other incident at the Detention Home, and decide whether charges should be filed. They review any written reports and, if the decision is to detain and file, the APA must prepare the charging instrument in time for the next court day. When on call, the APAs reportedly handle anywhere from one to ten cases. Most of the time, they must also be at work and ready to handle a docket or even a trial the following day. The CCPO’s Employee Policy Manual provides that APAs are salaried professionals who are exempt from wage and hour laws and that:

“The duties and obligations of their positions render a regular forty (40) hour workweek virtually impossible. For these employees, the goal of successful and competent completion of their tasks and absolute requirement of their position, and work hours that fall outside of the usual forty (40) hour workweek should be considered normal.”

Notwithstanding the provisions in the Employee Manual, the on call requirements are intensely disliked by the APAs, all of whom would like to see some change in existing practice—perhaps moving to a shift system where one or a few attorneys would handle all of the overnight and weekend calls.

2. Opportunity to work more flexible hours. Several APAs indicated that they would like to see the Prosecutor’s Office institute policies that would allow for greater flexibility in working hours and perhaps in the workloads that individual attorneys would carry. For example, one suggestion was that half-time (and half-load) arrangements should be explored, which would enable attorneys with parenting or elder care responsibilities to work with the office.

3. Equal treatment of personnel. While not a dominant theme, there were several comments during the interviews about a need to ensure that everyone is treated fairly, regardless of race, ethnicity, gender, or other status.

Of these areas, the one that was most frequently raised as a problem was the on-call requirement, which not infrequently requires an APA to be awake much of the night and then report to work in the morning and handle a docket or even a trial. It seems desirable to explore these areas in greater depth and, in particular, to consider possible development of a system of permanent or semi-permanent night shift assignments for designated attorneys to handle calls from law enforcement agencies and the Detention Home that come in during the overnight hours and on weekends. This will become an especially important area to address if and when the Prosecutor’s Juvenile Justice Unit assumes responsibility for the Intake function and picks up all of the work now handled by the Juvenile Court’s Intake and Diversion Unit.

**Recommendation #43:** Working collaboratively with the Juvenile Court and other entities, exercise a leadership role in (a) analyzing current caseflow management policies and procedures; and (b)
instituting changes that will markedly reduce the time from incident to case resolution for all categories of juvenile cases.

As noted above in the discussion under Recommendation #39, it appears that cases involving juveniles in detention generally move very quickly, but that there are often very significant delays in reaching and resolving cases involving youths not in custody. From discussions with APAs, there seem to be many reasons for the delays in the out-of-custody cases, including at least the following:

- Slowness on the part of law enforcement agencies and other referring sources in sending essential information about the case and the defendant to the Court’s Intake Unit or to the Prosecutor’s Juvenile Justice Unit;
- Back-ups in the Clerk’s office that delay the filing of cases;
- Judicial officers’ varying practices in assigning counsel, setting dates for case events, and approving continuance requests;
- Failure of witnesses (including police officers) to appear for scheduled court dates; and
- Lack of clear Juvenile Court and system goals for timely resolution of juvenile cases.

From a prosecutorial perspective, delays in reaching and resolving cases are (and should be seen as) a major problem, especially in cases involving juveniles. (For discussion of the special reasons for emphasizing swift resolution of cases involving juveniles, see the discussion under recommendation #39). However, the delay problems can also be seen as an opportunity for the Prosecutor’s Office to initiate positive changes in policy, practice and the overall culture regarding the processing of juvenile cases. To do this, it will be necessary for the Prosecutor’s Office to collaborate with the agencies and institutions that are involved in case processing on an on-going basis. The most important of these is the Juvenile Court, but other agencies are key actors, too.

The logical initial steps are for leaders in the Prosecutor’s Office (including the Supervisor of the Juvenile Justice Unit) to (1) obtain and analyze data that show the extent of case processing delays in each courtroom and the Court as a whole, by type of case and the stages in the process at which the delays occur; (2) discuss the data and the implications of the data with the Court; and (3) indicate the commitment of the Prosecutor’s Office to collaborating with the Court and other entities to reduce case processing time in juvenile cases to time periods that are appropriate for the nature and seriousness of the cases. There are many specific strategies and techniques that can be employed to significantly reduce delays, but success in this area will ultimately require the involvement and commitment of the Court and other agencies and institutions. It is logical for the Prosecutor’s Office to take a leading role in emphasizing the importance of swift resolution of cases involving kids, while also emphasizing its commitment to collaboration with other entities.

This recommendation is closely related to Recommendation # 38, supra, but builds especially on the opportunity to use the Justice Matters software to produce empirical data on case processing time that can be analyzed to identify problems and potential areas for operational improvements in case processing. It also emphasizes the need for effective collaboration with other entities—especially the
Juvenile Court, but also law enforcement agencies, other referring agencies, the Public Defender’s office, and the Clerk’s office. Court delay is rarely caused by a single factor or source, and reducing delays generally involves cooperative/collaborative efforts across institutional and agency lines. This would seem to be a high priority area for leadership and action by the Prosecutor’s Office.

**Recommendation #44:** Explore possible ways to enable easy electronic interchange of documents and information between the Juvenile Court’s computer system and the Prosecutor’s Justice Matters system.

The Prosecutor’s Justice Matters computer system and the Juvenile Court’s computer system appear to be unable to easily exchange information and documents with each other. The lack of an interface between the two systems currently results in much redundant and duplicative data entry, with support staff in the Prosecutor’s Office spending large amounts of time scanning complaints and other documents received in paper form from the Court into the Justice Matters system. While there are legitimate system security concerns, it seems highly desirable to develop means of facilitating easy and rapid electronic interchange of documents and other types of information between the Juvenile Court and the Prosecutor’s Office. It should be possible to find technological solutions to the electronic interchange problems. This is an area in which such solutions would produce obvious efficiencies and cost savings.

**Recommendation #45:** Review data on referrals by schools and school districts and the filing of delinquency cases arising from incidents at the schools, to ascertain the extent to which (if at all) schools are “dumping” disciplinary matters that could be handled internally by the schools.

