



**Timothy J. McGinty**  
CUYAHOGA COUNTY PROSECUTOR

Performance Data for the Cuyahoga County Prosecutor's Office:

A Progress Report

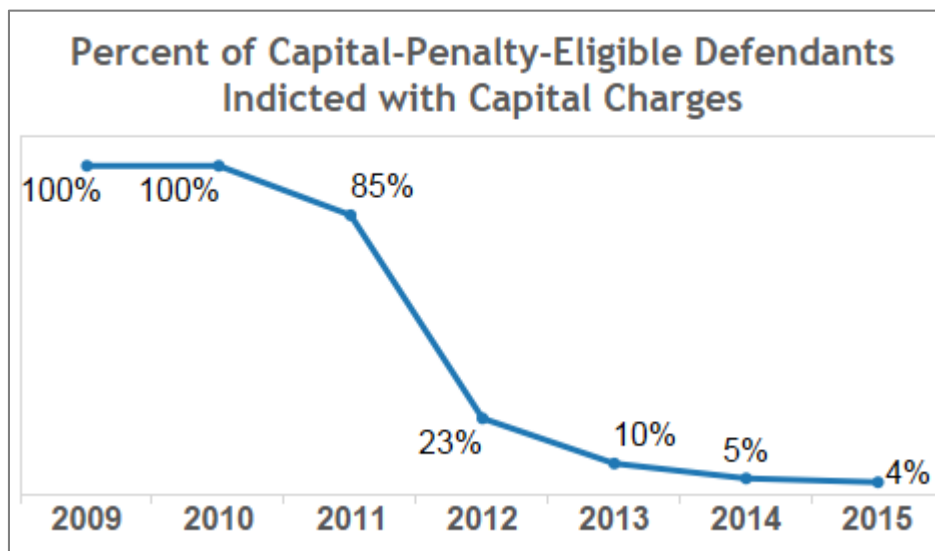
February 19, 2016



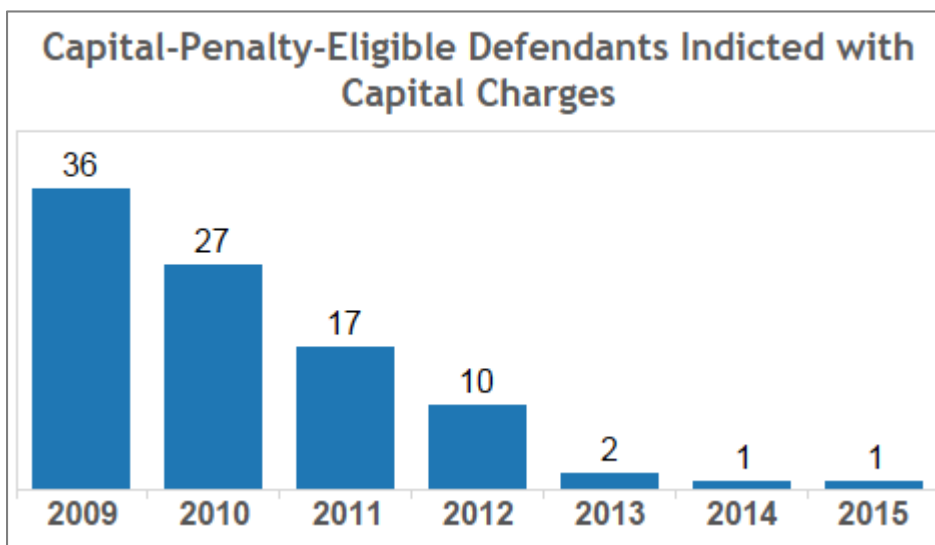
**Re: Overcharging Issues**

Prosecutor McGinty has reprioritized the resources of the Prosecutor's office is by indicting fewer defendants as death penalty cases, except in the most clear-cut circumstances. The extensive appeals process costs the state an inordinate amount of money and the penalty is infrequently upheld.

Prosecutor McGinty has established a Capital Review Committee that evaluates the strength of the evidence on capital-eligible cases. The committee recommends the inclusion of capital punishment with the charges only in the strongest of cases. 96% of those defendants eligible for capital specifications were indicted with them. In 2013-2015, only 6% were.

