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March 17, 2014

Jim Neil
Hamilton County Sheriff
Hamilton County Sheriff's Office
Hamilton County Justice Center, Room 110
1000 Sycamore St.
Cincinnati, OH 45202

Re: Performance Audit: Court and Jail Services Division

Dear Sheriff Neil:

On October 15, 2013, we provided you our overall performance audit report providing an overall summary of the performance review's findings and an assessment of HCSO at the time of the transition between administrations. This supplemental report on the HCSO Court and Jail Services Division details our assessment of this critical division of the agency.

Sincerely,



Scott T. Greenwood



Thomas H. Streicher

Performance Review of the Hamilton County Sheriff's Office: Court and Jail Services Division

Executive Summary

The same themes and issues that resonate throughout the entire HCSO identified in our principal report are writ large in the Court and Jail Services Division. The staff's high level of discipline and agency resistance to change are reflected throughout our observations, and staff consistently identified the same three critical issues for mission-critical function as requiring urgent attention - staffing, technology, and training.

Introduction and Overview

This portion of our performance audit involved an in-depth review of the Hamilton County Sheriff's Office (HCSO), Court and Jail Services Division, formerly known as the Corrections Division. The Court and Jail Services Division (as proposed by internal memo) is commanded by a major and is comprised of three sections: Electronic Monitoring, Court Services, and Jail Services. A fourth component of this division reports directly to the Executive Officer and is comprised of core responsibility for care, maintenance, and operation of the Hamilton County Justice Center's (HCJC) North Building, South Building, and the HCJC Intake Center. The baseline staffing level during 2013 was set at 291 full time employees (FTE), which is a slight reduction from the complement of 314 FTE in 2012, reportedly due to budget constraints. Three issues are consistently identified as being necessary to address within the HCSO: Staffing, Technology, and Training. Our review clearly indicates these issues are a major concern within the Court and Jail Services Division.

Our review consisted of interviews of current and former HCSO members, other employees within Hamilton County agencies, inmates, as well as former inmates, and citizens who are served by the HCSO. We reviewed hundreds of documents, attended division as well as agency staff meetings, budget meetings, and labor meetings. Our intent was to review the agency from a macro-level, with emphasis on major organizational components, which enabled us to identify strengths and weaknesses within the HCSO.

We had unprecedented access to all sections, units, and personnel assigned to the Court and Jail Services Division. Staff were eager to speak with us as all had been specifically encouraged to discuss their concerns either on or off the record. Personnel were also directed to share any and all concerns,

Performance Review of the Hamilton County Sheriff's Office: Court and Jail Services Division

suggestions and ideas with us during the evaluation process. Employees were very engaging.

Hamilton County Justice Center — “A Different Kind of Jail, Rather than Just a Bigger Jail”

Past discussions concerning the Hamilton County Justice Center were almost single-mindedly focused on the previous sheriff's pursuit of a vastly expanded corrections facility. Since the transition in administration, the new discussion has focused on more effective use of existing resources and changing the role and purpose of corrections in Hamilton County — “A Different Kind of Jail, Rather Than Just a Bigger Jail.” We believe that this is the correct approach.

Inspectional tours of the HCJC and interviews with staff exposed us to a sworn work force that is enormously proud of their association with the HCSO, proud to wear the uniform of a Hamilton County Deputy Sheriff, resilient, and well disciplined. Non-sworn employees were equally proud of their association with the HCSO and, in some instances, perhaps even more committed to their employment with the HCSO. Pride in the organization was clearly expressed in their unwavering commitment to what they believed pursuit of the agency mission should entail. All staff members were polite, accessible, and eager to display their assigned work areas, describe their duties or responsibilities, and answer questions relevant to their role as employees of the HCSO. It is quite obvious that the HCSO is prepared to move forward with much needed changes and reforms, take direction from their commanders, and undertake newer, more progressive methods for performing their duties as the agency embraces the twenty-first century.

The inspection process also revealed a significant degree of frustration within the employment ranks that is directly attributable to the highly structured nature of the HCSO. This structure has lent itself to an emphasis on discipline and an unchanging culture that has impeded the advancement of the agency through the adoption of information technology and training designed to develop future leaders within the organization. This operational style also prevented the agency from assuming modern policing and corrections best practices, implementing different methods of programming in the corrections facility, and utilizing more efficient and effective solutions to enhance its business operations within the facility.

A simple example of the cause of this frustration is the belief expressed by many employees in a system of class-warfare that was implemented by the

Performance Review of the Hamilton County Sheriff's Office: Court and Jail Services Division

previous administration. Deputies assigned to the Court and Jail Services Division often referred to themselves as being considered “second class officers” within the HCSO because “patrol division is more important than everyone else in this department.” When questioned regarding this perception the common answer was that officers assigned to patrol receive all available training, better equipment, higher pay, and have been considered a step above everyone else by the previous administration. “Quite frankly, they’re treated better than the rest of us because of this.” The officers then pointed to the agency rocker patch which reads *CORRECTIONS* on their sleeve.

