

## From the Beat to the Bench

February 2010

Our Court is a Municipal Court. This means we can only handle misdemeanor charges. Defendants can be sentenced by this court to either the Lorain or Erie County Jail. Only felony charges may result in a prison sentence. Felonies may start in our court. The Defendant is entitled to a Preliminary Hearing at which the Prosecutor must show that the crime was probably committed and that the Defendant probably committed the crime. If that burden is met, the case is then bound over to either the Lorain or Erie County Grand Jury, depending on where the crime occurred, for further proceedings. A Municipal Court can not handle felony charges to their conclusion. However, it is interesting to review the trends involving the prison population.

Recently the Ohio Department of Rehabilitation and Correction has released a report regarding the demographics of Ohio's inmate prison population for the fiscal 2008 year.

This article is based on information provided by the Ohio Department of Rehabilitation and Correction for 2008. Ohio had a prison population of 50371 offenders. This is in a system built to house 35740 inmates. There were 24,750 inmates in 1988 and 49,000 in 1998. Of the current prison population, 92.4% are male and 7.6% are female; 50.99% of the prison population is white, 47.84% is black with 1.17 being classified as "other". The average prison population age is approximately 35 years.

The majority of offenses were related to drug crimes, crimes against the person, and property offenses. These three categories accounted for over 68% of the commitments. Drug crimes including possession and trafficking accounted for 28.88% of the commitments, crimes against persons provided for 23.49% of the commitments, and property offenses accounting for 15.81% of the commitments.

Over half of the 2008 fiscal year commitments were for lower level felonies. Commitments involving 5<sup>th</sup> degree felonies totaled 32%, 4<sup>th</sup> degree felonies totaled 25%, and 3<sup>rd</sup> degree felonies totaled 23%. Commitments involving 2<sup>nd</sup> degree totaled 11%, 8% were 1<sup>st</sup> degree felonies, while life incarcerations or the death penalty involved 1% of the total commitments, with 331 lifetime incarcerations and 3 being sentenced to death, Sixty per cent of inmates are actually incarcerated for a year or less.

Cuyahoga County commitments are approximately twice the rate of smaller counties calculated as a percentage of the population. During fiscal year 2008, there were 27,315 total commitments for the entire state, which was approximately 0.24% of Ohio's total population.

The Ohio Department of Rehabilitation and Corrections uses a five tier security classification system to place offenders into the most appropriate facility. These levels include 1A, which is the lowest level and where inmates are afforded the most privileges. Level 1B inmates may be housed at a correctional camp and may work outside under intermittent supervision. Level 2 is for inmates who are deemed to need more supervision than those in Level 1, and Level 3 is for inmates who require even more supervision. Level 4 is for inmates who are themselves violent, but have not been shown to lead others into disruptive behavior or otherwise pose a serious threat to the security of the institution.

In FY 1988, corrections spending totaled \$336.6 million. In FY 2008, corrections spending totaled \$1.54 billion. The increasing prison population is a problem that affects everyone in the State. It appears that it will continue to grow consuming an ever increasing share of the shrinking budget.