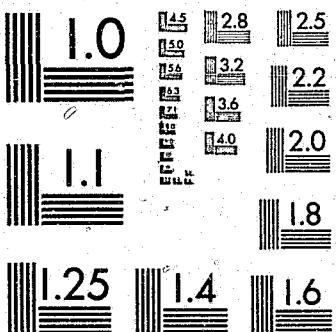


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GOVERNOR'S OFFICE OF CRIMINAL JUSTICE SERVICES

AN OVERVIEW OF CRIMINAL JUSTICE
IN OHIO:
OFFENDER BASED
TRANSACTIONAL STATISTICS

9640Q

State of Ohio
Richard F. Celeste/Governor
Michael J. Stringer/Director

96402

**U.S. Department of Justice
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**AN OVERVIEW OF CRIMINAL JUSTICE
IN OHIO:
OFFENDER BASED
TRANSACTIONAL STATISTICS**

GOVERNOR'S OFFICE OF CRIMINAL JUSTICE SERVICES

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October, 1984

INTRODUCTION

A person arrested for a major crime in Ohio stands at the beginning of a road that is lined with a bewildering array of possibilities. Those possibilities constitute the criminal justice system in this state. If it seems confusing to one just entering it as a defendant who will ultimately take only one route through it, how much more problematic is it for someone trying to understand the entire case flow through the system--to cover all of those routes?

The challenge of this latter task fell to the Governor's Office of Criminal Justice Services (GOCJS). The tool used was a process called Offender-Based Transactional Statistics, or OBTS. For the past two years GOCJS researchers have been involved in a massive OBTS tracking study designed to provide clear, statistical answers to a myriad of questions about Ohio's criminal justice system. This report is a description of that effort.

There were very few short cuts available to GOCJS staff. The only way to measure the practice of criminal justice is to follow the paths of hundreds, even thousands, of cases as they proceed through Ohio's criminal courts, making sure to select cases that would be representative of the system as a whole. In the case of this study some 2,500 major felons from 1982 court dockets were tracked through sixty-one separate criminal courts in twenty-eight counties. To accomplish this task four researchers spent ten months conducting nearly two hundred and fifty site visits in local courts, gathering upwards of fifty-two pieces of information on each offender being tracked, and combing through the records of as many as four separate local agencies to complete the tracking cycles. Between data gathering visits GOCJS researchers invested long hours in revising interpretations of the data categories, creating computer programs and making plans for how best to exploit this rich and unique data base.

The sections in this report are almost exclusively concerned with the structure of, rather than the data from, the OBTS study in Ohio. Subsequent reports will shed sufficient light on the data, but this one will serve as documentation for a project which was, in itself,--even apart from the information it generated--an educational experience.

It is hoped that a wide range of Ohio's criminal justice system actors will benefit from the unique overview and correlating insights resulting from the OBTS study.

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SECTION I:

BACKGROUND TO OHIO'S OFFENDER BASED
TRANSACTIONAL STATISTICS (OBTS) STUDY

Defining OBTS

Offender-Based Transactional Statistics, or OBTS, is the process of tracking offenders as they pass through the criminal justice system, with a special emphasis on the outcomes of key decisions (e.g., arraignment, indictment, sentencing, etc.) made along the way. From another perspective, it answers the question, "What happens to people after they are arrested for major crimes in Ohio?" It is a crucially important means for measuring both quality and efficiency in the administration of justice, especially with regard to such factors as time delays, discriminating factors (e.g., type of offense, type and amount of bond, demographic characteristics of offender), varying practices across different jurisdictions and, ultimately, the degree to which crimes result in conviction and at least some kind of appropriate action regarding the offenders.

Ohio's criminal justice system (CJS), like virtually every other such system in the country, was not established with the goal of overall CJS efficiency as the top priority. Legal rights, the effectiveness of individual components (e.g., police, courts, corrections), cost factors and, in many parts of the system, the electoral process constitute some of the other priorities which compete with "crime-solving" efficiency as legitimate CJS objectives. Hence, while a local police department may consider a case "cleared" with the arrest and charging of an individual, the prosecutor and municipal court judge are thinking in terms of the quality and quantity of evidence, the grand jury in terms of probable cause, the common pleas court in terms of outcome, the appellate court in terms of adherence to legal principles, and the prison system in terms of custody and parole hearing dates.

At any point in this process a decision-making authority can dramatically alter the action of the preceding component. The police department may or may not decide to make an arrest. If they do, the prosecutor may or may not prosecute the case, may or may not change the arrest charges, and may or may not enter into some other kind of plea bargaining. The municipal or county court judge may then dismiss the charges, oversee their reduction to misdemeanor charges and try them in his or her court, or bind them over to the common pleas court for felony trial. The grand jury may or may not hand down an indictment in the case, and may or may not indict on the exact municipal court charges as boundover. If an indictment is forthcoming from the county grand jury the county prosecutor then exercises the same options, with some variations in form, as his counterpart in the municipal court. If, at this point, the case is still alive the common pleas court may then go in any one of several directions including dismissal, reduction of charges to a lesser included offense(s), reduction to a lesser non-included offense(s), the

dropping of certain charges, reduction of felony charges to misdemeanors (then returning the case to municipal court for adjudication), acceptance of various pleas, the provision of jury or bench trials, adjudication and, where appropriate, sentencing. At the appellate level, though not often utilized, the case may yet be dismissed, returned to common pleas court for retrial or, most often, sustained. Even after this point the case may be altered by actions of the Parole Board or the federal judiciary, either of whom may alter the prison sentence lengths prescribed by the common pleas court judge.

This cumbersome scenario is actually an oversimplified sketch of the myriad of possible routes which an individual case can take through the criminal justice system. It should not be surprising to find that there are many points at which cases fall out of the system flow. It should also come as no surprise that tracking criminal cases in order to provide an information overview of this system--a trail that leads through law enforcement, courts, and, occasionally, prosecution records--would prove to be an extraordinarily difficult task. For this reason the researchers of the Governor's Office of Criminal Justice Services (GOCJS) spent many months in planning the execution of this OBTS study, an effort which will now be described in some detail.

History of OBTS in Ohio

Prior to this study the State of Ohio had never made a concerted effort to develop a research-oriented OBTS. There was, however, a tremendous amount of effort and resources invested in the creation of a law enforcement-oriented Computerized Criminal Histories (CCH) program which is under the direction of the State Bureau of Identification and Investigation (BCI&I) of the Attorney General's Office. Information fed into CCH from several hundred field terminals is broken out into "law enforcement" and "judicial" cycles, covering a range of data from arrest date to sentencing disposition. However, because only about half of the criminal courts in Ohio are voluntarily represented in CCH and because the judicial cycles of even many of these are incomplete, CCH cannot be presumed to be statistically representative of criminal case dispositions in Ohio.* Furthermore, the automation of CCH was designed to accommodate law enforcement name identification queries rather than the analytical demands of CJS-wide research.

Prior to the actual beginning of this OBTS study Ohio was able to learn a great deal from the successes and failures of similar efforts in other states. There has been no want of activity in this

* This is by no means an indictment against that program since CCH serves primarily as a law enforcement offender reference service, not an automated OBTS.

regard. A 1981 review of OBTS in the states found that thirty-one were actively engaged in the development of an OBTS, with eleven states indicating that their systems were operational.* These efforts illustrated the wide diversity of approaches to OBTS, using law enforcement, prosecution, courts and corrections as various points at which to capture OBTS data.

Arkansas, more than any other state, provided Ohio with a model for OBTS. Rather than running OBTS via a centralized point through which all data could pass into an automated system, Arkansas chose to make use of interns to track cases through the separate criminal courts. Because of Ohio's earlier noted limitations with using CCH as a base for OBTS the prospect of making use of a field-based sample tracked through local criminal courts appeared as an agreeable alternative.

Chronology for this Study

It would be difficult to pinpoint a single date that signalled the beginning of Ohio's OBTS study. Serious discussions and conceptualizing began during the spring and summer of 1982, but even prior to that time OBTS had become a high research priority within the Office of Criminal Justice Services (now GOCJS). However, the hiring of a research staff member to be specifically assigned to OBTS in November of 1982 is probably a good event for anchoring the front end of the OBTS time chart. It, along with the following list of dates, comprise a rough chronology for the project as well as a good point of reference for much of the other material in this "Background" section.

November, 1982.....	Researcher III hired and assigned to OBTS
November, 1982.....	Review of OBTS in other states
November-December, 1982.....	Beginning of pre-study site visits
November, 1982-	
June, 1983.....	Pre-study communications regarding advice, support and consensus building for project.
January, 1983.....	Began formalizing project methodology
January, 1983.....	OBTS federal grant application submitted
June, 1983.....	Began questionnaire development
June-October, 1983.....	Pretest
July, 1983.....	Federal (BJS) grant cycle begins

* Status of Offender Based Transaction Statistics (OBTS) System Development in the States, Rita Folan: Criminal Justice Statistics Association, Washington, D.C. (1982). p. 5.

September, 1983.....Sample selection
.....Staff assignments made
.....Instrument (questionnaire) sent to Advisory Board
.....Narrative explanation for each variable in questionnaire completed

October, 1983-August 1984.....Data Collection

August, 1984.....Data Entry
.....Computer Program

September, 1984.....First printouts of data

October, 1984.....Final Report

Fall/Winter,
1984-1985.....Analytical reports and promotion of findings

Consensus Building Process

While the need for an OBTS study has been almost universally recognized in Ohio, GOCJS staff was keenly aware of the importance of including a wide range of key CJS decision-makers in the OBTS discussions and preparations. Such contacts began as early as 1980 when a serious dialogue was begun with BCI&I concerning GOCJS use of CCH data, especially with regard to the privacy and security ramifications of such use. Between that time and the summer of 1983 GOCJS made numerous contacts with individuals and agencies seriously interested in OBTS. These contacts took several different forms, some as requests for advice or criticism, some as pleas for support or endorsement, some as academic dialogues concerning the mechanics of the study, some as publicity promotions, some as courtesies. The following listing inventories many, though not all, of these contacts.

- * Bureau of Criminal Identification and Investigation (Superintendents Jack McCormick and, presently, Paul Ferrara)
- Ohio Judicial Conference (Allan Whaling, Executive Director)
- * Ohio Clerks of Court Association (former Chairperson, Barbara Guey)
- Ohio Supreme Court (former Assistant Administrator, Doug Somerlot)
- * Dr. Simon Dinitz, Ohio State University
- Cincinnati Police Department (Jack Leisler, Chief)
- Pickaway County Sheriff's Office (Dwight Radcliff, Sheriff)

Ohio State Highway Patrol (Lt. Liddle and Capt. Prather)

Montgomery County Sheriff's Office (Tom Wilson, Sheriff)

Geauga County Sheriff's Office (Jim Todd, Sheriff)

Fairborn Police Department (Bob Cox, Chief)

* Buckeye State Sheriffs Association (via Law Enforcement Liaison Committee)

* Ohio Association of Chiefs of Police (via Law Enforcement Liaison Committee)

* Department of Rehabilitation and Correction

* Franklin County Prosecuting Attorney

* Ottawa County Prosecuting Attorney

* Logan County Prosecuting Attorney

Columbus-Franklin County Criminal Justice Coordinating Council

DIRECTOR: George W. Scott

Miami Valley Regional Planning Commission
Housing and Human Services Program

Toledo-Lucas County Criminal Justice Regional Planning Unit
DIRECTOR: Gary K. Pence

Summit County Council of Governments
DIRECTOR: Michael J. McGinn

Pennsylvania Statistical Analysis Center

Arkansas Statistical Analysis Center

Federal Bureau of Justice Statistics

* Columbus Police Department (Vance)

* Franklin County Sheriff's Office

* Ohio Council on Higher Education

Ohio Bar Association

Ohio Department of Administrative Services

Pre-Study Visits and Pretesting

In addition to the previously-listed contacts, site visits were conducted in thirty-two locations to ascertain the utility of local court records, talk with local officials and pretest the instrument. These visits began as early as the fall of 1982 and continued for ten months. The following list, then, reflects those field contacts made by GOCJS prior to the actual collection of OBTS data.

Allen County Common Pleas Court
Auglaize County Common Pleas Court
Dayton Municipal Court
Montgomery County Common Pleas Court
Montgomery County Prosecutor's Office
Montgomery County Court Administrator
Kenton Municipal Court
Hardin County Common Pleas Court
Upper Sandusky Municipal Court
Wyandot County Common Pleas Court
Crawford County Municipal Court
Crawford County Common Pleas Court
Crawford County Prosecutor's Office
Franklin County Common Pleas Court
Franklin County Common Pleas Adult Probation Department
Mahoning County Common Pleas Court
Youngstown Municipal Court
Ross County Common Pleas Court
Chillicothe Municipal Court
Port Clinton Municipal Court
Ottawa County Common Pleas Court
Toledo Municipal Court
Lucas County Common Pleas Court
Akron Municipal Court
Summit County Common Pleas Court
Elyria Municipal Court
Lorain County Common Pleas Court
Scioto County Common Pleas Court
Hamilton County Municipal Court
Hamilton County Common Pleas Court
Cuyahoga County Common Pleas Court
Cleveland Municipal Court

Questionnaire Development

The creation of an instrument comprehensive enough to provide for the detailed demands of OBTS data, yet flexible enough to allow for the great differences in recording practices among sixty separate criminal courts in Ohio proved to be the most challenging aspect of the study. Long after the questionnaire was "finalized" in the fall

* denotes field/site visit by GOCJS staff

of 1983 changes were being made in the instrument as GOCJS researchers continued to come upon new potential interpretations of the data categories. Each time such an interpretive adjustment was made the body of existing information had to be adjusted accordingly, a task which sometimes required a return visit to court sites. Candidly, it must be admitted that with some of the more complex variables--such as those relating to bail/bonding and its dizzying number of possibilities--the OBTS instrument never did stretch quite far enough to cover all of the nuances of local judicial practice.

For a comprehensive review of the questionnaire and detailed interpretations of each variable the reader is referred to the "Variable Narrative" section of this report. However, one aspect of the questionnaire development process deserves a more thorough examination here, that being the offense (crime) classification methodology.

Crime Classification Methodology

For the purposes of this study, it was decided to track only those felonies as defined by the Ohio Revised Code that would fall under the crime index offenses as defined by the Federal Bureau of Investigation under the Uniform Crime Reporting Program. Listed below are the 1982 crime index offense definitions used to classify thirty-seven (37) Ohio felonies as crime index offenses.

Offender Based Transaction Statistics Crime Index Offenses* Part I

Murder and Nonnegligent Manslaughter: Murder and nonnegligent manslaughter, as defined in the Uniform Crime Reporting Program, are both willful (nonnegligent) killing of one human being by another. The classification of this offense, as for all other Crime Index offenses, is based solely on police investigation as opposed to the determination of a court, medical examiner, coroner, jury, or other judicial body. Not included in the count for this offense classification are deaths caused by negligence, suicide, or accident; justifiable homicides, which are the killings of felons by law enforcement officers in the line of duty or by private citizens; and attempts to murder or assaults to murder, which are scored as aggravated assaults.

Forcible Rape: Forcible rape, as defined in the Program, is the carnal knowledge of a female forcibly and against her will. Assaults or attempts to commit rape by force or threat of force are also included; however, statutory rape (without force) and other sex offenses are not included in this category.

Robbery: Robbery is taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

* FBI Uniform Crime Report terminology referring to the eight most serious violent and property crimes.

Burglary: The Uniform Crime Reporting Program defines burglary as the unlawful entry into a structure to commit a felony or theft. The use of force to gain entry is not required to classify an offense as burglary. Burglary in this Program is categorized into three subclassifications: forcible entry, unlawful entry where no force is used, and attempted forcible entry.

Aggravated Assault: Aggravated assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Attempts are included since it is not necessary that an injury result when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.

Larceny-Theft: Larceny-theft is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. It includes crimes such as shoplifting, pocket-picking, purse-snatching, thefts from motor vehicles, thefts of motor vehicle parts and accessories, bicycle thefts, etc., in which no use of force, violence, or fraud occurs. In the Uniform Crime Reporting Program, this crime category does not include embezzlement, "con" games, forgery, and worthless checks. Motor vehicle theft is also excluded from this category for crime reporting purposes inasmuch as it is a separate Crime Index offense.

Motor Vehicle Theft: In Uniform Crime Reporting, motor vehicle theft is defined as the theft or attempted theft of a motor vehicle. This definition excludes the taking of a motor vehicle for temporary use by those persons having lawful access.

Arson: Arson is defined by the Uniform Crime Reporting Program as any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. Only fires determined through investigation to have been willfully or maliciously set are classified as arsons. Fires of suspicious or unknown origins are excluded.

Adhering to the above definitions, thirty-seven Ohio felonies were categorized under the above eight crime index offenses. The following is a breakout of those thirty-seven felonies along with Ohio's corresponding revised code section numbers and felony levels. Explanatory notes regarding definitional interpretations are also included.

Offender Based Transaction Statistics

Part I Offenses In Ohio:

Definitions

Violent Crime Index Offenses

Murder and Non-negligent Manslaughter:

1. Aggravated Murder 2903.01 [Felony (capital offense)]
2. Murder 2903.02 [felony]
3. Voluntary Manslaughter 2903.03 [First degree felony, or F 1]
4. Involuntary Manslaughter 2903.04 (A) [F 1]
5. Involuntary Manslaughter 2903.04 (B) [F 3]

Rape:

6. Rape 2907.02 [F 1]
7. (Felonious Sexual Penetration) 2907.12 [F 1]
8. (Felonious Sexual Penetration) 2907.12 (A) (3) [life-imprisonment]
9. Attempted Rape 2923.02 [F 2]
10. Attempted Felonious Sexual Penetration 2923.02 [2907.12] [F 2]
11. Attempted Felonious Sexual Penetration 2923.02 [2907.12 (A) (3)] [F 2]

Robbery:

12. Aggravated Robbery 2911.01 [F 1]
13. Robbery 2911.01 [F 2]
14. Attempted Aggravated Robbery 2923.02 [F 2]
15. Attempted Robbery 2923.02 [F 3]

Aggravated Assault:

16. Felonious Assault 2903.11 [F 2]
17. Aggravated Assault 2903.12 [F 4]
18. Attempted Aggravated Murder 2923.02 [F 1]
19. Attempted Murder 2923.02 [F 1]
20. Attempted Voluntary Manslaughter 2923.02 [2903.03] [F 2]
21. Attempted Involuntary Manslaughter 2923.02 [2903.04 (A)] [F 2]
22. Attempted Involuntary Manslaughter 2923.02 [2903.04 (B)] [F 4]
23. Attempted Felonious Assault 2923.02 [F 3]

Property Crime Index Offenses

Burglary:

24. Aggravated Burglary 2911.11 [F 1]
25. Burglary 2911.12 [F 2]
26. Breaking and Entering 2911.01 [F 4]
27. Attempted Aggravated Burglary 2923.02 [F 2]
28. Attempted Burglary 2923.02 [F 3]

Larceny:

29. Theft (Grand) 2913.02 [F 4]
(including petty theft charges with prior theft convictions)

Motor Vehicle Theft

30. Theft 2913.02 [F 3]
31. Attempted Theft (Motor Vehicle) 2923.02 [F 4]

Arson

- 32. Aggravated Arson 2909.02 [F 1]
- 33. Arson 2909.03 (A) (1), (2), or (3) [F 3]
- 34. Arson 2909.03 (A) (4) [F 2]
- 35. Attempted Aggravated Arson 2923.02 [F 2]
- 36. Attempted Arson 2923.02 [2909.03 (A) (1), (2), or (3)] [F 4]
- 37. Attempted Arson 2923.02 [2909.03 (A) (4)] [F 3]

At this point some explanation is in order regarding the inclusion and exclusion of some felonies under the above categories. For example, under murder and non-negligent homicide, negligent homicide (2903.05) was excluded from the sample because negligence is involved in the homicide and, secondly, because it is a first degree misdemeanor. The OBTs sample included only felonies within the crime index offenses. Other offenses excluded were aggravated vehicular homicide and vehicular homicide due to the accidental nature of the homicide--again, a disqualifying element according to the Uniform Crime Reporting definition.

Under the category of forcible rape, "force or threat of force" is a key element of the definition, which explains why felonious sexual penetration (2907.12) [F 1] was scored under this offense (see Division A of 2907.12). In contrast, sexual battery (2907.03) was not included under forcible rape because of distinguishing language regarding force and coercion. Sexual battery involves coercion rather than force in the commission of the offense. According to the Committee Comments in the Ohio Revised Code, sexual battery "includes sexual conduct by coercion which is somewhat broader than sexual conduct by force -- one of the key elements of rape." Referring to the definition of forcible rape that sex offenses "without force" are not included, this conservative interpretation of "force" placed sexual battery outside of the category.

The robbery offense definition is rather straight forward. Under this category robbery and aggravated robbery were included along with attempts of these same offenses.

Encompassed by the burglary definition are the typical burglary offenses and attempts. Also included, however, is the offense of breaking and entering (2911.13) [F 4]. Breaking and entering is distinguished from burglary in that burglary involves a trespass into an occupied structure for the purposes of committing a felony or theft. Breaking and entering also entails a trespass into a structure to commit a felony or theft, but the structure need not be occupied. Also included is the trespass onto the land or premises of another to commit a felony. Since the Uniform Crime Reporting Program makes no mention of whether or not the trespassed structure has to be occupied, breaking and entering meets the definition.

All of the Ohio defined felony assaults were included in the sample under the crime index offense category of aggravated assaults, notwithstanding the crime of Assault 2903.13 (M 1) which is a lesser included offense of felonious and aggravated assault but has only a misdemeanor level penalty. Thus, it failed to meet the sample criterion of selecting only felony arrests. The attempted murders and attempted involuntary manslaughters are also scored under this section in accordance with the murder definition which requires attempts be scored as such (see federal definition of murder). Other assaults as defined by the Ohio Revised Code were excluded because of their non-felony status.

(Grand) theft (value of property stolen over \$150) (2913.02) [F 4] and (petty) theft (value of property stolen under \$150) (2913.02) [M 1] in the ORC fall under the crime index offense of Larceny-Theft, but only grand theft was used for the initial sample because it met the felony arrest requirement. Attempted grand thefts were excluded because, for attempt, the penalty level drops one to a misdemeanor of the first degree. Forgery and passing bad checks were also excluded, in accordance with the larceny definition. At times the actual criminal behavior of passing bad checks was charged at the time of arrest as (grand) theft. These grand thefts were taken at face value and were not excluded from the sample. Also included were (grand) thefts which were felony thefts only by virtue of the fact that the person charged had previously been convicted of a theft offense. For example, a person convicted of a (petty) theft (under \$150) could be charged with (grand) theft [F 4] if subsequently arrested for a theft offense even if that subsequent theft was, by definition (under \$150), a (petty) theft.

Although motor vehicle theft is included under the Theft section in Ohio, it is dealt with separately here because it is a separate Crime Index Offense. Since motor vehicle theft is a Felony 3, attempted motor vehicle theft, as a Felony 4, was included in the sample as a qualifying felony (2913.03). Unauthorized use of a vehicle (2913.03) was excluded from the category on the grounds that its elements were similar to the disqualifying language of the definition that "taking of motor vehicles for temporary use by those persons having lawful access" was not considered motor vehicle theft.

All of the Ohio Revised Code arson offenses fell within the federal arson definition but only those at the felony level were included in the sample.

Also not included in the listing of offenses were complicity (2923.03) and conspiracy (2923.01) which could be attached to any of the Crime Index felonies much in the same manner that the offense of attempt (2923.02) is attached to the specific offense attempted. Complicity and conspiracy offenses were not mentioned in the Uniform Crime Reporting definition, hence their exclusion. In retrospect, they seldom appeared in the offense sampling process.

Sample Selection

Even in limiting the scope of this OBTS study to major felony offenders (see prior section) GOCJS was still faced with the challenge of creating representative case flow scenarios for some 60,000 arrestees being processed through Ohio's more than two-hundred and fifty criminal courts in 1982. Because each case had to be tracked individually through usually two and sometimes as many as four sets of separate agency records, only 2,500 (4.2%) of the 60,000 could be handled in the survey. This created pressure for a solidly-based sample.

Because the point of arrest was the event which triggered the OBTS cycle, GOCJS staff began the sample construction process by analyzing Ohio arrests, by county, for 1982. This provided a rough framework for ascertaining the geographical display of the sample, as well as verification for the actual figures used for the sample determination. Those latter figures were drawn from the court docket information profiled in the Supreme Court's annual publication, Ohio Courts Summary for 1982. Felony filings were noted for each court of limited (municipal/county) and original (common pleas) jurisdiction, thus providing a ready profile of felony caseload statewide. From this data came the stratification scheme for the sample, as reflected in the following table.

	COMMON PLEAS COURTS		MUNICIPAL/COUNTY COURTS			
	"LARGE"	"MEDIUM"	"SMALL"	"LARGE"		
	Over 1,000 Criminal Arraignments	250 - 1,000 Criminal Arraignments	Under 250 Criminal Arraignments	Over 1,000 Felony Cases	500 - 1,000 Felony Cases	Under 500 Felony Cases

Court configurations within individual counties occasionally caused aberrations in what might have been expected from a strict demographic display of the data. For example, a municipal court in a small county seat might see a larger number of felonies than its counterpart in a larger county if the former were the only court of limited jurisdiction in that small county while the latter was but one of several. It was, in fact, for this reason that the municipal court in Cincinnati, which services the entire county, required a larger sampling than the Cleveland Municipal Court, which is one of several such courts in the county. Nevertheless, the breakout displayed in the sample selection tables is generally reflective of jurisdictional populations throughout Ohio.

The first stratification in the sampling process involved the separation of cases originating in municipal/county courts from those directly initiated in the common pleas courts. As was discussed earlier, even though common pleas courts possess "exclusive, original criminal jurisdiction of felonies,"* the vast majority of all felony cases originate in the lower courts and are bound over to the common pleas courts if the felony charges are not dismissed or reduced to misdemeanors at the former level. Because, once again, the arrest event was the OBTS starting point, most of the sample had to be drawn from the municipal/county court dockets rather than those of common pleas courts. (i.e., If only common pleas filings were used, there would be no tracking of the significant number of felony arrests disposed of in the lower courts and, hence, a very biased answer to the question of what happens to Ohio's felony arrestees.)

An analysis of Ohio Courts Summary statistics for 1982 revealed that 5,695 of the 58,177 total felony cases for the year, or about 10%, were direct, grand jury indictments in the common pleas courts, while 90% were the product of lower court bindovers. For this reason 2,250 cases (90%) in the sample were targeted for municipal or county court selection, while 250 (10%) were set aside to be drawn from common pleas courts.

The second stratification occurred within the felony docket size designations of each court type. Each strata was assigned a sample size number based on its actual percentage share of the total felony caseload in Ohio. For example, the seven municipal courts in the State which each handled over one-thousand felonies in 1982 accounted for a total of 26,204 felony filings, or 49% of all limited-jurisdiction court felony filings. Thus, that strata was assigned 1,109 sample cases (.49 X 2,250 -- slight differences due to rounding). The same process was used to determine the sample size of each of the remaining five strata (on the common pleas calculations the base figure was 250).

The third part of the process was to randomly draw, where necessary, the names of individual courts to flesh out the strata. In the case of the large courts such draws were not necessary because of the large number of cases and small number of courts. All seven major courts were identified for the study. All that remained to be done was the assignment of sample sizes to each individual court based on its felony caseload as a percentage of the strata total. For the "medium" and "small" strata random draws were made, with about 50% of all courts represented in the "medium" groups and 15% - 20% of all "small" courts represented in that stratum.

