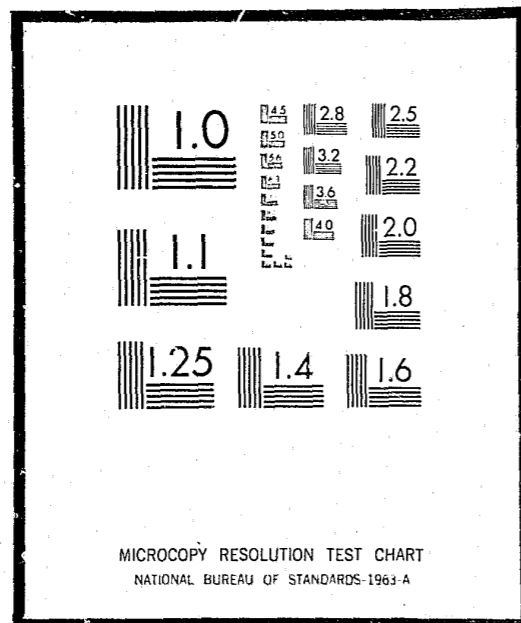


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REVIEW OF THE ADMINISTRATIVE OPERATIONS
OF THE CLARK COUNTY, OHIO
COURT OF COMMON PLEAS AND ITS
PROBATION DEPARTMENT

June, 1975

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FOREWORD

During the process of reviewing various court operations and services, the Clark County Ohio Court of Common Pleas requested LEAA's Criminal Courts Technical Assistance Project at The American University to provide recommendations regarding the potential utility of a court administrator in directing the court's operations and the identification of specific administrative problems with which the court should deal. In view of the broad focus of this request, a staff member of the Technical Assistance Project made a preliminary visit to Clark County in April to assess the needs of the court and define the most appropriate application of technical assistance resources.

During this preliminary visit, Mr. Roger Suver, Assistant to Judge John Henderson of the Clark County Court of Common Pleas and coordinator of this assignment, judges of the court and others involved in its operation, discussed the various administrative concerns of the court and current efforts to improve its operations. These included the improvement of juror usage, a review of jail standards, effective handling of the civil and criminal caseload, expanding the activities and services of the recently established probation department, and maximizing the use of existing space. These meetings were also attended by Mr. Charles Grotz of the National Clearinghouse on Criminal Justice Planning and Architecture at the University of Illinois which had agreed to provide architectural assistance through its own LEAA technical assistance resources.

Based on these meetings, it was determined that the services of the Criminal Courts Technical Assistance Project should focus on two areas: (1) exploring the feasibility of utilizing the position of court administrator in the Clark County Court of Common Pleas and the possibility of current staff assuming certain recommended administrative functions until such a position could be funded; and (2) surveying the activities of the probation department with a view to recommending procedures and programs which might improve its services and which could be implemented within existing resources. The consultant selected by the Project to address these areas was Clifford Kirsch, Administrator of the Beaver County, Pennsylvania Court of Common Pleas, who conducted a field study on May 22 and 23.

In addition to these areas of consultant help, the Project gathered information and publications concerning juror usage and jail standards which were forwarded to Judge Henderson.

This report documents the results of Mr. Kirsch's findings and recommendations and the portion of technical assistance provided through the Criminal Courts Technical Assistance Project. Mr. Kirsch has geared his recommendations for the specific use of the Clark County Court of Common Pleas as well as the general consideration of other Ohio Courts of Common Pleas with similar concerns. Pending consideration of the report's recommendations by the court, a second phase of assistance will be provided by the National Clearinghouse which will assess the court's current space resources with a view to recommending improved use of these resources and accommodating the space implications of the recommendations of the present study.

I. INTRODUCTION

The Court of Common Pleas of Clark County, Ohio is proceeding with improving the management of the court in several areas. The court is seeking to apply modern management principles in the area of non-judicial business in order to keep pace with changing rules and demands within the court system.

