



CLEVELAND IMPACT CITIES PROGRAM  
ADJUDICATION OPERATING PROGRAM  
COUNSEL FOR INDIGENTS  
FINAL EVALUATION REPORT

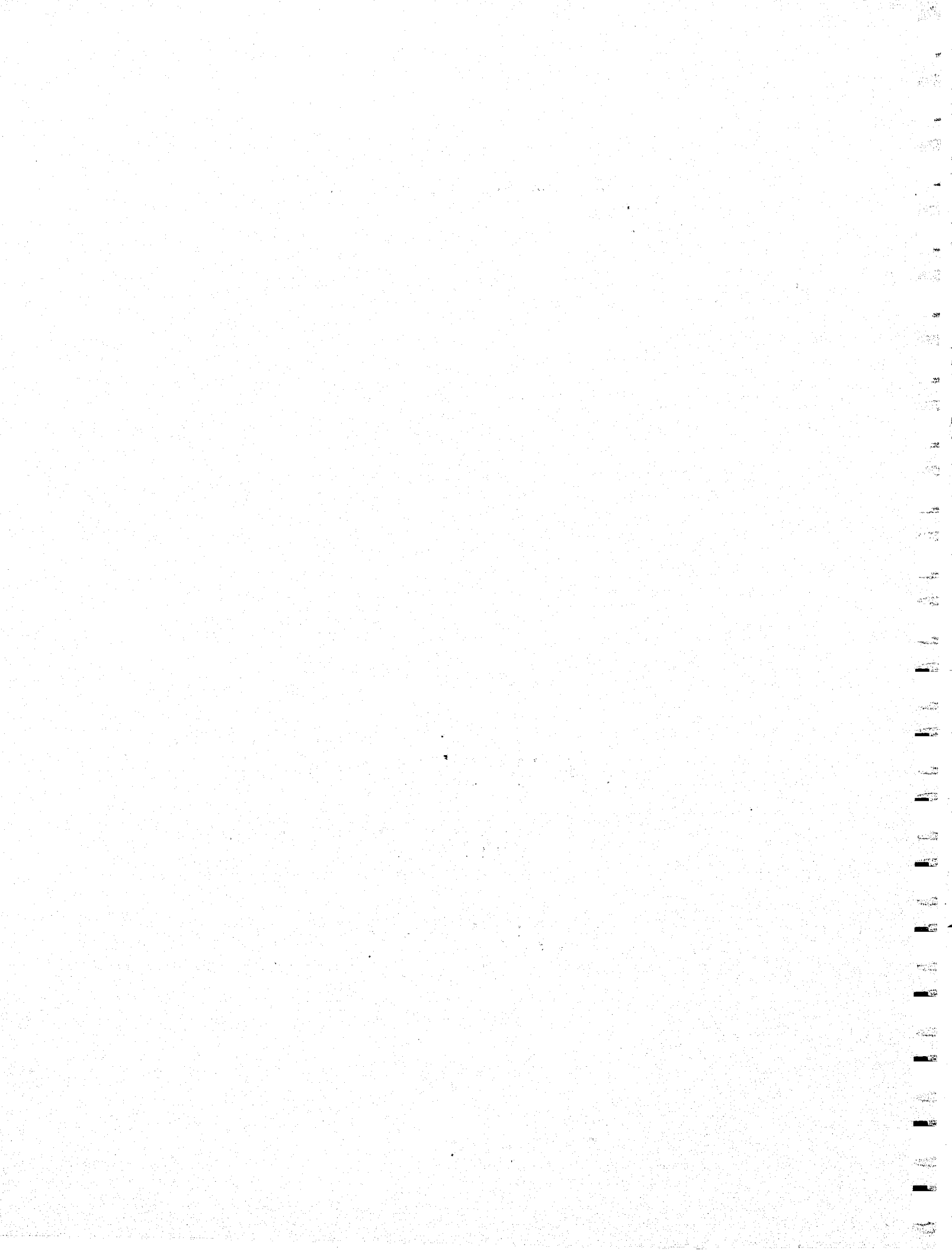
June 1975

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OFFICE OF THE MAYOR  
IMPACT CITIES  
ANTI-CRIME PROGRAM

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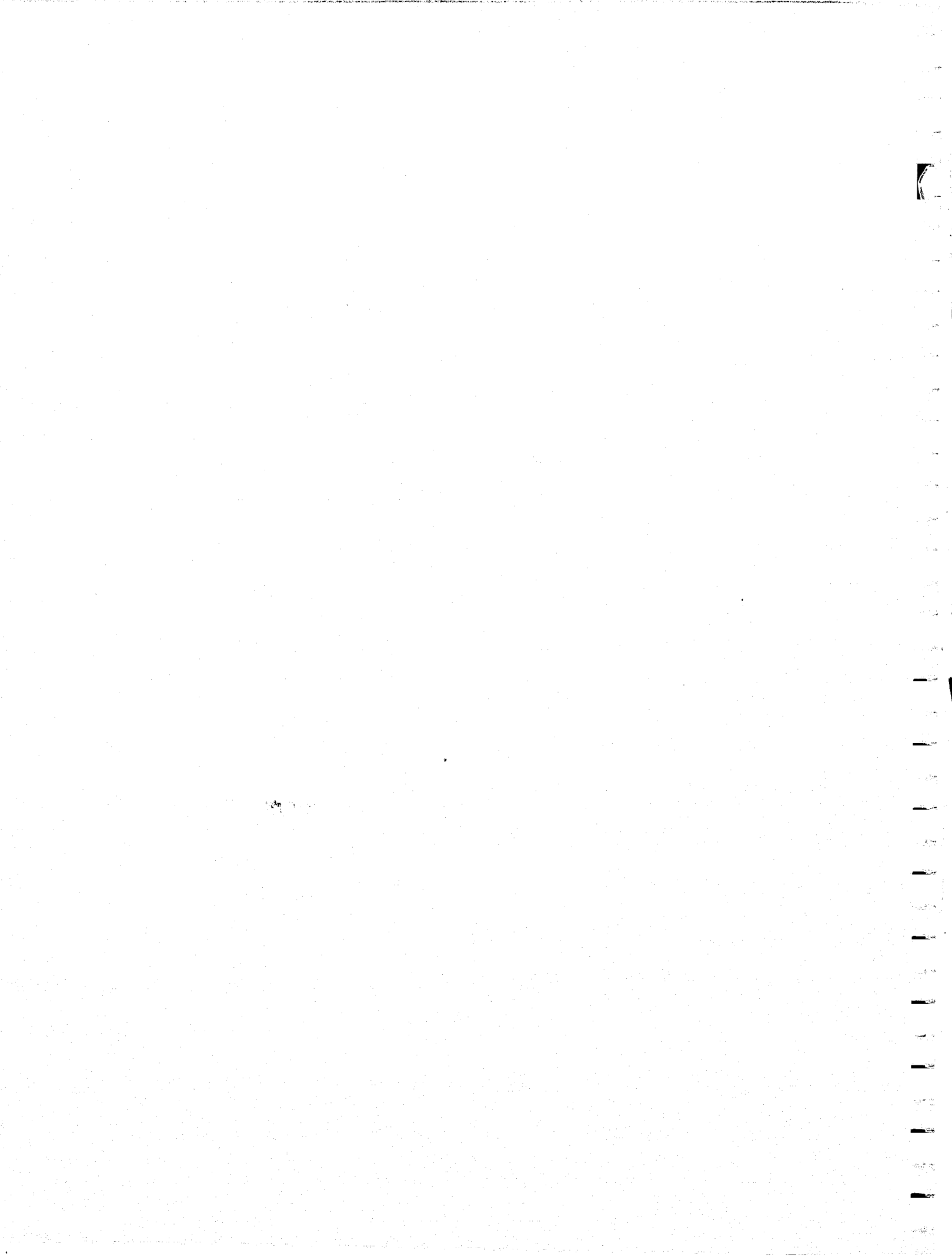
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ACQUISITIONS

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SECTION I  
INTRODUCTION



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INTRODUCTION

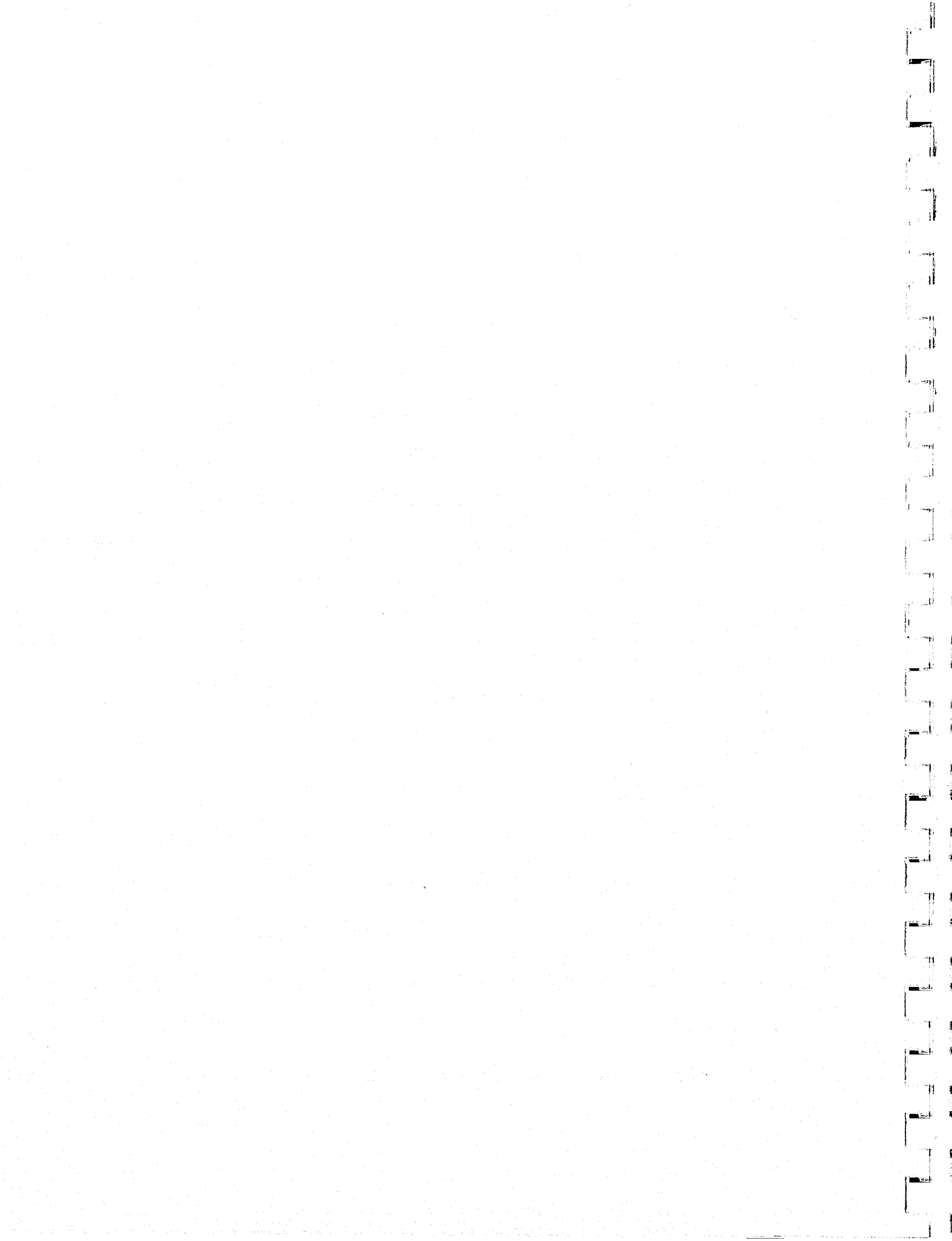
1.1 PROGRAM BACKGROUND

This is the final report on one component of the Adjudication Operating Program, one of five anti-crime programs of the Cleveland IMPACT Cities Program. The IMPACT Program is an intensive planning and action effort designed to reduce the incidence of stranger-to-stranger crimes (homicides, rapes, aggravated assaults, and robberies) and burglary in Cleveland by five percent in two years and 20 percent in five years. Based on this top-level goal, the IMPACT Program derived four sublevel goals:

- Minimize the need to commit crime;
- Minimize the desire to commit crime;
- Minimize the opportunity to commit crime; and
- Maximize risk for offenders.

To achieve these four goals, five specific Operating Programs were devised, as depicted in the program structure, Figure 1-1. The Operating Programs, in turn, consisted of some 35 individual project components.

This report concerns one of the projects in the Adjudication Operating Program, one of two programs designed to maximize the risk to offenders and to minimize their opportunities to commit crimes. The central hypothesis of this Operating Program is that the nature of the adjudication process -- specifically, swift and sure court processing of offenders -- can increase the risk to potential offenders; deter potential offenders who become aware of the high probabilities of apprehension, prosecution, and conviction; and deter processed offenders from recidivating by impressing on them the certainty of swift and sure adjudication.





