



**COURT OF COMMON PLEAS
JUVENILE COURT DIVISION**

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August 24, 2021

Robert Coury
Cuyahoga County Chief of Public Safety
2079 E. Ninth Street 8-200
Cleveland, OH 44115

Dear Robert,

I submit this letter to you pursuant to our prior conversations regarding the anticipated wage increase for the Justice Center Correction Officers. I feel that to not offer the same increase to our Detention Officers will have a detrimental effect on our ability to operate a safe environment for the youth being detained in the County's Juvenile facility.

The Cuyahoga County Juvenile Detention Center is presently experiencing a critical staffing deficit. The Detention Center is struggling with difficulties hiring and retaining officers as well as high employee turnover rates that are similar to those being experienced at the Cuyahoga County Jail. These challenges are being seen at many other adult and juvenile correctional institutions across the State of Ohio.

To illustrate the staffing struggles of the Detention Center, as of June 2020, there were fourteen (14) openings for full-time Detention Officers. Since that time, the Court has been unable to reach a full staffing level of 103 full-time Detention Officers.

Though the Juvenile Detention Center has been unable to achieve full staffing of its Detention Officer positions in some time, this is not for lack of effort. During the last two years fifty-seven (57) Detention Officers have been hired; during the same time fifty-six (56) Detention Officers have left employment, many for better job opportunities. Statistically speaking, this chronic level of staffing vacancy has resulted in the Detention Center frequently being forced to operate without access to 20% of its allocated Detention Officer positions. As recently as August 1, 2021, there were twenty (20) Detention Officer position vacancies within the Detention Center.

Many factors contribute to the difficulties in hiring and retaining employees presently being experienced by correctional institutions. Over the past several years there has been an erosion of interest in employment within the fields of law enforcement and corrections. Many attribute this to reputational

damage and corresponding societal mistrust rising from high profile instance of excessive use of force. The impact of the COVID-19 pandemic can also not be ignored, as many people simply do not wish to expose themselves to the potential of contagion that exists within a congregate living facility. It is also true that recent labor statistics point to available employment opportunities in excess of nine million jobs from which perspective employees have to choose from, many of which provide sign-on bonuses and high hourly rates of pay. The private sector jobs often provide a less stressful working environment and scheduling options that are more accommodating to an individual's personal life than exists within the correctional environment.

To address these identified staffing deficiencies, beginning in 2019, entire days were dedicated to conducting interviews for these Detention Officer vacancies no less than once a month; by mid-2020, such interview days were frequently scheduled twice monthly. As the number of vacancies increased, several hiring "paloozas" were held. A hiring palooza consists of three (3) to five (5) interview teams that interview candidates all day. During the palooza, job offers are made, agility tests are conducted, and fingerprinting is completed. Since the summer of 2020, on the below listed dates, Human Resources and Detention Services coordinated paloozas to accelerate the hiring of Detention Officers:

- August 23, 2020 (19 Interviews)
- September 30, 2020 (39 Interviews)
- October 28, 2020 (22 Interviews)
- June 8, 2021 (14 Interviews)
- June 29, 2021 (12 Interviews)
- July 27, 2021 (16 Interviews)

122 Total interviews resulted from the hiring palooza process

Between August 2020 and March 2021, the Juvenile Court made sixty-three (63) job offers for Detention Officer candidates. The Court was able to hire and onboard thirty-one (31) new Detention Officers; we were unable to process thirty-two (32) Detention Officers that we had made offers to for the following reasons:

- 11 Public records or references*
- 7 BAT or drug failed or didn't go at all*
- 2 Failed physicals*
- 10 stopped responding or declined, many received better offers.*
- 1 criminal background*
- 1 falsification*

Since June 8, 2021, we have made an additional twenty-eight (28) job offers and have been unable to process twelve (12) Detention Officers for the same or similar reasons listed above.

Many factors contribute to the vacancies that exist due to difficulties in hiring and retaining officer. The Detention Center has four (4) Detention Officer employees who are currently on extended Leave of Absence and are unlikely to be returning to work.

In addition to these staff absences, there are presently five (5) Detention Officers on light / restricted duty status based on injuries sustained at work, as well as three (3) Detention Officer absent due to an Ohio Bureau of Worker's Compensation finding of permanent partial disability (above and beyond the four previously listed who are unlikely to return). Also influencing daily staffing levels are ten (10) Detention Officers presently on a continuous leave based on a qualifying Family Medical Leave Act condition, and fifteen (15) Detention Officers on an intermittent form of approved FMLA leave, who may or may not be able to attend their scheduled shifts on any given day.