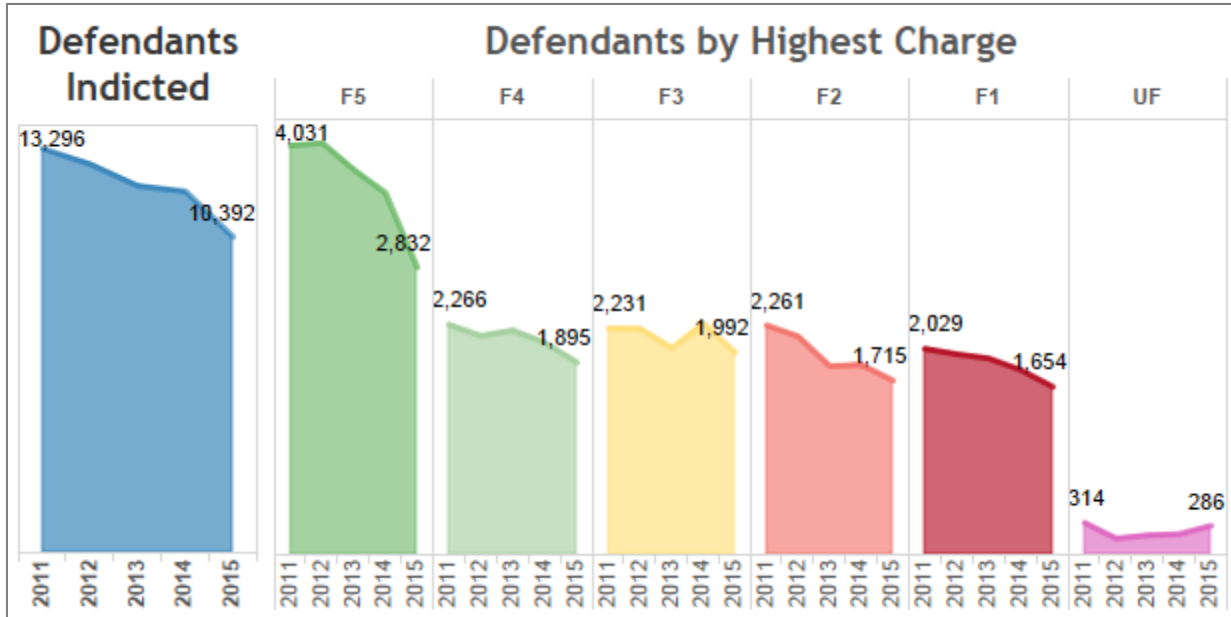


Twenty times as many defendants were indicted with capital charges in 2009-2011 as in 2013-2015.

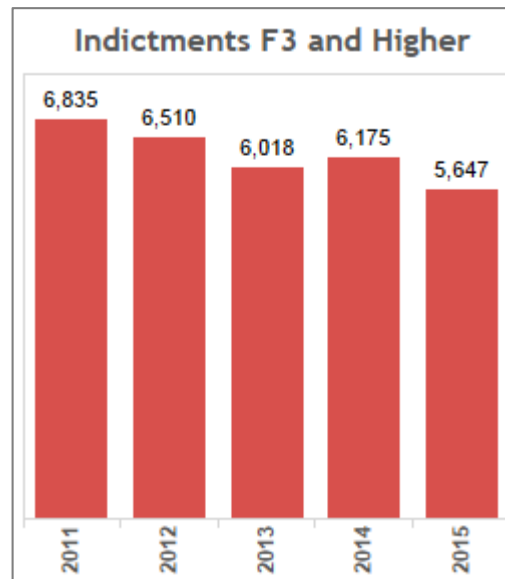
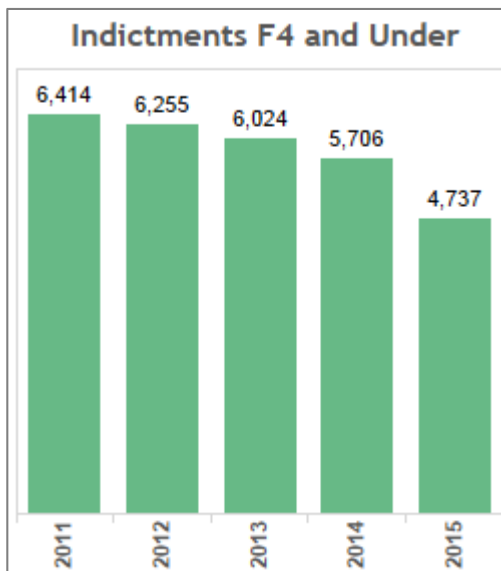




Overall, the Prosecutor's Office indicted 21% fewer defendants in 2015 than in 2011, reducing the volume by nearly 3,000 annually.

