



April 3, 2020

As of today, the Hamilton County jail population is 786. On March 11, the day before we started lobbying judges to release people due to concerns about COVID's lethality in jails, it was 1256. Overall, our office has gotten roughly 470 people out of jail both pretrial and post-conviction. That is a nearly 40% reduction in our jail population to date thanks to Cincinnati's public defenders!

This success has been the result of a coordinated effort from the agency's leadership down to the line defenders, and has involved all of our staff. Certainly, many of these releases were the result of individual lawyers filing bond and mitigation motions in individual cases, fighting for justice – one client at a time.

But these individual efforts were complemented by the passionate advocacy of our management team. On March 12, the Director of our Municipal Division started meeting with all of the municipal court judges about releasing anyone who was in jail because of their sentence or bond. To provide the judges the information they needed to agree to our request, we had to comb through an 18-page jail list by hand, and cross reference with the clerk's database to compile each judge's individual list. Many people worked long hours to get this done by Friday, March 13. We then had to go back through the entire list to determine who was not released and file individual motions in many of those cases.

We were also able to convince the judge presiding over first appearances to grant release to all people accused of nonviolent crimes. This policy started in mid-March and has continued ever since.

In addition to securing the release of hundreds of people, we have successfully stemmed the flow of new admissions to the jail. We successfully lobbied policy makers, the Sheriff, and the local leaders, for a citation policy for nonviolent offenses that has been in effect since Friday, March 13. Police have started arresting fewer people. We are working with local officials to make this permanent.

While our advocacy has won the cooperation of many stakeholders in the system, there are still battles on the horizon to protect the people we serve. Our success at getting people released have seemed to prompt prosecutors to disregard pre-trial rights. Prosecutors have delayed grand juries, threatening the ability of people to resolve their cases. We anticipate this will result in delays in providing discovery needed to effectively investigate cases and identify important legal issues. To address this, our management team came up with a litigation strategy for pre-indictment delay. This week, in our first effort to use this strategy, the Director of our Felony Division was successful in securing the release of one of our clients.

We are proud of our staff as they continue to push to get more people out of jail and prison and to protect our clients' constitutional rights in the process.

This crisis has certainly highlighted the power of public defenders nationwide when we refuse to bow to the status quo.

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