Nationally, there has been increasing concern about development of “school-to-prison pipelines” that funnel misbehaving kids into juvenile court and, as they develop court records, into other misbehavior that ultimately leads to imprisonment. It is not clear whether, or to what extent, over-use of Juvenile Court by school officials is a significant problem in Cuyahoga County, but interviews with APAs suggest that there are some school districts that refer cases to juvenile court (either by themselves or via the local police department that could have been handled by the schools themselves.

This is an area in which it first seems desirable to obtain empirical data on the number and nature of school referral of cases to Juvenile Court. If it appears that there is some over-use of Juvenile Court, having the data can provide a foundation for discussion of the problems with school officials, parent groups, and community leaders, with a view to developing approaches that will address the problems without unnecessarily involving kids in the formal juvenile justice system. As with respect to timeliness issues, this is an area in which the Prosecutor’s Office can have a leadership role, working collaboratively with other entities to develop constructive solutions to problems that affect the community.

**Recommendation #46:** Review data on the number and nature of cases in which a juvenile is involved in cases assigned to two or more courtrooms. If it appears that this happens frequently without good cause, meet with Juvenile Court leaders and other stakeholders to develop policies enabling easy transfer or consolidation of cases before a single judicial officer.
During our interviews with APAs, we heard about situations in which resolution of a case involving a juvenile was complicated by the fact that the youth was involved in separately charged cases that had been assigned to different courtrooms. There are a variety of ways in which this can happen, and we have not seen any empirical data that indicates the frequency or nature of such situations. In any event, it seems desirable to avoid this situation when possible, and to facilitate easy consolidation of cases before a single judicial officer.

Having a single judicial officer handle all cases involving a juvenile is widely recognized as a desirable practice. It should be possible to program the Justice Matters software to at least flag cases in which the same juvenile is involved as a respondent in cases assigned to different courtrooms, as an initial step toward enabling timely consolidation where feasible. This is an area in which consultation and collaboration with leaders in the Juvenile Court should prove fruitful.
6. **Recommendations for the Child Support Enforcement Division**

**Part 1: Child Support Enforcement Division**

Cuyahoga Job and Family Services (CJFS) is the county’s administrative office responsible for the establishment and enforcement of family support: its name was recently changed from the Child Support Enforcement Agency (CSEA).

Operationally, CJFS has four units providing direct services – establishment, enforcement, the call center, and the administrative hearings unit (AHU).

All cases originate from CJFS and are assigned to one of the three units within the CCPO’s Child Support Enforcement Division that collectively handle family support enforcement for the CJFS. The three units are the Juvenile Unit (Juvenile Establishment and Enforcement Unit) and the Domestic Relations Unit (Post Decree Domestic Relations and Uniform Interstate Family Support Act (UISFA) Unit) and the Criminal Non-Support Unit. The Juvenile Unit and the Domestic Relations Unit practice civil law in the Courts of Common Pleas, the Probate Courts, the Eighth District Court of Appeals, Bankruptcy Courts, the Federal District Court, and the Ohio Supreme Court. The Criminal Non-Support Unit prosecutes felony criminal non-support cases. In general, the CJFS office reports a good relationship with the child support units of the CCPO. Anthony Sharaba, CJFS Deputy Director, states that he believes the Juvenile Unit is understaffed. And, the CJFS office has reportedly offered money to increase the staff in the Juvenile Unit. To date the CCPO has not accepted the offer.

The Juvenile Unit (Juvenile Establishment and Enforcement Unit), located at the new Juvenile Court, handles cases mostly of unmarried parties. The Unit represents CJFS in the establishment of paternity, advocacy for appropriate child support orders and enforcement for court ordered child support. Joe Young is the Juvenile Unit Supervisor. The office is comprised of the Unit Supervisor, two attorneys in-charge (IC’s), 15 APAs and seven support staff. Currently the unit supervisor handles all appeals. When we visited, the unit anticipated two APA vacancies by the end of the year.

The Domestic Relations Unit (Post Decree Domestic Relations and UIFSA Unit) located in the Court of Common Pleas Domestic Division Building, handles post-decree enforcement and also the UIFSA cases. UIFSA stands for the Uniform Interstate Family Support Act (previously known as URESA). Kestra Smith is the Domestic Relations Unit Supervisor. The unit has an authorized IC position which, at the time of this report, was vacant since the last IC resigned. There are nine APA’s and seven support staff all currently reporting to the unit supervisor.

The Criminal Non-Support Unit (CNS), located in the Prosecutor’s Office in the Justice Center, handles felony criminal prosecution of parental non-support. Kristine Pesho is the Supervising APA. Besides the Unit Supervisor, the unit has one full-time APA, one paralegal, and a half-time investigator. Last year the unit collected $2.4 million in child support. Cases come to the CNS unit after they have been through
either the Juvenile or the Domestic Relations unit and there has been continuing willful non-payment on the part of the non-custodial parent. Attachment C is a flow chart of the three units.

**Recommendation #47: Conduct an in depth study on resource allocation and structure of the child support units to ensure that the three existing separate units are the optimal organizational structure.**

Like many organizations, the three units have evolved over time with different administrators making decisions. Not one of the unit supervisors could share the complete story of how and why decisions were made relative to the creation of three separate units. The two units dealing with the civil side of establishment and enforcement are the most logical to review for structure and resource allocation. The potential benefits in reviewing the current structure could create flexibility in resource allocation and encourage child support work as career path within the CCPO. Another benefit is the ability to create consistency in practices allowing for greater efficiencies and less redundancies in the work performed by CJFS agency personnel.

**Recommendation #48: CCPO should identify and collect accurate data to provide metrics to accurately inform performance and accountability of the units and with the Cuyahoga Jobs and Family Services Agency.**

Currently there is little data to inform the key players about their respective performance. It should be noted here that the Juvenile Court (according to the Court Services Director) has not had a federal audit of child support in over ten years. Child support decisions are so critically impacted by court scheduling and the timeliness of decisions, key justice partners should meet to determine metrics that will adequately inform the system about its performance. ICASE is the juvenile court’s computer system and it produces a monthly report that the child support units receive. The supervisors report that statistics generated by the court are not used other than for general information because they are unable to identify areas for improvement or study from the undefined metrics. The clear establishment of goals and targets will help identify obstacles and allow for collaboration on meeting well articulated and agreed upon goals.

