

Justice Services Work Group

Honorable Larry A. Jones, Jr.

David A. Kutik

Co-Chairs

Justice Services Work Group

Subcommittees

- Public Safety/Law Enforcement
- Courts
- Legal Services



Justice Services Work Group

Highlights of Recommendations

- Create an Inspector General
- Create a Deputy County Executive for Public Safety
- Establish a Law Director with authority to advise and represent the County Executive, County Council and all offices reporting to the Executive



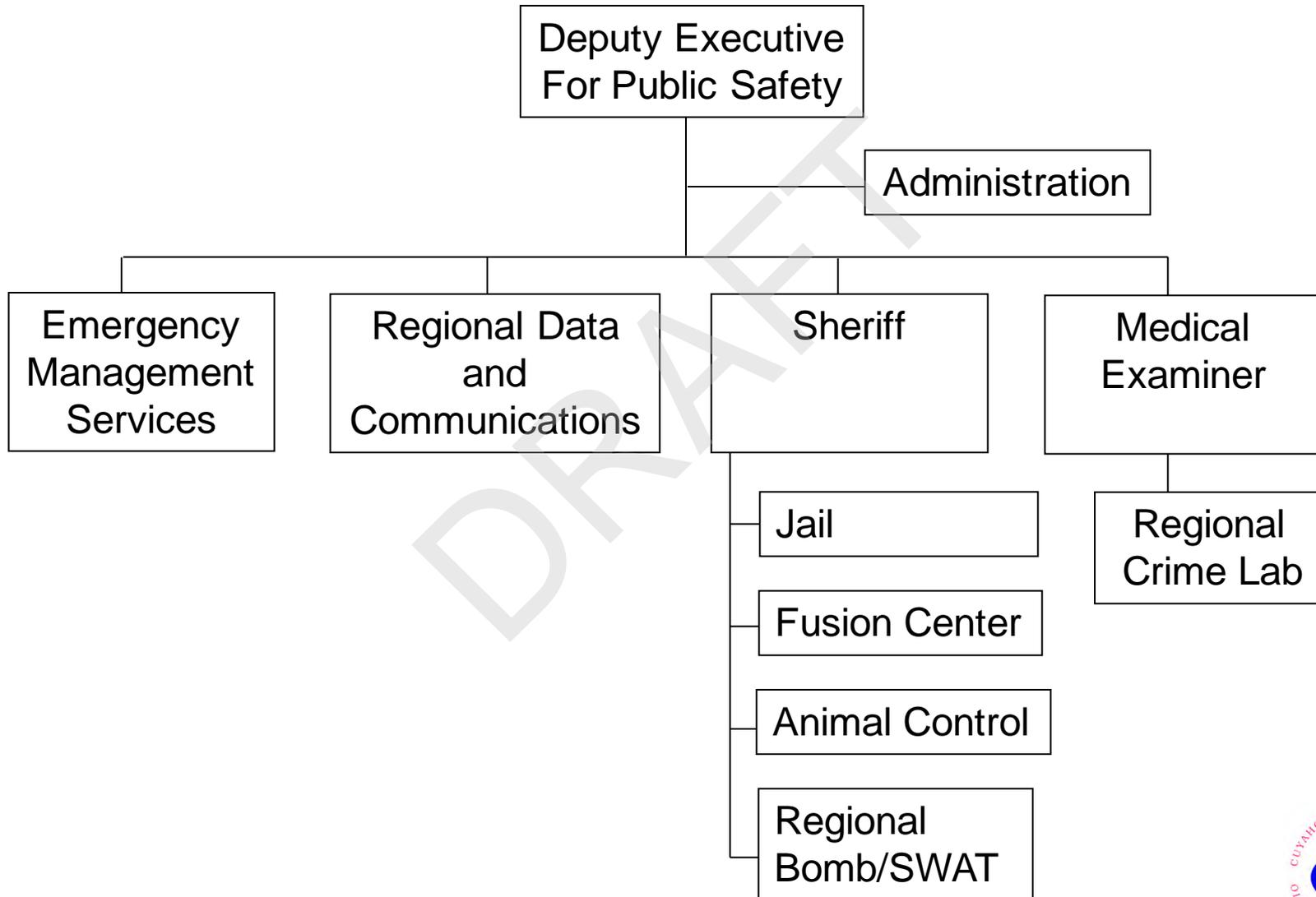
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Inspector General

- v. Internal Auditor
- v. Ethics Compliance Officer
- The model for the County should be the State's Inspector General



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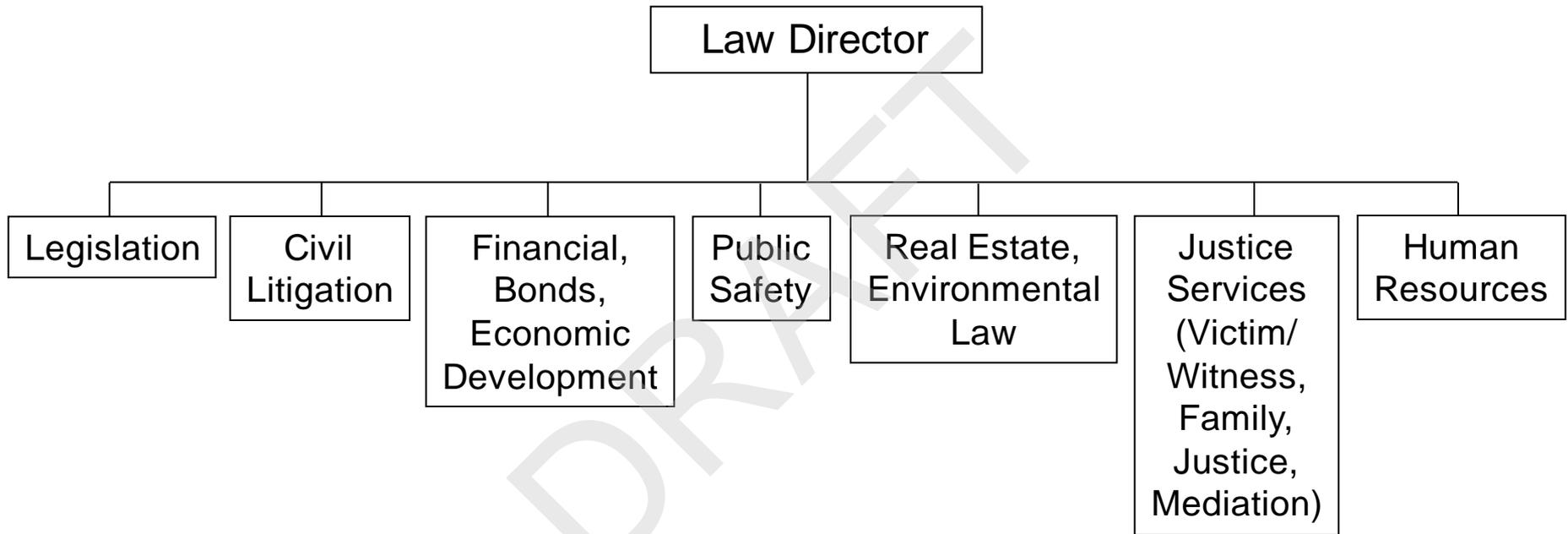
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Law Director

- A potential conflict in the Charter
- The Law Director should advise and represent the County Executive, County Council and all offices reporting to the Executive



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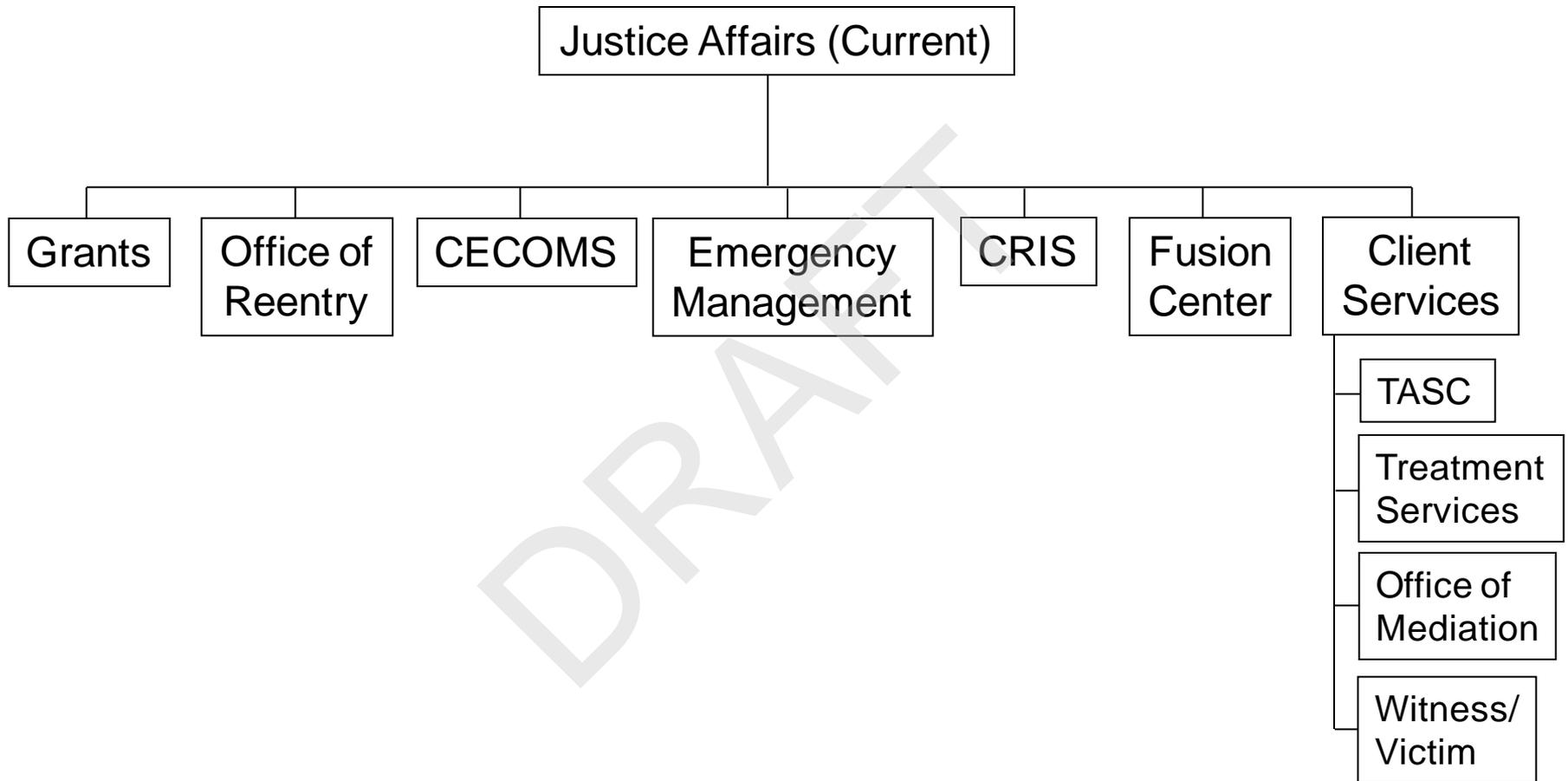


