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Mass Incarceration by the Book:

A review of Locked In by John Pfaff

There are several known factors we accept when discussing the criminal justice system. The United States has 5% of the world's population but incarcerates more than a quarter of the world's prisoners. Crime rates are on the decline yet there are more than 750,000 people in jail on any given day and 1.5 million in prison at any given time. Lengthy mandatory sentences for low-level offenders buoys the prison population. Law professor and author John Pfaff takes these accepted premises and turns them on their head, starting with his statement that "there is no single 'criminal justice system,' but instead a vast patchwork of systems that vary in almost every conceivable way" (*Locked In*, p. 13).

Pfaff's goal, as a trained lawyer and economist, is to challenge the reader's accepted constructs of the criminal justice system and expand the vision of criminal justice reform. In the process, he identifies how data and statistics are collected about many aspects of a defendant's life, but highlights gaping holes that prevent the whole story from being told. Pfaff points out the many holes in the system but eventually concludes that for every person who goes to prison, there is a prosecutor behind that decision.

This newsletter serves to unpack the concepts Pfaff presents in his book *Locked In*, and then explore how these concepts function in West Virginia.

Dismantling the Standard Story

According to John Pfaff, Fordham Law professor and author of *Locked In: The True Causes of Mass Incarceration and How to Achieve Real Reform*, mass incarceration is a modern issue in need of reform, citing it is "one of the biggest social problems the United States faces today…[imposing] staggering economic, social, political, and racial costs" (p. 18). Pfaff's conclusion about the ills of mass incarceration are nearly universal among law school professors, websites like the Marshall Project and Sentencing Project, and authors like Michelle Alexander who wrote *The New Jim Crow*. Where Pfaff separates himself from the pack is by what he sees as the true problem and root cause behind mass incarceration.

Pfaff, much like the rest of his peers, originally adopted what he labels "the Standard Story" of mass incarceration. The Standard Story is the idea that the root cause of incarceration is racist persecution of young black men for drug crimes and this incarcerated group overpopulates the prisons with nonviolent offenders. Mandatory sentencing laws contributed to the prison population by incarcerating low-level offenders despite a decline in actual crime. The prison industrial complex is also at fault with private companies profiting off the number of bodies filling their prisons. These ingrained beliefs comprise the Standard Story. At the outset of his book, however, Pfaff says his motivation to write *Locked In* was to highlight the shortcomings of this three-pronged Standard Story and set forth durable changes for reform.

A Truce with the War on Drugs

Pfaff begins dismantling the Standard Story by debunking the myths of mass incarceration and using available data to underscore his points. Pfaff uses incarceration rates (primarily) from state prisons to look at data since 1980. He concludes that only a fifth of the prison growth can be attributed to nonviolent drug offenses. Pfaff adds that the drug offenses are not nonviolent at their base, pointing to the difficulty prosecutors have in prosecuting violent crimes so instead drop the violent offenses associated with drug offenses and pursue and prosecute the drug offenses only (a practice Attorney General Jeff Sessions intends to reverse in a memo to Federal Prosecutors that emphasizes charging and pursuing "the most

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serious, readily provable offense [with the most substantial sentencing guidelines])."

Pfaff examines the incarceration effects from the "War on Drugs," long believed to be a feeder of the mass incarceration movement. He points out that while crime did increase in the 1980s concurrent with the crack cocaine epidemic, overall crime began to decline in the 1990s and drug use continued to be an issue (though the choice of drugs changed in the ensuing decades).

Today, 16% of prisoners are in state prisons for drugs; 52% are in prison for violent offenses. Half of all federal inmates are in federal prisons for drugs but federal prisoners only make up 10% of the prisoner population; 90% is state prisoners. Therefore, releasing every drug offender from prisons across the country would only reduce the prison population by 16%.

Data suggests that if trends and numbers continue, 2017 is on target to be the second-lowest crime rate year since 1990. This overall rate stands in stark contrast to the devastation the opioid epidemic has brought to all states across the country. The conclusion is that drugs are not the feeder to incarceration, and overall crime is on the decline.

Some crime categories seem to be increasing. Property crimes are on the decline but the increase in violent crime rose 4% over 2015. Between 1991 and 2000 there were "nearly 3,000 more murders, over 100,000 more rapes, and over 60,000 more robberies and nearly 2.5 million more aggravated assaults" (p. 105) when compared to 1981 to 1990 (the peak of the crime boom). To underscore the scope of violent crime in America, Pfaff points out there were 300,000 people total in prison in 1970, yet there are 250,000 people in prison today for murder. Violence, therefore, comes first and drugs follow.