When factored as a whole, the impact of staffing vacancies, OBWC injury leave, and approved FMLA leave result in a scenario where only a fraction of the Detention Center's allocated Detention Officers are eligible to work in their assigned job duties without restriction on any given day. Further, that number usually drops significantly based on use of intermittent FMLA leave, sick-call / sudden illness, staff vacation requests, etc. When all such factors are considered, it becomes readily apparent that the current staffing situation at the Cuyahoga County Juvenile Detention Center is in a state of crisis.

As stated above, the continuation of Detention Center operations under the present staffing patterns is not sustainable. Lack of adequate staffing leads to several complications which have an overall negative impact on the safety and security of the Center. These include, but are not limited to increased use of mandated staffing to maintain operations; decreased ability to find staffing coverage for sick calls and requests for leave; increased utilization of room confinement of the youth to ensure safety; and a decrease in the ability to provide meaningful programming to the residents.

These presenting issues become cyclical and self-perpetuating: a chronic lack of adequate staffing leads to an increased use of mandated overtime to fill required staffing vacancies. The increased use of overtime contributes to greater staff fatigue. The increase in fatigue erodes staff vigilance and performance, which leads to increased acting-out behavior by the youth. The increase in acting-out behavior leads to the potential for increased injury to staff, which contributes to Ohio Bureau of Workers' Compensation claims, which in turn exacerbates staffing concerns. Lack of staffing causes an increased use of room confinement for the youth to help ensure safety. However, the increased use of room confinement often intensifies mental health concerns and contributes to resident behavioral volatility. Further, room confinement as defined in the Ohio Administrative Code is limited to use in addressing behavioral concerns that present an imminent / immediate risk to safety and security. Though it may be necessary and/or prudent to use confinement to maintain a safe and secure environment in the absence of adequate staffing, this use is not permissible. It is in non-compliance to the prescriptions within the Ohio Administrative Code.

While the operation of a Juvenile Detention Center shares some similarities with that of a County Jail, there are also some distinct differences between the two institutions. While both facilities house individuals accused of having committed violations of law, the percentage of high-level offenders is remarkably concentrated within the Juvenile Detention Center. Based on a snapshot of data collected from August 19, 2021, on this date there were one hundred twenty (120) youth in the Detention Center. Two (2) of these youth were awaiting arraignment to establish whether they would be remanded to the

Detention Center and on which delinquency charge(s) such placement may occur. Of the remaining one hundred eighteen (118) youth in the facility, one hundred six (106) of them had committed a felony-one, felony-two, or were awaiting bindover to the adult system. That is 90% of the youth in the Juvenile Detention Center. Only 10% of the youth in the facility on August 19, 2021, were detained on an offense level of felony-three or below. In general, since the start of calendar year 2021, the Detention Center has housed a daily average of approximately thirty-four (34) youth who are eligible to or have had their cases bound over to the adult system. The facility's average daily population during this time has fluctuated between one hundred twenty (120) and one hundred thirty (130) residents. Using an average daily population of one hundred twenty-five (125) residents for calculation purposes, this means that approximately 27% of the youth in our care on any given day are likely to face lengthy sanctions within the State prison system after leaving the Detention Center.

Not only does the population within the Detention Center contain a greater concentration of high-level offender than in the County Jail, but differences in programming requirements established in law require that Detention Officer provide more direct interaction with and supervision of juvenile detainees than is required with an adult population. For example, Ohio Administrative Code establishes that jails must provide "opportunities" for programs such as academic training, accessing community services, etc. Adult inmates are required to be provided access to five (5) hours of exercise per week. By contrast, the residents of the Detention Center must receive twelve (12) hours of programming each weekday and ten (10) hours of programming on weekends and holidays. Weekday programming must include five and one half (5.5) hours per day of educational services, as well as one (1) hour per day of large muscle exercise, with an additional hour each day of structured leisure / recreation time. Other activities such as religious services, life skills training, etc. may be provided to fulfill the remaining programming requirements.