– Law Director and 7 Professional FTEs

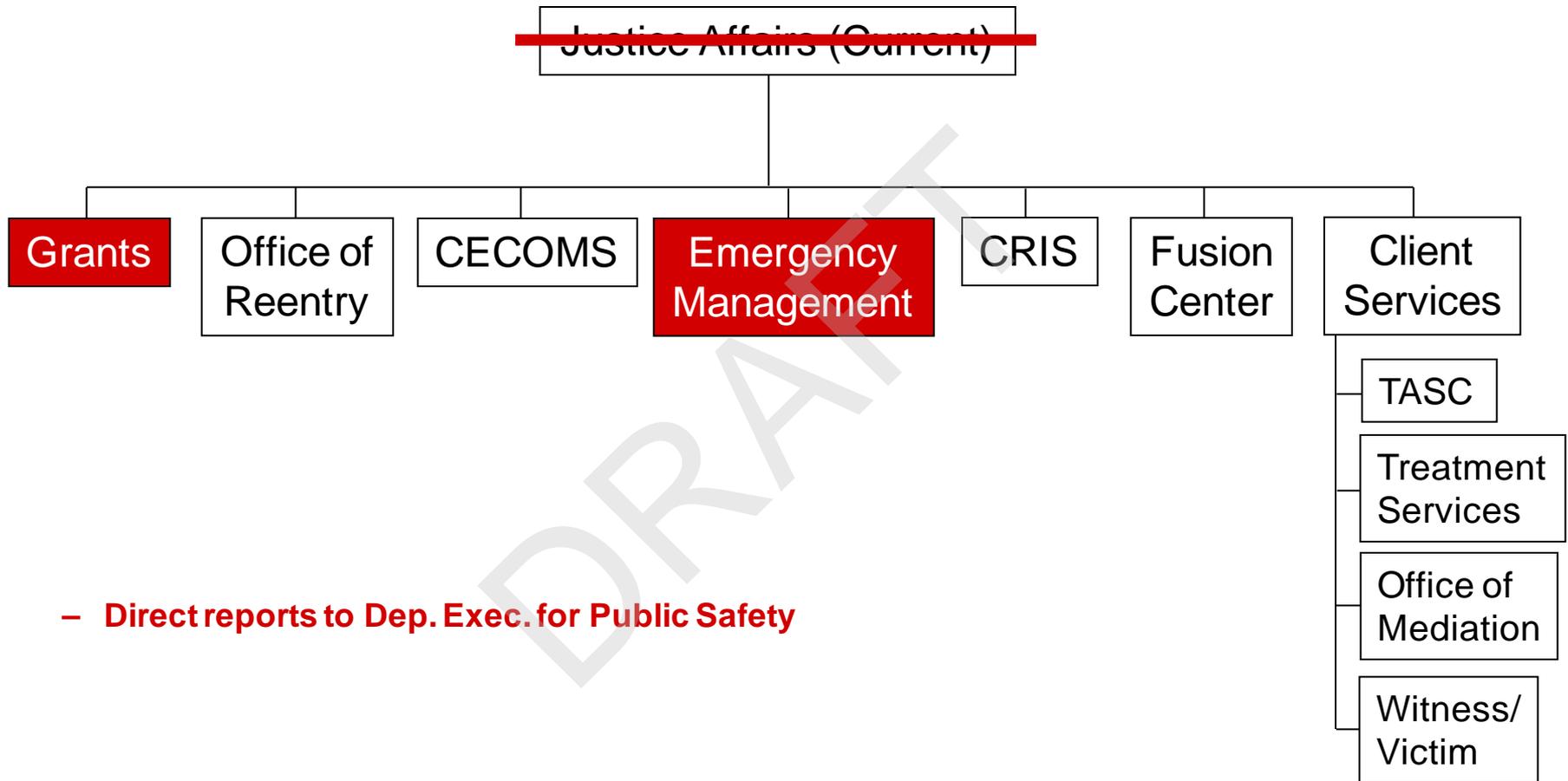
– Budget ~ \$700K



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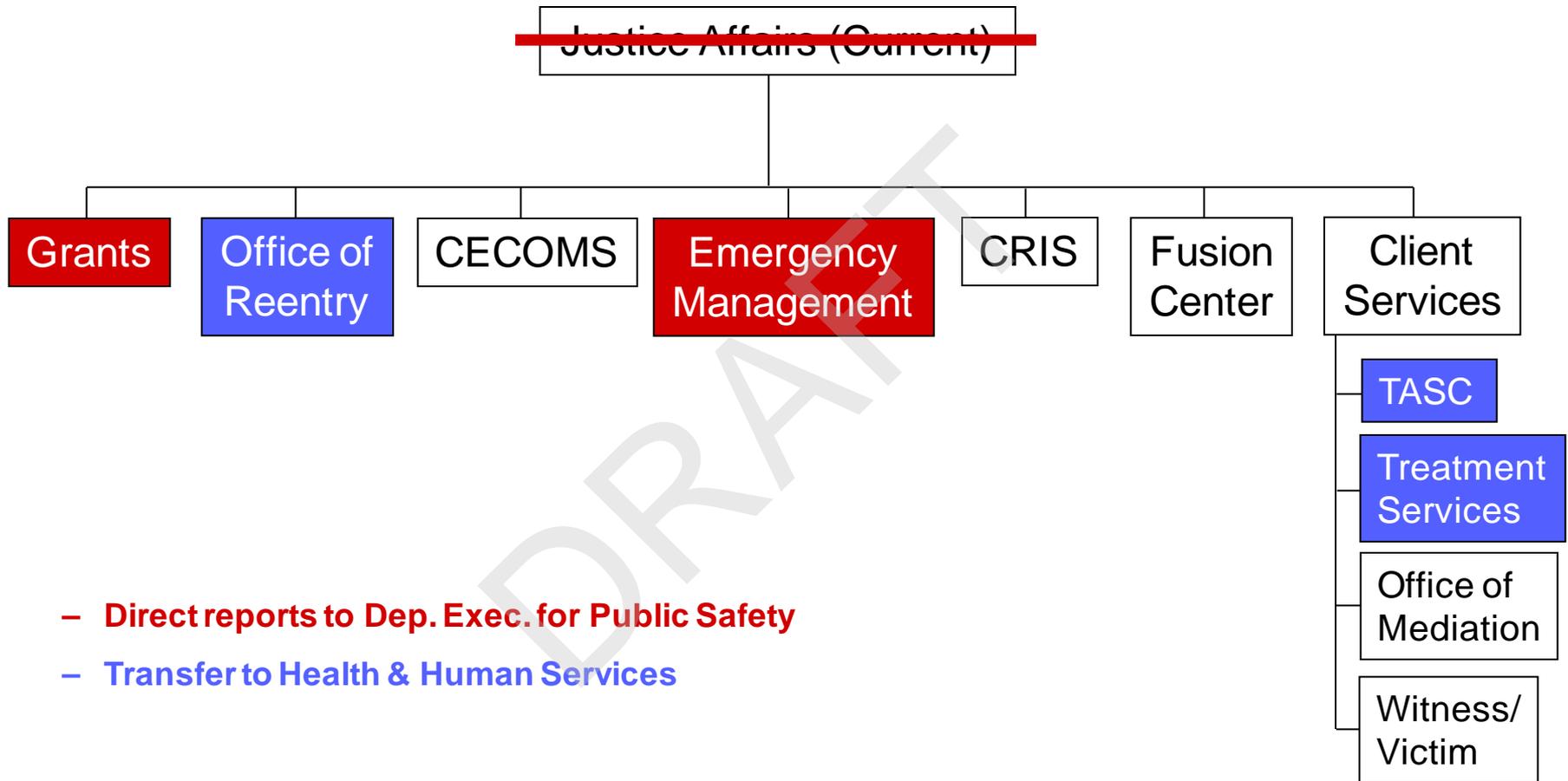
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– Direct reports to Dep. Exec. for Public Safety