Officers were clearly affected by this perception and there was an obvious resentment within the ranks due to this perception. Much to Sheriff Neil’s credit, he and his command staff were keenly aware of this perception as a major concern that was a true distraction among the work force. Sheriff Neil initiated immediate action to address this concern within his ranks; to emphasize that all deputy sheriffs are equal in his eyes and that all would be treated as such. The Sheriff’s actions began with a simple uniform modification that removed a “rocker” or designation, i.e. Corrections or Court Security, from the agency patch worn on the uniform sleeve. This action clearly identified all sworn employees as Deputy Sheriffs without an identifying qualifier on the uniform. To date, the Sheriff’s action, albeit a simple gesture, has been met with enthusiasm and appreciation, generating a sense of inclusion within the ranks of the HCSO.

Though this was a seemingly simple and insignificant act initiated by the Sheriff, we believe the issue clearly represents an enormous amount of frustration being experienced by employees of the HCSO. Further examination of the facility and interaction with the employees revealed additional reasons for the need to change the culture within this organization.

Agency personnel were quite candid during our review. The most common ideas for improvement revolved around the same three issues identified in our principal report – technology, staffing, and training. Common remarks included references to 1950’s era technology updated only up to the 1980’s, cross-training of corrections employees, the need for a field training officer (FTO) program for corrections deputies and auxiliaries working special details, the need to restore training, and significant reductions in both civilian and sworn personnel in mission-critical positions within corrections.

TRAINING AT THE POINT OF ENTRY

The Hamilton County Justice Center (HCJC) is generally considered the point of entry into the HCSO for all sworn employees. All applicants for employment as a Deputy Sheriff are required to attend the agency’s training course to be certified as a corrections officer, and are then assigned as such in the

Performance Review of the Hamilton County Sheriff's Office: Court and Jail Services Division

jail to gain additional experience through on-the-job training. Officers who desire to move into the Operations Division as certified law enforcement officers may only do so after meeting agency criteria. That criterion is composed of gaining experience through interaction with prisoners at the jail which teaches officers "how to deal with people under a variety of conditions, some of which are stressful." The second requirement is for the employee to achieve state certification as a peace officer. Certification is obtained by attending courses mandated by the Ohio Peace Officers Training Council (OPOTA) and passing the state mandated written examination for same. This training must be obtained at the officer's personal expense and on their own time.

Interestingly, this criterion is somewhat arbitrary and administered clearly at the discretion of the Sheriff. Achieving certification as a law enforcement officer is mandated by the state, however, being required to serve "X" number of years in the county jail as a corrections officer before assignment in the field is not a state requirement. Despite that ambiguity, the Sheriff is clearly within his right as the appointing authority to require these qualifications to become a member of the "road patrol" – a term used to identify those deputies who are law enforcement officers and assigned to operations in the field. However, no true criteria actually exists within the agency to establish equal consideration of applicants for deputies who may aspire to transfer into the road patrol. Deputies are considered for road patrol when a supervisor or command officer deems the officer ready to move into the road patrol despite the fact that those making such an evaluation may have absolutely no experience outside their assignment in the jail. The evaluation is based strictly on the opinion of the evaluating supervisor; which is a somewhat subjective process.

Additionally, corrections officers who wish to obtain their state certification as a law enforcement officer are required to pay for and attend this training on their own time while maintaining full time employment with the HCSO. In other words, officers must work a minimum of 40 hours per week, usually on third shift, then attend training, 30 - 40 hours per week, at an approved facility offering a state approved course of study. This obviously results in the deputies working a minimum of 80 hours per week, minus travel and study time, leading to extreme exhaustion and ineffective work production. Exhausted deputies are much less likely to remain alert and attentive to their duties resulting in a diminished ability to protect themselves, other deputies, civilian employees, and inmates should such a necessity arise. The HCSO should end this practice as it results in unnecessary inefficiency and danger due to stress and exhaustion.

RECOMMENDATION: The agency should develop its own recruit training and conduct such training so as to afford employees an adequate orientation unto the culture and expectations of the HCSO.

Performance Review of the Hamilton County Sheriff's Office: Court and Jail Services Division

Under the current practice, after graduation from a certified academy, the officers receive no other formal training from the department and must wait approval of the Sheriff to transfer to the road patrol. Some Court and Jail Services officers told us that though they had been employed more than twelve years as a deputy sheriff (one more than twenty), they had received absolutely no formalized or in-service training regarding updated use of force procedures beyond their initial academy class. Regardless, officers who have obtained certification are permitted to enter the field and work as law enforcement officers under exceptional circumstances.

Deputies who obtain their state certification as law enforcement officers yet remain assigned to the jail are permitted to work secondary employment or off-duty details. This employment entails such duties as traffic posts at construction sites, crowd control at large events such as festivals, Reds and Bengals' games or security at various private entities. Though permitted to work these off-duty details in uniform as Hamilton County Deputy Sheriffs, they receive no additional training regarding procedures related to arrests, use of force and the reporting requirements of same, identifying, collecting, and preserving physical evidence, traffic enforcement, or any other operational facet of the HCSO. As such, these officers are ill-equipped to make appropriate decisions in the field and/or to act upon their authority as a law enforcement officer. This lack of training results in officers being confused, embarrassed, unable to make proper decisions, and ineffective in the field, thus opening the HCSO, the County, and officeholders to unnecessary legal liability. The inadequacy of these officers in the field has been confirmed by other HCSO Deputy Sheriffs and Cincinnati police officers who have worked side-by-side with the untrained officers. Deputies who have been sent into the field under such conditions have admitted their embarrassment and humiliation during interviews commensurate with this report. One deputy recounted a specific instruction from a supervisor when conducting uniformed patrol to "call the real police" if the deputy encountered a situation that required enforcement action. The people of Hamilton County expect and deserve that all uniformed HCSO deputies with whom they interact will be uniformly trained to the standards of the law, the State of Ohio, and the HCSO.