During the course of the study, the following persons were interviewed: Administrative Judge John W. Henderson; Senior Judge Stanley N. Husted; Judge Gerald Lorig; Ms. Roseann Gueth, Assignment Commissioner; Mr. Roger Suver, Assistant to the Administrative Judge; Mr. Robert Powell, Clerk of Court; Mr. Edward Cash, Domestic Relations Referee and Mr. Lymon Alexander, Director of the Probation Office. The purpose of these interviews was to determine what management functions were being performed, where they were located, how they were applied and how efficiently they were operating.

It should be pointed out that the court uses an individual (judge) calendar system. This is required in Ohio. Therefore, each judge is accountable for cases assigned to him and ipso facto is responsible for certain management functions relating to calendar control and statistics.

II. ANALYSIS OF EXISTING SITUATION

A. Background

The Clark County, Ohio Court of Common Pleas is located in Springfield, twenty-two miles from Dayton. Clark County is one of Ohio's medium-sized counties (approximately 150,000 population), with approximately 70,000 persons residing in Springfield. The Court of Common Pleas is a three-judge court with a referee assigned to uncontested divorce cases and has, in addition, a staff of approximately twenty, including three bailiffs, three court reporters, approximately ten clerk's office personnel, an assignment commissioner and three probation department employees.

B. Court Management Functions

Management functions are being performed by a number of people within the court and its related offices. The following is a list of these functions and the person(s) responsible for administering them:

<u>Function</u>	<u>Manager</u>
(1) Case Assignment	Judge Clerk Assignment Commissioner Attorneys* Domestic Relations Referee
(2) Personnel Management	Judges Assignment Commissioner
(3) Jury Management	Judges Jury Commissioners Assignment Commissioner Assistant to Administrative Judge Sheriff

* Regarding civil practice, attorneys notify the Assignment Commissioner or Domestic Relations Referee when a case is at issue.

<u>Function</u>	<u>Manager</u>
(4) Grant Program	Judge Assistant to Administrative Judge
(5) Space and Facilities	Judges Assistant to Administrative Judge
(6) Financial Management	Judges
(7) Statistics	Judges

As can be noted from the management functions and roles identified above, there are many persons performing different management activities, although the time necessary to complete some of these duties is not significant.

The following brief analysis will reflect the role that each person plays in the management process:

1. Case Assignment

a. Judges - Assignment of criminal cases by lot. Immediately after Grand Jury has returned approved indictment, judges select cases by lot. Judges are also accountable for the status of their calendars after assignments are made.

b. Clerk of Courts - Civil cases are assigned by clerk when filed. Each year the clerk receives computer cards which have judges' names randomly pre-assigned according to prospective docket numbers. The card service is provided by an outside agency. In addition, the clerk lists all civil actions subject to dismissal in which no action has been taken for one (1) year or more. Cases are listed each quarter. The clerk has begun to keep a status record of all cases concluded of record.

c. Assignment Commissioner - This office is perhaps the focal point of the caseload management system. The office has authority, under some constraints, to assign hearing dates for civil and criminal matters. This office does not list a case for pre-trial and/or trial until a notice for trial is received. In criminal cases the card is filed by the prosecuting attorney; in civil actions, by counsel. After a civil case is placed at issue, the assignment commissioner checks the docket to discover if an answer has been filed for addresses, for attorney conflicts, etc. If it is determined that the case is at issue, pre-trial notice is given to parties. Since the assignment commissioner is knowledgeable about the judges' calendars, she is able to set dates. Pre-trial dates are usually set within four (4) to six (6) weeks after notice of trial. After pre-trial, the judges advise the commissioner regarding trial dates and estimated length of trials.

After the assignment commissioner receives notice for trial in criminal actions, she sends notice of trial dates to the clerk, probation office, defendant, prosecuting attorney and judge. Because of a speedy trial rule in Ohio, cases are scheduled for trial in a timely manner.