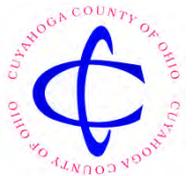
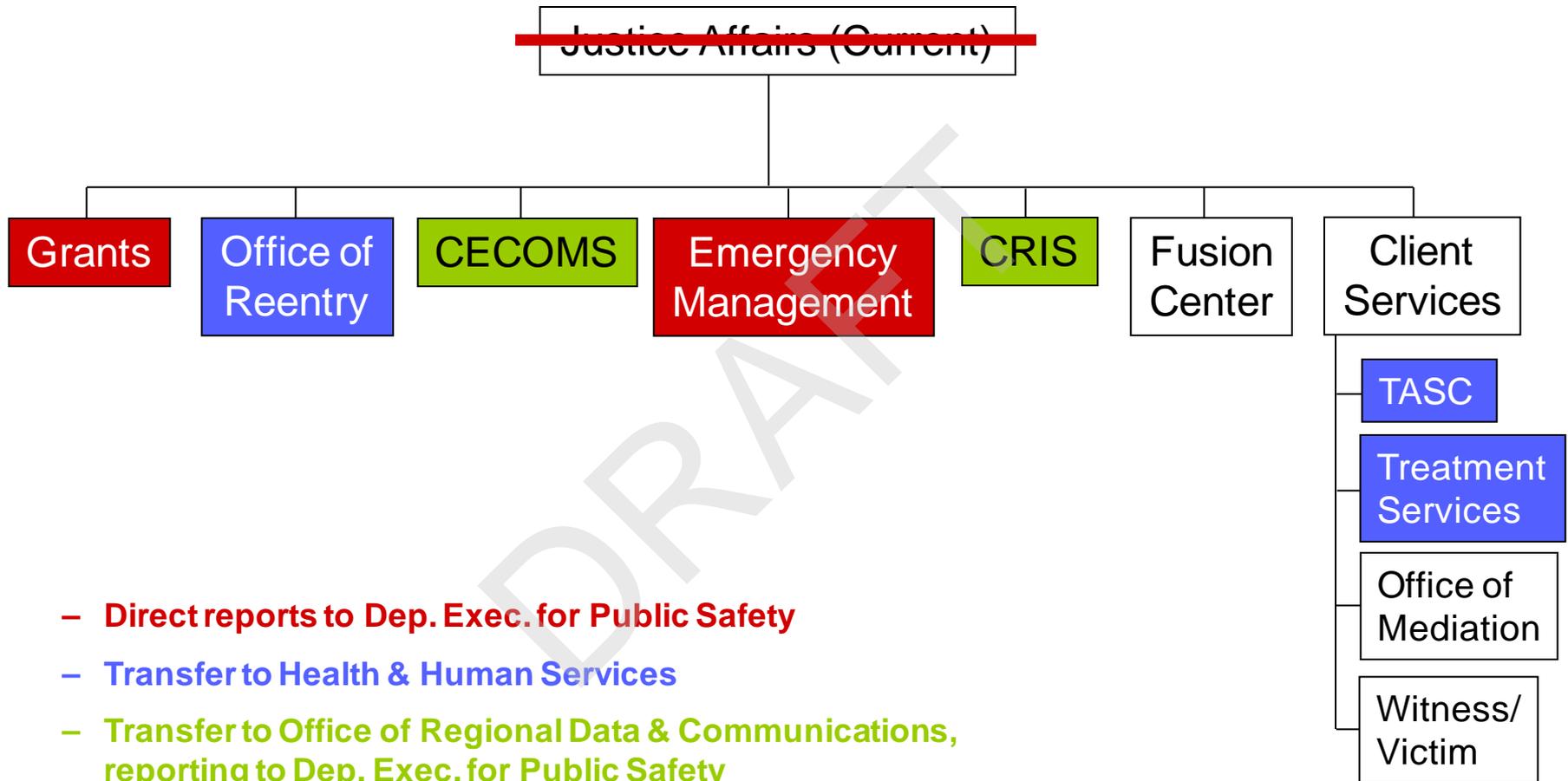
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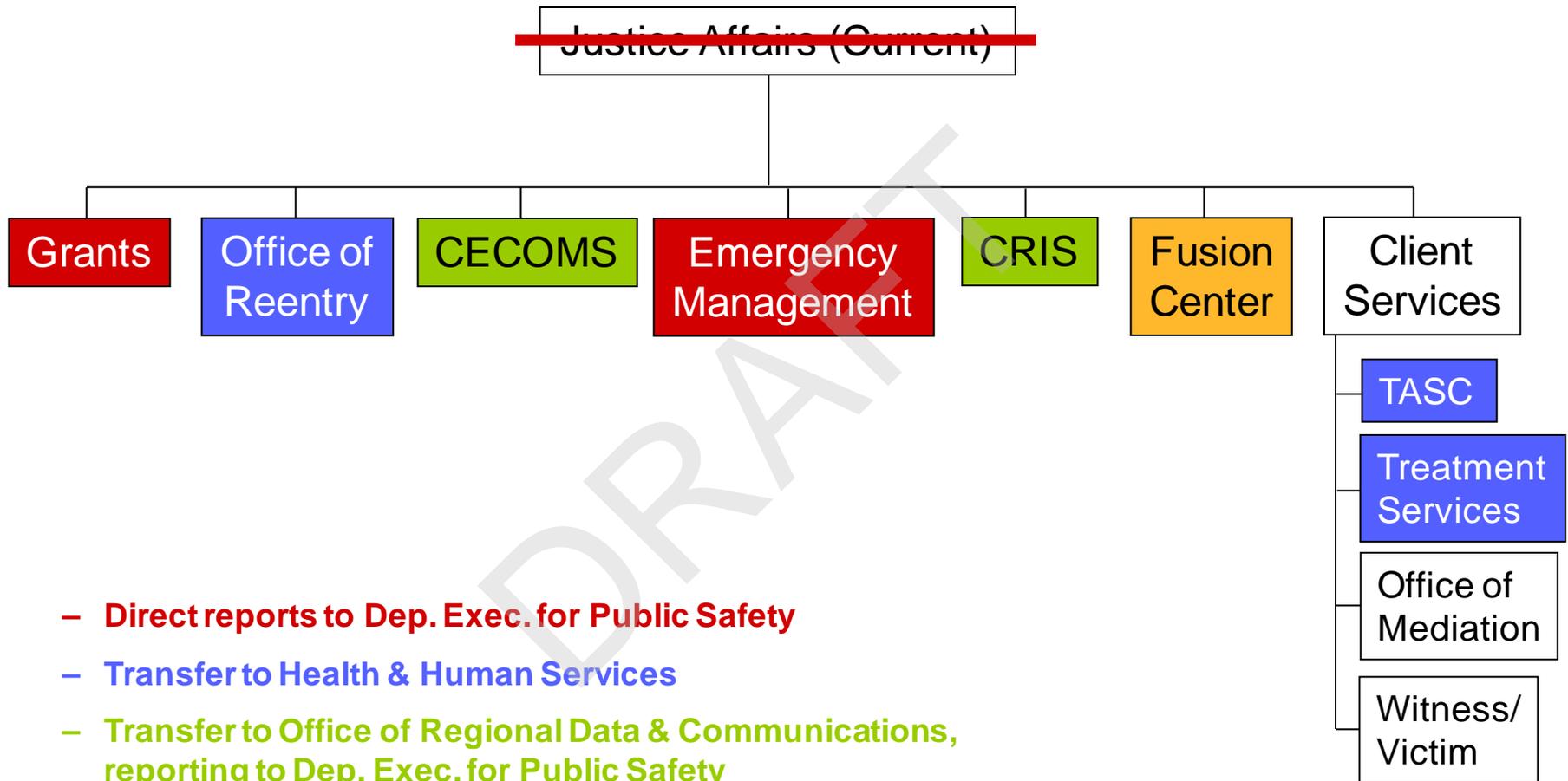
- **Direct reports to Dep. Exec. for Public Safety**
- **Transfer to Health & Human Services**