The following two tables visually depict this sample selection process.

* Ohio Courts Summary: 1982. p.21

COMMON PLEAS COURT SAMPLE BREAKOUT (1982 DATA)
(DIRECT INDICTMENTS ONLY)

SAMPLE

Large (over 1,000 criminal arraignments)

Cuyahoga County C.P. Court	64
Hamilton County C.P. Court	27
Franklin County C.P. Court	26
Montgomery County C.P. Court	16
Summit County C.P. Court	10
Lucas County C.P. Court	14
Mahoning County C.P. Court	6
Subtotal	<u>163</u>

Sample #
TOTAL COURT
PROFILE

7 counties
accounting
for 26,875
arraignments,
or 65% of total

Medium (250-1,000 criminal arraignments)

Stark County C.P. Court	8
Lorain County C.P. Court	11
Butler County C.P. Court	7
Clark County C.P. Court	5
Clermont County C.P. Court	4
Medina County C.P. Court	4
Scioto County C.P. Court	3
Lawrence County C.P. Court	3
Subtotal	<u>45</u>

17 counties
accounting
for 7,426
arraignments,
or 18% of total

Small (under 250 criminal arraignments)

Miami County C.P. Court	6
Portage County C.P. Court	5
Washington County C.P. Court	5
Tuscarawas County C.P. Court	5
Ottawa County C.P. Court	2
Union County C.P. Court	2
Wyandot County C.P. Court	2
Ashtabula County C.P. Court	4
Columbiana County C.P. Court	5
Jefferson County C.P. Court	2
Perry County C.P. Court	2
Adams County C.P. Court	2
Subtotal	<u>42</u>

64 counties
accounting
for 6,953
arraignments
or 17% of
total

TOTAL

250

MUNICIPAL/COUNTY COURT
SAMPLE BREAKOUT (1982 DATA)

SAMPLE

Large (over 1,000 felony cases)

Hamilton County Municipal Court	291
Franklin County Municipal Court	255
Cleveland Municipal Court	273
Toledo Municipal Court	115
Akron Municipal Court	86
Dayton Municipal Court	44
Youngstown Municipal Court	45
Subtotal	<u>1,109</u>

Sample #
TOTAL COURT
PROFILE

7 courts
accounting
for 26,204
filings, or
49% of total
filings

Medium (500-1,000 felony cases)

Springfield Municipal Court	78
Elyria Municipal Court	58
Miami (Co.) Municipal Court	47
Portsmouth Municipal Court	52
Hamilton Municipal Court	61
Clermont County Court	50
Subtotal	<u>346</u>

12 courts
accounting
for 8,159
filings, or
15% of total

Small (less than 500 felony cases)

Ravenna Municipal Court	114
Berea Municipal Court	83
Medina (Co.) Municipal Court	43
Marietta Municipal Court	53
New Philadelphia Municipal Court	35
Mentor Municipal Court	60
Alliance Municipal Court	78
Port Clinton Municipal Court	41
Struthers Municipal Court	25
Maumee Municipal Court	45
Marysville Municipal Court	15
Ironton Municipal Court	61
Upper Sandusky Municipal Court	8
Conneaut Municipal Court	10
Mahoning # 3 County Court	29
Columbiana N.W. County Court	15
Jefferson #1 County Court	8
Ashtabula W. County Court	21
Perry County Court	23
Adams County Court	28
Subtotal	<u>795</u>

147 courts
accounting
for 18,784
filings, or
35% of total

TOTAL

2,250

The final aspect of the sample selection occurred in each court where individual cases were randomly drawn from court records. This usually involved a somewhat detailed look at the records format, followed by the creation of a scheme for random, sequential selecting of enough qualifying cases to fill that court's quota in the stratum. However, as each court's records tended to differ, at least slightly, from the next, a separate summary of the sample selection process in each was recorded and can be found in "Court Notes" section of this report.

Data Collection

Ten months of field work was required to complete data collection on 2,493 cases in twenty-seven counties and sixty criminal courts. Four GOCJS researchers completed the work by conducting some two-hundred court site visits between October of 1983 and August of 1984. Only one of these researchers was assigned to the project fulltime, but even he was faced with responsibilities other than the site visits (e.g., computer programming, other research requests, routine staff administrative matters, training sessions, etc.). The decision to limit the number of data collectors to four was a deliberate one aimed at ensuring tight quality control of the data. In light of the tremendously complex and ever changing interpretations of the data definitions, this precaution seems to have been well-taken.

The following is a chronology of the data collection site visits conducted by GOCJS staff. For a more detailed look at the mechanics of collecting data in each individual court the reader should consult the "Court Notes" section of this report.

OBTS SITE VISITS OCTOBER, 1983 - AUGUST, 1984

DATES	SITES	STAFF PERSON
Oct. 4	Port Clinton Municipal Court	Burkholder
Oct. 6	Toledo Municipal Court	Burkholder
Oct. 12	Maumee Municipal Court	Burkholder
Oct. 13	Maumee Municipal Court	Burkholder
Oct. 13-14	Hamilton County Municipal Court	Knowles
Oct. 17	Maumee Municipal Court	Burkholder
Oct. 18	Maumee Municipal Court	Burkholder
Oct. 19	Toledo Municipal Court	Burkholder
Oct. 20	Toledo Municipal Court	Burkholder
Oct. 20-21	Cleveland Municipal Court	Knowles
Oct. 20	Conneaut Municipal Court	Moore
Oct. 21	Geneva West County Court	Moore
Oct. 24	Toledo Municipal Court	Burkholder
Oct. 24	Youngstown Municipal Court	Moore
Oct. 25	Toledo Municipal Court	Burkholder
Oct. 26	Toledo Municipal Court	Burkholder
Oct. 27	Toledo Municipal Court	Burkholder

DATES	SITES	STAFF PERSON
Oct. 28	Upper Sandusky Municipal Court	Burkholder
Nov. 1-4	Toledo Municipal Court	Burkholder
Nov. 2	Franklin County Municipal Court	Davis
Nov. 4	New Philadelphia Municipal Court	Moore
Nov. 8-10	Toledo Municipal Court	Burkholder
Nov. 9	New Philadelphia Municipal Court	Moore
Nov. 10	New Philadelphia Municipal Court	Moore
Nov. 14-17	Lucas County Common Pleas Court	Burkholder
Nov. 18	Upper Sandusky Municipal Court	Burkholder
Nov. 21-23	Lucas County Common Pleas Court	Burkholder
Nov. 22	Toronto Jefferson Court #1	Moore
Nov. 22	Jefferson County Court	Moore
Nov. 23	Jefferson County Court	Moore
Nov. 23	Columbiana N.W. Court	Moore
Nov. 25	Ashtabula West County Court	Moore
Nov. 29-30	Lucas County Common Pleas Court	Burkholder
Dec. 1	New Philadelphia Municipal Court	Moore
Dec. 1-2	Lucas County Common Pleas Court	Burkholder
Dec. 5-9	Toledo Municipal Court	Burkholder
Dec. 6	Franklin County Municipal Court	Davis
Dec. 8	Franklin County Municipal Court	Davis
Dec. 13-15	Akron Municipal Court	Burkholder
Dec. 18	Cleveland Municipal Court	Burkholder
Dec. 19	Ashtabula West County Ct.	Moore
Dec. 20-22	Akron Municipal Court	Burkholder
Dec. 20	Astebula County Court	Moore
Dec. 21	Astebula County Court	Moore
Dec. 22	Columbiana N.W. Court	Moore
Dec. 21-22	Hamilton County Common Pleas Court	Knowles
Dec. 23	Youngstown Municipal Court	Moore
Dec. 27	Columbiana Common Pleas Court	Moore
Dec. 27-28	Alliance Municipal Court	Knowles
Dec. 28	Mahoning County Court	Moore
Dec. 29	Struthers Municipal Court	Moore
Dec. 28-29	Elyria Municipal Court	Burkholder
Dec. 30	Youngstown Municipal Court	Moore
January 3	Berea Municipal Court	Burkholder
January 4	Berea Municipal Court	Burkholder
January 5	Mentor Municipal Court	Burkholder
January 5	Franklin County Municipal Court	Davis
January 9	Summit County Common Pleas Court	Burkholder
January 10	Summit County Common Pleas Court	Burkholder
January 10	Marysville Municipal Court	Davis/Moore
January 11	Union County Common Pleas Court	Davis/Moore
January 11	Summit County Common Pleas Court	Burkholder
January 11	New Lexington Municipal Court	Moore/Davis
January 12	New Lexington Municipal Court	Moore/Davis
January 12	Perry County Common Pleas Court	Davis/Moore
January 17	Akron Municipal Court	Burkholder
January 18	Franklin County Municipal Court	Davis
January 18	Akron Municipal Court	Burkholder
January 18	Youngstown Municipal Court	Moore

<u>DATES</u>	<u>SITES</u>	<u>STAFF PERSON</u>
January 19	Franklin County Municipal Court	Davis
January 19	Youngstown Municipal Court	Moore
January 19	Summit County Common Pleas Court	Burkholder
January 19	Alliance Municipal Court	Knowles
January 19	Stark County Common Pleas Court	Knowles
January 20	Franklin County Municipal Court	Davis
January 20	Stark County Common Pleas Court	Knowles
January 20	Youngstown Municipal Court	Moore
January 20	Summit County Common Pleas Court	Burkholder
January 23	Mentor Municipal Court	Burkholder
January 24	Mentor Municipal Court	Burkholder
January 25	Perry County Common Pleas Court	Davis/Moore
January 25	Lake County Common Pleas Court	Burkholder
January 25	New Lexington Municipal Court	Moore/Davis
January 26	Lake County Common Pleas Court	Burkholder
January 26	New Philadelphia Municipal Court	Moore
January 31	Medina Municipal Court	Burkholder
January 31	Springfield Municipal Court	Davis/Moore
February 1	Medina Municipal Court	Burkholder
February 1	Perry County Common Pleas Court	Davis/Moore
February 2	Medina County Common Pleas Court	Burkholder
February 2	New Philadelphia Municipal Court	Moore
February 2	Springfield Municipal Court	Davis
February 3	Medina County Common Pleas Court	Burkholder
February 7	Medina County Common Pleas Court	Burkholder
February 7	Springfield Municipal Court	Moore/Davis
February 8	Lake County Common Pleas Court	Burkholder
February 9	Springfield Municipal Court	Moore/Davis
February 9	Lake County Common Pleas Court	Burkholder
February 13	Cleveland Municipal Court	Burkholder
February 14	Berea Municipal Court	Burkholder
February 15	Berea Municipal Court	Burkholder
February 16	Berea Municipal Court	Burkholder
February 21	Berea Municipal Court	Burkholder
February 22	Cleveland Municipal Court	Burkholder
February 23	Cleveland Municipal Court	Burkholder
February 24	Cleveland Municipal Court	Burkholder
March 5	Elyria Municipal Court	Burkholder
March 6	Franklin County Municipal Court	Davis
March 6	Elyria Municipal Court	Burkholder
March 7	Elyria Municipal Court	Burkholder
March 7	Cuyahoga County Common Pleas Court	Burkholder
March 8	Lorain County Common Pleas Court	Burkholder
March 11	Cleveland Municipal Court	Burkholder
March 12	Toledo Municipal Court	Burkholder
March 13	Lorain County Common Pleas Court	Burkholder
March 13	New Philadelphia Municipal Court	Moore
March 14	Lorain County Common Pleas Court	Burkholder
March 15	Lorain County Common Pleas Court	Burkholder
March 16	Cleveland Municipal Court	Burkholder
March 19	Cleveland Municipal Court	Burkholder
March 20	Cuyahoga County Common Pleas Court	Burkholder

<u>DATES</u>	<u>SITES</u>	<u>STAFF PERSON</u>
March 21	Cuyahoga County Common Pleas Court	Burkholder
March 22	Lorain County Common Pleas Court	Burkholder
March 22	Cleveland Municipal Court	Burkholder
March 28	Cleveland Municipal Court	Burkholder
March 29	Cleveland Municipal Court	Burkholder
March 30	Cleveland Municipal Court	Burkholder
April 11	Cuyahoga County Common Pleas Court	Burkholder
April 12	Ravenna Municipal Court	Burkholder
April 12	Cuyahoga County Common Pleas Court	Burkholder
April 13	Ravenna Municipal Court	Burkholder
April 18	Cuyahoga County Common Pleas Court	Burkholder
April 18	Ravenna Municipal Court	Burkholder
April 19	Cuyahoga County Common Pleas Court	Burkholder
April 19	Ravenna Municipal Court	Burkholder
April 20	Cuyahoga County Common Pleas Court	Burkholder
April 23	Ravenna Municipal Court	Burkholder
April 24	Cuyahoga County Common Pleas Court	Burkholder
April 24	Ravenna Municipal Court	Burkholder
April 25	Ravenna Municipal Court	Burkholder
April 30	Cuyahoga County Common Pleas Court	Burkholder
April 30	Ravenna Municipal Court	Burkholder
May 1	Ravenna Municipal Court	Burkholder
May 1	Cuyahoga County Common Pleas Court	Burkholder
May 1	Miami County Common Pleas Court	Davis
May 2	Ravenna Municipal Court	Burkholder
May 2	Cuyahoga County Common Pleas Court	Burkholder
May 2	Miami County Common Pleas Court	Davis
May 3	Ravenna Municipal Court	Burkholder
May 3	Montgomery County Common Pleas Court	Davis
May 7	Ravenna Municipal Court	Burkholder
May 7	Cuyahoga County Common Pleas Court	Burkholder
May 8	Cuyahoga County Common Pleas Court	Burkholder
May 8	Montgomery County Common Pleas Court	Davis
May 9	Cuyahoga County Common Pleas Court	Burkholder
May 9	Marietta Municipal Court	Moore
May 10	Cuyahoga County Common Pleas Court	Burkholder
May 10	Montgomery County Common Pleas Court	Davis
May 11	Cuyahoga County Common Pleas Court	Burkholder
May 14	Franklin County Common Pleas Court	Davis
May 15	Franklin County Common Pleas Court	Davis
May 16	Franklin County Common Pleas Court	Knowles
May 16	Portsmouth Municipal Court	Davis
May 17	Franklin County Common Pleas Court	Davis
May 18	Franklin County Common Pleas Court	Davis
May 21	Cuyahoga County Common Pleas Court	Burkholder
May 22	Cuyahoga County Common Pleas Court	Burkholder
May 22	Scioto County Common Pleas Court	Knowles
May 23	Cuyahoga County Common Pleas Court	Burkholder
May 25	Cuyahoga County Common Pleas Court	Burkholder
May 31	Scioto County Common Pleas Court	Knowles
May 31	Portsmouth Municipal Court	Knowles
May 31	Cuyahoga County Common Pleas Court	Burkholder
June 8	Clermont County Common Pleas Court	Knowles
June 8	Franklin County Common Pleas Court	Davis

<u>DATES</u>	<u>SITES</u>	<u>STAFF PERSON</u>
June 11	Franklin County Common Pleas Court	Davis
June 13	Franklin County Common Pleas Court	Davis
June 14	Franklin County Common Pleas Court	Davis
June 15	Franklin County Common Pleas Court	Davis
June 26	Clermont County Court	Knowles
June 26	Clermont County Common Pleas Court	Knowles
June 27	Clermont County Common Pleas Court	Knowles
July 11	Scioto County Common Pleas Court	Knowles
July 13	Alliance Municipal Court	Knowles
July 13	Stark County Common Pleas Court	Knowles
July 13	Hamilton County Common Pleas Court	Knowles
July 18	Toledo Municipal Court	Burkholder
July 19	Butler Municipal Court	Knowles
July 20	Clermont County Common Pleas Court	Burkholder/Davis
August 1	Ironton Municipal Court	Burkholder/Davis
August 2	Ironton Municipal Court	Burkholder
August 3	Cuyahoga County Common Pleas Court	Burkholder
August 4	Cuyahoga County Common Pleas Court	Burkholder
August 7	Franklin County Common Pleas Court	Davis
August 8	Franklin County Common Pleas Court	Davis

Data Processing

From the earliest planning stages of this project computerization has been a part of OBTS. The data instrument was formatted to conform to established Department of Administrative Services (DAS) specifications for data entry. Hence, there was no need to transcribe the site-generated information onto additional data entry sheets, thereby minimizing both workloads and errors. Most GOCJS research data bases are maintained on the DAS IBM machine on which they can be manipulated via two statistical programs used by GOCJS, SPSS-X and SAS.

The automated packaging of OBTS was also an important consideration in determining what kinds of information would be addressed in the survey. Physically, this meant that only data that could be cleanly collapsed into coded response options would be used. Beyond that, it meant that the data captured would be most amenable to the kind of analytical tools available in SAS. Far from being a disadvantage, however, these specifications forced a discipline on OBTS that is very necessary for creating and analyzing data bases of this size. It also allowed for maximum use of a very effective statistical package which was designed for programs such as this.

There were several non-OBTS related obstacles to overcome in the automation of this project. First was a physical move of the GOCJS office in June of 1984. This took GOCJS research staff a full block away from the physical location of the data base in the State Office Tower. There were also the inevitable logistical problems--awaiting installation of dedicated phone lines, purchasing of modems, temporary space deficiencies--associated with the move.

Another challenge concerned the switch to new hardware in the early summer of 1984. Primarily because of the above-noted distance problem GOCJS researchers began renting a DT-80 (dumb terminal) to access the data base on the IBM. At the same time the larger Office was purchasing Datapoint machines (smart terminals) for use in the fall of 1984. While the OBTS project will continue to be run through the DT-80 until the first analytical products are completed, these significant changes in GOCJS's data processing program have added to the already difficult tasks of formatting, editing, displaying and analyzing the OBTS data.

The heaviest program demands were or will be experienced in August (primary program construction), September (first data runs and subsequent editing) and the fall months (statistical analysis and program manipulation).

Project Costs and Funding

The chronological review of the OBTS project is testimony to the difficulty of estimating its costs. Personnel investment goes back more than two years, and several other aspects of the study have trails with hard-to-recognize starting points. But the following estimates, presented here as ranges to reduce error factors, offer at least "ballpark" expenditure figures for the OBTS study:

<u>EXPENDITURE ITEM</u>	<u>CALCULATION</u>	<u>COST RANGE</u>
Personnel	(4,000 - 4,500 hours at \$20.00 average person hour)	\$80,000 - \$ 90,000
Travel	(150 - 175 trips at \$50.00 per average trip)	\$ 7,500 - \$ 8,750
Supplies	(questionnaires, final reports, analytical reports, postage, graphics, etc.)	\$12,000 - \$ 15,000
Data Processing	(data entry, computer runs, storage, etc.)	\$ 6,000 - \$ 7,500
Follow-up	(reports, presentations, mailings)	\$ 3,000 - \$ 5,000
TOTAL		\$108,500 - \$126,250

It should be noted that these figures do not include rent, xeroxing, phone and other charges normally associated with the running of an office. On the other hand, some \$30,000 of these costs was offset by a federal grant from the Bureau of Justice Statistics in July of 1983.

Publication and Promotions

GOCJS staff is currently in the midst of a planning effort to ensure that the OBTS data will get to the people in Ohio who have the greatest need for it. These plans include, but are not limited to:

1. publication of the final report (October, 1984)
2. publication of three major analytical reports (fall/winter, 1984-85)
3. presentations to several state level associations and organizations (fall/winter, 1984-85)
4. comprehensive news coverage (ongoing)
5. close tie-ins with current policy development initiatives (e.g., statewide prison overcrowding project) (1984-85)
6. academically oriented presentations and papers (e.g., American Society of Criminology meeting in Cincinnati in November of 1984)
7. promotion via national organizations (e.g., Criminal Justice Statistics Association and the National Institute of Corrections) and federal agencies (BJS)
8. regular use and promotion of the data via routine GOCJS policy-making initiatives.

As is true of all research efforts, OBTS will only be as valuable as the use that is made of it. That sense of utility will be a high priority during the ensuing 18 months.

SECTION II VARIABLE NARRATIVE

This section allows for a comprehensive look at every question contained in the OBTS survey instrument. Essentially, it provides a three-step analysis which includes the defining of the question (variable), the identification of field issues which influenced the structuring of the information categories and, finally, the success rates of GOCJS researchers in capturing the data they were pursuing. In many ways it is a close companion to the comments in Section III ("Court Notes"), for many of the interpretive judgments regarding the form of the data collection instrument were made in response to the data collection limits reached at the local level.

(NOTE: Numerous definitions in this section were drawn from the Dictionary of Criminal Justice Data Terminology, SEARCH Group, Inc. (U.S. Department of Justice, Bureau of Justice Statistics) 1981. Also some definitions were drawn from Legal Terms and Concepts in Criminal Justice, Avery Publishing Group Inc., 1983.

OBTS
DATA COLLECTION SHEET

Defendant's Name _____
 Common Pleas Case Number _____
 Municipal Court Case Number _____
 1. Sample ID Number (ID) _____
 2. Date of Birth (DOB) _____
 3. Age (AGE) _____
 4. Race (RACE) _____
 5. Sex (SEX) _____
 6. Number of Prior Felony Convictions (NPRIFEL) _____
 7. Date of Offense (DOOFF) _____
 8. Date of Arrest or Summons (DOA) _____
 9. Arresting Agency (AA) _____
 10. Number of Felony Charges (NFELCHG) _____
 11. Most Serious Felony Charge (MSFELCHG) _____
 12. 2nd Most Serious Felony Charge (SECFEL) _____
 13. Muni ID (MUNIID) _____
 14. Initial Appearance Date (IADATE) _____
 15. Municipal Arraignment Date (MUNIARR) _____
 16. Municipal Court Bond (MCBOND) _____
 17. Muni Court Bond Amount (MCBOAMT) _____
 18. Muni Bond Posted (MBPOST) _____
 19. Preliminary Hearing Date (PHDATE) _____
 20. Preliminary Hearing Outcome (PHOUT) _____
 21. Type of Muni Court Trial (MCTRIAL) _____

22. Felony Charging Document (FELCHDOC) _____
 23. Date of Indictment or Information (DOI) _____
 24. Common Pleas I.D. (CPID) _____
 25. Common Pleas Bond (CPBOND) _____
 26. Common Pleas Bond Amount (CPBOAMT) _____
 27. Common Pleas Bond Posted (CPBPOST) _____
 28. Common Pleas Arraignment Date (ARRAIGN) _____
 29. Initial Plea (IPLEA) _____
 30. Final Plea (FPLEA) _____
 31. Plea Change Hearing (GHGPLEA) _____
 32. Plea Negotiation (PNEG) _____
 33. Trial Date (TDATE) _____
 34. Type of Common Pleas Trial (CPTRIAL) _____
 35. Final Charge (FINCHG) _____
 36. Type of Counsel (COUNSEL) _____
 37. Outcome Date (DATEOUT) _____
 38. Outcome (OUTCOME) _____
 39. Sentence Date (SENTDATE) _____
 40. Minimum Time (MINTIME) _____
 41. Maximum Time (MAXTIME) _____
 42. Number of Confinement Sentences (NSENT) _____
 43. Concurrent/Consecutive Sentences (CCSENT) _____
 44. Time Suspended (TIMESUSP) _____
 45. Probation Granted (PROBATE) _____
 46. Probation Period (PROBPER) _____
 47. Fine (FINE) _____
 48. Suspended Fine (SUSPFINE) _____
 49. Post Sentence Actions (PSENTACT) _____
 50. Reason for Delay (DELAY) _____
 51. Suppression Motion Filed (SUPPRESS) _____
 52. Exclusionary Rule Invoked (EXCLUSE) _____

AN EXPLANATION OF THE VARIABLES

1. SAMPLE IDENTIFICATION NUMBER (ID)

I. Definition

- A. Standard or legal definition: not applicable
- B. Supplemental information:

This variable is simply a numerical, sequential identifier, the primary purpose of which is to allow for the physical locating of survey instruments at a later date, should that become necessary. By in large, each county's cases are grouped together in this numbering scheme.

II. Issues

This numbering process proved somewhat cumbersome, at least in the beginning. It was originally intended that clerical staff would pre-number all 2,500 instruments to conform to the sample breakout. This, however, left no flexibility for the adjustments (adding or deleting small numbers of cases), which would inevitably occur in a sample of this size and complexity. Ultimately, the issue was resolved by assigning to each county a range of numbers with a cushion to allow for such adjustments. This means that this variable will not exactly reflect the number of cases in the study, but the point is unimportant since it is to be used only as a physical, not a data, locator.

III. Response

Complete data: 2,493 cases (100%)

Missing data:

Inapplicable data:

2. DATE OF BIRTH (DOB)

I. Definition

- A. Standard or legal definition: not applicable
- B. Supplemental information:

On occasion, where court records provided only an age for the defendant rather than a date of birth, the date of birth was entered as January 1 of the year which, when subtracted from the base year of the study (1982), equalled the age in years reflected in the records.

II. Issues

The provision of this piece of demographic information was largely based on the availability of a law enforcement arrest record card in the municipal court file.

Infrequently, two differing dates of birth would be located in the files, at which time the researcher would be called upon to make a judgment as to the apparent veracity of the documents containing the conflicting dates. However, in addition to being numerically insignificant, these cases usually involved errors of months, not years. In another direction, this variable created challenges for the SAS computer program (e.g., commands for subtracting months, days and years).

III. Response

Complete data: 2,057 cases (83%)

Missing data: 429 cases (17%)

Inapplicable data:

3. AGE (AGE)

(See discussion in preceding section)

4. RACE (RACE)

I. Definition

- A. Standard or legal definition: not applicable
- B. Supplemental information:

Codes for this variable included:

American Indian

Black

Caucasian (White)

Oriental

Spanish

Other

II. Issues

As with the date of birth variable, this one was greatly dependent on the presence of an arrest card in the case jacket. Originally "Spanish Surname" was on the list of response options, but this

was later amended as it proved too poorly defined to be handled consistently by four different researchers. (Note: On occasion, when demographic data were unavailable in the case files, the files of the county prosecuting attorney or county sheriff proved helpful.)

III. Response

Complete data: 1,680 cases (67%)

Missing data: 813 cases (33%)

Inapplicable data:

5. SEX (SEX)

I. Definition

Not applicable

II. Issues

With one notable exception this variable was subject to the same limitations as were the companion demographic variables of age and race (e.g., availability of an arrest record card). That one exception was the clue which the defendant's name and personal pronoun reference can provide for the sex variable. In cases where demographic information was lacking but names clearly identified gender, this variable was completed. Where names could be either male or female, or where aliases had been used on both sides of the gender line, no assumptions as to the defendant's sex were made. Additional clues were often found in the personal pronoun usage found in the file narrative.

III. Response

Complete data: 2,463 cases (99%)

Missing data: 30 cases (1%)

Inapplicable data:

6. NUMBER OF PRIOR FELONY CONVICTIONS (NPRIFEL)

I. Definition

A. Standard or legal definition:

1. **"felony"**: In most jurisdictions felonies are one of the two major classes of crimes, the other being misdemeanors. The distinctive feature of the felony class is that although the upper limit of potential penalties depends upon the particular

crime and ranges from as little as two years of confinement to death or life imprisonment, the lower limit for the entire class is relatively unvarying, usually one year. (DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 92).

2. **"conviction"**: The judgment of a court, based on the verdict of a jury or judicial officer, or on the guilty plea or nolo contendere plea of the defendant, that the defendant is guilty of the offense(s) with which he or she has been charged.

annotation

Acquittal is the other type of judgment in criminal proceedings. "Conviction" is a major descriptive category in statistics concerning dispositions of cases or defendants in court proceedings. From the point of view of accounting for the results of court activity a conviction is a type of court disposition in that it indicates completion of an important stage of a case. (DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 47-48).

