



New policy gives Cleveland police officers 36 hours to charge suspects

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By

CLEVELAND, Ohio -- Problems with people lingering in Cleveland's jails without being charged with a crime has prompted a new policy that calls for city police to charge or release suspects within 36 hours after their arrest.

The directive signed last week by Chief Michael McGrath is designed to help officers comply with a judicial order enacted earlier this month to bring suspects before a judge within 48 hours of arrest or earlier.



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Cleveland Municipal Court Judge Ronald Adrine. Adrine formed a panel this spring to confront the problem in Cleveland of people being jailed for too long without being charged and given a chance to post bail.

That order, issued by Cleveland Municipal Judge Ronald Adrine, adopts a standard set by a U.S. Supreme Court ruling.

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In an interview Monday, Adrine said that Cleveland Municipal Court has long had a policy that people should have their first court appearance within 24 hours. But in the last two years, he said, he and his colleagues have seen an increasing number of people jailed for longer than 48 hours without being charged.

The judges' concerns prompted Adrine to form a working group along with representatives from the city's Police Department, Safety Department, Law Department, Cuyahoga County Public Defender's Office and defense attorneys to find a solution to the problem.

Adrine said he found a model in Seminole County, Fla., that could be adapted to Cleveland's needs.

"I really believe it's going to benefit the community and all of us who work within the criminal justice system," Adrine said.

The new policy will give police and city prosecutors the ability to seek additional time to charge someone if needed, Adrine said.

"We really don't have to let anyone out of jail who doesn't need to be let out," Adrine said. "There are safeguards in place to let police and prosecutors make sure that people who need to be detained are detained and the routine folks are not detained for any longer than they need to be."

The new policy is already paying dividends. Adrine said that Cleveland has begun to see a reduction in its jail population. He said police and city officials have fully cooperated with his efforts to get suspects into court promptly.

The Cleveland Police Department has had a history of problems relating to the charging of suspects.

In 2001, the department drew the ire of judges, attorneys and community activists for a practice known as "straight release." Police were arresting people then releasing them without charges because the city lacked jail space.

That practice became controversial when some of the released suspects committed violent crimes, including murder. The outrage surrounding the most egregious cases prompted efforts to reform Cleveland and Cuyahoga County's criminal justice system.

Cleveland police ended the straight release policy and subsequently instituted a rule that suspects must be charged within 24 hours. But Deputy Chief Timothy Hennessy said the rule had too many exceptions that led to suspects being held longer.

The new directive has no exceptions. Hennessy acknowledged that some police officers have complained about the new policy.

"It's not unreasonable to ask them to do this," Hennessy said. "If you have probable cause to arrest, you should have probable cause to charge."

John Pyle, a defense attorney who was part of Adrine's working group, said that despite the Supreme Court's mandate that suspects should be charged within 48 hours, there were no real remedies to address violations of that rule, he said.

"This is a monumental improvement," Pyle said. "We hope it's a solution that gets to the heart of the

problem."

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