Post-trial motions are scheduled with the judge who handled the case. Sometimes the assignment commissioner is contacted regarding a date since she is familiar with judges' dockets.

The assignment commissioner keeps the court and attorneys advised of scheduled cases. As of May 23, 1975, cases had been set for trial in advance of January 1976.

d. Attorneys - Regarding civil calendaring, the attorneys determine when a case is at issue for trial. This practice is constrained to a certain extent by the termination of inactive cases as previously discussed.

e. Domestic Relations Referee - The domestic relations referee coordinates his schedule with the assignment commissioner to avoid attorney conflicts.

The officials and parties engaged in caseload management participate in the activities thereof to varying limits. The focal point of the assignment system are the judges and the assignment commissioner. The assignment commissioner's role is limited to assigning cases that are placed at issue. The commissioner does not prospectively analyze caseloads nor does she follow up cases after they have been concluded, and there is no interaction or coordination between the assignment commissioner or clerk and the municipal court and juvenile court.

There is no annual court calendar. Instead, cases are assigned to judges under established practices. Attorney conflicts between courts are resolved by the judges.*

2. Personnel Management

This matter is handled by the judges and assignment commissioner. Employees may be employed by the judges after an interview directly handled by the court or after an initial interview by the

* There is no caseload analysis available.

assignment commissioner. If an interview is conducted by the assignment commissioner, she refers notes of this interview to the judges.

The assignment commissioner prepares the payroll for signature by the judges and submits it to the county auditor. She also keeps records of employee sick days and vacations and checks any abuses thereof.

There are no formal applications for employment, no pre-or post-employment reference checks or evaluations. Excluding the judges, there are fifteen regular court employees, one part-time employee and two federally funded probation positions.

With the limited number of employees, the court should maintain a flexible personnel program with some modifications for internal control.

3. Jury Management

A new program for screening prospective jurors for service is underway. The purpose of this plan is to increase juror service and utilization in forthcoming years. The program is based on a questionnaire sent to the prospective juror to determine eligibility for jury service. The plan is based on several programs currently used in other Ohio jurisdictions. Indeed, it is not dissimilar to pre-screening jury systems used throughout the country. In addition, plans are being made to provide a juror communication system. Essentially, it consists of telephone recording equipment which is used to advise jurors when to appear for a trial. This system is also being successfully used in many jurisdictions.

There are many persons involved in the development and implementation of the new program which has progressed as follows:

a. Jury commissioners have selected persons from the voters' registration lists to be prospective jurors for the forthcoming year. They will screen all questionnaires.

b. The assignment commissioner, with assistance from the probation staff, is preparing the jury list.

c. The assistant to the administrative judge is preparing the juror questionnaire.

Although it may be too early to assess the impact of the new system, based on current experience, inquiries relating to exemption or excuse from jury service will probably be handled by the assignment commissioner.

In addition to current plans, it is not too early to develop standards by which the new juror utilization plan can be evaluated.

4. Grant Program

This program is currently being coordinated by the assistant to the administrative judge. Three project applications have been submitted. They included: (1) purchase of sound, projection and video-tape equipment, (2) establishment of a court management program, and (3) purchase of microfilm equipment. The first project was approved and bids awarded. The second project was not approved by the county commissioners and the third project is pending release of overage funds.

5. Space and Facilities

Current space resources are under review. This matter is being coordinated by the assistant to the administrative judge. Space

allocations have been identified. A further study of space needs is pending through the Technical Assistance resources of the National Clearinghouse on Criminal Justice Planning and Architecture of the University of Illinois. Two space considerations deserve special attention: the assignment commissioner's office and the probation office.

The assignment commissioner's office should remain in its present location. It is convenient to the public, attorneys and staff. In addition, if this office is expanded, there is available space.

The probation staff should be housed under one roof. This is absolutely necessary for efficient record keeping, span of control and coordination of effort. Present bifurcated space assignments are unsatisfactory.