B. Supplemental information:

This study is limited in scope to selected crimes defined as felonies under Ohio law. (Qualifying cases are even more narrowly defined, as discussed under "Most Serious Felony Charge"). Felonies are generally discussed under Section 2901.02 of the Ohio Revised Code ("Classification of Offenses") and more are specifically detailed beginning in Section 2903 and following thereafter.

II. Issues

Several issues clouded the reliability of this variable, the most important being the availability of the data. Only in one large county court were prior conviction data consistently reported. Even there, however, the data were limited since it only picked up on prior convictions within that county. This meant that defendants might be logged as first time offenders when, in fact, they had committed crimes outside of the county. Other non-data collection, technical issues such as expungement policy also weaken the veracity of this variable. Because of the powerful prediction potential of this variable--coupled with the data problems noted herein--very little analytical use will be made of it unless under tightly controlled circumstances.

III. Response

Complete data: 315 cases (13%)

Missing data: 2,146 case (86%)

Inapplicable data: 32 cases (1%)

7. DATE OF OFFENSE (DOOFF)

I. Definition

A. Standard or legal definition: not applicable

B. Supplemental information:

This information was most easily identified on the arrest cards, most of which reserved a special space for it. Also, the case jackets (via complaints, indictments or bills of information) typically contained narrative summaries of the alleged crime which usually began with "On or about x date", or similar wording fixing the date of the offense. Such was also standard language for any cases involving warrants since the court needed to provide the local law enforcement agency with the major details of the offense.

II. Issues

The major difficulty with this variable lay in cases including multiple offenses, especially thefts and burglaries. A large number of offenses may have been committed by a single offender over a period of several months. In such instances only the most recent date was recorded.

III. Response

Complete data: 2,414 cases (97%)

Missing data: 53 cases (2%)

Inapplicable data: 26 cases (1%)

8. DATE OF ARREST OR SUMMONS (DOA)

I. Definition

A. Standard or legal definition(s):

1. "arrest": Taking an adult or juvenile into physical custody by authority of law, for the purpose of charging the person with a criminal offense or a delinquent act.

defining features

taking into custody by placing under control by actual or potential physical restraint of person's movement by authority of law. (DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 22).

2. "summons": In criminal proceedings, a written order issued by a judicial officer requiring a person accused of a criminal offense to appear in a designated court at a specified time to answer the charge(s). (DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 200).

B. Supplemental information:

The key time element being captured here is the first responsive action of the criminal justice system against the alleged perpetrator of the crime. Both the arrest and the summons are binding, legal initiatives which, if violated or resisted, may result in further charges against the defendant. This date should not be confused with the date of warrant issuance since a warrant initially compels action from a law enforcement agency, not a defendant. Furthermore, arrests and summons require (or presume) a contact with the defendant, whereas a warrant may remain open indefinitely due to the unavailability of the accused.

In case files wherein the arrest cards were missing, this variable data was more likely to be missing than that relating to date of offense. In some cases, however, it was possible to determine the arrest date by judging it in juxtaposition to the offense date and the initial appearance date. If these two dates were within one day of each other (a frequent occurrence), then it could be assumed that the arrest took place on the same day as the crime. Because of the serious nature of all of the OBTS qualifying crimes, arrests occurring within one or two hours of the commission were not uncommon.

III. Response

Complete data: 2,306 cases (92%)

Missing data: 141 cases (6%)

Inapplicable data: 46 cases (2%)

9. ARRESTING AGENCY (AA)

I. Definition

A. Standard or legal definition: not applicable

B. Supplemental information:

Because the primary decision point of the OBTS study is the county criminal court rather than the local law enforcement agency, this variable is important only as one of numerous potential predictors of the flow of justice (e.g., does agency size or type influence case disposition?) Since all persons arrested and charged under the authority of the Ohio Criminal Code fall under the auspices of a county common pleas court, the arrestees can include anyone arrested by a legal law enforcement agency in Ohio. In all of the OBTS cases, these included any agency subject to the training mandate of the Ohio Peace Officer Training Council as well as the Ohio State Highway Patrol. These agencies were identified using a code listing containing the names of more than one-thousand Ohio law enforcement agencies.

II. Issues

In some counties the arresting agencies were not always readily identifiable. Court records are often more concerned with documenting the name of the arresting officer than that of the agency. In another direction, the distinctive value of this variable can be somewhat clouded in small, rural jurisdictions where the county sheriff may be routinely called in to investigate serious crimes, even though a police department exists in the municipality.

III. Response

Complete data: 1,984 cases (79%)

Missing data: 439 cases (18%)

Inapplicable data: 70 cases (3%)

10. NUMBER OF FELONY CHARGES (NFELCHG)

I. Definition

A. Standard or legal definition:

1. "felony": See "Number of Prior Felony Convictions"

2. "charge": In criminal justice usage, an allegation that a specified person(s) has committed a specific offense, recorded in a functional document such as a

record of an arrest, a complaint, information or indictment, or a judgment of conviction (DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 37).

B. Supplemental information:

This variable includes all felonies, not just those qualifying as OBTS selection offenses. It also sums the number of felony counts within a single charge as well as separate felony charges. Hence, if an offender sustains three charges including rape (one count), robbery (three counts) and felonious assault (two counts), the total number of felony charges recorded for this variable is six (6), assuming that they all stem from the same case and incident (or the court has otherwise seen fit to lump them together).

II. Issues

Care was required in the handling of this variable because of the many subtleties in the court adjudication process. For example, it was not uncommon for the number of charges at the preliminary hearing to differ from the number of charges listed on a subsequent grand jury indictment. In cases where such discrepancies existed, researchers recorded the number of original felony charges. Caution was also needed in making interpretations of the charges as listed in the docket books. Some courts listed linked charges as "A", "B", "C", appendices to one case number while others listed them as totally separate but sequential cases. The guiding principles for "what to count" were whether or not the charges related to one incident and whether the court chose to lump several charges together for adjudication purposes.

III. Response

Complete data: 2,479 cases (99%)

Missing data: 6 cases (-)

Inapplicable data:

11. MOST SERIOUS FELONY CHARGE (MSFELCHG)

I. Definition

A. Standard or legal definition: see preceding section

B. Supplemental information:

OBTS tracking was limited to cases involving crime index (Part I) felonies, which, as identified by the FBI's Uniform Crime Reporting program, include murder,

rape, robbery, aggravated assault, burglary, theft, auto theft, and arson. For purposes of this study, thirty-seven separate crimes were identified as OBTS qualifying crimes within these eight Part I crimes categories. Furthermore, each of these was assigned a seriousness ranking for responding to this variable based on such factors as felony levels (there are six under Ohio law), sentence lengths and the more general presumption that crimes against people are more serious than crimes against property. (See the "Background" chapter of this report for a more thorough discussion of the selection of qualifying crimes). The following is a list of the 37 qualifying crimes as well as the "seriousness" ranking for each:

Seriousness Ranking	Sequential Ranking	
(1)	01	Aggravated Murder 2903.01 [felony (capital offense)]
(2)	02	Murder 2903.02 [felony]
(3)	03	Voluntary Manslaughter 2903.03 [F1]
(4)	04	Involuntary Manslaughter 2903.04 (A) [F1]
(25)	05	Involuntary Manslaughter 2903.04 (B) [F3]
(8)	06	Rape 2907.02 [F1]
(9)	07	(Felonious Sexual Penetration) 2907.12 [F1]
(7)	08	(Felonious Sexual Penetration) 2907.12 (A) (3) [life imprisonment]
(16)	09	Attempted Rape 2923.02 [F2]
(17)	10	Attempted Felonious Sexual Penetration 2923.02 [2907.12] [F2]
(15)	11	Attempted Felonious Sexual Penetration 2923.02 [2907.12] (A) (3) [F2]
(10)	12	Aggravated Robbery 2911.01 [F1]
(19)	13	Robbery 2911.02 [F2]
(22)	14	Attempted Aggravated Robbery 2923.02 [F2]
(27)	15	Attempted Robbery 2923.02 [F3]
(18)	16	Felonious Assault 2903.11 [F2]
(33)	17	Aggravated Assault 2903.12 [F4]
(5)	18	Attempted Aggravated Murder 2923.02 [F1]
(6)	19	Attempted Murder 2923.02 [F1]
(13)	20	Attempted Voluntary Manslaughter 2923.02 [2903.03] [F2]
(14)	21	Attempted Involuntary Manslaughter 2923.02 [2903.04] (A) [F2]
(32)	22	Attempted Involuntary Manslaughter 2923.02 [2903.04] (B) [F4]
(26)	23	Attempted Felonious Assault 2923.02 [F3]
(11)	24	Aggravated Burglary 2911.11 [F1]
(20)	25	Burglary 2911.12 [F2]
(34)	26	Breaking and Entering 2911.13 [F4]
(23)	27	Attempted Aggravated Burglary 2923.02 [F2]
(28)	28	Attempted Burglary 2923.02 [F3]

Seriousness Ranking	Sequential Ranking	
(35)	29	Theft (Grand) 2913.02 [F4]
(30)	30	Theft (Motor Vehicle) 2913.02 [F3]
(37)	31	Attempted Theft (Motor Vehicle) 2923.02 [F4]
(12)	32	Aggravated Arson 2909.02 [F1]
(29)	33	Arson 2909.03 (A) (1), (2), or (3) [F3]
(21)	34	Arson 2909.03 (A) (4) [F2]
(24)	35	Attempted Aggravated Arson 2923.02 [F2]
(36)	36	Attempted Arson 2923.02 [2909.03 (A) (1), (2), or (3)] [F4]
(31)	37	Attempted Arson 2923.02 [2909.03 (A) (4)] [F3]

II. Issues

Many of the problems affecting the "Number of Felony Charges" variable are also evident here, especially those relating to the display of felony charges in court dockets. The primary methodological issue concerns the establishment of the seriousness scale. Crime seriousness scaling has become a rather precise practice during the past twenty years, a precision admittedly not matched by this scale. However, the key need in the OBTS study was consistency in order to be assured that all determinations of "first" and "second" most serious felony charges will be made in exactly the same manner. That consistency was made possible by this ranking.

III. Response

Complete data: 2,489 cases (100%)

Missing data: 2 cases (-)

Inapplicable data:

12. SECOND MOST SERIOUS FELONY CHARGE (SECFEL)

(See discussion in preceding section)

13. MUNICIPAL COURT IDENTIFICATION NUMBER (MUNIID)

I. Definition

A. Standard or legal definition:

"municipal court": A trial court having original jurisdiction over only that subject matter specifically assigned to it by law. (DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 54).

B. Supplemental information:

Ohio's criminal court structure sees most felony cases initiated in courts of limited jurisdiction, either municipal courts (in urban areas) or county courts (in rural areas). These courts are, in legal terminology, inferior to the courts of common pleas which possess primary or general jurisdiction in each county. As such, muni/county courts do not have the authority to try felony cases or to accept felony pleas. They are, however, authorized to exercise several other adjudicatory functions, among which are:

- dismissing charges;
- dismissing felony charges and refiling these as misdemeanors;
- reducing felony charges to misdemeanors, at which time they can be dismissed or sustained for trial at this level;
- binding over the defendant to the common pleas court for trial on original or amended felony charges.

Although the instrument listing for this variable cites only municipal courts, several county courts were included in the OBTS survey and are included under this point of distinction. The court identification numbers were assigned sequentially in accordance with the sample layout.

II. Issues

See the Background section of this report for a more thorough discussion of which courts were chosen for the OBTS study, why and how.

III. Response

Complete data: 2,229 cases (89%)

Missing data: 11 cases (-)

Inapplicable data: 253 cases (10%)

14. INITIAL APPEARANCE DATE (IADATE)

I. Definition

A. Standard or legal definition:

"initial appearance": In criminal proceedings, the first appearance of an accused person in the first court having jurisdiction over his or her case (DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 109).

B. Supplemental information:

Initial appearances are prescribed by law to help guarantee a speedy adjudication of the case and safeguard certain other rights of the defendant. During this appearance in municipal or county courts the defendant will be informed of the charges against him, apprised of his rights, appointed counsel (if necessary) and, in the vast majority of cases, be given the opportunity to post some kind of bond in lieu of further confinement. A plea will not be accepted at this hearing in courts of limited jurisdiction unless the court uses the hearing to reduce felony charges to misdemeanor charges and accept a plea to the lesser crime(s). (See discussion under the immediately preceding variable). In common pleas courts initial appearances may be coupled with arraignments if the case involves a direct indictment (i.e., no municipal or county court proceedings), the only circumstance under which a felony plea will be accepted during an initial appearance.

II. Issues

In cases initiated in municipal or county courts, it was usually fairly easy to determine the initial appearance date if the arrest date was recorded, as this almost always fell within 48 hours of the arrest. However, judicial nomenclature and practices at the local level often created consistency problems in the recording of this variable. Often the terms "initial appearance", "preliminary hearing" and "arraignment" were used interchangeably, and occasionally actions reserved for one function were taken during another (e.g., felony pleas being accepted during the initial appearance). The dates themselves, however, did not usually prove to be too much of a problem. (Also, there were several cross check dates which could help pinpoint this variable, such as bond-setting, attorney appointment, etc.)

III. Response

Complete data: 2,418 cases (97%)

Missing data: 24 cases (1%)

Inapplicable data: 51 cases (2%)

15. MUNICIPAL (COURT) ARRAIGNMENT DATE (MUNIARR)

I. Definition

A. Standard or legal definition:

"municipal court": See "Municipal Court Identification Number"

"arraignment": Strictly, the hearing before a court having jurisdiction in a criminal case, in which the identity of the defendant is established, the defendant is informed of the charge(s) and of his or her rights, and the defendant is required to enter a plea. (DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 21).

B. Supplemental information:

At this (limited jurisdiction) court level, arraignment dates were recorded on the survey form if one of three actions occurred:

- change of charge(s); amended to misdemeanor or refiled as misdemeanor;
- nolle prosequi (dismissed at request of prosecutor prior to preliminary hearing); or
- preliminary hearing waiver, defendant bound over to grand jury.

Generally speaking, the arraignment constitutes the last pretrial proceeding in the adjudication process.

II. Issues

As was true with the "initial appearance" variable, "arraignment" data were sometimes difficult to identify because of confusion in terminology. Also, two of the three circumstances cited above for prompting use of the "arraignment date" variable probably have little to do with an actual proceeding. Nolles and waivers of preliminary hearings are not necessarily arraignment proceedings. However, their dates were recorded in the arraignment blocks because there was no other way to track the elapsed time between these events and the initial appearance, in one direction, and the grand jury action in the other direction. Because the speed of the process of criminal justice was such an important factor in the OBTS study, it was decided to sacrifice some precision in the defining of this variable to ensure the capturing of all key decision dates along the continuum of justice.

The status of the preliminary hearing (i.e., whether or not one was held) also could cause some confusion at this point. Several municipal/county court records did not distinguish between prosecution dismissals and court dismissals, thus making it difficult to determine if these actions took place in a preliminary hearing or prior to it. (See "Preliminary Hearing Outcome").

III. Response

Complete data: 1,566 cases (63%)

Missing data: 31 cases (1%)

Inapplicable data: 896 cases (36%)

16. MUNICIPAL COURT BOND (MCBOND)

I. Definition

A. Standard or legal definition:

"municipal court": See "Municipal Court Identification".

"bond": To effect the release of an accused person from custody, in return for a promise that he or she will appear at a place and time specified and submit to the jurisdiction and judgment of the court, guaranteed by a pledge to pay to the court a specified sum of money or property if the person does not appear.

The court may or may not require that the pledge of money or property be secured. Pledges may be secured in several ways. A common way is by employment of a bail bondsman, to whom a nonrefundable fee is paid. In other cases the court can require a deposit of money before the person is released. The requirement can be for the full amount pledged, or for a percentage of the amount pledged.

The amount of the bond, that is, amount of property or money pledged to guarantee appearance, can be changed during the course of proceedings. Bail can be reduced when, for example, the defendant shows that his or her community ties will ensure appearance in court. Bail can be increased when the likelihood that the defendant might abscond increases, as when he or she has been convicted and is awaiting sentencing or has been charged with another crime. (DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 28).

B. Supplemental information:

Specifically, the OBTS Study included six different types of bond options, as well as additional codes for combinations of these options and persons held without bond. A detailed description of these six options follows:

"cash bond": defendant is required to post the full amount of the bond in cash. Example: defendant's bond is set at \$15,000 cash. Defendant must supply the court with \$15,000 for his release, otherwise bond is not posted and the defendant awaits trial in jail.

"unsecured cash bond": bond is set at a given amount, but instead of posting the full cash amount, the defendant is released on his signature or the signature of a third person, other than a bail bondsman. Failure to appear on this charge can then result in the filing of another felony charge for failure to appear. Moreover, the signer of the bond then owes the court the full unsecured cash amount.

"appearance bond": almost identical to the cash bond, with the exception that the defendant need provide only ten (10) percent of the amount at which bond is set. Example: bond set at \$15,000, defendant supplies the court with \$1,500 ($\$15,000 \times .10 = \$1,500$), defendant is released on an appearance bond. Failure to supply ten percent results in defendant awaiting trial in jail; and failure to appear on this type of bond results in the defendant owing the court the balance of the bond (in this example, \$13,500).

"property bond": this bond requires the defendant to post as bond property whose unencumbered value is twice the amount of the bond set. Example: bond set at \$15,000, defendant must post property worth \$30,000 net value; if bond is not posted the defendant awaits trial in jail.

"surety bond": defendant pays a bail/bondsman ten percent of the bond, with the bondsman posting the full amount of the bond to the court. Example: bond set at \$10,000; defendant pays bondsman \$1,000 (ten percent); bondsman posts \$10,000 with court; defendant is released prior to trial.

"signature bond": under a signature bond, no cash value is designated on the bond. Instead, the defendant is released on his signature alone, being fully aware that failure to appear will result in another felony charge. Although similar, the unsecured cash bond has a dollar amount on the bond. This is the major difference between the two.

II. Issues

The bond variable was, in many ways, the most difficult of any in the survey. Variations in local court bond practices, as well as the ways in which those practices were recorded by the clerks of court resulted in a long series of revisions and reinterpretations in the data collection process. Especially difficult were cases in which judges established combinations of both bond types and amounts. In other cases, the defendant was given a choice of bond options. If he or she could not meet any of these, the bond type coded for this variable was the most difficult one offered, as determined by the following difficulty ranking (#1 is most difficult).

1. cash bond
2. property bond
3. surety bond
4. secured appearance bond
5. unsecured appearance bond
6. signature (own recognizance) bond

An additional complication was the rather frequent practice of failing altogether to prominently identify the bond type (although bond amounts were almost always noted). Often this information had to be deduced from receipt notations, narrative comments or other hints in the records.

III. Response

Complete data: 2,085 cases (84%)

Missing data: 92 cases (4%)

Inapplicable data: 316 cases (13%)

17. MUNICIPAL COURT BOND AMOUNT (MCBOAMT)

I. Definition

A. Standard or legal definition: (see "Municipal Court Bond" variable discussion)

B. Supplemental information: Not applicable

II. Issues (also see "Municipal Court Bond")

One issue which constantly plagued the collection of bond information was the practice of changing bonds. This happened frequently as cases changed jurisdictions from municipal/county courts to common pleas courts, but it also was not uncommon within the timeframe of the lower court jurisdiction. For example, a defendant might fail to meet a cash bond set at his/her initial appearance, and thus be put in jail. Then, at a bond change hearing, three days later, called at the request of his or her attorney, the judge might radically reduce the amount of the bond or even change it to a signature type bond so that the defendant could be freed from incarceration. Because of data collection and processing limitations, the study could not track all of these nuances of the bonding process. The OBTS researchers recorded bond changes only if they were made within the first twenty-four hours of the initial appearance.

III. Response

Complete data: 1,927 cases (77%)

Missing data: 72 cases (3%)

Inapplicable data: 494 cases (20%)

18. MUNICIPAL COURT BOND POSTED (MBPOST)

I. Definition

A. Standard or legal definition: not applicable

B. This variable denotes whether or not the bond set by the court has been posted and the defendant released from jail. Under the coding scheme, it also reflects if the defendant failed to appear at his or her next scheduled court appearance.

II. Issues

At times this variable was difficult to ascertain considering the variety of ways the various courts recorded bonding information. Also, the physical limitations of the survey instrument restricted bond posting information to the time of initial appearance. Based on this limitation of the data, inferences regarding the incarceration of defendants prior to court disposition should not be made.

III. Response

Complete data: 1,964 cases (79%)

Missing data: 209 cases (8%)

Inapplicable data: 320 cases (13%)

19. PRELIMINARY HEARING DATE (PHDATE)

I. Definition

A. Standard or legal definition:

Preliminary hearing: The proceeding before a judicial officer in which three matters must be decided, to wit: whether a crime was committed; whether the crime occurred within the territorial jurisdiction of the court, and whether there are reasonable grounds to believe that the defendant committed the crime (DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 161).

B. Supplemental Information:

In an effort to track the time flow of a case through the criminal justice system a variety of significant court appearance and determination dates appear in the survey. The preliminary hearing date as one of these important dates represents the actual date, not a file date, on which the preliminary hearing is held. If the case was transferred or disposed of, or if the preliminary hearing was waved, this date variable was coded as inapplicable.

II. Issue

This variable proved problematic relative to the unavailability of actual dates as opposed to file dates along with the sometimes difficult task of discerning if the preliminary hearing actually occurred. At times felony charges were reduced to misdemeanors on the same date that the preliminary hearing was scheduled to take place. When this happened, it was necessary to determine if the charge reduction occurred prior to the preliminary hearing or after (or during) the hearing. In the majority of cases, the case file would designate if, in fact, the hearing took place. For OBTS purposes, the presentation of evidence to the court constituted the beginning of the preliminary hearing. Not included were those instances in which the defense attorney and prosecutor agreed in advance to a plea negotiation and to appear before the court only for the purpose of recommending a charge reduction or dismissal by way of nolle prosequi.

III. Response

Complete data: 625 cases (25%)

Missing data: 8 cases (-)

Inapplicable data: 1,860 cases (75%)

20. PRELIMINARY HEARING OUTCOME (PHOUT)

I. Definition

A. Standard or legal definition:
(see definition under "Preliminary Hearing Date")

B. Supplemental information

The labelling of this variable is somewhat misleading. Although it does reflect the outcome of the preliminary hearing, it should more properly be thought of as the municipal court outcome in that it reflects the case disposition at the municipal level.

II. Issues

As reflected on the OBTS Code Sheet, most of the values for this variable are self-explanatory. As explained above, the range of outcomes encompasses other dispositions than just the preliminary hearing.

The most significant point on this variable lies in the area of differentiation between dismissal and nolle prosequi. Many of the court case files neglected to note if the dismissal was precipitated solely by the court or was recommended by the prosecutor which would require the nolle prosequi code. In order to make this difficult distinction, those cases dismissed after or during an actual preliminary hearing were coded as dismissals. Dismissal prior to the any preliminary hearing proceedings was interpreted as a nolle prosequi. In those instances where the occurrence or nonoccurrence of a preliminary hearing was not ascertainable dismissals were coded as unspecified dismissals.

Considering the number of court jurisdictions involved in the study, it is not surprising that a great disparity in case disposition terminology existed.

III. Response

Complete data: 2,154 cases (86%)

Missing data: 5 cases (-)

Inapplicable data: 334 cases (13%)

21. MUNICIPAL COURT TRIAL (MCTRIAL)

I. Definition

A. Standard or legal definition:

"trial": I. The examination in a court of the issues of fact and law in a case, for the purpose of reaching a judgment. II. recommended statistical terminology In criminal proceedings, the examination in a court of the issues of fact and law in a case, for the purpose of reaching a judgment of conviction or acquittal of the defendant(s)

annotation

"jury trial": recommended statistical terminology In criminal proceedings, a trial in which a jury is empaneled to determine the issues of fact in the case and to render a verdict of guilty or not guilty.

A defendant is guaranteed the right to a jury trial when a serious crime is charged. Practice varies among jurisdictions in cases where a minor offense is charged. The right to a jury trial may be waived by the defense.

"non-jury trial": recommended statistical terminology In criminal proceedings, a trial in which there is no jury, and in which a judicial officer determines all issues of fact and law in a case. (This type of trial is also called a "judge trial," "bench trial," or "court trial")

"trial on transcript": (also "trial by the record") is a nonjury trial in which the judicial officer makes a decision on the basis of the record of pretrial proceedings in a lower court.

Usually, a trial will deal with only the charges specified and defendants named in a single charging document filed in court. Sometimes, however, a single trial will deal with matters set out in two or more charging documents, or a single charging document will be the basis for two or more trials.

"consolidated trial": is one in which two or more defendants named in separate charging documents are tried together, or where a given defendant is tried on charges contained in two or more charging documents.

Determinations of the beginning and end points of trials in criminal proceedings are essential for preparation of elapsed time data concerning the

criminal justice process to ensure compliance with legal mandates concerning the treatment of persons subject to criminal proceedings.

There is currently some variation among the states regarding the identification of the beginning and end points of trials for these purposes. Beginning points frequently used are: the start of jury selection or the completion of jury selection (for jury trials), or the swearing of the first witness or introduction of the first evidence or testimony (for jury and nonjury trials). The sets of end points most frequently used are:

- dismissal of case during trial
- entering of judgment of acquittal
- entering of judgment of conviction

and,

- dismissal of case during trial
- rendering of not guilty verdict
- rendering of guilty verdict

A few states use the set of endpoints:

- dismissal of case during trial
- entering of judgment of acquittal
- pronouncement of sentence following judgment of conviction

Determination of the beginning point of trials is also a key factor in the preparation of statistical data concerning court caseload. In court caseload statistical presentations, counts of disposed cases are typically displayed in categories according to the manner of disposition of the case. A primary distinction is between cases disposed of by jury trial, cases disposed of by nonjury trial, and cases disposed of without trial, reflecting the different management impacts of these methods of disposing of cases. The criterion for assignment of a case to one of the "trial" categories is whether a trial was begun.

In the model court caseload statistical system developed by the National Court Statistics Project, "jury trial" and "nonjury trial" are recommended manner of disposition categories for disposed cases. The recommended process points for identification of trial commencements are:

- jury sworn and first evidence introduced (jury trials)

- first evidence introduced (nonjury trials)
(DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 206-207).

B. Supplemental information:

Basically, two types of trials exist at the municipal court level in Ohio:

- (1) Jury trial
- (2) Bench trial

The defendant has a right to a jury trial for the violation of any state or municipal ordinance except in the case where the penalty does not exceed \$100. Bench trials are trials before the court with a sole judge making the final decision of guilty or innocence.

II. Issues

This variable presented the least amount of problems. The occurrence of jury trials was almost always easily identified. Although a technical point, cases in which the defendant pled no contest were also coded as bench trial inasmuch as the presiding judge still hears evidence and is required to make an adjudication regarding guilt or innocence.

III. Response

Complete data:	194 cases (8%)
Missing data:	5 cases (-)
Inapplicable data:	2,294 cases (92%)

22. FELONY CHARGING DOCUMENT (FELCHDOC)

I. Definition

A. Standard or legal definition:

"indictment": A formal, written accusation submitted to the court by a grand jury, alleging that a specified person(s) has committed a specified offense(s), annotation

An indictment is the type of charging document which initiates the trial stage of a felony case after grand jury consideration.