The reason most often cited during our interviews for this lack of training was that the previous sheriff often stated, "They're Hamilton County Deputy Sheriffs, they know what to do." This is certainly inconsistent with best practices and exposes the HCSO, the County, and officeholders to unnecessary legal liability.

RECOMMENDATION: The HCSO should immediately establish a mandatory training program, including assignment with a field training officer that must be satisfactorily completed before deputies

Performance Review of the Hamilton County Sheriff's Office: Court and Jail Services Division

are permitted to work secondary employment as a member of the HCSO. Routine training in all other areas, including use of force, must resume.

SPECIALIZED TRAINING

Our interviews with the staff at the HCJC revealed that the practice of any type of in-service training beyond their initial recruit training had been halted many years ago. As such, deputies assigned to the jail, the Hamilton County Courthouse, and other government facilities policed by the HCSO have received little, if any, training to update their knowledge consistent with best practices and recent court decisions which may affect their duties as a deputy sheriff. Additionally, deputies assigned to these duties receive absolutely no specialized training such as crisis intervention training, assisting mental health consumers, recognizing autism, assisting the hearing impaired, or any other training that would assist the officers in better performing their duties. Nearly every officer we spoke with could cite an instance where this type of training would have been beneficial and the officers expressed a sincere desire to be afforded such training. After all, the officers are required to interact with a cross-section of the entire region's population at the HCJC and other locations such as Jobs and Family Services, Domestic Relations court, and the Courthouse Annex building. These interactions often occur under stressful conditions requiring extraordinary patience and wisdom to be displayed by the deputies during the performance of their duties.

Perhaps the most discerning revelation about a persistent lack of training is the failure to provide essential training to those deputies who are transferred to specialized assignments or promoted to a position of higher rank and authority with the HCSO. Again, it is inconceivable that the HCSO has maintained a practice of simply reassigning and/or promoting personnel without proper training, thus exposing the agency, the County, and the taxpayers to an enormous potential liability. A failure to train police personnel, and ineffective supervision in law enforcement agencies, have been identified as two of the primary causes of action leading to claims of civil rights violations by police personnel. Unfortunately, this is a continuous theme in the HCSO that has evolved during our audit of the agency. It is distressing that the only explanation provided by current and former employees for this deficiency is the previous Sheriff's expressed opinion that, "They're Hamilton County Deputy Sheriffs. They know what to do." **Unfortunately, they do not.** But that is through no fault of their own; it was instead a systemic refusal to provide them the training they need to perform their duties to constitutional, statutory, and agency standards.

Performance Review of the Hamilton County Sheriff's Office: Court and Jail Services Division

This failure to train officers is consistent with the lack of documentation present at the HCSO regarding training records, even where mandatory training is required by state law. Absent an agency-wide inspection function and a full-time training staff, it is neither surprising nor unexpected that such deficiencies have festered inside the HCSO. These conditions too, are inconsistent with best practices in policing and corrections throughout the United States. In fact, it is inconceivable that a modern day law enforcement agency would subject their employees to such inadequate training, thus creating an enormous amount of potential liability on the agency, the County, and taxpayers. This lack of training was a consistent theme throughout the rank and file of officers assigned to the HCJC and associated facilities in the downtown campus. Command officers within the agency have verified there has been a failure to train these deputies and other non-sworn employees. It is a source of embarrassment to those commanders and viewed as a critically important issue, requiring immediate attention by the current administration. We cannot emphasize enough the compelling need to address training in a proactive, sustained, and thorough manner to insure that all HCSO deputies are given all the training they need. The law requires it, and the deputies deserve it – to limit liability, to protect civilians and inmates, to enhance their effectiveness, and most importantly, to ensure officer safety.

RECOMMENDATION: There are no excuses for failure to train in a modern law enforcement and corrections agency. HCSO, the elected officeholders, and County have an absolute mandate to train to the constitutional standards required. Failure to train has led to decreased expectations, diminished performance, and creates dangers at all levels due to ineffective and constitutionally deficient practices. Failure to reinstate all necessary training to constitutionally required levels equates to ineffective supervision, civil rights violations, unconstitutional practices, and unnecessary legal exposure. Failure of the HCSO, elected officeholders, and County administration to remedy these defects will demonstrate the need for external intervention and oversight in the form of a consent decree, judgment, or pattern or practice investigation under 42 U.S.C. § 14141, at unknown but enormous cost.