**Recommendation #49: The CCPO should consider a change in hiring and transfer practices to create and encourage career prosecutors in civil child support units.**

It is a consistent theme among the three child support units (and especially the Domestic Relations and Juvenile units) that they are viewed as the “dumping grounds” for underperforming APAs or, alternatively, an early career assignment before moving to felony prosecution. While cases involving the determination of family support are formulaic and don’t require significant independent legal judgment, the law and issues in other areas of family support can be very complex, e.g., the resolution of case law among states. More importantly, family support is the financial life blood for Cuyahoga County children and families, and a key factor in helping communities remain vital and parents able to provide for their children’s needs. The current practice of moving underperforming APAs to the Juvenile Unit or Domestic Relations Unit is a disservice to the children of Cuyahoga County who are unintended victims of the system that should be in place to sustain them through their critical growth periods.
Recommendation #50: Human Resource practices should be reviewed to ensure that supervisors and IC’s are required to and able to conduct performance reviews and implement disciplinary actions up to and including termination, if warranted.

This recommendation dovetails Recommendation #49 in ensuring a system that deals with underperforming employees. The perception of being “passed a problem” and then being unable to adequately address the problem sustains the belief that the problem APA or support staff is in the child support unit because they weren’t successful in other roles. Supervisors and ICs reported that when they have complied with the HR practices related to performance improvement issues, they have been unsupported in efforts to discipline and/or terminate an underperforming employee. This serves as an overall disincentive for high performance from other staff that observe poor performance and see the lack of response as putting additional workload and burdens upon those who are working hardest.

Recommendation #51: The CCPO should continue to encourage the Court’s decision-makers to come to the table to resolve issues related to court scheduling and compliance expectations.

Both CCPO Child Support and Cuyahoga Job and Family Services Agency staff report that some members of the Juvenile Court administration will attend quarterly meetings, however, they are often not the decision makers. Even if the decision-makers are present there is little or no effort expended to follow through with actions that would resolve the issues discussed and agreed upon.

Recommendation #52: The CCPO Juvenile Unit should work with Juvenile Court decision makers to explore ways to reduce the time it takes from filing to the initial establishment of child support.

Currently Joe Young and the Juvenile Unit ICs report that establishment hearings are scheduled as far out as 18 months. The cause for scheduling so far into the future is unclear although the likely reasons are: 1) the practice of the Magistrates limiting the number of cases that can be scheduled by the clerk’s office on a given day to 14 cases, and 2) the clerk’s office practice of sending initial summonses without an appearance date. The first practice should be looked at critically. With the low rate of appearances due to service imperfections, and the short time it takes to conduct required hearings, the current policy of 14 cases per day is exponentially below the scheduling limits set by most courts dealing with the issues of child support. An aid to improving the scheduling would be the implementation of a differentiated case management system.

That system would schedule initial appearances on all cases within 60 days of issuance of the summons. Records would be kept on the fall-out rates of cases that were scheduled for the first hearing. Cases would be tracked to determine the rate at which cases were not heard on the scheduled date due to lack of service, failure to appear, continued at request of counsel, and other reasons resulting in the cases not moving forward to disposition. A significant number of cases could be resolved through stipulation at that first hearing. And, at the same time, another smaller number of cases where jurisdiction is perfected could be identified and scheduled where the likelihood of a contested hearing is high. By recording and analyzing the disposition of these hearings over time, a much more efficient, productive and less costly setting pattern can be established and improved efficiency achieved.
Second, the practice of issuing summonses without appearance dates is a waste of money. It is contrary to statute and, as one interviewee put it, acts more like a “notice to move” to non-custodial parents who want to avoid service of process and the responsibility of supporting their children. These two practices lead to a nearly two year average time from filing to first appearance for delinquent non-custodial parents. Expecting a custodial parent to wait until a newborn is almost two years old to receive a decision establishing support disregards the tremendous negative impact these practices have on families and communities.

**Recommendation #53:** In conjunction with the previous recommendation, the CCPO should work with the Director of Human Services and the County Executive to assess the cost benefit of having a phlebotomist on site to further reduce the waiting time for establishing support.

Since the cases brought by the Juvenile Unit are largely on behalf of the children of unmarried parents, the issue of paternity is a consistent issue. The availability of a phlebotomist on site would improve case processing, reduce delay by reducing the number of times the case has to be scheduled for future events, and thereby reduce costs. By combining the testing of all of the cases scheduled on any given day, significant cost reductions could be achieved.

**Recommendation #54:** The CCPO should consider locating a Civil Division APA at the Cuyahoga County Jobs and Family Agency site.

The three supervisors working with CJFS, Joe Young, Kestra Smith and Kristine Pesho, all support the placement of a civil APA at the agency. Current practices mean that each of the three supervisors is asked to provide answers to legal questions and to issue opinions. The downside of the current practice is the lack of consistency across the three units and the inability to effectively communicate the answers to these questions throughout the client agency. This is demonstrated through interviews with the CJFS staff members who report that they often will proceed on the basis of a written opinion, and then, receive conflicting direction from individual APAs. Another option to this recommendation is the consolidation of all civil child support staff under one supervisor and the repurposing of the other supervisor position as that on-site counsel for the CFJS. Acting as the information librarian, that position would work closely with the CJFS administration to ensure clear and comprehensive distribution and adoption of practices that are consistent with the legal opinions provided by the CCPO counsel. In addition to the issuance and implementation of legal opinions, this position could work with CJFS staff to improve the chances of Cuyahoga County obtaining available grant funding to improve services and enhance current operations.

**Recommendation #55:** The CCPO should explore with Cuyahoga Job and Family Services and the Cuyahoga County Executive’s Office ways to increase the case referrals for the Criminal Non-Support Unit.