The usual procedure is for a prosecutor to present allegations and evidence to a grand jury (often called "bill of indictment") and for the grand jury, if it agrees that there is sufficient evidence to sustain an accusation(s), to "return an indictment" (also called "true bill"). The indictment delivered to the court states the facts about the alleged crime as found by the grand jury and cites the penal code sections believed to have been violated.

When a grand jury takes notice of an offense on its own initiative and delivers an indictment it is sometimes called a "grand jury original."

Since "to indict" means "to accuse," "indictment" is sometimes used to mean any accusation of wrongdoing.

"information": In criminal justice usage, a formal, written accusation submitted to the court by a prosecutor, alleging that a specified person(s) has committed a specified offense(s).

annotation

An information is a type of charging document and initiates a criminal case.

This term is usually the name for the accusation filed by the prosecutor to initiate the trial stage of a felony case, but these are also called "affidavits" and "accusations."

In some jurisdictions the prosecutor does not formally initiate felony trials. All felony cases reach the trial court by way of grand jury indictment (DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 108).

B. Supplemental information:

Indictments can sometimes be further subclassified into direct and secret indictments. Experience with the courts suggests that direct indictments are those in which, once the defendant is indicted, the indictment is forwarded to the clerk of courts office where it is assigned a case number and recorded in the criminal appearance docket open for public review. In contrast, the secret indictment is identical in process with the exception that the defendant's name is not recorded in the criminal appearance docket until the defendant has been arrested. Upon arrest, the court file is then open to the public. Secret indictments are primarily used in cases where the prosecutor fears the defendant will leave the jurisdiction if apprised of the indictment prior to arrest.

II. Issues

One of the major problems with this variable was the existence of multiple charging documents within a single case. For example, some defendants were charged under an indictment, but, as a result of the plea bargaining process, later pled to a lesser charge by signing a bill of information. The format of the survey provided for recording both.

III. Response

Complete data: 1,624 cases (65%)

Missing data: 16 cases (1%)

Inapplicable data: 853 cases (34%)

23. DATE OF INDICTMENT OR INFORMATION (DOI)

I. Definition

A. Standard or legal definition:

See definitions under Felony Charging Document

B. Supplemental information:

This date variable represents the date of indictment by the grand jury or bill of information, initiated by the prosecutor. Actual dates of issuance were used but, in their absence, file dates were substituted.

II. Issues

Because some grand juries in some counties do not meet everyday, their indictments are dated according to the term (e.g. September term). Given the need to better pinpoint the date, this is the only document in the study in which time stamped file dates were routinely used. Although not as desirable as actual, dates the file dates were usually within one or two days variance of the actual date since most indictments, once issued by the grand jury, are quickly filed with the clerk's office.

As identified under the felony charging document, when more than one charging document existed, the initially issued document was select for recording purposes. The same applies here regarding dates.

III. Response

Complete data: 1,621 cases (65%)
Missing data: 30 cases (1%)
Inapplicable data: 842 cases (34%)

24. COMMON PLEAS I.D. (CPID)

I. Definition

- A. Standard or legal definition: not applicable
B. Supplemental information:

This variable serves merely as an identifier of the common pleas court in which the felony cases were tracked.

II. Issues

Serving as an identifier only, this variable was coded as not applicable for those cases which were disposed of at the municipal court level.

III. Response

Complete data: 1,647 cases (66%)
Missing data: 16 cases (1%)
Inapplicable data: 83 cases (33%)

25. COMMON PLEAS BOND (CPBOND)

I. Definition

- A. Standard or legal definition:

See Municipal Court Bond

- B. Supplemental information:

Bonds set in the common pleas courts parallel those set in the municipal courts. See this same section under Municipal Court Bond.

II. Issues

Most of the data problems encountered under the Municipal Court Bond also apply here (see Municipal Court Bond). In addition to the problems identified under there, it was at

times difficult to make the connection between points where transferred municipal bonds were terminated and common pleas bonds initiated. On bindover cases, judges have the option of continuing the municipal court bond or setting a new bond. If the bond captured under the municipal court bond variable changed prior to bindover, capture of the new bond upon transfer to common pleas became difficult when the common pleas judge noted only "bond continued" on the journal entry.

III. Response

Complete data: 1,441 cases (58%)
Missing data: 125 cases (5%)
Inapplicable data: 927 cases (37%)

26. COMMON PLEAS BOND AMOUNT (CPBOAMT)

I. Definition

- A. Standard or legal definition: not applicable
B. Supplemental information:
See Municipal Bond Amount

II. Issues

See Municipal Bond Amount narrative

III. Response

Complete data: 1,334 cases (54%)
Missing data: 117 cases (5%)
Inapplicable data: 1,042 cases (42%)

27. COMMON PLEAS BOND POSTED (CPBPOST)

I. Definition

- A. Standard or legal definition: not applicable
B. Supplemental information:
See Municipal Bond Posted

II. Issues

See discussion under Municipal Bond Posted

III. Response

Complete data: 1,344 cases (54%)

Missing data: 232 cases (9%)

Inapplicable data: 917 cases (37%)

28. COMMON PLEAS ARRAIGNMENT DATE (ARRAIGN)

I. Definition

A. Standard or legal definition:

"arraignment": strictly, the hearing before a court having jurisdiction in a criminal case, in which the identity of the defendant is established, the defendant is informed of the charge(s) and of his or her rights, and the defendant is required to enter a plea. In some usages, any appearance in court prior to trial in criminal proceedings.

annotation

Since the usage of "arraignment" varies, it is recommended that the entering of the initial plea be the event reported to indicate that the arraignment process has been completed. One reason that usage varies is that the individual actions comprising a formal arraignment occur at other appearances of the defendant in the course of court proceedings after arrest, and the distinctive event of the entering of a plea can itself occur whenever the court chooses to accept a plea to a charge.

Besides the pleas of guilty or not guilty, many states and the federal court permit pleas of nolo contendere and some accept pleas of not guilty by reason of insanity or former jeopardy. (DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 21).

B. Supplemental information:

This date reflects the actual date the defendant was arraigned in common pleas, with arraignment defined as the court proceeding at which the defendant enters a plea (see pleas) to the charges listed in the indictment or bill of information.

II. Issues

As in the case of the municipal arraignment, the arraignment process may be more than a one step process

requiring several court appearances. For the purposes of this study, only the date on which the defendant initially and officially entered his plea was recorded.

III. Response

Complete data: 1,564 cases (63%)

Missing data: 26 cases (36%)

Inapplicable data: 903 cases (1%)

29. INITIAL PLEA (IPLEA)

I. Definitions

A. Standard or legal definitions:

"plea": In criminal proceedings, a defendant's formal answer in court to the charge contained in a complaint, information, or indictment, that he or she is guilty or not guilty of the offense charged, or does not contest the charge.

annotation

In relation to a given charge or case, the defendant may enter different pleas at different stages of the proceedings. Court and prosecutorial management information systems often provide for recording of the nature of the pleas at each stage.

With respect to sequence, the recommended terms are:

"initial plea": (also first plea) recommended statistical terminology: The first plea to a given charge entered in the court record by or for the defendant.

The acceptance of an initial plea by the court unambiguously indicates that the arraignment process has been completed, and is therefore a better unit of count in reporting criminal case or defendant flow than "arraignment," which as a process is variously defined in different jurisdictions.

"final plea": recommended statistical terminology: The last plea to a given charge entered in the court record by or for the defendant.

When distinguishing pleas by nature of response, the major types are:

"not guilty plea": recommended statistical terminology:
A defendant's formal answer in court to the charge(s) contained in a complaint, information, or indictment, claiming that he or she did not commit the offense(s) listed.

"not guilty by reason of insanity": recommended statistical terminology: A defendant's formal answer in court to the charge(s) contained in a complaint, information, or indictment, claiming that he or she is not legally accountable for the offenses listed in the charging document because insane at the time they were committed.

"guilty plea": recommended statistical terminology: A defendant's formal answer in court to the charge(s) contained in a complaint, information, or indictment, admitting that he or she did, in fact, commit the offense(s) listed.

"nolo contendere": recommended statistical terminology:
A defendant's formal answer in court to the charge(s) contained in a complaint, information, or indictment, stating that he or she will not contest the charge(s), but neither admits guilty nor claims innocence.

Guilty pleas and nolo contendere pleas are, in fact, usually combined into a single category in data systems and in statistical presentations since they have the same legal effect in criminal proceedings. Both pleas can be followed by a judgment of conviction without a trial or verdict, and by a sentencing disposition. The pleas differ, however, with regard to their potential use as evidence in any related civil proceedings. A guilty plea in a criminal case can constitute evidence in a civil proceeding that relevant facts have been admitted; a nolo contendere plea cannot.

"guilty plea": is a key disposition category in court caseload statistics.

"guilty plea": is a major defendant "manner of disposition" subclass in the model court caseload statistical system developed by the National Court Statistics Project. In this system the guilty plea category (including nolo contendere) contrasts with convictions and acquittals at trial, dismissals, and the other methods by which defendants are disposed of, classified according to impact on court caseload.

In some data systems, the term "plea" is used where only a guilty or nolo contendere plea is meant. This usage is not recommended. (DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 159).

B. Supplemental information:

The first plea entered by the defendant at arraignment is the initial plea. Six possible pleas exist under the Ohio Revised Code and, as such, are represented on the coding sheets. (Only three, however, are routinely seen in use: (a) guilty, (b) not guilty, (c) nolo contendere.

1. Guilty (misdemeanor and felonies)
2. Not Guilty (misdemeanors and felonies)
3. No Contest (misdemeanor and felonies)
4. Once in jeopardy (misdemeanor and felonies)
5. A former judgment of conviction or acquittal (felonies only).
6. Not guilty by reason of insanity (felonies only)

II. Issues

In some jurisdictions, municipal judges incorrectly accepted pleas to felony cases. By law they have no jurisdiction beyond the initial appearance, setting of bond, and determination of probable cause via the preliminary hearing. In these instances, the defendants always entered pleas of "Not Guilty", but had they entered pleas of "Guilty" the municipal judges would have had no statutory jurisdiction to hear the case. In essence, this practice proved to be a semantical error rather than a procedural one. Initial pleas also presented problems when multiple charges were involved. Only the initial plea corresponding to the most serious felony was coded in these instances.

III. Response

Complete data:	1,843 cases (74%)
Missing data:	34 cases (1%)
Inapplicable data:	616 cases (25%)

30 FINAL PLEA (FPLEA)

I. Definition

- A. Standard or legal definition:
See plea definition under Initial Plea

B. Supplemental information:

Much like the initial plea, the final plea reflects the last (final) plea entered by the defendant relative to the charge against the defendant at that time. As such, interim pleas are not captured. The six plea possibilities listed under the initial plea also apply to the final plea.

II. Issues

Relatively few problems were encountered regarding the final plea. Even in cases where the final plea was the same as the initial plea, the final plea was coded. Final plea was coded inapplicable. In instances where the defendant entered an initial plea but, for some reason, such as failure to appear, never returned to court the final plea was also coded inapplicable.

III. Response

Complete data: 1,861 cases (75%)

Missing data: 40 cases (2%)

Inapplicable data: 592 cases (24%)

31. PLEA CHANGE HEARING (CHGPLEA)

I. Definition

A. Standard or legal definition:

See definition for plea bargaining under Plea Negotiations (PNEG)

B. Supplemental information:

The plea change hearing date reflects the date on which the defendant formally in open court states his desire to change his plea and at that same time enters his new plea.

II. Issues

The primary concern with plea change hearings occurred over multiple plea changes. As with other data elements the constraining format of the survey instrument dictated the recording of the last plea change only. As reflected in the next section, very little data was missing for this variable.

III. Response

Complete data: 1,264 cases (51%)

Missing data: 49 cases (2%)

Inapplicable data: 1,180 cases (47%)

32. PLEA NEGOTIATION (PNEG)

I. Definition

A. Standard or legal definitions:

"plea bargaining" The negotiations between the person prosecuting the defendant and the defendant's counsel, often in the presence of the judge, for the purpose of obtaining a reduced charge or lesser crime in satisfaction of the crime or crimes of which the defendant is accused. Used by the prosecutor in order to clear up a trial calendar and to obtain guilty pleas from accused defendants. The defendant, on the other hand, gives up his right to a trial but receives a record of a conviction for a lesser offense, and in most cases a lesser sentence (LEGAL TERMS AND CONCEPTS IN CRIMINAL JUSTICE, p. 88).

B. Supplemental information:

As reflected on the coding sheet, seven valid response categories were used in classifying the various charge reductions in the Ohio system.

1. Original Part I Felony reduced to lesser included offense
2. Original Part I Felony dismissed for plea to other lesser offense
3. Change of plea, no reduction in charge, no dismissal
4. Some charges nolled for plea
5. Codes 1 and 4
6. Codes 2 and 4
7. Original Part I Felony reduced lesser non included offense

II. Issues

A major obstacle with this variable was the defining of a lesser included offense. The following definition shed some light on the doctrine of lesser included offenses, yet also muddied the waters with less than definitive language -- note the phrase "element irrelevant to the original charge". How are elements deemed irrelevant?

"lesser included offense": One composed of some, but not all, of the elements of the greater crime, and which does not have any element not included in the greater offense. State v. Steward, La., 292 So. 2d 677 679. One which includes some of the elements of the crime charged in the information without the addition of any element irrelevant to the original charge State v. Johnsen, 197 Neb. 216, 247 N.W. 2d 638, 640 When it is impossible to commit a particular crime without concomitantly committing, by the same conduct, another offense of lesser grade or degree, the latter is, with respect to the former, a "lesser included offense". In any case in which it is legally possible to attempt to commit a crime, such attempt constitutes a lesser included offense with respect thereto. (BLACK'S LAW DICTIONARY, p.812).

Because of these definitional problems further analysis of this variable may require the collapsing of several categories into one general category.

III. Response

Complete data: 1557 cases (62%)

Missing data: 47 cases (2%)

Inapplicable data: 889 cases (36%)

33. TRIAL DATE (TDATE)

I. Definition

A. Standard or legal definition:

See trial definitions under Municipal Trial

B. Supplemental information:

This date variable was used to represent the trial date for both the municipal and common pleas trials. As a checkpoint in the time flow of the case, this date represents the initiation of the trial process which for the purposes of this study, was the empanelling of the jury.

II. Issues

In most instances, the data element was not difficult to collect. On occasion, however, trials were noted but no commencement dates were provided in the court records. Dates representing the conclusion of the trial were not needed since the outcome date was usually the same date as the date the trial concluded.

III. Response

Complete data: 300 cases (12%)

Missing data: 26 cases (1%)

Inapplicable data: 2167 cases (87%)

34. COMMON PLEAS TRIAL (CPTRIAL)

I. Definition

A. Standard or legal definition:

See definitions under Municipal Trial

B. Supplemental Information:

Three types of trials exist in the common pleas courts in Ohio.

1. Jury Trial
2. Bench Trial
3. Panel Trial

II. Issues

Few interpretational problems arose regarding this variable. The sparsity of common pleas trials rendered most of the data for this variable inapplicable. Moreover, missing data was minimal.

III. Response

Complete data: 224 cases (9%)

Missing data: 33 cases (1%)

Inapplicable data: 2,236 cases (90%)

35. FINAL CHARGE (FINCHG)

I. Definition

A. Standards or legal definition:

See Charge definition under MOST SERIOUS FELONY CHARGE.

B. Supplemental information:

The final charge represents the charge on which the final adjudication is made. This charge may or may not be the same as the most serious felony charge, particularly if plea negotiations have occurred.

II. Issues

Since charge reductions are common place, most final charges are a reduction of the initial, most serious felony charge. These reductions manifest themselves in the forms of lesser included offenses or as lesser but not included offenses of the original charge. Even when charges did not change, both the initial and final charge variables were coded. Final charges were only difficult to find in a few jurisdictions where reductions took place with the reduced charge failing to appear on the criminal appearance docket.

III. Response

Complete data: 2,072 cases (83%)

Missing data: 46 cases (2%)

Inapplicable data: 375 cases (15%)

36. TYPE OF COUNSEL (COUNSEL)

I. Definition

A. Standard or legal definitions:

"defense attorney": The lawyer who advises, represents and acts for the defendant (or, in post-conviction proceedings, the offender). Defense attorneys are categorized for administrative and budgetary purposes with respect to how they are selected and/or compensated:

"retained counsel": A defense attorney selected and compensated by the defendant or offender, or by other private person(s).

"assigned counsel": A defense attorney assigned by the court on a case-by-case basis to represent in court indigent defendants and offenders, sometimes compensated from public funds but sometimes not compensated at all.

"public defender": A defense attorney who is regularly employed and compensated from public funds to represent in court indigent defendants and offenders. See entry for recommended terminology.

When a defendant acts as his or her own defense attorney, he or she is said to be represented pro se or in propria persona. (DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 27).

B. Supplemental information:

Counsel in felony cases generally takes one of four forms. In many courts, the files contain either notes in a judge's handwriting or a form signed by the defendant attesting to his or her indigent status. While the latter is not always, in itself evidence of the exact type of counsel, some affidavits of indigency do actually bear the precise type of non-retained counsel.

II. Issues

Of the problems encountered with this variable, the most obvious is missing data (see below). In cases where these data were recorded it was not always possible to differentiate court-appointed and public defender cases. In one court, for example, both court-appointed (private practice) attorneys and public defenders were "appointed" by the court. It was only on those referral sheets that specifically provided the name of the public defender's office that the case could be positively identified.

III. Response

Complete data: 1,867 cases (75%)

Missing data: 474 cases (19%)

Inapplicable data: 152 cases (6%)

37. OUTCOME DATE (DATEOUT)

I. Definition

A. Standard or legal definition: not applicable

B. Supplemental information:

This item reflects the date of the following variable, outcome. The standard six digit, MMDDYY format was used to later simplify the calculation of time intervals between points in the criminal justice process.

II. Issues

This variable was not problematic.

III. Response

Complete data:	2,371 cases (95%)
Missing data:	81 cases (3%)
Inapplicable data:	41 cases (2%)

38. OUTCOME (OUTCOME)

I. Definition

A. Standard or legal definition: not applicable

B. Supplemental information:

There are a number of ways in which a felony case can be brought to completion. This variable sought to capture all the forms a case outcome may take (see copy of instrument at the beginning of this section.)

II. Issues

In general it was easy to assign a case to one of the sixteen outcome categories. There are subtleties, however, which often are difficult to capture with even the most refined data collection instrument. The dismissal of a case with or without prejudice is one example of a data element that frequently cannot be gleaned from a criminal court file. On the other hand, the problem may lie in the fact that many jurists either make no distinction between the two or simply make a notation only when a case is to be eligible for re-trial.

One purpose the outcome variable was designed to fulfill was that of marking the ending of a jury trial. During the pretest it was discovered that the sentencing date often is different from the date guilt was determined, the lag usually due to the referral and preparation of a presentence investigation report.

III. Responses

Complete data:	2,451 cases (98%)
Missing data:	20 cases (1%)
Inapplicable data:	22 cases (1%)

39. SENTENCE DATE (SENTDATE)

I. Definition

A. Standard or legal definition: not applicable

B. Supplemental information:

For both felonies and misdemeanors, this variable represents the date a penalty was pronounced by the sentencing judge.

II. Issues

This variable was not problematic.

III. Response

Complete data:	1,730 cases (69%)
Missing Data:	43 cases (2%)
Inapplicable Data:	720 cases (29%)

40. MINIMUM TIME (MINTIME)

I. Definition

A. Standard or legal definition:

A minimum sentence is the minimum penalty provided by law for a given offense, meaning in most statistical contexts, the minimum term of confinement to be served. Like the maximum sentence, the minimum potential term of confinement applicable to a person at time of commitment can be provided by statute, or determined by a court or parole authority within statutory limits. However, in some jurisdictions there is no officially stated minimum sentence.

A formally declared minimum sentence is also a time value affected by various statutory rules and discretionary executive actions. For example, in some jurisdictions an offender is eligible for parole after a certain fraction of the minimum sentence has been served. The item reflecting the most meaningful time value for minimum period of confinement is usually, in the case of prison populations, the minimum parole eligibility date, which can be calculated, sometimes at the time of commitment, in accord with the rules operative in the particular jurisdiction (DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 131.)

B. Supplemental information:

The Minimum Time variable was designed to capture the lower end of an indeterminate sentence. If, for example, a defendant was sentenced to serve seven to twenty-five years, seven would be recorded under this variable.

II. Issues

In misdemeanor court, defendants generally are sentenced to definite periods of confinement, e.g. 30 days, six months. This also happens in felony courts where a determinate sentencing structure exists. When these fixed terms were encountered during the study they were recorded under this variable as well as under Maximum Time.

III. Response

Complete data:	1,667 cases (67%)
Missing data:	63 cases (3%)
Inapplicable data:	763 cases (30%)

41. MAXIMUM TIME (MAXTIME)

I. Definition

A. Standard or legal definition:

In legal usage, the maximum penalty provided by law for a given criminal offense, usually stated as a maximum term of imprisonment or a maximum fine. In correctional usage in relation to a given offender, any of several quantities (expressed in days, months or year) which vary according to whether calculated at the point of sentencing or at a later point in the correctional process, and according to whether the time period referred to is the term of confinement or the total period under correctional jurisdiction.

annotation

As the above definition indicates, different time values can be established as the maximum sentence pertaining to a given offender for a given offense. The "Maximum Sentence" as stated by the court is usually the maximum period of confinement applicable to a specific offender for a specific offense, as selected by the court within the limits prescribed by statute, before jail time or any other irrevocable sentence credits have been subtracted. (DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 130.)

B. Supplemental information:

In contrast to Minimum Time, Maximum Time documents the indeterminate sentence's ceiling in years, months and days. When the sentence is a determinate one, the values recorded under Minimum Time are also recorded here.

II. Issues

This variable was not problematic.

III. Response

Complete data:	1,690 (68%)
Missing data:	40 (2%)
Inapplicable data:	763 (30%)

42. NUMBER OF CONFINEMENT SENTENCES (NSENT)

I. Definition

A. Standard or legal definition: not applicable

B. Supplemental information:

This variable was included in an attempt to identify how many separate periods of confinement the defendant incurs at sentencing. It was defined a prior as the number of sentences handed down at the time the defendant was sentenced on the instant Part I offense being tracked.

II. Issues

Number of confinement sentences proved problematic only to the extent that it was not always possible to determine how many sentences were handed out on the sentence date. At times this information was available on the journal entry of sentencing in the instant offense; in other instances it had to be obtained from other documents such as the appointed counsel's statement of fees.

III. Response

Complete data:	1,671 cases (67%)
Missing data:	44 cases (2%)
Inapplicable data:	778 cases (31%)

43. CONCURRENT/CONSECUTIVE SENTENCES

I. Definition

A. Standard or legal definition:

"consecutive sentence": A sentence that is one of two or more sentences imposed at the same time, after conviction for more than one offense, and which is

served in sequence with the other sentences; or, a new sentence for a new conviction, imposed upon a person already under sentence(s) for a previous offense(s), which is added to previous sentence(s), thus increasing the maximum time the offender may be confined or under supervision. Consecutive sentences are served one after the other; concurrent sentences are served at the same time:

"concurrent sentence": A sentence that is one of two or more sentences imposed at the same time after conviction for more than one offense and to be served at the same time; or, a new sentence imposed upon a person already under sentence(s) for a previous offense(s), to be served at the same time as one or more of the previous sentences.

A "multiple sentence" is two or more concurrent or consecutive sentence, or a combination of both types. It is possible for a person to be serving one of a set of consecutive sentences while also serving time on a concurrent sentence. (DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 46).

B. Supplemental information:

When a defendant receives more than one sentence, it is common for the judge(s) involved to make a decision as to whether the individual's various terms of confinement should be served simultaneously or be stacked, or some combination thereof. This variable was designed to capture the extent to which Part I felons in Ohio received one or the other.

II. Issues

In most cases, once the actual number of confinement sentences was determined, this information was fairly simple to ascertain by reading the journal entry prepared for the sentencing hearing. If the judge was handing out more than one sentence himself, or if he was aware of other sentences recently incurred or to be incurred by the defendant he generally made sure the sentencing entry reflected his wishes in this regard.

III. Response

Complete data: 399 cases (16%)

Missing data: 54 cases (2%)

Inapplicable data: 2,040 cases (82%)

44. TIME SUSPENDED (TIMEUSP)

I. Definition

A. Standard or legal definition:

"suspended sentence": The court decision to delay imposing or executing a penalty for a specified or unspecified period, also called "sentence withheld." Recommended statistical terminology: A court disposition of a convicted person pronouncing a penalty of a fine or commitment to confinement, but unconditionally discharging the defendant or holding execution of the penalty in abeyance upon good behavior. (DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 201).

B. Supplemental information:

For the Ohio OBTS study, this variable was defined as the percentage of the original confinement sentence that the sentencing judge suspended. So, for example, a defendant having 30 days of a six month total sentence suspended would have one-sixth, or 17 percent of his time suspended. In the cases of indeterminate sentences, time suspended reflects the percentage of the Minimum Time variable that was suspended.

II. Issues

This variable did not prove to be excessively problematic. During the data collection process, however, a couple of the researchers reported that they sometimes inadvertently recorded not the percentage suspended, but the percentage served. This necessitated paying especially careful attention to this variable during the data editing process.

III. Response

Complete data:

Missing data:

Inapplicable data:

45. PROBATION GRANTED (PROBATE)

I. Definition

A. Standard or legal definition:

grant of probation syn probation order recommended statistical terminology A court action requiring that a person fulfill certain conditions of behavior for a

specified period of time, often with assignment to a probation agency for supervision, either in lieu of prosecution of judgment or, after conviction, usually in lieu of a sentence to confinement. (DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 99).

B. Supplemental information:

As the name of this variable suggests, it is coded only if the defendant received some form of probationary sentence. The variable carried several categories reflecting whether or not the probation was regular, unsupervised, or whether it carried a condition of confinement time.

II. Issues

This variable was not problematic.

III. Response

Complete data: 756 cases (30%)

Missing data: 33 cases (1%)

Inapplicable data: 1,704 cases (68%)

46. PROBATION PERIOD (PROBPER)

I. Definition

A. Standard or legal definition: not applicable

B. Supplemental information:

It is customary for sentencing judges to not only specify that a probationary sentence is to be served but also that the suspension is to be of a specific duration. This variable captures in months the total amount of time a defendant was ordered to serve on probation.

II. Issues

This variable was not problematic.

III. Response

Complete data: 816 cases (33%)

Missing data: 45 cases (2%)

Inapplicable data: 1,632 cases (65%)

47. FINES (FINE)

I. Definition

A. Standard or legal definition:

The penalty imposed upon a convicted person by a court, requiring that he or she pay a specified sum of money to the court. (DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 94).

B. Supplemental information:

This variable was included to record the amount of fine(s) levied by the sentencing judge. It should be noted that this amount does not include other case-related assessments such as court costs or restitution.

II. Issues

This variable was not problematic.

III. Response

Complete data: 372 cases (15%)

Missing data: 34 cases (1%)

Inapplicable data: 2,087 cases (84%)

48. SUSPENDED FINE (SUSPFINE)

I. Definition

A. Standard or legal definition: not applicable

B. Supplemental information:

As the variable name suggests, this one makes note of the dollar amount of the fine that the sentencing judge saw fit to suspend.

II. Issues

This variable was not problematic.

III. Response

Complete data: 187 cases (8%)

Missing data: 34 cases (1%)

Inapplicable data: 2,272 cases (91%)

49. POST SENTENCE ACTIONS (PSENTACT)

I. Definition

A. Standard or legal definition: not applicable

B. Supplemental information:

After a defendant is sentenced, there remains a number of possible events that can change his or her status. These include appeals, motions for shock probation or other modifications of sentence, and probation violations. While the list used in this study may not be exhaustive, it seemed to adequately capture the most common post sentence actions.