In addition to the expanded programs offered to juvenile detainees versus their adult counterparts, the sanctions available within our respective institutions to address issues of behavioral noncompliance are drastically different. For example, an adult offender who participates in an act of violence or one that jeopardizes safety and security may have certain institutional rights suspended and may be placed in disciplinary isolation. The decision to place the inmate in isolation must be approved by the Jail Administrator if the isolation is to last longer than one hundred twenty (120) hours (i.e., five days). The Jail Administrator is additionally required to review and approve any use of confinement that extends longer than thirty (30) days. In contrast, room confinement is permitted to be utilized in a Juvenile Detention Center only as a temporary response to behavior that threatens immediate harm to a child or others. Juveniles placed into room confinement are to be visually observed once every fifteen (15) minutes and are eligible to be returned to programming when their behavior is deemed to have stabilized so that an immediate risk is not longer present. Should the use of room confinement for a juvenile extend to four (4) hours, an administrative review of the confinement must be completed and, should continued confinement be deemed necessary, justification for this continued need must be documented.

An examination of the last eighteen (18) months' worth of Juvenile Detention Center incident statistics helps to shed further light on the concerns that presently exist within the Detention Center and how the

differences regarding the approaches available to Detention Officers to address incidents of violence within the Detention Center impact resident and officer safety.

January 1, 2020 – June 30, 2021

Incidents

Fighting	140
Threats to staff	130
Youth on youth assaults	117
Group disturbances	52
Threats to residents/Verbal Assault	64
Contraband	24
Security threats	18
Youth on staff assault	42
Attempted escape	11
Destruction to property	13
Total Incidents of violence	611 (67% of all incidents were incidents of safety risks)
Total	969 unique incidents

As you can see by the chart above, approximately two thirds (67%) of the nine hundred sixty-nine (969) incidents that have transpired within the Detention Center in the past eighteen (18) months may be characterized as incidents of violence. Of particular concern is the year over year increase in violence directed toward the Detention Staff themselves. In calendar year 2020, there were fifteen (15) instances in which a youth assaulted a staff member. Between January 1, 2021, and June 30, 2021, there have already been twenty-seven (27) such assaults directed from juvenile detainees towards Detention Staff. Unfortunately, there have been twenty (20) Detention Officers who sustained some level of injury arising from their response to incidents / alerts called within the Detention Center.

Difficulties are presently being encountered in terms of hiring and retaining officers that are at both the Cuyahoga County Juvenile Detention Center as well as the Cuyahoga County Jail. Given the similarities in working conditions / environment, coupled with the legally required programming requirements for juveniles that elevate some of the demands placed on Detention Officers, the Detention Center would respectfully request that the compensation package being contemplated for the Corrections Officers at the County Jail be considered for approval for the Juvenile Detention Center.

Based on published media reports, this would raise the starting salary for newly hired Detention Officers to \$24 per hour, raise those with a year on the job to \$25 an hour, and anyone with two years to \$26 an hour. Those with three or more years would go to \$28 per hour.

Additionally, the Detention Center would also request approval for an attendance-based wage incentive for our Detention Officers of \$1,000 for perfect attendance during each quarter of the year, allowing


the Detention Center to match the published attendance-based incentives being offered for Corrections Officers at the Jail.

In addition to the similarities in several respects of job functions and accountabilities, it is worth contemplating that a shift in compensation of this magnitude for the Corrections Officers at the County Jail, without a corresponding increase in compensation for the Detention Officers at the Juvenile Detention Center, may lead to the undesired outcome that current Detention Officers choose to leave employment with the Detention Center. Current Detention Officers may seek higher wages in a comparable job position and/or that qualified candidates for the available Detention Officer vacancies opt to apply for employment at the Jail, which offers similar benefits and a more substantial wage.

The above-listed compensation requests are necessary to effectively address the needs of the youth within our care and custody and to ensure the safe operation of our facility. Attempts to continue the operation of the Detention Facility under the present staffing conditions has the potential for catastrophe, which introduces an unacceptable level of liability to the Juvenile Court and Cuyahoga County.

Should you have any questions or you are in need of additional information, please contact me.

Respectfully submitted,



Administrative Judge Thomas F. O'Malley



Brandon Winarchick, Superintendent

cc: Armond Budish, Cuyahoga County Executive
William Mason, Chief of Staff
Judge Brendan Sheehan
Prosecutor Michael C. O'Malley
Public Defender Cullen Sweeney
Judge Patrick F. Corrigan
Judge Jennifer L. O'Malley
Judge Alison L. Floyd
Judge Kristin W. Sweeney
Judge Michael J. Ryan