ULTIMATE GOAL

SUB-LEVEL PROGRAM GOALS

OPERATING PROGRAMS

PROJECTS AND/OR ACTIVITIES

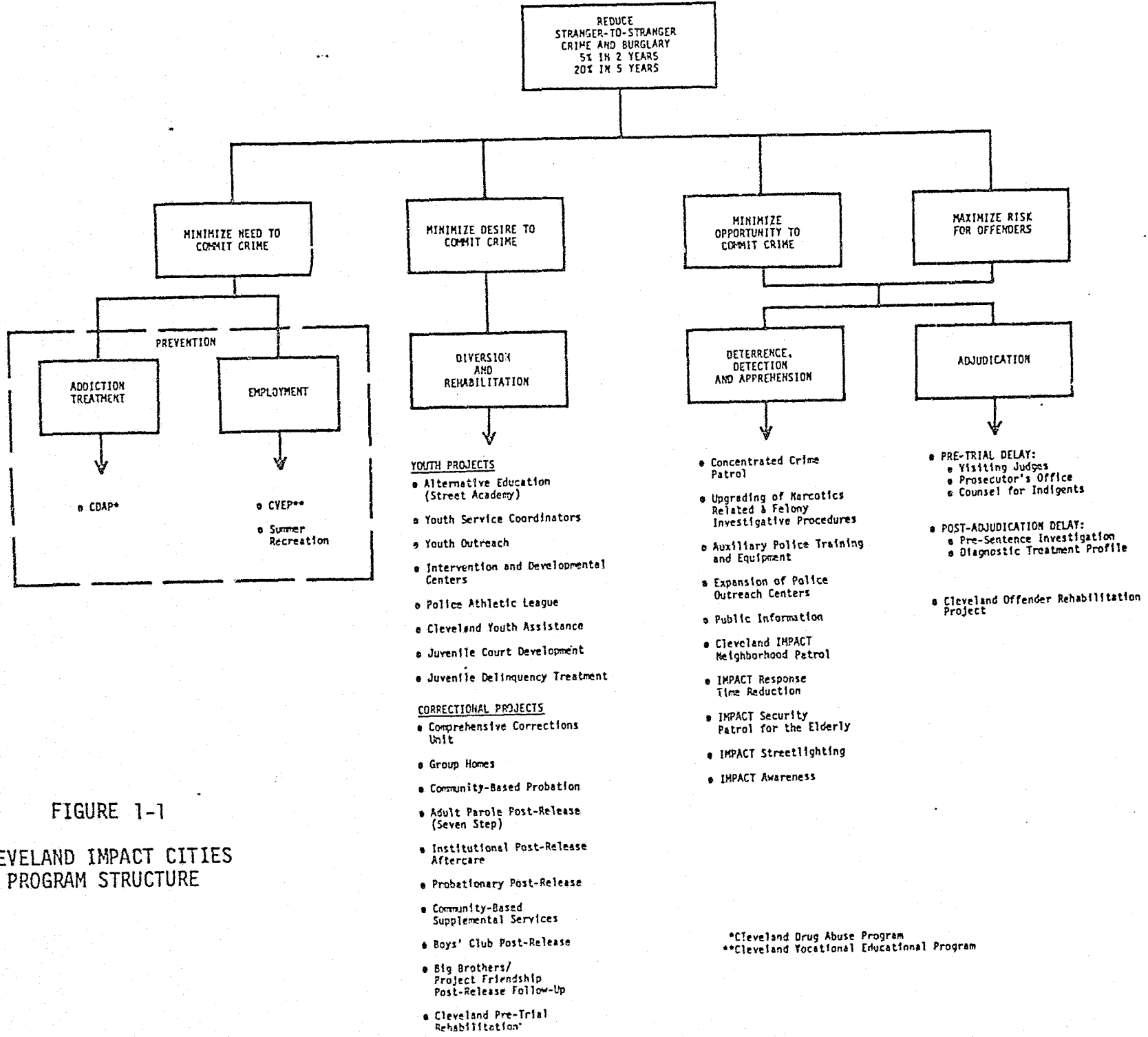
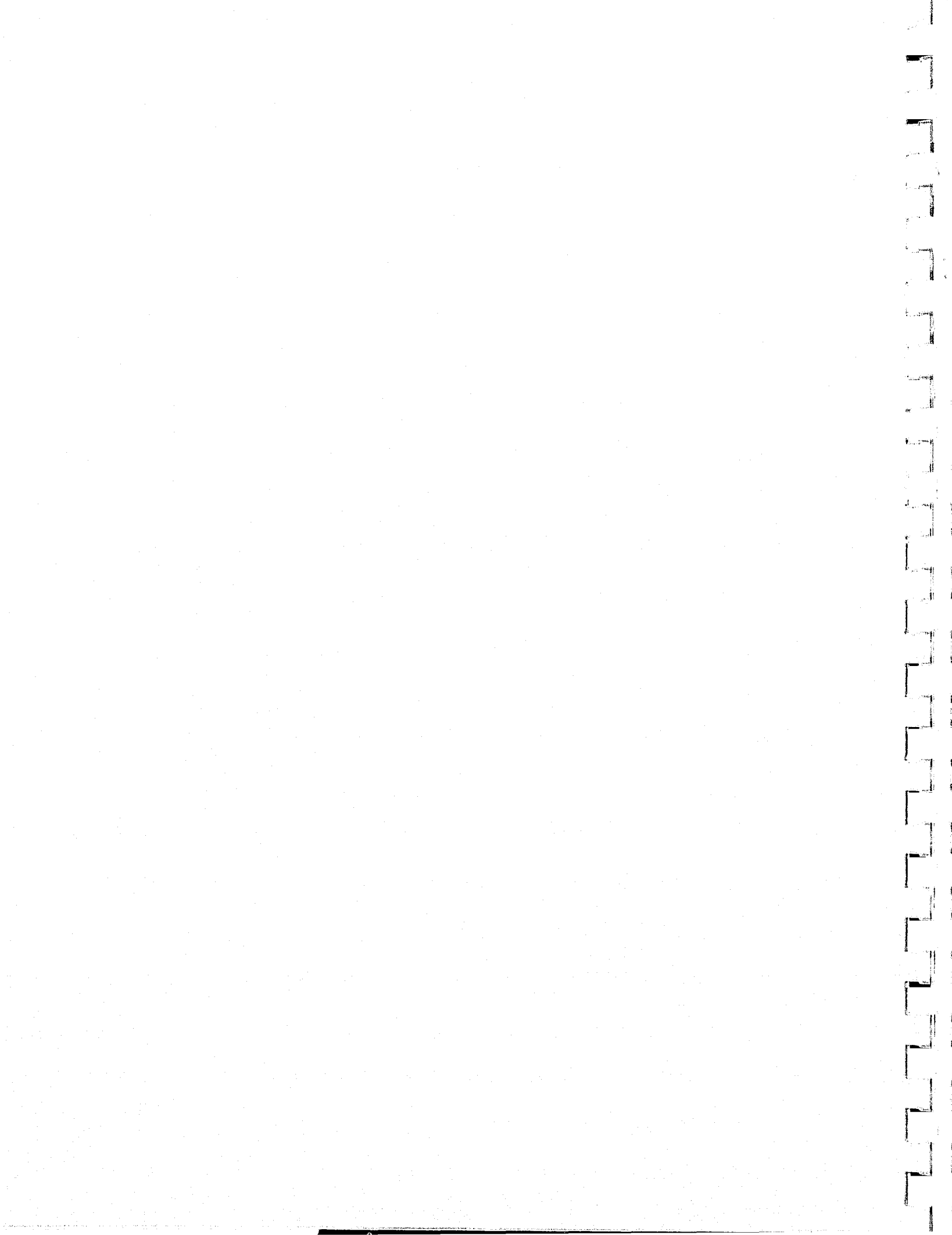


FIGURE 1-1

CLEVELAND IMPACT CITIES PROGRAM STRUCTURE

\*Cleveland Drug Abuse Program  
 \*\*Cleveland Vocational Educational Program



To improve the adjudication process consistent with this hypothesis, the Pre-Trial and Post-Adjudication Delay Reduction Project was created as part of the Adjudication Operating Program. The objectives of the project are twofold:

1. To reduce the time a defendant spends awaiting trial, consistent with (a) the speedy trial provisions of the Sixth Amendment and the Ohio Rules of Criminal Procedure, Crim. R. 4, 5, and 7, and (b) the due process provisions of the Fifth and Fourteenth Amendments and the Supreme Court's ruling in Argersinger v. Hamlin, 407 U.S. 25 (1972); and
2. To reduce the time a convicted defendant spends awaiting sentencing, consistent with the provisions of the Fifth, Sixth, and Fourteenth Amendments, and Crim. R. 4, 5, 32, 32.2, 34, and 46.

To achieve these objectives the project was divided into two activities -- Pre-Trial Delay Reduction (Activity 1) and Post-Adjudication Delay Reduction (Activity 2). As shown in Figure 1-2, Activity 1 consisted of three component projects and Activity 2 of two component projects.

Activity 1, Pre-Trial Delay Reduction, sought to speed the processing of felony defendants through the criminal courts. Component 1, Visiting Judges, provided funds in the Common Pleas Court (General Division) and the County Sheriff's Department for six visiting judges and associated support personnel for trying criminal cases. Component 2, County Prosecutor's Office, provided funds to the Prosecutor's Office for nine Assistant County Prosecutors and associated support personnel to try the cases before the visiting judges. Component 3, Counsel for Indigents, provided funds to the Legal Aid Society of Cleveland for eight attorneys and associated support personnel and facilities to represent those defendants who are indigent in Cleveland Municipal and Cuyahoga County Common Pleas Court. Activity 2, Post-Adjudication Delay Reduction, sought to accelerate the processing of convicted defendants in the Common Pleas Court. Component 1, Pre-Sentence Investigation, provided funds to the County Probation Department for five full-time and four part-time Probation Officers and associated



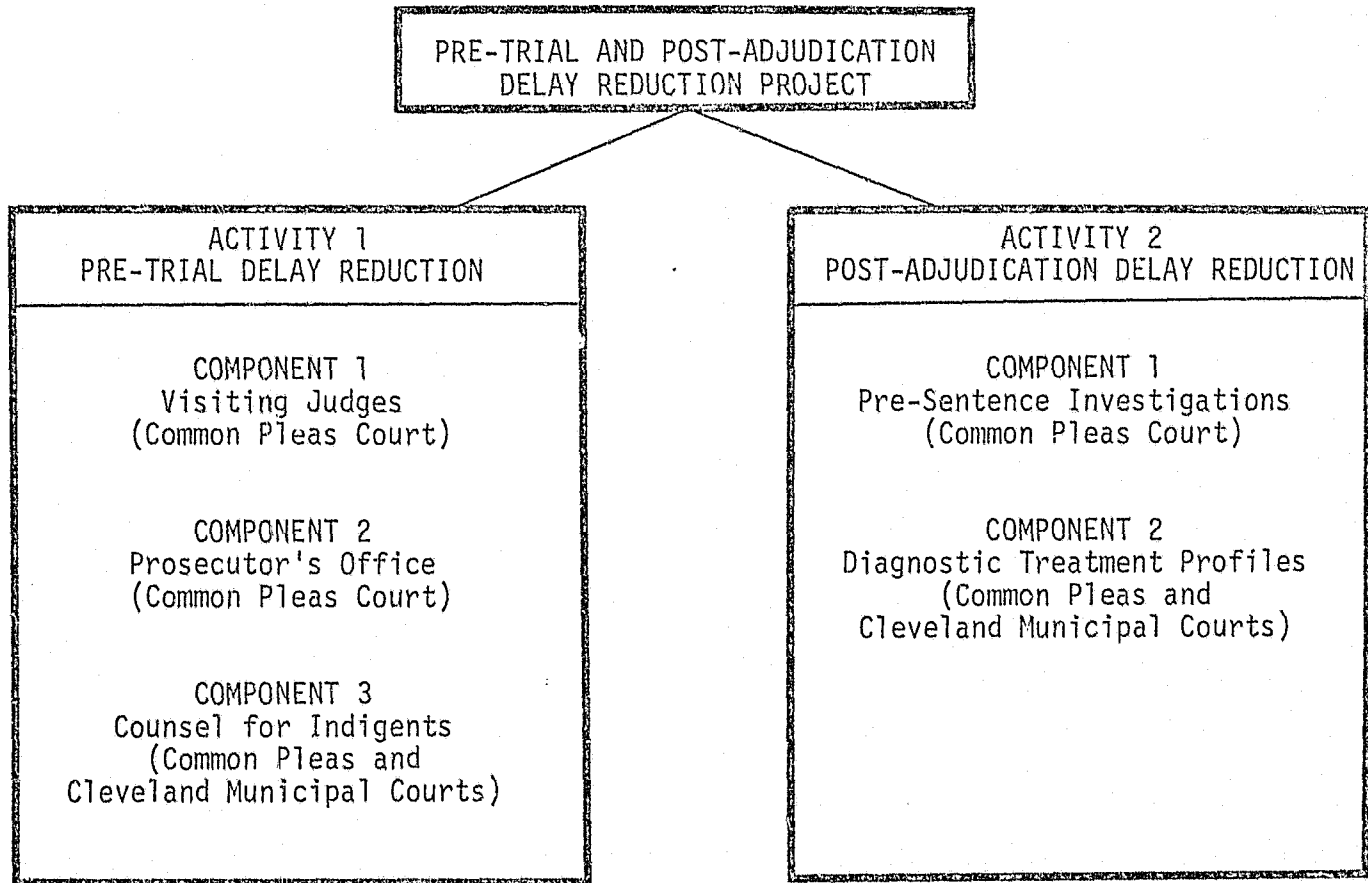
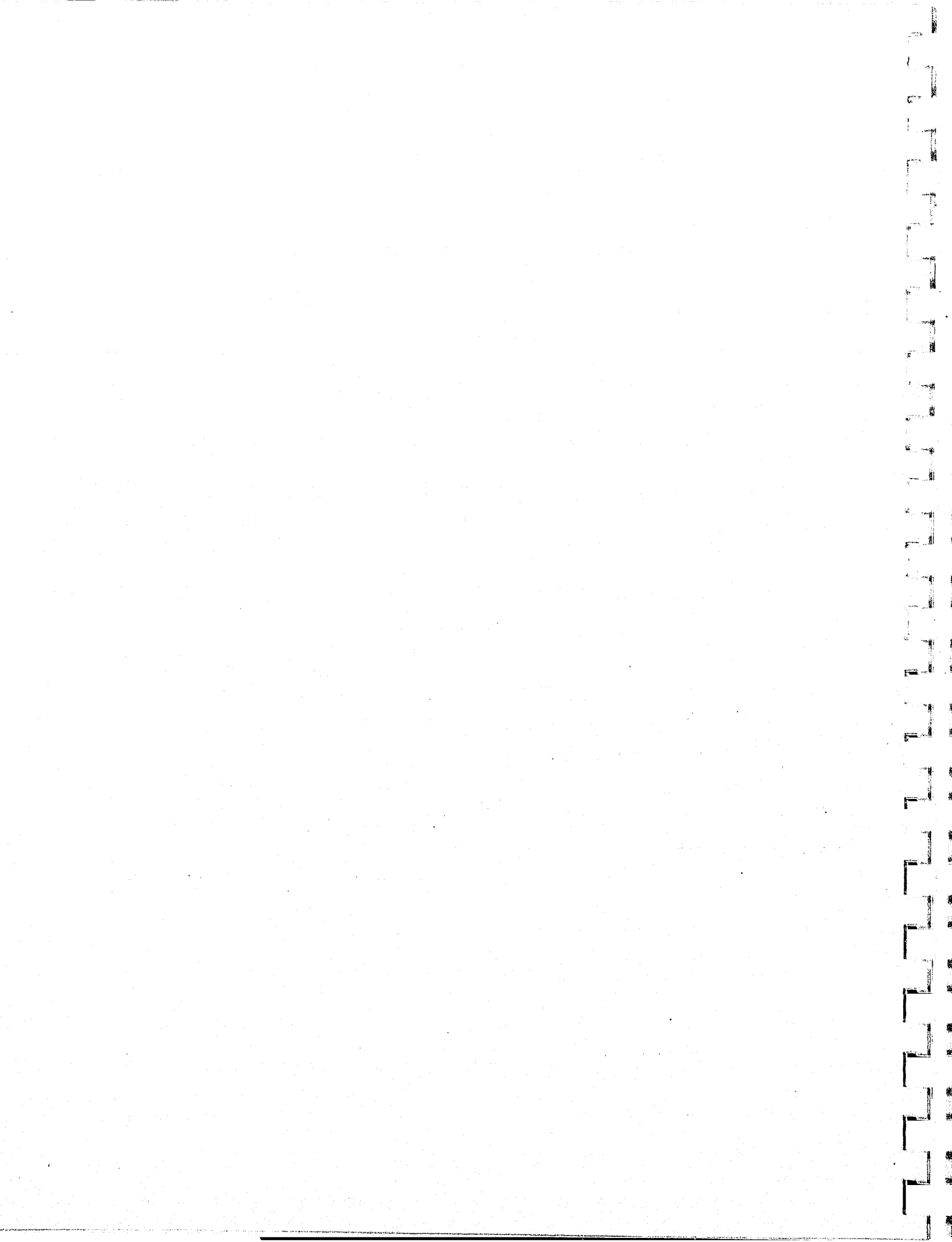


FIGURE 1-2

COMPONENT RELATIONSHIPS

PRE-TRIAL AND POST-ADJUDICATION DELAY REDUCTION PROJECT



support personnel to prepare pre-sentence investigation reports on convicted IMPACT defendants for the Common Pleas Court. Component 2, Diagnostic Treatment Profiles, provided funds to the Psychiatric Clinic serving the Common Pleas and Municipal Courts for additional personnel to develop defendant need-assessment profiles and to supplement the pre-sentence case history investigation of the County Probation Department. The goals, objectives, and methods of each of the five components of the Delay Reduction Project are summarized in Table 1-1.

The entire Delay Reduction Project was funded from an LEAA Discretionary Grant. As noted above, the project operated in the Court of Common Pleas in Cuyahoga County, serving a target population of felony defendants in criminal cases. Although the target population was intended to be offenders arrested for IMPACT crimes committed in Cleveland, it was not possible to limit the target population in this manner. First of all, the Court of Common Pleas is a countywide court of general jurisdiction; hence, defendants processed by the court need not (1) reside in Cleveland, (2) have allegedly committed a crime in Cleveland, (3) have been arrested in Cleveland, (4) have been arrested by the Cleveland Police Department, or (5) have had initial contact with the Cleveland Municipal Court. Nonetheless, a majority of common pleas defendants were arrested in Cleveland by the Cleveland Police Department. Secondly, although IMPACT crimes constitute a large fraction of the Common Pleas caseload, it was not possible to limit the services of the project's pre-trial components (the visiting judges and associated prosecutorial and defender personnel) to IMPACT defendants. Hence, the effect of the Delay Reduction Project was felt "across the board" for all felony cases. Thus, the pre-trial portion of the project affected the entire Common Pleas Court criminal case backlog and delay.