Pfaff argues that young men (disproportionately men of color) are deprived of belief in and opportunities for their own upward mobility and this, along with learned skills of violence from a desperate life on the streets, creates violence. The state does not enforce the rules against violence (noting the highly disproportionate number of unsolved murders in urban areas when the victims are persons of color) so violence becomes accepted in these communities. Drugs come into the area as sources of financial gain since traditional forms of employment are beyond reach. If drugs were legalized, Pfaff says violence would still persist (citing gangs in New York City who have turned from drug sales to identity theft). Pfaff nullifies the role of drugs in contributing to mass incarceration, citing that drugs do not directly add fuel to the incarceration fire.

Prison Profiteering

Pfaff further debunks the role of for-profit prisons in incarceration growth, pointing out that if all for-profit prisons closed tomorrow (as the Obama administration recommended), only 8% of the total prison population would decrease.

While for-profit prisons have profit as incentive, state prisons in the public sector have their own incentives. Unions representing prison guards fight for more prisoners to ensure job security. Smaller and more rural communities fight to keep prisons open because of the financial opportunities they offer community members who are inevitably working for the prisons.

Then there is the case of the U.S. Census that counts prisoners based on where they are housed, not where they are from. Smaller communities boom when prisoners are counted and these increased population numbers impact districts drawn every ten years after the U.S. Census. Those elected to the U.S. House of Representatives fight for their seats by fighting for their districts; higher numbers prevent a district from shrinking or moving. The financial benefit to maintaining prisoners in prisons, therefore, extends to something as dry as the Census.

(Not So) Mandatory Minimums

Finally, Pfaff contradicts the belief that more incarcerated persons are serving longer prison sentences which contributes to the mass incarceration numbers. The majority of inmates in prison for new offenses are, he points out, generally sentenced to short terms of incarceration. Pfaff explains that the high number of short-term sentenced offenders debunks the mandatory minimum sentencing theory that has been perpetuated for decades as the cause of mass incarceration growth. While many Americans believe prisoners receive long sentences, the reality is they do not; they serve short stints for their crimes (even though American sentences are longer than sentences in places like Europe).

Shorter sentences served does not equal legislators abandoning tough sentencing laws for violent offenses, it is simply a matter of those lengthy sentences not being imposed on the county

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level. What is true is while crime decreases and the prison sentences are staying roughly the same over time, the number of felony cases filed in state courts has risen sharply, nearly doubling.

Prosecutor Growth

Pfaff takes on the issue of the rise in felony filings after having used the first section of his book to unpack the Standard Story. Having noted that prison time and the rate of going to prison has stayed the same, Pfaff concludes that one common denominator lies behind the prison growth since the 1980s: the prosecutors.

Prosecutors know that state corrections' costs increase if they recommend the maximum penalty under law. Therefore, prosecutors make sentencing recommendations that are well below the maximum (allowing the legislature to maintain a 'tough on crime' appearance for passing sentencing laws, while prosecutors get the convictions). Pfaff contends the sentences the prosecutors recommend are not the reason for prison growth; it is the sheer number of people the prosecutors charge – and even that conclusion is too simplistic for the data to support.

Pfaff looks at the history of prosecutors and points that the 19th Century version of the prosecutor focused on the task of "doing justice, not solely on winning" (p. 128). The shift over the course of the next century saw prosecutors become government officials. Forty-six states elect prosecutors and 85% are full-time public officials as opposed to 44% in 1974. In 2007, 60% of full-time prosecutor offices served communities of 100,000 people or less and the mean number of prosecutors in those offices was three – one elected prosecuting attorney and two assistants.

Pfaff notes that the true function of prosecutors has not changed in the last century: they are no tougher than before, there are just more prosecutors. The number of line prosecutors nationwide has grown tremendously. Between 1974 and 1990, 3,000 more prosecutors were hired (from 17,000 to 20,000). Between 1990 and 2007 when the crime rate began to fall in the United States (by 25% for violent and property crime), the number of prosecutors began to increase by 50% to 10,000 more hires (from 20,000 to 30,000).

Prosecutors have a great deal of power and discretion with few metrics on what they do or why they do it. Prosecutors have the ability to decide whether to file charges and which charges to file. Pfaff points to the United States Supreme Court decision in 1985, *Wayte v. United States*, that decided the Government holds broad discretion over who to prosecute and this "broad discretion rests largely on the recognition that the decision to prosecute is particularly ill-suited to judicial review."