TECHNOLOGY

The use of information technology (IT) systems inside the HCJC is glaringly deficient and creates unnecessary work that is both inefficient and ineffective, especially considering the ongoing budget issues experienced by the County. Technology systems that are in place are antiquated and serve more as a rudimentary electronic file system that must be individually searched to retrieve useful data. This lack of useful technology includes but is not limited to the

Performance Review of the Hamilton County Sheriff's Office: Court and Jail Services Division

absence of connectivity through email systems, electronic records management systems, outdated software, and a lack of readily available access to the internet. This practice is time-consuming and wasteful when one considers the amount of increased productivity that can be realized through the effective use of IT.

Law enforcement, like many other professions, has undergone enormous change during the past decade. Technology has been the catalyst for positive change in many law enforcement agencies and has served to challenge the status quo within those agencies. Technology can be used to help solve crime, predict the future commission of crime, and help protect the public. Internally, IT can assist agencies in managing the day-to-day activity that is often onerous and redundant. The HCJC provides ample opportunity to maximize efficiency and effectiveness through the adoption of such technology.

The population of the HCJC originates from the intake section where prisoners are admitted after being arrested by any of the more than 40 police agencies throughout Hamilton County. The other point of entry is via the court system after being sentenced by a judge in one of the various courts. The failure to employ effective technology at the intake center of the jail has resulted in a log jam of police cars waiting to process their prisoners and return to their assigned area of patrol. It is common to witness 15-20 police cars waiting in line at the HCJC and officers are from a variety of jurisdictions across Hamilton County. Some officers have reported being delayed more than three hours waiting to process their prisoner, many even requiring overtime pay as their wait has extended beyond the end of their tour of duty. The inefficiency of the HCJC intake section has had a trickle down effect on all jurisdictions within Hamilton County in terms of cost overruns and the loss of productivity.

Failing to employ modern technology and software applications has also compounded the problem of inefficiency within the HCJC. Prisoners admitted at the intake section are processed via existing systems which have been in place for decades. Data entry that occurs at the point of entry does not necessarily populate other systems within the agency nor does it automatically initiate other activity that is required to conduct an assessment of the inmate. As such, prisoners who enter the jail must be taken to another floor in the jail where each is individually assessed for risk and placement in the jail by another entity within the HCSO.

This risk assessment is conducted on an individual basis requiring an employee to search the county data base and retrieve all factual information about the new prisoner. The staff member must manually search and review each incident of arrest in the prisoners past record, review the facts of the current arrest to determine the prisoner's level of propensity for violence, and make a judgment about the risk that inmate may pose while housed at the HCJC. During

Performance Review of the Hamilton County Sheriff's Office: Court and Jail Services Division

our tour, we witnessed one prisoner requiring 45 minutes to be assessed although the person had been incarcerated multiple times in the recent past. Interestingly, there is no standard criteria against which a prisoner is assessed. Rather, HCSO employees go with a completely subjective "gut feeling" to assign the prisoner a risk level, i.e. minimum, medium or maximum, then determining placement within the facility. There is no scientific basis to support such a system of assessment, as the system employs nothing more than a guess as opposed to a well-informed decision based on data analysis. This practice is a certain recipe for disaster and creates an unnecessarily dangerous situation for all affected by these decisions including deputies, non-sworn staff, inmates, and others at the HCJC.

Conversely, a multitude of software applications are available that can easily address this situation. These applications are able to create connectivity amongst all the HCSO's technology systems so that all necessary documents are electronically populated during the initial point of data entry. This system would immediately eliminate the practice of repeatedly entering the same information into multiple data bases by multiple personnel. The software application can also be programmed so that each prisoner is automatically assessed based on an established set of criteria, thus eliminating the need for an employee to review individual records of each inmate and then guess where the inmate should be housed. Even more compelling is the software's ability to connect multiple agencies to the same system. As such, officers in the field can enter the information pertaining to their prisoner and, in turn, automatically populate the systems at the HCJC via wireless communications before arriving at the HCJC. This process would allow the intake section to have already processed a prisoner before he or she arrived at the Justice Center, thus alleviating the current practice of having officers wait for hours on end to process their prisoners. Furthermore, this streamlined process would allow officers to return to their assigned areas of patrol in a shorter period of time — minutes rather than hours, affording the opportunity to maximize productivity, both in the HCSO and in the Hamilton County law enforcement agencies that interact with the HCSO.

Cost is always a factor when considering such a system, however, the return on investment here in terms of increased efficiency will lead to the ability to reduce the number of staff needed to operate the intake section of the HCJC. The extra employees realized in such a transition can then be reassigned to other duties in the Justice Center where ongoing budget cuts have caused staff shortages. Continued investment in similar technologies can lead to an even greater level of efficiency that will ultimately help the county realize a reduction in the overall staff assigned to the HCSO. Such a transition challenges the status quo which has already proven itself to be both inefficient and ineffective.

Performance Review of the Hamilton County Sheriff's Office: Court and Jail Services Division

A regional approach to adopting this type of technology can lead to cost sharing as it produces benefits that can be realized by all agencies within Hamilton County. Even more appealing is the probability that this type of system can be adopted on a regional basis opening the possibility that Urban Area Security Initiative funds from the Department of Homeland Security or other funding mechanisms may be available to finance such an effort as it would provide for the sharing of data on a regional basis. It is incumbent upon the current administration to explore such cost saving measures to counteract the past practice of simply laying off personnel to cut costs. Greater efficiency equates to more cost effective operations; a clear challenge to the status quo.