II. Issues

Through this variable surfaced a number of variations of post sentence actions. Often judges would suspend the balance of a sentence, thereby creating a split sentence. While such a modification is akin to shock probation, it was not recorded as such because it involved local jail time and did not involve the Ohio Revised Codes shock probation section.

Normally post sentence actions were identifiable through journal entries in the files. On occasion, cases on appeal were difficult to follow due either to the absence of certain paperwork, or to the absence of the file itself.

III. Response

Complete data: 653 cases (26%)

Missing data: 35 cases (1%)

Inapplicable data: 1,805 cases (72%)

50. REASON FOR DELAY (DELAY)

I. Definition

A. Standard or legal definition: not applicable

B. Supplemental information:

During the pretest it was discovered that there are a number of occurrences which can slow down the normal processing of a felony case. The list of these included defense and prosecution motions, bond forfeiture, evaluations, hospitalizations, and non-specific continuances by the mutual agreement of defense and prosecution.

II. Issues

To the extent that documentation for these could be found in case files, they were recorded. Sometimes it was apparent, by virtue of the elapsed time, that a delay had occurred; however, these delays could not all be verified through paperwork in the file.

III. Response

Complete data: 217 cases (9%)

Missing data: 32 cases (1%)

Inapplicable data: 2,244 cases (90%)

51. SUPPRESSION MOTION FILED (SUPPRESS)

I. Definition

A. Standard or legal definition:

Suppression hearing: A hearing to determine whether or not the court will prohibit specified statements, documents, or objects from being introduced into evidence in a trial.

annotation

The kinds of issues considered in a suppression hearing include the legality of the manner in which evidence was obtained (see illegal search and seizure); the legality of a defendant identification procedure; the admissibility of a confession; and prior arrests of the defendant.

Suppression hearings are commonly initiated before trial on a motion by the defendant, and occasionally by the court. (DICTIONARY OF CRIMINAL JUSTICE DATA TERMINOLOGY, p. 201).

B. Supplemental information: not applicable

II. Issues

Ongoing national interest in the search and seizure issue prompted the inclusion of this variable. It was hoped that given the large N of the study, it would be possible to assess the proportion of Part I cases in which defense counsel perceived that his client's constitutional rights have been violated. These cases were easy to identify from the copy of the suppression motion found in the case file.

III. Response

Complete data:	154 cases	(6%)
Missing data:	2,310 cases	(93%)
Inapplicable data:	29 cases	(1%)

52. EXCLUSIONARY RULE INVOKED (EXCLUSE)

I. Definition

A. Standard or legal definition:

- "exclusionary rule": Evidence obtained in violation of a defendant's constitutional rights may not be accepted in a trial... (LEGAL TERMS AND CONCEPTS IN CRIMINAL JUSTICE, p. 43).

B. Supplemental information:

This variable was intended to record whether or not the defendant was successful in his attempt to have evidence excluded due to the court's ruling on the manner in which it had been obtained.

II. Issues

The data will undoubtedly reveal that there were many of these cases where the court neglected or refused to rule on the motion to suppress. One reason could be that judges may feel these motions are frivolous. In one county, for example files show that one defense attorney filed suppression motions in almost every case he represented in the OBTS sample, all of which received no formal written response by the presiding judges.

III. Response

Complete data:	51 cases	(2%)
Missing data:	120 cases	(5%)
Inapplicable data:	2,322 cases	(93%)

SECTION III COURT NOTES

The following section provides a brief profile of each of the sixty-one criminal courts included in the OBTS study. These included twenty-eight county common pleas courts, twenty-six municipal courts and seven county courts. The comments have been provided by the individual researcher who was responsible for a given court, but have been uniformly structured for the sake of consistency.

For the most part these notes are provided to document the veracity of the OBTS survey methodology at the data gathering level. For this reason there is a good deal of discussion relating to the formats of court records and the sample selection process. A third section pertaining to data collection issues has also been included to allow for a closer look at the ways in which some local judicial practices uniquely affected the study. It should be remembered, however, that these comments are made from the perspective of the needs of OBTS, and are not meant as evaluative statements about the overall functioning of these courts.

OBTS SURVEY NOTES
ADAMS COUNTY COMMON PLEAS COURT

Site Visit Dates: June 19 & 20, 1984

Contact Person: Wendell Parker

Records:

As in the Adams County Court, the two principal records used were the (1) criminal appearance docket and (2) the case files. The criminal appearance docket was leather/canvas bound and was handwritten, though legible and well organized. It was set up using the conventional case docketing format of the year ('82), criminal designation (i.e., and the four digit sequence number (e.g. 0001). The case files were also kept in an orderly fashion which made case tracking much easier.

Sample Selection

Only two (2) Part I felony direct indictments were required from the Adams County Common Pleas Court. These two were randomly drawn from the 82 felony cases on the docket for 1982. As in other jurisdictions, the direct indictments were checked against the municipal court sample to ensure they were not duplicates of cases already included in that sample.

Data Collection:

The ease of data collection was greatly enhanced by the mere location of the Common Pleas Clerk's office just down the hall from the county (municipal) Clerk's office. Because of such close proximity, backtracking problem cases took very little extra time.

Most of the data was present, notwithstanding prior felonies and some of the demographic data which was later obtained from the Adams County Sheriff's Department. And, as previously mentioned in the county court notes, it was difficult to establish the correct date of arrest given that most of the arrest warrants were served on the defendant in jail by the sheriff after the actual arrest took place. This procedure also made "Arresting Agency" virtually unobtainable.

Relative to the actual working conditions, again, ample working space was utilized in the county (municipal) court room. In addition, the Clerk of Courts and his assistants were most cooperative and helpful.

OBTS SURVEY NOTES
ADAMS COUNTY COURT

Site Visit Dates: June 19 & 20, 1984

Contact Person: Mary Ruth Mack

Records:

The records used for data collection in the Adams County Court were as follows:

1. Leather/canvas bound criminal appearance docket
2. Legal-sized case file folders.

The records were well organized and documented but the clerks did utilize a variation of the routine 82-CRA (CRB) case numbering system. As opposed to assigning each new case filed a chronological number with an appropriate prefix denoting misdemeanor or felony, the clerk separated the felonies from the misdemeanors and assigned each set their own sequence of chronological case numbers. For example, they had two cases with the case number of 1--one was a misdemeanor, 82-CRB-1, and the other was a felony, 82-CRA-1. Most other courts give each new case filed a unique case number regardless of whether it is a felony or misdemeanor, with felonies distinguished by the CRA prefix. The recording of the cases in the criminal appearance docket also conformed to this unique numbering scheme, with the one exception that the felonies and misdemeanors were interspersed. Along these same lines, the felony case files were kept separately from the misdemeanors in the filing cabinet.

Sample Selection

Seventy-six crime index felonies were found for the calendar year 1982. The sample size of 28 cases was randomly selected from this population of 76.

Data Collection:

Data collection was facilitated by the Clerk's generous provision of the court's only courtroom. The clerks were also very helpful relative to the examination of documents and explanation of system idiosyncrasies.

In terms of available data, most of the demographic data was unavailable, but later captured from the sheriff's files in the jail. The remaining data elements posed no major obstacles in their retrieval.

OBTS SURVEY NOTES
ASHTABULA COUNTY COMMON PLEAS COURT

Site Visit Dates: December 20 & 21, 1983

Contact Person: Edward L. Meaney

Records:

Criminal appearance docket books numbers 19 and 20 and individual case files provided the basis to access the necessary OBTS data from the Ashtabula County Common Pleas Court.

Sample Selection:

There were 174 felony filings in 1982 from this court and only three direct indictments needed for the OBTS study. A multiplier was determined to assure randomness and control for seasonality. Three direct indictments were selected. Additionally, the cases bound over from Conneaut Municipal Court and Western County Court Number Three were easily followed here.

Data Collection:

Space limitations in the court provided some problems when recording the data, however, direct access to the files was allowed. Some of the data not found in the lower court records was discovered here. The records were very complete in this court and court personnel were very accommodating to our research effort.

OBTS SURVEY NOTES
ASHTABULA WESTERN COUNTY COURT

Site Visit Dates: October 21, 1983
November 25, 1983
December 19, 1983

Contact Person: Terry Ellis, Clerk

Records:

The appearance docket and individual case files were the two primary sources used to obtain the OBTS data from the Ashtabula Western County Court. While the docket in most other courts had been used for sampling purposes, in this court a log book of all cases was used to determine which cases would be used in the sample.

Sample Selection:

There were 89 felonies filed in 1982 from this court and 21 were needed for the OBTS study. In setting up the sampling scheme, initially every fourth case was taken, however, by using this pattern the researcher discovered a shortage of qualifying cases so it became necessary to begin the process again taking every third case. By the time the sample selection was completed the entire universe of qualifying felony cases had been selected from this court.

Data Collection:

The researcher was given a vacant desk and direct access to all court files. Court personnel was very helpful in interpreting the information. Most of the information needed for the OBTS survey was contained in the files, however, the information was not in any predictable order, making it more time-consuming to access.

OBTS SURVEY NOTES
CONNEAUT MUNICIPAL COURT

Site Visit Dates: October 20, 1983

Contact Person: Florence Blood

Records:

Three sources of information were used to obtain data from the Conneaut Municipal Court:

1. Daily case filing sheets
2. Criminal docket book
3. Individual case files

Sample Selection:

Initially, there was some confusion in setting up the sampling scheme for this court. A series of charges stemming from the same incident are treated as separate cases and, because of the small number of felonies in this court, the same person had been selected more than once. After a conference call with the other researchers this issue was resolved and the sampling scheme was continued. A total of 10 cases were selected from this court.

Data Collection:

The clerk provided an area to work and all case files were obtained through court personnel. It was necessary to go to individual case files for the OBTS data. Demographic data was only available on a limited basis as was bond information.

OBTS SURVEY NOTES
BUTLER COUNTY COMMON PLEAS COURT

Site Visit Dates: April 24, 1984
July 19, 1984

Contact Person: Karen Rauec, Charlotte Herman

Records:

Two sets of records were used in compiling information for cases bound over from the Municipal Court or directly indicted by the Grand Jury. These were the court dockets and a separate listing of the 1982 direct indictments. No case jackets were needed.

Sample Selection:

The sample scheme called for a total of seven (7) direct indictments from Butler County. These were easily drawn from the listing of 1982's 71 direct indictments, using every 10th case as the point for a forward search for the first qualifying felony.

Data Collection:

The docket books provided generally thorough summaries of each case proceeding, thus precluding the need to use case files. As with most common pleas court dockets, these did not routinely contain demographic data on the arrestee.

OBTS SURVEY NOTES
HAMILTON MUNICIPAL COURT

Site Visit Dates: April 5, 1984
April 6, 1984
April 24, 1984
July 19, 1984

Contact Person: Mark Conese

Records:

The 1982 criminal and misdemeanor cases are kept in two docket books easily accessible in the Clerk's Office. File drawers containing the case jackets are also centrally located, as is a name index file. All of these were utilized during the study, especially the first two. The dockets were legible, orderly and, by design, primarily oriented toward a capturing of only the key legal points of each case entry rather than a complete documentation of the case history, a task left to the jackets. Hence, the two sources had to be used in tandem.

Sample Selection:

The total number of crimes contained in the source dockets was 4,162, of which some 600 were felonies and 300 qualifying felonies. Since 61 cases were needed for the sample, mathematics dictated that selecting every successive 8th felony as a check point for a forward search would both yield the approximate number needed for inclusion and encompass the entire span of 1982. As in other courts, occasional disparities in the flow of felony cases mandated minor adjustments in order to fill the sample quotas, but these were done along the full length of the base year (1982) in order to preclude seasonal biases.

Data Collection:

The jackets, more so than the dockets, proved useful in supplying the needed data. Arrest reports inside these jackets provided the only demographic data, while hand and typewritten comments on the jacket covers provided much more dispositional detail. There was some difficulty in identifying arresting agencies, so this variable went largely unrecorded for Butler County. Also, it was sometimes difficult to determine when at what level cases were dismissed (i.e., prosecutor or court action?), but all of these were routinely checked against Butler County Common Pleas Court records from the same time to see if the Municipal Court case may have been dismissed in the knowledge that it was being separately indicted in the upper court (a practice routinely followed by researchers throughout the OBTS study).

OBTS SURVEY NOTES
CLARK COUNTY COMMON PLEAS COURT

Site Visit Dates: May 15, 16, 17, 1984

Contact Person: Ronald E. Vincent, Clerk

Records:

The 1982 Part I felony cases are recorded in a single docket book that begins in 1981 and runs through part of 1983. Dates appearing in the book represent filing dates as opposed to actual hearing dates. From a quick glance it is easy to distinguish municipal court bindovers from direct indictments having no prior municipal court proceedings.

Case files are much the same as those found in other common pleas courts. The legal size folder contains a copy of the lower court transcript, indictment, arraignment entry, entry of final hearing and sentencing, as well as copies of various pre and post-conviction motions. In most cases the entries were in chronological order beginning in the back of the file.

Sample Selection:

Obviously the majority of the cases in the sample were those coming from the Clark County Municipal Court. The handful of direct indictment cases were easily selected by dividing the Clark County Common Pleas Court 1982 criminal case total by the number of directs needed, thereby yielding the sampling interval. Cases were then chosen on the basis of this interval after beginning at an arbitrary starting point.

Data Collection:

The actual collection of data from the CCCPC files went smoothly due to the orderly arrangement of the papers within the jackets. The folders were pulled by a deputy clerk who was successful in finding all but one file.

Despite the general completeness of the files, a few data items proved problematic. Often the bond set at arraignment was referred to only by an Ohio Rules of Criminal Procedure paragraph number. This of course caused a delay in the recording of the precise category on the data sheet.

Another problem that surfaced was a questionable disposition entry. The sentencing entry often would suggest that the defendant pleaded guilty on a previous date; however, the file would contain no journal entry reporting on that previous hearing. As a result, it was impossible in these cases to record the "plea change hearing" and the "outcome date."

OBTS SURVEY NOTES
SPRINGFIELD MUNICIPAL COURT

Site Visit Dates: January 31, 1984
February 1, 2 & 7, 1984
May 15 & 16, 1984

Contact Person: Paula Trainer

Records:

The Springfield Municipal Court (SMC) maintains an appearance docket which is an almost complete record of everything transpiring in a case from its beginning to the time it leaves SMC. This docket is unique in that the dates reflect actual hearing dates rather than filing dates.

The actual case files, while apparently functional for court operations, made the research process arduous and cumbersome. The folder itself, approximately three inches by nine inches, contains a large number of folded documents, all of which must be removed and unfolded. The process was made more difficult by the fact that only court personnel are permitted access to the file drawers.

Sample Selection:

Both felony and misdemeanor cases are kept in the same docket books. The sample, therefore, had to be selected from the total criminal cases for 1982. Often, as in the case of Petit and Grand Theft (ORC 2913.02), one could not differentiate felony from misdemeanor cases. The total number of criminal cases was divided by the number of Part I felonies needed from SMC, yielding the sampling interval. The first Part I felony beyond each multiple of the sampling interval was chosen for inclusion as a case.

Data Collection:

As mentioned above, the data were found on a number of documents inside the case folder. What initially was a slow process became more efficient with practice.

Data on race and age of the defendant was often absent. When available, it was found usually on the warrant or on a typewritten arrest record not included in all cases.

OBTS SURVEY NOTES
CLERMONT COUNTY COMMON PLEAS COURT

Site Visit Dates: June 27, 1984
July 20, 1984

Contact Person: Jo Withers

Records:

The 1982 criminal cases were contained in three docket books chronologically ordered. The only other records necessary were the case files located in easily accessible file drawers.

Sample Selection:

Only four direct indictments were needed to complete the county OBTS sample. These were easily drawn by dividing the total number of 1982 cases by four and using the answer to establish increments for the checkpoints from which forward searches were then made to find the first qualifying case. Because these increments were relatively large there was no trouble locating a case within each of the quadrants, thus precluding the need for more than one pass through the docket books.

Data Collection:

The two records sources provided most of the necessary data. As in most of the other courts the primary difficulties lay in identifying recognizable tracks leading back to the original charge at the county Court level, covering all aspects of the bonding decisions, and determining whether the prosecutor or the court was responsible for a particular dismissal.

OBTS SURVEY NOTES
CLERMONT COUNTY COURT (Batavia)

Site Visit Dates: June 26, 1984
June 27, 1984
July 20, 1984

Contact Person: Kathy McDaniel

Records:

Four different sources were used to gather OBTS information in the Batavia Court, including the 1982 Criminal Index book, criminal case dockets, case jackets, and the arrest files of the Clermont County Sheriff's Office.

Sample Selection:

A total of 219 pages comprised the criminal index, each of which contained an uneven number of alphabetically ordered cases. Once it was determined that neither the ordering nor the spacing of the case names caused any significant bias to the sample selection (i.e., there was no recognizable pattern in the display of the cases which would have compromised a random, sequential draw) check points were established at the top of every fourth (4th) page from which to begin forward searches for the first qualifying felony case. In this manner 43 of the required fifty (50) cases were drawn. The remaining seven cases were selected via a second pass through the book, starting from a different spot and using every 18th page as a checkpoint.

Data Collection:

References from the Index were to be found in several different docket books in the Clerk's Office (volumes 49 through 55). These yielded some of the needed information, but case jackets had to be referenced for date of offense, attorney assignment, bond arrangement, and commitment data. In addition, the arrest index file of the Clermont County Sheriff's Office was consulted for demographic data as arrest cards were not usually included in the case jackets.

OBTS SURVEY NOTES
COLUMBIANA COUNTY COMMON PLEAS COURT

Site Visit Dates: December 27, 1983

Contact Person: Carl L. Stacey, Clerk

Records:

The criminal appearance docket and individual case files were the sources utilized to complete the OBTS sheets from this court.

Sample Selection:

Five direct indictments were selected based on a multiplier developed to take into account the total number of felony filings in this court for 1982.

Data Collection:

Much of the data needed for the OBTS study was contained in the docket book however individual case files were also accessed because of discrepancies that existed between hearing and file dates being recorded. Cases from the Northwest County Court were easily traced here also. A workspace was provided for the researcher and court personnel were accommodating.

CONTINUED

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OBTS SURVEY NOTES
COLUMBIANA NORTHWEST COUNTY COURT

Site Visit Dates: November 23, 1984
December 22, 1984

Contact Person: Penny Sanders-Phillips, Clerk

Records:

Three sources of records were used to obtain information from this court:

1. daily log book
2. criminal appearance docket
3. individual case files

Sample Selection:

The daily log book provided a good method in determining the number of qualifying felony cases heard in this court and also a way to develop a multiplier to select the 15 needed cases for the OBTS study.

Data Collection:

The researcher worked in the reception area of the court and all files were accessed by court personnel. This court closes during lunch hour and no one is permitted to be in the court during this time.

Some of the demographic information was missing.

OBTS SURVEY NOTES
CUYAHOGA COUNTY COMMON PLEAS COURT

Site Visit Dates: August 25, 1983
October 20 & 21, 1983
March 7, 20, 21, 1984
April 11, 12, 18, 19, 23, 24, 30, 1984
May 2, 3, 7, 8, 9, 10, 11, 21, 22, 23, 25, 31, 1984
August 3 & 4, 1984

Contact Person: John Chmeilewski

Records:

A variety of informational resources were required in order to achieve the maximum collection of valid data in the Cuyahoga Common Pleas Court. First, the criminal appearance dockets were used to randomly sample the direct indictments needed from the Common Pleas Court. Moreover, they were used for a majority of the data collection as explained later. Case files, as always, were needed to fill in those missing data items which could not be located in the other sources. Also relied upon was the criminal index which was scanned to locate the common pleas case numbers for those cases transferred from the Cleveland Municipal Court either as bindovers on waiver or bindovers on preliminary hearing. In conjunction with the criminal index, the computerized case data base assisted in providing information on "difficult to follow" cases. This data base was accessed either by name or case number. If identical or similar names appeared on the screen, the sample case in question was identified via the cross checking of dates of birth or other identifying demographic variables. Yet another source of reference included microfilmed indictments. For direct indictments in Common Pleas the date of offense was not recorded on the criminal appearance docket. This information was easily retrieved from microfiche indictments which contained the date of offense. Of course this posed no problem on the bindover cases because of the previously captured offense date from the arrest report.

Sample Selection:

Over ten thousand felony cases were filed or reactivated for 1982 in the Cuyahoga Common Pleas Court, from which sixty-four direct indictments or bills of information were drawn for our sample.

Data Collection:

As expected, the data collection in the Common Pleas Court was a long, arduous task spanning over four months. Nearly 400 cases had to be individually checked including cases from the Berea and Cleveland Municipal Courts along with the direct indictments for Cuyahoga County. Problem cases were numerous, and the mere sample size contributed to collection burnout which extended the amount of time required to collect the data.

A majority of the data was gathered from the criminal appearance docket which proved to be a relatively accurate document that also included actual court appearance dates, unlike many dockets which contain file dates. Demographic data was not available on the docket for the direct indictments, thus requiring the pulling of case files. Bonding information was available, again involving mostly surety bonds, but at times was difficult to track from the municipal courts. Some counsel information was unobtainable due to the lack of continuity in the recording notation used by the clerks. The lack of explanatory notes regarding filings and motions also made it difficult to piece together the flow of the case. However, in respect to dates of court proceedings, change of plea, outcome, and sentencing dates, these notes were almost always present. Occasionally problems occurred when either the sentencing judges or recording clerks did not note the charge to which the original charge had been reduced or failed to note the actual incarceration sentence, instead only recording that probation was granted on immediate suspension of the sentence.

Due to crowded quarters and unavailability of certain dockets, most of the data collection was completed during the evening shift (4:00 pm to 8:00 pm). Some work was also done on Saturdays from 9:00 am to 1:00 p.m. During the process the assistant clerks were most helpful and greatly assisted in bridging the informational gaps.

OBTS SURVEY NOTES
CLEVELAND MUNICIPAL COURT

Site Visit Dates: August 24, 24, 1983
October 20, 1983
February 13, 22, 23, 24, 1984
March 11, 16, 22, 28, 29, 30, 1984

Contact Person: Al Moore

Records:

As noted before, the primary records used for the collection of data in the Cleveland Municipal Court were the (1) criminal appearance dockets and (2) the actual case files which were small docket folders measuring approximately 4" X 9". Since the Cleveland Municipal Court was among the largest contributors to the sample, their extremely organized file system played a major role in the ease and efficiency of data collection.

Sample Selection:

As one of the largest contributing municipal courts in the sample, 273 cases were needed from a population of over 6,000 felony cases filed and reactivated for 1982. The sample was randomly drawn from the criminal appearance dockets in much the same fashion as the other samples were drawn. Oversampling was again in effect in anticipation of marginal case fall out due to missing case files or outstanding warrant cases.

Data Collection:

Initially much of the data collection was affected on weekends which made for easy, less confusing work given that only two clerks were on duty during this period in contrast to the forty plus personnel involved during the week. The clerks provided invaluable assistance particularly when it came to the interpretation of shorthand notes in the case files.

Virtually all of the data elements were present with the exception of prior felony convictions. Demographic information was readily obtained from the Cleveland Police arrest forms which included date of arrest, date of offense, sex, race, date of birth and offense. Additional court proceedings data was easily captured from the front of the case file which for most intents and purposes negated the need to sift through the actual court documents contained therein. At times the shorthand notes on the outside of the files were difficult to decipher, but with aid from the clerks and repeated file handling, the shorthand documentation posed no major problems. This quick form of proceedings notation was apparently imperative due to the massive volume of cases processed daily through the court. Also interesting was the predominant use of the surety bond. Most bonds were either surety or cash.

OBTS SURVEY NOTES
BEREA MUNICIPAL COURT

Site Visit Dates: January 3, 4, 1984
February 14, 15, 16, 21, 1984

Contact Person: Lawrence Maher

Records:

In the Berea Municipal Court two sources of records were used:

1. Canvas/leather bound criminal appearance dockets
2. Case files filed in approximately 4" X 9" case file pockets.

The criminal appearance docket was used to select the sample but was of little use beyond that purpose. The docket was handwritten and sketchy on information. Some of the selected case files were in file drawers, but most of the files were pulled from cardboard file boxes arbitrarily stored in a hallway outside of the clerk's offices.

Sample Selection:

Eighty-three crime index offenses were required for the sample from the Berea Municipal Court. These 83 were chosen from a total of 268 felony cases filed and reactivated for 1982.

The sample selection proved quite difficult given the organization of the criminal appearance docket. In contrast to many of the other courts, the docket organized cases alphabetically rather than chronologically and sequentially. Additionally, the 1982 cases covered two dockets. The first half of 1982 was found in one docket along with 1981 cases, with the second half of 1982 residing in a second docket with 1983 cases.

Selection of the sample was achieved by passing through each alphabetical section of each docket selecting only 1982 cases and those cases which qualified as Crime Index (Part I) offenses. Two passes through the dockets were required before the sample size was realized. Another defect of this type of case recording was the difficulty in retrieving cases by case number. Instead of finding cases in sequential order by case number, cases had to be located by name with the defendant's name not conforming to any alphabetical order within each lettered section. (However, the alphabetically-based recording was replaced in 1983.)

Data Collection:

As previously mentioned, the biggest difficulty in the data collection process was the retrieval of case files from the cardboard file boxes located in the hallway. Relative to the actual extraction of data, the files were relatively well ordered with most of the key data elements readily available. Prior felony convictions were unavailable as was the case in most courts.

OBTS SURVEY NOTES
FRANKLIN COUNTY COMMON PLEAS COURT

Site Visit Dates: June 8, 11, 13, 14, 15, 1984
August 7 & 8, 1984

Contact Person: Jim Lucks

Records:

For calendar year 1982, the files are numbered sequentially beginning the year with "1". Docket books have not been used since the system was computerized several years ago.

Individual case files contain a bindover printout (if case originated in misdemeanor court), indictment, arraignment entry, bond sheet, disposition sheet and etc. These papers are arranged chronologically beginning at the back of file.

Direct indictment cases could be differentiated from bindovers by the "bindover" computer printout.

Sample Selection:

Bindover cases were followed up in Franklin County Common Pleas Court by checking the list of criminal cases on microfiche. In the absence of a criminal docket, direct indictment cases had to be sampled directly from the file cabinet. These were selected by dividing the total number of criminal cases for calendar year 1982 by the number of direct indictments needed from the Franklin County Common Pleas Court. This yielded an interval of 169. After selecting a starting point, a pass was made through the cases. The first qualifying case (direct indictment on Part I felony) beyond each interval was pulled for selection in the sample.

Data Collection:

Due to the orderliness of the paperwork in the Franklin County Common Pleas Court files, data collection was effected easily. Data from the files were recorded onto the Data Collection Sheet once the files were pulled. Since the files contained pertinent information not entered on the computer, only the former were used.

For the most part, data collection in the Franklin County Common Pleas Court posed few problems. One issue, however, that emerged was that of case fallout at the post-bindover/indictment stages. If, for example, a felony case is dismissed or nolled in Municipal Court in hopes that a future indictment will be sought, the case will not automatically be assigned a Franklin County Common Pleas Court case number, something which occurs only in the case of an indictment. So when a Franklin County Municipal Court "dismissal for indictment"

cannot be located in Franklin County Common Pleas Court, it means that either the prosecutor chose not to seek an indictment, or that the grand jury returned a "no bill" on the case. The implications of such a finding suggest that future OBTS investigators give serious consideration to using prosecutorial files for gathering criminal justice data not available elsewhere.