Kristine Pesho reports that she and her CNS staff could handle a larger caseload and their inability to get more cases is the result of a referral formula used by CJFS agency personnel. The CJFS representatives indicated that the formula was determined as a result of grievance negotiations between CJFS and the
CJFS employee bargaining representatives. The issue was an apparent workload violation of the collective bargaining agreement resulting from a workforce reduction due to budget constraints. The opportunities for increased revenues should be weighed against the expense of additional referral resources within the CJFS to see if additional resources would lead to an even larger return on investment, more accountability for non-custodial parents, and reduced public expenditures.

Recommendation #56: The CCPO should modify Justice Matters to add the capacity to enter SETS numbers.

The Juvenile and Domestic Relations units have not been fully added as users of Justice Matters as of the writing of this report. The Ohio Support Enforcement Tracking System, or SETS, is the statewide tracking system for all child support agencies in the state. CCPO APAs have been given limited read-only and some narrative privileges in SETS. Adding the capability to enter a SETS number in Justice Matters will reduce the time and expand the capability to access information contained in the SETS system. Additionally, it will provide a key to future development of electronic exchange of information between agencies.

Recommendation #57: The CCPO should explore with the Court of Common Pleas the possibility of assigning one family to one judge in the area of child support enforcement until all of the children in a given family reach the age of majority.

While the current case assignment system of the Court provides for the random assignment of judges to cases and an individual calendar, many courts around the country have solved this problem through a policy of reassignment or consolidation of the cases. The benefit of this policy shift to the court and CCPO is the reduction in the redundancy required by the multiple preparations by multiple judges and APAs for families with multiple children receiving child support. The similar benefits to the families is the significant reduction in conflicting orders, the reduction in the number of hearings, the reduction in the costs of representation and perhaps most importantly, reduction in the number of times custodial parents are required to appear for support hearing.

Part 2: Cuyahoga County Job and Family Service Agency

This next section addresses some concerns and recommendations expressed by personnel of the CCPO’s client, the Cuyahoga County Job and Family Services Agency. Overall, staff reports a mostly positive relationship with the Juvenile Unit personnel, especially with issues involving enforcement. Establishment personnel at CJFS were not as complimentary and gave the example of sending an email with a request and not always receiving a timely response.

The perception and experience of CJFS personnel was that dealing with the CCPO Domestic Relations (DR) unit is not always easy or collaborative. Staff report having to ask the DR staff more frequently for follow-up. They further report that DR staff call frequently for advice, especially with regard to interstate cases. CJFS staff do say that the judges and magistrates in domestic relations work together much better than the judges and magistrates in Juvenile Court.
**Recommendation #58:** In conjunction with Recommendation #47, the CCPO should establish a joint working group to examine and make recommendations on creating and sustaining consistent practices across all child support units.

Inconsistency in practices creates duplication and unnecessary steps causing further delay in providing support for children and families – e.g., if packets are missing something, APAs often send the packets back to CJFS. CJFS staff complain that APAs do not always look carefully at the details, and cases being sent back to CJFS cause further delay. APAs have access to the department’s Electronic Document Imaging System (EDIS) but don’t regularly check for missing documents before sending packets back to CJFS.

**Recommendation #59:** The CCPO Child Support and Domestic Relations unit should work with the CJFS and the courts to improve interagency communication to establish policies and procedures for the recall of arrest warrants and capiases when defendants have complied with court orders.

CJFS staff report confusion and frustration in the lack of consistency of policy and procedures for the Agency to deal with outstanding warrants and capiases when obligors have complied with court orders that were the basis for the issuance of the instrument. Failure to have a consistent and understood policy results in the wasted effort of making arrests that are unnecessary and may potentially be the subject of wrongful arrest claims.

**Recommendation #60:** CCPO Juvenile and DR units should work with the CJFS to establish a method for tracking the receipt and return of CJFS packets.

The CJFS packet is the completed agency summary of all of the materials in support of the support claims on which the CCPO acts to establish and collect support. Failure to track the receipt and return of packets leads to many inefficiencies. There is confusion between the agencies about when and why packets are returned. They often have differing views on the presence or absence of relevant documentation. This confusion leads to wasted time and effort. More importantly, the tracking of the returns, and the reasons for the returns could be very instructive in determining training needs in both agencies and improve overall performance.

**Recommendation #61:** The CCPO should work with the Probation Department to create a mechanism for the Criminal Non-Support Unit to get Pre-sentence Investigation Reports prior to sentencing and updates on probationers’ compliance with probation-supervised child support collection.

As it stands now, the Criminal Non-Support Unit operates with inadequate resources to fully prosecute and impact defendants who are charged with criminal non-support. Unlike other felony prosecutors, they do not receive PSRs prior to sentencing. This leaves them at a disadvantage during arguments at sentencing and when the issue of revocation of probation is in play. Additionally, there is no formal mechanism for communication between the probation department and the APAs on compliance with probation supervised child support collections. This information is crucial to effective and cost appropriate prosecutions. Armed with this information in the probation pre-sentence report and the
compliance data, the CCPO can make informed decisions on the evolution of the criminal non-support unit.
7. RECOMMENDATIONS FOR THE CHILDREN AND FAMILY SERVICES DIVISION

The Children and Family Services Unit of the CCPO is legal counsel and provides representation to the Cuyahoga County Department of Children and Family Services (Agency) in all matters related to child welfare and protection. The main office is co-located with the Agency at 3955 Euclid Avenue. Additionally there are four satellite offices. The rationale for the location of these offices is for staff to better serve both the Agency and the clients. The Legal Administrator of the Children and Family Services Unit, Yvonne Billingsley, has been with the unit for 17 years. The office philosophy and practice is to use a team decision-making model (TDM). This practice appears to serve the agency and legal team well.

There are two primary goals for the Children and Family Services Unit:

1. To protect children at risk of or who have already suffered abuse and/or neglect.
2. Reunifying or finding other permanent families for children within the shortest time possible.

These goals clearly align with the Ohio Revised Code 2153 and the Federal Adoption and Safe Families act of 1997. The CCPO office works very hard to achieve these goals and has a leader with significant experience and expertise to guide the unit and work collaboratively in representing the Agency. There is a natural tension that exists between social worker perceptions and assessment and the legal criteria to be met for filing cases of abuse, neglect and dependency. The lens through which each party views the case to evaluate a child’s situation is different, however, the ultimate goal of child protection is the same. Patricia Rideout, the Agency’s Director, has a very collegial working relationship with CCPO Supervisor Yvonne Billingsley.