TECHNOLOGY AT THE MACRO-LEVEL

On another level, the HCSO has an ideal opportunity to leverage the power of modern IT as a crime fighting tool that has had proven success in other, similarly situated, jurisdictions. The HCSO is the repository for a plethora of data as it pertains to criminal intelligence. During our inspections, deputies revealed to us that their most often jailed inmates (“frequent fliers,” if you will) are incarcerated seven times per year on average. In addition, thousands of people are processed through the jail as part of their contact with the Criminal Justice System in Hamilton County. As inmates are processed, explicit details about their physical characteristics; identity of families, friends, and associates; facts of their arrests; phone numbers, addresses, and a host of other information are recorded in current filing systems. However, little if any technology exists within the agency that would permit officers to mine this data in a quick and efficient manner to assist in the investigation of current criminal activity.

The value lost by maintaining archaic technology systems manifests itself through inefficient and ineffective policing operations throughout the entire region. Other, more progressive agencies have learned to appreciate the intrinsic value of possessing such data and putting it to good use as part of a comprehensive data analysis process. Simple analysis of the available data will easily permit the agency to identify the county's most prolific offenders along with information that may assist the Sheriff and court in seeking a better course of action than simply incarceration. Other factors such as substance abuse, addictions, mental health issues, anger management, and other issues that may contribute to an individual's position in life can be considered from a problem-solving approach. Such attempts may alleviate the need for placement in the HCJC when other, more beneficial treatment, appears to be a reasonable alternative thus, reducing the number of people being incarcerated at taxpayer expense.

Still, a more comprehensive approach to criminal investigations can be realized by using advanced technology to transform the Electronic Monitoring

Performance Review of the Hamilton County Sheriff's Office: Court and Jail Services Division

Unit into a force-multiplier that maps the whereabouts of those prisoners released on bail, probationers, and parolees. This data, produced in the form of an electronic map, can be compared by overlay to the county's crime experience, mapped on a real-time basis, thus comparing the exact location of known criminals to the exact location of recently committed crimes. If a known criminal's whereabouts were determined to be at or near the exact location of a recently committed crime, on the date and time that crime was committed, we believe that person should be considered a prime suspect during the investigation of that crime. This is especially true if the monitored criminal has a past record for the same type of crime that has just been committed, i.e. a known burglar located where a burglary has just been committed.

This type of system has been so successfully employed in other jurisdictions that it is viewed as a best practice and has resulted in significant cost-sharing by adjacent agencies due to the diffusion of benefits realized upon implementation of this system. The Charlotte-Mecklenburg and Greensboro Police Departments pioneered aggressive use of these systems, and as a result, are model agencies to study the use of this technology to reduce crime and inmate levels. All agencies employing this type of technology have experienced a significant reduction in crime and a decrease in operating expenses by maximizing their effectiveness through the application of IT. The current administration at the HCSO should consider applying such technology on a regional basis, inviting their colleagues from Northern Kentucky and Southeastern Indiana to participate in such an effort. The HCSO can be more effective by implementing a collaborative process that shares existing resources then heightens efficiency by incorporating proven technology.

The HCJC also has the capability to increase effectiveness by expanding its operations. The much-lauded Essex County, Massachusetts Sheriff's Office has been so successful transitioning inmates into appropriate settings and behaviors that the Commonwealth utilizes it on a paid basis to transition inmates from state custody to reentry into civilian life.

RECOMMENDATION: The HCSO should greatly expand its use of technology to create a viable, usable records management system, as well as an inmate assessment and intake system. These investments will deliver significant return on investment by decreasing spiraling personnel costs to perform these functions manually. The HCSO should greatly expand its EMU program to insure that the HCJC houses only the most necessary detainees, and use it on a regional basis as a force-multiplier in investigating and solving crime.

Performance Review of the Hamilton County Sheriff's Office: Court and Jail Services Division

STAFFING

Staffing in any police agency is always a thorny matter for discussion. Historically, public safety agencies are the most expensive government entities to operate. Personnel costs, and more specifically salaries, are generally the most costly item in the police agency budget and these costs are usually dictated by labor agreements. Therefore, law enforcement agencies are usually the first to be considered for cost saving measures when a budget crisis occurs. Obviously, this has been a strategy within Hamilton County government as the HCSO staffing has been reduced by approximately 50% over the past few years and one of the two jails closed. This reduction in personnel was primarily accomplished via job reductions and layoff of personnel.

The issue of job abolishment and layoff of personnel is always guaranteed to result in a hue and cry regarding personnel shortages, with reflexive claims that safety is being compromised as there are not enough personnel to get the job done. That begs the question, because it assumes that the previous status quo was the right way to staff the agency. A more comprehensive question though is what is the right size for a given law enforcement agency. Some duties are legally required and cannot be abolished while other forms of service can be limited and/or completely abolished. The HCSO Court and Jail Services Division presents itself a dilemma that requires multiple considerations. Some of those considerations are the "right number" of officers needed to adequately staff the Justice Center, the Courthouse, the Jail and other facilities that make up the County's downtown campus. Is it absolutely necessary for HCSO Deputies to staff security positions in all of these facilities? What are the options for staffing, i.e. private security, special deputies, or other available options?