The clerk of courts is reviewing alternatives to meet space limitations, especially record storage. The original records in that office date to 1818. The clerk is reviewing use of microfilm equipment (see Grant Programs) and use of power files. The clerk should review this matter through further space and facilities studies.

6. Financial Management

The court budget is prepared by the court and includes estimated probation department expenses, the domestic relations referee, the bureau of support and individual staff needs.

Planning for the 1976 budget was underway during the on-site visit. It should be noted that the budget must be submitted by June preceding the fiscal year. This time span makes planning for initial

budgets important because of possible future economic uncertainties.

The probation office budget should be separate from the court budget. The director of the probation office should be responsible for the preparation of the budget and submission to the court for final review.

7. Statistics

Each judge is required to submit a semi-monthly statistical report of cases assigned to him to the office of the Administrative Director of the Supreme Court of Ohio. The reports are reviewed for accuracy by the administrative judge and the judge who submitted the report.

Since 1972 the office of the administrative director has published an annual statistical report. The 1974 report for general and domestic relations jurisdictions indicated that terminations exceeded filings in the 1972-1974 period. For general jurisdiction matters the inventory increased by two cases and the inventory for domestic relations cases decreased by 42 cases. The statistics reported are consistent and indicate that the court has been able to handle the number of cases filed during the three year period.

C. Probation Department

The county probation office was established in January, 1975. Prior to that date probation services were provided by a bailiff who was named director of the county probation department when it was organized. In 1973, two state probation officers were assigned to the court. When the county department was organized, dual lines of authority were established.

The state officers were not only responsible to local officials, but also to the state probation development section. The court is now considering the termination of use of the state probation services. This decision would eliminate the conflict resulting from dual lines of authority and provide the court with greater policy control over the department.

The current officer-supervised caseload is 75 to 80 cases; the director has a caseload of approximately 125 cases. In addition to his caseload, the director is responsible for the administrative duties including delegation of pre-sentence reports to officers, review of expense vouchers, supervision of the officers and the answers to any inquiries.

Pre-sentence reports have taken four to six weeks for completion and have been as long as 40 pages. Recently the department has introduced the use of the short form pre-sentence report (Federal Probation Form #104) in an effort to reduce the time from conviction to sentence.

Field contacts are made by the probation staff in addition to the preparation of pre-sentence reports. Although the director handles the largest caseload, most of his contacts are made in the office. There is little field supervision related to these cases. Therefore, there cannot be many collateral contacts, performance evaluations or goals established for these probationers.

Records are kept by the county and state. The director is sometimes unaware of cases referred to the jurisdiction since some cases are

received by state officers and filed with their records. Although the state officers complete contact reports, they are submitted directly to Columbus.

Community resources are used. The Clark County Mental Health Program and the County Drug Control Council were cited as examples. In addition, group treatment programs have been started. No attempt was made during this visit to review the frequency of use of the community resources.

Earlier this year two additional county probation officers were employed under separate federally funded programs (CETA and LEAA). The department also employs two typists. The additional staff will assist the probation department in assuming the responsibilities handled by the departing state officers based on the supposition that the state cases become the county's responsibility.

III. RECOMMENDATIONS

The following recommendations are based on an analysis of the current organization of the court and concern court management functions and the administration of the probation department.

A. Principal Recommendations

1. Court Management Functions

The functions currently exist in various locations within the courthouse. The duties are many but are neither time consuming nor complicated.

a. The activities of the assignment commissioner's office should be expanded to assume more functions and responsibilities.