With the co-location of the Agency and the Children and Family Services Legal unit, Yvonne Billingsley has been an integral strategic partner of the Agency’s leadership team for a long time. The Agency has 800 total staff and about 400+ are social workers. In a focus group meeting with Agency social workers and supervisors, they reported a very good working relationship with Unit staff and state that the Assistant Prosecuting Attorneys (APAs) do a good job in representing them and their clients.

The Children and Family Services unit has 19 total APAs: 1 supervisor, 3 APAs in charge (“ICs”), 14 abuse, dependency and neglect APAs, and 1 civil APA who is responsible for handling lawsuits against the Agency. There is a formal training program for newly assigned APAs to the Children and Family Services Unit. New APAs have all complaints and motions reviewed by an IC or the unit supervisor. Additionally, new APAs spend time observing the courtroom and work closely with an IC APA.

In November 2012, the Children and Family Services Unit had just entered its third month using the Justice Matters system. The overall impressions held by Yvonne Billingsley and the APAs are that the system is wonderful, and in the future, will help keep family files together. Being able to keep family files together may provide incentive to support one judge-one family case management in court.
Additionally, Justice Matters provides access to tools that have not been previously available and will connect the Children and Family Services Unit with the central office of the CCPO, reducing the sense of isolation from the main office.

Abuse, Dependency and Neglect cases are all heard in Juvenile Court. The Juvenile Court facility is located at 9300 Quincy Avenue. There are six judges who each have three magistrates hearing cases involving child support, juvenile delinquency, and juvenile dependency. The dependency magistrates also hear private custody cases. Abuse, dependency and neglect cases often involve a number of parties – attorney or attorneys for parents, guardians ad litem, public defenders, attorneys for children, APAs and social workers. There are a high number of continuances that appear to be based on two primary factors – one is the coordination and appointment of counsel and guardians ad litem, and the other is unresolved service issues handled by the clerk’s office.

Cuyahoga County Juvenile Court uses only attorney guardians-ad-litem (GALs) to represent children who are the subject of abuse, dependency and neglect proceedings. Judith Layne is the current GAL administrator and has been in this position for 12 years. The GAL office was established in 1978 when the decision was made to use independent attorneys as GALs. The county contracts with the Cleveland Metropolitan Bar Association for program oversight and the Bar Association acts as the board of directors for the program. The Juvenile Court donates space at the Court for the GAL office. The GAL office is responsible for training and monitoring GALs. In 2009, Ohio Rule of Court Rule 48 provided for a minimum of six hours training for new GALs, statewide. The Cuyahoga County program provides 13 hours of training. Additionally, GALs receive six hours of advanced training yearly. When initially appointed, GALs serve as both attorney for the child and the GAL. If there is a conflict, a separate attorney will be appointed as for the GAL. There are currently 135 attorney-GALs. Administrator Layne reports that there used to be an assignment clerk at the court: that position is rarely, if ever, used. Most assignments are generated in the courtroom leading to a disproportionate workload among qualified GALs. This practice, while practical, lends itself to a perception of favoritism, unequal utilization of trained GALs, increased opportunity for conflicts, and unequal compensation for favored GALs.

There have been a number of attempts to use volunteer GALs (1982 and 1998) and most recently in 2004-2005 when the court attempted to initiate a volunteer program and the County Commissioners rejected the plan.

For a short period of time (2002-2006), Judge Alison Floyd presided over a Model Court that is now disbanded. According to Judge Floyd, the Court was unable to provide some of the project data that the National Council of Family and Juvenile Court Judges required for ongoing participation and support. Others’ believe the Court disbanded the model court because of the risk of greater transparency of the Court’s practices. Patricia Rideout and Yvonne Billingsley report disappointment that the Model Court has disbanded and that most of the best practices were not adopted and sustained by all the courts.

A cursory review of the ICASE data (the court’s computer program) indicates a slight trend downward since January 2011 in the percentage of cases that fall outside federal permanency planning guidelines for children involved in abuse, dependency and neglect proceedings. The percentage of cases outside
the guideline is still high and it is unclear why and how the system plans to address the issue. Currently one in four cases is not meeting federal guidelines.

**Recommendation #62: Justice stakeholders should meet to develop a short-term plan to immediately address case delay and a long-term study and plan to ascertain the underlying causes of cases consistently falling outside of the permanency planning guidelines.**

There are a number of issues and practices that appear to contribute to the problem of untimely disposition, including but not limited to ineffective service, timely appointment of counsel and GALs, and the court’s scheduling and continuance practices. Establishing a clear and mutually agreed upon caseflow model among interested parties would be a good first step in creating a blueprint for improvements.

**Recommendation #63: The CCPO should meet with the Court to discuss the elimination of impediments to the establishment of child support at dependency hearings.**

Currently dependency magistrates are not addressing the issue of child support at dependency hearings. Instead, child support issues are referred to another magistrate creating unnecessary delay, duplication of effort in scheduling, noticing and conduct of separate hearings. As noted in the section on the Child Support Unit, the calculation of child support is based on a simple formula. There is a computer program into which the magistrate enters the data and the child support amount is calculated. One dependency magistrate reported that dependency magistrates do not have the child support calculation software to use to determine what child support should be ordered. The provision of the software to the Dependency Magistrates will significantly reduce costs and the delay in establishing child support in dependency cases. Children and Family Services Unit staff members strongly support having child support matters heard at disposition.

**Recommendation #64: CCPO should begin requesting that an immediate hearing date be set when filing motions in dependency cases.**

The court’s current practice for scheduling motion hearings filed by the CCPO is to set motions hearings at the next scheduled review hearing. This means that motions may sit unaddressed for months. APAs should include in their motion the anticipated time it will take for the motion hearing when filing their motion.

