

# Pretrial Justice in Practice

## LUCAS COUNTY, OHIO

### The Opportunity for Change

Leaders in Lucas County, Ohio, were considering options for building a new jail due to overcrowding but knew the cost of new construction would be extremely high, so chose to examine the county's policies and practices to see if changes could be made that would alleviate the need for a new building. They took the time to understand how the whole criminal justice system works by looking at what happens at each step, from pre-police contact to reentry. This examination led to a focus on pretrial justice, and in particular an interest in ensuring that people who were in the jail were there because of their risk to public safety or of failure to appear, not because of an inability to pay money bail. The county is also participating in the John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge, which seeks to help jurisdictions safely reduce jail populations and create fairer, more effective justice systems.

### Lucas County's Model

Lucas County credits much of its pretrial system improvements to both the use of a validated risk assessment tool and the county's pretrial services department, which is centralized under the Lucas County Common Pleas Court. Lucas County Pretrial Services operates 24 hours a day, 365 days a year to conduct interviews using the Public Safety Assessment (PSA), a pretrial risk-assessment tool developed by the Laura and John Arnold Foundation, and to make release eligibility recommendations based on the PSA results. The PSA looks at nine factors that are indicative of pretrial outcomes, such as age at current arrest, prior failures to appear and prior convictions.

Data have also been a critical part of the county's efforts to understand and improve its pretrial system. County leaders were surprised to find that they had access to quite a bit of data, but realized they and criminal justice decision makers needed to take the time to understand what that data meant, says Lucas County Commissioner Carol Contrada. Lucas County has an integrated criminal justice information system through the Northwest Ohio Regional Information System (NORIS). NORIS is the centralized repository for criminal justice information in northwest Ohio, linking law enforcement, courts, probation, corrections and related criminal justice agencies to allow information sharing among agencies and systems.

The county has taken a comprehensive approach to examining its pretrial system, with all stakeholders involved and committed to making ongoing improvements, including the prosecutor, the public defender, the sheriff's office, local police departments, county commissioners, local jurisdictional courts and representatives from NORIS. "It's a collaborative effort with all stakeholders at the table that has resulted in the successes we have achieved and why we continue to improve our operations," says Lucas County Common Pleas Court Judge Gene Zmuda.

### Population:

432,488 (2016 estimate)

### Community Make Up:

49.6% Urban, 50.4% Rural



Lucas County has also implemented a Population Review Team (PRT), which holds weekly meetings with the prosecutor, public defender, representatives from the jail, mental health professionals, members of the Criminal Justice Coordinating Council and others. In this meeting the team reviews a list of individuals in pretrial custody to determine why a person is being detained and if there is a way he or she can either be safely released before trial or have his/her case resolved quickly. For example, the PRT works to identify individuals who may have a mental illness and connect them to services in the community upon release, so a judge may feel more comfortable releasing that person with some level of pretrial supervision. Similarly, public defenders and prosecutors work together to find ways to close cases in a timely manner—for example, if they know a plea will be offered at trial, that plea will be offered as soon as possible rather than waiting until the set trial date.

## Successes and Outcomes

Lucas County's implementation of evidence-based pretrial programs has led to many changes and cost savings in the county that have benefited both the criminal justice system and individuals. Since introducing the PSA, the county has seen a reduction in pretrial recidivism of misdemeanants of 50 percent, going from 20.2 percent in 2012-2014 to 10.1 percent in 2015, the first year of implementation. The PSA has also helped the county double the number of individuals released pretrial while also reducing the failure to appear rate. The use of the Population Review Team led to the savings of 1,000 bed days from February to December 2016.

Judges in the county have made a shift from setting pretrial decisions and forgetting about them to regularly re-examining those decisions. Each judge now thinks about his or her caseload as a portfolio that has limited resources, and reassesses how individuals are placed and using those resources on an ongoing basis. Judges consider that there are a limited number of jail beds and electronic monitoring units, for example, and regularly evaluate how those resources can be most effectively used when making release or detain decisions. This has helped the county use jail beds for those who need to be detained rather than for those who would benefit more from community resources or supervision. "There are limited resources—both financially as well as literally beds and other things available—and how do we best manage that? This is why the active engagement" by judges has been so effective, says Judge Zmuda.

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## Lessons Learned

**Know why you're doing this work:** Lucas County began its efforts focused on the need for a new jail, but evaluation of that need led to a deeper look at what criminal justice in the county meant—which led to a change in the motivation behind their work. "Ultimately we are doing this now to have a fairer, more just and equitable system and that's very important to remind people of," Contrada says.

**Create champions among staff:** Lucas County is focused on ensuring that staff are just as excited about improving their pretrial system as the leaders are. "The stakeholders and elected officials and all the people that are at the table and worked hard to create these strategies—we all bought into this a long time ago," says Judge Zmuda. "It's the engagement now to try and educate our respective staffs that have to actually implement these strategies." If staff are well informed, passionate and equipped with the tools necessary to do this work, they are better able to motivate and encourage their colleagues to do quality work as well.

**You must be willing to brave the unknown:** Lucas County's work to improve its justice system has led to many questions and into areas about which leaders had little or no knowledge. Commissioner Contrada says that nearly every day she and others encounter something new that they need to learn more about but they are willing to dig into the weeds whenever necessary to reach their ultimate goal.