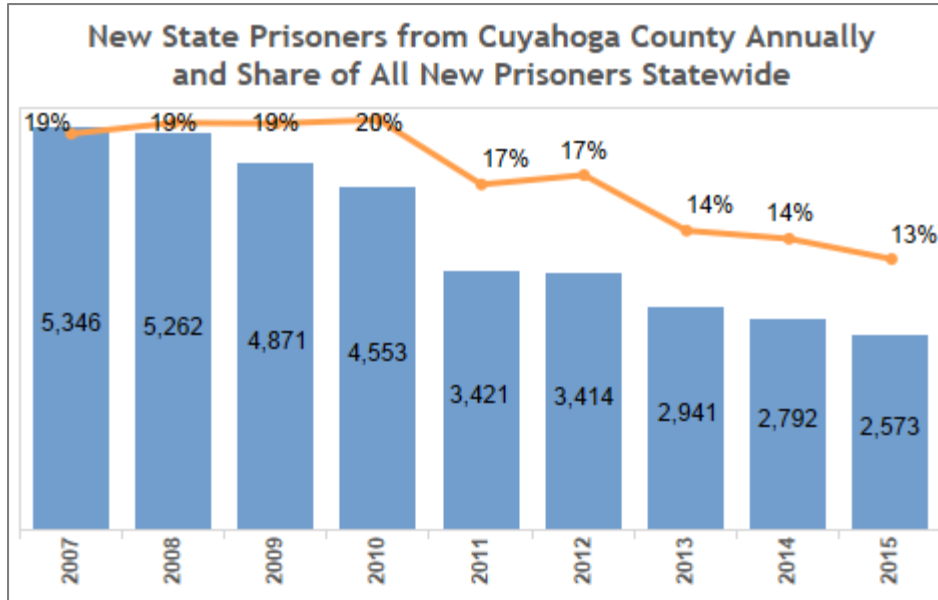


The Prosecutor's office has pushed low-level level indictments down even faster through a concerted effort to encourage municipal courts not to bind over minor offenses as felonies. Consequently, although felony cases are declining across all felony levels, the biggest reductions have been on low-level defendants and in drug cases. Low-level defendants have declined by 25% since 2011, a 50% faster rate of decline than for higher level defendants, which declined by 17%.

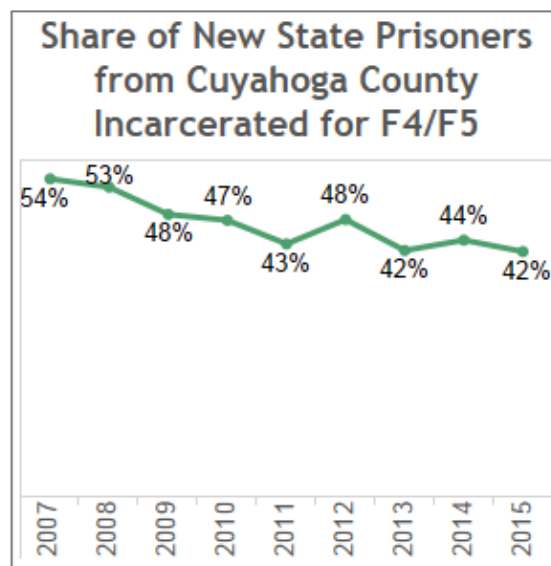




These efforts have reduced the burden that Cuyahoga County places on the state prison system. Cuyahoga County incarcerated 25% fewer defendants in the state prison system in 2015 than in 2011, and Cuyahoga County's overall share of new inmates declined from 17% to 13% over the same period.



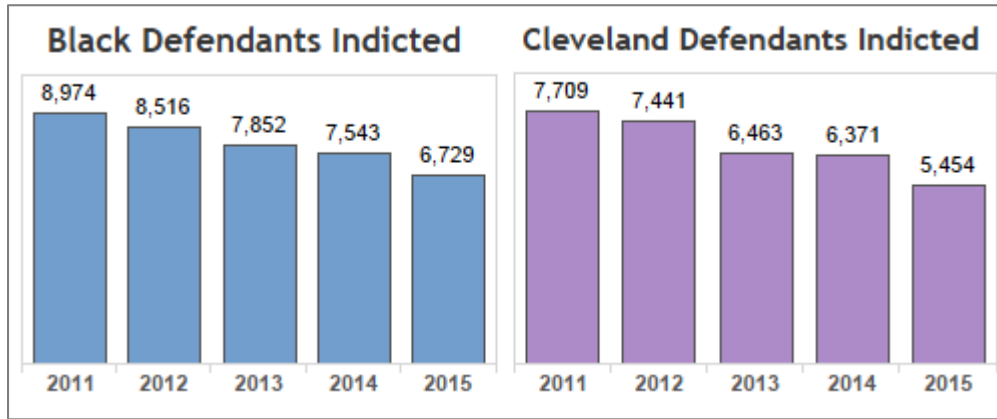
The type of defendant being incarcerated is also changing. Less of our prisoners are being incarcerated for low-level felonies, dropping from an average 46% in 2009-2011 to 43% in 2013-2015.



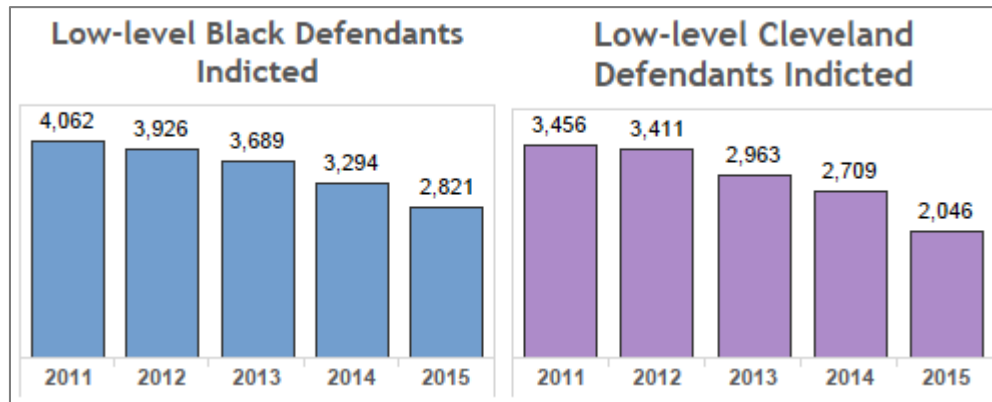
*Incarceration data courtesy of the Ohio Department of Rehabilitation and Correction's annual Commitment Reports.*