OBTS SURVEY NOTES
FRANKLIN COUNTY MUNICIPAL COURT

Site Visit Dates: November 2, 1983
December 6 & 8, 1983
January 5, 18, 19, & 20 1984
March 6, 1984

Contact Person: Frank Williams

Records:

There are three principal types of ways to access cases in the Franklin County Municipal Court.

1. court docket books
2. case record jackets
3. disposition books

The cases in the docket books are sequentially numbered for the calendar year beginning with "1" on January 1. For the calendar year 1982 there were exactly 30,000 cases (felony and misdemeanors) filed in the Franklin County Municipal Court (FCMC). To collect the Part I felony cases, one could use either of the first two sources. Ultimately, though, the investigator must go to the case jackets for accurate and complete data on each defendant's case since mistakes can be made by assistant clerks in the transposition from case jackets to the disposition book. Moreover, the dates in the books may be filing dates and not the dates of the actual hearings.

The case files consist of small paper pockets which hold the complaint, the warrant, bond documents, an arrest (slate) card, and sometimes the arresting officer's statement of facts. The judges' entries are either handwritten or stamped on the file pocket itself. The affidavits are in cardboard boxes arranged sequentially as are their corresponding entries in the docket book. Computerization of the court record system has not advanced to the point where it would be of help in offender-based tracking studies.

Sample Selection

Since the case jackets are in boxes arranged in the same order as the docket books, the extra step of selecting cases from the latter could be eliminated. To determine the interval to be used in selecting cases, the total number for the year (30,000) was divided by the pre-determined number of cases to be included in the FCMC sample (255), yielding an interval of 118.

The data collection was begun after arbitrarily selecting a starting point. The first Part I felony case encountered after each multiple of 118 became a case for the sample. Because the interval was based on the total N of cases for 1982, the sample should be representative not only in terms of offense type, but also for seasonality, and other relevant variables.

Data Collection:

The data from the 255 FCMC cases were transferred from the case files to the standard OBTS data collection sheet. Although space was a problem, the court supervisor was quite cooperative. It was his suggestion that cases be selected from the files in order to omit an unnecessary step.

Most of the lower court data were available from the case files. Information unavailable included prior felonies and type of counsel. A problem revealed in FCMC and not detected during the pretest was that relating to changes in bonds. The OBTS data collection sheet does not permit the recording of bond changes subsequent to the first bond decision. The initial data, therefore, could lead one to believe that a person was confined during the pre-trial period when in fact he or she was released soon after initial appearance.

OBTS SURVEY NOTES
HAMILTON COUNTY COMMON PLEAS COURT

Site Visit Dates: October 13, 1983 (Pretest)
November 2, 1983
December 21, 1983
December 22, 1983

Contact Person: Gene Montesi

Records:

Four different types of records exist within the Clerk's Office which can be used in OBTS data collection. These are:

1. the yearly printout of grand jury indictment listings;
2. the court docket books;
3. the case record jackets; and
4. the computerized data base (maintained largely through the court administrator's office).

Only marginal use was made of the indictment listings, and the computerized data base was not used at all in tracking the direct indictments. The docket books are sequentially numbered and roughly chronological in order. Each of ten volumes contains case history space for six-hundred (600) cases. Frequently, case histories are continued on separate (non-ordered) pages in the volume, but these continuances are always clearly marked. Additionally, an alphabetized index is provided at the end of each volume, allowing for ready reference. Generally, because the docket books contain entries for all significant case events, approximately 80-85% of the survey data could be collected from this source. The record jackets were also easily retrievable, and useful in providing case history summaries and dates of offense.

Sample Selection:

Twenty-seven direct indictment Part I felonies were required from the Hamilton County Common Pleas Court. Thus, sample selection was based on drawing three qualifying cases from each of the ten docket books. As each book contained a range of some 600 cases, the selection scheme involved identifying the equally distributed and arbitrarily assigned points of #100, #300, and #500 in each book and working forward from each point until a qualifying cases was reached. The only exception to this scheme came in volume ten which, because it did not contain a full display of 600 cases, produced only two cases (the second of which was found by starting at the end of the book and working backwards). Two other volumes also produced only two cases each, this because the two-hundred case number spread was reviewed without finding a qualifying case. Because the docket books are not limited to artificial time constraints (e.g., months), and because cases were selected on the basis of previously established and arbitrary check points, the sample was representative of court grand jury direct indictments for Part I felonies in 1982.

Data Collection:

Most of the data needed for the OBTS study was available and recorded, with the consistent exceptions of "date of arrest" and "arresting agency." Most of the difficulties encountered related to the practice of sentencing offenders to terms concurrent with other case sentences, the occasional splitting of sentences beyond the instrument's capacity to record, and a few other technical points noted in the rough notes for this file. On the whole, however, the data sources provided at least 90% of the needed information. With regard to municipal court bindovers, "type of attorney" and "sentence minimum" (time) data had to be gleaned from the common pleas dockets since those two pieces of information were not routinely provided through the automated data system (which provided all of the other data for bindovers and municipal court adjudications).

OBTS SURVEY NOTES
HAMILTON COUNTY MUNICIPAL COURT

Site Visit Dates: October 13, 1983 (Pretest)
November 1, 1983
December 21, 1983

Contact Person: Mary Ann McGoran

Records:

The OBTS data gathering process in Hamilton County was unique in that it relied primarily on printout from the computerized criminal justice information system (CJIS). Because of this, most of the transcription of the data took place in GOCJS office in Columbus rather than in Cincinnati. For nearly three hundred (300) cases, Ms. McGoran provided case printout detailing personal information, arrest/court/disposition cycles, and criminal histories. Additionally, pertinent sections of the CJIS codebook were provided to GOCJS staff so that the printout could be properly interpreted. The only other necessary records were the criminal dockets for 1982, seventeen (17) volumes in all, which served as a base for the original sample draw. However, no case information was drawn from the dockets once the selections were made.

Sample Selection:

The sample selection process proved somewhat cumbersome because the 17 court dockets for 1982 contained both criminal and misdemeanor offenses, totalling 32,121 cases. Some preliminary pre-sample testing indicated that qualifying felonies constituted about 10 percent of that total, or 180-190 per book. Because the docket entries run chronologically (i.e., precluding any sampling bias based on organization of the individual dockets) the decision was made to skip every other volume and use only the odd-numbered volumes. As each volume contained approximately 1,800 cases the researcher established as check points numbers equally separated by increments of 50 (e.g., 8274, 8324, 8374, etc.). From each of these points he searched forward until he found a qualifying case, thus anticipating a yield of 35-40 qualifying cases per docket book. There were, however, gaps in the flow of such cases as certain types of other crimes, notably traffic cases and drug arrests, tended to be bunched together. This left the sample about fifteen (15) cases short of the required 291 cases at the end of the first pass through and necessitated a second pass through, this time utilizing the other eight (8) dockets with check points established in increments of 1,000. (Note: Each pass through always encompassed the full range of the 1982 cases to preclude seasonal biases in the sample selection process.)

Data Collection:

The accurate transcription of data from printouts to the OBTS forms required numerous telephone communications with the Clerk's Office in Cincinnati. Occasionally, the demands of the OBTS instrument could not be totally met by the CJIS program. For example, the frequently-used 0330 code, "charge dismissed," did not differentiate between charges dropped by the prosecutor and those dismissed by the Court. Similarly, the "motion" codes (denied, granted, etc.) did not indicate the exact nature of those motions (shock probation, sentence modification, new trial, etc.). Nevertheless, the printouts did provide an extraordinary amount of information via several hundred code response options, and, also of critical importance, encompassed complete case disposition cycles, not just the Municipal Court element. The printouts also provided the best criminal history summaries found during the study. One idiosyncrasy of the docket format resulted in a 10 percent shortfall in the number of Hamilton County Municipal Court cases included in the sample. That was the practice of logging open warrant cases in with those that had been cleared by arrests. About 30 of these were inadvertently drawn in the original sample and had to be subsequently discarded. Slight over-samplings in other large courts in the study compensated for this diminished draw.

OBTS SURVEY NOTES
JEFFERSON COUNTY COMMON PLEAS COURT

Site Visit Dates: November 4, 1983

Contact Person: Joseph G. Hamrock

Records:

Case information from the Jefferson County Common Pleas Court was accessed from the criminal docket book and individual case files.

Sample Selection:

Cases that had originated in Jefferson #1 County Court were easily followed in the appearance dockets of the Jefferson County Common Pleas Court. The criminal appearance docket book #12 indicated that 85 cases had been indicted by the grand jury in 1982. Two cases were randomly selected for the OBTS study, both direct indictments.

Data Collection:

Information was obtained from both the docket book and individual case files. Some information on cases originating from County Court #1 was also obtained here. Space limitations forced the researcher to work at the counter rather than a designated work area and all records were pulled by court personnel. Because of the few cases being sought here this caused only minimal disruption to court operations.

OBTS SURVEY NOTES
JEFFERSON #1 COUNTY COURT

Site Visit Dates: November 22 & 24, 1983

Contact Person: Annabel Black, Clerk

Records:

Two types of records were used to collect data from Jefferson County Court #1:

1. criminal appearance docket
2. case files

Sample Selection:

There were 27 felony cases filed for 1982 in this court and only eight needed for the OBTS sample. Because of the small number of cases a sampling scheme was easily developed. There were 16 cases that actually qualified for the OBTS study, therefore every other one of the qualifying felonies was selected.

Data Collection:

The criminal docket provided some of the information needed, however, it became necessary to go to the actual case files for the data. The clerk provided an area to work for the researcher and was very helpful in interpreting some of the information provided in the case files.

Much of the demographic information was missing from the case files.

OBTS SURVEY NOTES
LAKE COUNTY COMMON PLEAS COURT

Site Visit Dates: January 25 & 26, 1984
February 8 & 9, 1984

Contact Person: Andy J. Totin

Records:

The criminal appearance index, criminal appearance docket and the case files were the three records used for data collection in the Lake County Common Pleas Court. All of the records were well-organized. The Clerk of Court expressed a very serious and progressive attitude regarding the organization and preservation of case file documents. In fact, at the time of collection the clerk was in the final stages of implementing a new filing system which replaced the traditional bulky file cabinets with a portable rack system. The system obviously makes for better file organization with a more efficient use of space.

Sample Selection

Seven direct indictments were required from the Lake County Common Pleas Court. They were randomly selected from the criminal appearance docket which reflected a total of 683 felony cases for 1982.

Data Collection:

Despite the practice of sending the common pleas case number to the municipal court on felony bindover cases, several defendant names from the municipal court had to be checked in the criminal appearance index in order to locate the corresponding common pleas case number. Beyond this, the data collection went smoothly with the exception of a few missing files, some of which were later located under pending files, while a few others were missing because they were in the Court of Appeals. For those cases in the Court of Appeals, as much information as possible was gleaned from the criminal appearance docket.

Most helpful were the assistant clerks who answered many questions regarding the idiosyncrasies of their files as well as locating pending and missing files. The Clerk of Courts ensured that the study was given full cooperation and provided spacious work accommodation in their file room. In all, the Clerk's office appeared to operate in an orderly and efficient fashion enjoying good liaison with the contributing municipal courts.

**OBTS SURVEY NOTES
MENTOR MUNICIPAL COURT**

Site Visit Dates: January 5, 23, &24, 1984

Contact Person: Robert Valko

Records:

Not unlike many of the other clerks' offices in the sample, the two most heavily relied upon documents were the (1) criminal appearance docket and the (2) case files. The appearance docket (leather/canvas bound) was a neatly recorded and orderly volume following the Supreme Court's prescribed numbering scheme of 82-CRA-_____. As for the case files, the court documents were triple folded and stored in plastic file pockets. These case files were easily retrievable from file cabinets located in two areas within the Clerk's office.

Sample Selection:

Sixty Crime Index offenses were randomly selected from a total of 110 Part I felonies in 1982. The selection of these cases was effected by random selection from the criminal appearance docket which contained both misdemeanor and felony cases. As before, oversampling was done in an effort to compensate for those cases falling out due to outstanding warrants or missing case files. In the sampling process, cases in the appearance docket which had no defendant's name were cases with outstanding warrants, according to the clerk.

Data Collection:

The facilities and office organization were excellent. Ample space was provided at a table in the small but very quiet law library down the hall from the Clerk's office. The clerks were very friendly and were called upon often to find missing case files. The Clerk of Courts was also very cooperative and supportive of the work.

The case files were relatively complete with the usual missing data relative to prior felony convictions and some demographics. Difficulty also arose in determining arrest dates when no arrest warrants appeared in the files. This problem was not resolved and on occasion arrest dates had to be estimated. The court also practiced sentencing defendants to jail in conjunction with probation with no time suspended. Typically, probation is granted only when all or a portion of the jail sentence is suspended. This same sentencing practice was also found in the Ironton Municipal Court. Also of interest was the appearance of yellow slips with the Common Pleas case number on those case files bound over to the common pleas court. The submission of these case numbers to the municipal court by the Common Pleas Clerk facilitated the tracking of the case by eliminating the

need to look up common pleas case numbers for bindover cases from the municipal court. These yellow case number slips were, however, not found in all of the bindover cases, hence, some case numbers still had to be located in the Common Pleas Clerk's office.

OBTS SURVEY NOTES
LAWRENCE COUNTY COMMON PLEAS COURT

Site Visit Dates: August 4, 5, 6, 7 & 8 (est.), 1984

Contact Person: Dale Burcham

Records:

The two primary records used in Lawrence County Common Pleas Court were

1. leather/canvas bound criminal appearance docket
2. case files (legal-size folders)

The criminal appearance docket aided in the sample selection of direct indictments with the case files providing the bulk of data.

Sample Selection:

In 1982 Lawrence County Common Pleas Court had a total of 117 felony cases. From this total three(3) direct indictments were chosen for tracking plus those cases from the Ironton Municipal Court that were bound over. Close attention was paid to ensure that the direct indictments were not duplicates of cases already included in the sample which originated in the municipal court but subsequently were dismissed for direct indictment in the common pleas.

Data Collection:

Some demographic information was found but not on a consistent basis. The case file documents were in order which facilitated the tracking process. The appearance docket was not relied on for data because of the use of court documents. Also encountered were case files which contained municipal court transcripts but reflected no subsequent court action. No further possible tracking was possible on these cases.

The atmosphere of the clerk's office was most cordial, and ample work space was provided in the file room which was well organized with numerous work tables.

OBTS SURVEY NOTES
IRONTON MUNICIPAL COURT

Site Visit Dates: August 2 & 3, 1984

Contact Person: Jennifer Howard

Records:

The leather/canvas bound criminal appearance docket (two volumes) and the case files were the only two source documents used for the collection of OBTS data in the Ironton Municipal Court. The appearance docket was handwritten and the cases were arranged in numeric order, with felonies distinguished from misdemeanors with the CRA (as opposed to CRB) prefix. The appearance docket was, however, limited in its capacity to provide actual court appearance dates, and some of the bond data was sketchy; hence a preponderance of the data came from the case files.

Sample Selection:

Sixty-one Part I felonies were needed to meet the sampling requirements. More than 61 cases were selected from the 197 felonies filed or reactivated in 1982 in anticipation of some case fall out. The same sampling procedure employed in the other courts was used, specifically, calculating an interval, counting ahead that interval in the docket, then selecting that case if it met the Part I definition. If not a Part I felony the next encountered Part I in the docket was chosen.

Data Collection:

Utilizing two researchers working in tandem, both the criminal appearance docket and the case files were used for data collection, with the case files providing the bulk of the data. The case files consisted of the case documents stapled together and filed in approximately 4" X 9" manila pockets. Most of the court proceeding data were marked on the lower left hand corner of the complaint. These handwritten appearance dates and accompanying remarks were not always self-explanatory and at times required clarification from the clerk. Also difficult to ascertain were arrest dates and arresting agencies. Usually the arrest warrant was typed after the initial arrest and then served on the defendant in the county jail; hence, most of the returns on the arrest warrants listed the sheriff as the arresting agency. It was difficult to accurately determine if and when bond was posted.

Regarding dispositional data, some atypical court practices were discovered in the area of probation. The Judge would sometimes sentence defendants to determinate periods of incarceration and have them concurrently placed on probation. A substantial number of these defendants would then serve their entire sentence while still on probation.

OBTS SURVEY NOTES
LORAIN COUNTY COMMON PLEAS COURT

Site Visit Dates: March 8, 12, 14, 15, 1984

Contact Person: Don Rothgery

Records:

Records used in the Common Pleas Court were as follows:

1. leather bound criminal appearance dockets
2. microfilm and loose leaf journal entries
3. case files

Sample Selection:

For 1982 1,609 felonies were processed through the Lorain County Common Pleas Court. These 1,609 cases spanned four different leather bound docket books, volumes 48, 49, 50, 51. Thirteen direct indictments were randomly selected from the 1,609 cases by choosing an arbitrary starting point and proceeding forward until a direct indictment was encountered; after selection of the qualifying direct indictment a count of 123 was added to the originally designated count number, thus preserving the randomness of the sample.

Several of the 13 direct indictments had to be scratched because the indictments were for misdemeanors not felonies, a case requirement of the study.

Data Collection:

A major portion of the data collection originated from the docket books, with problem cases requiring additional review of the case files and, in some instances, the journal entries on microfilm and loose-leaf papers. Originally, it appeared that all dates on the docket were actual dates of court occurrences, but subsequent examination revealed otherwise. Most docket dates were file dates, not actual occurrence dates, although many of the file dates matched or were close (a day variance) to the actual dates. Upon this discovery, subsequent data were collected from the actual case documents contained in the case files. Additionally, the appearance docket was sketchy regarding dispositional data, usually citing the granting of probation but failing to note the original sentence. This required further examination of the case file or journal entry.

OBTS SURVEY NOTES
ELYRIA MUNICIPAL COURT

Site Visit Dates: March 5, 6, 7, 1984

Contact Person: Alex J. Burnett

Records:

Two primary records were relied upon for the collection of OBTS data from the Elyria Municipal Court. As expected the criminal docket books were used in order to select the sample, but they also proved valuable in the actual collection of data.

1. criminal docket
2. case file

Other sources may exist but were not required in the data collection process.

Sample Selection:

The Elyria Municipal Court had a total of 2,814 criminal cases (felonies and misdemeanors) for 1982 with approximately 620 being felonies. All of these cases were contained in two leather bound "criminal docket" books numbered volumes 45 and 46. Only 58 cases were needed from the municipal court yet, anticipating that a few would fall out, the researcher purposely oversampled making the sample size 64 cases. This sample size was then divided into 2,814 with a resulting interval count of 44. Next a starting point of case 2,548 was arbitrarily chosen with Part I felonies being selected every 44th case thereafter. However, if the 44th case was not a Part I felony the next sequentially encountered Part I was selected. A count of 44 was then added to the previously determined count number (not necessarily to the last chosen case number). For example, the starting point of 2,548 plus 44 equals 2,592. If case 2,592 was not a Part I then the next encountered Part I was selected with the next search beginning at 2,636 (2,592 + 44). This process was repeated until the sample of 64 was obtained.

Data Collection:

A combination of the "criminal docket" books and the "case files" was used to gather the necessary OBTS data. The docket provided a concise chronological review of the events of the case plus pertinent bond information, thus negating the need to sift through the numerous corresponding documents in the case file. Demographic data along with other pieces of information not found in the docket were easily retrievable from the case file either from shorthand notations on the case file cover or from the actual case documents. The actual complaint form proved invaluable. It contained the often "hard to

"find" demographic data as well as the "date of arrest" found in the return on the warrants. Also the case jacket reflected the arresting agency, a sometimes elusive data item as well. Overall the percentage of data collectable from the municipal court records was approximately 95%, with prior felony record the most commonly missed data item.

OBTS SURVEY NOTES
LUCAS COUNTY COMMON PLEAS COURT

Site Visit Dates: November 14, 15, 16, 17, 21, 22, 23, 29, 30, 1984

Contact Person: Jeff Colturi

Records:

The primary sources of information from the Lucas County Common Pleas Court were (1) the case files (legal-size folders), (2) the criminal appearance docket and (3) the arrest printout obtained from the Northern Ohio Regional Information System. (NORIS)

The case files and criminal appearance docket were excellently organized with virtually all typewritten entries. In addition to the typewritten narrative of the criminal appearance docket, a criminal docket sheet consisting of a brief typewritten case progression (narrative form) was also included in each case file.

Sample Selection:

Again utilizing a printout from NORIS, fourteen direct indictments were randomly selected as required in the predetermined sample size. Every 14th case was chosen beginning with the 10th case on the printout. As in the municipal court printout, persons with multiple charges had each charge listed separately as a case when, in fact, the multiple charges represented only one case.

Data Collection:

The Assistant Clerk of Court proved most helpful in the research effort by initially providing staff to pull and refile case files. Later, upon gaining the confidence of the assistants, the GOCJS researcher was permitted to retrieve and replace files on his own. The case files were used almost exclusively with occasional use of the criminal appearance docket on hard-to-track cases. The two, single, most helpful case documents were the municipal court transcript and the criminal docket sheet. The municipal court transcript was used to record municipal court data elements and case numbers on bindover cases from the municipal court which were listed on the original printout, but only by their common pleas case number. Some of these cases still had to be tracked back in the municipal court, but the transcript proved to be an invaluable link between the common pleas case and the municipal case.

In ~~1~~ other courts visited did GOCJS researchers find the existence and usage of the criminal docket sheet (CDS). As described above the CDS provided a brief typewritten narrative regarding the proceedings of the case. Included were the bond type, amount, origin of transfer (if applicable) along with the date of indictment and offense. The dates reflected on this sheet were actual court appearance dates which further precluded the need to examine the actual journal entries.

Similar in style and format to the appearance docket, the CDS provided a concise, accurate, readily retrievable overview of the entire case, which explains its extensive use in the data collection phase.

Little demographic data was procured but, as mentioned in the municipal court report, some of this data was later supplied by NORIS in printout form. Prior felonies were unavailable and on occasion the types of defense counsel could not be identified.

OBTS SURVEY NOTES
TOLEDO MUNICIPAL COURT

Site Visit Dates: October 6, 19, 20, 24, 25, 26, 27, 1983
November 8, 9, 10, 1983
December 5, 6, 7, 8, 9, 1983

Contact Person: Harry Kessler

Records:

The primary data sources for the Toledo Municipal Court were the case files and the case management data bases under control of the Northern Ohio Regional Information System (NORIS). Because of the capability of drawing the sample from the computerized data base, the criminal index and criminal appearance docket were used very little.

Much like the Cleveland Municipal Court, the high case volume required for the sake of expedition that most of the court transactions be recorded on the cover of the case file in shorthand fashion. The case files were small manila folders measuring approximately 4" X 9". The court documents contained therein were well organized and were used occasionally when the data could not be interpreted on the outside cover. Police reports were also found and relied upon for arresting agency and other available demographic data.

Sample Selection

A total of 115 Crime Index (Part I) felonies were required for the sample from the Toledo Municipal Court. This sample was achieved with the assistance of NORIS. They generously produced a computer printout on all Part I felony arrests processed in the Toledo Municipal Court for 1982. Arrests were listed separately, so the first pass through the printout required the lumping together of arrests which represented several crimes arising out of the same incident. This was required to ensure that the selection of felony cases would include all of the relevant charges associated with that case as opposed to sampling from individual charges of which several of which could be represented by same case. At times, however, it was difficult to tie offenses with the same offense date to one case number.

Data Collection:

Upon completion of the sampling from the printout, municipal court case numbers were copied from the printout for use in retrieving the selected municipal cases. During this process another difficulty arose. Those cases which originated in the municipal court but were later bound over were represented on the printout by their common pleas case number only. Thus, these cases were deferred for tracking, beginning in the common pleas with a backtrack to the municipal court

for the proceedings there. Although unorthodox, this method presented no insurmountable barriers.

Very little demographic data was obtained from the case files, but this information was later picked up from a separate printout and then matched with the survey in the sample. Type of counsel interpretations were easily made when the judge would note that a public defender was appointed. Differentiation between dismissals and nolle prosequis at the muni level was quickly resolved via consultation with the city prosecutor, Mr. Jack Puffenberger, who stated that ninety-nine (99) percent of the municipal dismissals are at the State's request, thus making them nolles. The other problematic variable, as expected, was prior felony convictions. Some data was captured on this variable from the court intake document found in each file, but little validity could be attached to the comprehensiveness of the document.

The working conditions were excellent with a provided desk and complete cooperation from the Clerk of Courts and his assistants.

OBTS SURVEY NOTES
MAUMEE MUNICIPAL COURT

Site Visit Dates: October 12, 13, 17, & 18, 1983

Contact Person: Marie Holt

Records:

Three different records were used in the Maumee Municipal Court for the purposes of sample selection and data collection:

1. criminal appearance docket (Bound Volumes)
2. case files (heavy paper jacketed files approximately 5" X 9½")
3. criminal index record (used to record all felony cases).

The criminal appearance dockets were well kept but did not provide actual appearance dates and also did not contain the desired demographic data. The case files were used the most and for the most part provided data not found in the docket.

Sample Selection:

The Maumee Municipal Court filed and reactivated a total of 146 felony cases for 1982. The sample required a selection of 45 Part I felonies from the 146 total. Selecting the sample required a pass through the criminal index record which had all of the criminal cases for 1982 listed chronologically, with felony/misdemeanor distinctions being made by the use of CRA prefixes for felonies and CRB prefixes for misdemeanors. Then, every second felony was selected and checked against the criminal appearance docket to determine if it was a Part I felony. Employing this method made it possible to skip large ranges of misdemeanors found in the criminal appearance docket. Logically, selecting every second felony encountered in the criminal index record yielded more cases than needed for the sample, but some of the cases fell out as non-Part I crimes. Despite the fallout, however, fifty-five (55) Part I felonies for 1982 were found and used for the sample. Again, the oversampling was done in anticipation of further case fallout due to outstanding warrants or missing files.

Data Collection:

The data collection process was facilitated by the notable cooperation and assistance provided by the clerks. The researcher was provided with a desk at which to work, and the clerks were most generous in answering many questions. The case files were used almost exclusively, with only a handful of cases falling out of the sample due to outstanding warrants. As in most courts, some of the demographic data was sketchy and arresting agency and type of counsel were also difficult to ascertain. The arresting agency data was collected by writing the name of the arresting officer on the line to the right of the variable on survey and then, later, having the clerk identify the agency employing that officer. This process proved successful and the clerks were most cooperative in this process.

Since the Maumee Municipal Court was one of the initial sample selection sites, methodological problems were encountered which caused delays and confusion in coding the data. For example, it was in Maumee that the problem of where to code an outcome date for the muni court proceedings when no preliminary hearing is held was first encountered. This was resolved by coding the outcome date in the muni court arraignment date box. An additional problem was whether or not to include grand theft offenses based on prior convictions of grand theft. Inconsistent with the remainder of the data collection in other counties, "Prior Conviction" grand thefts were excluded from the sample in Maumee.

Also discovered was the practice of the Judge withholding a finding of guilty in theft cases until it was determined if the defendant qualified for the (theft) diversion program. If the defendant qualified and successfully completed the program, the case was nolled. Conversely, if the defendant did not qualify, the Judge entered his finding and proceeded with the case according to his judgement.

OBTS SURVEY NOTES
MAHONING COUNTY COMMON PLEAS COURT

Site Visit Dates: January 18, 19, & 20, 1984

Contact Person: Anthony Vivo

Records:

Two sources were used to collect data in the Mahoning County Common Pleas Court:

1. Criminal Docket Books
2. Individual Case files

Sample Selection:

There were no direct indictments or bills of information that qualified for the OBTS study. All directs in this court were drug related in 1982. This was verified through the prosecutor's office.