**Recommendation #65: CCPO should work with the County Executive’s Office to start discussions about the creation and support of a Court Appointed Special Advocate (CASA) or voluntary guardians ad litem program in dependency cases.**

There are a number of reasons for taking another serious look at a voluntary guardians ad litem program in Cuyahoga County. First, social workers in the Agency are often frustrated that GALs routinely do not visit the children in their home environments. There exists significant disparity among the primarily Caucasian judicial officers, GALs and other court personnel and the almost 80% African-American (or multi-racial) families that appear before the Juvenile Court. The creation of a voluntary program could
encourage participation of a wide diversity of individuals who would be more representative of the families and children involved in these proceedings. Second, although there will be some expenses and infrastructure support needed to operate a voluntary GAL program, this cost needs to be evaluated against the current payment and quality of service provided by the attorney guardians ad litem. Third, agency social workers would have a stronger link with the communities where their clients live. Fourth, having an advocate who is only interested in protecting the best interest of the child may improve the quality of outcomes for the child and ultimately for the community where the child resides.

**Recommendation #66:** The CCPO should initiate a discussion with court leadership and other justice partners regarding the reestablishment of the one-judge/one-family practice in dependency proceedings.

Children and families in dependency matters will be better served when one judge (magistrate) handles the matters of all children in a family throughout dependency proceedings. The continuity of judicial involvement throughout the duration of the case allows the judicial officer to gain a complete picture of the dynamics surrounding all children in the family that is the focus of the dependency proceedings. It reduces redundancy in hearings, reduces the likelihood of conflicting orders, and promotes speedy disposition in cases where time is of the essence do to the age and vulnerability of dependent children. As noted in the National Council of Juvenile and Family Court Judges 1995 Resource Guidelines: Improving Court Practice in Child Abuse and Neglect cases, [a] judge who has remained involved with a family is more likely to make decisions consistent with the best interests of the child. It stops the “ping ponging” of children in an already complicated system. The mechanisms are in place for the court to return to the one-judge/one-family model. Local Rule 41 of the Cuyahoga County Court of Common Pleas Juvenile Division provide for motions for consolidation of cases. If the court feels that it cannot readopt the practice on its own, the CCPO should consider filing motions to consolidate in all proceedings involving siblings of the same mother.

**Recommendation #67:** The Prosecutor’s Office should pursue a full-blown study of the dependency practices of all involved agencies and the Court in an effort to reduce continuances and improve the overall effectiveness in meeting the goals for permanency planning and reunification.

All of the parties involved in dependency matters expressed concern for the best interest of children, and we have no reason to doubt this concern. However, individual caring does not equal a systemic collaboration in meeting the goals of the Adoption and Safe Families Act of 1997 and the Ohio Revised Code 2153. The Agency’s Director and others expressed frustration that court and judicial leadership have shown little interest in collaborative evaluation and problem solving on a number of issues and practices that have an adverse effect on meeting and caring for the best interest of children in foster care in Cuyahoga County. Unfortunately, without Court leadership and active willingness to collaborate on system improvements, the CCPO and the Agency are put in the position of accepting practices that do not afford the affected parties the legal considerations and timely disposition expected in both the federal and state laws governing juvenile dependency and permanency planning. The initiation of a
systemic study may shine a spot light more directly on the areas of improvement needed to protect the most vulnerable parties: children.

**Recommendation #68: The CCPO should examine whether pay disparity is a problem – e.g., years of practice in specialty area vs. years in the prosecutor office.**

This was an issue raised by the supervisor and ICs as at least a perception within the office. Along with the issue of pay disparity, there is also the perception that the practices of the CCPO central office are not applied consistently throughout the office, contributing to the feeling of isolation at the CFSU. There is expressed optimism that newly elected Prosecutor McGinty will work to fully integrate all units within the CCPO.
8. Recommendations for the Civil Division

The Civil Division of the CCPO is comprised of three sub-units: the general civil division, the Board of Tax Appeals division and the Real Estate Tax Foreclosure division, as shown in the Organization Chart in Figure 12. The three units are very diverse in their organization and processes.

General Civil Division

The general civil division operates, as one interviewee put it, as a “collection of individual lawyers that share offices.” A very capable attorney who handles many of the high profile cases involving the county supervises the unit. The office’s litigation manager (second in command) assigns the general work of the unit. He is another very experienced lawyer. There are some primary assignments among the other lawyers to specific county agencies, but the majority of the work is assigned based on the nature of the work (e.g., transactional, real estate, election law, jail deaths, subpoenas, etc.) The division supervisor indicated that he evaluates the lawyers each year using a “modified” form used by the prior prosecuting attorney. The lawyers in the office do not share that same opinion. Some report that they have never been evaluated. Lawyers in the unit are generally recruited to it and normally do not rotate into the criminal division. Most come to the office with prior civil experience, many come from the City of Cleveland’s Law Department. There are 13 lawyers in the division besides the Supervising Attorney and the Litigation Manager. A 20-year veteran of the office leads the support staff of five (5) FTE’s.

There was a major initiative to transfer the unit to the new county-charter-created County Executive’s Office. That initiative was hotly contested and an Attorney General’s Opinion was requested. That Opinion determined that the vast majority of the functions of the division must stay with the CCPO. The net effect of the initiative is that most of the transactional work that was previously done by the CCPO is now being done in the County Executive’s Office and all other functions remained with the CCPO under the current Charter. There is some movement to seek a Charter amendment next year to remove the legal impediments to the transfer, and that has almost everyone in the division experiencing some level of anxiety about their future. Morale is seriously affected throughout the division.

There is currently no technological support for the development and analysis of the workload of the civil division. Manually collected data is prepared each year by office support staff for inclusion in an annual report to the Prosecuting Attorney. The past five years workload as collected by the office are reflected in charts in Figure 13.

The unit’s work is not yet hosted on Justice Matters and thus, all of the case-related work is paper-based and located with the principal attorney handling the file. There is no record kept on the distribution of work or the cycle-time for the disposition of any of the work of the attorneys or the unit. Also, there is no system in place for the attorneys to “book” their time to cases. Thus, there is no way to determine if the staffing levels are appropriate to the caseload. Additionally, there is no method in place to capture the institutional knowledge of the unit. Written legal opinions rendered to CCPO clients are collected annually, copied and placed in a binder, which contains a topical index for that year covering all the
opinions. It is hoped that this somewhat antiquated method of collecting legal opinions will be replaced by an electronic, searchable archive of opinions when the Justice Matters Civil Module is fully implemented.