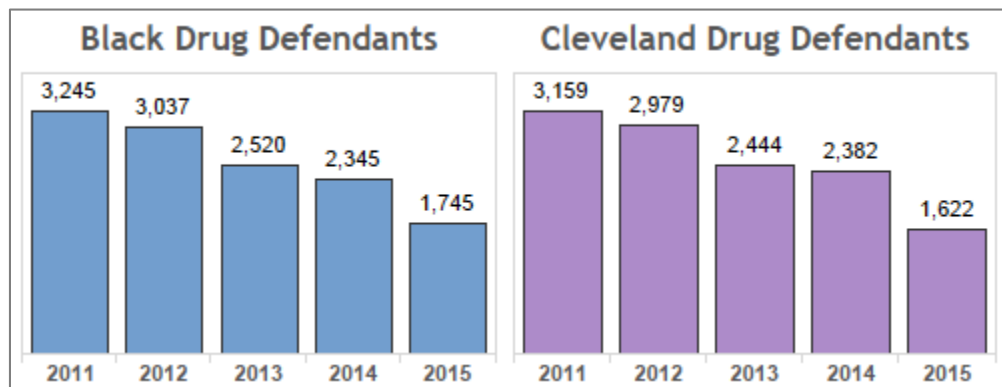
The declines in defendants have been greatest among black defendants and defendants from Cleveland. Overall, black defendants have declined by 24% and Cleveland defendants by 29% since 2011, compared to 21% countywide.



Low-level, black defendants declined by 30% and Cleveland by 40%, vs 25% countywide.

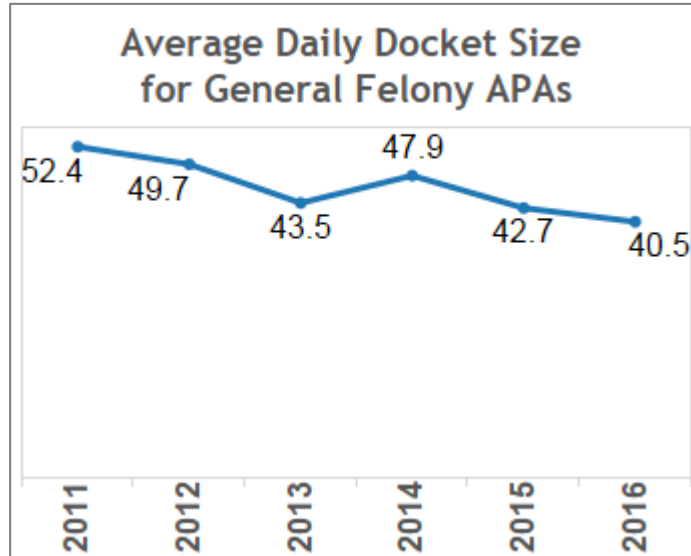


Half as many black defendants or Cleveland were charged with drug-related charges in 2015 than in 2011, compared a countywide decline of one-third.

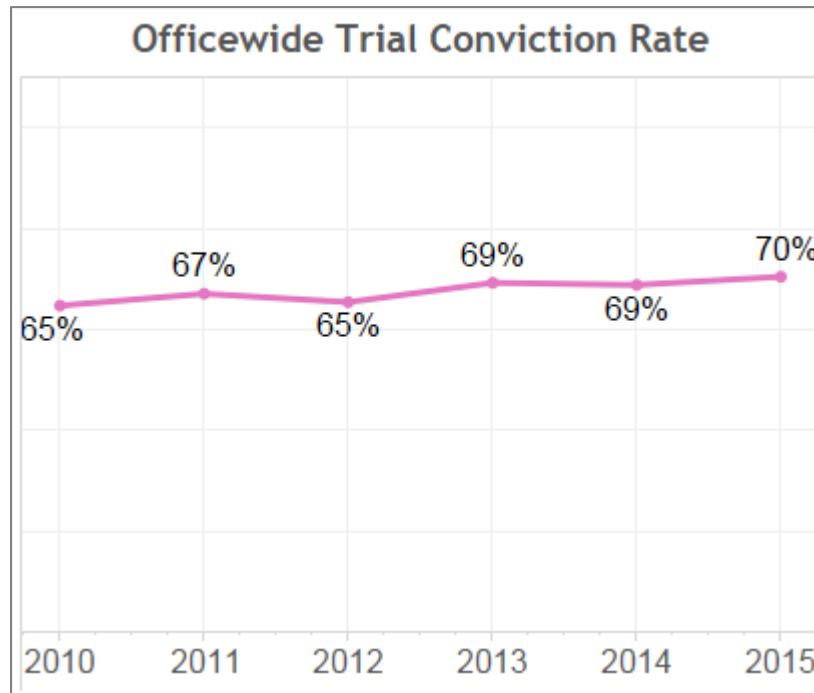




The number of defendants that Assistant Prosecutors in the General Felony Unit are responsible for handling on any given day has declined, from 52 in 2011 to 43 in 2015.