Justice Services Work Group



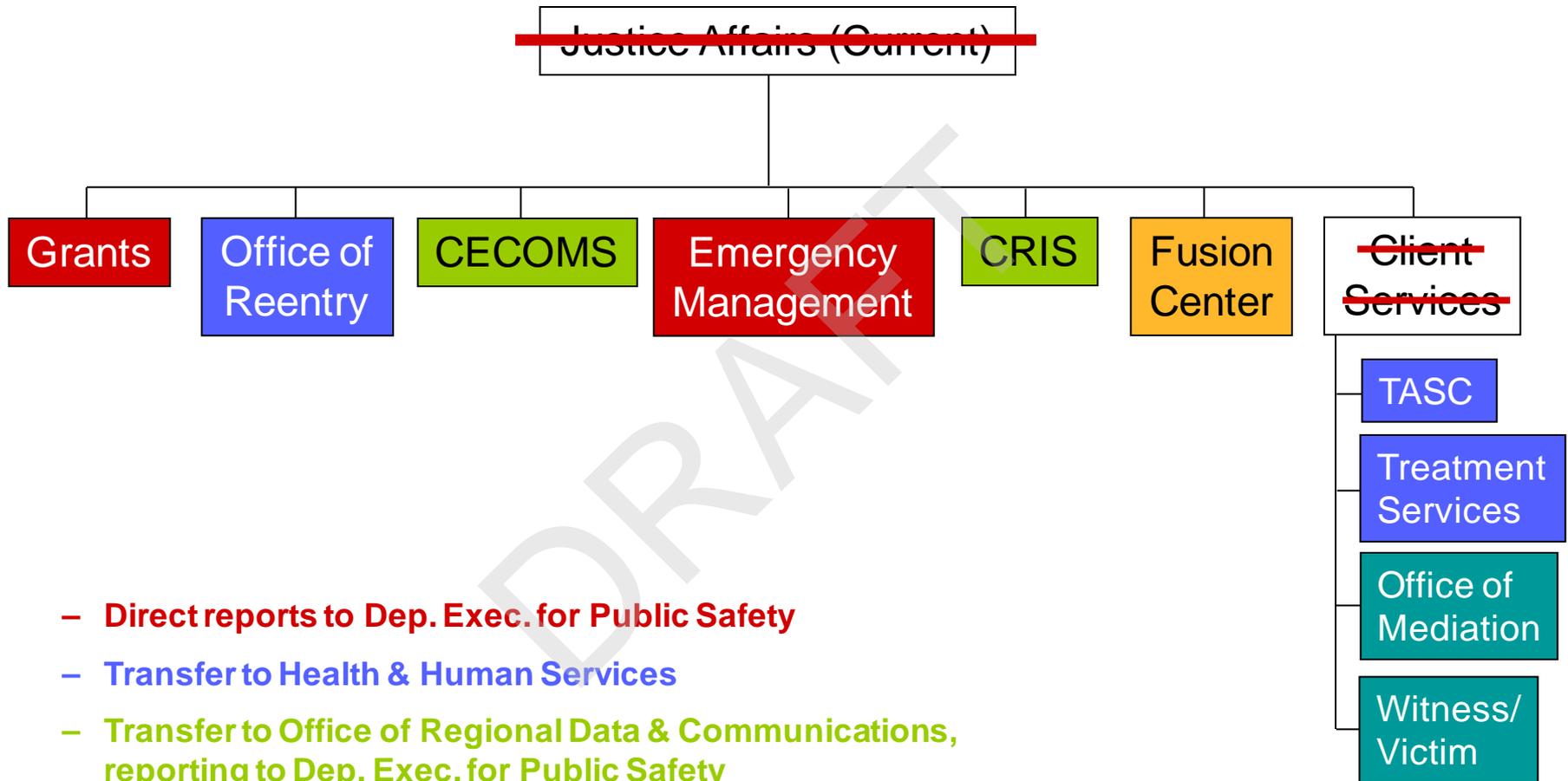
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- **Direct reports to Dep. Exec. for Public Safety**
- **Transfer to Health & Human Services**
- **Transfer to Office of Regional Data & Communications, reporting to Dep. Exec. for Public Safety**
- **Transfer to Sheriff, reporting to Dep. Exec. for Public Safety**



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- **Direct reports to Dep. Exec. for Public Safety**
- **Transfer to Health & Human Services**
- **Transfer to Office of Regional Data & Communications, reporting to Dep. Exec. for Public Safety**
- **Transfer to Sheriff, reporting to Dep. Exec. for Public Safety**
- **Transfer to Law Director**



Justice Services Work Group

Miscellaneous Other Recommendations

- Independence of Medical Examiner
- Independence and ultimate transfer of Clerk of Courts
- Operations of Clerk of Courts and of Courts
- Review of function of Law Library
- Coordination of computerized legal research



RECOMMENDATIONS OF
THE JUSTICE SERVICES WORKGROUP
OF THE CUYAHOGA COUNTY CHARTER TRANSITION

DRAFT

Honorable Larry A. Jones, Jr.
David A. Kutik
Co-Chairs

TABLE OF CONTENTS

<u>Rec. No.</u>	<u>Recommendation</u>	<u>Page</u>
1	The County should establish an Inspector General to prevent and investigate fraud, waste and abuse in county government. The Inspector General should report to the County Executive.	1
2	The Director of Law should advise and represent the County Executive, all departments appointed or administered by the County Executive and the County Council. The Director of Law should directly report to the County Executive and oversee an office organized to respond to critical content areas.	4
3	There should be a Deputy County Executive for Public Safety who reports directly to the County Executive.	7
4	The County Council should adopt legislation to ensure the independence of the Medical Examiner.	12
5	The County should continue the currently contemplated transfer of the Victim/Witness, Reentry, Treatment Alternative (TASC) and Family Justice Center programs currently administered by the Department of Justice Affairs to other areas of County government. Additionally, the County should transfer the Office of Reentry from Justice Affairs to Health & Human Services.	15
6	The Clerk of Courts should report directly to the County Executive and the County Executive should seek the advice of the Presiding Judges of the courts served by the Clerk (the Common Pleas Court General Division, the Domestic Relations Court and the Eighth Judicial District Court of Appeals) in making the appointment. Additionally, upon the two-year Charter review, the Charter Review Commission should consider an amendment to shift appointment of the Clerk of Courts to the Presiding Judges of the courts served by the Clerk.	17

An additional longer term structural recommendation is for the County to discuss with the Juvenile and Probate Courts the consolidation of the functions of the clerks from those Courts with the Clerk of Court.

Functionally, the Clerk of Courts office should attempt to collect fines and court costs initially, but pursuit of longer term delinquent accounts is not a function best suited or positioned within the Clerk's office. A centralized entity – potentially within the Fiscal Officer's responsibility – is best suited to collect long term delinquent fines and fees.

7	The JSRI should continue.	20
8	The County should encourage cooperation and coordination among the Clerk of Courts, the Courts, and the Sheriff's office to enable individuals to be released on bonds during non-regular business hours.	22
9	As part of the first Charter review process, the Charter Review Commission should consider an amendment to remove the Prosecutor from the Budget Review Commission	24
10	Electronic filing should be encourage within the court systems	26
11	The County should study consolidating the purchase of computerized legal research.	28
12	The County should study the function of the Law Library to determine what unique function may be served by the Library. Redundant functions between the Library and other parts of county government should be identified and eliminated.	30
13	The consolidation of the City and County jails should continue to be explored.	32

Charter Transition Justice Services Work Group Recommendations

Work Group:	Justices Services Work Group
Recommendation Number:	1
Area of Focus/Subject:	Creation of new office of Inspector General
Recommendation:	The County should establish an Inspector General to prevent and investigate fraud, waste and abuse in county government. The Inspector General should report to the County Executive.
Department(s) affected by recommendation:	Office of Budget and Management (creation of funding source and budget for Office)
Total cost reduction or required investment for recommendation:	While there will be additional costs associated with the establishment of the Inspector General, those costs should be more than recouped through prevented loss, reduced waste and civil recovery.

Issue Synopsis

The Work Group explored models and best practices related to the creation of a unit within County government that would focus on waste, fraud and abuse. The Work Group reviewed several state and local governments throughout the United States that have units that focus on waste, fraud and abuse issues. For example, in Ohio, the state Office of Inspector General “investigates fraud, waste, abuse, and corruption within the executive branch of state government.” The Ohio Inspector General issues reports to the Governor and affected agencies with recommendations for reform and where appropriate makes referrals related to criminal activities uncovered to the appropriate law enforcement agency.

The Work Group found that there is a significant tension between accountability and independence in the structure of inspectors general offices. On the one hand, Inspectors General need to be independent to be effective at what they do: the need for independence was one reason that federal inspectors general under the Inspector General Act are presidential appointees rather than appointees of the heads of the agency or department that they oversee. On the other hand, the result of independence is that it is harder to hold Inspectors General accountable for desired results, especially management reform. Further, an overzealous Inspector General (e.g., one focused mostly on trivial issues) may hamper management through paralysis borne by a fear of potential unwarranted review and scrutiny.

This work is a product of the Cuyahoga County Charter Transition Process and represents a recommendation for consideration developed by a team of volunteer citizens in support of the new charter government.

Nevertheless, the benefits of a well functioning Office of Inspector General provide a worthy use of County resources that will result in cost avoidance and savings many times the cost of the Office.

Alternatives Considered

The Work Group considered whether an Inspector General would be redundant in light of the functions of the County Internal Audit, Prosecutor and Sheriff functions. The Work Group concluded that the Inspector General's role is different than all of the aforementioned offices and will be a net benefit to the County.

Recommendation

The County should establish an Inspector General to prevent and investigate fraud, waste and abuse in county government. The Inspector General should have significant independence. This is best achieved by having the Inspector General report directly to the County Executive. The Inspector General would be expected to work closely with the Director of Internal Audit, the Sheriff and with outside law enforcement agencies and the Prosecutor. While creation of an Inspector General will incur an initial cost, it is anticipated that, within a short time, the Inspector General's office will be self-sufficient and budget neutral. A properly functioning Inspector General will ensure government services are provided on time and on budget. The goal of the Inspector General is to deter illegal actions and block opportunities to engage in such actions. Two principal means of reducing the risk of victimization and increasing the likelihood of desired agency results are: (1) deterrence; and (2) opportunity blocking. Deterrence would be achieved through successful investigation, referral and prosecution of criminal cases and a strong focus on civil recovery where there is evidence that a County entity has been victimized.