This office is the current focal point of many administrative duties; however, none of the present functions associated with that office are sufficient to keep the assignment commissioner busy. The duties of the office should be enlarged to include the following: coordinate attorney scheduling between Municipal and Common Pleas Court; evaluate jury selection system after some operational experience is available and recommend changes, if any; coordinate planning efforts with clerk; authorize more assignment functions, that is, selection of cases for each judge after grand jury, assignment of domestic relations cases; earlier review of cases and a follow up on post-trial activities; prepare annual court budget for the court and probation department and review disbursements thereof; accept applications for employment;

be responsible for personnel testing and interviews; maintain personnel records (files) of court employees; act as a liaison with the criminal justice planning agency; prepare grant applications and administer funds; and handle inquiries relating to the above activities. Most activities are currently being performed. Some of the activities which, however, are not, are logical extensions of a coordinated program of managerial activities.

b. It will be necessary for the court to give the assignment commissioner's office specific authority to handle some of the activities recommended herein.

At this point, it does not appear that it would be necessary for any increase in staff, but rather a consolidated personnel effort. The person responsible for handling these duties should be qualified with experience in court management. His or her qualifications should include graduation from a college or university of recognized standing; the ability to plan; knowledge of the judicial system and the ability to maintain good relationships with the judges, members of the bar, county officials, staff and the public.

2. Probation Department

a. Probation Department activities should be administered by the director. In view of the size of the department, it may not be unreasonable for the director to supervise a limited number of cases.

b. Cases should be reviewed regularly by the director to determine their status. If probation has expired or probationer's record

closed, cases should be terminated and notice given.

c. Consideration should be given to presentation of certificates of attainment to probationers whose cases have been terminated.

d. Preparation of pre-sentence reports should be reviewed. The director should assign cases for pre-sentence reports and review requests for pre-sentence reports to determine if a long or short form pre-sentence report should be prepared. It should take no longer than eight (8) hours to perform a long form report, if all contacts are made in a timely manner. It is recommended that the short form pre-sentence report developed by the Vera Institute Bronx Sentencing Project be used instead of the Federal Form #104. The Vera Institute form is concise and can be quickly completed. (See sample attachment.) It should take no longer than three (3) to four (4) hours to complete this report. A long form pre-sentence report outline is also attached. This report should average seven (7) to eight (8) pages in felony cases.

e. After cases are reviewed, officers' caseloads should be adjusted. The President's Commission on Law Enforcement and Administration of Justice recommended that all jurisdictions should examine their need for probation and parole officers on the basis of an average of 35 offenders per officers. (The Challenge of Crime in a Free Society, 1967, p. 167.) Clearly, the number of cases currently assigned each officer is too high. If, after a review of caseloads, the number is still too high, efforts should be made to recruit volunteers and/or request additional financial assistance from the SPA.

f. Contact sheets should be submitted on a daily basis to the director. In addition, the director should submit concise, monthly departmental activity reports to the court.

g. Recordkeeping should be centralized with cross-referenced card files. There should be a strict accountability policy for removing files from the office.

h. Space considerations should be reviewed immediately. This is currently a problem relating to the administration of this office.

i. The director should encourage his officers to set goals for probationers. Goal performance should be evaluated by the director and officer on a regular basis to determine if cases should be switched to another officer or if community resources should be used. (Community resources were not reviewed.)

j. The court should consider implementing the national standards relating to probation. These standards are proposed by the National Advisory Commission on Criminal Justice Standards and Goals, Chapter 10, standard 10.1 et seq..

B. Other Recommendations Discussed in the Report

1. Personnel

The court should maintain a flexible personnel program with some modifications for internal control in view of the limited number of employees.

2. Jury Management

The court should begin developing standards by which the new

juror utilization plan can be evaluated.

3. Space and Facilities

a. The assignment commissioner's office should remain in its present location.

b. The probation staff should be housed in one location.

4. Financial Management

The probation office budget should be separate from the court budget and should be prepared by the director of the probation office.

IV. SUMMARY

Management functions are being provided by a number of persons within the court system and in a variety of locations. Many of these management functions should be consolidated in the assignment commissioner's office since it is the focal point of management activity. This office can provide effective and efficient administrative support for the court. It is, in effect, the administrative office regardless of the title given to it.

The activities of the probation office should be administered by the director. He should relinquish large caseload activities in order to properly manage the office under the policy adopted by the court.