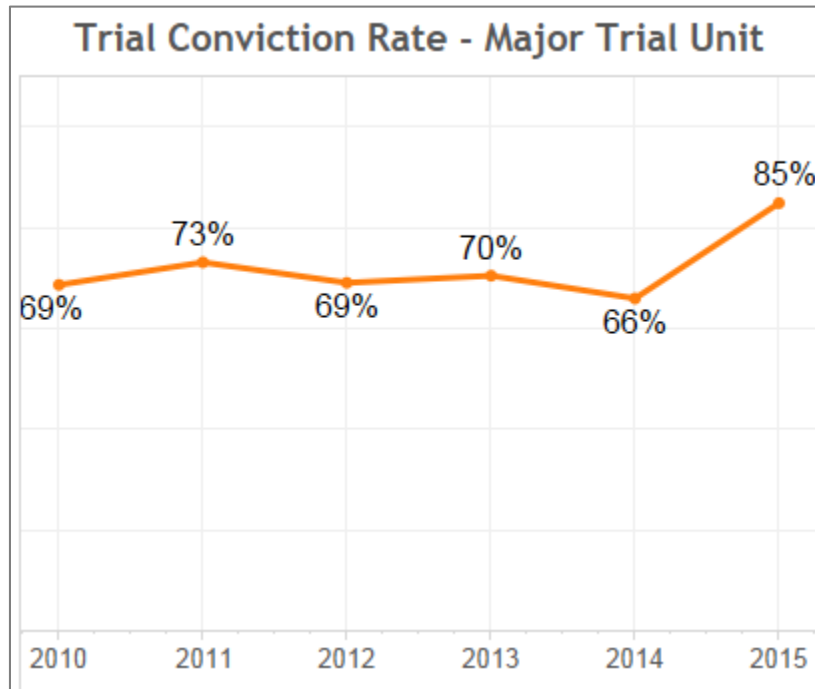
With smaller caseloads, prosecutors are able spending more time on the cases they have and we are getting better results. The office wide conviction rate has improved from 67% in 2011 to 70% in 2015.





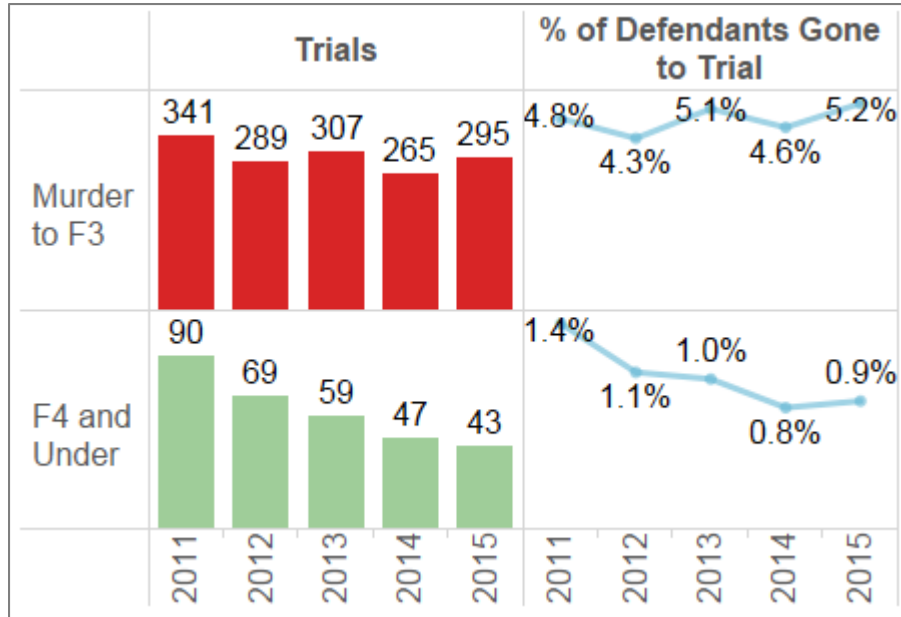
For the Major Trial Unit in particular, freeing up of resources has greatly improved the unit's trial conviction rate.

In 2015, Major Trial prosecutors began visiting murder scenes as part of the immediate response by police and medical examiner. With additional insights and preparation from murder scene investigations, combined with additional staff support, Major Trial attorneys have increase the unit's conviction rate by 12 points – from 73% in 2011 to 85% in 2015.