Our inspectional tours of the HCJC and other facilities indicated there is an obvious shortage of personnel to provide adequate safety to staff, inmates, and other personnel who may have a need to be present at the jail. The staff at the intake section of the jail alone is unable to provide enough personnel at the five booking sites. In fact, during 2012, this section found it necessary to utilize overtime on more than 250 occasions to provide minimum staffing levels at the intake section. Overtime should be a requirement as an exception to daily operations rather than as a rule or accepted practice to augment staffing levels. This level of overtime usage indicates the HCSO was below minimum staffing levels more than 68% of the time during 2012 - a rather solid indicator that there simply are not enough deputies assigned to the HCJC. Accepting that one of the deputies' primary duties is to help provide a safe and secure environment at the jail, we can easily conclude that this shortage of personnel has and does

Performance Review of the Hamilton County Sheriff's Office: Court and Jail Services Division

contribute to a very dangerous environment where inmates and employees are unnecessarily be placed at great risk.

This danger is exacerbated by the fact that after the County's Queensgate facility was shut down, the HCSO was severely limited in the number of prisoners that could be legally held at the HCJC. In fact, the facility has been determined to be overcrowded and needs to find a way to reduce the number of inmates being housed at that location. With limited space available, the inmates being housed at the HCJC are the most violent offenders that have been arrested in Hamilton County, thus creating a condition where the facility operates more like a maximum security prison than a county jail. This is evidenced by the considerable increase in the number of assaults on HCSO Deputies working at the facility and attacks on prisoners housed at the HCJC. Many of these incidents have resulted in serious injury to deputies and inmates alike. A shortage of personnel compounds that risk and is a driving reason for the extremely dangerous conditions present at the HCJC.

In another section of the jail, where risk assessments are performed on prisoners being introduced to the facility, we observed that only one deputy was assigned to escort ten prisoners at a time to this area of the jail. As indicated earlier in this report, only one prisoner at a time can be assessed due to inadequate technology and staffing shortages. That single prisoner is interviewed by a non-sworn employee without any barrier, other than a desk or counter between her and the prisoner, while the deputy is left to guard the other nine prisoners less than twenty feet away. We also observed that deputy answering the phone and performing other administrative duties during this time period, making it a very unsecured and dangerous environment. When asked the reason for this staffing shortage, we were informed that it has been like this since the budget cuts and no one seems to care about these conditions. Despite those difficult conditions, some of the non-sworn staff are so committed to their positions that they work without taking either of their daily breaks, eat lunch at their desks while continuing to work, and some reported they come to work on one of their two off days just to help catch up on office duties, "so the work doesn't lag too far behind." In recent years, the staffing level of that unit was crushed from twenty personnel to nine. Coupled with the technology absence discussed above, it is obvious why backlogs and extended periods for inmate intake and processing occur.

These employees indicated they have also found it necessary to come to work on one of their two off days and are NOT compensated for the work in any manner. They simply explained that it is the only way they can keep up with their work. We were flabbergasted to hear this is and has been occurring at the HCJC for an extended period of time. One unit leader lost her administrative assistant due to budget cuts and has found it necessary to continue to perform all her

Performance Review of the Hamilton County Sheriff's Office: Court and Jail Services Division

duties as a unit supervisor while assuming all the duties of her administrative assistant; otherwise, "the work simply will not get done." This causes her to work overtime nearly every single day and she is NOT compensated for this extra duty.

The problem with these horrendous working conditions are compounded by the fact there is no modern technology in these offices. The previous administration's refusal to adopt technological improvements requires the employees to perform many of their duties in unnecessarily, redundant fashion, repeating the same steps over and over and over. This practice is inefficient and leads to a frustrated staff who told us any complaint about working conditions could result in a job loss under the previous sheriff. All the records produced in this unit are paper driven work products. Their space is limited and cramped. One is required to navigate their way around and between stacks of boxes which contain current and past records - the agency's filing system - in an archaic office setting. A modest investment in technology would allow for electronic filing of these records in a cloud-based system that would free up office space and guarantee security of the records by way of a redundant back up system. As it currently exists, a fire or water contamination would destroy all these records.

Despite the adversity, these employees remain proud of their position within the agency and remained determined to not let the HCSO fail. Their resiliency, pride, and commitment to the agency are to be commended.

We also observed the contracted medical facility in the HCJC. Here we observed prisoner/patients who were unattended, unsecured, and without a Corrections officer in the immediate area. The prisoners were not required to remain in a specified or secured area and were free to roam throughout the medical office. Medical instruments were readily available, as were pharmaceuticals, and other equipment typically found at a medical office. Inmates were within inches of scheduled substances with no oversight. This was a very dangerous condition that posed a serious risk to the medical staff, non-sworn staff who work close by, and individual prisoners, as there was absolutely no supervision of activity by the HCSO. It also obviously creates unnecessary opportunities for criminal behavior by inmates.

The same type of atmosphere was observed as we walked through various sections of the jail. Inmates were observed walking the halls unattended and alone. In some areas, inmates were free to leave their assigned area to approach us, inquiring who we were and the purpose for our being there. We inquired about the obviously unsecured portions of the jail and were told, "We do the best we can with the staff we have. Most of these guys are considered trustees so we let them go in here. There simply aren't enough of us [Corrections Officers] here to control the place like it should be."