TABLE 1-1

DELAY REDUCATION PROJECT GOALS, OBJECTIVES, AND METHODS  
 (Source: Project Discretionary Grant Applications)

DISCRETIONARY GRANT APPLICATION	PROGRAM COMPONENT	GOAL/OBJECTIVE	METHOD OF ACCOMPLISHMENT
"Pre-Trial Delay" (Activity 1)		Reduce time between arrest and disposition	Visiting Judges, additional Prosecutors, Counsel for Indigents
	Component 1, Visiting Judges	Reduce delay in adjudication of IMPACT defendants, reduce Common Pleas Court criminal case backlog, dispose of 150 to 200 cases per month	<ul style="list-style-type: none"> <li>• Six Visiting Judge positions, Judges supplied by Ohio Supreme Court, reimbursed by IMPACT</li> <li>• Visiting Judge support personnel, hired locally</li> <li>• Double-shift use of courtrooms</li> </ul>
	Component 2, County Prosecutors	Reduce delay in prosecution of IMPACT cases before Visiting Judges, assist Visiting Judges in disposition of 150 to 200 cases per month	<ul style="list-style-type: none"> <li>• Hire nine Assistant County Prosecutors (ACP) and support personnel</li> <li>• Assign ACP to each Visiting Judge courtroom</li> <li>• Prepare cases for prosecution before Visiting Judges and Grand Jury</li> </ul>
	Component 3, Counsel for the Indigent	Provide representation for 1,302 indigent IMPACT defendants	<ul style="list-style-type: none"> <li>• Hire eight attorneys and support personnel</li> <li>• Screen cases, represent IMPACT defendants in Cleveland Municipal Court</li> <li>• Represent IMPACT defendants in Common Pleas Court</li> </ul>

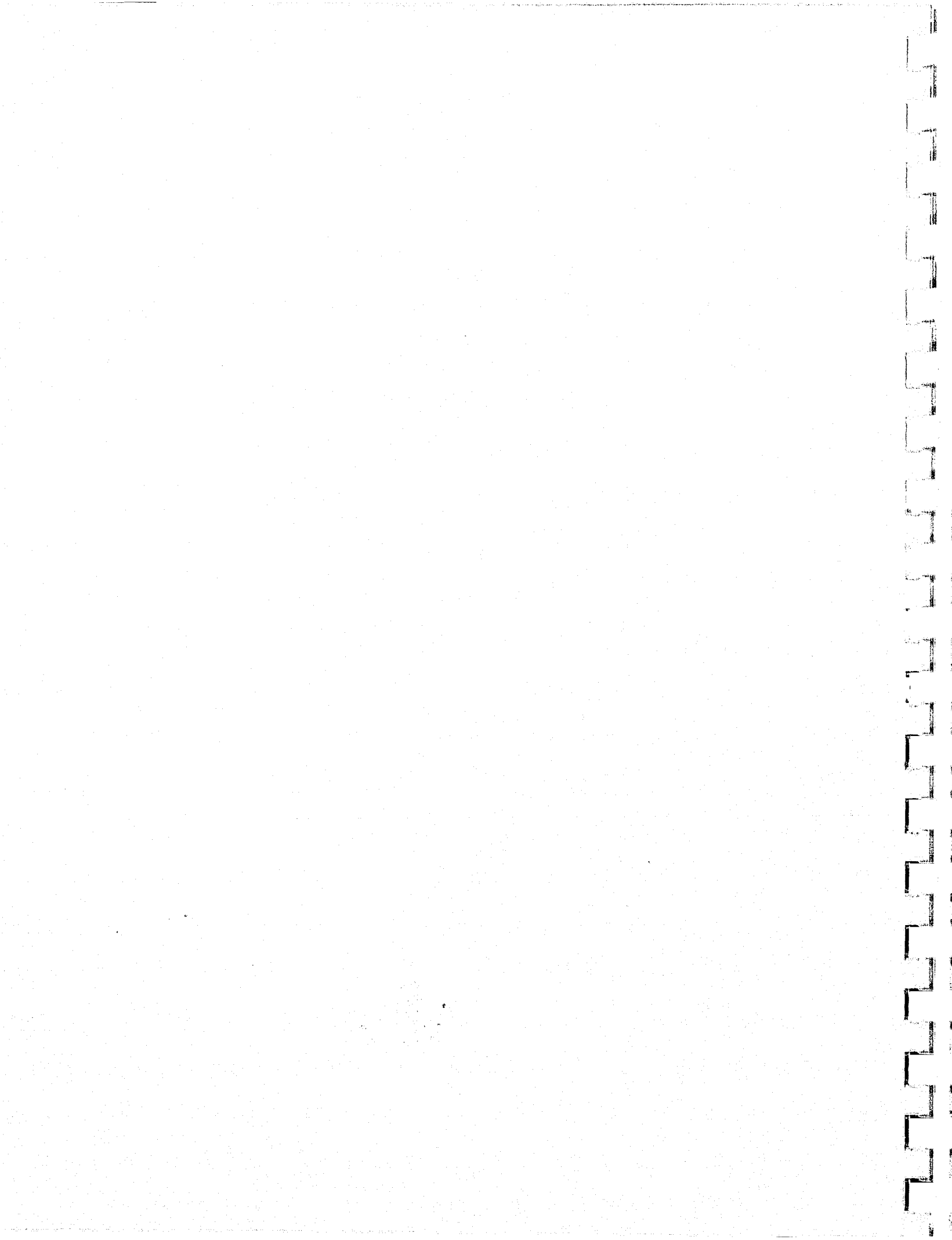


TABLE 1-1 (Continued)

DISCRETIONARY GRANT APPLICATION	PROGRAM COMPONENT	GOAL/OBJECTIVE	METHOD OF ACCOMPLISHMENT
"Post-Adjudication Delay" (Activity 2)		Reduce time between conviction and sentencing, place convicted offenders into proper corrective programs	Probation Officers, Psychiatric/ Psychological testing and evaluation
	Component 1, Pre-Sentence Investigations	Eliminate delay in preparing Pre-Sentence Investigations on convicted Visiting Judge case defendants	<ul style="list-style-type: none"> <li>• Hire five County Probation Officers and support personnel</li> <li>• Utilize "short-form" pre-sentence investigation reports</li> <li>• Complete pre-sentence reports on Visiting Judge cases prior to pleadings</li> <li>• Complete 17 pre-sentence investigations per Officer per month</li> <li>• Utilize existing Officers to complete an additional 85 to 150 pre-sentence investigations per month</li> </ul>
	Component 2, Diagnostic Treatment Profiles	Recommend placement of offenders into correctional and/or treatment programs, assist the Probation Officers in preparing Pre-Sentence Investigations on convicted Visiting Judge case defendants, prepare professional assessments of needs/treatment modalities on 50 defendants per month	<ul style="list-style-type: none"> <li>• Hire psychological and psychiatric professionals</li> <li>• Interview and test defendants</li> <li>• Prepare diagnostic profiles</li> <li>• Recommend treatment modalities</li> </ul>

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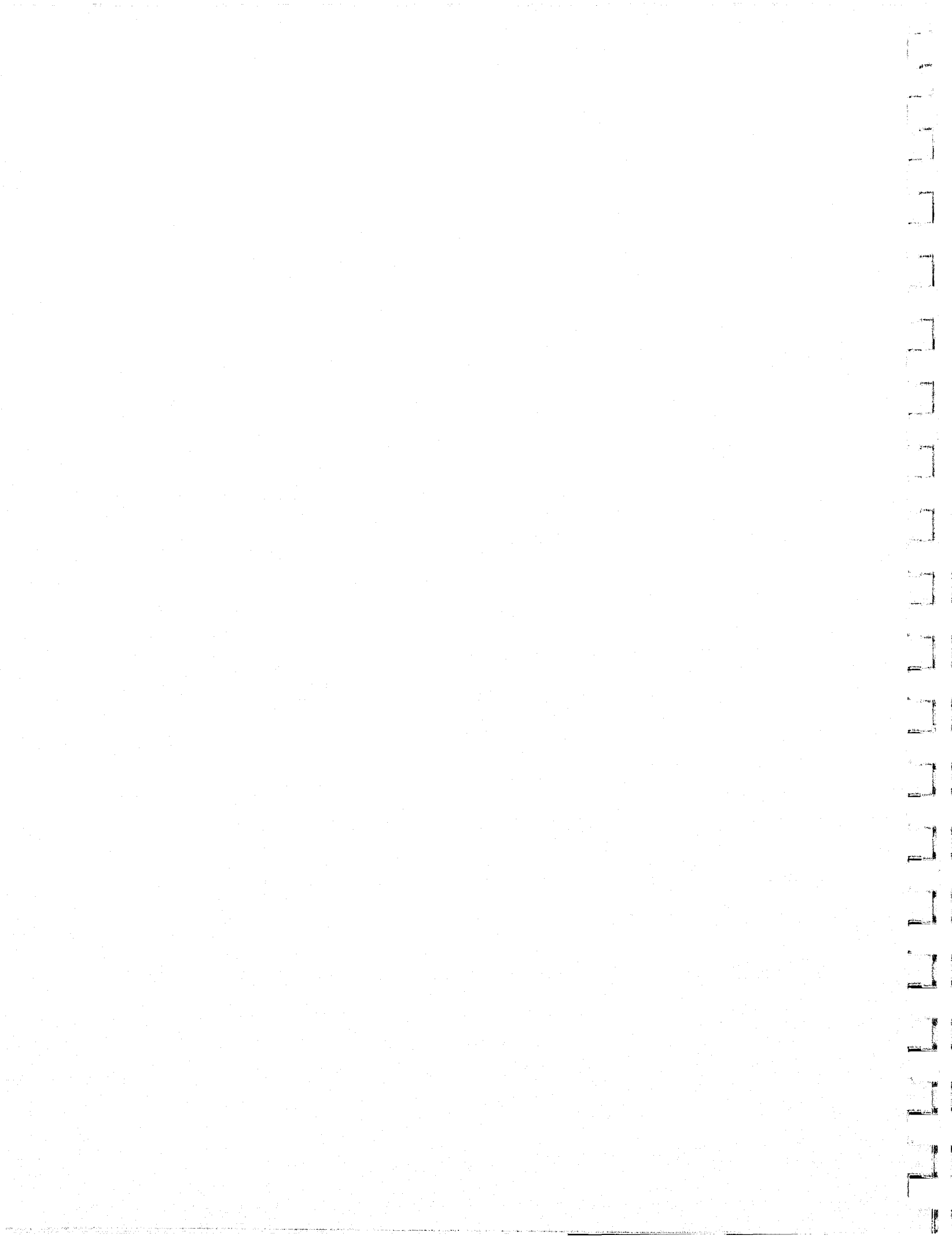
## 1.2 PROJECT COMPONENTS

### 1.2.1 PRE-TRIAL DELAY REDUCTION COMPONENTS

The core of the pre-trial delay reduction effort was the addition of six visiting judges to the bench of the Cuyahoga County Court of Common Pleas. The visiting judges were assigned by the Ohio Supreme Court from other counties in the state where caseloads are lower than those in Cuyahoga County. The addition of the visiting judges was specifically intended to supplement the services of the sitting judges of the Common Pleas Court, not to relieve them from hearing their normal complement of criminal cases. Initially, the visiting judges operated in a double-shift mode, using courtrooms in the afternoon while the sitting judges used them in the morning. But in June 1973 the County added seven new courtrooms in the Mott Building, making double shifts unnecessary.

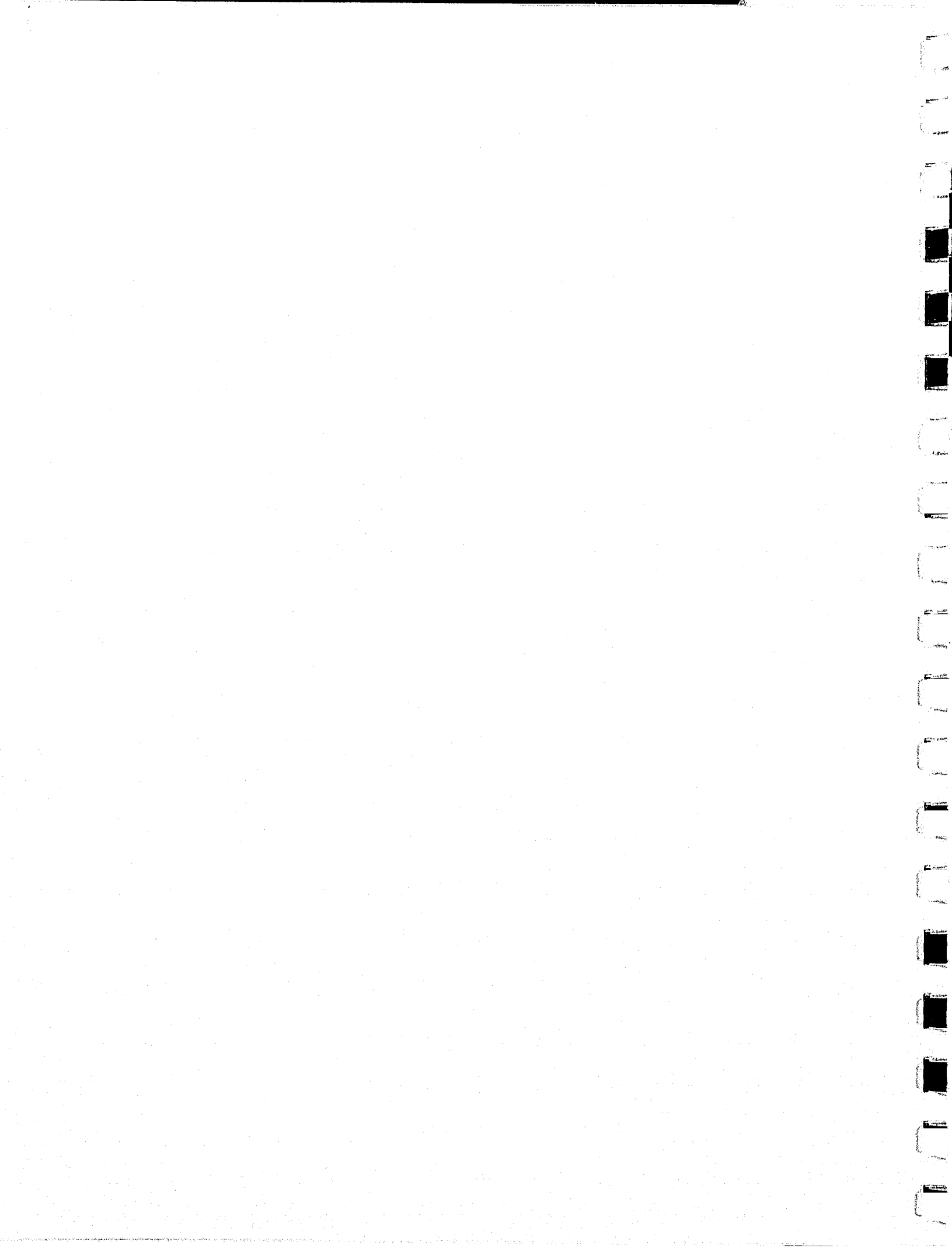
The Visiting Judges component also included funds for courtroom support personnel. These personnel included nine Deputy Sheriffs responsible for courtroom protection and prisoner transfer, six court bailiffs responsible for assisting the judges in the trial process and making record entries as directed, two clerks in the Common Pleas Central Scheduling Office responsible for managing the case flow, two secretaries to conduct the judges' correspondence, one law clerk to check points of law in the County Law Library on request of the visiting judges, six court reporters to transcribe courtroom proceedings, and two jury bailiffs to serve the needs of the impaneled jurors.