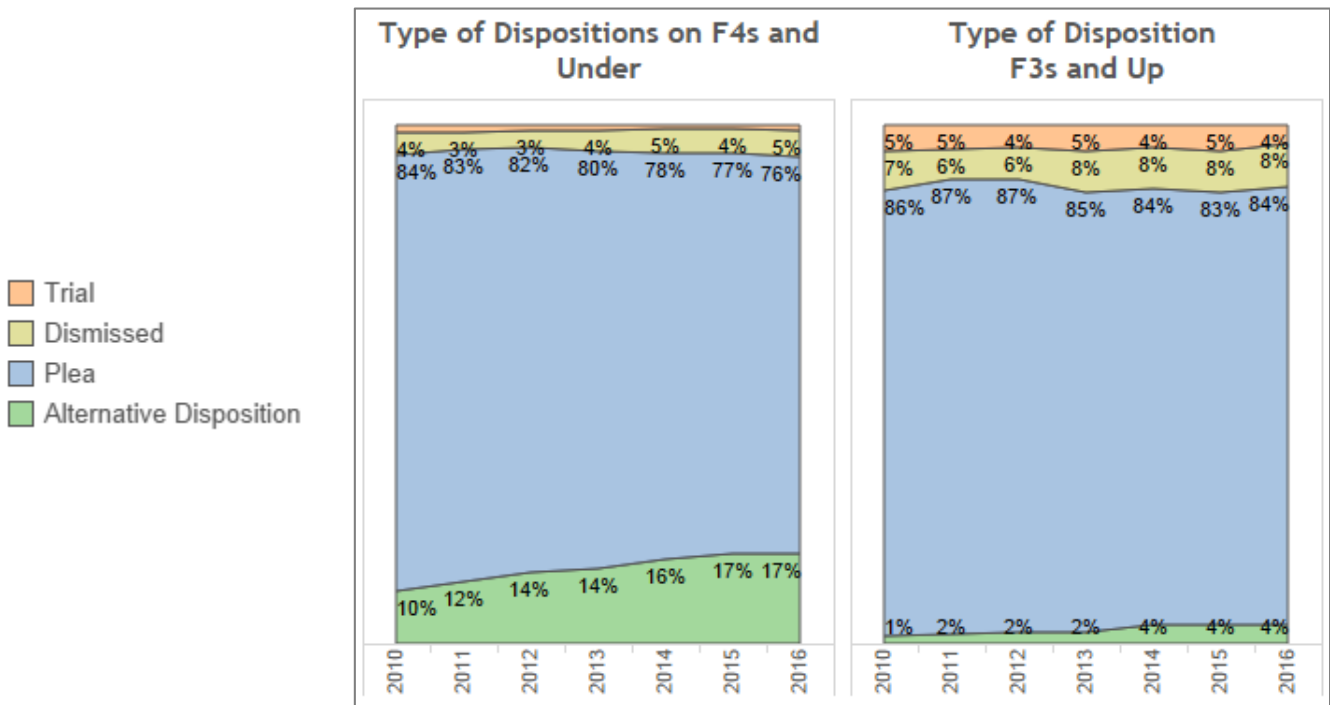




While the office continues to try high-level defendants at the same frequency, roughly 4.9% on average, we are going to trial about one-third less often for low-level defendants.



Similarly, where we formerly disposed 85% of low-level defendants via pleas, which result in criminal records, that share was down to 77 in 2015%. Instead, these low-level defendants are being increasingly disposed via one of several 'alternative disposition' programs.



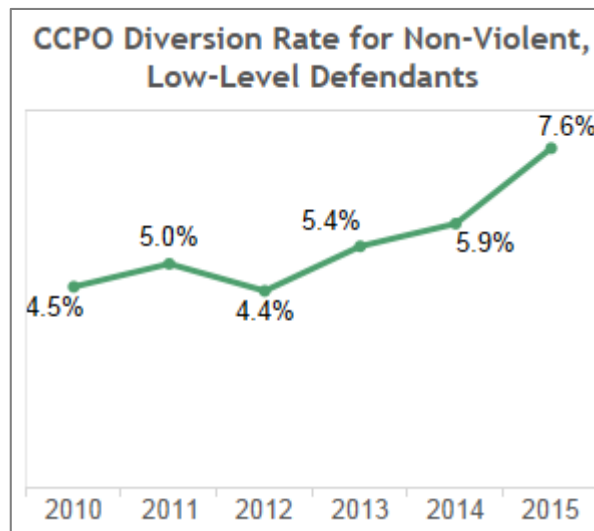




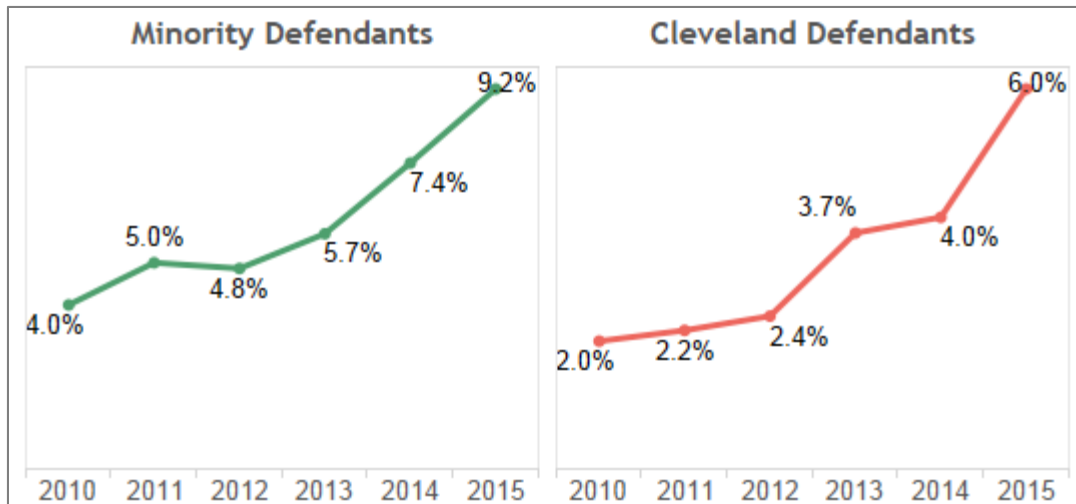
Non-violent, low-level felony defendants in Cuyahoga County can be referred to four alternative disposition programs instead of a traditional prosecution that would leave them with a criminal record. Each program results in the dismissal of all charges against the defendant upon completion. The programs are:

- the Diversion program administered by the Prosecutor’s Office for non-drug offenders
- three substance-abuse programs administered by the Common Pleas Court
  - Early Intervention
  - Treatment in Lieu of Conviction
  - Common Pleas Drug Court

The share of low-level, non-violent offenders disposed via the Prosecutor’s Diversion Program has increased from 5% in 2011 to 7.6% in 2015, an increase of more than 50%.



For non-violent, low-level minority defendants, the rate of diversion has almost doubled over the same period, and for Cleveland defendants, it has more than doubled.

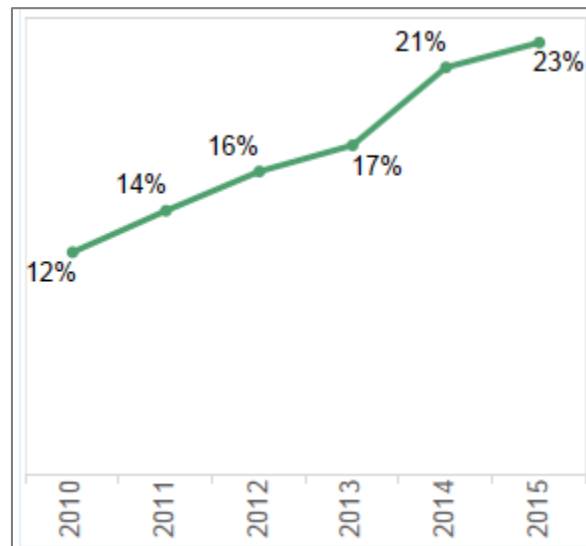




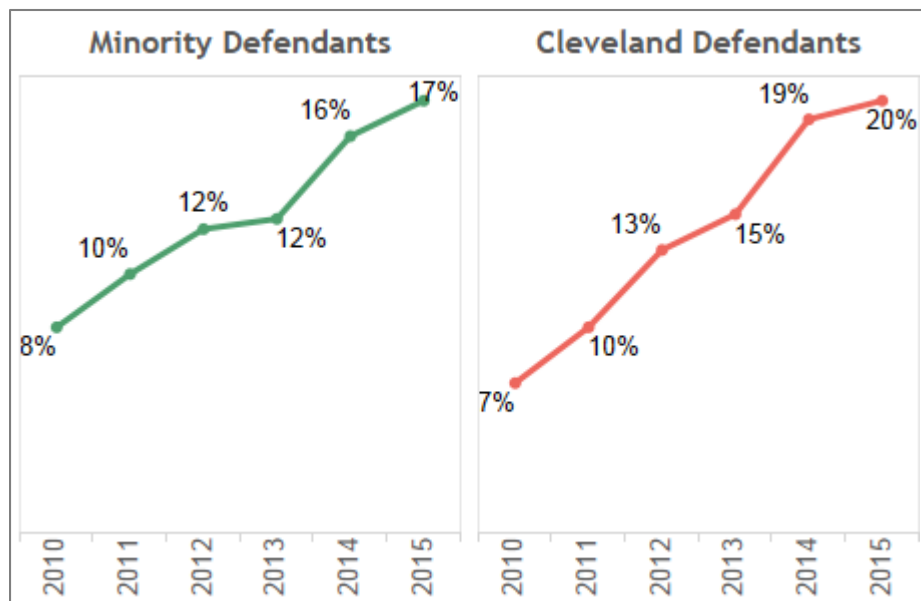
Similar improvements exist when all four county alternative disposition programs are considered together, including the three substance-abuse programs administered by the Common Pleas Court as well as the Prosecutor's Diversion Program.

In 2015 nearly one in four low-level, non-violent offenders were disposed via one of the four programs, compared to one in seven in 2011.