Performance Review of the Hamilton County Sheriff's Office: Court and Jail Services Division

That assessment couldn't have been more true during our inspections of the various cells and pods. In some areas there were only three officers on duty monitoring two pods on a single floor. Each pod had at least twelve cells and some had eighteen cells with two prisoners assigned to each cell. That equates to three officers monitoring and guarding somewhere between 48 and 72 prisoners for an eight hour shift. Compounding these conditions was the fact that the officer's radio system is decrepit and unreliable to say the least. Some radios could not be fastened on a belt so the officers carry the radio in their pocket to keep their hands free. Some radios were broken or held together with tape, string, rubber bands and anything else that could be used to hold the units together. Little comfort was it for the officers to have these antiquated radios as few actually worked and almost none of the radios could transmit to other floors above or below their assigned area. We were dumbfounded at the certain risk these officers could find themselves in should there be any type of disturbance, fight, assault on an inmate, attack on an officer, medical emergency, fire or other hazardous incident occur, and the severely limited radio communications make summoning assistance a risky proposition. These officers told us they would be required to send an officer for help or call on a phone to summon assistance, then wait for additional officers to arrive before initiating any type of intervention. Clearly, this leaves inmates, employees and deputies at a heightened risk of danger should they be assaulted or physically attacked in any manner - an extremely dangerous and unacceptable condition that is common place at the HCJC.

Similar conditions existed when we visited the holding cell area on the sixth floor of the Hamilton County Courthouse. As we entered the sixth floor, we observed an inmate seated at a cafeteria style booth along with another man dressed in a suit. The booth was in an open area with chairs and cleaning equipment in close proximity. There were no deputies or any other security personnel in the area. The prisoner was not secured in any fashion. After passing the two seated in the booth and entering an adjacent area, we inquired about the identity of the two people in the booth. We were somewhat surprised at the response, "He's being held on a murder charge and the other guy is his attorney." Female prisoners were in a holding cell about 15-20 feet away from them and exposed to anyone who entered that area including all prisoners being escorted into and out of the sixth floor holding area. We witnessed this contact producing some taunting and overtly sexual verbal exchanges between male and female prisoners - a condition that is unnecessary and less than desirable.

When we arrived at the sixth floor holding cell of the Courthouse, we were greeted by two deputies who were on duty. They explained to us that the inmates were held at this location until being summoned to one of the Hamilton County Common Pleas court rooms for their individual hearing. The area consisted of a few private and secured interview rooms which would have been suitable for

Performance Review of the Hamilton County Sheriff's Office: Court and Jail Services Division

discussions with the murder suspect as opposed to sitting unattended at a table in the pathway of all who entered this section of the facility. There are two large holding cells that can temporarily hold up to 100 prisoners each and are generally full when court is in session. Two officers are assigned to attend to this area, retrieving individual prisoners as they are summoned to court. The area has some camera surveillance but more than half the area cannot be monitored. There is a desk for one deputy. The officers are in the open, and there is no physical barrier to protect the officers in the event of a mass effort to escape the holding cells. The officers told us it is common for prisoners to fight and assault each other in the holding cells. In fact, the week before several prisoners had assaulted a single inmate inside the cell. When asked how they address such a situation, the officers were candid and told us they call for assistance and wait for a sufficient number of officers to respond. One deputy bluntly said, "we're not going in there with 75-100 prisoners to quell a fight and there's only two of us here." One can hardly argue with his logic. Still this is an extremely dangerous situation and another example of how reduced staffing levels are creating an extremely dangerous situation for deputies, inmates, and others.

One of the most shocking examples of staffing shortage we became aware of at the HCJC was at the jail during a recreation break for inmates. Incredibly, there was only one deputy assigned to monitor the activity of 75-100 prisoners inside the recreation site at this facility. The only security precaution is a single antiquated radio on the solitary deputy. This is a completely unacceptable practice and one that should be stopped immediately. One deputy is at extreme risk inside this closed facility and would be incapable of quelling any type of disturbance, assault, or dispute by himself. This practice leaves the deputy and participating inmates at great risk. We consider this practice to be an unnecessary risk that creates an immense amount of significant danger and a potential liability to the HCSO, the County, and the taxpayers. In addition, we learned that at least one Hamilton County Commissioner personally observed this condition while touring the HCJC facility during this same time frame.

Perhaps the most egregious situation we learned about at the HCJC was a section of the jail that houses both male and female prisoners. That section of the jail was a classic example of overcrowded conditions and related danger to all affected by this condition. Here, male and female prisoners were separated from each other by **bed sheets** hanging from the ceiling. No other obstacle, wall, device or security system was in place to maintain separate and private living quarters between the male and female prisoners. These conditions were attributed to overcrowding and a staffing shortage at the HCJC. This is an obvious violation of numerous safety and security requirements at the facility. It is a condition that creates a substantial risk liability on the Sheriff, the County, and the taxpayers.