Phase I of the Visiting Judges component covered April 1973 through March 1974 and was funded by an LEAA grant of \$411,213. Based on the favorable evaluation of Phase I, a second-year effort was funded for an additional



\$308,403. The grant funds, supplemented by local funds, provided for the salaries and fringe benefits of the personnel listed above, jury fees for the additional juries required by the project, office supplies, telephone expenses, and rental of additional courtroom space. As a result of the project's success in reducing both backlogs and delays, it is being institutionalized as an on-going part of the County court system at the conclusion of the Phase II grant period.

Supporting the Visiting Judges component are the associated prosecutorial and defender components. These are both designed to provide adequate personnel to ensure that cases assigned to the six visiting judges could be handled expeditiously on the part of both prosecution and defense. Nine additional prosecutors were added to the staff of the Cuyahoga County Prosecutor. These prosecutors became part of a pool from which the Prosecutor chose personnel to try cases in the Common Pleas Court. In this way, the Prosecutor could choose either a newly-hired attorney or one more experienced in criminal prosecution to prosecute each visiting judge case. Adding nine Assistant Prosecutors to the attorney pool permitted the Prosecutor's Office to cover all six visiting judges' courtrooms and also to keep other cases in preparation for trial before those judges. In addition, a clerk-coordinator was added to the Prosecutor's staff to keep the case flow uninterrupted. Phase I of the Prosecutor's Office component paralleled Phase I of the Visiting Judges component, and was funded by an LEAA grant in the amount of \$116,240. Phase II covered the seven months from June through December 1974, after which the project was continued with local funds, to continue to support the Visiting Judges component.





The Counsel for Indigents component was funded by a Phase I grant of \$182,484. This provided funds for the Legal Aid Society to hire eight attorneys to be assigned to defendants who could not afford private defense counsel and requested appointed counsel. The attorney was assigned to the defendant at the preliminary hearing in Municipal Court, and would see the case through Common Pleas Court.\* The budget also provided funds for Legal Aid to hire four law students, two investigators, two clerks, and a social worker to assist in preparing defense cases. The budget also provided funds for additional court reporter service, travel expenses for staff attorneys and investigators, office rental, and office supplies and equipment. Like the Prosecutor's Office component, Counsel for Indigents was refunded for Phase II through December 1974 and has been continued since then with local funds to support the continuation of the Visiting Judges component.

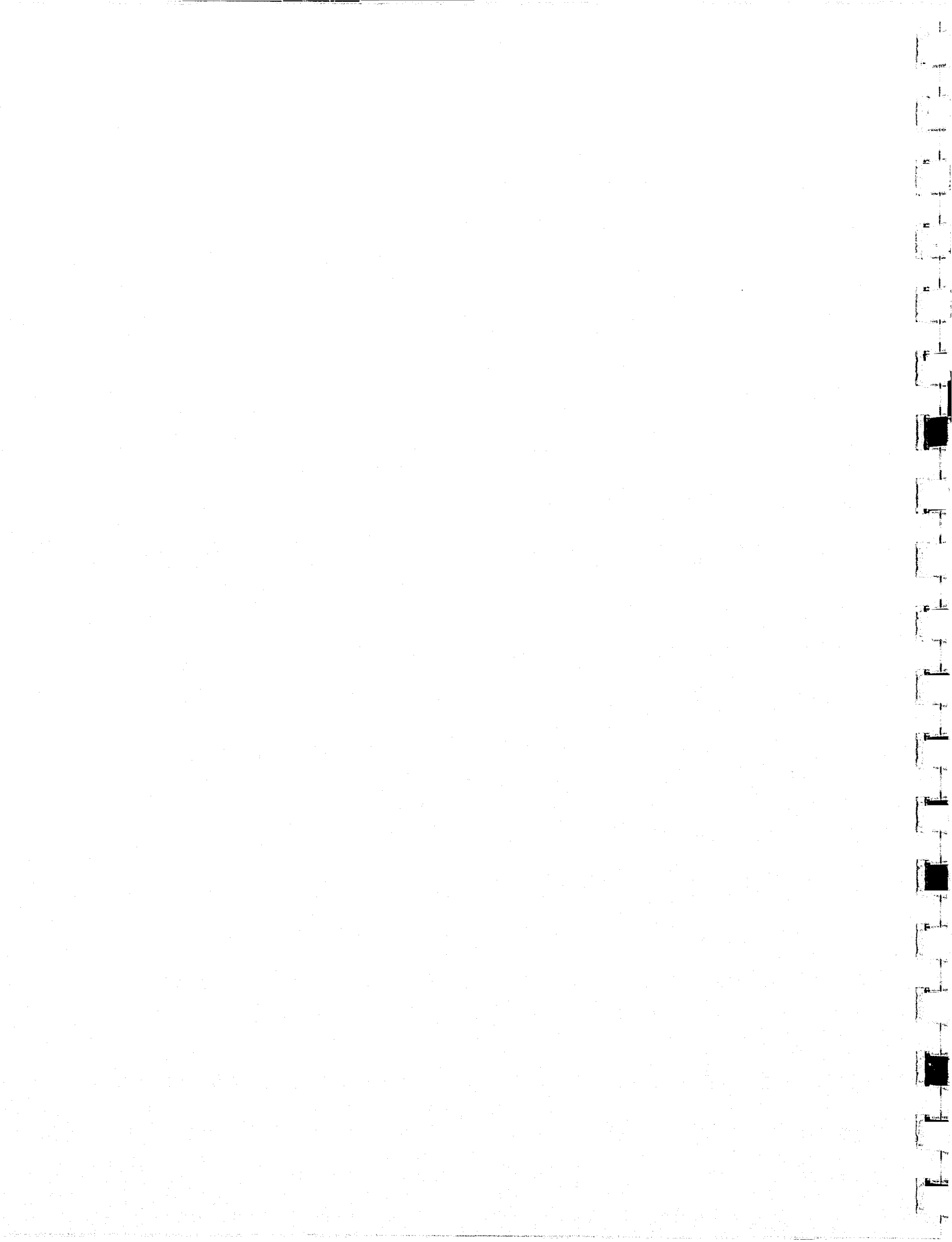
#### 1.2.2 POST-ADJUDICATION DELAY REDUCTION COMPONENTS

The goal of these two components is to reduce the time between conviction of IMPACT defendants and their placement in appropriate correctional programs. The thrust of these activities is to provide the information required for sentencing in as short a time period as possible. The implementation of this objective involved increasing the staff of both the Probation Department and the County Psychiatric Clinic.

The Pre-Sentence Investigation component was the Probation Department's contribution to reducing the delay by reducing or eliminating the usual delay in preparation of pre-sentence investigation reports. This was to be accomplished by hiring additional Probation Officers, devising a "short-form" pre-sentence

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\*As a practical matter, an attorney assigned to the initial stages of a case did not always remain assigned to the case if the individual defendant expressed another preference.

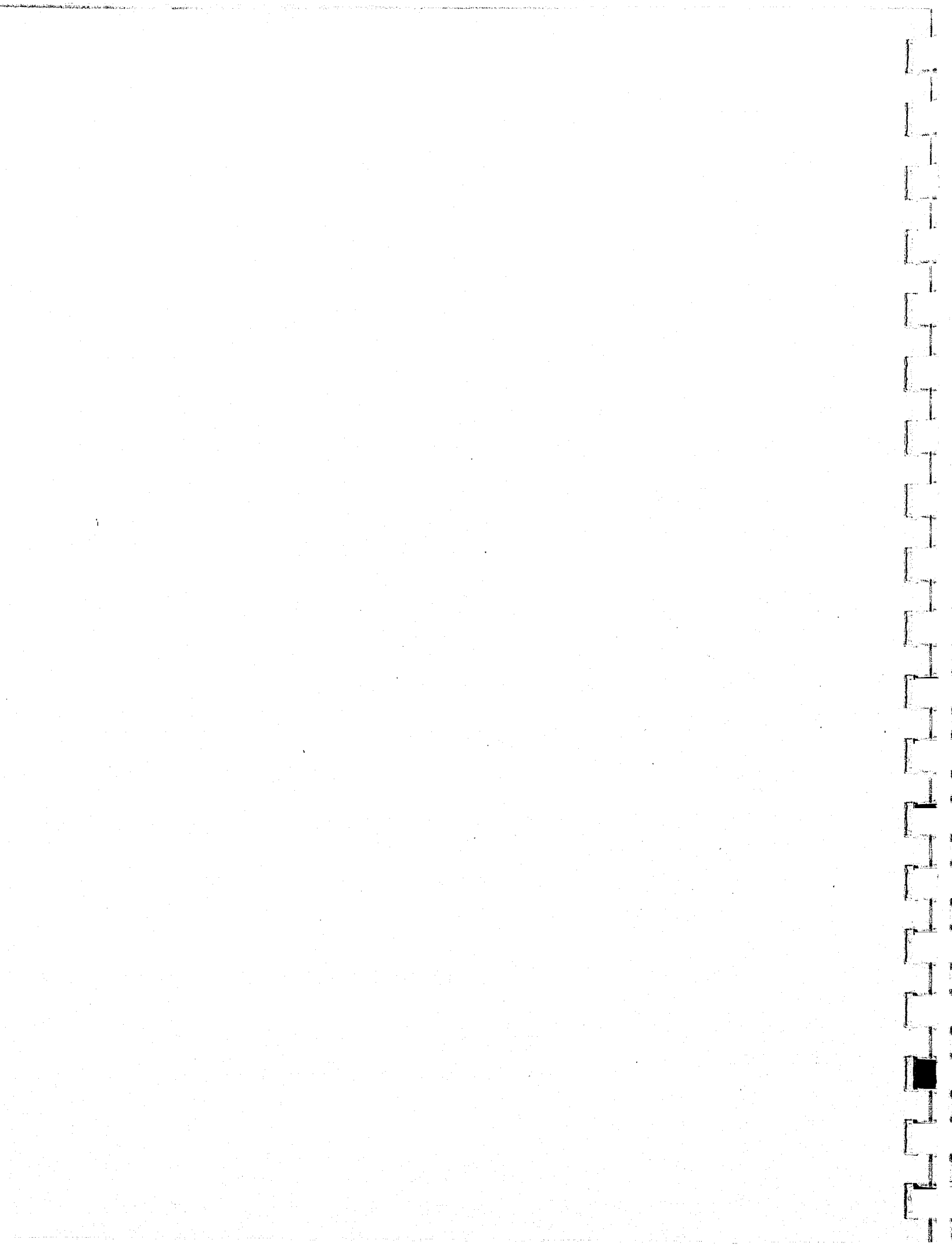


investigation form, and completing the pre-sentence reports prior to pleadings (later changed to a goal of "within five days of their assignment"). This component was supported by a \$58,314 LEAA grant, which provided funds for hiring five additional Probation Officers and a clerk-typist. The Department itself contributed a portion of the time of four other Probation Officers and the Chief Probation Officer. The new "short-form" was developed early in the project and revised twice to refine it for maximum workability. At the conclusion of the grant period in August 1974 the project was continued with local funding, to support the ongoing Visiting Judges component.

The final project component was the Diagnostic Treatment Profiles. Its objective was to assist the Probation Department in making sentencing recommendations which would place offenders into appropriate correctional and/or treatment programs, by making professional assessments of the needs and treatment modalities of convicted IMPACT offenders. This would be done by means of interviews with and testing of the referred offenders and preparation of diagnostic profiles and recommended treatment modalities. The LEAA grant of \$39,020 was to provide for the hiring of a psychologist, a test administrator, and a clerk-typist, plus partially supporting a psychological assistant and providing office supplies. However, staffing problems and a small number of referrals resulted in a decision not to continue this component beyond its first 12 months.\*

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\*Because of these developments, the project grant award was reduced to \$9,020. The remaining \$30,000 was reprogrammed to support another IMPACT project.



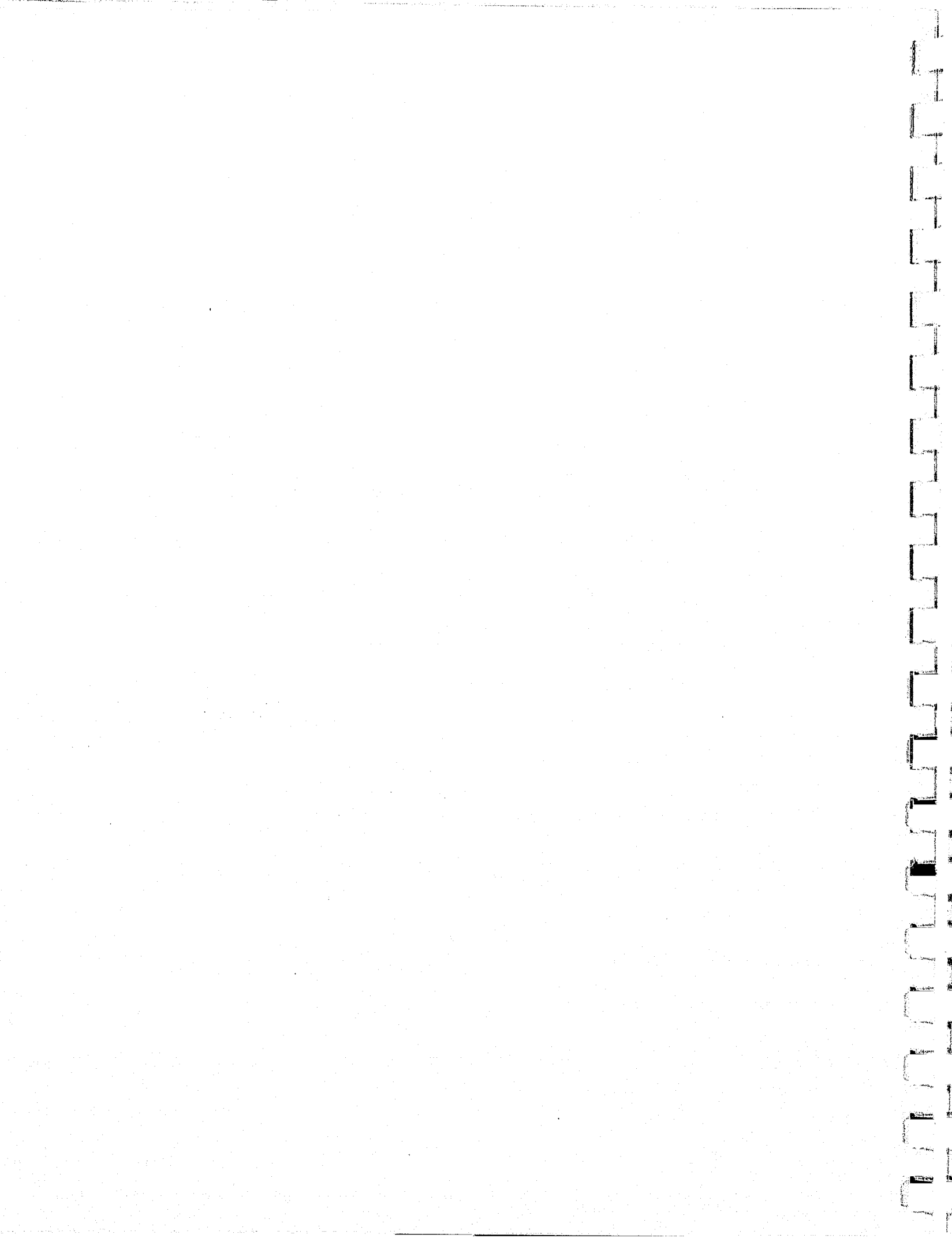
### 1.3 COUNSEL FOR INDIGENTS

In order to help accommodate the increased caseload made possible by the Visiting Judges component, the Counsel for Indigents component was created. This project component provided funds to the Defender Office of the Legal Aid Society of Cleveland to employ 29 additional staff members (17 of whom were IMPACT-funded) to handle the defense of indigents before the visiting judges. The following personnel were assigned to the project:

<u>Personnel Type</u>	<u>Number of Positions</u>	
	<u>Total</u>	<u>IMPACT-Funded</u>
Trial Counsel	12	8
Law Student/Intern	7	4
Social Worker	3	1
Investigator	3	2
Secretary-Typist	4	2
Administrative		(As needed)

Because the component was not exclusively an IMPACT project, it was responsible for providing defense services to indigents in misdemeanor cases and non-IMPACT felony cases, as well as IMPACT felony cases. Hence, it operated extensively in Municipal Court as well as in the Court of Common Pleas.