**Alternative Disposition Rate for Non-Violent F4/F5 Defendants**

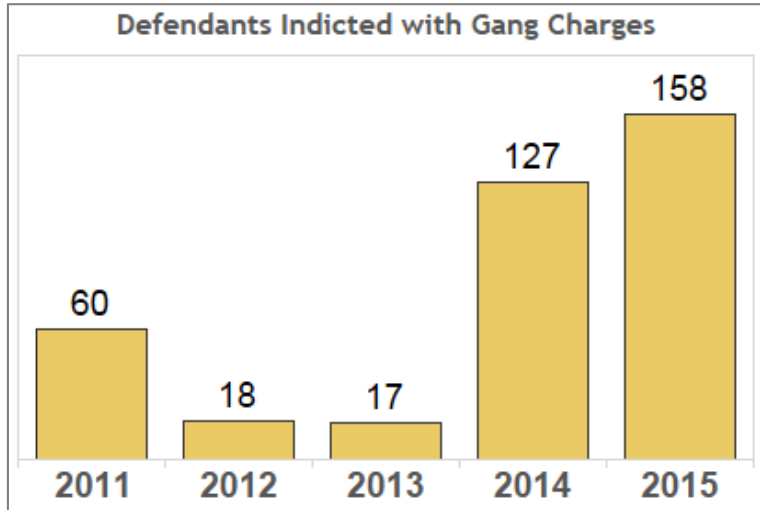


For non-violent, minority defendants, the share increased 70%, from 10% to 17%, and for Cleveland defendants the share doubled, from 10% to 20%.



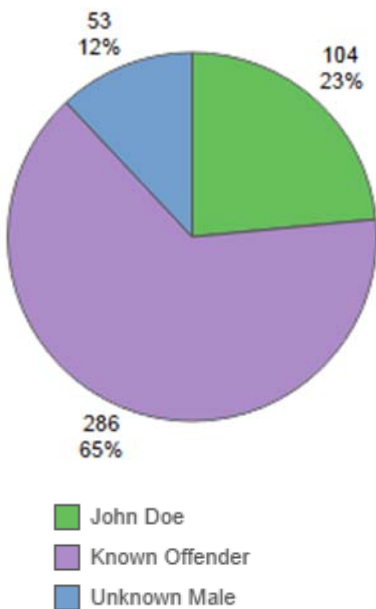


The Prosecutor's office has used the resources to more aggressively prosecute violent criminals, indicting over twice as many defendants on gang charges in each of the past two years than 2011.

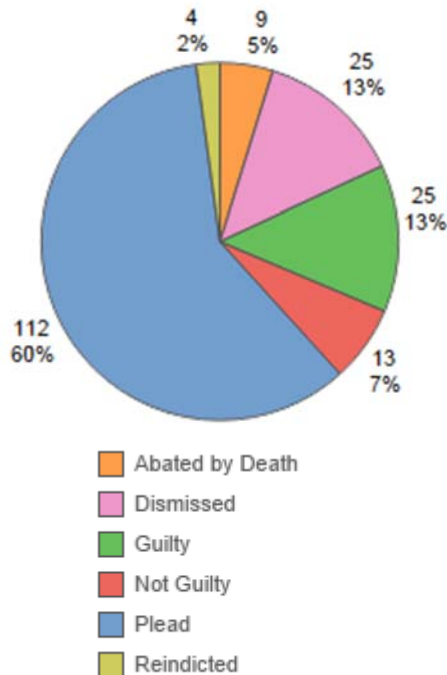


The Prosecutor has also focused resources to fund the investigation and Prosecutor of the Cleveland's backlog of sexual assault kits. From 2013-2015, the Sexual Assault Kit (SAK) Task Force tested almost 1400 kits and indicted 430 defendants, convicting 124 with an overall 91% conviction rate.

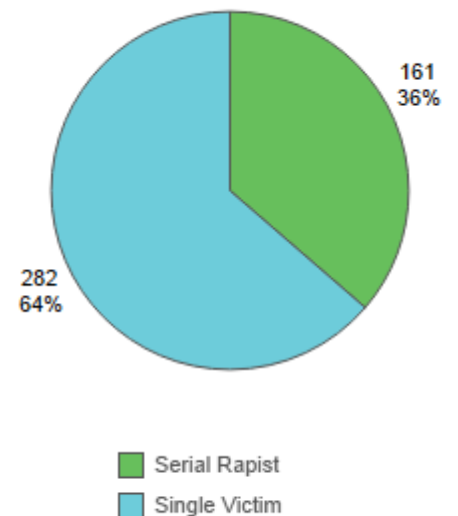
SAK Indictments



SAK Dispositions



SAK Indictments of Serial Sex Offenders





Prosecutor McGinty has also taken decisive steps to make the employees of the Prosecutor's Office better reflect the demographics of the people they serve. One third of the attorneys hired under Prosecutor McGinty have come from minority backgrounds.

	APA	Support Staff	All
Minority	33%	38%	36%
White	67%	62%	64%

	APA	Support Staff	All
Female	57%	64%	61%
Male	43%	36%	39%

Recognizing that the office's law clerk program is an important gateway to hiring attorneys, Prosecutor McGinty has also directed staff to conduct more outreach and job presentations to minority bar associations and law student groups. The result has been to increase the share of minority law clerks to 35%, nearly twice their representation at Ohio's law schools.

The Prosecutor's efforts have significantly increased both the number and share of female and minority assistant prosecuting attorneys and managers. Through January 1, 2016, Prosecutor McGinty had increased the number of minority attorneys by 53% and minority managers by 83%. There were also 20% more female attorneys on staff, and males and females had reached parity.