Pfaff also reflects on the power of plea bargaining to move cases. Whereas a trial may last several weeks, pleas can be resolved in a matter of days and help prosecutors further by convicting on weaker cases. In the 1978 Supreme Court case of *Bordenkircher v. Hayes*, the prosecutor offered a plea deal of a five-year sentence or, if Hayes insisted on trial then the prosecutor would invoke the recidivist law and seek life imprisonment. When Hayes lost at trial and was sentenced to life, he appealed saying the prosecutor's power was coercive and in violation of Hayes' due process rights. The Court disagreed and the result has been, according to Pfaff, plea agreements with harsh threats of punishment that *Bordenkircher* allows and long sentences that laws facilitate.

Ninety-five percent of criminal offenses in the United States resolve by plea negotiations. Even when the issue is guilt versus innocence, the odds seem too high that a jury will convict on multiple charges. Therefore, a sexual assault plea offer of 10 to 25 years is often more palatable than the potential concurrent sentences on jury convictions of ten counts of sexual assault. Pfaff argues that these plea offers underscore a conviction for prosecutors who appear tough on crime to the community, and offer an incentive to defendants who recognize the potential risk of getting a much longer sentence or facing more serious charges. Pfaff points out in his research that "Nearly everyone in prison ended up there by signing a piece of paper in a dingy conference room in a county office building" (p. 132).

Pfaff does not believe the prosecutors act maliciously or unlawfully – he does not believe they are any tougher or more aggressive than they were twenty years ago. In many respects, he argues that too little is known about how prosecutors operate and there is not enough data to understand their process. There is no reporting system for prosecutors similar to the Uniform Crime Reports the FBI and State Police collect. Without data and information on process and procedures, Pfaff calls prosecutor offices "black boxes."

Pfaff does believe there are too many prosecutors and those numbers are disproportionate with the crime rate (as evidenced

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by the 50% prosecutor increase nationwide while crime has decreased). He believes that prosecutors are not representative of the entire county to which they are elected to serve (giving the example there should be a Detroit city as well as a Wayne County prosecutor). And he believes prosecutors' decisions and actions should be measured with actuarial tools to produce clearer guidelines for operation.

While there has been some notable reform among prosecutors in more urban settings (Kim Ogg in Houston being a standout after firing many prosecutor-managers in favor of a culture change that seeks "justice over convictions"), rural counties tend to be more entrenched in a professionalized (rather than part-time) prosecutor. Between 1972 and 2008, the number of counties with a full-time prosecutor went from 45% to 85%; the urban counties increased staffing and the rural counties professionalized the role of the prosecutor.

Pfaff calls attention to the disproportionate resources available to prosecutors versus public defenders, citing $200 billion spent on criminal justice and $4.5 billion on public defense. He also cites a study the North Carolina Office of Indigent Defense Services (IDS) undertook after representatives of the Conference of District Attorneys presented to state Legislators that the DA budget was $92 million for handling 100% of criminal cases, while the indigent defense budget was $132 million for handling 50% of criminal cases. North Carolina IDS followed up with an indignant but factual breakdown of free resources available to the prosecutors (e.g. police and sheriff's offices as investigators) and civil representation the defense handles (e.g. child abuse and neglect cases) that shift the budget comparison to three-to-one in favor of the prosecution.

Pfaff takes a cue from Jonathan Rapping of Gideon's Promise to recommend increasing financial and parity resources to public defenders and indigent defense as a whole.

The West Virginia Standard

The obvious question becomes whether Pfaff's premises hold true in West Virginia. His argument is that prison sentences are not getting much longer but admissions are rising, concluding more prosecutors means more prisoners.

West Virginia is comprised of rural counties where prosecutors are elected officials, and using Pfaff's logic, the result should be that many offices consist of three "professionalized" prosecutors in one office. West Virginia also counts prisoners in the U.S. Census and is considered the "federal prison capital of the country" with one of every 200 people in the state locked up in federal prison.

The snapshot of West Virginia shows that every major city is below 50,000 people. Property crime in West Virginia has declined while violent crime has increased (Table 1). Prosecutors are hired at the county level and more than half of the state's counties have three or fewer full-time prosecutors. By comparison, not all counties and circuits in West Virginia have "professionalized" public defender offices, with nineteen public defender corporations for 31 circuits (Table 2).