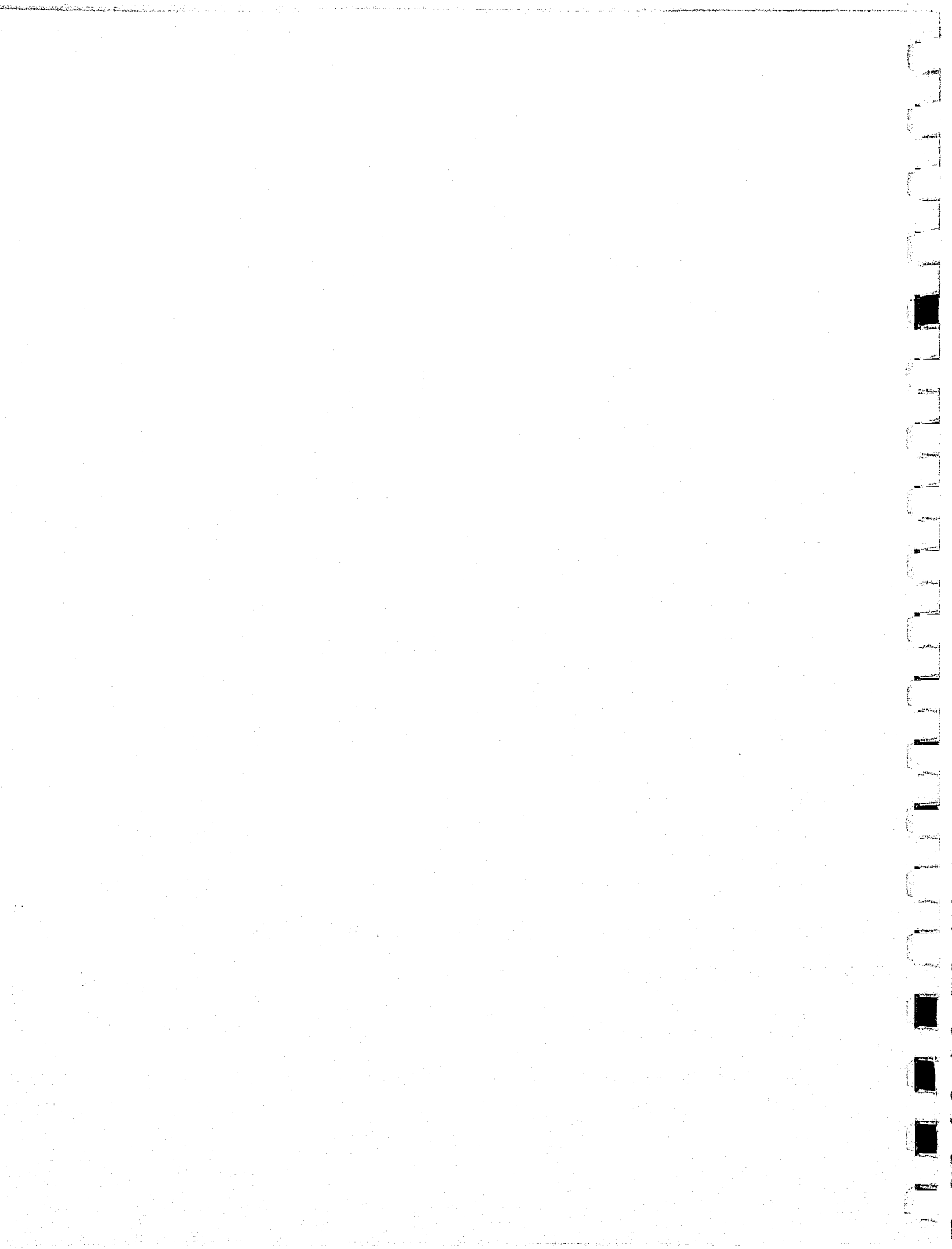
The project's operational approach was to cycle the attorneys through both courts, i. e. to have them pick up cases in Municipal Court and carry the serious felony cases through to disposition in Common Pleas Court (rather than having a separate group of attorneys permanently assigned to each court). This method was aimed at permitting the same attorney to



handle a client's case through the entire judicial process. On the average, two attorneys were present in Municipal Court representing indigent defendants in serious misdemeanors and in preliminary hearings in felony cases. At any given time, the other six attorneys provided representation in the Common Pleas Court. The cycle started either at the time of arrest or at the first appearance in Municipal Court.

For those cases beginning with arrest, the following procedure was used. Each evening except Saturday, one of the law students reported to the Detective Bureau at Central Police Station and was provided with an arrest sheet from which he ascertained if any arrestee had been charged with an IMPACT offense. He then went to the Cleveland City Jail and interviewed those persons who had not been released on bond, to determine indigency and the accused's desire for counsel. In addition, the law student provided procedural information and assistance in making a preliminary determination on whether to waive or demand a preliminary hearing. The students avoided discussing the merits of the case or giving substantive legal advice for obvious reasons. The results of these interviews were recorded and submitted to the attorneys who would be appearing in Municipal Court the following day. The law students then assisted the attorneys in preparation of the cases.

The other starting point in the cycle was the Cleveland Municipal Court. Here, at their first appearance, indigent defendants requesting

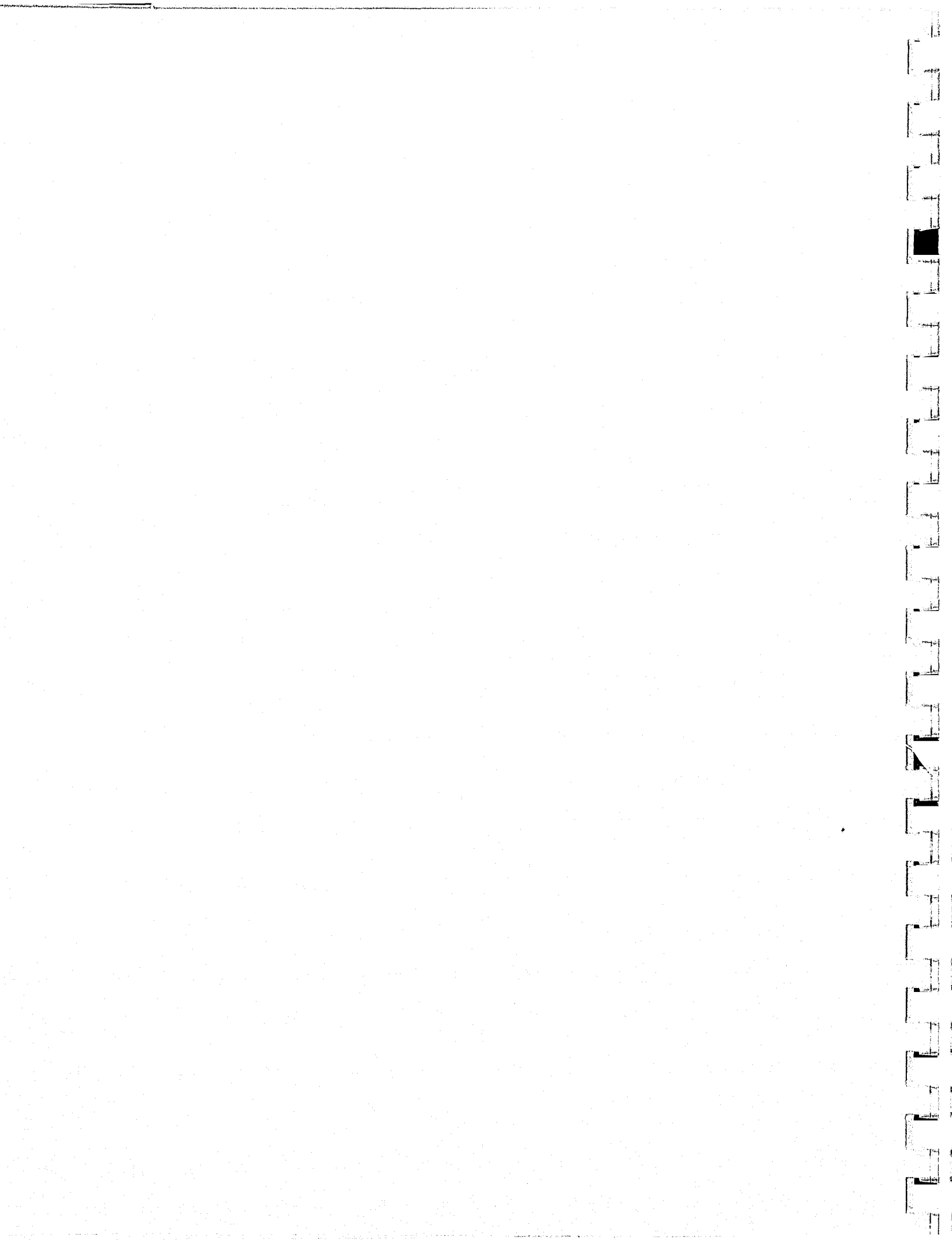




counsel would have a defender attorney appointed by the judge before whom they were appearing. The defender attorney was physically present in the courtroom, permitting an immediate conference with the defendant. Appointments were made on both misdemeanors and IMPACT felonies. The attorney represented the defendant on misdemeanors through disposition in the Municipal Court. On felonies, the attorney provided representation at the preliminary hearing, if one was necessary or requested. The consultation with the defendant would often indicate to him that a preliminary hearing would not be advantageous, and that the hearing should be waived.

Since this component was designed to service a limited number of IMPACT cases, the attorneys assigned to the Municipal Court met periodically with the Defender Director to decide which IMPACT cases were to be retained in Common Pleas Court. Thereafter, a letter was sent to the Common Pleas Court listing those cases with other pertinent information. The cases retained in the Common Pleas Court were those for which the component's attorneys would provide representation to final disposition, i. e., plea or trial (but not into the appellate process).

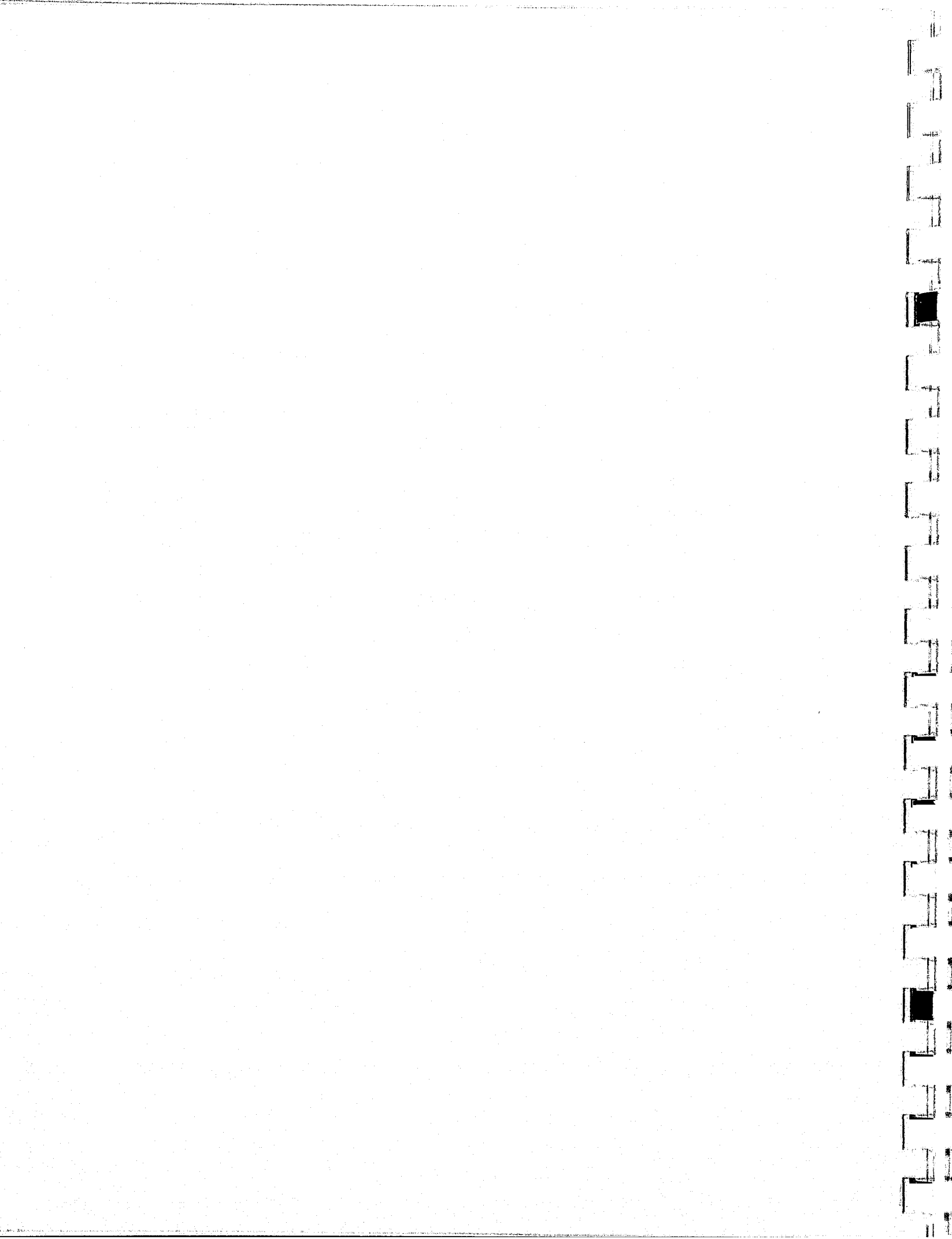
In addition to the cases contained in the periodic letter to the Common Pleas Court, the project component was assigned other IMPACT cases by the Common Pleas Court at the arraignment stage of the criminal process. It also received IMPACT cases after arraignments where other counsel had been initially retained but resigned or otherwise failed to complete representation in a case.



Where possible, when the two attorneys assigned to Municipal Court had received a certain number of cases from arrests and first appearances, they stopped taking new cases at that level and followed those cases through arraignment and where necessary, pre-trial and sentencing in the Common Pleas Court. When the bulk of their cases had resulted in dispositions, they returned to Municipal Court obtaining new cases through arrest or appointment at first appearance. Although it was administratively somewhat more complex, this methodology had significant advantages over the alternative of separate attorneys for misdemeanors and felonies, or of separate attorneys for Municipal Court and Common Pleas Court. By providing continuity of representation through cycling attorneys through both courts, more effective representation resulted and considerable time was saved.

The component's social workers played a significant role in a large number of the cases. After the initial appearance before a judge of the Cleveland Municipal Court, if the attorney ascertained that the client had a drug problem or serious social problem, the client was referred to a social worker. The social worker did the necessary follow-up work, often directing the client into other IMPACT-funded projects, e.g. drug programs, or procuring psychiatric help for the client.