Both offices should be progressive. They must be able to stand back and evaluate their activities in relationship to the policy of the court and plan accordingly.

In conclusion, the managerial duties of the assignment commissioner's office should be expanded by consolidating and coordinating existing staff and duties and the probation department should be internally organized to provide optimum probation services.

ATTACHMENTS

- A. Suggested Long Form Pre-sentence Investigation Report Outline
- B. Suggested Short Form Pre-sentence Report

LONG FORM PRE-SENTENCE INVESTIGATION REPORT OUTLINE

The pre-sentence report outline is adapted from the format used by the Federal Probation System. It consists of the following marginal headings and subheadings:

OFFENSE

Official version
Statement of co-defendants
Statement of witnesses, complainants, and victims

DEFENDANT'S VERSION OF OFFENSE

PRIOR RECORD
FAMILY HISTORY

Defendant
Parents and Siblings

MARITAL HISTORY

HOME AND NEIGHBORHOOD

EDUCATION

RELIGION

INTERESTS AND LEISURE-TIME ACTIVITIES

HEALTH

Physical
Mental and Emotional

EMPLOYMENT

MILITARY SERVICE

FINANCIAL CONDITION

Assets
Financial Obligations

EVALUATIVE SUMMARY

RECOMMENDATIONS AND SOURCES OF INFORMATION (Separate Sheet)

In each pre-sentence report, the probation officer should follow the title and exact sequence of these headings.

It is understood that the items listed under a particular heading may be insufficient to convey adequately an understanding of the defendant's behavior. The probation officer must use discretion and judgment where items must be added to fit the individual case.

The information contained in these headings forms the basis for the evaluative summary.

Short Form Pre - Sentence Report

NAME _____

ADDRESS _____

AGE _____ DATE OF BIRTH _____

SEX _____

RACE _____

CITIZENSHIP _____

SOCIAL SECURITY NUMBER _____

F.B.I. NUMBER _____

STATE POLICE NUMBER _____

CO-DEFENDANT(S) _____

CASE NUMBER _____

DATE _____

INDICTMENT NUMBER _____

OFFENSE _____

MAXIMUM PENALTY _____

TRIAL JUDGE _____

VERDICT _____ DATE _____

PLEA JUDGE _____

PLEA _____ DATE _____

DEFENSE COUNSEL _____

DISTRICT ATTORNEY _____

JAIL ACTIVITY:

DATE COMMITTED _____

DATE RELEASED ON BOND _____ AMOUNT AND TYPE _____

DAYS CREDITED IN JAIL _____

Short Form Pre-Sentence Report

DESCRIPTION OF PRESENT OFFENSE:

DEFENDANT'S VERSION:

OTHER CHARGES PENDING:

PRIOR RECORD:

FAMILY:

Marital Status: _____, Wife's Name: _____

Resides with: _____

Address: _____

Number of children: _____, Age range: _____

Provides Support (or care) for: _____

EMPLOYMENT:

Present employer _____ How long _____

Duties:

Special Skills:

If unemployed, job prospect _____

PAST EMPLOYMENT RECORD:

<u>Employer</u>	<u>Address</u>	<u>Duties</u>	<u>Wage</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Comment:

Short Form Pre - Sentence Report

- 3 -

EDUCATION:

Highest Grade Completed _____ Schools Attended _____

Vocational Training _____ Current Training or

Education _____

MEDICAL HISTORY:

Physical:

Emotional:

NARCOTICS HISTORY:

Currently using _____ Type _____

Past Usage _____

Treatment _____

Short Form Pre - Sentence Report

- 4 -

MILITARY:

Draft Status _____ Branch _____

Type of Discharge _____ Dates _____

CONTACT WITH COMMUNITY AGENCIES:

<u>Name</u>	<u>Address</u>	<u>Type of Treatment</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Interviewer's Remarks on Case:

Information Verified:

END