Show Me the Money

The cost to house an inmate in West Virginia is $48.25 per inmate per day. Recent news coverage has highlighted the inability for certain counties to keep up with their portion of the jail bill. Small counties with small populations in the state have disproportionately large jail bills. Only Webster County has a jail bill that is five (instead of six or seven) figures yet the county was ordered by the State Supreme Court of Appeals in 2016 to become current on its jail bill after falling $1.31 million behind. (The interesting argument made by the Webster County Commission for not paying its jail bill included, "it experienced an increase in drug prosecutions from 2013-2014; from 2010-2015 its coal severance monies were reduced in half; real property is being taxed at the maximum allowable rate; it has spent its "rainy day" reserve fund; it reduced its budget; it imposed a hiring freeze; employee benefits have been cut; it no longer funds many community programs and services; tax assessment, tax collection, county police services, and prosecution will become practically non-existent; the Regional Jail has a surplus of $58,482,000").

It would seem logical that the solution to the county jail bill would come from the county. That does not appear to be the case in public discussions. In a recent news story that explored overpopulation in jails, the reporter said the State Supreme Court asked judges and magistrates to look at who is incarcerated and consider "lowering bonds on some of the 2,500 people who are in jail awaiting trial." While this recommendation is certainly worthy, it omits a primary point which is that prosecutors in the state are filing charges and

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recommending jail or opposing bond reductions for misdemeanants and low-level felony offenders.

A survey of misdemeanor bonds in four West Virginia counties found some bonds as high as $50,000 or more for misdemeanor defendants. The survey further discovered that misdemeanor defendants with assault and domestic offenses had lower average bonds that were posted compared to other misdemeanants. The cost to house a pretrial misdemeanant is the same as housing a pretrial felon. The same pot of county money pays the prosecutors as pays the jail bill (Table 2), yet the prosecutors have not been publicly tasked to help decrease county spending.

The drug problem in West Virginia could reasonably be the underlying reason for why incarceration rates are so high in the state. However, the FY2016 Division of Corrections Annual Report only reflects 11.63% of prisoners in prison for drug/narcotics offenses (that is less than the national average). By comparison, and congruent with Pfaff's argument, 13.84% inmates were in West Virginia prisons for homicide.

True to Pfaff's point is the fact that most cases in West Virginia, like in the rest of the nation, are resolved by plea agreement. Very few cases go to trial by jury (Table 3). There is enormous risk in taking a case to trial, but this also increases the power of the prosecutor who can continue to aggressively resolve cases by plea bargain. Pfaff argues that cutting statutory maximums would help plea bargaining, but also suggests that prosecutors should be required to make public the sentences they threaten to seek if a defendant does not take a plea. While this is unlikely in West Virginia, there may be a benefit in capturing the alternative sentence (if the plea is not accepted) in Time Matters to look for trends in cases, among prosecutors, and among prosecutor offices. If the data does not exist to be measured, the solution may be to measure it.

Sleight of Hand

Pfaff has many interesting points peppered throughout his work. He notes that while incarceration costs (in excess of $80 billion nationally) are expensive, the collateral consequences associated with crime and a conviction are costlier and not often grouped into the conversation. He estimates (because the number is not known) there may be between 60 and 70 million Americans with a criminal record and that number is hindering the nation's labor rate because these individuals cannot find work. Pfaff points out that Millennials, as a generation, are less likely to be involved in crime and Baby Boomers are starting to age-out of crime. He also looks at needed changes in the U.S. Census count.

In the end, Pfaff says these interesting points must conclude with action. He says we must change how we speak about people in prison – "people convicted of violent crimes" not "violent offenders" – because these individuals will eventually return to the community and need to have a stake in society. Pfaff supports having a solution-focused discussion on how to handle prisoners sentenced for violent crimes who are getting older in
prison and, by virtue of their age, less likely to recidivate if released. He supports developing prison closing commissions, improving pay for public defenders, creating prosecutorial guidelines and actuarial data, and changing the incentives for incarceration to decarceration (though Pfaff believes the "Reverse Mass Incarceration Act" provides too few financial incentives, p. 101).

Pfaff finally, almost recognizing the folly of his own argument, states that the real change comes from balancing the costs of crime and the costs of punishment. Not every crime is worthy of incarceration, and not every offense is worthy of a criminal charge. By looking at the true drivers of prison growth, he argues that prison reform can be effective. Pfaff notes that states can redefine offenses that were once felonies and make them misdemeanors, and ratchet down misdemeanors to violations.