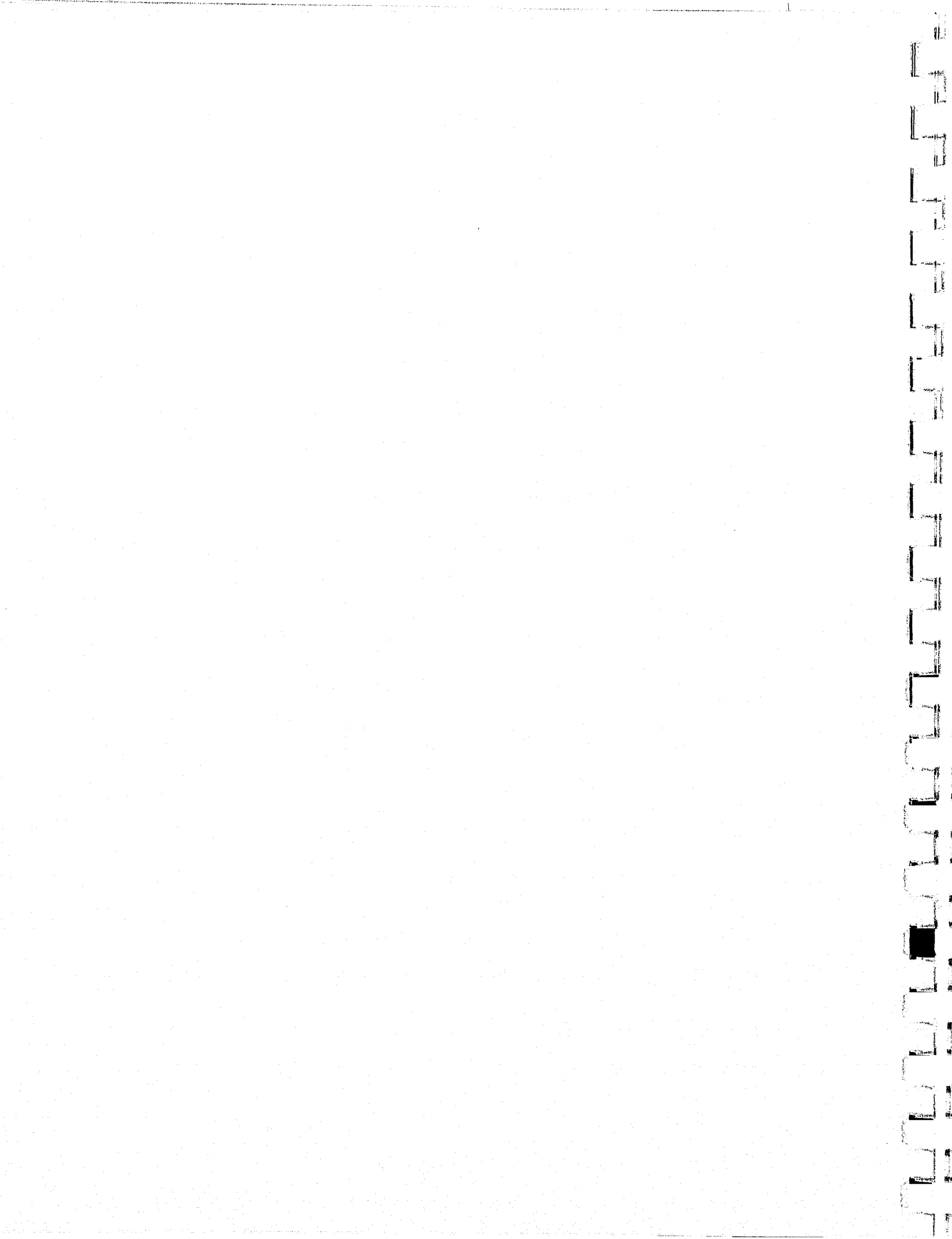
After a client entered a plea of guilty or in cases where the client had been found guilty by the court or jury, and prior to sentencing, a social worker and the lawyer on the case would meet to discuss alternatives to



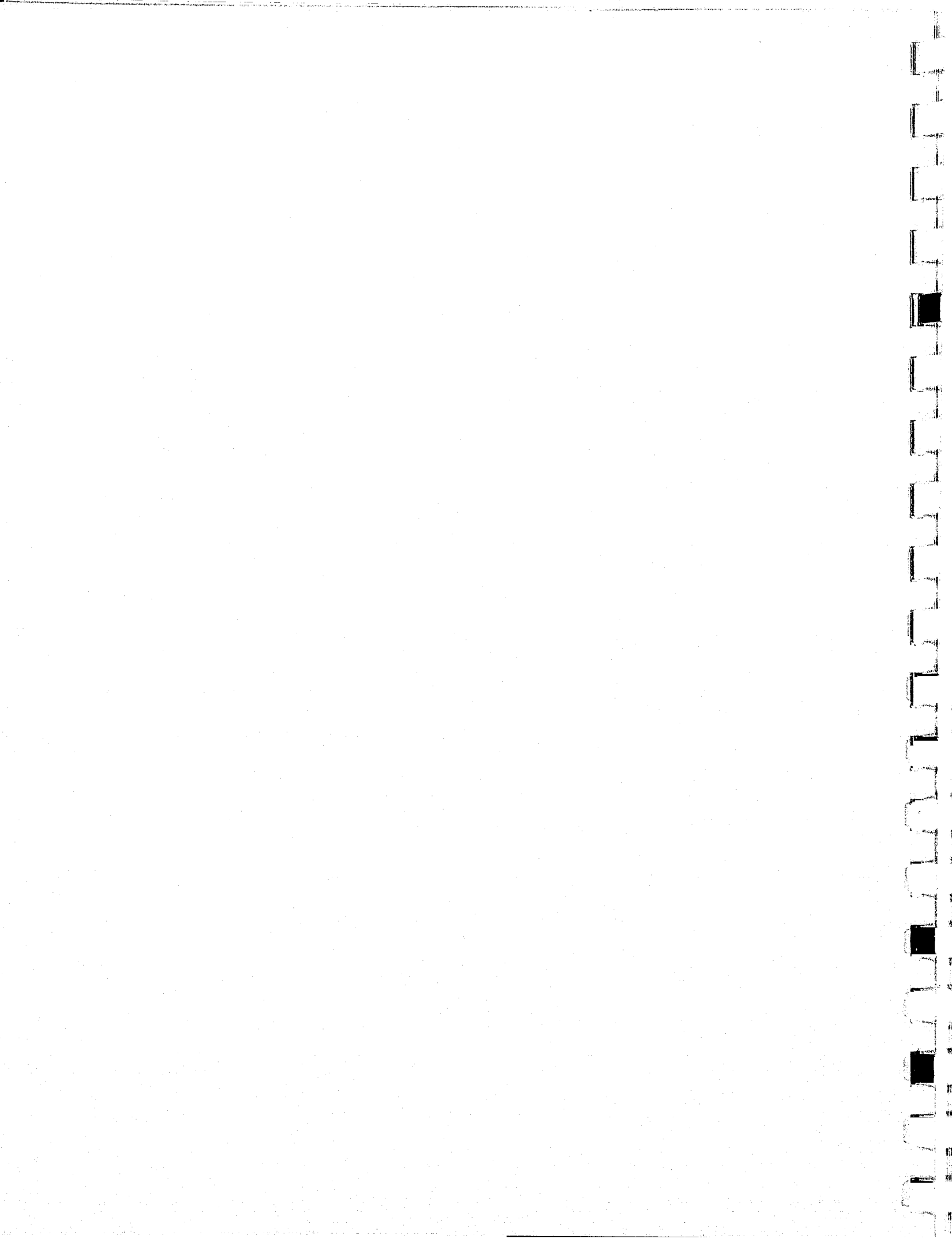
incarceration. Where appropriate, the social worker accompanied the attorney to court for sentencing. If a client was incarcerated, the social worker and the lawyer worked together to have the client released (e. g. , shock probation or parole, work release, etc. ) as soon as possible.

The Counsel for Indigents component began operations on April 2, 1973, and was in full operation in a relatively short period of time. Since the Criminal Division of the Legal Aid Society was an operating entity at the time of the grant award, start-up problems were minimal. Of the component's eight IMPACT-funded attorneys, six were experienced Legal Aid staff members who were transferred to the Counsel for Indigents component, and the other two were hired. The IMPACT-funded social worker was added in July 1973, bringing the total number of social workers to three. Phase I of the component covered a 15-month period, from April 1973 through June 1974; Phase II extended from July 1974 through December 1974, after which the Counsel for Indigents component was institutionalized by Cuyahoga County with the same budget and staffing complement.

The component operated out of existing Legal Aid Society quarters at 2108 Payne Avenue, across the street from the City and County jails and court facilities. Additional office space in the building was obtained to house the expanded staff. The grant funds provided furniture and equipment for the new quarters.



SECTION II  
MANAGEMENT AND PERFORMANCE





SECTION II  
MANAGEMENT AND PERFORMANCE

2.1 PERFORMANCE ANALYSIS

The quantitative performance data available on this project are based on quarterly and final reports submitted to LEAA. A Performance Status Report (PSR) form was prepared late in the project but never utilized; consequently no data are available breaking out cases by type of crime (other than IMPACT vs. non-IMPACT). The data presented in this section are drawn from the statistical data flow sheets of the Counsel for Indigents component, and other tabulations of caseload as presented in the quarterly and final reports.

As set forth in Table 1-1, the goal of this component was to provide representation for 1302 indigent IMPACT defendants. This numerical goal was established by the IMPACT staff, but did not appear in either of the grant applications, nor was it accepted as a goal by the project component itself. Instead, the component and the Court of Common Pleas during the early stages of Phase I established an agreement to handle 400 IMPACT felonies during the project's first year.

Table 2-1 summarizes the activities of the component during Phases I and II, covering April 1973 through December 1974. The categories in the table are defined as follows:

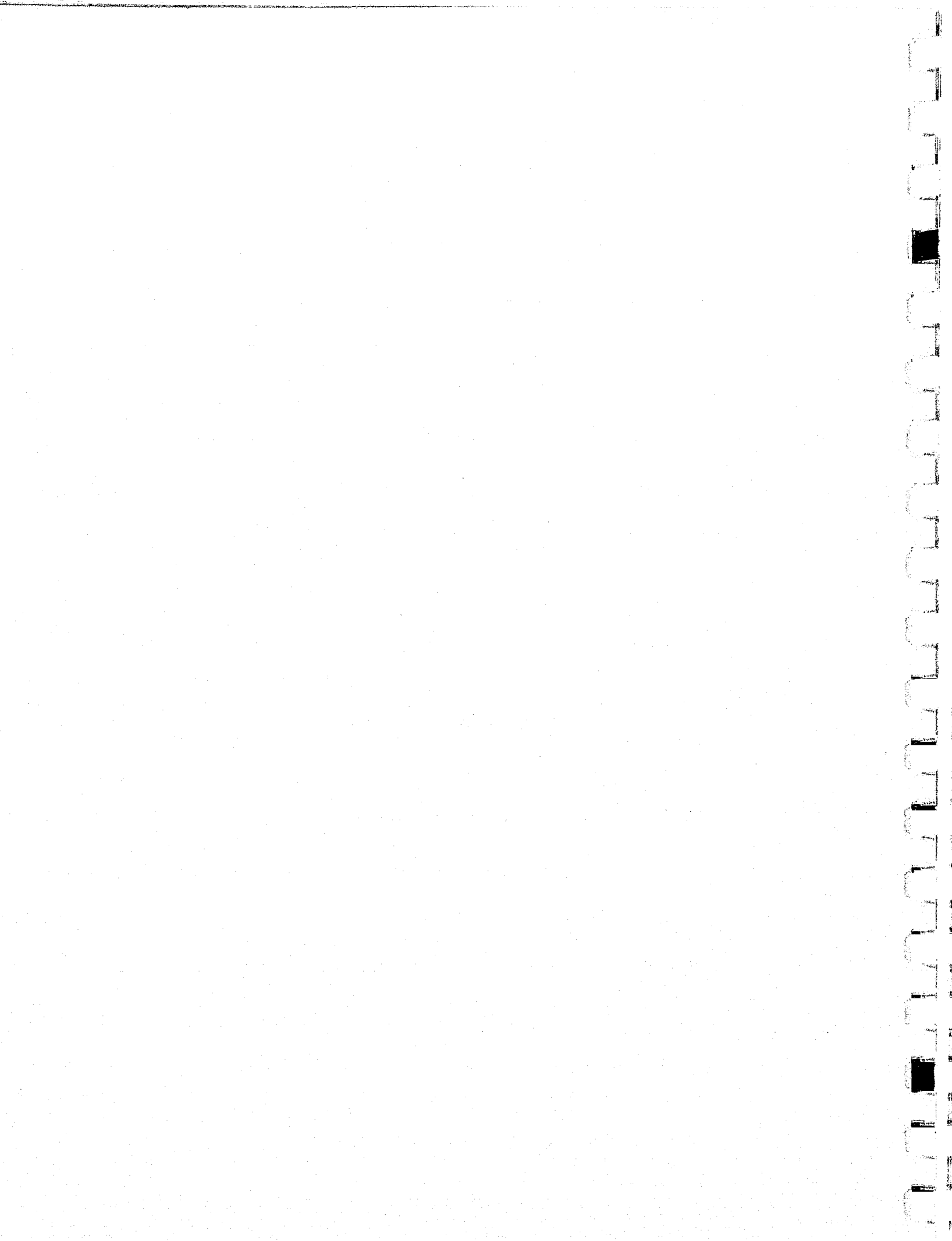


TABLE 2-1  
COUNSEL FOR INDIGENTS  
COURT TRANSACTIONS

	1973												First Yr. Total	1974												Grand Total
	A	M	J	J	A	S	O	N	D	J	F	M		A	M	J	Phase I Total	J	A	S	O	N	D	Phase II Total		
Municipal Court Gross	← 250 →			71	63	134	127	138	← 590 →			1363	← 384 →			1747	← 320 →			← 257 →			577	2324		
Municipal Court Net (IMPACT)	← NA →			← NA →					← 210 →			792	← 141 →			933	46	62	81	53	74	61	377	1310		
Common Pleas Gross	← 84 →			28	29	42	61	57	← 109 →			410	← 86 →			496	21	35	75	13	16	20	180	676		
Active	← 76 →			108	101	105	109	112	← 128 →			NA	← NA →			151	← NA →						20	—		
Closed	← 10 →			4	16	20	19	13	← 65 →			147	← 27 →			174	0	0	0	43	47	70	160	—		
Awaiting Arraignment	← NA →			← NA →					← 88 →			NA	← NA →			124	← NA →						0	—		
Refused	← NA →			← NA →					← 47 →			47	← 0 →			47	0	0	0	0	0	0	0	—		

NA = not available

Source: Counsel for Indigents Quarterly and Final reports and Phase II grant application.

2-2



Municipal Court Gross: the total number of cases handled by the component in Municipal Court, felony and misdemeanor, IMPACT and non-IMPACT.

Municipal Court Net: the total number of IMPACT cases handled in Municipal Court.

Common Pleas Gross: the total number of IMPACT cases handled in Common Pleas Court, including cases retained from Municipal Court and those assigned at arraignment in Common Pleas Court.

The cumulative Common Pleas Gross figure at the end of a given time period can be broken down into the following elements:

Active: this is the number of Common Pleas cases which are active at the end of the given time period (i.e. defendants who have been indicted and arraigned and whose cases are still pending, awaiting final disposition).

Closed: this is the number of cases closed during the given time period, by being disposed of at the trial level.

Awaiting Arraignment: this is the number of Common Pleas cases that have been bound over to the Grand Jury and are awaiting indictment, at the end of a given time period.

Refused: this figure reflects the number of IMPACT cases which the project component accepted in Municipal Court and would have retained in the Common Pleas Court, but which for various reasons the presiding judge in the latter court did not assign.

In Table 2-1, the figures for Municipal Court Gross and Net, Common Pleas Gross and Closed represent the numbers of transactions that occurred each month, quarter, or year. The figures for Active and Awaiting Arraignment are the net figures as of the end of each month, quarter, or year, while the Refused figure is a cumulative total as of the end of each period.