The Inspector General should coexist with the Internal Audit, Sheriff and Prosecutor. It need not duplicate the functions of those offices. The County should look as a model to the relationships and division of responsibilities among the Ohio Inspector General, the Auditor, the State Attorney General and the Ohio Highway Patrol and other law enforcement agencies.

The individual serving as Inspector General should possess: 1) an ability to understand, analyze, investigate financial data; and 2) preferably have a law enforcement background. The Inspector General should have the skills to be able to conduct multiple simultaneous sophisticated investigations.

Implications

Budgetary	<ul style="list-style-type: none"> • While the initial creation of an Inspector General will cost the County money, the office will likely pay for itself several times over in a short amount of time and be self sufficient. • Deterrence, reduced waste, and civil recovery should help save fiscal resources. • Long-term budget-neutral or net positive for budget.
Structural	Addition to County government. Compliments and pursues different functional

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	areas than Sheriff, Prosecutor, or Auditor.
Day One Issues	Name IG and staff office.
Short Term Issues	Determine division of responsibilities and working relationships among the Inspector General, Internal Auditor, Prosecutor, Sheriff and other law enforcement agencies.
Long Term Issues	Ensure self-sufficiency of Office.
Stakeholder Issues	The Sheriff, Prosecutor and Auditor should be properly informed of the new role of the Inspector General. Clear delineations of responsibility and lines of communication and cooperation should be identified.

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Charter Transition Work Group Recommendation

Work Group:	Justices Services Work Group
Recommendation Number:	2
Area of Focus/Subject:	Role and Responsibilities of the Director of Law
Recommendation:	<p>The Director of Law should advise and represent the County Executive, all departments appointed or administered by the County Executive and the County Council.</p> <p>The Director of Law should directly report to the County Executive and oversee an office organized to respond to critical content areas (described below).</p>
Department(s) affected by recommendation:	Director of Law, Prosecutor, Executive Departments and Offices
Total cost reduction or required investment for recommendation:	This recommendation will require additional FTEs and associated costs.

Issue Synopsis

The Charter dictates that the Director of Law “shall be the legal advisor to and representative of the County Executive and County Council.” The Work Group reviewed the role of the Director of Law in Summit County to determine the best use of this position to benefit the County Executive’s ability to lead Cuyahoga County government. The Work Group explored the various reporting structures for the Director of Law and the necessary employees for that office.

Alternatives Considered

The Work Group reviewed a limited role for the Director of Law, but did not feel a limited role was neither proposed by the Charter nor advisable and in the best interest to conduct the necessary business of County government.

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Recommendation

The Charter provides that the Director of Law shall provide advice and representation to the County Executive and the County Council. These duties necessarily include not only providing legal advice but also representing these entities in court or other forums. Because the Charter provides that these responsibilities should be provided to the Executive, it necessarily follows that these responsibilities should be provided by the Director of Law to those parts of County government which the Executive appoints or is otherwise responsible for administering.

The Charter contains a potential ambiguity relating to the respective responsibilities of the Director of Law and the Prosecutor. As noted, the Charter states that the Law Director will provide advice and representation to the County Executive and County Council. The Charter also says that the Prosecutor shall have responsibilities as provided under Ohio law. The Ohio Revised Code provides that the Prosecutor should act as legal counsel to the County and public officials. Under well recognized rules of statutory construction, any conflict in the delineation of responsibilities between the Law Director and the Prosecutor should favor construing the specific description of the Law Director's duties to take precedence over the general description of the Prosecutor. Thus, the Work Group recommends that the Director of Law should represent the County Executive and the parts of county government appointed by the Executive and for which the Executive is appointed or is otherwise responsible for administering. For the same entities, the Work Group recommends that the Director of Law also have sole responsibility for providing advice and representation in court. If the Director of Law is providing advice and support to County Executive, then all agencies/offices reporting to County Executive should receive advice and representation from the Director of Law. The Work Group also believes that the creation of a strong County Executive by the Charter and the denomination of a Law Director to serve the Executive favors providing the Executive with a Law Director with the broadest possible responsibilities.

The Director of Law should report directly to the County Executive. The Law Director should staff an office that possesses the necessary expertise to respond to the legal needs of the Executive and Council. The Law Director should employ counsel or managers having the following expertise:

- legislation (primarily jointly working with the Executive and Council);
- financial, government bonds and economic development (working with the Department of Development, the Internal Auditor, the Inspector General and procurement offices);
- real estate and environmental law;
- human resources (working with the Department of Human Resources);
- civil litigation (responsible for prosecuting and defending all claims against the Executive, his or her reports and departments and the County Council);
- public safety and law enforcement (working with the Deputy Executive for Public Safety and his or her reports); and
- former Justice Affairs programs (at least temporary) housed with the Legal Department.

Based upon review of Summit County's Law Director's office, the Work Group suggests an initial budget of at least \$700,000 with 7 professional FTEs. The representation of Boards and Commissions appointed by County Executive should be a matter of negotiation between the County Executive and the Prosecutor.

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Implications

Budgetary	<ul style="list-style-type: none"> • Cost of \$700,000. • Some of the \$700,000 cost may already exist in Prosecutor's budget regarding civil advice and representation to the County and its officers.
Structural	Director of Law reports to County Executive and represents County Executive (and those entities for which the Executive has administrative responsibility) and County Council.
Day One Issues	<p>Appointment of the Law Director and the staff of the Legal Department.</p> <p>The Executive, the Law Director and the Prosecutor should work to determine who represents Boards and Commissions appointed by County Executive.</p> <p>The Law Director and the Prosecutor should review work within the Prosecutor's office as of the end of 2010 and coordinate the transition of that work to the Law Director.</p>
Long Term Issues	-
Stakeholder Issues	The Prosecutor may not agree with the Work Group's recommendation and could pursue legal review.

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Charter Transition Justice Services Work Group Recommendations

Work Group:	Justice Services
Recommendation Number:	3
Area of Focus/Subject:	Structural alignment of government
Recommendation:	There should be a Deputy County Executive for Public Safety who reports directly to the County Executive.
Department(s) affected by recommendation:	Offices of: Sheriff, Emergency Management Services, Regional Communications, Justice Administration, Medical Examiner
Total cost reduction or required investment for recommendation:	This recommendation will streamline some duplicative functions and reduce costs.

Issue Synopsis

With former elected offices becoming appointed positions within the executive branch, there is a need to address the number of direct reports generally and for law enforcement and public safety specifically to the County Executive. The structure of the new county government (and law enforcement and public safety in particular) must be organized in such a way to maximize efficiencies through coordination while minimizing the number of potential direct reports to the Executive. The Work Group's recommendation aims to avoid a common pitfall in organizations that have too many direct reports to an executive, which does not allow the executive to function optimally because the executive gets tied down with management functions and "in the weeds" detail.

The Work Group considered various models used by other counties across the country. The overwhelming consensus from those other counties is that a deputy executive organizational system represents a "best practice." Assuming that such a system would be adopted for organizing all departments of County government and that deputy executives' responsibilities would be organized programmatically to have related departments reporting to a common deputy executive, the Work Group recommends that there be one direct report to the County Executive for law enforcement and public safety and that this individual should occupy a position entitled, "Deputy County Executive for Public Safety."

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In this model, all public safety and law enforcement related offices or departments would report to the Deputy County Executive, who would, in turn, report to the County Executive. In addition to providing day-to-day oversight and management of, and coordination among certain county departments, the Deputy County Executive for Public Safety would also function as the liaison to other parts of the criminal justice system and county government.

Alternatives Considered

Several different organizational models were considered during the Work Group's review of structural options. Among the options discussed were:

- Creating a new Department of Public Safety. Under a Department of Public Safety, a civilian commissioner or director would oversee all functions related to public safety and law enforcement.
- Consolidating all public safety and justice services functions under the County Sheriff, now to be appointed by the County Executive.
- Creating a Criminal Justice Coordinator. Under this model, departments would retain their independent and direct reporting relationships to the County Executive. However, the County Executive would appoint a Criminal Justice Coordinator that acts as both a "traffic cop" for County law enforcement and public safety departments and a liaison to parts of the criminal justice system that do not report to the Executive – such as local law enforcement, the Prosecutor, the courts and state and federal law enforcement agencies.

Recommendation

The position of Deputy County Executive for Public Safety should be created and should be a direct report to the County Executive. This position would oversee the operations of the County's public safety and law enforcement agencies including the Offices of:

- the Sheriff;
- Emergency Management Services;
- Regional Communications – a separate office from Emergency Management Services, working in cooperation with Emergency Management Services, to include CRIS, CECOMS, LEADS (interoperability);
- Fiscal and Administrative Services for Public Safety - to provide support for all public safety departments, including grant procurement and grant administration; and
- the Medical Examiner.

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The Deputy County Executive organizational model allows the Executive and his or her team to encourage different departments/offices in the same area to coordinate and collaborate. A Deputy County Executive for Public Safety should function as a member of the senior County leadership team. The Executive's team should work together to implement priorities established from the top down; the members of the team – and especially the Deputy Executives – should not act as advocates for their departments. This structure and team approach allows the County Executive to have a better managerial grasp of County government by freeing the Executive from the potentially overwhelming details of managing numerous departments across county government. This also provides a means to eliminate siloed approaches among multiple departments.