Data Collection:

Space limitations in this court made data collection somewhat difficult, and the files were dispersed in several places. Some were found in the Clerk's files but the others were stored in a storage area. Once all the files were accessed most of the data needed was found in the case files. There was some confusion in locating data when a person had been charged with multiple offenses because they would occasionally be sentenced under an unrelated case. Overall court personnel were very helpful.

OBTS SURVEY NOTES
YOUNGSTOWN MUNICIPAL COURT

Site Visit Dates: October 24, 1983
December 23 & 30, 1983

Contact Person: Phyllis Kussic
Rosemary Durkiv, Clerk

Records:

Three types of records were used to access data in the Youngstown Municipal Court:

1. police register log book
2. criminal appearance docket
3. individual case files

Sample Selection:

In order to get the 45 cases needed for the OBTS study intervals were established skipping every 154 cases and taking the next from the Police Register Log Book. This method proved to be somewhat problematic because ORC numbers were not provided and, on occasion, non-qualifying theft cases were selected. Only after a review of the case file could this be determined. These cases were replaced by the very next case that qualified using the case files.

Data Collection:

All demographic and arrest data were obtained by using the police register log book. Some data were also accessed through the City Prosecutor's Office. In addition, individual case files were used. A desk and direct access to all case files were provided. Court personnel proved very helpful.

OBTS SURVEY NOTES
MAHONING #3 COUNTY COURT

Site Visit Dates: December 28, 1983

Contact Person: Alice Manners, Clerk

Records:

Court records that were reviewed included the criminal appearance docket and individual case files.

Sample Selection:

Twenty-five cases were needed, but 30 were selected, comprising the total universe of felonies that qualified for this study. The criminal docket book was used to set up the sampling scheme and some of the OBTS data were accessed from the docket book.

Data Collection:

The individual case files were located in a storage area in a warehouse area of the court, and the researcher used a conference room to work. Most of the information needed was contained in the files.

OBTS SURVEY NOTES
STRUTHERS MUNICIPAL COURT

Site Visit Dates: December 29, 1983

Contact Person: Thomas Becker, Clerk

Records:

The criminal appearance docket served as the primary record used to access information and individual cases files were also utilized.

Sample Selection:

There were only 30 qualifying felony cases handled in this court in 1982, therefore all 30 were used rather than only the 25 required. Criminal docket book #3 was used to establish this and to access much of the needed data.

Data Collection:

An empty courtroom was used as the researcher's work area and direct access to the court files was granted. Court personnel were accommodating to the research effort.

The files contained a majority of the information required on the OBTS data collection sheet.

OBTS SURVEY NOTES
MEDINA COUNTY COMMON PLEAS COURT

Site Visit Dates: February 2 & 7, 1984

Contact Person: Jean Waters

Records:

In the Medina County Common Pleas Court a combination of informational sources were used to acquire the needed OBTS data. As in most other courts, the primary source record was the actual case files which, in this instance, were the standard legal-size file folders. Also used was the criminal index for purposes of matching bindover municipal cases with corresponding common pleas case numbers. The criminal appearance docket was also used marginally in order to bridge a few of the informational gaps in the case files. The fourth record, a compilation of Grand Jury reports, was used for the selection of secret indictments. The assistant clerk was wary of allowing access to this last document inasmuch as some of the warrants on the secret indictments had not yet been executed. Presentation of proper identification to both the prosecutor and Clerk's office soon removed this barrier.

Sample Selection

Only four (4) secret indictments or bills of information were needed for the sample. These four were randomly drawn from the list of indictments in the Grand Jury reports for 1982. Cases selected which still had outstanding warrants were not included in the sample. Additionally, cases bound over from the Medina County Municipal Court were traced through the Common Pleas Court.

Data Collection:

Adequate work space was provided at a desk located in the vault downstairs where most of the older records were kept. Also residing in this highly organized room was the microfilm department of the court. This Clerk's office possessed one of the best organized and more progressive microfilming operations encountered in the State which accounted for the well organized 1982 records.

The case files were in relatively good order with a majority of the case documents appearing in chronological order. Most of the data on the variables was available with the routine exceptions of demographics and prior felony convictions. Type of counsel was also difficult to ascertain at times when no clear identification existed regarding the type of attorney assigned to the case. As previously experienced, bond information proved problematic when trying to capture the modification of the municipal bond upon transfer to the common pleas court.

OBTS SURVEY NOTES
MEDINA COUNTY MUNICIPAL COURT

Site Visit Dates: January 31, 1984
February 2 & 3, 1984

Contact Person: Albert D. Shirer

Records:

Records used in the Medina County Municipal Court for the data collection were the criminal appearance dockets (2 volumes--leather/canvas bound) and the actual case files. The appearance docket was well-organized, although it followed a continuous sequential case numbering scheme as opposed to the 82-CR-_____ format found in most of the other courts. For example, the first case in 1982 would not be numbered one (1) but would be assigned the next number following the last numbered case in 1981. This however, presented no major difficulties in the identification and sampling of 1982 Part I felonies. Some of the records, both docket and files, were slightly charred or water damaged from the court's fire of a year ago, though the clerks did an excellent job in salvaging most of the documents.

Sample Selection

The Medina County Municipal Court had a total of 143 felonies for 1982. Every fourth felony was selected in order to achieve the required sample size of 43.

Data Collection:

This phase of the process went relatively well due to the extreme helpfulness of the clerks. Most of the data was collected from the case files which required numerous trips to the basement to pull these files. Actual recording of the data was done on the first floor in the jury room.

Problematic variables again included the demographic variables, prior felonies and type of counsel. Beyond these difficulties the case files were well organized with easy interpretation of the data based on moderate assistance from the clerk. Storage availability and file organization were two of the major pluses for the court -- both brought about by the earlier fire. The new court provided room for expansion and the fire necessitated the sorting and reorganizing of all the dockets and case files. The office personnel displayed a genuine dedication to the yet unfinished task of reordering and preserving the many partially destroyed documents.

OBTS SURVEY NOTES
MIAMI COUNTY COMMON PLEAS COURT

Site Visit Dates: May 1, 2 1984

Contact Person: Jan Mottinger, Clerk of Courts

Records:

Miami County Common Pleas Court (MCCPC) maintains a criminal appearance docket book which contains many of the pieces of information needed for the OBTS study. Some dates of court appearances were actual dates while others turned out to be the dates on which papers were filed. Still the docket provided a good overall picture of a case's progress from indictment or information to final disposition.

The case jackets--folders designed to hold legal-size documents--were among the most complete and best organized of any encountered during the study. Journal entries were arranged chronologically from the back of the file to the front. All were adequately labeled to indicate exactly which type of hearing (i.e., arraignment upon indictment, change of plea, etc.) they represented. Actual hearing dates, more suitable than filing dates for research purposes, appeared on the entries.

Sample Selection:

Since bindovers were selected from the Miami County Municipal Court docket it was necessary only to sample direct indictments (D.I.) from a list of all Part I D.I.'s for CY 1982. The cases were then chosen from the list by dividing the list total by the number of cases needed, thereby providing the appropriate sampling interval.

Data Collection:

Due to the orderliness and completeness of the MCCPC docket and files, data collection was accomplished with minimal problems. Ample space and cooperation was offered by the Clerk, making the task an extremely pleasant one.

Occasionally a blank would be encountered in the docket book which then necessitated searching the file for the missing bit of information. This happened most often with bond and attorney data.

The only major problem turned out to be "type of counsel." It was often impossible to tell whether the defendant had a public defender, appointed counsel, or private attorney. Once in awhile the file contained documents carrying the attorney's affiliation and relationship with the defendant. One might be tempted to use the "type of counsel" as found in the Municipal court files. This could change, however, in the time the case moved from municipal to common pleas, thereby rendering it invalid.

OBTS SURVEY NOTES
MIAMI COUNTY MUNICIPAL COURT

Site Visit Dates: April 11, 12, 18, 25, 1984
May 17, 1984

Contact Person: Jane Gosser, Clerk of Courts
Randi Wheaton, Contact Person

Records:

The criminal appearance docket in Miami County Municipal Court (MCMC) contains an almost complete record of all proceedings. Data unavailable in the docket included date of birth, race, date of offense, date of arrest, and arresting agency. Felony cases were easily distinguishable from misdemeanors. Individual case files contain all pertinent case documents including the complaint, warrant, preliminary hearing waiver, and bindover forms. On the outside of the file folder were printed blanks providing an at-a-glance record of the case from the offense date to final disposition. Much of the necessary data could be collected in this way. Such a form could be useful not only to researchers, but also to attorneys and others interested in the various major events occurring in criminal cases.

Sample Selection:

The total number of criminal cases in MCMC for CY 1982 was divided by the required number of Part I felonies yielding a sampling interval of 51. One valid problem with this method was that it sometimes was possible to move from one point of the interval scheme to the next without finding a qualifying Part I felony. This happened three times in selecting the MCMC sample. To pick up these three cases, another pass was made through the docket without replacement of the cases already chosen.

Data Collection:

Much of the data could be collected from the criminal appearance docket book. As noted above, the defendant's date of birth, race, and other items were not in the docket book and thus had to be obtained from the case file. All information, with the exception of the defendant's race, was easily gotten from either the book or the case file. Entries inside the case files carried titles denoting preliminary hearing, waiver of preliminary hearing, etc.

The collection of data in the MCMC was made much easier by the accommodations provided the researcher. A large desk in a quiet office kept the researcher out of the clerks' way as they conducted their day-to-day business while serving as a comfortable station at which to collect the data.

In going through the court files it became evident that the MCMC disposes of a large percentage of its Part I felony cases; a figure approaching fifty percent. Most of these cases appear to be grand

theft cases which were actually thefts of merchandise valued under \$150., but which were filed as felonies because the defendant had a prior theft conviction. It was discovered that the complaint often would be amended to delete the reference to the prior conviction, thus permitting the MCMC to adjudicate the case as a misdemeanor.

The MCMC record-keeping system is exemplary. The files are set up so that even the lay person, with no previous exposure to the criminal justice system, could easily trace a case from arrest to final disposition.

OBTS SURVEY NOTES
MONTGOMERY COUNTY COMMON PLEAS COURT

Site Visit Dates: May 9, 10, 16, 1984

Contact Person: Richard Horn

Records:

Part I felony cases are recorded in several docket books reserved specifically for 1982. As with most common pleas clerk's offices, the Montgomery County Common Pleas Court (MCCPC) books record filing dates, which may or may not correspond to actual hearing dates. The information, however, does provide a good overview of the cases from indictment or information to final disposition.

Case files in the MCCPC consist of a legal size jacket in which are clipped all relevant papers including municipal court transcripts, indictment, warrant, arraignment entry, plea change or trial entry, sentencing entry, and etc. These papers are arranged in chronological order from the back of the file to the front. The 1982 files were located in a file room on open shelves.

Sample Selection:

Four direct indictment (D.I.'s) cases were drawn from each of four docket books. It was later discovered, however, that there were, in fact, seven docket books covering CY 1982. To ensure that the entire calendar year would be represented in the sample, every other previously selected case was deleted. A pass was then made through the other three docket books to choose D.I.'s for the rest of the year.

Data Collection:

With the exception of problems posed by missing files, data collection was accomplished easily. Permission to pull and replace file jackets was granted by a deputy clerk and a desk was provided nearby.

One variable proved to be somewhat, though not seriously, problematic. On occasion the court appoints counsel for defendants. It is usually not possible, however, to distinguish between court-appointed private counsel and public defenders since the referral form in the file refers to the attorney only by name, not by affiliation. It therefore may be wise to combine these types of counsel and contrast them to retained counsel for purposes of analysis.

OBTS SURVEY NOTES
DAYTON MUNICIPAL COURT

Site Visit Dates: April 12, 19, 26, 1984

Contact Person: William Zeller, Clerk of Courts

Records:

The criminal appearance docket book begins the calendar year with case number "1". The book is designed to serve as a record of municipal court proceedings. The clerk's office also maintains regular files consisting of a jacket on which court dates and transactions are recorded. Inside this jacket is contained copies of the complaint, warrant, subpoenas, and miscellaneous journal entries.

Sample Selection:

The total number of criminal cases for CY 1982 was divided by the number of Part I cases needed from Dayton Municipal Court (DMC), thereby yielding the sampling interval of 108. Upon reaching the desired number of cases only halfway through the docket, however, it was obvious that the total number of cases figure being used was inaccurate. Instead of securing a new CY 1982 criminal case total and beginning again, the sampling continued throughout the balance of cases using the original interval. Using a two-three sampling scheme, all but three of the cases needed were chosen from one pass through the list of 103. The remaining three cases were randomly selected from the group of remaining cases. The resultant sample should represent the entire calendar year.

Data Collection:

The criminal appearance docket was not a substitute for the case file. Information not found in the books included date of birth, race, date of offense, date of initial appearance, arresting agency, type of attorney, and preliminary hearing date. The initial appearance was difficult to find even in the case file. The date bond was set was used for this date.

Also problematic was the preliminary hearing. In many cases it was not possible to determine whether the hearing had been held or waived. Some of the cases had a note on the outside of the jacket regarding the preliminary hearing, which proved helpful.

Bonds were at first difficult to interpret because the record might only show how much the defendant had to deposit, as opposed to the full bond amount. There was such a narrow range used by DMC judges, however, that it became easy to recognize the bond (e.g. \$2000. - 10%) by the amount collected by the clerk's office (\$200.).

OBTS SURVEY NOTES
OTTAWA COUNTY COMMON PLEAS COURT

Site Visit Dates: September 1983

Contact Person: Ann Nelson

Records:

The following records were used for the collection of data from the Ottawa County Court of Common Pleas

1. criminal appearance docket (leather and canvas bound)
2. case files.

Reliance on the Probation Department records was also marginally utilized. The criminal appearance docket was well organized and typewritten, although it contained file dates rather than actual court appearance dates. The case files followed the Supreme court numbering scheme of 82-CR _____ but were filed according to an index system, thus requiring index numbers to pull the case files.

Sample Selection

Only two direct indictments were needed from the Common Pleas Court. Their selection was done on a random basis from the criminal appearance docket. Direct indictment cases which were already included in the Port Clinton Municipal Court sample were rejected in the selection process.

Data Collection:

Work space was limited in the clerks' offices so most of the examination of case files took place in the jury room of the Common Pleas Court. As previously mentioned the criminal appearance docket did not reflect actual court appearance dates thus requiring a heavy reliance on the case files.

The case files were legal-size green folders with the case documents arranged in chronological order. Most of the data elements were found with the routine exception of demographic and prior felony conviction data. Ottawa County as one of the first data collection sites also allowed insight into the process of initiating felony cases in the municipal court only to subsequently dismiss them for direct indictment by the Grand Jury. Also, on occasion the prosecutor would initiate a case in the municipal court which would bind the case over to the Grand Jury, but then present the same case to the Grand Jury as a direct indictment case without ever disposing of the bindover case. Why this practice was followed was not ascertained, but it was evident that it left numerous open cases and produced substantial duplicate paperwork.

OBTS SURVEY NOTES
PORT CLINTON MUNICIPAL COURT

Site Visit Dates: September, 1983
October 4, 1983

Contact Person: Helen Hetrick

Records:

Again, as later encountered in most of the other courts, the two major documents used in data collection were the criminal appearance docket (canvas/leather bound document) and the actual case files (found in thin manilla file pockets measuring approximately 4" x 9"). A third document, the criminal index, was used marginally to locate several of the felony cases considered for selection in the sample.

The Criminal Appearance Docket was handwritten but quite legible, up-to-date, and easy to follow. The case files were filed chronologically, and the criminal files were kept separately from the traffic files. While well organized with adequate documentation the case files were difficult to handle given they were triple folded and placed in the manilla file pockets.

Sample Selection:

A total of 132 felony cases were filed and reactivated for 1982 in the Port Clinton Municipal Court. The sample dictated 41 felonies be selected from the 132. As in other instances, oversampling was done in anticipation of case fallout and also because the entire population of Part I felonies was only several over the predetermined sample of 41. In short, all Part I's were included in the sample. Defendant names and case numbers were taken from the criminal appearance docket.

Data Collection:

Work space was quite adequate as the Clerk of Courts provided work space in the Court's Jury Room. Moreover, the clerks were very willing to assist in locating case files and answering questions. As in other jurisdictions, most of the data came from the actual case file, primarily to ensure the capture of actual court dates as opposed to file dates. A majority of the data was available, notwithstanding the often missing demographic and prior felony information. The case files contained the complaint, but arrest records, which often contain demographic data, were not found. Dates of birth were also hard to come by. Bond information was easy to follow but, as in most instances, the Court's definition of bond had to be translated into OBTS standard definitions.

OBTS SURVEY NOTES
PERRY COUNTY COMMON PLEAS COURT

Site Visits Dates: January 12 & 25, 1984
February 1, 1984

Contact Person: Ned Watts, Clerk of Courts
George Flautt, Prosecuting Attorney

Records:

The Perry County Common Pleas Court (PCCPC) Clerk maintains felony case files containing lower court transcripts, journal entries and other relevant court documents. An appearance docket designed to keep track of felony case proceedings from initiation to completion also is used. In a number of cases it was difficult or impossible to determine from the file when court appearances took place and exactly what transpired. In other cases the information was unavailable altogether. In the case of bindovers the file might contain a copy of the lower court "transcript," but it was of little use since it, too, lacked a full range of OBTS data.

Sample Selection:

Because the county does not generate a large number of Part I felony cases, it was easy to determine the CY 1982 total. Only two direct indictment cases had to be selected. This was done after the Part I bindovers were omitted from the list. After the determination of an arbitrary, randomly-selected starting point, the two cases were selected. All other cases were selected on the basis of bindovers from the Perry County Court.

Data Collection:

Due to the nature of the data problems outlined above, a decision was made to use the prosecutor's files. During the data collection effort in the Perry County Court, the Perry County Prosecutor offered his assistance to the OBTS effort. Since prosecutor's records are of necessity comprehensive, the OBTS data collection sheets were completed the basis of this information. Of this final data source, the demographic information (age, sex, race) was frequently not found.

OBTS SURVEY NOTES
PERRY COUNTY COURT

Site Visit Dates: January 11 & 12, 1984

Contact Person:

Records:

Neither the Perry County Court case files nor the appearance docket provided sufficient data for OBTS. In the case files, court appearances were either recorded on a standard mimeographed sheet or on the outside of the file jacket itself. Initial appearances, preliminary hearings, and continued court hearings often could not be distinguished from one another due to the labeling.

Sample Selection:

Since all offenses - felony and misdemeanor, criminal and traffic - were recorded in the same docket books, it first was necessary to go through the book and total the number of Part I felony cases for CY 1982. This task was simplified by the fact that Perry County generates a relatively small number of these felonies. The offenses were identified by Ohio Revised Code numbers.

Once this total was established, it was divided by 23, the number of bindover cases needed from Perry County. This, then, established the sampling interval needed to select the cases.

Data Collection:

The problems noted above translated into disappointing data collection results. Missing data, including sex, race, age, bond, and type of hearing kept most cases from being complete. Some demographic data might be available from the Perry County prosecutor; however, such an effort makes the research process less efficient and more costly.

OBTS SURVEY NOTES
PORTAGE COUNTY COMMON PLEAS COURT

Site Visit Dates: April 25 & 30, 1984
May 1, 2, & 3, 1984

Contact Person: Jeanne Tondiglia

Records:

The criminal appearance docket and the case files (legal sized folders) were the two primary records used for data collection in the Portage County Common Pleas Court. The dockets were the customary leather and canvas bound volumes. The entries were handwritten and sometimes difficult to read and follow. Sufficiently organized with reliable data, the case files were used almost exclusively.

Sample Selection:

Five (5) direct indictments were needed from the Portage County Common Pleas Court along with the tracking of the remaining muni court felonies through the Common Pleas. The direct indictments were randomly selected from the criminal appearance docket. If the direct indictment was the same case as one which had originated in municipal court and was already included in the municipal court sample, it (direct indictment) was replaced.

Data Collection:

The data collection phase was moderately difficult. Work conditions were excellent with adequate desk space in the same room where, the 1982 case files were stored. Additionally, the Common Pleas Clerks Office and the Ravenna Municipal Clerks are housed in the same building but on different floors. This physical arrangement greatly facilitated the task of checking out problem cases in both courts. Moreover, one clerk of court presided over both clerk's offices.

The case files required extensive examination in order to capture the data. Organized in chronological order each court document had to be examined to determine if it contained pertinent data. As mentioned earlier, the appearance docket did not provide an adequate case summary for OBTS needs, and no case summary was included in the case file. The case file did, however, include all of the original documents for the municipal court cases on bindovers from the Ravenna Municipal Court. Due to the courts close proximity the entire case files were transferred as opposed to having copies made.

Touching upon the availability of data, the established trend of sparsity relative to demographic and prior record information persisted, and correctly identifying types of legal counsel also proved difficult.

OBTS SURVEY NOTES
RAVENNA MUNICIPAL COURT

Site Visit Dates: April 2, 1984
April 18, 1984
April 19, 1984
April 20, 1984
April 24, 1984

Contact Person: Jeanne Tondiglia

Records:

Part I felony cases were selected from the canvas bound "misdemeanor and felony docket (Volume 1). This docket contained traffic cases in the front with all of the criminal cases for 1982 (2,894) appearing at the end of the docket. The physical setup of the docket varied substantially from all of the other dockets encountered. It (the docket) is larger than most other dockets, and each case is given a single line entry with all pertinent entries appearing directly to the right of the case number and name in a straight line fashion, with 24 cases per page side. Case files were also used. Atypical of most courts, Ravenna Municipal Court sends the entire case file to the Common Pleas Court on felony bindovers. No copies of the file are made, with the entire jacket being forwarded to the Common Pleas Court. This method saves time and resources and is facilitated by virtue of the Common Pleas Court being in the same building as the Municipal Court. In addition, the Clerk of Courts serves both courts (Common Pleas and Municipal).

Sample Selection:

The total of 2,894 cases for 1982 was divided by the sample size needed, 118, with the resulting interval count of 25 which was doubled, thus requiring two passes through the docket. Selection of the sample began at case number 1,820 and proceeded forward until the first Part I felony case was encountered. The selection from the docket then skipped ahead 50 cases from the original starting point with the next case selected being the next encountered Part I felony. A count of 50 was again added to the preceding starting point. This process was continued until the entire sample was selected. Similar to the selection process used in other courts, the interval count was added to previous interval starting point, and not to the point at which the Part I felony was selected, unless, of course, a Part I felony was selected exactly 50 cases from the preceding starting point. The first two passes through the docket yielded 86 valid cases, hence, another pass through the docket was required to select the remaining 30 cases.

Data Collection:

Upon completion of the sample selection, data collection began in the Municipal Court on those cases (dismissals and charge reductions) which still had their case files residing in the Municipal Court. All of the felony bindover cases, including their municipal case files, were located in Common Pleas Court on the second floor of the Portage County Courthouse.

The case files were fairly complete, notwithstanding the variables of race and prior felony convictions. Sex of the defendant was also omitted, but usually inferred from the defendant's name. Felony case files were color-coded in orange jackets.

Regarding felony reductions to misdemeanors, the reduced felony is given a new misdemeanor case number (CRB) as opposed to the practice in some jurisdictions which simply amend the complaint and change the CRA to CRB with the numeric portion of the case number remaining the same.

OBTS SURVEY NOTES
SCIOTO COUNTY COMMON PLEAS COURT

Site Visit Dates: May 22, 1984
May 31, 1984
July 11, 1984

Contact Person: Mildred Thompson

Records:

The two relevant docket books for this study, set up alphabetically rather than chronologically, cover the six year period 1977-1982, and appear to include all adult filings of the Common Pleas Court. This was fortunate in light of the large number of Municipal Court dismissals which had to be checked against the Common Pleas dockets for separate grand jury actions. The name index, dates, case type designation (e.g., "criminal") and identification of plaintiff ("State of Ohio" in felony cases) allowed for the identification of 30%-40% of the Muni Court dismissals as independent grand jury actions. The jackets were organized into two file drawers, although some of the dismissed cases had been refiled elsewhere for reasons of space.

Sample Selection:

The statewide sampling scheme called for only three directly indicted cases from Scioto County (no prior Muni Court proceedings). The direct indictments (formal indictments and bills of information) are recognizable in the file jackets because they are lacking the bindover or waiver sheets from the Muni Court records. Because only three cases were needed a simple draw was made from three equidistant points in the calendar year file drawers.

Data Collection:

The jackets were neat and consistently ordered. The documentation relating to plea bargain mechanics and sentencing were detailed and clear. Other points of note include:

1. Actual indictment dates were difficult to determine with references made only to the month of the grand jury session. For the most part entry dates were used, and these were often within a day or two the Muni Court transaction. However, actual arraignment dates were clearly identified, thus allowing an accurate profile of the time-flow of the justice process in the County.
2. Defendant bond status was sometimes difficult to determine; that is, whether or not the defendant was still being held in jail. Unless additional documentation was found in the jacket, continuance of the Muni bond was assumed.
3. Individual charges were clearly identified in the jackets.

OBTS SURVEY NOTES
PORTSMOUTH MUNICIPAL COURT

Site Visit Dates: May 16, 1984
May 22, 1984
July 11, 1984

Contact Person: Dottie Wiley

Records:

The Municipal Court records format was upgraded in 1983, but this was not of direct benefit to this study since the base year is 1982. A total of 57 qualifying cases were drawn from the docket books, five more than called for in the sample so as to anticipate some loss where case jackets could not be located. However, all jackets proved to be both existent and accessible. The 1982 cases were contained in three separate dockets which varied both in format and size. Traffic and civil cases were included with criminal, requiring the handling of some 12,000 total cases for the year. Case jackets were stored in file boxes located in an adjoining storage room and in a separate building but, otherwise, access to them proved to be no problem. Space accommodations for the work were quite good.

Sample Selection

This task was somewhat more challenging than usual because of the previously noted physical layout of the 1982 entries in three dissimilar docket books, and the inclusion of traffic and civil cases. The first docket (January-October) contained 36 entries per page over 249 pages; the second (October-November) displayed three cases per page on 580 pages; while the third (December) recorded three cases on each of 324 pages (some latter page entries were doubled up to reflect six cases). A process of straight division (total cases in dockets divided by number of cases needed in sample) indicated that beginning points for forward searches (for first qualifying case) would occur every 225 cases. Based on the differing docket layouts, the page checkpoint schemes broke out as follows:

docket # 1: every seventh page for three consecutive selections; every sixth page for fourth selection; then repeat this four-selection cycle throughout book (total yield equals 38 cases).

docket # 2: every 75th page (total yield equals nine cases)

docket # 3: every 108th page (total yield equals four cases)

Additionally, the five extra cases noted earlier were thereafter drawn from equidistant checkpoints from the calendar year.

Data Collection:

The jackets contained a good deal of information, especially relating to bond decisions and counsel. Police reports were available for approximately 60% of the cases. Other specific notes relating to data collection and interpretation are as follows:

1. The number of felony charges was based on the number of consecutive line entries in the docket.
2. It was difficult to distinguish between initial appearance date and the docket entry date, although the margin of error here would seldom exceed one day. Usually, where doubt existed, the date on the bond decision documentation was used.
3. There was a large number of dismissals, something close to 50%. Several of these were subsequently picked up via direct grand jury indictments. Where the records specifically indicated that dismissals occurred during preliminary hearings, the preliminary hearing date box was used. Otherwise, the arraignment date box was used.
4. Surety was the most frequently used type of bond. This reflected the language used on the bond decision (commitment) form (i.e. "bail"), as well as a clerk's comment that the judges usually allowed more than just the cash bond alternative.
5. Portsmouth uses court-appointed private attorneys in lieu of public defenders.