Table 2-1 reveals that the component achieved the IMPACT goal of representing 1302 IMPACT defendants, since the grand total for Municipal Court Net over both phases is 1310. It also achieved its first-year goal of representing 400 IMPACT felony defendants in Common Pleas Court, actually handling 410 in its first year. However, during the Phase II period, the number of cases to be handled was revised to 320 per year. During the final six-month (Phase II) period, the component represented 180 rather than the equivalent rate of 160 IMPACT felony defendants in Common Pleas Court (see GAN Number 4, dated January 2, 1975).

Table 2-1 contains a number of data gaps, where inadequate records made it impossible to obtain monthly or quarterly figures for certain of the data elements. In addition, there were a number of internal inconsistencies in the data that are indicative of poor record-keeping. For example, the quarterly report for April-June 1974 provides a completely different set of quarterly figures from the Phase I Final Report's figures for the same time period; the Project Director, when asked about the discrepancy, stated that the Final Report's figures were correct but did not account for the earlier erroneous figures. A number of similar inconsistencies were found.

Another strange aspect of the component's data reporting concerns the transition from Phase I to Phase II. From Table 2-1 it is evident that





at the close of Phase I, there were 151 "active" cases and 124 additional cases "awaiting arraignment." All of these cases were, in fact, retained by the component and disposed of in Phase II. But the data in Table 2-1, drawn from the component's documentation, ignore these 275 cases and instead cover only the new cases handled during Phase II. Thus, instead of 160 cases closed during Phase II, the correct figure is 435.

Phase I of this project was funded by a \$182,484 grant, with an additional \$139,900 for Phase II, making a total of \$322,384. Applying these amounts to the total component caseload (Municipal Court Gross) results in a cost per case of \$104.46 for Phase I and \$242.46 for Phase II. If the calculation is restricted to IMPACT cases (Municipal Court Net), the cost per case is \$195.59 for Phase I and \$371.09 for Phase II. This comparison is slightly distorted due to the fact that a large number of the Phase I cases were not completed in Phase I and were carried over into Phase II.

## 2.2 MANAGEMENT ANALYSIS

The Counsel for Indigents component of the Pre-Trial Delay Reduction Activity experienced a number of problems in interfacing with the Common Pleas Court and the Prosecutor's Office. Initially the component experienced some resistance to its "public defender" concept on the part of some of the



judges, who viewed the component as an erosion of judicial authority under the assigned counsel system. However, this resistance appeared to dissipate during the project period, perhaps due to the component's contribution to keeping judges' dockets current due to the attorneys' ability to go to trial on short notice. Another initial problem concerned the "stranger-to-stranger" aspect of the IMPACT crime definition. In the case of homicides, a large percentage involve crimes in which the victim and offender were acquainted, and the Counsel for Indigents component wished to exclude such cases as being outside the scope of IMPACT crimes. Initially the arraignment judge assigned homicides to the component without regard for this aspect, but as time went on the stricter definition of IMPACT crime was followed.

Initially the component hoped that delay could be averted by bypassing the Grand Jury and going directly to the arraignment judge on an Information. While this approach was desirable, it was never implemented because the policy of the Prosecutor's Office and the personal docket system made it infeasible. The Prosecutor's Office required the assurance of a guilty plea before they would process the Information, thus negating plea bargaining, and the arraignment judges did not wish to be saddled with the plea because they would not be credited with the disposition of a case under the personal docket system.

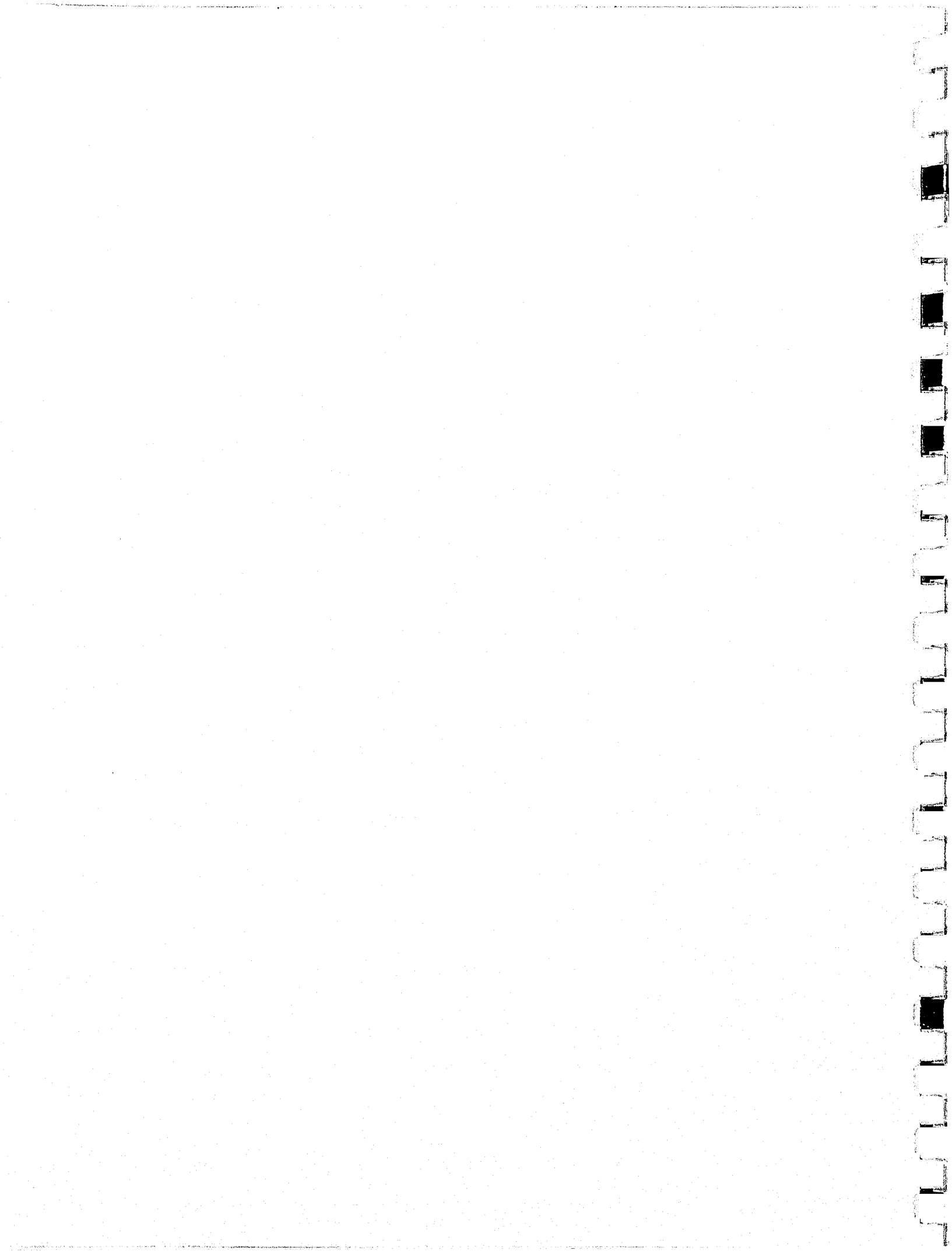
In an effort to insure against the likelihood of trial conflicts, i. e. two trials scheduled at the same time for the same staff attorney, the



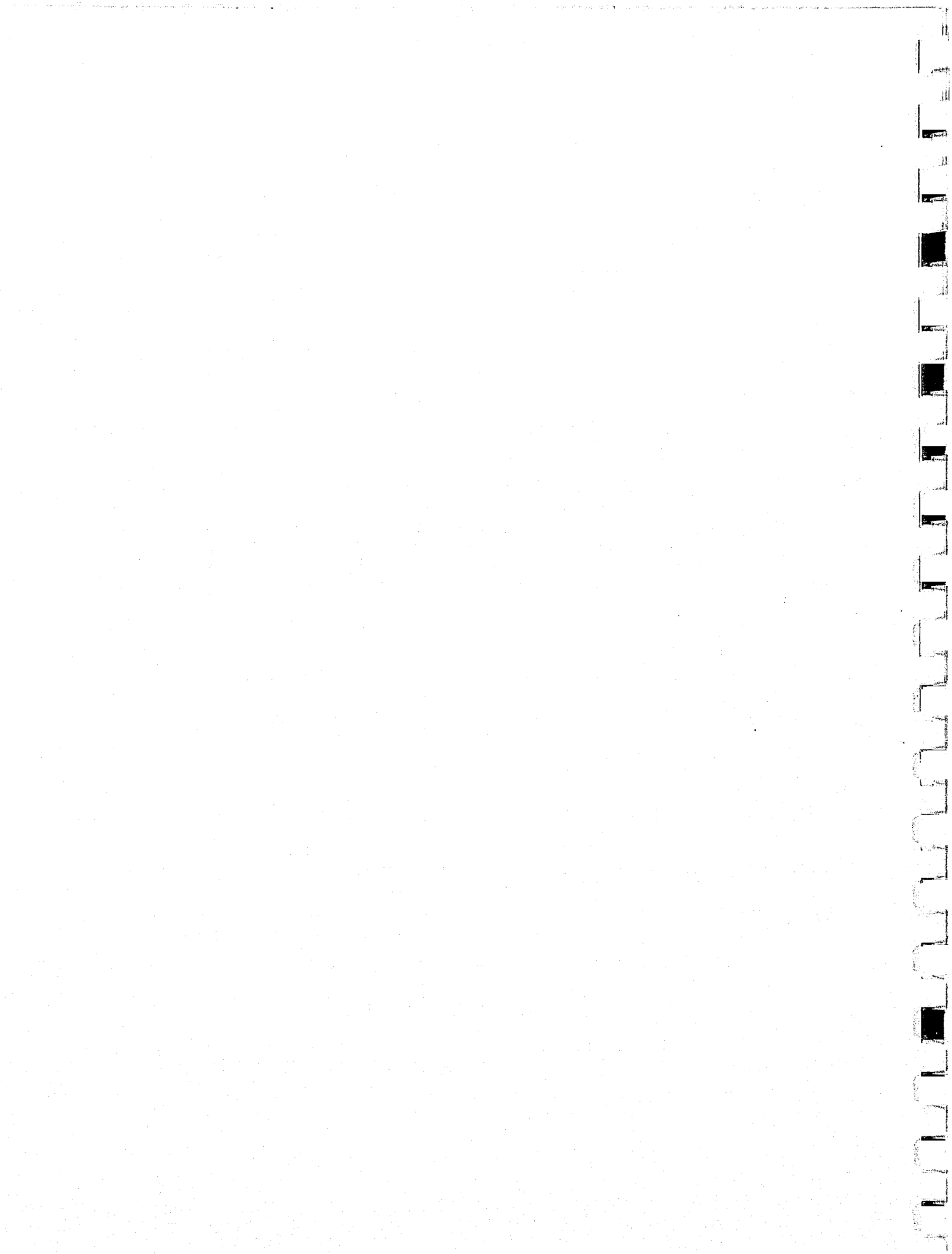
component took advantage of the personal docket system and assigned attorneys to judges. However, the practice of assigning IMPACT cases to visiting judges for trial tended to frustrate this goal. The assignment of IMPACT cases to visiting judges for trial sometimes caused the component to have to switch lawyers at the last minute. The quality of representation could have suffered by changing trial attorneys on a short-notice basis. The component worked closely with the Central Scheduling Division of the Common Pleas Court to control this problem, and it was kept at a minimum.

From the standpoint of documentation, a number of deficiencies in the nature of the data collected by the component were discussed in the previous subsection. Many of these problems could have been avoided if the PSR designed by the IMPACT office (a copy is appended at the end of this Report) had been utilized by the component. It is unfortunate that the PSR was developed too late in time to be of use. The intent of the IMPACT staff was to utilize the PSR form to reformat the component's previously-collected data into a consistent form, including a breakdown by type of crime. Staff assistance was offered to the component for filling out the forms, but this offer was not accepted because of confidentiality of defendant and case information.

The component did produce competent monthly, quarterly, and final reports, which conveyed a thorough description of the component, its activities, and its problems. It is unfortunate that the quantitative data were not as thorough and complete as the narrative portions of the reports.



SECTION III  
CONCLUSIONS





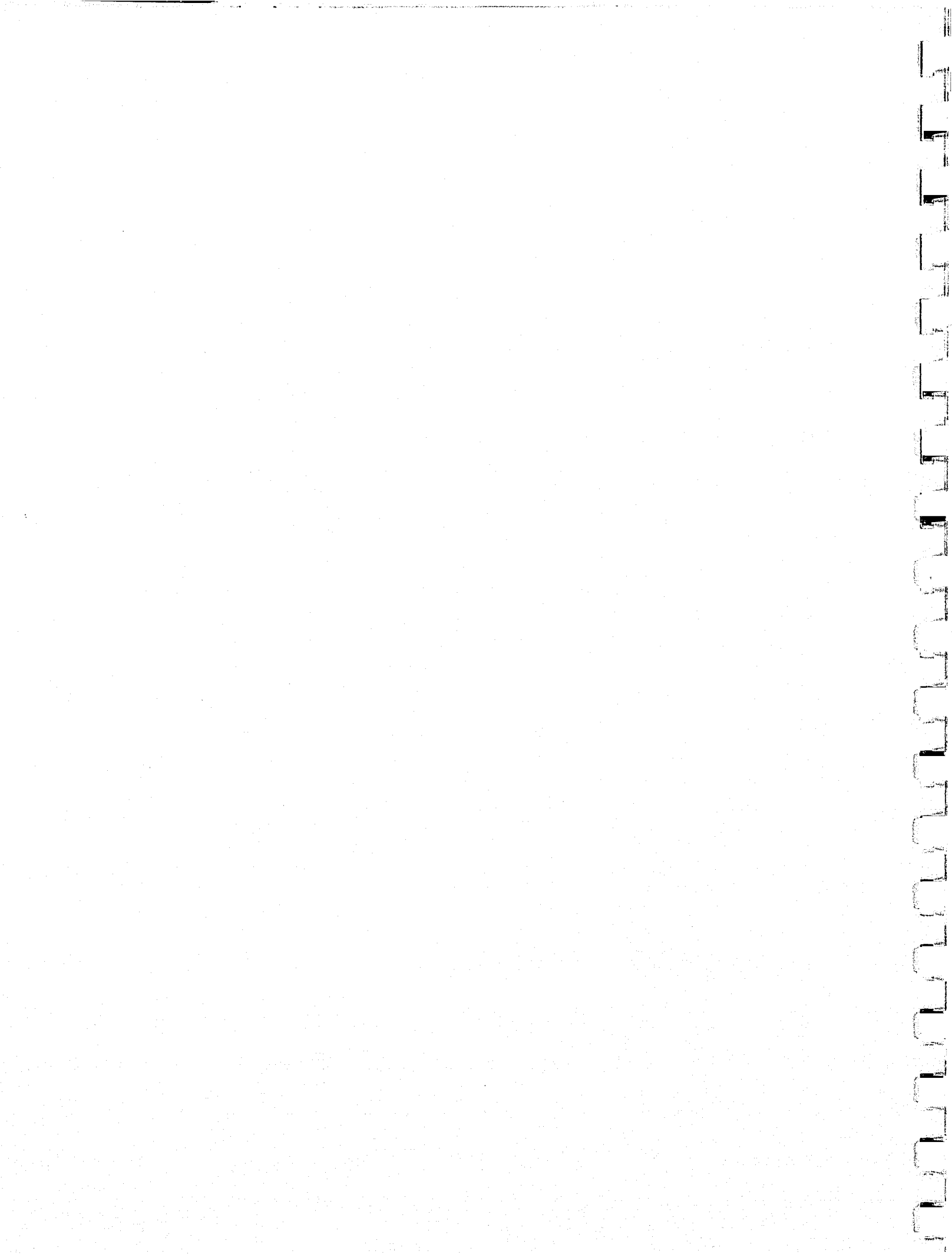
## SECTION III

### CONCLUSIONS

The overall goals of the Counsel for Indigents component were to provide representation to 1302 indigent IMPACT defendants and to represent IMPACT felony defendants in Common Pleas Court at a rate of 400 per year. (This latter goal subsequently was revised by a GAN for Phase II of the component to a rate of 320 per year.) The component accomplished 100.6 percent of its first goal by representing 1310 indigent IMPACT defendants in Municipal Court. It achieved 102.5 percent of its second goal during the first year and 112.5 percent during the Phase II period by representing 410 and 180 IMPACT defendants, respectively. Overall, the component represented 676 IMPACT felony defendants instead of its targeted 620 defendants in Common Pleas Court. In other words, the component achieved 109 percent of its second goal.