Additional benefits of the Deputy County Executive model include:

- *Enhanced opportunities for coordination and collaboration.* Consolidating related services under a single direct report to the County Executive would allow for greater communication, coordination and collaboration among those service providers and their managers.
- *Focus on public safety at County Executive level.* Constituting a significant percentage of the total County budget, public safety and law enforcement are critical concerns throughout the County. A single, direct report to the County Executive would clearly place public safety issues high on the County agenda. The direct report to the County Executive can ensure critical issues receive warranted attention at the County Executive level.
- *Maximization of shared support and administration.* Consolidation and coordination could be accompanied by combining Information Technology, Human Resources, purchasing and other support functions for all public safety and law enforcement offices. Such actions will yield fiscal savings and create enhanced efficiencies within the purview of the Deputy County Executive for Public Safety. Consolidation of these functions, however, may be best accomplished across all of County government.
- *Creation of an appropriate organizational layer between the County Executive and office heads.* An organizational layer between the County Executive and department heads can help focus disparate issues for the County Executive's attention. The separation may allow the County Executive to gain the benefit of advice from an individual with a more global perspective on public safety issues than the individual office heads may have.

The Work Group considered the potential disadvantages to having an organizational level between the County Executive and various office heads. A layer between the County Executive and the office heads could limit the flow of information under the wrong type of Deputy County Executive. It is important that the County Executive choose an adept manager, particularly someone possessing strong communication skills and a knowledge of law enforcement and public safety functions. The Deputy County Executive should act as significant resource to the Executive in managing the day-to-day operations of law enforcement and public safety.

Notwithstanding the presence of an organizational layer between the Executive and office heads, it is anticipated that the Executive, on appropriate discrete occasions, would have direct contact with office heads reporting to the Deputy Executive for Public Safety. For example, the head of Emergency Management Services should act as the lead person in emergency management response. As such, the head of the office should report to Deputy County Executive for Public Safety on a day-to-day basis. In instances of an emergency management event, however, the County Executive and the head of Emergency Management Services should have a direct-line of access and communication. The Work Group recommends that direct line of communication be two-way so that the County Executive is appropriately informed to carry out the necessary function of relaying vital information to the public.

The grant procurement and administration function of the current Department of Justice Affairs provides an important revenue generation capability to fund public safety related programs, facilities and equipment. The Work Group considered whether the County should consolidate all grant functions in one office for all of the County offices. Such a consolidation is not recommended because effective grant procurement requires specific expertise and a close working relationship between the grant seeker/writer and the office that will potentially benefit from the grant. For this reason, the Work Group recommends that the grant function be consolidated regarding public safety related programs only.

Implications

Budgetary	<ul style="list-style-type: none"> • Limited short-term budgetary impact; one Deputy County Executive for Public Safety and an administrative assistant. • Longer-term opportunities to consolidate some functions (mainly back office) within the Deputy County Executive's purview. • Improved budgetary knowledge and management for County Executive. • Ability to better prioritize and effectuate key initiatives. • Maintains expertise from relatively successful (\$9mm annually) public safety grant program.
Structural	Creates a new position that should be replicated across county government. If similar Deputy Executive positions are not created elsewhere, then some consideration should be given to creating a Department of Public Safety with reports similar to those proposed for the Deputy Executive for Public Safety.
Day One Issues	<p>Decision on what structural model of government County Executive will use county-wide; does Deputy County Executive model fit with this model?</p> <p>Appoint Deputy County Executive for Public Safety.</p> <p>Create Office of Finance and Administration for Public Safety. Transfer finance, administrative and grant functions currently housed in the Department of Justice</p>

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	<p>Affairs to this new office.</p> <p>Create Office of Emergency Management Services. Transfer emergency management functions from the Department of Justice Affairs to this office.</p> <p>Create Office of Regional Communication. Transfer CRIS, CECMS and interoperability functions from Department of Justice Affairs to this office.</p>
Short Term Issues	Consolidating administrative and financial functions from the Sheriff and Medical Examiner into the Office of Finance and Administration for Public Safety.
Long Term Issues	<p>Explore if there are any other functions that best fit within the oversight of the Deputy County Executive for Public Safety.</p> <p>Identify opportunities for streamlining and consolidation among offices reporting to the Deputy County Executive for Public Safety.</p>
Stakeholder Issues	<p>The law enforcement and public safety communities will want to know and understand the role of the Deputy County Executive. The formerly elected offices of the Sheriff and Medical Examiner (Coroner) will experience a transition; especially as it relates to not being direct reports to the County Executive. The affected constituencies of the Sheriff's office and Medical Examiner's office will likely want to ensure the mission and services of those offices are not changed.</p> <p>Outreach and open communication to all entities is strongly recommended.</p>

Charter Transition Work Group Recommendation

Work Group:	Justices Services Work Group
Recommendation Number:	4
Area of Focus/Subject:	Medical Examiner
Recommendation:	The County Council should adopt legislation to ensure the independence of the Medical Examiner.
Department(s) affected by recommendation:	Medical Examiner's Office
Total cost reduction or required investment for recommendation:	No costs are associated with this recommendation

Issue Synopsis

During the Work Group's review of the Coroner's Office (which, under the Charter, becomes the Office of the Medical Examiner), the Coroner expressed concern at the notion of reporting to or through a law enforcement agency; specifically, the potential for a conflict where an investigation involves a death of an individual in custody or as a result of a shooting by a law enforcement officer. As such, the Work Group felt it pertinent to review the optimal reporting structure of the Medical Examiner as a newly appointed entity reporting to the County Executive.

A 2009 report by the National Research Council discussed the dual mission of coroners and medical examiners:

First, they serve the criminal justice system as medical detectives by identifying and documenting pathologic findings in suspicious or violent deaths and testifying in courts as expert medical witnesses. Second, as public health officers, they survey for index cases of infection or toxicity that may herald biological or chemical terrorism, identify diseases with epidemic potential, and document injury trends.¹

¹ National Research Council, *Best Practices for Medical Examiners and Coroners Strengthening Forensic Science in the United States: A Path Forward*, National Academies Press (2009).

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The National Research Council report addresses various structural options relevant to the new Cuyahoga County Medical Examiner. According to this report, 43% of the United States is served by an independent medical examiner or coroner, 33% by such offices in public safety or law enforcement departments and 14% by such offices in health departments. According to the National Research Council:

Government reports over the years have recommended that a medical examiner system should be an independent agency or should report to a commission so that it avoids any conflicts of interest and so that it reports directly to the jurisdictional governing body. When this is not possible, incorporation into a health department, instead of into law enforcement agencies, seems to provide the next most compatible location.²

Alternatives Considered

The Work Group considered whether the Medical Examiner should be located within the Department of Health & Human Services. While such a reporting relationship insulates the Medical Examiner from concerns about conflicts arising from having that office reporting to a law enforcement agency, it places the medical professional too far removed from the law enforcement interactions necessary to the mission of that office. Further, having the Medical Examiner report through the Department of Health and Human Services (DHHS) in Cuyahoga County may be problematic because DHHS is not responsible for public health – i.e., the health-related component of the role of the Medical Examiner. The public health function for the County resides in the County’s Department of Health. Under the Ohio Revised Code, that department is responsible to a separate County Board of Health.

Recommendation

The Charter provides that the Medical Examiner shall be appointed by the County Executive. It is vital that the Medical Examiner operate independently and be perceived as operating independently. To assure the requisite independence of this office, the County Council should adopt legislation requiring that termination of the Medical Examiner would require the approval of the County Council.

Implications

Budgetary	<ul style="list-style-type: none"> No impact
Structural	Creates independent Medical Examiner.
Day One Issues	Draft and enact legislation.

² National Research Council

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Long Term Issues	Ensure continued independence of office.
Stakeholder Issues	Law enforcement entities will seek to ensure true impartiality of the Medical Examiner.

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Charter Transition Justice Services Work Group Recommendations

Work Group:	Justice Services
Recommendation Number:	5
Area of Focus/Subject:	Location of reentry services
Recommendation:	<p>The County should continue the currently contemplated transfer of the Victim/Witness, Reentry, Treatment Alternative (TASC) and Family Justice Center programs currently administered by the Department of Justice Affairs to other areas of County government.</p> <p>Additionally, the County should transfer the Office of Reentry from Justice Affairs to Health & Human Services.</p>
Department(s) affected by recommendation:	Justice Affairs, Health & Human Services, Human Resources, Office of Budget and Management
Total cost reduction or required investment for recommendation:	There is not a significant cost or savings associated with this recommendation per se. However certain programs, and especially reentry, have shown an ability to reduce recidivism and thus provide potential long term savings for the County.

Issue Synopsis

The Department of Justice Affairs is already in the process of transferring TASC and Treatment Services functions from the Department of Justice Affairs to the Department of Health & Human Services. The Work Group reviewed the Office of Reentry's functions as it contemplated the best location to ensure the program's continued success with returning formerly incarcerated individuals productively back into society. The County's long-term ability to reduce the recidivism rate is a significant opportunity to reduce costs in jail expenditures. As such, the Work Group's review of the Office of Reentry aimed to craft recommendations to support and build upon the work in this critical area.

Alternatives Considered

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The Work Group considered whether the Office of Reentry was best located within the current Department of Justice Affairs or under the Work Group's proposed Deputy County Executive for Public Safety, but concluded that the Department of Health & Human Services offers many similar and related programs to the Office of Reentry and is best suited to house the Office.