The technology support for the office is lacking. There is no litigation support software because they have been waiting for Justice Matters. And, there is no timeline, as far as the division knows, on when their unit will be brought on-line.

Recommendation #69: The CCPO should assess the available options and develop a project plan for the acquisition of implementation of a quality litigation support program.

The general civil division is the corporate counsel to the County Council and the agencies of Cuyahoga County. They handle all litigation from wrongful death cases to collective bargaining that exposes the county to significant financial risk. The implementation of a competent litigation support software would provide reliable support to the attorneys, ensure timely completion of case related tasks, manage the extensive records and evidence handling and integrate scheduling of resources of the office. Justice Matters might be the solution. However, the unique requirements of the general civil division and the availability of proven litigation support programs in the marketplace may weigh in favor of a stand-alone application.

Recommendation #70: The CCPO should consider creating a portal for remote access to the CCPO network for civil attorneys who want to access their work from their homes.

While presenting security and confidentiality issues, virtually all of the civil division attorneys interviewed expressed interest in having remote access to their network. The flexibility to access case information and documents will allow greater flexibility to the attorneys working to meet deadlines.

Recommendation #71: Consistent with Recommendation 69, the CCPO should adopt some method of “booking” hours for its general civil division staff.

With a competent civil litigation management program, the lawyer time invested in general civil cases could be identified. This would form the basis for identifying the appropriate staffing levels needed by the office and the appropriate workload distribution among staff lawyers. It would have significant value in evaluating attorney performance in the unit.

Recommendation #72: The CCPO should consider the creation of a law librarian attorney position.

The General Civil division of the office generated over 180 formal legal opinions over the past 5 years as well as an uncounted number of informal opinions. Supervisors in other divisions report issuing more than 500 opinions per year. A large majority of the opinions relate to the work of the work of the Department of Children and Family Services and Child Support. Additionally the felony criminal unit and appeals unit continuously produce memoranda and legal research that support the prosecution of cases
and the introduction of evidence. There is no formalized method in place to capture and reinvest this research within the offices.

The position of information librarian would capture, index and organize the work product of the office so that it can be reinvested in future work. The position would work with the CCPO IT unit to establish a searchable opinion database. With appropriate oversight by someone with legal training, new opinions would be added to the database, obsolete or amended opinions would be removed, and appellate division opinions and briefs included. Reinvesting this work product would help to bring consistency and reliability to the work of the office. Furthermore, it would help to reduce the reported conflicting directions given to civil division clients.

Real Estate Tax Foreclosure Division

The Real Estate Tax Foreclosure Unit represents the Cuyahoga County Treasurer in the pursuit of foreclosure actions on tax delinquent properties. The process is designed to assist communities by fighting blight and abandonment and providing a tax producing revenue stream through reutilization of land. The unit seeks to ensure that due process rights for property owners are protected while expediting the foreclosure process for redevelopment or assisting communities to acquire and maintain valuable land for future use.

The Real Estate Tax Foreclosure Division was the first division to launch the Justice Matters application. A Supervising Attorney with very good organizational skills leads them. In addition to the Supervising Attorney there are 5 attorneys and 17 support personnel. The supervisor has been in that position since 2004 and was there during the migration from a manual system to Justice Matters. As part of that transition there was a significant reengineering of the work of the unit and it moved from a vertical attorney representation model to more of an assembly line model that uses the appropriate skill level for each step consistent with the needs of the task. As can be seen from the size of the support staff, this is a very paper intensive and time sensitive workload. They have documented the office procedures for the unit and the use of Justice Matters to support their workflow.

The workload of the Real Estate Tax Foreclosure Division is illustrated in Figure 13. It is perhaps the most robust and mature application on Justice Matters. Except for the overarching recommendations relating to Human Resource Management there are no specific recommendations to be made for this unit.

Board of Tax Appeals Division

A former supervising attorney of the civil division heads the Board of Tax appeals division. She supervises two attorneys and one support staff member. The purpose of the division is to represent the County Treasurer in the resolution of appeals regarding valuation of property made from the Cuyahoga County Board of Revision to the Board of Tax Appeals in Columbus. Last year, as for the past three
years, they handled approximately 2,400 cases for the County. The past workload of the division over the past 5 years is illustrated in Figure 13.

This division has been made operational on Justice Matters. They are very pleased with the performance of Justice Matters to date. It currently provides the volumetric data for the office in terms of cases filed. More granular data regarding case processing has not yet been developed for more effective case and performance management. Most of the issues that compromise unit effectiveness, identified by the unit, were problems in obtaining the materials that they need to adequately represent the County in a timely manner.

The office does not appear on all cases appealed to the Board of Tax Appeals (BTA) or the Court of Common Pleas. Since the school districts get the lion's share of the tax revenue, and since they have their own counsel, the CCPO will review the files to determine if there is a significant Department of Education involvement in the case. If so, they will defer to the DOE in handling the appeal.

Since the hearings are held in Columbus, the office must make the cost benefit decision between appearing on matters or not. The matters are now set by the BTA at different times of the day. If it is scheduled for the morning, the attorney must decide if the case is significant enough to drive to Columbus, stay overnight in a hotel and then return to Cleveland after the hearing. The travel costs can be significant in terms of both out of pocket expenditures and lost opportunity costs for the traveling staff.

**Recommendations #73:** The CCPO should work with the County Treasurer and the County Executive Office to ensure that the records needed by the CCPO to effectively represent the County Treasurer are available in a timely manner.