OBTS SURVEY NOTES
STARK COUNTY COMMON PLEAS COURT

Site Visit Dates: January 19, 1984
January 20, 1984
July 13, 1984

Contact Person: Helen Garafalo

Records:

Three different types of records were used to secure bindover and direct indictment case data from this court. The most important of these were the two docket books which contained most of the information needed for the time period. Occasionally, a second set of books needed to be consulted, especially for several Alliance Municipal Court bindovers subsequently ignored by the Grand Jury. A third set of records was the name index file of the Stark County Prosecuting Attorney.

Sample Selection:

Fourteen (14) direct indictments were drawn from the 2,691 criminal cases recorded in the 1982 docket books. This was six (6) more than the originally targeted figure of eight (8), an oversampling adjustment to make up for a slight shortfall in the directly indicted cases in nearly and similarly sized Mahoning County. Evenly established mark points were identified, from which a forward search was made until a qualifying case was found. Gaps in the dispersion of the direct indictments required a second pass through the dockets using different mark points, but these were also arbitrarily determined so as to cover the whole year in even segments.

Date Collection:

Because of the completeness of the docket ledger entries, case jackets were largely unnecessary to the completion of the data gathering task. However, because police reports were not routinely found in the municipal court jackets, demographic data had to be gathered from the County Prosecutor's Office in Canton. This was done by matching names and arrest dates. However, the percentage of demographic data gathered for the Stark County cases still tended to run below the norm.

OBTS SURVEY NOTES
ALLIANCE MUNICIPAL COURT

Site Visit Dates: December 28, 1983
December 29, 1983 (snowed out)
January 19, 1984
July 13, 1984

Contact Person: JoAnn Burr

Records:

Two types of records were used in gathering data for the 78 cases needed from this court, including the docket entry books and the bond application forms. The former were rather comprehensive, typed entries detailing legal proceedings from date of offense through post-sentencing actions. Missing were data relating to demographics, arresting agencies and prior convictions. The demographic information was available in those cases where application for bond had been made; others were supplied through the Stark County Prosecutor's Office in Canton.

Sample Selection:

All 1982 criminal cases were contained in parts of two docket books, and numbered 1095. There were three entries to a page and a total of 365 pages. Based on a cursory survey of cases to establish the ratio between Part I felonies and all cases, it was determined that every fourth page should be used as a starting point for a forward search for the first available, qualifying case. As this yielded only 70 of the needed 78 cases, the process was repeated using every 24th page as a starting point. Where duplicate selection occurred, the forward search continued until a separate, qualifying case was found.

Data Collection:

As indicated earlier, most of the data were available and legibly entered. A few of the judicial practices are worth noting.

1. Pleas were sometimes accepted at the initial hearing, in which case this date was also noted as the arraignment date as well
2. All counsel were either private or public defender
3. The records showed very few suspended jail sentences.

OBTS SURVEY NOTES
SUMMIT COUNTY COMMON PLEAS COURT

Site Visit Dates: January 9, 10, 11, 19, & 20, 1984

Contact Person: James B. McCarthy

Records:

Four sets of records were used in the data collection process in the Summit County Common Pleas Court. They are as follows:

1. secret indictment and bill of information listing
2. criminal appearance index (leather/canvas bound)
3. criminal appearance docket (leather/canvas bound)
4. case files (legal-size folders)

The secret indictment listing was a small leather bound book which contained a complete listing of secret indictments and bills of information spanning several calendar years. According to the assistant clerk and prosecutor, secret indictments are used in lieu of direct indictments. Under a secret indictment, the indictment is not made public record until the defendant of the indictment has been arrested. The criminal index was used to match names with case numbers. On the other hand, the criminal appearance docket was difficult to understand, and, hence, used very little. Case files also were unable to meet all of the OBTS needs.

Sample Selection

Nine secret indictments or bills of information were required for the sample from the Summit County Common Pleas Court. In anticipation of some case disqualification, sixteen indictments or bills were drawn from the pool of 243 as listed in the secret indictment listing for 1982.

Data Collection:

Demographic data was sketchy, but fortunately most of it was captured earlier from the Akron police reports found in the Akron Municipal Clerk of Courts office. The most troublesome problems were (1) the grouping of multiple defendants into one case file and (2) the number of superfluous copies of case documents. Because of the multiple grouping of some cases each document had to be examined to see if it applied to the defendant being tracked.

Despite the problems attendant to the records, the clerks were very helpful and more than willing to answer all of my questions. Additionally, ample work space at a desk was provided near the records room, with the records clerk assisting in the retrieval and replacement of case files.

OBTS SURVEY NOTES
AKRON MUNICIPAL COURT

Site Visit Dates: December 13-15, 1983,
December 20-22, 1983
January 17, 1984

Contact Person: Larry Welsh

Records:

The records of the Akron Municipal Court were among the most organized in the state. As was the pattern in the study, most of the data was collected from the canvas and leather bound criminal appearance docket and the case files. The dockets were numerically sequenced, complying with the Supreme Court convention of distinguishing felonies with a CRA prefix and misdemeanors with a CRB prefix.

The case files consisted of approximately 5" X 9" manila folders containing the case documents. The 1982 case files were stored in the Clerk's office under the counter in file cabinets. Case files preceding 1982 were stored in neatly-organized file boxes on metal shelves also located in the Clerk's office. All in all, the file organization made for easy data collection.

Sample Selection:

The Akron Municipal Court had a total of 2,040 felony cases filed and reactivated for 1982 but only 1968 actually appeared in the 1982 criminal appearance docket. In accordance with the predetermined sample size of 86, case selection began at case 82-A-93 and then selected every 22nd felony case. If that case was not a Part I felony, each subsequent felony was screened until a Part I was found for inclusion in the sample. This process was repeated until 86 plus cases were selected.

Data Collection:

The exemplary organization of the Clerks office made the collection of data an easier task. The case files were relied upon almost exclusively for data collection. The documents were relatively self-explanatory with the exception of some of the shorthand notes on the case file jackets regarding bond information. This shorthand method of recording court and bond activities did not, however, serve as an obstacle to the collection process due largely to the assistance of the second shift supervisor. All of the data for Akron was collected on the second shift 4:00 pm - 12:00 am, which allowed for ample working space and less congestion in the office.

Demographic data was easily captured from Akron Police Department arrest forms. In fact most of the muni court data elements were readily available, not including the routinely missing prior offense data.

OBTS SURVEY NOTES
TUSCARAWAS COUNTY COMMON PLEAS COURT

Site Visit Dates: February 2, 1984
March 13, 1984

Contact Person: Rockne W. Clarke

Records:

The criminal appearance docket books and individual case files were used to collect OBTS data from the Tuscarawas County Common Pleas Court.

Sample Selection:

After determining the total number of direct indictments and bills of information, five direct indictments were randomly selected from this court based on the information obtained from the criminal appearance docket books for 1982.

Data Collection:

The Clerk provided a work area and direct access to all individual court files. Some case files were difficult to find because they had been placed on an "inactive" status for various reasons and a couple were never located at all. Cases that were bound over and being tracked from the New Philadelphia Municipal Court were easily found in the docket books of the Common Pleas Court. The Prosecutor's Office was helpful and allowed the researcher access to these records.

Most of the information needed was contained in the individual case files and some was accessed from the criminal appearance docket books. The bond information was limited and prior felony convictions was almost always missing. The court personnel were helpful.

OBTS SURVEY NOTES
NEW PHILADELPHIA MUNICIPAL COURT

Site Visit Dates: November 4, 1983
November 9, 1983
November 10, 1983
December 1, 1983
January 25, 1984

Contact Person: Jill

Records:

Data were collected from the individual case files and the criminal appearance docket from the New Philadelphia Municipal Court.

Sample Selection:

There were 25 cases needed from this court however although a multiplier had been developed based on a method previously used in other courts, the sample had to be selected three times to get enough qualifying cases. The criminal appearance docket was used to select the sample; however, some of the theft cases that were initially selected were actually petty theft and had to be replaced by cases that qualified based on the guidelines developed for the OBTS study.

Data Collection:

The Clerk provided a work area for the researcher and the court personnel were extremely helpful in our research efforts, however, there was a problem in locating all of the sampled case files needed. The filing system of case files and space limitations made it necessary for this court to store files in several different areas. Overall most of the information on individual cases was found once the case files had been located.

OBTS SURVEY NOTES
UNION COUNTY COMMON PLEAS COURT

Site Visit Dates: January 10 & 11, 1984

Contact Person: Mary Sawyer, Clerk

Records:

In the Union County Common Pleas Court (UCCPC) case information was contained in file folders as well as in an appearance docket book. Journal entries, copies of indictments, etc. were placed in the files in sequential order, facilitating data collection. Cases were listed in the appearance docket chronologically.

Sample Selection:

The cases that originated in Marysville Municipal Court were easy to follow in the appearance docket in UCCPC. Since the county generates very few Part I felony cases, these could easily be totaled by adding up the 1982 qualifying cases. From that small list, municipal court bindovers were then subtracted as were the ones originating in municipal court but not bound over. Remaining on list then were all Part I felony cases which were purely direct indictments, that is, the defendants that had no municipal court appearance on the charge(s) in question. From this final list two direct indictment cases were selected per the previously-established case quotas.

Data Collection:

A vacant desk was provided by the clerk so the researchers could more easily collect the data without interrupting the operation of the office. All files were pulled manually by court personnel who were both helpful and courteous.

Both the case file and the appearance docket were used to complete the OBTS data collection sheet. With very few exceptions, however, the data were available. One notable exception was one case in which an appeal had been filed but the status was unknown to the deputy clerk.

OBTS SURVEY NOTES
MARYSVILLE MUNICIPAL COURT

Site Visit Dates: January 10, 1984

Contact Person: Patricia Robinson, Clerk

Records:

The Marysville Municipal Court (MMC) uses large file folders for the criminal cases. Both standard court forms and journal entries are kept inside the jacket and are usually filed chronologically. The docket book includes both criminal and traffic cases.

Sample Selection:

The clerk was asked how many felony cases had originated in the MMC. Once that number was obtained it was an easy task to decide on a sampling scheme. Because of the small number of felony filings, the court was oversampled. That is, since there were 21 Part I felony cases for CY 1982 but only 15 originally needed for the sample, data on the entire universe of 21 were collected.

Data Collection:

Because of the standard forms used in the MMC, data collection was a relatively simple task. MCC personnel were very helpful in the acquisition and interpretation of case files.

Despite the ease with which available data were located, it was discovered that age, race, and sex information often did not appear in the MMC files. Sex data in most cases could be determined by the given name of the defendant. The number of prior felony convictions was recorded in only a few of cases; it was not possible in the other cases to determine whether or not it had been omitted or simply was non-existent.

OBTS SURVEY NOTES
WASHINGTON COUNTY COMMON PLEAS COURT

Site Visit Dates: April 10 & 11, 1984

Contact Person: Flora Kampmeir

Records:

Records used in the Washington County Common Pleas Court were as follows:

1. Criminal Appearance Docket
2. Microfilm
3. Case files

Sample Selection:

An arbitrary starting point was selected and intervals were established based on the number of cases needed and the total number of felony filings for the year.

Data Collection:

This court had a most complete and accurate recordkeeping system. Microfilm was used to gain case number information and, once this was established, the needed OBTS data were drawn from the individual case files. Information was presented in chronological order in the case files and was easily accessed.

The researcher worked at the counter because of lack of space but was given direct access to all court files. The Clerk was extremely helpful, as were other court personnel. The records in this court were organized in a very orderly fashion.

OBTS SURVEY NOTES
MARIETTA MUNICIPAL COURT

Site Visit Dates: April 11 & 12, 1984

Contact Person: Linda R. Wright, Clerk

Records:

The criminal appearance docket provided all the necessary OBTS information and case files were assessed to record the arrest information.

Sample Selection:

A total of 1,050 cases were filed in 1982 and 55 were selected for the OBTS study based.

Data Collection:

The criminal docket book provided an excellent basis to access all the necessary OBTS data and the case files were only needed to record arrest information. A work area was provided by the clerk and all court personnel were very helpful. The records in this court were very well organized.

OBTS SURVEY NOTES
WYANDOT COUNTY COMMON PLEAS COURT

Site Visit Dates: July 24, 1984

Contact Person: Wayne B. Traxler

Records:

The following records were used to collect the OBTS data in the Wyandot County Common Pleas Court

1. canvas bound criminal appearance dockets
2. case files (9 x 14½ inches)

Sample Selection:

Only two (2) direct indictments were required in the Common Pleas Court. These two cases were randomly selected from a total of 51 felony cases for 1982.

Data Collection:

The canvas bound criminal appearance docket were relied on very little in the data collection process. The case files were used almost exclusively to ensure capture of actual court occurrence dates as opposed to file dates. The court docket was, however, kept in an orderly fashion and was type written. The Clerk and his assistants were most helpful and in fact pulled all of the case files. Work space was ample with most of the data collection taking place at the large docket counter located in the file room.

Data on virtually all of the data items was available with the consistent exceptions of sex and prior offenses. The case files are kept in an orderly fashion with all documents attached to the inside of the case file. And, at least up until 1982, the Common Pleas Court was still completing the "Judicial-Criminal" Statistics Terminated Case Report--a demographic and dispositional felony report put out by the Bureau of Statistics. Unofficial reports suggest the program has been discontinued, yet some courts, such as Wyandot, continue to faithfully send the reports to Columbus.

OBTS SURVEY NOTES
UPPER SANDUSKY MUNICIPAL COURT

Site Visit Dates: November 18, 1983
December 28, 1983

Contact Person: Mrs. Jane Hehr

Records:

1. canvas bound criminal appearance dockets
2. plastic jacketed case files

Sample Selection:

Approximately 20 Part I felonies were selected from 411 criminal cases in the Upper Sandusky Municipal Court for 1982. Although only eight (8) Part I felonies were required for the sample, the entire population was used due to the small number and in anticipation that some of the cases would fall out.

Data Collection:

The clerks were most cooperative in the collection process and a large work table was provided in the file room for work space. Although the criminal appearance dockets were typed and organized, the case files were relied upon exclusively for the collection of data in order to ensure the recording of actual court dates. The case file documents were kept in 3" x 10" plastic jackets in an orderly but loose leaf fashion with most entries typed. Most of the data was readily available with the exception of age, race, sex, and prior offense. Interpretation of the bond information was initially a problem because of the Clerk's definition of unsecured cash bonds as recognizance bonds with a specified cash amount. This differing classification, however, was quickly resolved, and the data was recorded in accordance with OBTS bond definitions.

Most impressive were the criminal transcripts prepared by the Clerk for the Common Pleas Court. They were typed and very detailed, including a restatement of the complaint along with actual dates of court appearances and a brief narrative on each appearance. The transcripts obviously represented a substantial investment of time, and certainly facilitated the tracking of the case.

SECTION IV
A PROFILE OF THE DATA

It is not the purpose of this report to fully present or analyze the OBTS findings, but rather to describe and document the study process itself. Analytical reports to be published in late 1984 or early 1985 will provide comprehensive and meaningful presentations of the data, but to do so here would be premature. It is appropriate, however, to provide a brief sketch of some of the data both as documented proof that the study did come to fruition and as illustration for many of the points that have been made in this report concerning the data gathering process.

With this qualification in mind, the following data displays are offered without comment or analysis. For a complete listing of all of the data elements included in the study, less than half of which are profiled here, the reader is referred to the "Variable Narrative" section of this report.

DEMOGRAPHIC DATAEthnic Origin

Black	786	32%
White	880	35%
Spanish	11	-
Other	3	-
MISSING	813	33%
	<u>2,493</u>	100%

Sex

Male	2,197	88%
Female	266	11%
MISSING	30	1%
	<u>2,493</u>	100%

CHARGE DATANumber of Felony Charges

<u>Charges</u>	
1	1,935
2	390
3	74
4	36
5	14
6	14
7	2
9	2
10	3
12	2
13	2
15	1
24	2
MISSING	47
	<u>2,484</u>

Most Serious Felony Charge

Aggravated Murder	21
Murder	22
Voluntary Manslaughter	5
Involuntary Manslaughter	6
Rape	86
Felonious Sexual Penetration	2
Attempted Rape	8
Aggravated Robbery	189
Robbery	110
Attempted Aggravated Robbery	1
Felonious Assault	321
Aggravated Assault	38
Attempted Aggravated Murder	9
Attempted Murder	19
Attempted Involuntary Manslaughter (F 2)	1
Attempted Involuntary Manslaughter (F 4)	1
Attempted Felonious Assault	6
Aggravated Burglary	273
Burglary	80
Breaking and Entering	399
Attempted Aggravated Burglary	9
Attempted Burglary	3
Grand Theft	761
Auto Theft	77
Attempted Auto Theft	7
Aggravated Arson	18
Arson (F 2)	15
Arson (F 3)	1
MISSING	2
	<u>2,490</u>

COUNTY/MUNICIPAL COURT INFORMATIONCounty/Municipal Court Bond Type

Cash Bond	643	26%
Unsecured Cash Bond	234	9%
Appearance (10%) Bond	377	15%
Property Bond	22	1%
Surety (bail) Bond	532	21%
Signature Bond	265	11%
Combination of Bonds	12	-
Not Applicable	316	13%
MISSING	92	4%
	<u>2,493</u>	100%

County/Municipal Court Bond Posting Status

Bond posted, defendant appeared	887	36%
Bond posted, defendant failed to appear	13	1%
Bond not posted, defendant incarcerated	1,050	42%
Defendant already in prison/jail	12	-
Defendant held without bond	1	-
Not Applicable	320	13%
MISSING	209	8%
	<u>2,492</u>	100%

Preliminary Hearing Outcome

Bound-over (to grand jury) on original charge(s)	467	19%
Bound-over on amended charge(s)	16	1%
Waiver of hearing bindover	605	24%
Charge amended to misdemeanor	333	13%
Charge dismissed by court	54	2%
Charge dropped (nolled) by prosecutor	609	24%
Unspecified dismissal	70	3%
Not Applicable	334	13%
MISSING	5	-
	<u>2,493</u>	99%

County/Municipal Court Trials

Bench trials	192	8%
Jury trials	1	-
Not applicable	2,294	92%
MISSING	5	-
	<u>2,492</u>	100%

COMMON PLEAS COURT INFORMATION

Bond Type

Cash bond	340	14%
Unsecured cash bond	234	9%
Appearance (10%) bond	260	10%
Property bond	24	1%
Surety (bail) bond	376	15%
Signature bond	174	7%
Combination of bonds	33	1%
Not applicable	927	37%
Missing	125	5%
	<u>2,493</u>	99%

Bond Posting Status

Bond posted, defendant appeared	756	30%
Bond posted, defendant failed to appear	53	2%
Bond not posted, defendant incarcerated	516	21%
Defendant already in prison/jail	14	1%
Defendant held without bond	3	-
Not applicable	917	37%
MISSING	232	9%
	<u>2,391</u>	100%

Initial Plea

Guilty	198	8%
Not guilty	1,496	60%
No contest	134	5%
Not guilty/insanity	14	1%
Not applicable	616	25%
MISSING	34	1%
	<u>2,492</u>	100%

Final Plea

Guilty	1,298	52%
Not guilty	257	10%
No contest	301	12%
Not guilty/insanity	4	-
Not applicable	592	24%
MISSING	40	2%

**Plea Negotiation
(all courts)**

1. Charge(s) reduced to lesser included offense(s) 705 28%
 2. Charge(s) reduced to lesser-non included offense(s) 61 2%
 3. No reduction; pled to final charge 359 14%
 4. Some charges nolled for plea 347 14%
 5. #1 and #4 above 81 3%
 6. #2 and #4 above 4 -
 - Not applicable 889 36%
 - MISSING 47 2%
- 2,493 99%

Common Pleas Trials

Panel trial	2	-
Bench trial	104	4%
Jury trial	102	4%
Not applicable	2,236	90%
MISSING	46	2%
	<u>2,490</u>	100%

**Type of Attorney
(all courts)**

Private	518	21%
Private, court-appointed	816	33%
Self	6	-
Public defender	526	21%
Other	1	-
Not applicable	152	6%
MISSING	474	19%
	<u>2,493</u>	100%

**Outcome
(all courts)**

Guilty	1,743	70%
Not guilty	40	2%
Not guilty/insanity	1	-
Hung jury	1	-
Dismissed with prejudice	15	1%
Dismissed without prejudice	87	3%
Nolled	312	13%
Diverted	28	1%
No bill (from grand jury)	95	4%
Pending	30	1%
Treatment (no conviction)	3	-
Diverted/pending	5	-
Guilty/treatment only	4	-
Unspecified dismissals	77	3%
Defendant unavailable (deceased, extradited, etc.)	10	-
Not applicable	22	1%
Missing	20	1%
	<u>2,493</u>	100%

**Use of Probation in Sentencing
(all courts)**

Full probation granted	491	20%
Probation combined with some incarceration	217	9%
Probation/work release	22	1%
Probation/community service	11	-
Unsupervised probation	13	1%
Not applicable	1,704	68%
Missing	33	1%
	<u>2,491</u>	100%

**Known Reasons For Case Delay
(all courts)**

Case deferred	2
Change of attorney	2
Lack of witness	6
Capias, defendant unavailable	103
Continued by agreement	6
Defense motion	5
Prosecution motion	5
Mental observation/evaluation	56
Medical attention	7
Undetermined court delay	2
Defendant bound over from juvenile court	1
Other undetermined delay (over 90 days)	22
Not applicable	2,244
MISSING	32
	<u>2,493</u>

OTHER GOCJS RESEARCH PUBLICATIONS

April 1984

Ohio Citizen Attitudes Concerning Crime and Criminal Justice. The fourth edition of this survey concentrates on attitudes and opinions regarding Ohio's prisons. It also repeats and expands upon questions from earlier studies relating to fear of crime, level of crime, sentencing, crime prevention and juvenile justice.

March 1983

Use of Force By Ohio Peace Officers. An analysis of the use of force by Ohio law enforcers during the performance of routine patrol work. Examined are personal defense tactics as well as non-lethal and lethal force.

March 1983

The Ohio Statistical Analysis Center: A User's Profile.
This administrative report highlights SAC's setting and function in Ohio government, the federal SAC network, and the field of criminal justice. It profiles SAC's structure, research priorities, information users, and similarities to other state and territorial SACs.

March 1983

OCJS Research Requests and Responses: An Analysis.
An analysis of 346 research data requests received and responded to by SAC in 1982, as well as the nearly 1,000 requests received to date, by type and source of request.

Spring 1983

The following series of eight reports are modular summaries, each about 40 pages in length, profiling the results from each of the jurisdiction levels (based on populations) represented in 1981-82 Ohio Law Enforcement Task Analysis Survey. These reports highlight the frequency of task performance, equipment usage, physical activities, as well as other facets of the peace officer's job. Also included are supervisors' assessments of importance and learning difficulty.

Law Enforcement In Ohio Cities Serving Over 100,000
People: A Task Analysis.

Law Enforcement In Ohio Cities Serving 25,000-100,000
People: A Task Analysis.

Law Enforcement In Ohio Cities Serving 10,000-25,000
People: A Task Analysis.

Law Enforcement In Ohio Municipalities Serving
2,500-10,000 People: A Task Analysis.

Law Enforcement In Ohio Municipalities Serving
Under 2,500 People: A Task Analysis

	<u>Law Enforcement In Ohio Counties Serving Over 250,000 People: A Task Analysis.</u>		
	<u>Law Enforcement In Ohio Counties Serving 100,000-250,000 People: A Task Analysis.</u>		
	<u>Law Enforcement In Ohio Counties Serving Under 100,000 People: A Task Analysis.</u>		
November 1982	<u>Survey of Ohio Citizen Attitudes Concerning Crime and Criminal Justice.</u> The third annual report of this series, this study focusing on attitudes toward law enforcement officers, public crime-fear levels, handgun ownership, and the informational resources which mold public opinion in this area.		
October 1982	<u>Peace Officers Task Analysis: The Ohio Report.</u> A two-and-one-half year study involving a survey of 3,155 Ohio peace officers in some 400 law enforcement agencies concerning the types of investigation, equipment, informational resources, tasks and physical activities associated with law enforcement in Ohio.		
May 1982	<u>OCJS Research Requests and Responses: An Analysis.</u> An analysis of 308 research data requests received and responded to by SAC in 1981, as well as the 625 total requests received to date, by type and source of request.		
April 1982	<u>Fact and Fiction Concerning Crime and Criminal Justice in Ohio</u> (1979-1982 data). A look at twenty-five popularly-believed myths about crime and criminal justice in the State, accompanied by appropriate factual data.		
July 1981	<u>Ohio Citizen Attitudes: Concerning Crime and Criminal Justice</u> (Report #2, 1980 data). The second in a series of reports concerning Ohioans' attitudes and opinions about contemporary issues affecting law enforcement, courts, corrections, juvenile justice, crime prevention, and criminal law.		
June 1981	<u>A Stability Profile of Ohio Law Enforcement Trainees: 1974-1979</u> (1981 records). A brief analysis of some 125 Ohio Law Enforcement Officers who completed mandated training between 1974 and 1979. The randomly selected group was analyzed in terms of turnover, advancement, and moves to other law enforcement agencies.		
May 1981	<u>A Directory of Ohio Criminal Justice Agencies</u> (1981 data). An inventory of several thousand criminal justice (and related) agencies in Ohio, by type and county.		
		April 1981	<u>Property Crime Victimization: The Ohio Experience</u> (1978 data). A profile of property crime in Ohio highlighting the characteristics of victims, offenders, and the crimes themselves; based on results of the annual National Crime Survey victimization studies in Ohio.
		March 1981	<u>Profiles in Ohio Law Enforcement: Technical Assistance, Budgets, and Benefits</u> (1979 data). The second report emanating from the 1979 SAC survey of 82 sheriffs' departments and 182 police departments in Ohio; discusses technical assistance needs and capabilities among these agencies, as well as budgets and fringe benefits.
		December 1980	<u>The Need for Criminal Justice Research: OCJS Requests and Responses</u> (1978-1980). An analysis of some 300 research requests received and responded to by the OCJS SAC Unit between 1978 and 1980, by type, request source, and time of response.
		September 1980	<u>State of the States Report: Statistical Analysis Centers (Emphasis Ohio)</u> (1980 data). An analysis of the criminal justice statistical analysis centers located in virtually every state and several territories.
		September 1980	<u>Survey of Ohio Prosecuting Attorneys: Report</u> (1979 data). An operational overview of 46 county prosecutors' offices.
		September 1980	<u>In Support of Criminal Justice: Money and Manpower</u> (1977 data). Analysis of employment and expenditures within Ohio's criminal justice system, by type of component (police, courts, corrections, etc.), and type of jurisdiction (county, city, township and state).
		June 1980	<u>Concerning Crime and Criminal Justice: Attitudes Among Ohio's Sheriffs and Chiefs of Police</u> (1979 data). Opinions and attitudes of 82 Ohio sheriffs and 182 chiefs of police, analyzed by jurisdictional size.
		May 1980	<u>Ohio Citizen Attitudes: A Survey of Public Opinion on Crime and Criminal Justice</u> (1979 data). An analysis of public opinion and attitudes on a wide range of issues concerning law enforcement, courts, corrections, juvenile justice, crime prevention, and other areas of crime and criminal justice.

END