Recommendation

In addition to the pending transfer TASC and Treatment Services functions from the Department of Justice Affairs to other areas of County government, the Work Group recommends moving the Office of Reentry to the Department of Health and Human Services. The Office of Reentry is already funded through the Health and Human Services levy and many of the services provided through the program (e.g., job training) are similar to those provided by the Department of Health and Human Services. Opportunities to build upon existing resources from the Office of Reentry Services and the Department of Health & Human Services may provide efficiencies that help each realize their missions more effectively and with less costs.

A significant portion of reentry is integration back to the community and to family and other support structures. The Department of Health & Human Services, with the addition of the Office of Reentry, will be able to assist and connect individuals and families to create the supportive structures needed to assist in reducing the risks for recidivism. With a unified approach and integrated efforts, the Office of Reentry should best be situated within the Department of Health & Human Services.

Certain programs currently housed within the Department of Justice Affairs, but not contemplated for transfer prior to January 1, 2011 or as recommended otherwise by the Work Group (e.g. victim/witness, family justice, mediation) should be located, at least on a temporary basis, within the Office of the Director of Law. In the short-term, the Law Director is recommended as the best location for these critical programs because the programs have some nexus to the justice system and because the Law Director's office offers the best opportunity to insure the continued emphasis and support of these programs through their proximity to the County Executive. The long-term location of such programs should be coordinated by the Law Director in cooperation and coordination with the Deputy County Executive for Public Safety and the Deputy County Executive for Health & Human Services, if the latter two positions are appointed.

Implications

Budgetary	<ul style="list-style-type: none"> There is no significant budget cost or savings associated with this recommendation per se. Certain programs however, have potential to produce long term savings.
Structural	Moves the Office of Reentry from the Department of Justice Affairs to the Department of Health & Human Services. Moves other Justice Affairs programs (not covered by other recommendations) to the Law Director.
Day One Issues	Transfer reentry to the Department of Health & Human Services. Transfer other justice Affairs programs to the Law Director.

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Long Term Issues	Determine permanent location for certain current Justice Affairs programs.
Stakeholder Issues	Service providers will seek to ensure that the move will not affect their contracts.

Charter Transition Work Group Recommendation

Work Group:	Justices Services Work Group
Recommendation Number:	6
Area of Focus/Subject:	Clerk of Courts
Recommendation:	<p>The Clerk of Courts should report directly to the County Executive and the County Executive should seek the advice of the Presiding Judges of the courts served by the Clerk (the Common Pleas Court General Division, the Domestic Relations Court and the Eighth Judicial District Court of Appeals) in making the appointment. Additionally, upon the two-year Charter review, the Charter Review Commission should consider an amendment to shift appointment of the Clerk of Courts to the Presiding Judges of the courts served by the Clerk.</p> <p>An additional longer term structural recommendation is for the County to discuss with the Juvenile and Probate Courts the consolidation of the functions of the clerks from those Courts with the Clerk of Court.</p> <p>Functionally, the Clerk of Courts office should attempt to collect fines and court costs initially, but pursuit of longer term delinquent accounts is not a function best suited or positioned within the Clerk's office. A centralized entity – potentially within the Fiscal Officer's</p>

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	responsibility – is best suited to collect long term delinquent fines and fees.
Department(s) affected by recommendation:	Clerk of Court
Total cost reduction or required investment for recommendation:	No costs are associated with this recommendation.

Issue Synopsis

The Charter calls for the Clerk of Courts to change from being an elected office to an office appointed by the County Executive. The Charter also transfers certain functions from the Clerk’s office to the Fiscal Officer. Because the newly reconstituted Clerk will only be responsible for serving three courts – the Common Pleas Court General Division, the Domestic Relations Court and the Eighth Judicial District Court of Appeals – and no other part of County government, the current structure creates an unnecessary potential conflict for the Clerk between that office’s reporting responsibilities to the Executive and the Clerk’s service responsibilities to the Courts. Accordingly, the Work Group reviewed to whom the Clerk of Courts should report and best practices among comparable counties.

The Clerk’s functions remain important to the proper functioning of the justice system. Process management and collection of fees and fines are fundamental needs for a well-functioning justice system. The collection of fines and fees is more than just a revenue activity; to the extent that fines are used as a form of punishment, collection of those fines goes directly to the County’s role in the proper delivery of justice. Similarly, errors in processing or paperwork can lead to court delays. These functions should remain accountable to some part of the justice system – whether within the County government or to the courts.

Alternatives Considered

The Charter transfers some of the functions of the Clerk of Courts to the Fiscal Officer. Rather than dividing the functions of the Clerk’s office, an alternative would be to consolidate the Clerk with the Recorder’s office and other administrative supports and functions reporting to the Fiscal Officer.

Recommendation

From a structural standpoint, the Work Group recommends that: (1) the Clerk of Courts should report directly to the County Executive; and (2) in making the appointment of the Clerk, the County Executive should seek the advice of the Presiding Judges of the Courts that the Clerk serves prior to making an appointment. Additionally, upon the two-year Charter review, the Charter Review Commission should consider an amendment to shift appointment of the Clerk of Courts to the Presiding Judges of the courts

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served by the Clerk. The Clerk of Courts serves to meet the needs of the Courts and the current Charter creates an unnecessary potential conflict between the Executive and Judicial branches of County government.

An additional structural recommendation is for the County to discuss with the Juvenile and Probate Courts consolidating the clerks of those courts with the Clerk of Courts. Currently, pursuant to the Ohio Revised Code, the Juvenile Court and Probate Court each retains separate clerks. The County and these courts should study whether the two clerk positions in those courts should be consolidated with the Clerk of Courts to improve efficiency and realize savings. State legislation would be needed to consolidate the clerks.

Functionally, the Clerk of Courts office should undertake an initial effort to collect fines and court costs, but pursuit of delinquent accounts is not a function best suited or positioned within the Clerk's office. A centralized entity – potentially within the Fiscal Officer's responsibility – is best suited to collect delinquent fines and fees. A centralized entity is likely to be better positioned to address fine and fee collection which is an important fiscal and justice issue.

Implications

Budgetary	<ul style="list-style-type: none"> • To the extent fine and fee collection are enhanced, additional revenues will result. • Consolidation of clerks of the Juvenile and Probate Courts with the Clerk of Courts will yield savings.
Structural	Creates a direct report by the Clerk of Courts to the County Executive and recommends appointment of the Clerk of Court be reviewed during the Charter Review process.
Day One Issues	the Clerk should be appointed in consultation with the Presiding Judges of the Common Pleas Court General Division, the Domestic Relations Court and the Eighth Judicial District Court of Appeals.
Long Term Issues	<p>During the Charter review, the Charter should be revised to allow the Presiding Judges to select and appoint the Clerk of Courts.</p> <p>Enhanced fine and fee collection maintained to yield fiscal and justice benefits.</p> <p>State legislation allowing the consolidation of Juvenile and Probate Court clerks.</p>
Stakeholder Issues	Transfer of any functions from the Clerk's office to another entity will necessitate personnel and labor relations review and consultation.

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Charter Transition Work Group Recommendation

Work Group:	Justices Services Work Group
Recommendation Number:	7
Area of Focus/Subject:	Justice Service Reform Initiative (JSRI)
Recommendation:	The JSRI should continue.
Department(s) affected by recommendation:	Law Director, Justice Affairs, Clerk of Courts, Medical Examiner, Public Defender, Prosecutor
Total cost reduction or required investment for recommendation:	No costs or savings are associated with this recommendation per se. However, the JSRI has already achieved efficiencies in the justice system and it is expected to continue that process. Thus, JSRI will result in long term savings.

Issue Synopsis

The Justice System Reform Initiative (JSRI)³ has served as an important coordinating entity among the various elected and appointed entities that interact with the county's justice system. While the JSRI does not have its own budget, it does receive funds from various county departments and agencies/offices.

The JSRI has led efforts that yielded tangible savings and efficiencies through coordination of services, elimination of duplicative services and efforts, and "corralling" disparate efforts toward a more unified and directed end. The JSRI has no formal authority, but it has served a critical clearinghouse and broader organizational coordination role that must to continue.

Alternatives Considered

The Work Group reviewed the functions of a Criminal Justice System Coordinator serving in another jurisdiction. The Work Group believed that, in that case, the success of the Coordinator was based more on the skill and abilities of the individual, rather than the existence and responsibilities of the position.

³ The JSRI is a current initiative with the participation of the following, among others: the County Commissioners; the Cleveland Chief of Police; the Prosecutor; the Coroner; the Cleveland Law Director; the Presiding Judges of the Common Pleas Court General Division, the Juvenile Court and Cleveland Municipal Court; the Public Defender; and the Sheriff.

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Further, the JSRI has been a successful and continuing effort. The JSRI should not be replaced. Its continuation should be encouraged.

Recommendation

JSRI has been successful at initial efforts at coordination, leading to budgetary savings for the County and improvements in the criminal justice system. The JSRI coordinator should report to the Law Director.

Implications

Budgetary	<ul style="list-style-type: none"> Any funding to JSRI will be relatively minor and will likely be offset, if not surpassed, by savings and alternative funding sources identified from its existence.
Structural	The JSRI coordinate or should report to the Law Director.
Day One Issues	-
Short Term Issues	The JSRI operates under a Memorandum of Understanding (MOU) among the agencies participating in that initiative. The MOU should be reviewed to see if the Charter's realignment of offices affects the MOU.
Long Term Issues	Ensure increasing coordination and cooperation in justice system reform
Stakeholder Issues	All parties to the JSRI are currently involved in the process. A strong, more centralized role for the JSRI will necessitate ensuring all parties, in the Executive and Judicial branches, remain involved and engaged.