For decades, we have been looking at the injustices in the criminal justice system and accepting distilled themes as the source of the problems. Pfaff implores his readers that the real force for change comes from within ourselves and our communities but not based on the staid ideas of reform. He believes that, as a society, we have spent too much time watching the magic trick rather than trying to figure out what part of the trick our eyes do not see. Meaningful reform comes from what we have not been looking at, but what we can clearly begin to see. "If the goal is real decarceration…it is time to shift focus to the much broader, much more confounding issues that keep us locked in to our current predicament" (p. 235).

Locked In: The True Causes of Mass Incarceration and How to Achieve Real Reform, by John Pfaff (Basic Books, 2017, 272 pp.)

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Table 1

Estimated crime in West Virginia

		Crime rate per 100,000 population									
		Violent crime						Property crime			
Year	Population	Violent Crime rate	Murder and nonnegligent manslaughter rate	Legacy rape rate[1]	Revised rape rate[2]	Robbery rate	Aggravated assault rate	Property crime rate	Burglary rate	Larceny-theft rate	Motor vehicle theft rate
2004	1,812,548	281.9	3.8	19.1		42.7	216.4	2,555.8	606.5	1,741.5	207.8
2005	1,814,083	274.0	4.5	18.5		45.0	205.9	2,633.0	624.8	1,797.0	211.0
2006	1,818,470	281.2	4.4	22.2		46.9	207.6	2,636.3	636.7	1,776.5	223.1
2007	1,812,035	276.8	3.6	21.4		46.7	205.1	2,517.6	597.2	1,728.5	191.9
2008	1,814,468	275.9	3.7	21.4		49.4	201.4	2,533.6	597.4	1,761.8	174.4
2009	1,819,777	305.2	4.6	25.8		50.2	224.5	2,539.6	659.7	1,728.4	151.5
2010	1,854,368	301.2	3.1	19.5		41.8	236.7	2,227.2	581.2	1,515.6	130.4
2011	1,854,908	296.3	4.7	20.1		43.2	228.4	2,103.0	552.3	1,437.1	113.6
2012	1,856,680	320.1	3.8	22.4		45.0	249.0	2,396.8	617.6	1,658.9	120.3
2013	1,853,595	305.2	3.3	19.8	37.8	35.2	228.9	2,154.1	534.5	1,513.5	106.1
2014	1,850,326	302.0	4.0	15.4	27.3	35.2	235.5	2,034.7	484.9	1,447.3	102.5

Source: FBI, Uniform Crime Reports as prepared by the National Archive of Criminal Justice Data, retrieved from https://www.ucrdatatool.gov/Search/Crime/State/RunCrimeStatebyState.cfm, query date of 9/21/2017, with data available through 2014.

Table 2

County	# of Prosecutors (Ŧ)	County Population (*)	Prosecuting Atty Expenditures (Φ)	FY2016 Reg Jail Expenditures (Ŧ)	2016 DOC Admissions (ʊ)
Barbour	2	16,831	$268,050	$450,000	56
Berkley X	10	113,525	$1,778,988	$2,605,000	309
Boone X	4	22,816	$650,831	$940,000	95
Braxton	2	14,471	$333,700	$476,764	67
Brooke X	5	22,977	$592,886	$479,493	75
Cabell X	11	95,987	$1,288,828	$3,446,972	492
Calhoun X	1	7,336	$174,282	$265,000	22
Clay	2	8,859	$247,397	$205,920	41
Doddridge	2	8,413	$351,371	$363,000	25
Fayette X	5	44,323	$806,669	$1,225,243	239
Gilmer	1	8,249	$201,443	$278,788	32
Greenbrier X	5	35,279	$215,564	$480,875	41
Grant	1	11,732	$733,543	$723,526	144
Hampshire	3	22,301	$402,386	$595,500	90
Hancock X	4	29,590	$478,100	$958,143	115
Hardy	2	13,889	$274,664	$536,590	48
Harrison X	12	68,400	$1,639,162	$2,063,485	324