By statute, when a party appeals the decision of the Board of Revision, a transcript of the recorded hearing is statutorily required within 45 days of appeal filing date. The Board of Revision is reportedly 300 cases behind in the timely production of transcripts. This means that the unit must represent the County without benefit of the transcript or attempt to continue the hearing to another future date extending the proceedings and duplicating costs. The county may want to explore the use of contract transcribers bring the transcript production up to date.
Figure 12
Civil Division Organization
Figure 13
Civil Division Workload Indicators 2007 – 2011
Appendix A List of Persons Interviewed, Office of The Cuyahoga County Prosecutor Efficiency Study
October and November 2012 Site Visits

I. Adult Criminal Division

October 22-24 - Office of the Cuyahoga County Prosecutor

- Tim McGinty, Cuyahoga County Prosecutor
- Rick Bell, Special Investigations Chief
- Pete Szigeti, IT Supervisor
- Michael C. O'Malley, Region Supervisor
- Andy Nichol, Region and Grand Jury Unit Supervisor
- Ralph Kolasinski, Region Supervisor
- Deborah Naiman, Region and Major Drug Unit Supervisor
- Saleh Awadallah, Region and Major Trial Unit Supervisor
- Lisa Williamson Criminal Division Chief
- Terese McKenna, ECM Supervisor
- Brian Murphy, 3-D APA
- Maggie Troia, APA
- Louis Brodnik, Forfeiture Unit APA
- Nick Gemuenden, IT
- Dominic Sforzo, File Room Supervisor
- Matt Meyer, Criminal Appeals Supervisor
- Fran McEntee, Budget Officer

November 27-30: at CCPO and other agencies

- Sheriff Reid
- Tim McGinty, County Prosecutor
- Jane Platten, Chief of Staff
- Bev Dean, (support staff director)
- Andrea Rocco, County Executive General Counsel
- Ed Fitzgerald, County Executive
- Maria Beni (APA diversion coordinator)
- Jennifer Wypasek (MTU support staff)
- Vanessa Costanzao (MTU support staff)
- Judge Fuerst, Presiding Administrative Judge
- Greg Popovich, Court of Common Pleas Court Administrator
- Dan Peterca, Pretrial Services
- Barbara Langhenry, Law Director, City Attorney’s Office
- Victor Perez, Chief Assistant Prosecutor, Criminal Division, Cleveland City Attorney’s Office
- Seven Support Staff in focus group (did not catch names)
- Six or seven Grand Jury APAs in focus group (did not catch names)
- Eight or nine Regional APA ICs (floor captains) in focus group (did not get all names)
- Judge Ronald Adrine, Administrative Judge, Cleveland Municipal Court
- Ian Friedman, private bar
- Bob Tobik, Public Defender
• Bill Thompson, Deputy Public Defender
• Dave Lambert, Civil Division Chief

II. Juvenile Justice Unit (October visit)

CCPO Personnel – All in the CCPO Juvenile Justice Unit (JJU)

• Rob Christyson – Acting Unit Supervisor
• John Clough – APA
• Branislav (Ben) Pandurevic – APA
• Glen Ramdhahn – APA
• LaKesha McIver – APA
• Latoshia Biles – Support Staff
• Ame Tucker – APA
• Brian Brochetti – APA
• Andrew Gatti – APA
• Terri Lee – Supervisor, JJU Support Staff

Other Practitioners

• Judge Thomas O’Malley - Administrative Judge, Juvenile Court
• Judge Kristin Sweeney, Juvenile Court
• Tim McDevitt – Director of Juvenile Court Probation Services
• Dana Chavers – Director of Court Services (Juvenile Court Clerk’s Office)
• Angela Ortiz – Senior Intake & Diversion Officer, Juvenile Court Clerk’s Office
• Sam Amata – Supervisor, Public Defender’s Office, Juvenile Court

III. Child Support and Abuse, Dependency and Neglect (Oct. and Nov. visits)

CCPO and Other Agencies:

• Kristine Pesho, Supervisor, Criminal Non-Support, CCPO
• Kestra Smith – Supervisor, Domestic Relations Child Support, CCPO
• Joe Young – Supervisor, Juvenile Child Support
  o Bertie M., IC, Juvenile Child Support
  o Jan W., IC, Juvenile Child Support
• Tony Sharaba, Deputy Director, Cuyahoga County Job and Family Services
• Joe Gauntner, Deputy Chief of Staff, Cuyahoga County Human Services
• Yvonne Billingsley, Supervisor, Children and Family Services Unit, CCPO
• Patricia Rideout, Administrator of Cuyahoga County Division of Children & Family Services
• Laura, Paralegal
• Donna, APA
• Justine, APA
• APAs, Juvenile Child Support
  o Dan
  o Nathalie
• Rob
• Marian

- Rachel Eisenberg, APA, Abuse, Dependency and Neglect
- Andrea Rocco
- 6 support staff from DR child support (no names)
- Keith Hurley, Chief Deputy, Clerk of Courts
- Jim Kaye, System’s Analyst, Clerk of Courts
- Ann McKenzie, Clerk of Courts
- Charles Eppinger, Clerk of Courts
- Scott Mayderry, Proware
- Jim Ciesla, Clerk of Courts
- Brent Bartell, Clerk of Courts
- Annette, Karen, Kim, Tiffany, Dian, Emily, Mary (focus group CSEA staff)

**Other Practitioners**

- Magistrate John Menzies, Juvenile Child Support
- Judge Allison Floyd, Juvenile, A, D, & N
- Magistrate Patricia Yeomans Salvador, Juvenile, A, D & N (Court observation)
- Judith Layne, GAL Administrator
- Sam Amata, Supervisor, Public Defender Juvenile Unit
- Dana Chavers – Director of Court Services (Juvenile)

**IV. Civil Division (Oct. and Nov. visits)**

David Lambert, Division Supervisor
Sandra Curtis-Patrick
Charles Hannan
Mark Greenfield
Collene Majeski
Gregory Huth
Dale Pelsozy
Kelli Perk

Civil Division Support Staff

Trina Fenn
Heather Jonakowski

**DCFS Social Workers**

Tracey Brichacek, Sr. Supervisor
Deborah Carr, Supervisor, START
Deirdre Konopka, Supervisor, Intake
Daline Lance, Worker III, START
Chris Malcom, Supervisor START
Guillermo Torres, Supervisor, Placement
Tiffany Zander, Supervisor
Appendix B: Map of Municipalities in Cuyahoga County
and Division of Cuyahoga County Municipal Courts into CCPO Five Regions
QDRO - Qualified Domestic Relations Order
COCP - Court of Common Pleas
BDOR - Board of Revision

*Lump Sum and Appeals from Administrative Process are not shown on this chart.