Charter Transition Work Group Recommendation

Work Group:	Justices Services Work Group
Recommendation Number:	8
Area of Focus/Subject:	Non-regular business hour bonds
Recommendation:	The County should encourage cooperation and coordination among the Clerk of Courts, the Courts, and the Sheriff's office to enable individuals to be released on bonds during non-regular business hours.
Department(s) affected by recommendation:	Sheriff's Office, Clerk of Courts, the Courts
Total cost reduction or required investment for recommendation:	Further analysis would be required to estimate costs and potential savings.

Issue Synopsis

Currently, Cuyahoga County cannot and does not allow individuals to be released on bonds during non-regular business hours. This could lead to greater than necessary jail costs, due to increased need for jail beds. Individuals who are eligible to post bond, but who can't do so during "regular" business hours, must spend additional time in jail. The costs associated with housing individuals who would not otherwise be in jail but for the inaccessibility of bonds during non-business hours likely leads to higher jail costs.

Alternatives Considered

The Work Group studied the reasons why the County cannot currently release individuals on bonds during non-business hours. Both the Clerk's office and the Sheriff would require to staff positions during non-business hours.

Recommendation

The County should encourage cooperation and coordination among the Clerk of Courts, the Courts and the Sheriff to enable individuals to be released on bonds during non-regular business hours. The lack of round-the-clock availability of release on bonds may lead to greater than necessary jail costs, due to increased need for jail beds.

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There may be some savings of “housing costs” by having people not in jail if the recommended non-business hour bond availability is adopted.

Implications

Budgetary	<ul style="list-style-type: none"> Savings of jail bed cost for each day a defendant does not spend in prison for a bond-eligible offense.
Structural	N/A
Day One Issues	N/A
Long Term Issues	Coordination between Courts, Sheriff, Clerk of Court to create availability of bond-release during non-regular business hours.
Stakeholder Issues	

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Charter Transition Work Group Recommendation

Work Group:	Justices Services Work Group
Recommendation Number:	9
Area of Focus/Subject:	Budget Review Commission
Recommendation:	As part of the first Charter review process, the Charter Review Commission should consider an amendment to remove the Prosecutor from the Budget Review Commission
Department(s) affected by recommendation:	Prosecutor
Total cost reduction or required investment for recommendation:	No costs are associated with this recommendation

Issue Synopsis

Currently, the Charter calls for the Prosecutor to sit on the Budget Review Commission. The Budget Review Commission has the power to exercise all powers and perform all duties of a county budget commission.

Alternatives Considered

The current composition of the Budget Review Commission provides a potential conflict of interest between the Prosecutor and other offices funded by the County; e.g., the courts and the Public Defender. As a result, the Work Group did not consider leaving the potential conflict without recommendation.

Recommendation

The presence of the Prosecutor on the Budget Review Commission creates a conflict of interest. Because the Prosecutor could have influence over the funding of the Public Defender and the Courts, entities with distinct and different roles in the justice system than those performed by the Prosecutor's office. To resolve this conflict, the Prosecutor should be removed from the Commission.

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If the Commission needs legal advice or counsel relating to or during the budget process, the Law Director is the most appropriate party to provide such advice or counsel.

Implications

Budgetary	<ul style="list-style-type: none">• No savings or costs result from this recommendation
Structural	Contemplates the removal of the Prosecutor from the Budget Review Commission.
Day One Issues	-
Long Term Issues	-
Stakeholder Issues	The Prosecutor may not be inclined to yield the seat on the Commission.

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Charter Transition Work Group Recommendation

Work Group:	Justices Services Work Group
Recommendation Number:	10
Area of Focus/Subject:	
Recommendation:	Electronic filing should be encourage within the court systems
Department(s) affected by recommendation:	Clerk of Courts, the Courts
Total cost reduction or required investment for recommendation:	

Issue Synopsis

There is a growing trend in many courts to utilize electronic filing of documents to create efficiencies in operation, provide better access and service for those having business with the courts, and reduce consumption of paper. Cuyahoga County is beginning to review such utilization, but has not yet implemented the use of electronic filing.

Alternatives Considered

The Work Group does not support continuing with a system that relies exclusively on paper filing.

Recommendation

For efficiency and fiscal savings and for better access to the courts, electronic filing should be encouraged within the courts in the County. Electronic filing is already in place in the federal courts and in some state court agencies (e.g., Public Utilities Commission). To the extent the courts are already working toward this goal, the County (specifically, the Clerk of Courts) should work with the courts and should map a plan of action to realize the goal.

Implications

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Budgetary	<ul style="list-style-type: none"> • Electronic filing will require some upfront costs for software, hardware, and personnel. • Long-term costs will be reduced through increased efficiency, reduced consumption of paper, and a less personnel-intense operation
Structural	-
Day One Issues	-
Long Term Issues	-
Stakeholder Issues	The Judicial branch must coordinate with the Executive (and Clerk of Courts) to realize electronic filing capabilities resulting in optimized services and cost savings.

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Charter Transition Work Group Recommendation

Work Group:	Justices Services Work Group
Recommendation Number:	11
Area of Focus/Subject:	Computerized legal research
Recommendation:	The County should study consolidating the purchase of computerized legal research.
Department(s) affected by recommendation:	Prosecutor, Public Defender, Director of Law, Justice Affairs, Courts, Office of Budget and Management, Fiscal Officer, IT, Procurement
Total cost reduction or required investment for recommendation:	If legal research contracts are consolidated, the County would realize savings.

Issue Synopsis

Currently, the Prosecutor, the Public Defender, the courts and the Law Library have separate and separately negotiated contracts for computerized legal research.

Alternatives Considered

The Work Group's suggested review of consolidation of legal research contracts does not maintain that it is the only option, but suggests it is worth of significant discourse among affected entities.

Recommendation

The County should study consolidating the purchase of computerized legal research. The Prosecutor, Public Defender, the Courts, and the Law Library have separate contracts and separately negotiated contracts for computerized legal research. The County should consider consolidating these purchased to leverage greater purchasing powers from a combined user base.

Implications

Budgetary	<ul style="list-style-type: none"> A consolidated contract for computerize legal research would likely yield
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	savings for the County.
Structural	Transfer and consolidation of fiscal management/contracts under Deputy County Executive for Public Safety.
Short Term Issues	The Law Director or a centralized purchasing office should determine when individual contracts expire.
Long Term Issues	There may be issues involving integration, e.g.: <ul style="list-style-type: none"> • is technology in place to allow software to work across affected departments, offices, and entities? • what entity will be responsible for the contract and IT maintenance on the product?
Stakeholder Issues	Individual entities may seek to maintain individual contracts.

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Charter Transition Work Group Recommendation

Work Group:	Justices Services Work Group
Recommendation Number:	12
Area of Focus/Subject:	Law Library
Recommendation:	The County should study the function of the Law Library to determine what unique function may be served by the Library. Redundant functions between the Library and other parts of county government should be identified and eliminated.
Department(s) affected by recommendation:	Law Library, Director of Law, Prosecutor, Courts
Total cost reduction or required investment for recommendation:	Small savings may be realized if redundancies exist among the Library and other law-related county offices.

Issue Synopsis

The County should study the functions that the Library may provide to add necessary value to the county's legal and justice programs. With the prevalence of computerized legal databases, it is unclear what functions should continue to be served by the Law Library. It appears that redundancies may exist among the Library and other law-related county offices. The ability to maintain funding of the Library to sustain its current services is also an issue.

Alternatives Considered

The Work Group did not consider alternate models of the Law Library's provision of services.

Recommendation

The proper future role of services that can best be provided by the Library should be determined. Redundancies should be identified and consideration given to whether and how to eliminate them.

Implications

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Budgetary	<ul style="list-style-type: none"> • Potential savings if redundancies in services exist
Structural	
Day One Issues	-
Long Term Issues	Study and enact proper functions necessary for Law Library
Stakeholder Issues	Users (including the public) may have a vested interest in the services offered by the Law Library

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Charter Transition Work Group Recommendation

Work Group:	Justices Services Work Group
Recommendation Number:	13
Area of Focus/Subject:	Consolidation of County and City jails
Recommendation:	The consolidation of the City and County jails should continue to be explored.
Department(s) affected by recommendation:	Sheriff's Office, Office of Budget and Management
Total cost reduction or required investment for recommendation:	The County would incur some additional associated costs.

Issue Synopsis

While consolidation would eliminate the cost of the Division of Correction to the City of Cleveland, the actual cost to the County may be less than what the City is currently paying. In addition to efficiencies resulting from consolidation that would accrue to the County, the current per inmate per day cost to the County appears to be significantly less than it is for the City.

Alternatives Considered

Cleveland could continue to operate its own jail; however, the costs and inefficiency to the system do not benefit the County and may actually yield a drag to the County's costs as it relates to efficiencies in the system.

Recommendation

Consideration of the consolidation of the City and County jails should continue.

Implications

Budgetary	<ul style="list-style-type: none"> • Ongoing cost increase to absorb City system
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Structural	Merge City and County systems
Day One Issues	-
Long Term Issues	Gain efficiencies to justice system and county jail operations
Stakeholder Issues	Budget concerns and City interest are critical to exploring any such merger. Staffing needs, policies, and costs are important to fully understand prior to effectuating any consolidation.

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