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Jackson [X]	3	29,152	$653,107	$695,000	107
Jefferson [X]	9	56,368	$1,801,260	$1,468,500	99
Kanawha [X]	26	186,241	$3,883,257	$4,466,000	761
Lewis	3	16,309	$406,966	$860,000	80
Lincoln [X]	2	21,232	$295,667	$485,000	85
Logan [X]	6	33,700	$845,707	$875,000	148
Marion	9	56,538	$1,117,043	$2,033,547	190
Marshall [X]	6	31,793	$914,876	$575,000	87
Mason	3	26,825	$437,610	$475,000	95
McDowell [X]	3	19,141	$523,445	$930,804	108
Mercer [X]	6	60,468	$808,326	$1,649,195	418
Mineral	2	27,411	$303,956	$776,392	57
Mingo [X]	5	24,647	$387,181	$701,676	123
Monongalia	9	104,622	$1,857,375	$3,798,768	216
Monroe	2	13,370	$198,449	$143,000	60
Morgan [X]	2	17,632	$264,621	$541,500	72
Nicholas [X]	3	25,311	$420,915	$824,900	100
Ohio [X]	8	42,516	$1,146,862	$735,777	203
Pendleton	1	7,051	$170,405	$236,468	24
Pleasants	2	7,591	$249,542	$152,500	14
Pocahontas [X]	2	8,501	$380,731	$334,751	16
Preston [X]	4	33,758	$530,552	$436,626	85
Putnam	7	56,941	$1,090,067	$1,681,500	147
Raleigh [X]	9	76,601	$1,354,902	$2,360,000	311
Randolph	3	29,006	$740,440	$1,872,683	74
Ritchie	2	9,875	$358,711	$278,000	26
Roane [X]	2	14,208	$252,885	$395,000	70
Summers	1	12,872	$220,245	$225,997	52
Taylor	3	16,859	$304,064	$606,100	80
Tucker	1	6,926	$243,700	$277,700	5
Tyler [X]	2	8,972	$313,272	$171,000	39
Upshur	3	24,658	$571,453	$733,989	88
Wayne [X]	5	40,531	$720,106	$895,000	161
Webster	2	8,646	$237,853	$57,296	112
Wetzel [X]	3	15,640	$634,221	$378,322	56
Wirt [X]	1	5,806	$93,450	$100,093	23
Wood [X]	9	85,643	$1,348,047	$3,231,589	327
Wyoming	3	21,763	$483,074	$1,070,340	67

[X] Indicates a PDC operates in this county/circuit.
Ł Data from the WV Prosecuting Attorneys Institute; retrieved from http://www.pai.wv.gov/Pages/Prosecutors.aspx, on 9/11/2017.
* Data from the US Census 2016 Population Estimates; retrieved from https://www.census.gov/quickfacts/fact/table/WV/PST045216, on 9/11/2017.
ɸ Information from 2016-2017 County Budgets. Calculations based on Prosecuting Attorney Earnings and Expenditures, and Revised Coal Fund Expenditures (Hardy Co. only). All budgets include the entirety of each county's prosecuting attorney office budget (including all staff and employees of the prosecuting attorney office in the county); retrieved from https://www.wvsao.gov/LocalGovernment/Default, on 9/11/2017.
[T] Information from 2016-2017 County Budgets. Calculations based on Regional Jail Reimbursable J/C (if any), Regional Jail Non-Reimbursable J/C (if any), Regional Jail Expenditures Revised General Fund, Regional Jail Expenditures Revised Coal Fund (if any), Jail Fees Revenue (if any), and Regional Jail Operations Partial Reimbursement; retrieved from https://www.wvsao.gov/LocalGovernment/Default, on 9/11/2017.
ʊ Information from the FY2016 WV DOC Annual Report based on number of inmates incarcerated by county on or around June 30 (these numbers only reflect prison incarcerations, not total number of convictions or charges filed).

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Table 3

State		Total Felony Dispositions	Tier	Felony Jury Trials	Felony Jury Trial Rates
West Virginia -	**2015**	7,619	General	131	1.7%
	2014	7,572	General	161	2.1%
	2013	7,684	General	121	1.6%
	2012	7,365	General	166	2.3%
Ohio -	**2015**	69,856	General	1,098	1.6%
	2014	69,935	General	1,092	1.6%
	2013	70,459	General	1,131	1.6%
	2012	72,554	General	1,164	1.6%
Kentucky -	**2015**	*No data*	-	-	-
	2014	32,163	General	320	1.0%
	2013	32,124	General	339	1.1%
	2012	*No data*	-	-	-

Maryland and Virginia were unable to report publishable state data for this report.

R. Schauffler, R. LaFountain, S. Strickland, K. Holt, & K. Genthon, eds. Last updated 11 January 2017 Court Statistics Project DataViewer [Accessed 14 September 2017], www.courtstatistics.org

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