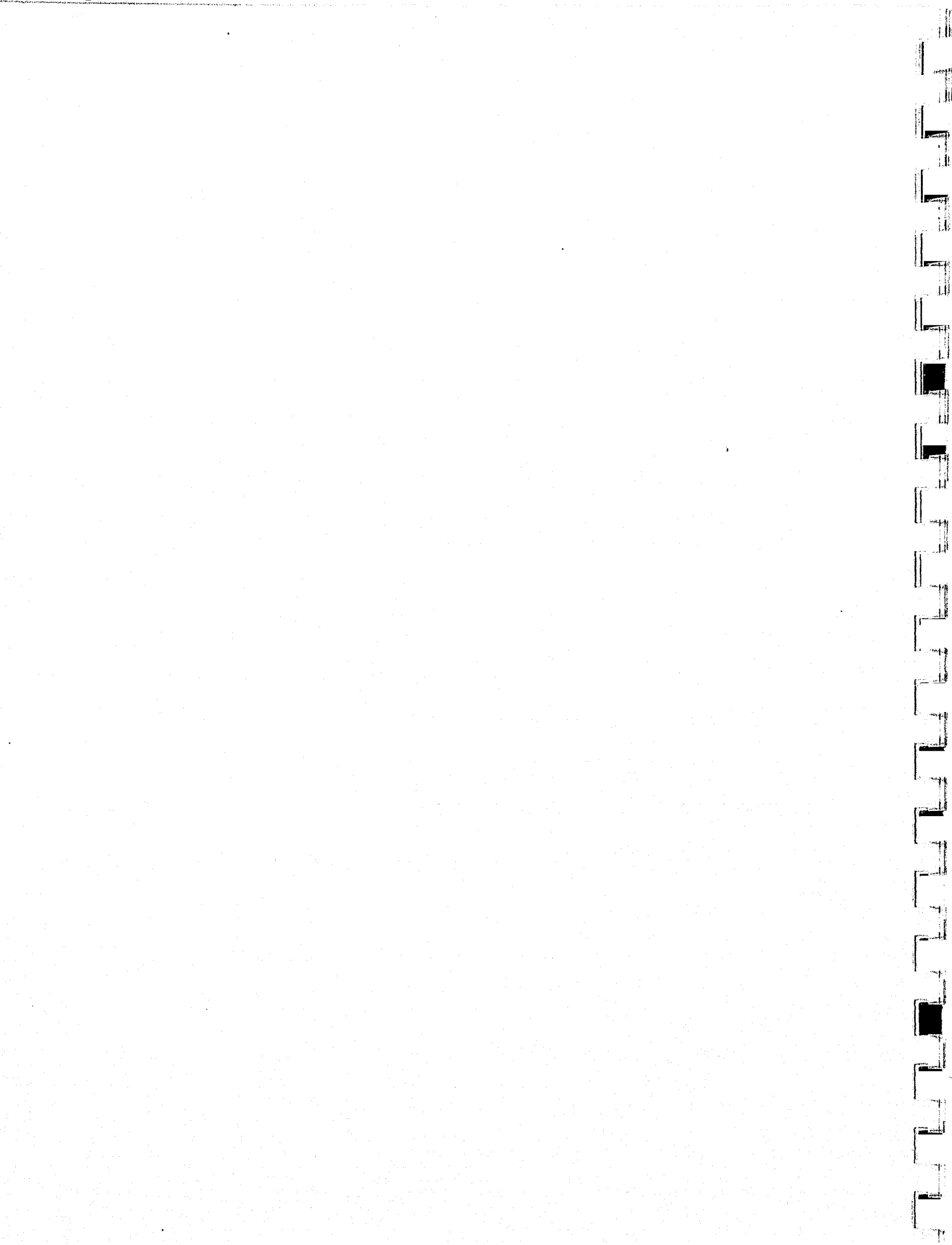
There were three subsidiary objectives, designed as means to the accomplishment of the primary goals. These were the following:

1. Hire eight attorneys and support personnel. This objective was accomplished, although six of the eight new hires did not join the component, but replaced experienced Legal Aid attorneys who were transferred into the component.
2. Screen cases, represent IMPACT defendants in Cleveland Municipal Court. This objective was accomplished, and is continuing at present, supported by local funding.
3. Represent IMPACT defendants in Common Pleas Court. This objective was also accomplished and is likewise continuing, supported by local funding.

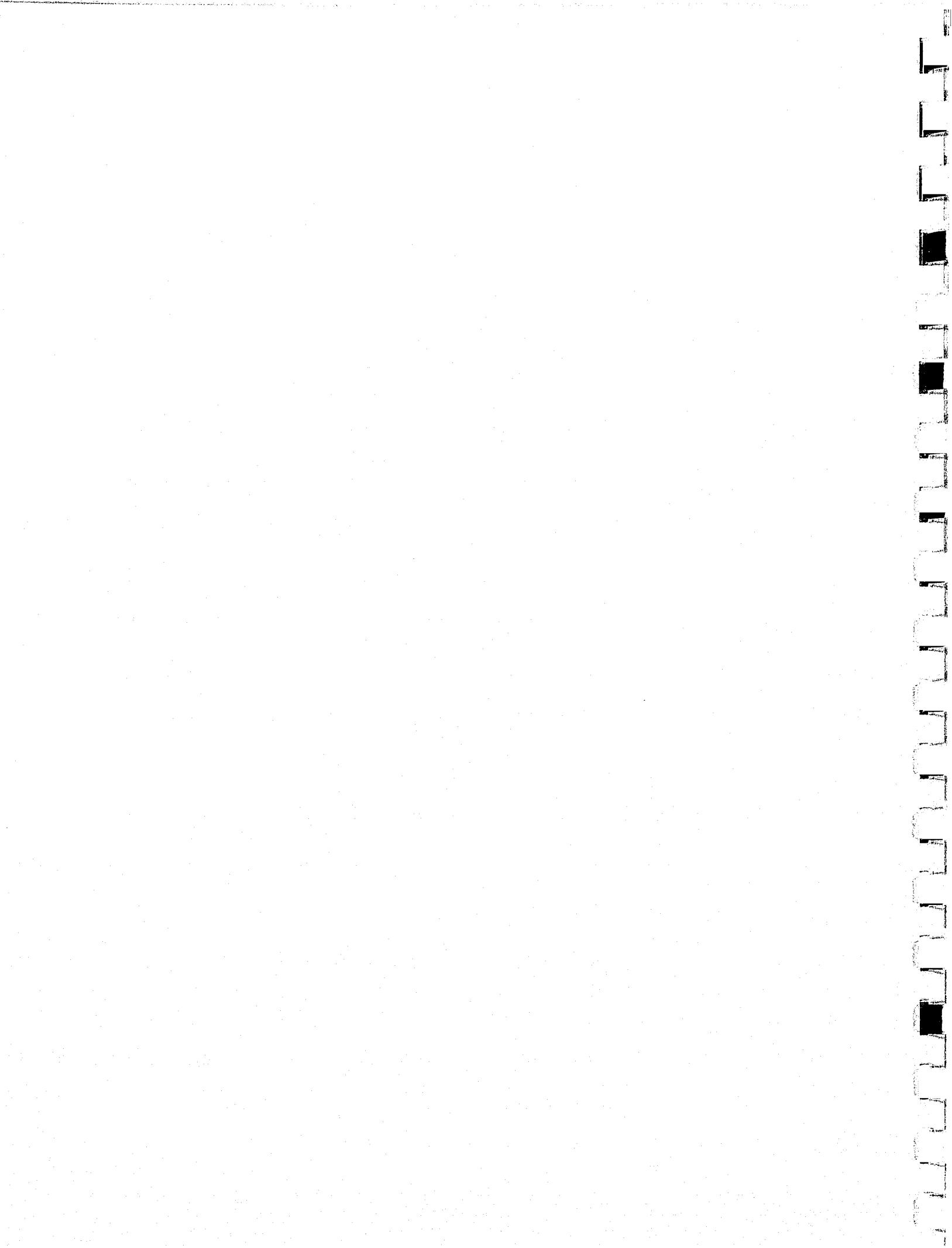


Despite the deficiencies in the numerical data, this component must be considered a success. It provided necessary defense counsel to indigent defendants, thereby enabling the judicial system of Cuyahoga County to comply with such Supreme Court rulings as Argersinger v. Hamlin and with the stringent time delay provisions of Ohio Revised Code Section 2945.71 (The 90 and 270-day rules). The component also helped to make possible the successful operation of the Visiting Judges component. It thereby contributed to an important reduction in pre-trial delay time and a reduction in criminal case backlog in serious felony cases.

Because of this success, the County decided to continue this component (along with the Visiting Judges and Prosecutor's Office components). The Counsel for Indigents unit of the Legal Aid Society of Cleveland has been continued intact, starting January 1, 1975, with the same staffing complement and budget. This evaluation concurs with the County's decision to institutionalize the Counsel for Indigents component as an important element in reducing pre-trial delay while ensuring adequate legal representation of indigent felony defendants.



APPENDIX A



CLEVELAND IMPACT CITIES PROGRAM  
PRE-TRIAL DELAY REDUCTION PROJECT  
COUNSEL-FOR-THE-INDIGENT ACTIVITY

MONTHLY PERFORMANCE STATUS REPORT

Month of \_\_\_\_\_ Year \_\_\_\_\_

This sheet is to accompany all data sheets submitted for the month. The data sheet is attached hereto. The following information is requested and additional notes provided.

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DATA SHEET ELEMENT DEFINITIONS

Homicide, Rape, Robbery, Assault, Burglary, Larceny, Auto Theft, Weapons, and Narcotics crime classifications shall be the Project's best judgment as to the category of the crime charged. For the purposes of this form, please indicate each case only once, i.e., under the most serious crime charged. Charges not otherwise classified should be included as "Other" crime cases. Seriousness, for the purposes here, decreases from left to right, i.e., from Homicide to Other.

Item 4, DEFENDANTS REPRESENTED, please indicate which actions and representations were taken at the Municipal Court level by an "M" and which actions and representations were taken at the Common Pleas Court level by a "C" beside the appropriate number(s).

Item 9, NEW CASES RETAINED THIS MONTH FOR COMMON PLEAS, includes Common Pleas cases which were not assigned/represented at that level during last month. Thus, this item may include cases or defendants which were not represented in Municipal Court by the Project as well as those which were represented at the lower Court.

Item 10, CASES REPRESENTED IN COMMON PLEAS THIS MONTH, includes all cases on which Project personnel worked if the case is active at the Common Pleas level, i.e., the Project has been assigned the case. Do not include here cases which were not yet assigned during the month. Do not include cases on which no Project personnel were actively engaged.

Item 11, CASES REPRESENTED ONLY IN MUNICIPAL COURT, includes those cases which were represented at the lower court but which, for whatever reason, were not represented at the Common Pleas Court level.

Item 12, DISTRIBUTION OF STAFF ASSIGNMENTS BY CASE TYPE, includes an allocation of the number of personnel of each type working on cases of each type. An attorney, for example, who was involved with every case represented by the Project, with at least one case of each crime type, would be counted in each of the columns.

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Project Staffing this month:

Number of Attorneys \_\_\_\_\_

Investigators \_\_\_\_\_

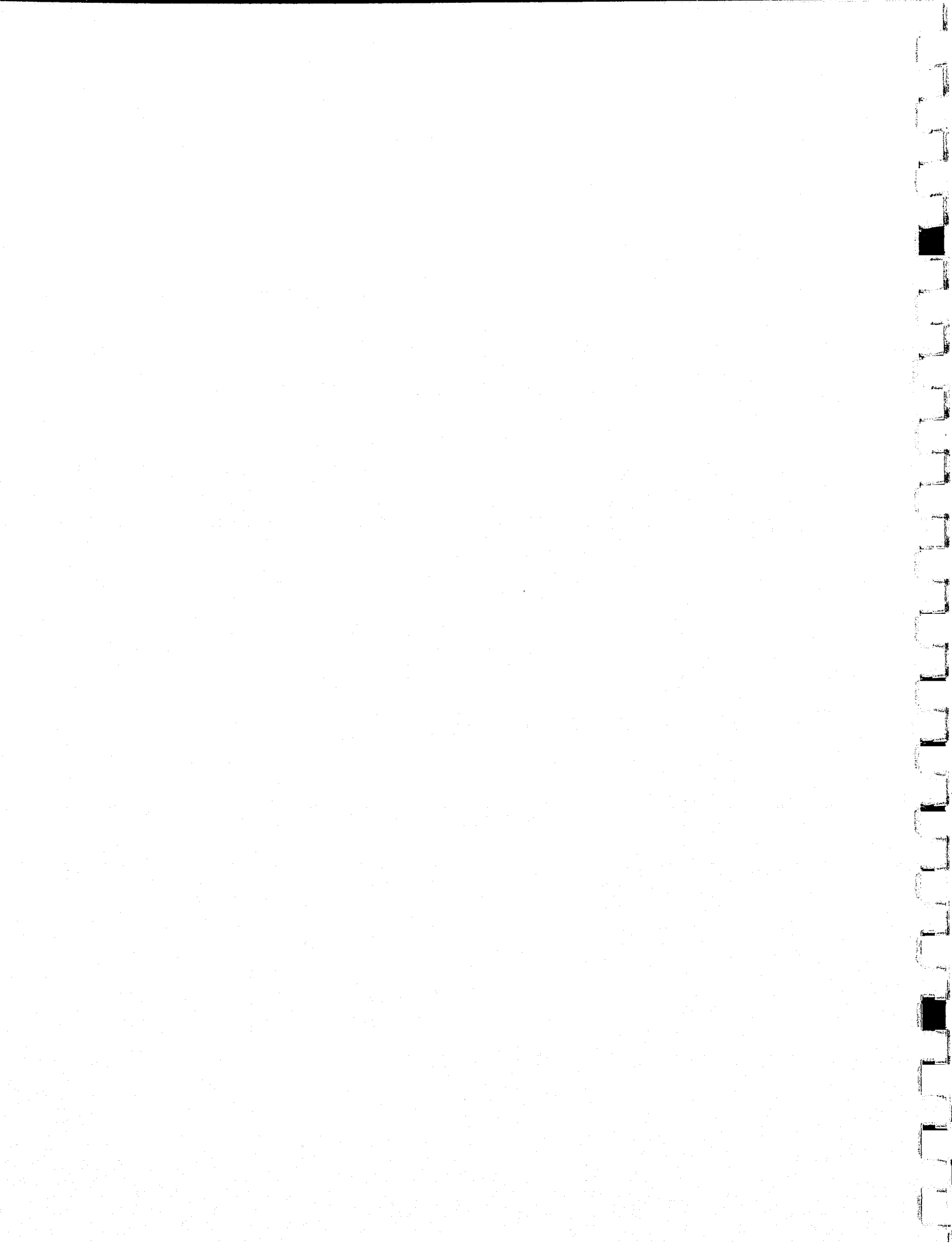
Social Workers \_\_\_\_\_

Law Students \_\_\_\_\_

Secretaries \_\_\_\_\_

\_\_\_\_\_  
Signature/Project

\_\_\_\_\_  
Signature/IMPACT







**END**

7 Miles/min