Performance Review of the Hamilton County Sheriff's Office: Court and Jail Services Division

RECOMMENDATION: The HCSO should conduct a data-driven staffing assessment that takes into account national, regional, state, and best practices standards to determine optimal levels of staffing, and devote more resources to frontline staffing where security issues are paramount. At minimum, deputies should be equipped with an adequate radio system that provides transmission capability within the HCJC, for their safety, the safety of non-sworn employees, visitors and inmates.

Court Services Unit

Our review also examined the court services unit, previously a stand-alone division. As did corrections officers, court services personnel indicated that there was a difference in perceived status within the agency.

The court services unit was relatively well-functioning, with several obvious deficiencies.¹

First, failure to integrate technologies throughout the agencies has an obvious effect on this unit. Among other things, it is responsible for the final stages in the foreclosure process. Nonetheless, the final paperwork for foreclosures, including sheriff's sales and distributions nonetheless requires personnel to reenter the same data that had been previously entered as many as seventeen times in the process before a sale and distribution. The inefficiencies are entirely the failure to tie the agency's, and the County's, systems together.

Second, two two-person teams serve over ten thousand felony warrants per year, an extremely small complement to pursue usually violent offenders. This creates a backlog for the agency and leaves the courts and prosecuting attorney with stale cases and sometimes years-old warrants. We recommend assessing the felony warrant unit's staffing against comparable agencies in Ohio and the region.

Third, the placement and operations of the felony warrants team in the court services unit continues to pose a grave security risk to staff, members of the public, and inmates. Inmates who are brought in from the field on felony warrants, or who surrender themselves, are simply cuffed to standard, easily-moveable office chairs in an open space filled with primarily civilian employees

¹ While we do not consider it an operational deficiency, we note with disapproval — and disgust — a collage that remained in the court services unit office. In that collage, former sheriff Leis is portrayed with approval riding in the HCSO's armored personnel carrier, or tank, through the streets of Over the Rhine during the civil disturbance of April 2001, glorifying an extremely dangerous action that exacerbated tension in that volatile period.

Performance Review of the Hamilton County Sheriff's Office: Court and Jail Services Division

(and open to the public at the front desk). On our review visit, inmates were located in between felony warrant unit officers and a flimsy cabinet made of thin wood paneling serving as an armory. We were told that there may have been some unused ammunition, and perhaps several service weapons of retirees inside. When it was opened, it was filled with weapons, including long guns and sidearms, and ammunition. The box was clearly marked with a sign saying simply "Armory." There was a small padlock simply screwed into the paneling, and the key to it was readily available. **Inmate trustees** have access to this room for cleaning supplies, and it is just a hallway away from people surrendered or apprehended on felony warrants. A followup conversation in November 2013 with one of the court services personnel working an off-duty detail made it clear that the problem remained — personnel simply removed the sign, but the weapons remained in an insecure cabinet where they could be readily accessed by anyone who could get into the room.

This unit has been supervised by a junior officer since the transition. Clearly, staffing for this unit is below that which is necessary to ensure safety to the employees of the agency as well as visitors.

RECOMMENDATION: The HCSO must take immediate steps to enhance basic security in the court services division. Felony warrant service staffing should be increased to reduce the backlog, and inmates should be processed in the HCJC and contained properly, rather than handcuffed to furniture in a public area. The armory in the court services division must be either relocated to a secure location or replaced with an armored gun safe.

CONCLUSION

All of these findings raise a larger question. What is the mission of the HCJC? Is it, and should it be, a containment-model jail only, or a collaborative effort with all agencies sharing similar responsibilities within the HC justice system, i.e. probation, parole, Talbert House and other social service providers, etc. ? We submit that the newly articulated focus on "a different kind of jail rather than just a bigger jail" is the correct one. At the time of transition, the HCJC functioned to contain and warehouse offenders and then to release them upon completion of their sentence, without regard for halting the revolving door that brought the most frequent inmates into the HCJC seven times a year. In contrast, treating the HCJC as the central nexus of corrections activity as well as anti-recidivism efforts will require a collaborative effort — much as in Essex County, Massachusetts. Such a collaborative effort will lead to reduced costs, a lower staffing level, increased effectiveness, and efficiency.

Performance Review of the Hamilton County Sheriff's Office: Court and Jail Services Division

RECOMMENDATION: The HCSO should commit to pursuing accreditation through the American Corrections Association. There is no reason to reinvent the wheel, and accreditation will allow HCSO to adopt nationally accepted standards for staffing, rules, regulations, policies, procedures, and operational guidance.

HCSO should also partner with the University of Cincinnati's world renowned Corrections Institute. This is in the beginning stages of implementation since the transition. Such a partnership will open the agency to professional scrutiny with the aim of enhancing effectiveness and performance by utilizing the inspection, audit, and review processes, comparison to current best practice, data analysis, evidence-based decision making and intelligence-led operations. Doing so can transition the HCSO's Corrections Division from simply a jail to a "different kind of jail" — a jail for the 21st century.

Next Steps

This supplemental report details our observations, findings, and recommendations for the HCSO Court and Jail Services Division.

Obviously, this division is one of the Hamilton County Sheriff's Office's most critical. It needs significant and transformative change to become much safer, and more effective, efficient, and cost-effective. It is up to the Sheriff and County leadership to provide the resources that the division and its personnel need to ensure safety, create a different type of jail, enhance effectiveness, and provide value to the people of Hamilton County.